

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
June 11, 2015

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: Heidi Ashton-Cicko, Managing Assistant County Attorney  
Ray Bellows, Zoning Manager

EXHIBITS:

DESCRIPTION	PAGE
Item 4A - Petition No. CU-PL20140001335	
A - Staff Report	7
B - Legal Advertisement	7
C - Photos	19
Item 4B - Petition No. ZVL(CUD)-PL20150000867	
A - Staff Report	5
B - Legal Advertisement	5
Item 4C - Petition No. SV-PL20140000590	
A - Staff Report	83
B - Legal Advertisement	83

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PROCEEDINGS:

HEARING EXAMINER STRAIN: Good morning, everyone. If everybody will please take their seats, and we'll get the meeting started.

Good morning. Welcome to the Thursday, June 11th meeting of the Collier County Hearing Examiner's office.

If everybody will please rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you.

We have a few housekeeping matters to announce. Individual speakers will be limited to five minutes unless otherwise waived. Decisions are final unless appealed to the Board of County Commissioners, and a decision will be rendered within 30 days.

And with that, we'll move into the review of the agenda. We have three items advertised for today. The first item will be the Diocese of Venice of Florida, St. Peter's Catholic Church, the second one is Piper's Crossing 1202, LLC, and the third one is Lotus, also known as Alamo Gunworks Naples, LLC.

Because of the obvious length it's going to take to get through Petition A -- Petition B is an affirmation of a verification letter. It's a rather short discussion usually, depending on how many members of the public are here.

Is anybody here from the public that would like -- or attended to discuss the Piper's Crossing application?

(No response.)

HEARING EXAMINER STRAIN: Okay. We're going to move that one as first on the agenda, and then we'll move into St. Peter's right after that.

I have reviewed the minutes from the prior meeting for the court reporter's benefit. They are approved, so they can be recorded.

\*\*\*And then we'll move right into -- the first petition will be the Petition No. ZVL(CUD)-PL20150000867, Piper's Crossing 1202, LLC, an affirmation of a zoning verification letter.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

HEARING EXAMINER STRAIN: Thank you.

And as far as my disclosures, I'll have those in just a second. The only thing I've done is review the files, and I talked to the gentleman here before the meeting started to find out if anybody was here to object to his so we could accelerate his portion of the agenda.

The Exhibit A will be the staff report; Exhibit B will be the legal ad.

And, sir, since there's nobody here objecting to this, I have read the staff report. I am familiar with it. I did not have any questions in regards to its -- into the package. Staff has done a good job in writing the affirmation, so I don't have anything to go any further with it.

Do you have anything you want to add to the record?

MR. BRUGGER: I don't, sir.

HEARING EXAMINER STRAIN: Okay. Thank you.

THE COURT REPORTER: Could I get your name?

MR. BRUGGER: John Brugger. I'm an attorney here in Naples.

HEARING EXAMINER STRAIN: Ray, did you have any staff report?

MR. BELLOWS: Just that we're recommending approval.

HEARING EXAMINER STRAIN: Okay. With that, there's no other need for any further testimony.

Any members of the public, again, wishing to speak on this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Hearing none, we'll close this hearing, and you'll have a decision within 30 days but most likely within seven to 10 days.

MR. BRUGGER: Thank you.

HEARING EXAMINER STRAIN: Thank you, sir.

\*\*\*Okay. The next item up -- we'll move back to the agenda item. It will be 4B now. It would be the Petition No. CU-PL20140001335, the Diocese of Venice of Florida, Inc., St. Peter's Catholic Church on the north side of Rattlesnake Hammock Road.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

HEARING EXAMINER STRAIN: Disclosures on my part, I've talked with staff, I've reviewed the files, I've talked with the applicant a couple of times, I've talked with the commissioner from the district, and I've also talked with Chris Horton this morning in the hallway before the meeting started.

The staff -- the Exhibit A will be the staff report; Exhibit B will be the legal ad, and I believe the applicant has some exhibits we will be adding once we work our way through the meeting and revolving the buffers and setback -- the fence, I believe it is, fence and buffers that are going to be utilized in this project.

So with that, Mr. Mulhere, I know you represent the applicant. We'll need a formal presentation, so...

MR. MULHERE: Thank you. For the record, my name is Bob Mulhere. I'm here with the firm Hole Montes representing St. Peter's Catholic Church and the Diocese of Venice.

Here with me this morning also from Hole Montes is George Hermanson, who is the civil engineer that is working on the site, and Paula McMichael, who is a planner with Hole Montes.

From the Diocese we have Bo Nepip here in attendance and also Father G, who is the pastor of St. Peter's.

There's a number of other people from the church and -- but if they're going to speak, they'll get up individually to speak.

HEARING EXAMINER STRAIN: Okay. Bob, for your benefit, because this room doesn't have the typical overhead features that we have in the other rooms in the county where you can make a presentation or put things on the overhead, I have entered into the -- into this slide series some of the more graphic representations from your packet.

What I'll do is I'll walk through those now for the benefit of the audience so everybody can see what is currently being proposed, and then as you go on with your presentation, if you'd like to refer to any of them, just tell me which one, and I'll try to move back to it.

This is the locational information. The colored-in orange "A," that's the property that is in question today. In a graphic, it's shown basically like this (indicating.) Here's a little more detail of the initial use of the property. They're going to be putting in additional parking for the St. Peter's Catholic Church. And the future will be inclusive of a rectory towards the north end.

This is a survey showing some of the easements on the property, of which I will have questions on as we go forward today.

The applicant has met with the neighborhood during a neighborhood information meeting. As a result of that meeting, they've added some detail into an enhanced buffer and fencing. These are some of the details that will be made part of the record depending on the outcome of the discussion today.

And this is the other buffer and fence locations that they are discussing.

And that takes us through the exhibits that I've placed on the overhead, so...

MR. MULHERE: Thank you.

Just with respect to the location and just in case anybody doesn't know, this subject -- this church has been here for quite some time. They've purchased this property, which you see, you know, highlighted there as the subject site, also quite some time ago, always with the intention of providing additional parking and potentially a rectory. Presently the rectory is close by but off site.

It's east of Tamiami Trail on the north side of U.S. 41 (sic).

Could we go to the detailed PUD exhibit. The next one. There we go.

In designing this site, we had a few challenges. The county was in the process of relocating an existing pump station which was along the northern portion, and that is going to be relocated into the area where it is indicated on that plan.

Also the -- if you look to the property, this is all grass parking with paved aiseways. This is -- this parking is probably the furthest remote -- on site but remote from the church itself. So the likelihood of using this parking weekly or day to day is somewhat limited, but the church is very, very busy, especially during the season.

Also we know, everyone knows, that there's additional growth occurring in the East Naples area.

So it's likely that there's going to be additional usage of the parish facilities. As a result, the time was upon the church to now invest the money to use this lot that was bought quite some time ago for the additional parking that they need.

But the point that I'm trying to make is that this parking's going to be used for those masses or those church activities, primarily in season, that have the highest parking demand.

Now, we heard at the neighborhood information meeting that the existing parking wasn't fully utilized, that people parked within the right-of-way outside of and around the church. And I really can't dispute whether people park in the right-of-way around the church. I'm sure they do. That becomes, in my view, a function of enforcement by the Sheriff's Office.

The church is doing what it should do in a responsible planning way to provide some additional parking on a piece of property that they long planned for that purpose and for a future rectory.

So I think, you know, with respect to people parking in the right-of-way, it becomes an enforcement issue. One of the conditions of approval was that we install "no parking" signage on Rattlesnake Hammock and the surrounding public rights-of-way.

As far as parking within private areas, that really is the responsibility of those private areas to enforce either towing or no parking or something along that lines; however, the way we've designed this, if that is an issue -- and we heard, I think, from some folks to the north that people were parking at -- I think there's a recreation facility or something along those lines where people were parking and then coming down the public pathway along the canal there.

Again, we really can't control people walking along a public pathway along the canal; however, we have proposed a landscape buffer and extending at -- what we propose is a 6-foot fence all the way north and then along the -- all the way along the western boundary and then the northern boundary, which should present a barrier from anybody cutting through and will also, obviously, be a barrier for headlights and things along those lines.

So I don't know about people coming down the pathway that extends beyond our property, but we will -- our landscape exhibit does provide for a 6-foot-high fence.

Let's talk about the landscape buffer, because it appears that the largest issues here are related to how we've designed this plan and how it might affect our neighbors. So if you could go to the landscape exhibit.

I don't know that members of the public saw this. We did provide them -- we sent a letter out in advance of this meeting to folks that were at the -- it was an email, actually, I guess -- to folks that were at the neighborhood information meeting that gave us their email address, and we provided them with a typical

landscape plan. This one is actually enhanced from that plan. We enhanced this landscape plan after meeting with staff.

So the exhibit that you see, that is along the east side adjacent to the canal. I think probably the better one to go to is the other exhibit for now.

HEARING EXAMINER STRAIN: Along that canal, though, Bob, while we're on this one --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- that row on the very top part of the page closest to the parking spaces, that's a hedge row, if I'm not mistaken.

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: Okay. That hedge row will be established and maintained at a certain height according to our code.

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: Which would indicate that it would be difficult to walk through it.

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: Okay.

MR. MULHERE: And there will be trees. And that -- and just as a point of information, that pathway actually meanders in a couple of places. There's a very large cypress tree in one location, and we -- down to the south part there, and we will be putting our landscaping on both sides of that pathway in order to meet the code provisions and retain that large cypress tree that exists where that sidewalk sort of jogs a little bit.

HEARING EXAMINER STRAIN: So if someone wanted to access your parking area from that sidewalk, about the only place they could do it is the furthest south side without having to walk through a hedge?

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: Is there enough room between that point of the sidewalk and the travel lane for your parking to fit a hedge in; do you know?

MR. MULHERE: I don't know, but we could certainly look at that. I don't know. It looks pretty tight right there.

The other landscape exhibit along our west and north boundary, we've enhanced this by providing -- I'm just going to go right off the exhibit here so I don't -- there'll be canopy trees 25-foot on center. The installed size will be 14 to 16 feet, and then also a single hedge row, 4 foot on center. Installed size will be 10 gallons or 48 inches.

The reason for using the largest specimen sizes is so that it has more maturity quicker. Grows quicker, creates more opacity. It's required by code to achieve 80 percent opacity within one year, but this should happen faster using larger specimen sizes.

Then we're proposing to install a 6-foot privacy fence, and then on the church side -- so most -- all of the -- not only all of the required landscaping but also more than the required landscaping will be provided for on the residential side of the fence and will be our responsibility for installing it and maintaining it. It's our property.

On the church side we are proposing to do a hedge, but that's really just an anesthetic benefit for the church, for the parishioners.

So I really think that, you know, the church was sensitive to the concerns the folks had with respect to being impacted by lights, by -- and, again, there aren't really all that many activities that would even occur at night, but car lights, and also what they would see from there.

There is an existing wooden fence that's located a little bit towards the south on the property, and we'll evaluate the condition of that. That may need to be replaced as well. I don't know what the condition -- we'll look at the condition of that, obviously, as we go through, because there's going to be some changes.

If you could go back to the site plan for one moment. You can also see that there's a fairly wide area between the drive aisle on the west side and the property line and that there's no parking directly facing the residential property on the west. There is a drainage element there, and then the landscape buffer. So you

have a minimum, I believe, of 40 feet within that area separating the drive aisle and the property line and no direct parking in that area. To the north there are a few spaces, but relatively few.

HEARING EXAMINER STRAIN: So on this plan, for the benefit of the audience, the only place the cars will be parked are in those what look like dotted areas in between the travel lanes and the few areas to the east and the few to the north; is that right?

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: So you're not going to have any parking to the west of that furthest west side travel lane?

MR. MULHERE: That's correct.

HEARING EXAMINER STRAIN: Okay.

MR. MULHERE: Over the years -- there's a number of churches in Collier County. Over the years the churches have expanded their parking facilities when their congregations have grown. Churches have and are allowed in residential districts through the conditional-use process or the PUD process.

And they generally tend to be, you know, good neighbors. And over the period of time that the county has evolved at looking at these issues, the code has been strengthened and enforced to protect the residential neighbors when a church expands or locates, hence the public-hearing process.

And I think we've been sensitive to that. We've provided, I think, a very good plan that minimizes any impacts on the neighbors that incorporates the existing conditions, including the pathway along the canal there.

On the other side of the canal is mobile home zoning. There's a lot of storage along there, along the canal of boats and mobile homes and things -- motor homes and things like that.

Really, I think that concludes my presentation, but I'm happy to answer any questions that might come up now, and I'd like to reserve a little bit of time for rebuttal, if necessary.

HEARING EXAMINER STRAIN: Absolutely. And what I'll do, Bob, is walk through my notes to see if there's anything that you have not answered.

The first one I had noted was the fence that you had committed -- that was discussed at the neighborhood information meeting. Several of the attendees at that meeting had requested that the fence be continued. You've agreed with that, from what I understand at today's meeting.

The exhibits -- and those exhibits, you brought copies for the court reporter?

MR. MULHERE: I did, and I just delivered them.

HEARING EXAMINER STRAIN: Okay. We'd like to -- I'll make those two exhibits Exhibit C, those two pages.

As far as the "no parking" signs go, I know you've agreed to add some of those. What is the process -- and if you don't know, maybe staff can tell me -- to get those installed? And the reason I'm asking is twofold. I want to make sure that it can be done because we're talking other locations off site of your property and, number two, that all the effort to get that done is going to be the responsibility of your applicant.

MR. MULHERE: Yes. So here's how I understand it, and you can correct me if I'm wrong, Mike.

We, the church, will need to pay for the signs, which are constructed/prepared by Road and Bridge, county Road and Bridge Department, and then there may need to be a permit, a right-of-way permit to install the signs. There may not be because they would be, you know, traffic signs, so they may just allow you to install -- they would install them, too, I think. If we need to install them, we will, but I think Road and Bridge would install them, but we need to pay for the signs.

I think at the same time there would be a benefit to us having a discussion or meeting with the sheriff's Traffic Operations Department to discuss the concerns the neighbors have with parking within the right-of-way associated with church activities.

That, then, becomes an enforcement issue, and nobody wants to give a ticket to somebody on a Sunday. But along Rattlesnake Hammock, certainly -- and it can be a dangerous condition -- we're going to have additional parking. We'd want -- and we always -- the church also went -- during busy times, out of pure safety, does hire deputies to direct traffic during the masses.

HEARING EXAMINER STRAIN: All of this additional parking, how many spaces are going -- do you believe are going to be fitted in here in addition to what you already have?

MR. MULHERE: Oh, that's a good question. I'm going to defer to George on that.

MR. HERMANSON: Good morning. George Hermanson, Hole Montes.

We're finishing the final plans, but they're going to net, I'm going to say, between 150 and 160 new spaces from this. The reason I'm not sure exactly is we're going to have to adjust some of the parking in the existing campus, too, due to some building construction and the fact that we have to add some more disability access parking spaces to the entire lot because of our increase in count, so -- but between 150 and 160 probably.

HEARING EXAMINER STRAIN: Okay. And for those times when you have that excess parking that overflows and parks, potentially problematically, on Rattlesnake or other roads in the area, how often does that occur? And will this be -- this area will be open to utilize --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- during those periods as well?

MR. MULHERE: Yes. That's really the purpose of this parking. Because it's the most remote from the actual church -- I mean, let's face it; folks don't park far away. Maybe if they had a really nice new car or something, I don't know. But most folks don't park really far away to walk. They're going to park wherever is closest. So it's only when the parking demand is the greatest. The parking demand is the greatest during season, for certain masses in particular, and then on certain holidays or holy days. You know, obviously you've heard stories, you know, Christmas, Easter, those kinds of masses are the busiest.

So, you know, there's a few times a year when the demand is going to be the greatest. But in season, there will be demand. It's significant, and this parking will help.

HEARING EXAMINER STRAIN: Okay. I'll make sure -- let me see if I have any other questions before we go to a staff report.

In regards to the easements that are in place, I notice as the survey -- I think it was that particular document.

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: The facilities that are already there are being moved over to the east side of the property?

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: Are the easements being modified as your --

MR. MULHERE: Yes. The portion of the easement that now will have parking and landscaping will be vacated, that easement that runs along the top there, and a new easement that is limited to the new location. I have an exhibit, but I know you can't --

HEARING EXAMINER STRAIN: Unfortunately we don't have the ability to show that.

MR. MULHERE: But there will be a new easement established for the new location of the pump station.

And just so everyone understands, this was something that county utilities was working on before we actually started to look at designing the additional parking area.

HEARING EXAMINER STRAIN: And I will ask the staff as well when we get to the staff report, but from your perspective, has your group at all approached the Utility Department to confirm that the easements in the locations that you're depicting on the new layout are going to be acceptable to them?

MR. MULHERE: I know George had -- yeah, had talked to them.

MR. HERMANSON: The answer is yes. We've been coordinating with them from the very beginning. We had kind of an initial meeting and decided generally where the facilities would be, where the new piping would be, what easements could be vacated, and we've been working directly with Stantec who -- Stantec is designing the new station. So when we get to submitting our SDP, we will submit their plans with our plans, and it will all be approved at once. And we'll work out the exact location of all the new easements and be able to vacate the easements that they no longer need.

HEARING EXAMINER STRAIN: Okay. And as far as access to this new facility when it's relocated, how are they currently obtaining access, and how will they continue to obtain access?

MR. HERMANSON: Well, we're going to provide access through the parking lot if they need it.

HEARING EXAMINER STRAIN: So you'd be willing to give the county right of access through the property if you need to?

MR. HERMANSON: Yes. Whatever they need we've agreed to give them.

HEARING EXAMINER STRAIN: Okay. Thank you.  
Bob, do you have anything else you want to add at this time? And you will have a chance for rebuttal, yes.

MR. MULHERE: Thank you. No, I'm good.

HEARING EXAMINER STRAIN: Okay. With that, at this point I'll turn to staff for a staff report. Mike?

MR. SAWYER: For the record, Mike Sawyer, Project Manager for the petition.

You've got staff report; date on that would be 5/26/15. Staff would like to rectify a couple of issues with the staff report and apologize for this.

On Page 5 under the Transportation Element, that particular statement was, unfortunately, boilerplate, for lack of a better term, from previous conditional uses and indicates that a TIS was done and reviewed. It was not simply because the petition is not requesting any additional new trips. There are no new seats related to the church being proposed. So no new uses, therefore, transportation staff looked at this as no net additional trips.

HEARING EXAMINER STRAIN: Okay. So from this perspective, from the church's use or from the property use, this is generating no new capacity for the system?

MR. SAWYER: Correct.

HEARING EXAMINER STRAIN: Okay.

MR. SAWYER: Also on Page 6, what we've got under the Analysis No. 2 as far as ingress/egress, that particular statement related to transportation is much more applicable in this case.

HEARING EXAMINER STRAIN: Okay.

MR. SAWYER: And then moving on to -- hang on -- Page 7, under the County Attorney's Office review we indicate that the County Attorney has not reviewed the staff report, and they, in fact, did.

HEARING EXAMINER STRAIN: Okay. I would like to make it clear in the future if a report comes to this level of presentation and processing, unless the County Attorney's Office reviews it, it will be continued until I have a report that says they've reviewed it. So I don't know how these things happen.

Because I did check with the County Attorney's Office, I did learn that they had reviewed it, but I want to make sure the record is accurate, and we need to make sure from now on that we don't even process it until that statement's rectified.

MR. SAWYER: Yeah, I apologize. This actually happened one other occurrence, and I've since changed my template.

HEARING EXAMINER STRAIN: As far as the "no parking" signs, Mike, are you in agreement with the applicant's process, how he believes he's going to be able to get these placed and installed?

MR. SAWYER: Yeah. The signs would be done as part of the Site Development Plan amendment that would be required to implement the parking area, and it would go through the right-of-way permitting process with our Transportation Department.

They are now here with us in this building and are actually integral to the SDP process itself. So whatever's going to be necessary and whatever the county will allow as far as those signs will be done.

HEARING EXAMINER STRAIN: Okay. Thank you.

The next part of this meeting will be to hear from the members of the public who would like to speak.

Now, it caught me by surprise this morning. Until today the only known concerns that my office has understood to be part of this is what was read from the NIM minutes that many of you may have attended. I had not received any emails nor have I received any letters objecting to this project or raising any concerns.

I had asked the applicant before today's meeting to try to address the issues brought up at the neighborhood information meeting.

What they have proposed here, from their perspective, does address some of that. I'm anxious to hear from the public's perspective what your concerns are.

So we're going to start out with what are called the registered public speakers, those that have filled out the speaker slip; however, I will, at the end of that, ask for anybody else that would like to speak. I'm here to listen to you and hear what you've got to say, so no one's going to be denied the ability to speak.

The only thing I'd ask is that we get your name and address and information on the speaker slip before

you leave today. And those are available -- Gail, where are those located, in the back -- on the back table. So that would be helpful if we have to keep in contact.

With that, will the first speaker who is called please come up to the microphone, identify yourself for the record, and I'd like to hear what you've got to say.

MR. BELLOWS: The first speaker is Chris Thornton.

MR. THORNTON: Good morning. For the record, I'm Chris Thorton with Goede, Adamczyk, Deboest, & Cross at 8950 Fontana Del Sol Way, First Floor, in Naples, and I'm representing Lely Villas I Condominium Association, Incorporated, today. I'm joined with -- joined by Anna Taylor, the association president, and several members of the association.

HEARING EXAMINER STRAIN: Show me -- I'm sorry to interrupt, Chris. Can you show me or explain where they're located in relationship to the site?

MR. THORNTON: Yes, sir. Immediately west of the subject site highlighted in orange where the yellow words "subject site" are. Those are 71 -- no, those are 65 single-family homes built in 1971 that are condominiumized as a condominium association. So they share their -- the association's eastern boundary is the western boundary of the subject property.

HEARING EXAMINER STRAIN: Thank you.

MR. THORNTON: And I will apologize for our late involvement. I appreciate you speaking to me this morning.

Condo and HOA associations don't always act as fast as individual property owners can, but this association has asked our firm to represent them here today and get their comments on the record.

They do object to the application. They would prefer that it not be approved. And it's nothing against religion or Catholicism. It's just a residential neighborhood adjacent to a use like this is from the neighbor -- from the perspective of these neighbors, it's not always been a great relationship.

It's particularly -- the two main issues that I've heard about are lighting, the existing lighting, and we don't know about any proposed lighting. I didn't hear discussion of proposed lighting. But the existing lighting is a bother and a nuisance to some of those homes that are extremely close to that boundary on the existing site.

The second concern is basically noise. Kids, people, people going to church. It's just loud. I mean, people are -- it's very close. So the people live right next to the church and, basically, lighting and noise are their concerns.

And in your -- I know that church is a list -- is on the list of conditional uses for the ag property, but to get a conditional use you have to satisfy the criteria for a conditional use, and one of them is the affect the conditional uses will have on neighboring properties in relation to noise, glare, economic impact, and odor; that's C. And D is the proposed use's compatibility with adjacent properties.

Churches have to go somewhere, I know that. This one is extremely close to these single-family homes.

I do appreciate and support all of the conditions that have been imposed. The landscape buffer, the fence, the fact that the far western drive aisle doesn't have parking to its west. Those are all good things.

The association would ask if it is going to be approved, that instead of a fence, there be an 8-foot concrete block wall and not only on the new site but on the old site, too, the entire length of the western and northern boundary of the church site, but not on Hawaii Boulevard, just adjacent to the residential homes, and then that all lighting, either proposed or existing, be screened so that it's not shining on these residential homes.

I think there was a mention of an old fence that might need to be repaired. I believe that fence belongs to the condo association.

And that's -- I think the 8-foot wall would address noise issues, and it would definitely address any lighting issues from the cars. It would not address the screening of the lights on the poles which are apparently a long-term problem that have been bothersome, especially to the people in that little nook that's tucked into the church property. But those homes have a lot of light and noise.

I'm available for questions if you have any, and I appreciate you listening to the neighbor's concerns.

HEARING EXAMINER STRAIN: Chris, there may be some follow-up questions. Like I said in the beginning, you've caught me a little bit by surprise. Till last night when I got a phone call from the

applicant that you were hired and there's some organized opposition, it didn't appear there really was any more than what the NIM had said. So we'll do our best to work through this today, and we'll see where it goes.

MR. THORNTON: Thank you.

HEARING EXAMINER STRAIN: I sure appreciate it. Thank you.

Next speaker, Ray?

MR. BELLOWS: The next speaker is John Hansen.

MR. HANSEN: My name is John Hansen, and I live at 13 Lanai, which is directly behind Area A there.

As you can kind of see -- I mean, I know I have five minutes. I can go on --

HEARING EXAMINER STRAIN: I'm here to listen, so I want to hear what you've got to say, sir.

MR. HANSEN: I'm a small business owner. I've been in business for 40 years.

HEARING EXAMINER STRAIN: Could you pull those mikes a little -- there you go. They don't pick up too well, so...

MR. HANSEN: To give you a little background on me, I'm a small business owner. I've been in business for 40 years. I'm used to dealing with the public. I'm used to dealing with consumers, and I understand dollars and cents make a lot of things move and shake.

We're a recent homeowner in Naples. If you look at this area, I can see the existing church area. They tried to protect some of the trees and the green space with their existing parking lots and what they have going there.

If you look at that aerial view right now, that's the only major green space in that whole surrounding area. And for Naples to not be a concrete jungle like LA is, you have to protect those things, and just by placing a couple more trees in there is really not going to do that.

The second issue is they could possibly take their existing parking lot area, redesign that. That's going to give them their 150, 160 extra spaces. That's still not going to eliminate their egress coming to and from the church. They've got one main driveway that is a constant bottleneck of people trying to get in, get out, get into all the side streets. So there's not enough access routes for the church property as it is.

There's wildlife there. There's bald eagles that are there. There's turtles. I have some pictures I could submit as well as a letter from my neighbor that wasn't able to attend.

And we actually submitted another letter January 2015 to Hole Montes disputing this and the future Naples growth patterns of what they want to see in Naples, and we got no reply, no response, no nothing. So I'm surprised you never heard anything, because we actually copied you, the city, and sent a letter also to you and to our existing -- previous board members.

So some things fall through the cracks, I understand that. Maybe it was just overlooked. And it is what it is.

But dollars-and-cents-wise, the church looking to expand here -- it's all seasonal people. I'm here in season. I see the people coming, going. Every plate in there is Ohio, it's Michigan, it's Wisconsin. They're gone now. These are big funders. They're big donors. And if you turn this into a parking lot right now, what's going to happen is that 150, you know, 160 people, you know, lot, these people are going to have a hard time getting back there, they're not going to want to go in there.

There's existing parking lots at the stores there that are almost vacant. They could put parking over there and take a shuttle bus and run people back and forth and still not have to touch that. But if you -- push comes to shove, let's say you expand that and you put the 150, 160 parking spots in there, these people coming to Naples -- and everybody's coming from up north, I'll tell you -- that's going to only buy them a year or two of parking spots before that church is way over capacity, if it isn't over capacity now.

So you tear out all these trees, you ruin the wildlife, you have this parking lot for two years. Eventually, nobody's going to be using it because you can't sustain the church, the members for that size property.

There's plenty of available space east of Naples. That's where everything is growing. They could buy a large -- take their money, buy a large property, large parking lot, put it out there, build it so it can sustain that church for the next 15, 20, 30, 40 years. This is not going to do that.

If -- we talked about the concrete walls. Living behind that space there, I hear the lawn service in there

with their weed wackers. I hear them, you know, talking and, you know, just all of that. A concrete wall is the only acceptable thing that -- if you're going to do that, you're going to do it.

And I understand, you know, the church has a lot of money, the people coming has a lot of money. The city's going to try and work with everybody, and we understand that. And, you know, I reject that plan.

If you walk back there and saw how natural the wildlife was, that's one thing. One of my other neighbors -- not that this has anything to do with it, but during the recession there was a homeless vet living back in there, and he's been living there probably up until people started surveying that property. Where's he going to go? Well, he needs help; I understand that.

But there's multiple reasons why this should not be, and probably first and foremost is it's too close to a residential neighborhood. It's not going to support and sustain the church, the parking lot, and the members for more than a couple years, and anybody that says otherwise, I can't see that.

So I'm free for any questions if anybody has anything for me, and I would like to submit these papers or pictures, you know, if somebody would like those.

HEARING EXAMINER STRAIN: I'd like to see them before you do, please. I'll have to ask you to go back to the mike to speak.

The first one is a handwritten note. I can't read the signature, but --

MR. HANSEN: That's my neighbor, Ted Gains. He lives right at 14 Lanai.

HEARING EXAMINER STRAIN: Okay. And I believe there's three pictures or --

MR. HANSEN: Correct. Those are pictures of the bald eagles that are right behind, up in the trees there, and that was a mother and a father and the baby. I don't know what they call the baby eagle. But basically they're up there training their baby to fish in that canal right back there. And obviously they don't have a nest there that I can see so far, but obviously they're there because it's a great area for them to be.

And if you -- and, again, if you start alternating the trees, the existing trees, the old growth, they're probably going to go somewhere else.

HEARING EXAMINER STRAIN: And I will get these added to the record.

MR. HANSEN: Okay. Thank you.

HEARING EXAMINER STRAIN: I will have questions of the applicant before we finish today because of some of this, so thank you. I appreciate it.

MR. HANSEN: Okay. Thank you.

HEARING EXAMINER STRAIN: Ray, next speaker, please.

MR. BELLOWS: Deacon Forrest Wallace.

DEACON WALLACE: Good morning. I'm Deacon Forrest Wallace. I'm the operations manager at St. Peter, the Apostle, Catholic Church. I appreciate the opportunity to address you.

I'd like everyone to smile today because it is the 41st anniversary of St. Peter, the Apostle, parish.

This started as a mission in 1955, and for 41 years we've been here. And so it's an -- interesting today to have the anniversary today for us. And we've always striven to be a good neighbor and to be a good citizen.

You see a small contingent of our parishioners. We are a larger parish, a very active parish here in the Diocese of Venice that has been serving the community, essentially a community now of 7,500 families in season and out.

Our seasonal residents come in, and they're welcomed, and they're made to feel at home here at St. Peter's, but we've been growing along with Collier County for the last 41 years.

So it's not a secret. We haven't been hiding there. We've been here for 41 years.

We've been attempting to meet the needs of the growth that we're experiencing here in Collier County. If you look at the staff report, it indicates that at some point there'll be 12,000 more Catholics here nearby within four miles at some point in time. And so, in an effort to accommodate that, we're trying to use our property, which has been planned and owned for a number of years, to put in additional parking.

And as I've heard some of the speakers talk about, it's not used all the time. In season here in Collier County, as you know, we get a crush of people who want to be here because it's wonderful to live here in Collier County.

And so the plan for that property is not news, and the fact that we're there for the neighborhood isn't news. We've been here. And many of the people in Lely Villas 1 are parishioners. We actually own a house

in Lely Villas 1.

The census data that's provided to us has indicated that 12,000 more Catholics are coming our way in all likelihood, but now, as you all know, Isles at Collier Preserve, the other -- Treviso Bay, we get new parishioners all through the year, not just during season. But we have new parishioners every week who come and sign up. We have 50 active ministries.

It's an interesting physical plan to operate. I provided photos for the staff report that indicate all of that parking gets used, but it doesn't get used every day all the time.

This is an occasional-use environment. It's not a 24-hour CVS. And so we have some -- we have high times, low times all throughout the year, and so there's a lot of times when that parking lot will just be getting cut.

But it will get used, and I do have -- we've seen photographs of people walking. Believe me, they wear me out when I'm out in the parking lot and say I'm walking too far.

The point of the commentary is we've planned for this property to do this to accommodate the growth of Collier County. We've been a good citizen. We want to be a good neighbor.

And so I'm hoping that we'll -- that you'll approve our conditional -- the contingent use of this, and I thank you for your opportunity to address you.

HEARING EXAMINER STRAIN: Okay. Before you leave, I do have a couple questions since you are the operations --

DEACON WALLACE: Yes.

HEARING EXAMINER STRAIN: -- individual for the church.

The lighting that has been a source of complaint you've heard today, usually we look at cutoff shields and recessed lighting so that lighting doesn't spill over onto neighboring properties.

DEACON WALLACE: Okay.

HEARING EXAMINER STRAIN: And maybe Bob -- I see him rise. Maybe he can better answer this. Is your lighting designed in the manner that doesn't protect the neighboring properties in that regard?

DEACON WALLACE: It shuts off every night at 9 o'clock.

HEARING EXAMINER STRAIN: Okay. But in the meantime, Bob, do you know if the cutoffs are there?

MR. MULHERE: Well, I don't know, because I did go out and look at the lighting, and it's older. I mean, it's been there a long time. I don't think there's any problem with any new -- first of all, we're required by code to shield the lighting, and we can employ the dark-star -- dark-sky lighting standards, and we can look at retrofitting. If there's any lights that aren't shielded that are providing -- that are spilling onto the neighboring property, that wouldn't be a problem either. We can retrofit. It's not a problem.

HEARING EXAMINER STRAIN: So is it fair to say that you're willing to apply the dark-sky lighting standards for any lighting that is adjacent to, say, within -- well, what we're using for commercial -- some commercial applications within 50 feet --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- of adjoining residential properties?

MR. MULHERE: Yes. That would be the west and the north.

HEARING EXAMINER STRAIN: And the reason I want to understand that is that would be -- that would apply to both the potential parking lot you're asking for today, and you're going to go back and look and retrofit the existing facilities if they need it.

MR. MULHERE: There's only a couple lights.

HEARING EXAMINER STRAIN: I mean, it's a provision in the code anyway. So it needs to be verified and corrected if that's -- and it seems to be a complaint that needs to be addressed.

MR. MULHERE: Shielding of the existing lighting fixtures if they're spilling onto the neighbors is not -- is not difficult to do. We'll do that.

HEARING EXAMINER STRAIN: Okay. And, Bob, the gentleman gave me a letter that was sent to you on January 20th. I did double-check, and it's not in the 96 pages of information supplied to me by county staff. Can you tell me why we didn't have this letter? I mean, it is an important letter. It would have been an important consideration in understanding the process here today, so I'm disappointed it was not

received --

MR. MULHERE: My assumption was that it was also copied to the county staff. Typically that's -- when the letter is sent out, that's -- you know, they receive the -- you know, so I didn't think I needed to duplicate that effort.

HEARING EXAMINER STRAIN: You're right. It does say CC: Collier County conditional-use petition department, so the assumption would have been it made it to the staff department.

MR. MULHERE: Yeah. Otherwise, I would have sent it over, but --

HEARING EXAMINER STRAIN: Unfortunately, we assign planners, and if the planners don't receive it, I'm not sure where it goes in this large building. But it would have been helpful to have that earlier.

MR. MULHERE: I had some other, but I'll wait until everyone's finished.

HEARING EXAMINER STRAIN: I've got other things to talk to you about as well. I wanted to follow up. Thank you very much, sir.

DEACON WALLACE: All right. Thank you very much.

HEARING EXAMINER STRAIN: One more question, though, about the noise. What is the source of the noise? How is this -- I mean, I understand from the gentleman --

DEACON WALLACE: I'm interested to find out.

HEARING EXAMINER STRAIN: Okay.

DEACON WALLACE: We have prayer groups that go into the hall that would be at that end of the property, so I'm kind of interested to find out what the noise issues are. We're a bunch of Catholics. We sing, you know; that's about it.

HEARING EXAMINER STRAIN: You sing indoors, though?

DEACON WALLACE: We may not sing well, but --

HEARING EXAMINER STRAIN: No. But it's inside in the building?

DEACON WALLACE: Yeah.

HEARING EXAMINER STRAIN: Yeah. Well, that's what I'm saying.

DEACON WALLACE: Occasionally we may have some people practicing outside the hall but, I mean, it's going to be not too many voices.

HEARING EXAMINER STRAIN: When do your nighttime operations cease?

DEACON WALLACE: Everything shuts off at nine.

HEARING EXAMINER STRAIN: And there's no exception to that?

DEACON WALLACE: No. We have someone who goes around and locks the building at nine.

MR. MULHERE: Except maybe potentially like midnight mass, which I don't know whether they have midnight mass at nine like Marco, but, you know, I don't know.

DEACON WALLACE: No, actually we -- except on certain holy days -- and thanks for pointing that out, Bob. And I expect to see you there next time. But we will have some all-night vigils occasionally, but they're not going to be outside by any means. It will be inside the buildings, but we do have midnight masses for high holy days.

HEARING EXAMINER STRAIN: Okay. So with the exception of those special masses which don't occur on a regular and continuing basis --

DEACON WALLACE: Correct, correct.

HEARING EXAMINER STRAIN: -- you would stipulate that basically your activities stop at 9 o'clock with the exception of the locking up and --

DEACON WALLACE: With some odd exceptions, we have staff who lock the building at nine and set the alarm.

HEARING EXAMINER STRAIN: Okay.

DEACON WALLACE: That's what we do.

HEARING EXAMINER STRAIN: Okay.

DEACON WALLACE: Okay.

HEARING EXAMINER STRAIN: Appreciate it. Thank you.

DEACON WALLACE: Thank you very much. I appreciate this.

HEARING EXAMINER STRAIN: Ray, would you want to call the next speaker?

MR. BELLOWS: The last speaker is Bill Schreck.

HEARING EXAMINER STRAIN: Well, Bill, I've gotten to see two people I haven't seen for quite some time. One is Chris Thornton, and today it's you. It's been a while.

MR. SCHRECK: Good seeing you, Mark.

HEARING EXAMINER STRAIN: Good to see you.

MR. SCHRECK: Thank you for letting us have the opportunity to speak here today.

I've been here a long time. I've been here since '73, and I've been in the construction business for 40 years here plus 10 up in Cleveland.

As a member of the parish and being on the building committee and looking over what we're doing, there's things on the site pointed out by one gentleman, we are working on the SDP to get the flow of the traffic so it will work better when it comes in with our new SDP on the new project, because this site is needed, and it will help the situation tremendously of people illegally parking.

You can say it is going to be noisy. Well, I don't think so. Back in there -- during regular season, very few people are going to park back there, and during season it is needed desperately.

When you have nine masses and maybe 10 masses on an Easter and Christmas and you've got to get those people in and out of there and you're hiring the Sheriff's Department and you're trying to keep the neighbors happy by not having the streets filled with cars -- because Catholics have the obligation to go to those masses, and they're going to go to the best place they can find where they're living.

One of the things that was pointed out, Catholics are rich. This is the poorest parish in the Diocese. We have Anglos, Spanish, and Haitian all using this facility, all coming to do what they do to worship their Lord.

The point is, it is needed. And I would really think that by not letting it happen, you're going to be turning people away, and that's not what we want to do.

That's all I have to say.

HEARING EXAMINER STRAIN: Appreciate your comments. Thank you.

We're going to go to any public speakers who have not registered but would like to speak. Anybody? Yes, sir. Come on up. Please identify yourself, and if you could fill out a slip before you leave, that would be greatly appreciated.

MR. BRILL: Thank you. My name's Robert Brill. I live at 39 Lanai Circle, adjacent to the property here.

And they were talking about the noise, that it doesn't happen after 9 o'clock at night. There is a couple of bands that practice over there in the evening. Sometimes they're done at nine, sometimes they're not done at nine. It has nothing to do with the church being open or locked. They're not inside the church. They're in the parking lot.

HEARING EXAMINER STRAIN: A couple of bands. You mean people playing instruments?

MR. BRILL: I know John Phillips Sousa very well. I didn't know him that well when I was in high school, but I hear him all the time. And they practice their marching bands. They practice their instruments. They're very loud. They're very noisy, yep. It's usually only one or two days a week, but it's during season, and it's not during season. And for the church to say that there's nobody over there is just -- I mean, that's just wrong.

HEARING EXAMINER STRAIN: I appreciate your --

MR. BRUGGER: The noise is there. They're there all the time.

I haven't heard anybody mention the parking situation on Hawaii. When they park out there, because they don't want to park across the street or anyplace else, that's a horrible hazard. I'm amazed there hasn't been more people hurt coming in and out of our subdivision because we can't see because of all the cars that are parked on Hawaii Boulevard and on the median.

They talk about putting up some parking signs, then they say, well, they're going to put them on Rattlesnake. Well, nobody parks on Rattlesnake. They park on Hawaii. Hawaii is where the big problem is.

A short time ago, right at Hawaii and Rattlesnake, a pedestrian got killed because somebody was in a hurry to get out of church or into church right at that parking lot. And there's close-calls there all the time.

People in my subdivision try not to go out on Sunday, and people in our subdivision shouldn't have to

do that, you know. We can't get out. We can't see. It's not safe. Anybody that has children, it's a bad situation.

And, yep, it's only one day a week, but it's only one day a week it shouldn't happen.

HEARING EXAMINER STRAIN: Appreciate your comments, sir.

MR. BRILL: Thank you.

HEARING EXAMINER STRAIN: If anybody else would like to speak. Yes, sir, come on up. Please identify yourself for the microphone, and on your way out, if you don't mind filling out a slip, that would be helpful.

MR. REYNOLDS: My name is David Reynolds. Our address is 10 Lanai Circle. Our property abuts up directly to the adjacent property that we're talking about. We've owned the property there for 10 years.

We also have no issue with the church or the situation. Our issue is, as I brought up at the conditional meeting that we had -- which we are thankful that they have a neighborhood meeting. We were able to voice our concerns.

Our concern was not the institution of new parking but the utilization of the current parking that was being used.

I asked if any parking surveys had been done. None had been done. I asked if any -- if it was required that the amount of spaces where the people -- the seats in the church, parking, there's a ratio of number of parking spots you needed in order to accommodate your parishioners. That's already being accommodated by the current number of spaces.

Our issue is -- the area's, obviously, issue -- is zoned agricultural for a reason and has been. And the gentleman's response was everything was zoned agriculture at one point in time, which I understand that as well.

We -- I have two questions, and they weren't answered at the previous meeting and haven't been answered yet today. The question is, when was this -- everyone says for numerous years the church has owned this property, but no one has given us a date as to when the church actually bought that property.

When we purchased the property in 2006, the church did not own that property behind the area there, and we're just -- I'm just wondering when that changed, and our concern is your gentleman had said that people tell him all the time, I don't like to walk this far to get to church.

Well, people don't even use the spaces that are currently being used. People park on Hawaii Boulevard already. There are already signs that say "no parking" on Hawaii Boulevard, so those obviously are not working at this time.

So my question is, we still have one entrance and one exit. We're adding a whole bunch more spaces for parishioners to go into the situation. But at the same time, we're not providing any exit points for people to get out. The issue is -- what everyone says is, we can't get in, we can't get out of church, so now we're just going to jam more people back into an area where we have no exit spot and have no ability to get in and out of that area. They're not using the spots in season and out of season that are too far for them to walk. They're already parking on Hawaii Boulevard before the spaces are even being filled up in the current area.

And our question is, there's only a few spots -- like my neighbor said, there's only a few spots left in Collier County within the immediate Collier County where there is some trees and wildlife.

When the county built the thorough way, the greenway, they left a giant cypress tree. They actually put the path around the cypress tree.

Our question is and my question is, is it possible -- I know this is, obviously, probably going to go through. My point is fruitless here, but is it -- is there ability to leave some of those cypresses there temporarily at least until you go into the rectory situation? I mean, these are hundred-year-old trees which we have very few left in the inner-city part of Naples.

And my question is -- we're just going to bulldoze this whole area again, put in some parking spots that no one's going to use. We'll be back here in a couple years asking for more parking somewhere else that no one's going to use. And our question is, you know, why isn't -- why wasn't the proper steps taken during the season to say -- come to the neighbors and say, hey, listen, we've looked at our parking. Here's pictures of every single spot being used. Here's the overflow. Here's what we're doing. We've put in some parking

directors. We've tried to get some situations handled where people flow in and out a little bit better.

We've hired the police to direct on the street. We've also implemented our own people to do that. I said, it mirrored my church. I'm a Catholic born and raised also. My wife is Presbyterian. They did a huge remodel in Lake Placid, Florida, where they closed a 40-spot place -- spot-place for parking where they had to redo it. They had people in yellow with signs and banners directing people where to park. None of that's ever been done. Nothing's ever been implemented in order to alleviate the problem currently without just going ahead and changing this over from agriculture, bull-zoning the trees, and putting down some parking lots.

So although we did voice our opinion, they said that we may have another meeting prior to this meeting to let us know more about what the changes to the buffers and things like that are. You know, we appreciate the time. Our concern is just that, you know, we're wondering why this is the answer as opposed to other questions. That's it.

HEARING EXAMINER STRAIN: I did check, because part of the requirements for the package that I received from staff was the deeds on the property.

MR. REYNOLDS: Okay.

HEARING EXAMINER STRAIN: The deed was -- the one I have was dated March 10, 1999.

MR. REYNOLDS: Okay. Great.

HEARING EXAMINER STRAIN: So it was owned --

MR. REYNOLDS: Perfect. We just wondered how long they'd owned it.

HEARING EXAMINER STRAIN: Okay. I appreciate your comments. Thank you.

Anybody else that would like to speak on this matter? Okay. Ma'am, come on up.

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

HEARING EXAMINER STRAIN: Thank you.

You need to state your name for the record.

MS. NOLAN: My name is Ginny Nolan. I am the Director of Ministries at St. Peter's, and I've worked there for almost 25 years.

I just -- was in response to the band music the gentleman was hearing. I live in Flamingo Estates, which is over by East Naples Middle School off Davis Boulevard. We hear it also there. And we've been astounded, because Lely High School is so far away. But on a good night, you can hear it. It is not being done in our parking lot.

HEARING EXAMINER STRAIN: Ma'am, I appreciate your statement. I know the prior gentleman has a different opinion. And I think that needs -- that is something that can be addressed through what the prior gentleman said would be a limitation at 9 o'clock and that the only activities are going on inside building. We'll get that further defined, so thank you.

Is there anybody else that wishes to speak? Yes, sir. Come on up. You'll have to be sworn in and then identify yourself for the record.

And, Ms. Nolan, I'm sorry, could you please fill out a slip before you leave. It's in the back of the room.

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

MS. MERENDINO: My name is Joan Merendino. I'm a member of Lely Village 1.

We had a meeting with the committee in November, at which point I asked them what was the current number of parking spaces, and they came up with a figure of 640. And then I said what was the current capacity of the church, which was 1,100. Now, a minimum of two people in a church -- in a car, you're already past the capacity for the church.

It seems to me that they're talking about 12,000 more parishioners. It's not the parking they have to worry about; it's the church, because they are overloaded with people. I mean, you put more cars, you're not going to get less people; you're going to get more.

Now, they have -- like I said, on Hawaii Boulevard, they park in the bike lane. The whole street is covered with the -- and the gentleman knows, you cannot get out of your driveway. You've got the bike lane and you've got the median.

So parking more is not going to be problem. The problem is they need another church. Thank you.

HEARING EXAMINER STRAIN: Appreciate your comments, ma'am. Thank you.

Is there anybody else that wishes to speak? Ma'am?

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

MS. BASHIRES: My name is Jan Bashires (phonetic). I live at 7 Lanai Circle, and I speak to the noise from the church.

You must have a rec area where they can rent it out, and there are bands in there. My noise -- my windows rattle with the noise from the band. There are kids running all over the place yelling, screaming. In the summer they kick soccer balls out there. So it is -- it's very noisy.

Thank you.

HEARING EXAMINER STRAIN: Thank you, ma'am.

Is there anybody else that would like to speak? Ma'am, come on up.

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

MS. ALIA: My name is Michelle Alia. I live at 5023 Catalina Court. There's a lot of neighbors here from Lanai Circle that have spoken, and no one from my community, so I thought I'd say something.

My neighbor is with me. She lives at 5019 Catalina Court, which is right where the red line is on the subject site, and my house is where the No. 3 is.

I understand the problem of the growth in our community and everything as far as the church is concerned for their need for more parking. There is a lot of new developments going up, and a lot of Catholic parishioners need the Catholic church to provide the parking; I understand that.

Most of the parking isn't being used, and even though it's not being used, people still park on Hawaii Boulevard. It's very dangerous when I go to work in the morning.

My concern is the property values and also the -- just the noise itself and all the concerns that people here have already expressed. I just want to say that I support the community -- the people that live on Lanai Circle for a wall, the concrete wall that they're asking for.

HEARING EXAMINER STRAIN: Okay. Thank you very much. Is there anybody else that would like to speak?

(No response.)

HEARING EXAMINER STRAIN: Okay. Bob, you've got a lot to respond to.

I would certainly want you to consider the fact that not having received this letter, that was a problem.

You've got some issues involving the existing operation, which have not been necessarily addressed by this conditional-use application that I think need to be considered, and so I'd sure like to get your input on that. You may want to also consider having time to try to work out some of these issues with your neighbors before a decision is rendered, but that's something that's up to you.

MR. MULHERE: Well, I guess we can only work out something if someone's willing to work out something. If they're not willing to work out something, then we can't. We still have to make a decision.

HEARING EXAMINER STRAIN: No. And I don't disagree with you, but if you've got issues with bands in the parking lot or --

MR. MULHERE: There's no bands playing in the parking lot. There may be bands playing inside the --

HEARING EXAMINER STRAIN: We have testimony that is contrary to that, and so those things are concerning. So go ahead.

MR. MULHERE: Okay. But let me ask you this then. The church says there's no bands. The folks say there are bands. I think the band -- there may be some music coming from the parish hall, which is an existing building located right, you know, in the aerial. That's what a parish hall is for is for activities. That -- 1974 that this St. Peter's has been there since.

HEARING EXAMINER STRAIN: I'm looking at property that -- the agricultural piece. It looks like -- the deed that's in the packet says that piece --

MR. MULHERE: Ninety-nine.

HEARING EXAMINER STRAIN: That piece is what's the subject of this meeting today, not necessarily the whole --

MR. MULHERE: That's my point.

HEARING EXAMINER STRAIN: -- operation. But because of the current way the other operation

is running, it's overflowing into the church from this agricultural piece.

MR. MULHERE: So -- but I think we've committed to no activities beyond 9 p.m. except for those holidays that require us to, you know. So, I mean, I don't know exactly how to -- I mean, you have testimony that the church is closed down at 9 p.m.; the lights are shut off at 9 p.m.

We've already agreed to look at adjusting the existing lighting with shielding to minimize or prohibit any flow onto adjacent residential properties. New lighting we'd do that for.

The issue of parking on Hawaii, it's not logical to assume that providing additional on-site parking would not in some way be beneficial. Now, I do understand that, you know, some folks may choose to park on Hawaii because it's more convenient for them to get out after a church function, so they just disregard the fact that there's an impact on the neighbors. That can happen. The church can certainly talk to their parishioners and let them know.

HEARING EXAMINER STRAIN: For my benefit, where is Hawaii specifically on this plan?

MR. MULHERE: It's the road that runs off of Rattlesnake Hammock to the north so the church has that -- you know, it's where the actual access is to the church, and then runs --

HEARING EXAMINER STRAIN: There it is. It's written in yellow.

MR. MULHERE: Yes, yes.

HEARING EXAMINER STRAIN: I'm sorry. Okay. So that main Hawaii Boulevard is inundated with cars being parked along there and --

MR. MULHERE: That's what we're hearing.

HEARING EXAMINER STRAIN: Is that one of the locations --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- that the "no parking" signs are going to go?

MR. MULHERE: Yes, yes. And somebody said they already exist, and people don't pay attention.

HEARING EXAMINER STRAIN: Well -- but that's a matter of enforcement.

MR. MULHERE: I know.

HEARING EXAMINER STRAIN: When -- do you use deputies --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- to enforce traffic on busy days?

MR. MULHERE: We -- no. Deputies are used to direct traffic on busy days.

HEARING EXAMINER STRAIN: Is there any communications that have been -- occurred with the Sheriff's Department from your client's perspective to actually go out and start ticketing people that are in violation of that law?

MR. MULHERE: No. I don't think there's been any discussion of that. I mean, there's been discussion of directing traffic for safety purposes, and those deputies are paid for by the church when they come out there and do that.

HEARING EXAMINER STRAIN: Sir, we can't have any discussion from the audience, I'm sorry.

MR. MULHERE: There's two deputies that direct traffic.

I understand. I already put on the record we'd be happy to go and meet with the Sheriff's Office to talk about the enforcement issue. They need to step up to the plate as -- with respect to that. Certainly the neighborhood may have called the Sheriff's Office. I don't know.

HEARING EXAMINER STRAIN: Okay.

MR. MULHERE: You know, but I don't -- I don't disagree that a couple of tickets probably would have people thinking twice about parking out there and using the parking that we're proposing. A couple of other -- oh, I'm sorry. If you --

HEARING EXAMINER STRAIN: How many access routes are there into this church property?

MR. MULHERE: Two -- three, I'm sorry.

HEARING EXAMINER STRAIN: Okay. As far as capacity of the church, I'll certainly ask staff to take a close review of what the church was allowed by the TIS that was issued, and they should not be exceeding that. Do you know the relationship between the amount of seats in that church and --

MR. MULHERE: I think that the statement is accurate. There's no issue -- this parking is not to address nonconformity. It is to address need. So there's no -- this is -- this would be additional parking above

and beyond what the code requires. There's reality and then there's the code. The reality is, if people -- in season the demand is exceeding what the LDC parking requirement calls for.

HEARING EXAMINER STRAIN: But in the past, one of the things that is probably frustrating this whole situation is you were issued an administrative parking exemption for a reduction in parking, and that may be playing into somewhat of the problem that's now occurring since that was done years ago and the church has grown excessively since then.

MR. MULHERE: I don't think it was tech -- I mean, we'll have to take a look at that. I don't know that it was a reduction. There's -- what it was was that the parking -- the exception allowed for the parking that's across the street to be counted towards the parking requirement.

HEARING EXAMINER STRAIN: You're right. That's right. It was --

MR. MULHERE: It wasn't a reduction.

HEARING EXAMINER STRAIN: -- an administrative parking decision, but it wasn't for a reduction. It was for a relocation.

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: You're right.

MR. MULHERE: So, you know, there are issues that relate to enforcement of illegal parking, no question about it. And I don't think anyone is objecting to meeting with the Sheriff's Office to have a conversation about that. Perhaps -- perhaps some of the neighbors should also come with us when we go and meet with them.

HEARING EXAMINER STRAIN: Well, I think some neighborhood outreach would be highly beneficial based on what I heard today.

MR. MULHERE: And I thought we went above and beyond the call of duty, because I can't recall another time where we sent out an email to everyone that was at the NIM and provided them with exhibits telling them what we were proposing to do.

HEARING EXAMINER STRAIN: Did you suggest to them you'd have a second meeting with them and that did not occur?

MR. MULHERE: No. I think we might have said if necessary we'll -- I think we said we'd communicate with whatever changes we were going to make, and we thought we did that through that email that we sent out.

HEARING EXAMINER STRAIN: What about salvaging some of the existing vegetation on that site?

MR. MULHERE: The site's got to be filled. There's no way. I mean, the site has to be filled.

HEARING EXAMINER STRAIN: Okay.

MR. MULHERE: And, by the way, we did -- there was an environmental assessment done. There's no listed species on this site. You know, I'm not saying there's not a bald eagle using the tree, you know.

MR. HERMANSON: George Hermanson. I wanted to address the -- you know, there was a listed species study done, and the agencies agreed that there was no habitat -- real habitat value. It's an urban area. The church paid for mitigation credits off site for the state and paid into the Collier Conservation Fund for the county requirements. So they paid for those -- for that ability to develop that property.

HEARING EXAMINER STRAIN: Okay. Thank you.

MR. MULHERE: I'm just looking to see if there was any -- the reference to growth, I just did want to take a moment.

The Diocese is very, very -- I've worked for the Diocese on a number of projects over the years. They're very proactive. They have a very sophisticated process of looking at prospective growth. They do have other properties that they both own and that they are looking to acquire, out east and in other locations. They do a really good job addressing growth.

This church isn't going away, and there's a lot of growth that's going to occur in the immediate area that is occurring, as was mentioned, Isles of Collier and other pretty large developments that are going to occur there that are in close proximity to this. This situation is going to get worse, not better, if we don't have the additional parking.

HEARING EXAMINER STRAIN: Okay. Anything else you want to add, Bob?

MR. MULHERE: No, thank you.

HEARING EXAMINER STRAIN: Okay, thank you.

Are there any further comments from staff?

MR. SAWYER: No, but we're here to answer any questions.

HEARING EXAMINER STRAIN: Mike, do you know the capacity of the church at this time? Have you -- did you look at that at all in regards to the parking?

MR. SAWYER: We did not look at that because, quite honestly, they weren't asking for any additional seats. It would definitely be part of the current SDP that will be reviewed. That is certainly something that staff will review.

HEARING EXAMINER STRAIN: So any parking that they're allowed would have been set by the standard when this church was originally approved for the capacity at that time based on the SDP submittal for the building; is that accurate?

MR. SAWYER: That is accurate, yes.

HEARING EXAMINER STRAIN: And will staff be checking that capacity against the parking spaces total when this piece of property -- if this piece of property moves forward?

MR. SAWYER: Yes. And it would be to current standards, not to the standards that would have been applied previously, if those standards have changed. I don't know. I kind of suspect that those standards haven't changed, but it would definitely be to the current standards.

HEARING EXAMINER STRAIN: From staff's perspective, moving this parking on site, or creating this additional parking on site, would that change anything in regards to the off-site parking that has been approved administratively? Apparently there's another location which I was alluding to or discussed? That is still available; is it not?

MR. SAWYER: That is still available and would still be enforced.

MR. MULHERE: There's actually a parish hall; I'm not sure. I may have the term incorrect. But that's, like, offices. That's used, and the parking supports that use, but when there's masses occurring, it's not used, so that parking can be used to support the church. That's --

HEARING EXAMINER STRAIN: Where is this location where this --

MR. MULHERE: It's almost directly across the street.

HEARING EXAMINER STRAIN: Okay. Well, once I know the general area, I'll be able to find it, so...

Okay. I don't have any other questions.

Mike?

MR. SAWYER: I can show you.

HEARING EXAMINER STRAIN: Would you mind? Thank you.

Okay. So that's an accessory parking area for the church for overflow or whatever they want to use it for. Okay. So they are -- you are shuttling people, at least to the extent you can from that property?

MR. MULHERE: There are actually -- that's why we have the deputies. They're actually crossing the street. That's one of the reasons the deputy is there.

So during the week, that's used for other church-related functions as plenty of parking. When it's not -- on Sundays not in use for that purpose, that parking is used to support the church functions.

HEARING EXAMINER STRAIN: Okay. Thank you very much.

Well, I've got no other questions at this point. I've got a lot of notes.

There will be a decision rendered on this within 30 days. I do very much appreciate the input from everybody that has discussed and talked today. It will be very helpful in reviewing this project in more detail over the next period of time before a decision is written.

I want to thank you all, and that's the end of this particular case for today. Thank you.

With that, we're going to take a 10-minute break and come back at 10:25 and resume.

(A brief recess was had.)

HEARING EXAMINER STRAIN: Okay. Thank you. We'll resume the meeting. The next petition and final petition up for today is Petition No. SV-PL20140000590. It's Lotus Gunworks Naples, LLC, also known as the Alamo on Vanderbilt Beach Road extension, I believe, and the Walgreens PUD.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

HEARING EXAMINER STRAIN: Okay. Disclosures on my part, I've reviewed all the files, had numerous conversations with staff, talked to one of the gentlemen representing the applicant here this morning, and I did receive one letter of opposition from Mr. and Mrs. Degiorgio. I'm not sure I pronounced that right, but I have provided a copy of it to the court reporter for the record. They mostly expressed concern about the clutter of multiple signs in the area and wanted to be on record as opposing this.

And with that is there anybody -- any members of the public here today to discuss this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Sir, if you'd mind coming to the microphone. You won't need to make a formal presentation. I have read the entire file and packet. I would just like you to identify yourself for the record.

MR. SCOTT: My name is Jeffrey L. Scott. I'm an architect here in Naples, Florida, and I'm the applicant on this variance.

HEARING EXAMINER STRAIN: Okay. There are some staff recommendations. Did you have any objection to those?

MR. SCOTT: No.

HEARING EXAMINER STRAIN: And in reviewing your file, you're looking to add a monument sign on the Vanderbilt Beach Road extension side of the PUD?

MR. SCOTT: Correct.

HEARING EXAMINER STRAIN: That's in conflict in distance-wise with the two signs that they have currently, one on Airport Road and one on Vanderbilt Beach extension.

MR. SCOTT: That's correct.

HEARING EXAMINER STRAIN: And you also want to put a series of small signs, and I say "small" because they are less than the required sizes allowed on the front of the building, but you don't want them clustered together. You're moving them on different parts of the building.

MR. SCOTT: The meat of the variance is to just take small signs but scatter them in four places across the front of the building.

HEARING EXAMINER STRAIN: Okay.

MR. SCOTT: That would be our road sign.

HEARING EXAMINER STRAIN: These are your two -- this is your road sign in the reddish color. The two gold signs on each side are the ones that exist. And the distance that you need for the sign variance are, because of the proximity, then closer to 1,000 feet from the two road signs.

MR. SCOTT: That's correct.

HEARING EXAMINER STRAIN: This is the particular road sign, and it's -- this one says 45 square feet. I saw another one, I thought it was 57, but let's --

MR. SCOTT: It has been reduced from the first application a long time ago. We have made it smaller.

HEARING EXAMINER STRAIN: It's 45 square feet.

MR. SCOTT: Less than 45 square feet is the final sign size.

HEARING EXAMINER STRAIN: The signs that go on the front of the building are these. This is the one that totals 57 square feet, and the reason this has become an issue is because the way staff has measured the signs on the front of the building don't coincide because of all the dead space in between the signs that's counted in because of the way it's measured.

MR. SCOTT: They count the blank space on the wall as part of sign because they're spread so wide, yes.

HEARING EXAMINER STRAIN: Okay. The way that staff is measuring it is in this way, and staff's relying on the language that says the signs would be measured through the measurement of regular geometric shapes. This is a regular -- this is what staff considers in line with that as a regular geometric shape.

This is one that you had produced previously that would have been less than the 200 square feet allowed, but apparently you've now modified it to drop the --

MR. SCOTT: Correct.

HEARING EXAMINER STRAIN: -- put another line in there, which widened the non-signage space --

MR. SCOTT: That's correct.

HEARING EXAMINER STRAIN: -- and caused the problem.

I took a look at this. I read the code. I didn't know staff's manner of looking at it until I interpreted it myself. This is as regular to me as some of the other methods I've seen. Still we're connecting things with rectangles and squares.

This would produce approximately less than 200 square feet, so this would have still not caused you to have to come in for a variance.

So I think the reason you're here on this one is because you were coming in anyway, and rather than try to dispute the method of measurement, you guys are just going along saying, we're coming in, we'll take care of it.

MR. SCOTT: Let's do a hearing and, yeah, put it up on the wall.

HEARING EXAMINER STRAIN: The overall issue that is surprising -- and I think it needs to be noted for the record, the front wall signs, these here, could have been 200 square feet or less, and you would have met the code and you would have not had an issue.

MR. SCOTT: Correct.

HEARING EXAMINER STRAIN: If you'd taken the real size of these signs, which is really 57 square feet for the actual verbiage, not the dead space, and you add that to the monument sign you want out front at 45 feet, you're 105 square feet. You're still far less than the one massive sign you could put on the front of that building.

MR. SCOTT: That's correct.

HEARING EXAMINER STRAIN: Okay. And that's the comparison that I took a look at, and I appreciate your verifying that for me. Thank you.

I don't have any questions on this because it's pretty straightforward, and there wasn't anything else other than the concern over the measurement. I understand staff's position and yours and now mine, so thank you very much, and I'll move to the staff for a staff report. Thank you.

Nancy?

MS. GUNDLACH: Good morning. For the record, Nancy Gundlach, principal planner with the zoning services.

And staff is recommending approval subject to two recommendations. And would you like for me to read them for the record?

HEARING EXAMINER STRAIN: Well, actually, I was going to ask you about the first one. It says six wall signs are limited to a maximum of 60 total square feet into the northern building facade facing towards Vanderbilt Beach Road. The second part of that I understand. The first part puzzles me. If they're limited to 60 total square feet but the measurement has got to be this, how does that work?

MS. GUNDLACH: Unfortunately we do not have our sign expert here today to explain that to you.

HEARING EXAMINER STRAIN: Wait a minute. If we're here because -- one of the reasons we're here is because this is the way to measure; and you're saying that to get those six real signs, which are four text and one emblem, into what is considered a sign area by our sign code -- and that's the purpose of the variance -- you can't say 60 feet if you're telling him he needs 313.

I just want to make sure that in the recommendation from staff we're not boxing it into another problem, and you can clarify that later on with me.

MS. GUNDLACH: Okay.

HEARING EXAMINER STRAIN: We've got time to adjust that. But I want to make sure that if he needs this to say he's got 313 square feet to fit that outline in that we don't say it's 60. Because if you say 60, I worry that someone's going to come back in and say, well, it's 60 for the text and for the emblem, but because of the connection by regular geometric shapes we can't get there, it's greater than that; you understand my point?

MS. GUNDLACH: That might be valuable information to use, that these recommendations were

crafted with our sign expert.

HEARING EXAMINER STRAIN: But your sign expert is the one that believes this is the only regular geometric shape that works, and I disagree with that.

MR. BELLOWS: For the record, Ray Bellows, the manager with zoning services section.

The 60 square feet reference in the staff report is text area, but I believe the request should include the 313 square feet so there won't be an issue with permitting.

HEARING EXAMINER STRAIN: Okay. And that's what I was getting at. We will tie it to this graphic --

MR. SCOTT: Good.

HEARING EXAMINER STRAIN: -- so that way you get this graphic. You don't get 313 feet of a giant sign.

MR. SCOTT: She may have interpreted the 60 being greater than the 57 that I showed for the individual boxes.

HEARING EXAMINER STRAIN: Yeah. They round it up; I agree with you.

MR. SCOTT: Right, right.

HEARING EXAMINER STRAIN: Okay. And I don't have any other questions on -- the permit number is going to be revised so as to be consistent with this variance. I'm sure that's fine.

I don't have any other issues with the staff recommendations, and at this point I'm fine, so thank you very much.

MR. SCOTT: Thank you.

HEARING EXAMINER STRAIN: I asked earlier if there was any member of the public here. I don't see any that would want to speak on this, unless Fred wants to get up to talk.

With that, we will close this -- Heidi, did you have --

MS. ASHTON-CICKO: Did you label your exhibits? I don't recall you saying that.

HEARING EXAMINER STRAIN: I'm glad you brought that up. Thank you. Good point.

Exhibit A will be the staff report, and Exhibit B will be the legal ad. I've already provided the court reporter, for the record, a copy of the letter that I received.

And with that, we will close this hearing, and thank you very much for your time, sir.

MR. SCOTT: Thank you.

HEARING EXAMINER STRAIN: Probably within a -- within a week or 10 days I'll have a decision to you, but I've got 30 days to do it in. It will be less. Thank you.

MR. SCOTT: Thank you.

HEARING EXAMINER STRAIN: And with that, the next item on the agenda is old/new business or other business. There is none. There's no one here from the public for public comment, so that -- this meeting is adjourned. Thank you all.

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There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 10:36 a.m.

COLLIER COUNTY HEARING EXAMINER

  
MARK STRAIN, HEARING EXAMINER

ATTEST:  
DWIGHT E. BROCK, CLERK

These minutes approved by the Hearing Examiner on 7-23-15, as presented  or as corrected .

TRANSCRIPT PREPARED ON BEHALF OF  
GREGORY COURT REPORTING SERVICE, INC.  
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC