COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

Growth Management Department
Conference Rooms 609/610
2800 Horseshoe Drive North
Naples, FL 34104

May 27, 2021

12: 00 AM

Andrew W. J. Dickman, Esq., AICP
Hearing Examiner

Note: Individual speakers will be limited to 5 minutes unless otherwise waived by the Hearing Examiner. Persons Wishing to have written or graphic materials included in the hearing report packets must have that material submitted to County staff at Thomas.Clarke@CollierCountyFL.gov 10 days prior to the Hearing. All materials used during presentation at the hearing will become a permanent part of the record.

Any person who decides to appeal a decision of the Hearing Examiner will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Decisions of the Hearing Examiner are final unless appealed to the Board of County Commissioners.

Hearing Procedures will provide for presentation by the Applicant, presentation by staff, public comment and applicant rebuttal. The Hearing Examiner will render a decision within 30 days. Persons wishing to receive a copy of the decision by mail may supply County staff with their name, address, and a stamped, self-addressed envelope for that purpose. Persons wishing to receive an electronic copy of the decision may supply their email address.

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. PL20180000487 First Haitian Alliance Church CU - Request for approval of Conditional Use No. 1, "Churches," of the Estates (E) Zoning District as provided in Section 2.03.01.B.1.c. of the Collier County Land Development Code (LDC), to allow a Church and related facilities on 2.38+/- acres located at 2300 County Barn Road in Section 8, Township 50 South, Range 26 East in Collier County, Florida. [Coordinator: Ray Bellows, Zoning Manager] Commissioner District 1

B. PL20200002484 Sabal Bay Tract N Comparable Use Determination - Request for a determination that the proposed use of a new car dealership (SIC 5511) is comparable in nature to other permitted uses in Section 5.3 of the Sabal Bay Mixed Planned Unit Development (MPUD) adopted by Ordinance Number 21-4, as amended. The subject property is 2.1+/- acres on the south side of Tamiami Trail East, approximately a quarter mile southeast of Thomasson Drive within the Commercial/Office Tract CO of the Sabal Bay MPUD in Section 19, Township 50 South, Range 26 East, Collier County, Florida. [Coordinator: Ray Bellows, Zoning Manager] Commissioner District 4

C. PETITION NO. VA-PL20200002506 – Request for a variance from Section 2.03.01(B)(2)(d), of the Collier County Land Development Code to reduce the minimum side yard setback on the north side from 7.5 feet to 7.0 feet for an existing single family residence and for the enclosure of an existing concrete patio deck into a proposed master bedroom and bathroom. The property is described as the south 75 feet of the south 150 feet of Tract No. 65, Golden Gate Estates, Unit No. 49, also described as 361 12 St NE., in Section 2, Township 49 South, Range 27 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commissioner District 5

D. PETITION NO. ABW-PL20200002617 – Swamp Axe Worldwide, LLC – The applicant requests that the Hearing Examiner waive the required minimum distance for the sale and consumption of alcoholic beverages, pursuant to Section 5.05.01.A.6 of the Land Development Code, for an establishment known as Swamp Axe Worldwide, LLC that seeks to sell alcohol for consumption on-site less than 500 feet from an existing child care center, for property located at 2487 Linwood Avenue, in Section 11, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commissioner District 4

4. Other Business

5. Public Comments

6. Adjourn

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Item Summary: PL20180000487 First Haitian Alliance Church CU - Request for approval of Conditional Use No. 1, "Churches," of the Estates (E) Zoning District as provided in Section 2.03.01.B.1.c. of the Collier County Land Development Code (LDC), to allow a Church and related facilities on 2.38+/- acres located at 2300 County Barn Road in Section 8, Township 50 South, Range 26 East in Collier County, Florida. [Coordinator: Ray Bellows, Zoning Manager] Commissioner District 1

Meeting Date: 05/27/2021

Prepared by:
Title: – Zoning
Name: Laura DeJohn
05/14/2021 5:13 PM

Submitted by:
Title: Manager - Planning – Zoning
Name: Ray Bellows
05/14/2021 5:13 PM

Approved By:

Review:

Zoning	Diane Lynch	Review Item	Skipped	05/17/2021 3:42 PM
Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	05/17/2021 3:42 PM
Zoning	Ray Bellows	Review Item	Completed	05/17/2021 4:22 PM
Zoning	Anita Jenkins	Zoning Director Review	Completed	05/17/2021 4:36 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	05/27/2021 12:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: MAY 27, 2021

SUBJECT: CU-PL20180000487; FIRST HAITIAN ALLIANCE CHURCH CONDITIONAL USE (CU)

PROPERTY OWNER/AGENT:

Owner:
First Haitian Alliance Church and Missionaries, Inc.
Homere Hyppolite
4843 Devon Circle
Naples, FL 34112

Agent(s):
Andres Boral, P.E.
Boral Engineering & Design, Inc.
9911 Corkscrew Road, #222
Estero, FL 33928

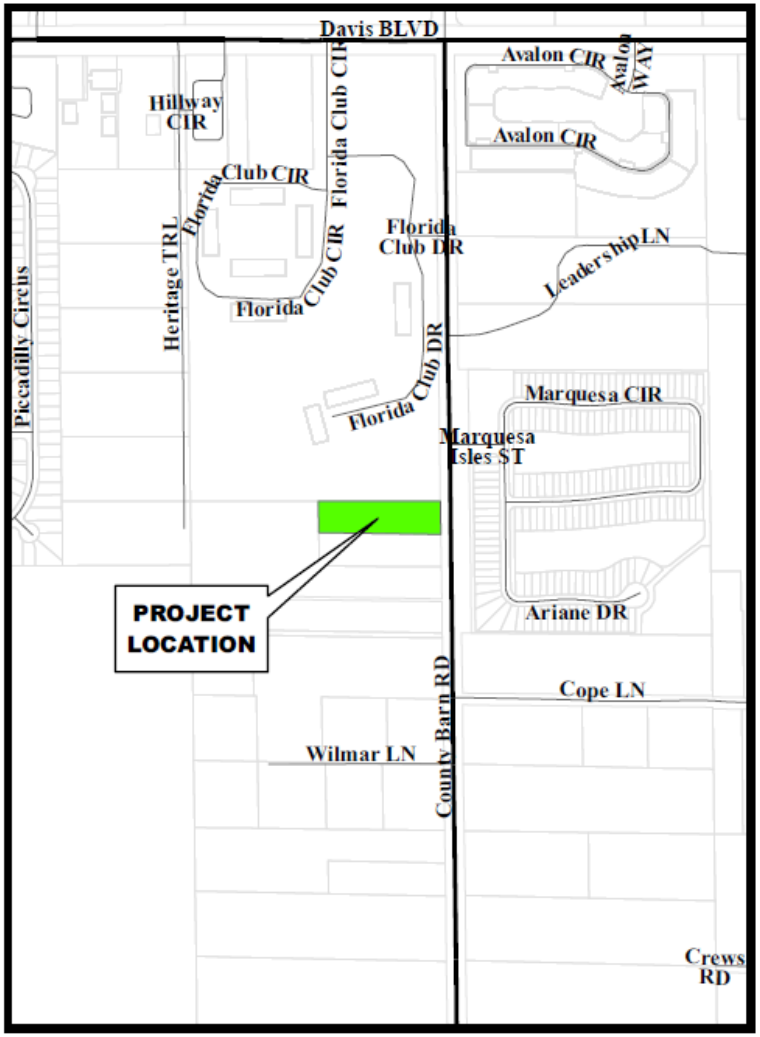
REQUESTED ACTION:

To have the Collier County Hearing Examiner (HEX) consider an application for Conditional Use No. 1, "Churches," of the Estates (E) Zoning District as provided in Section 2.03.01.B.1.c. of the Collier County Land Development Code (LDC), to allow a Church and related facilities on 2.38+/- acres.

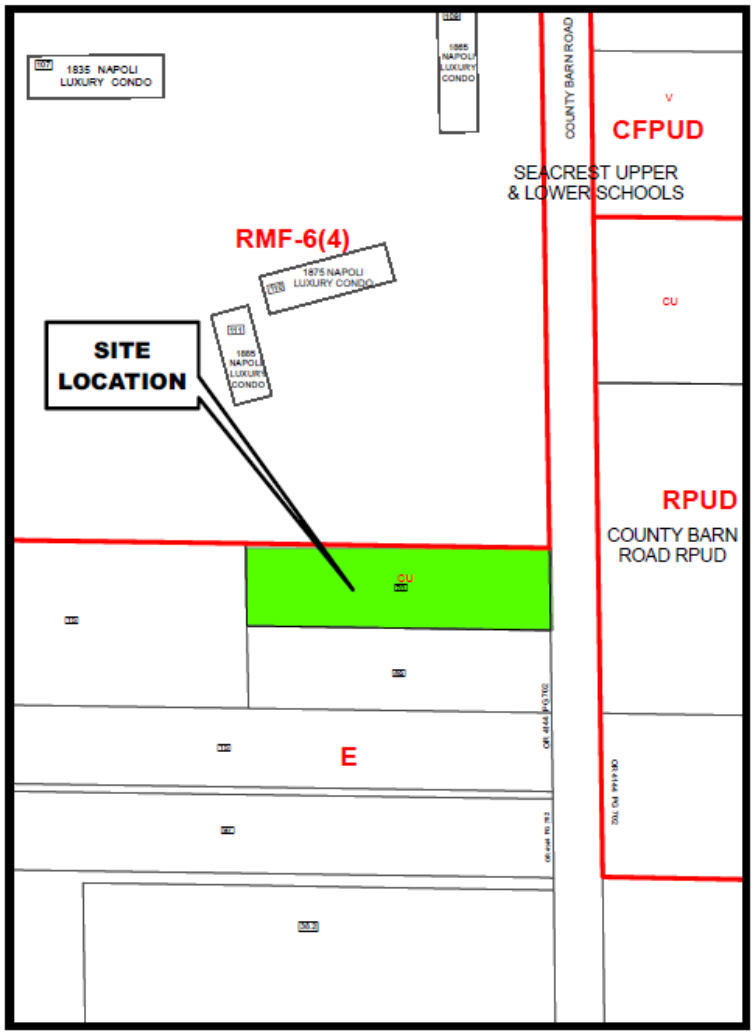
GEOGRAPHIC LOCATION:

The subject parcel is located at 2300 County Barn Road, approximately one-half mile south of Davis Boulevard in Section 8, Township 50 South, Range 26 East, Collier County, Florida. *(See location map on the following page)*

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)



Location Map



Zoning Map

Petition Number: PL2018000487

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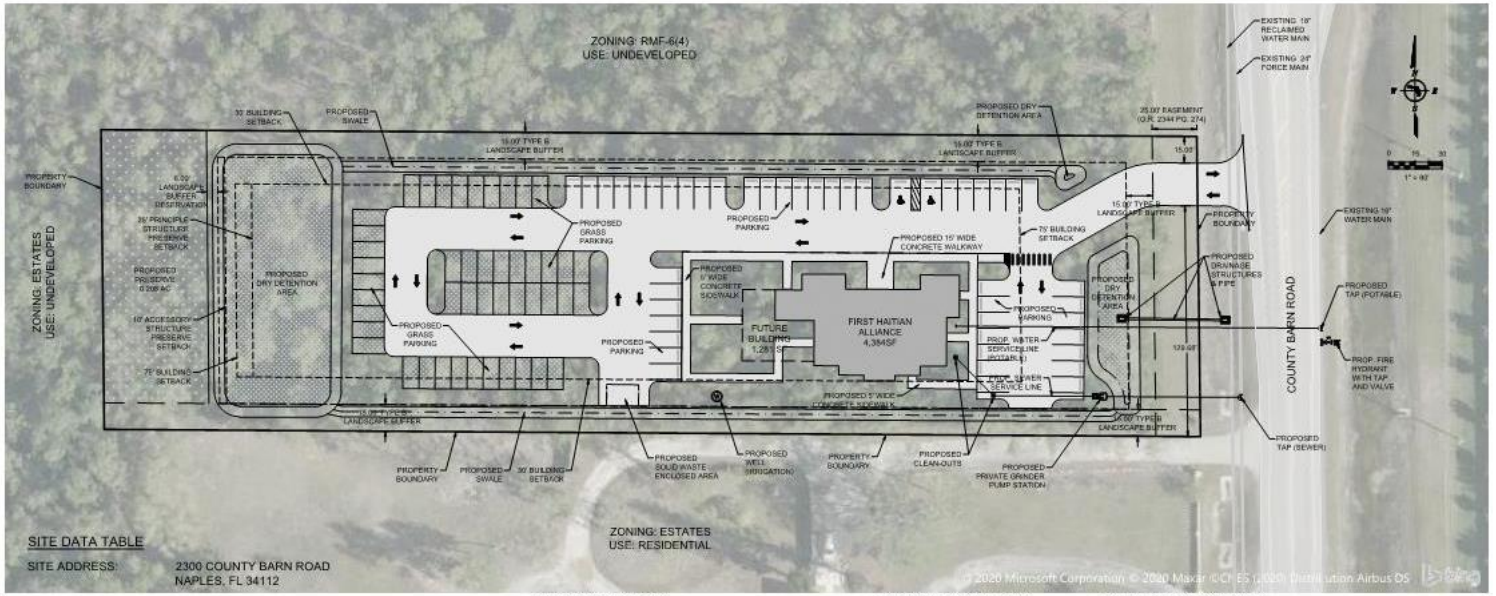


SITE DATA TABLE

SITE ADDRESS: 2300 COUNTY BARN ROAD
NAPLES, FL 34112

PARCEL ID:	00405440003
SITE AREA:	103,701.36 SF (+/- 2.38 AC)
EXISTING ZONING:	ESTATES
PROPOSED ZONING:	ESTATES
FUTURE LAND USE :	URBAN RESIDENTIAL SUBDISTRICT
DEVELOPMENT TYPE:	COMMERICAL
BUILDING USE:	CHURCH

ZONING

SITE:	(ESTATES)	CHURCH
NORTH:	(RMF-6(4))	UNDEVELOPED
WEST:	(ESTATES)	UNDEVELOPED
SOUTH:	(ESTATES)	RESIDENTIAL
EAST:	(R-O-W)	COUNTY BARN ROAD

SIGNS AND LIGHTING NOTES

1. PROPOSED SIGN(S) WILL BE SHOWN ON SDP PLANS, TO MEET COLLIER COUNTY STANDARDS.
2. PROPOSED SITE LIGHTING WILL BE SHOWN ON SDP PLANS, TO MEET COLLIER COUNTY STANDARDS. BOTH POLE LIGHTS AND BUILDING WALL-MOUNTED LIGHTS WILL BE USED. LIGHTS WILL BE DOWNWARDLY DIRECTED AND PLACED STRATEGICALLY TO LIMIT LIGHT POLLUTION ON THE NEIGHBORING PROPERTIES.

BUILDING SETBACKS

REQ'D	PROV'D		
30'	30'	NORTH (SIDE):	*ESTATES*
30'	78.6'	SOUTH (SIDE):	*ESTATES*
75'	300.4'	WEST (REAR):	*ESTATES*
75'	134.2'	EAST (FRONT):	*RIGHT-OF-WAY*

LANDSCAPE BUFFERS

REQ'D	PROV'D
15'	15'
15'	15'
15'	15'
15'	15'

PARKING

3 SPACES PER 7 SEATS REQUIRED

4,384 SF CHURCH = 183 SEATS
1,281 SF FUTURE BUILDING = 32 SEATS
TOTAL SEATS = 183 + 32 = 215 SEATS

REQUIRED = 93 SPACES (INCLUDING 4 H/C)
PROPOSED = 47 PAVED + 46 GRASS = 93 SPACES (INCLUDING 4 H/C)

BUILDING HEIGHT TABLE:

MAX. ALLOWED BUILDING HEIGHT: 30'
ACTUAL BUILDING HEIGHT: ±34'
ZONED HEIGHT: 16' - 10"

PRESERVE CALCULATION

ACCORDING TO LDC 3.05.07.B.1, THE REQUIRED PRESERVE AREA IS 10% OF NATIVE VEGETATION, PRIOR TO CLEARING (NOT INCLUDING EASEMENTS).

(SITE AREA - EASEMENT AREA) x 10% = REQ. PRESERVE AREA
(2.38 AC - 0.30 AC) X 10% = 0.208 ACRES REQ.
PROVIDED: 0.208 ACRES

PRESERVE NOTE

PRESERVES MAY BE USED TO SATISFY THE LANDSCAPE BUFFER REQUIREMENTS AFTER EXOTIC VEGETATION REMOVAL IN ACCORDANCE WITH 4.06.02 AND 4.06.05.E.1. SUPPLEMENTAL PLANTINGS WITH NATIVE PLANT MATERIALS SHALL BE IN ACCORDANCE WITH LDC SECTION 3.05.07. IN ORDER TO MEET THE REQUIREMENTS OF A TYPE "B" BUFFER ALONG THE WESTERN BOUNDARY, A 6-FOOT-WIDE LANDSCAPE BUFFER RESERVATION WILL BE PROVIDED OUTSIDE OF THE PRESERVE AS SHOWN ON THE CONCEPT PLAN.
IN THE EVENT THAT THE PRESERVE DOES NOT MEET BUFFER REQUIREMENTS AFTER REMOVAL OF EXOTICS AND SUPPLEMENTAL PLANTING WITHIN THE PRESERVE, PLANTINGS WILL BE PROVIDED IN THE 6' WIDE RESERVATION TO MEET THE BUFFER REQUIREMENTS. THE TYPE, SIZE AND NUMBER OF SUCH PLANTINGS, IF NECESSARY, WILL BE DETERMINED AT TIME OF INITIAL SDP AND INCLUDED ON THE LANDSCAPE PLANS FOR THE SDP.

BORAL ENGINEERING & DESIGN

FIRST HAITIAN ALLIANCE CHURCH
2300 COUNTY BARN ROAD
NAPLES, FL 34112

CONCEPTUAL SITE PLAN

SHEET 1 OF 1

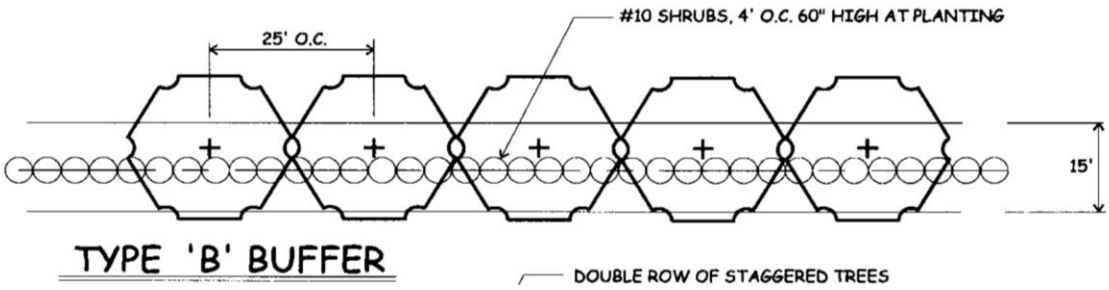
PURPOSE/DESCRIPTION OF PROJECT:

First Haitian Alliance Church and Missionaries, Inc. requests Conditional Use approval for a church with a maximum of 5,665 square feet and 215 seats at 2300 County Barn Road, approximately one-half mile south of Davis Boulevard. The Conceptual Site Plan depicts Phase One will include a new 4,384 square foot building with 183 seats, and Phase Two will include a 1,281 square foot future building housing 32 seats. A 0.208-acre preserve area is dedicated to the rear of the site, constituting the minimum requirement of 10% of native vegetation to be preserved. The remainder of the 2.38+/- acre site includes parking lot, sidewalks, drainage, landscaping, utilities, easements along the front and south property lines, and lighting.

A Conditional Use approval for a church was formerly granted for the subject site by Resolution 2000-275, which was extended by Resolution 2003-352. These approvals have expired because the use did not commence within five years from the date of approval as provided in LDC Section 10.08.00.G. The same applicant now requests Conditional Use approval for a church per current County standards.

Access to County Barn Road is proposed with a driveway at the northern portion of the property. This access was determined after the petitioner was unable to reach agreement from the property owner to the south for shared use of the access easement running along the south edge of the property. A total of 93 parking spaces are proposed as required by the LDC, including 46 grass spaces. The LDC allows up to 70% of the spaces to be grass parking.

The Conceptual Site Plan depicts building setbacks that exceed the minimum requirements of 30 feet from side yards and 75 feet from front and rear property lines. Type "B" buffers are proposed for the east, north and south property boundaries as well as along County Barn Road. Type "B" landscape buffers require a fifteen-foot-wide, 80 percent opaque within one year landscape buffer six feet in height, which may include a wall, fence, hedge, berm or combination thereof, including trees spaced no more than 25 feet on center.



LDC Section 3.05.07.B.1. requires that ten percent of native vegetation be set aside within a preserve area. The 0.208 acre preserve area is located on the west side of the parcel.

A trip cap for events or services of significant traffic generation is equal to the Sunday Peak Hour trips shown on the Traffic Impact Statement, which is 114 total trips (55 entering, 59 exiting). This accounts for the church being at full capacity with a maximum of 215 for the facility at build-out.

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)

The applicant has agreed to a number of conditions to ensure further integration with the surrounding residential neighborhood. The restrictions include:

- Prohibiting leasing of the church facility to outside groups.
- Limiting special events to tweleve (12) per calendar year.
- Day care services shall not be offered on site.
- The proposed campus will be limited a maximum of 114 peak hour, Sunday, two-way trips.
- Street lighting shall be dark sky compliant, with street light poles limited to 25-feet and all fixtures will be sheilded away from residential poroperty lines.

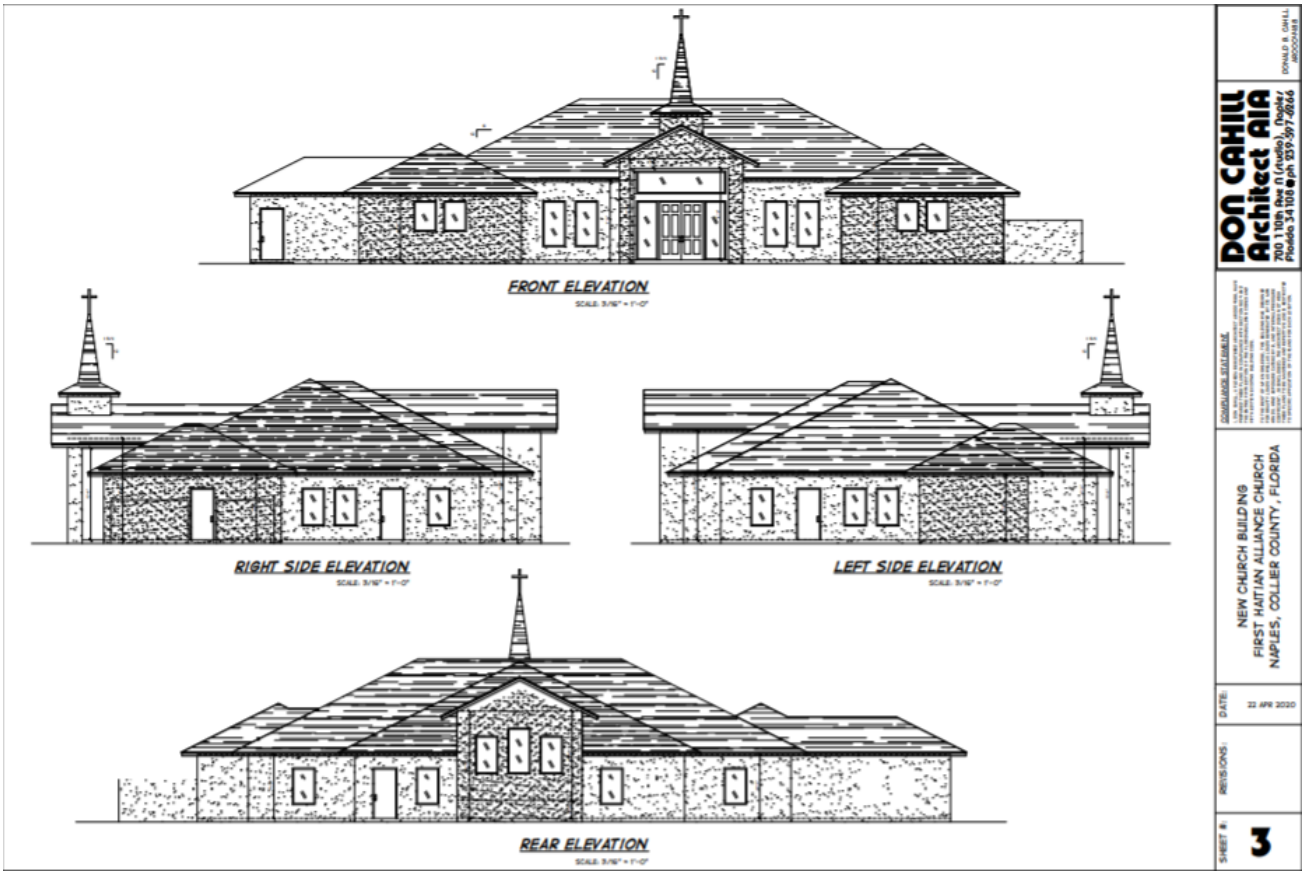
The full list of condtitions of approval are provided for on page eight (8) and nine (9) of this staff report.

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property, which is undeveloped and zoned Estates.

North: Multifamily Development, RMF-6(4) Zoning District
East: County Barn Road R-O-W, partially developed County Barn Road RPUD @ 4 dwelling units per acre
South: Single Family, Estates Zoning District
West: Undeveloped parcel, Estates Zoning District

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)



GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Future Land Use Element (FLUE): The subject site is designated Urban – Mixed Use District, Urban Residential Subdistrict, as identified on Future Land Use Map. Relevant to this petition, Urban designated lands allow for non-residential uses, including community facilities, such as, places of worship, group housing uses, schools and school facilities and cemeteries. Based upon the petition proposing a church and related facility, and these uses being deemed allowed within the FLUE designation, this proposed Conditional Use may be deemed consistent with the FLUE.

Transportation Element:
The project is consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan, which states,

> *"The County Commission shall review all rezone petitions, SRA designation applications, conditional use petitions, and proposed amendments to the Future Land Use Element (FLUE) affecting the overall countywide density or intensity of permissible development, with consideration of their impact on the overall County transportation system, and shall not approve any petition or application that would directly access a deficient roadway segment as identified in the current AUIR or if it impacts an adjacent roadway segment that is deficient as identified in the current AUIR, or which significantly impacts a roadway segment or adjacent roadway segment that is currently operating and/or is projected to operate below an adopted Level of Service Standard within the five year*

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)

AUIR planning period, unless specific mitigating stipulations are also approved. A petition or application has significant impacts if the traffic impact statement reveals that any of the following occur:

a. For links (roadway segments) directly accessed by the project where project traffic is equal to or exceeds 2% of the adopted LOS standard service volume;

b. For links adjacent to links directly accessed by the project where project traffic is equal to or exceeds 2% of the adopted LOS standard service volume; and

c. For all other links the project traffic is considered to be significant up to the point where it is equal to or exceeds 3% of the adopted LOS standard service volume.

Mitigating stipulations shall be based upon a mitigation plan prepared by the applicant and submitted as part of the traffic impact statement that addresses the project's significant impacts on all roadways."

According to the TIS provided with this petition dated April 22, 2020, the proposed First Haitian Alliance Church will generate a projected total of +/- 8 PM weekday, peak hour, 2-way trips on the adjacent roadway County Barn Road. According to the current 2020 AUIR this road segment (ID 10.0) currently operates at a LOS of "C" with a remaining capacity of 312 trips and a peak capacity service volume of 900 with the peak direction being south. Additionally, following the consistency criteria above, the subject Conditional Use can be found consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan, and as noted above the Traffic Impact Statement (TIS) indicates that the adjacent roadway network has sufficient capacity to accommodate this project within the 5-year planning period.

Transportation Review: Transportation Planning staff has reviewed the petition request, the CU document and Master Plan for right-of-way and access issues and is recommending approval.

Conservation and Coastal Management Element (CCME): Environmental review staff has found this project to be consistent with the Conservation & Coastal Management Element (CCME). The project site consists of 2.38 acres of native vegetation onsite; however, 0.30 acres of native vegetation are within an access easement and does not count toward the minimum preservation requirement. Therefore, a minimum of 0.208 acres (10%) of preserve is required; the preserve shall be placed under preservation and dedicated to Collier County.

Environmental Review: Environmental Services staff has reviewed the Conditional Use petition to address environmental concerns. The preserve requirement is 0.208 acres (10% of 2.38 acres less 0.30 acres of native vegetation within an existing access easement), which meets the minimum native preservation requirement in accordance with LDC 3.05.07. No listed animal species were observed on the property. However, the proposed project is located within the U.S. Fish and Wildlife Service (FWS) consultation area for Bonneted Bat (*Eumops floridanus*). One tree cavity was observed onsite; however, no evidence was found indicating the tree was being utilized. Further observation of the cavity tree will be needed prior to approval of the PPL or SDP. The Florida Fish and Wildlife Conservation Commission (FWC) wildlife data indicates the presence of Black Bear (*Ursus americanus floridanus*) in the area. A black bear management plan will need to be included at PPL or SDP review to provide awareness. Additionally, Butterfly orchid (*Encyclia tampensis*), Inflated wild-pine (*Tillandsia balbisiana*) and Stiff-leafed

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)

wild-pine (*Tillandsia fasciculata*), listed as a less rare plants, have been observed on the property and will be protected in accordance with LDC Section 3.04.03.

This project does not require Environmental Advisory Council (EAC) review, as this project did not meet the EAC scope of land development project reviews as identified in Section 2-1193 of the Collier County Codes of Laws and Ordinances. Environmental Services staff recommends approval of the proposed petition.

STAFF ANALYSIS:

Conditional Use approval must be based on evaluation and findings outlined in LDC Section 10.08.00.D that: 1) granting of the Conditional Use will not adversely affect the public and any specific requirements pertaining to the conditional use have been met by the petitioner. Further, that satisfactory provision and arrangement has been made for the following matters, where applicable:

1. **Section 2.03.01.B.1.c. of the Land Development Code (LDC) allows conditional uses in the E, Estates, Zoning District.**

   The requested use of a church is allowed as a conditional use in the E, Estates, zoning district, subject to the standards and procedures established in section 10.08.00, conditional use procedures, of the LDC.

2. **Consistency with the Land Development Code (LDC) and the Growth Management Plan (GMP).**

   Section 2.03.02, of the LDC permits conditional uses in the Estates zoning district. The requested use for a church and related services is allowable in the Urban Estates zoning district, subject to the standards and procedures established in section 10.08.00, conditional uses procedures, of the LDC.

   This request is consistent with the Growth Management Plan (GMP) and, with the conditions proposed by staff, this project will be in compliance with the applicable provisions of the LDC.

3. **Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.**

   Ingress and egress to the subject property will be limited to a single access points on County Barn Road as shown on the master site plan. The TIS submitted by the applicant indicates that the adjacent roadway network has sufficient capacity to accommodate this project within the 5-year planning period as noted above and not adversely impact the surrounding roadway network.

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)

The minimum parking requirements for Church contained in LDC Section 4.05.04, Table 17, *Parking Space Requirements*, is 3 spaces for each 7 seats in the chapel or assembly area. For the proposed facility, the parking required is 93 parking spaces and the Conceptual Site Plan indicates that the facility will provide the required spaces with 36 paved (4 handicapped), 57 grass. To address traffic management, the following condition of approval is included in staff's recommended conditions listed in Attachment A of this staff report: "*For services and other period and events of significant traffic generation, as determined by Collier County Staff, the property owner shall provide traffic control by law enforcement or a law enforcement approved service provider as directed by Collier County staff, with staffing at the location(s) as direction by Collier County Transportation Engineering Division Director or his designee."*

4. The effect the Conditional Use would have on neighboring properties in relation to noise, glare, economic or odor effects.

The conceptual site plan demonstrates compliance with the LDC for perimeter landscape buffers, and the required setbacks are exceeded with greater than 75 feet on the east and west side of the property and 30 feet on the north and south sides of the property. This compliance with buffer and setback standards will help mitigate potential effects the proposed conditional use could have on the neighboring properties. Additionally, the conditions of approval will require that the lighting proposed for the church will be LDC compliant and will be downwardly directed to minimize light spillage upon adjacent properties. The applicant has also agreed to: prohibiting outdoor amplified music or sound, unless permitted under a temporary use permit for a special event; capping the number of special events to 12 per calendar year; prohibiting daycare as a use on the property; limiting the site lighting to be dark sky compliant; and providing for all site light poles, structures and fixtures to be shielded away from residential property lines.

5. Compatibility with adjacent properties and other property in the district.

The proposed church facility will meet the development standards of the LDC regarding height, setbacks, landscaping and buffering, preserve requirements and other bulk standards. This helps ensure compatibility of the proposed church with the surrounding residential uses. In addition, conditions of approval have been identified to limit the number of events, the hours of operations and the use of amplified sound, as well as capping the trips associated with the facility. The conditions of approval also limit the accessory uses that can be associated with the church. These conditions in coordination with the LDC required standards will help ensure the proposed facility will be compatible with the surroundings.

NEIGHBORHOOD INFORMATION MEETING (NIM):

The NIM was held on October 20, 2020 at First Haitian Alliance Church at 4532 Tamiami Trail East, Suite 101. Thirty-two attendees were documented. Inquiries about access, drainage, parking, sound, and lighting were addressed by the petitioner. The summary of the NIM is in Attachment C.

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)

In advance of the May 27, 2021 Hearing Examiner hearing, Collier County published notice in the Naples Daily News on May 7, 2021 and notified surrounding property owners by mailing letters on May 7, 2021 to property owners within 500 feet of the subject site. The applicant also posted a public notice sign on the property 15 days prior to hearing as documented in Attachment D.

RECOMMENDATION:

Staff recommends that the Hearing Examiner approve Petition CU-PL20180003282, subject to the ten conditions outlined in **Attachment A,** Conditions of Approval, and subject to **Attachment B**, the Conceptual Site Plan.

Attachments:

A. Conditions of Approval
B. Conceptual Site Plan
C. Applicant's Back Up Material
D. Public Notice Sign Posting Affidavit

Attachment: First Haitian Alliance Church CU Staff Report (15690 : PL20180000487 First Haitian Alliance Church CU)

ATTACHMENT A

PL20180000487 – FIRST HAITIAN ALLIANCE CHURCH CONDITIONAL USE

CONDITIONS OF APPROVAL

1. Church services or church related meetings and gatherings shall be limited to the hours of 8 am to 10 pm Monday through Sunday.

2. Leasing of the church facility to outside groups is prohibited.

3. Special events (operated by the church) are limited to twelve (12) per calendar year and subject to a Temporary Use Permit as required, in accordance with the LDC.

4. Outdoor amplified music or sounds are prohibited, unless permitted under a Temporary Use Permit for a special event.

5. The church is limited to a floor area of square feet 4,384 SF and 183 seats for Phase One and 1,281 SF and 32 seats for Phase Two.

6. Day care services are not included in this conditional use approval and shall not be offered on site.

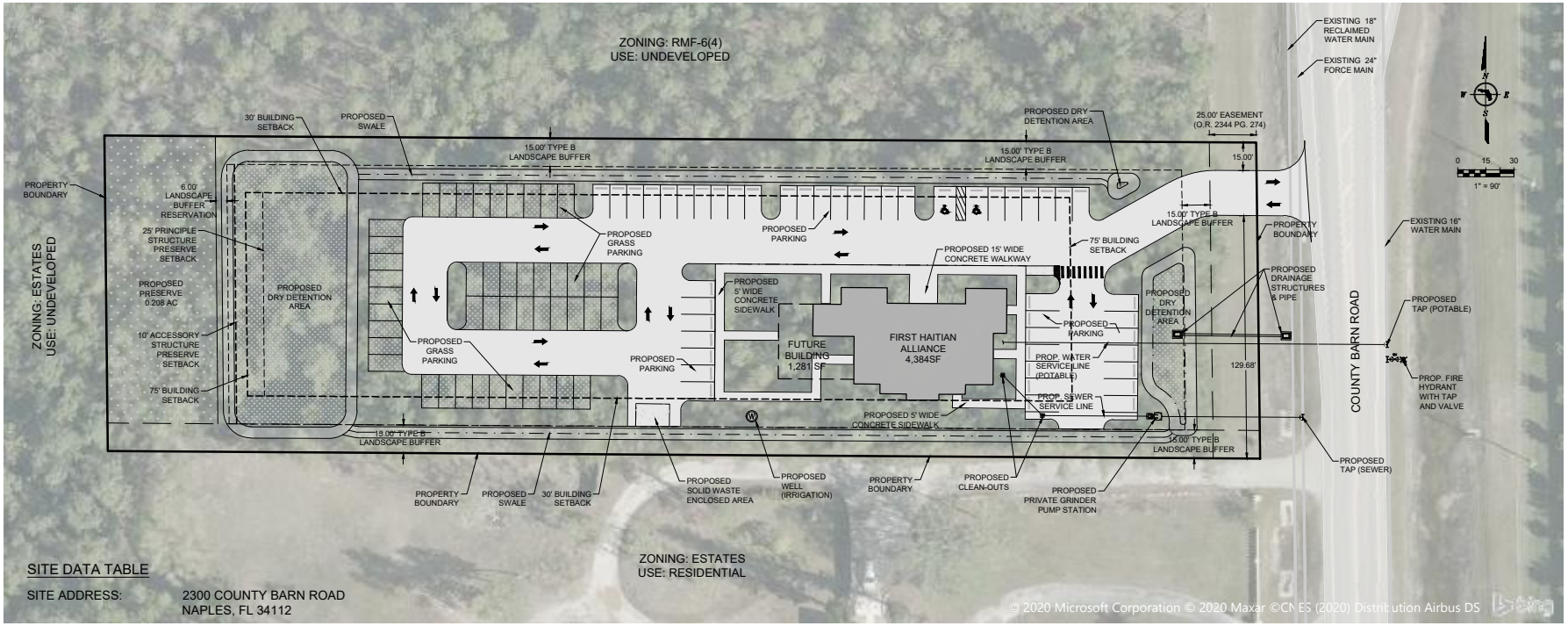
7. This conditional use shall be limited to a maximum of 8 PM peak hour weekday two-way trips and a maximum of 114 peak hour, Sunday, two-way trips based on the use codes in the ITE Manual on trip generation rates in effect at time of application for SDP/SDPA approval.

8. The following accessory uses are permitted:
   a. Outdoor play area
   b. Storage sheds
   c. Gazebos
   d. Counseling and educational services (only in conjunction with the church services or special events)
   e. Covered pavilions
   f. Food services (only in conjunction with the church services or special events).

9. For services and other period and events of significant traffic generation, as determined by Collier County Staff, the property owner shall provide traffic control by law enforcement or a law enforcement approved service provider as directed by Collier County staff, with staffing at the location(s) as direction by Collier County Transportation Engineering Division Director or his designee.

10. Site lighting shall adhere to the applicable Collier County Land Development Code Criteria with the following conditions:
    a. Site lighting will be Dark Sky compliant with flat panel and full cut off fixtures.
    b. Site lighting will have a maximum height of 25-feet.
    c. Project site light poles, structures and fixtures will be shielded away from residential property lines.

Attachment: ATTACHMENT A - Conditions of Approval (15690 : PL20180000487 First Haitian Alliance Church CU)



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PROPOSED ZONING:	ESTATES
FUTURE LAND USE :	URBAN RESIDENTIAL SUBDISTRICT
DEVELOPMENT TYPE:	COMMERICAL
BUILDING USE:	CHURCH

ZONING

SITE:	(ESTATES)	CHURCH
NORTH:	(RMF-6(4))	UNDEVELOPED
WEST:	(ESTATES)	UNDEVELOPED
SOUTH:	(ESTATES)	RESIDENTIAL
EAST:	(R-O-W)	COUNTY BARN ROAD

SIGNS AND LIGHTING NOTES

1. PROPOSED SIGN(S) WILL BE SHOWN ON SDP PLANS, TO MEET COLLIER COUNTY STANDARDS.
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BUILDING SETBACKS

REQ'D	PROV'D		
30'	30'	NORTH (SIDE):	*ESTATES*
30'	78.6'	SOUTH (SIDE):	*ESTATES*
75'	300.4'	WEST (REAR):	*ESTATES*
75'	134.2'	EAST (FRONT):	*RIGHT-OF-WAY*

LANDSCAPE BUFFERS

REQ'D	PROV'D
15'	15'
15'	15'
15'	15'
15'	15'

PARKING

3 SPACES PER 7 SEATS REQUIRED

4,384 SF CHURCH = 183 SEATS
1,281 SF FUTURE BUILDING = 32 SEATS
TOTAL SEATS = 183 + 32 = 215 SEATS

REQUIRED = 93 SPACES (INCLUDING 4 H/C)
PROPOSED = 47 PAVED + 46 GRASS = 93 SPACES (INCLUDING 4 H/C)

BUILDING HEIGHT TABLE:

MAX. ALLOWED BUILDING HEIGHT: 30'
ACTUAL BUILDING HEIGHT: ±34'
ZONED HEIGHT: 16' - 10"

PRESERVE CALCULATION

ACCORDING TO LDC 3.05.07.B.1, THE REQUIRED PRESERVE AREA IS 10% OF NATIVE VEGETATION, PRIOR TO CLEARING (NOT INCLUDING EASEMENTS).

(SITE AREA - EASEMENT AREA) x 10% = REQ. PRESERVE AREA
(2.38 AC - 0.30 AC) X 10% = 0.208 ACRES REQ.
PROVIDED: 0.208 ACRES

PRESERVE NOTE

PRESERVES MAY BE USED TO SATISFY THE LANDSCAPE BUFFER REQUIREMENTS AFTER EXOTIC VEGETATION REMOVAL IN ACCORDANCE WITH 4.06.02 AND 4.06.05.E.1. SUPPLEMENTAL PLANTINGS WITH NATIVE PLANT MATERIALS SHALL BE IN ACCORDANCE WITH LDC SECTION 3.05.07. IN ORDER TO MEET THE REQUIREMENTS OF A TYPE "B" BUFFER ALONG THE WESTERN BOUNDARY, A 6-FOOT-WIDE LANDSCAPE BUFFER RESERVATION WILL BE PROVIDED OUTSIDE OF THE PRESERVE AS SHOWN ON THE CONCEPT PLAN.
IN THE EVENT THAT THE PRESERVE DOES NOT MEET BUFFER REQUIREMENTS AFTER REMOVAL OF EXOTICS AND SUPPLEMENTAL PLANTING WITHIN THE PRESERVE, PLANTINGS WILL BE PROVIDED IN THE 6' WIDE RESERVATION TO MEET THE BUFFER REQUIREMENTS. THE TYPE, SIZE AND NUMBER OF SUCH PLANTINGS, IF NECESSARY, WILL BE DETERMINED AT TIME OF INITIAL SDP AND INCLUDED ON THE LANDSCAPE PLANS FOR THE SDP.

Attachment: ATTACHMENT B - SITE CONCEPTUAL PLAN REV 12.03.20 (15690 : PL20180000487 First

BORAL ENGINEERING & DESIGN

April 29, 2021

Collier County Community Development
Zoning Division
2800 Horseshoe Dr. North
Naples, FL 34104

RE: **FIRST HAITIAN ALLIANCE CHURCH PUBLIC HEARING**

Dear Collier County Staff,

It is the intent of our client, First Haitian Alliance Church, to request Conditional Use approval for new church development at 2300 County Barn Rd. in Naples, Florida. The property is 2.31 acres. The project will include a new 3,956 square foot building and 1,506 square foot future addition, along with associated site improvements such as a parking lot, sidewalks, drainage, landscaping, utilities, lighting, and a solid-waste enclosure. Please see attached Conditional Use Application submittal package. Should you have any questions or require any additional information, please do not hesitate to contact us.

Sincerely,

Andres Boral, PE, MBA
Florida License Number: 80373
Boral Engineering & Design, Inc.
andres@boralengineering.com

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Collier County Property Appraiser
Property Summary

Parcel No	00405440003	Site Address *Disclaimer	2300 COUNTY BARN RD	Site City	NAPLES	Site Zone *Note	341

Name / Address	1ST HAITIAN ALLNCE CHURCH INC
	4843 DEVON CIR

City	NAPLES	State	FL	Zip	34112-3704

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
5B08	000100 070 5B08	8	50	26	2.31

Legal	8 50 26 N1/2 OF S1/2 OF SE1/4 OF SW1/4 OF NW1/4 LESS R/W

Millage Area	267	Millage Rates *Calculations		
Sub./Condo	100 - ACREAGE HEADER	School	Other	Total
Use Code	99 - ACREAGE NOT ZONED AGRICULTURAL	5.083	6.3071	11.3901

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
10/25/00	2735-2800	$ 57,500
08/27/96	2221-1393	$ 0
11/01/83	1053-1369	$ 0
05/01/80	869-1326	$ 0
06/01/72	456-293	$ 7,500

2019 Certified Tax Roll

(Subject to Change)

	Land Value	$ 196,3
(+)	Improved Value	$
(=)	Market Value	$ 196,3
(-)	10% Cap	$ 86,4
(=)	Assessed Value	$ 109,9
(=)	School Taxable Value	$ 196,3
(=)	Taxable Value	$ 109,9

If all Values shown above equal 0 this parcel was created after the Final Tax Roll

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Detail by Street Address

Florida Not For Profit Corporation
FIRST HAITIAN ALLIANCE CHURCH & MISSIONARIES INC

Filing Information

Document Number	N05000011396
FEI/EIN Number	20-3738892
Date Filed	11/10/2005
Effective Date	11/04/2005
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	07/14/2014
Event Effective Date	NONE

Principal Address

4532 Tamiami Trail East
101
NAPLES, FL 34112

Changed: 04/18/2015

Mailing Address

4843 DEVON CIRCLE
NAPLES, FL 34112

Changed: 04/19/2010

Registered Agent Name & Address

HYPPOLITE, HOMERE
4843 DEVON CIRCLE
NAPLES, FL 34112

Name Changed: 04/21/2011

Address Changed: 04/30/2007

Officer/Director Detail

Name & Address

Title Senior Pastor

HYPPOLITE, HOMERE

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

4843 DEVON CIR
NAPLES, FL 34112

Title President

MORANCY, SERGE
4221 PEARL HARBOR
NAPLES, FL 34112

Title Treasurer

Numa, Sincere N
1400 5th Ave N # 8-D
NAPLES, FL 34102

Title secretary

Byssainthe, Keats
1240 31st ST SW
Naples, FL 34117

Title counselor

Hyppolite, Janise
4843 Devon cir
Naples, FL 34112

Annual Reports

Report Year	Filed Date
2017	03/27/2017
2018	04/14/2018
2019	04/24/2019

Document Images

04/24/2019 -- ANNUAL REPORT	View image in PDF format
04/14/2018 -- ANNUAL REPORT	View image in PDF format
03/27/2017 -- ANNUAL REPORT	View image in PDF format
04/13/2016 -- ANNUAL REPORT	View image in PDF format
04/18/2015 -- ANNUAL REPORT	View image in PDF format
07/14/2014 -- Amendment	View image in PDF format
01/10/2014 -- ANNUAL REPORT	View image in PDF format
04/10/2013 -- ANNUAL REPORT	View image in PDF format
04/27/2012 -- ANNUAL REPORT	View image in PDF format
04/21/2011 -- ANNUAL REPORT	View image in PDF format
04/19/2010 -- ANNUAL REPORT	View image in PDF format
04/13/2009 -- ANNUAL REPORT	View image in PDF format
05/30/2008 -- ANNUAL REPORT	View image in PDF format
04/30/2007 -- ANNUAL REPORT	View image in PDF format
08/12/2006 -- ANNUAL REPORT	View image in PDF format
11/10/2005 -- Domestic Non-Profit	View image in PDF format

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Florida Department of State, Division of Corporations

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

INSTR 5947372 OR 5838 PG 2999
RECORDED 11/2/2020 1:00 PM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
COLLIER COUNTY FLORIDA
DOC@.70 $0.70 REC $18.50

Prepared without opinion of title by
and after recording return to:
Sarah M. Grieb, Esquire
Roetzel & Andress, L.P.A.
850 Park Shore Drive, Third Floor
Naples, FL 34103-3587
239-649-6200
File Number: 139093.0001

Consideration: $0.00
Documentary Stamp Tax Amount: $.70

[Space Above This Line For Recording Data]

QUIT CLAIM DEED

This Quit Claim Deed is made this 16th day of July, 2020, by First Haitian Alliance Church, Inc., a Florida not-for-profit corporation ("Grantor"), to First Haitian Alliance Church & Missionaries Inc., a Florida not-for-profit corporation, with an address of 4843 Devon Circle, Naples, Florida 34112 ("Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of entities, corporations, trusts and trustees.)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten and no/100 dollars ($10.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situated, lying and being in Collier County, State of Florida, to wit:

North 1/2 of South 1/2 of Southeast 1/4 of Southwest 1/4 of Northwest 1/4 of Section 8, Township 50 South, Range 26 East, Less and excepting the East 50 feet thereof reserved for road right of way; Excepting and reserving an easement for access, running with the land perpetually, over and across the Southerly 15 feet of the land, and Granting an easement for access, running with the land perpetually, over and across the Northerly 15 feet of the South 1/2 of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 8, Township 50 South, Range 26 East, Collier County, Florida

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee forever.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

In witness whereof, Grantor has hereunto set Grantor's hand and seal as of the day and year first above written.

Signed, sealed and delivered in our presence:

GRANTOR:

First Haitian Alliance Church, Inc.,
a Florida not-for-profit corporation

Witness Name: SERGE MORANCY

By: _____
Print Name: Homere Hyppolite
Title: Senior Pastor

Witness Name: SINCERE M. NUMA

State of FLORIDA
County of COLLIER

The foregoing instrument was acknowledged before me by means of physical presence this 16th day of JULY, 2020, by HYPPOLITE HOMERE, as SENIOR PASTOR of First Haitian Alliance Church, Inc., a Florida not-for-profit corporation, who [✓] is personally ✓known or [ ] has produced FLORIDA DRIVER LICENSE as identification.

[Notary Seal]

JOSEPH A. DERIVAL
MY COMMISSION EXPIRES JUNE 11, 2024
#HH 009175
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Notary Public - Signature

Printed Name: JOSEPH A DERIVAL

My Commission Expires: 06-11-2024

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20180000487

I, Homer Hyppolite (print name), as Owner (title, if applicable) of First Haitian Alliance Church & Missionaries Inc. (company, If applicable), swear or affirm under oath, that I am the (choose one) owner X applicant ___ contract purchaser ___ and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Andres Boral, P.E., Boral Engineering & Design, Inc. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee"*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

2/2/21
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on Feb. 02, 2021 (date) by Homere Hyppolite (name of person providing oath or affirmation), as owner who is personally known to me or who has produced FL DL (type of identification) as identification.

STAMP/SEAL

KARLA FIGUEROA
MY COMMISSION # GG 941936
EXPIRES: December 22, 2023

Karla Figueroa
Signature of Notary Public

CP\08-COA-00115\155

3/2/16

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

BORAL ENGINEERING & DESIGN

9911 Corkscrew Road #222
Estero, Fl 33928
(239) 692-6738

Oct. 21st, 2020

NIM Synopsis

First Haitian Alliance Church

4532 Tamiami Trail East, Suite 101
Naples, FL 34112

Presentation:

The neighborhood informational meeting was held by Andres Boral, of Boral Engineering and Design, at the current location of First Haitian Alliance Church in Naples, Florida. We had a total of thirty-one attendees in person and one attendee present over video conference. Totaling to a number of thirty-two people interested in this project. Andres spoke about the new development located at 2300 County Barn Road, Naples, FL 34112. He displayed two exhibits: one being a larger scale aerial of where the new property is located and the other being a conceptual site plan, showing an overall design of what the layout will look like. The property is approximately 2.38 acres, with a driveway connecting off of County Barn Road. There will also be a preserve reserved in the rear of the property to be compliant with the Collier County Code. The site will have a building, totaling +/- 4,000 square feet, and will hold 215 seats to occupy the guests. Currently the property is zoned “Estates” and it allows a church to be constructed through the process of a conditional use, as long as it is approved. There was one gentleman that had very concerning questions that allowed us to describe more of the technical side of the project that shows it would not have any impact of surrounding areas in any negative way.

Question/Comments:

Once these points were covered, the meeting’s attendees were given the chance to ask questions and comments. The questions/comments were:

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Question 1 Harry Laskey: Where is the access to get in the property?

Andres Boral responded, "The proposed access is along the North property line. The driveway will meet the minimum distance to the side property line, and it will be a stand-alone access for the church. Being located off County Barn Road, with a right-in and right-out access point."

Question 2 Harry Laskey: I Have some concerns about flooding. Will that retention pond be big enough for all the runoff of water?

Andres Boral responded, "That is a very good question. So, this project will be designed to meet the South Florida Water Management District criteria. Which we will model three different storm events: 10-year, 25-year and 100-year storm event. To get a project approved by Collier County and the Water Management District, we have to first demonstrate how the runoff will not be directed to off-site property, and how it will be directed to the retention area which will 1.) provide infiltration and 2.) will have a control structure with a discharge pipe to the front of the property. Which is shown on the conceptual plan, discharging to County Barn Road. So, the control structure is responsible for directing all the run-off to the roadside swale. And around the perimeter of the property there will be a one-foot flat berm. Which typically ends up being approximately six inches to a foot lower than the finished floor. So, it is pretty high up off the ground. So if you can imagine, around the entire perimeter of the property there will be about a two to three foot containment berm , that is sodded and stabilized with a minimum 3:1 slope to make sure no erosion occurs during any of the storm events. The runoff will be directed to the detention areas and then to the swale along County Barn Road to make sure no discharge is directed toward adjacent properties."

Question 3 Harry Laskey: Is there going to be anything to keep sound down?

Andres Boral responded, "The Collier County Code requires that any development provides landscape buffers. So, this property, the landscape buffers provided at minimum is fifteen feet around the entire perimeter of the property. The landscape buffers are required to be planted with shrubs and trees. For the entire perimeter there will be a required minimum trees and shrubs to buffer, not just noise but also visibility. County Barn Road also has a required minimum buffer as with any right-of-way. As in any development you will see a buffer in between the road and project. The same will apply for this project."

Question 4 Harry Laskey: How about lighting? Is that lighting going to flow over to the property across the street or next door? Is it going to light up their property too?

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Andres Boral responded, “Part of the site development process with Collier County is the design and review and approval of a lighting plan. The lighting plan we typically design provides zero foot-candles at the property line, to ensure there is no light pollution. The light must be shielded and directed downwards, and no light should be outside the property line. So, all the light will be concentrated within the parking lot. And that is actually a requirement of the code.”

Question 5 Harry Laskey: Can you tell me how many days a week will there be activity there?

Andres Boral responded, “I think there will be a few different night meetings. And I will allow the pastor to share that with you. If he doesn’t answer I will be glad to answer with more information via email.”

Pastor Hormere responded, “We meet every Sunday at 9 am to 12:30 pm. Sunday nights from 7 pm to 9 pm. We also have bible studies on Friday nights from 9 pm to 10 pm. We sometimes have prayer meetings on Tuesday mornings.”

Question 6 Harry Laskey: I just want to make sure we do not create a flooding problem. Over there is that eight or nine feet above sea level?

Andres Boral responded: “We haven’t gotten there yet to prepare actual site construction plans. We will get there once we start the SDP process. There is a review, with Collier County and also the water management district, that basically has criteria that every project has to meet. That criteria applies to churches as well as any other commercial or residential project. This project before it gets approved it has to meet all the criteria established by the water management district.”

Question 7 Harry Laskey: Is the parking lot area pervious or impervious?

Andres Boral responded, “The parking lot that is shown here will be a mix of impervious pavement and grass parking. The code allows for a certain percentage of the parking spaces to be provided as grass parking spaces. Basically, what we are showing here is a combination of the two.”

Question 8 Harry Laskey: How large is the congregation?

Pastor Hormere responded, “Right now we have about fifty to sixty people, but we expect to grow.”

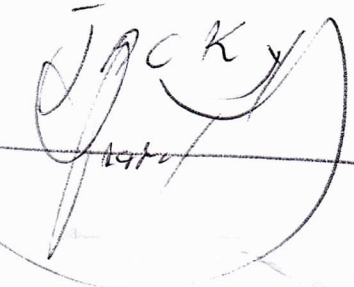
Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Conclusion:

At the end of the meeting, everyone was thanked for taking the time to come out and showing interest in the project. We also let them know that there will be another advertisement in the mail for the public hearing meeting. The people that attended the meeting had encouraging and supportive words to say about the project.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Marie Gustave
Monise Etienne
Jamesthyppolite
Bernia Hyppolite
Kendo Paul
Bernadette Paul
Jacky MONESTIME



Minanthia cange
VENANTE CHERY
Nina Simon
[illegible] Sylvita

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

NEIGHBORHOOD INFORMATION MEETING SIGN-IN SHEET

Project:	First Haitian Alliance Church	Meeting Date:	October 20th, 2020

Name	Company	Phone	E-Mail
Andres Boral			
Austin Bath			
Greenese			
Jacian			
SERGE al.			
MAGALIE. L.			
Judy Laskey			
Harry Laskey			
Muller Des.			
Honore K			
Mario Bouzi			
Dudley Edmond			
Mylaine George			
Villarmeur Bysainthe			
Alberte Henry			
Mona Lene			
Fichenex Lene			
Fresnel Pierre			
Nadeje Mirancy			
Ray Belbrook/ Collier County			

Marc Cosgrave

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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FIRST ALLIANCE HAITIAN CHURCH

Project Location:

2300 County Barn Rd.

Naples, Florida 34112

TRAFFIC IMPACT STATEMENT

April 20th, 2020

Prepared by:

BORAL ENGINEERING & DESIGN

DocuSigned by:

4/22/2020

DocuSigned by:

E50F3C7245FF4CE...

Andres Boral, PE, MBA
Florida License Number: 80373
Boral Engineering & Design, Inc.
andres@boralengineering.com
(P) 239-692-0509
9911 Corkscrew Rd. Ste. #222
Estero, FL 33928

Note: TIS Fees will be collected with the Conditional Use submittal itself.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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CONCLUSIONS

This report concludes that First Haitian Alliance Church will not create a significant or negative impact to the surrounding roadway network. It was verified that all roadways, within the project's area of impact, currently have a surplus of capacity and can accommodate the traffic associated with the development of a 4,384 square foot Church plus a 1,178 square foot future addition and the network will continue to operate at acceptable levels of service for 2021 project build-out traffic conditions. Furthermore, the report concludes that the project will not create any transportation deficiencies that need to be mitigated.

Roadway Level of Service Determinations

County Barn Road (south of Davis Blvd. and north of Rattlesnake Hammock Road) is classified as a two-lane undivided major collector having an adopted performance standard to provide a level of service LOS "C". A maximum service volume capacity of 900 VPH for peak hour, peak direction, has been established for this roadway link. As concluded, that segment of County Barn Road will have a project build-out traffic demand of 522 VPHPD and a *v/c* ratio of 0.58.

Site-Related Improvements

The proposed development is a Church, with a low number of right-in and left-in trips on weekdays Therefore, no turn lane improvements are proposed for this project. Traffic control personnel will be utilized as needed for weekend Church services.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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PROJECT SCOPE

The subject property (2300 County Barn Road) is 2.38 acres and is currently undeveloped. This project proposes a 4,384 square feet Church building asphalt & grassed parking spaces as part of Phase I. Phase II proposes an addition of 1,178 square feet for a Church fellowship hall, along with additional paved and grassed parking spaces. Phase I of the project is expected to begin in 2021. It is estimated that Phase II will be added in 2026, although the timing could change based on congregation growth and funding.

PROJECT GENERATED TRAFFIC: PHASE I

Projected traffic for this project is estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition. ITE has compiled traffic data at similar Land Uses and is relied upon in estimating this project's traffic impact. It was concluded that Land Use Code "Church" (LUC 560) is most appropriate for estimating the project traffic. Weekday AM Peak Hour, Weekday PM Peak Hour, Saturday Peak Hour, and Sunday Peak Hour trips have been calculated, with Sunday Peak Hour trips accounting for Church services.

Trips Generated by the Proposed Phase I Church:

Based on the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, the estimated trip generation by the proposed development will be calculated using Land Use Code "Church" (LUC 560).

Variables

Total Area = 183 Seats

Unit of Measure = Seats

Units "X" = 183

Weekday AM, Peak Hour of Generator:

(X) (0.02) (Average Rate) Fitted Curve Not Given = **4 Trips**

Directional Distribution: 50% entering **(2)**, 50% exiting **(2)**

Weekday PM, Peak Hour of Generator:

(X) (0.04) (Average Rate) Fitted Curve Not Given = **7 Trips**

Directional Distribution: 86% entering **(6)**, 14% exiting **(1)**

Saturday, Peak Hour of Generator:

(X) (0.44) (Average Rate) Fitted Curve Not Given = **81 Trips**

Directional Distribution: 46% entering **(37)**, 54% exiting **(44)**

Sunday, Peak Hour of Generator:

(X)(0.54) (Average Rate) Fitted Curve Not Given = **99 Trips**

Directional Distribution: 49% entering **(48)**, 51% exiting **(51)**

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Table 1., Trip Generation for the Church Phase I (Seats)

	Trip Ends	Entering Trips	Exiting Trips
Weekday Peak Hour, AM	4	2	2
Weekday Peak Hour, PM	7	6	1
Saturday Peak Hour	81	37	44
Sunday Peak Hour	99	48	51

PROJECT GENERATED TRAFFIC: PHASE II

Trips Generated by the Church (Square Feet):

Based on the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition, the estimated trip generation by the proposed development will be calculated using Land Use Code "Church" (LUC 560).

Variables

Total Area = 32 Seats

Unit of Measure = Seats

Units "X" = 32

Weekday AM, Peak Hour of Generator.:

(X) (0.02) (Average Rate) Fitted Curve Not Given = **1 Trips**

Directional Distribution: 50% entering **(1)**, 50% exiting **(0)**

Weekday PM, Peak Hour of Generator

(X) (0.04) (Average Rate) Fitted Curve Not Given = **1 Trip**

Directional Distribution: 86% entering **(1)**, 14% exiting **(0)**

Saturday, Peak Hour of Generator:

(X) (0.44) (Average Rate) Fitted Curve Not Given = **14 Trips**

Directional Distribution: 46% entering **(6)**, 54% exiting **(8)**

Sunday, Peak Hour of Generator:

(X) (0.54) (Average Rate) Falls Curve Not Given = **17 Trips**

Directional Distribution: 49% entering **(8)**, 51% exiting **(9)**

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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Table 2., Trips Generated by the Church Phase II (Square Feet)

	Trip Ends	Entering Trips	Exiting Trips
Weekday Peak Hour, AM	1	1	0
Weekday Peak Hour, PM	1	1	0
Saturday Peak Hour	14	6	8
Sunday Peak Hour	15	7	8

PROJECT GENERATED TRAFFIC: PHASE I & II (PROJECT BUILD-OUT)

Table 3., Trips Generated by the Church Phase I & II

	Trip Ends	Entering Trips	Exiting Trips
Weekday Peak Hour, AM	5	3	2
Weekday Peak Hour, PM	8	7	1
Saturday Peak Hour	95	43	52
Sunday Peak Hour	114	55	59

The report concludes that the project will generate less than 50 net new total two-way AM and less than 50 net new total two-way PM Weekday Peak Hour trips. As such, the report investigates the traffic impacts associated with the project based upon the criteria set forth by the Collier County Traffic Impact Statement Guidelines for a small-scale study.

EXISTING + COMMITTED ROADWAY CONDITIONS

County Barn Road is classified as a two-lane major collector having an adopted minimum performance standard Level of Service LOS “D”. A maximum service volume capacity of 900 VPH for peak hour, peak direction, has been established for this roadway link. Immokalee Road has a posted speed limit of 45 MPH.

ANTICIPATED TRAFFIC DISTRIBUTION

The project’s traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress, along with current and future traffic patterns in the area. Exhibit 1, shows the traffic distribution and anticipated trip distribution for the proposed Phase I and II buildout.

AREA OF SIGNIFICANT IMPACT

The area of significant impact was determined based upon Collier County’s’ 2%, 2% and 3% criteria (i.e. if the project’s traffic is 2% or more of a roadway’s adopted level of service capacity, then the project has a significant impact upon that roadway link.) Table 5., describes the project distributions and the level of impact on the surrounding roadways.

PROJECT BUILD-OUT CONDITIONS

In order to establish 2021 traffic conditions, traffic count data was used for peak hour conditions, peak direction, and applied an annual growth rate. Project generated traffic was then added to the 2021 background traffic. For simplicity, Phase I and II were added together as 2021 project build-out conditions. Table 7., reflects the results of the roadway Level of Service (LOS) evaluations. As determined, all impacted roadways will continue to operate at acceptable levels of service.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Table 4., Level of Service Concurrency Report

ID #	PROJ #	ROAD NAME	EXISTING ROAD	MIN. STD	PEAK DIR.	CNT. STA.	PEAK HR. PEAK DIR. SERVICE VOLUME	2017 PEAK HR. PEAK DIR. VOLUME	2018 PEAK HR. PEAK DIR. VOLUME	2019 PEAK HR. PEAK DIR. VOLUME	LOS
			2U	**D**	**S**	**519**	**900**	**326**	**380**	**380**	**C**
10.0	60101	COUNTY BARN ROAD									
		DAVIS BOULEVARD									
		RATTLESNAKE HAMMOCK ROAD									

Table 5., Project's Areas of Impact

ID #	ROAD NAME	ROAD CLASS	PK DIR. SERV. VOL. LOS	LOS SERVICE PK DIRECTION VOLUME (VPHPD)	PROJECT TRAFFIC % DIST.	PROJECT PK HR. PK DIR. (VPHPD)	PROJECT PK HR. PK DIR.	PROJECT PK HR. NON-PK DIR. (VPH)	PROJECT NON-PK DIR.	IMPACT STANDARD	PERCENT IMPACT	SIGNIFICANT IMPACT
10.0	COUNTY BARN ROAD	**2U**	**C**	**900**	**75%**	**5**	**S**	**2**	**N**	**2%**	**0.556%**	**NO**

Table 6., Traffic Link Volume

ID #	ROAD NAME	ROAD CLASS	PK DIR. SERV. VOL. LOS	2019 AUIR TRAFFIC (VPHPD)	AUIR PEAK DIR.	TRIP BANK (PER VESTED TRIPS METHOD) (VPHPD)	2019 PEAK HOUR PEAK DIRECTION BACKGROUND (PER VESTED TRIP METHOD) (VPHPD)
10.0	COUNTY BARN ROAD	**2U**	**C**	**380**	**S**	**117**	**497**

Table 7., Traffic Link Volume & Capacity Analysis

2019 PEAK HR. PEAK DIR. BACK-GROUND (VPHPD)	GROWTH RATE	2020 PEAK HR. PEAK DIR. BACK-GROUND (VPHPD)	2021 PEAK HR. PEAK DIR.BACK-GROUND (VPHPD)	PROJECT PEAK HR. PEAK DIR. (VPHPD)	BACK-GROUND PEAK DIR.	PROJECT PEAK HR NON-PEAK DIRECTION (VPH)	PROJECT NON-PEAK DIR.	2021 BUILD-OUT PEAK HR. PEAK DIR. (VPHPD)	2021 BUILD-OUT PEAK HR. PEAK DIR. (V/C RATIO)	2021 BUILD-OUT PEAK HR. PEAK DIR. LOS
497	**2%**	**507**	**517**	**5**	**S**	**2**	**N**	**522**	**0.58**	**C**

Please see Exhibit 1 for Project Build-Out Trip Distribution.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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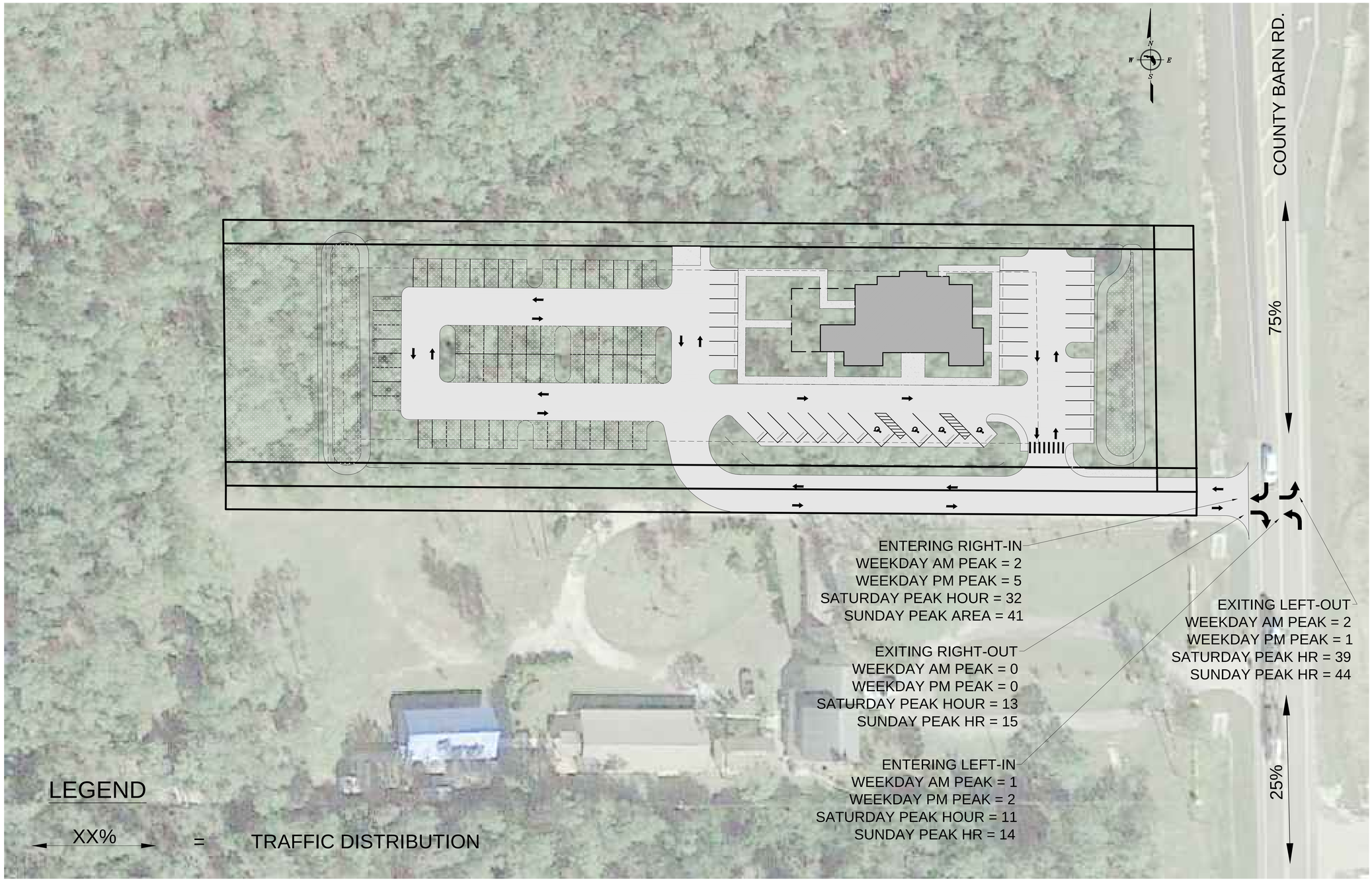


PROJECT:	19-142
DATE:	11/2019

ENGINEER: ANDRES BORAL, PE, MBA
LICENSE # 80373 FBPE # 31552
9911 CORKSCREW RD, STE 222, ESTERO, FL 33928
WWW.BORALENGINEERING.COM
(P) 239-692-0509

BORAL ENGINEERING & DESIGN

OWNER:
FIRST HAITIAN ALLIANCE CHURCH
4532 TAMIAMI TRAIL E
NAPLES, FL 34112

REVISION DESCRIPTION	BY	DATE

FIRST HAITIAN ALLIANCE CHURCH
2300 COUNTY BARN ROAD
NAPLES, FL, 34112

TRAFFIC DISTRIBUTION

EXHIBIT 1

SHEET 1 OF 1

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Critical Species Survey

Section 8 Township 50 Range 26
Property Tax ID# 00405440003
2.38 Acres
2300 County Barn Rd , Naples Florida 34112
8 50 26 N1/2 OF S1/2 OF SE1/4 OF SW1/4 OF NW1/4 LESS R/W
Collier County, FL

Survey conducted: March 9th & July 1st, 2020

Submitted 2020 March 13

REV: 2021 January 7

Prepared for:
1ST HAITIAN ALLIANCE CHURCH INC

Collier County Growth Management Department
2800 N Horseshoe Dr
Naples Florida 34104

Field survey completed by:
Katharina Shoemaker, Brooke Beardsley, Angie Bona, Asher Williams.
Report completed by:
Katharina Shoemaker
Tropical Environmental Consultants, LLC.
3900 Mannix Dr. #118
Naples, FL 34114
239-455-6232
Consultant@TropicalEnvironmentalConsultants.com

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Introduction 1.0

TEC conducted a species survey over the entire 2.38 acre property. The site is zoned 99 (Acreage not zoned agricultural) and is located within Collier County, FL. The property comprises FLUCCS code 411E4 (Pine Flatwoods – Exotic Earleaf Acacia, and Melaleuca 75-100%, 1.62 acres) , FLUCCS code 411E1 (ine Flatwoods E otic Earleaf Acacia, and Melaleuca 0-25 , 0.76 acres) and FLUCCS code 1812 (Highways and Rights of Way). It is located within the *Consultation Area* for the Florida bonneted bat *(Eumops floridanus-Endangered)* and the red cockaded woodpecker (*Picoides borealis)*.

Purpose 2.0

The following survey was conducted to determine whether federal/state listed species, or evidence thereof, are present within the subject property. A species "resource" list, used for purposes of the survey, was generated using the Florida Natural Areas Inventory (FNAI) BioMatrix tool and the IpaC USFWS consultation tool and are incorporated into this report.

Methodology 3.0

Survey data collection focused on determining whether any listed species are utilizing this site. On March 9th 2020 staff conducted meandering pedestrian transects through the subject property, traversing from north to south ensuring 100 percent visual coverage. TEC inspected the property for tree cavities and nests, evidence of scat, ground burrows, tracks, claw marks, and any other indications that the site may be occupied by listed species. The below tables represents species that are commonly associated within the FLUCCS code(s) found on-site, or have been documented within the vicinity of the project site.

State/Federal Listed Animals Potentially Occurring in FLUCCS 411 and/or Documented Occurrence within Vicinity			
Scientific Name	Common Name	State Listing	Federal Status
Picoides borealis	Red-cockaded Woodpecker	FE	LE
Sciurus niger avicennia	Mangrove Fox Squirrel	N	LT
Aphelocoma coerulescens	Florida Scrub Jay	FT	LT
Campephilus principalis	Ivory-billed Woodpecker	FE	LE
Mycteria americana	Wood Stork	FT	LT
Strymon acis bartrami	Bartram's Hairstreak Butterfly	FE	LE
Anaea troglodyta floridalis	Florida Leafwing Butterfly	FE	LE
Cyclargus thomasi bethunebakeri	Miami Blue Butterfly	FE	LE
Ursus americanus floridanus	Florida Black Bear	N	N
Athene cunicularia floridana	Florida Burrowing Owl	N	SSC
Drymarchon couperi	Eastern Indigo Snake	FT	LT
Eumopss floridanus	Florida bonneted bat	FE	LE
Gopherus polyphemus	Gopher Tortoise	C	ST
Patagioenas leucocephala	White-crowned Pigeon	N	ST
Puma concolor coryi	Florida Panther	FE	LE
Rostrhamus sociabilis	Snail Kite	FE	LE
Sceloeorus woodi	Florida Scrub Lizard	N	N

State/Federal Potentially Occurring in FLUCCS 411/ Document Occurrence within Vicinity- PLANTS			
Scientific Name	Common Name	State Listing	Federal Status
Lechea cernua	Nodding Pinweed	N	T
Linum carteri var. smallii	Small's Flax	N	E
Nemastylis floridana	Celestial Lily	N	E
Polyrrhiza lindenii	Ghost Orchid	N	E
Pteroglossaspis ecristata	Giant Orchid	N	T
Roystonea elata	Florida Royal Palm	N	E
Dalea carthagensis floridana	Florida Prairie-clover	N	E
Chamaesyce garberi	Garber's Spurge	N	T

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

On July 1st, 2020 staff conducted meandering pedestrian transects through the subject property, traversing from east to west ensuring 100 percent visual coverage of the site. The survey purpose is to determine whether any plant species found in Collier County LDC 03.04.03 are present on-site.

Collier County LDC 03.04.03		
Scientific Name	Common Name	Presence
Cyrtopodium punctatum	Cowhorn orchid	None
Asclepias curtissii	Curtiss's milkweed	None
Encyclia cochleata	Florida clamshell orchid	None
Polyrrhiza lindenii	Ghost orchid	None
Harrisia gracilis	West coast prickly apple	None
Encyclia tampensis	Butterfly orchid	Rare < 2
Tillandsia utriculata	Giant wild-pine	None
Tillandsia balbisiana	Inflated wild-pine	Present > 2 < 10
Tillandsia fasciculata	Stiff-leaved wild-pine	Common > 10
Tillandsia flexuosa	Twisted air plant	None

Summary of Findings and Observations 4.0

TEC did not encounter any State or Federal listed/protected species on site.

Three (3) species of plants listed in Collier County LDC 03.04.03 were encountered on site and were summarized in the above table.

A potential occurrence for the Florida Bonneted Bat was observed at location (lat./long. : 26.132009, -81.731288) and is depicted in the Environmental Inventory map incorporated in this report. The cavity was observed within a dead pine tree at a height of 23 feet. The location of the tree was marked, and the tree was flagged. No indications such as scratch marks, or guano were observed near or on the tree that would indicate the cavity contains a bat species and therefore the cavity was not scoped and contents were not inspected.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Photos of the lot from the road, each cavity tree, and each habitat present are provided below.

Photo of the road facing west

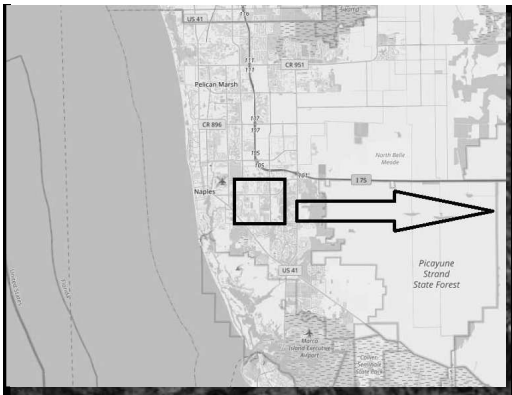
FLUCCS code 411E4 (Pine Flatwoods – Exotic Earleaf Acacia, Melaleuca 75-100%)

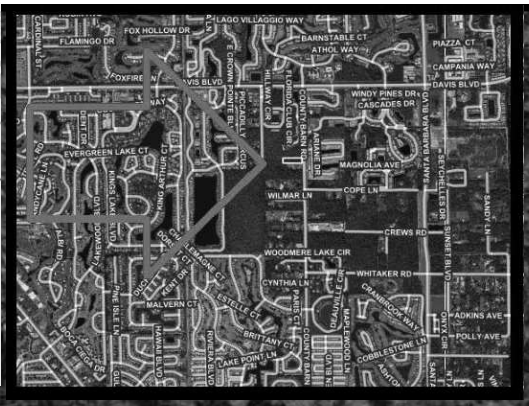
Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FLUCCS code 411E1 (Pine Flatwoods Exotic Earleaf Acacia, Melaleuca 0-25)

Cavity tree (L.S. Potential Occurence): Coordinates (Latitude , Longitude : 26.132009, -81.731288

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)





PRESERVE CALCULATION TABLE	Acres	Total (ac.)
Property	2.38	
Native Vegetation (> 25% native canopy extent) Excludes easements and ROW.	1.43 (411-E1)	2.08
	0.65 (411-E4)	
Southern Easement	0.10	0.30
County Barn Rd. R.O.W.	0.20	
Preserve (2.08 x 10%)		0.208

MapWise 2019

Environmental Resource Inventory Key

Subject Property

Potential Species Occurence (See Survey Report)

Transects

PID: 00405440003

XXX-EX : F.L.U.C.F.C.S (F.D.O.T)

N

Tropical Environmental Consultants, LLC.
(239) 455-6232
Naples, Florida
www.TropicalEnvironmentalConsultants.com

411E1 (Pine Flatwoods – Exotic Earleaf Acacia, Melaleuca 0-25%)

411E4 (Pine Flatwoods – Exotic Earleaf Acacia, Melaleuca 75-100%)

1812 (Highways and Rights of Way)

0 49 98 147 ft

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Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

UNOFFICIAL REPORT

Created 3/10/2020

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 40166

Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 40166

0 **Documented** Elements Found

0 **Documented-Historic** Elements Found

4 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mesic flatwoods	G4	S4	N	N
Picoides borealis Red-cockaded Woodpecker	G3	S2	LE	FE
Sciurus niger avicennia Mangrove Fox Squirrel	G5T2	S2	N	ST
Ursus americanus floridanus Florida Black Bear	G5T2	S2	N	N

1ST HAITIAN ALLIANCE CHURCH INC Critical Species Survey PID: 00405440003 REV 7/3/20

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Matrix Unit ID: 40166

17 **Potential** Elements for Matrix Unit 40166

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Andropogon arctatus Pine-woods Bluestem	G3	S3	N	T
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	SSC
Drymarchon couperi Eastern Indigo Snake	G3	S3	LT	FT
Elytraria caroliniensis var. angustifolia Narrow-leaved Carolina Scalystem	G4T2	S2	N	N
Eumops floridanus Florida bonneted bat	G1	S1	LE	FE
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Lechea cernua Nodding Pinweed	G3	S3	N	T
Linum carteri var. smallii Small's Flax	G2T2	S2	N	E
Mustela frenata peninsulae Florida Long-tailed Weasel	G5T3	S3	N	N
Nemastylis floridana Celestial Lily	G2	S2	N	E
Patagioenas leucocephala White-crowned Pigeon	G3	S3	N	ST
Polyrrhiza lindenii Ghost Orchid	G2G4	S2	N	E
Pteroglossaspis ecristata Giant Orchid	G2G3	S2	N	T
Puma concolor coryi Florida Panther	G5T1	S1	LE	FE
Rostrhamus sociabilis Snail Kite	G4G5	S2	LE	N
Roystonea elata Florida Royal Palm	G2G3	S2	N	E
Sceloporus woodi Florida Scrub Lizard	G2G3	S2S3	N	N

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a Standard Data Request option for those needing certifiable data.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

IPaC U.S. Fish & Wildlife Service

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Collier County, Florida

Local office

South Florida Ecological Services Field Office

(772) 562-3909
(772) 562-4288

1339 20th Street
Vero Beach, FL 32960-3559

http://fws.gov/verobeach

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Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS

NOT FOR CONSTRUCTION

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Florida Bonneted Bat Eumops floridanus — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/8630

Florida Panther Puma (=Felis) concolor coryi — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/1763

Puma (=mountain Lion) Puma (=Felis) concolor (all subsp. except coryi) — SAT
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/6049

Birds

NAME	STATUS

Florida Scrub-jay Aphelocoma coerulescens — Threatened
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/6174

Ivory-billed Woodpecker Campephilus principalis — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/8230

Red Knot Calidris canutus rufa — Threatened
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/1864

Red-cockaded Woodpecker Picoides borealis — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/7614

Wood Stork Mycteria americana — Threatened
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/8477

Reptiles

NAME	STATUS

American Alligator Alligator mississippiensis — SAT
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/776

NOT FOR CONSULTATION

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American Crocodile Crocodylus acutus — Threatened
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/6604

Eastern Indigo Snake Drymarchon corais couperi — Threatened
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/646

Loggerhead Sea Turtle Caretta caretta — Threatened
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/1110

Fishes

NAME	STATUS
Atlantic Sturgeon (gulf Subspecies) Acipenser oxyrinchus (=oxyrhynchus) desotoi	Threatened

There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/651

Insects

NAME	STATUS
Bartram's Hairstreak Butterfly Strymon acis bartrami	Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/4837

Florida Leafwing Butterfly Anaea troglodyta floridalis — Endangered
There is **final** critical habitat for this species. Your location is outside the critical habitat.
https://ecos.fws.gov/ecp/species/6652

Miami Blue Butterfly Cyclargus (=Hemiargus) thomasi bethunebakeri — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/3797

Flowering Plants

NAME	STATUS

NOT FOR CONSULTATION

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Florida Prairie-clover Dalea carthagenensis floridana — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2300

Garber's Spurge Chamaesyce garberi — Threatened
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/8229

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pd

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird

NOT FOR CONSULTATION

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
American Kestrel Falco sparverius paulus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 1 to Aug 31
Bachman's Sparrow Aimophila aestivalis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6177	Breeds May 1 to Sep 30
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Black Skimmer Rynchops niger This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Black-whiskered Vireo Vireo altiloquus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Aug 15

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Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Common Ground-dove Columbina passerina exigua This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Feb 1 to Dec 31
Dunlin Calidris alpina arcticola This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Least Tern Sterna antillarum This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 20 to Sep 10
Lesser Yellowlegs Tringa flavipes This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Limpkin Aramus guarauna This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 15 to Aug 31
Magnificent Frigatebird Fregata magnificens This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Oct 1 to Apr 30
Prairie Warbler Dendroica discolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Prothonotary Warbler Protonotaria citrea This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
Red-headed Woodpecker Melanerpes erythrocephalus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Reddish Egret Egretta rufescens This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/7617	Breeds Mar 1 to Sep 15
Ruddy Turnstone Arenaria interpres morinella This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere

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Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Short-tailed Hawk Buteo brachyurus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8742	Breeds Mar 1 to Jun 30
Swallow-tailed Kite Elanoides forficatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Willet Tringa semipalmata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5
Wilson's Plover Charadrius wilsonia This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Aug 20
Yellow Warbler Dendroica petechia gundlachi This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 20 to Aug 10

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

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2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

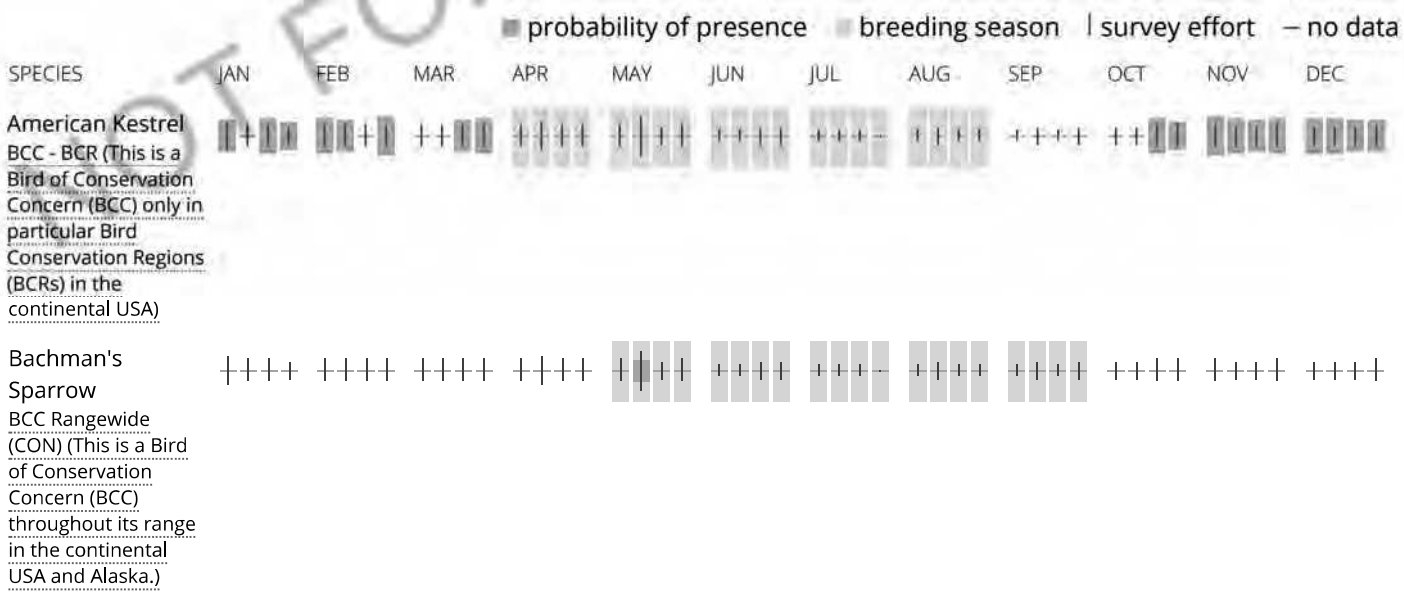
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



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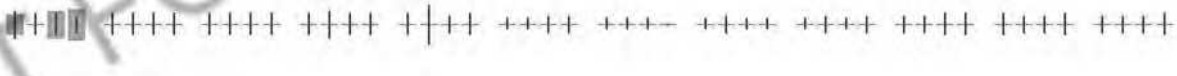
Bald Eagle
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)

Black Skimmer
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

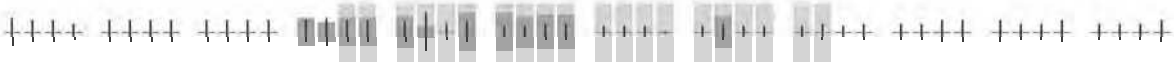
Black-whiskered Vireo
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Common Ground-dove
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

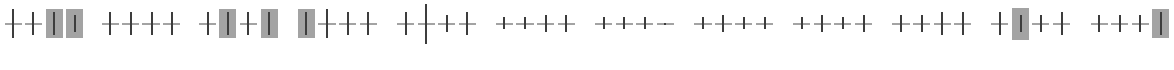
Dunlin
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Least Tern
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)



Lesser Yellowlegs
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



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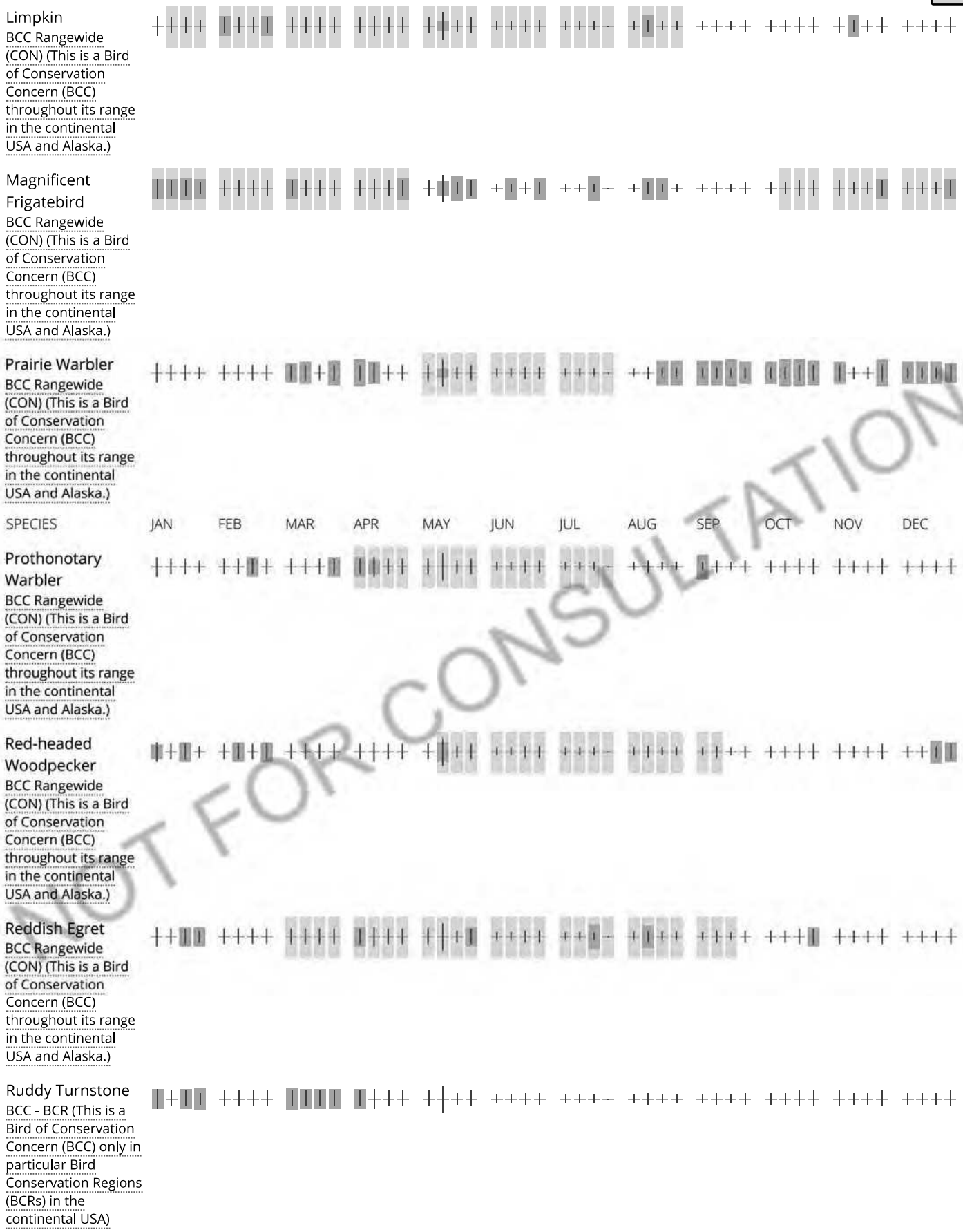

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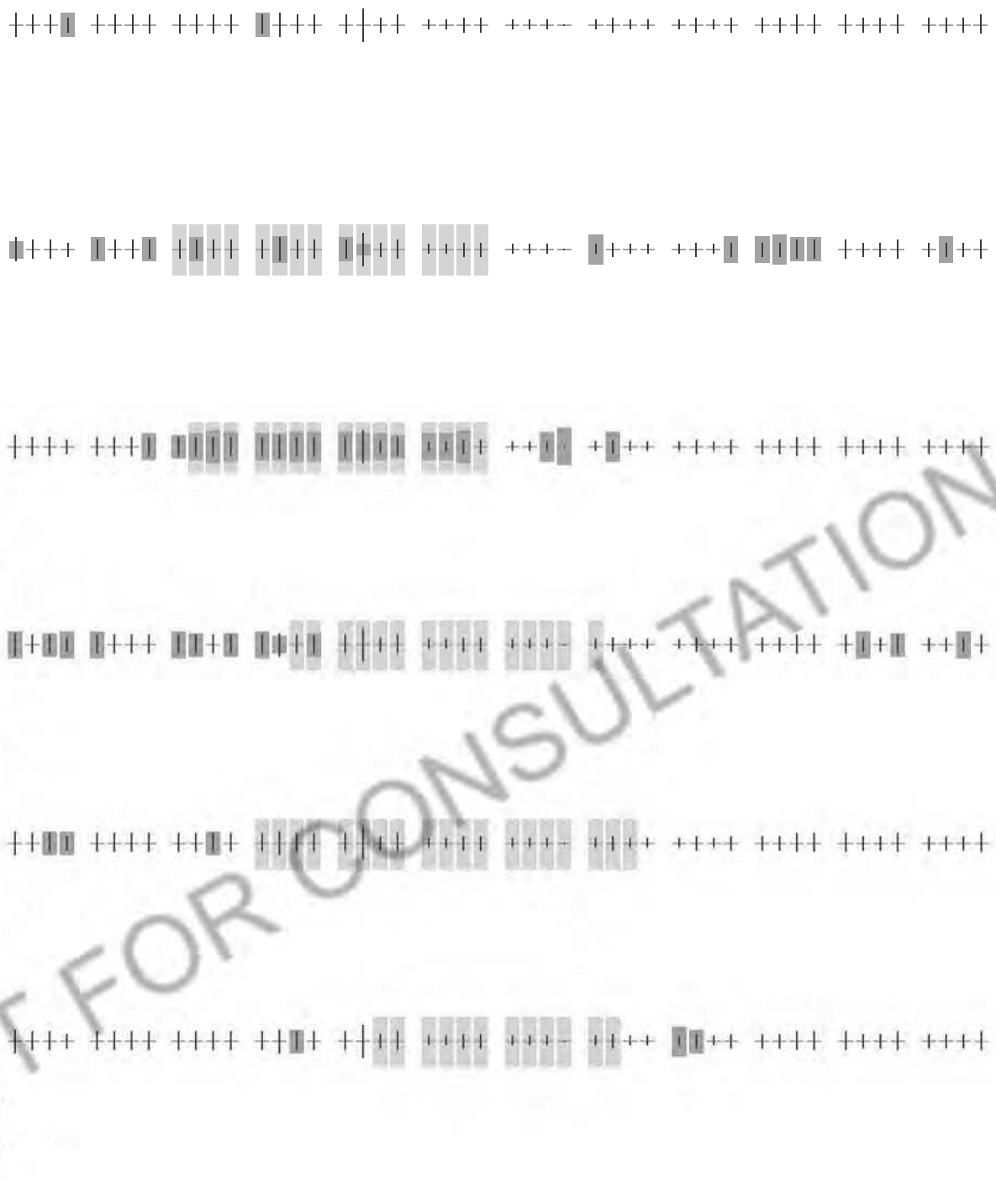

DRAFT FOR CONSULTATION

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

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Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

NOT FOR DISTRIBUTION

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND
Palustrine

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BLVD, SUITE 310
FORT MYERS, FL 33919

REPLY TO
ATTENTION OF
Regulatory Division
West Permits Branch
Fort Myers Permits Section

May 15, 2019

SAJ-2018-03442-(NPR-RMT)

First Haitian Alliance Church
c/o DexBender Environmental Consulting
Attention: Craig M. Smith
4470 Camino Real Way
Fort Myers, Florida 33966

Dear Mr. Smith:

Reference is made to the application received you submitted on behalf of the First Haitian Alliance Church requesting Department of the Army (DA) "no permit required" (NPR) verification for future development on a parcel located at 2300 County Barn Road, within Section 08, Township 50 South, Range 26 East, in Collier County, Florida. The application has been assigned the file number SAJ-2018-03442-(NPR-RMT).

A permit will not be required in accordance with Section 404 of the Clean Water Act as it will not involve the discharge of dredged or fill material into waters of the United States. Provided the work is done in accordance with the AJD and associated Graphics, a DA authorization will not be required.

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination/decision, you may request an administrative appeal under Corps' regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination/decision, you must submit a completed RFA form to the South Atlantic Division Office at the following address:

Mr. Jason Steele
South Atlantic Division
U.S. Army Corps of Engineers
CESAD-CM-CO-R, Room 9M15
60 Forsyth St., SW.
Atlanta, Georgia 30303-8801.

Mr. Steele can be reached by telephone number at 404-562-5137, or by facsimile at 404-562-5138.

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In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the above address by **15 July 2019.** It is not necessary to submit an RFA form to the Division office, if you do not object to the determination/decision in this letter.

This determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work. Please be advised this determination reflects current policy and regulations and is valid for a period of no longer than 5 years from the date of this letter unless new information warrants a revision of the determination before the expiration date. If after the 5-year period, the Corps has not specifically revalidated this determination, it will automatically expire. Any reliance upon this determination beyond the expiration date may lead to possible violation of current Federal laws and/or regulation.

Additionally, the subject proposed project site may contain species protected by the Endangered Species Act (ESA) of 1972, as amended. You should contact your local U.S. Fish and Wildlife Service (FWS) office to determine if federally listed species or their habitat are present on your project site. If it is determined that federally listed species may be affected by the proposed project, authorization for "incidental take" may be required. FWS offices can be contacted by the following telephone numbers: Jacksonville at 904-232-2580, Panama City at 850-769-0552, St. Petersburg at 727-570-5398, or Vero Beach at 772-562-3909.

This letter does not obviate the requirement to obtain any other Federal, State, or local permits that may be necessary for your project. Should you have any questions, please contact Robert Tewis at the letterhead address or by telephone at 239-334-1975 X-0012.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit http://per2.nwp.usace.army.mil/survey.html and complete our automated Customer

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Service Survey. Your input is appreciated – favorable or otherwise. Please be aware this web address is case sensitive and should be entered as it appears above.

Sincerely,

TEWIS.ROBERT.MARTIN.1261009451 Digitally signed by TEWIS.ROBERT.MARTIN.1261009451 Date: 2019.05.15 14:18:29 -04'00'

Robert Tewis
Project Manager

Enclosures: Approved JD Form, Data Sheets & Associated Graphics

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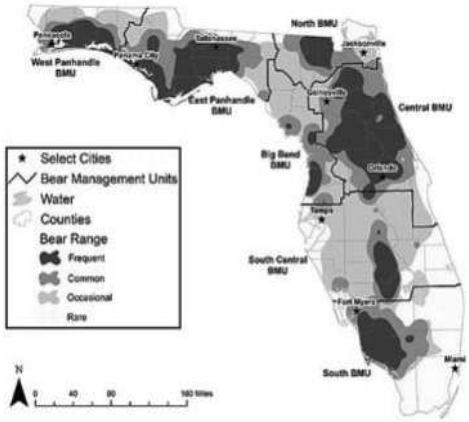
Tropical Environmental Consultants, LLC.
www.TropicalEnvironmentalConsultants.com
3900 Mannix Dr. #118
Naples, Florida. 34114
239-455-6232

"Finding Balance Between Human Use and the Environment" Since 1983

Florida Black Bear Management/Mitigation Plan



It is easy to live in harmony with bears and save their lives by simply securing the temptation of trash and other attractants. There are several ways to do this:

- Build a shed to protect your garbage cans
- Screw garbage cans
- Install a motion-activated alarm
- Install a motion activated sprinkler
- Secure your trash within a bear-resistant container
- Put up an electric fence around livestock

If a Bear comes into your yard

- Make sure you are in a safe area, and
- the bear has a clear escape route, then
- SCARE THAT BEAR!

BEFORE attempting to scare a bear, consider whether the bear is a good candidate for scaring. A bear that comes into your yard and is able to escape using a safe and clear path away from people and roads is a good candidate for scaring.

DO NOT attempt to scare a bear if it is:

- Near a road or could run toward people or traffic,
- Up a tree or running away,
- A cub (this can result in injury to the cub or aggression from the mother bear), or
- A female bear with cub (dependent young).

DO NOT attempt to scare a bear and CONTACT THE FWC if the bear is:

- Highly agitated, emaciated or wounded (they can be highly unpredictable), or
- Strongly associating people with food (one that is approaching people).

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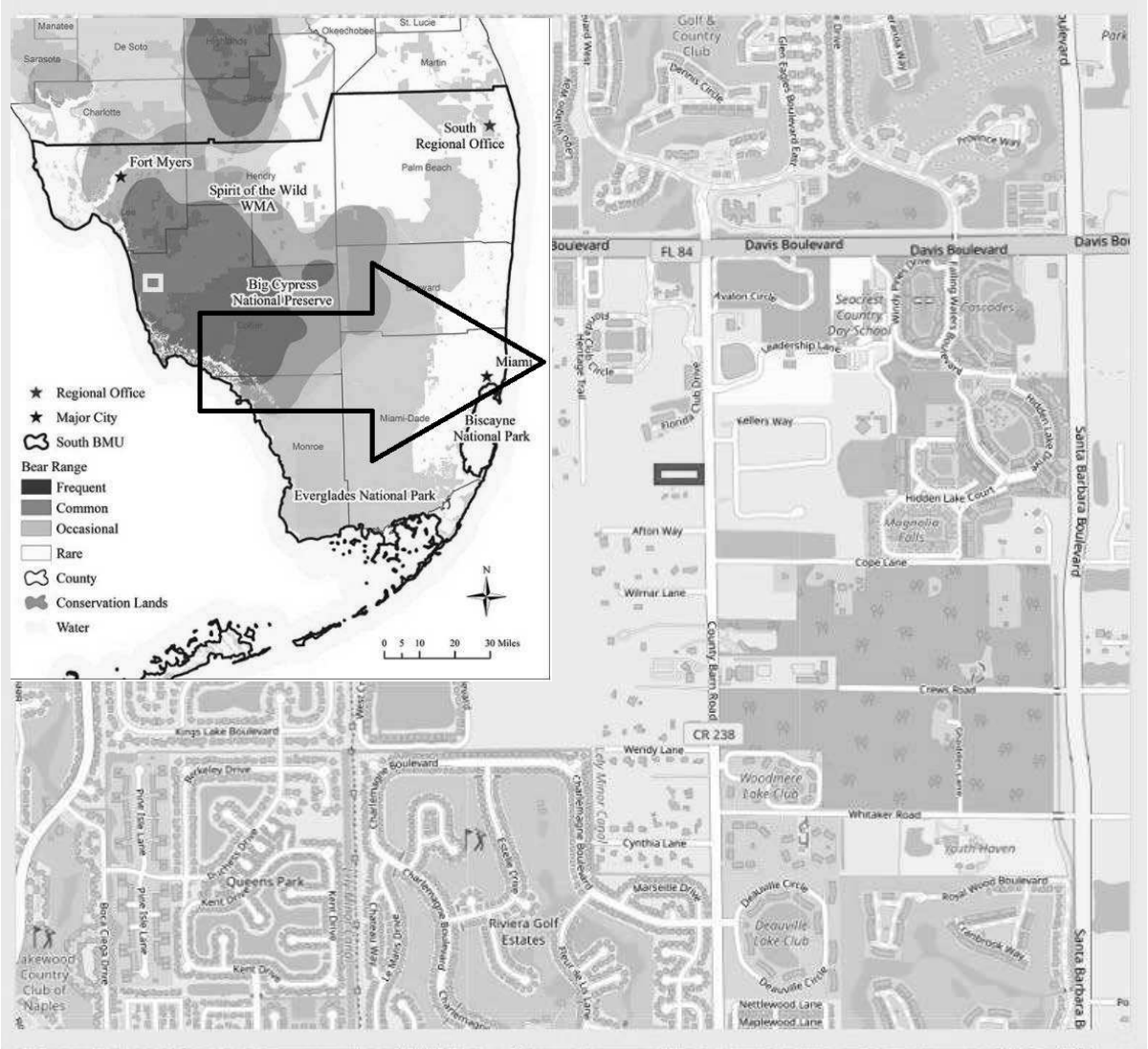

Top right inset photo: https://myfwc.com/wildlifehabitats/wildlife/bear/bmu/south/

Project is located within Bear Management Unit (BMU)
Range- "Frequent" (dark brown)

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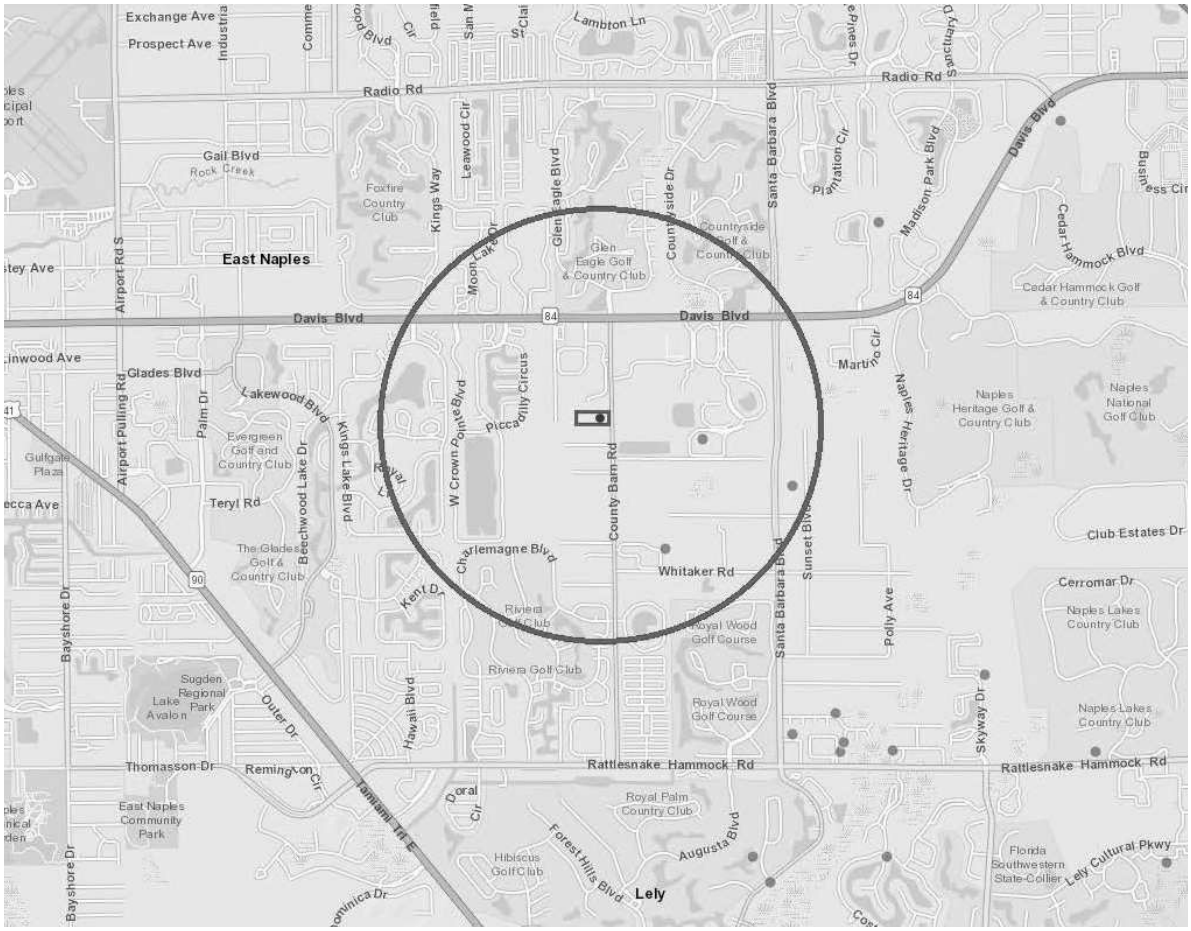
Florida Black Bear Management/Mitigation Plan



https://ocean.floridamarine.org/WildlifeSightings/BlackBear/

Project (red rectangle) one square mile radius (red circle) contains three (3) documented bear occurrences (red points)

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Tropical Environmental Consultants, LLC.
www.TropicalEnvironmentalConsultants.com
3900 Mannix Dr. #118
Naples, Florida. 34114
239-455-6232

"Finding Balance Between Human Use and the Environment" Since 1983

If you need assistance with a human-bear conflict, please contact the nearest FWC regional office for assistance:

- Northwest - Panama City: 850-265-3676
- North Central - Lake City: 386-758-0525
- Northeast - Ocala: 352-732-1225
- Southwest - Lakeland: 863-648-3200
- South - West Palm Beach: 561-625-5122

If you decide to use a non-contact method to scare a bear

DO show your dominance by

- Holding your ground at a safe distance.
- Looking the bear in the eyes.
- Raising your arms above your head to look larger.
- DO make loud noises (yell, whistle, air or car horn).
- NEVER leave your safe location to pursue the bear.

To keep bears away, follow this advice:

- Secure household garbage in a shed, garage or a wildlife-resistant container
- Put household garbage out on morning of pickup rather than the night before.
- Secure commercial garbage in bear-resistant dumpsters.
- Protect gardens, beehives, compost and livestock with electric fencing.
- Encourage your homeowners association or local government to institute ordinances on keeping foods that attract wildlife secure.
- Feed pets indoors or bring in dishes after feeding.
- Clean grills and store them in a locked, secure place.
- Remove wildlife feeders or make them bear-resistant .
- Pick ripe fruit from trees and remove fallen fruit from the ground - bears love fruit!
- Screened enclosures ARE NOT SECURE and WILL NOT keep bears out.

Reference:
Florida Fish and Wildlife Conservation Commission, 2020, *The Florida Black Bear,* 07/03/20
https://myfwc.com/wildlifehabitats/wildlife/bear/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Section 1

PETITION APPLICATION

This Includes: Applications, Receipts, Correspondence, Legal Descriptions and miscellaneous documents

PETITION No: CUE-2003-AR-4544

Resolution/Ord. No: RES 2003-352

Petitioner Name:

FIRST HAITIAN ALLIANCE CHURCH

Approval Date: **09-12-00**

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

CUE-2003-AR-4544 (RM) Homere Hyppolite, representing the **First Haitian Alliance Church**, requesting an **extension for one year**, to Conditional Use 2000-08, to build a church, pursuant to Section 2.7.4.5.3, of the Collier County Land Development Code. Property is located on the **west side of County Barn Road**, in Section 8, Township 50 South, Range 26 East, Collier County, Florida, consisting of 2.38 ± acres.

OK 8/14/03 RDM

* SEE AMENDED TITLE

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

CUE-2003-AR-4544 (RM) Homere Hyppolite, representing the **First Haitian Alliance Church**, requesting an **extension for one year**, to Conditional Use 2000-08, to build a church, pursuant to Section 2.7.4.5.3, of the Collier County Land Development Code. Property is located in the **2300 Block of County Barn Road**, in Section 8, Township 50 South, Range 26 East, Collier County, Florida, consisting of 2.38 ± acres.

OK 8/5/03 PDM

*CORRECTED

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

CU 2000-08

17 P

3.A.d

RESOLUTION 2000- 275

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A CHURCH CONDITIONAL USE 1 IN THE "E" ESTATES ZONING DISTRICT PURSUANT TO SECTION 2.2.3.3 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE FOR PROPERTY LOCATED IN SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida in Chapter 67-1246, Laws of Florida, and Chapter 125, Florida Statutes, has conferred on Collier County the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (Ordinance No. 91-102) which includes a Comprehensive Zoning Ordinance establishing regulations for the zoning of particular geographic divisions of the County, among which is the granting of Conditional Uses; and

WHEREAS, the Collier County Planning Commission, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of Conditional Use 1 of Section 2.2.3.3, in an "E" Estates Zone for a church on the property hereinafter described, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Subsection 2.7.4.4 of the Land Development Code for the Collier County Planning Commission; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in a public meeting assembled and the Board having considered all matters presented.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF ZONING APPEALS of Collier County, Florida that:

The petition filed by Thomas R. Brown of Vega, Brown, Stanley & Burke, P.A., and Homere Hyppolite of Naples Realty Services, Inc., representing First Haitian Alliance Church, with respect to the property hereinafter described as:

Exhibit "B" which is attached hereto and incorporated by reference herein.

be and the same is hereby approved for Conditional Use 1 of Section 2.2.3.3. of the "E" Estates Zoning District for a church in accordance with the Conceptual Master Plan (Exhibit "C") and subject to the following conditions:

EXHIBIT "A"

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Exhibit "D" which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote.

Done this 12th day of September, 2000.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

BY: Timothy J. Constantine
TIMOTHY J. CONSTANTINE, CHAIRMAN

ATTEST:
DWIGHT E. BROCK, Clerk

By: Ellen Hoffman, D.C.

Attest as to Chairman's signature only.

Approved as to Form and
Legal Sufficiency:

Marjorie M. Student
Marjorie M. Student
Assistant County Attorney

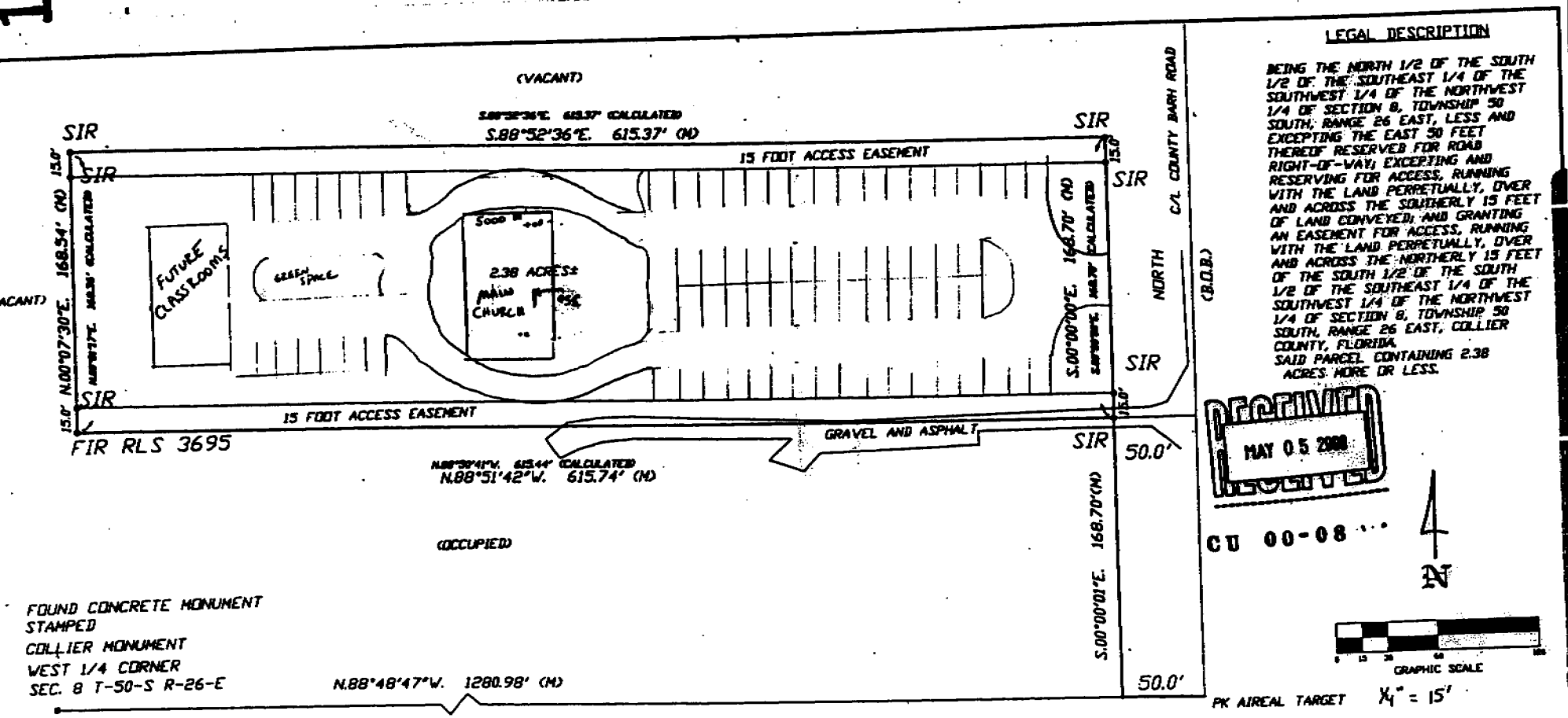
g/ admin/CU-2000-08/ RESOLUTION/CB/cw

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

17B

Exhibit "C"



LEGAL DESCRIPTION

BEING THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, LESS AND EXCEPTING THE EAST 50 FEET THEREOF RESERVED FOR ROAD RIGHT-OF-WAY; EXCEPTING AND RESERVING FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE SOUTHERLY 15 FEET OF LAND CONVEYED; AND GRANTING AN EASEMENT FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE NORTHERLY 15 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.
SAID PARCEL CONTAINING 2.38 ACRES MORE OR LESS.

RECEIVED
MAY 05 2000

CU 00-08

4

N

ABBREVIATIONS

NOTES
1. BEARINGS ARE BASED ON CENTERLINE OF COUNTY BARN ROAD BEING NORTH ASSUMED.
2. ELEVATIONS ARE BASED ON N.G.V.D., 1929 UNLESS NOTED.
3. FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.
4. SUBJECT TO EASEMENTS OF RECORD.
5. ABSTRACT NOT REVIEWED.
6. SURVEYORS CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR EXCESS OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
8. NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.
9. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
10. LEGAL DESCRIPTION FURNISHED BY CLIENT.

CERTIFICATION
THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

FLOOD ZONE: ZONE X
PANEL NO: 125067 0415 B
MAP REVISION DATE: JUNE 3, 1986

BOUNDARY SURVEY

CERTIFIED TO:
FIRST HAITIAN ALLIANCE CHURCH
X
X
X

RHODES, MAYDON & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6807

bk:	pg:	date:
94	36-37	04-15-2000
		scale: 1" = 60'
		cogo #: 2000-406

1320 RAIL HEAD BOULEVARD, #8
NAPLES, FLORIDA 34110
(941) 598-0581 FAX

design:	
drawn:	WKM
checked:	JLR
acad #:	CLASSIC
view:	PLOT
project#:	2000-406
sheet #:	1 of 1
file #:	2000-406

LEGAL DESCRIPTION

BEING THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, LESS AND EXCEPTING THE EAST 50 FEET THEREOF RESERVED FOR ROAD RIGHT-OF-WAY; EXCEPTING AND RESERVING FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE SOUTHERLY 15 FEET OF LAND CONVEYED; AND GRANTING AN EASEMENT FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE NORTHERLY 15 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.
SAID PARCEL CONTAINING 2.38 ACRES MORE OR LESS.

Exhibit "B"

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

CONDITIONS OF APPROVAL
CU-2000-05

This approval is conditioned upon the following stipulations requested by the Collier County Planning Commission at its public hearing on August 17, 2000.

a. The Current Planning Manager may approve minor changes in the location, siting, or height of buildings, structures, and improvements authorized by the conditional use. Expansion of the uses identified and approved within this conditional use application, or major changes to the site plan submitted as part of this application, shall require the submittal of a new conditional use application, and shall comply with all applicable County ordinances in effect at the time of submittal, including Division 3.3, Site Development Plan Review and approval, of the Collier County Land Development Code, Ordinance (91-102).

b. A Site Development Plan (SDP) must be applied for and approved by the Development Services staff prior to the issuance of a building permit.

c. If during the course of site clearing, excavation or other construction activity an historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the Collier County Code Enforcement Department contacted.

d. Wetland jurisdictional determinations and if necessary, permits from the U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD) shall be presented prior to the final site plan/construction plan approval.

e. An appropriate portion of native vegetation shall be retained on site as required in Section 3.9.5.5.4. of the Collier County Land Development Code.

f. An exotic vegetation removal, monitoring, and maintenance (exotic free) plan for the site, with emphasis on areas of retained native vegetation, shall be submitted to Current Planning Section Staff for review and approval prior to final site plan/construction plan approval.

EXHIBIT "D"

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

REVIEWING SECTION: Landscape Planner

DATE: June 12, 2000

REVIEWED BY: Nancy L. Siemion @ 403-2400

PROJECT #: CU 2000-8

REVIEW NUMBER: 1

PROJECT NAME: First Haitian Alliance Church

STATUS: APPROVED _____ HOLD ___X___ NO REVIEW_____

RECOMMENDATIONS and/or COMMENTS:

In order to meet minimum landscape code requirements, please address the following:

1. Provide a 15' landscape buffer along all internal property lines. Note: project is surrounded by estates zoning. The landscape buffer is to be separate from the 15' access easement.

END OF COMMENTS

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

RESOLUTION 2000- 275

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT OF A CHURCH CONDITIONAL USE 1 IN THE "E" ESTATES ZONING DISTRICT PURSUANT TO SECTION 2.2.3.3 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE FOR PROPERTY LOCATED IN SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida in Chapter 67-1246, Laws of Florida, and Chapter 125, Florida Statutes, has conferred on Collier County the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (Ordinance No. 91-102) which includes a Comprehensive Zoning Ordinance establishing regulations for the zoning of particular geographic divisions of the County, among which is the granting of Conditional Uses; and

WHEREAS, the Collier County Planning Commission, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of Conditional Use 1 of Section 2.2.3.3, in an "E" Estates Zone for a church on the property hereinafter described, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Subsection 2.7.4.4 of the Land Development Code for the Collier County Planning Commission; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in a public meeting assembled and the Board having considered all matters presented.

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF ZONING APPEALS of Collier County, Florida that:

The petition filed by Thomas R. Brown of Vega, Brown, Stanley & Burke, P.A., and Homere Hyppolite of Naples Realty Services, Inc., representing First Haitian Alliance Church, with respect to the property hereinafter described as:

Exhibit "B" which is attached hereto and incorporated by reference herein.

be and the same is hereby approved for Conditional Use 1 of Section 2.2.3.3. of the "E" Estates Zoning District for a church in accordance with the Conceptual Master Plan (Exhibit "C") and subject to the following conditions:

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

17B

Exhibit "D" which is attached hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote.

Done this 12th day of September, 2000.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

BY: Timothy J. Constantine
TIMOTHY J. CONSTANTINE, CHAIRMAN

ATTEST:
DWIGHT E. BROCK, Clerk

By: Collier Coffman, D.C.

Attest as to Chairman's signature only.

Approved as to Form and
Legal Sufficiency:

Marjorie M. Student
Marjorie M. Student
Assistant County Attorney

g/ admin/CU-2000-08/ RESOLUTION/CB/cw

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR

CU-2000-08

The following facts are found:

1. Section 2.2.3.3.1. of the Land Development Code authorized the conditional use.

2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:

   A. Consistency with the Land Development Code and Growth Management Plan:
   Yes ✓ No _____

   B. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:
   Adequate ingress & egress
   Yes ✓ No _____

   C. Affects neighboring properties in relation to noise, glare, economic or odor effects:
   ✓ No affect or _____ Affect mitigated by _____
   _____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes ✓ No _____

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval _____.

DATE:_____ CHAIRMAN:_____

EXHIBIT "A"

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR

CU-2000-08

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   _____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes ✓ No _____

Based on the above findings, this conditional use should, with ~~stipulations~~, (copy attached) (should not) be recommended for approval _____.

DATE: 8-17-00

MEMBER: _____

f/FINDING OF FACT MEMBER/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
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FOR

CU-2000-08

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   _____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes ✓ No _____

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval _____.

DATE: 8/17/00

MEMBER: [signature]

f/FINDING OF FACT MEMBER/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR

CU-2000-08

The following facts are found:

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   ✓ No affect or _____ Affect mitigated by _____
   _____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes ✓ No _____

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval _____.

DATE: July 17 2000 MEMBER: [signature]

f/FINDING OF FACT MEMBER/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR

CU-2000-08

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   A. Consistency with the Land Development Code and Growth Management Plan:
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   B. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:
   Adequate ingress & egress
   Yes X No _____

   C. Affects neighboring properties in relation to noise, glare, economic or odor effects:
   X No affect or _____ Affect mitigated by _____
   _____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes X No _____

Based on the above findings, this conditional use should, with stipulations (copy attached) (should not) be recommended for approval APPROVAL.

DATE: 8/17/00 MEMBER: [signature]

f/FINDING OF FACT MEMBER/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR

CU-2000-08

The following facts are found:

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   A. Consistency with the Land Development Code and Growth Management Plan:
   Yes ✓ No _____

   B. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:
   Adequate ingress & egress
   Yes _____ No ✓

   C. Affects neighboring properties in relation to noise, glare, economic or odor effects:
   ✓ No affect or _____ Affect mitigated by _____
   _____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes ✓ No _____

Based on the above findings, this conditional use should, with ~~stipulations~~, (copy attached) (should not) be recommended for approval.

DATE: 8/17/00 MEMBER: Joyceanna J Lewis

f/FINDING OF FACT MEMBER/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A CONDITIONAL USE PETITION
FOR

CU-2000-08

The following facts are found:

1. Section 2.2.3.3.1. of the Land Development Code authorized the conditional use.

2. Granting the conditional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:

   A. Consistency with the Land Development Code and Growth Management Plan:
   Yes ✓ No ____

   B. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:
   Adequate ingress & egress
   Yes ✓ No ____

   C. Affects neighboring properties in relation to noise, glare, economic or odor effects:
   ✓ No affect or ____ Affect mitigated by ____
   ____ Affect cannot be mitigated

   D. Compatibility with adjacent properties and other property in the district:
   Compatible use within district
   Yes ✓ No ____

Based on the above findings, this conditional use should, with stipulations, (copy attached) (should not) be recommended for approval ✓.

DATE: 8/17/2000 MEMBER: SAM SAADEH.

f/FINDING OF FACT MEMBER/

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

LEGAL DESCRIPTION

BEING THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, LESS AND EXCEPTING THE EAST 50 FEET THEREOF RESERVED FOR ROAD RIGHT-OF-WAY; EXCEPTING AND RESERVING FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE SOUTHERLY 15 FEET OF LAND CONVEYED; AND GRANTING AN EASEMENT FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE NORTHERLY 15 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.
SAID PARCEL CONTAINING 2.38 ACRES MORE OR LESS.

Exhibit "B"

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

CONDITIONS OF APPROVAL
CU-2000-05

This approval is conditioned upon the following stipulations requested by the Collier County Planning Commission at its public hearing on August 17, 2000.

a. The Current Planning Manager may approve minor changes in the location, siting, or height of buildings, structures, and improvements authorized by the conditional use. Expansion of the uses identified and approved within this conditional use application, or major changes to the site plan submitted as part of this application, shall require the submittal of a new conditional use application, and shall comply with all applicable County ordinances in effect at the time of submittal, including Division 3.3, Site Development Plan Review and approval, of the Collier County Land Development Code, Ordinance (91-102).

b. A Site Development Plan (SDP) must be applied for and approved by the Development Services staff prior to the issuance of a building permit.

c. If during the course of site clearing, excavation or other construction activity an historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the Collier County Code Enforcement Department contacted.

d. Wetland jurisdictional determinations and if necessary, permits from the U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD) shall be presented prior to the final site plan/construction plan approval.

e. An appropriate portion of native vegetation shall be retained on site as required in Section 3.9.5.5.4. of the Collier County Land Development Code.

f. An exotic vegetation removal, monitoring, and maintenance (exotic free) plan for the site, with emphasis on areas of retained native vegetation, shall be submitted to Current Planning Section Staff for review and approval prior to final site plan/construction plan approval.

EXHIBIT "D"

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

17B

(VACANT)

S.88°52'36"E. 615.37' (CALCULATED)
S.88°52'36"E. 615.37' (M)

SIR

15 FOOT ACCESS EASEMENT

15.0'

N.00°07'30"E. 168.54' (M) (CALCULATED)

FUTURE CLASSROOMS

GREEN SPACE

5000 ± sq.ft.

2.38 ACRES±

MAIN CHURCH

PSC

S.00°00'00"E. 166.70' (M) (CALCULATED)

C/L COUNTY BARN ROAD

NORTH

(B.O.B.)

15 FOOT ACCESS EASEMENT

FIR RLS 3695

GRAVEL AND ASPHALT

50.0'

N.88°39'41"W. 615.44' (CALCULATED)
N.88°51'42"W. 615.74' (M)

(OCCUPIED)

S.00°00'01"E. 168.70'(M)

FOUND CONCRETE MONUMENT
STAMPED
COLLIER MONUMENT
WEST 1/4 CORNER
SEC. 8 T-50-S R-26-E

N.88°48'47"W. 1280.98' (M)

LEGAL DESCRIPTION

BEING THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, LESS AND EXCEPTING THE EAST 50 FEET THEREOF RESERVED FOR ROAD RIGHT-OF-WAY; EXCEPTING AND RESERVING FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE SOUTHERLY 15 FEET OF LAND CONVEYED; AND GRANTING AN EASEMENT FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE NORTHERLY 15 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.
SAID PARCEL CONTAINING 2.38 ACRES MORE OR LESS.

RECEIVED
MAY 05 2000
ZONING SERVICES

CU 00-08

N

GRAPHIC SCALE

PK AIREAL TARGET

1/4" = 15'

ABBREVIATIONS

- BOB = BASIS OF BEARING
- COP = CODE OF PAVEMENT
- CM = CONCRETE MONUMENT
- C/L = CENTERLINE
- CTV = CABLE TV
- D = DEED
- F.F. E.L.E.V. = FINISHED FLOOR ELEVATION
- FIR = FOUND 5/8" IRON ROD
- FIP = FOUND PIPE
- FN = FOUND NAIL
- FNB = FOUND NAIL AND DISC
- FPL = FLORIDA POWER AND LIGHT
- M = MEASURED
- M/E = MAINTENANCE EASEMENT
- NGVD = NATIONAL GEODETIC VERTICAL DATUM
- OHW = OVERHEAD WIRES
- P = PLAT
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING
- PCP = PERMANENT CONTROL POINT
- PK = PK NAIL
- PP = POWER POLE
- PRM = PERMANENT REFERENCE MONUMENT
- PUE/UE = PUBLIC UTILITY AND DRAINAGE EASEMENT
- R/W = RIGHT OF WAY LINE
- SIR = SET 5/8" IRON ROD AND CAP LB 6697
- WPP = WOOD POWER POLE
- SSE = SANITARY SEWER EASEMENT
- UE = UTILITY EASEMENT
- UTS = UNITED TELEPHONE SYSTEM EAST
- WM = WATER METER BOX
- PSM = PROFESSIONAL SURVEYOR AND MAPPER

NOTES

1. BEARINGS ARE BASED ON CENTERLINE OF COUNTY BARN ROAD BEING NORTH ASSUMED.
2. ELEVATIONS ARE BASED ON N.G.V.D., 1929 UNLESS NOTED.
3. FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.
4. SUBJECT TO EASEMENTS OF RECORD.
5. ABSTRACT NOT REVIEWED.
6. SURVEYORS CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FINDINGS OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
8. NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.
9. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
10. LEGAL DESCRIPTION FURNISHED BY CLIENT.

CERTIFICATION

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT CHAPTER 472.027, FLORIDA STATUTES.

FLOOD ZONE: ZONE X
PANEL NO.: 120067 0465 B
MAP REVISION DATE: JUNE 3, 1986

BOUNDARY SURVEY

CERTIFIED TO:
FIRST HAITIAN ALLIANCE CHURCH
X
X
X

RHODES, MATSON & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6697

bk:	pg:	date:
94	36-37	04-15-2000
		scale: 1" = 60'
		cogo #: 2000-405

1320 RAIL HEAD BOULEVARD, #8
NAPLES, FLORIDA 34110

design	
drawn	WM
checked	JLA
acad #:	CLASSIC
view:	PLOT
project#:	2000-405
sheet #:	1 of 1
file #:	2000-405

COLLIER COUNTY GOVERNMENT
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION

PLANNING SERVICES DEPARTMENT
2800 NORTH HORSESHOE DRIVE
NAPLES, FL 34104

October 26, 2000

Mr. Thomas R. Brown
Vega, Brown, Stanley & Burke, P.A.,
2660 Airport Road South
Naples, Florida 34112

REFERENCE: CU-2000-08, First Haitian Alliance Church

Dear Mr. Brown:

On Tuesday, September 12, 2000, the Board of County Commissioners heard and approved Petition No. CU-2000-08.

A copy of Resolution No.2000-275 is enclosed approving this use.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Chahram Badamtchian,
Principal Planner

g/admin/CU-2000-08/CB/cw

cc: Homere Hyppolite
Naples Realty Services, Inc.
4843 Devon Circle
Naples, Florida 34112
First Haitian Alliance Church
115 12th Street North
Naples, Florida 34102
Land Dept. Property Appraiser (Site Plans)
M. Ocheltree, Graphics
K. Hendricks, Real Property (R, CU or PUD)
File

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

PHONE (941) 403-2400 FAX (941) 643-6968 www.co.collier.fl.us

COLLIER COUNTY GOVERNMENT

Community Development and Environmental Services Division

Planning Services Department • 2800 North Horseshoe Drive • Naples, Florida 34104

July 14th, 2003

Mr. Thomas R. Brown
Vega, Brown, Stanley & Burke, P.A.,
2660 Airport Road South
Naples, Florida 34112

REFERENCE: CU-2000-08, First Haitian Alliance Church

Dear Mr. Brown:

Your conditional use, which was granted on September 12, 2000 expires September 11, 2003, unless the conditional use has been commenced.

In accordance with LDC Section 2.7.4.5.3, you may request a one-year extension. The written request must be received within 60 days, for processing, prior to its expiration date and is to include payment of the $1000.00 fee (fee subject to change as of 10/1/03). Checks are to be made payable to: Collier County Board of County Commissioners.

If you have any questions, please do not hesitate to contact my office (941) 403-2400.

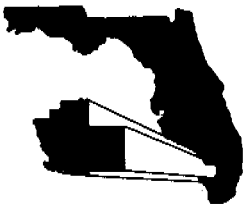
Very truly yours,

Claudine Auclair
Planning Technician
Planning Services

cc: Susan Murray
File
Graphics

G:\Administration\Petitions\CU\CU 2000\CU-2000-08\CU-2000-08 Exp ltr 7142003.doc

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)



COLLIER COUNTY GOVERNMENT

Community Development and Environmental Services Division
Planning Services Department • 2800 North Horseshoe Drive • Naples, Florida 34104

February 2, 2004

First Haitian Alliance Church
Homer E. Hypolite
115 12th St. N
Naples, FL 34102

REFERENCE: CUE-2003-AR-4544, FIRST HAITIAN ALLIANCE CHURCH

Dear Mr. Hypolite:

On Tuesday, October 14, 2003, the Board of County Commissioners heard and approved Petition No. CUE-2003-AR-4544. A copy of Resolution/Ordinance No. 03-352 is enclosed approving this use.

Please be advised that Section 2.7.2.3.2(3) of the Land Development Code requires an applicant to remove their public hearing advertising sign(s) after final action is taken by the Board of County Commissioners. Based on the Board's final action on this item, please remove all public hearing advertising sign(s) immediately.

If you have any questions, please contact me at 213-2958.

Very truly yours,

Robin D. Meyer

Robin Meyer, Principal Planner
Department of Zoning and Land Development Review

RM/lo

Enclosure

cc: 1ST HAITIAN ALLIANCE CHURCH INC
115 12th St. North
Naples, FL 34102
Land Dept. Property Appraiser (Site Plans)
Addressing (Peggy Jarrell)
Customer Service
M. Ocheltree, Graphics
Files (Records & Planning Dept.)

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

AGENDA TRANSMITTAL SLIP

Agenda Item #17

Date Submitted: September 22, 2003

Requested Agenda Date: October 14, 2003

APPROPRIATE HEADING (CIRCLE ONE)		
☐ (1) Invocation and Pledge of Allegiance	☐ (2) Agenda and Minutes	☐ (3) Service Awards
☐ (4) Proclamations	☐ (5) Presentations	☐ (6) Public Petitions
☐ (7) Board of Zoning Appeals	XX (8) Advertised Public Hearings	☐ (9) Board of County Commissioners
☐ (10) County Manager's Report	☐ (11) Public Comments on General Topics	☐ (12) County Attorney's Report
☐ (13) Other Constitutional Officers	☐ (14) Airport Authority	☐ (15) Staff and Commission General Communications
☐ (16) Consent Agenda	☐ (17) Summary Agenda	

Requested by: Robin Meyer Date:

Reviewed by: Susan Murray, Current Planning Manager Date:

Division Head: Joseph K. Schmitt Date:

County Manager: Date:

Item Title: (This item requires that all participants be sworn in and ex parte disclosure be provided by Commission members)

Item Title: RELATING TO PETITION NUMBER CUE-2003-AR-4544, HOMERE HYPPOLITE,REPRESENTING FIRST HAITAIN ALLIANCE CHURCH, REQUESTING A ONE-YEAR EXTENSION OF CONDITIONAL USE CU 2000-08 FOR A CHURCH IN THE "E" ESTATES ZONING DISTRICT LOCATED ON THE WEST SIDE OF COUNTY BARN ROAD IN THE 2300 BLOCK.

List of Documents Attached:

1. Executive Summary (required)
2. Letter Requesting Extension
3. Resolution and Support Information

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

EXECUTIVE SUMMARY

CUE-2003-AR-4544, HOMERE HYPPOLITE,REPRESENTING FIRST HAITIAN ALLIANCE CHURCH, REQUESTING A ONE-YEAR EXTENSION OF CONDITIONAL USE CU 2000-08 FOR A CHURCH IN THE "E" ESTATES ZONING DISTRICT LOCATED ON THE WEST SIDE OF COUNTY BARN ROAD IN THE 2300 BLOCK. DESCRIBED IN SECTION 8, TOWNSHIP 50, RANGE 26, COLLIER COUNTY, FLORIDA.

OBJECTIVE:

The petitioner seeks to extend the date by which a conditional use was first approved for a church, in the "E" Estates zoning district.

CONSIDERATIONS:

The approved development order Resolution No. 2000-275 remains consistent with all elements of the GMP and in particular the Future Land Use Element which provides for churches as conditional uses in all residential districts. The Collier County Land Development Code provides for a one-year extension to conditional uses. Correspondence from the owners' agent advises that members of the church are actively pursuing the steps essential to initiating construction of the church, a copy of which is included with this executive summary.

FISCAL IMPACT:

Approval of this extension will not have a financial impact on Collier County.

GROWTH MANAGEMENT IMPACT:

Approval of this petition will not affect or change the requirements of the Growth Management Plan.

HISTORIC/ARCHEAOLOGICAL IMPACT:

Staff's analysis indicates that the petitioner's property is located outside an area of historical and archaeological probability as referenced on the official Collier County Probability Map. Therefore, no Historical/Archaeological Survey and Assessment is required.

STAFF RECOMMENDATION:

That the Board of Zoning Appeals grants a one-year extension to CU-2000-08 in accordance with the attached Resolution and Exhibits thereto.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

PREPARED BY:

_____ DATE _____
ROBIN MEYER
PRINCIPAL PLANNER

REVIEWED BY:

_____ _____
SUSAN MURRAY, AICP DATE
CURRENT PLANNING MANAGER

APPROVED BY:

_____ _____
JOSEPH K. SCHMITT, ADMINISTRATOR DATE
COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

RECEIVED

Date: December 10, 2003

To: Robin Meyer, Planner

From: Trish Morgan, Deputy Clerk
Minutes & Records Department

Re: Resolution 2003-352

Enclosed please find one document as referenced above , Agenda Item #17E, approved by the Board of County Commissioners on Tuesday, October 14, 2003.

If you should have any questions, please contact me at 774-8406.

Thank you.

Enclosure

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Official Receipt - Collier County Board of County Commissioners

CDPR1103 - Official Receipt

Trans Number	Date	Post Date	Payment Slip Nbr
421161	8/1/2003 1:11:33 PM	8/1/2003	AR 4544

Appl Name: FIRST HAITIAN ALLIANCE CHURCH
Appl Stage/Status: COMPLETENESS STAGE/PENDING
Address: HOMERE HYPPOLITE 115 12TH ST. N NAPLES FL 34102
Proj Name: FIRST HAITIAN ALLIANCE CHURCH
Type: CH TAZ:
Subdiv Nbr: 100
Project Nbr: 2002080010

Payor : FIRST HAITIAN ALLIANCE

Fee Information

Fee Code	Description	GL Account	Amount	Waived
11CONU	CONDITIONAL USE PETITIONS	11313890034123000000	$1000.00	
		Total	$1000.00	

Payments

Payment Code	Account/Check Number	Amount
CHECK	0000	$1000.00

Total Cash	$0.00
Total Non-Cash	$1000.00
Total Paid	$1000.00

Memo:

Cashier/location: MCCAULEYKATY / 1
User: SMITH_G

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

To: Bob Lockhart

From: Robin Meyer, Principal Planner
Collier County

Subject: First Haitian Alliance Church

Bob, this is to confirm our conversation that the request to extend the Conditional Use Permit for the First Haitian Alliance Church was timely received by the County and that their permit request to extend their Conditional Use is being processed. As soon as I receive the approved Resolution from the County Attorneys office I will schedule the proposed extension before the Board of County Commissioner's for approval. Let me know if I can provide anything else.

Sincerely,

Robin D. Meyer

Robin Meyer

Post-it® Fax Note 7671	Date 9/11/03	# of pages ▶
To Bob Lockhart	From Robin Meyer	
Co./Dept.	Co.	
Phone #	Phone # 213-2958	
Fax # 262-5986	Fax #	

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

BCC HEARING AFFADAVIT

RECEIVED
SEP 2 2 2003

CUE-03-AR 4544 (RM)

First Haitian Alliance Church

FOR BCC MEETING DATE 10-14-03

SEP 1 2003

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

COLLIER COUNTY FLORIDA
REQUEST FOR LEGAL ADVERTISING OF PUBLIC HEARINGS

To: Clerk to the Board: Please place the following as a:
Normal legal Advertisement Other: (Display Adv., location, etc.)

****

Originating Dept/ Div: Comm.Dev.Serv./Planning Person: Robin Mayer Date: 9/17/03

Petition No. (If none, give brief description): CUE-03-AR-4544

Petitioner: (Name & Address): First Haitian Alliance Church 115 12th Street North, Naples, Fla. 34102

Name & Address of any person(s) to be notified by Clerk's Office: (If more space is needed, attach separate sheet) Homere Hyppoli
Naples Realty Services, Inc., 4843 Devon Circle, Naples, Florida 34112

Hearing before BCC **BZA XXX** Other

Requested Hearing date: 10/14/03 Based on advertisement appearing 15 days before hearing.
Newspaper(s) to be used: (Complete only if important):

XXX Naples Daily News Other ☐ Legally Required
Proposed Text: (Include legal description & common location & Size: CUE-03-AR-4544, Homere Hyppolite, representing First Haitian Alliance Church, requesting an extension for one year, to conditional use 2000-08 to build a church, pursuant to Section 2.7.4.5.3, of the Collier County Land Development Code. Property is located on the west side of County Barn Road, in Section 8, Township 50 South, Range 26 East, Collier County, Florida, consisting of 2.38± acres.

Does Petition Fee include advertising cost? **XX** Yes ☐ No If Yes, what account should be charged for advertising costs:
113-138312-649110

Reviewed by: Approved by:

Susan Murray 9/17/03 _____ _____
Division Head Date County Manager Date

DISTRIBUTION INSTRUCTIONS

A. For hearings before BCC or BZA: Initiating person to complete one coy and obtain Division Head approval before submitting to County Manager. Note: If legal document is involved, be sure that any necessary legal review, or request for same, is submitted to County Attorney before submitting to County Manager. The Manager's office will distribute copies:

☐ **County Manager agenda file: to Clerk's Office** ☐ **Requesting Division** ☐ **Original**

B. Other hearings: Initiating Division head to approve and submit original to Clerk's Office, retaining a copy for file.

****

FOR CLERK'S OFFICE USE ONLY:

Date Received: _____ Date of Public hearing: _____ Date Advertised: _____

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

7 - 20 - 03

First Haitian Alliance church

115 12th st North
Naples FL 34102

TO

Collier County Government

The board of the first Haitian alliance church requests , from the collier county Board of county commissionners or to whom it may applied , an extension for one year to the approval of the conditional use to build our church on county barn road in naples referred as CU- 2000-08 First Haitian Alliance church.

Enclosed is the appropriate fee along with this request
Thanks for your cooperation.

Respectfully , in behalf of the Board

Homere Hyppolite
Church General secretary\ Registered Agent

CUE-2003-AR-4544
FIRST HAITIAN ALLIANCE CHURCH
PROJECT #2002080010
DATE: 8/4/2003 DUE:8/18/2003
ROBIN MEYER

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

NAPLES DAILY NEWS
Published Daily
Naples, FL 34102

Affidavit of Publication

State of Florida
County of Collier

Before the undersigned they serve as the authority, personally appeared B. Lamb, who on oath says that they serve as the Assistant Corporate Secretary of the Naples Daily, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising, being a

PUBLIC NOTICE

in the matter of PUBLIC NOTICE

was published in said newspaper 1 time in the issue on September 28, 2003

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of affiant)

Sworn to and subscribed before me
This 29th day of September 2003

(Signature of notary public)

SUSAN D. FLORA
My Comm Exp. 12/10/04
No. CC 983546
[ ] Personally Known [ ] Other I.D.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Collier County will hold a public hearing on Tuesday, October 14, 2003, in the Boardroom, 3rd Floor, Administration Building, Collier County Government Center, 3301 East Tamiami Trail, Naples, Florida. The meeting will begin at 9:00 A.M.

The Board will consider Petition CUE-2003-AR-4544, Homere Hyppolite, representing First Haitian Alliance Church, requesting an extension for one year, to conditional use 2000-08 to build a church, pursuant to Section 2.7.4.5.3, of the Collier County Land Development Code. Property is located on the west side of County Barn Road, in Section 8, Township 50 South, Range 26 East, Collier County, Florida, consisting of 2.38 + acres.

NOTE: All Persons wishing to speak on any agenda item must register with the County Administrator prior to presentation of the agenda item to be addressed. Individual speakers will be limited to 5 minutes on any item. The selection of an individual to speak on behalf of an organization or group is encouraged. If recognized by the Chair, a spokesperson for a group or organization may be allotted 10 minutes to speak on an item.

Persons wishing to have written or graphic materials included in the Board agenda packets must submit said material a minimum of 3 weeks prior to the respective public hearing. In any case, written materials intended to be considered by the Board shall be submitted to the appropriate County staff a minimum of seven days prior to the public hearing. All material used in presentations before the Board will become a permanent part of the record.

Any person who decides to appeal a decision of the Board will need a record of the proceedings pertaining thereto and therefore, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

BOARD OF COUNTY COMMISISONERS
COLLIER COUNTY, FLORIDA

TOM HENNING, CHAIRMAN

DWIGHT E. BROCK, CLERK

By: /s/Patricia L. Morgan, Deputy Clerk
(SEAL)
Sept. 28 No. 309201

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

Collier County
Public Utilities Department
Engineering & Project Management Division

April 16, 2019 **VIA: E-MAIL**

Gina R. Green, P.E. ggreeneng@aol.com
3310 1st Avenue NW
Naples, FL 34120

Subject: Water and Wastewater Service Availability
Project: First Haitian Alliance Church (2300 County Barn Rd)
Parcel #: 00405440003

Dear Gina:

The subject project is within the Collier County Water-Sewer District's (CCWSD) water and wastewater service areas.

Water service is readily available to the project via an existing 16" water main along the east side of County Barn Road, and wastewater service is readily available to the project via an existing 24" force main along the west side of County Barn Road.

Potable water is available for domestic use, fire protection, and irrigation, subject to the provisions of LDC 4.03.08 C, the Collier County Irrigation Ordinance (2015-27), and other applicable rules and regulations.

Connections to the CCWSD's water distribution and wastewater transmission systems will be permitted only in the locations referenced herein, or in a superseding utility service availability letter, and only after the GMD Development Review Division's approval of hydraulic calculations prepared by the Developer's Engineer of Record in accordance with the Design Criteria found in Section 1 of the Collier County Water-Sewer District Utilities Standards Manual. Source pressure shall be verified by the results of a fire flow test not older than six months, in accordance with subsection 2.2.1, paragraph A. Please contact Corinne Trtan (Corinne.Trtan@colliercountyfl.gov) to confirm force main connection pressure.

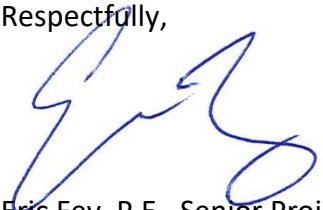
A preliminary utility plan must be reviewed and discussed at a pre-submittal conference with representatives of the Public Utilities Department and the Growth Management Department, as required by Sec. 134-58, paragraph (b)(2) of the Code of Ordinances. This conference may be conducted by email at the discretion of the Public Utilities Department. Please contact Brett Rosenblum (Brett.Rosenblum@colliercountyfl.gov) for assistance with this requirement.

See the below GIS screen shot for approximate utility locations. Record drawings for County projects can be requested by emailing Bryan Feir (Bryan.Feir@colliercountyfl.gov).

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

If you have any questions, you may contact me at (239) 252-1037 or Eric.Fey@colliercountyfl.gov.

Respectfully,



Eric Fey, P.E., Senior Project Manager

CC: Steve Messner, Division Director – Water, PUD/WD; Beth Johnssen, Division Director – Wastewater, PUD/WWD; Ben Bullert, Interim Principal Project Manager – Water, PUD/EPMD; Michael Stevens, Principal Project Manager – Wastewater, PUD/EPMD; Corinne Trtan, Project Manager – Utility Expansion, PUD/EPMD; Bryan Feir, Administrative Assistant, PUD/EPMD; Brett Rosenblum, Principal Project Manager, GMD/DRD; Utility Planning Section

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

GIS Screen Shot

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church

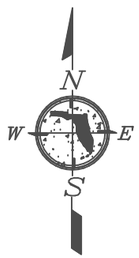
SURVEY SKETCH OF BOUNDARY SURVEY

COPYRIGHT 2021: F.L.A. SURVEYS CORP.
THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP.

ELEVATIONS SHOWN ARE IN NAVD DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.2'

NOT FOR FENCE CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR DESIGN

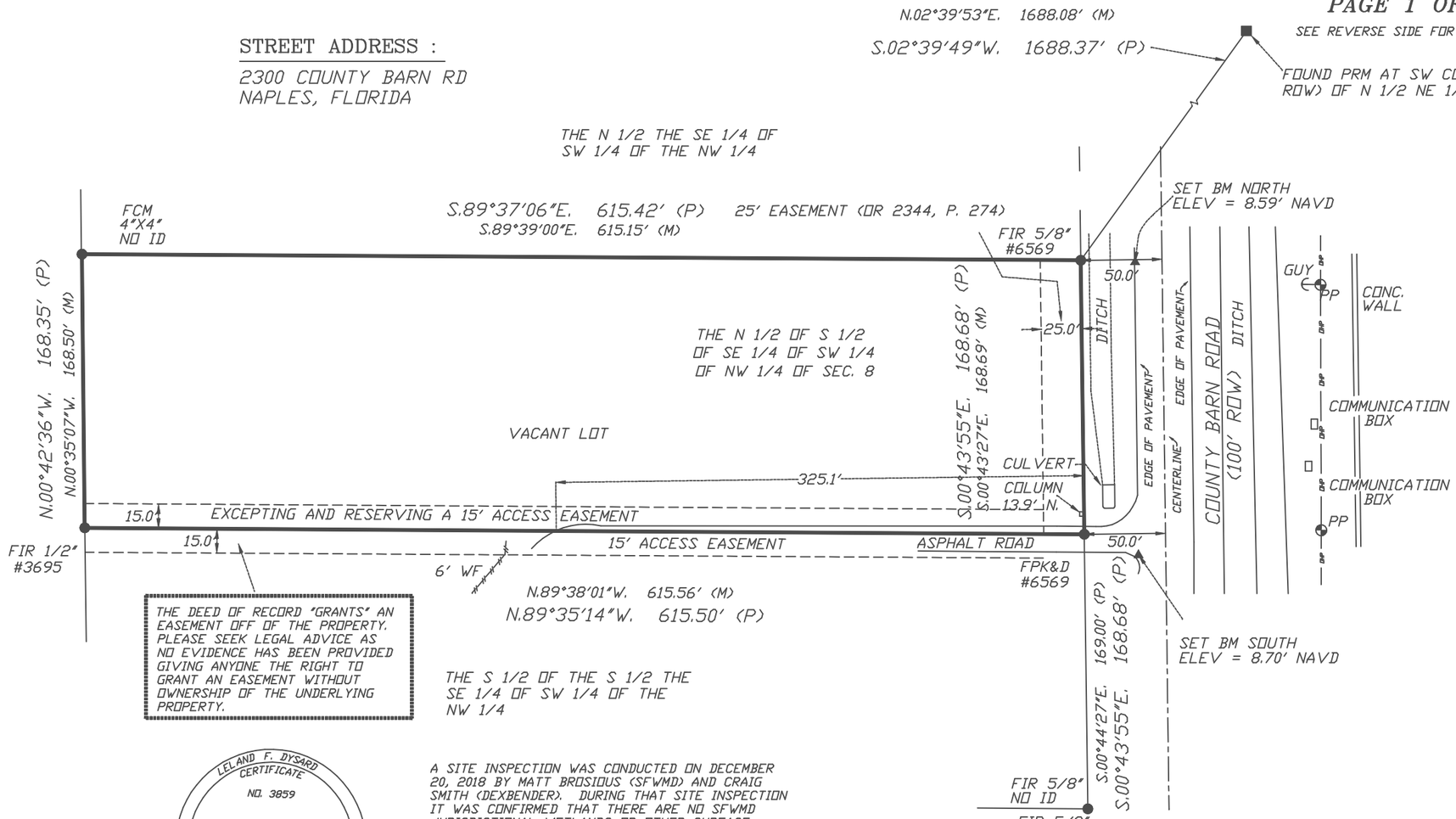
IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED



SCALE: 1" = 80'

STREET ADDRESS :

2300 COUNTY BARN RD
NAPLES, FLORIDA



THE SW 1/4 OF SW 1/4 OF THE NW 1/4

CERTIFIED TO :

1ST HAITIAN ALLIANCE CHURCH INC

LEGAL DESCRIPTION :

NORTH 1/2 OF SOUTH 1/2 OF SOUTHEAST 1/4 OF SOUTHWEST 1/4 OF NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, LESS AND EXCEPTING THE EAST 50 FEET THEREOF RESERVED FOR ROAD RIGHT OF WAY; EXCEPTING AND RESERVING AN EASEMENT FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE SOUTHERLY 15 FEET OF THE LAND; AND GRANTING AN EASEMENT FOR ACCESS, RUNNING WITH THE LAND PERPETUALLY, OVER AND ACROSS THE NORTHERLY 15 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

LELAND F. DYSARD CERTIFICATE NO. 3859
STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

A SITE INSPECTION WAS CONDUCTED ON DECEMBER 20, 2018 BY MATT BROSIOUS (SFWMD) AND CRAIG SMITH (DEXBENDER). DURING THAT SITE INSPECTION IT WAS CONFIRMED THAT THERE ARE NO SFWMD JURISDICTIONAL WETLANDS OR OTHER SURFACE WATERS ON THE SUBJECT PROPERTY.

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA EAST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NOS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS".

CERTIFICATION :

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE.

BY : Leland F DySard SURVEY DATE : 02/04/2021

CLINTON W. FINSTAD, PE, CFM, PLS #2453 LELAND F. DySARD, PLS #3859
MARY E. FINSTAD, CFM, PSM #5901

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
FLORIDA STATUTE 5J-17.05 (3) (c): TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

= SPOT ELEVATION IN NAVD DATUM

(P) = CALCUALTED FROM SECTION BREAKDOWN BASED ON THIS SECTIONS NINE CERTIFIED CORNER RECORDS

NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)

Leland F. DySard, P.L.S. #3859

Digitally signed by Leland F. DySard, P.L.S. #3859
Date: 2021.03.22 14:32:26 -04'00'

0 20 40 80 160
GRAPHIC SCALE

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104
239-403-1600 FAX 403-8600
239-404-7129 239-580-2795
239-250-2792 239-825-8504

9220 BONITA BEACH ROAD, STE 200
BONITA SPRINGS, FL 34135

DRAWN BY:	SVJ	PARTY CHIEF:	MIKE

NOTE:
IN COMPLIANCE WITH F.A.C. 5J-17.052 (2) (d) (4) IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

QUALITY CONTROL
BY : MEF DATE : 02/04/2021

REVISIONS

PROJECT NO:
21-85124-SPC

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

PAGE 2 OF 2
NOT VALID WITHOUT
PAGE 1 OF 2

GENERAL NOTES
ABSTRACT NOT REVIEWED

N = NORTH
S = SOUTH
E = EAST
W = WEST, OR ANY COMBINATION THEREOF

1. ° = DEGREES
2. ‘ = MINUTES WHEN USED IN A BEARING
3. “ = SECONDS WHEN USED IN A BEARING
4. ‘ = FEET WHEN USED IN A DISTANCE
5. “ = INCHES WHEN USED IN A DISTANCE
6. ± = “MORE OR LESS” OR “PLUS OR MINUS”
7. A = ARC DISTANCE
8. AC = ACRES
9. A/C = AIR CONDITIONING PAD
10. AE = ACCESS EASEMENT
11. B.E. = BUFFER EASEMENT
12. BM = BENCHMARK
13. BOB = BASIS OF BEARING
14. BRG = BEARING
15. C# = CURVE NUMBER
16. C = CALCULATED
17. CB = CATCH BASIN
18. CHB = CHORD BEARING
19. CHD = CHORD
20. CLF = CHAINLINK FENCE
21. CM = CONCRETE MONUMENT
22. C0 = CLEAN OUT
23. CONC = CONCRETE
24. CP = CONCRETE PAD
25. CSW = CONCRETE SIDEWALK
26. CTV= CABLE TV RISER
27. CUE= COLLIER COUNTY UTILITY EASEMENT
28. D = DEED
29. DE= DRAINAGE EASEMENT
30. DH = DRILL HOLE
31. DI = DROP INLET
32. ELEC= ELECTRIC
33. EOP = EDGE OF PAVEMENT
34. EOR = EDGE OF ROAD
35. EOW = EDGE OF WATER
36. F= AS LABELED OR FOUND IN THE FIELD
37. F.A.C. = FLORIDA ADMINISTRATIVE CODE
38. FCC = FOUND CROSS CUT
39. FCM = FOUND CONCRETE MONUMENT
40. FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
41. FDH = FOUND DRILL HOLE
42. FFE = FINISH FLOOR ELEVATION
43. FH = FIRE HYDRANT
44. FIP = FOUND IRON PIPE
45. FIR = FOUND IRON ROD
46. FN = FOUND NAIL
47. FND = FOUND
48. FPK = FOUND PK NAIL
49. FPK&D = FOUND PK NAIL AND DISC
50. GTE = TELEPHONE RISER
51. ILLEG. = ILLEGIBLE LB OR PSM NUMBER
52. LB = LICENSED BUSINESS
53. LBE = LANDSCAPE BUFFER EASEMENT
54. LME = LAKE MAINTENANCE EASEMENT
55. LP = LIGHT POLE
56. M = MEASURED
57. ME = MAINTENANCE EASEMENT
58. MH = MANHOLE
59. NAVD 1988 = NORTH AMERICAN VERTICAL DATUM OF 1988
60. NGVD 1929 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
61. NO ID = NO IDENTIFYING MARKINGS
62. (NR) = NON-RADIAL
63. NTS= NOT TO SCALE
64. OHP= OVERHEAD POWER
65. OHU = OVERHEAD UTILITY LINE
66. O.R. = OFFICIAL RECORD BOOK
67. P = PLAT
68. PC = POINT OF CURVATURE
69. PCC = POINT OF COMPOUND CURVATURE
70. PCP = PERMANENT CONTROL POINT
71. PG = PAGE
72. PI = POINT OF INTERSECTION
73. PK&D = PARKER KALON NAIL AND DISC
74. PLS = PROFESSIONAL LAND SURVEYOR
75. POB = POINT OF BEGINNING
76. POC = POINT OF COMMENCEMENT
77. PP = POWER POLE
78. PRC = POINT OF REVERSE CURVE
79. PRM = PERMANENT REFERENCE MONUMENT
80. PSM= PROFESSIONAL SURVEYOR AND MAPPER
81. PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
82. PUE = PUBLIC UTILITY EASEMENT
83. (R) = RADIAL
84. R = RADIUS
85. RING = ITEM DETECTED BY METAL DETECTOR BUT NOT RECOVERED
86. RNG= RANGE
87. ROW = RIGHT-OF-WAY
88. RR SPK = RAILROAD SPIKE
89. SAT= SATELLITE DISH
90. SEC = SECTION
91. SPK&D = SET PK WITH DISC WITH LB NUMBER
92. SIR = SET 5/8" IRON ROD WITH LB NUMBER
93. TBM = TEMPORARY BENCH MARK
94. TECO= TAMPA ELECTRIC COMPANY
95. TEL = TELEPHONE FACILITIES
96. TOB = TOP OF BANK
97. TP = TRANSMITTER PAD
98. TUE = TECHNOLOGY UTILITY EASEMENT
99. TVR= TELEVISION RISER
100. TWP= TOWNSHIP
101. UE = UTILITY EASEMENT
102. VF = VINYL FENCE
103. W = WATER SERVICE
104. WB = WATER BOX
105. WF= WOOD FENCE
106. WPP= WOOD POWER POLE
107. WREC= WITHLACOOCHEE RIVER ELECTRIC COMPANY
108. Δ = DELTA OR CENTRAL ANGLE OF CURVE
109. DIMENSIONS ARE IN FEET AND IN DECIMALS THEREOF
110. ELEVATIONS SHOWN HEREON ARE NAVD 1988 UNLESS OTHERWISE STATED
111. ALL PHYSICAL IMPROVEMENTS SHOWN WITHOUT DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THAT THEY DO EXIST, BUT WERE NOT NECESSARILY MEASURED IN THE FIELD.
112. NOTE: LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
113. EASEMENTS AND RIGHT OF WAYS SHOWN ARE PER RECORDED PLAT OR AS FURNISHED BY THE CLIENT
114. FOUNDATION LINE BELOW THE SURFACE OF THE GROUND IS NOT REFLECTED
115. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNDER ANY CONDITION UNLESS OTHERWISE STATED
116. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED
117. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAYS, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
118. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE AS DELINEATED ON THIS PLAT OF SURVEY
119. TIES ARE TO FIELD LINES UNLESS OTHERWISE NOTED
120. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR EASEMENTS THAT ARE NOT RECORDED ON SAID PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
121. FENCES MEANDER ON AND OFF LINE, APPROXIMATE LOCATION ONLY UNLESS STATED OTHERWISE.
122. THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
123. THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY UNLESS STATED OTHERWISE
124. FLORIDA STATUTE : TWO SITE BENCHMARKS ARE REQUIRED FOR CONSTRUCTION.
125. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
126. 121. F.E.M.A. FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATIONS OF FLOOD BOUNDARIES. CALL 1-877-FEMAMAP OR EMAIL A MAP SPECIALIST AT: HTTP://WWW.FEMA.GOV/PLAN/PREVENT/FHM/TSD_EMAP.SHT PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZON DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION
127. IN COMPLIANCE WITH F.A.C. 5J-17.052(2)(D)(4) – IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
128. IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES (APPROXIMATE LOCATION ONLY)
129. ARCHITECTURAL FEATURES, SUCH AS FURRING STRIPS, SIDING, CORNICES, STUCCO, ETC., OUTSIDE THE LINE OF THE STRUCTURE HAVE BEEN TAKEN INTO ACCOUNT WHEN GIVING TIES FROM THE STRUCTURE TO THE LOT LINES.
130. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

APPLICATION FOR PUBLIC HEARING FOR: CONDITIONAL USE

LDC Section 10.08.00 & Code of Laws section 2-83 – 2-90
Chapter 3 C.1 of the Administrative Code

PETITION NO (PL)
PROJECT NAME
DATE PROCESSED

To be completed by staff

☒ **A CONDITIONAL USE TO BE HEARD BY THE PLANNING COMMISSION AND BOARD OF ZONING APPEALS**
☐ **A MINOR CONDITIONAL USE TO BE HEARD BY THE OFFICE OF THE HEARING EXAMINER**

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Homere Hyppolite, First Haitian Alliance Church and Missionaries Inc.

Name of Applicant if different than owner: _____

Address: 4843 Devon Circle **City:** Naples **State:** FL **ZIP:** 34112

Telephone: 239-571-3086 **Cell:** _____ **Fax:** _____

E-Mail Address: fhachurch@gmail.com

Name of Agent(s): Andres Boral, P.E., Canon Sandora, E.I.

Firm: Boral Engineering & Design, Inc.

Address: 9911 Corkscew Rd. #222 **City:** Estero **State:** FL **ZIP:** 33928

Telephone: 239-692-6738 **Cell:** _____ **Fax:** _____

E-Mail Address: andres@boralengineering.com, canon@boralengineering.com

BE AWARE THAT COLLIER COUNTY HAS LOBBYIST REGULATIONS. GUIDE YOURSELF ACCORDINGLY AND ENSURE THAT YOU ARE IN COMPLIANCE WITH THESE REGULATIONS.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL80000487 First Haitian Alliance Church CU)

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ASSOCIATIONS

Required: List all registered Home Owner Association(s) that could be affected by this petition. Provide additional sheets if necessary. Information can be found on the Board of County Commissioner's website at http://www.colliergov.net/Index.aspx?page=774.

Name of Homeowner Association: Marquesa Isles
Mailing Address: 2122 Marquesa Circle **City:** Naples **State:** FL **ZIP:** 34112

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

PROPERTY INFORMATION

On separate page, provide a detailed legal description of the property covered by the application:

- If the request involves changes to more than one zoning district, the applicant shall include separate legal description for property involved in each district;
- The applicant shall submit 4 copies of a recent survey (completed within the last six months, maximum 1" to 400' scale), if required to do so at the pre-application meeting; and
- The applicant is responsible for supplying the correct legal description. If questions arise concerning the legal description, an engineer's certification or sealed survey may be required.

Property I.D. Number: 00405440003 **Plat Book:** 2735 **Page #:** 2800
Section/Township/Range: 8 / 50 / 26
Subdivision: _____ **Lot:** _____ **Block:** _____
Metes & Bounds Description: N1/2 of S1/2 of SE1/4 of SW1/4 of NW1/4 Less R/W
Size of Property: 169 **ft. X** 615 **ft. =** 103,730 **Total Sq. Ft. Acres:** 2.31
Address/ General Location of Subject Property:
2300 County Barn Rd., Naples, FL 34112 / At the intersection of Davis Blvd., turn south onto County Barn Rd., the property will be on the right.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	RMF-6(4)	Undeveloped
S	Estates	Church
E	Estates	Undeveloped
W	ROW	County Barn Rd.

If the owner of the subject property owns contiguous property please provide a detailed legal description of the entire contiguous property: (If space is inadequate, attach on a separate page)

Section/Township/Range: 8 / 50 / 26

Lot: _____ **Block:** _____ **Subdivision:** _____

Plat Book: _____ **Page #:** _____ **Property I.D. Number:** 00405440003

Metes & Bounds Description: N1/2 of S1/2 of SE1/4 of SW1/4 of NW1/4 Less R/W

CONDITIONAL USE REQUEST DETAIL

Type of Conditional Use:
This application is requesting a conditional use as allowed, pursuant to LDC section 2.03.00, of the Estates **zoning district** for Church **(type of use)**.

Present Use of the Property: Undeveloped

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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EVALUATION CRITERIA

Pursuant to LDC section 10.08.00 and Chapter 3 C.1 of the Administrative Code, staff's recommendation to the reviewing body shall be based upon a finding that the granting of the conditional use will not adversely affect the public interest and that the specific requirements governing the individual conditional use, if any, have been met. Further, satisfactory provision and arrangement have been made concerning the following matters, where applicable.

On a separate page, provide a narrative statement describing a request for a conditional use and a detailed response to the criteria listed below. Specify how and why the request is consistent with each of the criteria.

a. Describe how the project is consistent with the Collier County Land Development Code and Growth Management Plan. Include information on how the request is consistent with the applicable section or portions of the Future Land Use Element.
b. Describe the existing or planned means of ingress and egress to the property and proposed structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
c. Describe the effect the conditional use will have on neighboring properties in relation to noise, glare, economic impact, and odor.
d. Describe the site's and the proposed use's compatibility with adjacent properties and other properties in the district.
e. Please provide any additional information which you may feel is relevant to this request.

Deed Restrictions: The County is legally precluded from enforcing deed restrictions; however, many communities have adopted such restrictions. You may wish to contact the civic or property owners association in the area for which this use is being requested in order to ascertain whether or not the request is affected by existing deed restrictions.

Previous land use petitions on the subject property: To your knowledge, has a public hearing been held on this property within the last year? If so, what was the nature of that hearing?

No public hearing has been held (to the best of our knowledge).

Official Interpretations or Zoning Verifications: To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

☒ No ☐ Yes (If yes please provide copies.)

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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STATEMENT OF UTILITY PROVISIONS FOR CONDITIONAL USE REQUEST

APPLICANT INFORMATION

Name of Applicant(s): First Haitian Alliance Church and Missionaries Inc.

Address: 4843 Devon Circle **City:** Naples **State:** FL **ZIP:** 34112

Telephone: 239-571-3086 **Cell:** _____ **Fax:** _____

E-Mail Address: fhachurch@gmail.com

Address of Subject Property (If available): 2300 County Barn Rd.

City: Naples **State:** FL **ZIP:** 34112

LEGAL DESCRIPTION

Section/Township/Range: 8 / 50 / 26

Lot: _____ **Block:** _____ **Subdivision:** _____

Plat Book: 2735 **Page #:** 2800 **Property I.D. Number:** 00405440003

Metes & Bounds Description: N1/2 of S1/2 of SE1/4 of SW1/4 of NW1/4 Less R/W

TYPE OF SEWAGE DISPOSAL TO BE PROVIDED

Check applicable system:

a.	County Utility System	[x]
b.	City Utility System	[ ]
c.	Franchised Utility System	[ ]
d.	Package Treatment Plant	[ ]
e.	Septic System	[ ]

Provide Name: Collier County Public Utilities
(GPD Capacity): _____

TYPE OF WATER SERVICE TO BE PROVIDED

a.	County Utility System	[x]
b.	City Utility System	[ ]
c.	Franchised Utility System	[ ]
d.	Private System (Well)	[ ]

PROVIDE NAME Collier County Public Utilities

Total Population to be served: 215 seats

Peak and Average Daily Demands:

A. Water-Peak: 4,000 GPD Average Daily: 1,500 GPD
B. Sewer-Peak: 4,000 GDP Average Daily: 1,500 GPD

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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If proposing to be connected to Collier County Regional Water System, please provide the date service is expected to be required: August of 2021

Narrative statement: Provide a brief and concise narrative statement and schematic drawing of sewage treatment process to be used as well as a specific statement regarding the method of affluent and sludge disposal. If percolation ponds are to be used, then percolation data and soil involved shall be provided from tests prepared and certified by a professional engineer.

Affluent and Sludge disposal will be accomplished with a private pump station, which will connect to the Collier County Force Main that abuts the property along County Barn Rd. Please see Site Plan for schematic drawing.

County Utility Dedication Statement: If the project is located within the service boundaries of Collier County's utility service system, a notarized statement shall be provided agreeing to dedicate the water distribution and sewage collection facilities within the project area to the Collier County Utilities. This shall occur upon completion of the construction of these facilities in accordance with all applicable County ordinances in effect at that time. This statement shall also include an agreement that the applicable system development charges and connection fees will be paid to the County Utilities Division prior to the issuance of building permits by the County. If applicable, the statement shall contain an agreement to dedicate the appropriate utility easements for serving the water and sewer systems.

A statement will be prepared in accordance with all applicable County ordinances upon completion of the construction of these facilities.

Statement of Availability Capacity from other Providers: *Unless waived or otherwise provided for at the pre-application meeting, if the project is to receive sewer or potable water services from any provider other than the County, a statement from that provider indicating adequate capacity to serve the project shall be provided.*

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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RECORDING OF DEVELOPER COMMITMENTS

Within 30 days of adoption of the Ordinance, the owner or developer at their expense shall record in the Public Records of Collier County a Memorandum of Understanding of Developer Commitments or Notice of Developer Commitments that contains the legal description of the property that is the subject of the land use petition and contains each and every commitment of the owner or developer specified in the Ordinance. The Memorandum or Notice shall be in form acceptable to the County and shall comply with the recording requirements of F.S. §695. A recorded copy of the Memorandum or Notice shall be provided to the assigned Principal Planner, Zoning Services Department, within 15 days of recording of said Memorandum or Notice.

Chapter 8 of the Administrative Code requires that the applicant must remove their public hearing advertising sign(s) after final action is taken by the Board of County Commissioners. Based on the Board's final action on this item, please remove all public hearing advertising sign(s) immediately.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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Pre-Application Meeting and Final Submittal Requirement Checklist for:

■ A Conditional Use to be heard by the Planning Commission and Board of Zoning Appeals
☐ A Minor Conditional Use to be heard by the Office of the Hearing Examiner
Chapter 3 C.1. of the Administrative Code

The following Submittal Requirement Checklist is to be utilized during the Pre-Application Meeting, and at time of application submittal. At time of submittal, the checklist is to be completed and submitted with the application packet. Please provide the submittal items in the exact order listed below, with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

Requirements for Review	# Of Copies	Required	Not Required
Completed Application (download current form from County website)	1	☒	☐
Cover letter briefly explaining the project	1	☑	☐
Pre-Application Notes	1	☑	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Warranty Deed(s)	1	☑	☐
Boundary Survey	1	☑	☐
Conceptual Site Plan 24" X 36" plus (one 8 ½ X 11 copy)	☐	☑	☐
Plans showing proposed location for utilities, if required	☐	☑	☐
Plans for screening and buffering the use with reference as to type, dimensions, and character, if required	☐	☑	☐
Plans showing the proposed landscaping and provisions for trees protected by County regulations, if required	☐	☑	☐
Plans showing the proposed signs and lighting, including type, dimensions, and character, if required	☐	☑	☐
Architectural Rendering of Proposed Structure(s), if applicable	1	☑	☐
Current aerial photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial.	1	☑	☐
Statement of utility provisions (with all required attachments & sketches)	1	☑	☐
Environmental Data Requirements, pursuant to LDC section 3.08.00	1	☑	☐
Environmental Data Requirements collated into a single Environmental Impact Statement (EIS) at time of public hearings. Coordinate with project planner at time of public hearing.	☐	☑	☐
Listed Species Survey; less than 12 months old. Include copies of previous surveys.	1	☑	☐
Traffic Impact Study (TIS) or waiver	1	☑	☐
Historical and Archeological Survey, or waiver	1	☐	☑
Electronic copy of all documents and plans * Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☑	☐
* If located in the Bayshore/Gateway Triangle Redevelopment Area, include an additional set of each submittal requirement			

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

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ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

Planners: Indicate if the petition needs to be routed to the following additional reviewers:

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay
☐	Conservancy of SWFL: Nichole Johnson	■	GMD Graphics
☐	City of Naples: Robin Singer, Planning Director	■	Utilities Engineering: Eric Fey
☐	Parks and Recreation: Barry Williams	☐	Immokalee Water/Sewer District:
☐	Other:	☐	School District (Residential Components): Amy Lockheart

Communication Towers:

☐	Mosquito Control	☐	Collier County Airport Authority
☐	Naples Airport Authority		

Commercial Mining:

☐	Impact Fees

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

BORAL ENGINEERING & DESIGN

Conditions

1. All other applicable state or federal permits must be obtained before commencement of the development.

2. Church services or church related meetings and gatherings shall be limited to the hours of 8 am to 10 pm Monday through Sunday.

3. Leasing of the church facility to outside groups is prohibited.

4. Special events (operated by the church) are limited to twelve (12) per calendar year and are subject to a temporary use permit.

5. Outdoor amplified music or sounds are prohibited, unless permitted under a temporary use permit for a special event.

6. Development shall be consistent with the conceptual site plan prepared by Boral Engineering & Design, and the church is limited to the following:
   Proposed Building: 4,384 SF / 183 Seats
   Future Building: 1,281 SF / 32 Seats

7. The following accessory uses are permitted:
   a. Outdoor play area
   b. Storage sheds
   c. Gazebos
   d. Counseling and educational services (only in conjunction with the church services or special events)
   e. Covered pavilions
   f. Food services (only in conjunction with the church services or special events)

8. Day care services are not included in this conditional use approval and shall not be offered on site.

9. Front yard landscape buffers will include a 15' Type B Landscape Buffer as required by the LDC.

10. This conditional approval shall be limited to a maximum total daily trip generation for the PUD not to exceed _+/-8_ two-way PM peak hour trips and a maximum of __99__ Sunday peak hour trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval.

11. For service and other periods and events of significant trip generations, as determined by the Collier County staff, the property owner shall provide traffic control by law enforcement or a law enforcement approved service provider as directed by the Collier County staff, with staffing and locations(s) as directed by the County Transportation Administrator or his designee.
12. Site lighting shall adhere to applicable Collier County Land Development criteria with the following conditions:
    a. Site Lighting will be dark sky compliant with flat panel and full cut off fixtures.
    b. Site lighting will have a maximum height of 25 ft.
    c. Project site light poles, structures and fixtures will be shielded away from residential property lines.

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

2222438 OR: 2344 PG: 0274
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
09/04/97 at 02:22PM DWIGHT B. BROCK, CLERK
CONS 2947.00
REC FEE 10.50
DOC-.70 21.00
Retn:
REAL PROPERTY
BIT 8991
INTER OFFICE

Project: County Barn Road
Parcel: 127

EASEMENT

THIS EASEMENT granted this 18th day of July, 1997, by Alexandra Dawson, Trustee under Trust Agreement dated June 27, 1996, whose mailing address is 307 Hickory Lane, Largo, Florida 33770, as Grantor, to **COLLIER COUNTY**, a political subdivision of the State of Florida, whose mailing address is 3301 Tamiami Trail East, Naples, Florida 34112, its successors and assigns, as Grantee.

(Wherever used herein the terms Grantor" and Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors, and assigns.)

WITNESSETH:

Grantor, for and in consideration of TEN DOLLARS ($10.00) and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby conveys, grants, bargains and sells unto the Grantee, a perpetual, non-exclusive easement, license, and privilege for road right-of-way, sidewalk, drainage, utility, and maintenance purposes, on the following described lands located in Collier County, Florida, to wit:

See attached Exhibit "A" which is
incorporated herein by reference.

THIS IS NOT HOMESTEAD PROPERTY

TO HAVE AND TO HOLD the same unto the Grantee, together with the right to enter upon said land, place, excavate, and take materials for the purpose of constructing, operating, and maintaining road right-of-way, sidewalk, drainage, and utility facilities thereon. Grantor and Grantee are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the date and year first above written.

Deidre L. Gurney
FIRST WITNESS (Signature)
Deidre L. Gurney
(Print Name)
R Bruce McManus
SECOND WITNESS (Signature)
R Bruce McManus
(Print Name)

Alexandra Dawson Trustee
Alexandra Dawson, Trustee

THIS CONVEYANCE ACCEPTED BY THE
BOARD OF COUNTY COMMISSIONERS,
COLLIER COUNTY, FLORIDA,
PURSUANT TO THE PROVISIONS
OF RESOLUTION NO. 96-356

STATE OF Florida
COUNTY OF Pinellas

The foregoing Easement was acknowledged before me this 18th day of July, 1997, by Alexandra Dawson, Trustee under Trust Agreement dated June 27, 1996, who is personally known to me or who has produced FL Drivers License as identification.

(Affix notarial seal)

DEIDRE L. GURNEY
MY COMMISSION EXPIRES
JANUARY 4, 1998
#CC 339733
Bonded thru
Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

Deidre L. Gurney
(Signature of Notary)
Deidre L. Gurney
(Print Name of Notary)
Commission #
My Commission Expires:

Prepared by:
Robert E. Ashton, Esquire
Office of the County Attorney
3301 East Tamiami Trail
Naples, Florida 3411
(941) 774-8400

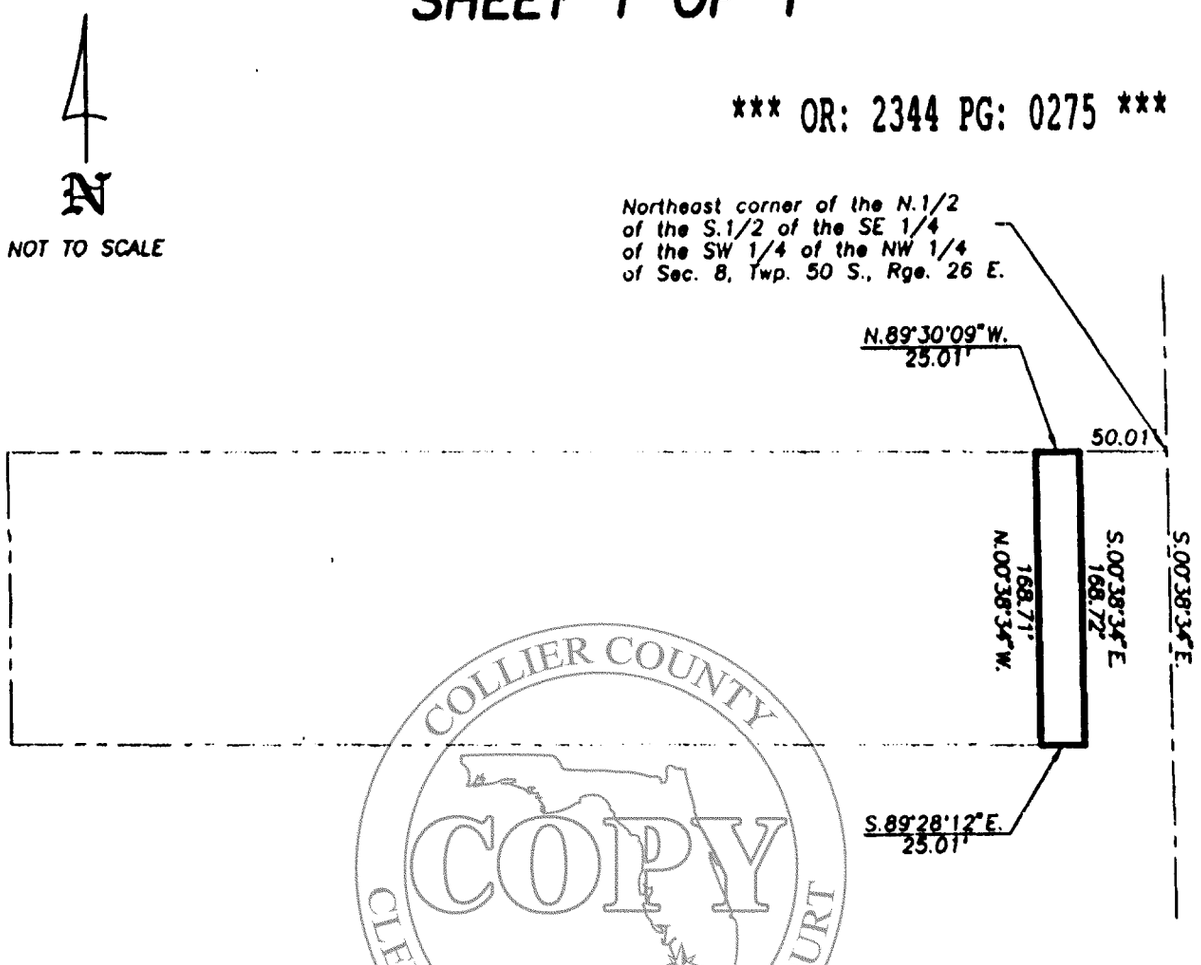
COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

FOLIO# 00405440003 EXHIBIT "A" PROJECT PARCEL 127

W. LAMAR EVERS, PLS
PROFESSIONAL LAND SURVEYOR
5111 8TH AVENUE S.W. NAPLES, FLORIDA 33999

SKETCH OF DESCRIPTION
SHEET 1 OF 1



COLLIER COUNTY COPY CLERK OF THE CIRCUIT COURT

DESCRIPTION OF 25' DRAINAGE EASEMENT
The East 25.00 feet of the North 1/2 of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northwest 1/4, less the East 50 feet thereof, of Section 8, Township 50 South, Range 26 East, Collier County, Florida.

Said easement containing 4,217.25 square feet, more or less.

GENERAL NOTES
1) Sec. indicates Section.
2) Twp. indicates Township.
3) Rge. indicates Range.
4) All distances are in feet and decimals thereof.
5) Bearings are based on the centerline of County Barn Road as being S.00°38'34"E.

_____, PLS
W. Lamar Evers, PLS
Florida Certificate No. 3465

Date: 6-5-95

THIS IS ONLY A SKETCH

Rev. - 3/8

DRAWN BY:	CHECKED BY:	ACAD FILE:	DATE:	PROJECT:	FILE NO.:
WLE		397P5	10/14/94	COUNTY BARN ROAD	A-0397-5

Attachment: ATTACHMENT C - Applicants backup (15690 : PL20180000487 First Haitian Alliance Church CU)

SIGN POSTING INSTRUCTIONS

(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)

A zoning sign(s) must be posted by the petitioner or the petitioner's agent on the parcel for a minimum of fifteen (15) calendar days in advance of the first public hearing and said sign(s) must be maintained by the petitioner or the petitioner's agent through the Board of County Commissioners Hearing. Below are general guidelines for signs, however these guidelines should not be construed to supersede any requirement of the LDC. For specific sign requirements, please refer to the Administrative Code, Chapter 8 E.

1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) must be securely affixed by nails, staples, or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
3. The petitioner or the petitioner's agent must maintain the sign(s) in place, and readable condition until the requested action has been heard and a final decision rendered. If the sign(s) is destroyed, lost, or rendered unreadable, the petitioner or the petitioner's agent must replace the sign(s

NOTE: AFTER THE SIGN HAS BEEN POSTED, THIS AFFIDAVIT OF POSTING NOTICE SHOULD BE RETURNED NO LATER THAN TEN (10) WORKING DAYS BEFORE THE FIRST HEARING DATE TO THE ASSIGNED PLANNER.

- - - -

Attachment: ATTACHMENT D - Affidavit of Sign Posting & photo (15690 : PL20180000487 First Haitian Alliance Church CU)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL20180000487

Regarding the above subject petition number(s), (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Homere Hyppolite Date: 5/18/21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: HEX Hybrid Meeting Waiver (Homere) (15690 : PL20180000487 First Haitian Alliance Church CU)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Item Summary: PL20200002484 Sabal Bay Tract N Comparable Use Determination - Request for a determination that the proposed use of a new car dealership (SIC 5511) is comparable in nature to other permitted uses in Section 5.3 of the Sabal Bay Mixed Planned Unit Development (MPUD) adopted by Ordinance Number 21-4, as amended. The subject property is 2.1+/- acres on the south side of Tamiami Trail East, approximately a quarter mile southeast of Thomasson Drive within the Commercial/Office Tract CO of the Sabal Bay MPUD in Section 19, Township 50 South, Range 26 East, Collier County, Florida. [Coordinator: Ray Bellows, Zoning Manager] Commissioner District 4

Meeting Date: 05/27/2021

Prepared by:
Title: – Zoning
Name: Laura DeJohn
05/19/2021 3:00 PM

Submitted by:
Title: Manager - Planning – Zoning
Name: Ray Bellows
05/19/2021 3:00 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Zoning	Anita Jenkins	Zoning Director Review	Completed	05/19/2021 6:03 PM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	05/19/2021 6:12 PM
Zoning	Ray Bellows	Review Item	Completed	05/20/2021 5:47 AM
Zoning	Diane Lynch	Review Item	Skipped	05/19/2021 6:07 PM
Growth Management Department	Diane Lynch	GMD Deputy Dept Head Review	Skipped	05/19/2021 6:07 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	05/27/2021 12:00 AM	

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: MAY 27, 2021

SUBJECT: PL20200002484; SABAL BAY TRACT N COMPARABLE USE DETERMINATION (CUD)

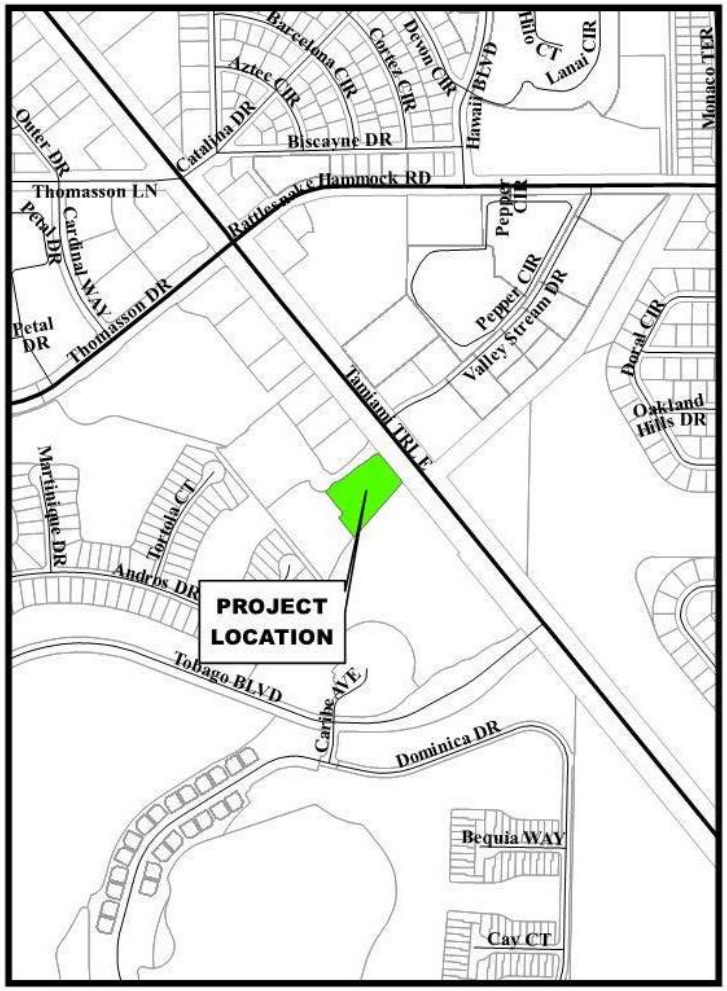
PROPERTY OWNER/AGENT:

Owner: Collier Land Development, Inc.
999 Vanderbilt Beach Rd. #507
Naples, FL 34108

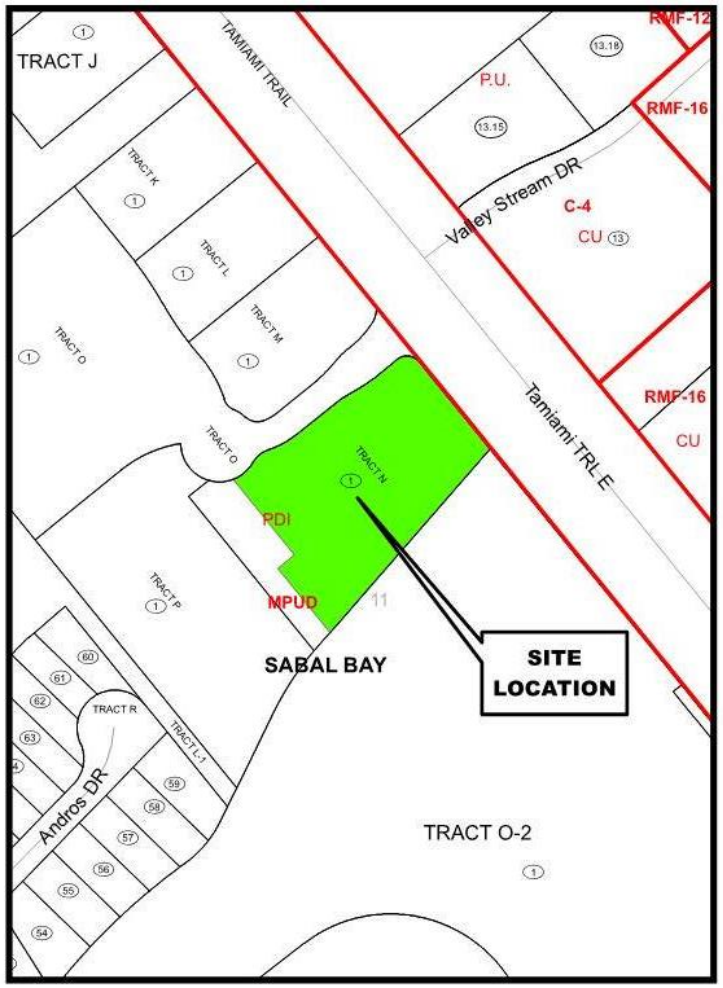
Agent(s): Bob Mulhere, FAICP
Hole Montes, Inc.
950 Encore Way
Naples, FL 34110

REQUESTED ACTION:
Request for a determination that the proposed use of a new car dealership (SIC 5511) is comparable in nature to other permitted uses in Section 5.3 of the Sabal Bay Mixed Planned Unit Development (MPUD) adopted by Ordinance Number 21-4, as amended. The subject property is 2.1+/- acres on the south side of Tamiami Trail East, approximately a quarter mile southeast of Thomasson Drive within the Commercial/Office Tract CO of the Sabal Bay MPUD in Section 19, Township 50 South, Range 26 East, Collier County, Florida.

GEOGRAPHIC LOCATION:
The subject parcel is approximately ±2.1 acres, located on the south side of Tamiami Trail East, approximately a quarter mile southeast of Thomasson Drive, in Section 19, Township 50 South, Range 26 East, Collier County, Florida. *(See location map on the following page)*



Location Map



Zoning Map

Petition Number: PL20200002484

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property, which is undeveloped and designated within the Commercial/Office Tract CO of the Sabal Bay MPUD:

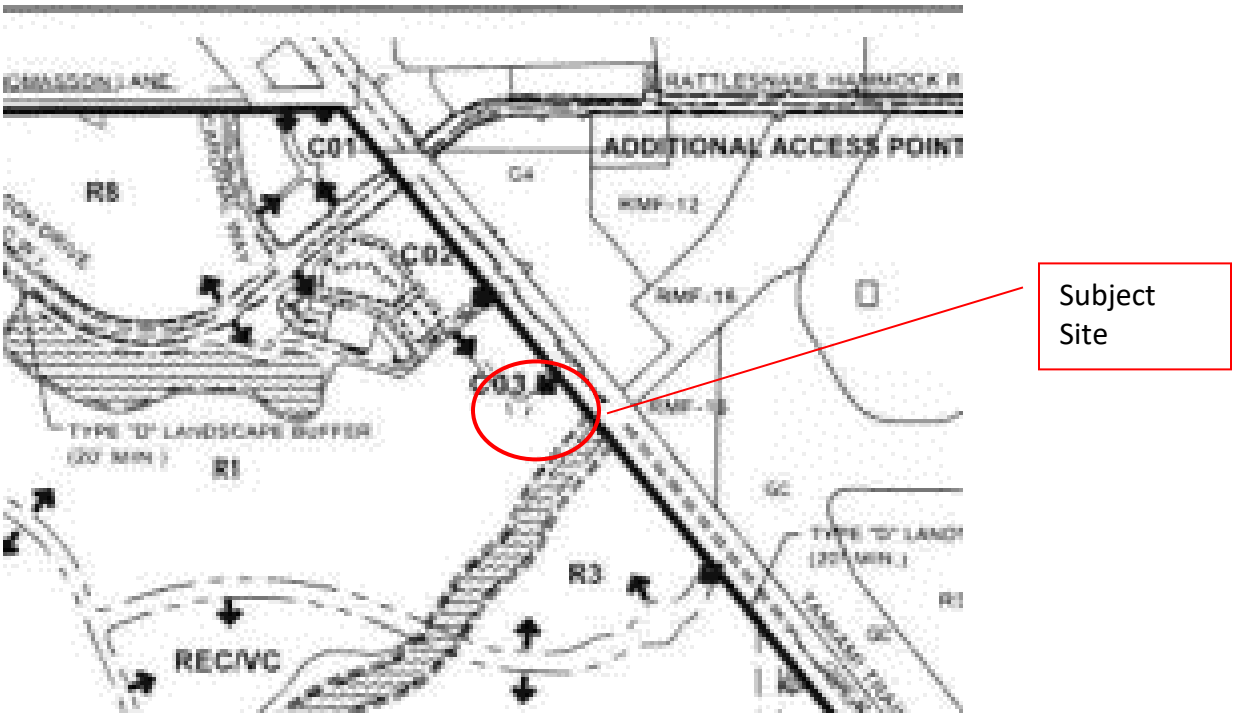
North: Culvers fast food drive-through within the Commercial/Office Tract CO of the Sabal Bay MPUD

East: Right-of-Way for Tamiami Trail E and undeveloped parcel, with a zoning designation of Commercial-4 (C-4)

South: Canal/Lake and R3-Residentially designated area of the Sabal Bay MPUD

West: Undeveloped Parcel within the Commercial/Office Tract CO of the Sabal Bay MPUD

Below is a snapshot of the subject site location within the Sabal Bay MPUD Master Plan adopted by Ordinance 21-4:



PURPOSE/DESCRIPTION OF PROJECT:

The petitioner requests a determination that a proposed New Car Dealership (SIC 5511) is comparable in nature to the currently allowed permitted principal uses in Section 5.3 of the Sabal Bay MPUD Ordinance No. 21-04, as amended.

The site is located with the Commercial/Office Tract CO of the Sabal Bay MPUD and fronts on U.S. 41. Permitted uses within the Commercial/Office designated area of the MPUD include general merchandise department store would generate more daily trips than the proposed New Car Dealership. Further, the traffic impacts associated with a car dealership are not concentrated during peak AM and peak PM hours, and is distributed throughout the day, with higher concentrations on the weekend, which peak hour patterns are different than during the weekdays. Finally, the increase in on-line vehicle purchasing has resulted in fewer trips being generated to and from a dealerships physical location.

STAFF ANALYSIS:

Section 2.03.03.C of the Land Development Code identifies that the use of "Automotive Vehicle Dealers (SIC 5511, limited to automobile agencies (dealers)-retail and only new vehicles)" is a **conditional use in the C-3 Commercial Intermediate Zoning District**, subject to attention to the following considerations: Controls on outdoor paging or amplified systems used as part of

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

the daily operations; Location of enclosed service areas, with exception for entry/exit doors; The number of service bays; Operation hours; Adequacy of buffer(s); Location of gasoline storage and/or fueling tanks; and Means of delivery of automobiles. The purpose and intent of the commercial intermediate district (C-3) is to provide for a wider variety of goods and services intended for areas expected to receive a higher degree of automobile traffic. The type and variety of goods and services are those that provide an opportunity for comparison shopping, have a trade area consisting of several neighborhoods, and are preferably located at the intersection of two-arterial level streets. Most activity centers meet this standard.

Section 2.03.03.D. of the Land Development Code identifies that the use of "Automotive vehicle and equipment dealers (5511 and 5599, new vehicles only)" is a **permitted use in the C-4 General Commercial District**. The purpose and intent of the C-4 district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. Activity centers are suitable locations for the uses permitted by the C-4 district because most activity centers are located at the intersection of arterial roads. Therefore, the uses in the C-4 district can most be sustained by the transportation network of major roads.

The subject site is designated Urban Commercial District, Mixed Use Activity Center (MUAC) Subdistrict on the Future Land Use Map (FLUM). The site is in Activity Center #17 associated with the intersection of Thomasson Drive/Rattlesnake Hammock Road and U.S. 41. The Urban Commercial District is intended to accommodate almost all uses associated with commercial zoning districts; a variety of residential uses; and a variety of non-residential uses. The Mixed Use Activity Center Subdistricts are designed to concentrate almost all uses associated with commercial zoning districts in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Allowable land uses include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses, community facilities, and other land uses as generally allowed in the Urban designation.

The requested New Car Dealership (SIC 5511) is proposed within the Commercial/Office Tract CO of the Sabal Bay MPUD. The site fronts on U.S. 41 and is within the boundary of Mixed Use Activity Center #17, depicted on the Collier County Mixed Use & Interchange Activity Center Index Map adopted as part of the Future Land Use Element of the Growth Management Plan. The requested use is allowed within the Mixed Use Activity Center Subdistrict and meets the intent of the Urban Commercial District.

The Commercial/Office designated area of the Sabal Bay MPUD allows for a range of permitted uses. Of the twenty-six non residential use groups that are listed as permitted, the following uses are indicative of the breadth and variety of type and intensity of currently permitted commercial uses, which are typically allowable in the C-3 and C-4 Zoning Districts: (5) Auto parts sales, Retail gasoline sales without service facilities, and Carwashes; (6) New or used motorboat sales; (13) Laundry, cleaning and garment services; (16) Automotive repair, rental, leasing and parking services including Truck rental and leasing and utility trailer and recreational vehicle rental; (17) Miscellaneous Repair SIC Group 7699 which includes Motorcycle repair service, Tank and boiler cleaning service, and Tank truck cleaning service; (18) Theaters; (19) Moped and

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Motorcycle rental; and (21) Medical and dental laboratories. This summarized list is not inclusive of every use permitted in the Commercial/Office designation as outlined in the PUD, but is meant to display the range of intensity and uses allowed on the subject site.

Per LDC Section 10.02.06.K, the following Comparable Use Determination (CUD) criteria is used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD:

Criteria is listed with corresponding *staff analysis in italics*)

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

i. Operating hours;

Operating hours are proposed to be 8 AM to 9 PM Monday through Saturday and 10 AM to 6 PM on Sunday for sales. Hours for service are proposed to be 7 AM to 6 PM Monday through Saturday and 10 AM to 6 PM on Sunday.

These hours are similar to hours of other permitted uses such as new or used motorboat sales, and automotive repair, rental, leasing and parking services car leasing facilities. These hours are more restrictive than hours generally associated with other permitted uses such as gas station or carwash. (See Attachment A - Condition of Approval #4 which limits operating hours as proposed.)

ii. Traffic volume generated/attracted;

Transportation Planning staff has evaluated the propose Comparable Use Determination (CUD). The petitioner notes that the PUD currently allows retail sales of motorboats and because the Institute of Transportation Engineers (ITE) manual does not contain a specific use code-data set for this use it is logical that ITE use code for an automobile dealership would be the most similar; therefore from a transportation planning stand point the use is comparable. Staff agrees with this logic however we also note that the Sabal Bay PUD currently allows a wide range of commercial office and retail uses, many of which are higher generators of trips than the requested automobile dealership. Therefore, Transportation Planning staff find that the proposed comparable use does not represent additional transportation impacts beyond those already allowed by this PUD. Finally, the project's development must comply with all other applicable concurrency management regulations as part of a new Traffic Impact Statement (TIS) when development approvals, including but not limited to any plats and or site development plans, are sought.

iii. Type of vehicles associated with the use;

The petitioner indicates that new cars are associated with the proposed sales use. As proposed, the site is expected to accommodate passenger vehicles, plus parts delivery vehicles, plus auto delivery and pick-up vehicles. Loading or unloading activities are required to be accommodated on site, and not in any public right-of-way. The types of vehicles associated with the proposed use are comparable and therefore staff finds these types of vehicles acceptable in comparison to vehicles potentially associated with other

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

permitted uses, such as: used cars, trucks, utility trailers, and recreational vehicles that are allowed to be available for rental and leasing; new or used motorboats that are allowed to be available for sale; and new or used mopeds and motorcycles that are allowed to be available for rental. (See Attachment A – Condition of Approval #5 for a restriction that loading and unloading occurs on site and not in public right-of-way as proposed.)

iv. Number and type of required parking spaces; and
The LDC requires 1 parking space per 400 square feet of building area except service/body shop buildings which require 3.5 spaces per service bay or 1 space per 250 square feet, whichever is greater; plus 1 space per 2,000 square feet of outdoor sales/display area. By comparison, a new car dealership requires less parking compared to other permitted uses on the subject site, such as restaurant or shopping center/general merchandise store. The petitioner has indicated that if a luxury dealership goes forward, a request for an alternative parking calculation may be requested as part of the SDP review process. (See Attachment A - Condition of Approval #7 requiring that vehicles be displayed for sale be indoors and outdoors to minimize the appearance of a "sea of asphalt" along the U.S. 41 corridor.)

v. Business practices and activities.
As described above, the types of activities and hours proposed for a new car dealership are comparable to those of currently permitted uses such as Automotive repair, rental, leasing and parking services; gas station; carwash; boat dealership; and leasing of recreational vehicles, mopeds, motorcycles, or utility trailers. (See Attachment A – Conditions of Approval #1, 2, 3, and 6 establishing limits on outdoor amplified sound, carwash openings, service area openings, and lighting to address potential impacts of proposed activities.)

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.
The subject site is surrounded by commercially designated parcels on all sides, with exception of the canal and lake area to the south, beyond which is a clubhouse and entrance road for the Isles of Collier Preserve. There are no immediately abutting residentially used properties. The effect of the proposed new car dealership use on neighboring properties would be comparable or less than that of automotive repair, rental, leasing and parking services; gas station; carwash; boat dealership; and leasing of recreational vehicles, trucks, mopeds, motorcycles, or utility trailers. Hours of operation are less than a typical gas station or carwash which could potentially be 24 hours. (See Attachment A - Condition of Approval #4 which limits operating hours as proposed, and Conditions of Approval #1, 2, 3, and 6 establishing limits on outdoor amplified sound, carwash openings, service area openings, and lighting to address potential impacts of proposed activities.)

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

A New Car Dealership is a permitted use per the GMP given that the site is within a Mixed Use Activity Center, and this is a permitted use within the C-4 zoning district.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.
The purpose statement of the Commercial/Office Section of the MPUD states that "the general function and purpose of this Tract is to provide the opportunity for diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions to many segments of the population." Of the twenty-six non-residential use groups that are listed as permitted, the following uses are indicative of the breadth and variety of type and intensity of currently permitted commercial uses, which are typically allowable in the C-3 and C-4 Zoning Districts. As stated above, the proposed new car dealership is comparable to currently permitted uses in the applicable Commercial/Office Tract CO of the Sabal Bay MPUD such as Automotive repair, rental, leasing and parking services; gas station; carwash; boat dealership; and leasing of recreational vehicles, trucks, mopeds, motorcycles, and utility trailers.

e. Any additional relevant information as may be required by County Manager or Designee.
Topics reviewed for conditional use applications related to car dealerships include: controls on outdoor paging or amplified systems used as part of the daily operations; location of enclosed service areas, with exception for entry/exit doors; the number of service bays; operation hours; adequacy of buffer(s); location of gasoline storage and/or fueling tanks; and means of delivery of automobiles. This petition is not a conditional use petition, but to ensure compatibility of the proposed use, these topics are addressed in the conditions outlined as part of the staff recommendation below.

It should be noted that an East Naples Community Development Plan dated October 2020 was accepted by the Board of County Commissioners at their October 27, 2020 meeting. This plan is for a large study area that includes the subject site. The plan lays out guiding principles for future advancement of policies, improvements, and standards supporting balanced and good quality development; diverse and quality commercial uses; beautification and green space; and transportation options.

PUBLIC NOTICE

Per LDC Section 10.03.06.O. and the Administrative Code, a newspaper advertisement is required to public hearing in accordance with F.S. § 125.66. The newspaper advertisement posted in the Naples Daily News on May 7, 2021.

Per the LDC and Administrative Code, a Comparable Use Determination petition does not require a Neighborhood Information Meeting, a mailing to surrounding property owners, or posting of a sign on the property.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that the use of New Car Dealership (SIC 5511) is comparable and compatible with the Commercial/Office permitted uses

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

contained within Section 5.3 of the Sabal Bay MPUD with the conditions outlined in **Attachment A.**

Attachments:

A. Conditions of Approval
B. Ordinance Number 21-4, Sabal Bay MPUD
C. Applicant's Back Up Material
D. Hybrid Hearing Waiver

Attachment: Staff Report - PL2020-2484 Sabal Bay Tract N CUD (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Attachment A
Conditions of Approval

PL20200002484 CUD Sabal Bay Tract N Comparable Use Determination

1. No outdoor amplified sound is permitted (does not apply to personal electronic devices).

2. If a carwash is to be an accessory use, each end of the carwash will have bay doors that will remain closed during the entire wash cycle and will only be opened and closed for entering or exiting vehicles.

3. Service areas must be enclosed, and doors will only be opened and closed for entering or exiting vehicles.

4. Hours of operation will be limited to the following:
   8 AM to 9 PM Monday through Saturday for Sales;
   7 AM to 6 PM Monday through Saturday for Service; and
   10 AM to 6 PM Sunday for both Sales and Service.

5. Off-loading of vehicles is prohibited within the public right- of-way. The site shall be designed to accommodate vehicle delivery, and all loading and unloading shall occur on-site.

6. Lighting:
   a. Lighting will be shielded and directional to avoid glare on neighboring properties.
   b. Illumination level at the property line shall not exceed 0.5 foot candles;
   c. Display lighting will be reduced to a security level lighting after 11 PM. Security level lighting will have a minimum lumens reduction of 50%.
   d. All lighting will be flat panel fixtures.
   e. Lighting on the perimeter of the project will utilize full cutoff shields.
   f. Lighting height will be limited to 20 feet.

7. Vehicles for sale shall be displayed indoors as well as outdoors.

Attachment: Attachment A - Conditions of Approval (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

ORDINANCE NO. 2021- 04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 05-59, AS AMENDED, THE SABAL BAY MIXED USE PLANNED UNIT DEVELOPMENT, AND AMENDING ORDINANCE NO. 2004-41, THE COLLIER COUNTY LAND DEVELOPMENT CODE, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF AN ADDITIONAL 102.49± ACRES OF LAND ZONED RURAL AGRICULTURAL (A), RURAL AGRICULTURAL WITH A SPECIAL TREATMENT OVERLAY (A-ST), RESIDENTIAL SINGLE FAMILY-THREE (RSF-3) AND RESIDENTIAL SINGLE FAMILY-THREE WITH A SPECIAL TREATMENT OVERLAY (RSF-3-ST) TO THE SABAL BAY MIXED USE PLANNED UNIT DEVELOPMENT (MPUD); BY AMENDING THE PUD DOCUMENT AND MASTER PLAN TO ADD 102.49± ACRES DESIGNATED AS TRACT R9 FOR RESIDENTIAL DEVELOPMENT; TO ADD 230 DWELLING UNITS FOR A TOTAL OF 2,229 DWELLING UNITS IN THE MPUD; TO REVISE THE MASTER PLAN AND CONCEPTUAL WATER MANAGEMENT PLAN; AND TO ADD A MASTER SITE PLAN FOR THE R9 TRACT. THE SUBJECT PROPERTY IS LOCATED SOUTH OF THOMASSON DRIVE, SOUTH AND WEST OF U. S. 41, NORTH AND WEST OF THE WENTWORTH PUD, AND EAST OF THE NAPLES BAY INTERCOASTAL WATERWAY IN SECTIONS 23, 24, 25, 26 AND 36, TOWNSHIP 50 SOUTH, RANGE 25 EAST, AND SECTION 19, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 2,518.98+/- ACRES; AND PROVIDING AN EFFECTIVE DATE. [PL20190002305]

WHEREAS, on November 15, 2005, the Board of County Commissioners approved Ordinance No. 05-59 which established the Sabal Bay Mixed Use Planned Unit Development (PUD); and

WHEREAS, the PUD was amended by Ordinance Nos. 12-12 and 17-49; and

WHEREAS, Jennifer Sapen AICP of Barraco and Associates Inc. and Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A. representing Minto Sabal Bay, LLC, petitioned the Board of County Commissioners of Collier County, Florida to amend Ordinance No. 05-59, as amended, the Sabal Bay Mixed Use Planned Unit Development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

SECTION ONE: CHANGE TO ZONING CLASSIFICATION

The zoning classification of approximately 102.49± acres of the herein described real property located in Sections 23 and 26, Township 50 South, Range 25 East, Collier County, Florida is changed from Rural Agricultural (A), Rural Agricultural with a Special Treatment Overlay (A-ST), Residential Single Family-Three (RSF-3) and Residential Single Family-Three with a Special Treatment Overlay (RSF-3-ST) zoning districts to a Mixed Use Planned Unit Development (MPUD) zoning district to be added together with the existing Sabal Bay MPUD, for a 2,518.98± acre project known as the Sabal Bay MPUD in accordance with the revised PUD Document, attached hereto as Exhibit A and incorporated by reference herein. The appropriate zoning atlas map or maps, as described in Ordinance Number 04-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO: AMENDMENTS TO THE PUD DOCUMENT EXHIBIT A OF ORDINANCE NO. 05-59, AS AMENDED

The PUD Document attached hereto as Exhibit A to Ordinance No. 05-59, as amended, is hereby amended and replaced with the Exhibit A attached hereto and incorporated herein.

SECTION THREE: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 26th day of January, 2021.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: _____
Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
Penny Taylor, Chairman

Approved as to form and legality:

_____ HTAC
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A - PUD Document with Exhibits

This ordinance filed with the Secretary of State's Office the 2nd day of February 2021 and acknowledgement of that filing received this 2nd day of February 2021

By: _____
Deputy Clerk

[19-CPS-01960/1598673/1]257
Sabal Bay MPUD/PL20190002305
1/22/21

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Sabal Bay

A MIXED-USE PLANNED UNIT DEVELOPMENT

~~2,416.49~~ 2,518.98 ± Acres Located in Sections 23, 24, 25, 26, and 36 Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida

PREPARED FOR:

~~CDC Land Investments, Inc. and Collier Land Development, Inc.~~
~~2550 Goodlette Road North, #100~~
~~Naples, FL 34103~~
Minto Sabal Bay, LLC
4400 W. Sample Road, Suite 200
Coconut Creek, FL 33073

PREPARED BY:

~~WilsonMiller Stantec~~
~~3200 Bailey Lane, Suite 200~~
~~Naples, FL 34105~~
Barraco and Associates, Inc.
2271 McGregor Boulevard, Suite 100
Fort Myers, FL 33901

And

~~Roetzel and Andress~~
~~850 Park Shore Drive: Trianon Centre, 3rd Floor~~
~~Naples, FL 34103~~
Richard D. Yovanovich
Coleman, Yovanovich, Koester P.A.
4001 Tamiami Trail North, Suite 300
Naples, FL 34103

EXHIBIT "A"

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Words underlined are additions; ~~words struck~~ through are deletions.

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STATEMENT OF COMPLIANCE

The purpose of this Section is to express the intent of the applicants, CDC Land Investments, Inc., and Collier Land Development. Inc., hereinafter referred to as the Owners, to create a Mixed-Use Planned Unit Development (MPUD) on ~~2,416.49~~ 2,518.98 ± acres of land located in Sections 23, 24, 25, 26, and 36, Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida. The name of this MPUD shall be Sabal Bay. The development of Sabal Bay will be in compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan (GMP). The development will be consistent with the GMP goals, objectives and policies, and other applicable regulations for the following reasons:

1. The subject property is within the Urban Coastal Fringe Sub-District as identified on the Future Land Use Map of the Future Land Use Element (FLUE). The purpose of the Urban Coastal Fringe Sub-District is to provide for a variety of residential and mixed-use developments such as Planned Unit Developments.

2. a) The proposed residential density of Sabal Bay is ~~0.85~~ 0.91 dwelling units (DUs) per acre, ~~1,999~~ 2,229 units/~~2,350~~ 2,453 acres, which excludes the 50 acres of commercial uses, and the 16 acres of recreation/village center uses. This density is consistent with the maximum density permitted by the FLUE Density Rating System and is therefore consistent with FLUE Policy 5.1. The base density allowed by the FLUE for the entire subject property is four (4) DUs per acre. Due to the project's location within the ~~Traffic Congestion~~ Coastal High Hazard Zone, one (1) dwelling unit is subtracted from the base density permitting a maximum density of three (3) dwelling units per acre.

   b) ~~The maximum combined density and intensity within this PUD shall not exceed the Development of Regional Impact (DRI) thresholds for mixed-use developments, established for Collier County on the date of adoption of this PUD. Specifically, this PUD is limited to a maximum of: one-hundred and sixty percent (160%) of any combination of the individual DRI thresholds for three or more uses, including residential, office, and retail uses, and no single use exceeds one-hundred percent (100%) of the DRI threshold for that use. Further, i~~ In no case shall commercial uses, inclusive of the existing 101,894 square feet of existing commercial development, exceed the following: 250 hotel rooms; 200,000 square feet of retail; and, 60,000 square feet of office.

   c) The undeveloped and developed commercial acreage is consistent with the provisions of the FLUE as it is located within Activity Center# 17 at US 41 and Thomasson Drive.

   d) Commercial uses within the Recreation/Village Center District are consistent with FLUE Map -11, which identifies existing zoning consistent with the FLUE by Policies 5-9, 5-10, 5-11, and 5-12. Moreover, the area and allowable uses within the Recreation/Village Center District are consistent with the provisions set forth in Policy 5.1.

3. The Sabal Bay MPUD is compatible with and complementary to existing and future surrounding land uses as required in Policy 5.4 of the FLUE.

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4. Improvements are planned to be in compliance with the LDC as set forth in Objective 3 of the FLUE.

5. The development of the Sabal Bay MPUD will result in an efficient and economical extension of community facilities and services as required in Policy 3.1 of the FLUE.

6. The Sabal Bay MPUD is planned to incorporate natural systems for water management in accordance with their natural functions and capabilities as may be required by Objective 1.5 of the Drainage Sub-Element of the Public Facilities Element.

7. All final local development orders for this project are subject to the Collier County Adequate Public Facilities Ordinance, Chapter 6 and Chapter 10, of the LDC. Transportation concurrency is partially vested in that the Owners are entitled to a Certificate of Adequate Public Facilities for transportation concurrency for 1,766 dwelling units, upon compliance with the provisions set forth in the Standard Form Collier County Contribution Agreement for Road Impact Fee Credits dated October 22, 2002, and further amended on April 22, 2008 and June 22, 2010 between Collier Land Development, Inc., Collier Development Corporation, and the Board of County Commissioners.

8. By virtue of compliance with the provisions of Chapter 6, of the LDC, the project will also implement, further Objective 2.0 of the FLUE, Objective 1.2 of the Sanitary Sewer Sub-Element, and Objective 1.5 of the Recreation and Open Space Element.

9. The native vegetation provisions of the Sabal Bay MPUD implement Policy 6.1.1 of the Conservation Coastal Management Element in that native preserves will be incorporated into the project design.

10. The development's commitment regarding the Lely Area Stormwater Improvement Project (Section 8.6(E) of this Document) is consistent with and furthers Policy 1.3.4 of the Drainage Sub-element of the Public Facilities Element in that it improves the existing Lely Canal drainage facility.

SHORT TITLE

This ordinance shall be known and cited as the "SABAL BAY PUD MIXED-USE PLANNED UNIT DEVELOPMENT ORDINANCE".

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

SECTION I

LEGAL DESCRIPTION, GENERAL DESCRIPTION, AND DENSITY

1.1 PURPOSE

The purpose of this Section is to set forth the legal description of the Sabal Bay MPUD, and to describe the existing conditions of the property proposed to be developed.

1.2 LEGAL DESCRIPTION

The subject property referred to within this Document as "project site" and "project area", is comprised of ~~2,416.49~~ 2,518.98 ± acres, and located within Sections 23, 24, 25, 26, and 36 Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida, and is legally described as:

See Exhibit "B"

1.3 GENERAL DESCRIPTION OF PROPERTY

A. The subject property is located in Sections 23, 24, 25, 26, and 36, Township 50 South, Range 25 East, and Section 19, Township 50 South, Range 26 East, Collier County, Florida. The property is generally located south of Thomasson Drive, south and west of U.S. 41, north and west of the Wentworth PUD, and east of the Naples Bay Intercoastal Waterway in the western portion of Collier County.

B. The zoning classification of the subject property, at the time of the MPUD application is PUD, RSF-3 - Residential, RSF-3-ST, Residential Special Treatment Overlay, A - Agriculture, and A-ST - Agriculture Special Treatment Overlay

C. Elevations within the subject property are approximately 8 to 11 feet above MSL. Finished floor elevations within the Sabal Bay development will be set in accordance with the FEMA Flood Elevation or SFWMD ERP in effect at the time of development permitting, whichever is greater.

D. A large portion of the subject property contains native vegetation habitats of varying quality. The property also contains a significant amount of jurisdictional wetlands. An Environmental Impact Statement (EIS) has been submitted, pursuant to Subsection 10.02.02(A) of the LDC, and provisions for on-site preservation of higher quality wetlands, interspersed with uplands, are incorporated into the design of the conceptual master plan, and overall water management system. The Sabal Bay MPUD contains a wide variety of vegetative communities inventoried and mapped in the EIS. The site has been designed to provide for onsite protection of habitat for listed species.

E. The soil types on the subject property include a variety of hydric and non-hydric soils listed in EIS.

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Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

F. The subject property is located within the Lely Main Canal, Lely Manor Canal and Miscellaneous Coastal drainage basins.

G. A portion of the subject property is located within the City of Naples Water Service District.

H. The subject property is partially developed pursuant to the January 7, 2002 Preliminary Development Agreement (PDA) with the State of Florida's Department of Community Affairs to allow development on 83 acres of the property within Collier County.

1.4 DENSITY

A. A maximum of ~~1999~~ 2,229 residential dwelling units may be constructed in the total project area. The gross project area, excluding commercial/office (C/O) development and Village Commercial (REC/VC) is approximately ~~2,350~~ 2,453 acres. The gross project density shall be a maximum of ~~0.85~~ 0.91 dwelling units per acre.

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

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SECTION II

PROJECT DEVELOPMENT

2.1 PURPOSE

The purpose of this Section is to generally describe the plan of development for the Sabal Bay MPUD, and to identify relationships to applicable County ordinances, policies, and procedures.

2.2 GENERAL DESCRIPTION OF PROJECT PLAN AND PROPOSED LAND USES

A. The Sabal Bay MPUD will be a mixed-use planned unit development. The MPUD will incorporate residential, commercial, recreational, and preserve land uses. The northeastern portion of the property along US 41 is located within Activity Center #17 and shall allow for commercial/office uses. There currently exists 101,894 square feet of retail development within the MPUD authorized to be constructed pursuant to a PDA between Collier Development Corporation and the State of Florida Department of Community Affairs. The other uses shall be distributed throughout the remainder of the MPUD property, as set forth on the MPUD Master Plan (Exhibit A).

Access to the property shall be from East Tamiami Trail (US 41), Thomasson Drive, Hamilton Avenue and Bayshore Drive.

The project will be served with centrally provided potable water, sanitary sewer, electric power, and telephone. Additional services shall be provided as deemed appropriate.

B. The MPUD Master Plan is illustrated graphically as Exhibit "A". A Land Use Summary indicating approximate land use acreages is shown on the Plan. The Master Plan is conceptual, and the location, size, and configuration of individual, residential, commercial, recreational areas, water management features, and tract development areas shall be determined at the time of site development plan (SDP) and/or subdivision plat approval.

2.3 COMPLIANCE WITH COUNTY ORDINANCES

A. Regulations for development of the Sabal Bay MPUD shall be in accordance with the contents of this MPUD Ordinance and applicable sections of the LDC (to the extent they are not inconsistent with this MPUD Ordinance) and the GMP in effect at the time of issuance of any development order to which said regulations authorize the construction of improvements, such as but not limited to subdivision plat, SDP, excavation permit and preliminary work authorization. Where these MPUD regulations fail to provide developmental standards, then the provisions of the most similar district in the LDC shall apply.

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B. Unless otherwise defined herein, or as necessarily implied by context, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of development order application.

C. Development permitted by the approval of this MPUD shall be subject to the Adequate Public Facilities Ordinance, Section 6.02.00 and Section 10.02.07 of the LDC. At this time, 1,766 residential units are vested for transportation concurrency pursuant to the terms of the Standard Form Collier County Contribution Agreement for Road Impact Fee Credits dated October 22, 2002, and amended April 22. 2008 and June 22, 2010, between Collier Land Development, Inc., Collier Development Corporation, and the Board of County Commissioners. In addition, 101,894 square feet of commercial development exists within the MPUD boundary.

D. Unless modified, waived or excepted by this MPUD or by subsequent request, the provisions of other sections of the LDC remain in effect with respect to the development of the land which comprises this MPUD.

E. All conditions imposed herein or as represented on the Sabal Bay Master Plan are part of the regulations that govern the manner in which the land may be developed.

F. The Subdivisions Division of the LDC (Section 10.02.04 and Appendix B) shall apply to the Sabal Bay MPUD, except where an exemption or substitution is set forth herein or otherwise granted pursuant to Subsection 10.02.02(B) of the LDC.

G. The Site Development Plans Section of the LDC (10.02.03) shall apply to the Sabal Bay MPUD, except where an exemption is set forth herein or otherwise granted pursuant to Subsection 10.02.03(B) of the LDC.

H. Recognizing that the MPUD Master Plan does not designate specific dwelling unit types, the type of dwelling unit which characterizes the initial development of any platted tract or phase of a platted tract shall be carried out throughout the development of that tract or phase.

I. ~~Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds for a mixed use project (100 percent for a specific use and 160 percent of any combination of three or more uses), as they exist on the date the MPUD is approved.~~ The project shall be monitored through the PUD monitoring process on an annual basis and during SDP and/or subdivision plat review process, as may be applicable.

2.4 ROADWAYS

A. Roadways within the Sabal Bay MPUD shall be privately and/or CDD owned and maintained, except for Thomasson and Cardinal Way, which will be public roads. Standards for roads shall be in compliance with the applicable provisions of the LDC regulating subdivisions, unless otherwise modified, waived or excepted by this

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Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

MPUD or approved during subdivision plat approval. The Owners reserve the right to request substitutions to design standards in accordance with Subsection 10.02.04(A)(3) of the LDC. The Owners retain the right to establish gates, guardhouses, and other access controls as may be deemed appropriate by the Owners on all internal and privately owned and maintained project roadways.

B. Roadways within the Sabal Bay MPUD shall be designed and constructed in accordance with Chapter 10 of the LDC with the following substitutions:

1. Streets and access improvements

a. Street Right-of-Way Width: At the discretion of the Owners, the minimum right-of-way width to be utilized for local streets and cul-de-sacs may be fifty feet (50'), a deviation from LDC Subsection 6.06.01(0) that requires rights-of-way for local roads to be at least sixty feet (60'). Drive aisles serving multi-family tracts shall not be required to meet this standard. Additionally, in specific cases where development roadways cross potential wetland or upland preserves, the Owners shall have the ability to reduce the required right-of-way width below the current 50-foot minimum to a width of no less than 40 feet.

b. Dead-end Streets: Cul-de-sacs may exceed a length of one thousand feet (1,000'), a deviation from LDC Subsection 6.06.0l(J) that limits cul-de-sacs to 1,000 feet.

c. Reverse Curves: Tangents between reverse curves are not required for any local street design in this MPUD. A deviation from Section III, Exhibit "A", Design Requirements for Subdivisions C.13.j. of the Administrative Code for Collier County Construction Standards Manual adopted through Ordinance No. 2004-66.

d. In specific cases where development roadways cross potential wetland or upland preserves, the Owners shall have the ability to utilize rip-rap back slope treatment with a slope no steeper than 2:1, and for a maximum height of 36 inches for the length of the roadway crossing, a deviation from Section 4.06.05.j. Owners may utilize structural retaining wall to minimize potential wetland or upland impacts for backfill elevations exceeding 36 inches in height for the length of the roadway crossing. In these specific cases, a guard rail system designed to withstand vehicular impact will be provided.

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2.5 SIDEWALKS/BIKEPATHS, BIKE LANES

A. Sidewalks: All privately and/or CDD owned roads internal to the Sabal Bay MPUD shall have a minimum five foot (5') wide sidewalk on both sides of the street as illustrated on Exhibit A, or a minimum ten foot (10') wide pathway on one side of the street which may meander in and out of the right-of-way. This constitutes a deviation from LDC Subsection 6.06.02.A which requires arterial and collector roadways to provide a six foot (6') wide sidewalk on both sides of the street.

B. Pursuant to Chapter 6.06.02 of the LDC, sidewalks/bike paths shall be permitted as follows:

1. An internal pedestrian walkway system is permitted within drainage easements. Where such a pedestrian system is provided, no sidewalk shall be required adjacent to the right-of-way serving the adjacent residential tract.

2. Sidewalks may be located outside platted rights-of-way when located within a separate sidewalk easement.

3. Sidewalks may be located within landscape buffers and/or easements; however, the landscape buffer shall be increased in width by an amount equal to the encroachment at the point of encroachment.

2.6 LAKE SETBACK AND EXCAVATION

The lake setback requirements described in Section 22-122(l) of the Collier County Code of Laws and Ordinances may be reduced subject to the provisions established in Section 22- 122(l) of the Collier County Code of Laws and Ordinances. All lakes greater than two (2) acres may be excavated to the maximum commercial excavation depths set forth in Section 22-122(3) of Collier County Code of Laws and Ordinances, and subject to permit approval from the South Florida Water Management District. Removal of fill and rock from the Sabal Bay MPUD shall be administratively permitted to an amount up to ten (10) percent (20,000 cubic yards maximum), unless the project is issued a commercial excavation permit.

2.7 FILL STORAGE

Fill storage is generally allowed throughout the Sabal Bay MPUD. Fill may be transported and stockpiled within areas that have been disturbed or farmed. Prior to stockpiling in these locations, the Owners shall notify the County Manager or his designee and shall demonstrate compliance with the following standards:

1. Stockpile maximum slope: 2:1
2. Stockpile maximum height: Thirty Feet (30')
3. Fill storage in excess of six feet (6') in height shall be located no closer than one hundred feet (100') from any existing residential unit or residential unit under construction. This excludes fill storage areas associated with the Lely Area Surface Drainage Improvements Project.

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4. Soil erosion control shall be provided in accordance Subsection 10.02.02.C of the LDC.
5. Stockpiles with side slopes greater than 4:1 shall be fenced with childproof fencing.

2.8 USE OF PRIVATE AND/OR CDD RIGHTS-OF-WAY

Utilization of lands within all project rights-of-way for landscaping, decorative entranceways, and signage shall be allowed subject to review and administrative approval by the Collier County Engineering Director for engineering and safety considerations during the development review process and prior to any installations.

2.9 MODEL HOMES/SALES CENTERS/SALES OFFICES/CONSTRUCTION OFFICES

A. Models, sales/rental centers and other uses and structures related to the promotion and sale, resale, and/or rental of real estate and sports memberships such as, but not limited to, pavilions, viewing platforms, gazebos, tents, parking areas, and signs, shall be permitted principal uses throughout the Sabal Bay MPUD subject to the requirements of Chapters 4.05.00, 4.06.00, 5.06.00 and 5.04.04 of the LDC. Such temporary use permits shall be valid through the life of the project with no extension of the temporary use permit required.

B. Temporary use permits for sales centers, and model homes may be approved subsequent to zoning approval. Temporary use permit applications, and, where required, associated SDP or site improvement plan (SIP) application(s) for residential models, shall be submitted, and approved pursuant to Chapters 4.05.00, 4.06.00, 5.06.00, and 5.04.04 of the LDC, with applications for the subdivision plat. The location of the model units within a future platted lot shall be depicted on the SDP or SIP, as the case may be. All model units shall be located on lots that will be platted through subsequent development order approvals, and shall comply with all development standards applicable to said lots.

C. Temporary uses for sales centers may be serviced by temporary well and septic systems.

D. A portion (no more than 1/3 of the gross floor area), of the clubhouse facilities may be used as a temporary sales facility to be utilized to market residential products, including the re-sale of residences within the boundaries of the Sabal Bay MPUD and sports club memberships.

2.10 CHANGES AND AMENDMENTS TO MPUD DOCUMENT OR MPUD MASTER PLAN

Changes and amendments may be made to this MPUD Ordinance, MPUD Master Plan as provided in LDC Subsection 10.02.13.E. Minor changes and refinements as described in Section 8.3 C of this Document, may be made by the Owners in connection with any type of development or permit application required by the LDC.

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2.11 COMMON AREA MAINTENANCE

Common area maintenance shall be provided by a Community Development District (CDD) established pursuant to Chapter 190, Florida Statutes, or by a property owners' association. For those areas not maintained by a CDD, the Owners will create a property owners' association or associations, whose functions shall include provisions for the perpetual maintenance of common facilities and open spaces. The CDD, or the property owners' association, as applicable, shall be responsible for the operation, maintenance, and management of the surface water and stormwater management systems.

2.12 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout the Sabal Bay MPUD. The following standards shall apply:

A. Landscape berms shall have the following maximum side slopes:

1. Grassed berms: 4:1
2. Ground covered berms:
   a. Perimeter: 3:1
   b. Internal to project: 3:1
3. Other slope stabilizing materials and landscape features, including natural or manmade rock features and geotextile mats, where necessary, excluding rip rap: 1:1
4. Structural walled berms: vertical

B. Fence or wall maximum height:

1. Perimeter fences or walls and fences and walls separating commercial uses in the CO1, CO2, and C03 areas from residential areas shall be permitted at a height of up to eight feet (8'), on top of a berm of up to four feet (4'). This constitutes a deviation from Subsection 5.03.02.C of the LDC.

2. All other fences or walls shall not exceed a height of six feet (6') as measured from the finished floor elevation of the nearest residential structure. Fences or walls constructed on a landscaped berm shall not exceed a height of six feet (6'), as measured from the top of the berm and the combination of berm and fence shall not exceed eight feet (8'), as measured from existing grade.

3. Entrance features, which are an integral part of security and access control structures such as gatehouses and control gates, shall be subject to the height limitations for principal residential structures, not to exceed 35 feet.

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C. Pedestrian sidewalks and/or bike paths and utilities may be allowed in landscape buffers. Where such structures or features are located in the required landscape buffer, the landscape buffer shall be increased in width equal to the encroachment in that location, as required in Chapter 4.06.02 of the LDC. Water management systems, and drainage structures, shall be permitted within a required buffer as provided in Subsection 4.06.02D(4) of the LDC.

D. Preserves may be used to satisfy the landscape buffer requirements after exotic vegetation removal in accordance with LDC sections 4.06.02 and 4.06.05.E.1. Supplemental plantings with native plant materials shall be in accordance with LDC section 3.05.07.

2.13 DESIGN GUIDELINES AND STANDARDS

A. The Collier County Planned Unit Development District is intended to encourage ingenuity, innovation and imagination in the planning, design and development or redevelopment of relatively large tracts of land under unified ownership or control, as set forth in Policy 5.6 of the FLUE of the Collier County GMP.

B. The Sabal Bay MPUD is a planned community and shall be developed under unified control. The Owners will establish design guidelines and standards to ensure a high and consistent level of quality for residential units and related community features and facilities such as landscapes, hardscapes, waterscapes, signage, lighting, pedestrian systems, bicycle paths, pavement treatments, roadway medians, fences, walls, buffers, berms and other similar facilities.

2.14 GENERAL PERMITTED USES

Certain uses shall be considered general permitted uses throughout the Sabal Bay MPUD except in the Preserve Area. General permitted uses are those uses which generally serve the Owners and residents of the Sabal Bay MPUD and are typically part of the common infrastructure or are considered community facilities.

A. General Permitted Uses:

1. Water management facilities and related structures.
2. Irrigation treatment and distribution facilities.
3. Temporary sewage treatment facilities.
4. Lakes including lakes with bulkheads or other architectural or structural bank treatments.
5. Guardhouses, gatehouses, and access control structures.
6. Community and neighborhood parks, recreational facilities.

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7. Temporary construction, sales, and administrative offices for the Owners and Owners' authorized contractors and consultants, including necessary access ways, parking areas and related uses.

8. Landscape features including, but not limited to, landscape buffers, berms, fences and walls subject to the standards set forth in Section 2.12 of this Document.

9. Outside storage areas for recreational vehicles, trailers, and similar uses for the use by the project's residents and guests, excluding boats, in the R5 area only. If this use is provided, the Owners shall install an eight-foot (8') high wall or fence on top of a four-foot (4') berm for screening/buffering purposes prior to any storage use.

B. Development Standards:

Unless otherwise set forth in this Document, the following development standards shall apply to structures:

1. Setback from back of curb or edge of pavement of any road - Twelve feet (12') except for guardhouses, gatehouses, and access control structures which shall have no required setback.

2. Setback from MPUD boundary: See Table I, Section III, Development Standards.

3. Minimum distance between unrelated structures - Ten feet (10')

4. Maximum height of structures - See Table I, Section III Development Standards.

5. Minimum floor area - None required.

6. Minimum lot or parcel area - None required.

7. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein are to be in accordance with LDC in effect at the time of SDP approval.

2.15 OPEN SPACE REQUIREMENTS

The Collier County LDC requires that mixed-use residential projects maintain open space at a minimum of 30% of the entire MPUD. The MPUD Master Plan identifies preserves, lakes, recreation tracts, including buffers as open spaces. These areas, in conjunction with open space areas included within the residential areas, will satisfy the 30% open space requirements of Subsection 4.02.0lB of the LDC for mixed-use developments.

2.16 NATIVE VEGETATION RETENTION REQUIREMENTS

Pursuant to Policy 6.1.1 of the Conservation and Coastal Management Element of the

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Collier County GMP, and Section 3.05.07 of the Collier County LDC, a minimum of ~~537.61~~ 563.01 acres (25% of the ~~2,150.45~~ 2,252.02 ± acres of native vegetation on site) is required to be retained or replanted. For the purposes of this MPUD, the Preserve Tracts, which equal ~~61~~ 59% ± (~~1,302~~ 1,332 acres) of the ~~2,150.45~~ 2,252.02 ± acres of native vegetation occurring on site, will fully satisfy the native vegetation requirements of Collier County. No other vegetation relocation or revegetation is required.

Of the ~~2,416.49~~ 2,518.98 ± acres on the project site, 266.~~04~~96 ± acres are not considered habitats with native vegetation present. Those habitats not included as native vegetation habitats include commercial uses, open water, cleared lands, ~~and~~ agricultural lands and 0.92 acres of Tract R9 addition. Of the remaining habitat types, exotic plant species coverage was not evaluated according to canopy coverage alone; therefore, these habitats are not excluded from the native vegetation preservation requirement pursuant to Policy 6.1.1 of the Conservation and Coastal Management Element of the GMP. Since the on-site preserve will exceed the GMP requirement, the applicant has elected not to further evaluate native habitats on-site to exclude them from this requirement.

2.17 SIGNAGE

A. GENERAL

All signs shall be in accordance with Section 5.06.00 of the LDC except in the following instances.

1. Two ground or wall entrance signs shall be allowed at the entrance to each individual residential tract, shall be limited in size to 60 square feet each and shall not exceed a height of 6 feet as measured from finished grade. These signs shall not contain more than the project name of the individual tract, the main project name or any major use, the insignia or motto of the project and the Owners' name and logo. Said signs shall be located so that they are visible only internal to the Sabal Bay MPUD. This constitutes a deviation from Subsection 5.06.02.B.6 of the LDC, which limits such signs to 64 square feet.

2. Two ground signs are permitted for each project entrance (on US 41, Thomasson Drive, Hamilton Avenue and Bayshore Drive), and shall be allowed in addition to other signage allowed by Section 5.06.00 of the LDC. Each of these permitted signs shall be limited to 120 square feet in area and shall only contain the name of the project or any major use, insignia or motto of the entire development, and the Owners' name and logo and shall be architecturally compatible with the landscape buffer along the project boundaries and the common architectural theme of the entire project. This constitutes a deviation from LDC Section 5.06.02 and 5.06.04 which limits such signs to 64 square feet.

3. Boundary marker monuments containing project identification signs designed to identify the project, or any major use within the project, shall be permitted in locations depicted on the MPUD Master Plan (Exhibit "A"). The sign face

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area for such boundary markers shall not exceed 64 square feet in area and shall not exceed the height or length of the monument on which it is located. If the sign is two-sided, each sign shall not exceed 64 square feet in area. Each sign shall only contain the main project name, insignia or motto of the entire development, and the Owners' name and logo.

4. In the case of commercial development within the REC/VC District, which is internalized within the MPUD, and in consideration of mixed-use and/or neo-traditional development, signage may vary from the requirements of Chapter 5.06.00 of the LDC.

5. Traffic signs, such as street signs, stop signs, speed limit signs, internal directional signs, and the like, shall be designed to reflect a common architectural theme. The placement and size of such signs shall be in accordance with the LDC, or other applicable County regulations.

6. Project identification flagpoles may be located throughout project. Internal project identification flagpoles must be located on light poles, shall not exceed 8 square feet (34" height, 30" width), and must be setback a minimum of 20' from a public right of way. Flagpole sign, text and graphical representation may be altered from what is shown on Exhibit "D", Signage Plan and Single Family Lot Detail. Future development phases will follow similar intensities and frequency as the sign placement represented on Exhibit "D". [Approved in HEX Decision No. 14-08]

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SECTION III

RESIDENTIAL

3.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within the Sabal Bay MPUD designated on the Master Plan as "R", Residential.

3.2 MAXIMUM DWELLING UNITS

A maximum of ~~1,999~~ 2,229 approved residential dwelling units may be constructed on lands designated "R" Residential on the MPUD Master Plan. For purposes of project density, 4 ALF/CCRC units shall constitute 1 residential dwelling unit. However, the maximum density on tract R/8 is limited to 390 dwelling units.

3.3 GENERAL DESCRIPTION

Areas designated as "R," Residential, on the Master Plan are designed to accommodate a full range of residential dwelling types, general permitted uses as described by Section 2.14 of this Document, a full range of recreational facilities, essential services, and customary accessory uses.

The approximate acreage of the area designated as "R", Residential, is indicated on the MPUD Master Plan. This acreage is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of SDP, or subdivision plat approvals, in accordance with Sections 10.02.03 and 10.02.04 of the LDC. Residential tracts are designed to accommodate internal roadways, open spaces, and other similar uses found in residential areas.

3.4 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Principal Uses:

1. Single family attached and detached dwellings, townhomes.

2. Single family and zero lot line dwellings.

3. Two-family and duplex dwellings.

4. Multi-family dwellings including mid-rise, coach home and garden apartments. Multi-family buildings are limited to a maximum building height of 50 feet measured as set forth in the LDC Section 1.08.02 Definitions "building, zoned height of", except that within tract R4, depicted on Exhibit "A", multi-

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family buildings shall be permitted up to a height of 10 residential floors over parking, not to exceed a zoned height of 150 feet", and an actual height of 165 feet. Multi-family is prohibited in the R9 Tract.

5. Timeshares, which shall not be counted as temporary lodging units but which shall be counted as residential dwelling units. Timeshares are prohibited in the R9 Tract.

6. Model homes and model home centers including offices for project administration, construction, sales and marketing.

7. Assisted living facilities (ALF) and/or continuing care retirement communities (CCRC) with ancillary medical uses and personal services for residents and their guests, including but not limited to, beauty salon, bank, pharmacy and convenience store are permitted as ancillary uses. (Such ancillary medical or personal service uses shall only be accessed from inside the ALF or CCRC). No external signage or advertising is permitted in support of these ancillary medical or personal service uses. As ancillary uses, not intended for utilization by the general public, such ancillary medical or personal service uses shall be limited in size and intensity to an amount determined to be necessary to serve the residents of the ALF or CCRC, their guests, and the facility employees. ALF and/or CCRC are prohibited in the R2-B, R5, ~~and~~ R7, and R9 areas as indicated on the MPUD Master Plan.

8. Recreational facilities such as parks, playgrounds, and pedestrian/bikeways

B. Accessory Uses and Structures:

1. Accessory uses and structures customarily associated with principal uses permitted in this District, including swimming pools, spas and screen enclosures, recreational facilities designed to serve the development and provide essential services.

2. Community related recreational facilities and structures including clubhouses, health and fitness facilities, restaurants, cocktail lounges, pools, meeting rooms, community buildings, playgrounds, playfields, tennis courts, and similar uses intended to exclusively serve community residents and their guests.

3. Community maintenance facilities, water management facilities, and utility and maintenance structures and staff offices.

4. Boardwalks, nature trails, shelters, viewing piers, viewing platforms, educational signs, kiosks, elevated paths, and docks or platforms for launching and mooring or storage of non-motorized vessels utilizing movable storage racks. Electric boats are an allowed accessory use.

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3.5 DEVELOPMENT STANDARDS

A. Table I sets forth the development standards for land uses within the Sabal Bay MPUD Residential Area. Standards not specified herein shall be those specified in Chapter 5 of the LDC in effect as of the date of adoption of this MPUD Ordinance.

B. The following standards shall be applicable to the proposed ALF or CCRC use. The ALF or CCRC use is prohibited in the R2-B, R5, ~~and~~ R7, and R9 areas depicted on the MPUD Master Plan. Standards not specified herein shall be those specified in Section 5.05.04 of the LDC in effect as of the date of adoption of this MPUD Ordinance.

1. Minimum Lot Size: 1 acre.
2. Minimum Yard Requirement:
   i) Front: one-half (1/2) the height of the principal structure
   ii) Side: one-half (1/2) the sum of the height of principal structures, except no setback shall be required from any lake easement.
   iii) Rear: one-half (1/2) the height of the principal structure, except that no setback shall be required from any lake easement.
   iv) Setback from U.S. 41: same as height of the principal structure
3. Floor Area Ration: 0.60 FAR.
4. Maximum height: not to exceed a zoned height of 60 feet and an actual height of 75 feet.
5. Any ALF or CCRC constructed along U.S. 41 will provide a Type C buffer, 20 foot wide, opaque within one year, with a six-foot wall, fence, hedge or berm or combination thereof and two staggered rows of trees spaced no more than 30 feet on center along with a single row shrub. Trees shall be 14 feet tall at time of planting and shrubs shall be 24 inches tall at time of planting.

C. Site development standards for single family, zero lot line, two-family, duplex, single family attached and town home uses apply to individual residential lot boundaries. Multi-family standards apply to platted parcel boundaries, unless otherwise specified.

D. Standards for parking, landscaping, signs and other land uses, where such standards are not specified herein, are to be in accordance with the LDC in effect at the time of SDP approval. Unless otherwise indicated, required yards, heights, and floor area standards apply to principle structures.

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TABLE I: SABAL BAY MPUD DEVELOPMENT STANDARDS FOR "R" RESIDENTIAL AREA

SETBACK	SINGLE FAMILY DETACHED	ZERO LOT LINE	TWO FAMILY/ DUPLEX	SINGLE FAMILY ATTACHED/ TOWNHOME	MULTI FAMILY/ [11] TIMESHARE DWELLINGS (EXCLUDING TOWNHOUSES)	CLUBHOUSE/ RECREATION BUILDINGS	ALF CCRC'S [8]
PRINCIPLE STRUCTURES [10]							
Minimum Lot Area	5,000 SF	4,000 SF	3,500 SF per lot or	2,600 SF	N/A	10,000 SF	Per Section 3.5 B
Minimum Lot Width [2]	40'	35'	35' per lot or unit	20'	N/A	N/A	N/A
Front Yard Setback [6]	15'	15'	15'	15'	15' or .5 BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary	20'	Per Section 3.5 B
Frond Yard Side [6] Entry Garage	10'	10'	10'	10'	15' or .5 BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary	N/A	N/A
Rear Yard [1]	10'	10'	10'	10'	15' or .5 BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary	15'	Per Section 3.5 B
Side Yard	5'	5' [3]	5' [3]	5' [3]	15' or 50% of BH, whichever is greater and a minimum of 75 feet from the PUD perimeter boundary [4]	10'	Per Section 3.5 B
From Preserve [1]	25'	25'	25'	25'	25'	25'	25'
Maximum Height [5]	35'	35'	35'	35'	50' above FEMA elevation [5,7]	55'	Per Section 3.5 B
Floor Area Minimum (SF)	1,200 SF	1,200 SF	1,200 SF	1,200 SF	700 SF	N/A	N/A [8]
Minimum Distance Between Principal Structures [4]	10'	10'	10'	10'	15' or .5 SBH, whichever is greater [4,9]	15' or .5 SBH, whichever is greater [4]	15' or .5 SBH, whichever is greater [4]
ACCESSORY STRUCTURES [10]							
Front	SPS	SPS	SPS	SPS	SPS	SPS	SPS
Side	SPS	SPS	SPS	SPS	SPS	SPS	SPS
Rear	5'	5'	5'	5'	5'	10'	10'
From Preserve [1]	10'	10'	10'	10'	10'	10'	10'
Minimum Distance Between Accessory Structures on same lot	0' or 10'	0' or 10'	0' or 10'	0' or 10'	0' or 10' [4]	0' or 10' [4]	0' or 10'
Minimum Distance Between Accessory and Principal Structures on same lot	0' or 10'	0' or 10'	0' or 10'	0' or 10'	0' or 10' [4]	0' or 10' [4]	0' or 10'
Maximum Height	SPS	SPS	SPS	SPS	50'	SPS	80'

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BH: Building Height - measured as defined in LDC Section 1.08.02 Definitions "building, zoned height of."
SBH: (Sum of Building Heights): Combined height of two adjacent buildings for the purpose of determining setback requirements.
SPS: Same as Principal Structure
Front yards shall be measured as follows: If the parcel is served by a public or private right-of-way, setback is measured from the adjacent right-of-way line.

1. Setback from lake easements for all accessory uses and structures may be O feet. Setback from preserve areas shall be 25 feet for principal structures and 10 feet for accessory structures, or as may otherwise be permitted in accordance with the applicable provisions set forth in LDC Section 3.05.07.
2. Minimum lot width for cul-de-sac lots consistent with the measurement standards established in the LDC.
3. Zero feet (0'). Where the zero foot (0') yard option is utilized, the opposite side of the structure or attached structures shall have a ten (10') side yard. Where zero lot line development is proposed, a conceptual site plan shall be submitted with the application for final subdivision plat approval. The conceptual site plan shall depict the proposed location of dwelling units and the required setbacks.
4. Distance between principal and accessory structures for multi-family development: Where common architectural themes are utilized for a common development tract, distances between principal structures may be reduced subject to Fire District approval at the time of site plan review. In no case shall the distance between principal structures be less than 10 feet or .25 SBH, whichever is greater. A common architectural theme shall be demonstrated during SDP review through submittal of drawings and renderings depicting common signage, common entry design features, common landscape and landscape features, and common architectural building design features.
5. Building height is measured as set forth in LDC Section 1.08.02 Definitions "building, zoned height of." Actual height of structures in Single Family Detached, Zero Lot Line, Two Family/Duplex, and Single Family Attached/Townhome categories shall not exceed forty-five feet (45'). Multi-family/timeshare structures within Tracts- R4, as depicted on the MPUD Master Plan (Exhibit "A") shall have a maximum height of 10 residential floors over parking, not to exceed 150 feet of zoned height as measured pursuant to LDC Section 1.08.02 Definitions "Buildings, zoned height of", and a maximum actual height of 165 feet.
6. Front loading garages shall have a minimum front yard setback 23 feet, as measured from the back of sidewalk. Side loaded garages may be located less than 23 feet from the back of sidewalk provided that the driveway design allows for parking of vehicles so as not to interfere with or block the sidewalk.
7. 50 feet for R8.
8. Standards not specified herein shall be those specified in Section 5.05.04 of the LDC in effect as of the date of adoption of this MPUD Ordinance. There is no minimum floor area established for an ALF or CCRC; however, the maximum floor area ratio (FAR) is .60. The ALF/CCRC use is prohibited in the R2-B, R5, ~~and~~ R7, and R9 areas.
9. Minimum separation between parking decks under mid-rise structures shall not be less than 60 feet.
10. In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer in accordance with LDC applicable provisions in effect at the time or permitting.
11. The Multi-family use is prohibited in the R9 Tract.

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SECTION IV

RECREATION VILLAGE CENTER

4.1 PURPOSE

The purpose of this section is to identify permitted uses and development standards for areas within the Sabal Bay MPUD designated on the Master Plan as REC/VC, "Recreation Village Center."

4.2 GENERAL DESCRIPTION

The approximate acreage of the REC/VC Tract is indicated on the Master Plan. This acreage is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of SDP or subdivision plat approvals in accordance with Section 10.02.03 and Section 10.02.04 of the LDC. The REC/VC area shall accommodate a variety of recreational, water management, open space, commercial uses, including temporary lodging establishments, as well as customary accessory uses associated with the permitted principal use, and essential services.

The REC/VC Subdistrict shall not be subject to the conditions, limitations or restrictions set forth in Chapter 4.07.04 of the LDC. The commercial uses identified within this subdistrict are permitted pursuant to FLUE Map 11 that establishes exempt commercial areas within the boundaries of the MPUD which have been determined to be consistent by policy (FLUE Policy 5.9). Regardless of the ultimate mix of uses, in no case shall this MPUD exceed ~~DRI~~ thresholds in Statement of Compliance 2.b). ~~established for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses), as those regulations exist on the date this MPUD is approved.~~ The Owners shall provide the County with incremental development information, including the aggregate commercial square footage within the REC/VC Tract and within the PUD in total, as required during the annual PUD monitoring process, and through the SDP and/or subdivision plat application submittal process.

4.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Permitted Principal Uses and Structures:

1. Recreational facilities and structures such as, but not limited to, pools, tennis courts, health and fitness facilities, clubhouses, pro shops, meeting rooms, community buildings, playgrounds, playfields, docks, and electric boats.

2. Commercial banks (Groups 6021-6029 drive-through facilities are prohibited).

3. Real estate agents and managers for property within PUD only (Group 6531).

4. Hardware store only- 2,500 square feet, maximum floor area (Group 5251).

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5. Variety stores-2,500 square feet maximum floor area (Group 5331).

6. Miscellaneous general merchandise stores, except catalog showrooms - 2,500 square feet maximum floor area (Group 5399).

7. Grocery stores, 10,000 square feet maximum floor area (Group 5411).

8. Fish, meat, and seafood markets only (Group 5421).

9. Fruit and vegetable markets (Group 5431).

10. Retail bakeries (Group 5461).

11. Coffee stores and health food stores only - 2,500 square feet maximum floor area (Group 5499).

12. Gasoline service stations, except truck stops (Group 5541).

13. Apparel and accessory stores - 2,500 square feet maximum floor area (Groups 5611-5661).

14. Record and prerecorded tape stores (Group 5735).

15. Eating places, except caterers and industrial and institutional food service establishments, dinner theaters, drive-in restaurants and restaurants with drive-through facilities (Group 5812).

16. Liquor stores (Group 5921).

17. Gift, novelty, and souvenir shops (Group 5947).

18. Sewing, needlework, and piece goods stores (Group 5949).

19. Florists (Group 5992).

20. Agents for laundries and drycleaners only (Group 7212).

21. Coin-operated laundries and drycleaning (Group 7215).

22. Diaper service, and garment alteration and repair shops only (Group 7219).

23. Beauty shops, except beauty schools and cosmetology schools (Group 7231).

24. Barber shops, except barber colleges (Group 7241).

25. Depilatory salon, electrolysis, massage parlor, shopping services for individuals, and tanning salons only (Group 7299).

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26. Housekeeping and maid services only (Group 7349).

27. Videotape rental (Group 7841).

28. Physical fitness facilities (Group 7991).

29. Offices and/or clinics of physicians, and offices and/or clinics of dentists. (Groups 8011-8021).

30. Offices and clinics of chiropractors (Group 8041).

31. Establishments operating primarily to provide temporary lodging such as hotels or motels as defined under Industry Group 7011 in the Standard Industrial Classification Manual. Within the REC/VC Subdistrict, up to 150 temporary lodging units may be developed. Those temporary lodging units may be developed as typical hotel or motel units or may be developed as independent detached or attached units constructed so as to appear like residential dwelling units of various types (No more than 250 temporary lodging units shall be permitted within the entire MPUD).

32. Timeshares, which shall not be counted as temporary lodging units but which shall be counted as residential dwelling units.

33. Miscellaneous Retail Stores, not elsewhere provided for above (Groups 5699, 5999), whether accessory to a hotel, motel, clubhouse, or independent.

34. Open space uses, and structures such as, but not limited to, boardwalks, nature trails, bikeways, landscape nurseries, gazebos, fishing/observation pier, picnic areas, fitness trails,and shelters.

35. Carwashes (Group 7542)

36. United States Postal Service (Group 4311)

B. Permitted Accessory Uses and Structures

1. Customary accessory uses or structures incidental to recreation and village center areas and, or facilities, including structures constructed for purposes of maintenance, storage or shelter with appropriate screening and landscaping.

2. Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

   a. Parking facilities and signage
   b. One caretaker's residence
   c. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and outdoor food markets.

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4.4 DEVELOPMENT STANDARDS

A. Minimum Yard Requirements:

1. Front Yard: Twenty-five feet (25').
2. Side Yard: Fifteen feet (15').
3. Rear Yard: Fifteen feet (15').
4. Proposed structures located adjacent to a lake may have no setback from the lake maintenance easement. No structures are permitted in the required 20- foot lake maintenance easement.
5. Principal and accessory structure setbacks from Preserve Area
   i) Principal structure: Twenty-five feet (25')
   ii) Accessory structure: Ten feet (10')

B. Exterior lighting shall be arranged in a manner which will protect roadways and residential properties from direct glare or unreasonable interference.

C. Maximum height of structures - Fifty feet (50); except clock towers or similar architectural features, which shall be permitted up to seventy-five feet (75').

D. Minimum distance between principal structures - Ten feet (10'), or greater, if required by local fire codes in effect at time of development.

E. Minimum distance between accessory structures - Ten feet (10').

F. Parking for uses and structures constructed in the Recreation/Village Center: The amount of required parking within this District may be reduced by up to 25% of the applicable LDC parking requirements if it is demonstrated that such a reduction is warranted through the submission of a shared parking analysis, to be submitted with an SDP application. The amount of parking necessary shall be determined utilizing the modal splits and parking demands for various uses recognized by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI) or other sources or studies. The analysis shall demonstrate the number of parking spaces available for more than one use or function, recognizing the required parking spaces will vary depending on the multiple functions or uses in close proximity which are unlikely to require the spaces at the same time.

The shared parking analysis methodology will be determined and agreed upon by the County Transportation Staff and the applicant during the SDP pre-application meeting. The shared parking analysis shall use the maximum square footage of uses proposed by the SDP application. Note: Any such reduction approved by staff is a deviation from the requirements set forth in LDC Section 4.05.04

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SECTION V

COMMERCIAL/OFFICE

5.1 PURPOSE

The purpose of this Section is to set forth the development plan for tracts designated as "C/O", Commercial/Office on Exhibit "A", MPUD Master Plan. The general function and purpose of this Tract is to provide the opportunity for diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions to many segments of the population.

5.2 MAXIMUM COMMERCIAL/OFFICE SQUARE FEET

The 50 ± acre Commercial/Office Areas (Tracts C/O1, C/O2 and C/O3), shall be developed with an amount of commercial/office square footage that will not exceed the ~~individual DRI~~ thresholds in Statement of Compliance 2.b). Total retail or other uses on the C/O1 and C/O2 shall not exceed 122,000 square feet of retail and 60,000 square feet of office space.

~~Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds established for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses) as those regulations exist on the date this MPUD is approved. This shall be monitored through the PUD monitoring process on an annual basis and through the SDP and/or subdivision plat review process.~~

5.3 PERMITTED USES

No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or in part, for other than the following:

A. Principal Uses[1]:

1. Establishments primarily engaged in performing soil preparation services, crop services, veterinary services, other animal services, farm labor and management services, and landscape and horticultural services, as outlined under Major Group 07 in the Standard Industrial Classification Manual, only including Industry Number 0742 - veterinary services for animal specialties.

[1] Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual,* 1987 Edition.

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2. Establishments furnishing point-to-point communications services as outlined under Major Group 48 in the Standard Industrial Classification Manual; no communication towers are permitted.

3. Any retail business as defined in the Standard Industrial Classification Manual for the following categories:
   a. 523 - Paint glass, and wallpaper stores;
   b. 525 - Hardware stores;
   c. 526 - Retail nurseries, lawn and garden supply stores;
   d. Major Group 53 - General merchandise stores.

4. Any retail store engaged in selling food as defined under Major Group 54 in the Standard Industrial Classification Manual.

5. Any retail business engaged in selling automobile parts and accessories; and retail gasoline sales (without service facilities), as defined in the Standard Industrial Classification Manual for the following categories:
   a. 553 - Auto and home supply stores, not including any installation facility;
   b. 554 - Gasoline stations, not including service facilities;
   c. Group 7542 -Carwashes only.

6. Any retail business engaged in selling new or used motorboats and other watercraft, marine supplies, and outboard motors as defined under Industry Group 555 in the Standard Industrial Classification Manual.

7. Any retail business engaged in selling apparel and accessories as defined under the Major Group 56 in the Standard Industrial Classification Manual.

8. Any retail business engaged in selling home furniture, furnishings, and equipment stores as defined under Major Group 57 in the Standard Industrial Classification Manual.

9. Any retail establishment selling prepared foods and drinks, including alcoholic drinks (for consumption on the premises), as defined under the Major Group 58 in the Standard Industrial Classification Manual.

10. Any miscellaneous retail business as defined under Major Group 59 in the Standard Industrial Classification Manual, not including Industry Group Numbers: 596 - non-store retailers; 598 - fuel dealers; and not including retail sale of fireworks.

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11. Establishments operating primarily in the fields of finance, insurance, and real estate as defined under Major Groups 60, 61, 62, 63, 64, 65, and 67 in the Standard Industrial Classification Manual.

12. Within Tract C/O3 only, establishments operating primarily to provide temporary lodging such as hotels or motels as defined under Industry Group 7011 in the Standard Industrial Classification Manual. No more than 150 units shall be permitted. (No more than 250 units shall be permitted in total within the REC/VC District and Tract C/O3).

13. Establishments operating primarily to provide personal services as defined in the Standard Industrial Classification Manual for the following Industry Groups:
    a. 721 - Laundry, cleaning, and garment services, only including Group 7211 - power laundries, family and commercial, Group 7215 - coin-operated laundries and dry-cleaning, and Group 7217 - carpet and upholstery cleaning;
    b. 722 - Photographic portrait studios;
    c. 723 - Beauty shops
    d. 724 - Barber shops;
    e. 725 - Shoe repair shops and shoeshine parlors;
    f. 729 - Miscellaneous personal services, only including Group 7291 tax return preparation services, and Group 7299 personal services, only including car title and tag service, computer photography or portraits, costume rental, diet workshops, electrolysis (hair removal), genealogical investigation service, hair weaving or replacements service, dress suit or tuxedo rental, and tanning salons.

14. Establishments operating primarily to provide business services as defined in the Standard Industrial Classification Manual for the following industry Groups:
    a. 731 - Advertising, not including Group 7312 outdoor advertising services agencies;
    b. 733 - Mailing, reproduction, commercial art and photography, and stenographic services;
    c. 735 - Miscellaneous equipment rental and leasing, only including Group 7352 - medical equipment, rental and leasing;
    d. 737 - Computer programming, data processing, and other computerrelated services, not including Group 7371 - prepackaged software

15. Establishments primarily engaged in developing film and in making photographic prints and enlargements for the trade or for the general public, only including Group 7384, Photofinishing laboratories.

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16. Establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public, including Group 7513 - Truck rental and leasing, without drivers; Group 7514 - Passenger car rental; Group 7515 - Passenger car leasing; and Group 7519 - Utility trailer and recreational vehicle rental.

17. Establishments engaged in miscellaneous repair services, only including Group 7631 - Watch, clock, and jewelry repair and Group 7699 - Repair shops and related services, not elsewhere classified.

18. Establishments operating primarily to provide motion picture services as defined under Major Group 78 in the Standard Industrial Classification Manual, only including Group 7832 - Motion picture theaters, except drive-in, and Group 7841 - Videotape rental.

19. Establishments operating primarily to provide amusement and recreation services as defined under Major Group 79 in the Standard Industrial Classification Manual, for the following Groups:
    a. 7911 - Dance studios, schools and halls
    b. 7922 - Theatrical producers (except motion picture) and miscellaneous theatrical services
    c. 7941 - Professional sports clubs and promoters, only including managers of individual professional athletes, and promoters of sports events.
    d. 7991 - Physical fitness facilities
    e. 7999 - To include moped rental, motorcycle rental, rental of bicycles, schools and camps-sports instructional, scuba and skin diving instruction, sporting goods rental only.

20. Establishments operating primarily to provide medical and health services as defined under Major Group 80 in the Standard Industrial Classification Manual, for the following Groups:
    a. 801 - Offices and clinics of doctors of medicine;
    b. 802 - Offices and clinics of dentists;
    c. 803 - Offices and clinics of doctors of osteopathy;
    d. 804 - Offices and clinics of other health practitioners.

21. Establishments operating primarily to provide medical and dental laboratories as defined under Major Group 807 in the Standard Industrial Classification Manual, for the following Groups:

    a. Group 8071 - Medical Laboratories;
    b. Group 8072 - Dental Laboratories.

22. Establishment operating primarily to provide legal services as defined under Major Group 81 in the Standard Industrial Classification Manual.

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23. Establishments primarily engaged in providing library services, only including Group 8231 - Libraries.

24. Membership organizations engaged in promoting the interests of their member as defined under Major Group 86 in the Standard Industrial Classification Manual.

25. Establishments operating primarily to provide engineering, accounting, research, and management for the following Groups:
    a. 8711 - Engineering services
    b. 8712 - Architectural services
    c. 8713 - Surveying services
    d. 8721 - Accounting, auditing and bookkeeping services
    e. 8732 - Commercial economic, sociological, and educational research
    f. 8741 - Management services
    g. 8742 - Management consulting services
    h. 8743 - Public relations services
    i. 8748 - Business consulting services.

26. Offices of government as defined under Major Group 91 in the Standard Industrial Classification Manual.

27. Mixed multi-family residential and commercial uses located within C/O1 and C/O2 Tracts. Residential dwelling units shall be counted toward the maximum ~~1999~~ 2,229 allowable residential dwelling units. A maximum of 390 units shall be permitted within the combined Tracts R8, C/O1 and C/O2. ~~The commercial space shall be counted toward the maximum allowable square footage as allowed per DRI thresholds. Regardless of the ultimate mix of uses, in no case shall this MPUD exceed DRI thresholds, established in chapter 380 of Florida Statutes, for a mixed-use project (100 percent for a specific use and 160 percent of any combination of three or more uses), in effect on the date of approval of this PUD. This shall be monitored through the PUD monitoring process on an annual basis, and during all SDP and/or subdivision plat submittals.~~ The mixed residential and commercial uses shall be subject to the following criteria:

    a. An SDP is approved pursuant to Chapter 10 of the LDC that is designed to protect the character of the residential uses and of the neighboring lands;
    b. The commercial uses in the development shall be limited in hours of operation, size of delivery trucks, and type of equipment;
    c. The residential uses are designed so that they are compatible with commercial uses;
    d. Residential dwelling units may be located above principal structures

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e. Residential and commercial uses shall not occupy the same floor of a building in which the uses are located;

f. The mixed-commercial/residential structure shall be designed to enhance the compatibility of the commercial and residential uses through such measures as, but not limited to, minimizing noise associated with commercial uses, directing commercial lighting away from residential units, and separating pedestrian and vehicular access ways and parking areas from residential units; and

g. The SDP shall incorporate traditional neighborhood design (TND) principles.

B. Accessory Uses

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

1. Parking facilities and signage
2. One caretaker's residence
3. Temporary licensed uses such as art festivals, displays, outdoor gatherings or performances and outdoor food markets.
4. Docks and electric boats.

C. Should market conditions not warrant commercial development within the C/O3 Tract, that Tract shall be used for any uses permitted within the R Subdistrict, subject to all development standards set forth in Section III of this MPUD Document.

5.4 DEVELOPMENT STANDARDS

A. Minimum Lot Area: 10,000 square feet.

B. Minimum Lot Width: 100 feet

C. Minimum Yards (Internal):

1. Front Yard: Twenty (20) feet plus one (1) foot for each two (2) feet of building height over fifty (50) feet.
2. Side Yard: None, or a minimum of five (5) feet, with unobstructed passage from front to rear yard
3. Rear Yard: 15 feet.
4. Parcels with two frontages may reduce one front yard by 10 feet.
5. In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer, in accordance with LDC provision in effect at the time or permitting.

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D. Minimum Yards and Buffers (External):

1. East Tamiami Trail (US 41): 50-foot setback, except that canopies for gas stations shall maintain a 30-foot setback, provided no gas pumps or pump islands are located closer than 30 feet from the East Tamiami Trail right-of-way. A 20-foot landscape buffer, in accordance with Section 2.12 of this Document and Section 4.06.00 of the LDC, shall be provided along the entire frontage of US 41. In accordance with Subsection 5.05.05Dl of the LDC, should a gasoline service station be developed, a 25 foot wide landscape buffer is required along rights-of-way adjacent to the service station. In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer, in accordance with the LDC provisions in effect at the time or permitting.

E. Minimum Distance Between Non-attached Structures: Fifteen feet (15') or one-half the sum of the building heights, whichever is greater.

F. Maximum Height: Five stories or fifty feet (50'), whichever is greater, except for hotels, which may be developed up to seventy-five feet (75') in height, as measured in accordance with the LDC definition of the term "building, zoned height of".

G. Minimum Floor Area: 500 square feet per principal structure, on the finished first floor. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of 25 square feet and shall not be subject to the setback requirements set forth on Paragraph 5.4 C. above; however, in no instance shall a structure encroach into a required landscape buffer, other

~~H.~~ than those structures permitted to be located within a landscape buffer in accordance with LDC provision in effect at the time or permitting.

~~I.~~ H. Off-Street Parking and Loading Requirements:

As required by Section 4.05.00 of the LDC in effect at the time of SDP approval.

~~J.~~ I. Architectural and Site Design Standards:

Commercial development within this District shall conform with the guidelines and standards of Section 5.05.08 of the LDC or variance. Gray, primary and/or secondary colors shall be permitted as a predominant exterior roof colors. This is a deviation from Subsection 5.05.08C.13.b of the LDC.

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SECTION VI

PRESERVE

6.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within the Sabal Bay MPUD designated on the Master Plan as "P", Preserve.

6.2 GENERAL DESCRIPTION

Areas designated as "P", Preserve on the Master Plan are designed to accommodate conservation, passive recreation and water management uses and functions. The approximate acreage of the Preserve is indicated on the Master Plan. This acreage is based on conceptual designs and is approximate. The configuration of these areas may change due to permitting requirements with the South Florida Water Management District, United States of America Corps of Engineers and other agencies; however, the acreage shall be generally consistent with that shown on the Master Plan. Actual acreages of preserve areas will be provided at the time of SDP or subdivision plat approvals in accordance with Sections 10.02.03 and 10.02.04 of the LDC.

6.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. ~~Permitted~~ Principal Use: ~~s and Structures~~ Preserve
~~1. Upland preserves~~
~~2. Wetland preserves~~

B. ~~Permitted~~ Accessory Uses and Structures:
~~1.~~ Boardwalks, nature trails, shelters, viewing piers, viewing platforms, educational signs, kiosks, elevated paths, and docks or platforms for launching and mooring or storage of non-motorized vessels utilizing movable storage racks. Passive uses are allowed within the preserves to provide for access to the preserve, as long as any clearing required to facilitate these uses does not impact the minimum required native vegetation or cause loss of function to the preserve. Passive uses are subject to the LDC section *Allowable uses within County required preserves:*
~~2. Water management structures in accordance with Collier County, SFWMD, DEP, and USACOE permitting requirements.~~
1. Pathways
2. Stormwater only when in accordance with the LDC.

6.4 DEVELOPMENT STANDARDS

A. Minimum Yard Requirements for Accessory Structures

1. From MPUD or external development tract boundary: Fifteen Feet (15')

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2. From internal tract boundary: Ten Feet (10')

3. From lake maintenance easement: Zero Feet(0')

4. Maximum Height of Structures: Twenty-five Feet (25'), except for viewing platforms that may be seventy-five feet (75')

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SECTION VII

PUBLIC FACILITY

7.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within the Sabal Bay MPUD designated on the Master Plan as "PF", Public Facility. The PF district land is set aside for Collier County School Board to build an elementary or middle school and one acre is set aside for fire, rescue and an EMS site. Should the School Board or Fire District decide that it will not need this land, or a portion of it, then this area may be used for any uses permitted within the R Subdistrict, subject to all development standards set forth in R Subdistrict.

7.2 GENERAL DESCRIPTION

Areas designated as "PF", on the Master Plan are designed to accommodate an educational facility, and public safety services and facilities. The approximate acreage of the areas designated as "PF", are indicated on the MPUD Master Plan. This acreage is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of SDP or subdivision plat approvals in accordance with Sections 10.02.03 and 10.02.04 of the LDC.

7.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures

1. Educational facilities, limited to public elementary or middle school.
2. Educational plant, limited to public elementary or middle school.
3. Safety service facilities, limited to fire stations and EMS facilities.

B. Accessory Uses

Accessory uses customarily associated with the principal permitted uses.

7.4 DEVELOPMENT STANDARDS

A. Minimum Yard Requirements:

1. Front Yard: Twenty-five feet (25')
2. Side Yard: Fifty feet (50').
3. Rear Yard: Fifty feet (50').

B. Exterior lighting shall be arranged in a manner, which will protect roadways and residential properties from direct glare or unreasonable interference.

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C. Maximum height of structures - Thirty-five feet (35')

D. Minimum distance between principal structures - Ten feet (10'), or half the sum of building heights.

E. Minimum distance between accessory structures - Ten feet (10').

F. Minimum off-street parking: Subject to Chapter 4.05.00 of the LDC.

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SECTION VIII

GENERAL DEVELOPMENT COMMITMENT

8.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the Sabal Bay MPUD.

One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is the CDC Land Investments Inc. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments. Minto Sabal Bay, LLC shall be the Managing Entity for Tract R9 depicted on the MPUD Master Plan.

8.2 GENERAL

All facilities shall be constructed in strict accordance with SDPs, subdivision plats (if required), and all applicable State and local laws, codes, and regulations applicable to this MPUD. Except where specifically noted or stated otherwise, the standards and specifications of Section III, Exhibit "A", Design Requirements for Subdivisions of the Administrative Code for Collier County Construction Standards Manual adopted through Ordinance No. 2004-66 shall apply to this project, even if the land within the MPUD is not to be platted. The Owners, their successors and assigns, shall be responsible for the commitments outlined in this Document.

The Owners, their successors or assignee, shall follow the Master Plan and the regulations of the MPUD, as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successors or assignees in title to the Owners are bound by the commitments within this Document. These commitments may be assigned or delegated to a condominium/ homeowners' association to be created by the Owners. Upon assignment or delegation, the Owners shall be released from responsibility for the commitments.

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8.3 MPUD MASTER DEVELOPMENT PLAN

A. Exhibit "A", MPUD Master Plan illustrates the proposed development and is conceptual in nature. Proposed tract, parcel, or land use boundaries, or special land use boundaries shall not be construed to be final, and may be varied at any time at any subsequent approval phase such as subdivision plat or SDP application. Subject to the provisions of Subsection 10.02.13(E) of the LDC, amendments may be made from time to time.

B. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all services and all common areas in the project.

C. The County Manager or his designee, shall be authorized to approve minor changes and refinements to the Sabal Bay MPUD Master Plan upon written request of the Owners, subject to the provisions set forth in LDC Subsection 10.02.13E.

8.4 ENGINEERING

A. Except as noted and authorized as a deviation in this PUD Document, all project development will be consistent with provisions of Sections 10.02.04 and 10.02.03 of the LDC.

8.5 UTILITIES

A. All County or City water distribution and sewage collection and transmission facilities to serve the project shall be designed, constructed, conveyed, owned, and maintained in accordance with Collier County Ordinance No. 04-3~~5~~1, as amended, and other applicable County or City rules and regulations.

B. All customers connecting to the water distribution and sewage collection facilities shall be considered to be customers of the County or the City of Naples, as the case may be, and shall be billed by the County or City in accordance with the County's or City's established rates.

C. The development shall be subject to application for and conditions associated with a water and sewer availability letter from the Collier County Public Works Division, or from the City of Naples Utilities Department, whichever is applicable, in accordance with applicable franchise services boundaries.

D. The Owners shall reserve three requested easements, and associated utility and access easements to connect with a public right-of-way. These sites shall be used for wells (not to exceed 100' by 100' for each site) with a minimum spacing of 500 feet between wells. This conveyance shall occur at the time the SDP, or final subdivision approval for the area within the development phase that contains the easement.

E. The Owners shall provide a 10 foot wide utility easement on the development property along both sides of Bayshore Drive, if determined to be needed by Collier County.

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F. Downstream water and wastewater system capacities must be confirmed at the time of development permit (SDP or PPL) review and will be discussed at a mandatory pre-submittal conference with representatives from the Public Utilities Engineering and Project Management Division and the Growth Management Development Review Division. Any improvements to the Collier County Water-Sewer District's water distribution or wastewater collection/transmission systems necessary to provide sufficient capacities to serve the project will be the responsibility of the developer to design, permit, and construct and will be conveyed to the Collier County Water-Sewer District at no cost to the County at the time of utilities acceptance.

8.6 WATER MANAGEMENT

A. In accordance with the Rules of the South Florida Water Management District, this project shall be designed for a storm event of a 3-day duration and 25-year return frequency.

B. The Owners shall design the water management facilities in accordance with County ordinances, State, and Federal minimum design regulations in effect at the time of submittal of SDPs, or construction plans or plat approvals as the case may be.

C. An excavation permit shall be required for the proposed lakes in accordance with Subsection 22-122(c) of Ordinance 04-55 of Collier County Code of Laws and Ordinances. All lake dimensions shall be approved at the time of excavation permit approval, and shall be consistent with permits issued by the South Florida Water Management District.

D. Detailed paving, grading and site drainage plans shall be submitted to Engineering Review Services Staff for review and approval. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the approved plans is granted.

E. This Owners shall obtain an Environmental Resource Permit or Early Work Permit from the South Florida Water Management District prior to SDP approval.

F. The Owners shall adhere to the conditions set forth in the October 14, 2003 (as amended March 27, 2007, April 22, 2008, and October 27, 2009) Companion Agreement by and between Collier Land Development, Inc., Collier Development Corporation and Collier County regarding the Lely Area Surface Water Drainage Improvements in order to further the Lely Area Stormwater Improvement Project (LASIP). To further clarify, the applicant's responsibilities are as follows:

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1) Hamilton Avenue (f.k.a. Fern Street) - the applicant will make provisions in the land plan design to continue to allow the current positive outfall, and provide physical maintenance, through the natural flowway portions of the outfall within applicant's property. Collier County will be responsible to provide all on-going physical maintenance of the conveyance within the Hamilton Avenue (f.k.a. Fern Street) right-of-way.

2) Avalon Outfall Canal System - the applicant will make provision in the land plan design to continue to allow the current positive outfall of this canal by relocating the canal to the westerly property line in that area (as shown on the MPUD Master Plan), construct a uniform canal section, and place it in an 87-foot wide drainage easement, to be purchased by Collier County, which is consistent with previous PUD and ERP approvals. Collier County will be responsible to provide all on-going physical maintenance of the conveyance and easement. Owners agree to provide legal access to Collier County for the purposes of providing said maintenance.

8.7 ENVIRONMENTAL

A. Buffers shall be provided around wetlands, extending at least fifteen (15) feet landward from the edge of the jurisdictional wetland boundary in all places and averaging twenty-five (25) feet from the edge of the jurisdictional wetland boundary. Where natural buffers are not possible, structural buffers shall be provided in accordance with the State of Florida Environmental Resources Permit Rules.

B. This PUD shall comply with the guidelines of the United States Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC), and as applicable, Collier County regulations, for impacts to protected species. Restrictions within bald eagle nest buffer zones shall be in accordance with State and Federal Management guidelines and may require technical assistance from the USFWS and FFWCC. The listed species documented on the property include American alligator, gopher tortoise, little blue heron, snowy egret, tri-colored heron, white ibis, bald eagle, wood stork, Florida panther, and Florida black bear. A Habitat Management Plan for listed species shall be submitted to Environmental Services Staff for review and approval prior to SDP approval.

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C. In accordance with requests from Rookery Bay National Estuarine Research Reserve (RBNERR) Owners agree to the following:

1. The Collier County Lely Area Stormwater Improvement Project (LASIP) Permit requires water quality monitoring, for some period of time, at the furthest downstream portion of the Lely Canal. During January, 2011, the Owners provided RBNERR a copy of the most recent water quality report for the test locations within the Sabal Bay MPUD. For so long as the LASIP Permit requires water quality monitoring, the Owners will provide a copy of the annual water quality monitoring report to RBNERR. Additional reports may be obtained from SFWMD upon request.

2. The Owners shall include a provision in the conservation easement requiring notification to RBNERR in advance of any changes to the conditions of, and or dedication language set forth in the project's conservation easement. The RBNERR will be allowed to participate in the discussions of any proposed changes.

3. The Owners shall utilize water management Best Management Practices (BMP's) during construction to minimize adverse impacts on water quality during development; providing post development water quality monitoring and reporting as set forth in Paragraph 8.7.C.1 above. Additionally, the Owners will seek to increase public awareness by educating residents and the homeowners' association through the use of signage and take-home information, of the potential damage from stormwater pollution on the environment and the importance of protecting aquatic and terrestrial resources within and nearby the RBNERR. Further, the Owners shall erect signage at various locations along the RBNERR boundary, making residents and guests aware of the location and natural resource importance of the estuarine ecosystem and its management. The developer will include in the design of the backbone surface water management system, four additional Best Management Practices (BMP's), which includes: 1) extended hydraulic residence time due to increased lake acreage; 2) existing and created wetland areas, incorporated into a treatment train concept, upstream of final discharge; 3) planted filter marshes, incorporated into a treatment train concept, upstream of wetland treatment areas; 4) increased flow path between inflow and outflow through both the planted filter marshes and the wetland treatment areas. These BMP's will be incorporated downstream of the lake system, and prior to final discharge from the system, to provide additional "treatment" or "polishing." Such design will be made part of the development's surface water management plans, to be reviewed and permitted by SFWMD as a part of the ERP application.

4. The Owners shall disclose in the homeowner association documents that the following activities may occur on the adjacent RBNERR lands: exotic plant

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removal and ongoing maintenance; utilization of prescribed burns as a means of habitat management; controlling illegal dumping; management of access within RBNERR lands, controlling and trapping when necessary, feral, nuisance and domestic animals.

5. The two archeological sites determined to be of prehistoric cultural significance (8cr535 and 8cr 227) shall be preserved and the Owners shall coordinate with the Florida Division of Historic Resources to minimize any disturbance to these sites during development and as a result of exotic vegetation removal.

8.8 TRANSPORTATION

A. The development shall abide by Section 6.02.02 of the LDC in regards to Transportation Demand Management (TDM) strategies required for a project that affects a Transportation Concurrency Exemption Area (TCEA).

B. The Owners, their successors or assigns, agree that the southwest connection to US-41 across from St. Andrews Boulevard will be at the sole discretion of FDOT and shall align with the existing St. Andrews Boulevard. Upon connection to this signalized intersection, the Owners, their successors, or assigns shall assume sole financial responsibility for intersection improvements relating to the use of this intersection by this development. This shall include, but not be limited to, the following:

i. Any increase in the storage capacity of the northwest-bound left turn lane(s) approaching the signal constructed at the time of connection.

ii. Design, purchase, and installation of any physical intersection improvements including a mast arm, signal head(s), pedestrian signal heads, and any signal controller(s) that are necessary to accommodate this developments connection to the signal.

iii. County or FDOT's cost(s) for setup and modification of intersection controls including a mast arm, signal head(s), pedestrian signal heads, and any related signal timing changes that are necessary to accommodate each phase of this development. The Owners, their successors, or assigns agree to reimburse the FDOT or the agency maintaining the traffic signal within 90 days of the agency's request.

iv. Correction of any non-ADA compliant features within the Public Right-of-Way at all four quadrants of this intersection to become compliant with the then-current Americans with Disabilities Act requirements."

C. The Owners, their successors or assigns, agree that at the St. Andrews Boulevard access, they will maintain a throat distance of at least 200 feet as measured from the edge of pavement of U.S. 41 to the closest point of any gate or gatehouse.

D. The Owners, their successors or assigns, agree that the project's main residential access on U.S. 41 may be a signalized intersection if approved by FDOT. The Owners, their successors or assigns shall assume sole financial responsibility for intersection

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improvements relating to the use of this intersection by this development. This shall include, but not be limited to, the following:

i. Design, purchase, and installation of intersection improvements including mast arm(s), signal head(s), pedestrian signal heads, and any signal controller(s) that are necessary to accommodate this development's connection to the signal.

ii. Any additional signal timing adjustments directly related to this development's traffic shall also remain the financial responsibility of this development, in perpetuity.

iii. Design, purchase, and installation of ADA compliant items within the public right-of-way.

E. The maximum total daily trip generation for the 102.45 acre Tract R9, as shown on the Master Plan, shall not exceed 172 two-way PM peak hour net trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval.

F. The developer shall obtain a right of way permit prior to commencing construction of Tract R9.

G. Upon request of County, the developer of Tract R9, or its successors and assigns, shall pay its fair share payment and coordinate with Collier County on traffic calming improvements under the Neighborhood Traffic Management Program (NTMP) including but not limited to striping, signage and speed tables on Bayshore Drive from the project access to Thomasson Drive. This commitment will expire the earlier of: 2 years after buildout of Tract R9 or turnover to the HOA.

H. The P.M. peak hour peak direction trips associated with Tract R9 shall not exceed 1% of the adopted peak hour service volume on link 92.0 (U.S. 41 from Airport Road to Rattlesnake Hammock Road), as shown in the Annual Update and Inventory Report. This will be determined at the time of the plat for Tract R9.

8.9 ADDITIONAL COMMENTS

A. Prior to the issuance of the 400th certificate of occupancy for a single family home, the Owners, their successors or assigns shall provide a minimum of one playground, for use by residents and their guests, meeting ASTM design guidelines.

B. The Owners, their successors or assigns shall install a pathway along the lake where the lake fronts Thomasson Drive and shall provide a minimum of three benches for public use for this portion of lake-frontage at the time development occurs adjacent to the lake.

C. Minto Sabal Bay LLC will continue informational meetings with the Community Redevelopment Agency Advisory Board until the construction on Tract R9 is completed.

D. Entry gates at Bayshore Drive will be similar to existing gates on Saba Drive at the Thomasson Drive entry including a gate, chain link, concrete wall, and landscaping.

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Words underlined are additions; ~~words struck~~ through are deletions.

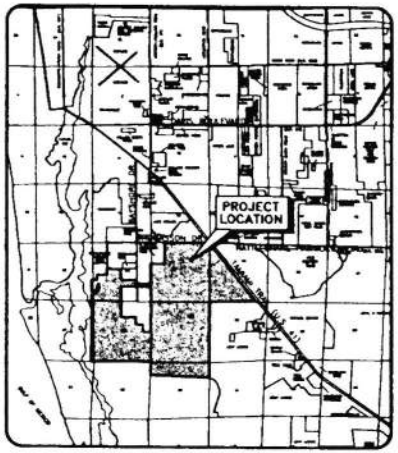
PLANS FOR

SABAL BAY MPUD

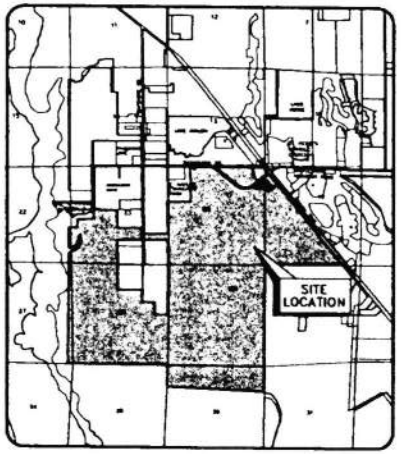
SECTION 25, AND PORTIONS OF SECTIONS 23, 24, 26, AND 36,
TOWNSHIP 50 SOUTH, RANGE 25 EAST,
AND A PORTION OF SECTION 19,
TOWNSHIP 50 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA

A PROJECT OWNED BY

CDC LAND INVESTMENTS, INC. AND
COLLIER LAND DEVELOPMENT, INC.
2550 GOODLETTE ROAD
NAPLES, FL 34103
PHONE



LOCATION MAP



SITE MAP

INDEX TO SHEETS

SHEET NO	DESCRIPTION
1	COVER SHEET
2	MPUD MASTER PLAN
3	CONCEPTUAL WATER MANAGEMENT PLAN
4	CROSS SECTIONS

NO.	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			
5	02/16/12	REVISED ANNOTATION FOR LEGIBILITY AT REDUCED SIZES	JWL/1322
4	11/09/11	CORRECTED LEGAL DESCRIPTION	JWL/1322
3	09/28/11	REVISED PER CLIENT	JWL/1322
2	07/25/11	REVISED PER COUNTY COMMENTS DATED JULY 5, 2011	JWL/1322

STATUS : REVISIONS

PROJECT SURVEYOR	PROJECT ENGINEER	PROJECT MANAGER
JOHN MALONEY, PSM	JOHN ENGLISH P.E. 66601	MARGARET PERRY, AICP

DATE MAY 20, 2011 CHECKED BY JOHN ENGLISH

RESERVED FOR STATE AND DATE STAMPS

PROJECT NUMBER
215610027

DATE
MAY 2011

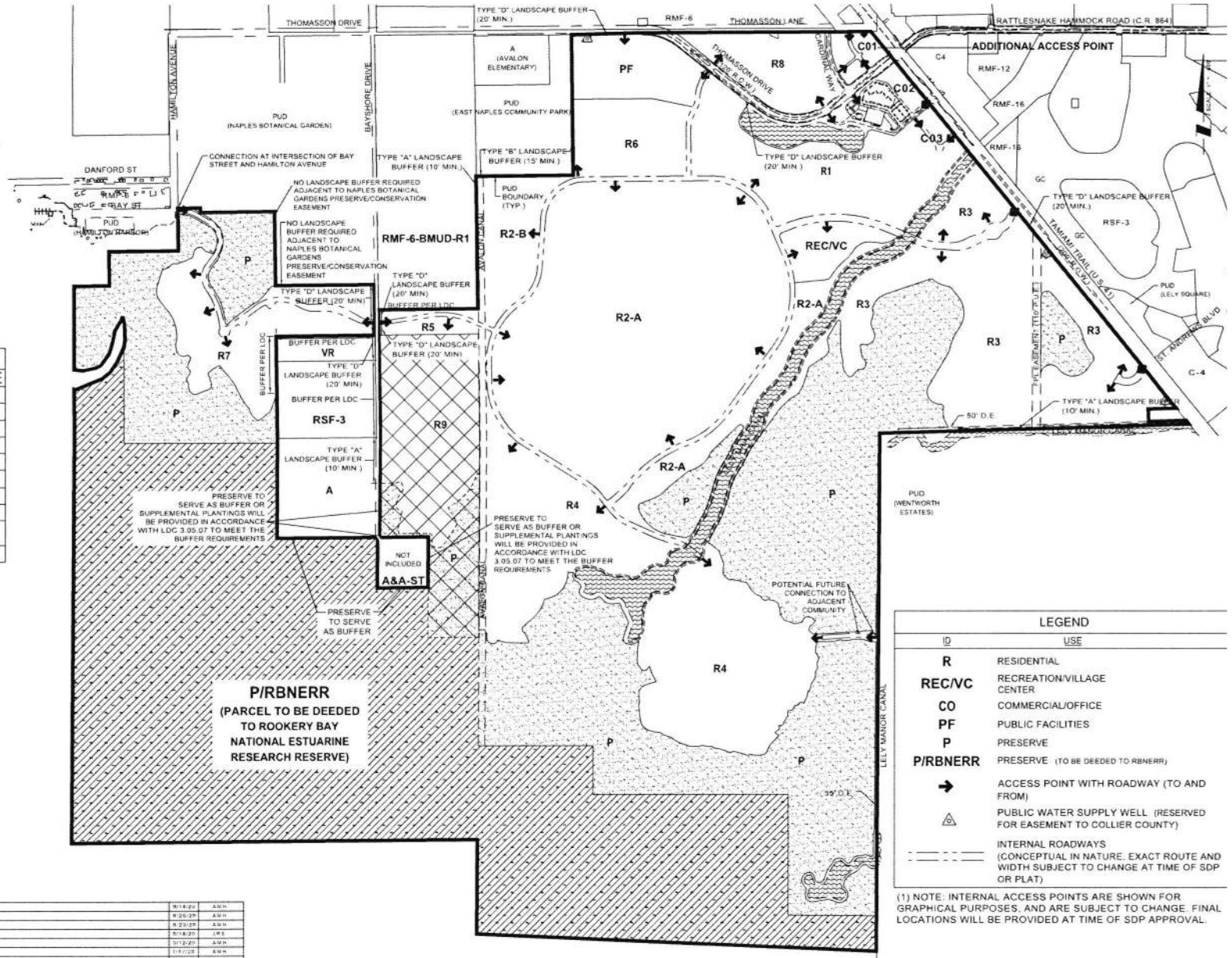
INDEX NUMBER
DD-N0229-066

WilsonMiller
Planners · Engineers · Ecologists · Surveyors · Landscape Architects · Transportation Consultants
WilsonMiller, Inc.
3200 Bailey Lane, Suite 200 · Naples, Florida 34105-8327 · Phone 239-649-4040 · Fax 239-262-6484 · Web-Site www.wilsonmiller.com

Exhibit A
Page 1 of 4

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable

EXHIBIT "A"



LAND USE SUMMARY	
USE	ACREAGE
R	1,011±
REC/VC	16±
CO	50±
PF	32±
P	552±
P/RBNERR	780±
LELY MAIN CANAL EASEMENT	52±
LELY MANOR CANAL EASEMENT	14±
EX. THOMASSON DR./EX. CARDINAL WAY	12±
TOTAL	2,519

HATCH LEGEND

- EXISTING LAKE/CANAL
- PRESERVE AREAS TO BE DEEDED TO ROOKERY BAY NATIONAL ESTUARINE RESEARCH RESERVE
- 102.49 AC PARCEL ADDITION (R9)
- PRESERVE AREA

LEGEND

ID	USE
R	RESIDENTIAL
REC/VC	RECREATION/VILLAGE CENTER
CO	COMMERCIAL/OFFICE
PF	PUBLIC FACILITIES
P	PRESERVE
P/RBNERR	PRESERVE (TO BE DEEDED TO RBNERR)
→	ACCESS POINT WITH ROADWAY (TO AND FROM)
◬	PUBLIC WATER SUPPLY WELL (RESERVED FOR EASEMENT TO COLLIER COUNTY)
— — —	INTERNAL ROADWAYS (CONCEPTUAL IN NATURE. EXACT ROUTE AND WIDTH SUBJECT TO CHANGE AT TIME OF SDP OR PLAT)

(1) NOTE: INTERNAL ACCESS POINTS ARE SHOWN FOR GRAPHICAL PURPOSES, AND ARE SUBJECT TO CHANGE. FINAL LOCATIONS WILL BE PROVIDED AT TIME OF SDP APPROVAL.

12	PER COUNTY COMMENTS	9/14/20	AMH
12	PER COUNTY COMMENTS	6/26/20	AMH
11	PER ATTORNEY COMMENTS	6/23/20	AMH
10	PER COUNTY COMMENTS	5/18/20	JRE
9	PER COUNTY COMMENTS	5/12/20	AMH
8	PER COUNTY COMMENTS	1/17/20	AMH
7	ADD 102.49 AC RE "FLEISCHMANN" PARCEL	12/13/19	AMH
6	ADDITIONAL STIPULATIONS	11/23/19	AMH
5	COMMERCIAL ACCESS POINT	11/23/19	
4	REVISED ANNOTATION FOR LEGIBILITY AT REDUCED SIZES	02/15/19	JMJ
3	CORRECTED LEGAL DESCRIPTION	11/29/18	JMJ
2	REVISED PER CLIENT	09/20/18	JMJ
1	REVISED PER COUNTY COMMENTS DATED JULY 5, 2011	07/26/18	JMJ

Barraco and Associates, Inc.

SABAL BAY MPUD

MPUD MASTER PLAN

DD-N0229-086 | 215610027 | DD-N0229-0

Exhibit A REVISED

Page 2 of 4

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable

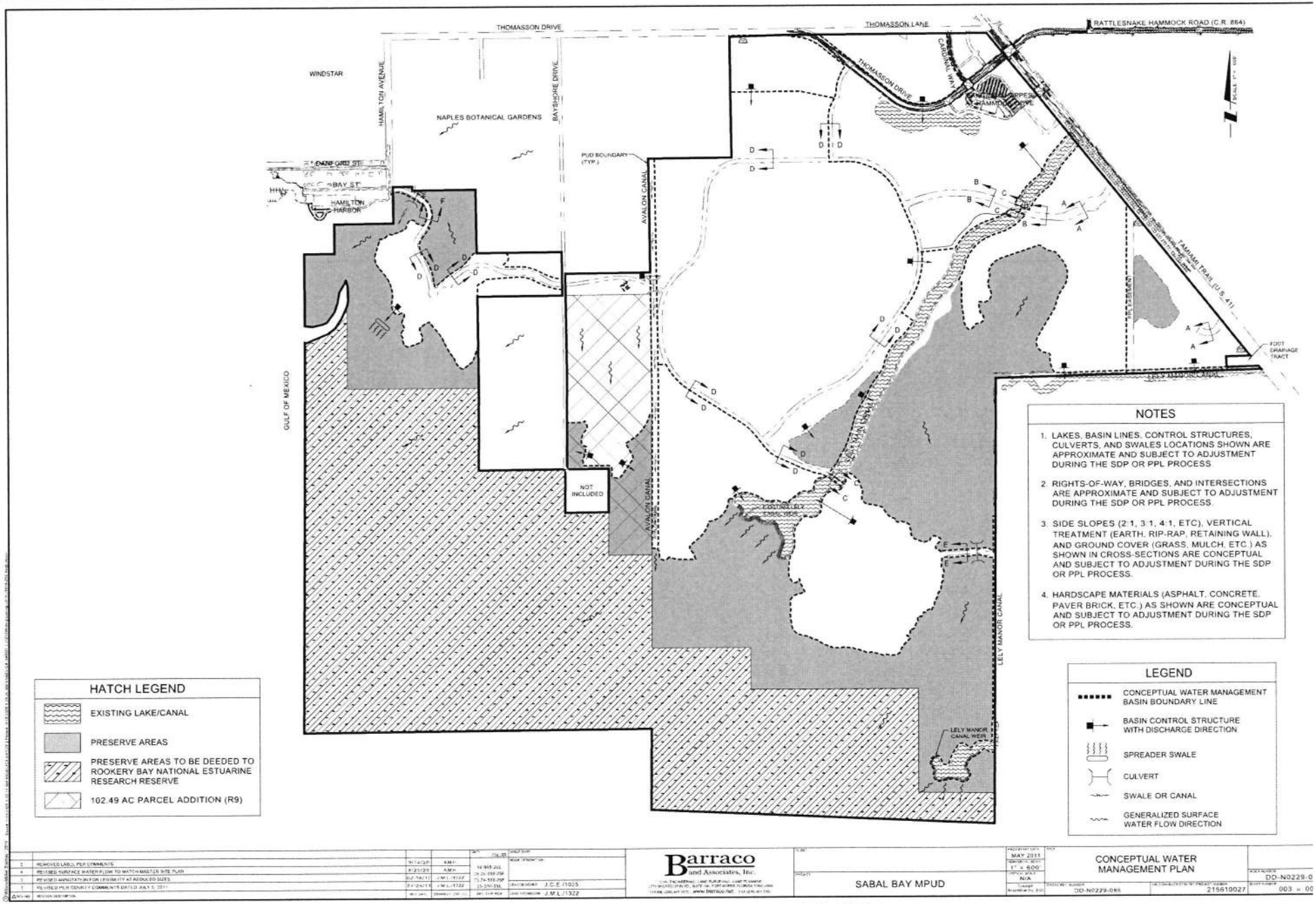
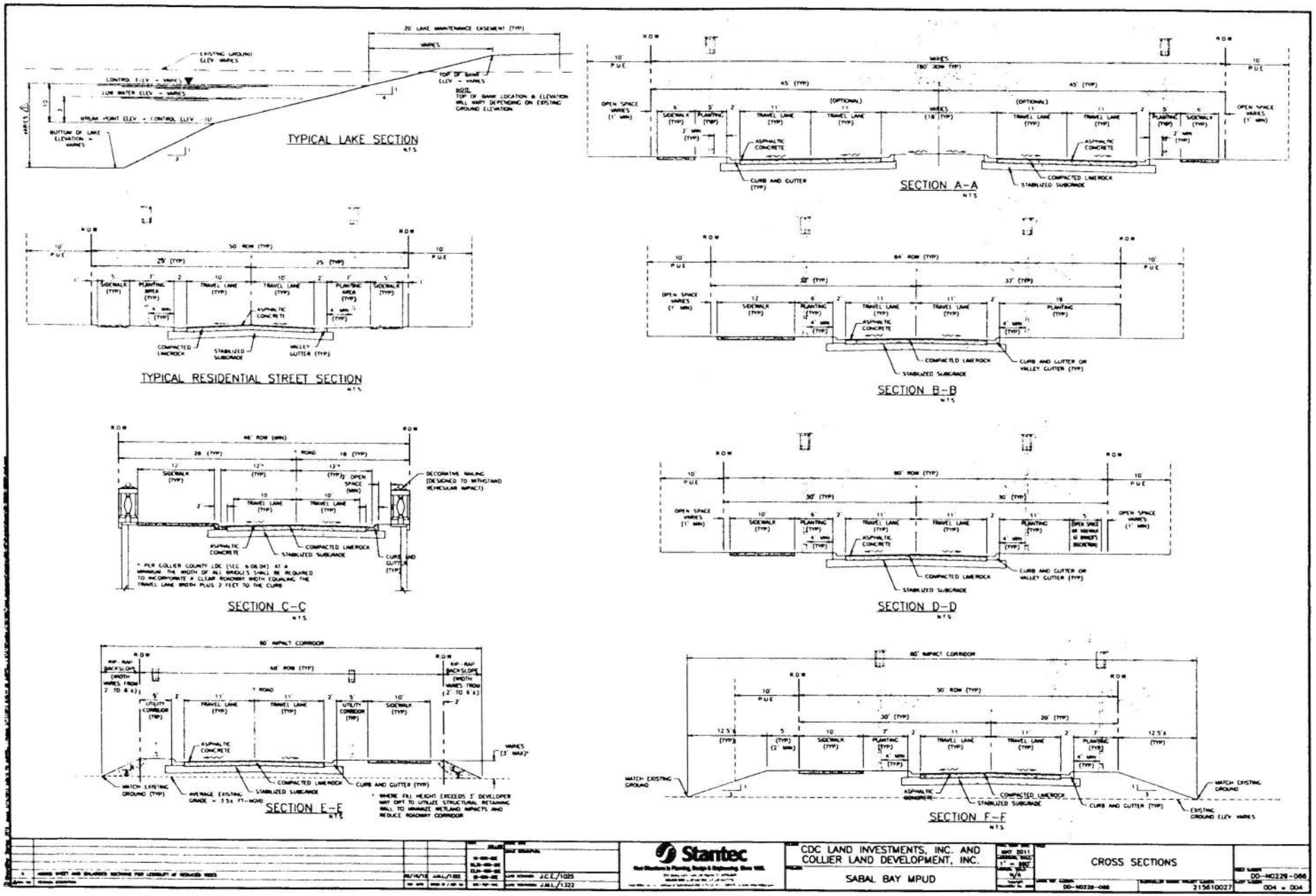


Exhibit A REVISED

Page 3 of 4

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable



Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable

Exhibit A
Page 4 of 4

ALL OF SECTION 25 AND PART OF SECTIONS 23, 24, 26 AND 36, TOWNSHIP 50 SOUTH, RANGE 25 EAST, AND PART OF SECTION 19 TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA
(Containing 2,416.49 Acres ±)
Sabal Bay P.U.D. Boundary

All of Section 25 and part of Sections 23, 24, 26 and 36, Township 50 South, Range 25 East, and part of Section 19 Township 50 South, Range 26 East, Collier County, Florida and being more particularly described as follows;

Beginning at the Northeast Corner of Section 25, Township 50 South, Range 25 East, Collier County, Florida;
Thence along the East Line of Said Section 25 South 00°22'18" West 2,687.69 feet;
Thence continue along the east line of said Section 25 South 00°20'37" West 2,685.56 feet to the Southeast Corner of said Section 25;
Thence along the East line of Section 36 South 00°19'56" West 1,518.00 feet;
Thence North 87°28'51" West 5,326.38 feet;
Thence North 00°14'25" East 1,254.17 feet to the North West Corner of Said Section 36;
Thence along the south line of Section 26 South 89°32'22" West 2,696.15 feet;
Thence continue along the South line of Said Section South 89°29'09" West 2,696.69 feet to the Southwest corner of said Section 26;
Thence along the West line of said Section 26 North 00°22'46" East 2,689.10 feet;
Thence continue along the West line of said Section 26 North 00°22'20" East 2,690.20 feet to the Northwest Corner of Said Section 26;
Thence along the West Line of Section 23 North 00°06'08" West 1345.66 feet;
Thence continue along the West line of Said Section 23 North 00°07'16" West 693.72 feet;
Thence North 89°29'07" East 469.67 feet;
Thence North 00°04'49" West 453.06 feet;
Thence North 89°30'33" East 916.44 feet;
Thence North 00°31'29" West 567.34 feet;
Thence North 89°27'53" East 300.00 feet;
Thence South 00°32'07" East 60.00 feet;
Thence North 89°28'59" East 980.33 feet to the West line of the plat of Naples Groves and Truck Co's Little Farms No 2 (Lots 67-69), as recorded in Plat Book 1, Page 27, Public Records of Collier County, Florida.
Thence along said West line South 00°46'37" East 308.52 feet;
Thence continue along said West line South 00°40'46" East 673.87 feet to the Northwest Corner of Lot 70, of said Naples Groves and Truck Co's Little Farms No 2;
Thence along the North line of Said Lot 70 North 89°27'07" East 1,322.10 feet to the North East Corner of Said Lot 70;
Thence along the East line of Said Lot 70 and Lot 71 of said Plat South 00°43'14" East 674.00 feet to the Southeast corner of Said Lot 71;
Thence along the South line of Said Lot 71 South 89°28'25" West 1,322.26 feet to the Southwest corner of said Lot 71;
Thence along the West line of Said Plat South 00°42'15" East 1,347.80 feet;
Thence continue along said West line South 00°20'27" West 1,344.53 feet to the Southwest corner of Lot 79 of said plat;

Exhibit B
Page 1 of 3

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Thence along the South line of Said Lot 79 North 89°31'43" East 1,346.87 feet to the fractional corner of said Section 26 being the Northwest corner of the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Said Section 26;
Thence along said fractional line South 00°19'29" West 671.99 feet to the Southwest corner of said fractional quarter;
Thence along the south line of said fractional Quarter North 89°31'42" East 673.39 feet to the Northwest corner of Lot 81 of Said Naples Grove and Truck Co's Little Farms No. 2;
Thence along the west line of said Lot 81 South 00°12'23" West 672.16 feet to the Southwest corner of said Lot 81;
Thence along the south line of said Lot North 89°31'43" East 672.16 feet to the East line of Said Lot and the East line of said Section 26;
Thence along the East line of said Section 26 North 00°19'29" East 2,688.11 feet to the Northeast corner of said Section 26;
Thence along the East line of said Section 23 North 00°42'49" West 1,351.04 feet to the southeast corner of Lot 91 of said Naples Groves and Truck Co's Little Farms No 2.
Thence along the South line of said Lot 91 South 89°27'26" West 1,320.61 feet;
Thence along the west line of Said Lot 91 North 00°47'37" West 337.27 feet;
Thence along the North line of said Lot 91 North 89°30'57" East 1,320.45 feet to the east line of said Section 23;
Thence along the East line of Said Section North 00°44'44" West 1,011.86 feet;
Thence Continue along said East line North 00°34'32" West 752.45 feet to the Southwest corner of that land described in Official Record Book 1027, page 678, Public Records of Collier County, Florida;
Thence along the South line of said Land North 89°31'59" East 1,289.77 feet;
Thence along the East line of said Land North 00°42'37" West 1,890.79 feet to the south Right of Way Line of Thomasson Drive (100 Right Of Way);
Thence along said Right of Way Line North 89°35'12" East 1399.52 feet;
Thence continue along said Right of Way line North 89°35'12" East 2855.89 feet to an intersection with the westerly Right of Way line of US 41 (Tamiami Trail) (State Road No. 90);
Thence along said Right of Way of US41 of South 39°03'59" East 1266.82 feet;
Thence continue along said Right of Way South 39°03'59" East 5,465.08 feet to a point at the intersection of said westerly Right of Way and the South line of Section 19, Township 50 South, Range 26 East, Collier County, Florida;
Thence along the South line of said Section 19 South 88°13'29" West 1,636.98 feet;
Thence continue along said South line South 88°23'16" West 2,491.52 feet to the POINT OF BEGINNING.

Less and excepting there from the waters of Tide Creek located on the west line of Section 23.

Subject to easements and restrictions of record.
Containing 2,416.49 acres more or less.
Bearings are based on the North Line of Section 19 being North 89°42'24"East - Florida State Plane - East Zone 83-90 Adjustment

Not valid unless embossed with the Professionals Seal
REF.
W.O.: N0229-200-502
Date: 11-11-11

Exhibit B
Page 2 of 3

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

EXHIBIT B

DESCRIPTION

Lots 81 through 90, inclusive, Naples Groves and Truck Company's Little Farms No.2, according to the plat thereof as recorded in Plat Book 1, Page 27A, Public Records of Collier County, Florida.

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Exhibit "C"

List of Deviations

(PREVIOUSLY APPROVED DEVIATIONS 1 - 8 IN ACCORDANCE WITH ORDINANCE 05-59 TO STILL REMAIN IN EFFECT)

Deviation 1: LDC Section 6.06.01(O) and LDC Appendix B, in order to allow 50 feet of right-of-way for local roads rather than the required 60-foot width (throughout).

Deviation 2: LDC Section 6.06.01(J), to allow cul-de sacs in excess of 1,000 feet the MPUD (throughout).

Deviation 3: In accord with LDC Section 10.02.04.A.3, Section 2-12 of the Collier County Code of Ordinances, Exhibit "A", Design Requirements for Subdivisions C.17.j of the Administrative Code for Collier County Construction Standards Manual, formerly LDC Section 3.2.8.4.16.10 (Section III P. 10 of the proposed Construction Standards Manual) to allow reverse curves without tangents (throughout).

Deviation 4: LDC Section 5.03.028 to allow perimeter fences or walls to be permitted at 8 feet on top of a 4 foot berm, formerly approved as a height of eight feet (8') as measured from the finished grade of the ground at the base of the fence or wall, and modified at staff's request.

Deviation 5: LDC Section 5.06.02.8.6., formerly Section 5.06.04 A. 6. (b.) to allow a maximum of two ground or wall entrance signs shall be allowed at the entrance to each individual residential tract and shall be limited in size to 60 square feet each (rather than the combined size permitted in the LDC of 64 square feet) and shall not exceed a height of 6 feet as measured from finished grade.

Deviation 6: LDC Sections 5.06.02 and 5.06.04, formerly Chapter 5.06.05 to allow entrance signs up to 120 square feet. Two ground signs shall be permitted for each project entrance (on US 41, Thomasson Drive and 8ayshore Drive), and shall be allowed in addition to other signage allowed by Chapter 5.06.00, of the LDC. Each of these permitted signs shall be limited to 120 square feet in area and shall only contain the name of the project or any major use, insignia or motto of the entire development, and the owners' name and logo and shall be architecturally compatible with the landscape buffer along the project boundaries and the common architectural theme of the entire project.

Deviation 7: LDC Section 4.05.04, to allow parking for uses and structures constructed in the Recreation/Village Center to be reduced by up to 25% of the applicable LDC parking requirements, should such a reduction be deemed to be warranted through the development and submission of a shared parking analysis submitted with the SDP application. Parking requirements shall be determined utilizing the modal splits and parking demands for various uses recognized by Institute of Traffic Engineers (ITE), Urban Land Institute (ULI) or other sources or studies. The analysis shall demonstrate the number of parking spaces available to more than one use or function, recognizing the required parking area will vary depending on the multiple functions or uses in close proximity which are unlikely to require the same spaces at the same time. The shared parking analysis methodology shall be determined and agreed upon by the County Growth Management Staff and the owners during the SDP pre-application meeting. The shared parking analysis shall use the maximum square footage of uses proposed by the SDP application.

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Deviation 8: LDC 5.05.08.C.13.b., formerly Section 5.05.iii.(a) to allow gray primary and/or secondary colors to be permitted as a predominant exterior roof color. See Section 5.4.J. of the MPUD document.

Deviation 9 seeks relief from LDC Section 6.06.01(O) and LDC Appendix B in order to allow, in specific cases where private, internal development roadways cross wetland or upland preserves, the Owners request additional flexibility to reduce the required ROW width below the current 50-foot minimum to a width of no less than 40 feet. This deviation would allow the Owners to minimize impacts to potential wetland or upland preserves while maintaining accessibility throughout the site.

Deviation 10 seeks relief from LDC Section 6.06.02.A which requires arterial and collector roads to provide a six-foot sidewalk on both sides of the street. The applicant requests the ability for all privately and/or CDD owned roadways internal to the Sabal Bay development to provide a minimum five-foot sidewalk on both sides of all streets or a minimum ten-foot wide pathway on one side of the street which may meander in and out of the right-of-way. Since the development is planned for an internal pathway system, this is a reasonable deviation.

Deviation 11 seeks relief from LDC Section 4.06.02 which requires a Type B buffer between single family and multi-family uses. Specifically, the applicant requests that no buffer be required between these uses when a water body separates the two uses. Requiring the installation of a buffer in these areas would inhibit the lake views for both single family and multi-family residences.

Deviation 12 seeks relief from LDC Section 4.06.05.J which requires that rip-rap treatment for those areas that have a slope no steeper than 2:1, but steeper than 3:1, be limited to 30 inches in height, and be limited to 200 square feet sections or solely used in rapid flow water management areas. Specifically, this deviation requests to allow rip-rap treatment along the backslope of certain roadway crossings adjoining preserves on one side or more in order to minimize impacts to potential wetland and upland preserves, as well as allow the use of rip-rap stabilization for elevations up to a height of 36 inches. Approval of this deviation will allow the owners to minimize impacts to potential wetland and upland preserve areas by minimizing the development footprint. subsequently reducing the total amount of wetland impacts required to develop the subject Project. Since the suggested roadways will be low-speed, low-volume and limited in length, this is a reasonable deviation.

Deviation 13 seeks relief from LDC Section 5.05.04.D.1 which allows a maximum floor area ratio of 0.45 for care units, assisted living units, continuing care retirement communities, nursing homes, and dwelling that are part of an aging-in-place living environment. Market studies on the desires of people moving into these types of facilities have shown that a larger unit is often desired. In order to offer a competitive product that is marketable to an aging sector, the applicant requests a maximum floor area ration of 0.60 which is similar to other approved continuing care retirement communities in this area.

Deviation 14 seeks relief from LDC Sections 5.06.02 and 5.06.04 to allow entrance signs up to 120 square feet. This previously approved deviation is requested to add the entrance signs to be located on Hamilton Avenue as previously approved for the entrances on U.S. 41, Thomasson Drive, and Bayshore Drive.

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Deviation 15 seeks relief from LDC Section 5.03.02 to allow fences or walls separating commercial uses from residential areas to be permitted at a height of up to eight feet (8') on top of a berm of up to four feet (4') in height. This is needed since much of the land within the MPUD is low-lying and given that appropriate buffering is needed between different land uses. This deviation will benefit the public welfare by allowing for enhanced buffering.

Deviation 16 seeks relief from LDC Section 5.06.04.F.3, Directory Signs, which limits multiple-occupancy parcels or multiple parcels developed under a unified development plan, with a minimum of 8 independent units, containing 20,000 s.f. or more of leasable floor area, to a maximum of one directory sign at one entrance on each public street, to allow for one additional directory sign on Tamiami Trail East (U.S. 41) in addition to the two existing directory signs (located on Tamiami Trail East and Thomasson Drive). The second directory sign permitted on the Tamiami Trail East frontage shall be located a minimum of 500 feet to the east of the existing directory sign on Tamiami Trail East. (Approved in HEX No. 2017-27 and Ord. No. 17-49)

Deviations Applicable Only to Tract F-1, Isles of Collier Preserve Phase 3, as described in Exhibit "D"

Deviation 17 seeks relief from LDC Section 5.03.02.F.1.a, which prohibits alteration of existing ground levels for the purpose of increasing the height of a proposed fence or wall, to instead allow alteration of existing ground levels to build a berm up to seven and half feet (7.5') in height with a fence or wall at a height of up to eight feet (8') on top of the berm. The total combined height of the berm and wall will be fifteen and a half feet (15.5'). [Approved in HEX Decision No. 2019-34]

Deviation 18 seeks relief from LDC Section 6.06.01.N and LDC Appendix B, which requires minimum right-of-way widths for local roads to be sixty feet (60'), to instead allow a minimum right-of-way width of forty-five feet (45'), on single loaded roads as described in Deviation 19 below. [Approved in HEX Decision No. 2019-34]

Deviation 19 seeks relief from LDC Section 6.06.02.A.1, which requires local/internal accessway roads to provide a minimum five-feet wide sidewalk on both sides of the street, to instead allow all privately and/or CDD owned roadways internal to the property to have a minimum six-foot wide sidewalk on one side of the street, and no sidewalk on the other side of the street, on single loaded roads (roads with homes on only one side of the street). [Approved in HEX Decision No. 2019-34]

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

"EXHIBIT D,
Affected Area for Deviations 17, 18, and 19"

DESCRIPTION

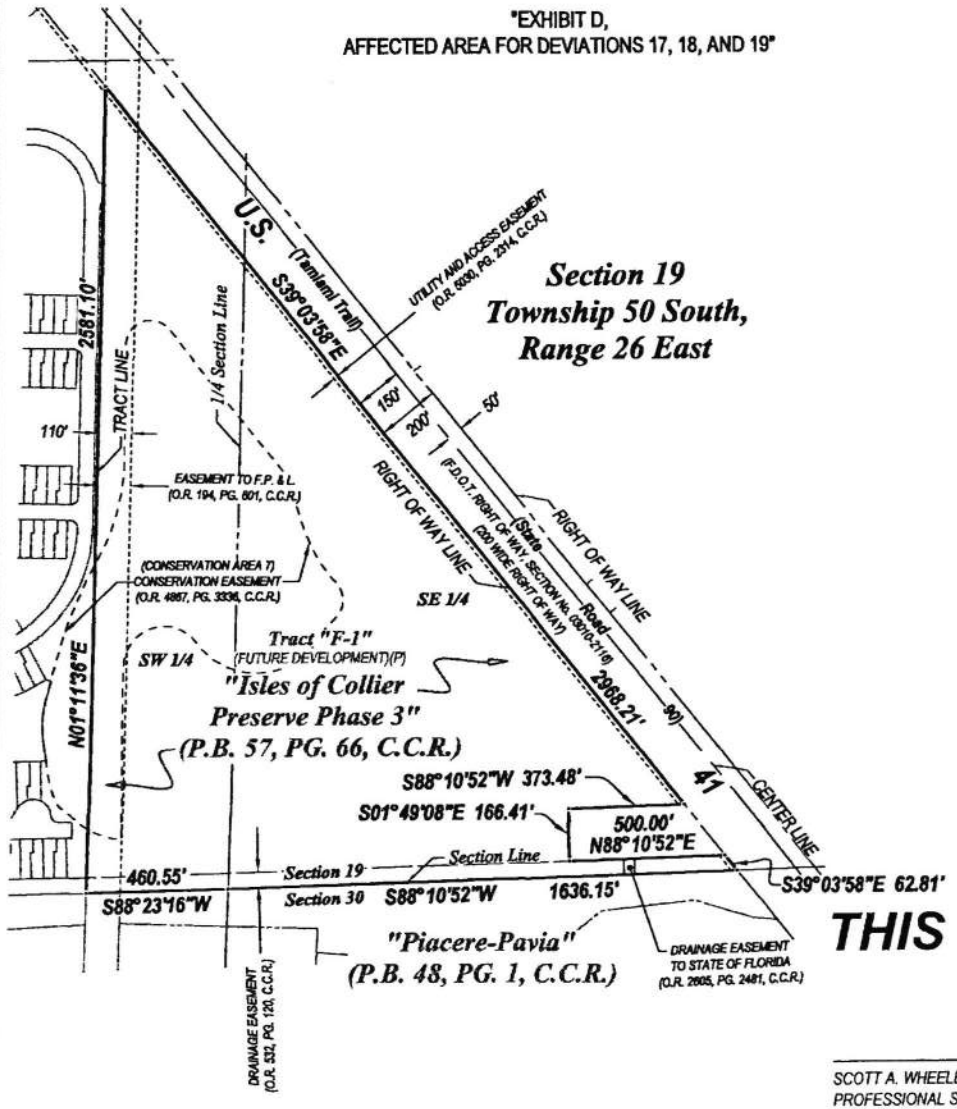
Tract "F-1", "Isles of Collier Preserve Phase 3", recorded in Plat Book 57, at Page 66, of the Public Records of Collier County, Florida.

L:\23239 - ICP Phase 3 (Parcel B)\Descriptions\Tract F-1.docx

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

"EXHIBIT D,
AFFECTED AREA FOR DEVIATIONS 17, 18, AND 19"



NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET) GROUND AND CAN BE MULTIPLIED BY 1.0000118 TO OBTAIN GRID DISTANCES.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. O.R. - DENOTES OFFICIAL RECORD BOOK, COLLIER COUNTY PUBLIC RECORDS.
5. (P) - DENOTES PLAT.
6. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
9. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA EAST ZONE (NAD1983 (NSRS 2007)) ARE BASED ON THE WESTERLY LINE OF TRACT "F-1" TO BEAR N01°11'36"E, AS SHOWN ON THE RECORD PLAT OF "ISLES OF COLLIER PRESERVE PHASE 3" RECORDED IN PLAT BOOK 57, PAGE 66, COLLIER COUNTY RECORDS.
10. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING LAND PLANNING
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 1866 - SURVEYING LB-6940

PREPARED FOR
MINTO COMMUNITIES - USA
4042 PARK OAKS BOULEVARD SUITE 460
TAMPA, FL 33610
PHONE (813) 343-3936
FAX (813) 343-3631
WWW.MINTO.COM

PROJECT DESCRIPTION
A TRACT OR PARCEL OF LAND LYING IN THE PLAT OF
ISLES OF COLLIER PRESERVE PHASE 3
PLAT BOOK 57, PAGE 66, COLLIER COUNTY RECORDS
A SUBDIVISION LYING IN SECTION 19, TOWNSHIP 50 SOUTH, RANGE 26 EAST COLLIER COUNTY, FLORIDA

PROJECT SURVEYOR
STATE OF FLORIDA
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23224dwg1.DWG
LAYOUT	2
LOCATION	J:\2023\dwg\Exhibit\23224SKETCH
PLOT DATE	TUE 3-5-2019 - 10:53 AM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	02-06-2019
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=500'
FIELD BOOK	

PLAN REVISIONS

ETHAP NUMBERS

SKETCH TO ACCOMPANY DESCRIPTION

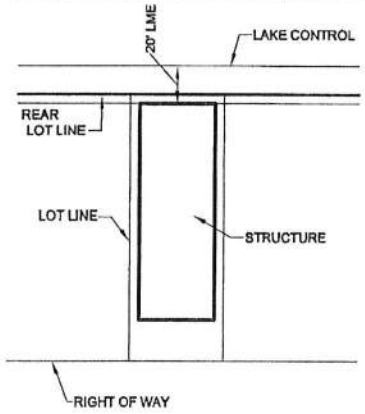
PROJECT / FILE NO.	SHEET NUMBER
23224	2 OF 2
19-02-26	

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable

10

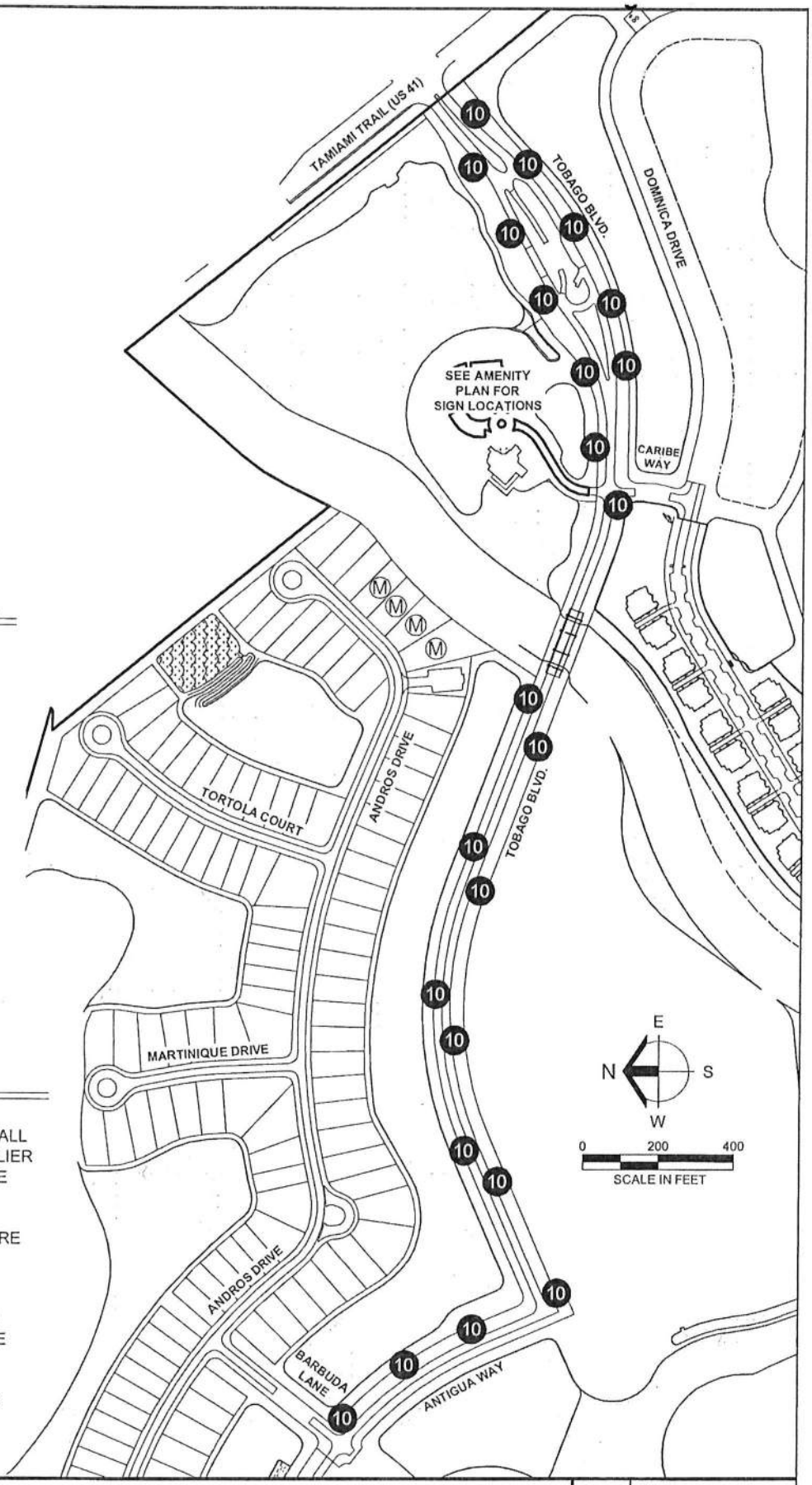
PROJECT IDENTIFICATION
FLAGPOLES 34" X 30"
(TO BE HUNG ON
STREETLIGHT POLES)

SINGLE FAMILY LAKE EASEMENT TYPICAL LOT DETAIL



NOTES

1. ALL PROJECT IDENTIFICATION FLAGPOLES LOCATED ALONG TAMIAMI TRAIL (US 41) SHALL BE LOCATED ON/WITHIN THE ISLES OF COLLIER PRESERVE PROPERTY AND NOT WITHIN THE US 41 RIGHT-OF-WAY.
2. PROJECT IDENTIFICATION FLAGPOLE LOCATIONS ALONG TAMIAMI TRAIL (US41) ARE RESTRICTED TO THE NUMBER AND APPROXIMATE LOCATION SHOWN ON THIS SIGNAGE PLAN.
3. PROJECT IDENTIFICATION FLAGPOLES AND SIGNAGE SIZE SHALL NOT EXCEED THE SIZE AS DEPICTED ON THIS SIGNAGE PLAN.
4. PROJECT IDENTIFICATION FLAGPOLE TEXT AND GRAPHICAL REPRESENTATION MAY BE ALTERED FROM WHAT IS SHOWN ON THIS SIGNAGE PLAN.

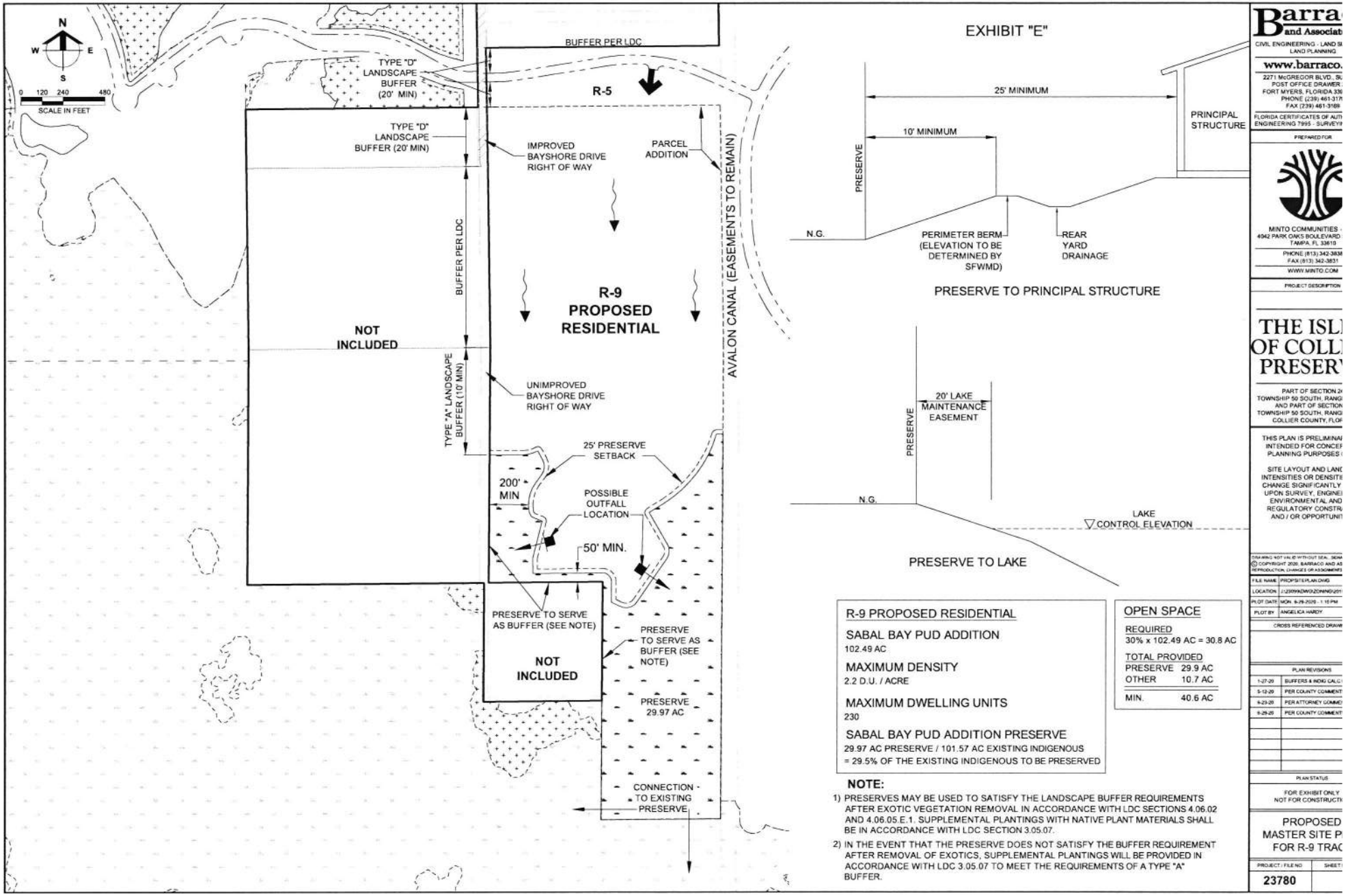


Barraco and Associates, Inc.
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB 6940

SIGNAGE PLAN AND SINGLE FAMILY LOT DETAIL
ISLES OF COLLIER PRESERVE
EXHIBIT "D"

FILE NAME	23099A-MASTERSIGN-8X11.DWG
LAYOUT	LAYOUT1
LOCATION	J:\23099\DWG\EXHIBITS\
PLOT DATE	MON. 2-3-2014 - 11:23 AM
PLOT BY	ANGELICA CARLEY
DESIGN BY	

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)



R-9 PROPOSED RESIDENTIAL

SABAL BAY PUD ADDITION
102.49 AC

MAXIMUM DENSITY
2.2 D.U. / ACRE

MAXIMUM DWELLING UNITS
230

SABAL BAY PUD ADDITION PRESERVE
29.97 AC PRESERVE / 101.57 AC EXISTING INDIGENOUS
= 29.5% OF THE EXISTING INDIGENOUS TO BE PRESERVED

OPEN SPACE

REQUIRED
30% x 102.49 AC = 30.8 AC

TOTAL PROVIDED
PRESERVE 29.9 AC
OTHER 10.7 AC
MIN. 40.6 AC

NOTE:

1) PRESERVES MAY BE USED TO SATISFY THE LANDSCAPE BUFFER REQUIREMENTS AFTER EXOTIC VEGETATION REMOVAL IN ACCORDANCE WITH LDC SECTIONS 4.06.02 AND 4.06.05.E.1. SUPPLEMENTAL PLANTINGS WITH NATIVE PLANT MATERIALS SHALL BE IN ACCORDANCE WITH LDC SECTION 3.05.07.

2) IN THE EVENT THAT THE PRESERVE DOES NOT SATISFY THE BUFFER REQUIREMENT AFTER REMOVAL OF EXOTICS, SUPPLEMENTAL PLANTINGS WILL BE PROVIDED IN ACCORDANCE WITH LDC 3.05.07 TO MEET THE REQUIREMENTS OF A TYPE "A" BUFFER.

Barraco and Associates
CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
www.barraco.com
2271 McGREGOR BLVD., SUITE
POST OFFICE DRAWER
FORT MYERS, FLORIDA 33
PHONE (239) 461-31
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7995 - SURVEYING
PREPARED FOR
MINTO COMMUNITIES
4042 PARK OAKS BOULEVARD
TAMPA, FL 33610
PHONE (813) 342-383
FAX (813) 342-3831
WWW.MINTO.COM

PROJECT DESCRIPTION

THE ISL
OF COLL
PRESER

PART OF SECTION 2
TOWNSHIP 50 SOUTH, RANG
AND PART OF SECTION
TOWNSHIP 50 SOUTH, RANG
COLLIER COUNTY, FLOR

THIS PLAN IS PRELIMINA
INTENDED FOR CONCE
PLANNING PURPOSES

SITE LAYOUT AND LAN
INTENSITIES OR DENSIT
CHANGE SIGNIFICANTLY
UPON SURVEY, ENGINE
ENVIRONMENTAL AND
REGULATORY CONSTR
AND / OR OPPORTUNI

DRAWING NOT VALID WITHOUT SEAL, SIGN
© COPYRIGHT 2020, BARRACO AND AS
REPRODUCTION, CHANGES OR ASSIGNMENTS

FILE NAME	PROPSITEPLAN.DWG
LOCATION	J:\23000\DWG\ZONING\0
PLOT DATE	MON, 9-29-2020 - 1:15 PM
PLOT BY	ANGELICA HARDY
CROSS REFERENCED DRAWI	

PLAN REVISIONS	
1-27-20	BUFFERS & INDIG CALC
5-12-20	PER COUNTY COMMENT
6-23-20	PER ATTORNEY COMME
9-29-20	PER COUNTY COMMENT

PLAN STATUS
FOR EXHIBIT ONLY
NOT FOR CONSTRUCTI

PROPOSED
MASTER SITE P
FOR R-9 TRAC

PROJECT / FILE NO	SHEET
23780	

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 2, 2021

Ms. Teresa L. Cannon, BMR Senior Clerk II
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2021-04, which was filed in this office on February 2, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270

Attachment: Attachment B - Ordinance 2021-04 (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Notes

Petition Type: ~~PUDA~~ Comparable Use Determination
Date and Time: Tuesday 12/22/2020 9:00 AM

Assigned Planner: Tim Finn

Engineering Manager (for PPL's and FP's): _____

Project Information

Project Name: Sabal Bay (~~PUDA~~) (CUD)

PL #: 20200002484

Property ID #: 71750002484 **Current Zoning:** MPUD

Project Address: _____ **City:** Naples **State:** FL **Zip:** 34113

Applicant: Robert J.Mulhere,FAICP,President

Agent Name: Robert J.Mulhere,FAICP, President
Paula McMichael,AICP
Director of Planning **Phone:** 239-254-2018

Agent/Firm Address: 950 Encore Way **City:** Naples **State:** FL **Zip:** 34110

Property Owner: Collier Land Development Inc.

Please provide the following, if applicable:

i. **Total Acreage:** 2.48

ii. **Proposed # of Residential Units:** _____

iii. **Proposed Commercial Square Footage:** _____

iv. **For Amendments, indicate the original petition number:** _____

v. **If there is an Ordinance or Resolution associated with this project, please indicate the type and number:** _____

vi. **If the project is within a Plat, provide the name and AR#/PL#:** _____

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

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NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

As of 10/16/2017 all Zoning applications have revised applications, and your associated Application is included in your notes; additionally a *new Property Ownership Disclosure Form is required for all applications. A copy of this new form is included in your pre-app Note – link is https://www.colliergov.net/Home/ShowDocument?id=75093.

ZONING NOTES – See Pg. 2.A. From Tim Finn

LANDSCAPE – NO ISSUES Per Mark Templeton

ENVIRONMENTAL – NO ISSUES Per Craig Brown

Sue Faulkner Comp Planning – NO ISSUES

TRANSPORTATION – Mike Sawyer Provided NOTES For The PUDA. For The CUD Mike was NOT Present AT The Meeting. Norm Trebilcock will Reach out To Mike.

ZONING OPS – The LDC Amendment Reflecting The ZVL/CUD Changes can Be seen in ORD 2020-44 APPROVED NOV. 2020. (See STAFF Research UPLOADED To City View)

If Site is within the City of Naples Water Service Area please send to Naples Utilities and Planning Departments. Then, if the petition is submitted, we are to send it (by email) to the four persons below in their Utilities and Planning Depts. - along with a request that they send us a letter or email of "no objection" to the petition. Bob Middleton RMiddleton@naplesgov.com Allyson Holland AMHolland@naplesgov.com Robin Singer RSinger@naplesgov.com Erica Martin emartin@naplesgov.com

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

ThomasClarkeVEN

From: FinnTimothy
Sent: Tuesday, December 22, 2020 9:47 AM
To: ThomasClarkeVEN
Subject: Zoning Pre-app notes - Sabal Bay MPUD

Hi Thomas,

Here are my zoning pre-app notes:

- This petition will be a Comparable Use Determination (CUD) with a companion Administrative Parking Reduction (APR) per Ray Bellows
- An LDC amendment was recently codified to review CUD applications, will need to contact Rich Henderlong
- No NIM requirement for a CUD
- CUD will be heard at the HEX

Timothy Finn, AICP
Principal Planner
Collier County

Zoning Division
NOTE: New Email Address as of 12/09/2017:
Timothy.Finn@colliercountyfl.gov
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.4312

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning.

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400

Meeting Notes

Other required documentation for submittal (not listed on application):

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

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NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Sign-In Sheet

PL# 20200002484

Collier County Contact Information:

Name	Review Discipline	Phone	Email
☐ David Anthony	Environmental Review	252-2497	david.anthony@colliercountyfl.gov
☐ Claudine Auclair	GMD Operations and Regulatory Management	252-5887	claudine.auclair@colliercountyfl.gov
☐ Sally Ashkar	Assistant County Attorney	252-8842	sally.ashkar@colliercountyfl.gov
☐ Steve Baluch	Transportation Planning	252-2361	stephen.baluch@colliercountyfl.gov
☐ Ray Bellows	Zoning, Planning Manager	252-2463	raymond.bellows@colliercountyfl.gov
☐ Laurie Beard	PUD Monitoring	252-5782	laurie.beard@colliercountyfl.gov
☑ Craig Brown	Environmental Specialist	252-2548	craig.brown@colliercountyfl.gov
☐ Alexandra Casanova	Operations Coordinator	252-2658	Alexandra.casanova@colliercountyfl.gov
☑ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☑ Thomas Clarke	Operations Coordinator	252-2584	thomas.clarke@colliercountyfl.gov
☐ Jamie Cook	Prin. Environmental Specialist	252-6290	Jaime.cook@colliercountyfl.gov
☐ Eric Fey, P.E.	Utility Planning	252-1037	eric.fey@colliercountyfl.gov
☑ Tim Finn, AICP	Zoning Division	252-4312	timothy.finn@colliercountyfl.gov
☑ Sue Faulkner	Comprehensive Planning	252-5715	sue.faulkner@colliercountyfl.gov
☐ Jeremy Frantz	LDC Manager	252-2305	Jeremy.Frantz@colliercountyfl.gov
☐ James French	Growth Management Deputy Department Head	252-5717	james.french@colliercountyfl.gov
☐ Michael Gibbons	Structural/Residential Plan Review	252-2426	michael.gibbons@colliercountyfl.gov
☐ Storm Gewirtz, P.E.	Engineering Stormwater	252-2434	storm.gewirtz@colliercountyfl.gov
☐ Nancy Gundlach, AICP, PLA	Zoning Division	252-2484	nancy.gundlach@colliercountyfl.gov
☐ Richard Henderlong	Principal Planner	252-2464	richard.henderlong@colliercountyfl.gov
☐ John Houldsworth	Engineering Subdivision	252-5757	john.houldsworth@colliercountyfl.gov
☐ Alicia Humphries	Right-Of-Way Permitting	252-2326	alicia.humphries@colliercountyfl.gov
☐ Erin Josephitis	Environmental Specialist, Senior	252-2915	erin.josephitis@colliercountyfl.gov
☐ Marcia Kendall	Comprehensive Planning	252-2387	marcia.kendall@colliercountyfl.gov
☐ John Kelly	Zoning Senior Planner	252-5719	john.kelly@colliercountyfl.gov
☐ Diane Lynch	Operations Analyst	252-8243	diane.lynch@colliercountyfl.gov
☐ Gil Martinez	Zoning Principal Planner	252-4211	gilbert.martinez@colliercountyfl.gov
☐ Thomas Mastroberto	Greater Naples Fire	252-7348	thomas.mastroberto@colliercountyfl.gov

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County

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NAPLES, FLORIDA 34104
(239) 252-2400

☐	Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov
☐	Matt McLean, P.E.	Development Review Director	252-8279	matthew.mclean@colliercountyfl.gov
☐	Michele Mosca, AICP	Capital Project Planning	252-2466	michele.mosca@colliercountyfl.gov
☐	Annis Moxam	Addressing	252-5519	annis.moxam@colliercountyfl.gov
☐	Richard Orth	Stormwater Planning	252-5092	richard.orth@colliercountyfl.gov
☐	Brandy Otero	Transit	252-5859	brandy.otero@colliercountyfl.gov
☐	Brandi Pollard	Utility Impact fees	252-6237	brandi.pollard@colliercountyfl.gov
☐	Todd Riggall	North Collier Fire	597-9227	triggall@northcollierfire.com
☐	Brett Rosenblum, P.E.	Development Review Principal Project Manager	252-2905	brett.rosenblum@colliercountyfl.gov
☐	James Sabo, AICP	Zoning Principal Planner	252-2708	james.sabo@colliergo.net
☐	Michael Sawyer	Transportation Planning	252-2926	michael.sawyer@colliercountyfl.gov
☐	Corby Schmidt, AICP	Comprehensive Planning	252-2944	corby.schmidt@colliercountyfl.gov
☐	Chris Scott, AICP	Development Review - Zoning	252-2460	chris.scott@colliercountyfl.gov
☐	Linda Simmons	North Collier Fire	252-2311	Linda.Simmons@colliercountyfl.gov
☐	Peter Shawinsky	Architectural Review	252-8523	peter.shawinsky@colliercountyfl.gov
☐	Camden Smith	Zoning Operations Manager	252-1042	camden.smith@colliercountyfl.gov
☐	Mark Strain	Hearing Examiner/CCPC	252-4446	mark.strain@colliercountyfl.gov
☑	Mark Templeton	Landscape Review	252-2475	mark.templeton@colliercountyfl.gov
☐	Jessica Velasco	Zoning Division Operations	252-2584	jessica.velasco@colliercountyfl.gov
☐	Jon Walsh, P.E.	Building Review	252-2962	jonathan.walsh@colliercountyfl.gov
☐	David Weeks, AICP	Comprehensive Planning Future Land Use Consistency	252-2306	david.weeks@colliercountyfl.gov
☐	Kirsten Wilkie	Environmental Review Manager	252-5518	kirsten.wilkie@colliercountyfl.gov
☐	Christine Willoughby	Development Review - Zoning	252-5748	christine.willoughby@colliercountyfl.gov
☐	Daniel Zunzunegui	North Collier Fire	252-2310	Daniel.Zunzunegui@colliercountyfl.gov

Additional Attendee Contact Information:

Name	Representing	Phone	Email
BOB Mulhere	HOLE Montes	254-2000	StephanieKaul@HMenG.com
Norm Trebilcock	"	"	
PATRICK UTTER			
Rich YOVANOVICH			
VALERIE PIKE			

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County
Growth Management Department
Zoning Division

Applicant/Agent may also send site plans or conceptual plans for review in advance if desired.

PL20200002484 – Sabal Bay (PUDA) - PRE-APP INFO Tim Finn

Assigned Ops Staff: Thomas Clarke
Jeremy Frantz-Ops Staff)

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**
  Robert J. Mulhere, FAICP, President

- **Agents to list for PL#**
  Robert J. Mulhere, FAICP, President
  Paula McMichael, AICP, Director of Planning

- **Owner of property (all owners for all parcels)**
  Collier Land Development, Inc. (Folio #: 71750002484)

- **Confirm Purpose of Pre-App: (Rezone, etc.)**
  Amend Sabal Bay MPUD (Ord. 12-12) to include addition of car dealership use in Commercial Tract.

- **Please include any Surveys, Drawings or Plans for the petition:**

- **Details about Project:**
  Amend Sabal Bay MPUD (Ord. 12-12) to include addition of car dealership use in Commercial Tract.

REQUIRED Supplemental Information provided by:

Name: Robert J. Mulhere, FAICP/Hole Montes, Inc.
Title: President/CEO
Email: bobmulhere@hmeng.com
Phone: 239-254-2018

Cancellation/Reschedule Requests: Contact Danny Condomina-Client Services Supervisor
danny.condomina@colliercountyfl Phone: 239-252-6866

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Affidavit of Authorization	1	☒	
Completed Addressing Checklist	1	☒	
Determination request and the justification for the use	1	☒	
PUD Ordinance and Development Commitment information		☒	☐
Property Ownership Disclosure Form	1	☒	
Electronic Copies of all documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.		☒	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

FEE REQUIREMENTS:

☒ **Application:** $1,000.00; Additional Fees of $100 per hour will be charged as needed upon completion of review and research. Payment of Additional Fees will be required prior to the release of the verification.

☒ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials, and the permit fee shall be submitted to:

Growth Management Department/Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____ _____

Applicant Signature Date

_____

Printed Name

Please be advised that the zoning letter is based upon the available records furnished by Collier County and what was visible and accessible at the time of inspection. This report is based on the Land Development Code that is in effect on the date the report was prepared. Code regulations could be subject to change. While every attempt has been made to ensure the accuracy or completeness, and each subscriber to or user of this report understands that this department disclaims any liability for any damages in connection with its use. In addition, this department assumes no responsibility for the cost of correcting any unreported conditions.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

ThomasClarkeVEN UPDATED TRANSPORTATION NOTES 12/29/20

From: SawyerMichael
Sent: Tuesday, December 29, 2020 3:38 PM
To: Norman Trebilcock; ScottTrinity
Cc: FinnTimothy; Robert Mulhere FAICP; ThomasClarkeVEN
Subject: RE: Sabal Bay Comparable Use--TIS Requirements

Norm,

I agree with your approach including amending the pre application meeting notes. Suggest a letter as you outlined and basically in the form of a TIS waiver request.

Let me know of any questions as you move forward.

Hoping you have a great holiday,

Michael Sawyer
Principal Planner
Growth Management Department
Transportation Planning
2685 South Horseshoe Drive, Suite 103
Naples, Florida 34104
239-252-2926
michael.sawyer@colliercountyfl.gov

From: Norman Trebilcock <ntrebilcock@trebilcock.biz>
Sent: Tuesday, December 22, 2020 9:42 AM
To: SawyerMichael <Michael.Sawyer@colliercountyfl.gov>; ScottTrinity <Trinity.Scott@colliercountyfl.gov>
Cc: FinnTimothy <Timothy.Finn@colliercountyfl.gov>; Robert Mulhere FAICP <BobMulhere@hmeng.com>; ThomasClarkeVEN <Thomas.Clarke@colliercountyfl.gov>
Subject: Sabal Bay Comparable Use--TIS Requirements

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Hi Michael and Trinity,
We just had the pre application meeting to discuss adding a car dealership use to the Sabal Bay PUD. A boat dealership is an existing allowable use and as such we use the ITE car dealership land use code (LUC) for a boat dealership since there is not an ITE LUC for boat dealership. Based on this, I was going to recommend that we provide a letter outlining this as opposed to submitting a TIS to cover the compatibility from a transportation perspective. Is this approach acceptable? I have copied Tim and Thomas, so they can annotate the pre application notes accordingly based on your response(s). Appreciate your help.

Thanks,

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

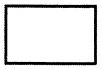
http://www.Trebilcock.biz

Norm

--

Norman J. Trebilcock, AICP, PTOE, PE
Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 34104

239-566-9551 - Office
239-248-3883 - Mobile
239-566-9553 - Fax
ntrebilcock@trebilcock.biz - Email



Virus-free. www.avg.com

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Comparable Use Determination

LDC sections 2.03.00 A, 10.02.06 J & Code of Laws section 2-83 – 2-90
Chapter 3 G.6 of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

☑ **PUD Zoning District**
☐ **Standard Zoning District**

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Collier Land Development, Inc.

Name of Applicant if different than owner: _____

Address: 999 Vanderbilt Beach Rd. #507 **City:** Naples **State:** FL **ZIP:** 34108

Telephone: 239-261-4455 **Cell:** N/A **Fax:** N/A

E-Mail Address: PUtter@collierenterprises.com

Name of Agent(s): Robert J. Mulhere, FAICP, President/CEO

Firm: Hole Montes, Inc.

Address: 950 Encore Way **City:** Naples **State:** FL **ZIP:** 34110

Telephone: 239-254-2000 **Cell:** N/A **Fax:** 239-254-2099

E-Mail Address: bobmulhere@hmeng.com

PROPERTY INFORMATION

Site Address: _____ **Folio Number:** 71750002484

Property Owners Name: Collier Land Development, Inc.

DETERMINATION REQUEST

The determination request and justification for the use must be done by a certified land use planner or a land use attorney. Provide the completed request on a separate attached sheet. Please be very specific and include the SIC Code, if known. The request should adhere to the following format:

"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of SIC 5511* *is comparable and compatible with the permitted uses in the* Sabal Bay *PUD or in the* _____ *Straight Zoning District."*

Name of Agent: Richard D. Yovanovich, Esq
Firm: Coleman, Yovanovich & Koester, P.A.
Address: 4001 Tamiami Trail North, Ste 300, Naples, FL 34103
Phone/Fax:239-435-3535,239-435-1218

*Automotive vehicle and equipment dealers (SIC 5511)

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Affidavit of Authorization	1	☒	
Completed Addressing Checklist	1	☒	
Determination request and the justification for the use	1	☒	
PUD Ordinance and Development Commitment information		☐	✓
Property Ownership Disclosure Form	1	☒	
Electronic Copies of all documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	✓	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

FEE REQUIREMENTS:

☒ **Application:** $1,000.00; Additional Fees of $100 per hour will be charged as needed upon completion of review and research. Payment of Additional Fees will be required prior to the release of the verification.

☒ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials, and the permit fee shall be submitted to:

Growth Management Department/Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Applicant Signature

1-20-2021
Date

Robert J. Mulhere, FAICP, President
Printed Name

Please be advised that the zoning letter is based upon the available records furnished by Collier County and what was visible and accessible at the time of inspection. This report is based on the Land Development Code that is in effect on the date the report was prepared. Code regulations could be subject to change. While every attempt has been made to ensure the accuracy or completeness, and each subscriber to or user of this report understands that this department disclaims any liability for any damages in connection with its use. In addition, this department assumes no responsibility for the cost of correcting any unreported conditions.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Paula McMichael

From: Bob Mulhere
Sent: Tuesday, April 13, 2021 10:28 AM
To: LauraDeJohnVEN
Cc: BellowsRay; Paula McMichael; Pat Utter
Subject: RE: Sabal Bay CUD - PL20200002484

Good morning Laura.

I wanted to get back to you regarding your email below and our subsequent discussion after the DSAC meeting last week.

As you know, the county has typically added a few conditions to car dealerships for new or amended PUDs that allow that use. I believe a number of these conditions are appropriate to be addressed in the staff report and presumably to be recommended by staff as conditions of approval for the requested CUD.

These include the following:

Proposed conditions:

1. In the event an automotive dealership is developed, the site shall be designed to accommodate vehicle delivery and all loading and unloading of vehicles shall occur within the site. Loading and unloading is prohibited on any public street.
2. No outdoor amplified sound is permitted.
3. Overhead service doors shall be design for closure, and opened only for entry and exiting of vehicles.
4. Hours of operation, excluding special events:
   - Sales – 8:00 AM to 9:00 PM Monday through Saturday and 10:0 AM to 6:00 PM Sunday.
   - Service – 7:00 AM to 6: PM Monday through Saturday and 10:00 AM to 6:00 PM Sunday

In addition, in response to the specific CUD review elements, please note the following:

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

i. Operating hours; See above

ii. Traffic volume generated/attracted; **As approved by Mike Sawyer, a TIS was not required. The traffic generation is the same or very similar to that which would be generated by an establishment selling new and used boats. This proposed use of an automobile dealership (SIC Code 5511) also generates less traffic than other uses already permitted in the Sabal Bay PUD, including variety stores, grocery stores, drug stores, restaurants, convenience and gas stations, medical and professions offices, hotels and so forth. Also note that the traffic impacts associated with an automobile dealership are not concentrated during peak AM and PM peak hours, and occurs throughout the day with traffic occurring on weekends as well as during the week. The increase in on-line vehicle purchasing has also resulted in fewer trips being generated to and from a dealerships physical location.**

iii. Type of vehicles associated with the use; passenger vehicles, plus parts delivery vehicles, plus auto delivery and pick-up vehicles (note the site must be designed to accommodate these vehicles and loading or unloading activities on site, and not in any public right-of-way.

iv. Number and type of required parking spaces;

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

LDC requires 1 per 400 square feet of building area except service/body shop buildings which are 3.5 per service bay or 1 per 250 square feet, whichever is greater; plus 1 per 2,000 square feet of outdoor sales/display area. As to parking, if a luxury dealership goes forward, a request for an alternative parking calculation can be requested as part as part of the SDP. The recently developed Ferrari Dealership proved the following:

PARKING CALCULATIONS - (AUTO DEALE		
Building 1st Floor		
ITEM	SQ. FT.	1 per 4(
Parts	2,093	
Sales & Showroom	7,844	
Total 1st Floor (non-service)	**9,937**	
		1 per 2!
Service Area	*10,185*	
Total 1st Floor	20,122	
		3.5 p
Number of Service Bays	**12**	
Building 2nd Floor		
ITEM	SQ. FT.	1 per 4(
Inventory	9,961	
Sales & Showroom	11,998	
Total 2nd Floor (non-service)	**21,959**	
Total Non-Service Floor Area	*31,896*	
Total Gross Floor Area	*42,081*	
		1 per 2,(
Outdoor Display	**7,043**	
PARKING REQUIRED		
PARKING PROVIDED		
Handicap Spaces Required: 101 to 150 Total Spa		

v. Business practices and activities. See above

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD. **The proposed auto dealership use, with the restrictions above in place, will not have noise, glare or odor effects on neighboring properties.**

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted. **Yes.**

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD. **Yes.**

Robert J. Mulhere, FAICP
President/CEO

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

950 Encore Way
Naples, FL 34110
Main Line: (239) 254-2000
Direct Line: (239) 254-2026
Cell Phone: (239) 825-9373
Facsimile: (239) 254-2099

From: LauraDeJohnVEN <Laura.DeJohn@colliercountyfl.gov>
Sent: Wednesday, April 7, 2021 12:22 PM
To: Bob Mulhere <BobMulhere@hmeng.com>
Cc: BellowsRay <Ray.Bellows@colliercountyfl.gov>
Subject: RE: Sabal Bay CUD - PL20200002484

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Bob,
I will mark this complete in Cityview for review purposes, and in the next few days there should be a HEX agenda slot identified.

Head's up: I will be in touch and need your assistance to answer certain details about the proposed operation as I work on the analysis in the staff report to address this criteria under Sec. 10.02.06.K. pasted below, the **bold** items in particular:

> 2.To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision, or Board of Zoning Appeals by resolution, at an advertised public hearing based on the following standards, as applicable:
> a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:
> **i. Operating hours;**
> ii. Traffic volume generated/attracted; (I understand the statement/judgment put forth by Norm)
> **iii. Type of vehicles associated with the use;**
> **iv. Number and type of required parking spaces; and**
> **v. Business practices and activities.**
> b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.
> c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.
> d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

Thanks,
Laura

Laura DeJohn, AICP
Collier County Growth Management Department
Zoning Services (Vendor)
2800 North Horseshoe Drive
Naples, FL 34104
Desk: (239) 252-5587

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

SABAL BAY MPUD
COMPARABLE USE DETERMINATION
REQUEST AND JUSTIFICATION

The Sabal Bay MPUD was approved by Ordinance No. 05-59, as amended, and is located on the south side of Tamiami Trail East, approximately one and a half miles south of the intersection of Airport Road South and Tamiami Trail East, in Sections 23, 24, 25, 26, and 36, Township 50 South, Range 25 East; and Section 19, Township 50 South, Range 26 East, Collier County, Florida. The Sabal Bay MPUD is ±2,416.05 acres and allows a range of residential, commercial, recreation, and public facility uses. The applicant would like to develop Tract N within the MPUD with a car dealership. Tract N is ±2.07 acres and is located on the south side of Tamiami Trail East, approximately a quarter mile southeast of Thomasson Drive, and within commercial Tract CO (as depicted on the MPUD Master Plan).

The MPUD allows a wide range of commercial uses, identified under MPUD Section V, Commercial/Office "CO", such as:

A. Principal Uses

5. Any retail store engaged in selling automobile parts and accessories; and retail gasoline sales (without service facilities), as defined in the Standard Industrial Classification Manual for the following categories:
   a. 553 – Auto and home supply stores, not including any installation facility;
   b. 554 – Gasoline stations, not including service facilities;
   c. Group 7542 – Carwashes only.

6. Any retail business engaged in selling new or used motorboats and other watercraft, marine supplies, and outboard motors as defined under Industry Group 555 in the Standard Industrial Classification Manual.

16. Establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public, including Group 7513 – Truck rental and leasing, without drivers; Group 7514 – Passenger car rental; Group 7515 – Passenger car leasing; and Group 7519 – Utility trailer and recreational vehicle rental.

Although the MPUD does not explicitly allow automotive vehicle and equipment dealers (SIC 5511), the following permitted use is very similar in nature and permitted in the MPUD:

- Any retail business engaged in selling new or used motorboats and other watercraft, marine supplies, and outboard motors as defined under Industry Group 555 in the Standard Industrial Classification Manual.

Except for the types of vehicles sold, motorboat and watercraft dealers operate virtually identically to automotive vehicle and equipment dealers. Both types of dealerships receive vehicle deliveries via similar methods; they have similar operating hours; and generate similar levels of traffic as

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

shown by the traffic analysis. The applicant is requesting a determination from staff, and a finding from the Hearing Examiner, that the use automotive and equipment dealers is comparable and compatible with permitted uses in the Sabal Bay MPUD.

The property is designated Urban Commercial District, Mixed Use Activity Center (MUAC) Subdistrict on the Future Land Use Map (FLUM). The Urban Commercial District is intended to accommodate almost all new commercial zoning; a variety of residential uses; and a variety of non-residential uses. The Mixed Use Activity Center Subdistricts, as identified on the FLUM, are designed to concentrate almost all new commercial zoning in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Allowable land uses include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses, community facilities, and other land uses as generally allowed in the Urban designation. All Mixed Use Activity Centers may be developed with any of the land uses allowed within the subdistrict. The requested use is proposed within the commercial Tract CO (as depicted on the MPUD Master Plan); and within the boundary of MUAC #17 (as depicted on the Collier County Mixed Use & Interchange Activity Center Index Map). The requested use is allowed within the MUAC Subdistrict and meets the intent of the Urban Commercial District as it contributes to the established mixed-use development pattern within the MPUD.

Surrounding land uses to Tract N include a restaurant to the north and Tamiami Trail East and office space across Tamiami Trail East. To the south, there is a stormwater management lake. To the east, across Tamiami Trail East, there is an assisted living facility. Property adjacent to the west is undeveloped and within the commercial Tract CO (as depicted on the MPUD Master Plan), then single-family residential development within residential Tract RG1 (as depicted on the MPUD Master Plan). The proposed use is compatible with and complementary to the surrounding area, and when compared to other allowed uses within the MPUD, will not result in an increase of the effects noise, odor, and glare on neighboring properties.

The Institute of Transportation Engineers (ITE) Trip Generation Manual is used to calculate trip generation and analyze traffic generation of land uses. As there is not a specific ITE Land Use Code (LUC) for the sale of new or used motorboats and other watercraft, ITE LUC 840, automobile sales (new), is used to calculate trip generation for projects that involve the sale of new motorboats as a logical and comparative ITE LUC. Therefore, the requested use will not result in a modification of the existing trip generation or characteristics of the MPUD.

On November 10, 2020, the Board of County Commissioners approved amendments to the LDC to revise and clarify the procedures and approvals process for Comparable Use Determinations (CUD). The analysis above demonstrates compliance with the revised CUD standards below:

K. Comparable Use Determination.

2. To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision or CCPC by resolution, at an advertised public hearing based on the following standards, as applicable:

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:
   i. Operating Hours;
   ii. Traffic volume generated/attracted;
   iii. Type of vehicles associated with the use;
   iv. Number and type of required parking spaces; and
   v. Business practices and activities.

   The MPUD allows for a wide range of commercial uses of varying intensities. The proposed use is compatible with surrounding commercial uses and has similar operating hours; generates an equivalent volume of traffic; has similar types of vehicles, such as truck and trailers/flatbeds delivering vehicles and customers in passenger cars; has the same parking requirements; and has similar business practices and activities as other permitted uses within Tracts C/O of the MPUD, specifically the permitted use of motorboat and watercraft dealers.

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

   The proposed use will not result in an increase of noise, glare, or odor when compared to other permitted uses in the MPUD. To mitigate noise, the applicant will agree to a commitment that automotive vehicle and equipment dealerships will not utilize outdoor amplification.

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land designation contains a specific list of allowable uses, the proposed use is not omitted.

   The proposed use is consistent with the Urban Commercial District and is among the allowable uses listed in the Mixed Use Activity Center Subdistrict.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

   The proposed use is compatible and consistent with the other permitted uses in the MPUD.

e. Any additional relevant information as may be required by the County Manager or Designee.

   To be determined.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Conclusion

Based on the analysis above, the proposed use of automotive vehicle and equipment dealers (SIC 5511) can be determined to be comparable and compatible with existing permitted uses within the Sabal Bay MPUD. It possesses similar characteristics to other permitted uses in the MPUD; is compatible with adjacent and surrounding uses; and is consistent with the listed allowable uses in the GMP.

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL-20200002484

I, PATRICK L. UTTER (print name), as VICE PRESIDENT (title, if applicable) of COLLIER LAND DEVELOPMENT, INC. (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize ROBERT J. MULHERE, PAULA MCMICHAEL & RICHARD YOVANOVICH to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Patrick L. Utter — Signature — 1/20/21 — Date

PATRICK L. UTTER, VP, COLLIER LAND DEVELOPMENT, INC.

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [☒] physical presence or [ ] online notarization this 20th day of JANUARY, 2021, by (printed name of owner or qualifier) PATRICK L. UTTER.

Such person(s) Notary Public must check applicable box:

[☒] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Valerie L Pike

NOTARY PUBLIC STATE OF FLORIDA
Valerie L Pike
Commission # HH 32134
Commission Expires 08-17-2024
Bonded Through - Cynanotary
Florida Notary Public

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership
Collier Land Development, Inc.	
999 Vanderbilt Beach Road, Ste. 507, Naples, FL 34108	
Robert Corina, President/Secretary/Treasurer, Pat Utter, V. Pres.,	
Christian Spilker, V. Pres.,	
Miles Collier (41.667%), Barron G. Collier II (41.667%), Inglis Collier (16.666%)	

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

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(239) 252-2400 FAX: (239) 252-6358

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____
Agent/Owner Signature

1-21-2021
Date

Robert J. Mulhere, FAICP, President/CEO
Agent/Owner Name (please print)

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☐ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☒ OTHER CUD

LEGAL DESCRIPTION of subject property or properties *(copy of lengthy description may be attached)*

Section 19, Township 50, Range 50 - SABAL BAY COMMERCIAL PLAT PHASE FOUR TRACT N

FOLIO (Property ID) NUMBER(s) of above *(attach to, or associate with, legal description if more than one)*

71750002484

STREET ADDRESS or ADDRESSES *(as applicable, if already assigned)*

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

CURRENT PROJECT NAME *(if applicable)*

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

SITE DEVELOPMENT PLAN NUMBER *(for existing projects/sites only)*

SDP___-____ or AR or PL # 2008-AR-13453

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Collier County

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(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

Please Return Approved Checklist By: ☑ Email ☐ Fax ☐ Personally picked up

Applicant Name: Robert J. Mulhere, FAICP/President/Hole Montes, Inc.

Phone: 239-254-2018 **Email/Fax:** stephaniekarol@hmeng.com

Signature on Addressing Checklist does not constitute Project and/or Street Name approval and is subject to further review by the Operations Division.

FOR STAFF USE ONLY

Folio Number 71750002484

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: Sheila S. **Date:** 12/30/2020

Updated by: **Date:**

IF OLDER THAN 6 MONTHS, FORM MUST BE UPDATED OR NEW FORM SUBMITTED

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Trebilcock
planning·engineering

January 16, 2021

Robert J. Mulhere, FAICP
President/CEO
Hole Montes
950 Encore Way
Naples, FL 34110

SUBJECT: Sabal Bay MPUD Comparable Use Determination (CUD) and TIS Waiver Request

Dear Mr. Mulhere:

The purpose of this letter is to provide a transportation comparable use determination (CUD) for the subject site, to allow new Automobile Sales and to request a Traffic Impact Statement (TIS) waiver. The existing Sabal Bay Mixed Use Planned Unit Development (CC ORD 12-12) permits the retail sale of new or used motorboats and other watercraft (Section V.5.3.A.6). The proposed use request is New Automobile Sales.

There is not a specific Institute of Transportation Engineers (ITE) Land Use Code (LUC) for the sale of new or used motorboats and other watercraft. We in fact will use the ITE LUC 840, Automobile Sales (New) for a project that involves the sale of new motorboats as a logical and comparative ITE LUC.

It is our opinion and belief that the proposed automobile sales ITE LUC would be comparable to the existing allowed new motorboats and other watercraft LUC with similar trip generation characteristics.

Because we are not proposing a modification of the existing trip generation, or characteristics of the Sabal Bay MPUD, we request a TIS waiver as well related to the request discussed in this letter. Let me know if you have any questions or need anything else.

Sincerely,

Trebilcock Consulting Solutions, PA

Norman J. Trebilcock, AICP, PTOE, PE
President

NORMAN J. TREBILCOCK LICENSE No 47116 STATE OF FLORIDA PROFESSIONAL ENGINEER

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Trebilcock
planning·engineering

May 11, 2021

Robert J. Mulhere, FAICP
President/CEO
Hole Montes
950 Encore Way
Naples, FL 34110

SUBJECT: Sabal Bay MPUD Trip Generation Comparison and TIS Waiver Request

Dear Mr. Mulhere:

The purpose of this letter is to provide a transportation trip generation comparison for the subject site, to allow new Automobile Sales and to request a Traffic Impact Statement (TIS) waiver. The existing Sabal Bay Mixed Use Planned Unit Development (CC ORD 12-12) permits the retail sale of new or used motorboats and other watercraft (Section V.5.3.A.6). The proposed use request is New Automobile Sales.

The table below compares the expected trip generation between an expansion of the currently approved mixed retail uses from 102,000 SF to 122,000 SF with the expected trip generation of a new automobile sales site. The Institute of Transportation Engineers (ITE)'s *Trip Generation Manual* was used with Land Use 820, Shopping Center and Land Use 840 Automobile Sales. Attached are excerpts from the *Trip Generation Manual* to support the calculations.

Use	ITE LU#	Measure-ment Unit	# of Units	Daily Traffic	PM Peak Hour			AM Peak Hour		
					In	Out	Total	In	Out	Total
Shopping Center	820	1000 Sq. Ft.	102	6094	264	287	551	126	77	203
Shopping Center	820	1000 Sq. Ft.	122	6882	302	328	630	132	81	213
Net Change of Shopping Center Expansion				788	38	41	79	6	4	10
Automobile Sales (New)	840	1000 Sq. Ft.	25	687	27	40	67	34	13	47
Comparable Change of New Auto Sales				-101	-11	-1	-12	28	9	37
Trip Generation Rates from ITE *Trip Generation* 10th Ed.										

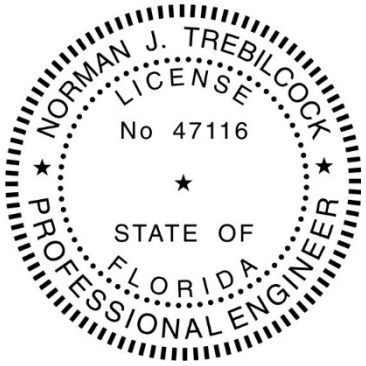
Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Because the replacement of retail expansion with automobile sales reduces expected trip generation in the PM peak hour, which is the basis for roadway level of service determinations, we request a TIS waiver. Please let me know if you have any questions or need anything else.

Sincerely,

Trebilcock Consulting Solutions, PA

Norman J. Trebilcock, AICP, PTOE, PE
President



Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Shopping Center
(820)

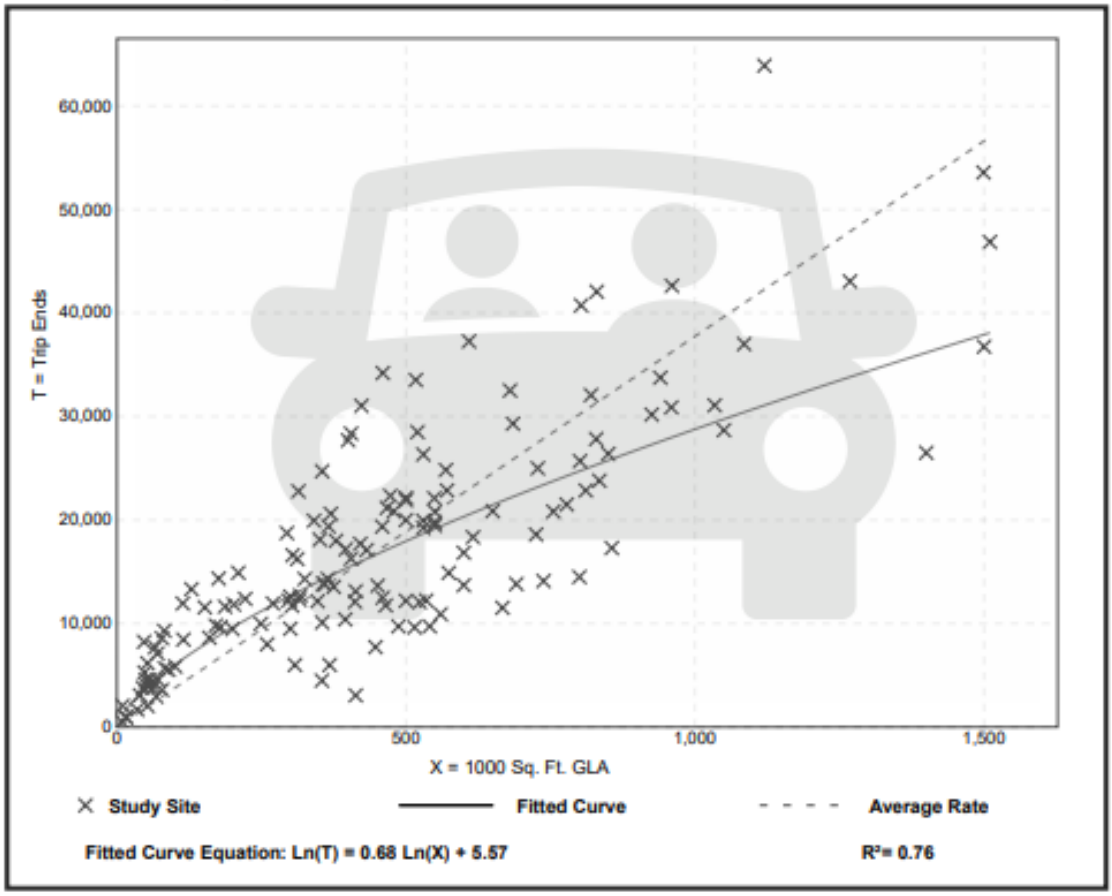
Vehicle Trip Ends vs: **1000 Sq. Ft. GLA**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 147
Avg. 1000 Sq. Ft. GLA: 453
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.75	7.42 - 207.98	16.41

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

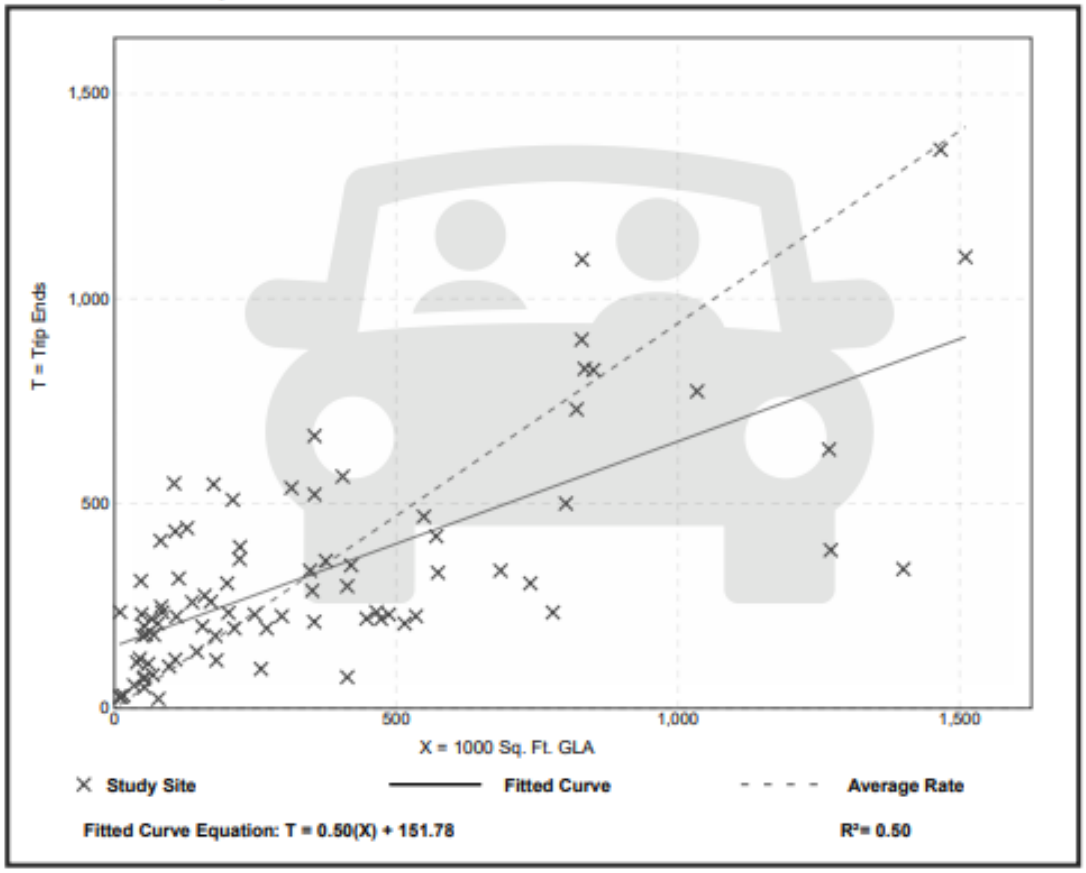
Shopping Center
(820)

Vehicle Trip Ends vs: **1000 Sq. Ft. GLA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 84
Avg. 1000 Sq. Ft. GLA: 351
Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.94	0.18 - 23.74	0.87

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

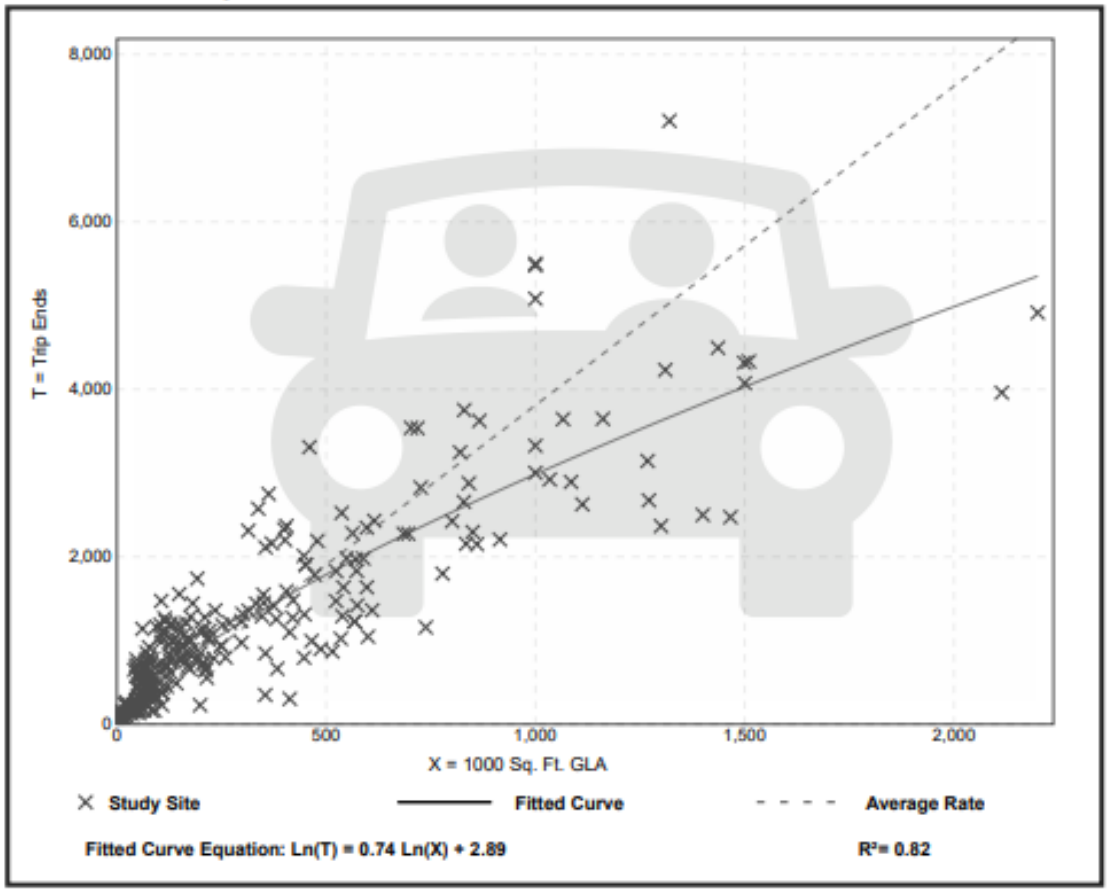
Shopping Center
(820)

Vehicle Trip Ends vs:	**1000 Sq. Ft. GLA**
On a:	**Weekday,**
	Peak Hour of Adjacent Street Traffic,
	One Hour Between 4 and 6 p.m.
Setting/Location:	**General Urban/Suburban**
Number of Studies:	261
Avg. 1000 Sq. Ft. GLA:	327
Directional Distribution:	48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.81	0.74 - 18.69	2.04

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

Automobile Sales (New)
(840)

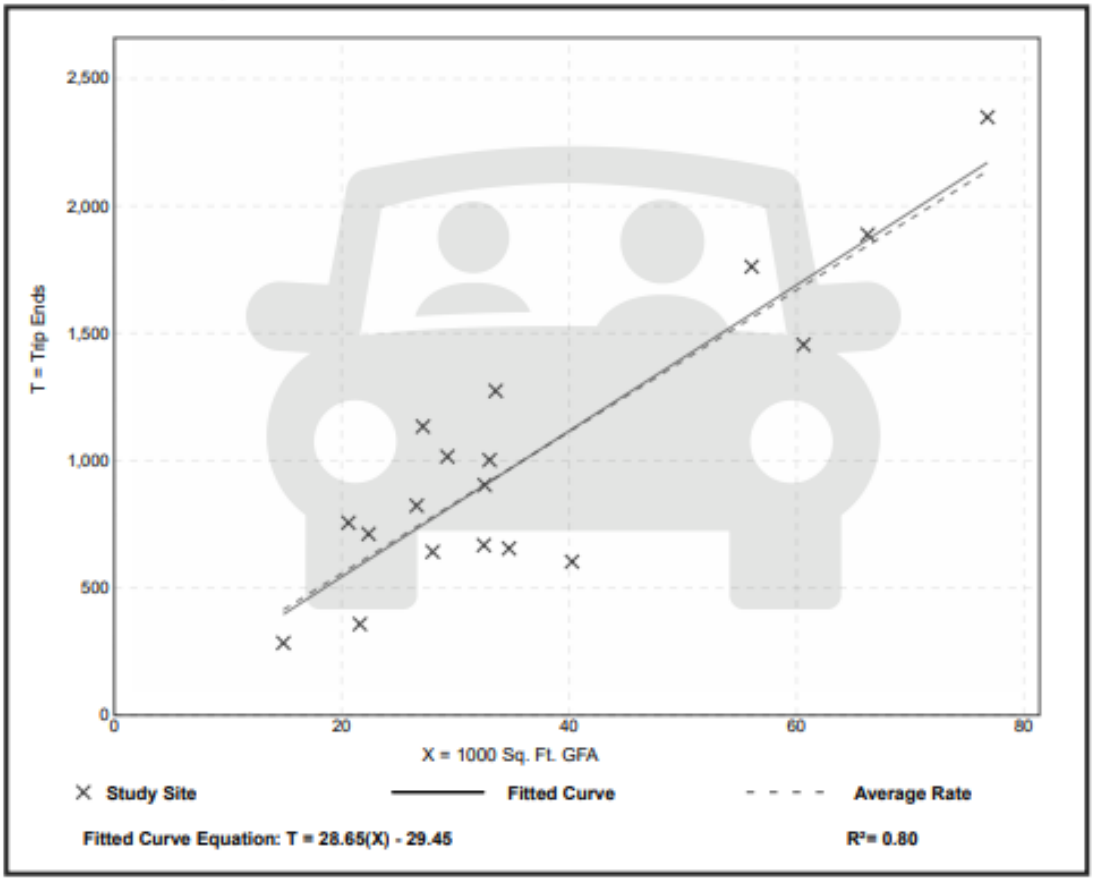
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday**

Setting/Location: **General Urban/Suburban**
Number of Studies: 18
Avg. 1000 Sq. Ft. GFA: 36
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
27.84	14.98 - 41.78	7.01

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

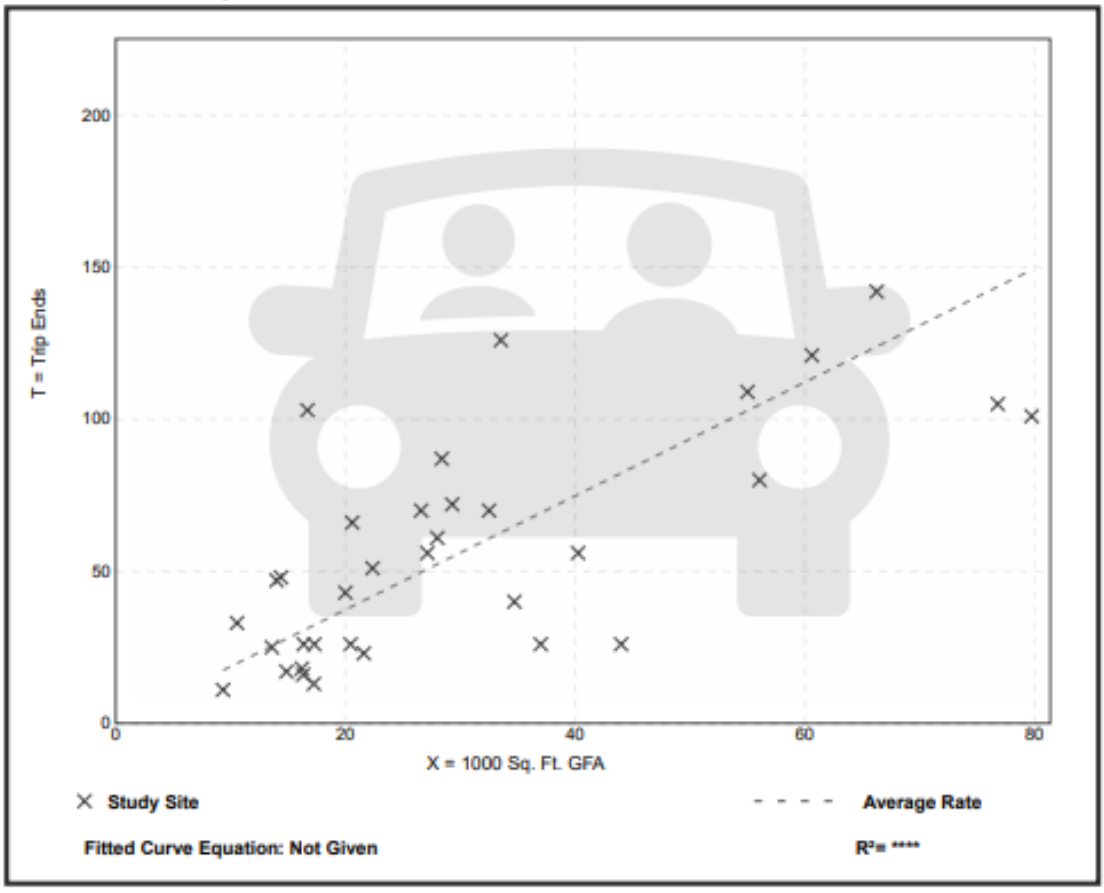
Automobile Sales (New)
(840)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 34
Avg. 1000 Sq. Ft. GFA: 31
Directional Distribution: 73% entering, 27% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.87	0.59 - 6.17	0.95

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

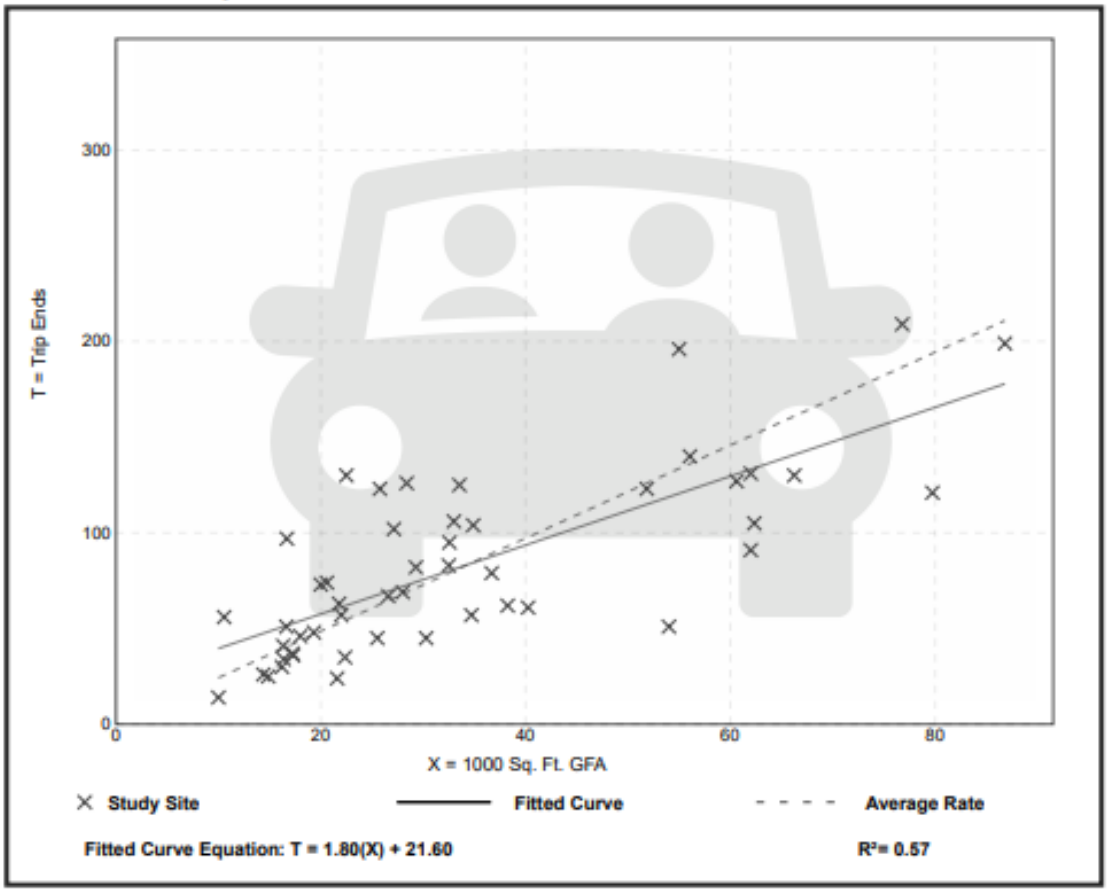
Automobile Sales (New)
(840)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 49
Avg. 1000 Sq. Ft. GFA: 34
Directional Distribution: 40% entering, 60% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
2.43	0.94 - 5.81	0.99

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Attachment: Attachment C - Applicant's Backup (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL-20200002484

Regarding the above subject petition number(s), Collier Land Development, Inc. (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Richard D. Yovanovich, Esquire

Date: 5/4/2021

Signature:

☐ Applicant*

☑ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: Attachment D - HEX Hybrid Meeting Waiver (signed) (15994 : PL20200002484 Sabal Bay Tract N Comparable Use Determination)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C
Item Summary: PETITION NO. VA-PL20200002506 – Request for a variance from Section 2.03.01(B)(2)(d), of the Collier County Land Development Code to reduce the minimum side yard setback on the north side from 7.5 feet to 7.0 feet for an existing single family residence and for the enclosure of an existing concrete patio deck into a proposed master bedroom and bathroom. The property is described as the south 75 feet of the south 150 feet of Tract No. 65, Golden Gate Estates, Unit No. 49, also described as 361 12 St NE., in Section 2, Township 49 South, Range 27 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commissioner District 5

Meeting Date: 05/27/2021

Prepared by:
Title: – Zoning
Name: Tim Finn
05/10/2021 2:37 PM

Submitted by:
Title: Planner, Principal – Zoning
Name: Anita Jenkins
05/10/2021 2:37 PM

Approved By:

Review:

Zoning	Tim Finn	Zoning Director Review	Skipped	04/28/2021 1:49 PM
Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	05/13/2021 2:19 PM
Zoning	Ray Bellows	Review Item	Completed	05/14/2021 6:05 AM
Zoning	Anita Jenkins	Review Item	Completed	05/14/2021 1:40 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	05/27/2021 12:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: MAY 27, 2021

SUBJECT: PETITION VA-PL20200002506 (POORE RESIDENCE)

PROPERTY OWNER/AGENT:

Owner:	**Agent:**
Robert and Sandra Poore 361 12th St NE Naples, FL 34120	Dustin Poore REP Construction Company, Inc. 5051 Castello Dr, Ste 14 Naples, FL 34103

REQUESTED ACTION:

To have the Collier County Hearing Examiner (HEX) consider an application for a variance from Section 2.03.01.B.2.d, of the Collier County Land Development Code (LDC) to reduce the minimum side yard setback on the north side from 7.5 feet to 7.0 feet for an existing single family residence and for the conversion of an existing concrete patio deck into a proposed master bedroom and bathroom.

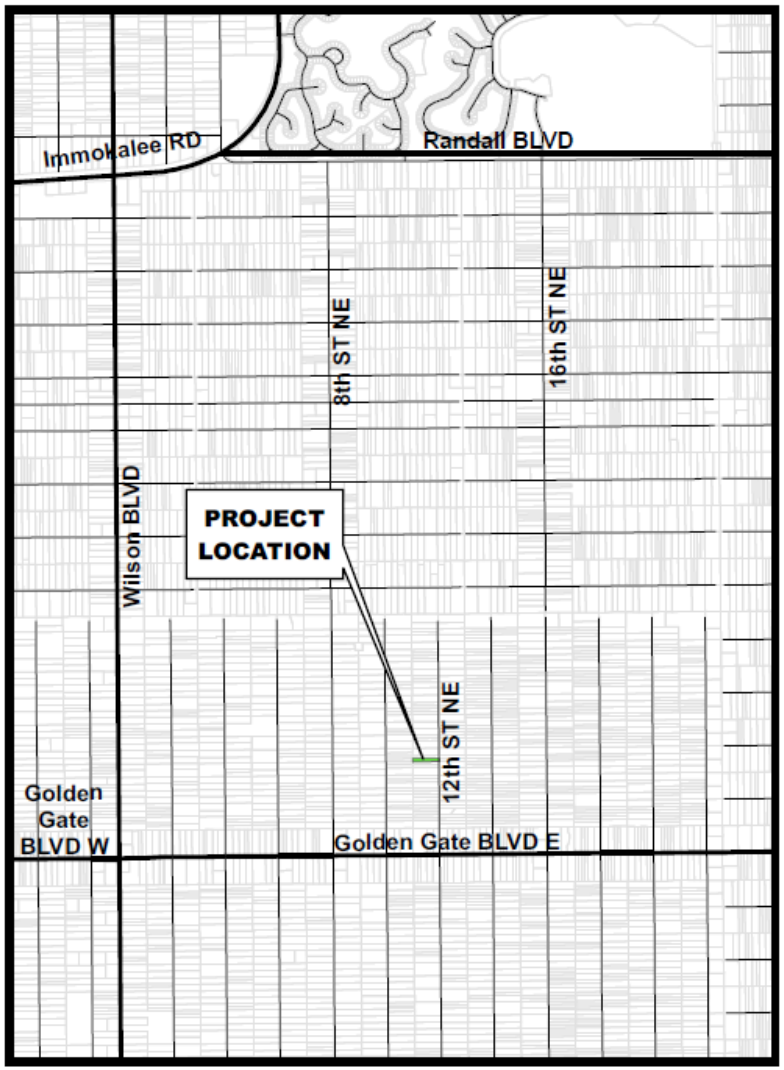
GEOGRAPHIC LOCATION:

The subject property is described as the south 75 feet of the south 150 feet of Tract No. 65, Golden Gate Estates, Unit No. 49, also described as 361 12 St NE, in Section 2, Township 49 South, Range 27 East, Collier County, Florida, consisting of 1.14 acres *(See location map on page 2)*.

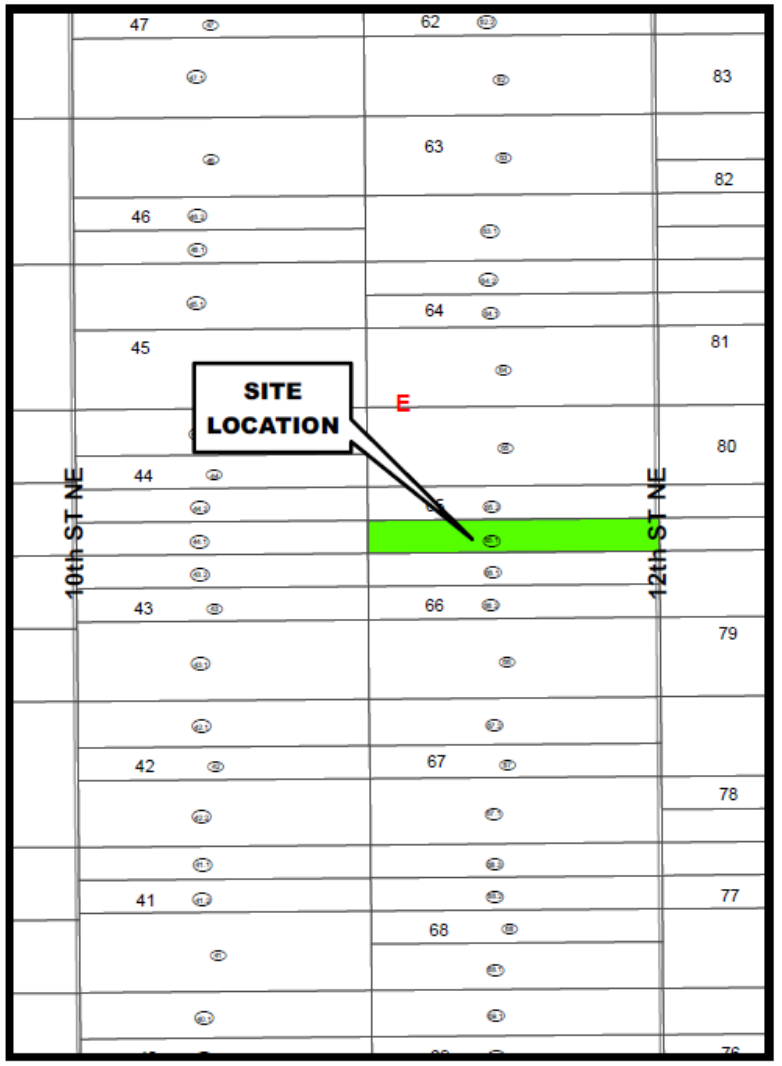
PURPOSE/DESCRIPTION OF PROJECT:

The purpose of the petition is to request a reduction from the northern side yard setback for an existing single-family residence and for the conversion of an existing concrete patio deck into a proposed master bedroom and bathroom. Both encroach into the required 7.5-foot side yard setback for a single-family lot in the Estates (E) zoning district.

Attachment: Staff Report - Poore residence - Variance (15581 : Poore Residence)



Location Map



Zoning Map

Petition Number: PL20200002506

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding boundaries of the subject property:

North: Vacant residential, zoned Estates (E) zoning district

East: 12th St NE (local road), then single family residential zoned Estates (E) zoning district

South: Miscellaneous residential, zoned Estates (E) zoning district

West: Single-family residential, zoned Estates (E) zoning district

Collier County Property Appraiser

Attachment: Staff Report - Poore residence - Variance (15581 : Poore Residence)

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is located within the Estates District on the County's Future Land Use Map (FLUM) of the Future Land Use Element (FLUE) of the GMP. The GMP does not address individual Variance requests but deals with the larger issue of the actual use. As previously noted, the petitioner requests a reduction from the northern side yard setback for an existing single-family residence and for the conversion of an existing concrete patio deck into a proposed master bedroom and bathroom. Both encroach into a required 7.5-foot side yard setback for a single-family lot. The subject use is consistent with the FLUM of the GMP. The requested variance does not have any impact on this property's consistency with the County's GMP.

STAFF ANALYSIS:

The single-family residence has existed since 1982 and is located within the Estates (E) zoning district. In the Estates (E) zoning district, per LDC Section 2.03.01.B.2.d, Nonconforming lots of record, which are nonconforming due to inadequate lot width, in which case the required side yard shall be computed at the rate of ten (10) percent of the width of the lot. As such, because the subject property has a 75-foot lot width, the required side yard setback is 7.5 feet.

The contractor, REP Construction Company, applied for a building permit, Permit# PRBD20191148633, on behalf of the owners Robert and Sandra Poore, on November 14, 2019 (see Attachment B). The building permit was for the construction of a carport and covered entry way at the front of the single-family residence, and for the expansion of the single-family residence on an existing concrete slab by constructing a master bedroom and bathroom. This permit was rejected by the County on December 4, 2019, as the existing single-family residence was found to be encroaching 6 inches into the required 7.5-foot north side yard setback. It should be noted that because the single-family residence has been existing since 1982 this encroachment is resulting in a 7-foot legal nonconforming side yard setback. It should be noted that the single-family house does comply with the front, rear, and southern side yard setbacks. With regard to the expansion, the master bedroom and bathroom will not extend beyond the 7-foot legal nonconforming sideyard setback. To rectify the encroachment, it was advised that the contractor apply for a variance. On December 8, 2020, the contractor submitted a variance application for an existing single-family residence and for the conversion of the existing concrete patio deck into a proposed master bedroom and bathroom encroaching into the required 7.5-foot north side yard setback (see Attachment A, survey markup). To date, no known complaints have been received from any neighboring properties.

The decision to grant a variance is based on the criteria in LDC Section 9.04.03.A–H (in bold font below). Staff has analyzed this petition relative to these provisions and offers the following responses:

a. Are there special conditions and circumstances existing, which are peculiar to the location, size and characteristics of the land, structure or building involved?

No, there is no land-related hardship. There are no special conditions or circumstances peculiar to the location, size and characteristics of the structure or building involved.

Attachment: Staff Report - Poore residence - Variance (15581 : Poore Residence)

b. Are there special conditions and circumstances, which do not result from the action of the applicant such as pre-existing conditions relative to the property, which are the subject of the Variance request?

Yes, the owner was not made aware of the setback encroachment until December 2019, via a county issued Outstanding Corrections letter of Building Permit No: PRBD20191148633 approximately thirty-seven years after the single-family residence was built.

c. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties for the applicant?

Yes, it is possible that the existing single-family residence and concrete patio deck would have to be demolished and reconstructed out of the 7.5 side yard setback if a literal interpretation of the zoning code were applied.

d. Will the Variance, if granted, be the minimum Variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety and welfare?

Yes, The Variance proposed would be the minimum Variance to allow reasonable use of the existing single-family residence and the concrete patio deck. The single-family residence has existed on the site within the required 7.5 side yard setback since 1982 without complaint or issue. Approval of the Variance would not have a negative impact on standards of health, safety and welfare.

e. Will granting the Variance confer on the applicant any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

Yes, by definition, a Variance bestows some dimensional relief from the zoning regulations specific to a site. However, LDC Section 9.04.02 provides relief through the Variance process for any dimensional development standard, such as the requested reduced rear yard setback. As such, other properties facing a similar hardship would be entitled to make a similar request and would be conferred equal consideration on a case by case basis.

f. Will granting the Variance be in harmony with the general intent and purpose of this Land Development Code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

Yes, as previously stated, the encroachment by the existing single-family residence has been in existence since 1982. There have been no complaints from the neighbors regarding the single-family residence and the concrete patio deck. As such, the granting of the variance will be in harmony with the general intent and purpose of the Land Development Code and will not harm public safety, health, and welfare.

g. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf courses, etc.?

Attachment: Staff Report - Poore residence - Variance (15581 : Poore Residence)

There are no natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf courses, etc.

h. Will granting the Variance be consistent with the GMP?

Approval of this variance will not affect or change the requirements of the Growth Management Plan.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC does not normally hear variance petitions. Since the subject variance doesn't impact any preserve area, the EAC did not hear this petition.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney Office has reviewed the staff report for PL20200002506 on May 3, 2021.

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner (HEX) approve Petition VA-PL20200002506, Poore Residence Variance to reduce the minimum side yard setback on the north side from 7.5 feet to 7.0 feet for an existing single family residence and for the conversion of an existing concrete patio deck into a proposed master bedroom and bathroom.

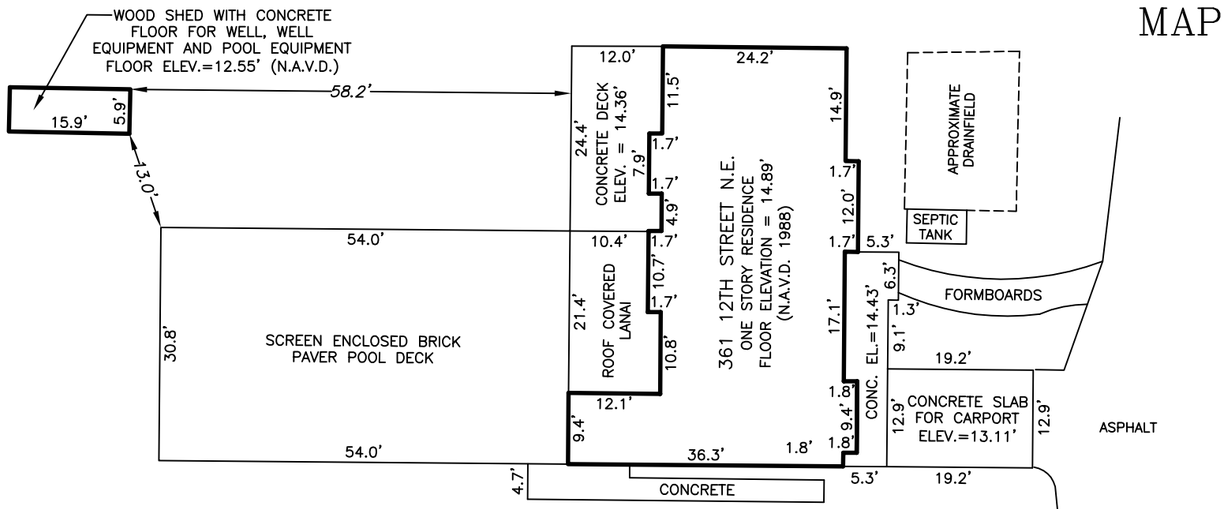
Attachments:

A) Boundary Survey Markup
B) Permit# PRBD20191148633
C) Backup Materials
D) Hybrid Meeting Waivers

Attachment: Staff Report - Poore residence - Variance (15581 : Poore Residence)

Attachment: Attachment A - Boundary Survey Markup (15581 : Poore Residence)

MAP OF BOUNDARY SURVEY
361 12TH STREET N.E.



DETAIL OF EXISTING RESIDENCE
SCALE: 1" = 20'

REMAINDER OF TRACT 65
GOLDEN GATE ESTATES, UNIT No. 49
(PLAT BOOK 5, PAGES 80 AND 81)

(VACANT)

7.0' - Existing setback

6" Existing Encroachment

7.5 Collier County set back

S 89°40'50" E 660.00'

630.0'

12.7'

13.0'

SEE DETAIL ABOVE

SOUTH 75 FEET OF THE SOUTH
150 FEET OF TRACT 65

231.5'

213.7'

ASPHALT

13.1'

630.0'

12.9'

12.8'

N 89°40'50" W 660.00'

CONCRETE SLAB FOR CARPORT ELEV.=13.11'

CONCRETE

(OCCUPIED)

TRACT 66
GOLDEN GATE ESTATES, UNIT No. 49
(PLAT BOOK 5, PAGES 80 AND 81)

BENCHMARK
FOUND NAIL AND TIN TAB AT APPROXIMATE CROWN OF ROAD, ELEVATION = 13.06' (N.A.V.D. 1988)

Found 5/8" Iron Pin and Cap, Cap is Illegible 0.00' East and 0.04' North

30.0'

Found 5/8" Iron Pin and Cap, Cap is Illegible 0.00' East and 0.04' North

30.0'

Found Parker-Kalon Nail no Disk 0.05' East and 0.01' South

12th Street N.E.
60' Road Easement

S 00°19'10" W 75.00'

ASPHALT PAVEMENT

NOTE: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD)

FLOOD ZONE INFORMATION
FLOOD ZONE: AH EL: 13.0' (N.A.V.D. 1988)
COMMUNITY: 120067
PANEL: 12021C 0430H
DATE: 5-16-2012

SEE SHEET 1 OF 2 FOR OVERALL BOUNDARY SURVEY

GRAPHIC SCALE
0 40 80 120

DESCRIPTION: AS FURNISHED BY CLIENT

THE SOUTH 75 FEET OF THE SOUTH 150 FEET OF TRACT 65 OF GOLDEN GATE ESTATES, UNIT No. 49

AS RECORDED IN PLAT BOOK 5 PAGE 80 THRU 81
OF THE PUBLIC RECORDS OF Collier COUNTY, FLORIDA

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

I HEREBY CERTIFY TO:

ROBERT AND SANDRA POORE;
REP CONSTRUCTION;

THAT A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

ELECTRONIC SIGNATURE USED IN ACCORDANCE WITH APPLICABLE STATE LAWS AND RULES INCLUDING BUT NOT LIMITED TO FLORIDA STATUTES 668.001, 668.50 AND FLORIDA ADMINISTRATIVE CODE CHAPTER 5J-17.

5J-17.051(3)(b)6 – ADDITION OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY OR PARTIES

David C. Holman
Digitally signed by David C. Holman
Date: 2020.09.08 15:46:10 -04'00'

DAVID C. HOLMAN No. 6279 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED ABOVE. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT REVIEWED. UNDERGROUND IMPROVEMENTS NOT LOCATED UNLESS NOTED.

LEGEND:

- ■ = FOUND CONCRETE MONUMENT
- □ = SET CONCRETE MONUMENT (LB # 3964)
- ● = FOUND IRON PIN
- ○ = SET 5/8" IRON PIN (LB # 3964)
- ▲ = FOUND NAIL
- △ = SET NAIL
- ◒ = FOUND DRILL HOLE
- ◓ = SET DRILL HOLE
- L.B. = LAND SURVEYING BUSINESS
- C.B.S. = CONCRETE BLOCK STRUCTURE
- C/S = CONCRETE SLAB
- ⊠ = WATER METER
- ⊕ = SANITARY CLEAN OUT
- ⋈ = WATER VALVE
- Ⓢ = SANITARY MANHOLE
- ♂ = FIRE HYDRANT

BB = BEARING BASIS-PLAT
MEAS = MEASURED = M
CALC. = CALCULATED
△ = DELTA ANGLE
R = RADIUS
CH = CHORD
CB = CHORD BEARING
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
CONC. = CONCRETE
L.S. = LAND SURVEYOR
EL. = ELEVATION
PL = PLAT
Ⓒ = CABLE TV SERVICE
☼ = CONC POWER POLE
Ⓣ = TELEPHONE SERVICE
Ⓔ = ELECTRIC SERVICE

SURVEY DATE: 03-13-2019
FIELD BOOK 694 PAGE 38-39
DRAWN BY: DCH SCALE: 1" = 40'

REVISIONS:	BOOK DWG	PAGE
09/04/2020 Add Concrete Slab for Carport		

A. TRIGO & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & MAPPERS
2223 TRADE CENTER WAY
NAPLES, FLORIDA 34109
LAND SURVEYING BUSINESS # 3964

FILE NO: A 99.0145.02

SHEET 2 OF 2

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 North Horseshoe Drive, Naples, FL 34104 (239) 252-2400

Directions: Applicants must complete all fields. Please follow the *Building Permit Application Instructions* to complete this Application.

Section A. Permit Number A.1. Permit # *(Staff to Provide)*: PRBD20191148633

Section B. Permit Information B.1. Primary Permit # *(if any)*: B.2. Master Permit #:

B.3. Building Type: [X] 1&2 Family Dwelling/Townhouse [ ] Res. 3+ Units/Multi-Family [ ] Commercial [ ] Mobile/Manufactured Home [ ] Guest House

Section C. Property Information

C.1. Parcel/Folio #: 39264600000
C.6. Subdivision Lot #: GOLDEN GATE EST UNIT 49 S 75FT OF TR 65 OR 985 PG 330
C.2. Job Street Address: 361 12th St Ne, Naples, FL 34120
C.7. Project Name: Poore Residence
C.3. Owner Name: Robert and Sandra Poore
C.8. SDP/PL#:
C.4. Owner Phone: 239.280.9745
C.9. Jurisdiction: [X] Collier County [ ] City of Everglades
C.5. Email: spooretwin@aol.com

Section D. Contractor Information D.1. Permittee Type: [X] Contractor [ ] Design Professional [ ] Owner-Builder

D.2. Contact Name: Dustin Poore
D.3. License: CGC 1512626
D.4. Company Name: REP Construction Company
D.5. Company Address: 361 12th St Ne, Naples, FL 34120
D.9. Company Phone: 239.438.6700
D.6. Qualifier Name: Robert E Poore
D.10. Fax #: 239.455.0832
D.7. Email: dustin@repswfl.com

For Contractors: *The above email address is my preferred method of contact for all correspondence regarding this permit.* [ ] Yes

Section E. Permit Information **Building Permit Type includes: New Construction, Addition, Alteration, Chickee/Tiki Hut, Dumpster Enclosure, Pergola, Tenant Build-out, etc.*
E.1. Declared Value: $ $42,975.00

E.2. Permit Type: [ ] Alum Structure [ ] Awnings [X] Building* [ ] Carport/Shed [ ] Cell Tower [ ] Demolition [ ] Detached Garage [ ] Electrical [ ] Fence [ ] Fire [ ] Gas [ ] Marine [ ] Mechanical [ ] Plumbing [ ] Pool [ ] Roof [ ] Shutters/Doors/Windows [ ] Sales/Const. Trailer [ ] Screen Enclosure [ ] Solar [ ] Sign/Flagpole [ ] Water Feature

E.3. Description of Work: *The Description of work must convey an account of work identified on the construction plans.*
Consruct a carport at the front apron of the house as well as a covered entry way. Also expanding to the back over existing slab to enlarge the master bedroom, also enlarging the master bathroom and closet

E.4. Occupancy Type: Single family residence *See Instructions*
E.5. Construction Type: [ ] IA [ ] IB [ ] IIA [ ] IIB [X] III A [ ] IIIB [ ] IV [ ] VA [ ] VB *See Instructions*
E.6. Is Structure in a Flood Zone: [X] No [ ] Unknown [ ] Yes, additional form required. *See Instructions*
E.7. Is Structure Fire Sprinkled: [X] No [ ] Yes
E.8. Type of Water Supply: [ ] Collier County [X] Well [ ] City of Naples [ ] Ave Maria [ ] City of Everglades [ ] Immokalee [ ] Other
E.9. Type of Sewage Disposal: [ ] Sewer [X] Septic
E.10. Vegetation Removal: [ ] Yes [X] No A Vegetation Removal Affidavit is required for any new structure of addition **on all parcels larger than 1 acre.**
E.11. Private Provider: [X] No [ ] Yes [ ] Plan Review & Inspections [ ] Inspections Only
E.12. Threshold Building: [X] No [ ] Yes
E.13. Repairs from Disaster Event: [X] No [ ] Yes *Name of Disaster Event:*
E.14. Change of Occupancy: [X] No [ ] Yes
E.15. Is this a Permit by Affidavit: [X] No [ ] Yes
E.16. Subcontractors: *Check All that Apply:* [X] Electrical [X] Plumbing [X] Mechanical [X] Roofing [ ] Septic [ ] Electric from house

Section F. Area of Construction Activity (Work Area Only)

Total Number of Stories: 1 Floor (Story) work is being performed on: # Bedrooms: 3 # Bathrooms: 2
Living /Int. Sq. Ft.: 1544 Addt'l. Sq. Ft.: 284 Non-Living/Ext. Sq. Ft.: 882 Total Sq. Ft.: 2426

PLEASE DO NOT WRITE BELOW, FOR STAFF USE ONLY

PMR Date: _____ Days Review: 5 Sets of Plans: 4

BUILDING PERMIT APPLICATION FORM 7.1.19

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 N. HORSESHOE DRIVE., NAPLES, FL 34104 (239) 252-2400
PermittingDept@colliercountyfl.gov

Section H. A Required Page for ALL Building Permit Applications

ACKNOWLEDGEMENT OF COLLIER COUNTY REGULATIONS BY OWNER OR AGENT OF OWNER

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this County, and there may be additional permits required from other governmental entities such as the Water Management District, State agencies, or Federal agencies.

WARNING OF POSSIBLE DEED RESTRICTIONS: The land subject to this permit may be subject to deed, and other restrictions that may limit or impair the landowner's rights. Collier County is not responsible for the enforcement of these restrictions, nor are Collier County employees authorized to provide legal or business advice to the public relative to these restrictions. The landowner or any applicant acting on behalf of the landowner is cautioned to seek professional advice. **WARNING OF WORK IN THE COUNTY RIGHT-OF-WAYS:** This permit does not authorize construction or installation of any structure or utility, above or below ground, within any right of way or easement reserved for access, drainage or utility purposes. This restriction specifically prohibits fencing, sprinkler systems, landscaping other than sod, signs, water, sewer, cable and drainage work therein. If such improvements are necessary, a separate permit for that purpose must be obtained from the Growth Management Department.

NOTICE OF CLEARING RESTRICTIONS: The issuance of a building permit for a single-family dwelling allows up to one (1) acre of native vegetation to be cleared. Clearing more than one (1) acre may be allowed for accessory structures and requires a separate Vegetation Removal Permit. Properties located in the following zoning district overlays may **not** be allowed to clear one (1) acre: Rural Fringe Mixed Use District (RFMU), Big Cypress Area of Concern (ACSC), and Special Treatment Overlay (ST). There may be additional restrictions related to clearing native vegetation and impacts to wetlands or protected species found on the property. State and Federal agency permits may be required. Contact the Growth Management Department's Environmental Services at (239) 252-2400 for additional information. Issuance of a Demolition Permit for a structure does not authorize removal of vegetation beyond the footprint of the structure. A Demo Permit is not a clearing permit.

WORK IN THE SPECIAL FLOOD HAZARD AREA: Be advised that Substantial Damage/Substantial Improvement requirements will apply to structures located in the Special Flood Hazard Area with Finished Floor Elevations below the Base Flood Elevation.

CERTIFICATION: Application is hereby made to obtain a permit to do the work and installations as indicated. I, **THE OWNER OR AGENT OF OWNER**, certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. The permit or application fee may have additional fees imposed for failing to obtain permits prior to commencement of construction. The approved permit and/or permit application expires if not commenced within 180 days from the date of issuance. I, **THE OWNER OR AGENT OF OWNER,** understand that only licensed contractors may be employed and that the structure cannot be used or occupied until a certificate of occupancy is issued. By signing this permit application, I, **THE OWNER OR AGENT OF OWNER**, agree that I have retained the contractor identified on this application to provide contracting services for the trade for which he or she is listed. I understand it is the responsibility of the property owner to notify the Building Plan Review and Inspection Division should the contractor responsible for providing said contracting services no longer be willing or able to provide his or her services. I, **THE OWNER OR AGENT OF OWNER,** understand that the review and issuing of a permit does not exempt me from complying with all County Codes and Ordinances. Furthermore, I, **THE OWNER OR AGENT OF OWNER**, understand the owner is responsible for all construction work on the property.

Job Street Address: 361 12th St Ne, Naples, FL 34120

Sandra J Poore
Signature of Owner or Agent of Owner (An original signature is required)

Sandra J Poore
Print name of Owner or Agent of Owner

State of Florida County of Collier

The foregoing instrument was acknowledged before me this 14 day of November, 2019

by (*Printed name of Owner or Agent of Owner*) Sandra J. Poore

☒ Personally known to me

☐ Has produced identification _____

Notary Signature: Kathleen Kornek Law

KATHLEEN KORNEK LAW
MY COMMISSION # GG 126173
EXPIRES: September 20, 2021
Bonded Thru Notary Public Underwriters

Must Comply with Notarial Law

NOTICE OF COMMENCEMENT INFORMATION

Per Florida Statutes 713.135 a Notice of Commencement (NOC) is required for construction of improvements totaling more than $2,500, with certain exceptions. For A/C Repairs or Replacements a notice of commencement is required for improvements more than or equal to $7,500. The applicant shall file with the issuing authority prior to the first inspection either a certified copy of the recorded NOC or a notarized statement that the NOC has been filed for recording, along with a copy thereof. In order to comply with the state requirement, permits will be placed in inspection hold until proof of the NOC is filed with the building permitting and inspection department. The issuing authority shall not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, email or any other means such as certified copy with the issuing authority.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION IF YOU INTEND TO OBTAIN FINANCING.

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 N. HORSESHOE DRIVE., NAPLES, FL 34104 (239) 252-2400
PermittingDept@colliercountyfl.gov

Section I. A Required Page for ALL Building Permit Applications

ACKNOWLEDGEMENT OF COLLIER COUNTY REGULATIONS BY THE QUALIFIER

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this County, and there may be additional permits required from other governmental entities such as the Water Management District, State agencies, or Federal agencies.

WARNING OF POSSIBLE DEED RESTRICTIONS: The land subject to this permit may be subject to deed, and other restrictions that may limit or impair the landowner's rights. Collier County is not responsible for the enforcement of these restrictions, nor are Collier County employees authorized to provide legal or business advice to the public relative to these restrictions. The landowner or any applicant acting on behalf of the landowner is cautioned to seek professional advice. **WARNING OF WORK IN THE COUNTY RIGHT-OF-WAYS:** This permit does not authorize construction or installation of any structure or utility, above or below ground, within any right of way or easement reserved for access, drainage or utility purposes. This restriction specifically prohibits fencing, sprinkler systems, landscaping other than sod, signs, water, sewer, cable and drainage work therein. If such improvements are necessary, a separate permit for that purpose must be obtained from the Growth Management Department.

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CERTIFICATION: Application is hereby made to obtain a permit to do the work and installations as indicated. I, **THE QUALIFIER**, certify that I have not performed any work or installation prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. The permit or application fee may have additional fees imposed for failing to obtain permits prior to commencement of construction. The permit application or approved permit expires if work is not commenced within 180 days from the date of issuance. I, **THE QUALIFIER** understand that the structure cannot be used or occupied until a certificate of occupancy is issued. By signing this permit application, I, **THE QUALIFIER**, agree that I have been retained by the property owner to provide contracting services for the trade for which I am listed. Furthermore, it is my responsibility to notify the Building Plan Review and Inspection Division should I no longer be **THE QUALIFIER** responsible for providing said contracting services. I, **THE QUALIFIER**, agree that I understand the review and issuing of this permit does not exempt me from complying with all County Codes and Ordinances.

Job Street Address: 361 12th St Ne, Naples, FL 34120

Signature of Qualifier (An original signature is required)

Robet E Poore
Print name of Qualifier

State of Florida County of Collier

The foregoing instrument was acknowledged before me this 14 day of November, 2019

by (*Printed name of qualifier*) Robert E Poore

☑ Personally Known to me
☐ Has produced identification _____

Notary Signature: Kathleen Kornek Law

KATHLEEN KORNEK LAW
MY COMMISSION # GG 126173
EXPIRES: September 20, 2021
Bonded Thru Notary Public Underwriters

ly with Notarial Law

NOTICE OF COMMENCEMENT INFORMATION

Per Florida Statutes 713.135 a Notice of Commencement (NOC) is required for construction of improvements totaling more than $2,500, with certain exceptions. For A/C Repairs or Replacements a notice of commencement is required for improvements more than or equal to $7,500. The applicant shall file with the issuing authority prior to the first inspection either a certified copy of the recorded NOC or a notarized statement that the NOC has been filed for recording, along with a copy thereof. In order to comply with the state requirement, permits will be placed in inspection hold until proof of the NOC is filed with the building permitting and inspection department. The issuing authority shall not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, email or any other means such as certified copy with the issuing authority.

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Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

Collier County
Growth Management Department
2800 N. HORSESHOE DRIVE, NAPLES, FL 34104 (239) 252-2400

SUBCONTRACTOR AFFIRMATION

To be completed by the Qualifier working under the General Contractor, or by Owner-Builder as defined by Florida Statutes.

Permit Number PRBD20191148633

Form Completed By: ☒ Qualifier ☐ Owner-Builder

General Contractor for Project: REP Construction Company Inc

Check One:

☐ Electrical ☐ Plumbing ☒ Roofing ☐ Mechanical ☐ Septic ☐ Other _____

Jobsite Address: 361 12th St Ne, Naples, FL 34120

Qualifier Information (to be completed by the Qualifier)

Name: Kristen Maldonado

Company Name: The Roofing Brothers of Naples Corp.

State License No.: CCC1329965

Phone: 239-691-9501

Email: office@theroofingbrothers.com

Acknowledgement:

Knowingly providing false information to obtain a permit to practice construction contracting is a violation of Florida Statute 489.129 and 489.533.

Signature and Notary

Signature of Qualifier under General Contractor or Owner-Builder: _____

Printed Name of Qualifier under General Contractor or Owner-Builder: Kristen Maldonado

State of Florida County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 9th day of July, 2020, by (printed name of owner or qualifier) Kristen Maldonado.

Such person(s) Notary Public must check applicable box:

☒ Are personally known to me

☐ Has produced a current drivers license _____

☐ Has produced _____ as identification.

Notary Signature: _____

LEWIS KIPP GOLDEN
Notary Public - State of Florida
Commission # GG 332248
My Comm. Expires May 13, 2023
Bonded through National Notary Assn.

Email completed form to: PermitOuttake@colliercountyfl.gov or Fax to: 239-252-2334. If portal, upload to "conditions". *This form will be required as of May 1, 2019*

Subcontractor Affirmation 1.28.20

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

Collier County
Growth Management Department
2800 N. HORSESHOE DRIVE, NAPLES, FL 34104 (239) 252-2400

SUBCONTRACTOR AFFIRMATION

To be completed by the Qualifier working under the General Contractor, or by Owner-Builder as defined by Florida Statutes.

Permit Number PRBD20191148633

Form Completed By: ☒ Qualifier ☐ Owner-Builder

General Contractor for Project: REP Construction Company Inc

Check One:
☒ Electrical ☐ Plumbing ☐ Roofing ☐ Mechanical ☐ Septic ☐ Other _____

Jobsite Address: 361 12th St Ne, Naples, FL 34120

Qualifier Information (to be completed by the Qualifier)

Name: JEFFREY MATTELL

Company Name: WM ROBERTS ELECTRICAL AND MECHANICAL INC.

State License No.: EC13004506

Phone: 239-649-6060

Email: wrem@wrelectric.net

Acknowledgement:
Knowingly providing false information to obtain a permit to practice construction contracting is a violation of Florida Statute 489.129 and 489.533.

Signature and Notary

Signature of Qualifier under General Contractor or Owner-Builder: _____

Printed Name of Qualifier under General Contractor or Owner-Builder: JEFFREY MATTELL

State of FLORIDA County of COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8 day of JULY, 2020, by (printed name of owner or qualifier) JEFFREY MATTELL

Such person(s) Notary Public must check applicable box:

☑ Are personally known to me
☐ Has produced a current drivers license _____
☐ Has produced _____ as identification.

Notary Signature: _____

Must Comply with Notarial Law

LISA M. DELISLE
MY COMMISSION # GG 174147
EXPIRES: February 16, 2022
Bonded Thru Notary Public Underwriters

Email completed form to: PermitOuttake@colliercountyfl.gov or Fax to: 239-252-2334. If portal, upload to "conditions".

This form will be required as of May 1, 2019

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

PERMIT

PERMIT #: PRBD20191148633O1 PERMIT TYPE: BD
ISSUED: BY: APPLIED DATE: 11-20-19 APPROVAL DATE: 05-05-20
MASTER #: COA:

JOB ADDRESS: 361 12th ST NE, Naples
JOB DESCRIPTION: CONSTRUCT A CARPORT AT THE FRONT APRON OF THE HOUSE AS WELL AS A COVERED ENTRY WAY. ALSO EXPANDING TO THE BACK OVER EXISTING SLAB TO ENLARGE THE MASTER BEDROOM, ALSO ENLARGING THE MASTER BATHROOM AND CLOSET 361 12th ST NE, Naples JOB PHONE:

SUBDIVISION #: BLOCK:
LOT:
FLOOD MAP: ZONE: ELEVATION:
FOLIO #: 39264600000 SECTION-TOWNSHIP-RANGE: 2-49-27

OWNER INFORMATION:
POORE, ROBERT E & SANDRA
361 12TH ST NE
NAPLES, FL 34120

CONTRACTOR INFORMATION:
R E P CONSTRUCTION COMPANY INC.
361 12TH ST NE
NAPLES, FL 34120

CERTIFICATE #: C30833 PHONE:

FCC CODE:
CONSTRUCTION CODE: 0220
JOB VALUE: $42,975.00 TOTAL RES SQFT: 2426 TOTAL COMM SQFT: 0

SETBACKS FRONT: 75' REAR: 75' LEFT: 7.5' RIGHT: 7.5'
SEWER: Septic WATER: Existing
CONTACT NAME:
CONTACT PHONE:

Per Collier County Ordinance No. 2002-01, as it may be amended, all work must comply with all applicable laws, codes, ordinances, and any additiona stipulations or conditions of this permit. This permit expires if work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit. Additional fees for failing to obtain permits prior to the commencement of construction may be imposed. Permittee(s) further understands that any contractor that may be employed must be a licensed contractor and that the structure must not be used or occupied until a Certificate of Occupancy is issued.

NOTICE: PRIOR TO THE REMOVAL OF ASBESTOS PRODUCTS OR THE DEMOLITION OF A STRUCTURE, FEDERAL AND STATE LAWS REQUIRE THE PERMITTEE (EITHER THE OWNER OR CONTRACTOR) TO SUBMIT A NOTICE OF THE INTENDED WORK TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP). FOR MORE INFORMATION, CONTACT DEP AT (239) 344-5600.

In addition to the conditions of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTENI TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT

GROWTH MANAGEMENT DIVISION / BUILDING REVIEW & INSPECTION
2800 N. Horseshoe Drive, Naples FL 34104 * Phone (239) 252-2400

Outstanding Corrections

Date: December 04, 2019
Contact Name: R E P CONSTRUCTION COMPANY INC.
Address: 361 12TH ST NE
City, State Zip: NAPLES, FL 34120--
Fax: (239) 455-0832

PERMIT NO: PRBD2019114863301
APPLICATION NO: PRBD20191148633
JOB SITE ADDRESS: 361 12th ST NE, Naples

Email:POOREEUGENE2@AOL.COM;DUSTIN@REPSWFL.COM

Dear Applicant:

Plans submitted with the referenced permit have been reviewed. We are unable to approve your permit application for th reason(s) indicated below.

For Applications Submitted on Paper:

- Review the corrections below to identify each document you will need to submit.
- All corrections must be clouded.
- Corrections to *paper documents* must be submitted in person; the GMD office receiving corrections is open until 4:30 pm.
- Submit 4 sets of corrected documents.
- Submit 4 copies of the Letter of Response summarizing the changes made to address each correction comment below.

JOB DESCRIPTION: CONSTRUCT A CARPORT AT THE FRONT APRON OF THE HOUSE AS WELL AS A COVERED ENTRY WAY. ALSO EXPANDING TO THE BACK OVER EXISTING SLAB TO ENLARGE THE MASTER BEDROOM, ALSO ENLARGING THE MASTER BATHROOM AND CLOSET
361 12th ST NE, Naples

Rejected Review: Zoning Review
Reviewed By: Stefanie Nawrocki
Phone:239-252-2313 Email:Stefanie.Nawrocki@colliercountyfl.gov

Correction Comment 1: The site plan on sheet A1 is showing the right hand snide of the home's new addition at 7'. This lot has required side yard setbacks of 7.5' (10% of the lot width). Please revise plans.

Rejected Review: Impact Fee Review
Reviewed By: Debra Windsor
Phone: Email:Debra.Windsor@colliercountyfl.gov

Correction Comment 1: Rejecting on the basis of zoning review:

The site plan on sheet A1 is showing the right hand snide of the home's new addition at 7'. This lot has required side yard setbacks of 7.5' (10% of the lot width). Please revise plans.

Once revised the impact review can be completed.

Rejected Review: Health Review
Reviewed By: Tasha Smith
Phone:239-252-5525 Email:Nastasha.Smith@flhealth.gov

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

Correction Comment 1: Health Department Review Corrections:PROVIDE A COMPLETED, SIGNED, AND DATED APPLICATION (DH4015 PG1 OF 4 NOT EXISTING SYSTEM EVALUATION PAGE).

ATTENTION:
Collier County Plan Review and Inspections routinely reviews all outstanding permit applications in order to determine their status. The review process includes appropriate responses from the permit applicant when the permit cannot be approved. When the applicant is advised of deficiencies and does not respond within **180 days** with corrected plans or an appeal to the Code Enforcement Board, the permit application will be canceled as per ***Collier County Ordinance 2002-01, Section, 104.5.1.1 to 104.5.1.4 (as amended).***

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT

GROWTH MANAGEMENT DIVISION / BUILDING REVIEW & INSPECTION
2800 N. Horseshoe Drive, Naples FL 34104 * Phone (239) 252-2400

Outstanding Corrections

Date: March 20, 2020
Contact Name: R E P CONSTRUCTION COMPANY INC.
Address: 361 12TH ST NE
City, State Zip: NAPLES, FL 34120--
Fax: (239) 455-0832

PERMIT NO: PRBD2019114863301
APPLICATION NO: PRBD20191148633
JOB SITE ADDRESS: 361 12th ST NE, Naples

Email:POOREEUGENE2@AOL.COM;DUSTIN@REPSWFL.COM

Dear Applicant:

Plans submitted with the referenced permit have been reviewed. We are unable to approve your permit application for th reason(s) indicated below.

For Applications Submitted on Paper:

- Review the corrections below to identify each document you will need to submit.
- All corrections must be clouded.
- Corrections to *paper documents* must be submitted in person; the GMD office receiving corrections is open until 4:30 pm.
- Submit 4 sets of corrected documents.
- Submit 4 copies of the Letter of Response summarizing the changes made to address each correction comment below.

JOB DESCRIPTION: CONSTRUCT A CARPORT AT THE FRONT APRON OF THE HOUSE AS WELL AS A COVERED ENTRY WAY. ALSO EXPANDING TO THE BACK OVER EXISTING SLAB TO ENLARGE THE MASTER BEDROOM, ALSO ENLARGING THE MASTER BATHROOM AND CLOSET
361 12th ST NE, Naples

Rejected Review: Health Review
Reviewed By: Rachel VanBlaricom
Phone:239-252-5524 Email:Raul.Rodriguez@colliercountyfl.gov

Correction Comment 1: Health Department Review Corrections:PROVIDE A COMPLETED, SIGNED, AND DATED APPLICATION (DH4015 PG1 OF 4 NOT EXISTING SYSTEM EVALUATION PAGE). CORRECTIONS HAVE THE EXISTING SYSTEM EVALUATION AGAIN....NEED APPLICATION PAGE 1

ATTENTION:
Collier County Plan Review and Inspections routinely reviews all outstanding permit applications in order to determine their status. The review process includes appropriate responses from the permit applicant when the permit cannot be approved. When the applicant is advised of deficiencies and does not respond within **180 days** with corrected plans or an appeal to the Code Enforcement Board, the permit application will be canceled as per ***Collier County Ordinance 2002-01, Section, 104.5.1.1 to 104.5.1.4 (as amended)***.

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

9/10

Collier County
Growth Management Department

2800 N. Horseshoe Dr.
Naples, FL 34104
Flood Info Hotline (239) 252-2942

Elevation Certificate Intake Sheet

For Under Construction and Finished Construction Elevation Certificates

Under Construction Elevation Certificate Overview

The Under Construction Elevation Certificate should be submitted simultaneously with the 10-day spot survey. Sections A and B must be completed in full, as shown on the approved construction plans. Section C should include only those elevations that can be surveyed, such as C2a) and C2d). If the approved plans indicate a garage slab, this elevation must be provided in C2d). Pictures capturing of all sides of the building are required and must be labeled (e.g., front, rear, right side, left side). Before obtaining County approval of the Under Construction Elevation Certificate, the permit holder's construction activities are at his/her own risk. Note: Manufactured Homes are not required to submit an Under Construction Elevation Certificate.

Finished Construction Elevation Certificate Overview

A Finished Construction Elevation Certificate must be completed after all of the machinery and equipment has been installed, and the grading around the building has been completed. The Finished Construction Elevation Certificate is required before issuance of the certificate of occupancy or certificate of completion.

General Information for Applicant

- **ALL PAGES of the Elevation Certificate are required, including Sections E, F, and G.**
- Paper Elevation Certificates must be signed, dated, and stamped, pursuant to F.S. 472.025, as amended.
- Elevation Certificates that are transmitted electronically must be signed, dated, and stamped electronically with a seal in accordance with F.S. 668.001-668.006, as amended, and can be authenticated by county staff (registration may be required).
- For general questions regarding floodplain management, including flood zone and Base Flood Elevation information, email: *FloodInfoRequest@colliercountyfl.gov*.
- To submit electronic Elevation Certificates, email: *BuildingFloodDocs@colliercountyfl.gov*.

Permit Information – To be completed by the Applicant

Permit Number	Description of Permit (e.g. house, pool equipment, generator, etc.)
PRBD20191148633	Carport.

Section G – To be completed by Floodplain Management Section Staff

Section G utilized by County Staff: ☐ **Yes** ☐ **No**

E-permit: ☐ **Yes** ☐ **No**

Permit Issue date: _____

Converted to Electronic Record

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB No. 1660-0008
Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name
ROBERT and SANDRA POORE

Policy Number:

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
361 12TH STREET N.E.

Company NAIC Number:

City	State	ZIP Code
NAPLES	Florida	34120

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
The South 75 feet of Tract 65, Golden Gate Estates Unit No. 49, Plat Book 5, pages 80 and 81, Collier County, Florida.

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) ACCESSORY

A5. Latitude/Longitude: Lat. N 26°14'11.84" Long. W 81°34'59.75" Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 1B

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s) N/A sq ft

b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade N/A

c) Total net area of flood openings in A8.b N/A sq in

d) Engineered flood openings? ☐ Yes ☒ No

A9. For a building with an attached garage:

a) Square footage of attached garage N/A sq ft

b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade N/A

c) Total net area of flood openings in A9.b N/A sq in

d) Engineered flood openings? ☐ Yes ☒ No

SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number	B2. County Name	B3. State
COLLIER COUNTY 120067	COLLIER	Florida

B4. Map/Panel Number	B5. Suffix	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date	B8. Flood Zone(s)	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)
12021C 0430	H	05-16-2012	05-16-2012	AH	13.0' (N.A.V.D. 1988)

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:
☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source:

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source:

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: ☐ CBRS ☐ OPA

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
361 12TH STREET N.E.

Policy Number:

City	State	ZIP Code
NAPLES	Florida	34120

Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☒ Building Under Construction* ☐ Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: W 583 Vertical Datum: N.A.V.D. 1988

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source:

Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.	
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	13.1	☒ feet	☐ meters
b) Top of the next higher floor	N/A	☒ feet	☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	☒ feet	☐ meters
d) Attached garage (top of slab)	N/A	☒ feet	☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	N/A	☐ feet	☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	13.0	☒ feet	☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	13.4	☒ feet	☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	N/A	☒ feet	☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. *I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.*

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name	License Number
DAVID C. HOLMAN (99.0145)	PSM 6279

Title
LAND SURVEYOR

Company Name
A. TRIGO & ASSOCIATES, INC.

Address
2223 TRADE CENTER WAY

David C. Holman
Digitally signed by David C. Holman
Date: 2020.09.08 15:56:06 -04'00'

DAVID C. HOLMAN CERTIFICATE No. 6279 STATE OF FLORIDA Registered Surveyor & Mapper

City	State	ZIP Code
NAPLES	Florida	34109

Signature	Date	Telephone	Ext.
David C. Holman	09-04-2020	(239) 594-8448	

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
A4. ACCESSORY USE IS CARPORT
CROWN OF ROAD OPPOSITE NORTH PROPERTY LINE = 13.06' (N.A.V.D. 1988)

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 361 12TH STREET N.E.			Policy Number:
City NAPLES	State Florida	ZIP Code 34120	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B,and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name			
Address	City	State	ZIP Code
Signature	Date	Telephone	

Comments

☐ Check here if attachments.

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 361 12TH STREET N.E.			Policy Number:
City NAPLES	State Florida	ZIP Code 34120	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)

G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.

G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____

G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name	Title
Community Name	**Telephone**
Signature	**Date**

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 361 12TH STREET N.E.			Policy Number:
City NAPLES	State Florida	ZIP Code 34120	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Photo One

Photo One Caption FRONT VIEW 09/04/2020 Clear Photo One

Photo Two

Photo Two Caption RIGHT SIDE VIEW 09/04/2020 Clear Photo Two

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
361 12TH STREET N.E.

Policy Number:

City	State	ZIP Code
NAPLES	Florida	34120

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo Three

Photo Three Caption

Clear Photo Three

Photo Four

Photo Four Caption

Clear Photo Four

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

INSPECTION JOB CARD – COLLIER COUNTY, FLORIDA
FOR INSPECTIONS PHONE 252-3726

PERMIT NUMBER:	APPLICATION NUMBER:	ISSUED:
PRBD2019114863301	PRBD20191148633	

JOB DESCRIPTION:	CONSTRUCT A CARPORT AT THE FRONT APRON OF THE HOUSE AS WELL AS A COVERED ENTRY WAY. ALSO EXPANDING TO THE BACK OVER EXISTING SLAB TO ENLARGE THE MASTER BEDROOM, ALSO ENLARGING THE MASTER BATHROOM AND CLOSET 361 12th ST NE, Naples
JOB LOCATION:	361 12th ST NE, Naples
LEGAL DESCRIPTION:	GOLDEN GATE EST UNIT 49 S 75FT OF TR 65 OR 985 PG 330
FOLIO #: 39264600000	SECTION-TOWNSHIP-RANGE: 2 - 49 - 27
OWNER NAME:	POORE, ROBERT E & SANDRA
CONTRACTOR:	R E P CONSTRUCTION COMPANY INC.

SETBACKS:

FRONT:	75'	REAR:	75'	LEFT:	7.5'	RIGHT:	7.5'	SPECIAL:		FLOOD ZONE:	FZAH

DESCRIPTION	OUTCOME	COMMENTS
100 - Footings		
103 - Floating Slab		
104 - Tie Beam		
106 - Columns		
107 - Truss/Sheathing/Bucks		
108 - Framing		
109 - Insulation		
111 - Dry-in/Flashing		
115 - Building Final		
134 - Roofing Final		
136 - Impact Glass		
151 - Shearwall/Nailing		
152 - Shearwall/Water Barrier		
153- Shearwall/Stucco Lath		
200 - Plumbing Underground		

NOTE: If you are unable to schedule your inspection, please contact the inspection desk at 252-2406.
NOISE ORDINANCE: Collier County Codes of Laws and Ordinances 54-92(f) Construction Sound. NOISE LIMITATIONS are in effect at all times. Work permitted, RESIDENTIAL Areas – 6:30 AM to 7:00 PM Monday thru Saturday; NON-RESIDENTIAL Areas (more than 500 feet from Residential Area) 6:00AM to 8:00PM Monday thru Saturday.
No Work on Sundays or Holidays. RADIOS, LOUDSPEAKERS, ETC. – Must not disturb peace, quiet and comfort of neighboring inhabitants.
FREE CABLE LOCATIONS – Call 48 Hours prior to digging/FPL 434-1222/UTS 1-800-542-0088/PalmerCATV 783-0638 and all other applicable utilities.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. FS § 71

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

INSPECTION JOB CARD – COLLIER COUNTY, FLORIDA
FOR INSPECTIONS PHONE 252-3726

201 - Plumbing Rough-in		
204 - Plumbing Final		
300 - A/C Rough		
301 - A/C Final		
501 - Electrical Rough		
502 - Electrical Final		
508 - TV/Telephone Rough		
509 - TV/Telephone Final		
801 - Site Drainage		
802 - Landscaping		
810 - Exotic Vegetation Removal		
814 - Erosion/Silt		

OPEN CONDITIONS Condition Type:	Condition Description:
Inspection Hold	Notice of Commencement: For paper submittals send to inspections@colliercountyfl.gov and for electronic submittals upload to the condition on the portal.
CO Hold	Waiting for Final Energy Calc Summary Sheet. Send document to EnergyCalc@CollierCountyFl.gov and include your permit number in the emails subject line.
CO Hold	A Spot Survey will be required within ten days of passing a 704 shell reinforcement or 103/133 inspection of slab. Prior to obtaining County approval of the Spot Survey, the permit holder's construction activities are at his/her own risk. After 10 days an "Inspection HOLD" will be placed on this Permit for survey review. NOTE: A Spot Survey must verify slab meets setbacks and minimum elevation per Chapter 62, Collier County Code of Laws and Ordinances, e.g., 18" above the crown of the road or the elevation established by the SFWMD permit.
CO Hold	Send digitally signed reports to compactiontest@colliercountyfl.gov or upload to the condition on the portal for electronic submittals.
CO Hold	> Elevation Certificate BFE AH-13' navd proposed FFE-14.89 to match existing
CO Hold	At the time of permit application, the permitted structure is in the special flood hazard area. An Under Construction Elevation Certificate is required within 10 days of passing a 103 or 133 inspection of slab or other foundation system. Prior to obtaining County approval of the Under Construction Elevation Certificate, the permit holder's construction activities are at his/her own risk. Under Construction Elevation Certificates must verify the slab meets minimum elevations per the Florida Building Code and Chapter 62, Collier County Code of Laws and Ordinances (e.g., BFE +1 or 18" above the crown of the road, whichever is higher, and the elevation

NOTE: If you are unable to schedule your inspection, please contact the inspection desk at 252-2406.
NOISE ORDINANCE: Collier County Codes of Laws and Ordinances 54-92(f) Construction Sound. NOISE LIMITATIONS are in effect at all times. Work permitted, RESIDENTIAL Areas – 6:30 AM to 7:00 PM Monday thru Saturday; NON-RESIDENTIAL Areas (more than 500 feet from Residential Area) 6:00AM to 8:00PM Monday thru Saturday.
No Work on Sundays or Holidays. RADIOS, LOUDSPEAKERS, ETC. – Must not disturb peace, quiet and comfort of neighboring inhabitants.
FREE CABLE LOCATIONS – Call 48 Hours prior to digging/FPL 434-1222/UTS 1-800-542-0088/PalmerCATV 783-0638 and all other applicable utilities.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. FS § 71

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

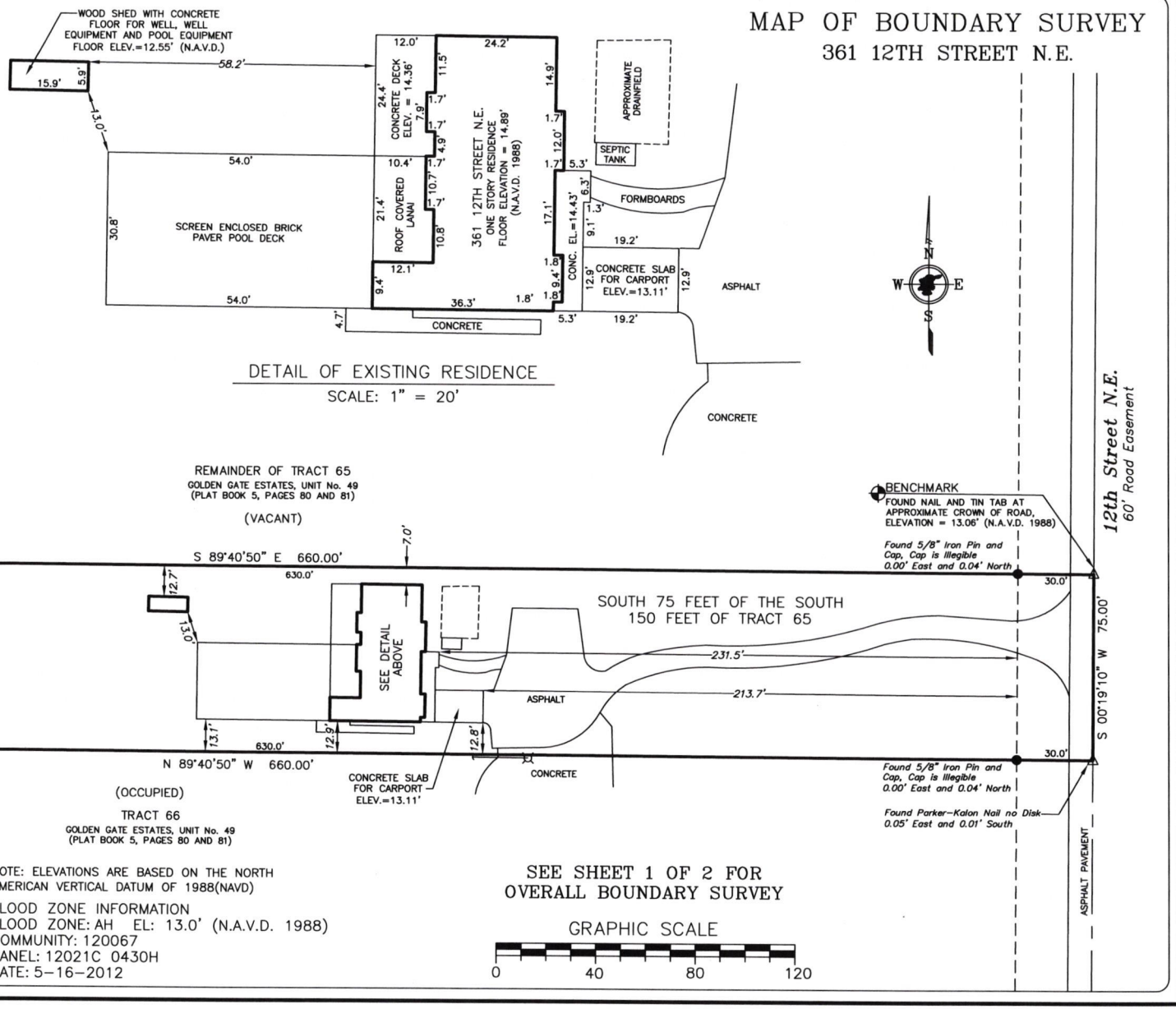
	established by the SFWMD permit).
Inspection Hold	Sub Contractor (Electrical)
Inspection Hold	Sub Contractor (Mechanical)
Inspection Hold	Sub Contractor (Plumbing)
Inspection Hold	Sub Contractor (Roofing)

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

NOTE: If you are unable to schedule your inspection, please contact the inspection desk at 252-2406.
NOISE ORDINANCE: Collier County Codes of Laws and Ordinances 54-92(f) Construction Sound. NOISE LIMITATIONS are in effect at all times. Work permitted, RESIDENTIAL Areas – 6:30 AM to 7:00 PM Monday thru Saturday; NON-RESIDENTIAL Areas (more than 500 feet from Residential Area) 6:00AM to 8:00PM Monday thru Saturday.
No Work on Sundays or Holidays. RADIOS, LOUDSPEAKERS, ETC. – Must not disturb peace, quiet and comfort of neighboring inhabitants.
FREE CABLE LOCATIONS – Call 48 Hours prior to digging/FPL 434-1222/UTS 1-800-542-0088/PalmerCATV 783-0638 and all other applicable utilities.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT. FS § 7

MAP OF BOUNDARY SURVEY
361 12TH STREET N.E.



NOTE: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD)

FLOOD ZONE INFORMATION
FLOOD ZONE: AH EL: 13.0' (N.A.V.D. 1988)
COMMUNITY: 120067
PANEL: 12021C 0430H
DATE: 5-16-2012

SEE SHEET 1 OF 2 FOR OVERALL BOUNDARY SURVEY

GRAPHIC SCALE
0 40 80 120

DESCRIPTION: AS FURNISHED BY CLIENT

THE SOUTH 75 FEET OF THE SOUTH 150 FEET OF TRACT 65 OF GOLDEN GATE ESTATES, UNIT No. 49

AS RECORDED IN PLAT BOOK 5 PAGE 80 THRU 81 OF THE PUBLIC RECORDS OF Collier COUNTY, FLORIDA

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

I HEREBY CERTIFY TO:

ROBERT AND SANDRA POORE;
REP CONSTRUCTION;

THAT A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

ELECTRONIC SIGNATURE USED IN ACCORDANCE WITH APPLICABLE STATE LAWS AND RULES INCLUDING BUT NOT LIMITED TO FLORIDA STATUTES 668.001, 668.50 AND FLORIDA ADMINISTRATIVE CODE CHAPTER 5J-17.

5J-17.051(3)(b)6 - ADDITION OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY OR PARTIES.

David C. Holman
Digitally signed by David C. Holman
Date: 2020.09.08 15:46:10 -04'00'

No. 6279 STATE OF FLORIDA REGISTERED PROFESSIONAL SURVEYOR AND MAPPER

THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED ABOVE. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT REVIEWED. UNDERGROUND IMPROVEMENTS NOT LOCATED UNLESS NOTED.

LEGEND:

- ■ = FOUND CONCRETE MONUMENT
- □ = SET CONCRETE MONUMENT (LB # 3964)
- ● = FOUND IRON PIN
- ○ = SET 5/8" IRON PIN (LB # 3964)
- ▲ = FOUND NAIL
- △ = SET NAIL
- ⊛ = FOUND DRILL HOLE
- ◉ = SET DRILL HOLE
- L.B. = LAND SURVEYING BUSINESS
- C.B.S. = CONCRETE BLOCK STRUCTURE
- C/S = CONCRETE SLAB
- ⊠ = WATER METER
- ⊕ = SANITARY CLEAN OUT
- ⧖ = WATER VALVE
- Ⓢ = SANITARY MANHOLE
- ♂ = FIRE HYDRANT

BB = BEARING BASIS-PLAT
MEAS = MEASURED = M
CALC. = CALCULATED
Δ = DELTA ANGLE
R = RADIUS
CH = CHORD
CB = CHORD BEARING
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
CONC. = CONCRETE
L.S. = LAND SURVEYOR
EL. = ELEVATION
PL = PLAT
▣ = CABLE TV SERVICE
⊠ = CONC POWER POLE
☎ = TELEPHONE SERVICE
Ⓔ = ELECTRIC SERVICE

SURVEY DATE: 03-13-2019
FIELD BOOK 694 PAGE 38-39
DRAWN BY: DCH SCALE: 1" = 40'

REVISIONS:	BOOK DWG	PAGE
09/04/2020 Add Concrete Slab for Carport		

A. TRIGO & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & MAPPERS
2223 TRADE CENTER WAY
NAPLES, FLORIDA 34109
LAND SURVEYING BUSINESS # 3964

FILE NO: A 99.0145.02

SHEET 2 OF 2

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

STRUCTURAL NOTES

1015 GENERAL
Drawing discrepancies must be brought to the attention of the Architect before proceeding. Dimensions and conditions must be verified in the field.

The structure is designed to be stable and self supporting when complete. It is the Contractor's responsibility to determine means and methods of construction to provide stability for the building and its components during erection. This includes any temporary bracing, shoring, guys, or tiedowns.

1020 EXISTING STRUCTURE
These plans are based on the original construction documents and site observations; including, but not limited to, dimensions, elevations, member sizes, materials, and connections. The contractor must verify the existing conditions of the structure and notify the Engineer immediately of discrepancies or conflicts that may be discovered during the construction process. The construction is Level 2 as prescribed by The Florida Building Code - Existing Building, 6th Edition (2017), Section 503. The alterations comply with Chapter 8, Section 807 and Chapter 11, Section 1103. The alterations of existing structural elements and new structural additions will not adversely affect the existing structure.

1050 DESIGN LOADS
The structural design for this building is in accordance with the Florida Building Code, 6th Edition, 2017. The following loadings have been used:
LIVE LOADS:
Roof ..... 20 psf
DEAD LOADS:
Roof ..... 20 psf
WIND LOADS
Section 1609.1.1 Applied per ASCE 7-10
Building Risk Category II
Ultimate Wind Speed ..... 160 mph
Nominal Design Wind Speed ..... 124 mph
Wind Exposure ..... B
Internal Pressure Coefficients ... (+0.18/-0.18)
Enclosed Building

3210 REINFORCING STEEL
Steel shall be clean deformed bar, ASTM A615 Grade 60. Fabricate and place steel in accordance with ACI Manual of Standard Practice and ACI 318-08 unless noted otherwise
Specified concrete cover unless noted otherwise for reinforcement shall be:

Cast against earth	3 in.
Exposed to weather	2 in.
Slabs, walls, joists	¾ in.
Beams, columns	1 ½ in.

3220 SLAB ON GRADE
Welded wire reinforcement shall conform to ASTM A1064. Minimum lap is 1-1/2 spaces. Alternately, the concrete may contain fibrillated polypropylene fiber (Fibermesh) as manufactured by Propex or an Engineer approved substitution. Concrete mix design shop drawing submittal must indicate product data and dosage rate.

3310 CONCRETE
Concrete shall be an approved mix design to achieve a compressive strength of 4,000 psi at 28 days, placed in accordance with ACI standards and specifications. Exposure categories F0, S0, P0, C1. Mixes batched over 90 minutes before final placing shall not be used.

Mix designs with coarse aggregate of 3/8" (#89) or smaller may not be used. Admixtures with calcium chlorides may not be used. The concrete shall comply with the requirements of ASTM C94 for measuring, mixing, and transporting.

3600 EPOXY ANCHORS
Epoxy anchors shall be an equal two part epoxy polymer cartridge injection system Powers PE 1000+, Epcon OS, or Engineer approved substitution. Embedment shall be 9 diameters unless noted otherwise, installed in accordance with the manufacturer's instructions. Installers shall be trained by the manufacturer's representative. Uphand installation is not approved for this product.

4200 MASONRY
Concrete masonry units shall be accordance with ASTM C90, 1,900 psi on the net area. f'm = 1,500 psi. Mortar shall be ASTM C270, Type M or S. Grout shall meet ASTM C476, 2,000 psi minimum compressive strength.

Masonry units shall be grout filled with vertical reinforcing at corners, intersections, each side of openings over 4 feet wide, and as shown on the plans. Provide hooked dowels in footings for vertical reinforcing above. Lap splices for reinforcing in masonry is 48 bar diameters. Provide 9 gage ladder type galvanized horizontal joint reinforcing at every other block course.

5110 WOOD
Structural wood components shall be No. 2 Visually Graded Southern Pine, design values in accordance with the 2005 NDS Supplement. Wood in contact with concrete or masonry and as specified on the plans shall be pressure treated (PT) in accordance with AITC 109. Member sizes are standard dressed sizes unless noted otherwise.

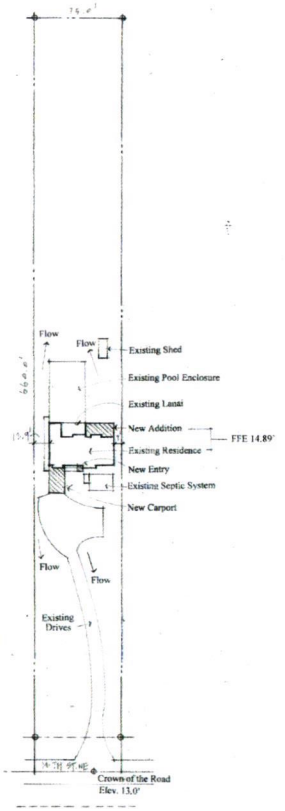
Wood truss systems shall be to the configuration shown on the plans. The wood truss system shall be designed by the supplier for the Design Loads plus additional loads shown on the plans, except Roof Dead Load to resist wind uplift shall not exceed 15 psf.

Shop drawings shall specify all connectors required for attaching component to component of the truss system. All permanent truss bracing required shall be specified including the requirements for bottom chord bracing. Submit signed and sealed shop drawings of the truss engineering by the Specialty Engineer who is a licensed Professional Engineer in the State of Florida.

Plywood roof sheathing shall be 32/16 span rated 15/32" thick attached to 2X framing at 24" on center with minimum 8d (.0131" dia) ring shanked nails at 6" on center on edges and 6" on center elsewhere unless noted otherwise.

Exterior plywood wall sheathing shall be 32/16 span rated 15/32" thick attached to 2X framing at 24" on center with minimum 8d (.0131" dia) nails at 6" on center on edges and 12" on center elsewhere unless noted otherwise.

6150 WOOD FRAMING CONNECTORS
Connectors shown on the plans are as manufactured by Simpson Strong-Tie Co. unless noted otherwise. Fasteners shall be in accordance with the latest Simpson catalog unless noted otherwise.



Type I Storm Water Management Plan & Site Plan

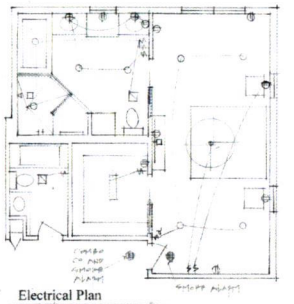
Flood Zone AH 13.0 NAVD

Impervious Surface Calculations

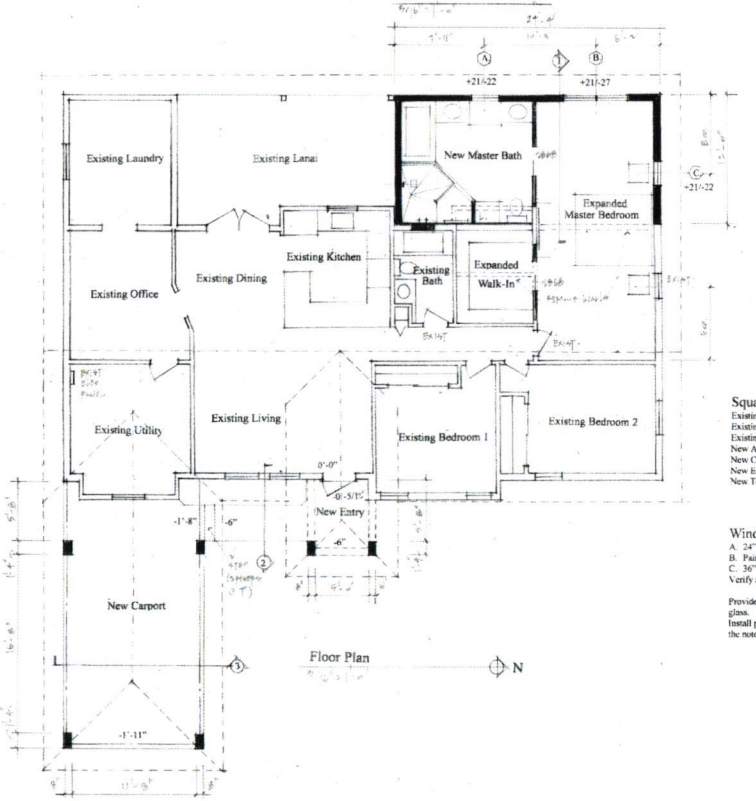
Total Lot Area (1.136 Acres) 49,500 SF

Existing Residence & Lanai	1,774 SF
Existing Screen Enclosure & Deck	1,674 SF
Existing Concrete Shed & Drives	5,960 SF
New Addition, Carport & Entry	652 SF
	9,408 SF

9,408 SF ÷ 49,500 SF = 18.9% < 25%



Electrical Plan



Electrical Notes

1. Verify all Kitchen and Bath outlets are GFIC protected.
2. Provide exhaust fans in both Baths.
3. Verify the Existing Bedrooms have smoke alarms inside the entry doors.

Square Foot Analysis

Existing A/C Area	1544 SF
Existing Lanai	230 SF
Existing Total	1774 SF
New Addition	284 SF
New Carport	325 SF
New Entry	43 SF
New Total	2426 SF

Window Schedule

A. 24" x 26" Single Hung
B. Pair 35" x 64" Single Hung with Mull Bar (Egress)
C. 36" x 36" Single Hung (to match existing)
Verify all window sizes.

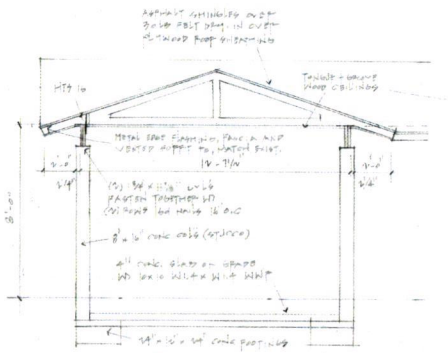
Provide low 'E' XL 70 coating, insulated, impact glass.
Install per the manufacturer's instructions to meet the noted wind loads and design pressures.

P: 239.994-4661
Brooks R. Swanson AIA
AR 012256

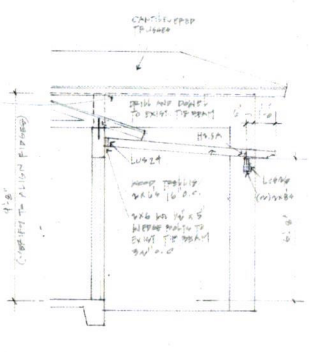
Additions & Renovations
Poore Residence
361 12th Street NE

11-6-19
A1

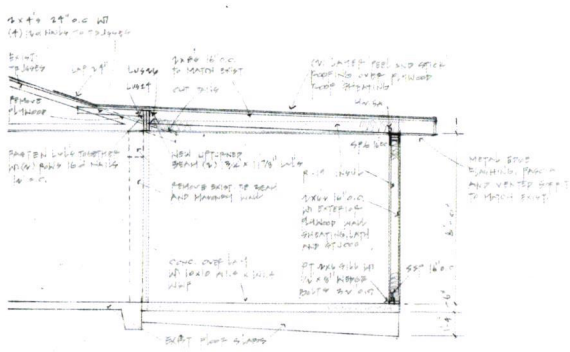
Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)



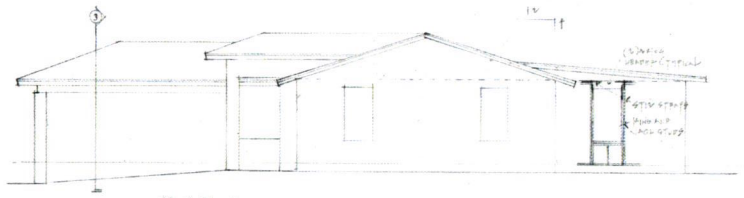
Section 3



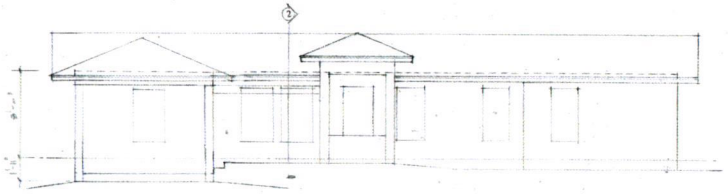
Section 2



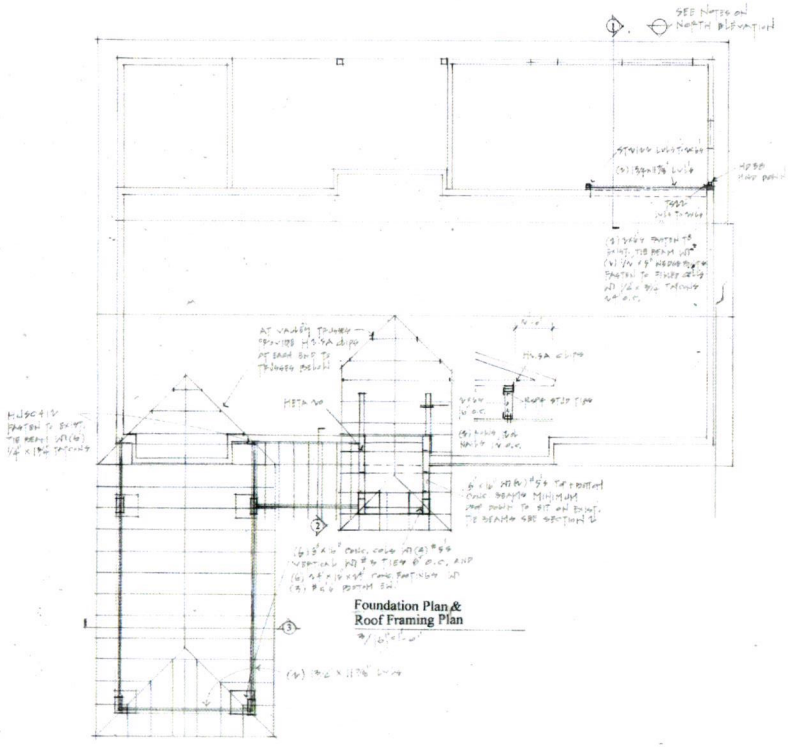
Section 1



North Elevation



East Elevation



Foundation Plan &
Roof Framing Plan

AR 012256

P: 239.994.4661
Brooks R. Swanson AIA
6231 Estero Boulevard, Suite 202

Additions & Renovations
Poore Residence
361 12th Street NE

A2

Attachment: Attachment B - Permit#PRBD20191148633 (15581 : Poore Residence)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District

LDC section 9.04.00 & Code of Laws section 2-83 – 2-90
Chapter 3 J. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Robert and Sandra Poore

Name of Applicant if different than owner: _____

Address: 361 12th St NE **City:** Naples **State:** FL **ZIP:** 34120

Telephone: 239.455.1207 **Cell:** 239.280.9745 **Fax:** _____

E-Mail Address: eugene@repswfl.com

Name of Agent: Dustin Poore

Firm: REP Construction Company

Address: 361 12th St NE **City:** Naples **State:** FL **ZIP:** 34120

Telephone: 239.438.6700 **Cell:** _____ **Fax:** _____

E-Mail Address: dustin@repswfl.com

BE AWARE THAT COLLIER COUNTY HAS LOBBYIST REGULATIONS. GUIDE YOURSELF ACCORDINGLY AND ENSURE THAT YOU ARE IN COMPLIANCE WITH THESE REGULATIONS.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

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PROPERTY INFORMATION

Provide a detailed legal description of the property covered by the application: (If space is inadequate, attach on separate page)

Property I.D. Number: 39264600000 **Section/Township/Range:** 2 / 49 / 27

Subdivision: 342100- Golden Gate Est Unit 49 **Unit:** _____ **Lot:** _____ **Block:** _____

Metes & Bounds Description: _____ **Total Acreage:** 1.14

Address/ General Location of Subject Property: GOLDEN GATE EST UNIT 49 S75FT OF TR65 OR 985 PG 330

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N		
S		
E		
W		

Minimum Yard Requirements for Subject Property:

Front: _____ **Corner Lot:** Yes ☐ No ☒

Side: 7.5 **Waterfront Lot:** Yes ☐ No ☒

Rear: _____

Chapter 8 of the Administrative Code requires that the applicant must remove their public hearing advertising sign(s) after final action is taken by the Board of County Commissioners. Based on the Board's final action on this item, please remove all public hearing advertising sign(s) immediately.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

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ASSOCIATIONS

Complete the following for all registered Association(s) that could be affected by this petition. Provide additional sheets if necessary. Information can be found on the Board of County Commissioner's website at http://www.colliergov.net/Index.aspx?page=774.

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

NATURE OF PETITION

On a separate sheet, attached to the application, please provide the following:

1. A detailed explanation of the request including what structures are existing and what is proposed; the amount of encroachment proposed using numbers, i.e. reduce front setback from 25 ft. to 18 ft.; when property owner purchased property; when existing principal structure was built (include building permit number(s) if possible); why encroachment is necessary; how existing encroachment came to be; etc.

2. For projects authorized under LDC Section 9.04.02, provide a detailed description of site alterations, including any dredging and filling.

3. Pursuant to LDC section 9.04.00, staff shall be guided in their recommendation to the Hearing Examiner, and the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the criteria (a-h) listed below. Please address the following criteria:

   a) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

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b) Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request.

c) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

d) Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare.

e) Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.

f) Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

g) Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc.

h) Will granting the variance be consistent with the Growth Management Plan?

4. Official Interpretations or Zoning Verifications: To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

☐ Yes ☐ No If yes, please provide copies.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

REP Construction
Your Local Contractor

March 9, 2021

Subject: Variance Information Requested

Planning Project App. Number: PL20200002506
Site Address: 361 12th St Ne
Naples, FL 34120

To whom it may concern.

The variance to be sought will be from LDC Section 2.03.01(B)(2)(d), to reduce the required side yard computation rate for an Estates zoned nonconforming lot of record to reduce the required side yard from 7.5 feet to 7 feet for an existing principal structure and its proposed expansion).

The variance will be addressing two conditions which are: 1) The existing encroachment (house already in the required 7.5' set back. 2) To enclose the concrete patio deck into the proposed master bedroom / bathroom.

Sincerely,

Dustin Poore
VP / PM

REP Construction Company, Inc
5051 Castello Dr, Ste 14
Naples, FL 34103

PHONE 239.438.6700
FAX 239.455.0832
EMAIL dustin@repswfl.com
WEB www.repswfl.com

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

REP Construction
Your Local Contractor

January 25, 2021

Subject: Variance Information Requested – 9.04.03 Criteria for Variances

Planning Project App. Number: PL20200002506
Site Address: 361 12th St Ne
Naples, FL 34120

To whom it may concern,

LDC Section 9.04.03 Criteria for Variances – (A through H)

A. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved.
   a. **The variance is enclosing the existing concrete patio which is in plane with the existing home.**
B. Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request.
   a. **If the variance is not approved the owner will possibly need to deconstruct portions of the existing structure.**
C. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.
   a. **I don't believe so.**
D. Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare.
   a. **If the variance is granted it would not affect any more than the existing structure that is on the property, Also the existing concrete deck is in plane with the home that is already sitting 6" in the setback**

REP Construction Company, Inc
5051 Castello Dr, Ste 14
Naples, FL 34103

PHONE 239.438.6700
FAX 239.455.0832
EMAIL dustin@repswfl.com
WEB www.repswfl.com

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

REP Construction
Your Local Contractor

E. Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.
   a. **I don't believe so.**

F. Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
   a. **I don't believe so.**

G. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc.
   a. **No**

H. Will granting the variance be consistent with the Growth Management Plan?
   a. **I don't know what the Growth Management Plan is.**

REP Construction Company, Inc
5051 Castello Dr, Ste 14
Naples, FL 34103

PHONE 239.438.6700
FAX 239.455.0832
EMAIL Dustin@repswfl.com
WEB www.repswlf.com

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County Property Appraiser
Property Aerial

Parcel No	39264600000	Site Address *Disclaimer	361 12TH ST NE	Site City	NAPLES	Site Zone *Note	3412

Open GIS in a New Window with More Features.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

ldress	361 12th ST NE	Label	20-YEAR			Zoning General	
nit		WF 2007	STW-4				
pe		Wellfield	GOLDEN GATE WELL FIELD				
unicipality	Naples	Ordinance	ORD 10-23	folio	39264600000	Information	
rcel	39264600000	SQMI	20.02	Acres	1.14	Zoning	E

oning Links: gge05c

oning Url More info

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership
Robert and Sandra Poore	100
361 12th St Ne,Naples, FL 34120	

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

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(239) 252-2400 FAX: (239) 252-6358

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

☐ **Leased: Term of lease _____ years /months**

If, Petitioner has option to buy, indicate the following:

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Agent/Owner Signature

1.27.21
Date

Dustin Poore
Agent/Owner Name (please print)

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20200002506

I, SANDRA J POORE (print name), as OWNER (title, if applicable) of 361 12TH ST NE, NAPLES, FL 34120 (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize DUSTIN POORE to act as our/my representative in any matters regarding this petition including 1 through 2 above.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Sandra J Poore
Signature

04-07-21
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 7 day of April, 2021, by (printed name of owner or qualifier) SANDRA J POORE.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

Notary Public State of Florida
Sharman R Pfaus
My Commission GG 206600
Expires 08/04/2022

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20200002506

I, ROBERT E POORE (print name), as OWNER (title, if applicable) of 361 12TH ST NE, NAPLES, FL 34120 (company, if applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize DUSTIN POORE to act as our/my representative in any matters regarding this petition including 1 through 2 above.

**Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
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- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

4-7-21
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 7 day of April, 2021, by (printed name of owner or qualifier) ROBERT E POORE.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

Notary Public State of Florida
Sharman R Pfaus
My Commission GG 206600
Expires 08/04/2022

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☐ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☒ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

LEGAL DESCRIPTION of subject property or properties *(copy of lengthy description may be attached)*

Golden Gate Est Unt 49 S 75FT of TR OR 985 PG 330

FOLIO (Property ID) NUMBER(s) of above *(attach to, or associate with, legal description if more than one)*

39264600000 S2 T49 R27

STREET ADDRESS or ADDRESSES *(as applicable, if already assigned)*

361 12th St NE, Naples, FL 34120

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

CURRENT PROJECT NAME *(if applicable)*

_____

PROPOSED PROJECT NAME *(if applicable)*

_____

PROPOSED STREET NAMES *(if applicable)*

_____

SITE DEVELOPMENT PLAN NUMBER *(for existing projects/sites only)*

SDP___-____ or AR or PL # _____

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County

COLLIER COUNTY GOVERNMENT
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Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

Please Return Approved Checklist By: ☒ Email ☐ Fax ☐ Personally picked up

Applicant Name: Robert & Sandra Poore or Dustin Poore

Phone: 239.438.6700 Email/Fax: dustin@repswfl.com

Signature on Addressing Checklist does not constitute Project and/or Street Name approval and is subject to further review by the Operations Division.

FOR STAFF USE ONLY

Folio Number 39264600000

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: Melissa Sardney Date: 12/2/2020

Updated by: _____ Date: _____

IF OLDER THAN 6 MONTHS, FORM MUST BE UPDATED OR NEW FORM SUBMITTED

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

00773607 COLLIER COUNTY | 1982 AUG 26 PM 4:45 RECORDED | 000985 OR BOOK | 000330 PAGE

PERSONAL REPRESENTATIVE'S DEED

9.00
8.10

THIS INDENTURE, executed this 24th day of August, 1982, between EUGENE A. LOJEWSKI, as the Ancillary Personal Representative of the Estate of GRACE SNYDER, Deceased, Party of the First Part, and ROBERT EUGENE POORE and SANDRA POORE, Husband and Wife, as an Estate by the Entirety with Full Rights of Survivorship, Parties of the Second Part, whose address is 3333 Hibiscus Avenue, Naples, FL 33942.

WITNESSETH: That the Party of the First Part for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases and transfers unto the Parties of the Second Part, all that certain land situate in Collier County, Florida, described as:

The South 75 feet of the South 150 feet of Tract No. 65, GOLDEN GATE ESTATES, UNIT NO. 49, according to the map or plat thereof recorded in Plat Book 5, pages 80 and 81, of the Public Records of Collier County, Florida.

Subject to restrictions and easements common to the subdivision; and

SUBJECT TO THE following restrictions and reservations:

The grantee, his successors, heirs or assigns, shall pay for the paving of platted streets for the property herein described if and when said streets are paved, pursuant to a resolution by the Board of County Commissioners as more fully shown in O.R. Book 80, page 183, Public Records of Collier County.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belong or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

IN WITNESS WHEREOF, the Party of the First Part, as Ancillary Personal Representative of the Estate of GRACE SNYDER, Deceased, has set his hand and seal on the day and year first above written.

Signed, sealed and delivered
in our presence:

EUGENE A. LOJEWSKI
As Ancillary Personal Representative
of the Estate of GRACE SNYDER, Deceased

COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

MILLER AND GOLD
Attorneys at Law
Suite 220, Gulfshore Square
1400 Gulf Shore Boulevard North
Naples, Florida 33940
(813) 261-2249

Received $ 8.10
Documentary Stamp Tax
Collier County, Florida
William J. Reagan, Clerk
by Beth Rood D.C.

L

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

000985 OR BOOK 000331 PAGE

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared EUGENE A. LOJEWSKI, the Ancillary Personal Representative of the Estate of GRACE SNYDER, Deceased, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 24th day of August, 1982.

NOTARY PUBLIC
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
BONDED THRU GENERAL INSURANCE UND.
MY COMMISSION EXPIRES JULY 2 1986

COLLIER COUNTY
CLERK OF THE CIRCUIT COURT
COPY

MILLER AND GOLD
Attorneys at Law
Suite 220, Gulfshore Square
1400 Gulf Shore Boulevard North
Naples, Florida 33940
(813) 261-2249

Recorded and Verified
In Official Records of
COLLIER COUNTY, FLORIDA
WILLIAM J. REACH, CLERK
By LAURA

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Pre-Application Meeting and Final Submittal Requirement Checklist for: Variance Chapter 3 J. of the Administrative Code

The following Submittal Requirement Checklist is to be utilized during the Pre-Application Meeting and at time of application submittal. At time of submittal, the checklist is to be completed and submitted with the application packet. Please provide the submittal items in the exact order listed below with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Pre-Application Meeting Notes	1	☒	☐
Project Narrative	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Property Ownership Disclosure Form	1	☒	
Conceptual Site Plan 24" x 36" and one 8 ½ " x 11" copy	1	☒	☐
Survey of property showing the encroachment (measured in feet)	2	☒	☐
Affidavit of Authorization, signed and notarized	2	☒	☐
Deeds/Legal's	3	☒	☐
Location map	1	☒	☐
Current aerial photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial	5	☐	☒
Historical Survey or waiver request	1	☐	☒
Environmental Data Requirements or exemption justification	3	☐	☒
Once the first set of review comments are posted, provide the assigned planner the Property Owner Advisory Letter and Certification	1	☒	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☒	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Planners: **Indicate if the petition needs to be routed to the following reviewers:**

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review
☐	City of Naples: Robin Singer, Planning Director	☐	Immokalee Water/Sewer District
☐	Conservancy of SWFL: Nichole Ryan	☐	Parks and Recreation: David Berra
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	School District (Residential Components): Amy Lockheart
☑	Other: Jaime Cook - Environmental Review	☐	

FEE REQUIREMENTS

- ☒ **Pre-Application Meeting:** $500.00
- ☒ **Variance Petition:**
  - ☒ **Residential-** $2,000.00
  - ○ **Non-Residential-** $5,000.00
  - ○ **5th and Subsequent Review-** 20% of original fee
- ☒ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00
- ☐ **After The Fact Zoning/Land Use Petitions:** 2x the normal petition fee
- ☐ **Listed Species Survey (if EIS is not required):** $1,000.00

Fire Code Plans Review Fees are collected at the time of application submission and those fees are set forth by the Authority having jurisdiction. The Land Development Code requires Neighborhood Notification mailers for Applications headed to hearing, and this fee is collected prior to hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

All checks payable to: Board of County Commissioners.

The completed application, all required submittal materials, and the permit fee shall be submitted to:

Growth Management Department
Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____ _____
Applicant Signature Date

_____
Printed Name

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County
Growth Management Department
Zoning Division

Applicant/Agent may also send site plans or conceptual plans for review in advance if desired.

PL20200002506 – Poore Residence(VA) **PRE-APP INFO - Tim Finn**

Assigned Ops Staff: Thomas Clarke
Jeremy Frantz-Ops Staff)

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**
  Dustin E E Poore 239.438.6700
- **Agent to list for PL#** 20200002506
  Dustin Poore
- **Owner of property (all owners for all parcels)**
  Robert E Poore 239.280.9745
  Sandra J Poore 239 370.1920
- **Confirm Purpose of Pre-App: (Rezone, etc.)**
  To discuss North side of home, enclosing patio slab.
- **Please include any Surveys, Drawings or Plans for the petition:**
  Survey and drawings are in the portal
- **Details about Project:**
  Enclose N. side of ~~koon~~ patio, keeping in plane of home

REQUIRED Supplemental Information provided by:
Name: Dustin Poore
Title:
Email: dustin@repswfl.com
Phone: 239.436.6700

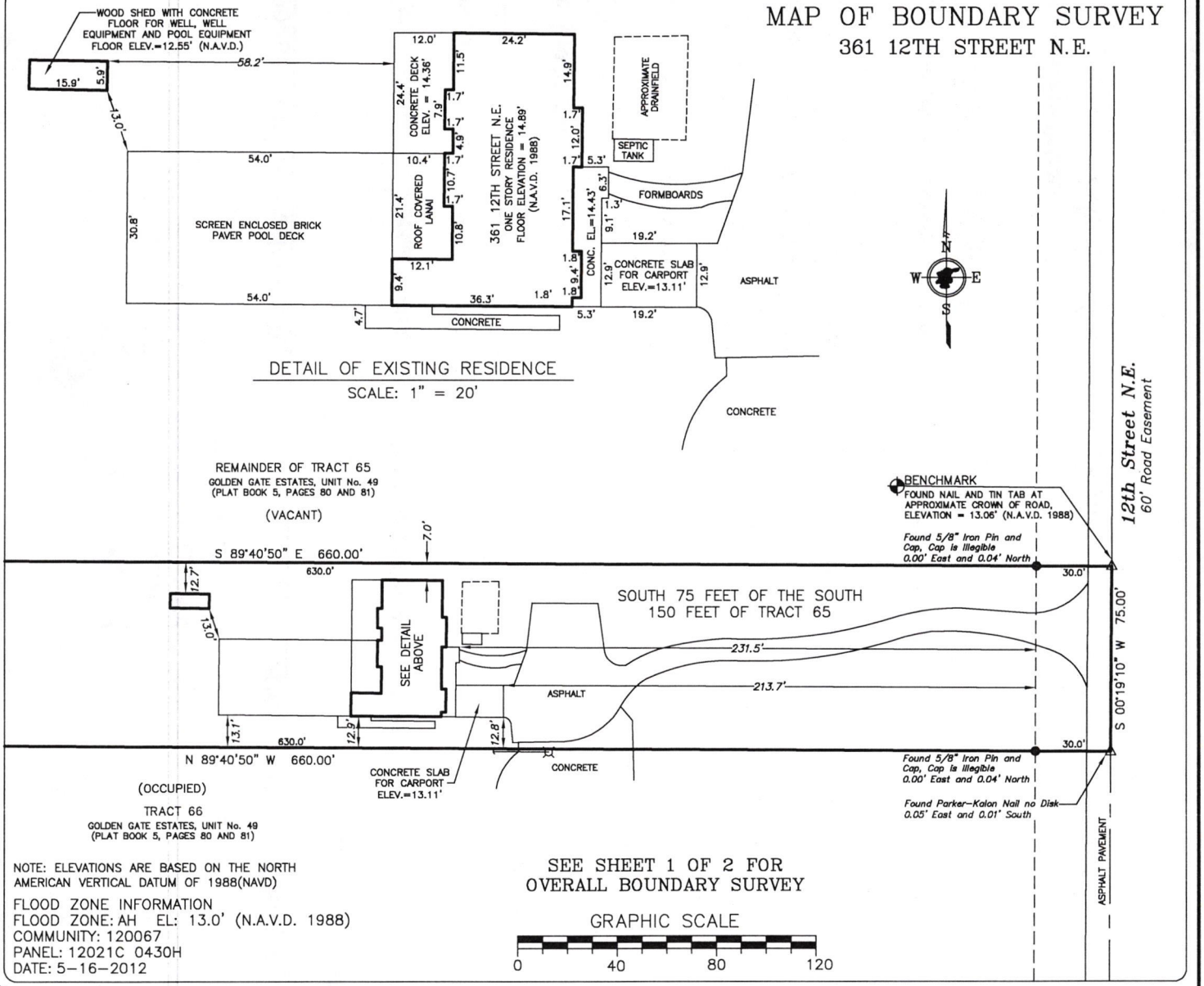
Cancellation/Reschedule Requests: Contact Danny Condomina-Client Services Supervisor
danny.condomina@colliercountyfl Phone: 239-252-6866

Created April 5, 2017

Location: K:\CDES Planning Services\Current\Zoning Staff Information

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

MAP OF BOUNDARY SURVEY
361 12TH STREET N.E.



NOTE: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988(NAVD)

FLOOD ZONE INFORMATION
FLOOD ZONE: AH EL: 13.0' (N.A.V.D. 1988)
COMMUNITY: 120067
PANEL: 12021C 0430H
DATE: 5-16-2012

SEE SHEET 1 OF 2 FOR OVERALL BOUNDARY SURVEY

GRAPHIC SCALE
0 40 80 120

DESCRIPTION: AS FURNISHED BY CLIENT

THE SOUTH 75 FEET OF THE SOUTH 150 FEET OF TRACT 65 OF GOLDEN GATE ESTATES, UNIT No. 49

AS RECORDED IN PLAT BOOK 5 PAGE 80 THRU 81 OF THE PUBLIC RECORDS OF Collier COUNTY, FLORIDA

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

I HEREBY CERTIFY TO:

ROBERT AND SANDRA POORE;
REP CONSTRUCTION;

THAT A SURVEY OF THE HEREON DESCRIBED PROPERTY WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

ELECTRONIC SIGNATURE USED IN ACCORDANCE WITH APPLICABLE STATE LAWS AND RULES INCLUDING BUT NOT LIMITED TO FLORIDA STATUTES 668.001, 668.50 AND FLORIDA ADMINISTRATIVE CODE CHAPTER 5J-17.

5J-17.051(3)(b)6 – ADDITION OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY OR PARTIES.

STATE OF FLORIDA
No. 6279
Registered Surveyor & Mapper

THIS CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED ABOVE. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES. ABSTRACT NOT REVIEWED. UNDERGROUND IMPROVEMENTS NOT LOCATED, UNLESS NOTED.

LEGEND:

- ■ = FOUND CONCRETE MONUMENT
- □ = SET CONCRETE MONUMENT (LB # 3964)
- ● = FOUND IRON PIN
- ○ = SET 5/8" IRON PIN (LB # 3964)
- ▲ = FOUND NAIL
- △ = SET NAIL
- ◒ = FOUND DRILL HOLE
- ◓ = SET DRILL HOLE
- L.B. = LAND SURVEYING BUSINESS
- C.B.S. = CONCRETE BLOCK STRUCTURE
- C/S = CONCRETE SLAB
- ⊠ = WATER METER
- ⊕ = SANITARY CLEAN OUT
- ⁚ = WATER VALVE
- Ⓢ = SANITARY MANHOLE
- ⬡ = FIRE HYDRANT

- BB = BEARING BASIS-PLAT
- MEAS = MEASURED = M
- CALC. = CALCULATED
- Δ = DELTA ANGLE
- R = RADIUS
- CH = CHORD
- CB = CHORD BEARING
- DE = DRAINAGE EASEMENT
- UE = UTILITY EASEMENT
- CONC. = CONCRETE
- L.S. = LAND SURVEYOR
- EL. = ELEVATION
- PL = PLAT
- ⊟ = CABLE TV SERVICE
- ⊡ = CONC POWER POLE
- ⊜ = TELEPHONE SERVICE
- Ⓔ = ELECTRIC SERVICE

SURVEY DATE: 03-13-2019
FIELD BOOK 694 PAGE 38-39
DRAWN BY: DCH SCALE: 1" = 40'

REVISIONS:	BOOK DWG	PAGE
09/04/2020 Add Concrete Slab for Carport		

A. TRIGO & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS & MAPPERS
2223 TRADE CENTER WAY
NAPLES, FLORIDA 34109
LAND SURVEYING BUSINESS # 3964

FILE NO: A 99.0145.02

SHEET 2 OF 2

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

STRUCTURAL NOTES

1015 GENERAL
Drawing discrepancies must be brought to the attention of the Architect before proceeding. Dimensions and conditions must be verified in the field.

The structure is designed to be stable and self supporting when complete. It is the Contractor's responsibility to determine means and methods of construction to provide stability for the building and its components during erection. This includes any temporary bracing, shoring, guys, or tiedowns.

1020 EXISTING STRUCTURE
These plans are based on the original construction documents and site observations, including, but not limited to, dimensions, elevations, member sizes, materials, and connections. The contractor must verify the existing conditions of the structure and notify the Engineer immediately of discrepancies or conflicts that may be discovered during the construction process. The construction is Level 2 as prescribed by The Florida Building Code - Existing Building, 6th Edition (2017), Section 505. The alterations comply with Chapter 6, Section 607 and Chapter 11, Section 1123. The alterations of existing structural elements and new structural additions will not adversely affect the existing structure.

1050 DESIGN LOADS
The structural design for this building is in accordance with the Florida Building Code, 6th Edition, 2017. The following loadings have been used:
LIVE LOADS:
Roof ..... 20 psf
DEAD LOADS:
Roof ..... 20 psf
WIND LOADS:
Section 1609.1.1 Applied per ASCE 7-10
Building Risk Category II
Ultimate Wind Speed ..... 160 mph
Nominal Design Wind Speed ..... 124 mph
Wind Exposure ..... B
Internal Pressure Coefficients ..... (+0.18/-0.18)
Enclosed Building

3210 REINFORCING STEEL
Steel shall be clean deformed bar, ASTM A615 Grade 60. Fabricate and place steel in accordance with ACI Manual of Standard Practice and ACI 318-08 unless noted otherwise.
Specified concrete cover unless noted otherwise for reinforcement shall be:
Cast against earth ..... 3 in
Exposed to weather ..... 2 in.
Slabs, walls, joists ..... ¾ in.
Beams, columns ..... 1 ½ in.

3220 SLAB ON GRADE
Welded wire reinforcement shall conform to ASTM A1064. Minimum lap is 1-1/2 spaces. Alternately, the concrete may contain fibrillated polypropylene fiber (Fibermesh) as manufactured by Propex or an Engineer approved substitution. Concrete mix design shop drawing submittal must indicate product data and dosage rate.

3310 CONCRETE
Concrete shall be an approved mix design to achieve a compressive strength of 4,000 psi at 28 days, placed in accordance with ACI standards and specifications. Exposure categories F3, S0, P0, C1. Mixes batched over 90 minutes before final placing shall not be used.

Mix designs with coarse aggregate of 3/8" (#68) or smaller may not be used. Admixtures with calcium chlorides may not be used. The concrete shall comply with the requirements of ASTM C94 for measuring, mixing, and transporting.

3800 EPOXY ANCHORS
Epoxy anchors shall be an equal two part epoxy polymer cartridge injection system Powers PE 1000+, Epcon C6, or Engineer approved substitution. Embedment shall be 8 diameters unless noted otherwise. Installed in accordance with the manufacturer's instructions. Installers shall be trained by the manufacturer's representative. Uphand installation is not approved for this product.

4200 MASONRY
Concrete masonry units shall be accordance with ASTM C90, 1,900 psi on the net area, f'm = 1,500 psi. Mortar shall be ASTM C270, Type M or S. Grout shall meet ASTM C476, 2,000 psi minimum compressive strength.

Masonry units shall be grout filled with vertical reinforcing at corners, intersections, each side of openings over 4 feet wide as shown on the plans. Provide hooked dowels in footings for vertical reinforcing above. Lap splices for reinforcing in masonry is 48 bar diameters. Provide 9 gage ladder type galvanized horizontal joint reinforcing at every other block course.

6110 WOOD
Structural wood components shall be No. 2 Visually Graded Southern Pine, design values in accordance with the 2005 NDS Supplement. Wood in contact with concrete or masonry and as specified on the plans shall be pressure treated (PT) in accordance with AITC 109. Member sizes are standard dressed sizes unless noted otherwise.

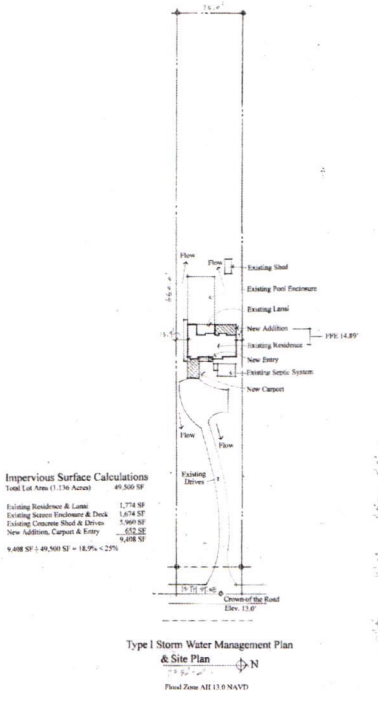
Wood truss systems shall be to the configuration shown on the plans. The wood truss system shall be designed by the supplier for the Design Loads plus additional loads shown on the plans, except Roof Dead Load to resist wind uplift shall not exceed 15 psf.

Shop drawings shall specify all connectors required for attaching component to components of the truss system. All permanent truss bracing required shall be identified, including the requirements for bottom chord bracing. Submit signed and sealed shop drawings of the truss engineering by the Specialty Engineer who is a licensed Professional Engineer in the State of Florida.

Plywood roof sheathing shall be 32/16 span rated 15/32" thick attached to 2X framing at 24" on center with minimum 8d (.0131" dia) ring shanked nails at 6" on center on edges and 6" on center elsewhere unless noted otherwise.

Exterior plywood wall sheathing shall be 32/16 span rated 16/32" thick attached to 2X framing at 24" on center with minimum 8d (.0131" dia) nails at 6" on center on edges and 12" on center elsewhere unless noted otherwise.

6150 WOOD FRAMING CONNECTORS
Connectors shown on the plans are as manufactured by Simpson Strong-Tie Co. unless noted otherwise. Fasteners shall be in accordance with the latest Simpson catalog unless noted otherwise.



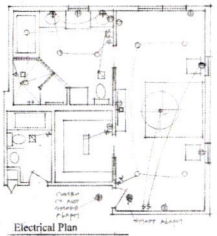
Type I Storm Water Management Plan
& Site Plan N

Flood Zone AH 13.0 NAVD

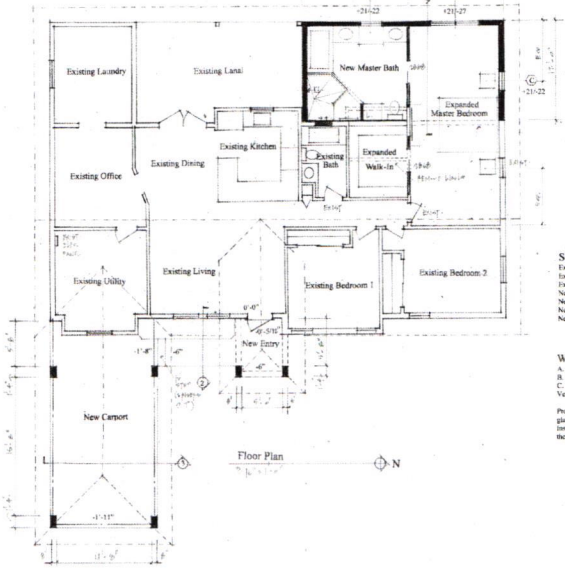
Impervious Surface Calculations

Total Lot Area (1.136 Acres)	49,500 SF
Existing Residence & Lanai	1,774 SF
Existing Screen Enclosure & Deck	1,674 SF
Existing Concrete Shed & Drives	5,960 SF
New Addition, Carport & Entry	652 SF
	9,408 SF

9,408 SF / 49,500 SF = 18.9% < 25%



Electrical Plan



Floor Plan N

Electrical Notes
1. Verify all Kitchen and Bath outlets are GFIC protected.
2. Provide exhaust fans in both Baths.
3. Verify the Existing Bedrooms have smoke alarms inside the entry doors.

Square Foot Analysis

Existing A/C Area	1544 SF
Existing Lanai	230 SF
Existing Total	1774 SF
New Addition	284 SF
New Carport	325 SF
New Entry	43 SF
New Total	2426 SF

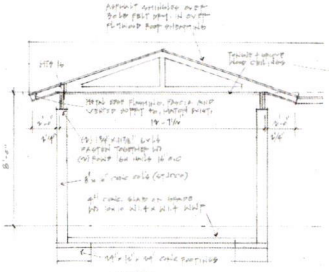
Window Schedule
A. 24" x 26" Single Hung
B. Pair 35" x 64" Single Hung with Mull Bar (Egress)
C. 36" x 36" Single Hung (to match existing)
Verify all window sizes

Provide low 'E' XL 70 coating, insulated, impact glass.
Install per the manufacturer's instructions to meet the noted wind loads and design pressures.

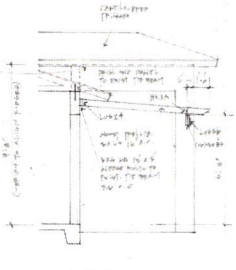
P. 239.994.4661 AR 01226

Additions & Renovations

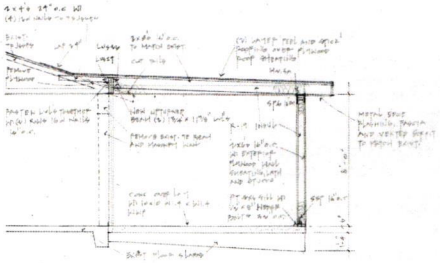
Attachment: Attachment C - Backup Materials (15581 : Poore Residence)



Section 3

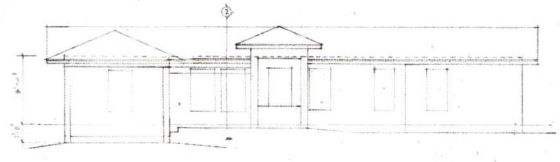


Section 2

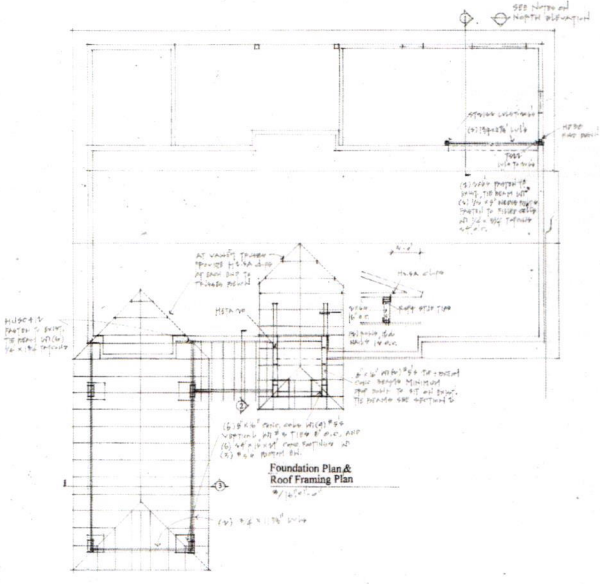


Section 1

North Elevation



East Elevation



Foundation Plan &
Roof Framing Plan

P: 239 994-4661
Brooks R. Swanson AIA

Additions & Renovations
Poore Residence

A

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County Property Appraiser
Property Summary

Parcel No	39264600000	Site Address *Disclaimer	361 12TH ST NE	Site City	NAPLES	Site Zone *Note	34120

Name / Address	POORE, ROBERT E=& SANDRA
	361 12TH ST NE

City	NAPLES	State	FL	Zip	34120-9433

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
4C02	342100 65 14C02	2	49	27	1.14

Legal	GOLDEN GATE EST UNIT 49 S 75FT OF TR 65 OR 985 PG 330

Millage Area	87	Millage Rates *Calculations		
Sub./Condo	342100 - GOLDEN GATE EST UNIT 49	School	Other	Total
Use Code	1 - SINGLE FAMILY RESIDENTIAL	5.016	6.2924	11.3084

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
08/01/82	985-330	$ 1,800

2020 Certified Tax Roll

(Subject to Change)

	Land Value	$ 21,375
(+)	Improved Value	$ 150,741
(=)	Market Value	$ 172,116
(–)	Save our Home	$ 75,276
(=)	Assessed Value	$ 96,840
(–)	Homestead	$ 25,000
(=)	School Taxable Value	$ 71,840
(–)	Additional Homestead	$ 25,000
(=)	Taxable Value	$ 46,840

If all Values shown above equal 0 this parcel was created after the Final Tax Roll

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County Property Appraiser
Property Detail

Parcel No	39264600000	Site Address *Disclaimer	361 12TH ST NE	Site City	NAPLES	Site Zone *Note	34120

Name / Address	POORE, ROBERT E=& SANDRA
	361 12TH ST NE

City	NAPLES	State	FL	Zip	34120-9433

Permits (Provided for reference purposes only. *Full Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1983	COUNTY	82-4006	01/19/83			RESIDENCE
1999	COUNTY	9902-0700				POOL
2000	COUNTY	9908-1041				SCREEN ENCLOSURE

Land

#	Calc Code	Units
10	ACREAGE	1.14

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1983	RESIDENTIAL	1544	1590
20	1999	SWIMMING POOL	450	450
30	1999	ALUM SCREEN ENC	3886	3886
40	1999	BRICK DECK	1224	1224
50	1999	CONCRETE	284	284

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

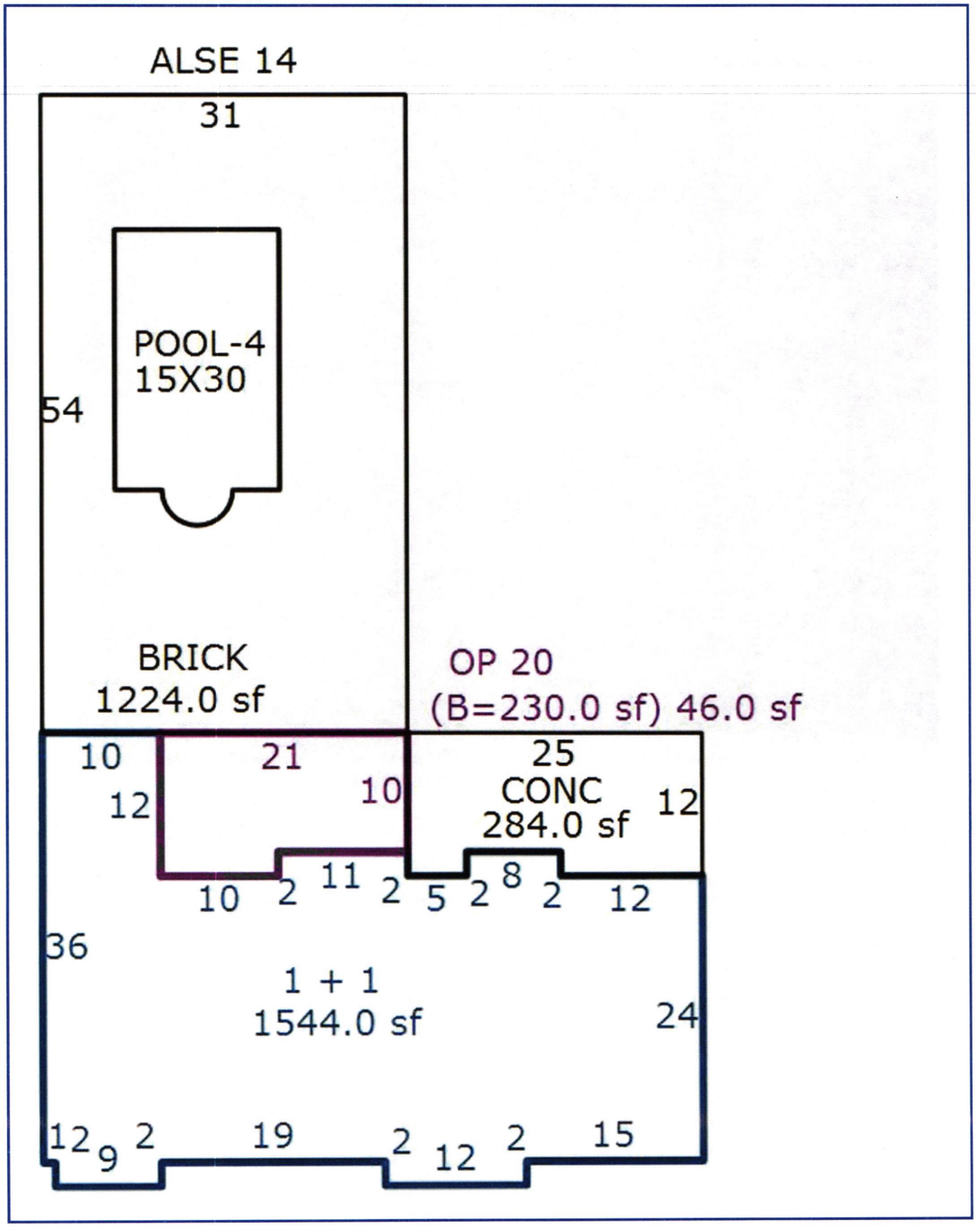
Collier County Property Appraiser
Property Aerial

Parcel No	39264600000	Site Address *Disclaimer	361 12TH ST NE	Site City	NAPLES	Site Zone *Note	34120

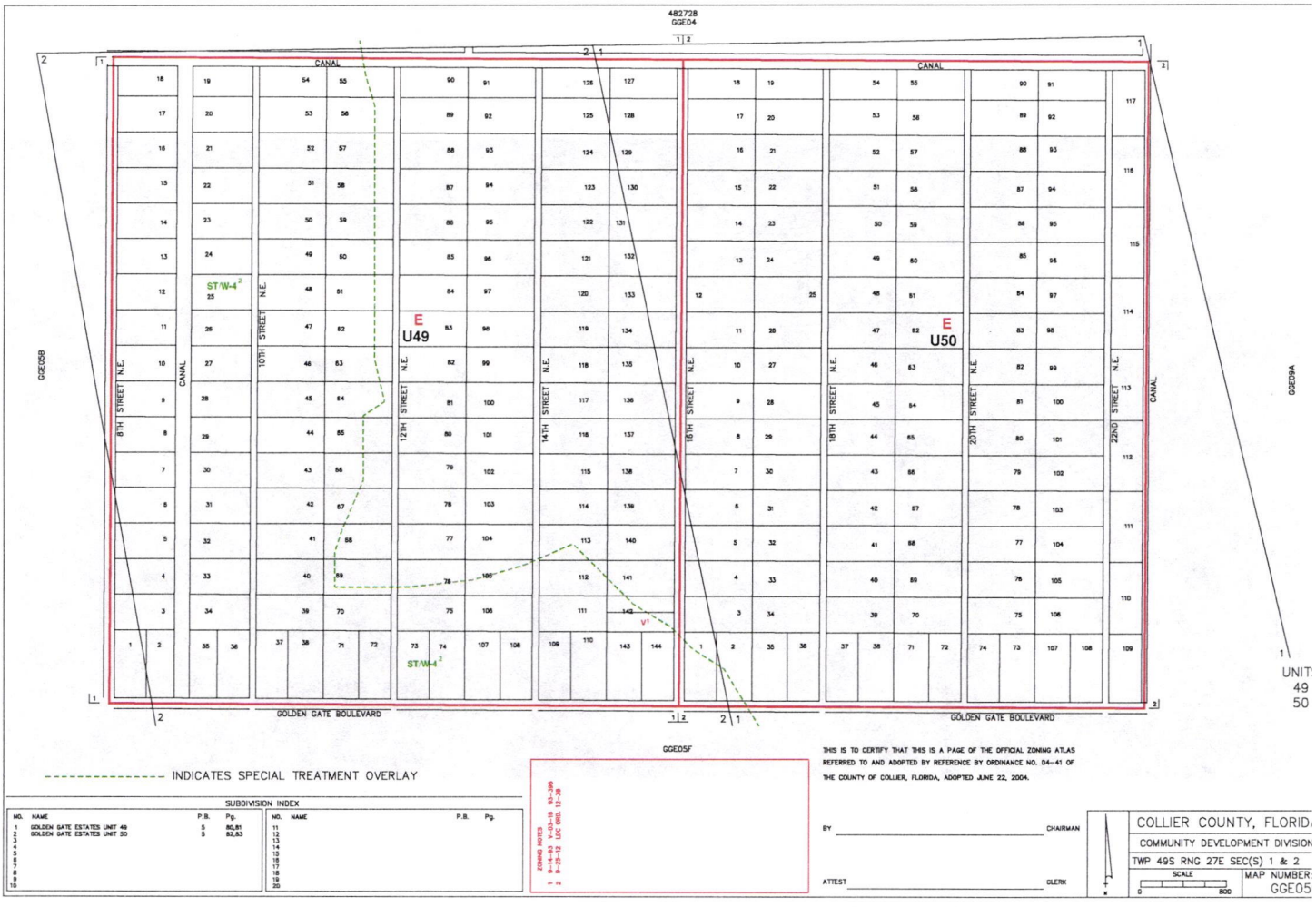
Open GIS in a New Window with More Features.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Collier County Property Appraiser



Attachment: Attachment C - Backup Materials (15581 : Poore Residence)



Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

ddress	361 12th ST NE	Label	20-YEAR
nit		WF 2007	ST/W-4
pe		Wellfield	GOLDEN GATE WELL FIELD
unicipality	Naples	Ordinance	ORD. 10-23
rcel	39264600000	SQMI	20.02

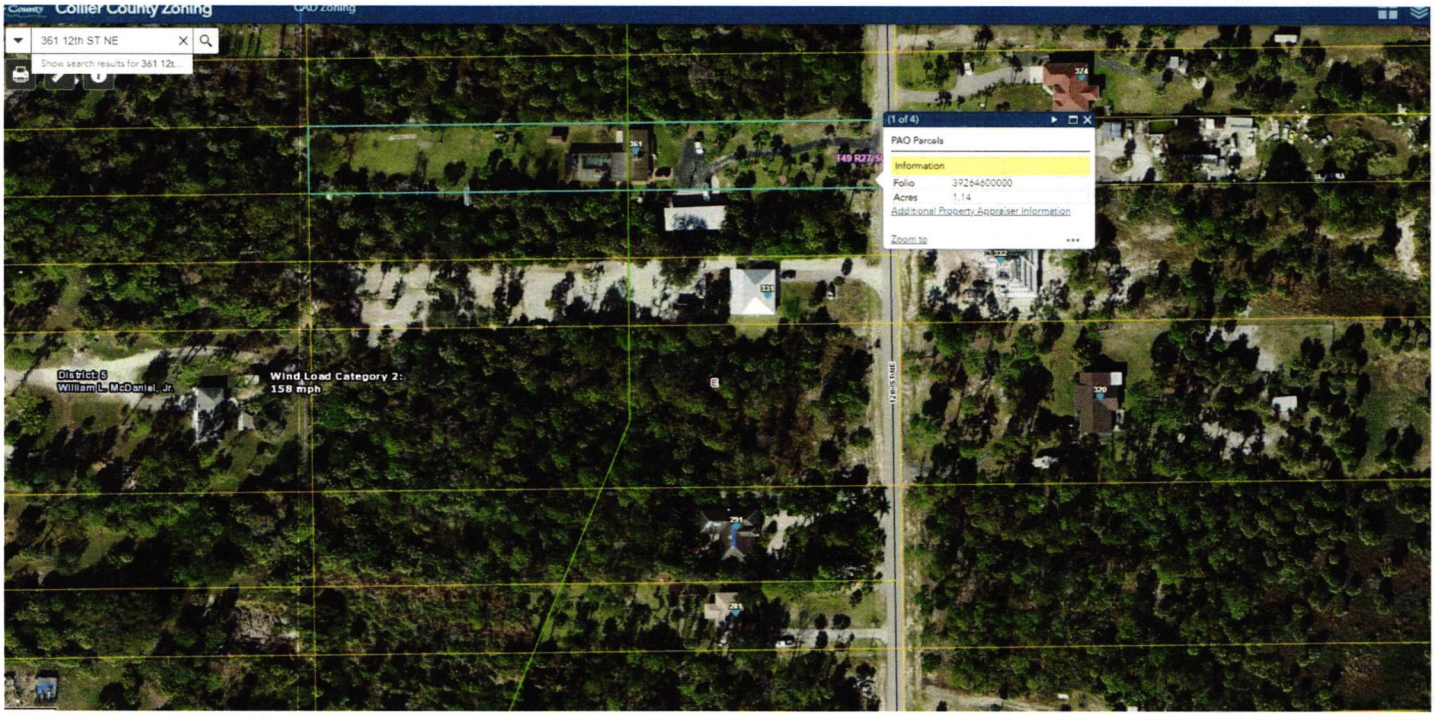
Zoning General

Information

Folio	39264600000
Acres	1.14
Zoning	E

oning Links: gge05c

oning Url More info



Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

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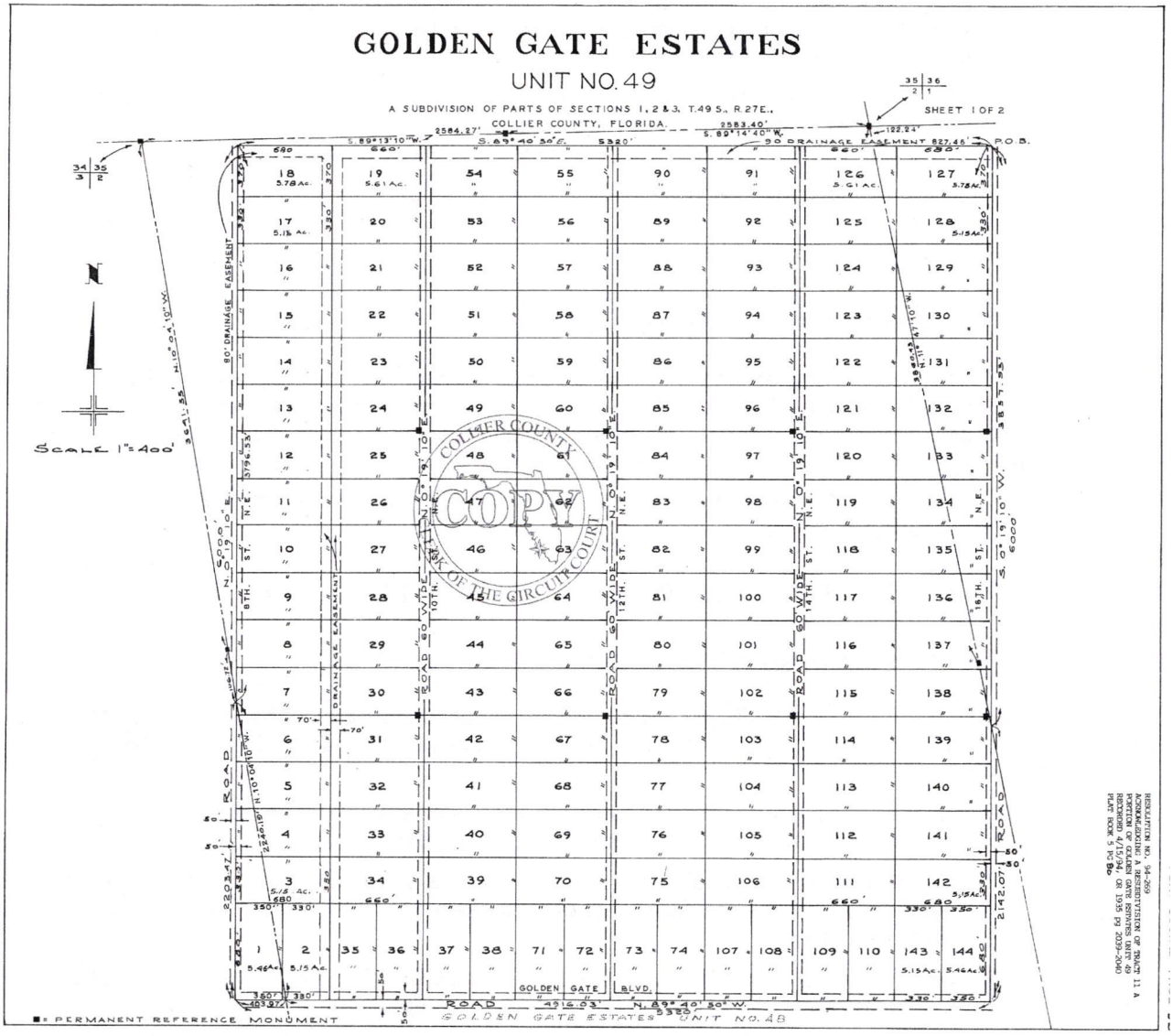

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

9.04.00 - VARIANCES

9.04.01 - Generally

A. *Purpose.* In specific cases, variance from the terms of the LDC may be granted where said variance will not be contrary to the public interest, safety, or welfare and where owing to special conditions peculiar to the property, a diminution of a regulation is found to have no measurable impact on the public interest, safety or welfare; or a literal enforcement of the LDC would result in unnecessary and undue hardship, or practical difficulty to the owner of the property and would otherwise deny the property owner a level of utilization of his/her property that is consistent with the **development** pattern in the neighborhood and clearly has no adverse effect on the community at large or neighboring property owners.

B. *Historic Places.* Variances may be issued for the reconstruction, rehabilitation or restoration of **structures** listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. For specific procedures associated with Variances, please see section 10.09.00 of the LDC.

(Ord. No. 05-27, § 3.QQ)

9.04.02 - Types of Variances Authorized

A variance is authorized for any dimensional **development** standard, including the following: height, area, and size of **structure**; height of fence; size of **yards** and **open spaces**; dimensional aspects of landscaping and **buffering** requirements; size, height, maximum number of, and minimum **setback** for **signs**; and minimum requirements for off-street parking facilities.

A. *Variances for signs.* The variance procedure for signs is provided in section 5.06.00, the Collier County Sign Code.

(Ord. No. 06-07, § 3.Q; Ord. No. 09-43, § 3.B; Ord. No. 12-38, § 3.CC)

9.04.03 - Criteria for Variances

Findings. Before any variance shall be recommended for approval to the board of zoning appeals, the planning commission shall consider and be guided by the following standards in making a determination:

A. There are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, **structure**, or **building** involved.

B. There are special conditions and circumstances which do not result from the action of the **applicant**, such as pre-existing conditions relative to the property which is the subject of the variance request.

C. A literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the **applicant** or create practical difficulties on the **applicant**.

D. The variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, **building**, or **structure** and which promote standards of health, safety, or welfare.

E. Granting the variance requested will not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, **buildings**, or **structures** in the same zoning district.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

F. Granting the variance will be in harmony with the intent and purpose of the LDC, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

G. There are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf course, etc.

H. Granting the variance will be consistent with the GMP.

(Ord. No. 05-27, § 3.QQ)

9.04.04 - Specific Requirements for Minor After-the-Fact Encroachment

Minor after-the-fact **yard** encroachments for **structures**, including **principal** and **accessory structures**, may be approved administratively by the County Manager or designee. Exceptions to required **yards** as provided for within LDC section 4.02.01 D. shall not be used in the calculations of existing **yard** encroachments.

A. For both residential and non-residential **structures** the County Manager or designee may administratively approve minor after-the-fact **yard** encroachments of up to five (5) percent of the required **yard**, not to exceed a maximum of six (6) inches when a **building** permit has been issued and a certificate of occupancy has not been granted. The encroachment applies to the **yard** requirement in effect as of the date the **building permit** was issued.

B. For both residential and non-residential structures, the County Manager or designee may administratively approve minor after-the-fact yard encroachments of up to ten percent of the required yard with a maximum of two feet when a building permit and certificate of occupancy has been granted. The encroachment applies to the yard requirement in effect as of the date the building permit was issued.

1. Exception. Residential structures shall be deemed compliant with the applicable development standards and no variance shall be required when the following additional conditions apply:

   a. The building permit and certificate of occupancy were approved in compliance with the required setbacks in effect at that time;

   b. The encroachment does not exceed three inches into the required yard;

   c. The only portion of the structure encroaching into the required yard is the exterior wall treatment; and

   d. The required structure to structure separation, as identified in LDC section 4.02.03, is satisfied.

C. For property supporting a single-family home, two-family home, **duplex**, **mobile home** or modular home, the County Manager or designee may administratively approve encroachments of up to twenty-five (25) percent of the required **yard** in effect as of the date of the building permit when one of the following conditions exists:

1. In the presence of mitigating circumstances, where the encroachment does not result from error or action on the part of the property owner and a **building** permit has been issued.

2. Where no **building** permit record can be produced and the following criteria are met:

   a. An after-the-fact **building** permit for the **structure**, or portion of the **structure**, is issued prior to the approval of the administrative variance. The administrative variance will only be approved once all inspections have been completed. The certificate of occupancy shall be placed on hold until the administrative variance is approved.

   b. The encroaching **structure**, or portion of the **structure**, was constructed prior to the purchase of the subject property by the current owner.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

c. Evidence is presented showing that the encroaching **structure**, or portion of the **structure**, was constructed at least two (2) years prior to the date of application for the administrative variance. This evidence may be in the form of a survey, property card, or dated aerial photograph clearly showing the encroachment.

d. The encroaching **structure** is either an addition of living area to a **principal structure**, or an **accessory structure** of at least two hundred (200) square feet in area.

e. The encroachment presents no safety hazard and has no adverse affect on the public welfare.

D. Where a **structure** was lawfully permitted within a residential zoning district under a previous code, and where said **structure** is considered **nonconforming** under the current Land Development Code, due to changes in the required **yards**, the County Manager or designee may administratively approve a variance for an amount equal to or less than the existing **yard** encroachment.

E. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between **structures** to less than ten (10) feet.

F. Administrative variances approved pursuant to the above do not run with the land in perpetuity and remain subject to the provisions of this section regarding **nonconforming structures**.

(Ord. No. 06-63, § 3.OO; Ord. No. 16-27, § 3.U; Ord. No. 18-18, § 3.N; Ord. No. 20-16 , § 3.J)

9.04.05 - Specific Requirements for Variances to Flood Hazard Protection Requirements

A. *General requirements.*

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the **flood** hazard, to afford relief.

2. Variances shall only be issued upon:

a. A showing of good and sufficient cause.

b. A determination that failure to grant the variance would result in exceptional hardship to the **applicant**.

c. A determination that the granting of a variance will not result in increased **flood** heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. In passing upon a variance, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of the LDC; and the following criteria:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to **flooding** or erosion damage;

c. The susceptibility of the proposed facility and its contents to **flood** damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity to the facility of a waterfront location, where applicable;

f. The availability of alternative locations, not subject to **flooding** or erosion damage, for the proposed use;

g. The **compatibility** of the proposed use with existing and anticipated **development**.

h. The relationship of the proposed use to the GMP and **flood plain** management program for the area;

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i. The safety of **access** to the property in times of **flood** for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the **flood** waters and the effects of wave action, if applicable, expected at the site;

k. The costs of providing governmental services during and after **flood** conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, **streets**, and bridges, and;

l. Variances shall not be issued within any designated **floodway** if any increase in **flood** levels during the **base flood** discharge would result.

m. Variances may be issued by a community for new construction and **substantial improvements** and for other **development** necessary for the conduct of a functionally dependent use provided that the criteria of (a) through (l) of this section are met.

n. Generally, variances may be issued for new construction and **substantial improvements** to be erected on a **lot** of one-half (½) acre or less in size contiguous to and surrounded by **lots** with existing **structures** constructed below the **base flood** level, providing items (a) through (l) have been fully considered.

9.04.06 - Specific Requirements for Variance to the Coastal Construction Setback Line

A. The coastal construction **setback line** shall be that coastal construction **setback line** established by the DEP of the State of Florida pursuant to F.S. § 161.053 and recorded in Coastal **setback line** Book 1, pages 1 through 12 inclusive, recorded October 31, 1974, as Clerk's Instrument No. 365665 of the public records of Collier County, Florida.

B. **Setback lines** established under this LDC shall be reviewed upon petition of affected riparian upland owners. The BCC of Collier County shall decide, after due public notice and hearing, whether a change in the **setback line** is justified, and shall notify the petitioner in writing. The present **setback lines** are presumed to be correct, and no change in **setback lines** are presumed to be correct, and no change in **setback lines** shall be made except upon an affirmative showing by petitioner that any construction line established hereunder is a minimum of 150 feet landward of the **mean high-water line** or seventy-five (75) feet landward of the vegetation line whichever is greater; and that considering ground elevations in relation to historical storm and hurricane tides, predicted maximum wave uprush, **beach** and offshore ground contours, the vegetation line, erosion trends, the **dune** or bluff line, if any exist, and existing upland **development**, that the general public health and welfare are preserved, upland properties protected, and **beach** and sand **dune** erosion controlled.

C. It shall be unlawful for any person, firm, corporation, or agency, public or private, to construct, reconstruct, or change existing **structures**, make any excavation, remove any **beach** material or otherwise **alter** existing ground elevations, drive any vehicle on, over or across any sand **dune**, or damage or cause to be damaged any sand **dune**, or the vegetation growing thereon and/or seaward of said **dune**, seaward of the coastal construction **setback line**, except as hereinafter provided.

D. If in the immediate contiguous or **adjacent** area a "number of existing **structures**" have established a reasonably continuous and uniform construction line closer to the **line of mean high water** than the line as herein established, and if said existing **structures** have not been unduly affected by erosion, a proposed **structure** may be permitted along such line if such proposed **structure** is also approved by the BCC.

E. The BCC may authorize the construction of pipelines or piers extending outward from the **shoreline**, unless it determines that the construction of such projects would cause erosion of the **beach** in the area of such **structures**.

F. Reserved.

G. Procedures for obtaining variance.

1. A written petition requesting a variance from the established **setback line** shall be filed with the BCC or their designee. The petition shall set forth:

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

a. A description of petitioner's property to include the information requested on a current Collier County request for a coastal construction **setback line** variance form;

b. A description of the established **setback line** and the line which petitioner wishes to be varied;

c. The justification upon which the petitioner relies for the granting of the variance, to include compliance with the Collier County growth management plan, conservation and coastal management element.

2. Notice and public hearing for coastal construction **setback line** variances. An application for coastal construction **setback line** (CCSL) variance shall be considered by the BCC pursuant to the following public notice and hearing requirements.

a. The **applicant** shall post a **sign** at least 45 days prior to the date of the public hearing by the BCC. The **sign** shall contain substantially the following language and the **sign** copy shall utilize the total area of the **sign**:

PUBLIC HEARING REQUESTING
CCSL VARIANCE APPROVAL (both to contain the following information:)

TO PERMIT: (Sufficiently clear to describe the type of variance requested).

DATE: _____

TIME: _____

TO BE HELD IN BOARD OF COUNTY COMMISSIONERS MEETING ROOM, COLLIER COUNTY GOVERNMENT CENTER.

b. The area of a property **sign** shall be as follows:

i. For a property less than one acre in size, the **sign** shall measure at least one and one-half square feet in area.

ii. For a property one acre or more in size, the **sign** shall measure at least 32 square feet in area.

c. In the case of a **sign** located on a property less than one acre in size, such **sign** shall be erected by the County Manager or his designee in full view of the public on each **street** side of the subject property and on the side of the property visible from the **beach**. Where the property for which approval is sought is landlocked or for some other reason a **sign** cannot be posted directly on the subject property, then the **sign** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property.

d. In the case of **sign(s)** located on a property one acre or more in size, the applicant shall be responsible for erecting the required **sign(s)**. The **sign(s)** shall be erected in full view of the public on each **street** upon which the subject property has **frontage** and on the side of the property visible from the **beach**. Where the subject property is landlocked, or for some other reason the **sign(s)** cannot be posted directly on the property, then the **sign(s)** shall be erected along the nearest **street right-of-way**, with an attached notation indicating generally the distance and direction to the subject property. There shall be at least one **sign** on each external boundary which fronts upon a **street**, however, in the case of external boundaries along a **street** with greater frontages than 1,320 linear feet, **signs** shall be placed equidistant from one another with a maximum spacing of 1,000 linear feet, except that in no case shall the number of **signs** along an exterior boundary fronting on a **street** exceed four signs. The applicant shall provide evidence to the County Manager or designee that the **sign(s)** were erected by furnishing photographs of the **sign(s)** showing the date of their erection at least ten days prior to the scheduled public hearing by the BCC. The **sign(s)** shall remain in place until the date of either of the following occurrences:

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1. Final action is taken by the BCC; or
2. The receipt of a written request by the County Manager or designee from the applicant to either withdraw or continue the petition indefinitely.

e. Notice of the time and place of the public hearing by the BCC shall be advertised in a newspaper of general circulation in the county at least one time and at least 15 days prior to the public hearing. Where applicable, the notice shall clearly describe the proposed variance. The advertisement shall also include a location map that identifies the approximate geographic location of the subject property.

f. The BCC shall hold one advertised public hearing on the proposed variance and may, upon the conclusion of the hearing, immediately adopt the resolution approving the variance

3. The BCC shall notify petitioner in writing of its decision within 15 days of the public hearing.
4. Any person aggrieved by a decision of the BCC granting or denying a variance may apply to the circuit court of the circuit in which the property is located for judicial relief within 30 days after rendition of the decision by the BCC. Review in the circuit court shall be by petition for a writ of certiorari and shall be governed by the Florida Appellate Rules.

H. Exemptions. Exemptions shall be reviewed administratively for compliance with applicable county codes, and shall not be heard by the BCC. Exemptions to this section 9.04.06 shall include:

1. The removal of any plant defined as **exotic vegetation** by county code.
2. Any modification, maintenance, or repair, to any existing **structure** within limits of the existing foundation or footprint, which does not require, involve, or include any additions to, or repair or modifications of, the existing foundation of that **structure**, except those modifications required by code, excluding additions or enclosure added, constructed, or installed below the first **dwelling** floor or lowest deck of the existing **structure**.
3. Any structures, that: 1) do not constitute fixed **structure(s)**, 2) do not require a **building** permit, 3) weigh less than 100 pounds, and 4) upon review by the County Manager or his designee does not present an actual or potential threat to the **beach** and the **dune** system and **adjacent** properties are exempt from the variance requirements of this section. This exemption shall not be effective during sea turtle nesting season (May 1—October 31) unless the **structures** are removed daily from the **beach prior to 9:30 p.m. and are not moved onto, or placed on, the beach** before completion of monitoring conducted by personnel with prior experience and training in nest surveys procedures and possessing a valid Fish and Wildlife Conservation Commission Marine Turtle Permit (daily sea turtle monitoring), or unless the **beach** furniture is being actively used or attended during the period of time from 9:30 pm until the next day's monitoring. Exemptions allowed under this provision are not intended to authorize any violation of F.S. § 370.12, or any of the provisions of the Endangered Species Act of 1973, as it may be amended.

(Ord. No. 05-27, § 3.QQ)

9.04.07 - Reserved

Editor's note— Ord. No. 13-56, § 3.HH, adopted September 24, 2013, repealed § 9.04.07, which pertained to specific requirements for waiver of automobile service station distance requirements. See Land Development Ordinance Disposition Table for complete derivation.

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10.09.00 - VARIANCE PROCEDURES

A. *Conditions and safeguards.* In recommending approval of any variance, the Planning Commission may recommend appropriate conditions and safeguards in conformity with this Zoning Code including, but not limited to, reasonable time limits within which the action for which the variance is required shall be begun or completed, or both. In the case of after-the-fact variances, the Planning Commission may recommend, as a condition of approval, that in the case of the destruction of the encroaching structure, for any reason, to an extent equal to or greater than 50 percent of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall conform to the provisions of this Code in effect at the time of reconstruction. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.

B. *Recommendation of denial.* If the Planning Commission recommends denial of a variance, it shall state fully in its record its reason for doing so. Such reasons shall take into account the factors stated in section 9.04.03 of this Code, or such of them as may be applicable to the action of denial and the particular regulations relating to the specific variance requested if any.

C. *Status of Planning Commission report and recommendations.* The report and recommendation of the Planning Commission required above shall be advisory only and shall not be binding upon the Board of Zoning Appeals.

D. *Notice of Board of Zoning Appeals public hearing.* Upon completion of the public hearing before the Planning Commission, the petition shall be heard by the Board of Zoning Appeals. Notice of public hearing shall be given at least 15 days in advance of the public hearing before the Board of Zoning Appeals. The owner of the property for which the variance is sought, or his agent or attorney designated by him on his petition, shall be notified by mail. Notice of public hearing shall be advertised in a newspaper of general circulation in the county at least 1 time 15 days prior to the hearing.

E. *Board of zoning appeals public hearings.* The public hearing shall be held by the Board of Zoning Appeals. Any party may appear in person by agent or attorney, or may submit written comments to the Board of Zoning Appeals.

F. *Board of zoning appeals action.* Upon consideration of the Planning Commission's report, findings and recommendations, and upon consideration of the standards and guidelines set forth in section 9.04.03 of this code, the Board of Zoning Appeals shall approve, by resolution, or deny a petition for a variance.

G. *Conditions and safeguards.* In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code, including, but not limited to, reasonable time limits within which action for which the variance is required shall be begun or completed, or both. In the case of after-the-fact variances, the board may stipulate that in the case of destruction of the encroaching structure, for any reason, to an extent equal to or greater than 50 percent of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall conform to the provisions of this Code in effect at the time of reconstruction. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.

H. *Limitations on power to grant variances.* Under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not permitted under the terms of this Zoning Code in the zoning district involved, or any use expressly or by implication prohibited, by the terms of these regulations in the said zoning district.

I. *Variance application processing time.* An application for a variance will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. An application for a variance will be considered "closed" when the petitioner withdraws the subject application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the variance, for a period of 6 months. An

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application deemed "closed" will not receive further processing and shall be withdrawn and an application "closed" through inactivity shall be deemed withdrawn. The planning services department will notify the **applicant** of closure, however, failure to notify by the county shall not eliminate the "closed" status of a petition. An application deemed "closed" may be re-opened by submitting a new application, repayment of all application fees and granting of a determination of "sufficiency". Further review of the request will be subject to the then current code.

1. Applicability. All applications for a variance whether submitted before or after June 26, 2003, shall comply with the processing time procedures set forth in section I. above.

(Ord. No. 05-27, § 3.DDD)

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J. Variance

Reference **LDC** sections 9.04.00, 8.10.00, and **LDC** Public Notice subsection 10.03.06 F.

Applicability An **applicant** may seek a variance from dimension standards if the **LDC** creates an unreasonable hardship, as defined in **LDC** section 9.04.00.

⇔*See Chapter 3 I. of the Administrative Code for a Sign Variance.*

Initiation The **applicant** files a "*Variance Petition Application*" with the Planning & Zoning Division.

Pre-Application A pre-application meeting is required.

Application Contents The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. **Electronic copy of all documents.**
4. Property information, including:
    - Legal description;
    - **Property identification number;**
    - Section, township and range;
    - Subdivision, unit, lot and block, or metes and bounds description;
    - Acreage; and
    - Address of subject site and general location.
5. Zoning Information, including:
    - Zoning and land use of adjacent properties; and
    - Minimum yard requirements for subject property.
6. The name and mailing address of all registered Home Owners Associations and civic associations whose members are impacted by the application.
7. A detailed explanation of the request including:
    - Existing and proposed structures;
    - The amount of encroachment proposed;
    - Survey of property showing the encroachment (measured in feet);
    - Date of purchase by property owner;
    - The date the existing principal structure was built (include building permit numbers if possible);
    - Explanation of why encroachment is necessary;
    - How existing encroachment came to be, if applicable;
8. Project narrative providing a detailed description/explanation of the variance, why it is requested, and the relevant criteria in LDC section 9.04.03.

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

9. An Official Interpretation or Zoning Verification Letter, if applicable.
10. A copy of the Pre-application meeting notes.
11. A Conceptual Site Plan (24 in. x 36 in.) and one 8 ½ in. x 11 in. copy.
12. A copy of the last recorded deed, contract for sale or agreement for sale, or a notarized statement of ownership.
13. An 8 ½ in. x 11 in. graphic location map of the site.
14. Aerial photographs (taken within the previous 12 months at a minimum scale of 1 in. = 200 ft.), showing FLUCCS Codes, legend, and project boundary.
15. Historical Survey or waiver, if applicable.
16. Environmental Data Requirements. ⇔See LDC subsection 3.08.00 A.
17. Owner/agent affidavit as to the correctness of the application.
18. Once the first set of review comments are posted, the following mailed notice documents shall be submitted to the assigned Planner:
    - A list of the names and addresses of property owners to receive the mailed notice; and
    - Draft of the mailed notice letter.

Completeness and Processing of Application

The Planning & Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

Notice

Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information*.

1. **Mailed Notice**: Written notice shall be sent to **property owners** within 150 feet of the subject area at least 15 days before the advertised Hearing Examiner hearing. The **mailed notice** shall be sent by the **applicant** following approval by the Planning and Zoning Division.
2. **Newspaper Advertisements**: The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
    - Date, time, and location of the hearing;
    - Description of the requested variance; and
    - 2 in. x 3 in. map of the project location.
3. **Sign:** (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

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PUBLIC HEARING REQUESTING _____

PETITION NUMBER: _____
TO PERMIT: _____
(Request-Sufficiently clear to describe the project)
LOCATION: _____
DATE: _____ TIME: _____
CONTACT: _____

THE ABOVE TO BE HELD AT THE GROWTH MANAGEMENT DIVISION BUILDING, 2800 N. HORSESHOE DR., NAPLES, FL 34104 OR AS OTHERWISE DESIGNATED.

Public Hearing	**1.** The Hearing Examiner shall hold at least 1 advertised public hearing. ⇔*See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.*
Decision maker	The Hearing Examiner.
Review Process	The Planning & Zoning Division will review the application and identify whether additional materials are needed. Staff will prepare a Staff Report, utilizing criteria established in **LDC** section 9.04.03, to present to the Office of the Hearing Examiner for a decision.
Updated	

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2.03.01 - Agricultural Districts.

A. Rural Agricultural District (A). The purpose and intent of the rural agricultural district (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of the County, are permissible as **conditional uses** in the A district. The A district corresponds to and implements the Agricultural/Rural land use designation on the future land use map of the Collier County GMP, and in some instances, may occur in the designated urban area. The maximum **density** permissible in the rural agricultural district within the urban mixed use district shall be guided, in part, by the **density** rating system contained in the future land use element of the GMP. The maximum **density** permissible or permitted in A district shall not exceed the **density** permissible under the **density** rating system. The maximum **density** permissible in the A district within the agricultural/rural district of the future land use element of the Collier County GMP shall be consistent with and not exceed the **density** permissible or permitted under the agricultural/rural district of the future land use element.

B. Estate District (E). The purpose and intent of the estates district (E) is to provide lands for low **density** residential **development** in a semi-rural to rural environment, with limited agricultural activities. In addition to low **density** residential **development** with limited agricultural activities, the E district is also designed to accommodate as **conditional uses**, **development** that provides services for and is compatible with the low **density** residential, semi-rural and rural character of the E district. The E district corresponds to and implements the estates land use designation on the future land use map of the Collier County GMP, although, in limited instances, it may occur outside of the estates land use designation. The maximum **density** permissible in the E district shall be consistent with and not exceed the **density** permissible or permitted under the estates district of the future land use element of the Collier County GMP as provided under the Golden Gate Master Plan.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the estates district (E).

   a. *Permitted uses.*

      1. Single-family **dwelling**.
      2. **Family care facilities**, subject to section 5.05.04.
      3. **Essential services**, as set forth in section 2.01.03.
      4. **Educational plants**, as an **essential service**.

   b. ***Accessory Uses.***

      1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the (E) district.
      2. Fruits, vegetables, and nursery plants grown for both personal consumption and off-site retail sale, such as farmer's markets. Farm operations that grow fruits, vegetables, and nursery plants for off-site retail sale shall be subject to LDC section 5.02.00 Home Occupations, as amended, and the following standards:

         i. Farm operations shall not occupy more than 50 percent of the lot.

         ii. Farm operations shall conform to minimum setbacks established in LDC sections 2.03.01 B.2 and 4.02.01 A. Table 2.1, however, no side, rear or front setbacks are required greater than 30 feet.

         iii. Vegetation removal for farm operations shall be subject to LDC section 3.05.05 F, as amended.

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3. Keeping of fowl or poultry, not to exceed 25 in total number, provided such fowl or poultry are kept in an enclosure located a minimum of 30 feet from any **lot line**, and a minimum of 100 feet from any residence on an **adjacent parcel** of land.

4. Keeping of horses and livestock (except for hogs), not to exceed two such animals for each acre, and with no open feedlots. Any roofed structure for the shelter and feeding of such animals shall be a minimum of 30 feet from any lot line and a minimum of 100 feet from any residence on an **adjacent parcel** of land.

   i. Notwithstanding the above, hog(s) may be kept for a 16 week period in preparation for showing and sale at the annual Collier County Fair and/or the Immokalee Livestock show. The following standards shall apply:

      a) One hog per child enrolled in a 4-H Youth Development Program, Collier County Fair Program or similar program is permitted. In no case shall there be more than 2 hogs per acre.

      b) Premises shall be fenced and maintained in a clean, healthful, and sanitary condition.

      c) Premises or roofed **structure** used for the sheltering, feeding, or confinement of such animals shall be **setback** a minimum of 30 feet from **lot lines** and a minimum of 100 feet from any **dwelling unit** on an **adjacent parcel** of land.

      d) Hog(s) shall not be returned to the property once removed for showing and/or sale.

5. One guesthouse, subject to section 5.03.03.

6. Recreational facilities that serve as an integral part of a residential **development** and have been designated, reviewed and approved on a site **development plan** or preliminary **subdivision** plat for that **development**. Recreational facilities may include but are not limited to golf course, clubhouse, community center **building** and tennis facilities, **parks**, playgrounds and playfields.

7. Excavation and related processing and production subject to the following criteria:

   i. These activities are incidental to the permitted used onsite.

   ii. The amount of excavated material to be removed from the site cannot exceed 4,000 cubic yards total. Amounts in excess of 4,000 cubic yards shall require **conditional use** approval for earth mining, pursuant to the procedures and conditions set forth in section 10.08.00.

c. ***Conditional uses.*** For Estates zoning within the Golden Gate Estates subdivision, the Golden Gate Area Master Plan in the GMP restricts the location of **conditional uses**. The following uses are permissible as **conditional uses** in the estates district (E), subject to the standards and procedures established in LDC section 10.08.00:

   1. **Churches**.

   2. Social and fraternal organizations.

   3. **Child care centers and adult day care centers**.

   4. Schools, private.

   5. **Group care facilities (category I); care units**, subject to the provisions of subsection 2.03.01 B.3.f; nursing homes; **assisted living facilities** pursuant to § 400.402 F.S. and ch. 58A-5 F.A.C.; and continuing care retirement communities pursuant to § 651 F.S. and ch. 4-193 F.A.C.; all subject to section 5.05.04.

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6. **Group care facilities (category II)** care units subject to section 5.05.04 only when tenancy of the person or persons under care would not:

   i. Constitute a direct threat to the health or safety of other individuals;

   ii. Result in substantial physical damage to the property of others; or

   iii. Result in the housing of individuals who are engaged in the current, illegal use of or addiction to a controlled substance, as defined in section 802 of title 21, U.S. Code.

7. Extraction or earthmining, and related processing and production not incidental to the development of the property subject to the following criterion and subsection 4.02.02 C.

   i. The site area shall not exceed 20 acres

8. Essential services, as set forth in subsection 2.01.03 G.

9. Model homes and model sales centers, subject to compliance with all other LDC requirements, to include but not limited to section 5.04.04.

10. **Ancillary plants**.

11. Public schools without an agreement with Collier County, as described in LDC section 5.05.14. Additional standards in LDC section 5.05.14 shall also apply.

d. *Prohibited uses.*

1. Owning, maintaining or operating any facility or part thereof for the following purposes is prohibited:

   i. Fighting or baiting any animal by the owner of such facility or any other person or entity.

   ii. Raising any animal or animals intended to be ultimately used or used for fighting or baiting purposes.

   iii. For purposes of this subsection, the term baiting is defined as set forth in F.S. § 828.122(2)(a), as it may be amended from time to time.

2. Minimum **yard** Requirements. See subsection 4.02.01 A. Table 2.1 for the general requirements. The following are exceptions to those requirements:

a. Conforming Corner **lots**. Conforming corner **lots**, in which only one full depth **setback** shall be required along the shorter lot line along the **street**. The **setback** along the longer lot line may be reduced to 37.5 feet, so long as no **right-of-way** or **right-of-way** easement is included within the reduced **front yard**. (See Exhibit A)

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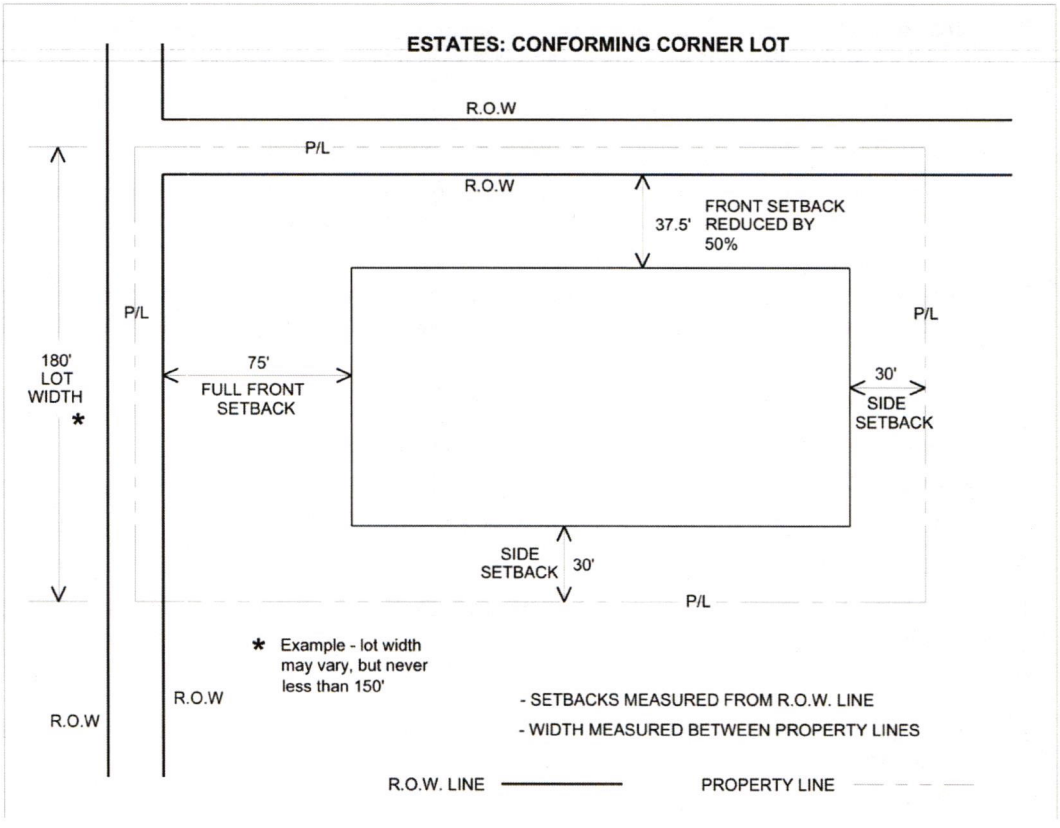

b. Nonconforming Corner **lots**. Nonconforming corner **lots** of record, in which only one full depth **setback** shall be required along the shorter **lot line** along the **street**. The **setback** along the longer **lot line** may be reduced to 15 feet, so long as no **right-of-way** or **right-of-way** easement is included within the reduced **front yard**. (See Exhibit B)

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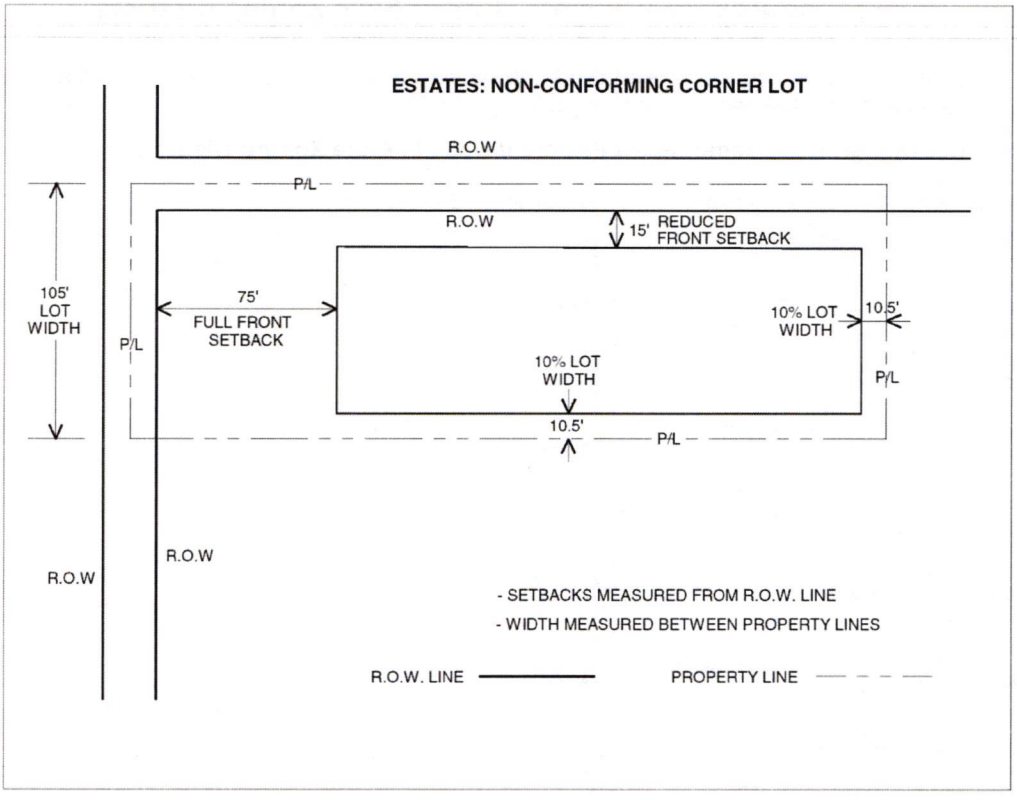

c. **Nonconforming** through **lots**, i.e. double **frontage lots**, **nonconforming lots of record** with double road **frontage**, which are **nonconforming** due to inadequate **lot** depth, in which case, the **front yard** along the local road portion shall be computed at the rate of 15 percent of the depth of the **lot**, as measured from edge of the **right-of-way**.

   i. The **nonconforming** through **lot** utilizing the reduced **frontage** shall establish the **lot frontage** along the local road only. Reduced **frontage** along a collector or arterial roadway to serve such **lots** is prohibited. **Front yards** along the local road shall be developed with **structures** having an average **front yard** with a variation of not more than six feet; no **building** thereafter erected shall project beyond the average line so established.

d. **Nonconforming lots of record**, which are **nonconforming** due to inadequate **lot width**, in which case the required side **yard** shall be computed at the rate of ten (10) percent of the width of the **lot**.

(Ord. No. 06-63, § 3.C; Ord. No. 07-67, § 3.C; Ord. No. 08-11, § 3.D; Ord. No. 08-63, § 3.C; Ord. No. 10-23, § 3.E; Ord. No. 12-38, § 3.B; Ord. No. 13-56, § 3.B; Ord. No. 14-40, § 2.A; Ord. No. 16-27, § 3.B)

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4.02.01 - Dimensional Standards for Principal Uses in Base Zoning Districts

A. The following tables describe the dimensional standards pertaining to base zoning districts. Site design requirements apply to the principal building on each site.

Table 1. Lot Design Requirements for Principal Uses in Base Zoning Districts.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width (linear feet)		Maximum Building Coverage (%)
GC	None	None		None
A	217,800	165		None
E	98,010	150		None
RSF-1	43,560	150		None
RSF-2	20,000	120		None
RSF-3	10,000	Corner lot 95	Interior lot 80	None
RSF-4	7,500	75	70	None
RSF-5	6,000	70	60	None
RSF-6	6,000	70	60	None
RMF-6 S.F. Duplex 3+ units	6,500 12,000 5,500 per unit	60 80 100		None
RMF-12	43,560	150		None
RMF-16	43,560	150		None
RT	43,560	150		None
VR S.F./MH Duplex M.F.	6,000 10,000 43,560	60 100 150		None
MH	6,000	60		None
TTRVC Park site	20 acres 800	Travel trailers/Park models 40 Campsites 30		None

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lots			
C-1	20,000	100	None
C-2	15,000	150	None
C-3	10,000	75	None
C-4	10,000	100	None
C-5	10,000	100	None
I	20,000	100	None
BP Park site lots	35 acres 20,000	100	45
CON	217,800	150	None
P	None	None	None
CF	10,000	80	None

Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts.

Zoning District	Maximum Building Height (feet)	Minimum Distance Between Buildings	Minimum Floor Area of Buildings (square feet)		Floor Area Ratio (%)
GC	35	None	None		None
A	35	None	550		None
E	30	None	1,000		None
RSF-1	35	None	1-story 1,500	2-story 1,800	None
RSF-2	35	None	1,500	1,800	None
RSF-3	35	None	1,000	1,200	None

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RSF-4	35	None	800	1,200	
RSF-5	35	None	600	1,200	None
RSF-6	35	None	600	800	None
RMF-6	35	A	750		None
RMF-12	50	A	Efficiency 450 1 BR 600 2+ BR 750		None
RMF-16	75	A	Efficiency 450 1 BR 600 2+ BR 750		None
RT	10 stories, not to exceed 100'	A	300 (max. for hotel units = 500')		None
VR	S.F. 30 MH 30 Duplex 30 M.F. 35	None None None B	None		None
MH	30	None	None		None
TTRVC	30	10	None		None
C-1	35	None	1,000 (ground floor)		None
C-2	35	A	1,000 (ground floor)		None
C-3	50	None	700 (ground floor)		None
C-4	75	A	700 (ground floor)		Hotels .60 Destination resort .80
C-5	35	A	700 (ground floor)		Hotels .60 Destination resort .80
I	50	A	1,000		None
BP	35	A	1,000		None
CON	35	None	None		None

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P	C	None	None	None
CF	Towers/antennas 40 Other 30	D	1,000 (ground floor)	None
Overlay Districts	See table of special design requirements applicable to overlay districts.			

A = 50% of the sum of the heights of the **buildings**, but not less than 15 feet.

B = 50% of the sum of the heights of the **buildings**.

C = **Buildings** within 100 feet of an adjoining district are limited to the height of the most restrictive of an adjoining district.

D = 50% of the sum of the heights of the **buildings**, but not less than 25 feet.

1. **Principal Structure** Minimum **Yard** (**Setback**) Requirements: Table 2.1, below, provides the minimum **yard** requirements for **principal structures** on conforming **lots** of record in base zoning districts. The following shall apply for all other **lots**:
   a. **Corner Lots**: **Corner lots** shall have **front yards** along each **street frontage**. The other **yards** shall be considered side **yards**. See LDC section 2.03.01 for Estates **setbacks**.
   b. **Nonconforming Lots of Record**: Minimum **yard** requirements for **nonconforming lots of record** are provided in LDC section 9.03.03 A.

Table 2.1 - TABLE OF MINIMUM YARD REQUIREMENTS (SETBACKS) FOR BASE ZONING DISTRICTS

Note as to **setback line** measurement: minimum **setback lines** are typically measured from the legal boundary of a **lot,** regardless of all **easements** burdening a **lot**, with the exception of **easements** that comprise a road **right-of-way** where the minimum **setback line** is to be measured from the road **right-of-way easement** line.

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Public School Requirements
GC	None	None	None	
A	50	30	50	x
E	75	30	75	x
RSF-1	50	30	50	x
RSF-2	40	20	30	x

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RSF-3	30	Waterfront 10	Non-waterfront 7.5	25		x
RSF-4	25	10	7.5	25		x
RSF-5	25	10	7.5	20		x
RSF-6	25	10	7.5	20		x
RMF-6	S.F. 25	10	7.5	20		x
	Duplex 25 3 + units 30	10 15	10 15	20 20		
RMF-12	30	a		30		x
RMF-16	b	a		b		x
RT	b	a		b		x
VR	SF./MH 20 Duplex 35 M.F. 35	Waterfront 10 15 15	Non-waterfront 5 15 15	20 30 30		x
MH [1]	25	Waterfront 10	Non-waterfront 7.5	10		x
TTRVC [2]	10	Waterfront 10	Non-waterfront 5	Waterfront 10	Non-waterfront 8	-
C-1	25	Residential 25	Non-residential 15	Residential 25	Non-residential 15	x
C-2	25	25	15	25	15	x
C-3 [3]	c	25	a	25	a	x
C-4 [4]	d	25	a	25	a	x
C-5 [4]	25	25	15	25	15	x
I [4]	25	50	e	50	15	x
BP	50	50	10	50	25	-

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CON [5]	50	50	50	50	50	-
P	f	f	f	f	f	x
CF	25	Residential 25	Non-residential 15	Residential 25	Non-residential 15	x
Overlay Districts	See table of special design requirements for the applicable overlay district located in the appropriate section for that district in chapter 4.					

[1] MH District - additional yard requirements: side yard setback from a public road that is external to the boundary of the park = 50 ft.; the minimum setback on any side from the exterior boundary of the park = 15ft.

[2] TTRVC District - additional yard requirements: setback from exterior boundary of park = 50 ft.; setback from an external street = 50 ft., setback from an internal street = 25 ft.; setback from any building or other structure = 10 ft.

[3] C-3 District - minimum setback on any side that is waterfront = 25 ft.; setback for marinas = none.

[4] C-4, C-5 and I Districts - minimum setback on any side that is waterfront = 25 ft.; setback for marinas = none; setback on any side adjacent to a railroad right-of-way = none

[5] Any non-conforming platted **lot** of record in the CON District that existed before November 13, 1991 will be subject to the following standards:

Front yard: 40 feet.

Side yard: ten percent of the lot width, but no more than 20 feet on each side.

Rear Yard: 30 feet.

a = 50% of the building height, but not less than 15 feet.

b = 50% of the building height, but not less than 30 feet.

c = 50% of the building height, but not less than 25 feet.

d = 50% of the building height, but not less than 25 feet. Structures 50 feet or more in height = 25 feet plus one additional foot of setback for each foot of building height over 50 feet.

e = the total of all side yard setbacks shall equal 20% of the **lot** width, with a maximum of 50 feet. No side yard shall be less than 10 feet. Alternative dimensions may be possible when approved through a unified plan of development involving one or more **lots** under common ownership where the yard requirements are met for the unified site but not necessarily for each parcel within the unified site.

f = the yard requirements shall be equal to the most restrictive adjoining district.

x = for principal structures: 50 feet from all property lines; for accessory structures: 25 feet from all property lines.

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B. **Open space** requirements. **Usable open space** shall be provided as follows, except as required in the **Rural Fringe Mixed Use District** within the Future Land Use Element of the Growth Management Plan.

1. In residential **developments**, at least 60 percent of the gross area shall be devoted to **usable open space**. This requirement shall not apply to individual single-family **lots** less than 2.5 acres in size.

2. In **developments** of commercial, industrial and mixed use including residential, at least 30 percent of the gross area shall be devoted to **usable open space**. This requirement shall not apply to individual parcels less than five acres in size.

3. Historical/archaeological resources that are to be preserved may be utilized to satisfy required **setbacks**, **buffer** strips or **open space** up to the maximum area required by **development** regulations. Conservation of such historic or archaeological resources shall qualify for any **open space** requirements mandated by the **development** regulations.

C. Specific Requirements for Uses Involving Shopping Carts.

When the operating characteristics of a duly authorized business require the utilization of shopping carts by customers, provision shall be made for outside storage areas to be illustrated on a site **development plan**, and said shopping carts shall be collected at the close of business each day and stored at the front of that business establishment. It shall be the responsibility of the merchant to collect any and all shopping carts that stray from the premises upon which they are intended to be utilized. A name-plate on a shopping cart shall be prima facia evidence of ownership.

D. Exemptions and exclusions from design standards.

1. The height limitations contained in LDC subsection 4.02.01 A. Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts do not apply to infrastructure in support of the **building**, such as mechanical penthouses, elevator shafts, stair shafts, mechanical equipment, mechanical screening, spires, belfries, cupolas, flagpoles, antennas, communications **towers**, water tanks, fire **towers** when operated by a branch of government, ventilators, chimneys, feed storage **structures**, silos, windmills, **airport** control **towers**, or other appurtenances placed above the roof level and not intended for human occupancy or for commercial purposes as provided below:

   a. Structural elements shall be no higher than necessary to accomplish the purpose it is intended to serve.

   b. The aggregate area of **structures** or appurtenances shall not exceed one-third the area of the supporting roof.

   c. Where this section conflicts with section 5.05.08, the provisions of section 5.05.08 will control.

   d. The heights of these **structures** or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or **airport** zoning regulations within the flight approach zone of **airports**. (See section 2.03.07 C.).

2. In instances where off-**street** parking is provided within the **principal structure**, the County Manager or designee may waive the maximum height requirements to the extent necessary to permit off-**street** parking within the **principal structure**, provided however: (1) the number of off-**street** parking spaces required by this LDC for the use involved may not be reduced; (2) the waiver in height shall not be greater than that necessary to provide for the off-**street** parking within the **principal structure**, with a maximum of two parking levels; (3) the waiver of the maximum height requirements are compatible with the uses on **adjacent** properties; and (4) for each off-**street** parking space permitted within the **principal structure** for which the maximum height waiver is granted, 300 square feet of additional **open space** beyond that which is otherwise required by this LDC shall be provided.

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3. Every part of every required **yard** shall be open and unobstructed from thirty (30) inches above the general ground level of the **graded lot** upward to the sky except as hereinafter provided or as otherwise permitted in this LDC.

4. Sills and other architectural and design treatments shall not project over twelve (12) inches into a required **yard**.

5. Movable awnings shall not project over three (3) feet into a required **yard**, provided that where the **yard** is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the **yard**.

6. Window- or wall-mounted air conditioning units, chimneys, fireplaces, bay windows, or pilasters shall not project over two (2) feet into a required **yard**.

7. Fire escapes, stairways, and balconies which are unroofed (except as otherwise permitted within this section) and unenclosed shall not project over five (5) feet into a required side or rear **yard** and three (3) feet into a **front yard** of a **multi-family dwelling**, **hotel** or **motel** and not over three (3) feet into a required front, side or rear **yard** of a **single-family** residential **dwelling**. Regardless of the extent of encroachment, the minimum requirement for separation of **structures** shall be maintained.

8. Hoods, canopies, or roof overhangs shall not project over (3) three feet into a required **yard**, but shall not come closer than one (1) foot to the **lot line**.

9. Fences, walls and hedges, subject to section 5.03.02, ground mounted air conditioners, unenclosed pool equipment and well pumps, are permitted in required **yards**, subject to the provisions of section 4.06.00. This includes air conditioners that are ground mounted and those required to be elevated to meet **flood** elevation, including their supporting **structures**, provided the minimum separation of **structures** is maintained.

10. Cornices, eaves or gutters shall not project over three (3) feet into a required **yard**, provided that where the required **yard** is less than six (6) feet in width, such projection shall not exceed one-half (½) the width of the **yard**.

11. Except as otherwise provided by this LDC, when **lots** on both sides of an undeveloped recorded **lot** contain a residential **structure** whose **front yard setback** is less than is now required, the average of the **setbacks** of the two (2) contiguous developed **lots** shall serve to establish the minimum **front yard** requirement for the vacant **lot**.

12. In commercial, industrial and multi-family residential **developments**, carports which are open on all sides may encroach into the required **yards** provided they do not encroach into the required **landscape buffers**, as required by this LDC; and furthermore, if the landscaping is deficient where the carports are proposed, the landscaping must be upgraded to comply with the LDC requirements to the greatest extent possible prior to the issuance of a **building** permit for said carports. This shall be accomplished by a site **development plan** amendment or a site improvement plan approval.

13. Permanent emergency generators may be placed within the rear yard with a 10-foot rear yard setback. Permanent emergency generators may encroach into side yards up to 36 inches. Generators are not permitted to encroach into required front yards. For single-family and two-family dwelling units, see LDC section 5.03.07 for exceptions and requirements. Above-ground fuel tanks for the generators are subject to the same setbacks; however, underground tanks are not subject to setback requirements. In order to reduce noise during required routine exercising of the generators, this exercising is restricted to operating the generator for no more than 30 minutes, once every seven days, during the hours of 9:00 a.m. to 5:00 p.m. and shall not exceed sound level limits for Manufacturing and Industrial uses as set forth in Ordinance No. 90-17, the Noise Ordinance, as amended. All permanent emergency generators must be equipped with sound attenuating housing to reduce noise.

    a. Facilities with fuel pumps. Permanent emergency generators and related fuel storage installed at existing facilities with fuel pumps may encroach into any required side or rear

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

yards, provided the encroachment does not create a hazard to pedestrian or vehicular traffic.

b. Assisted living facilities and nursing homes. Permanent emergency generators and related fuel storage installed at existing assisted living facilities or nursing homes that are subject to LDC section 5.05.04 E. may encroach into any required side or rear yards or buffers, provided the encroachment does not create a hazard to pedestrian or vehicular traffic.

(Ord. No. 04-72, § 3.L; Ord. No. 05-27, § 3.P; Ord. No. 07-67, § 3.I; Ord. No. 10-23, § 3.Q; Ord. No. 12-38, § 3.J; Ord. No. 14-33, § 3.I; Ord. No. 18-18, § 3.G; Ord. No. 18-32, § 3.A; Ord. No. 19-13, § 3.A)

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Ordinance 2004-72, of the Collier County Land Development Code, I did give notice by mail at least 30 days after receipt of letter indicating that the application is sufficient to the following property owners and or condominium and civic associations whose members may be impacted by the proposed land use changes of an application request for a variance or parking exemption. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change.

Per attached letters and or property owner's list, which are hereby made a part of this Affidavit of Compliance.

(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 10 day of March, 2020 by Dustin E.E. Poore, who is personally known to me or who has produced personally Known as identification.

Kathleen Kornek Law
(Signature of Notary Public)

Kathleen Kornek Law
Printed Name of Notary

KATHLEEN KORNEK LAW
MY COMMISSION # GG 126173
EXPIRES: September 20, 2021
Bonded Thru Notary Public Underwriters
(Notary Seal)

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

REP Construction
Your Local Contractor

Names and addresses letter to be sent to:

- Karen Harmon
  - 382 10th ST NE
    Naples, FL 34120
- Victor Chavez
  - 370 10th ST NE
    Naples, FL 34120
- Christopher & Yamila Story
  - 360 10th ST NE
  - Naples, FL 34120
- Donald Maddi
  - 340 10th ST NE
  - Naples, FL 34120
- Coleman James Plummer
  - 330 10th ST NE
  - Naples, FL 34120
- Josslyn Hernandez-Sainz
  - 331 12th ST NE
  - Naples, FL 34120
- Steven & Reina Collins
  - 332 12th ST NE
  - Naples, FL 34120
- Joel Barrio
  - 360 12th ST NE
  - Naples, FL 34120
- Javier Martell
  - 374 12th ST NE
  - Naples, FL 34120
- Lance Barnes
  - 390 12th ST NE
  - Naples, FL 34120
- Alice Clark
  - 381 12th ST NE
  - Naples, FL 34120
- Shamsia Roman
  - 142 Doral Circle
  - Naples, FL 34113

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

Notification of Variance
to Property Owners and Associations within 150 feet

REP Construction
Your Local Contractor

March 5th, 2021

Name
Address
City, State Zip

Dear Property Owner:

Please be advised that the sender has made a formal application to Collier County for a variance from the requirements of the zoning regulations as they apply to the following described property:

> The subject property is located at The property is described as the south 75 feet of the south 150 feet of Tract No. 65, Golden Gate Estates, Unit No. 49, also described as 361 12 St NE., in Section 2, Township 49 South, Range 27 East, Collier County, Florida.

It is our intent to ask the County to allow us to reduce the minimum side yard setback on the north side from 7.5 feet to 7.0 feet for an existing single family residence and for the enclosure of an existing concrete patio deck into a proposed master bedroom and bathroom on the aforementioned property. In order to provide you an opportunity to become fully aware of our intention, we will be contacting you directly within the next few days or you may choose to telephone the sender for further information. In any event, please be advised that we are interested in assuring you that our request should not adversely affect your property interest.

Sincerely,

Dustin Poore
REP Construction Company Inc.
5051 Castello Dr, Suite 14
Naples, FL 34103
239.438.6700

Attachment: Attachment C - Backup Materials (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL20200002506

Regarding the above subject petition number(s), Robert E Poore (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Robert E Poore

Date: 4/26/2021

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: Attachment D - Hybrid Meeting Waivers (15581 : Poore Residence)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL20200002506

Regarding the above subject petition number(s), Sandra J Poore (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Sandra J Poore

Date: 4/26/2021

Signature: Sandra J Poore

☑ Applicant*

☐ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: Attachment D - Hybrid Meeting Waivers (15581 : Poore Residence)

SIGN POSTING INSTRUCTIONS

(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)

A zoning sign(s) must be posted by the petitioner or the petitioner's agent on the parcel for a minimum of fifteen (15) calendar days in advance of the first public hearing and said sign(s) must be maintained by the petitioner or the petitioner's agent through the Board of County Commissioners Hearing. Below are general guidelines for signs, however these guidelines should not be construed to supersede any requirement of the LDC. For specific sign requirements, please refer to the Administrative Code, Chapter 8 E.

1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) must be securely affixed by nails, staples, or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
3. The petitioner or the petitioner's agent must maintain the sign(s) in place, and readable condition until the requested action has been heard and a final decision rendered. If the sign(s) is destroyed, lost, or rendered unreadable, the petitioner or the petitioner's agent must replace the sign(s

NOTE: AFTER THE SIGN HAS BEEN POSTED, THIS AFFIDAVIT OF POSTING NOTICE SHOULD BE RETURNED NO LATER THAN TEN (10) WORKING DAYS BEFORE THE FIRST HEARING DATE TO THE ASSIGNED PLANNER.

- - - -

Attachment: Attachment E - Property Hearing Sign (15581 : Poore Residence)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.D
Item Summary: PETITION NO. ABW-PL20200002617 – Swamp Axe Worldwide, LLC – The applicant requests that the Hearing Examiner waive the required minimum distance for the sale and consumption of alcoholic beverages, pursuant to Section 5.05.01.A.6 of the Land Development Code, for an establishment known as Swamp Axe Worldwide, LLC that seeks to sell alcohol for consumption on-site less than 500 feet from an existing child care center, for property located at 2487 Linwood Avenue, in Section 11, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commissioner District 4

Meeting Date: 05/27/2021

Prepared by:
Title: – Zoning
Name: Tim Finn
05/10/2021 3:52 PM

Submitted by:
Title: Planner, Principal – Zoning
Name: Anita Jenkins
05/10/2021 3:52 PM

Approved By:

Review:

Zoning	Tim Finn	Zoning Director Review	Skipped	04/28/2021 1:51 PM
Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	05/13/2021 2:32 PM
Zoning	Ray Bellows	Review Item	Completed	05/13/2021 2:59 PM
Zoning	Anita Jenkins	Review Item	Completed	05/14/2021 1:41 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	05/27/2021 12:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING: MAY 27, 2021

SUBJECT: PETITION ABW-PL20200002617, SWAMP AXE CO

APPLICANT/AGENT/OWNER:

Sean Couturier
Swamp Axe Worldwide, LLC
2487 Linwood Ave
Naples, FL 34112

REQUESTED ACTION:

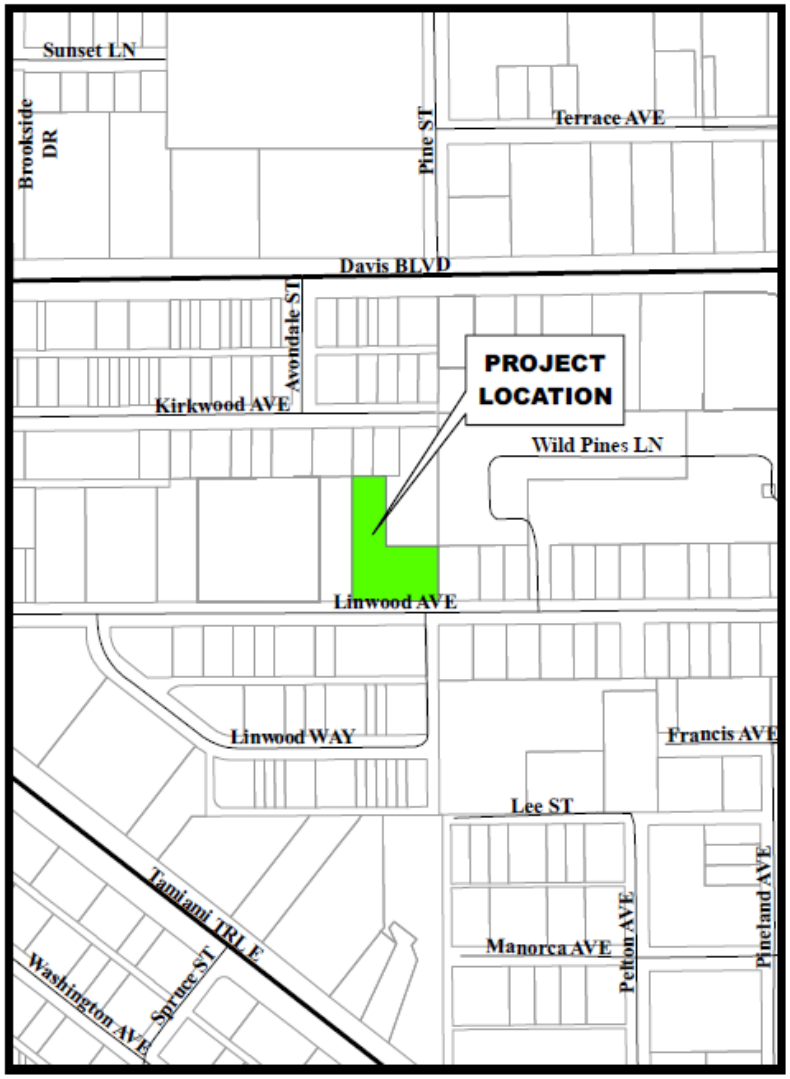
The applicant requests that the Hearing Examiner consider a minimum distance waiver pursuant to Section 5.05.01.A.6. of the Land Development Code for an establishment known as Swamp Axe Worldwide, LLC (aka "Swamp Axe Co") that seeks to sell alcohol for consumption on-site less than 500 feet from an existing childcare center.

GEOGRAPHIC LOCATION:

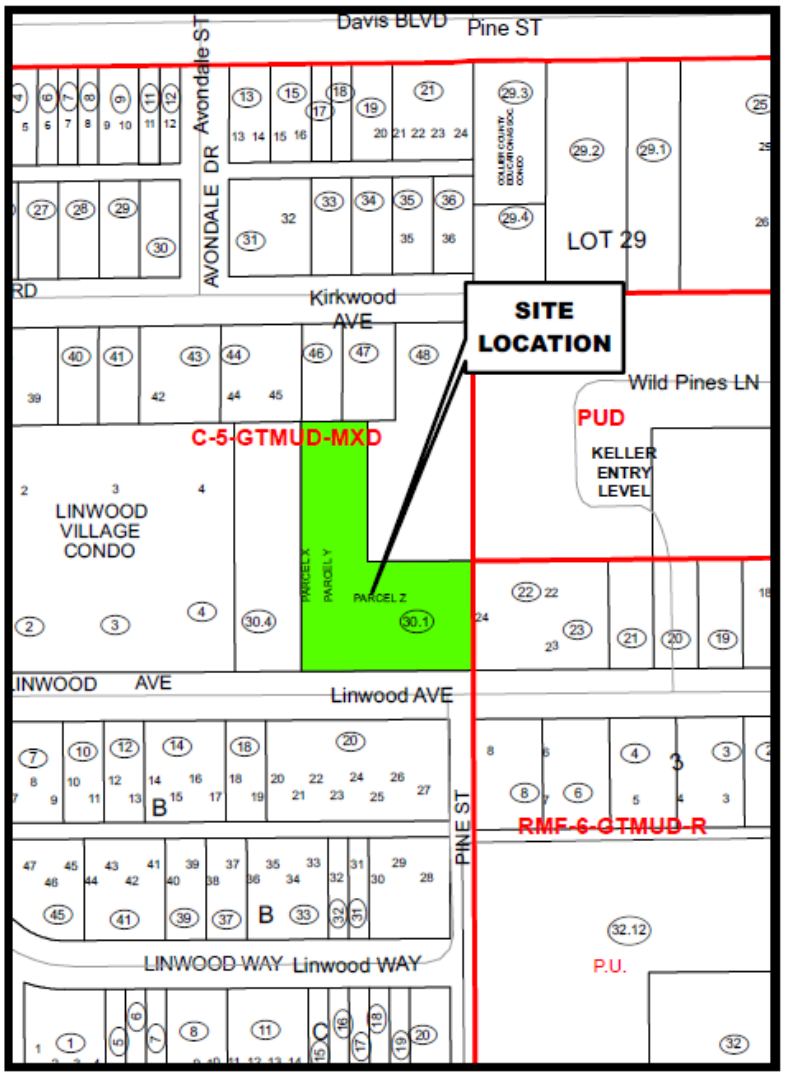
The subject property is located at 2487 Linwood Avenue in Section 11, Township 50 South, Range 25 East, Collier County, Florida. (See Location Map on following page.)

Intentionally Left Blank

Attachment: Swamp Axe - Staff Report (15586 : Swamp Axe (ABW))



Location Map



Zoning Map

Petition Number: PL20200002617

Attachment: Swamp Axe - Staff Report (15586 : Swamp Axe (ABW))

PURPOSE/DESCRIPTION OF PROJECT:

Swamp Axe Co has been in operation since September 2020. The business is located at 2487 Linwood Avenue within the Heavy Commercial District in the Gateway Triangle Mixed Use Overlay (C-5-GTMUD-MXD) zoning district. The property is also within the Bayshore Gateway Triangle CRA. Swamp Axe Co is located one street south of an existing childcare center called Anas Little Angels Learning. Swamp Axe Co is an indoor recreational axe throwing facility and offers caged axe throwing lanes with trained coaches.

The axe throwing business is not that unusual. Staff has found similar establishments in Florida which are:

- Brainiaxe and Escapes – Bonita Springs
- The Hatchet Hangout - Cape Coral
- Molly's Hatchet - Zephyrhills

The applicant is requesting approval of a waiver from the separation distance of a childcare center within 500 feet from Swamp Axe Co. The childcare center, Ana's Little Angels Learning is approximately +/- 300 feet from Swamp Axe Co.

Please see a distance depiction aerial of Swamp Axe Co in relation to Ana's Little Angels Learning. (See Attachment A-Separation Exhibit)

The applicant requests that the Hearing Examiner consider a minimum distance waiver pursuant to Section 5.05.01.A.6. of the Land Development Code for an establishment known as Swamp Axe Worldwide, LLC that seeks to sell alcohol for consumption on-site less than 500 feet from an existing childcare center.

The decision to waive all or part of the distance requirement shall be based upon the following factor as established in Section 5.05.01.A.6. of the Collier County Land Development Code. (Staff response is italicized):

FACTOR: The nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing school, child care center, public library, church, public park, or public playground which is determined by the BZA/Hearing Examiner to lessen the need for the total 500-foot distance requirement. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and major rights-of-way.

Swamp Axe has a vacant lot in the rear and is separated by four chain link fences. Two of which are barbed wire fencing. (See Attachment B- Gates and Fences)

FACTOR: The paths of vehicular and pedestrian traffic which could be taken between the alcoholic beverage establishment and the school, childcare center, public library, church, public park, or public playground.

Attachment: Swamp Axe - Staff Report (15586 : Swamp Axe (ABW))

In the rear of the property, there're is an 8-foot-tall chain link fence. The westernmost fence is an 8-foot-tall barbed wire fence. The entrance to the lot has a 10-foot-long rolling gate. The gate is closed at 5 every weekday and all days and nights on the weekends. (See Exhibit B of gates and fences). Moreover, to access Ana's Little Angels Learnings on a road either by foot or vehicle would be appromantely +/- 2300 feet (See Attachment C - Door to door distance).

FACTOR: The hours of operation and the noise and light which could potentially be generated from the premises selling alcoholic beverages.

As stated in the waiver request detail, the hours of operation are Thursday and Friday 4:00 p.m. to 10:00 p.m., Saturday 1:00 p.m.to 10:00 p.m. and Sunday 1:00 p.m. to 8:00 p.m. Moreover, no lighting will be added to Swamp Axe Co. All customers will be contained within the building while throwing axes.

FACTOR: The Administrative Code shall establish the submittal requirements and procedures for the waiver of distance requirements

Staff has confirmed that all submittal requirements show compliance with the waiver distance requirements.

Bayshore CRA: At its May 5, 2021 meeting the CRA Advisory Board voted 7-0 in support of the waiver. (See Attachment D – Bayshore CRA email)

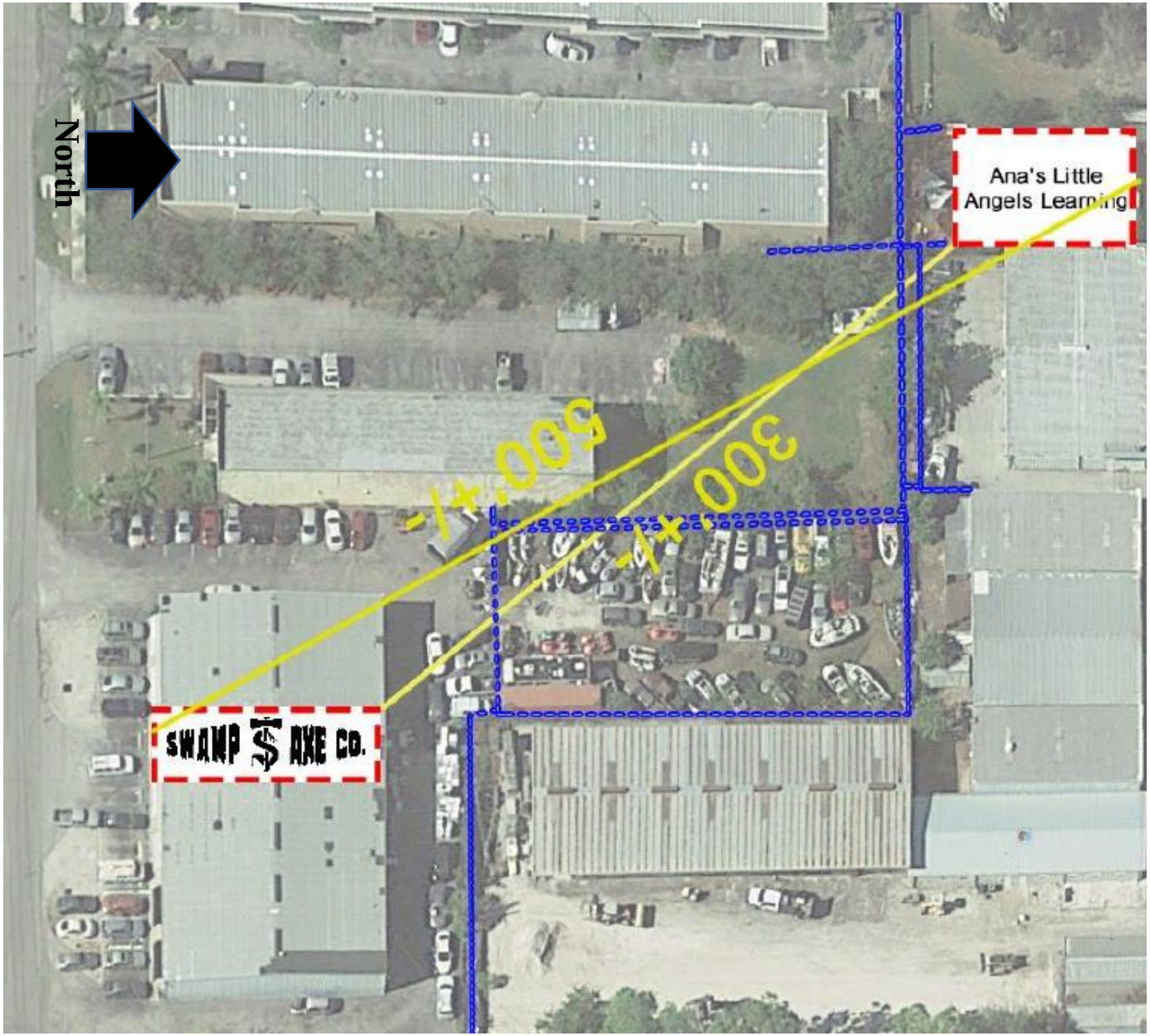
RECOMMENDATION:

Staff recommends that the Hearing Examiner approve Petition ABW-PL20200002617, for a waiver of the 500-foot separation requirement between Swamp Axe Worldwide, LLC and an existing childcare, in accordance with the Separation Exhibit.

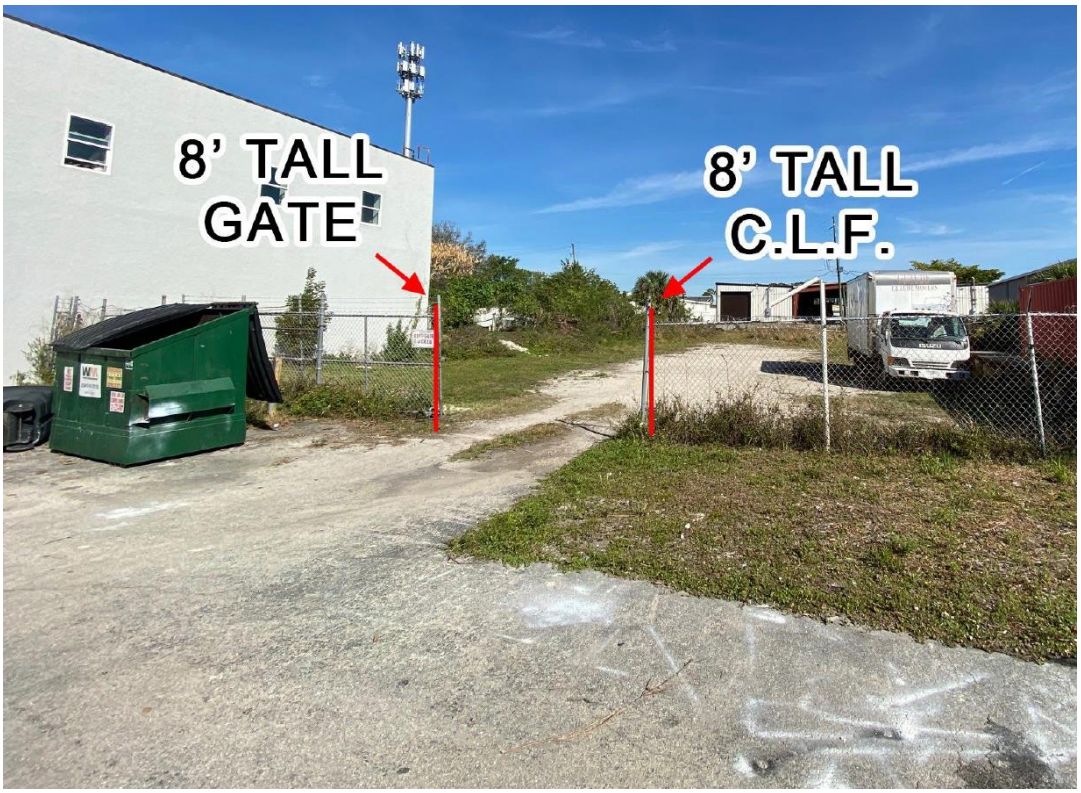
Attachments:

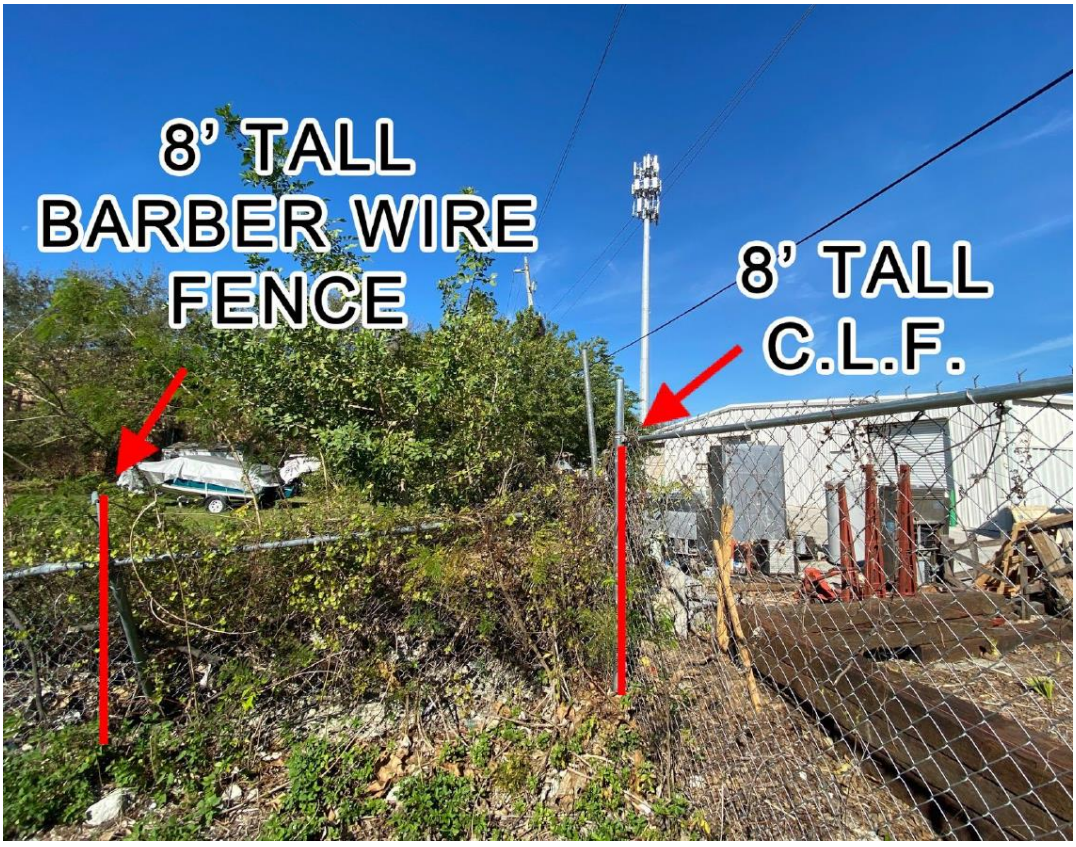
Attachment A-*Separation Exhibit*
Attachment B-*Gates and Fences*
Attachment C-*Door to door distance exhibit*
Attachment D-*Bayshore CRA email*
Attachment E-*Application/Backup Materials*
Attachment F-*Property Hearing Sign*
Attachment G-*Hybrid Meeting Waiver*

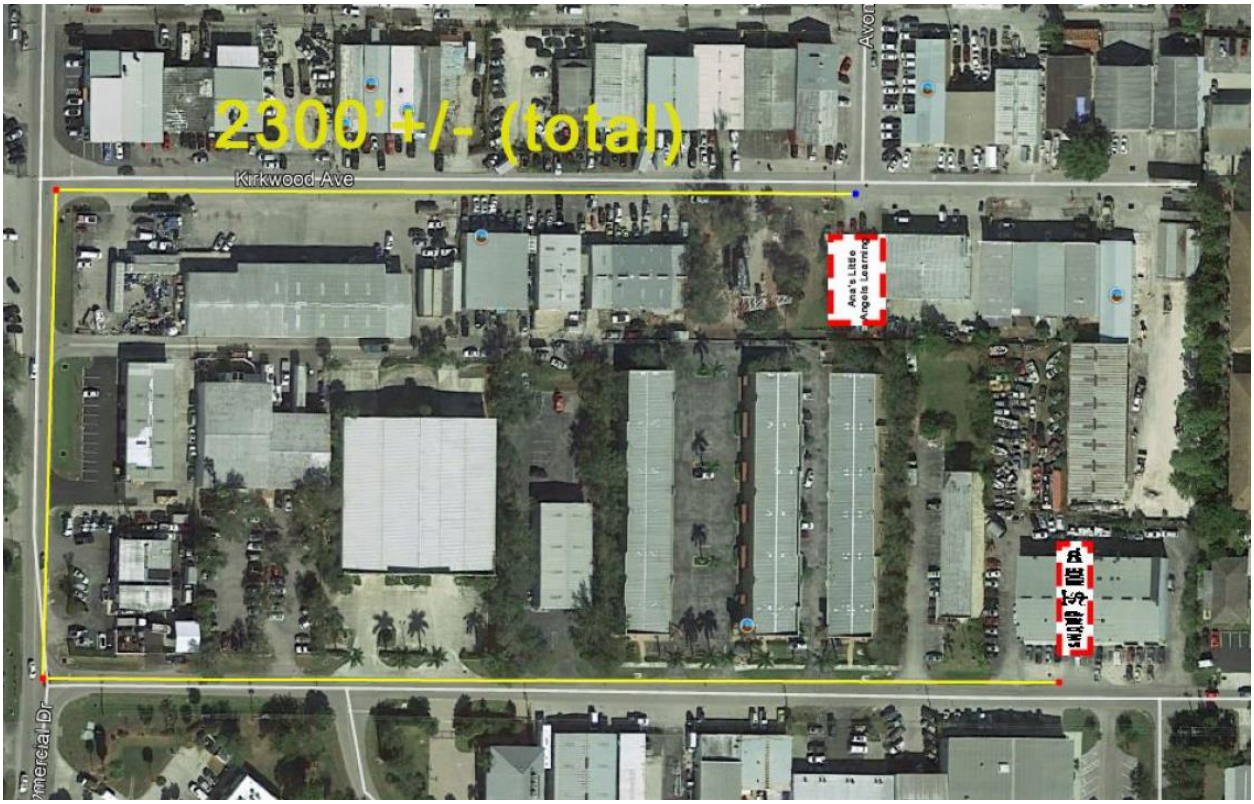
Attachment: Swamp Axe - Staff Report (15586 : Swamp Axe (ABW))



Attachment: Attachment A - Separation Exhibit (15586 : Swamp Axe (ABW))


8’ TALL
GATE
8’ TALL
C.L.F.


8’ TALL
BARBER WIRE
FENCE
8’ TALL
C.L.F.


2300'+/- (total)
Kirkwood Ave
Ana's Little Angels Learning

From: ForesterDebrah
Sent: Thursday, May 6, 2021 8:40 AM
To: FinnTimothy; ScottTami
Subject: RE: Swamp Axe Co - RE: distance waiver application

Hi Tim, the CRA Advisory Board voted 7-0 in support of the waiver. Thank you.

Best Regards,
Debrah

Phone | Bayshore Office – 239-252-8846 | Cell:239-285-8270
Phone Immokalee Office – 239-867-0025

From: FinnTimothy <Timothy.Finn@colliercountyfl.gov>
Sent: Thursday, May 6, 2021 8:37 AM
To: ScottTami <Tami.Scott@colliercountyfl.gov>; ForesterDebrah <Debrah.Forester@colliercountyfl.gov>
Subject: Swamp Axe Co - RE: distance waiver application

Hi Tami/Debrah,

The above business were heard yesterday at the CRA Meeting. What was the outcome? I need to incorporate the results into a staff report for the HEX meeting.

From: ScottTami <Tami.Scott@colliercountyfl.gov>
Sent: Monday, May 3, 2021 11:44 AM
To: Swamp AXE <swampaxeco@gmail.com>
Cc: claudine@aucconsultant.com; FinnTimothy <Timothy.Finn@colliercountyfl.gov>; ForesterDebrah <Debrah.Forester@colliercountyfl.gov>; GarciaShirley <Shirley.Garcia@colliercountyfl.gov>
Subject: FW: distance waiver application

Excellent, I will have Shirley from our office will send you meeting information.

Best regards

Tami Scott
252-8845

From: Swamp AXE <swampaxeco@gmail.com>
Sent: Monday, May 3, 2021 11:38 AM
To: ScottTami <Tami.Scott@colliercountyfl.gov>
Cc: claudine@aucconsultant.com; FinnTimothy <Timothy.Finn@colliercountyfl.gov>; ForesterDebrah <Debrah.Forester@colliercountyfl.gov>
Subject: Re: distance waiver application

Attachment: Attachment D - Bayshore CRA email (15586 : Swamp Axe (ABW))

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Tami,

We would be happy to join in person and introduce ourselves to the committee and to answer any questions you may have.

Thanks,
Sean

On Mon, May 3, 2021 at 10:29 AM ScottTami <Tami.Scott@colliercountyfl.gov> wrote:

> EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.
>
> Hi Sean,
>
> We received an e-mail from Timothy Finn last week regarding your distance waiver application. Tim asked that we look and comment as the property is in the GTMUD-MXD zoning district within the Bayshore CRA. We have a joint MSTU and CRA meeting on May 5, 2021 at 5:30 PM, we are happy to add the item to our agenda, would you like to attend the meeting in person or by zoom. Would make sense for you to attend should any of the board members have questions regarding the application.
>
> Regards,
>
> Tami Scott
>
> Claudine Auclair - claudine@aucconsultant.com
>
> Sean Couturier - swampaxeco@gmail.com
>
> Collier County
>
> Tami Scott,

Attachment: Attachment D - Bayshore CRA email (15586 : Swamp Axe (ABW))

Project Manager

Bayshore Gateway Triangle

3299 Tamiami Trail East Suite 103, Naples Florida

Phone: 239-252-8845

Cell : 239-778-6598

"HOW ARE WE DOING?" Please CLICK HERE to fill out a CUSTOMER SURVEY.

We appreciate your feedback!

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment D - Bayshore CRA email (15586 : Swamp Axe (ABW))

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Waiver from Separation Requirements for Businesses Selling Alcoholic Beverages for On-Premise Consumption

LDC subsection 5.05.01 A.6 & Code of Laws section 2-83 – 2-90
Chapter 6 E. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Applicant(s): Swamp Axe Wordwide, LLC
Address: 2487 Linwood Av City: Naples State: FL ZIP: 341
Telephone: 239-348-51 Cell: _____ Fax: _____
E-Mail Address: swampaxeco@gmail.com

Name of Agent: _____
Firm: _____
Address: _____ City: _____ State: _____ ZIP: _____
Telephone: _____ Cell: _____ Fax: _____
E-Mail Address: _____

PROPERTY INFORMATION

Provide a detailed legal description of the property covered by the application: (If space is inadequate, attach on separate page)

Property I.D. #: 61630200002 Section/Township/Range: 11/50/25
Subdivision: NAPLES COMMER(Unit: _____ Lot: _____ Block: _____
Metes & Bounds Description: NAPLES COMMERCIAL CTR
Address/ General Location of Subject Property: 2487 Linwood Ave

BE AWARE THAT COLLIER COUNTY HAS LOBBYIST REGULATIONS. GUIDE YOURSELF ACCORDINGLY AND ENSURE THAT YOU ARE IN COMPLIANCE WITH THESE REGULATIONS.

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

ZONING INFORMATION

Current Zoning of Subject Property: C-5-GTMUD-MXD

Adjacent Zoning and Land Use information:

	Zoning	Land Use
N	C-5-GTMUD-MXD	Developed - Commercial / Warehousing
S	C-5-GTMUD-MXD	Develped - Commercial / Assembly (Opera
E	RMF-6-GTMUD-R	Developed - Multi-Family Residential
W	C-5-GTMUD-MXD	Developed - Multi-Family Residential

WAIVER REQUEST DETAIL

1. Provide a statement, attached on a separate sheet, describing the extent of the waiver requested (in linear feet) from the required 500 ft. separation. NOTE: This distance is measured as the shortest distance between the lot on which the existing establishment is located and the lot on which the alcoholic beverages are to be sold, with the exception of establishments located in shopping centers which shall be measured to the outer wall of the establishment.

2. Provide a description, attached on a separate sheet, of all proposed uses for the subject site or structure, including the following:
   a. Total square footage of subject structure.
   b. Square footage dedicated to each proposed use.
   c. Proposed hours of operation.
   d. Indication of entertainment and type.
   e. A description addressing each of the criteria identified in LDC subsection 5.05.01 A.6.a. - d.

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 6 E. of the Administrative Code for submittal requirements. This completed checklist is to be submitted with application packet in the exact order listed below with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	14	☐	☐
Completed Addressing Checklist	1	☐	☐
Pre-Application Meeting Notes	1	☐	☐
Survey or Boundary sketch to scale, including reduced 8 ½ in. x 11 in. copies	14	☐	☐
Affidavit of Authorization, signed & notarized	1	☐	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- Following the completion of the review process by County review staff, the applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

FEE REQUIREMENTS:

- ☐ **Alcoholic Beverage Separation Requirement Waiver:** $1,000.00
- ☐ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $500.00

All checks payable to: Board of County Commissioners

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Division/Planning and Regulation
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Agent/Owner Signature

12-17-2020
Date

Sean Conturier
Applicant/Owner Name (please print)

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Department at 239-252-5724 or submit in person to the Addressing Department at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Department.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☐ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☒ OTHER WAIVER FOR SEPARATION REQUIREMENT FOR BUSINESS SELLING ALCOHOL

LEGAL DESCRIPTION of subject property or properties *(copy of lengthy description may be attached)*

NAPLES COMMERCIAL CTR 1ST ADD, E130 FT OF LAKE PLATT

FOLIO (Property ID) NUMBER(s) of above *(attach to, or associate with, legal description if more than one)*

61630200002 SEC 11 T50 R25

STREET ADDRESS or ADDRESSES *(as applicable, if already assigned)*

2487 LINWOOD AVENUE

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

PROPOSED PROJECT NAME *(if applicable)*

SWAMP AXE CO.

PROPOSED STREET NAMES *(if applicable)*

SITE DEVELOPMENT PLAN NUMBER *(for existing projects/sites only)*

SDP___-____ or AR or PL # _____

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

SWAMP AXE CO.

Please Return Approved Checklist By: ☐ Email ☐ Fax ☐ Personally picked up

Applicant Name: Sean Couturier

Phone: 239-348-5185 **Email/Fax:** SeanCouturier@gmail.com

Signature on Addressing Checklist does not constitute Project and/or Street Name approval and is subject to further review by the Operations Division.

FOR STAFF USE ONLY

Folio Number 61630200002

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: MP **Date:** 1/5/2021

Updated by: _____ **Date:** _____

IF OLDER THAN 6 MONTHS, FORM MUST BE UPDATED OR NEW FORM SUBMITTED

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20200002617

I, Sean Couturier (print name), as Manager (title, if applicable) of Swamp Axe Worldwide, LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Sean Couturier to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trust, then they must include the trustee's name and the words "as trustee".*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, and then use the appropriate format for that ownership.*

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

_____ **Signature**

4/7/2021 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 07 day of April, 2021, by (printed name of owner or qualifier) Sean Couturier.

Such person(s) Notary Public must check applicable box:

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

NOTARY PUBLIC STATE OF FLORIDA

Ashley Howe
Commission # GG091681
Expires: April 9, 2021
Bonded thru Aaron Notary

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

SWAMP AXE CO.

2487 Linwood Ave
Naples,FL 34112
(239) 331-3923 - swampaxeco@gmail.com

Waiver Request Detail

Dear Recipient,

Swamp Axe Co is located at 2487 Linwood Avenue. We are located one street south of a day care facility that is located on Kirkwood Avenue. Our businesses are separated by four chain link fences. Two of which are barbed wire fencing. The distance between both units are shown in the exhibit below (Exhibit 1A and Exhibit 1B).

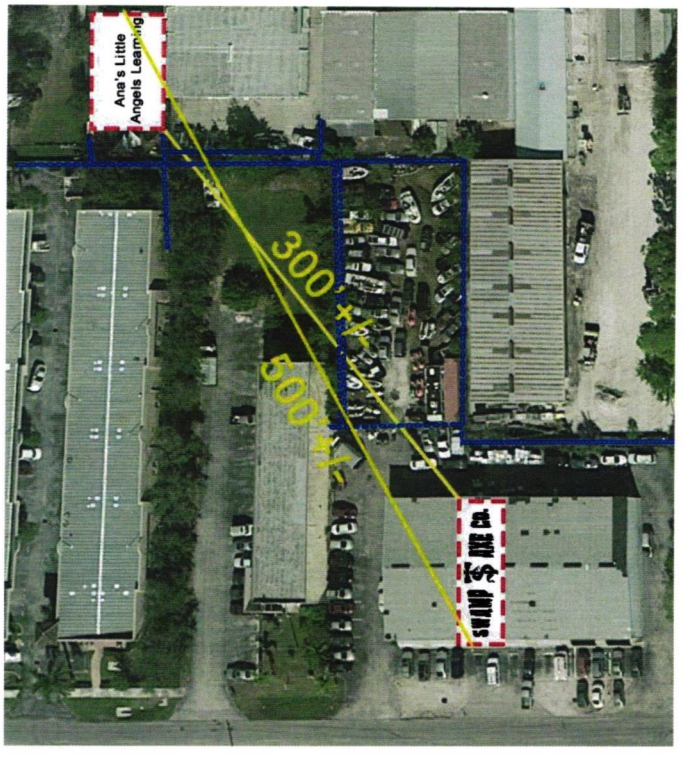


Exhibit 1A

Distance from the nearest rear corners of both units is approximately 300 feet.

Distance front entrances is approximately 500 feet.

Blue lines denote location of existing 8 - 10 foot tall fencing.

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

Exhibit 1B

Distance from front door to front door by way of road is approximately 2300 feet.

Swamp Axe Co has attached a detailed engineering plan set that addresses building square footage, structure type, proposed use. Swamp axe Co's current hours of operation are as follows:

Thursday - Friday : 4:00pm — 10:00pm

Saturday : 1:00pm — 10:00pm

Sunday : 1:00pm — 8:00pm

Swamp Axe Co is an indoor recreational axe throwing facility. Swamp Axe Co offers caged axe throwing lanes with trained coaches. Swamp Axe Co has completed and passed health inspection as of December 18th 2020.

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

Review Response of February 16, 2021

3. Please ensure the application's narrative statement addresses "[t]he paths of vehicular and pedestrian traffic which could be taken between the alcoholic beverage establishment and the school, child care center, public library, church, public park, or public playground," per LDC Section 5.05.01.A.6.b.

Response: Swamp Axe Co has a vacant lot to the rear. This lot is surrounded by an 8 foot tall chain link fence. The westernmost fence is an 8 foot tall barbed wire fence. The entrance to the lot has a 10 foot long rolling gate. This gate is closed at 5 every weekday and all days/nights on weekends. See Exhibit 1C below for gate image.

Exhibit 1C

View from rear door of Swamp Axe Co.

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

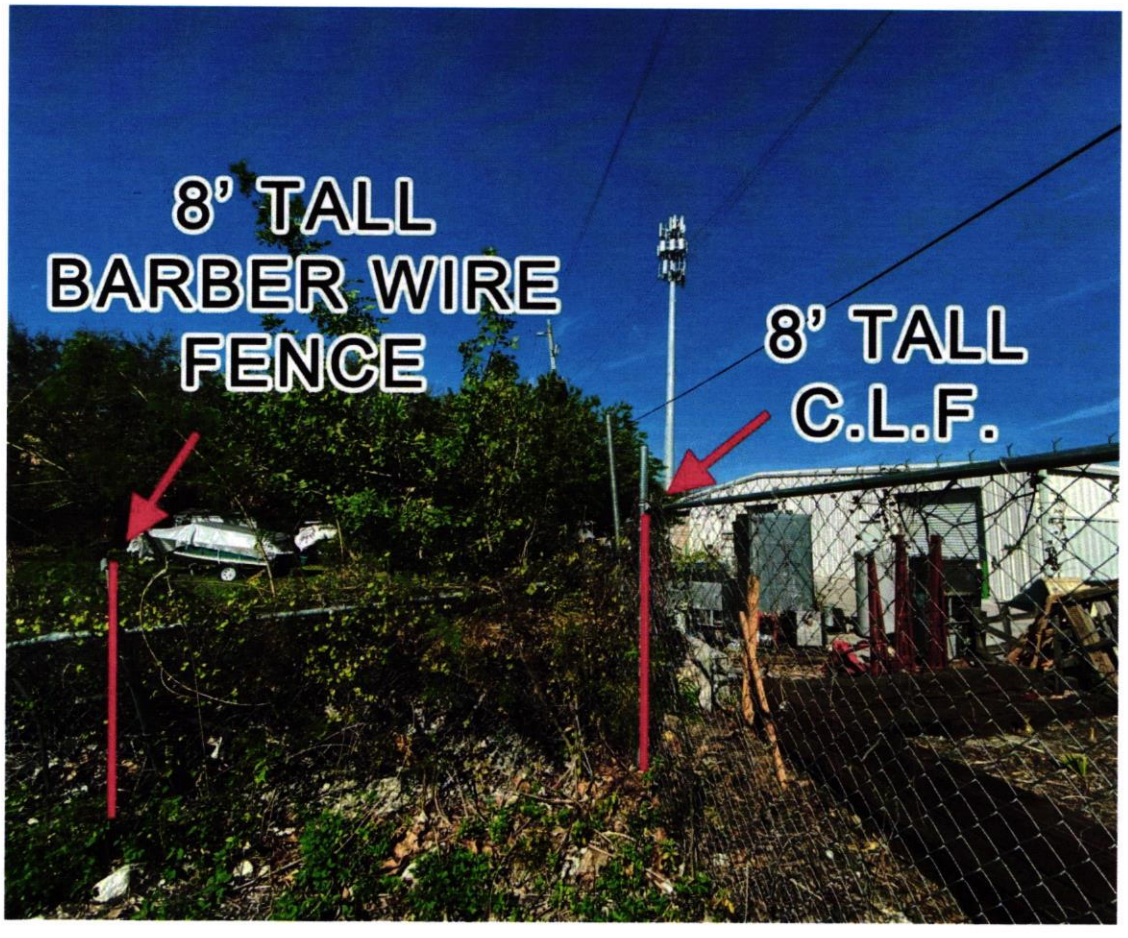


Exhibit 1D

View from northwest corner of rear lot. Image was taken approximately 150 feet east of established day care.

4. Please ensure the application's narrative statement addresses "the noise and light which could potentially be generated from the premises selling alcoholic beverages" per LDC Section 5.05.01.A.6.c.

Response: No lighting will be added to Swamp Axe Co's venue. Customers will be contained within the venue while participating.

5. Please ensure that any person representing the applicant before the Hearing Examiner is properly identified by the Affidavit of Authorization (currently Sean Couturier). This review comment may be satisfied by writing "confirmed" in the applicant response letter addressing this review comment.

Response: Confirmed

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

FinnTimothy

From: Carri Kreisman <ckreisman@operanaples.org>
Sent: Monday, April 5, 2021 9:12 AM
To: claudine@aucconsultant.com
Subject: Re: Fairway Community Church

Good Morning,
Fairway Church is not longer operating out of the Wang Opera Center at Opera Naples and has not been for sometime.
Regards,
Carri Kreisman
239-580-8552
Business Development and Events Manager

Get Outlook for iOS

From: claudine@aucconsultant.com <claudine@aucconsultant.com>
Sent: Friday, April 2, 2021 10:59:56 AM
To: Carri Kreisman <ckreisman@operanaples.org>
Subject: Fairway Community Church

Good morning:

Thank you so much for taking my call this morning. I'm helping the "Swamp Axe" business across the street in obtaining their alcohol distance waiver, which is an application process when there are certain types of facilities located within 500 feet of the business. Fairway Community Church has been identified as operating out of the Opera Naples facility.

Can you please confirm if they are still using the facility and if not, when was the last time they used the facility? Thanking you in advance for your assistance in this matter.

Respectfully,

Claudine Auclair, CPM
Consultant
AUC CONSULTANT, LLC
www.aucconsultant.com

(239) 595-2394

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

GENERAL NOTES

1. The General Contractor shall comply with all health, safety, and fire protection regulations of the Florida Industrial Commission and the Department of Labor Safety and Health Regulations and construction promulgated under the Occupational Safety and Health Act of 1970 (PHS-54) and under Section 107 of the Contract Work Hours and Safety Standards Act (PHS-54). These regulations are administered by the Department of Labor who shall have full access to the Project for inspection, etc. Compliance with the above is strictly the responsibility of the Contractor and shall in no event be considered reason for additional time or monetary compensation.
2. All work must conform to applicable sections of OSHA, NFPA, and local codes.
3. The General Contractor will remove all trash and debris, including excess material from the construction site and the building and no unreasonable accumulation will be allowed.
4. The General Contractor will coordinate the delivery of materials and removal of debris.
5. The General Contractor will submit all change orders to the Owner for approval prior to any extra work being done.
6. The General Contractor will exercise all due diligence in maintaining a safe working environment and to abide by all OSHA regulations.
7. Upon completion, the General Contractor will remove all foreign materials from windows, floors, glass, hardware and restroom fixtures and touch up all paint.
8. The General Contractor will install construction A/C filters in all return air dampers in order to prevent construction dust from entering the main A/C system.
9. The General Contractor will be responsible for all broken tile, damaged surfaces, and scratches on all doors, windows, walls, and frames. The General Contractor will take all necessary steps to protect these surfaces from scratches by contractors and subcontractor's employees.
10. The General Contractor shall maintain at all times a clean and safe construction site.
11. In the event that a hurricane or severe storm emergency is imminent, the Contractor shall, at his own expense and without cost to the Owner, take all necessary measures to secure all his movable property, building work or plant in such manner that no damage to public or private property or to persons may result by reason of displacement of the Contractor's material, equipment, or plant during such hurricane or severe storm.
12. The General Contractor shall familiarize himself with the existing conditions to satisfy himself as to the nature and scope of the work and difficulties that attend to its execution.
13. The General Contractor shall verify all existing conditions, and immediately notify the Architect or Engineer before work begins of any difference in the conditions shown on these drawings.

Tenant Renovations for

SWAMP AXE

PROPOSED RENOVATION DESCRIPTION:

CONSTRUCTION OF AN NON-BEARING PARTITION WALLS. PROJECT INCLUDES NEW FRAMED PARTION WALLS.

At

2487 LINWOOD AVE. NAPLES, FL 34112

EXISTING BUILDING DESCRIPTION:
EXISTING (3145 SQ. FT. UNIT. TYPE II-B , UNPROTECTED, UNSPRINKLERED
NO ADDITIONAL SQUARE FOOTAGE IS PROPOSED.

DESIGN PARAMETERS:

APPLICABLE CODES:
- [X] FLORIDA BUILDING CODE, SIXTH EDITION, (2017) BUILDING
- [X] FLORIDA BUILDING CODE, SIXTH EDITION, (2017) MECHANICAL
- [X] FLORIDA BUILDING CODE, SIXTH EDITION, (2017) PLUMBING
- [X] FLORIDA BUILDING CODE, SIXTH EDITION, (2017) ENERGY CONSERVATION
- [X] FLORIDA BUILDING CODE, SIXTH EDITION, (2017) ACCESSIBILITY
- [X] 2017 FLORIDA FIRE PREVENTION CODE, SIXTH EDITION
- [X] 2014 NATIONAL ELECTRICAL CODE
- [X] NATIONAL FIRE PROTECTION CODE, NFPA 101 (LIFE SAFETY)
- [ ] NATIONAL FIRE PROTECTION CODE, NFPA 13 (FIRE SPRINKLERS)
- [ ] NATIONAL FIRE PROTECTION CODE, NFPA 72

BUILDING OCCUPANCY CLASSIFICATION: (MIXED USE)
- [X] GROUP A - ASSEMBLY (A-3)
- [ ] GROUP B - BUSINESS
- [ ] GROUP D - DAY CARE CENTER
- [ ] GROUP E - EDUCATIONAL
- [ ] GROUP F - FACTORY INDUSTRIAL (F-1)
- [ ] GROUP H - HAZARDOUS
- [ ] GROUP I - INSTITUTIONAL
- [ ] GROUP M - MERCANTILE
- [ ] GROUP R - RESIDENTIAL
- [ ] GROUP S - STORAGE

BUILDING CONSTRUCTION TYPE:
- [ ] TYPE I-A
- [X] TYPE II-B
- [ ] TYPE IV
- [ ] TYPE I-B
- [ ] TYPE III-A
- [ ] TYPE V-A
- [ ] TYPE II-A
- [ ] TYPE III-B
- [ ] TYPE V-B

RISK CATAGORY:
- [ ] I [X] II [ ] III [ ] IV

CLASSIFICATION OF WORK:
- [X] ALTERATION
  - [ ] LEVEL 1
  - [X] LEVEL 2
  - [ ] LEVEL 3
- [ ] CHANGE OF OCCUPANCY
- [ ] ADDITIONS
- [ ] HISTORIC BUILDINGS
- [ ] RELOCATED BUILDINGS

WIND LOADS:
WIND LOADS ARE BASED ON CH. 26 THRU 30 OF ASCE 7

WIND SPEED:
- [X] 140 MPH ULTIMATE DESIGN WIND SPEED (3-SECOND GUST)
- [X] 124 MPH NOMINAL DESIGN WIND SPEED (FASTEST MILE)

SURFACE ROUGHNESS CATAGORY:
- [X] B [ ] C [ ] D

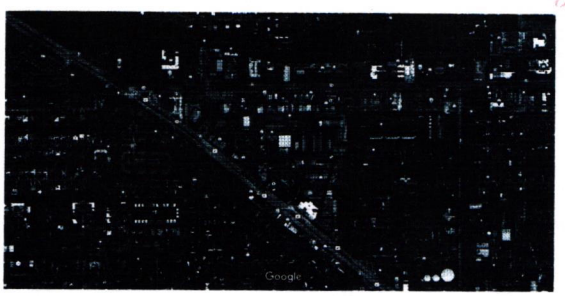
EXPOSURE CATAGORY:
- [X] B [ ] C [ ] D

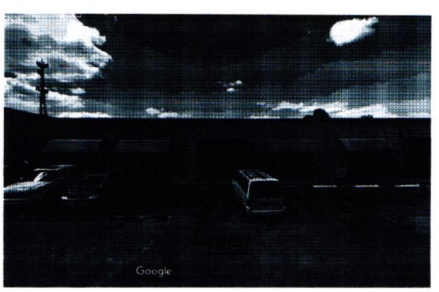
WINDBORNE DEBRIS REGION:
- [ ] NO
- [ ] YES
- [X] N/A
  - [ ] IMPACT RESISTANT GLAZING
  - [ ] IMPACT RESISTANT COVERING
  - [ ] COMBINATION OF IMPACT RESISTANT GLAZING & COVERING

INTERNAL PRESSURE COEFFICIENTS:
- [ ] 0.00 (OPEN)
- [ ] +0.18 / -0.18 (ENCLOSED)
- [ ] +0.55 / -0.55 (PARTIALLY ENCLOSED)

COMPONENTS AND CLADDING PRESSURES:
- ZONE 1: +21.1 / -94.4
- ZONE 2: +24.2 / -413
- ZONE 3: +28.3 / -128.3
- ZONE 4: +44.0 / -47.7
- ZONE 5: +44.0 / -57.5

GEOTECHNICAL INFO:
FOUNDATIONS ARE BASED ON A MINIMUM SOIL BEARING CAPACITY OF 2000 PSI





Building Design & Engineering:

CO	COVER SHEET
A1	EXISTING FLOOR & PROPOSED DIMENSIONED PLAN
A2	PROPOSED NOTES & DETAIL
LS	PROPOSED NOTED & LIFE SAFETY PLAN
S1	PROPOSED FRAMING PLAN
S2	PROPOSED INFILL DETAILS

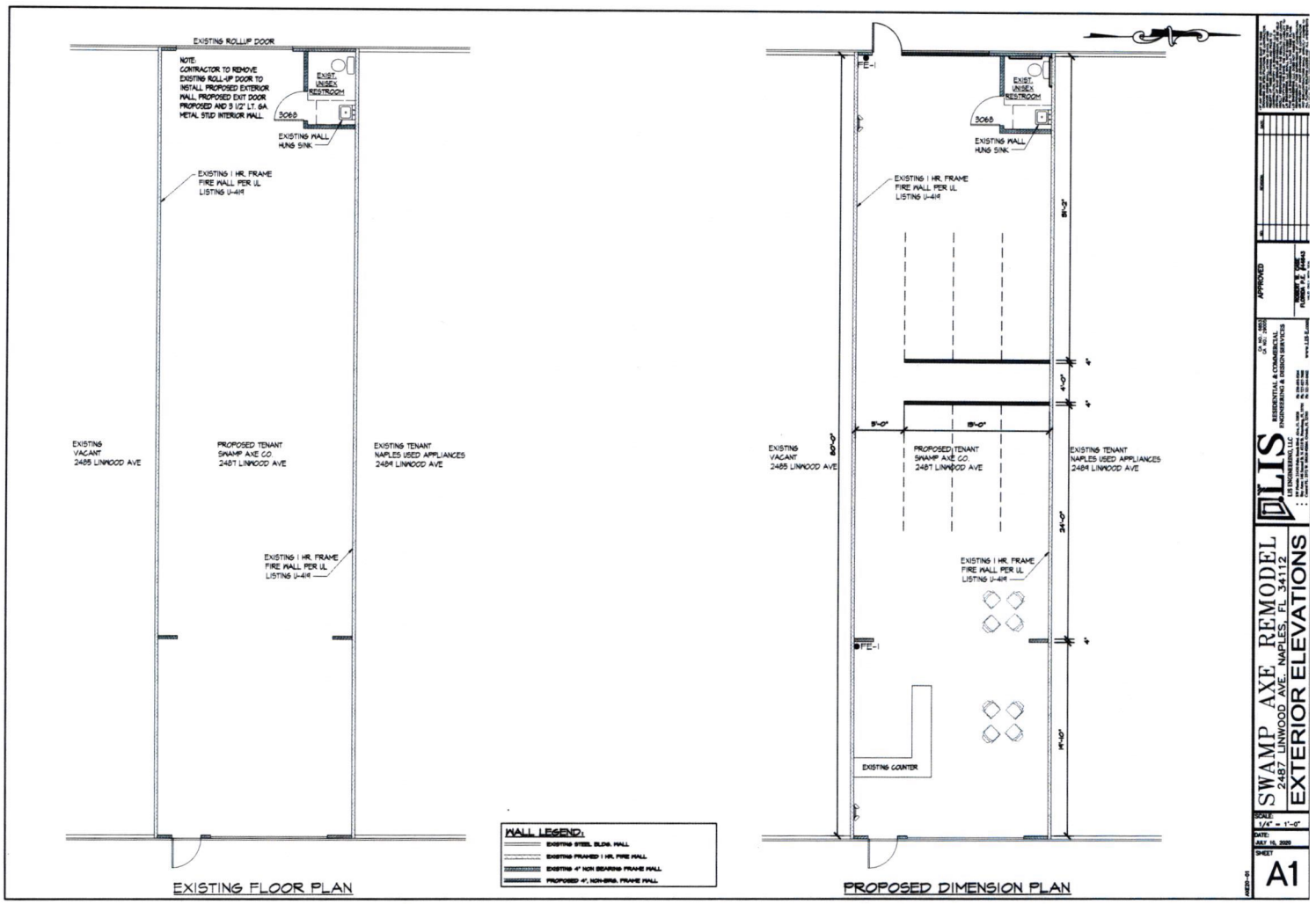
LIS ENGINEERING, LLC
RESIDENTIAL & COMMERCIAL ENGINEERING & DESIGN SERVICES

SWAMP AXE REMODEL
2487 LINWOOD AVE. NAPLES, FL 34112

EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"
DATE: JULY 15, 2020
SHEET
CO

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))



Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

NOTES

GENERAL

1. Lee Engineering & Design Services, Inc. have not been retained to provide, nor are they responsible for, the field supervision, inspection, or construction administration of this project.
2. The building/structure has been designed in accordance with the 2017 Edition of the Florida Building Codes, and design pressures generated by a three second gust design wind velocity of 160 mph. (124 mph fastest mile wind velocity). Structural calculations; including gravity loads, as necessary to confirm compliance with the 2017 Edition of the Florida Building Code, have been performed.
3. The owner, his agent, or general contractor is responsible for field supervision, construction administration, review and approval of all shop drawings, verification on-site of all dimensions and elevations, and strict compliance with these construction documents as approved by Hancock County, drawn, designed and reviewed by Lee Engineering & Design Services, Inc.
4. Exterior glazing shall be impact resistant or protected with an impact resistant covering meeting the requirements of SSTD 12, ASTM E 1886 and ASTM E 1996, or Miami-Dade PA 201, 202, and 203, meeting the requirements of the Large Missile Test.
5. Contractor shall notify the owner in writing prior to construction of any discrepancy between plans and on-site dimensions and elevations.
6. All windows, doors, and other such systems, components and cladding shall be designed in accordance with the 2017 Edition of the Florida Building Code for design pressures generated by a three second gust design wind velocity of 160 mph. (124 mph fastest mile wind velocity), see "Design Parameters" for specific pressures.
7. These plans are not intended to be mastered. The repetitive use of these plans for permitting is not approved.

FASTENERS & CONNECTORS

1. Approved connectors, anchors and other fastening devices not included in the International Building Code shall be installed in accordance with the manufacturer's recommendations.
2. Where fasteners are not otherwise specified fasteners shall be provided in accordance with the 2017 Edition of the Florida Building Code. Nails, screws, or bolts shall be able to resist the forces in the Code.
3. Unless otherwise stated, sizes given for nails are common wire nails. For example, 8d = 2 1/2 inches long x 0.131-inch diameter. See Table 12.3B, columns 2, 3, and 4, in the National Design Specifications for Wood Construction. Metal plates, connectors, screws, bolts and nails exposed directly to the weather or subject to salt corrosion in coastal areas, as determined by the Building Official, shall be stainless steel, or hot dipped galvanized after the fastener or connector is fabricated to form a zinc coating not less than 1 oz per sq ft, or hot dipped galvanized with a minimum coating of 1.8 oz per sq ft of steel meeting the requirements of ASTM A 90 Triple Spot Test.

WOOD FLOORS

1. Floor joists shall be of Group II species lumber and sized in accordance with the National Forest Products Association's (NFoPA) Span Tables for Joists and Rafters. Trussed floor joists shall be in accordance with accepted engineering practice.
2. Floor trusses shall be in accordance with TPI Design Specifications for Metal Plate Connected Parallel Chord Wood Trusses. Top chords shall be of Group II species lumber. Floor trusses shall also be in accordance with Sixth Edition of 2017 Florida Building Code.
3. Floor sheathing shall be 19/32-inch nominal C-D sheathing grade plywood (wood structural panels), or equivalent. The sheathing shall be installed with long dimension perpendicular to framing and with end joints staggered. See Detail Sheets.
4. Floor framing shall be spaced not more than 24 inches on center for 23/32-inch plywood (wood structural panels) sheathing and not more than 20 inches on center for other floor sheathing, in no case shall spacing exceed span ratings shown on sheathing panels.
5. The floor joists/trusses shall be fastened to the sill plate or top plate in accordance with Florida Building Code and these plans and specifications. In addition, uplift connectors shall be provided to resist uplift loads.
6. Provide bracing in the first two framing spaces at each end of floor system, spaced 4 feet on center maximum. Bracing members shall be full depth of joist or truss. No other blocking is required except as shown to create a stronger diaphragm.
7. Fasten floor sheathing to panels to framing and blocking with 10d common or 10d hot dipped galvanized box nails at the following spacing:
   a. 6 inches on center at all panel edges.
   b. 12 inches on center at all intermediate framing.

WOOD GENERAL

1. All wood construction shall comply with the latest NFPA and AITC Specifications and Recommendations.
2. Lumber standard shall be American Softwood Lumber Standard PS 20-70, S4S, MC19 moisture or as required by structural design.
3. Structural lumber (roof beams, headers, columns, exterior wall studs to be Southern Pine No. 2 KD 15 with a Fb=1,300 PSI E=1,600,000 PSI, and Fv = 95 PSI.
4. Glue laminated lumber shall conform with ASTM D-3737 and AITC 117. Roof beams shall be designated 24F-V1 or 24F-E1.
5. Plywood for sheathing shall be APA rated sheathing as per plans and shall bear the APA Mark.
6. Wood in contact with concrete, masonry and/or exposed to weather shall be protected or pressure treated in accordance with AITC-109.

STEEL WALL FRAMING

1. Elements shall be straight and free of any defects that would significantly affect structural performance.
2. Load-bearing steel studs shall be located directly in-line with joists, trusses and rafters with a maximum tolerance of inch.
3. Interior load-bearing steel stud walls shall be supported on foundations or shall be located directly above load-bearing walls with maximum tolerance of inch.
4. Load-bearing steel framing members shall be cold-formed to shape form structural quality sheet steel complying with the requirements of one of the following:
   a. ASTM A 653: Grades 33, 37, 40 and 50 (Classes 1 and 3).
   b. ASTM A 792: Grades 33, 37, 40 and 50A.
   c. ASTM A 875: Grades 33, 37, 40 and 50 (Classes 1 and 3).
5. Load-bearing steel framing members shall have a legible label, stencil or embossment.
6. Screws for steel-to steel connections shall be installed with a minimum edge distance and center-to-center spacing of inch.
7. Steel framed walls shall be anchored to foundations or floors.
8. The flanges of steel studs shall be laterally braced.
9. The method of attachment of exterior wall covering materials cold-formed steel stud wall frames shall conform to the manufacturer's installation instructions.
10. The number of jack and king studs shall comply with Table R603.6 (4). King and jack studs shall be of the same dimension and thickness as the adjacent wall studs. Headers constructed of C-Shape framing members shall be connected to king studs.
11. All edges and interior areas of wood, structural sheathing panes shall be fastened to a framing member and tracks.
12. A single hold-down anchor is permitted to be installed at wall corners.

LIGHT GAUGE STUDS

1. All members shall be formed from corrosion-resistant steel, corresponding to the requirements of ASTM A653/A 653M – 07 and shall be zinc coated meeting ASTM A924/A 924M. Minimum yield strength shall be 33,000 PSI for all 20 gauge and 18 gauge members; and 50,000 PSI for all 16 gauge, and 12 gauge studs. Properties shall be as manufactured by metal stud manufacturers associations per I.C.B.O. No. 4943 or approved equal.
2. Studs shall be a minimum 20 gauge "C" shape, 1-5/8" wide, of the depths and spacing shown on drawings. Tracks shall be 18 GA., with a minimum flange of 1-1/4".
3. Bridging shall be cold rolled channel, minimum 1-1/2" deep with 9/16" flange width. Space bridging at 4'-0" maximum O.C. vertically. Double up studs at all jambs. All connections shall be per manufacturer's recommendations.
4. Splice in heavy gauge framing members, other than runner track shall not be permitted. Anchor runner track to concrete with 0.177 o x 1-1/2" HLTI fasteners or equal at 16" o.c. max.

DOOR SCHEDULE

NO	SIZE	TYPE	OPENING SIZE	MANUFACTURER	MODEL OR SERIES	HEAD, JAMB & SILL	ACTUAL APPLIED WIND PRESSURES +	-	WHERE WALL DESIGN PRESSURE +	-	IMPACT PROTECTION TYPE OF OPENING PROTECTION & RATING	INSTALLATION DETAIL (LIST BELOW)	BACK BEDDING	STATE OF FLORIDA PRODUCT APPROVAL NUMBER NUMBERS
D1	3068	SWING	3'-0"x6'-8"	FIBERGLASS		A	+52	-60	61	-67	N/A		SEE V/S	FL5896

INSTALLATION NOTES:
1. HOWE OF SWING
2. TEMPERED WINDOW
3. SHADED PER FBC 2009/R.R. 1029.4 + R308.4
4. OBSCURED GLASS

LEGEND:
Dx = DOOR DESIGNATION
Sx = SHUTTER DESIGNATION
Fx = WINDOW DESIGNATION

SIZE DESIGNATIONS
W = WIDTH
H = HEIGHT

DOOR SCHEDULE / FRAME SCHEDULE

NO	SIZE	DOOR MAT.	DOOR TYPE	REMARKS	FRAME MAT.	FRAME TYPE	HOWE SET	REMARKS
D1	3'-0"x6'-8"x1 3/8"	FIBER	A		COMP	1	1	

DOOR ABBREVIATIONS:
MDSC = WOOD SOLID CORE SEE NOTES
ALUM = ALUMINUM & 1/4" TEMPERED GLASS - SEE NOTES
HM = HOLLOW METAL - SEE NOTES
FIBER = FIBERGLASS
COMP = COMPOSITE

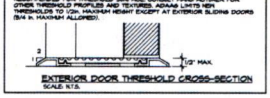
NOTE:

EMERGENCY AND EXIT LIGHTING TO BE INSTALLED IN COMPLIANCE WITH FBC 2017 SEC. 1016, AND COORDINATED WITH THE NORTH PORT MYERS FIRE DEPARTMENT.

INTERIOR WALLS AND CEILING FINISHES REQUIREMENTS

EXIT ACCESS CORRIDORS AND OTHER EXITWAYS = CLASS B.
ROOMS IN ENCLOSED SPACES = CLASS C.

LEVEL CHANGES AT THRESHOLDS UP TO 1/4 in. MAY BE VERTICAL WITHOUT BEVEL TREATMENT. LEVEL CHANGES BETWEEN 1/4 AND 1/2 in. SHALL BE BEVELED WITH A SLOPE NO GREATER THAN 1:2. ABRASIVE FINISH RECOMMENDED FOR THRESHOLD SURFACE. CONSULT MANUFACTURER FOR OTHER THRESHOLD PROFILES AND TEXTURES. ADA48 LIMITS HIGH THRESHOLDS TO 1/2in. MAXIMUM HEIGHT EXCEPT AT EXTERIOR SLIDING DOORS (3/4 in. MAXIMUM ALLOWED).



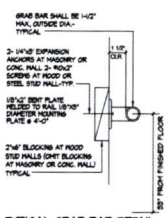
EXTERIOR DOOR THRESHOLD CROSS-SECTION
SCALE: N.T.S.

HARDWARE

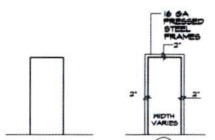
1. FINISH HARDWARE SHALL BE SCHLAGE, YALE, RUSSWIN OR EQUAL.
2. HARDWARE FINISH SHALL BE BRUSHED SATIN CHROME PLATED.
3. HARDWARE SHALL CONFORM TO FBC AND ADA REQUIREMENTS.
4. KEYING SHALL BE DECIDED AT MEETING WITH OWNER AND HARDWARE SUPPLIER.
5. HARDWARE SHALL BE COMMERCIAL HEAVY DUTY GRADE.

DOOR HARDWARE NOTE:

HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPENING DEVICES ON ACCESSIBLE DOORS SHALL HAVE A SHAPE THAT IS EASY TO GRASP WITH ONE HAND AND DOES NOT REQUIRE TIGHT GRASPING, TIGHT PINCHING, OR TWISTING OF THE WRIST TO OPERATE. LEVER-OPERATED MECHANISMS, PUSH-TYPE MECHANISMS, AND U-SHAPED HANDLES ARE ACCEPTABLE DESIGNS. WHEN SLIDING DOORS ARE FULLY OPEN, OPERATING HARDWARE SHALL BE EXPOSED AND USABLE FROM BOTH SIDES. HARDWARE SHALL BE EXPOSED AND USABLE FROM BOTH SIDES. HARDWARE REQUIRED FOR ACCESSIBLE DOOR PASSAGE SHALL BE MOUNTED NO HIGHER THAN 48 INCHES (1219MM) ABOVE FINISH FLOOR.



TYPICAL GRAB BAR DETAIL
SCALE: N.T.S.



DOOR TYPES FRAME TYPES

HARDWARE SETS:

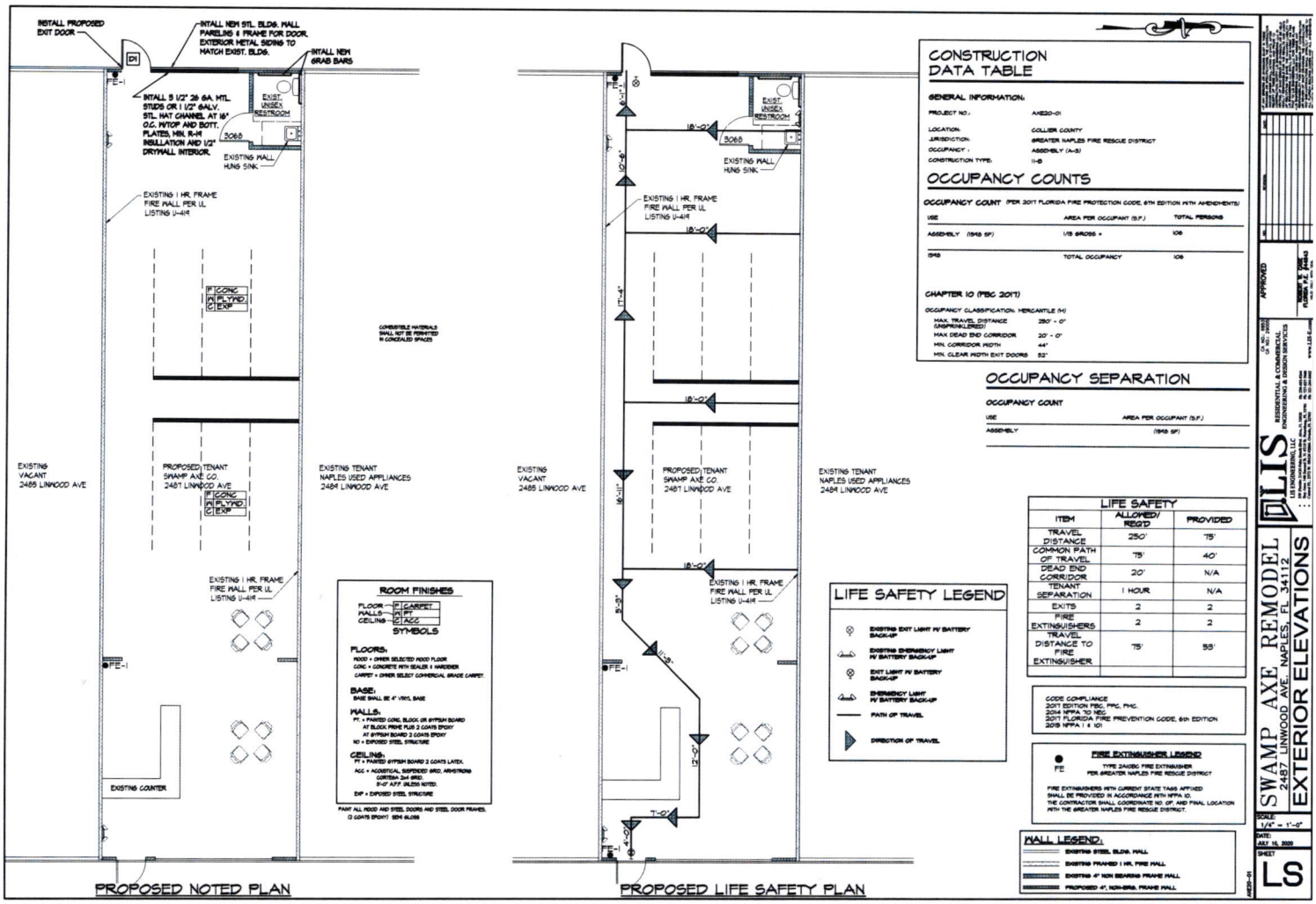
SET No.1: DOOR: D1
1 1/2 PR BUTTS
LOCKSET
STOP
CLOSER
PANIC HARDWARE

LEE ENGINEERING, LLC
RESIDENTIAL & COMMERCIAL ENGINEERING & DESIGN SERVICES
APPROVED
ROBERT W. LEE, P.E. #46963

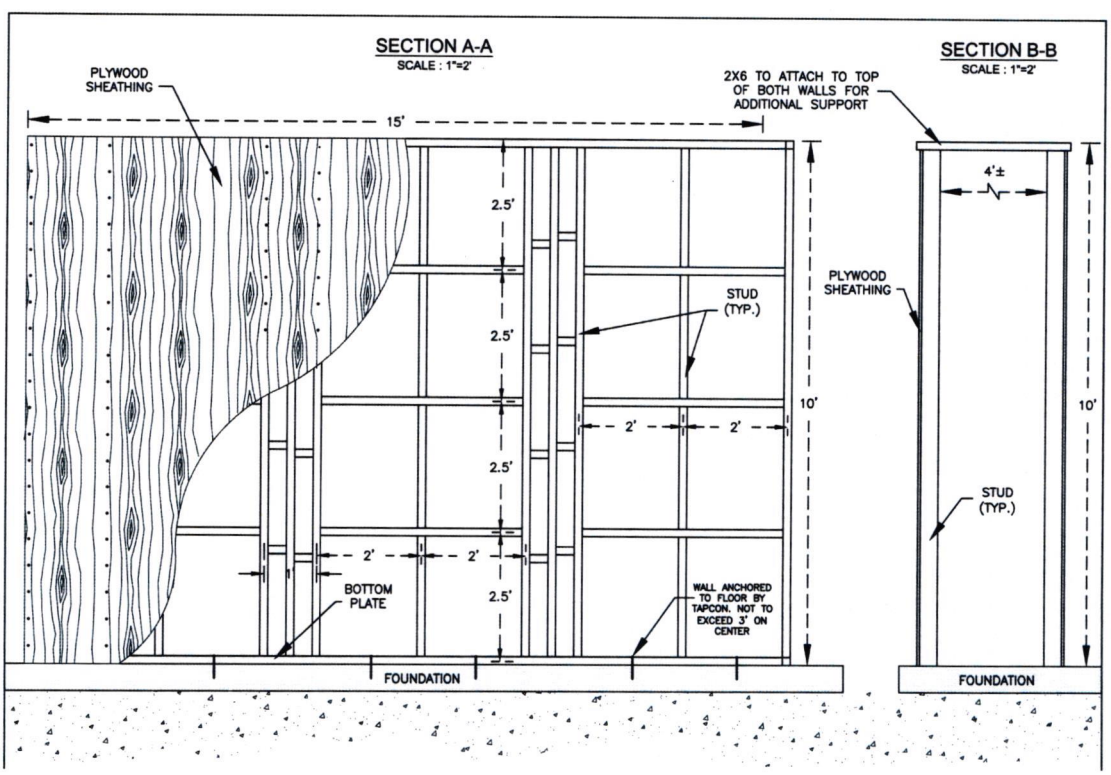
SWAMP AXE REMODEL
2487 LINWOOD AVE. NAPLES, FL 34112
PROPOSED NOTES AND DETAILS

SCALE: 1/4" = 1'-0"
DATE: JULY 10, 2020
SHEET: A2

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))



Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))



PROPOSED FRAMING PLAN

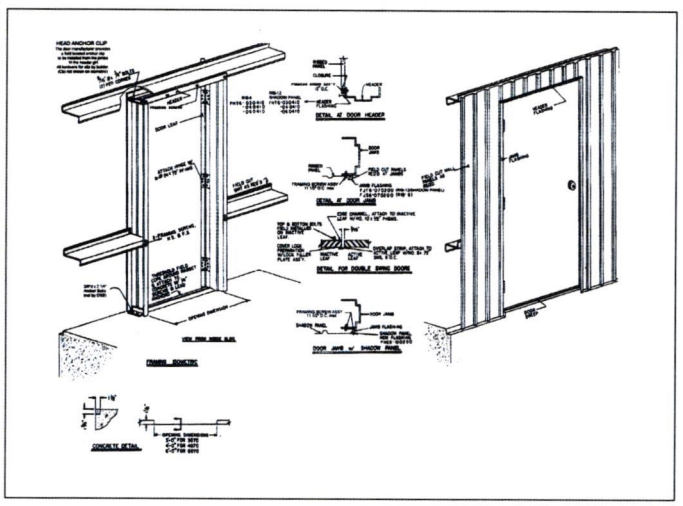
LIS RESIDENTIAL & COMMERCIAL ENGINEERING & DESIGN SERVICES

SWAMP AXE REMODEL
2487 LINWOOD AVE, NAPLES, FL 34112
PROPOSED FRAMING PLAN

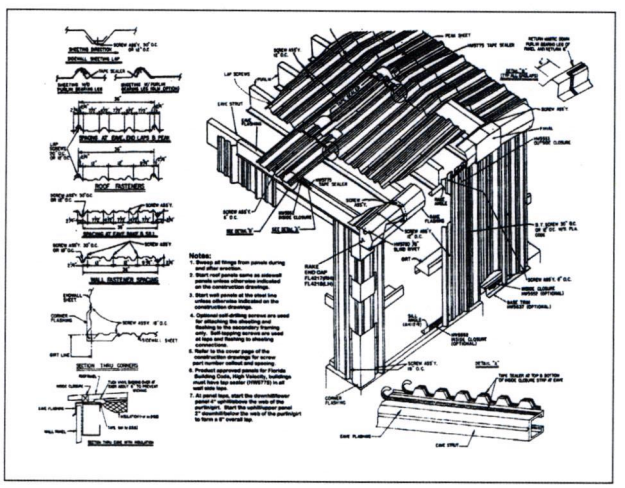
SCALE: 1/4" = 1'-0"
DATE: JULY 10, 2020
SHEET S1

APPROVED

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))



SELF FRAMING WALK DOOR
SCALE: N.T.S.



RIB-12 ROOF & WALL
WALL SHEETING DET.
SCALE: N.T.S.

SWAMP AXE REMODEL
2457 LINWOOD AVE. NAPLES, FL 34112
PROPOSED INFILL DETAILS

LIS ENGINEERING, LLC
RESIDENTIAL & COMMERCIAL ENGINEERING & VISION SERVICES

APPROVED

SCALE: 1/4" = 1'-4"
DATE: JULY 15, 2020
SHEET S2

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

SURVEY SKETCH OF BOUNDARY SURVEY

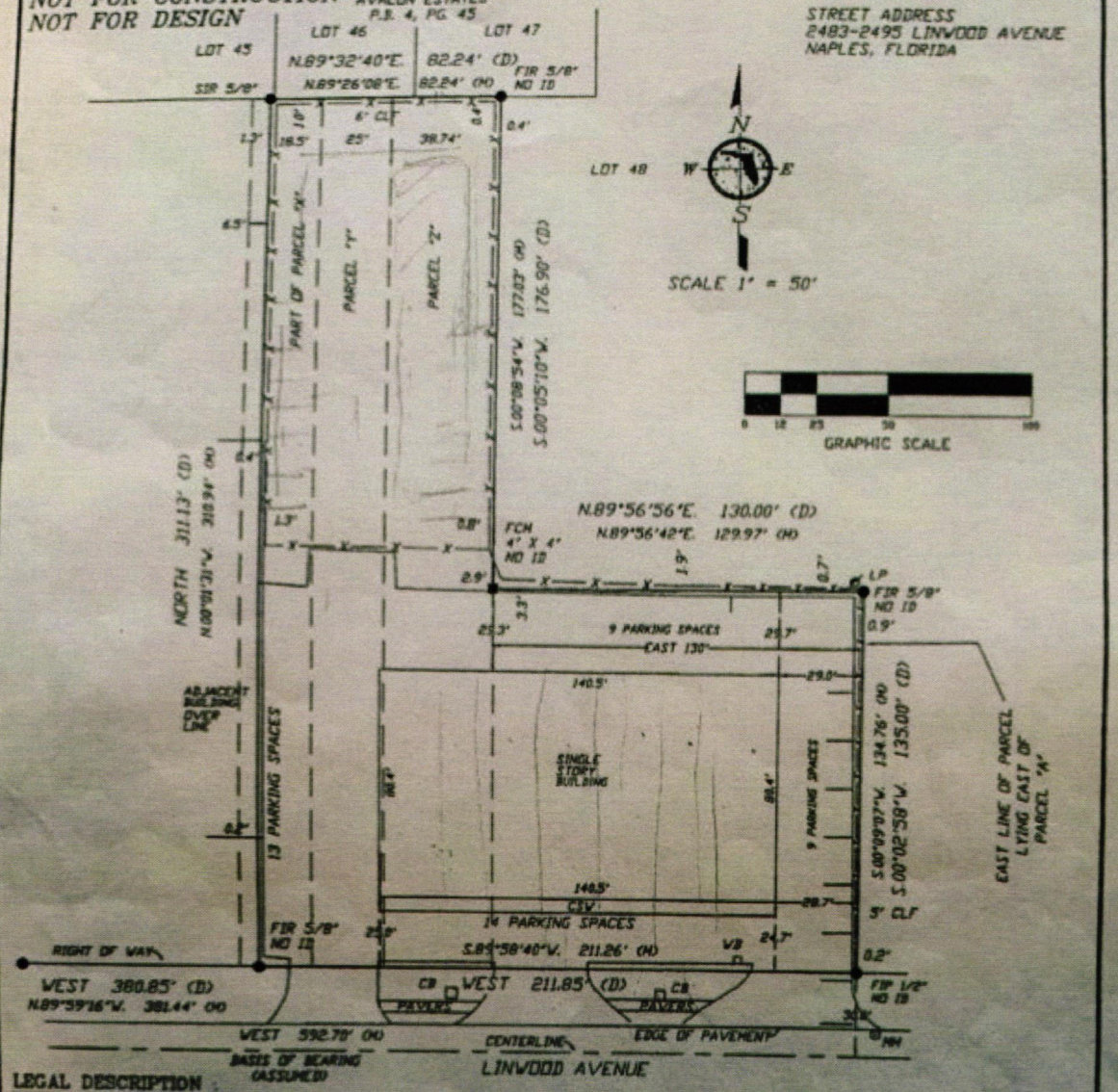
NOTE: THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY

COPYRIGHT 2005 F.L.A. SURVEYS CORP.

NOT FOR FENCE CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR DESIGN

AVALON ESTATES
P.B. 4, PG. 45

STREET ADDRESS
2483-2495 LINWOOD AVENUE
NAPLES, FLORIDA



LEGAL DESCRIPTION:

THE EAST 130 FEET OF A PARCEL OF LAND LYING EAST OF BLOCK "A" AND NORTH OF LINWOOD AVENUE IN NAPLES COMMERICAL CENTER FIRST ADDITION, SOUTH OF AVONDALE ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 3, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA. ALL OF PARCEL X, LESS AND EXCEPTING THE WEST 6.5 FEET THEREOF AS SUCH PARCEL IS MORE FULLY SET FORTH AND DESCRIBED IN O.R. BOOK 3274, PAGE 2821. ALL OF PARCEL Y, AS SUCH PARCEL IS MORE FULLY SET FORTH AND DESCRIBED IN O.R. BOOK 3274, PAGE 2822. ALL OF PARCEL Z, AS SUCH PARCEL IS MORE FULLY SET FORTH AND DESCRIBED IN O.R. BOOK 3274, PAGE 2823.

CERTIFIED TO:

HAND GUTIC
WILLIAM SCHWEIKHARDT, P.A.
ATTORNEYS' TITLE INSURANCE FUND, INC.

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY: _____ SURVEY DATE: 4-25

LELAND F. DySARD, PLS #3859
GEORGE R. RICHMOND, PLS #2406
CLINTON W. FINSTAD, PLS #2453
MARY E. FINSTAD, PSM #5901
STEPHEN MACDONALD, PLS #4001

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES. NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL. SURVEY IS VALID FOR 90 DAYS. PLEASE REFER TO REVERSE SIDE FOR GENERAL NOTES & ABBREVIATIONS.

FLOOD ZONE: AE 8
COMMUNITY PANEL: 120067-0394D
INDEX DATED: 7-20-98
(FLOOD ZONE: "B", "C", "D", & "X" ARE NOT IN DESIGNATED FLOOD HAZARD ZONE AREA.)
(AS TAKEN FROM FLOOD INSURANCE RATE MAP)

NOTE: IN COMPLIANCE WITH F.A.C. 61G17-6.0031 (5) (E) IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

6561 TAYLOR ROAD, SUITE 1
NAPLES, FLORIDA 34109
239-598-5936 FAX 598-5939

8359 BEACON BLVD., SUITE 117
FT. MYERS, FLORIDA 33907
239-274-9518 FAX 274-9519

DRAWN BY:	SJ	PARTY CHIEF:	SM

REVISIONS

PROJECT NO: 05-10698

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Collier County Land Development Code, Section 5.05.01, I did give notice by mail to the following property owners and/or condominium and civic associations whose members may be impacted by an application request for a Waiver from Separation Requirements for Businesses Selling Alcoholic Beverages for On-Premise Consumption. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change.

Per attached letters and or property owner's list, which are hereby made a part of this Affidavit of Compliance.

(Signature of Applicant)

State of Florida
County of Collier

This foregoing Affidavit of Compliance was acknowledged before me this 5TH day of MAY, 2021 by SEAN COUTURIER who is personally know to me or who has produced _____ as identification.

(Signature of Notary Public)

CLAUDINE AUCLAIR
Commission # HH 117862
Expires April 18, 2025
Bonded Thru Budget Notary Services

CLAUDINE AUCLAIR
(Printed Name of Notary)

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

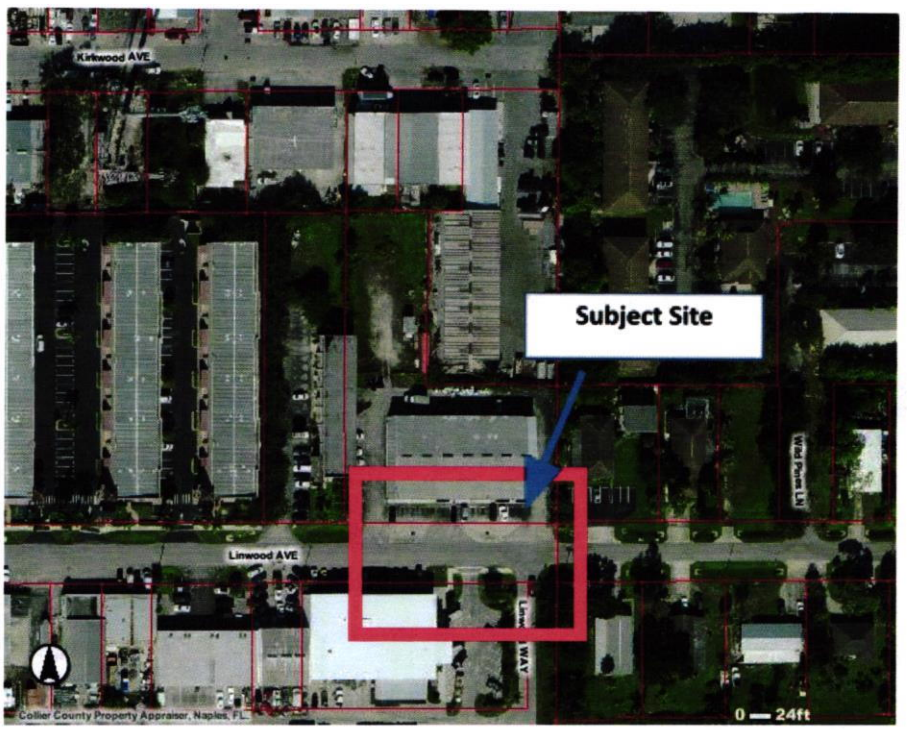
Swamp Axe Worldwide, LLC
2487 Linwood Ave
Naples, FL 34112
(239) 331-3923
swampaxeco@gmail.com

April 12, 2021

Re: Swamp Axe Worldwide, LLC (ABW)
Alcoholic Beverage Distance Waiver (PL20200002617)

Dear Property Owner:

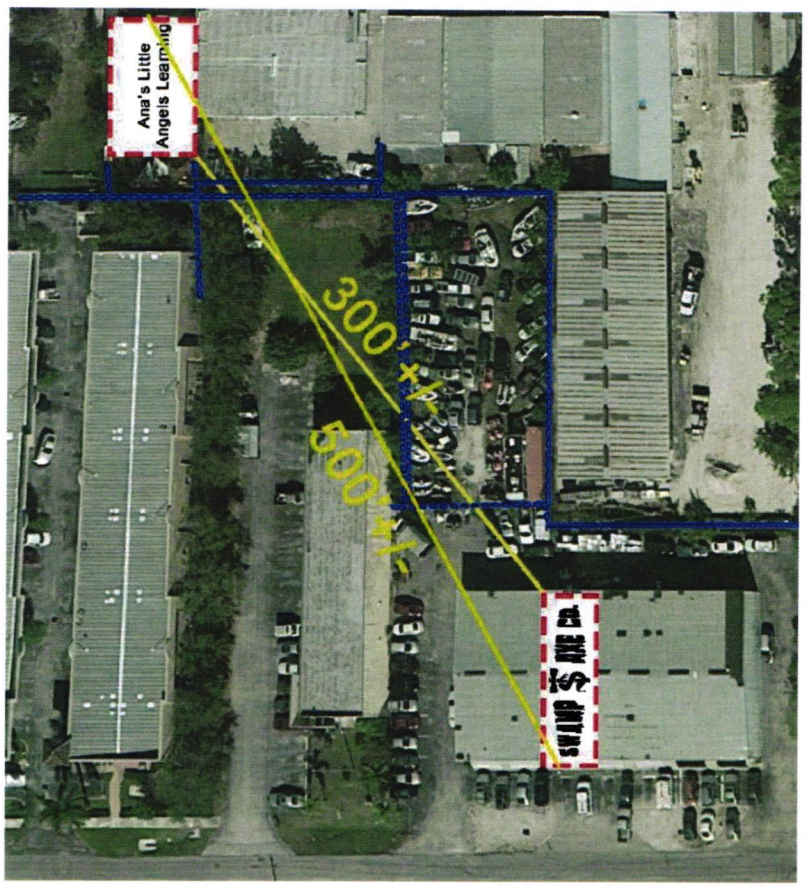
You are receiving this letter because you own property located within 150 feet of the Swamp Axe Worldwide, LLC, requests for a Waiver from Separation Requirements for Businesses Selling Alcoholic Beverage for On-Premise Consumption. Distance Waiver for Food and Wine Venue, located as depicted below:



LDC Section 5.05.01.A. requires a minimum of 500-foot separation between an establishment deriving the majority of its revenue from the sale of alcoholic beverages for on-site consumption and any existing establishment deriving the majority of revenue from the sale of alcoholic beverages. LDC Section 5.05.01.A. also requires a 500-foot separation between any establishment deriving the majority of its revenue from the sale of alcoholic beverages for on-site consumption and any established elementary, middle, or high school, childcare center, public library, church, public park, or public playground. This does not include beach access points.

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

The applicant is proposing to sell beer and wine to guests visiting the Swamp Axes Worldwide facility. The Swamp Axe Worldwide is located at 2487 Linwood Avenue and is within 500 feet of a childcare center located at 2400 Kirkwood Avenue. See the attached aerial exhibit which depicts the location of The Swamp Axe Worldwide and Ana's Little Angels Learning Center.



The applicant is seeking a waiver from LDC Section 5.05.01.A.1. and A.2., as provides for in LDC Section 5.05.01.A.6., for a portion of the 500-foot separation requirement.

If you have any questions regarding the requested waiver, you may call or email me at the number or email provided below.

Sincerely,

Sean Couturier, Applicant
(239) 348-5185
seancouturier@gmail.com

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

1995 Jack Parker Desc. Trust
9001 Daniels Parkway #101
Fort Myers, FL 33912

2464 Kirkwood Avenue LLC
1022 6th Avenue North
Naples, FL 34102

Allen-Keith Construction Co.
2735 Greensburg Road
Canton, OH 44720-1423

Laura Anastasia
2140 Hawksridge Drive #1703
Naples, FL 34105

Joseph & Ann Marie Arciere
503 Joseph Court Apt. #1
Naples, FL 34104-9457

AvantGarde Images Inc.
2383 Linwood Avenue #302
Naples, FL 34112-3505

Beth's Boutique Inc.
793 5th Avenue South
Naples, FL 34102-6603

Bonny L. Hawley Rev. Trust
1920 Sheepshead Drive
Naples, FL 34102-1510

Michael J. Bruno, Jr.
6 N. Lake Road
Armonk, NY 10504

Bullgator LLC
2250 Old Brick Road #200
Glen Allen, VA 23060

C&S of Naples, LLC
1022 6th Avenue North
Naples, FL 34102

Cottages and Castles, Inc.
2371 Linwood Avenue #102
Naples, FL 34112

Cruise Naples, Inc.
1200 Fifth Avenue South
Naples, FL 34102

Robert I. Estill
2025 South Queen Street
York, PA 17403

Farrell Properties – Linwood LLC
2009 Williamson Road NW
Roanoke, VA 24012

Fixin' Windows Inc
4474 Capri Drive
Naples, FL 34103-2506

Good Times LLC
130 11th Avenue South
Naples, FL 34102

Gulf South Development LLC
P.O. Box 1321
Naples, FL 34106

Hartman Family Trust
2336 Broadwing Court
Naples, FL 34105

Thomas & Cynthia Heckard
1919 4th Street South
Naples, FL 34102

HGG Management LLC
7471 Mill Pond Circle
Naples, FL 34109

J&M Boatlift & Repairs Inc.
2496 Kirkwood Avenue
Naples, FL 34112

Lacava Family Revocable Trust
P.O. Box 398
Goodland, FL 34140

Linwood Property Management LLC
2280 Carter Street
Naples, FL 34112

Matthews & Matthews LLC
4470 19th Avenue SW
Naples, FL 34116-5808

Thomas P. Millsap Jr.
425 Forest Hills Boulevard
Naples, FL 34113

Jack Molly & Joan Bernstein
756 8th Avenue South
Naples, FL 34102-6920

Opera Naples Inc.
2408 Linwood Avenue
Naples, FL 34112-4735

Ralph L. Galietti Trust
380 10th Street South #201
Naples, FL 34102

Richard J. Woodruff Rev. Trust
7664 Pointe Verde Way
Naples, FL 34109

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

David W. Thomack
4401 Gulf Shore Boulevard North
#406
Naples, FL 34103

Walter James Smith 2012 Trust
3355 Gordon Drive
Naples, FL 34102

Wild Pines Owner, LLC
650 Madison Avenue
New York, NY 10022

William M. Wildner
2575 Tarpon Riad
Naples, FL 34102-1559

Wilson Lighting of Naples, Inc.
2465 Trade Center Way
Naples, FL 34109

Liset Zelaya / Jose Cuin
2529 Linwood Avenue
Naples, FL 34112-4860

William E. / Daniel A. Zwicker
4163 Hyacinth Circle S.
Palm Beach Gardens, FL 33410-5553

Terrier Developments Inc.
166 King Street East #100
Toronto, Ontario, Canada
M5A 1J3

Swamp Axe Worldwide LLC
c/o Sean Couturier
3722 Recreation Lane
Naples, FL 34113

Swamp Axe Worldwide LLC
c/o Sean Couturier
3722 Recreation Lane
Naples, FL 34113

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Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

Swamp Axe Worldwide LLC
c/o Sean Couturier
3722 Recreation Lane
Naples, FL 34113

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Naples, FL 34113

Attachment: Attachment E- Application Backup Materials (15586 : Swamp Axe (ABW))

SIGN POSTING INSTRUCTIONS

(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)

A zoning sign(s) must be posted by the petitioner or the petitioner's agent on the parcel for a minimum of fifteen (15) calendar days in advance of the first public hearing and said sign(s) must be maintained by the petitioner or the petitioner's agent through the Board of County Commissioners Hearing. Below are general guidelines for signs, however these guidelines should not be construed to supersede any requirement of the LDC. For specific sign requirements, please refer to the Administrative Code, Chapter 8 E.

1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) must be securely affixed by nails, staples, or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
3. The petitioner or the petitioner's agent must maintain the sign(s) in place, and readable condition until the requested action has been heard and a final decision rendered. If the sign(s) is destroyed, lost, or rendered unreadable, the petitioner or the petitioner's agent must replace the sign(s

NOTE: AFTER THE SIGN HAS BEEN POSTED, THIS AFFIDAVIT OF POSTING NOTICE SHOULD BE RETURNED NO LATER THAN TEN (10) WORKING DAYS BEFORE THE FIRST HEARING DATE TO THE ASSIGNED PLANNER.

- - - -

Attachment: Attachment F - Property hearing sign (15586 : Swamp Axe (ABW))

Attachment: Attachment F - Property hearing sign (15586 : Swamp Axe (ABW))

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

Emergency/Executive Order 2020-04
Hearing of the Collier County Hearing Examiner

For Petition Number(s): PL-20200002617

Regarding the above subject petition number(s), SwampAxe Worldwide, LLC (AKA "SWAMP AXE Co") (Name of Applicant) elects to proceed during the declared emergency with hybrid virtual public hearing of the Collier County Hearing Examiner, and waives the right to contest any procedural irregularity due to the hybrid virtual nature of the public hearing.

Name: Sean Couturier, Manager

Date: 5/10/2011

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

* This form must be signed by either the Applicant (if the applicant is a corporate entity, this must be an officer of the corporate entity) or the legal counsel to the Applicant.

Attachment: Attachment G - Hybrid Meeting Waiver (15586 : Swamp Axe (ABW))