COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

March 14, 2024

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 Ailyn.Padron@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. PL20230014987 VA – Request for a variance from Land Development Code Section 4.02.01 A, Table 2.1, to reduce the required side setback from 30 feet to 15.03 feet on the north property line for the proposed accessory pool to be located on property zoned RSF -1 at the northeast corner of the intersection of Yarberry Lane and Anthony Court located in Section 2, Township 49 South, Range 25 East, Collier County, Florida. (Coordinator: Sarah Kisner, Planner II)

B. Petition No. BLCD-PL20230010282 – Request for a Boat Lift Canopy Deviation to increase the allowable length from 35 feet to 49 feet and to increase the allowable height from 12 feet to 15 feet, for a boat lift canopy measuring 49 feet long by 17 feet wide and 15 feet in height, in addition to a second code-compliant boat lift canopy measuring 11 feet long by 13 feet wide and 12 feet in height on a bay-front lot, pursuant to section 5.03.06.G.3 of the Land Development Code (LDC). The subject property is located at 219 Malibu Cove, further described as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 2

C. Petition No. SV-PL20230014898 – Request for sign variance from Land Development Code Sections 5.06.04.F.2.a. and 5.06.04.F.4. to allow a third wall sign, not to exceed 60 square feet, for a single-occupancy out-parcel with double frontage located within the Pine Air Lakes Planned Unit Development. The subject property is located at 5795 Airport Road North, within the Promenade at Naples Centre Development, and also described as Lot 4, Pine Air Lakes Unit Five, in Section 11, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 2

D. Petition No. BDE-PL20230008785– Request for a 9-foot boat dock extension from the maximum permitted protrusion of 20 feet or 25 percent of the width of the waterway, whichever is less, for waterways less than 100 feet in width, to allow construction of a boat docking facility protruding a total of 29 feet into a waterway that is 80 feet wide. The subject property is located at 295 West Avenue, also known as Lot 12, Block C, Little Hickory Shores Unit 1, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 2

4. Other Business

5. Public Comments

6. Adjourn

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Doc ID: 28124
Item Summary: Petition No. PL20230014987 VA – Request for a variance from Land Development Code Section 4.02.01 A, Table 2.1, to reduce the required side setback from 30 feet to 15.03 feet on the north property line for the proposed accessory pool to be located on property zoned RSF -1 at the northeast corner of the intersection of Yarberry Lane and Anthony Court located in Section 2, Township 49 South, Range 25 East, Collier County, Florida. (Coordinator: Sarah Kisner, Planner II)

Meeting Date: 03/14/2024

Prepared by:
Title: – Zoning
Name: Sarah Kisner
02/20/2024 4:29 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
02/20/2024 4:29 PM

Approved By:

Review:

Operations & Regulatory Management	Michael Stark	Review Item	Completed	02/21/2024 5:51 PM
Zoning	Ray Bellows	Review Item	Completed	02/23/2024 4:40 PM
Zoning	James Sabo	Review Item	Skipped	02/26/2024 9:12 AM
Zoning	Mike Bosi	Division Director	Completed	02/28/2024 9:26 AM
Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	03/01/2024 2:21 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	03/14/2024 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: MARCH 14, 2024

SUBJECT: PETITION VA- PL20230014987; PARCEL ID #: 237920005 VARIANCE

PROPERTY OWNER/APPLICANT:

Imperial Homes of Naples, LLC
5133 Castillo Dr, Suite 1
Naples, FL 34103

AGENT:

Dianna Quintanilla
4001 Tamiami Trail North, Suite 300
Naples, FL 34103

REQUESTED ACTION:

To have the Collier County Hearing Examiner (HEX) consider a variance request from Section 4.02.01.A. Table 2.1, of the Collier County Land Development Code to reduce the minimum side yard setback from 30 feet to 15.03 feet on the North side, for a proposed pool on a corner lot in the Residential-Single-Family-1 (RSF-1) zoning district.

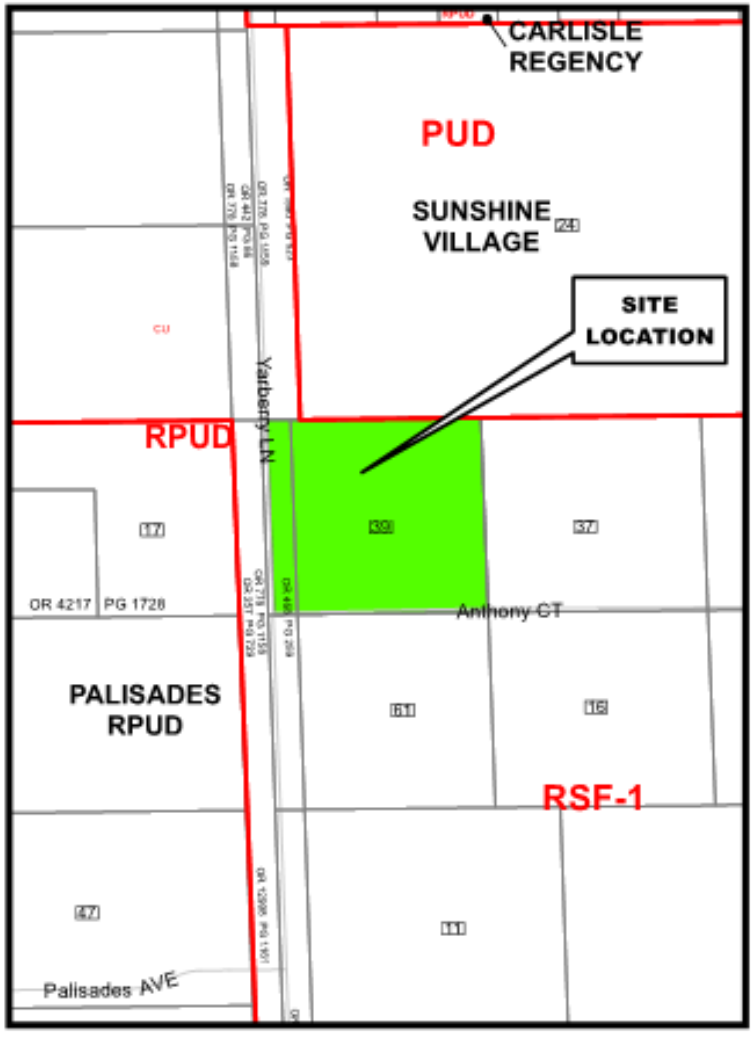
GEOGRAPHIC LOCATION:

The subject property is a +/- 1.03-acre parcel, known as Parcel ID # 00237920005, at the Northeast corner of Yarberry Lane and Anthony Court, Section 2, Township 49 South, Range 25 East, Collier County, Florida. The parcel is approximately 1,200 feet South of Orange Blossom Drive. *(See location map on page 2)*.

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-Anthony Ct)

SITE LOCATION MAP

Location Map



Zoning Map

Petition Number: PL20230014987

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-

PURPOSE/DESCRIPTION OF PROJECT:

The property is a +/- 1.03-acre corner lot located in the RSF-1 Zoning District. The property is currently vacant and intended to be a single-family residence. The proposed project is a swimming pool designed to be 15.03 feet from the north side property line, where 30 feet is required. The residence is proposed to comply with all applicable development standards, including setbacks. *(See Attachment B,* Illustrative Site Plan of Pool*).*

The applicant, Coleman Yovanovich Koester Law Firm, requests a variance on behalf of the owner, Imperial Homes of Naples, LLC. The variance request is from LDC Section 4.02.01.A, to reduce the required RSF-1 side setback by 14.97 feet to accommodate a proposed swimming pool in a location the owners deem to be the most logical for their property. The owners purchased the subject property in July of 2023.

The subject property is a corner lot located at the northeast corner of Yarberry Lane and Anthony Court. Two 30-foot right-of-way easements encumber the property. As a corner lot, the property has two front yard setbacks and two side yard setbacks. A literal interpretation of the code reduces the 44,660-square-foot lot to a maximum building footprint of approximately 11,903 square feet (115.06 feet wide and 103.45 feet deep), resulting in a maximum building footprint of approximately 26.6% of the total lot area. (*See Attachment A, Backup Package*).

At a post-review comments meeting held on December 8, 2023, staff requested clarification on why the house could not be redesigned to accommodate the pool. The applicant stated the owner-builder is using a model floor plan and would incur significant financial and practical difficulties in redesigning the home. Without a granted variance, the owner is faced with the practical challenges of either (i) creating a new one-off floor plan for this property, which will result in substantial costs and time delays, as well as impacting the feasibility of the project especially as a new floor plan could interfere with the owner's brand and reputation, or (ii) significantly impacting marketability of the residence by eliminating any pool option. The homeowner has not yet pursued a building permit for the principal structure because the property's design is dependent on the outcome of this variance petition.

The subject property owners have done their due diligence regarding coordinating with adjacent neighbors, and they have received letters of no objection, which are included in Attachment C, Letters of No Objection.

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-Anthony Ct)

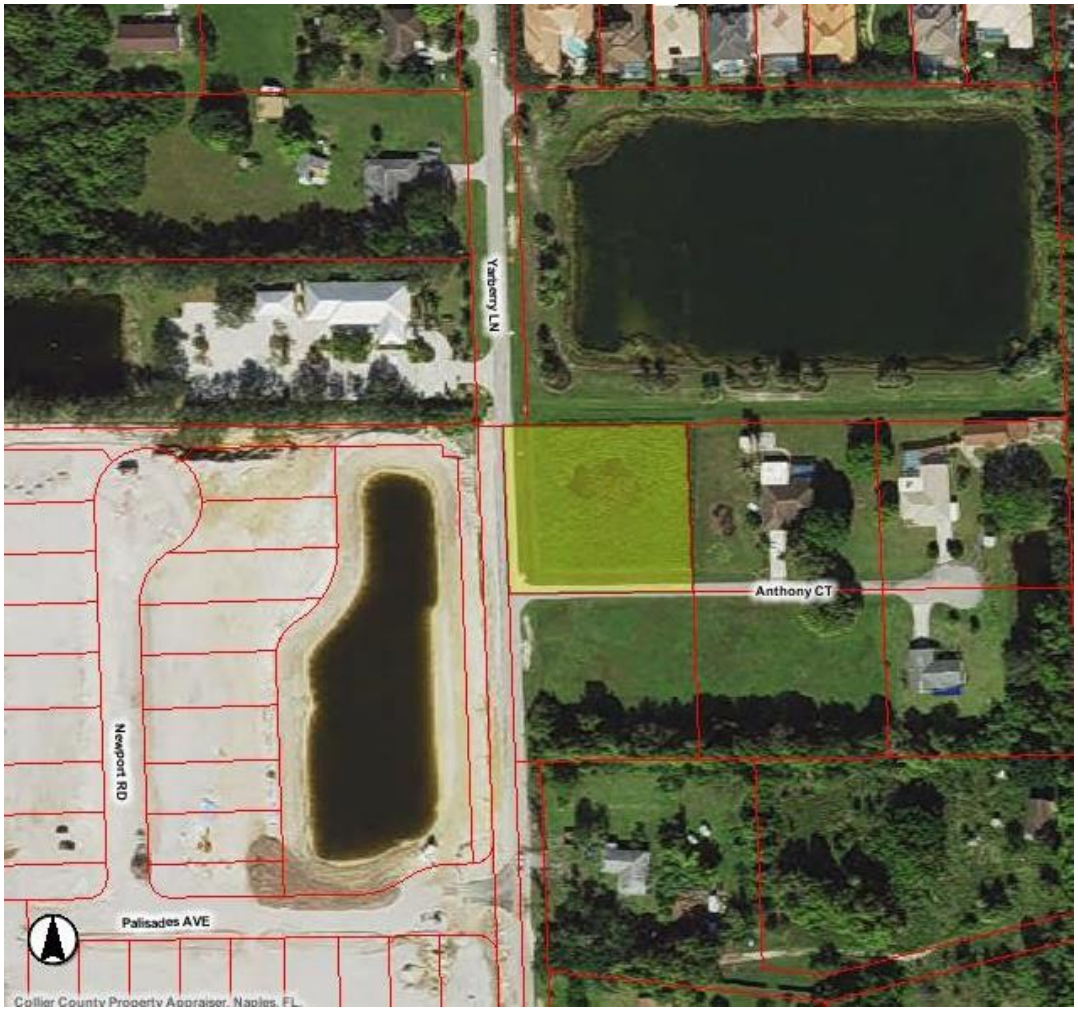
SURROUNDING LAND USE AND ZONING:

North: Water management owned by Collier County Transportation; Planned Unit Development (PUD) Sunshine Village

East: Developed residential single-family; RSF-1

South: Vacant; RSF-1

West: Developing/ under construction residential single-family; Residential Planned Unit Development (RPUD) Palisades



Collier County Property Appraiser

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-Anthony Ct)

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is in the Urban Residential Designation District land use classification on the County's Future Land Use Map (FLUM). This land use category is designed to accommodate large lot residential uses, including single-family projects. As stated, the applicant seeks a Variance for a proposed accessory swimming pool to a single-family dwelling unit, which is an authorized land use. The Growth Management Plan (GMP) does not address individual variance requests related to land use.

ZONING DIVISION ANALYSIS:

The decision to grant a variance is based on the criteria in LDC Section 9.04.03. Staff have analyzed this petition relative to these provisions and offer the following responses:

a. Are there special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, structure or building involved?

Yes, the property is a corner lot encumbered by two 30-foot right-of-way easements. Pursuant to LDC section 4.02.01.A. Table 2. Note 1.a., "Corner lots shall have front yards along each street frontage. The other yards shall be considered side yards." The property is zoned RSF-1. Zoning District RSF-1 has a minimum of 50-foot front yard setbacks and 30-foot side yard setbacks.

Please note LDC 4.02.01.A. Table 2. states, "…minimum setback lines are typically measured from the legal boundary of a lot, regardless of all easements burdening a lot, with the exception of easements that comprise a road right-of-way where the minimum setback line is to be measured from the road right-of-way easement line." The subject property has two (2) 30-foot right-of-way easements. The front yard setbacks are to be measured from the back of the right-of-way easement, resulting in an 80-foot setback along the West and South property lines.

Additionally, the 30-foot minimum side yard setback requirements apply to the North and East sides of the property. There is not a reduction in the side yard setbacks for accessory structures, however, pursuant to LDC section 4.02.03.D., the setbacks for an accessory swimming pool on the subject property would be the same as the principal structure.

b. Are there special conditions and circumstances which do not result from the action of the applicant, such as pre-existing conditions relative to the property, which are the subject of the Variance request?

Yes, the subject property is affected by a literal interpretation of the code, creating special conditions and circumstances that do not result from the property owner's action. Please note that the property owner is selecting to use an architectural template, which is not a condition relative to the subject property.

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-Anthony Ct)

c. Will a literal interpretation of the provisions of this zoning code work unnecessary and cause undue hardship for the applicant or create practical difficulties for the applicant?

Yes, staff believe a literal interpretation of the code would not assist in fulfilling the intent and purpose of the LDC minimum yard requirements. The hardship is unnecessary because corner lots typically abut another residence's side yard. In this instance, the subject property abuts approximately 400 feet of open space.

d. Will the Variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building, or structure that promotes health, safety, and welfare standards?

Yes, the applicant has designed the pool to be 15.03 feet from the property line, which is the minimum required to accommodate the pool without adjustments to the model floor plan for the home. The applicant has decided to utilize a pool fence as opposed to an aluminum pool enclosure to minimize the encroachment.

e. Will granting the Variance confer on the applicant any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

No, a swimming pool is an allowable accessory use in the RSF-1 zoning district. The variance does not grant an allowable use which is denied by the LDC to other lands, buildings, or structures in the same zoning district. The proposed structure is buffered by substantial open space, which may outweigh the negative impacts, if any, of granting the variance.

f. Will granting the Variance be in harmony with the general intent and purpose of this Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare?

Yes, granting of the Variance will be in harmony with the general intent and purpose of the Land Development Code and will not harm public safety, health, and welfare. Pools are a permitted use in the underlying zoning district.

g. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf courses, etc.?

The subject property is a vacant lot with no natural obstructions.

h. Will granting the Variance be consistent with the Growth Management Plan?

Yes, approval of this Variance will not affect or change the requirements of the GMP with respect to density, intensity, compatibility, access/connectivity, or any other applicable provisions.

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-Anthony Ct)

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC does not normally hear variance petitions. The EAC did not hear this petition since the subject variance does not impact any preserve area.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney's office reviewed this Staff Report.

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve variance petition VA-PL20230014987, to reduce the minimum side yard setback on the North side from 30 feet to 15.03 feet for the accessory pool, as depicted within Attachment B, subject to the following conditions:

(1) The applicant obtains a building permit for the principal structure prior to construction of the accessory pool.

(2) No construction of the pool may occur prior to issuance of the building permit for the single-family home.

Attachments:

Attachment A: Applicant's Backup Package
Attachment B: Illustrative Site Plan of Pool
Attachment C: Letters of No Objection
Attachment D: Legal Ad and HEX Sign Posting

Attachment: VA-PL20230014987 - 237920005 Staff Report - 022024 (28124 : PL20230014987-237920005-Anthony Ct)

HEARING PACKAGE CHECKLIST Return this form with printed materials

A. Backup provided by the County Planner

The Planner is responsible for all required data included in the printed packets of information for the Hearing Examiner (Hex) or the Collier County Planning Commission (CCPC). DO NOT ACCEPT DUPLICATES OF ANY DOCUMENTS. MAKE SURE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. PLEASE CONFIRM THE DOCUMENTS ARE IN THE ORDER DESCRIBED IN "BACKUP PROVIDED BY APPLICANT."

Planner responsible for providing the County Attorney-drafted Ordinance for PUDs and placing in backup materials. AGENTS DO NOT INCLUDE THE PUD DOCUMENT – STAFF PROVIDES THIS TO THE COUNTY ATTORNEY WHEN THE ORDINANCE IS DRAFTED FOR A PUD. THE FINAL PUD ORDINANCE/RESOLUTION IS THE FIRST ITEM AFTER THE STAFF REPORT. [FOR HEX, THE REQUESTED LANGUAGE/ PROPOSED PLAN IS THE FIRST ITEM AFTER THE STAFF REPORT]

B. Backup provided by Applicant:

PLEASE PROVIDE THE DOCUMENTS IN THE ORDER DESCRIBED BELOW. DO NOT PROVIDE DUPLICATES OF ANY DOCUMENTS. PROVIDE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. IF THE BACKUP PROVIDED BY APPLICANT IS IN DISARRAY-MEANING IT IS NOT IN THE PROPER ORDER AND/OR THE APPLICANT PROVIDES MULTIPLE DUPLICATES-THE APPLICANT COULD LOSE ITS HEARING DATE.

- 01 Application, to include but not limited to the following:
  - 02 Narrative of request
  - 03 Property Information
  - 04 Property Ownership Disclosure Form
  - 04a-c Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.
- n/a Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- n/a Affidavit of Unified Control
- 05 Affidavit of Representation
- n/a Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- n/a NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
  - ✓ Include 3 thumbnail drives of video and/or audio
- n/a Traffic Impact Study (TIS)
- n/a Environmental Data
- n/a Historical/Archeological Survey or Waiver
- n/a Utility Letter
- n/a Deviation Justifications

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

06 Boundary Survey and 07 Pool Dimensional Plan, 08 Illustrative Site Plan

____ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc.

___ Submerged Resource Surveys may be included here if required.

__x__ **CD with *only one* pdf file for all documents in the same order as the packets are put together. They must be in the same order.**

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for all copies of backup materials to provide to the Hex/CCPC and the CD must contain the documents in one pdf file (not multiple files) in the same order as the printed materials. It is the agent's responsibility to ensure no documentation is left out.

Signature of Agent Representative

February 16, 2024
Date

Francesca Passidomo, Esq.
Printed Name of Signing Agent Representative

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

COLLIER COUNTY GOVERNMENT
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2800 NORTH HORSESHOE DRIVE
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VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District

LDC section 9.04.00 & Code of Laws section 2-83 – 2-90
Chapter 3 J. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Imperial Homes of Naples, LLC

Name of Applicant if different than owner: _____

Address: 5133 Castello Drive, Suite 1 **City:** Naples **State:** FL **ZIP:** 34103

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

E-Mail Address: _____

Name of Agent: Francesca Passidomo

Firm: Coleman, Yovanovich & Koester, P.A.

Address: 4001 Tamiami Trail N, #300 **City:** Naples **State:** FL **ZIP:** 34104

Telephone: 239-435-3535 **Cell:** _____ **Fax:** 239-435-1218

E-Mail Address: fpassidomo@cyklawfirm.com

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

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

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PROPERTY INFORMATION

Provide a detailed legal description of the property covered by the application: (If space is inadequate, attach on separate page)

Property I.D. Number: 00237920005 **Section/Township/Range:** 2 / 49 / 25

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

Metes & Bounds Description: _____ **Total Acreage:** 1.03

Address/ General Location of Subject Property: Anthony Court and Yarberry Lane

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	Sunshine Village PUD (Ord. 93-92); use lake and lake banks - Owned by Collier County Transpor	on
S	RSF-1; use residential/wooded and vacant owned by Audrey A. Anthony	
E	RSF-1; owned by AC 26501 Properties, Inc.	
W	Palisades RPUD (Ord. 22-20); owned by Yarberry Partners, LLC	

Minimum Yard Requirements for Subject Property:

Front: 50 **Corner Lot:** **Yes** [X] **No** [ ]

Side: 30 **Waterfront Lot:** **Yes** [ ] **No** [X]

Rear: 50 (N/A)

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

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

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ASSOCIATIONS

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

Name of Homeowner Association: NONE
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

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

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

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

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

NATURE OF PETITION

On a separate sheet, attached to the application, please provide the following:

1. A detailed explanation of the request including what structures are existing and what is proposed; the amount of encroachment proposed using numbers, i.e. reduce front setback from 25 ft. to 18 ft.; when property owner purchased property; when existing principal structure was built (include building permit number(s) if possible); why encroachment is necessary; how existing encroachment came to be; etc.

2. For projects authorized under LDC Section 9.04.02, provide a detailed description of site alterations, including any dredging and filling.

3. Pursuant to LDC section 9.04.00, staff shall be guided in their recommendation to the Hearing Examiner, and the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the criteria (a-h) listed below. Please address the following criteria:

   a) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

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b) Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request.

c) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

d) Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare.

e) Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.

f) Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

g) Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc.

h) Will granting the variance be consistent with the Growth Management Plan?

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

☐ Yes ☒ No If yes, please provide copies.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

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Pre-Application Meeting and Final Submittal Requirement Checklist for: Variance Chapter 3 J. of the Administrative Code

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☐	☐	☐
Pre-Application Meeting Notes	1	☐	☐
Project Narrative	☐	☐	☐
Completed Addressing Checklist	1	☐	☐
Property Ownership Disclosure Form	1	☒	
Conceptual Site Plan 24" x 36" and one 8 ½ " x 11" copy	☐	☐	☐
Survey of property showing the encroachment (measured in feet)	2	☐	☐
Affidavit of Authorization, signed and notarized	2	☐	☐
Deeds/Legal's	3	☐	☐
Location map	1	☐	☐
Current aerial photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial	5	☐	☐
Historical Survey or waiver request	1	☐	☐
Environmental Data Requirements or exemption justification	3	☐	☐
Once the first set of review comments are posted, provide the assigned planner the Property Owner Advisory Letter and Certification	1	☐	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

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

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review
☐	City of Naples: Robin Singer, Planning Director	☐	Immokalee Water/Sewer District
☐	Conservancy of SWFL: Nichole Ryan	☐	Parks and Recreation: David Berra
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	School District (Residential Components): Amy Lockheart
☐	Other:	☐	

FEE REQUIREMENTS

- ☐ **Pre-Application Meeting:** $500.00
- ☐ **Variance Petition:**
  - **Residential-** $2,000.00
  - **Non-Residential-** $5,000.00
  - **5th and Subsequent Review-** 20% of original fee
- ☐ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00
- ☐ **After The Fact Zoning/Land Use Petitions:** 2x the normal petition fee
- ☐ **Listed Species Survey (if EIS is not required):** $1,000.00

Fire Code Plans Review Fees are collected at the time of application submission and those fees are set forth by the Authority having jurisdiction. The Land Development Code requires Neighborhood Notification mailers for Applications headed to hearing, and this fee is collected prior to hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

All checks payable to: Board of County Commissioners.

The completed application, all required submittal materials, and the permit fee shall be submitted to:

Growth Management Department
Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Applicant Signature Curtis Guntheil — 9/19/23 Date

Printed Name

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

CYK
COLEMAN | YOVANOVICH | KOESTER

4001 Tamiami Trail North, Suite 300
Naples, Florida 34103
T: 239.435.3535 | F: 239.435.1218

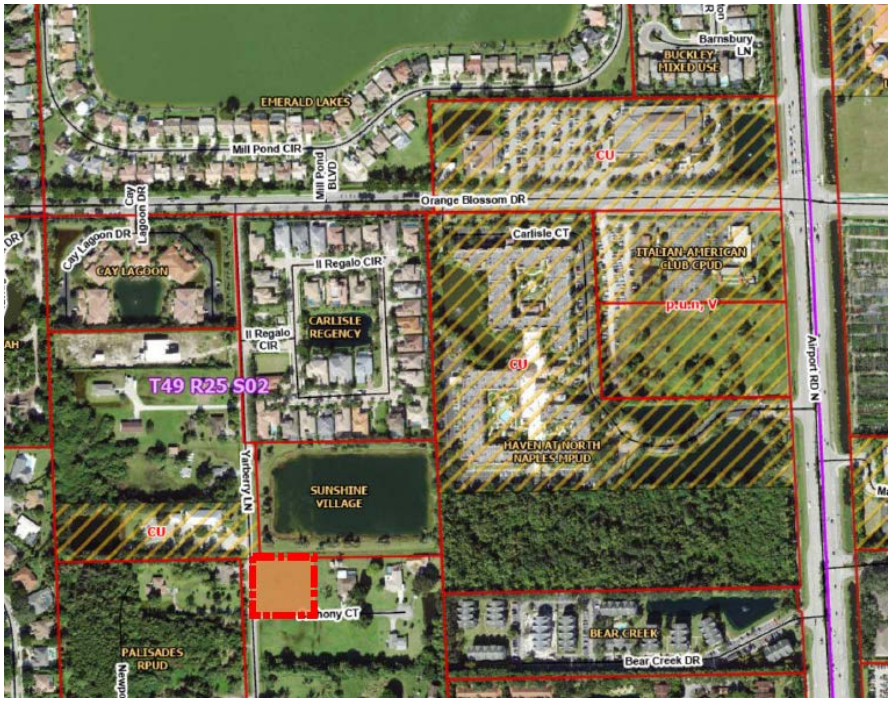
Email: fpassidomo@cyklawfirm.com

December 21, 2023

RE: ***Parcel ID No. 00237920005***
Variance – Pool
Narrative, Statement of Facts, and Variance Criteria (Rev1)

Dear Mr. Bellows,

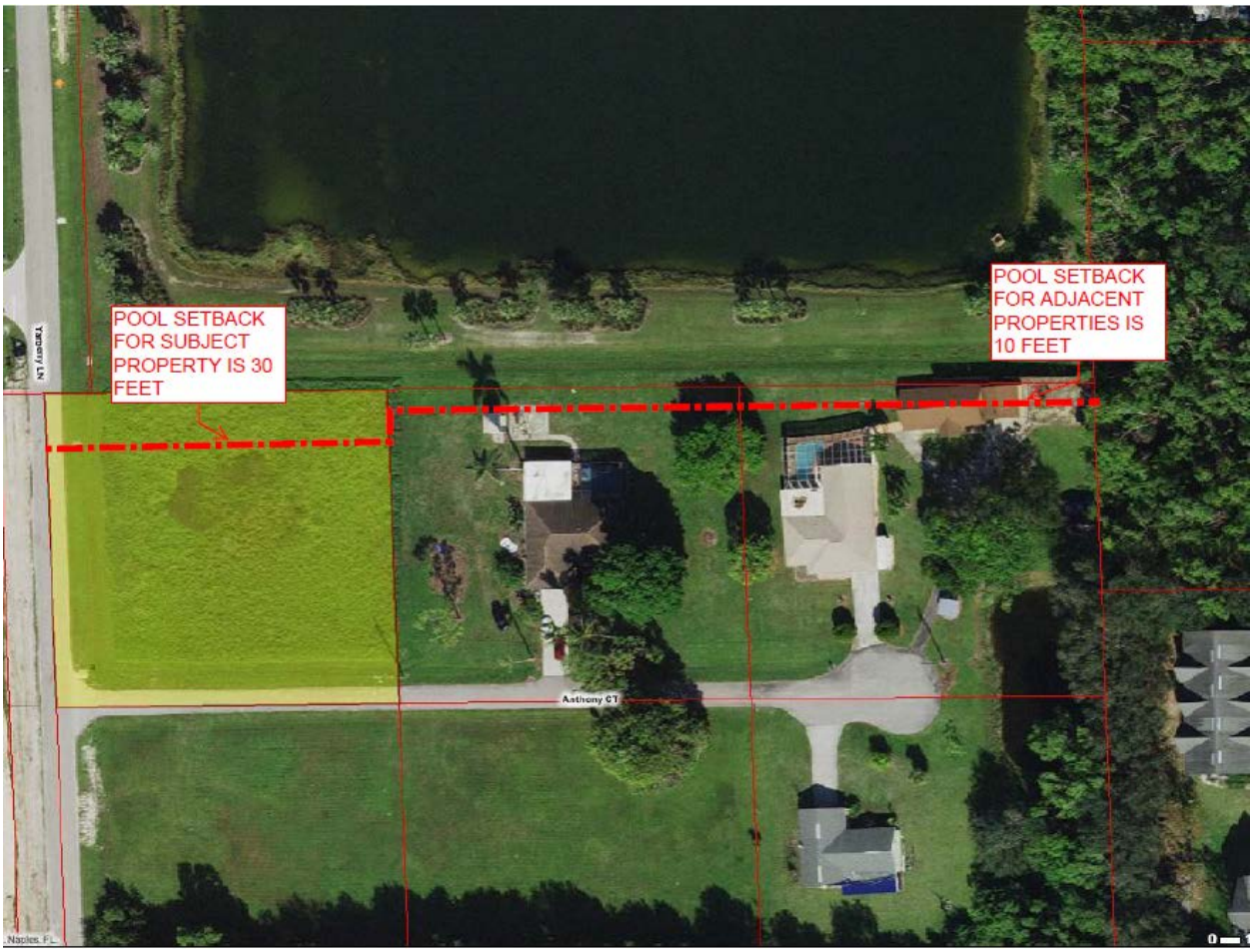
This is a request for a variance for a pool to be constructed 15.03 feet from the north side property line where 30 feet is required. The property is an over 1-acre corner lot located in the RSF-1 Zoning District ascribed Folio Number 00237920005. The property is surrounded by other single-family residential uses within straight zoning or RPUD zoning districts, south west of the intersection of Airport Road and Orange Blossom Drive with access from Yarberry Lane.



Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

The property is currently vacant. The owner intends to develop the property with a single-family residence that conforms to all applicable development standards, including setbacks required in the underlying RSF-1 Zoning District for a corner (i.e., double frontage) lot. Note that the required setbacks must be measured from the outside line of internal right of way easements, further containing the property by otherwise developable area. A 30 feet wide roadway easement exists within the west boundary and a 15 feet roadway easement exists within the south boundary.

Due to conditions and constraints peculiar to the site not created by the applicant, the setback requirement for an accessory pool in the north side yard creates practical difficulties to the applicant's use and enjoyment of his property. To apply the land development code literally for this property, the owner would be required to set the proposed pool back 30 feet from the north property line, while the properties immediately east of the subject property in the same zoning district could set their respective pools back 10 feet from the north property line, as shown below:



The distinction is due to a technicality in the code that is unique to pools in side yards on corner lots of the RSF-1 Zoning District.

1. Under Section 4.02.01.A.1.a, "Corner lots shall have front yards along each street frontage. The other yards shall be considered side yards." Accordingly, this property has two front yards along Yarberry Lane and Anthony Court, and two side yards at the north and east property lines.
2. In RSF-1, which is a Single Family Zoning District, the minimum side yard for a principal structure is 30 feet. 30 feet is the side yard otherwise applied in more rural environments zoned Agricultural

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

(including the Estates). The side yard for a principal structure in most Single Family Districts is 10 feet.

3. The minimum side yard required for a pool in Single Family Zoning Districts is the same as the side yard required for a principal structure in the underlying district. However, under the Land Development Code, the minimum rear yard required for a pool in Single Family Zoning Districts benefits from a reduction in the setback to 10 feet, regardless of the rear yard requirement for the principal structure.
4. The Land Development Code therefore clearly recognizes that a pool 10 feet from the property line is compatible with single-family residential use.

Because the side yard in RSF-1 is 30 feet rather than the typical 10 feet, and because this property is a corner lot and therefore has no rear yard to benefit from the reduction to a 10 feet setback for pools, the owner has no reasonable location for his pool. The owner has requested the minimum variance necessary to make reasonable use of his land and future home. A pool setback of 15.03 feet feet along the north property line is also consistent with what is permitted as of right on adjacent properties.

Moreover, there are natural conditions which mitigate negative impacts, if any, of a pool in the proposed location. The internal right of way easements, which would otherwise unlock development potential to more flexibly situate a home on the lot, reduce the buildable area to 25% of the total lot area. A buildable area maximized at 25% results in more overall open space for such purposes as drainage, and light and air circulation. In addition, a pool 15.03 feet from the north property line is buffered from the nearest residence to the north by nearly 400 linear feet of lake, lake bank, and perimeter lake plantings.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

In summary, we contend that this petition satisfies the variance criteria set forth in Section 9.04.03 of the Land Development Code:

A. There are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, structure, or building involved.

The configuration of the lot with two internal right of way easements, two front yards and two side yards, with a 30 feet side yard and no allowance for a pool reduction in any yard, creates a special condition or circumstance unique to the property involved. In addition, though the property is currently vacant, the owner-builder's model floor plan is all that can fit within the constraints of the site. The model floor plan is standardized for the owner-builder, as both part of the owner-builder's brand and to assure construction efficiency. The special condition of site constraints minimizing buildable area coupled with the special circumstance of an expansive north yard buffer and a pre-existing model home floor plan are peculiarities that warrant a relaxation of the code to allow the end user to enjoy a pool in an area that causes little to no negative impact on the neighborhood.

B. There are special conditions and circumstances which do not result from the action of the applicant, such as pre-existing conditions relative to the property which is the subject of the variance request.

The special condition or circumstance is pre-existing based on a literal interpretation of the land development code and not caused by action of the applicant.

The constraints of the site create a practical challenge for the owner to construct its typical floor plan and pool package. Easements and corner setbacks imposed upon the site result in a maximum buildable area of 25% of the total lot area. Though Collier County does not prescribe maximum lot coverage for single family, in an analysis of other jurisdictions in Florida which do regulate lot coverage, the percentage to lot area is customarily in the 35% - 40% range (see https://www.miamidade.gov/zoning/district-ru-1-sfresidential.asp#:~:text=Maximum%20Lot%20Coverage%3A%20Maximum%20lot,percent%20of%20net%20lot%20area.; https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-33918; https://codelibrary.amlegal.com/codes/pembrokepines/latest/pembrokepines_fl/0-0-0-80021).

In other words, the lot necessarily provides more open space and undevelopable area than a typical single family lot.

As demonstrated in the illustrative site plan, the proposed building envelope accommodates the model floor plan and complies with this constrained building area. However, it is not feasible to fit a pool in the same area. But for relief granted through this petition, the owner will experience the practical challenges of either (i) creating a new one-off floor plan for this property, which will result in substantial costs and time delays, as well as impacting feasibility of the project especially as a new floor plan could interfere with the owner's brand and reputation, or (ii) significantly impacting marketability of the residence by eliminating any pool option.

It is notable that the pool and pool screen setback for the properties immediately to the east is (10) feet. The property to the east has the same underlying zoning as the subject property. It has therefore been determined that 10 feet is an appropriate amount of open space between the property line and a pool in this zoning district. A common setback line tends to create a uniform appearance for the neighborhood. Nonetheless, at the request of staff, as discussed

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

above the owner has worked with his architect to redesign the pool to increase the distance between the pool and the property line from 10 feet (the standard for the neighboring properties) to 15.03 feet.

It is also notable that a side yard in a single-family district is typically adjacent to another single-family lot. This is the case, for example, for the property south of the subject property across Anthony Court. When two contiguous single family lots may each be developed with a home and accessory improvements, a side yard is intended to ensure an area of open space between residential structures for the ventilation of light and air (see https://realestateu.com/chapter-6-public-and-private-land-use-controls/). In this particular case, the proposed pool in is not adjacent to another single-family lot. Indeed, the proposed pool is buffered from the nearest single-family lot by over 400 feet of lake and open space. This 400 feet buffer ensures the proposed pool location is in harmony with the purpose of a setback.

C. A literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

Applying the code literally results in a practical difficulty in the applicant's use and enjoyment of his property that is peculiar to this property. 9.04.03 of the Land Development Code (LDC) establishes the criteria for the approval of a variance. Sub-criteria C asks whether "A literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant." We submit that a literal interpretation of the LDC will work an unnecessary hardship and practical difficulty upon the applicant. A literal interpretation of the LDC requires a 30 feet setback for a pool from the northern boundary where a 10 feet setback for a pool would be permitted for the adjacent lots to the east. Accordingly, even under a literal interpretation, the land development code has codified a distance of 10 feet between the property line and a pool, in the same zoning district, as a sufficient setback. Nonetheless, the owner has proposed to place the pool 15.03' from the north property line. In addition to the proposed 15.03' distance, the pool backs to an over 400' area of lake and open space owned by Collier County transportation. This additional 400' establishes an extensive buffer of open space that mitigates the impact, if any, of the variance on the nearest residential property adjacent to the pool location. This is substantiated by the fact that the residential property owner's association representing the residential neighborhood adjacent to the pool location has entered a letter of support for the proposed variance. It is important to understand that the property carries unique building area constraints due to pre-existing easements and corner setbacks. It is equally important to understand that the property owner is a builder. The owner-builder creates model floor plans and those become part of the builder's brand. Model floor plans also result in a much more streamlined construction process, ultimately resulting in cost savings to the end user. The model floor plan works within the constrained setbacks of this lot as shown on the illustrative site plan. However, it is not possible build the owner's model floor plan and to fit a pool on the lot, under a literal interpretation of the code. Retailing a home and lot with no pool is, of course, a practical challenge in South Florida. The mitigating circumstances and support from the most affected neighbor are evidence that the hardship to this owner in redesigning its model floor plan or eliminating a pool as a result of the peculiarities of this lot is unnecessary.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

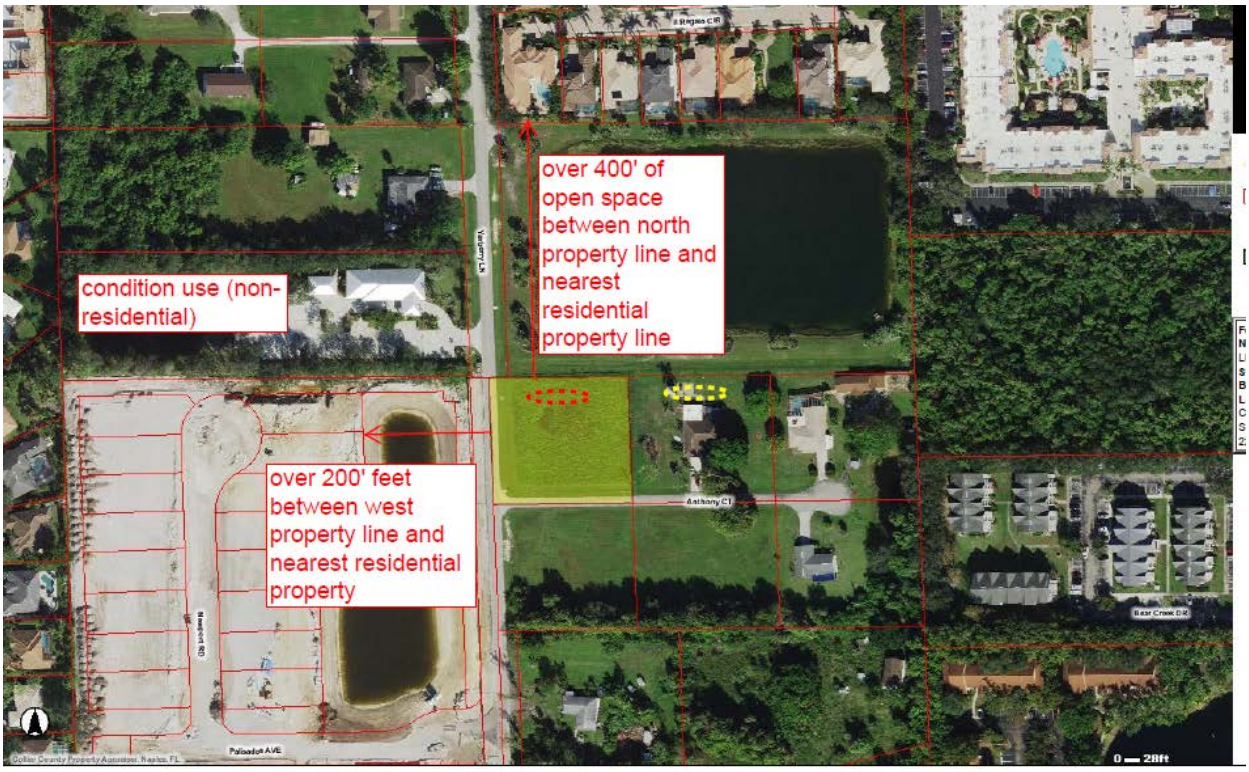
The LDC specifically provides for a relaxation of a literal interpretation of the LDC when special conditions peculiar to the property exist, and, in this case, we have submitted that special conditions peculiar to the property do exist:

1. *The property is encumbered by a 30 feet wide roadway easement for Yarberry Lane and a 15 feet roadway easement for Anthony Court. Since the 50 feet front yard setback is measured from the roadway easement line and not the property line, the roadway easement creates a practical challenge on the owner in designing a home that must be reduced by the 30 feet and 15 feet, as applicable, of width for the roadway easement.*
2. *The northern boundary of the property is bordered by over 400 linear feet of open area which creates a substantial natural buffer between the northern property line and the nearest residential property. (In addition, the residential neighborhood to the north have executed a letter of endorsement for this request, which is enclosed with this submittal.)*
3. *The internal roadway easements and 400' lake buffer is relevant to examining the criteria for a variance. The internal easements result in a greater percentage of undevelopable area within the lot (and, accordingly, more open space) and the adjacent lake buffer facilitates the ventilation of light and air between the proposed pool and nearest residential property, thereby each mitigating the impact to the neighborhood, if any, of a relaxation in the code.*
4. *The immediately adjacent property to the west, across Yarberry Lane, is a platted lake tract for the Palisades development. The lake tract and paved roadway establishes an over 200 linear feet buffer from the west property line to the nearest residential property. The 200 feet linear buffer is, practically, over 280 feet of distance from the proposed pool inclusive of the 30 feet wide right of way easement encumbering the subject property and the 50 feet wide front yard setback for the subject property, for which no deviation is being sought.*
5. *The property to the northwest of the subject property is non-residential. It is a zoning exception conditional use for a church in a single family zoning district.*
6. *The property to the east of the subject property could, as a matter of right, install a pool 10 feet from the north property line which is 5.03' closer to the property line than proposed by this petition.*
7. *No encroachment into any easements is proposed. Accordingly, the proposal is without impact on County drainage infrastructure or utilities.*

While the owner has a self-interest in installing landscaping and/or fencing for his own privacy, landscaping plans have not been fully developed and are not included with this petition. Buffers are existing based on the location of the property and the subject proposed improvement.

The Sunshine PUD, which encompasses the over 400 linear feet of lake and vegetated lake bank north of the subject property, is deemed "sunsetted" according to the County's Planning and Zoning GIS Map. The parcel is currently owned by the Collier County Transportation Department and we have requested a letter of no objection from Transportation. Since a pool could be in the same location as proposed for the two easterly adjacent properties abutting the Transportation parcel (and, accordingly, no engineering or drainage conflicts), we are not expecting an objection from Transportation to this proposal.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)



D. The variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building, or structure and which promote standards of health, safety, or welfare.

The variance is limited to a 15.03 feet setback from the north property line, which is a more expansive standard than that which exists for pools in most development patterns in Single Family Districts throughout the county, including properties adjacent to the subject property.

The architect has worked to adjust the pool design such that this request is a 15.03' feet rather than 20 feet variance request. Brining the pool into the building envelope is not reasonably practical given the pre-existing constraints on the building envelope, particular under the facts at issue where the purpose and intent of the north side yard setback is furthered and protected by the immense open space buffer to the north of the subject property.

E. Granting the variance requested will not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.

Each variance must stand on its own merits. We submit that the case in support of for this variance, where the setback requirements are unique, the proposed location for the pool the same as what can be developed on adjacent properties, and the pool buffered from the nearest residences by a lake, outweighs the negative impacts, if any, of granting the variance.

F. Granting the variance will be in harmony with the intent and purpose of the LDC, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The variance will not harm the health, safety or welfare of the community. Pools are a permitted use in the underlying zoning district. Moreover, the variance is consistent and in

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

harmony with the general intent and purpose of the Land Development Code. The Land Development acknowledges there are case-by-case instances when a relaxation of a literal interpretation of the code may be necessary to avoid an unnecessary hardship or practical difficulties. Due to the width of the adjacent lake between the proposed pool, and the very fact that the applicant has requested the same pool setback standard for pools that could be developed on adjacent properties, detrimental impacts to neighbors, if any, are diminimus and mitigated.

G. There are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf course, etc.

A buffer of open space almost 400 feet in width between the property line and the nearest neighboring residential property line to the subject pool in the north yard ameliorates the goals and objectives of the setback regulation, which is to ensure the circulation of light and air.

The purpose of a setback in a single-family residential zoning district is to ensure light and air ventilation between residential structures. Relative to the property to the south of this property, the subject property does not abut a single-family residential property where the pool is planned, and, as such, the purpose of the setback is not frustrated by this request. Indeed, there is over 400 feet of open space that ensures the planned pool location is consistent and in harmony with the intent of the setback requirement, and the proposed variance is the most practical solution to the need for relaxation of the literal interpretation of the LDC. Each variance is based on the specific facts presented and is peculiar to the property and structure. We submit that the case for this particular variance for this particular property is supported by the evidence established in the record.

H. Granting the variance will be consistent with the GMP.

Pools are permitted uses in the underlying zoning district. The petition does not permit the establishment or enlargement of an unpermitted use.

Respectfully submitted,

/s/ Francesca Passidomo

Francesca Passidomo, Esq.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

INSTR 6448572 OR 6284 PG 887 E-RECORDED 9/1/2023 12:41 PM PAGES 12
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $6,300.00 REC $103.50 INDX $9.00
CONS $900,000.00

This instrument prepared by:

Joel A. Threlkeld, Esq.
Threlkeld Law, P.A.
3003 Tamiami Trail North, Suite 400
Naples, FL 34103

Parcel ID No.: 00237920005
Consideration: $900,000.00

NOT OFFICIAL RECORD

WARRANTY DEED

THIS WARRANTY DEED is made the on this 18 day of July, 2023 by **Lois Lynn,** an unremarried widow, individually and as Trustee of Children of AD Reece, whose post office address is 1730 W Belfast St., Mesa AZ 85201, **Katherine Yancy,** an unremarried widow, whose post office address is 5747 W. Missouri Ave., #98, Glendale, AZ 85301, **Eva Mae Reece Cummings,** a married woman, whose post office address is 103 NW Valley Brook Dr., Lawton, OK 73505, **Myrtis Richard,** a single woman, whose post office address is 290 N Delaware St., Chandler, AZ 85225, **Teresa Collier,** a single woman, whose post office address is 826 Rutherford St., Shreveport, LA 71305, **Austin Sims,** a single man, whose post office address is 7123 Avalon Aqua Way, Springs, TX 77379, **Candace M. Emanuel**, a single woman, whose post office address is 7123 Avalon Aqua Way, Springs, TX 77379, **Anthony Lewis,** a married man, whose post office address 2750 Tall Maples Loop, Ocoee, FL 34761, **Hermione Reece,** a single man, whose post office address is 21011 S. Hart PL., Ferndale, MI 44089, and **Tiffany Reece**, a single woman, whose post office address is 2750 Tall Maples Loop, Ocoee, FL 34761, hereinafter called the "Grantor", to **Imperial Homes of Naples, LLC, a Florida Limited Liability,** whose post office address is 5133 Castillo Dr., Suite# 1, Naples, FL 34103, hereinafter called the "Grantee":

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals and the successor and assigns corporations, wherever the context so admits or requires.)

WITNESSETH: That the Grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in Collier County, Florida, and described as:

Legal Description attached hereto as Exhibit "A".

THE SUBJECT PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR NOR IS IT CONTIGUOUS THERETO UNDER THE LAWS AND CONSTITUTION OF THE STATE OF FLORIDA AND NEITHER THE GRANTOR, NOR ANY PERSON WHOSE SUPPORT THE GRANTOR IS RESPONSIBLE, RESIDE ON OR ADJACENT TO THE PROPERTY.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022; subject to easements, restrictions and reservations of record.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Signature of Witness #1

Printed Name of Witness #1

Signature of Witness #2

Printed Name of Witness #2

By: _____
Lois Lynn, individually and as Trustee of Children of A D Reece

STATE OF Arizona
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 13 day of July, 2023, by **Lois Lynn, individually and as Trustee of Children of A D Reece** who is/are [ ] personally known to me or who has/have [✓] produced REPLACED as identification.

PIAO VILLARREAL
Notary Public - State of Arizona
MARICOPA COUNTY
Commission # 625586
Expires April 9, 2026

(Affix Notary Stamp or Seal)

Notary Public

Piao Villarreal
(Printed Name of Notary)
Commission Expiration:
April 9 2026

NOT CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Peggy Partida
Signature of Witness #1

By: Katherine Yancy
Katherine Yancy

Peggy Partida
Printed Name of Witness #1

Brenda Hamm
Signature of Witness #2

Brenda Hamm
Printed Name of Witness #2

STATE OF Arizona
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 17 day of July, 2023, by **Katherine Yancy**, who is/are [ ] personally known to me or who has/have [✓] produced AZ Identification as identification.

ALEJANDRA LOPEZ
Notary Public - State of Arizona
MARICOPA COUNTY
Commission # 637077
Expires September 23, 2026

(Affix Notary Stamp or Seal)

Notary Public

Alejandra Lopez
(Printed Name of Notary)
Commission Expiration:

CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

1

Signed, sealed and delivered in our presence:

Mary Sterling
Signature of Witness #1

Mary Sterling
Printed Name of Witness #1

Signature of Witness #2

DAVE RANNS
Printed Name of Witness #2

By: Eva Mae Reece Cummings
Eva Mae Reece Cummings

STATE OF Oklahoma
COUNTY OF Comanche

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 12th day of July, 2023, by **Eva Mae Reece Cummings**, who is/are [ ] personally known to me or who has/have [✓] produced Driver's License as identification.

Notary Public

Tyson Jameson
(Printed Name of Notary)
Commission Expiration:

(Affix Notary Stamp or Seal)

TYSON JAMESON NOTARY # 21013795 EXP. 10/20/25 PUBLIC STATE OF OKLAHOMA

CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Jessica Gentile
Signature of Witness #1

By: Myrtis Richard
Myrtis Richard

Jessica Gentile
Printed Name of Witness #1

Signature of Witness #2

Clarissa Garay
Printed Name of Witness #2

STATE OF Arizona
COUNTY OF Maricopa

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization on this 18 day of July, 2023, by **Myrtis Richard**, who is/are [ ] personally known to me or who has/have [X] produced AZ DL as identification.

ATHYNA GALAVIZ
Notary Public - State of Arizona
MARICOPA COUNTY
Commission # 599784
Expires March 14, 2025

Athyna Galaviz
Notary Public

Athyna Galaviz
(Printed Name of Notary)
Commission Expiration: 3/14/25

(Affix Notary Stamp or Seal)

NOT CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Signature of Witness #1

By: TERESA COLLIER
Teresa Collier

Lance Fouts
Printed Name of Witness #1

Signature of Witness #2

Inki Shriver
Printed Name of Witness #2

NOT A CERTIFIED COPY

STATE OF Louisiana
~~COUNTY~~ Parish OF CADDO
BCN

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 18th day of July, 2023, by **Teresa Collier**, who is/are [ ] personally known to me or who has/have [✓] produced LA DRiver Lic as identification.

BELINDA C. SLOAN
NOTARY PUBLIC- LOUISIANA
CADDO PARISH
NOTARY ID # 5664
COMMISSION EXPIRES: AT DEATH

Belinda C. Sloan
Notary Public

Belinda C. Sloan
(Printed Name of Notary)
Commission Expiration: AT DEATH

(Affix Notary Stamp or Seal)

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Vanessa H Harrell
Signature of Witness #1

By: _____
Austin Sims

Vanessa H Harrell
Printed Name of Witness #1

_____
Signature of Witness #2

Melissa Hernandez
Printed Name of Witness #2

STATE OF Texas
COUNTY OF Harris

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 8th day of July, 2023, by **Austin Sims**, who is/are [ ] personally known to me or who has/have [✓] produced Drivers License as identification.

VANESSA H. HARRELL
Notary Public, State of Texas
Comm. Expires 08-05-2024
Notary ID 132607035

Vanessa H. Harrell
Notary Public

Vanessa H Harrell
(Printed Name of Notary)
Commission Expiration:

(Affix Notary Stamp or Seal)

NOT A CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Vanessa H Harrell
Signature of Witness #1

By: Candace M. Emanuel
Candace M. Emanuel

Vanessa H Harrell
Printed Name of Witness #1

Signature of Witness #2

Melissa Hernandez
Printed Name of Witness #2

STATE OF Texas
COUNTY OF Harris

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 8th day of July, 2023, by **Candace M. Emanuel**, who is/are [ ] personally known to me or who has/have [✓] produced Driver License as identification.

VANESSA H. HARRELL
Notary Public, State of Texas
Comm. Expires 08-05-2024
Notary ID 132607035

Vanessa H Harrell
Notary Public

Vanessa H Harrell
(Printed Name of Notary)
Commission Expiration:

(Affix Notary Stamp or Seal)

UNOFFICIAL DOCUMENT
CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Henry Pearson
Signature of Witness #1

Henry Pearson
Printed Name of Witness #1

Shamaya Marshall
Signature of Witness #2

Shamaya Marshall
Printed Name of Witness #2

By: _____
Anthony Lewis

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 12 day of July, 2023, by **Anthony Lewis**, who is/are [✓] personally known to me or who has/have [ ] produced _____ as identification.

Henry Pearson
Notary Public

Henry Pearson
(Printed Name of Notary)
Commission Expiration:

(Affix Notary Stamp or Seal)

HENRY PEARSON
MY COMMISSION # HH7344
EXPIRES: June 07, 2024

HENRY PEARSON
MY COMMISSION # HH734
EXPIRES: June 07, 2024

NOT A CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Signature of Witness #1

Printed Name of Witness #1 Tiffany M. Poe

Signature of Witness #2

Printed Name of Witness #2 Krystal L. Snow

By: **Hermione Reece**

STATE OF Michigan
COUNTY OF Oakland

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 17th day of July, 2023, by **Hermione Reece**, who is/are [ ] personally known to me or who has/have [✓] produced Driver License as identification.

CURTIS FAULKNER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Comm. Exp. 03/08/2027
Acting in the County of Oakland
Date 7/17/23

(Affix Notary Stamp or Seal)

Notary Public

Curtis Faulkner
(Printed Name of Notary)

Commission Expiration: March 08, 2027

DOCUMENT NOT OFFICIALLY RECORDED

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Signed, sealed and delivered in our presence:

Signature of Witness #1

Printed Name of Witness #1

Signature of Witness #2

Printed Name of Witness #2

By: Tiffany Reece
Tiffany Reece

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization on this 11 day of July, 2023, by **Tiffany Reece**, who is/are [ ] personally known to me or who has/have [✓] produced Drivers License as identification.

Notary Public

Kanard Ramoutar
(Printed Name of Notary)
Commission Expiration: 3-20-2027

(Affix Notary Stamp or Seal)

Notary Public State of Florida
Kanard Ramoutar
My Commission HH 376414
Expires 3/20/2027

NOT A CERTIFIED COPY

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EXHIBIT "A"

PARCEL C: A portion of the South 1/2 of The Northeast 1/4 0f The Southwest 1/4 of the Southeast 1/4 of Section 2, Township 49 South, Range 25 East, Collier County, Florida being more fully described as follows: Beginning at the Northwest corner of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 49 South, Range 25 East, Collier County. Florida; thence along the North line of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 49 South, Range 25 East, Collier County, Florida, North 89° 38'42" East 225.03 feet; thence South 1°46'50" East 198.37 feet; thence South 89°36'32" West 225.22 feet to the West line of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 49 South, Range 25 East, Collier County. Florida; thence along said West line North 1°43'34" West 198.51 feet to the Place of Beginning of Parcel herein described. Less and Except the West 30 feet thereof.

NOT A CERTIFIED COPY

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership
Imperial Home of Naples, LLC	
5133 Castello Dr. #1, Naples, FL 34103	
Curtis Gunter	50%
Melinda Gunther	50%

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

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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 09/01/2023

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

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

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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 Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

11/18/23
Agent/Owner Signature

11/18/23
Date

Curtis Gunther
Agent/Owner Name (please print)

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Il Regalo

11/6/2023

Dear Collier County Commissioners,

Thank you for your consideration of the Il Regalo neighborhood in respect to its proximity to the proposed Anthony Court corner lot setback changes. The Board of Directors have met with and reviewed the setback request made by Curtis Gunther of Imperial Homes of Naples for the corner lot setback changes at Anthony Court, and we have obtained a legal opinion supporting our ability to move forward with a letter of no objection. The Board, acting in its position as the Architectural Review Board ("ARB") takes into consideration the aesthetic considerations and the overall benefit or detriment to the Property in its approval or disapproval of all plans submitted. The ARB evaluated the proposed setback changes as to harmony of external design **and location in relation to surrounding structures and topography**.

The Il Regalo Board of Directors, minus Curtis Gunther who abstains from this discussion, do not object to the proposed setback changes.

Kind Regards,

Jennifer Palmer

Jennifer Palmer

On behalf of the Board of Directors

Board President

Il Regalo Homeowners Association, Inc

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Collier County
Transportation Management Services Department
Transportation Engineering Division

12/1/2023

Growth Management
Community Development Department

Re: Anthony Court - Imperial Home's of Naples, LLC

To whom it may concern,

The Collier County Transportation Engineering Division has no objection to the Variance Application relating to property with folio no. 0237920005 that is seeking to reduce the setback requirement for an accessory pool on the north side yard of the property from 30 feet to10 feet.

Respectfully,

AhmadJay Digitally signed by AhmadJay Date: 2023.12.04 06:46:02 -05'00'

Jay Ahmad, P.E.
Director - Transportation Engineering Division
Transportation Management Services Department

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Collier County
Growth Management
Community Development Department

ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

00237920005

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

2 49 25 BEG NW CNR OF S1/2 OF NE1/4 OF SW1/4 OF SE1/4 E 225.03FT, S 198.37FT, W 225.22FT, N 198.51FT TO POB 1.03 AC OR 1617 P 461

STREET ADDRESS(ES) where applicable, if already assigned.

Corner of Anthony Court and Yarberry Lane, Naples, FL

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Addressing@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

Imperial Homes of Naples, LLC

PROPOSED PROJECT NAME

PROPOSED STREET NAME(s)

Anthony Court

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)

Operations & Regulatory Management Division ● 2800 North Horseshoe Drive ● Naples, FL 34104 ● 239-252-2400
www.colliercountyfl.gov

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230014987

I, Curtis Gunther (print name), as Manager (title, if applicable) of Imperial Homes of Naples, LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

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

9/19/23
Date

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 September, 20 23, by (printed name of owner or qualifier) Curtis Gunther.

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

[✔] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

Notary Public State of Florida
Tara Washington
My Commission
HH 195468
Exp: 11/7/2025

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

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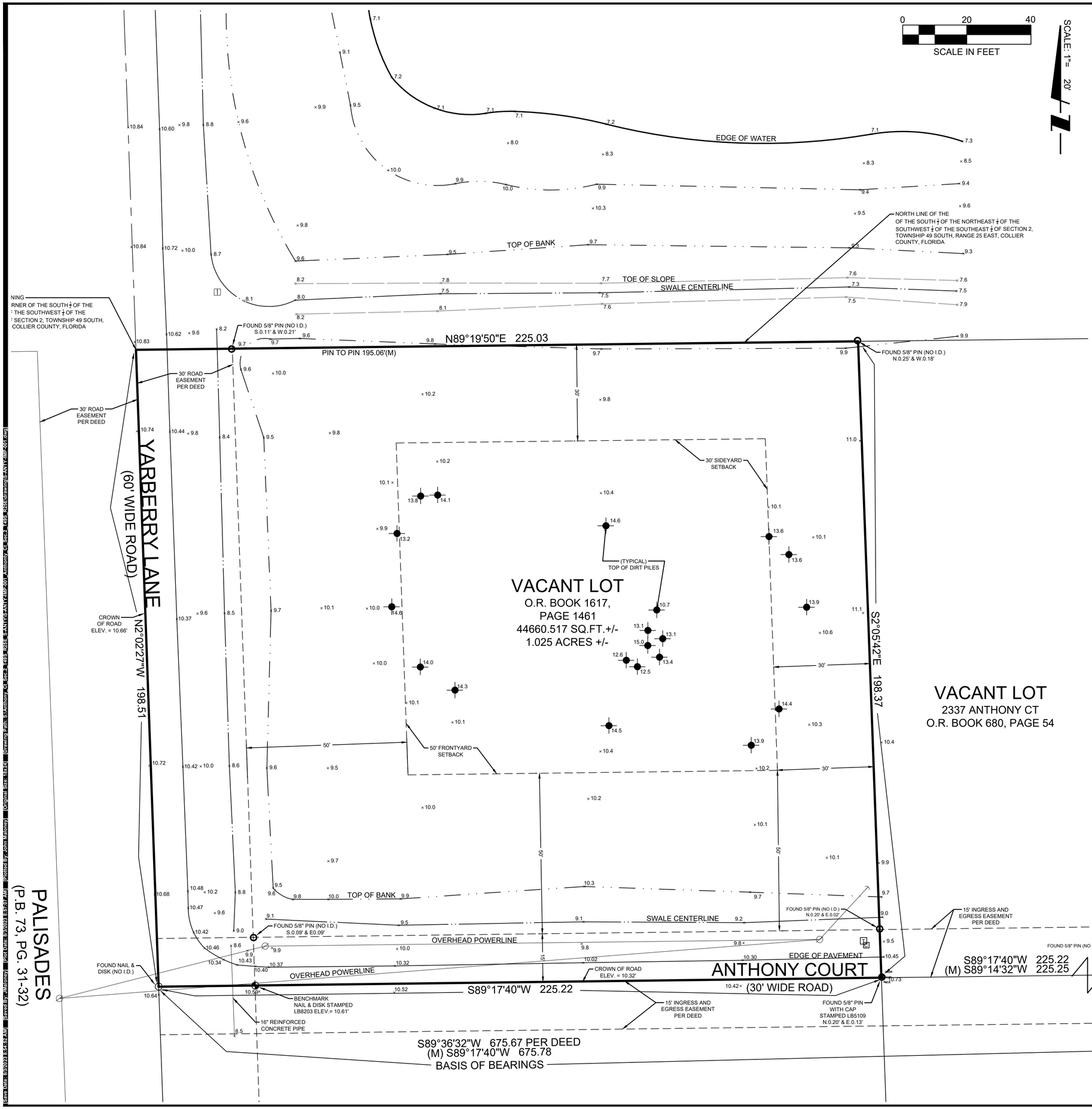


MAP OF BOUNDARY & TOPOGRAPHIC SURVEY OF PART OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS PER LEGAL DESCRIPTION BELOW:

PREPARED FOR: IMPERIAL HOMES OF NAPLES, LLC

PENINSULA ENGINEERING
2600 GOLDEN GATE PARKWAY
NAPLES, FLORIDA 34105
PHONE: 239.403.6700 FAX: 239.261.1797
EMAIL: INFO@PEN-ENG.COM
WEBSITE: WWW.PEN-ENG.COM

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHWEST CORNER OF SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA: THENCE ALONG THE NORTH LINE OF SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. NORTH 89°38'42" EAST 225.03 FEET: THENCE SOUTH 1°46'50" EAST 198.37 FEET: THENCE SOUTH 89°36'32" WEST 225.22 FEET TO THE WEST LINE OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA: THENCE ALONG SAID WEST LINE NORTH 1°43'34" WEST 198.51 FEET THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED:.

JOHN P. MALONEY
PROFESSIONAL SURVEYOR AND MAPPER, #LS4493

JULY 24, 2023
DATE

CERTIFICATE OF AUTHORIZATION #LB- 8479

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NO OTHER PERSON OR ENTITY MAY RELY UPON THIS EXHIBIT.

THIS EXHIBIT IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

LEGEND:
A.E. = ACCESS EASEMENT
BM = BENCHMARK
C/L = CENTERLINE
C.U.E. = COUNTY UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
EL. & ELEV. = ELEVATION
F.P.L. = FLORIDA POWER & LIGHT
O.R. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.U.E. = PUBLIC UTILITY EASEMENT
R.O.W. = RIGHT-OF-WAY
P = PLAT, M = MEASURED, C = CALCULATED, F = FIELD
(S.I.P.)SET 5/8" IRON PIN & CAP STAMPED LB-8479
(F.I.P.) FOUND IRON PIN & CAP STAMPED AS SHOWN
(S.C.M.) SET 4" X 4" CONCRETE MONUMENT 24" LONG STAMPED LB-8479
(F.C.M.) FOUND CONCRETE MONUMENT
(S.N.D.) SET PK NAIL & DISK STAMPED LB-8479
(F.N.D.) FOUND PK NAIL & DISK STAMPED
(D.H.) DRILL HOLES
(PK) = PARKER KYLON NAIL

GENERAL NOTES:
- BEARINGS ARE BASED ON STATE PLANE COORDINATES, FLORIDA EAST ZONE, NAD83 WITH THE CENTERLINE OF ANTHONY COURT, BEING SOUTH 89°17'40" WEST AND THE DEED BEARING BEING SOUTH 89°36'32" WEST.
- ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM, 1988, (N.A.V.D.)
- LINES SHOWN OUTSIDE OF THE LAND DESCRIBED ARE FOR REFERENCE USE ONLY AND WERE NOT SURVEYED.
- PROPERTY LIES WITHIN FLOOD ZONE AH 11.5' PER FLOOD INSURANCE RATE MAP COMMUNITY #120067 PANEL #12021C0382H DATED MAY 16, 2012.

SYMBOL LEGEND:
= WOOD POWER POLE
= CABLE RISER
= TELEPHONE RISER
= DIRT PILES
= GRATE INLET
= GUY ANCHOR

CLIENT: IMPERIAL HOMES OF NAPLES, LLC
PROJECT NO. S-ANTY-IMP
DRAWING NO.:
SHEET #: 1 OF 1 S-ANTY-IMP-001.dwg

PENINSULA ENGINEERING

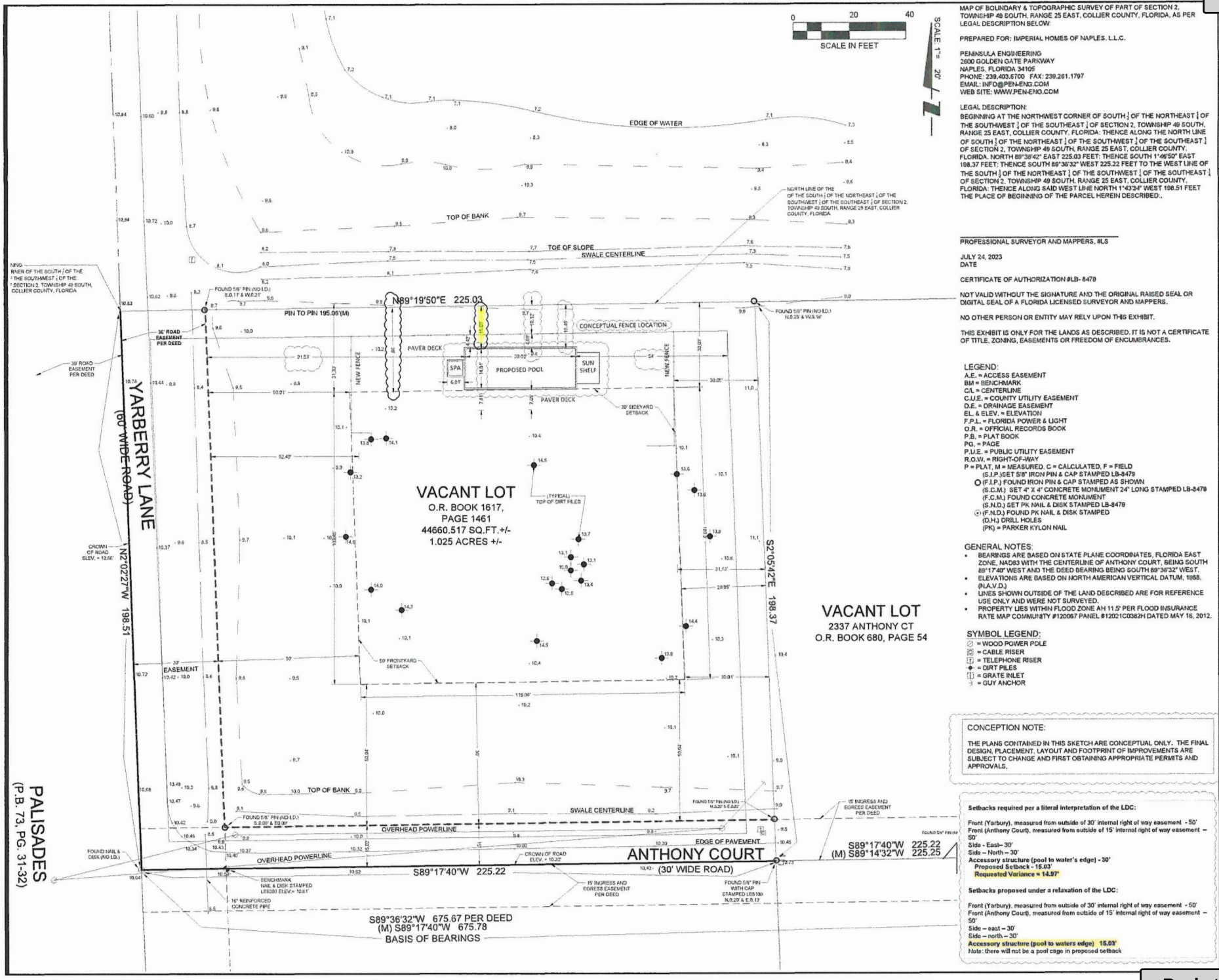
TITLE: MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
PART OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA

APPROVED: John P Maloney JOHN P. MALONEY #LS4493

Date:	7-21-23
Horizontal Scale:	1" = 20'
Vertical Scale:	N.T.S.
Fieldbook/Page:	P016/PG.65
Fieldwork by:	MR

REV.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)



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PREPARED FOR: IMPERIAL HOMES OF NAPLES, L.L.C.

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2600 GOLDEN GATE PARKWAY
NAPLES, FLORIDA 34105
PHONE: 239.403.6700 FAX: 239.261.1797
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PROFESSIONAL SURVEYOR AND MAPPERS, #LS

JULY 24, 2023
DATE

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SYMBOL LEGEND:
= WOOD POWER POLE
= CABLE RISER
= TELEPHONE RISER
= DIRT PILES
= GRATE INLET
= GUY ANCHOR

CONCEPTION NOTE:

THE PLANS CONTAINED IN THIS SKETCH ARE CONCEPTUAL ONLY. THE FINAL DESIGN, PLACEMENT, LAYOUT AND FOOTPRINT OF IMPROVEMENTS ARE SUBJECT TO CHANGE AND FIRST OBTAINING APPROPRIATE PERMITS AND APPROVALS.

Setbacks required per a literal interpretation of the LDC:

Front (Yarbury), measured from outside of 30' internal right of way easement - 50'
Front (Anthony Court), measured from outside of 15' internal right of way easement – 50'
Side - East– 30'
Side – North – 30'
Accessory structure (pool to water's edge) - 30'
Proposed Setback - 15.03'
Requested Variance = 14.97'

Setbacks proposed under a relaxation of the LDC:

Front (Yarbury), measured from outside of 30' internal right of way easement - 50'
Front (Anthony Court), measured from outside of 15' internal right of way easement – 50'
Side – east – 30'
Side – north – 30'
Accessory structure (pool to waters edge) 15.03'
Note: there will not be a pool cage in proposed setback

CLIENT: IMPERIAL HOMES OF NAPLES, LLC
PROJECT NO. S-ANTY-IMP
TITLE: MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
PART OF SECTION 2, TOWNSHIP 49 SOUTH,
APPROVED:
Date: 7-21-23
Horizontal Scale: 1" = 20'
Vertical Scale: N.T.S.
Fieldbook/Page: P016/P0.65
REV. REV.

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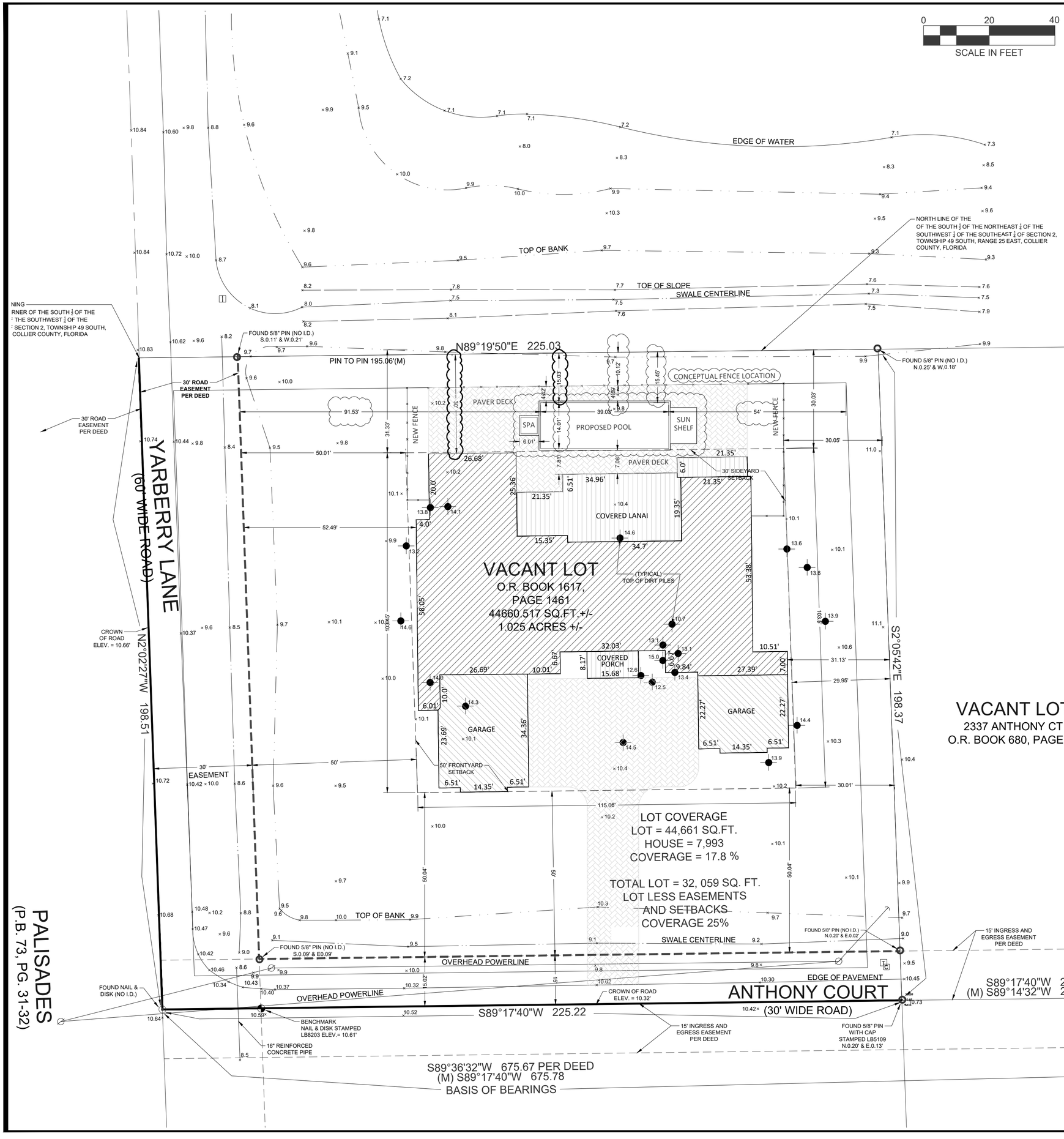

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- BM = BENCHMARK
- C/L = CENTERLINE
- C.U.E. = COUNTY UTILITY EASEMENT
- D.E. = DRAINAGE EASEMENT
- EL. & ELEV. = ELEVATION
- F.P.L. = FLORIDA POWER & LIGHT
- O.R. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
- P.U.E. = PUBLIC UTILITY EASEMENT
- R.O.W. = RIGHT-OF-WAY
- P = PLAT, M = MEASURED, C = CALCULATED, F = FIELD
- (S.I.P.)SET 5/8" IRON PIN & CAP STAMPED LB-8479
- (F.I.P.) FOUND IRON PIN & CAP STAMPED AS SHOWN
- (S.C.M.) SET 4" X 4" CONCRETE MONUMENT 24" LONG STAMPED LB-8479
- (F.C.M.) FOUND CONCRETE MONUMENT
- (S.N.D.) SET PK NAIL & DISK STAMPED LB-8479
- (F.N.D.) FOUND PK NAIL & DISK STAMPED
- (D.H.) DRILL HOLES
- (PK) = PARKER KYLON NAIL

GENERAL NOTES:
- BEARINGS ARE BASED ON STATE PLANE COORDINATES, FLORIDA EAST ZONE, NAD83 WITH THE CENTERLINE OF ANTHONY COURT, BEING SOUTH 89°17'40" WEST AND THE DEED BEARING BEING SOUTH 89°36'32" WEST.
- ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM, 1988, (N.A.V.D.)
- LINES SHOWN OUTSIDE OF THE LAND DESCRIBED ARE FOR REFERENCE USE ONLY AND WERE NOT SURVEYED.
- PROPERTY LIES WITHIN FLOOD ZONE AH 11.5' PER FLOOD INSURANCE RATE MAP COMMUNITY #120067 PANEL #12021C0382H DATED MAY 16, 2012.

SYMBOL LEGEND:
- ⌀ = WOOD POWER POLE
- C = CABLE RISER
- T = TELEPHONE RISER
- = DIRT PILES
- = GRATE INLET
- = GUY ANCHOR

CONCEPTION NOTE:

THE PLANS CONTAINED IN THIS SKETCH ARE CONCEPTUAL ONLY. THE FINAL DESIGN, PLACEMENT, LAYOUT AND FOOTPRINT OF IMPROVEMENTS ARE SUBJECT TO CHANGE AND FIRST OBTAINING APPROPRIATE PERMITS AND APPROVALS.

Setbacks required per a literal interpretation of the LDC:

Front (Yarbury), measured from outside of 30' internal right of way easement - 50'
Front (Anthony Court), measured from outside of 15' internal right of way easement – 50'
Side - East– 30'
Side – North – 30'
Accessory structure (pool to water's edge) - 30'
Proposed Setback - 15.03'
Requested Variance = 14.97'

Setbacks proposed under a relaxation of the LDC:

Front (Yarbury), measured from outside of 30' internal right of way easement - 50'
Front (Anthony Court), measured from outside of 15' internal right of way easement – 50'
Side – east – 30'
Side – north – 30'
Accessory structure (pool to waters edge) 15.03'
Note: there will not a pool cage in proposed setback

CLIENT: IMPERIAL HOMES OF NAPLES, LLC
PROJECT NO. S-ANTY-IMP
SHEET #: 1 DRAWING NO.: 1

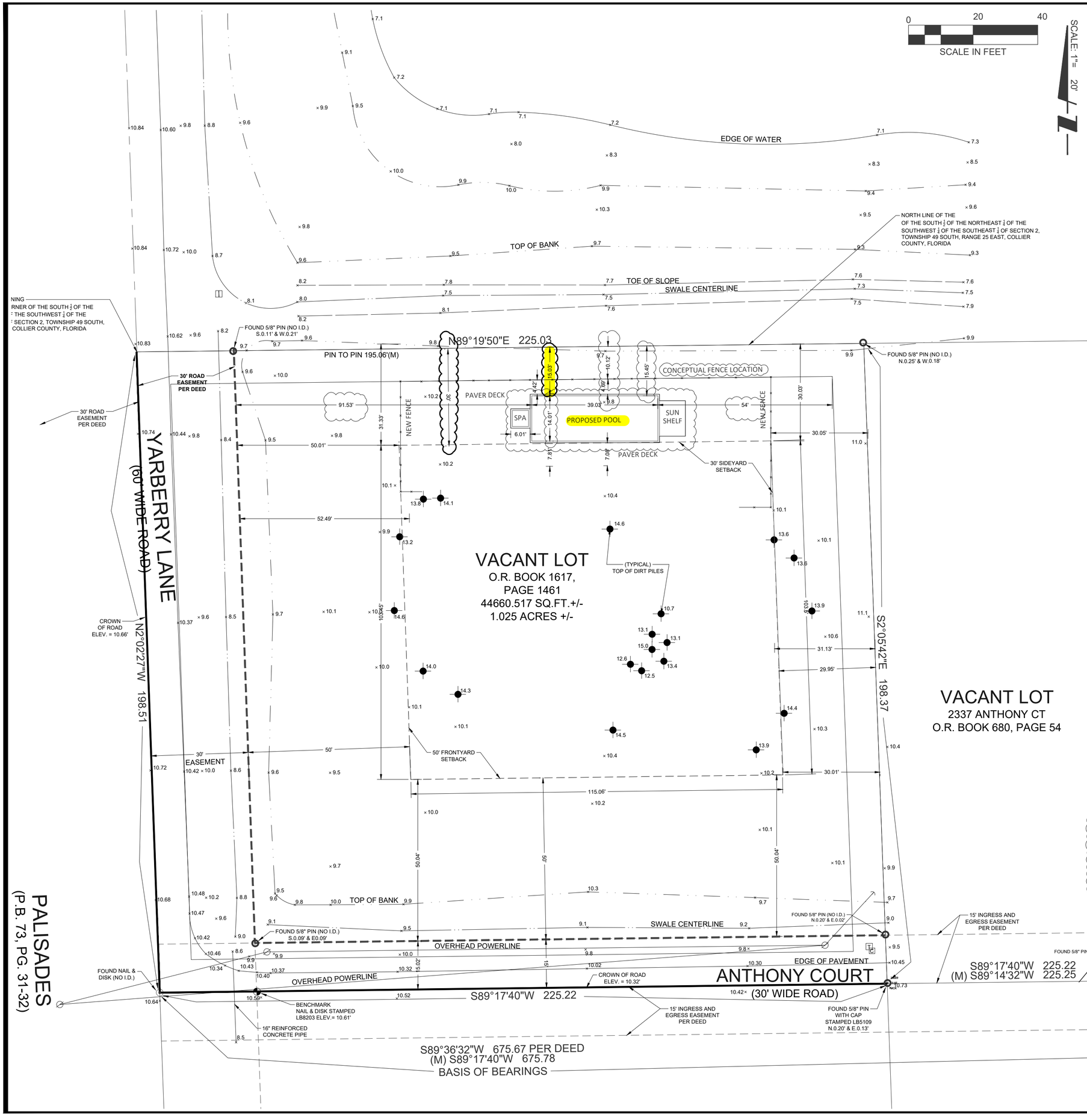
TITLE: MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
PART OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA

APPROVED:

Date:	7-21-23
Horizontal Scale:	1" = 20'
Vertical Scale:	N.T.S.
Fieldbook/Page:	P016/PG.65
Fieldwork by:	MR

REV.

Attachment: ATTACHMENT A - Applicant's Backup Package (28124 : PL20230014987-237920005-Anthony Ct)



MAP OF BOUNDARY & TOPOGRAPHIC SURVEY OF PART OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS PER LEGAL DESCRIPTION BELOW:

PREPARED FOR: IMPERIAL HOMES OF NAPLES, L.L.C.

PENINSULA ENGINEERING
2600 GOLDEN GATE PARKWAY
NAPLES, FLORIDA 34105
PHONE: 239.403.6700 FAX: 239.261.1797
EMAIL: INFO@PEN-ENG.COM
WEB SITE: WWW.PEN-ENG.COM

LEGAL DESCRIPTION:

BEGINNING AT THE NORTHWEST CORNER OF SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA: THENCE ALONG THE NORTH LINE OF SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. NORTH 89°38'42" EAST 225.03 FEET: THENCE SOUTH 1°46'50" EAST 198.37 FEET: THENCE SOUTH 89°36'32" WEST 225.22 FEET TO THE WEST LINE OF THE SOUTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA: THENCE ALONG SAID WEST LINE NORTH 1°43'34" WEST 198.51 FEET THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED:.

PROFESSIONAL SURVEYOR AND MAPPERS, #LS

JULY 24, 2023
DATE

CERTIFICATE OF AUTHORIZATION #LB- 8479

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPERS.

NO OTHER PERSON OR ENTITY MAY RELY UPON THIS EXHIBIT.

THIS EXHIBIT IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATE OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

LEGEND:
A.E. = ACCESS EASEMENT
BM = BENCHMARK
C/L = CENTERLINE
C.U.E. = COUNTY UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
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Note: there will not a pool cage in proposed setback

CLIENT: IMPERIAL HOMES OF NAPLES, LLC
PROJECT NO. S-ANTY-IMP
SHEET #: 1 of 2
DRAWING NO.:

TITLE: MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
PART OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA

APPROVED:

Date:	7-21-23
Horizontal Scale:	1" = 20'
Vertical Scale:	N.T.S.
Fieldbook/Page:	P016/PG.65
Fieldwork by:	MR

REV.

Attachment: ATTACHMENT B - Illustrative Site Plan of Pool (28124 : PL20230014987-237920005-Anthony Ct)

Collier County
Transportation Management Services Department
Transportation Engineering Division

12/1/2023

Growth Management
Community Development Department

Re: Anthony Court - Imperial Home's of Naples, LLC

To whom it may concern,

The Collier County Transportation Engineering Division has no objection to the Variance Application relating to property with folio no. 0237920005 that is seeking to reduce the setback requirement for an accessory pool on the north side yard of the property from 30 feet to10 feet.

Respectfully,

AhmadJay Digitally signed by AhmadJay
Date: 2023.12.04 06:46:02 -05'00'

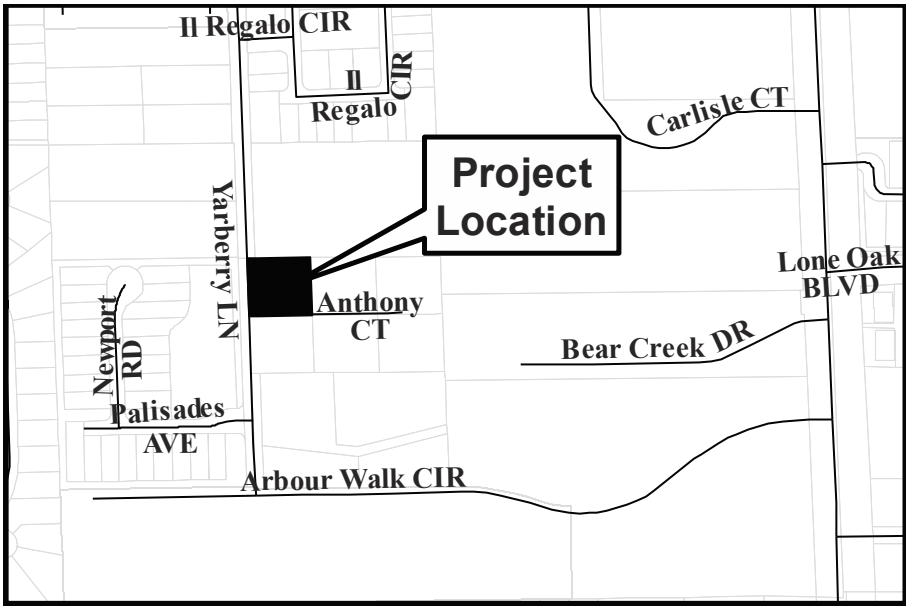
Jay Ahmad, P.E.
Director - Transportation Engineering Division
Transportation Management Services Department

Attachment: ATTACHMENT C - Letters of No Objection (28124 : PL20230014987-237920005-Anthony Ct)

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the **Collier County Hearing Examiner (HEX)** at **9:00 A.M., March 14, 2024**, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. VA-PL20230014987 – REQUEST FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 4.02.01 A, TABLE 2.1, TO REDUCE THE REQUIRED SIDE SETBACK FROM 30 FEET TO 15.03 FEET ON THE NORTH PROPERTY LINE FOR THE PROPOSED ACCESSORY POOL TO BE LOCATED ON PROPERTY ZONED RSF -1 AT THE NORTHEAST CORNER OF THE INTERSECTION OF YARBERRY LANE AND ANTHONY COURT LOCATED IN SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Laws and Ordinances within 30 days of the decision by the Hearing Examiner. An aggrieved non-party may appeal a decision by the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

ND-38736880

SIGN POSTING INSTRUCTIONS

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

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

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

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

- - - -

Attachment: ATTACHMENT D - Legal Ad and HEX Sign Posting (28124 : PL20230014987-237920005-Anthony Ct)

Attachment: ATTACHMENT D - Legal Ad and HEX Sign Posting (28124 : PL20230014987-23792005-Anthony Ct)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Doc ID: 28140
Item Summary: Petition No. BLCD-PL20230010282 – Request for a Boat Lift Canopy Deviation to increase the allowable length from 35 feet to 49 feet and to increase the allowable height from 12 feet to 15 feet, for a boat lift canopy measuring 49 feet long by 17 feet wide and 15 feet in height, in addition to a second code-compliant boat lift canopy measuring 11 feet long by 13 feet wide and 12 feet in height on a bay-front lot, pursuant to section 5.03.06.G.3 of the Land Development Code (LDC). The subject property is located at 219 Malibu Cove, further described as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 2

Meeting Date: 03/14/2024

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/26/2024 1:21 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
02/26/2024 1:21 PM

Approved By:

Review:

Operations & Regulatory Management	David Merino	Review Item	Skipped	02/26/2024 1:21 PM
Zoning	David Merino	Review Item	Skipped	02/26/2024 1:21 PM
Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	02/26/2024 2:38 PM
Zoning	Ray Bellows	Review Item	Completed	02/26/2024 4:27 PM
Zoning	Mike Bosi	Division Director	Completed	02/27/2024 9:31 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	03/14/2024 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: MARCH 14, 2024

SUBJECT: BLCD-PL20230010282, 219 MALIBU COVE - BOAT LIFT CANOPY

PROPERTY OWNER/APPLICANT:

Ellen and Michael Fasching
219 Malibu Cv.
Naples, FL 34134

AGENT:

Jeff Rogers
Turrell, Hall & Associates, Inc.
3584 Exchange Ave.
Naples, FL 34104

REQUESTED ACTION:

The petitioner requests a Boat Lift Canopy Deviation (BLCD) to increase the allowable length from 35 feet to 49 feet and to increase the allowable height from 12 feet to 15 feet for a boat lift canopy measuring 49 feet long by 17 feet wide and 15 feet in height, in addition to a second code-compliant boat lift canopy measuring 11 feet long by 13 feet wide and 12 feet in height on a bay-front lot pursuant to section 5.03.06.G.3 of the Land Development Code (LDC).

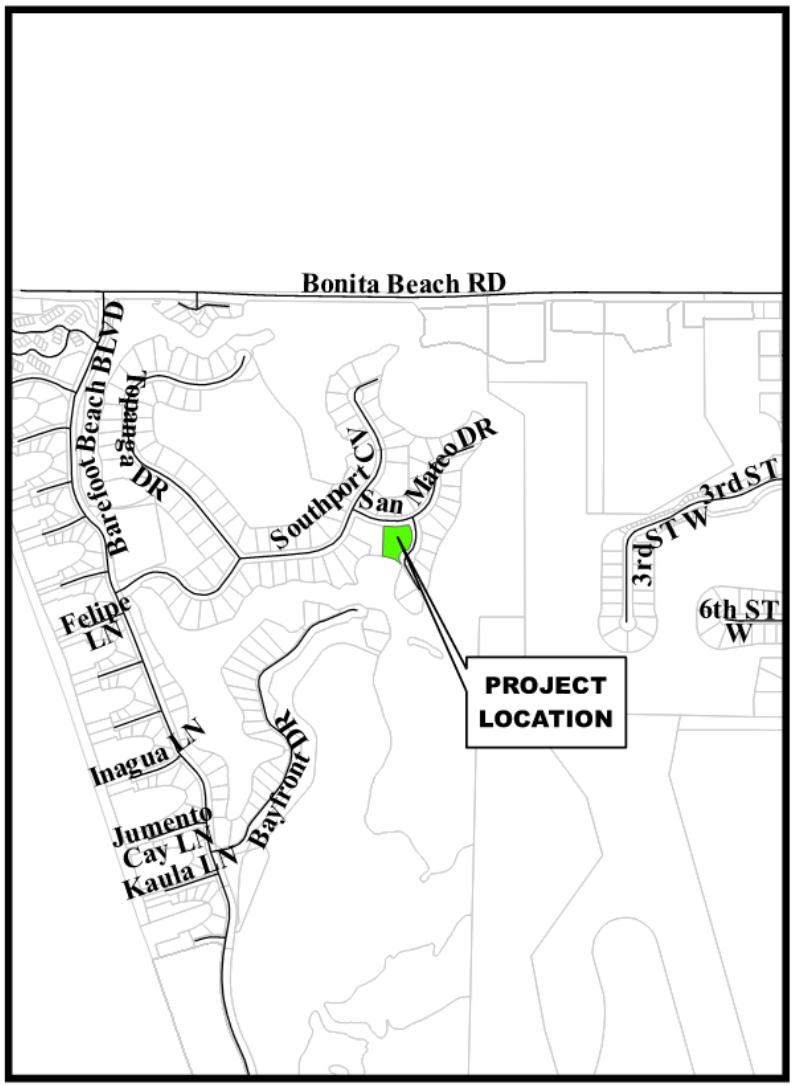
GEOGRAPHIC LOCATION:

The subject property is located at 219 Malibu Cove, also known as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

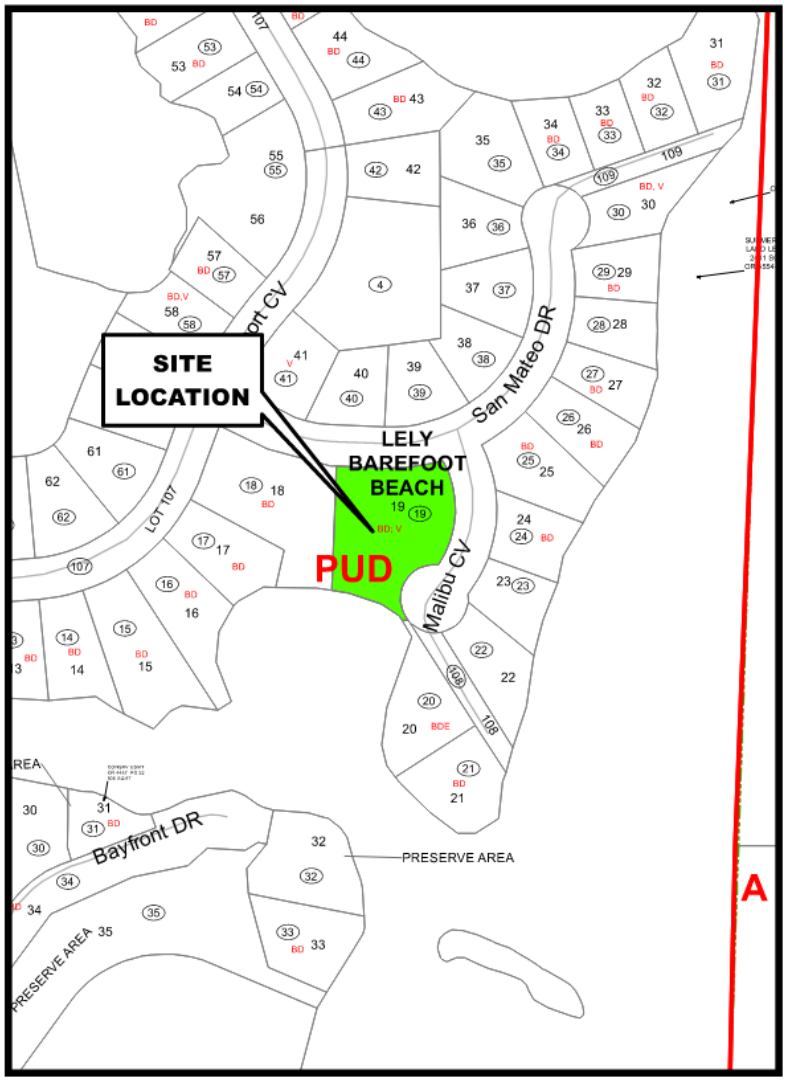
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is located within Tract H, a residential component of the Lely Barefoot Beach Planned Unit Development (PUD) and comprises 0.59± acres. The petitioner desires to construct two-boat lift canopies over a dock facility that required a Variance (VA) and a Boat Dock Extension (BD) for which HEX Decision Nos. 2021-57 and 2021-58, respectively, were obtained. The dock facility was constructed per Building Permit No. PRBD20220101094, issued on October 20, 2022, and which remains in "inspect status"; a Certificate of Completion has not yet been obtained. The provided As-Built Survey, produced by Agnoli, Barber, & Brundage and dated November 29, 2023, demonstrates that the dock facility is consistent with Zoning and Building approvals.

Attachment: Staff Report 02172024 [Revision 1] (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



Location Map



Zoning Map

Petition Number: PL20230010282

Attachment: Staff Report 02172024 [Revision 1] (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

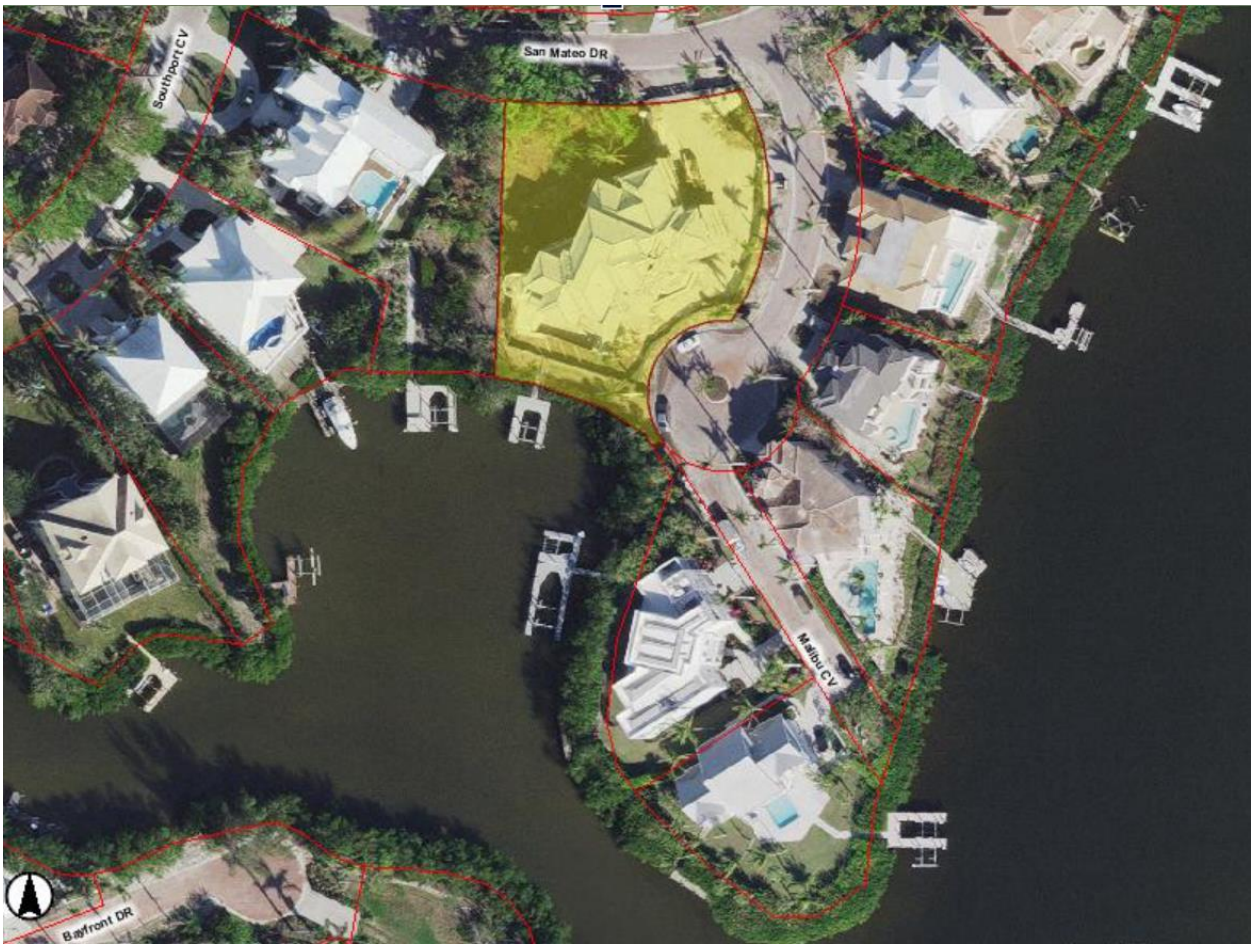
SURROUNDING LAND USE & ZONING:

North: San Mateo Drive (Right-of-Way) then a single-family residence located within the Lely Barefoot Beach PUD

South: Little Hickory Bay, located within the Lely Barefoot Beach PUD

East: Malibu Cove (Right-of-Way) then a single-family residence located within the Lely Barefoot Beach PUD

West: A single-family residence located within the Lely Barefoot Beach PUD



Collier County Property Appraiser

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The proposed boat canopy deviation request does not have any impact on sensitive resources. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility.

Attachment: Staff Report 02172024 [Revision 1] (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

This project does not require an Environmental Advisory Council Board (EAC) review because this project did not meet the EAC scope of land development project reviews as identified in Chapter 2, Article VIII, Division 23, Section 2-1193 of the Collier County Code of Laws and Ordinances.

STAFF ANALYSIS:

The LDC defines a "boat lift canopy" as follows: *a covering that is applied to a boat lift over a legally permitted dock*. The standards for boat lift canopies are contained within LDC section 5.03.06.G. Boat lift canopies that satisfy the standards contained within LDC section 5.03.06.G may be administratively approved by the County Manager or their designee. Deviations from the listed standards may be approved by the Hearing Examiner subject to the public hearing process. Boat lift canopies are a permitted use on waterfront properties per LDC section 5.03.06.B.5.

Land Development Code, Ordinance 04-41, As amended:

5.03.06.G. Standards for boat lift canopies.

1. Boat lift canopies shall be permitted over an existing boat lift attached to a dock legally permitted by the requisite local, state, and federal agencies if the following criteria are met.

    a. Canopy covers shall not extend more than 27 inches beyond the width of the boat lift on each side.

    b. The length of the boat lift canopy shall not exceed 35 feet.

    c. The height of the boat lift canopy shall not exceed 12 feet, measured from the highest point of the canopy to the height of the dock walkway.

    d. The sides of the canopy cover shall remain open on all sides, except that a drop curtain, not to exceed 18 inches shall be permitted on the sides.

    e. Boat lift canopies shall meet the requirements of Awnings and Canopies in the Florida Building Code.

    f. Canopy cover material shall be limited to beige or mid-range shades of blue or green.

    g. No boat lift canopies shall be permitted at sites that contain either a boathouse or a covered structure.

2. Lots with frontage on canals shall be permitted a maximum of one boat lift canopy per site. Lots with frontage on bays shall be permitted a maximum of 2 boat lift canopies per site.

Attachment: Staff Report 02172024 [Revision 1] (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

In this case, the applicant desires to construct two beige boat lift canopies over a lawfully permitted dock facility on a bay-front property where there is no boathouse or other covered structures. Canopy 1 requires a BLCD as it exceeds the allowable 35-foot length and 12-foot height; the proposed canopy measures 49 feet long, 17 feet wide, and 15 feet in height. The second canopy complies with the required dimensional standards; it will measure 11 feet long, 13 feet wide, and 12 feet in height.

CONCURRENT LAND USE APPLICATIONS:

None.

APPEAL OF BOAT LIFT CANOPY DEVIATION:

As to any BLCD petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner. An aggrieved non-party may appeal a decision of the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. If the Hearing Examiner has approved the petition, the applicant shall be advised that he/she proceed with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney's office reviewed this Staff Report.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BLCD-PL20230010282, to allow for the construction of two boat lift canopies on a bay-front lot as depicted within the plans contained within Attachments A, B, and C subject to the following stipulations:

1. The boat lift canopies are to be removed upon issuance of an official hurricane warning affecting the location of the boat lift canopy and

2. A Building Permit shall be obtained for the construction and/or placement of the subject boat lift canopies and

3. A Certificate of Completion must be obtained for the dock facility, Building Permit No. PRBD20220101094, before the issuance of a Certificate of Completion for the boat lift canopies.

Attachments:

A. Canopy Details
B. Proposed Site Plan
C. As-Built Survey
D. Dock – Building Permit No. PRBD20220101094
E. HEX Decision No. 2021-57

Attachment: Staff Report 02172024 [Revision 1] (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

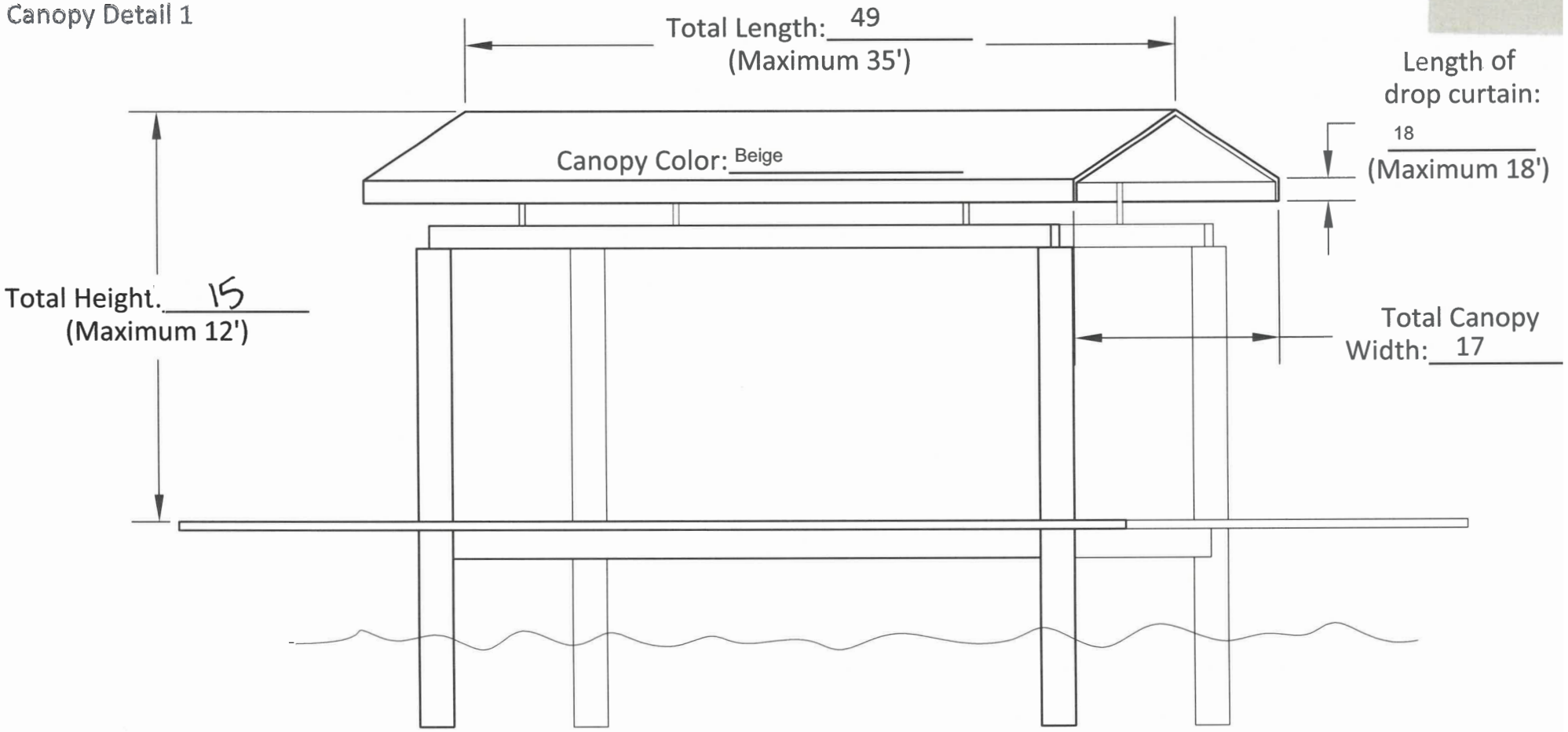
F. HEX Decision No. 2021-58
G. Applicant's Backup – Application and Supporting Documents
H. Sign Posting

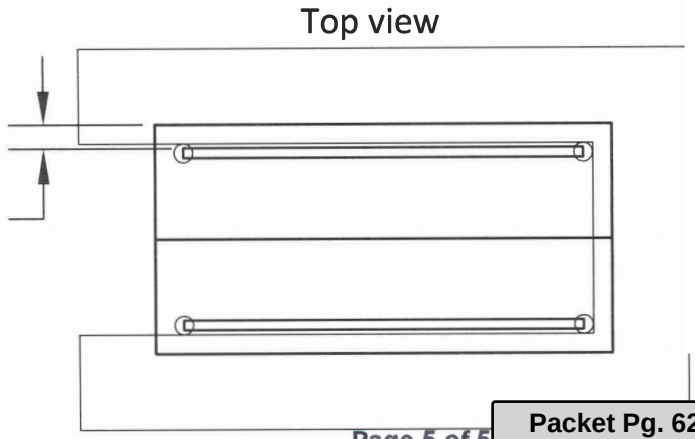
Attachment: Staff Report 02172024 [Revision 1] (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Color: 522 Beige

Address: 219 Malibu Cove

Canopy Detail 1





CANOPY DETAIL

This drawing must be completed and submitted as an attachment to the Administrative Boat Lift Canopy Application

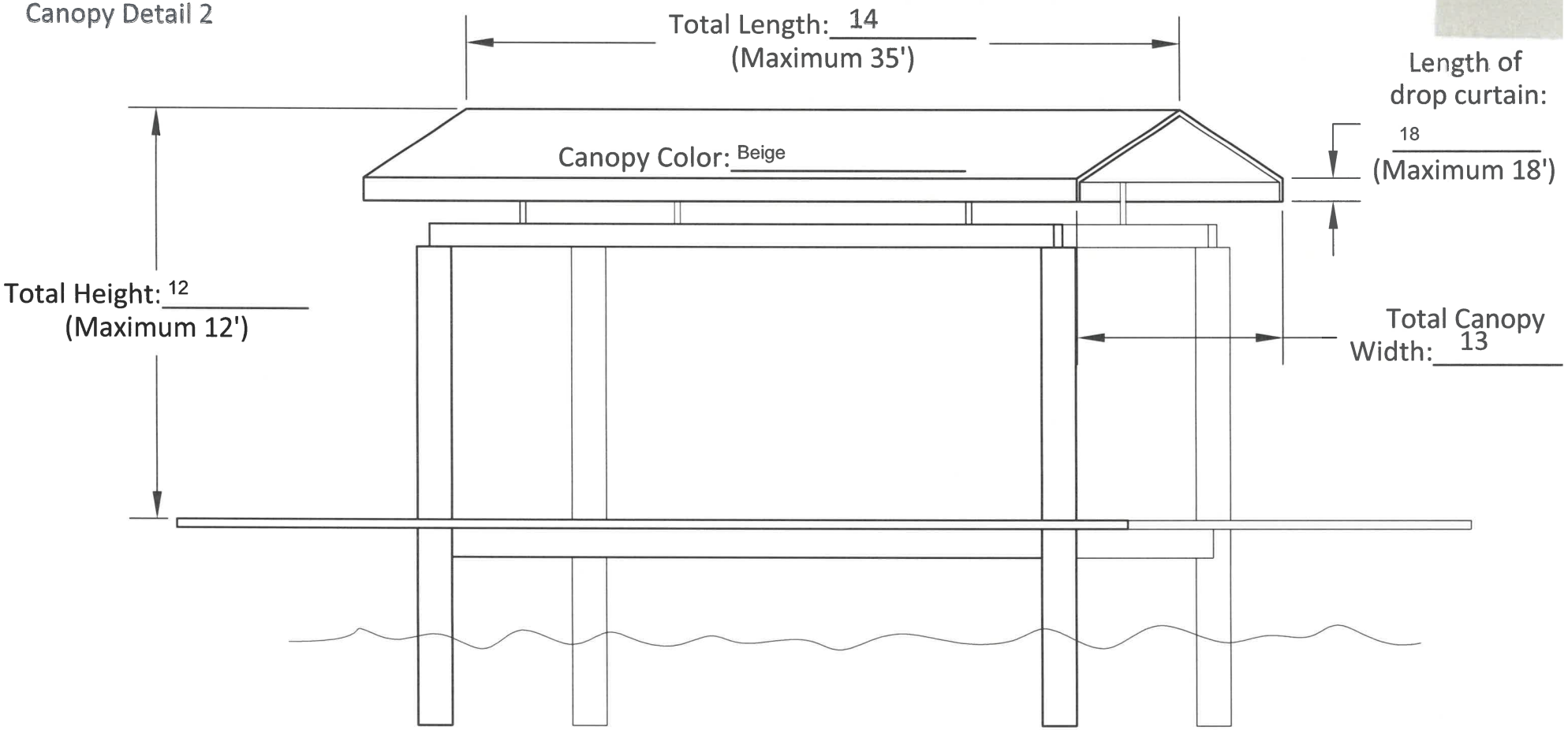
8/2022

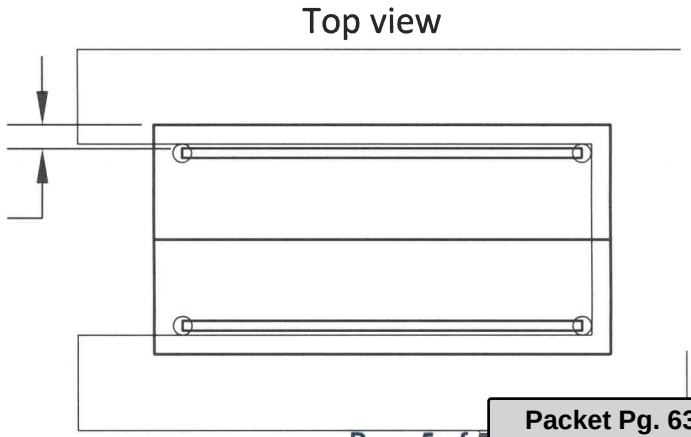
Attachment: Attachment A - Canopy Details (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Color: 522 Beige

Address: 219 Malibu Cove

Canopy Detail 2





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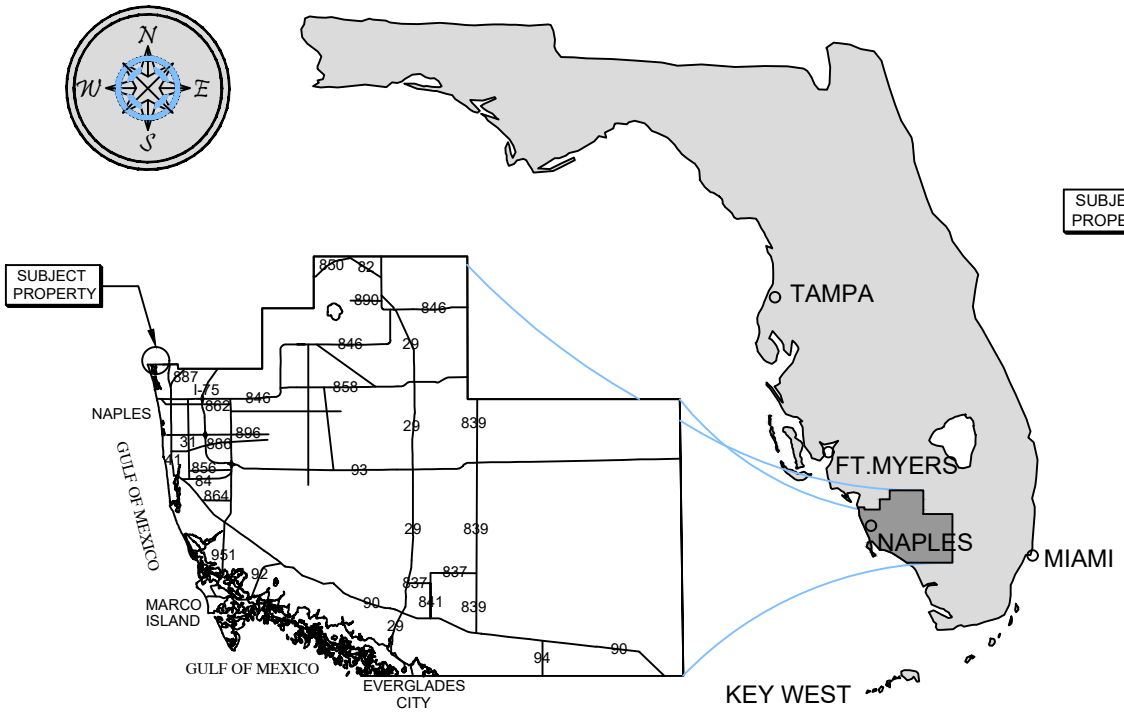
This drawing must be completed and submitted as an attachment to the Administrative Boat Lift Canopy Application

8/2022

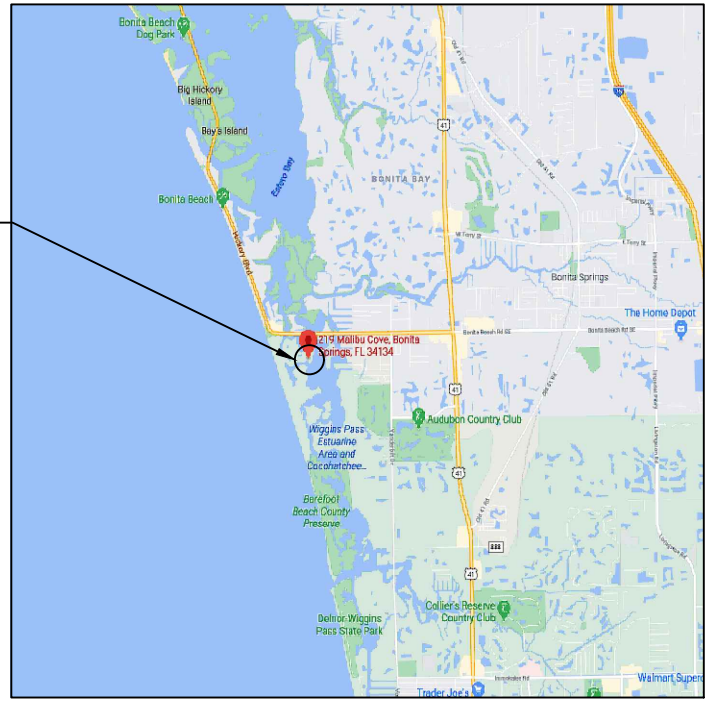
Attachment: Attachment A - Canopy Details (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg LOCATION MAP 12/6/2023

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

COUNTY AERIAL

SITE ADDRESS:

<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:

<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

LOCATION MAP

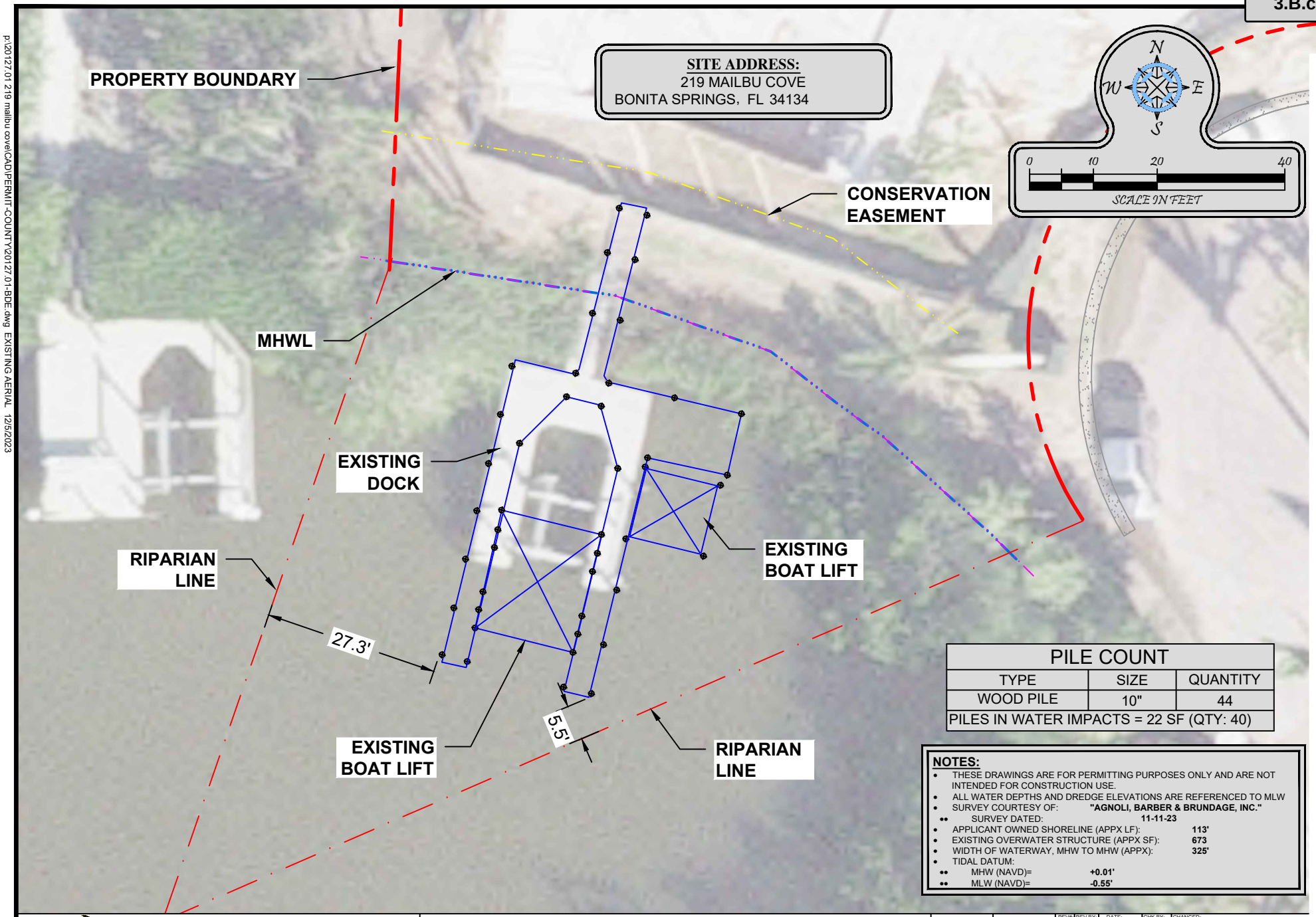
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	01 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment B - Proposed Site Plan (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg EXISTING AERIAL 12/5/2023



PILE COUNT		
TYPE	SIZE	QUANTITY
WOOD PILE	10"	44
PILES IN WATER IMPACTS = 22 SF (QTY: 40)		

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"AGNOLI, BARBER & BRUNDAGE, INC."**
  - SURVEY DATED: **11-11-23**
- APPLICANT OWNED SHORELINE (APPX LF): **113'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **673**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **325'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**

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Marine & Environmental Consulting
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Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

EXISTING AERIAL

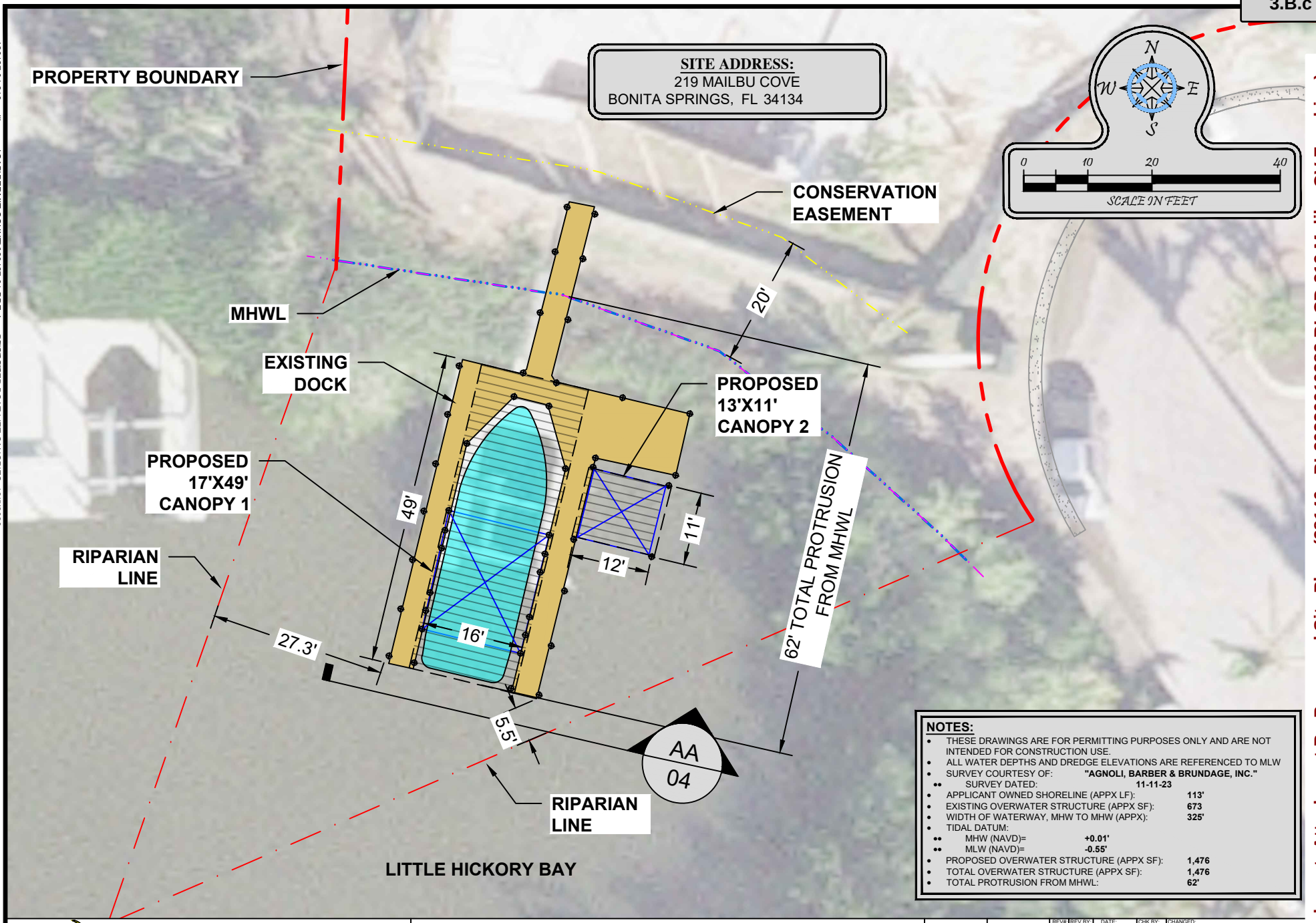
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	02 OF 06	5.	-	-	-	-

SECTION-06 TOWNSHIP-48S

Attachment: Attachment B - Proposed Site Plan (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg, 12/5/2023 - PROPOSED BOAT LIFT CANOPIES



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"AGNOLI, BARBER & BRUNDAGE, INC."**
  - SURVEY DATED: **11-11-23**
- APPLICANT OWNED SHORELINE (APPX LF): **113'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **673**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **325'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **1,476**
- TOTAL OVERWATER STRUCTURE (APPX SF): **1,476**
- TOTAL PROTRUSION FROM MHWL: **62'**

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

PROPOSED BOAT LIFT CANOPIES

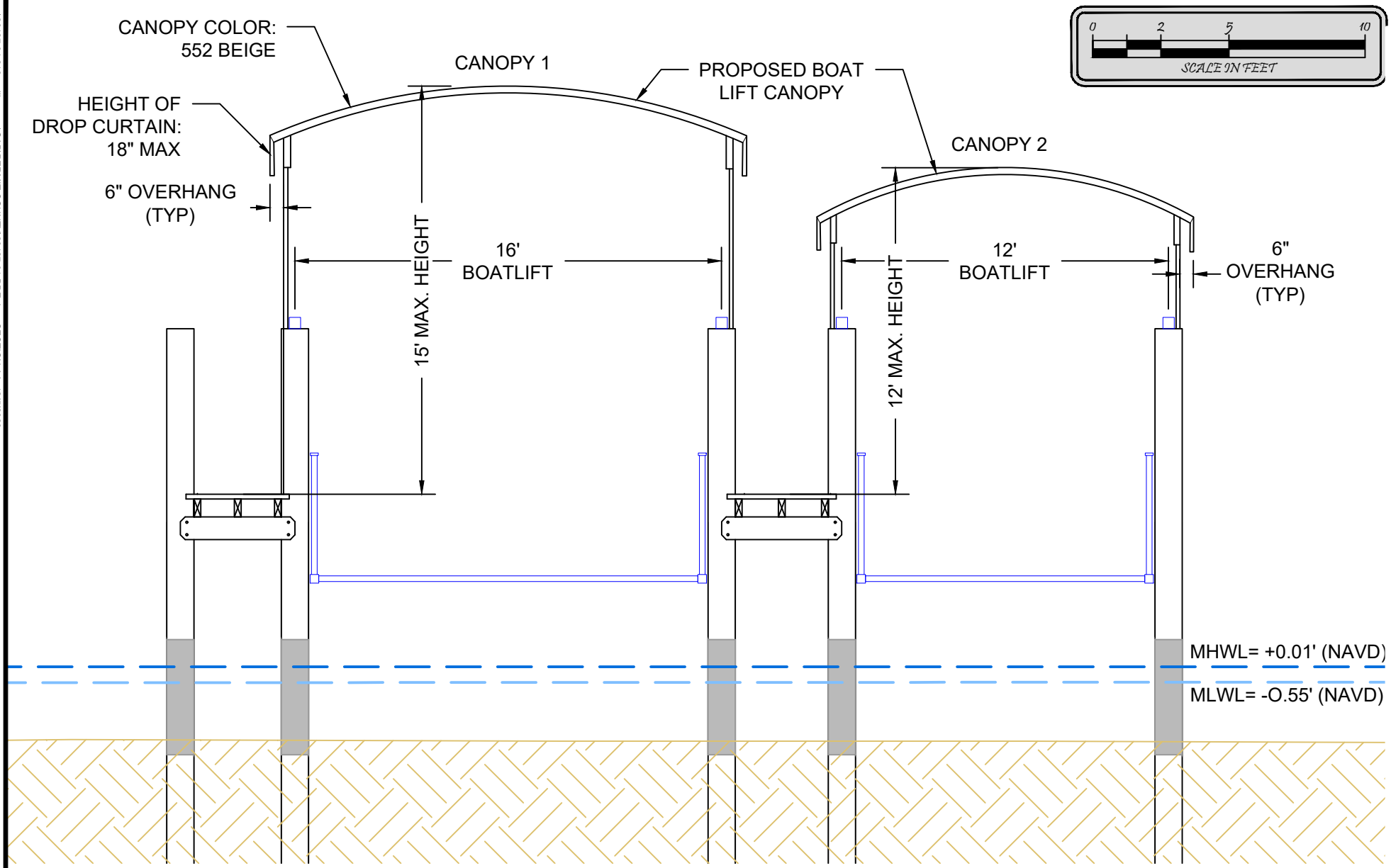
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	03 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment B - Proposed Site Plan (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg SECTION AA 12/5/2023



CROSS SECTION AA

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

SECTION AA

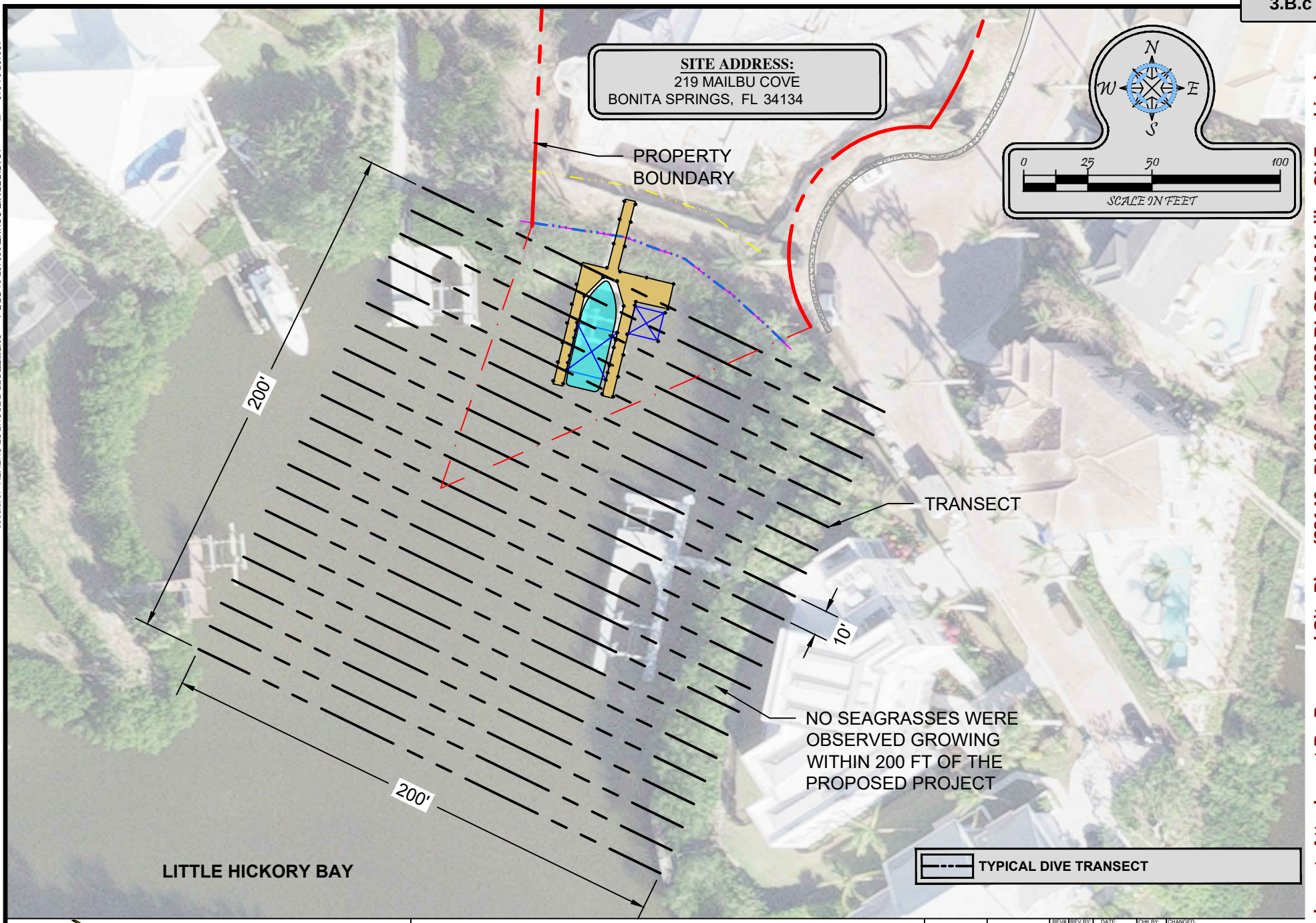
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	04 OF 06	5.	-	-	-	-

SECTION-06 TOWNSHIP-48S

Attachment: Attachment B - Proposed Site Plan (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg 12/5/2023 SUBMERGED RESOURCE SURVEY 12/5/2023



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219 MALIBU COVE

SUBMERGED RESOURCE SURVEY

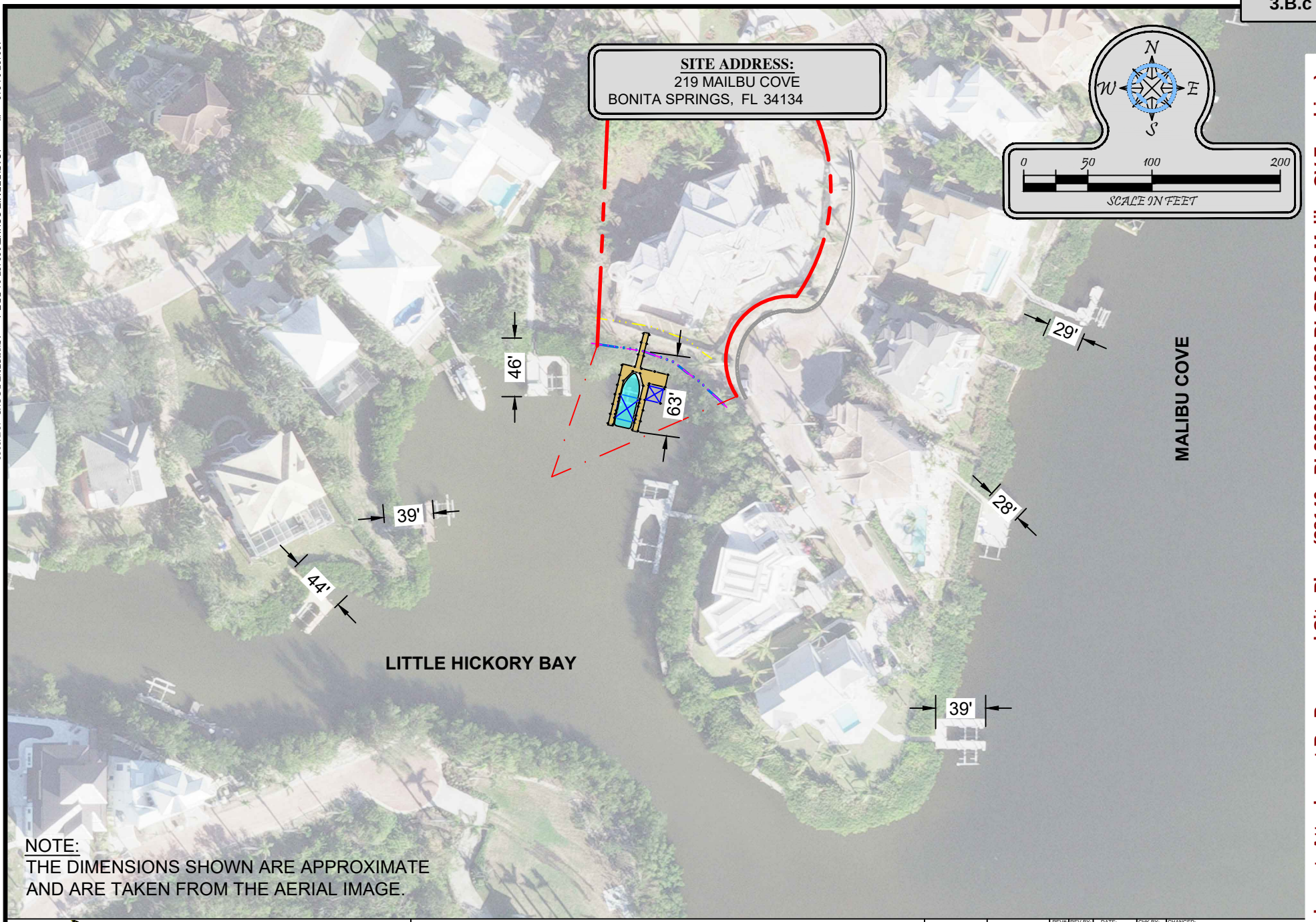
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	05 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment B - Proposed Site Plan (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg 12/5/2023 - 1:54:02 PM EST DOCKS 12/5/2023



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

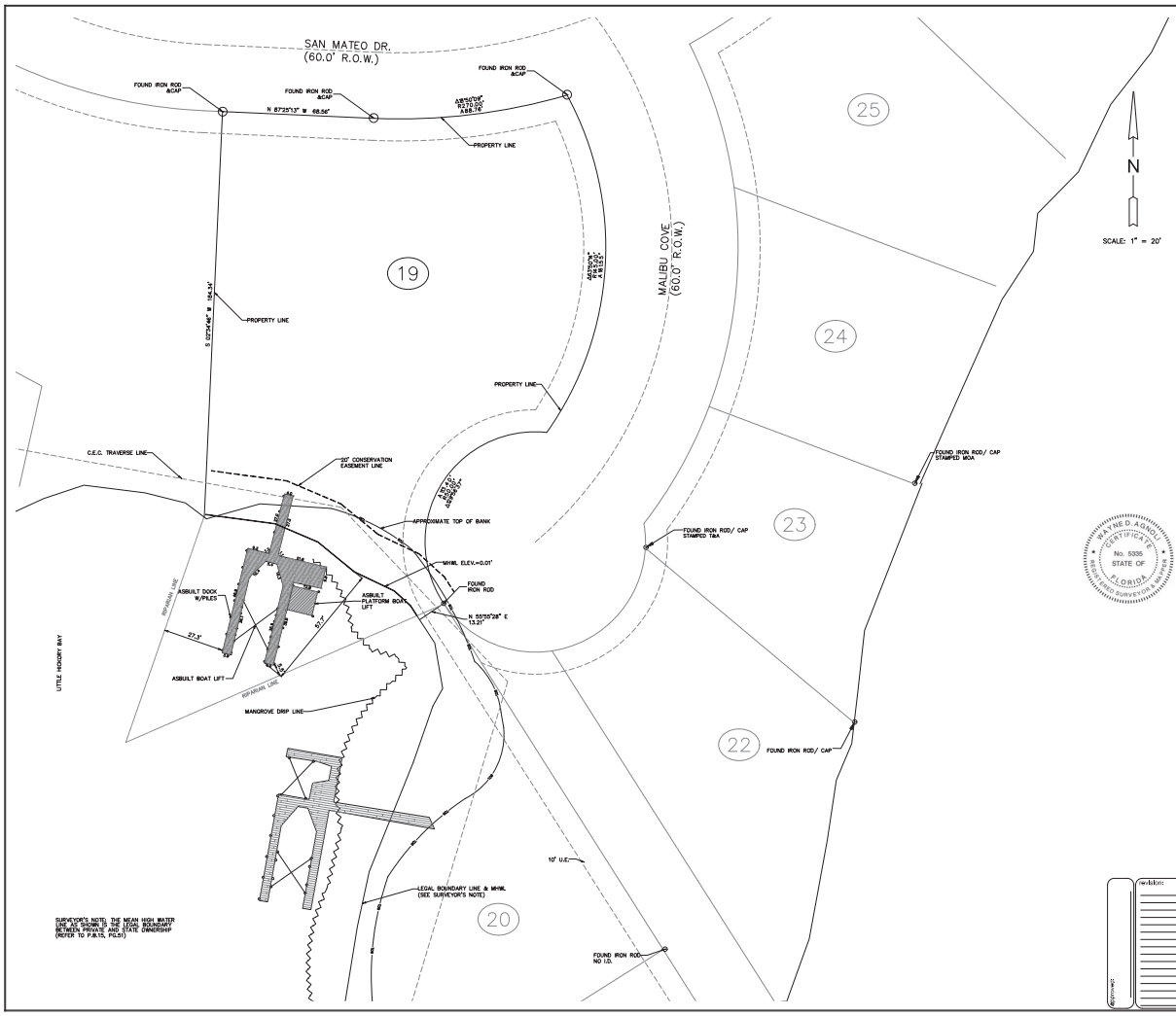
ADJACENT DOCKS

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	06 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment B - Proposed Site Plan (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



LEGAL DESCRIPTION:

LOT 19, SOUTHPORT ON THE BAY, UNIT ONE, A
THEREOF RECORDED IN PLAT BOOK 15, PAGES
OF COLLIER COUNTY, FLORIDA.

PREPARED FOR: MICHAEL & ELLEN FASHING

DATE OF FIELD SURVEY: NOVEMBER 11, 2023

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY: Wayne D. Agnoli, P. S. M.

Digitally signed by Wayne D. Agnoli, P. S. M.
DN: cn=Wayne D. Agnoli, P. S. M., o=Agnoli, Barber & Brundage, Inc., ou=Surveyor and Mapper, email=wagnoli@abbinc.com, c=US
Date: 2023.11.29 09:58:17-05'00'

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE: _____

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

THIS ASBUILT SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS ASBUILT SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

THIS ASBUILT SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE WEST LINE OF LOT 19, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING S02°34' 48" WEST.
3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATIONS USING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING CORRECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING LONG TERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENCY RECEIVER GPS (GLOBAL POSITIONING SYSTEM).

SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE ASBUILT OF THE DOCK ONLY. NO OTHER IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

219 MALIBU CV. ASBUILT DOCK

revision:

for: MICHAEL & ELLEN FASHING

title: MAP OF ASBUILT SURVEY OF LOT 19
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

BK:	PG:	date:
1285	23	NOVEMBER 29, 2023

scale: 1"=20'

dgn-R: 23-0157

AGNOLI BARBER & BRUNDAGE, inc.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
3491 tall pine, n.w./ naples, fl. 34119 (941)598-3111
certificate of authorization nos. LB 1054 & LC0065041 fax (239)598-3131

Document: Attachment C - As-Built Survey (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

PERMIT

PERMIT #: PRBD2022010109401 PERMIT TYPE: Marine
DATE ISSUED: October 20, 2022
BUILDING CODE IN EFFECT: FBC 7th Edition 2020

JOB ADDRESS: 219 Malibu CV, Bonita Springs, Single Family
FOLIO #:
JOB DESCRIPTION: Install 693 Sq. Ft. Dock with 2 Lifts

219 Malibu CV, Bonita Springs, Single Family

OWNER INFORMATION:
FASCHING, ELLEN & MICHAEL
219 MALIBU COVE
BONITA SPRINGS, FL 34134

AREA OF WORK (SQFT): 0

SETBACKS:
FRONT: REAR: 63' Protrusion (PL20210000039) LEFT: 5' (PL20210000098) RIGHT: 15'

FLOOD ZONE: AE
SEWER:
WATER:

CONTRACTOR INFORMATION:
GREG ORICK II MARINE CONSTRUCTION, INC
1035 COLLIER CENTER WAY #1
NAPLES, FL 34110
(239) 289-0792

CERTIFICATE #:
C28961

SUB CONTRACTOR INFORMATION:
A GREG ORICK MARINE CONSTRUCTION INC.
27171 DRIFTWOOD DRIVE
BONITA SPRINGS, FL 34134
(239) 289-0792

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Approval of Construction Documents
Building Plan Review & Inspection

2800 N. Horseshoe Dr, Naples, FL 34104 239-252-2400

Collier County Build It! REVIEWED FOR CODE COMPLIANCE

Residential Permits

These electronic documents have been reviewed for Code Compliance by the Building Plan Review & Inspection Division of the Collier County Growth Management Department. The documents are available for download from the GMD Public Portal. These specific documents, listed as "Approved Plans (PR)" on the Portal, must be available for Inspectors to review on the job site in either electronic or paper form as the approved version in accordance with the Florida Building Code Section 107.3.1. Other supporting documents may be required on site as needed to meet code requirements.

Permit Number: PRBD2022010109401

Job Site Address: 219 Malibu CV, Bonita Springs, Single Family

Permit Description: Install 693 Sq. Ft. Dock with 2 Lifts

219 Malibu CV, Bonita Springs, Single Family

Permit Issuance Date: 10/20/2022

Document List:

	Portal File Type	Portal File Name
1.	Approved Plans (PR)	Construction Plans (Typical Dock Construction-GOIIMC.pdf)
2.	Approved Plans (PR)	Conceptual Site Plan (Boundary and Topographic Survey.pdf)
3.	Approved Plans (PR)	Construction Plans (HEX DECISION 2021-57 Petition No_ VA-PL20210000098 - 10-28-21 - Prepared.pdf)
4.	Approved Plans (PR)	Construction Plans (HEX DECISION 2021-58 Petition No_ BDE-PL20210000039 - 10-28-21 - Prepared.pdf)
5.	Approved Plans (PR)	Construction Plans (Mike & Ellen Fasching 219 Malibu Cove Dock Drawing - Prepared.pdf)
6.	Approved Plans (PR)	Construction Plans (Mike & Ellen Fasching 219 Malibu Cove Dock Electric Drawing for Permit - Prepared.pdf)
7.	Approved Plans (PR)	Construction Plans (Salty Hoist Boat Lift Engineering - Prepared.pdf)

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Department

INSTRUCTIONS FOR BUILDING PERMIT APPLICATI

2800 N. HORSESHOE DRIVE, NAPLES, FL 34104 (239) 252-2400

These Instructions are designed to assist and guide Permittees with completing the Building Permit Application. For your convenience, the Application is also available on *http://www.colliercountyfl.gov* as an interactive PDF. All sections, as noted, must be completed.

Instructions for Section A. Permit Number

A.1. Permit #: To be completed by Staff.

Instructions for Section B. General Permit Information

B.1. Primary Permit #: To be completed by the applicant, if applicable. i.e., the single-family home permit is the PRIMARY PERMIT for an accessory pool permit.

B.2. Master Permit #: To be completed by the applicant, if applicable. A MASTER PERMIT is a set of documents pre-approved by the County to use for future permits.

B.3. Building Type: Select one of the five options.

Instructions for Section C. Property Information

C.1. Parcel/Folio #: These can be found on the Collier County Property Appraiser website: *http://www.collierappraiser.com.*

C.2. Job Street Address: This is the physical address where the construction work will take place.

C.3. Owner Name: Name of the property owner where the construction work will take place.

C.4. Owner Phone: Phone number of the property owner where the construction work will take place.

C.5. Owner Email: Email address of the property owner where the construction work will take place.

C.6. Subdivision: The subdivision/lot/block/unit #'s can be found on the Collier County Property Appraiser website: *http://www.collierappraiser.com*

C.7. Project Name: The name of the project, when applicable.

C.8. SDP/PL#: Approved SDPs can be obtained by contacting the Collier County Records Room at *GMDRecordsRoom@colliercountyfl.gov*.

C.9. Jurisdiction: Select Option that applies.

Instructions for Section D. Contractor Information

D.1. Permittee Type: Please check the applicable box.

D.2. Contact Name: Name of the contractor's contact, if different than below. Owner Builder must state "SELF."

D.3. License #: Contractors must provide their State (preferred) and/or County license numbers and business information. Owner Builder applicants must state "SELF."

D.4. Company Name: Name of contractor's company performing the construction work. Owner Builder must state "SELF."

D.5. Company Address: Address of the Contractor or Owner Builder.

D.6. Qualifier Name: Provide the name of the qualifier. Owner Builder must state "SELF."

D.7. Contractor Email: Email(s) of the Contractor or Owner Builder.

D.7.A. For Contractors: Is Email your preferred method of contact. Please check YES box, if applicable.

D.9. Company Phone: Phone Number of the Contractor or Owner Builder.

D.10. Company Fax: Fax Number of the Contractor or Owner Builder.

Instructions for Section E. Permit Information

E.1. Declared Value: Identify the Declared Value of the construction. The Declared Value must be either the contract value OR the value established by the Items to Be Included, pg. 3 of the *50% Structural Improvement/Structural Damage Form.*

E.2. Permittee Type: Select a permit type from the supplied list.

E.3. Description of Work: The Description of Work must convey a detailed account of the work identified on the construction plans. For a multi-story project, identify the floor/story where construction work will take place. In addition, for permit applications addressing a Code Enforcement violation, please include the case number. Do NOT state "Please see attached plans." The description of work must be included on the approved Permit.

E.4. Occupancy Type: Identify the Occupancy Type from the list: *Occupancy Types are established in Chapter 3 of the Florida Building Code.*

Amusement Parks, Stadium, Bleachers	Assembly, Church	Assembly, Arenas	Assembly, Niteclubs	Assembly, Restaurants, Bars, Banquet Halls	Assembly, Theaters, with Stage	Assembly, Theaters, without Stage
Business	Chickee-Non-Residential	Chickee - Residential	Day Care	Factory - Industrial (Low Hazard)	Factory - Industrial (Moderate Hazard)	High Hazard (H-2)
High Hazard - (H-3)	High Hazard (H-4)	High Hazard, Explosives	HPM	Institutional Incapacitated	Institutional Supervised Environment	Mercantile
Residential, Care/Assisted Living Facilities	Residential, Hotels	Residential, Multi-Family	Residential 1&2 Family New or Guest House	Special Purpose Industrial	Storage, Low Hazard	Utility, Miscellaneous Commercial & M/F	Utility, Miscellaneous Residential

E.5. Construction Type: Identify the Construction Type from the list: *Construction Types are established in Chapter 6 of the Florida Building Code.*

Type IA	Type IIA (1 hour)	Type IIIA (1 hour)	Type IV	Type VB (Unprotected)	Type IB	Type IIB (Unprotected)	Type IIIB (Unprotected)	Type VA (1 hour)

E.6. Is structure in flood zone: Identify whether the structure is located in a flood zone: No, Unknown, Yes.

E.7. Fire Sprinkled: Identify whether the building is fire sprinkled: Yes or No.

E.8. Type of Water Supply: Check the box that identifies the type of water supply.

E.9. Sewage Disposal: Check the box that identifies the method of sewage disposal.

E.10. Vegetation Removal: Identify whether clearing of vegetation will take place: Yes. Clearing will take place on site, or No. Clearing will not take place on site.

E.11. Private Provider: Identify whether Private Provider services will be rendered: No or Plan Review & Inspection or Inspection Only.

E.12. Threshold Building: Identify whether the structure is a threshold building, as defined by FBC Ch. 2 and F.S. 553.71(12): Yes or No.

E.13. Repairs from Disaster Event: Identify whether these are repairs from a disaster event. Yes, Name of Event or No.

E.14. Change of Occupancy: Please check Yes or No.

E.15. Permit by Affidavit: Identify whether the permit is a Permit by Affidavit: Yes or No.

E.16. Subcontractors: Check all the Subcontractors that will conduct work at the job site.

Instructions for Section F. Area of Construction Activity

F. Identify number of stories in structure, floor where work is being performed, # of bedrooms/bathrooms. Supply interior/living sq.ft., additional sq.ft. being added, exterior/non-living sq. ft. and total square footage.

Attachment: Attachment D - Permit BRBD20220101094 (28140 : BI 20230010282 BI CD 219 Malibu CV Easchig)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 North Horseshoe Drive, Naples, FL 34104 (230) 252-
PermittingDept@CollierCountyFL.gov

3.B.e

Directions: Applicants must complete all fields. Please follow the *Building Permit Application Instructions* to complete this Application.

Section A. Permit Number **A.1. Permit #** *(Staff to Provide):*

Section B. Permit Information **B.1. Primary Permit #** *(if any):* **B.2. Master Permit #:**

B.3. Building Type: ☒ 1&2 Family Dwelling/Townhouse ☐ Res. 3+ Units/Multi-Family ☐ Commercial ☐ Mobile/Manufactured Home ☐ Guest House

Section C. Property Information

C.1. Parcel/Folio #: 74435002201 **C.6. Subdivision Lot #:**

C.2. Job Street Address: 219 MALIBU CV **C.7. Project Name:**

C.3. Owner Name: FASCHING, ELLEN=& MICHAEL **C.8. SDP/PL#:**

C.4. Owner Phone: 239-949-5588 **C.9. Jurisdiction:** ☒ Collier County ☐ City of Everglades

C.5. Email: permits@orickmarine.com

Section D. Contractor Information **D.1. Permittee Type**: ☒ Contractor ☐ Design Professional ☐ Owner-Builder

D.2. Contact Name: Mark O **D.3. License:** C28961

D.4. Company Name: GREG ORICK II MARINE CONSTRUCTION INC

D.5. Company Address: 2815 BAYVIEW DR, NAPLES, 34112 **D.9. Company Phone:** 239-949-5588

D.6. Qualifier Name: GREG ORICK II **D.10. Fax #:** 239-301-2238

D.7. Email: PERMITS@ORICKMARINE.COM

For Contractors: *The above email address is my preferred method of contact for all correspondence regarding this permit.* ■ Yes

Section E. Permit Information **Building Permit Type includes: New Construction, Addition, Alteration, Chickee/Tiki Hut, Dumpster Enclosure, Pergola, Tenant Build-out, etc.* **E.1. Declared Value: $** 20000

E.2. Permit Type: ☐ Alum Structure ☐ Awnings ☐ Building* ☐ Carport/Shed ☐ Cell Tower ☐ Demolition ☐ Detached Garage ☐ Electrical ☐ Fence ☐ Fire ☐ Gas ☒ Marine ☐ Mechanical ☐ Plumbing ☐ Pool ☐ Roof ☐ Shutters/Doors/Windows ☐ Sales/Const. Trailer ☐ Screen Enclosure ☐ Solar ☐ Sign/Flagpole ☐ Water Feature

E.3. Description of Work: *The Description of work must convey an account of work identified on the construction plans.*

~~Install 693 Sq. Ft. Dock with 2 Lifts~~

E.4. Occupancy Type: *See Instructions*

E.5. Construction Type: ☐ IA ☐ IB ☐ IIA ☐ IIB ☐ III A ☐ IIIV ☐ IV ☐ VA ☐ VB *See Instructions*

E.6. Is Structure in a Flood Zone: ☐ No ☐ Unknown ☐ Yes, additional form required. *See Instructions*

E.7. Is Structure Fire Sprinkled: ☐ No ☐ Yes

E.8. Type of Water Supply: ☐ Collier County ☐ Well ☐ City of Naples ☐ Ave Maria ☐ City of Everglades ☐ Immokalee ☐ Other

E.9. Type of Sewage Disposal: ☐ Sewer ☐ Septic

E.10. Vegetation Removal: ☐ Yes ☐ No A Vegetation Removal Affidavit is required for any new structure of addition **on all parcels larger than 1 acre.**

E.11. Private Provider: ☐ No ☐ Yes ☐ Plan Review & Inspections ☐ Inspections Only

E.12. Threshold Building: ☐ No ☐ Yes

E.13. Repairs from Disaster Event: ☐ No ☐ Yes *Name of Disaster Event:*

E.14. Change of Occupancy: ☐ No ☐ Yes

E.15. Is this a Permit by Affidavit: ☐ No ☐ Yes

E.16. Subcontractors: *Check All that Apply:* ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Roofing ☐ Septic ☐ Electric from house

Section F. Area of Construction Activity (Work Area Only)

Total Number of Stories: Floor (Story) work is being performed on: # Bedrooms: # Bathrooms:

Living /Int. Sq. Ft.: Addt'l. Sq. Ft.: Non-Living/Ext. Sq. Ft.: Total Sq. Ft.:

PLEASE DO NOT WRITE BELOW, FOR STAFF USE ONLY

PMR Date: _____ Days Review: _____ Sets of Plans: _____

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 North Horseshoe Drive, Naples, FL 34104 (239) 252-2400
PermittingDept@colliercountyfl.gov

Secton I. A Required Page for **ALL** Building Permit Applicatons

ACKNOWLEDGEMENT OF COLLIER COUNTY REGULATIONS BY **OWNER OR AGENT OF OWNER**

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that ma be found in the public records of this County, and there may be additional permits required from other governmental enties such as the Water Managemer District, State agencies, or Federal agencies.

WARNING OF POSSIBLE DEED RESTRICTIONS: The land subject to this permit may be subject to deed, and other restrictions that may limit or impair th landowner's rights. Collier County is not responsible for the enforcement of these restrictions, nor are Collier County employees authorized to provide legal business advice to the public relative to these restrictions. The landowner or any applicant acting on behalf of the landowner is cautioned to seek profession advice.

WARNING OF WORK IN THE COUNTY RIGHT-OF-WAYS: This permit does not authorize construction or installation of any structure or utility, above or belo ground, within any right of way or easement reserved for access, drainage or utility purposes. This restriction specifically prohibits fencing, sprinkler system landscaping other than sod, signs, water, sewer, cable and drainage work therein. If such improvements are necessary, a separate permit for that purpose mu be obtained from the Growth Management Department.

NOTICE OF CLEARING RESTRICTIONS: The issuance of a building permit for a single-family dwelling allows up to one (1) acre of native vegetation to be cleare Clearing more than one (1) acre may be allowed for accessory structures and requires a separate Vegetation Removal Permit. Properties located in the followi zoning district overlays may not be allowed to clear one (1) acre: Rural Fringe Mixed Use District (RFMU), Big Cypress Area of Concern (ACSC), and Speci Treatment Overlay (ST). There may be additional restrictions related to clearing native vegetation and impacts to wetlands or protected species found on the proper State and Federal agency permits may be required. Contact the Growth Management Department's Environmental Services at (239) 252-2400 for addition information. Issuance of a Demolition Permit for a structure does not authorize removal of vegetation beyond the footprint of the structure. A Demo Permit is n a clearing permit.

WORK IN THE SPECIAL FLOOD HAZARD AREA: Be advised that Substantial Damage/Substantial Improvement requirements will apply to structures locat in the Special Flood Hazard Area with Finished Floor Elevations below the Base Flood Elevation.

CERTIFICATION: Application is hereby made to obtain a permit to do the work and installations as indicated. I, **THE OWNER OR AGENT OF OWNER**, cert that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulati construction in this jurisdiction. The permit or application fee may have additional fees imposed for failing to obtain permits prior to commencement construction. The approved permit and/or permit application expires if work is not commenced within 180 days from the date of issuance. I, **THE OWNER O AGENT OF OWNER** understand that only licensed contractors may be employed and that the structure cannot be used or occupied until a certificate of occupan is issued. By signing this permit applications, I, **THE OWNER OR AGENT OF OWNER**, agree that I have retained the contractor identified on this application provide contracting services for the trade for which he or she is listed. I understand it is the responsibility of the property owner to notify the Building Plan Review a Inspection Division should the contractor responsible for providing said contracting services no longer be willing to provide his or her services. I, **THE OWNER O AGENT OF OWNER**, understand the review and issuing of this permit does not exempt me from complying with all County Codes and Ordinances. Furthermo I, **THE OWNER OR AGENT OF OWNER** understand the owner is responsible for all construction work on the property.

Job Street Address: 219 Malibu Cv

Signature of Owner of Agent of Owner (An original signature is required)

GREG ORICK II
Print Name of Owner or Agent of Owner

State of FLORIDA County of COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of January , 20 22 , by (printed name of owner or qualifier) GREG ORICK I I

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

☒ Are personally known to me
☐ Has produced a current drivers license
☐ Has produced _____ as identification.

Notary Signature:

Must Comply with Notarial Law

WILLIAM NELSON
Notary Public-State of Florida
Commission # GG 313868
My Commission Expires
March 19, 2023

NOTICE OF COMMENCEMENT INFORMATION

Per Florida Statutes 713.135, a Notice of Commencement (NOC) is required for construction of improvements totaling more than $2,500. with certain exception For A/C Repairs or Replacements a notice of commencement is required for improvements more than or equal to $7,500. The applicant shall file with the issuir authority prior to the first inspection either a certified copy of the recorded NOC or a notarized statement that the NOC has been filed for recording, along with copy thereof. In order to comply with the state requirement, permits will be placed in inspection hold until proof of the NOC is filed with the building permitting ar inspection department. The issuing authority shall not perform or approve subsequent inspections until the applicant files by mail, facsimile, hand delivery, ema or any other means such as a certified copy with the issuing authority.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FO IMPROVEMENTS TO YOUR PROPERTY. CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTIC OF COMMENCEMENT. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRS INSPECTION IF YOU INTEND TO OBTAIN FINANCING.

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Department

BUILDING PERMIT APPLICATION

2800 North Horseshoe Drive, Naples, FL 34104 (239) 252-2400
PermittingDept@colliercountyfl.gov

Secton I. A Required Page for **ALL** Building Permit Applicatons

ACKNOWLEDGEMENT OF COLLIER COUNTY REGULATIONS BY **THE QUALIFIER**

NOTICE OF ADDITIONAL RESTRICTIONS: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this County, and there may be additional permits required from other governmental enties such as the Water Management District, State agencies, or Federal agencies.

WARNING OF POSSIBLE DEED RESTRICTIONS: The land subject to this permit may be subject to deed, and other restrictions that may limit or impair the landowner's rights. Collier County is not responsible for the enforcement of these restrictions, nor are Collier County employees authorized to provide legal or business advice to the public relative to these restrictions. The landowner or any applicant acting on behalf of the landowner is cautioned to seek professiona advice.

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CERTIFICATION: Application is hereby made to obtain a permit to do the work and installations as indicated. I, **THE QUALIFIER**, certify that I have not performec any work or installation prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. The permit or application fee may have additional fees imposed for failing to obtain permits prior to commencement of construction. The permi application or approved permit expires if work is not commenced within 180 days from the date of issuance. I, **THE QUALIFIER** understand that the structure canno be used or occupied until a certificate of occupancy is issued. By signing this permit application, I, **THE QUALIFIER**, agree that I have been retained by the property owner to provide contracting services for the trade for which I am listed. Furthermore, it is my responsibility to notify the Building Plan Review and Inspection Division should I no longer be **THE QUALIFIER** responsible for providing said contracting services. I, **THE QUALIFIER**, agree that I understand the review and issuing of this permit does not exempt me from complying with all County Codes and Ordinances.

Job Street Address: 219 Malibu Cv

Signature of Qualifier (An original signature is required)

GREG ORICK II
Print Name of Qualifier

State of FLORIDA County of COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of January , 20 21 , by (printed name of owner or qualifier) GREGORICK II

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

☒ Are personally known to me
☐ Has produced a current drivers license _____
☐ Has produced _____ as identification.

Notary Signature: _____

Must Comply with Notarial Law

WILLIAM NELSON
Notary Public-State of Florida
Commission # GG 313868
My Commission Expires
March 19, 2023

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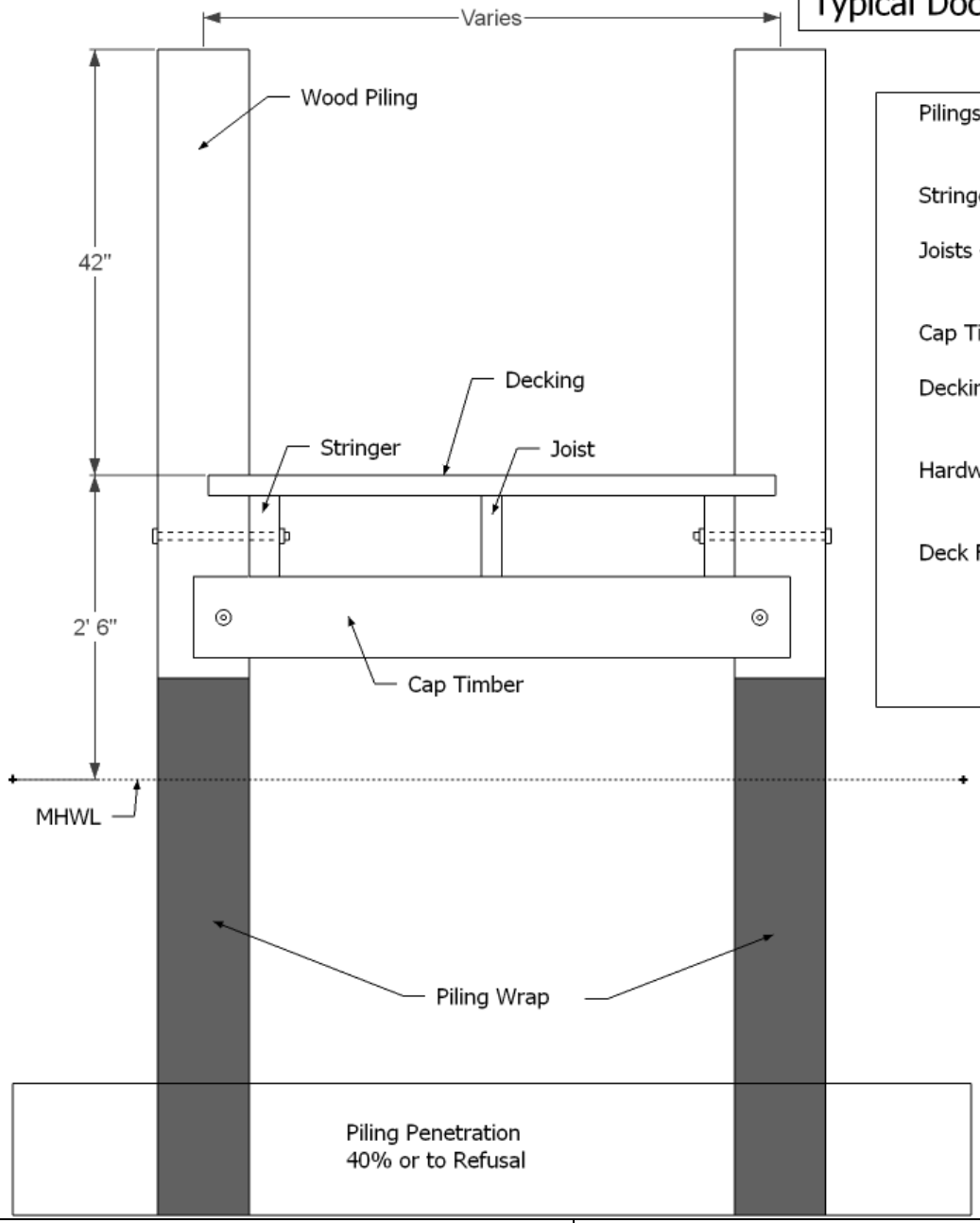
Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Typical Dock Construction



Pilings - 9"+ Diameter, 2.5 CCA Marine Pressure Treated Southern Yellow Pine (SYP) with Vinyl Pile Wrap

Stringers - 3" x 8" .60 CCA Pressure Treated SYP

Joists - 2" x 8" .60 CCA Pressure Treated SYP (Joist spacing - 24" Max on Center)

Cap Timbers - 3" x 8" .60 CCA Pressure Treated SYP

Decking - 2" x 6" .21 CA Pressure Treated #1 Dense S4S or Optional Composite Decking.

Hardware - 5/8" diameter HDG Bolts minimum or Stainless Steel Upgrade

Deck Fasterners - 16d SS Ringshank Nail or #10 SS Deck Screws optional

PROUDLY SERVING NAPLES AND BONITA SPRINGS
FOR OVER 25 YEARS
LICENSED & INSURED

GREG ORICK MARINE CONSTRUCTION, INC.
(239) 949-5588

Typical Dock Construction

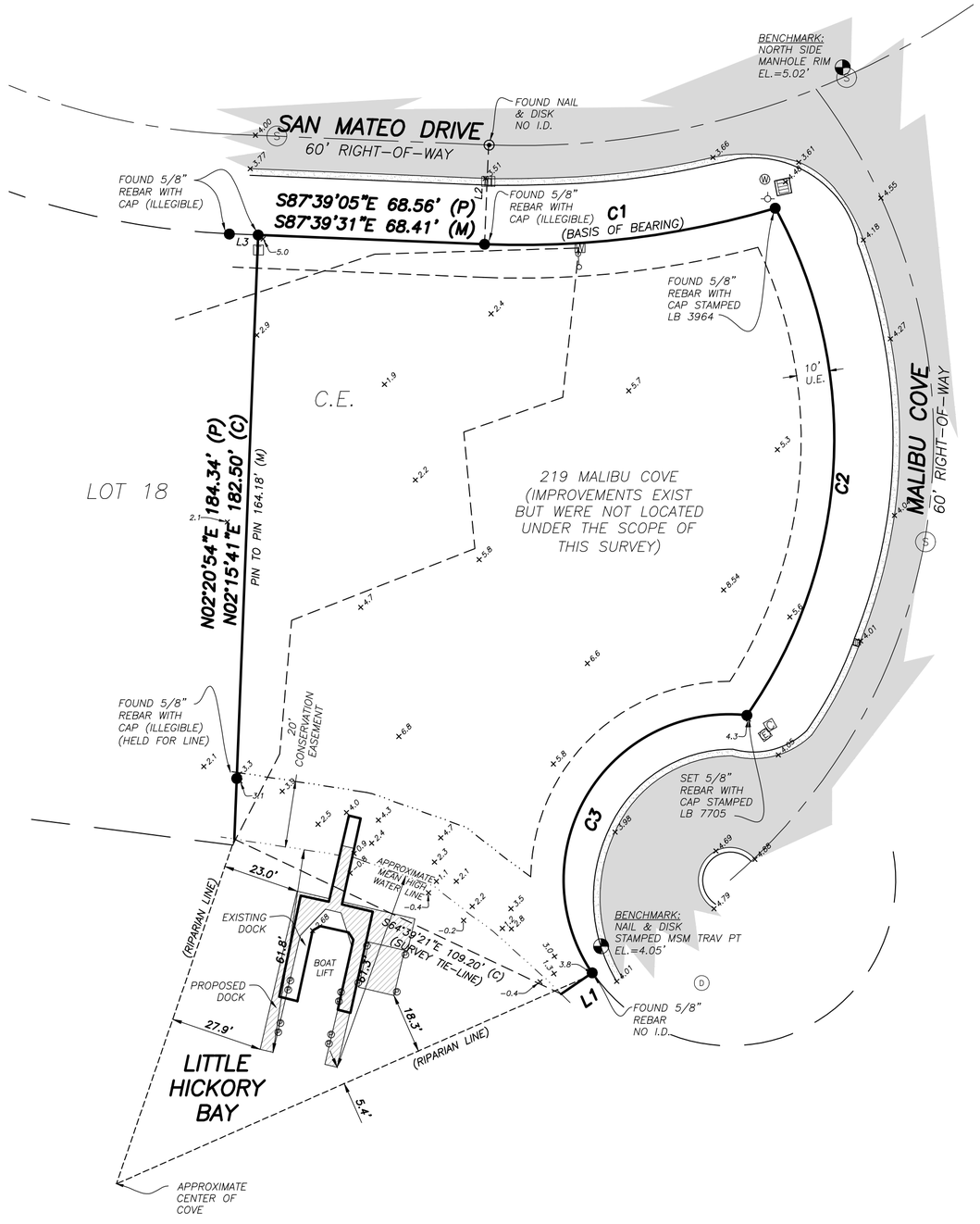
Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV

ALL ELEVATIONS ARE IN NAVD88

GRAPHIC SCALE

0 15 30 60

(IN FEET)
1 inch = 30 ft.



NOTES:

1. Last day of field work is October 30, 2020. (date of survey)
2. Bearings shown hereon are based on the North chord of Lot 19, Southport on the Bay, according to the Plat thereof, being N82°55'50"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.
4. No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Unless otherwise indicated all easements shown hereon are based on plat.
7. Only above ground, visible and apparent improvements were located.
8. Foundations and overhangs are not taken into account on this survey.
9. Irrigation equipment was not taken into account on this survey.
10. No other persons or entities other than those listed as exclusive users may rely on this survey.
11. All dimensions are in feet and decimals thereof, unless otherwise noted.
12. Subject to easements, reservations and restrictions of record.
13. Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.
14. According to the collier County Map viewer as posted on collier.maps.arcgis.com this property is zoned PUD.

    Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.
15. Property contains 0.70 acres (33,430 square feet) more or less.
16. All elevations are in North American Vertical Datum of 1988 (NAVD88).
17. Property falls in Flood Zone "AE" base flood elevation "9" according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 12021C0179H, Community Number 120067, Panel 0179, Suffix H, Dated May 16, 2012.
18. Surveyor's signature and seal pertain only to survey matters. Proposed structures shown hereon were derived from plans provided by Turrell, Hall & Associates.

REVISION NOTES:

1. REVISED RIPARIAN LINES TO CENTER OF COVE; JP; 12/16/2020
2. REVISED RIPARIAN LINES TO AGREED LOCATION & ADDED PROPOSED DOCK; J.P.; 1/12/2021

SYMBOL LEGEND

- DRAINAGE MANHOLE
- CABLE BOX
- ELECTRIC HAND-HOLE
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- DRAINAGE INLET
- BACKFLOW PREVENTER
- WATER METER

SURFACE LEGEND

- ASPHALT
- CONCRETE
- PROPOSED DOCK

LINE TABLE

LINE	BEARING	DISTANCE
L1(P)	S55°50'43"W	7.22'
L1(C)	S55°50'43"W	11.35'
L2(P)	N2°20'55"E	30.00'
L2(M)	N2°39'48"E	29.97'
L3(P)	N87°38'01"W	8.72'
L3(M)	N88°03'33"W	8.72'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1(P)	270.00'	88.76'	18°50'09"	N82°55'50"E	88.36'
C1(M)	270.00'	88.85'	18°51'17"	N82°55'50"E	88.45'
C2(P)	145.00'	161.55'	63°50'14"	S03°11'45"W	153.33'
C2(M)	145.00'	161.55'	63°50'14"	S03°11'45"W	153.33'
C3(P)	50.00'	113.40'	129°56'37"	S30°49'28"W	90.61'
C3(M)	50.00'	113.56'	130°07'55"	S30°59'51"W	90.68'

ABBREVIATIONS
(M) MEASURED
(P) PLAT
(C) CALCULATED
C.E. = CONSERVATION EASEMENT
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
C.S.C. = CONCRETE SEAWALL CAP
O.R. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
PG. = PAGE
P.I. = POINT OF INTERSECTION

LEGAL DESCRIPTION
(Per O.R. 4682, Pg. 419):

Lot 19, SOUTHPORT ON THE BAY, UNIT ONE, a Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 51 through 53, of the Public Records of Collier County, Florida

For the Exclusive Use Of:
Kukk Architecture & Design, P.A.

JOHN P. PACETTI CERTIFICATE No. 6916 PROFESSIONAL SURVEYOR AND MAPPER

John P. Pacetti, PSM,
Florida License No. 6916
Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper Certificate of Authorization #7705.

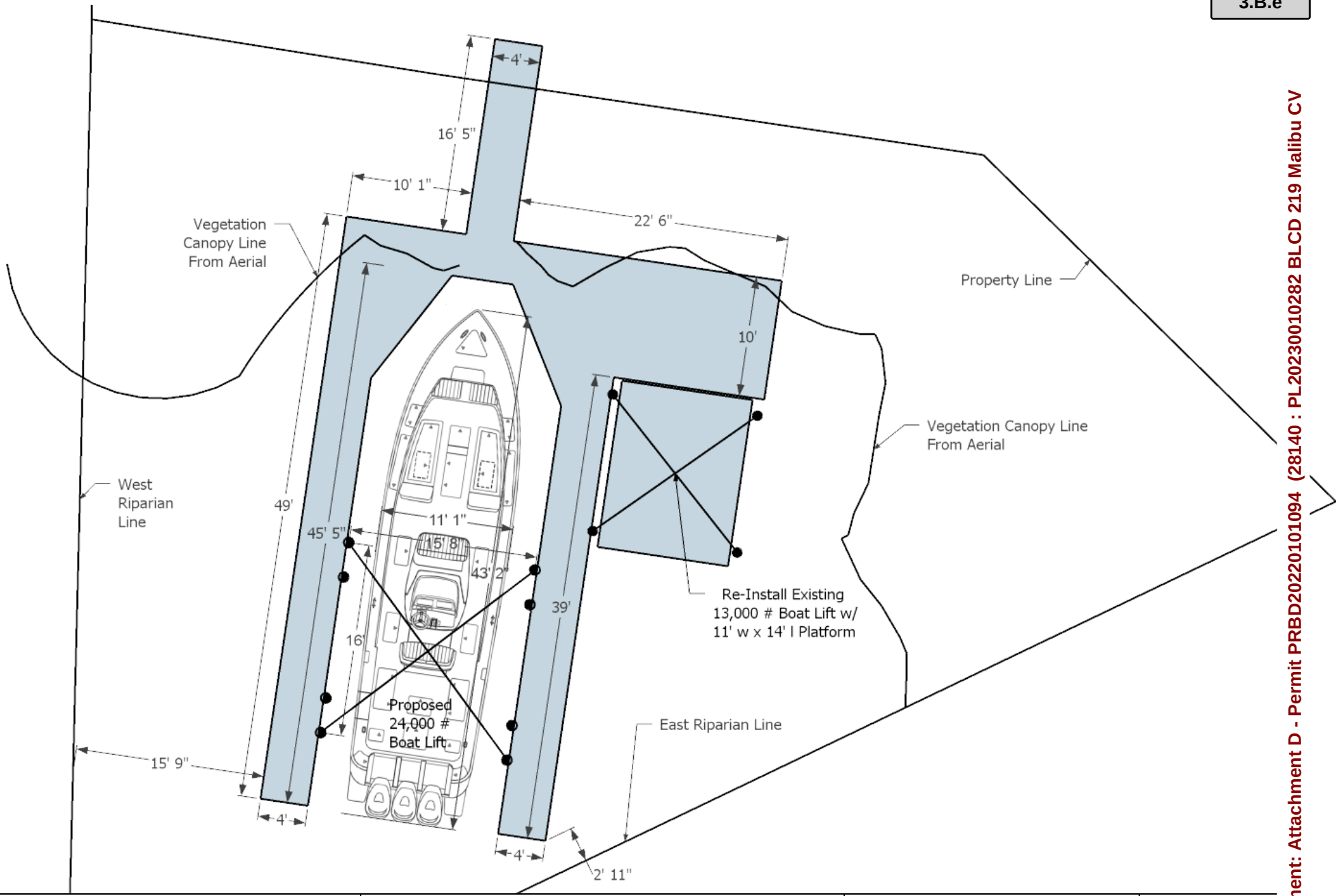
MARCO SURVEYING & MAPPING
A LIMITED LIABILITY COMPANY
MARCO SURVEYING & MAPPING
3205 BECK BOULEVARD
NAPLES, FLORIDA 34114
(239) 389-0026
WWW.MARCOSURVEYS.COM

BOUNDARY & TOPOGRAPHIC SURVEY / PLOT PLAN

Lot 19, Southport on the Bay, Collier County, Florida

CLIENT:	Kukk Architecture & Design, P.A.				
HORIZONTAL SCALE: 1" = 30'	VERTICAL SCALE: N/A		DATE: 11/2020		
CHIEF:	BOOK/PAGE		DRAFTED BY:	PROJECT NO.	WO NUMBER	DRAWING NO.
N.E.	209	74	R.Y.	P990	20-729	3-303

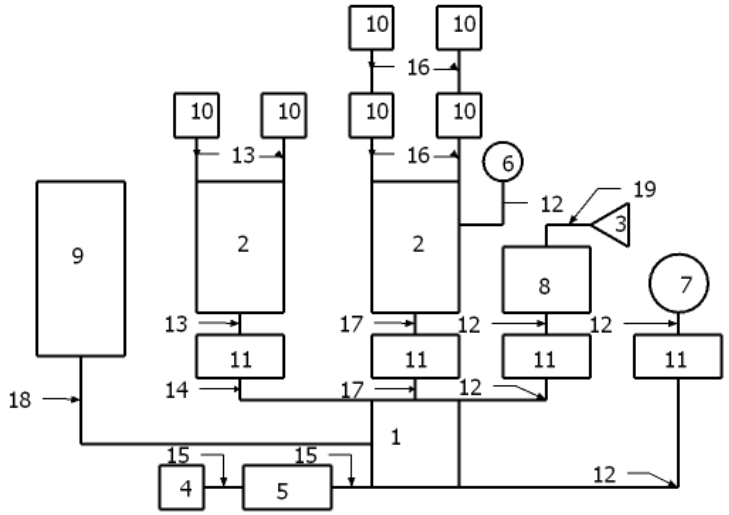
Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

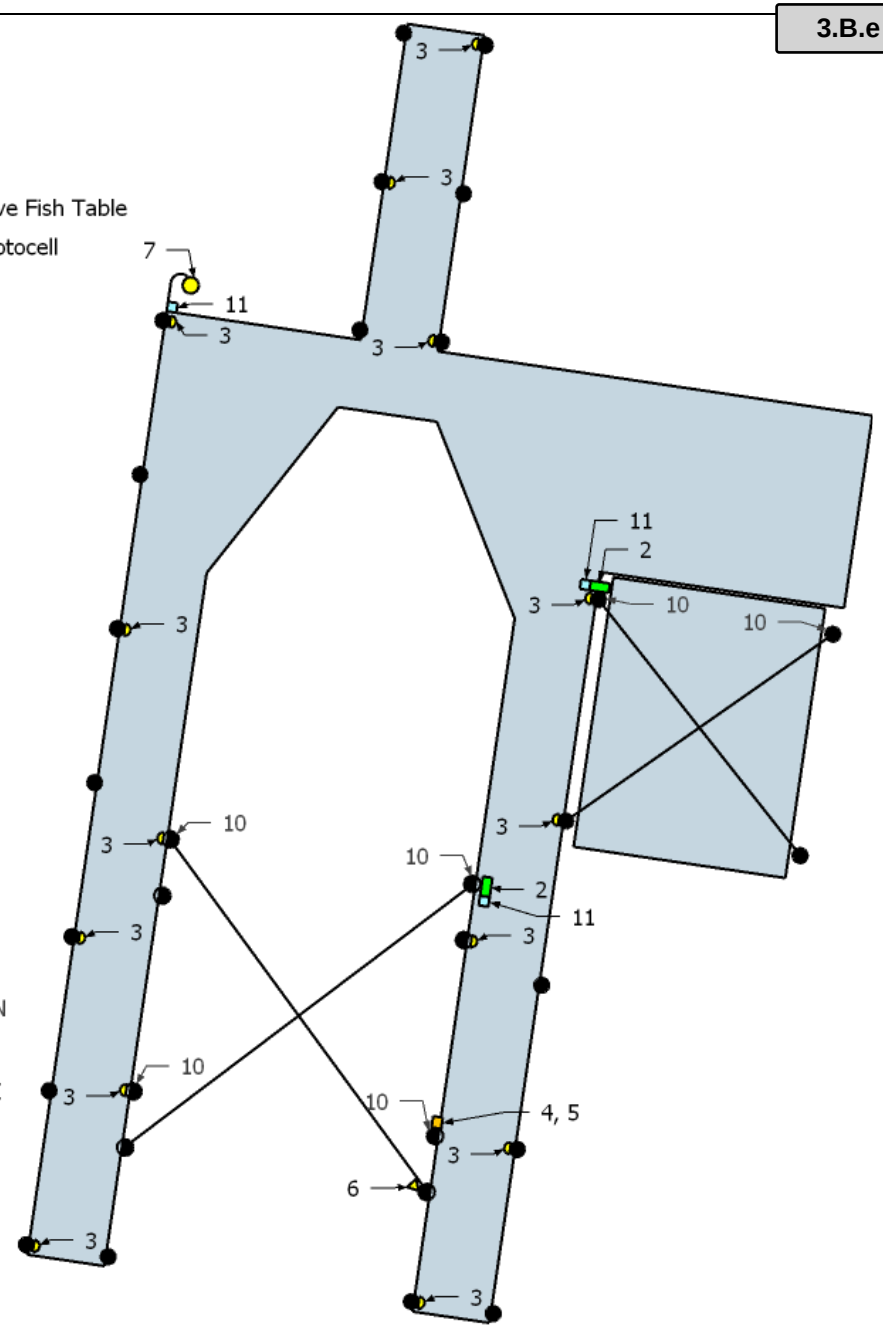


GREG ORICK MARINE CONSTRUCTION, INC. **(239) 949-5588**	Name: **Mike & Ellen Fasching** Address: **219 Malibu Cove** **Bonita Springs, FL 34134** Date: **10/30/2020**	Approved Signature: _____ Approved Date: _____

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV

- GEM Remote Control w/ Disconnect Switch
- 20 amp 120v Duplex GFI Receptacle
- 30 amp Shore Power Twist Lock Receptacle
- Lift Flood Light controlled by GEM Remote
- Goose Neck Style Overhead Light w/ Switch & GFCI Receptacle, pile mounted shining above Fish Table
- Kichler 12v LED Half Moon Lights, mounted 18" above deck on each pile, controlled by Photocell





1. PVC J-Box
2. Gem Remote for Boat Lift
3. 12v LED Path Lights
4. Shore Power 30 amp Receptacle
5. 30 amp Receptacle Disconnect Switch
6. Fluorescent Flood Light on Lift
7. Overhead Flood Light
8. S.S. Transformer
9. Sub Panel (Existing)

9a. Install 30 amp 2 pole GFCI Breaker for 4 Motor Boat Lift
9b. Install 20 amp 2 pole GFCI Breaker for 2 Motor Boat Lift
9c. Install 20 amp 1 pole GFCI Breaker for Lights
9d. Install 30 amp 1 pole GFCI Breaker for Shore Power

10. Boat Lift Motors
11. Disc. $ and GFI Receptacle
12. 1/2" PVC w/ #12/3 THHN
13. 1/2" PVC w/ #12/4 THHN
14. 1/2" PVC w/ #12/7 THHN
15. 3/4" PVC w/ #10/3 THHN
16. 3/4" PVC w/ #10/4 THHN
17. 3/4" PVC w/ #10/4 & #12/3 THHN
18. 1-1/4" PVC w/ #12/7 & #10/7 THHN
19. #10/2 Low Voltage Landscape Wire

NOTE: All dock electric circuits are GFCI protected in the electric sub-panel.

GREG ORICK MARINE CONSTRUCTION, INC.
(239) 949-5588

Name: **Mike & Ellen Fasching**
Address: **219 Malibu Cove**
Bonita Springs, FL 34134
Date: **1/7/2022**

Approved Signature: _____

Approved Date: _____

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV

STRUCTURAL NOTES:

GENERAL NOTES:

DRAWINGS SHALL NOT BE SCALED. CONTACT THE ENGINEER OR ARCHITECT IF CLARIFICATION OF ANY DIMENSION IS REQUIRED.

IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE PROPER ERECTION PROCEDURES TO ENSURE THE SAFETY OF THE BUILDING AND ITS COMPONENTS DURING CONSTRUCTION.

IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY FOR THE SAFETY OF THE WORKERS DURING ALL PHASES OF CONSTRUCTION AND FOR ADHERENCE TO ALL APPLICABLE LAWS AND REGULATIONS GOVERNING ON-SITE SAFETY PROCEDURES.

DESIGN LOADS:

THE STRUCTURAL SYSTEMS FOR THE ATTACHED DRAWINGS WERE DESIGNED PER THE WIND LOADING PRESENTED IN SECTION 1609 OF THE FLORIDA BUILDING CODE 6th EDITION (BUILDING) AND ASCE 7-16:

THESE PLANS HAVE BEEN ENGINEERED IN ACCORDANCE WITH ACCEPTABLE CODE AND STANDARDS AS SPECIFIED WITHIN THE STRUCTURAL NOTES. RDA CONSULTING ENGINEERS HAS NOT VISITED THE ASSOCIATED JOB SITE. DESIGNS HEREIN HAVE BEEN ENGINEERED ON THE BASIS OF DATA AND SPECIFICATIONS PROVIDED BY THE LIFT MANUFACTURER. STRUCTURES CONTAINED HEREIN HAVE BEEN DESIGNED SUCH THAT THEY WILL WITHSTAND WIND LOADING ASSOCIATED WITH AN ULTIMATE WIND SPEED OF 170MPH, BUILDING RISK CATEGORY I, AND WIND EXPOSURE CATEGORY D AS SPECIFIED IN FBC 2017 AND ASCE 7-16. THESE DESIGNS IN NO WAY REFLECT LOADS APPLIED TO STRUCTURES HEREIN WHILE BEING UTILIZED FOR BOAT STORAGE. IN THE EVENT OF A HIGH-WIND EVENT, BOATS SHALL NOT BE STORED ON THE LIFT. WORK SHALL BE VERIFIED PRIOR TO CONSTRUCTION, AND RDA CONSULTING ENGINEERS SHALL BE GIVEN THE OPPORTUNITY TO REEVALUATE ITS WORK UPON DISCOVERY OF INFORMATION THAT IS INCONSISTENT WITH SITE CONDITIONS. NO WARRANTY ASSOCIATED WITH THIS DESIGN IS CONTAINED HEREIN.

P.T. LUMBER REQUIREMENTS:

FASTENERS:

1. ALL FASTENERS USED TO JOIN P.T. LUMBER (e.g. BUILT-UP MULTI PLY BEAM) OR FASTEN INTO P.T. LUMBER SHALL BE ONE OF THE FOLLOWING:
   A. HOT DIPPED GALVANIZED.
   B. STAINLESS STEEL (304 OR 316).
   C. CERAMIC COATED (COATING APPROVED FOR USE WITH ACQ LUMBER).
2. ALL FASTENERS MUST BE LABELED AS APPROVED FOR USE WITH ACQ PRESSURE TREATED LUMBER.

STEEL:

1. UNPROTECTED STEEL SHALL NOT BE USED WITH PRESSURE TREATED LUMBER. STEEL SHALL BE PROTECTED WITH ONE OF THE FOLLOWING:
   A. HOT DIPPED GALVANIZED.
   B. STAINLESS STEEL (304 OR 316).

ALUMINUM:

1. ALUMINUM SHALL NOT COME INTO CONTACT WITH PRESSURE TREATED LUMBER. THIS APPLIES FOR ANY GRADE OF ALUMINUM (STRUCTURAL OR NON-STRUCTURAL). ONE OF THE FOLLOWING METHODS SHALL BE USED WHEN FASTENING ALUMINUM TO P.T. LUMBER:
   A. A PHYSICAL BARRIER MAY BE APPLIED TO SEPARATE THE ALUMINUM FROM THE P.T. (e.g. FELT PAPER). FACTORY POWDER COATING MUST BE CERTIFIED BY THE MANUFACTURER AS AN ADEQUATE BARRIER.

STRUCTURAL ALUMINUM:

STRUCTURAL BEAMS CONTAINED HEREIN ARE TO BE OF ALUMINUM CONSTRUCTION.

ALL STRUCTURAL ALUMINUM SHALL BE 6061-T6 ALLOY OR BETTER.

ALL ALUMINUM STRUCTURES SHOWN ON THE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE ALUMINUM DESIGN MANUAL- "SPECIFICATIONS AND GUIDELINES FOR ALUMINUM STRUCTURES" PUBLISHED BY THE ALUMINUM ASSOCIATION.

THE FOLLOWING REQUIREMENTS APPLY TO STRUCTURAL ALUMINUM IN CONTACT WITH CONCRETE OR STEEL. SEE "P.T. LUMBER REQUIREMENTS" FOR SPECIFICATIONS REGARDING ALUMINUM IN CONTACT WITH PRESSURE TREATED LUMBER.

ALL WELDED CONNECTIONS SHALL BE A MINIMUM 1/4" FULL FILLET WELD USING 5556 FILLER ALLOY.

STEEL:

1. ALUMINUM SHALL NOT BE LEFT IN CONTACT WITH STEEL FOR AN EXTENDED PERIOD OF TIME. ALL ALUMINUM SURFACES IN CONTACT WITH STEEL SHALL BE PROTECTED WITH ONE OF THE FOLLOWING METHODS:
   A. ALUMINUM SURFACES SHALL BE PAINTED WITH ASPHALT PAINT OR ALKALI RESISTANT BITUMINOUS PAINT.
   B. A PHYSICAL BARRIER MAY BE APPLIED TO SEPARATE THE ALUMINUM FROM THE STEEL (e.g. FELT PAPER).
   C. STEEL SHALL BE 304 STAINLESS STEEL OR GREATER.

FASTENERS:

1. ALL FASTENERS SHALL BE 304 STAINLESS STEEL. ALL OTHER HARDWARE (NUTS, WASHERS, HURRICANE STRAPS, ETC.) SHALL ALSO BE 304 STAINLESS STEEL OR GREATER - NO EXCEPTIONS.

STRUCTURAL STEEL:

STEEL COMPONENTS, WHEN PRESENT, SHALL BE IN ACCORDANCE WITH AISC "MANUAL OF STEEL CONSTRUCTION" WITH THE FOLLOWING PROPERTIES:

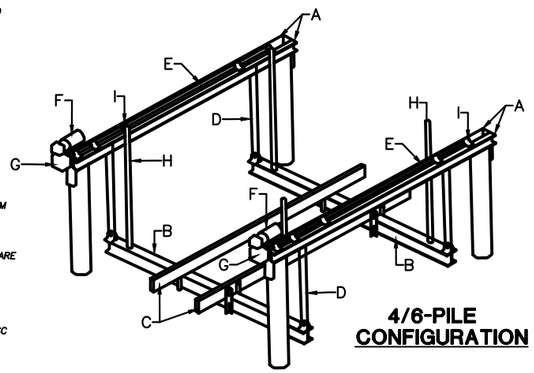
TUBE SECTIONS (ASTM A-500, GR. B)	Fy = 46,000 PSI
WIDE FLANGE BEAMS (GR. 50)	Fy = 50,000 PSI
CHANNELS, MISC. SHAPES (ASTM A-36)	Fy = 36,000 PSI
PIPE COLUMNS	Fy = 35,000 PSI
BOLTS, ASTM A325	Fy = 36,000 PSI

ALL STRUCTURAL STEEL USED AS AN EXTERIOR APPLICATION (WHETHER WRAPPED WITH A FINISH MATERIAL OR LEFT EXPOSED) SHALL BE HOT-DIPPED GALVANIZED (G90).

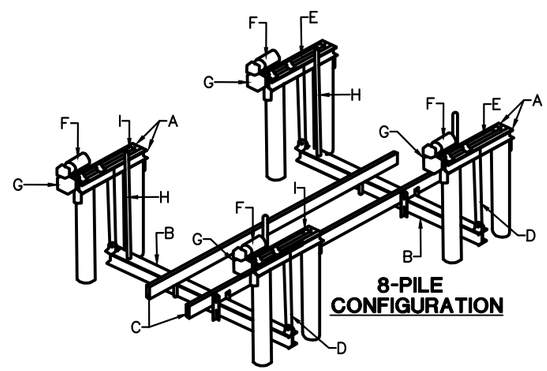
FASTENERS AND MECHANICAL CONNECTORS SHALL BE GALVANIZED. STRUCTURES SHALL HAVE FASTENERS EITHER:
(A) - HOT-DIPPED GALVANIZED WITH 1.5 OZ. ZINC PER 1 SQ.FT.
(B) - TRIPLE ZINC COATED PER ASTM A90.
(C) - STAINLESS STEEL

WIND LOAD CRITERIA

ULTIMATE WIND SPEED	170 MPH
NOMINAL WIND SPEED	132 MPH
RISK CATEGORY	I
WIND EXPOSURE CATEGORY	D
INTERNAL PRESSURE COEFFICIENT	±0.00 (OPEN)
MEAN ROOF HEIGHT	N/A



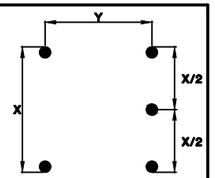
4/6-PILE CONFIGURATION



8-PILE CONFIGURATION

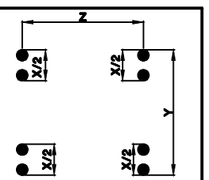
LIFT CAPACITY (LBS)	(A) (2ea.) TOP BEAM CHANNEL	TOP BEAM OVERALL LENGTH (IN)	QUANTITY OF PILES	(B) CRADLE BEAM	CRADLE BEAM LENGTH (IN)	(C) BUNKS, CARPETED	(D) CABLES (No. Parts)	(E) DRIVE SHAFT (GALVANIZED)	(F) MOTOR CONFIG.	(G) GEAR, TORQUE (LBS)	(H) GUIDE POST, HEIGHT (IN)	(I) BEARING CONFIG
4,500	4H x .15 2W x .23	150	(4) 8"-9"	6"H x 4"W .29/.19	132	2x8 LENGTH=144"	(1) 5/16" x 16' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 3/4 HP	3,000	60	(10)-3" SOLID EXTRUSION (6061-T6)
7,000	5H x .15 2.25W x .26	150	(4) 8"-9"	6"H x 4"W .35/.21	144	2x8 LENGTH=144"	(1) 5/16" x 16' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 1 HP	4,000	60	(10)-3" SOLID EXTRUSION (6061-T6)
10,000	6H x .17 2.5W x .29	150	(4) 9"-10"	8"H x 5"W .35/.23	150	2x8 LENGTH=144"	(2) 5/16" x 30' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 1 HP	4,000	80	(10)-3" SOLID EXTRUSION (6061-T6)
13,000	6H x .21 3.25W x .35	150	(4) 9"-10"	8"H x 5"W .41/.25	150	2x8 LENGTH=144"	(2) 5/16" x 30' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 1 HP	4,000	80	(10)-3" SOLID EXTRUSION (6061-T6)
16,000	7H x .21 3.5W x .38	150	(4) 9"-10"	10"H x 6"W .41/.25	168	3x10 LENGTH=144"	(2) 5/16" x 30' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 1 HP	4,000	120	(10)-3" SOLID EXTRUSION (6061-T6)
20,000	8H x .25 3.75W x .41	177	(6) 10"-12"	10"H x 6"W .41/.25	192	3x10 LENGTH=192"	(3) 5/16" x 45' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 1 HP	4,000	120	(10)-3" SOLID EXTRUSION (6061-T6)
24,000	8H x .25 3.75W x .41	192	(6) 10"-12"	10"H x 6"W .50/.29	192	3x10 LENGTH=192"	(3) 5/16" x 45' SS	1.9" DIA. SCHED. 80 PIPE	(2)-MOTORS ea. 1 HP	4,000	120	(10)-3" SOLID EXTRUSION (6061-T6)
16,000	6H x .17 2.5W x .29	48	(8) 9"-10"	10"H x 6"W .41/.25	168	3x10 LENGTH=192"	(2) 5/16" x 30' SS	1.9" DIA. SCHED. 80 PIPE	(4)-MOTORS ea. 3/4 HP	3,000	120	(12)-3" SOLID EXTRUSION (6061-T6)
20,000	6H x .21 3.25W x .35	48	(8) 9"-10"	10"H x 6"W .41/.25	192	3x10 LENGTH=192"	(2) 5/16" x 30' SS	1.9" DIA. SCHED. 80 PIPE	(4)-MOTORS ea. 3/4 HP	3,000	120	(12)-3" SOLID EXTRUSION (6061-T6)
24,000	7H x .21 3.5W x .38	48	(8) 10"-12"	10"H x 6"W .50/.29	192	3x10 LENGTH=192"	(2) 5/16" x 30' SS	1.9" DIA. SCHED. 80 PIPE	(4)-MOTORS ea. 3/4 HP	3,000	120	(12)-3" SOLID EXTRUSION (6061-T6)
32,000	8H x .25 3.75W x .41	60	(8) 10"-12"	12"H x 7"W .62/.31	192	3x10 LENGTH=192"	(3) 5/16" x 45' SS	1.9" DIA. SCHED. 80 PIPE	(4)-MOTORS ea. 1 HP	4,000	120	(12)-3" SOLID EXTRUSION (6061-T6)

LIFT CAPACITY	4,500 LB	7,000 LB	10,000 LB	13,000 LB	16,000 LB	20,000 LB	24,000 LB
PILE CONFIG	(4) 8"-9"	(4) 8"-9"	(4) 9"-10"	(4) 9"-10"	(4) 9"-10"	(6) 10"-12"	(6) 10"-12"
UPPER BEAM (X) (IN)	147	147	147	147	147	174	189
CRADLE BEAM (Y) (IN)	132	144	150	150	168	192	192



4/6-PILE CONFIGURATION

LIFT CAPACITY	16,000 LB	20,000 LB	24,000 LB	32,000 LB
PILE CONFIG	(8) 9"-10"	(8) 9"-10"	(8) 10"-12"	(8) 10"-12"
UPPER BEAM (X) (IN)	45	45	45	57
CRADLE BEAM (Y) (IN)	168	192	192	192
CRADLE BEAM (Z) (IN)	168	192	192	192



8-PILE CONFIGURATION

PILES ARE TO BE No.2 GRADE PRESSURE TREATED WOOD. PENETRATION DEPTH INTO BASE SOIL SHALL BE VERIFIED ON THE BASIS OF SUBSOIL CONDITIONS. MINIMUM PENETRATION DEPTH OF PILES INTO SANDY SOIL TO BE 10'-0". MINIMUM PENETRATION DEPTH MAY BE REDUCED ON THE BASIS OF A SUFFICIENT ROCK BED TO SUPPORT PILINGS AND OTHER SUBSOIL CONDITIONS UPON DISCOVERY.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THESE PLANS AND SPECIFICATIONS CONFORM TO LOCAL BUILDING CODE REQUIREMENTS

RONNY DE AZA
FLORIDA P.E. # 78411

MARINE LUMBER AND DECKING

SUPPLIES

NAPLES, FL

RDA Consulting Engineers

CERTIFICATE OF AUTHORIZATION NUMBER: 31149

800 HARBOUR DRIVE, SUITE 210 NAPLES, FL (239) 649-5551

DRAWN BY: C.M.W.	DATE: 7/01/2020 SCALE: AS SHOWN
DESIGNED BY: C.M.W.	JOB NUMBER: RDA20410
APPROVED BY: R.D.A.	REFERENCE:RDA20410

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

PRBD202201010 1

INSPECTION JOB CARD

To schedule inspections call 239-252-3726
or visit https://cvportal.colliercountyfl.gov/cityviewweb

SETBACKS:											
FRONT:		REAR:	63' Protrusion (PL20210000039)	LEFT:	5' (PL20210000098)	RIGHT:	15'	SPECIAL:		FLOOD ZONE:	FZAE

INSPECTION	OUTCOME	COMMENTS
115 - Building Final		
502 - Electrical Final		
810 - Exotic Vegetation Removal		

OPEN CONDITIONS Condition Type:	Condition Description:
Inspection Hold	Notice of Commencement: Upload to the condition on the portal.
Informational	To Extend OR Cancel Permit upload extension request document. Follow link to locate Forms; https://www.colliercountyfl.gov/your-government/divisions-a-e/building-review/building-permit-resolution-services

NOTE: If you are unable to schedule your inspection, please contact the inspection desk at 252-2400.
NOISE ORDINANCE: Collier County Codes of Laws and Ordinances 54-92(f) Construction Sound. NOISE LIMITATIONS in effect at all times. Work permitted, RESIDENTIAL Areas – 6:30 AM to 7:00 PM Monday thru Saturday; NON-RESIDEN Areas (more than 500 feet from Residential Area) 6:00AM to 8:00PM Monday thru Saturday. No Work on Sundays or Holida RADIOS, LOUDSPEAKERS, ETC. – Must not disturb peace, quiet and comfort of neighboring inhabitants. FREE CABLE LOCATIONS – Call 48 Hours prior to digging/FPL 434-1222/UTS 1-800-542-0088/PalmerCATV 783-0638 and all other appli utilities.

Per currently adopted building code ordinance, as it may be amended, all work must comply with all applicable laws, codes, ordinances, and any additional stipulations or conditions of this permit. This permit expires if work authorized by the permit commenced within six (6) months from the date of issuance of the permit. Additional fees for failing to obtain permits prior to commencement of construction may be imposed. Permittee(s) further understands that any contractor that may be employed be a licensed contractor and that the structure must not be used or occupied until a Certificate of Occupancy is issued.

NOTICE: PRIOR TO THE REMOVAL OF ASBESTOS PRODUCTS OR THE DEMOLITION OF A STRUCTURE, FEDE AND STATE LAWS REQUIRE THE PERMITTEE (EITHER THE OWNER OR CONTRACTOR) TO SUBMIT A NOTIC THE INTENDED WORK TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP). FOR MORE INFORMATION, CONTACT DEP AT (239) 344-5600.

NOTICE: In addition to the conditions of this permit, there may be additional restrictions applicable to this property that ma found in the public records of this county, and there may be additional permits required from other governmental entities suc water management districts, state agencies, or federal agencies.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMEN

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTE TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Attachment: Attachment D - Permit PRBD20220101094 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

HEX NO. 2021-57

HEARING EXAMINER DECISION

DATE OF HEARING.

October 28, 2021

PETITION.

PETITION NO. VA-PL20210000098 - Request for a variance from Section 5.03.06.E.5 of the Land Development Code to reduce the required side yard/riparian setback for dock facilities on lots with water frontage of 60 feet or greater from 15 feet to 5 feet for a lot with 113± feet of water frontage located within the residential component of the Lely Barefoot Beach Planned Unit Development, Ordinance No. 77-48, as amended, at 219 Malibu Cove and further described as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East, Collier County, Florida

GENERAL PURPOSE FOR THE PETITION.

The petitioner requests to replace an existing dock with a new dock facility that has been designed to accommodate a larger 43-foot vessel. As proposed, the new dock facility will encroach 10 feet into the otherwise required 15- foot side/riparian setback on the east side. Dock protrusion is the subject of a companion Boat Dock Extension petition, BDE-PL20210000039.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The Hearing Examiner has jurisdiction over this Petitioner pursuant to Sec. 2-87(2) of the Collier County of Ordinances, Sec. 8.10.00 of the Land Development Code, and Chapter 9 of the County Administrative Code.

2. The public hearing for this Petition was properly noticed and conducted in accordance with all County and state requirements.

3. The public hearing was conducted electronically and in-person in accordance with Emergency/Executive Order 2020-04.

4. The Petitioner and/or Petitioner's representative executed the Hybrid Virtual Quasi-Judicial Public Hearing Waiver related to conducting the public hearing electronically and in-person.

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

5. This Petition is a companion to Petition No. BDE-PL20210000039, to allow the proposed boat dock facility to protrude a total of 63 feet into a waterway that is 325± feet wide.

6. The County representative introduced the Petition and staff recommendations, followed by Petitioner and/or Petitioner's representative, public comment and then rebuttal by the Petitioner and/or Petitioner's representative. There were no objections to the Petition at the public hearing.

7. The County's Land Development Section 9.04.03 lists the criteria for variances. The Hearing Examiner having the same authority as the Board of Zoning Appeals may grant, deny or modify any request for a variance from the regulations or restrictions of the Collier County Land Development Code.[1]

    1. Are there special conditions and circumstances existing, which are peculiar to the location, size and characteristics of the land, structure or building involved?

        The record evidence and testimony from the public hearing reflects that the shape of the shoreline and existence of a Conservation Easement limit dock design options as does the existence of neighboring dock facilities. The petitioner has designed the proposed facility with all the aforementioned circumstances considered, including the desire not to impede the use of neighboring dock facilities.

    2. Are there special conditions and circumstances, which do not result from the action of the applicant such as pre-existing conditions relative to the property, which are the subject of the Variance request?

        The record evidence and testimony from the public hearing reflects that the *property's natural shoreline, shape of the shoreline, and Conservation Easement necessitated the additional protrusion (Subject of companion BDE) due to the pie-shaped riparian lines. The proposed dock has been designed to compensate for the above and to accommodate the desired vessel size of 43 feet.*

    3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties for the applicant?

        The record evidence and testimony from the public hearing reflects that a literal interpretation of the Code would compel a smaller dock, thereby creating practical difficulties for the applicant with respect to the docking of a 43-foot vessel.

    4. Will the Variance, if granted, be the minimum Variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety, and welfare?

        The record evidence and testimony from the public hearing reflects that with exception to the decked over lift, there is no excess decking. As for the decked over lift, the applicant

[1] The Hearing Examiner's findings are italicized.

has explained that it is to be a platform for kayaks and paddleboards, said lift is not the offending portion of the proposed dock with respect to the side/riparian Variance request.

5. Will granting the Variance confer on the applicant any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

   The record evidence and testimony from the public hearing reflects that a variance bestows some dimensional relief from the zoning regulations specific to a site. LDC Section 9.04.02 allows relief through the variance process for any dimensional development standard. However, other properties facing a similar situation are entitled to make a similar request and would be conferred equal consideration on a case-by-case basis.

6. Will granting the Variance be in harmony with the general intent and purpose of this Land Development Code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

   The record evidence and testimony from the public hearing reflects that the granting of the subject variance request will be in harmony with the general intent and purpose of the LDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf courses, etc.?

   The record evidence and testimony from the public hearing reflects that the subject docking facility is uniquely situated and compensates for existing dock facilities as well as an existing Conservation Easement.

8. Will granting the Variance be consistent with the GMP?

   The record evidence and testimony from the public hearing reflects that his Variance will not affect or change the requirements of the GMP with respect to density, intensity, compatibility, access/connectivity, or any other applicable provisions.

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there is enough competent, substantial evidence as applied to the criteria set forth in Section 9.04.03 of the Land Development Code to approve Petition.

DECISION.

The Hearing Examiner hereby APPROVES Petition No. VA-PL20210000098, filed by Jeff Rogers of Turrell, Hall & Associates, Inc., representing Michael and Ellen Fasching, with respect

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

to the property described as 219 Malibu Cove, located at the southwest corner of San Mateo Drive and Malibu Cove. Said property is identified as Lot 19, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida, for the following:

- A variance from Section 5.03.06.E.5 of the Collier County Land Development Code, to reduce the required side/riparian setback for dock facilities on lots with water frontage of 60 feet or greater from 15 feet to 5 feet for a lot with 113± feet of water frontage, for the benefit of the subject property.
-

Said changes are fully described in Proposed Dock Plans attached as Exhibit "A" are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – Proposed Dock Plans

LEGAL DESCRIPTION.

219 Malibu Cove, located at the southwest corner of San Mateo Drive and Malibu Cove. Said property is identified as Lot 19, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida

CONDITIONS.

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

DISCLAIMER.

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS.

This decision becomes effective on the date it is rendered. An appeal of this decision shall be done in accordance with applicable ordinances, codes and law.

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

November 24, 2021
Date

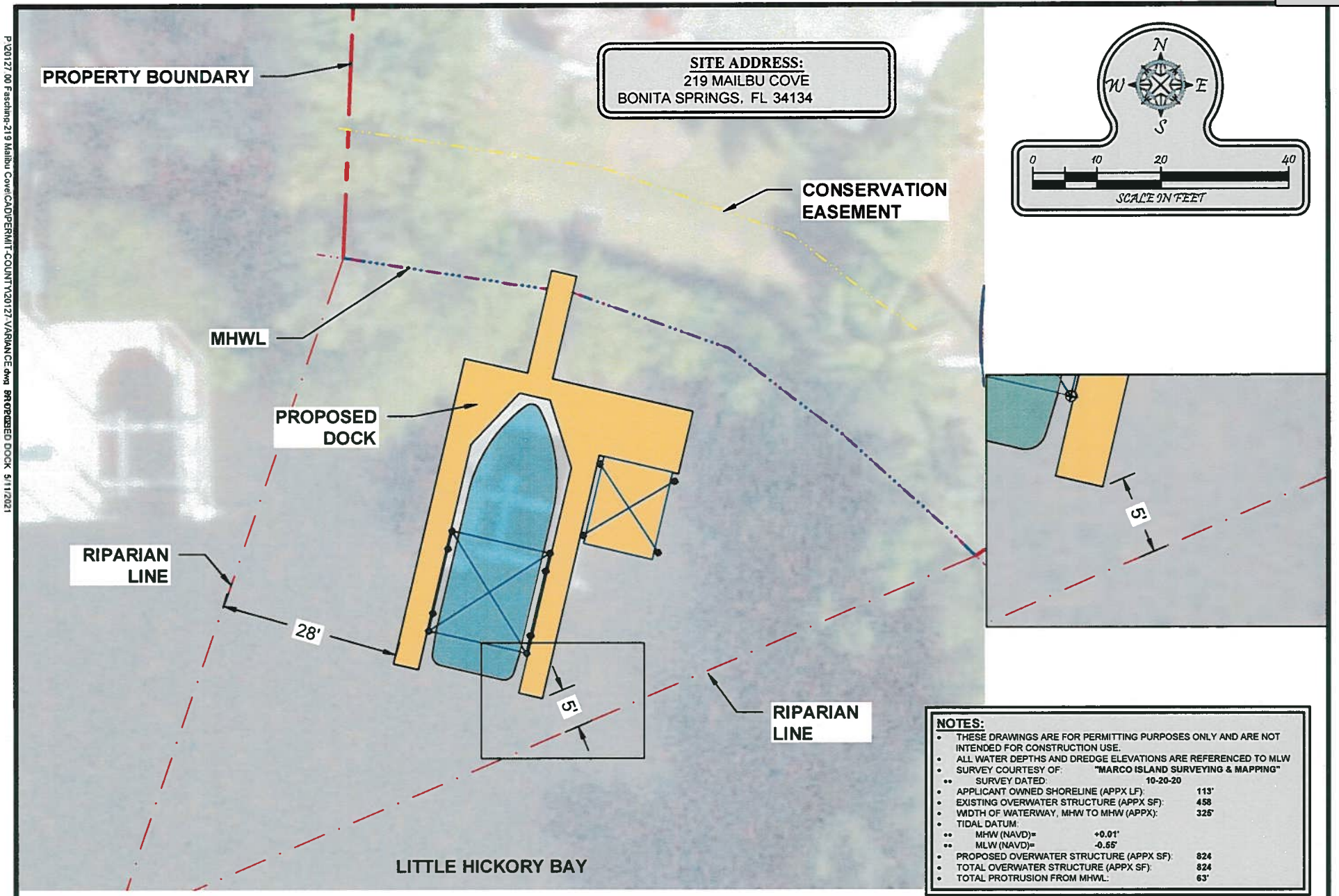
Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

EXHIBIT “A”

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127 VARIANCE.dwg 5/11/2021 PROPOSED DOCK



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO ISLAND SURVEYING & MAPPING"
  - SURVEY DATED: 10-20-20
- APPLICANT OWNED SHORELINE (APPX LF): 113'
- EXISTING OVERWATER STRUCTURE (APPX SF): 458
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 325'
- TIDAL DATUM:
  - MHW (NAVD)= +0.01'
  - MLW (NAVD)= -0.55'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 824
- TOTAL OVERWATER STRUCTURE (APPX SF): 824
- TOTAL PROTRUSION FROM MHWL: 63'

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

PROPOSED DOCK

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

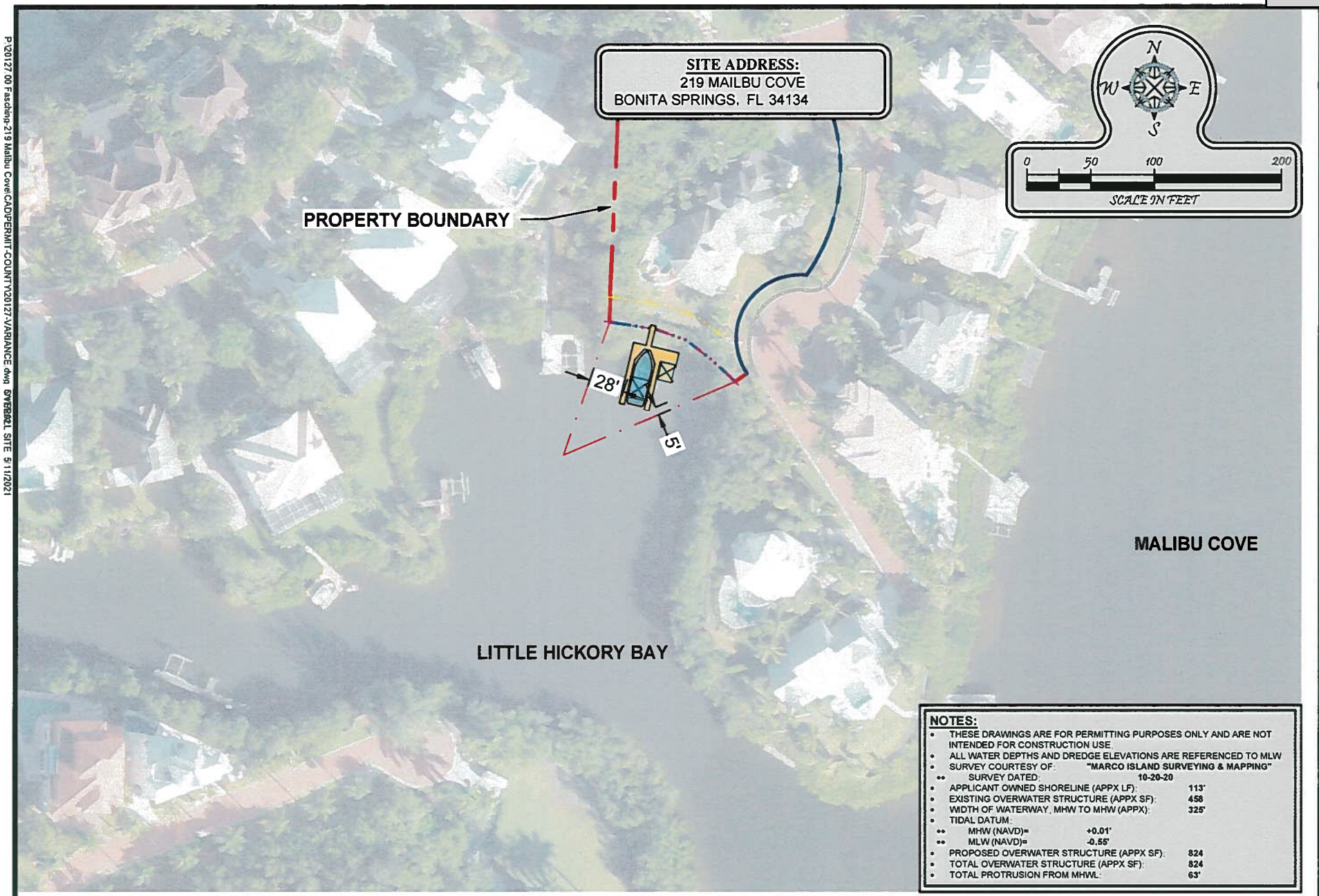
		REV#	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	02 OF 03	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

EXHIBIT "A"

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 :

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-VARIANCE.dwg 5/11/2021 SITE



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- TOTAL PROTRUSION FROM MHWL: 63'

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

OVERALL SITE

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR
DRAWN BY:	BD
CREATED:	05-11-21
JOB NO.:	20127.00
SHEET NO.:	03 OF 03

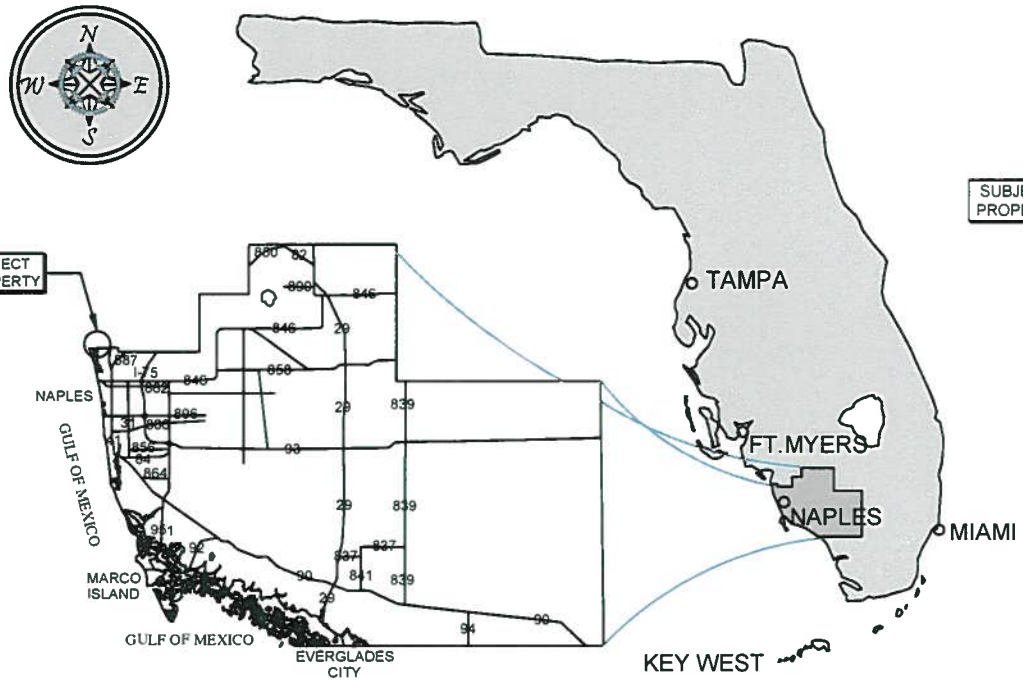
REV#	REV BY	DATE	CHK BY	CHANGES
1.	-	-	-	-
2.	-	-	-	-
3.	-	-	-	-
4.	-	-	-	-
5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

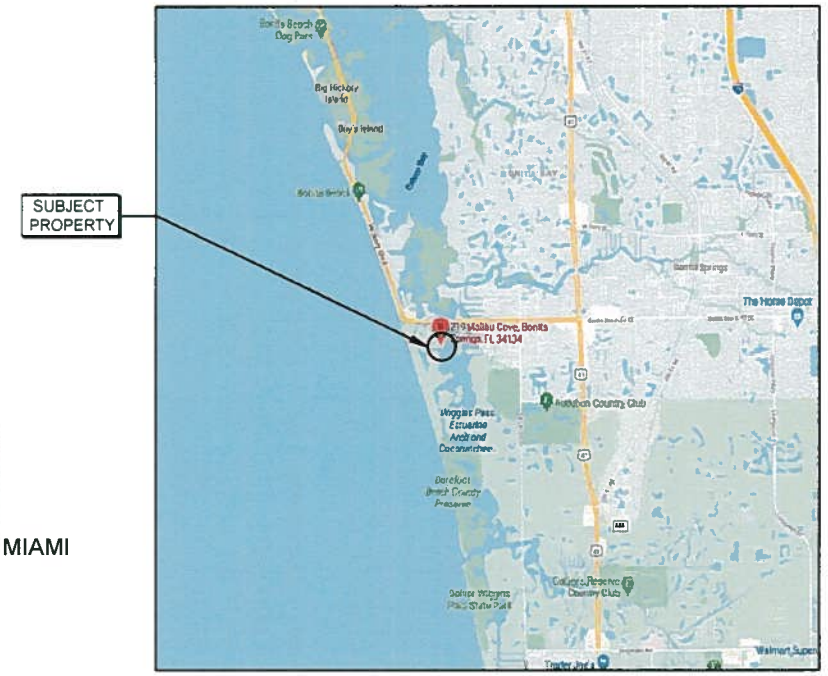
Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 :

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-VARIANCE.dwg LOCATION MAP 5/11/2021

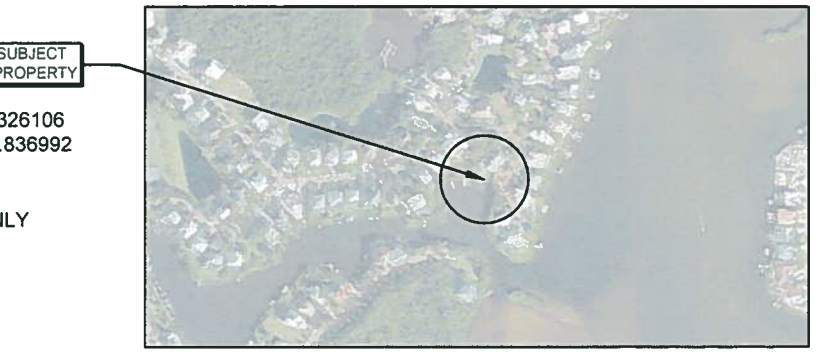
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:

<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

LOCATION MAP

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		REVS	REV BY	DATE	CHK BY	CHANGES
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	01 OF 03	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

Attachment: Attachment E - HEX DECISION 2021-57 Petition No. VA-PL20210000098 - 10-28-21 (28140 :

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

HEX NO. 2021-58

HEARING EXAMINER DECISION

DATE OF HEARING.

October 28, 2021

PETITION.

PETITION NO. BDE-PL20210000039 - Request for a 43-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, for a total protrusion of 63 feet into a waterway that is 325± feet wide, to accommodate a new docking facility with two boat lifts, one for a 43-foot vessel and the other to be decked over to be used for kayak and paddleboard access, for property located at 219 Malibu Cove and further described as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East, Collier County, Florida.

GENERAL PURPOSE FOR THE PETITION.

To replace an existing dock with a new dock facility with two boat lifts, one for a 43-foot vessel and the other to be decked over to be used for kayak and paddleboard access. The proposed dock facility will protrude 63 feet from the Mean High-Water Line (MHWL) which also serves as the platted property line. As proposed, the new dock facility will also encroach 10 feet into the required 15-foott side/riparian setback which is the subject of a companion variance request.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The Hearing Examiner has jurisdiction over this Petitioner pursuant to Sec. 2-87(4) of the Collier County of Ordinances, Sec. 8.10.00 of the Land Development Code, and Chapter 9 of the County Administrative Code.

2. The public hearing for this Petition was properly noticed and conducted in accordance with all County and state requirements.

3. The public hearing was conducted electronically and in-person in accordance with Emergency/Executive Order 2020-04.

4. The Petitioner and/or Petitioner's representative executed the Hybrid Virtual Quasi-Judicial Public Hearing Waiver related to conducting the public hearing electronically and in-person.

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

5. There is a companion Petition No. VA-PL20210000098 for dock side/riparian setback reduction.

6. The County representative introduced the Petition and staff recommendations, followed by Petitioner and/or Petitioner's representative, and then public comment. No objections were made at the hearing.

7. The County's Land Development Code Section 5.03.06.H. lists the criteria for dock facility extensions. The Hearing Examiner may approve, approve with conditions, or deny a boat dock extension request if it is determined that at least four (4) of the five (5) primary criteria, and at least four (4) of the six (6) secondary criteria have been met.[1]

Primary Criteria:

1. Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

   *The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. The subject property is improved with a single-family residence, allowing for up to two boat slips, and is on an irregularly shaped lot with 113± feet of water frontage within a residential component of a planned unit development (PUD). The petitioner desires to remove the existing single-slip dock thereby allowing for its replacement with a two-slip dock facility; one slip for a 43-foot vessel and the other to be decked over for kayak and paddle board access.*

2. Whether the water depth at the proposed site is so shallow that a vessel of the general length, type and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension.)

   *The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. The applicant states that this boat dock extension (BDE) request is based on the existing shoreline conditions which consist of a shallow natural mangrove shoreline. The mangrove shoreline is also a Conservation Easement that any proposed docking facility is required to extend out beyond to ensure the shoreline remains in its natural state. Limited lateral branches will be trimmed to install the dock access but is within the footprint of the existing walkway. The proposed vessel is relatively large and is the driving factor in this BDE request but due to the natural mangrove shoreline and shallow depths*

[1] The Hearing Examiner's findings are italicized.

along the mangrove fringe requires the dock footprint be pushed further out into the subject waterway. As designed the dock is consistent with all the other docks previously approved within the Little Hickory Bay.

3. Whether the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

   *The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. The applicant states the proposed dock facility is at the terminus end of the bay with little to no navigation within other than for neighboring properties. Additionally, the overall protrusion has been reduced to the extent possible for the vessel to reach adequate water depths to avoid dredging and impacts to the natural mangrove shoreline. Water depth is not a factor pertaining to this criterion.*

4. Whether the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50 percent of the waterway width between dock facilities on either side is maintained for navigability. (The facility should maintain the required percentages.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The applicable waterway is 325± feet wide as measures from MHWL to MHWL, the requested protrusion is 63 feet; therefore, the proposed dock facility will occupy 19.38 percent of the width of said waterway. Given that the subject dock facility is located within a basin it is difficult to say just how much room for navigability exists; however, given that natural portions of the bay are far more restrictive the intent of this challenge is satisfied.*

5. Whether the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *As depicted upon the Proposed Dock Plan, the proposed dock facility provides adequate setbacks from both neighboring dock facilities; therefore, it will not interfere with the use of said docks. The natural mangrove shoreline provides for a visual buffer of the waterway and serves to ameliorate any views that might otherwise be impacted.*

Secondary Criteria:

1. Whether there are special conditions not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The applicant states the following: "The subject property has two special conditions that are contributing to this BDE request other than the owner's vessel and shallow water depths. The first condition is the natural mangrove shoreline that cannot be impacted or removed due to it being recorded as a Conservation Easement which requires us to design the dock on the waterward side of the mangrove fringe. The second condition is the subject property's shape of shoreline that will only allow the proposed dock to be placed just about in the same location of the existing docking facility due to the adjacent existing and proposed docks. Rotating the direction of the proposed dock would create potential ingress/egress issues with the adjacent neighboring dock to the west." With exception to water depth, sufficient justification has been provided; water depth is not a factor of this criterion.*

2. Whether the proposed dock facility would allow reasonable, safe access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *Most of the proposed dock facility is comprised of a U-shaped dock with 4-foot finger docks on either side of the primary lift. The second lift, to be decked over for kayak and paddleboard access has no finger pier on the outer portion but has a 10-foot area to the front. It is staff's opinion there is minimal extra decking and that the finger docks are of the minimum width needed for safe operations.*

3. For single-family dock facilities, whether the length of the vessel, or vessels in combination, described by the petitioner, exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The subject property has 113± feet of water frontage and the primary vessel to be docked is 43 feet which is 38.05 percent of the waterfront. Kayaks and paddleboards are non-motorized and should not be included as part of this calculation.*

4. Whether the proposed facility would have a major impact on the waterfront view of neighboring property owners. (The facility should not have a major impact on the view of a neighboring property owner.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET.** *The proposed dock has been designed within the designated riparian lines and is consistent with the existing docks along the subject shoreline. Additionally, the natural mangrove shoreline serves as a visual buffer of the waterway.*

5. Whether seagrass beds will be impacted by the proposed dock facility. (If seagrass beds are present, compliance with subsection 5.03.06.J of the LDC must be demonstrated.)

The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The submerged resources survey provided indicates that no seagrass beds exist within 200-feet of the proposed dock. No seagrass beds will be impacted by the proposed dock facility.*

6. Whether the proposed dock facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this Code. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated.)

   The record evidence and testimony from the public hearing reflects that the criterion is **NOT APPLICABLE**. *The provisions of the Collier County Manatee Protection Plan do not apply to individual docks behind individual residences.*

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there is enough competent, substantial evidence as applied to the criteria set forth in Section 5.03.06.H of the Land Development Code to approve the Petition. The Petition meets 5 out of 5 of the primary criteria and 5 out of 6 secondary criteria (one secondary is not applicable in this case).

DECISION.

The Hearing Examiner hereby APPROVES Petition Number BDE-PL20210000039, filed Jeff Rogers of Turrell, Hall & Associates, Inc., representing Michael and Ellen Fasching, with respect to the property described as 219 Malibu Cove, located at the southwest corner of San Mateo Drive and Malibu Cove. Said property is identified as Lot 19, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida, for the following:

- A 43-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, for a total protrusion of 63 feet into a waterway that is 325± feet wide, for the benefit of the subject property.

Said changes are fully described in the Dock Plans and Boundary and Topographic Survey attached as Exhibit "A" and the Restoration Plan attached as Exhibit "B" and are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – Dock Plans and Boundary and Topographic Survey
Exhibit B – Restoration Plan

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

LEGAL DESCRIPTION.

678 Palm Court, further described as Lot 27, Block F, Goodland Isles Second Addition, in Section 18, Township 52 South, Range 27 East, Collier County, Florida

CONDITIONS.

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

1. A Special Treatment Permit (ST) must be obtained prior to obtaining a building permit for the proposed docking facility.

2. Companion Petition No. VA-PL20210000098 must be approved for the subject dock facility to be constructed within the setbacks provided herein; absent such approval, this BDE is rendered null and void.

3. The restoration plantings described within the attached Restoration Plan must be installed and inspected prior to the issuance of a Certificate of Completion for the subject boat dock facility.

4. A Building Permit must be issued for a principal structure on the subject property prior to issuance of a Building Permit for an accessory structure; to Wit: The Proposed Dock Facility. 4. A Certificate of Occupancy must be issued for a principal structure at this location prior to the issuance of an accessory structure; to Wit: the Proposed Dock Facility.

DISCLAIMER

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS.

This decision becomes effective on the date it is rendered. An appeal of this decision shall be done in accordance with applicable ordinances, codes and law.

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

November 24, 2021
Date

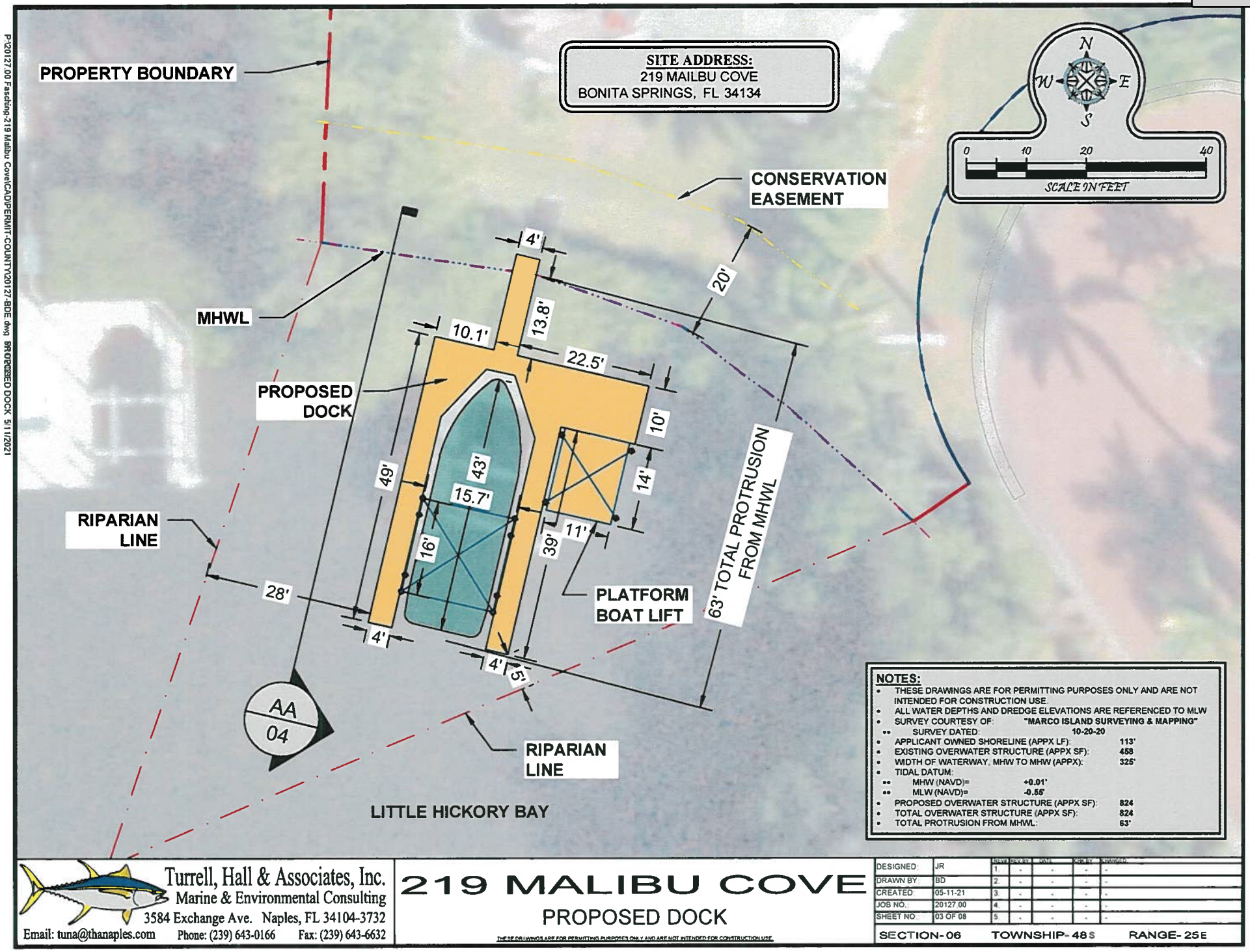
Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

EXHIBIT “A”

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg PROPOSED DOCK 5/11/2021



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

PROPOSED DOCK

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

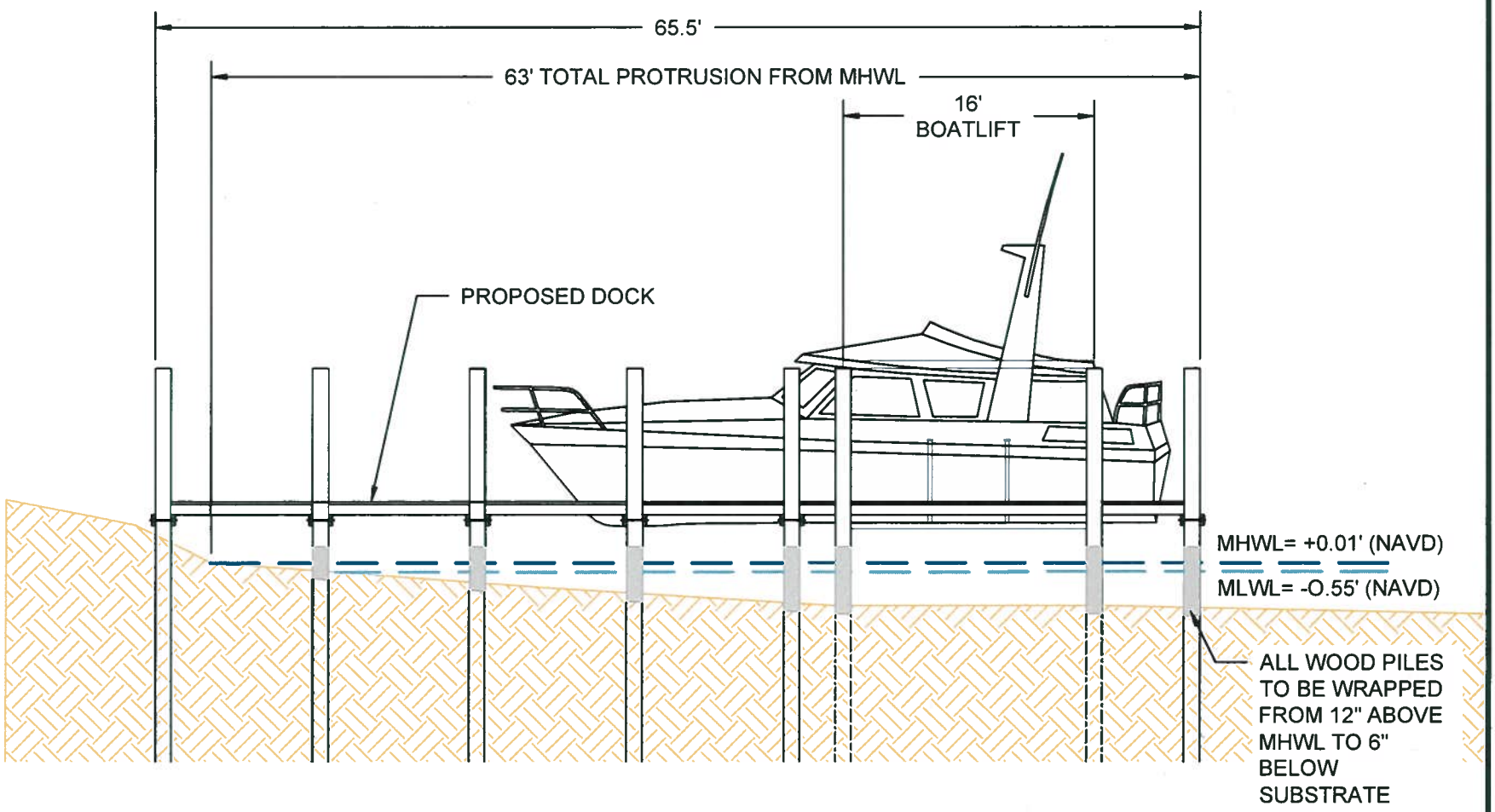
		REV #	REV BY	DATE	CHK BY	CHANGES
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

EXHIBIT "A"

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 :

P:\20127.00 Fasching 219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg SECTION AA 5/11/2021



CROSS SECTION AA WITH BOAT

SCALE: 1" = 10'

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3584 Exchange Ave. Naples, FL 34104-3732
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219 MALIBU COVE

SECTION AA

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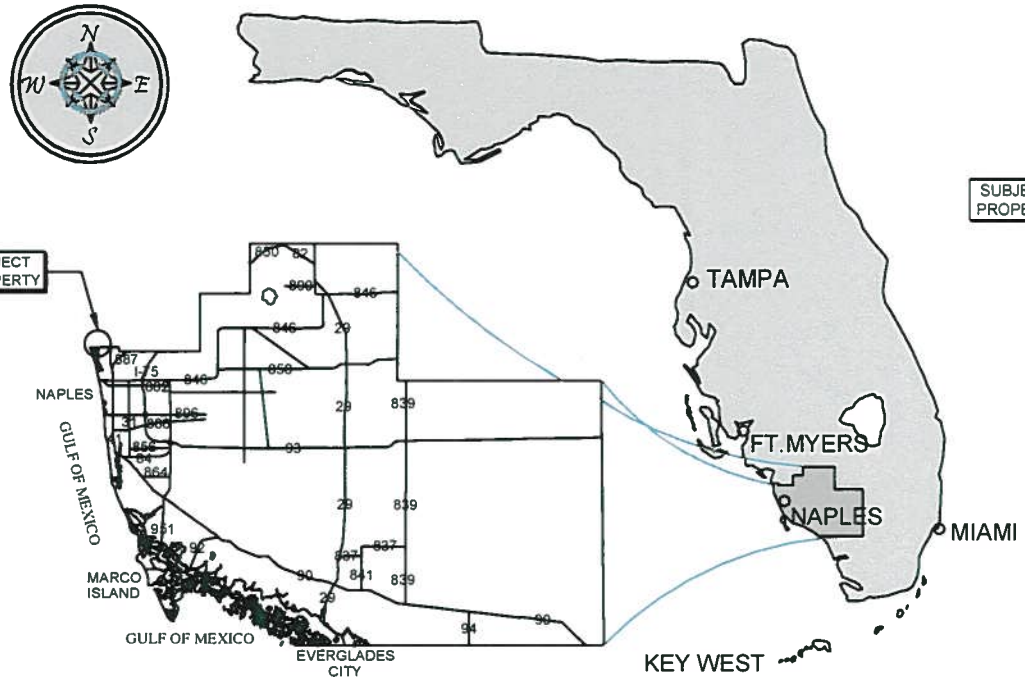
		Revs	REV'D BY	DATE	CHK'D BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	04 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

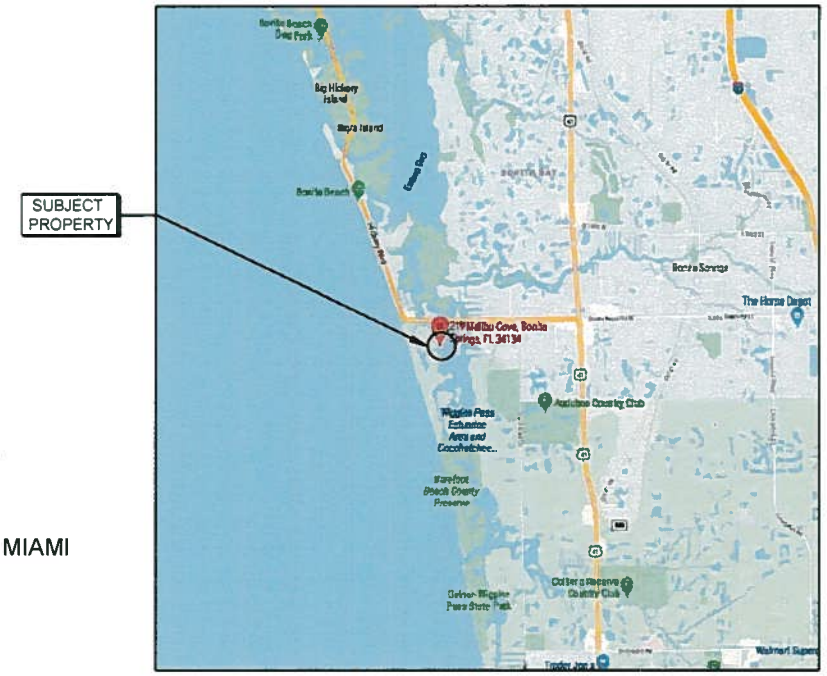
Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 :

P:\20127.00 Fasching 219 Malibu Cove\CAD\PERMIT-COUNTY\20127 BDE.dwg LOCATION MAP 5/11/2021

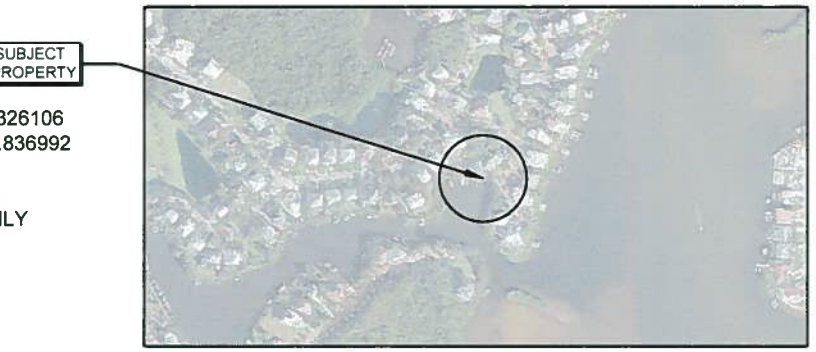
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:

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219 MALIBU COVE

LOCATION MAP

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SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

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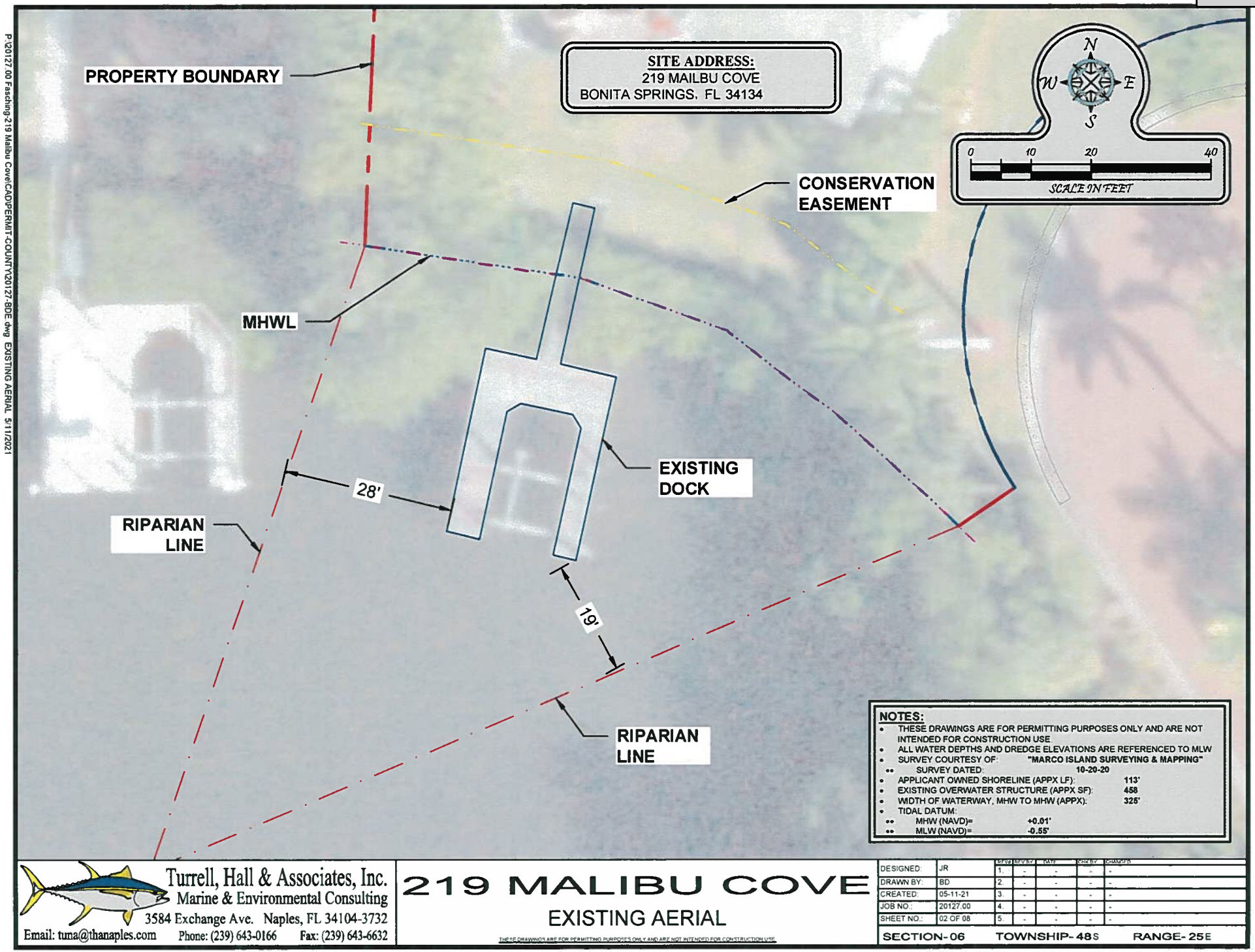
P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg EXISTING AERIAL 5/11/2021



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO ISLAND SURVEYING & MAPPING"
  - SURVEY DATED: 10-20-20
- APPLICANT OWNED SHORELINE (APPX LF): 113'
- EXISTING OVERWATER STRUCTURE (APPX SF): 458
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 325'
- TIDAL DATUM:
  - MHW (NAVD)= +0.01'
  - MLW (NAVD)= -0.55'

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219 MALIBU COVE

EXISTING AERIAL

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SECTION- 06 TOWNSHIP- 48S RANGE- 25E

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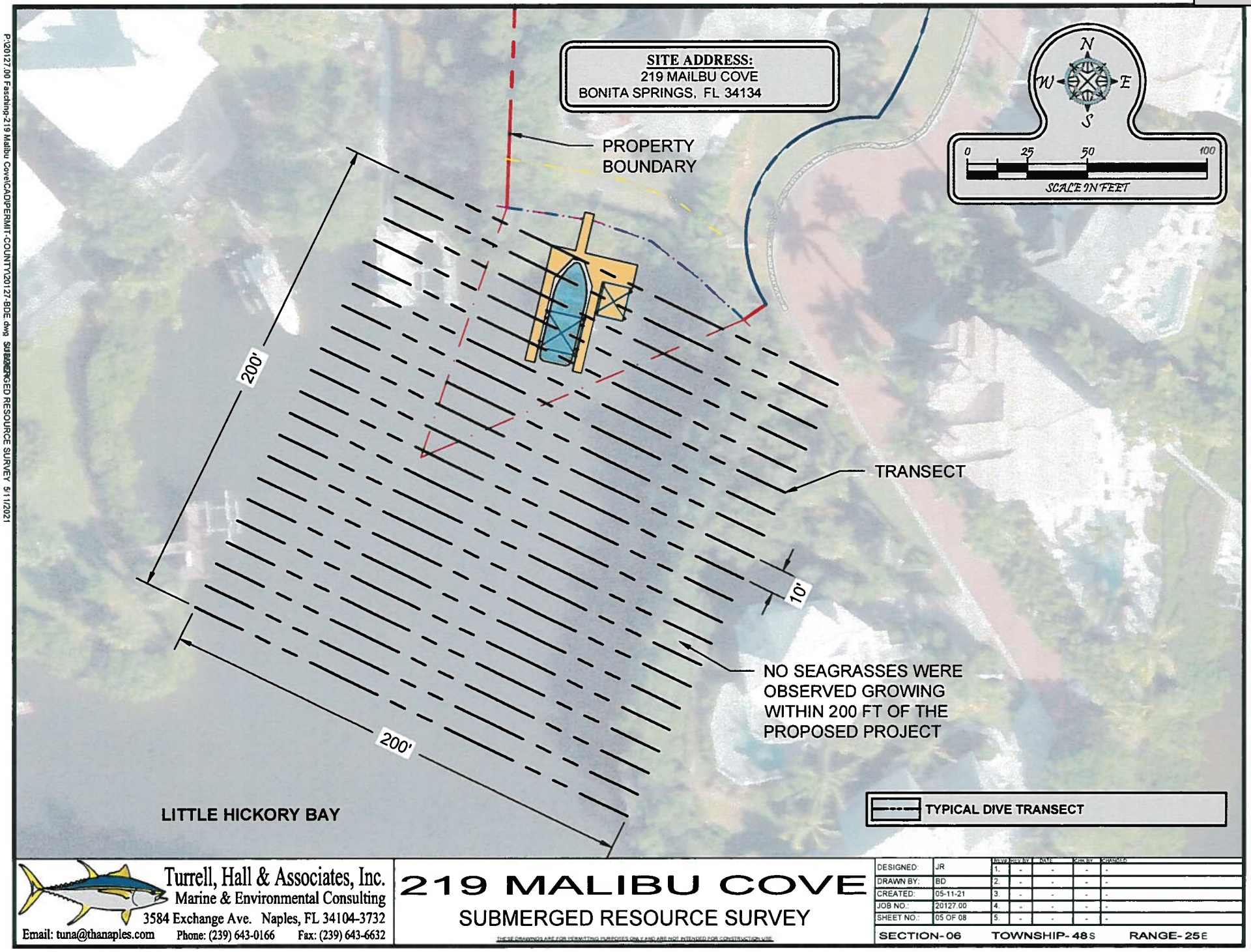
P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg SUBMERGED RESOURCE SURVEY 5/11/2021



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219 MALIBU COVE

SUBMERGED RESOURCE SURVEY

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SECTION- 06 TOWNSHIP- 48S RANGE- 25E

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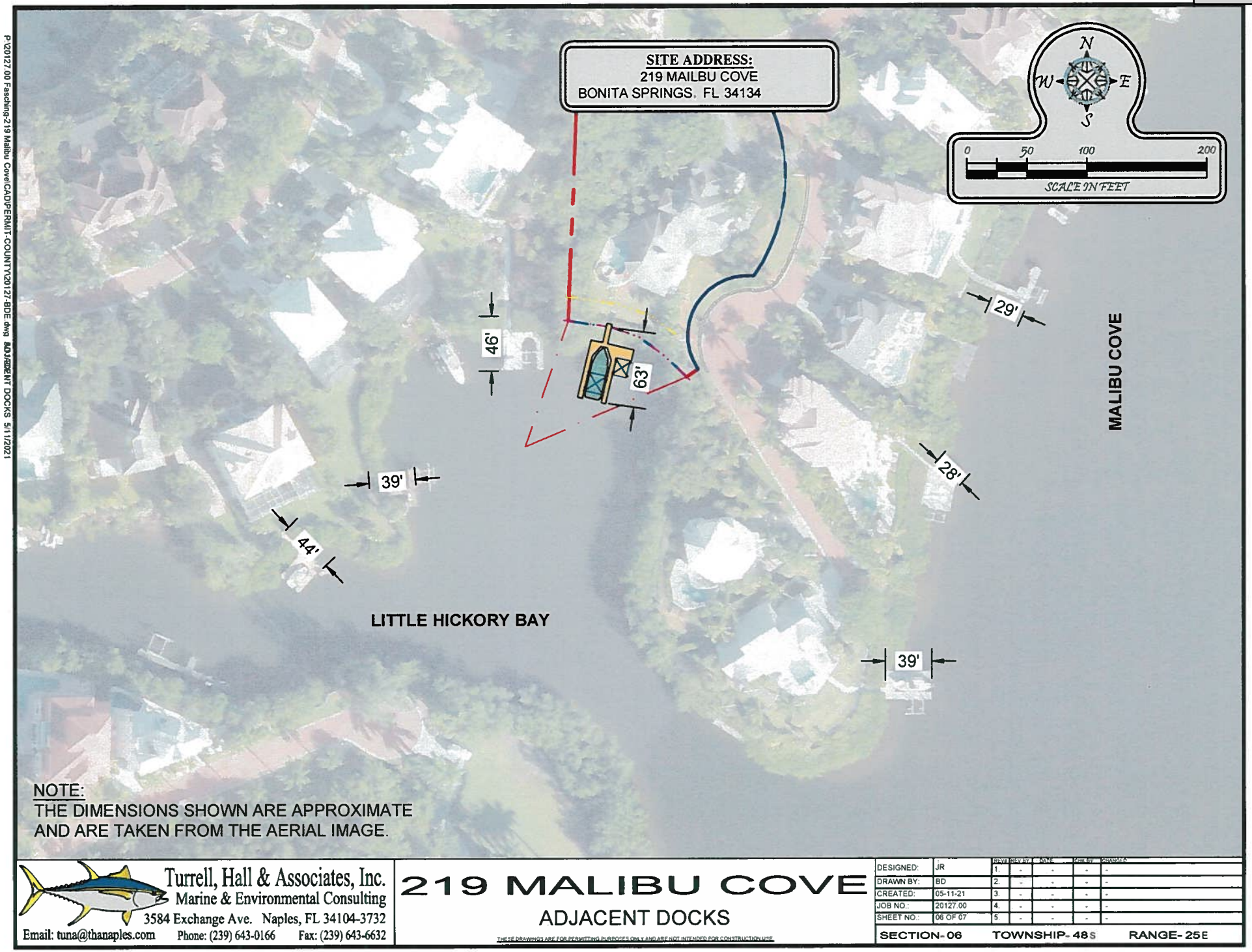
P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg ADJACENT DOCKS 5/11/2021



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219 MALIBU COVE

ADJACENT DOCKS

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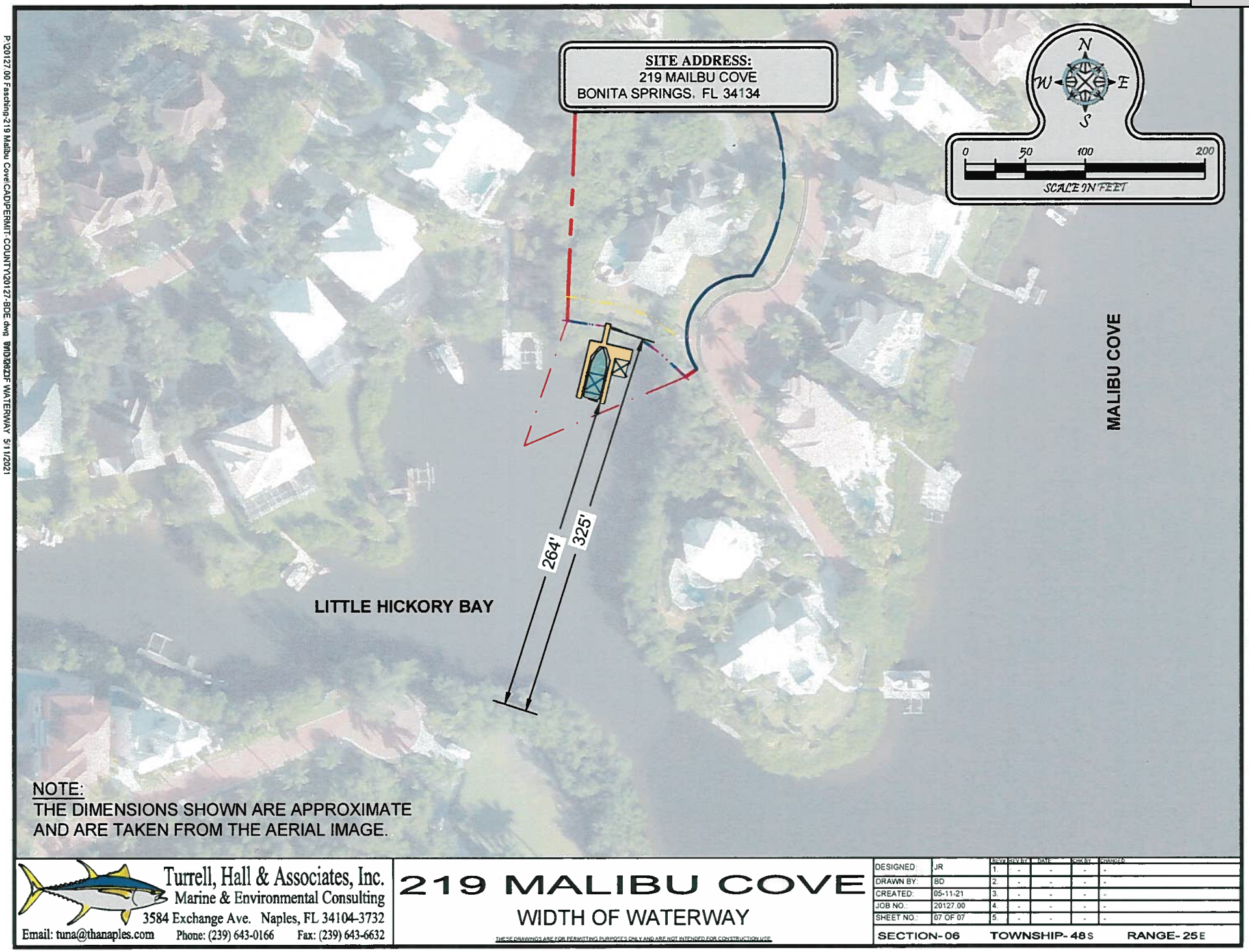
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 :

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg 5/11/2021 9:03:28 AM EDT



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

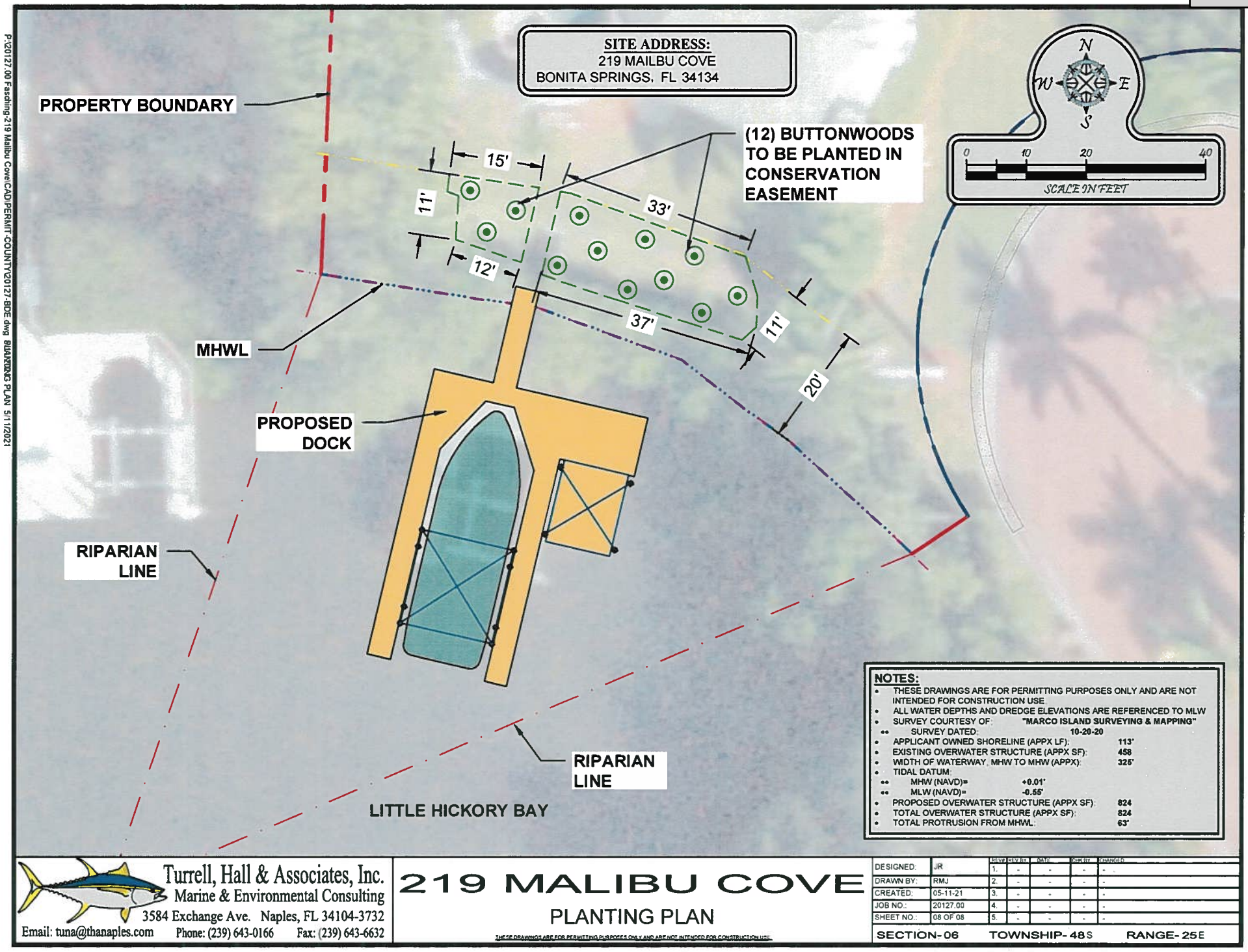
WIDTH OF WATERWAY

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV'S	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 :



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO ISLAND SURVEYING & MAPPING"
  - SURVEY DATED: 10-20-20
- APPLICANT OWNED SHORELINE (APPX LF): 113'
- EXISTING OVERWATER STRUCTURE (APPX SF): 458
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 325'
- TIDAL DATUM:
  - MHW (NAVD)= +0.01'
  - MLW (NAVD)= -0.55'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 824
- TOTAL OVERWATER STRUCTURE (APPX SF): 824
- TOTAL PROTRUSION FROM MHWL: 63'

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

PLANTING PLAN

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

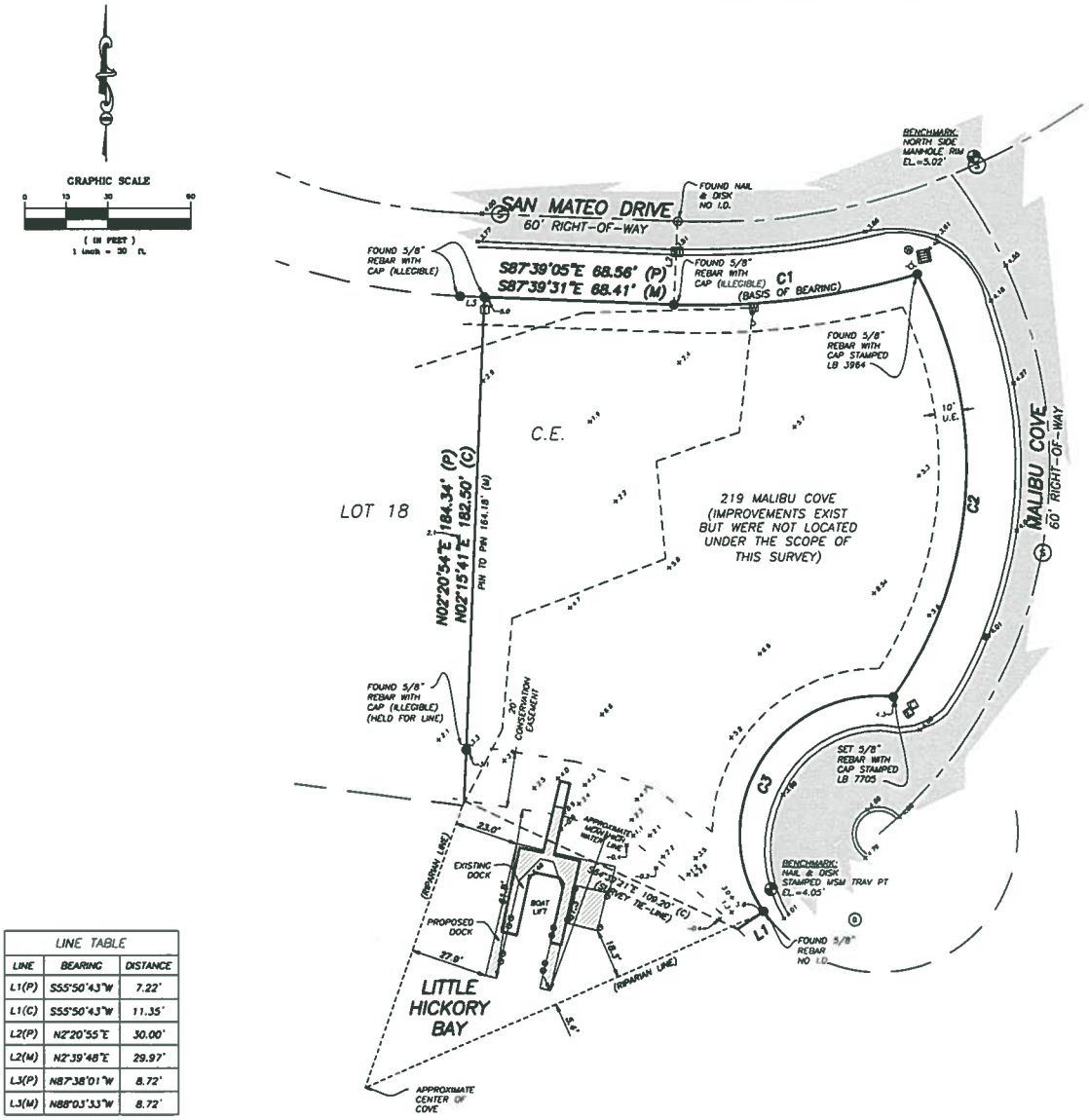
		REV#	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	08 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg BUFFERING PLAN 5/11/2021

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 :

ALL ELEVATIONS ARE IN NAVD88



NOTES:

1. Last day of field work is October 30, 2020. (date of survey)
2. Bearings shown hereon are based on the North chord of Lot 19, Southport on the Bay, according to the Plat thereof, being N82°55'50"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.
4. No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Unless otherwise indicated all easements shown hereon are based on plat.
7. Only above ground, visible and apparent improvements were located.
8. Foundations and overhangs are not taken into account on this survey.
9. Irrigation equipment was not taken into account on this survey.
10. No other persons or entities other than those listed as exclusive users may rely on this survey.
11. All dimensions are in feet and decimals thereof, unless otherwise noted.
12. Subject to easements, reservations and restrictions of record.
13. Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.
14. According to the collier County Map viewer as posted on collier.maps.arcgis.com this property is zoned PUD.

    Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.
15. Property contains 0.70 acres (33,430 square feet) more or less.
16. All elevations are in North American Vertical Datum of 1988 (NAVD88).
17. Property falls in Flood Zone "AE" base flood elevation "9" according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 12021C0179H, Community Number 120067, Panel 0179, Suffix H, Dated May 16, 2012.
18. Surveyor's signature and seal pertain only to survey matters. Proposed structures shown hereon were derived from plans provided by Turrell, Hall & Associates.

REVISION NOTES:

1. REVISED RIPARIAN LINES TO CENTER OF COVE; JP; 12/16/2020
2. REVISED RIPARIAN LINES TO AGREED LOCATION & ADDED PROPOSED DOCK; J.P.; 1/12/2021

SYMBOL LEGEND

- DRAINAGE MANHOLE
- CABLE BOX
- ELECTRIC HAND-HOLE
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- DRAINAGE INLET
- BACKFLOW PREVENTER
- WATER METER

SURFACE LEGEND

- ASPHALT
- CONCRETE
- PROPOSED DOCK

LINE TABLE		
LINE	BEARING	DISTANCE
L1(P)	S55°50'43"W	7.22'
L1(C)	S55°50'43"W	11.35'
L2(P)	N2°20'55"E	30.00'
L2(M)	N2°39'48"E	29.97'
L3(P)	N87°38'01"W	8.72'
L3(M)	N88°03'33"W	8.72'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1(P)	270.00'	88.76'	18°50'09"	N82°55'50"E	88.36'
C1(M)	270.00'	88.85'	18°51'17"	N82°55'50"E	88.45'
C2(P)	145.00'	161.55'	63°50'14"	S03°11'45"W	153.33'
C2(M)	145.00'	161.55'	63°50'14"	S03°11'45"W	153.33'
C3(P)	50.00'	113.40'	129°56'32"	S30°49'28"W	90.61'
C3(M)	50.00'	113.56'	130°07'55"	S30°59'51"W	90.68'

ABBREVIATIONS

(M) MEASURED
(P) PLAT
(C) CALCULATED
C.E. = CONSERVATION EASEMENT
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
C.S.C. = CONCRETE SEAWALL CAP
O.R. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
PG. = PAGE
P.I. = POINT OF INTERSECTION

LEGAL DESCRIPTION
(Per O.R. 4682, Pg. 419):

Lot 19, SOUTHPORT ON THE BAY, UNIT ONE, a Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 51 through 53, of the Public Records of Collier County, Florida

For the Exclusive Use Of:
Kukk Architecture & Design, P.A.

John Pacetti
No. 6916
Digitally signed by John Pacetti
Date: 2021.01.12 11:21:59

John P. Pacetti, PSM,
Florida License No. 6916
Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper
Certificate of Authorization #7705.

MARCO SURVEYING & MAPPING
3205 BECK BOULEVARD
NAPLES, FLORIDA 34114
(239) 389-0026
WWW.MARCOSURVEYS.COM

BOUNDARY & TOPOGRAPHIC SURVEY / PLOT PLAN

Lot 19,
Southport on the Bay,
Collier County, Florida

CLIENT:	Kukk Architecture & Design, P.A.				
HORIZONTAL SCALE:	1" = 30'	VERTICAL SCALE:	N/A	DATE:	11/2020

CHIEF:	BOOK/PAGE		DRAFTED BY:	PROJECT NO.	WO NUMBER	DRAWING NO.
N.E.	209	74	R.Y.	P990	20-729	3-303

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 :

EXHIBIT “B”

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

RESTORATION PLAN
219 Malibu Cove
Folio ID #74435002201
S 06 / T 48S / R 25, Collier County, FL

I. INTRODUCTION

Collier County Environmental staff are currently reviewing an application for a single-family residential docking facility located at 219 Malibu Cove. The County's review determined that the existing Conservation Easement (CE) area along the property shoreline will require some restoration plantings due to open areas that have historically been impacted with fill and/or cleared allowing sod to grow. This work within the easement area was not authorized therefore Collier County staff is requiring that the CE area be restored to its natural condition by removing any fill placed within and planting the area with native trees, shrubs, and groundcover.

The property is identified on the property appraiser's website as 74435002201, which is approximately 0.59-acre lot situated within Section 06, Township 48 South, and Range 25 East, Collier County, Florida.

This document outlines the restoration plan for the onsite Conservation Easement area.

II. EXISTING CONDITIONS: HABITAT & SOIL DESCRIPTIONS

The subject site consists of 0.59 acre dedicated to a single-family residential dwelling with a conservation easement area along the entire shoreline. The conservation easement area was historically impacted by minor clearing of vegetation and the placement of fill material outside the authorized area. The conservation easement area will have to be restored as required by Collier County Environmental Staff.

Existing soil is fill which was placed on the property at the beginning of the residential construction. Any additional fill will be removed from the easement area as part of this restoration plan.

III. PROPOSED PLANTINGS / RESTORATION

The owner is being required to restore the conservation easement area by removing any fill that was placed there to create a consistent slope, from the remaining upland area to the existing natural shoreline elevation and planting native vegetation. This will allow for a very gradual slope and once the fill is removed the proposed plantings outlined below will be installed throughout the area.

EXHIBIT "B"

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

Attachment: Attachment F - HEX DECISION 2021-58 Petition No. BDE-PL20210000039 - 10-28-21 (28140 : PL20230010282 BLCD 219 Malibu CV

The proposed plantings shall include a minimum of 12 midstory trees on 8' centers consisting of just buttonwood trees due to the location of the plantings vs the location of the MHWL. The groundcover will consist of 30 plants on 3' centers in and around the proposed buttonwoods including sea oxeye and bay cedar. All species listed should be utilized in even amounts if possible, but exact species numbers could be based on supply availability. Planting specifics are outlined below.

Midstory plants:	**Number of Trees = 12**
Buttonwood *(Conocarpus erectus)*	*12*

All midstory plantings will be installed on 20ft. centers with a minimum 3-5 gallon pot containers.

Groundcover plants:	**Number of Plants = 30**
Sea Oxeye *(Borrichia frutescens)*	*15*
Bay Cedar (*Suriana maritima)*	15

All groundcover plantings will be installed on 3ft. centers with a minimum 1 gallon pot containers.

Irrigation maybe required for the top half of the easement area due to the distance from the ground water table to help ensure the plantings survival. For the lower half of the easement no irrigation is proposed due to the final elevations of this portion of the conservation easement being closer to the tidal water table which should help keep the plantings hydrated naturally.

IV. CREDENTIALS

Jeff Rogers
Project Manager for Turrell, Hall & Associates since 2005
B.S. Degree in Environmental Science, Rollins College
Sustainable Development Course-Galapagos Islands, Equador
Completed Southwest Florida Association of Environmental Professionals Wetland Delineation Training Course-2006
Florida Department of Environmental Protection Environmental Resource Permit Course-2006
Completed a FAEP Plant ID Class with Dr. Hall from the University of Florida-2006
Primary career focus: Permit Compliance Mitigation and Monitoring

HEARING PACKAGE CHECKLIST

A. Backup provided by the County Planner

The agent is responsible for all required data included in the digital file of information for the Hearing Examiner (Hex) or the Collier County Planning Commission (CCPC). DO NOT ACCEPT DUPLICATES OF ANY DOCUMENTS. MAKE SURE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. PLEASE CONFIRM THE DOCUMENTS ARE IN THE ORDER DESCRIBED IN "BACKUP PROVIDED BY APPLICANT."

Planner responsible for providing the County Attorney-drafted Ordinance for PUDs and placing in backup materials. AGENTS DO NOT INCLUDE THE PUD DOCUMENT – STAFF PROVIDES THIS TO THE COUNTY ATTORNEY WHEN THE ORDINANCE IS DRAFTED FOR A PUD. THE FINAL PUD ORDINANCE/RESOLUTION IS THE FIRST ITEM AFTER THE STAFF REPORT. [FOR HEX, THE REQUESTED LANGUAGE/ PROPOSED PLAN IS THE FIRST ITEM AFTER THE STAFF REPORT]

B. Backup provided by Applicant:

PLEASE PROVIDE THE DOCUMENTS IN THE ORDER DESCRIBED BELOW. DO NOT PROVIDE DUPLICATES OF ANY DOCUMENTS. PROVIDE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. IF THE BACKUP PROVIDED BY APPLICANT IS IN DISARRAY-MEANING IT IS NOT IN THE PROPER ORDER AND/OR THE APPLICANT PROVIDES MULTIPLE DUPLICATES-THE APPLICANT COULD LOSE ITS HEARING DATE.

_X_ Application, to include but not limited to the following:

- _X_ Narrative of request
- _X_ Property Information
- _X_ Property Ownership Disclosure Form
- _X_ Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.

_X_ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)

____ Affidavit of Unified Control

_X_ Affidavit of ~~Representation~~ Authorization

_X_ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)

____ NIM Information (Sign in sheet, notes, minutes and transcript/or summary)

- ✓ Include 3 thumbnail drives of video and/or audio

____ Traffic Impact Study (TIS)

____ Environmental Data

____ Historical/Archeological Survey or Waiver

____ Utility Letter

_X_ Deviation Justifications

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

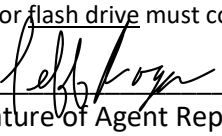
__X__ Boundary Survey

__X__ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc.

___ Submerged Resource Surveys may be included here if required.

__X__ **flash drive with *only one* pdf file for all documents or Email**

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for flash drive must contain the documents in one pdf file. It is the agent's responsibility to ensure no documentation is left out.



Signature of Agent Representative

2/2/2024

Date

Jeff Rogers

Printed Name of Signing Agent Representative

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Administrative Boat Lift Canopy and Boat Lift Canopy Deviation Application

Land Development Code section 5.03.06 G

Chapter 3 of the Administrative Code

PETITION NO: _____

PROJECT NAME: _____

DATE PROCESSED: _____

Land Development Code section 5.03.06 G (Dock Facilities) includes provisions for the installation of "boat lift canopies," defined as "A covering that is applied to a boat lift over a legally permitted dock." LDC section 5.03.06 G provides standards for these canopies.

☑ Check here if requesting deviation – LDC 5.03.06 G.3. (public hearing advertising and notification fees apply) If an applicant wishes to construct a boat lift canopy that does not meet the standards of subsection 5.03.06 G., then a petition for a boat lift canopy deviation may be made to the Office of the Hearing Examiner which shall review a sufficient petition application and either approve or deny the request. The assigned Planner will take the appropriate steps to prepare the application for the Hearing Examiner hearing.

This is an administrative review to determine compliance with the provisions of the LDC. If any other State or Federal permit is required, the applicable permit(s) must be obtained prior to construction or installation of the boat lift canopy. Please contact the State Department of Environmental Protection (239-332-5600) and the US Army Corps of Engineers (239-334-1975) to determine if permitting is required.

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Ellen & Michael Fasching

Name of Applicant if different than owner: _____

Address: 219 Malibu Cove **City:** Bonita Springs **State:** FL **ZIP:** 34134

Telephone: _____ **Cell:** _____

E-Mail Address: mcf54@aol.com

Name of Agent: Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

Address: 3584 Exchange Ave. **City:** Naples **State:** FL **ZIP:** 34104

Telephone: 239-643-0166 **Cell:** 239-784-0081

E-Mail Address: jeff@thanaples.com

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

PROPERTY INFORMATION

Property ID Number: 74435002201 **Section/Township/Range:** 6 / 48 / 25

Subdivision: 636400 - SOUTHPORT ON THE BAY **Unit:** 1 **Lot:** 19 **Block:**

Address/General Location of Subject Property:

219 Malibu Cove

Current Zoning and Land Use of Subject Property: PUD and Single-Family Residential

STANDARDS FOR BOAT LIFT CANOPIES

LDC section 5.03.06 defines boat lift canopies as, "A covering that is applied to a boat lift over a dock legally permitted by the requisite local, state and federal agencies." LDC section 5.03.06 G provides standards for these canopies as follows:

a) Canopies shall not extend more than 27 inches beyond the width of the boat lift on each side.
Total width of Canopy 17 & 13
b) Does Canopy extend beyond width of boat lift? ☒ Yes ☐ No If yes, how many inches? 6"
c) The length of the boat lift Canopy shall not exceed 35 feet. Length: 49 &11ft
d) The height of the boat lift Canopy shall not exceed 12 feet, measured from the highest point of the Canopy to the height of the dock walkway. Total Height: 12 & 15 ft.
e) The sides of the Canopy cover shall remain open on all sides, except that a drop curtain, not to exceed 18' shall be permitted on the sides. Length of Drop Curtain: 18 inches.
f) Boat lift Canopies shall meet the requirements of Awnings and Canopies in the Florida Building Code.
g) Canopy cover material shall be limited to beige, or mid-range shades of blue or green. Canopy Color: Beige
h) No boat lift canopies shall be permitted at sites that contain either a boathouse or a covered structure.

Lots with frontage on canals shall be permitted a maximum of 1 boat lift Canopy per site. Lots with frontage on bays shall be permitted a maximum of 2 boat lift Canopies per site.

If an applicant wishes to construct a boat lift Canopy that does not meet the standards of LDC subsection 5.03.06 G.1, then a petition for a boat lift Canopy deviation may be made to the Hearing Examiner which shall review a sufficient petition application and either approve or deny the request.

SUBMITTAL REQUIREMENT CHECKLIST

See Chapter 3 B. of the Administrative Code for submittal requirements.

REQUIREMENTS FOR REVIEW:	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☑	
Completed Addressing Checklist	☑	
Property Ownership Disclosure Form	☑	
Signed and sealed survey, showing any existing dock facility	☐	☐
Scale drawing of the proposed Canopy. (Please refer to page 4)	☐	☐
Sample of the fabric for color review.	☐	☐

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
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2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

FEE REQUIREMENTS

- [x] **Pre-Application fee:** $500.00
- [x] **Boat Lift Canopy Administrative Review fee:** $500.00
- [x] **Fire Planning Review Fee:** $100.00

Additional fees, If requesting a deviation:

- [ ] **Estimated Legal Advertising fee:** $1,125.00
- [ ] **If applicable, an additional fee for Property Owner Notifications will be be billed to the applicant afterhearing date.** *(Variable)*

If requesting a deviation, listing all registered homeowner and civic associations affected below is required.

ASSOCIATIONS

Required: List all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the **Civic Associations and Communities page** on the Board of County Commissioner's website. Please use the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

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

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

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

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

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

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
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www.colliercountyfl.gov

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*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. *Additional fee for the 5th and subsequent re-submittal will be accessed at 20% of the original fee.*

Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. This permit is conditioned on all other applicable state or federal permits being obtained before commencement of the development.

I HEREBY ATTEST THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT, IN ADDITION TO APPROVAL OF THIS BOAT LIFT CANOPY APPLICATION, A BUILDING PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

***The completed application, all required submittal materials, and fees shall be submitted to:**
Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Applicant Signature

Jeff Rogers

Printed Name

11/28/2023

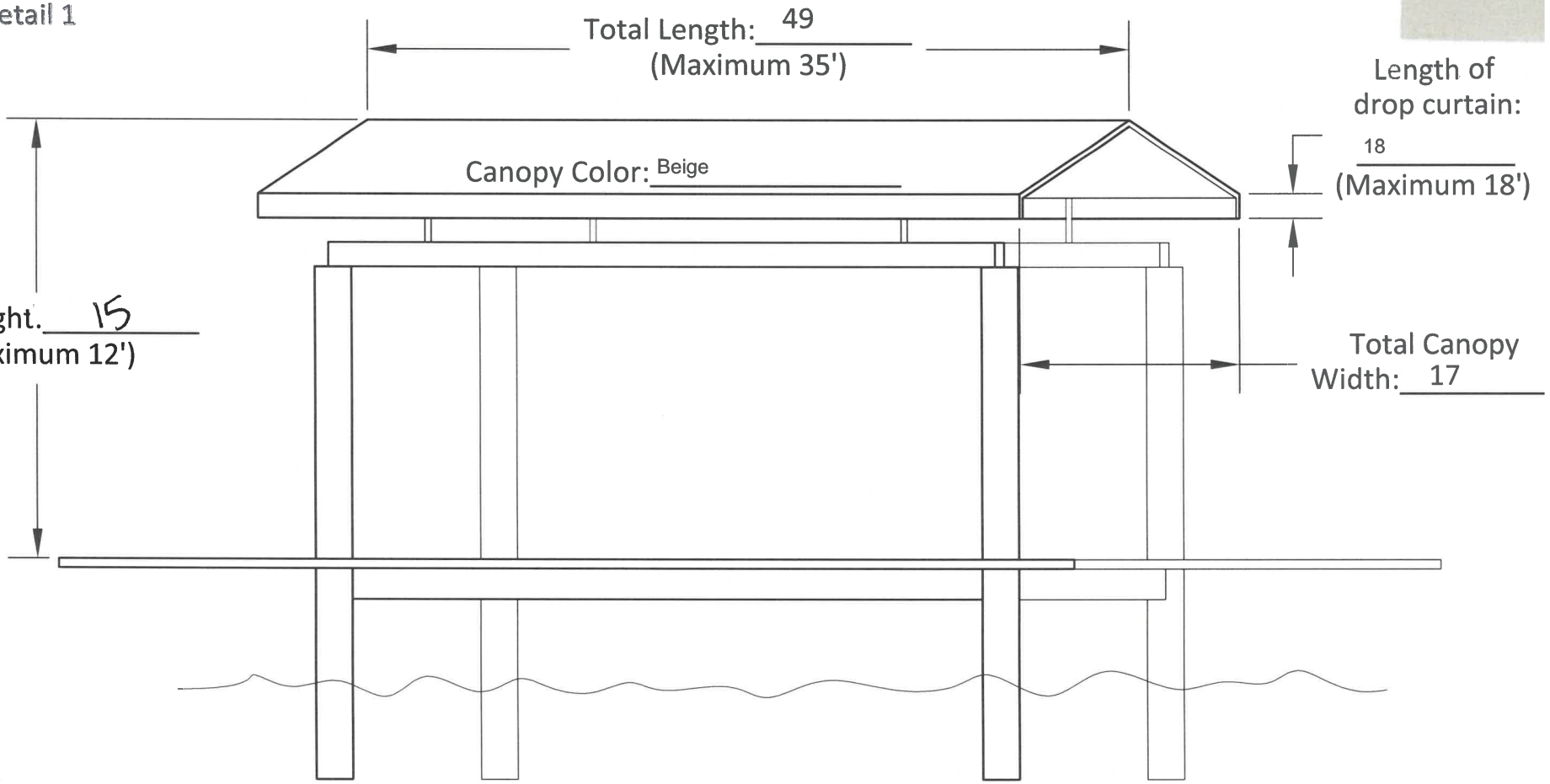
Date

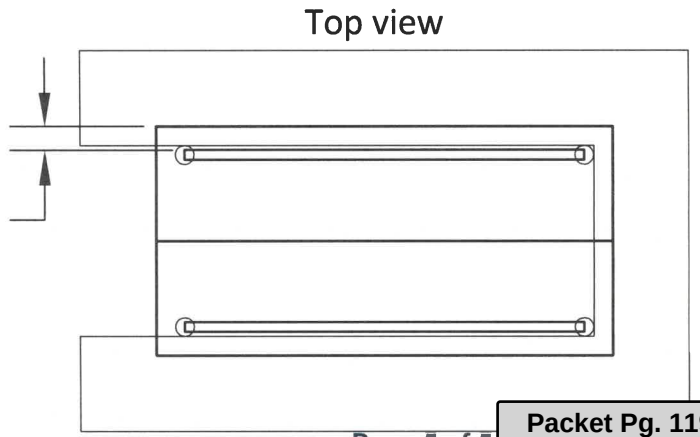
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Color: 522 Beige

Address: 219 Malibu Cove

Canopy Detail 1





CANOPY DETAIL

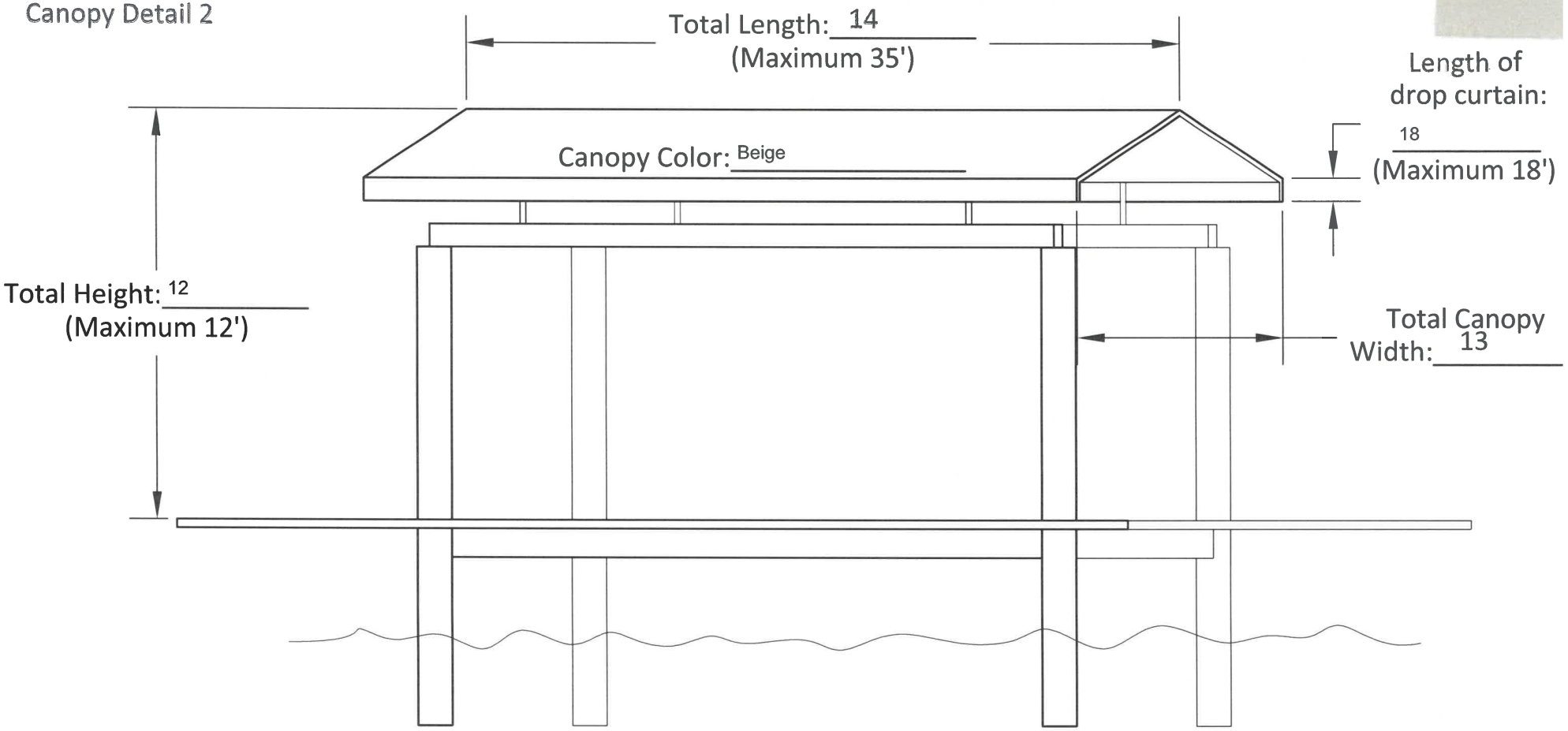
This drawing must be completed and submitted as an attachment to the Administrative Boat Lift Canopy Application

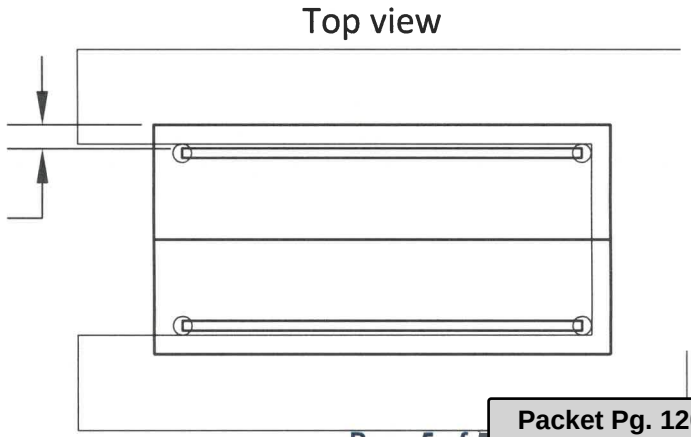
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Color: 522 Beige

Address: 219 Malibu Cove

Canopy Detail 2





CANOPY DETAIL

This drawing must be completed and submitted as an attachment to the Administrative Boat Lift Canopy Application

8/2022

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Zoning Pre-Application Meeting Notes

Boat Lift Canopy & Boat Lift Canopy Deviation Application

Petition Type: _____

Date and Time: Thursday 6/29/23 at 1:30pm - ZOOM

Assigned Planner: John Kelly

Engineering Manager (for PPL's and FP's): _____

Project Information

Project Name: Boatlift Canopy Deviation-219 Malibu CV

PL #: 20230010282

Property ID #: 74435002201 **Current Zoning:** Lely Barefoot Beach PUD

Project Address: 219 Malibu CV **City:** Bonita Springs, **State:** FL **Zip:** 34134

Applicant: Jeff Rogers-Turrell, Hall&Associates, Inc

Agent Name: Jeff Rogers **Phone:** 239-643-0166

Agent/Firm Address: 3584 Exchange Ave. **City:** Naples **State:** fL **Zip:** 34104

Property Owner: Ellen & Michael Fasching

Please provide the following, if applicable:

i. **Total Acreage:** .59

ii. **Proposed # of Residential Units:** _____

iii. **Proposed Commercial Square Footage:** _____

iv. **For Amendments, indicate the original petition number:** _____

v. **If there is an Ordinance or Resolution associated with this project, please indicate the type and number:** _____

vi. **If the project is within a Plat, provide the name and AR#/PL#:** _____

_____

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Meeting Notes

As of 10/16/2017 all Zoning applications have revised applications, and your associated Application is included in your notes; additionally a *new Property Ownership Disclosure Form is required for all applications. A copy of this new form is included in your pre-app

Note – link is https://www.colliercountyfl.gov/Home/ShowDocument?id=75093

ZONING – (JOHN KELLY)

- ESTABLISHED THAT THE SUBJECT LOCATION IS ON A BAY AND THAT TWO CANOPIES ARE ALLOWABLE.
- PLEASE PROVIDE REVIEW CRITERIA, PER LDC SECTION 5.03.06.G.1, FOR EACH CANOPY
- PROVIDE A "CANOPY DETAIL" DRAWING FOR EACH CANOPY TO BE REVIEWED AS PART OF THE PETITION
- PLEASE USE THE SAME MEASUREMENT TYPE (FEET) FOR THE DOCK AND CANOPY
- PROVIDE COMPLETE COPIES OF APPLICABLE ZONING ACTIONS:
  1) BDE. PL20210000039 / HEX NO. 2021-58
  2) VA-PL20210000098 / HEX NO. 2021-57
- ON A SHEET SEPARATE FROM THE APPLICATION PLEASE PROVIDE A NARRATIVE STATEMENT DESCRIBING THE REQUEST, PROVIDING JUSTIFICATION FOR THE REQUEST, AND PROVIDING ANY ADDITIONAL USEFUL INFORMATION

If Site is within the City of Naples Water Service Area please send to Naples Utilities and Planning Departments. Then, if the petition is submitted, we are to send it (by email) to the four persons below in their Utilities and Planning Depts. - along with a request that they send us a letter or email of "no objection" to the petition. Bob Middleton RMiddleton@naplesgov.com Allyson Holland AMHolland@naplesgov.com Robin Singer RSinger@naplesgov.com Erica Martin emartin@naplesgov.com

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

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Collier County

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Meeting Notes

ENVIRONMENTAL — (CRAIG BROWD)

- PROVIDE A SUBMERGED RESOURCES SURVEY (SRS)

Note: The County collects impact fees prior to the issuance of a Certificate of Occupancy to help offset the impacts of each new development on public facilities. These impact fees are used to fund projects identified in the Capital Improvement Element of the Growth Management Plan (GMP) as needed to maintain the adopted Level of Service (LOS) for public facilities. Other fees collected prior to the issuance of a building permit include building permit review fees. Please note that impact fees and taxes collected were not included in the criteria used by staff and the Planning Commission to analyze this petition.

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

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(239) 252-2400

Zoning Pre-Application Meeting Sign-In Sheet

PL# 20230010282

Collier County Contact Information:

Name	Review Discipline	Phone	Email
☐ Laura DeJohn	Zoning - Vendor	252-5587	Laura.dejohn@colliercountyfl.gov
☑ John Kelly	Zoning -Planner III	252-5719	john.kelly@colliercountyfl.gov
☐ Richard Henderlong	Zoning -Planner III	252-2464	richard.henderlong@colliercountyfl.gov
☐ Ray Bellows	Zoning & Planning Manager	252-2463	raymond.bellows@colliercountyfl.gov
☐ Mike Bosi	Zoning & Planning Director	252-1061	Michael.Bosi@colliercountyfl.gov
☐ Nancy Gundlach, AICP	Zoning – Planner III	252-2484	nancy.gundlach@colliercountyfl.gov
☐ Eric Ortman	Zoning – Planner III	252-1032	Eric.Ortman@colliercountyfl.gov
☐ Sean Sammon	Zoning – Planner III	252-8422	Sean.sammon@colliercountyfl.gov
☐ Tim Finn, AICP	Zoning - Planner III	252-4312	timothy.finn@colliercountyfl.gov
☑ Thomas Clarke	Zoning - Operations Analyst	252-2584	thomas.clarke@colliercountyfl.gov
☐ Anthony Stoltz	Utility Planning - Supervisor	252-5835	Anthony.stoltz@colliercountyfl.gov
☐ Drew Cody	Utility Planning – Project Mgr III	252-2917	Drew.cody@colliercountyfl.gov
☐ Brandi Pollard	Utility Impact fees	252-6237	brandi.pollard@colliercountyfl.gov
☐ Shon Fandrich	Utilities-Project Mgt-Supervisor	252-8835	Shon.fandrich@colliercountyfl.gov
☐ Steve Baluch	Transportation Planning	252-2361	stephen.baluch@colliercountyfl.gov
☐ Michael Sawyer	Transportation Planning	252-2926	michael.sawyer@colliercountyfl.gov
☐ Michael Gibbons	Structural/Residential Plan Review	252-2426	michael.gibbons@colliercountyfl.gov
☐ Richard Orth	Stormwater Planning	252-5092	richard.orth@colliercountyfl.gov
☐ Alicia Humphries	Right-Of-Way Permitting	252-2326	alicia.humphries@colliercountyfl.gov
☐ Laurie Beard	PUD Monitoring-Project Mgr II	252-5782	laurie.beard@colliercountyfl.gov
☐ Sean Lintz	North Collier Fire -Batallion Chief	597-9227	slintz@northcollierfire.com
☐ Maggie Acevedo	North Collier Fire	252-2309	macevedo@northcollierfire.com
☐ Daniel Zunzunegui	North Collier Fire	252-2310	Daniel.Zunzunegui@colliercountyfl.gov
☐ Linda Simmons	North Collier Fire	252-2311	Linda.Simmons@colliercountyfl.gov
☐ Shar A.Beddow	MSM/Deputy Fire Marshal - Greater Naples Fire	241-1422	sbeddow@gnfire.org
☐ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☐ Diane Lynch	Management Analyst I	252-4283	diane.lynch@colliercountyfl.gov
☐ Mark Templeton	Landscape Review	252-2475	mark.templeton@colliercountyfl.gov
☐ Gino Santabarbara	Impact Fees – Planner III	252-2925	Gino.santabarbara@colliercountyfl.gov

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(239) 252-2400

☐	Thomas Mastroberto	Greater Naples Fire – Site Plans Reviewer III	252-7348	thomas.mastroberto@colliercountyfl.gov
☐	Sue Faulkner	GMP-Comp Planning -Planner III	252-5715	sue.faulkner@colliercountyfl.gov
☐	Parker Klopf	GMP–Comp Planning – Planner II	252-2471	Parker.klopf@colliercountyfl.gov
☐	Rachel Hansen	GMP–Comp Planning – Planner III	252-1142	Rachel.hansen@colliercountyfl.gov
☐	Kathy Eastley	GMP-Comp Planning-Planner III	252-2834	Kathy Eastley@colliercountyfl.gov
☐	James Sabo, AICP	GMP, Comp Planning Manager	252-2708	james.sabo@colliercountyfl.gov
☐	Alexandra Mitchel	Environmental Specialist	252-2907	Alexandra.Mitchel@colliercountyfl.gov
☐	David Roe	Environmental Specialist	252-2915	David.Roe@colliercountyfl.gov
☑	Craig Brown	Environmental Review Supervisor	252-2548	craig.brown@colliercountyfl.gov
☐	Sarah Harrington	Environmental Review Manager	252-4211	Sarah.Harrington@colliercountyfl.gov
☐	John Houldsworth	Engineering Subdivision	252-5757	john.houldsworth@colliercountyfl.gov
☐	Jocelyn Nageon De Lestang, P.E.	Engineering Stormwater	252-2434	Jocelyn.NageondeLestang@colliercountyfl.gov
☐	Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov
☐	Matt McLean, P.E.	Division Director - IF, CPP & PM	252-8279	matthew.mclean@colliercountyfl.gov
☐	Cormac Giblin, AICP	Director – Econ. Dev. & Housing	252-2460	Cormac.giblin@colliercountyfl.gov
☐	Jamie Cook	Development Review Director	252-6290	Jaime.cook@colliercountyfl.gov
☐	Christine Willoughby	Development Review - Zoning	252-5748	christine.willoughby@colliercountyfl.gov
☐	Brett Rosenblum-P.E	Dev. Review -Supervisor Proj. Mgt	252-2905	brett.rosenblum@colliercountyfl.gov
☐	Michele Mosca, AICP	Community Develop. – Planner III	252-2466	michele.mosca@colliercountyfl.gov
☐	Connie Thomas	Client Services Supervisor	252-6369	Consuela.thomas@colliercountyfl.gov
☐	Renald Paul	Client Services	252-2443	Renald.paul@colliercountyfl.gov
☐	Lisa Blacklidge	Building Review	252-2758	Lisa.blacklidge@colliercountyfl.gov
☐	Derek Perry	Assistant County Attorney	252-8066	Derek.perry@colliercountyfl.gov
☐	Peter Shawinsky	Architectural Review	252-8523	peter.shawinsky@colliercountyfl.gov

Additional Attendee Contact Information:

Name	Representing	Phone	Email
JEFF ROBERTS	TURNELL HALL	784-0081	JEFF@THANAPLES.COM

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Department
Zoning Division

Applicant/Agent may also send site plans or conceptual plans for review in advance if desired.

PL20230010282 – Boatlift Canopy Deviation-219 Malibu CV Planner-John Kelly

PRE-APP INFO

Assigned Ops Staff: Thomas Clarke

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**

  Jeff Rogers, Turrell Hall & Associates Inc.
  jeff@thanaples.com
  239-643-0166

- **Agent to list for PL#**

  Jeff Rogers - Turrell, Hall & Associates, Inc

- **Owner of property (all owners for all parcels)**

  Ellen & Michael Fasching

- **Confirm Purpose of Pre-App: (Rezone, etc.)**

  Boat Lift Canopy & Boat Lift Canopy Deviation Application

- **Please list the density request of the project if applicable and number of homes/units/offices/docks (any that apply): N/A**

- **Details about Project:**

  219 Malibu Cove: Existing two boat lift dock previously approved under BD-PL20210000039 & VA-PL20210000098. Applicant would like to ask for a deviation from the allowed typical boat lift canopy maximum length dimension from 35-feet to request a 49-foot canopy cover over this entire boat.

REQUIRED Supplemental Information provided by:

Name:
Title:
Email:
Phone:

Cancellation/Reschedule Requests: Contact Danny Condomina-Client Services Supervisor
danny.condomina@colliercountyfl Phone: 239-252-6866

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Administrative Boat Lift Canopy and Boat Lift Canopy Deviation Application

Land Development Code section 5.03.06 G

Chapter 3 of the Administrative Code

Land Development Code section 5.03.06 G (Dock Facilities) includes provisions for the installation of "boat lift canopies," defined as "A covering that is applied to a boat lift over a legally permitted dock." LDC section 5.03.06 G provides standards for these canopies.

☑ Check here if requesting deviation – LDC 5.03.06 G.3. (public hearing advertising and notification fees apply) If an applicant wishes to construct a boat lift canopy that does not meet the standards of subsection 5.03.06 G., then a petition for a boat lift canopy deviation may be made to the Office of the Hearing Examiner which shall review a sufficient petition application and either approve or deny the request. The assigned Planner will take the appropriate steps to prepare the application for the Hearing Examiner hearing.

This is an administrative review to determine compliance with the provisions of the LDC. If any other State or Federal permit is required, the applicable permit(s) must be obtained prior to construction or installation of the boat lift canopy. Please contact the State Department of Environmental Protection (239-332-5600) and the US Army Corps of Engineers (239-334-1975) to determine if permitting is required.

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): _____

Name of Applicant if different than owner: _____

Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Telephone: _____ **Cell:** _____

E-Mail Address: _____

Name of Agent: _____

Firm: _____

Address: _____ **City:** _____ **State:** ____ **ZIP:** _____

Telephone: _____ **Cell:** _____

E-Mail Address: _____

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www.colliercountyfl.gov

PROPERTY INFORMATION

Property ID Number: _____ **Section/Township/Range:** ____/____/____

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

Address/General Location of Subject Property:

_____

Current Zoning and Land Use of Subject Property: _____

STANDARDS FOR BOAT LIFT CANOPIES

LDC section 5.03.06 defines boat lift canopies as, "A covering that is applied to a boat lift over a dock legally permitted by the requisite local, state and federal agencies." LDC section 5.03.06 G provides standards for these canopies as follows:

a) Canopies shall not extend more than 27 inches beyond the width of the boat lift on each side. Total width of Canopy _____
b) Does Canopy extend beyond width of boat lift? ☐ Yes ☐ No If yes, how many inches? _____
c) The length of the boat lift Canopy shall not exceed 35 feet. Length: _____ ft.
d) The height of the boat lift Canopy shall not exceed 12 feet, measured from the highest point of the Canopy to the height of the dock walkway. Total Height: _____ ft.
e) The sides of the Canopy cover shall remain open on all sides, except that a drop curtain, not to exceed 18' shall be permitted on the sides. Length of Drop Curtain: _____ inches.
f) Boat lift Canopies shall meet the requirements of Awnings and Canopies in the Florida Building Code.
g) Canopy cover material shall be limited to beige, or mid-range shades of blue or green. Canopy Color: _____
h) No boat lift canopies shall be permitted at sites that contain either a boathouse or a covered structure.

Lots with frontage on canals shall be permitted a maximum of 1 boat lift Canopy per site. Lots with frontage on bays shall be permitted a maximum of 2 boat lift Canopies per site.

If an applicant wishes to construct a boat lift Canopy that does not meet the standards of LDC subsection 5.03.06 G.1, then a petition for a boat lift Canopy deviation may be made to the Hearing Examiner which shall review a sufficient petition application and either approve or deny the request.

SUBMITTAL REQUIREMENT CHECKLIST

See Chapter 3 B. of the Administrative Code for submittal requirements.

REQUIREMENTS FOR REVIEW:	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☑	
Completed Addressing Checklist	☑	
Property Ownership Disclosure Form	☑	
Signed and sealed survey, showing any existing dock facility	☑	☐
Scale drawing of the proposed Canopy. (Please refer to page 4)	☑	☐
Sample of the fabric for color review.	☑	☐

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FEE REQUIREMENTS

- [x] **Pre-Application fee:** $500.00
- [x] **Boat Lift Canopy Administrative Review fee:** $500.00
- [x] **Fire Planning Review Fee:** $100.00

Additional fees, If requesting a deviation:

- [x] **Estimated Legal Advertising fee:** $1,125.00
- [x] **If applicable, an additional fee for Property Owner Notifications will be be billed to the applicant afterhearing date.** *(Variable)*

If requesting a deviation, listing all registered homeowner and civic associations affected below is required.

ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the **Civic Associations and Communities page** on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

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

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

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All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*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. *Additional fee for the 5th and subsequent re-submittal will be accessed at 20% of the original fee.*

Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. This permit is conditioned on all other applicable state or federal permits being obtained before commencement of the development.

I HEREBY ATTEST THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT, IN ADDITION TO APPROVAL OF THIS BOAT LIFT CANOPY APPLICATION, A BUILDING PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

***The completed application, all required submittal materials, and fees shall be submitted to:**
Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

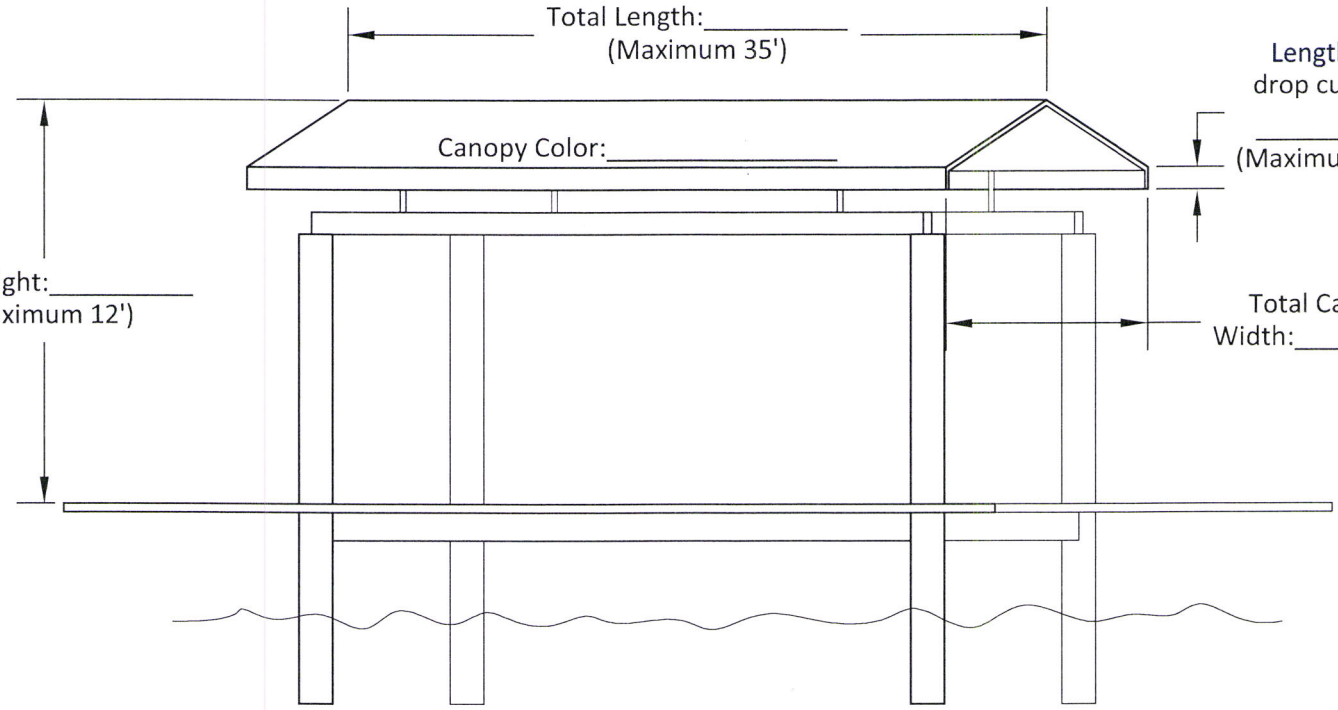
Applicant Signature

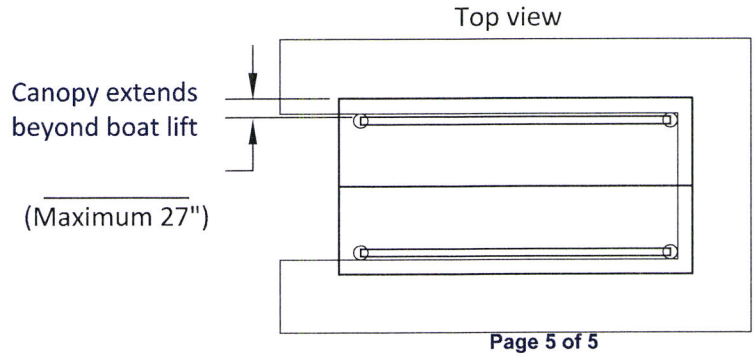
Printed Name

Date

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Address:_____





CANOPY DETAIL

This drawing must be completed and submitted as an attachment to the Administrative Boat Lift Canopy Application

8/2022

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County
Growth Management Department
Zoning Division

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PL20230010282 – Boatlift Canopy Deviation-219 Malibu CV Planner-John Kelly
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Assigned Ops Staff: Thomas Clarke

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

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  Jeff Rogers, Turrell Hall & Associates Inc.
  jeff@thanaples.com
  239-643-0166

- **Agent to list for PL#**

  Jeff Rogers - Turrell, Hall & Associates, Inc

- **Owner of property (all owners for all parcels)**

  Ellen & Michael Fasching

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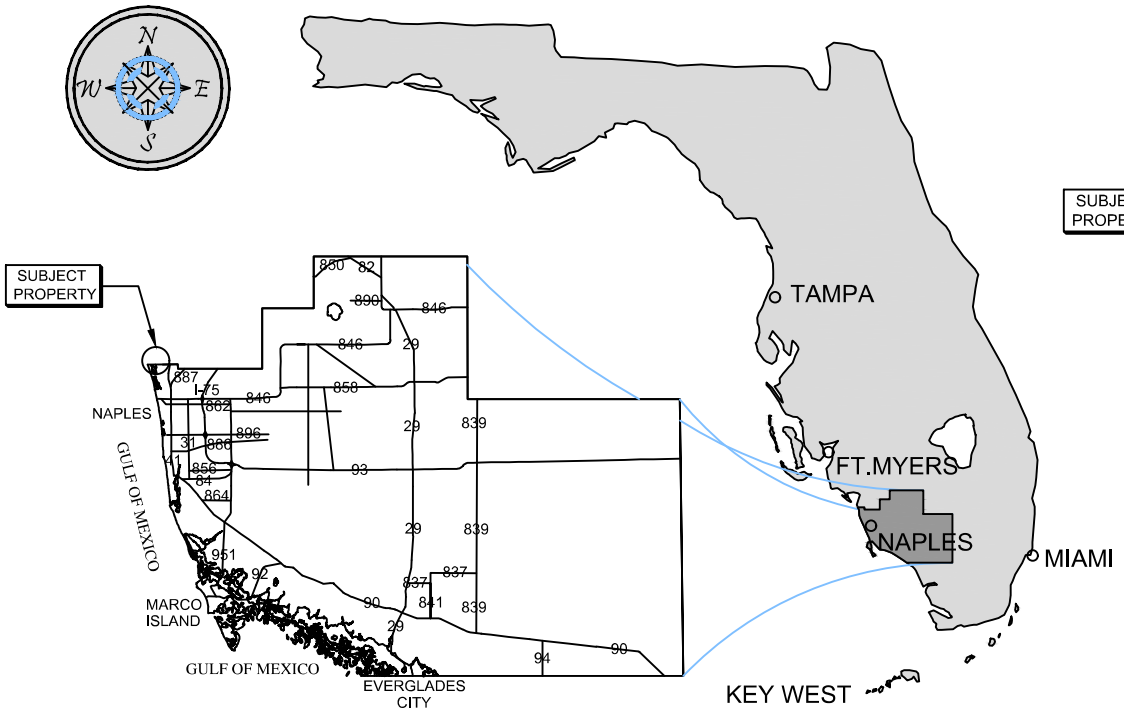
danny.condomina@colliercountyfl Phone: 239-252-6866

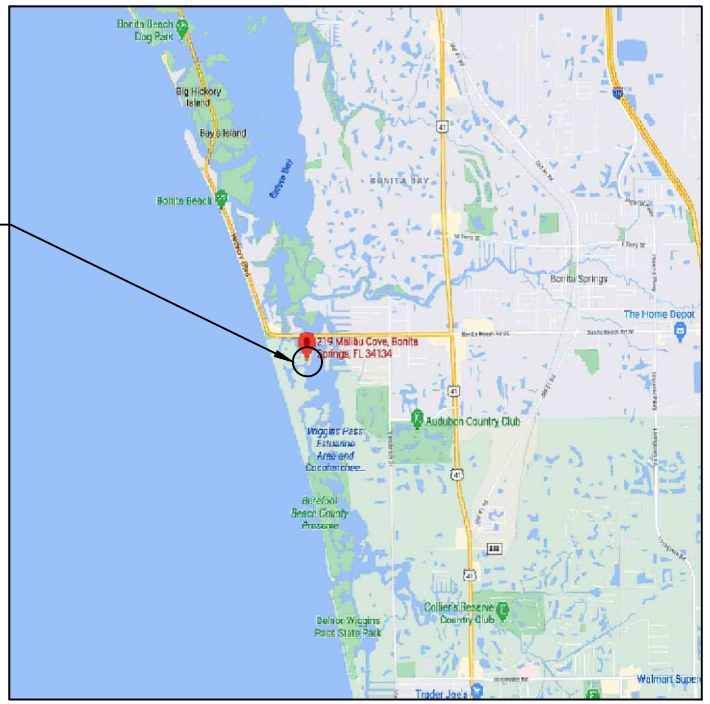
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg LOCATION MAP 6/6/2023

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

COUNTY AERIAL

SITE ADDRESS:
<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

LOCATION MAP

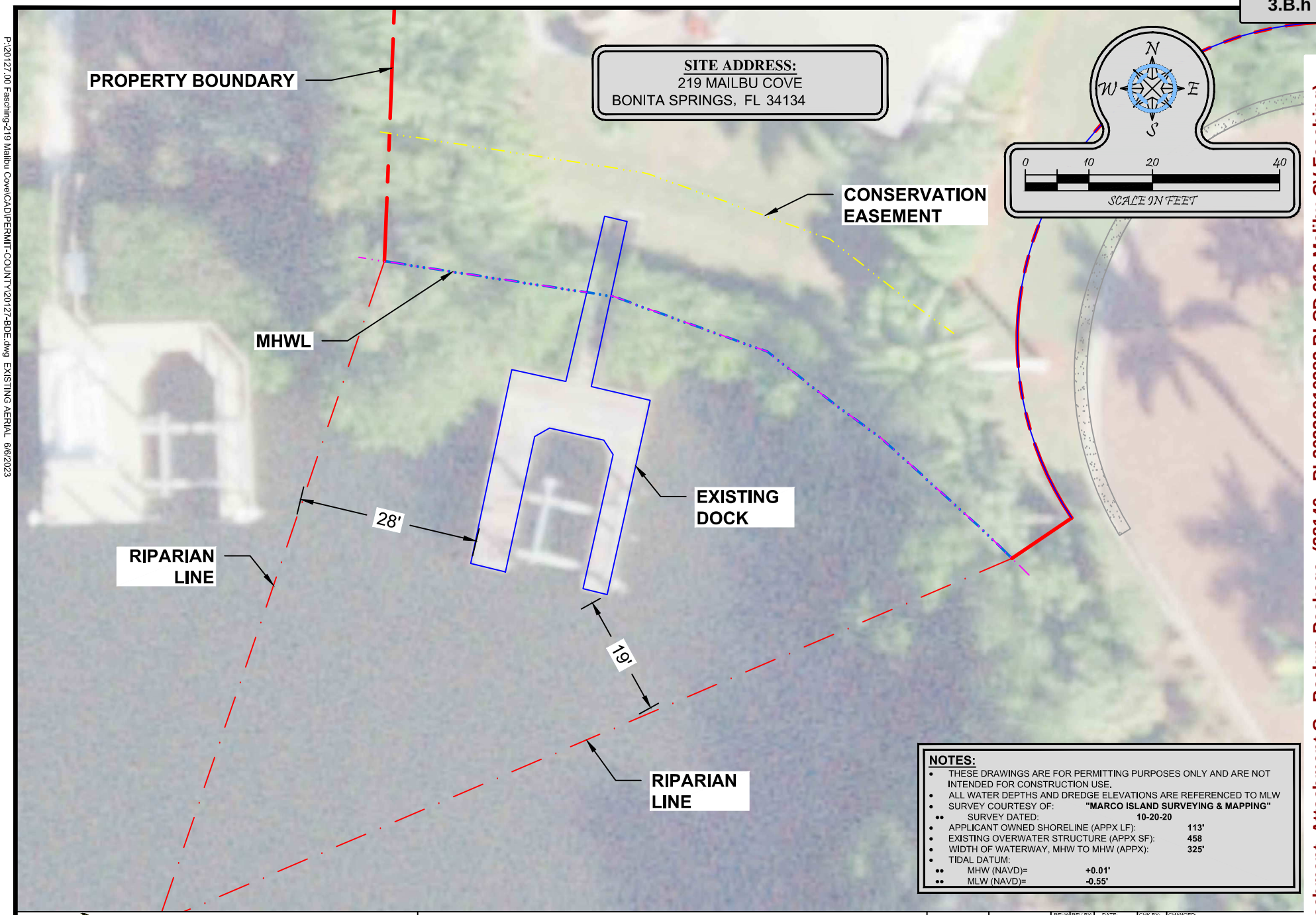
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REVS	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	01 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg EXISTING AERIAL 6/6/2023



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO ISLAND SURVEYING & MAPPING"**
  - SURVEY DATED: **10-20-20**
- APPLICANT OWNED SHORELINE (APPX LF): **113'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **458**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **325'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

EXISTING AERIAL

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	02 OF 08	5.	-	-	-	-

SECTION-06 TOWNSHIP-48S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg 5/6/2023 PROPOSED DOCK

SITE ADDRESS:
219 MAILBU COVE
BONITA SPRINGS, FL 34134

PROPERTY BOUNDARY

CONSERVATION EASEMENT

MHWL

PROPOSED DOCK

PROPOSED LIFT WITH 16'X49' CANOPY

RIPARIAN LINE

PLATFORM BOAT LIFT WITH 12'X14' CANOPY

63' TOTAL PROTRUSION FROM MHWL

RIPARIAN LINE

LITTLE HICKORY BAY

AA
04

4' 20' 13.8' 10.1' 22.5' 10' 49' 43' 15.7' 14' 16' 11' 39' 28' 4' 4' 5'

N W E S

0 10 20 40
SCALE IN FEET

NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO ISLAND SURVEYING & MAPPING"**
  - SURVEY DATED: **10-20-20**
- APPLICANT OWNED SHORELINE (APPX LF): **113'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **458**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **325'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **1,517**
- TOTAL OVERWATER STRUCTURE (APPX SF): **1,517**
- TOTAL PROTRUSION FROM MHWL: **63'**

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219 MALIBU COVE

PROPOSED DOCK

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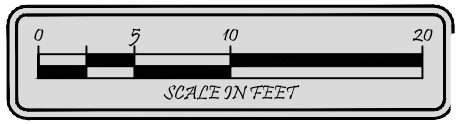
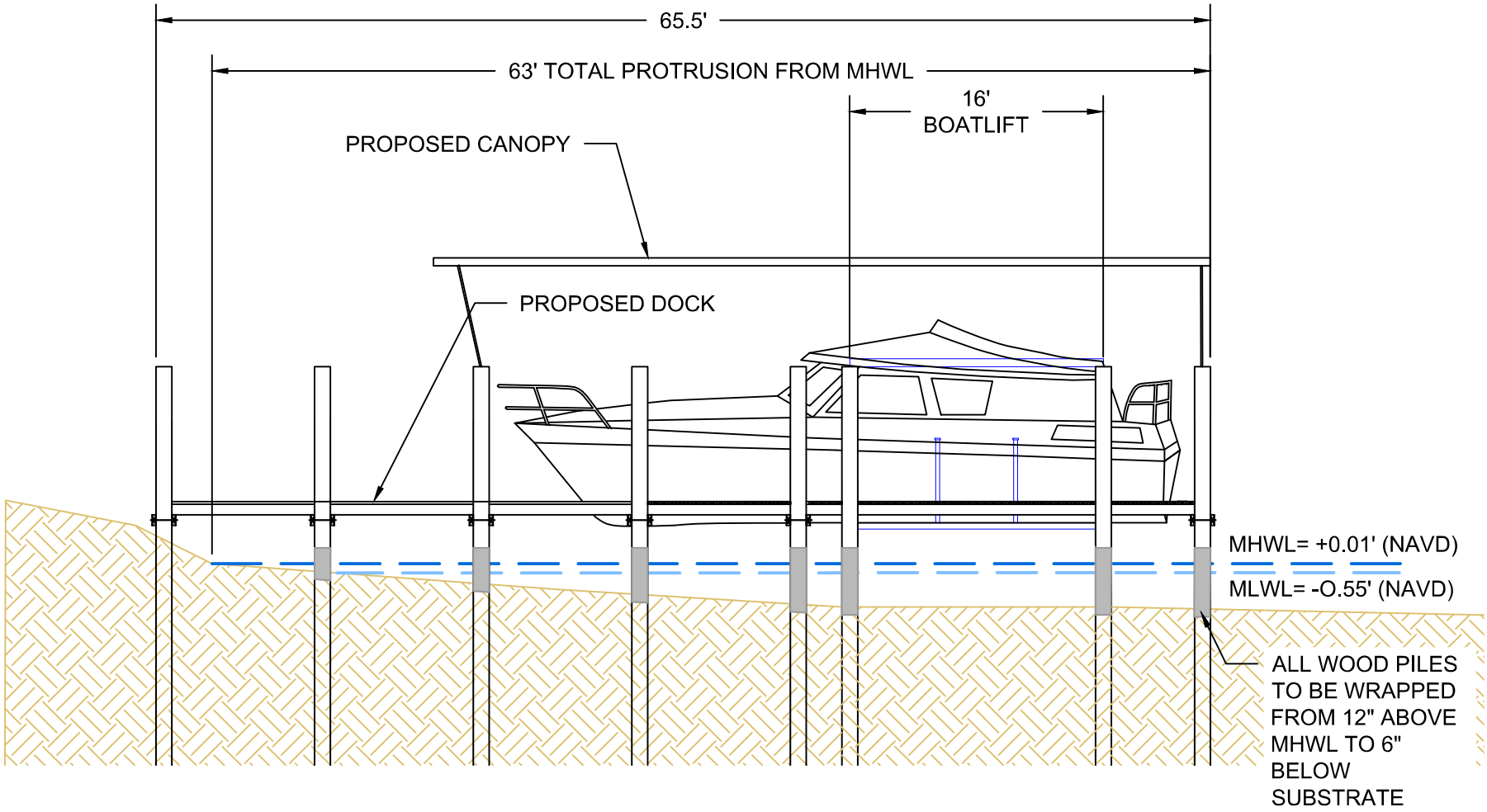
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg SECTION AA 6/6/2023





CROSS SECTION AA WITH BOAT

SCALE: 1" = 10'

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219 MALIBU COVE

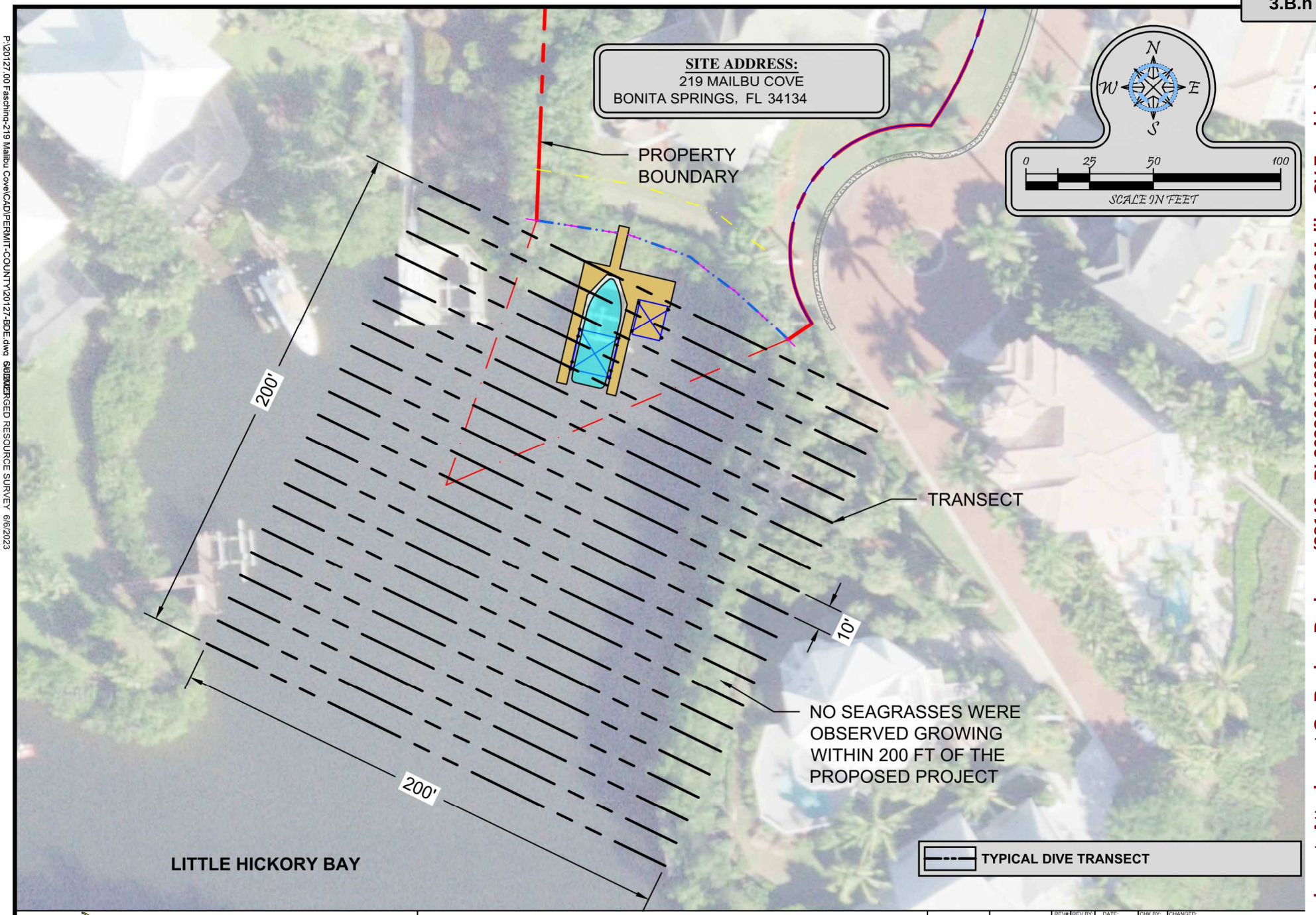
SECTION AA

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	04 OF 08	5.	-	-	-	-

SECTION-06 TOWNSHIP-48S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



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219 MALIBU COVE

SUBMERGED RESOURCE SURVEY

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

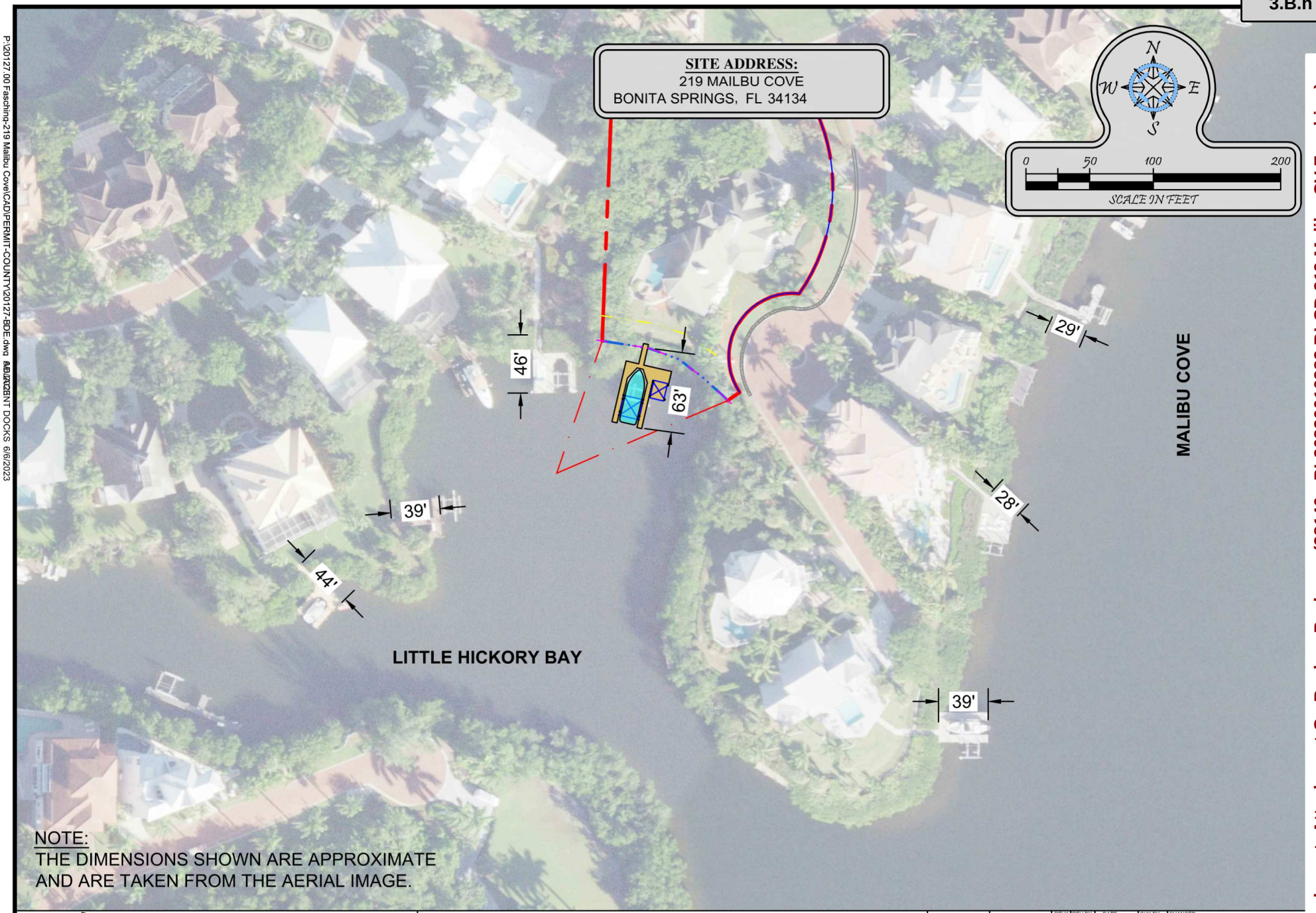
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	05 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

P:\20127.00 Fasching-219 Mailbu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg 6/6/2023 SUBMERGED RESCURCE SURVEY

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg 6/6/2023 ADJACENT DOCKS



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

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219 MALIBU COVE

ADJACENT DOCKS

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DRAWN BY:	RMJ	2.	-	-	-	-
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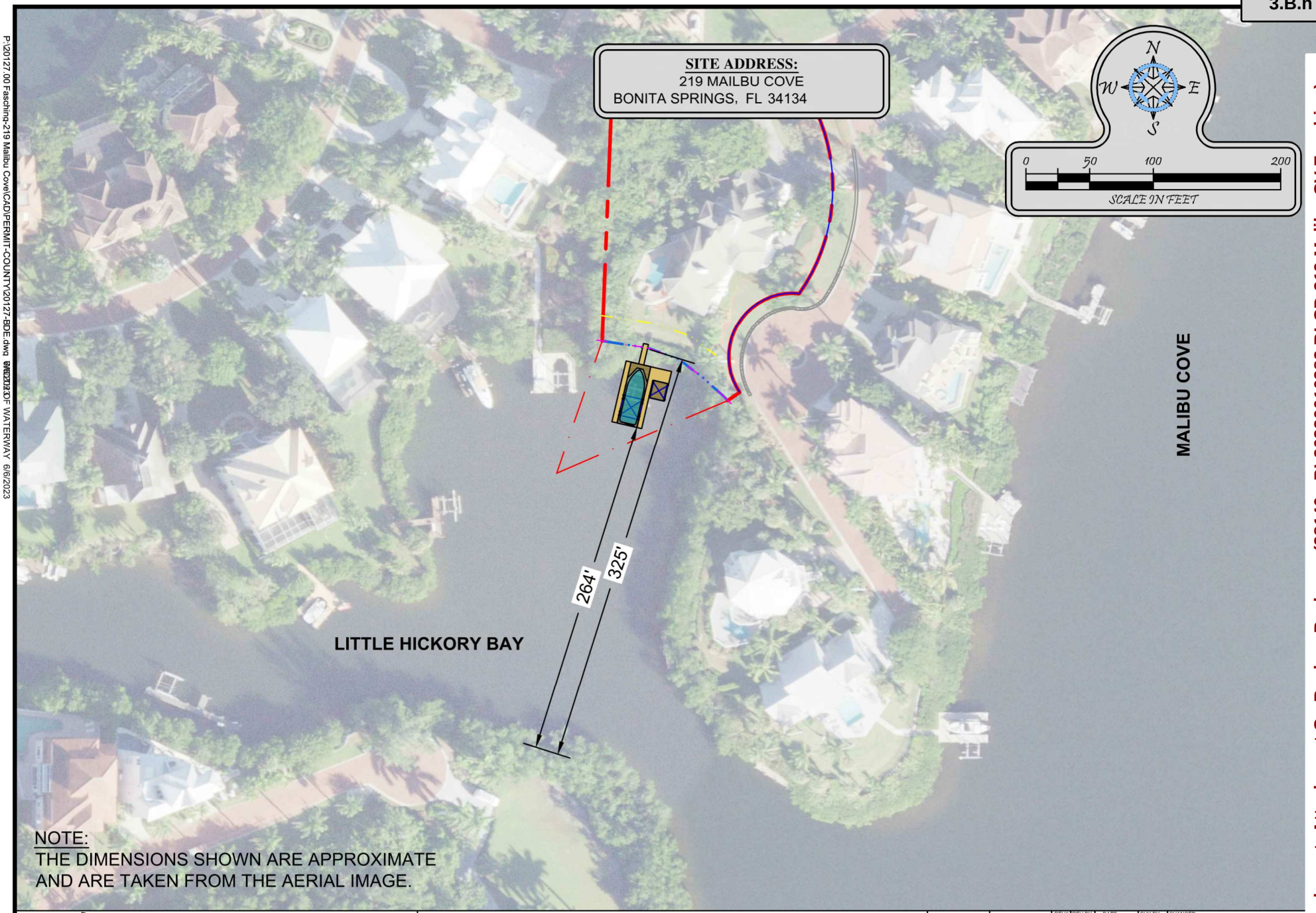
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg 6/6/2023 WIDTH OF WATERWAY



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219 MALIBU COVE

WIDTH OF WATERWAY

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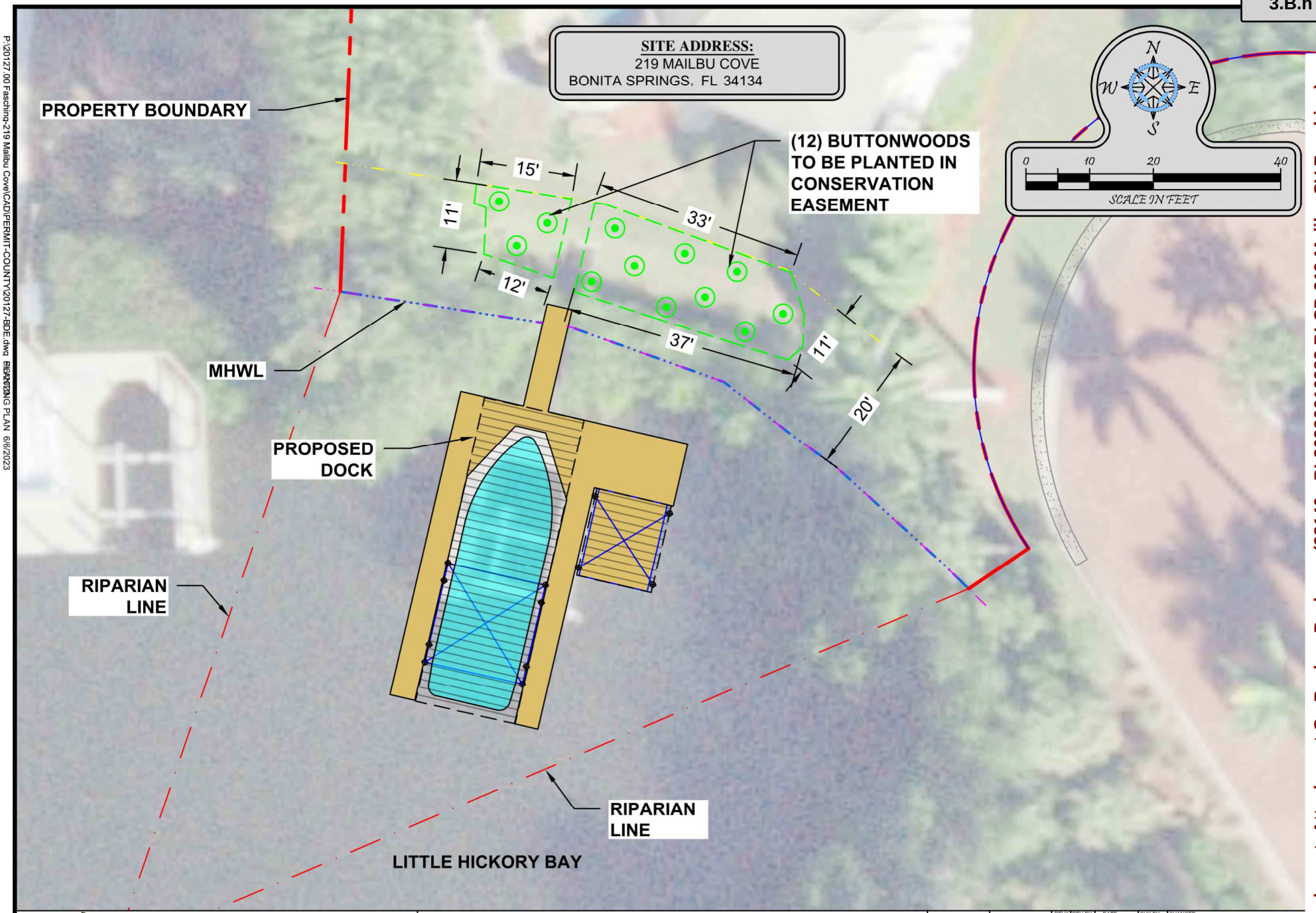
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



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219 MALIBU COVE

PLANTING PLAN

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-06-23	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	08 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S

P:\20127.00 Fasching-219 Mailbu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg 6/6/2023 PLANTING PLAN 6/6/2023

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County Property Appraiser
Property Summary

Parcel No	74435002201	Site Address *Disclaimer	219 MALIBU CV	Site City	BONITA SPRINGS	Site Zone *Note	34134

Name / Address	FASCHING, ELLEN=& MICHAEL
	219 MALIBU COVE

City	BONITA SPRINGS	State	FL	Zip	34134

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A06	636400 193A06	6	48	25	0.59

Legal	SOUTHPORT ON THE BAY UNIT ONE LOT 19

Millage Area	3	Millage Rates *Calculations		
Sub./Condo	636400 - SOUTHPORT ON THE BAY UNIT 1	School	Other	Total
Use Code	0 - VACANT RESIDENTIAL	4.459	6.0042	10.4632

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
10/20/20	5847-1400	$ 1,950,000
04/29/11	4682-419	$ 0
07/18/96	2207-1525	$ 295,000
01/01/89	1412-765	$ 199,500
01/01/89	1412-763	$ 66,600

2022 Certified Tax Roll

(Subject to Change)

	Land Value	$ 2,482,178
(+)	Improved Value	$ 0
(=)	Market Value	$ 2,482,178
(-)	10% Non-Homestead Cap	$ 776,681
(=)	Assessed Value	$ 1,705,497
(=)	School Taxable Value	$ 2,482,178
(=)	Taxable Value	$ 1,705,497

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

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County Property Appraiser
Property Detail

Parcel No	74435002201	Site Address *Disclaimer	219 MALIBU CV	Site City	BONITA SPRINGS	Site Zone *Note	34134

Name / Address	FASCHING, ELLEN=& MICHAEL				
	219 MALIBU COVE				
City	BONITA SPRINGS	State	FL	Zip	34134

Permits (Provided for reference purposes only. *Full Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1997	COUNTY	9710-1154	03/31/98			POOL
1998	COUNTY	9706-89	03/31/98			
1998	COUNTY	9803-1300	03/31/98			SCREEN ENCLOSURE
2000	COUNTY	9910-0265				DOCK
2012	COUNTY	PRBD20110701570	08/25/17			OTHER
2022	COUNTY	PRBD20210734358	08/17/21			FENCE
2022	COUNTY	PRBD20210734359	09/27/21		09/23/21	RESIDENCE, DEMOLITION

Land

#	Calc Code	Units
10	SQUARE FOOT	33430

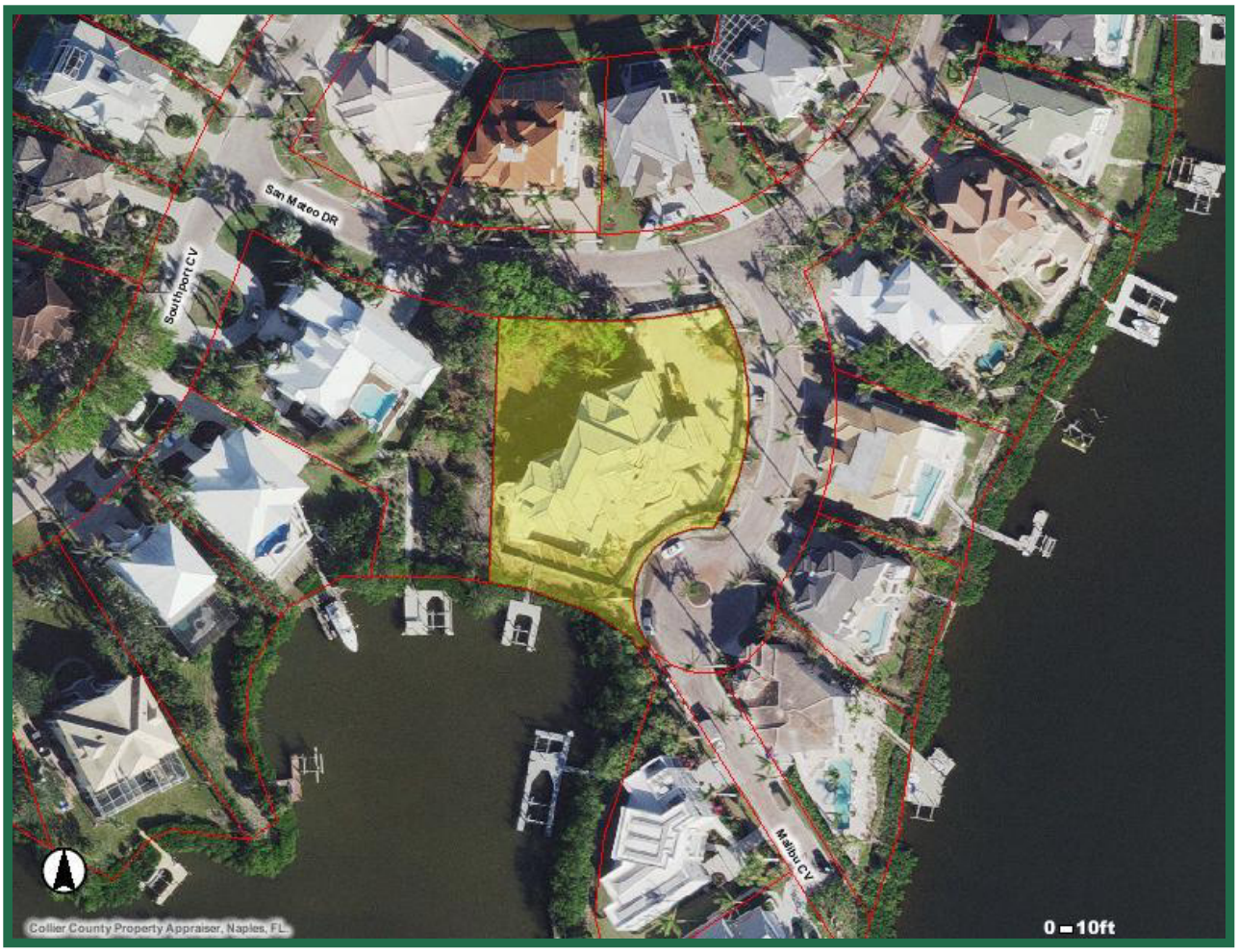
Building/Extra Features

#	Year Built	Description	Area	Adj Area

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Collier County Property Appraiser
Property Aerial

Parcel No	74435002201	Site Address *Disclaimer	219 MALIBU CV	Site City	BONITA SPRINGS	Site Zone *Note	34134

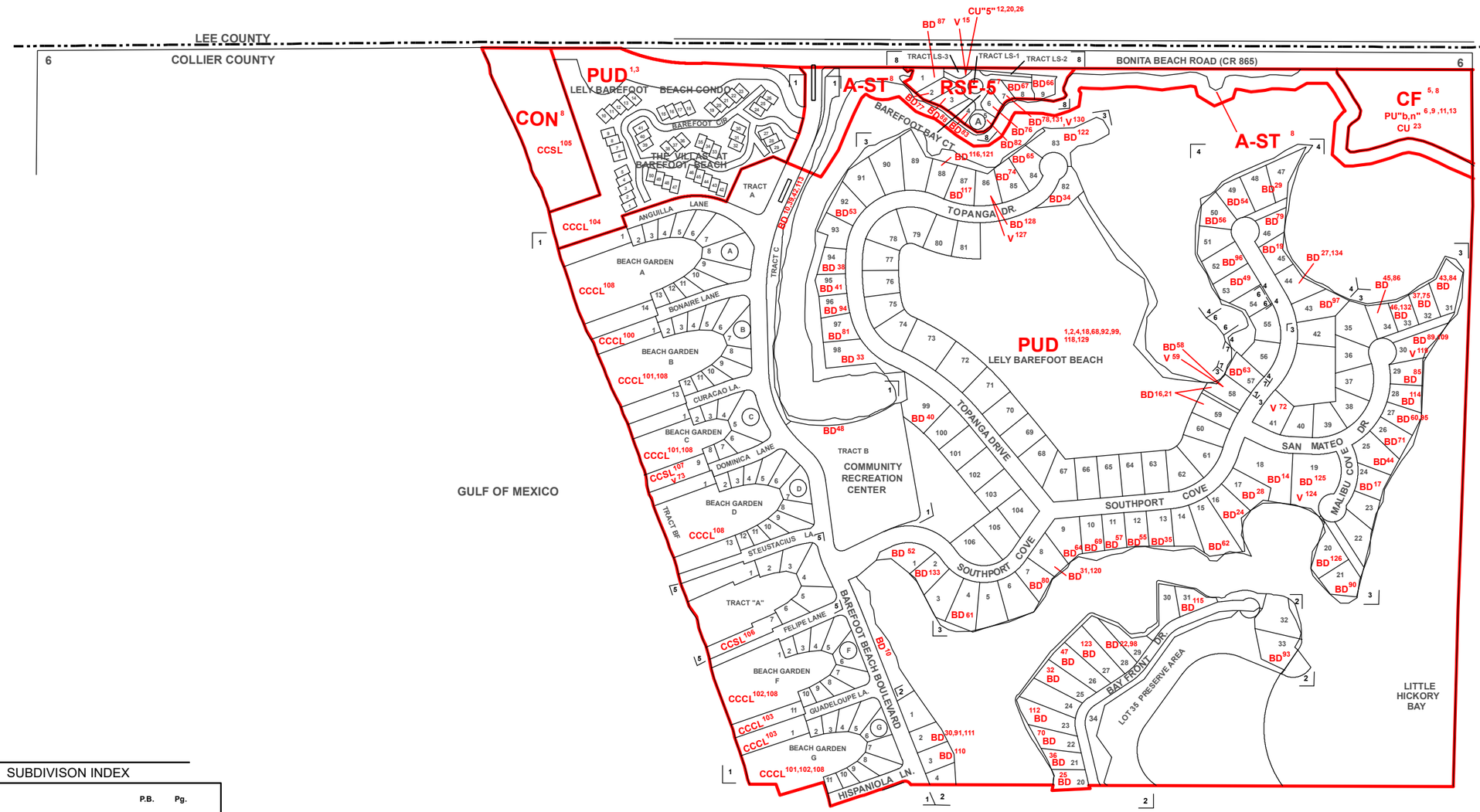


Open GIS in a New Window with More Features.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

The Historic/Archaeological Probability Maps are the official County source designating historic or archaeologic resources.

LAST REVISION: ZONING 1/25/2023 OTHER



8506S

8505N

SUBDIVISON INDEX

NO.	NAME	P.B.	Pg.
1	LELY BAREFOOT BEACH-UNIT 1	12	34-37
2	BAYFRONT GARDENS	14	114-117
3	SOUTHPORT ON THE BAY, UNIT ONE	15	51-53
4	SOUTHPORT ON THE BAY, UNIT TWO	16	100-101
5	BAREFOOT ESTATES	25	1-2
6	SOUTHPORT ON THE BAY, UNIT 2B	32	56
7	SOUTHPORT ON THE BAY, UNIT 2A	24	9-10
8	BAREFOOT BAY	35	61-62

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED BY REFERENCE BY ORDINANCE NO. 04-41 OF THE COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004, AS AMENDED BY THE ZONING NOTES AND SUBDIVISION INDEX REFERENCED HEREON.

BY _____ CHAIRMAN

ATTEST _____ CLERK

ZONING NOTES

1	6-4-85	PDA-85-1,2C 85-21; 85-22
2	7-21-87	PDA-86-17C 87-53
3	7-21-87	PDA-86-18C 87-52
4	8-2-88	PDA-88-7 88-63
5	6-19-90	R-89-22 90-55
6	6-19-90	PU-89-18 90-336
7	2-28-91	R-90-30 91-20
8	LDC-91	
9	6-11-91	PU-89-18-EXT 91-453
10	4-14-92	PU-89-18-EXT 92-34
11	4-14-92	PU-89-18-EXT 92-226
12	9-8-92	CU-92-4 92-67
13	3-23-93	PU-89-18-EXT 93-120
14	4-15-93	BD-93-3 93-12
15	9-8-92	V-92-12 92-500
16	11-18-93	BD-93-18 93-34
17	3-3-94	BD-94-2 94-4
18	5-24-94	PUD-77-19(6) 94-28
19	7-21-94	BD-94-9 94-23
20	6-3-94	CU-92-4-EXT 94-585
21	12-15-94	BD-94-14 94-45
22	2-2-95	BD-94-22 95-5
23	6-20-95	CU-89-18-EXT 95-384
24	7-20-95	BD-95-8 95-26
25	9-21-95	BD-95-14 95-33
26	9-19-95	CU-92-4-EXT 95-538
27	10-3-95	BD-95-17 95-40
28	2-16-96	BD-96-1 96-4
29	5-29-96	BD-96-5 96-16
30	6-4-96	BD-96-6 96-24
31	8-15-96	BD-96-9 96-25
32	11-21-96	BD-96-21 96-40
33	5-15-97	BD-97-10 97-20
34	6-11-97	BD-97-22 97-51
35	11-6-97	BD-97-25 97-55
36	12-4-97	BD-97-27 97-51
37	4-16-98	BD-97-7 98-10
38	5-21-98	BD-98-18 98-17
39	5-7-98	BD-98-17 98-16
40	6-4-98	BD-98-19 98-21
41	7-16-98	BD-98-21 98-26
42	1-21-99	BD-98-39 99-3
43	1-21-99	BD-98-43 99-4
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45	2-4-99	BD-98-42 99-5
46	6-3-99	BD-99-6 99-23
47	6-17-99	BD-99-7 99-25
48	7-15-99	BD-99-10 99-26
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55	5-18-00	BD-00-6 00-10
56	5-18-00	BD-00-01 00-15
57	4-6-00	BD-00-3 00-6
58	5-4-00	V-00-7 00-161
59	5-23-00	BD-00-14 00-18
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61	8-17-00	BD-00-16 00-23
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66	7-19-01	BD-01-AR-586 01-17
67	7-19-01	PUDA-01-AR-546 01-35
68	6-26-01	BD-98-1 98-7
69	2-19-98	BD-00-21 01-26
70	11-1-01	BD-01-AR-1470 01-31
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73	11-7-02	BD-02-AR-2948 02-08
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75	11-7-02	BD-02-AR-3491 03-07
76	3-20-03	BD-02-AR-3415 03-08
77	3-20-03	BD-02-AR-3203 02-10
78	3-20-03	BD-02-AR-3543 03-10
79	5-15-03	BD-03-AR-4690 04-01
80	9-18-03	BD-03-AR-4211 03-14
81	1-15-04	BD-03-AR-4820 03-19
82	12-19-03	BD-03-AR-4821 03-20
83	12-18-03	BD-03-AR-5153 04-04
84	4-15-04	BD-04-AR-5239 04-03
85	4-1-04	BD-04-AR-6799 05-02
86	2-17-05	BD-04-AR-6807 05-04
87	3-3-05	BD-04-AR-6809 05-05
88	3-3-05	BD-05-AR-8280 05-13
89	12-1-05	BD-05-AR-8642 06-02
90	3-16-06	BD-05-AR-8283 06-04
91	3-16-06	PUDZ-04-AR-6283 06-22
92	8-30-06	BD-05-AR-8288 06-05
93	5-17-07	BD-07-AR-11278 07-06
94	6-5-08	BD-08-AR-12731 08-02
95	6-17-10	BD-PL-09-1259 10-03
96	9-2-10	BD-PL-09-1157 10-05
97	12-2-10	BD-PL-10-1194 10-07
98	2-22-11	PUDA-PL-09-742 11-04
99	4-2-85	CCCL-82-7C 82-140
100	9-14-82	CCCL-85-1C 85-84
101	4-2-85	CCCL-87-7C 87-258
102	10-27-87	CCCL-88-17C 88-296
103	11-22-88	CCCL-89-1C 89-35
104	2-14-89	CCSL-88-2 88-133
105	3-10-92	CCSL-91-8 92-167
106	5-12-98	CCSL-01-2 01-394
107	10-9-01	CCCL-87-3 87-117
108	5-26-87	BD-PL-11-2689 12-06
109	7-19-12	BD-PL-13-1439 HEX 14-03
110	1-23-14	BDE-PL-13-2460 HEX 14-16
111	4-24-15	BD-PL-13-2461 HEX 14-14
112	4-16-15	BD-PL-15-256 HEX 16-13
113	3-16-16	BD-PL-15-1024 HEX 16-10
114	3-16-16	BD-PL-16-3640 HEX 17-22
115	8-31-17	BD-PL-16-3559 HEX 17-28
116	10-17-17	PUDA-PL-17-4086 HEX 18-14
117	7-30-18	PUDA-PL-17-4421 18-41
118	9-11-18	VA-PL-18-2064 HEX 18-21
119	10-3-18	BD-PL-18-0143 HEX 18-22
120	10-17-18	BD-PL-18-1698 HEX 18-25
121	10-30-18	BDE-PL-19-309 HEX 19-49
122	12-18-19	BDE-PL-19-2626 HEX 20-13
123	10-7-20	VA-PL-21-98 HEX 21-57
124	11-24-21	BDE-PL-21-39 HEX 21-58
125	11-24-21	BDE-PL-20-2208 HEX 22-10
126	3-25-22	VA-PL-21-1616 HEX 22-12
127	3-25-22	BDE-PL-21-155 HEX 22-13
128	3-25-22	PDI-PL-21-2729 HEX 22-22
129	5-12-22	VA-PL-21-2610 HEX 22-24
130	5-24-22	BDE-PL-21-2609 HEX 22-25
131	6-24-22	BDE-PL-21-2627 HEX 22-26
132	7-19-22	BDE-PL-21-2628 HEX 22-30
133	7-22-22	BDE-PL-21-2681 HEX 23-01
134	1-9-23	

COLLIER COUNTY, FLORIDA

COMMUNITY DEVELOPMENT DIVISION

TWP 48S RNG 25E SEC(S) 6 NO 1/2

SCALE 0 400

MAP NUMBER: 8506N

N

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

HEX NO. 2021-58

HEARING EXAMINER DECISION

DATE OF HEARING.

October 28, 2021

PETITION.

PETITION NO. BDE-PL20210000039 - Request for a 43-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, for a total protrusion of 63 feet into a waterway that is 325± feet wide, to accommodate a new docking facility with two boat lifts, one for a 43-foot vessel and the other to be decked over to be used for kayak and paddleboard access, for property located at 219 Malibu Cove and further described as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East, Collier County, Florida.

GENERAL PURPOSE FOR THE PETITION.

To replace an existing dock with a new dock facility with two boat lifts, one for a 43-foot vessel and the other to be decked over to be used for kayak and paddleboard access. The proposed dock facility will protrude 63 feet from the Mean High-Water Line (MHWL) which also serves as the platted property line. As proposed, the new dock facility will also encroach 10 feet into the required 15-foott side/riparian setback which is the subject of a companion variance request.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The Hearing Examiner has jurisdiction over this Petitioner pursuant to Sec. 2-87(4) of the Collier County of Ordinances, Sec. 8.10.00 of the Land Development Code, and Chapter 9 of the County Administrative Code.

2. The public hearing for this Petition was properly noticed and conducted in accordance with all County and state requirements.

3. The public hearing was conducted electronically and in-person in accordance with Emergency/Executive Order 2020-04.

4. The Petitioner and/or Petitioner's representative executed the Hybrid Virtual Quasi-Judicial Public Hearing Waiver related to conducting the public hearing electronically and in-person.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

5. There is a companion Petition No. VA-PL20210000098 for dock side/riparian setback reduction.

6. The County representative introduced the Petition and staff recommendations, followed by Petitioner and/or Petitioner's representative, and then public comment. No objections were made at the hearing.

7. The County's Land Development Code Section 5.03.06.H. lists the criteria for dock facility extensions. The Hearing Examiner may approve, approve with conditions, or deny a boat dock extension request if it is determined that at least four (4) of the five (5) primary criteria, and at least four (4) of the six (6) secondary criteria have been met.[1]

Primary Criteria:

1. Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

   *The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. The subject property is improved with a single-family residence, allowing for up to two boat slips, and is on an irregularly shaped lot with 113± feet of water frontage within a residential component of a planned unit development (PUD). The petitioner desires to remove the existing single-slip dock thereby allowing for its replacement with a two-slip dock facility; one slip for a 43-foot vessel and the other to be decked over for kayak and paddle board access.*

2. Whether the water depth at the proposed site is so shallow that a vessel of the general length, type and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension.)

   *The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. The applicant states that this boat dock extension (BDE) request is based on the existing shoreline conditions which consist of a shallow natural mangrove shoreline. The mangrove shoreline is also a Conservation Easement that any proposed docking facility is required to extend out beyond to ensure the shoreline remains in its natural state. Limited lateral branches will be trimmed to install the dock access but is within the footprint of the existing walkway. The proposed vessel is relatively large and is the driving factor in this BDE request but due to the natural mangrove shoreline and shallow depths*

[1] The Hearing Examiner's findings are italicized.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

along the mangrove fringe requires the dock footprint be pushed further out into the subject waterway. As designed the dock is consistent with all the other docks previously approved within the Little Hickory Bay.

3. Whether the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

   *The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. The applicant states the proposed dock facility is at the terminus end of the bay with little to no navigation within other than for neighboring properties. Additionally, the overall protrusion has been reduced to the extent possible for the vessel to reach adequate water depths to avoid dredging and impacts to the natural mangrove shoreline. Water depth is not a factor pertaining to this criterion.*

4. Whether the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50 percent of the waterway width between dock facilities on either side is maintained for navigability. (The facility should maintain the required percentages.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The applicable waterway is 325± feet wide as measures from MHWL to MHWL, the requested protrusion is 63 feet; therefore, the proposed dock facility will occupy 19.38 percent of the width of said waterway. Given that the subject dock facility is located within a basin it is difficult to say just how much room for navigability exists; however, given that natural portions of the bay are far more restrictive the intent of this challenge is satisfied.*

5. Whether the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *As depicted upon the Proposed Dock Plan, the proposed dock facility provides adequate setbacks from both neighboring dock facilities; therefore, it will not interfere with the use of said docks. The natural mangrove shoreline provides for a visual buffer of the waterway and serves to ameliorate any views that might otherwise be impacted.*

Secondary Criteria:

1. Whether there are special conditions not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The applicant states the following: "The subject property has two special conditions that are contributing to this BDE request other than the owner's vessel and shallow water depths. The first condition is the natural mangrove shoreline that cannot be impacted or removed due to it being recorded as a Conservation Easement which requires us to design the dock on the waterward side of the mangrove fringe. The second condition is the subject property's shape of shoreline that will only allow the proposed dock to be placed just about in the same location of the existing docking facility due to the adjacent existing and proposed docks. Rotating the direction of the proposed dock would create potential ingress/egress issues with the adjacent neighboring dock to the west." With exception to water depth, sufficient justification has been provided; water depth is not a factor of this criterion.*

2. Whether the proposed dock facility would allow reasonable, safe access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *Most of the proposed dock facility is comprised of a U-shaped dock with 4-foot finger docks on either side of the primary lift. The second lift, to be decked over for kayak and paddleboard access has no finger pier on the outer portion but has a 10-foot area to the front. It is staff's opinion there is minimal extra decking and that the finger docks are of the minimum width needed for safe operations.*

3. For single-family dock facilities, whether the length of the vessel, or vessels in combination, described by the petitioner, exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The subject property has 113± feet of water frontage and the primary vessel to be docked is 43 feet which is 38.05 percent of the waterfront. Kayaks and paddleboards are non-motorized and should not be included as part of this calculation.*

4. Whether the proposed facility would have a major impact on the waterfront view of neighboring property owners. (The facility should not have a major impact on the view of a neighboring property owner.)

   The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET.** *The proposed dock has been designed within the designated riparian lines and is consistent with the existing docks along the subject shoreline. Additionally, the natural mangrove shoreline serves as a visual buffer of the waterway.*

5. Whether seagrass beds will be impacted by the proposed dock facility. (If seagrass beds are present, compliance with subsection 5.03.06.J of the LDC must be demonstrated.)

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

The record evidence and testimony from the public hearing reflects that the criterion **HAS BEEN MET**. *The submerged resources survey provided indicates that no seagrass beds exist within 200-feet of the proposed dock. No seagrass beds will be impacted by the proposed dock facility.*

6. Whether the proposed dock facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this Code. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated.)

   The record evidence and testimony from the public hearing reflects that the criterion is **NOT APPLICABLE**. *The provisions of the Collier County Manatee Protection Plan do not apply to individual docks behind individual residences.*

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there is enough competent, substantial evidence as applied to the criteria set forth in Section 5.03.06.H of the Land Development Code to approve the Petition. The Petition meets 5 out of 5 of the primary criteria and 5 out of 6 secondary criteria (one secondary is not applicable in this case).

DECISION.

The Hearing Examiner hereby APPROVES Petition Number BDE-PL20210000039, filed Jeff Rogers of Turrell, Hall & Associates, Inc., representing Michael and Ellen Fasching, with respect to the property described as 219 Malibu Cove, located at the southwest corner of San Mateo Drive and Malibu Cove. Said property is identified as Lot 19, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida, for the following:

- A 43-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, for a total protrusion of 63 feet into a waterway that is 325± feet wide, for the benefit of the subject property.

Said changes are fully described in the Dock Plans and Boundary and Topographic Survey attached as Exhibit "A" and the Restoration Plan attached as Exhibit "B" and are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – Dock Plans and Boundary and Topographic Survey
Exhibit B – Restoration Plan

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

LEGAL DESCRIPTION.

678 Palm Court, further described as Lot 27, Block F, Goodland Isles Second Addition, in Section 18, Township 52 South, Range 27 East, Collier County, Florida

CONDITIONS.

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

1. A Special Treatment Permit (ST) must be obtained prior to obtaining a building permit for the proposed docking facility.

2. Companion Petition No. VA-PL20210000098 must be approved for the subject dock facility to be constructed within the setbacks provided herein; absent such approval, this BDE is rendered null and void.

3. The restoration plantings described within the attached Restoration Plan must be installed and inspected prior to the issuance of a Certificate of Completion for the subject boat dock facility.

4. A Building Permit must be issued for a principal structure on the subject property prior to issuance of a Building Permit for an accessory structure; to Wit: The Proposed Dock Facility. 4. A Certificate of Occupancy must be issued for a principal structure at this location prior to the issuance of an accessory structure; to Wit: the Proposed Dock Facility.

DISCLAIMER

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS.

This decision becomes effective on the date it is rendered. An appeal of this decision shall be done in accordance with applicable ordinances, codes and law.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

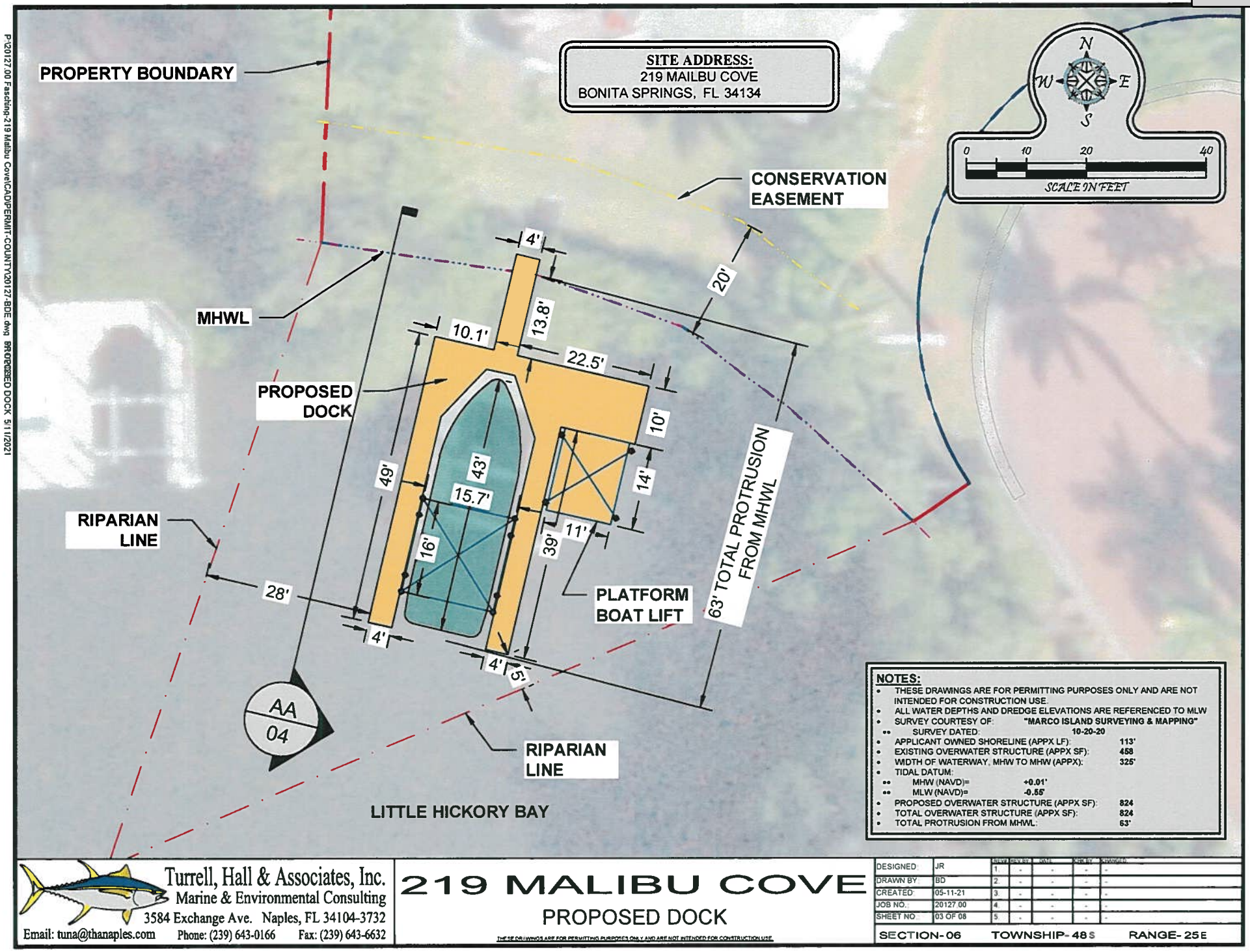
November 24, 2021
Date

Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

EXHIBIT “A”

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

PROPOSED DOCK

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR
DRAWN BY:	BD
CREATED:	05-11-21
JOB NO.:	20127.00
SHEET NO.:	03 OF 08

REV#	REV BY	DATE	CHK BY	CHANGES
1.	-	-	-	-
2.	-	-	-	-
3.	-	-	-	-
4.	-	-	-	-
5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

EXHIBIT "A"

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg PROPOSED DOCK 5/11/2021

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

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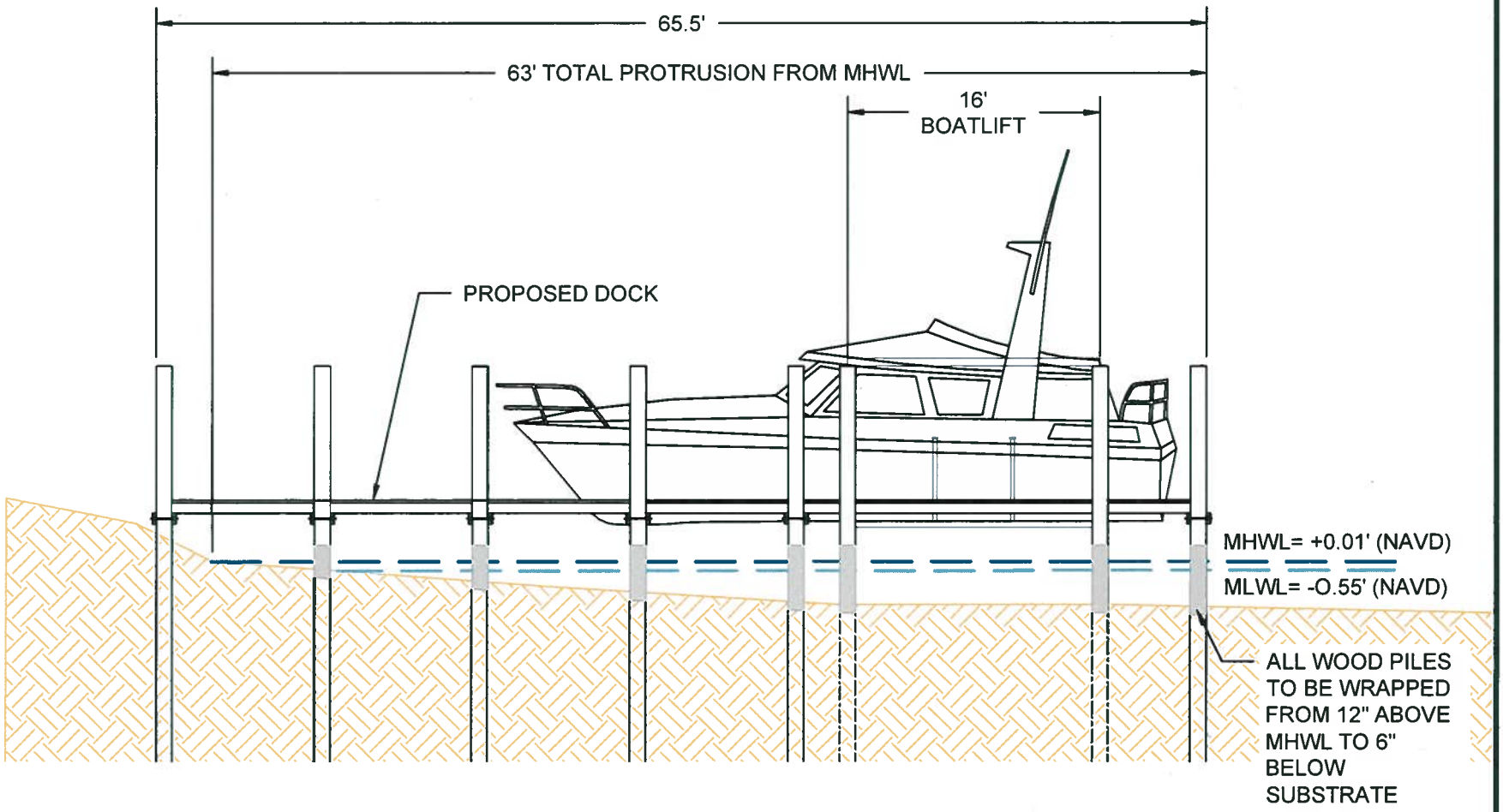

CROSS SECTION AA WITH BOAT

SCALE: 1" = 10'

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219 MALIBU COVE

SECTION AA

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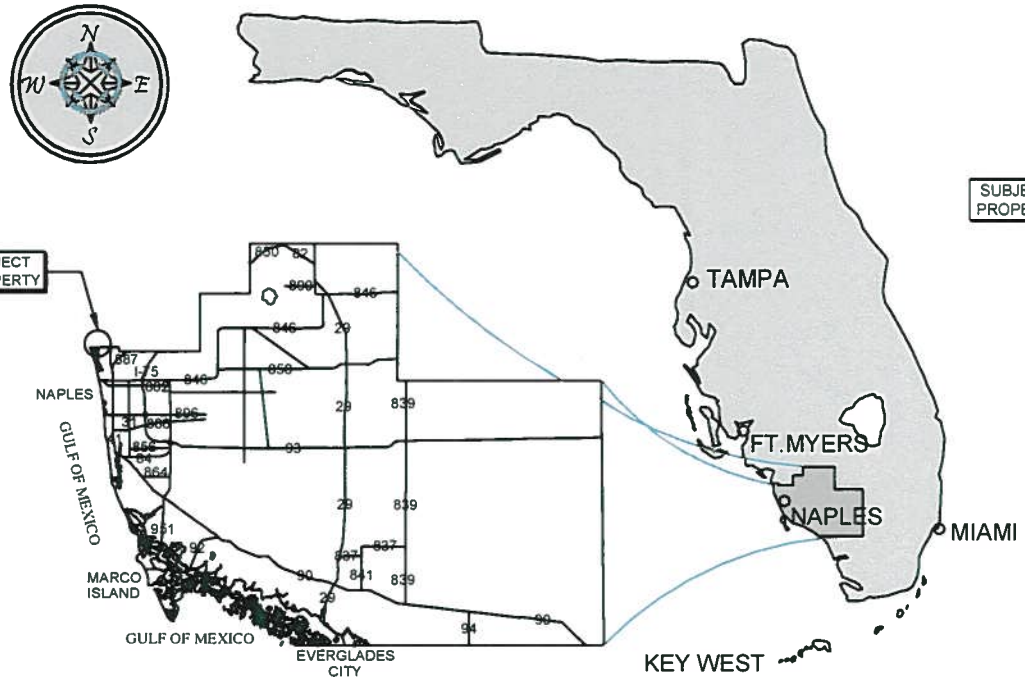
		Revs	REV'D BY	DATE	CHK'D BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	04 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

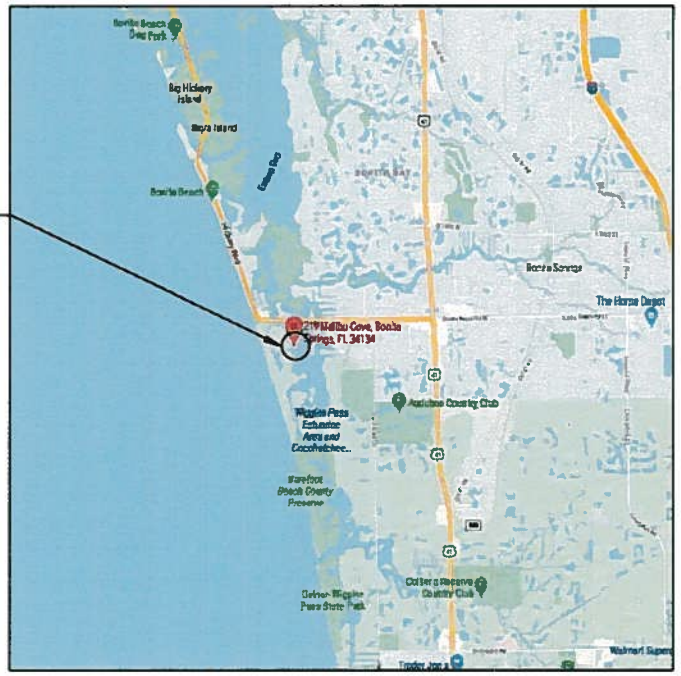
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching 219 Malibu Cove\CAD\PERMIT-COUNTY\20127 BDE.dwg LOCATION MAP 5/11/2021

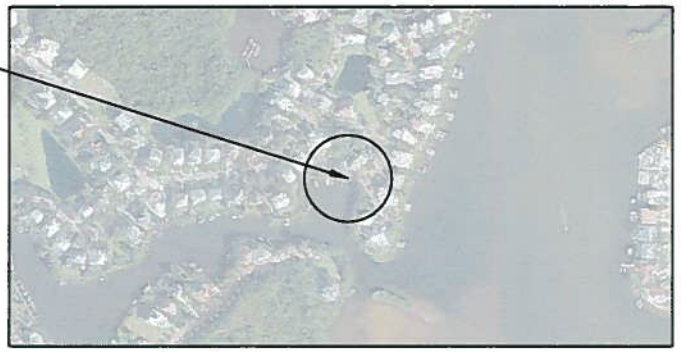
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:

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219 MALIBU COVE

LOCATION MAP

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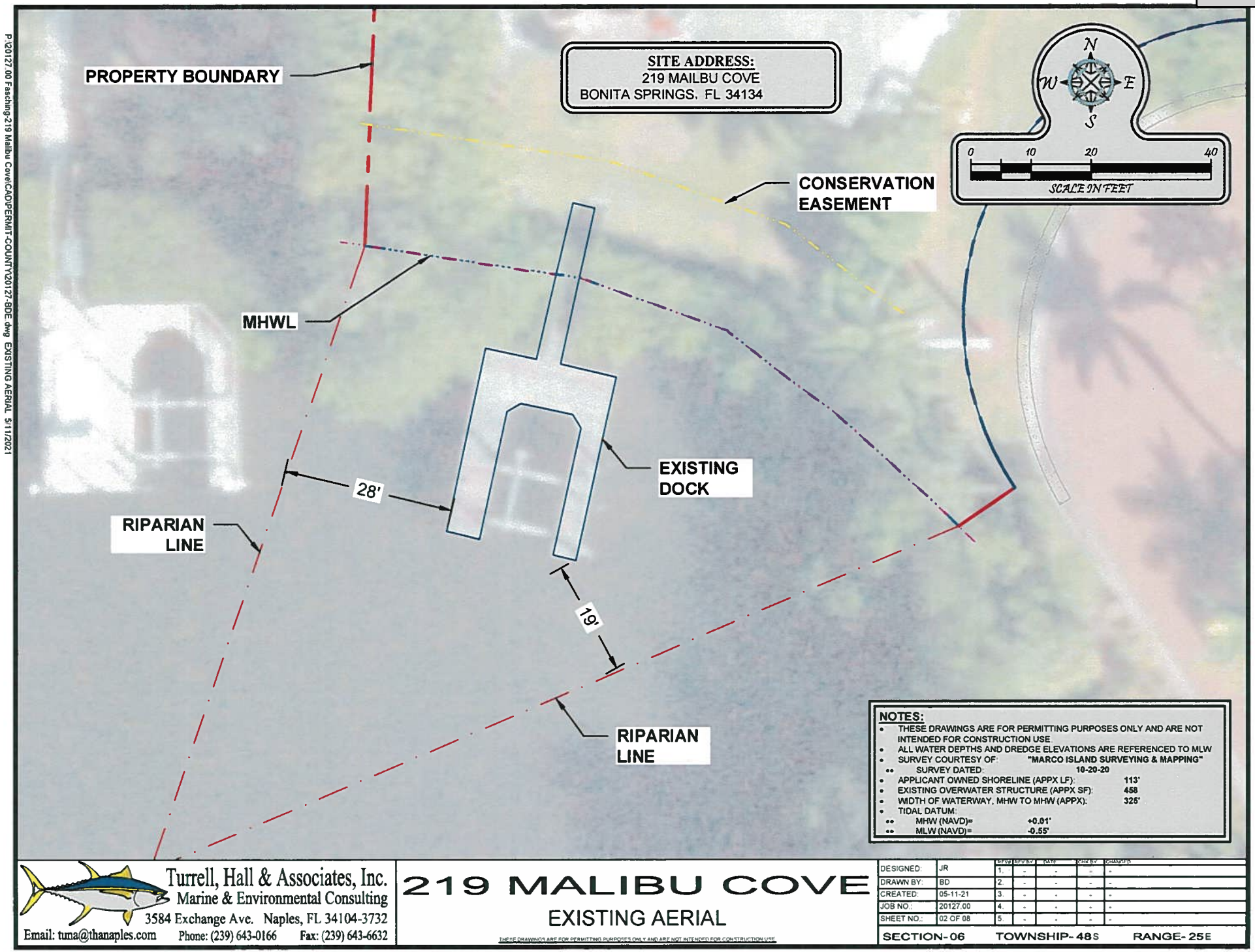
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	01 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO ISLAND SURVEYING & MAPPING"
  - SURVEY DATED: 10-20-20
- APPLICANT OWNED SHORELINE (APPX LF): 113'
- EXISTING OVERWATER STRUCTURE (APPX SF): 458
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 325'
- TIDAL DATUM:
  - MHW (NAVD)= +0.01'
  - MLW (NAVD)= -0.55'

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219 MALIBU COVE

EXISTING AERIAL

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		REV#	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
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JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	02 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

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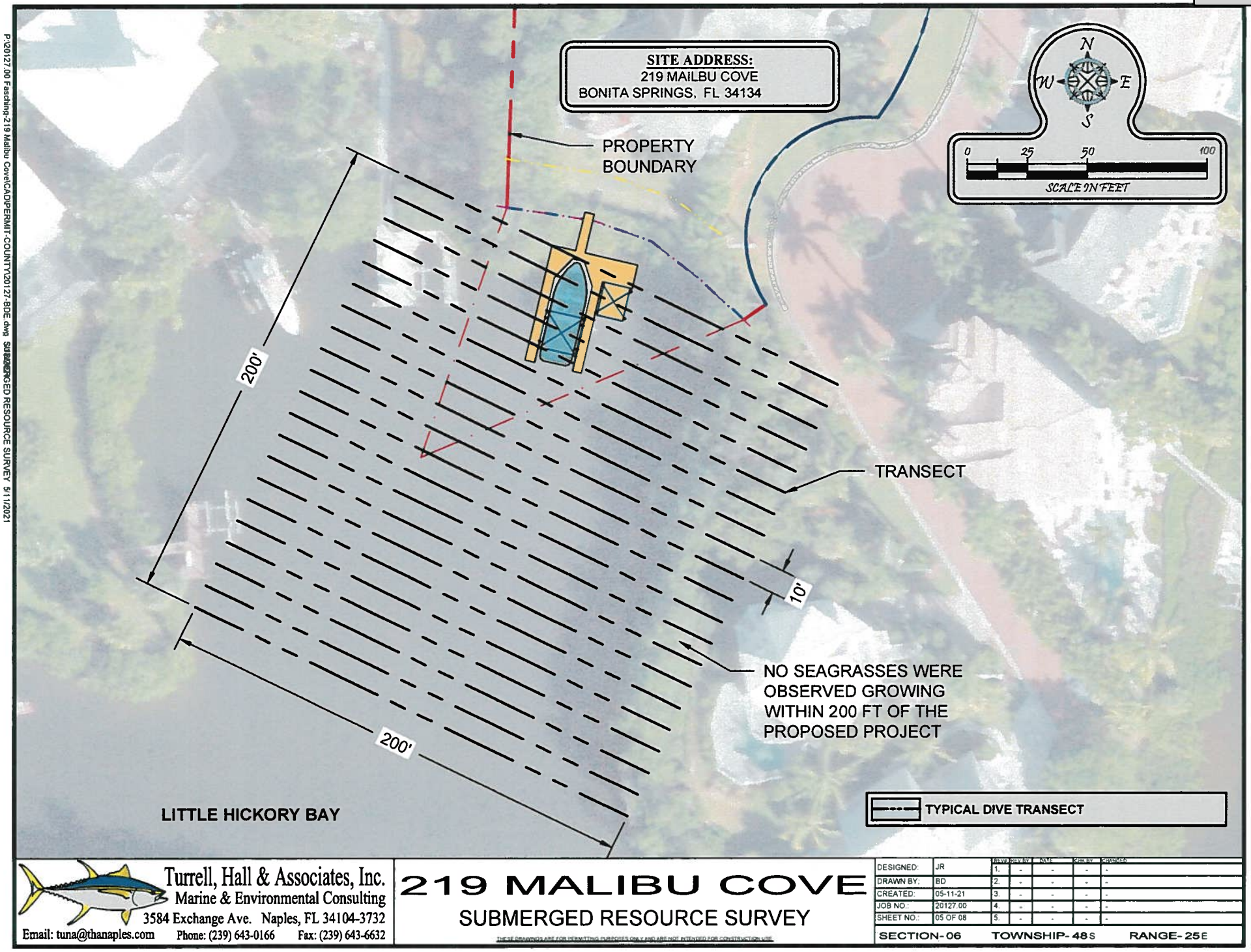
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg SUBMERGED RESOURCE SURVEY 5/11/2021



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219 MALIBU COVE

SUBMERGED RESOURCE SURVEY

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		REVS	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	05 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

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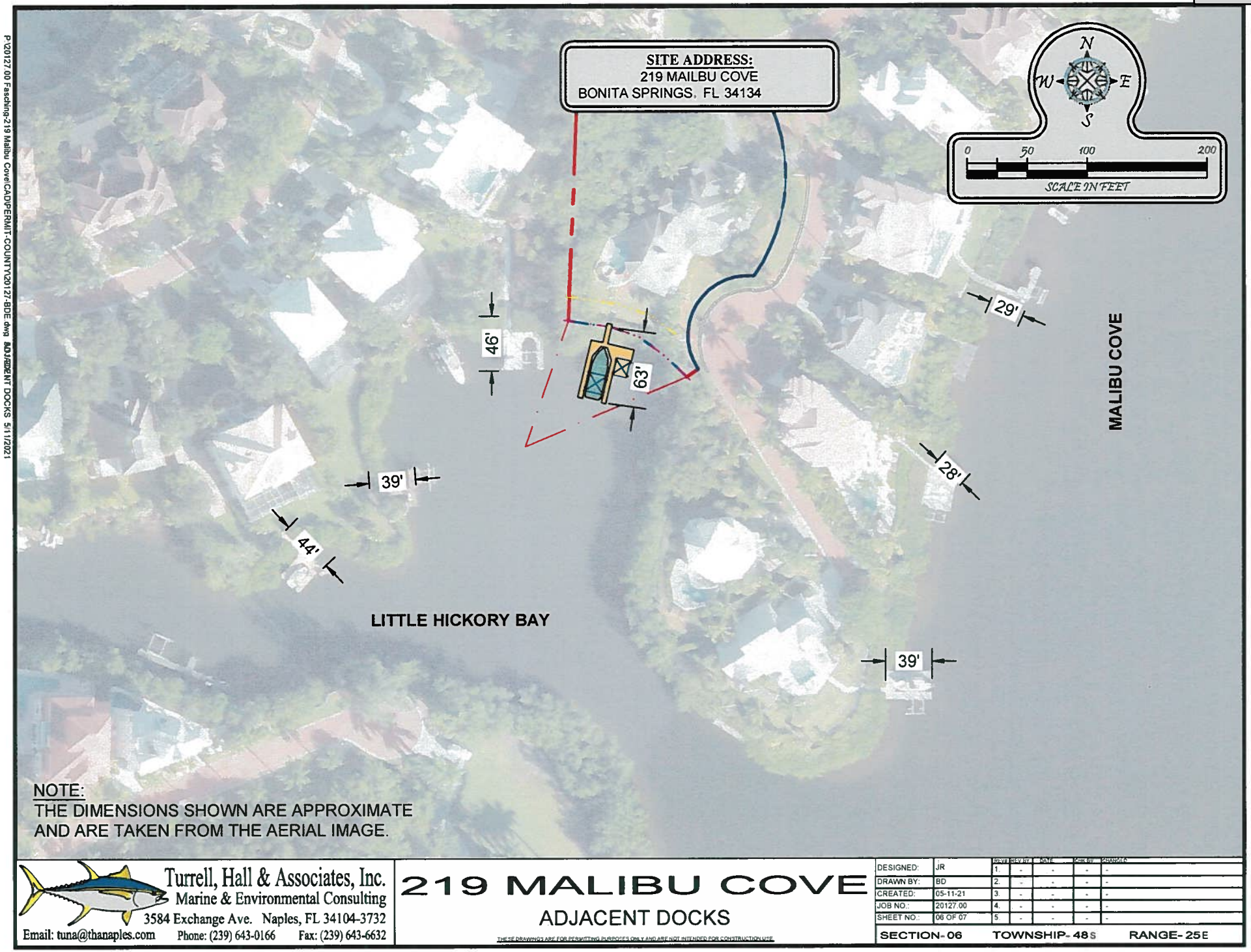

NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

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219 MALIBU COVE

ADJACENT DOCKS

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		REV#	REV BY	DATE	CHK BY	CHANGE
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

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Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

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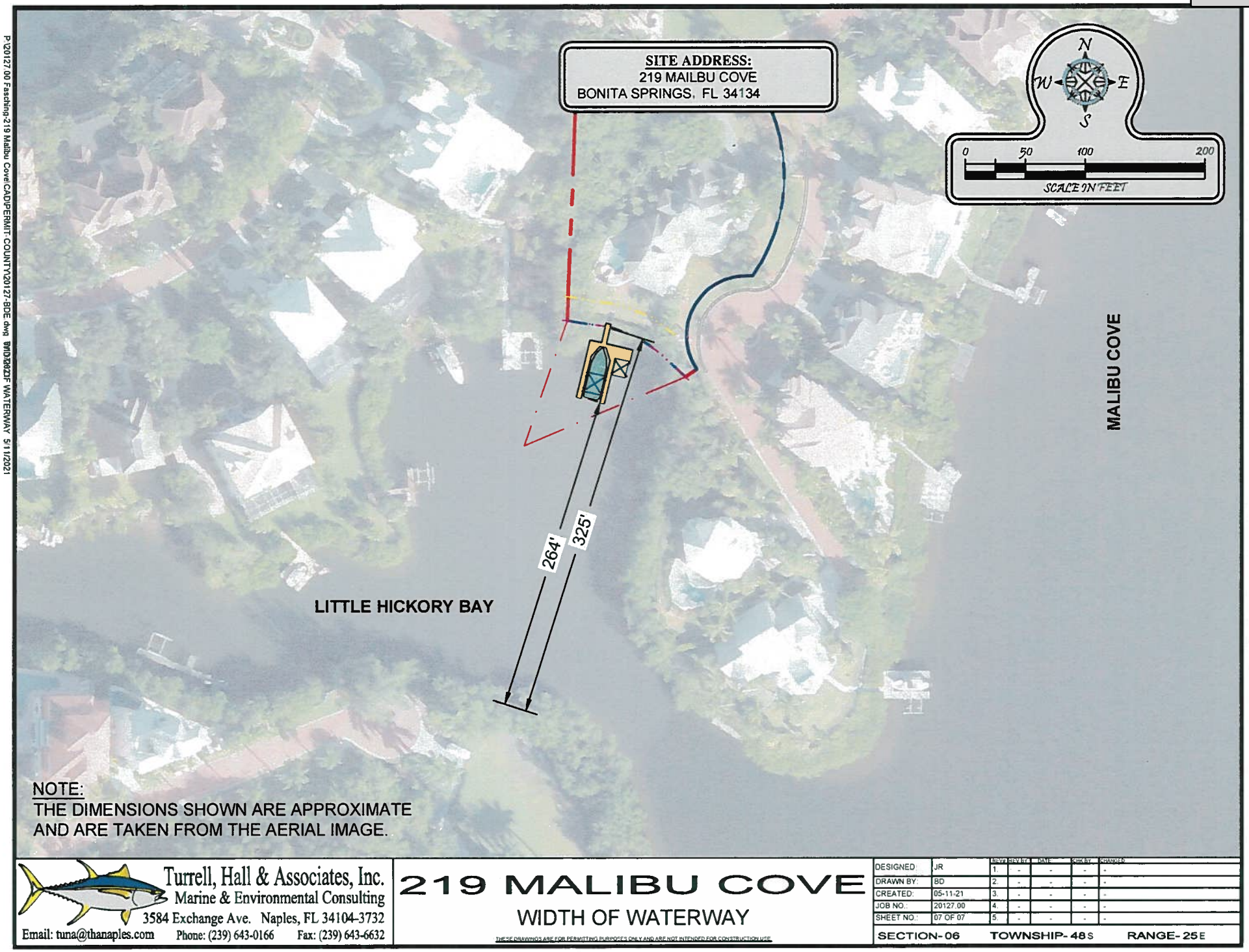

NOTE:
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219 MALIBU COVE

WIDTH OF WATERWAY

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV'S	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	BD	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

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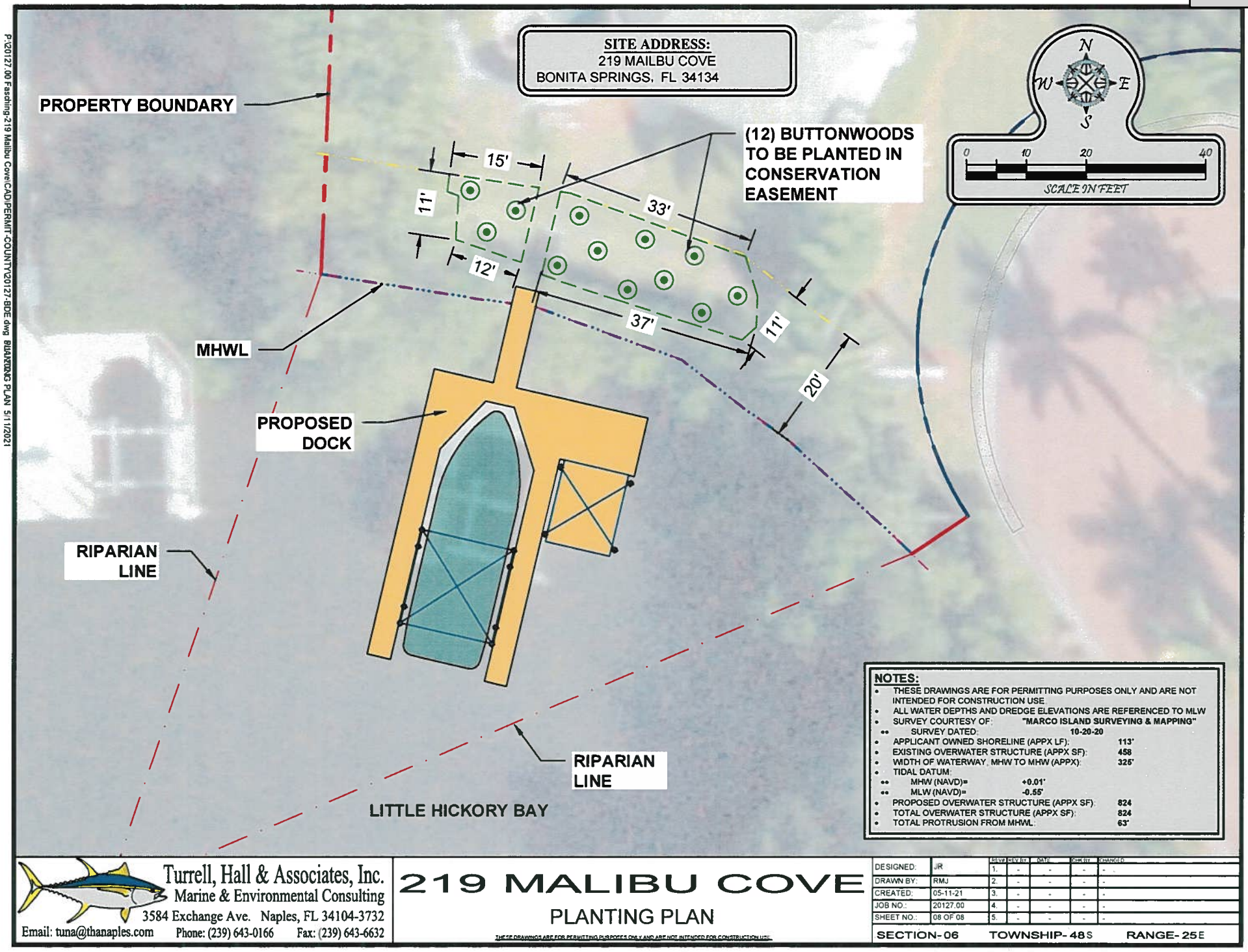

NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO ISLAND SURVEYING & MAPPING"
  - SURVEY DATED: 10-20-20
- APPLICANT OWNED SHORELINE (APPX LF): 113'
- EXISTING OVERWATER STRUCTURE (APPX SF): 458
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 325'
- TIDAL DATUM:
  - MHW (NAVD)= +0.01'
  - MLW (NAVD)= -0.55'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 824
- TOTAL OVERWATER STRUCTURE (APPX SF): 824
- TOTAL PROTRUSION FROM MHWL: 63'

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

PLANTING PLAN

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

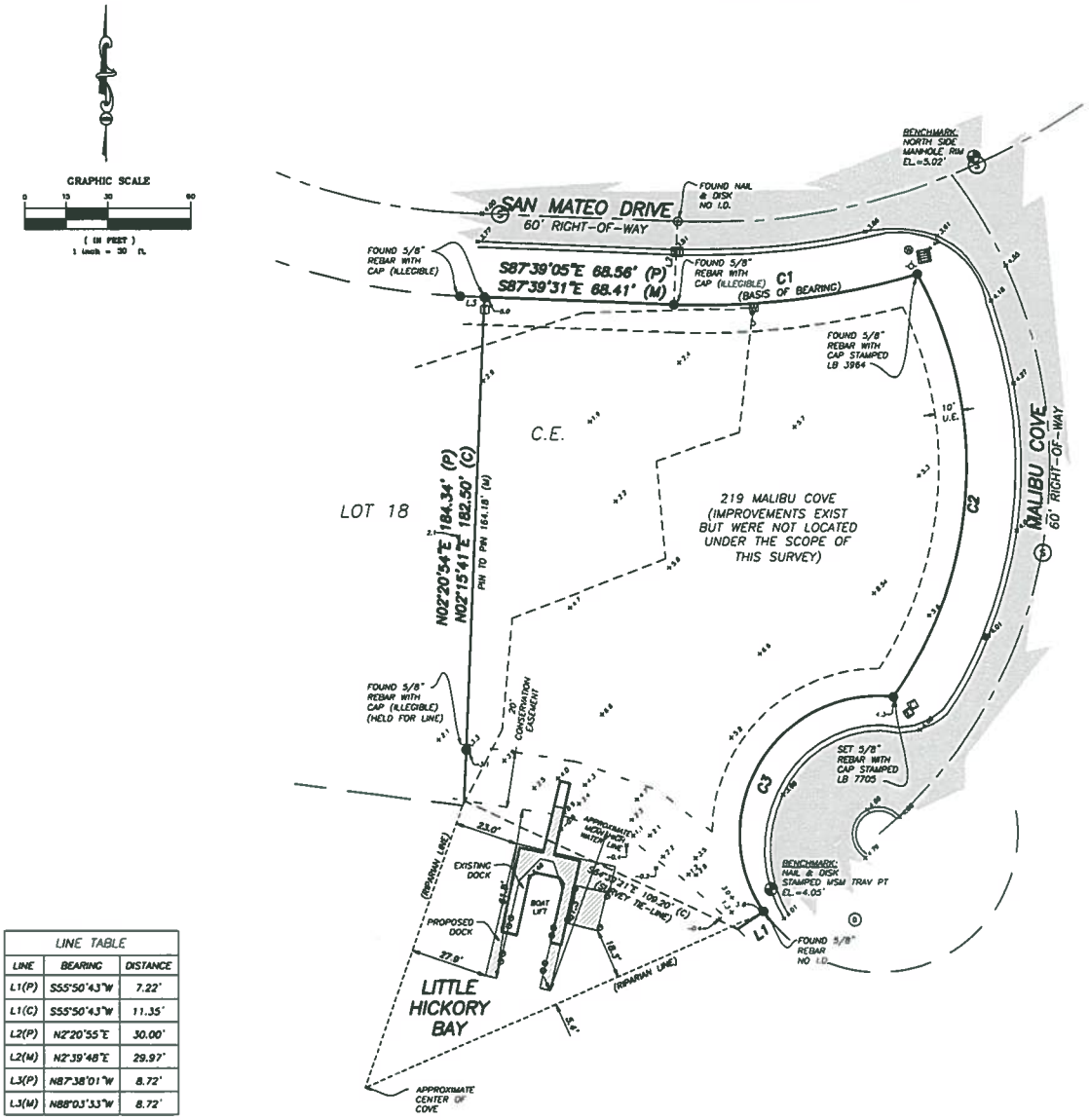
		REV#	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	05-11-21	3.	-	-	-	-
JOB NO.:	20127.00	4.	-	-	-	-
SHEET NO.:	08 OF 08	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-BDE.dwg BUILDING PLAN 5/11/2021

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

ALL ELEVATIONS ARE IN NAVD88



NOTES:

1. Last day of field work is October 30, 2020. (date of survey)
2. Bearings shown hereon are based on the North chord of Lot 19, Southport on the Bay, according to the Plat thereof, being N82°55'50"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.
4. No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Unless otherwise indicated all easements shown hereon are based on plat.
7. Only above ground, visible and apparent improvements were located.
8. Foundations and overhangs are not taken into account on this survey.
9. Irrigation equipment was not taken into account on this survey.
10. No other persons or entities other than those listed as exclusive users may rely on this survey.
11. All dimensions are in feet and decimals thereof, unless otherwise noted.
12. Subject to easements, reservations and restrictions of record.
13. Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.
14. According to the collier County Map viewer as posted on collier.maps.arcgis.com this property is zoned PUD.

    Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.
15. Property contains 0.70 acres (33,430 square feet) more or less.
16. All elevations are in North American Vertical Datum of 1988 (NAVD88).
17. Property falls in Flood Zone "AE" base flood elevation "9" according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 12021C0179H, Community Number 120067, Panel 0179, Suffix H, Dated May 16, 2012.
18. Surveyor's signature and seal pertain only to survey matters. Proposed structures shown hereon were derived from plans provided by Turrell, Hall & Associates.

REVISION NOTES:

1. REVISED RIPARIAN LINES TO CENTER OF COVE; JP; 12/16/2020
2. REVISED RIPARIAN LINES TO AGREED LOCATION & ADDED PROPOSED DOCK; J.P.; 1/12/2021

SYMBOL LEGEND

- DRAINAGE MANHOLE
- CABLE BOX
- ELECTRIC HAND-HOLE
- SANITARY MANHOLE
- FIRE HYDRANT
- WATER VALVE
- DRAINAGE INLET
- BACKFLOW PREVENTER
- WATER METER

SURFACE LEGEND

- ASPHALT
- CONCRETE
- PROPOSED DOCK

LINE TABLE		
LINE	BEARING	DISTANCE
L1(P)	S55°50'43"W	7.22'
L1(C)	S55°50'43"W	11.35'
L2(P)	N2°20'55"E	30.00'
L2(M)	N2°39'48"E	29.97'
L3(P)	N87°38'01"W	8.72'
L3(M)	N88°03'33"W	8.72'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1(P)	270.00'	88.76'	18°50'09"	N82°55'50"E	88.36'
C1(M)	270.00'	88.85'	18°51'17"	N82°55'50"E	88.45'
C2(P)	145.00'	161.55'	63°50'14"	S03°11'45"W	153.33'
C2(M)	145.00'	161.55'	63°50'14"	S03°11'45"W	153.33'
C3(P)	50.00'	113.40'	129°56'32"	S30°49'28"W	90.61'
C3(M)	50.00'	113.56'	130°07'55"	S30°59'51"W	90.68'

ABBREVIATIONS

(M) MEASURED
(P) PLAT
(C) CALCULATED
C.E. = CONSERVATION EASEMENT
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
C.S.C. = CONCRETE SEAWALL CAP
O.R. = OFFICIAL RECORDS BOOK
P.C. = POINT OF CURVATURE
PG. = PAGE
P.I. = POINT OF INTERSECTION

LEGAL DESCRIPTION
(Per O.R. 4682, Pg. 419):

Lot 19, SOUTHPORT ON THE BAY, UNIT ONE, a Subdivision, according to the Plat thereof, recorded in Plat Book 15, Pages 51 through 53, of the Public Records of Collier County, Florida

For the Exclusive Use Of:
Kukk Architecture & Design, P.A.

John Pacetti
No. 6916
Digitally signed by John Pacetti
Date: 2021.01.12 11:21:59

John P. Pacetti, PSM,
Florida License No. 6916
Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper
Certificate of Authorization #7705.

MARCO SURVEYING & MAPPING
3205 BECK BOULEVARD
NAPLES, FLORIDA 34114
(239) 389-0026
WWW.MARCOSURVEYS.COM

BOUNDARY & TOPOGRAPHIC SURVEY / PLOT PLAN

Lot 19,
Southport on the Bay,
Collier County, Florida

CLIENT:	Kukk Architecture & Design, P.A.				
HORIZONTAL SCALE:	1" = 30'	VERTICAL SCALE:	N/A	DATE:	11/2020

CHIEF:	BOOK/PAGE		DRAFTED BY:	PROJECT NO.	WO NUMBER	DRAWING NO.
N.E.	209	74	R.Y.	P990	20-729	3-303

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

EXHIBIT “B”

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

RESTORATION PLAN
219 Malibu Cove
Folio ID #74435002201
S 06 / T 48S / R 25, Collier County, FL

I. INTRODUCTION

Collier County Environmental staff are currently reviewing an application for a single-family residential docking facility located at 219 Malibu Cove. The County's review determined that the existing Conservation Easement (CE) area along the property shoreline will require some restoration plantings due to open areas that have historically been impacted with fill and/or cleared allowing sod to grow. This work within the easement area was not authorized therefore Collier County staff is requiring that the CE area be restored to its natural condition by removing any fill placed within and planting the area with native trees, shrubs, and groundcover.

The property is identified on the property appraiser's website as 74435002201, which is approximately 0.59-acre lot situated within Section 06, Township 48 South, and Range 25 East, Collier County, Florida.

This document outlines the restoration plan for the onsite Conservation Easement area.

II. EXISTING CONDITIONS: HABITAT & SOIL DESCRIPTIONS

The subject site consists of 0.59 acre dedicated to a single-family residential dwelling with a conservation easement area along the entire shoreline. The conservation easement area was historically impacted by minor clearing of vegetation and the placement of fill material outside the authorized area. The conservation easement area will have to be restored as required by Collier County Environmental Staff.

Existing soil is fill which was placed on the property at the beginning of the residential construction. Any additional fill will be removed from the easement area as part of this restoration plan.

III. PROPOSED PLANTINGS / RESTORATION

The owner is being required to restore the conservation easement area by removing any fill that was placed there to create a consistent slope, from the remaining upland area to the existing natural shoreline elevation and planting native vegetation. This will allow for a very gradual slope and once the fill is removed the proposed plantings outlined below will be installed throughout the area.

EXHIBIT "B"

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

The proposed plantings shall include a minimum of 12 midstory trees on 8' centers consisting of just buttonwood trees due to the location of the plantings vs the location of the MHWL. The groundcover will consist of 30 plants on 3' centers in and around the proposed buttonwoods including sea oxeye and bay cedar. All species listed should be utilized in even amounts if possible, but exact species numbers could be based on supply availability. Planting specifics are outlined below.

Midstory plants:	**Number of Trees = 12**
Buttonwood *(Conocarpus erectus)*	*12*

All midstory plantings will be installed on 20ft. centers with a minimum 3-5 gallon pot containers.

Groundcover plants:	**Number of Plants = 30**
Sea Oxeye *(Borrichia frutescens)*	*15*
Bay Cedar (*Suriana maritima)*	15

All groundcover plantings will be installed on 3ft. centers with a minimum 1 gallon pot containers.

Irrigation maybe required for the top half of the easement area due to the distance from the ground water table to help ensure the plantings survival. For the lower half of the easement no irrigation is proposed due to the final elevations of this portion of the conservation easement being closer to the tidal water table which should help keep the plantings hydrated naturally.

IV. CREDENTIALS

Jeff Rogers
Project Manager for Turrell, Hall & Associates since 2005
B.S. Degree in Environmental Science, Rollins College
Sustainable Development Course-Galapagos Islands, Equador
Completed Southwest Florida Association of Environmental Professionals Wetland Delineation Training Course-2006
Florida Department of Environmental Protection Environmental Resource Permit Course-2006
Completed a FAEP Plant ID Class with Dr. Hall from the University of Florida-2006
Primary career focus: Permit Compliance Mitigation and Monitoring

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

HEX NO. 2021-57

HEARING EXAMINER DECISION

DATE OF HEARING.

October 28, 2021

PETITION.

PETITION NO. VA-PL20210000098 - Request for a variance from Section 5.03.06.E.5 of the Land Development Code to reduce the required side yard/riparian setback for dock facilities on lots with water frontage of 60 feet or greater from 15 feet to 5 feet for a lot with 113± feet of water frontage located within the residential component of the Lely Barefoot Beach Planned Unit Development, Ordinance No. 77-48, as amended, at 219 Malibu Cove and further described as Lot 19, Southport on the Bay Unit 1, in Section 6, Township 48 South, Range 25 East, Collier County, Florida

GENERAL PURPOSE FOR THE PETITION.

The petitioner requests to replace an existing dock with a new dock facility that has been designed to accommodate a larger 43-foot vessel. As proposed, the new dock facility will encroach 10 feet into the otherwise required 15- foot side/riparian setback on the east side. Dock protrusion is the subject of a companion Boat Dock Extension petition, BDE-PL20210000039.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The Hearing Examiner has jurisdiction over this Petitioner pursuant to Sec. 2-87(2) of the Collier County of Ordinances, Sec. 8.10.00 of the Land Development Code, and Chapter 9 of the County Administrative Code.

2. The public hearing for this Petition was properly noticed and conducted in accordance with all County and state requirements.

3. The public hearing was conducted electronically and in-person in accordance with Emergency/Executive Order 2020-04.

4. The Petitioner and/or Petitioner's representative executed the Hybrid Virtual Quasi-Judicial Public Hearing Waiver related to conducting the public hearing electronically and in-person.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

5. This Petition is a companion to Petition No. BDE-PL20210000039, to allow the proposed boat dock facility to protrude a total of 63 feet into a waterway that is 325± feet wide.

6. The County representative introduced the Petition and staff recommendations, followed by Petitioner and/or Petitioner's representative, public comment and then rebuttal by the Petitioner and/or Petitioner's representative. There were no objections to the Petition at the public hearing.

7. The County's Land Development Section 9.04.03 lists the criteria for variances. The Hearing Examiner having the same authority as the Board of Zoning Appeals may grant, deny or modify any request for a variance from the regulations or restrictions of the Collier County Land Development Code.[1]

    1. Are there special conditions and circumstances existing, which are peculiar to the location, size and characteristics of the land, structure or building involved?

        The record evidence and testimony from the public hearing reflects that the shape of the shoreline and existence of a Conservation Easement limit dock design options as does the existence of neighboring dock facilities. The petitioner has designed the proposed facility with all the aforementioned circumstances considered, including the desire not to impede the use of neighboring dock facilities.

    2. Are there special conditions and circumstances, which do not result from the action of the applicant such as pre-existing conditions relative to the property, which are the subject of the Variance request?

        The record evidence and testimony from the public hearing reflects that the *property's natural shoreline, shape of the shoreline, and Conservation Easement necessitated the additional protrusion (Subject of companion BDE) due to the pie-shaped riparian lines. The proposed dock has been designed to compensate for the above and to accommodate the desired vessel size of 43 feet.*

    3. Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties for the applicant?

        The record evidence and testimony from the public hearing reflects that a literal interpretation of the Code would compel a smaller dock, thereby creating practical difficulties for the applicant with respect to the docking of a 43-foot vessel.

    4. Will the Variance, if granted, be the minimum Variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety, and welfare?

        The record evidence and testimony from the public hearing reflects that with exception to the decked over lift, there is no excess decking. As for the decked over lift, the applicant

[1] The Hearing Examiner's findings are italicized.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

has explained that it is to be a platform for kayaks and paddleboards, said lift is not the offending portion of the proposed dock with respect to the side/riparian Variance request.

5. Will granting the Variance confer on the applicant any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

   The record evidence and testimony from the public hearing reflects that a variance bestows some dimensional relief from the zoning regulations specific to a site. LDC Section 9.04.02 allows relief through the variance process for any dimensional development standard. However, other properties facing a similar situation are entitled to make a similar request and would be conferred equal consideration on a case-by-case basis.

6. Will granting the Variance be in harmony with the general intent and purpose of this Land Development Code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

   The record evidence and testimony from the public hearing reflects that the granting of the subject variance request will be in harmony with the general intent and purpose of the LDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

7. Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf courses, etc.?

   The record evidence and testimony from the public hearing reflects that the subject docking facility is uniquely situated and compensates for existing dock facilities as well as an existing Conservation Easement.

8. Will granting the Variance be consistent with the GMP?

   The record evidence and testimony from the public hearing reflects that his Variance will not affect or change the requirements of the GMP with respect to density, intensity, compatibility, access/connectivity, or any other applicable provisions.

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there is enough competent, substantial evidence as applied to the criteria set forth in Section 9.04.03 of the Land Development Code to approve Petition.

DECISION.

The Hearing Examiner hereby APPROVES Petition No. VA-PL20210000098, filed by Jeff Rogers of Turrell, Hall & Associates, Inc., representing Michael and Ellen Fasching, with respect

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

to the property described as 219 Malibu Cove, located at the southwest corner of San Mateo Drive and Malibu Cove. Said property is identified as Lot 19, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida, for the following:

- A variance from Section 5.03.06.E.5 of the Collier County Land Development Code, to reduce the required side/riparian setback for dock facilities on lots with water frontage of 60 feet or greater from 15 feet to 5 feet for a lot with 113± feet of water frontage, for the benefit of the subject property.
-

Said changes are fully described in Proposed Dock Plans attached as Exhibit "A" are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – Proposed Dock Plans

LEGAL DESCRIPTION.

219 Malibu Cove, located at the southwest corner of San Mateo Drive and Malibu Cove. Said property is identified as Lot 19, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida

CONDITIONS.

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

DISCLAIMER.

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS.

This decision becomes effective on the date it is rendered. An appeal of this decision shall be done in accordance with applicable ordinances, codes and law.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

November 24, 2021
Date

Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

EXHIBIT “A”

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

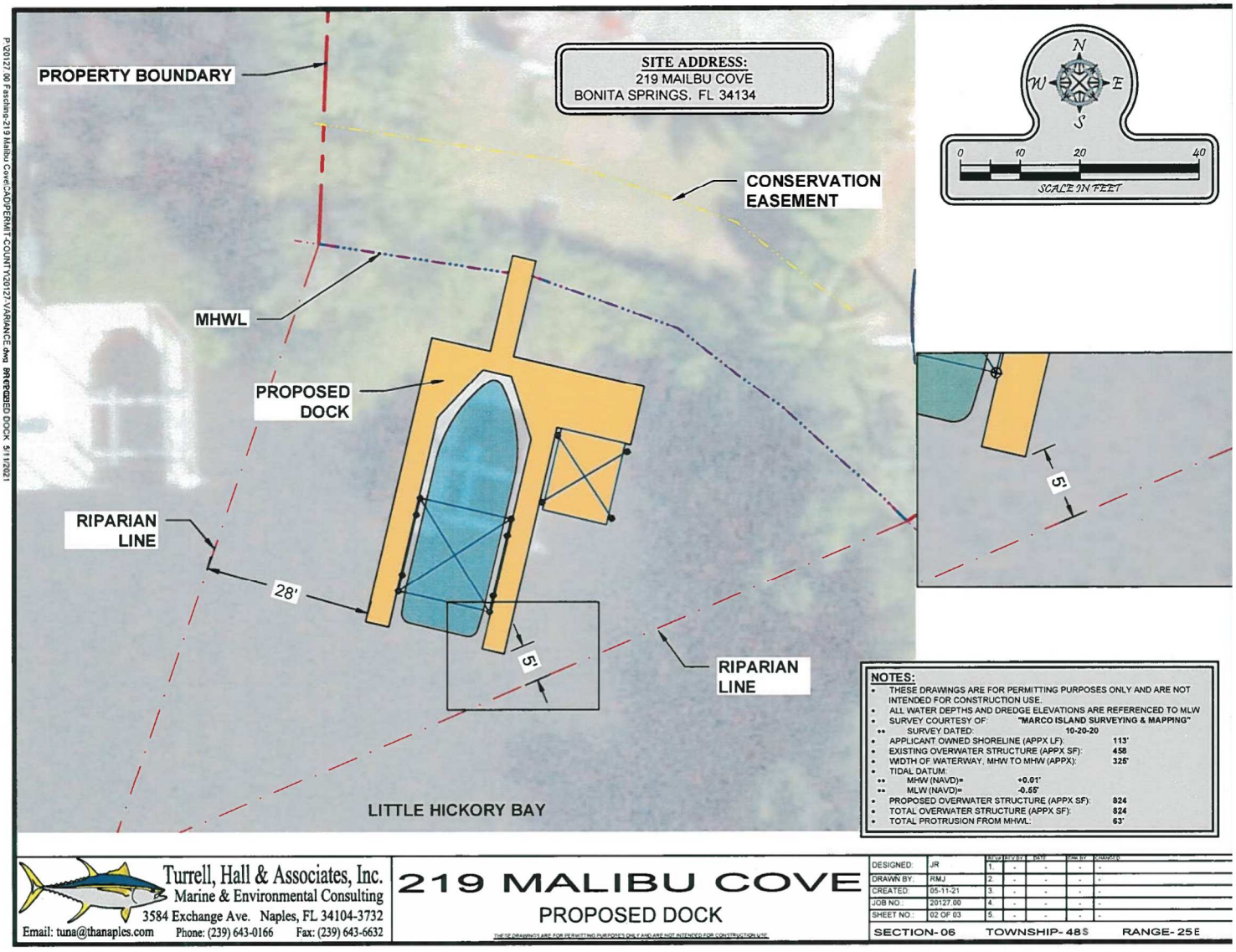
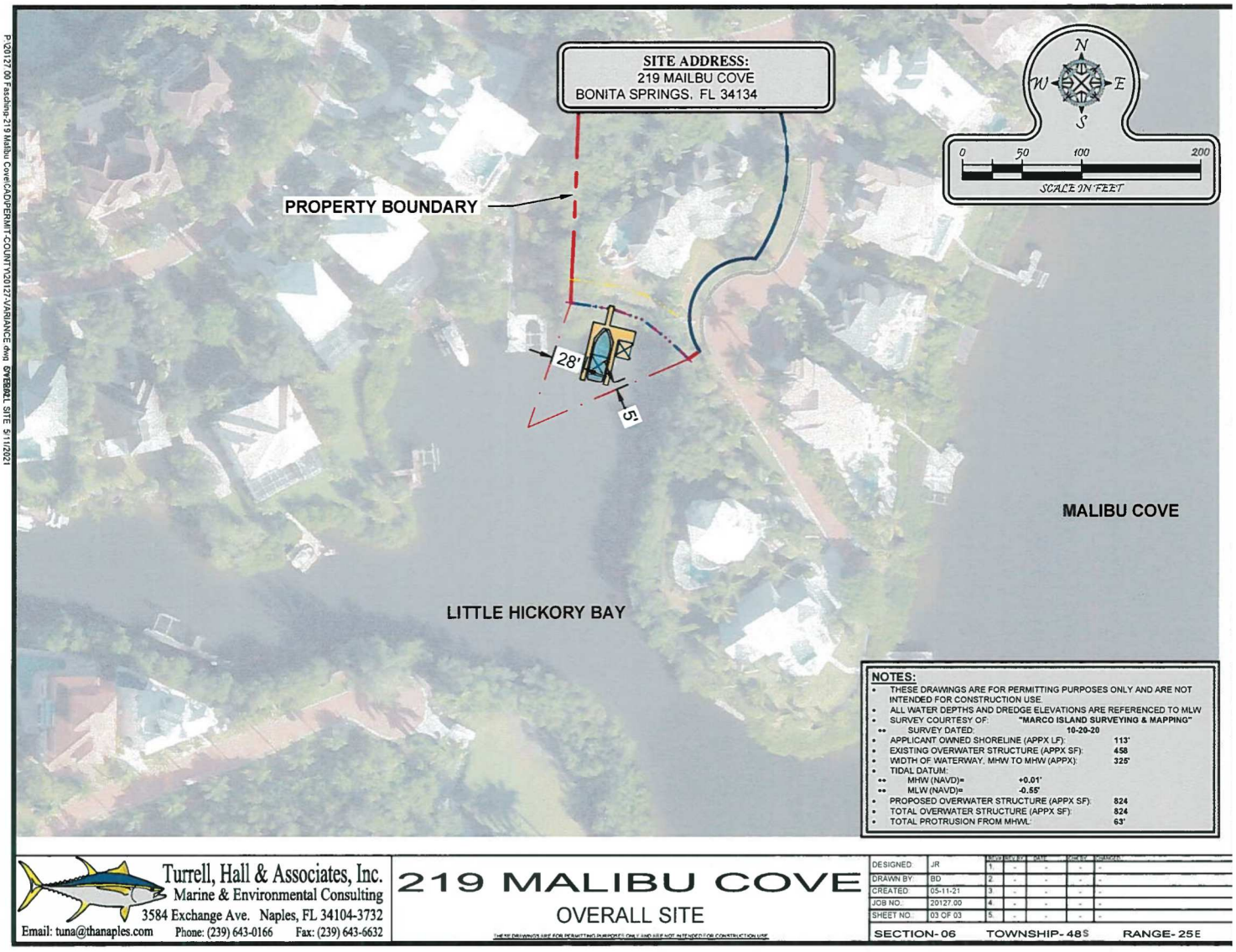


EXHIBIT "A"

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO ISLAND SURVEYING & MAPPING"
  - SURVEY DATED: 10-20-20
- APPLICANT OWNED SHORELINE (APPX LF): 113'
- EXISTING OVERWATER STRUCTURE (APPX SF): 458
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 325'
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- PROPOSED OVERWATER STRUCTURE (APPX SF): 824
- TOTAL OVERWATER STRUCTURE (APPX SF): 824
- TOTAL PROTRUSION FROM MHWL: 63'

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Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

OVERALL SITE

DESIGNED:	JR	NO.	REVISION	BY	DATE	CHECKED
DRAWN BY:	BD	1	-	-	-	-
CREATED:	05-11-21	2	-	-	-	-
JOB NO.:	20127.00	3	-	-	-	-
SHEET NO.:	03 OF 03	4	-	-	-	-
		5	-	-	-	-

SECTION- 06 TOWNSHIP- 48S RANGE- 25E

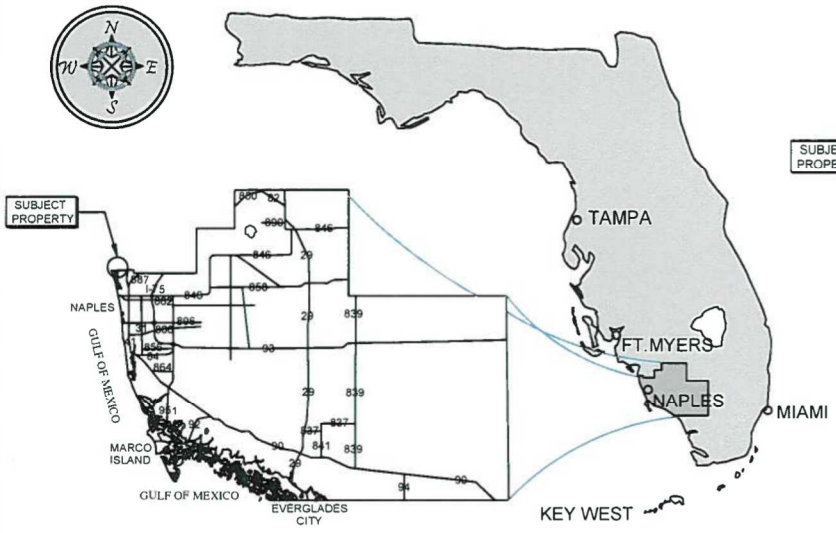
P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127-VARIANCE.dwg OVERALL SITE 5/11/2021

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

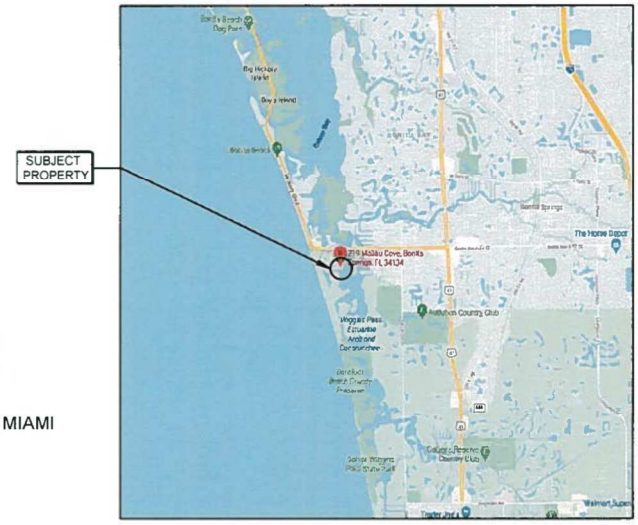
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

P:\20127.00 Fasching-219 Malibu Cove\CAD\PERMIT-COUNTY\20127 VARIANCE.dwg LOCATION MAP 5/11/2021

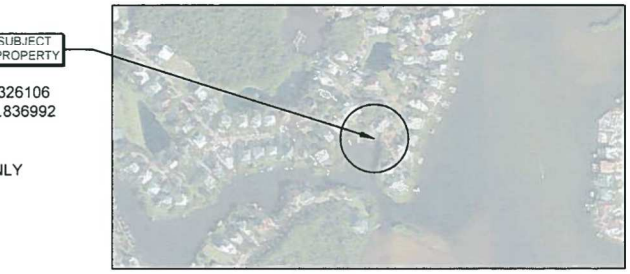
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:
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Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

LOCATION MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REVS	REV BY	DATE	APP BY	CHANGES
DESIGNED:	JR	1	-	-	-	-
DRAWN BY:	BD	2	-	-	-	-
CREATED:	05-11-21	3	-	-	-	-
JOB NO.:	20127.00	4	-	-	-	-
SHEET NO.:	01 OF 03	5	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S RANGE- 25 E

5.03.06 Dock Facilities

A. Generally. **Docks** and the like are primarily intended to adequately secure moored vessels and provide safe **access** for routine maintenance and use, while minimally impacting navigation within any **adjacent** navigable channel, the use of the waterway, the use of neighboring **docks**, the native marine habitat, manatees, and the view of the waterway by the neighboring property owners.

B. Allowable uses. The following uses may be permitted on waterfront property:

1. Individual or multiple private **docks**.
2. Mooring pilings.
3. Davits or lifts.
4. **Boathouses**.
5. **Boat lift canopies.**

C. Measurement of dock protrusions and extensions.

1. Measurement is made from the most restrictive of the following: property line, **bulkhead line**, **shoreline**, seawall, rip-rap line, control elevation contour, or **mean high water line (MHWL).**
2. On manmade waterways less than 100 feet in width, where the actual waterway has receded from the platted waterfront property line, the County Manager or Designee may approve an administrative variance allowing measurement of the protrusion from the existing MHWL, provided that:
   a. A signed, sealed survey no more than 60 days old is provided showing the location of the MHWL on either side of the waterway at the site, as well as any **dock** facilities on the subject property and the property directly across the waterway; and
   b. At least 50% of the true waterway width, as depicted by the survey, is maintained for navigability.
3. On manmade canals 60 feet or less in width, which are not reinforced by a vertical seawall or bulkhead, at least 33 percent of the true waterway width, as depicted by the survey, must be maintained for navigability.
4. The allowable protrusion of the facility into the waterway shall be based on the percentages described in subsection 5.03.06(E)(2) of this LDC as applied to the true waterway width, as depicted by the survey, and not the platted canal width.

D. Determination as principal or **accessory use**.

1. On unbridged barrier islands, a boat **dock** shall be considered a permitted **principal use**; however, a **dock** shall not, in any way, constitute a use or **structure** which permits, requires, and/or provides for any **accessory uses** and/or **structures**.
2. **Boathouses** and **dock facilities** proposed on residentially zoned properties, as defined in section 2.02.02 of this LDC, shall be considered an **accessory use** or **structure**.
3. Any covered **structure** erected on a private boat **dock** shall be considered an **accessory use**, and shall also be required to be approved through the procedures and criteria of subsections 5.03.06(G) and 5.03.06(F) of this LDC.

E. Standards for **dock facilities.** The following criteria apply to **dock facilities** and **boathouses**, with the exception of **dock facilities** and **boathouses** on manmade lakes and other manmade bodies of water under private control.

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

1. For **lots** on a canal or waterway that is 100 feet or greater in width, no **boathouse** or **dock** facility/boat combination shall protrude more than 20 feet into the waterway (i.e. the total protrusion of the **dock** facility plus the total protrusion of the moored vessel).
2. For **lots** on a canal or waterway that is less than 100 feet in width, **dock** facilities may occupy no more than 25 percent of the width of the waterway or protrude greater than 20 feet into the waterway, whichever is less.
3. On manmade canals 60 feet or less in width, which are not reinforced by a vertical seawall or bulkhead, **dock** facilities may protrude up to 33 percent of the width of the waterway, provided that the procedures outlined in section 5.03.06(C) are followed.
4. For **lots** on unbridged barrier islands located within state aquatic preserves, protrusion limits, **setbacks**, and deck area shall be determined by the applicable Florida Department of Environmental Protection (DEP) regulations in effect at the time of permit application, and the protrusion limits above shall not apply. All required DEP permits for a **dock** facility must be obtained prior to the issuance of a Collier County **building** permit for the facility.
5. All **dock** facilities on **lots** with water **frontage** of 60 feet or greater shall have a side **setback** requirement of 15 feet, except as provided in subsections 5.03.06(E) or 5.03.06(F) of this LDC or as exempted below.
6. All **dock** facilities, except **boathouses**, on **lots** with less than 60 feet of water **frontage** shall have a side **setback** requirement of 7.5 feet.
7. All **dock** facilities, except **boathouses**, on **lots** at the end or side end of a canal or waterway shall have a side **setback** requirement of 7.5 feet as measured from the side **lot line** or riparian line, whichever is appropriate.
8. Riparian lines for **lots** at the end or side end of a waterway with a regular **shoreline** shall be established by a line extending from the corner of an end **lot** and side end **lot** into the waterway bisecting equidistantly the angle created by the 2 intersecting **lots**.
9. Riparian lines for all other **lots** shall be established by generally accepted methods, taking into consideration the configuration of the **shoreline**, and allowing for the equitable apportionment of riparian rights. Such methods include, but are not limited to, lines drawn perpendicular to the **shoreline** for regular (linear) **shorelines**, or lines drawn perpendicular to the centerline (thread) of the waterway, perpendicular to the line of deep water (line of navigability or edge of navigable channel), as appropriate, for irregular **shorelines**.
10. All **dock** facilities, regardless of length and/or protrusion, shall have reflectors and house numbers, no less than 4 inches in height, installed at the outermost end on both sides. For multi-family **developments**, the house number requirement is waived.
11. Multi-slip **docking** facilities with 10 or more slips will be reviewed for consistency with the Manatee Protection Plan ("MPP") adopted by the BCC and approved by the DEP. If the location of the proposed **development** is consistent with the MPP, then the developer shall submit a "Manatee Awareness and Protection Plan," which shall address, but not be limited to, the following categories:
    a. Education and public awareness.
    b. Posting and maintaining manatee awareness signs.
    c. Information on the type and destination of boat traffic that will be generated from the facility.
    d. Monitoring and maintenance of water quality to comply with state standards.
    e. Marking of navigational channels, as may be required.

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F. ***Standards for boathouses.*****Boathouses**, including any roofed **structure** built on a **dock**, shall be reviewed by the Planning Commission according to the following criteria, all of which must be met in order for the Planning Commission to approve the request:

1. Minimum side **setback** requirement: Fifteen feet.
2. Maximum protrusion into waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side **setbacks**.
3. Maximum height: Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.
4. Maximum number of **boathouses** or covered **structures** per site: One.
5. All **boathouses** and covered **structures** shall be completely open on all 4 sides.
6. Roofing material and roof color shall be the same as materials and colors used on the **principal structure** or may be of a palm frond "chickee" style. A **single-family dwelling unit** must be constructed on the subject **lot** prior to, or simultaneously with, the construction of any **boathouse** or covered **dockstructure**.
7. The **boathouse** or covered structure must be so located as to minimize the impact on the view of the **adjacent** neighbors to the greatest extent practical.

G. *Standards for**boat lift canopies.***

1. **Boat lift canopies** shall be permitted over an existing boat lift attached to a **dock** legally permitted, by the requisite local, state and federal agencies, if the following criteria are met.
   a. Canopy covers shall not extend more than 27 inches beyond the width of the boat lift on each side.
   b. The length of the **boat lift canopy** shall not exceed 35 feet.
   c. The height of the **boat lift canopy** shall not exceed 12 feet, measured from the highest point of the canopy to the height of the **dock** walkway.
   d. The sides of the canopy cover shall remain open on all sides, except that a drop curtain, not to exceed 18 inches shall be permitted on the sides.
   e. **Boat lift canopies** shall meet the requirements of Awnings and Canopies in the Florida Building Code.
   f. Canopy cover material shall be limited to beige, or mid-range shades of blue or green.
   g. No **boatlift canopies** shall be permitted at sites that contain either a boathouse or a covered **structure.**
2. **Lots** with **frontage** on canals shall be permitted a maximum of one **boatlift canopy** per site. **Lots** with **frontage** on bays shall be permitted a maximum of 2 **boatlift canopies** per site.
3. If an applicant wishes to construct a **boat lift canopy** that does not meet the standards of subsection 5.03.06 G. above, then a petition for a **boat lift canopy** deviation may be made to the Planning Commission which shall review a sufficient petition application and either approve or deny the request.

H. ***Dock facility****extension.* Additional protrusion of a **dock** facility into any waterway beyond the limits established in LDC subsection 5.03.06 E. may be considered appropriate under certain circumstances. In order for the Planning Commission to approve the boat **dock** extension request, it must be determined that

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at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, have been met. These criteria are as follows:

1. Primary Criteria:

    a. Whether the number of **dock** facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than 2 slips; typical multi-family use should be 1 slip per **dwelling** unit; in the case of unbridged barrier island **docks**, additional slips may be appropriate).

    b. Whether the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension).

    c. Whether the proposed **dock** facility may have an adverse impact on navigation within an **adjacent** marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel).

    d. Whether the proposed **dock** facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50% of the waterway width between **dock** facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages).

    e. Whether the proposed location and design of the **dock** facility is such that the facility would not interfere with the use of neighboring **docks**. (The facility should not interfere with the use of legally permitted neighboring **docks**).

2. Secondary criteria:

    a. Whether there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed **dock** facility. (There must be at least 1 special condition related to the property; these may include type of **shoreline** reinforcement, **shoreline** configuration, mangrove growth, or seagrass beds).

    b. Whether the proposed **dock** facility would allow reasonable, safe **access** to the vessel for loading and/or unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area).

    c. For single-family **dock** facilities, whether the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained).

    d. Whether the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of a neighboring property owner).

    e. Whether seagrass beds are located within 200 feet of the proposed **dock** facility. (If seagrass beds are present, compliance with subsection 5.03.06(H)(2). of this LDC must be demonstrated).

    f. Whether the proposed **dock** facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this LDC. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated).

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g. If deemed necessary based upon review of the above criteria, the Planning Commission may impose such conditions upon the approval of an extension request that it deems necessary to accomplish the purposes of this Code and to protect the safety and welfare of the public. Such conditions may include, but shall not be limited to, greater side **setback(s)**, and provision of light(s), additional reflectors, or reflectors larger than four (4) inches.

I. ***Procedures for approval of docks, dock facilities, and boathouses.***

1. The Administrative Code shall establish the procedures and submittal requirements for the issuance of permits for **docks, dock facilities**, and **boathouses**. Notice procedures are provided in LDC section 10.03.06.

2. All **dock facilities** are subject to, and shall comply with, all federal and state requirements and permits, including, but not limited, to the requirements and permits of the DEP, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency.

3. Nonresidential **dock facilities** shall be subject to all of the provisions of LDC section 5.03.06, with the exception that protrusions for nonresidential **dock facilities** beyond the specified limits shall be determined administratively by the County Manager or designee at the time of site **development plan** review, based on an evaluation of the criteria in LDC subsection 5.03.06 H.

J. *Protection of seagrass beds.* Seagrass or seagrass beds within 200 feet of any proposed **docks**, **dock facilities,** or **boathouses** shall be protected through the following standards:

1. Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of 1 inch to 200 feet when available from the County, or a scale of 1 inch to 400 feet when such photographs are not available from the County. The location of seagrass beds shall be verified by the County Manager or designee prior to issuance of any project approval or permit.

2. All proposed **dock** facilities shall be located and aligned to stay at least 10 feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, and to minimize negative impacts to seagrasses and other native **shoreline**, emergent and submerged vegetation, and hard bottom communities.

3. Where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, the **applicant** shall be allowed to build a **dock** across the seagrass beds, or a **docking** facility within 10 feet of seagrass beds. Such **docking** facilities shall comply with the following conditions:

a. The **dock** shall be at a height of at least 2.2 feet NAVD.

b. The terminal platform area of the **dock** shall not exceed 160 square feet.

c. The **accessdock** shall not exceed a width of 4 feet.

d. The **accessdock** and terminal platform shall be sited to impact the smallest area of seagrass beds possible.

4. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native **shoreline** vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.

(Ord. No. 06-63, § 3.CC; Ord. No. 13-56, § 3.N; Ord. No. 16-27, § 3.O; Ord. No. 20-16 , § 3.F)

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B. Boat Dock – Including Boathouse Establishment, Dock Facility Extension, and Boat Lift Canopy

Reference

LDC sections 5.03.06, 8.10.00, and **LDC** Public Notice subsection 10.03.06 H.

Applicability

There are four types of permits for a boat dock facility and related structures:

1. Dock Facility Extension
2. Dock Facility with a Boathouse
3. Boat Lift Canopy
4. Boat Lift Canopy Deviations

Pre-Application

A pre-application meeting is required.

Initiation

The **applicant** files one of the following applications with the Planning & Zoning Division:

1. "Dock Facility Extension or Boathouse Establishment Petition Application and Submittal Instructions," or
2. "*Boat Lift Canopy Application*" for a Boat Lift Canopy or a Boat Lift Canopy Deviation, or
3. Non-residential dock facility requests must submit the "*Dock Facility Extension or Boathouse Establishment Petition Application and Submittal Instructions*" and comply with **LDC** section 5.03.06, as part of the Site Development Plan application.

Application Contents for Boat Dock Establishment with a Boathouse and/or a Dock Facility Extension

The application must include the following:

1. Applicant contact information.
2. Property information, including:
   - **Property identification number;**
   - Section, township, and range;
   - Subdivision, unit, lot and block; and
   - Address of subject site.
3. Zoning information, including:
   - Current zoning and land use of subject property; and
   - Adjacent zoning and land use.
4. Site information, including:
   - Waterway width and where the measurement came from;
   - Total property water frontage;
   - Measurement of provided and required setbacks;
   - Total protrusion of proposed facility into water;
   - Number and length of vessels to use facility; and

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- Additional dock facilities in close proximity of subject property and the total protrusion of each into the waterway.

5. Narrative description of the project.
6. Signed and sealed survey depicting mean high water (MHW) and mean low water (MLW), and relevant water depths (no less than 5 foot increments).
7. Pursuant to **LDC** subsection 5.03.06 I, a submerged resources survey, as applicable.
8. A chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank.
9. Site Plan illustrating the following:
    - Lot dimensions;
    - Required setbacks for the dock facility;
    - Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);
    - Configuration, location, and dimensions of existing and proposed facility;
    - Water depth where proposed dock facility is to be located;
    - Distance of the navigable channel;
    - Illustration of the contour of the property; and
    - Illustration of dock facility from both an aerial and side view.
10. Narrative response to listed criteria/questions.
11. Signed and notarized affidavit by **property owner** or agent.
12. Addressing checklist.
13. Electronic copy of all documents.
14. Copies for the Hearing Examiner as identified on the Submittal Checklist.

Application Contents for a Boat Lift Canopy or a Boat Lift Canopy Deviation

The Boat Lift Canopy and the Boat Lift Canopy Deviation application must include the following:

1. Applicant contact information.
2. Property information, including:
    - **Property identification number;**
    - Section, township, and range;
    - Subdivision, unit, lot and block; and
    - Address of subject site.
3. Current zoning and land use of subject property.
4. Survey, signed and sealed showing any existing dock facility.
5. Scale drawing of the proposed canopy showing all dimensions.

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6. Sample of the fabric for color review.
7. Addressing checklist.

Completeness and Processing of Application

The Planning & Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

Notice for Boat Dock Establishment with a Boathouse, Boat Dock Extensions, and Boat Lift Canopy Deviations

Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

1. **Mailed Notice:** Written notice shall be sent to **property owners in the notification area** at least 15 days before the advertised Hearing Examiner hearing. The County will mail the letters at the **applicant's** expense. The advertisement shall include at a minimum:
    - Date, time, and location of the Hearing Examiner hearing;
    - Petition number;
    - Extension and total protrusion of the facility; and
    - Date by which written comments must be filed with the Planning & Zoning Division.
2. **Newspaper Advertisements**: The legal advertisement shall be published at least 15 days before the advertised Hearing Examiner hearing in a newspaper of general circulation for the following petitions: Boat Dock Establishment with a Boathouse, Boat Dock Extension, or Boat Lift Canopy Deviation. The advertisement shall include at a minimum:
    - Date, time, and location of the hearing;
    - Petition number;
    - Address of the facility;
    - Extension and total protrusion of the facility;
    - 2 in. x 3 in. map of the project location; and
    - Date by which written comments must be filed with the Planning & Zoning Division.
3. **Sign**: (see format below) Posted at least 15 days before the advertised Hearing Examiner hearing date.

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BDE-PL20120000000: [*Name*] Boat Dock Extension- Applicant is requesting a [*number*]- foot boat dock extension over the maximum 20 feet limit in Section 5.03.06 of the Collier County Land Development Code for a total protrusion of [*number*] feet for Lot [*number*], Block [*letter*] of the [*location*].

DATE: _____ TIME: _____
CONTACT: _____

THE ABOVE TO BE HELD AT THE GROWTH MANAGEMENT DIVISION BUILDING, 2800 N. HORSESHOE DR., NAPLES, FL 34104 OR AS OTHERWISE DESIGNATED.

Public Hearing

1. The Hearing Examiner shall hold at least 1 advertised public hearing for the following. ⇔ See Chapter 9 of the Administrative Code for the Office of the Hearing Examiner procedures.
    - Dock Facility with a Boathouse;
    - Dock Facility Extension; and
    - Boat Lift Canopy Deviation.
2. No hearing is required for a Boat Lift Canopy application.
3. For non-residential dock facilities, compliance is determined as part of the site development plan application. A public hearing is not required.

Decision Maker

1. The Hearing Examiner may approve:
    - Dock Facility with a Boathouse
    - Dock Facility Extensions
    - Boat Lift Canopy Deviations
2. The County Manager or designee may approve:
    - Boat Lift Canopies
    - Non-residential Boat Dock Facilities

Review Process

1. The Planning & Zoning Division will review the application, identify whether additional materials are needed and prepare a Staff Report to present to the Office of the Hearing Examiner for a decision for the following petitions:
    - Dock Facility with a Boathouse;
    - Dock Facility Extensions; and
    - Boat Lift Canopy Deviations.

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2. The Planning & Zoning Division will review the application, identify whether additional materials are needed, and prepare a letter of determinations utilizing the criteria identified in **LDC** section 5.03.06 for the following:

- Boat Lift Canopy; and
- Non-residential Dock Facility, as part of the site development plan application.

Updated

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Collier County
Growth Management
Community Development Department

ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

74435002201

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

SOUTHPORT ON THE BAY UNIT ONE LOT 19

STREET ADDRESS(ES) where applicable, if already assigned.

219 Malibu Cove Bonita Springs, FL 34134

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Addressing@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

PROPOSED PROJECT NAME

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]

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Operations & Regulatory Management Division ● 2800 North Horseshoe Drive ● Naples, FL 34104 ● 239-252-2400
www.colliercountyfl.gov

MAP LEGEND

- Major Roads
- Street Names
- Parcels
- Aerials 2023 Urban [6IN]
- Aerials 2023 Rural [2FT]
- Collier County

Folio Number: 74435002201
Name: FASCHING, ELLEN=& MICHAEL
Street# & Name: 219 MALIBU CV
Build# / Unit#: / 19
Legal Description: SOUTHPORT ON THE BAY UNIT ONE LOT 19

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.

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Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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
Ellen Fasching	50
Michael Fasching	50

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

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Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

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Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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 Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Jeff Rogers
_____
Agent/Owner Signature

7/25/2023
_____
Date

Jeff Rogers
_____
Agent/Owner Name (please print)

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AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230010282

I, Ellen Fasching (print name), as _____ (title, if applicable) of _____ (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 Jeff Rogers - Turrell, Hall & Associates, 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.

Ellen Fasching Ellen Fasching
Signature

9-21-23 ~~9-19-23~~
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 21 day of September, 2023, by (printed name of owner or qualifier) Eleen Fasching.

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

[ ] Are personally known to me

[✓] Has produced a current drivers license Florida Driver Liese

[ ] Has produced _____ as identification.

Notary Seal

Notary Signature: Washington Cadena

NOTARY PUBLIC
WASHINGTON CADENA
Notary Public, State of Florida
Commission# HH 272910
My comm. expires June 7, 2026

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

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AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230010282

I, Michael Fasching (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [X] applicant [ ] contract purchaser [ ] and that:

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

_____ 9-19-23
Signature **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 21 day of September, 20 23, by (printed name of owner or qualifier) Michael Fasching.

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

[ ] Are personally known to me

[X] Has produced a current drivers license Florida Drive License

[ ] Has produced _____ as identification.

Notary Seal

Notary Signature: _____

NOTARY PUBLIC
WASHINGTON CADENA
Notary Public, State of Florida
Commission# HH 272910
My comm. expires June 7, 2026

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

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Narrative Description: The proposed project consists of requesting a Boatlift Canopy and a Boatlift Canopy Deviation to construct onto a new single-family docking facility recently constructed which was approved by HEX Resolutions – PL20210000039 and VA-PL20210000098 and has since been constructed per building permit PRBD20220101094. Additionally, an as-built survey has been completed of the newly constructed docking facility, but no CO issued as the electric hook up is still pending due to the upland house construction.

The subject dock was constructed and approved with two boatlifts, 1 being for a 43-foot vessel and the other being a decked over for 2 PWC's, located at 219 Malibu Cove. The subject waterway is considered Little Hickory Bay just south of Bonita Beach Road and north of Wiggins Pass. The subject property shoreline consists of mangroves with the 20-foot conservation easement as shown on the attached survey and associated canopy exhibits. The project is allowed to propose two boatlift canopies as the subject waterway is considered a bay as outlined within LDC Section 5.03.06 G.

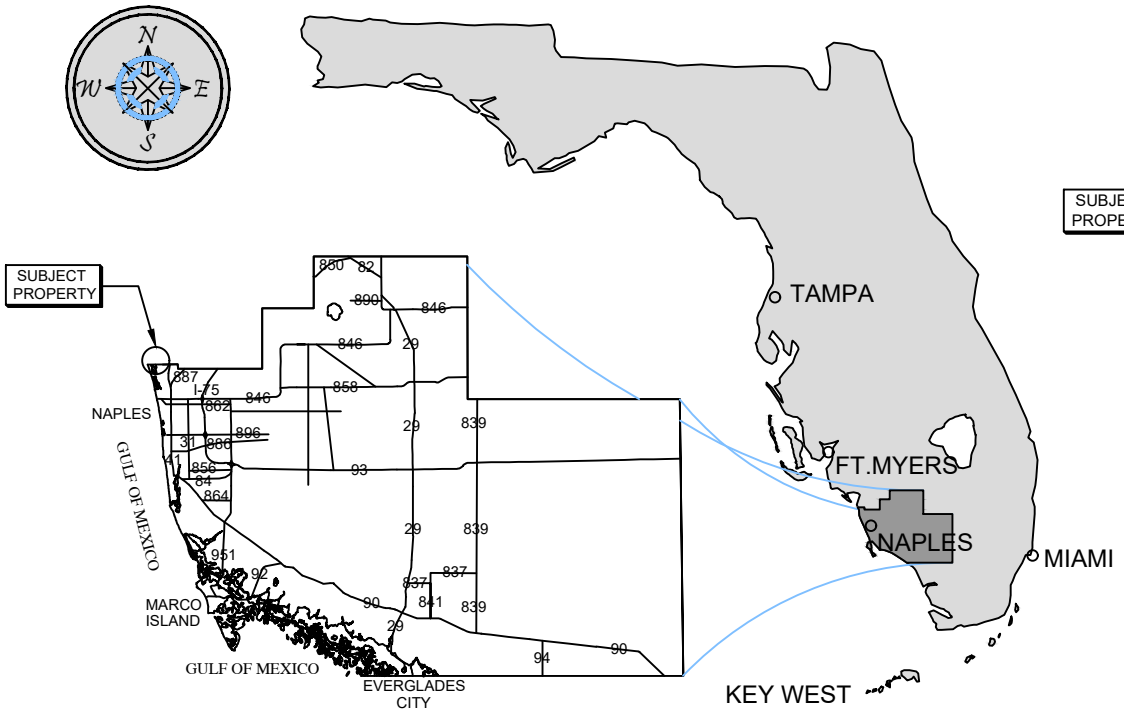
As proposed the project is proposing two separate boatlift canopies, one of which will meet the design standards as outlined within LDC Section 5.03.06 G1. The one canopy that meets the standards is the one labeled Canopy 2 for the decked over boatlift with two PWC's, as that canopy dimensions are 11-feet long by 13-feet wide with the overall height being right at 12-feet above the existing decking. The second proposed canopy is for the large boatlift which accommodates the 43-foot vessel. The applicant would like to request a deviation from LDC 5.03.06 G1 by requesting a deviation as outlined in LDC 5.03.06 G.3. The reason for this request is due to the overall length being 49-feet which is 14-feet greater than the allowed 35-feet as well as the overall height being 15-feet above the decking which is 3-feet higher than the allowed 12-feet. The overall dimensions proposed for this canopy are 49-feet long by 17-feet wide, 15-foot height above the decking but will not exceed the overall boatlift width more than 6-inches on each side.

Based on the above overview the project is proposing 2 boatlift canopies, Canopy 2 which meets the design criteria outlined in LDC 5.03.06 G1 and Canopy 1 which is the one we are requesting the deviations for due to the proposed overall length and height.

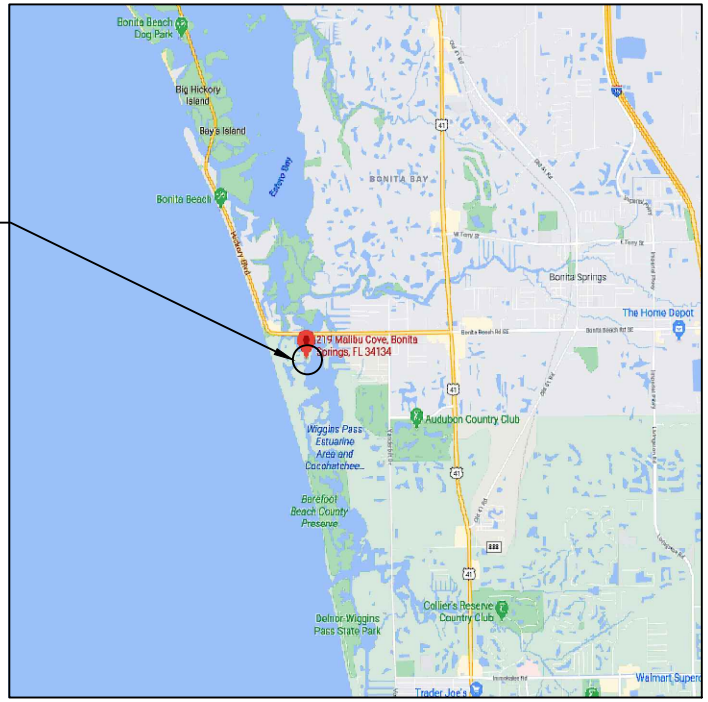
Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg LOCATION MAP 12/6/2023

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

COUNTY AERIAL

SITE ADDRESS:
<> 219 MAILBU COVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.326106
<> LONGITUDE: W -81.836992

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

LOCATION MAP

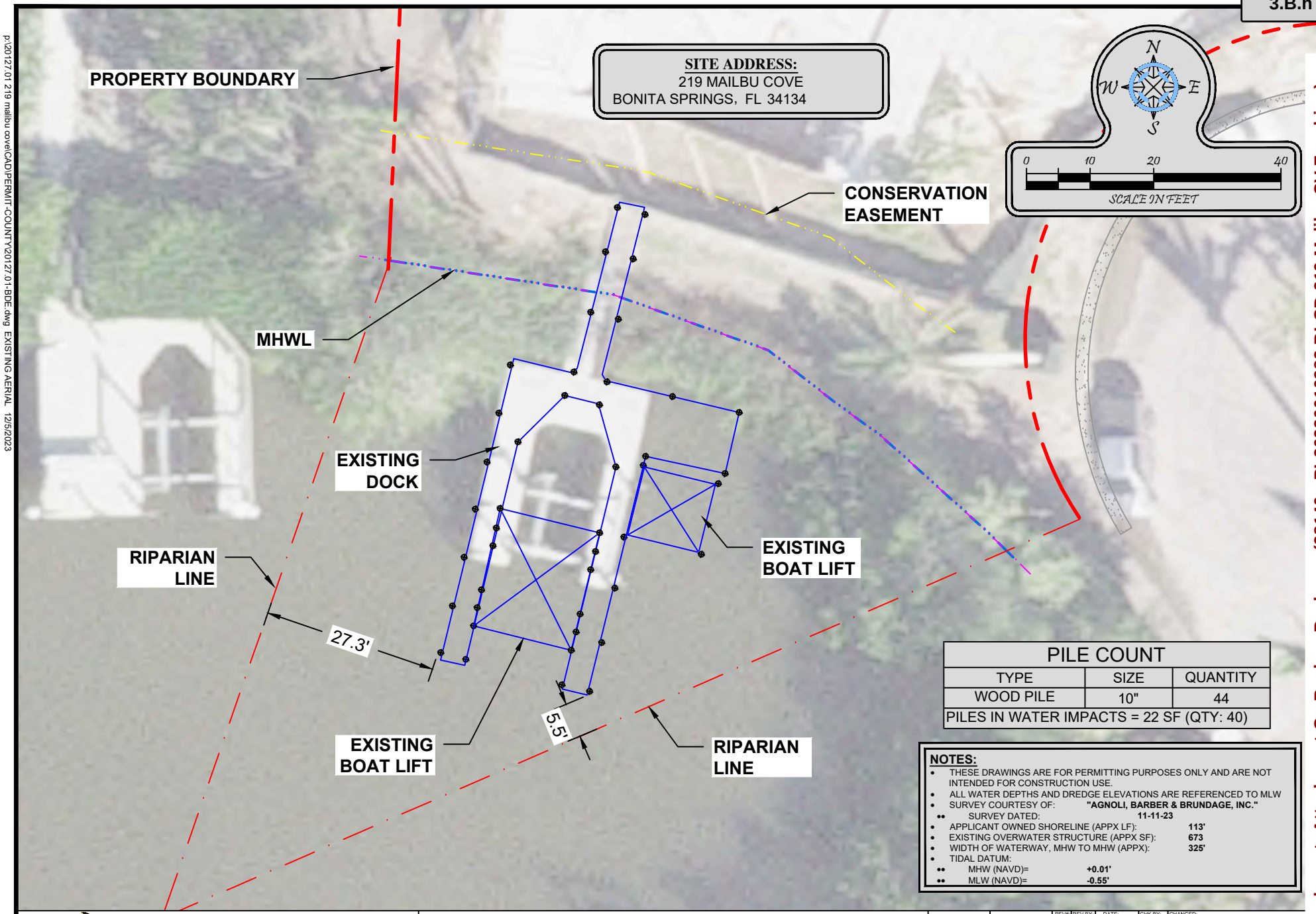
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	01 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg EXISTING AERIAL 12/5/2023



PILE COUNT		
TYPE	SIZE	QUANTITY
WOOD PILE	10"	44
PILES IN WATER IMPACTS = 22 SF (QTY: 40)		

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"AGNOLI, BARBER & BRUNDAGE, INC."**
  - SURVEY DATED: **11-11-23**
- APPLICANT OWNED SHORELINE (APPX LF): **113'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **673**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **325'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**

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219 MALIBU COVE

EXISTING AERIAL

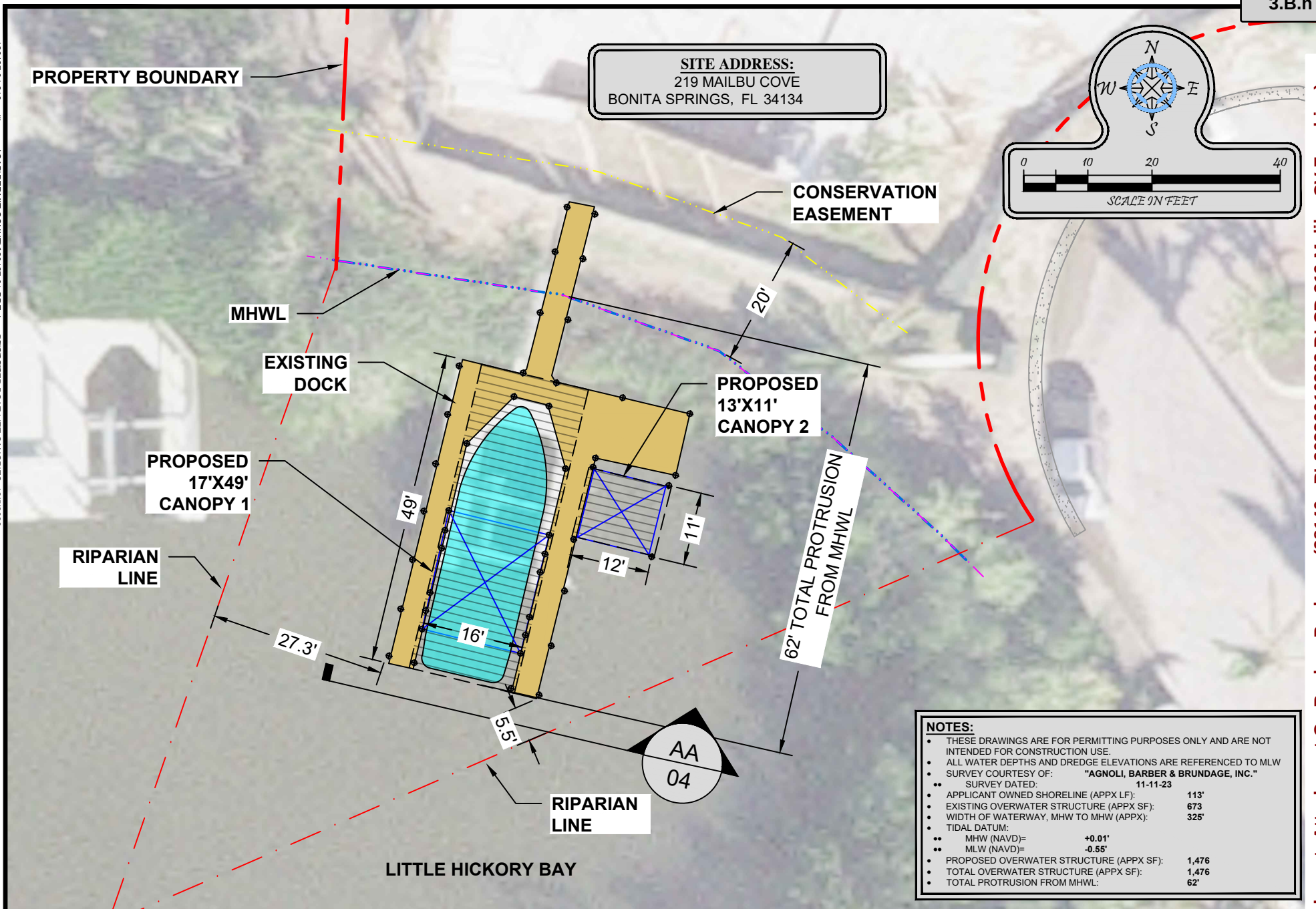
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	02 OF 06	5.	-	-	-	-

SECTION-06 TOWNSHIP-48S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg, 12/5/2023 PROPOSED BOAT LIFT CANOPIES



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"AGNOLI, BARBER & BRUNDAGE, INC."**
  - SURVEY DATED: **11-11-23**
- APPLICANT OWNED SHORELINE (APPX LF): **113'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **673**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **325'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **1,476**
- TOTAL OVERWATER STRUCTURE (APPX SF): **1,476**
- TOTAL PROTRUSION FROM MHWL: **62'**

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219 MALIBU COVE

PROPOSED BOAT LIFT CANOPIES

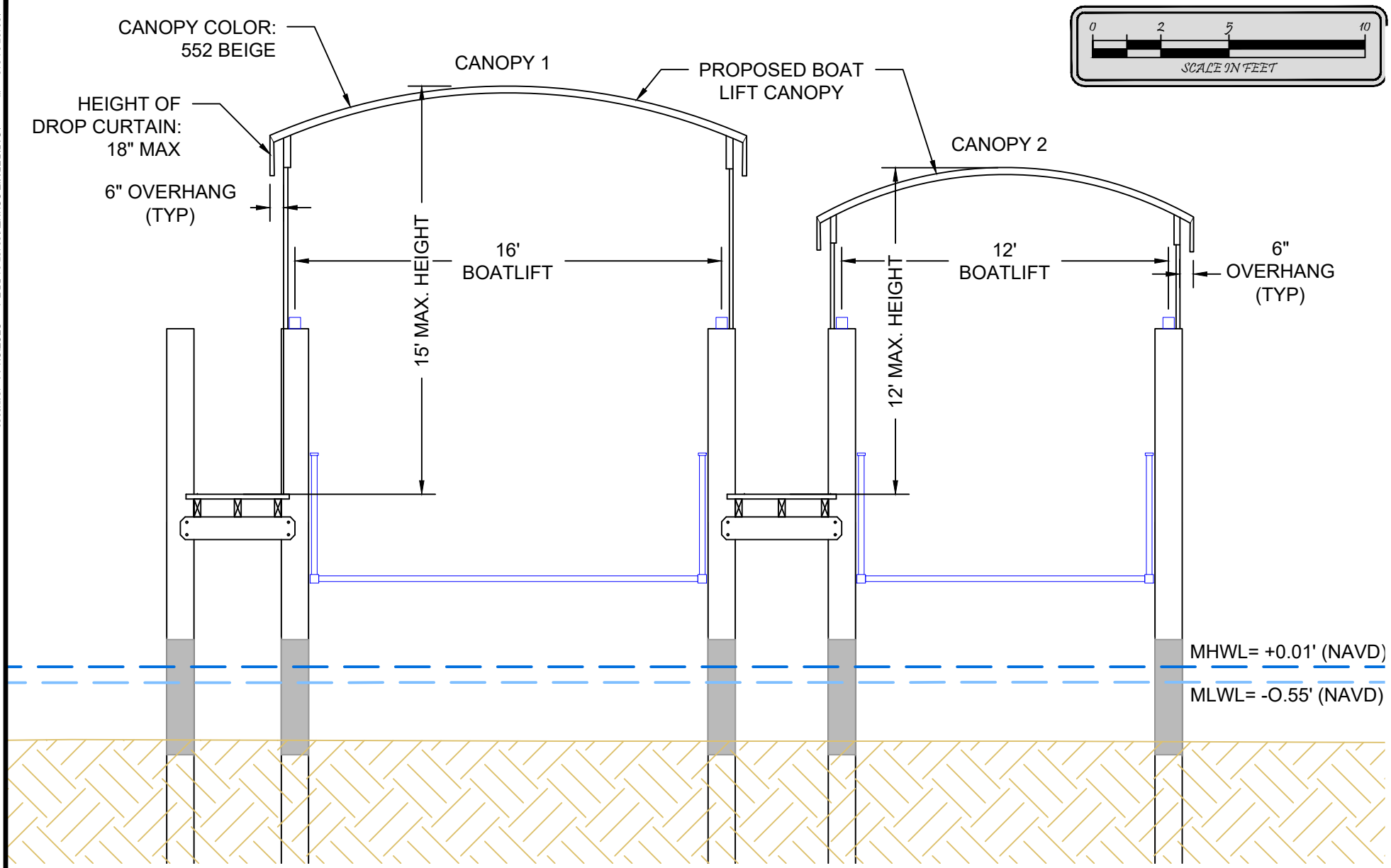
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	03 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48 S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg SECTION AA 12/5/2023



CROSS SECTION AA

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Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

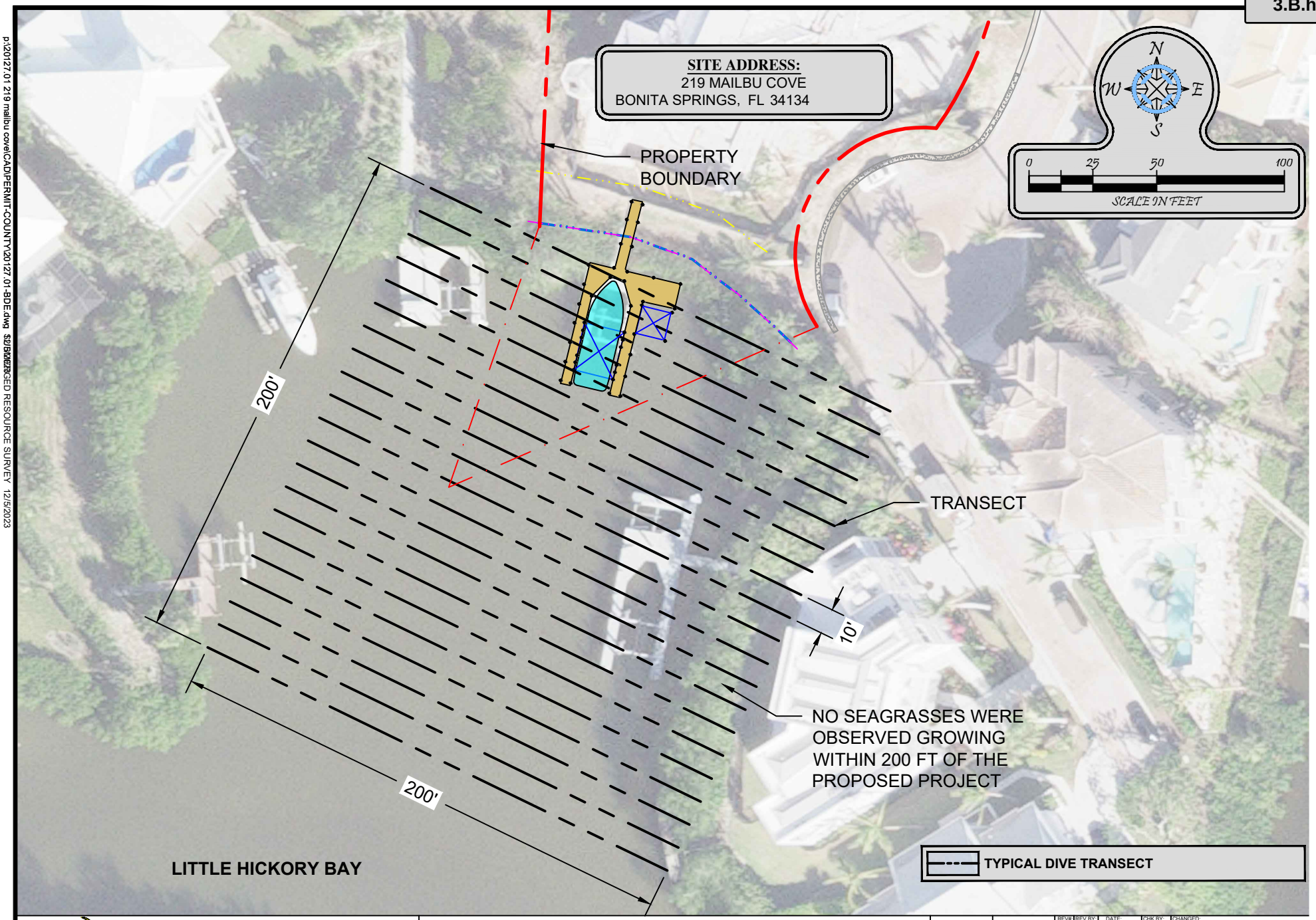
SECTION AA

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	04 OF 06	5.	-	-	-	-

SECTION-06 TOWNSHIP-48S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



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219 MALIBU COVE

SUBMERGED RESOURCE SURVEY

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

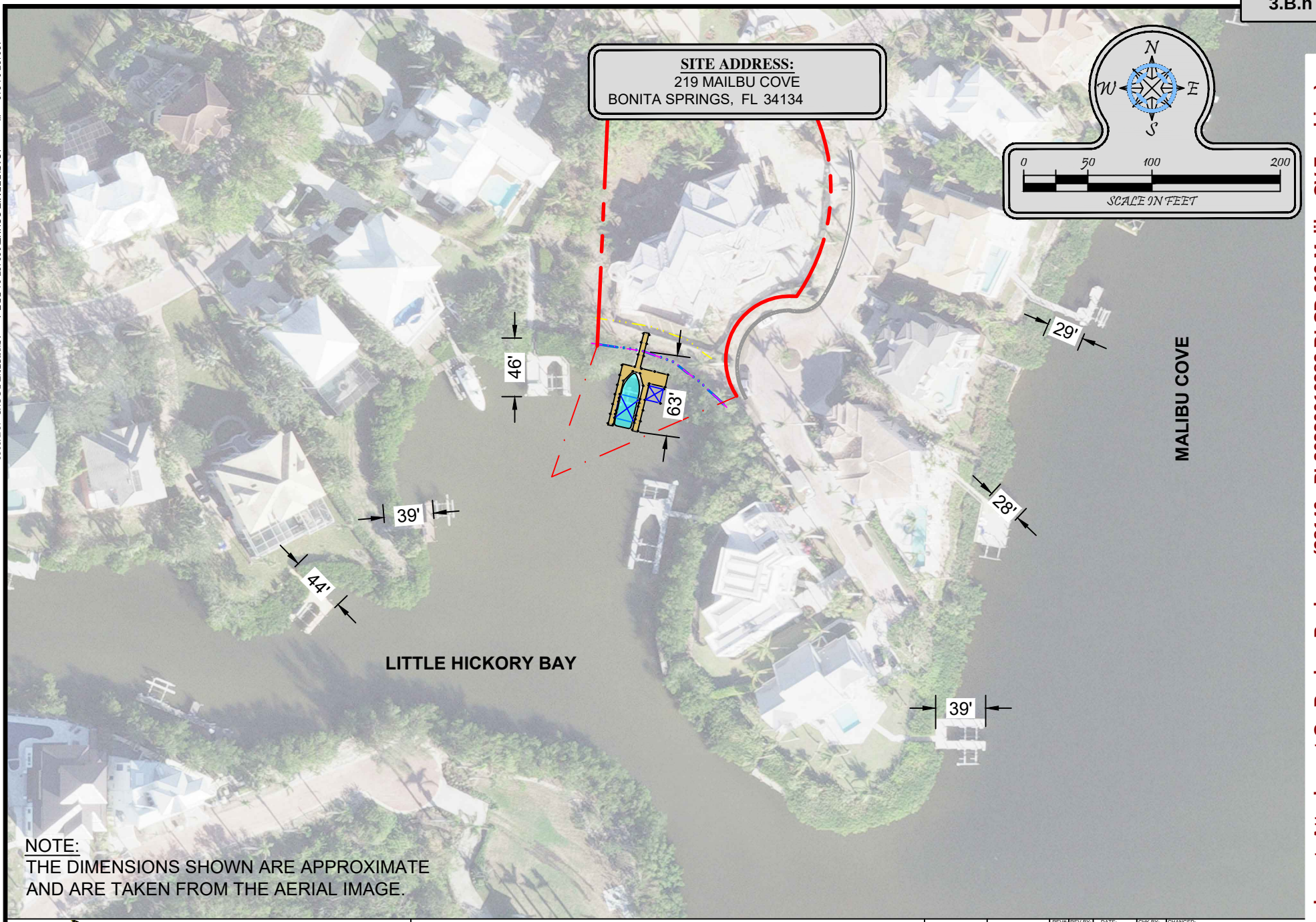
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	05 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg 12/5/2023 SUBMERGED RESOURCE SURVEY 12/5/2023

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

p:\20127.01 219 malibu cove\CAD\PERMIT-COUNTY\20127.01-BDE.dwg, 12/5/2023 4:02:27 PM, DOCKS



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

219 MALIBU COVE

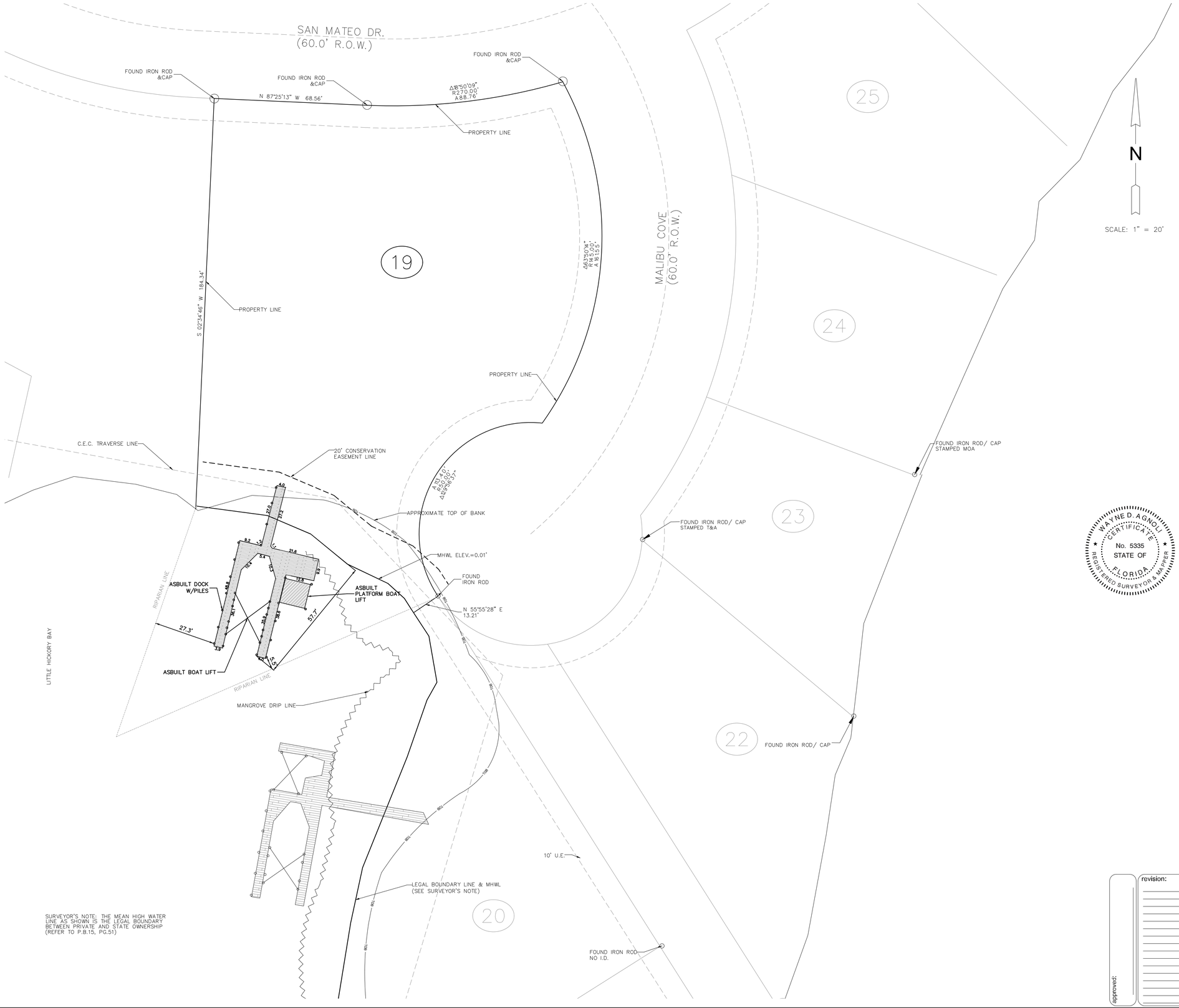
ADJACENT DOCKS

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	12-05-23	3.	-	-	-	-
JOB NO.:	20127.01	4.	-	-	-	-
SHEET NO.:	06 OF 06	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)



LEGAL DESCRIPTION

LOT 19, SOUTHPORT ON THE BAY, UNIT ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 51–53, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PREPARED FOR: MICHAEL & ELLEN FASHING

DATE OF FIELD SURVEY: NOVEMBER 11, 2023

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY_____

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

THIS ASBUILT SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J–17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS ASBUILT SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J–17 FLORIDA ADMINISTRATIVE CODE.

THIS ASBUILT SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM , EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE WEST LINE OF LOT 19, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING SOUTH 02° 34' 46" WEST.
3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATIONS USING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING CORRECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING LONG TERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENCY RECEIVER GPS (GLOBAL POSITIONING SYSTEM).

SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE ASBUILT OF THE DOCK ONLY. NO OTHER IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

219 MALIBU CV. ASBUILT DOCK

approved:

revision:

for: MICHAEL & ELLEN FASHING

title: MAP OF ASBUILT SURVEY OF LOT 19
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3604 , EB 3664 & LC26000620 Fax: (239)566-2203

bk:	pg:	date:
1286	23	NOVEMBER 29, 2023
		scale: 1"=20'
		cogo #: 23-0157

design: XXX
drawn: LD
checked: WDA
acad #: 13658-AB
view: LIMITS
project #: 23-0157
sheet #: 1 of 1
file #: 13658

Attachment: Attachment G - Backup Package (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

Attachment: Attachment H - Public Hearing Sign Posting, 02 23 2024 (28140 : PL20230010282 BLCD 219 Malibu CV Fasching)

03/14/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C
Doc ID: 28141
Item Summary: Petition No. SV-PL20230014898 – Request for sign variance from Land Development Code Sections 5.06.04.F.2.a. and 5.06.04.F.4. to allow a third wall sign, not to exceed 60 square feet, for a single-occupancy out-parcel with double frontage located within the Pine Air Lakes Planned Unit Development. The subject property is located at 5795 Airport Road North, within the Promenade at Naples Centre Development, and also described as Lot 4, Pine Air Lakes Unit Five, in Section 11, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 2

Meeting Date: 03/14/2024

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/22/2024 2:43 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
02/22/2024 2:43 PM

Approved By:

Review:

Operations & Regulatory Management	Michael Stark	Review Item	Completed	02/26/2024 11:27 AM
Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	03/01/2024 2:57 PM
Zoning	James Sabo	Review Item	Skipped	02/26/2024 3:05 PM
Zoning	Ray Bellows	Review Item	Completed	03/01/2024 8:54 AM
Zoning	Mike Bosi	Division Director	Completed	03/04/2024 1:04 PM
Growth Management Community Development Department	David Merino		GMD Approver 03/01/2024 2:57 PM	Skipped
Hearing Examiner	Andrew Dickman	Meeting Pending	03/14/2024 9:00 AM	

MEMORANDUM

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT
ZONING DIVISION-ZONING SERVICES SECTION

HEARING: MARCH 14, 2024

SUBJECT: PETITION SV-PL20230014898, MISSION BBQ-5795 AIRPORT ROAD NORTH

PROPERTY OWNER/APPLICANT:

Owner: GLL Selection II Florida LP
420 S Orange Ave, Suite 190
Orlando, FL 32801

Applicant: Apple Signs, Inc.
404 Serendipity Dr.
Millersville, MD 21108

AGENT:

Agent: Zachary W. Lombardo
Woodward, Pires & Lombardo, P.A. 3200 Tamiami Trail N, Suite 200 Naples, FL 34103

REQUESTED ACTION:

The petitioner requests a Sign Variance from Land Development Code Sections 5.06.04.F.2.a. and 5.06.04.F.4. to allow a third wall sign, not to exceed 60 square feet, for a single-occupancy out-parcel with double frontage located within the Pine Air Lakes Commercial Planned Unit Development (CPUD).

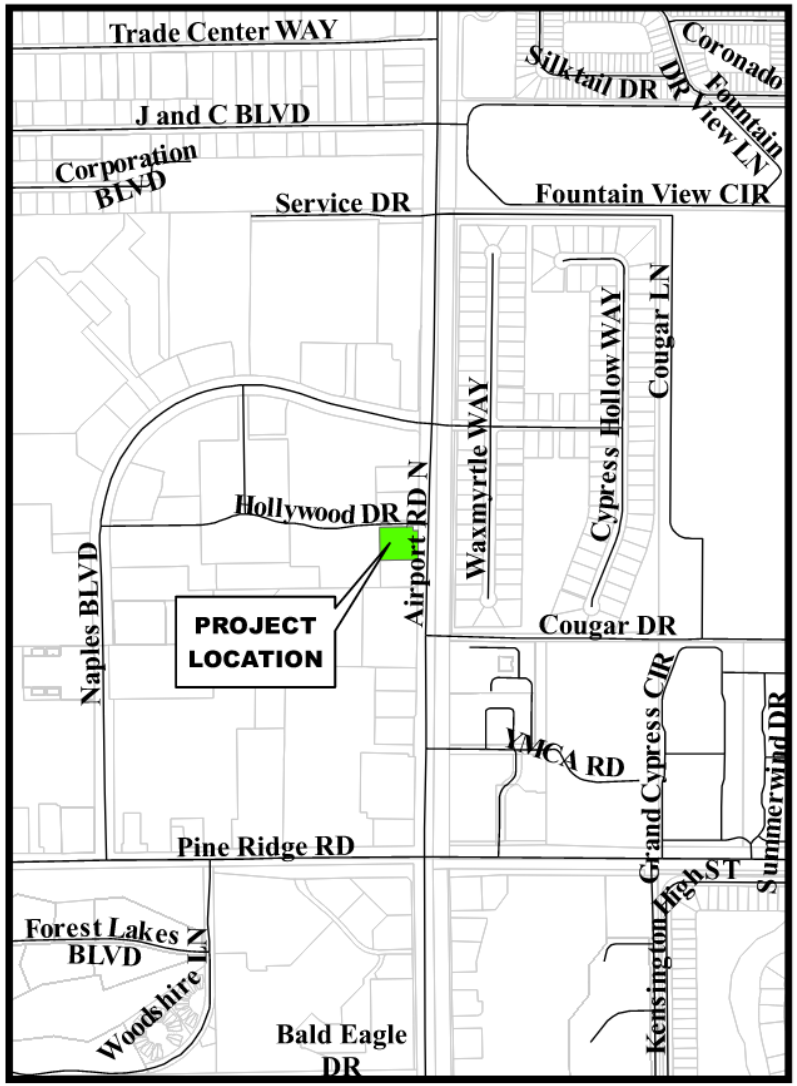
GEOGRAPHIC LOCATION:

The subject 1.08-acre parcel is located at 5795 Airport Road North, within the Promenade at Naples Centre Development, and is also described as Lot 4, Pine Air Lakes Unit Five, in Section 11, Township 49 South, Range 25 East, Collier County, Florida.

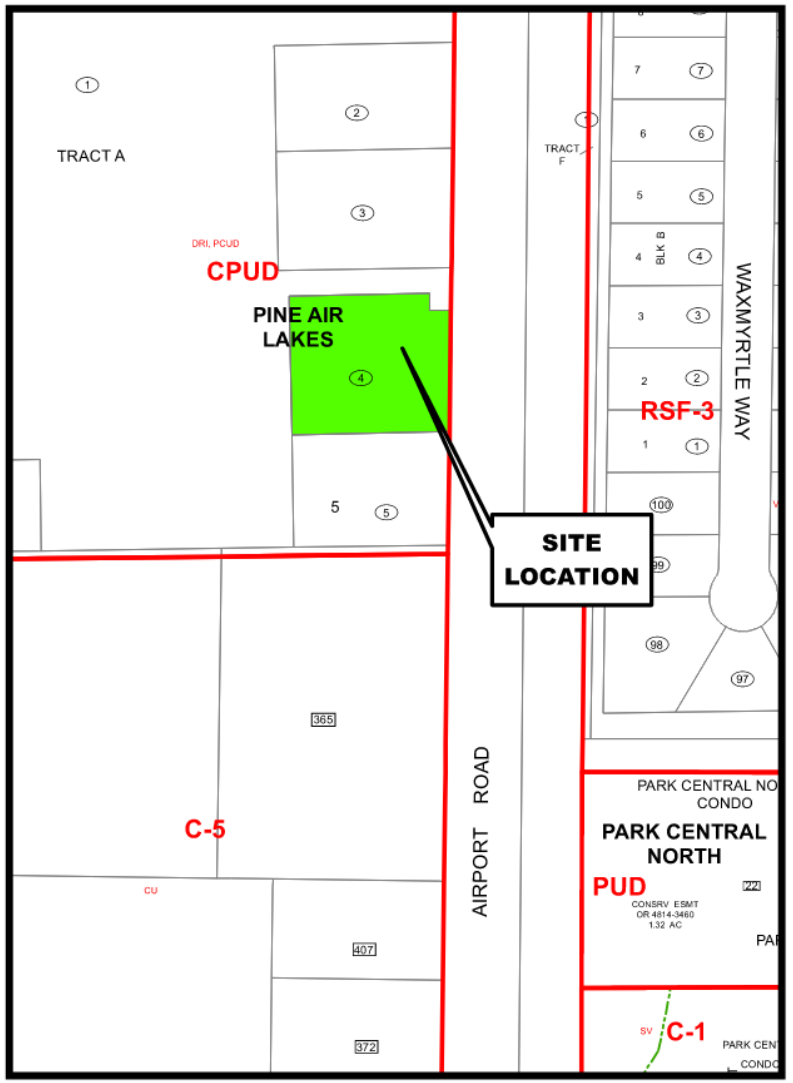
PURPOSE/DESCRIPTION OF PROJECT:

The subject 1.08-acre property is located within the Mixed-Use Retail/Office component of the Pine Air Lakes CPUD, Ordinance 07-32, as Amended. Per Section 5.06 of the PUD document, Signage is to be as permitted or required by the LDC in effect at the time a permit is requested. The applicant seeks the subject sign variance to increase the visibility of a 4,005-square-foot commercial building, approved by SDP-2007-AR-12147, that was a bank and is now a restaurant. (Continued on Page 4)

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)



Location Map



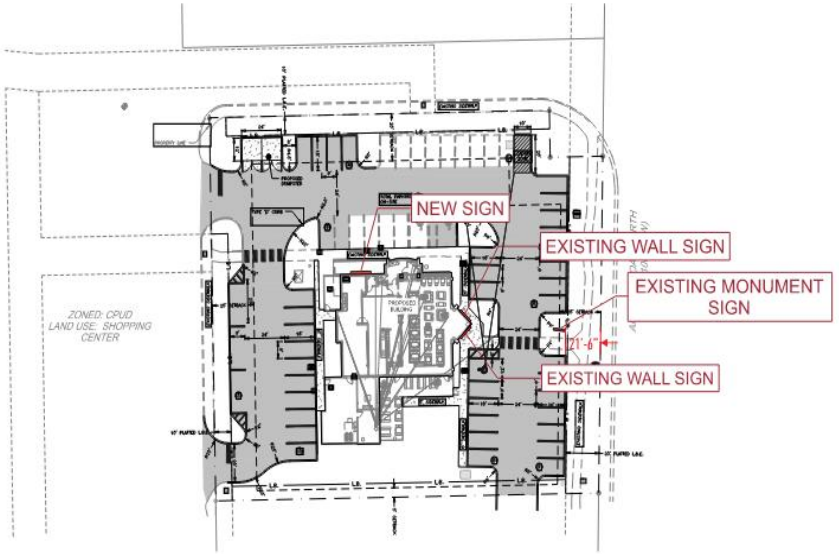
Zoning Map

Petition Number: PL20230014898

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N

SITE MAP | TBD



Description
Site Map, Parking Example for Bam-Bam & Code Study for Bam-Bam

SITE MAP
MANUFACTURE & INSTALL
SCALE: NTS

AppleSigns
VISION · DESIGN · IMPACT
404 Serendipity Dr. • Millersville, Md. 21108
Phone 410.987.7446 • www.applesigns.com

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

SIGN(S) TO BE MANUFACTURED TO U.L. SPECIFICATIONS AND WILL BEAR THE U.L. LABEL(S). INSTALL IN ACCORDANCE WITH NATIONAL ELECTRIC CODES.

Project Title: ADDITIONAL EXTERIOR SIGN
Client: MISSION BBQ
Site Address: 5795 AIRPORT-PULLING ROAD NAPLES, FL 34109

Quote #: 005231-00000
Sales Person: ANDREW G.
Project Manager: DIEGO G.
Designer: DC
File Location: G:\Mission BBQ\Florida\Naples

Drawn By	Date	Notes | Time
DC	05.03.23	CONCEPT DRAWING | 1.00hrs
DC	05.08.23	CONCEPT DRAWING | 1.00hrs
AG	05.10.23	CONCEPT UPDATE | 0.50hrs
DG	08.03.23	WALL SECTIONALS | 1.50hrs
DC	10.27.23	UPDATED ELEVATIONS | 0.50hrs
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PAGE 5

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Purpose/Description of Project (Continued from Page 1)

The pre-existing design does not allow for a single sign that can be seen from the front of the building; rather, two signs are necessary. Additionally, the property itself has a design that favors access from the North, as opposed to the East, where the front of the building is located. The current total square footage of signs is 70.02 square feet.

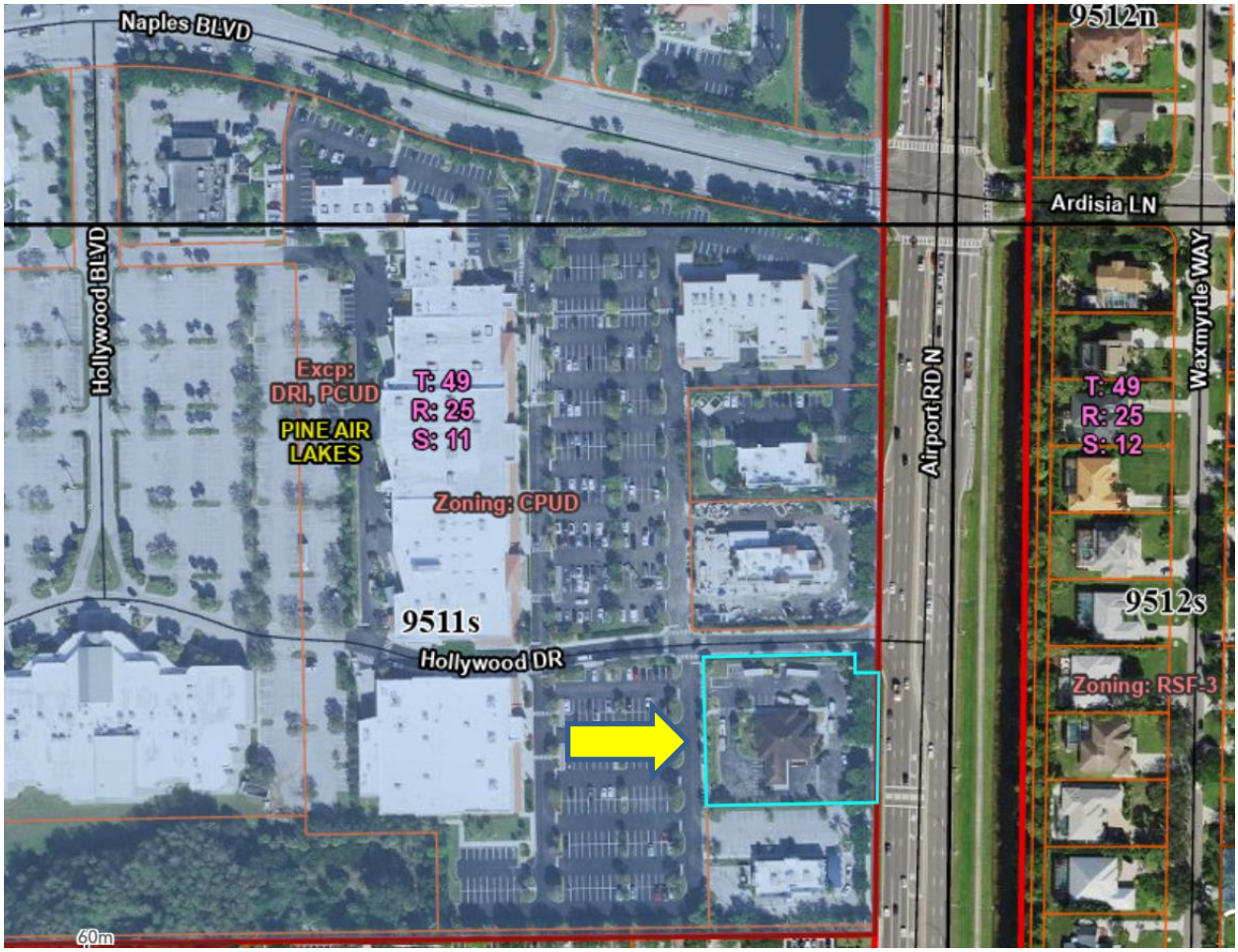
SURROUNDING LAND USE AND ZONING:

North: Hollywood Drive then a Chick-fil-A restaurant with a drive-thru located within the Mixed-Use component of the Pine Air Lakes CPUD

East: Airport Road North (Right-of-Way) then Single-Family Residential within an RSF-3 Zoning District

South: Culver's Restaurant with drive-thru located within the Mixed-Use component of the Pine Air Lakes CPUD

West: Common parking area followed by a strip shopping center located within the Mixed-Use component of the Pine Air Lakes CPUD

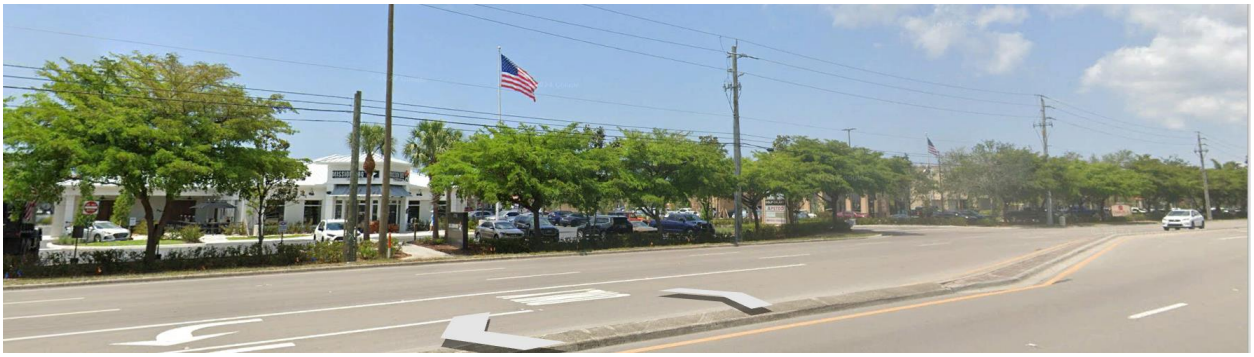


Aerial Photo (Collier County GIS)

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Street View – Airport Rd southbound at Hollywood Dr – Google Earth

Street View – Hollywood Drive– Google Earth



Street View – Airport Rd northbound approaching Hollywood Dr – Google Earth

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is located in the Mixed-Use Activity Center Subdistrict of the Future Land Use Map (FLUM) of the GMP. The GMP does not address individual Variance requests but focuses on the larger issue of the actual use. The Pine Air Lakes CPUD is consistent with the FLUM.

Based upon the above analysis, Staff concludes that the proposed use for the subject site is consistent with the Future Land Use Element, although the Variance request is not specifically addressed.

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

STAFF ANALYSIS OF SIGN VARIANCE CRITERIA UNDER LDC SECTION 5.06.08 B.1:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

The north side of the subject out-parcel faces an internal, public connector road that is positioned on the far South end of Tract A of the Pine Air Lakes CPUD. Thus, some patrons will access the subject property from the North side despite the property having frontage on Airport Road North to the East. Most buildings within Tract A have their front or rear oriented to the direction of access. The petitioner argues that a pre-existing architectural feature required them to use two signs to adequately identify the business from the front of the building, which faces Airport Road North. Staff concurs, given the placement of the signs upon the architectural feature.

b. That literal interpretation of the provisions of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work an unnecessary and undue hardship on the applicant.

The applicant states that a literal interpretation of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, specifically in Tract A of the Pine Air Lakes CPUD, and would present unnecessary and undue hardship on the applicant. The applicant further notes that there is no property similarly situated to the North-side access road. Staff concurs.

c. That the special conditions and circumstances peculiar to the land, structure, or building do not result from the actions of the applicant.

The applicant states that the special conditions and circumstances peculiar to the land, structure, or building do not result from the applicant's actions. The applicant did not apply for the initial zoning or design the layout of Tract A, nor did the applicant design the building. Staff concurs.

d. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this sign code to other lands, structures, or buildings in the same zoning district.

A Sign Variance, by definition, confers some dimensional relief from the zoning regulations specific to a site. LDC Section 5.06.08 allows others relief through the same Sign Variance process the applicant has undertaken. Each Sign Variance project is reviewed individually based on its own merits. Staff believes the applicant has justified their need to engage in the Sign Variance process.

The applicant further contends that there is no property similarly situated to the North-side access road. The total square footage of wall signage for the building, if this variance is approved, will be 129.38 square feet (35.01 for each front facing sign and 59.36 for the North

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

facing sign). The maximum square footage of signs on this parcel, which has double frontage, is 300 feet across two signs. This consists of two 150-foot wall signs. Even if there were no double frontage, as this is an out parcel, this building would be entitled to 210 square feet of signage. This Sign Variance is asking for less than half as much signage, but distributed over three signs. This is significant because, for all other outparcels, more signage that is being applied for here is permitted. All outparcels have an additional sign. Staff concurs; however, would clarify that had two signs not been used on the East side (front) of this building, a second sign would have also been allowed to face the North without the need for a Sign Variance.

e. That the Variance granted is the minimum relief that will make possible the reasonable use of the land, building or structure.

The applicant states that the requested sign variance is the minimum relief that will make reasonable use of the land, structure, or building possible. By allowing the one additional sign and a total signage under 50 percent of what is otherwise entitled, the applicant will be provided the minimum relief to allow reasonable use of the subject property because otherwise, the substantial number of those accessing the subject property will not be able to identify the business at this location, depriving the subject property of reasonable use consistent with the other outparcels in Tract A of the CPUD. Staff concurs.

f. That the granting of the Variance will be consistent with the general intent and purpose of the Collier County Sign Code and the Growth Management Plan, and will not be injurious to adjacent properties or otherwise detrimental to the public welfare.

Section 5.06.01.A. of the LDC states that the purpose and intent of the sign code is to provide minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Collier County, Florida, by:

1. Lessening hazards to pedestrians and vehicular traffic;
2. Preserving property values;
3. Preventing unsightly and detrimental signs that detract from the aesthetic appeal of the county and lead to economic decline and blight;
4. Preventing signs from reaching such excessive size and numbers that they obscure one another to the detriment of the county;
5 Assuring good and attractive design that will strengthen the county's appearance and economic base, and;
6. Preserving the right of free speech and expression in the display of signs.

Staff concurs that the subject Variance request satisfies established criteria. This is partly because the total square footage of signage is no greater than would otherwise be permitted, even if the building did not have a double frontage and even if the building was not an outparcel. This Sign Variance is consistent with the general intent and purpose of the LDC and GMP.

LDC Section 10.03.06.F.2.a requires the agent for sign variance petitions send an “agent letter” to property owners and associations located within 150 feet of the area covered by the petition. The

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

agent for this project sent said agent letter on, or about, January 31, 2024, as evidenced by a notarized affidavit and mailing information contained within Attachment B.

CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications under review at present.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney's office reviewed this Staff Report.

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner render a Decision to approve Petition SV-PL20230014898 to deviate from LDC Sections 5.06.04.F.2.a. and 5.06.04.F.4. by allowing a third wall sign not to exceed 60 square feet, at the subject location.

Attachments:

A. Sign Plan
B. Pine Air Lakes CPUD, Ordinance 07-32
C. Applicant's Application and Backup Materials

Attachment: Staff Report SV-PL20230014898 02182024 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

MISSION BBQ®
The American Way.

005231 | R5 | 10.31.23 | NAPLES, FL

VARIANCE

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Attachment: Attachment A - Sign Plans, Mission BBQ (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Description

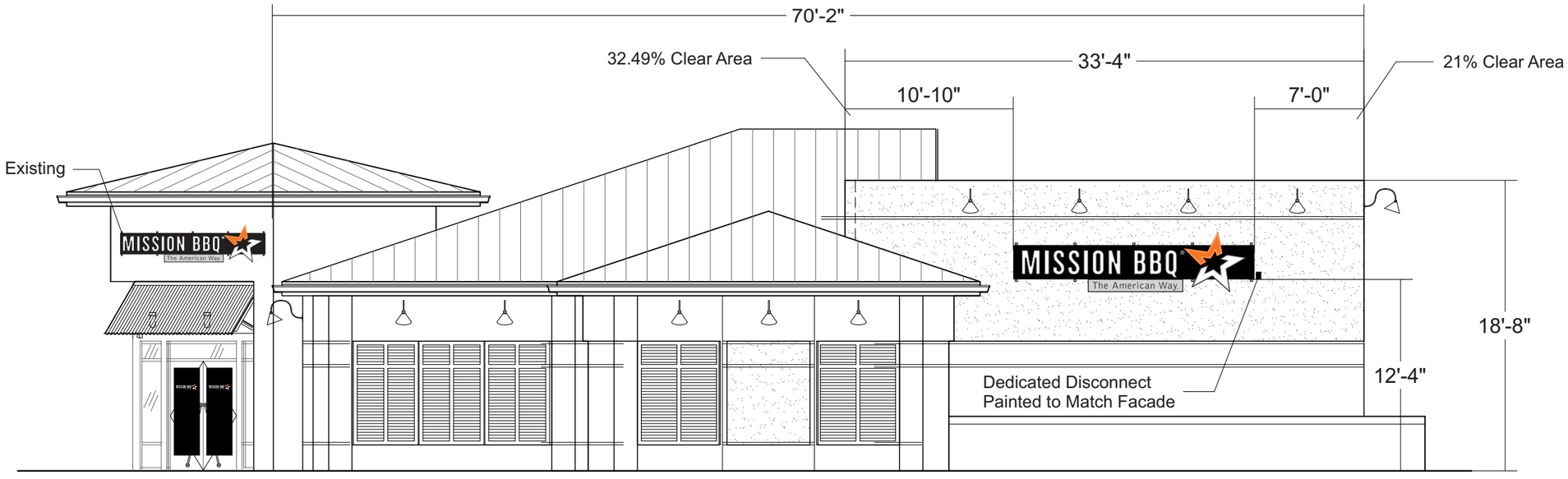
Exterior Elevation - Variance
Quantity: 1
Sq. Footage: 59.36 Sq. Ft.
Size: 46" H x 186" W x 7" D

Drawing Type

■ CONCEPTUAL	☐ SALES
☐ PERMITTING	☐ PRODUCTION
☐ INTERIOR	■ EXTERIOR
■ SINGLE SIDED	☐ DOUBLE SIDED
■ ILLUMINATED	☐ NON-ILLUMINATED

Area Calculation

Total Area: 18.67' x 33.33' = 622.27
Left Area: 18.67' x 10.83' = 202.19
Right Area: 18.67' x 7' = 130.69



SIDE - NORTH ELEVATION
MANUFACTURE & INSTALL

SCALE: 1/8" = 1-0'

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MISSION BBQ
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NAPLES, FL 34109

Quote #: 005231-00000

Sales Person: ANDREW G.
Project Manager: DIEGO G.
Designer: DC
File Location: G:\Mission BBQ\Florida\Naples

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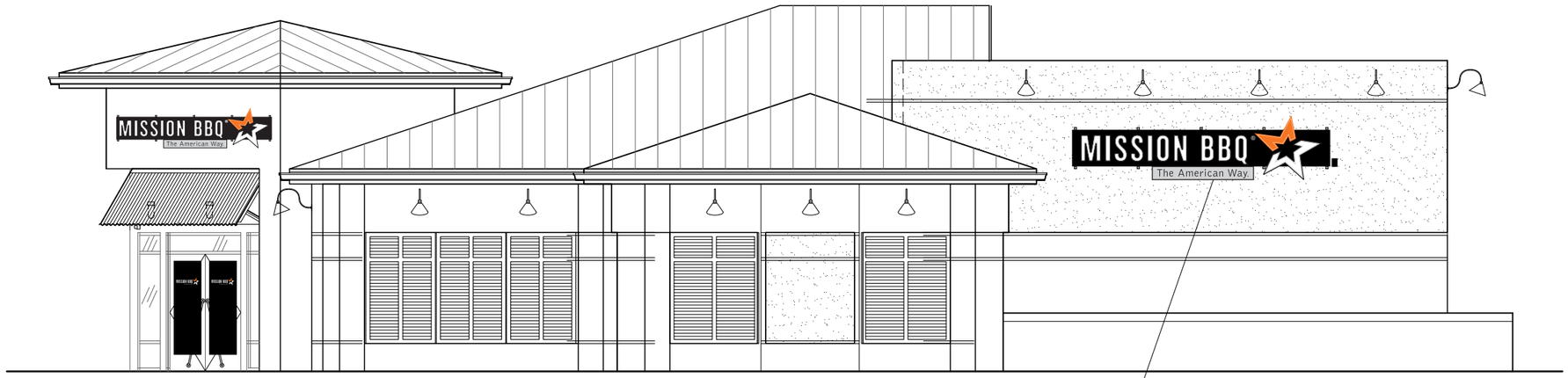
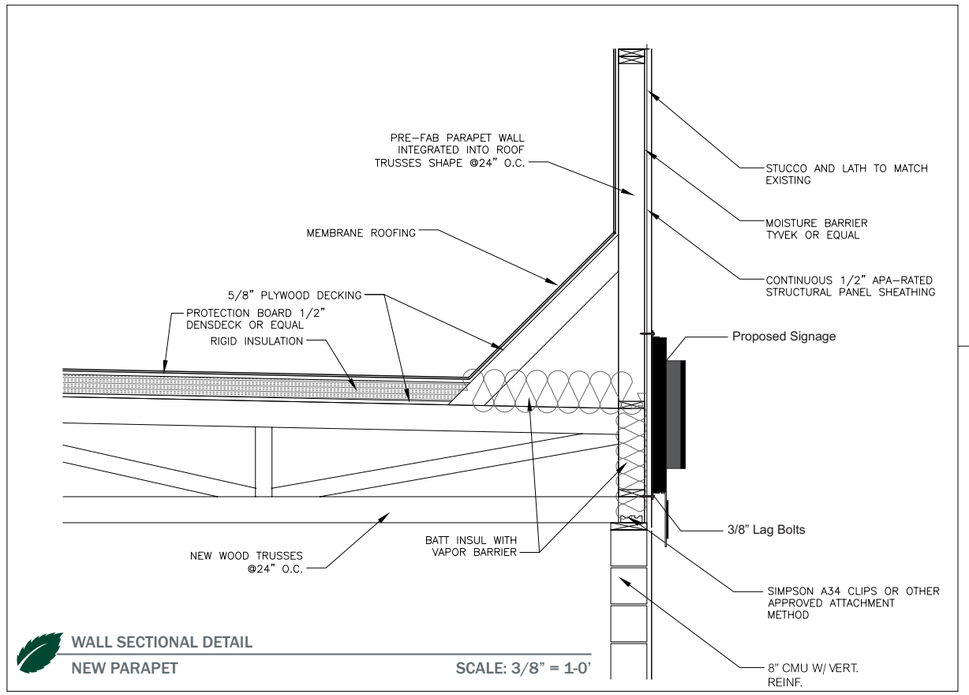


SIDE - NORTH ELEVATION
MANUFACTURE & INSTALL
SCALE: 1/8" = 1-0'



WALL SECTIONAL DETAIL
NEW PARAPET
SCALE: 3/8" = 1-0'

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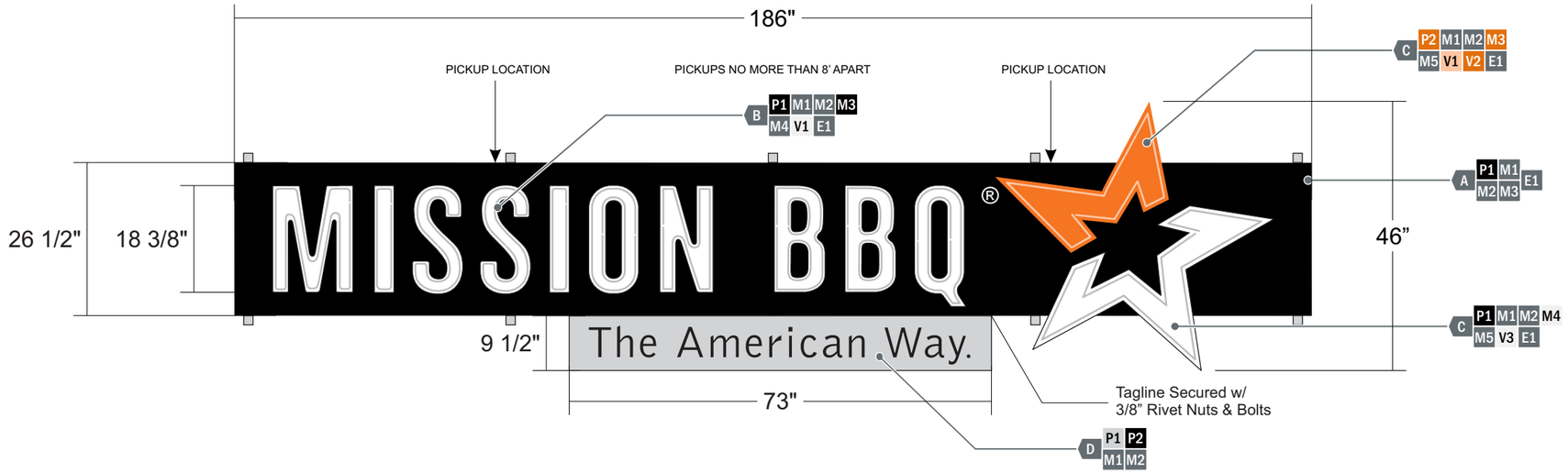
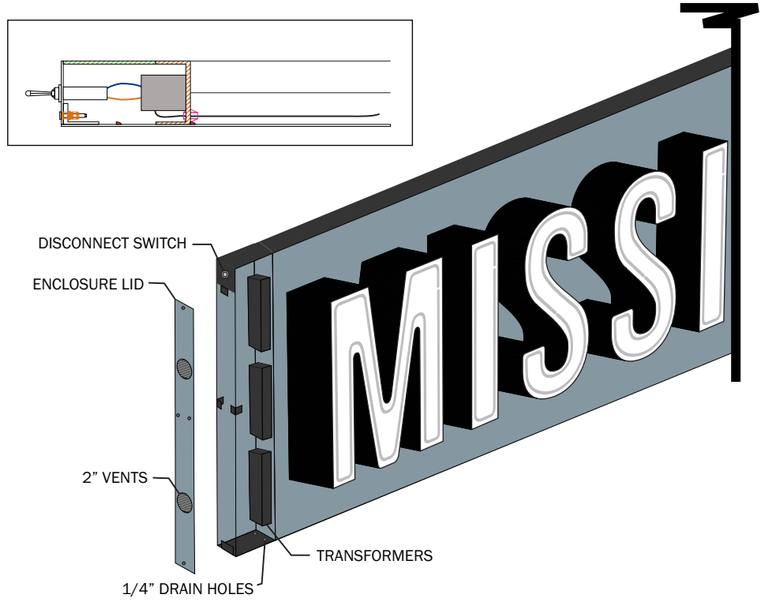
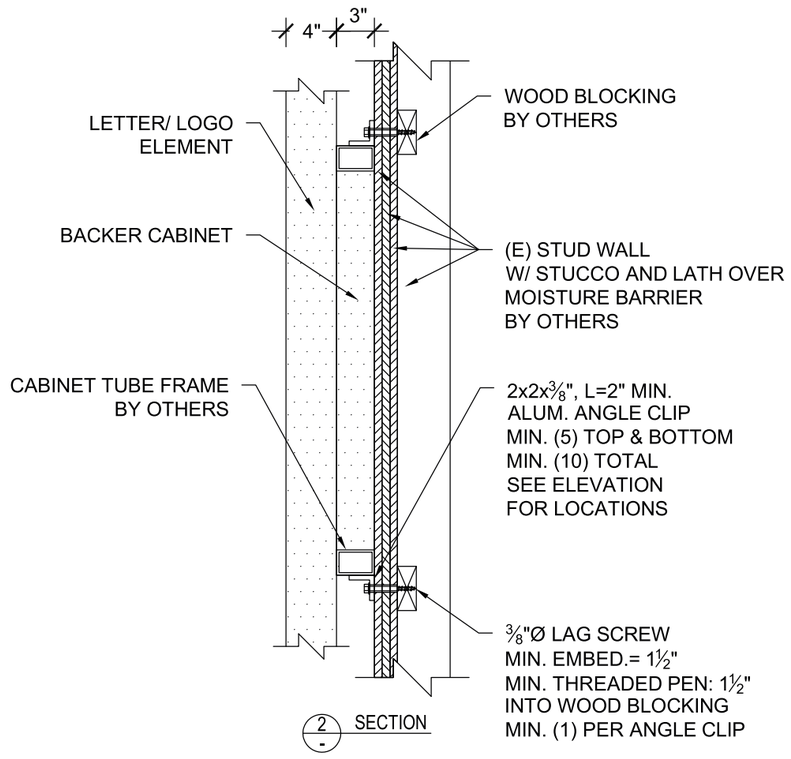


PAN MOUNTED CHANNEL LETTERS w/ RIDER

QUANTITY: X1 MANUFACTURE & INSTALL

SCALE: 1/2" = 1-0'





Drawing Type

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☐ INTERIOR	■ EXTERIOR
■ SINGLE SIDED	☐ DOUBLE SIDED
■ ILLUMINATED	☐ NON-ILLUMINATED

Fabrication Specifications

A	Item A : Pan	
P1	Paint	Matthews | Satin Black
M1	Material	.080" Aluminum Skin
M2	Material	2" x 3" Aluminum Tubing
M3	Material	2" x 2" Aluminum Angle Clips *Paint TB
E1	Electrical	Disconnect Switch & Transformers mounted in left hand side of cabinet.
B	Item B : Letters	
P1	Paint	Matthews | Satin Black
M1	Material	.063" Aluminum Backs
M2	Material	.040" Aluminum Returns
M3	Material	1" Black Trim Cap
M4	Material	3/16" Clear Acrylic Faces
V1	Vinyl	3M | Translucent White #20
E1	Electrical	UL Listed White LED Modules
C	Item C : Logo	
P1	Paint	Matthews | Satin Black
P2	Paint	Matthews | MP 74921
M1	Material	.063" Aluminum Backs
M2	Material	.040" Aluminum Returns
M3	Material	1" Painted MP 74921
M4	Material	1" White Trim Cap
M5	Material	3/16" Clear Acrylic Faces
V1	Vinyl	3M | Trans. Kumquat #74 *2nd Surfac
V2	Vinyl	3M | Tangerine #84
V3	Vinyl	3M | Translucent White #20
E1	Electrical	UL Listed White LED Modules
D	Item D : Rider	
P1	Paint	Matthews | Metallic Silver
P2	Paint	Matthews | Satin Black
M1	Material	.080" Aluminum Skin
M2	Material	1/2" Acrylic Studded Letters

NOTE: THE COLORS DEPICTED ON THIS RENDERING REPRESENT COLOR INTENT AND MAY NOT MATCH ACTUAL COLORS ON FINISHED PRODUCT. PLEASE REFER TO C CALL-OUTS AND SPECIFIED VENDOR SAMPLES FOR APPROVED COLOR SPECIFICATIC

ADDITIONAL FABRICATION INFO

Industry Standard Disconnect Switch installed on Individually Mounted Channel Letter installations. Switch mounts within sight of the display. Access area behind the wall , the NEC code 110.75 access panel Must be minimum 22"x26" with no obstruction to access above or below, Free of obstruction.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Connect power supply to appropriate sized breaker, in accordance with National Electrical Code Article 600 & all local electrical codes. Each power supply is integrated with 6" external cable wires containing 3 input wires, for connecting to the primary line, & 2 output wires, for connecting to the LED's.

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A7			

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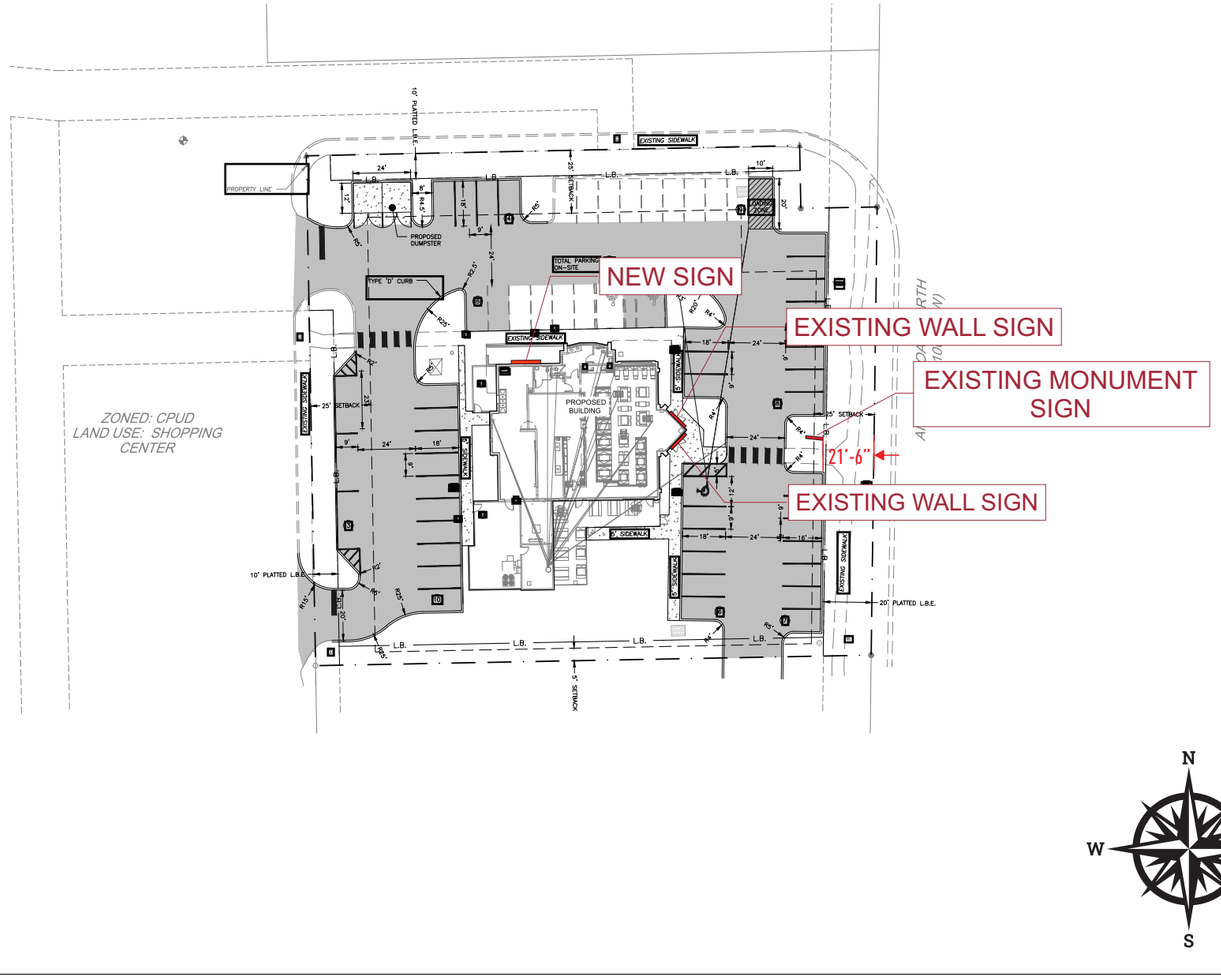
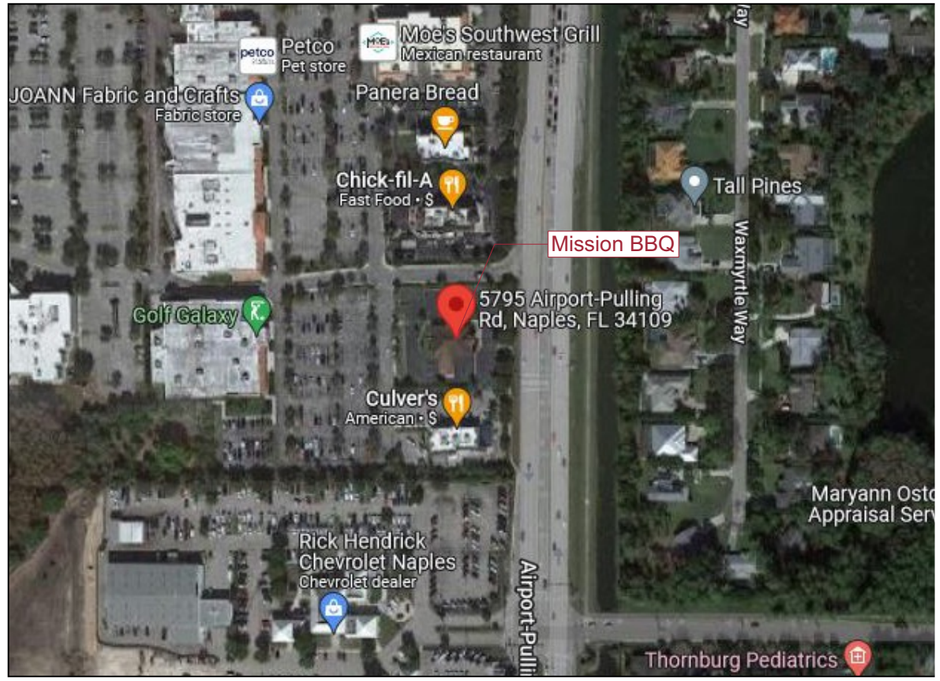
Attachment: Attachment A - Sign Plans, Mission BBQ (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Description

Site Map, Parking Example for Bam-Bam & Code Study for Bam-Bam

SITE MAP | TBD





SITE MAP
MANUFACTURE & INSTALL

SCALE: NTS

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Attachment: Attachment A - Sign Plans, Mission BBQ (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

MAR 2007
RECEIVED

ORDINANCE NO. 07- 32

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 2004-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM PLANNED UNIT DEVELOPMENT (PUD) TO COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A PROJECT KNOWN AS PINE AIR LAKES CPUD TO ALLOW AN INCREASE IN THE MAXIMUM DEVELOPMENT AREA. THE SUBJECT 148.99 ACRES IS LOCATED ALONG THE WEST SIDE OF AIRPORT-PULLING ROAD (COUNTY ROAD 31), PARALLEL TO AND APPROXIMATELY 1,600 FEET NORTH OF PINE RIDGE ROAD (COUNTY ROAD 896); AND ALONG BOTH SIDES OF NAPLES BOULEVARD, IN SECTION 11, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 94-25, THE PINE AIR LAKES PUD; AND BY PROVIDING AN EFFECTIVE DATE.

FILED
2007 MAR 23 AM 11:03
OFFICE OF CLERK
TALLAHASSEE, FLORIDA

WHEREAS, Airport Road Limited Partnership, represented by Karen Bishop, of P.M.S. Inc., of Naples and Richard Yovanovich, of Goodlette, Coleman and Johnson, P.A., 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 that:

SECTION ONE:

The zoning classification of the herein described real property located in Section 11, Township 49 South, Range 25 East, Collier County, Florida, is changed from Planned Unit Development (PUD) to Commercial Planned Unit Development (CPUD) known as the Pine Air Lakes CPUD in accordance with the CPUD Document, attached hereto as Exhibit "A" which is incorporated herein and by reference made part hereof. The appropriate zoning atlas map or maps as described in Ordinance Number 2004-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

Ordinance Number 94-25, known as the Pine Air Lakes PUD, adopted on May 10, 1994 by the Board of County Commissioners of Collier County, is hereby repealed in its entirety.

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

SECTION THREE:

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 13 day of March, 2007.

ATTEST:
DWIGHT E. BROCK, CLERK

by: Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: JAMES COLETTA, CHAIRMAN

Approved as to form and
legal sufficiency

Marjorie M. Student-Stirling
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 23rd day of March, 2007 and acknowledgement of that filing received this 29th day of March, 2007.
By: Deputy Clerk

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

PINE AIR LAKES
A
PLANNED UNIT DEVELOPMENT

BY

AIRPORT ROAD LIMITED PARTNERSHIP

AMENDED BY:

Goodlette Coleman & Johnson
4001 Tamiami Trail N., Suite 300
Naples, FL 34103

EXHIBIT A

ORIGNINAL ORDINANCE NUMBER	85-67
DATE ISSUED	11/12/85
DATE APPROVED BY CCPC	
DATE APPROVED BY BCC	3-13-2007
ORDINANCE NUMBER	2007-32

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PROPERTY OWNERSHIP AND DESCRIPTION
SECTION I

1.01 PURPOSE The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property proposed to be developed under the project name of Pine Air Lakes.

1.02 INTRODUCTION It is the intent of Airport Road Limited Partnership, a Florida limited partnership (here and after to be called Applicant) to amend a Planned Unit Development on approximately 150 acres of property located in northwest Collier County, Florida.

1.03 NAME The development will be known as Pine Air Lakes.

1.04 PROPERTY OWNERSHIP The subject property is currently under the ownership of:

Airport Road Limited Partnership
800 Seagate Drive, Suite 302
Naples, FL 34103

1.05 UNIFIED CONTROL The property being submitted for rezoning is under the unified control of Airport Road Limited Partnership.

1.06 LEGAL DESCRIPTION The subject project being +/- 148.99 acres is located in northwest Collier County, Section 11, Township 49 south, Range 25 east. The complete legal description is set forth in Exhibit "B".

1.07 GENERAL LOCATION

A. The subject property is west of and contiguous to Airport Road, parallel to and approximately 1,600 feet north of Pine Ridge Road; approximately 1,300 feet west, the boundary jogs south then west again approximately 1,300 feet, parallel to Pine Ridge Road.

B. Four (4) accesses to the development will be provided as conceptually depicted on Exhibit "A". Three (3) entrances will have access from Airport Road and one (1) access will be from Pine Ridge Road, taking advantage of the existing Naples Boulevard. Pine Ridge Road is scheduled to be the primary access into western Collier County from Interstate 75. Regional access to the Pine Air Lakes development will be via Interstate 75 and Pine Ridge Road Interchange and Airport Road Transportation Corridors. Developers and property owners are to connect their properties to fronting collector and arterial roads, except where no such connection can be made without violating intersection spacing requirements of the Land Development Code as described in Policy 7.1 of the Future Land Use Element.

1.08 EXISTING ELEVATION The +/- 150 acres of land which Pine Air Lakes is comprised of has an average elevation of plus 10.0 feet above sea level.

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1.09 EXISTING SOIL TYPES The Pine Air Lakes site is composed of five (5) soil types as identified by the U.S.D.A. Soil Conservation Service in their report titled, "Soil Survey, Detailed Reconnaissance, Collier County, Florida. Series 1942, No. 8, issued March 1954. "The site is primarily composed of Keri Fine Sand approximately forty-five percent (45%) and Charlotte Fine Sand approximately eighteen percent (18%). The Arzell Fine Sand, Cypress Swamp, and Ochopee Fine Sand Marl (shallow phase) makes up the remaining thirty-seven percent (37%) of the Pine Air Lakes CPUD site. The Ochopee Fine Sand Marl (shallow phase) is characterized by a shallow depth to rock which is typified by its exposure in the roadway swale along Pine Ridge Road (south of the project site).

1.10 EXISTING VEGETATION The site area has been historically stripped of native vegetation and utilized for agricultural and horticultural purposes. The only remaining native vegetation exists in the cypress head areas, (this has been designated "S.T." by the County Environmentalist), approximately in the center of the southern property line. The cypress ("S.T.") area will be left in its natural state under the proposed Pine Air Lakes CPUD Master Plan. The historical agricultural uses of the property supports a request for waiver of the Environmental Impact Statement (E.I.S.) commonly required by the Land Development Code. The request for a waiver has been filed with the County Environmentalist. NOTE: See Benedict's Letter.

1.11 OPEN SPACE. A minimum of thirty percent (30%) of total acres shall be provided. (44.7 acres) 1.81 acres are provided in S.T. acres and 32.64 acres are provided in Lakes/Open Space. The open space to be within the developed parcels along with the S.T. and Lake/Open Space parcels will either meet or exceed the required acreage.

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STATEMENT OF COMPLIANCE
SECTION II

2.01 PURPOSE The purpose of this section is to briefly outline the Pine Air Lakes Commercial Planned Unit Development compliance with the Collier County Comprehensive Plan.

2.02 STATEMENT OF COMPLIANCE The development of approximately 150 acres of property in, northwest Collier County, Florida, Section 11 (eleven), Township 49 south, Range 25 east, as a Planned Unit Development to be known as Pine Air Lakes will comply with the planning and development objectives of Collier County.

A. This project is a Development of Regional Impact that predates the adoption of the 1989 Growth Management Plan for Collier County. As such, it was deemed to have vested zoning rights through the Zoning Re-evaluation Program described in former Policy 3.1K of the Future Land Use Element.

B. Properties that have been found to have vested zoning rights are deemed consistent with the Future Land Use Element (reference Policy 5.9, FLUE). Policy 5.1 of the Future Land Use Element allows changes to such projects, provided the intensity of development is not increased.

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PROJECT DEVELOPMENT
SECTION III

3.01 PURPOSE The purpose of this section is to delineate and generally describe the project plan of development and general conditions of the Pine Air Lakes Project.

3.02 GENERAL

A. Regulations for development of Pine Air Lakes shall be in accordance with the contents of this document, CPUD- Commercial Planned Unit Development District and other applicable sections and parts of the "Collier County Land Development Code".

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the Collier County Land Development Code.

3.03 TRACT DEVELOPMENT The development of separate tracts shall comply with the Collier County Land Development Code, when applicable.

3.04 PROJECT PLAN AND LAND USE PARCELS

A. The project plan including the location of roadways, general circulation, and the land use is illustrated graphically and conceptually on the CPUD Master Plan (Exhibit "A").

B. Areas illustrated as Lakes/Open Space on Exhibit "A" are illustrative only, and are subject to relocation and reconfiguration. These areas may be constructed as lakes or open space. A portion of the lakes may be constructed as shallow, intermittent dry depressions for water detention purposes.

C. In addition to the various areas shown on Exhibit "A", such easements (utility, private, semi-public, etc.) shall be established within or along the various tracts as may be necessary or deemed desirable for the service, function or convenience of the project users.

D. Adjacent parcels, whether owned by the same or different entities, shall be permitted to be developed under a Unified Development Plan as a single shopping center or single office complex with common and shared parking areas, access drives, utilities, entries, common areas and other facilities typically contained within a shopping center or office complex. Internal tract boundaries in such unified development plans shall not be required to have lot line setbacks or buffers. Additionally, buildings within the Unified Development Plan shall be permitted to abut one another as long as all appropriate building codes have been adhered to without any requirement for property line setbacks along common property lines with adjacent buildings.

3.05 BUFFERS

A. All parcels within the Pine Air Lakes development adjacent to interior roads shall provide a minimum fifteen (15) foot wide landscape strip buffer. (Excluding parcels designated Lakes/Open Space.)

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B. A minimum buffer fifteen (15) feet wide will be provided along all parcels (except Lake/Open Space parcels) which are adjacent to surrounding land presently zoned industrial/commercial. A minimum twenty (20) foot buffer will be provided along Airport Road.

C. All other buffers shall meet the minimum standards of the Land Development Code in effect at the time of development of the parcel.

D. No parking, outside display signs, or other structures shall be located within buffers.

3.06 SPECIAL TREATMENT (S. T.) REGULATION The S. T. zoning overlay is removed and the approximate 1.8 acres of wetlands shall be preserved as a separate tract or easement, with protective covenants. An average twenty-five (25) foot setback will be provided around the wetlands area.

No parking, outside displays, signs or structures shall be located within the setback around the wetlands area.

3.07 CPUD SITE DEVELOPMENT PLAN APPROVAL The provisions of Section 04.07.01 of the Collier County Land Development Code shall apply to the development of platted tracts or other parcels of land prior to issuance of a building permit or other development order.

3.08 DEVELOPMENT PLAN ADJUSTMENT Minor variations in acreage, roadway, lakes and tract boundaries, as shown on CPUD Master Plan shall be permitted at final design to accommodate topography, vegetation, and other site conditions.

Minor variations shall be defined as in the Land Development Code in effect at the time such variation is requested.

3.09 MAXIMUM SQUARE FOOTAGE USES: The maximum square footage to be constructed within the CPUD shall be as follows. The permitted uses for each category of use shall be as set forth herein in Section 4 with respect to Office Uses and in Section 5 with respect to Regional Commercial/Retail Uses.

Category	Square Feet
Regional Commercial/Retail	1,000,000
Office	75,000
Total	1,075,000

3.10 CONVERSION BETWEEN USE CATEGORIES. Notwithstanding the maximum square footage uses set forth in Paragraph 3.09 above, the Developer shall have the right to;

Convert office space into retail space or retail space into office space, with the conversion rate between the different uses to be set forth as follows (the conversion rate has been determined by an equivalent trip generation analysis). Up to 50,000 square feet of office area can be converted into retail area at the rate of 100 square feet of additional retail area for every 420 square feet of office area converted. Additionally, up to 50,000 square feet of retail area can be converted into office area at the rate of 100 square feet of additional office area for every 24 square feet of retail area converted. The maximum square footage allowed is 1,075,000.

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OFFICE
SECTION IV

4.01 PURPOSE. The purpose of this section is to indicate the development plan land regulations for any part of the site to be developed for office uses.

4.02 PERMITTED USES AND STRUCTURES. No building or structure or part thereof shall be erected, altered, or used, or land or water used, in whole or in part for other than the following:

4.03 PERMITTED PRINCIPAL USES AND STRUCTURES

1) Business and professional offices; banks; financial institutions.
2) Churches and other places of worship; civic and cultural facilities; colleges, universities and schools.
3) Funeral homes.
4) Homes for the aged; hospitals; hospices and sanitoriums.
5) Medical laboratories; medical clinics; medical offices for humans; mortgage brokers; museums.
6) Parking garages and lots; private clubs.
7) Real estate offices; research design and development activities; rest homes; convalescent centers; and nursing homes.
8) Laboratories, provided that:
    a) No odor, noise, etc., detectable to normal senses from off the premises are generated;
    b) All work is done within enclosed structures; and
    c) No product is manufactured or sold, except incidental to development activities.
9) Transportation, communication and utility offices - not including storage of equipment.
10) Any professional or commercial use which is comparable in nature with the foregoing uses and which the Board of Zoning Appeals determines to be compatible in the district.

4.04 PERMITTED ACCESSORY USES AND STRUCTURES

1) Accessory uses and structures customarily associated with uses permitted in this district.
2) Caretaker's residence.
3) Multi-story parking.
4) Water management structures and facilities.

4.05 REGULATIONS

405.01 General - All yards, setbacks, etc., shall be in relation to the individual parcel boundaries.

405.02 Minimum Parcel Area - Twenty thousand (20,000) square feet.

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405.03 Minimum Parcel Width - One hundred (100) feet.

405.04 Minimum Yard Requirements - abutting the roadway within the Pine Air Lakes Development and Airport Road to the west of the development shall be front yards.

a) Front Yard - Twenty-five (25) feet.
b) Side Yard - Fifteen (15) feet with unobstructed passage from front to rear yard.
c) Rear Yard - Fifteen (15) feet.
d) Minimum Yard Requirement From Any Residentially Zoned or Use Property: Twenty-five (25) feet.

405.05 Maximum Height - Five (5) stories or fifty (50) feet, whichever is greater over a maximum of two (2) levels of parking.

Ten (10) stories or one hundred (100) feet, whichever is greater over two (2) levels of parking may be approved through Site Development Plan Approval and by the Planning Commission.

405.06 Minimum Floor Area of Structures - One thousand (1,000) square feet per building on the ground floor.

405.07 Minimum Distance Between Structures - Thirty (30) feet or one-half (1/2) the sum of the height, whichever is greater.

4.06 SIGNAGE As permitted or required by the Land Development Code in effect at the time a permit is requested.

4.07 MINIMUM OFF-STREET PARKING AND OFF-STREET PARKING LOADING REQUIREMENTS As permitted or required by the Land Development Code in effect at the time a permit is requested.

4.08 MINIMUM LANDSCAPING REQUIREMENTS As permitted or required by the Land Development Code in effect a the time a permit is requested.

4.09 MINIMUM LANDSCAPE/BUFFER AREA Defined in Section 3.05 of this Document.

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REGIONAL COMMERCIAL
SECTION V

5.01 PURPOSE The purpose of this section is to indicate the development plan land regulations for the areas designated on Regional Commercial. In order to ensure that regional retail is achieved, there will be a minimum of two individual retail uses with a minimum of 70,000 square feet of gross leasable area (GLA) each. These three uses, along with a majority of the commercial uses shall be restricted to uses herein which also would be within Division G, Standard Industrial Classification Manual, 1987 publication.

5.02 PERMITTED USES AND STRUCTURES No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following.

5.03 PERMITTED USES The following uses are expressly permitted when done in accordance with the general intent of this ordinance:

a) Antique shops 5932; appliance stores 5722; art galleries 5999, 8412; art studios 8999; art supply shops 5199; assembly in enclosed building 3549; auction house 5999; automobile parts stores 5531; automobile service stations with repairs in enclosed building 5541; automobile sales, and associated service departments, 5541, 5511; alcoholic beverage sales, including sales for consumption on or off the premises 5813, 5921.

b) Banks and financial institutions Major Groups 60, 61, 62, 67; barber and beauty shops 7231, 7241; bath supply stores 5719; bicycle sales and services 7699 (excluding Cesspool cleaning), 5941, 5091, 5571; blueprint shops 7334; boat sales - with inside storage 5551, 5091; bookbinders 2789, 2732; book stores 5192, 5961; business (i.e. Xerox) machine services 7359, 7629; bakery shops, including baking only when incidental to retail sales from the premises 5461; business offices 8741, 8742, 8748.

c) Carpet and floor covering sales which may include limited storage (not to exceed 50% of retail sales area) 5713, 5023; enclosed car washes 7542; clothing stores 5137, 5651, 5611, 5932, 5136, 5621; cocktail lounges 5813; commercial recreation uses – indoor 7999 (excluding animal shows, bath houses, circus companies, shooting ranges/galleries, skeet shooting); commercial schools 8222, 8211, 8221; communications services and equipment repair 5065; confectionery and candy stores 5441, 5145; churches and other places of worship 8661; civil and cultural facilities 8641, 8299, 8611, 8621; colleges, universities and schools 8211, 8221, 8222, 8299, 8243, 8244, 8249; child care centers 8351; convalescent centers 8059, 8051; children's homes 8361.

d) Department stores 5311; dry goods stores 5131, 5999: drapery shops 5023, 5714; delicatessens 5461; drug stores 5912, 5122; dry cleaning - collecting and delivering only 7212. (Minimal on-site pressing and spotting permitted).

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e) Electrical supply stores 5063; equipment rentals – including lawn mowers, power saws, etc. without outside storage and display 7359; employment agencies 7361, 7819, 7922 (excluding burlesques companies), 7363.
f) Fish markets (retail) 5421, 5146; florist shops 5992, 5193; fraternal and social clubs 8641; funeral homes 7261 (excluding crematories); furniture refinishing 7641; furniture stores 5712, 5021; furrier shops 5632.
g) Garden supply stores, which can include outside displays, gift shops 5261; glass and mirror sales 5231, 5719; gourmet shops 5499, 5411; gunsmiths 7699 (excluding cesspool cleaning).
h) Hardware stores 5251; hat cleaning and blocking 7251; health food stores 5499; health clubs/fitness centers 7991; hobby supply stores 5092, 5945; hospitals and hospices 8069, 8062.
i) Ice cream shops 5451, 5143; ice sales (not including ice plants) 5143, 5999.
j) Jewelry stores 5094, 5944, 5632.
k) Kitchenware shops 5719.
l) Laundries 7211; lawn maintenance shops no outside maintenance 7699; leather goods 5199, 5948; legitimate theaters 7922 (excluding burlesque companies); light manufacturing or processing (including food processing, but not slaughter house) Major Group 23 (excluding 2371) & 39. Packaging or fabricating in completely enclosed building 2671.Linen supply shops 7213; liquor stores 5921, 5182; and locksmiths 7699; lithographing 2752; laboratories; provided no odor, noise, vibrations or other nuisance detectable to normal senses from off the premises are generated 7819, 8734, 8071, 8072.
m) Marinas 4493; markets - food of every type 5411; medical office and clinics 8041, 8021, 8042, 8031, 8011, 8043, 8093; millinery shops 5632, 5131; miscellaneous uses such as mail express office, telephone exchange 7331, 5999; motion picture theaters 7832; motorcycle sales and service 5571, 7699 (excluding cesspool cleaning), 5012; museums 8412; music stores 5735, 5736; mortgage brokers 6162, 6163; motels 7011; meat, fish and poultry markets 5421, 5499.
n) Newspaper stores 5994.
o) Office Supply stores 5112, 5943.
p) Paint and wallpaper stores 5231; parking garages (enclosed) 7521; pest control service 7342; pet shops 5999; pet supply shops 5999, 5149, 5199; photographic equipment stores 5043, 5946; plumbing shop 5074; plumbing supplies 5074; pottery stores 5719; poultry markets 5499; printing 2732, 2752,2759; publishing or similar establishments 2741, 2731, 2711, 2721; private clubs 7997; professional offices 8741, 8742, 8748; post offices 4311, 7389.
q) Quilt shops 5949.
r) Radio and television stations and transmitters 4832, 4833; radio and television sales and services 5731, 7622; interior non-destructive and design labs 8711, 8712; rest homes 8059, 8361;

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restaurants including fast food restaurants with drive through window service 5812; real estate offices 6531; research, design and development planning facilities 8748.

s) Service establishments catering to commerce and industry 7389; sign company 3993, 5046, 5099; sign painting shops 3993; shoe repair 7251; shoe stores 5661; shopping centers (including regional facilities) Major Group 53, 56, 57, 58, 59; souvenier stores 5947; stationery stores 5943; supermarkets 5411; swimming pool maintenance shops 7389; sanitoriums 8063; schools 8211, 8249.

t) Tailor shops 7219, 5699; taxidermists 7699; tile sales – ceramic tile 5211, 5032; tobacco shops 5159, 5194, 5993; toy shops 5945, 5092; tropical fish stores 5999; transportation terminals without outside storage of vehicles or equipment 4231; taverns 5813.

u) Upholstery shops 5714.

v) Variety stores 5331; vehicle rentals 7514, 4119; veterinarian offices and clinics – no outside kennels 0742; vocational, technical, trade or industrial schools 8211, 8249.

w) Water bed sales 5712, 5021.

x) X-ray clinics 8071.

y) Yacht sales 7389, 5551.

z) Any other commercial, which is compatible in nature with the foregoing uses and which the Board of Zoning Apeals determines to be consistent with the purpose of the district.

aa) All uses allowed in Section IV.

*All references to numbers in this Section are understood to be to Standard Industrial Classification Groups.

5.04 PERMITTED ACCESSORY USES AND STRUCTURES. Accessory uses and structures customarily associated with uses permitted in this district:

1) Caretaker residence.
2) Water management structures and facilities.
3) Customary accessory uses and structures.

5.05 REGULATIONS

505.01 General - All yards, setbacks, etc., shall be in relation to the individual parcel boundaries. There shall be no outside overnight storage or display on any parcels in this section.

505.02 Minimum Parcel Area - As determined at the time of Preliminary Site Development Plan review.

505.03 Minimum Parcel Width - As determined at the time of Preliminary Site Development Plan review.

505.04 Minimum Yard Requirements - The parcel sides abutting the roadway within the Pine Air Lakes' Development and Airport Road to the west of the development shall be front yards. Those parcels shall conform to the minimum yard

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requirement of Section 4.05.4 of the Document. All other parcels in this Section shall conform to the following:

a) Front Yard - Twenty-five (25) feet.
b) Side Yard and Rear Yard - None or a minimum of five (5) feet with unobstructed passage from front to rear yard.
c) Other parcel boundaries fifteen (15) feet.

505.05 Maximum Height - Three (3) stories or thirty-five (35) feet, whichever is greater.

505.06 Minimum Floor Area of Principal Structures - One thousand (1,000) square feet per building on the ground floor.

505.07 Minimum Distance Between Structures, - Same as side yard setback.

5.06 SIGNAGE As permitted or required by the Land Development Code in effect at the time a permit is requested.

5.07 MINIMUM OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS As permitted or required by the Land Development Code in effect at the time a permit is requested.

5.08 MINIMUM LANDSCAPING REOUIREMENTS As permitted or required by the Land Development Code in effect at the time a permit is requested.

5.09 MINIMUM LANDSCAPE BUFFER AREA Defined in Section 3.05 of this Document.

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LAKE/OPEN SPACE
SECTION VI

6.01 PURPOSE The purpose of this Section is to indicate the development plan land regulations for the areas to be utilized for Lakes/Open Space.

6.02 PERMITTED USES AND STRUCTURES No building or structure or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than the following:

6.03 PERMITTED PRINCIPAL USES AND STRUCTURES

1) Sidewalks constructed for purposes of access to or passage through common areas.

2) Lakes and other storm water management facilities or uses to serve for the water management and drainage of project.

3) Picnic areas, parks and passive recreation areas.

4) Small buildings, enclosures or other structures constructed for purposes of maintenance, storage, recreation or shelter with appropriate screening and landscaping.

5) Small docks, piers or other such facilities constructed for purposes of lake recreation for project occupants or members.

6) Decks and platforms associated with restaurant and entertainment facilities on adjacent parcels shall be allowed to project into Lake/Open Space parcels.

7) A lake/open space parcel may be considered a buffer for developed parcels if it is adjacent to the parcel.

8) Any other open space activity which is comparable in nature with the foregoing uses and which the Board of Zoning Appeals determines to be compatible in the district.

6.04 PERMITTED ACCESSORY USES AND STRUCTURES Accessory uses and structures customarily associated with the uses permitted in this district.

1) Customary accessory uses of recreational facilities.

2) Any other recreational use which is comparable in nature with the foregoing uses and which the Board of Zoning Appeals determines to be compatible in the district.

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6.05 REGULATIONS

605.01 General – All yards, setbacks, etc., shall be in relation to the individual parcel.

605.02 Minimum Lot Area: None

605.03 Minimum Lot Width: None

605.04 Minimum Yard Requirements: Abutting the arterial roadway within the Pine Air Lakes Development and Airport Road to the west of the development shall be front yards.

a) Front Yard: Fifty (50) Feet
b) Side Yard: Thirty (30) Feet
c) Rear Yard: Fifty (50) Feet

605.05 Maximum Height of Structures: Thirty-five (35) feet unless otherwise approved during Development Review.

6.06 SIGNAGE As permitted or required by the Land Development Code in effect at the time a permit is requested.

6.07 MINIMUM OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS As permitted or required by the Land Development Code in effect at the time a permit is requested.

6.08 MINIMUM LANDSCAPING REQUIREMENTS As permitted or required by the Land Development Code in effect at the time a permit is requested.

6.09 MINIMUM LANDSCAPE/BUFFER AREA Defined in Section 3.05 of this Document.

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DEVELOPMENT STANDARDS
SECTION VII

7.01 PURPOSE The purpose of this Section is to set forth the standards for the development of the project.

7.02 GENERAL All facilities shall be constructed in strict accordance with the Final Development Plan and all applicable State and local laws, codes, and regulations. Except where specifically noted or stated otherwise, the standards and specifications of the current official County Land Development Code shall apply to this project.

7.03 CPUD MASTER DEVELOPMENT PLAN

A. Exhibit "A" illustrates the proposed development.

B. The design criteria and system design illustrated on Exhibit "A" and stated herein shall be understood as flexible so that the final design may best satisfy the project, the neighborhood and the general local environment. Minor site alterations may be permitted subject to planning staff and administrative approval.

C. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities and all areas in the project.

7.04 CLEARING, GRADING, EARTHWORK, AND SITE DRAINAGE All clearing, grading, earthwork, and site drainage work shall be performed in accordance with all applicable State and local codes.

7.05 STREETS All streets shall be dedicated to the public.

The petitioner wishes to reserve the right to maintain and landscape the unpaved portions of the right-of-way for roads within the project subject to the approval of the Development Services Director.
All public street design and construction shall meet the Collier County standards that are in effect at the time of approval.

7.06 SIGNS As permitted or required by the Land Development Code in effect at the time a permit is requested.

7.07 HOUSING To satisfy the project's affordable housing impacts cumulatively the applicant's mitigation for commercial and office uses shall be $206,424.00. These funds shall be paid to Collier County Affordable Housing Trust Fund at issuance of building permit. If more than one building permit is involved, then the payments shall be prorated on a .50 cent per square foot basis and a portion collected at the time each building permit is issued.

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7.08 LANDSCAPING

A) For off-street parking areas - All landscaping for off-street parking areas shall be in accordance with the appropriate portion of the Land Development Code.

B). For Naples Boulevard Land Improvements – The Pine Air Lakes CDD shall complete the installation of the Naples Boulevard. right-of-way landscaping as approved by Collier County Transportation Mode Department but will be limited to $400,000.00 in cost. The Pine Air Lakes CDD shall maintain the right-of-way landscaping in perpertuity. The installation shall take place within one year of this PUD amendment and the companion DRI Development Order amendment approval.

7.09 ARCHITECTURAL DESIGN REVIEW The petitioner intends to create an association to review individual parcel layout and architecture prior to the improvement of any parcel.

7.10 COMMON AREA MANAGEMENT The petitioner intends to convey the common areas, including the water retention and surface water management structures, to Pine Air Foundation, Inc., a Florida not-for-profit corporation, which will be responsible for implementation of the surface water management plan and have authority to assess the other lands within the district for the costs of such maintenance. The petitioner would also grant an easement to Collier County with respect to the surface water management system so that the County could operate and maintain the system in the event the Foundation fails to do so.

7.11 ENVIRONMENTAL The Environmental Advisory Council stipulations:

A. A site clearing plan shall be submitted to the Natural Resources Department and the Community Development Division for their review and approval prior to any substantial work on the site. This plan may be submitted in phases to coincide with the development schedule. The site clearing plan shall clearly depict how the final site layout incorporates retained native vegetation to the maximum extent possible and how roads, buildings, lakes, parking lots, and other facilities have been oriented to accommodate this goal.

B. Native species shall be utilized, where available, to the maximum extent possible in the site landscaping design. A landscaping plan will be submitted to the Natural Resources Department and the Community Development Division for their review and approval. This plan will depict the incorporation of native species and their mix with other species, if any. The goal of site landscaping shall be the re-creation of native vegetation and habitat characteristics lost on the site during construction or due to past activities.

C. All exotic plants, as defined in the County Code, shall be removed during each phase of construction from development areas, open space areas, and preserve areas. Following site development a maintenance program shall be implemented to prevent reinvasion of the site by such exotic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and approved by the Natural Resources Department and the Community Development Division.

D. If during the course of site clearing, excavation, or other constructional activities, an archaeological or historical site, artifact, or other indicator is discovered, all development at that location shall be immediately stopped and the Natural Resources Department

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

notified. Development will be suspended for sufficient length of time to enable the Natural Resources Department or a designated consultant to assess the find and determine the proper course. of action in regard to its salvageability. The Natural Resources Department will respond to any such notification in a timely and efficient manner so as to provide only a minimal interruption to any constructional activities.

E. The cypress wetland and buffer zone is to be checked and approved by the Natural Resources Personnel prior to any construction in the vicinity of the wetlands.

F. As many existing native trees and shrubs as possible shall be incorporated into the development.

G. The developers shall demonstrate to the Natural Resources Department that this development will be in compliance with the water quality regulations as outlined by DEP and SFWMD when they return with their site development plans and, more specifically, if DEP or SFWMD requires water quality monitoring of their stormwater run-off, then Natural Resources Department requests that they receive copies of all the data.

7.12 FIRE The North Naples Fire Control District has stated their ability to serve the Pine Air Lakes Project, with the following stipulations:

A. Water mains and the locations of the fire hydrants must be approved by them prior to issuance of any building permits.

B. Pine Air Lakes shall commit to pay its fair share for improvements needed as a result of the development if and when an impact fee policy is adopted by the North Naples Fire District to cover the entire District.

7.13 EXEMPTIONS TO THE SUBDIVISION REGULATIONS Pine Air Lakes development shall be exempt from the following Land Development Code requirements:

A. Section 06.06.01.Q.1, LDC: Street name signs shall be approved by the Development Services Director, but need not meet the U.S.D.O.T.F.H.W.A. Manual of Uniform Traffic Control Devices.

B. Section 05.06.00, LDC: Entry signage may be located within the right-of-way of the dedicated roadway. Such signage and planting shall be approved by the Development Services Director.

C. The requirement to place permanent reference monument and permanent control points in a typical water valve where such monuments occur within street pavement areas shall be waived.

7.14 TRANSPORTATION

A. Except for the three permitted connections to Airport Road, all access to individual parcels shall be internal from Naples Boulevard or from loop roads connecting adjacent properties in an effort to help reduce vehicle congestion on nearby collector and arterial

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roads and minimize the need for traffic signals as described in Policy 7.2 of the Future Land Use Element.

B. The developer shall provide crosswalks at the intersection of Naples Boulevard and the future Interconnection Road/Regal Cinema Property and at the future intersection west of the Regal Cinema property at the existing Naples Boulevard Curb cut located approximately ¼ mile to the north of the southern property line of the CPUD along Naples Boulevard. The crosswalk for the future Interconnection Road/Regal Cinema intersection with Naples Boulevard shall be installed simultaneously with the permanent traffic signal. All crosswalk requirements shall be completed prior to the build-out of the CPUD.

C. Naples Boulevard is constructed and dedicated to Collier County and the water system is looped in accordance with the Utilities Division regulations and requirements.

D. All Collier County traffic impact fees for Pine Air Lakes CPUD shall be as provided by the current impact fee ordinance.

E. In conjunction with the six-laning of Airport Road, the following improvements shall be made at the intersection of Naples Boulevard with Airport Road:

1. The developer has constructed or contributed its fair share payment for the construction of one additional northbound left turn lane from Naples Boulevard to Airport Pulling Road for a total of two left turn lanes.

2. The developer has constructed or contributed its fair share payment for the construction of the traffic signal at the intersection of Airport Road and Naples Boulevard.

3. In addition to the forgoing, at the County's request, the developer shall construct a third northbound left turn lane from Naples Boulevard to Airport Pulling Road within one year of the approval of this CPUD amendment and DRI development order amendment.

4. The developer shall extend the stacking lanes for the north to westbound left turn lane onto Naples Boulevard from Airport Road within one year of the approval of this CPUD amendment and DRI development order amendment.

F. All proposed median opening locations shall be in accordance with the Collier County Access Management Policy (Resolution No. 01-247), as it may be amended, and the Land Development Code, as it may be amended. Collier County reserves the right, pursuant to Collier County ordinances to modify or close any median opening existing at the time of approval of this CPUD which is found to be adverse to the health, safety and welfare of the public. Any such modifications shall be based on, but are not limited to, safety, operational circulation, and roadway capacity.

G. A five (5) foot sidewalk easement and completed sidewalk have been provided by the developer within the twenty (20) foot buffer along the Airport Road frontage. An additional one (1) foot sidewalk easement shall be provided by the developer within the twenty (20) foot buffer along the Airport Road frontage, north of Naples Boulevard, at Collier County's request and within one year of the approval of this CPUD amendment and DRI development order amendment.

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H. All work within Collier County rights-of-way or public easements shall require a right-of-way permit.

I. Any reduction in parking spaces as a result of interconnection with projects to the north and west shall be consistent with Subsection 4.04.02.B.3. of the Land Development Code quoted below:

During the development or redevelopment of commercial or residential projects and all rezone petitions shared access and interconnection shall be required. Should the shared access or interconnection require the removal of existing parking spaces, the applicable development will not be required to mitigate for the parking spaces. The County Manger or designee shall require the shared access and interconnection unless in the professional judgment of the County Manger, or designee, one of the following criteria prohibits this requirement.

a. It is not physically or legally possible to provide the shared access or interconnection.

b. The cost associated with the shared access or interconnection is unreasonable. For this application unreasonable will be considered when the cost exceeds the cost of a typical local road section or is above 10% of the value of the improvements being made to the development.

c. The location of environmentally sensitive lands precludes it and mitigation is not possible.

d. The abutting use is found to be incompatible with the existing or proposed use.

J. All traffic control devices, signs, pavement markings and design criteria shall be in accordance with Florida Department Transportation (FDOT) Manual of Uniform Minimum Standards (MUMS), current edition, FDOT Design Standards, current Edition, and the Manual on Uniform Traffic Control Devices (MUTCD), current Edition. All other improvements shall be consistent with and as required by the Collier County Land Development Code.

K. Site-related improvements necessary for safe ingress and egress to this project, as determined by Collier County, shall not be eligible for impact fee credits. All required improvements shall be in place and available to the public prior to the issuance of the first certificate of occupancy (CO), or when requested by Collier County.

L. Nothing depicted on any the CPUD Master Plan except for those access points in existence as of the date hereof shall vest any right of access at any specific point along any property frontage or property line. All such access shall be consistent with the Collier County Access Management Policy (Res. No. 01-247), as it may be amended from time to time, and with the Collier County Long-Range Transportation Plan. The number of access points may be less than the number depicted on the Master Plan; however, no additional external access points shall be considered unless a PUD amendment or PUD insubstantial change is approved.

M. All internal roads, driveways, alleys, pathways, sidewalks and interconnections to adjacent developments shall be operated and maintained by an entity created by the

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developer and Collier County shall have no responsibility for maintenance of any such facilities.

N. If any turn lane improvement requires the use of any existing County right-of-way or easement and there is insufficient right-of-way available, the developer shall accommodate those turn lanes within the development.

O. If, in the sole opinion of Collier County, a traffic signal, or other traffic control device, sign or pavement marking improvement within a public right-of-way or easement within the boundary of this CPUD is determined to be warranted, the cost of such improvement shall be borne by the Developer and shall be paid to Collier County.

P. At the request of Collier County, two Collier Area Transit (CAT) bus stops with shelters shall be installed by the developer or, at the discretion of Collier County, a designated park-and-ride location shall be provided in lieu of the shelters. The exact location will be determined during site development plan review process. This commitment shall be fulfilled within one year of the approval of this CPUD amendment and DRI development order amendment.

Q. The developer shall contribute an amount not to exceed $50,000.00 to Collier County's SCOOT program along Pine Ridge Road to include two additional intersections. This contribution to Collier County shall be made within one year of the approval of this CPUD amendment and DRI development order amendment.

R. In lieu of the annual traffic counts for the PUD monitoring requirements, the developer shall make a payment to Collier County to install four permanent count stations not to exceed a total of $40,000.00 purusant to the Land Development Code. Payment to Collier County shall be made within one year of the approval of this CPUD amendment and DRI development order amendment.

S. The developer shall construct or cause to be constructed an interconnection road to the industrial park to the north of the CPUD as shown on Exhibit "C". The developer shall be responsible to coordinate the construction with the owner of the property currently developed as Naples Dodge. The construction of the interconnection road shall be completed at the earlier to occur of (i) prior to the issuance of a CO for any improvements constructed upon the eastern 9.86 acre portion of Pine Air Lakes Unit 3, Lot 1 (tax parcel 66760010044); or (ii) within one year of the approval of this CPUD amendment and DRI development order amendment.

T. The developer shall extend the eastbound stacking lane on Pine Ridge Road for the north-bound turn onto Naples Boulevard within one year of the approval of this CPUD amendment and DRI development order amendment.

U. The developer shall utilize the existing Naples Boulevard median (County right-of-way) to construct a second right turn lane from southbound Naples Boulevard onto westbound Pine Ridge Road within one year of the approval of this CPUD amendment and DRI development order amendment.

V. The developer shall modify the Naples Boulevard median cuts used for controlling traffic entering and exiting the Home Depot and NCH sites from Naples Boulevard in

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accordance with the design criteria approved by the Collier County Transportation Department within one year of the approval of the CPUD amendment and DRI development order amendment and after the design criteria have been approved by the Collier County Transportation Department.

W. When traffic counts warrant and when requested by the Collier County Transportation Department, the developer shall construct a mast arm traffic signal at the future intersection that will be located at the existing curb cut on Naples Boulevard approximately ¼ mile from the southern boundary of the CPUD (west of the Regal Cinema).

X. 1. Within sixty (60) days after the approval of this CPUD amendment and DRI development order amendment, the developer shall install a temporary traffic signal on Naples Boulevard at the intersection of Naples Boulevard and the entry to the Regal Cinema property. The Collier County Transportation Department shall provide the lights and controls and the developer shall pay the costs of purchasing and installing the temporary poles and installing the temporary traffic signal.

2. The developer shall design and construct a mast arm traffic signal (permanent traffic signal) to replace the temporary signal concurrent with the construction of the interconnection road referenced in Subsection 7.14.S of this Document, but in any event the construction of the permanent traffic signal shall be completed within one year of the approval of this CPUD amendment and DRI development order amendment.

7.15 WATER MANAGEMENT

A. Conceptual and/or detailed site drainage plans shall be submitted to the Environmental Advisory Board for review.

B. The Developer has provided to Collier County a thirty-five (35) foot wide and a twenty-five (25) foot wide perpetual, non-exclusive easement for drainage purposes along the western boundary of the Pine Air Lakes project a thirty (30) foot wide temporary non-exclusive construction easement which parallels a twenty-five (25) foot wide temporary non-exclusive drainage easement, both of which temporary easements connect with the temporary drainage easement for the lake abutting the property's northeastern boundary along Airport-Pulling Road, around which lake the thirty (30) foot temporary construction easement continues; all as more fully described in the drainage conveyance documents dated April 1994, and the drawings attached thereto and prepared by Wilson, Miller, Barton & Peek, Inc., dated February 1994 for File No. 2G-403. Said temporary easements are for the purpose of accepting and transmitting 29 acres of Pine Ridge Industrial Park (Northeast Quadrant) drainage through the water management system, and shall be abandoned at time of site development plan approval of the area north of Naples Boulevard. At time of site development plan approval, a twenty-five (25) foot wide perpetual, non-exclusive easement for drainage purposes shall be dedicated to Collier County and recorded in the public records.

C. An excavation permit will be required for the proposed lakes in accordance with appropriate County ordinances.

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

UTILITY SERVICE
SECTION VIII

8.01 PURPOSE The purpose of this section is to provide a list of utility services and how they will be provided.

A. See the Utilities Division stipulations per their memos dated July 23, 1985; and September 21, 1985.

8.02 WATER SUPPLY The Collier County Water and Sewer District shall provide water to the Pine Air Lakes Development from the existing 16" water main located within the Airport Road right-of-way.

8.03 SOLID WASTE COLLECTION Solid waste collection for the Pine Air Lakes Project will be handled by the company holding the franchise for that area of the County.

8.04 ELECTRIC POWER SERVICE Florida Power and Light Company will provide electricity to the entire Pine Air Lakes Project.

8.05 TELEPHONE SERVICE Telephone service will be supplied by appropriate provider to the Pine Air Lakes Project.

8.06 TELEVISION CABLE SERVICE The Pine Air Lakes Project will be provided cable service by the cable company holding the franchise for that area of the County.

8.07 EASEMENTS FOR UNDERGROUND UTILITIES All on-site utilities such as telephone, electric power, cable television service, waste water collection, water distribution, etc. shall be installed underground. Only items such as electrical feeder lines, lift stations, etc. which require above ground installation shall be permitted above ground.

8.08 WATER DISTRIBUTION AND SEWERAGE MAIN DEDICATION The water distribution and sewerage mains shall be located in the road right-of-way and will be dedicated to the public. The water distribution and sewerage mains will be deeded to Collier County Water and Sewer District upon completion in accordance to applicable county ordinances in effect at the time of the Pine Air Lakes PUD Submission.

The applicant or future owners, will pay appropriate development hook-up fees at the time of application for building permits.

Should any water/sewer system elements be located outside the road right-of-way, the appropriate easements will be dedicated.

8.09 PROJECT EASEMENTS AND SERVICES All easements and services mentioned in this and previous sections of this Document shall be non-exclusive

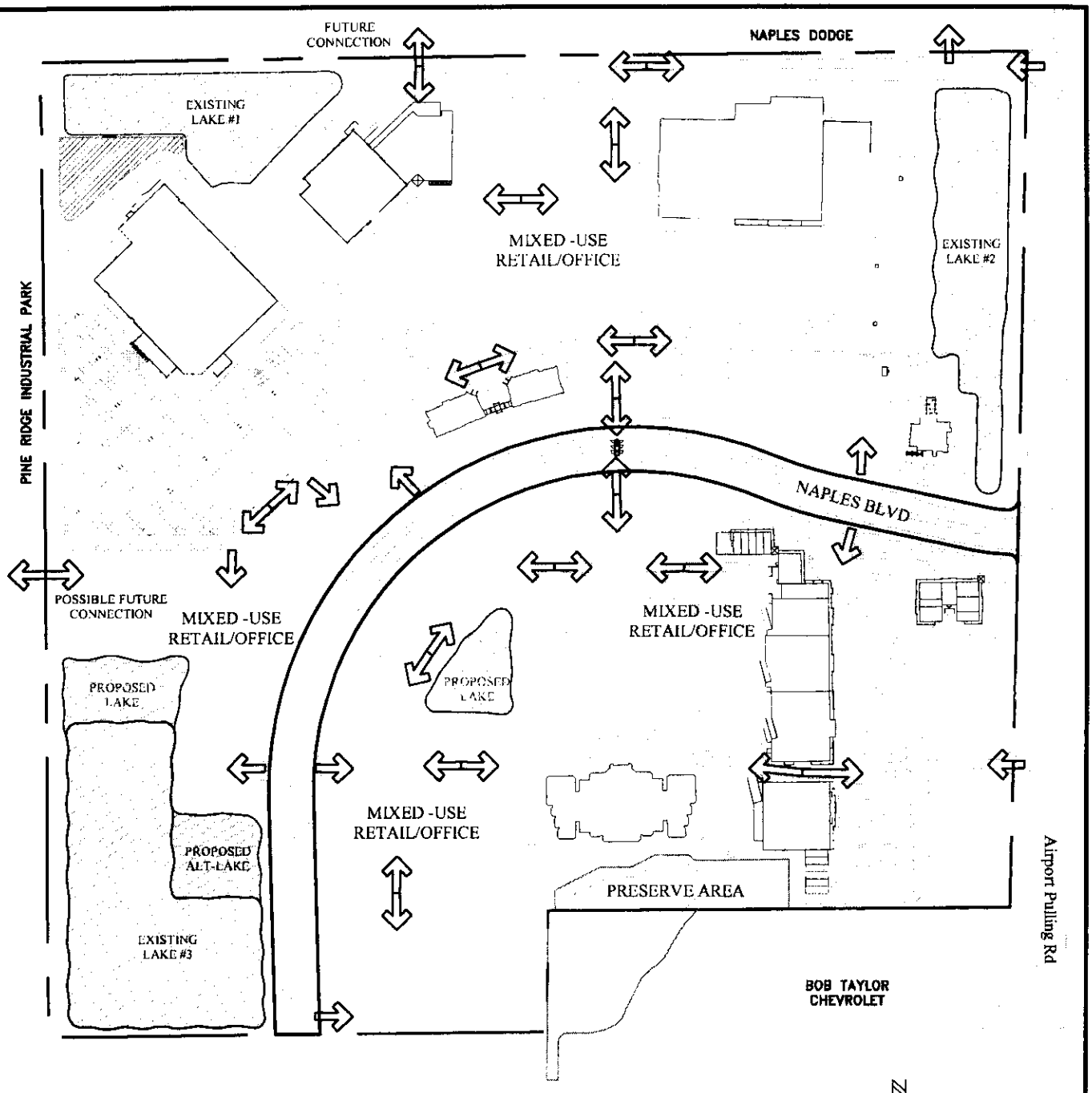
Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

DEVELOPMENT OF REGIONAL IMPACT

SECTION IX

The Developer, its successors in interest, and all future assigns or designees shall adhere to all commitments made in the Development of Regional Impact (DRI) Application for Development Approvals (ADA), sufficiency responses, and attachments for this amendment and all previously adopted DRI Development Order (DO) actions for this project.

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)



Land Use Summary

Mixed-Use Office/Retail	103.00 Acres
ROW	10.69 Acres
Lake/Open Space	33.49 Acres
Preserve Area (Including Buffers)	1.81 Acres
Total	148.99 Acres

N

0 200 400
SCALE IN FEET

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JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

Master Concept Plan

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
March 2007	20055243		As Shown	

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

LEGAL DESCRIPTION

A parcel or tract of land lying in Section 11, Township 49 South, Range 25 East, Collier County, Florida, being described as follows:

Commencing at the Northeast corner of said Section 11, run S 00°27'47" W along the East line of said Section 11 a distance of 1318.86 feet; thence S 88°47'13" W 100.04 feet to the POINT OF BEGINNING and the westerly right-of-way line of County Road No.31; thence continue S 88°47'13" W 2654.06 feet; thence S 01°05'27" E 1316.71 feet; thence S 01°05'18" E 1316.78 feet; thence N 88°51'31" E 1341.42 feet; thence N 00°18'58" W 329.45 feet; thence N 88°50'57" E 1245.82 feet to the Westerly right-of-way line of County Road No.31; thence N 00°27'18" E along said right-of-way line 989.28 feet; thence N 00°27'40" E along said right-of-way line 1318.80 feet to the POINT OF BEGINNING:

Said parcel or tract containing 148.99 acres, more or less.

Subject to easements, restrictions and reservations of record.

Bearings based on a bearing of N 00°27'47" E on the East line of the NE¼ of Section 11, Township 49 South, Range 25 East, Collier County, Florida.

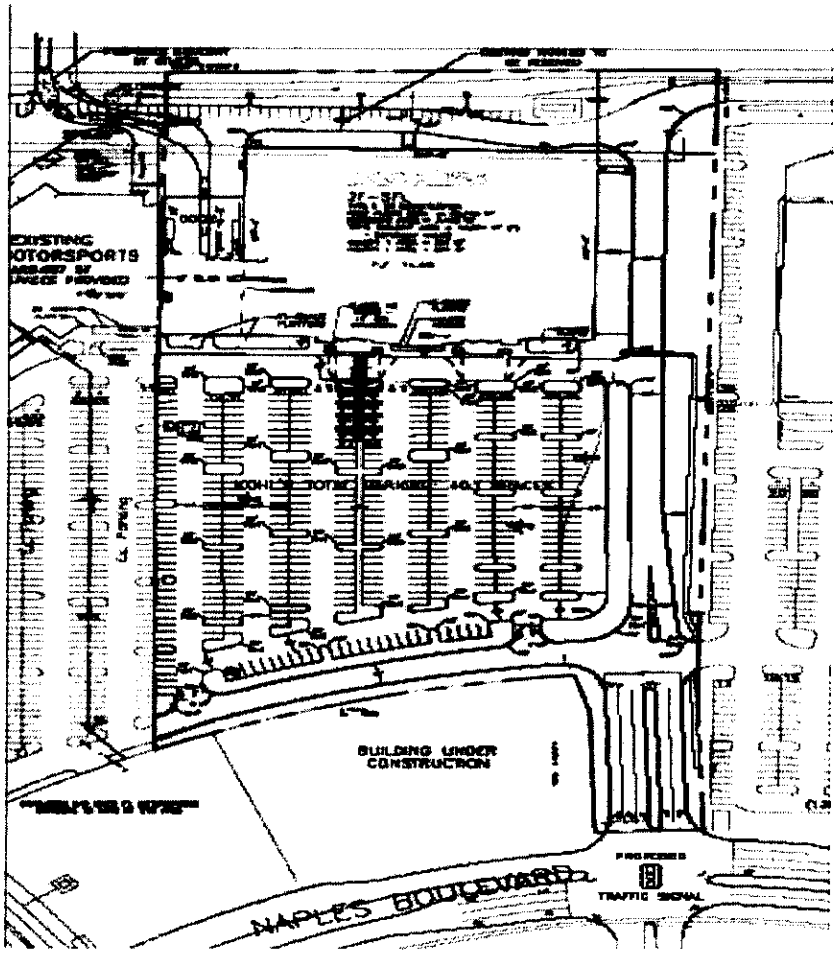
This description meets the Minimum Technical Standards as set forth by the Florida Board of Land Surveyors, pursuant to Chapter 472.027, Florida Statutes.

Pine Air Lakes
PUDZ-A-2005-AR-8550
Exhibit B

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

EXHIBIT "C"
Pine Air Lakes / Naples Dodge Interconnect Exhibit

Naples Dodge



Hollywood 20

THIS EXHIBIT IS CONCEPTUAL. THE FINAL DESIGN SHALL BE APPROVED BY TRANSPORTATION DEPARTMENT DURING SITE DEVELOPMENT PLAN REVIEW. ANY REVISIONS TO THIS EXHIBIT SHALL NOT REQUIRE AN AMENDMENT.

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

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 and correct copy of:

ORDINANCE 2007-32

Which was adopted by the Board of County Commissioners on the 13th day of March, 2007, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 22nd day of March, 2007.

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

By: Ann Jennejohn,
Deputy Clerk

Attachment: Attachment B - Pine Air Lakes CPUD, Ord. 07-32 (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

APPLICATION AND PROPERTY INFORMATION

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Sign Variance Petition (SV)

Land Development Code section 5.06.08

Chapter 3 I of the Administrative Code

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): GLL SELECTION II FLORIDA LP

Name of Applicant if different than owner: Apple Signs, Inc.

Address: C/O Agent **City:** **State:** **ZIP:**

Telephone: C/O Agent **Cell:**

E-Mail Address: C/O Agent

Name of Agent: Zachary W. Lombardo

Firm: Woodward, Pires & Lombardo, P.A.

Address: 3200 Tamiami Trail N. Ste. 200 **City:** Naples **State:** FL **ZIP:** 34103

Telephone: (239) 649-6555 **Cell:**

E-Mail Address: zlombardo@wpl-legal.com; kchylinski@wpl-legal.com

PROPERTY INFORMATION

Provide a detailed legal description of the property covered by the application. If space is inadequate, attach description on a separate page.

Property I.D. #: 66760012822 **Section/Township/Range:** 11 / 49 / 25

Subdivision: PINE AIR LAKES UNIT 5 **Unit:** 5 **Lot:** 4 **Block:**

Metes & Bounds Description:

Address of Sign Location 5795 AIRPORT RD N

Current Zoning CPUD **Land Use of Subject Parcel:** RESTAURANT

If a wall sign, length & height of wall upon which the Sign will be secured:

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

NATURE OF PETITION

1. On a separate sheet attached to the application, provide a detailed explanation of the variance request including what signs are existing and what is proposed; the amount of encroachment proposed using numbers, e.g. reduce setback from 15 ft to 10 ft; why encroachment is necessary; how existing encroachment came to be; etc.

2. Please note that staff shall be guided in their recommendation to the Hearing Examiner, and that the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the below listed criteria (a-f), pursuant to LDC subsection 5.06.08 B. On a separate sheet attached to the application, please address the following criteria:

   a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

   b) That literal interpretation of the provisions of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would present unnecessary and undue hardship on the applicant.

   c) That the special conditions and circumstances which are peculiar to the land, structure, or building do not result from the actions of the applicant.

   d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this sign code to other lands, structures or buildings in the same zoning district.

   e) That the variance granted is the minimum relief that will make possible the reasonable use of the land, structure or building.

   f) That the granting of the variance will be consistent with the general intent and purpose of the Collier County Sign Code and the Growth Management Plan, and will not be injurious to adjacent properties or otherwise detrimental to the public welfare.

Pre-Application Meeting and Final Submittal Requirement Checklist Sign Variance Chapter 3 I of the Administrative Code

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

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application	☑	
Pre-Application meeting notes	☑	☐
Affidavit of Authorization signed and notarized	☑	
Property Ownership Disclosure Form	☑	
Completed Addressing Checklist	☑	
Location Map depicting major streets in area for reference	☑	☐
Survey or Site Plan of Property	☑	☐
Once the first set of review comments are posted, provide the assigned project manager the Property Owner Advisory Letter and Certification	☐	☐

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the **Civic Associations and Communities page** on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

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

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

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

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

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

FEE REQUIREMENTS

- ☑ **Pre-Application Meeting: $500.00**
- ☑ **Sign Variance Petition: $2,000.00**
- ☑ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner: $1,125.00**
- ☑ **Fire Code Plans Review Fee: $50.00**

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*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. *Additional fee for the 5th and subsequent re-submittal will be accessed at 20% of the original fee.*

***The completed application, all required submittal materials, and fees shall be submitted to:**
Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

/s/ Zachary W. Lombardo
Signature of Petitioner or Agent

Zachary W. Lombardo, Esq.
Printed named of signing party

11/16/2023
Date

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Collier County
Growth Management
Community Development Department

ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

66760012822

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

PINE AIR LAKES UNIT FIVE LOT 4

STREET ADDRESS(ES) where applicable, if already assigned.

5795 AIRPORT RD N

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Addressing@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

PROPOSED PROJECT NAME

Mission BBQ Sign Variance

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Operations & Regulatory Management Division ● 2800 North Horseshoe Drive ● Naples, FL 34104 ● 239-252-2400
www.colliercountyfl.gov

Narrative

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Collier County Sign Variance
Nature of Petition

Explanation of variance requested/Narrative Statement:

A variance to section 5.06.04.F.2.a. and 5.06.04.F.4 to allow a third sign for the Subject Property not to exceed 60 square feet. (Note section 7.06 of the applicable PUD ordinance states that signs in the PUD are to be regulated per the LDC.) The site plan is enclosed as "Exhibit A".

The Subject Property is a single-occupancy commercial out-parcel with double frontage located in the Pine Air Lakes PUD (Ordinance 07-32, as amended) and the Promenade at Naples Centre Development (SDP-2007-AR-12147), on which a 4,005 square foot commercial building is located and used as a restaurant. The pre-existing design of the building is such that the front of the building does not allow for one sign that can be seen from the front of the building, but instead requires 2 signs. Further, the property itself is situated in a development which has a design that favors access from the North, as opposed to from the East, where the front of the building is located. The current total square footage of signs is 70.02 square feet. The building and site was previously not a restaurant, but a bank.

For the below reasons, this variance should be granted.

Variance Criteria:

a) **That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.**

Special conditions and circumstances exist which are peculiar to the land, structure, and building involved, and which are not applicable to other lands, structures, or buildings in the same district.

The Subject Property sits, on its North side, along an internal, public, connector road and is positioned on the far South end of Tract A of the Pine Air Lakes PUD. Thus, a volume

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of invitees to the Subject Property, based on the design of Tract A of the Pine Air Lakes PUD, access the Subject Property from the North side despite the property having frontage on Airport-Pulling Road to the East. This is unique to the Subject Property. The balance of the buildings in Tract A have their front or rear oriented to the direction of access.

Further, the pre-existing building has an architectural detail that does not allow one sign to be seen from the front of the building, but instead requires two.

b) That literal interpretation of the provisions of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would present unnecessary and undue hardship on the applicant.

A literal interpretation of the provisions of the sign code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, specifically in Tract A of the Pine Air Lakes PUD, and would present unnecessary and undue hardship on the applicant.

There is no similarly situated property as to the North-side access road.

c) That the special conditions and circumstances which are peculiar to the land, structure, or building do not result from the actions of the applicant.

The special conditions and circumstances which are peculiar to the land, structure, or building do not result from the actions of the applicant. The applicant did not apply for the initial zoning nor design the layout of Tract A nor did the applicant design the building.

d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this sign code to other lands, structures or buildings in the same zoning district.

Granting the variance requested will not confer on the applicant any special privilege that is denied by this sign code to other lands, structures, or buildings in the same zoning district.

There is no similarly situated property as to the North-side access road.

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The total square footage of wall signage for the building, if this variance is approved will be 129.38 square feet (35.01 for each front facing sign and 59.36 for the North facing sign). The maximum square footage of signs on this parcel as it has double frontage is 300 feet across 2 signs. This consists of two 150-foot wall signs. Even if there was not double frontage, as this is an outparcel, this building would be entitled to 210 square feet of signage.

This variance is asking for less than half as much signage, but, distributed over 3 signs. This is significant because for all other outparcels, more signage than is being applied for here is permitted. And, as shown in Exhibit B, all outparcels have an additional sign.

e) That the variance granted is the minimum relief that will make possible the reasonable use of the land, structure or building.

The variance granted is the minimum relief that will make possible the reasonable use of the land, structure, or building.

By allowing the 1 additional sign and a total signage under 50% of what is otherwise entitled, the applicant will be provided the minimum relief to allow reasonable use of the Subject Property because otherwise, the substantial amount of those accessing the Subject Property will not be able to determine what the Subject Property is, depriving the Subject Property of reasonable use consistent with the other outparcels in Tract A of the PUD.

f) That the granting of the variance will be consistent with the general intent and purpose of the Collier County Sign Code and the Growth Management Plan, and will not be injurious to adjacent properties or otherwise detrimental to the public welfare.

The granting of the variance will be consistent with the general intent and purpose of the Collier County Sign Code and the Growth Management Plan and will not be injurious to adjacent properties or otherwise detrimental to the public welfare.

The purpose of the Sign Code is:

> The purpose of this sign code is to provide minimum control of signs necessary to promote the health, safety and general welfare of the citizens of Collier County, Florida, by lessening hazards to pedestrians and vehicular traffic, by preserving property values, by preventing unsightly and detrimental signs that detract from the aesthetic appeal of the county

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> and lead to economic decline and blight, by preventing signs from reaching such excessive size and numbers that they obscure one another to the detriment of the county, by assuring good and attractive design that will strengthen the county's appearance and economic base, and by preserving the right of free speech and expression in the display of signs.

§ 5.06.01.A., LDC.

This application is consistent with that purpose. In part this is because the total square footage of signage is no greater than what would otherwise be permitted, even if the building did not have double frontage, and even if the building was not an outparcel.

Here, it is both.

For the reasons above, this variance should be granted.

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Property Ownership Disclosure

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Collier County

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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
N/A	

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
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
N/A	

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Please see "Attachment A"

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
GLL Selection II GP Corp. 420 S Orange Ave Suite 190 Orlando, FL 32801	100

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
N/A	

Date of Contract: N/A

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
N/A

g. Date subject property acquired N/A

☐ **Leased: Term of lease** N/A **years /months**

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

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Date of option: N/A

Date option terminates: N/A, or

Anticipated closing date: N/A

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 Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Kevin Hall

Digitally signed by Kevin Hall
DN: cn=Kevin Hall, ou=Property Management, e=Kevin.Hall@stiles.com
Reason: I have reviewed this document
Location:
Date: 2023-08-29 09:15:04:00

Agent/Owner Signature

08/29/2023
Date

As Agent for GLL Selection II Florida LP, Kevin Hall, Property Manager

Agent/Owner Name (please print)

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

ATTACHMENT A

Property Ownership Disclosure - GLL SELECTION II FLORIDA LP

I, Brandon Benson, as officer of GLL SELECTION II GP CORP., sole general partner of GLL SELECTION II FLORIDA LP attest to the following in conjunction with the Property Ownership Disclosure form for this project, as of the date of this attachment:

1. The Owners consist of one institutional firm. It is not involved in the day-to-day operations nor management of the ownership entities. None of the officers or employees of Owners who are involved with the day-to-day operation and management of the Owner is a close relative of a County employee, the Collier County Hearing Examiner, Collier County Planning Commissioner or Collier County Board of County Commissioner.

2. None of the officers or employees of Owners who are involved with the day-to-day operation and management of the Owners have business dealings with the Collier County Hearing Examiner, any member of the Collier County Planning Commission, or any member of the Board of County Commissioners directly or through a corporate entity.

3. None of the beneficiaries or equitable owners of Owners are related to or have business dealings with the Collier County Hearing Examiner, any member of the Collier County Planning Commission, or any member of the Board of County Commissioners directly or through a corporate entity.

The foregoing information is to the best of my knowledge and offered solely in my capacity as President of GLL SELECTION II GP CORP., Sole General Partner of GLL SELECTION II FLORIDA LP.

GLL SELECTION II GP CORP.,

By: _____ Date: 22 January 2024

Name: Brandon Benson

Title: President of GLL SELECTION II GP CORP., Sole General Partner of GLL SELECTION II FLORIDA LP.

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Affidavit of Authorization

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Kevin Hall (print name), as Agent for GLL Selection II Florida, LP and Property Manager (title, if applicable) of GLL SELECTION II FLORIDA LP (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 Woodward, Pires & Lombardo, P.A. 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.

Kevin Hall as agent for GLL Selection II Florida, LP — 9/6/2023

Signature **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 6th day of September, 2023 by (printed name of owner or qualifier) Kevin Hall

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

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Stephanie Marie Bean

STEPHANIE MARIE BEAN
Notary Public - State of Florida
Commission # HH 373241
My Comm. Expires Mar 14, 2027
Bonded through National Notary Assn.

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

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Drawings

EXHIBIT A

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

MISSION BBQ®
The American Way.

005231 | R5 | 10.31.23 | NAPLES, FL

VARIANCE

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AppleSigns
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Description

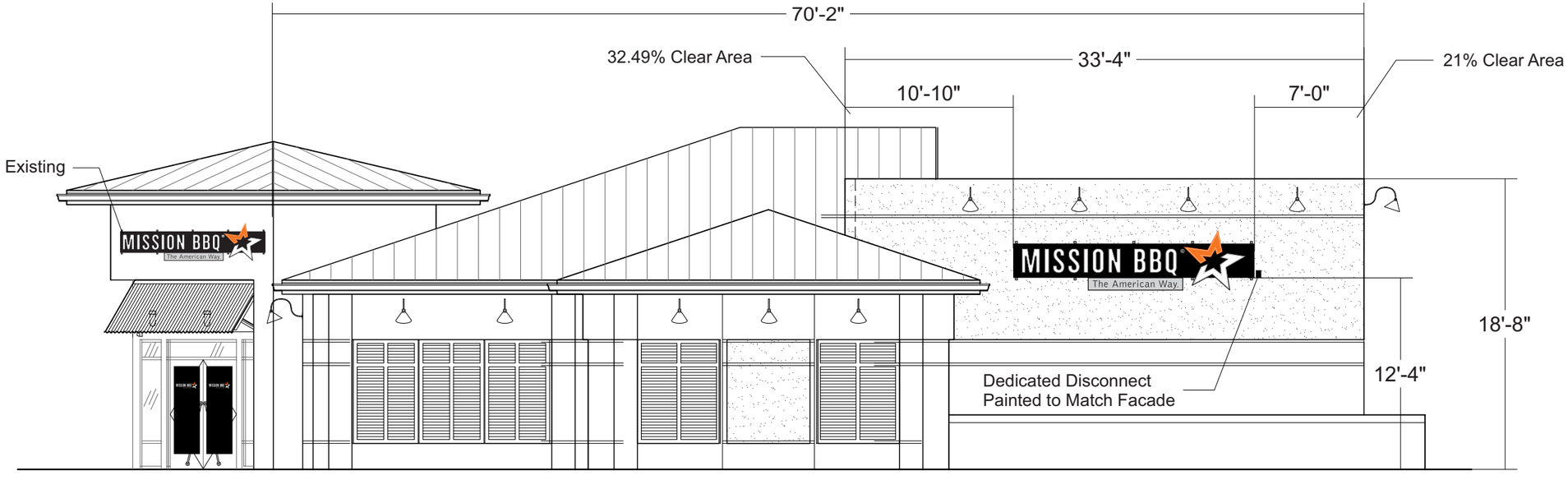
Exterior Elevation - Variance
Quantity: 1
Sq. Footage: 59.36 Sq. Ft.
Size: 46" H x 186" W x 7" D

Drawing Type

■ CONCEPTUAL	☐ SALES
☐ PERMITTING	☐ PRODUCTION
☐ INTERIOR	■ EXTERIOR
■ SINGLE SIDED	☐ DOUBLE SIDED
■ ILLUMINATED	☐ NON-ILLUMINATED

Area Calculation

Total Area: 18.67' x 33.33' = 622.27
Left Area: 18.67' x 10.83' = 202.19
Right Area: 18.67' x 7' = 130.69



SIDE - NORTH ELEVATION
MANUFACTURE & INSTALL

SCALE: 1/8" = 1-0'

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SIGN(S) TO BE MANUFACTURED TO U.L. SPECIFICATIONS AND WILL BEAR THE U.L. LABEL(S). INSTALL IN ACCORDANCE WITH NATIONAL ELECTRIC CODES.

Project Title:
ADDITIONAL EXTERIOR SIGN
Client:
MISSION BBQ
Site Address:
5795 AIRPORT-PULLING ROAD
NAPLES, FL 34109

Quote #: 005231-00000

Sales Person: ANDREW G.
Project Manager: DIEGO G.
Designer: DC
File Location: G:\Mission BBQ\Florida\Naples

	Drawn By	Date	Notes | Time			
A	DC	05.03.23	CONCEPT DRAWING | 1.00hrs	R6		
R1	DC	05.08.23	CONCEPT DRAWING | 1.00hrs	R9		
R2	AG	05.10.23	CONCEPT UPDATE | 0.50hrs	R10		
R3	DG	08.03.23	WALL SECTIONALS | 1.50hrs	R11		
R4	DC	10.27.23	UPDATED ELEVATIONS | 0.50hrs	R12		
R5	DG	10.31.23	UPDATED ELEVATIONS | 1.50hrs	R13		
R6				R14		
R7				R15		

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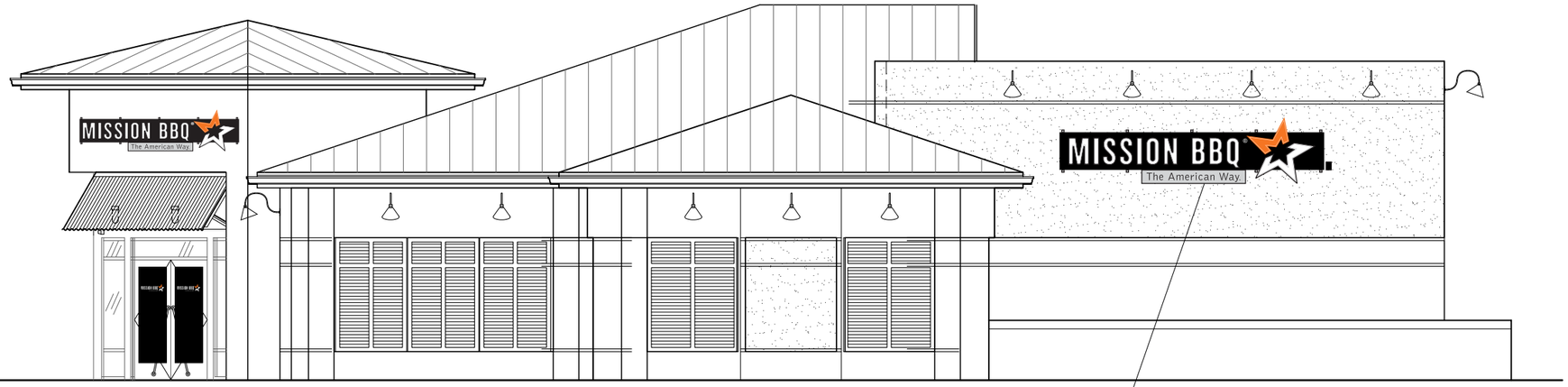
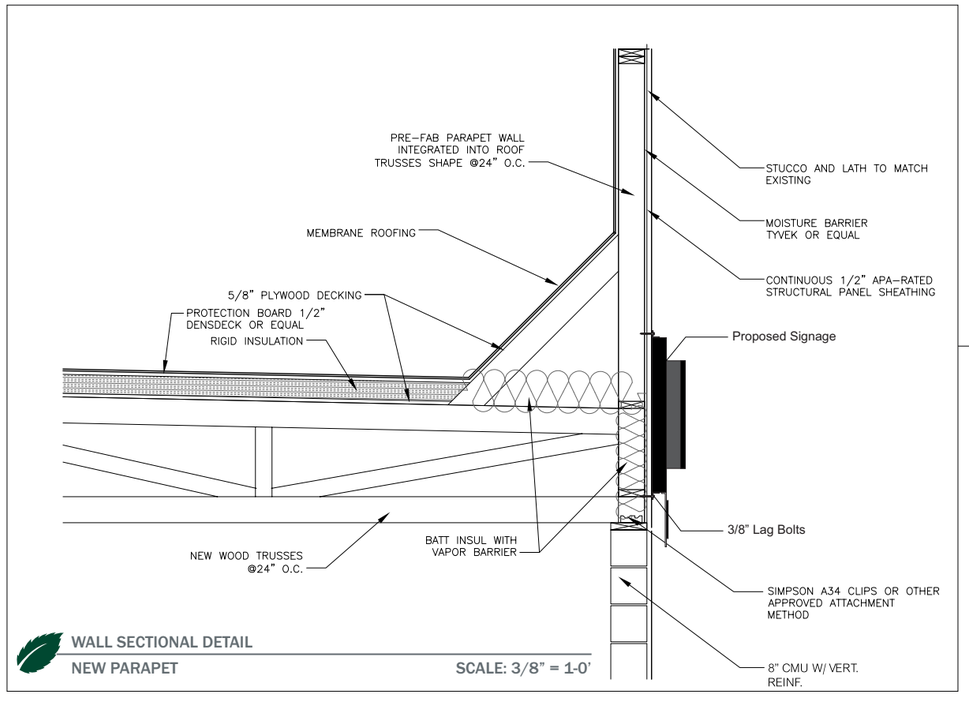


SIDE - NORTH ELEVATION
MANUFACTURE & INSTALL
SCALE: 1/8" = 1-0'



WALL SECTIONAL DETAIL
NEW PARAPET
SCALE: 3/8" = 1-0'

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Project Title:
ADDITIONAL EXTERIOR SIGN
Client:
MISSION BBQ
Site Address:
5795 AIRPORT-PULLING ROAD
NAPLES, FL 34109

Quote #: 005231-00000

Sales Person: ANDREW G.
Project Manager: DIEGO G.
Designer: DC
File Location: G:\Mission BBQ\Florida\Naples

	Drawn By	Date	Notes | Time
1A	DC	05.03.23	CONCEPT DRAWING | 1.00hrs
R1	DC	05.08.23	CONCEPT DRAWING | 1.00hrs
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R6			
R7			
R8			
R9			
R10			
R11			
R12			
R13			
R14			
R15			

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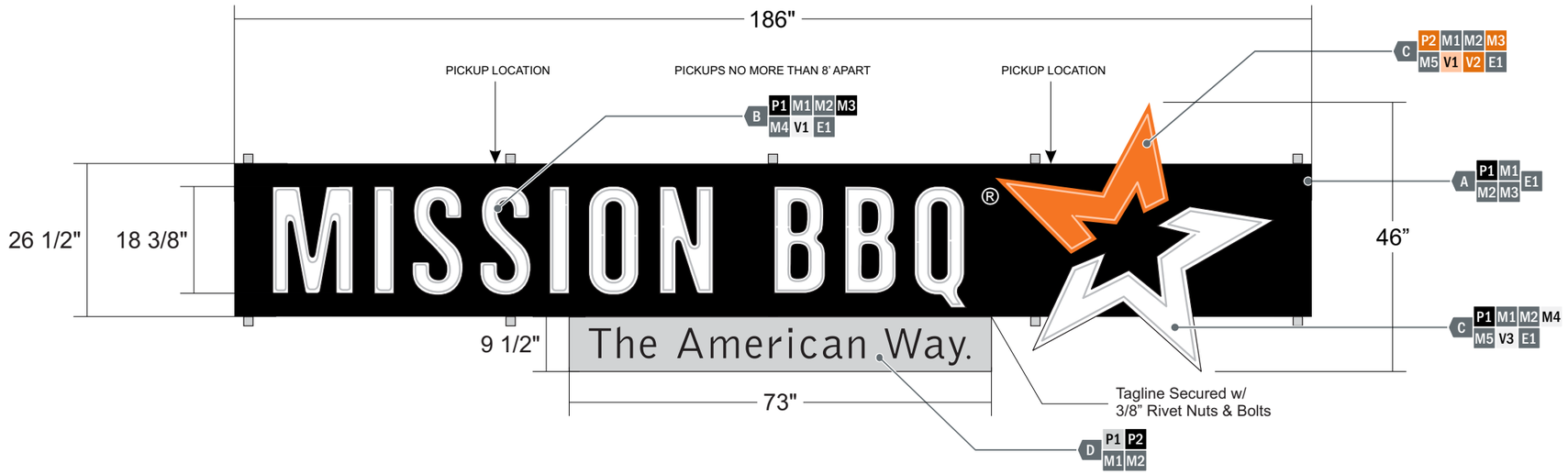
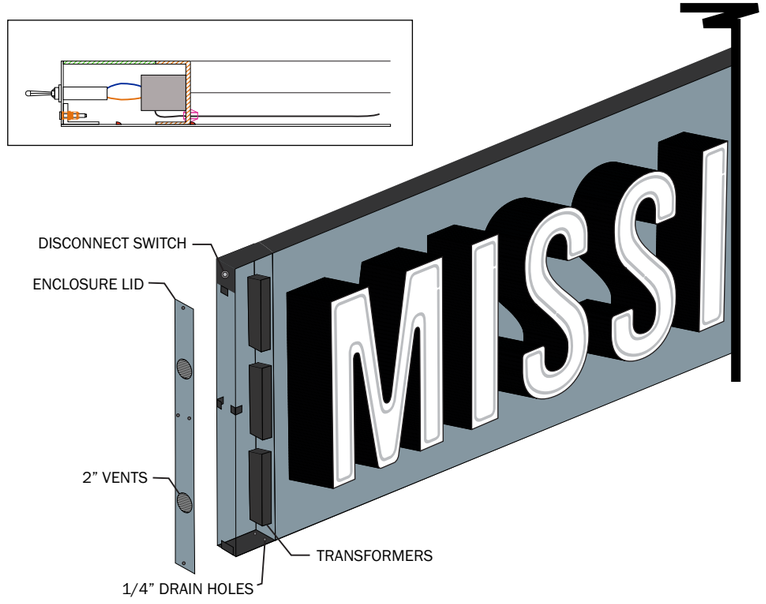
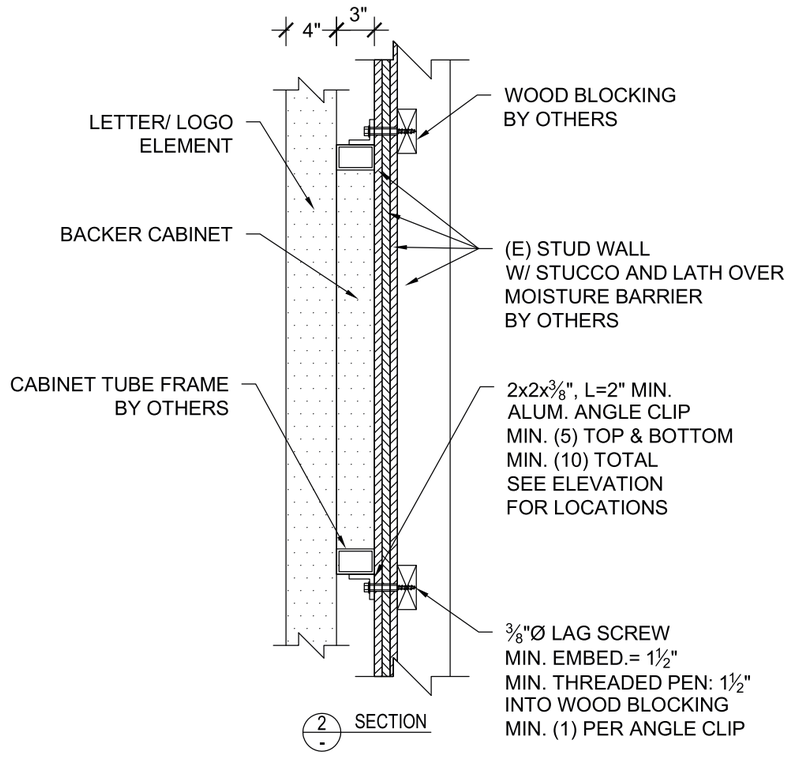


PAN MOUNTED CHANNEL LETTERS w/ RIDER

QUANTITY: X1 MANUFACTURE & INSTALL

SCALE: 1/2" = 1-0'





Drawing Type

■ CONCEPTUAL	☐ SALES
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■ ILLUMINATED	☐ NON-ILLUMINATED

Fabrication Specifications

A	Item A : Pan	
P1	Paint	Matthews | Satin Black
M1	Material	.080" Aluminum Skin
M2	Material	2" x 3" Aluminum Tubing
M3	Material	2" x 2" Aluminum Angle Clips *Paint TB
E1	Electrical	Disconnect Switch & Transformers mounted in left hand side of cabinet.
B	Item B : Letters	
P1	Paint	Matthews | Satin Black
M1	Material	.063" Aluminum Backs
M2	Material	.040" Aluminum Returns
M3	Material	1" Black Trim Cap
M4	Material	3/16" Clear Acrylic Faces
V1	Vinyl	3M | Translucent White #20
E1	Electrical	UL Listed White LED Modules
C	Item C : Logo	
P1	Paint	Matthews | Satin Black
P2	Paint	Matthews | MP 74921
M1	Material	.063" Aluminum Backs
M2	Material	.040" Aluminum Returns
M3	Material	1" Painted MP 74921
M4	Material	1" White Trim Cap
M5	Material	3/16" Clear Acrylic Faces
V1	Vinyl	3M | Trans. Kumquat #74 *2nd Surface
V2	Vinyl	3M | Tangerine #84
V3	Vinyl	3M | Translucent White #20
E1	Electrical	UL Listed White LED Modules
D	Item D : Rider	
P1	Paint	Matthews | Metallic Silver
P2	Paint	Matthews | Satin Black
M1	Material	.080" Aluminum Skin
M2	Material	1/2" Acrylic Studded Letters

NOTE: THE COLORS DEPICTED ON THIS RENDERING REPRESENT COLOR INTENT AND MAY NOT MATCH ACTUAL COLORS ON FINISHED PRODUCT. PLEASE REFER TO C CALL-OUTS AND SPECIFIED VENDOR SAMPLES FOR APPROVED COLOR SPECIFICATIC

ADDITIONAL FABRICATION INFO

Industry Standard Disconnect Switch installed on Individually Mounted Channel Letter installations. Switch mounts within sight of the display. Access area behind the wall , the NEC code 110.75 access panel Must be minimum 22"x26" with no obstruction to access above or below, Free of obstruction.

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Connect power supply to appropriate sized breaker, in accordance with National Electrical Code Article 600 & all local electrical codes. Each power supply is integrated with 6" external cable wires containing 3 input wires, for connecting to the primary line, & 2 output wires, for connecting to the LED's.

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A6			
A7			

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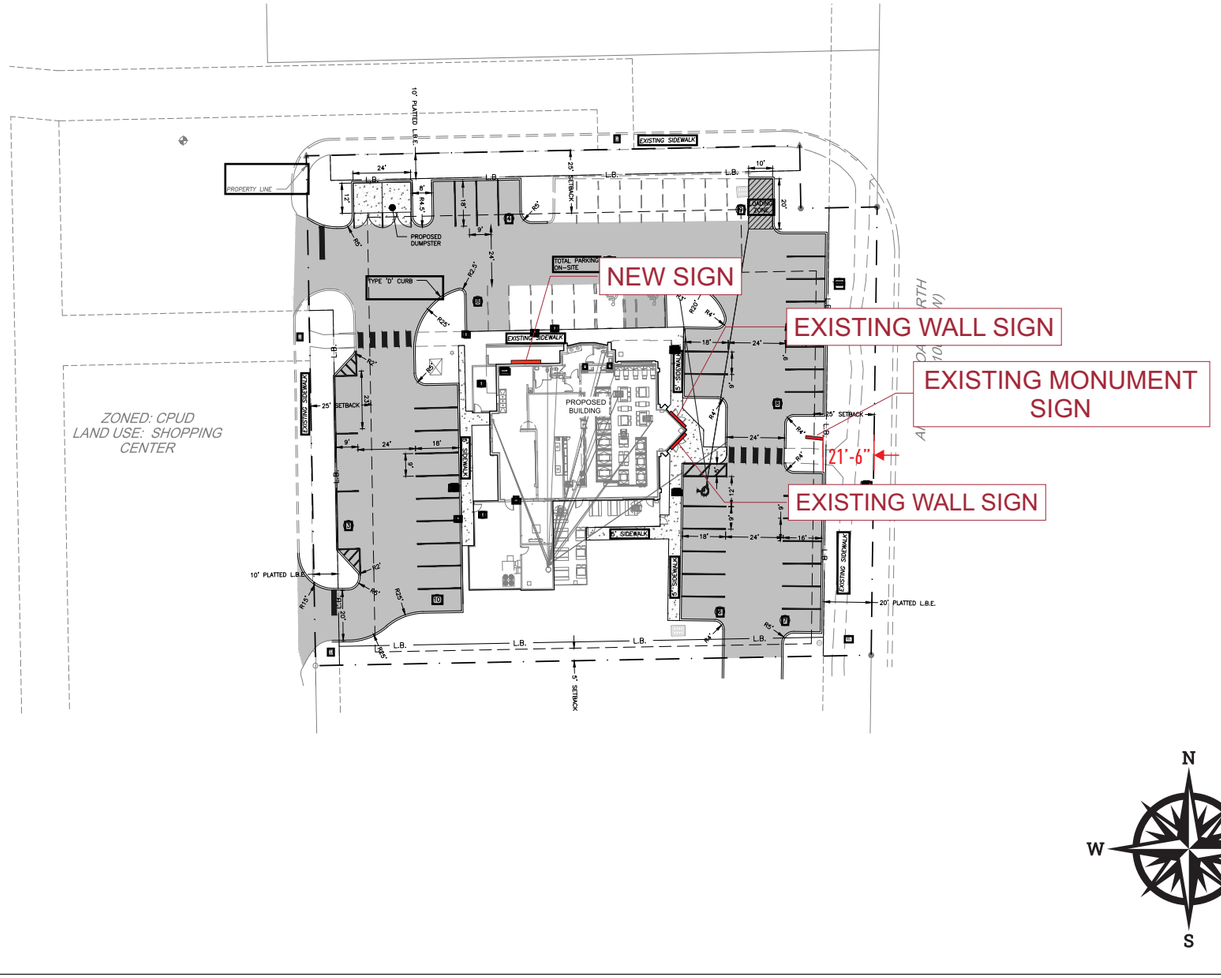
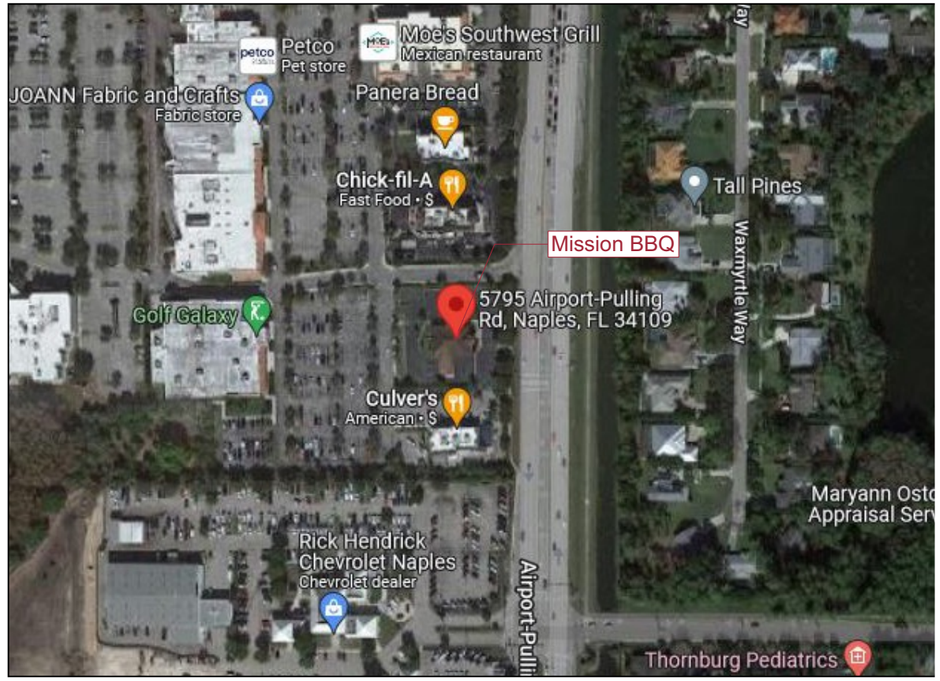
Description

Site Map, Parking Example for Bam-Bam & Code Study for Bam-Bam

SITE MAP | TBD





SITE MAP
MANUFACTURE & INSTALL

SCALE: NTS

AppleSigns
VISION · DESIGN · IMPACT
404 Serendipity Dr. • Millersville, Md. 21108
Phone 410.987.7446 • www.applesigns.com

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN

SIGN(S) TO BE MANUFACTURED TO U.L. SPECIFICATIONS AND WILL BEAR THE U.L. LABEL(S). INSTALL IN ACCORDANCE WITH NATIONAL ELECTRIC CODES.

Project Title:
ADDITIONAL EXTERIOR SIGN
Client:
MISSION BBQ
Site Address:
5795 AIRPORT-PULLING ROAD
NAPLES, FL 34109

Quote #: 005231-00000

Sales Person: ANDREW G.
Project Manager: DIEGO G.
Designer: DC
File Location: G:\Mission BBQ\Florida\Naples

	Drawn By	Date	Notes | Time
#A	DC	05.03.23	CONCEPT DRAWING | 1.00hrs
#1	DC	05.08.23	CONCEPT DRAWING | 1.00hrs
#2	AG	05.10.23	CONCEPT UPDATE | 0.50hrs
#3	DG	08.03.23	WALL SECTIONALS | 1.50hrs
#4	DC	10.27.23	UPDATED ELEVATIONS | 0.50hrs
#5	DG	10.31.23	UPDATED ELEVATIONS | 1.50hrs
#6			
#7			
#8			
#9			
#10			
#11			
#12			
#13			
#14			
#15			

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EXHIBIT B

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

Chick-fil-A

Attachment: 5775 Culvers Building Permit (1 Revised Workshop)

PANERA BREAD
DRIVE THRU
ROOF ACCESS
FACP INSIDE

AGENT LETTER

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Ordinance 2004-72, of the Collier County Land Development Code, I did give notice by mail at least 30 days after receipt of letter indicating that the application is sufficient to the following property owners and or condominium and civic associations whose members may be impacted by the proposed land use changes of an application request for a variance or parking exemption. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change.

Per attached letters and or property owner's list, which are hereby made a part of this Affidavit of Compliance.

(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 31 day of January, 2024 by Zachary W. Lombardo, who is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

Mary Brockman
Printed Name of Notary

(Notary Seal)

MARY CLARE BROCKMAN
Notary Public - State of Florida
Commission # HH 447[illegible]
My Comm. Expires Sep 25, 2027
Bonded through National Notary Assn.

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

WPL
EST. 1971

WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW

MARK J. WOODWARD
Board Certified. Real Estate Law and in Condominium & Planned Development Law

ANTHONY P. PIRES, JR.
Board Certified: City, County, and Local Government Law

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LENORE T. BRAKEFIELD

CRAIG R. WOODWARD
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KENNETH V. MUNDY

ZACHARY W. LOMBARDO
Board Certified: City, County, and Local Government Law

CAMERON G. WOODWARD

ROSS E. SCHULMAN
Licensed in FL and NY

F. SCOTT PAUZAR, III

REPLY TO:

☑ 3200 TAMIAMI TRAIL N.
SUITE 200
NAPLES, FL 34103
239-649-6555
239-649-7342 FAX

☐ 606 BALD EAGLE DRIVE
SUITE 500
MARCO ISLAND, FL 34145
239-394-5161
239-642-6402 FAX

WWW.WPL-LEGAL.COM

January 30, 2024

By Mail

MJB REAL SWEET DREAMS LLC
840 LAKE RD.
BROOKFIELD, WI 53005-5722

Dear Property Owner:

Please be advised that the sender, on behalf of the property owner, GLL SELECTION II FLORIDA LP, has made a formal application to Collier County for a variance from the requirements of the zoning regulations as they apply to the following described property:

> 5795 Airport Road North, within the Promenade at Naples Centre Development, and also described as Lot 4, Pine Air Lakes Unit Five, in Section 11, Township 49 South, Range 25 East, Collier County, Florida.

It is our client's intent to ask the County to allow it a sign variance from Land Development Code Sections 5.06.04.F.2.a. and 5.06.04.F.4. to allow a third wall sign, not to exceed 60 square feet, for a single-occupancy out-parcel with double frontage on the aforementioned property. You are encouraged to contact the sender of this letter in the event you would like additional explanation or further information.

In any event, please be advised that we are interested in assuring you that our request should not adversely affect your property interest.

Sincerely,

Zachary W. Lombardo

Zachary W. Lombardo, Esq.
3200 Tamiami Trail North, Suite 200
Naples, FL, 34103
(239) 649-6555

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

WPL
EST. 1971

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239-642-6402 FAX

WWW.WPL-LEGAL.COM

January 30, 2024

By Mail

GLL SELECTION II FLORIDA LP
GLL REAL ESTATE PARTNERS
200 S. ORANGE AVE. STE. 1375
ORLANDO, FL 32801-3415

Dear Property Owner

Please be advised that the sender, on behalf of the property owner, GLL SELECTION II FLORIDA LP, has made a formal application to Collier County for a variance from the requirements of the zoning regulations as they apply to the following described property:

> 5795 Airport Road North, within the Promenade at Naples Centre Development, and also described as Lot 4, Pine Air Lakes Unit Five, in Section 11, Township 49 South, Range 25 East, Collier County, Florida.

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Sincerely,

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Zachary W. Lombardo, Esq.
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Naples, FL, 34103
(239) 649-6555

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

WPL EST. 1971
WOODWARD, PIRES & LOMBARDO, P.A.
ATTORNEYS AT LAW
3200 TAMIAMI TRAIL NORTH SUITE 200 NAPLES, FL 34103

quadient
FIRST-CLASS MAIL
IMI
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01/30/2024 ZIP 34103
043M30247456
US POSTAGE

MJB REAL SWEET DREAMS LLC
840 LAKE RD.
BROOKFIELD, WI 53005-5722

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport

WOODWARD, PIRES & LOMBARDO, P.A.
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GLL SELECTION II FLORIDA LP
GLL REAL ESTATE PARTNERS
200 S. ORANGE AVE. STE. 1375
ORLANDO, FL 32801-3415

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport

Notice: This data belongs to the Collier County Property Appraiser's Office (CCPA). Therefore, the recipient agrees not to represent this data to anyone as other than CCPA provided data. The recipient may not transfer this data to others without consent from the CCPA.

Petition: PL20230014898 | Buffer: 150' | Date: 1/26/24 | Site Location: Mission BBQ (SV)

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	LEGAL1	LEGAL2	LEGAL3	LEGAL4	FOLIO	ADDRESSTYPE
GLL SELECTION II FLORIDA LP	% GLL REAL ESTATE PTNRS	200 S ORANGE AVE STE 1375			ORLANDO, FL 32801---3415	PINE AIR LAKES UNIT FIVE	TRACT A			66760012026	U
GLL SELECTION II FLORIDA LP	% GLL REAL ESTATE PTNRS	200 S ORANGE AVE STE 1375			ORLANDO, FL 32801---3415	PINE AIR LAKES UNIT FIVE	LOT 3			66760012725	U
GLL SELECTION II FLORIDA LP	% GLL REAL ESTATE PTNRS	200 S ORANGE AVE STE 1375			ORLANDO, FL 32801---3415	PINE AIR LAKES UNIT FIVE	LOT 4			66760012822	U
MJB REAL SWEET DREAMS LLC	840 LAKE RD				BROOKFIELD, WI 53005---5722	PINE AIR LAKES UNIT FIVE	LOT 5			66760012929	U

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport

SIGN POSTING AFFIDAVIT

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD N Mission BBQ)

SIGN POSTING INSTRUCTIONS

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

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

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

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

- - - -

Attachment: Attachment C - Hearing Backup Materials Packet (28141 : PL20230014898 SV 5795 Airport RD

MISSION BBQ
5795
PUBLIC HEARING NOTICE
Mission BBQ
Sign Variance
Petition No. PL20230014898
HEX: March 14, 2024 - 9:00 a.m.
Growth Management Building, Rm. 609-610
2800 N. Horseshoe Dr., Naples, FL 34104
John Kelly, Planner III: 239-252-5719
5795
MISSION BBQ

PUBLIC HEARING NOTICE
Mission BBQ
Sign Variance
Petition No. PL20230014898
HEX: March 14, 2024 - 9:00 a.m.
Growth Management Building, Rm. 609-610
2800 N. Horseshoe Dr., Naples, FL 34104
John Kelly, Planner III: 239-252-5719

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.D
Doc ID: 28142
Item Summary: Petition No. BDE-PL20230008785– Request for a 9-foot boat dock extension from the maximum permitted protrusion of 20 feet or 25 percent of the width of the waterway, whichever is less, for waterways less than 100 feet in width, to allow construction of a boat docking facility protruding a total of 29 feet into a waterway that is 80 feet wide. The subject property is located at 295 West Avenue, also known as Lot 12, Block C, Little Hickory Shores Unit 1, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 2

Meeting Date: 03/14/2024

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/22/2024 2:44 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
02/22/2024 2:44 PM

Approved By:

Review:

Hearing Examiner (GMD Approvers)	David Merino	Review Item	Skipped	02/23/2024 1:13 PM
Operations & Regulatory Management	Michael Stark	Review Item	Completed	02/26/2024 11:39 AM
Zoning	James Sabo	Review Item	Skipped	02/26/2024 9:19 AM
Zoning	Ray Bellows	Review Item	Completed	02/26/2024 4:26 PM
Growth Management Community Development Department	David Merino		GMD Approver	Completed 02/27/2024 11:57 AM
Zoning	Mike Bosi	Division Director	Completed	02/27/2024 3:14 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	03/14/2024 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: MARCH 14, 2024

SUBJECT: BD-PL20230008785, 295 WEST AVENUE - BIRNBAUM DOCK

PROPERTY OWNER/APPLICANT:

Steve Birnbaum
10951 Gulf Shore Dr., #1002
Naples, FL 34134

AGENT:

Nick Pearson
Bayshore Marine Consulting, LLC
2025 Monroe Ave.
Naples, FL 34112

REQUESTED ACTION:

The petitioner requests a 9-foot boat dock extension from the maximum permitted protrusion of 20 feet or 25 percent of the width of the waterway, whichever is less, for waterways less than 100 feet in width, to allow construction of a boat docking facility protruding a total of 29 feet into a waterway that is 80± feet wide, pursuant to Section 5.03.06.E.2 of the Collier County Land Development Code (LDC).

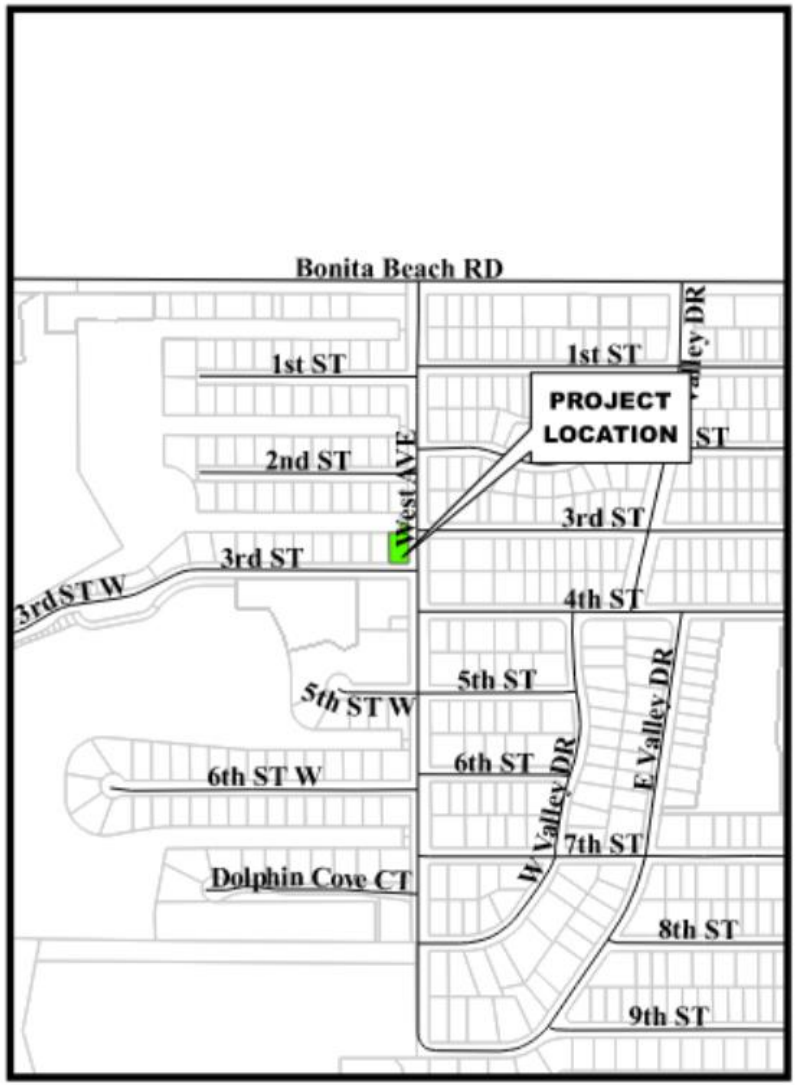
GEOGRAPHIC LOCATION:

The subject property is located at 295 West Avenue, further described as Lot 12, Block C, Little Hickory Shores Unit 1, in Section 5, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

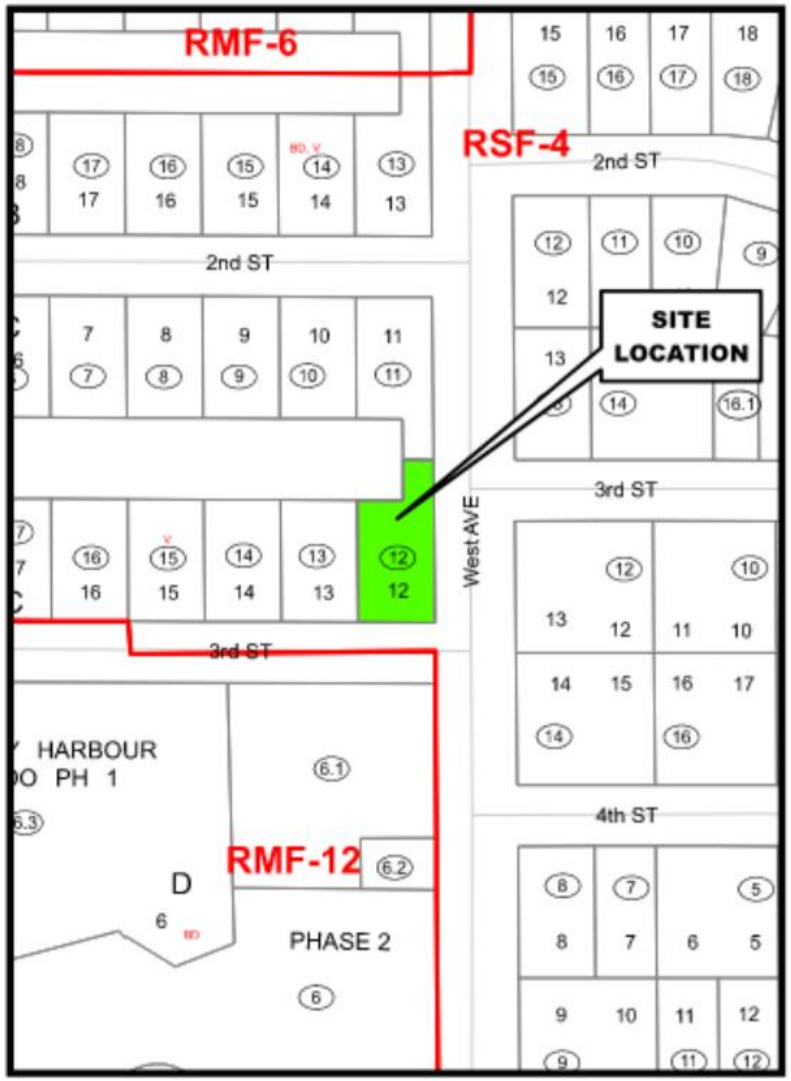
PURPOSE/DESCRIPTION OF PROJECT:

The subject property comprises 0.23 acres, is described as a canal side-end lot, and is located within a Residential Single-Family-4 (RSF-4) Zoning District. The two waterfront property lines measure 40 feet and 45 feet, for a total of 85 feet of water frontage that is stabilized by a seawall on a canal measuring 80± feet wide. No dock facility presently exists at this location. The proposed dock facility comprises two triangular docks with a boat lift between them that has been designed to accommodate a single 38-foot vessel. Per LDC Section 5.03.06.E.7, all dock facilities (except boathouse) on lots at the end or side end of a canal or waterway shall have a side setback of 7.5 feet. In this case, the vessel extends beyond the physical dock on both sides; therefore, the provided setbacks are declared to be 7.5 feet to both the north and west side/riparian lines.

Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)



Location Map



Zoning Map

Petition Number: PL20230008785

Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

SURROUNDING LAND USE & ZONING:

North: Canal/waterway and a single-family dwelling located within a Residential Single-Family-4 (RSF-4) Zoning District

East: West Avenue, then a single-family dwelling located within an RSF-4 Zoning District

South: 3rd Street (Right-of-Way) then Shores Club clubhouse within a Residential Multiple-Family-12 (RMF-12) Zoning District(RMF-12)

West: Single-family dwelling within an RSF-4 Zoning District

Aerial – Collier County GIS

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located on a manmade canal adjacent to Little Hickory Bay. The proposed docking facilities will be constructed waterward of the existing seawall. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 6 of 9 of the Site Plan provides an aerial with a note stating that no seagrasses were observed within 200 feet.

This project does not require an Environmental Advisory Council Board (EAC) review because this project did not meet the EAC scope of land development project reviews as identified in

Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Chapter 2, Article VIII, Division 23, Section 2-1193 of the Collier County Code of Laws and Ordinances.

STAFF ANALYSIS:

In accordance with LDC Section 5.03.06.H., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a dock facility extension request based on certain criteria. For the Hearing Examiner to approve this request, at least four of the five primary criteria and four of the six secondary criteria must be met:

Primary Criteria:

1. **Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

   Criterion met. The subject property is located within an RSF-4 Zoning District, for which this criterion allows up to two slips. The proposed dock facility comprises two triangular docks that will support a single boat lift for the mooring of a single vessel.

2. **Whether the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension.)**

   Criteria met. The applicant's agent states: "Water depths directly adjacent to the seawall are not adequate for the proposed vessel to launch from, were it to be moored in a true shore parallel configuration, within 20 feet of the face of the seawall." Staff concurs per the Cross Sections provided on Sheets 4 and 5 of 9 (See Attachment A).

3. **Whether the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel, thus impeding vessel traffic in the channel.)**

   Criterion met. There is no marked or charted navigable channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project.

4. **Whether the proposed dock facility protrudes no more than 25 percent of the width of the waterway and whether a minimum of 50 percent of the waterway width between dock facilities on either side is maintained for navigability. (The facility should maintain the required percentages.)**

Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Criterion not met. The applicant's agent states: "The proposed dock project occurs at the end of a linear canal approximately 80 feet in width. The dock itself will be constructed entirely within 20 feet of the standard 20 feet/25 percent width-of-waterway restriction. Only the vessel will overhang the protrusion limit. The vessel will protrude 29 feet into the waterway from the face of the seawall, or approximately 36 percent of the width of the waterway. The property opposite the project site has only a small marginal dock on the canal's terminal side, so 50 percent of the waterway will be maintained for navigation." Staff concurs.

5. **Whether the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)**

Criterion met. The applicant's agent states: "The docking facility has been specifically designed so as to optimize navigation to both the subject property and to the neighboring dock to the west. The neighbor to the north should remain unaffected by the proposed project design. Our opinion is therefore that the design as proposed is the most preferred so as to maintain public navigation of the area.

If the subject property's dock was built within the standard protrusion code, mooring would need to occur either in an east-west configuration or a north-south configuration. The east-west configuration would obstruct access to the west neighbor's slip as their slip is 29 feet long but the space within the common riparian setbacks amounts to just 22.5 feet. A north-south configuration may work for the applicant but would entail navigating very closely to the north neighbor's dock and seawall during ingress and egress of their vessel. If this neighbor decided to build anything besides the existing structure, then their dock could be rendered more difficult or impossible to use. Our opinion, again, is therefore that the design as proposed is the most preferred so as to maintain public navigation of the area." Staff concurs.

Secondary Criteria:

1. **Whether there are special conditions not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)**

Criterion met. The applicant's agent states: "The subject property is a corner lot and so the shoreline is configured in an L-shape where ingress and egress can only occur essentially from one side; the west. Standard lots in this area have 15-foot setbacks. The typical dock facility for the area therefore can utilize two combined side setback voids (totaling 30 feet) for navigation to and from their docks. The subject property, since it is a corner lot, is required to provide only 7.5-foot side setbacks. This means that the combined side setbacks available for utilization during ingress and egress of a vessel to the applicant's dock amounts to only 22.5 feet (the neighbor's 15 feet + the applicant's 7.5 feet).

Furthermore, the west neighbor has constructed a dock so that their vessel will not be able to navigate in and out of its slip if the full area within the subject property's side setbacks

Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

is utilized." Staff concurs; however, for dock purposes, would refer to this property as a side-end lot.

2. **Whether the proposed dock facility would allow reasonable, safe access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)**

   Criterion met. The applicant's agent states: "The proposed facility will utilize only approximately 324 square feet of decking, which is smaller than almost every other dock on the canal. Therefore, we believe the decking proposed is not excessive and that this criteria is met." Staff concurs as the proposed design makes sense given the obstacles that were encountered during the design of the subject facility.

3. **For single-family dock facilities, whether the length of the vessel, or vessels in combination, described by the petitioner, exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)**

   Criterion met. The subject docking facility has been designed to accommodate a single 38-foot vessel, LOA, and the subject property's linear waterfront is 85 feet; therefore, the vessel will occupy less than 50 percent of the total waterfront.

4. **Whether the proposed facility would have a major impact on the waterfront view of neighboring property owners. (The facility should not have a major impact on the view of a neighboring property owner.)**

   Criterion met. The applicant's agent states: "The proposed dock and vessel are located in the corner of the canal and so should not cause any obstruction or impacts to views of the neighbors at all. Furthermore, the use of the dock for private, single-family recreational purposes is not changing, and so our opinion is that any change in views caused by the project will not be major." Staff concurs and further notes that there are no residences immediately adjacent to the waterway to the east, there is a roadway separating the properties.

5. **Whether seagrass beds will be impacted by the proposed dock facility. (If seagrass beds are present, compliance with subsection 5.03.06(I) of the LDC must be demonstrated.)**

   Criterion met. There are no seagrass beds present on the property nor the neighboring properties within 200-feet of the existing dock structure.

6. **Whether the proposed dock facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this Code. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated.)**

   Criterion is not applicable. The proposed project is for a single-family residential boat dock facility. Section 5.03.06.E.11, Manatee Protection Plan, is not applicable for this boat dock proposal.

Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Staff analysis finds this request complies with four of the five of the primary criteria and five of the six secondary criteria with the sixth criterion being not applicable. As of the date of this Staff Report, no public opposition has been received.

CONCURRENT LAND USE APPLICATIONS:

There are no known concurrent land use petitions.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner. An aggrieved non-party may appeal a decision of the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney's office reviewed this Staff Report.

RECOMMENDATION:

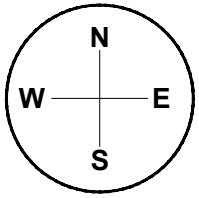
Based on the above findings, staff recommends that the Hearing Examiner approve Petition BD-PL20230008785 in accordance with the Proposed Plans provided within Attachment A.

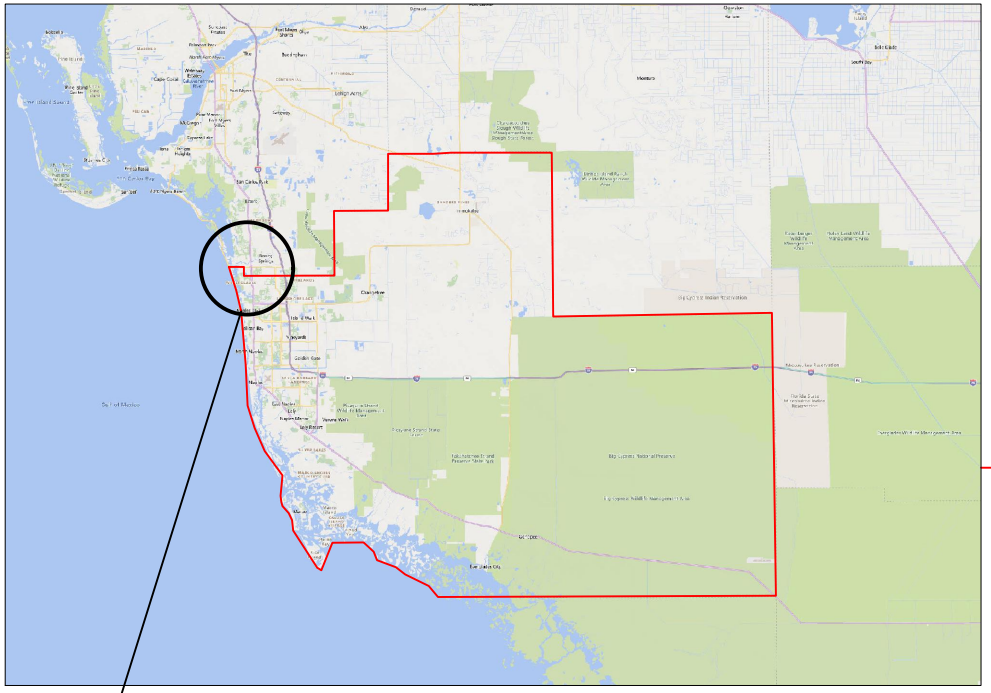
Attachments:

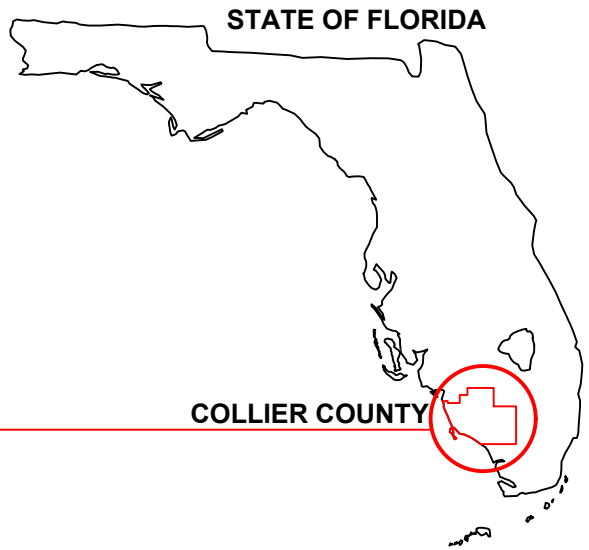
A. Dock Plans
B. Boundary Survey
C. Applicant's Backup; Application and Supporting Documents
D. Public Hearing Sign Posting

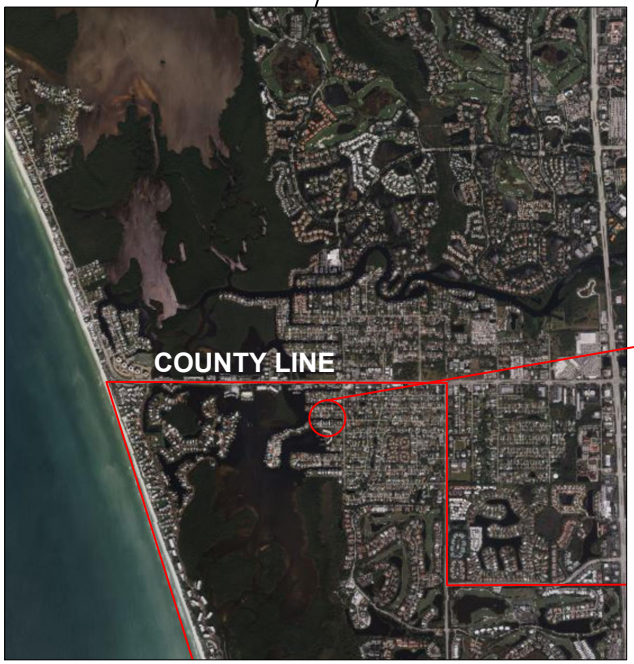
Attachment: Staff Report 02202024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

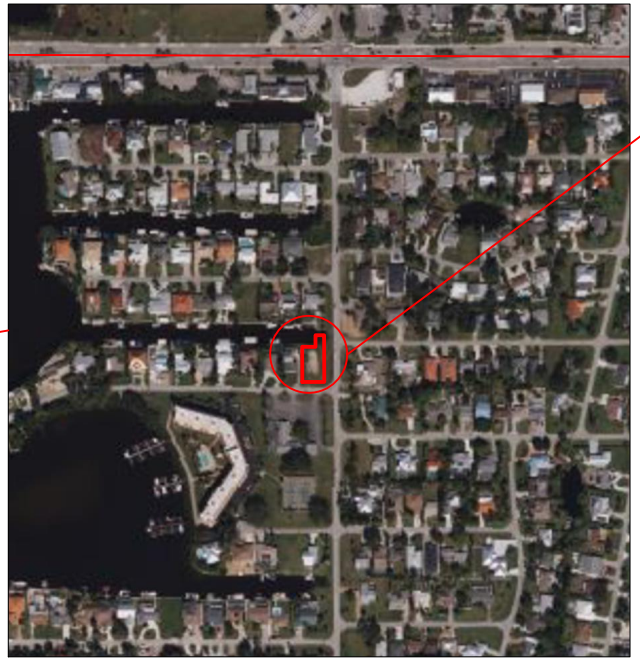
C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg LOCATION MAP 2/21/2024











SUBJECT PROPERTY

COUNTY:	COLLIER
SECTION:	5
TOWNSHIP:	48 S
RANGE:	25 E
SITE ADDRESS:	295 WEST AVE. BONITA SPRINGS, FL 34134
PID #:	55852520000
LATITUDE: LONGITUDE:	N 26.327676 W -81.827391

NOTES:
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

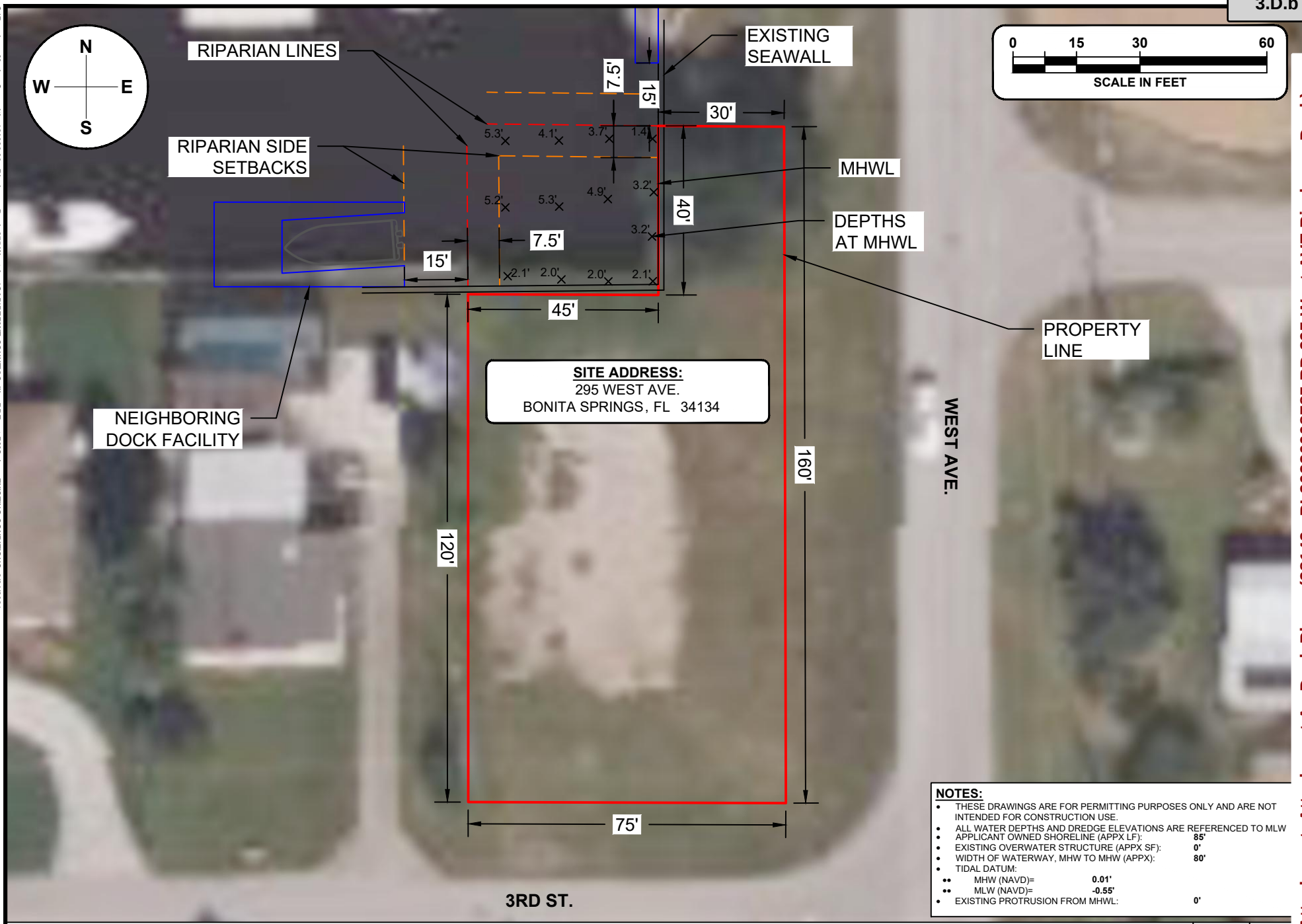
BIRNBAUM DOCK

LOCATION MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	01 OF 09
CREATED:	12-21-23

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0'**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **80'**
- TIDAL DATUM:
  - MHW (NAVD)= **0.01'**
  - MLW (NAVD)= **-0.55'**
- EXISTING PROTRUSION FROM MHWL: **0'**

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NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

EXISTING CONDITIONS

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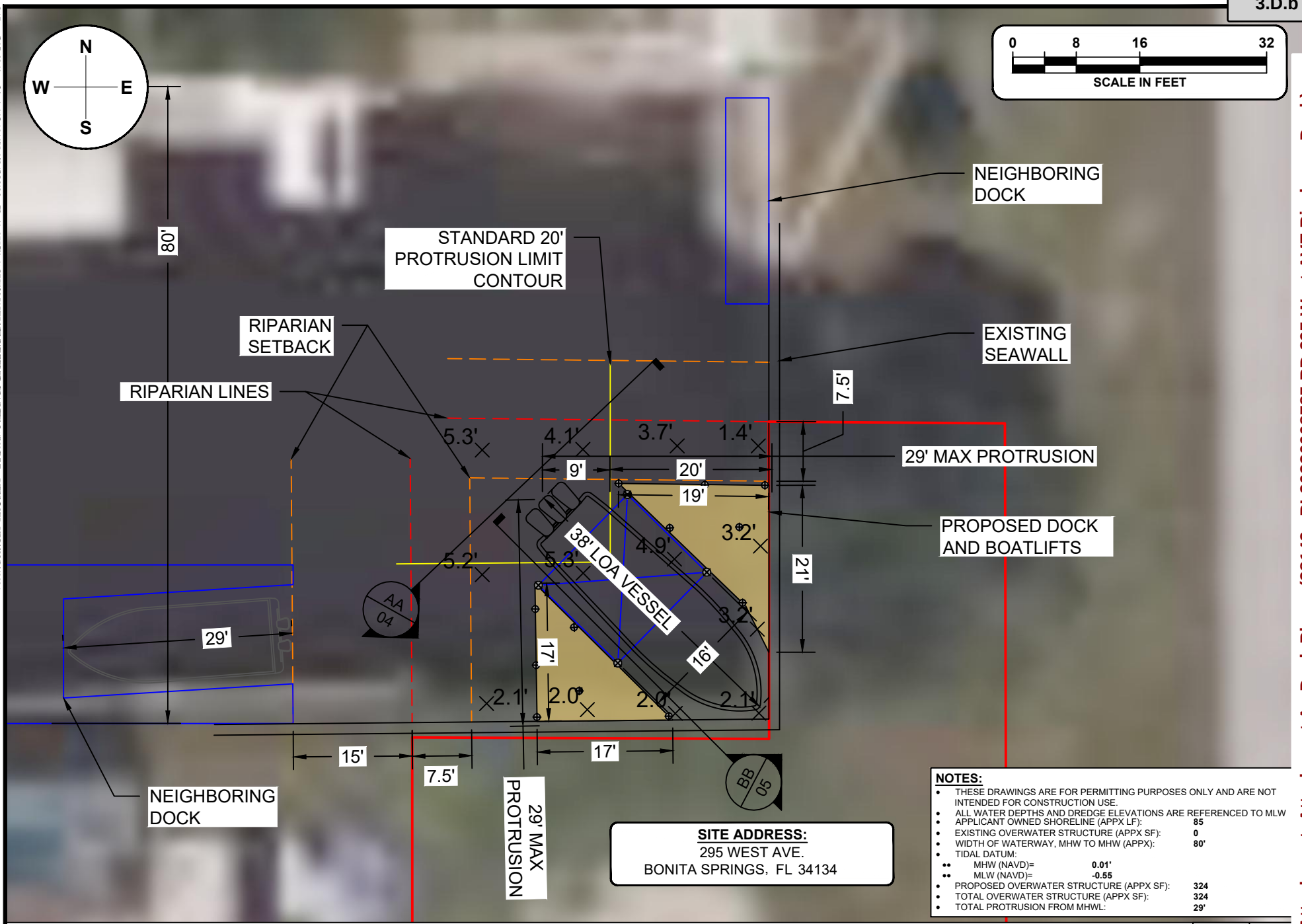
DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	02 OF 09
CREATED:	12-21-23

C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg EXISTING CONDITIONS 2/21/2024

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)



SITE ADDRESS:
295 WEST AVE.
BONITA SPRINGS, FL 34134

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- APPLICANT OWNED SHORELINE (APPX LF): **85**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **80'**
- TIDAL DATUM:
  - MHW (NAVD)= **0.01'**
  - MLW (NAVD)= **-0.55**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **324**
- TOTAL OVERWATER STRUCTURE (APPX SF): **324**
- TOTAL PROTRUSION FROM MHWL: **29'**

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

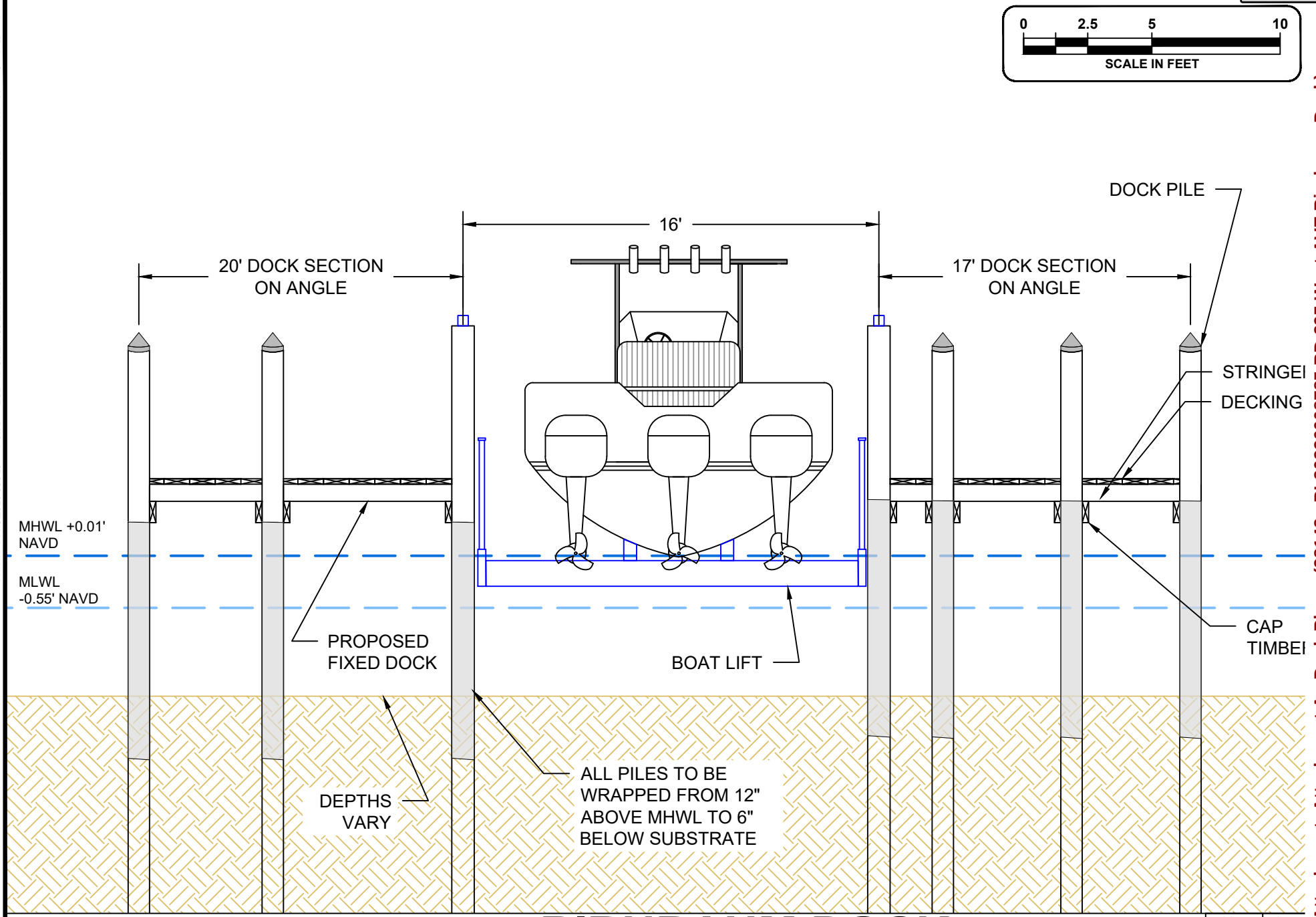
PROPOSED PROJECT

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	03 OF 09
CREATED:	12-21-23

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg CROSS SECTION AA 2/21/2024



BAYSHORE MARINE
CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

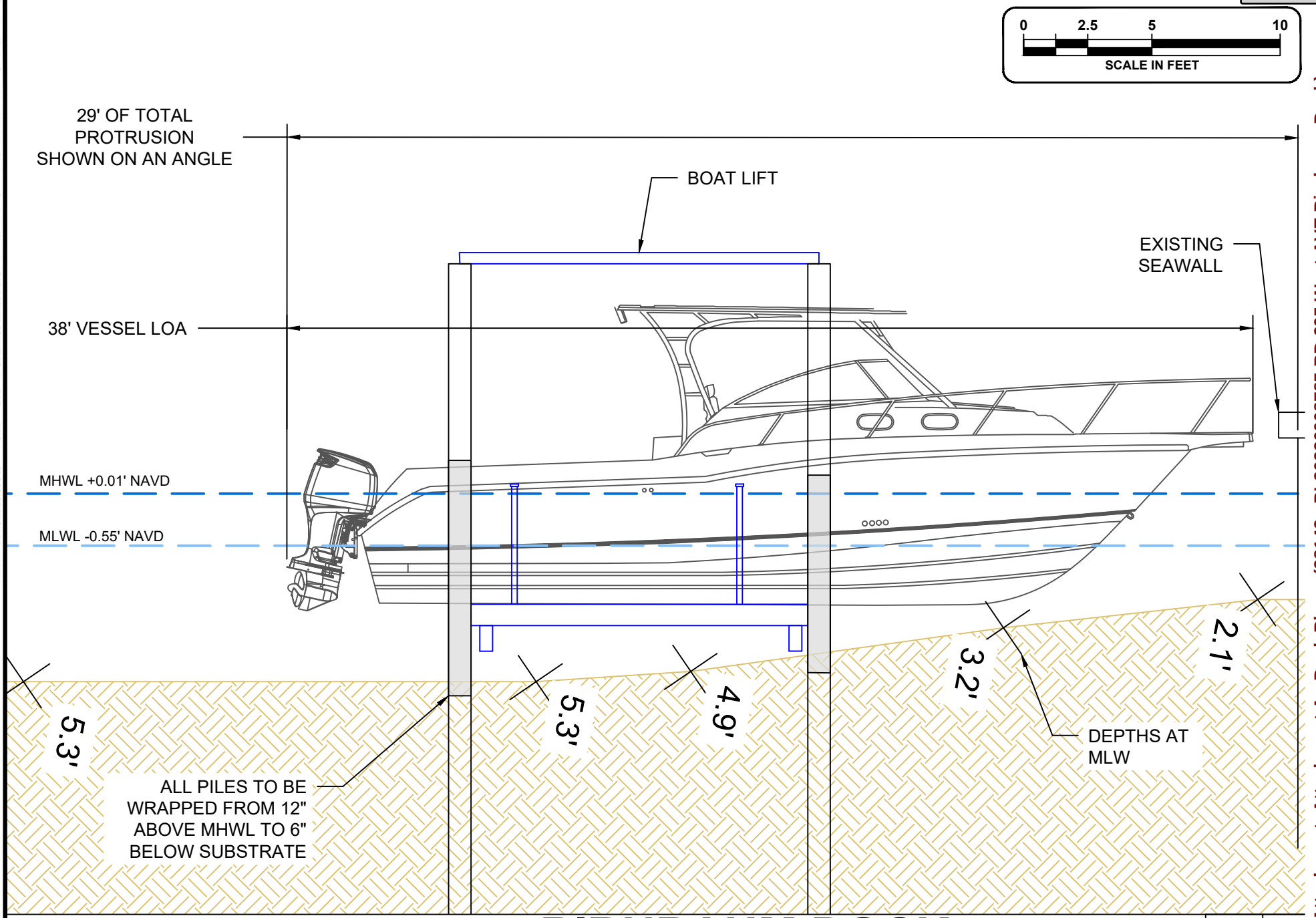
CROSS SECTION AA

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	04 OF 09
CREATED:	12-21-23

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg CROSS SECTION BB 2/21/2024



BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

CROSS SECTION BB

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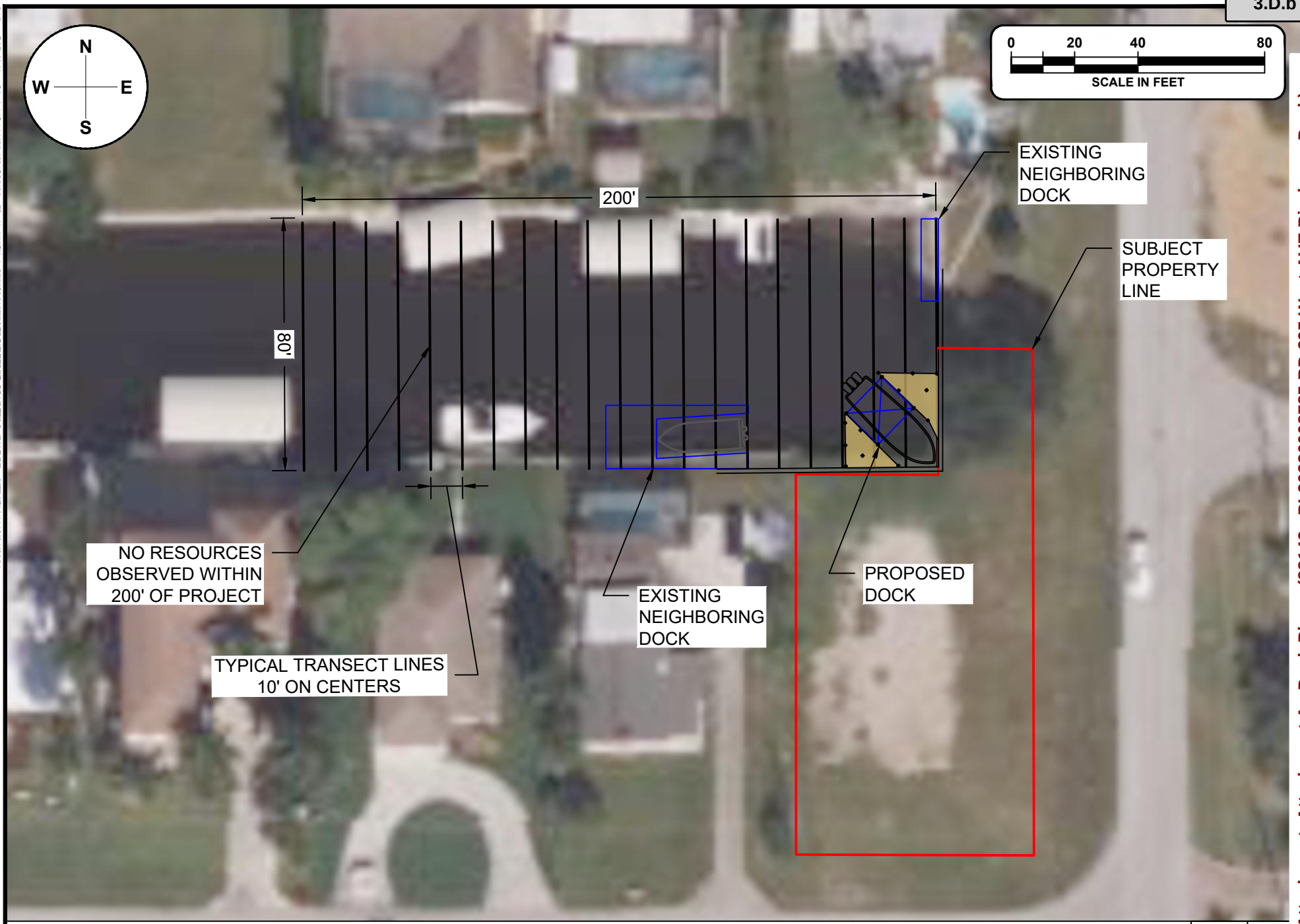
DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	05 OF 09
CREATED:	12-21-23

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)



BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

SUBMERGED RESOURCE SURVEY

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	06 OF 09
CREATED:	12-21-23

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

DIMENSIONS SHOWN ARE APPROXIMATED BASED OFF THE AERIAL IMAGE AND ARE SUBJECT TO MINOR ERROR

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

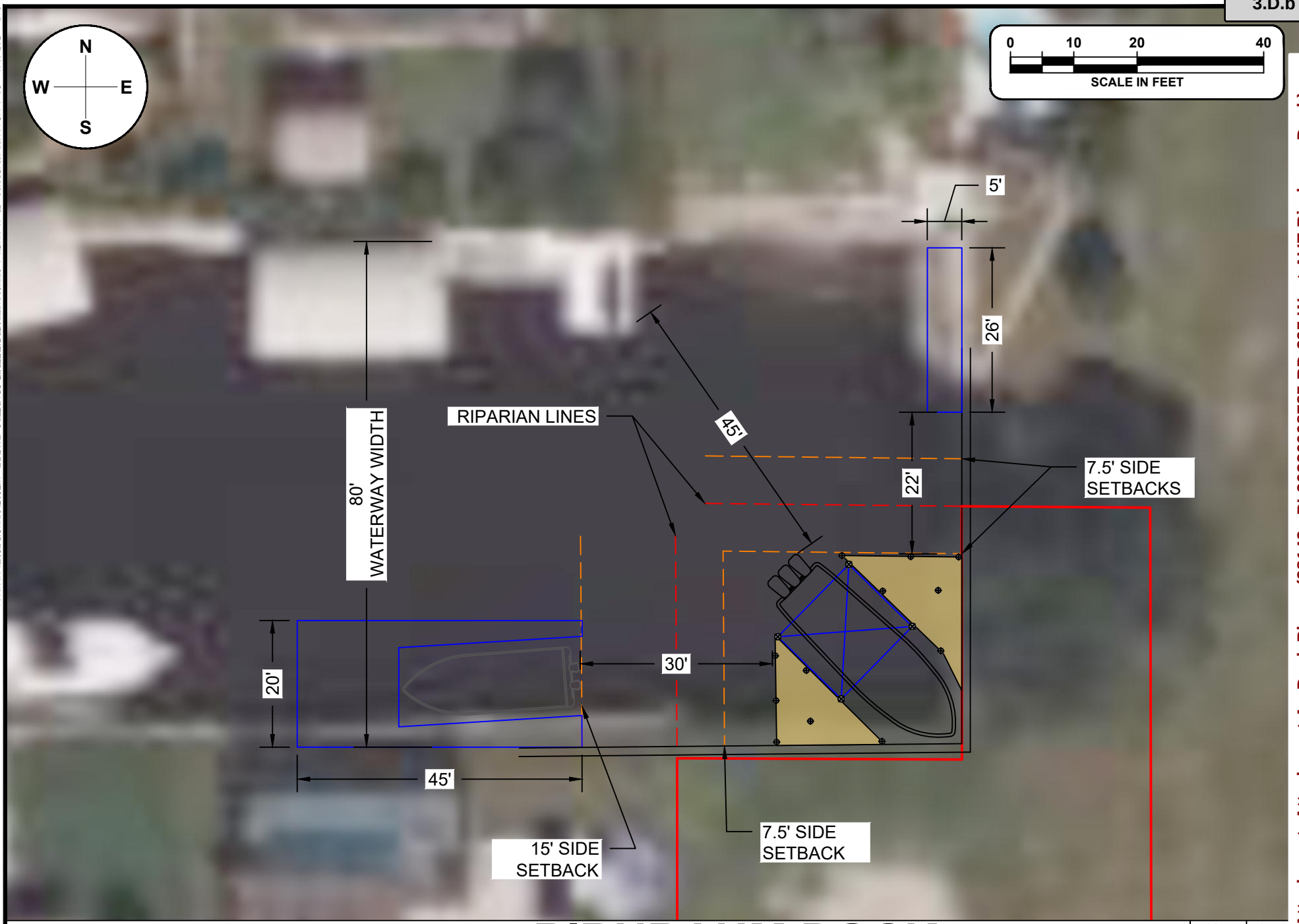
BIRNBAUM DOCK

ADJACENT DOCKS

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	07 OF 09
CREATED:	12-21-23

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)



C:\BaysOcDe\Marine\Odesk\Birnbaum\Dock 2\15\Work\ A36\10A81\FEB\MDA-DOCK\C-4D6\LBDTE\66\BM\GBE\ 2/21/2024

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

WATERWAY WIDTH

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	08 OF 09
CREATED:	12-21-23

C:\Bays\Docs\Marlene Oates\Initial Docs\2nd Review\Birnbaum Dock-2nd Review-2021.dwg 2/21/2024

Attachment: Attachment A - Dock Plans (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

WATERWAY WIDTH

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	09 OF 09
CREATED:	12-21-23

SKETCH OF BOUNDARY SURVEY

SURVEY #21908

BENCHMARK
LAND SERVICES, INC.

1807 J. & C. Boulevard
Naples,Florida 34109
L.B. # 7502

Tel. 239-591-0778
Fax. 239-591-1195
www.benchmarklandservices.com

Property Address:
295 West Avenue
Bonita Springs, FL 34134

Certified To:
Fusion FL LLC

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

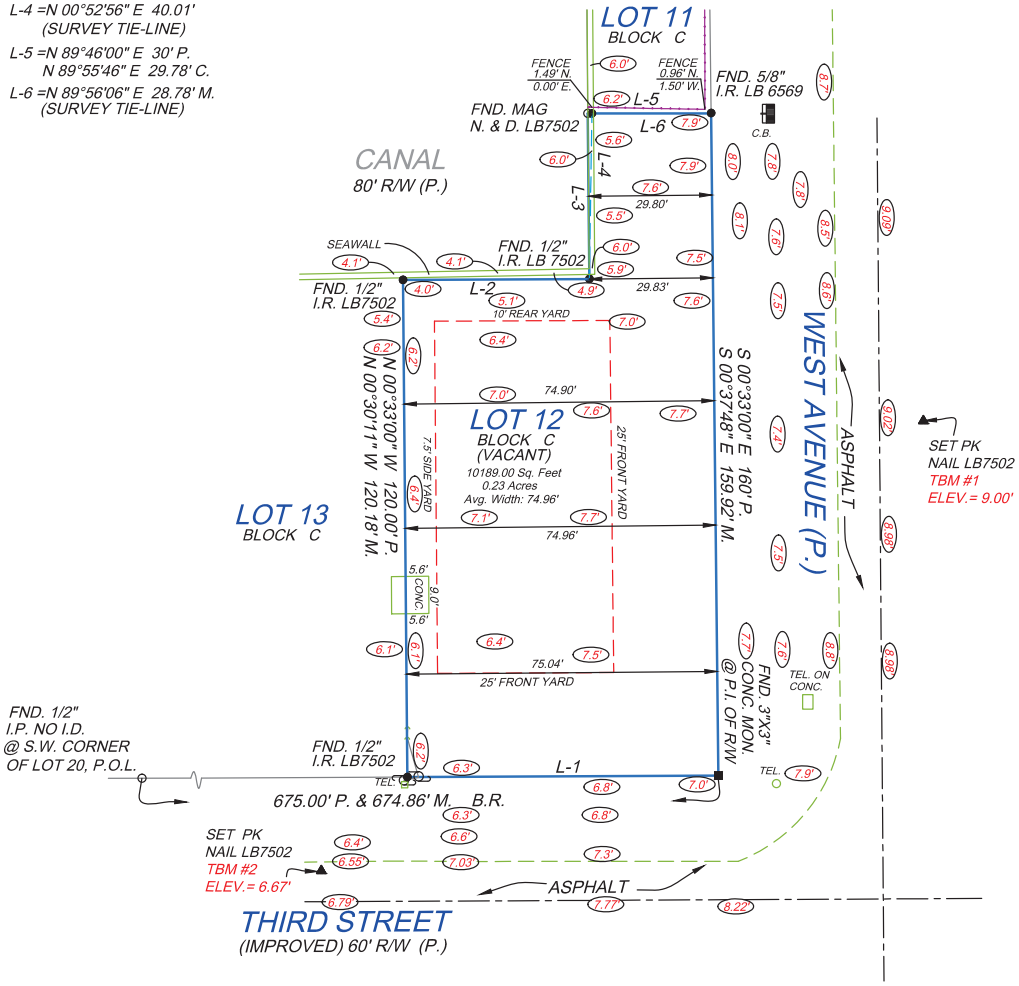
Flood Zone Information:
Community Number: 120067
Panel: 0179 Suffix: H
Effective Date: 05/16/2012
Flood Zone: AE BFE: 10' N.A.V.D. 1988

Legal Description As Furnished:
Lot 12, Block C, LITTLE HICKORY SHORES, UNIT NO. 1, according to the plat thereof as recorded in Plat Book 3, Page (s) 6, of the Public Records of Collier County, Florida.

DATE OF SURVEY	DRAWN BY
11/13/2020	N.G.
COMPLETION DATE:	CHECKED BY
11/16/2020	K.S.
AMEND TBM : 01/21/2021	
ADDED SEAWALL ELEVATIONS: 02/09/2021	
AMEND ADDRESS : 05/10/2022	

BEARINGS SHOWN HEREON ARE BASED UPON AN ASSUMED BEARING OF S 89°46'00" W FOR THE NORTH R/W OF THIRD STREET WEST.

L-1= S 89°46'00" W 75.00' P.
S 89°37'52" W 75.09' M.
L-2= N 89°46'00" E 45.00' P. & M.
L-3 =N 00°33'00" W 40.00' P. & C.
L-4 =N 00°52'56" E 40.01'
(SURVEY TIE-LINE)
L-5 =N 89°46'00" E 30' P.
N 89°55'46" E 29.78' C.
L-6 =N 89°56'06" E 28.78' M.
(SURVEY TIE-LINE)



N

1 inch = 30' ft.
GRAPHIC SCALE
0 15 30

1. LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
3. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
5. THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
6. ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
7. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
8. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
9. WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (2)4(d)4 OF THE FLORIDA ADMINISTRATIVE CODE.
10. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
11. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION OR PLANNING.
12. ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

POINTS OF INTEREST:

I hereby certify that A Survey of the hereon described property was made under my direction per Standards of Practice as per Chapter 5J-17.053, F.A.C. & pursuant to section 472.027, Florida Statutes.

Kenneth Sarrio Digitally signed by Kenneth Sarrio Date: 2022.05.10 13:16:55 -04'00'

KENNETH SARRIO
Professional Surveyor & Mapper
PSM No. 6348 State of Florida

A.E.	ACCESS EASEMENT	D.E.	DRAINAGE EASEMENT	I.E.	INGRESS / EGRESS EASEMENT	P.C.P.	PERMANENT CONTROL POINT	PLT.	PLANTER		EXISTING ELEVATION
B.D.	BRASS DISC	D.H.	DRILL HOLE	I.R.	IRON ROD	PK	PARKER-KALON NAIL	R.	RADIAL		PROPOSED ELEVATION
BLDG.	BUILDING	F.F.	FINISHED FLOOR	L.M.E.	LAKE MAINTENANCE EASEMENT	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY		IRON ROD
B.R.	BEARING REFERENCE	FND.	FOUND	M.	FIELD MEASURED	P.L.S	PROFESIONAL LAND SURVEYOR	S.D.	STORM DRAIN		CONCRETE MONUMENT
C.	CALCULATED	GEN.	GENERATOR	M.E.	MAINTENANCE EASEMENT	P.T.	POINT OF TANGENCY	SCRN.	SCREENED		CATCH BASIN
CATV	CABLE TV. RISER	ELEC.	ELECTRIC BOX	M.E.S.	MITERED END SECTION	P.O.B.	POINT OF BEGINNING	T.B.M.	TEMPORARY BENCH MARK		FENCE
C.B.	CATCH BASIN	ENCL.	ENCLOSURE	N.& D.	NAIL & DISK	P.E.P.	PROPOSED POOL EQUIPMENT	TEL.	TELEPHONE FACILITIES		NAIL
C/O	CLEAN OUT	E.O.W.	EDGE OF WATER	N.R.	NON-RADIAL	P.R.C.	POINT OF REVERSE CURVATURE	T.O.B.	TOP OF BANK	CONC.	CONCRETE
C.M.	CONCRETE MONUMENT	EQ.	EQUIPMENT	O.H.L.	OVERHEAD LINE	P.R.M.	PERMANENT REFERENCE MONUMENT	U.E.	UTILITY EASEMENT	N/A	NOT APPLICABLE
C.U.E.	COUNTY UTILITY ESMT.	ELEV.	ELEVATION	P.	PLAT	P.U.E.	PUBLIC UTILITY EASEMENT	W.M.	WATER METER		
C.V.G.	CONC VALLEY GUTTER	I.D.	IDENTIFICATION	P.C.	POINT OF CURVATURE	P.C.C.	POINT OF COMPOUND CURVATURE				
D.	DEEDED	I.P.	IRON PIPE	P.C.C.	POINT OF COMPOUND CURVATURE	PROP.	PROPOSED				

WV WATER VALVE
POWER POLE
W WELL
EXISTING FIRE HYDRANT
BENCH MARK
LAMP POST
℄ CENTER LINE

Packet Pg

Birnbaum BDE Petition

295 West Ave.

Bonita Springs, FL 34134

PL20230008785

BAYSHORE MARINE CONSULTING, LLC

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

HEARING PACKAGE CHECKLIST

A. Backup provided by the County Planner

The agent is responsible for all required data included in the digital file of information for the Hearing Examiner (Hex) or the Collier County Planning Commission (CCPC). DO NOT ACCEPT DUPLICATES OF ANY DOCUMENTS. MAKE SURE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. PLEASE CONFIRM THE DOCUMENTS ARE IN THE ORDER DESCRIBED IN "BACKUP PROVIDED BY APPLICANT."

Planner responsible for providing the County Attorney-drafted Ordinance for PUDs and placing in backup materials. AGENTS DO NOT INCLUDE THE PUD DOCUMENT – STAFF PROVIDES THIS TO THE COUNTY ATTORNEY WHEN THE ORDINANCE IS DRAFTED FOR A PUD. THE FINAL PUD ORDINANCE/RESOLUTION IS THE FIRST ITEM AFTER THE STAFF REPORT. [FOR HEX, THE REQUESTED LANGUAGE/ PROPOSED PLAN IS THE FIRST ITEM AFTER THE STAFF REPORT]

B. Backup provided by Applicant:

PLEASE PROVIDE THE DOCUMENTS IN THE ORDER DESCRIBED BELOW. DO NOT PROVIDE DUPLICATES OF ANY DOCUMENTS. PROVIDE ONLY THE LATEST, ACCEPTED/APPROVED COPY OF THE BELOW DOCUMENTATION. IF THE BACKUP PROVIDED BY APPLICANT IS IN DISARRAY-MEANING IT IS NOT IN THE PROPER ORDER AND/OR THE APPLICANT PROVIDES MULTIPLE DUPLICATES-THE APPLICANT COULD LOSE ITS HEARING DATE.

_X_ Application, to include but not limited to the following:

- __X__ Narrative of request
- __X__ Property Information
- __X__ Property Ownership Disclosure Form
- __X__ Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.

____ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)

____ Affidavit of Unified Control

__X__ Affidavit of ~~Representation~~ Authorization

__X__ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)

____ NIM Information (Sign in sheet, notes, minutes and transcript/or summary)

- ✓ Include 3 thumbnail drives of video and/or audio

____ Traffic Impact Study (TIS)

____ Environmental Data

____ Historical/Archeological Survey or Waiver

____ Utility Letter

__X__ Deviation Justifications – Primary and Secondary Criteria

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

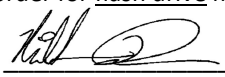
__X__ Boundary Survey

__X__ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc.

__X__ Submerged Resource Surveys may be included here if required.

__X__ **flash drive or e-mail with *only one* pdf file for all documents**

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for flash drive must contain the documents in one pdf file. It is the agent's responsibility to ensure no documentation is left out.



Signature of Agent Representative

2/9/2024

Date

Nick Pearson

Printed Name of Signing Agent Representative

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Application Form

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Boat Dock Facility Extension OR Boathouse Establishment Petition

Land Development Code Section 5.03.06

Chapter 3 B of the Administrative Code

THIS PETITION IS FOR (check one): ☑ **DOCK EXTENSION** ☐ **BOATHOUSE**

APPLICANT INFORMATION

Name of Property Owner(s): Steve Birnbaum

Name of Applicant if different than owner:

Address: 10951 GULF SHORE DR #1002 **City:** Naples **State:** FL **ZIP:** 34134

Telephone: **Cell:**

E-Mail Address:

Name of Agent: Nick Pearson

Firm: Bayshore Marine Consulting, LLC

Address: 2025 Monroe Ave. **City:** Naples **State:** FL **ZIP:** 34112

Telephone: 239-404-7982 **Cell:**

E-Mail Address: Nick@BayshoreMarineConsulting.com

PROPERTY LOCATION

Section/Township/Range: 5 / 48 S / 25 E **Property I.D. Number:** 55852520000

Subdivision: Little Hickory Shores #1 **Unit:** 1 **Lot:** 12 **Block:** C

Address/ General Location of Subject Property:

295 WEST AVE; 0.18 miles south of Bonita Beach Rd, 0.5 miles west of Vanderbilt Dr.

Current Zoning and Land use of Subject Property:

Zoning: RSF-4 / Use: Single-family residential

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

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2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	RSF-4	Single-Family Residential
S	RMF-12	multi-family
E	RSF-4	Single-Family Residential
W	RSF-4	Single-Family Residential

DESCRIPTION OF PROJECT

Narrative description of project (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):

See attached narrative.

SITE INFORMATION

1. **Water Width:** 1135 ft. Measurement from: ☑ plat ☑ survey ☐ visual estimate
   80 ft. other (specify)
2. **Total Property Water Frontage:**
   85 ft.
3. **Setbacks:** Provided: 15/7.5 ft.
   Required: 7.5 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   29
5. **Number and Lengths of Vessels to Use Facitlity:**
   1. 38 ft.
   2. _____ ft.
6. **If applicable, the distance between dock facilities per the Land Development Code section 5.03.06 H.1.d.**
   _____ ft.
7. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**

The property directly to the west has a dock intended to moor a single 29' LOA vessel, which appears to protrude the maximum 20' into the canal. The neighbor to the north also has a dock, which is marginal in configuration, protruding approximately 5' from the canal-end's seawall face. It does not appear that this dock is used regularly for mooring

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

8. Signs are required to be posted for all petitions. On properties that are one (1) acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?

0.23 Acres

9. Official Interpretations or Zoning Verifications:

To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ☑ No (If yes, please provide copies.)

DOCK EXTENSION PRIMARY CRITERIA

The following criteria, pursuant to LDC section 5.03.06, shall be used as a guide by staff in determining its recommendation to the Office of the Hearing Examiner. The Hearing Examiner will utilize the following criteria as a guide in the decision to approve or deny a particular Dock Extension request. In order for the Hearing Examiner to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property.
   (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel(s) described without an extension.)

3. Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

4. Whether or not the proposed dock facility protrudes no more than 25% of the width of the waterway, and whether or not a minimum of 50% of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)

5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

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DOCK EXTENSION SECONDARY CRITERIA

1. Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)

2. Whether the proposed dock facility would allow reasonable, safe, access to the vessel for loading/ unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)

3. For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage.(The applicable maximum percentage should be maintained.)

4. Whether or not the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of either property owner.)

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 J must be demonstrated.)

6. Whether or not the proposed dock facility is subject to the manatee protection requirements of LDC subsection 5.03.06 E.11. (If applicable, compliance with subsection 5.03.06.E.11 must be demonstrated.)

BOATHOUSE CRITERIA

The following criteria, pursuant to LDC section 5.03.06 F, shall be used as a guide by staff in determining its recommendation to the decision maker. The decision maker will utilize the following criteria as a guide in the decision to approve or deny a particular Boathouse request. In order for the request to be approved, all of the criteria must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Minimum side setback requirement: Fifteen feet.

2. Maximum protrusion into waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.

3. Maximum height; Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.

4. Maximum number of boathouses and covered structures per site: One.

5. All boathouses and covered structures shall be completely open on all 4 sides.

6. Roofing material and roof color shall be the same as materials and colors used on principal structure or may be a palm frond "chickee" style. A single-family dwelling unit must ve constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.

7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the gratest extent practical.

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ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the **Civic Associations and Communities page** on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

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

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

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

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

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

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

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Pre-Application Meeting and Final Submittal Requirement Checklist for:

☑ Dock Extension
☐ Boathouse
Chapter 3 B. of the Administrative Code

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

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☑	
Property Ownership Disclosure Form	☑	
Affidavit of Authorization, signed and notarized	☑	
Completed Addressing Checklist	☑	
Site plan illustration with the following: • Lot dimensions; • Required setbacks for the dock facility; • Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment); • Configuration, location, and dimensions of existing and proposed facility; • Water depth where proposed dock facility is to be located; • Distance of navigable channel; • Illustration of the contour of the property; and • Illustration of dock facility from both an aerial and side view.	☑	☐
Signed and sealed survey	☑	☐
Chart of site waterway	☐	☑

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

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PLANNERS – INDICATE IF THE PETITION NEEDS TO BE ROUTED TO THE FOLLOWING REVIEWERS:

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review:
☐	Addressing:	☐	Parks and Recreation:
☐	City of Naples Planning Director	☐	School District (Residential Components):
☐	Conservancy of SWFL:	☐	Other:
☐	Emergency Management:	☐	Other:

FEE REQUIREMENTS:

☑ **Boat Dock Extension / Boathouse Petition fee:** $1,500.00

☑ **Pre-Application Meeting fee** $500.00

☑ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00

☑ **If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after Hearing Examiner hearing date.** *(Variable)*

☑ **Fire Planning Review fee:** $100.00

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*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. *Additional fee for the 5th and subsequent re-submittal will be accessed at 20% of the original fee.*

***The completed application, all required submittal materials, and fees shall be submitted to:**

Growth Management Community Development Department | GMD Portal:
https://cvportal.colliercountyfl.gov/cityviewweb

Questions? Email: GMDclientservices@colliercountyfl.gov

Signature of Petitioner or Agent

12/11/23
Date

Nick Pearson
Printed Name

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Narrative Statement

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

BAYSHORE MARINE CONSULTING, LLC
www.Bayshore-Marine.com • NICK@BAYSHOREMARINECONSULTING.COM • 239-404-7982

295 West Ave. - BDE Petition #PL20230008785
Narrative Description of Project

Narrative description of project: (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):

The property at 295 West Ave., owned by Steve Birnbaum since November of 2020, is a corner canal lot that is approximately 75′ wide and 160′ long with a square cut out of its northwest corner for the canal frontage, which comprises the property's 85′ of riparian shoreline.

The lot is located in the little hickory shores subdivision of Bonita Springs. It is zoned RSF-4 for residential single-family dwelling, and accordingly contains a single-family residential structure. The waterway on which this property occurs is man-made and the parcel's 85′ of riparian waterfront are stabilized entirely by vertical seawall. There are no dock structures currently at the site.

The proposed dock consists of 2 triangular shaped dock segments sandwiching and providing access to a single boat slip. Each of the dock segments will remain inside of the applicant's riparian side setbacks and will comply with the typically required 20′/25% of the waterway protrusion limit as set forth in Chapter 5.03.06 of Collier County's L.D.C. The dock segments will comprise a total of 324 square feet of overwater structure. The vessel and boatlift alone will protrude a maximum of 9′ beyond the 20′ protrusion limit, totaling a maximum of 29′ of protrusion from the MHWL/face of seawall.

The need for this Boat Dock Extension arises primarily out of a need to avoid navigational difficulties for the neighbor to the west. The optimal design for a dock and boatlift structure at the subject property where a BDE can be avoided, would consist of a marginal-type dock where the boat slip would be oriented in a near parallel configuration. However, this configuration would require the applicant's vessel to utilize the entirety of the area between the canal-end's seawall and the subject property's west side setback line, which would leave only 22.5′ of backing space for the neighbor's 29′ LOA vessel to ingress and egress from.

The proposed dock structure angles the applicant's vessel enough to allow safe and easy ingress and egress from the boatlift. And it allows the neighbor to the west the typical 30′ of navigable space in and out of their boat slip. The neighbor to the north, and other owners along the canal should not be affected with regards to navigation as the proposed dock is at the terminus of the canal.

Views should not be affected at all from any riparian neighbors due again to the fact that the proposed dock is at the end of a canal. Furthermore, the use and slip number proposed is consistent with the parcel's zoning allowances and surrounding properties, meaning that the changes proposed should not be construed to be major changes.

There are no seagrasses or submerged resources growing nearby the project site and so no impacts to resources are expected to occur as a result of the project.

In conclusion, we believe that this BDE would therefore allow the property owner to make reasonable use of the waterway and docking facility for mooring and other water-based recreational activities while also maintaining the ability to safely ingress and egress with the applicant's vessel.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Property Information

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Collier County Property Appraiser
Property Summary

Parcel No	55852520000	Site Address *Disclaimer	295 WEST AVE	Site City	BONITA SPRINGS	Site Z

Name / Address	BIRNBAUM, STEVE
	10951 GULF SHORE DR #1002

City	NAPLES	State	FL	Zip	34108-1711

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A05	468100 C 123A05	5	48	25	0.23

Legal	LITTLE HICKORY SHORES #1 BLK C, LOT 12

Millage Area	170	Millage Rates *Calculations		
Sub./Condo	468100 - LITTLE HICKORY SHORES UNIT 1	School	Other	Total
Use Code	0 - VACANT RESIDENTIAL	4.459	6.0042	10.4632

Latest Sales History
(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
11/19/20	5848-2754	$ 385,000
03/16/16	5252-2287	$ 271,600
04/06/15	5137-3177	$ 455,000
04/08/15	5137-3142	$ 0
09/12/95	2098-1084	$ 0
10/01/82	989-1431	$ 0

2022 Certified Tax Roll
(Subject to Change)

	Land Value	
(+)	Improved Value	
(=)	Market Value	
(-)	10% Cap	
(=)	Assessed Value	
(=)	School Taxable Value	
(=)	Taxable Value	

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

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Collier County Property Appraiser
Property Detail

Parcel No	55852520000	Site Address *Disclaimer	295 WEST AVE	Site City	BONITA SPRINGS	Site Z

Name / Address	BIRNBAUM, STEVE
	10951 GULF SHORE DR #1002

City	NAPLES	State	FL	Zip	34108-1711

Permits (Provided for reference purposes only. *Full Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
2023	COUNTY	PRFW20220631060				OTHER

Land

#	Calc Code	Units
10	SQUARE FOOT	10130

Building/Extra Features

#	Year Built	Description	Area	ea
10	2001	SEAWALL	85	

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Collier County Property Appraiser
Property Aerial

Parcel No	55852520000	Site Address *Disclaimer	295 WEST AVE	Site City	BONITA SPRINGS	Site Z

Open GIS in a New Window with More Features.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Warranty Deed

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

INSTR 5958185 OR 5848 PG 2754 E-RECORDED 11/21/2020 9:30 PM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $2,695.00 REC $18.50
CONS $385,000.00

Prepared by and return to:
Cassie Long
South Walton Law, P.A.
36468 Emerald Coast Parkway Unit 6101
Destin, FL 32541
850-837-0155
File Number: **SWL20-321**
Tax Parcel ID: 55852520000

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 20th day of **November, 2020** between **Fusion FL, LLC, a Florida limited liability company**, whose post office address is **17500 Sterling Lake Drive, Fort Myers, FL 33967**, grantor, and **Steve Birnbaum, an unmarried man** whose post office address is **6684 North River Road, Freeland, MI 48623**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Collier County, Florida** to-wit:

Lot 12, Block C, Little Hickory Shores Unit 1, a subdivision according to the plat thereof recorded at Plat Book 3, Page 6, in the Public Records of Collier County, Florida.

Parcel Identification Number: 55852520000

This conveyance is made subject to the following:

1. Real estate taxes accruing subsequent to **December 31, 2019**.

2. Applicable zoning regulations and ordinances.

3. All the covenants, conditions, restrictions and easements of record, if any, which may now affect the aforedescribed property and which are not hereby reimposed.

Grantor hereby covenants with said grantee that grantor is lawfully seized of the real property conveyed herein and the grantor does hereby fully warrant the title to said property and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

NOT CERTIFIED COPY

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Witness Name: ROBERT L. WADE

Witness Name: JOHN J BOLSTAD

Fusion FL, LLC, a Florida limited liability company

By: Gina M. Goodrich, Manager

Gina M. Goodrich, Manager

State of Florida
County of Lee

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 19 day of November, 2020 by Gina M. Goodrich of Fusion FL, LLC, a Florida limited liability company, on behalf of the company, who [ ] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

LISETTE LOPEZ
Notary Public · State of Florida
Commission # GG 148928
My Comm. Expires Oct 5, 2021
Bonded through National Notary Assn.

Notary Public

Printed Name: Lisette Lopez

My Commission Expires: 10.5.21

NOT A CERTIFIED COPY

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

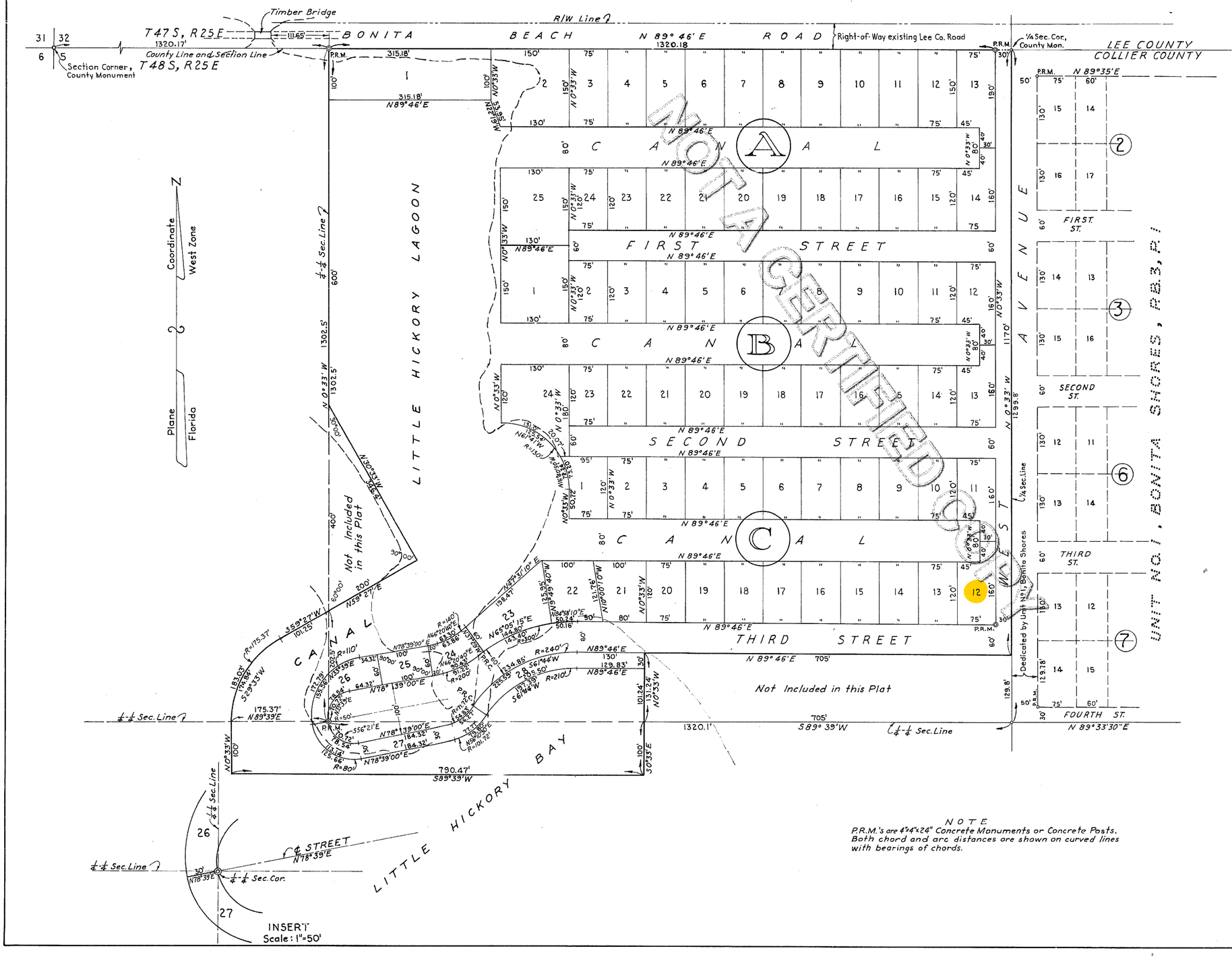
Property Plat

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

3.D.d

UNIT Nº 1
LITTLE HICKORY SHORES

A SUBDIVISION IN
THE NW1/4 OF SECTION 5, T48S, R25E
COLLIER COUNTY, FLORIDA
Scale: 1"=100' October, 1952



NOTE
P.R.M.'s are 4"x4"x24" Concrete Monuments or Concrete Posts.
Both chord and arc distances are shown on curved lines with bearings of chords.

DESCRIPTION

The northeast quarter (NE¼) of the northwest quarter (NW¼) of Section 5, Township 48 South, Range 25 East; EXCEPT the following described two parcels:

No. 1. Begin at a point on the east line of said quarter-quarter section 1170' south of the northeast corner thereof; thence run S 0°33'E for 129.8' to the southeast corner thereof; thence run S 89°39'W along the south line thereof for 705'; thence run N 0° 33'W parallel to said east line for 131.24'; thence run N 89°46'E, parallel to the north line of said quarter-quarter section for 705' to the point of beginning.

No. 2. Begin at a point on the west line of said quarter-quarter section 700' south of the northwest corner thereof; thence run S 0°33'E along said west line for 400'; thence run N 59° 27'E for 200'; thence run N 30°33'W for 346.4' to the point of beginning.

Also that part of the south half (S½) of the northwest quarter (NW¼) of said Section 5 described as follows:
Begin at a point on the north line of said fraction of a section 705' west of the northeast corner thereof; thence run S 0°33'E; parallel to the east line thereof, for 100; thence run S 89°39'W, parallel to said north line for 790.47'; thence run N0°33'W, parallel to said east line for 100'; thence run N 89°39'E along said north line for 790.47' to the point of beginning.

Also that part of the northwest(NW¼) of the northwest quarter (NW¼) of said Section 5 described as follows:
Begin at a point on the east line of said quarter-quarter section 1,100' south of the northeast corner thereof; thence run S59°27'W for 101.25' to a point of curve; thence run southwesterly to southerly along an arc of radius 175.37' for 183.03' to the south line of said quarter-quarter section; thence run N89°39'E for 175.37' along said south line to the southeast corner thereof; thence run N 0°33'W along said east line for 202.5' to the point of beginning.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Little Hickory Shores, Inc., a corporation under the Laws of Florida, the owner of the hereon described lands has caused this plat of UNIT NO.1 LITTLE HICKORY SHORES to be made and does hereby dedicate to the perpetual use of the public all streets, roads, drives and/or avenues and waterways shown hereon.

IN WITNESS WHEREOF Little Hickory Shores, Inc. has caused this dedication to be signed in its name by its president and its corporate seal to be affixed, attested by its secretary this 7th day of October, 1952.

LITTLE HICKORY SHORES, INC.

By: James L. Walker
President

Attest: J. Thad Moss
Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me personally appeared James L. Walker and J. Thad Moss respectively president and secretary of Little Hickory Shores, Inc. a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication and they acknowled the execution thereof to be their free act and deed as such officers, for the uses and purposes therein mentioned, and that they affixed thereto the official seal of said corporation and that said dedication is the act and deed of said corporation.

WITNESS my hand and official seal at Naples, said County and State this 7th day of October, A.D. 1952.

Eleanor J. Fogle
Notary Public, State of Florida at large
My Commission expires Sept 1 1953

APPROVALS

This plat approved this 7th day of October, A.D. 1952, in open meeting of the Board of County Commissioners of Collier County, Florida.

Approved: J. M. Davidson
Chairman

Ed Clark
Clerk

I HEREBY CERTIFY that this plat of UNIT No 1, LITTLE HICKORY SHORES has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.

I FURTHER CERTIFY that said plat was filed for record at 4:15 P.M. this 15th day of December, A.D. 1952 and duly recorded in Plat Book Nº 3 on Page Nº 6 of the public records of Collier County, Florida.

Ed Clark
Clerk of Circuit Court in and for Collier Co., Fla.

I hereby certify that this plat of UNIT Nº 1, LITTLE HICKORY SHORES is a true and correct representation of a recent survey made and platted under my direction and that permanent reference monuments (P.R.M's) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

Carl B. Johnson
Reg. Land Surveyor, Fla. Cert. Nº 351
Johnson & Cothern, Ft. Myers, Florida

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Ownership Disclosure Form

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

This is a required form with all land use petitions, except for Appeals and Zoning Verification Letters.

Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

Please complete the following, use additional sheets if necessary.

a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest:

Name and Address	% of Ownership
Steve Birnbaum - 295 West Ave.	100

b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each:

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Agent/Owner Signature

12/11/23
Date

Nick Pearson
Agent/Owner Name (please print)

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Affidavit of Authorization

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230008785

I, Steve Birnbaum (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [X] applicant [ ] contract purchaser [ ] and that:

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

_____ 9-26-23

Signature **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 26th day of September, 2023, by (printed name of owner or qualifier) _____.

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

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

Notary Public State of Florida
Nicholas Scott Pearson
My Commission
HH 206744
Exp.12/13/2025

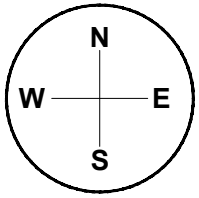
CP\08-COA-00115\155
REV 3/4/2020

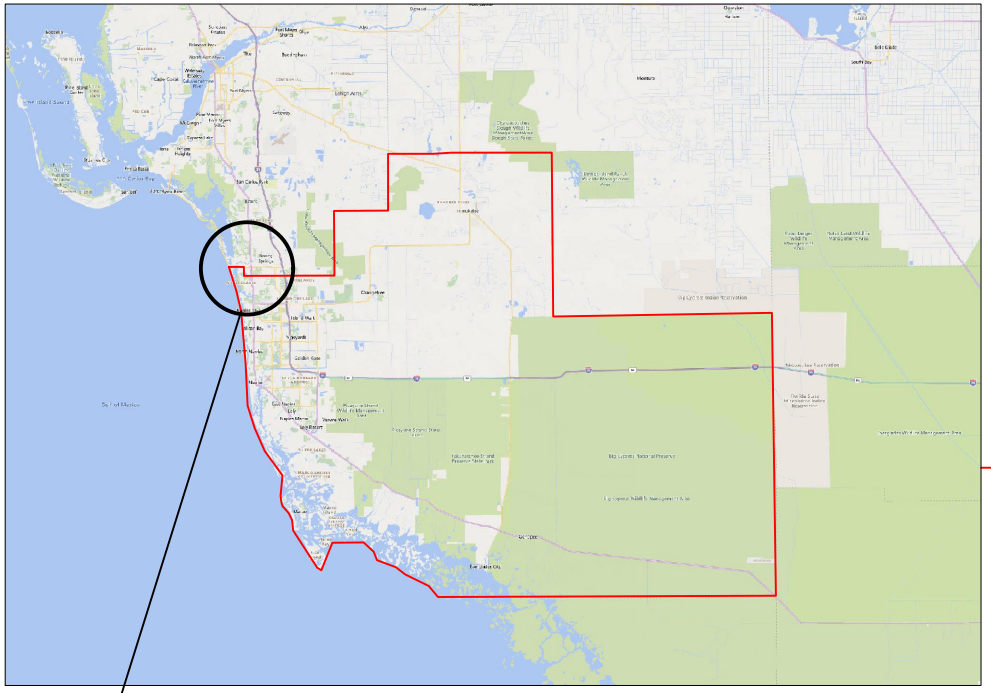
Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

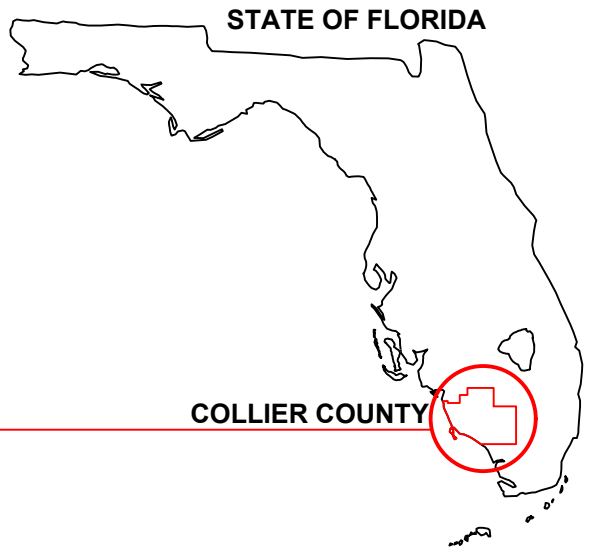
Petition Exhibits

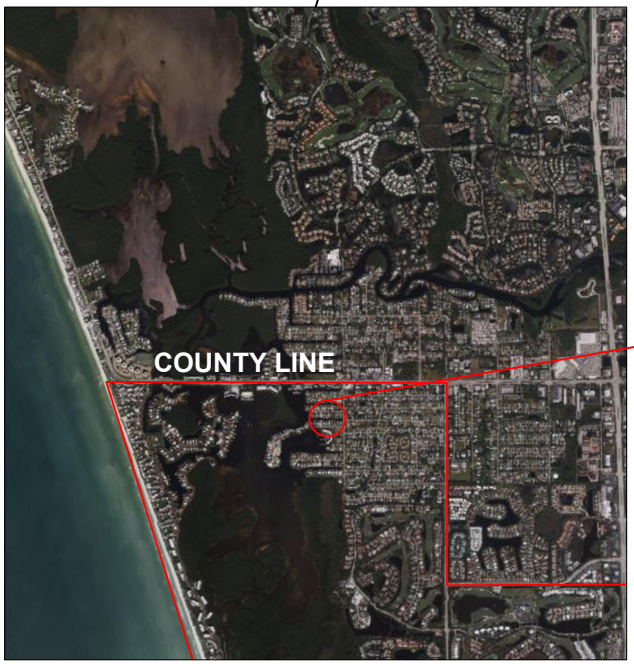
Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

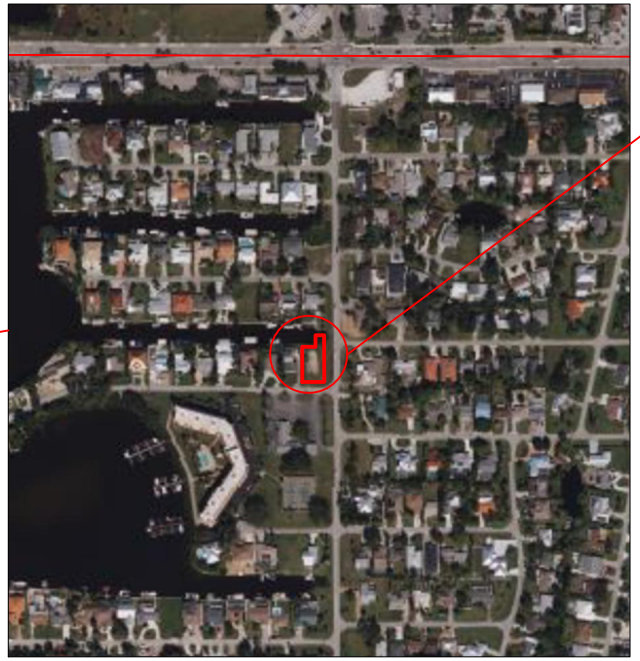
C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg LOCATION MAP 2/21/2024











SUBJECT PROPERTY

COUNTY:	COLLIER
SECTION:	5
TOWNSHIP:	48 S
RANGE:	25 E
SITE ADDRESS:	295 WEST AVE. BONITA SPRINGS, FL 34134
PID #:	55852520000
LATITUDE: LONGITUDE:	N 26.327676 W -81.827391

NOTES:
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

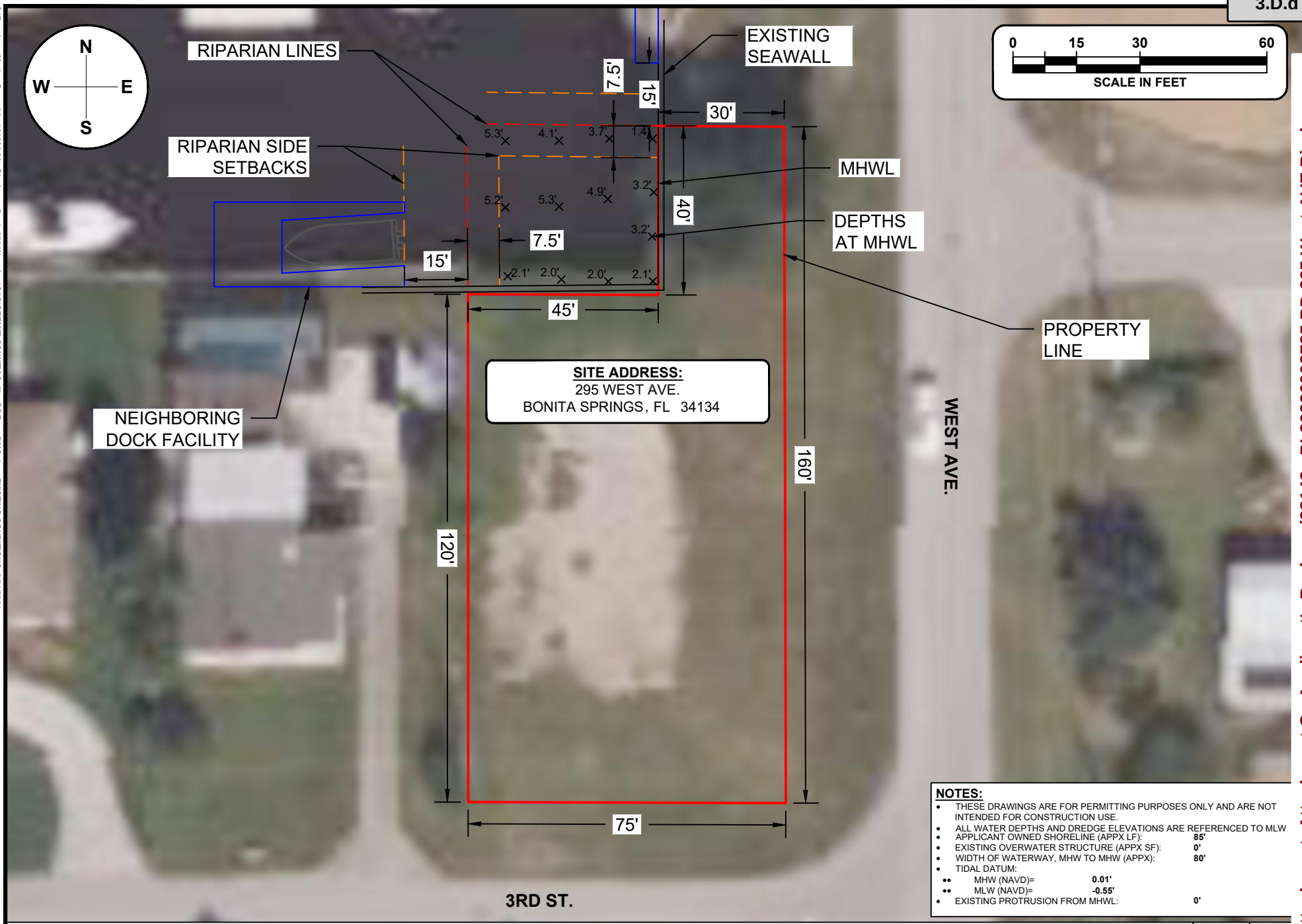
BIRNBAUM DOCK

LOCATION MAP

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	01 OF 09
CREATED:	12-21-23

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0'**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **80'**
- TIDAL DATUM:
  - MHW (NAVD)= **0.01'**
  - MLW (NAVD)= **-0.55'**
- EXISTING PROTRUSION FROM MHWL: **0'**

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

EXISTING CONDITIONS

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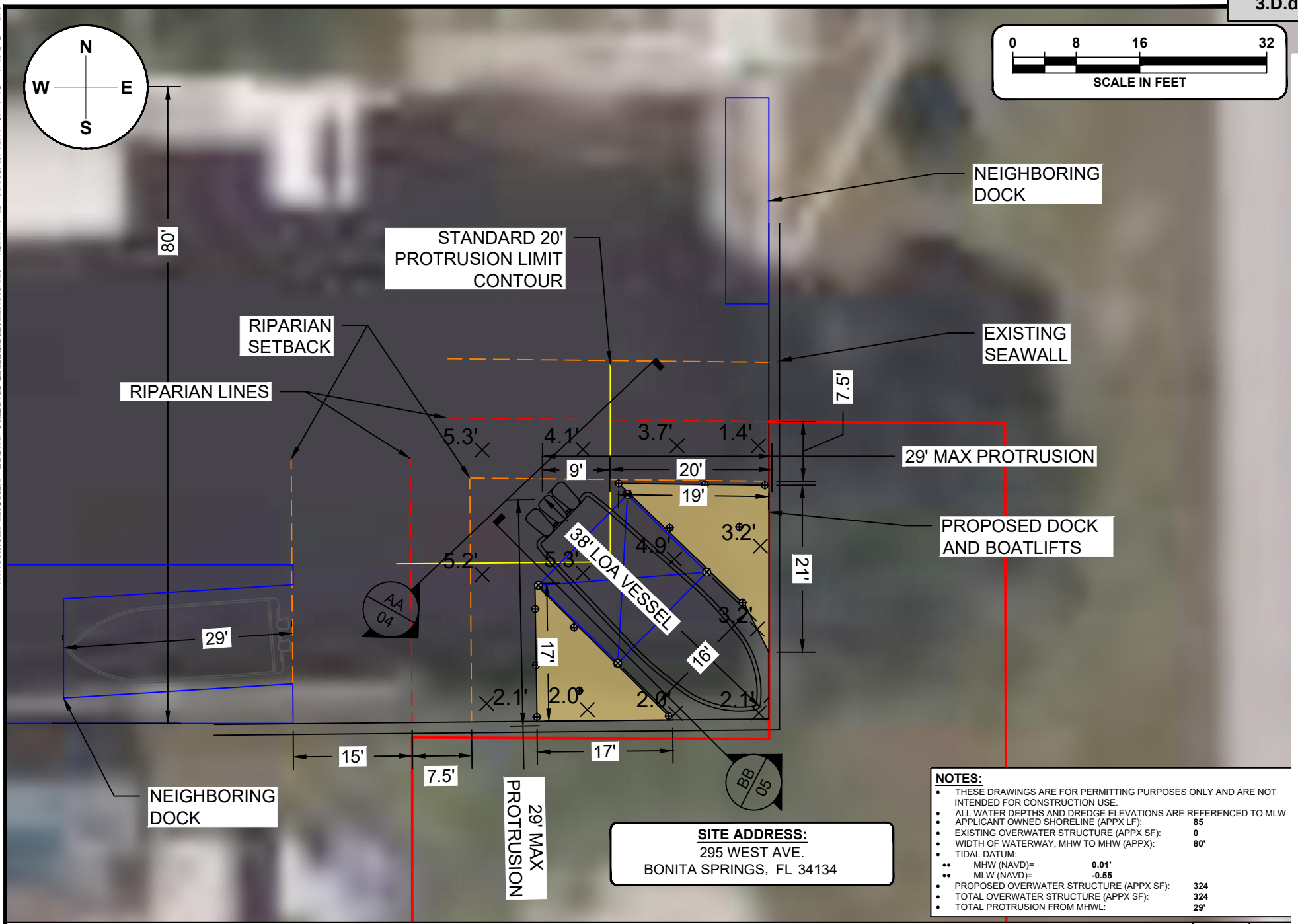
DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	02 OF 09
CREATED:	12-21-23

C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg EXISTING CONDITIONS 2/21/2024

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum



SITE ADDRESS:
295 WEST AVE.
BONITA SPRINGS, FL 34134

NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- APPLICANT OWNED SHORELINE (APPX LF): **85**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **80'**
- TIDAL DATUM:
  - MHW (NAVD)= **0.01'**
  - MLW (NAVD)= **-0.55**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **324**
- TOTAL OVERWATER STRUCTURE (APPX SF): **324**
- TOTAL PROTRUSION FROM MHWL: **29'**

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

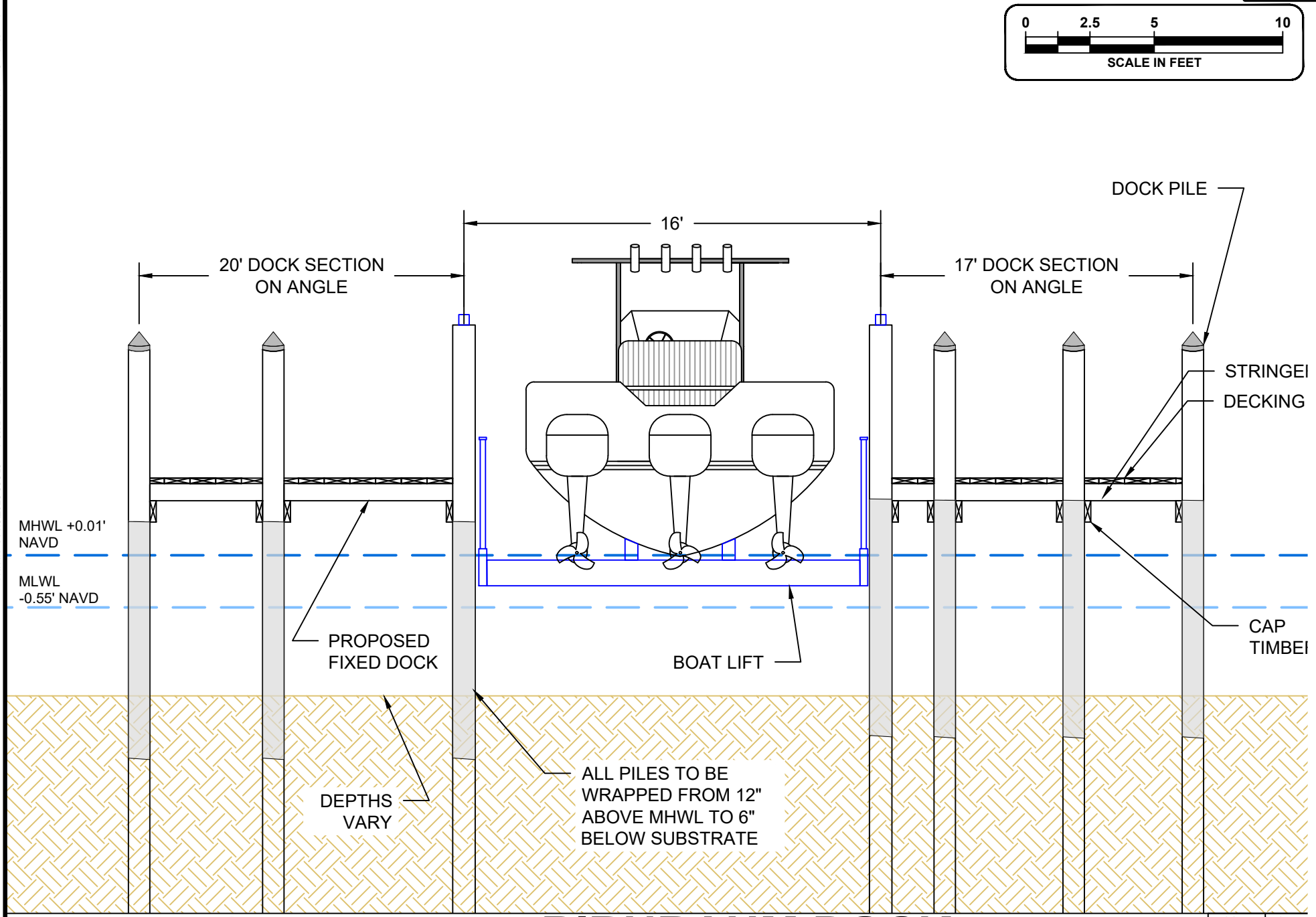
PROPOSED PROJECT

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	03 OF 09
CREATED:	12-21-23

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg CROSS SECTION AA 2/21/2024



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CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

CROSS SECTION AA

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	04 OF 09
CREATED:	12-21-23

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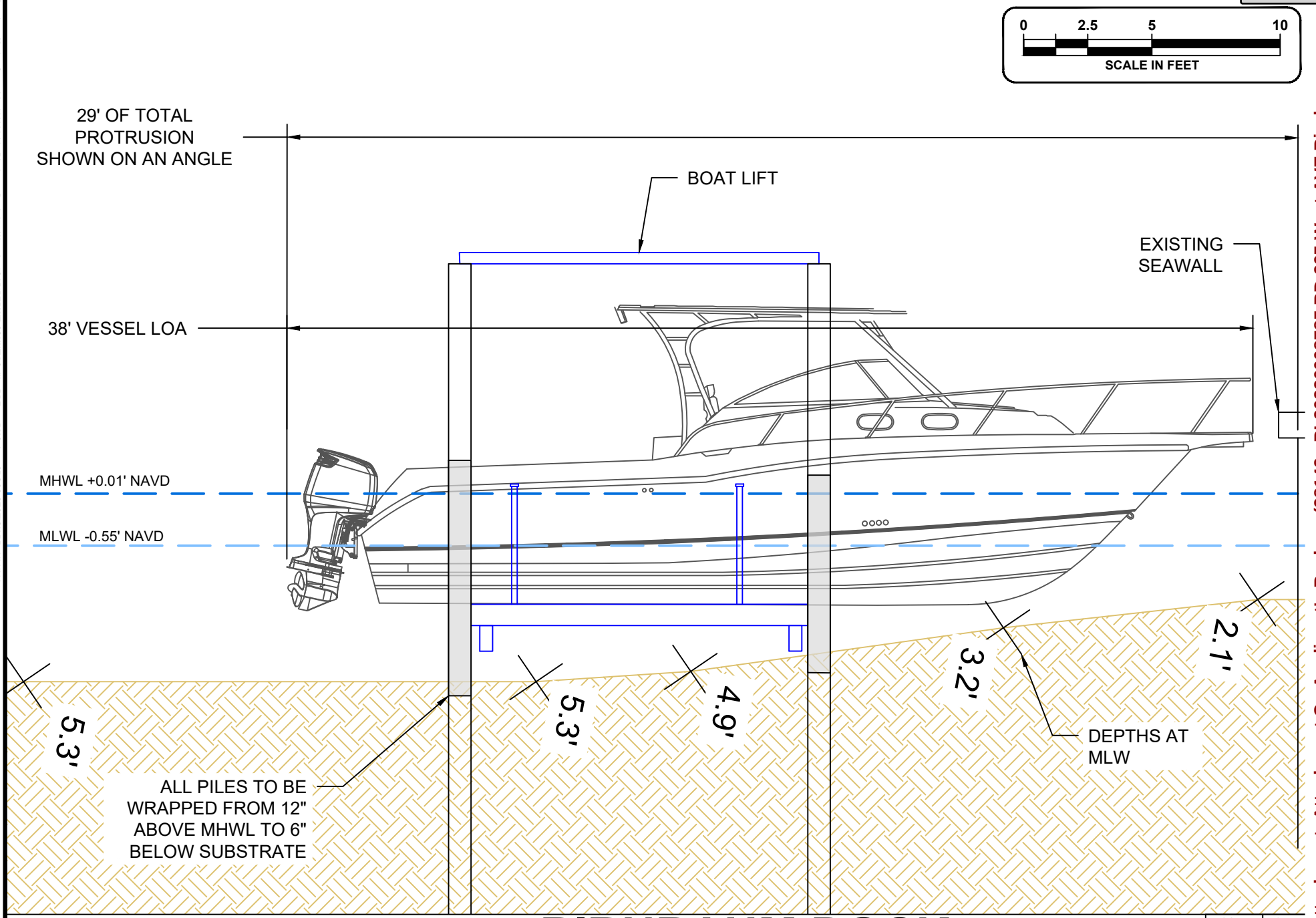
C:\Bayshore Marine Consulting\21036.00 - Birnbaum Dock-275 West Ave\CAD\PERMIT-COUNTY\Collier BDE set-BMC.dwg CROSS SECTION BB 2/21/2024



BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

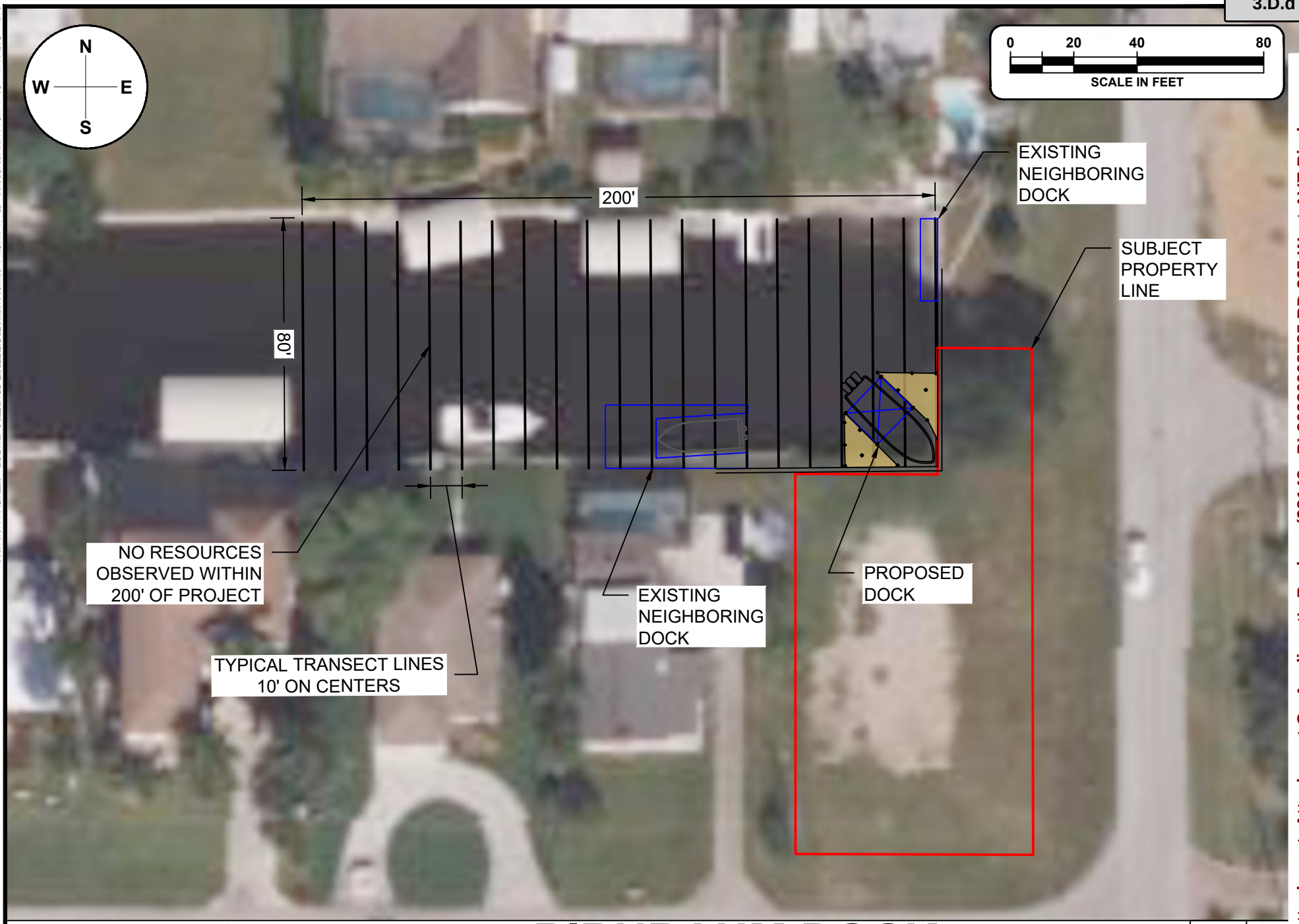
BIRNBAUM DOCK

CROSS SECTION BB

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	05 OF 09
CREATED:	12-21-23

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum



BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

SUBMERGED RESOURCE SURVEY

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	06 OF 09
CREATED:	12-21-23

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

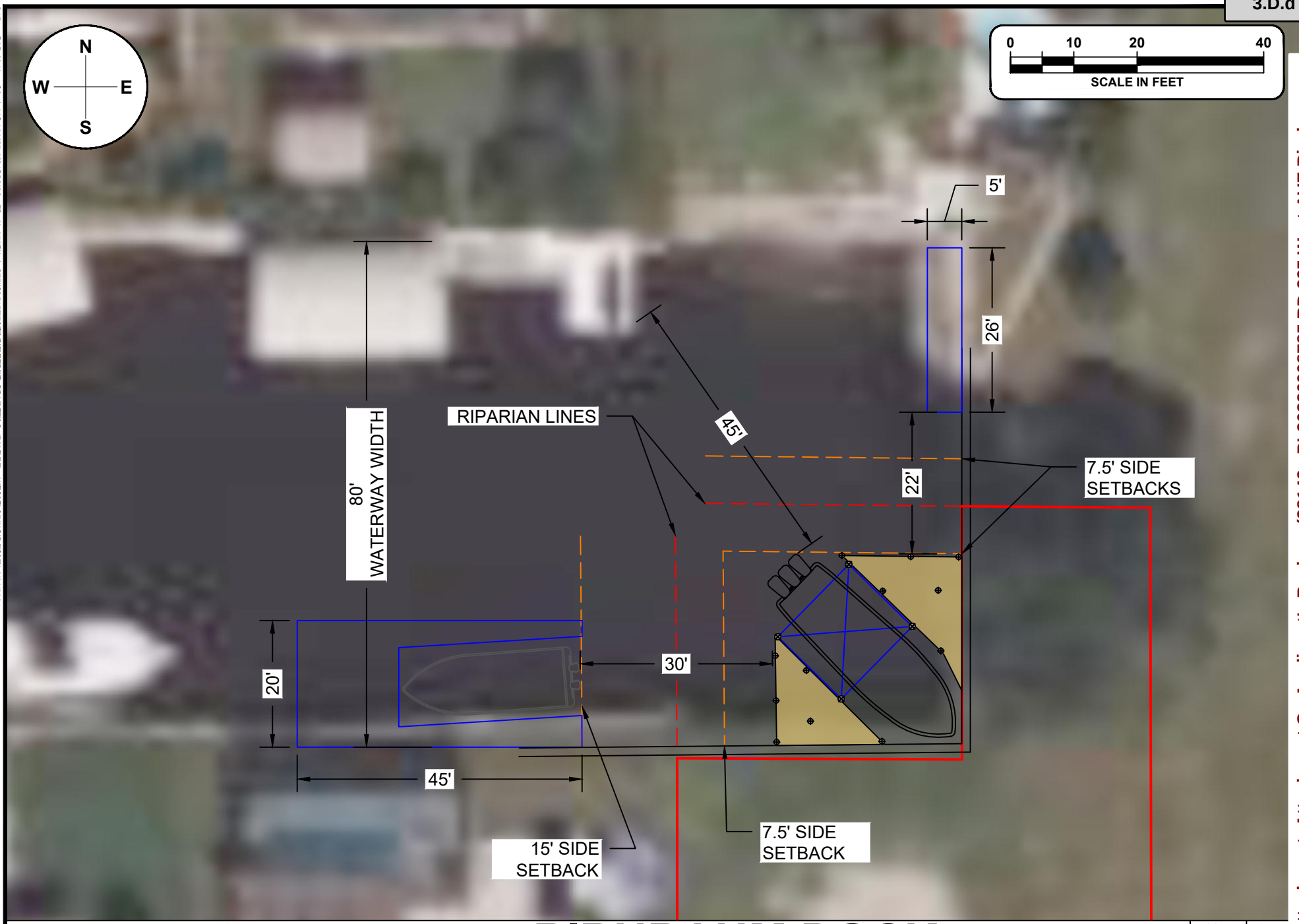
BIRNBAUM DOCK

ADJACENT DOCKS

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	07 OF 09
CREATED:	12-21-23

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum



Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

WATERWAY WIDTH

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	08 OF 09
CREATED:	12-21-23

BAYSHORE MARINE CONSULTING, LLC
NICK@BAYSHOREMARINECONSULTING.COM 239-404-7982

BIRNBAUM DOCK

WATERWAY WIDTH

THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	N.S.P.
JOB NO.:	21036
SHEET NO.:	09 OF 09
CREATED:	12-21-23

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

Primary Criteria

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

PRIMARY CRITERIA

The following criteria, pursuant to LDC section 5.03.06, shall be used as a guide by staff in determining its recommendation to the Office of the Hearing Examiner. The Hearing Examiner will utilize the following criteria as a guide in the decision to approve or deny a particular Dock Extension request. In order for the Hearing Examiner to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

   The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the CC-LDC. The proposed project consists of a dock intended to moor only a single vessel. This criteria is therefore met.

2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)

   Water depths directly adjacent to the seawall are not adequate for the proposed vessel to launch from, were it to be moored in a true shore parallel configuration, within 20' of the face of seawall. This criteria is therefore met.

3. Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

   There is no navigable channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project and the criteria is met.

4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50 percent of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)

   The proposed dock project occurs at the end of a linear canal which is approximately 80 feet in width. The dock itself will be constructed entirely within 20' of the standard

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

20'/25% of the width-of-waterway restriction. Only the vessel will overhang the protrusion limit. The vessel will protrude 29' into the waterway from the face of seawall, or approximately 36% of the width of waterway. The property opposite the project site has only a small marginal dock on the canal' terminal side, and so 50% of the waterway will be maintained for navigation. This criteria is therefore not met.

5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

   The docking facility has been specifically designed so as to optimize navigation to both the subject property and to the neighboring dock to the west. The neighbor to the north should remain unaffected by the proposed project design. Our opinion is therefore that the design as proposed is the most preferred so as to maintain public navigation of the area.

   If the subject property's dock was built within the standard protrusion code, mooring would need to occur either in an east-west configuration or a north-south configuration. The east-west configuration would obstruct access to the west neighbor's slip as their slip is 29' long but the space within the common riparian setbacks amounts to just 22.5'. A north-south configuration may work for the applicant, but would entail navigating very closely to the north neighbors dock and seawall during ingress and egress of their vessel. If this neighbor decided to build anything besides the existing structure, then their dock could be rendered more difficult or impossible to use. Our opinion, again, is therefore that the design as proposed is the most preferred so as to maintain public navigation of the area, and this criteria is met.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Secondary Criteria

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

SECONDARY CRITERIA

1. Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)

   The subject property is a corner lot and so the shoreline is configured in an L-shape where ingress and egress can only occur essentially from 1 side: the west. Standard lots in this area have 15' side setbacks. The typical dock facility for the area therefore can utilize 2 combined side setback voids (totaling 30') for navigation to and from their docks. The subject property, since it is a corner lot, is required to provide only 7.5' side setbacks. This means that the combined side setbacks available for utilization during ingress and egress of a vessel to the applicant's dock amounts to only 22.5' (the neighbor's 15' + the applicant's 7.5').

   Furthermore, the west neighbor has constructed a dock so that their vessel will not be able to navigate in and out of its slip if the full area within the subject property's side setbacks is utilized. This criteria is therefore met.

2. Whether the proposed dock facility would allow reasonable, safe, access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)

   The proposed facility will utilize only approximately 324 square feet of decking, which is smaller than almost every other dock on the canal. Therefore, we believe the decking proposed is not excessive and that this criteria is met.

3. For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)

   The shoreline of the subject property is 85' in length. The length of the single vessel proposed is 38' LOA. The single vessel does not exceed 50% of the property's shoreline. This criteria is therefore met.

4. Whether or not the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of either property owner.)

   The proposed dock and vessel are located in the corner of the canal and so should not cause any obstruction or impacts to views of the neighbors at all. Furthermore, the use of the dock for private, single-family recreational purposes is not changing, and so our opinion is that any change in views caused by the project will not be major. This criteria is therefore met.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 J must be demonstrated.)

   There are no seagrass beds present within 200' of the property and so no impacts to seagrasses should occur as a result of the proposed project. This criteria is therefore met.

6. Whether or not the proposed dock facility is subject to the manatee protection requirements of LDC subsection 5.03.06 E.11. (If applicable, compliance with subsection 5.03.06.E.11 must be demonstrated.)

   Section 5.03.06 of Collier County's Land Development Code (LDC) stipulates that "multi-slip docking facilities with 10 or more slips will be reviewed for consistency with the Manatee Protection plan (MPP)". The proposed project is for a private, recreational 1-slip dock associated with a single-family dock facility. The proposed facility does not have more than 10 slips and so is not subject to review for consistency with Collier County's MPP. This criteria is therefore not-applicable per county staff's usual interpretation of code.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

Boundary Survey

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

BENCHMARK
LAND SERVICES, INC.

1807 J. & C. Boulevard
Naples,Florida 34109
L.B. # 7502

Tel. 239-591-0778
Fax. 239-591-1195
www.benchmarklandservices.com

SKETCH OF BOUNDARY SURVEY

SURVEY #21908

Property Address:
295 West Avenue
Bonita Springs, FL 34134

Certified To:
Fusion FL LLC

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

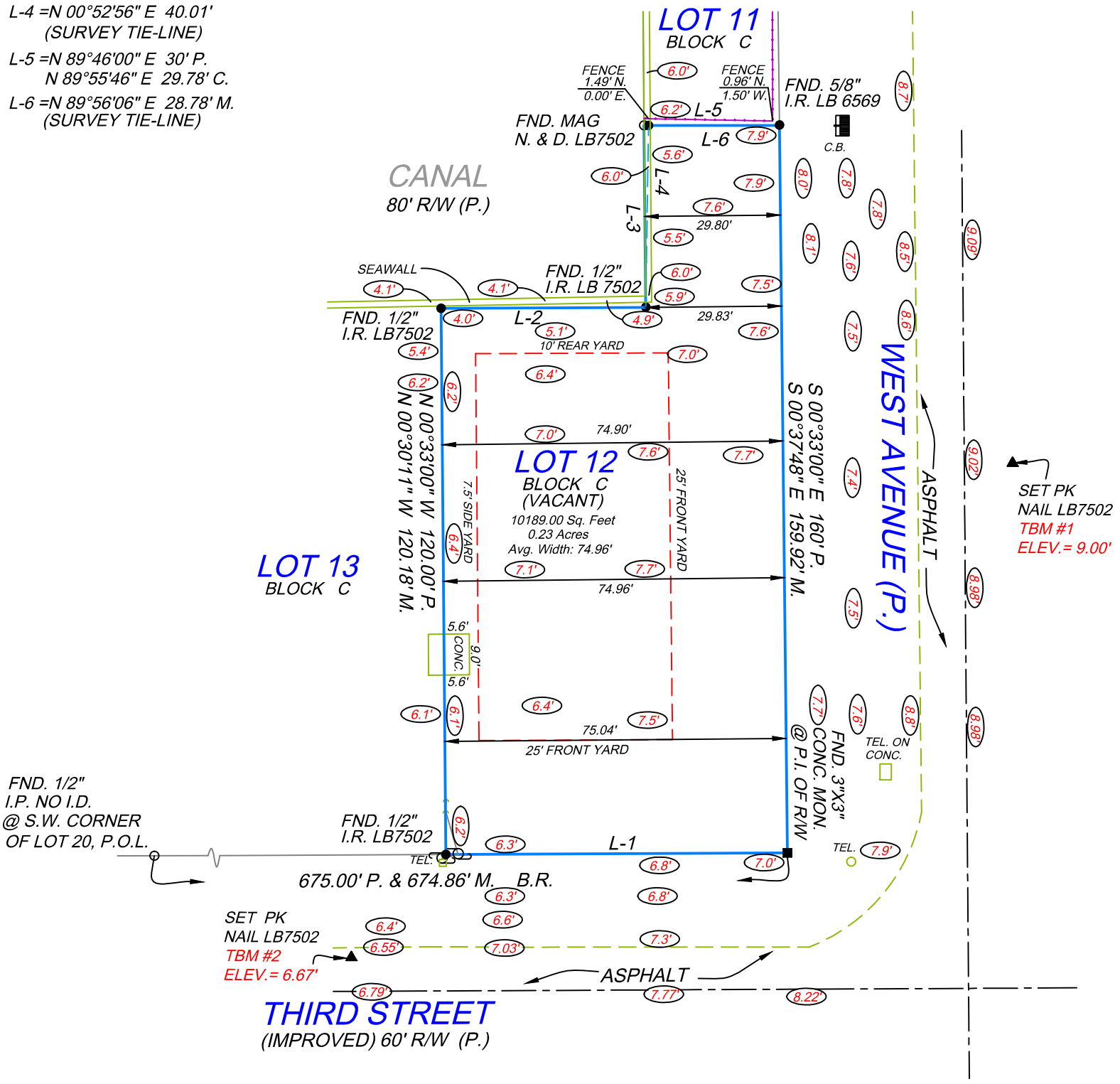
Flood Zone Information:
Community Number: 120067
Panel: 0179 Suffix: H
Effective Date: 05/16/2012
Flood Zone: AE BFE: 10' N.A.V.D. 1988

Legal Description As Furnished:
Lot 12, Block C, LITTLE HICKORY SHORES, UNIT NO. 1, according to the plat thereof as recorded in Plat Book 3, Page (s) 6, of the Public Records of Collier County, Florida.

DATE OF SURVEY	DRAWN BY
11/13/2020	N.G.
COMPLETION DATE:	CHECKED BY
11/16/2020	K.S.
AMEND TBM : 01/21/2021	
ADDED SEAWALL ELEVATIONS: 02/09/2021	
AMEND ADDRESS : 05/10/2022	

BEARINGS SHOWN HEREON ARE BASED UPON AN ASSUMED BEARING OF S 89°46'00" W FOR THE NORTH R/W OF THIRD STREET WEST.

L-1= S 89°46'00" W 75.00' P.
S 89°37'52" W 75.09' M.
L-2= N 89°46'00" E 45.00' P. & M.
L-3 =N 00°33'00" W 40.00' P. & C.
L-4 =N 00°52'56" E 40.01'
(SURVEY TIE-LINE)
L-5 =N 89°46'00" E 30' P.
N 89°55'46" E 29.78' C.
L-6 =N 89°56'06" E 28.78' M.
(SURVEY TIE-LINE)



N

1 inch = 30' ft.

GRAPHIC SCALE
0 15 30

1. LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
3. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
5. THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
6. ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
7. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
8. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
9. WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (2)4(d)4 OF THE FLORIDA ADMINISTRATIVE CODE.
10. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
11. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION OR PLANNING.
12. ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

POINTS OF INTEREST:

I hereby certify that A Survey of the hereon described property was made under my direction per Standards of Practice as per Chapter 5J-17.053, F.A.C. & pursuant to section 472.027, Florida Statutes.

KENNETH SARRIO
Professional Surveyor & Mapper
PSM No. 6348 State of Florida

KENNETH SARRIO License No. 6348 STATE OF FLORIDA Professional Surveyor and Mapper

A.E.	ACCESS EASEMENT	D.E.	DRAINAGE EASEMENT	I.E.	INGRESS / EGRESS EASEMENT	P.C.P.	PERMANENT CONTROL POINT	PLT.	PLANTER		
B.D.	BRASS DISC	D.H.	DRILL HOLE	I.R.	IRON ROD	PK	PARKER-KALON NAIL	R.	RADIAL		
BLDG.	BUILDING	F.F.	FINISHED FLOOR	L.M.E.	LAKE MAINTENANCE EASEMENT	P.I.	POINT OF INTERSECTION	R/W	RIGHT OF WAY		
B.R.	BEARING REFERENCE	FND.	FOUND	M.	FIELD MEASURED	P.L.S	PROFESIONAL LAND SURVEYOR	S.D.	STORM DRAIN		
C.	CALCULATED	GEN.	GENERATOR	M.E.	MAINTENANCE EASEMENT	P.T.	POINT OF TANGENCY	SCRN.	SCREENED		
CATV	CABLE TV. RISER	ELEC.	ELECTRIC BOX	M.E.S.	MITERED END SECTION	P.O.B.	POINT OF BEGINNING	T.B.M.	TEMPORARY BENCH MARK		
C.B.	CATCH BASIN	ENCL.	ENCLOSURE	N.& D.	NAIL & DISK	P.E.P.	PROPOSED POOL EQUIPMENT	TEL.	TELEPHONE FACILITIES		
C/O	CLEAN OUT	E.O.W.	EDGE OF WATER	N.R.	NON-RADIAL	P.R.C.	POINT OF REVERSE CURVATURE	T.O.B.	TOP OF BANK		
C.M.	CONCRETE MONUMENT	EQ.	EQUIPMENT	O.H.L.	OVERHEAD LINE	P.R.M.	PERMANENT REFERENCE MONUMENT	U.E.	UTILITY EASEMENT		
C.U.E.	COUNTY UTILITY ESMT.	ELEV.	ELEVATION	P.	PLAT	P.U.E.	PUBLIC UTILITY EASEMENT	W.M.	WATER METER		
C.V.G.	CONC VALLEY GUTTER	I.D.	IDENTIFICATION	P.C.	POINT OF CURVATURE	P.C.C.	POINT OF COMPOUND CURVATURE				
D.	DEEDED	I.P.	IRON PIPE	P.C.C.	POINT OF COMPOUND CURVATURE	PROP.	PROPOSED				

EXISTING ELEVATION
PROPOSED ELEVATION
IRON ROD
CONCRETE MONUMENT
CATCH BASIN
FENCE
NAIL
CONC. CONCRETE
N/A NOT APPLICABLE

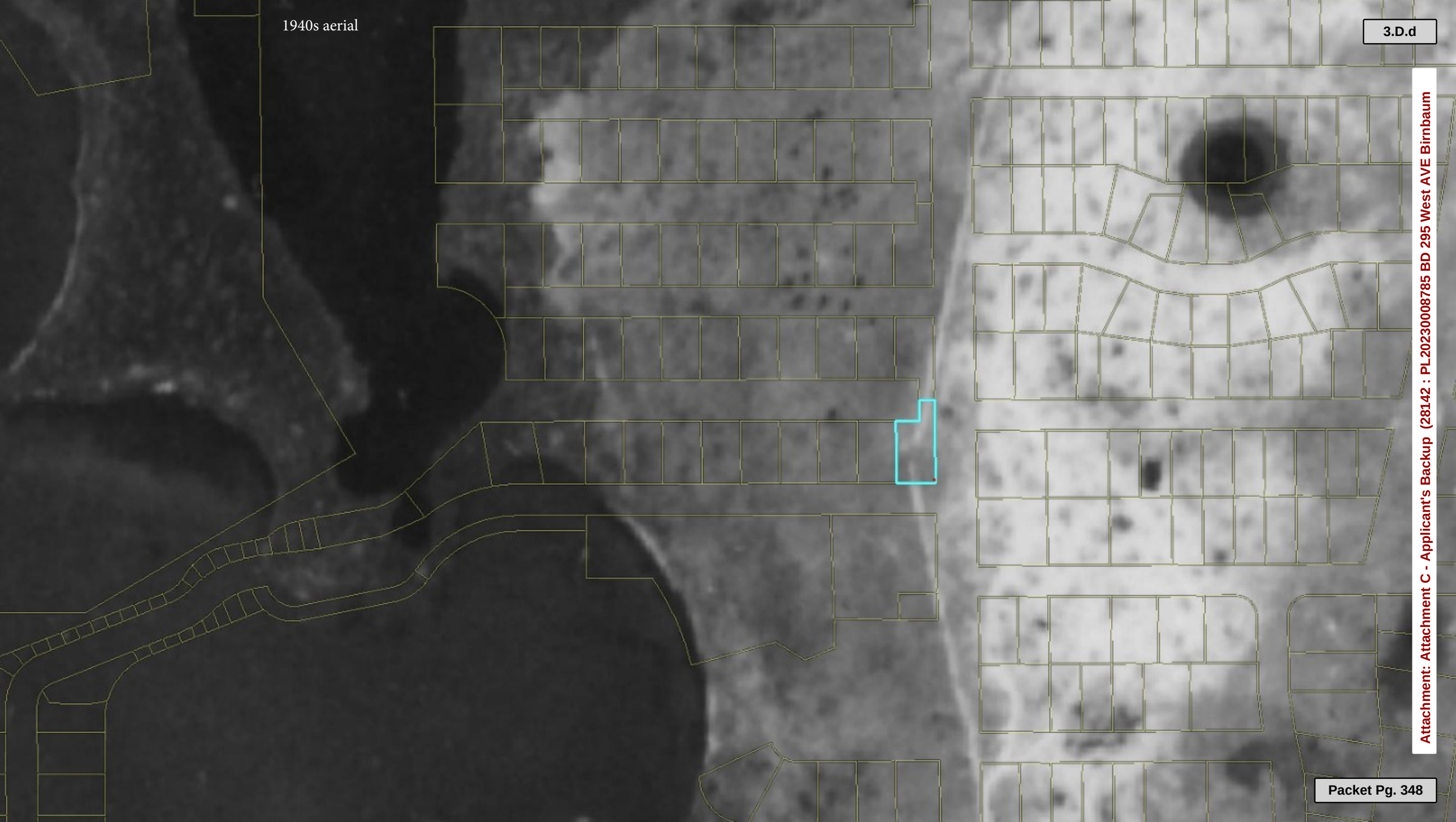
WV WATER VALVE
POWER POLE
WELL
EXISTING FIRE HYDRANT
BENCH MARK
LAMP POST

℄ CENTER LINE

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

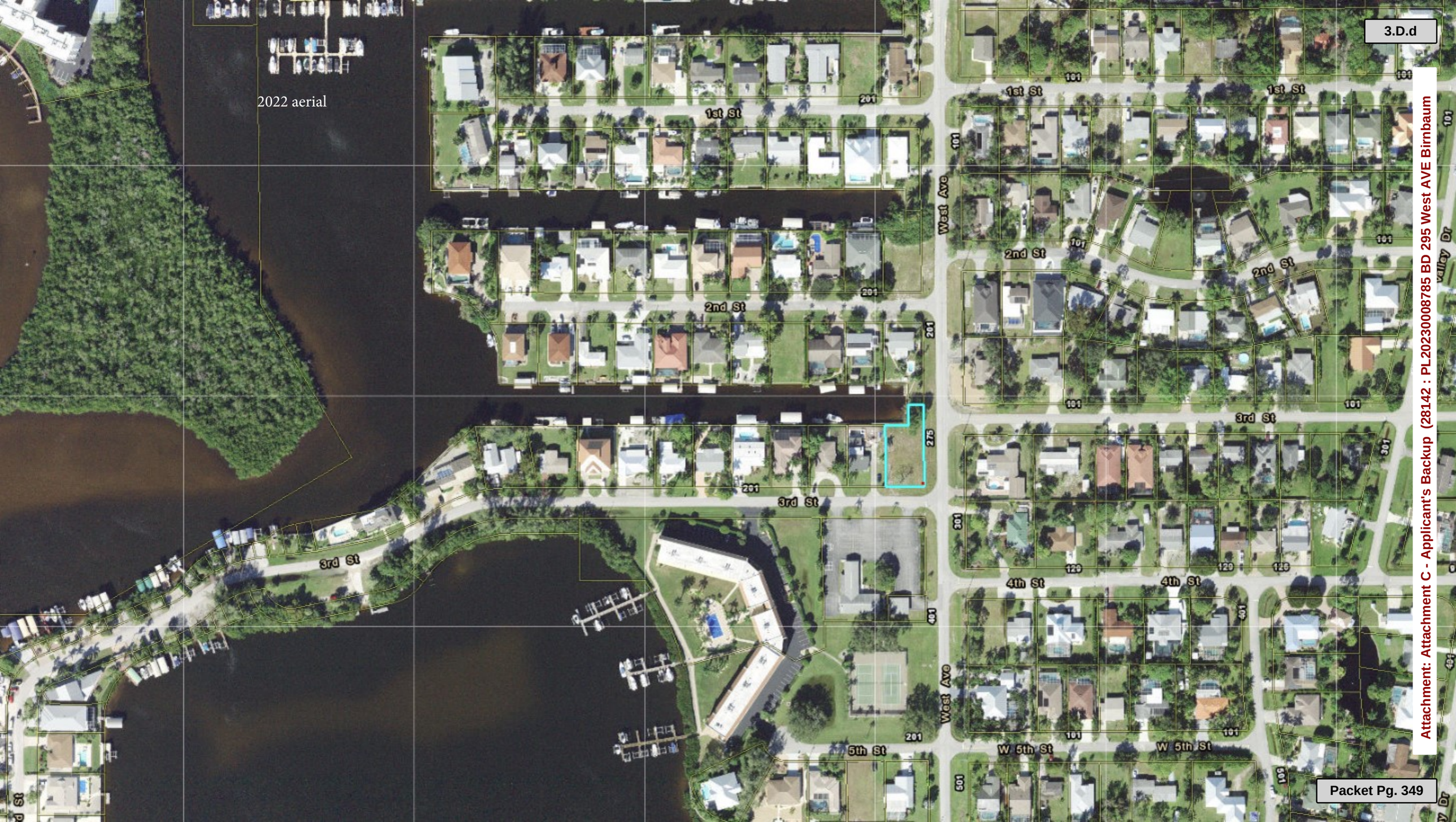
Historical Aerial Imagery

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)



Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

2022 aerial



Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

Submerged Resource Survey

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

295 West Ave
Bonita Springs, FL 34134
Folio #55852520000

Submerged Resource Survey Report
May 2023

Prepared by:

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

PHONE: 239-643-0166 WWW.THANAPLES.COM

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

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1 Introduction 1
2 Objective 2
3 Methodology 3
4 Results 4
5 Conclusion 5
6 Photos 6

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 295 West Ave. in Bonta Springs, FL 34134. The site is located within Section 5, Township 48 S, and Range 25 E of Collier County and can be identified by folio #55852520000. This resource survey will provide planning assistance to both the property owner and regulating agencies during any review processes for the proposed project.

The subject property consists of a 0.23-acre parcel that can be found approximately 0.5 miles west of Vanderbilt Dr. and approximately 0.17 miles south of Bonita Beach Rd. on a manmade canal off of Little Hickory Bay. The parcel is currently under construction with a single-family residence. It sits on the end corner of the canal and so has an "L" shaped seawall that is approximately 85' in total length. The property is neighbored to the north, east, and west by single-family homes, and to the south by a private community clubhouse. Nearly all surrounding lots within the canal have dock facilities, of which most are similar in size to that which is proposed.

The SRS was conducted on May 4th, 2023, between approximately 2:00 p.m. and 3:00 p.m. Site conditions consisted of clear skies with a slight breeze. Water clarity was adequate and allowed approximately 2 feet of visibility. The ambient air temperature was approximately 85 degrees Fahrenheit and wind speeds averaged 0 - 5 mph from the north. The average ambient water temperature was approximately 82 degrees Fahrenheit. High tide occurred prior to the site visit at approximately 1:06 p.m. and reached approximately 2.0 feet above the Mean Low Water Mark. Low tide was achieved following the site visit at approximately 7:39 p.m., reaching approximately 0.1 feet below the Mean Low Water Mark.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

2 OBJECTIVE

The objective of the SRS was to identify and locate any existing submerged resources within 200 feet of the proposed docking facility expansion. Ordinarily, if seagrasses are present within the vicinity of a project area, an analysis will be required regarding species, percent coverage, and impacts projected by the proposed project. The presence of seagrasses may be ample cause for re-configuration of the design for projects over surface waters in order to minimize impacts. The general scope of work performed during a typical submerged resource survey is summarized below:

- THA personnel will conduct a site visit and swim a series of transects within the project site in order to verify the location of any submerged resources.
- THA personnel will identify submerged resources within the vicinity of the site and produce an estimate of the percent coverage of any resources found.
- THA personnel will delineate the approximate limits of any submerged resources observed via a handheld GPS device.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

3 METHODOLOGY

THA biologists intentionally designed the methodology of the SRS to cover not only the entire property shoreline for the proposed project but also a 200 ft. area surrounding the proposed site. The components utilized for this survey included:

- Reviewing aerial photography of the surveyed area.
- Establishing survey transect lines (spaced approximately 10 feet apart) overlaid onto aerials. (See attached Exhibits)
- Physically swimming the transects, GPS locating the limits of any submerged resources found, and determining the percent coverage within the area.
- Documenting and photographing all findings

The surveyed area was evaluated systematically by following the established transect lines throughout the project site as shown on the attached exhibit. Neighboring properties, docking facilities, and other landmarks provided reference markers which assisted in maintaining correct positioning over each transect.

During this SRS, one THA staff member swam the transect lines using snorkel equipment while a second remained on the shore taking notes and compiling findings on an aerial of the project site. Ordinarily, if any resources are found, they are photographed, GPS located, delineated, and analyzed for percent coverage within the area via a half meter square quadrat.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

4 RESULTS

The substrate found within the surveyed area consists of silty muck material with infrequent shell debris. Depths increased gradually with distance from the shoreline to the middle of the waterway from approximately 3 to 7 feet. During the submerged portion of the survey, no seagrasses, oysters, or other resources were observed in any capacity on the benthic surface. Oysters could be seen on some of the seawall panels and dock piles within the survey area. Accordingly, no impacts to submerged resources are expected to occur as the result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

Table 1: Observed species of wildlife and vegetation within the vicinity of the project site

Common Name	**Scientific Name**
Sheepshead	*Archosargus probatocephalus*
Eastern oyster	*Crasostrea virginica*
West Indian Manatee	*Trichechus manatus*
Common barnacle	*Balanus spp.*

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

5 CONCLUSION

The submerged resource survey was conducted and completed throughout a 200-foot wide area surrounding the project site and yielded no results. No seagrasses or other resources were observed anywhere within the vicinity of the project site. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project at this location.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

6 PHOTOS

Photo 1: View of the "L" shaped seawall and proposed project location.

Photo 2: View of the neighboring dock facility and view corridor down the canal.

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

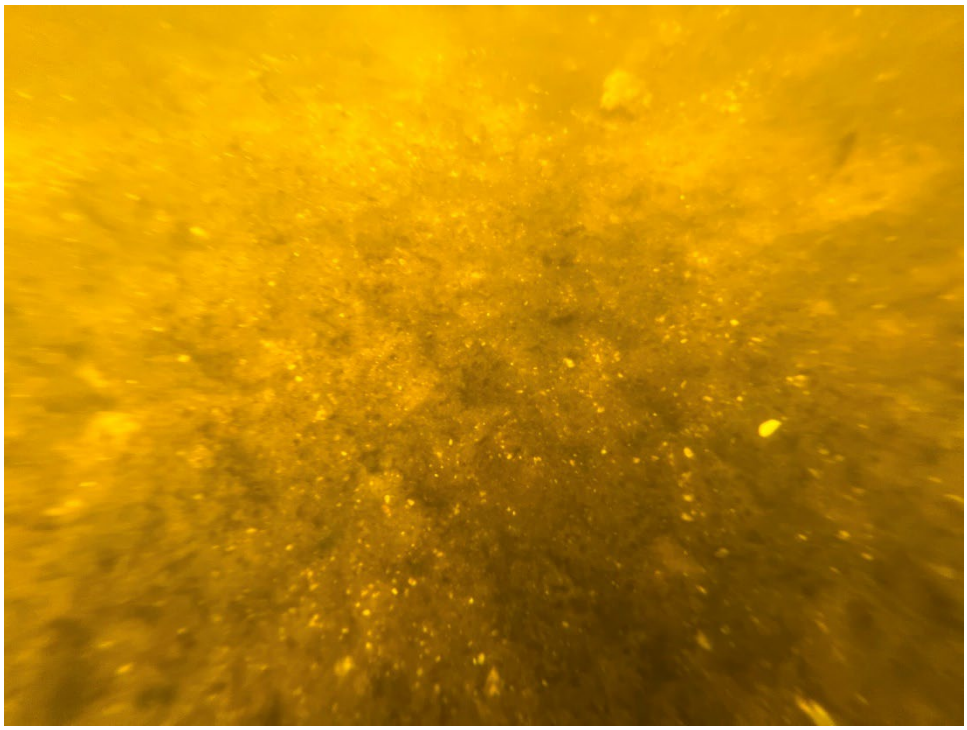
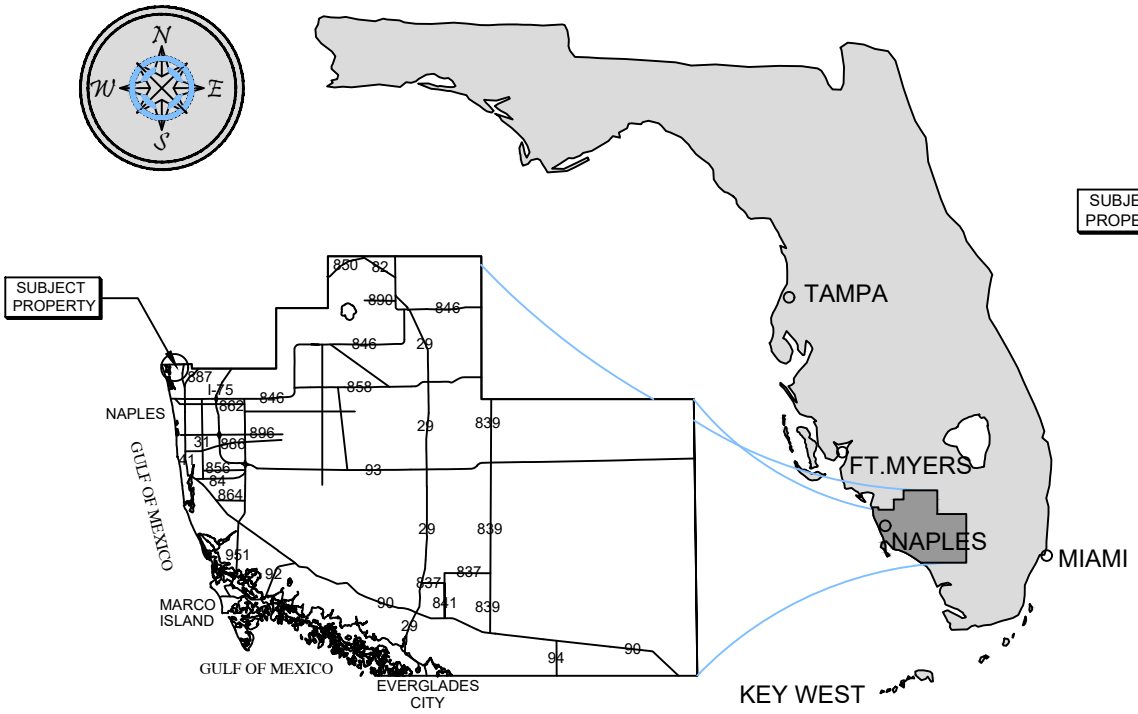


Photo 3: Typical view of substrate within the vicinity of the project site.

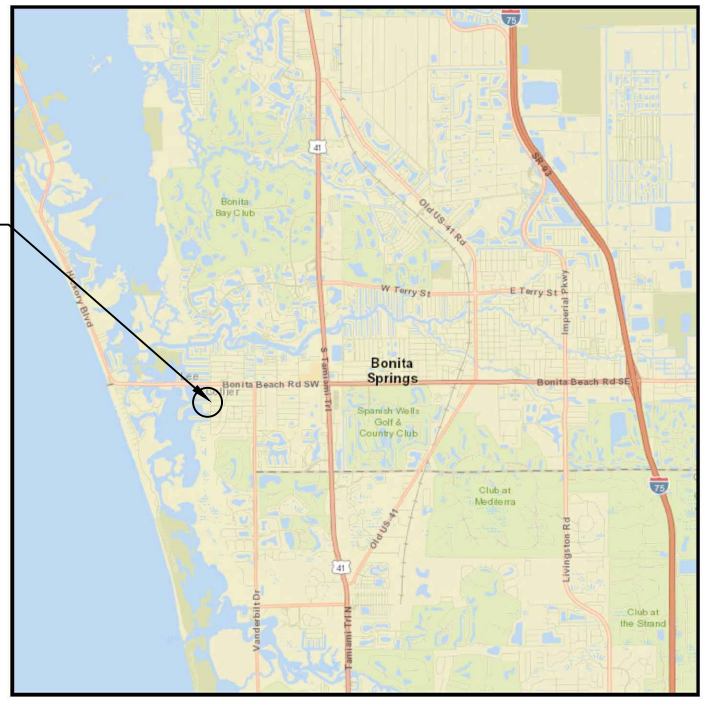
Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

P:\21036.00 Birnbaum Dock-275 West Ave\CAD\EIA\21036-SRS.dwg LOCATION MAP 8/17/2023

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

COUNTY AERIAL

SITE ADDRESS:
<> 295 WEST AVE
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.327694
<> LONGITUDE: W -81.827359

NOTES:
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

Turrell, Hall & Associates, Inc.
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295 WEST AVE

LOCATION MAP

RY NO. 5875

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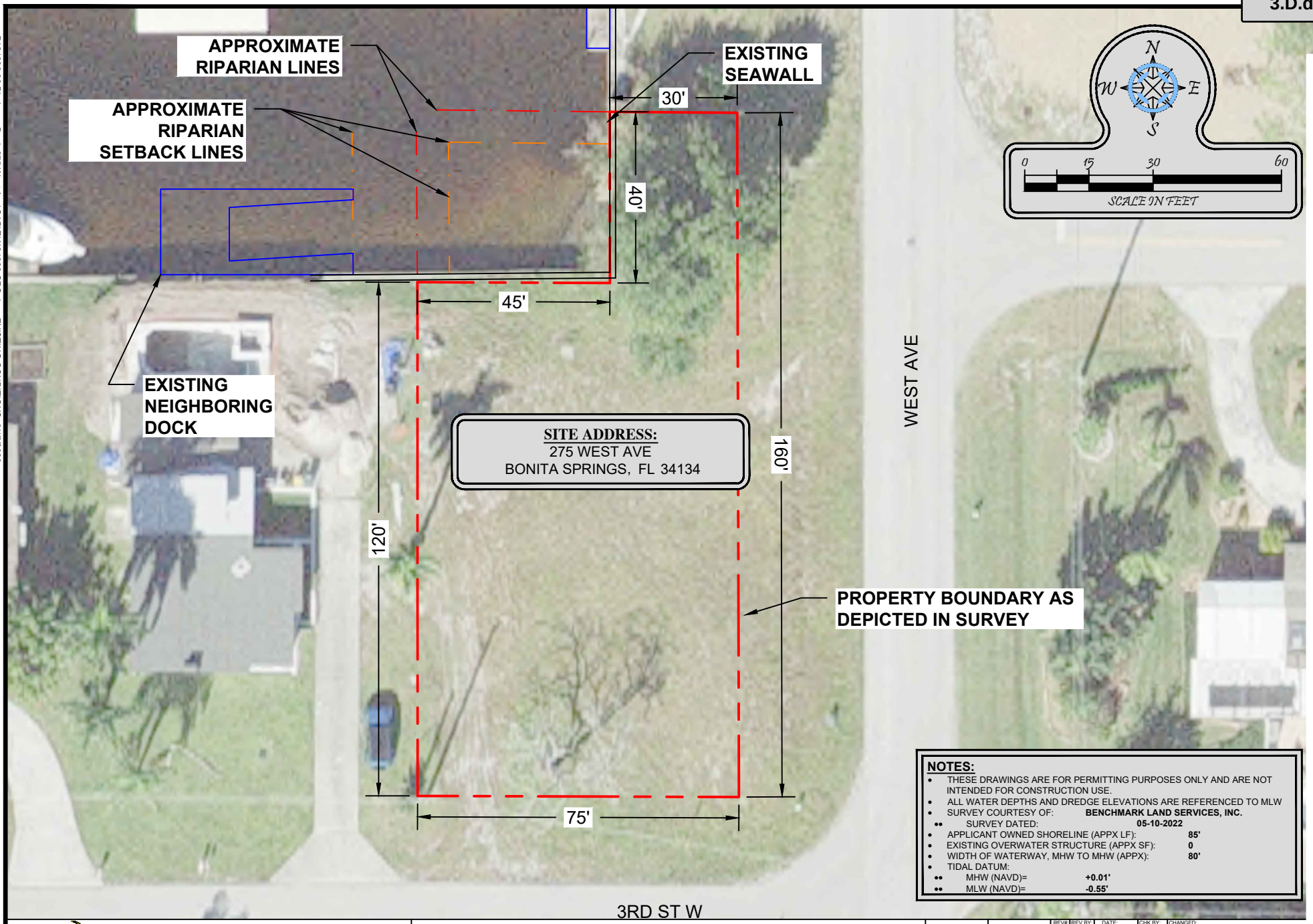
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	05-16-23	3.	-	-	-	-
JOB NO.:	21036	4.	-	-	-	-
SHEET NO.:	01 OF 04	5.	-	-	-	-

SECTION- 5 TOWNSHIP- 48S

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

P:\21036.00 Birnbaum Dock-275 West Ave\CAD\EIA\21036-SRS.dwg EXISTING CONDITIONS 8/17/2023



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **BENCHMARK LAND SERVICES, INC.**
  - SURVEY DATED: **05-10-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **80'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**

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295 WEST AVE

EXISTING CONDITIONS

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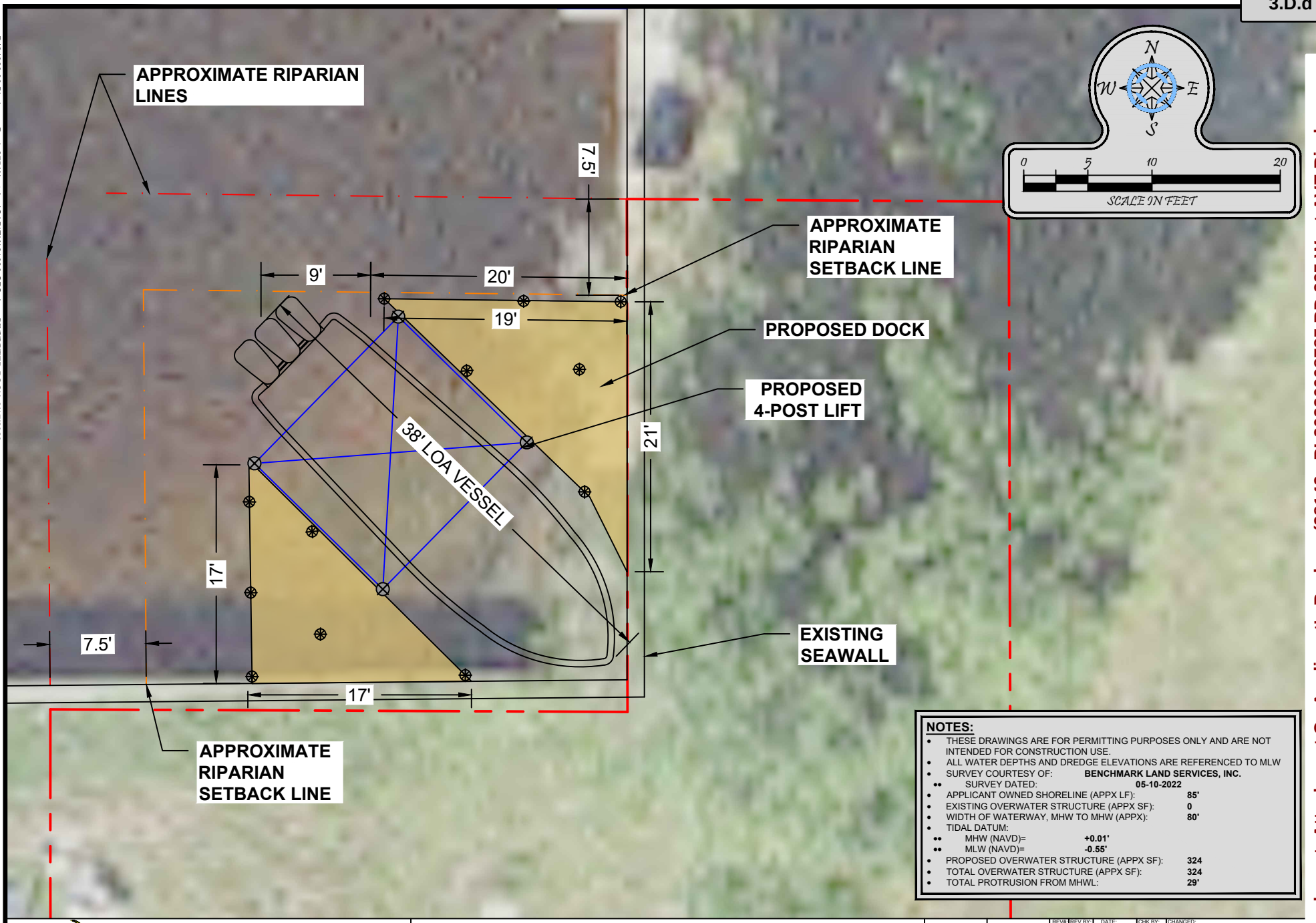
JOB NO.:	21036	4.	-	-	-	-
SHEET NO.:	02 OF 04	5.	-	-	-	-

SECTION- 5 TOWNSHIP- 48S

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

P:\21036.00 Birnbaum Dock-275 West Ave\CAD\EIA\21036-SRS.dwg PROPOSED DOCK 8/17/2023



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  - SURVEY DATED: **05-10-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **80'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.01'**
  - MLW (NAVD)= **-0.55'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **324**
- TOTAL OVERWATER STRUCTURE (APPX SF): **324**
- TOTAL PROTRUSION FROM MHWL: **29'**

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295 WEST AVE

PROPOSED DOCK

RY NO. 5875

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SECTION-5 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

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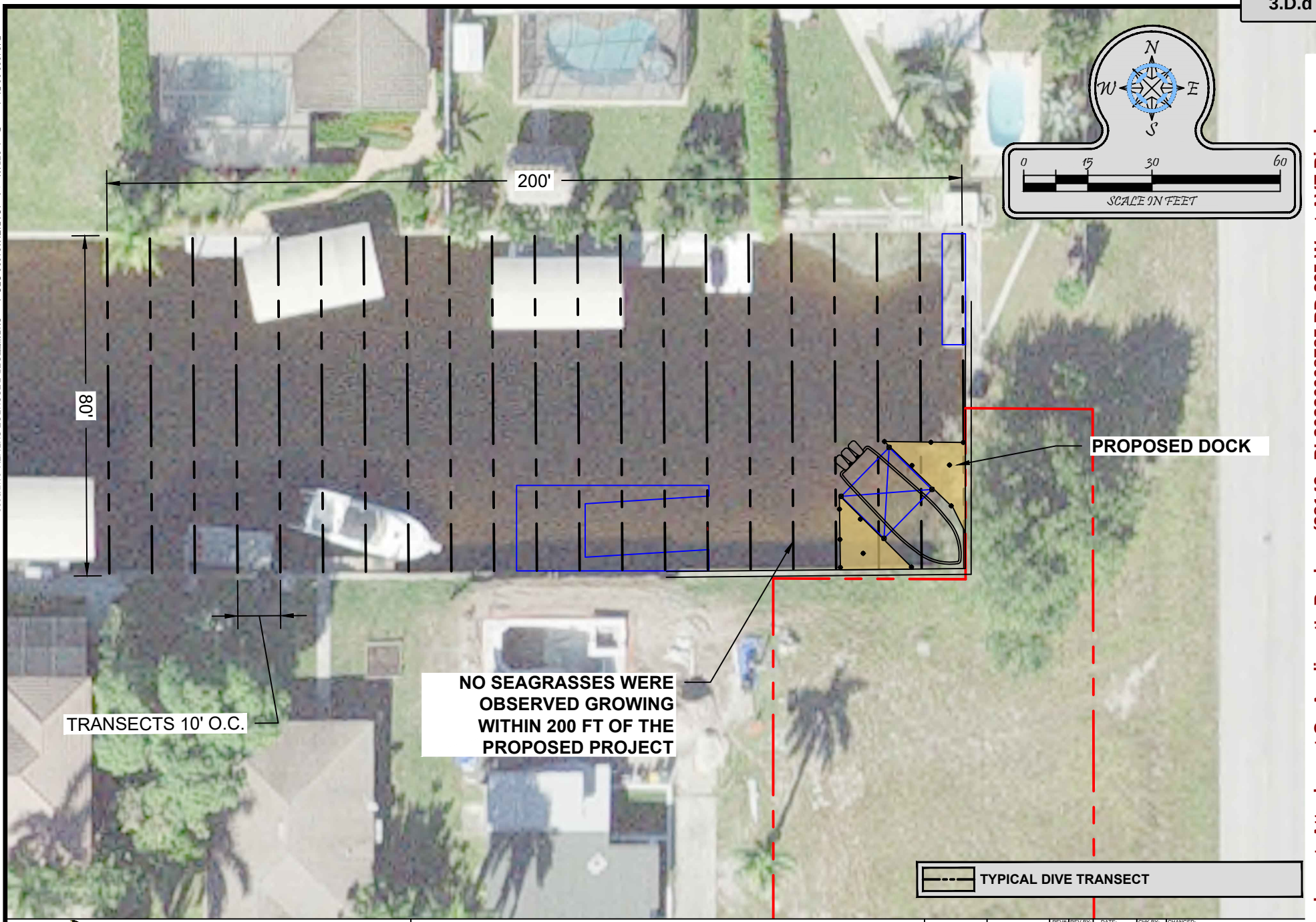

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295 WEST AVE

SUBMERGED RESOURCE SURVEY

RY NO. 5875

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SECTION-5 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup (28142 : PL20230008785 BD 295 West AVE Birnbaum

Attachment: Attachment D - Public Hearing Sign Posting, 02 23 2024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)

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Attachment: Attachment D - Public Hearing Sign Posting, 02 23 2024 (28142 : PL20230008785 BD 295 West AVE Birnbaum Dock)