

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
January 26, 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
Fred Reischl, Principal Planner
Eric Johnson, Principal Planner
Daniel Smith, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Okay. Good morning, everyone. Welcome to the Thursday, January 26th meeting of the Collier County Hearing Examiner's Office.

Housekeeping matters and announcements: 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.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you.

Review of the agenda: We have three items for discussion today. These three are on the overhead, right up there. As we proceed through the meeting, those members of the public that would like to speak, when we announce each item I'll ask for anybody that wants to speak on the item to please rise to be sworn in by the court reporter.

This is a quasi-judicial hearing, and you have to be under oath to speak. So at that point -- what that means is when you're called, you've got to stand up and put your right hand up, and this young lady here will swear you in.

With that, the approval of the prior minute meetings: January 12, 2017; those are approved as written, so they can be sent to recording.

***Then we'll move into our first item. It's advertised public hearing Petition PDI-PL20160001163. It's the Stock Development, LLC, request for sign deviations at the Lely project in East Naples.

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 reviewed the Lely files, prior actions that were involving the PUD. I've talked to the applicant about some discrepancies or clarifications needed on their document for review today.

And on the overhead, I will walk everybody through the steps that we've got or the project that's being proposed in regards to the sign deviations.

So with that, let me move into that. Now, the representatives of the applicant, Alexis, you're here. Members of the public -- are any members of the public here specifically for this? I think one gentleman stood up and a couple of others.

Okay. I'll show you, Alexis, what I've put on the overhead, and then after that you'll have to make a brief presentation so that everybody's understanding what you're trying to do. I've got to give you credit; this is one of the more complicated ones I've seen written up.

So with that, I'll work our way through this.

The location, of course, is three different locations at Lely. One is along 951, and that's a sign similar to the one that was going up at Hogan Plaza, another one is a C2 parcel down near Triangle Boulevard, and another location for two of the deviations are at Triangle and 41.

These are the -- I'll show a brief narrative of the various deviations being requested. The off-premise sign requires a maximum of 12 square feet, and there's a couple different sign issues here.

The applicant has applied for an off-premise sign as a directional sign. This is more of a directory sign, so we're trying to fit somewhat of a square peg in a round hole, so we'll work on that with some language today.

The 1,000-foot separation in this case -- this sign is here that they're trying to get a recognition for direction for uses that would be there. That's 1,500 feet, so it's a little larger than 1,000 feet, and there's a separation here of 122 feet with a monument sign for the bank right here that is closer to this sign than allowed.

The outparcel -- this is an outparcel that's requiring -- usually you can only have one sign per outparcel. They're asking for two. And then the directory sign be located at the entrance to a public street. The request is that a directory sign be located away from an entrance. The entrance is, I believe, right there. That's the entrance you're referring to, and we're going to have that -- you're suggesting that's the main intersection.

The one on 951, this one is similar to what occurred at Hogan Plaza. They want to centrally locate the

directory sign.

If you look at Triangle Boulevard and U.S. 41, this is what you see by standing in the intersection. There is a directory sign for this shopping center over here. The directory sign that they want to put on this side is similar but smaller than that one. That one is higher and larger, I believe, than the one that's being asked for right here based on the documents I reviewed for that one.

Again, that's another position of the sign. Here's the other sign that's already -- this is the one allocated sign for the parcel. It's the bank sign down here. And up in -- I believe it's this area right through here that the new sign will be proposed for. Again, that's another shot of that area.

And we get into the directional and directory signs. This is the code that does apply. And I put this on here for any discussion you may want to have.

Again, here's the directory sign codes that require multi (sic) units to be listed on the directory sign, and I think some clarifications on that's going to be provided by you today.

And that takes us to the last items I have on this, Alexis. So with that in mind, I'll let you embellish your application so that everybody in the audience understands what's going on.

MS. CRESPO: Thank you.

Good morning. Alexis Crespo with Waldrop Engineering representing Stock Development. Chris Johnson with Stock is here as well if you need questions of him.

As you've noted, we were requesting four new deviations that relate to two different signs in the Lely Resort PUD. I'll start with the right-hand side of the screen at Grand Lely Drive and 951. That's south of Hogan's Plaza.

We're simply asking to locate the directory sign at the midpoint of the parcel, as you described. So I feel like that request is fairly straightforward in nature, and we did receive approval through the variance process to do a similar signage location on the Hogan's Plaza parcel to the north of Grand Lely Drive.

The other sign at Triangle Boulevard and U.S. 41 did necessitate three deviations simply due to the way the code is written.

We do want to thank staff for meeting with us, I think, about five times throughout the process to make sure we got the deviation worded properly so your sign reviewers can implement the deviations accordingly when it gets to their desk.

We are asking for a 120-square-foot sign within an existing sign easement in the location there at the corner of Triangle Boulevard and U.S. 41. That will be smaller than the directory sign advertising Freedom Square -- thank you -- on the other side of the intersection. That's 20 feet and 200 square feet in size. So it is the maximum directory signage specifications we're seeking; 120 square feet in light that we don't have eight tenants within our plaza to support a directory sign.

So we used somewhat of a unique approach, but we are willing to limit the placards on this signage so that it functions and can be conditioned similar to a directory sign. We have proffered that the C2 tract at Celeste would have a maximum 12-square-foot placard, since that is --

HEARING EXAMINER STRAIN: That's this one right here?

MS. CRESPO: Correct. That would be advertised on this one sign, and then any advertisement area or sign area would be limited to 12 square feet of the overall 120 square feet.

HEARING EXAMINER STRAIN: So the business that goes under this C2 tract for the sign that would be located here to direct people driving on 41 as to an entrance to Triangle to get up to here, you're limiting their -- their piece of that sign to 12 square feet; is that --

MS. CRESPO: Correct.

HEARING EXAMINER STRAIN: Okay. I just want to make sure we're all clear on that and the audience understands it.

MS. CRESPO: Thank you.

And then the additional placards advertising uses, the Hobby Lobby and other commercial uses on the C2 tract that fronts on Triangle and 41, we're looking to limit those placards to no more than 32 square feet if the Hearing Examiner is amenable to that.

HEARING EXAMINER STRAIN: Okay. The total -- first of all, the total number of tenants that you would have on this sign would not exceed this total square footage of the sign of 120 square feet?

MS. CRESPO: Correct.

HEARING EXAMINER STRAIN: The various numbers of tenants you have, whether it's three, four, six or eight will still fit within that as a total; one of them will be limited to 12 square feet, and then you're going to limit the others to?

MS. CRESPO: Thirty-two square feet.

HEARING EXAMINER STRAIN: It's right there. Okay. Have you verified and checked that against the directory sign -- the sign that -- as far as where the directory signs are located, the size of multiple tenant occupancy minimums? I mean, 32 square feet is -- I didn't know about this until you brought it up now.

This is directly from the code. I don't know if there's a limitation on it. If there is, I'm going to suggest you'll have to abide by the limitation, but I don't see it in the code at this point, so...

But regardless, your 120 feet is the maximum you're going to be asking for?

MS. CRESPO: Correct. That would be the overall cap.

HEARING EXAMINER STRAIN: Okay. And if we look at this sign right here, that's a 20-foot-high sign, about 200 square feet, so -- and have you -- this is the Publix up on top, and each one of these, there's about six or eight tenants in that one, it looks like.

Okay. You want to go on with any --

MS. CRESPO: I'll just note that we were also proffering additional foundation plantings, an increase of 20 percent of the required plantings, to enhance the sign further and offset the impact of the deviation.

HEARING EXAMINER STRAIN: And that's a staff recommendation?

MS. CRESPO: The applicant offered, and staff was in agreement with, that buffer.

HEARING EXAMINER STRAIN: And I saw that in the report as a staff recommendation, so...

That takes care of the three or four requests. This sign, this distance, that distance there, and the fact there's two on the south parcel instead of one, and those are your requests.

MS. CRESPO: Yes.

HEARING EXAMINER STRAIN: Okay. I don't have any questions on that part of it. You've answered -- I've had three different issues I wanted to talk to you about, whether it's a directory or a directional sign. If we keep it listed as a directional sign but add stipulations so that it functions as a directory sign, it will be equivalent but still smaller than the sign across Triangle Boulevard.

The maximum size of any one panel, you've requested 12 feet for one and 32 feet for the others.

I would suggest that the maximum size will be whatever it is, and however the other sizes work out, as long as it doesn't affect the overall 120 square feet, that might be a better way to approach it. That way if your 12-square-foot one comes in at 16-square-foot, it's a nonissue as long as it stays below 120 square feet.

Must use tenants -- that's another question I want to ask you. What is the intention of this sign in relationship to the tenants on this C2 parcel?

MS. CRESPO: Well, certainly, the Hobby Lobby use would be advertised on the 120-square-foot sign, and then Stock is looking to develop a smaller retail building next to the Hobby Lobby that could have potentially two or three more tenants that would be advertised. And we'd also provide adequate area for Outback to be advertised on the sign as well.

HEARING EXAMINER STRAIN: Okay. So for the tenants that are operating or to be operating on the C2 sign, they will have the ability to have access to that sign?

MS. CRESPO: Correct.

HEARING EXAMINER STRAIN: Are you willing to commit to that?

MS. CRESPO: Correct.

HEARING EXAMINER STRAIN: Okay. I'm just checking to see if I've asked all the questions I have at this time.

The square footage -- and staff has apparently verified it, that the sign you're asking for is significantly smaller than the Freedom Square directory sign. It's about half the size, 120, little more; that would be 60, 65.

Staff recommendation, you agree with that. And those are the only issues I have written up.

I have no other questions at this time, Alexis. We'll move to staff report. Based on the testimony by the public, you'll have an opportunity for any final comments, closing comments, and then we'll call you back up at that time.

MS. CRESPO: Thank you.

HEARING EXAMINER STRAIN: Okay. Fred, is there a staff report?

MR. REISCHL: Thank you, Mr. Strain. Staff recommends approval based on the testimony that Alexis presented and the stipulation that you mentioned regarding the 20 percent additional non-sod plantings around the sign at 41 and Triangle.

I did receive about five phone calls. Mainly the folks were interested in a little more explanation than what the sign had told them, and I didn't receive any specific objections.

I did speak to one lady who said she'd be here to monitor the process to make sure that that's actually what was going on, and I do have a speaker slip.

HEARING EXAMINER STRAIN: Okay. And, Fred, I took a while to figure this one out.

MR. REISCHL: Yes, it did.

HEARING EXAMINER STRAIN: It was written in a manner that you really had to lay it out on this map and track each one separately to understand what it was meaning. I'll do my best in any writeup to make sure it's clarified as much as possible, but I believe the applicant, by limiting the panel size, that will go a long way to correct any of the issues. Because that was -- as a directory sign, it's not required to have multiple listings, as a -- I mean, as a directional sign. So as a directory sign, by coming under that application, it makes it more palatable for at least that kind of a sign, so...

I don't have any other questions of staff at this point. So we'll move straight into public comment. Are there any registered public speakers first for this one before we ask for nonregistered?

MR. REISCHL: Yes, Stephanie Rhodes.

HEARING EXAMINER STRAIN: Ms. Rhodes, if you're here and you'd like to comment, please come on up.

MS. RHODES: Yes. I just wanted to know --

HEARING EXAMINER STRAIN: You'll have to come up and use the mike. You'll have to be on record, ma'am. Thank you.

MS. RHODES: Thank you. Hi. I just want to know, the sign on Celeste by Hogan Plaza, the one on the south parcel, is that going to be the same size sign that's on -- down by Freedom Square? I don't know if that was addressed.

HEARING EXAMINER STRAIN: If you'll wait till -- I'll get that answer for you after you're finished. So your question is --

MS. RHODES: That was my question.

HEARING EXAMINER STRAIN: -- about the size of that sign there?

MS. RHODES: Correct.

HEARING EXAMINER STRAIN: Okay. She'll answer that after she comes back after all the public speakers are done. Thank you.

Oh, and did you get her name for the record?

THE COURT REPORTER: Yes.

HEARING EXAMINER STRAIN: We're good. Thank you, ma'am.

Any other members of the public who would like to speak on this item? Sir, come on up. Please identify yourself for the record. And I know you were sworn in. I believe you stood up.

MR. HAAR: Yes, I was. My name is Kenneth Haar. I live at 9066 Albion Lane South.

I wanted to talk about this because I have a real concern, and it's been a real concern in the area for a long time about the intersection of 41 and Triangle Boulevard. And I'm very concerned about the -- though legally they have every right to put a sign there, I'm very concerned about the fact that there may be plans elsewhere to modify that intersection in some ways by maybe including a right-turn signal or some roadwork with the intersection of the road that goes by Publix and goes into the Holly (sic) Lobby area into that commercial C2 tract there.

And the last thing as a resident of the area and the motorists in the area needs is another sign with a lot of information on it confusing you as to what's going on around you. Just drawing your attention away from making the turn or trying to navigate that intersection seems very problematic to me. And considering the fact that all three of the current businesses that are on that site are so apparently visible to anybody driving by or the

public, it seems rather unnecessary to further confuse the area.

The other thing, the C2 tract up on Celeste and Triangle Boulevard, if this sign down here is supposed to give directions to that, there are better ways to give directions to it. You could put a sign at the corner of 41 and Celeste or at the corner of Triangle Boulevard and Celeste, giving direction to whatever commercial property is going to be on that C2 tract, as opposed to confusing it with that mess that's already down at the corner of 41 and Triangle Boulevard.

HEARING EXAMINER STRAIN: Okay. And your point about Triangle Boulevard and the 41 intersection, you're right on the money on that. That is a problem intersection. Had I known that question would come up, I would have asked Mike -- Mike Sawyer, are you here?

MR. SAWYER: (Raises hand.)

HEARING EXAMINER STRAIN: When we get to staff comments, I'll have him address that, because the county has realized the problems there, and we're working to get that corrected, and it will be a good update for you to understand what we're doing there.

MR. HAAR: Okay. Thank you.

HEARING EXAMINER STRAIN: Okay. Thank you, sir.

Are there any other members of the public that would like to speak at this time? Ma'am, please come on up and identify yourself for the record. I'll have to ask if you were sworn in as well.

MS. JENSEN: I was not, but I do swear to tell the truth.

HEARING EXAMINER STRAIN: This young lady will have to do it officially. I have no doubt you would, but it's the process. Sorry.

MS. JENSEN: I get it.

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

MS. JENSEN: My name is Diane Jensen. I live in Saratoga, which is to the west of the commercial property where they want the directional sign.

When I called in response to the sign on Celeste that was advertising this hearing, I asked what it was about, and the gentleman explained to me that they needed to put the sign along Collier because normally you put this kind of sign by the entrance. And since there really wasn't going to be an entrance on Collier, but instead at Grand Lely, I asked at the time, is there going to be a cut-through at the little portion where the freedom horses are so you could get into Grand Lely, or would they have to come around and make, like, a U-turn at Celeste to get into the shopping center?

In talking with Alexis, she said that she didn't know of any entrance from Grand Lely; that it would probably be by Celeste. Well, this is a neighborhood. And we understand there's going to be access from Celeste, but we would hope that that would be primarily people within Lely Resort, not people coming down Collier Avenue because -- or Collier Boulevard, because it really presents an impact on our roads. They're not that big. But during season it's very, very congested without that shopping center there.

HEARING EXAMINER STRAIN: Well, I would hope that this directory sign would direct more people off the main roads to get to there rather than through your community in that regard.

As far as your community goes, there looks like there's -- I have not been to these private communities in Lely. That certainly is one of the connections that would take you over there internally, and Grand Lely, I believe, is right there, if I'm not mistaken, and that would get you down into there. Other than that, you'd have to come out on the main road with everybody else. I don't think there's any other road access. You live in one of these projects over here; is that not correct?

MS. JENSEN: I live in Saratoga, which is immediately to the west of that C2 commercial. And if -- because I'm there and because I see firsthand what it's like, the congestion at Celeste -- and we have that turnaround that is just beyond the horses -- that can be very congested during season.

So to bring more people in through Celeste would just add to that. And I asked at the time, were they going to have a cut-through closer to where there might be an entrance near to where the entrance is where the Five Guys are, and the gentleman said he wasn't sure. Maybe I talked with you.

MR. REISCHL: It was me.

MS. JENSEN: Okay.

MR. REISCHL: And just to clarify, are you talking about the new horses that they're installing now?

MS. JENSEN: I am talking about the new horses.

MR. REISCHL: Okay. That was confusing me.

HEARING EXAMINER STRAIN: Now I'm confused. New horses? I didn't know --

MR. REISCHL: Grand Lely and Collier, they're putting in some new statues up there.

HEARING EXAMINER STRAIN: Okay. Way up -- so that's way up here then?

MR. REISCHL: Exactly. Exactly. Right.

HEARING EXAMINER STRAIN: Oh, okay. Now I -- so that's the horses you're talking about?

MS. JENSEN: Those are the horses that I'm talking about. Not the original.

HEARING EXAMINER STRAIN: I've been here forty years, and the only horses I know are down there, and they don't move very much.

MS. JENSEN: No, these horses don't, and they've been in the stable for quite a few years. And we appreciate Stock bringing them out, because they have done a superb job with that, and we're very happy.

But my question is to try to alleviate more traffic on Celeste than is necessary, because that is a neighborhood, and it has enough traffic as it is, and it's just going to bottleneck. Very similar to Triangle where you have all that traffic during the season, we have this turnaround, and sometimes it's very hard if you're coming down Celeste trying to get onto Grand Lely or if you're coming off of Grand Lely and you're trying to head south on Celeste. It's just a lot of traffic. And unless you live there, you can't fully appreciate it, so I understand that.

But my question goes back to this directional sign. I was told that you need to have some kind of sign where you're going to have an entrance, and Alexis did say that there's going to be an entrance if you're traveling south. But if you're going north, there will not be a left turn into the shopping center; is that correct, Alexis?

HEARING EXAMINER STRAIN: Well, she'll have to respond when she comes up. We can't go back and forth.

MS. JENSEN: Okay. I'm sorry. No, no.

HEARING EXAMINER STRAIN: And you're point's well taken. There's another gentleman here today who's our transportation planner. He'll be -- I'll ask him to address both your concerns and the gentleman's ahead of you.

The very fact that we have directional signs on these main arterial roads may get people into this commercial tract without going through Lely more. It might help reduce that. But I'll let him address that in just a few minutes.

MS. JENSEN: That is true if they're not coming from Marco Island and they happen to be going in there. You're absolutely right.

Thank you.

HEARING EXAMINER STRAIN: Okay. Thank you very much.

Sir, did you have something you wanted to add? I saw you put your hand back up. You're more than welcome to. If you want to come back up to the mike.

MR. HAAR: No, I just understood that --

HEARING EXAMINER STRAIN: You've got to use the mike, sorry.

MR. HAAR: I just understood that you were mistakenly pointing to a different part than she was talking about.

HEARING EXAMINER STRAIN: Yeah. All these years I had no idea that we're looking at -- those horses are fabulous there. They're actually well known by most people in the community. So it's great that they're putting them up here. I just didn't know they had multiple pairs of them, so that's interesting. Anybody else that would like to address this issue from the audience?

MS. RHODES: Yeah.

HEARING EXAMINER STRAIN: Ma'am, please come on up and identify yourself on the microphone. We haven't even gotten to your question. We're working on it.

MS. RHODES: Yeah. Hi. I'm Stephanie Rhodes. Can I point to the map? Okay. See right there, that's where we live; Verandas. It's called the Verandas.

HEARING EXAMINER STRAIN: Right here?

MS. RHODES: Right there.

HEARING EXAMINER STRAIN: Okay.

MS. RHODES: And when you come out of there, you're going to go straight across to this cut-through now -- straight across to the cut-through where you just now put -- you're going to put the new sign in a new development there. I just wanted to echo the previous lady: That is very congested, so I'm anxious to talk to the traffic manager.

That circle, when you come out there and you -- if you went straight, you would go into the new development. So -- just keep going up. If you went straight toward 951, the new development's going to be on 9 -- right there. Right.

So when you go left to the new horses, that's a big circle. It is extremely congested now. And we have that Skilletts and all of the new restaurants. So whatever's being put into that plaza, trust me, they're going to have to be on Celeste. You said it would be our main entrance and it wouldn't impact Celeste. It will. And, again -- and the lady said this -- if you came from Marco, there's a huge impact to that road.

Celeste is a small road. It's just a two-lane road. And so I just wanted to make everybody aware, that is a huge impact when that parcel is developed.

HEARING EXAMINER STRAIN: That parcel, to be developed, it's going to have to come into a process called a Site Development Plan. At that time our Transportation Department will review their entrances. And I'll ask the gentleman today if there's -- what kind of hope there is to have entrances that may avoid using Celeste. I'll find that out for you.

MS. RHODES: Okay. Thank you.

HEARING EXAMINER STRAIN: Okay. With that, I'd like to ask Mike Sawyer to come up and address the various traffic issues we heard. I know they're not all directly related to signage, but it would be nice if we could at least address the public's concern on that matter.

MR. SAWYER: For the record, Mike Sawyer, Transportation Planning.

I guess the first place to start would be the Triangle area that relates to the requested sign variance.

We do have a current study. We do have designs that have been looked at. We are at the point where we will soon be having stakeholder meetings for both the businesses as well as the residents in the area, and based on what we find out at those -- at those stakeholder meetings, then we'll proceed forward with a design that's going to address, basically, Triangle Boulevard.

As far as additional areas and road issues within Lely itself --

HEARING EXAMINER STRAIN: Well, let's back up on Triangle Boulevard --

MR. SAWYER: Sure.

HEARING EXAMINER STRAIN: -- before you go to the second part. In your review of Triangle Boulevard -- and I know it's got a left lane and a right. Does it have a straight-through currently? I don't know if it does.

MR. SAWYER: I believe there's a full opening first where the second sign is going to go; just above that area.

HEARING EXAMINER STRAIN: Do you know what the configuration is the county was looking at as far as lanage as it approaches that?

MR. SAWYER: Correct. We're basically looking at -- I believe the last version I saw was adding an additional left and looking at having a dedicated right coming out of Triangle.

HEARING EXAMINER STRAIN: And a lane straight across or -- because that is a full-opening median.

MR. SAWYER: Correct, yes.

HEARING EXAMINER STRAIN: There is a connection to the Price Street, I believe is it, down here.

MR. SAWYER: Correct. And there are currently revisions, both short- and long-term, as far as that intersection as well. Looking at getting another additional -- it would be a right-out and then making a left-out longer so that we have more stacking on that side.

HEARING EXAMINER STRAIN: For the members of the public that are here and interested in the road system, especially, Mike Sawyer is the Transportation Planning-- and head of that for our county. His

name is -- and your address for email is mikesawyer@colliergov.net?

MR. SAWYER: No.

HEARING EXAMINER STRAIN: We always use first and last name. What do you use?

MR. SAWYER: It has to be my official name, which is Michael; michaelssawyer@colliergov.net.

HEARING EXAMINER STRAIN: I have you listed in my directory as Mike, so that works.

MR. SAWYER: Most people do. That's the only problem, so...

HEARING EXAMINER STRAIN: Okay. So those of you who wanted to keep track of this, email Mike and ask him to keep you updated, or email him periodically and ask for an update. He'll address all roads issues around the entire Lely facility.

Now, inside Lely is not county -- a lot of it's not county owned or maintained. Some of it is. It's kind of a mishmash in Lely, so not all the roads in here are something that we could address, especially with your CDD and HOAs. But definitely 951 and 41 and Triangle are roads that we're looking at. So he's the contact. He's a great guy. He responds to everybody real well. Usually easy to get along with, too.

MR. SAWYER: Usually.

HEARING EXAMINER STRAIN: Now, Mike, as far as the issue over here, and I think -- is there a possibility that when this comes in, they would be able to qualify for a left-turn in?

MR. SAWYER: I believe -- and I apologize.

HEARING EXAMINER STRAIN: I didn't -- this is off topic, I know. I just thought we --

MR. SAWYER: Correct. And from what -- my memory that I've got of it is that the development to the north, when it was approved, there was a right-in directly off of 951 that was part of that SDP.

HEARING EXAMINER STRAIN: So what would happen here is, if there was a right-in here, which would match the one to the north, that was part of the -- that was part of the ones to the north issue (sic) and moving that directory sign.

MR. SAWYER: Correct.

HEARING EXAMINER STRAIN: So if there was a right-in here, people would come up 951 and have to make a U-turn to come back down and catch the right-in.

MR. SAWYER: They could, correct.

HEARING EXAMINER STRAIN: Is there a possibility of a left-in coming north on 951?

MR. SAWYER: Not knowing exactly what the layout of this is, there might possibly be a left-in, that could be cut through the median at that point to allow that traffic to come in. I don't know if that's the -- you know, we would still wind up having to have them meet all of the distance requirements from the intersection, because we do want to make sure that that intersection still works correctly.

HEARING EXAMINER STRAIN: Well, now since the applicant is here, and they're -- Alexis also represents the engineering firm, I believe, does their engineering work besides planning. Maybe the possibility of a left-in would be considered by your developer at the time you guys come in for your SDP.

Mike will certainly be looking at it, and he can keep the public aware. But that would be -- it's a very common-sense application. A lot of people go north on 951 heading up here, and if they want to get into this parcel, it would sure save a lot of U-turns and other -- it might be not as safe movements as just to have a left-in at this location, so...

It's something to consider. And I'm sure now that it's been put on the table by the members of the public who spoke, it will be looked at.

Thank you. And I don't have any other questions of Mike. So, Mike, I think you've addressed everybody's -- at least an update of where we're at. Appreciate it.

MR. SAWYER: Thank you.

HEARING EXAMINER STRAIN: Thank you.

And with that, Alexis, do you have any comments and responses to the things that -- the questions you've heard from the public here?

MS. CRESPO: Yes. Again, Alexis Crespo with Waldrop Engineering.

The first speaker asked about the size of the sign on 951 to service Hogan's Plaza south. We are not seeking any relief from the limitations in the code for directory signage for that parcel. So it would be a maximum of 200 square feet, 20 feet in height, and it would be the same as the plaza to the north.

HEARING EXAMINER STRAIN: Basically, whatever the code -- you're not asking for a deviation in the code for the size of the sign. So you're limited to whatever the code allows.

MS. CRESPO: Correct.

HEARING EXAMINER STRAIN: Okay.

MS. CRESPO: The intent -- I think, with 951 and access to that parcel -- certainly commercial end users want all the access they can get. So to the extent we could get rights-in and lefts-in from 951, we'd certainly seek that out or consider that at the time of SDP. There is not an SDP on the site right now.

So we would certainly want to get people off the arterial roadway into the site. There will be access from the other publicly-owned roadways that abut the property as well.

HEARING EXAMINER STRAIN: Okay.

MS. CRESPO: Someone asked about our off-premise sign advertising the C2 tract north of Triangle at Celeste. That tract, we looked at alternative locations for an off-premise sign because it's tucked in; it doesn't have any visibility from the arterial roadway. We looked at could we get an easement or permission to locate that along 951, and we were simply unable to do so. And Stock has control of the area in question at Triangle and 41, and that's where they ended up with that request. We did evaluate those alternatives as part of the process.

HEARING EXAMINER STRAIN: Okay.

MS. CRESPO: And I would just add, in terms of the Triangle study, when we last amended this PUD in 2015, Stock Development, in addition to all their DRI commitments and funding over the last several years and decades, they did commit to helping fund the study and proportionate fair share or forthcoming improvements. So they're certainly a part of this effort and the solutions that will be coming out of staff shortly, so...

HEARING EXAMINER STRAIN: Well, across the street right here is the Price Street PUD. That recently came into the Board of County Commissioners for approval. It was approved, but during the discussion of the Price Street PUD, the residence to the south of U.S. 41 talked about that intersection as well, and that's why I knew that we were in the works of doing something, because Mike's department is carefully trying to evaluate the best way to approach this. One way or another, this is going to change.

MS. CRESPO: Yes.

HEARING EXAMINER STRAIN: The outcome of that will be after public input and then the stakeholder meetings that are scheduled to go forward, so...

I don't have anything else to add. Do you?

MS. CRESPO: No, sir.

HEARING EXAMINER STRAIN: Okay. With that, then, we'll close the public hearing on this matter, and a decision will be rendered within 30 days, most likely within 10, to two weeks.

Thank you very much for those of you who attended for this item. We'll be moving on to the second item on the agenda at this point.

***The second item on today's agenda is Petition No. PDI-PL20160002759. It's the Racetrac Petroleum, Inc., for sign deviations at their facility at Heritage Bay on Bellaire Drive or Bellaire Ave.

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 have spoken with the applicant a couple times on the phone. I've reviewed all the files for this Racetrac as well as plenty of others in Collier County. That's the extent of my disclosure that I can remember.

Also, staff contacted me. Their staff report did not include the rezone findings from the prior PUD. They have now supplied that. That will be added as Exhibit A to this particular application.

And with that, I'll ask the applicant to please come to the microphone. If you could state your name and position.

MR. HARDY: Tom Hardy, Senior Engineering Project Manager for Racetrac Petroleum.

HEARING EXAMINER STRAIN: Okay. Tom, I know I have -- there are some people here who are interested in just how this is -- what all this is coming about in the process. They may have questions.

I'm going to walk through -- I've put on the overhead some slides involving your project submittal so that everybody can see what's going on, and after that I'll ask you just to make any brief comments you have about the sign sizes and stuff, and then we'll see if there's any public comments after that.

MR. HARDY: Yes, sir.

HEARING EXAMINER STRAIN: The location on this -- Heritage Bay is what's called a Planned Unit Development as well as a Development of Regional Impact, which means it's a large project and, as a result, it went through a state process for approval as well. It exists within the -- or part of it exists within an activity center that was put in play back when we formed our Growth Management Plan decades ago. That portion is this general area down here. It's considered an activity center, and the uses in activity center range from commercial, light commercial, to very heavy commercial. Those are uses generally allowed.

Heritage Bay PUD limited the uses to certain things, one of which was not only hospitals and pharmacies, but also gas stations.

The location on this is going to be on this parcel right here. These parcels back here, I believe, all but this one, have been sold. This one may have been by now. There's a series of different retail uses going here.

I'm not sure all which is going on up here. This particular shopping center is active. There's a great Starbucks right there, and over here we have the hospital as well as the CVS Pharmacy.

In looking at the Racetrac's site plan, the sign in question is this one here as well as the canopy signs to be on the two sides and on the front. This is a monument sign out front.

This is Bellaire, and this is Immokalee Road. The distance from Immokalee Road to that sign is approximately 140 feet. It's about 25 feet off the asphalt on Bellaire. That's a blowup of the site's location. There's the sign. It will be right here in the middle of this landscaping feature.

This is the cross-section to Bellaire Drive. If you total those up, it's about 25 feet to this roadway.

These two -- these two read pretty much like other conditions in Collier County. This one had a little change in the way it was written, plus its sizing. It was referencing "above grade." That is not a definitive term in this regard, so there's -- that needs to be cleaned up with a reference to above the landscape berms. And the height at 12 feet is higher than what we typically would expect, so I'm going to ask the applicant to consider a lower elevation there; basically about nine feet.

The 100 square feet was reduced from a previous application that had 118 feet, but that still is larger than what we typically allow as outparcels for single service facilities. We're normally looking at 80 feet, not 100. Those are items that came about after I reviewed it, and I believe they certainly need to be addressed.

When you look at what these deviations are for, they're for three signs on a canopy instead of two, small ones on each end at 30 square feet, and this one would be in the middle at 50 square feet. Those are consistent with other approved gas station sites.

This is the sign that was currently a little bit inconsistent with some of the others that have been reviewed by it, and by the end of this discussion, I'll ask the applicant to address that.

This is the signs as they would appear in contrast to their locations on the canopy. That is the sign as currently designed for the monument sign. This is the distance it's calling out. The scroll letters are -- this is a pretty good-size scroll letter; 34 inches here.

This is the sign from a previous approval reducing it down to nine feet above the landscape berm and then 80 square feet, and that is more in line with what we would have expected.

So with that, Mr. Hardy, that's the amount of information I've put on the slides to discuss. I'd like to get your comments on the size of that monument sign. I know that you're looking at 12 feet in height, but I think that's excessive based on the landscaping out front. I think that nine feet, as previously has been allowed in Collier County, would work, and I am reluctant to realize how a 100-square-foot sign works when an 80-square-foot sign might be more appropriate for that location, because that is the standard we've set as some of the higher standards in Collier County.

MR. HARDY: Yes, sir, and we've discussed that in the past, and we started it, you know -- our original application was in relation to the size of the canal out front. And we're using scroll signs instead of LED signs. We'll be using some at our other jurisdictions. And that was some of the basis for our original request of 100.

I agree with you. We can -- you know, if 80 is the standard that we want to set as far as the other

applications that we've considered in the past, we're applicable with 80 square feet.

Nine-foot height, we can work that since you pointed out we're on top of the berm. The only request there, like you pointed out, above grade, maybe that could read "as measured from the highest adjacent grade." And the only reason that comes up, we actually -- at our recent store that we built at Radio and Davis, when we built, if we're placing on the berm or near the berm --

HEARING EXAMINER STRAIN: Get a little closer to the mike.

MR. HARDY: I'm sorry. Sometimes when we're measuring it, when it is being built in around the berm, some inspectors have measured on the high side instead of the center of the sign. So as measured from -- since we're going to build on top of the berm, if we can -- if that could read as "as measured from the highest adjacent grade." So it may be the --

HEARING EXAMINER STRAIN: Well, the language that you utilized before that is consistent is "measured from the landscaping berm."

Now, that is what we used before, and I think that would match here. When you look at that in comparison to the height on an overall sign, this is the sign that -- this is nine feet. The architectural embellishments at the top are really something that's done as a benefit. They're not included in nine feet. This is the detail that has worked at other locations, and I'm suggesting that for here.

MR. HARDY: And that's fine. I'm good with that.

HEARING EXAMINER STRAIN: Okay.

MR. HARDY: But what I'm pointing out is if this is sitting on the berm, and let's say the dimensions side where it says nine feet is on the top of the berm and the bottom side comes out down the side of the berm, that bottom side could actually have a 10- to 11-foot height because it's dropping with the elevation of the berm.

So I want to make sure it's always measured from the high side of the berm, not from the low side of the berm, because then the numbers are almost sitting at grade if we're measuring from the low side.

HEARING EXAMINER STRAIN: Did you use an engineering or planning firm, or did you do this yourself?

MR. HARDY: Do which one?

HEARING EXAMINER STRAIN: This one, the Bellaire site.

MR. HARDY: Yeah. We used DeLisi Fitzgerald.

HEARING EXAMINER STRAIN: Okay. I can't remember offhand. But maybe have them contact me. We should talk about the language as it's drafted.

MR. HARDY: Yes, sir.

HEARING EXAMINER STRAIN: I understand your dilemma. And when something leaves the Zoning Department, the Zoning sees it one way, then it goes to the SDP side of things, and they have a tendency to look at it sometimes different than it was intended. The clarification now is far better than trying to deal with it afterwards.

MR. HARDY: Exactly. And that's the only reason --

HEARING EXAMINER STRAIN: And I have no problem trying to make it clear.

MR. HARDY: Yeah. That's the only reason. I just wanted clarification, because that came at our recent Radio/Davis store.

The 80 square feet, nine foot tall, sir, you know, we're willing to build that, and we appreciate the consideration.

HEARING EXAMINER STRAIN: Well, then, I happen to be glad you're putting a facility out in that area at that intersection. We don't have a gas station till we get down to Vanderbilt and 951 in that locale. So I think it's going to be useful. I know the HOA out there was very pleased to see a gas station come in in that area, so --

MR. HARDY: Yes, sir.

HEARING EXAMINER STRAIN: -- I'm glad to see you're doing it.

MR. HARDY: Thank you.

HEARING EXAMINER STRAIN: Thank you. I have no other questions.

Are there -- staff report, Eric? First of all, Eric, I need you to comment on the discussion we just had

about the reduction in what they're asking for.

MR. JOHNSON: Sure. For the record, Eric Johnson, Principal Planner with the zoning section.

Staff reviewed the subject request, as you had said before, or said during the hearing, that I did give the rezoning and PUD findings that are associated with the original rezoning application, which was PUDZ-02-AR-2841. They're now with the court reporter. That should have been included with my staff report.

Staff reviewed the subject request. There are three deviations that are associated with it. Staff is recommending approval of all three.

The way that the current PUD language is set up is that the sign would be measured from grade. And if you were to use what is in the code about grade, that would revert to LDC Section 1.08.02, which is basically the average at finished ground level up to six feet from the building.

So as Mr. Hardy and you discussed, it seems like it would be measured from the berm; is that how I understand it?

HEARING EXAMINER STRAIN: Yes, from the landscape berm, just as the Sierra Meadows project was set up.

MR. JOHNSON: So with the berm, as long as it doesn't exceed the 12 feet that was requested --

HEARING EXAMINER STRAIN: Well, it's not going to exceed 12 feet because it will be reduced to nine.

MR. JOHNSON: Staff wouldn't have an issue with reducing the height of the sign.

HEARING EXAMINER STRAIN: Okay.

MR. JOHNSON: So I received -- during the course of this petition, I received three phone calls. And there was a lady that was here, Ms. Ann Cowen, but apparently she left, but she did leave me with a letter that I should give to the court reporter.

HEARING EXAMINER STRAIN: Yes. Provide that to the court reporter to add to the record and provide me with a copy as well, if you could, if there's a copy available, if not give it to me later. It's more important the court reporter have a copy now. Is that the only copy she left?

MR. JOHNSON: Yes, sir.

HEARING EXAMINER STRAIN: Okay. When we finish, give me a moment to get that copied so I have it so I can review it as we go forward and finish up with this, and then I'll give it right back to you.

MR. JOHNSON: And that concludes my presentation. Staff is recommending approval.

HEARING EXAMINER STRAIN: Thank you.

Heidi, did you have a comment?

MS. ASHTON-CICKO: I just thought that you had put Deviation No. 1, because that was the language that you would be looking for for this one. So I think you're asking Mr. Johnson to comment on that.

HEARING EXAMINER STRAIN: Yes. And he did comment on it. I think the applicant's concern is this may not be enough to clarify the intent with some reviewers, and we'll just -- we'll tighten that up a little bit to make sure it reads accordingly. That would be the only change. And I'll contact their engineer to talk that over with them.

That's the end of the staff report, Eric?

MR. JOHNSON: (Nods head.)

HEARING EXAMINER STRAIN: Are there any members of the public here that would like to address this item?

(No response.)

HEARING EXAMINER STRAIN: Okay.

MR. BELLOWS: We had one.

HEARING EXAMINER STRAIN: Do we have a registered speaker?

MR. JOHNSON: Yes, we did have a registered speaker, but she left, and I did give her written statement to the court reporter.

HEARING EXAMINER STRAIN: Okay. Thank you.

Okay. Mr. Hardy, there's no reason for you to have any rebuttal since nobody else has talked about it. I'm assuming you're in conformity with what you heard from staff. We will look at making sure the language

reads accurately.

And with that, we'll close the public hearing, and a decision will be rendered within 30 days, most likely within a couple of weeks. Thank you for your time today.

***Okay. That takes us to the last item up today, and it's Petition No. CU-PL20160001380. It's the 1080 Central, LLC. It's for a conditional use in a C4 commercial district for an air-conditioned and mini self-storage warehouse.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court report. (The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Okay. Even though you may not speak, are there any members of the public here who wanted -- who are attending for this item? Okay.

Michael, I have put some portions of your --

MR. FERNANDEZ: He's part of our team.

HEARING EXAMINER STRAIN: Okay. That helps.

Okay. Michael, would you mind coming up to the microphone, identify yourself and your representation, please.

MR. FERNANDEZ: Michael Fernandez, registered architect and certified planner with the firm of Planning Development. I'm also here as the owner of the property, 1080 LLC -- Central, LLC.

HEARING EXAMINER STRAIN: Okay. And disclosures on my part: I spoke to Mike this morning before he came in. We also had a phone conversation. I've talked to staff, and I talked to the county commissioner representing this district. And I've also reviewed files going back to the ZRO back quite a bit of time.

So with that in mind, I'll walk through the slides I put up here, Michael, so you can see what I've got on the overhead.

This is location files. This is Florida Ave. back here, or Floridian Ave. I'm not sure. I'm not sure how that's worded. U.S. 41 is right here. This is the C4 parcel in question. That's an aerial of it showing that's your relationship to the backstreet and 41 as well as the neighborhood around it.

Staff had a series of recommendations. They were No. 1 through 3, and I added 4, 5, and 6. And I'd like to walk through these, Michael, to make sure we're on the same page.

First of all, the standard conditions you saw, 1 through 3, were already part of the staff report that you should have received a copy of. Are you in agreement with 1 through 3?

MR. FERNANDEZ: Yes, I am.

HEARING EXAMINER STRAIN: Okay. I took a look at some of the language in both the advertising and the neighborhood information meeting, and I wanted to make it clear that you're limited to a maximum of 92,000 square feet. Are you comfortable with that?

MR. FERNANDEZ: Yes, I am.

HEARING EXAMINER STRAIN: Number 5, the maximum zoned height is limited to less than 35 feet. I pulled that off the advertisement.

MR. FERNANDEZ: Yes, I am.

HEARING EXAMINER STRAIN: And then No. 6, in your NIM, I believe it was, you said there will be no exterior overhead doors.

MR. FERNANDEZ: That's correct.

HEARING EXAMINER STRAIN: Okay. This is a layout of the site. This is actually the three-story self-storage building. This is a landscape water management area. This is a ring by buffers. The buffer in the front is listed as 15 feet. It sits on top of a drainage easement going here that varies in width, but the buffer language in the notes would allow it to be expanded so that it could be interwoven with -- all the way back to the building's edge, which is 25 feet back.

In the notes there was a couple clarifications. We just talked about those in the stipulations: The 30-foot building height, and then talking about the permitted height. And generally in C4 you can go to 75 feet, but because this is under a zoning reevaluation ordinance restriction, it's restricted to three stories.

MR. FERNANDEZ: Correct.

HEARING EXAMINER STRAIN: The stipulation on the recommendation that we just talked

about, I would suggest that No. 4 needs to be replaced by that, and there's no more needed, just the limitation of less than 35 feet in height.

And then No. 7 needs to reference that the maximum building height -- building square footage of 92,000 square feet instead of proposed for approval. Those two changes would clarify these notes and make them consistent with the recommendations.

Do you have any problem with that?

MR. FERNANDEZ: We're amenable to both those.

HEARING EXAMINER STRAIN: Thank you.

The landscape berm out front, the reason that I wanted to make sure we all understand that, the notes previously clarify it. It helps a lot. That's the landscape berm, and it will be within that 25-foot area. Even though it's a 15-foot -- technically a 15-foot landscape buffer, it will be within 25 feet of the road or the property line.

There are landscape buffers all the way around this project. There's a preserve over here. It has the ability to be relocated offsite, and there's also a buffer requirement as well. This is all landscaped in addition.

When it gets all said and done, the building's built, this is the renderings that were provided. This is the conceptual plan of what it's supposed to look like. Typical to our storage facilities going on in Collier County now, the mini air-conditioned self-storage facilities are all looking more like office buildings due to our architectural code and due to the architects and owners' desire to make them fit in with the community so they aren't as obtrusive as the old style with the roll-up doors and people working on their cars out front. So this seems to be a very palatable use for that location.

And, Michael, if you want to add anything to the discussion, you're more than welcome to at this time. I have read the entire report, so we don't need to repeat everything that's there.

MR. FERNANDEZ: Sure. We're happy just making sure on the record that everything that was submitted is part of the record, and we're very comfortable both with the representations in that report and the report that was done by county staff; we're in agreement with it.

HEARING EXAMINER STRAIN: Okay. Thank you.

And is there a staff report, Dan?

MR. SMITH: Staff recommends approval with the recommendations and the recommendations by the -- I was going to say the Chairman -- the Hearing Examiner.

HEARING EXAMINER STRAIN: It's hard to keep track of what hat I'm wearing sometimes.

MR. SMITH: Just to mention, there are no stallions at this location.

HEARING EXAMINER STRAIN: As long as they're not moving around.

Okay. And I don't have any questions of staff. Everything was pretty straightforward. It was a well-done application and staff report, so I appreciate that.

As we go down in the future -- and I know this one came through when we were previously talking about it. When there are details committed to either by the advertisement or by the NIM, as I added them to these staff recommendations, if staff could take those and encompass them in ahead of time, that would make sure we don't have any discrepancies when we get to the meeting.

MR. SMITH: Very good.

HEARING EXAMINER STRAIN: And so with that, I'll move to public speakers. Do we have any -- first, do we have any registered speakers?

(No response.)

HEARING EXAMINER STRAIN: Ray, none?

MR. BELLOWS: No.

HEARING EXAMINER STRAIN: Okay. Are there any members of the public who would like to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Hearing none, Michael, there's really no rebuttal needed unless you have any closing comments. I'm done with the hearing for that.

MR. FERNANDEZ: Just one quick comment. We did hold a neighborhood information meeting. A couple members of the neighborhood did attend. There was no objections. They were happy to see

something moving forward, and they specifically liked this project that was being proposed.

HEARING EXAMINER STRAIN: And I'd like to compliment you on the architect. It's a good-looking building for a storage facility, so...

MR. FERNANDEZ: The architect that designed it is right -- sitting there, so I'll pass that on.

HEARING EXAMINER STRAIN: Thank you. And with that, we will close the public hearing on this matter, and a decision will be rendered within 30 days but most likely within a couple of weeks.

I do need to get those corrections we talked about in the note language sent to me so I can make sure they're added to the decision.

MR. FERNANDEZ: Will get there today or tomorrow.

HEARING EXAMINER STRAIN: Excellent. Thank you.

With that, I'll close that public hearing, and there's no other business scheduled.

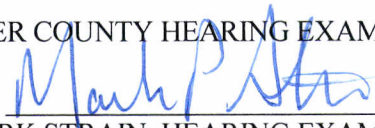
Are there any general public comments? Anybody in the public wish to have any comments added to the record?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, we will -- 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 10:00 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 2-23-17, as presented ✓
or as corrected _____.

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