

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
December 8, 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
Fred Reischl, Principal Planner
Daniel Smith, Principal Planner
Scott Stone, Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, December 8th 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: Thank you.

A few housekeeping matters: Individual 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. Based on the calendar and the holidays coming up, I should be able to get these out before the holidays.

With that, there are no other changes to the agenda. We have four items up for today. They're shown on the overhead above.

Previous meeting minutes were issued. I've reviewed those. They're fine to be recorded as submitted.

Which will take us to our first advertised public hearing. This is an item that was continued from the previous Hearing Examiner's meeting on November 10th, 2016.

It's Petition No. ZLTR(CUD)-PL20160002442. It's Global Properties of Naples, LLC, also known as the Vincentian Village MPUD. It was comparable/compatible analysis, created by staff and brought here for affirmation.

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: Okay. Disclosures on my part: I've talked to the applicant and his representative a couple of times. I've had no communications with any members of the public. Everything seems to be pretty straightforward. This is a continuance, so the disclosures made previously still stand.

And with that, Bob, I understand this was continued last time because of some corrections needed to the language that was produced in the staff report. Have you reviewed everything?

MR. MULHERE: Yes, sir. Yeah, we had -- I guess the 65,000 square -- we had asked that this also be considered to be included within the 65,000 allowance. There are four or five uses that we felt it was comparable to. Staff rereviewed it with that condition in place and agreed, so we're in agreement.

HEARING EXAMINER STRAIN: And I reviewed everything, and it did look like it got addressed this time, so I didn't see any problems with it.

With that, if you have nothing else to say, I'll move to staff report.

Anything from staff on this?

MR. BELLOWS: Just that staff is recommending approval of both the uses of comparable/compatible, and it's compatible with uses over 65,000 square feet.

HEARING EXAMINER STRAIN: Okay. There is one note I would like to discuss with staff. It's air-conditioned mini self -- air-conditioned self-storage. I wanted to insert the word "indoor" air-conditioning self-storage. The applicant told me previously that they had no problem with that. Obviously, if it's air-conditioned, it makes sense it will be indoor.

In a prior case, at one point there was a discussion about how staff looked at the features of an indoor self-storage, and it concerned the roll-up doors.

And, Ray, I want to make sure that we don't run afoul with that discussion in regards to whether or not roll-up doors can be allowed if this is an indoor air-conditioned self-storage facility. Has staff made a determination on that?

MR. BELLOWS: Yes, we have. The way the architectural provisions and the self-storage provisions apply in the Land Development Code within a PUD zoning district, we only count the primary facade or garage doors as that facing the public road or main road.

It would not apply to other facades for the overhead doors, but it would be subject to the screening measurements.

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: The word "indoor" is not going to change it. That did come up for discussion in a previous case, and I wanted to make sure we were clear on it here. And that's the only comments I have.

With that, if that's complete with staff report, we'll move to any -- is there about member of the public here that would like to discuss the first item, Vincentian PUD?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, we will close the public hearing, and a decision will be rendered within 30 days; like I said, it will be probably before Christmas.

MR. MULHERE: Thank you very much.

MR. SHUCART: Thank you.

HEARING EXAMINER STRAIN: Thank you. I appreciate your time, and I appreciate your patience with the continuance. Thank you.

***The second item up today is Petition No. ZLTR(CUD)-PL20160002571. It's for Hulett Environmental Services, Inc. It's, like the first one, a comparable/compatible affirmation for a project in City Gate PUD down on the I-75/951 activity center.

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: Okay. Disclosures on my part: I have talked several times with the applicant, most recently this morning; I've reviewed the files and history. This is an old PUD. It's been around a long time; and I've also had conversations with the staff.

I know I didn't see any members of the public rise for being sworn in, but I just wanted to reaffirm, are there any members of the public here to discuss this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Tim, I won't need a formal presentation, and there's nobody here who seems to be interested in your project.

MR. HANCOCK: And I don't take that personally at all.

HEARING EXAMINER STRAIN: This will be the simplest one you've probably had in a long time.

I only had one comment. In reviewing the -- we won't need a presentation as a result, but in looking at the language in one point, part of the basis for the comparable analysis was that you were going to utilize, I think it was, 68 percent of the building space for office use.

I asked you previously, and I'd like confirmation today, that you wouldn't mind a stipulation restricting 65 percent of the building space for office use. That gives you a little latitude, and you didn't seem to think that as a problem.

MR. HANCOCK: Actually, I discussed that with my client, and with -- he has engaged an architect who is doing the final design right now. And you're saying -- to limit it to 65 percent would actually be more limiting than the 68 percent in our comparable use --

HEARING EXAMINER STRAIN: No, not limit it. You'd have to have at least 65 percent office space.

MR. HANCOCK: At least 65.

HEARING EXAMINER STRAIN: Yes. That's how it would be worded.

MR. HANCOCK: Thank you. I needed clarification on that. And, yes, sir, we are fine with that.

HEARING EXAMINER STRAIN: Okay. Because the basis -- in the area you're in, it's more of a commercial than industrial, and that would keep you into the commercial thresholds and would help.

MR. HANCOCK: Yes, sir. Thank you.

HEARING EXAMINER STRAIN: Okay. And I don't believe there's anything else on my part. That's the only clarification I needed for the comparable affirmation. So thank you.

Staff report?

MR. BELLOWS: For the record, Ray Bellows. I'm filling in for Rachel Beasley on this item, and the staff report, we're recommending approval as well.

HEARING EXAMINER STRAIN: Okay. With that, is there any members of the public that want to address this item?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close this case, and a decision will be rendered within 30 days. Most definitely I'll try to get them out before Christmas.

MR. HANCOCK: Thank you, sir.

HEARING EXAMINER STRAIN: Thank you.

***The next one is Petition No. 4C; PDI-PL20150002852. It's for Development Consulting, LLC, for a project that is a Planned Unit Development officially titled Green Heron, but it's also known as Sapphire Lakes.

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've talked with staff. I've discussed this a couple different times with the applicant and their representatives. I've talked to Former Commissioner Henning. I don't believe I've had any communications with the public that I can recall right now. Other than that, those are my disclosures.

And since there are members of the public here, we will need some presentation from you in regards to specifically what you're doing.

I have put some items on the overhead to help in case the public was here, and we will go into those right now.

And then, Brian, I've got some -- you'll see the slides I have on here. So if you want to refer to them in explaining what you're doing so those members of the public that are here understand it.

The Sapphire Lakes/Green Heron project is on the northeast corner of Santa Barbara and Radio Road. There's the general location. It's mostly -- it's a built-out PUD. There's one parcel in the front that has a commercial designation. It's this piece right here.

And on this particular -- this is the official PUD map. This is that location right here. This PUD has two entrances; one over here, and one here. They're looking to modify the PUD and have an entrance for this commercial tract off of Radio Road and not have an internal entrance.

And those are the maps that I have on here.

Brian, are there any clarifications you want to add or add to this?

MR. HOWELL: Thank you, Mark.

Brian Howell with Phoenix Associates.

The only thing I would add is the entrance to this commercial piece will be through the existing de-ice lane that is on the median of Radio Road. So the driveway that we're requesting will line up with that turn lane.

HEARING EXAMINER STRAIN: Would it be about right there (indicating)?

MR. HOWELL: Which would be right about there, correct.

HEARING EXAMINER STRAIN: Okay. There was a discussion, and I think Commissioner Henning had pointed out to me that the community did not want to have internal accesses from this parcel to the community. Are you avoiding that? Are you not --

MR. HOWELL: Correct, we are avoiding that.

HEARING EXAMINER STRAIN: Okay. So any stipulation regarding prohibiting an internal access, you've got no problem with that?

MR. HOWELL: No problem.

HEARING EXAMINER STRAIN: Okay. Is there any -- and I don't have anything else. Did you have anything else you want to add to your discussion?

MR. HOWELL: That's it.

HEARING EXAMINER STRAIN: Okay. Is there a staff report?

MR. SMITH: Yes. Staff -- Daniel Smith, principal planner.

Staff recommends approval of the access onto -- the additional third access onto Radio Road. And I guess the stipulation would be that there would be no internal access to the site on any residential road.

HEARING EXAMINER STRAIN: Okay. And, Brian, there were some recommendations provided by staff in the staff report. Do you have any objection to those recommendations? There's four of them.

MR. HOWELL: No objections.

HEARING EXAMINER STRAIN: Okay. That's the only remaining question I have. We've had staff report.

Are there any members of the public that were sworn in that would like to speak on this matter?
(No response.)

HEARING EXAMINER STRAIN: Okay. Sir, come on up. Use the microphone; identify yourself for the record.

MR. WEIGEL: Hi. My name is Brad Weigel. I live at 280 West Naomi Road inside the Sapphire Lakes.

The cut-through, as far as the center median strip, already exists. The entrance -- I believe that's what we're talking about.

HEARING EXAMINER STRAIN: We're talking about this entrance right here.

MR. WEIGEL: Right there. And that will go across the sidewalk; is that correct?

HEARING EXAMINER STRAIN: Yes. There will be rules in the way they have to treat the sidewalk for ADA requirements then and, of course, approaching the cuts and everything else. But, yes, like any typical road.

MR. WEIGEL: So that's the first variance that's being asked for?

HEARING EXAMINER STRAIN: Well, it's not really a variance. It's a modification to the PUD. A Planned Unit Development is its own zoning area.

MR. WEIGEL: I'm aware of that. I'm a building official, so I'm aware of everything you're talking about.

HEARING EXAMINER STRAIN: Okay. Well -- but I'm trying to explain it's not a variance.

MR. WEIGEL: Okay.

HEARING EXAMINER STRAIN: So the entrances are dictated by the PUD. The PUD allocates two entrances. They need a third one. Even though it's just for this parcel, it is for the PUD. So they're simply coming in saying, we'd like to have this entrance.

It's in conformance with what, apparently, the community, the HOA, and people that lived there have asked. Maybe -- I don't know if you were involved in those discussions or not. But they had preferred, through their commissioner, that this not -- this be the only entrance to this parcel and they not have an internal entrance. That's part of the reasoning for requiring -- for asking for this.

MR. WEIGEL: Yeah.

HEARING EXAMINER STRAIN: That's the extent of today's meeting is strictly that issue.

MR. WEIGEL: Is there a part of today's meeting to divorce that parcel from the existing overall PUD?

HEARING EXAMINER STRAIN: No. And it most likely couldn't be done because it is subject to the zoning of that PUD, and if we were to take it out as a standalone, it may not meet the size requirements for a PUD on its own.

MR. WEIGEL: That's what I was asking.

Do we have any type of a building footprint in how it will be placed on that new property?

HEARING EXAMINER STRAIN: No. They'll have to meet the conditions and development standards of the PUD, just like all the housing in there has had to. So whatever building they come up with, all that is already set in the standards within the existing approved PUD, and they're not a subject of today's meeting.

MR. WEIGEL: They're not the subject?

HEARING EXAMINER STRAIN: No.

MR. WEIGEL: I imagine there is some way that I or my fellow concerned people/citizens could get a map of where that is?

HEARING EXAMINER STRAIN: Well, there are several things you could get that -- if you haven't gotten them, it's a matter of contacting our staff member. He can send you the PUD, which will tell you the standards.

MR. WEIGEL: Okay.

HEARING EXAMINER STRAIN: And as the applicant submits, that's all public record.

MR. WEIGEL: Yes.

HEARING EXAMINER STRAIN: And those elements could be tracked and sent to you at some point so you would have a copy of what's being submitted. The applicant's here. He could acknowledge on record that he'll send those to you if you want to leave your address and communication location.

MR. WEIGEL: My only real question is if setbacks, front and rear, are going to need variances.

HEARING EXAMINER STRAIN: The applicant's -- we'll have the applicant address that. For the record, he's shaking his head no. But, again, it would not be a variance. It would be a deviation to the Development Standards Table. But they have not asked for that, so they would not qualify for that today.

MR. WEIGEL: Height variances?

HEARING EXAMINER STRAIN: Height is whatever the Development Standards Table allows. That's all they're limited to. I can't recall what that is offhand. It wasn't a matter for today's discussion, so I don't recall it specifically. I have read it, but I don't know what it is today.

MR. WEIGEL: Okay. Well, for myself, provided setbacks, or whatever you just mentioned, are met, I have no objection to putting that cut-through in there.

HEARING EXAMINER STRAIN: Okay. I appreciate your input. Thank you.

MR. WEIGEL: Okay.

HEARING EXAMINER STRAIN: Are there any other members of the public that wish to address this issue today?

(No response.)

HEARING EXAMINER STRAIN: Any follow-up comments from staff or the applicant; staff first?

MR. SMITH: Yes. Mr. Chair, you made a statement about additional recommendations. I think you were talking about the recommendations from the original PUD that I had in my staff report. And what that was is that was the previous recommendation from the original PUD; they wanted to have no accesses onto Radio out and just an access to the internal roads. This is --

HEARING EXAMINER STRAIN: You're correct. There were two sets of recommendations.

MR. SMITH: Right.

HEARING EXAMINER STRAIN: There are no other recommendations.

MR. SMITH: Right.

HEARING EXAMINER STRAIN: And so, really, what those are here for is the recommendation previously had restricted the entry, and that's being undone to allow the entry. So thank you for the correction.

MR. SMITH: Okay.

HEARING EXAMINER STRAIN: Brian, do you have anything else you want to add?

MR. HOWELL: That's it.

HEARING EXAMINER STRAIN: Okay. Are there any members of the public that have anything else they'd like to express?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that we'll close the public hearing. And as I told the others, a decision will be entered/rendered probably before Christmas.

MR. HOWELL: Thank you.

HEARING EXAMINER STRAIN: Thank you.

***The next item up is Item 4D. It's Petition No. PDI-PL20160002044. It's the Wilton Land Company, LLC. This is known as the Hammock Park -- Hammock Commerce -- Hammock Park or Commerce, I believe, down on 951 and Rattlesnake Hammock Road.

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: Yes. This is the -- just for the correct title, it's the Hammock Park Commerce Center, and it's just -- it's part of the -- it's right in front of the Hacienda Lakes PUD large project on 951.

My disclosures: I've talked with staff. I've talked with the applicant a couple of times. Actually, Alexis Crespo. I don't think Lindsey and I, other than saying hello this morning, have talked on this project

specifically. And I believe that's all the disclosures I have.

I've not received any comments from staff. I did receive an email clarifying an issue that was brought up at the neighborhood information meeting about lighting of these architectural features. And I believe, Lindsey, you brought a copy of that for the record?

MS. ROBIN: Yes.

HEARING EXAMINER STRAIN: Okay. Please provide it to the court reporter.

Now, in the review of this, I looked at your NIM notes -- NIM, by the way, is neighborhood information meeting -- and there was a discussion in there about lighting brought up by the member of the public who attended the neighborhood information meeting. And you had indicated, or whoever was at the meeting -- I think it might have been Alexis -- that there will be no signage on the towers, and the lighting would be uplighting, mostly like landscape lighting. And since then, you have some architectural lighting on the soffits that are somewhat down-lighting, I believe.

MS. ROBIN: Yes.

HEARING EXAMINER STRAIN: Okay. In Section 3 of the PUD language -- I'm not sure I put it on here. For the members of the public, this is the location of the discussion for the Hammock Park Center PUD. It's a site that really hasn't been developed yet. There is a sign on the corner already for Hacienda Lakes, and the corner that would be is right here. They're looking at putting architectural towers, a small one here and a 30-foot-high one here, or vice versa.

The language that is in the PUD that needs to be changed -- that needs to be changed to conform with what they're asking for is right here.

Lindsey, in talking with Alexis, I suggested to her that the maximum height of 30 feet is for one tower and that the other tower is a maximum height of 15 feet. I wanted to add that clarifying language to this particular sentence. She didn't have any problem with that. Is that your understanding as well?

MS. ROBIN: Yes.

HEARING EXAMINER STRAIN: Now, the project is looking to put in two towers like this, the 15-foot one on the left. And the location of these, the 15-foot one will be on the north end of the project, the 30-foot one will be right close to the signage. The difference in -- the request for the change, this dotted line represents a 10-foot setback from the PUD boundary. Currently the PUD -- and it's hard to see. It's the best copy that was in the file. That calls out a 20-foot setback. So the applicant's asking for these towers only; just these two elements. The setback will be 10 feet. And it would be -- the rest of it would still be a 20-foot Type D buffer. Is that your understanding?

MS. ROBIN: Yes, that's correct.

HEARING EXAMINER STRAIN: And with that, other than I know that the county attorney, Scott Stone, has a comment to make, I will follow up with another comment after his on the same situation.

Scott, did you want to --

MR. STONE: For the record, Scott Stone. Actually, there's an issue with the -- minor issue with the staff report, and I'll let Fred discuss it, but at the -- in the last sentence of the analysis there's a slightly incorrect statement that just needs to be clarified on the record, and I'll let Fred handle that.

MR. REISCHL: Fred Reischl with Planning and Zoning.

In my staff report I stated that -- let me get to the -- that staff presents no analysis of reduced PUD setback. And I cited an LDC section which refers to buffers, not LDC setbacks, so the buffer versus the PUD setback. The PUD setback is covered in the deviation request.

HEARING EXAMINER STRAIN: That's what I understood as well, and I appreciate the clarification from Mr. Stone.

Thank you, Scott.

Also, Fred, I spoke to you this morning about another application that is 4.06.02.D.4.C. And I don't have that on the overhead. I mentioned it to you. That area -- that section of the code is one that references makeup needs for buffers that have impervious areas utilized in them, but it only applies when the buffer is -- it appears to only apply when a buffer is used for retention and detention of water management.

Did you have any issues with that in our discussion, or have you talked with Ray about it as far as how that could be interpreted?

MR. REISCHL: No. Since it came up so -- such a short time ago, I haven't had time to discuss it. But during review I spoke to Dan Smith and Mike Sawyer, both at times doing landscape reviews, and they agree that this applied to this situation. I don't know if -- I understand your reading of it, and --

HEARING EXAMINER STRAIN: The reason I --

MR. REISCHL: -- that may change our future interpretation.

HEARING EXAMINER STRAIN: Well -- and I want to ask the applicant, then, have you made up the landscaping that has been displaced by these -- or the landscape buffer? When the landscape buffer finally goes in and the project's built, you're going to displace some square footage of the prior buffer that was 20 feet wide by the intrusion of these two towers. Has that landscape area been planned to be made up elsewhere in the buffer?

MS. ROBIN: Yes.

HEARING EXAMINER STRAIN: Okay. So, ironically, the issue is moot because you're going to make up the area anyway. But my concern is the reading of the code; that requirement is under a buffer section that's titled 4.06.02.D, standards for retention and detention areas and buffer yards, and this is Item D.4.C.

So I'd like staff to at least take a look at that and understand for future reference. In this particular case it's not going to matter because the applicant's going to address it anyway, but I'd like to be on the same page with all similar projects in the future whether or not this applies to all buffers, regardless of whether or not they're retention/detention areas, since that's the header that begins that section of the code.

MR. REISCHL: Yes, we'll do that.

HEARING EXAMINER STRAIN: Would you take a look at that and at least let me know for in the future?

MR. REISCHL: Yes.

HEARING EXAMINER STRAIN: Lindsey, is there anything you wanted to add to the discussion?

MS. ROBIN: No.

HEARING EXAMINER STRAIN: Okay. Because Alexis told me you may not have a lot to add. Most of it's pretty straightforward. I think it was a matter of answering some questions.

Is there a staff report?

MR. REISCHL: Staff is in support of the request, and we recommended approval.

HEARING EXAMINER STRAIN: Okay. From staff's perspective, this only applies to the two towers for the reduced setback?

MR. REISCHL: That's correct.

HEARING EXAMINER STRAIN: With that I'll ask, is there any members of the public that would like to speak on this item?

Ma'am, if you'd like to come up to the microphone where the young lady's at.

You'll need to identify yourself for the record, and I need to ask, were you sworn in?

MS. KIPP: Yes.

HEARING EXAMINER STRAIN: Okay.

MS. KIPP: My name is Tammy Kipp, and we are one of the owners for the Goodturn Center just immediately to the north of this property.

HEARING EXAMINER STRAIN: Okay. I'm familiar with it. That's another Planned Unit Development.

MS. KIPP: Yes. So my question is, I understand that the two towers -- and just for clarification, the tower on the south is a 30-foot tower?

HEARING EXAMINER STRAIN: Yes.

MS. KIPP: And the tower on the north is 15 feet; is that what I heard?

HEARING EXAMINER STRAIN: This one will be 30 feet, and this one will be 15 feet. That's what the towers will look like. They'll have no signage on them.

MS. KIPP: Okay. So I just wanted to clarify one more thing, that there's a shared bridge agreement at the northern corner there with us and this property. And I just want to make sure there's enough clearance for that bridge where the location is of that 15-foot tower.

HEARING EXAMINER STRAIN: Mr. Sawyer, are you familiar with this issue? Mike Sawyer is our transportation planner. If that's a shared access to a bridge, I'm not sure, based on this plan, where any bridge would be configured, but I don't know if transportation's aware of it or not. That's an element that is outside of today's discussion, but it's not one we necessarily can't take a look at and assure you of a condition.

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning. I'm assuming it's the bridge at Rattlesnake Hammock?

MS. KIPP: Yes.

MR. SAWYER: Okay.

MS. KIPP: I'm sorry. No, it's at 951; 951, between --

HEARING EXAMINER STRAIN: It's up in this area up here. Yeah, her project is this one up here. It's called Goodturn. So there is -- she's going to have to have some access, and I think she's asking, wherever that access bridge is supposed to be, is this going to conflict with that?

MS. KIPP: That's correct.

HEARING EXAMINER STRAIN: That's a good question. And, transportation staff, in their review of this application, did you guys take a look at this?

MR. SAWYER: Honestly, we did not look at that aspect, no.

HEARING EXAMINER STRAIN: Okay. I'll tell you what, that is the -- I have that PUD on this computer. What we can do is we can take a few-minute break, let me pull the PUD up and see if the location of that bridge will interfere with this, and then I can answer your question.

So let's take a break for three minutes. We'll go off record for three minutes, I'll look that PUD up, and then I'll be able to answer the lady's question.

MS. KIPP: Thank you.

HEARING EXAMINER STRAIN: With that, we'll pause for three minutes.

(A brief recess was had.)

HEARING EXAMINER STRAIN: Okay. Ladies and gentlemen, we've had a few-minute break to review some information.

I'd like to ask staff to refrain from comments at this point. Guys, we're back on record.

The Goodturn restaurant to the north does have an interconnect in its PUD for here, and there's a bridge shown here to this project, which is interesting because it seems to be outside the limitations of the PUD to the north.

But, regardless, the applicant has told us that they actually positioned this structure past the potential location of that future bridge. And I will ask them to confirm that for the record, if you don't mind, Lindsey.

MS. ROBIN: Yes. We specifically placed the tower further south to accommodate the bridge easement.

HEARING EXAMINER STRAIN: Okay. Do you know what the distance was of that -- I mean, I know you hadn't had time to research this, and I appreciate your input. Do you happen to know offhand what that distance may have been?

MS. ROBIN: I don't know offhand.

HEARING EXAMINER STRAIN: Okay. Mr. Sawyer, do you mind coming for a comment?

MR. SAWYER: Again, Mike Sawyer, Transportation Planning.

HEARING EXAMINER STRAIN: Mike, when this comes in for SDP review, your department will have to make sure there's proper clearance there, will they not?

MR. SAWYER: Yeah. It would actually come in both for the SDP as well as any right-of-way permits, and we would check that.

HEARING EXAMINER STRAIN: Okay. In order to avoid problems for the applicant in placement of this tower, can you provide confirmation to the applicant as to the minimum distance this would have to be in order to -- from the north property line in order to avoid a potential bridge here?

MR. SAWYER: Yes, we can definitely do that.

HEARING EXAMINER STRAIN: Okay. And would you copy my office with it as soon as you get it.

And I'd like to ask the applicant if they mind incorporating that minimum distance into a stipulation for

this approval.

MS. ROBIN: We can agree to that.

HEARING EXAMINER STRAIN: Okay. So, Mike, I want to get this approval out timely. So as soon as you could, take a close look at that and provide that information, then the applicant can confirm it, and we will then incorporate it into any kind of decision coming out of this office.

MR. SAWYER: We will be happy to do that.

Ma'am, if you want to come up, we'd sure be glad to hear from you again.

MS. KIPP: Yes. So just -- so my understanding of what you just clarified, they are looking to put the sign on the north side of the bridge?

HEARING EXAMINER STRAIN: No. Well, first of all, there's no sign here. It was strictly the --

MS. KIPP: The tower.

HEARING EXAMINER STRAIN: -- architectural tower. It's going to be on the south side. The bridge --

MS. KIPP: Okay.

HEARING EXAMINER STRAIN: -- would be located in this location, according to your PUD. Now that's another whole question. It's in your PUD, but it's not -- I haven't seen it so far on this one.

MR. STONE: Actually, it is.

HEARING EXAMINER STRAIN: Oh, it is. There it is. It's on this plan, not the new plan that was produced for the setback. So they will put that tower somewhere past that bridge --

MS. KIPP: To the south.

HEARING EXAMINER STRAIN: -- to the south.

MS. KIPP: So there's no confusion.

HEARING EXAMINER STRAIN: That's right.

MS. KIPP: Okay.

HEARING EXAMINER STRAIN: And the transportation staff is going to provide a minimum distance that it will have to be south of there in order to avoid a conflict with that bridge.

MS. KIPP: Okay.

HEARING EXAMINER STRAIN: And they had known that and they had addressed it, but it wasn't something that was stipulated. So we'll add that clarification to the language.

MS. KIPP: Okay. All right. I think as long as it's to the south of the bridge, we're all set.

HEARING EXAMINER STRAIN: Yep, and it will be.

MS. KIPP: All right. Thank you.

HEARING EXAMINER STRAIN: Thank you, ma'am.

Are there any other members of the public who wish to address any issue here on this matter today?
(No response.)

HEARING EXAMINER STRAIN: Okay. Lindsey, thank you. I think we've got all the information we need. I will probably contact your office with a couple notes looking for some clarified language in the language that was produced here today because it is a -- there needs to be some slight corrections to it, and we'll go from there.

So with that, I don't have anything else.

And, staff, do you have anything else you want to add?

MR. REISCHL: No, sir.

HEARING EXAMINER STRAIN: Okay. There are no members of the public to speak on this matter, so we'll close the public hearing on this issue.

MS. ROBIN: Thank you.

HEARING EXAMINER STRAIN: Thank you.

That takes us through the four petitions we had today. There's no other business.

Are there any general public comments?

(No response.)

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

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:34 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 1-12-17, as presented ✓
or as corrected _____.

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