

TRANSCRIPT OF THE MEETING
OF THE
COLLIER COUNTY HEARING EXAMINER
Thursday, July 8, 2021
9:01 a.m. - 10:17 a.m.

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 3299 Tamiami Trail East, Suite 303, Naples, Florida

following people present:

APPEARANCES:

Members
Andrew Dickman, Esquire, Hearing Examiner

Mike Bosi, Zoning Director
Ray Bellows, Planning Manager
John Kelly, Senior Planner
Jeffrey Rogers, Biologist
Alexis Crespo, Land Use Planner

PROCEEDINGS

THE HEARING EXAMINER: Good morning, everyone. It's 9:01. Today is July 8, 2021. This is the HEX hearing. Why don't we go ahead and have the Pledge of Allegiance get started. Thank you. (Whereupon, the Pledge of Allegiance was recited.)

THE HEARING EXAMINER: All right. Excellent. Let me just open up with a brief statement. Good morning and welcome to the July 8th HEX hearing. My name is Andrew Dickman and I'm the appointed hearing examiner to hear today's petitions. I am a practicing attorney and have been practicing law for over 20 years. I have been appointed to this position in accordance with the authority set forth in Division 3 of the Collier County Code of Ordinance. It is my role to fairly and objectively review the matters presented. As such, I would like to advise of you certain matters related to today's hearing and proceedings. Today's matters will be heard in the order they appear on the agenda. Every effort will be made to or comments to offer related -- related to specific petitions being heard. If you wish to speak today, it is necessary that you be sworn in. The county will present its recommendations first. The applicant or applicant's agent will then be given the opportunity to present their petition. Formal Rules of Evidence do not apply to the proceedings; however, I will exert every effort to ensure fundamental fairness is afforded to all parties. After hearing all relevant testimony in and public comment, I will issue a decision. The decision will be reduced in writing and you will be provided with a copy by electronic mail; therefore, please make sure you have your current e-mail address. Let me go over a couple other things, and the last thing we'll do is have the court reporter, Ms. Petersen administer the oath. First of all, my job today is simply and clearly to take the -- take the evidence presented, apply it to the criteria for the particular petition and come up with a decision. I will do everything I can to ensure that due to always put on the record what types of notices have been put out there so it's clear to the public and everybody. The parties in these proceedings are the applicant and the county. The general public, there may or may not be adversely affected parties. I am not going to determine who is adversely and who is not adversely affected. If I had to do that, then I would have to investigate, prior to this hearing, and come up with some determination. I strive very strongly to remain a neutral decision-maker here, so I have only the information in front me that is provided to the general public. I have the staff reports; I have the information that's been supplied to the county by the applicant. I have not done any investigations. I have not spoken with any of the applicants. So that's my disclosure. I am here as a neutral decision-maker to rule on the evidence and the applicable criteria. We do have a court reporter here, Ms. Jane Petersen, and she is in control of these proceedings. If she thinks that we are talking too fast, she's going to yell. If she thinks that you're doing hand signals and she can't write those down, she's going she's going to yell at me. So Ms. Petersen, you have that authority. So we have one podium here on the left-hand side. If -- the individuals using the podium, I would appreciate it, since we're still somewhat dealing with the CDC social distancing criteria, people not crowd the podium. Use the podium and all the technical devices that are there and then back away and we'll go at this methodically and clearly, if anyone is here to speak. We do have a hybrid situation here where we have folks that are going to appear electronically, and we have a few people here in the audience that will speak. So Mr. Youngblood in the back, I assume, is the caretaker of the electronic version, and we are going to take every effort to go slowly and methodically through this so that we make sure that everyone is able to get their information on the record. So with that, why don't we -- Ms. Petersen, would you mind administering the oath. And this will apply to anyone in the room, as well as anybody that is appearing electronically. (Whereupon, the oath was administered.)

THE HEARING EXAMINER: Excellent. So we have. Are there any changes to the agenda, Mr. Bellows?

MR. BELLOWS: For the record, Ray Bellows. No changes to the agenda today.

THE HEARING EXAMINER: Okay. Fantastic. Then the first petition -- I notice that both petitions actually have been continued, so this petition, I remember, came up, and I want to make it clear that when these -- when both petitions came to the hearing examiner, nothing substantive was discussed.

It was clearly just to deal with procedural issues, and then we continued them. So there's nothing in the record, per se, that -- there were no arguments made; there were no evidence or testimony presented at that prior hearing. So this is a -- you know, this is the case in chief that each party will be presenting. So why don't we go ahead with item number 3-A, and Mr. Kelly -- John Kelly, why don't you go ahead and introduce this one.

MR. KELLY: Good morning, Mr. Dickman. John Kelly, Senior Planner, for the record. This is going to be project BDE-PL20190000674, 166 Tahiti Circle. There is a supplemental staff report in the second meeting for this item. This however, it was determined, prior to the meeting, that the property owner notification letter required by the LDC was not mailed by the county; that that letter had since gone out on June 18th and the required advertising for this project was effected May 21, 2021. Then to the specifics of this project, the petitioner's requesting an after-the-fact boathouse and 4.4 foot boat dock extension over the maximum 20 feet allowed by section 5.03.06.E.1 of the Land Development Code for waterways 100 feet or greater in width to allow a boathouse and boat docking facility with two boat slips, each with a boat lift, one for 19-foot vessel and the other for two personal watercraft to protrude a total of 24.4 feet into a 900, plus or minus, foot wide waterway for the benefit of the subject property. Again, that property is located at 166 Tahiti Circle, further described as Lot 151, Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East of Collier County, Florida. Staff reviewed this project with the -- with the boat dock extension criteria contained in section 5.03.06H of the LDC. The project satisfies four of secondary criteria with one being not applicable, that being the manatee protection plan, and the boathouse criteria contained in LDC Section 5.03.06F, and it -- we reviewed all seven of the criteria there and found to be in favor of the project. So with that, it's staff's recommendation, based on staff's finding, that you approve petition BDE-PL20190000674 with the condition that an ST permit must be sought and approved prior to obtaining a certificate of completion for the boathouse and dock facility. Any such approval is to be based upon the proposed aerial, sheet three of ten contained within attachment A in the as-built survey contained within attachment B.

THE HEARING EXAMINER: Okay. Let me -- John, if you don't mind, I just want to ask -- make sure I'm -- make sure I'm clear on a couple of things. This is an after-the-fact boathouse and dock, correct?

MR. KELLY: Correct.

THE HEARING EXAMINER: It was built and then, subsequently -- I don't know; closing out the permits, I don't know what happened, but then you found -- someone found -- the county found that it

MR. KELLY: Correct.

THE HEARING EXAMINER: Okay. And then I'm -- maybe this is really more for -- all right. So first of all, the criteria that we're using here is primary, secondary. There has to be four out of five on the primary criteria and then we've got, what is it, five out of six on the secondary criteria, right?

MR. KELLY: Correct.

THE HEARING EXAMINER: Okay. And then I will note that some of these things, I think, are not applicable here. But I do want to put this out to -- to the applicant's representative that one of the things I am interested in is the difference between a marked or chartered navigable channel. And the reason I'm putting that out there is because there is a gigantic -- you measure from shore to shore, it's 800 some odd feet, but I guess Mr. Turrell is really -- or Mr. Rogers will explain that or -- I'm really curious about that, because navigability really relates on the draft of the boat. I mean, if you have a kayak, that's navigable, but if you have a ship, that may not be navigable. So with that. go out now? We have the proper notices that went out?

MR. KELLY: Correct. Just to repeat, the property owner notification letter went out June 18, 2021. The Naples Daily News ad ran May 21, 2021. The sign was originally posted by me on May 21st and a revised -- that sign was revised by me on June 16, 2021.

THE HEARING EXAMINER: Okay. So due to the fact that it's after the fact, my choice is to, if I find that it doesn't meet, then they have to take off 4.4 feet of the dock. Tough choice. All right. Thank you. Thanks for that, John. Appreciate it. All right. Applicant. Mr. Rogers, welcome.

MR. ROGERS: Good morning.

THE HEARING EXAMINER: Right on time. Impeccable.

MR. ROGERS: Good morning. How are you?

THE HEARING EXAMINER: Fine, thank you.

MR. ROGERS: All right. Jeff Rogers, the record, with Turrell, Hall and Associates representing the applicants, Amy and Rob Moses, located at 166 Tahiti Circle in Isles of Capri. and did a good job giving you an overview, I will respond to some of your questions that you brought up and go run through my presentation relatively quickly. On the screen you can see, it's on the northeast side of Isles of Capri. I'll give you just a quick brief history of what's happened here, because this is an after-the-fact permit. As we all know, September of 2017 we had Hurricane Irma. This dock was completely destroyed at that time. The existing dock was basically exactly what's in front of you today. Can I scroll through this power point?

MR. YOUNGBLOOD: Yes. Hit spacebar.

MR. ROGERS: Okay. There we go. All right. So here's a overview of the existing dock and the -- basically, the existing dock that was rebuilt post Irma. What happened here was a contractor was hired by the subject homeowner after Irma to reconstruct the dock that was damaged in the hurricane. And, basically, what happened was the building permit was issued, and the most restrictive point was not indicated on their drawings, which caused a little bit of confusion in the building originally and then constructed.

THE HEARING EXAMINER: Okay. So which side is the riprap on?

MR. ROGERS: The riprap is on the waterward side of the seawall. On the screen in front of you, the property line is the red bold dashed line that you see, but the dock is right up against the seawall. If you can see the space difference between the property line and the waterward side of the seawall, it's approximately, you know, 2.2 feet to be exact, but it's roughly two to three feet difference in that area, and when the contractor submitted their as-built survey, it did show the property line, and did -- county staff then caught the fact that the protrusion of 20 feet was not taken from the most restrictive point.

THE HEARING EXAMINER: So it's actually the seawall that protrudes beyond the property line.

MR. ROGERS: Correct.

THE HEARING EXAMINER: And that accounts for --

MR. ROGERS: The additional footage.

THE HEARING EXAMINER: Right. And then you're saying the riprap is under the dock now? riprap -- in this area, the water -- currents move pretty well and there's -- in order to stabilize the seawall, it's a newer seawall, they'll put large toe stone riprap along the base of the wall in order to prevent any future, you know, structural kickouts of the wall and just protect it long-term. So that has kind of caused of a navigational issue with putting boats right up against the seawall because of the actual rock, and reducing the water depths along the exact shoreline. So really, to be honest with you, any configuration we do here with any vessels, we would, most likely, be in front of you here today because of that.

THE HEARING EXAMINER: Gotcha. Thank you.

MR. ROGERS: So yes. Basically, the dock was built 20 feet -- approximately 20.2 feet from the base of the seawall, which, in the contractor's original thought, that was the 20-foot protrusion mark. And lo and behold, when they submitted the as-built, that's when this came to light. Since then -- this has been going on for a long time. Just, again, to give you some history, e -- I was hired by the contractor to try to resolve this which I did prior to proceeding with the county, which we always do, because they tend to be more restrictive and wanted to satisfy them prior to coming to you. So we are in front of you here today requesting for a 4.4 foot boat dock extension from the allowed 20-foot protrusion measured from the most restrictive point, which, in this case, is the property line. The dock is existing and does have a boathouse over it, which is exactly what was there prior to the damage, and in the exact same location. So they basically rebuilt what was there. With the waterway, the 900 plus feet, there's no -- we're not close to the 25 percent width to waterway. Some of the criteria that you have asked on is water depths and navigation in there. I can show you this overview right here. You can see it's immediately to -- you know, if you --

to the north of the proposed dock, which on my screen is to the left. Basically, you can see a shoal. Kind of the dark green area is the thread of navigation.

THE HEARING EXAMINER: Yes. If you put it on your first slide, it's actually much easier to see. Keep going. Very first one. Stop. I'm asking, because it does look like there's a little bit of a shoal in the middle, and I guess that's Johnson Island across the way, so if you're measuring it straight across, you're getting that huge measurement. And I don't know -- maybe the county will answer this -- but I don't know that there's is a definition for -- at least applicable to the criteria, definition for measuring waterways and then you also have that navigable channel.

MR. ROGERS: Correct. Right.

THE HEARING EXAMINER: And so, you know, I always have to look at that in terms of, you know, if you have a very -- it looks like there's a -- based on that aerial, I know it's a little zoomed in, but I did look at it. It looks like there's a channel on either side that's part of the navigation.

MR. ROGERS: Right.

THE HEARING EXAMINER: The darker green would indicate deeper water versus lighter color. I don't know how deep that is at low tide but --

MR. ROGERS: Basically, that shoal, just from local knowledge, is non navigable at a low tide; you can't you go over it.

THE HEARING EXAMINER: I think at one time you

MR. ROGERS: Yes. Sure am. Yes, sir. And just to give you a little history here, the darker green area further to the north on the other side of the sandbar is a local channel that is owned and maintained by the property up the stream from there, which is Gulf Bay. GBFC, it's known. They basically maintain that thread of navigation. They maintain that waterway per DEP and Army Corps permits. The federal channel is further to the southwest where, actually, vessel is running. On that aerial, you can see a little white track, looks like a jet stream behind it, but that's a boat, and that is where the true federal channel begins and ends for this area. So we're dealing with a local knowledge channel. And again, I want to stress that this dock was existing prior to Hurricane Irma and we have not -- well, I guess we have slightly increased the overall protrusion into the waterway from the original dock, but based on the existing surrounding area and the docks that are -- have -- some have boat dock extensions; some do not. Some are grandfathered structures and they were built, you know, way back they would have to come up to today's code, basically.

THE HEARING EXAMINER: Understood.

MR. ROGERS: So, you know, there's a 37-foot the dock immediately to our southwest and then, you know, immediately to the south is a 25-foot dock, and to our north it looks like it's 19. Now, these measurements are approximate. I do want to stress that. They're not surveyed dimensions. So with that being said, it could be a 35-foot for that one dock. So give or take. So we feel there is no issues with navigation here. Again, we are just rebuilding an existing dock. The applicant has met with both neighbors and discussed it with them. The dock is there. None of them have issued any objections or letters. One gentleman, I believe, did call John at one point before the original hearing, and since then, the applicant has met with him and satisfied his concerns. So really in front of you today just asking for the 4.4 foot boat dock extension, as well as the boathouse. primary criteria; water depth being the one that criteria is not met. It's not the driving factor here. The dock design is really -- the existing dock is the driving factor. So we are in 25 -- well within 25 percent width of the waterway. The location of the dock facility is such that it does not interfere with the use of neighboring docks. It does not. So that criteria is met. Secondary criteria, we also meet the required amounts in there. Really, few of them are not applicable. The manatee protection plan is not. The excessive decking -- really the only excessive decking in this opinion is kind of the boat roof structure does cast a larger shadow onto the water than a typical dock does, but, however, the boathouse criteria is part of this petition, and based on that, we do meet and have designed the boathouse to meet all the requirements outlined in the LDC.

THE HEARING EXAMINER: Got it. Couple quick questions for you. I mean, are you done?

MR. ROGERS: Yes, sir.

THE HEARING EXAMINER: So I'm -- based on your

MR. ROGERS: Correct.

THE HEARING EXAMINER: -- is that correct?

MR. ROGERS: Yes, sir.

THE HEARING EXAMINER: But this would be considered add chartered navigable channel?

MR. ROGERS: No.

THE HEARING EXAMINER: What's the difference?

MR. ROGERS: The federal channel is the one that the Feds maintain and have -- that's the ICW, Intracoastal Waterway, basically. Then you have local channels where the county or the city, the local municipality will maintain those, and dredge those and keep those navigable for locals. In this case, in those channels, the local one's will have markers and the county and/or city is required to maintain the navigational markers to show where the thread of navigation is. This is just a local knowledge channel where it's just an open waterway and you, as the boater, need to know where you can't navigate at certain tides. And that's why that shoal is what came up in question. It's kind of a local knowledge thing. You can see it for sure, but, however, you, you know,

THE HEARING EXAMINER: Okay. That actually answered my question, because as you -- I mean we all know, if you've been on a boat in Florida, local knowledge channels, you know, change with accretion and reliction. And I'm going to give you a test next time on all those other terms.

MR. ROGERS: Please don't.

THE HEARING EXAMINER: And the law of riparian rights and everything like that. Anyway, don't worry about that. A couple other questions. You said no objections from the adjoining neighbors?

MR. ROGERS: Correct.

THE HEARING EXAMINER: John, is that correct? Just say yes or no.

MR. KELLY: Prior to the first hearing date, I did have conversation with one of the neighbors who was concerned about the project. He was provided with information. He subsequently contacted the homeowner and -- for the project location, and I understand they worked out their issues. I did personally notify him of the second hearing --

THE HEARING EXAMINER: Yes. hear back from him.

THE HEARING EXAMINER: Okay. Very good. It could be confusing, you know, if you've already got a dock there and then you throw a sign up for public hearing, you're thinking what the heck is going to go on here. I can understand some confusion in that regard.

MR. KELLY: And also, just to add, Jeff added that there was a small amount of excessive deck. I'll just note that the environmental submerged resources survey revealed no sea grasses within 200 feet.

THE HEARING EXAMINER: Okay. Don't go anywhere, John. Another question I had was the convex curve. So in calculating the distance -- this is under secondary criteria. I think you relate to -- the staff report relates the property line as a convex curve. Did that contribute a little bit, also, to the protrusion confusion or -- I know we're -- we're dealing with an odd shaped lot. Seawall seems to go out beyond -- you know, on the water side of the property line, but then you also have to deal with a

MR. KELLY: The zoning department doesn't effect the reviews for building permits. That's done by development review.

THE HEARING EXAMINER: Got it.

MR. KELLY: I do have to say that what you stated sounds reasonable to me.

THE HEARING EXAMINER: Yes. Okay. So yeah, you have to look at the -- where the riparian lines are and measure from there, but then you also don't have a clean measurement as you would on a typical lot that's rectangular, or square or whatever, something like that. Okay. I understand the reason for that. And I do have a question. Let me get the up. As you know, one of the things here on criteria number two, the secondary criteria number two, which has to do with, really, the reasonable safe access to the vessel for loading and unloading. This is for the -- really, the benefit of the owner and the owner's invitees onto the dock. And, you know, I look, also, as excessive docking sometimes if sometimes it's turning into -- the docks are really in other words. That's the point of this criteria, the way I read it. I look at the watercraft, not the boat, and I don't know if you want to pull that -- well, I see it right there.

MR. ROGERS: Yes.

THE HEARING EXAMINER: So how is that safe? If I wanted to get on that watercraft that's on the most -- let's call it eastern side -- northern side.

MR. ROGERS: Northeast side?

THE HEARING EXAMINER: Yes. Do I just have to hop on one and hop on the other one or --

MR. ROGERS: Yes. Unfortunately, that's -- that's what you have to do in that type of situation. And that's something we, when we design those for clients, we have to be 100 percent clear and tell them, you know, either you make the lift long enough and deck the lift over, which is an option, to create a walkable boat lift to walk around the vessel, but in this case, they're in an aquatic preserve with the state, so we couldn't increase the decking here, which is one of the state's criteria, as well as the county's in regards to excessive decking, but the walkway that's the small little finger pier that's dock walkway out, and you climb onto the first vessel and climb onto the next. What we've done in the past two, if the decking is too excessive, we'll just put a small aluminum walkway in between the two vessels, little platform; we call it a catwalk, and that would help them get onto the next vessel safely. In this case, I'm presenting to you what's there, what was built, and -- by the contractor, so if I was designing this today, I'd probably show a catwalk in there.

THE HEARING EXAMINER: Right. I understand. This is an existing dock, and I -- I mean, you do what you like, but you might want to get an indemnification.

MR. ROGERS: Right.

THE HEARING EXAMINER: But as far as the county's concerned, we acknowledge that -- or at least, excuse me, the hearing examiner's concerned, that I acknowledge that this is already built. That just concerned me, because this criteria is really, in part, directed towards making sure that this is a safe dock and not, necessarily, an entertainment dock. See what I'm saying?

THE HEARING EXAMINER: So if they know what they're doing, they know what they're doing and I would put the one that works towards the dock.

MR. ROGERS: Right. Understand.

THE HEARING EXAMINER: All right. Let me see if I had any other quick questions for you. So we've taken care of the abutting property owners; they seem to be okay with the height of the boathouse. What was the total height of the boathouse? And it is completely open sided, right?

MR. ROGERS: Yes, sir. Yes. So per the criteria, we're allowed 15-foot from the top of the deck up to the crown of the proposed boathouse, and on this cross-section you can -- it's a little confusing, but you can see the 15-foot measurement closest to the shore leading to the top of the roof, so we meet the 15-foot requirement with the design. At least they did that for us.

THE HEARING EXAMINER: All right. Well, why don't we go ahead and open it up for public comment, if there is any. I see no one here in person, correct, Mr. Youngblood.

THE HEARING EXAMINER: Are you seeing the same thing that I'm seeing in here?

MR. YOUNGBLOOD: Yes.

THE HEARING EXAMINER: Okay. Great. Just making sure of that.

MR. YOUNGBLOOD: And we have no public speakers registered online either.

THE HEARING EXAMINER: All right. So we're going to close the public hearing. John, any last words? Say hi to your friends -- no. I'm just kidding. Nothing else?

MR. KELLY: Nothing else.

THE HEARING EXAMINER: We've covered everything?

MR. KELLY: Nothing to add.

THE HEARING EXAMINER: We've covered everything. All right. And then Jeff, you're done?

MR. ROGERS: Yes, sir.

THE HEARING EXAMINER: Jeff is done. That's the applicant. So we're going to conclude this application. I have all the information that I need. Thank you for answering my questions.

THE HEARING EXAMINER: There are some criteria in here. As a lawyer, I do a deep dive into terminology that always, like, you know, makes me go oh, well, I wonder about that.

MR. ROGERS: Rabbit hole.

THE HEARING EXAMINER: Thank you for that. And then I will get you a decision -- I have 30 days, but I'm pretty sure I can get it out before then.

MR. ROGERS: Thank you.

THE HEARING EXAMINER: One other thing, John. Are there any -- there are no conditions here, right? And I have -- the attachments, I believe, are the presentation that the applicant put on here; I have all those attachments, right?

MR. KELLY: Just one correction. They do need a special treatment permit for completion of the dock.

THE HEARING EXAMINER: That's because -- is it Johnson Island across the way and that ST overlay?

MR. ROGERS: It's just the county's ST overlay. We fall right in it. It's based around the aquatic preserve.

THE HEARING EXAMINER: Okay. Thank you. am I on track?

MR. BELLOWS: That's correct.

THE HEARING EXAMINER: All right. Let's go to 3-B.

MR. KELLY: Good morning. Again, this one was previously before you on June 10th; however, no testimony was provided. The reason that the date for the hearing was changed was the NIM waiver that was previously issued was rescinded and, as such, the applicants conducted a duly advertised neighborhood information meeting on June 28th at 5:00 p.m. at the Fairway Bible Church located at 3855 The Lord's Way. The meeting was simultaneously run on Zoom to satisfy remote participation requirements. The applicant's agent and myself were in attendance; however, no members of the public chose to attend. Subsequently, the meeting was closed shortly after. To get into the reason for the petition, the applicant -- this is PBI-PL20200001952, Hammock Park Commerce Center Mixed-Use Planned Unit Development. The requested action is that the hearing examiner approve an in-substantial amendment to the Hammock Park Commerce Center Mixed-Use Planned Unit allow a temporary off-premise directional sign up to ten feet in height, 64 square feet in area, 1,320, plus or minus, feet from the McMullen Mixed-Use PUD for the Watercrest Assisted Living Facility to approve deviations increasing the permissible height, size and distance of the off-premise sign and to update the Planned Unit Development and Commercial Planned Unit Development references within the Mixed-Use Planned Unit Development document. The location of this property, is a 19.19 acres located in the northeast quadrant of the intersection of Collier Boulevard and Rattlesnake Hammock Road in Section 14, Township 50 South, Range 26 East of Collier County, Florida, and it is located within Activity Center Number Seven.

THE HEARING EXAMINER: One second, John. I'm still looking at a boat dock. It's confusing. I have the exhibits here for the temporary sign, but I didn't know if you wanted to pull up that. There you go. All right. We're all in a new room here, so -- yeah. That's what it is.

MR. YOUNGBLOOD: Sorry about that.

THE HEARING EXAMINER: No problem.

MR. KELLY: Okay. So as I indicated property owner notification letter and newspaper ad ran on May 21, 2021 and the public hearing sign was posted initially by the applicant on May 17th, and that was revised to reflect the new hearing date and location on June 18th. This staff analysis is provided within the deviation discussion portion of the staff report which relies heavily on the purpose and intent statements of the sign code as contained within Land Development Code Section 5.06.01A. Ultimately, it's staff's recommendation that the hearing examiner -- let's see. I'm noticing a typo. It's staff's recommendation that you actually not approve the petition as it is written, as it's staff's belief that the sign is not consistent with other off premise directional signs that have been previously approved for this property; however, should you see fit to grant the petition, the temporary off premise direction -- it is staff's recommendation that the temporary off premise directional sign be no greater than ten feet tall and have the sign face area of 32 square feet or less. And that the off premise directional sign may be three years from the date of signed permit issuance until new home unit sales are completed for the Watercrest project or until a building permit is issued for the principal structure on the subject property, whichever

occurs first. So ultimately, our only contention is that other off premise signs for this property were allowed at 32 square feet. The applicant is seeking 64 square feet. We believe that ads to sign proliferation and so we -- therefore, the only objection of staff is the sign face area.

THE HEARING EXAMINER: So it's the requested size of the sign is what is driving your recommendation of non-approval --

MR. KELLY: Correct.

THE HEARING EXAMINER: -- right? And then another quick question. This is a temporary sign, and then my land use attorney understanding of off premise, does that mean that it's not on their -- on the PUD property or it's off the PUD property?

MR. KELLY: That is correct. The sign is for a -- the sign is to be located on the subject PUD; however, it is to serve a project that is not part of

THE HEARING EXAMINER: Right. Okay. So I'm sure the applicant will explain that. I think I understand it, but we'll go from there. All right. Thanks for that explanation. I appreciate it. And while the applicant's representative is coming up, I just want to explain the issue with the neighborhood information meeting. The code does allow the hearing examiner to entertain requests for waivers of neighborhood information meetings. I had originally taken some of those requests after staff reviewed them and gave me their recommendation on them. Subsequently, because of this type of scenario, I'm not saying this particular scenario, but scenarios where we would waive those NIMs, but then there would be some objection, which is a caveat that I put into my approval of a NIM waiver. It just turns out to be a waste of time and you're back here, client's time and also, I feel like that's just a -- just something that I don't feel comfortable doing any longer and I'm not -- I'm not entertaining any NIM waivers any longer, but I think it also is probably not a good -- to allow that waiver, in my opinion, I believe that it ends up in situations like NIM anyway and you're back here. So it's no fault of your own, but here we are.

MS. CRESPO: Thank you.

THE HEARING EXAMINER: Thank you.

MS. CRESPO: All right. Good morning. Alexis Crespo with Waldrop Engineering representing the applicant. Mark Chilcott, who is the developer of the assisted living facility that is what the purpose of the off premise sign is for, is on Zoom, monitoring this morning, is available for questions to the extent we have any. And we do appreciate getting the NIM waiver, but understanding that we did have someone showing up. And this is a very busy area of the county in terms of development, so people are very interested when they see these public hearing signs popping up along Collier Boulevard. This first slide depicts the location of the Hammock Park Mixed-Use Planned Development outlined in yellow, so that is the PUD in which we are proposing to locate this off-premise sign. As John noted, it's 19 acres in size. It was most recently converted to a Mixed-Use Planned Development per ordinance 202039. It's been zoned finally getting underway for development, and it's located at that Mixed-Use activity center at the northeastern quadrant of Rattlesnake Hammock and 951, in and around that Hacienda Lakes area of the county. So what we are requesting is a PDI to the Hammock Park -- well, let me -- while I have that aerial. The purpose of the sign is to direct folks to the Watercrest Assisted Living Facility, which is located due east of the subject property. So this is another PUD approved for ALF uses. We have our construction plans in place per an SDP with Collier County, and it is approximately a quarter mile off the intersection there, and so the intent of this was the Watercrest developer working with the Hammock Park developer so that he could locate some signage along the 951 frontages. The folks traveling to visit this ALF would be coming from that direction, so that -- that is the purpose of the request before you today.

THE HEARING EXAMINER: Okay. So just so I understand this correctly. I'm looking for north arrows here. There it is. So if you're heading east, the sign will be on something that's going to be on the east side of the PUD --

MS. CRESPO: Correct.

THE HEARING EXAMINER: -- which accounts for the off premise designation --

MS. CRESPO: Correct.

THE HEARING EXAMINER: -- is that correct?

MS. CRESPO: Yes. Can you see my arrow?

THE HEARING EXAMINER: I do see your arrow.

MS. CRESPO: So the sign would be located on Hammock Park where my arrow is located advertising the ALF on this property to the east.

THE HEARING EXAMINER: Hold on. I'm turning my staff report so north is up.

MS. CRESPO: North always has to point up, right?

HEARING EXAMINER: North has to be up. Yeah. Okay. Now I understand. So you're going to be on the -- you're asking for a sign on the east side of 951.

MS. CRESPO: Yes.

THE HEARING EXAMINER: Okay. And it will be facing -- so if you're driving south, you'll be able to see that with the arrow pointing to take a left to get to your proposed site, correct.

THE HEARING EXAMINER: Okay.

MS. CRESPO: So in order to achieve that sign, we needed to request three deviations from the sign code. One is to allow a 64-square foot sign face area, whereas the code limits off premise directional signs to only 12 square feet. We are also seeking additional height to allow for a ten-foot tall sign, whereas the code limits the sign height for off premise directional signs to eight feet in height. And then also, our site is 1,320 feet from the subject property, the location where the sign would be located, and the code says off premise signs must be within 1,000 feet of the property, so a slight increase to that distance criteria. And that would, again, be achieved by adding deviations to the Hammock Park PUD. I want to dig in a little bit to the discussion on the existing off premise sign on the property and the concept of signage proliferation, we certainly understand the intent of the sign code is to ensure attractive development within the county and not allow for too many signs in too many locations that would detracted from the beauty of Collier County. temporary sign located with the northern star. If you can see my white arrow, I'm pointing to where our proposed --

THE HEARING EXAMINER: I see it.

MS. CRESPO: -- temporary off premise sign will be located. As John noted, there was as PDI approved dating back to 2014 to allow for another off-premise sign on this site for Hacienda Lakes, which wraps around the subject property at this intersection. There would be 195 feet of separation between our proposed temporary off-premise sign and the permanent structure that was approved in 2014 as an off-premise sign.

THE HEARING EXAMINER: Can you go back one, please? Where is 62nd? Is it saying -- Go back to the sign.

MS. CRESPO: This one?

THE HEARING EXAMINER: Turn left on 62nd north --

MS. CRESPO: There's a conceptual sign. This is a Watercrest property in South Carolina. This is, generally, the look that they would be proposing, but

THE HEARING EXAMINER: Got it. All right. Through me off there.

MS. CRESPO: Confusing. Yes. Sorry. So the existing off-premise sign on the subject property was permitted by another PDI, as John noted, does allow for lesser sign face area than what we are requesting. That sign was approved for 38 square feet of sign face area and 13 foot tall signage height. The differential between what's being requested today and that precedent for off-premise signage on this property is this is monument permanent signage structure that is really a gateway feature to Hacienda Lakes. So very different in terms of its intent and purpose, whereas we're seeking a directional temporary off-premise sign simply to direct traffic safely to the Watercrest site. So we would submit this is kind of an apple and orange situation. And when you look at the picture of the existing permitted off-premise sign, you can see this is a vast structure. The Hacienda Lakes text is 38 square feet in size, but certainly, when taken into account with all these architectural features, the bell tower, this is a substantial sign you look at the structure itself.

THE HEARING EXAMINER: So hold on. Are you trying to say that the Bell Tower, the wall, everything, you're comparing your sign to that or are you comparing our sign to the part of the monument sign that says Hacienda Lakes?

MS. CRESPO: I'm denoting that the 38 square feet that was approved is only the copy area of the

text, so it's a large sign feature or monument architectural feature, but the text itself is 38 square feet, as John has noted. I'm really just trying to differentiate this off-premise sign from what is being proposed in that one is very permanent; serves as more than just signage, really an architectural feature to anchor the intersection, whereas ours is a temporary thing to get people to the site safely from Collier Boulevard for a relatively short period of time. So the justification we provided staff for the 64 square feet additional height is due to characteristics along Collier Boulevard at this intersection, as I'm sure you've traveled many times. There is a substantial existing waterway canal that runs along the roadway. There is a multiuse pathway lanes in each direction. There's relatively high travel speed, so there's a lot going on. And we're, again, looking to safely direct people to this property east of the intersection. And so this would be a very different request was this a two-lane local road where there are not these intervening structures features that create a lot of separation between the travel lanes and the proposed signage location, as you can see on this slide.

THE HEARING EXAMINER: So using your mouse, kind of generally show me where your sign – where you want your sign to go.

MS. CRESPO: Approximately (indicating).

THE HEARING EXAMINER: Right there.

MS. CRESPO: Right there.

THE HEARING EXAMINER: And you're hoping that the folks that are driving east will see that?

MS. CRESPO: Yes.

THE HEARING EXAMINER: Or driving the other direction --

MS. CRESPO: The intent would be to, likely, do a V sign so that it's angled and that you could have views for both north and southbound travelers along

THE HEARING EXAMINER: So you want copy on both sides?

MS. CRESPO: Correct.

THE HEARING EXAMINER: Okay. Should that affect my analysis?

MS. CRESPO: The sign code states that if the copy is exactly the same, the calculation would be for one of the V -- one side of the V, so we would be consistent with how signage is measured from that perspective.

THE HEARING EXAMINER: Okay.

MS. CRESPO: We do think it will -- again, enhanced safety is one of the criteria for deviations being added to PUDs.

THE HEARING EXAMINER: Quick question. It's off-premise, meaning that -- are these common owners, property owners.

MS. CRESPO: No.

THE HEARING EXAMINER: So you do have authorization from the owner of the property that you want to locate the off-premise sign on, right?

MS. CRESPO: Correct. The owner of Hammock Park, who is different than my client, was the applicant for the petition, so he's very much --you have authorization to speak for that applicant -- or for that property owner?

MS. CRESPO: Yes.

THE HEARING EXAMINER: All right.

MS. CRESPO: Okay. So staff has recommended -- we would submit it's not characterized as denial, certainly, but just a lesser square footage of sign face area, and they've also included a condition that the three years we're seeking would be limited by issuance of a building permit for a principal use on the Hammock Park PUD. Building permits are imminent for a 7-Eleven gas station on this site, and so the addition of that text by staff and the condition in condition two would, basically, make this temporary sign useful for maybe three to four months, would be my estimate, based on where 7-Eleven is in the process, so we are in disagreement on that aspect of the condition as well. So they noted concern with the size, concern with proliferation, too many signs on the property and consistency with other off-premise signage approvals. So I just want to address each one of those. 600 feet of frontage along Collier

Boulevard, and that really affords us the ability to space this sign out very well from the Hacienda Lakes monument sign at the southern corner of the site, so we've achieved 195 feet of separation there.

THE HEARING EXAMINER: Are you okay?

MS. CRESPO: I'm okay. And the code says you have to have 100 feet between off-premise signage on the same property, so we are almost double that, so that would be an indication that this would not be creating sign proliferation and that we're double what the code says is the standard for preventing proliferation. There was also a question of we're going to have some permanent signs coming online. As I noted, there's a 7-Eleven being constructed. There's going to be more uses online in Hammock Park shortly. So we are going to be 86 feet from where the proposed 7-Eleven permanent sign is going to be located. So we wanted to address this proliferation concern both from the existing off-premise, as well as future on-premise signage.

THE HEARING EXAMINER: On this photograph, show me where the 7-Eleven is going to be. going to anchor that far southern corner of the site close to the existing monuments.

THE HEARING EXAMINER: Are there other off-premise signs in this frontage here?

MS. CRESPO: Non-approved for PDIs.

THE HEARING EXAMINER: But some of the signs --I think you showed an aerial of some other signs. Are they on this frontage?

MS. CRESPO: When I drove by, I did note some additional signage. I did also review the records and there's no approvals for those signs and, therefore, that could be an item that the county could look into further. So in terms of -- in terms of permitted signs, this would be the only temporary --

THE HEARING EXAMINER: The other ones are permanent. The other signs that are -- in short, the county's concern about proliferation of signage, and so if somebody has a lot of, let's say, unused frontage, hypothetically, they can, either for money or no money, whatever, they can try to utilize their vacant frontage to put signage there, temporary or not. So that's off-premise. So I think there is a -- you know, signs they're big issues, in terms of the size, and visual pollution and, also, safety and confusion. So that's all I -- I mean, I understand your arguments about you have a future development and you want to catch the eye of potential people that are either looking for it, you know, by, you know, having Googled it or have an appointment or something like that, but also may just catch some advertising on the roadway, too. So I just wanted to make that observation about -- related to why the county. It's the size of the sign, and if you have signs that large proliferating, I think that -- my interpretation of what they're saying is that's the concern.

MS. CRESPO: Right.

THE HEARING EXAMINER: Okay.

MS. CRESPO: And to my knowledge, there's no sign permits for temporary signage on this site that are active.

THE HEARING EXAMINER: Understood. Okay.

MS. CRESPO: So we've talked about the frontage, the spatial separation. This is the 7-Eleven site plan showing where our -- the northernmost arrow is pointing to where our proposed sign would go in relation to the 7-Eleven sign, which that's almost 100 feet. And then, again, our sign would be almost 200 feet from the Hacienda Lakes off-premise monument signage at the corner. So we would submit, based upon these separations, the frontage along 951, that this would not result in proliferation of signage due to the specifics of the property. In terms of consistency with other PDIs, I've permitted off-premise signage for a very similar situation. A little further north on Collier Boulevard I permitted the Canopy Planned Unit Development, also formerly known as Buttonwood. It is generally where my arrow is circling. It was about 1,500 feet off the intersection of Tree Farm and Collier Boulevard. This developer worked with the HOA at Bristol Pines and was able to locate a temporary directional sign at the corner of 951 on their property through the PDI process. That PDI was approved at 15 feet in height, 64 square feet in sign face area, which we did use, generally, as the model to craft this PDI, and that sign was about 1,500 feet off the intersection, so needed the same deviations that this site requires. I'm wrapping up here, but this is a depiction staff. So if we went with 32 square feet as opposed to 64, we would still be -- they haven't disagreed with the proposed height, so the height would be the same; the copy area gets

significantly smaller, and it's our submittal that this would reduce safety along the road, that the smaller sign would result in, potentially, smaller text and would not just have the same impact of the sign being proposed.

THE HEARING EXAMINER: Okay.

MS. CRESPO: We are in agreement with staff that the request meets your PDI review criteria in Chapter Ten of the Land Development Code. It's not substantial; meets all of its criteria. I can walk through those, if you would like.

THE HEARING EXAMINER: No. No. I have all that. I do have a question for you.

MS. CRESPO: Okay.

THE HEARING EXAMINER: Again, you're here as an expert and I want to make sure that this is your opportunity to get that expert testimony on the record. You're a planner with your engineering firm? Tell me a little bit about your background.

MS. CRESPO: I'm a certified planner of the

THE HEARING EXAMINER: Okay. Great. And as far as like signage, tell me about how much you've worked with signage, number of signs you've --

MS. CRESPO: Number of -- I've been doing this for approximately 16 years in Southwest Florida, and between developments and sign like this, I would -- 70 to 100 sign permits.

THE HEARING EXAMINER: So you're familiar with signs. This is -- you can speak expertly to signs, and why you need signs and the safety -- you mentioned safety issues; that a smaller sign could potentially be a safety issue, and then as far as actual effectiveness between the difference of a 64-square-foot sign and a 32-square-foot sign, do you have anything regarding that? Like is there a big difference? Because it seems like this is all about trying to advertise for the purpose of selling the business.

MS. CRESPO: Correct. And I don't have any specific citation to submit to the record in terms of travel speed, sign font size, but certainly, I can submit that being able to do larger sign face copy, larger text when you're dealing with upwards of 200 feet of separation between the vehicle and the traveling at approximately 55 miles per hour, having the benefit of the larger text would increase safety. I feel comfortable submitting that.

THE HEARING EXAMINER: Okay. Give me one second. Are you done?

MS. CRESPO: Done with that question.

THE HEARING EXAMINER: That's it? Okay. Why don't you keep going with your presentation.

MS. CRESPO: Well, this is really, in effect, the last. We're appreciative of staff's recommendation to allow for signage on the property. We would request the 64 square feet as proposed. We have no dispute with the ten-foot-tall height and we would also ask that the "or until a building permit is issued for a principal structure on the property, whichever occurs first" is struck. We would ask for the three years. That will allow us to build out the Watercrest Assisted Living Facility, populate that site. It is in two phases, so that would allow us the time to get through both phases of that and, in effect, the language that's in there now would make this virtually moot, as we do expect a building permit to be issued within this calendar year for a 7-Eleven on the Hammock Park site. years -- the trigger for the three years to start with the permit of the sign; is that correct?

MS. CRESPO: Correct.

THE HEARING EXAMINER: And not with the building permit issued for the principal structure.

MS. CRESPO: Correct. Because they -- if I read this correctly, the principal structure would be one located on Hammock Park, not the Watercrest principal structure.

THE HEARING EXAMINER: Okay. And which principal structure would be on Hammock Park; is it the 7-Eleven?

MS. CRESPO: Correct. Yes.

THE HEARING EXAMINER: Okay.

MS. CRESPO: That really concludes my presentation. We're in agreement with the staff that

it meets the LDC criteria and the GMP criteria. We'd ask for slightly modified conditions and I'm happy to answer any questions that you have.

THE HEARING EXAMINER: Okay. Thank you. John, I need to speak with you. The first question I have, it's a little bit of a misnomer, I guess, that, you know, it's -- you see the sign in one dimensional on the staff report and about a double-sided sign. Even more than that, it's -- I don't know, what the -- folded sign or -- what do you want to call it?

MR. KELLY: That's the way it's been presented to us. It appears to me to be a one-sided sign.

THE HEARING EXAMINER: Okay. Well, we needed to clarify that, because is -- we're talking about two signs -- I mean, we need to understand this. This is important, because -- Ms. Crespo, did I misunderstand you? Can you come up, please? I want to understand what -- I mean, I don't want any surprises, so let's take our time here.

MS. CRESPO: The graphic depiction is one sign face. My client is watching and I'm going to be texting him saying do we need the V-sign shape or is a flat, one-sided sign sufficient. I think there's certainly benefit to having a V-shape sign considering the traffic flow, but I can -- if you give me two minutes, I can clarify.

THE HEARING EXAMINER: Yes. And forgive me. I want everybody to relax. Okay? So this is really important for me to have as information, because I'm not going to get the chance going to say good-bye and I have to deal with all this stuff. So you're saying it's a V-shaped sign. Is there a legal term for that in the city's definition? What is that? Is that V shape?

MR. BELLOWS: For the record, Ray Bellows. Yes. There is a definition of the various sign types and figures and there is a V shape.

THE HEARING EXAMINER: Now, was that what was applied for? What that what the application was for, Ms. Crespo?

MS. CRESPO: The PDI did not differentiate between what type of sign. It was a temporary off-premise sign. The code says if you're going to do a V-shape sign, it has to be the same copy area in order to not count as double faces. I don't believe our application materials clarified that and I can certainly do that while the record is open, if that's necessary.

THE HEARING EXAMINER: Okay. So when you're -- okay. One issue is the V-shaped sign, which means -- I'm assuming that because it's set so far off and there's a waterway or a -- you know, there's water in storm water drainage, I assume, storm water system, you want it V shaped in order to accommodate from that as opposed to, you know, a non-V shape, which would be copied on both sides and perpendicular to the roadway. I correct in saying that?

MS. CRESPO: The value of the V-shaped sign would be if I'm northbound; I'm going to have an angled view and I'm going to have more time to see it. If it's perpendicular, you're just going to have that immediate moment of passage visibility.

THE HEARING EXAMINER: Lights?

MS. CRESPO: No lights requested.

THE HEARING EXAMINER: No lights. Absolutely no lights.

MS. CRESPO: No.

THE HEARING EXAMINER: Okay. Yes, sir.

MR. BOSI: Mr. Dickman, just to provide a further clarification of 50604, which is your development standard for signs in nonresidential districts, it does say that -- under C, Development Standards, the maximum size limitation shall apply to each sign structure or sign area, whichever is applicable. Pole ground signs may be placed back to back or in a V shape construction where both sides structure shall be considered one sign. So I think what it is was just a matter of needing further clarification that the off premise sign was for a V-shaped sign if we want to go to that specificity, but that V-shape sign would be considered one sign per the code.

MR. BELLOWS: And for the record, Ray Bellows. I do have the definition of V-shaped sign, if you want me to read it.

THE HEARING EXAMINER: Yeah. Read it into the record.

MR. BELLOWS: Okay. V-shaped sign is a two -- two single faced freestanding signs that are

constructed in the form of a V when viewed from above provided the internal angle at the apex is not more than 90 degrees and the two faces are not separated by more than six inches at the apex, and displaying the same messages on both faces.

THE HEARING EXAMINER: Freestanding.

MR. BELLOWS: Yes.

THE HEARING EXAMINER: So let's have that citation again for that just so I have it and I can go back and look at it.

MR. BOSI: 50604.C. clarifies it. So basically, it's one sign, even though it's copied on both sides, but you can separate it slightly, ever so slightly. I'm not sure what you're -- I'm not sure what your percentage is here, but apparently, that's the way it works with the code. Okay. Thanks. I wanted to clarify that. It's important to get all of it on the record. John, does that change your whole world?

MR. KELLY: No, sir. It's right in line with my world. The clouds are white and the sky is blue.

THE HEARING EXAMINER: Sky is blue. What about your recommendation; does it still stay the same?

MR. KELLY: The recommendation is still the same, because again, we're dealing with an off-site directional sign. Staff does not believe that a directional sign should necessarily contain advertising; however, we can't really say what does appear on the sign. But again, it's an off-site directional sign.

THE HEARING EXAMINER: Right.

MR. KELLY: So the only thing we are open to really is the -- until a building permit is issued. obtained site development plan approval. That came between the time that I was -- that I had reviewed the project and the time that I had written the staff report. So I did include the site plan for the 7-Eleven as an attachment. We're concerned about the permanent signage coming online that combined with any temporary signage. So three years might be a bit long; that's what the applicant's asking for, but we would ask that you evaluate.

THE HEARING EXAMINER: Okay. So the -- okay. So we have no lights. We know that we have a -- we know we can't deal with content. We're not allowed to. It's against the law. Okay. But it's more or less -- we deal with size, location, things that have non-content related issues. So basically, it's a huge arrow, even though this is an arrow to Myrtle Beach, not to 62nd Street. Sorry about that, but, you know, you could have whited that out. Anyway, so I understand the timing of this is with regard to when you have the 7-Eleven, which will be right on the corner, not far from the sign. Once it is operational or goes up, it's obviously going to have its own sign, and then if you have this want timing from when they put the sign up, not based on when -- when the gas station goes up. Okay. I think I understand that. John, when you -- it looks to me as though the county would look at these on a case-by-case basis, right? Depending on what's happening in the area, the -- you know, so using other signs that have been approved, whether they're 64, or 32 or whatever, am and I correct in saying this has got to be a case-by-case scenario?

MR. KELLY: You are. And again, we're looking at there already is an off-premise directional sign on this property, and the information that the county has is that the sign face area was 32 square feet for that directional sign, which, I believe, is Hacienda Lakes. You have a photograph of it.

THE HEARING EXAMINER: I do.

MR. KELLY: It was the large wall.

THE HEARING EXAMINER: Yes. I appreciate that. Okay. Well, this was a lot more interesting than I thought. No lights, right?

MS. CRESPO: No lights.

THE HEARING EXAMINER: She's saying no lights. Why don't we let the public speak? Mr. Youngblood, I see no one here. Do you see no one here?

MR. YOUNGBLOOD: I don't see anybody here.

THE HEARING EXAMINER: No one signed up to speak here. What about out there in the world?

MR. YOUNGBLOOD: No, sir.

THE HEARING EXAMINER: Okay. And I understand your client is out there if we have questions for -- I don't know if your client wants to speak or not, but I think everything -- I don't have any questions at all, but I want to afford your client an opportunity to speak. No?

MS. CRESPO: No.

THE HEARING EXAMINER: Okay. Great. Then I'm going to close the public hearing.

MS. CRESPO: Oh, may I?

THE HEARING EXAMINER: Anybody have any -- Go ahead. Let's have some last words of advice, Ms. Crespo.

MS. CRESPO: I kind of want to reiterate the hit list of justification for the request. We do have 600 feet of frontage. This sign will be 86 feet away from the 7-Eleven sign. I actually addressed that it is not going to be close to that permanent sign that will come online shortly. It is almost 200 feet from the existing off-premise -- you can call it a directional sign, but the existing off-premise monumentation at that far southern corner of the site. The fact that that was approved for 38 square feet based on the design, the function, the purpose of that sign, we don't see that as a rational nexus to limit this specific sign similarly, because they are just completely different types of signage and doing completely different things for off-premise uses.

THE HEARING EXAMINER: You're talking about the Hacienda Lakes sign, the, sort of, entrance sign, the one that's sort of defining that corner --

MS. CRESPO: Correct.

THE HEARING EXAMINER: -- right? And it has the Bell Tower and architecture features that I assume are related to the beauty and things like that. Okay.

MS. CRESPO: It appears that was the -- the 38 square feet of sign face area allowed for that is where staff has fallen in limiting the size of this sign and we would just submit one is permanent; one feature to a community. I don't know if it's really directional in its purpose either, but we would just submit that they're very different and we have provided evidence of other temporary directional off-premise signage that have been approved at the 64 square feet and would be approved in this location when you take into account the intervening drainage canal, pathway, travel speed, et cetera.

THE HEARING EXAMINER: Right. Right. I do understand that. I get that. But I don't -- I don't believe, and John or somebody is going to correct me if I'm wrong. I don't believe that that was the sum total of their argument about that sign. I think it had a lot to do, also, with the coming gas station. So I think it was a combination of that. It wasn't just a comparison of the two signs. They did take into account that, but I don't think it was the only issue.

MS. CRESPO: And if I said that --

THE HEARING EXAMINER: Yes, please.

MS. CRESPO: -- I didn't mean to -- I didn't mean to indicate that it was solely upon that sign.

THE HEARING EXAMINER: Yes. But comparing sign to sign, I get it. Sign to sign, that's what you're there is a gas station going there, right?

MS. CRESPO: Correct.

THE HEARING EXAMINER: Okay. That's what I thought. Okay. Interesting. Anybody else? Going once, going twice. Nobody out wants to speak? All right. Then we'll close the hearing and, according to the agenda, that's it. Do we have any other -- thank you for being here. I appreciate it. Any other business we have to take care of, Ray?

MR. BELLOWS: No. Nothing.

THE HEARING EXAMINER: We're back at the other building next time?

MR. BELLOWS: That's correct.

THE HEARING EXAMINER: All right. Get them out of here already. You already got the e-mail, get them out of here. All right. Then no public comments, then I am going to adjourn. It's 10:17 according to the clock on wall over here. I assume that's correct. Thanks everyone. I appreciate you being here. We're adjourned.

COLLER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 8/26/21, as presented  or as corrected _____

CERTIFICATE OF REPORTER

I, Jane Petersen, Florida Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript, pages 1 through 63, is a true and complete record of my stenographic notes.

Dated this July 22, 2021.

Jane Petersen
Florida Professional Reporter
Stenographically Reported By:
Jane Petersen, FPR
Florida Professional Reporter