

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
September 26, 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 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
John Kelly, Senior Planner
Craig Brown, Senior Environmental Specialist
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

HEARING EXAMINER STRAIN: Good morning, everyone. Welcome to the Thursday, September 26th 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: Some housekeeping announcements: 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.

In review of the agenda, we had three items on the agenda, 3A, which is the Collier Area Transit; 3B for Jo Anne Lewis. Now that's an item that's being continued to October 24th. So we won't be hearing Petition No. VA-PL20180003557, the Jo Anne Lewis variance request for a property on White Boulevard. That will not be heard today. It will be heard on October 24th.

And then 9C is a petition for James Kargman and Delores Heidi Brem-Kargman for a coastal construction setback line variance, and we'll be hearing that today.

So with that, in the -- in order, we'll start out with Petition CU-PL20190000124, Collier Area Transit, for a facility in Immokalee.

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 had conversations with Michelle Arnold and various members of staff. Mostly we've talked about some of the uses on the site that are -- weren't quite understood, and I think they're better understood now.

I've received today some paperwork concerning letters of support. I've had some e-mails from Michelle Arnold that I have forwarded that I think that came from staff. With that, I don't have any other disclosures.

Is there any member of the public here for this item in objection to this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, Michelle, or whoever is representing the -- you're representing the CAT facility?

MR. GALLAGHER: Yes, sir.

HEARING EXAMINER STRAIN: Okay. First of all, I know that there's been a item of concern over the fact that a food truck is being proposed, in lieu of something else. I don't really have a concern over that, so if you're -- if that's where the thrust of your concerns are today, I don't see that being a problem with the conditions that you all have recommended, and, basically, put forth in support of your document.

There are a couple conditions, I think, need to be modified possibly, but at this point if it's the food truck -- seems to be an innocuous use for the site, and I understand it's being proposed in lieu of putting facilities, hardened facilities, within the building itself?

MR. GALLAGHER: That's the intent.

HEARING EXAMINER STRAIN: In the essence of saving the taxpayers' money.

MR. GALLAGHER: That's correct. That's correct that's how we -- too tall.

HEARING EXAMINER STRAIN: If you're too short, we cut the bottom of that off so --

MR. GALLAGHER: Thank you. Gotta make sure you can be heard so. Sorry.

HEARING EXAMINER STRAIN: So let me -- let me walk through --

MR. GALLAGHER: Yeah, that's fine.

HEARING EXAMINER STRAIN: -- the questions I do have, and you can respond. Normally, if we have members of the public here, a presentation is needed, but there's -- I've read everything.

MR. GALLAGHER: Okay.

HEARING EXAMINER STRAIN: So I don't need to spend a lot of time on that.

MR. GALLAGHER: That's fine with me. Thank you.

HEARING EXAMINER STRAIN: What I want to focus on is any remaining questions I have. There has been a replacement Page 9. I don't know if you've got a copy of it or not?

MR. GALLAGHER: I haven't used one of these in a while.

HEARING EXAMINER STRAIN: I think that's the replacement page, yes.

MR. GALLAGHER: I've highlighted the one condition.

HEARING EXAMINER STRAIN: Okay. And that's kind of the location of where I have some concerns, and the first one is the -- the fact that we're limiting the routes 19 through 28 to those four routes.

I'm not sure that's necessary, and I spoke to staff about it, or I spoke to Ray about it, at least, yesterday. Ray?

MR. BELLOWS: For the record, yeah, that was my recommendation to include it originally, but after thinking about it and talking with staff and with you, I don't see that that's a real way to quantify how the facility works, or deem its intensiveness, so we'd just go with the trip cap on No. 5.

HEARING EXAMINER STRAIN: Okay. Now, the trip cap's another -- I talked to Mike Sawyer before I came in today, and he pointed out something. He said the current routes that exist are already reducing in trip caps.

MR. BELLOWS: Uh-huh.

HEARING EXAMINER STRAIN: And that if they were to add more routes, they'd actually be reducing more trips.

MR. GALLAGHER: More, yes.

HEARING EXAMINER STRAIN: So is a trip cap really necessary under that -- those terms? I mean, if the bus service does nothing but reduce traffic, where would there -- where would the harm be in reducing -- taking out a trip cap?

MR. BELLOWS: I don't have an objection to it. We were just trying to --

HEARING EXAMINER STRAIN: Be consistent.

MR. BELLOWS: -- quantify and be consistent.

HEARING EXAMINER STRAIN: I was hoping that was your answer, and I think you're correct; that's how we normally look at it. I hadn't thought of it differently until Mike Sawyer mentioned it this morning.

And, Mike, would you mind coming up and verifying for the record your comments in that regard so that it's clear?

MR. SAWYER: Okay. Now it's coming up for a short person.

HEARING EXAMINER STRAIN: It springs back up every time you let it go.

MR. SAWYER: It does. For the record, Mike Sawyer, Transportation Planning.

Yeah, confirm everything that you've said. When we look at these kinds of facilities, they do take trips off of the system. That's their purpose. That's how they -- that's how they function.

The TIS that we received with the application does show the trips that are being generated by the four or -- yeah, the four existing routes that are already at this location, so that's not going to change. So the TIS correctly reflects the number of trips that are coming out of the facility now.

If they were to increase the routes, honestly, that's just going to take additional trips off of the system, so we feel that that's a win-win for everybody.

HEARING EXAMINER STRAIN: And as long as there's no objection from staff, it seems reasonable, and I don't know if we need to go so far as to then require these conditions to be part of that -- a decision, so, and I'll turn to Ray and John before we finish up. That's -- I needed your input on that, and I do thank you for that.

MR. SAWYER: Okay. Thanks.

HEARING EXAMINER STRAIN: One of the other items, No. 3, if you could slide that down a little bit. You can actually see it. See the word "major"? I'm not sure what a major change is, and I was wondering if the intent of that paragraph was to use minor or insubstantial?

How did staff really see that, because we don't have things called major changes? We have substantial, insubstantial and minor. What were you thinking in that regard?

MR. BELLOWS: For the record, Ray Bellows.

There is some provision in the Land Development Code for conditional uses that talks about when a new conditional use is required, and I don't recall if it says major, but I -- that may be our standard, boilerplate language.

We could look into that a little bit more, but there is a provision in the LDC that talks about when a new conditional use is required when there is an expansion of existing facilities.

HEARING EXAMINER STRAIN: That I understand. It says or major changes to the approved plan. The only thing that I'm concerned about is we have recently experienced a lot of different changes in Collier County, and there's arguments now about even the smallest --

MR. BELLOWS: Yes.

HEARING EXAMINER STRAIN: -- words used sometimes, and we don't have -- we don't have a definition of major change. I would suggest that if the staff doesn't -- and I'll talk to certainly, and look for the input from the CAT people, instead of, or major change, I would say or minor change to the approved plan, that way when insubstantial changes and substantial comes through the system, an insubstantial comes through the Hearing Examiner's Office. Substantial go to a higher level of review.

So I would suggest just saying or minor changes to the approved plan and leave it at that, but then I want to make sure everybody's on the same page. I just don't like using something that's not defined, Ray.

MR. BELLOWS: Yes.

HEARING EXAMINER STRAIN: It opens the door for argument.

MR. BELLOWS: I think, historically, some of the minor changes we might have just processed administratively, so, meaning at the time of SDP, we would just say it's roughly consistent with the --

HEARING EXAMINER STRAIN: Well, you do process minor ones --

MR. BELLOWS: Yes.

HEARING EXAMINER STRAIN: -- administratively, that's why I used the word "minor," because this says expansion of uses identified or approved within this conditional use approval, or if we use minor changes to the approved plan -- actually, it should be -- you're right. That should be insubstantial changes to the approved plan, or substantial shall require the submittal of a new conditional use application.

MR. BELLOWS: Yes.

HEARING EXAMINER STRAIN: Well, you gotta back that up. Insubstantial shouldn't require a --

MR. BELLOWS: Yeah, I think that --

HEARING EXAMINER STRAIN: -- a submittal of a new conditional use application.

MR. BELLOWS: -- I think major or even minor changes would come back, but an insubstantial change we'd process administratively through an SDP.

MR. GALLAGHER: If I may, are we speaking to the conceptual site plan for this --

MR. BELLOWS: Correct.

MR. GALLAGHER: -- or the --

HEARING EXAMINER STRAIN: The plan that would be attached to the decision, that would be the conceptual site plan.

MR. BELLOWS: Yes, I guess the way we normally apply is at the time of SDP, if it's a major change from the conceptual plan attached to the conditional use, we would make you come back in to make it consistent, but if it's a minor change, meaning, you know, a foot or so of the footprint of the building, then, you know, we would just process that as an SDP change.

HEARING EXAMINER STRAIN: Well, why don't we say instead of major, substantial, then that meets the code? If you have a substantial change to the approved plan, which is defined, the substantial changes are defined in the Section E of the code, shall require a submittal of a new conditional use application, that's almost a given anyway, but that, I think, is what the intent of major is, is substantial.

MR. BELLOWS: I agree; that makes more sense.

HEARING EXAMINER STRAIN: And then what happens, minors or insubstantial go through whatever process they're allowed to go through, and minors can go -- be done administratively, and insubstantial come through this office.

MR. GALLAGHER: I don't disagree.

HEARING EXAMINER STRAIN: But I don't know how -- I mean, I don't know of any other way to get there.

MR. GALLAGHER: Should be -- I know this came from the existing conditional use, that same language --

HEARING EXAMINER STRAIN: I know.

MR. GALLAGHER: And I know it's not appropriate. We're trying to fix it.

HEARING EXAMINER STRAIN: Lately there's a lot of very fine-tuning in language, more so now than we've seen in other opportunities. I just want to make sure we don't open the door for more. Here's what --

MR. GALLAGHER: Clarity is better.

HEARING EXAMINER STRAIN: Here's -- an insubstantial change is any proposed change to the boundary. Proposed increase -- I mean, this is not -- this is a substantial change. I'm sorry. Are you guys coming up with a conclusion?

MR. GALLAGHER: Well, we believe there is a definitions in the code for insubstantial, substantial and minor.

HEARING EXAMINER STRAIN: Substantial and minor; correct.

MR. GALLAGHER: So as long as we --

HEARING EXAMINER STRAIN: Well, Patrick, you want to get on mic?

MR. VANASSE: Good morning. For the record, Patrick Vanasse with RWA. I -- you know, just as you mentioned, there are definitions in the code for minor, insubstantial and substantial. I think in this case when they use the term "major", they meant substantial.

HEARING EXAMINER STRAIN: I would agree with you; that's all I'm trying to get to is to put the right word in there that matched up with the code.

MR. VANASSE: Would substantial be the word that we put in there?

HEARING EXAMINER STRAIN: I would suggest that. I mean, I don't think you can avoid it anyway.

MR. VANASSE: Okay.

HEARING EXAMINER STRAIN: And I just don't want an argument over the word "major" not -- concluding more than is necessary.

MR. VANASSE: Substantial works for us. No problem.

MR. GALLAGHER: Yes.

HEARING EXAMINER STRAIN: Okay. Well, that resolves it, but thank you. Let me get to the next -- on the notes page that you have on the master plan -- actually, it's your concept plan. You have two notes in the bottom. I don't know if -- I don't believe they're necessary on this plan. They're positions that I don't know why we would need them on the plan, and I'd like your input on it. Those two notes there.

MR. GALLAGHER: This stems from making sure we clarified, and as part of the requirements, was to identify the parking to support this, and we just wanted to ensure that the methods that we used, in terms of the calculations as part of this concept plan, which we know could be evolved or reviewed during the site development plan approval, but we wanted to just clarify that that was the driving method to achieve those parking calcs.

HEARING EXAMINER STRAIN: But I think staff already approved the parking calcs, based on the fact that you've got this plan coming through with a recommendation of approval; is that true or not staff?

MR. GALLAGHER: Conceptually.

MR. KELLY: For the record, John Kelly, senior planner. We reviewed -- it's some -- somewhat subject to change. The Immokalee area master plan allows for changes that would compensate for anything that isn't -- it's conceptual in nature.

HEARING EXAMINER STRAIN: Okay. I'm more concerned about having language added to a -- to the plan. Heidi?

MS. ASHTON-CICKO: For the record, Heidi Ashton, Assistant County Attorney. That note really isn't appropriate. If you want to add just the last part, that the applicant may pursue an administrative parking reduction, or a deviation in accordance with the Land Development Code, that would be okay.

The rest of the language could be misconstrued, and I think you're not approving a deviation or anything from the parking calculation at this point. So I would recommend only that last portion of the last sentence.

HEARING EXAMINER STRAIN: And that's where I was trying to end, and thank you for your clarification.

MR. GALLAGHER: Starting with the applicant.

HEARING EXAMINER STRAIN: The applicant may pursue.

MR. GALLAGHER: And you had questions about the second one?

HEARING EXAMINER STRAIN: The second one, I'm just wondering why that's there? What does that give us that we don't have already?

MR. GALLAGHER: It's just another -- maybe that's just my fault of providing more information than may be necessary, but during the process we weren't -- we were waived from the requirement of actually doing a complete survey.

There is potential for that information to be garnered through the Site Development Plan process. I'm fine with removing that as well.

HEARING EXAMINER STRAIN: Okay.

MS. ASHTON-CICKO: It's not appropriate to have that on there either. There will be a legal description attached to the decision, will make it clear what property is described, so it's not necessary.

MR. GALLAGHER: Okay.

HEARING EXAMINER STRAIN: All right. So in the end we're going to end up with one note that talks -- that allows you, based on the plan, to deviate if you go through administrative process to reduce the parking.

MR. GALLAGHER: Yes, sir.

HEARING EXAMINER STRAIN: Okay. That works.

MR. GALLAGHER: Thank you.

HEARING EXAMINER STRAIN: Let me get down to the -- any other items. While I originally made these notes, I started making -- finding questions about the food truck, but since that got resolved, I'm not going to even get into that today.

You have a series of stipulations that you've actually included in one of your letters on Page 2 of page -- Page 2 of your letter, which is -- starts off -- which is on Page 36 of the packet.

I'm assuming there's going to be no changes in those. You've accepted those as operational standards, and those would be included as stipulations, and mostly staff has picked those up as well.

MR. GALLAGHER: And we're referring to these -- oops.

HEARING EXAMINER STRAIN: Yes.

MR. GALLAGHER: Okay.

HEARING EXAMINER STRAIN: Are you still on board with all of those?

MR. GALLAGHER: Yes, we're on board with that. Those are more than what was provided in the staff report. We were originally very comfortable with the staff-recommended conditions. We have worked through these conditions, or stipulations, and presented those in this format for your consideration.

HEARING EXAMINER STRAIN: Okay. And you're also now, with the changes we've suggested to the staff recommendations, you're in agreement with the rest of those, with the changed Page No. 9?

MR. GALLAGHER: Yes.

HEARING EXAMINER STRAIN: Okay. The bus traffic you -- I think I found that you're limiting it to an ingress and egress from Immokalee Drive?

MR. GALLAGHER: That is correct.

HEARING EXAMINER STRAIN: Okay. And that would be a stipulation you have no objection to?

MR. GALLAGHER: No objection.

HEARING EXAMINER STRAIN: Okay. The -- you've got the hours of operation in the new one. You've got amplified sound. There was a question I notice in the NIM, and you had, I think, offered to take a look at it, and that is the trash -- adding trash receptacles. Have you resolved that issue?

MR. GALLAGHER: What we did in the concept plan is simply made reference to the relocation of that dumpster, and when we worked -- spoke with the Health Department, we understood that through the site development plan process that would be worked out, in terms of those details at that point in time. So this is where it's currently.

HEARING EXAMINER STRAIN: I can't read that. If you -- now, the site says relocate existing dumpsters. So you're moving those somewhere else?

MR. GALLAGHER: Based on this concept plan that would be the intent.

HEARING EXAMINER STRAIN: And you don't know where you're moving them to?

MR. GALLAGHER: Not until we work with Waste Management, or work with the waste provider, work with the existing facilities there to determine the exact, best location for those dumpsters.

The one option was -- discussed was to locate them far away from there, but I think what would be best is we continue to work with the -- the existing Health Department that uses it.

I mean, it's a location farther away from the facilities, and we want to make it accessible, but also utilized for the waste removal company, and not interfere with the movement of the -- the

transit.

HEARING EXAMINER STRAIN: Well, the dumpsters are sometimes a contentious issue because of the odor, because of the access to the trucks, because of the noise and the hours of operation when the trucks come in and empty the dumpsters out.

MR. GALLAGHER: Right.

HEARING EXAMINER STRAIN: With that note it's really not telling anybody where you're planning to put it, and my concern would be if some of the neighboring departments have an objection to where you've decided to put it, with that note being the only indication on this plan, it kind of leaves it open, and that's generally not a good idea.

Is there somehow we can narrow it down to a location, in general, as to where it would go, so we -- and I'll ask staff. Have you -- do you believe any location that they would want to put it on the site would then be acceptable, or is there locations that we should nail it down for?

MR. BELLOWS: For the record, Ray Bellows. I would prefer that if we don't have an exact location, we would at least have some standards to prevent it from being within a certain distance of residential-zoned property or use property.

HEARING EXAMINER STRAIN: And you -- you're up against residential on the other side, so if you relocate that to the left side of that plan, you're actually imposing more on the residential folks than you are now.

MR. GALLAGHER: It's zoned residential. It's a high school.

HEARING EXAMINER STRAIN: Oh, is it?

MR. GALLAGHER: Yeah.

MR. BELLOWS: Yeah.

HEARING EXAMINER STRAIN: I'm sorry.

MR. GALLAGHER: That's all right. I didn't get a chance to -- well, that's not the clearest but --

HEARING EXAMINER STRAIN: Would it be fair to say you're going to relocate it along that loop road there on the bottom side; somewhere on that site?

MR. GALLAGHER: Yes.

HEARING EXAMINER STRAIN: Okay. So you could -- put the site plan back on. You could take a dotted line that would go from where it's located now, over to where the curb starts going north and south, and indicate it would be located within some of that -- relocated within that area? Would that work?

MR. GALLAGHER: So let me see if I can -- maybe this is too -- too extreme, but is that what you're --

HEARING EXAMINER STRAIN: That's what I'm looking at, yes. With the school up against the west side, it's not that concerning then if you're up closer to that side, so that would cover the whole area. So you're really going to relocate the existing dumpsters somewhere in that vicinity.

I would suggest you take the blue line on the right side of the page, and not extend it further to the right past where the existing dumpster is, because I'm sure the health department doesn't want it closer to their building.

MR. GALLAGHER: Make sense, yes.

HEARING EXAMINER STRAIN: But that works for CAT, and works for your purposes, I would ask that you revise the concept plan that we're now talking about, with that kind of a notation on it, and, of course, cleaning up those notes and get that back over here when you can; that will, I think solve the dumpster problem. Is staff on board with this?

MR. BELLOWS: Yes.

HEARING EXAMINER STRAIN: Okay.

MR. GALLAGHER: We agree.

HEARING EXAMINER STRAIN: Let me move down and see what else there is, if anything. I think that just about covers it. I notice your TIS anticipates park and rides. So 50 percent of the traffic count is based on -- or half of the traffic impacts are based on park and rides, and is that the part you think is going to be diminished in the future?

MR. GALLAGHER: More than likely. The intent was let's consider relatively the most intense aspects of this transit facility and then be able to pull back from that.

HEARING EXAMINER STRAIN: So if you were to come in for an administrative parking reduction for this site, based on the fact that it's a conceptual plan now and the language is there to do that, you would show less most based on some kind of argument on the reduction of park and ride sites needed?

MR. GALLAGHER: That is our intent, yes.

HEARING EXAMINER STRAIN: Okay.

MR. GALLAGHER: That would be the intent.

HEARING EXAMINER STRAIN: And I think that's all the questions I have.

MR. GALLAGHER: Very good.

HEARING EXAMINER STRAIN: So thank you. Is there anything you two want to add?

MR. GALLAGHER: No, sir. I appreciate the opportunity, and I think this is just a great project and I appreciate working with staff and everybody, and I think this will be a great thing for the Immokalee area and the overall transit system, so, thank you.

HEARING EXAMINER STRAIN: It's worked -- it's worked out real well. It's a little different than what we started with.

MR. GALLAGHER: Yeah.

HEARING EXAMINER STRAIN: So, I remember some conversations previously with Michelle, and she seemed to be frustrated about the food truck thing.

MR. GALLAGHER: Yeah, I think it will be --

MS. ARNOLD: Not exactly --

HEARING EXAMINER STRAIN: Is there any comments from staff at this point?

MR. KELLY: No, sir. John Kelly, for the record.

Staff recommends approval of CU-PL20190000124, the Collier Area Transit Immokalee Super Stop and Transfer Station with the changes and conditions that you have noted to the staff report.

HEARING EXAMINER STRAIN: Okay. Thank you, John. And I've already had transportation up here. Is there any members of the public or anybody in the audience that would like to speak in this matter?

(No response.)

HEARING EXAMINER STRAIN: Well, obviously, you don't need a rebuttal. So with that, we'll close the public hearing on this matter and a decision will be rendered within 30 days. I need to get that concept plan from you as quick as possible, corrected as we discussed, and that will help expedite the issuance of the decision.

MR. GALLAGHER: We'll do that.

HEARING EXAMINER STRAIN: Thank you all very much. And we'll move on to our next item today. The next item is Petition No. CCSV-20190000936, James V. Kargman and Delores Heidi Brem-Kargman for a coastal construction setback line variance. 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: Are there any members of the public here, other than

the applicant's team, for this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Who's representing -- whoever the representative is, would you mind coming up?

MR. GODDARD: Hi. My name is Matt Goddard with Humiston and Moore Engineers.

HEARING EXAMINER STRAIN: Good morning.

MR. GODDARD: Good morning.

HEARING EXAMINER STRAIN: The fact that there's no members of the public here, and I've read everything, that saves you the opportunity of a presentation so --

MR. GODDARD: Okay.

HEARING EXAMINER STRAIN: I have -- may have some questions. I'd like to run through my notes, and make sure that everything has been asked that I, at least, need to ask.

Could you explain -- right now there's a house there that already sits past the CCSL line, and this new little home is not going to increase that distance very much, if I'm -- about eight inches or --

MR. GODDARD: Yeah.

HEARING EXAMINER STRAIN: Eight inches; that's what I thought. So you're not really changing much in regards to the relocation of that home, and I notice that it is consistent and in line with the homes up to the north and south of the property, which is one of the things that we look for when we change these lines.

MR. GODDARD: Yeah.

HEARING EXAMINER STRAIN: You are going to be doing dune restoration, and that seems to be something that staff has highlighted repeatedly in their staff report, and the staff has imposed some conditions in their report. Do you have any objections to the conditions?

MR. GODDARD: No.

HEARING EXAMINER STRAIN: Okay. Well, that makes it real simple. I don't have any other questions. It's very straightforward, and with the little movement that you're making on the line, it minimizes the impact, so, I don't -- unless you want to add something for the record, I have nothing else to bring up?

MR. GODDARD: No, we expect to have our DEP approval within a few weeks so --

HEARING EXAMINER STRAIN: Okay.

MR. GODDARD: -- everything's in line.

HEARING EXAMINER STRAIN: Thank you very much.

MR. GODDARD: All right. Thank you.

HEARING EXAMINER STRAIN: Turn to staff. Craig, do we have any comments from your side of things?

MR. BROWN: For the record, Craig Brown, environmental planner. I do have one change to the staff report. I need to amend Condition 8, site specific condition.

HEARING EXAMINER STRAIN: Hold on a second. Your mic's not picking up. There you go.

MR. BROWN: Site specific condition 8 -- I can just come up there.

HEARING EXAMINER STRAIN: John Kelly must have used up all the energy in that mic.

MR. BROWN: For the record, Craig Brown, environmental planner. Site -- site specific condition No. 8, we were allowing them to keep a coconut palm on the property.

HEARING EXAMINER STRAIN: Right.

MR. BROWN: But at further investigation, coconut palms are part of a Category 2 invasive exotic, and anything seaward of the coastal construction line requires that the plants be

native. So I'm recommending that the tree be removed.

HEARING EXAMINER STRAIN: Okay. We'll see how the applicant responds to that, and you gave me -- I've lived in this community 42 years and I never knew coconut palms weren't native. I've seen them all over. I just assumed they've been here since before I got here.

Sir, do you have any objections to the removal of that specific condition?

MR. GODDARD: No, we'll take it off the plan.

HEARING EXAMINER STRAIN: Okay. Craig, anything else you want to add to the record?

MR. BROWN: For the record, Craig Brown. We just recommend approval of the variance request as submitted.

HEARING EXAMINER STRAIN: Okay. Thank you very much. Are there any members of the public here like to speak in this item?

(No response.)

HEARING EXAMINER STRAIN: Okay. Hearing none we'll close the public hearing on this matter, and a decision will be rendered within 30 days. Thank you for your time today. Appreciate it.

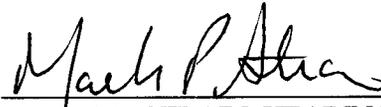
And that takes us to the end of our agenda. If there's no other business, any public comments?

(No response.)

HEARING EXAMINER STRAIN: Hearing none, this meeting's 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 9:31 a.m.

COLLIER COUNTY HEARING EXAMINER



MARK STRAIN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 10-21-19, as presented or as corrected _____.

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