

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
May 24, 2018

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager
James Sabo, Principal Planner
Scott Stone, Assistant County Attorney

THE HEARING EXAMINER: Good morning, everyone. Welcome to the May 24th meeting of the Collier County Hearing Examiner's Office.

If everyone will please rise for Pledge of Allegiance.

(Pledge of Allegiance was recited in unison.)

THE HEARING EXAMINER: Okay, couple cleanup items. 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 review of the agenda, we had three advertised public hearings for today. Two of those, Item 3.B and 3.C, at the request of the petitioner in each case, which is Florida Power & Light Company, they asked that Petition No. VA-PL20160002427 and Petition No. VA-PL20160002426 be continued until the June 14th meeting. That request came in about 40 minutes ago this morning.

There was a lot of public here to discuss it. They have now been informed it's being continued, and I see no reason not to grant the continuance, so it will be continued to June 14th, which is about three weeks away.

I had also suggested to the applicant that they provide more additional information than we have had. It will come through staff and hopefully the next staff report will clarify those issues.

So James, that should take care of those two issues for you today.

Which takes us to the one remaining item. It's an advertised public hearing for a conditional use in Immokalee. It's for Petition No. CU-PL20170002302, the Iglesia Pentecostes Peniel Immokalee, Inc., requesting a conditional use to allow a church on RMF-6 zoned area.

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

(All speakers were duly sworn.)

THE HEARING EXAMINER: Disclosures. On my part, I had discussions with the applicant a couple different times and emails back and forth, disclosures with -- I talked with staff once or twice as well, and I did talk to the commissioner from the district. And with that, those are my disclosures and we'll move right now into the case.

Is any member of the public here for this one?

(No response.)

THE HEARING EXAMINER: No.

Fred, as a result I won't need a presentation as we normally do, a formal presentation, we'll just move right into any questions that need cleared up.

And I do appreciate your response to getting the list of conditions that normally accompany churches.

MR. HOOD: Yes.

THE HEARING EXAMINER: That didn't happen at the time of your review. Mr. Sabo, who is new at the county, was told about it afterwards, and you had responded so I certainly appreciate that, it will make the discussion simpler.

What I'd like to start with before I go into that list is walk through any questions that may remain on the pages within the report. One of those is the recommendations from staff. When we get done discussing the conditions you've supplied, and I know staff's got a copy, I will certainly be looking for staff's acknowledgment on record that they've been satisfied that those have met their recommendations.

We'll do that when we get to staff report.

MR. HOOD: Okay.

THE HEARING EXAMINER: I want to make sure everything I had noted has been cleared up by those. It looks like it.

I did ask for traffic clarification from you, Fred. You supplied it. I also asked for a verification map from Mike Sawyer in our transportation department. He also confirmed that your peak hour peak rates were correct, based on either the maximum or the square footage or the 300 seats. In this case the 300 seats carries the day, so that helped to understand it all.

And I don't have any questions directly from the document that haven't been articulated in your

changes, so we'll pull those up right now.

MR. HOOD: Okay.

THE HEARING EXAMINER: Basically you've limited your services to Saturdays and Sundays from 7:30 a.m. to 10:00 p.m. and recognized holidays and weekdays from 6:00 to 10:00. You've got a square foot limitation on the church and seating. You have the prohibited accessory uses that have become somewhat standard for churches. You've agreed not to lease the facility out. You've got a special events limitation. Your outdoor amplified sound is prohibited unless allowed by temporary use permit. You've included your peak hour weekday and peak hour Saturday and Sunday trip assignments. And then if there's any crowds there, you'll be getting a deputy.

Those are the conditions that we've worked out over the last couple of discussions that would apply most applicably here.

So I think your last submittal was clean. I don't have any questions on it at this point.

So with that, I'll -- do you have any comments you want to make for the record?

MR. HOOD: I don't.

THE HEARING EXAMINER: Okay. With that I'll turn to the staff report. James?

MR. SABO: Mr. Strain, the zoning staff recommends the Hearing Examiner approve Petition CU-PL20172302 as proposed, based on the comments you made on the conditions of approval supplied by the applicant as detailed this morning.

THE HEARING EXAMINER: Okay. That works.

Are there any members of the public here?

(No response.)

THE HEARING EXAMINER: No. Are there any other comments or questions, anybody?

(No response.)

THE HEARING EXAMINER: None.

Then this hearing's closed. A decision will be rendered within 30 days, most likely first part of next week. I'll do my best to get it out that quickly for you.

With that, thank you for your time.

MR. HOOD: No problem, thank you.

THE HEARING EXAMINER: Which takes us to the balance of our agenda today, which has been continued, so there's no other business, there's no members of the public here to comment, this meeting is adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 9:05 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, Hearing Examiner

ATTEST:

LAIRD A. LILE, CLERK AD INTERIM

These minutes approved by the Hearing Examiner on 6-18-18 as presented ✓ or as corrected _____.

Transcript prepared on behalf of
U.S. Legal Support, Inc., by
Cherie' R. Nottingham, Court Reporter and Notary Public.