

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
March 14, 2019

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
James Sabo, Principal Planner
Scott Stone, Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, March 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: Some housekeeping announcements this morning: Speakers will be limited to five minutes unless otherwise waived, decisions will be final unless appealed to the Board of County Commissioners, and a decision will be rendered within 30 days.

There is no -- there are no changes to the agenda. We have two items on today's agenda. We'll move right into those.

Item 3A is an item that started on February 14th. It had been continued on February 28th again until today's date. It's Petition No. BDE-PL20180001709. Carla Teresa Markey requests a 43-foot boat-dock extension, and this is in Collier's Reserve.

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 did talk with the applicant's representative just before the meeting started out in the hall. And I did have a phone conversation, too, with you over the last couple months about the progress of this case.

And with that, is there any member of the public here for this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Jeff, I won't need a presentation.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: There are a few questions, and I know you're still familiar with them. Let me go ahead and just walk you through those again.

The continuation was because of getting acknowledgment from the HOA who actually is in control of the property. We've received that. It seemed satisfactory.

One of the criteria it did not meet was the amount of percentage of the waterway it took up. In order to help with that, I notice you reduced the size of the platform down to 12-by-12 instead of 12-by-18. And I would suggest that if you would move that platform either facing left or right instead of straight out from the dock, when kayaks and/or whatever vessels you would have were to access it, they wouldn't have to block the entire waterway in doing so because you are farther out in the waterway, although it's a limited waterway. The fact that the HOA who controls it is in favor of it is a positive, so that makes it easier.

Do you have any problem with stipulating -- if there was a stipulation to move that dock in a different direction?

MR. ROGERS: For the record, Jeff Rogers with Turrell, Hall & Associates.

Mark, no, we have no issues with that, and the applicant is willing to do whatever is necessary for approval.

HEARING EXAMINER STRAIN: Okay. And I don't see -- I mean, I kayak all the time, and it wouldn't -- it would be easier, actually, than trying to back up against the mangroves on the other side of the area.

Also, I read where you're looking at vessels and kayaks to use this docking facility. But you're really talking -- they're going to be using the floating platform; is that correct?

MR. ROGERS: Correct. The fixed platform is just for access to the floating platform.

HEARING EXAMINER STRAIN: That's all I have as questions. Let me just double-check. You're going to provide a revised site plan?

MR. ROGERS: Yes, sir. I'll get it to James and everybody in county staff this afternoon.

HEARING EXAMINER STRAIN: So that will reduce the outward extension from 63 down a slight bit because of the diagonal movement of the 12-by-12 and 12-by-18.

MR. ROGERS: On this updated exhibit I have 59 feet. I will verify that on the new exhibit, but I believe we're going to be around 59 feet now.

HEARING EXAMINER STRAIN: If you -- and it's up to you which way you turn and position that floating dock. You'd probably want to turn it so you access, it looks like, from the north because there doesn't seem to be any blockage that way --

MR. ROGERS: Correct.

HEARING EXAMINER STRAIN: -- if that works for you.

MR. ROGERS: We'll do that, yes, sir.

HEARING EXAMINER STRAIN: I think that's the only -- that's the only questions I have. Thank you.

MR. ROGERS: Thank you, Mark. Appreciate it.

HEARING EXAMINER STRAIN: Is there anybody else in the audience here that wants to comment on this one?

(No response.)

HEARING EXAMINER STRAIN: We'll go to staff report.

James, do you have any concerns over what you just heard, changes, acknowledgments?

MR. SABO: For the record, James Sabo, principal planner.

No, Mr. Strain. The recommendation here is one to approve for up to two vessels on the floating dock and an extension of 59 feet.

HEARING EXAMINER STRAIN: I think he said 59 feet and a few inches, so we'll just round it up to 60; that way we've got tolerance, because I think he was previously asking for a little bit over that, so we're still below what he advertised for.

MR. SABO: That sounds like a good idea.

HEARING EXAMINER STRAIN: Okay. I have no other questions. I've asked for public speakers. There are none.

With that, we'll close this public hearing, and a decision will be rendered within 30 days, hopefully within a lot less. As soon as I get the exhibits that are needed to clean this up, I'll get it out promptly.

Thank you very much, Jeff.

MR. ROGERS: Thanks, Mark.

HEARING EXAMINER STRAIN: Next item up is Petition No. PDI-PL20180003338. It's the D.R. Horton, Inc., for a change in a minimum lot width for townhouses only at Rushton Pointe.

Would 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 for this item?

MR. DELAHAY: (Raised hand.)

HEARING EXAMINER STRAIN: Thank you.

Okay. With that, I'll have to -- I may have a few questions. Will whoever's representing the applicant come forward.

Good morning.

MR. DeLISI: Good morning. For the record, my name is Dan DeLisi. I'm a land-use planner on behalf of the applicant, D.R. Horton.

I wasn't going to make a long presentation. This is a fairly straightforward matter.

We're requesting a change, an insubstantial change to the plan development to decrease the lot width for townhouse units only from 30 feet to 20 feet. The units -- we had submitted elevations

and a plan view of the units themselves, roughly 2,000 square feet under air, a little bit over that. And that's what we're proposing.

We did provide an analysis with the amendment talking about how it's not going to have any external impacts. You know, we're not asking for any new units. It's still consistent with the Comprehensive Plan.

This PUD was adopted roughly one year ago. We're not changing any parameters to the PUD itself. The only thing we're looking at is just this lot width.

With that, if you have any questions, I'd be happy to answer them.

HEARING EXAMINER STRAIN: Just a confirmation. You basically said what I was going to ask you. The foot -- excuse me. The footnote on the table is under the column titled "single-family attached and townhouse," but this is for the townhouse product only. And I notice you did that in a footnote, and it says, "Minimum width for townhouse units is 20 feet." I'll be stipulating it for that use only. Do you have any problem with that stipulation?

MR. DeLISI: No; that would be fine.

HEARING EXAMINER STRAIN: That's the only question I have. I've reviewed everything, and I appreciate your time.

MR. DeLISI: Thank you.

HEARING EXAMINER STRAIN: Thank you.

Is there a staff report?

MR. FINN: For the record, I am Tim Finn, principal planner.

The project is compliant with the GMP and LDC; therefore, staff recommends approval.

HEARING EXAMINER STRAIN: Do you have any problem with the suggestion of a stipulation?

MR. FINN: No, I don't, no.

HEARING EXAMINER STRAIN: Okay. With that, is there any members of the public here that would like to speak on this matter? Sir, if you want to come up. You'll have to be sworn in and identify yourself for the record.

(The speaker was duly sworn and indicated in the affirmative.)

MR. DELAHAY: My name is Martin Delahay.

HEARING EXAMINER STRAIN: Could you spell that last name for us, please.

MR. DELAHAY: D-e-l-a-h-a-y.

HEARING EXAMINER STRAIN: Thank you.

MR. DELAHAY: 14892 Indigo Lakes Drive. This is adjacent to the development.

My questions are general. One would be, when is the construction intended to start, and the other one is do they have any final plans with all the type of housing and where it will be placed?

HEARING EXAMINER STRAIN: Okay. Well, I'll have to ask them to come back up after you -- is that the only two questions?

MR. DELAHAY: That's my only questions.

HEARING EXAMINER STRAIN: I'll get those answered for you, sir. Thank you.

Dan?

MR. WATERS: Good morning. For the record, Dan Waters with Peninsula Engineering.

We are currently under review with the county for what's called PPL, which is a construction plans and plat. We're getting ready to respond to the county's comments.

And so if I were to look at my crystal ball, I would hope that we'd start construction sometime in the summer. Probably June or July would be my best guess right now. And then we do have plans. I'll be happy -- I've got reduced copies. I'll be happy to show those to you --

MR. DELAHAY: Okay.

MR. WATERS: -- after the meeting. It's all public record, because that's been filed already. So I'll be happy to run through that with you.

MR. DELAHAY: Thank you.

HEARING EXAMINER STRAIN: Okay. Thank you very much.

MR. DELAHAY: Okay.

HEARING EXAMINER STRAIN: Is there anything else from anyone?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, we've had our staff report. That concludes the hearing. We'll close the hearing and, within 30 days, probably a lot less, you'll have a decision.

And that takes us to the remaining items on our agenda, which is other business. There isn't any for today.

Any further public comments?

(No response.)

HEARING EXAMINER STRAIN: With that, 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 9:10 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST
CRYSTAL K. KINZEL, CLERK

These minutes approved by the Hearing Examiner on 4-1-19, as presented ✓
or as corrected _____.

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