

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
August 11, 2016

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
Rachel Beasley, Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, August 11th 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: Housekeeping matters: 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 render within 30 days. Usually it's a lot less, but that's what the time allotted is.

Review of the agenda: We have two items, 4A and 4B. They're up on the screen. Both will be heard today. No changes to that.

Approval of prior minute meetings of July 14, 2016, are okay to be recorded as submitted.

***That takes us into the first advertised public hearing. It's Item 4A. It's Petition No.

SV-PL2016000885, SD Tract 22, LLC, which is also the Hogan Plaza sign variance and the PUD Lely on 951.

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?

(No response.)

HEARING EXAMINER STRAIN: Okay. Disclosures on my part: I've talked with the applicant once or twice. I've also had discussions with staff and reviewed all the files, both what the staff supplied plus the historic ones in the county filing system.

Alexis, if you don't mind. Can you identify yourself for the record.

MS. CRESPO: Good morning. Alexis Crespo with Waldrop Engineering.

HEARING EXAMINER STRAIN: Okay. There's no members of the public here for this item, so -- I've read everything. I don't need a formal presentation.

I had a couple of issues, one which will be of staff. I just want to make sure there's nothing involving your issue, and there isn't.

Have you received any opposition to this in writing?

MS. CRESPO: No.

HEARING EXAMINER STRAIN: Okay. Thank you. That's all the questions I have.

MS. CRESPO: Thank you.

HEARING EXAMINER STRAIN: And this is, Eric, your issue?

MR. JOHNSON: That's correct.

HEARING EXAMINER STRAIN: Okay.

MR. JOHNSON: For the record, Eric Johnson, principal planner, zoning.

Other than a correction that was made in the title that's reflected in the Naples Daily News ad but wasn't in the mail-outs that were sent by Phase V staff -- that's not an issue, according to the County Attorney's Office. Staff's recommending approval of the project as requested.

There are some references in the staff report about how the location of the project entrance along the roadway where the sign would be located was influenced by the access management policy. I need to clarify that, that it's actually something that was influenced in part by staff as well in the decision making as to how that entrance location came to be.

And I had spoke with Mike Sawyer before the meeting. So if you have any questions about that location of the entrance, I can defer that to Mr. Sawyer.

HEARING EXAMINER STRAIN: No, I don't. I have more questions about the nature in which this came about.

The language that was questioned or that is under review today is under directory signs. There's a sentence that basically says if you're 20,000 square feet or more, the leasable floor area shall be permitted one directory sign at one entrance on each public street.

And I understand that since staff has determined -- "at one entrance" means what? Exactly where

would you have expected this sign to be? Because based on that language, there's nothing that says "at one entrance" wouldn't mean along that street front.

I think somewhere in here (indicating) is where I believe staff indicates it should have gone, and really they want it here (indicating). And is there any life, public health, safety, welfare issues involved in the location of that sign being moved from there to here?

MR. BELLOWS: For the record, Ray Bellows. The language has been historically interpreted to be at the entrance to the commercial center, but there are no life safety/health issues that the locations show.

HEARING EXAMINER STRAIN: Okay. And my concern is, it's at the commercial entrance. "At" isn't defined, and I'm just suggesting, if we have more of these come down, we may want to look at how we look at the distance from the entrance that we're trying to adhere to, because there's no distance noted in this.

It may require some corrections to the LDC if needed. Just a thought, because at one point staff felt that this was -- it needed some guidance as to how near or far the directory sign must be from the entrance, and then the next sentence the staff says, this clearly does not meet the intent of the standard. I don't think it can clearly not meet the intent if the intent isn't clearly spelled out.

So anyway, I've had a concern about this from the time I read it, and I would suggest maybe we can find a way to clarify it for any future applications.

MR. BELLOWS: Yes. I'll work with Mike Bosi, the zoning director. And if we have to clarify it or do an LDC amendment, we will.

HEARING EXAMINER STRAIN: And, Eric, did you have any opposition to this?

MR. JOHNSON: I received a phone call and emails, and the emails were attached to this.

HEARING EXAMINER STRAIN: All right. And you didn't notice -- they seemed like questions, not opposition; does that --

MR. JOHNSON: I would characterize it as questions, yes. I think the gentleman was concerned that the sign would be too close to the south. I don't -- yeah, I don't know how to characterize it.

HEARING EXAMINER STRAIN: I didn't see anything that indicated opposition -- that's what I wanted to clarify -- did you?

MR. JOHNSON: No.

HEARING EXAMINER STRAIN: Okay. With that, I'll close this meeting, and I will -- a decision will be rendered within 30 days but most likely within 10.

Okay. And thank you, Alexis.

MS. CRESPO: Thank you.

HEARING EXAMINER STRAIN: ***The next item up is Petition No.

ZLTR(CUD)PL20160000898, Johnson Development Associates. It's for a comparable use determination for the Sierra Meadows PUD.

All those wishing to testify on behalf of this item, please rise to be sworn by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Okay. For my disclosures, I've talked with the applicant, various representatives of the applicant, I've talked with staff, and I've reviewed all the files, those supplied in the staff report and those on file with the county.

With that, is there any members of the public here for this item today?

(No response.)

HEARING EXAMINER STRAIN: Okay. I don't know who's going to represent the applicant. We've got a new attorney I see. First time in Collier County?

MR. YOVANOVICH: That would be me.

HEARING EXAMINER STRAIN: Would you mind coming up to the mike.

MR. YOVANOVICH: Sir.

HEARING EXAMINER STRAIN: I need your name for the record.

MR. YOVANOVICH: Rich Yovanovich. Do you need me to spell it?

HEARING EXAMINER STRAIN: No.

MR. YOVANOVICH: Okay.

HEARING EXAMINER STRAIN: You are well known, Richard, so welcome to this meeting.

I had a -- I have read the staff report, and there's no members of the public here, so I won't need a presentation.

I do want to verify what you're asking for. You're asking for enclosed air-conditioned mini storage, mini self-storage; is that correct?

MR. YOVANOVICH: That is correct.

HEARING EXAMINER STRAIN: Okay. You also said you'd comply with the Dark Sky standards in your letter to the staff; is that correct?

MR. YOVANOVICH: Yes.

HEARING EXAMINER STRAIN: That's the only clarification I wanted, because in reviewing the zoning verification letter, I did not see staff specifying those kind of conditions. As long as you have no objection to them, they'll be specified that way.

MR. YOVANOVICH: Okay.

HEARING EXAMINER STRAIN: So thank you.

MR. YOVANOVICH: Thank you.

HEARING EXAMINER STRAIN: Rachel, did you have a staff report?

MS. BEASLEY: Yes. A staff report was written, and staff is recommending approval.

HEARING EXAMINER STRAIN: Rachel, in your staff report, as I just mentioned to Mr. Yovanovich, you basically refer to a self-storage/miniwarehouse pursuant to Standard Industrial Code SSC 4225.

My concern there is that this code actually is broader than what they're asking to do, and I don't know if you had intended that or not. There's the location (indicating). It's across the street from a shopping center next to a -- and this is a senior living facility, and there's going to be commercial on this corner, and this is the site.

Did you intend for something like that to be allowed on that site? That's from the industrial park across the street.

MS. BEASLEY: Right. No. And in it, in my zoning letter, I believe I state that it will be similar in intensity and business to permitted uses in the PUD, i.e., meaning more like an office.

HEARING EXAMINER STRAIN: Well, and I read, it said -- in your CVL it says, furthermore, the characteristic use of the self-storage/miniwarehouse is similar in intensity to and business character to many of the uses listed in the PUD, but it doesn't -- I mean, someone could argue that's got the same intensity and it's got a business character because it's leased out.

So I would suggest from now on, when staff gets these, they articulate exactly what the applicant intends to put there as close as possible to what you're implying is consistent with the rest of the PUD.

And if you had said indoor air-conditioned self-storage, that would have been fine. And the applicant has agreed to that. And I think your stipulation, or your conditions, ought to include the references that, if they put in a Dark Sky reference, we ought to include that in the conditions as well under staff recommendations.

Does that -- are you guys in agreement with that?

MR. BELLOWS: For the record, Ray Bellows.

Yes, I agree with that. And when I reviewed this with Rachel, my thought was we were dealing with an indoor air conditioned. We'll make sure we are clear on that.

HEARING EXAMINER STRAIN: And I have met with the applicant. They had intended from day one to provide the kind of facility that I believe we all intend. I just want to make sure the language reflects what was intended. So that's the only comments I have.

Did you receive any letters of objection or calls or anything like that to this?

MS. BEASLEY: No.

HEARING EXAMINER STRAIN: Okay. Well, with that, then I don't have any other issues, so we'll close the public hearing, and a decision will be rendered within 30 days, most likely within 10.

Thank you all for coming.

Other business: There is none.

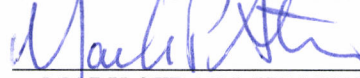
Is there any public comments?

(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 9:12 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST

DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 9-22-16, as presented ✓
or as corrected _____.

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