

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
September 28, 2023

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 ANDREW DICKMAN

ALSO PRESENT:

Michael Bosi, Planning and Zoning Director
Raymond V. Bellows, Zoning Manager
Eric Johnson, Principal Planner
Eric Ortman, Principal Planner
Ailyn Padron, Management Analyst I

P R O C E E D I N G S

HEARING EXAMINER DICKMAN: All right. Good morning, everyone. Today is September 28, 2023.

Let's stand for the Pledge of Allegiance, please.
(Pledge of Allegiance.)

HEARING EXAMINER DICKMAN: Okay. Great, great, great.

My name is Andrew Dickman. I'm the hearing examiner for Collier County. This is the hearing examiner meeting held twice a month.

I'm a contract attorney by -- under the Board of County Commissioners.

I have been an attorney for over 20 years in good standing. My specialty is in local, county, and municipal government, land use and zoning. I'm very familiar with the codes that pertain to the applications that come under the hearing examiner jurisdiction.

This is a quasi-judicial hearing. And for those of you who don't know what that is, it is the hearing where essentially everyone gets a chance to present their case. It will be the County presenting their staff report and an overview of the petition.

And then the applicant or the applicant's representative will speak over here and put on their case in chief and explain why -- why the petition should be granted.

Then we'll open it up for public comment. If there's anyone in the audience here who wants to speak, please fill out a speaker's card and hand it to this young lady over here.

We have a -- we're still doing hybrid; right?

MR. BOSI: Yeah.

HEARING EXAMINER DICKMAN: We do have a hybrid meeting today, which means that there may or may not be folks attending via Zoom virtually. The County set that up as a convenience for people who can't quite make it here.

I like to run these -- while we do have structure, I like to run these meetings as informally as possible, because I want you-all to relax. Whoever is going to speak, I want you to relax.

It's more important that I understand what you're trying to tell me, get the information out, address the criteria for the petition.

You know, we're not in the chambers at the County Commission, so just -- it's important, because after today, the record is closed. And I have 30 days to make a decision, a written decision. And I can't talk to anybody about it, just like a judge can't go and call up somebody and say, "Well, what about this? What about that?" It's very similar to that.

As far as neutrality and impartiality, I have not met with anybody about the petition on the agenda today. I have not had any conversations. I don't talk to the applicant. I don't even talk to County staff when they're putting it together. I am here strictly as a neutral decision-maker, not only to evaluate the criteria and also the evidence that's presented, but also to be able to run this meeting in the way that the law prescribes that a quasi-judicial hearing is done.

So with that, if you have any phones or anything that makes noise, please turn them off. If you need to have a conversation, just step outside in the hallway, so that we can get through this as expeditiously as possible.

Please try to speak as clearly as possible, because we have a court reporter here

who is taking down everything verbatim, which is a very helpful thing for me, because from time to time I have to call up and say, "Can I have the transcripts?" because I want to, like, see exactly -- remember exactly what was said and that kind of thing.

So if for some reason, you start -- or we start talking over each other, she's going to stop us and tell us to behave ourselves. And that's always embarrassing for me. It's usually me that gets stopped.

Okay. So I think that's everything.

If anyone is going to speak today here, you need to be sworn in. So I'm going to ask you to stand and raise your right hand.

And, if the -- Madam Court Reporter, would you mind administering the oath, please.

(The Oath was administered.)

HEARING EXAMINER DICKMAN: Awesome. Very good.

All right. So we have a mammoth agenda today. One item. And it's Venture Church Naples, Inc.

So who do we have here?

Good morning.

MR. ORTMAN: Good morning, Mr. Dickman.

HEARING EXAMINER DICKMAN: How are you doing today?

MR. ORTMAN: I'm very well.

HEARING EXAMINER DICKMAN: All right.

MR. ORTMAN: Yourself?

HEARING EXAMINER DICKMAN: I'm feeling good.

MR. ORTMAN: Okay. For the record, I'm Eric Ortman, principal planner.

This is Petition 2 -- CU-PL20220001333, a request for a conditional use for a church on a parcel that is essentially in two zoning districts. The parcel is roughly divided into half. The southern half abuts U.S. 41 and is zoned C-2, where churches are a permitted use. The northern half is zoned mobile home, where churches are a conditional use.

Due to a surveying error in the past, there is also a 0.05-acre sliver of land that is zoned agricultural but which does not affect this petition.

The 9.36, plus or minus, acre property is in the northeast quadrant of the intersection of U.S. 41 and Joseph Lane, which is approximately three miles east of the 41-Collier Boulevard intersection.

The proposed two-story church will be 51,080 square feet, plus or minus.

The property abuts 41 on the -- the property abuts U.S. 41 on the south, where there is an existing church on the other side of -- of U.S. 41.

The property to the east is zoned agricultural and comprised of both vacant land and single-family homes.

The property to the north is a mobile home park.

And the property to the west is zoned C-3, and there's a gas station on -- and a convenience store on the property. It's a gas station/convenience store.

Setbacks for the church far exceed what is required by the LDC. There is a 82-foot setback along U.S. 41. And the other three setbacks range from 124 to 276 feet.

The church has requested to be able to also have a food bank and has agreed that any food bank activities will occur only on the C-2 portion of the property and that

traffic for the food bank will not back up onto either Joseph Lane or U.S. 41.

The May 23rd NIM was attended by seven individuals, including two members from the church. In response to a question asked, the applicant responded that daycare would be available only to those in attendance at either worship services or other church events and only during the time of the service or event.

Due to an oversight that showed the correct footprint of the church at the NIM but neglected to show the second story and associated increase in square footage, a second NIM was required. The second NIM was duly noticed and held virtually on August 3rd. There were no members of the public who came to the NIM.

The project itself was duly noticed and advertised with signs on the property posted on August 30th and an ad in the Naples Daily News on September 8th.

There have been no public objections to this petition.

Staff finds that the project is consistent with the Land Development Code and the Growth Management Plan and recommends approval of the project subject to the 11 conditions of approval that are included in the staff report and in Attachment 1 and agreed to by the applicant.

HEARING EXAMINER DICKMAN: Okay. Just to be clear. So in both C-2 and manufactured home zoning district, it's a permitted -- one is a conditional use and one is a permitted use?

MR. ORTMAN: It's a permitted use in C-2.

HEARING EXAMINER DICKMAN: Right.

MR. ORTMAN: A conditional use in mobile home.

HEARING EXAMINER DICKMAN: All right. Thank you. Nice job.

Is the applicant or the applicant's representative here?

Hi, good morning.

MS. HARRELSON: Good morning.

HEARING EXAMINER DICKMAN: Yeah, just -- I like to play around with those, too, you know. That's okay.

MS. HARRELSON: Maybe I'll just stand on my tippy-toes.

HEARING EXAMINER DICKMAN: Yeah.

MS. HARRELSON: Good morning.

I am Jessica Harrelson. I'm a certified planner with Peninsula Engineering. I'm here representing the applicant, Venture Church Naples, and I have a very long presentation to run through.

HEARING EXAMINER DICKMAN: Excellent, excellent. A couple hours?

MS. HARRELSON: I mean, if you want to pull up the presentation.

You can start at slide 2.

Members of the team here with me today are Josh Fruth. He is vice president of engineering with Peninsula. We have Rich Yovanovich, the land use attorney. And Norm Trebilcock. He's our traffic consultant.

Next slide, please.

So a conditional use has been submitted seeking the approval of a church on the subject property with a maximum floor area of 51,080 square feet, consisting of no more than two stories and 800 seats.

The site is located east of Collier Boulevard, at the northeast quadrant of Tamiami Trail East and Joseph Lane and consists of 9.36 acres.

So, again, the property is located within the C-2 commercial convenience zoning district along the Tamiami Trail frontage. That's represented by that pink color.

The northern portion of the property is located within the mobile home zoning district, represented by the yellow.

And there's a slight encroachment within the rural agricultural zoning district along the northeast. That's that hatched area that you see.

The property abuts residential development to the north, the northeast, some undeveloped lands along the remaining eastern portion and rights-of-way along the west and the south.

Again, churches are a permitted conditional use within the mobile home district, and a permitted principal use within the C-2 zoning district.

This is the conceptual site plan. The building has been designed to meet maximum permitted building heights. That's 30 feet within the mobile home zoning district and 35 feet in the C-2 zoning district.

Code-required setbacks are significantly exceeded on all property boundaries.

There is a large detention area that's been designed to provide additional buffering between the development and adjacent residential uses.

Access will be from Joseph Lane. So there's two access points. The southernmost access is a right in only, and that northern access is a full access connection. We also have an emergency-only access designed along Tamiami Trail.

For perimeter landscape buffers, we have a 15-foot Type B buffer along the north and the northeast. We're abutting residential development. That will include a 6- to 8-foot solid wall. We have a 10-foot Type D along Joseph Lane, a 15-foot Type D along Tamiami Trail, and then we have a type -- a 10-foot Type A along that remaining eastern boundary abutting undeveloped property.

Next slide.

So these are the conditions of approval included in your packet. There's a total of 11. I can run through them with you, or if you have any questions, we can just talk about them.

HEARING EXAMINER DICKMAN: Thank you.

MS. HARRELSON: Okay.

HEARING EXAMINER DICKMAN: I have -- I've read them, but if you want to -- if there's anything in particular you want to highlight for the hearing, that's --

MS. HARRELSON: No.

HEARING EXAMINER DICKMAN: -- go ahead.

MS. HARRELSON: Then the next --

HEARING EXAMINER DICKMAN: But you're in agreement with all of it?

MS. HARRELSON: Yes. The applicant is in agreement with all of these.

HEARING EXAMINER DICKMAN: Okay.

MS. HARRELSON: We worked extensively with staff to further address compatibility during the review process with those conditions.

HEARING EXAMINER DICKMAN: Okay.

MS. HARRELSON: These are just some photos of the church's mobile food bank that's related to Condition Number 10. I just wanted to highlight these. I think it's really a benefit for the community.

It's essentially just a mobile market on wheels. It's an air conditioned space

where individuals can come and shop for the items that they want without having to pay. And typically the church can assist up to 150 people with one drive.

HEARING EXAMINER DICKMAN: Wow.

MS. HARRELSON: Yeah.

Next slide.

And as Eric Ortman stated, we had two neighborhood information meetings. The first was held in June. Five people from the public attended. There were no objections to the project voiced at that meeting.

And the second meeting was held to discuss an increase in the overall building area of the project. It was an online meeting. No one from the public participated. But I did include a detailed outline of what the changes were in my notice and in the ad, so --

Next slide.

And this is an architectural rendering. This is the view coming into the project from Joseph Lane. And as you can see, it's been designed to be esthetically pleasing and to complement the neighborhood.

And that concludes my presentation.

HEARING EXAMINER DICKMAN: You're right, that was extensive.

Thank you. Very nice job.

And I do like the design. The landscaping is very lush, very South Florida.

Thank you.

MS. HARRELSON: Yep.

HEARING EXAMINER DICKMAN: Any -- do we have any public speakers?

MS. PADRON: We do not have any registered speakers.

HEARING EXAMINER DICKMAN: Okay. Anything from the County? Any additional --

MR. BOSI: Mike Bosi, planning and zoning director. Nothing from -- nothing more from the County.

HEARING EXAMINER DICKMAN: Okay. And are services only on Sunday, or are they going to have -- is that their primary --

MS. HARRELSON: We do have hours of operation included in the conditions of approval. 7:00 A.M. to 10:00 P.M. daily. And those hours may extend up to 12:30 A.M. up to two times per month.

I think right now they're planning to have services on Wednesdays and Sundays and with the option to provide additional --

HEARING EXAMINER DICKMAN: Okay.

MS. HARRELSON: -- if needed.

HEARING EXAMINER DICKMAN: I don't have any questions. Pretty straightforward.

Really nice presentation. Thanks for doing two NIMs. That was a really -- really generous of you.

And without any other -- we have nothing else to -- I have nothing else to say. I'll get a decision out to you as quickly as possible.

MS. HARRELSON: Great. Thank you so much.

HEARING EXAMINER DICKMAN: You're welcome. Nice job, by the

way.

MS. HARRELSON: Thank you.

HEARING EXAMINER DICKMAN: All right. Do we have anything else?
That was the only item on the agenda.

MR. BOSI: Nothing else on the agenda from County.

HEARING EXAMINER DICKMAN: Okay. So that was 16 minutes. All
right. Meeting is adjourned. Thank you, everyone.

There being no further business for the good of the County, the meeting was adjourned by order
of the Hearing Examiner at 9:17 A.M.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 10/25/23, as presented or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS COURT REPORTING, BY
MARIANNE E. SAYERS, COURT REPORTER AND NOTARY PUBLIC.