

October 25, 2018 HEX Meeting

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
October 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
Tim Finn, Principal Planner
John Kelly, Senior Planner
Scott Stone, Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, October 25th 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: A few housekeeping items. The speakers are 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. And usually it's a lot quicker than that; at least we try to be.

***With that, review of the agenda. We have three items on today's agenda. The first one is Advertised Public Hearing 3A. It's Petition No. VA-PL20180001997. It's WCI Communities for a project on Frangipani Circle roadway.

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: Disclosures on my part: I believe I spoke to the applicant's representative. We really didn't have much of a conversation; just acknowledged that I didn't have questions as a result of the staff report. I don't believe there's been any other members of the public or anybody commenting on this.

Are there any members of the public who are not part of the applicant's team here today for this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Well, that's going to expedite the process a bit.

Wayne, I don't need a presentation on the packet. Obviously I've read the complete -- all the information provided. I simply have a couple of questions and then anything you'd like to add to the record, first of which, the road that the setback is measured from is wider than the actual asphalt surface. And when I spoke to you on the phone, I thought if you could -- I remember from history we've got quite a few projects where the measurement is actually from the back of curb or asphalt, whatever is present, to the front of the house.

In this case because you've separately platted the roadway, the measurement's now being taken from the edge of right-of-way. But typical to most PUDs -- I know this isn't a PUD, but typical to most, we do measure from the back of curb.

So I'd asked that you check to see how some of those dimensions would change. Did you have time to take a look at that?

MR. ARNOLD: Mr. Strain, for the record, I'm Wayne Arnold with Q. Grady Minor & Associates.

I did take a look at that. WCI Communities developed Pelican Marsh communities. That's another project. That is a PUD, obviously, but it does measure setbacks from private roads to the edge of pavement, and that would be similar to the measurement for the La Morada project on Frangipani. Warm Springs was another fairly recent project that's being developed by Mattamy Homes, but that's another recent example where measurements are from edge of pavement.

HEARING EXAMINER STRAIN: How far distant is -- from the right-of-way's edge to the edge of pavement has this road been placed generally, do you recall?

MR. ARNOLD: I'm going to ask Mr. Mike Delate, the design engineer, to go on record and tell you that. I think it's 10 feet, but I'll let him confirm that.

MR. DELATE: For the record, Mike Delate from Grady Minor Engineers. Yes, approximately 10 feet from back of curb to the roadway.

HEARING EXAMINER STRAIN: The scale looked about that on here since you've got a 50-foot right-of-way, and about half of it would be taken up with the asphalt and curbing surfaces. So the rest would be clear space.

I did notice you're asking for a minimum of 18 feet, and some of them go up wider than that. So with at

least 10 feet of shelf on that right-of-way, you'd be closer to the 30 feet that was sought anyway.

MR. DELATE: Correct.

HEARING EXAMINER STRAIN: Okay. I wanted to make sure that was understood.

I also noticed there's two setback exhibits. One in the staff report is on Page 13, the other's on Page 109. They say the same thing, but one is much clearer than the other. And from the perspective of how to detail this in a decision, the last one, the one on Page 109, I believe it appears to be identical other than the fact it's got hard lines instead of dotted lines. Do you have any problem with either one of those being used?

MR. ARNOLD: No, sir. I believe the larger exhibit was at staff's request to make it more legible. It was different than the original.

HEARING EXAMINER STRAIN: That is the last one in the packet?

MR. ARNOLD: Yes.

HEARING EXAMINER STRAIN: Okay. That's what I needed to know.

I have no other questions, so do you have anything else you want to add for the record?

MR. ARNOLD: We do not. Thank you.

HEARING EXAMINER STRAIN: Okay. Is there any member of the public here who would like to speak on this matter?

(No response.)

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

MR. ARNOLD: Thank you.

HEARING EXAMINER STRAIN: Okay. Thank you.

***The next item up is Petition No. BDE-PL20180001598, Mark E. Pressley and Nancy L. Martin-Pressley for an 18-foot boat dock extension, and this one is along Topanga Drive, 181 Topanga Drive. 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: Are there any members of the public here not associated with the applicant that wish to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Disclosures on my part: I don't think I've had any other than reading the staff report.

Jeff, I didn't have enough questions to call you and have to ask anything, so there's no disclosures in my recollection, so...

And since no members of the public are here and I have thoroughly read the staff report -- your firm has been always very thorough in doing things, and I appreciate that. Your details are fine. I don't have any questions. There's no markups on my part of the staff report.

So do you have anything you want to add to the record, Jeff?

MR. ROGERS: No. Just, Jeff Rogers with Turrell, Hall & Associates. So thank you, Mark.

HEARING EXAMINER STRAIN: Thank you. I appreciate your thoroughness, and a decision will be rendered within 30 days, and we'll close the public hearing on this matter.

MR. ROGERS: Thank you.

HEARING EXAMINER STRAIN: Thank you.

MR. KELLY: On the last item -- John Kelly, for the record. I just wanted to note that I had one letter, one email from a person at 199 Topanga Drive concerned about their access to the Gulf. It was not of complaint. It was just of concern.

HEARING EXAMINER STRAIN: Okay. Thank you, John. I forgot to ask you to -- you and I talked, or I talked with Ray. Your staff reports were so complete this time, I didn't have a lot of comments, and I assumed that you were okay with everything you had previously supplied, so I appreciate you calling my attention to that. Thank you.

***Now, the next one is -- I'll read it off, for the record. The last one up today is Item 3C. It's Petition No. VA-PL20180001816, Timothy and Robyn Hicks. It's for a variance on Carica Road in Naples.

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.

Disclosures on my part: I communicated with the applicant's representative, and we didn't have any reason to meet. Everything was pretty straightforward.

And with that, I notice that you had letters of no objection from the association. Is there any members of the public here that intend to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Clay, I've read everything, as you well know. It's pretty straightforward. I haven't found any objections from anybody on the record. I didn't know if you wanted to add anything for the record.

MR. BROOKER: No, Mark. I'm good. Thank you.

HEARING EXAMINER STRAIN: Okay. Let me check one thing. I had a separate cleaner site plan supplied. That's the one I'd be using for backup. The ones in the staff report weren't as clear, so that's what the purpose of that was.

I have no questions, and with that, I'll turn to staff report. John? I remembered you this time.

MR. KELLY: Thank you, kindly. No.

MR. BELLOWS: Now you don't have anything to say.

HEARING EXAMINER STRAIN: I assumed that, but I just thought I'd ask just to be safe. Thank you.

I just don't -- there is nothing else. So, Clay, I appreciate your time. Thank you.

And we'll close the public hearing on this matter. A decision will be rendered within hopefully seven to 10 days but certainly less than 30. Thank you.

And after that strenuous exercise this morning, there's no other business, and is there any members of the public who wish to comment?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, this meeting's 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 9:09 a.m.

COLLER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST
CRYSTAL K. KINZEL, CLERK

These minutes approved by the Hearing Examiner on 11-6-18, as presented ✓
or as corrected _____.

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