

October 9,2025

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER

Naples, Florida

October 9, 2025

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 1:00 p.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:

Michael Bosi, Planning and Zoning Director

Raymond V. Bellows, Zoning Manager

John Kelly, Planner 3

Timothy P. Finn, Planner 3

Ailyn Padron, Management Analyst

MR. DICKMAN: All right. Good afternoon, everyone. Today is October 9th, 2025. It's 1 p.m. My name is Andrew Dickman. I'm the Collier County Hearing Examiner. And the -- the agenda has been set, and the first item is going to be pledge of allegiance. Please rise and join me for the pledge of allegiance.

(The Pledge of Allegiance was recited in unison.)

MR. DICKMAN: All right. Once again, thank you. Welcome, everyone. With regard to the agenda, there is an Item 3-D which is not going to be heard today, so if you're here for 3-D, that is going to be scheduled at a later date, so -- it's not a date certain.

But if you're here for that item, it's not going to be heard, so I just want to let anybody know now if you're here, you can go home; we're not going to discuss it, so -- moving on to some quick preliminaries. Again, my name is Andrew Dickman. I'm not a Collier County employee. I'm a -- I'm a licensed attorney hired by the Board of Commissioners to fulfill the duties of the Collier County Hearing Examiners, as expressed in the code.

My background is in land use, zoning, local government. I've been doing that work for over 20 years -- more but I don't want to date myself too much anymore. So my job is to conduct these quasi-judicial hearings on the various petitions, listen to the testimony from the county, from the applicant or applicant's representatives, and, also, the public, and render a final decision within 30 days.

I will not be making decisions here today. My job is to, again, hear all of the information as well as all of the information that I've reviewed that is in the back-up documentation that is available to the public. I review all

that, and then once I hear all the testimony here today, the record will be set, and then within 30 days I'll get out a decision. Usually I can do it quicker than 30 days. Let's see how that goes. I never make any promises.

This is informal. We do have a process, but it's informal. If you're not a, you know, everyday public speaker, if you're a little nervous at public speaking like I am, don't be, please. This is really the opportunity for you to get all of the information.

Like I said, I can't speak to anybody after this meeting about anything substantive regarding the matter, so it's really important that I hear information about -- that are salient with regard to the criteria that I have to use that's in the code to evaluate each petition.

The process that we follow here is that the county planners will -- will introduce the item, give me a little background, talk about the notices, make any recommendations, any conditions, and then we'll hand it off to the applicant or the applicant's representative over at this podium. Then we'll open it up for public comment.

Public comment -- if you're going to speak here today, fill out a speaker's card and hand it to this young lady over here in the red and black. It's also a -- it's a -- in-person and -- it's a hybrid meeting, so there might be some public speakers who join us via Zoom. That's a feature that the county has provided to the citizens and others.

If you are going to testify here today before me, you'll have to do so under oath. In a minute I'll ask the court reporter to administer the oath to anybody that's going to speak on any of the items.

And, again, getting back to what my job is -- is to

basically hear whatever information I need to get from anybody, the public, the planners, the applicant, applicant's representatives, and then that's it. I've had no conversations with anyone at the county about any of these applications. I've not met with any of the applicants. I've not met with anyone.

I -- I deliberately come here as an impartial decision-maker so that I can hear things freshly. I've also read the documents that are in the -- you know, the applications -- there are staff reports, things like that. But it's also important -- this is the last part of that journey, if you will, as far as establishing the record.

Everything is going to be recorded by our court reporter verbatim, so please try to speak clearly into the microphone. Let's not talk over each other because then it becomes very difficult to capture that. And, once again, just relax, and this is actually going to be not a bad experience for anyone, hopefully.

So with that, anyone who is going to testify here today, please stand, raise your right hand, and I will ask the court reporter to swear you all in.

(Prospective witnesses were duly sworn by the court reporter.)

MR. DICKMAN: All right. I appreciate that, everyone. So we're going to go right into Item 3.A.

MR. FINN: ***Yes, hello. For the record, I'm Timothy Finn, Planner 3. This is for Petition No. VA-PL20240013775. Dawn Brown requests the following variances from the Collier County Land Development Code for (1) a variance from Section 5.03.03.D.1 to reduce the minimum lot area for guesthouses from 43,560 square feet to

13,576 square feet, (2) a variance from Section 5.03 --

MR. DICKMAN: Hey, Tim, can I stop you for a minute? Tim, one second.

MR. FINN: Sure.

MR. DICKMAN: I need everyone to please stop talking. Excuse me. If you're going to speak, go out in the hallway. I can hear you. I'm trying to hear. It's -- just be respectful to everybody, because if you want to talk and someone's talking behind you, it's going to disrupt you. So I absolutely want everyone to respect one another, please. Thank you.

Go ahead, Tim.

MR. FINN: (2) a variance from Section 5.03.03.D.2 to reduce the minimum lot width for guesthouses from 105 feet to 100 feet, (3) a variance from Section 5.03.03.D.4 to reduce the building-to-building setback for detached guesthouses from 20 feet to 14.87 feet, and (4) a deviation from Section 4.02.01.A Table 2.1 to reduce the rear setback from 25 feet to 16 feet; located on a 0.31-acre property at 1201 Ridge Street in Section 22, Township 49 South, Range 25 East, Collier County, Florida.

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 September 19th. The hearing advertisement's property signage were constructed at the property by staff on September 23rd, included in Attachment D of the back-up materials. And that includes (sic) staff's presentation.

MR. DICKMAN: All right. Thank you, Tim. Appreciate that. So the applicant or applicant's

representative. Good afternoon, Mr. Lombardo.

MR. LOMBARDO: Good afternoon. For the record, on behalf of Dawn Brown, my name is Zach Lombardo. I'm with the law firm of Woodward, Pires & Lombardo, 3200 Tamiami Trail North, Collier County. Next slide.

As a preliminary matter, the applicant would like to adopt the expert opinion of planning staff and the request -- the recommendation of approval. There was a condition on that, and we agree with the condition, and so we're agreeing with the recommendation and all conditions on this application.

And I would now like to kind of walk through the elements to make sure that there's a clear record as to why this variance is appropriate. And as one final preliminary measure, while I don't know whether the Hearing Examiner will consider my statements to be argument or testimony, I was sworn in the case. It is testimony. I am board certified in city, county, and local government law, which includes land use and zoning, and am very familiar with and have been involved in many applications in Collier County to date.

MR. DICKMAN: Okay, thank you.

MR. LOMBARDO: This area shows the property here. This is 1201 Ridge Street. The star indicates the client's property. You can go to the next slide. Planner Finn gave a rundown on all the variances, but I think an easier way to talk this through that is full of less jargon is simply that this is a variance to allow a guesthouse to be constructed at the property. And when we get into the elements, we'll see the significance of that, especially when it comes to the minimum variance necessary. Next slide. Next slide again. I've got to make a note to self to stop doing that slide because

I don't have a clicker here.

The first condition in the variance is special conditions here, and the special conditions that staff -- staff -- I guess staff and -- and the applicant are not on the same page here, but they're still recommending approval. We contend that the lot being platted in '47 before the current zoning regulations were put into place and that this was previously multi-family creates some special conditions in the area. And next slide.

What I -- what will help show that is -- this is the zoning map from the conversion that happened in the 1970s in Collier County, and what we can see here -- I don't have a pointer, I don't think, but on the top right side where the zoom-in is on the right side -- there's Ridge Street in the orange. And this is -- this is a map showing that Ridge Street in the 1970s was converted from multi-family to residential single-family.

This map, by the way, as an interesting curio, is fascinating and clearly before the enactment of the Bert Harris Act, because there is a massive amount of downzoning going on in this map. But -- but on the ground when you're on Ridge Street --

MR. DICKMAN: I think the statute of limitations has run.

MR. LOMBARDO: Look, we're not making the argument. The act -- the act wasn't even passed until '95. And we'll get to a later slide that shows this, but the -- the upshot of this planning shift is that there are structures on Ridge and Rosemary that have multiple not -- not guesthouses but principal dwelling units, and so this area is a bit unique when it comes to are there special conditions. Next slide.

The -- and then, of course, the special conditions certainly were not created by the applicant, who was not the subdivider or at any point a county commissioner or state legislator. Next slide.

The next element is the literal interpretation as to whether this creates an unnecessary and undue hardship or a practical difficulty. I believe that we're in agreement with staff here that this, essentially, would not allow for a guesthouse even though, again, we have many multiple units on these streets. Next slide.

MR. DICKMAN: So if I can for a minute, just to your point about the -- the downzoning and the Bert Harris issue. So, in effect, the density was changed, right? Is that what you're saying? So --

MR. LOMBARDO: Yes.

MR. DICKMAN: -- in effect, the -- is that there -- the area was zoned for more density, meaning dwellings per unit, than it is today; is that your --

MR. LOMBARDO: That's our -- our argument and -- MR.

DICKMAN: So would this be a legal -- a legal non-conformity?

MR. LOMBARDO: The reason why we didn't move this forward as a legal non-conformity, which I have previously brought forward a legal non-conforming application on Ridge Street, but this particular building wasn't constructed prior to that 1970s rezone, and so it was not appropriate to bring it forward as a non-conforming use.

MR. DICKMAN: Got it.

MR. LOMBARDO: So we -- we -- we were hopeful when -- initially in analyzing it that that would be the case. 1006 Ridge Street was approved as a non-conforming use in

that way, but this particular property was constructed afterwards, so we're instead offering it as an indication of what is the character of the neighborhood and is it unique in any way as compared to a more modern platted neighborhood.

MR. DICKMAN: Okay.

MR. LOMBARDO: D talks about minimum variance, and in here I think there's some important points to make here. Granting the variance would allow a guesthouse to take place; however, the guesthouse rules allow, essentially, a larger guesthouse than what we're able to build here, and so this is a smaller guesthouse than what you -- if this was a large enough lot, you could build -- not -- and I don't just mean square footage-wise. I mean percentage-wise compared to the principal structure you can build a larger guesthouse.

But in order to deal with the various site constraints and the setbacks, we're actually building a smaller guesthouse than we otherwise would build, which leads to this idea of minimum necessary. We're also -- while we're adjusting some building-to-building issues, we're not going past the Florida Building Code requirements for building-to-building setbacks, so we're staying inside of that envelope.

And because there are other houses on this street that have multiple principal structures -- the guesthouse rules are clear that you can't rent the guesthouses out, so the end-of-the-day use here is different in kind from if we had multiple structures, so we -- instead of asking for a separate structure, we've only asked for a guesthouse. We've asked for what is objectively a smaller guesthouse than what would be permitted in the by-rights zone and district. Next slide.

And these sort of go together. Does this create a special privilege? And, again, our position here is no. And we've included a map on -- on the next slide here that shows seven lots on Ridge and Rosemary that all have multiple structures but -- and presumably come from that '50s and '60s era when you could do that. And so it's not anything special to the area in the sense that this will be the only second dwelling unit anywhere. And, in fact, it will be a more restricted dwelling unit than what you could have on the next seven lots. Next slide.

Here's the map I'm referencing. And so Ridge Street's the top-line street here. And all the stars represent existing multiple dwell -- so not guesthouses, multiple dwelling units. And so each of these are more intense in the use than what -- than what is being asked for here. Next slide.

We're in agreement that there's no detriment to public welfare here. We do have letters of no objection from the immediately adjacent neighbors. If you go to the next slide, we have copies of those. So this is the property owners to the west and to the east of the lot. Both signed these.

And this is especially important because in this particular application, in addition to allowing this to exist from a dimensional standpoint, there are some setback modifications that are taking place as well, and so it was critical to make sure that the neighbors were aware of this and signed these letters of no objection. Next slide.

We're in agreement with staff that there aren't any natural conditions here that create any particular issues. Next slide.

Mr. Finn did put on the record at the beginning that this was consistent with the Growth Management Plan, and -- and

we agree with that and provide some additional policy language here that we think supports that. And there's additional argument in the -- in the application materials.

And I think the rest of these slides just say things like "please approve this" and "do you have questions" and "let's talk about this." But we're -- I'm here for questions. I'm here to talk about this. I think that -- I believe that there is a commenter here today on this issue, and I would request an ability to cross-examine the commenter and respond afterwards, if necessary.

MR. DICKMAN: So you want to reserve some time for -- for rebuttal?

MR. LOMBARDO: Yes.

MR. DICKMAN: Okay. With -- you mentioned with regard to the guesthouse they're not allowed to be rented out. Like vacation rentals, is that what you meant?

MR. LOMBARDO: Yes. And because -- and this is in your -- because it's being approved as a guesthouse, Section -- Article 5 contains requirements that they can't be rented out, and those predated the Airbnb preemption.

MR. DICKMAN: Yeah.

MR. LOMBARDO: So if -- if we came here and asked for an additional dwelling unit, it wouldn't -- a -- you wouldn't be able to -- absent a condition, you wouldn't be able to stop it, but because we're asking for it to be a guesthouse, it comes baked in with that requirement.

MR. DICKMAN: Okay, all right. Well, let's go to public comment, and then you can have time afterwards to ask questions or --

MR. LOMBARDO: Thank you.

MR. DICKMAN: -- examine anybody. Any speakers

registered?

MS. PADRON: Good afternoon. Our first speaker is Bebe Kanter. Actually -- or always here.

MR. DICKMAN: Oh, there she is, the -- the guilty talker.

MS. KANTER: Yeah. Well, I'm at three minutes, and I always try to stay at two, because people get bored.

MR. DICKMAN: That's okay. We're flexible here. MR. BOSI: You need to push the button.

MR. DICKMAN: Go to green. There you go.

MS. KANTER: Okay. Let me introduce myself. I'm here both as the founder of Quiet Collier and as a resident of 34108. I came because a lot of neighborhoods on that --

MR. DICKMAN: Now, that's a ZIP code?

MS. KANTER: 34108, Pelican Bay.

MR. DICKMAN: Okay.

MS. KANTER: Okay. And it's on all the forms. MR. DICKMAN: Okay.

MS. KANTER: And I call -- I came as Quiet Collier because I'm known for rejecting and accepting tele -- I'm free; let's put it that way. And for your point of view -- I noticed you're AICP. I graduated from Harvard School of Design in '77, so, you know, I've learned how to evaluate pretty quickly.

And I did make a site visit, and one person told me something -- I -- I heard two things. One person wanted it approved because she's very, very concerned about the mess on the lot, and she thought it would be the only way to get it cleaned up. And I'm wondering why Mr. Lombardi (sic) hasn't asked his client to empty out the gas tanks in the -- I don't know. You might not even be aware, but there's gas

tanks in the sheds, which could explode, or if there was a flooding problem. And, also, there's just a lot of stuff on the side, which I --

MR. DICKMAN: So let me -- let me just -- and you can say whatever you like.

MS. KANTER: Right.

MR. DICKMAN: The microphone's yours. But I would -- if you're going to talk about the variance, that's really what I need to hear.

MS. KANTER: I really am here for that.

MR. DICKMAN: Okay, okay.

MS. KANTER: But I -- my thought was -- is, well, that doesn't have to be handled -- I mean, you shouldn't approve something just because the lot as it is is a mess, okay? So Mr. Lombardi (sic) could solve that problem right away.

And then, No. 2, I'm going to speak as a resident of Collier County. Now I'm taking my own thing, and I -- I would prefer that we had really strong regulations about what is acceptable and people didn't have to keep going back and forth for variances and we just had it settled that in certain districts it's okay to have only 15-foot setbacks, and that would be it, because this costs everybody a lot of money. And I like that Pelican Bay has really strict rules, so that's me.

MR. DICKMAN: Is that -- is that where you live, Pelican Bay?

MS. KANTER: Yeah.

MR. DICKMAN: Okay, you live in Pelican Bay.

MS. KANTER: Very controlled place.

MR. DICKMAN: Which is how far from this property? MS.

KANTER: I'm going to say three miles north.

MR. DICKMAN: Okay. So you're not directly affected by this?

MS. KANTER: No, but I am in the cou -- I do -- I -- I am very affected, because I'm a taxpayer in unincorporated Collier, and I -- many people here know me as attending many meetings and giving my two cents worth. So that's the main objection I have.

MR. DICKMAN: Well, I'm glad you're here, because I've never met you, have I?

MS. KANTER: I have my card.

MR. DICKMAN: Oh, okay, great. So I'm glad you're here all these years.

MS. KANTER: Again, I'm speaking -- as a planner is that I would prefer they build up, not out, but if this is what the neighborhood wants, I'm okay with it. So really, as a Collier County resident, I would really like the lot to be cleaned up. And I'm so glad that Mr. Lombardo -- Lombardi is here.

MR. DICKMAN: It's Lombardo.

MS. KANTER: Lombardo.

MR. DICKMAN: Yeah.

MS. KANTER: It's Lombardo. Are you related? MR.

DICKMAN: No. Let's keep it on the point here. MS.

KANTER: Okay. And I'm finished. But thank you very much and --

MR. DICKMAN: You might want to stay right there. Are there any other speakers registered?

MS. PADRON: We have no additional speakers. MR.

DICKMAN: Okay. Mr. Lombardo, do you have any questions for this speaker?

MR. LOMBARDO: I think I just have one or two

questions.

MR. DICKMAN: Ma'am, could you come back to the microphone, please.

MS. KANTER: Oh, I'm sorry.

MR. DICKMAN: He'd like to ask you some questions. MR.

LOMBARDO: I just wanted to clarify for the record. Are -- because I heard at the end you indicate that perhaps you're not opposed to the -- are you opposed to the variance?

MS. KANTER: I'm opposed from the position that I wish you didn't have to go in for a variance. If this is what the neighborhood wants, I'm fine. And that's as an unincorporated Collier resident. There's two -- because it's clear to me that the neighborhood is gentrifying and that what you're proposing is wanted by many people on the street and they all want to have guesthouses.

And I would say that your claim that it'll have no environmental impact is probably not true, because there'll be more garbage on the street and there'll be more traffic, et cetera, but that's up to them. That's how I feel. It's --

MR. DICKMAN: Okay. So -- so what I'm hearing is that just in principle you don't think variances should be granted.

MS. KANTER: No, I'm saying that if you want to make all these principles on a street that it seems to me it's really trending towards high-density gentrification. That should -- I don't know who I would talk to. If I would talk to that person, I would do that, because on a -- it's not -- I don't really like this, you know, creeping high density.

MR. LOMBARDO: But as -- as to this variance, do you have --

MS. KANTER: No, this one I have -- except for the tanks and my general feeling that you should be building up not out, no, I have nothing. If the neighbors are okay with it, I'm fine with it.

MR. DICKMAN: Okay, great.

MR. LOMBARDO: Thank you very much. If I can just --

MS. KANTER: Happy?

MR. LOMBARDO: -- just respond to one item, I don't think this is relevant to the approval, but there -- I just --

MR. DICKMAN: Just hold on one --

MR. LOMBARDO: Yes, sir.

MR. DICKMAN: So we have no other speakers? I just want to be clear. There's nobody registered?

MS. PADRON: That's correct.

MR. DICKMAN: So we're done with the public comm -- public comments section.

MR. LOMBARDO: So just -- I guess just a note. There is a condition in the approval that requires -- there are a series of sheds along the back line. They will be removed. I don't know if there are or are not gas tanks in them, but obviously the sheds are going to be removed.

MR. DICKMAN: Okay.

MR. LOMBARDO: But I don't think -- we're not asking for this because we refuse to clean up the lot. We're asking for this so we can get a guesthouse.

MR. DICKMAN: I -- I understand. I assume your client will be a good neighbor and take care of everything that's on the lot, but that -- what we're here to talk about is a variance.

MR. LOMBARDO: Yes.

MR. DICKMAN: Anything else?

MR. LOMBARDO: And did you have any particular questions? I think we feel we've covered all of the items here. Staff is recommending approval. We agree the neighbors are in agreement. And if there are questions from county staff or -- or Your Honor we'd be more than happy to answer them.

MR. DICKMAN: Yeah, thank you. This -- I -- I understand the law of variances very well. I've read the back-up documentation on this. You've brought out a little bit more information that I think was helpful. I appreciate that. And you're adopt -- just for the record, you're adopting the professional planning staff from the county that is recommending approval, and they have one condition, and you're acceptable with that, right?

MR. LOMBARDO: Yes.

MR. DICKMAN: Okay, all right. I have nothing else. Does the County have anything else that they want to comment on?

MR. BOSI: Nothing further from the county.

MR. DICKMAN: Okay, great. I'll get a decision out as quickly as possible. Thank you both for being here. I appreciate it. All right. Let's go to 3.B.

MR. KELLY: ***Good afternoon, Mr. Dickman. John Kelly, Planer 3 for the record. This is agenda Item 3.B. It's PDI-PL20250004433. It's a request for the Hearing Examiner to approve an insubstantial change.

MR. DICKMAN: Time out, John, John. MR. KELLY: Yes.

MR. DICKMAN: Let's let them finish their

conversation. So there's been some improvements in this room, which really make the acoustics very good for me, so I can literally hear everybody in the audience, so that's what's going on here. So I need to really concentrate, because I'm not going to have a chance to call anybody else and ask questions of anybody after this hearing, so it's really important that I understand exactly what's going on. So, please, if you want to have a conversation, just step outside in the hallway. It's -- it'll -- it'll do all of us good. Thank you.

Go ahead, John.

MR. KELLY: My apologies.

MR. DICKMAN: Sorry to interrupt you.

MR. KELLY: This is a request that you approve an insubstantial change to the Collier Boulevard Mixed-Use Commerce Center Planned Unit Development, Ordinance No. 2001-10, as amended, to modify the Master Plan to add an additional access point to the Abercia South development on the south side of Magnolia Pond Drive on Parcel ID No. 00298120608.

The subject property comprises 25.84 plus or minus acres located on the south side of Magnolia Pond Drive within the Abercia South development in the Section 34, Township 49 South, Range 26 East of incorporated Collier County, Florida.

The subject property is located within the larger 70.2-acre Collier Boulevard Mixed-Use Commerce Center Planned Unit Development that comprises two additional parcels, all of which were rezoned from rural agricultural by means of Ordinance No. 01-10, as amended.

Public notice requirements were per LDC Section 10.03.06.H.

The applicant had scheduled a duly advertised

neighborhood information meeting for 5:30 p.m. on July 9, 2025, at the Spring Hill Suites by Marriott of Naples at 3798 White Lake Boulevard. This provided for a virtual attendance option via Zoom as well. No members of the public attended live or remotely, thus the meeting was subsequently terminated at 5:45 p.m.

The property owner -- the property owner notification letter and posting with the Clerk of Courts was satisfied by the County on September 19, 2025, and public hearing signs were posted by the applicant on or about September 24, 2025, as per the notarized affidavit.

The petition was determined to be eligible for the PDI process using the review criteria within LDC Section 10.02.13.E.2. Said determination required evaluating that Land Development Code Sections 10.02.13.E.1 NE.3 to determine that the requested change is neither substantial nor a minor change, is a proposed insubstantial change, does not change the analysis of the findings and criteria used for the most current planned unit development document.

No public comment has been received in response to the advertising of this petition, and ultimately staff recommends that the Hearing Examiner approve the petition to allow an insubstantial change to the PUD master plan for a third access point on Magnolia Pond Drive as provided for within Attachment A of the staff report.

Todd Mathes is here with Kimley-Horn to represent the petitioner. And that concludes staff's presentation, and I remain here for questions.

MR. DICKMAN: Okay. Just a real quick question. So there's two current access points. So this is to add a third one total; total of three?

MR. KELLY: Correct.

MR. DICKMAN: All right, thank you. Great. Is the applicant here?

All right. Hello.

MS. BOND: Good afternoon. As you might suspect, I am not Todd Mathes. Becca Bond with Kimley-Horn.

MR. DICKMAN: Shocking.

MS. BOND: Yes. Professional engineer, certified planner. I'm here to do a presentation on the application; however, staff did a wonderful job outlining it, so I'm going to keep it fairly simple.

MR. DICKMAN: Can you give me a little background on your experience just so I can get it in the record?

MS. BOND: Yeah, absolutely. So I am primarily a transportation engineer, so I work on transportation projects all throughout Southwest Florida. I've been a professional engineer for over eight years with a lot of experience in traffic-impact analysis but also recently received my AICP, so also getting involved in transportation planning and urban planning.

MR. DICKMAN: Awesome. That's enough. I see you as an expert. Great. Thank you.

MS. BOND: Thank you. All right. We can go to the next slide. Thank you. So the application before you, as mentioned by staff, is for an insubstantial change to the PUD to request an additional access along Magnolia Pond across from Noah's Way. This would be a full-access connection, which is shown by the red arrow on this slide.

The PUD consists of three parcels; however, this additional access point only affects the parcel highlighted in yellow in the southwest corner of the intersection of

Magnolia Pond and Collier Boulevard. Next slide.

So this slide shows the updated PUD master plan. On this one, you can see all three parcels that are within the PUD. The additional access point is shown outlined in red. As you can see, that access point only affects that commercial mixed-use parcel. Go ahead and go to the next one.

MR. DICKMAN: One second.

MS. BOND: Yeah.

MR. DICKMAN: Can we stay? So I just want to be clear. Go back one, please. So it's one, two, and then now three, right?

MS. BOND: Correct, with the access points, correct. MR.

DICKMAN: They're all --

MS. BOND: And then there's -- yeah, go ahead.

MR. DICKMAN: No, no, that's -- that's it, right? MS. BOND: Yes, that's it.

MR. DICKMAN: Okay.

MS. BOND: There's a cross access that's shown on the southern portion, but, correct, that's all that's external to the site.

MR. DICKMAN: Okay.

MS. BOND: You can go to the next one.

MR. DICKMAN: You have to say "next slide."

MS. BOND: Yeah. All right. So as mentioned, I'm not going to go and -- and read through. The staff did a great job presenting. But we did review the 10 criteria that was under LDC Section 10.02.13.E.1, and based upon the analysis of ourselves and staff the proposed change is not deemed to be substantial. That's why we're here for an insubstantial change application and that the rezoning criteria have -- has remained unchanged since the original analysis was conducted.

MR. DICKMAN: So, I mean, the main thing here -- I mean, obviously for these types of evaluations, it's really just about access points, so that leads me to think, like, okay, traffic. You're trained in traffic. So the point being is that -- what is the impact on traffic?

MS. BOND: So what's on site, the entitlements are not increasing. The entitlements are remaining the same as they were in the previous PUD.

MR. DICKMAN: Density and intensity stay exactly the same. It's just adding --

MS. BOND: Exactly. And there's a trip cap, so we are not allowed to exceed that trip cap. We documented that in our application. So, correct, there should be no change other than there's additional access points to -- to better the traffic flow.

MR. DICKMAN: Yeah, so to that point, I just -- in common -- common discourse, like, what -- what is the purpose of this acc -- additional? Is it for internal circulation or access from off site or both? What's --

MS. BOND: I would say both. It does improve internal circulation, yes.

MR. DICKMAN: Okay.

MS. BOND: And then, also, you know, if you have an additional access point, it allows for fewer cues off site and improvement to the -- the public right-of-way.

MR. DICKMAN: So it lower -- lowers the intensity on the other access points, so there's no hazards --

MS. BOND: Correct.

MR. DICKMAN: -- caused by this particular access point, correct?

MS. BOND: Correct, it should only be improvements, yes.

MR. DICKMAN: Thank you.

MS. BOND: Next slide. And final slide, just to summarize, the petition was reviewed against all the insubstantial-change criteria within the relevant LDC sections, and staff recommends approval for the additional full access point.

We've got our team here; Todd Mathes with Benderson Development, the applicant, and then, also, Kellie Clark of my team, member at Kimley-Horn, who's the civil engineer, if there's any additional questions.

MR. DICKMAN: Okay, great. Let's see if there are any public speakers registered.

MS. PADRON: There are no speakers.

MR. DICKMAN: We have no public speakers, so we're going to close the public speakers, so there's nothing for you to rebut. I -- is there anything from the county additional for that, John?

MR. KELLY: No, sir.

MR. DICKMAN: Okay. This seems pretty straightforward to me. You're welcome to bring your other team members up and introduce them for the record, and if they have something they want to say or feel like they prepared and want to do it, that's fine. But I can tell you from reading the record -- I've read everything, and I think I understand what's going on here --

MS. BOND: Wonderful.

MR. DICKMAN: -- enough to render a decision. MS. BOND: Thank you.

MR. DICKMAN: So that's your choice.

MS. BOND: No.

MR. DICKMAN: You're welcome to bring them all on.

MS. BOND: They're -- they're shaking their heads no, so thank you so much.

MR. DICKMAN: Okay.

MR. KELLY: It was such a great introduction.

MR. DICKMAN: Yeah. Really nice to meet you, and thank you for being here, everybody.

MS. BOND: Thank you.

MR. DICKMAN: I'll get -- I'll get a decision out as quickly as possible.

MS. BOND: Thank you.

MR. DICKMAN: All right. 3.C.

MR. KELLY: ***Good afternoon. Again, for the record, John Kelly, Planner 3. This is agenda Item 3.C, VA-PL20250002073. It's a request to have the Hearing Examiner consider a variance from Land Development Code Section 4.05.04, Table 17, parking space requirements for a horse boarding stable from one space per every two stalls to zero and for the on-site/off-site sale of farmed eggs from one space to zero to allow horse boarding as an accessory use subject to the limitation of seven horses in the Estate's Zoning District 3.55 acres; on-site/off-site sale of farmed eggs subject to the limitation of 25 total fowl or poultry in the Estates Zoning District to allow for the applicants' home-based business.

The subject property, again, comprises 3.55 acres located at 4840 Teak Wood Drive also known as the west 180 feet of Tract 115, Golden Gate Estates, Unit No. 95, in Section 4, Township 49 South, Range 26 East of unincorporated Collier County, Florida, Property ID No. 41832000004. It's located within the Estates Zoning District.

The public notice requirements were as per LDC Section 10.03.06.F.2. The agent letter required by the process was sent by the applicant on or about August 19, 2025, as per notarized affidavit. The property owner notification letter and Clerk's office posting was satisfied by the County on September 19, 2025, and the public hearing sign was posted by the applicant on or about September 24, 2025, again, per a notarized affidavit.

This petition was reviewed by staff based upon the review criteria contained in LDC Section 9.04.03 and is consistent with the Growth Management Plan in the Land Development Code with the findings documented within the staff report.

Advertising generated two letters of objection that are contained within Attachment C. An additional phone call was received in support of the petition; however, no written back-up followed as was requested by me, so I can't attest who it came from or where or why.

There was another -- just for the record another person that attempted contact. He only provided a work telephone number. I had left recorded messages for him. He left recorded messages for me. Ultimately, I could not send an e-mail to that -- his address. It bounced back, and so I left him a last telephone message as to how to obtain the information online and did not hear back after that.

Lastly, staff recommends that the -- that the Hearing Examiner approve the petition to reduce the required parking for the accessory home-based business uses specified within the staff report from five parking spaces to zero as depicted within Attachment A subject to the following conditions of

approval. I understand we're not entirely in agreement on these conditions of approval.

MR. DICKMAN: Okay.

MR. KELLY: However, as listed, they are (1) the hours of operation for horse boarding and visitation as well as any egg sales shopping between 7 a.m. and 7 p.m., (2) there shall be no parking on the public right-of-way to the front of the subject property, (3) there is to be no outside storage of any commercial equipment and there shall be no outside storage of client horse trailers, (4) the number of persons not including residents of the single-family dwelling to be at the location at one time is limited to one employee/contract cleaner and two boarders, (5) there is to be no amplified sound system, (6) outdoor lighting is to be shielded from neighboring properties and shall not be illuminated outside of the operational hours above except in emergency situations, and (7) there will be no horse shows or rodeos conducted at the subject location. Special events are limited to garage sales for which a permit is required per LDC Section 5.04.05.C.

That concludes staff's presentation, and I remain available for questions.

MR. DICKMAN: So to be clear -- so this is a home-based business. Essentially, that's what this is --

MR. KELLY: That's what spurned the request for a -- MR. DICKMAN: Okay.

MR. KELLY: -- variance to the parking requirements. MR. DICKMAN: Right.

MR. KELLY: As -- to be recognized as a home-based business, it's my understanding the parking should not be any different than it would be for the average residence in this

area.

MR. DICKMAN: Right, right. So I guess my point is -- and I know Mr. Lombardo is going to tell me which conditions he agrees with or doesn't agree with or why, but, you know, typically, as a planner, when somebody is asking for a home-based business and it may generate -- which -- which is in its nature commercial, right -- it's -- but it's at -- it's in a neighborhood, you try to ameliorate any potential adverse impacts to the neighbors. Is that a fair statement?

MR. KELLY: It is, correct.

MR. DICKMAN: So those -- those -- those conditions are generally set up for that -- to do that?

MR. KELLY: Correct.

MR. DICKMAN: Okay, thank you. All right, great. No questions. Welcome back.

MR. LOMBARDO: Good afternoon. For the record, on behalf of the applicant, Zach Lombardo, an attorney with Woodward, Pires & Lombardo, 3200 Tamiami Trail North, Collier County.

I do -- I do think it's important on the front end of this to -- to provide some -- before getting into the -- into the sections, some context, because this is a little bit atypical.

And in your packet is a zoning verification letter from January 24, '24, from Collier County. And I want to emphasize that we're not -- that the applicant isn't saying, "Can we have a home-based business?" The statute says you can have a home-based business as long as these factors are met.

Staff -- we asked staff that question, "Can this work?" Staff came back and said, "Yes, but parking needs to be addressed." So this is purely a parking variance.

MR. DICKMAN: Oh, parking, right.

MR. LOMBARDO: And while we are adopting the planner's analysis, we -- we'll get into the -- the conditions at the end of it. I do have some testimony that will help address some of the conditions when we get there.

MR. DICKMAN: Okay.

MR. LOMBARDO: But there's a couple of things -- because I reviewed some of the letters that came in, and I think if I clarify three things up front it will be -- it will help guide the conversation.

One of them is that this is not a request for a change in the number of horses. So this property, variance or no variance, can have seven horses. That's by right under the code. What we're talking about is whether those horses have to belong to the owner, but the number of horses stays the same.

The second thing I want to make very clear is that we're not asking to modify the number of chickens allowed on this parcel. So not just this -- the chicken limit is -- is actually applicable to pretty much every lot on this street. Every lot on this street could have up to 25 chickens. We're not asking for more; we're not asking for less. Again, it just comes back down to that commercial piece.

And then, finally -- and this is one of the conditions that we don't disagree with. I just have a phrasing question about street parking. We're not asking to park on the street. That's not part of this. What we understood this application process to be is we need to demonstrate why this parking matter isn't going to be a problem. If you could go to the next slide.

MR. DICKMAN: Okay. Just to be clear, so the parking is -- that they're speaking to is No. -- on -- on the condition,

which number condition is it?

MR. LOMBARDO: Sorry, that's number -- hold on. I believe this is No. 4.

MR. DICKMAN: No, No. 2.

MR. LOMBARDO: Oh, No. 2.

MR. DICKMAN: "There shall be no parking on public right-of-way."

MR. LOMBARDO: And my question is that -- it says there should be no parking related to the home-based business on the right-of-ways. And what I'm going to do is -- because there were some pictures provided to you. I have some additional pictures, and I kind of want to talk about the difference between the single-family home and everybody's lawn care service and --

MR. DICKMAN: Oh, yeah.

MR. LOMBARDO: -- this, because that's essentially -- MR. DICKMAN: Yeah.

MR. LOMBARDO: -- what's going on here, but I -- we'll do that through testimony.

MR. DICKMAN: Okay.

MR. LOMBARDO: The -- so, again, we're -- we're here under Section 559.955, which is one of the few palindrome statutes in the code. And -- and when we look at that section, one of the main driving questions here is -- as viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property.

And so even from this very first slide where we see the aerial I want to point out that we're talking about the parcel highlighted in yellow with the -- with the convenient star there. To the west, or left on the screen, is another property that has a horse barn and a riding arena. It's, if anything, the

exact same size or larger.

And so these two uses are virtually identical right now, and the one to the left does not have a variance, does not have any particular specialized approval because it doesn't need one because you're allowed to have a riding rink, you're allowed to have a horse farm, you're allowed to have however many horses your acreage supports, and you're allowed to have 25 chickens.

So as viewed from the street, if you were standing on Teak Wood and looking down at my clients' property, 4840, or the property to the west -- and I believe staff acknowledges this in their staff report -- these are essentially indistinguishable from the street. What's causing us to be in this room is Factor B, which says that parking related to the business activities comply with local zoning requirements.

And so I also want to emphasize -- and we'll get there -- it's not that there aren't places to park. It's that staff's interpretation was we need -- essentially, we needed to come to a public hearing and talk through the parking. Because there are places to park. And they're not in the driveway, and they're not in the right-of-way. They're behind the house by the barn. So that's where we're -- we're heading here. Let's go to the next slide.

And this is a statement of the variance. We agree with Mr. Kelly, obviously, on this. The -- the practical effect of this parking variance is we're asking for the boarding requirement and the farm eggs down to zero. Next slide. And, of course, we can just skip again, because I keep putting this slide in these PowerPoints.

The first one is about special conditions. Here -- so this is not a standard 2.25-acre Estates lot. It's a little bit larger

than that. But the -- the special circumstance that I think staff acknowledged and that -- and that, I think, is more important here is that the Estates Zoning District does allow limited agricultural activities.

And so I think this would be a non-starter perhaps in an RS4 zoning district where you couldn't have horses. We wouldn't be coming here asking for additional uses. But because everything about this use is possible under the zoning except for the commercial transaction, that's -- that's why this is unique here. And, specifically, our -- this parcel allows for parking to be behind the single-family house, so, again, improving the view from the street. Next slide.

Similarly with the -- with the sizing here in the statutes, we're -- we're in agreement that this was not an applicant-created hardship. Next slide.

We are also in agreement that the Section 559.955 allows for this, but the limitations that staff identified in their zoning letter, which is in the packet, 2316528, confirm that we have to deal with this parking requirement. And -- and I'll note that the -- this reduces the parking, but we can actually provide for the parking, which we'll -- we'll see here in a second. Next slide.

As far as mean -- minimum variance that will make reasonable use of the land, these limits are applicable to all Estates-zoned lots, so we're talking thousands of lots can have this configuration of horses and chickens. And -- and I want to just zone back in on 4910 Teak Wood, which is almost a mirror image of -- of my clients' property, and so they're really not an appreciable difference from a minimum variance standpoint and -- well, and this will make more sense when we get into the conditions, but I'm going to drive

this a little bit further home right here.

My client by right can have seven horses and 25 chickens that she owns. By right she can have six friends over. They can drive their own cars, park in her driveway, and go ride all seven of those horses at the same time at 10 o'clock at night with the lights on. That's a by-right use as long as we're following the -- the general nuisance and noise-ordinance rules, since we're later in the evening. So any condition, anything that we're talking about needs to be addressing the things that my client can't do by right from a parking-variance standpoint. Next slide.

So on this special privilege thing, Section 559.995 (sic) applies to every single property in the state of Florida, so this is not a special, unique thing to this property. And all of the agricultural uses that we're talking about are in the Land Development Code, so that is also not unique to this property. Next -- next slide.

And I think this is really where this gets interesting. The -- this is the intent section from the Estates Zoning District is to have low-density residential development in a semi-rural to rural development with limited agricultural activities.

As far as I'm aware, what we are proposing here is center of the play for that definition. These are limited agricultural activities. Agricultural activities typically involve transactions. In order to get an ag exemption, you have to actually be engaged in agriculture, which means selling something. Having a pet cow is different than milking a cow and selling the milk.

MR. DICKMAN: Right, but you would agree that the transaction doesn't necessarily have to happen on that

agriculturally used property, right, for everybody? I mean, so if you -- if you have pasture land --

MR. LOMBARDO: Sure.

MR. DICKMAN: -- to raise cows you're not necessarily doing the contracts and stuff like that on -- on site.

MR. LOMBARDO: Agreed.

MR. DICKMAN: Okay.

MR. LOMBARDO: I would agree with that. The -- and here, because we're following all of the limitations in the code, I think we fit into that section. Next slide.

Staff -- we put in our concept plan that there is a landscape hedge around the entire property, which staff noted as part of G here that there are physical conditions that -- that -- that -- I think that the title is they're something that gets in the way, but I think we have something that helps improve the consistency, but -- next slide.

And then from a growth management standpoint, staff's opinion was that it was consistent. But, again, this -- the -- the Golden Gate sub element has this language about rural character and providing rural amenities, which this is a rural amenity. Being able to store your horse fits right in with the growth management/management consistency standpoint. We're not arguing with staff here. We're just pointing out --

MR. DICKMAN: So I just -- I understand what that means. I just want to be clear that -- I guess, I want to get to the point of -- what you're saying is that what we're here for is because rural can be rural, but if you add a commercial component to it, it -- it has to have additional -- there are additional regulations. Is that -- is that what we're talking about?

MR. LOMBARDO: I think that staff's position in the

zoning letter is that the -- in order to have commercial use --

MR. DICKMAN: On site.

MR. LOMBARDO: -- on this site we have to meet -- and it really is coming from the statute. The -- we have -- we have to meet the parking requirements in that statute.

MR. DICKMAN: Okay.

MR. LOMBARDO: And so -- and the Land Development Code has parking requirements for horse stalls and for the egg sales, and there wouldn't be a mechanism to build, like, a parking lot at this house, because now we're departing from maintaining the street view of the house.

MR. DICKMAN: Yes, yes.

MR. LOMBARDO: And so the -- it's a --

MR. DICKMAN: So there's -- there's room for parking, but it's just the -- having to build a formal parking lot --

MR. LOMBARDO: Correct.

MR. DICKMAN: -- would be out of character with this lot or --

MR. LOMBARDO: Yes, that's -- that's -- MR. DICKMAN: Is it -- it's a combination single-family home and --

MR. LOMBARDO: Horse barn.

MR. DICKMAN: Right. So paving and bumpers and striping and things like that would have to take place, is that what you're saying?

MR. LOMBARDO: That's what -- that's my understanding of what staff is saying in the zoning verification letter, and that's what --

MR. DICKMAN: Okay. We'll ask them after you're done.

MR. LOMBARDO: -- pushes us into this -- into this

position here.

MR. DICKMAN: Okay.

MR. LOMBARDO: So the -- but -- and that -- but it's an important question, because we're not -- I want to distinguish, because, again, looking at the comment, it's not whether or not the variance happens. All the horses, all the chickens, all of the use of this property is essentially unchanged. The question is who owns the horses and is there a lease payment being made for the stalls.

And staff takes the position that that triggers a parking requirement, so we're asking to be -- sidestep that because -- and, really, the fact that we could fit under this statute at all, in my -- in my opinion, means that we qualify for the variance, because if this was inconsistent with what was happening on the street, we couldn't be under 559.955, because it wouldn't be a home-based business under the statute. So next slide.

This is a blanket -- okay. So let's get into the conditions here. The first one, this was our fault. We put in our application 7 a.m. to 7 p.m., and then here we are asking you to do 9 p.m. The -- the -- this, again, was a little bit of a miscommunication on our end, but there is something I want to distinguish here.

I add -- I also added this language about the support staff being different from the boarders, because if you are -- own an Estates lot and you own horses you can have someone come clean your horse stalls at 5 a.m. There isn't a rule about that. The fact that this becomes a commercial operation -- I agree with staff that the boarders showing up, that's unique. That's something that we're getting new, but the cleaner showing up is not unique and new, so that's --

what we're asking for is 6 to 10 on the support staff and 7 to 9 on the applicants.

MR. DICKMAN: So as a parallel to that -- I always think of it when somebody is doing, like, a commercial or bar or outdoor dining or something like that. You know, you set the hours for the hours of operation, but, of course, you're going to have people breaking down the bar.

MR. LOMBARDO: Yes.

MR. DICKMAN: And then -- you know, so I always think about that in terms of, like, we don't want the music on while you're breaking down the bar. You know, like, the music has to be off, all the operations have to be down; but, yes, we understand you're still going to have three, four, or whatever -- I'm not talking about yours, but the analogy is the same.

MR. LOMBARDO: And -- and for what it's worth, the one condition that I didn't take any issue with at all was the amplified-sound condition, so I think that lines up here, but -- so that's our -- our first requested change is -- is to extend that hour to 9 and make a distinction between staff. And I think this is a legal point, which is that the -- there -- there's no effective difference here because -- and we can -- we will get some testimony here in a second, but if the -- the client owns her own horses, too, so -- so trying to distinguish here between what we're doing gets a little bit into the weeds. But next slide.

We addressed this one at the very top, which is we agree with this condition in principle, but I have some concerns mainly because I reviewed the comments, and this is what gave me the concerns. And I wanted to get some direction as far as whether you think this is appropriate. I'd love to call

up one of the applicants now so I can authenticate some pictures to have this discussion.

MR. DICKMAN: Okay.

MR. LOMBARDO: Mr. Larmey.

MR. LARMEY: Yes.

MR. LOMBARDO: If you could state your name for the record.

MR. LARMEY: Kyle Larmey.

MR. LOMBARDO: And just confirm that you were sworn in by the court reporter.

MR. LARMEY: I'm sorry?

MR. LOMBARDO: Were you sworn in by the court reporter?

MR. LARMEY: Yes.

MR. LOMBARDO: And do you reside at this house? MR.

LARMEY: Yes.

MR. LOMBARDO: I think if you could go to the next slide. Do you recognize these pictures?

MR. LARMEY: Yes, sir.

MR. LOMBARDO: Did you take these pictures?

MR. LARMEY: Yes.

MR. LOMBARDO: Where did you take these pictures? MR.

LARMEY: That's on our street at Teak Wood just

over the last week just trying to capture some street parking.

MR. LOMBARDO: And are any of these vehicles that are -- appear to be parked on the street in front of your house?

MR. LARMEY: No.

MR. LOMBARDO: And what is your understanding of what the purpose of these vehicles is?

MR. LARMEY: I mean, it's pretty typical in our neighborhood. You have vendors, landscaping, pool

companies. The -- the one in the middle specifically -- it looks like a neighbor of ours had sod delivered, so that was parked over a three-day period -- a couple of flatbed trailers, things like that.

MR. LOMBARDO: Could you go to the next slide. And is it the same thing with these pictures?

MR. LARMEY: Same, yeah. The middle picture is a repeat of the -- the first picture I pointed out. That's just, you know, typical. Actually, the one on the far right is one landscaping truck trying to get around the sod truck.

Sometimes it gets a little tricky when it's --

MR. LOMBARDO: And currently at your house are you in -- are you doing any renovations?

MR. LARMEY: Yes.

MR. LOMBARDO: And in -- are you aware of whether there's a building permit for those renovations?

MR. LARMEY: Yes.

MR. LOMBARDO: And the contractors and subcontractors, do they at any point in this process occasionally park in the right-of-way?

MR. LARMEY: Yes. It's been a little frustrating. We've been trying to, you know, keep them away from all the other neighbors' houses, but, you know, we -- we do allow them to park, you know, on the street, yes, sir.

MR. LOMBARDO: And -- and as far as the -- as far as the horse barn, is -- is any -- anyone using the horse facilities, are they parking on the street?

MR. LARMEY: No.

MR. LOMBARDO: And is -- is -- and are you agreeing to the condition that there will be no allowance for street parking for the horse barn facility and the egg facility?

MR. LARMEY: Absolutely.

MR. DICKMAN: Can I just help here?

MR. LOMBARDO: Yes, yes.

MR. DICKMAN: What about del -- you know, del -- going and purchasing horse feed or hay or things like that? That will be done -- or delivery of it, will it pull directly onto the property and not park on the street?

MR. LARMEY: Correct.

MR. DICKMAN: Okay. That's what you're intending -- MR. LOMBARDO: Yes.

MR. DICKMAN: -- is that anything related the oper -- the business will actually pull on site and do whatever it has to do and pull out?

MR. LOMBARDO: Yes.

MR. DICKMAN: As opposed to landscapers that are all over the county --

MR. LOMBARDO: Yes.

MR. LARMEY: Yes.

MR. DICKMAN: -- in my neighborhood and everybody's neighborhood --

MR. LOMBARDO: Yes.

MR. DICKMAN: -- who -- you know, like, they just -- it's impossible for them to pull onto your yard with these kinds of trucks. I get what you're saying.

MR. LOMBARDO: Yeah, that's -- and so that's -- I just want to distinguish that, because I saw in the comments there were some pictures taken of what appears to be trucks in front of my clients' property. They are going through a construction process right now.

MR. DICKMAN: Right.

MR. LOMBARDO: And -- and, again, we're not

opposing this condition, but I would hate to have a variance-level condition that could be confused with a landscape truck.

MR. DICKMAN: So, I mean -- yeah, so these -- I guess I would consider these just, like, maintenance-type, construction-type. I would even venture to bet that a county inspector might -- in a truck might just park on the swale and go in. I mean, it just happens all the time and -- and all over the place.

So, in essence, you're just saying, like, these are not -- these types of parking are not related to the home-based business.

MR. LOMBARDO: Right, they're related to the single-family home, which -- which is -- which is allowed to be --

MR. DICKMAN: Which everybody --

MR. LOMBARDO: Everybody has that.

MR. DICKMAN: Okay.

MR. LOMBARDO: And then so -- so the point of this evidence and testimony is that it's consistent on the street for people to have various vendors and contractors servicing their single-family homes.

MR. DICKMAN: So horse trailers, people delivering horses or having to take a horse to a vet for some reason or -- you know, all of that, a vet comes to the site, all is going to be on site; that's what you're saying?

MR. LOMBARDO: Yes.

MR. LARMEY: Correct.

MR. DICKMAN: I get your point.

MR. LOMBARDO: And -- and if you can -- we'll pause on you for a second and let me go to the next slide. The next

condition here starts to go to that point. And I think the question -- the condition is phrased "no outside storage of any commercial equipment and no outside storage of horse trailers."

On the second half, we're in full agreement that this is not a storage use, so we're not going to be storing clients' horse trailers. On the front half of this condition, the -- going back to this question of what does this variance allow, they have -- they have and are allowed to have things to maintain the arena and things like that -- of that nature that wouldn't be required special requirements, like parking inside. Right now they can be there.

And so I -- I initially phrased this -- and on the slide it says, "that is not covered or enclosed," but what I -- I'd actually like to ask for is that this limitation be reduced to just about client horse trailers. We agree that we can't be a storage yard for client horse trailers. I think that's inconsistent with the neighborhood.

But where we park the tractor or the ATV that circles the -- the -- the arena is really not different than anybody else in the neighborhood and what they can do in the neighborhood by right, and so -- and the fact that we have commercial boarders doesn't mean that we have more tractors or trailers, but it might mean we have more horse trailers, so we're willing to agree that we wouldn't store those.

MR. DICKMAN: All right. Let's -- let's work through this one at a time. There's no storage equipment -- so, in other words, you're not going to have, like, boats or RVs.

MR. LOMBARDO: No, absolutely not.

MR. DICKMAN: Things like that, like -- it's not going to be used as -- someone who has a horse, and they say, "I'd

like to leave my horse trailer here" --

MR. LOMBARDO: No.

MR. DICKMAN: -- "It's more convenient for me" and things like that, so that's --

MR. LOMBARDO: They can -- they can get the -- MR.

DICKMAN: That's not part of the business.

You're not leasing out part of the space for someone to keep their horse trailer there?

MR. LOMBARDO: Correct. And this is -- and this is -- we're being sensitive to some of the discussion going on in -- the county in general has an issue with storage in Estates and ag lots, so we -- we understand that that's a -- something that is not appropriate. The county's taken a pretty strong position through many code enforcement cases that that is not an appropriate use, and so it's beyond the scope of a variance, in our opinion, to ask for storage, so we're not doing it, but I -- but I don't think that we should be told that the commercial equipment that services the -- the arena has to be inside a particular building, because now we're being forced to construct buildings.

And so -- and I apologize here. I don't know how I can best relay this to you, but what I'm really asking is that we strike -- and the PowerPoint doesn't do it -- the first half and then just say, "There shall be no outside storage of client horse trailers" or just "no storage of horse trailers," period. We're not storing anybody's horse trailers.

MR. DICKMAN: All right. Let's circle back. I'll circle back --

MR. LOMBARDO: Yeah.

MR. DICKMAN: -- with staff on that, and we'll talk about it. We're going to have to talk through some of these

things.

MR. LOMBARDO: Understood.

MR. DICKMAN: Okay.

MR. LOMBARDO: Do you want to do them in line or at the end?

MR. DICKMAN: No, no, I just want to hear all your -- MR.

LOMBARDO: I got it. The next one -- next slide,

4. I have two comments about Condition 4, and this has to do with how many people are at the property. The first one staff said one employee or contract cleaner at a time. The statute specifically allows two, so we'd like to follow the statute, which is to say we can have two employees and/or contractors in addition to those that live at the home to be at the site, and so that -- that, I think, is in line with the statute. Secondly, staff said that they want only two boarders at a time. I'm -- I'm not sure --

MR. DICKMAN: I'm not sure what that means.

MR. LOMBARDO: I -- it -- I have a couple of issues with it. One, if the boarder is a child and they're there with their parents, is that one boarder, or is it the boarder and their guest? But then, also, there's a question of it's a declared hurricane, everyone's coming to get their horses, and I have seven boarders loading up their horses, but -- and I guess -- and we can put this on the record here, but I'll proffer that the client also owns horses here, so there are not seven boarders and there won't be seven boarders.

But because the variance will travel with the property, there's a foreseeable future where there are seven boarders, so I want to be open-minded to that as a concept.

MR. DICKMAN: So how many horses will be boarded here that are not owned by the --

MR. LOMBARDO: At the current moment -- MS. FUERST-TAYLOR: Four.

MR. LOMBARDO: -- four.

MR. DICKMAN: Four.

MR. LOMBARDO: However, technically this is allowing up to seven, because there are seven horses allowed at the site.

MR. DICKMAN: So if all seven boarders showed up with a husband and wife, kids, and everybody, all seven of them, you end up with 20-something people at the same time.

MR. LOMBARDO: You do. And what I -- and what I would point out --

MR. DICKMAN: So maybe there needs to be some management of that. I mean, you know, I would imagine you can't have all seven horses out in the rink --

MR. LOMBARDO: I think practically --

MR. DICKMAN: -- in the arena doing training and things like that. I mean, maybe your client can come up and I can ask a quick question here about management --

MR. LOMBARDO: Yes.

MR. DICKMAN: -- if you don't mind. It's someone different.

Hi.

MS. FUERST-TAYLOR: Hi.

MR. DICKMAN: Your name?

MS. FUERST-TAYLOR: My name's Isabella Fuerst-Taylor, and I'm the owner of the home.

MR. DICKMAN: You've been sworn in?

MS. FUERST-TAYLOR: Yes, I have.

MR. DICKMAN: Okay, great. So tell me a little bit about the oper -- do you mind if I ask her questions?

MR. LOMBARDO: Please.

MR. DICKMAN: Can you tell me a little bit about the operation here? So if you were to have seven boarded horses here and the family comes out and maybe the child's riding, things like that, how do you -- how do you schedule all that? Do you not -- do you schedule it so that you make sure that not everyone comes at the same time, or how does that work?

MS. FUERST-TAYLOR: Well, at this point we don't really have a schedule.

MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: We have many people that are -- like, I have a retired lady that has two horses right now.

MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: So it's one car.

MR. DICKMAN: Right.

MS. FUERST-TAYLOR: And she sometimes brings a friend with her.

MR. DICKMAN: Yes.

MS. FUERST-TAYLOR: So they're still coming in one car.

MR. DICKMAN: Gotcha.

MS. FUERST-TAYLOR: But he's usually out in the morning.

MR. DICKMAN: Uh-huh.

MS. FUERST-TAYLOR: And then I have one boarder that's actually been there since 2020 that I've owned the property, and she works during the day, so she can only come at, like, 5 or 6. So in the wintertime it gets very tricky because it gets dark earlier and there's a lot of traffic where she's coming from, so sometimes she doesn't get there till 7 or 7:30, and that's why we realized that we need to adjust the timing.

I think what needs to be made clear here is that nothing is changing for anybody. We have been doing this for five years. There's 150 stables that are just like us. All we're asking for is the variance to be dropped to zero parking spaces within my property. I don't care about street parking. People do a lot of -- it's very common to have --

MR. LOMBARDO: Let's stick to the -- just --

MR. DICKMAN: Yeah, I understand that. I get that point.

MS. FUERST-TAYLOR: Yeah.

MR. DICKMAN: I'm just -- I'm just -- Mr. Lombardo, do you understand where I'm getting at?

MR. LOMBARDO: Yes.

MR. DICKMAN: It's more of an operations management.

MR. LOMBARDO: Sure.

MR. DICKMAN: Because I have to think about this in the --

MR. LOMBARDO: Most extreme.

MR. DICKMAN: You're wildly successful and you have seven horses here and more or something --

MR. LOMBARDO: Let -- may I inquire?

MS. FUERST-TAYLOR: Well, I think, again -- MR.

LOMBARDO: May I ask you a few questions? MS.

FUERST-TAYLOR: Yeah, uh-huh.

MR. LOMBARDO: How many horses can be in the arena at any one time?

MS. FUERST-TAYLOR: Seven horses. It's a large arena.

MR. LOMBARDO: Oh, so there could potentially be

seven.

MS. FUERST-TAYLOR: But I -- I have a retirement stable, so four horses are over 30 years old. There's one right now the vet's coming tomorrow that potentially has to be put down because it's limping. So we're not a show barn. We're not a -- you know, like, this is just --

MR. LOMBARDO: I'm just -- we're just trying to think of how to craft the -- the language.

MR. DICKMAN: You -- you understand what I'm asking, right?

MR. LOMBARDO: Yes.

MS. FUERST-TAYLOR: No, I understand what you're asking, and I definitely understand for future --

MR. LOMBARDO: Well, I think --

MS. FUERST-TAYLOR: -- purposes, if I was to sell the house. But I have two horses, so given that there's seven horses, I don't think that, you know, there's ever any ability to even have more boarders just because I -- I'm not going to put any more horses -- I still live on the property, you know.

MR. DICKMAN: Okay.

MR. LOMBARDO: And -- and -- and, I guess, to be clear, she has to live on the property under the statute; otherwise, we lose the home-based business piece. And any future buyer has to live on the property.

MR. DICKMAN: But you see what I'm saying. Like, let's say that you have multiple -- thank you for the -- it helps me understand what you do.

MS. FUERST-TAYLOR: Absolutely.

MR. DICKMAN: So multiple boarded horses, let's say seven, and then all the sudden everybody decides they want to go see their horse for 30 minutes or something at the same

time -- and it might be 5 o'clock -- and they all show up at the same time. It could get a little chaotic with the cars.

MS. FUERST-TAYLOR: Well, the reason why we never have that many people --

MR. LOMBARDO: Hold on. Hold on. Hold on. MR.

DICKMAN: Yeah, let's not talk over each other -- MS.

FUERST-TAYLOR: Okay, sorry.

MR. DICKMAN: -- just -- excuse me -- because I want to make sure the transcript is perfectly clear.

MR. LOMBARDO: Just -- and just from a -- so the -- the way I'm looking at this from a legal argument is if the -- ignoring the variance, ignoring the home-based business, if my client owned seven horses and she invited seven people over to come ride the horses, we can do this.

MR. DICKMAN: Right.

MR. LOMBARDO: And so the -- if there's -- we have the street parking limit. We have the hours-of-operation limit. We -- and we are not allowed to scale up the operation past two employees per the statute, and so there are inherent limitations here.

The horse limit is hard coded in the Land Development Code, so I'm just struggling to figure out what the number is. I know that county staff -- and I'm sure they're going to speak on this. They don't agree that it should be unlimited on the boarders. We -- we did talk about this briefly beforehand.

But I don't -- it's hard to pin down what that number is because it becomes functionally difficult when we talk about how people arrive, because if it is a family of four going to watch their daughter ride the horse, that's one car. And this is a parking variance, so we shouldn't be worried about that. But if it was seven cars and -- or eight cars or nine cars

because there's -- some of them are traveling separately -- and I see what the concern is, and so I -- I think globally we're not opposed to this, but I -- I think I'd like to hear from staff on this one.

MR. DICKMAN: Yeah, yeah, we'll -- okay. We'll get to this. You know, there is a distinction between, I -- I think, just inviting your friends over, because then you're responsible for your friends --

MR. LOMBARDO: Sure.

MR. DICKMAN: -- versus a commercial operation. Then you're absolutely responsible for what your patrons do on that property that may affect other people. But I think we'll get to this. And, also, I just want to clarify, like, it -- is it your opinion -- do you agree that these variances will travel with the property?

MR. LOMBARDO: Absolutely.

MR. DICKMAN: So it could be a different operator at some point and this same term, so I have to think very carefully in the event that -- I mean, obviously, you're here, and you're giving me a great understanding and awareness of how you operate your -- your business, but it could be a different person, so I have to think about these things.

MS. FUERST-TAYLOR: Absolutely. Well, there's one more thing I want to add. The reason why we have two employees on the property manning these horses -- and we are part of the Agricultural Clean Act because we keep our facility so clean -- is so not -- the boarders don't have to come every day, and they don't have to come all hours of the day. So there is times where boarders are not attending to their horses sometimes two or three days a week because staff takes care of them in the morning and at night.

MR. DICKMAN: Gotcha.

MR. LOMBARDO: And just one clarifying question, since you said that. When you said Agricultural Clean Act, did you mean the Best Management Practices program?

MS. FUERST-TAYLOR: Yes.

MR. DICKMAN: Okay.

MR. LOMBARDO: So this property is a -- is a -- agriculturally exempt and a member of the FDACS Best Management Practices program. But if we could move to the next slide because I --

MR. DICKMAN: Yeah.

MR. LOMBARDO: -- I think we're going to have to come back to this.

MR. DICKMAN: So I want to go through the list, and then I know John and -- and the rest of the county planners here are taking notes and thinking about it, and I think we're going to have to have a dialogue in it after we hear from the public comment.

MR. LOMBARDO: Absolutely.

MR. DICKMAN: And we'll just go through them one by one and deal with it that way.

MR. LOMBARDO: Understood.

MR. DICKMAN: Thank you for that.

MS. FUERST-TAYLOR: Thank you.

MR. DICKMAN: Appreciate it.

MR. LOMBARDO: Next slide. If you noticed the number jump there, I have nothing to say about 5, which I would like a gold star for.

MR. DICKMAN: Check.

MR. LOMBARDO: Number 6 is the outdoor lighting. MR. DICKMAN: Yeah.

MR. LOMBARDO: This again -- a few -- our argument is that the -- there is no -- nothing about this business triggers the lighting, right? So the -- the neighbor has outdoor lights as well, as we'll hear in testimony in a second here. And so the staff condition says "shielded from neighboring properties." I'm just not sure what those --

MR. DICKMAN: Can you keep the light off of the neighbor's property --

MR. LOMBARDO: Yes.

MR. DICKMAN: -- 24/7?

MR. LOMBARDO: Well --

MR. DICKMAN: At nighttime.

MR. LOMBARDO: I mean, so -- I -- I put "directed away." And if I could call Kyle back up, he took some pictures that I think will help. Kyle.

MR. DICKMAN: Yeah, because it's a little bit like amplified noise or noise. I mean, all neighbors have to respect each other's quiet enjoyment.

MR. LOMBARDO: Well -- and part of what I'm thinking that's a background rule. I don't know that it needs to be a condition of this variance is really where I'm heading with this.

MR. DICKMAN: Okay.

MR. LOMBARDO: But if we could go to the next slide.

MR. DICKMAN: It's -- the point being is that -- let's -- let's not have big poles up on the arena that are, like, blaring, you know, with -- I mean, there's ways to -- directionally to deal with lights.

MR. LOMBARDO: And -- and -- and speaking of that, Mr. --

MR. DICKMAN: Oh, there's a pole.

MR. LOMBARDO: -- Larmey, could you describe the photo -- what appear to be photographs of large poles on the screen.

MR. LARMEY: These are two of the four light poles that we have on the property. They're at each corner of the horse arena.

MR. LOMBARDO: And could you describe how they're oriented?

MR. LARMEY: Yeah, so they're pointed down, pretty standard with horse arenas. And some of the lights point at the -- at the -- the arena itself. And as a matter of fact, all four are pointing down into the horse arena, so we -- we have no light really shining in the neighbors' properties.

MR. LOMBARDO: Could you go to the next slide just so we can get all four?

MR. DICKMAN: Could I ask a question of your -- MR. LOMBARDO: Yes.

MR. DICKMAN: So are -- are any of these hooded or have a shield over them so that they're a little bit more directional, or do they -- they look -- they look like they're just -- they're not. And do you know what the -- the wattage is or the lumens that these are?

MR. LARMEY: Sure. I don't know that off the top of my head. Those were existing when we purchased the property.

MR. DICKMAN: Gotcha, okay.

MR. LARMEY: You know --

MR. DICKMAN: Okay.

MR. LARMEY: But I can absolutely get that information.

MR. DICKMAN: And how -- how tall are those poles?

MR. LARMEY: I would estimate probably about 25 to 30 feet.

MR. DICKMAN: Okay.

MR. LARMEY: But they're not as -- we have a lot of tree foliage. There's quite a few pine trees that are maybe two to three times the height of it.

MR. DICKMAN: And in total how many poles do you have?

MR. LARMEY: Four.

MR. DICKMAN: Four poles, okay.

MR. LOMBARDO: If we could go to the next slide, we can get a picture of all of them.

MR. DICKMAN: Somehow I knew you'd have a picture of all of them.

MR. LOMBARDO: All right. So here they're -- Mr. Larmey, are these the last two light poles?

MR. LARMEY: Yes.

MR. DICKMAN: So you've got one hidden here in the -- and another one there.

MR. LOMBARDO: And, Mr. Larmey, your neighbor, do they -- that has the horse arena, do they also have lights on their --

MR. LARMEY: Yes.

MR. LOMBARDO: And can -- can you see their lights from your property?

MR. LARMEY: Yeah, sometimes through the trees, like, kind of a glow.

MR. LOMBARDO: So what -- what the purpose of this is -- we're -- I'm not -- I'm just trying to figure out how to fit this within what is consistent in the neighborhood here,

because as he testified, this -- these were here when they bought the house. The neighbor has lights like this. They are pointed at the horse arena itself.

And the nature -- the fact that we have commercial boarders may impact things like parking and traffic, but it doesn't impact whether or not there was going to be lights here. That's just our -- our position on this.

MR. DICKMAN: Quick -- quick question here for your -- why would the lights need to be in any -- at any time illuminated after hours, operational hours?

MR. LARMEY: After hours --

MR. DICKMAN: They would not?

MR. LARMEY: Yeah, I mean, sometimes there's, like, a raccoon that comes on the property. I mean, there's an occasional time that we'll turn it on for that, but we seldom --

MR. DICKMAN: Okay.

MR. LARMEY: -- you know, use them.

MR. DICKMAN: Okay, all right.

MR. LOMBARDO: And I believe we have a -- there's a condition that we didn't oppose about -- oh, I see. We're just saying if we strike the whole thing -- I'm -- I'm focused on the first part about how it's directed. I don't know that we're opposing them being off after hours.

MR. LARMEY: No, not -- that's not a problem. And if I can add one thing.

MR. LOMBARDO: Sure.

MR. LARMEY: The property behind us is uncleared land, and so two of the four poles are paid -- are pointing literally just to the -- the jungle back behind the property.

MR. DICKMAN: Okay, all right. Are you opposed to No. 7, too?

MR. LOMBARDO: Of course. Number 7 I just have a -- there's only one thing. So we were not -- we're not asking to do horse shows; we're not asking to do rodeos. But this line here, "special events are limited to garage sales for which a permit is required," this seems to be more in line with the single-family home use than the horse barn use, and so we're just asking -- asking to strike that sentence. I did discuss this with staff. I -- I think we're on the same page about it, so I'm going to -- I'll wait until --

MR. DICKMAN: Okay.

MR. LOMBARDO: I mean, we'll just have to see, but I just don't think that has anything to do with the horse uses.

MR. DICKMAN: Gotcha.

MR. LOMBARDO: And I don't want to create confusion, because if we amend the LDC later about what can happen in residential properties, I wouldn't want this to be --

MR. DICKMAN: Okay.

MR. LOMBARDO: Those are all the conditions. MR.

DICKMAN: Well, we've -- we've done pretty well. I mean, you've got -- we've agreed to one so far.

MR. LOMBARDO: We agreed to 1 1/2, maybe 2 if you add the halves together. So that's -- that's our -- our -- we're asking for, obviously, approval subject to some condition, discussion, and negotiation with staff here in a moment. And then -- you could have a seat -- in -- in a little -- a brief partial closing before we hear from comment, again, our understanding of the zoning verification letter is the use itself isn't inherently a problem as long as the parking could be dealt with.

And so I'm trying -- what -- what makes sense to me is

that the conditions and everything be tied to parking. So street parking is a great condition, because that's tied to this. Horse trailer storage is a great condition, because that's tied to this. Everything else, I think, starts to get farther from the center here.

And then as to the public comment, just from a procedural standpoint, would you -- I -- in re-reading the letters, there's a couple of statements that are made that are incorrect. Would you prefer I put an objection on the record now, while they're speaking, or afterwards?

MR. DICKMAN: Why don't you do it after during your rebuttal.

MR. LOMBARDO: Okay.

MR. DICKMAN: And I'll take notes as well. I -- I want to talk to you about one other thing. And we've had this conversation before, and I do recognize that you are a specialist in city, county, and local government. You're board certified. Congratulations. That's a very difficult thing to get.

And -- and -- and as part of that is -- included in that is zoning, land use, and so forth, so it's not -- it's not -- I mean, you actually have to study a whole bunch of stuff, but part of it is zan -- zoning, land use, and so forth. I have -- I have -- I am looking because I've had -- I've been confronted with this issue before myself in your position, because I'm also a planner, AICP, so I've tried trying to -- as an attorney tried to testify as -- as a planner while I'm also being a lawyer, and I've been rebuffed.

But I think it -- I believe, if I recall, you said that you believe that there's case law that says you can testify on certain things. I'd be curious if you have any of that case law.

But I -- I know at your prior matter that you had here you -- you wanted to make sure that your credentials were on the record.

MR. LOMBARDO: Yes.

MR. DICKMAN: And I just put them on the record for you.

MR. LOMBARDO: Thank you.

MR. DICKMAN: So --

MR. LOMBARDO: I appreciate that. We -- I don't have the case law here with me, but -- but what I would say to that is we -- the zoning analysis in the zoning verification letter and then Mr. Kelly's analysis cleared the path for almost all of this, and then a lot of this is just legal argument about what does Section 559.955 mean.

MR. DICKMAN: Okay.

MR. LOMBARDO: And then to the extent we're disagreeing with conditions like operating hours, we had some testimony from my clients themselves, who are qualified to testify on this. So while I -- I don't believe that I have provided or need to provide plain legal evidence --

MR. DICKMAN: Yeah, you made legal arguments. MR.

LOMBARDO: Yeah, and so --

MR. DICKMAN: You made legal arguments so far. I just wanted to bring that up --

MR. LOMBARDO: No.

MR. DICKMAN: -- because I think it's an interesting, fascinating question. I was always sort of, like, baffled about it 10 years ago when I was told I couldn't testify.

MR. LOMBARDO: And then where there are jurisdictions that do this very, very, very differently -- Lee County is on the extreme end of the lawyers don't really even

speaking angle, and then the -- and then more liberal than this would be Marco Island.

MR. DICKMAN: This is your style; I get it.

MR. LOMBARDO: So I think that this is -- I think -- but I would submit that there's a competent record here in which to analyze these issues. And we can talk through the -- the legal points with the staff. And I'm not so sure that we're not willing to agree with staff here on the record as to some of these compromises. I just need to be able to have that conversation with staff.

MR. DICKMAN: Okay. Well, we're going to go to public comment. I'll let you have whatever time you need to counter that, but then I'm going to want to -- we're going to have to have a back and forth with -- you know, with these good folks from the County and try to see if we can get an agreement on some of these things.

MR. LOMBARDO: Thank you.

MR. DICKMAN: Okay. Any public comment? Oh, do you have a speaker card?

MR. GIOVANNELLI: Yeah, I -- I didn't know about any of this.

MR. DICKMAN: That's fine. That's fine.

MR. GIOVANNELLI: I just came to support.

MR. DICKMAN: So right now we're going to public comment. And -- and you filled out a speaker's card, so she's going to call names, and they're going to come up.

MS. PADRON: Our first speaker is Denise, then David Welsch.

MR. DICKMAN: Okay. Mr. and Mrs. Welsch. MRS.

WELSCH: Hi, there.

MR. DICKMAN: Nice to meet you.

MR. WELSCH: First thing, we live at 7 -- 4911 Teak Wood, which is north --

MR. DICKMAN: Okay.

MR. WELSCH: -- west of their property, caddy corner. MR. DICKMAN: Okay.

MRS. WELSCH: Yeah, we're very immediate to their property, and this will adversely affect us. I can't even tell you how this is going to impact us negatively. First of all, the property value is going to be severely diminished because of this. This is a single-family residential area.

And we built on this property 26 years ago. It's a dead-end street. And we wanted a quiet and safe neighborhood to raise our children. There are many young families on this street. There's many children on this street, people that walk their dogs, their babies. We all walk and exercise.

MR. WELSCH: They've all got golf carts that they drive up and down the road, yeah.

MRS. WELSCH: The kids drive mini bikes.

MR. WELSCH: Parades.

MR. DICKMAN: Hold on. Let's be careful not to talk over one, because the court reporter is going to have a hard time capturing it. So if you want -- one wants to go first, the second one second.

MRS. WELSCH: Okay. So we did, like I said, build our home for those reasons. It was a dead-end in a safe environment with no through traffic coming on our street, and that was very important to us for the safety of our children.

MR. DICKMAN: Okay.

MRS. WELSCH: We now have the Taylors who have

in the past parked horse trailers all over the street. They have horse shows. The excessive noise that it creates is unbelievable. There's no policing it. I mean, all this sounds great of all these conditions that you have here for approval. Who's going to police it? Who's going to police this? 10 o'clock at night there's going to be trucks and trailers and -- and people in and out of this property, which is right across the street from us.

They don't like anyone parking on their easement or in their driveway, because Ms. Taylor has a very landscaped and beautiful lawn. So what she does when we even have little events, neighborly events is they take stakes and try to rope off their easement so that nobody can ever park in it. When they have --

MR. DICKMAN: You mean the -- you mean the right-of-way in front of their property?

MRS. WELSCH: Yeah, yeah.

MR. DICKMAN: That's what you're referring to? MRS. WELSCH: That easement.

MR. DICKMAN: Okay.

MRS. WELSCH: They don't want anyone on their property, so what they do is they park all over the street. When they have vendors and people coming in to service their horses or to deliver plants or things, they have them park on the street impeding traffic facing the opposite direction of oncoming traffic.

They park in front of our driveway. My guests cannot back out. Emergency personnel cannot get down the street. They will be blocked. And when my husband has a medical condition -- he just got out of the hospital -- emergency personnel, ambulances, and fire trucks are not going to be

able to get into our driveway to assist us -- and time is of the essence when someone's having a heart attack or a medical emergency -- because all of their vehicles from their vendors and people block our driveway.

They actually -- when they try to come out, their horse trailers and semi trucks and everything, if they are in their driveway, they actually have to try to maneuver, swing around, drive into our driveway, try to miss our mailbox in order to make that turn out of the Taylors' home.

MR. DICKMAN: Let me ask you a question, though. You mentioned tractor-trailers. So why would tractor-trailers be going onto their property?

MRS. WELSCH: They have big box trucks. They have all kinds of deliveries of plants and trees and hay and forklifts and just all kinds of people.

MR. DICKMAN: So are you saying that they make -- they do a maneuver to try to back into their property so they can go in?

MRS. WELSCH: They try to, or they try to pull out, or they -- they try to -- they can't, so they stop right in front of our house. They try to turn around. They can't. I mean, they hit -- they just hit the neighbor next to us, their mailbox, just the other day --

MR. DICKMAN: Okay.

MRS. WELSCH: -- another incident of this.

MR. DICKMAN: So those are the -- the vendors. And tell me about the shows that you've experienced there.

MRS. WELSCH: They have all kinds of horse trailers that park up and down. We don't know what's going on in the back of their property, but I know 1, 2 in the morning they had some wedding venue party or -- I don't know what

they're trying to do.

MS. FUERST-TAYLOR: Our wedding.

MRS. WELSCH: But, you know, like I told them, you know, that's fine; everybody gets one "get out of jail free" card. I mean, I'm trying to be very neighborly, but this has been consistent. There's excessive traffic from them. There's a danger.

If -- if this proposed parking variance gets approved and they're able to run a home business out of their -- their home, which is against the Land Development Code 5.02. It says that the property cannot generate excessive traffic for the retail sale of goods out of a -- for a home-based business, and this is what -- this is what they're requesting; that's why I'm so floored that an application was even accepted for this when it goes against the codes and ordinances and laws in Collier County.

MR. DICKMAN: Okay.

MRS. WELSCH: And I'm -- and then --

MR. DICKMAN: Can I ask you another question? MRS. WELSCH: Sure.

MR. DICKMAN: So with regard to the -- I saw a picture that looked -- an aerial photograph that looked like there was a similar type of horse operation next door. Are you having the same problems with them?

MRS. WELSCH: No, no, they're -- they're very cordial. They're very neighborly. And as a matter of fact, you know, we have people speeding down our street. It's 30 miles an hour. And Trey, the neighbor right across the street from us with the horse -- horse farm, he doesn't allow that.

We go to him and say, "Hey, Trey, we saw this car flying 60 miles down -- down the street."

And he's, like, "Oh, yeah? What car was it?" He talks to them and says, "You're not coming back to my property. There are children, dogs, people that are walking. You're going to kill somebody."

MR. DICKMAN: Okay.

MRS. WELSCH: He doesn't allow it. When he has his hay delivered, he has it at a time that it doesn't hurt anyone. It's not loud. It's not a hardship. But Ms. Taylor, she's constantly having trucks in and out with deliveries.

MR. DICKMAN: Okay.

MRS. WELSCH: That's even prior to this sale of eggs. Now, what's going to happen when -- when she has the sale of eggs? It's going to be constant traffic up and down. Nobody's going to be able to police it. They're going to be speeding. There's going to be excessive noise.

MR. DICKMAN: What's the speed limit on that road; 25?

MRS. WELSCH: Thirty.

MR. DICKMAN: Thirty.

MRS. WELSCH: Uh-huh.

MR. DICKMAN: Okay.

MRS. WELSCH: There's going to be excessive noise

due to the large horse trailers, the trucks, the box trucks, the semis, everything with -- with this home sales.

And I have a question. I don't understand why they're requesting six parking spaces if no additional traffic is going to be generated by what they're looking to do. You've got to ask yourself why. Why would they want six additional parking spaces?

MR. DICKMAN: Okay.

MRS. WELSCH: It just does not -- it just doesn't

conform with -- with the street. It sounds like they need to be in Ocala. That's where this belongs, not in Naples on Teak Wood Drive.

MR. DICKMAN: Okay. Anything else?

MR. WELSCH: I just have one little thing. Now, Teak Wood, like I say, it's a very quiet neighborhood. There are no streetlights on our street. It's very, very dark, and with these people -- I mean, we have people walking dogs at 7, 8, 9 o'clock at night and the cars constantly going up and down the street. It's --

MR. DICKMAN: No sidewalks?

MRS. WELSCH: No.

MR. WELSCH: No sidewalks. It's -- it's horrible. I even drive up and down the street, and I -- people tend to dress in dark clothes at night. It's like ninjas walking down the street; you don't see them until you get on there. Now, if you're going to allow them to have their thing at 10 o'clock at night, it's dark; somebody's going to get run over.

MR. DICKMAN: Okay.

MRS. WELSCH: Yeah, and we're senior citizens.

We -- we go to bed at 9 o'clock at night. I mean -- and the noise, I mean, I -- I welcome any of you, any of you to come to our home and sit and stay for a little bit and listen to what -- and watch what goes on at -- at that residence --

MR. DICKMAN: Okay.

MRS. WELSCH: -- and how much traffic there is -- MR.

DICKMAN: I truly --

MRS. WELSCH: -- and how loud it is.

MR. DICKMAN: Thank you for being here. I truly appreciate it. And, sir, I hope you're doing well with your health.

MR. WELSCH: Yeah, COVID.

MR. DICKMAN: All right, great. Thank you for being here. I appreciate that information.

Who's the next speaker?

MS. PADRON: Richard Giovannelli.

MR. DICKMAN: How are you, sir?

MR. GIOVANNELLI: Hello, everyone. As she pointed out, my name is Richard Giovannelli. I am actually a neighbor to the south of the people with the petition. I can't speak to legalities. It sounds like you really already covered those bases, and the biggest concern is if they sell the property what's going to happen afterwards with somebody else running the facility. I can only speak to knowing them for many years now. I've known Isabella for 10 years and Kyle since --

MR. DICKMAN: You're talking about the applicants, you've known the applicants?

MR. GIOVANNELLI: Yeah. All right. So we know -- I know them. I can only speak to what goes on there that I personally know about. I live right behind them. I have no issues with lights, so, you know, I can only speak to -- they don't affect me, and I'm directly behind the property.

As far as travel up and down the road, I live to Mahogany Ridge directly to the south. Travel is what it is these days. There's many houses being built. I get tractor-trailers for sod. I get tractor-trailers -- pool water, filling up pools, lawn service, whatever may be going on I get that if it's going on every single day it's an issue. And I wouldn't want that next door to me either, but the houses being built, lawns being cut, graduation parties being had where people are parked out on the road -- you know, late at

night, the party goes on, woo, it's a bad Saturday; I don't get any sleep.

If it happened every Saturday, I'd be making some phone calls. I don't recognize this as happening on this property. I can't speak for the neighbors. I can understand their passion. If I lived right next door and it was going on, I'd be here, too, complaining. I can't say that that's happening. I don't live on that particular street.

I am only here to speak to what Isabella and her husband did with the property since they moved in. I can say they've only added to the property value. The property is beautiful. I don't know of it being a problem to anybody else. I do know some of the other people that live there. I can only speak from my own point of view.

MR. DICKMAN: Okay.

MR. GIOVANNELLI: If they lived right next door to me, I couldn't complain. As far as the legalities of parking, how many horses you can have -- the neighbors that live in front of me on my street have chickens. They run free. They're occasionally in my yard. I don't have a problem with the chickens, okay?

You know, I -- if they were in my porch, I might be complaining, but, you know, it's a -- it's a 2 1/2-acre-plot neighborhood, and things go on. I see bobcats, too. They eat the chickens. That's life. I only am here to speak for them. I -- I am here to support that I don't think they are trying to operate a business that's a -- going to be a profit-based horse ranch/chicken plantation.

I know many neighbors that have chickens. I know that they sell a dozen eggs here and there to friends and whatever. We have bought eggs from them, okay?

MR. DICKMAN: Yes, sir.

MR. GIOVANNELLI: You know, I think at times somebody has to support people, because we know what they're doing is not detrimental to the community. If anything, I think -- I know she's a realtor. She's looking to improve her property values and enhance everything else around her.

MR. DICKMAN: Uh-huh.

MR. GIOVANNELLI: So that's my two cents. Thank you. I don't want to take up any more time.

MR. DICKMAN: Thanks for being here. I appreciate it. Do we have any other speakers?

MS. PADRON: We do not.

MR. DICKMAN: Okay, great. Thank you. We're going to close the public -- public comment. Oh, we have another speaker.

Hi, how are you?

MR. EPPLEY: I don't have much to say. It's just -- MR.

DICKMAN: Your name and address, please. MR. EPPLEY: I'm Thomas Eppley, and my --

MR. DICKMAN: Say it -- say it again.

MR. EPPLEY: Thomas Eppley. My address is 1033 Silver Strand Drive. I don't live around -- I'm a provider for Teak Wood, and I've been with them for about --

MR. DICKMAN: Hold on. Let me just get -- you're going a little -- you're talking softly, and I -- when you say you're a provider for Teak Wood, you're a vendor to --

MR. EPPLEY: I'm a vendor to Isabella Fuerst.

MR. DICKMAN: Okay.

MR. EPPLEY: And I've been with them for about three

years. They don't have horse shows on the property.

MR. DICKMAN: What do you sell to them?

MR. EPPLEY: I'm a licensed massage therapist. I -- I work with horses and I work with riders.

MR. DICKMAN: Oh, okay.

MR. EPPLEY: So I'm usually there at least once a week, and I see them in the operating hours during -- between 9 and 3.

MR. DICKMAN: Okay.

MR. EPPLEY: So I can't speak to anything that happens at night, but I know for a fact that they don't ever have horse shows on their property.

MR. DICKMAN: Okay.

MR. EPPLEY: The one wedding that was referenced was a private event. That was Isabella and Kyle's private wedding.

MR. DICKMAN: So I'm trying to understand. What does a massage therapist do for horse riding?

MR. EPPLEY: For the horse?

MR. DICKMAN: Is it for the horses or for the -- MR.

EPPLEY: It helps to improve their range of motion, their lymphatic flow, blood flow.

MR. DICKMAN: For the horse?

MR. EPPLEY: For the horse, uh-huh.

MR. DICKMAN: Okay, all right.

MR. EPPLEY: It's a big industry. And I'm also a licensed massage therapist for humans, so I can take care of the riders, yeah.

MR. DICKMAN: I was a little confused which one you were working for.

MR. EPPLEY: I do both.

MR. DICKMAN: All right, great. Thank you for clarifying that. Thanks for being here.

MR. EPPLEY: That's pretty much all I have to say.

MR. DICKMAN: All right. Any other speakers? No other speakers. We're going to close the public comment for good.

All right. So what I would suggest we do first is just go through some of the -- some of the comments made by the neighbors, and let's just -- let's just address those, okay?

MR. LOMBARDO: Sure.

MR. DICKMAN: I think the easiest one -- well, right off the top of the bat is their concern about property values. You know, that seems to be a common complaint when people feel like things are over-intensifying. I don't have any -- there's no -- I don't have anything to say about that, because I can't really have -- I'm not an appraiser. I don't think they're appraisers.

MR. LOMBARDO: Yeah, but I --

MR. DICKMAN: I don't think it's really the point here. But I do want to focus in on, again, the traffic. It seems like the traffic and traffic safety coming from vendors and suppliers and big trucks that are trying to navigate back into the property at what time of night or day -- I think that really matters. And it's a neighborhood road, obviously.

MR. LOMBARDO: So what I heard there -- I heard a couple of interesting things when it comes to that. One, I heard that the neighbor -- they acknowledge the neighbor also has deliveries consistent with the applicants' deliveries. And then what we heard from the -- the rear-yard neighbor is that there are similar deliveries on that street of similar size.

And so if we're in these conditions limiting operating

hours and avoiding street parking as it relates to this use, we're actually getting a better result than what could be done -- is apparently being done by these other neighbors.

And so it's -- what I thought was interesting about the comment was that the concern was specifically as to this applicant. There was an acknowledgment that the neighbor is doing essentially the same thing when it comes to hay delivery, and we just don't seem to have an issue with that.

And I will even note that what she said was -- when she talked about the speeders, which I'm not sure how we're measuring the speed of these vehicles, but if we assume that there are speeders she was talking about going to that neighbor, because apparently -- what I understood was those were his guests, so people are coming to that property, too. And she just thought he was doing a better job of telling those people that they couldn't come back to his property, but that was -- that was some interesting implications there, because why were there people going to that private residence when it comes to the horse barn?

MR. DICKMAN: Well, let me -- here -- here's what I'm foc -- I'm going to try to zero in on what I imagine that could be happening, and I'm going to just do this because I -- from my own neighborhood, if someone is to order -- you can order from Home Depot, you can order from Lowe's, or you can order from City Furniture.

Those trucks are going to come in a semi tractor-trailer, and they're not going to park in my yard or somebody else's yard. They're going to park on the street. And it can be extremely annoying if it were to be twice a week, three times a week, you know, every day. If it's occasional, it's not a problem.

But, you know, if you start adding in the lawn businesses that are going to be pulling up to everybody's front yard and then -- also, then you have garbage pickup, I think, twice -- twice a week, you've got big trucks on a lot -- there's a lot to navigate here.

And I'm sympathetic to somebody that, you know, wants to -- is a pedestrian on the street with no streetlights, so I'm -- I am -- I will tell you I am concerned about -- and I think you should think about this -- the vendor delivery, how that's done, when it's done. How can you not -- how can you avoid not impacting the neighbors, because it seems like it's going to be a regular, routine type of thing rather than if I order, you know, some -- a load of two-by-fours from Home Depot on an off-base that I actually try to do some construction, which I don't.

MR. LOMBARDO: Well, I think the -- so, first, the -- having this volume of horses requires hay delivery, it's my understanding, so the neighbor is in the same spot having hay delivered in the same batch.

MR. DICKMAN: But does hay have to come on a tractor-trailer? Can somebody, like --

MS. FUERST-TAYLOR: I want to -- I want to -- I want to clarify very quick.

MR. LARMEY: Isabella.

MS. FUERST-TAYLOR: My nei --

MR. DICKMAN: Not -- not from --

MS. FUERST-TAYLOR: Hold on.

MR. DICKMAN: Ma'am, ma'am, we'll get -- I swear I'll give you plenty of time, because you-all are the applicants, and I just want --

MS. FUERST-TAYLOR: Well, I'm the horse person.

MR. DICKMAN: Ma'am --

MS. FUERST-TAYLOR: My husband isn't.

MR. DICKMAN: Ma'am, please, not from there, not from there. Just come on up. Let -- just come on up and -- and be by one of the microphones. And I need to make sure that -- when you speak, just say, "For the record, my name is" --

MR. LOMBARDO: But before we do this, I want to just confirm that the way I -- the way I understand the conditions that were not objected to, because there was a condition that says we cannot street park as part of the business and because there's a condition that includes operational hours, deliveries could not happen outside of operational hours, and they also could not park on the street. They would have to pull on site.

MR. DICKMAN: Yeah, but you want operational hours to be 9 p.m.

MR. LOMBARDO: We can -- we can -- I guess we can talk about whether we can do a delivery cut-off before.

MR. DICKMAN: That's after dark. That's, like -- so tell me about hay delivery.

MR. LARMEY: Yes.

MR. DICKMAN: Let's just be very specific. How does the hay come to your place?

MR. LARMEY: I want to be very specific. In speaking --

MR. DICKMAN: By the way, a very adorable child. MR.

LARMEY: Thank you. He also --

MR. DICKMAN: If he -- if he could speak --

MR. LARMEY: -- has a comment.

MR. DICKMAN: -- he'll -- I'll give him three minutes.

MR. LARMEY: So our hay delivery -- we've used the same vendor for years. They come with a pickup truck and a flatbed trailer. They drive right into our property. They pull up right to the back of the property where we have a hay barn storage. Then they do a circle, and they drive out.

MR. DICKMAN: On your property?

MR. LARMEY: On my property.

MR. DICKMAN: Okay. What about feed or any -- the same thing with feed?

MR. LARMEY: It's the same. They come in the same truck.

MR. DICKMAN: Okay.

MR. LARMEY: If I -- the -- the neighboring property is actually on a semi trailer with a forklift that's attached to it.

MR. DICKMAN: Okay.

MR. LARMEY: They actually park on the street -- MR. DICKMAN: Okay.

MR. LARMEY: -- and use a forklift and create all the noise, because they're taking hay bales and taking them in the tractor all the way to the back of the property.

MR. DICKMAN: See, this is what I want to avoid. So I want to avoid that situation.

MR. LARMEY: Yes.

MR. DICKMAN: So if what you're -- maybe there's some confusion going on about who's causing this problem. But do you -- do you -- you understand what I'm -- I'm getting at? This is -- I really like you telling me that you're bringing -- your vendors are coming on site.

MR. LARMEY: Yes.

MR. DICKMAN: They're not park -- they're not causing traffic issues. They're not doing three-point turns

with tractor-trailers and noise and things like that.

MR. LARMEY: We -- we don't allow any street parking. I mean, we do have a landscape truck, and we've recently asked him, also, to just pull into our property --

MR. DICKMAN: Okay.

MR. LARMEY: -- just, you know, for the sake of -- MR. DICKMAN: Okay, okay.

MR. LARMEY: -- being neighborly.

MR. LOMBARDO: From a timing standpoint, when do these deliveries happen?

MR. LARMEY: It's sporadic. Ours -- I mean, it's usually an afternoon thing. It's just -- it's difficult because they service other farms and stuff.

MR. DICKMAN: When would be the latest that a vendor would show up?

MR. LARMEY: I would say maybe 3 p.m.

MR. DICKMAN: So what about 5 p.m. as a deadline for vendor delivery?

MR. LARMEY: I think that's fair. It's usually more of a morning --

MR. DICKMAN: Okay. So not before 7. Let's -- say -- let's -- what if we said 7:30 -- 7 to 5 p.m. for vendor deliveries?

MS. FUERST-TAYLOR: Now, is a vet considered a vendor?

MR. DICKMAN: I'm now talking about big trucks.

MR. LOMBARDO: No, we're talking -- I think we're talking about --

MR. DICKMAN: I'm talking about something that would be noisy in delivering -- you know, a vendor would probably be like -- I would imagine a vet would come in a

truck or -- a pickup truck or a car or something like that.

MR. LARMEY: To ask the hay delivery to not come before 7 or after 5 -- I don't think that happens anyway, but that's, I think --

MR. DICKMAN: We just want to memorialize that. MR.

LARMEY: -- a realistic thing to ask of them. MR.

DICKMAN: Okay. I'm going to ask the County. Are you-all okay with that vendor delivery, John? MR. KELLY: No issues.

MR. DICKMAN: Not after 5 p.m.

MR. KELLY: Yeah.

MR. DICKMAN: Okay, thank you.

And, ma'am, what did you want to say? You wanted to say something.

MS. FUERST-TAYLOR: I wanted to bring that up about the neighbor's trailer, because that is -- you know, I understand that that can be very upsetting, but that's not our trailer.

MR. DICKMAN: Okay. So there may have been maybe --

MS. FUERST-TAYLOR: So I think it's getting mixed into what we're trying to do. The other thing I want to address about the vendors is that for my personal house I'm allowed to have somebody drop off plants so I can do hedging. That's not for the horse farm.

MR. LARMEY: Correct.

MS. FUERST-TAYLOR: So I think we need to distinguish what is for my single-family house here and what is for the -- the horse operation. And for the horse operation everything happens on the property.

MR. DICKMAN: So for your personal landscaping, just

like if I were to order a bunch of palm trees from Home Depot and I didn't want to go pick them up and I can -- they can deliver it to me. That's permissible. But if this is -- I mean, at some point you're going to stop landscaping and --
MS. FUERST-TAYLOR: Exactly. Well --

MR. DICKMAN: Maybe not.

MS. FUERST-TAYLOR: You know, with me you never know.

MR. DICKMAN: But it won't be as -- what are you talking about? Do you have, like, tractor-trailers that are delivering landscaping?

MS. FUERST-TAYLOR: Yeah. Usually it's bigger quantities, because we have 3.5 acres, and I -- I'm from Germany, so I have, like, an English garden. I have a lot of topiaries and, you know -- and stuff dies once in a while, so you have to replace it.

MR. DICKMAN: Okay.

MR. LOMBARDO: And -- and, for the record, you're currently doing a large renovation of your property. And is that involving landscaping?

MS. FUERST-TAYLOR: Absolutely.

MR. DICKMAN: When did you buy this property? MS.

FUERST-TAYLOR: In 2020.

MR. DICKMAN: Okay. So -- and you're in the process of renovating this three-acre --

MS. FUERST-TAYLOR: I gutted the entire property. MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: There was not a single hedge and not a single plant besides the native plants on this property, and I brought it all in --

MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: -- bringing the property value up.

MR. DICKMAN: You're not renting it out as a wedding venue?

MS. FUERST-TAYLOR: No.

MR. DICKMAN: That was your wedding?

MS. FUERST-TAYLOR: Yes.

MR. DICKMAN: Congratulations.

MS. FUERST-TAYLOR: Thank you.

MR. DICKMAN: The --

MR. LOMBARDO: Can I ask about the horse shows? MR.

DICKMAN: Yes, please go ahead.

MR. LOMBARDO: Have you ever had a horse show at this site?

MS. FUERST-TAYLOR: No.

MR. LOMBARDO: And to be clear, we -- you agree with the condition about no horse shows?

MS. FUERST-TAYLOR: Absolutely. We don't even want horse shows.

MR. DICKMAN: Or a rodeo.

MS. FUERST-TAYLOR: We -- we are a retirement stable. We don't even have horses capable to do a horse show.

MR. LOMBARDO: So I think that that -- so Condition 7 addresses that. I -- I think what I'm hearing is we're in agreement to an additional condition about delivery timing that can be added either as part of the operation condition or as a standalone condition.

MR. DICKMAN: I may put it as -- we'll see. I'll -- I'll break out the hours of operation and delivery stuff separately.

MR. LOMBARDO: Okay.

MR. DICKMAN: And then in terms of -- I -- I'm just really addressing -- and I really hope neighbors can be friendly neighbors, but it doesn't always happen. And I respect -- I respect anyone that comes here and speaks and expresses some of these issues, because they can be fleshed out. It's important to talk about right now.

As far as the -- the lights and things like that, if -- if there is a need to maybe tone down the -- I don't know what the light lumens are or anything like that, but I just want to make sure -- but I haven't heard any complaints from the neighbors about that.

I'm really more concerned about this interference on a residential road. That's really what I'm hearing is -- what I'm concerned about, because I wouldn't want someone to get hurt out there on my watch after approving this.

MS. FUERST-TAYLOR: I'm a traffic -- you know, I'm always telling people to slow down and do not park on lawns because -- I even yelled at our construction people because I don't want people on -- to be parking on other people's lots.

MR. DICKMAN: Okay, all right. Thank you.

MS. FUERST-TAYLOR: And we replaced that mailbox right away.

MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: So --

MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: Thank you.

MR. DICKMAN: Thank you.

Did you want to ask their son any questions?

MR. LOMBARDO: I'm just looking at my notes here.

I -- I didn't have any questions for the child. So we covered the horse show. We covered the wedding. We talked about

the delivery timeframes, the -- there was in-favor testimony from a adjacent neighbor as to the lights themselves. I did want to note that there was --

MR. DICKMAN: He was in support.

MR. LOMBARDO: He was in support, yeah.

MR. DICKMAN: He was in support, so I got that. MR.

LOMBARDO: And then -- and, again, I think that the street parking condition --

MR. DICKMAN: So let's -- let's just go through this. So now that -- I think -- I feel like we've addressed the -- I have a good understanding of what needs to be done with -- in reaction to some of the comments that were made that I have a better understanding about.

So why don't we go to the conditions and just go one by one. And this is going to require the County to -- to jump in. And we'll work this out, okay? Please bear with me. This is the only time I'm going to be able to do this, so it's important that we take our time and do this right.

Who's this gentleman?

MR. LOMBARDO: Oh, this is my associate, Logan. MR.

DICKMAN: Oh.

MR. LOMBARDO: I bring him around. He just passed the bar.

MR. DICKMAN: Congratulations. You're staring at me.

MR. LOMBARDO: That's it. I told him to just be intimidating.

MR. DICKMAN: Just give me -- congratulations.

MR. LOMBARDO: The conditions are on page 11 of the staff report.

MR. DICKMAN: All right. I'm looking at them right

now. So the first one is hours of operation, operation meaning when, I guess, folks that are going to be patrons are going to show up and be part of this business. So we have no problems with 7 a.m., right?

MR. LOMBARDO: The --

MR. DICKMAN: Right?

MR. LOMBARDO: I guess my question is, does -- when can -- if someone's coming to clean out the stables, do -- can they not arrive till 7, as you understand this, or can they arrive earlier?

MR. DICKMAN: So do -- do the boarders clean out the stables, or does the employee -- do the employees?

MR. LOMBARDO: There's a contract cleaner that does the cleaning.

MR. DICKMAN: Okay. So that's -- I think that's a little different, and so -- well, at the same time, if someone were to do construction, I think the start time has to be 7 o'clock.

MR. BOSI: Yes.

MR. LOMBARDO: That's fine. I -- I think -- I think what we're saying is --

MR. DICKMAN: And you can't really stage -- because I've -- this is a problem, too, is that lots of times people will show up at 6:30 and stage their construction workers so that they can start at 7. So I think 7 is fair just because it doesn't sound like they have a whole lot of people showing up at 7 o'clock to ride their horses and do things.

So there -- there can -- this cleaning out of the stalls and things can happen while -- during op -- operational hours, I would think, so I don't think --

MR. LOMBARDO: We object, but thank you, yes.

MR. DICKMAN: Okay.

MR. LOMBARDO: I understand your position and -- and --

MR. DICKMAN: Well, let's ask your client. Is -- come on up. Let's -- let's ask them about this. Do you have any problems with just -- your employees doing the maintenance work start -- start time 7?

MR. LARMEY: Yeah. If -- if we need to make that work, I mean, we certainly could. It's just for the -- the staff -- sometimes it's like the heat and the schedule that the horses are on, it is a little earlier.

MR. DICKMAN: Earlier -- early in the summer.

MR. LARMEY: The only thing I would say is if it's going to only be one person, it's going to be lights out before he -- sometimes even the sun's up, and it's quiet; feeding and watering.

MR. DICKMAN: Okay. Is this -- your employees show up in a car, right? Like, not a big truck or tractor-trailer or anything like that?

MR. LARMEY: No, a car.

MR. DICKMAN: So it's just somebody coming on site. All right. So I might be a little bit more flexible with that, because I understand, like, summer hours -- summertime, even if I go for a walk with my dog at 8:30, I'm coming back soaking wet, so I know what that's like.

MR. LOMBARDO: My thought on this was the -- the lighting wouldn't be allowed at that time, so we couldn't turn the lights on. And -- and -- and I understand no construction, but if someone is feeding the horses or cleaning the stalls or -- or filling the water --

MR. DICKMAN: That -- that's going to be passive

work, like, pass -- that's more or less passive work. It's not loud --

MR. LARMEY: No.

MR. DICKMAN: -- banging of things; it's just cleaning out the stalls?

MR. LARMEY: The only noise is a horse neighing when they hear the car coming down the street because they're hungry.

MR. DICKMAN: All right. I'm going to -- I'm going to give that -- some thought to that one, okay? And then -- so -- so the employee -- so then let's -- let's try to nail down this -- you're requesting 9 p.m. The County wants 7 p.m.

Why is 9 p.m. important?

MR. LARMEY: It's the same -- for us is the heat issue. And we have -- one boarder is a schoolteacher, and it's, like --

MR. DICKMAN: So it's after work after -- okay. MR.

LARMEY: It's, like, getting there, you know, sometimes it's administering a medicine, things like that. So, you know, sometimes during the year 9 p.m. is 20 minutes after, you know, the sun goes down.

MR. DICKMAN: Okay, all right.

Does the County have any thoughts on that? Have you heard all the discussion about the operations and that, you know, some of these horses are owned --

MR. LOMBARDO: We -- we stopped on construction. MR.

DICKMAN: One second. -- horses are owned by folks that are working during the day, and, you know, they would come to see their horse after work or during the weekends. That's their opportunity. What are your -- any thoughts on this? Or -- or do you want me to just make the decision?

MR. BOSI: No, I -- Mike Bosi, Planning and Zoning Director. We understand that there -- there -- they may have clientele that are outside of the -- that normal operating hours that we were just suggesting. Staff just has concerns with the character of the neighborhood and just --

MR. DICKMAN: Okay.

MR. BOSI: -- the timeframes. It's just as close as we can keep it still maintaining and at least allowing for that flexibility. Staff is trying to juggle both of, you know --

MR. DICKMAN: Yes, I understand.

MR. BOSI: We're -- we're -- we're -- we're trying to juggle two different directions.

MR. DICKMAN: Okay. So you're sticking with 7 p.m. He's going with 9 p.m.

MR. LOMBARDO: But I think we could be more nuanced. We could agree that construction -- we're not talking about construction. We're talking about just boarders using the horses.

MR. DICKMAN: Who may be using the ring -- MR.

LOMBARDO: Who may be using the ring. MR.

DICKMAN: -- with the lights on.

MR. LOMBARDO: Who may be using the ring with the lights on.

MRS. WELSCH: Yeah, but there's egg sales.

MR. DICKMAN: Ma'am, please don't scream out. MRS.

WELSCH: I'm sorry.

MR. DICKMAN: That's -- that's okay. I'm going to have to give this one some thought, too, because I understand both sides of the issue here because --

MR. LOMBARDO: I do -- I do want to pick up, though, on that screamed-in comment here about egg sales. I

don't know that we're --

MR. DICKMAN: Egg sales.

MR. LOMBARDO: I don't know that we're needing to sell eggs at 9 o'clock at night.

MR. LARMEY: No.

MR. LOMBARDO: I think this is about -- the 9 o'clock comment is about the horse boarders.

MR. DICKMAN: Horses.

MR. LOMBARDO: Keeping in mind when the sun sets throughout the year.

MR. DICKMAN: All right.

MR. LOMBARDO: And -- and so we're not -- I think the idea is the County has general principles about when construction work can happen, and we agree with it. The egg-sales thing is not something that has to happen at 8 o'clock at night.

MR. DICKMAN: Tell me about the egg sales. How's -- how do you envision this happening?

MR. LARMEY: We have --

MR. DICKMAN: Are you actually going to sell retail on site?

MR. LARMEY: We have -- thanks for asking. Sorry to interrupt you. We have a few neighbor clients. I mean, we only have 11 chickens, and we don't want any other chickens. We sort of inherited these from a client, but we have -- they all lay about an egg a day, and so we end up with leftover. And we have a few neighbors, so it's very -- it -- we're not expanding. There was a --

MR. DICKMAN: Okay. So we can stop that at 7 p.m. for sure?

MR. LARMEY: Absolutely.

MR. DICKMAN: Okay. Eggs stop at 7. And I'm going to have to give some thought to 9 p.m. and how to deal with, like -- because my concern is worst-case scenario you're not here, your lovely wife and family don't own this anymore, somebody else comes on, they have these variances, and they are not as nice of a neighbor as they could be, and they bring everybody in, all of their -- different types of -- or other types of horses that might be more -- not -- not in retirement, you know.

And so I have to think about that as well, you know. Like, what if they all come at 7 o'clock to 9 o'clock and we've got all this noise going on and -- not you, but your -- a successive -- successor purchaser, so --

MR. LOMBARDO: And -- and in that thinking period, I would -- I would encourage thinking about what the neighbor can do with their own horses at that exact same time with their friends.

MR. DICKMAN: Okay, all right, all right. But the neighbor is -- they're not going to ride all of their horses at the same time.

MR. LOMBARDO: I don't know how many friends they have and if they like chariots.

MR. DICKMAN: Okay. Oh, boy. All right. The parking on the right-of-way, we -- we understand that; is that right? That's just -- we're not -- we're not opposed to the lawn guy.

MR. LOMBARDO: Yeah, as long -- I just wanted to clean up that language because -- because the -- I -- I see the pictures that got submitted, and I don't want there to be a code-enforcement case that says, "Here's a lawn truck. You're in violation of the variance."

MR. DICKMAN: It wasn't the County's intent to prevent lawn -- lawn-care folks from using the right-of-way swale, right?

MR. BOSI: Actually, that's illegal, but --

MR. DICKMAN: I -- I -- everybody parks in the -- MR.

LOMBARDO: Which -- which -- which -- and so the code-enforcement case --

MR. BOSI: You're never allowed to park within the right-of-way. It's -- it's -- that's --

MR. LOMBARDO: Right.

MR. BOSI: That's -- it's almost -- that condition doesn't need to be imposed because it's -- it's not allowed by -- by law.

MR. LOMBARDO: Agreed.

MR. DICKMAN: And it's not being enforced anywhere.

MR. BOSI: It's not. It's not.

MR. DICKMAN: I didn't know that. Okay. That's good to know, because some of these things are pretty big. All right. So we're saying that -- I know how to deal with that one.

Outside storage of commercial vehicles, I think there was -- we need to -- we need to clarify that was not going to be -- you're not going to let your patrons store their horse trailers --

MR. LARMEY: Absolutely not.

MR. DICKMAN: -- on your property.

What was the -- the County's intent on that? Tell me what you were trying to prevent.

MR. BOSI: The -- and just to go back, Mike Bosi, Planning and Zoning Director. The statute -- so just for the

--

the one public speaker, the reason why that -- this petition is moving forward is -- you are correct, the Land Development Code would not allow this activity to happen.

The Florida statute has changed. The Florida statute is dictating that we cannot regulate home-based businesses unless -- only in certain parameters, and because of that, they allow for -- if it's a residential structure, they're allowed to have a home-based business.

MR. DICKMAN: Yes.

MR. BOSI: But what it does say -- commercial equipment and parking for that home-based business, commercial vehicles --

MR. DICKMAN: Okay.

MR. BOSI: -- should be -- can be screened and regulated by the County.

MR. DICKMAN: So that's specifically in the statute? MR. BOSI: Yes.

MR. DICKMAN: Okay. So for those who are listening, the folks that you elect to go to Tallahassee and represent you are -- are unabashedly preempting local government regulations and controlling what local governments can regulate on a very regular basis, and it's probably going to continue.

So what happens is that -- because local governments are creatures of the state, state law can preempt what local governments want, and in this case they have done so with home-based businesses. So we will -- I will look to the -- the statute on that one and make sure we're in line with the statute.

MR. LOMBARDO: The language that we're looking at here says "local governments -- local governments may

regulate the parking or storage of heavy equipment at the business, which is visible from the street or neighboring property" -- for purpose of this term -- prior paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

MR. DICKMAN: Okay.

MR. LOMBARDO: And so we don't -- we don't dispute that there's a possible condition here. What we put into the packet was that there is a hedge around the entirety of the property. And the tractor -- could you describe the actual vehicle we're talking about here? Because we're agreeing on horse trailers parking.

MR. LARMEY: Well, I don't have a tractor. We have a four-wheeler, like an ATV that's used to drag a small metal rig. You know, once every week or two --

MR. DICKMAN: In the ring.

MR. LARMEY: -- we drag the ring with the four-wheeler.

MR. DICKMAN: Right, to flatten the sand down, right. Okay.

MR. LARMEY: And, I mean, I -- I have a golf cart that we use, you know. That actually is parked under a -- under a cover.

MR. DICKMAN: So -- so you really don't have any heavy equipment like that --

MR. LARMEY: No.

MR. DICKMAN: -- that you would use? MR. LARMEY:

My only concern with our conversation was that if we did get a small tractor, you know, to move things around occasionally, would that need to be, like, in a garage?

MR. DICKMAN: Okay.

MR. LARMEY: Because I don't have a garage. I wouldn't probably leave it out under the sun. We probably would want it covered. I just wanted to understand --

MR. DICKMAN: Okay.

MR. LARMEY: -- if it was not parked under it, you know --

MR. DICKMAN: Okay, all right.

MR. LOMBARDO: So in my proposed language I added "covered or enclosed," but the -- but I -- I do think that the hedgerow helps with this. And I was just trying to avoid a situation where they had to construct a building for their ATV, which I don't know that the ATV rises to heavy-equipment level, but I just wanted to be extra thorough.

MR. DICKMAN: Okay. Let's go to the -- No. 4. We need to iron this one out.

MR. LOMBARDO: Yes, this is a big one.

MR. DICKMAN: The County is one employee contractor cleaner and two boarders. So tell me -- well, does the County -- after hearing all of this, does the County have any -- do you want to stick with what you've got, or what do you want to do?

MR. BOSI: No. And Mike Bosi again. This is my fault. I should have caught this when we were reviewing the petition. I do believe the statute allows that it's up to two employees.

MR. DICKMAN: Okay.

MR. BOSI: And we can't be more pro -- we can't be more restrictive than -- than --

MR. DICKMAN: Okay.

MR. BOSI: -- the statutes.

MR. DICKMAN: All right.

MR. KELLY: Just for the record, John Kelly, Planner 3. The only reason I placed it as I did is this came directly from the petitioners.

MR. DICKMAN: Oh, they asked for it.

MR. KELLY: They had a criteria. They added specific concerns raised at -- with the pre-app notes.

MR. DICKMAN: Okay.

MR. KELLY: And they answered Question No. 3, "The number of persons, residents, employees, and horse owners that can be expected at the subject location at its busiest time" -- they answered that, "As to the proposed business, three. This is typically one employee contract cleaner and" --

MR. DICKMAN: Okay.

MR. KELLY: -- "usually one to two board -- boarders at the same time."

MR. DICKMAN: All right.

MR. KELLY: So that's where that came from.

MR. DICKMAN: That's very understandable, John. I -- I see where you got it.

So we're good there, right, Mr. Lombardo?

MR. LOMBARDO: We're -- if we're at two on the employees.

MR. DICKMAN: Two, yes.

MR. LOMBARDO: But I'm not sure we're --

MR. DICKMAN: The boarders --

MR. LOMBARDO: On the boarders, what did we -- MR.

DICKMAN: Yeah, two -- two boarders at a time, so I think what -- what I heard was that you could have up to seven horses there. Is that correct?

MR. LOMBARDO: Under the Estates zoning.

MR. DICKMAN: Pardon me?

MR. LOMBARDO: Under Estates zoning, yes.

MR. DICKMAN: All right. So potentially -- so when someone comes -- you know, how many people do you -- operationally, like, as a business, like, do you have rules and regulations that you've adopted that says you can only bring five other people with you if you have a horse or -- from an operation point of view?

MR. LARMEY: It's never come up or been an issue for us. And we're very protective of our property. Like, we never want a crowd of people, but we do allow them to have guests. It's more regular that they come by themselves. They're just caring for the horse, giving it a bath, doing things like that, if that ans -- I'm not sure if --

MR. DICKMAN: Yeah, I think where I want to go with this is that -- that you'll adopt -- and do you have leasing contracts --

MR. LARMEY: Yes.

MR. DICKMAN: -- or anything like that? So can't you adopt some types of rules and regulations that says that, you know -- you know, with -- so that you can control the intensity of people that might show up there?

Let's just say you're the successor owner and you change your -- the horses and you have seven horses there that are being boarded and you need to make sure that not everyone's showing up at the same time with three other friends and they all have separate cars.

That ends up being 25 cars, so it becomes a problem. You see where that would be a problem, you know. So I need -- I need to think -- we need to think about that in terms

of -- from an operational standpoint that you don't -- there would not be this big, you know, bubble of people showing up at the same time to -- with friends and family and other people.

MR. LOMBARDO: What -- what if on this one it was -- since -- since we're keeping this as a -- it's -- this is a parking variance. If it was done by number of cars -- so if we know that there's two employees, that -- we expect that to be two cars.

MR. DICKMAN: Yeah.

MR. LOMBARDO: And then if we said that there could be four additional cars from boarders, and whatever that is. So if -- so -- so if the family comes to watch the daughter ride or the son ride and if they come in one car, that's okay. We're not counting heads; we're counting cars, because, again, that's what this is about is cars and parking.

MR. DICKMAN: Okay. So a total of six cars.

MR. LOMBARDO: Six cars.

MR. DICKMAN: So it will be two employ -- one per employee and four for your tenants. So on -- outside of the residential, you know --

MR. LOMBARDO: Yeah, this is not in the driveway. It's not in the street.

MR. DICKMAN: Correct.

MR. LOMBARDO: This is behind the house.

MR. DICKMAN: So how does the County feel about that? Instead of worrying about patrons but -- even more concerned about the number of cars that are on site --

MR. BOSI: Staff -- staff would recognize that that is a controlling mechanism.

MR. DICKMAN: Okay.

MR. BOSI: Whether it be cars or whether it be number of veh -- that -- that it has a similar effect, so it gets to the same end.

MR. DICKMAN: All right.

MR. LOMBARDO: Is that -- is four cars --

MR. LARMEY: My only concern is that in the event -- you know, I -- I immediately think of hurricane or things like that where there's, you know, sort of like --

MR. DICKMAN: Well, I -- I can deal with that. When someone needs to get your -- an emergency situation --

MR. LARMEY: An emergency situation.

MR. DICKMAN: -- where you have to evacuate your horses and you have to -- that -- that's -- we can put a caveat in for that.

MR. LOMBARDO: So ignoring emergencies, is four cars in addition to the cleaners -- and obviously your cars are in the driveway.

MR. LARMEY: I just want to make sure if we make an agreement that I do this right, because I'm thinking of situations where there's a farrier that does horseshoeing that needs to come for a service. Or we have Dr. Harvey, our vet, coming today. He's taking care of two horse appointments, and so -- you know, I mean, we -- we really don't have a lot of cars parked at one time. I just --

MR. DICKMAN: But -- but, see, part of this is that you are operating a business, and that's your job, to manage this business. And so it would be your job to schedule these folks to say, "Hey, guys, I only have enough room for six cars, so I need to schedule people" like -- just like anybody else.

Like, in my neighborhood, I couldn't have the pool guy, the lawn guy, this guy, that guy, whatever all showing up at

the same time, because my neighbors would be annoyed, so I think it's -- you have to accept some responsibility --

MR. LARMEY: Absolutely.

MR. DICKMAN: -- as manager of your business -- MR.

LARMEY: Uh-huh.

MR. DICKMAN: -- to make sure -- and I think the County's moved off of the patrons where they're willing to say that the number of cars is really what is the impactful element here, not necessarily the number of people that are there. You know what I mean? So I -- I just feel like you could manage that.

MR. LARMEY: If I can make a request or if I can ask you, if I -- if the maximum vehicles were two for staff and five, that I know for sure I can make work, and there will never be any issues. I'm just -- I'm playing some scenarios where if a horse who needs care and there's a few people, it's just -- it -- it does -- and knowing how much space there is for those vehicles to be there --

MR. DICKMAN: Well, why don't we say four, and then I can make a condition for an exception for, we'll call them, emergency or existen -- existential situations where you need to have certain professionals come in and deal with a horse or something like that?

MR. LARMEY: That definitely helps us manage it and make sure we're following the rules of the agreement.

MR. LOMBARDO: I mean, if the condition acknowledged that medical -- horse medical issues is -- is in similar vein of the hurricane space, then I think that -- that strikes me as a fair compromise.

MR. DICKMAN: Yeah. So -- so -- so it's basically, like, if there is a situation where you have a horse that may

require an emergency vet or, you know, something like that, you've got to have these folks on there. You're not going to get code violations because you have seven cars on there. You can say, "Look, they're here. This is an unusual situation," and then, "This is what it's about."

MR. LARMEY: My only concern --

MR. DICKMAN: You're going to make me work to do these conditions.

MR. LARMEY: Yeah.

MR. DICKMAN: I'm going to have to work on these. I'm trying to strike a deal.

MR. LARMEY: I think that's okay. I mean, that -- that's more than fair that that --

MR. DICKMAN: Okay.

MR. LARMEY: Yeah. I mean, just if it's an emergency -- for example, if our vet, who's a very good vet in town, if we can't make an appointment with him, sometimes it becomes an emergency because he can't come back out from North Fort Myers for two or three weeks. I don't want to get into the weeds there, but if that appointment is an emergency -- I guess the definition of emergency is the only concern because I just want to make sure --

MR. DICKMAN: Well, it's not regular -- regular maintenance. Like, massage -- massaging the horses or stuff like that would be regular or grooming a horse or something like that's regular, but if the horse is acting -- having an issue, a real issue --

MR. LARMEY: Emergency.

MR. DICKMAN: -- I don't want you to -- just like if you were having a real issue, I would want your wife to be able to call 911.

MR. LARMEY: Of course.

MR. DICKMAN: You know, just like that, so that -- that's what I'm talking about. And so the County is okay with four. Four plus two, that's six cars. And then I can write it up so that it -- you know, you have an out if there's an emergency. Bless you.

MR. LARMEY: Bless you.

COURT REPORTER: Thank you.

MR. DICKMAN: Do you need to take a break? COURT REPORTER: No, I'm okay.

MR. DICKMAN: Okay. I'm sorry. I'm just really digging into this. So is -- I -- I think you'll be all right with what we -- are you okay? Is the County okay with that, four plus two?

MR. BOSI: Yes.

MR. DICKMAN: Yes, okay. Then that'll be the controlling mechanism. And -- and then that's just something you have to do as a business. And maybe you have to add some things to your leases that tell people that you reserve the right to schedule your coming and going so it's not impactful on the neighborhood.

MR. LARMEY: Okay.

MR. DICKMAN: Bless you.

COURT REPORTER: Sorry.

MR. DICKMAN: Let me know if you need a break.

COURT REPORTER: Thank you.

MR. DICKMAN: Okay. Where are we?

MR. LOMBARDO: Five.

MR. DICKMAN: Five you're okay with?

MR. BOSI: Five they're okay.

MR. DICKMAN: The lighting. All right. I understand the reason for this -- this lighting issue. I saw the pictures and the poles. "Shall not be outside the operational hours," so if we move the operational hours -- and let's just say hypothetically it's at 9, they're going to have lights on at 9, one thing is that it's -- it's got to be shut off. You can't leave it on until 10 or 11 to do maintenance and drag your drag around and -- and clean up the arena and stuff like that all night long, right?

MR. LARMEY: Correct.

MR. DICKMAN: So it -- when -- shut-off is shut-off. Shielded -- I didn't see any shields on the lights.

MR. LOMBARDO: Which is why I wrote "directed away."

MR. DICKMAN: Okay. "Directed away," okay. MR.

LOMBARDO: Yeah, I mean, it -- so, again -- and I --

MR. DICKMAN: Because I know I've seen lights with hoods on them.

MR. LOMBARDO: It's possible to shield a light. I guess what I -- what I'm -- I'm just -- what I -- and I don't want to beat this into the ground here, but I'm -- I'm trying to look at -- I think there's -- it's -- you cannot ignore the neighbor who has a lighted arena.

MR. DICKMAN: Well, we're discussing this particular --

MR. LOMBARDO: I -- I -- I understand, but --

MR. DICKMAN: It's really a conditional use, in a way.

MR. LOMBARDO: In a way, but the -- but the -- the ability to have the commercial boarders doesn't drive the lights --

MR. DICKMAN: Uh-huh.

MR. LOMBARDO: -- is, I guess -- whereas, the number of boarders on site, the last condition, absolutely center of the plate on the variance, and so is the parking. The lighting -- but the lighting isn't something that is happening because we have commercial --

MR. DICKMAN: Okay. What was your request for that -- that particular part?

MR. BOSI: "Directed away."

MR. LOMBARDO: "Directed away" or stricken except for the operational hours part.

MR. DICKMAN: Okay. All right. I'll take a look at that. And then on 7 -- I think we were in agreement about that, right?

MS. FUERST-TAYLOR: Can I add one more thing about the lights?

MR. DICKMAN: If you come to the microphone, please.

MS. FUERST-TAYLOR: Yes.

MR. DICKMAN: And, once again, you've got to tell us your name and --

MS. FUERST-TAYLOR: It's Isabella Fuerst. I wanted to just make sure that it's also understandable that it's very seasonal, because, again, a light would only be on if somebody comes at, like, 6 or 7 and it's already dark in the wintertime. We rarely put those lights on. Our neighbor actually has them on every day because they're actively riding. We don't do as much actively riding --

MR. DICKMAN: Okay.

MS. FUERST-TAYLOR: -- because, again, it's a senior facility. But I do know you're looking for future.

MR. DICKMAN: Okay, got it. Thank you for that. I appreciate it.

What did we say on 7? This was -- we -- we're not having horse shows, rodeos.

MR. LOMBARDO: Yeah, but my request is just to keep just the first sentence.

MR. DICKMAN: Okay.

MR. BOSI: And staff said that that would be either -- I mean, they would be entitled --

MR. DICKMAN: That's the important part.

MR. BOSI: They would be entitled to a garage sale whether we have this condition or not --

MR. DICKMAN: Yeah.

MR. BOSI: -- have this condition, so it doesn't -- it doesn't --

MR. DICKMAN: Okay.

MR. BOSI: -- upset staff if that is removed from the -- MR. DICKMAN: Okay.

MR. BOSI: -- condition.

MR. DICKMAN: I think we've worked through everything.

MR. LOMBARDO: No, that was -- that was really -- MRS.

WELSCH: I just have one comment.

MR. DICKMAN: And, ma'am, the public comments are over, sorry.

MRS. WELSCH: Oh, okay. Well, it had to do with what you were saying.

MR. DICKMAN: I -- I understand, but we closed the public comment.

MRS. WELSCH: Okay.

MR. DICKMAN: I don't want to open it up to more

issues.

MRS. WELSCH: Okey-dokey, sorry.

MR. DICKMAN: Thank you very much. But I -- I did hear everything you said, and hopefully I'm addressing those issues.

Mr. Lombardo, I think I have enough information to -- it may not be exactly what you're asking for, but I understand the intent of what you're asking for, so we'll word it carefully. You know, I'm going to have -- this is going to be tricky.

But I do understand it's really, really about the parking, and -- and I understand that legal argument, but I think we -- we're just -- the big part about this is going to be the operational hours. I think that's something that I'm going to have to think about.

But I -- I'm really more concerned mostly about, you know, the in -- like, as Mr. Bosi said, you know, this is a lot like a conditional use because we're trying to ameliorate the problems that may occur on the street, your neighbors, things like that.

And I also have to think about a subsequent -- a subsequent owner who will inherit these -- inherit these variances and may not have this -- I may not have this conversation like I'm having with you. So I have a good feeling about how you're running your operation, but I won't -- you know, I'm thinking about the future.

MR. LOMBARDO: As to the conditional use point, just briefly --

MR. DICKMAN: I know this is not a conditional-use permit.

MR. LOMBARDO: No, I -- I understand, but I -- but there's some -- I'm not disagreeing that there's not overlap,

right? What I wanted to distinguish is, for example, a church conditional use in the Estates would be a totally different result from a single-family home, and I -- all I -- all I want to emphasize, because I think it's legally significant, is that everything except for the transfer of money here is totally achievable by right on this property as in -- like, we could -- they could own seven horses and they could have people come by whenever they want to ride them as long as they didn't charge them to do so.

And so -- and they could have the vets come, and they could have the -- I learned about this today -- the horse massage. That could all happen on site. So -- so when we -- we're trying to limit the impact, I think we have to acknowledge what could happen by right.

MR. DICKMAN: That point is not lost on me. I understand what we're doing, and I have -- I have your -- your side-by-side of the conditions and the changes that you've requested, and we've talked through them. And I feel like we've had a few conversations on them. I know where the County stands. Your clients have given me a lot more color to it, which helps quite a bit. Your associate has done a great job, by the way --

MR. LOMBARDO: Yeah, let's get that on the record.

MR. DICKMAN: -- with his copious notes over there. And I -- I think that's about it.

MR. LOMBARDO: Thank you very much. MR.

DICKMAN: Yeah, I'll get a decision out as quickly as possible.

MR. LARMEY: Thank you.

MR. DICKMAN: Once again, congratulations on passing the bar.

MR. WARDLOW: Thank you.

MR. DICKMAN: He's going to be a land-use attorney right away.

All right. Do we have anything else?

MR. BOSI: Nothing further.

MR. DICKMAN: Hey, everybody, thank you for indulging me. I'm sorry I didn't ask earlier if you needed a break --

COURT REPORTER: That's okay.

MR. DICKMAN: -- but Mr. Lombardo tends to bring more complicated cases to me, which is always fun, but we'll get them -- we'll get it worked out.

Everybody have a great day. We'll be back here in two weeks? Two weeks. All right. Have a great day. Have a good night. We're adjourned.

October 9, 2025

There being no further business for the good of the County,
the meeting was adjourned by order of the Hearing
Examiner at 3:22 p.m.

COLLIER COUNTY HEARING EXAMINER



ANDREW DICKMAN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on
____, as presented ____ or as corrected ____.

TRANSCRIPT PREPARED ON BEHALF OF FORT MYERS
COURT REPORTING BY KAREN WHITE, REGISTERED
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