COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

May 26, 2022

9: 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. Petition No. PL20220000485 CUD - A request for a comparable use determination that a food pantry is comparable, compatible, and consistent with the list of permitted uses in Section 5.3 of the U.S. 41 Wiggins Pass Road Planned Unit Development (PUD), Ord. No. 97-46, as amended. The proposed use will occupy 13510 Tamiami Trail North Unit #2 which is a ±1,650 square foot commercial bay located within an existing strip mall and part of the U.S. 41 Wiggins Pass Road PUD. The PUD is at the southeast quadrant of the intersection of Tamiami Trail North and Wiggins Pass Road in Section 15, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Eric Ortman, Principle Planner] Commissioner District 2

4. Other Business

5. Public Comments

6. Adjourn

05/26/2022

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Item Summary: Petition No. PL20220000485 CUD - A request for a comparable use determination that a food pantry is comparable, compatible, and consistent with the list of permitted uses in Section 5.3 of the U.S. 41 Wiggins Pass Road Planned Unit Development (PUD), Ord. No. 97-46, as amended. The proposed use will occupy 13510 Tamiami Trail North Unit #2 which is a ±1,650 square foot commercial bay located within an existing strip mall and part of the U.S. 41 Wiggins Pass Road PUD. The PUD is at the southeast quadrant of the intersection of Tamiami Trail North and Wiggins Pass Road in Section 15, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Eric Ortman, Principle Planner] Commissioner District 2

Meeting Date: 05/26/2022

Prepared by:
Title: Principal Planner – Zoning
Name: Eric Ortman
05/02/2022 7:51 AM

Submitted by:
Title: – Zoning
Name: Mike Bosi
05/02/2022 7:51 AM

Approved By:

Review:

Zoning	Eric Ortman	Zoning Director Review	Skipped	04/25/2022 10:29 AM
Growth Management Operations & Regulatory Management		Kenneth Kovensky	Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	05/06/2022 5:14 PM
Zoning	Ray Bellows	Review Item	Completed	05/13/2022 2:39 PM
Zoning	Mike Bosi	Review Item	Completed	05/18/2022 1:47 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	05/26/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: MAY 26, 2022

SUBJECT: HELPING HANDS FOOD PANTRY, COMPARABLE USE DETERMINATION (CUD), CUD-PL20220000485

PROPERTY OWNER/AGENT:

Applicant/Owner:

Helping Hands Pantry, INC
13510 Tamiami Trail N, Suite 2
Naples, FL. 34110

Agent:

Patrick Vanasse, AICP
RWA Engineering
6610 Willow Park Dr., Suite 200
Naples, FL. 34109

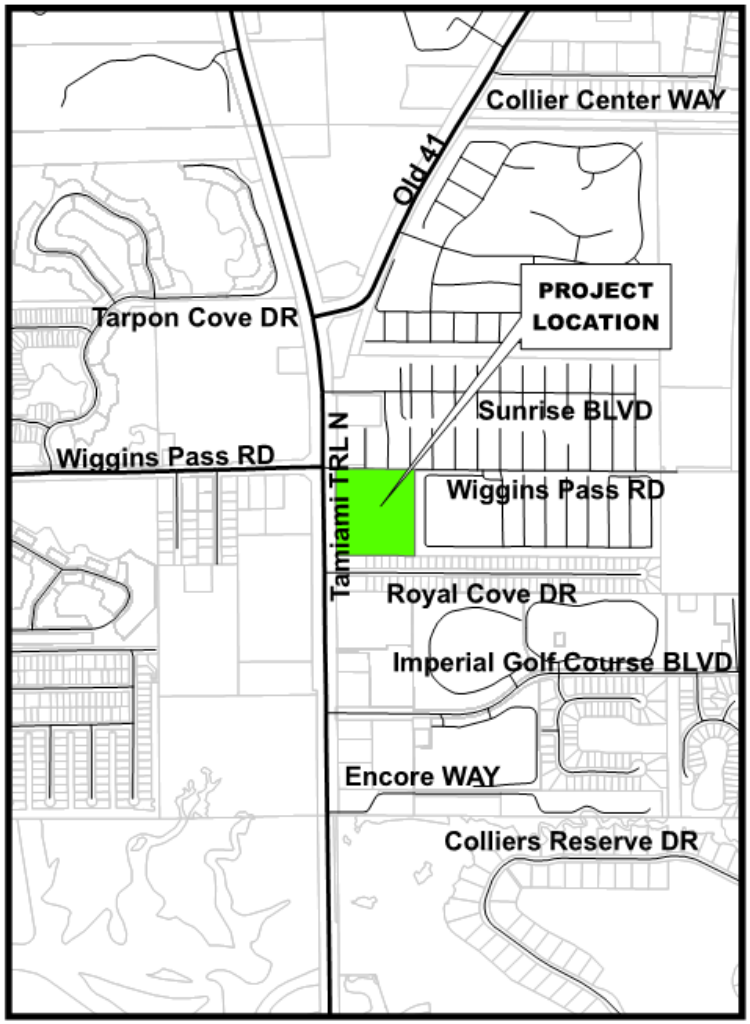
REQUESTED ACTION:

Request for a determination that a proposed food pantry is comparable in nature with the list of permitted uses in Section 5.3 of Ordinance Number 97-46, as amended, (Attachment A) which is the governing document of the U.S. 41/Wiggins Pass Road Planned Unit Development (PUD). The subject property is a ±1,650 square-foot commercial unit within the ±9.04-acre PUD located in the southeast quadrant of the intersection of Tamiami Trail North (U.S. 41) and Wiggins Pass Road in Section 15, Township 48 South, Range 25 East, Collier County, Florida.

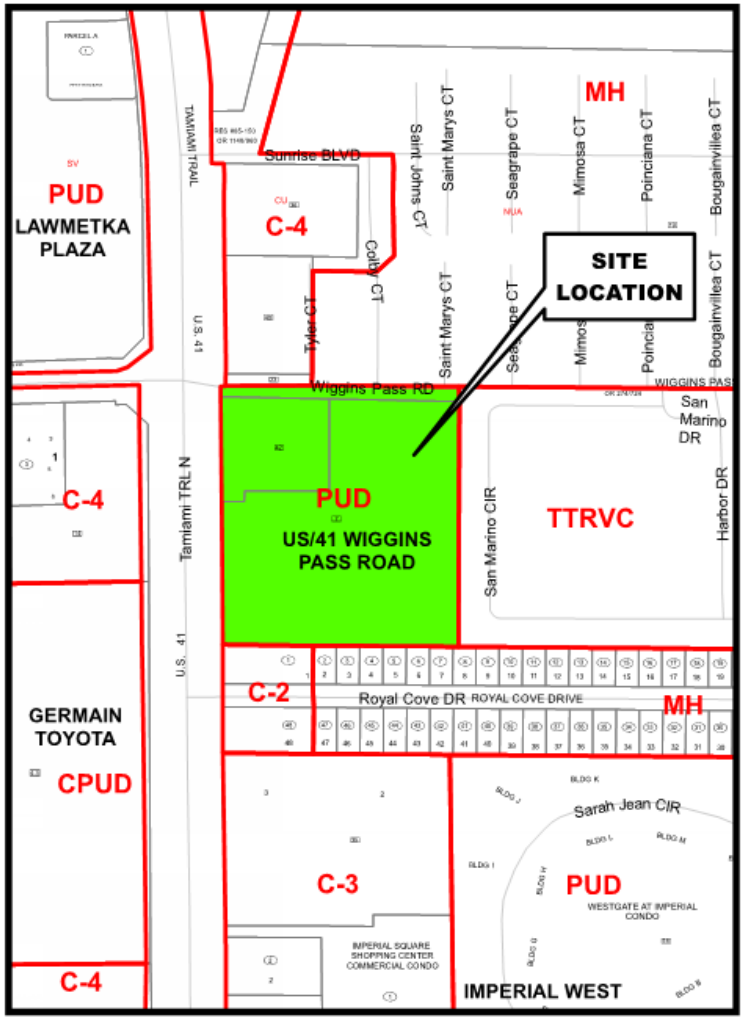
GEOGRAPHIC LOCATION:

The commercial unit (Unit 2) is one of multiple units at 13510 Wiggins Pass Road; there are two other buildings in the PUD, a similar multi-unit building and a single tenant building which is occupied by a Walgreens. The subject property is in the southeast quadrant of the intersection of Tamiami Trail North (U.S. 41) and Wiggins Pass Road in Section 15, Township 48 South, Range 25 East, Collier County, Florida. (See location map page 2).

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)



Location Map



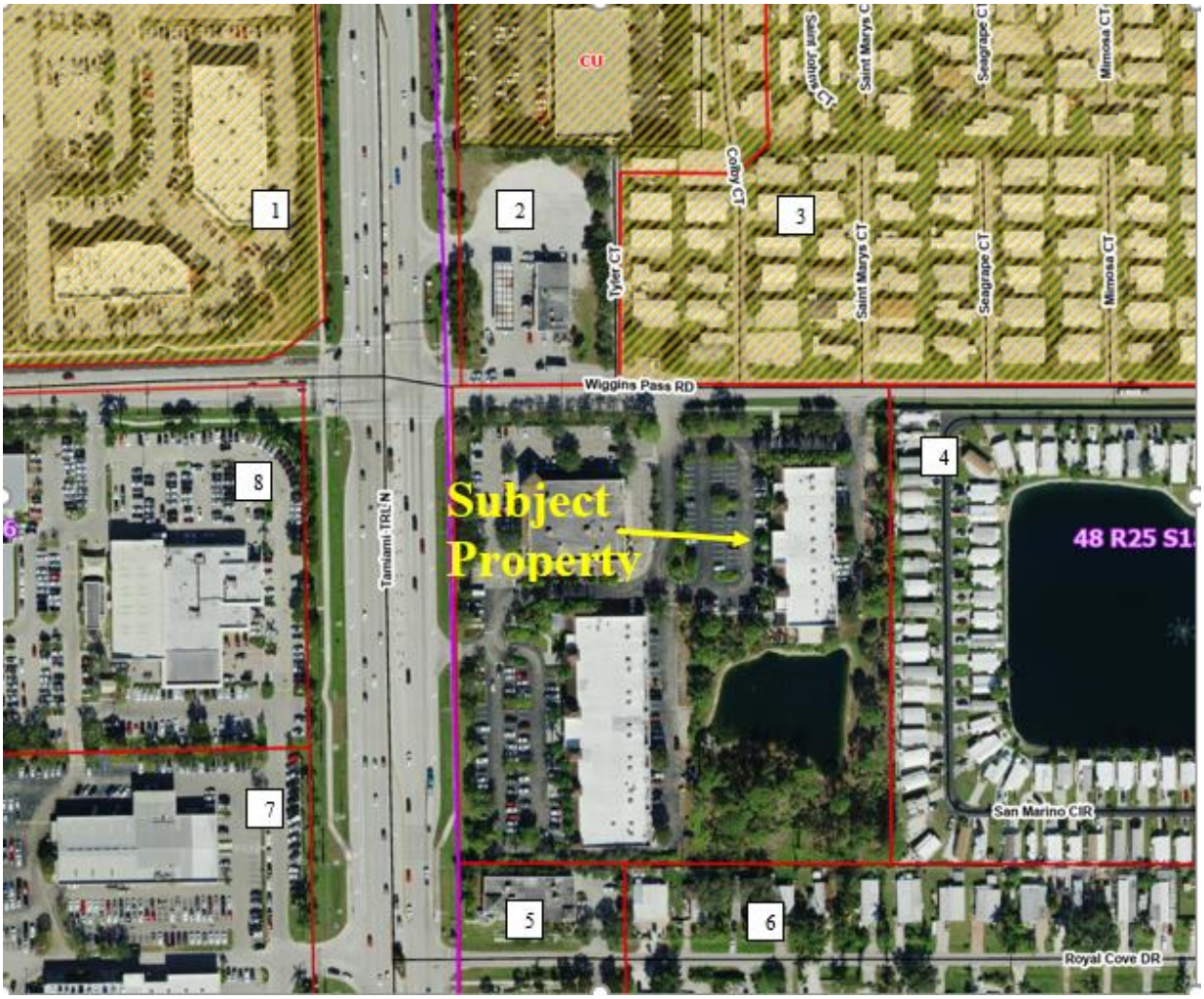
Zoning Map

Petition Number: PL20220000485

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the subject property which is a Planned Unit Development (PUD).

North: Commercial PUD (1), General Commercial (C-4) (2), and Mobile Home (MH) (3).
East: Travel Trailer-Recreational Vehicle Campground (TTRVC) (4).
South: Commercial Convenience (C-2) (5), and Mobile Home (MH) (6).
West: Commercial PUD (7), and General Commercial (C-4) (8).



Collier County GIS

PURPOSE AND DESCRIPTION OF PROJECT:

The commercial unit is currently in operation as the Helping Hands food bank and will continue to be used solely as a food bank. Food will not be prepared or served, and no housing will be provided. The ±1,650 square-foot space will be used to accept food donations, assemble food items into boxes/bags for distribution, for limited shelf stocking for customer selection, and administrative functions.

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)

There will be a maximum of five employees at any given time who may work between the hours of 8:00 a.m. and 5:00 p.m. The applicant has committed to the following operating hours for food drop-offs and distributions with the caveat that caveat that on the set days for drop-offs and distributions, hours may be extended by ±1 hour should there be extenuating circumstances. Outside these hours only employees will be on site.

Wednesday	–	Food drop-off and donations only from 9:00 a.m. to 1:30 p.m.; and
Saturday	–	Food drop-off and donations only from 9:00 a.m. to 1:00 p.m.; and
Friday	–	Food distribution only from 10:00 a.m. to 1:00 p.m.

The food bank manager estimates that approximately 70 percent (70%) of the food distributed is pre-packaged for distribution. The remaining 30 percent (30%) is on shelves for customers to take. Per the food bank manager, the average time between a person entering and leaving is estimated to be from five (5) to ten (10) minutes; on Friday, March 11, 2022, 52 individuals/families were served over the three-hour period, an average of 17 people per hour.

STAFF ANALYSIS:

The subject property has a Future Land Use Designation of Urban Residential, Mixed-Use Activity Center #20 – U.S. 41 and Wiggins Pass Road in the Future Land Use Element (FLUE p. 61-63, Attachment B). Mixed-Use Activity Centers are intended to be mixed-use in character and are generally intended to be developed at a human-scale, to be pedestrian-oriented, and to be interconnected with abutting projects whether commercial or residential. Allowable land uses in Mixed-Use Activity Centers include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a maximum density of 26 units per acre, community facilities, and other land uses as generally allowed in the Urban designation.

The U.S. 41/Wiggins Pass Road PUD permits a wide range of retail and service uses including food stores, eating and drinking places, lawn and garden supply stores, and automobile rental, repair, and service. Child day care services which fall under SIC Major Group 83 – Social Services – are also permitted. The SIC system does not have a direct classification for food pantries. The North American Industry Classification System (NAICS) is another system, not unlike to the SIC, used by federal agencies in classifying businesses. NAICS Code 624210 is for Community Food Services and includes food pantries. The NAICS and SIC may be cross-referenced with each other; the SIC cross-reference for NAICS 624210 is 8322 – Individual and Family Social Services which is a broad group including helping hands service, meal delivery programs, and neighborhood multi-service centers.

The activities of a former PUD tenant – Bonita Bridge Club - resulted in an ongoing parking challenge for other tenants in the PUD. Since the Bonita Bridge Club left the PUD, there have been no parking related code enforcement issues. Given the previous parking challenges, zoning staff conducted a site visit on Friday, March 18, 2022 between 12:00 p.m. and 12:30 p.m. to observe parking demand and supply. There are 50 paved parking spaces at the front of the building that the subject property is in. There are an additional dozen or so unpaved and unmarked spaces behind the shopping center that appear to be used for deliveries and employees working in the shopping center. Two counts of parked cars were done during the site visit. The first count had 33 of the 50 spaces (66%) occupied; for the second count, 28 spaces (56%) were being used. Representative photos are included as Attachment C.

Eleven groups entered Helping Hands during the observation. (A group is one or more individuals together.) Eight of the groups were in and out of the pantry in five minutes or less, two groups were inside between five and ten minutes; and one group was in the food pantry for more than 10 minutes. Ten of the 11 groups parked in the middle rows of spaces or farther away from the entrance and did not park directly in front of

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)

the stores in the shopping center. The building that contains Helping Hands also includes three restaurants, two nail/hair salons, and a community center. There is one vacant unit in the building.

Per LDC §10.02.06.K, a Comparable Use Determination (CUD) process is to be used to determine whether a specified use is comparable in nature with the list of permitted uses and the purpose and intent statement of the specified zoning district, overlay, or PUD. After staff evaluation of the criteria in LDC §10.02.06.K.2 the results are presented at a public hearing for the purposes of approval, approval with conditions, or denial.

LDC §10.02.06.K Criteria listed in bold with staff analysis in regular font.

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:

The applicant is willing to commit to the hours shown below with the caveat that on the set days for drop-offs and distributions, hours may be extended by ±1 hour should there be extenuating circumstances.

Wednesday – Food drop off and donations only from 9:00 a.m. to 1:30 p.m.; and
Saturday – Food drop off and donations only from 9:00 a.m. to 1:00 p.m.; and
Friday – Food distribution only from 10:00 a.m. to 1:00 p.m.

Outside of the hours listed above, between Monday and Friday from 8:00 a.m. until 5:00 p.m. staff may be present to organize/pack food supplies, limited prep time for food distribution, and administrative work.

By comparison, Walgreens is open from 8:00 a.m. to 10:00 p.m. and the Noodle Saigon Restaurant is open from 11:00 a.m. to 9:00 p.m. Helping Hand's hours of operation are less than other businesses in the PUD with the public's limited access to the pantry beginning after Walgreens opens and ending well before Noodle Saigon closes.

ii. Traffic Volume Generated/Attracted:

The Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition is the industry standard used to determine PM Peak-Hour Trips. In the case of Help Hands, the ITE manual cannot be used as it is not open to the public during the PM Peak Hour.

The ITE Manual does not contain a land use code for food pantries. To get a rough idea of what the PM Peak Hour might look like if Helping Hands was open during this time, the applicant used the trip generation rate for a small, 1,650 square-foot office building (ITE Code 712) as a proxy and compared it to the trip generation rates for a pharmacy/drugstore with drive-through and high turnover (ITE Code 881) and a high turnover sit-down restaurant (ITE Code 932) Staff added the trip generation rate for casual restaurants (ITE Code 930). The results are shown below and show that a small office building generates significantly fewer trips.

ITE Land Use and Code	Size (sq. ft.)	Weekday PM Peak Hour Average Rate
Small office building 712	1,650	6.15
Pharmacy/drugstore with drive-through and high turnover	14,500	164.14
High Turnover Restaurant 932	1,558	27.12
Casual Restaurant 933	1,000	12.55

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)

Without the benefit of a traffic study, staff made a rough estimate of the amount of traffic resulting from the food pantry. The estimate is based on one, half-hour physical count of cars, one account provided by the story manager of the actual customers served during a three-hour distribution period, and the lack of any code enforcement related parking issues currently or with the former tenant Custom Wine Cabinets and Rooms. Fifty-two customers were served on Friday, March 11th, for an average of 17 people per hour. During the 30-minute observation period, 11 groups entered the food pantry which equates to 22 people per hour. Helping Hands has been operating without incident. In addition, the required and provided parking for a shopping mall is calculated to accommodate myriad uses with all space available for use by patrons of the plaza. Given the above, it is the opinion of staff that there is sufficient parking is,

iii. Type of vehicles associated with the use:
The types of vehicles that will be associated with the food pantry are the same as those that will visit the other uses in the shopping center. There will be no difference in vehicle type though trucks dropping off donations to the food pantry may be smaller in size than those that deliver to the Walgreens and potentially some of the restaurants in the shopping plaza.

iv. Number and type of required parking spaces:
Parking requirements for shopping centers are calculated to be adequate for the various permitted uses in the shopping center. Some uses require less parking, and some require more parking. Traditionally, parking is shared equally amongst all tenants with no assigned spaces. The Site Development Plan (SDP-990162C, Attachment D) requires the PUD to provide 266 parking spaces inclusive of handicapped parking; the PUD provides 272 spaces inclusive of handicapped parking. The parking lot (50 spaces) associated with Helping Hands makes up a small portion of the total parking in the PUD. Based on the site visit, the absence of any parking related code enforcement issues, statements from the applicant and agent, and the fact that the food pantry has already been operating, staff is of the opinion that there is sufficient parking to accommodate the use in the PUD.

v. Business practices and activities:
Typical activities in the shopping center involve customers parking their vehicles, visiting one or more of the stores, restaurants, or service providers, conducting their business, and then leaving the shopping center. Except for deliveries, all business in the plaza operate in the same manner and are indistinguishable from other businesses with respect to their impact of neighboring businesses in the plaza. Helping Hands operates in the same manner as other business though with less impact than some of the other permitted uses in the plaza.

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 effect that Helping Hands would have on neighboring business is no greater, and likely less than the impacts of any of the other businesses within the center. Noise and glare are in direct proportion to the amount of vehicular traffic which will be less than that of other uses (See Aii response above.). There may be some odors resulting from perishable food being placed in dumpsters, but this would be no different and likely less than any of the restaurants in the center discarding uneaten food and perishable food.

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.
The proposed use is comparable to and consistent with permitted uses in the PUD. The subject property has a Future Land Use Designation of Urban Residential, Mixed-Use Activity Center #20 –

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)

U.S. 41 and Wiggins Pass Road in the Future Land Use Element (FLUE p. 61-63, Attachment B). Mixed-Use Activity Centers are intended to be mixed-use in character; allowable land uses include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a maximum density of 26 units per acre, community facilities, and other land uses as generally allowed in the Urban designation.

Urban designated areas on the Future Land Use Map (FLUM) are intended to accommodate community facilities and commercial uses identified by criteria in 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.

As discussed above, the County uses the SIC system in classifying uses; there is not a specific SIC number for a food pantry, therefore it is not specifically listed as a permitted use in the PUD. The list of permitted uses in Ord. 97-46 includes #43 which states that, "*any other general commercial use which is comparable in nature with the foregoing uses*" is permitted.

SIC 8351 – Child Day Care Services is a permitted use in the PUD and falls under SIC Major Group 83 – Social Services which encompasses a wide range of services including social services to the disadvantaged. A food pantry and a children's daycare are similar in that they both provide a needed social service although child day care services tend to be open a greater number of hours than Helping Hands resulting in a greater impact on other establishments in the PUD.

Helping Hands provides food, and limited household and personal products. The PUD permits food stores (SIC 5411-5499), and drug stores (SIC 5912) which provide many of these same items making Helping Hands compatible and consistent with these other permitted uses.

Helping Hands is a less intensive use than many of the other permitted uses in the PUD such as automotive dealers and gasoline service stations, automotive rental and repair and drug stores. Based on site visit observations, eight of the eleven "customers" of the food bank were in and out in five minutes or less signifying minimal demand on parking. Lastly, its limited hours of operation (approximately 12 hours/week, aside from administrative functions) are significantly less than most if not all other uses in the PUD.

E. Any additional relevant information as may be required by the County Manager or designee.

The applicant believes that they have made a significantly strong case for the compatibility of the food pantry and has not provided any additional relevant information.

PUBLIC NOTICE:

Per the LDC and Administrative Code a Neighborhood Information Meeting (NIM), posting of a sign on the subject property, and a mailing to surrounding property owners is not required. A newspaper advertisement for the Hearing Examiner public meeting is the only notice required (Administrative Code, Chapter 3L, and LDC §10.03.06.O) and was posted in the Naples Daily News on May 6, 2022.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that Helping Hands, a food pantry, is comparable and compatible with the list of permitted uses contained in Section 5.3 of the U.S. 41 Wiggins Pass PUD with the following conditions:

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)

1. Should parking for the PUD become an issue due to Helping Hands' activities that the applicant work with the owner of the plaza and businesses within the plaza to address parking needs including being open to modifying drop-off or distribution hours and operation if beneficial. This does not imply a commitment on the part the applicant.

2. Hours for dropping off donation and distributing food shall be limited to those shown below with the caveat that on the set days for drop-offs and distributions, hours may be extended by ± hour should there be extenuating circumstances.

Wednesday	–	Food drop-off and donations only from 9:00 a.m. to 1:30 p.m.; and
Saturday	–	Food drop-off and donations only from 9:00 a.m. to 1:00 p.m.; and
Friday	–	Food distribution only from 10:00 a.m. to 1:00 p.m.

Attachments:

A. Ordinance 97-46

B. FLUE Excerpt – Mixed-Use Activity Center Subdistrict

C. Parking Lot Photos

D. SDP-990162C.

E. Application and Backup Documents

Attachment: Staff Report Food Pantry CUD-PL20220000485 Revised 5-13-22 (22032 : Helping Hands Food Pantry Comparable Use)

ORDINANCE NO. 97-46

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102 THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBER 8515S; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "C-2" and "A" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS U.S. 41/WIGGINS PASS ROAD PUD FOR COMMERCIAL AND PROFESSIONAL OFFICES FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF U.S. 41 AND WIGGINS PASS ROAD (C.R. 888), LOCATED IN SECTION 15, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 9.08 ACRES MORE OR LESS; AND BY PROVIDING AN EFFECTIVE DATE.

FILED
SEP 22 1 3 PM '97
SECRETARY OF STATE

WHEREAS, Robert Duane of Hole, Montes & Associates, representing Mark Woodward, Trustee, petitioned the Board of County Commissioners to change the zoning classification of the herein described real property;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

The zoning classification of the herein described real property located in Section 15, Township 48 South, Range 25 East, Collier County, Florida, is changed from "C-2 and "A" to "PUD" Planned Unit Development in accordance with the U.S. 41/Wiggins Pass Road PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Map Number 8515S, as described in Ordinance Number 91-102, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

This Ordinance shall become effective upon filing with the Department of State.

Attachment: Attachment A - Excerpt from Ord. 97-46 (22032 : Helping Hands Food Pantry Comparable Use)

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 16th day of September, 1997.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:

DWIGHT E. BROCK, CLERK

BY: Timothy L. Hancock
TIMOTHY L. HANCOCK, CHAIRMAN

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

PUD-97-6 ORDINANCE/

This ordinance filed with the Secretary of State's Office the 22nd day of Sept. 1997 and acknowledgement of that filing received this 22nd day of Sept. 1997
By Ellie Hoffman
Deputy Clerk

Attachment: Attachment A - Excerpt from Ord. 97-46 (22032 : Helping Hands Food Pantry Comparable Use)

U.S. 41/WIGGINS PASS ROAD

PLANNED UNIT DEVELOPMENT

Prepared for:

Ma[illegible] Woodward, Trustee

Prepared by:

Hole, Montes and Associates, Inc.
715 Tenth Street South
Naples, FL 34102
(941) 262 4617

HMA File No. 95.27

August, 1997

Date Filed:_____
Date Review by CCPC:_____
Date Approved by BCC: 9-16-97
Ordinance No: 97-46

Attachment: Attachment A - Excerpt from Ord. 97-46 (22032 : Helping Hands Food Pantry Comparable Use)

SECTION V

PERMITTED USES AND DIMENSIONAL STANDARDS

5.1 Purpose

The purpose of this Section is to identify permitted uses and development standards for areas within the U.S. 41/Wiggins Pass Road PUD designated on Exhibit "A", PUD Master Plan for Tracts A, B, C, D and E.

5.2 General Description

Tracts A, B, C, D and E, as shown on the PUD Master Plan, are designed to accommodate a full range of principal uses, essential services and accessory uses.

The acreage of the tracts depicted on the PUD Master Plan is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of Preliminary Subdivision Plat submittal in accordance with Division 3.2 of the Collier County LDC. All tracts are designed to accommodate internal roadways, open spaces, water management facilities and other similar uses.

5.3 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:

1. Accounting, Auditing and Bookkeeping Services (8721)
2. Amusements and Recreation Services - Indoor (7911-7941, 7991, 7993, 7997)
3. Apparel and Accessory Stores (Groups 5611-5699)
4. Automotive Dealers and Gasoline Service Stations (Groups 5511, 5531, 5541, 5571, 5599 new vehicles only)
5. Automotive Rental and Repair, and Services (Groups 7514, 7515, 7521, 7533-7549)
6. Building Materials, Hardware and Garden Supplies (Groups 5211-5261)
7. Business Services (Groups 7311-7352, 7359, except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, except armored car and dog rental; 7389, except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise)
8. Child Day Care Services (8351)
9. Communications (Groups 4812-4841, except principal transmission towers)
10. Depository Institutions (Groups 6011-6099)
11. Drug Stores and Proprietary Stores (5912)
12. Eating and Drinking Places (Groups 5812-5813. All establishments engaged in the retail sale of alcoholic beverages are subject to the locational requirements of Section 2.6.10)

Attachment: Attachment A - Excerpt from Ord. 97-46 (22032 : Helping Hands Food Pantry Comparable Use)

13. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748)
14. Food Stores (Groups 5411-5499)
15. General Merchandise Stores (Groups 5311-5399)
16. Group Care Facilities (Category I and II); Care Units and Nursing Homes, subject to Section 2.6.26
17. Group Housing, excluding Family Care Facilities, subject to Section 2.6.26
18. Hardware Stores (5251)
19. Health Services (Groups 8011-8049, 8082)
20. Home Furniture, Furnishing and Equipment Stores (Groups 5712-5736)
21. Hotels and Motels (Group 7011)
22. Insurance Carriers, Agents and Brokers (Groups 6311-6399, 6411)
23. Legal Services (8111)
24. Libraries (8231)
25. Management and Public Relations Services (Groups 8741-8743, 8748)
26. Membership Organization (8611-8699)
27. Miscellaneous Personal Services (7291)
28. Miscellaneous Repair Services (Groups 5551, 7622-7699)
29. Miscellaneous Retail Groups 5912-5963, 5992-5999)
30. Motion Picture Theaters (7832)
31. Motor Freight Transportation and Warehousing (4225 mini and self storage warehousing only) permitted on Tract E only.
32. Museums and Art Galleries (8412)
33. Non-depository Credit Institutions (Groups 6111-6163)
34. Paint, Glass and Wallpaper Stores (5231)
35. Personal Services (Groups 7212, 7215, 7217, 7219-7299)
36. Public Administration (Groups 9111-9199, 9229, 9311, 9411-9451, 9511-9562, 9611-9661)
37. Real Estate (Groups 6512, 6531-6541)
38. Retail Nurseries, Lawn and Garden Supply Stores (5261)
39. Security and Commodity Brokers, Dealer, Exchanges and Service (Groups 6211-6289)
40. Veterinary Services (Groups 0742, 0752, excluding outside kenneling)
41. Video Tape Rental (7841)
42. Vocational Schools (Groups 8243-8299)
43. Any other general commercial use which is comparable in nature with the foregoing uses.

5.4 Accessory Uses

1. Uses and structures that are necessary and incidental to the permitted uses.

5.5 Dimensional Standards for Permitted Uses

1. Minimum Lot Area: Twenty thousand (20,000) square feet.

Attachment: Attachment A - Excerpt from Ord. 97-46 (22032 : Helping Hands Food Pantry Comparable Use)

2. Minimum Lot Width: One hundred (100) feet.
3. Minimum yard Requirements:
   a. Front Yard: Twenty-five (25) feet.
   b. Side Yard: Fifteen (15) feet.
   c. Rear Yard: Twenty-five (25) feet.
   d. Any Yard abutting a residential parcel: Twenty-five (25) feet.
4. Maximum Height: Fifty (50) feet, however, building heights shall be limited to a maximum height of 3 stories or thirty-five (35) feet on Tract E or a similar boundary thereto.
5. Minimum Floor Area: One thousand (1,000) square feet for each building on the ground floor.
6. Minimum Off-Street Parking and Off-Street Loading: As required in Section 2.3, LDC.
7. Merchandise Storage and Display: Unless specifically permitted for a use, outside storage or display of merchandise is prohibited.
8. Lighting: Lighting shall be located so that no light is aimed directly toward a property designated residential, which is located within two hundred (200) feet of the source of light.

5.6 Dimensional standards for accessory uses shall be as required in Section 2.6.2, LDC.

5.7 <u>Development Intensity</u>

1. Commercial structures may be developed to the limits established by the height, setback and other limitations posed by this ordinance.

2. Hotel and motel uses may be developed at a density of twenty-six (26) units per acre with a minimum of three hundred (300) and a maximum of five hundred (500) square feet per unit.

Attachment: Attachment A - Excerpt from Ord. 97-46 (22032 : Helping Hands Food Pantry Comparable Use)

COLLIER COUNTY
GROWTH MANAGEMENT PLAN

FUTURE LAND USE ELEMENT

Prepared by
Collier County Planning and Zoning Department
Comprehensive Planning Section

Prepared for
COLLIER COUNTY BOARD OF COUNTY COMMISSIONERS
Adopted October, 1997

Attachment: Attachment B - Excerpt from FLUE Ord 21-12 (22032 : Helping Hands Food Pantry Comparable Use)

(XV) **C. Urban Commercial District**

This District is intended to accommodate almost all new commercial zoning; a variety of residential uses, including higher densities for properties not located within the Urban Coastal Fringe or Urban Residential Fringe Subdistricts; and a variety of non-residential uses.

1. Mixed-Use Activity Center Subdistrict

(XV)(XLIV) Mixed-Use Activity Centers have been designated on the Future Land Use Map Series identified in the Future Land Use Element. The locations are based on intersections of major roads and on spacing criteria. When this Plan was originally adopted in 1989, there were 21 Activity Centers. There are now 19 Activity Centers, listed below, which comprise approximately 3,000 acres; this includes three Interchange Activity Centers (#4, 9, 10) which will be discussed separately under the Interchange Activity Center Subdistrict. Two Activity Centers, #19 and 21, have been deleted as they are now within the incorporated City of Marco Island.

1 Immokalee Road and Airport-Pulling Road
2 US 41 and Immokalee Road
3 Immokalee Road and Collier Boulevard
4 I-75 and Immokalee Road (Interchange Activity Center)
5 US 41 and Vanderbilt Beach Road
6 Davis Boulevard and Santa Barbara Boulevard
7 Rattlesnake-Hammock Road and Collier Boulevard
8 Airport-Pulling Road and Golden Gate Parkway
9 I-75 and Collier Boulevard and Davis Boulevard (Interchange Activity Center)
#10 I-75 and Pine Ridge Road (Interchange Activity Center)
#11 Vanderbilt Beach Road and Airport-Pulling Road
#12 US 41 and Pine Ridge Road
#13 Airport-Pulling Road and Pine Ridge Road
#14 Goodlette-Frank Road and Golden Gate Parkway
#15 Golden Gate Parkway and Coronado Boulevard
#16 US 41 and Airport-Pulling Road
#17 US 41 and Rattlesnake-Hammock Road
#18 US 41 and Collier Boulevard
#20 US 41 and Wiggins Pass Road

(XLIV) = Plan Amendment by Ordinance No. 2017-22 on June 13, 2017

Attachment: Attachment B - Excerpt from FLUE Ord 21-12 (22032 : Helping Hands Food Pantry Comparable Use)

(II)(IV)(V)(VI)(XI)(XIV)(XV)(LIV)

The Mixed-Use Activity Center concept is 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. Mixed-Use Activity Centers are intended to be mixed-use in character. Further, they are generally intended to be developed at a human-scale, to be pedestrian-oriented, and to be interconnected with abutting projects – whether commercial or residential. Street, pedestrian pathway and bike lane interconnections with abutting properties, where possible and practicable, are encouraged.

Allowable land uses in Mixed-Use Activity Centers include the full array of commercial uses, residential uses, institutional uses, hotel/motel uses at a maximum density of 26 units per acre, community facilities, and other land uses as generally allowed in the Urban designation. Mixed-Use Activity Center #15, in Golden Gate City, shall also allow the additional uses identified in the Golden Gate Area Master Plan. The actual mix of the various land uses shall be determined during the rezoning process based on consideration of the factors listed below. Except as restricted below under the provision for Master Planned Activity Centers, all Mixed-Use Activity Centers may be developed with any of the land uses allowed within this Subdistrict.

(XXXII)(LII)

For residential-only development, if a project is located within the boundaries of a Mixed-Use Activity Center which is not within the Urban Residential Fringe Subdistrict or Urban Coastal Fringe Subdistrict, up to sixteen (16) residential units per gross acre may be permitted. If such a project is located within the boundaries of a Mixed-Use Activity Center which is within the Urban Coastal Fringe Subdistrict, the eligible density shall be limited to four (4) dwelling units per acre, except as allowed by the Density Rating System and the Bayshore/Gateway Triangle Redevelopment Overlay. If such a project is located within the boundaries of a Mixed-Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a residential-only project located partially within and partially outside of an Activity Center, the density accumulated from the Activity Center portion of the project may be distributed throughout the project.

(XII)(XV)(XXXII)(XLIV)

Mixed-use developments – whether consisting of residential units located above commercial uses, in an attached building, or in a freestanding building – are allowed and encouraged within Mixed-Use Activity Centers. Density for such a project is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of a Mixed-Use Activity Center which is not within the Urban Residential Fringe Subdistrict and is not within the Coastal High Hazard Area, the eligible density is sixteen (16) dwelling units per acre. If such a project is located within the boundaries of a Mixed-Use Activity Center that is not within the Urban Residential Fringe Subdistrict but is within the Coastal High Hazard Area, the eligible density shall be limited to four (4) dwelling units per acre, except as allowed by the Bayshore/Gateway Triangle Redevelopment Overlay. If such a project is located within the boundaries of a Mixed-Use Activity Center which is within the Urban Residential Fringe Subdistrict, eligible density shall be as allowed by that Subdistrict. For a project located partially within and partially outside of an Activity Center, and the portion within an Activity Center is developed as Mixed-Use, some of the density accumulated from the Activity Center portion of the project may be distributed to that portion of the project located outside of the Activity Center. In order to promote compact and walkable Mixed-Use projects, where the density from a Mixed-Use project is distributed outside the Activity Center boundary:

(LIV) = Plan Amendment by Ordinance No. 2019-27 on September 24, 2019

(1) the Mixed-Use component of the project within the Activity Center shall include

Attachment: Attachment B - Excerpt from FLUE Ord 21-12 (22032 : Helping Hands Food Pantry Comparable Use)

mulated density;

(2) the dwelling units distributed outside the Activity Center shall be located within one third (1/3) of a mile of the Activity Center boundary; and,

(3) the portion of the project within the Activity Center shall be developed at a human scale, be pedestrian-oriented, and be interconnected with the remaining portion of the project with pedestrian and bicycle facilities.

(xiv) The factors to consider during review of a rezone petition for a project, or portion thereof, within an Activity Center, are as follows:

a. Rezones are encouraged to be in the form of a Planned Unit Development. There shall be no minimum acreage limitation for such Planned Unit Developments except all requests for rezoning must meet the requirements for rezoning in the Land Development Code.

b. The amount, type and location of existing zoned commercial land, and developed commercial uses, both within the Mixed-Use Activity Center and within two (2) road miles of the Mixed-Use Activity Center.

c. Market demand and service area for the proposed commercial land uses to be used as a guide to explore the feasibility of the requested land uses.

d. Existing patterns of land use within the Mixed-Use Activity Center and within two (2) radial miles.

e. Adequacy of infrastructure capacity, particularly roads.

f. Compatibility of the proposed development with, and adequacy of buffering for, adjoining properties.

g. Natural or man-made constraints.

h. Rezoning criteria identified in the Land Development Code.

i. Conformance with Access Management Plan provisions for Mixed-Use Activity Centers, as contained in the Land Development Code.

j. Coordinated traffic flow on-site and off-site, as may be demonstrated by a Traffic Impact Analysis, and a site plan/master plan indicating on-site traffic movements, access point locations and type, median opening locations and type on the abutting roadway(s), location of traffic signals on the abutting roadway(s), and internal and external vehicular and pedestrian interconnections.

k. Interconnection(s) for pedestrians, bicycles and motor vehicles with existing and future abutting projects.

l. Conformance with the architectural design standards as identified in the Land Development Code.

Attachment: Attachment B - Excerpt from FLUE Ord 21-12 (22032 : Helping Hands Food Pantry Comparable Use)

Attachment 3 – Parking Lot Photos

Shopping Center Storefront Parking (View from West)

Shopping Center Storefront Parking (View from East)

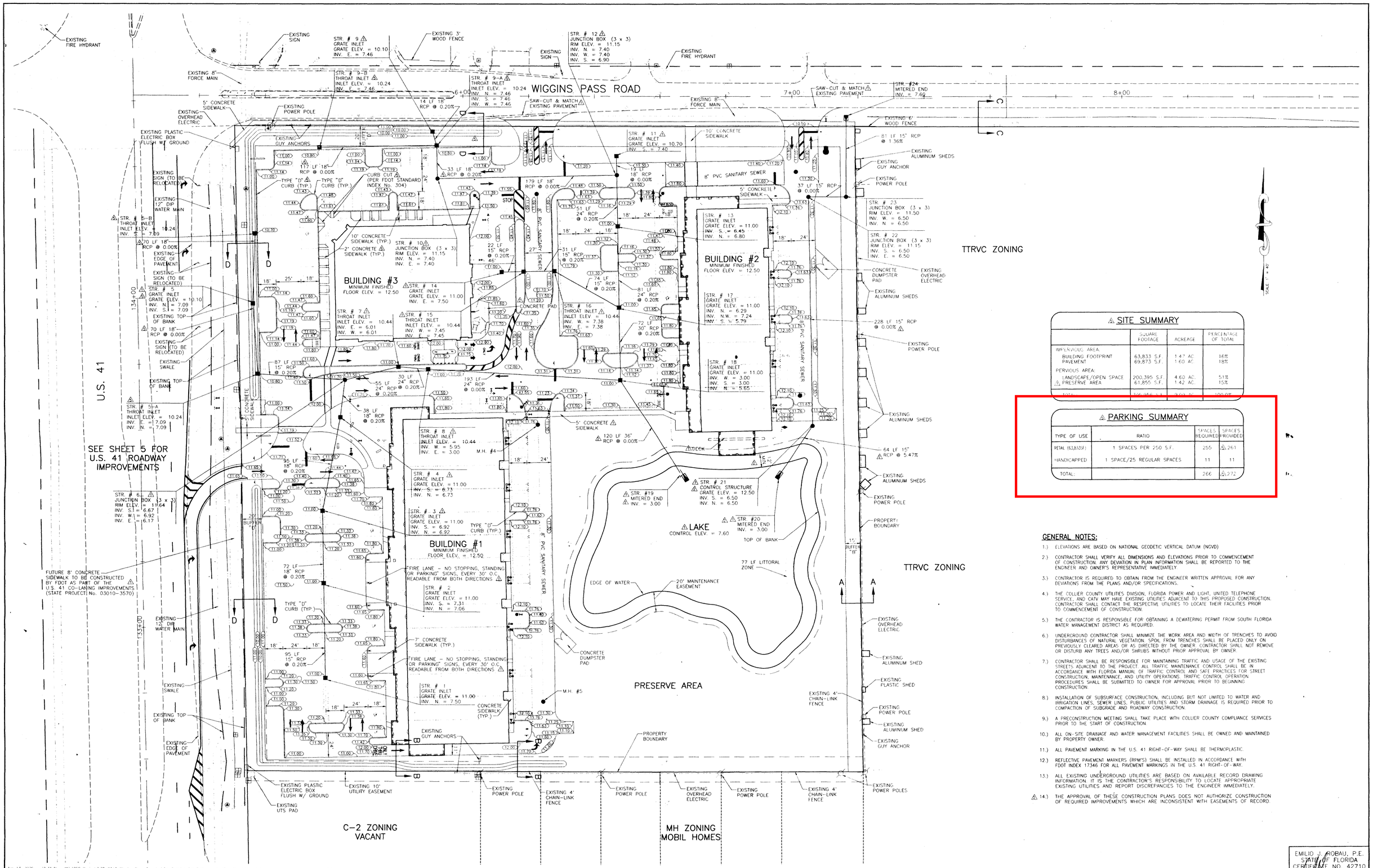
Attachment: Attachment C - Parking Lot Photos (22032 : Helping Hands Food Pantry Comparable Use)

Helping Hands
Shopping Center
Middle Row Parking (View from East)

Helping Hands
Middle Row Parking (View from East)

Middle Row Parking (View from East)

Rear Row Parking (View from West)



SITE SUMMARY

	SQUARE FOOTAGE	ACREAGE	PERCENTAGE OF TOTAL
IMPERVIOUS AREA:			
BUILDING FOOTPRINT	63,833 S.F.	1.47 AC.	16%
PAVEMENT	69,873 S.F.	1.60 AC.	18%
PERVIOUS AREA:			
LANDSCAPE/OPEN SPACE	200,395 S.F.	4.60 AC.	51%
PRESERVE AREA	61,855 S.F.	1.42 AC.	15%
TOTAL:	[illegible]	[illegible]	100.0%

PARKING SUMMARY

TYPE OF USE	RATIO	SPACES REQUIRED	SPACES PROVIDED
RETAIL (63,833SF)	1 SPACES PER 250 S.F.	255	261
HANDICAPPED	1 SPACE/25 REGULAR SPACES	11	11
TOTAL:		266	272

GENERAL NOTES:

1.) ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM (NGVD)

2.) CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION. ANY DEVIATION IN PLAN INFORMATION SHALL BE REPORTED TO THE ENGINEER AND OWNER'S REPRESENTATIVE IMMEDIATELY.

3.) CONTRACTOR IS REQUIRED TO OBTAIN FROM THE ENGINEER WRITTEN APPROVAL FOR ANY DEVIATIONS FROM THE PLANS AND/OR SPECIFICATIONS.

4.) THE COLLIER COUNTY UTILITIES DIVISION, FLORIDA POWER AND LIGHT, UNITED TELEPHONE SERVICE, AND CATV MAY HAVE EXISTING UTILITIES ADJACENT TO THIS PROPOSED CONSTRUCTION. CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITIES TO LOCATE THEIR FACILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

5.) THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING A DEWATERING PERMIT FROM SOUTH FLORIDA WATER MANAGEMENT DISTRICT AS REQUIRED.

6.) UNDERGROUND CONTRACTOR SHALL MINIMIZE THE WORK AREA AND WIDTH OF TRENCHES TO AVOID DISTURBANCES OF NATURAL VEGETATION. SPOIL FROM TRENCHES SHALL BE PLACED ONLY ON PREVIOUSLY CLEARED AREAS OR AS DIRECTED BY THE OWNER. CONTRACTOR SHALL NOT REMOVE OR DISTURB ANY TREES AND/OR SHRUBS WITHOUT PRIOR APPROVAL BY OWNER.

7.) CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC AND USAGE OF THE EXISTING STREETS ADJACENT TO THE PROJECT. ALL TRAFFIC MAINTENANCE CONTROL SHALL BE IN ACCORDANCE WITH FLORIDA MANUAL OF TRAFFIC CONTROL AND SAFE PRACTICES FOR STREET CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATIONS. TRAFFIC CONTROL OPERATION PROCEDURES SHALL BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO BEGINNING CONSTRUCTION.

8.) INSTALLATION OF SUBSURFACE CONSTRUCTION, INCLUDING BUT NOT LIMITED TO WATER AND IRRIGATION LINES, SEWER LINES, PUBLIC UTILITIES AND STORM DRAINAGE IS REQUIRED PRIOR TO COMPACTION OF SUBGRADE AND ROADWAY CONSTRUCTION.

9.) A PRECONSTRUCTION MEETING SHALL TAKE PLACE WITH COLLIER COUNTY COMPLIANCE SERVICES PRIOR TO THE START OF CONSTRUCTION.

10.) ALL ON-SITE DRAINAGE AND WATER MANAGEMENT FACILITIES SHALL BE OWNED AND MAINTAINED BY PROPERTY OWNER.

11.) ALL PAVEMENT MARKING IN THE U.S. 41 RIGHT-OF-WAY SHALL BE THERMOPLASTIC.

12.) REFLECTIVE PAVEMENT MARKERS (RPM'S) SHALL BE INSTALLED IN ACCORDANCE WITH FDOT INDEX 17346 FOR ALL PAVEMENT MARKINGS IN THE U.S. 41 RIGHT-OF-WAY.

13.) ALL EXISTING UNDERGROUND UTILITIES ARE BASED ON AVAILABLE RECORD DRAWING INFORMATION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE APPROPRIATE EXISTING UTILITIES AND REPORT DISCREPANCIES TO THE ENGINEER IMMEDIATELY.

14.) THE APPROVAL OF THESE CONSTRUCTION PLANS DOES NOT AUTHORIZE CONSTRUCTION OF REQUIRED IMPROVEMENTS WHICH ARE INCONSISTENT WITH EASEMENTS OF RECORD.

EMILIO J. ROBAU, P.E.
STATE OF FLORIDA
CERTIFICATE NO. 42710
6/18/00

4	REVISED FIRE MAIN FACILITIES PER FIRE CODE REVIEW	J.M.A.	06/13/00
3	REVISED NORTH PARKING LOT CONFIGURATION AND ADDED CURB TO BUILDING #3 PARKING AREA	W.B.G.	05/02/00
2	REVISED PER COLLIER COUNTY REVIEW COMMENTS	W.B.G.	04/10/00
1	REVISED PER COLLIER COUNTY REVIEW COMMENTS	W.B.G.	03/27/00
	REVISED PER COLLIER COUNTY, FDOT AND OWNER	W.B.G.	02/23/00

DESIGNED J.M.A. 11/99
DRAWN S.M.P. 11/99

RWA INC. CIVIL ENGINEERS Development & Environmental Consultants
3050 North Horseshoe Drive, Suite 270
Naples, Florida 34104
(941) 649-1509 FAX: (941) 649-7056
E-Mail: www.consult-rwa.com

NOV. 1999
1" = 40'
15 48S 25E

CLIENT: WIGGINS PASS CROSSING
TITLE: PAVING AND DRAINAGE SITE PLAN

PROJECT: WIGGINS CROSSING SITE DEVELOPMENT PLAN

99-0162C | 4 | 14 | 90162CS04

Attachment: Attachment D- SDP. 99016 2C (22032 : Helping Hands Food Pantry Comparable Use)

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

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): CONECO REALTY, LLC

Name of Applicant if different than owner: HELPING HANDS PANTRY, INC

Address: 13510 Tamiami Trl N Suite #2 **City:** Naples **State:** FL **ZIP:** 34110

Telephone: _____ **Cell:** _____ **Fax:** _____

E-Mail Address: _____

Name of Agent(s): Patrick Vanasse, AICP

Firm: RWA ENGINEERING

Address: 6610 Willow Park Dr Suite 200 **City:** Naples **State:** FL **ZIP:** 34109

Telephone: 239-438-4355 **Cell:** _____ **Fax:** _____

E-Mail Address: Pvanasse@cosult-rwa.com

PROPERTY INFORMATION

Site Address: 13510 Tamiami Trl N Suite #2 **Folio Number:** 00152480002

Property Owners Name: CONECO REALTY, LLC

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* Food Pantry *is comparable and compatible with the permitted uses in the* US 41/Wiggins Pass *PUD or in the* _____ *Straight Zoning District."*

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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

1/6/22
Date

PATRICK VANASSE
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.

Revised 5/8/2018

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

RWA ENGINEERING

March 11, 2022

Intake Department
Growth Management Division
2800 North Horseshoe Drive
Naples, FL 34104

Subject: **PL20220000485 - Helping Hands Food Pantry – Comparable Use Determination – *Submittal #2***

Dear Intake Team:

Please accept this letter in response to your insufficiency letter dated February 25, 2022, for the above subject project. This letter outlines responses to each comment including any applicable stipulations/commitments. Please find the following list of information and materials that are being submitted electronically:

00. Response to Comments Letter
01. Revised Property Ownership Disclosure Form – Conceco Realty
02. Property Ownership Disclosure Form – Helping Hands
03. Evidence of Signing Authority

In reply to your review comments, we offer the following responses in ***bold:***

Rejected Review: Zoning Review
Reviewed By: Eric Ortman
Email: Eric.Ortman@colliercountyfl.gov Phone #: (239) 252-1032

Correction Comment 1:
Miscellaneous Corrections:
1. Property Ownership Disclosure and Affidavit of Authorization for owner (Coneco Realty) do not match. Please correct.

Response: Please see revised Property Ownership Disclosure Form.

2. 10.02.06.K.2.a.i – Operating Hours – The narrative states that the food pantry will commit to operating hours between 8:00 a.m. and 5:00 p.m.; that food drop offs will be limited to Wednesday (9:00-1:30) and Saturday (9:00-12:00); and food distributions will be limited to Friday from 11:00 to 1:00. Please confirm that individuals/organizations can only drop food off at these times and that food distribution is limited to one two-hour period per week. Please provide additional detail on what occurs during the other hours between 8:00 and 5:00.

6610 Willow Park Drive Suite 200 Naples, FL 34109 | (239) 597-0575 | Fax (239) 597-0578
www.consult-rwa.com

Response: The applicant can commit to the above time slots for food drop-offs and food distribution, with the caveat that on any of those set days, drop-off and distribution can vary by +/- one (1) hour due to extenuating circumstances. Outside of the drop off and distribution hours, the other work hours are dedicated to organizing and packaging food supplies, limited prep time for distribution of food, and administrative work.

3. 10.02.06.K.2.a.iv – Parking – Parking in the PUD is shared by all tenets without specific allocations. The parking is a based on the Site Development Plan (SDP-99016C) and LDC 4.05.04.G which requires one parking space for each 250 square feet of gross floor area for shopping centers with less than 400,000 square feet of gross floor area. The required parking is 266 spaces inclusive of handicapped spaces; the provided parking is 272 spaces, inclusive of handicapped space.
The PUD includes 63,833 square feet of retail space which, at one space per 250 square feet equals 255 spaces exclusive of handicapped parking. The proposed food pantry is ±1,650 square feet. A proportionate share of the parking would be 6.6 spaces (1,650 / 250 = 6.6) which can be rounded up to seven. The narrative statement states that there will be "no more than five employees that manage and operate the pantry at any given time." Using a proportionate share there will be two spaces for use by the public. The narrative compares traffic generated by the pantry to that of a small office building (ITE 712) which generates as weekday p.m. peak hour rates of 6.15 trips.
A previous tenant's business in the shopping center resulted in multiple parking shortages during certain peak times. The very restrictive hours of food distribution will likely result in many individuals visiting the food bank in a condensed time frame which may strain the supply of parking in a similar manner. Please provide an estimate of peak hour parking demand including ways to alleviate parking-strain should the food pantry stress the parking supply.

Response: While we understand staff's concern associated with previous parking challenges on this site, it should be understood that the parking woes directly resulted from the large Casino Redemption facility that was previously located within this plaza. This use no longer exists and parking has not been a problem since and is not currently a problem.

Collier County has parking requirements for shopping centers that account for a variety of uses. The required ratio is for a bundle of potential uses – some which require more parking and some less. This plaza was approved per this shopping center requirement and has sufficient parking for all uses. Parking should not be calculated per individual business, and it should be understood that parking is shared and not allocated to individual tenants.

As previously discussed, this use is in operation, there is no current parking problem, and the owner of the plaza has no concerns regarding parking needs from this food pantry. This is evidenced by his willingness to sign the Affidavit of Authorization form to support this application.

However, to alleviate potential concerns from staff, please be aware that the hours of operation for this use are very limited. During our peak hours, Friday from 10:00am-1:00pm for distributions, the pantry serves, on average, 50-60 people. This equates to an average of 20 people an hour and about 3 people in the pantry at any given time. Additionally, patrons are in and out quickly – most are in the

6610 Willow Park Drive Suite 200 Naples, FL 34109 | (239) 597-0575 | Fax (239) 597-0578
www.consult-rwa.com

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

pantry for no more than 5 minutes. These limited hours significantly reduce parking strain and demand for entire plaza.

Furthermore, should parking for the plaza become an issue, the Applicant will work with the owner of the plaza and other businesses to address parking needs and would be open to modifying drop-off or food distribution hours and operations if beneficial.

Rejected Review: County Attorney Review
Reviewed By: Derek Perry
Email: Derek.Perry@colliercountyfl.gov Phone #: (239) 252-8066

Correction Comment 1:
Miscellaneous Corrections: Please submit a property ownership disclosure form for Helping Hands Pantry, Inc. Should this entity be a not-for-profit entity without equitably interested parties, please state so on the disclosure. Please provide evidence of signing authority for Carl Bergquist, III of Helping Hands Pantry, Inc. Please note that only presidents, vice presidents, and CEOs have apparent authority granted by statute (see, e.g., 692.01, Florida Statutes). Please note that the bylaws and state filing list Carl Bergquist only as a director.

Response: Please see attached property ownership disclosure form for Helping Hands and evidence of signing authority for Carl Bergquist.

Correction Comment 2:
Miscellaneous Corrections: Please work with planning staff to utilize consistent language with other food pantry and food bank uses in Collier County. Please see, for example St. Matthews House CPUD, Ord. No. 2022-05, which includes (as an accessory use) "Refrigerated warehousing and storage warehousing (4222), cold or refrigerated only for a not-for[-]profit food bank only and 4225)". Please work with planning staff on how to state the use of "not-for-profit food bank" and identify any accessory uses that must be noted. Please create a concise request that includes proposed restrictions and/or limitations that may be easily restated by the hearing examiner in their ruling or a list of conditions that may be easily attached as an exhibit (e.g., no onsite service of meals; hours of operation).

Response: The challenge of identifying and defining the food pantry use is that the Standard Industrial Classification Manual and the North American Industrial Classification System do not have a specific code associated with this use. Likewise, ITE transportation manuals do not have a specific code for this use either. Hence, the need for this Comparable Use request. With that said, we have looked at St Matthews House CPUD for comparison purposes. Please note that the Helping hands Pantry is very different than St. Matthews House and the associated PUD; however, a very limited number of uses identified in their PUD would loosely apply to Helping Hands. Those are identified below:

- ***Community Food Services (NAICS 624210); limited to food panty and food delivery services only***
- ***Indoor storage and warehousing***
- ***Refrigerated warehousing and storage warehousing (4222), cold or refrigerated only for a not for profit food pantry***
- ***Administrative, clerical and office related services***

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www.consult-rwa.com

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

GENERAL COMMENTS: [Eric Ortman]

1. Please be advised that pursuant to the LDC, a petition can be considered closed if there has been no activity on the petition for a period of six (6) months. In addition, a GMP Amendment application that is a companion item can likewise be considered closed. That six months period will be calculated from the date of this letter.

2. Additional comments or stipulations may be forthcoming once a sufficient petition has been submitted for review. This correspondence should not be construed as a position of support or non-support for any issues within the petition. Staff will analyze the petition and the recommendation will be contained in the staff report prepared for the Collier County Planning Commission (CCPC) or Hearing Examiner (HEX).

3. Please ensure that all members of your team that may testify before the HEX or CCPC and the Board of County Commissioners (BCC) are registered as lobbyists with the County pursuant to the regulations regarding that issue.

4. When addressing review comments, please provide a cover letter outlining your response to each comment. Include a response to all comments.

5. Please put revised dates on all exhibits and in the title block of all Plans. The PUD document should include a footer that reflects the project name, petition number, date and page X of Y for the entire document. Documents without this information will be rejected.

6. A partial resubmittal cannot be accepted; please do not resubmit until you can respond to ALL review comments.

7. Pursuant to F.S. 125.022, exhibits and application materials are subject to review upon each resubmittal until deemed sufficient and complete. Should the project receive a third request for additional information, staff requests that the applicant provide written acknowledgement with the resubmittal to waive the regulation that restricts the County from requesting additional information. Projects that do not include such written acknowledgement and that fail to address any outstanding review items with the 4th submittal will be denied/recommended for denial.

8. Note the adopted fee schedule requires payment of additional fees for petition review upon the 5th and subsequent submittals; please contact the appropriate staff and resolve issues to avoid this fee.

9. If you would like to discuss the review comments, require clarification and/or wish to identify agree-to-disagree issues, a post-review meeting can be arranged including all rejecting reviewers. To schedule a post-review meeting, please contact me, and Zoning Operations staff will proceed with scheduling.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

6610 Willow Park Drive Suite 200 Naples, FL 34109 | (239) 597-0575 | Fax (239) 597-0578
www.consult-rwa.com

We trust the enclosed information is sufficient for your review and approval. Should you have any questions or require additional information, please contact our office at (239) 597-0575.

Sincerely,
RWA, Inc.

Kenrick S. Gallander, AICP
Director of Planning

Attachments: Application Submittal Requirements (listed above)

cc: Ms. Abigail Bergquist
RWA File: 210017.00.01

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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Collier County

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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 Comparable Use Determination

LEGAL DESCRIPTION of subject property or properties *(copy of lengthy description may be attached)*

See attached Section 15 Township 48 Range 25

FOLIO (Property ID) NUMBER(s) of above *(attach to, or associate with, legal description if more than one)*

00152480002

STREET ADDRESS or ADDRESSES *(as applicable, if already assigned)*

13510 Tamiami Trl N Suite #2

- **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)*

Helping Hands Pantry name not yet appproved

PROPOSED STREET NAMES *(if applicable)*

SITE DEVELOPMENT PLAN NUMBER *(for existing projects/sites only)*

SDP 99 - 200 or AR or PL # _____

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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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)

Helping Hands Pantry

Please Return Approved Checklist By: ☒ Email ☐ Fax ☐ Personally picked up

Applicant Name: RWA, Inc.

Phone: 239-597-0575 **Email/Fax:** jeichhorn@consult-rwa.com

Signature on Addressing Checklist does not constitute Project and/or Street Name approval and is subject to further review by the Operations Department.

FOR STAFF USE ONLY

Folio Number 00152480002

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: S.L.H. **Date:** 1/10/2022

Updated by: _____ **Date:** _____

IF OLDER THAN 6 MONTHS, FORM MUST BE UPDATED OR NEW FORM SUBMITTED

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

Collier County Property Appraiser
Property Summary

Parcel No	00152480002	Site Address *Disclaimer	13514 TAMIAMI TRL N	Site City	NAPLES	Site Zone *Note	341

Name / Address	CONECO REALTY LLC				
	4 FIRST STREET				
City	BRIDGEWATER	State	MA	Zip	02324

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A15	000100 007 3A15	15	48	25	7.5

Legal	15 48 25 COMM AT NW CNR OF SW1/4, RUN S 89 DEG E 14.59FT, S01DEG 30"E 30.01FT TO POB,S89 DEG 55'05"E 618.12FT, S00DEG 40'19"E 642.44FT, N89DEG 56' 52"W 614.34FT, N01DEG 30"W 642.82FT TO POB LESS OR 2699 PG 2978

Millage Area	143	Millage Rates *Calculations		
Sub./Condo	100 - ACREAGE HEADER	School	Other	Total
Use Code	16 - COMMUNITY SHOPPING CENTERS	4.889	6.0293	10.9183

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/14/19	5643-2439	$ 10,425,000
02/11/05	3733-13	$ 9,633,500
11/24/99	2614-2424	$ 3,850,000
08/30/95	2094-1006	$ 0
03/01/90	1516-231	$ 0
04/01/83	1018-878	$ 450,000
04/01/78	747-517	$ 0

2021 Certified Tax Roll

(Subject to Change)

	Land Value	$ 4,347,8
(+)	Improved Value	$ 4,220,0
(=)	Market Value	$ 8,567,8
(=)	Assessed Value	$ 8,567,8
(=)	School Taxable Value	$ 8,567,8
(=)	Taxable Value	$ 8,567,8

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

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

MAP LEGEND

- Major Roads
- Street Names
- Parcels
- Aerials 2021 Urban [6IN]
- Aerials 2021 Rural [2FT]
- Collier County

Folio Number: 00152480002
Name: CONECO REALTY LLC
Street# & Name: 13514 TAMIAMI TRL N
Build# / Unit#: 007 /
Legal Description: 15 48 25 COMM AT NW CNR OF SW1/4, RUN S 89 DEG E 14.59FT, S01DEG 30"E 30.01FT TO POB,S89 DEG 55'05"E 618.12FT, S00DEG

2004. Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

Collier County

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(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~~ Limited Liability Company, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership
Coneco Realty, LLC	
Lincoln, Robert R	100%

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 E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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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 6/14/2019

☐ **Leased: Term of lease** _____ **years /months**

If, Petitioner has option to buy, indicate the following:

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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(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

1/6/22
Date

ROBERT R LINCOLN MANAGER
Agent/Owner Name (please print)

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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GROWTH MANAGEMENT DEPARTMENT
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PROPERTY OWNERSHIP DISCLOSURE FORM

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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
Helping Hands, Inc, A Florida Not For Profit Corporation	
Officers - Carl Bergquist; Michael Junkroski; Lisa Krogstad	N/A

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 E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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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 E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

Collier County

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(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

3/4/22
Date

PATRICK VANASSE
Agent/Owner Name (please print)

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

Helping Hands Pantry, Inc.

Florida Not For Profit Corporation

I, Lisa Krogstad, hereby testify that I am the Director of Helping Hands, Inc along with Carl Bergquist. I further authorize Carl Bergquist to sign documents on behalf of the Corporation as Director.

IN WITNESS HEREOF, I have signed this certificate.

Lisa Krogstad

Lisa Krogstad, Director

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, LINCOLN, ROBERT R (print name), as TITLE MANAGER (title, if applicable) of CONECO REALTY, LLC (company, If applicable), swear or affirr 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 the referenced property as a result of any action approved by the County in accordance with tl application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary mat 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 hou 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 a restrictions imposed by the approved action.
5. We/I authorize HELPING HANDS PANTRY, INC to act as our/my representati 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 shou 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 "gene 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 th 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**

1/6/22 **Date**

~~**STATE OF FLORIDA**~~ COMMONWEALTH OF MASS
~~**COUNTY OF COLLIER**~~ PLYMOUTH COUNTY

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 6th day of January, 2022, by (printed name of owner or qualifier) Robert R Lincoln.

Such person(s) Notary Public must check applicable box:

[ ] Are personally known to me

[✓] Has produced a current drivers license MA S51858092

[ ] Has produced _____ as identification.

Notary Signature: Merideth A Wilder

Merideth A. Wilder
Notary Seal
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
November 14, 2025

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Carl Bergquist, III (print name), as Authorized Officer (title, if applicable) of Helping Hands Pantry, 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 RWA, 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 _____ Date 01/07/22

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✔] physical presence or [ ] online notarization this 19 day of January, 2022, by (printed name of owner or qualifier) Carl Bergquist, III.

Such person(s) Notary Public must check applicable box:

[ ] Are personally known to me

[✔] Has produced a current drivers license Florida Drivers License

[ ] Has produced _____ as identification.

Notary Seal

Notary Signature: Rosalee Lefebre-Martins

NOTARY PUBLIC STATE OF FLORIDA

Rosalee Lefebre-Martins
Notary Public
State of Florida
My Commission Expires 05-20-2025
Commission No. HH 131589

CP\08-COA-00115\155
REV 3/4/2020

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

HELPING HANDS FOOD PANTRY

COMPARABLE USE DETERMINATION REQUEST AND JUSTIFICATION

Submittal 1

Background

The "subject property" consists of a 1,650 ± SF commercial bay located within an existing strip mall within the US 41/Wiggins Pass Road PUD (Ordinance 97-46). The PUD is 9.08+/- acres and allows for a variety of commercial uses. The site is located at the intersection of US 41 and Wiggins Pass Road, in Section 15, Township 48 South, Range 25 East, Collier County, Florida. More specifically, 13510 Tamiami Trail N Unit #2, Collier County, Florida 34110. The applicant is seeking to utilize the subject property as a food pantry.

The PUD allows for a variety of commercial and retail uses as provided under Section V, "PERMITTED USES AND DIMENSIONAL STANDARDS." The identified principal and accessory uses are as follows:

Principal Uses and Structures:

1. Accounting, Auditing and Bookkeeping Services (8721)
2. Amusements and Recreation Services- Indoor (7911-7941, 7991, 7993, 7997)
3. Apparel and Accessory Stores (Groups 5611-5699)
4. Automotive Dealers and Gasoline Service Stations (Groups 5511, 5531, 5541, 5571, 5599 new vehicles only)
5. Automotive Rental and Repair, and Services (Groups 7514, 7515, 7521, 7533-7549)
6. Building Materials, Hardware and Garden Supplies (Groups 5211-5261)
7. Business Services (Groups 7311-7352, 7359, except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, except armored car and dog rental; 7389, except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise)
8. Child Day Care Services (8351)
9. Communications (Groups 4812-4841, except principal transmission towers) l 0.
10. Depository Institutions (Groups 6011-6099)
11. Drug Stores and Proprietary Stores (5912)
12. Eating and Drinking Places (Groups 5812-5813. All establishments engaged in the retail sale of alcoholic beverages are subject to the locational requirements of Section 2.6.10)
13. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748)
14. Food Stores (Groups 5411-5499)

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www.consult-rwa.com

15. General Merchandise Stores (Groups 5311-5399)
16. Group Care Facilities (Category I and II); Care Units and Nursing Homes, subject to Section 2.6.26
17. Group Housing, excluding Family Care Facilities, subject to Section 2.6.26
18. Hardware Stores (5251)
19. Health Services (Groups 8011 -8049, 8082)
20. Home Furniture, Furnishing and Equipment Stores (Groups 5712-5736)
21. Hotels and Motels (Group 7011)
22. Insurance Carriers, Agents and Brokers (Groups 6311-6399, 6411)
23. Legal Services (8111)
24. Libraries (8231)
25. Management and Public Relations Services (Groups 8741-8743, 8748)
26. Membership Organization (8611-8699)
27. Miscellaneous Personal Services (7291)
28. Miscellaneous Repair Services (Groups 5551, 7622-7699)
29. Miscellaneous Retail Groups 5912-5963, 5992-5999)
30. Motion Picture Theaters (7832)
31. Motor Freight Transportation and Warehousing (4225 mini and self storage warehousing only) permitted on Tract E only.
32. Museums and Art Galleries (8412)
33. Non-depository Credit Institutions (Groups 6111-6163)
34. Paint, Glass and Wallpaper Stores (5231)
35. 35. Personal Services (Groups 7212, 7215, 7217, 7219-7299)
36. Public Administration (Groups 9111-9199, 9229, 9311, 9411-9451, 9511-9562, 9611-9661)
37. Real Estate (Groups 6512, 6531-6541)
38. Retail Nurseries, Lawn and Garden Supply Stores (5261)
39. Security and Commodity Brokers, Dealer, Exchanges, and Service (Groups 6211-6289)
40. Veterinary Services (Groups 0742, 0752, excluding outside kenneling)
41. Video Tape Rental (7841)
42. Vocational Schools (Groups 8243-8299)
43. Any other general commercial use which is comparable in nature with the foregoing uses.

Accessory Uses:

1. Uses and structures that are necessary and incidental to the permitted uses.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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Request & Justification

Based on the above stated intent, the applicant requests a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the food pantry use is comparable and compatible with the existing and permitted uses in the US 41/Wiggins Pass Road PUD.

Based on use 43 within the permitted uses section of Ordinance 97-46 which states "Any other general commercial use which is comparable in nature with the foregoing uses", it is our assessment that the food panty use is comparable in nature to other allowed uses and therefore compatible with uses within and surrounding this PUD.

There are numerous allowed and existing uses within this PUD that are more intense in nature than the proposed food pantry. Some of these include:

- Automotive Dealers and Gasoline Service Stations (Groups 5511, 5531, 5541, 5571, 5599 new vehicles only)
- Automotive Rental and Repair, and Services (Groups 7514, 7515, 7521, 7533-7549)
- Drug Stores and Proprietary Stores (5912)
- Eating and Drinking Places (Groups 5812-5813. All establishments engaged in the retail sale of alcoholic beverages are subject to the locational requirements of Section 2.6.10)
- Food Stores (Groups 5411-5499)
- Hotels and Motels (Group 7011)
- Health Services (Groups 8011 -8049, 8082)
- Motion Picture Theaters (7832)

Proposed Use

The property is designated Mixed Use Activity Center Subdistrict on the Future Land Use Map (FLUM). The intent of the Mixed Use Activity Center Subdistrict is 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.

The Mixed Use Activity Center Subdistrict is intended to primarily allow for a mixture of commercial uses and development. The maximum intensity of commercial uses are those allowed in the C-4, General Commercial Zoning District, of which food stores (Groups 5411-5499) are an allowed use.

The proposed use of a food pantry is not clearly defined in the Collier County Land Development Code (LDC), however the North American Industry Classification System (NAICS) includes Food Pantries under the General heading of Community Food Services (NAICS 624210) described as follows:

"This industry comprises establishments primarily engaged in the collection, preparation, and delivery of food for the needy. Establishments in this industry may also distribute clothing and blankets to the poor.

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Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

These establishments may prepare and deliver meals to persons who by reason of age, disability, or illness are unable to prepare meals for themselves; collect and distribute salvageable or donated food; or prepare and provide meals at fixed or mobile locations. Food banks, meal delivery programs, and soup kitchens are included in this industry."

This broad category includes the following subgroups:

- Community meals, social services
- Food banks
- Food pantries
- Meal delivery programs
- Mobile soup kitchen
- Soup kitchens

It should be noted that the proposed use is limited to a food pantry only. Helping Hands Pantry, Inc., a Florida Not For Profit Corporation, assembles, stocks and distributes food to individuals and families in need. They do not prepare food, house, or feed individuals on site. The use is low impact and generates very little traffic. There are no more than five employees that manage and operate the pantry at any given time, and the hours of operation for donation drop offs and food distribution are limited. Standard hours of operation are as follow:

- Wednesday: 9:00 AM - 1:30 PM (Donation Drop Off)
- Friday: 10:00 AM – 1:00 PM (Food Distribution Only)
- Saturday: 9:00 AM – 1:00 PM (Donation Drop Off)

The proposed food pantry is compatible with and complementary to the existing surrounding commercial uses in the area and will not result in an increase to the effects of noise, odor, and glare on neighboring properties. Food pantries are a use that is often incorporated into commercial shopping centers or within the vicinity of other commercial retail and service uses. The proposed use is far less intense than numerous allowed and exiting uses US 41/Wiggins Pass Road PUD. The following will detail how this proposed food pantry use meets compatibility requirements and how it is far less intense than the allowed uses such as an Automotive Dealer and Gasoline Service Station or existing uses such as the Walgreens (Drug Stores and Proprietary Stores) located in the northwest corner of the PUD.

Criteria per LDC Sec. 10.02.06. K.

The following outlines the applicable factors and criteria pursuant to Land Development Code (LDC) 10.02.06.K. in order 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.

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.

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a. i: Operating Hours

The proposed food pantry will commit to operating hours between 8:00 am to 5:00 pm. On most days the location will house no more than five employees conducting office operation and food assembly and storage. Food drop offs and distribution are currently limited to the following hours:

- Wednesday: 9:00 AM - 1:30 PM (Donation Drop Off)
- Friday: 10:00 AM – 1:00 PM (Food Distribution Only)
- Saturday: 9:00 AM – 1:00 PM (Donation Drop Off)

In comparison, the hours of operation for the Walgreens are 8:00 am – 10:00 pm; for the existing Noodle Saigon Restaurant 11:00 am to 9:00 pm. The difference in operating hours of the proposed food pantry as compared to these existing uses is significantly less intensive.

a. ii: Traffic Volume Generated/Attracted:

The proposed food pantry will generate significantly fewer trips when compared to the existing commercial uses within the PUD such as the Walgreens. Hours of operations are shorter than many of the existing uses within the PUD and food drop offs and distributions are restricted to the limited times identified above. As such, daily operations generate traffic similar to a small office. As can be seen in the ITE tables below, trip generation from this use is significantly lower than the existing drugstore, and less than existing restaurants of a similar size such as Naples Coastal Kitchen and Noodle Saigon located within the PUD and open for service 7 days a week.

Table 1
Trip Generation* Weekday PM Peak Hour
Small Office Building (Proposed Principal Use)

		Weekday PM Peak Hour
ITE Land Use	**Size**	**Average Rate**
712 Small Office Building	**1,650 SF**	**6.15**

*ITE Trip Generation Manual 10th Edition

Table 2

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Trip Generation*– Weekday PM Peak Hour
Pharmacy/Drugstore with Drive-Through & High Turnover (Sit-down) Restaurant Comparison

		Weekday PM Peak Hour
ITE Land Use	**Size**	**Average Rate**
881 – Pharmacy/Drugstore with Drive-Through & High Turnover	**14,500 SF**	**164.14**
932 – High Turnover (Sit-down) Restaurant	**1,558 SF**	**27.12**

*ITE Trip Generation Manual 10th Edition

a. iii: Types of Vehicles Associated with the Use:
The types of vehicles associated with the food pantry use are comparable and no different than those that would be associated with the existing and permitted retail and commercial uses within the PUD, such as a drugstore, dine-in restaurants, or food stores. The use will be no more intense in terms of types of vehicles and will generate significantly less truck delivery traffic than the Walgreens.

a: iv: Number and Type of Required Parking Spaces:
The proposed food pantry will utilize the existing parking associated with the shopping center and the approved PUD via Ordinance 97-46. No additional parking will be required. The previous business in the subject location (unit #2) was Custom Wine Cabinets and Rooms. The proposed food pantry is required the same number of parking spaces – which is based on square feet, as this previous existing use. Therefore, appropriate parking is already in place to accommodate the proposed use. LDC 4.05.04 outlines the following for parking spaces in shopping centers:

- 1 space per 250 square feet for centers with a gross floor area less than 400,000 square feet and not having significant cinemas/theaters (none or those with a total cinema/theater seating capacity of less than 5 seats per 1,000 square feet of the shopping center's gross floor area).

a. v: Business Practices and Activities
The business practices and activities are no more, and in many cases, less intense than a drugstore (Group 5912). This is true in terms of operating hours, number of employees, types of vehicles associated, numbers of customers/visitors and parking as mentioned 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.
As previously stated, the proposed food pantry is located within an existing shopping center with a variety of uses and does not have a greater effect on surrounding properties in relation to noise, glare,

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or odor. The use does not pose any greater effect when compared to the existing restaurants and permitted food stores (Groups 5411-5499). The proposed food pantry does not generate odors, will not generate glare onto adjacent properties and will not cause any additional noise than what is commonly associated with a shopping center. From a daily operation standpoint, this use is low impact, low traffic and quiet in nature.

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.

As previously stated, the project site is within the Mixed Use Activity Center Subdistrict FLUM designation. This FLUM designation allow C-4 and C-5 commercial uses which include a wide array of general commercial and intense commercial uses. These zoning designations allows the proposed use and also allows a more intense but comparable social/community services use. The Activity Centers designation does not prohibit this type of use.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

As previously stated, the proposed use is comparable, compatible, and consistent with permitted uses. Moreover, the nature of the use is less intense and impactful than numerous allowed and existing uses such as a car dealership and gas station or a 17,000± SF drugstore. Additionally, the proposed use is located inside a strip mall and is bounded by commercial and retail uses which are similar and comparable. Examples of these existing uses include Naples Coastal Kitchen and Taste of Poland Market and Deli.

e. Any additional relevant information as may be required by County Manager or Designee.

To be determined.

Conclusion

In conclusion, it is my professional opinion that the proposed food pantry use is comparable and compatible to the permitted and existing uses within the U.S. 41/Wiggins Pass Road PUD. Furthermore, it is less intensive than current uses within the PUD and with existing uses adjacent to the PUD, such as the gas station to the north. Finally, the proposed food pantry is consistent with the GMP and would qualify under the permitted uses under the Mixed Use Activity Center Subdistrict FLU designation.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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ORDINANCE NO. 97-46

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102 THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBER 8515S; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "C-2" and "A" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS U.S. 41/WIGGINS PASS ROAD PUD FOR COMMERCIAL AND PROFESSIONAL OFFICES FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF U.S. 41 AND WIGGINS PASS ROAD (C.R. 888), LOCATED IN SECTION 15, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 9.08 ACRES MORE OR LESS; AND BY PROVIDING AN EFFECTIVE DATE.

FILED
SEP 22 1 3 PM '97
SECRETARY OF STATE

WHEREAS, Robert Duane of Hole, Montes & Associates, representing Mark Woodward, Trustee, petitioned the Board of County Commissioners to change the zoning classification of the herein described real property;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

The zoning classification of the herein described real property located in Section 15, Township 48 South, Range 25 East, Collier County, Florida, is changed from "C-2 and "A" to "PUD" Planned Unit Development in accordance with the U.S. 41/Wiggins Pass Road PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Map Number 8515S, as described in Ordinance Number 91-102, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

This Ordinance shall become effective upon filing with the Department of State.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 16th day of September, 1997.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

ATTEST:

Deputy Clerk

DWIGHT E. BROCK, CLERK

BY: Timothy L. Hancock

TIMOTHY L. HANCOCK, CHAIRMAN

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Marjorie M. Student

MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

PUD-97-6 ORDINANCE/

This ordinance filed with the Secretary of State's Office the 22nd day of Sept. 1997 and acknowledgement of that filing received this 22nd day of Sept. 1997

By Deputy Clerk

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

U.S. 41/WIGGINS PASS ROAD

PLANNED UNIT DEVELOPMENT

Prepared for:

Ma. Woodward, Trustee

Prepared by:

Hole, Montes and Associates, Inc.
715 Tenth Street South
Naples, FL 34102
(941) 262 4617

HMA File No. 95.27

August, 1997

Date Filed:_____
Date Review by CCPC:_____
Date Approved by BCC: 9-16-97
Ordinance No: 97-46

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

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EXHIBIT A. - CONCEPTUAL PUD MASTER PLAN

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION I

STATEMENT OF COMPLIANCE

The development of 9.08 acres of property in Section 15, Township 48 South, Range 25 East, as a Planned Unit Development, to be known as the U.S. 41/Wiggins Pass Road Planned Unit Development, is in compliance with the planning goals and objectives of the Collier County Growth Management Plan based upon the following reasons:

1.1 The subject property is located in an area identified as an Activity Center in the Future Land Use Element of the Growth Management Plan for Collier County.

1.2 Activity Centers are the designated locations for the concentration of new commercial and mixed use development activities to avoid strip and disorganized patterns of commercial development.

1.3 The project development is planned to incorporate natural systems, existing and manmade, for water management in accordance with their natural functions and capabilities.

1.4 Provisions are included in the project to minimize the number of ingress and egress points onto U.S. 41.

1.5 The project shall be in compliance with all applicable County regulations including the Growth Management Plan.

1.6 The project will be served by a complete range of services and utilities as approved by the County.

1.7 The project is compatible with adjacent land uses through the internal arrangement of structures, the placement of land use buffers, and the proposed development standards contained herein.

1.8 The Planned Unit Development includes open spaces and natural features which are preserved from future development in order to enhance their natural functions and to serve as a project amenity.

1.9 All final local Development Orders for this project are subject to the Collier County Concurrency Management System, as implemented by the Adequate Public Facilities Ordinance.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION II

PROPERTY OWNERSHIP, LEGAL DESCRIPTION AND SHORT TITLE AND UNIFIED CONTROL

2.1 Property Ownership

The subject property is under the ownership of:

Mr. Mark Woodward, Trustee
Woodward, Pires & Lombardo
801 Laurel Oak Drive, ste. 640
Naples, Florida 34108

2.2 Legal Description

A portion of the NW 1/4 of the NW 1/4 of the SW 1/4 of Section 15, Township 48S Range 25 E of Collier County Florida.

2.3 Short Title

This Ordinance shall be known and cited as the "U.S. 41/Wiggins Pass Road Planned Unit Development Ordinance".

2.4 Statement of Unified Control

It is the intent of Mark Woodward, Trustee, to establish a Planned Unit Development on 9.08 acres in Section 15, Township 48 South, Range 25 East, Collier County, Florida.

The subject property is under unified control and ownership for the purpose of obtaining PUD zoning.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION III

STATEMENT OF INTENT AND PROJECT DESCRIPTION

3.1 Introduction

It is the intent of the developer to establish a Planned Unit Development meeting the requirements as set forth in the Collier County Land Development Code (LDC). The purpose of this document is to set forth guidelines for the future development of the project that meet accepted planning principles and practices, and to implement the Collier County Growth Management Plan.

3.2 Project Description

The project is comprised of about 9 acres and is located at the southeast corner of the intersection of Wiggins Pass Road and U.S. 41 in Section 15, Township 48 South, Range 25 East. Access to the project is provided by a single connection on U.S. 41 and Wiggins Pass Road, which will provide internal access to the five (5) tracts which make up the project. The project is intended to support a selected range of commercial uses and professional services to the surrounding community.

3.3 Land Use Plan and Project Phasing

A. The PUD Master Plan contains a total of five (5) tracts consisting of open space, water management features, development areas and street right-of-way. The Master Plan is designed to be flexible with the placement of buildings, related utilities and water management facilities to be determined at the time of site development plan and permitting approval, based on compliance with all applicable requirements of this ordinance, LDC and local, state and federal permitting requirements. All tracts may be combined or developed separately subject to compliance with the applicable dimensional requirements contained within this document. Final lot configuration will be determined during the Preliminary Subdivision Plat review process.

B. The anticipated time of build-out of the project is approximately six (6) years from the time of issuance. of the first building permit.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION IV

GENERAL DEVELOPMENT REGULATIONS

The purpose of this Section is to set forth the development regulations to be applied to the development and use of the U.S. 41/Wiggins Pass Road Planned Unit Development and Master Plan.

4.1 General

The following are general provisions applicable to the PUD Master Plan:

A. Regulations for development of the U.S. 41/Wiggins Pass Road Planned Unit Development shall be in accordance with the contents of this document, the PUD-Planned Unit Development District and other applicable sections and parts of the Collier County LDC in effect at the time of building permit application. Should these regulations fail to provide specific developmental standards, then the provisions of the most similar zoning district in the Collier County LDC shall apply.

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of building permit application.

C. All conditions imposed and all graphic material presented depicting restrictions for the development of the U.S. 41/Wiggins Pass Road Planned Unit Development shall become part of the regulations which govern the manner in which this site may be developed.

D. All tracts identified on the PUD Master Plan may be used for water management purposes and parking.

E. Development permitted by the approval of this petition will be subject to a concurrency review under the provisions of Division 3.15 of the LDC pertaining to Adequate Public Facilities at the earliest or next to occur of either final SDP approval, final plat approval, or building permit issuance applicable to this development.

4.2 Site Clearing and Drainage

Clearing, grading, earthwork, and site drainage work shall be performed in accordance with the Collier County LDC and the standards and commitments of this document at the time of construction plan approval.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

4.3 Easements for Utilities

Easements, where required, shall be provided for water management areas, utilities and other purposes as may be required by Collier County.

All necessary easements, dedications or other instruments shall be granted to ensure the continued operation and maintenance of all services and utilities to insure compliance with applicable regulations in effect at the time construction plans and plat approvals are requested.

4.4 Amendments to the Ordinance

Amendments to this Ordinance and Master Plan shall be pursuant to Section 2.7.3.5 of the Collier County LDC.

4.5 Project Plan Approval Requirements

Attachment "A", PUD Master Plan, constitutes the required PUD Development Plan. Subsequent to, or concurrent with, PUD approval, a Preliminary Subdivision Plat shall be submitted for the entire area covered by the PUD Master Plan. All division of property and the development of the land shall be in compliance with the subdivision regulations set forth in Section 3.2 of the LDC.

Prior to recording of the final subdivision plat, when required by the Subdivision Regulations set forth in Section 3.2 of the LDC, final plans of the required improvements shall receive the approval of all appropriate Collier County governmental agencies to ensure compliance with the PUD Master Plan, the County Subdivision Regulations and the platting laws of the State of Florida.

Prior to the issuance of a building permit or other development orders, the provisions of Section 3.3, Site Development Plans shall be applied to all platted parcels.

4.6 Provision for Offsite Removal of Earthen Material

The excavation of earthen material and its stockpiling in preparation of water management facilities or to otherwise develop water bodies is hereby permitted. If, after consideration of fill activities on buildable portions of the project site, there is a surplus of earthen material, offsite disposal is also hereby permitted subject to the following conditions:

A. Excavation activities shall comply with the definition of a "Development Excavation" pursuant to Section 3.5.5.1.3 of the LDC, whereby offsite removal shall not exceed ten (10) percent of the total volume excavated up to a maximum of 20,000 cubic yards.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

B. A timetable to facilitate said removal shall be submitted to the Development Services' Manager for approval. Said timetable shall include the length of time it will take to complete said removal, hours of operation and haul routes.

C. All other provisions of Section 3.5 of the LDC are applicable.

4.7 Sunset and Monitoring Provisions

The U.S. 41/Wiggins Pass Road PUD shall be subject to Section 2.7.3.4 of the LDC, Time Limits for Approved PUD Master Plans and Section 2.7.3.6 Monitoring Requirements.

4.8 Polling Places

Any community recreation/public building/public room or similar common facility located within the U.S. 41/Wiggins Pass Road PUD may be used for a polling place, if determined necessary by the Board of County Commissioners in accordance with Section 2.6.30 of the LDC.

4.9 Native Vegetation Retention Requirements

Pursuant to Section 3.9.5.5.4 of the LDC, 15% of the native vegetation shall be preserved or provided for in landscape buffer areas. About one (1) acre of preserve area will be retained outside landscape buffer areas as depicted on the PUD Master Plan.

4.10 Common Area Maintenance

Common Area Maintenance, including the maintenance of common facilities, open spaces and the water management facilities shall be the responsibility of the owners' association, together with any applicable permits and conditions from applicable local, State, or Federal permitting agencies.

4.11 Landscaping Requirements

All landscaping requirements, buffers, walls, berms, etc. shall be developed in conformance with requirements of Division 2.4 of the Collier County LDC pertaining to landscaping and buffering; however, landscaping shall be installed along the rear property line to a minimum height of eight (8) feet prior to the issuance of the First Certificate of Occupancy.

4.12 Open Space and Common Areas

The PUD Master Plan identifies approximately two and ninety-five one hundreds (2.95) acres of buffering, water management and preservation areas. This area satisfies the open space requirements of Section 2.6.32 of the Collier County LDC.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

4.13 Signs

As provided for within Section 2.5, Signs of the Collier County LDC.

4.14 Architectural Control

All site and building design shall conform to the requirements of Division 2.8 of the Collier County LDC to insure a unified architectural design and theme.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION V

PERMITTED USES AND DIMENSIONAL STANDARDS

5.1 Purpose

The purpose of this Section is to identify permitted uses and development standards for areas within the U.S. 41/Wiggins Pass Road PUD designated on Exhibit "A", PUD Master Plan for Tracts A, B, C, D and E.

5.2 General Description

Tracts A, B, C, D and E, as shown on the PUD Master Plan, are designed to accommodate a full range of principal uses, essential services and accessory uses.

The acreage of the tracts depicted on the PUD Master Plan is based on conceptual designs and is approximate. Actual acreages of all development tracts will be provided at the time of Preliminary Subdivision Plat submittal in accordance with Division 3.2 of the Collier County LDC. All tracts are designed to accommodate internal roadways, open spaces, water management facilities and other similar uses.

5.3 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:

1. Accounting, Auditing and Bookkeeping Services (8721)
2. Amusements and Recreation Services - Indoor (7911-7941, 7991, 7993, 7997)
3. Apparel and Accessory Stores (Groups 5611-5699)
4. Automotive Dealers and Gasoline Service Stations (Groups 5511, 5531, 5541, 5571, 5599 new vehicles only)
5. Automotive Rental and Repair, and Services (Groups 7514, 7515, 7521, 7533-7549)
6. Building Materials, Hardware and Garden Supplies (Groups 5211-5261)
7. Business Services (Groups 7311-7352, 7359, except airplane, industrial truck, portable toilet and oil field equipment renting and leasing, except armored car and dog rental; 7389, except auctioneering, bronzing, field warehousing, salvaging of damaged merchandise)
8. Child Day Care Services (8351)
9. Communications (Groups 4812-4841, except principal transmission towers)
10. Depository Institutions (Groups 6011-6099)
11. Drug Stores and Proprietary Stores (5912)
12. Eating and Drinking Places (Groups 5812-5813. All establishments engaged in the retail sale of alcoholic beverages are subject to the locational requirements of Section 2.6.10)

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

13. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748)
14. Food Stores (Groups 5411-5499)
15. General Merchandise Stores (Groups 5311-5399)
16. Group Care Facilities (Category I and II); Care Units and Nursing Homes, subject to Section 2.6.26
17. Group Housing, excluding Family Care Facilities, subject to Section 2.6.26
18. Hardware Stores (5251)
19. Health Services (Groups 8011-8049, 8082)
20. Home Furniture, Furnishing and Equipment Stores (Groups 5712-5736)
21. Hotels and Motels (Group 7011)
22. Insurance Carriers, Agents and Brokers (Groups 6311-6399, 6411)
23. Legal Services (8111)
24. Libraries (8231)
25. Management and Public Relations Services (Groups 8741-8743, 8748)
26. Membership Organization. (8611-8699)
27. Miscellaneous Personal Services (7291)
28. Miscellaneous Repair Services (Groups 5551, 7622-7699)
29. Miscellaneous Retail Groups 5912-5963, 5992-5999)
30. Motion Picture Theaters (7832)
31. Motor Freight Transportation and Warehousing (4225 mini and self storage warehousing only) permitted on Tract E only.
32. Museums and Art Galleries (8412)
33. Non-depository Credit Institutions (Groups 6111-6163)
34. Paint, Glass and Wallpaper Stores (5231)
35. Personal Services (Groups 7212, 7215, 7217, 7219-7299)
36. Public Administration (Groups 9111-9199, 9229, 9311, 9411-9451, 9511-9562, 9611-9661)
37. Real Estate (Groups 6512, 6531-6541)
38. Retail Nurseries, Lawn and Garden Supply Stores (5261)
39. Security and Commodity Brokers, Dealer, Exchanges and Service (Groups 6211-6289)
40. Veterinary Services (Groups 0742, 0752, excluding outside kenneling)
41. Video Tape Rental (7841)
42. Vocational Schools (Groups 8243-8299)
43. Any other general commercial use which is comparable in nature with the foregoing uses.

5.4 <u>Accessory Uses</u>

1. Uses and structures that are necessary and incidental to the permitted uses.

5.5 <u>Dimensional Standards for Permitted Uses</u>

1. Minimum Lot Area: Twenty thousand (20,000) square feet.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

2. Minimum Lot Width: One hundred (100) feet.
3. Minimum yard Requirements:
   a. Front Yard: Twenty-five (25) feet.
   b. Side Yard: Fifteen (15) feet.
   c. Rear Yard: Twenty-five (25) feet.
   d. Any Yard abutting a residential parcel: Twenty-five (25) feet.
4. Maximum Height: Fifty (50) feet, however, building heights shall be limited to a maximum height of 3 stories or thirty-five (35) feet on Tract E or a similar boundary thereto.
5. Minimum Floor Area: One thousand (1,000) square feet for each building on the ground floor.
6. Minimum Off-Street Parking and Off-Street Loading: As required in Section 2.3, LDC.
7. Merchandise Storage and Display: Unless specifically permitted for a use, outside storage or display of merchandise is prohibited.
8. Lighting: Lighting shall be located so that no light is aimed directly toward a property designated residential, which is located within two hundred (200) feet of the source of light.

5.6 Dimensional standards for accessory uses shall be as required in Section 2.6.2, LDC.

5.7 <u>Development Intensity</u>

1. Commercial structures may be developed to the limits established by the height, setback and other limitations posed by this ordinance.

2. Hotel and motel uses may be developed at a density of twenty-six (26) units per acre with a minimum of three hundred (300) and a maximum of five hundred (500) square feet per unit.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION VI

ENVIRONMENTAL STANDARDS

The purpose of this Section is to set forth the environmental commitments of the project developer.

6.1 The petitioner shall be subject to the landscaping and buffering requirements of Section 2.4 of the LDC.

6.2 Petitioner shall be subject to Section 2.2.25.8.1 of the LDC pertaining to archaeological resources in the event they are identified on the property contained in the Conservation and Coastal Management Element (discovery of a archaeological or historical site, artifact or other indicator of preservation).

6.3 Petitioner shall obtain and submit documentation of all necessary local, state and federal permits.

6.4 The applicant shall be subject to all environmental ordinances in effect at the time of development order approvals.

6.5 Native vegetation preservation shall conform to the requirements of Section 3.9.5.5.4 of the Collier County LDC and preserve areas shall be generally provided for as depicted on the PUD Master Plan. Adjustments to the boundaries of the preservation area may be made at the time of Final Site Development Plan Approval in accordance with the standards of Section 3.9.5.5.4.

6.6 An exotic vegetation removal, monitoring and maintenance (exotic free) plan for the site, with emphasis on the conservation/preservation areas, shall be submitted to Current Planning Environmental Review Staff for review and approval prior to Final Site Plan/Construction approval.

6.7 A Gopher Tortoise relocation/management plan shall be submitted to Current Planning Environmental Staff for review and approval prior to final site plan/construction plan approval. That plan shall contain, at a minimum, the area where the tortoise will be relocated, the type of fencing and its design, whether or not it will be necessary to provide additional plantings in that area for food or if food will be supplemented and the person responsible for the implementation of the plan.

6.8 Petitioner shall comply with the guidelines and recommendations of the U.S. Fish & Wildlife Service (USFWS) and Florida Game and Fresh Water Fish Commission (FGFWFC) regarding potential impacts to protected wildlife species. Where protected species are observed on site, a Habitat Management Plan for those protected species shall be submitted to Current Planning Environmental Staff for review and approval prior to Final Site Plan/Construction approval.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION VII

TRANSPORTATION REQUIREMENTS

The purpose of this Section is to set forth the transportation commitments of the project developer.

7.1 The developer shall provide arterial street lighting of the project entrance. Said improvement shall be in place prior to the issuance of any Certificate of Occupancy.

7.2 The road impact fee shall be as set forth in Section 4.1 of the LDC, as amended, and shall be paid at the time building permits are issued, unless otherwise approved by the Board of County Commissioners.

7.3 Internal access improvements shall not be subject to impact fee credits.

7.4 All traffic control devices used shall conform with the Manual on Uniform Traffic Control Devices as required by Chapter 316.0745, Florida Statutes.

7.5 The single project connection to U.S. 41 shall be restricted to right-in/right-out only turning movements. Unrestricted turning movements shall be permitted at the northern connection to Wiggins Pass Road.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION VIII

UTILITY AND ENGINEERING REQUIREMENTS

The purpose of this Section is to set forth the utilities and engineering commitments of the project developer.

8.1 Utilities

A. Sewer and water service shall be provided by Collier County. All pertinent requirements pertaining to the extension and construction of water distribution and sewage collection facilities shall be met.

B. Water distribution, sewage collection and transmission and interim water and/or sewage treatment facilities to serve the project are to be designed, constructed, conveyed, owned and maintained in accordance with Collier County Ordinance No. 88-76, as amended, and other applicable County rules and regulations.

C. All customers connecting to the water distribution and sewage collection facilities to be constructed will be customers of the County and will be billed by the County in accordance with the County's established rates. Should the County not be in a position to provide water and/or sewer, customers shall be customers of the interim utility established to serve the project until the County's off-site water and/or sewer facilities are available to serve the project.

D. Appropriate easements for any project internal water improvements shall be documented on the construction plans and shall be dedicated to the Collier County Water-Sewer District.

E. Construction drawings, technical specifications and all pertinent design information shall be submitted in accordance with Collier County Ordinance 97-017 or amendments made thereto and shall be approved prior to the issuance of development construction approval.

8.2 Engineering

A. Detailed paving, grading, site drainage and utility plans shall be submitted to the Development Services Department for review. No construction permits shall be issued unless and until approval of the proposed construction, in accordance with the submitted plans, is granted by the Development Services Department.

B. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County LDC.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

C. Subdivision of the site shall require platting in accordance with Section 3.2 of the LDC to define the right-of-way and tracts shown on the PUD Master Plan.

D. The developer and all subsequent petitioners shall be required to satisfy the requirements of all County ordinances or codes in effect prior to or concurrent with any subsequent development order relating to this site, including but not limited to Preliminary Subdivision Plats, Site Development Plans and any other application that will result in the issuance of a final development order.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

SECTION IX

WATER MANAGEMENT REQUIREMENTS

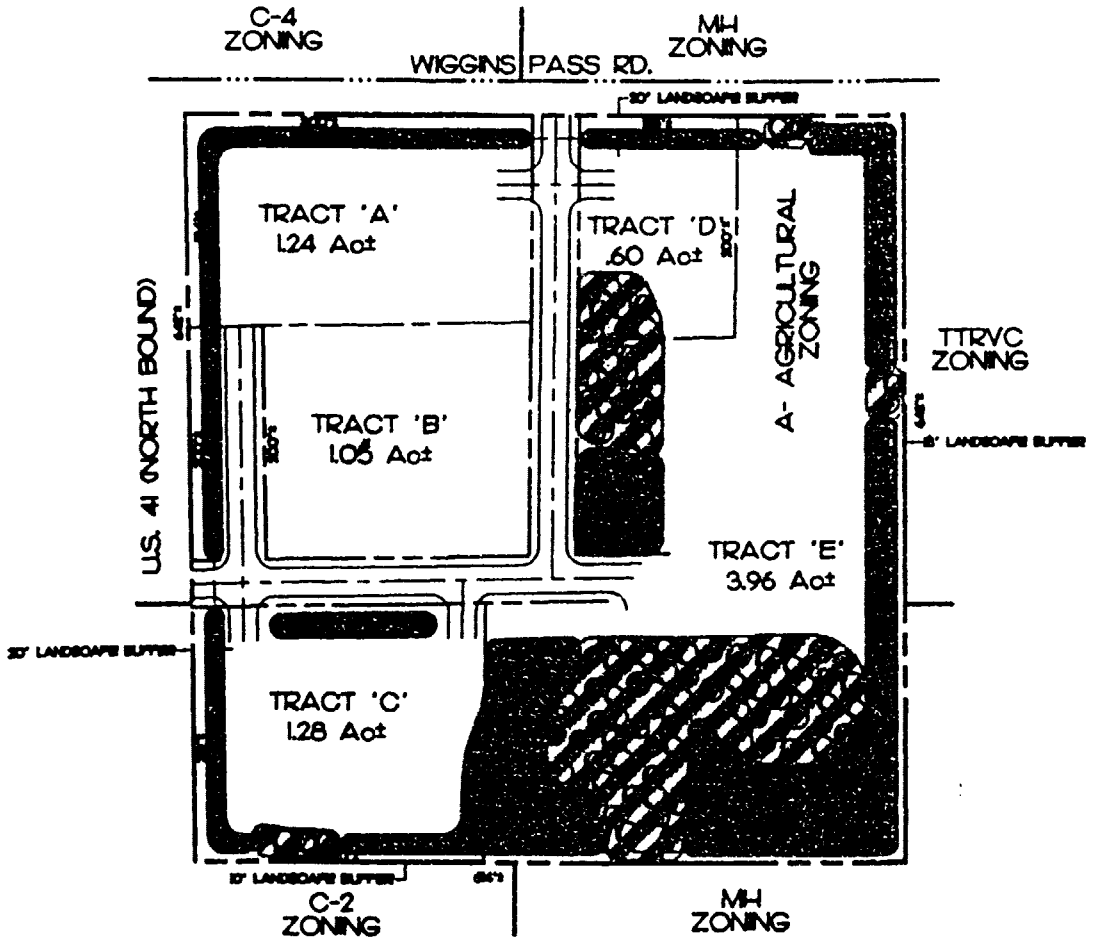
The purpose of this Section is to set forth the water management commitments of the project developer.

9.1 Detailed paving, grading and site drainage plans shall be submitted to the Development Services Department for review. No construction permits shall be issued unless and until approval of the proposed construction, in accordance with the submitted plans, is granted by the Development Services Department.

9.2 Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County LDC, except that excavation for water management features shall be allowed within twenty (20) feet from side, rear or abutting property lines if fenced.

9.3 Landscaping may be placed within the water management areas in compliance with the criteria established within Section 2.4.7.3 of the LDC.

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)



SCALE: 1" = 150'

SITE SUMMARY:

	Ac±	%
RETENTION AREA -	1.63 Ac±	18.0 %
LANDSCAPE/BUFFER -	.92 Ac±	10.1 %
PRESERVE -	1.11 Ac±	12.2 %
TOTAL -	3.66 Ac±	40.3 %
OVERLAPPING RET./LANDS. AREA - -	.35 Ac±	3.8 %
TOTAL -	3.31 Ac±	36.5 %

	Ac±
RIGHT OF WAY -	0.60 Ac±
TRACT 'A' -	1.24 Ac±
TRACT 'B' -	1.05 Ac±
TRACT 'C' -	1.28 Ac±
TRACT 'D' -	0.60 Ac±
TRACT 'E' -	3.96 Ac±
TOTAL -	9.08 Ac±

- RETENTION AREA
- PRESERVE AREA

EXHIBIT A

DESIGNED BY JBT	DATE 4/96	HOLE, MONTES & ASSOCIATES, Inc. ENGINEERS-PLANNERS-SURVEYORS 718 10th Street S., Naples, FL 34102 - Phone : (941) 262-4617	U.S. 41 & WIGGINS PASS RD. CONCEPTUAL MASTER PLAN
DRAWN BY DMP	DATE 4/97		REFERENCE NO. 9527SP2A / DRAWING NO. -
CHECKED BY R.D.	DATE 4/96		PROJECT NO. 95.27 / SHEET NO. 1 OF 1
VERTICAL SCALE N/A	HORIZONTAL SCALE 1" = 150'		

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Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 97-46

Which was adopted by the Board of County Commissioners on the 16th day of September, 1997, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 19th day of September, 1997.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Ellie Hoffman

By: Ellie Hoffman
Deputy Clerk

Attachment: Attachment E - Backup Materials (22032 : Helping Hands Food Pantry Comparable Use)