

TRANSCRIPT OF THE MEETING OF THE  
COLLIER COUNTY HEARING EXAMINER  
Naples, Florida  
May 27, 2021

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

HEARING EXAMINER ANDREW DICKMAN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager  
Timothy Finn, Principal Planner

CHAIRMAN DICKMAN: Good morning, everyone. How is everyone feeling? It's May 27th, 2021. I am Andrew Dickman, the Hearing Examiner.

I'm -- why don't we get started with the Pledge of Allegiance.

(Pledge of Allegiance recited in unison.)

CHAIRMAN DICKMAN: Okay. Thank you very much.

As I said, I'm Andrew Dickman, I've been retained by the Collier County Board of County Commissioners. I'm a 20-year practicing attorney in good standing with the Florida Bar. I'm not a county employee, I'm here to be an impartial decision-maker. I have not had any communications with any of the applicants. I have all the information that the public has. I have the staff report. I am here to just hear the applications, ensure that due process is afforded, listen to testimony and evidence as it applies to the specific criteria relative to your application, and then -- and then within 30 days I will render my decision.

At this time, anyone who is going to speak today -- I know we have a court reporter online. This is a hybrid meeting, some people are going to be online, some people are here. We are still practicing CDC guidelines as we taper down, so it's up to you regarding the mask and sanitation. So we're still trying to sort of work through that process.

If -- anyone who is going to speak today, I'll go ahead and administer the oath. So if you're going to speak today, please stand up and raise your right hand and answer in the affirmative.

Under penalty of perjury, do you swear to tell the truth today? The answer is yes.

(Speakers were duly sworn.)

CHAIRMAN DICKMAN: All right, great. Thank you.

All right. So as I said, we have four items on the agenda. Are there any changes to the agenda?

MR. BELLOWS: For the record, Ray Bellows.

I did want to point out, we had an earlier agenda go out before this one that had five items. That was agenda Item E, which was the communication tower. I just want to note for the record that that has been continued indefinitely, in case somebody did show up from that earlier agenda.

CHAIRMAN DICKMAN: Okay. Is anybody here for that item, the cell tower item, cellular tower item?

(No response.)

CHAIRMAN DICKMAN: Okay. So that has been deferred to a different time and date sometime --

MR. BELLOWS: We'll readvertise it.

CHAIRMAN DICKMAN: -- sometime in the distant future or near future? Or who knows.

Okay. So we have four items here today. We do have a court reporter, and our court reporter is online. We would like everyone to try to observe a couple of rules in order for the court reporter to take down everyone's verbal communication. We can't speak over each other, we have to speak clearly into the microphone, we can't -- you know, hand gestures, nods to questions, things like that, can't be picked up. I have authorized the court reporter to scream out if -- if there are any problems, and we'll stop things and make sure that everything is documented clearly.

So with that, Ray, are we ready to go?

MR. BELLOWS: Yes, we are.

CHAIRMAN DICKMAN: Mr. Youngblood, are we ready to go?

He's nodding yes.

MR. YOUNGBLOOD: Yes, sir.

CHAIRMAN DICKMAN: All right. Put a quarter in the jar for that one.

Okay, here we go. So let's bring up Petition number A. Why don't we start with county

staff, just introduce this item. I'd like to start with the notice for this.

MR. BELLOWS: For the record, Ray Bellows, presenting the first item on the agenda. This item is a conditional use, number one, in the Estates Zoning District, and it is for a church. And you said you just want to go over the public notice requirements?

CHAIRMAN DICKMAN: Public notice and just briefly touch on the staff's recommendation for this.

MR. BELLOWS: Yeah, the public notices were done pursuant to our Land Development Code and Administrative Code. We did a mailing of property owners, and we also did a newspaper ad and a sign has been posted on the property.

CHAIRMAN DICKMAN: Okay. So I'll note that the due process has been covered, proper notice has been found. And in this case, because it is a house of worship, then they're required to have a conditional use?

MR. BELLOWS: That's correct.

CHAIRMAN DICKMAN: Okay. All right. Is the applicant here? Come on up. You can have the brown -- the brown microphone.

So while he's coming up, we're going to -- applicants will use the brown podium. Anybody in the public that wants to speak will use the gray microphone, and we'll go from there.

How are you, sir, today?

APPLICANT: I'm great, how are you?

CHAIRMAN DICKMAN: I'm wonderful. Please put your name and address in the record and tell me what you want to do.

My name is Andres Boral, Boral Engineering --

MR. BELLOWS: Can you speak loudly --

CHAIRMAN DICKMAN: Yeah, I'm about to get yelled at by our court reporter.

MR. BORAL: My name is Andres Boral with Boral Engineering and Design. And the project, it's First Haitian Alliance Church. The property is located at 2300 County Barn Road. It is in the Estates, and what we are applying for is a conditional use to allow a place of worship, a church.

If we can go to the next slide?

So the request again is to allow for development of a church. The church is approximately 5,500 square feet with 215 seats.

If we can go to the next slide?

That's where the property is located. Those are the existing conditions. The property has not been cleared.

And if we can go to the next slide.

That's how the church will look, if constructed.

And then the next slide. If we can go to the next slide.

And that's the proposed site plan. As you can see, along the west property line we have a preserve that it's approximately 10 percent of the total property area. We're proposing a building with two phases. Phase I would be the 4300 square feet. Phase II would be about 1200 square feet. We're proposing some grass parking and some paved parking.

Our access would be along the north property line. And we're proposing buffers in conformance with the Land Development Code to buffer this parking lot and building. Proposed outdoor lighting will also be compliant with the Land Development Code regulations for the foot candles. Stormwater management system, it's going to be per the South Florida Water Management District standards and Collier County standards.

If we can go to the next slide.

And there's our landscape plan showing that -- the trees and shrubs that will be installed as part of the construction.

We had a public neighborhood meeting and quite a few people showed up, and thankfully everybody showed their support for the project.

And that's basically all I have for my presentation.

CHAIRMAN DICKMAN: I don't know if you did this or not. You're the agent for the applicant and you --

MR. BORAL: Yes.

CHAIRMAN DICKMAN: -- and you are an engineer?

MR. BORAL: Yes, I'm a civil engineer.

CHAIRMAN DICKMAN: Okay. Great. I'm not sure if -- you're with Boral Engineering and Design, Inc.?

MR. BORAL: Correct.

CHAIRMAN DICKMAN: Okay. Great. I just wanted to get that on the record.

It seems pretty straightforward. And staff I see is recommending approval; is that correct, Mr. Bellows?

MR. BELLOWS: That's correct, subject to the conditions located on Attachment A.

CHAIRMAN DICKMAN: Okay.

MR. BORAL: I've reviewed the conditions and are okay with the conditions.

CHAIRMAN DICKMAN: Agreeable to the conditions --

MR. BORAL: Right.

CHAIRMAN DICKMAN: -- that the county has? Okay. Great.

Why don't you sit tight right there and let's see -- go ahead and open the public hearing, see if anyone's here, or in the ether world.

Anyone here today to sign up to speak? Today?

(No response.)

CHAIRMAN DICKMAN: Going once, going twice? Nobody here in person?

Anybody on the Internet?

MR. YOUNGBLOOD: No, sir.

CHAIRMAN DICKMAN: All right. I will close the public hearing and I don't have any -- I've read everything. Like I said, I have the staff report, I have your graphics. I understand all that. It seems like a pretty straightforward project.

I note that you have several parking spaces that are going to be on the grass so that's pervious surfaces. It's -- I think that's a good thing, as opposed to asphalt, which creates drainage issues and runoff and so forth.

I don't have any other questions for this. I -- like I said, I have reviewed everything that has been submitted. Thank you for having the neighborhood information meeting, I think that's very important to do that. It's a nice feature of the county's code, give the community a chance to meet the applicant and to find out what is going to happen on that property.

So unless there's anything else that the county or the applicant wants to put on the record. Is your client here? Does the client want to speak or -- not necessary.

MR. BORAL: Not necessarily.

CHAIRMAN DICKMAN: Okay. Okay. Great. You know, sometimes when you're on a roll, sometimes -- I've always been told keep quiet.

MR. BORAL: Wise.

CHAIRMAN DICKMAN: All right. Then we will close this matter. And again, I have 30 days to render a decision. My track record is getting to where it's not taking up to 30 days for that, so you will be getting that via email, I believe? Okay?

MR. BORAL: Thank you very much.

CHAIRMAN DICKMAN: Thank you for being here and good luck.

MR. BORAL: Thanks.

CHAIRMAN DICKMAN: Okay. We're going to move on to Item number B. Item number B.

MR. BELLOWS: For the record, Ray Bellows, Planning Manager with Zoning Division. I'm also presenting 3.B today.

This is a comparable use determination as provided for in the Sabal Bay Mixed Use Planned Unit Development.

The petition number is PL20200002484.

CHAIRMAN DICKMAN: All right.

MR. BELLOWS: And they are requesting a comparable use for an automobile dealership.

CHAIRMAN DICKMAN: Okay. And county has properly noticed and advertised this, and your recommendation is?

MR. BELLOWS: For approval.

CHAIRMAN DICKMAN: For approval with conditions, or --

MR. BELLOWS: Yes, with conditions.

CHAIRMAN DICKMAN: Okay. So with that, the applicant's representative is here, I see.

MR. MULHERE: Thank you. For the record, Bob Mulhere with Hole-Montes, here on behalf of the applicant.

I wonder if we can bring up that PowerPoint.

MR. YOUNGBLOOD: Just one moment, Mr. Mulhere, we're having some --

MR. MULHERE: No problem.

MR. YOUNGBLOOD: -- display issues.

CHAIRMAN DICKMAN: Just for everyone's purposes, we are not -- I'm here. We're going to take your time. Everyone get everything on the record that you need. The point of this for me and everyone else is for you to speak and get the record made. So if any of you are nervous, it doesn't matter. I know Bob's not nervous, or he doesn't look it.

But let's take our time, get everything done right and go from there.

MR. MULHERE: Thank you.

So yes, as Mr. Bellows indicated, this is a comparable use request for a car dealership, SIC 5511. And we have provided all of the requisite information to demonstrate that -- I'm still waiting for my PowerPoint, so if we don't get it, we can kind of work through it.

CHAIRMAN DICKMAN: Okay, one second.

Let's let IT work over there for a second.

MR. MULHERE: People may be online and that may be help- --

CHAIRMAN DICKMAN: Yeah, I understand. Let's just keep that -- so just while we're doing that, Mr. Bellows, would you just explain just generally for the public why we're doing this?

MR. BELLOWS: Yes. The Collier County Zoning Regulations contained in the Land Development Code allow for a process where if in a zoning district where there is a list of permitted uses, there is a use being proposed that isn't specifically listed, or is a use that is not common to our Land Development Code, they can request for consideration that a use is comparable to approved uses within a PUD, in this case, subject to some evaluation criteria that's spelled out in the Land Development Code and we have outlined in the staff report.

And the staff will try to make a case whether there is deemed to be a comparable use or not deemed to be, and we bring that to the Hearing Examiner for ratification for --

CHAIRMAN DICKMAN: That's a great explanation. There's no way in the world the ordinances and any community can foresee all the uses that are out there, so let's see if -- let's see if this one lines up with something.

You ready to go?

MR. YOUNGBLOOD: Almost. Almost.

CHAIRMAN DICKMAN: Oh, okay. Great.

(Off-the-record discussion.)

CHAIRMAN DICKMAN: Here we go. Thank you.

MR. MULHERE: Thank you.

So as you can see from the first slide there, the client -- the applicant, excuse me, is Patrick Utter with Collier Enterprises Management.

Here with me is Rich Yovanovich, he was the land use attorney. And Paula McMichael worked with me on it. And also I -- unfortunately I didn't put Norm on there, but he is here. Norm Trebilcock is our traffic consultant.

Next slide, please.

So this aerial shows the subject site. It's 2.07 acres per the property appraiser's site. It's within the commercial office tracts within the Sable Bay PUD, obviously known probably better these days as the Isles of Collier.

And so this is a relatively small site, smaller than would typically be able to accommodate a new car dealership.

Next slide, please.

This is the zoning map again, just showing subject site.

Next slide.

And this is the master plan. And it is up there in -- just adjacent to that large drainage LASIP, Lely Area Stormwater Improvement canal.

Next slide please.

So typically a comparable use determination is based on several factors. The staff will look at the information that the applicant provides related to compatibility with -- and similarities with other permitted uses in the PUD, in this case MPUD, and the surrounding uses, impacts on public facilities, and trip generation. And typically trip generation is one of the more significant items that are assessed.

We made the argument that this is a comparable use to other uses. The PUD in the commercial office, section five, has a list of some -- quite a few commercial uses, both the C-4 and C-5 type uses.

And of course it's a hierarchy in the Land Development Code, so other uses are permitted of the lesser zoning districts as well.

So -- next slide, please.

Staff did review all of the information that we provided. This is the table from the trip generation analysis that Norm Trebilcock did.

And the county uses PM peak hour trips as the indicator, because that is the greatest time element within any single day for trip generations, so that's the most conservative approach.

And other typical uses that might be located on the site would be -- and the trip generation analysis looked at shopping center, because retail and office uses are -- and restaurant uses are permitted under the PUD.

This has frontage on the Trail, so likely something like a fast food restaurant or some other similar use would go in this location.

So there is actually a reduction in the PM peak hour trips, as indicated on that graphic.

Staff is recommending approval, subject to a number of conditions. I'd like to just go over those. We have no objection to them.

Outdoor amplified sound is not permitted, is prohibited. There is condition on a carwash if there's an accessory use, that each end has bay doors that will remain closed during the entire wash cycle and only be opened or closed for entering or exiting a vehicle, so that keeps the noise down.

Service areas have the same condition, only open the doors when vehicles are entering or

exiting for service.

There are -- it's up on the screen now, hours of operation. And a typical condition on any car dealership is off-loading of vehicles is prohibited within the right-of-way, so the site will have to be designed to accommodate delivery and loading and unloading of vehicles on the site.

Next slide, please.

Lighting is restricted, as you see there. And seven is vehicles for sale will be displayed indoors, as well as outdoors.

So we agree to all of those conditions.

I can -- I did not know who the end user was when I prepared this, but I know that a pre-application meeting has been requested by the end user, so the proposed end user, if this is approved, is for a Lamborghini dealership.

There was only one car, new car, that I saw online that could be purchased for less than the value of my house, so I'm saving up for that.

That concludes my presentation, but we're happy to answer any questions you might have.

CHAIRMAN DICKMAN: You mentioned this is a smaller site than a typical car dealership?

MR. MULHERE: Correct.

CHAIRMAN DICKMAN: I would imagine that the brand sort of causes that.

MR. MULHERE: Given the value, there's not going to be as many applicants as there would be for a typical dealership, or a --

CHAIRMAN DICKMAN: Any vertical -- is it all one level, or are they going to have --

MR. MULHERE: You know, I haven't seen the design, Mr. Dickman. There are restrictions in the PUD; those same restrictions would apply.

CHAIRMAN DICKMAN: All right. I don't believe Lamborghini made podium at the Monaco Grand Prix last weekend? I think it was Ferrari, which is in the north part of the --

MR. MULHERE: One of those two.

CHAIRMAN DICKMAN: Yeah. So -- but maybe Lamborghini will -- Aston Martin and Red Bull did well, so -- but I don't think we're going to have a Red Bull dealership here, so...

MR. MULHERE: Who knows?

CHAIRMAN DICKMAN: For all you Formula One racers out there.

MR. BELLOWS: I can afford the drink.

CHAIRMAN DICKMAN: They can -- yeah, everyone go in there -- everyone go in there if it's approved and buy a T-shirt.

MR. MULHERE: You know, I guess this will be I think an excellent use in that location, and an asset to the East Naples community.

CHAIRMAN DICKMAN: Yeah. Okay.

Anything in rebuttal to that, Mr. Bellows?

MR. BELLOWS: The presentation is consistent with what I reviewed and our team reviewed and outlined in the staff report, so we are recommending approval, subject to those conditions.

CHAIRMAN DICKMAN: Give me one second, let's check to see if anyone is here in the building.

Come up on, sir, give us name and address for the record, and you've got time to speak at -- right here in the middle. Right here. Right here, closer to me.

How are you, sir?

MR. ROSENBERG: Fine. My name is Mark Rosenberg. I live at the Isles of Collier Preserve.

CHAIRMAN DICKMAN: Okay.

MR. ROSENBERG: Before I get started, Lamborghini. Will there be discounts for

people who live close by?

MR. MULHERE: Depends on what you have to say.

MR. ROSENBERG: All right. I came here to oppose it, but we were not aware of a lot of the conditions that they had agreed to.

But I do have questions to ask and concerns to raise that I -- I want to make known.

First of all, the Lamborghini dealership is --

CHAIRMAN DICKMAN: Why don't you -- I appreciate the question, so why don't you address the questions to me. Mr. Mulhere will take notes and then I'll ask him to address those or I'll ask the county, whoever's the appropriate person to answer those.

MR. ROSENBERG: The only question for the gentleman over there is, is the Lamborghini dealership independent or part of a bigger company that has other dealerships in Naples? I say that to understand the financial viability of this, even though it is a Lamborghini dealership. You know, one wonders what happens if it ceases to become a Lamborghini dealership. So I was wondering what kind of financial backing this dealership has.

That was the only question for him.

The other issues that I have, have to do with the proximity to homes in the area. And this dealership is probably less than 100 yards from the nearest homes.

A couple of issues that I would like to have addressed. The code, as I read it, does not allow for service facilities. And the comparison that I read, comparing it to boat sales, seems a little silly. Because there isn't a landlocked boat dealer that has a repair facility. All repairs for boats are done at marinas. So this is -- this is inconsistent with comparing it to a boat sale facility. Also, boat sales facilities don't get daily deliveries of cars. Although now that I know it's a Lamborghini, I doubt that there will be daily deliveries of Lamborghinis.

We want to be sure about lighting and noise levels. This is really the big issue. The nearest homes are less than 100 yards away. We know that there's another parcel behind this that will be developed eventually. And the overall impact of both parcels -- you have to think about this in total. The overall impact of both parcels on the homes in terms of light and noise is important. Being a Lamborghini dealership, there's also an issue of security. Are they going to have security fences, on-site security fences? Are they going to have security patrols? Are they going to have a security lighting? These are the kinds of things that I think need to be answered. Because of the high value of what they're selling there, it's not like having, you know, a dry cleaner or something like that. I mean, there's going to be extra security measures taken, and what impact will that have on homes is important.

The other question we have is -- has to do with test drives. And I understand that there won't be as many test drives with Lamborghinis as there are with Hondas. But if you pull out of that parcel, you almost immediately pull past the right turn lane into our community. And I have this vision of test drivers, you know, trying to gun this thing up to 300 miles an hour where people are trying to make a right turn into the community, and it's -- it's going to be a dangerous situation. Not to mention the noise of those engines.

So if you look at the distance between the dealership and the entrance to the community and where the right turn lane begins, it's a couple hundred feet. And so you have the Lamborghini pulling out into the middle of 41, and you have people making a right turn there, and they're going to cross over and create a problem.

The other question I had, before I knew it was Lamborghini, is where they're going to store the cars. But I don't foresee that they will have a whole lot of cars to store, so that mitigates this a lot.

Let's see. The fact that you're going to close the service bays when you're working on it means that issues of air wrenches and -- if you've ever been in a service bay, you know it can be noisy. That seems to be mitigated.



So I think the bottom line concerns we would like you to address has to do with lighting and security and whether or not that is going to be over the top because of the nature of the product there to affect the homes.

The other question is the total two parcels together, you may have an idea of what's coming in the other parcel, I've heard rumors, how are the two parcels together going to impact the homes?

And third is the traffic that exits onto 41 and how that will be mitigated. I would assume that there will be no direct exit onto 41 from that -- from the dealership. They will go out the back and around by the traffic circle and come out that roadway. Because if there is another exit in the front, that's even going to be a bigger problem.

CHAIRMAN DICKMAN: So I wrote down five things that I think are relevant, and I think you're kind of repeating yourself at this --

MR. ROSENBERG: I know probably I am.

CHAIRMAN DICKMAN: No, no. Relax, it's okay.

So I have a question for you. You said we. Are you a representative of a community?

MR. ROSENBERG: I am not a representative of the community, but I'm pretty sure I speak for a lot of repres- -- a lot of people in the community who are concerned about all -- actually all three parcels there.

CHAIRMAN DICKMAN: Well, I mean, you just answered my question. I didn't know if you were --

MR. ROSENBERG: I am not.

CHAIRMAN DICKMAN: -- representing an association or something like --

MR. ROSENBERG: I do not have any legal repres- --

CHAIRMAN DICKMAN: But you live at --

MR. ROSENBERG: I live there.

CHAIRMAN DICKMAN: Okay, you live there. Okay.

MR. ROSENBERG: I live there, yes. And I've talked to lots of people who live there.

CHAIRMAN DICKMAN: Okay. Great.

Anything else?

MR. ROSENBERG: No, but you were going to --

CHAIRMAN DICKMAN: (Simultaneous talking).

MR. ROSENBERG: Thank you.

CHAIRMAN DICKMAN: Yeah, appreciate it. Thank you.

Anyone else here to --

MR. YOUNGBLOOD: Mr. Dickman, we have Kevin Jones will be our next speaker.

CHAIRMAN DICKMAN: Okay.

MR. ROSENBERG: Could you summarize the five things that I brought up so I can be sure I articulated them well enough for you?

CHAIRMAN DICKMAN: I hear concern about if the dealership that's being proposed there doesn't work out and what's next after that; question about comparison to boat sales; that the cumulative impact with the adjacent parcel; mostly light and noise; security was the next one; test driving; and the storage of cars. I have all that.

MR. ROSENBERG: That about -- that about sums it up. So I think if those could be addressed, I think the community would be fine with it. Thank you very much.

CHAIRMAN DICKMAN: I'm going to hear all the public speakers first, if you don't mind, Mr. Mulhere, and then go through it from there.

Is there anybody else here in the room signed up?

Come on up.

MR. YOUNGBLOOD: Yes, our next speaker is Mr. Kevin Jones.

CHAIRMAN DICKMAN: Come on up, Mr. Jones.

MR. JONES: Good morning.

CHAIRMAN DICKMAN: Good morning.

MR. JONES: Yeah, like Mr. Rosenberg, I'm also a resident of Isles of Collier Preserve. I've been an owner there since 2014, so I've certainly seen a lot of changes in the community and East Naples in general.

You know, I've understood the debate, and initially I was a little surprised with a car dealership, just given the lot size of a little over two acres with normal -- you know, dealership certainly being in the orders of magnitude larger than that.

So I think given that it is more of a boutique Lamborghini type dealership, in my view it certainly fits with kind of the commercial use applications that, you know, are being discussed today.

My personal feeling is that it's nice to have diversity of commercial businesses that are developed along 41. Certainly all of us that bought there, if they did their research, knew that they were these plots that were commercially zoned and something eventually would be going in there. And I certainly think with the diversity, it makes sense to me and would be a good draw to continue new and innovative developments as 41 really expands with all the new things going in.

I think Lamborghini, I'm assuming, has a brand and a name that certainly they've made substantial investments in that they want to portray and protect. So I'm assuming similar to the Ferrari dealership going on in North Naples, it will be architecturally thought through and certainly a quality managed enterprise.

My main feeling is I just want to ensure that they will be good neighbors. I was happy to see some of the concerns with bright lights at night and extremely loud engine noise, certainly one of the callings of the Lamborghini. But having the service bays with the doors shut and certainly some sensitivity with just kind of gunning those types of high performance engines I think would certainly be something that I would be sensitive to, as well as the manageable traffic.

But I do feel, you know, if this type of operation does not go in, you know, it's a prime spot for another McDonald's, which with traffic and noise and security and everything else I think would just be a much worse type of thing to look at every time I drove by. I would certainly prefer looking at a nice Lamborghini than a Big Mac.

I realize, you know, that people do have different views. I respect this process. Similar to the other gentleman, I have talked to a lot of people within Isles of Collier and, you know, if some of these planning concerns are addressed, they have been very supportive.

So, you know, certainly I think one of the beauties of this is one person can come and represent their views. There's a lot of them. And just because people say something 10 times, you know, they're still one vote. But I did just want to indicate that certainly a lot of the feedback I've gotten, with the right conditions being met, is a pretty favorable openness to this type of concept, so...

CHAIRMAN DICKMAN: Mr. Jones, I mean, I wrote down the things you said. Can I -- can I classify you as a proponent with a small asterisk that says I have some questions in that regard?

MR. JONES: Yes.

CHAIRMAN DICKMAN: Okay. Great.

MR. JONES: Yeah, I think the noise and certainly the lighting, security, would be a good one. But for me, just given the scope of it --

CHAIRMAN DICKMAN: I wrote all that --

MR. JONES: -- I think the diversity. No more storage facility and fast food would be a good addition.

CHAIRMAN DICKMAN: I wrote all that down. Thank you very much.

MR. JONES: Good. Thank --

CHAIRMAN DICKMAN: Anybody else?

And thank you for being here, sir.

Anybody else in the room?

(No response.)

MR. YOUNGBLOOD: We have no more registered speakers for this item.

CHAIRMAN DICKMAN: And what about on the Internet?

MR. YOUNGBLOOD: No, sir, no registered speakers online.

CHAIRMAN DICKMAN: Okay. I'm going to close the public hearing, and let's start talking about some of the issues that were brought up.

I kind of looked at the -- I wrote down the questions and issues that were raised, and I'm also looking at those relative to the criteria that is required in the code to be applied when trying to do a comparable use, and I think most of them do seem relevant and are -- should be addressed at least here to bring that up.

I'm going to start with you, Mr. Mulhere, and if the county has to jump in. I do think that -- you know, and obviously we want all businesses to succeed. You know, there is a question of, you know, if Lamborghini decides to move, the question would be okay, is this forever now a dealership, car dealership that could be transferred to a lower level -- I'm not prejudicial to any car, new or used, but you want to address that?

MR. MULHERE: Sure.

CHAIRMAN DICKMAN: And I know you wrote down some of the other stuff.

MR. MULHERE: I did.

CHAIRMAN DICKMAN: And I put a question mark by boat sales, because I thought we were looking at shopping centers.

MR. MULHERE: Well, we -- for traffic we looked at shopping centers --

CHAIRMAN DICKMAN: Right.

MR. MULHERE: -- but for other uses that are comparable, we looked at boat sales. But let me --

CHAIRMAN DICKMAN: Yeah. And then the other one that I do think is really, really important, because I saw the -- when I look at the location, it does seem like there's a -- the way it's set up right now, it looks like there's a right out and then it goes on to 41. But if there was a left-hand and people were test-driving in the community, I think that would be offensive.

MR. MULHERE: Yeah, so let's start with the top then.

I did speak to my client. The buyer is an East Coast Lamborghini-based company. It is not corporate Lamborghini. They do have multiple locations. Obviously they do their homework with respect to the marketplace and the likelihood of folks being able to afford to buy a Lamborghini. And they have a contract to purchase this lot.

So, I mean, what could happen if the Lamborghini dealership didn't stay there? It's a 2.07-acre site. It could be a new car dealership, yes.

CHAIRMAN DICKMAN: So let me ask staff, Mr. Mulhere.

I mean, how does that work? It sounds a little rhetorical, but I want it to be in the record. Is this -- would this become an automatic use that is in the list of uses, or would somebody have to come back if they had a new dealership and be reviewed again?

MR. BELLOWS: The comparable use determination is a finding that a new car dealership is comparable to the uses within a PUD, subject to these conditions.

CHAIRMAN DICKMAN: Okay.

MR. MULHERE: Any change in dealership has -- will be subject to these same conditions.

CHAIRMAN DICKMAN: This runs with the land --

MR. BELLOWS: Yes, it --

CHAIRMAN DICKMAN: But the conditions are also running with the land.

MR. BELLOWS: That is the big point here.

CHAIRMAN DICKMAN: Right. I got that.

MR. BELLOWS: It's not just the use that's comparable, or comparable, but it is comparable and comparable subject to those conditions making it that way.

CHAIRMAN DICKMAN: Got it. Okay. Thank you.

MR. MULHERE: And with respect to the boat dealership, the -- you know, a boat dealership is similar in that it has, you know, indoor and outdoor display. Although we're looking at something more limited in terms of number of vehicles, just based on the value. But in fact a boat dealership does do and can do repairs. And there is one just down on the East Trail not too far from here that does repairs.

A marina is required to be on the water; a dealership does not have to be, and in many cases is not on the water.

Let's see, what was next? Was it lighting?

CHAIRMAN DICKMAN: Yeah, let's go to -- I'm going to go through my list.

MR. MULHERE: Okay.

CHAIRMAN DICKMAN: I think it was brought up, the cumulative impact of the adjacent if -- the adjacent property.

MR. MULHERE: Sure.

CHAIRMAN DICKMAN: And then sub to that would be lighting and noise.

MR. MULHERE: Thank you.

CHAIRMAN DICKMAN: Cumulatively.

MR. MULHERE: Yep. So obviously we don't -- we're not required to look at this cumulatively based on what might go or might be going in the lot adjacent to the -- I don't know, is that -- kind of southwest.

That lot behind the -- that commercial lot directly behind the subject site, you can see on the aerial, is proposed for a hotel, I think some folks had mentioned that. As far as I know -- I do not represent those folks, but as far as I know they are already in for permitting.

So there's going to be -- and by the way, that lot is at least 100 yards deep. I don't know the depth of it exactly, but it's certainly more than 20 yards to those homes.

So there will be a development between this dealership and those homes, which will have to adhere to all of the standards that the county has in place and that the PUD has in place with respect to landscaping, lighting, buffers, the whole situation. So anyway, that's what I know.

CHAIRMAN DICKMAN: Okay. So to that effect I think that conditions that are being put on your client's application with regard to light and noise are going to be addressing anything that happens on your site. And then, you know, nobody can read the tea leaves going forward, but we do know what the zoning and land use is for the other projects.

So boats, I know there are plenty of boat sales in other areas. There aren't any test drives on 41 of boats, as far as I know.

MR. MULHERE: Well, maybe on the Trail.

CHAIRMAN DICKMAN: Maybe on the Trail, but -- but is the lighting going to be controlled especially in the back areas --

MR. MULHERE: Yes.

CHAIRMAN DICKMAN: -- in dome lighting and --

MR. MULHERE: Yes.

CHAIRMAN DICKMAN: -- directional lighting?

MR. MULHERE: Yes. Let me go over those, because I did --

CHAIRMAN DICKMAN: Well, there's hours of operation too, right?

MR. MULHERE: Yeah. And I didn't specifically read the conditions on lighting, so let

me do that, because I think staff did a good job, they're pretty restrictive --

CHAIRMAN DICKMAN: Sure, go ahead.

MR. MULHERE: -- but maybe not everybody had a chance to look at it.

So first of all, we're required to shield the lighting. And it needs to be directional to avoid glare on neighboring properties. The illumination level is limited to a maximum of 0.5 foot candles.

So these are -- the point being there that this is very measurable if that succeeded. You know, Collier County Code Enforcement can go out, do a test and, you know -- and there's no intention to exceed it, I'm just saying there's a reason why they're measurable, why there are standards in there.

Display lighting will be reduced to a security level lighting after 11:00 p.m. So I know we probably have all experienced the glaring lights from a car dealership that you can see from 10 miles away, but that's not going to be the case here.

All lighting will be flat panel fixed. I'm not going to even tell you that I understand what that means, but we'll adhere to it.

Lighting on the perimeter of the project will utilize full cutoff shields. I do know what that means. So that will direct the lighting downward to avoid any spillage on adjacent property.

And lighting is limited to a height of 20 feet. So that is a relatively low lighting by, you know, the standards of older dealerships. And of course they still have to be shielded so the lighting doesn't spill out onto adjacent properties. So I really think that is addressed and addressed well.

I did want to --

CHAIRMAN DICKMAN: Do you know how large the Ferrari dealership lot is, just by chance? Anybody know?

MR. MULHERE: Yeah, we definitely do. I worked on it.

CHAIRMAN DICKMAN: I'm just curious about that.

MR. MULHERE: Okay. So that is 3.4 acres.

CHAIRMAN DICKMAN: Okay. So it's a small space for --

MR. MULHERE: Yeah.

CHAIRMAN DICKMAN: Yeah. Okay, let's --

MR. MULHERE: By the way, I did drive by there off hours over the weekend, and there were only a handful of cars. You know, so, I mean, obviously the -- the amount of new vehicles is certainly going to be directly related to the number of potential clients and the value and the sales cost of --

CHAIRMAN DICKMAN: I understand that.

And maybe security, I imagine security's going to be -- and maybe your client needs to answer this. I mean, I would think the cars are going to be brought in at night.

And then also I want to address the test drives. I don't know if it's better for your client to --

MR. MULHERE: I can talk about that.

CHAIRMAN DICKMAN: You can do that? Okay.

MR. MULHERE: I do want to say that, you know, looking at the security just at the Ferrari dealership, there really shouldn't be any extraordinary amount of security. I'm sure they will have security. And most of the vehicles will not be left outside, but some will be. And there will be a need for some security. But I don't think it will be, you know, excessive. There would be no reason for that, you know.

CHAIRMAN DICKMAN: Yeah, we're not going to have a barbed wire fence --

MR. MULHERE: Right, right.

CHAIRMAN DICKMAN: -- all the way around.

MR. MULHERE: It's an open -- it's going to be -- yeah.

CHAIRMAN DICKMAN: Okay.

MR. MULHERE: I -- if we can go to the aerial, because I can speak to the issue of -- I mean, I don't have first-hand knowledge, but I can tell you some things that may address some of the concerns.

So if you look at the intersection on the bottom right of that aerial, just below the box that says "subject site," the connection from Isles of Collier to Tamiami Trail. That is slated for a signal, which will eliminate --

CHAIRMAN DICKMAN: Where did you say that was, please?

MR. MULHERE: Hold on, I'll go point to it.

CHAIRMAN DICKMAN: All right. So we're talking about the connection -- all right. So that's sou- -- yeah, sort of south, southeast, right? Okay. Down there.

MR. MULHERE: Right. Yes.

CHAIRMAN DICKMAN: So in terms of the -- is there -- are you planning on like a direct ingress, egress onto 41, or is it --

MR. MULHERE: Well, I haven't seen the site plan, but I --

CHAIRMAN DICKMAN: Okay.

MR. MULHERE: -- assume they'll have a right in, right out.

CHAIRMAN DICKMAN: You know, and there's a roundabout, so, you know, if -- you know, you wouldn't want to be --

MR. MULHERE: Let me ask Pat.

CHAIRMAN DICKMAN: Sure.

MR. MULHERE: So the access will be from that current access point that you see with the traffic circle there.

CHAIRMAN DICKMAN: Okay. All right. Great.

So you're not going to go into the neighborhoods, I mean, it wouldn't make any sense to do that.

MR. MULHERE: So -- and this is where that -- but the reason I wanted to point out that -- it has to be orange first. And presumably it will fairly soon, given the development that's occurring.

But -- excuse me. I think, I don't know -- you know, I assume Isles of Collier is gated? Okay. So --

CHAIRMAN DICKMAN: It is gated. Isles of Collier -- I heard that yes, it is gated, so -- all right.

MR. MULHERE: I don't think, you know, we're -- they're not going to be test driving through Isles of Collier.

CHAIRMAN DICKMAN: Okay. It's a legitimate question to ask. Anything else?

MR. MULHERE: It is definitely private. Pat just told me so.

CHAIRMAN DICKMAN: Okay. Great.

Let's see. What else do we have? Storing cars. I mean, there's plenty of -- I saw the conditions regarding the bay -- service bays. I mean, if it's anything like any other car dealership now, you know, they have doors that open and close so they're -- everything's in air conditioning; the people that are getting out of the cars don't want to be in the --

MR. MULHERE: Yes.

CHAIRMAN DICKMAN: -- blazing heat of Florida.

MR. MULHERE: Yes.

CHAIRMAN DICKMAN: It's going to air conditioned. So that should control any noise with regard to service, and also that kind of thing.

So -- and let me see, was there anything else? Test driving, storage of cars, light, noise,

security. That's everything that I have written down.

And I think primarily the neighborhood is just concerned about that. I mean, there could be other things here under the list of --

MR. MULHERE: Yes.

CHAIRMAN DICKMAN: -- permitted uses that are currently on the books, so there could be a whole bunch of other things that go here. So, you know, that's something to think about.

Let's see. What else?

MR. MULHERE: I guess what I wanted to mention was, when that traffic light is installed that will control or reduce any conflicts for right turning movements out of the existing access with the turn lane. So it will be actually a better situation.

CHAIRMAN DICKMAN: Okay. Quick question for Mr. Bellows with the county. You know, he's -- the applicant has disclosed what -- what brand is going there, but what are the next steps here? It's administrative coming in with a site plan, things of that nature?

MR. BELLOWS: Yes. The next step in any process for any use that's permitted within the PUD is to come through a site development plan where they look at the building architecture, the landscaping water management, ingress/egress. All those issues are addressed subject to any PUD commitments and regulations and applicable Land Development Code.

CHAIRMAN DICKMAN: So in ad- -- so what you're saying, in addition to the conditions that are being placed on this particular decision, there will probably be other conditions and --

MR. BELLOWS: Definitely.

CHAIRMAN DICKMAN: -- safeguards; you'll look at this carefully in addition to what we're talking about here today.

MR. BELLOWS: Correct.

CHAIRMAN DICKMAN: Right.

MR. MULHERE: And I would just add to the members of the public that you can -- you can track that by, you know, going online, Track My Application, at the county's website. And if you use just the folio number, or even probably use -- since there's been a pre-application meeting, if Lamborghini goes forward, I think there'd be only one project under that name and you could -- you could track that if you wanted to look at what the landscape plans look like.

MR. BELLOWS: And you can always contact me for help with any questions that you might have.

CHAIRMAN DICKMAN: Great.

The only thing -- the only one last thing, and maybe this is just sort of a honor system type thing. I would hope that your client, at least, you know, someone high up on the chain on-site would be open to anyone in the neighborhood that came in and -- and, you know, if one of their sales individuals sort of broke ranks with some of these conditions with driving, that they would be responsive to the neighbors and address that issue.

MR. MULHERE: Absolutely. Once we know who the general manager is, you know, and once they know, that would be the person to go to.

CHAIRMAN DICKMAN: And share that possibly with whoever --

MR. MULHERE: I thought you were going to ask for a discount for any neighbors.

CHAIRMAN DICKMAN: It wouldn't even matter, honestly. Frankly. You know, I've already asked Ferrari and they said no, so -- but I will be -- I'm not even sure Lamborghini has a Formula One team, but hopefully they'll do it. Aston Martin does, but -- anyway.

Okay. So I don't have anything else. There aren't any other -- we don't have any other speakers. I wrote down as much as possible. It sounds like in general people are optimistic this is going to be a positive thing for the area, especially in comparison to what could go there under the

current code.

Mr. Bellows, do you have any final -- any final comments to this?

MR. BELLOWS: Thank you for asking. Yes, I do have one other just point of clarification, that this comparable use determination for a new car dealer is subject -- is limited to the subject site depicted.

CHAIRMAN DICKMAN: Yeah, right. Okay.

MR. MULHERE: Thank you very much. Appreciate the time.

CHAIRMAN DICKMAN: Thank you. All right. Great. Thanks everyone.

Moving on. All right. Take a minute and we'll -- we're going to go to number C here.

Let me know when everybody's ready.

Ready? Hold on one second.

All right. My boss here, the court reporter, has told me that in order to capture everything, we need to slow it down and everybody speak one at a time. I'm probably guilty of talking over people as well. I'll put my quarter in the jar for that penalty. So we are all going to be mindful of the court reporter taking everything down. And I authorize permission for the court reporter to tell us to stop and do that.

Let's go. Mr. Bellows, you want to -- or who's here for this? Come on up. Great. Come on up. Just introduce the item, recommendations, how it was noticed to the public, things like that.

MR. FINN: For the record, I'm Tim Finn, Principal Planner. This is Petition No. VAPL20200002506, for a request for a variance from Section 2.03.01(B)(2)(d) of the Collier County Land Development Code, to reduce the minimum side yard setback on the north side from 7.5 feet to 7.0 feet for an existing single-family residence, and for the enclosure of an existing concrete patio deck into a proposed master bedroom and bathroom.

The property is described as the south 75 feet of the south 150 feet of tract number 65, Golden Gate Estates, Unit No. 49, also described as 361 12th Street Northeast.

The project is compliant with the GMP and LDC; therefore, staff recommends approval.

The applicant has complied with all hearing notices by our operations staff. The advertisements and mailers went out on May the 7th. The hearing advertisements/property signage were constructed at the property by the applicant per the affidavit of posting notice included in attachment E of the back-up materials.

CHAIRMAN DICKMAN: Okay. And once again, the staff recommendation here is for approval?

MR. FINN: That's correct.

CHAIRMAN DICKMAN: Okay. Any conditions to that?

MR. FINN: No, none.

CHAIRMAN DICKMAN: Okay. So the way I see this is that this is in the Estates, a very thin lot, what is it, 75 feet, I think? What was the width of the lot?

MR. FINN: The width -- the width is 75.

CHAIRMAN DICKMAN: 75 feet.

MR. FINN: Yes.

CHAIRMAN DICKMAN: Which is quite unusual for the Estates. I'm not sure how this got subdivided. But it is a legal nonconforming use?

MR. FINN: Yes, it is.

CHAIRMAN DICKMAN: It is, great. Okay.

So don't go anywhere and we'll bring the applicant up, sir. Anybody here?

Good morning, sir, how are you?

MR. POORE: Good morning. How are you doing, sir? I'm Dustin Poore, I represent my parents, Sandy and Robert Poore.



They built the house in 1982. It was permitted, CO'd in '83. I grew up there. The house didn't move anywhere. They're just trying to enclose the patio.

If you want to move to the next slide.

You can see on the survey, the house is kind of -- was tight when it was built in 1982, and they had a variance from Ryan Homes that built the home for the seven-foot setback; that's how they were able to CO the house.

We can't find any records of the variance from '82, but they're trying to enclose that existing concrete slab behind the master bedroom.

You want to go to the next slide, please.

This is a picture of the side lot right here. You can see the concrete -- one is facing east. That's the one you can see the concrete pad at. And the one facing west is looking to the back side of the property.

If you want to go to the next side, please.

And here's the proposed layout of the addition.

We actually started this application process in, I think it was '19 or 2020, and we were doing this back bathroom -- or the master bedroom and the front carport, as you can see on the bottom down there.

We actually did a revision middle of last year just to get the front of the house going. And then we met with Mr. Finn and started doing the variance for the side lot, the side of the house.

If you want to go to the next slide? I don't know if there's another one. Oh, that's it.

So that's all I really have then.

CHAIRMAN DICKMAN: Great. So there were -- in order -- as you stated, in order to get the house legally permitted, you did receive variances, but the documentation for those variances, and I notice in the staff report, you know, there -- it was very straightforward with that. But they lapse, right? They do lapse.

And just to sum this up, this is a request for a half a foot variance, it looks like. So it's seven feet where seven and a half feet is required.

MR. POORE: Yeah, we're not expanding the footprint of the foundation that's there --

CHAIRMAN DICKMAN: Yeah.

MR. POORE: -- we're actually going to stay and play with the existing walls. It's just because you're going vertical 30 inches, now it's a different criteria of codes, a very straightforward --

CHAIRMAN DICKMAN: Okay.

MR. POORE: Yes, sir.

CHAIRMAN DICKMAN: So why don't we -- why don't we go ahead and -- just stay there.

Is anybody in the public here to speak?

MR. YOUNGBLOOD: I don't have any registered speakers for this item.

CHAIRMAN DICKMAN: Either in the room or on the Internet?

MR. YOUNGBLOOD: Correct.

CHAIRMAN DICKMAN: Okay. Great.

Anything else from the county with regard to that? Anything else from the county from -- based on what you've heard?

MR. FINN: We have nothing else to add.

CHAIRMAN DICKMAN: Okay. This seems pretty straightforward. Must have been a great place to grow up. And I think I understand the history of this and why it's here.

Again, I want to repeat, the lot is a legal nonconforming use. It's smaller than most lots in the Estates. So -- which -- which results in the constraints that the house has. So you must have had a really fun backyard when you were growing up.

MR. POORE: (Inaudible.)

CHAIRMAN DICKMAN: All right. I don't -- I'm going to close the public hearing since no one's here to speak. I don't know if the parents want to come up, but that was a great presentation. If they don't, then great. I think I have enough information on this application.

So with that, I'm going to render a decision as quickly as I can.

MR. POORE: Thank you.

CHAIRMAN DICKMAN: Okay. Thank you very much.

This is one I've been --

MR. BELLOWS: Me too.

CHAIRMAN DICKMAN: Okay. We're moving on to Item No. D on the agenda, Mr. Finn with the county is here. Don't turn your back. Just joking.

MR. FINN: For the record, I'm Tim Finn, Principal Planner.

This is Petition No. ABW-PL20200002617, Swamp Axe Worldwide, LLC.

The applicant requests that the Hearing Examiner waive the required minimum distance for the sale and consumption of alcoholic beverages pursuant to Section 5.05.01.A.6 of the Land Development Code for an establishment known as Swamp Axe Worldwide, LLC, that seeks to sell alcohol for consumption on-site less than 500 feet from an existing child care center for property located at 2487 Linwood Avenue.

The project is compliant with the GMP and LDC; therefore, staff recommends approval.

The applicant has complied with all hearing notices by our operations staff. The advertisements and mailers went out on May the 7th.

The hearing advertisements/property signage were constructed at the property by the applicant per the affidavit of posting notice included in attachment F of the backup materials.

CHAIRMAN DICKMAN: Okay. So for -- just in layman's terms, you know, the Land Development Code protects certain types of uses with a radius -- radius protection so that anything within a certain radius -- here it's 500 feet between different uses. And if they want to have something within that radius, they have to come to a public hearing and do that.

So have you received any objections or anything?

MR. FINN: I have not.

CHAIRMAN DICKMAN: No objection whatsoever. Okay.

And I do know that in your staff report you list a couple of other such uses; one in Bonita Springs, one in Cape Coral and one in Zephyr Hills.

MR. FINN: And that's all I could find here in Florida.

CHAIRMAN DICKMAN: Well, actually my wife indicated that -- when I brought this up, she indicated that she and her friends went to one in Jacksonville and found it extremely relaxing. So -- for you guys out there, Valentine's gifts might be an axe, you know, so -- all right. So let's have the applicant come on up and let's hear from that.

How are you, sir?

MR. COUTURIER: Good. How are you?

CHAIRMAN DICKMAN: Fine, thank you.

MR. COUTURIER: Sean Couturier here, owner, Swamp Axe.

CHAIRMAN DICKMAN: Okay.

MR. COUTURIER: I can walk us through the slides, kind of explain who we are and what we're here for. And it is relaxing. We could print out pictures and put them on the target for you guys.

Okay. So this is our location. A very -- you know, it's limited square footage. We're tucked in between a few different businesses around us. Yeah, 2487 Linwood.

You can go ahead.

We're reservation booking, base booking; the majority of our bookings are through online.

We have six cage lanes. Participants sign waivers when they come in. We validate that with IDs.

One and two-hour reservations are the typical, the majority being one hour. So customers are typically there just for an hour session.

Our axe coaches are there coaching, you know, making sure everybody's throwing properly, no trick shots and things like that.

So we opened around October, 2020, and no incidences and it's been nice and smooth since then.

The daycare is within 500 feet of the separation. They operate until 6:00 Monday through Friday. Our operations kind of overlap on Thursday and Friday with a little two-hour overlap. And then Saturday and Sunday we don't have the same hours, so...

Yeah, so we have plenty of physical barriers in between multiple chain link fences, berms. There's a gate that is directly behind our building that is fenced and closed when not in use, which is most of the time.

There's potential car storage that might be developed behind there, but that's still yet to be seen. But plenty of physical barriers that, you know, nobody will want to hop a fence and jump on a swing set or anything.

So -- and I think the next one shows the barriers there.

So we have -- in the blue there is our chain link fencing that separates -- this aerial is old. That used to be car storage or a mechanic shop. That's all an open field at this point.

And the green blocks there, those are vegetated berms that are three to four feet high with chain link fencing on top. And behind all of those are multiple chain link fences, some of which have barbed wire on top.

So in some of the notes we had, just addressing some of the comments, there's going to be no more outdoor lighting. All activity stays within the building. And yeah, on May 5th we had a CRA advisory meeting and they all voted in favor as well.

And I think that's just about it.

Do we have any questions?

CHAIRMAN DICKMAN: I -- well, I do have a question. Generally, what percentage of the alcohol sales is to your business of -- the principal business, which is axe throwing, right?

MR. COUTURIER: Probably 20 percent. The majority of sales is the booking itself.

CHAIRMAN DICKMAN: So it's not really an attraction to just come to the lounge and do that.

MR. COUTURIER: We're more in the axe-throwing business rather than a beer-selling business, for sure.

CHAIRMAN DICKMAN: Okay.

MR. COUTURIER: That's just something to -- you know.

CHAIRMAN DICKMAN: All right. No demonstrations today?

MR. COUTURIER: I always travel with an axe.

CHAIRMAN DICKMAN: Yeah, you can't bring an axe in here. We don't let you do that, sorry.

All right. Anything -- I do have a question for the county. Could you explain the -- how measurement is taken, Mr. Finn, taken with the 500 feet? Is it from the property line directly to the property line where the other use is or is it, you know, walking distance? How is that done?

MR. FINN: It's the back of the building. In this case the back of the building where Swamp Axe is, that point, to the back of the building of Anna's Little Angels Learning.

CHAIRMAN DICKMAN: It's actually the use on the property --

MR. FINN: Right, right.

CHAIRMAN DICKMAN: -- the building on the property, not --

MR. FINN: Yes.

CHAIRMAN DICKMAN: You know, not the back yard of --

MR. FINN: That's correct.

CHAIRMAN DICKMAN: Okay. And it's not measured by walking distance.

MR. FINN: No.

CHAIRMAN DICKMAN: Okay. Great.

Anything -- Mr. Bellows, do you have anything to add to that?

MR. BELLOWS: That is what I was going to say, it's a straight line.

CHAIRMAN DICKMAN: Straight line. Okay. All right.

All right. I don't have anything else to ask. You know, we've had a couple of these, not axe throwing but some other radius issues, so I don't really have anything else to ask of this.

You already are operating, is that what it is?

MR. COUTURIER: Correct.

CHAIRMAN DICKMAN: So now you just want to incorporate alcohol sales into that.

MR. COUTURIER: We already have our temporary license.

CHAIRMAN DICKMAN: Okay.

MR. COUTURIER: So we do have that in place now.

CHAIRMAN DICKMAN: Okay.

MR. COUTURIER: With the state approval as well.

CHAIRMAN DICKMAN: Okay. I got it. All right.

Anybody here in the public to speak? I'm going to open the public hearing.

MR. YOUNGBLOOD: Mr. Dickman, there are no members of the public registered to speak for this item, neither in person or online.

CHAIRMAN DICKMAN: All right, then. With that I'm going to close the public hearing.

Mr. Couturier?

MR. COUTURIER: Couturier.

CHAIRMAN DICKMAN: Is that French? I mean French Paul Bunion type?

MR. COUTURIER: It's A mix of everything.

CHAIRMAN DICKMAN: Okay. Very interesting use. I'm so surprised my wife knew about this, and a little scared.

MR. COUTURIER: It started in Canada and worked its way down here, so --

CHAIRMAN DICKMAN: Okay.

MR. COUTURIER: -- we're the first.

CHAIRMAN DICKMAN: Great. Sounds like a proliferation. No more bullying, no more axe throwing. No? Great.

MR. COUTURIER: Yes.

CHAIRMAN DICKMAN: Hopefully.

MR. COUTURIER: Yes.

CHAIRMAN DICKMAN: All right. So I have all of the information I need. I have 30 days. I'm sure they told you, 30 days to render a decision on this. Usually it doesn't take that long, unless unforeseen circumstances. But I will get this out as expeditiously as possible.

I thank you for being here.

MR. COUTURIER: Thank you.

CHAIRMAN DICKMAN: And that's it. Okay. Have a great day, sir.

MR. COUTURIER: You too. Thank you.

CHAIRMAN DICKMAN: All right. I definitely want to see that.

MR. BELLOWS: Yes. I'm curious.

CHAIRMAN DICKMAN: I'm going on YouTube for sure.

Okay. That's the last item application on the agenda. Do we have any other business that

we need to cover here?

MR. BELLOWS: No other business.

CHAIRMAN DICKMAN: No other business. We've already done public hearing.

With that, unless anybody wants to say anything, hopefully we're done. So I'm going to adjourn this meeting of the Hearing Examiner. Thank you.

And thank you, staff, everyone here in the building, for keeping us safe.

(Hearing concluded at 10:14 a.m.)


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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 10:14 a.m.

COLLER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 6/14/21, as presented  or as corrected \_\_\_\_\_

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY  
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