

TRANSCRIPT OF THE MEETING OF THE.
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
February 28, 2019

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this day 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
Tim Finn, Principal Planner
Gil Martinez, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Morning, everyone. Welcome to the Thursday, February 28th meeting of the Collier County Hearing Examiner's Office. If everybody will, please, rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you. Housekeeping matters, speakers will be limited to five minutes, unless otherwise waived. Decisions are final, unless appealed to the Board of County Commissioners, and the decision will be rendered within 30 days. Most of the time we try to improve on that; do our best.

In review of the Agenda, Item 3-A is Petition No. BDE-PL20180001709 for the Carla Teresa Markey 43-foot boat dock extension, and that's up off Collier's Reserve. That item is being continued until the March 14th meeting. It was previously continued from the February 14th meeting.

With that, we have three other items on today's agenda. Item 3-B was a -- is a Petition for Charles Tabeling at the Isle of Capri. There are two following that; boat dock extension for Victoria Tracy, and a Petition for the Immokalee Florida Congregation of Jehovah's Witnesses. In order to expedite the last two, I think if there's any lengthy discussion, it will be on, most likely, Item 9, or 3-B, based on the reading of my staff report.

So I'm going to move 3-C and 3-D up ahead of 3-B to accommodate those folks that are here for those two petitions. Before we log that, I would like to know in the Victoria Tracy dock extension and the Jehovah's Witnesses Congregation, is anybody here today opposing, against, either one of those two?

(No response.)

HEARING EXAMINER STRAIN: Okay. Then we will definitely move those forward. So we'll move right into the first amended petition up -- or petition up -- is Item 3-C, Petition No. BDE-PL20180003485. It's the Steven C. and Victoria A. Tracy 41-foot boat dock extension down on Lakeview Drive in Bayshore.

All of 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, Jeff, there's nobody here in opposition, so I'm not going to need a formal presentation.

MR. ROGERS: Okay.

HEARING OFFICER STRAIN: I will have some questions. You want to identify yourself for the record?

MR. ROGERS: Yeah. For the record, Jeff Rogers, Turrell, Hall and Associates representing the applicants.

HEARING EXAMINER STRAIN: Okay. I noticed a discrepancy between some of your numbers and staff's. I just want to understand it. Staff believes there's 210 feet for a waterway. You had a higher number, and I believe it's because of that island that sits out there, if I'm not mistaken?

MR. ROGERS: Correct.

HEARING EXAMINER STRAIN: And that's the only reason?

MR. ROGERS: That would be the most restrictive point.

HEARING EXAMINER STRAIN: Okay. On the Lakeview Drive, I guess, and it's the land surveyor -- your land surveyor provided it, or the land surveyor for the applicant, I'm not sure which, it's on Page 39 of staff's report. It shows the lots in blue lines with the three-story building being the residence that's there, and on back, it has the dock, which is the dock coming out 54 plus 1.4

feet, that's the existing dock, but it also calls out on that plan to measure the dock lines. It's talking about -- it's talking about an extended boundary line.

MR. ROGERS: Yes, sir, the boundary line?

HEARING EXAMINER STRAIN: Yes. That particular line is not a riparian line, and on your document, you call it an approximate riparian line. So did anybody identify a riparian line in this case?

MR. ROGERS: Yes, basically we did the boat dock extension to the north on this one, Berkesson (phonetic), and I have a survey on that one as well, and that surveyor labels the line, same line as what you see on that label, that extended boundary line on the north as -- it's a labeling thing here.

This survey was provided to us by the applicant, and we didn't order the survey. Therefore, the labeling was not labeled the way we would have asked them to label it. I did ask them to -- I did make the request to see if I could get it modified before this hearing today to satisfy this question, and I never heard back from them so...

HEARING EXAMINER STRAIN: Interestingly enough, I had to look at another case that involves setbacks, and in doing so, I got into some specific language in our Land Development Code that addresses setbacks, and how you can measure them.

First of all, our definition of setbacks -- by the way, the way you have it there --

MR. ROGERS: Uh-huh.

HEARING EXAMINER STRAIN: -- is probably the better way to do it, for the example I'm going to show you.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: Let me get to the setback definition. The setback or setback line is a line marking the minimum distance between the right-of-way line, property line, bulkhead line, shoreline, seawall, mean high watermark, access easement line, or other defined location in the beginning point of the buildable area. So they're not -- there's no reference to riparian line there.

MR. ROGERS: Right.

HEARING EXAMINER STRAIN: Now, when you get into dock facilities, there's a couple sections that talk about measurement. All dock facilities, except boathouses, on lots with less than 60 feet of water frontage, shall have a side setback requirement of 7.5 feet.

It doesn't mention from where, and where's something silent in the code, we have to fall back on the most restrictive language that applies.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: It also says that all dock facilities, except boathouses, on lots at the end or side end of a canal or waterway, shall have a side setback requirement of 7.5 feet as measured from the side lot line or riparian line, whichever is appropriate; but that only applies to all dock facilities, except boathouses, on lots at the end or side end of a canal or waterway. That's the only mention of a riparian line in reference to that side setback.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: What happens is then we go to the last piece, and that is our 4.0.2.0.3 on Table 4, under accessories, and in that table it says docks, decks and moorings with accessory structures at 7.5 feet or 15 feet setbacks. All those get back to setbacks being measured from other lines than riparian lines, with the exception of an end location.

So I, in talking with you on another case, you had expressed to me that your firm generally doesn't show riparian lines or call them out.

MR. ROGERS: Correct.

HEARING OFFICER STRAIN: You might refer to them, but they're not -- they're not set by you. I'm going to have a meeting later this week or next with staff trying to figure out this

discrepancy in the code, and we'll try to get an answer for it, but until then, having an extended boundary line probably helps for the setback definitions that we have in the code, versus using a line that's not defined as part of the setback definition.

MR. ROGERS: Correct.

HEARING EXAMINER STRAIN: So the first question is for the staff, and after this lengthy explanation or research that I did last night, I don't have a problem with that setback measurement at this point so...

MR. ROGERS: Mark, if I may --

HEARING OFFICER STRAIN: Sure.

MR. ROGERS: -- point something out to you? If you look on north end where that dock encroaches on that extended property line, you can see the 1.94 setback it shows there on that -- the dock is only 1.94 feet away from that line.

HEARING OFFICER STRAIN: Okay. Do you have a --

MR. ROGERS: Right here, (indicating), see that note?

HEARING OFFICER STRAIN: Oh, yes, okay. That's the former dock?

MR. ROGERS: Correct. Exactly.

HEARING OFFICER STRAIN: Right. Excuse me.

MR. ROGERS: So I just wanted to show you, I got another survey for the property just to the north that we did, which was Bob Berkesson (phonetic).

HEARING EXAMINER STRAIN: Right.

MR. ROGERS: And if you look closely right here (indicating), it's showing this as the riparian line. See the label there?

HEARING OFFICER STRAIN: Yep.

MR. ROGERS: And then the distance is approximately about the same on both surveys, which is about two feet away from the line.

HEARING EXAMINER STRAIN: Well, the riparian line on both surveys seems to be an extension of the lot lines.

MR. ROGER: Of the properties line, right.

HEARING EXAMINER STRAIN: And I guess what we would look at there is the angle that's on the property line just continues to angle out.

MR. ROGERS: Correct. It is a little bit off, a little bit different; point -- I think it was .6, you know, feet, basically, a little bit over half a foot from each survey.

This one says two feet, the other one says 1.94. Based off that, our firm is confident that these lines are generally right in the same footprint.

HEARING EXAMINER STRAIN: And I -- I don't have any problem with that, so that does work, and other than that, make sure there's nothing else here. That's all I've got, Jeff.

MR. ROGERS: Thanks, Mark.

HEARING EXAMINER STRAIN: Thank you. And, Gilbert, I guess this is yours from staff's perspective?

MR. MARTINEZ: That is correct. I'm Gilbert Martinez, Principal Planner. Good morning, Commissioner.

HEARING EXAMINER STRAIN: Good morning.

MR. MARTINEZ: Based on our analysis, I do find this petition to be consistent with the requirements of the LDC, and, hence, recommend approval.

HEARING EXAMINER STRAIN: Okay. I've exhausted all my questions for the applicant, and so I have none for you, and with that, I'll turn to the members of the public.

Is there any member of the public here that would like to comment on this matter?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close this case. A decision will be

rendered within 30 days, most likely a lot less than that.

That takes us to the second item that's been moved up on the agenda, and it is Item 3-D, Petition No. CU-PL20180001012. It is the Immokalee Florida Congregation of Jehovah's Witnesses, Inc. 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: If you'll come up and use one of the microphones, identify yourselves for the record.

MS. DREW: Hello. My name is Karen Drew. I'm the civil engineer on the project and I'll be representing the owner.

HEARING EXAMINER STRAIN: Okay. Nice to meet you. I don't think I've met you in any of the meetings before. Let me pull your staff report up. I have a few questions that, some might be staff's, some might be yours, but we'll look at that as we go through.

You had a series of recommendations by staff. Do you have any opposition to any of those recommendations being included as stipulations?

MS. DREW: On the staff report the only --

HEARING EXAMINER STRAIN: You gotta -- I'm sorry, that mic doesn't pick up. You might have to get a little closer.

MS. DREW: On the staff report the only item was about the total number of groups using the site, where it talked about that the facility be available for community service groups and other items, that was the only thing that we normally wouldn't have available there, because it's only used for worship. There is no kitchen or daycare, office or anything.

HEARING EXAMINER STRAIN: Okay. The staff recommendations are on Page 10 of the staff report, and there's five of them, and I don't believe that one made it into the staff recommendations.

MS. DREW: Okay, then, those are all good.

HEARING EXAMINER STRAIN: Okay. Good. Did you have a previous plan having two exits on the property?

MS. DREW: Yeah. Well, I have the proposed plan. I didn't bring the existing plan.

HEARING EXAMINER STRAIN: No, but the -- well, if you could put the plan you're working on up on the overhead, that would be great. Up to the right towards the top about midway, was there another exit at one time considered to that side street to the east?

MS. DREW: Not on -- not for this project, no.

HEARING EXAMINER STRAIN: Okay. I had seen another example of one, and I didn't know if it was this project or not?

MS. DREW: Well, currently there's an existing driveway from 16th Street, and it's just a drop-off lane, from 16th to 6th, but we're getting rid of that drop-off lane.

HEARING EXAMINER STRAIN: Okay. And this is the site plan that was attached to the staff report that will be attached to a decision?

MS. DREW: Yes.

HEARING EXAMINER STRAIN: Okay. As long as we're still talking about the same one. That's the only questions I have. Everything else is pretty straightforward, and since there's no one here -- anybody here to oppose you, we don't need to have a presentation, so I appreciate your time. Thank you.

MS. DREW: Thank you for your time.

HEARING EXAMINER STRAIN: Staff report?

MR. MARTINEZ: Yes. Your staff recommended that the Collier County Hearing Examiner approve the Petition CU-PL20180001012, subject to the conditions in the staff report one through five.

HEARING EXAMINER STRAIN: And, Gilbert, the only questions I had I just brought up to the applicant. I have nothing else to add. Do you have anything?

MR. MARTINEZ: No, sir.

HEARING EXAMINER STRAIN: Okay. With that, is there any member of the public here would like to speak on this matter?

(No response.)

HEARING OFFICER STRAIN: Hearing none, we'll close the public hearing, and a decision will be rendered within 30 days, hopefully a lot less. Thank you. Thank you, ladies and gentlemen, for your interest in showing up here this morning.

That takes us to the last remaining item on today's agenda. It's the advertised public hearing 3-B, Petition No. BDE-PL20180000482, Charles B. Tabelaing requesting a 98-foot boat dock extension over the minimum 20 foot on the Isle of Capri.

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 did speak with the applicant's representative just before the meeting, and we're going to be talking about the same items here today right now.

With that, Jeff, I have, depending on how you want to do this, when we spoke, I mentioned to you that I had some concerns over the broadness of the riparian lines.

MR. ROGERS: Yes, sir.

HEARING EXAMINER STRAIN: And you also heard the previous testimony, I'm sure, about the concerns over what we're using for setbacks and whether that's even right, but I think there's an adjustment needed on your south line to be consistent with the property owner to the south, and I actually have -- you haven't got that line. I can show you how it deviates, if you'd like?

MR. ROGERS: Does this work?

HEARING EXAMINER STRAIN: Yes, but this is -- Tim, would you -- a little more to the left, so we can see that red line extend out. That's the discussion I had talked to you about in the hallway, Jeff.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: The line seems to cant a little bit to the south on that -- on that particular property, but if you were to extend the property out, then we've got a better assurance that the property to the south, whose setback is already somewhat locked in, is not hindered by any change in the line. So that's what they did on the permits that I've pulled on that.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: Is there any objection to that?

MR. ROGERS: No, based on our conversation, we're -- as you know, the property shoreline is under the required length for a 15-foot setback, so we're at 54 feet, so, therefore, really our only required setback is 7.5, and if we were to move that line, we would still fall within the required setback. Therefore, the applicant is totally fine with adjusting that line.

I have to -- the surveyor is here, Dave Agostino. I want to ask him if he would be okay with making that adjustment, as that is his line work. Personally, the applicant is fine with it. I'm fine with it, but it's his survey so...

HEARING EXAMINER STRAIN: You know, you might -- well, I don't know how to talk about the north one as well.

MR. ROGERS: Uh-huh.

HEARING EXAMINER STRAIN: The apportionment requirements in the DEP don't necessarily say everybody has to have a width greater than what they need. They basically say you've gotta have the ability to have a boat access.

MR. ROGERS: Correct.

HEARING EXAMINER STRAIN: And there are two separate priorities. No. 1 is boat access. The second one that I found was view.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: So boat access takes priority over view. The excessiveness on the north line can give you a distance greater than what the setback is needed.

MR. ROGERS: Right.

HEARING EXAMINER STRAIN: I'm not sure, from an apportionment viewpoint, especially with the properties to the south, and around the bend, and other residents that I've talked to from our surveyor, are necessarily needed to be at those locations, and I -- I would suggest that if we take that line and reduce it to a 7.5 setback location, we've got a more insubstantial issue to deal with, should anybody challenge this on appeal orientation.

MR. ROGERS: Understood.

HEARING EXAMINER STRAIN: Again, you take second to the boat docks. Boat docks or boat access is the priority based on that DEP recommendation coming from your surveyor, from what I read.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: If those two adjustments can be made, then we are in much better shape today to get this resolved than not. So do you want your surveyor to acknowledge that or anything here? It's up to you. I don't --

MR. ROGERS: Dave, do you want to add anything? I wouldn't mind him just explaining how he came up with these lines, and we are totally going to do this adjustment, Mark, but just to get it on the record for Dave to explain what he did.

HEARING EXAMINER STRAIN: And that's fine, but then I want to go to the DEP, and some case law that I've found, item by item, to talk about his position versus what I've found, because I'm not sure -- I'll put all that on record.

MR. ROGERS: That's fine, yeah.

HEARING EXAMINER STRAIN: I'm just trying to get to the bottom of it. I don't want --

MR. ROGERS: Is it necessary?

HEARING EXAMINER STRAIN: I want this to proceed --

MR. ROGERS: Is it necessary?

HEARING EXAMINER STRAIN: Is it necessary for me to put it on record? If we can find a reduction in that northern line, and I think you've met the intent for the apportioning provision --

MR. ROGERS: Right.

HEARING EXAMINER STRAIN: -- in the DEP document that was referred to for when you have to break these lines down.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: I don't see there's an excess requirement there.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: And I think what you ended up with is coming out with almost the same width you started with on the shoreline, yet, your neighbors are ending up with less width, so I'm not sure there was a fair apportionment there, but I think it becomes more fair and more insubstantial if that northern line was to be reduced and moved down to a more apportionate line on the property.

MR. ROGERS: Which we're totally fine with doing that.

HEARING EXAMINER STRAIN: Okay.

MR. ROGERS: So don't really need to get into the mud on this one, and I'd rather not. So at this point we'll adjust that line, Mark, and I don't know if you need an updated drawing?

HEARING EXAMINER STRAIN: I will need an updated drawing.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: I would suggest you put the 7.5 feet on it.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: On the north at least, and on the south, whatever it comes out to, to show you have at least your 7.5.

MR. ROGERS: Understood.

HEARING EXAMINER STRAIN: I'll get staff to acknowledge the 7.5, so they're going to be looking for it today, so we're clear on that so you don't have a mixup there, and that would put most of this to bed, with the exception of this survey. If you can slide it over so we can look at the bottom left-hand corner.

MR. ROGERS: The notes?

HEARING EXAMINER STRAIN: Yes, look at the -- well, the legal description. That is not the legal description of the property. The legal description now includes the extension out to the -- and it's not the mean high water line that it's extended to. If you look at the references further up on the center of the map --

MR. ROGERS: Yep.

HEARING EXAMINER STRAIN: -- you'll see the distance measurements for the lines are not consistent with the grant you've got from the state. It is consistent with the Marco survey that you use.

MR. ROGERS: Right. Right.

HEARING EXAMINER STRAIN: So if you were to use any survey and show the new lines and have a proper legal description, I think that one ought to be the one to use because you're not -- this is more than just what shows up on the plan. You've extended it. So I don't know how I can use that as a legal description, at least our surveyor inhouse here doesn't feel like he can.

MR. AGOSTINO: Good morning. Good morning. I'm Dave Agostino --

HEARING EXAMINER STRAIN: Morning.

MR. AGOSTINO: -- record surveyor. Yeah, this map is actually an old map. So we have an updated survey that includes the land, the metes and bounds that is attached to that.

HEARING EXAMINER STRAIN: Okay. Then maybe staff can put this on the overhead, and if you could zoom out. You see that yellow area?

MR. AGOSTINO: Yes.

MR. ROGERS: Yes.

HEARING EXAMINER STRAIN: That's the differences between the two surveys. The red line is the Marco survey, which basically goes to the certificate that was received for your -- from Tallahassee, and I have called the gentleman who issued that up in Tallahassee. We had a long discussion about it.

I understand now how they do those things, why they do them, but that's the line that came out of that legal description, not the waterward side of the yellow, I believe that's your mean high water line, which you had shown on your survey?

MR. AGOSTINO: That's correct.

HEARING EXAMINER STRAIN: Okay. What I will need is a survey showing the property line. You can include the mean high water line as a faded-out line.

MR. AGOSTINO: When we originally did that survey, we didn't have access to that document. Since I've done that survey, we have an updated survey that reflects the DEP line.

HEARING EXAMINER STRAIN: Well, the survey that I started to talk about, that's the one in the staff report, so that's the one I had to go by.

MR. AGOSTINO: Understood.

HEARING EXAMINER STRAIN: Okay. I don't have any other questions. Go ahead, Jeff.

MR. ROGERS: I have one question. So we need to get you an updated -- I want to clarify -- an updated survey, and an updated boat dock retention exhibits for you?

HEARING EXAMINER STRAIN: Right, and you would also need to, on the updated survey, show the lines as we've discussed.

MR. ROGERS: Perfect.

HEARING EXAMINER STRAIN: So everything lines up to your setbacks, and then we've got a situation that then meets our requirements for code and all of the rest of it, so I would -- we'd be in good shape.

MR. ROGERS: Understood. Okay. Thank you, Mark.

HEARING EXAMINER STRAIN: Okay. Let me make sure I -- I had a lot of questions to begin with, but if we can make those changes with those eliminations, we've got a few of them, the meeting will be a lot shorter. I just want to make sure I didn't miss anything.

The primary criteria, there was a discussion that you're going to have one boat slip, which is the boat you're showing, and it's larger than what would be normally allowed for a lot that size, and that's only one criteria, but it says that it's 54.3 feet of shoreline. I believe the shoreline is 55.68. So you may want to double-check that.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: And if you could make a note of that so we can verify. I think all I did was totalled up the lines and came up with the right -- with that number.

MR. ROGERS: We will verify.

HEARING EXAMINER STRAIN: Okay.

MR. ROGERS: Mark, if I may, what was the number you came up?

HEARING EXAMINER STRAIN: 55.68.

MR. ROGERS: 55.68.

HEARING EXAMINER STRAIN: Yeah, and all I need is a verification of that, and when I write this up, I can write what the accurate number is.

MR. ROGERS: Right. Understood.

HEARING EXAMINER STRAIN: There's a staff recommendation for an ST permit. You have no objection to that?

MR. ROGERS: No, sir.

HEARING EXAMINER STRAIN: Okay.

MR. ROGERS: I believe it's already submitted, just for the record. We're waiting for your approval.

HEARING EXAMINER STRAIN: I did find an application, that's probably where the 15 feet -- it said required 15 and 15, but that's on Page 2 of the application that was submitted by you all. I don't remember by who. Let me get down to the signature page; that's possibly where the idea of where that 15 was needed came in.

MR. ROGERS: I don't know where that discrepancy came in, Mark.

HEARING EXAMINER STRAIN: No, I'm just trying to -- that's probably why it got picked up. I'll get staff to look in the staff report and verify; that 7.5 is what we'll be looking for.

MR. ROGERS: For the record, this dock is existing, and when we take setbacks from the riparian lines, we show what it is. You know, we're not trying to show you what the 7.5 -- what I should have done is shown you the 7.5 foot setback versus what the actual setback is.

HEARING EXAMINER STRAIN: And I just want to make sure that when you get this all cleaned up, you don't come back in and have problems getting it through the process.

MR. ROGERS: Understood.

HEARING EXAMINER STRAIN: So that's the only reason I wanted the clarification.

MR. ROGERS: Okay.

HEARING EXAMINER STRAIN: The last thing you want to do is have to go through

this -- this exercise and then come back and still have problems getting your process done.

MR. ROGERS: Right. Appreciate it.

HEARING EXAMINER STRAIN: Let me make sure I don't have any others. Are you -- you've been dealing with this for quite a while?

MR. ROGERS: Yes, the applicant has -- we came on, just so you know for the record, Turrell, Hall came onboard probably only about eight months ago when Chuck was already -- the applicant was already dealing with the county and the DEP so --

HEARING EXAMINER STRAIN: There had been two previous submittals that were -- one was withdrawn and the other didn't fail, it was expired. Then we got into the one that was this one, basically the cleaned-up one.

MR. ROGERS: Yeah, the latest one is the one that I -- Turrell has been helping the applicant with.

HEARING EXAMINER STRAIN: I don't have any other questions, based on the fact that we're going to go forward as we discussed. So with that, I'll drop all the effort and time I was going to go into making a point I don't need to make at this point so...

MR. ROGERS: Appreciate it.

HEARING EXAMINER STRAIN: I thank you all for your time, and I don't have any other questions, Jeff. Is there any members of the public here on this one?

(No response.)

HEARING EXAMINER STRAIN: Okay. I appreciate the staff report, and if there's anything you need to come back for, I'll just call you back.

MR. ROGERS: Thank you, Mark.

HEARING EXAMINER STRAIN: Go ahead, Tim.

MR. FINN: For the record, I'm Tim Finn, Principal Planner. The project is compliant with the GMP and LDC; therefore, staff does recommend approval, subject to the revised survey and exhibits.

HEARING EXAMINER STRAIN: And, Tim, when the clarification of the shoreline frontage comes in, would you make a note of that, too --

MR. FINN: Yes.

HEARING EXAMINER STRAIN: -- so we have the right numbers to use?

MR. FINN: Right.

HEARING EXAMINER STRAIN: I don't know if you were wrong or not, I just came up with a different total when I totalled up the line issue.

MR. FINN: Okay.

HEARING EXAMINER STRAIN: That may be because of the two different surveys. So we'll just have to see where that comes from. I don't have any other questions. And, again, is there any member of the public here on this matter?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, we'll close the public hearing and a motion -- or a decision will be rendered within 30 days, most likely, hopefully, a lot less than that.

Thank you for your time today, much appreciated.

MR. ROGERS: Thank you, Mark.

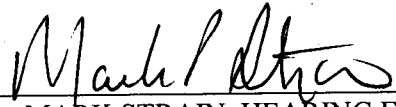
HEARING EXAMINER STRAIN: Other business, I don't have any other business. Public comment? Any member of the public here to make any comments?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, 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 9:27 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

ATTEST
CRYSTAL K. KINZEL, CLERK

These minutes approved by the Hearing Examiner on 4-1-19, as presented ✓
or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
U.S. LEGAL SUPPORT, INC., BY
JANICE R. MALINE, COURT REPORTER AND NOTARY PUBLIC.