

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER

Naples, Florida

March 12, 2015

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: Scott Stone, Assistant County Attorney
Ray Bellows, Zoning Manager

EXHIBITS:

Petition PDI-PL20140002103 CDC Land Investments, Inc.

A.....Staff Report.....Page 5

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Petition CU-PL20140002403, CC Dept. of Facilities Mgt.

A.....Staff Report..... 14

B.....Legal Advertisement..... 14

PROCEEDINGS:

HEARING EXAMINER STRAIN: Good morning, everyone. We have new microphones up here today, so if you don't hear someone, just shout out, it's a small enough room. But hopefully these are working. We haven't quite learned how to use them yet.

If everybody will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you. Welcome to the Thursday, March 12th meeting of the Collier County Hearing Examiner's Office.

We have some housekeeping announcements to make. Individual speakers will be limited to five minutes unless otherwise waived.

All decisions are final unless appealed to the Board of County Commissioners.

And a decision will be rendered within 30 days.

Review of the agenda. There's two items on the agenda today. I don't know of any -- there are no changes. We'll be hearing just those two items today.

The approval of prior minutes. The February 12th, 2015 minutes have been reviewed. There's one correction needed on those minutes. Second page, about the middle of the page there's a reference to Chairman Henning. It should be Hearing Examiner Strain. So if that correction could be made. Other than that, those minutes are fine to be posted.

And with that, we'll move right to the advertised public hearings. The first item up is Petition No. PDI-PL20140002103. It's CDC Land Investments, Inc., Collier County Land Development, Inc. and Fifth/Third Bank for the Sable Bay Mixed Use Planned Unit Development. As many of us know, it's changed its name to Isles of Collier.

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: Okay, disclosures. On my part I've spoke with staff, I've reviewed all the files on this one because it has gone through a long history in Collier County. There were a lot. I've also talked to the applicant. And one member of the public came in when this was first scheduled, asked a couple of questions, he didn't state his name, but then left. And I advised him about today's meeting, so I'm not sure he's here now or not, but we'll find out in a minute.

There are two exhibits so far for the record. Exhibit A will be the staff report, and Exhibit B will be the legal advertisement.

(Exhibits A and B were marked for identification.)

HEARING EXAMINER STRAIN: Now with that is there anybody here, any member of the public here involved in this particular item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Bruce, are you making the presentation on behalf of the client?

MR. ANDERSON: Yes, sir.

HEARING EXAMINER STRAIN: Okay. I have read the staff report and everything else associated with it, so I don't need a formal presentation. Since there are no members of the public here, the only thing, I'd like to ask you if you want to add anything to the record.

MR. ANDERSON: I just want to make sure that the ordinance itself includes the amended master

plan that is made one of the exhibits to the approval resolution, along with the PUD change.

HEARING EXAMINER STRAIN: The amended master plan change that you're concerned about is this particular one that's on the screen?

MR. ANDERSON: Yes, sir. That's a new access point on Thomasson Lane.

HEARING EXAMINER STRAIN: That will be attached to the decision, the final decision when it comes out. So hopefully that is what you were asking for.

MR. ANDERSON: Yes, sir.

HEARING EXAMINER STRAIN: Is there anything else?

MR. ANDERSON: No, sir, unless you have any questions.

HEARING EXAMINER STRAIN: I have a couple.

First of all, I need John Podczewinsky just to address the spacing criteria for that entry and if it should be both in and out. Then I'll need to talk to you about staff recommendations to see if you have any objections there, or you could just tell me now.

MR. ANDERSON: I'll tell you now.

We are in agreement with all staff stipulations. I do want to get one clarification from Mr. Podczewinsky on the record, that in lieu of a bond the bank could post a letter of credit or other surety pursuant to stipulation number two.

HEARING EXAMINER STRAIN: Okay. Well, that's why he's coming up. Thank you. John?

MR. PODCZERWINSKY: Good morning, sir.

With regard to stipulation number two, a bond or letter of credit would be acceptable.

HEARING EXAMINER STRAIN: Now, I have -- this mic is going on and off, so -- in this particular detail they've got an entrance that was standard that was in the parcel to the west. Then they have U.S. 41 to the east and in between they're fitting this new driveway entrance, for lack of a better description.

MR. PODCZERWINSKY: Yes.

HEARING EXAMINER STRAIN: Is that considered or could that be a two-way in and out, or is it just considered an entry, and an exit right only, or how did you see that?

MR. PODCZERWINSKY: At this point it would be a two-way access point, enter and exit.

HEARING EXAMINER STRAIN: But there would be a left turn possibility onto Thomasson?

MR. PODCZERWINSKY: Yes, that's correct.

HEARING EXAMINER STRAIN: Okay. The other entrance next to it is the same way?

MR. PODCZERWINSKY: Yes. The other entrance next to it actually goes to a -- it's actually a private roadway. It's outside the site.

HEARING EXAMINER STRAIN: I didn't realize that. That's why they're asking for this. Okay, that's all I needed to know, John. Thank you.

Are there any other comments or questions from anybody in the audience?

(No response.)

HEARING EXAMINER STRAIN: Okay, with that, we will close the hearing on this matter. A decision will be rendered within 30 days. Well, before that I want to make sure staff doesn't have any final comments.

Nancy?

MS. GUNDLACH: Staff recommends approval.

HEARING EXAMINER STRAIN: Okay. Thank you.

So with that, a decision will be rendered within 30 days. It's usually a lot less, so you should expect it within 10 days.

Thank you all for attending today, we appreciate it.

Next item up is Petition No. CU-PL20140002403. It's the Collier County Department of Facilities Management for an EMS station at the southeast corner of Vanderbilt Beach Road and Logan Boulevard.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. Any members of the public that wish to speak on this, please rise. Okay, thank you.

(All speakers were duly sworn.)

HEARING EXAMINER STRAIN: I know the answer to part of this question but I'm going to ask it again for the sake of anybody else that may have come in.

Are there any members of the public here to address this item? If so, please raise your hand.

(No response.)

HEARING EXAMINER STRAIN: Okay, thank you.

Before we move directly into the project for the sake of the -- for the benefit of the presenter, Mr. Arnold, I did put some of the information on slides. It's a little awkward to get into our system if you're not here, so I try to do these ahead of time if no members of the public are in attendance.

The particular station in question is noted here on the subject property. It was a subject of a prior Conditional Use from several years back. The time frame for the Conditional Use expired. The applicant's here to renew the Conditional Use.

This is its proximity in relationship to an aerial and the neighborhood surrounding it.

That's a little bit higher detail. Some of the details on here are not consistent with the master plan, but it's pretty close.

This is also a black-and-white of that. And there was some question about buffers. I noticed in the minutes of the neighborhood information meeting there's a Type B buffer on the south side. The resident nearby asked not to have a wall. That will need to be confirmed today. But that's the type of buffer that we normally have. And a wall is an item that can or cannot be added.

And then there are conditions of approval from staff that I will be asking the applicant specifically to address to make sure there's no differences of opinion there.

And with that, Wayne, since there are members of the public here, I'm going to ask that you provide a presentation on this particular one.

MR. ARNOLD: Thank you. Good morning, Mr. Strain.

For the record, I'm Wayne Arnold with Grady Minor. With us today I have Mike Delate who is the project engineer from my office. I have Hank Jones and Robert Fuentes from Facilities Management, and we have Captain Walter Kopka from EMS.

And as you mentioned, this project was previously approved as a Conditional Use by the Board. It had several conditions of approval that were approved as part of that. Due to some of the budgetary constraints the project did not move forward in a timely manner and the Conditional Use and Site Development Plan that were previously approved have expired. So we are coming back through the public process to reestablish what was originally EMS Station 73 is now EMS Station 76. And this is not a joint facility for EMS and fire, it is an EMS only facility.

We did have our neighborhood information meeting. It was attended by a handful of nearby residents. A couple of them are in attendance today. We did discuss at that meeting the proximity of the EMS building to the adjacent home to the south. We also discussed buffers, what happens in the preserve when we remove exotics, et cetera.

One of the issues that came up with staff, and it's a recommendation that is sort of consistent and inconsistent with the prior approval, our original Conditional Use Plan had an egress only point onto Vanderbilt Beach Road.

And the approval of the Site Development Plan approved a right in and right out access point onto Vanderbilt Beach Road. Staff has conditioned that we restrict the access road point Vanderbilt Beach Road that you've highlighted to an egress only point.

And while we probably can live with that condition, I think Captain Kopka would like to address why EMS felt that there was merit in having that ingress and egress point. I know it was meant for the emergency vehicle only. It's an ambulance only facility, designed to have only one vehicle at the station, so the trips associated are limited.

I know staff is concerned about the proximity because it doesn't meet your access spacing policy. But it's not for general traffic circulation, it's for the EMS emergency vehicle only use.

So I'd like him to at least address why we think that's a functional component.

HEARING EXAMINER STRAIN: Before he does, I have some questions.

MR. ARNOLD: Okay, sure.

HEARING EXAMINER STRAIN: Okay. And I spoke -- and by the way, for my disclosures I did have conversations with staff. I've reviewed all the files going back as far as I could find. I've talked to Wayne and the applicant's representative. I've done a site visit at the site; in fact, I've found that their sign was illegally posted -- improperly posted originally. It got moved to -- within the time frame required to be in the right location. I've also discussed this with Commissioner Henning.

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

(Exhibits A and B were marked for identification.)

Wayne, I had conversations with you about your position on this egress and -- ingress and egress. The plan that was submitted as the SDP I don't believe ever was finalized. Even if it was, I notice that on this plan you have a 12-foot wide driveway entering from Vanderbilt Beach Road which is only a single lane. And the entryway that you've got going to the facility obviously is 24.

I don't know why, if you believe this was ingress and egress, 12 foot was an indication of that. But especially if you notice the second larger circle, it says two emergency exit only signs. I would find it hard to believe that staff didn't see this as an exit only.

So to hang your hat on the fact that that is not -- it's an SDP that would have allowed an ingress as well as an egress, I'm not sure that's as viable of an argument as I would have expected for such an approval, especially with the exit signs there.

And with that, I'll certainly like to hear the Chief and then --

MR. ARNOLD: And we have Mike Delate from our office, the professional engineer who's worked on the Site Development Plan previously and currently, so if you have some specific questions, he's here to answer those.

HEARING EXAMINER STRAIN: This project was approved in 2007. And Ray, or staff, please correct me if I'm wrong, I believe Conditional Uses are for five years?

MR. BELLOWS: That's correct.

HEARING EXAMINER STRAIN: We've had a series during the economic downturn of legislative acts that allowed for extensions by simply requesting them. Have you -- did you exercise and exhaust all of those extensions to get past the date so that you lost the CU?

MR. ARNOLD: I'll let Mr. Jones answer that. He was handling that.

MR. JONES: For the record, Hank Jones with Facilities.

I believe we did extend -- I don't recall the five-year part of it, but I saw in the file that we had extended this for maybe two consecutive two-year periods or something like that, through 2010 I believe we had extended it. And then the last time when we came up for extension we were in the heart of the recession, and I was told don't bother at this time.

HEARING EXAMINER STRAIN: That's what I was curious about. Because the number of extensions were -- there's a number of them available. And I notice you did request some. I didn't know if you had requested all that might have been available to you at --

MR. JONES: I'm pretty sure we requested it twice and then gave up.

This station and two other stations were already permitted and ready to go when we got the word to stop everything. So we had postponed the -- we had extended those a number of times and then finally the fees and everything, the County Manager said let's hold off. But we did extend it a number of times.

HEARING EXAMINER STRAIN: Thank you.

Wayne, on your master plan -- and this probably isn't a good enough picture. I don't know if I actually -- I don't have one on here.

On your master plan you have a couple of notations. One in particular it says a 15-foot wide Type B buffer per LDC as amended. And I questioned that, and I just want to make sure for the record.

As amended, you don't mean you've amended through any kind of request what the LDC is saying, you just mean as the LDC is amended as it goes forward you'll abide by whatever the amendments are.

MR. ARNOLD: That's correct, the latter. It was meant to be as the LDC may be amended. And certainly we'll remove that language if it makes it clearer.

HEARING EXAMINER STRAIN: I would just as soon -- well, I'd just as soon you remove it before

we get to any decisions on this case.

MR. ARNOLD: While you have the exhibit up there the other thing I would reference, this exhibit is a slight variation of the original approval. The preserve area has grown in size --

HEARING EXAMINER STRAIN: Yes, it has.

MR. ARNOLD: -- and we added the generator that was shown on the original site plan approval as part of this, just to make it clear that there was going to be a generator building for emergency generator services for the facility.

HEARING EXAMINER STRAIN: That was wise to put it toward Vanderbilt Beach Road.

They don't make a lot of noise and they don't carry too far, but at least the farther they're away from any residents, the better.

The other item on this particular plan that doesn't show up on this overhead, it begins to on the bottom left side where it says note, clearing will be. That notice, a duplication of the notes that you have on number three. So I would suggest for sake of clarity, that be removed from the plan.

MR. ARNOLD: Okay. We can do that.

HEARING EXAMINER STRAIN: Now, I know that you wanted to have a discussion further about the staff recommendation concerning the ingress/egress. And I'm -- we're willing to go forward and have that discussion now. But is there any other items of the staff recommendations that are of a concern?

MR. ARNOLD: No, sir.

HEARING EXAMINER STRAIN: Okay. Did you want to then have Chief Kopka come up and discuss this ingress/egress?

MR. ARNOLD: I think just to tell you why it was a thought for them to have both ingress and egress. And as I mentioned, we can live with an egress only, but the preference certainly was to have it as a functional ingress/egress point for the vehicle.

HEARING EXAMINER STRAIN: Well, one of the issues that you have to deal with that doesn't happen all the time is I drive by that location multiple times every day because I don't live too far from there, and that's the road I use to come to this office.

And I can tell you, coming through that intersection to have to slow down behind an ambulance would compound problems that already exist. That whole roadway segment is not being traveled at the rate of speed that's posted. It's much higher than that. And it seems typical, because I don't see anybody slowing down.

And I would be very concerned as staff was in regards to having large vehicles slow down as they cross the intersection to get into that entry.

Now, I did talk with staff. They said if you want to move the entry down further, that could be done, it could still fit on-site. But I know that may take some rerouting or you could come back at a future date and consider that. But right now it seems impractical to go that far, but I'm certainly willing to listen to the Chief.

MR. ARNOLD: Thank you.

CHIEF KOPKA: Good morning. For the record, Chief Walter Kopka with EMS.

I certainly understand the concerns and it certainly is more of a convenience for us to be able to enter on that side as well. But we understand the concerns and we can certainly live with that option as well.

HEARING EXAMINER STRAIN: I think, Chief, if you wanted to pursue it from a point down further at some time in the future, it would be a minor change to make. It might be something you consider in that regard instead of where it's located now. Because staff -- and I'll have John Pod come up and talk about it for just a minute, but they didn't see a problem if you had it further down. Because you could decel at a rate that would be acceptable, not through that intersection. So thank you.

CHIEF KOPKA: Thank you, sir, for your time.

HEARING EXAMINER STRAIN: Thank you.

John, do you want to address your position on this?

MR. PODCZERWINSKY: Yes, sir, thank you.

Our position on this is that staff really is opposed to the right-in turning movement at the location that is shown on the master plan, and that the position -- we hold the same position on the previously submitted SDP that came in, you know, that they've referenced during this meeting.

During staff's approval on that one back in 2000-- I think it was 2007 or so, there was a stipulation

entered on that that they required signage to preclude entrance at that location.

If it were moved further down Vanderbilt Beach Road, we could certainly consider the right-in allowance there. If we could get it spaced further away from the intersection, more in line with our access management policy.

HEARING EXAMINER STRAIN: You and I talked about this at one point.

There we go. These go off and on automatically, so I'm not quite used to them yet.

And I believe the access management plan talked about 660. But in this particular roadway 440 may have been a consideration that could have been thought out because of the lack of clarity in the way of access management plan dictated the spacing. And I believe at 440 they could make that entrance probably much more acceptable to the whole process. Is that your concurrence too?

MR. PODCZERWINSKY: Yes, I agree with that.

HEARING EXAMINER STRAIN: Okay. Thank you very much.

MR. ARNOLD: May I address --

HEARING EXAMINER STRAIN: Sure.

MR. ARNOLD: -- one thought?

Mr. Strain, if that is a consideration, then I guess I would hope that we could craft a stipulation that wouldn't require us to come back in a public hearing process if we could successfully move that access point to meet the spacing criteria, that that could be an ingress/egress point for the emergency vehicles, subject to meeting that spacing criteria. I would just hate to come back through the public hearing process if we're all in agreement that if not for the spacing that would be an acceptable condition.

HEARING EXAMINER STRAIN: Well, we need to talk about that then, because your master plan wouldn't reflect it. Your master plan is going to be attached to the decision. If the master plan were to reflect it, I've got to make sure from staff's perspective and the County Attorney's Office that adding that as an item now would not be something that would rise to the level of another hearing in the future.

MR. ARNOLD: Well, I was thinking your first -- typically adding an access point is unacceptable, but moving them is something that is handled administratively.

So I would suggest that if you're leaning toward removal of the ingress point at the location shown, that a condition that was written that says that egress points will be coordinated during the SDP, we could add language that says it may also function as an ingress point, as long as it meets the 440-foot space, or something to that effect.

HEARING EXAMINER STRAIN: And Ray, do you see the possibility of crafting language that would -- well, let's see what John's got to say first, since he rushed up, and then I'll ask you what you --

MR. PODCZERWINSKY: I would recommend this, to say ingress is prohibited within 440 feet spacing of the intersection. Just ingress. And then if they have an access point that's beyond that 440 feet, then ingress would be a possibility.

HEARING EXAMINER STRAIN: Okay. Ray, comments?

MR. BELLOWS: For the record, Ray Bellows.

The condition as proposed I think is typical. We can do it that way. It would require a public hearing if no access was provided and they wanted it in the future. But if it is listed as a potential access point subject to meeting locational criteria in the future, then that's an appropriate condition.

HEARING EXAMINER STRAIN: And how would you address the preserve areas that may have to be slightly modified in regards to that? Since these -- I mean, these preserve areas that are in excess of what was originally provided in the original Conditional Use, would that require any levels of threshold that couldn't be handled administratively?

MR. BELLOWS: The Land Development Code has a provision that during Site Development Plan approval, if there's a slight modification to a preserve area, it can be done administratively through that process. But if it was a significant impact, you would have to go through the process.

HEARING EXAMINER STRAIN: Okay. And John, during a decision process that's going to occur within the 30-day time frame, would you as soon as possible send me what language you think is reasonable so that when we talk this over with the applicant today and he sends his responses that I have something to compare it to?

MR. PODCZERWINSKY: Absolutely. I'll be glad to.

I'd also like to put one more thing on the record too, is that an ingress point at this location would typically trigger a right turn lane requirement per the right-of-way ordinance.

HEARING EXAMINER STRAIN: And I would concur with that. The right turn lane is what's causing -- the lack of right turn lane through that intersection is one of the big problems, so I think that's a good point. Thank you.

County Attorney Scott Stone, do you see any problems with the process if this were to go forward?

MR. STONE: As long as the right-in access isn't vested and it's only crafted in a way that makes it clear that it's potential, if it's consistent with the SDP process.

HEARING EXAMINER STRAIN: Okay. That would get the ambulances off of Logan where they have to make turns that are maybe more difficult to get into their entry. So that might be a positive thing for the site down the road.

MR. ARNOLD: Mr. Strain, I don't stand here wishing to make too many modifications to what's before you, but with regard to the preserve comment you made, I think we have about an acre more preserve than what is required by the code. So maybe we could craft language that either we modify the preserves to maybe reduce the number shown so it gives us the flexibility in the future if we're able to negotiate an ingress point.

HEARING EXAMINER STRAIN: And I -- that might be a good idea, but you'd have to make sure that the manner in which you craft that language provides a minimum width of the preserve. Because obviously the reaction from those living near this area, they're relying on the fact that the preserve has got a heavier width to it. You're proposing more than you had before, so that's a good thing. So I'd carefully want to craft that language not to reduce it to a threshold that's not acceptable.

MR. ARNOLD: Let me see, while we're hearing from members of the public, Mike Delate can probably scale the plan and we could tell you a minimum today that we could make sure the preserve would remain.

HEARING EXAMINER STRAIN: Thank you. Appreciate it.

Before we go to the public, is there a staff report? Is that -- Nancy, is it your staff report?

MS. GUNDLACH: Yes. Good morning, Commissioner.

Were you asking me for my recommendation?

HEARING EXAMINER STRAIN: I was asking you for your staff report to whatever extent you have it.

MS. GUNDLACH: Thank you. Sorry, we were thinking about what you just said.

Staff is recommending approval, and we do have the stipulation and it sounds like we are in the process of addressing the stipulation about the access off of Vanderbilt Road. And we have six conditions of approval. And if you would like, I could read those into the record or we can find them on Page 10 of 11 of the staff report.

HEARING EXAMINER STRAIN: They're already in the record by the exceptions of the Exhibit A and they're on the overhead, so we're good.

As far as the discussion about the turn problems, does that have any issues with staff with your report in regards to number one? We'd have to modify number one slightly to accept the possibility of it being greater than 440 feet from the intersection.

MS. GUNDLACH: That would be acceptable.

HEARING EXAMINER STRAIN: Thank you.

And with that, I'll ask for the members of the public that wish to speak, please come on up and use the mic, identify yourself first and we'll be glad to hear from you.

Ma'am, why don't you -- ladies first. Come on up.

MS. MACK: Good morning. I'm a homeowner. My name is Connie Mack. I am not running for Congress, nor am I in the senate.

HEARING EXAMINER STRAIN: What a coincidence.

MS. MACK: But my name is Connie Mack and I live at 5716 Drummond in Island Walk, which our neighborhood is going to be impacted by this EMS station. And particularly our street. Because our street

comes right to the end, right across from where you're going to build this. So of course we're interested in this. I represent our street. Nobody else wanted to get up at this hour and come here, so here I am.

One of the things, and I'm interested to hear you discussing the driveways in and out, because as you know that intersection is a very busy intersection. My concern is, is when, in addition to the -- are we going to have flashing yellow lights there all the time and the sirens going in the middle of the night when you pull out? That's not --

HEARING EXAMINER STRAIN: That's a very good question. And they do have an operations standard for that. I have it here. It's a lot to read, but I'll ask the EMS people to address that question after you finish speaking.

MS. MACK: Okay. Well, that is a concern.

Another big concern, and you addressed this because you apparently drive that way also, that intersection is a busy intersection. And from where I'm seeing where the sign is and the property is going to be built, you're not going to have much space between where the intersection is for the traffic light and where they would be entering. Or coming out into the flow of traffic. And to me that's more of a concern as I'm coming out into the flow of traffic, because people go through that intersection many times at over 50 miles an hour. Especially if they're seeing a yellow light. Because they're trying to beat that light to get through there. And then to have all of a sudden somebody pull out on them like that I think is going to be difficult.

It's sandwiched in between two traffic lights. The next traffic light is the entrance to Island Walk.

The other concern that I have as I was looking at the whole thing is that's an esplanade (sic) road there, and are you anticipating cutting through so that if you come out of this EMS station and need to head south are you going to come up to our light and make a U-turn? This is I think all the things that need to be looked at as how this is actually going to live. And that is my concern about it.

To have an exit on Logan Road to me, what I was hearing this morning is not necessarily beneficial to you, but to me that's more beneficial when I look at that, because it allows any vehicle who is answering a call to either go west -- east, north or south from there without impacting traffic that's going 50 miles an hour.

HEARING EXAMINER STRAIN: Thank you for your input. We'll get a response to that.

Before you sit down, real quick, one of the things the EMS have in all of our emergency responders, I believe, is a way to control the lighting. If they were exiting on an emergency, they could actually have that light stopped in the east-west direction, so that would make it a little safer for people traveling through. I've asked for one of those units for myself, but they won't provide me with one.

MS. MACK: When you get one, could you get two? I'm at 5716 Drummond.

HEARING EXAMINER STRAIN: I'll have to remember that. Thank you.

And we'll have the next speaker, then the I'll ask the responses to be done collectively. Sir?

MR. KUTZ: Thank you for the opportunity to speak this morning.

First I want to commend the process. Again, my name is Tim Kutz, my address is 786 Logan. I am the only house you can see in the picture on the screen at the current time.

So the process of notification, the process of the neighborhood meeting has been excellent. I really feel like I've had the opportunity to talk through some concerns.

The previous speaker had some questions at the neighborhood meeting; I felt like those were answered. They addressed a lot of that issue at that time, and so I have those answers and understand that.

I came this morning really to discuss two things and ask for two things, or consideration of two things. But before I get to that, I'd like to speak to what we're discussing, which is the egress, because it really plays into one of the things I'd like to bring up as well.

It seems most logical, as we discussed at the meeting, that the only time they're really going to egress that way is if they're headed to the east. So in theory I don't know what percentage of the calls that will be, but those setting to the east, and again the ability to control the traffic light, allows them to stop the traffic and pull out.

Reference the design of a 12-foot, that made perfect sense to me as I looked through that, because it's an emergency entrance and exit only, so it does only need to be one car width wide. So in the concept of needing to be -- there shouldn't be -- if there's only one vehicle, which is what we're permitting it for, there

should only ever be one vehicle coming or going through that drive entrance.

HEARING EXAMINER STRAIN: Good point.

MR. KUTZ: So my only concern with moving it down, in theory it's a 660-foot lot somewhere. So if we have to be 440 feet, what we're going to do is create an access road. Because unless we move the entire site down, which of course I would hope that would cause for more conversation and a new hearing. But if we move just the driveway down, then they're going to have to turn around and come back 200 and some feet. So by moving that drive down, putting in a turn lane, allowing them to do that, then they're really creating their own access road, which is -- and that's something that the decision would have to be made, it would just be interesting.

So on to my two points that I came to speak of. The one I never had a chance to address. I really didn't discuss it until after -- find it until after the neighborhood meeting. The plans call for a monument sign for this site at the Logan entrance. I would really ask that we consider not doing that. And I've done a little thinking about why -- I can't figure out why we need a monument sign, because I'm pretty sure anyone that passes this building will know exactly what it is. I can't find anywhere where it's a training site, a training facility, a place that's going to hold meetings, that it's going to -- would need great signage for people to be able to find it. So I'm simply asking that if indeed there's a need for a monument sign, which I've gone out and found other ones in the county for EMS. And quite honestly, it's interesting how we set a monument sign right in front of what it is and they say EMS number 76.

So I would ask if indeed that sign that is important, could it be moved onto Vanderbilt so that as I come down Logan, or anyone else does, that it continues with that residential look on the Logan side.

So that would be my first request, that we either eliminate the monument sign altogether as there's not a need for it. I'm sure the building will have numbers, et cetera. Or that we move the monument sign onto the Vanderbilt side.

My second, and it's really -- I think they've addressed this. I'll again just reiterate. I would just ask that consideration be given for the maximum amount of buffer between my property and that of the new station.

I did, after the neighborhood meeting, do some research with their recommendation on other sites. I've gone throughout the county, I've looked at many sites. There are very few that actually share a property line like mine will.

Interestingly enough, of those very few using the County's Property Appraiser website and the aerials, I couldn't find one where the home was there before the station. The station was always there first and then the homeowner chose to built adjacent to that property.

In this case it's not that way. The homes were there first. So I would just simply ask that the buffer be as maximum as possible. It's going to be a -- I'm sure a -- I would assume a four to six-month building project, which is going to completely expose. I would just ask that again we do the biggest, the widest, most full buffer that we possibly can in effort to minimize that amount of time that -- again my entire property would be exposed to a whole different road, et cetera. So --

HEARING EXAMINER STRAIN: A couple things I want to ask. First of all, you bought your house after this station was already zoned for that location, if I'm not mistaken.

MR. KUTZ: That's correct, sir.

HEARING EXAMINER STRAIN: Okay. So you knew the station was going in.

MR. KUTZ: I did.

HEARING EXAMINER STRAIN: Okay.

MR. KUTZ: I was aware of that.

HEARING EXAMINER STRAIN: And I understand from the minutes of the neighborhood information meeting that you would prefer not to have a wall there?

MR. KUTZ: I would prefer not to have a wall. I think the natural buffer in the preserve is of course -- again, I've went around and looked at what does the natural preserve look like versus what does an artificial buffer look like. And obviously the natural preserve in the back is absolutely the best.

I think if I go out and look at 10 walls where there's a wall separating two things, two of them look okay. Actually, the one at Island Walk has done a great job. If we could recreate Island Walk's wall. It's not

bad. They've got ivy that covers the wall and you really can't -- it almost looks like a landscape buffer, but it is a wall in there.

That would be acceptable to me. I just think the landscape buffer is more natural. And so I think if we do that, it's wide enough, it's full and tall enough, I think it shields, you know, my property the best.

HEARING EXAMINER STRAIN: Have you seen this detail that I have up there before?

MR. KUTZ: I have not.

HEARING EXAMINER STRAIN: It is 80 percent opacity requirement, which means it's going to be pretty solid within a year. The six-foot height could include the wall or fence. If you don't want a wall or fence then the trees and the hedge will still have to reach to that 80 percent opacity. With a wall there it's a lot easier for them to say you've got the opacity automatically.

We will delve into the hedge issue and the vegetation a bit more before this meeting is over then and see what we can find out for you.

MR. KUTZ: Yeah, I would prefer not to have a wall, if that's possible.

HEARING EXAMINER STRAIN: And we'll ask the question. I'll get an answer on your sign location for you.

Great, thank you very much. I appreciate your help today.

And with that, Wayne, do you want to respond to a couple more questions?

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

(No response.)

HEARING EXAMINER STRAIN: Okay. First of all, let's talk about the sign. Where did you anticipate locating the monument sign at this point?

MR. ARNOLD: The monument sign that's proposed, Mr. Strain, is located near the entrance on Logan Boulevard.

HEARING EXAMINER STRAIN: Is there a reason you couldn't put that sign more towards the corner of Vanderbilt and Logan?

MR. ARNOLD: No, I --

HEARING EXAMINER STRAIN: I mean, that's on the intersection. It's about as intense of an intersection as you could have. I think you'll get the same identification and it will be further away from the residences and Logan and more -- and you get a view from both angles.

MR. ARNOLD: I haven't looked at that issue, but I'm pretty confident we can meet the spacing criteria on the setbacks for moving the sign closer to the intersection.

HEARING EXAMINER STRAIN: What I'd like to do is work that up as part of an indication on the master plan that's going to be attached to this plan here so that the approximate location is shown on the plan for where your monument sign's going to go. Or we could write it up in a direction that works.

MR. ARNOLD: Maybe I could have Mr. Jones mark on our plan. I know you don't have visualizer capability, but --

HEARING EXAMINER STRAIN: No, that's why I've put these slides up there.

CHIEF KOPKA: We don't care. Doesn't matter.

MR. ARNOLD: Mr. Strain?

HEARING EXAMINER STRAIN: I've just been advised with these new microphones you've got to -- you've got to make sure you talk into them. They don't always record everything unless you do.

MR. ARNOLD: Okay. I can't see the little light from here.

HEARING EXAMINER STRAIN: Well, there's a light on the back and it's now on but --

MR. ARNOLD: I think certainly a condition may work. I just don't have any capability to physically show you the location on that plan.

HEARING EXAMINER STRAIN: I understand. I think that can be worked out.

MR. ARNOLD: I think we're fine with moving it to the intersection.

HEARING EXAMINER STRAIN: That's the acknowledgment I needed.

MR. ARNOLD: Okay.

HEARING EXAMINER STRAIN: And the other question I have is you know well that through this process a wall could be requested, and it could be expensive. In lieu of that, I want to ask the county staff, and

Nancy happens to be one of our landscape specialists on staff, and with you here, to find out if there's some way of enhancing that buffer in a practical method that would assure adequate coverage as quick as possible for the neighbor next door.

Nancy, do you have any ideas on trees that would be more acceptable or species that would be better planted or spacing criteria that might be better than what's suggested on the standard buffer?

MS. GUNDLACH: Possibilities to increase the screening more immediately would be to plant a double row of hedges. We could also increase the height of the hedge material.

I recall at the neighborhood information meeting that it was stated that there could be up to a three-foot change in elevation. We could add three feet to the height of the hedge material to mitigate for that.

HEARING EXAMINER STRAIN: And Wayne, from those -- say those couple of options, adding either more hedge material or adding greater height to the material that's being proposed, do you have -- any of those issues acceptable to your situation?

MR. ARNOLD: I think we're happy to try to work with the neighbor to do something that's adequate. And I know one of the things we talked about too was the maintenance of that hedge at a higher height. I think the county requires it, what does it say, six feet in there. But I think, you know, certainly if it's a cocoplum hedge or something that gets a lot of width and height pretty fast, we could agree to maintain that a higher height than six feet, something like eight feet. I know that that was one of the issues of walking out your garage door and are you going to see over the hedge into a building. And I think the thought was we can certainly control that by allowing the hedge to be maintained at a higher height.

HEARING EXAMINER STRAIN: Okay. So your position in regards to the standard hedge material and a type B buffer as shown on this plan, you're willing to enhance that to some degree in the area that this hedge would be applicable. Which I --

MR. ARNOLD: It would be west of our preserve. It's on the south boundary west of our preserve to the Logan Boulevard.

HEARING EXAMINER STRAIN: And I think that's something that between your discussions and Nancy, I'm going to be needing some information from you in regards to these buffers. We need to get that worked out. We can do that between now and the time the decision's issued.

But at least we've got the acknowledgment that the buffer can be enhanced and the side will be moved, and I think we've addressed some of the issues.

Now, as far as the operations of the emergency exiting and entering through the intersection that the first speaker brought up, I'd like those addressed if we could.

MR. ARNOLD: I think I'll let our fine folks from EMS tell you what their procedures are for activating the sirens.

HEARING EXAMINER STRAIN: Thank you.

And by the way, this is kind of like the shakedown cruise for this speaker system. I think we're the first ones to get to use it. It just went in yesterday. And thankfully John's here and I think we'll have some adjustments made before the next meeting, so --

CHIEF KOPKA: Good morning. Once again, Chief Kopka from EMS.

I'll address a couple issues. One is the device we have available to turn our signal green and all other signals red. And that's the Opticon device. And all of our ambulances are equipped with that device. It's very similar -- this station is very similar to our Station 75 which is on Santa Barbara, which also has a light, and it activities that signal at the time they're pulling out of the bay. So it allows us to have that access to the light at that intersection.

The other question that Ms. Mack brought up was the traffic that may back up on Logan Boulevard going north. Station 70 in Golden Gate City is a similar example where we have our station right next to the intersection of Coronado and Golden Gate Parkway, and that's clearly marked with markings on the road, as well as signage there not to block that intersection. And we have very good success there that cars don't block that intersection when they're waiting for the light to turn.

I'd also like to read into the record, if you don't mind, sir, the protocol. The one you have is a little bit outdated. It's been updated since then. And I'll just read you the line that refers to audible devices. And it states, audible devices are only to be utilized only when will reasonably necessary. Use of audible devices

during late night/early morning hours is discouraged on empty roads or within neighborhood communities.

We are good neighbors. We have several stations in very residential areas from the City of Naples all throughout the county and we don't get complaints because people do follow this policy. They only use the audible devices when needed.

HEARING EXAMINER STRAIN: I'd like to walk through a couple of examples with you. If you had an emergency vehicle responding to a call, coming out to the Logan Boulevard entry you'd come out of the site. If you're going left you'd -- and obviously you end up going left on Logan. If you're going right, you'd go north and take a -- I'm assuming go west on Vanderbilt Beach Road if you have an egress east-way from another direction.

Your device would then trigger that light at Vanderbilt and Logan to turn in a color that protects your vehicles from oncoming cars, meaning it would be red east and west but green going north, so you --

CHIEF KOPKA: Correct.

HEARING EXAMINER STRAIN: -- could make a left.

And if you were going left on Logan, you'd trigger the light to stop cars going to Logan until you got through the left, or is that part of your operation?

CHIEF KOPKA: No, it wouldn't need to trigger that light in that circumstance. Although it may, but it wouldn't affect how we were egressing going south on Logan, if that's what you're asking.

HEARING EXAMINER STRAIN: That's what I'm asking.

And when you go on Vanderbilt Beach Road you would only be able to go east from the egress point that's going to be added.

CHIEF KOPKA: Yes, sir.

HEARING EXAMINER STRAIN: Okay. And at that point you could also trigger the light to turn red so that there's no traffic coming towards you; is that a fair statement?

CHIEF KOPKA: That I would have to get with transportation to find out if they could put an Opticon receiver on to Logan to do that. That wasn't an initial plan to do that. That would have to be a question for transportation if we could get a receiving device in that area. Because generally the receiving device is at the intersection.

HEARING EXAMINER STRAIN: Well, what I was getting at is if you were to come out at the location that you have the egress right now, shown on this plan, would you be able to trigger that light so that cars coming through the intersection towards the east would get a red light and let you exit cleanly?

CHIEF KOPKA: Again, I don't know. If we were on Logan, yes, it would turn that light green for us going northbound or east or westbound. Because it turns all other lights red. But if we were egressing on Vanderbilt Beach Road, I don't think there's a plan to put a receiving device there for our Opticon. And again, I don't know if we would be able to do that or not. But if we were egressing onto Logan, it would turn that light green for us and all other lights red.

HEARING EXAMINER STRAIN: Okay. As far as the directional exit, though, onto Vanderbilt Beach from -- is there -- who would you have to get together with to get that answer? And how long would it take, do you think?

CHIEF KOPKA: I can get with someone in transportation to find out if that's available. Jay Ahmad I think would be the person I would talk to.

HEARING EXAMINER STRAIN: Wayne, if we could make sure that that happens, I'll hold any decision until we get that comment. I'd like to understand if that's a possibility and to what extent it would take to get that to happen.

I think that would add a level of safety to that road system. Like I said, I drive that intersection. We fly -- we. I'm not going to admit to anything. Everybody but me goes through that intersection too fast, and it does get rough, because coming up to it some of the people making the rights there try to squeeze in from a two-lane onto a six-lane road. And it's not a -- it's a concerning intersection. So any safety we could add would be helpful.

Thank you, I believe that's the only other issues I have.

Wayne, did you have anything you want to wrap up with?

MR. ARNOLD: No, I'm not exactly sure where you're headed with a couple of the conditions.

We're going to hold the hearing open for further information and we'll certainly get you that information as soon as possible.

And if Jay Ahmad's the appropriate person in transportation, we can certainly reach out to him and try to get an answer on whether or not the Opticon can be added to that side of the traffic signal.

HEARING EXAMINER STRAIN: I can tell you where I'm going. So I don't want any confusion on your part.

MR. ARNOLD: I don't want any confusion either.

HEARING EXAMINER STRAIN: Okay. So why don't we just go right straight to the fact.

First of all, in the discussion today you have agreed to move the monument sign closer to Vanderbilt Beach Road. And we're going to provide a location on that that will be incorporated as part of a -- either a stipulation or on the master plan.

We were going to discuss enhancing the landscape buffer. We don't know exactly how yet until you confer with Nancy and yourself going back and forth. But the agreement is that the buffer will be enhanced above and beyond what's the minimum in the code. And in lieu of that, you're not going to have a wall required.

And last, we're going to explore the Opticon option. And if it's viable and reasonable, and reasonable meaning it's not going to take the taxpayers an excessive amount to get that accomplished, then we will take a look at that as a possibility as well, and that will be part of the final decision. So until those issues are resolved, the decision wouldn't come out. But those issues will be part and parcel to the decision.

Is there any other piece of that that you're not clear where I'm going on?

MR. ARNOLD: No.

HEARING EXAMINER STRAIN: Okay. I just want to make sure. I think I talked to you yesterday about clarity on another project, so I will try to be as clear as possible.

MR. ARNOLD: Thank you.

HEARING EXAMINER STRAIN: Okay. Do you have anything else you want to add, Wayne?

MR. ARNOLD: No, simply that this is an important station for EMS in maintaining their service times for this part of the county. So hopefully we can reach consensus that this is an approvable project with the conditions as you're recommending.

HEARING EXAMINER STRAIN: And with the other conditions of course will be the staff stipulations that you have previously lived with, and we'll discuss also the -- we'll have some language suggested by -- between you and John Pod and Ray regarding the distance, that the possibility of another egress and ingress could occur. And that could occur hopefully through an SDP process.

MR. ARNOLD: And with that, if we could just make sure that we may have the option to reduce the preserve. You asked me to check on the preserve width. And it would always be maintained at a minimum 100-foot wide width. So if there's something that we can craft into that that talks about the potential ingress point as long as the preserve can be maintained at that 100-foot width. Which is the minimum width of the preserve that we have right now, as it's closer to the station.

HEARING EXAMINER STRAIN: All I want to make sure is that whatever we craft it's consistent with the code and it's something that isn't going to trigger some unforeseen event. So we'll take a little bit of time between now and the time the decision's written to get that language crafted properly.

MR. ARNOLD: We'll do our best to get it done.

HEARING EXAMINER STRAIN: Okay. Does anybody else have any other issues or concerns?
(No response.)

HEARING EXAMINER STRAIN: Okay, with that we will close this public hearing and a decision will be rendered within 30 days. I can't tell you how much less than that, it will depend on how fast the responses come from the parties that still have to respond and you confer with transportation.

So that takes us to the -- that ends that portion of our hearing today.

We have no other business. Or any other public comments for today?

(No response.)

HEARING EXAMINER STRAIN: Okay, with that, this meeting is adjourned. Thank you all for attending.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:50 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST:
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 4-9-15, as presented ✓
or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
GREGORY COURT REPORTING SERVICE, INC.
BY CHERIE' R. NOTTINGHAM, CSR, COURT REPORTER AND NOTARY PUBLIC