

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
January 12, 2017

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
Daniel Smith, Principal Planner
Peter Shawinsky, Architect
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, January 12th 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 for today: Individual speakers will be limited to five minutes unless otherwise waived, decisions are final unless appealed, and a decision will be rendered within 30 days.

Review of the agenda: We have one advertised public hearing for today, and that's the only one on the agenda.

The approval of prior minutes meeting for December 8th, 2016: They're approved as submitted, so they can be recorded.

That takes us to the advertised public hearings: Petition No. PDI-PL20160000997, Johnson Development Association, Inc., requesting a substantial change to a PUD for a storage facility and architectural issues involving that facility.

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: For disclosures on my part, except for a brief comment this morning to the applicant, I haven't talked to anybody. I don't even think I've had this discussion with staff on this particular one. If I did, I don't remember it.

I have reviewed all the files. This one had come before this office before. This is one of the issues that, I guess, is left over from that previous submittal.

Are there any members of the public here interested in this particular action?

(No response.)

HEARING EXAMINER STRAIN: No. Okay. There are all staff members, and the applicant has one representative, and that's Christina Johnson. If you don't mind coming to the podium, Christina. I won't need a presentation. I just have a couple questions.

MS. JOHNSON: Good morning.

HEARING EXAMINER STRAIN: Good morning.

Christina, I've read everything, and it's pretty straightforward. There are a couple issues of the justification that I wanted to ask for clarification on.

You've noted there will be four overhead doors on the east elevation and 15 overhead doors on the south elevation, not to exceed those numbers. Is that still your intention?

MS. JOHNSON: Yes.

HEARING EXAMINER STRAIN: Okay. A Type B buffer is required across both those elevations, but I notice in your justification it says also the landscape buffer width has been increased by five feet from the standard 10-foot-wide Type D buffer to a 15-foot-wide Type B buffer. And that you're still intending to do?

MS. JOHNSON: Correct. And we're still proposing a 15-foot Type B buffer.

HEARING EXAMINER STRAIN: Okay. Also in your justification you said the self-storage units are only intended to allow easier -- I'll start with the beginning of the sentence. Unlike overhead doors for automotive repair shops, the overhead doors for these self-storage units are only intended to allow easier access to the units and will not allow tenants to make repairs, use tools, or occupy the unit for anything other than dropping off or picking up their items.

Are you still -- is that a statement that, as a stipulation, would still be consistent with what you intend to use those overhead door areas for?

MS. JOHNSON: Yes.

HEARING EXAMINER STRAIN: You also are looking at some enhancements to the east and south facades. They're in the justification. My assumption is those are what staff will be reviewing too, so I would consider those also stipulations to the change request.

MS. JOHNSON: Yes.

HEARING EXAMINER STRAIN: Okay. With those items, that's the only issues I found. Just to make sure -- I want to make sure that those, if they were included as stipulations, you didn't have any issues with them. It doesn't sound like you do.

MS. JOHNSON: Yeah. No issues with those stipulations.

HEARING EXAMINER STRAIN: That's all I've got. Thank you, Christine.

There's nobody here from the public, so we won't have any other questions of you.

MS. JOHNSON: Okay. Thank you.

HEARING EXAMINER STRAIN: Thank you.

Is there a staff report?

MR. SMITH: Thank you, Mr. Chair. Staff recommends the Collier County Hearing Examiner approve Petition PDI-PL20160000997 with the stipulations talked about earlier.

HEARING EXAMINER STRAIN: Okay. And I wanted to mention -- and, Ray, maybe we could look at this for both the Planning Commission and this office. If an applicant justifies a deviation with certain criteria, such as the ones that I just talked to Christine about, instead of having those added by myself or by the Planning Commission, couldn't staff include those in their recommendations since staff's review was based on that justification?

MR. BELLOWS: For the record, Ray Bellows. If I understand correctly, we should be doing those kinds of analysis and making it more clear that -- I know when we review the application, that kind of justification's in there. But if it's not clear enough in the staff report, that we write, that it's -- you know, staff is writing their -- or relaying their justification, if I'm understanding correctly, you want it more clear?

HEARING EXAMINER STRAIN: Well, what happens is the deviations are added to the back of the PUD, and they're just -- here's the deviation.

MR. BELLOWS: Oh, I see what you're saying.

HEARING EXAMINER STRAIN: And the conditions on which that deviation really was approved, you'd have to go back and dig up this old research. And when someone comes into the front counter with this particular building and it's reviewed by the SDP people, they may not get back in this history to realize what they had committed to.

And I'm suggesting, instead of just saying you recommend -- here it's recommended for approval with four attachments. When you recommend for approval, if there are stipulations that were used to justify the deviation for both boards, including the BCC as well, to see those as part of the recommendation. It would make it real clear as to why you're approving that recommendation.

I'm just suggesting it might be a better way to move forward with these.

MR. BELLOWS: Yeah. I mean, that does sound like it makes sense to be more in line with that.

HEARING EXAMINER STRAIN: Okay. Take a look at it. And if it works out for something that staff could do in itemizing their staff recommendations, I think that would reflect better on how staff looked at this as well as make it easier for the Board to understand why this is a good or bad thing to do, if you support it.

MR. BELLOWS: Yeah.

HEARING EXAMINER STRAIN: And does anybody have anything else they want to add to this particular case?

(No response.)

HEARING EXAMINER STRAIN: Okay. We'll close the public hearing, and a decision will be rendered within 30 days.

With that, that takes us back to our rather lengthy agenda. There is no other business. There are -- any members of the public here to comment?

(No response.)

HEARING EXAMINER STRAIN: And since I see 12 staff members, I know there's no public here. And this meeting is hereby 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 9:08 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 1-26-17, as presented
or as corrected _____.

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