

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
May 23, 2019

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  
John Kelly, Senior Planner  
Heidi Ashton-Cicko, Managing Assistant County Attorney

--- P R O C E E D I N G S ---

HEARING EXAMINER STRAIN: Hello, everyone. Welcome to the Thursday, May 23rd meeting of the Collier County Hearing Examiner's Office. If everybody will please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was cited in unison.)

HEARING EXAMINER STRAIN: Thank you. Housekeeping notes. 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.

In review of today's agenda, we have five items listed, only four will be heard. The first petition, petition number BD-PL20180001843 for Godfrey and Patricia Turner. It's for a boat dock extension. That item is going to be -- is continued to the June 27th meeting in this room. So if you're here for the -- and that is on Dolphin Circle on Pelican Street. If you're here for that particular item, it's not going to be heard until June 27th.

That takes us right into the first advertised public hearing in order. That is petition number SV-PL20180002038. It's for the Immokalee Road Associates variance request for a sign for the Sprouts Center on Logan and Immokalee Road. All those wishing to testify on behalf of this item please rise to be sworn in by the court reporter.

THE COURT REPORTER: Do you swear the testimony you're all about to give will be the truth, the whole truth and nothing but the truth?

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

HEARING EXAMINER STRAIN: Disclosures on my part. I've obviously read the staff report and that's just about it. There wasn't anything else contained in the documents I reviewed.

Is there anybody here besides the applicant's team for this item? Okay. Whoever is representing the applicant, could you come up and identify yourself for the record, please?

MR. DAVIS: My name is Gregory Davis. I'm with Thomas Sign & Awning Company at 4590 118th Avenue North in Clearwater, Florida. I'm here to represent the applicant in their request for the two additional signs. I've read staff report and submitted all appropriate documents to staff. Staff has given me the report and they're suggesting approval of this particular request. I have nothing more to say or submit to the board. I'm, of course, here to answer any questions that you might have concerning what we're proposing.

HEARING EXAMINER STRAIN: Well, I thank you. Most of this is pretty straightforward. I've read the entire package. I do note that you're still under the 200 maximum square feet allowed for the signage on the front face of that particular building. I have no concerns at this point and I don't -- there's no members -- is there any member of the public here who wish to speak on this item? And, sir, this is going to be very short. Thank you for your appearance. A decision will be rendered within 30 days and with that I'll, unless you've got something else you want to add, I'll close the public hearing on this matter.

MR. DAVIS: No. Staff has pretty much given you in the staff report what our request was. Of course, we made this request because we were slightly under the 200-foot minimum requirement as far as this storefront is concerned. Again, I went through staff reports, they are suggesting approval, and unless there's no questions, I have nothing further to say.

HEARING EXAMINER STRAIN: Thank you very much.

MR. DAVIS: Thank you.

HEARING EXAMINER STRAIN: John --

THE COURT REPORTER: Can you tell me the name of your company again?

MR. DAVIS: Thomas Sign & Awning Company.

THE COURT REPORTER: Thank you.

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

MR. KELLY: No, sir. For the record, John Kelly, senior planner. Staff recommends that the Hearing Examiner render a decision to approve petition SV-PL20180002038 as presented in the staff report and discussed this morning.

HEARING EXAMINER STRAIN: Great. Thank you. Thank you, sir. Are there any members of the public that wish to speak on this item? Hearing none. Are there any registered public speakers on this item? Ray or John?

MR. KELLY: No one has registered.

MR. BELLOWS: Oh, Mr. Garrett F.X. Beyrent.

MR. BEYRENT: That's okay.

HEARING EXAMINER STRAIN: Okay. With that we'll close the public hearing and I'll have a decision to you shortly as possible, but no less -- no greater than 30 days.

MR. DAVIS: Thank you.

HEARING EXAMINER STRAIN: Thank you. Next item up is petition number NUA-PL20180003081. It's petitioner Deborah Selman for a mobile home at 57 Moon Bay Street. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter. If you're going to speak, you need to stand up and be sworn in.

THE COURT REPORTER: Do you all swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

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

HEARING EXAMINER STRAIN: Okay. My disclosures, I have read the staff packet. I also received quite a long time ago a packet from the applicant when they came in first to talk about this. I talked to the applicant and I think a representative with him, a Randy Johns, and then I've had my meetings with staff. Other than that, that's my disclosures on that item. So with that, we'll move right into the issue.

Are there any members of the public here in opposition to this? If there are just raise your hand so I know. Okay. The applicant, whoever is representing the applicant needs to provide a presentation and answer some questions if you don't mind coming forward.

You need to state your name for the record.

MR. LASCANO: Chris Lascano with Phoenix Associates.

THE COURT REPORTER: Can you spell your last name?

MR. LASCANO: L-A-S-C-A-N-O.

THE COURT REPORTER: Thank you.

HEARING EXAMINER STRAIN: Chris, could you tell us what basically to the benefit of the audience what this package is about? This request.

MR. LASCANO: The mobile home was installed in 1974 and it was damaged during Hurricane Irma. And the applicant basically is just looking to replace what was there in the existing conditions.

HEARING EXAMINER STRAIN: Okay. The existing conditions at the time

this was in place in 1974. From the documents I reviewed it was a mobile home park. It was not a platted area.

MR. LASCANO: Correct.

HEARING EXAMINER STRAIN: And it looks like the county did some platting in the early eighties at the request of the property owners there so the roads could be maintained.

MR. LASCANO: Correct.

HEARING EXAMINER STRAIN: And in the process of the platting, it appears that the lots previously were 165-foot deep now they're 105. And --

MR. LASCANO: Yeah.

HEARING EXAMINER STRAIN: And I believe that the additional loss came out of both the waterways and/or the road in front.

MR. LASCANO: Yes.

HEARING EXAMINER STRAIN: Okay. And I have also found a note from the County Attorney's Office dated many years ago where the underlying title to those properties are in the hands of the county. They're not in the hands of the individual property owners. And all that leads into why you're here today.

Originally, I would imagine as a subdivision, or not even a subdivision, but as a mobile home park, the setback was measured from wherever the edge of the roadway was at that time?

MR. LASCANO: Yes.

HEARING EXAMINER STRAIN: Is that --

MR. LASCANO: Yeah, that's my understanding.

HEARING EXAMINER STRAIN: Okay. The setback at that time was 25 feet, and that's approximately where the unit's been placed and sitting since 1974. I understand it was also damaged beyond repair, at least reasonable economic repair, by Hurricane Irma?

MR. LASCANO: Correct.

HEARING EXAMINER STRAIN: Okay. The current depth including the lanai is 70.9 feet front to back on the current one. The new one's depth is going to be 68 feet, so you're almost three feet less there.

MR. LASCANO: Yes.

HEARING EXAMINER STRAIN: The width on the old one versus the new one, you're 8.3 feet wider on the new one.

MR. LASCANO: Correct.

HEARING EXAMINER STRAIN: I looked at a package including the submitted permit and I just saw this last night. The submitted permit is -- that's triggered the whole question of your setback. You had a 30-foot-wide unit in the permit, but you're asking now for a 32-foot-wide unit. Do you know which is correct? Are they --

MR. LASCANO: The one we submitted, the 30 foot should be correct.

HEARING EXAMINER STRAIN: Then why are you asking for 32?

MR. LASCANO: On their building permit?

HEARING EXAMINER STRAIN: No, no. On the building permit it's 30 feet, but today you're asking for -- you're saying you're having a 32 --

MR. LASCANO: No, it should be a 32. From what they presented to us, the mobile home is going to be a 32.

HEARING EXAMINER STRAIN: Okay.

MR. LASCANO: And from, you know, the plans that they present to us.

HEARING EXAMINER STRAIN: You want to make sure if this goes forward you correct your building permit because it will show up as a discrepancy down the road.

MR. LASCANO: Okay.

HEARING EXAMINER STRAIN: Let me move through my -- any other questions I have. There are two recommendations by staff. Have you reviewed those recommendations? I'll read them to you. The first one is the scope of this NUA is limited to the reduction of the required front yard setback. From 25 feet to 3.4 feet. The second recommendation is the building permits must be applied for and obtained for both the replacement mobile home and the screen lanai that is depicted on the provided site plan. No other structures have been evaluated. Are you guys in agreement with those two recommendations?

MR. LASCANO: Yes.

HEARING EXAMINER STRAIN: I did notice on the survey, the as-built survey of the existing mobile home, there's a notation from the center line of the street back to the edge of the property line of 30.11 feet it appears, which kind of explains how the mobile home got placed in the location it's at now. If they measure back from the edge of the roadway back in 1974, whether it was dirt or asphalt, it probably was fitting right in where it's supposed to be at that time.

And that's the only questions I have right now, Chris. After we hear public speakers and staff, you have an opportunity to rebut -- you're more than welcome to at that point.

MR. LASCANO: Okay. Thank you.

HEARING EXAMINER STRAIN: Okay. John, do you have any staff comments to report?

MR. KELLY: Once again, John Kelly, senior planner for staff. Other than the conditions that have been stipulated to, no, sir.

HEARING EXAMINER STRAIN: Okay. You did the research on the '74 permit and everything from that permit versus what's in place today is consistent?

MR. KELLY: Yes, sir. No site plan was available; however, based on information provided on the building and permit application affirmative.

HEARING EXAMINER STRAIN: Okay. Thank you. I don't have any other questions of staff and we'll turn to public speakers. We'll call the registered speakers first and anybody that hasn't spoke that would like to, I'll ask -- I'll ask -- I'll put that out to the audience. Go ahead, Ray. And please come up identify and spell your last name for the record.

MR. BELLOWS: Willard Giansanti.

HEARING EXAMINER STRAIN: Go ahead, John.

MR. KELLY: Staff did receive two letters of objection on this project and they are both of the registered public speakers.

HEARING EXAMINER STRAIN: Thank you. Sir.

MR. GIANANTI: My name is Willard Giansanti.

HEARING EXAMINER STRAIN: Could you spell your last name for the court reporter?

MR. GIANANTI: G-I-A-N-S-A-N-T-I.

HEARING EXAMINER STRAIN: And your local -- your address is?

MR. GIANANTI: 116 Moon Bay. I'm four or five houses down the street.

HEARING EXAMINER STRAIN: Yeah, you're on the south side of the

interconnecting canal piece, right?

MR. GIANSAANTI: Same side.

HEARING EXAMINER STRAIN: Yeah, but south of them? Yeah, okay.

MR. GIANSAANTI: I have no complaints if there -- and I understand it's a hardship. The house got damaged and they want to replace it, but they're not replacing it one for one. And my opinion is, I have a couple of buildings in other places that I tried to change it and they won't let me even raise it up because it's grandfathered by size of it. And if I take it down I got to put -- I can't put that size building up again. So I'm looking at this is, is it a hardship when a mobile home is eight foot wider than it was before? If it's -- they're not putting a one for one. They're making a bigger mobile home on a lot. I'm thinking it's wider, it should be shorter where they would have the room to put it in there. If I am listening to you people, it's wider than it was by eight foot three foot. Eight foot --

HEARING EXAMINER STRAIN: 8.3 feet, yes.

MR. GIANSAANTI: All right. Times the length, which is quite a bit of square footage of the mobile home. So to me it's not a one for one change. If it was the same mobile home, I'd say if it's grandfathered, I agree let it be grandfathered because there -- it was there, but this is not a one for one change. So they need the extra space to make a -- to put a bigger home in there.

And as it is now, if you look at the street itself, living there sometimes you can't even get by when they're doing garbage and stuff like that. Even today I couldn't get by. It's pretty tough getting down the street because of the -- of what's there now existing. And there's kids, there's dogs, there's a sidewalk on one side and not the other, but it's congested.

I mean, I bought a mobile home there, I'm still cleaning the property out now. It's taking me two years and about \$7,000 just to get the junk that that the guy left in the yard. So I'm wondering, what really is putting a hardship or putting a -- I'm trying -- a zoning? What good is having the zoning area for a property if it's not upheld. What good does it do to even have the zoning if you're not going to uphold the zoning?

And I went through other places in the town and I'm not doing a comparable, but I'm wondering how the zoning really works. I looked at one area and it's called -- oh, boy, this is beyond belief. Here it is right here. I don't know if you're familiar with the area. Pecan Street. It's by the Holiday Manor. If you're going down Holiday Manor where they're building some home now on the right-hand side, that's considered, I think, a trailer park. They're on top of each other. There is no zoning. You got the streets there, you're zig zagging between stuff. There's buildings right on the edge of the road and that's what I don't want this to turn into. I mean, I bought it for -- I'm trying to get my granddaughter to move down here and I don't want her to be going into an area that's going to get worse. I'd like it to get better. So I'm here just to protect my future interest. And what is zoning for if you're not going uphold zoning?

HEARING EXAMINER STRAIN: Well, just a comment on one of your earlier statements. You mentioned these -- he's actually expanding by 8.3 feet. The setbacks that are on that property, and on most likely your property too on the sides are only seven-and-half feet. Even with his expansion of eight feet, he's still going to be 12.4 feet on one side and 14.9 feet on the other. Now, he could expand the full width. I mean, that's -- you could do the same thing. That's where the setback lies. Now that may cause some problems on the other setbacks, but at least he is not going to the maximum on the sides. Just to clarify.

MR. GIANSAANTI: I'm not worried about the setback part of it. I'm saying it's

not a one for one. If it was a one for one, I'd say I agree, it's a hardship. I don't feel it's a hardship if it's not a one for one. It's like parking a Volkswagen in your yard and then you're going in with an 18-wheeler. It's a bigger -- it's a bigger thing that's happening.

HEARING EXAMINER STRAIN: I understand. Thank you, sir. Next speaker, Ray.

MR. BELLOWS: Darryl Price.

MR. PRICE: Good morning, guys.

HEARING EXAMINER STRAIN: Good morning. Could you state your name for the record?

MR. PRICE: James D. Price, lot 117 Moon Bay Street.

HEARING EXAMINER STRAIN: Thank you.

MR. PRICE: This is my first for me. I've been there since the place was put in, which is the third trailer in there. They call me the mayor out there on Moon Bay Street, so -- I don't know how to speak. I speak the best I know because I don't read, so I'm going to do the best I can.

I got a few maps. I've been, there, like I said, as long as the place has been there. And we kind of go by the setbacks and stuff. I know all of the rules. I've been punished by the county so long, I do the county way all the time. And as you see my lot, you can see that I do the code. The code is 25 setback, seven-and-a-half to ten. Now we got other trailers down at the end of Moon Bay Street coming in and they surveyed it. They surveyed it 110 long. They're 105. What they're talking about is that extra five is when we had the rules put in, we was allowed 105 plus a five-foot dock. And they're thinking they get the whole 110, but it ain't. It's a dock you can have -- after that 105 you can have a five-foot dock. I mean, that's the way the rules come in many. And I'm not -- I might not read but I'm stocked on the knowledge about Port Au Prince, and anything that goes on in Port Au Prince, I'm there. And I'm one of the ones that fight for Port Au Prince as you know.

HEARING EXAMINER STRAIN: Yes, we've met before.

MR. PRICE: Yes. I mean, I don't know -- I don't know how to speak the best on knowledge. And like I say, our setbacks is that way and why let one get by with it when the rest of them has to do all the rules. It's one for all and one for -- you know how they say that word. And let's keep it at our 25 and let that be. I mean, I don't know what else to say.

HEARING EXAMINER STRAIN: Well, if you were there from the beginning, you were there then before the county kind of tried to fix it --

MR. PRICE: Yes, sir.

HEARING EXAMINER STRAIN: -- and caused some of the problems that we're talking about here today.

MR. PRICE: Yes, sir. Not to interrupt you. Even one -- if you look on -- I got maps in my hand to give you guys. If you look at 112, 17 to 18 years ago we had the same problem. And the thing is, like they told them, if the trailer blows away, you have to come back at code at 25 foot. They got an awning on the side and they want to put that back and that has to be eight feet at code. So they didn't even put the awning back. They just left it that way. And that's what we had 17 to 18 years ago the same problem that we have with this trailer. And I have all of the paperwork on that. Like I said, if the trailer blows away, you're grandfathered now, but if it blows away, you got to come back at 25 foot. No matter, seven-and-a-half. I always got eight on mine that way I have argument.

In the front of my place I have been charged three people for bullying me and giving me a hard time at my gate because I own three foot to let the telephone people come in. So I own three foot of past my fence, you know. So I know all the rules. I might not read, but grant me, I'm smart on Port Au Prince and what goes on in Port Au Prince. And I know these people. I've been friends with these people a long time. And what I got to say is they come down and bully me and you sent the devil to my house and then people giving me hell for speaking up against them. What rights do I have?

I'm going to tell you what rights I have. You send me the papers and I have the right to speak up and that's where I'm at.

HEARING EXAMINER STRAIN: And no one is debating your rights here, I assure you that.

MR. PRICE: The -- the people we're talking about, they come -- I had to call the law just to go down there and tell them, you don't go to people's houses and start give them a hard time. And I'm one -- my feelings get broke quick. So I stay behind my fence and I stay out of trouble. You know, I got my weapon rights. I mean, I'm -- no, I mean, for somebody who can't read, guys, I've stepped up. I've raised three kids out there. Two girls and a boy. And like I said, we was the third person in that trailer park. So, I don't know what else to give you, sir. Thank you.

HEARING EXAMINER STRAIN: When this mobile home was originally installed, you may have been there then back in the day.

MR. PRICE: Yes, sir, I was there.

HEARING EXAMINER STRAIN: And it was installed at that time consistent with the codes at the time.

MR. PRICE: It was not.

HEARING EXAMINER STRAIN: It was not?

MR. PRICE: You can't go in there and do what you want back then and then after a couple of years then they started coming in and making code, putting your trailers where you're supposed to be. Even my brother's trailer is way out. These people it's got, just they're wanting to do this lot, they're parking in the road, they can't even park their boat. But by then -- once they understand they have 25, they going to have parking area. People going to have to put their boats where they want them and have company. Like the other guy says, they're parking on the sidewalks.

I had company one day, the county come and throw the ticket on me cause they're parked right there visiting me. I had to move that car. Now, no problem. You can park anywhere, any time, even park on the grass. All them -- that was just a money thing and now it's all gone. Now you park on the grass, you park on the sidewalks. There's no county out there to push Port Au Prince to clean up.

Port Au Prince is one place. I deal with Donna and you sometimes and I go straight to her. She says, sir, we ain't got no money for Port Au Prince. We ain't got nothing -- we ain't got nothing for you.

Now, how we got our streets, how we got our -- our sewer and all is Bonita had a blow over sewer and we got the money there to fix our streets. I was with all of the county people -- I got pictures and everything of us having a party first getting our new streets. We was so happy to get them streets and get our sewer. The hell we've had to come through until the county come in and put the new streets and all then. The people, we got most of all the old people moved out and new people moved in. And I tell them the rules. They get mad at me. I said, well, they didn't send me nothing. Well, no, you wasn't here



40 years ago.

Now, nobody knows the rules. That's why everybody wants to just do -- I'm telling you. Everybody that comes in there, they do what they want. They build, they close in. They do their -- check it out. I was standing there. They got this thing, this Google thing that goes by real and it went right and I stand in my front yard. I didn't know what it was, but now you can --

HEARING EXAMINER STRAIN: You can see you on Google.

MR. PRICE: I didn't know what it was doing. What the hell are they doing? But I found out now they sent them, you know, all you all smart people got all these smart phones and all this stuff. It's -- you can -- I mean, it's there.

HEARING EXAMINER STRAIN: I got to -- if the county hadn't come in and redid the roads for you guys, and re-platted, if they had not done that --

MR. PRICE: You had bumpy roads. You ought to see --

HEARING EXAMINER STRAIN: No, no, no. Let me finish my question. If they hadn't come in and they hadn't done -- they hadn't separately platted the roads, everything was owned like it was, you guys had to maintain your roads and all that --

MR. PRICE: That's right.

HEARING EXAMINER STRAIN: -- this unit wouldn't be here today. They could just put the new unit in. And, in fact, they could have put a bigger unit in then they are today. A much bigger unit.

MR. PRICE: They could do what the hell they wanted to, that's right.

HEARING EXAMINER STRAIN: Okay. I just -- -- because that's the difference that's happened is the change of the platting and the reduction of that lot size is what's triggered the problem.

MR. PRICE: That's right. It used to be ten foot from your border back.

HEARING EXAMINER STRAIN: Well, actually it was, I think 25, but anyway. It may have been ten in the days past, but right now --

MR. PRICE: Yeah. That's what I'm saying. before all this new stuff come along we had other rules and then it stepped up and then more people started coming in, that's when the rules come in and everybody started doing the rules.

HEARING EXAMINER STRAIN: All right. I do thank you for your time, sir.

MR. PRICE: Thank you, sir.

HEARING EXAMINER STRAIN: Nice to see you again. It's been quite a few years. Take care.

Next speaker, Ray?

MR. BELLOWS: The last registered is Garrett Beyrent.

MR. BEYRENT: I'll pass.

HEARING EXAMINER STRAIN: Anybody else who has not spoken who wishes to speak on this matter? Okay. Does the applicant have any comments that they want to make in closing? The applicant said no, let the record reflect.

John, do you have anything you want to add?

MR. KELLY: I do. Reference was 112 Moon Bay Street. That address received a variance on V82002AR3191 of January 14, 2003 to reduce the front yard from the required 25 feet to 15.85 feet to reduce the north side yard from the required 7.5 feet to 3.25 feet and to reduce the south side yard from the required 7.5 feet to 4.7 feet.

HEARING EXAMINER STRAIN: Well, thank you for that information, John. Anything else?

MR. KELLY: Staff recommends approval of this NUA-PL20180003081 subject to the conditions contained within the staff report and as discussed today.

HEARING EXAMINER STRAIN: Okay. After hearing all of the testimony and comments, that's the end and this will close this public hearing. A decision will be rendered within 30 days. Thank you all for coming and we'll move on to the next item today. Thank you.

Next item up is petition number PL-20180002548, Hawk Capital, LLC. It's for a variance for a drive-thru sign in a car wash. All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

THE COURT REPORTER: Do you swear the testimony you're about to give will be the truth, the whole truth and nothing but the truth?

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

HEARING EXAMINER STRAIN: Okay. Disclosures on my part. I have talked to staff only and read the staff report, so with that I -- is there a representative of the applicant here, come up and identify yourself for the record. Were there any members of the public here concerning this item? Okay.

We'll need an explanation of what you're trying to do so the public can understand all your particulars, sir and we'll go from there.

MR. BRENCHLEY: Good morning. My name is Mark Brenchley, B-R-E-N-C-H-L-E-Y. My address is 3790 Beacon Ridge Way, Clermont, Florida. I'm representing, as hearing officer mentioned, Hawk Capital, LLC. The owner of a two-acre parcel at the southeast corner of Collier Boulevard and Riverwoods -- Riverwood Road. They are developing currently a car wash. It's known as the Dolphin Auto Spa. The Collier County sign code limits the number of menu boards to two. In this particular design -- and the design approved in the development plans earlier, there are three drive thru lanes and it is the desire of the owner and the operator of the facility to have a third menu board sign. So when all of the cars are stacked waiting to go into the car wash, they will be able to see the services available, the prices and so forth that each of the three lanes would be permitted without having to get out of the car and look around at the other two menu boards.

These menu boards are six-foot tall, so they're minimal. Two feet wide, two-and-a-half feet wide. In terms of square foot area less than 20 certainly. Also, they cannot be seen from the right-of-ways because of the tall mason wall on Riverwood and they are interior to the site. And so it's merely allowing an increase of an arbitrary number from two to three to accommodate that third drive thru lane. Any questions?

HEARING EXAMINER STRAIN: Yes. There's -- do you have the over -- did you bring a site plan with you that shows --

MR. BRENCHLEY: I did.

HEARING EXAMINER STRAIN: Could you put it on the overhead? That's the device right there. Okay. Now you'll need to go --

MR. BRENCHLEY: Collier is up. So north is up.

HEARING EXAMINER STRAIN: You'll have to go back to the mic to talk. You can leave that there like that and just go to the mic and that would work.

MR. BRENCHLEY: You see the large arrow is pointing to that third menu board location.

HEARING EXAMINER STRAIN: And that's going to be on the most inside lane on your property?

MR. BRENCHLEY: That is correct.

HEARING EXAMINER STRAIN: So furthest -- furthest in as it could possibly be and still be in one of the lanes?

MR. BRENCHLEY: Yes. And because of the location there are -- there's only one access into the property. One ingress and egress, and so it's self contained. And so they needed to make certain that they could accommodate all of the backup on site because of the design. That's why they have the three drive thru lanes.

HEARING EXAMINER STRAIN: Okay. Now, see the writing on that? Can you read it? Probably can't. So did staff contact you and ask you to bring a clarified -- a clear copy so that I could have that for the record?

MR. BRENCHLEY: I did. I have that for you.

HEARING EXAMINER STRAIN: Okay. Please before you leave today make sure that Mr. Kelly gets a copy, a clean copy so we can use it.

MR. BRENCHLEY: Yes.

HEARING EXAMINER STRAIN: I don't have any other questions. There's one clarification where your sign was. There's no staff stipulation, so at this point we'll see what the staff has to say and the public. Thank you.

John?

MR. KELLY: John Kelly, senior planner for staff. I did receive one phone call in response to the advertising for this project. And once it was explained that this was for a menu board, the issue seemed to go away for that one particular person. So with that, the staff recommends that the Hearing Examiner render a decision to approve petition SB-PL20180002546 as presented in the staff report and discussed here this morning.

HEARING EXAMINER STRAIN: Thank you. With that we'll go to public speakers. Ray, do you want to call the speakers? And please come on up to use the microphone and identify yourself for the record.

MR. BELLOWS: We have one speaker. Garrett Beyrent.

MR. BEYRENT: I'll pass.

HEARING EXAMINER STRAIN: Are there any members of the public here who wish to speak on this item? Sir.

MR. JENKINS: My name is John Jenkins. I am -- I live 104 Rookery Road and I'm a homeowner in the adjacent subdivision right behind the Dolphin Car Wash. I'm also a business owner here in Naples for 22 years. I own Auto Nanny and have an extensive background in automotive care. And one of the things that I do is prep vehicles for clients before they come in. One of the things that I have the occasion to do when I do that is visit locations such as the Dolphin Car Wash.

And one of the things that's been absent from the discussion here, and I just want to make known of it is the safety features which this is being put forth for. The business owner who I know from past dealings over 22 years these -- this is not just for people to see what the prices are for the various services that they offer. Lots of times you get people that are going into these car washes that are confused by the number of lanes, by what's going on, by how they have to enter, by what they have to do. Whether it's taking foot -- feet off of brakes, whether it's putting cars in neutral. It's quite daunting sometimes for people to negotiate these things. And these -- this signage is really a help to people. I don't see anything from what has been described by the owner of the project that is going to be an encumbrance for the neighborhood.

I've talked to many of my neighbors about it and we don't feel that the business owner has in any way encumbered on our properties or caused us any concern. And from

what I've been told by my immediate neighbors, and we live immediately around the facility, we have no problems with this variance going forward.

HEARING EXAMINER STRAIN: Thank you very much, sir. Anybody else wish to speak on this item? Okay. Hearing none, we will close the public hearing on this matter and a decision will be rendered within 30 days. Thank you all for your attendance today.

That takes us to the last item on today's agenda. It's petition number NUA-PL20190000829. The petition for Matthew and Amanda McLean. It's for requesting a non-conforming use alteration on a property in Gulf Acres subdivision. All those wishing to testify on behalf of this item, please rise and be sworn in by the court reporter.

THE COURT REPORTER: Do you swear the testimony you're all about to give will be the truth, the whole truth and nothing but the truth?

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

HEARING EXAMINER STRAIN: I saw no member of the public stand. Is there anybody here for this particular item other than the applicant? With that I just need the applicant to identify themselves for the record and we won't need a presentation and I'll just ask any questions I may have.

MR. MCLEAN: No problem. Matt McLean for the record. Residence is 1118 Illinois Drive. We're here on behalf of our home to file this application.

HEARING EXAMINER STRAIN: You look familiar, Matt.

MR. MCLEAN: Yeah.

HEARING EXAMINER STRAIN: I don't -- it's pretty straightforward as I would have expected. I don't have any issues to ask you so I just want to make sure it was acknowledged you were here, so thank you.

MR. MCLEAN: Thank you.

HEARING EXAMINER STRAIN: Is -- is there a staff report?


MR. BELLOWS: Yeah. Ray Bellows, manager with zoning services section. I'm filling in for vacationing Tim Finn and staff is recommending approval.

HEARING EXAMINER STRAIN: Any members of the public wish to speak on this item? Hearing none, we'll close the public hearing and a decision will be rendered within 30 days. Thank you all for attending on that particular matter.

That takes us towards the end of our agenda. I have no other business listed. Are there any public comments? Hearing none this meeting is adjourned. Thank you.

May 23, 2019 HEX Meeting

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:36 a.m.

COLLIER COUNTY HEARING EXAMINER  
  
MARK STRAIN, HEARING EXAMINER

ATTEST  
CRYSTAL K. KINZEL, CLERK

These minutes approved by the Hearing Examiner on 6-17-19, as presented   
or as corrected \_\_\_\_\_.

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