

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
April 26, 2018

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
Timothy Finn, Principal Planner
Scott Stone, Assistant County Attorney

PROCEEDING

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, April 26th 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. Discussion will be limited to five minutes unless otherwise waived. Final decisions are -- decisions are final unless appealed to the Board of County Commissioners, and this decision will be rendered within 30 days.

That takes us to review of the agenda. We have one item on today's advertised public hearing. We'll move right into that. It's Item 3A, Petition No. PDI-PL20170002320, Walmart Stores East, LP. It's for the Walmart at the I-75 and 951 interchange.

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.

And disclosures on my part: I've talked to staff, transportation and zoning, and I have talked to the gentleman representing Walmart here this morning.

And with that, there are no members of the public here today for this one, which kind of coincides with the NIM. I noticed nobody attended for that as well.

This is a change in some signage on the site. It's basically a reduction -- some of the signs are already there -- and adding a proposed sign for a new pickup on one side of the building.

I have no questions. The staff report was well written and put together.

I do have a couple statements. Number one is I believe staff has omitted a document or a one-page item, a strikethrough Scott Stone had requested.

So, Tim, would you mind providing a copy of that to the court reporter after the meeting?

MR. FINN: Okay.

HEARING EXAMINER STRAIN: And I don't know if the applicant had gotten a copy from you previously; do you know?

MR. FINN: If not, I'll make sure that he has it after the meeting.

HEARING EXAMINER STRAIN: Okay.

MR. STONE: Scott Stone, for the record. There was communication with the applicant, and the applicant is aware of these changes.

HEARING EXAMINER STRAIN: Okay. And then the only other item I'd like to mention before staff report -- or if staff has any comment on it, they're more than welcome to. I don't know a reason why, under the staff recommendation, they tried -- staff apparently is trying to tie a right-of-way permit for a traffic signal at the corner of Davis Boulevard and Market Street to the approval of this sign. It seems a far reach. I'm not inclined to think that is going to be part of the decision unless I hear a good reason otherwise.

So at this point I'll turn it over to the applicant if the applicant has any comments. I don't have any questions. If you'd just come to the microphone, identify yourself for the record. If you're satisfied -- yes, that one there.

If you have nothing to add to the record, that's fine. I just wanted to make sure you had the opportunity and we acknowledge your presence today.

MR. GALLAGHER: Good morning. My name's Jim Gallagher. I'm an architect with PB2 Architecture and Engineering, and we're here representing Walmart this morning.

I appreciate your comments about the thorough staff report. It certainly is. It's one of the best I've seen, to be honest with you.

And I, too, have the same issue with the traffic light. It has absolutely no relationship to the wall sign on one side of the building. The intersection in question seems to be about a half a mile from the store. The

area around that, when it develops, would be an appropriate time for a signal light, and that doesn't seem to be anytime in the near future. There's no activity out there right now.

I appreciate your concern, and I appreciate your comments. I would like to ask you to approve the sign. Thank you very much.

HEARING EXAMINER STRAIN: Thank you.

With that, we'll move to the staff report. Tim, do you have any staff report, any comments?

MR. FINN: Yeah. I would like to introduce the strikethrough and underline document with regard to the two deviations that are being requested, and I'll give a copy to you as well as the court reporter. Otherwise, the project is compliant with the GMP and LDC; therefore, staff recommends approval.

HEARING EXAMINER STRAIN: Would you still recommend approval if the recommendation to include the reference to the traffic signal was omitted from the decision?

MR. FINN: Yes, we would.

HEARING EXAMINER STRAIN: You didn't come through on the mike.

MR. FINN: Yes, we would; yes.

HEARING EXAMINER STRAIN: Thank you.

Okay. I have no other questions. Does anybody here today have anything they want to add to the record?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close the public meeting, and a decision will be rendered within 30 days, most likely within a lot less than that.

So with that, that takes us to the next item on the agenda, which is other business. There is none.

Public comments; there's nobody here from the public to comment.

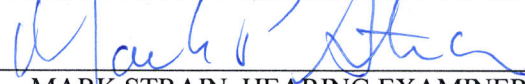
I'll ask any of you who are staff members, if you have anything you want to say, please do so now.

(No response.)

HEARING EXAMINER STRAIN: Seeing none, this meeting's adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:06 a.m.

COLLIER COUNTY HEARING EXAMINER


MARK STRAIN, HEARING EXAMINER

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 4-30-18, as presented ✓
or as corrected _____.

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