COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

February 24, 2022

9: 00 AM

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

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

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

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

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. Petition No. PL20210002390 - Request for an insubstantial change to the Creekside Commerce Park Commercial Planned Unit Development (CPUD) by requesting a modification to a deviation to allow Tract 7 to qualify for an alternative architectural compliance process. The subject site is 5.25 ± acres located at 1336 Innovation Blvd in Section 27, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Gabriela Castro, Principal Planner] Commission District 2

B. Petition No. BDE-PL20200002208 - Request for a 36.9-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow construction of a boat docking facility protruding a total of 56.9 feet into a waterway that is 271.6± feet wide to allow a new boat dock facility with two boat slips, each with a boat lift, one for a 39-foot vessel and the other for a 20-foot vessel and paddle craft for the benefit of property described as Lot 20, Southport on the Bay, Unit One, located at 226 Malibu Cove, in Section 6, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

C. Petition No. BDE-PL20210000104 - Request for a 21-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 41 feet into a waterway that is 121.6± feet wide for the benefit of property located at 1680 Vinland Way, also described as Lot 19, Landing at Bear's Paw, in Section 35, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 4

D. Petition No. VA-PL20210001516 - Request for a variance from section 5.03.06.E.5 of the Land Development Code to reduce the required eastern side setback for a boat dock facility from 15 feet to 5.1 feet for a lot with 63.2± feet of water frontage located at 177 Topanga Drive further described as Lot 86, Southport on the Bay Unit 1, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

E. Petition No. BDE-PL20210000155 - Request for a 31.1-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 51.1 feet into a waterway that is 125.1 feet wide. The subject property is located at 177 Topanga Drive and is further described as Lot 86, Southport on the Bay Unit 1, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

4. Other Business

5. Public Comments

6. Adjourn

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Item Summary: Petition No. PL20210002390 - Request for an insubstantial change to the Creekside Commerce Park Commercial Planned Unit Development (CPUD) by requesting a modification to a deviation to allow Tract 7 to qualify for an alternative architectural compliance process. The subject site is 5.25 ± acres located at 1336 Innovation Blvd in Section 27, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Gabriela Castro, Principal Planner] Commission District 2

Meeting Date: 02/24/2022

Prepared by:
Title: Principal Planner – Zoning
Name: Gabriela Castro
01/24/2022 11:56 AM

Submitted by:
Title: – Zoning
Name: Mike Bosi
01/24/2022 11:56 AM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	01/27/2022 10:37 AM
Zoning	Ray Bellows	Review Item	Completed	01/27/2022 3:10 PM
Zoning	Mike Bosi	Review Item	Completed	02/02/2022 8:18 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	02/24/2022 9:00 AM	

STAFF REPORT

TO: HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: FEBRUARY 24, 2022

SUBJECT: PDI-PL20210002390, CREEKSIDE COMMERCE PARK CPUD (COMMERCIAL PLANNED UNIT DEVELOPMENT)

APPLICANT:

RES Florida 1370 Holdings LLC
1370 Creekside Blvd
Naples, FL 34108

AGENT:

D. Wayne Arnold, AICP
Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

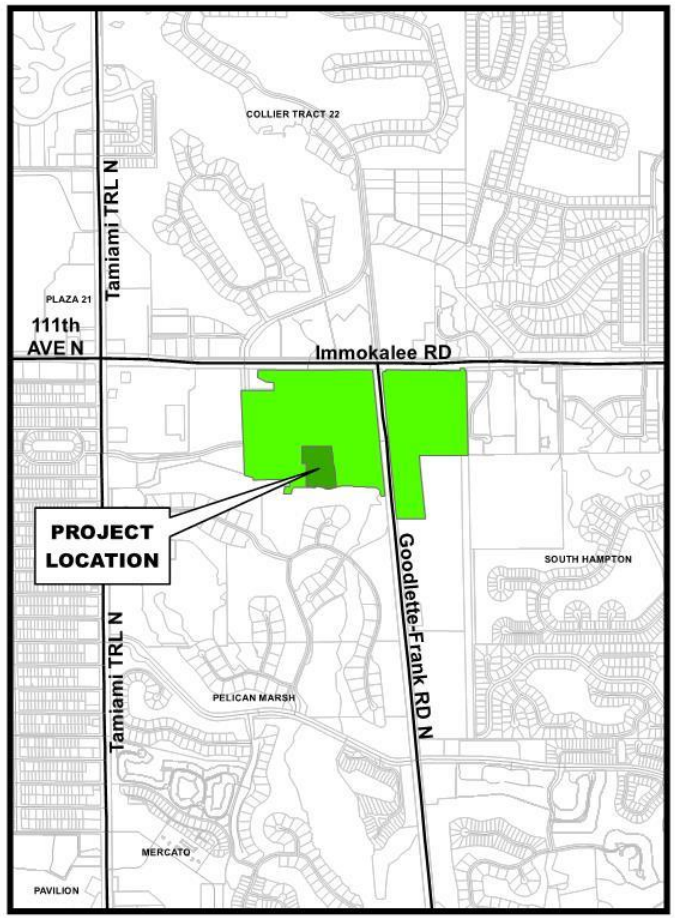
REQUESTED ACTION:

The petitioner requests that the Hearing Examiner approve an insubstantial change to Ordinance Number 2006-50, the Creekside Commerce Park Commercial Planned Unit Development (CPUD) to modify a previously approved deviation to allow to Tract 7 to qualify for alternative architectural compliance process.

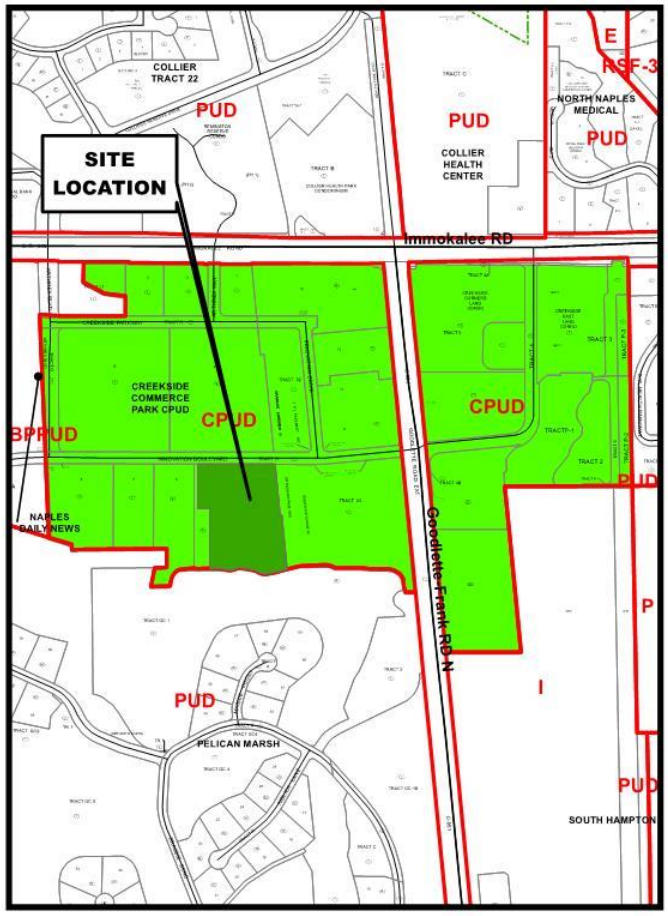
GEOGRAPHIC LOCATION:

The subject property is 5.25± acres located south of Immokalee Road west of Goodlette-Frank Road in Sections 27, Township 48 South, Range 25 East, Collier County, Florida. (See the Location Map on page 2 of this Staff Report.)

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)



Location Map

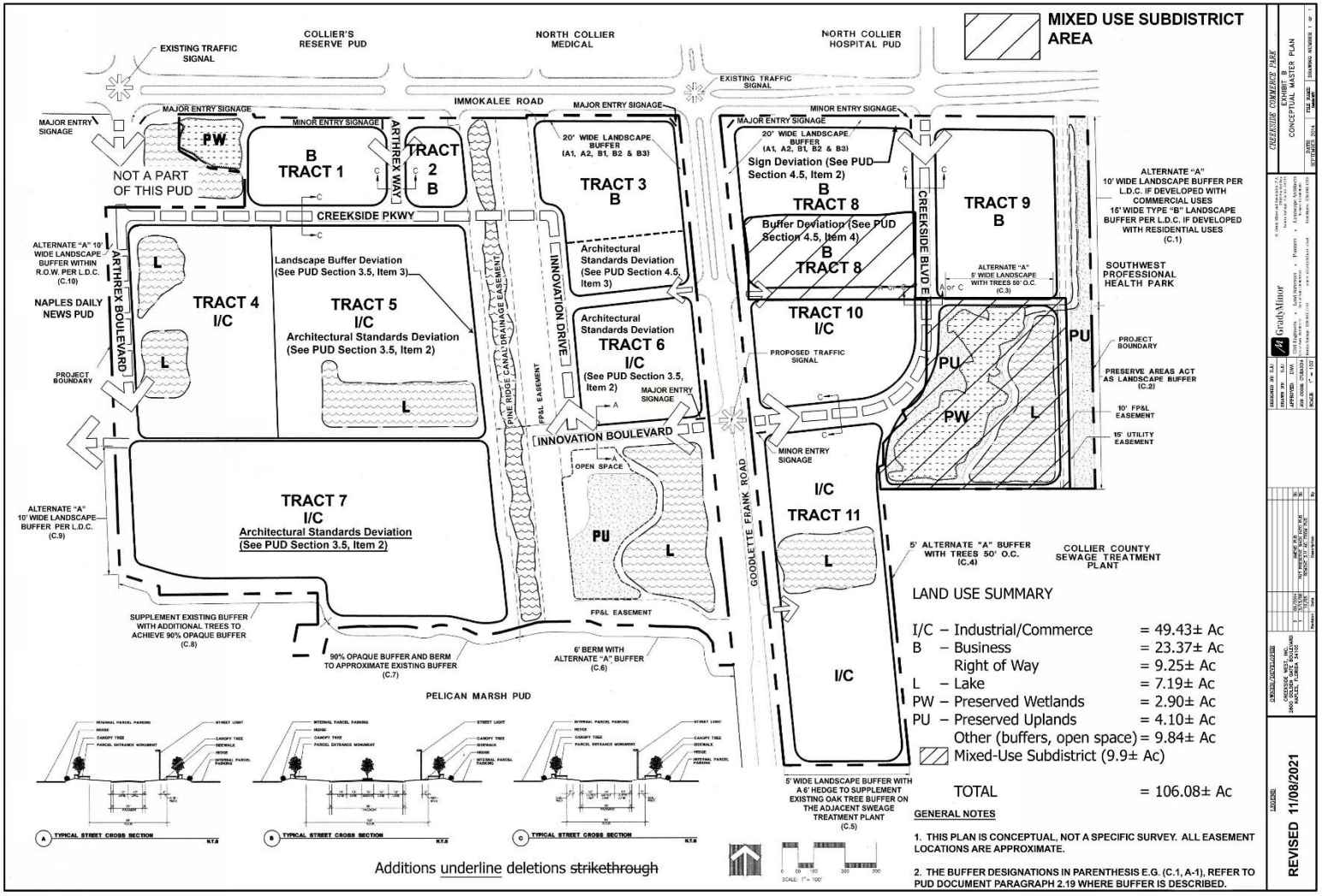


Zoning Map

Petition Number: PL20210002390

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)



PURPOSE/DESCRIPTION OF PROJECT:

The Creekside Commerce Park Commercial Planned Unit Development (CPUD) was originally approved in Ordinance Number 97-51 on October 21, 1997. There was a subsequent ordinance, Ordinance Number 06-41, which was repealed along with Ordinance Number 97-51 with the adoption of Ordinance Number 06-50 on October 24, 2006. There have been four amendments to Ordinance Number 06-50 since, Ordinance numbers 13-23, 16-05, 16-32, 18-19, and 21-35.

In Ordinance Number 16-32, the architectural deviation was first adopted on Tract 5 to qualify for alternative architectural compliance process. The deviation was then amended in Ordinance Number 18-19 to apply to Tract 6. The petitioner proposes to apply the deviation to Tract 7.

The petitioner is now proposing the following changes:

- To include Tract 7 in the deviation section 3.5.2 of the existing PUD, to allow buildings in Tract 7 to seek the alternative architectural design process; and
- To include a PUD monitoring note.

Please see Attachment A-*Proposed PUD language.*

SURROUNDING LAND USE AND ZONING (related to the subject parcels)

North: Innovation Boulevard, then a United States Post Office on Tract 4 and Arthrex on Tract 5 with a zoning designation of the Creekside Commerce CPUD

East: Drainage Easement followed by an FPL easement, followed by a preserved uplands area and lake area with a zoning designation of the Creekside Commerce CPUD

South: A Golf Course with a zoning designation of Pelican Marsh DRI (Development of Regional Impact)

West: Parking lot with a zoning designation of The Naples Daily News BPUD (Business Park PUD).

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)



AERIAL PHOTO

STAFF ANALYSIS:

Comprehensive Planning: The proposed PDI is consistent with the Future Land Use Element (FLUE) of the Growth Management Plan (GMP).

Transportation Element: Transportation Planning staff has reviewed the petition for compliance with the GMP and the LDC and recommends approval of the request.

Architectural Review: Architectural staff has reviewed the petition and recommends approval of the request.

Zoning Review: As previously stated, the petitioner is proposing to expand s previously approved architectural deviation to apply to Tract 7. The architectural deviation will allow alternative architectural compliance process found in Section 5.05.08 of the LDC. The PUD was previously amended to grant Tract 5 and Tract 6 this deviation. Arthrex is the owner of all three tracts and would like to continue the common building design elements implemented in already-built portions of the Arthrex Campus. For further information regarding the Deviations, please see the Deviations section of this Staff Report.

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)

CONCURRENT LAND USE APPLICATIONS:

There is a concurrent application: PL20210001970, Site Development Plan Amendment for Arthrex Studio X.

PLANNED UNIT DEVELOPMENT INSUBSTANTIAL CHANGE CRITERIA:

There are three types of changes to a PUD Ordinance: Substantial, Insubstantial, and Minor. An insubstantial change includes any change that is not considered a substantial or minor change. An insubstantial change to an approved PUD Ordinance shall be based upon an evaluation of LDC subsection 10.02.13 E.1.

LDC Section 10.02.13.E.1 Criteria:

a. Is there a proposed change in the boundary of the Planned Unit Development (PUD)?

No, there is no proposed change in the boundary of the PUD.

b. Is there a proposed increase in the total number of dwelling units or intensity of land use or height of buildings within the development?

No, there is no proposed increase in the number of dwelling units or intensity of land use, or height of buildings within the development.

c. Is there a proposed decrease in preservation, conservation, recreation, or open space areas within the development in excess of five (5) percent of the total acreage previously designated as such, or five (5) acres in area?

No, there is no proposed decrease in preservation, conservation, recreation, or open space areas within the development as designated on the approved Master Plan.

d. Is there a proposed increase in the size of areas used for non-residential uses, to include institutional, commercial, and industrial land uses (excluding preservation, conservation, or open space), or a proposed relocation of nonresidential land uses?

No, the requests do not impact the size of non-residential areas or propose to relocate such areas within the PUD boundary.

e. Is there a substantial increase in the impacts of the development which may include, but are not limited to increases in traffic generation; changes in traffic circulation; or impacts on other public facilities?

No, there are no substantial impacts resulting from this amendment.

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)

f. Will the change result in land use activities that generate a higher level of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers?

No. The proposed amendment would not result in land use activities that generate higher levels of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers.

g. Will the change result in a requirement for increased stormwater retention, or otherwise increase stormwater discharge?

No. The proposed changes will not impact or increase stormwater retention or increase stormwater discharge.

h. Will the proposed change bring about a relationship to an abutting land use that would be incompatible with an adjacent land use?

No. There will be no incompatible relationships with abutting land uses.

i. Are there any modifications to the PUD Master Plan or PUD document or amendment to a PUD ordinance which is inconsistent with the Future Land Use Element or other elements of the Growth Management Plan or which modification would increase the density of intensity of the permitted land uses?

No. Comprehensive Planning staff determined the proposed changes to the PUD Document would be consistent with the FLUE of the GMP. Transportation planning staff reviewed this petition, and no changes to the PUD Document are proposed that would be deemed inconsistent with the Transportation Element of the GMP. This petition does not propose any increase in density or intensity of the permitted land uses.

j. The proposed change is to a PUD District designated as a Development of Regional Impact (DRI) and approved pursuant to Chapter 380.06, Florida Statues, where such change requires a determination and public hearing by Collier County pursuant to Sec. 380.06 (19), F.S. Any change that meets the criterion of Sec. 380.06 (19)(e)2., F.S., and any changes to a DRI/PUD Master Plan that clearly do not create a substantial deviation shall be reviewed and approved by Collier County under Section 10.02.13 of the LDC.

Due to the limited nature of this request, a determination and public hearing under F.S. 380.06(19) will not be required.

k. Are there any modifications to the PUD Master Plan or PUD document or amendment to a PUD ordinance which impact(s) any consideration deemed to be a substantial modification as described under Section(s) 10.02.13 E.?

Based on the analysis provided above, the proposed change is not deemed to be substantial.

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)

LDC Section 10.02.13.E.2 Criteria:

Does this petition change the analysis of the findings and criteria used for the original application?

No, the proposed changes do not affect the original analysis and findings from the latest PUDA. (See Attachment D-*Rezone Findings and Findings for PUD*.)

DEVIATION DISCUSSION:

The petitioner is seeking one revised deviation. The deviation is found in PUD Section 3.5 "Development Deviations," and in PUD Section 4.5 "Development Deviations." The deviation location is depicted on the Master Plan. The petitioner's rationale and staff analysis/recommendation are outlined below:

Deviation #2: (Revised Deviation in Section 3.5. 2. applies to I/C District only; see underlined text below for added language to the original deviation)

Deviation #2 seeks relief from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tracts 5, ~~and~~ 6, and 7 of the Master Plan to be eligible for this deviation process.

Petitioner's Justification:

This deviation was previously approved by Ordinance 2016-32 and amended by Ordinance 2018-19 to include Tract 6. All properties in I/C Tracts 5, 6 and 7 are owned by Arthrex and providing for the alternative architectural compliance process will allow for common building design elements for buildings comprising the Arthrex campus.

Staff Analysis and Recommendation:

Zoning and Land Development Review staff **recommends Approval** finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community" and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

NEIGHBORHOOD INFORMATION MEETING (NIM):

The NIM was held on November 9, 2021, at Arthrex, 1 Arthrex Way, Naples, Florida. There were three attendees, one in-person and two via zoom. For further information, see attached Exhibit C: *Transcript of Neighborhood Informational Meeting.*

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)

STAFF RECOMMENDATION:

Staff recommends that the Hearing Examiner approve Petition PDI-PL20210002390, Creekside Commerce Park CPUD, subject to including the following attachment in the HEX Decision:

1. Attachment A-*Proposed PUD Language*

Attachments:

Attachment A-*Proposed PUD Language*
Attachment B-*Ordinance Number 21-35*
Attachment C-*Transcript of Neighborhood Informational Meeting*
Attachment D- *Rezone Findings and Findings for PUD*
Attachment E-*Backup Materials*

Attachment: Staff Report Creekside (20971 : PL20210002390 Creekside Commerce Park PDI)

Attachment: Attachment A Proposed PUD Language (20971 : PL20210002390 Creekside Commerce Park PDI)

Exhibit 1

PUD REVISIONS: Add Section 2.23, Revise Sections 3.4 F. and 3.5 2.

Creekside Commerce Park PUD 29331193162 (PDI) – PL20210002390
11-8-2021

Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com •
www.gradyminor.com

SECTION II

PROJECT DEVELOPMENT

*** *** *** *** *** **Text break** *** *** *** *** ***

2.23 PUD MONITORING

One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until closeout of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this CPUD approval, the Managing Entity is Creekside Commerce East, Inc., 2600 Golden Gate Parkway, Naples, FL 34105. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the CPUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

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Attachment: Attachment A Proposed PUD Language (20971 : PL20210002390 Creekside Commerce Park PDI)

SECTION III

INDUSTRIAL/COMMERCE DISTRICT

*** *** *** *** *** **Text break** *** *** *** *** ***

3.4 DEVELOPMENT STANDARDS

*** *** *** *** *** **Text break** *** *** *** *** ***

F. All I/C buildings shall meet the requirements of Section 5.05.08 of the LDC, except for buildings located on Tracts 5, ~~and~~ 6, and 7 on the Master Plan, which shall be subject to the deviation process in Section 5.05.08 of the LDC (see Section 3.5.2, Development Deviations, of this PUD Ordinance). The building located on Tract 5 shall be similar in architectural style to the conceptual building rendering in Exhibit C.

*** *** *** *** *** **Text break** *** *** *** *** ***

3.5 DEVELOPMENT DEVIATIONS

1. Deviation from LDC Section 5.05.04 D.1 which establishes a .45 floor area ratio (FAR) for group housing uses, to permit an FAR of .6 for group housing uses, including the intermediate care facilities.

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tracts 5, ~~and~~ 6, and 7 of the Master Plan to be eligible for this deviation process.

3. Deviation from LDC Section 4.06.02.C.4., Type D Buffer, which requires a 10' wide Type D buffer adjacent to rights of way, with trees spaced no more than 30' on center, to permit the existing street trees planted along the west side of Creekside Street to satisfy the minimum Type D buffer tree requirement of the eastern boundary of Tract 5.

Attachment: Attachment A Proposed PUD Language (20971 : PL20210002390 Creekside Commerce Park PDI)

ORDINANCE NO. 2021- 35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 2006-50, THE CREEKSIDE COMMERCE PARK COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), AS AMENDED, BY ADDING UP TO 300 MULTI-FAMILY RENTAL DWELLING UNITS AS A PERMITTED USE IN THE BUSINESS DISTRICT; ADDING RESIDENTIAL DEVELOPMENT STANDARDS INCLUDING A MAXIMUM HEIGHT OF 100 FEET; AND BY AMENDING THE MASTER PLAN. THE SUBJECT MULTI-FAMILY PROPERTY IS IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF IMMOKALEE ROAD AND GOODLETTE FRANK ROAD, CONSISTING OF 28.85± ACRES AND THE CPUD IS LOCATED SOUTH OF IMMOKALEE ROAD AND BOTH EAST AND WEST OF GOODLETTE FRANK ROAD IN SECTION 27, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; AND BY PROVIDING AN EFFECTIVE DATE. [PL20190002850]

WHEREAS, on October 24, 2006, the Board of County Commissioners approved Ordinance Number 06-50, the Creekside Commerce Park Commercial Planned Unit Development (the "PUD"); and

WHEREAS, on March 12, 2013, the Board of County Commissioners approved Ordinance Number 13-23, which amended the PUD; and

WHEREAS, on March 22, 2016, the Board of County Commissioners approved Ordinance Number 16-05, which further amended the PUD; and

WHEREAS, on October 25, 2016, the Board of County Commissioners approved Ordinance Number 16-32, which further amended the PUD; and

WHEREAS, on April 24, 2018, the Board of County Commissioners approved Ordinance Number 18-19, which further amended the PUD; and

WHEREAS, Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A., and D. Wayne Arnold of Q. Grady Minor & Associates representing Creekside East, Inc., petitioned the Board of County Commissioners to amend the CPUD.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Amendment to the CPUD Document of Ordinance No. 2006-50, as amended

The CPUD Document attached as Exhibit "A" to Ordinance No. 2006-50, as amended, is hereby amended to read as follows:

See Exhibit "A", attached hereto and incorporated herein by reference.

SECTION TWO:

This Ordinance shall become effective upon filing with the Department of State and on the date that the Growth Management Plan Amendment in Ordinance No. 2021 - 36 becomes effective.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 26th day of October, 2021.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: _____
Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
Penny Taylor, Chairman

Approved as to form and legality:

_____ HFAC 9-16-21
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachments: Exhibit A – CPUD Document

This ordinance filed with the Secretary of State's Office the 3rd day of November 2021 and acknowledgement of that filing received this 3rd day of November, 2021.
By _____
Deputy Clerk

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

EXHIBIT A

CREEKSIDE COMMERCE PARK

A PLANNED UNIT DEVELOPMENT

PREPARED FOR

BARRON COLLIER PARTNERSHIP

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

CREEKSIDE COMMERCE PARK

A

PLANNED UNIT DEVELOPMENT

106± Acres Located in Section 27
Township 48 South, Range 25 East
Collier County, Florida

PREPARED FOR:

BARRON COLLIER PARTNERSHIP
2640 Golden Gate Parkway, Naples, FL 34105

PREPARED BY:

WILSON, MILLER, BARTON & PEEK, INC.
3200 Bailey Lane, Suite 200, Naples, Florida 34105

YOUNG, VAN ASSENDERP & VARNADOE, P.A.
801 Laurel Oak Drive, Suite 300, Naples, Florida 34101

AMENDED DECEMBER 2005 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey, Bonita Spring, Florida 34134

ROETZEL AND ANDRESS, L.P.A.
850 Park Shore Drive, 3rd Floor, Naples, Florida 34103

AMENDED MAY 2012 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey, Bonita Spring, Florida 34134

COLEMAN, YOVANOVICH AND KOESTER, P.A.
Northern Trust Bank Building
4001 Tamiami Trail North, Suite 300, Naples, FL 34103

AMENDED AUGUST 2015, JULY 2016 ~~and ,~~ OCTOBER 2016 and JULY 2021 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey, Bonita Spring, Florida 34134

COLEMAN, YOVANOVICH AND KOESTER, P.A.
Northern Trust Bank Building
4001 Tamiami Trail North, Suite 300, Naples, FL 34103

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

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EXHIBIT C	CONCEPTUAL BUILDING RENDERING	

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

STATEMENT OF COMPLIANCE

The purpose of this section is to express the intent of the Barron Collier Partnership, hereinafter referred to as Barron Collier or the Developer, to create a Planned Unit Development (PUD) on 106± acres of land located in Section 27, Township 48 South, Range 25 East, Collier County, Florida. The name of this Planned Unit Development shall be Creekside Commerce Park. The development of Creekside Commerce Park will be in substantial compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan. The development will be consistent with the policies and land development regulations adopted thereunder of the Growth Management Plan Future Land Use Element and other applicable regulations for the following reasons:

1. The subject property is within the Urban Mixed Use District as identified on the Future Land Use Map which allows certain industrial and commercial uses. The Urban designation also allows support medical facilities, offices, clinics, treatment, research and rehabilitative centers and pharmacies provided they are located within 1/4 mile of the property boundary of an existing or approved hospital or medical center. The Creekside Commerce Park PUD is located within ¼ mile of the North Collier Hospital. The 2016 petition request is to add 166,000 square feet to the I/C District and 32,000 square feet to the B District. All additional square footage approved in the October 2016 Ordinance amendment will be medical related uses, and will be on Tracts that are within or partially within ¼ mile of the North Collier Hospital property. <u>The 2020 petition (PL20190002850) request is to add 300 multi-family rental units, which were authorized through the companion 2020 small-scale plan amendment (PL20190002849).</u>

2. The existing Industrial zoning is considered consistent with the Future Land Use Element (FLUE) as provided for by Policy 5.9 and 5.11 of the FLUE.

3. The FLUE Urban-Industrial District allows for expansion of the industrial land use provided the rezone is in the form of a PUD, the site is adjacent to existing land designated or zoned industrial the land use is compatible with adjacent land uses and the necessary infrastructure is provided or in place. Creekside Commerce Park has expanded the industrial land use accordingly.

4. The FLUE Urban-Industrial District requires the uses along the boundaries of the project to be transitional. Creekside Commerce Park has included transitional uses accordingly.

5. Creekside Commerce Park is compatible with and complementary to existing and future surrounding land uses as required in Policy 5.4 of the FLUE.

6. Improvements are planned to be in substantial compliance with applicable land development regulations as set forth in Objective 3 of the FLUE.

7. The development of Creekside Commerce Park will result in an efficient and economical extension of community facilities and services as required in Policies 3.1.H and L of the FLUE.

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8. Creekside Commerce Park is a master planned, deed-restricted commerce park and is planned to encourage ingenuity, innovation and imagination as set forth in the Collier County Land Development Code (LDC), Planned Unit Development District.

9. This master planned park will incorporate elements from the existing Industrial, Business Park and Industrial PUD sections of the LDC.

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SHORT TITLE

This ordinance shall be known and cited as the "CREEKSIDE COMMERCE PARK PLANNED UNIT DEVELOPMENT ORDINANCE".

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SECTION I

LEGAL DESCRIPTION, PROPERTY OWNERSHIP, AND GENERAL DESCRIPTION

1.1 PURPOSE

The purpose of this section is to set forth the legal description and ownership of Creekside Commerce Park, and to describe the existing condition of the property proposed to be developed.

1.2 LEGAL DESCRIPTION

All that part of Section 27, Township 48 South, Range 25 East, Collier County, Florida being more particularly described as follows;
COMMENCING at the northwest corner of said Section 27;
thence along the north line of said Section 27 South 89°45'21" East 1869.61 feet;
thence leaving said line South 00°14'39" West 125.00 feet to a point on the south right of way line of Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;
thence along said right of way line in the following Six (6) described courses;
1) South 89°45'21" East 485.99 feet;
2) South 00°14'39" West 10.00 feet;
3) South 89°45'21" East 150.19 feet;
4) South 89°48'33" East 716.81 feet;
5) North 05°34'33" West 10.05 feet;
6) South 89°48'33" East 486.21 feet to a point on the west right of way line of Goodlette Road as recorded in Plat Book 3, page 58, Public Records of Collier County, Florida;
thence along said line South 05°33'48" East 1767.02 feet;
thence leaving said line South 89°20'53" West 51.18 feet;
thence North 23°55'53" West 13.07 feet;
thence northwesterly, 30.71 feet along the arc of a circular curve concave to the northeast, having a radius of 80.00 feet, through a central angle of 21°59'52" and being subtended by a chord which bears North 12°55'57" West 30.53 feet;
thence North 05°00'53" West 31.56 feet;
thence North 36°19'20" West 32.02 feet;
thence North 56°04'35" West 35.11 feet;
thence North 80°39'15" West 32.53 feet;
thence North 88°39'12" West 97.78 feet;
thence North 86°04'40" West 45.79 feet;
thence North 89°49'48" West 132.77 feet;
thence North 69°40'10" West 37.23 feet;
thence South 89°20'53" West 142.47 feet;
thence South 84°59'26" West 24.66 feet;
thence South 74°56'50" West 121.32 feet;
thence South 79°49'59" West 45.93 feet;

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thence westerly and northwesterly, 45.51 feet along the arc of a circular curve concave to the northeast, having a radius of 66.00 feet, through a central angle of 39°30'16" and being subtended by a chord which bears North 80°24'53" West 44.61 feet to a point of ~~compound~~ reverse curvature;
thence northwesterly, 52.92 feet along the arc of a circular curve concave to the southwest, having a radius of 150.00 feet, through a central angle of 20°12'57" and being subtended by a chord which bears North 70°46'13" West 52.65 feet;
thence North 80°52'42" West 36.59 feet;
thence westerly and southwesterly, 46.18 feet along the arc of a circular curve concave to the southeast, having a radius of 80.00 feet, through a central angle of 33°04'14" and being subtended by a chord which bears South 82°35'11" West 45.54 feet to a point of compound curvature;
thence southwesterly and westerly, 38.16 feet along the arc of a circular curve concave to the northwest, having a radius of 60.00 feet, through a central angle of 36°26'19" and being subtended by a chord which bears South 84°16'14" West 37.52 feet to a point of ~~compound~~ reverse curvature;
thence westerly and northwesterly, 68.85 feet along the arc of a circular curve concave to the southwest, having a radius of 305.00 feet, through a central angle of 12°55'59" and being subtended by a chord which bears North 83°58'36" West 68.70 feet;
thence South 89°33'25" West 18.36 feet;
thence South 89°39'19" West 71.63 feet;
thence North 89°34'56" West 36.03 feet;
thence South 86°06'41" West 42.94 feet;
thence South 83°44'16" West 26.23 feet;
thence South 51°01'13" West 27.49 feet;
thence South 33°25'50" West 19.95 feet;
thence South 15°40'05" West 20.54 feet;
thence South 10°54'39" West 34.64 feet;
thence South 89°20'14" West 101.06 feet;
thence North 10°46'06" East 101.42 feet;
thence North 89°20'53" East 65.45 feet;
thence North 00°39'07" West 100.64 feet;
thence South 89°20'53" West 503.78 feet;
thence North 00°39'07" West 27.71 feet;
thence North 72°58'55" West 131.30 feet;
thence North 02°08'56" West 1473.29 feet to a point on the south right of way line of said Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;

Containing 69.48 acres more or less;
Subject to easements and restrictions of record.
Bearings are assumed and based on the north line of said Section 27 being South 89°49'40" East.

All that part of Section 27, Township 48 South, Range 25 East, Collier County, Florida

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being more particularly described as follows;
Commencing at the northeast corner of said Section 27;
thence along the east line of said Section 27, South 01°09'43" East 125.00 feet to a point on the south right of way line of Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;
thence continue along said east line South 01°09'43" East 1189.62 feet;
thence leaving said line South 89°48'50" West 677.35 feet;
thence South 05°35'39" East 886.02 feet;
thence South 89°48'50" West 400.00 feet to a point on the easterly right of way line of Goodlette Frank Road as Recorded in Plat Book 13, page 58, Public records of Collier County, Florida;
thence along said line North 05°35'39" West 2088.10 feet to a point of the south right of way line of said Immokalee Road (S.R. 846);
thence along said line South 89°49'40" East 1168.55 feet;
thence continue along said line South 89°12'58" East 1.85 feet to the POINT OF BEGINNING of the parcel herein described;

Containing 38.9 acres more or less;
Subject to easements and restrictions of record.
Bearings are assumed and based on the north line of said Section 27 being South 89°46'26" East.

LESS

A PORTION OF TRACTS "R" AND "L1" CREEKSIDE COMMERCE PARK WEST-UNIT ONE AS RECORDED IN PLAT BOOK 29 AT PAGES 57 THROUGH 58 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLYMOST CORNER OF TRACT "R" (CREEKSIDE WAY) CREEKSIDE COMMERCE PARK WEST-UNIT ONE AS RECORDED IN PLAT BOOK 29 AT PAGES 57 THROUGH 58 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN SOUTH 89°45'00" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF IMMOKALEE ROAD FOR A DISTANCE OF 249.45 FEET; THENCE RUN SOUTH 00°25'51" WEST FOR A DISTANCE OF 107.22 FEET; THENCE RUN SOUTH 60°02'56" EAST FOR A DISTANCE OF 117.20 FEET; THENCE RUN SOUTH 82°32'14" EAST FOR A DISTANCE OF 119.17 FEET TO A POINT ON THE EAST LINE OF TRACT "L1" OF SAID CREEKSIDE COMMERCE PARK WEST-UNIT ONE, ALSO BEING THE WES LINE OF LOT 3 OF SAID CREEKSIDE COMMERCE PARK WEST-UNIT ONE; THENCE RUN SOUTH 00°07'39" EAST, ALONG SAID EAST LINE FOR A DISTANCE OF 111.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID TRACT "R"; THENCE RUN NORTH 89°58'01" WEST, ALONG SAID NORTH RIGHT-OF-WAY FOR A DISTANCE OF 456.64 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF SAID TRACT "R"; THENCE RUN NORTH 02°19'57" WEST, ALONG SAID WEST RIGHT-OF-WAY FOR A DISTANCE OF 294.20 FEET TO THE **POINT OF BEGINNING**; CONTAINING 2.32 ACRES, MORE OR LESS.

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1.3 PROPERTY OWNERSHIP

The subject property is currently under the equitable ownership or control of Barron Collier Partnership, or its assigns, whose address is 2640 Golden Gate Parkway, Naples, FL 34105.

1.4 GENERAL DESCRIPTION OF PROPERTY

A. The project site is located in Section 27, Township 48 South, Range 25 East, and is generally bordered on the west by Agriculturally zoned and developed property; on the north, across Immokalee Road by office and medical (North Collier Hospital) PUD zoned and developed property; on the east by Medical Office Park currently under development, County Park and County Wastewater Treatment Facility; and on the south by PUD and County Wastewater Treatment Facility. The location of the site is shown on Exhibit A Aerial Photograph, Location Map.

B. The zoning classification of the subject property at the time of PUD application is I (Industrial) and A (Agricultural).

C. Elevations within the site are approximately 7.5 to 9 feet-NGVD. Per FEMA Firm Map Panels No. 1200670193D, dated June 3, 1986, the Creekside Commerce Park property is located within Zones "AE-11" of the FEMA flood insurance rate.

D. The soil types on the site generally include Riviera limestone substratum, Copeland fine sand, Pineda fine sand, Immokalee fine sand, Myakka fine sand, Basinger fine sand, Riveria fine sand, Ft. Drum and Malabar fine sand, and Satellite fine sand.

E. Prior to development, vegetation on the site primarily consists of active croplands and small amounts of pine flatwoods. An isolated wetland system is located along the south side of Immokalee Road west of Goodlette-Frank Road. This wetland consists primarily of Brazilian pepper that surrounds a small willow area. The wetland on the east side of Goodlette-Frank Road consists primarily of cabbage palms. A portion of the historic water course within this wetland has been channelized. Brazilian pepper has infested the northern part of this wetland.

F. The project site is located within the Pine Ridge Canal and West Branch Cocohatchee River sub-basins, as depicted within the Collier County Drainage Atlas (July, 1995).

1.5 DEVELOPMENT OF REGIONAL IMPACT

Creekside Commerce Park does not meet the minimum thresholds for a Development of Regional Impact (DRI), pursuant to Chapter 380.06, Florida Statutes, 2016, in that it is at or below 80% of all numerical thresholds in the guidelines and standards set forth therein.

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SECTION II

PROJECT DEVELOPMENT

2.1 PURPOSE

The purpose of this Section is to generally describe the plan of development for Creekside Commerce Park (park), and to identify relationships to applicable County ordinances, policies, and procedures.

2.2 GENERAL DESCRIPTION OF THE PARK AND PROPOSED LAND USES

A. Creekside Commerce Park will consist of predominately industrial, warehouse, wholesale, financial institutions, business and office uses, with limited amounts of residential and retail uses. Creekside Commerce Park shall establish project-wide guidelines and standards to ensure a high and consistent level of quality for proposed features and facilities.

B. A Land Use Summary indicating approximate land use acreages is shown on the Master plan. The location, size, and configuration of individual tracts shall be determined at the time of Preliminary Subdivision Plat approval with minor adjustments at the time of Final Plat approval, in accordance with Section 3.2.7.2. of the Collier County Land Development Code (LDC).

2.3 COMPLIANCE WITH COUNTY ORDINANCES

A. Regulations for development of Creekside Commerce Park shall be in accordance with the contents of this PUD Ordinance, and to the extent they are not inconsistent with this PUD Ordinance, applicable sections of the LDC and Collier County Growth Management Plan which are in effect at the time of issuance of any development order. Where this PUD Ordinance does not provide developmental standards, then the provisions of the specific section of the LDC that is otherwise applicable shall apply to which said regulations relate.

B. Unless otherwise defined herein, or as necessarily implied by context, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of development order application.

C. Development permitted by the approval of this PUD will be subject to the Adequate Public Facilities Ordinance, Division 3.15 of the LDC.

D. All conditions imposed herein or as represented on the Creekside Commerce Park Master Plan are part of the regulations which govern the manner in which the land may be developed.

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E. The Site Development Plans Division of the LDC (Article 3, Division 3.3) shall apply to Creekside Commerce Park, except where an exemption is set forth herein or otherwise granted pursuant to LDC Section 3.3.4.

F. The Developer shall submit to the County an annual PUD monitoring report in accordance with LDC Section 2.7.3.6.

2.4 COMMUNITY DEVELOPMENT DISTRICT

A. The Developer may elect to establish a Community Development District (CDD) pursuant to Chapter 190, Florida Statutes, 1997, to provide and maintain infrastructure and community facilities needed to serve the park. A CDD would constitute a timely, efficient, effective, responsive and economic way to ensure the provision of facilities and infrastructure for the proposed development. Such infrastructure as may be constructed, managed and financed by the CDD shall be subject to, and shall not be inconsistent with, the Collier County Growth Management Plan and all applicable ordinances dealing with planning and permitting of Creekside Commerce Park.

B. The land area is amenable to infrastructure provision by a district that has the powers set forth in the charter of a Community Development District under Section 190.006 through 190.041, Florida Statutes. Such a district is a legitimate alternative available both to the County and to the landowner for the timely and sustained provision of quality infrastructure under the terms and conditions of County development approval.

2.5 LAND USES

A. The location of land uses are shown on the PUD Master Plan, Exhibit B. Changes and variations in building tracts, location and acreage of these uses shall be permitted at preliminary subdivision plat approval, preliminary site development plan approval and final site development plan approval to accommodate utilities, topography, vegetation, and other site and market conditions, subject to the provisions of Section 2.7.3.5. of the Collier County LDC. The specific location and size of individual tracts and the assignment of square footage or units shall be determined at the time of site development plan approval.

B. Roads and other infrastructure may be either public, private or a combination of public and private, depending on location, design and purpose. The request for a road to be public shall be made by the Developer at the time of final subdivision plat approval. The Developer or its assignees shall be responsible for maintaining the roads, streets, drainage, common areas, water and sewer improvements where such systems are not dedicated to the County. Standards for roads shall be in compliance with the applicable provisions of the County Code regulating subdivisions, unless otherwise approved during subdivision approval. The

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Developer reserves the right to request substitutions to Code design standards in accordance with Section 3.2.7.2. of the LDC.

2.6 LAKE SITING

A. As depicted on the PUD Master Plan, lakes have been preliminary sited. The goal of this Master Plan is to achieve an overall aesthetic character for the park, to permit optimum use of the land, and to increase the efficiency of the water management network. Fill material from lakes is planned to be utilized within the park; however, excess fill material may be utilized off-site. The volume of material to be removed shall be limited to ten percent of the calculated excavation volume to a maximum of 20,000 cubic yards. If the applicant wishes to take more off-site, a commercial excavation permit will be required. Final lake area determination shall be in accordance with the South Florida Water Management District stormwater criteria and Section 3.5.7. of the LDC.

1. Setbacks: Excavations shall be located so that the control elevation shall adhere to the following minimum setback requirements, subject to approval of County staff at time of final construction plan approval:

   a) Twenty feet (20') from right-of-way of internal roads. The roads will be designed to (AASHTO) road standards and shall incorporate such factors as road alignment, travel speed, bank slope, road cross sections, and need for barriers.

   b) Forty feet (40') from Immokalee Road or Goodlette-Frank Road rights-of-way. Perimeter property lines will have a setback of twenty feet (20'). The roads will be designed to (AASHTO) road standards and shall incorporate such factors as road alignment, travel speed, bank slope, road cross sections and need for barriers.

2.7 FILL STORAGE

A. Fill storage is generally permitted as a principal use throughout the Creekside Commerce Park PUD. Fill material generated from properties owned or leased by the Developer may be transported and stockpiled within areas which have been disturbed. Prior to stockpiling in these locations, the Developer shall notify the Community Development and Environmental Services Administrator per Section 3.2.8.3.6. of the LDC. The following standards shall apply:

1. Stockpile maximum height: Thirty-five feet (35')

2. Fill storage areas in excess of five feet (5') in height shall be separated from developed areas by fencing, excavated water bodies or other physical barriers if the side slope of the stockpile is steeper than 4 to 1 (i.e. 3 to 1).

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a) Soil erosion control shall be provided in accordance with LDC Division 3.7.

2.8 USE OF RIGHTS-OF-WAY

Utilization of lands within all park rights-of-way for landscaping, decorative entrance ways, and signage shall be allowed subject to review and administrative approval by the Developer and the Community Development and Environmental Services Administrator for engineering and safety considerations during the development review process.

2.9 SALES OFFICE AND CONSTRUCTION OFFICE

Sales offices, construction offices, and other uses and structures related to the promotion and sale of real estate such as, but not limited to, pavilions, parking areas, and signs, shall be permitted principal uses throughout Creekside Commerce Park. These uses may be either wet or dry facilities. These uses shall be subject to the requirements of Section 2.6.33.4., Section 3.2.6.3.6. and Division 3.3 of the LDC, with the exception that the temporary use permit shall be valid through the life of the project with no extension of the temporary use required. These uses may use septic tanks or holding tanks for waste disposal subject to permitting under F.A.C. 10D-6 and may use potable water or irrigation wells.

2.10 CHANGES AND AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

A. Changes and amendments may be made to this PUD Ordinance or PUD Master Plan as provided in Section 2.7.3.5. of the LDC. Minor changes and refinements as described herein may be made by the Developer in connection with any type of development or permit application required by the LDC.

B. The Community Development and Environmental Services Administrator shall be authorized to approve minor changes and refinements to the Creekside Commerce Park Master Plan upon written request of the Developer or his assignee.

C. The following limitations shall apply to such requests:

1) The minor change or refinement shall be consistent with the Collier County Growth Management Plan and the Creekside Commerce Park PUD document.

2) The minor change or refinement shall not constitute a substantial change pursuant to Section 2.7.3.5.1. of the LDC.

3) The minor change or refinement shall be compatible with external adjacent land uses and shall not create detrimental impacts to abutting land uses,

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water management facilities, and conservation areas within or external to the PUD.

D. The following shall be deemed minor changes or refinements:

1) Reconfiguration of lakes, ponds, canals, or other water management facilities where such changes are consistent with the criteria of the South Florida Water Management District and Collier County.

2) Internal realignment of rights-of-ways.

3) Reconfiguration of parcels per Section 5.5 of this PUD.

E. Minor changes and refinements as described above shall be reviewed by appropriate Collier County staff to ensure that said changes and refinements are otherwise in compliance with all applicable County Ordinances and regulations prior to the Community Development and Environmental Services Administrator's consideration for approval.

F. Approval by the Community Development and Environmental Services Administrator of a minor change or refinement may occur independently from and prior to any application for Subdivision or Site Development Plan approval, however such approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all other necessary County permits and approvals.

2.11 PRELIMINARY SUBDIVISION PLAT PHASING

Submission, review, and approval of Preliminary Subdivision Plats for the park may be accomplished in phases to correspond with the planned development of the property.

2.12 OPEN SPACE AND NATIVE VEGETATION RETENTION REQUIREMENTS

The PUD will fully comply with all sections of the LDC and meet the requirements of the Growth Management Plan relating to open space and retention of native vegetation.

2.13 SURFACE WATER MANAGEMENT

In accordance with the Rules of the South Florida Water Management District (SFWMD), Chapters 40E-4 and 4-E-40, this project shall be designed for a storm event of 3-day duration and 25-year return frequency. The lake originally approved as Lake L-1, Creekside Unit I Plat, shall continue to be operated and maintained in accordance with the approved plat and approved South Florida Water Management District Permit.

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2.14 ENVIRONMENTAL

Vegetation shall be retained in accordance with the criteria established in the Conservation and Coastal Management Element of the GMP and Section 3.05.00 of the LDC.

2.15 UTILITIES

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

B. The owner shall convey to Collier County a County Utility Easement (CUE) no less than 15 feet in width for construction of an irrigation quality (IQ) main through the PUD west of Goodlette-Frank from the North County Water Reclamation Facility to the existing IQ main on Immokalee Road. The requested CUE shall be provided in a mutually agreeable location, deemed acceptable by both the Owner and the Public Utilities Planning and Project Management Division, prior to approval of the next development order west of Goodlette-Frank Road. The CUE shall be conveyed to Collier County and the Collier County Water Sewer District at no cost to County, free and clear of all liens and encumbrances.

2.16 TRANSPORTATION

A. The Developer shall provide appropriate left and/or right turn lanes on Immokalee Road and Goodlette-Frank Road at the main park entrances. Such turn lanes shall be in place prior to the issuance of any Certificates of Occupancy for a use that utilizes the perspective/associated entrance.

B. There shall be a full access intersection at the park's southern entrance on Goodlette Frank Road. When justified by traffic warrants, this intersection shall be signalized, notwithstanding its proximity to Immokalee Road.

C. Future access points to Immokalee and Goodlette-Frank Roads are those shown on the Creekside Commerce Park Master Plan.

D. Arterial level street lighting shall be provided by the Developer at the park's main entrance in conjunction with the development of this entrance.

E. Road impact fees shall be paid in accordance with the provisions of Ordinance 92-22, as amended.

F. The Developer shall provide the appropriate easements or reserve right of way so that the southerly access road west of Goodlette Frank Road may be interconnected to the properties to the west of Creekside Commerce Park.

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G. The Developer shall provide a fair share contribution toward the capital cost of traffic signals at any project access when deemed warranted by Collier County. The signal shall be owned, operated and maintained by Collier County.

H. The Developer agrees to complete construction of the segment of internal roadway that connects Goodlette-Frank Road to the I/C parcel (herein called "southern parcel") that is west of Goodlette Road and abuts Pelican Marsh prior to the first of the following to occur:

1) The issuance of a certificate of occupancy for the "southern parcel";

2) The issuance of a certificate of occupancy on the second business parcel to be developed west of the Pine Ridge Drainage Easement;

3) Within 3 years of approval of this PUD; or

4) Within 9 months of obtaining "grant" money or other funds for construction of such infrastructure from an outside source.

I. The I/C parcels west of the Pine Ridge Drainage Easement and immediately north of the south road shall connect for service and employee access at the time that the south road is extended to a point that they may connect.

J. The Developer agrees to provide the County with an update of the Transportation Impact Statement (TIS) at the time of submittal of a Preliminary Subdivision Plat or Site Development Plan.

K. The Goodlette-Frank Road southernmost access to the I/C parcel east of Goodlette-Frank Road shall be limited to a right-in/right-out access.

L. The maximum trip generation allowed by the proposed uses both primary and ancillary may not exceed 2,045 (external to the PUD, per TIS dated 09/16/2016 and 07-07-2017 as amended) PM Peak Hour, two-way trips.

M. The owner, its successors, or assigns, shall construct a 5-foot wide sidewalk within the Florida Power & Light (FPL) easement, subject to approval by FPL on the west side of Creekside Street and the south side of Creekside Parkway along/within folio # 29331193049 to connect to the existing sidewalk along Creekside Parkway. The construction plans for the sidewalk and the letter request to FPL shall be completed and mailed prior to the issuance of a Certificate of Occupancy for the proposed Arthrex Headquarters building redevelopment on Tract 5 of the Master Plan. The construction of the sidewalk shall be completed no later than one year following FPL's approval.

N. Due to the removal of a portion of the Creekside Boulevard minor collector roadway and re-routing of traffic, the owner, its successors, or assigns, shall design

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and construct the re-routed roadway to adequately accommodate AASHTO Interstate Semitrailer (WB-62) standards and provide access to existing postal service truck traffic prior to the removal of a portion of Creekside Boulevard. The design and construction shall be at no cost to Collier County. Any additional right-of-way easements required by County for a public road pursuant to County standards shall be dedicated to the County, free and clear of all liens and encumbrances without County maintenance responsibility. Such dedication shall occur prior to the issuance of the Certification of Occupancy for the proposed Arthrex Headquarters building redevelopment on Tract 5 of the Master Plan and prior to the removal of a portion of Creekside Boulevard. The owner, its successor, or assigns, shall also accept ownership of the entire length of Creekside Boulevard with all maintenance responsibilities.

2.17 COMMON AREA MAINTENANCE

Most common area maintenance will be provided by the CDD or by a Property Owner's Association (POA). The CDD or the POA, as applicable, shall be responsible for the operation, maintenance, and management of the surface water and stormwater management systems and reserves serving Creekside Commerce Park, in accordance with any applicable permits from the South Florida Water Management District.

2.18 DESIGN GUIDELINES AND STANDARDS

A. The Collier County Planned Unit Development District is intended to encourage ingenuity, innovation and imagination in the planning, design and development or redevelopment of relatively large tracts of land under unified ownership as set forth in the LDC, Section 2.2.20.

B. Creekside Commerce Park is planned as a functionally interrelated business park under unified control. The Developer will establish community-wide guidelines and standards to ensure a high level of quality for both the common areas and the individual parcel developments.

C. These guidelines will serve as a control for individual parcel development, and be referred to as The Declaration of Covenants, Conditions and Restrictions for Creekside Commerce Park. The level of quality defined in this document is directed towards the creation of an attractive business environment, and these standards are the basis for evaluation of projects submitted for review to the Property Association's Architectural and Landscaping Committee, referred to as the ALC. The standards in this document will include criteria for site planning, architectural design, lighting, landscaping, and graphics and signage.

D. The specific design guidelines will act as supplemental standards to the requirements of this Planned Unit Development Ordinance, and other County codes, but in no way supersede them.

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1. Common Areas

The master design of the park's entries and signage, streetscapes, and open space areas will form a harmonious framework that visually links the entire park together. This unified appearance will enhance the image of the entire community. Internal roadways will provide efficient vehicular circulation with streetscapes that create pleasant neighborhood environments. Streetscape plans will be designed to establish a hierarchy of landscape improvements appropriate in scale and character with the function of the street and adjacent land uses. Along these streetscapes a pedestrian walkway system will be established to link each project with the overall community.

2. Individual Projects

A. Site Planning: Each individual parcel project will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles from the street to the site and from the site to the buildings themselves. The orientation of a building or structure upon a site will not only reflect the project's functional need, but will also be responsive to the individual parcel's characteristics and be sensitive to adjacent land uses and the surrounding community.

B. Architectural standards: The objective of the architectural standards will be to promote the creation of an attractive, value-apparent business environment. Design elements throughout a project must be consistent with the nature of the chosen style and building materials selected. Project design should endeavor to adhere to the classical principles of design and avoid clichés, overly complex or garish motifs, while seeking to invoke a "timeless" quality.

C. Lighting: The guidelines for lighting will establish a continuity of design for all lighting in the park which is consistent with the overall visual impression of the park.

D. Landscaping: The purpose of landscape design guidelines within individual projects is to guide development toward harmonious and visually pleasing landscape that is cohesive with the overall master landscape plan. The Creekside landscape concept will have a naturalistic theme. Similar to the overall project's plant palette, individual sites will be dominated with plants that are native, xeric, or naturalized within Southwest Florida. Landscape designs will create a coherent theme which emphasizes plant material as a primary unifying element.

1. Landscape elements along public R.O.W.s will be complimentary to streetscape landscaping. Parcel entries will be

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designed to harmonize with adjacent streetscape landscaping, and clearly accentuate, the parcel entry.

2. Individual parking lots will be screened from the roadways as much as possible, without obscuring views of the building entrances. In addition, plant materials used around main entrances of buildings will visually cue visitors to their location.

E. Graphics/signage: The guidelines serve to provide continuity of design for all signage in the park which is consistent with the overall visual impression of the park. Parcel signage serves the identification needs of the individual tenants and user.

2.19 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout Creekside Commerce Park. Required buffer treatments shall terminate at entrances to accommodate entrance treatments and at lakes to accommodate views into the park. The following standards shall apply:

A. Landscape buffers contiguous to Immokalee Road R.O.W. will be installed at the time of subdivision improvement per construction phase and will have the following characteristics:

1) Minimum width of 20'-0", measured from the R.O.W.

2) Adjacent to Business District type uses within the Business District, trees will be native, xeric, or naturalized canopy trees, spaced at 25' on center (O.C.), planted at an initial height of 13'-14' overall (O.A.) with a 6' spread. In addition, a continuous 24" high shrub hedge shall be provided within the 20' buffer.

B. Landscape buffers contiguous to Goodlette-Frank Road R.O.W. will be installed at the time of subdivision improvement per development phase and will have the following characteristics:

1) Minimum width of 20'-0", measured from the R.O.W.

2) Adjacent to Business District type uses, <u>including residential,</u> within the Business and Industrial/Commerce (I/C) Districts, trees will be native, xeric, or naturalized canopy trees, spaced at 25' O.C., planted at an initial height of 12' O.A., with a 6' spread. At the time of individual lot improvements, hedges will be placed at parking lot edges to satisfy the requirements of LDC Section 2.4.7.4.

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3) Adjacent to industrial type uses within the Industrial/Commerce District, trees will be native, xeric or naturalized canopy trees, spaced at 25' O.C., planted at an initial height of 12' O.A, with a 6' spread. Trees will be placed on a berm, 3 feet high and supplemented with a 5 foot high hedge consisting of but not limited to the following plant material: coco plum, viburnam, ficus. The intent will be to obtain 80% opacity within one year of planting for travelers on Goodlette-Frank Road.

C. Landscape buffers surrounding the perimeter of the park will be installed at the time of subdivision improvement per construction phase. The buffers are referenced on Exhibit B, and proceed in a clockwise direction from the northeast corner of the project as follows:

1) The landscape buffer along the eastern most property boundary, north of the preserve area, as depicted on Exhibit B, shall consist of an Alternative "A" type buffer. Any preservation areas within this buffer may be credited toward buffering requirements.

2) The preserve area along the balance of the eastern most property boundary will serve as the buffer between uses.

3) The Developer will provide a five feet (5') wide Alternative "A" type buffer with trees planted fifty feet (50') on center between the business use and the preserve/lake area, as depicted on Exhibit B.

4) The Developer will provide a five feet (5') wide Alternative "A" type landscape buffer with trees planted fifty feet (50') on center along the eastern property boundary contiguous to the Collier County Sewage Treatment Plant.

5) The landscape buffer along the southern most property boundary, east of Goodlette-Frank Road, shall be a five feet (5') wide Alternative "A" type buffer with trees planted fifty feet (50') on center. An opaque hedge six feet (6') high will be planted to supplement the existing oak tree buffer planted by the County at the Collier County Sewage Treatment Plant.

6) The existing landscape berm/buffer from Goodlette Frank Road to the west side of the Pine Ridge Drainage Easement will be supplemented as follows: a type "A" buffer along the proposed lake; and the remaining area westward of the lake will be supplemented to consist of 50 sabal palms, 8'-14' O.A. and 4 Ficus nitida 12'-13' O.A. and 6'-8' wide; locations to be coordinated with the adjacent property owner.

7) The Developer will provide a ninety percent (90%) opaque landscape buffer and berm between the I/C District and the Pelican Marsh PUD from the west side of the Pine Ridge Drainage Easement to the existing berm to the west, that approximates the existing Pelican Marsh berm/buffer. This buffer will be

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installed concurrent with any I/C construction west of the Pine Ridge Drainage Easement. The buffer shall meet ninety percent (90%) opacity within one (1) year of planting.

8) The Developer will supplement with additional trees the buffer along the remaining portion of the southern property line westward to achieve a ninety percent (90%) opaque buffer. This buffer will be installed concurrent with any I/C construction west of the Pine Ridge Drainage Easement.

9) The landscape buffer between the I/C District and the adjacent Agricultural District along the southern portion of the western property line will be an Alternative "A" type buffer.

10) The landscape buffer between the R.O.W. and the adjacent Agricultural District to the west will be an Alternative "A" type buffer and be incorporated into the R.O.W.

D. Maximum fence or wall height internal to the PUD: Twelve feet (12').

E. Landscape buffers, berms, fences and walls will be constructed along the perimeter of the Creekside Commerce Park PUD boundary concurrent with subdivision and site development construction phase, except where noted in this document.

F. Sidewalks, water management systems, drainage structures, and utilities may be allowed in landscape buffers pursuant to review and approval of the Development Services Administrator.

G. Landscape berms located within the Creekside Commerce Park PUD boundary and contiguous to a property line and/or right-of-way line may be constructed such that the toe of slope is located on the property line and/or encroaches into the right-of-way line when approved by the applicable owner or agency.

2.20 SIGNAGE

A. GENERAL

1) Pursuant to Section 2.5.5.2.3.7. of the LDC, the following conditions provide for the required comprehensive sign plan for the Creekside Commerce Park

2) Each platted parcel shall be considered a separate parcel of land.

3) Signs and decorative landscaped entrance features within a County dedicated right-of-way, shall require a right-of way permit subject to the review and approval of the County.

4) All signs shall be located so as not to cause sight line obstructions.

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B. PARK ENTRY SIGNS

1) Major park entry signs shall be located as depicted on Exhibit B. Each sign will not exceed 160 square feet in size on any side and signs will be no longer than 25 feet in length and 8 feet in height.

2) Minor park entry signs shall be located as depicted Exhibit B. Each minor monument sign will not exceed 100 square feet in size on any side. Minor monument signs will be no larger than 20 feet in length and 8 feet in height.

C. INTERNAL SIGNS

1) Directional or identification signs are allowed within the business park. Such signs may be used to identify the location or direction of approved uses such as sales centers, information centers, etc. Individual signs may be a maximum of 4 square feet per side in size, or signs maintaining a common architectural theme may be combined to form a menu board with a maximum size of 25 square feet per side, and a maximum height of 8 feet. No building permit is required unless such signs are combined to form a menu board.

2) Grand Opening signs: The Developer or parcel owner may display an on-site grand opening sign not exceeding 32 square feet on a side, and not exceeding 64 square feet total. Banner signs shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the Developer/occupant is open for business.

D. USER SIGNS

1) Wall, mansard, canopy or awning signs: One wall, mansard, canopy or awning sign may be permitted for each single-occupancy facility, or for each establishment in a multiple-occupancy facility. Corner units within multiple-occupancy facilities, or multi-frontage single-occupancy facilities shall be allowed two signs, but such signs shall not be combined for the purpose of placing the combined area on one wall. However, the combined area of those signs shall not exceed the maximum allowable display area for signs by this ordinance.

   a. The maximum allowable display area for signs may not be more than 15 percent of the total square footage of the visual facade of the building to which the sign will be attached and may not, in any case, exceed 200 square feet in area for any sign.

2) Monument and Pole signs: One (1) monument or pole sign is permitted for each lot or parcel for each external and internal road frontage(s).

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a. Internal road frontage setbacks: A minimum of fifteen feet (15') from the edge of pavement. Signs may encroach within the right-of-way subject to maintaining safe site distance triangles as per Section 2.4.4.16. of the LDC and when approved by the Community Development and Environmental Services Administrator and applicable utility.

b. External road frontage setbacks: Pole signs shall be setback from any external right-of-way in accordance with the applicable section of the LDC. Monument signs may be permitted closer to the right-of-way subject to maintaining safe site distance triangles as per Section 2.4.4.16. of the LDC and when approved by the Community Development and Environmental Services Administrator and applicable utility.

c. Spot or floodlights may be permitted provided said light shines only on the signs or landscaping and is shielded from motorists and adjacent residents.

d. Should the U.S. Postal Service purchase or lease land within Creekside Commerce Park, in addition to the user signs as permitted herein, they will be allowed one sign between Immokalee Road and the proposed lake adjacent to the west entry.

E. TRAFFIC SIGNS

Traffic signs such as street name signs, stop signs, speed limit signs, etc. may be designed to reflect a common architectural theme, in accordance with Section 3.2.8.3.19. of the LDC.

2.21 GENERAL PERMITTED USES

A. Certain uses shall be considered general permitted uses throughout the Creekside Commerce Park PUD except in the Preserve Area. General permitted uses are those uses which generally serve the Developer and tenants of Creekside Commerce Park and are typically part of the common infrastructure.

B. General Permitted Uses:

1. Essential services as set forth under LDC, Section 2.6.9.1.

2. Water management facilities and related structures.

3. Temporary sewage treatment facilities.

4. Lakes including lakes with bulkheads or other architectural or structural bank treatments.

5. Guardhouses, gatehouses, and access control structures.

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6. Temporary construction, sales, and administrative offices for the Developer and Developer's authorized contractors and consultants, including necessary access ways, parking areas and related uses.

7. Landscape features including, but not limited to, landscape buffers, berms, fences and walls subject to the standards set forth in Section 2.11 of this PUD.

8. Fill storage subject to the standards set forth in Section 2.7 of this PUD. Site filling and grading as set forth in Section 2.7 of this PUD.

9. Outdoor recreation facilities, including but not limited to playfields and fitness trails on areas not designated IC or B on the PUD Master Plan. Stadiums shall be prohibited.

10. Any other use which is comparable in nature with the foregoing uses and which the Community Development and Environmental Services Administrator determines to be compatible.

11. Sidewalks may occur within County required buffers if approved by the Community Development and Environmental Services Administrator.

12. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein are to be in accordance with the LDC provision in effect at the time of Site Development Plan Approval.

2.22 MISCELLANEOUS

A. 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.

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

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SECTION III

INDUSTRIAL/COMMERCE DISTRICT

3.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within Creekside Commerce Park designated on the Master Plan as "I/C".

3.2 GENERAL DESCRIPTION

Areas designated as "I/C" on the PUD Master Plan are intended to provide a maximum of 709,100 square feet of Floor Area of industrial/commerce uses on 49.~~90~~ 43± net acres. Intermediate care (SIC Code 8052), parking garages, and group housing and hotel/motel uses (SIC Code 7011) are in addition to the IC gross square footage figures. Wellness Centers limited to employees and hotel guests within the PUD shall not exceed a maximum of 40,000 s.f., and shall not be counted towards overall square footage. There shall be no offsite memberships. The above referenced wellness center shall be located west of Goodlette-Frank Road.

Notwithstanding the foregoing, the United States Postal Service parcel may use any available square footage in the I/C District (excluding the 166,000 square feet added by the October 2016 amendment) and the Business District up to a FAR of .35 on the United States Postal Service Parcel until all available square footages are used up in the PUD.

3.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. The permitted principal uses and structures will generally consist of light manufacturing, wholesale, warehouse, processing and packaging, laboratories and clinics, research, design and product development, business services and corporate offices and headquarters.

1. Aircraft Parts and Auxiliary Equipment (Group 3728)

2. Apparel and Other Finished Products (Groups 2311-2399)

3. Building Contractors (Groups 1521-1542), except for general contractors for mobile home repair on site, modular housing and premanufactured housing assembled on site, dry cleaning plant construction, paper pulp mill construction, and truck and automobile assembly plant construction.

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4. Business Services (Groups 7311-7313, 7319, 7322, 7323, 7331-7338, 7352, 7359-7389 except for industrial truck rental and leasing; plants, live: rental and leasing; toilets, portable: rental and leasing; employment agencies, except theatrical and motion picture; labor contractors (employment agencies) model registries; labor pools; manpower pools; modeling service; dogs, rental of: for protective service; automobile recovery service; automobile repossession service; bartering services for businesses; bondspersons; bottle exchanges; check validation service; contractors disbursement control; filling pressure containers (aerosol) with hair spray, insecticides, etc.; fire extinguishers, service of gas systems, contract conversion from manufactured to natural gas; metal slitting and shearing on a contract or fee basis produce weighing service, not connected with transportation; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis; tobacco sheeting service on a contract or fee basis)

5. Child Day Care Services (Group 8351)

6. Communications (Groups 4812-4899 not including major communications towers related to cellular phone service, radio broadcasting, television broadcasting, radar or telephone service)

7. Computer and Office Equipment (Groups 3571-3579)

8. Construction; Special Trade Contractors (Groups 1711-1799 except for boiler erection and installation contractors; drainage system installations, cesspool and septic tank contractors; fuel oil burner installation and servicing contractors; gasoline hookup contractors; sewer hookups and connection for buildings contractors; epoxy application contractors; fireproofing buildings contractors; gasoline pump installation contractors; lead burning contractors; and mobile home site setup and tie down contractors)

9. Depository and Non-Depository Institutions (Groups 6011-6163)

10. Drugs and Medicines (Groups 2833-2836, except for adrenal derivatives: bulk, uncompounded; barbituric acid and derivatives: bulk, uncompounded; cocaine and derivatives; codeine and derivatives; gland derivatives: bulk, uncompounded; mercury chlorides, U.S.P; mercury compounds, medicinal: organic and inorganic; morphine and derivatives; opium derivatives)

11. Educational Services (Groups 8249-8299 except construction equipment operation schools; truck driving schools; automobile driving instruction; survival schools; vocational counseling)

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12. Electronics and Other Electrical Equipment Manufacturing (Groups 3612, 3613, 3624, 3625, 3631, 3641-3676, 3678, 3679, 3694, 3695, 3699, except for airport lighting transformers, autotransformers, electric (power transformers) distribution transformers, electric; electric furnace transformers; lighting transformers, street and airport; transformers, reactor; atom smashers (particle accelerators; electron beam metal cutting, forming, and welding machines; electron linear accelerators; electrostatic particle accelerators))

13. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748 except chemical laboratories, commercial research; automobile proving and testing grounds; metallurgical testing laboratories; pollution testing, except automotive emissions testing; radiation dosimetry laboratories; seed testing laboratories; veterinary testing laboratories)

14. Fabricated Metal Products (Groups 3411-3432, 3442, 3444, 3446, 3452, 3469, 3492, 3495, 3496, production of metal is prohibited)

15. Furniture and Fixtures Manufacturing (Groups 2511-2599)

16. Government Offices/Buildings (Groups 9111-9199, 9221, 9222, 9224-9229, 9311, 9451, 9511-9532, 9611, 9631-9661)

17. Hotels / Motels (Group 7011), not to exceed a maximum of 349 rooms for the entire PUD. Only 2 Hotels/Motels are permitted within the PUD. Only one hotel/motel may be located east of Goodlette-Frank Road, and shall not exceed 180 rooms, and only one hotel/motel may be located west of Goodlette Frank Road. The hotel/motel west of Goodlette Frank Road shall be located on Tract 6, not to exceed 169 rooms, is subject to specific development standards and setbacks in Section 3.4.

18. Industrial and Commercial Machinery (Groups 3524, 3546, 3553-3556, 3559, 3562, 3564-3566, 3581-3599 except for bronzing and dusting machines for printing trades; foundry type for printing; presses, printing - slugs printers'; ammunition and explosives loading machinery; brick making machines; cement making machinery; chemical kilns; control rod drive mechanisms for use on nuclear reactors; foundry machinery and equipment; frame straighteners, automotive (garage equipment); fur sewing machines; ginning machines, cotton; metal finishing equipment for plating, except rolling mill lines; metal pickling equipment, except rolling mill lines)

19. Leather and Leather Products (Groups 3131-3199)

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20. Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods: Watches and Clocks Manufacturing (Groups 3812-3843, 3845-3873)
21. Membership Organizations (Groups 8611-8631)
22. Miscellaneous Manufacturing Industries (Groups 3911-3999 except for dressing of furs: bleaching, blending, curring, scraping, and tanning; feathers: curling, dyeing, and renovating - for the trade; fur stripping; furs dressed: bleached, curried, scraped, tanned, and dyed; pelts: scraping, curring, tanning, bleaching and dyeing; plumes, feather; tear gas devices and equipment; veils made of hair)
23. Motion Picture Production (Groups 7812-7819)
24. Motor Freight Transportation (Groups 4214, 4215)
25. Packing and Crating (Group 4783)
26. Paper and Allied Products (Groups 2652-2657, 2673-2679)
27. Personal Services (Groups 7213, 7216, 7219, 7221)
28. Physical Fitness Facilities (Group 7991)
29. Plastic Materials and Synthetics (Groups 2833,2834)
30. Printing, Publishing and Allied Industries (Groups 2711-2791)
31. Professional Offices: including but not limited to, Travel Agencies (Group 4724); Insurance Agencies (Group 6411); Insurance Carriers (Groups 6311-6399); Real Estate (Groups 6512, 6514, 6517, 6519, 6531, 6541, 6552,)
32. Rubber and Miscellaneous Plastic Products (Groups 3021, 3085, 3086, 3088, 3089)
33. Transportation Equipment (Group 3732, except for boats, fiberglass: building and repairing; boats: motorboats, sailboats, rowboats, and canoes - building and repairing; houseboats, building and repairing; motorboats, inboard and outboard: building and repairing)
34. United States Postal Service (Group 4311)
35. Warehousing and Storage (Group 4225, 4226, 5014 except oil and gas storage, petroleum and chemical bulk stations and automobile dead storage) only one (1) self-storage use allowed to be located adjacent to the Collier County Sewage Treatment Plant.
36. Wholesale Trade-Durable Goods (Groups 5021-5031, 5043-5049, 5063-5074, 5078, 5091, 5092, 5094-5099 except for fencing, wood-wholesale; lumber: rough, dressed, and finished-wholesale; batteries, except

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automotive-wholesale; storage batteries, industrial-wholesale; unit substations-wholesale; boilers, power: industrial-wholesale; boilers, steam and hot water heating-wholesale; burners, fuel oil and distillate oil-wholesale; oil burners-wholesale)

37. Wholesale Trade-Nondurable Goods (Groups 5111-5143, 5145, 5147-5149, 5192, 5199 except for cats-wholesale; charcoal-wholesale; dogs-wholesale; fish, tropical-wholesale; furs, dressed-wholesale; greases, animal and vegetable-wholesale; ice, manufactured or natural-wholesale, leather and cut stock-wholesale; linseed oil-wholesale; oils, except cooking: animal and vegetable-wholesale; oilseed cake and meal-wholesale; rubber, crude-wholesale; sawdust-wholesale; vegetable cake and meal-wholesale; wigs-wholesale; worms-wholesale)

38. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

B. Restricted Principal Uses

The following medical related uses must be located within a 1/4 mile radius of the hospital property boundary.

1. Group housing for the elderly limited to Assisted living facilities, independent living units, skilled nursing units and continuing care retirement communities. A maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. These uses are limited to parcels located east of Goodlette-Frank Road.

2. Health Services, medical clinics and offices (Groups 8011-8049, 8052), a maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. SIC Code 8052 land uses are limited to parcels located east of Goodlette-Frank Road.

3. Medical Laboratories and research and Rehabilitative Centers (Groups 8071-8092, 8099)

4. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

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C. Permitted Accessory Uses and Structures:

1. Uses and structures that are accessory and incidental to uses permitted in this district, including indoor and outdoor recreational facilities, including but not limited to physical fitness facilities, playfields and fitness trails. Stadiums shall be prohibited.

2. Retail and wholesale sales and/or display areas as accessory to the principal use, not to exceed an area greater than forty percent (40%) of the gross floor area of the permitted principal use.

D. Operational Requirements for Group Housing

Group housing uses described in Section 3.2.B.1 shall provide the following services and/or be subject to the following operational standards:

1. The facility shall be for residents 55 years of age and older.

2. There shall be on-site dining for the residents.

3. Group transportation services shall be provided for residents for the purposes of grocery and other types of shopping. Individual transportation services may be provided for the residents' individualized needs including but not limited to medical office visits.

4. There shall be an on-site manager/activities coordinator to assist residents with their individual needs. The manager/coordinator shall also be responsible for arranging trips to off-site events as well as planning for lectures, movies, music and other entertainment for the residents at the on-site clubhouse.

5. A wellness center shall be provided on-site. Exercise and other fitness programs shall be provided for the residents.

6. Each unit shall be equipped to notify emergency service providers in the event of medical or other emergency.

7. Each unit shall be designed to accommodate residents with physical impairments (handicaps) as required by the applicable building codes and federal law and regulation.

3.4 DEVELOPMENT STANDARDS

A. Minimum Lot Area: 20,000 S.F.

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B. Minimum Lot Width: 100 FT.

C. Minimum Yard Requirements:

1. Front Yard, adjacent to Immokalee Road or Goodlette-Frank Road: Fifty feet (50'). For parcels located east of Goodlette-Frank Road, see additional setback requirements in Section 3.4.C.7.a.

2. Front Yard, Internal: Thirty feet (30')

3. Side Yard: Ten feet (10')
Five feet (5') to internal property line along Pine Ridge canal drainage easement and FP&L easement

4. Waterfront: Zero feet (0') to bulkhead or rip-rap at top of bank, otherwise twenty feet (20')

5. Rear Yard: Twenty-five feet (25')

6. Minimum Building Setback from Perimeter Boundary of PUD: Fifty feet (50')

7. Minimum Building Setback from Existing Goodlette-Frank Road Right-of-Way East of Goodlette-Frank Road:

a) Goodlette-Frank Road: Minimum of fifty feet (50'), except as provided as follows:

i) For group housing for elderly and intermediate care use:

(a) If the zoned height of any structure exceeds 50 feet, the minimum setback is 75 feet plus for any portion of a building exceeding fifty feet in zoned height an increased setback at a 1:2 ratio (i.e., for one vertical foot of height, setback is increased by two horizontal feet) for that portion of the building over 50 feet of height.

ii) For hotel/motel use:

(a) Minimum setback of 75 feet regardless of height plus for any portion of a building exceeding fifty feet in zoned height an increased setback at a 1:2 ratio (i.e., for one vertical foot of height, setback is increased

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by two horizontal feet) for that portion of the building over 50 feet of height.

D. Maximum Height (Zoned): For parcels west of Goodlette-Frank Road: fifty feet (50'), including silos, storage tanks, elevator towers, satellite dishes, antennas, etc. Facilities located on Tract 5 on the Master Plan shall have a maximum zoned height of one-hundred four (104') feet and a maximum actual height of one-hundred twenty two (122') feet, For parcels east of Goodlette-Frank Road: the Hotel, group housing for the elderly, and the intermediate care facility shall have a zoned height seventy-five feet (75'), actual height eight-five feet (85'). All other uses permitted east of Goodlette-Frank Road pursuant to Section III shall have a zoned height of fifty feet (50') and an actual height of sixty feet (60').

E. Outside storage or display shall be permitted and shall be screened from all internal and external public roadways with a fence or landscaping equivalent or combination thereof. Said fence, wall or landscaped screen shall be opaque in design. All manufacturing operations and equipment, including accessory process equipment such as compressors and air handlers shall be contained in an enclosed structure.

F. All I/C buildings shall meet the requirements of Section 5.05.08 of the LDC, except for buildings located on Tract 5, and 6 on the Master Plan, which shall be subject to the deviation process in Section 5.05.08 of the LDC (see Section 3.5.2, Development Deviations, of this PUD Ordinance). The building located on Tract 5 shall be similar in architectural style to the conceptual building rendering in Exhibit C.

G. Business District type uses located within the I/C District along Goodlette-Frank Road will meet the Collier County Architectural Guidelines in Division 2.8. of the LDC.

H. Industrial type uses abutting Goodlette-Frank Road shall meet the requirements of Section 2.19.B.3 hereof, alternatively, said uses shall have the option of utilizing the landscaped buffer applicable to business uses fronting Goodlette-Frank Road, provided the portion of the building facing Goodlette-Frank Road meets the following Architectural Guideline Sections of the LDC, therefore satisfying the intent of the building design section of the Architectural Guidelines in the opinion of the Community Development and Environmental Services Administrator:

1. Section 2.8.3.5.1., Purpose and Intent

2. Section 2.8.3.5.4., Facade Standard

3. Section 2.8.3.5.6., Project Standards

Words ~~struck through~~ are deleted; words <u>underlined</u> are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

4. Section 2.8.3.5.7., Detail Features except for 2.8.3.5.7.2.

5. Section 2.8.3.5.12.

I. Loading Areas: Buildings west of the Pine Ridge canal and adjacent to the Pelican Marsh boundary shall orient loading docks to the north, east or west.

J. Noise: Uses within the I/C District shall not exceed 65 dBA between the hours of 7 a.m. and 10 p.m. Monday through Saturday, and 60 dBA after 10 p.m. to 6:59 a.m. and all of Sundays, as measured at the property boundary of the land use from which the sound emanates.

K. Odor: No business shall cause or allow the emission of odorous air from any single source such as to result in odors which are detectable outside the parcel boundaries. Best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous air.

L. Lighting: Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within 200 feet of residential property. Light fixtures within parking areas shall not exceed 25 feet in height.

M. Emissions: All sources of air emissions shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulation (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air emissions without a valid operation permit issued by the Department of Environmental Regulation.

3.5 DEVELOPMENT DEVIATIONS

1. Deviation from LDC Section 5.05.04 D.1 which establishes a .45 floor area ratio (FAR) for group housing uses, to permit an FAR of .6 for group housing uses, including the intermediate care facilities.

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tract 5 and 6 of the Master Plan to be eligible for this deviation process.

3. Deviation from LDC Section 4.06.02.C.4., Type D Buffer, which requires a 10' wide Type D buffer adjacent to rights of way, with trees spaced no more than 30' on center, to permit the existing street trees planted along the west side of Creekside Street to satisfy the minimum Type D buffer tree requirement of the eastern boundary of Tract 5.

Words ~~struck through~~ are deleted; words <u>underlined</u> are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

3.6 LANDSCAPE BUFFER RESTRICTIONS

The use of bald cypress trees to meet the landscape buffer requirements in section 2.19.B.2. (and B.3) are prohibited

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

Words ~~struck through~~ are deleted; words underlined are added.

SECTION IV

BUSINESS DISTRICT

4.1 PURPOSE

The purpose of this section is to identify permitted uses and development standards for areas within Creekside Commerce Park designated on the Master Plan as "B".

4.2 GENERAL DESCRIPTION

Areas designated as "B" on the PUD Master Plan are intended to provide a maximum of 269,000 square feet of Floor Area, including approximately 219,000 square feet of office uses, ~~and~~ 50,000 square feet of retail uses, and up to 300 multi-family rental apartments (within the 9.9± acre Creekside Commerce Park East Mixed Use Subdistrict of the Growth Management Plan, shown on the Master Plan) on ~~22.90~~23.37± net acres. Intermediate care facilities (SIC Code 8052), parking garages, and group housing and hotel/motel uses (SIC Code 7011) are in addition to the B District gross square footage figures. Wellness Centers limited to employees and hotel guests within the PUD shall not exceed a maximum of 40,000 s.f., and shall not be counted towards overall square footage. There shall be no offsite memberships. The above referenced wellness center shall be located west of Goodlette-Frank Road.

4.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Permitted Principal Uses and Structures:

1. Apparel and Accessory Stores (Groups 5611-5699)

2. Breweries (Group 2082)

3. Building Contractors (Groups 1521-1542), except for general contractors for mobile home repair on site, modular housing and premanufactured housing assembled on site, dry cleaning plant construction, paper pulp mill construction, and truck and automobile assembly plant construction.

4. Business Services (Groups 7311-7313, 7319, 7322, 7323, 7331-7338, 7352, 7359-7389 except for industrial truck rental and leasing; plants, live: rental and leasing; toilets, portable: rental and leasing; employment agencies, except theatrical and motion picture; labor contractors (employment agencies) model registries; labor pools; manpower pools; modeling service; dogs, rental of: for protective service; automobile recovery service; automobile repossession service; bartering services for businesses;

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

bondspersons; bottle exchanges; check validation service; contractors disbursement control; filling pressure containers (aerosol) with hair spray, insecticides, etc.; fire extinguishers, service of gas systems, contract conversion from manufactured to natural gas; metal slitting and shearing on a contract or fee basis produce weighing service, not connected with transportation; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis; tobacco sheeting service on a contract or fee basis)

5. Child Day Care Services (Group 8351)

6. Convenience Store, food market (Group 5411) only two (2) allowed within the PUD and Gasoline Filling Station (Group 5541) only one (1) allowed within the PUD.

7. Communications (Groups 4812-4899), not including major communication towers related to cellular phone service, radio broadcasting, television broadcasting, radar or telephone service.

8. Dance and Martial Arts Studios (Groups 7911 and 7999, including only gymnastics and martial arts instruction)

9. Depository and Non-Depository Institutions (Groups 6011-6163) including automatic teller machines

10. Drugs and Medicines (Groups 2833-2836 except for adrenal derivatives: bulk, uncompounded; barbituric acid and derivatives: bulk, uncompounded; cocaine and derivatives; codeine and derivatives; gland derivatives: bulk, uncompounded; mercury chlorides, U.S.P; mercury compounds, medicinal: organic and inorganic; morphine and derivatives; opium derivatives)

11. Dwelling Units, Multi-Family (within the 9.9± acre Creekside Commerce Park East Mixed Use Subdistrict of the Growth Management Plan, shown on the Master Plan)

~~11.~~12. Eating Places (Group 5812) not including stand alone drive-thru restaurants.

~~12.~~13. Educational Services (Groups 8249-8299 except construction equipment operation schools; truck driving schools; automobile driving instruction; survival schools; vocational counseling)

~~13.~~14. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748 except chemical laboratories, commercial research; automobile proving and testing grounds; metallurgical testing laboratories; pollution testing, except automotive emissions testing; radiation dosimetry laboratories; seed testing laboratories; veterinary testing laboratories)

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

~~14.~~15. Government Offices/Buildings (Groups 9111-9199, 9221, 9222, 9224-9229, 9311, 9451, 9511-9532, 9611, 9631-9661)

~~15.~~16. Hardware Stores (Group 5251)

~~16.~~17. Home Furniture, Furnishings and Equipment Stores (Groups 5712-5736)

~~17.~~18. Hotels / Motels (Group 7011); not to exceed a maximum of 349 rooms for the entire PUD. Only 2 hotels/motels are permitted within the PUD. Only one hotel/motel may be located east of Goodlette-Frank Road, and shall not exceed 180 rooms, and only one hotel/motel may be located west of Goodlette Frank Road. The hotel/motel west of Goodlette Frank Road shall be located on Tract 6, not to exceed 169 rooms, is subject to specific development standards and setbacks in Section 4.4.

~~18.~~19. Miscellaneous Food Stores (Group 5499)

~~19.~~20. Miscellaneous General Merchandise Stores (Group 5399)

~~20.~~21. Miscellaneous Retail (Groups 5912-5949 and 5992-5999, excluding used merchandise stores, fireworks, gravestones, tombstones and monuments, ice dealers, sales barns, and swimming pools; retail)

~~21.~~22. Paint/Glass and Wallpaper (Group 5231)

~~22.~~23. Personal Services (Groups 7215, excluding self-service or coin laundries, 7221-7251, 7291 and 7299, including only clothing rental, costume rental, tanning salons and hair services)

~~23.~~24. Professional Offices: Travel Agencies (Group 4724); Insurance Agencies (Group 6411); Insurance Carriers (Groups 6311-6399); Real Estate (Groups 6512-6515, 6517, 6519, 6531, 6541, 6552, 6553); Holding and Other Investment Offices (Groups 6712-6799); Attorneys (Group 8111)

~~24.~~25. Physical Fitness Facilities (Group 7991)

~~25.~~26. Retail Bakeries (Group 5461)

~~26.~~27. Security and Commodity Brokers (Groups 6211-6289)

~~27.~~28. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

B. Restricted Principal Uses

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

The following medical related uses must be located within 1/4 mile radius of the hospital property boundary.

1. Group housing for the elderly limited to assisted living facilities, independent living units, skilled nursing units and continuing care retirement communities. A maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. These uses are limited to parcels located east of Goodlette-Frank Road.

2. Drug Stores and Proprietary Stores (Group 5912) only one (1) drug store allowed.

3. Health Services, Medical Clinics and Offices (Groups 8011-8049, 8052), a maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. SIC Code 8052 land uses are limited to parcels located east of Goodlette-Frank Road.

4. Medical Laboratories and research and Rehabilitative Centers (Groups 8071-8099)

5. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

C. Permitted Accessory Uses and Structures

1. Accessory uses and structures customarily associated with principal uses permitted in this district, including indoor and outdoor recreational facilities, including but not limited to physical fitness facilities, playfields and fitness trails on areas not designated IC or B on the PUD Master Plan. Stadiums shall be prohibited.

2. Retail and wholesale sales and/or display areas as accessory to the principal use, not to exceed an area greater than forty percent (40%) of the gross floor area of the permitted principal use.

3. Parking structure supporting dwelling units may be constructed on Tract 9.

D. Operational Requirements for Group Housing

Group housing uses described in Section 4.2.B.1 shall provide the following services and/or be subject to the following operational standards:

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

1. The facility shall be for residents 55 years of age and older.

2. There shall be on-site dining for the residents.

3. Group transportation services shall be provided for residents for the purposes of grocery and other types of shopping. Individual transportation services may be provided for the residents' individualized needs including but not limited to medical office visits.

4. There shall be an on-site manager/activities coordinator to assist residents with their individual needs. The manager/coordinator shall also be responsible for arranging trips to off-site events as well as planning for lectures, movies, music and other entertainment for the residents at the on-site clubhouse.

5. A wellness center shall be provided on-site. Exercise and other fitness programs shall be provided for the residents.

6. Each unit shall be equipped to notify emergency service providers in the event of medical or other emergency.

7. Each unit shall be designed to accommodate residents with physical impairments (handicaps) as required by the applicable building codes and federal law and regulation.

4.4 DEVELOPMENT STANDARDS

1. Non-Residential

A. Minimum Lot Area: 20,000 S.F.

B. Minimum Lot Width: 100 FT.

C. Minimum Yard Requirements:

1. Front Yard, Immokalee and Goodlette-Frank Roads: Fifty feet (50')

2. Front Yard, Internal Roads: Thirty feet (30'), except for parking structures located on Tract 9, which shall be allowed to have a fifteen foot (15') setback.

3. Side Yard: Ten feet (10')
Five feet (5') to internal property line along the Pine Ridge canal drainage easement and FP&L easement

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

4. Waterfront: Zero feet (0') to bulkhead or rip-rap at top of bank, otherwise twenty feet (20')

5. Rear Yard: Twenty-five feet (25')

6. Minimum Building Setback from Perimeter Boundary of PUD for Properties West of Goodlette-Frank Road:

   a) Fifty feet (50') for buildings up to thirty five feet (35') in height.

   b) Three additional feet (3') for every one foot of building height over thirty five feet (35') adjoining residential districts.

7. For Properties East of Goodlette-Frank Road: Minimum Building Setback from Perimeter Boundary of PUD and from Public Roadways:

   a) Immokalee Road: Minimum of fifty feet (50') plus for any portion of a building exceeding a zoned height of fifty feet (50'), that portion of the building shall have its building setback increased at a 1:3 ratio (i.e. one (1') vertical foot of height for every three (3') horizontal feet); or

      For any portion of a hotel that may be constructed on the B designated tract at the southeast corner of Goodlette-Frank Road and Immokalee Road, a minimum three hundred fifty foot (350') building setback from Immokalee Road.

   b) Goodlette-Frank Road: Minimum of fifty feet (50') and for any portion of a building exceeding a zoned height of fifty feet (50'), that portion of the building shall have the setback increased at a 1:2 ratio (i.e. one (1') vertical foot of height for every two (2') horizontal feet); or

      For any portion of a hotel on the B designated tract on the southeast corner of Immokalee Road and Goodlette-Frank Road, the minimum setback from Goodlette-Frank Road shall be seventy-five (75') regardless of height.

D. Maximum Height (Zoned): For parcels west of Goodlette-Frank Road, three stories over parking to a maximum of fifty feet (50') except that no structure shall be greater than thirty-five feet (35'), on property west of the Pine Ridge Drainage Easement.

   For Properties East of Goodlette-Frank Road:

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

a) The group housing for the elderly and intermediate care facilities constructed on the B designated tract located at the southeast quadrant of the Goodlette-Frank Road and Immokalee Road intersection shall have a zoned height of sixty feet (60') and an actual height of seventy feet (70'), except that a hotel building or structure associated with this use may not exceed a zoned height of seventy five feet (75') and an actual height of eighty five (85'). All other uses on Tract 9 on the Master Plan shall be permitted to have a zoned height of seventy five feet (75') and an actual height of eighty five (85')

b) The group housing for the elderly and intermediate care facilities constructed on the easternmost B designated tract adjacent to Immokalee Road, as shown on the Master Plan, shall have a zoned height of sixty feet (60') and an actual height of seventy feet (70').

c) All other uses permitted pursuant to Section IV shall be limited to a maximum zoned height of fifty (50') and an actual height of sixty (60').

E. Commercial design guidelines for facilities in the Business District shall be subject to the provisions of Division 2.8. Architectural and Site Design Standards and Site Design Standards for commercial buildings and projects, except buildings located on the southern portion of Tract 3. Buildings located in the southern portion of Tract 3 as labeled on the Master Plan shall be subject to the deviation process in Section 5.05.08 of the LDC (see Section 4.5.3, Development Deviations, of this PUD Ordinance).

F. Outside storage or display shall be permitted and shall be screened from all internal and external public roadways with a fence at least seven feet in height above ground level, or landscaping equivalent or combination thereof. Said fence, wall or landscaped screen shall be opaque in design.

2. Residential

PRINCIPAL STRUCTURES	**MULTI-FAMILY**
Minimum Lot Area	1 acre
Minimum Lot Width	N.A.
Minimum Lot Depth	N.A.
Minimum Front Yard Setback (Goodlette-Frank Road)	50 feet (1)
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	10 feet
Minimum from Creekside Blvd. E. (2)(4)	30 feet
Minimum Lake Maintenance Easement Setback	0 feet
Minimum PUD Boundary Setback	50 feet

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

Maximum Building Height Zoned Actual	 95 feet 100 feet
Minimum Distance Between Buildings	20 feet
Floor Area Min. (S.F.), per unit	550 s.f.
ACCESSORY STRUCTURES	
Minimum Front Yard Setback (Goodlette-Frank Road)	50 feet
Minimum Side Yard Setback	5 feet
Minimum Rear Yard Setback	10 feet
Minimum from Creekside Blvd. E.	15 feet (2)(4)
Minimum PUD Boundary Setback	15 feet
Minimum Distance Between Buildings	0/10 feet
Maximum Height (3) Zoned Actual	 20 feet 25 feet

(1) For any portion of a building exceeding a zoned height of fifty feet (50'), that portion of the building shall have the setback increased at a 1:2 ratio (i.e. one (1') horizontal foot setback for every two (2') vertical feet of height).

(2) There shall be no required building setback from Creekside Boulevard East for a pedestrian bridge and supporting infrastructure.

(3) Not applicable to an elevated pedestrian bridge. Parking garage shall be subject to building height per Section 4.4.D. a) above.

(4) A free-standing parking garage may be constructed at fifteen feet (15') from Creekside Boulevard East.

4.5 DEVELOPMENT DEVIATIONS

1. Deviation from LDC Section 5.05.04 D.1 which establishes a .45 floor area ratio (FAR) for group housing uses, to permit an FAR of .6 for group housing uses, including the intermediate care facility.

2. Deviation from LDC Section 5.06.04.F.3 Directory signs, which authorizes one (1) directory sign to be located at the project entrance, to permit installation of the directory sign on Immokalee Road east of Goodlette-Frank Road, not at the project entry, but rather at a location between the project entry and Goodlette-Frank Road.

3. Deviation from LDC Section 5.05.08.G, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on the southern portion of Tract 3 of the Master Plan to be eligible for this deviation process.

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

4. Deviation from LDC Section 4.06.02.C.2, "Table 2.4 Table of Buffer Requirements by Land Use Classifications", which requires Residential (RMF-6, RMF-12, RMF-16) multifamily district/use adjacent to Commercial 3 (C-1, C-2, C-3, C-4, C-5); Business Park (BP) district/use to provide a 15' wide type 'B' landscape buffer, to allow no buffer between the proposed residential use and the existing commercial use located to the north and a shared 15 foot wide type 'B' buffer with the institutional use located to the south.

4.6 LANDSCAPE BUFFER RESTRICTIONS

The use of bald cypress trees to meet the landscape buffer requirements in section 2.19.A.2 (and B.2) are prohibited.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

Words ~~struck through~~ are deleted; words underlined are added.

SECTION V

PRESERVE AREA

5.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within Creekside Commerce Park, designated on the Master Plan, as Preserve Area.

5.2 GENERAL DESCRIPTION

Areas designated as Preserve Area on the Master Plan are designed to accommodate natural systems existing or created as preserves and limited water management uses and functions.

5.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Uses and Structures

1. Boardwalks and nature trails (excluding asphalt paved trails).

2. Water management structures.

3. Any other preserve and related open space activity or use which is comparable in nature with the foregoing uses, permitted in accordance with the LDC and which the Board of Zoning Appeals (BZA) or Hearing Examiner determines to be compatible in the Preserve Area.

5.4 PRESERVE DISTRICT PRESERVATION EASEMENT

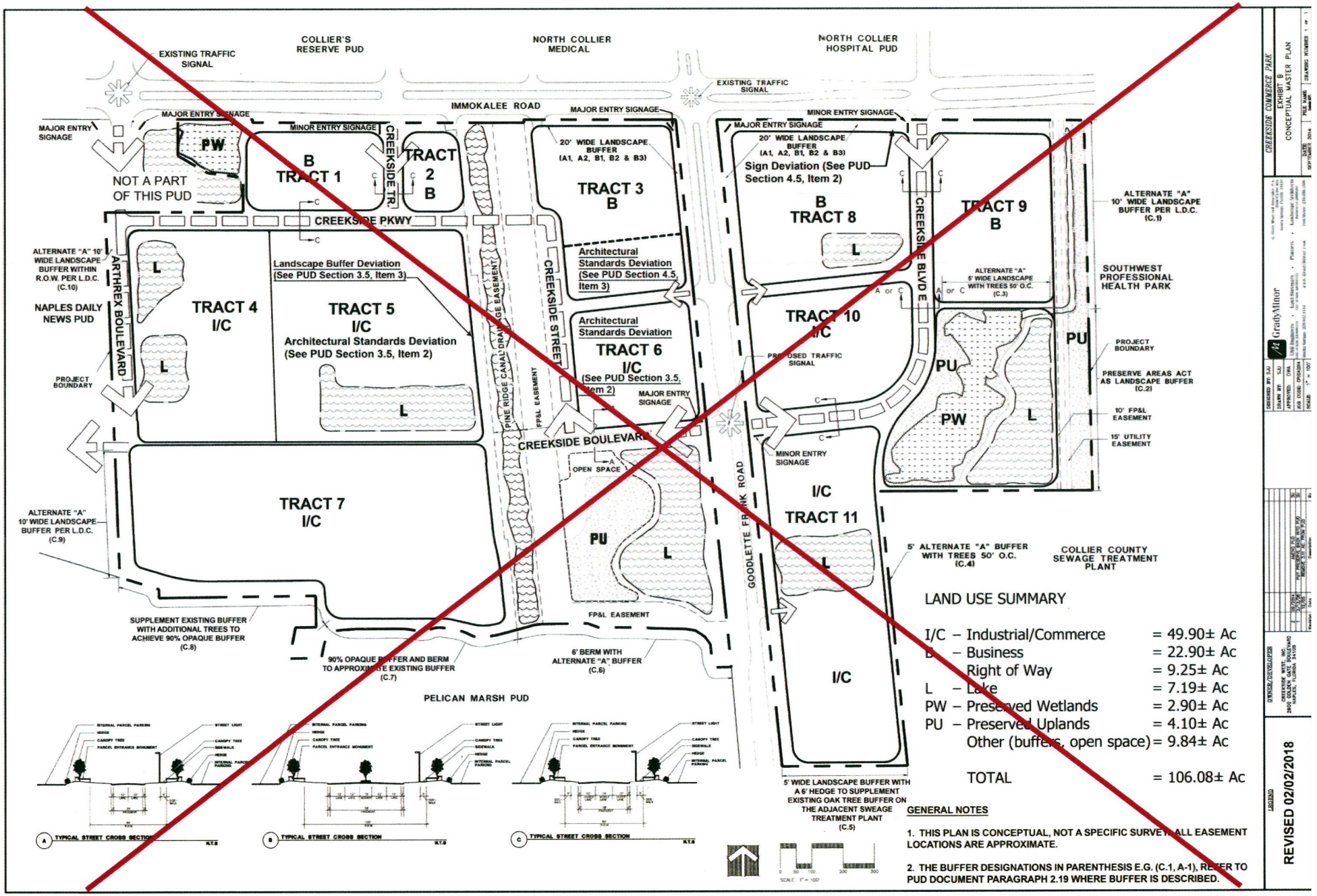
A non-exclusive preservation easement or tract is required by LDC Section 3.2.8.4.7.3. for preservation lands included in the Preserve Area. The Developer, its successor or assign shall be responsible for the control and maintenance of lands within the Preserve Area. Exact location/boundary of the Preserve Area will be determined during the development permitting process with the South Florida Water Management District, Army Corps of Engineers, and Collier County.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

5.5 PRESERVE AREA ADJUSTMENTS

The proposed native vegetation retention areas, depicted on the Creekside Commerce Park Master Plan, are intended for meeting the native vegetation requirements of the Collier County Growth Management Plan and the Collier County LDC. Adjustments may be made to the location of the preservations areas at the time of preliminary plat or site development plan approval. If adjustments are needed, per the Collier County LDC the Developer will have the option to increase the preservation in another area, enhance and preserve another area, or provide increased native landscape per the Collier County LDC. The proposed preservation areas, including 2.9 acres of wetlands and 4.1 acres of uplands, depicted on the Creekside Commerce Park master plan, are areas where the native vegetation requirements may be met on-site as set forth in the Collier County LDC.

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)



LAND USE SUMMARY

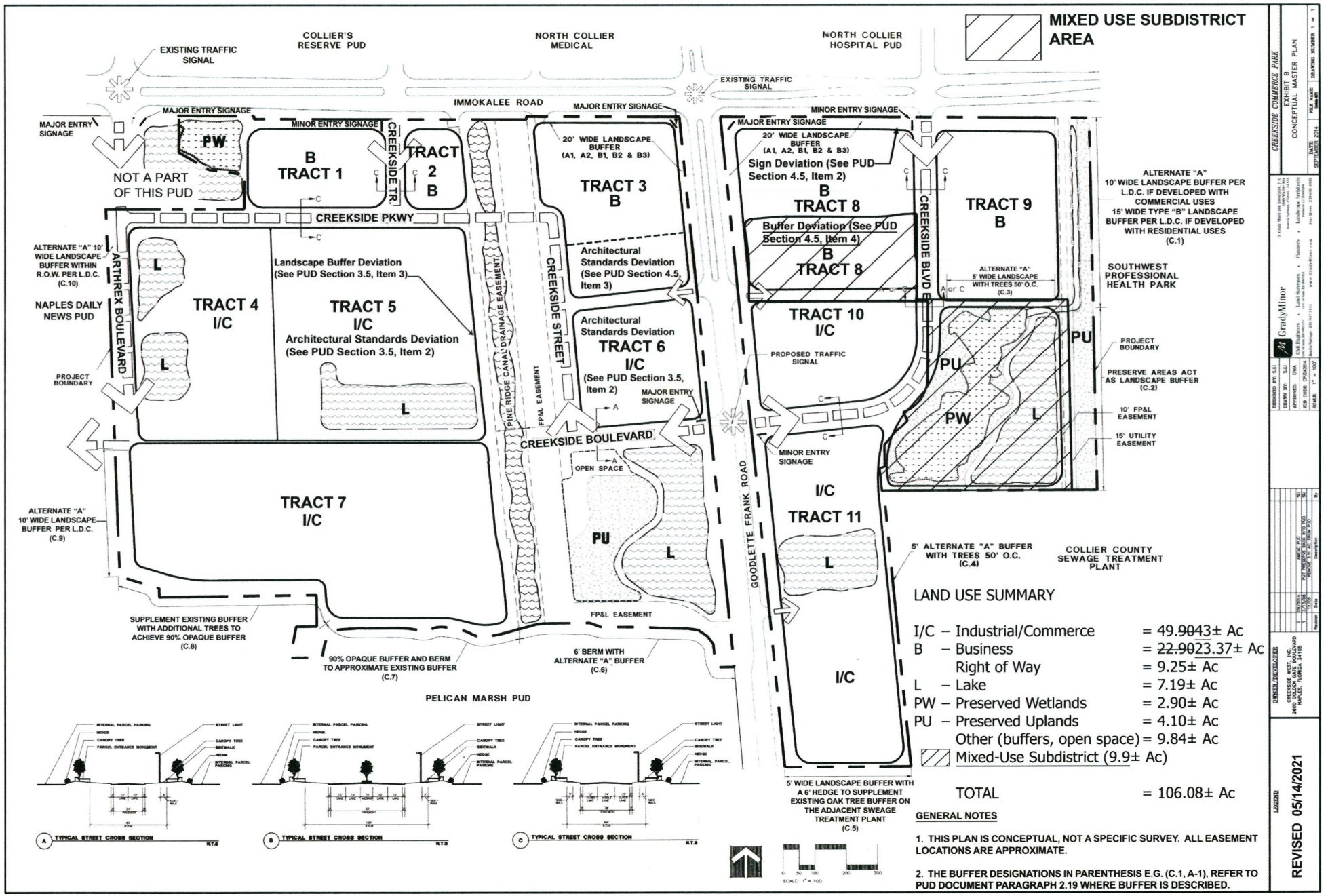
I/C	– Industrial/Commerce	= 49.90± Ac
B	– Business	= 22.90± Ac
	Right of Way	= 9.25± Ac
L	– Lake	= 7.19± Ac
PW	– Preserved Wetlands	= 2.90± Ac
PU	– Preserved Uplands	= 4.10± Ac
	Other (buffers, open space)	= 9.84± Ac
	TOTAL	= 106.08± Ac

GENERAL NOTES

1. THIS PLAN IS CONCEPTUAL, NOT A SPECIFIC SURVEY. ALL EASEMENT LOCATIONS ARE APPROXIMATE.
2. THE BUFFER DESIGNATIONS IN PARENTHESIS E.G. (C.1, A-1), REFER TO PUD DOCUMENT PARAGRAPH 2.19 WHERE BUFFER IS DESCRIBED.

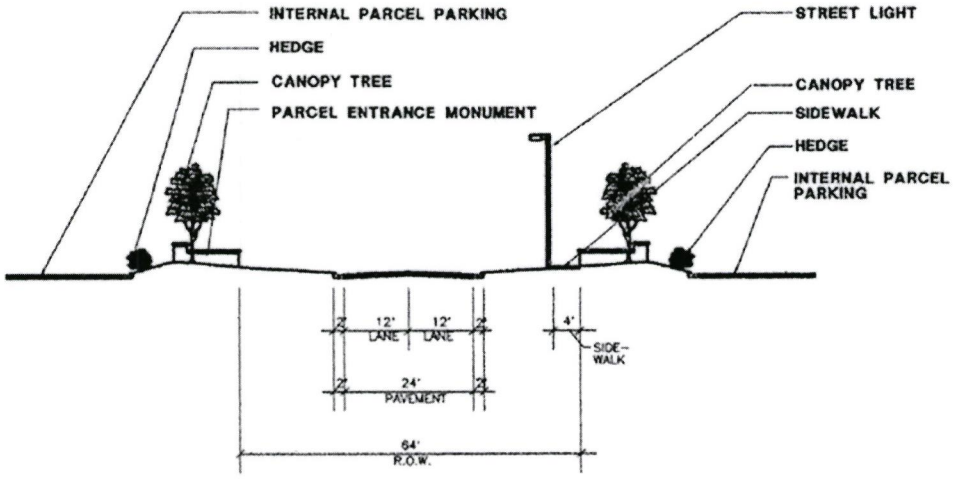
CREEKSIDE COMMERCE PARK
EXHIBIT B
CONCEPTUAL MASTER PLAN
REVISED 02/02/2018

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

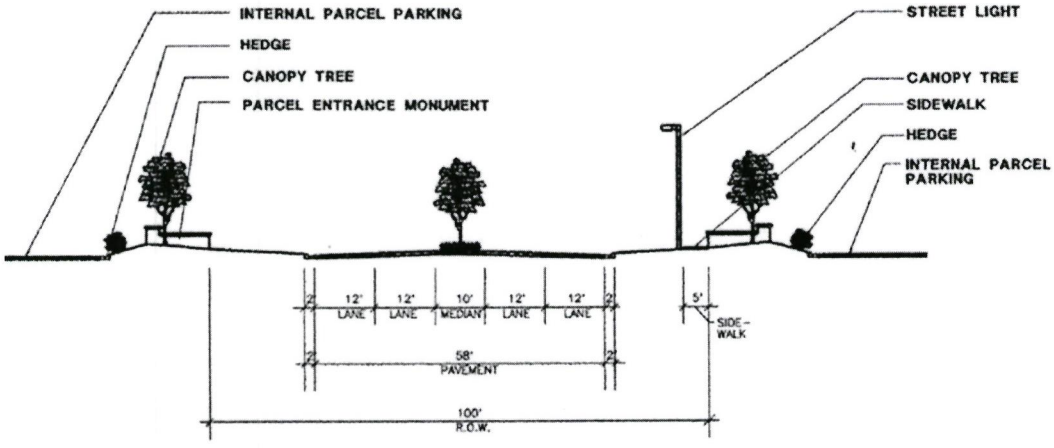


Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

EXHIBIT B1
CROSS SECTIONS (ENLARGED)



A TYPICAL STREET CROSS SECTION N.T.S



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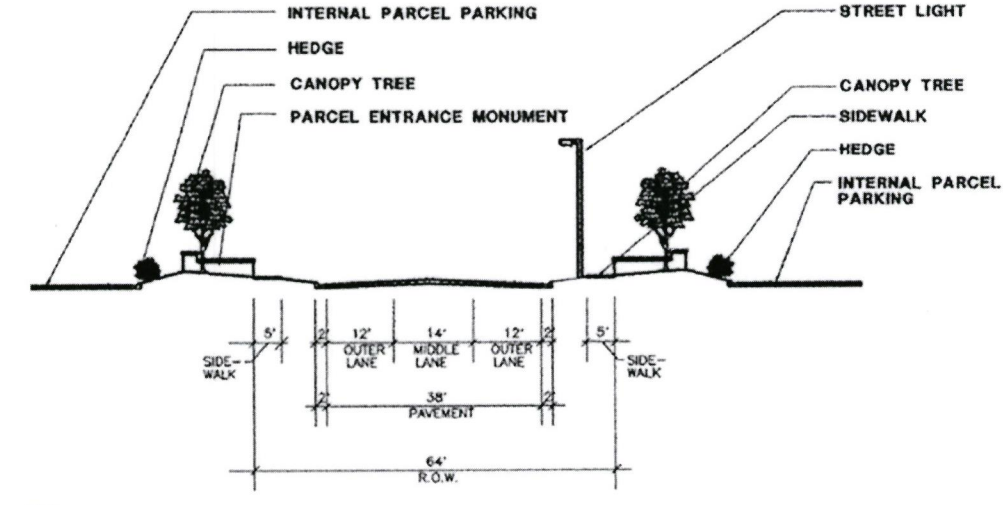


C TYPICAL STREET CROSS SECTION N.T.S

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)



Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 3, 2021

Ms. Martha S. Vergara, Board Minutes & Records Dept.
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Vergara:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2021-35, which was filed in this office on November 3, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

Attachment: Attachment B Ord. 21-35 (20971 : PL20210002390 Creekside Commerce Park PDI)

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270

PL20210002390 Creekside Commerce Park
November 9, 2021 Neighborhood Information Meeting Transcript

Wayne Arnold: Good evening, I'm Wayne Arnold with Grady Minor and Associates, and here representing Arthrex and Sharon Umpenhour is with our firm, she'll be recording the meeting, we're required to do that per Collier County regulations. Trent Lewis is here representing Arthrex, he's the facilities director. And Gabriela Castro is here from Collier County government. Buzz, thank you for joining us. We're here to talk about an insubstantial change to the Creekside PUD. Insubstantial changes are a form of an amendment that's allowed that goes through the Hearing Examiner review process rather than to the Board of County Commissioners.

There's some criteria for what is an insubstantial change and, in this case, we're adding some very minor texts about the PUD document and the zoning master plan for it. We're here to talk about something… If you don't mind me turning my back on it so I can see the exhibit, Tract Seven is one of Arthrex's holdings that they've acquired, it has the existing office building that they formally occupied there, they still occupy space, but their headquarters has now moved into the building we're in. The other building was a college, and they've acquired that, and they're going to renovate that and use it for additional Arthrex employee space. They also would like to build another building on the tract and in order to make the building look like it fits in with the other Arthrex buildings, we're asking for it to be able to go through an alternative architectural design process that was allowed for Tracts five and six, which allows the hotel where it's existing and the building we're in tonight, which is Tract five. So, on the master plan, you can see the PUD document, excuse me, we're going to say Tracts five, six, and seven, that are identified on the master plan, would qualify for this alternative architectural review.

On the master plan, you can see that Tract seven is that one, and so, as you come in off of Goodlette-Frank Road, you're on Creekside Blvd., it will terminate…right now, it essentially terminates at the Tract seven that we're talking about. And so, on that tract, we're not asking to change any uses, we're not asking to change any development standards, we're just asking for it to be allowed to be reviewed under the alternate architectural design standards. This is a rendering and concept, and it's probably changed since we received this a couple of weeks ago from the client, but they're looking to do a very modern looking office space, it'll be a training center as well as some additional office space. They do a lot of video production and things of that nature, so, those would be uses that would be utilized in the building. The reason that I think this image in the center, lower, represents why

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside Commerce Park PDI)

the architectural alternative process is necessary, the county would require that building, for instance, to have some relief on the front of it, and what Arthrex would do would be to utilize landscaping, some other design elements, to break up the space. But again, it's going to be done under the existing development standards for the PUD.

So, in a nutshell, that's what we're proposing to do, it's something that's been done for the other two buildings that Arthrex owns, and we think it makes sense for them to be able to use the process that the County's established for architectural review. So, with that, I'm happy to take any questions. Okay, none from our one audience member, anybody online have a question or comment?

Tyler Korn: Hi, yes, thank you. I'm sorry, maybe I missed it, but what is the total height of the building going to be?

Wayne: Right now, the PUD allows buildings in that tract to be 50 ft. high.

Tyler: Fifty feet?

Wayne: And that's remaining unchanged.

Tyler: And that's for a two-story building?

Wayne: It doesn't establish a maximum number of stories; it only establishes the vertical height.

Tyler: I'm sorry, but is what is being proposed a two-story building?

Wayne: This rendering represents a two-story building, but again, it would allow a building up to 50 ft. in height, whether it would be two stories, potentially three stories.

Tyler: I see. So, we don't know what the actual proposal is, right?

Wayne: This is not an actual proposal tonight; this is merely setting up the concept for them to be able to go through the architectural process that's already in the Land Development Code.

Tyler: I see.

Wayne: Could I just ask your name for the record, just so we can record that please?

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside Commerce Park PDI)

Tyler: Sure, Tyler Korn, on behalf of the Estates at Bay Colony.

Wayne: Okay, thank you.

Wayne: Any other comments or questions?

Tyler: So, I'm sorry, just for clarity, what is the minor deviation that's being sought from the PUD?

Wayne: The deviation is to allow Tract seven, which I highlighted on the master plan, to go through an alternative architectural review process. The building that we're in physically, the new office building that's the headquarters for Arthrex, as well as their hotel, also utilize that same alternate process. It allows them to do a few things different architecturally, and tailor the building to look like it's part of their campus.

Tyler: I see. I see, okay. Well, thanks.

Wayne: Sure. So, if there are any other questions, please feel free to ask. Just for some housekeeping, this will go to the hearing examiner, we don't have a hearing date established, but there will be other notice that goes out. If you receive notice for this meeting, you will receive notice from the county regarding the date of the hearing examiner, and as always, as the county continues to review, they may make, or suggest, minor revisions to how we've made the applications, so, there could be some other refinement. So, I would encourage you to contact Sharon Umpenhour, from our office, if you would like to continue to get updates or if you need access to the materials that are under review from the county.

We'll be happy to provide links to you. And if you can see our screen, that contact information is there. So, I don't know if you want to take a photo of that, or how you would like to do that, or write any of the information down. Any other questions, comments? If not, we're going to adjourn. I appreciate the questions and I appreciate you all following the item. Goodnight.

Tyler: Thanks so much.

[End of Audio]

Duration: 8 minutes

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside Commerce Park PDI)

PETITION: PL20210002390, Creekside Commerce Park PUD 2933193162 (PDI)

November 9, 2021 Neighborhood Information Meeting (NIM)

Project information and a copy of this presentation can be found on our website: gradyminor.com/planning

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

INTRODUCTION

PROJECT TEAM:

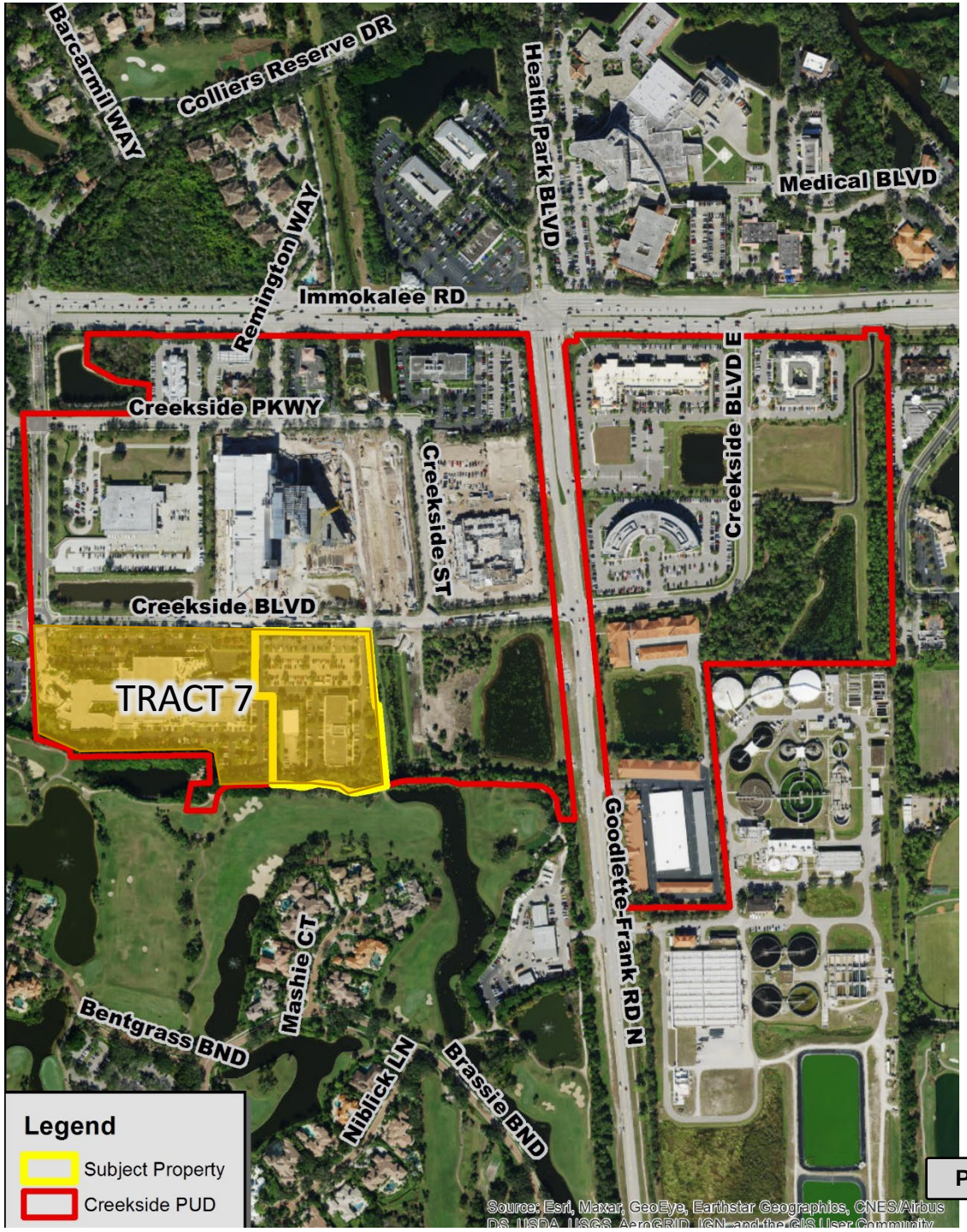
- ***RES Florida 1370 Holdings LLC*** – *Applicant*
- ***Trent Lewis, MBA, LEED AP, Director of Facilities & Corporate infrastructure*** – *Arthrex, Inc.*
- ***D. Wayne Arnold, AICP, Professional Planner*** – *Q. Grady Minor & Associates, P.A.*
- ***James A. Carr, P.E., Professional Engineer*** – *Agnoli, Barber & Brundage, Inc.*
- ***Mark Shannon, Sr. Project Manager*** – *Studio+*

**Please note, all information provided is subject to change until final approval by the governing authority.*

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

LOCATION MAP





N

3.A.d

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

PROJECT INFORMATION

Current Zoning: *Creekside Commerce Park PUD*

Approved Ordinance: *2018-19 (April 24, 2018)*

Proposed Request:

- *Modify Section 3.5, Development Deviations, Item 2. to include Tract 7*
- *Modify the Master Plan to add deviation notation to Tract 7.*

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

PROPOSED DEVIATION

N

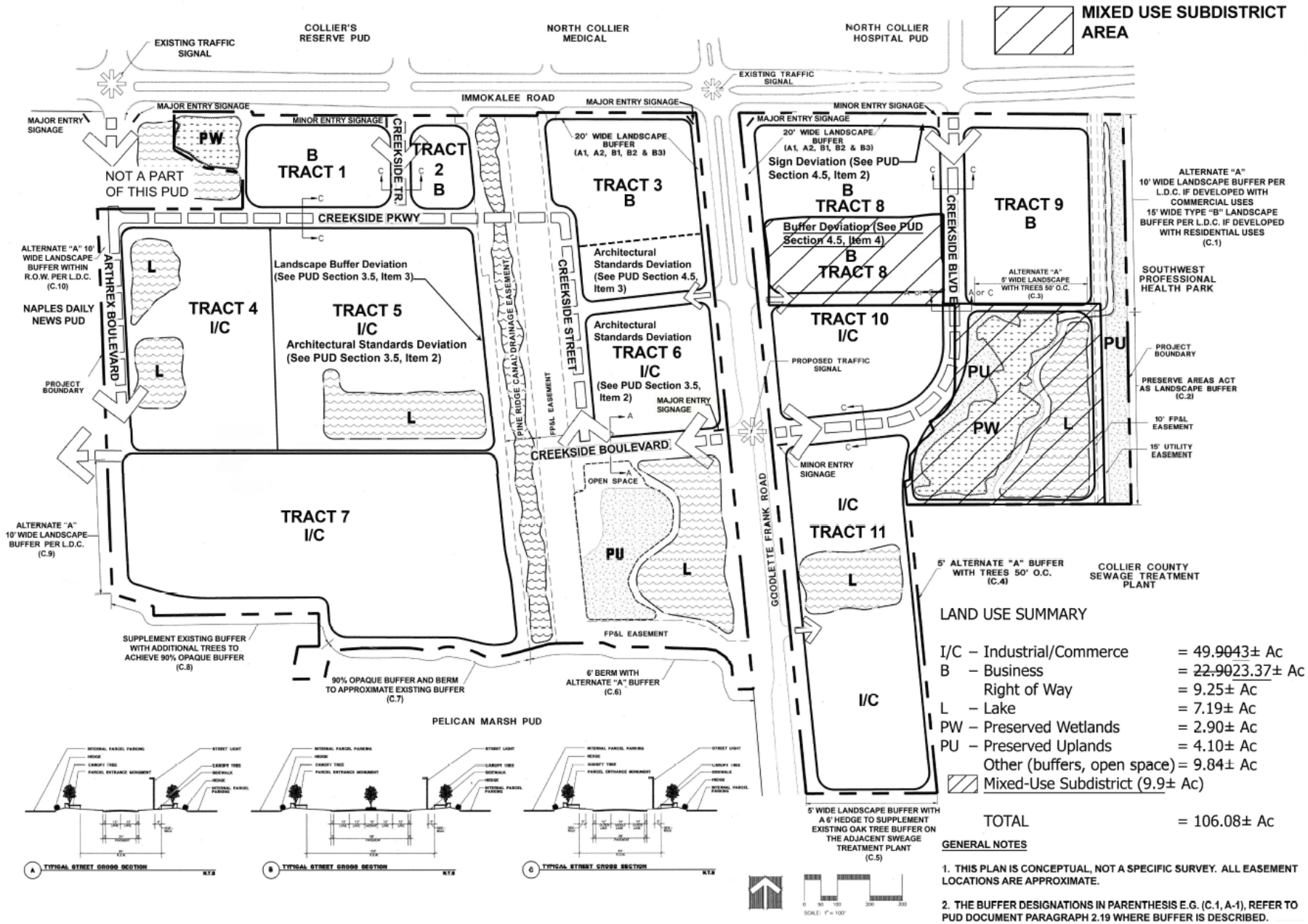
SECTION III
INDUSTRIAL/COMMERCE DISTRICT

3.5 Development Deviations

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tract 5, ~~and 6~~, and 7 of the Master Plan to be eligible for this deviation process.

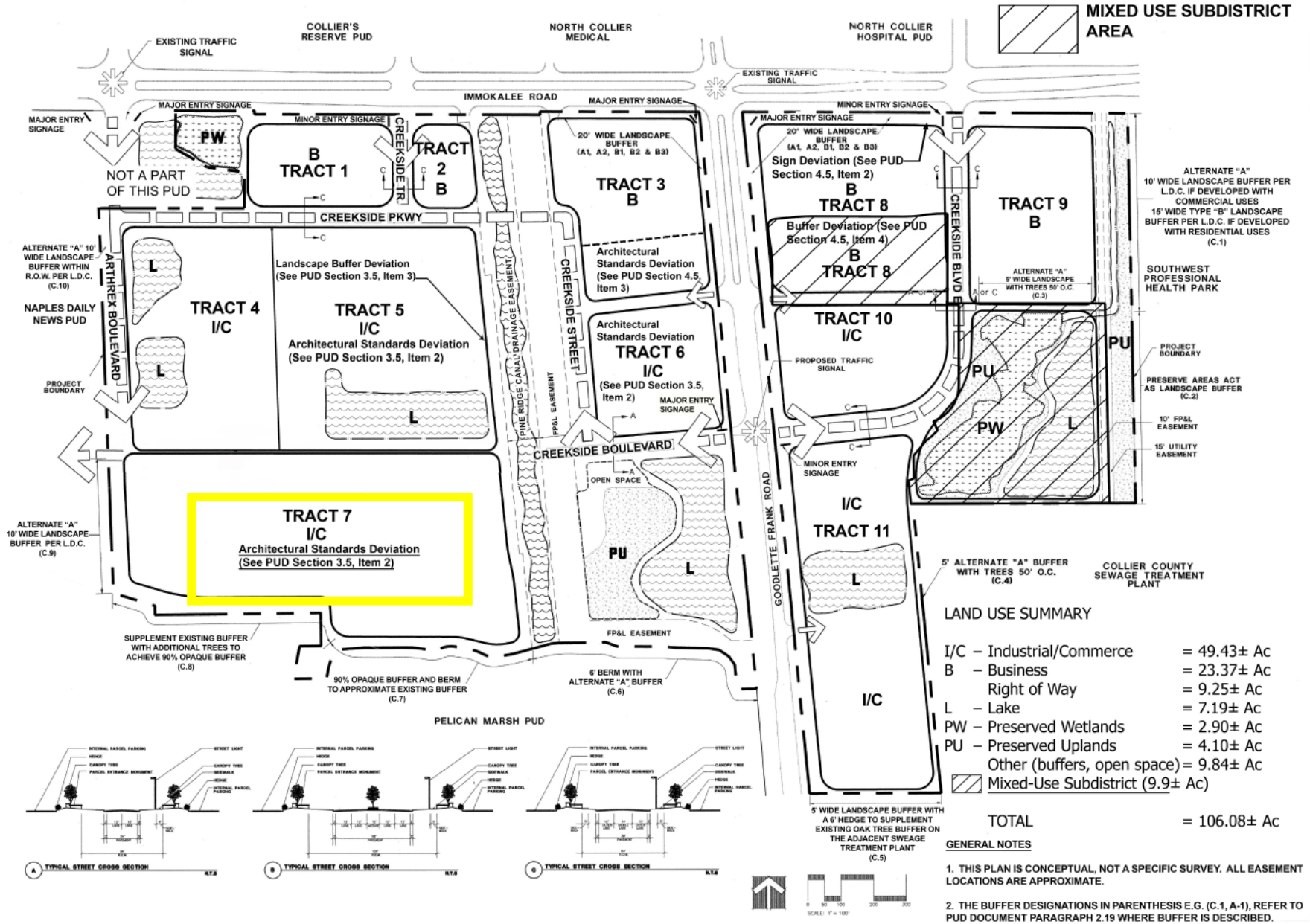
Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

APPROVED MASTER PLAN



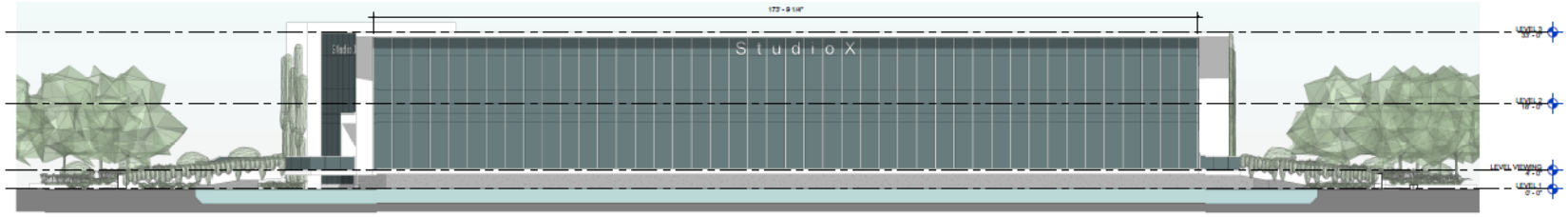
Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

PROPOSED MASTER PLAN

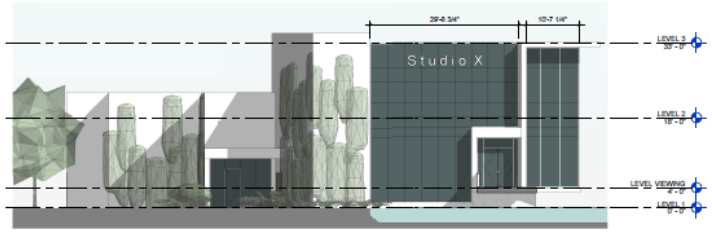


Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

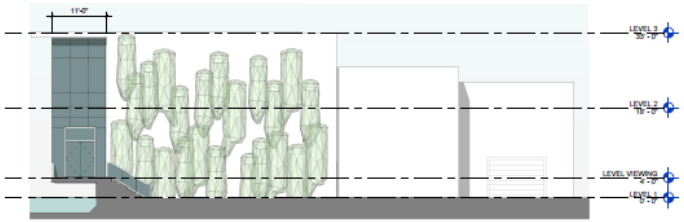
CONCEPTUAL BUILDING RENDERINGS



NORTH ELEVATION	1
	3/32" = 1'-0"



EAST ELEVATION	3
	3/32" = 1'-0"



WEST ELEVATION	2
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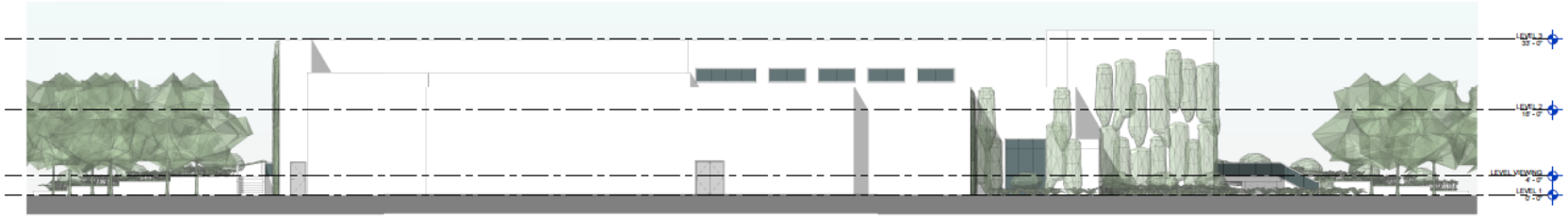

SOUTH ELEVATION	4
	3/32" = 1'-0"







studio+ Arthrex

ARTHREX
STUDIO X
PROJECT NUMBER: FL2106
-
FORT MYERS, FL 33907

A-02
ELEVATIONS + EXTERIOR
ISSUED DATE: 08/24/21
SCALE: 3/32" = 1'-0"

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CONCLUSION

Documents and information can be found online:

- *Gradyminor.com/Planning*
- *Collier County GMD Public Portal: cvportal.colliercountyfl.gov/CityViewWeb*

Next Steps

- *Hearing sign(s) posted on property advertising Hearing Examiner (HEX) meeting dates.*
  - *HEX- TBD*

Contact:

- ***Q. Grady Minor & Associates, P.A.:*** *Sharon Umpenhour, Senior Planning Technician; sumpenhour@gradyminor.com or 239.947.1144 extension 1249*

- ***Collier County Staff:***
  Gabriela Castro, AICP, Principal Planner; Gabriela.Castro@colliercountyfl.gov or (239) 252-4211

Attachment: Attachment C NIM Documents0 (20971 : PL20210002390 Creekside

Development Plan (SDP) or Plans and Plat (PPL), the development would be reviewed for concurrency to ensure there is capacity either within the concurrency service area the development is located within or in adjacent concurrency service areas.

Landscape Review: Landscape staff has reviewed the petition, the PUD Document, and the Master Plan and is recommending approval.

Zoning and Land Development Review: The Creekside Commerce Park CPUD is an established commerce park, which has been substantially developed and approved for 709,100 square feet of industrial/commercial uses, 269,000 square feet of business district uses, a 400 bed assisted living facility, and 349 hotel rooms.

The amendment to the Creekside Commerce Park CPUD proposes to add 300 multi-family dwelling units to the Business (B) District within the PUD. The proposed additional 300 units will be located on the east side of Goodlette-Frank Road on Tract 8 and a related proposed parking structure will be located on Tract 9. (Refer to Master Plan on page 3 of this Staff Report.) Development of the multifamily dwellings will be similar to most of the previously approved PUD Development Standards. The proposed zoned building height of 95 feet and actual height of 122 feet is within the range of the previously approved heights of 75 and 85 feet for non-residential development in the Business District and 104 and 122 feet for the recently constructed hotel across the street and west of Goodlette-Frank Road.

The Conceptual Master Plan has been revised to show the location of the proposed Mixed-use District and to note the proposed landscape buffer deviation.

Zoning staff finds the proposed multi-family residential and proposed landscape deviation to be compatible with the existing Commercial/Industrial District and Business District land uses and intensities. For further information regarding the landscape deviation, please see the Deviation section of this Staff Report.

REZONE FINDINGS:

Staff completed a comprehensive evaluation of this land use petition including the criteria upon which a recommendation must be based, specifically noted in LDC Subsection 10.02.13 B.5., *Planning Commission Recommendation* (commonly referred to as the "PUD Findings"), and Subsection 10.02.08 F., *Nature of Requirements of Planning Commission Report* (referred to as "Rezone Findings"), which establish the legal bases to support the CCPC's recommendation. The CCPC uses these same criteria as the basis for their recommendation to the BCC, who in turn use the criteria to support their action on the rezoning request. An evaluation relative to these subsections is discussed below, under the heading "Zoning and Land Development Review Analysis." In addition, staff offers the following analysis:

Attachment: Attachment D Rezone & PUD Findings Creekside 8-27-21 (20971 : PL20210002390 Creekside Commerce Park PDI)

1. ***Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map, and the elements of the GMP.***

Upon adoption of the companion GMPA, Comprehensive Planning staff has indicated that the proposed PUD Amendment can be found consistent with all applicable elements of the GMP.

2. ***The existing land use pattern.***

As described in the "Surrounding Land Use and Zoning" portion of this report and discussed in the zoning review analysis, the neighborhood's existing land use pattern can be characterized as residential, commercial, industrial, and institutional lands.

3. ***The possible creation of an isolated district unrelated to adjacent and nearby districts.***

At the time the subject property was rezoned to a CPUD, it was deemed to be of sufficient size and did not result in an isolated district unrelated to adjacent and nearby districts. The proposed PUD Amendment does not change this finding.

4. ***Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.***

The district boundaries are logically drawn as discussed in Items 2 and 3.

5. ***Whether changed or changing conditions make the passage of the proposed amendment necessary.***

The proposed change is not necessary, but it is being requested in compliance with the LDC provisions to seek such changes because the petitioner wishes to add multi-family residences.

6. ***Whether the proposed change will adversely influence living conditions in the neighborhood.***

Staff is of the opinion that the proposed PUD Amendment can be deemed consistent with the County's land-use policies upon adoption of the companion GMP. Development in compliance with the proposed PUD rezone should not adversely impact living conditions in the area.

7. ***Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.***

The roadway infrastructure will continue to have adequate capacity to serve the proposed project at this time, i.e., GMP consistent at the time of rezoning as evaluated as part of the GMP Transportation Element consistency review. Operational impacts will be addressed at the time of each development order (SDP or Plat). Additionally, the project's development must comply with all other applicable concurrency management regulations when development approvals are sought.

Attachment: Attachment D Rezone & PUD Findings Creekside 8-27-21 (20971 : PL20210002390 Creekside Commerce Park PDI)

8. ***Whether the proposed change will create a drainage problem.***

The proposed PUD Amendment will not create a drainage problem. Furthermore, the project is subject to the requirements of Collier County and the South Florida Water Management District.

9. ***Whether the proposed change will seriously reduce light and air to adjacent areas.***

The proposed PUD Amendment will not reduce light and air to adjacent areas outside the PUD. Furthermore, the PUD Document provides adequate property development regulations to ensure light and air should not be seriously reduced to adjacent areas. The Master Plan further demonstrates that the locations of proposed preserve and open space areas should further ensure light and air should not be seriously reduced to adjacent areas.

10. ***Whether the proposed change would adversely affect property values in the adjacent area.***

Staff is of the opinion this PUD Amendment will not adversely impact property values.

11. ***Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.***

Properties around this property are already mostly developed. The basic premise underlying all of the development standards in the Land Development Code is that their sound application, when combined with the site development plan approval process and/or subdivision process, gives reasonable assurance that a change in zoning will not result in deterrence to improvement or development of the adjacent property. Therefore, the proposed zoning change should not be a deterrent to the improvement of adjacent properties.

12. ***Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.***

The development complies with the GMP, which is a public policy statement supporting zoning actions when they are consistent with said Comprehensive Plan. In light of this fact, the proposed amendment does not constitute a grant of special privilege. Consistency with the FLUE is further determined to be a public welfare relationship because actions consistent with plans are in the public interest.

13. ***Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.***

The subject property could be developed within the parameters of the existing zoning designations; however, the petitioner is seeking this PUD Amendment in compliance with LDC provisions. The proposed amendment meets the intent of the PUD district, and the public interest will be maintained.

Attachment: Attachment D Rezone & PUD Findings Creekside 8-27-21 (20971 : PL20210002390 Creekside Commerce Park PDI)

14. ***Whether the change suggested is out of scale with the needs of the neighborhood or the county.***

Staff is of the opinion that the proposed PUD Amendment is not out of scale with the needs of the neighborhood or County.

15. ***Whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use.***

There may be other sites in the County that could accommodate the uses proposed; however, this is not the determining factor when evaluating the appropriateness of a zoning decision. The petition was reviewed on its merit for compliance with the GMP and the LDC, and staff does not review other sites in conjunction with a specific petition.

16. ***The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.***

Any development anticipated by the PUD Document would require site alteration, and this project will undergo extensive evaluation relative to all federal, state, and local development regulations during the site development plan approval process and again later as part of the building permit process.

17. ***The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County GMP and as defined and implemented through the Collier County adequate public facilities ordinance.***

The development will have to meet all applicable criteria set forth in the LDC regarding Adequate Public Facilities. The project must also be consistent with all applicable goals and objectives of the GMP regarding adequate public facilities. This petition has been reviewed by County staff that is responsible for jurisdictional elements of the GMP as part of the rezoning process, and that staff has concluded that no Level of Service will be adversely impacted.

18. ***Such other factors, standards, or criteria that the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.***

To be determined by the BCC during its advertised public hearing.

PUD FINDINGS:

LDC Section 10.02.13.B.5 states that, "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria."

Attachment: Attachment D Rezone & PUD Findings Creekside 8-27-21 (20971 : PL20210002390 Creekside Commerce Park PDI)

1. The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, surrounding areas, traffic and access, drainage, sewer, water, and other utilities.

The Creekside Commerce Park PUD is an established business park that has been developed with a variety of light industrial, commercial, and office uses. The proposed multi-family residential use is compatible with the existing development within the Creekside Commerce Park. The PUD already receives potable water and wastewater services from the CCWSD, and there are adequate water and wastewater treatment capacities available for future development as proposed by this petition. Therefore, the site is suitable for the proposed development.

2. Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense.

Documents submitted with the application provided satisfactory evidence of unified control. Additionally, the development will be required to gain platting and/or site development plan approval. These processes will ensure that appropriate stipulations for the provision of, continuing operation of, and maintenance of infrastructure will be provided by the developer.

3. Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the GMP.

Upon adoption of the companion GMPA, Comprehensive Planning staff has indicated that the proposed PUD Amendment can be found consistent with the goals, objectives, and policies of the GMP.

County staff has reviewed this petition and has found this petition consistent with the overall GMP upon adoption of the companion GMPA.

4. The internal and external compatibility of proposed uses, which conditions may include restrictions on the location of improvements, restrictions on design, and buffering and screening requirements.

The currently approved development, landscaping, and buffering standards were determined to be compatible with the adjacent uses and with the use mixture within the project itself at the time the PUD was approved. Staff believes that this amendment will not change the project's compatibility, both internally and externally, with the proposed residential land use along with the proposed deviation.

5. The adequacy of usable open space areas in existence and as proposed to serve the development.

The amount of open space set aside for this project meets the minimum requirement of the LDC.

Attachment: Attachment D Rezone & PUD Findings Creekside 8-27-21 (20971 : PL20210002390 Creekside Commerce Park PDI)

6. The timing or sequence of development for the purpose of assuring the adequacy of available improvements and facilities, both public and private.

The roadway infrastructure will continue to be sufficient to serve the proposed project, as noted in the Transportation Element consistency review. Operational impacts will be addressed at the time of each development order (SDP or Plat), at which time a new TIS will be required to demonstrate turning movements for all site access points. Finally, the project's development must comply with all other applicable concurrency management regulations when development approvals, including but not limited to any plats and or site development plans, are sought.

Pursuant to Sec. 134-57(a) of the Collier County Code of Ordinances, availability of potable water and wastewater services must be verified in writing by the CCWSD prior to submittal of construction documents. No public utility facility adequacy issues are anticipated at this time.

7. The ability of the subject property and of surrounding areas to accommodate expansion.

The area has adequate supporting infrastructure, including Collier County Water-Sewer District potable water and wastewater mains, to accommodate this project. Furthermore, adequate public facilities requirements will be addressed when development approvals are sought.

8. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

This criterion essentially requires an evaluation of the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district.

The petitioner is seeking one new deviation to allow design flexibility in compliance with the purpose and intent of the Planned Unit Development Districts (LDC Section 2.03.06 A.). Staff believes that the deviation proposed can be supported, finding that, in compliance with LDC Section 10.02.13 A.3., the petitioner has demonstrated that "the elements may be waived without a detrimental effect on the health, safety and welfare of the community" and LDC Section 10.02.13 B.5.h., the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to the literal application of such regulations."

Please, refer to the Deviation Discussion portion of the staff report below for a more extensive examination of the deviation.

DEVIATION DISCUSSION:

The petitioner is seeking one new deviation from the requirements of the LDC. The deviation is found in PUD Section 4.5 "Development Deviations." The deviation location is depicted on the Master Plan. The petitioner's rationale and staff analysis/recommendation are outlined below.

Attachment: Attachment D Rezone & PUD Findings Creekside 8-27-21 (20971 : PL20210002390 Creekside Commerce Park PDI)

Creekside Commerce Park PUD Insubstantial Change (PL20210002390)

Application and Supporting Documents

February 24, 2022 HEX Meeting

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.c

GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

October 5, 2021

Ms. Gabriela Castro, AICP
Collier County Growth Management Department
Zoning Division - Zoning Services Section
2800 North Horseshoe Drive
Naples, FL 34104

RE: Creekside Commerce Park PUD Insubstantial Change – PL20210002390, Submittal 1

Dear Ms. Castro:

On behalf of our client, RES Florida 1370 Holdings, LLC, we are submitting an application for an Insubstantial Change to a PUD (PDI) for the above referenced project.

The applicant is proposing to amend the PUD Ordinance to allow Tract 7 to qualify for the alternative architectural compliance process.

Documents filed with submittal 1 include the following:

1. Cover Letter
2. Application
3. Pre-Application Meeting notes
4. Project Narrative and Detail of Request
5. Ordinance 2006-50
6. Draft Ordinance No. 2021- (PL20190002850)
7. Current Master Plan (PL20190002850)
8. Revised Master Plan
9. Exhibit 1 Proposed PUD Revisions
10. Deviation Justification
11. Warranty Deed
12. PB 35 PGS 43-44
13. Affidavit of Authorization
14. Addressing Checklist
15. Property Ownership Disclosure Form
16. Location Map

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Ph. 239-947-1144 Fax. 239-947-0375
EB 0005151 LB 0005151 LC 26000266
www.gradyminor.com

Please contact me if you have any questions.

Sincerely,

D. Wayne Arnold, AICP

Enclosures

Cc: RES Florida 1370 Holdings, LLC
GradyMinor File (ACPDI-21)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

INSUBSTANTIAL CHANGE TO A PUD (PDI)

LDC subsection 10.02.13 E & Code of Laws section 2-83 – 2-90
Ch. 3 G.3 of the Administrative Code

Pursuant to LDC subsection 10.02.13 E.2, a PUD insubstantial change includes any change that is not considered a substantial or a minor change. A PUD insubstantial change to an approved PUD ordinance shall be based upon an evaluation of LDC subsection 10.02.13 E.1 and shall require the review and approval of the Hearing Examiner. The Hearing Examiner's approval shall be based on the findings and criteria used for the original application.

PETITION NO
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): RES Florida 1370 Holdings LLC

Name of Applicant if different than owner: _____

Address: 1370 Creekside Blvd **City:** Naples **State:** FL **ZIP:** 34108

Telephone: 239-643-5553 **Cell:** _____ **Fax:** _____

E-Mail Address: Trent.Lewis@Arthrex.com

Name of Agent: D. Wayne Arnold, AICP

Firm: Q. Grady Minor & Associates, P.A.

Address: 3800 Via Del Rey **City:** Bonita Springs **State:** FL **ZIP:** 34134

Telephone: 239-947-1144 **Cell:** _____ **Fax:** _____

E-Mail Address: warnold@gradyminor.com

DETAIL OF REQUEST

On a separate sheet, attached to the application, describe the insubstantial change request. Identify how the request does not meet the PUD substantial change criteria established in LDC subsection 10.02.13 E.1.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY INFORMATION

PUD NAME: Creekside Commerce Park **ORDINANCE NUMBER:** 2006-50
FOLIO NUMBER(S): 29331193162

Provide a legal (if PUD is recorded) or graphic description of area of amendment (this may be graphically illustrated on Amended PUD Master Plan). If applying for a portion of the PUD, provide a legal description for subject portion.

Attach on a separate sheet, a written description of the map or text change.

Does amendment comply with the Growth Management Plan? ■ Yes ☐ No

If no, please explain: _____

Has a public hearing been held on this property within the last year? ■ Yes ☐ No

If yes, in whose name? _____

Has any portion of the PUD been ■ SOLD and/or ■ DEVELOPED?

Are any changes proposed for the area sold and/or developed? ■ Yes ☐ No
If yes, please describe on an attached separate sheet.

The subject property, Folio Number 29331193162, is currently developed with a 20,000+ square foot office building and parking lot. The applicant is proposing to redevelop the property with an additional 2-story building for office and audio/visual productions (studio).

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Pre-Application Meeting and Final Submittal Requirement Checklist for: PUD Insubstantial Change Chapter 3 G.3 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 final submittal, the checklist is to be completed and submitted with the application packet. Please provide the submittal items in the exact order listed below, with cover sheets attached to each section. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Pre-Application Meeting notes	1	☑	☐
Project Narrative, including a detailed description of proposed changes and why amendment is necessary	1	☑	☐
Detail of request	1	☒	
Current Master Plan & 1 Reduced Copy	1	☒	
Revised Master Plan & 1 Reduced Copy	1	☒	
Revised Text and any exhibits	☐	☑	☐
PUD document with changes crossed through & underlined	☐	☐	☐
PUD document as revised with amended Title Page with Ordinance #	☐	☐	☐
Warranty Deed	☐	☑	☐
Legal Description	1		☑
Boundary survey, if boundary of original PUD is amended	☐	☐	☑
If PUD is platted, include plat book pages	☐	☑	☐
List identifying Owner & all parties of corporation	1	☐	☑
Affidavit of Authorization, signed & notarized	1	☒	
Completed Addressing Checklist	1	☒	
Property Ownership Disclosure Form	1	☒	
Copy of 8 ½ in. x 11 in. graphic location map of site	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.	☐	☑	☐
***If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement.**			

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.

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PLANNERS – INDICATE IF THE PETITION NEEDS TO BE ROUTED TO THE FOLLOWING REVIEWERS:

☐	School District (Residential Components): Amy Lockheart	☐	Bayshore/Gateway Triangle Redevelopment: Executive Director
☐	Utilities Engineering: Eric Fey	☐	Parks and Recreation: Barry Williams and David Berra
☐	Emergency Management: Dan Summers	☐	Naples Airport Authority:
☐	Conservancy of SWFL: Nichole Johnson	☐	Other:
☐	City of Naples: Robin Singer, Planning Director	☐	Other:

FEE REQUIREMENTS

- ● **PUD Amendment Insubstantial (PDI):** $1,500.00
- ☐ **Pre-Application Meeting:** $500.00
- ● **Estimated Legal Advertising fee for the Office of the Hearing Examiner**: $1,125.00
  Same fee applies if the petition is referred to the Collier County Planning Commission, where the CCPC serves as the deciding authority instead of the HEX.

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 fees shall be submitted to:

Growth Management Department
Planning and Regulation
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

D. Wayne Arnold Digitally signed by D. Wayne Arnold Date: 2021.09.30 08:26:06 -04'00' — 9/30/2021

Agent/Owner Signature — Date

D. Wayne Arnold, AICP

Applicant/Owner Name (please print)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

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Pre-Application Meeting Notes

Petition Type: PDI
Date and Time: Monday 10/4/2021 9:00 AM - SKYPE

Assigned Planner: Gabriela Castro

Engineering Manager (for PPL's and FP's): _____

Project Information

Project Name: Creekside Commerce Park PUD 29331193162 (PDI)

PL #: 20210002390

Property ID #: 29331193162 **Current Zoning:** CPUD1336 Innovation

Project Address: 1336 Innovation Blvd. **City:** Naples **State:** FL **Zip:** 34108

Applicant: Sharon Umpenhour

Agent Name: D.Wayne Arnold, AICP **Phone:** 239-947-1144

Agent/Firm Address: 3800 Via Del Rey **City:** Bonita Springs **State:** FL **Zip:** 34134

Property Owner: RES Florida 1370 Holdings, LLC

Please provide the following, if applicable:

i. **Total Acreage:** 5.25

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
Gaby Castano

- Tract 7 alternate architectural review compliment headquarter + hotel
- -2 pages strikethough + underline update Master Plan
- -everyone will review, reviews can be N/A if not applicable

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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Meeting Notes

PUD MONITORING - LAURIE BEARD - See ATTACHED EMAIL NOTES on PAGE 3A.

Other required documentation for submittal (not listed on application):

Disclaimer: Information provided by staff to applicant during the Pre-Application Meeting is based on the best available data at the time of the meeting and may not fully inform the applicant of issues that could arise during the process. The Administrative Code and LDC dictates the regulations which all applications must satisfy. Any checklists provided of required data for an application may not fully outline what is needed. It is the applicant's responsibility to provide all required data.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

ThomasClarkeVEN

From: BeardLaurie
Sent: Monday, October 04, 2021 9:12 AM
To: CastroGabriela
Cc: ThomasClarkeVEN
Subject: REVISED: Pre Application Meeting PL20210002390 Creekside Commerce Park PUD 29331193162 (PDI)

REVISED

From: BeardLaurie
Sent: Monday, October 4, 2021 9:06 AM
To: CastroGabriela <Gabriela.Castro@colliercountyfl.gov>
Cc: ThomasClarkeVEN <Thomas.Clarke@colliercountyfl.gov>
Subject: Pre Application Meeting PL20210002390 Creekside Commerce Park PUD 29331193162 (PDI)

PUD Monitoring pre-app notes:

Please add the Managing entity language into this PDI. It is **NOT** in the current amendment going forward. (PL19-2850)

"One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this CPUD approval, the Managing Entity is the Insert Company Name Here. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the CPUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments."

The 2021 monitoring report for Creekside is due by October 31, 2021.

Laurie Beard
Project Manager

Please note new address:

PUD Monitoring, GMD
2800 N. Horseshoe Drive
Naples, FL 34104
Laurie.Beard@CollierCountyFL.gov
Phone: (239)-252-5782

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(239) 252-2400

Pre-Application Meeting Sign-In Sheet

PL# 20210002390

Collier County Contact Information:

Name	Review Discipline	Phone	Email
☐ Maggie Acevedo	North Collier Fire	252-2309	macevedo@northcollierfire.com
☐ Steve Baluch	Transportation Planning	252-2361	stephen.baluch@colliercountyfl.gov
☐ Ray Bellows	Zoning, Planning Manager	252-2463	raymond.bellows@colliercountyfl.gov
☑ Laurie Beard	PUD Monitoring	252-5782	laurie.beard@colliercountyfl.gov
☐ Craig Brown	Environmental Specialist	252-2548	craig.brown@colliercountyfl.gov
☐ Alexandra Casanova	Operations Coordinator	252-2658	Alexandra.casanova@colliercountyfl.gov
☑ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☑ Thomas Clarke	Zoning Operations Coordinator	252-2584	thomas.clarke@colliercountyfl.gov
☐ Jamie Cook	Prin. Environmental Specialist	252-6290	Jaime.cook@colliercountyfl.gov
☑ Gabriela Castro	Zoning Principal Planner	252-4211	gabriela.castro@colliercountyfl.gov
☐ Maggie DeMeo	North Collier Fire	252-2308	pdemeo@northcollierfire.com
☐ Eric Fey, P.E.	Utility Planning	252-1037	eric.fey@colliercountyfl.gov
☐ Tim Finn, AICP	Zoning Principal Planner	252-4312	timothy.finn@colliercountyfl.gov
☐ Sue Faulkner	Comprehensive Planning	252-5715	sue.faulkner@colliercountyfl.gov
☐ Jeremy Frantz	LDC Manager	252-2305	Jeremy.Frantz@colliercountyfl.gov
☐ Michael Gibbons	Structural/Residential Plan Review	252-2426	michael.gibbons@colliercountyfl.gov
☐ Storm Gewirtz, P.E.	Engineering Stormwater	252-2434	storm.gewirtz@colliercountyfl.gov
☑ Cormac Giblin, AICP	Development Review-Planning Manager	252-5095	Cormac.giblin@colliercountyfl.gov
☐ Nancy Gundlach, AICP	Zoning Principal Planner	252-2484	nancy.gundlach@colliercountyfl.gov
☐ Richard Henderlong	Zoning Principal Planner	252-2464	richard.henderlong@colliercountyfl.gov
☐ John Houldsworth	Engineering Subdivision	252-5757	john.houldsworth@colliercountyfl.gov
☐ Alicia Humphries	Right-Of-Way Permitting	252-2326	alicia.humphries@colliercountyfl.gov
☐ Anita Jenkins	Planning & Zoning Director	252-5095	Anita.jenkins@colliercountyfl.gov
☐ John Kelly	Zoning Senior Planner	252-5719	john.kelly@colliercountyfl.gov
☐ Parker Klopf	Zoning Senior Planner	252-2471	Parker.klopf@colliercountyfl.gov
☐ Troy Komarowski	North Collier Fire	252-2521	tkomarowski@northcollierfire.com
☐ Sean Lintz	North Collier Fire	597-9227	slintz@northcollierfire.com
☐ Diane Lynch	Operations Analyst	252-8243	diane.lynch@colliercountyfl.gov
☐ Thomas Mastroberto	Greater Naples Fire	252-7348	thomas.mastroberto@colliercountyfl.gov

☑ TABATHA COLE — ENV

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Collier County

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(239) 252-2400

☐	Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov
☐	Matt McLean, P.E.	Development Review Director	252-8279	matthew.mclean@colliercountyfl.gov
☐	Michele Mosca, AICP	Capital Project Planning	252-2466	michele.mosca@colliercountyfl.gov
☐	Josie Medina	Comp Plan-Principal Planner	252-2306	Josephine.Medina@colliercountyfl.gov
☐	Richard Orth	Stormwater Planning	252-5092	richard.orth@colliercountyfl.gov
☑	Eric Ortman	Zoning Principal Planner	252-1032	Eric.Ortman@colliercountyfl.gov
☑	Derek Perry	Assistant County Attorney	252-8066	Derek.perry@colliercountyfl.gov
☐	Brandi Pollard	Utility Impact fees	252-6237	brandi.pollard@colliercountyfl.gov
☐	Todd Riggall	North Collier Fire	597-9227	triggall@northcollierfire.com
☐	Brett Rosenblum, P.E.	Development Review Principal Project Manager	252-2905	brett.rosenblum@colliercountyfl.gov
☐	James Sabo, AICP	Comp Planning Manager	252-2708	james.sabo@colliercountyfl.gov
☐	Michael Sawyer	Transportation Planning	252-2926	michael.sawyer@colliercountyfl.gov
☐	Corby Schmidt, AICP	Comprehensive Planning	252-2944	corby.schmidt@colliercountyfl.gov
☐	Linda Simmons	North Collier Fire	252-2311	Linda.Simmons@colliercountyfl.gov
☑	Peter Shawinsky	Architectural Review	252-8523	peter.shawinsky@colliercountyfl.gov
☐	Mark Templeton	Landscape Review	252-2475	mark.templeton@colliercountyfl.gov
☐	Connie Thomas	Client Services Supervisor	252-6369	Consuela.thomas@colliercountyfl.gov
☐	Jessica Velasco	Client Services	252-2584	jessica.velasco@colliercountyfl.gov
☐	Jon Walsh, P.E.	Building Review	252-2962	jonathan.walsh@colliercountyfl.gov
☐	Kirsten Wilkie	Environmental Review Manager	252-5518	kirsten.wilkie@colliercountyfl.gov
☐	Christine Willoughby	Development Review - Zoning	252-5748	christine.willoughby@colliercountyfl.gov
☐	Daniel Zunzunegui	North Collier Fire	252-2310	Daniel.Zunzunegui@colliercountyfl.gov
☑	Chief Sean Lintz	"		

Additional Attendee Contact Information:

Name	Representing	Phone	Email
Wayne Arnold	Goody Minor	947-1144	Stumpenhouer@GoodyMinor.com
Mark Shannon			
Trent			
Trevor Wright	Antrex		
David Bumpous			
Shannon Umpenhour	Goody Minor	"	"
Tabatha Cole	Collier County Environmental	x2681	

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Collier County
Growth Management Department
Zoning Division

Applicant/Agent may also send site plans or conceptual plans for review in advance if desired.

PL20210002390 – Creekside Commerce Park PUD (PDI) **Planner: Gaby Castro**

Assigned Ops Staff: Thomas Clarke

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**
  Sharon Umpenhour, 239.947.1144

- **Agent to list for PL#**

  D. Wayne Arnold, AICP

- **Owner of property (all owners for all parcels)**

  Property ID Number 29331193162 - RES Florida 1370 Holdings, LLC

- **Confirm Purpose of Pre-App: (Rezone, etc.)**

  PUD Insubstantial Change (PDI)

- **Please list the density request of the project if applicable and number of homes/units/offices/docks (any that apply):**

- **Details about Project:**

  Modify Section 3.4. F. and 3.5. 2. of the PUD Ordinance to include Tract 7 and revise the Master Plan to add a notation on Tract 7 referencing Section 3.5, item 2, Architectural Standards Deviation.

REQUIRED Supplemental Information provided by:
Name: Sharon Umpenhour
Title: Senior Planning Technician
Email: sumpenhour@gradyminor.com
Phone: 239-947-1144

Cancellation/Reschedule Requests: Contact Connie Thomas-Client Services Supervisor
Consuela.Thomas@colliercountyfl.gov **Phone: 239-252-2473**

Created April 5, 2017

Location: G:\CDES Planning Services\Current\Zoning Staff Information

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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 _____

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

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

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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.

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

_____ _____
Agent/Owner Signature Date

_____
Agent/Owner Name (please print)

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If PUD is platted, include plat book pages	☐	☑	☐
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Completed Addressing Checklist	1	☒	
Property Ownership Disclosure Form	1	☒	
Copy of 8 ½ in. x 11 in. graphic location map of site	1	☑	☐
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***If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement.**			

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☐	Utilities Engineering: Eric Fey	☐	Parks and Recreation: Barry Williams and David Berra
☐	Emergency Management: Dan Summers	☐	Naples Airport Authority:
☐	Conservancy of SWFL: Nichole Johnson	☐	Other: architectural Peter S.
☐	City of Naples: Robin Singer, Planning Director	☐	Other:

FEE REQUIREMENTS

☑ **PUD Amendment Insubstantial (PDI):** $1,500.00
PDI ☑ **Pre-Application Meeting:** $500.00
☑ **Estimated Legal Advertising fee for the Office of the Hearing Examiner**: $1,125.00
Same fee applies if the petition is referred to the Collier County Planning Commission, where the CCPC serves as the deciding authority instead of the HEX.

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 fees shall be submitted to:

Growth Management Department
Planning and Regulation
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____ _____
Agent/Owner Signature Date

_____
Applicant/Owner Name (please print)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Creekside Commerce Park PUD (PL20210002390)

Project Narrative and Detail of Request

PROJECT NARRATIVE AND DETAIL OF REQUEST

The intent of this PUD insubstantial change is to provide for buildings located within the I/C Tract 7 of the Conceptual PUD Master Plan to qualify for the alternative architectural compliance process. The PUD already provides for the alternative architectural design process for buildings located on I/C Tracts 5 and 6.

All properties in I/C Tracts 5, 6 and 7 are owned by Arthrex and providing for the alternative architectural compliance process will allow for common building design elements for buildings comprising the Arthrex campus.

Insubstantial Change Criteria LDC Subsection 10.02.13 E.1

E. *Changes and amendments.* There are three types of changes to a PUD Ordinance: Substantial, **Insubstantial**, and Minor. Language changes to a previously approved PUD document shall require the same procedure as for amending the official zoning atlas, except for the removal of a commitment for payment towards **affordable housing** which is considered to be a minor change as described in Section 10.02.13 E.3.c.

1. *Substantial changes.* Any substantial change(s) to an approved PUD Ordinance shall require the review and recommendation of the Planning Commission and approval by the Board of County Commissioners as a PUD amendment prior to implementation. **Applicants** shall be required to submit and process a new application complete with pertinent supporting data, as set forth in sections 10.02.13 A and B. For the purpose of this section, a substantial change shall be deemed to exist where:

a. There is a proposed change in the boundary of the PUD; or

No

b. There is a proposed increase in the total number of **dwelling units** or intensity of land use or height of **buildings** within the **development**;

No

c. There is a proposed decrease in preservation, conservation, recreation or **open space** areas within the **development** not to exceed 5 percent of the total acreage previously designated as such, or 5 acres in area;

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GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

No change in preserve, recreation or open space results from this amendment.

d. There is a proposed increase in the size of areas used for nonresidential uses, to include institutional, commercial and industrial land uses (excluding preservation, conservation or **open spaces**), or a proposed relocation of nonresidential land uses;

No increase in non-residential uses or areas for non-residential uses are proposed.

e. There is a substantial increase in the impacts of the **development** which may include, but are not limited to, increases in traffic generation; changes in traffic circulation; or impacts on other public facilities;

No additional traffic or public facility impacts will result from the proposed request.

f. The change will result in land use activities that generate a higher level of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers;

No additional dwelling units or commercial uses are proposed; therefore, there are no additional traffic impacts.

g. The change will result in a requirement for increased stormwater retention, or will otherwise increase stormwater discharges;

Adequate area exists on-site for stormwater retention, and no change to the approved discharge rate is proposed. No additional stormwater retention areas will be required.

h. The change will bring about a relationship to an **abutting** land use that would be incompatible with an **adjacent** land use;

The change will not be incompatible.

i. Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which is inconsistent with the future land use element or other element of the growth management plan or which modification would increase the **density** or intensity of the permitted land uses;

The PUD and proposed minor change is consistent with the Collier County Growth Management Plan.

j. The proposed change is to a PUD district designated as a **development** of regional impact (DRI) and approved pursuant to F.S. § 380.06, where such change requires a determination and public hearing by Collier County pursuant to F.S. § 380.06(19). Any

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change that meets the criterion of F.S. § 380.06(19)(e)2, and any changes to a DRI/PUD master plan that clearly do not create a substantial deviation shall be reviewed and approved by Collier County under this section 10.02.13 of this Code; or

This minor change to add the alternative architectural deviation process for I/C Tract 7 does not constitute a substantial deviation.

k. Any modification in the PUD master plan or PUD document or amendment to a PUD ordinance which impact(s) any consideration deemed to be a substantial modification as described under this section 10.02.13

The proposed change meets the standards for an insubstantial modification and creates no external impacts.

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ORDINANCE NO. 06- 50

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, 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 FOR A PROJECT KNOWN AS CREEKSIDE COMMERCE PARK FROM PUD TO COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A PROJECT TO BE KNOWN AS CREEKSIDE COMMERCE PARK CPUD LOCATED, IN SECTION 27, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 105 ACRES; PROVIDING FOR THE REPEAL OF ORDINANCE NUMBERS 97-51 AND 06-41, THE FORMER CREEKSIDE COMMERCE PARK PUD AND CREEKSIDE COMMERCE PARK CPUD; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, D. Wayne Arnold of Q. Grady Minor, representing Creekside West, Inc., petitioned the Board of County Commissioners to change the zoning classification of the herein described real property, known as petition PUDA-2005-A-R-8832;

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 27, Township 48 South, Range 25 East, Collier County, Florida, is changed from "PUD" and/or "CPUD" to "CPUD" Commercial Planned Unit Development known as the Creekside Commerce Park 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 04-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

Ordinance Number 97-51, known as the Creekside Commerce Park PUD, adopted on October 21, 1997, and Ordinance Number and 06-41, adopted on September 12, 2006, by the Board of County Commissioners of Collier County, is hereby repealed in its entirety.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

SECTION THREE:

This Ordinance shall become effective upon approval of PUDZ-2005-AR-8833 Naples Daily News BPPUD and filing with the Florida Department of State.

PASSED AND DULY ADOPTED by super-majority vote by the Board of County Commissioners of Collier County, Florida, this 24th day of October, 2006.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____ Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: _____
FRANK HALAS, CHAIRMAN

Approved as to form and
legal sufficiency

_____
Marjorie M. Student-Stirling
Assistant County Attorney

PUDA-2005-AR-8832/MJD/sp

This ordinance filed with the Secretary of State's Office the 31 day of October 2006 and acknowledgement of that filing received this 3rd day of November 2006.

By: _____ Deputy Clerk

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

CREEKSIDE COMMERCE PARK

A PLANNED UNIT DEVELOPMENT

PREPARED FOR

BARRON COLLIER PARTNERSHIP

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

A

PLANNED UNIT DEVELOPMENT

106± Acres Located in Section 27
Township 48 South, Range 25 East
Collier County, Florida

PREPARED FOR:

BARRON COLLIER PARTNERSHIP
2640 Golden Gate Parkway
Naples, FL 34105

PREPARED BY:

WILSON, MILLER, BARTON & PEEK, INC.
3200 Bailey Lane, Suite 200
Naples, Florida 34105

YOUNG, VAN ASSENDERP & VARNADOE, P.A.
801 Laurel Oak Drive, Suite 300
Naples, Florida 34101

AMENDED DECEMBER 2005 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey
Bonita Spring, Florida 34134

ROETZEL AND ANDRESS, L.P.A.
850 Park Shore Drive, 3rd Floor
Naples, Florida 34103

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

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Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

STATEMENT OF COMPLIANCE

The purpose of this section is to express the intent of the Barron Collier Partnership, hereinafter referred to as Barron Collier or the Developer, to create a Planned Unit Development (PUD) on 106± acres of land located in Section 27, Township 48 South, Range 25 East, Collier County, Florida. The name of this Planned Unit Development shall be Creekside Commerce Park. The development of Creekside Commerce Park will be in substantial compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan. The development will be consistent with the policies and land development regulations adopted thereunder of the Growth Management Plan Future Land Use Element and other applicable regulations for the following reasons:

1. The subject property is within the Urban Mixed Use District as identified on the Future Land Use Map which allows certain industrial and commercial uses. The Urban designation also allows support medical facilities, offices, clinics, treatment, research and rehabilitative centers and pharmacies provided they are located within 1/4 mile of the property boundary of an existing or approved hospital or medical center.

2. The existing Industrial zoning is considered consistent with the Future Land Use Element (FLUE) as provided for by Policy 5.9 and 5.11 of the FLUE.

3. The FLUE Urban-Industrial District allows for expansion of the industrial land use provided the rezone is in the form of a PUD, the site is adjacent to existing land designated or zoned industrial the land use is compatible with adjacent land uses and the necessary infrastructure is provided or in place. Creekside Commerce Park has expanded the industrial land use accordingly.

4. The FLUE Urban-Industrial District requires the uses along the boundaries of the project to be transitional. Creekside Commerce Park has included transitional uses accordingly.

5. Creekside Commerce Park is compatible with and complementary to existing and future surrounding land uses as required in Policy 5.4 of the FLUE.

6. Improvements are planned to be in substantial compliance with applicable land development regulations as set forth in Objective 3 of the FLUE.

7. The development of Creekside Commerce Park will result in an efficient and economical extension of community facilities and services as required in Policies 3.1.H and L of the FLUE.

8. Creekside Commerce Park is a master planned, deed-restricted commerce park and is planned to encourage ingenuity, innovation and imagination as set forth in the Collier County Land Development Code (LDC), Planned Unit Development District.

9. This master planned park will incorporate elements from the existing Industrial, Business Park and Industrial PUD sections of the LDC.

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SHORT TITLE

This ordinance shall be known and cited as the "CREEKSIDE COMMERCE PARK PLANNED UNIT DEVELOPMENT ORDINANCE".

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SECTION I

LEGAL DESCRIPTION, PROPERTY OWNERSHIP, AND GENERAL DESCRIPTION

1.1 PURPOSE

The purpose of this section is to set forth the legal description and ownership of Creekside Commerce Park, and to describe the existing condition of the property proposed to be developed.

1.2 LEGAL DESCRIPTION

All that part of Section 27, Township 48 South, Range 25 East, Collier County, Florida being more particularly described as follows;
COMMENCING at the northwest corner of said Section 27;
thence along the north line of said Section 27 South 89°45'21" East 1869.61 feet;
thence leaving said line South 00°14'39" West 125.00 feet to a point on the south right of way line of Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;
thence along said right of way line in the following Six (6) described courses;
1) South 89°45'21" East 485.99 feet;
2) South 00°14'39" West 10.00 feet;
3) South 89°45'21" East 150.19 feet;
4) South 89°48'33" East 716.81 feet;
5) North 05°34'33" West 10.05 feet;
6) South 89°48'33" East 486.21 feet to a point on the west right of way line of Goodlette Road as recorded in Plat Book 3, page 58, Public Records of Collier County, Florida;
thence along said line South 05°33'48" East 1767.02 feet;
thence leaving said line South 89°20'53" West 51.18 feet;
thence North 23°55'53" West 13.07 feet;
thence northwesterly, 30.71 feet along the arc of a circular curve concave to the northeast, having a radius of 80.00 feet, through a central angle of 21°59'52" and being subtended by a chord which bears North 12°55'57" West 30.53 feet;
thence North 05°00'53" West 31.56 feet;
thence North 36°19'20" West 32.02 feet;
thence North 56°04'35" West 35.11 feet;
thence North 80°39'15" West 32.53 feet;
thence North 88°39'12" West 97.78 feet;
thence North 86°04'40" West 45.79 feet;
thence North 89°49'48" West 132.77 feet;
thence North 69°40'10" West 37.23 feet;
thence South 89°20'53" West 142.47 feet;
thence South 84°59'26" West 24.66 feet;
thence South 74°56'50" West 121.32 feet;
thence South 79°49'59" West 45.93 feet;
thence westerly and northwesterly, 45.51 feet along the arc of a circular curve concave to the northeast, having a radius of 66.00 feet, through a central angle of 39°30'16" and being subtended by a chord which bears North 80°24'53" West 44.61 feet to a point of compound curvature;
thence northwesterly, 52.92 feet along the arc of a circular curve concave to the southwest, having a radius of 150.00 feet, through a central angle of 20°12'57" and being subtended by a chord which bears North 70°46'13" West 52.65 feet;
thence North 80°52'42" West 36.59 feet;

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thence westerly and southwesterly, 46.18 feet along the arc of a circular curve concave to the southeast, having a radius of 80.00 feet, through a central angle of 33°04'14" and being subtended by a chord which bears South 82°35'11" West 45.54 feet to a point of compound curvature;
thence southwesterly and westerly, 38.16 feet along the arc of a circular curve concave to the northwest, having a radius of 60.00 feet, through a central angle of 36°26'19" and being subtended by a chord which bears South 84°16'14" West 37.52 feet to a point of compound curvature;
thence westerly and northwesterly, 68.85 feet along the arc of a circular curve concave to the southwest, having a radius of 305.00 feet, through a central angle of 12°55'59" and being subtended by a chord which bears North 83°58'36" West 68.70 feet;
thence South 89°33'25" West 18.36 feet;
thence South 89°39'19" West 71.63 feet;
thence North 89°34'56" West 36.03 feet;
thence South 86°06'41" West 42.94 feet;
thence South 83°44'16" West 26.23 feet;
thence South 51°01'13" West 27.49 feet;
thence South 33°25'50" West 19.95 feet;
thence South 15°40'05" West 20.54 feet;
thence South 10°54'39" West 34.64 feet;
thence South 89°20'14" West 101.06 feet;
thence North 10°46'06" East 101.42 feet;
thence North 89°20'53" East 65.45 feet;
thence North 00°39'07" West 100.64 feet;
thence South 89°20'53" West 503.78 feet;
thence North 00°39'07" West 27.71 feet;
thence North 72°58'55" West 131.30 feet;
thence North 02°08'56" West 1473.29 feet to a point on the south right of way line of said Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;

Containing 69.48 acres more or less;
Subject to easements and restrictions of record.
Bearings are assumed and based on the north line of said Section 27 being South 89°49'40" East.

All that part of Section 27, Township 48 South, Range 25 East, Collier County, Florida being more particularly described as follows;
Commencing at the northeast corner of said Section 27;
thence along the east line of said Section 27, South 01°09'43" East 125.00 feet to a point on the south right of way line of Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;
thence continue along said east line South 01°09'43" East 1189.62 feet;
thence leaving said line South 89°48'50" West 677.35 feet;
thence South 05°35'39" East 886.02 feet;
thence South 89°48'50" West 400.00 feet to a point on the easterly right of way line of Goodlette Frank Road as Recorded in Plat Book 13, page 58, Public records of Collier County, Florida;
thence along said line North 05°35'39" West 2088.10 feet to a point of the south right of way line of said Immokalee Road (S.R. 846);
thence along said line South 89°49'40" East 1168.55 feet;
thence continue along said line South 89°12'58" East 1.85 feet to the POINT OF BEGINNING of the parcel herein described;

Containing 38.9 acres more or less;
Subject to easements and restrictions of record.
Bearings are assumed and based on the north line of said Section 27 being South 89°46'26" East.

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LESS

A PORTION OF TRACTS "R" AND "L1" CREEKSIDE COMMERCE PARK WEST-UNIT ONE AS RECORDED IN PLAT BOOK 29 AT PAGES 57 THROUGH 58 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLYMOST CORNER OF TRACT "R" (CREEKSIDE WAY) CREEKSIDE COMMERCE PARK WEST-UNIT ONE AS RECORDED IN PLAT BOOK 29 AT PAGES 57 THROUGH 58 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN SOUTH 89°45'00" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF IMMOKALEE ROAD FOR A DISTANCE OF 249.45 FEET; THENCE RUN SOUTH 00°25'51" WEST FOR A DISTANCE OF 107.22 FEET; THENCE RUN SOUTH 60°02'56" EAST FOR A DISTANCE OF 117.20 FEET; THENCE RUN SOUTH 82°32'14" EAST FOR A DISTANCE OF 119.17 FEET TO A POINT ON THE EAST LINE OF TRACT "L1" OF SAID CREEKSIDE COMMERCE PARK WEST-UNIT ONE, ALSO BEING THE WES LINE OF LOT 3 OF SAID CREEKSIDE COMMERCE PARK WEST-UNIT ONE; THENCE RUN SOUTH 00°07'39" EAST, ALONG SAID EAST LINE FOR A DISTANCE OF 111.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID TRACT "R"; THENCE RUN NORTH 89°58'01" WEST, ALONG SAID NORTH RIGHT-OF-WAY FOR A DISTANCE OF 456.64 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF SAID TRACT "R"; THENCE RUN NORTH 02°19'57" WEST, ALONG SAID WEST RIGHT-OF-WAY FOR A DISTANCE OF 294.20 FEET TO THE **POINT OF BEGINNING**; CONTAINING 2.32 ACRES, MORE OR LESS.

1.3 PROPERTY OWNERSHIP

The subject property is currently under the equitable ownership or control of Barron Collier Partnership, or its assigns, whose address is 2640 Golden Gate Parkway, Naples, FL 34105.

1.4 GENERAL DESCRIPTION OF PROPERTY

A. The project site is located in Section 27, Township 48 South, Range 25 East, and is generally bordered on the west by Agriculturally zoned and developed property; on the north, across Immokalee Road by office and medical (North Collier Hospital) PUD zoned and developed property; on the east by Medical Office Park currently under development, County Park and County Wastewater Treatment Facility; and on the south by PUD and County Wastewater Treatment Facility. The location of the site is shown on Exhibit A Aerial Photograph, Location Map.

B. The zoning classification of the subject property at the time of PUD application is I (Industrial) and A (Agricultural).

C. Elevations within the site are approximately 7.5 to 9 feet-NGVD. Per FEMA Firm Map Panels No. 1200670193D, dated June 3, 1986, the Creekside Commerce Park property is located within Zones "AE-11" of the FEMA flood insurance rate. Topographic mapping is shown on Exhibit G.

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D. The soil types on the site generally include Riviera limestone substratum, Copeland fine sand, Pineda fine sand, Immokalee fine sand, Myakka fine sand, Basinger fine sand, Riveria fine sand, Ft. Drum and Malabar fine sand, and Satellite fine sand. Soil Conservation Service mapping of soil types is shown on Exhibit D.

E. Prior to development, vegetation on the site primarily consists of active croplands and small amounts of pine flatwoods. An isolated wetland system is located along the south side of Immokalee Road west of Goodlette-Frank Road. This wetland consists primarily of Brazilian pepper that surrounds a small willow area. The wetland on the east side of Goodlette-Frank Road consists primarily of cabbage palms. A portion of the historic water course within this wetland has been channelized. Brazilian pepper has infested the northern part of this wetland. A detailed vegetation mapping is shown on Exhibit C.

F. The project site is located within the Pine Ridge Canal and West Branch Cocohatchee River sub-basins, as depicted within the Collier County Drainage Atlas (July, 1995). The Conceptual Stormwater Management Master Plan is shown on Exhibit H.

1.5 DEVELOPMENT OF REGIONAL IMPACT

Creekside Commerce Park does not meet the minimum thresholds for a Development of Regional Impact (DRI), pursuant to Chapter 380.06, Florida Statutes, 1997, in that it is at or below 80% of all numerical thresholds in the guidelines and standards set forth therein.

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SECTION II

PROJECT DEVELOPMENT

2.1 PURPOSE

The purpose of this Section is to generally describe the plan of development for Creekside Commerce Park (park), and to identify relationships to applicable County ordinances, policies, and procedures.

2.2 GENERAL DESCRIPTION OF THE PARK AND PROPOSED LAND USES

A. Creekside Commerce Park will consist of predominately industrial, warehouse, wholesale, financial institutions, business and office uses, with limited amounts of retail uses. Creekside Commerce Park shall establish project-wide guidelines and standards to ensure a high and consistent level of quality for proposed features and facilities.

B. The Master Plan is illustrated graphically on Exhibit B (WMB&P, Inc. File No. RZ-225B). A Land Use Summary indicating approximate land use acreages is shown on the plan. The location, size, and configuration of individual tracts shall be determined at the time of Preliminary Subdivision Plat approval with minor adjustments at the time of Final Plat approval, in accordance with Section 3.2.7.2. of the Collier County Land Development Code (LDC).

2.3 COMPLIANCE WITH COUNTY ORDINANCES

A. Regulations for development of Creekside Commerce Park shall be in accordance with the contents of this PUD Ordinance, and to the extent they are not inconsistent with this PUD Ordinance, applicable sections of the LDC and Collier County Growth Management Plan which are in effect at the time of issuance of any development order. Where this PUD Ordinance does not provide developmental standards, then the provisions of the specific section of the LDC that is otherwise applicable shall apply to which said regulations relate.

B. Unless otherwise defined herein, or as necessarily implied by context, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of development order application.

C. Development permitted by the approval of this PUD will be subject to the Adequate Public Facilities Ordinance, Division 3.15 of the LDC.

D. All conditions imposed herein or as represented on the Creekside Commerce Park Master Plan are part of the regulations which govern the manner in which the land may be developed.

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E. The Site Development Plans Division of the LDC (Article 3, Division 3.3) shall apply to Creekside Commerce Park, except where an exemption is set forth herein or otherwise granted pursuant to LDC Section 3.3.4.

F. The Developer shall submit to the County an annual PUD monitoring report in accordance with LDC Section 2.7.3.6.

2.4 COMMUNITY DEVELOPMENT DISTRICT

A. The Developer may elect to establish a Community Development District (CDD) pursuant to Chapter 190, Florida Statutes, 1997, to provide and maintain infrastructure and community facilities needed to serve the park. A CDD would constitute a timely, efficient, effective, responsive and economic way to ensure the provision of facilities and infrastructure for the proposed development. Such infrastructure as may be constructed, managed and financed by the CDD shall be subject to, and shall not be inconsistent with, the Collier County Growth Management Plan and all applicable ordinances dealing with planning and permitting of Creekside Commerce Park.

B. The land area is amenable to infrastructure provision by a district that has the powers set forth in the charter of a Community Development District under Section 190.006 through 190.041, Florida Statutes. Such a district is a legitimate alternative available both to the County and to the landowner for the timely and sustained provision of quality infrastructure under the terms and conditions of County development approval.

2.5 LAND USES

A. The location of land uses are shown on the PUD Master Plan, Exhibit B. Changes and variations in building tracts, location and acreage of these uses shall be permitted at preliminary subdivision plat approval, preliminary site development plan approval and final site development plan approval to accommodate utilities, topography, vegetation, and other site and market conditions, subject to the provisions of Section 2.7.3.5. of the Collier County LDC. The specific location and size of individual tracts and the assignment of square footage or units shall be determined at the time of site development plan approval.

B. Roads and other infrastructure may be either public, private or a combination of public and private, depending on location, design and purpose. The request for a road to be public shall be made by the Developer at the time of final subdivision plat approval. The Developer or its assignees shall be responsible for maintaining the roads, streets, drainage, common areas, water and sewer improvements where such systems are not dedicated to the County. Standards for roads shall be in compliance with the applicable provisions of the County Code regulating subdivisions, unless otherwise approved during subdivision approval. The Developer reserves the right

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to request substitutions to Code design standards in accordance with Section 3.2.7.2. of the LDC.

2.6 LAKE SITING

A. As depicted on the PUD Master Plan, lakes have been preliminary sited. The goal of this Master Plan is to achieve and overall aesthetic character for the park, to permit optimum use of the land, and to increase the efficiency of the water management network. Fill material from lakes is planned to be utilized within the park; however, excess fill material may be utilized off-site. The volume of material to be removed shall be limited to ten percent of the calculated excavation volume to a maximum of 20,000 cubic yards. If the applicant wishes to take more off-site, a commercial excavation permit will be required. Final lake area determination shall be in accordance with the South Florida Water Management District stormwater criteria and Section 3.5.7. of the LDC.

1. Setbacks: Excavations shall be located so that the control elevation shall adhere to the following minimum setback requirements, subject to approval of County staff at time of final construction plan approval:

   a) Twenty feet (20') from right-of-way of internal roads. The roads will be designed to (AASHTO) road standards and shall incorporate such factors as road alignment, travel speed, bank slope, road cross sections, and need for barriers.

   b) Forty feet (40') from Immokalee Road or Goodlette-Frank Road rights-of-way. Perimeter property lines will have a setback of twenty feet (20'). The roads will be designed to (AASHTO) road standards and shall incorporate such factors as road alignment, travel speed, bank slope, road cross sections and need for barriers.

2.7 FILL STORAGE

A. Fill storage is generally permitted as a principal use throughout the Creekside Commerce Park PUD. Fill material generated from properties owned or leased by the Developer may be transported and stockpiled within areas which have been disturbed. Prior to stockpiling in these locations, the Developer shall notify the Community Development and Environmental Services Administrator per Section 3.2.8.3.6. of the LDC. The following standards shall apply:

1. Stockpile maximum height: Thirty-five feet (35')

2. Fill storage areas in excess of five feet (5') in height shall be separated from developed areas by fencing, excavated water bodies or other physical barriers if the side slope of the stockpile is steeper than 4 to 1 (i.e. 3 to 1).

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a) Soil erosion control shall be provided in accordance with LDC Division 3.7.

2.8 USE OF RIGHTS-OF-WAY

Utilization of lands within all park rights-of-way for landscaping, decorative entrance ways, and signage shall be allowed subject to review and administrative approval by the Developer and the Community Development and Environmental Services Administrator for engineering and safety considerations during the development review process.

2.9 SALES OFFICE AND CONSTRUCTION OFFICE

Sales offices, construction offices, and other uses and structures related to the promotion and sale of real estate such as, but not limited to, pavilions, parking areas, and signs, shall be permitted principal uses throughout Creekside Commerce Park. These uses may be either wet or dry facilities. These uses shall be subject to the requirements of Section 2.6.33.4., Section 3.2.6.3.6. and Division 3.3 of the LDC, with the exception that the temporary use permit shall be valid through the life of the project with no extension of the temporary use required. These uses may use septic tanks or holding tanks for waste disposal subject to permitting under F.A.C. 10D-6 and may use potable water or irrigation wells.

2.10 CHANGES AND AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

A. Changes and amendments may be made to this PUD Ordinance or PUD Master Plan as provided in Section 2.7.3.5. of the LDC. Minor changes and refinements as described herein may be made by the Developer in connection with any type of development or permit application required by the LDC.

B. The Community Development and Environmental Services Administrator shall be authorized to approve minor changes and refinements to the Creekside Commerce Park Master Plan upon written request of the Developer or his assignee.

C. The following limitations shall apply to such requests:

1) The minor change or refinement shall be consistent with the Collier County Growth Management Plan and the Creekside Commerce Park PUD document.

2) The minor change or refinement shall not constitute a substantial change pursuant to Section 2.7.3.5.1. of the LDC.

3) The minor change or refinement shall be compatible with external adjacent land uses and shall not create detrimental impacts to abutting land uses, water management facilities, and conservation areas within or external to the PUD.

D. The following shall be deemed minor changes or refinements:

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1) Reconfiguration of lakes, ponds, canals, or other water management facilities where such changes are consistent with the criteria of the South Florida Water Management District and Collier County.

2) Internal realignment of rights-of-ways.

3) Reconfiguration of parcels per Section 5.5 of this PUD.

E. Minor changes and refinements as described above shall be reviewed by appropriate Collier County staff to ensure that said changes and refinements are otherwise in compliance with all applicable County Ordinances and regulations prior to the Community Development and Environmental Services Administrator's consideration for approval.

F. Approval by the Community Development and Environmental Services Administrator of a minor change or refinement may occur independently from and prior to any application for Subdivision or Site Development Plan approval, however such approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all other necessary County permits and approvals.

2.11 PRELIMINARY SUBDIVISION PLAT PHASING

Submission, review, and approval of Preliminary Subdivision Plats for the park may be accomplished in phases to correspond with the planned development of the property.

2.12 OPEN SPACE AND NATIVE VEGETATION RETENTION REQUIREMENTS

The PUD will fully comply with all sections of the LDC and meet the requirements of the Growth Management Plan relating to open space and retention of native vegetation.

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2.13 SURFACE WATER MANAGEMENT

In accordance with the Rules of the South Florida Water Management District (SFWMD), Chapters 40E-4 and 4-E-40, this project shall be designed for a storm event of 3-day duration and 25-year return frequency. The lake originally approved as Lake L-1, Creekside Unit I Plat, shall continue to be operated and maintained in accordance with the approved plat and approved South Florida Water Management District Permit.

2.14 ENVIRONMENTAL

Environmental permitting shall be in accordance with the State of Florida Environmental Resource Permitting (ERP) Rules, and shall further be subject to review and approval by Collier County Planning Services Department Environmental Review Staff.

2.15 UTILITIES

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

2.16 TRANSPORTATION

A. The Developer shall provide appropriate left and/or right turn lanes on Immokalee Road and Goodlette-Frank Road at the main park entrances. Such turn lanes shall be in place prior to the issuance of any Certificates of Occupancy for a use that utilizes the perspective/associated entrance.

B. There shall be a full access intersection at the park's southern entrance on Goodlette Frank Road. When justified by traffic warrants, this intersection shall be signalized, notwithstanding its proximity to Immokalee Road.

C. Future access points to Immokalee and Goodlette-Frank Roads are those shown on the Creekside Commerce Park Master Plan.

D. Arterial level street lighting shall be provided by the Developer at the park's main entrance in conjunction with the development of this entrance.

E. Road impact fees shall be paid in accordance with the provisions of Ordinance 92-22, as amended.

F. The Developer shall provide the appropriate easements or reserve right of way so that the southerly access road west of Goodlette Frank Road may be interconnected to the properties to the west of Creekside Commerce Park.

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G. The Developer shall provide a fair share contribution toward the capital cost of traffic signals at any project access when deemed warranted by Collier County. The signal shall be owned, operated and maintained by Collier County.

H. The Developer agrees to complete construction of the segment of internal roadway that connects Goodlette-Frank Road to the I/C parcel (herein called "southern parcel") that is west of Goodlette Road and abuts Pelican Marsh prior to the first of the following to occur:

1) The issuance of a certificate of occupancy for the "southern parcel";

2) The issuance of a certificate of occupancy on the second business parcel to be developed west of the Pine Ridge Drainage Easement;

3) Within 3 years of approval of this PUD; or

4) Within 9 months of obtaining "grant" money or other funds for construction of such infrastructure from an outside source.

I. The I/C parcels west of the Pine Ridge Drainage Easement and immediately north of the south road shall connect for service and employee access at the time that the south road is extended to a point that they may connect.

J. The Developer agrees to provide the County with an update of the Transportation Impact Statement (TIS) at the time of submittal of a Preliminary Subdivision Plat or Site Development Plan.

K. The Goodlette-Frank Road southernmost access to the I/C parcel east of Goodlette-Frank Road shall be limited to a right-in/right-out access.

2.17 COMMON AREA MAINTENANCE

Most common area maintenance will be provided by the CDD or by a Property Owner's Association (POA). The CDD or the POA, as applicable, shall be responsible for the operation, maintenance, and management of the surface water and stormwater management systems and reserves serving Creekside Commerce Park, in accordance with any applicable permits from the South Florida Water Management District.

2.18 DESIGN GUIDELINES AND STANDARDS

A. The Collier County Planned Unit Development District is intended to encourage ingenuity, innovation and imagination in the planning, design and development or redevelopment of relatively large tracts of land under unified ownership as set forth in the LDC, Section 2.2.20.

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B. Creekside Commerce Park is planned as a functionally interrelated business park under unified control. The Developer will establish community-wide guidelines and standards to ensure a high level of quality for both the common areas and the individual parcel developments.

C. These guidelines will serve as a control for individual parcel development, and be referred to as The Declaration of Covenants, Conditions and Restrictions for Creekside Commerce Park. The level of quality defined in this document is directed towards the creation of an attractive business environment, and these standards are the basis for evaluation of projects submitted for review to the Property Association's Architectural and Landscaping Committee, referred to as the ALC. The standards in this document will include criteria for site planning, architectural design, lighting, landscaping, and graphics and signage.

D. The specific design guidelines will act as supplemental standards to the requirements of this Planned Unit Development Ordinance, and other County codes, but in no way supersede them.

1. Common Areas

The master design of the park's entries and signage, streetscapes, and open space areas will form a harmonious framework that visually links the entire park together. This unified appearance will enhance the image of the entire community. Internal roadways will provide efficient vehicular circulation with streetscapes that create pleasant neighborhood environments. Streetscape plans will be designed to establish a hierarchy of landscape improvements appropriate in scale and character with the function of the street and adjacent land uses. Along these streetscapes a pedestrian walkway system will be established to link each project with the overall community.

2. Individual Projects

A. Site Planning: Each individual parcel project will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles from the street to the site and from the site to the buildings themselves. The orientation of a building or structure upon a site will not only reflect the project's functional need, but will also be responsive to the individual parcel's characteristics and be sensitive to adjacent land uses and the surrounding community.

B. Architectural standards: The objective of the architectural standards will be to promote the creation of an attractive, value-apparent business environment. Design elements throughout a project must be consistent with the nature of the chosen style and building materials selected. Project design should endeavor to adhere to the

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classical principles of design and avoid clichés, overly complex or garish motifs, while seeking to invoke a "timeless" quality.

C. Lighting: The guidelines for lighting will establish a continuity of design for all lighting in the park which is consistent with the overall visual impression of the park.

D. Landscaping: The purpose of landscape design guidelines within individual projects is to guide development toward harmonious and visually pleasing landscape that is cohesive with the overall master landscape plan. The Creekside landscape concept will have a naturalistic theme. Similar to the overall project's plant palette, individual sites will be dominated with plants that are native, xeric, or naturalized within Southwest Florida. Landscape designs will create a coherent theme which emphasizes plant material as a primary unifying element.

1. Landscape elements along public R.O.W.s will be complimentary to streetscape landscaping. Parcel entries will be designed to harmonize with adjacent streetscape landscaping, and clearly accentuate, the parcel entry.

2. Individual parking lots will be screened from the roadways as much as possible, without obscuring views of the building entrances. In addition, plant materials used around main entrances of buildings will visually cue visitors to their location.

E. Graphics/signage: The guidelines serve to provide continuity of design for all signage in the park which is consistent with the overall visual impression of the park. Parcel signage serves the identification needs of the individual tenants and user.

2.19 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout Creekside Commerce Park. Required buffer treatments shall terminate at entrances to accommodate entrance treatments and at lakes to accommodate views into the park. The following standards shall apply:

A. Landscape buffers contiguous to Immokalee Road R.O.W. will be installed at the time of subdivision improvement per construction phase and will have the following characteristics:

1) Minimum width of 20'-0", measured from the R.O.W.

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2) Adjacent to Business District type uses within the Business District, trees will be native, xeric, or naturalized canopy trees, spaced at 25' on center (O.C.), planted at an initial height of 13'-14' overall (O.A.) with a 6' spread. In addition, a continuous 24" high shrub hedge shall be provided within the 20' buffer.

B. Landscape buffers contiguous to Goodlette-Frank Road R.O.W. will be installed at the time of subdivision improvement per development phase and will have the following characteristics:

1) Minimum width of 20'-0", measured from the R.O.W.

2) Adjacent to Business District type uses within the Business and Industrial/Commerce (I/C) Districts, trees will be native, xeric, or naturalized canopy trees, spaced at 25' O.C., planted at an initial height of 12' O.A., with a 6' spread. At the time of individual lot improvements, hedges will be placed at parking lot edges to satisfy the requirements of LDC Section 2.4.7.4.

3) Adjacent to industrial type uses within the Industrial/Commerce District, trees will be native, xeric or naturalized canopy trees, spaced at 25' O.C., planted at an initial height of 12' O.A, with a 6' spread. Trees will be placed on a berm, 3 feet high and supplemented with a 5 foot high hedge consisting of but not limited to the following plant material: coco plum, viburnam, ficus. The intent will be to obtain 80% opacity within one year of planting for travelers on Goodlette-Frank Road.

C. Landscape buffers surrounding the perimeter of the park will be installed at the time of subdivision improvement per construction phase. The buffers are referenced on Exhibit B, and proceed in a clockwise direction from the northeast corner of the project as follows:

1) The landscape buffer along the eastern most property boundary, north of the preserve area, as depicted on Exhibit B, shall consist of an Alternative "A" type buffer. Any preservation areas within this buffer may be credited toward buffering requirements.

2) The preserve area along the balance of the eastern most property boundary will serve as the buffer between uses.

3) The Developer will provide a five feet (5') wide Alternative "A" type buffer with trees planted fifty feet (50') on center between the business use and the preserve/lake area, as depicted on Exhibit B.

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4) The Developer will provide a five feet (5') wide Alternative "A" type landscape buffer with trees planted fifty feet (50') on center along the eastern property boundary contiguous to the Collier County Sewage Treatment Plant.

5) The landscape buffer along the southern most property boundary, east of Goodlette-Frank Road, shall be a five feet (5') wide Alternative "A" type buffer with trees planted fifty feet (50') on center. An opaque hedge six feet (6') high will be planted to supplement the existing oak tree buffer planted by the County at the Collier County Sewage Treatment Plant.

6) The existing landscape berm/buffer from Goodlette Frank Road to the west side of the Pine Ridge Drainage Easement will be supplemented as follows: a type "A" buffer along the proposed lake; and the remaining area westward of the lake will be supplemented to consist of 50 sabal palms, 8'-14' O.A. and 4 Ficus nitida 12'-13' O.A. and 6'-8' wide; locations to be coordinated with the adjacent property owner.

7) The Developer will provide a ninety percent (90%) opaque landscape buffer and berm between the I/C District and the Pelican Marsh PUD from the west side of the Pine Ridge Drainage Easement to the existing berm to the west, that approximates the existing Pelican Marsh berm/buffer. This buffer will be installed concurrent with any I/C construction west of the Pine Ridge Drainage Easement. The buffer shall meet ninety percent (90%) opacity within one (1) year of planting.

8) The Developer will supplement with additional trees the buffer along the remaining portion of the southern property line westward to achieve a ninety percent (90%) opaque buffer. This buffer will be installed concurrent with any I/C construction west of the Pine Ridge Drainage Easement.

9) The landscape buffer between the I/C District and the adjacent Agricultural District along the southern portion of the western property line will be an Alternative "A" type buffer.

10) The landscape buffer between the R.O.W. and the adjacent Agricultural District to the west will be an Alternative "A" type buffer and be incorporated into the R.O.W.

D. Maximum fence or wall height internal to the PUD: Twelve feet (12').

E. Landscape buffers, berms, fences and walls will be constructed along the perimeter of the Creekside Commerce Park PUD boundary concurrent with subdivision and site development construction phase, except where noted in this document.

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F. Sidewalks, water management systems, drainage structures, and utilities may be allowed in landscape buffers pursuant to review and approval of the Development Services Administrator.

G. Landscape berms located within the Creekside Commerce Park PUD boundary and contiguous to a property line and/or right-of-way line may be constructed such that the toe of slope is located on the property line and/or encroaches into the right-of-way line when approved by the applicable owner or agency.

2.20 SIGNAGE

A. GENERAL

1) Pursuant to Section 2.5.5.2.3.7. of the LDC, the following conditions provide for the required comprehensive sign plan for the Creekside Commerce Park

2) Each platted parcel shall be considered a separate parcel of land.

3) Signs and decorative landscaped entrance features within a County dedicated right-of-way, shall require a right-of way permit subject to the review and approval of the County.

4) All signs shall be located so as not to cause sight line obstructions.

B. PARK ENTRY SIGNS

1) Major park entry signs shall be located as depicted on Exhibit B. Each sign will not exceed 160 square feet in size on any side and signs will be no longer than 25 feet in length and 8 feet in height.

2) Minor park entry signs shall be located as depicted Exhibit B. Each minor monument sign will not exceed 100 square feet in size on any side. Minor monument signs will be no larger than 20 feet in length and 6 feet in height.

C. INTERNAL SIGNS

1) Directional or identification signs are allowed within the business park. Such signs may be used to identify the location or direction of approved uses such as sales centers, information centers, etc. Individual signs may be a maximum of 4 square feet per side in size, or signs maintaining a common architectural theme may be combined to form a menu board with a maximum size of 25 square feet per side, and a maximum height of 8 feet. No building permit is required unless such signs are combined to form a menu board.

2) Grand Opening signs: The Developer or parcel owner may display an on-site grand opening sign not exceeding 32 square feet on a side, and not exceeding

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64 square feet total. Banner signs shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the Developer/occupant is open for business.

D. USER SIGNS

1) Wall, mansard, canopy or awning signs: One wall, mansard, canopy or awning sign may be permitted for each single-occupancy facility, or for each establishment in a multiple-occupancy facility. Corner units within multiple-occupancy facilities, or multi-frontage single-occupancy facilities shall be allowed two signs, but such signs shall not be combined for the purpose of placing the combined area on one wall. However, the combined area of those signs shall not exceed the maximum allowable display area for signs by this ordinance.

   a. The maximum allowable display area for signs may not be more than 15 percent of the total square footage of the visual facade of the building to which the sign will be attached and may not, in any case, exceed 200 square feet in area for any sign.

2) Monument and Pole signs: One (1) monument or pole sign is permitted for each lot or parcel for each external and internal road frontage(s).

   a. Maximum allowable sign area: 60 square feet per side, if two-sided

   b. Maximum allowable height: 15 feet for pole signs, 8 feet for monument signs.

   c. Internal road frontage setbacks: A minimum of fifteen feet (15') from the edge of pavement. Signs may encroach within the right-of-way subject to maintaining safe site distance triangles as per Section 2.4.4.16. of the LDC and when approved by the Community Development and Environmental Services Administrator and applicable utility.

   d. External road frontage setbacks: Pole signs shall be setback from any external right-of-way in accordance with the applicable section of the LDC. Monument signs may be permitted closer to the right-of-way subject to maintaining safe site distance triangles as per Section 2.4.4.16. of the LDC and when approved by the Community Development and Environmental Services Administrator and applicable utility.

   e. Spot or floodlights may be permitted provided said light shines only on the signs or landscaping and is shielded from motorists and adjacent residents.

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f. Should the U.S. Postal Service purchase or lease land within Creekside Commerce Park, in addition to the user signs as permitted herein, they will be allowed one sign between Immokalee Road and the proposed lake adjacent to the west entry.

E. TRAFFIC SIGNS

Traffic signs such as street name signs, stop signs, speed limit signs, etc. may be designed to reflect a common architectural theme, in accordance with Section 3.2.8.3.19. of the LDC.

2.21 GENERAL PERMITTED USES

A. Certain uses shall be considered general permitted uses throughout the Creekside Commerce Park PUD except in the Preserve Area. General permitted uses are those uses which generally serve the Developer and tenants of Creekside Commerce Park and are typically part of the common infrastructure.

B. General Permitted Uses:

1. Essential services as set forth under LDC, Section 2.6.9.1.

2. Water management facilities and related structures.

3. Temporary sewage treatment facilities.

4. Lakes including lakes with bulkheads or other architectural or structural bank treatments.

5. Guardhouses, gatehouses, and access control structures.

6. Temporary construction, sales, and administrative offices for the Developer and Developer's authorized contractors and consultants, including necessary access ways, parking areas and related uses.

7. Landscape features including, but not limited to, landscape buffers, berms, fences and walls subject to the standards set forth in Section 2.11 of this PUD.

8. Fill storage subject to the standards set forth in Section 2.7 of this PUD. Site filling and grading as set forth in Section 2.7 of this PUD.

9. Any other use which is comparable in nature with the foregoing uses and which the Community Development and Environmental Services Administrator determines to be compatible.

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10. Sidewalks may occur within County required buffers if approved by the Community Development and Environmental Services Administrator.

11. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein are to be in accordance with the LDC provision in effect at the time of Site Development Plan Approval.

12. Creekside Commerce Park shall be permitted to develop with a maximum of 40 percent commercial uses. Commercial uses are defined as offices, health services, medical clinics, financial institutions, fitness centers, childcare centers, restaurants and retail sales in accordance with Section 3.3. C.2. hereof.

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SECTION III

INDUSTRIAL/COMMERCE DISTRICT

3.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within Creekside Commerce Park designated on the Master Plan as "I/C".

3.2 GENERAL DESCRIPTION

Areas designated as "I/C" on the PUD Master Plan are intended to provide a maximum of 620,000 square feet of gross floor area of industrial/commerce uses on 41.6± net acres. The floor area ratio (FAR) for the designated industrial land uses shall not exceed .35.

3.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. The permitted principal uses and structures will generally consist of light manufacturing, wholesale, warehouse, processing and packaging, laboratories and clinics, research, design and product development, business services and corporate offices and headquarters.

1. Aircraft Parts and Auxiliary Equipment (Group 3728)

2. Apparel and Other Finished Products (Groups 2311-2399)

3. Building Contractors (Groups 1521-1542), except for general contractors for mobile home repair on site, modular housing and premanufactured housing assembled on site, dry cleaning plant construction, paper pulp mill construction, and truck and automobile assembly plant construction.

4. Business Services (Groups 7311-7313, 7319, 7322, 7323, 7331-7338, 7352, 7359-7389 except for industrial truck rental and leasing; plants, live: rental and leasing; toilets, portable: rental and leasing; employment agencies, except theatrical and motion picture; labor contractors (employment agencies) model registries; labor pools; manpower pools; modeling service; dogs, rental of: for protective service; automobile recovery service; automobile repossession service; bartering services for businesses; bondspersons; bottle exchanges; check validation service; contractors disbursement control; filling pressure containers (aerosol) with hair spray, insecticides, etc.; fire extinguishers, service of gas systems, contract conversion from manufactured to natural gas; metal slitting and shearing on a contract or fee basis produce weighing service, not connected with

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transportation; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis; tobacco sheeting service on a contract or fee basis)

5. Child Day Care Services (Group 8351)

6. Communications (Groups 4812-4899 not including major communications towers related to cellular phone service, radio broadcasting, television broadcasting, radar or telephone service)

7. Computer and Office Equipment (Groups 3571-3579)

8. Construction; Special Trade Contractors (Groups 1711-1799 except for boiler erection and installation contractors; drainage system installations, cesspool and septic tank contractors; fuel oil burner installation and servicing contractors; gasoline hookup contractors; sewer hookups and connection for buildings contractors; epoxy application contractors; fireproofing buildings contractors; gasoline pump installation contractors; lead burning contractors; and mobile home site setup and tie down contractors)

9. Depository and Non-Depository Institutions (Groups 6011-6163)

10. Drugs and Medicines (Groups 2833-2836, except for adrenal derivatives: bulk, uncompounded; barbituric acid and derivatives: bulk, uncompounded; cocaine and derivatives; codeine and derivatives; gland derivatives: bulk, uncompounded; mercury chlorides, U.S.P; mercury compounds, medicinal: organic and inorganic; morphine and derivatives; opium derivatives)

11. Educational Services (Groups 8249-8299 except construction equipment operation schools; truck driving schools; automobile driving instruction; survival schools; vocational counseling)

12. Electronics and Other Electrical Equipment Manufacturing (Groups 3612, 3613, 3624, 3625, 3631, 3641-3676, 3678, 3679, 3694, 3695, 3699, except for airport lighting transformers, autotransformers, electric (power transformers) distribution transformers, electric; electric furnace transformers; lighting transformers, street and airport; transformers, reactor; atom smashers (particle accelerators; electron beam metal cutting, forming, and welding machines; electron linear accelerators; electrostatic particle accelerators))

13. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748 except chemical laboratories, commercial research; automobile proving and testing grounds; metallurgical testing laboratories; pollution testing, except automotive emissions testing; radiation dosimetry laboratories; seed testing laboratories; veterinary testing laboratories)

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14. Fabricated Metal Products (Groups 3411-3432, 3442, 3444, 3446, 3452, 3469, 3492, 3495, 3496, production of metal is prohibited)

15. Furniture and Fixtures Manufacturing (Groups 2511-2599)

16. Government Offices/Buildings (Groups 9111-9199, 9221, 9222, 9224-9229, 9311, 9451, 9511-9532, 9611, 9631-9661)

17. Industrial and Commercial Machinery (Groups 3524, 3546, 3553-3556, 3559, 3562, 3564-3566, 3581-3599 except for bronzing and dusting machines for printing trades; foundry type for printing; presses, printing - slugs printers'; ammunition and explosives loading machinery; brick making machines; cement making machinery; chemical kilns; control rod drive mechanisms for use on nuclear reactors; foundry machinery and equipment; frame straighteners, automotive (garage equipment); fur sewing machines; ginning machines, cotton; metal finishing equipment for plating, except rolling mill lines; metal pickling equipment, except rolling mill lines)

18. Leather and Leather Products (Groups 3131-3199)

19. Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods: Watches and Clocks Manufacturing (Groups 3812-3843, 3845-3873)

20. Membership Organizations (Groups 8611-8631)

21. Miscellaneous Manufacturing Industries (Groups 3911-3999 except for dressing of furs: bleaching, blending, curring, scraping, and tanning; feathers: curling, dyeing, and renovating - for the trade; fur stripping; furs dressed: bleached, curried, scraped, tanned, and dyed; pelts: scraping, curring, tanning, bleaching and dyeing; plumes, feather; tear gas devices and equipment; veils made of hair)

22. Motion Picture Production (Groups 7812-7819)

23. Motor Freight Transportation (Groups 4214, 4215)

24. Packing and Crating (Group 4783)

25. Paper and Allied Products (Groups 2652-2657, 2673-2679)

26. Personal Services (Groups 7213, 7216, 7219, 7221)

27. Physical Fitness Facilities (Group 7991)

28. Plastic Materials and Synthetics (Groups 2833,2834)

29. Printing, Publishing and Allied Industries (Groups 2711-2791)

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30. Professional Offices: including but not limited to, Travel Agencies (Group 4724); Insurance Agencies (Group 6411); Insurance Carriers (Groups 6311-6399); Real Estate (Groups 6512, 6514, 6517, 6519, 6531, 6541, 6552,)

31. Rubber and Miscellaneous Plastic Products (Groups 3021, 3085, 3086, 3088, 3089)

32. Transportation Equipment (Group 3732, except for boats, fiberglass: building and repairing; boats: motorboats, sailboats, rowboats, and canoes - building and repairing; houseboats, building and repairing; motorboats, inboard and outboard: building and repairing)

33. United States Postal Service (Group 4311)

34. Warehousing and Storage (Group 4225, 4226, 5014 except oil and gas storage, petroleum and chemical bulk stations and automobile dead storage) only one (1) self-storage use allowed to be located adjacent to the Collier County Sewage Treatment Plant.

35. Wholesale Trade-Durable Goods (Groups 5021-5031, 5043-5049, 5063-5074, 5078, 5091, 5092, 5094-5099 except for fencing, wood-wholesale; lumber: rough, dressed, and finished-wholesale; batteries, except automotive-wholesale; storage batteries, industrial-wholesale; unit substations-wholesale; boilers, power: industrial-wholesale; boilers, steam and hot water heating-wholesale; burners, fuel oil and distillate oil-wholesale; oil burners-wholesale)

36. Wholesale Trade-Nondurable Goods (Groups 5111-5143, 5145, 5147-5149, 5192, 5199 except for cats-wholesale; charcoal-wholesale; dogs-wholesale; fish, tropical-wholesale; furs, dressed-wholesale; greases, animal and vegetable-wholesale; ice, manufactured or natural-wholesale, leather and cut stock-wholesale; linseed oil-wholesale; oils, except cooking: animal and vegetable-wholesale; oilseed cake and meal-wholesale; rubber, crude-wholesale; sawdust-wholesale; vegetable cake and meal-wholesale; wigs-wholesale; worms-wholesale)

37. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

B. Restricted Principal Uses

The following medical related uses must be located within a 1/4 mile radius of the hospital property boundary.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

1. Health Services, medical clinics and offices (Groups 8011-8049)

2. Medical Laboratories and research and Rehabilitative Centers (Groups 8071-8092, 8099)

3. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

C. Permitted Accessory Uses and Structures:

1. Uses and structures that are accessory and incidental to uses permitted in this district.

2. Retail and wholesale sales and/or display areas as accessory to the principal use, not to exceed an area greater than forty percent (40%) of the gross floor area of the permitted principal use.

3.4 DEVELOPMENT STANDARDS

A. Minimum Lot Area: 20,000 S.F.

B. Minimum Lot Width: 100 FT.

C. Minimum Yard Requirements:

1. Front Yard, adjacent to Immokalee Road or Goodlette-Frank Road: Fifty feet (50')

2. Front Yard, Internal: Thirty feet (30')

3. Side Yard: Ten feet (10')
Five feet (5') to internal property line along Pine Ridge canal drainage easement and FP&L easement

4. Waterfront: Zero feet (0') to bulkhead or rip-rap at top of bank, otherwise twenty feet (20')

5. Rear Yard: Twenty-five feet (25')

6. Minimum Building Setback from Perimeter Boundary of PUD: Fifty feet (50')

D. Maximum Height: Thirty Five Feet (35'), including silos, storage tanks, elevator towers, satellite dishes, antennas, etc.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

E. Outside storage or display shall be permitted and shall be screened from all internal and external public roadways with a fence or landscaping equivalent or combination thereof. Said fence, wall or landscaped screen shall be opaque in design. All manufacturing operations and equipment, including accessory process equipment such as compressors and air handlers shall be contained in an enclosed structure.

F. All industrial building sides visible from roadways internal or external to the park shall have the appearance of a concrete material, such as, but not limited to, block, brick, tilt up concrete panels, stucco on lathe systems, etc. Corrugated steel sides visible from said roadways are prohibited; as well as exposed metal siding on any building west of Goodlette Frank Road.

G. Business District type uses located within the I/C District along Goodlette-Frank Road will meet the Collier County Architectural Guidelines in Division 2.8. of the LDC.

H. Industrial type uses abutting Goodlette-Frank Road shall meet the requirements of Section 2.19.B.3 hereof, alternatively, said uses shall have the option of utilizing the landscaped buffer applicable to business uses fronting Goodlette-Frank Road, provided the portion of the building facing Goodlette-Frank Road meets the following Architectural Guideline Sections of the LDC, therefore satisfying the intent of the building design section of the Architectural Guidelines in the opinion of the Community Development and Environmental Services Administrator:

1. Section 2.8.3.5.1., Purpose and Intent

2. Section 2.8.3.5.4., Facade Standard

3. Section 2.8.3.5.6., Project Standards

4. Section 2.8.3.5.7., Detail Features except for 2.8.3.5.7.2.

5. Section 2.8.3.5.12.

I. Loading Areas: Buildings west of the Pine Ridge canal and adjacent to the Pelican Marsh boundary shall orient loading docks to the north, east or west.

J. Noise: Uses within the I/C District shall not exceed 65 dBA between the hours of 7 a.m. and 10 p.m. Monday through Saturday, and 60 dBA after 10 p.m. to 6:59 a.m. and all of Sundays, as measured at the property boundary of the land use from which the sound emanates.

K. Odor: No business shall cause or allow the emission of odorous air from any single source such as to result in odors which are detectable outside the parcel

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

boundaries. Best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous air.

L. Lighting: Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within 200 feet of residential property. Light fixtures within parking areas shall not exceed 25 feet in height.

M. Emissions: All sources of air emissions shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulation (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air emissions without a valid operation permit issued by the Department of Environmental Regulation.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

SECTION IV

BUSINESS DISTRICT

4.1 PURPOSE

The purpose of this section is to identify permitted uses and development standards for areas within Creekside Commerce Park designated on the Master Plan as "B".

4.2 GENERAL DESCRIPTION

Areas designated as "B" on the PUD Master Plan are intended to provide a maximum of 190,000 square feet of floor area, including approximately 150,000 square feet of office uses and 40,000 square feet of retail uses on 19.1± net acres. The floor area ratio (FAR) for the designated business land uses shall not exceed .35.

4.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Permitted Principal Uses and Structures:

1. Building Contractors (Groups 1521-1542), except for general contractors for mobile home repair on site, modular housing and premanufactured housing assembled on site, dry cleaning plant construction, paper pulp mill construction, and truck and automobile assembly plant construction.

2. Business Services (Groups 7311-7313, 7319, 7322, 7323, 7331-7338, 7352, 7359-7389 except for industrial truck rental and leasing; plants, live: rental and leasing; toilets, portable: rental and leasing; employment agencies, except theatrical and motion picture; labor contractors (employment agencies) model registries; labor pools; manpower pools; modeling service; dogs, rental of: for protective service; automobile recovery service; automobile repossession service; bartering services for businesses; bondspersons; bottle exchanges; check validation service; contractors disbursement control; filling pressure containers (aerosol) with hair spray, insecticides, etc.; fire extinguishers, service of gas systems, contract conversion from manufactured to natural gas; metal slitting and shearing on a contract or fee basis produce weighing service, not connected with transportation; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis; tobacco sheeting service on a contract or fee basis)

3. Child Day Care Services (Group 8351)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

4. Convenience Store (Group 5411) and Gasoline Filling Station (Group 5541) only one (1) allowed.

5. Communications (Groups 4812-4899), not including major communication towers related to cellular phone service, radio broadcasting, television broadcasting, radar or telephone service.

6. Depository and Non-Depository Institutions (Groups 6011-6163) including automatic teller machines

7. Drugs and Medicines (Groups 2833-2836 except for adrenal derivatives: bulk, uncompounded; barbituric acid and derivatives: bulk, uncompounded; cocaine and derivatives; codeine and derivatives; gland derivatives: bulk, uncompounded; mercury chlorides, U.S.P; mercury compounds, medicinal: organic and inorganic; morphine and derivatives; opium derivatives)

8. Eating Places (Group 5812) not including fast food and drive-thru restaurants

9. Educational Services (Groups 8249-8299 except construction equipment operation schools; truck driving schools; automobile driving instruction; survival schools; vocational counseling)

10. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748 except chemical laboratories, commercial research; automobile proving and testing grounds; metallurgical testing laboratories; pollution testing, except automotive emissions testing; radiation dosimetry laboratories; seed testing laboratories; veterinary testing laboratories)

11. Government Offices/Buildings (Groups 9111-9199, 9221, 9222, 9224-9229, 9311, 9451, 9511-9532, 9611, 9631-9661)

12. Professional Offices: Travel Agencies (Group 4724); Insurance Agencies (Group 6411); Insurance Carriers (Groups 6311-6399); Real Estate (Groups 6512-6515, 6517, 6519, 6531, 6541, 6552, 6553); Holding and Other Investment Offices (Groups 6712-6799); Attorneys (Group 8111)

13. Physical Fitness Facilities (Group 7991)

14. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

B. Restricted Principal Uses

The following medical related uses must be located within 1/4 mile radius of the hospital property boundary.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

1. Drug Stores and Proprietary Stores (Group 5912) Only one (1) drug store allowed.

2. Health Services, Medical Clinics and Offices (Groups 8011-8049)

3. Medical Laboratories and research and Rehabilitative Centers (Groups 8071-8099)

4. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

C. Permitted Accessory Uses and Structures

1. Accessory uses and structures customarily associated with principal uses permitted in this district.

2. Retail and wholesale sales and/or display areas as accessory to the principal use, not to exceed an area greater than forty percent (40%) of the gross floor area of the permitted principal use.

4.4 DEVELOPMENT STANDARDS

A. Minimum Lot Area: 20,000 S.F.

B. Minimum Lot Width: 100 FT.

C. Minimum Yard Requirements:

1. Front Yard, Immokalee and Goodlette-Frank Roads: Fifty feet (50')

2. Front Yard, Internal Roads: Thirty feet (30')

3. Side Yard: Ten feet (10')
Five feet (5') to internal property line along the Pine Ridge canal drainage easement and FP&L easement

4. Waterfront: Zero feet (0') to bulkhead or rip-rap at top of bank, otherwise twenty feet (20')

5. Rear Yard: Twenty-five feet (25')

6. Minimum Building Setback from Perimeter Boundary of PUD:

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

a) Fifty feet (50') for buildings up to thirty five feet (35') in height.

b) Three additional feet (3') for every one foot of building height over thirty five feet (35') adjoining residential districts.

D. Maximum Height: Three stories over parking to a maximum of fifty feet (50') for buildings within 1/4 mile of the hospital property boundary except that no structure shall be greater than thirty-five feet (35'), on property west of the Pine Ridge Drainage Easement.

E. Commercial design guidelines for facilities in the Business District shall be subject to the provisions of Division 2.8. Architectural and Site Design Standards and Site Design Standards for commercial buildings and projects.

F. Outside storage or display shall be permitted and shall be screened from all internal and external public roadways with a fence at least seven feet in height above ground level, or landscaping equivalent or combination thereof. Said fence, wall or landscaped screen shall be opaque in design.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

SECTION V

PRESERVE AREA

5.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within Creekside Commerce Park, designated on the Master Plan, as Preserve Area.

5.2 GENERAL DESCRIPTION

Areas designated as Preserve Area on the Master Plan are designed to accommodate natural systems existing or created as preserves and limited water management uses and functions.

5.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures

1. Boardwalks and nature trails (excluding asphalt paved trails).

2. Water management facilities.

3. Any other preserve and related open space activity or use which is comparable in nature with the foregoing uses and which the Development Services Director determines to be compatible in the Preserve Area.

5.4 PRESERVE DISTRICT PRESERVATION EASEMENT

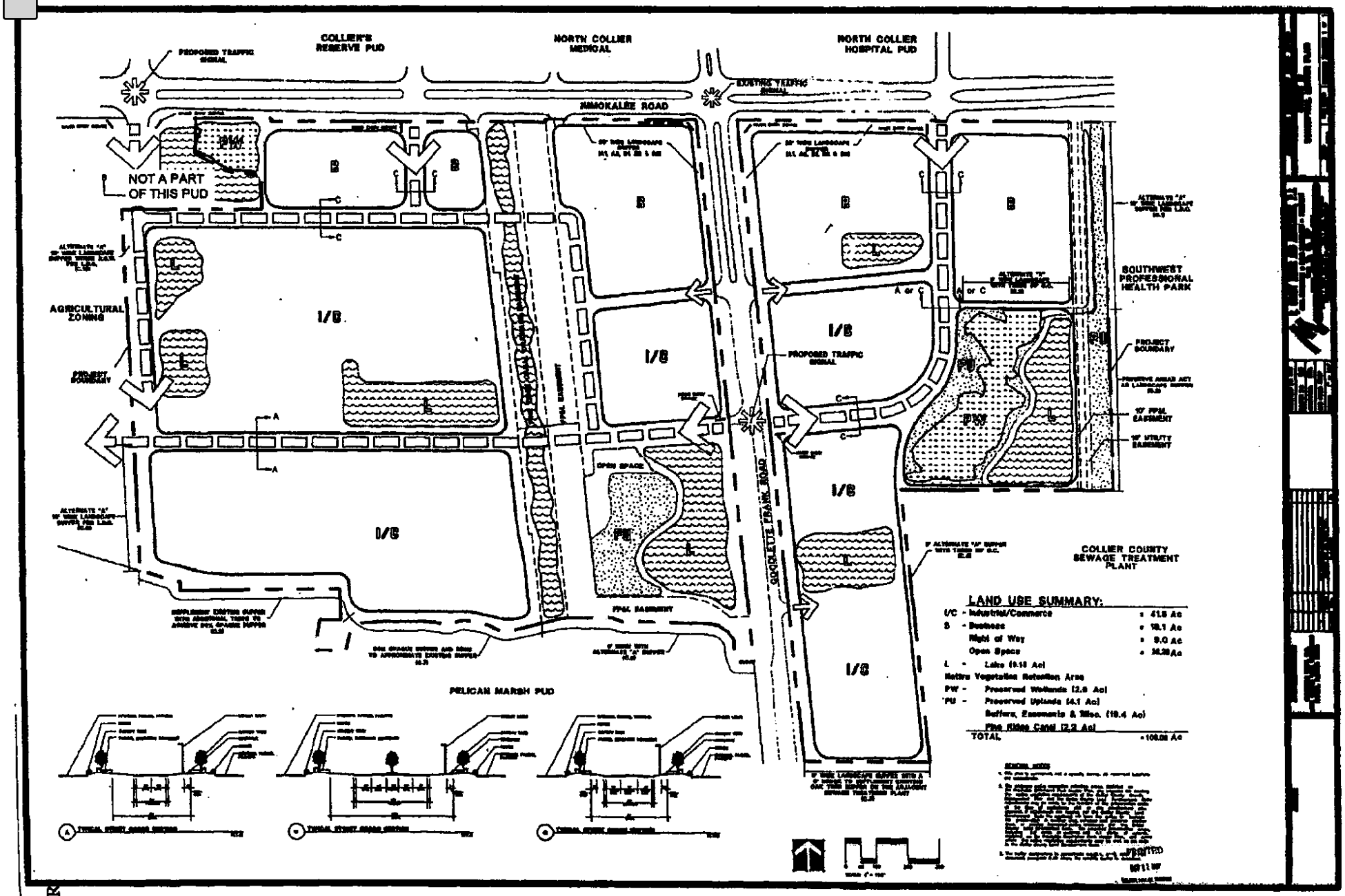
A non-exclusive preservation easement or tract is required by LDC Section 3.2.8.4.7.3. for preservation lands included in the Preserve Area. The Developer, its successor or assign shall be responsible for the control and maintenance of lands within the Preserve Area. Exact location/boundary of the Preserve Area will be determined during the development permitting process with the South Florida Water Management District, Army Corps of Engineers, and Collier County.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

5.5 PRESERVE AREA ADJUSTMENTS

The proposed native vegetation retention areas, depicted on the Creekside Commerce Park Master Plan, are intended for meeting the native vegetation requirements of the Collier County Growth Management Plan and the Collier County LDC. Adjustments may be made to the location of the preservations areas at the time of preliminary plat or site development plan approval. If adjustments are needed, per the Collier County LDC the Developer will have the option to increase the preservation in another area, enhance and preserve another area, or provide increased native landscape per the Collier County LDC. The proposed preservation areas, including 2.9 acres of wetlands and 4.1 acres of uplands, depicted on the Creekside Commerce Park master plan, are areas where the native vegetation requirements may be met as set forth in the Collier County LDC.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)


COLLIER'S RESERVE PUD
NORTH COLLIER MEDICAL
NORTH COLLIER HOSPITAL PUD
PROPOSED TRAFFIC SIGNAL
EXISTING TRAFFIC SIGNAL
IMMOKALEE ROAD
NOT A PART OF THIS PUD
AGRICULTURAL ZONING
PROJECT BOUNDARY
SOUTHWEST PROFESSIONAL HEALTH PARK
PROPOSED TRAFFIC SIGNAL
OPEN SPACE
GOODLETTE FRANK ROAD
COLLIER COUNTY SEWAGE TREATMENT PLANT
PELICAN MARSH PUD
LAND USE SUMMARY:
I/C - Industrial/Commerce
S - Business
Right of Way
Open Space
L - Lake
Native Vegetation Retention Area
PW - Preserved Wetlands
PU - Preserved Uplands
Buffers, Easements & Misc.
Pine Ridge Canal
TOTAL

F:\PR

ROETZEL & ANDRESS
A LEGAL PROFESSIONAL ASSOCIATION

850 PARK SHORE DRIVE
TRIANON CENTRE - THIRD FLOOR
NAPLES, FL 34103
239.649.2708 DIRECT
239.649.6200 MAIN
239.261.3659 FAX
banderson@ralaw.com

September 15, 2006

VIA HAND DELIVERY AND E-MAIL
Mr. James V. Mudd, County Manager
Collier County Government
3301 East Tamiami Trail
Naples, FL 34112

Re: Request to Reconsider – Naples Daily News PUD (PUDZ-2005-AR-8833) and Creekside Commerce Park PUD Amendment (PUDA-2005-AR-8832)

Dear County Manager Mudd:

As the Petitioner's agent on both of the above-referenced items which were acted upon at the September 12, 2006 County Commission Meeting, I am filing this Request for Reconsideration of both items pursuant to Section 2-41 and Section 2-42 of the Collier County Code of Ordinances. Section 2-41 is applicable to the reconsideration of the approval of the Creekside PUD Amendment, and Section 2-42 is applicable to the request to reconsider the denial of the Naples Daily News PUD.

The grounds for this reconsideration request are that there was a misunderstanding as to compliance of the Naples Daily News PUD with the Land Development Code and the Growth Management Plan; and the Amendment to the Creekside PUD was to rezone 2.3 acres of that PUD to become part of the denied Naples Daily News PUD. Both of these are companion items and should be considered together.

It is my understanding from Joe Schmitt that if the reconsideration is approved at the September 26 County Commission meeting, that the earliest date both Petitions could be advertised and scheduled for hearings by the Commission is October 24. I would respectfully request that the County schedule and advertise the re-hearings on the merits for the October 24, 2006 County Commission meeting.

Thank you very much for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

R. Bruce Anderson

R. Bruce Anderson
For the Firm

RBA:

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

cc: ALL VIA E-MAIL
Commissioner Tom Henning
Commissioner Fred Coyle
Commissioner James Coletta
Commissioner Donna Fiala
Commissioner Frank Halas
Mr. Paul Marinelli
Mr. John Fish
Mr. Wayne Arnold
Mr. Joseph Schmitt
Mr. Mike DeRuntz
David C. Weigel, Esq.
Marjorie Student-Stirling, Esq.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

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 2006-50

Which was adopted by the Board of County Commissioners on the 24th day of October, 2006, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 30th day of October, 2006.

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

By: Teresa Dillard,
Deputy Clerk

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

ORDINANCE NO. 2021- 35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 2006-50, THE CREEKSIDE COMMERCE PARK COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), AS AMENDED, BY ADDING UP TO 300 MULTI-FAMILY RENTAL DWELLING UNITS AS A PERMITTED USE IN THE BUSINESS DISTRICT; ADDING RESIDENTIAL DEVELOPMENT STANDARDS INCLUDING A MAXIMUM HEIGHT OF 100 FEET; AND BY AMENDING THE MASTER PLAN. THE SUBJECT MULTI-FAMILY PROPERTY IS IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF IMMOKALEE ROAD AND GOODLETTE FRANK ROAD, CONSISTING OF 28.85± ACRES AND THE CPUD IS LOCATED SOUTH OF IMMOKALEE ROAD AND BOTH EAST AND WEST OF GOODLETTE FRANK ROAD IN SECTION 27, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; AND BY PROVIDING AN EFFECTIVE DATE. [PL20190002850]

WHEREAS, on October 24, 2006, the Board of County Commissioners approved Ordinance Number 06-50, the Creekside Commerce Park Commercial Planned Unit Development (the "PUD"); and

WHEREAS, on March 12, 2013, the Board of County Commissioners approved Ordinance Number 13-23, which amended the PUD; and

WHEREAS, on March 22, 2016, the Board of County Commissioners approved Ordinance Number 16-05, which further amended the PUD; and

WHEREAS, on October 25, 2016, the Board of County Commissioners approved Ordinance Number 16-32, which further amended the PUD; and

WHEREAS, on April 24, 2018, the Board of County Commissioners approved Ordinance Number 18-19, which further amended the PUD; and

WHEREAS, Richard D. Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A., and D. Wayne Arnold of Q. Grady Minor & Associates representing Creekside East, Inc., petitioned the Board of County Commissioners to amend the CPUD.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Amendment to the CPUD Document of Ordinance No. 2006-50, as amended

The CPUD Document attached as Exhibit "A" to Ordinance No. 2006-50, as amended, is hereby amended to read as follows:

See Exhibit "A", attached hereto and incorporated herein by reference.

SECTION TWO:

This Ordinance shall become effective upon filing with the Department of State and on the date that the Growth Management Plan Amendment in Ordinance No. 2021 - 36 becomes effective.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 26th day of October, 2021.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: _____
Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
Penny Taylor, Chairman

Approved as to form and legality:

_____ HFAC 9-16-21
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachments: Exhibit A – CPUD Document

This ordinance filed with the Secretary of State's Office the 3rd day of November 2021 and acknowledgement of that filing received this 3rd day of November, 2021.
By _____
Deputy Clerk

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

CREEKSIDE COMMERCE PARK

A PLANNED UNIT DEVELOPMENT

PREPARED FOR

BARRON COLLIER PARTNERSHIP

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

CREEKSIDE COMMERCE PARK

A

PLANNED UNIT DEVELOPMENT

106± Acres Located in Section 27
Township 48 South, Range 25 East
Collier County, Florida

PREPARED FOR:

BARRON COLLIER PARTNERSHIP
2640 Golden Gate Parkway, Naples, FL 34105

PREPARED BY:

WILSON, MILLER, BARTON & PEEK, INC.
3200 Bailey Lane, Suite 200, Naples, Florida 34105

YOUNG, VAN ASSENDERP & VARNADOE, P.A.
801 Laurel Oak Drive, Suite 300, Naples, Florida 34101

AMENDED DECEMBER 2005 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey, Bonita Spring, Florida 34134

ROETZEL AND ANDRESS, L.P.A.
850 Park Shore Drive, 3rd Floor, Naples, Florida 34103

AMENDED MAY 2012 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey, Bonita Spring, Florida 34134

COLEMAN, YOVANOVICH AND KOESTER, P.A.
Northern Trust Bank Building
4001 Tamiami Trail North, Suite 300, Naples, FL 34103

AMENDED AUGUST 2015, JULY 2016 ~~and ,~~ OCTOBER 2016 and JULY 2021 BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 Via Del Rey, Bonita Spring, Florida 34134

COLEMAN, YOVANOVICH AND KOESTER, P.A.
Northern Trust Bank Building
4001 Tamiami Trail North, Suite 300, Naples, FL 34103

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

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Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

STATEMENT OF COMPLIANCE

The purpose of this section is to express the intent of the Barron Collier Partnership, hereinafter referred to as Barron Collier or the Developer, to create a Planned Unit Development (PUD) on 106± acres of land located in Section 27, Township 48 South, Range 25 East, Collier County, Florida. The name of this Planned Unit Development shall be Creekside Commerce Park. The development of Creekside Commerce Park will be in substantial compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan. The development will be consistent with the policies and land development regulations adopted thereunder of the Growth Management Plan Future Land Use Element and other applicable regulations for the following reasons:

1. The subject property is within the Urban Mixed Use District as identified on the Future Land Use Map which allows certain industrial and commercial uses. The Urban designation also allows support medical facilities, offices, clinics, treatment, research and rehabilitative centers and pharmacies provided they are located within 1/4 mile of the property boundary of an existing or approved hospital or medical center. The Creekside Commerce Park PUD is located within ¼ mile of the North Collier Hospital. The 2016 petition request is to add 166,000 square feet to the I/C District and 32,000 square feet to the B District. All additional square footage approved in the October 2016 Ordinance amendment will be medical related uses, and will be on Tracts that are within or partially within ¼ mile of the North Collier Hospital property. <u>The 2020 petition (PL20190002850) request is to add 300 multi-family rental units, which were authorized through the companion 2020 small-scale plan amendment (PL20190002849).</u>

2. The existing Industrial zoning is considered consistent with the Future Land Use Element (FLUE) as provided for by Policy 5.9 and 5.11 of the FLUE.

3. The FLUE Urban-Industrial District allows for expansion of the industrial land use provided the rezone is in the form of a PUD, the site is adjacent to existing land designated or zoned industrial the land use is compatible with adjacent land uses and the necessary infrastructure is provided or in place. Creekside Commerce Park has expanded the industrial land use accordingly.

4. The FLUE Urban-Industrial District requires the uses along the boundaries of the project to be transitional. Creekside Commerce Park has included transitional uses accordingly.

5. Creekside Commerce Park is compatible with and complementary to existing and future surrounding land uses as required in Policy 5.4 of the FLUE.

6. Improvements are planned to be in substantial compliance with applicable land development regulations as set forth in Objective 3 of the FLUE.

7. The development of Creekside Commerce Park will result in an efficient and economical extension of community facilities and services as required in Policies 3.1.H and L of the FLUE.

Words ~~struck through~~ are deleted; words <u>underlined</u> are added.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

8. Creekside Commerce Park is a master planned, deed-restricted commerce park and is planned to encourage ingenuity, innovation and imagination as set forth in the Collier County Land Development Code (LDC), Planned Unit Development District.

9. This master planned park will incorporate elements from the existing Industrial, Business Park and Industrial PUD sections of the LDC.

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SHORT TITLE

This ordinance shall be known and cited as the "CREEKSIDE COMMERCE PARK PLANNED UNIT DEVELOPMENT ORDINANCE".

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Words ~~struck through~~ are deleted; words underlined are added.

SECTION I

LEGAL DESCRIPTION, PROPERTY OWNERSHIP, AND GENERAL DESCRIPTION

1.1 PURPOSE

The purpose of this section is to set forth the legal description and ownership of Creekside Commerce Park, and to describe the existing condition of the property proposed to be developed.

1.2 LEGAL DESCRIPTION

All that part of Section 27, Township 48 South, Range 25 East, Collier County, Florida being more particularly described as follows;
COMMENCING at the northwest corner of said Section 27;
thence along the north line of said Section 27 South 89°45'21" East 1869.61 feet;
thence leaving said line South 00°14'39" West 125.00 feet to a point on the south right of way line of Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;
thence along said right of way line in the following Six (6) described courses;
1) South 89°45'21" East 485.99 feet;
2) South 00°14'39" West 10.00 feet;
3) South 89°45'21" East 150.19 feet;
4) South 89°48'33" East 716.81 feet;
5) North 05°34'33" West 10.05 feet;
6) South 89°48'33" East 486.21 feet to a point on the west right of way line of Goodlette Road as recorded in Plat Book 3, page 58, Public Records of Collier County, Florida;
thence along said line South 05°33'48" East 1767.02 feet;
thence leaving said line South 89°20'53" West 51.18 feet;
thence North 23°55'53" West 13.07 feet;
thence northwesterly, 30.71 feet along the arc of a circular curve concave to the northeast, having a radius of 80.00 feet, through a central angle of 21°59'52" and being subtended by a chord which bears North 12°55'57" West 30.53 feet;
thence North 05°00'53" West 31.56 feet;
thence North 36°19'20" West 32.02 feet;
thence North 56°04'35" West 35.11 feet;
thence North 80°39'15" West 32.53 feet;
thence North 88°39'12" West 97.78 feet;
thence North 86°04'40" West 45.79 feet;
thence North 89°49'48" West 132.77 feet;
thence North 69°40'10" West 37.23 feet;
thence South 89°20'53" West 142.47 feet;
thence South 84°59'26" West 24.66 feet;
thence South 74°56'50" West 121.32 feet;
thence South 79°49'59" West 45.93 feet;

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thence westerly and northwesterly, 45.51 feet along the arc of a circular curve concave to the northeast, having a radius of 66.00 feet, through a central angle of 39°30'16" and being subtended by a chord which bears North 80°24'53" West 44.61 feet to a point of ~~compound~~ reverse curvature;
thence northwesterly, 52.92 feet along the arc of a circular curve concave to the southwest, having a radius of 150.00 feet, through a central angle of 20°12'57" and being subtended by a chord which bears North 70°46'13" West 52.65 feet;
thence North 80°52'42" West 36.59 feet;
thence westerly and southwesterly, 46.18 feet along the arc of a circular curve concave to the southeast, having a radius of 80.00 feet, through a central angle of 33°04'14" and being subtended by a chord which bears South 82°35'11" West 45.54 feet to a point of compound curvature;
thence southwesterly and westerly, 38.16 feet along the arc of a circular curve concave to the northwest, having a radius of 60.00 feet, through a central angle of 36°26'19" and being subtended by a chord which bears South 84°16'14" West 37.52 feet to a point of ~~compound~~ reverse curvature;
thence westerly and northwesterly, 68.85 feet along the arc of a circular curve concave to the southwest, having a radius of 305.00 feet, through a central angle of 12°55'59" and being subtended by a chord which bears North 83°58'36" West 68.70 feet;
thence South 89°33'25" West 18.36 feet;
thence South 89°39'19" West 71.63 feet;
thence North 89°34'56" West 36.03 feet;
thence South 86°06'41" West 42.94 feet;
thence South 83°44'16" West 26.23 feet;
thence South 51°01'13" West 27.49 feet;
thence South 33°25'50" West 19.95 feet;
thence South 15°40'05" West 20.54 feet;
thence South 10°54'39" West 34.64 feet;
thence South 89°20'14" West 101.06 feet;
thence North 10°46'06" East 101.42 feet;
thence North 89°20'53" East 65.45 feet;
thence North 00°39'07" West 100.64 feet;
thence South 89°20'53" West 503.78 feet;
thence North 00°39'07" West 27.71 feet;
thence North 72°58'55" West 131.30 feet;
thence North 02°08'56" West 1473.29 feet to a point on the south right of way line of said Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;

Containing 69.48 acres more or less;
Subject to easements and restrictions of record.
Bearings are assumed and based on the north line of said Section 27 being South 89°49'40" East.

All that part of Section 27, Township 48 South, Range 25 East, Collier County, Florida

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being more particularly described as follows;
Commencing at the northeast corner of said Section 27;
thence along the east line of said Section 27, South 01°09'43" East 125.00 feet to a point on the south right of way line of Immokalee Road (S.R. 846) and the POINT OF BEGINNING of the parcel herein described;
thence continue along said east line South 01°09'43" East 1189.62 feet;
thence leaving said line South 89°48'50" West 677.35 feet;
thence South 05°35'39" East 886.02 feet;
thence South 89°48'50" West 400.00 feet to a point on the easterly right of way line of Goodlette Frank Road as Recorded in Plat Book 13, page 58, Public records of Collier County, Florida;
thence along said line North 05°35'39" West 2088.10 feet to a point of the south right of way line of said Immokalee Road (S.R. 846);
thence along said line South 89°49'40" East 1168.55 feet;
thence continue along said line South 89°12'58" East 1.85 feet to the POINT OF BEGINNING of the parcel herein described;

Containing 38.9 acres more or less;
Subject to easements and restrictions of record.
Bearings are assumed and based on the north line of said Section 27 being South 89°46'26" East.

LESS

A PORTION OF TRACTS "R" AND "L1" CREEKSIDE COMMERCE PARK WEST-UNIT ONE AS RECORDED IN PLAT BOOK 29 AT PAGES 57 THROUGH 58 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWESTERLYMOST CORNER OF TRACT "R" (CREEKSIDE WAY) CREEKSIDE COMMERCE PARK WEST-UNIT ONE AS RECORDED IN PLAT BOOK 29 AT PAGES 57 THROUGH 58 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN SOUTH 89°45'00" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF IMMOKALEE ROAD FOR A DISTANCE OF 249.45 FEET; THENCE RUN SOUTH 00°25'51" WEST FOR A DISTANCE OF 107.22 FEET; THENCE RUN SOUTH 60°02'56" EAST FOR A DISTANCE OF 117.20 FEET; THENCE RUN SOUTH 82°32'14" EAST FOR A DISTANCE OF 119.17 FEET TO A POINT ON THE EAST LINE OF TRACT "L1" OF SAID CREEKSIDE COMMERCE PARK WEST-UNIT ONE, ALSO BEING THE WES LINE OF LOT 3 OF SAID CREEKSIDE COMMERCE PARK WEST-UNIT ONE; THENCE RUN SOUTH 00°07'39" EAST, ALONG SAID EAST LINE FOR A DISTANCE OF 111.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID TRACT "R"; THENCE RUN NORTH 89°58'01" WEST, ALONG SAID NORTH RIGHT-OF-WAY FOR A DISTANCE OF 456.64 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF SAID TRACT "R"; THENCE RUN NORTH 02°19'57" WEST, ALONG SAID WEST RIGHT-OF-WAY FOR A DISTANCE OF 294.20 FEET TO THE **POINT OF BEGINNING**; CONTAINING 2.32 ACRES, MORE OR LESS.

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1.3 PROPERTY OWNERSHIP

The subject property is currently under the equitable ownership or control of Barron Collier Partnership, or its assigns, whose address is 2640 Golden Gate Parkway, Naples, FL 34105.

1.4 GENERAL DESCRIPTION OF PROPERTY

A. The project site is located in Section 27, Township 48 South, Range 25 East, and is generally bordered on the west by Agriculturally zoned and developed property; on the north, across Immokalee Road by office and medical (North Collier Hospital) PUD zoned and developed property; on the east by Medical Office Park currently under development, County Park and County Wastewater Treatment Facility; and on the south by PUD and County Wastewater Treatment Facility. The location of the site is shown on Exhibit A Aerial Photograph, Location Map.

B. The zoning classification of the subject property at the time of PUD application is I (Industrial) and A (Agricultural).

C. Elevations within the site are approximately 7.5 to 9 feet-NGVD. Per FEMA Firm Map Panels No. 1200670193D, dated June 3, 1986, the Creekside Commerce Park property is located within Zones "AE-11" of the FEMA flood insurance rate.

D. The soil types on the site generally include Riviera limestone substratum, Copeland fine sand, Pineda fine sand, Immokalee fine sand, Myakka fine sand, Basinger fine sand, Riveria fine sand, Ft. Drum and Malabar fine sand, and Satellite fine sand.

E. Prior to development, vegetation on the site primarily consists of active croplands and small amounts of pine flatwoods. An isolated wetland system is located along the south side of Immokalee Road west of Goodlette-Frank Road. This wetland consists primarily of Brazilian pepper that surrounds a small willow area. The wetland on the east side of Goodlette-Frank Road consists primarily of cabbage palms. A portion of the historic water course within this wetland has been channelized. Brazilian pepper has infested the northern part of this wetland.

F. The project site is located within the Pine Ridge Canal and West Branch Cocohatchee River sub-basins, as depicted within the Collier County Drainage Atlas (July, 1995).

1.5 DEVELOPMENT OF REGIONAL IMPACT

Creekside Commerce Park does not meet the minimum thresholds for a Development of Regional Impact (DRI), pursuant to Chapter 380.06, Florida Statutes, 2016, in that it is at or below 80% of all numerical thresholds in the guidelines and standards set forth therein.

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SECTION II

PROJECT DEVELOPMENT

2.1 PURPOSE

The purpose of this Section is to generally describe the plan of development for Creekside Commerce Park (park), and to identify relationships to applicable County ordinances, policies, and procedures.

2.2 GENERAL DESCRIPTION OF THE PARK AND PROPOSED LAND USES

A. Creekside Commerce Park will consist of predominately industrial, warehouse, wholesale, financial institutions, business and office uses, with limited amounts of residential and retail uses. Creekside Commerce Park shall establish project-wide guidelines and standards to ensure a high and consistent level of quality for proposed features and facilities.

B. A Land Use Summary indicating approximate land use acreages is shown on the Master plan. The location, size, and configuration of individual tracts shall be determined at the time of Preliminary Subdivision Plat approval with minor adjustments at the time of Final Plat approval, in accordance with Section 3.2.7.2. of the Collier County Land Development Code (LDC).

2.3 COMPLIANCE WITH COUNTY ORDINANCES

A. Regulations for development of Creekside Commerce Park shall be in accordance with the contents of this PUD Ordinance, and to the extent they are not inconsistent with this PUD Ordinance, applicable sections of the LDC and Collier County Growth Management Plan which are in effect at the time of issuance of any development order. Where this PUD Ordinance does not provide developmental standards, then the provisions of the specific section of the LDC that is otherwise applicable shall apply to which said regulations relate.

B. Unless otherwise defined herein, or as necessarily implied by context, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of development order application.

C. Development permitted by the approval of this PUD will be subject to the Adequate Public Facilities Ordinance, Division 3.15 of the LDC.

D. All conditions imposed herein or as represented on the Creekside Commerce Park Master Plan are part of the regulations which govern the manner in which the land may be developed.

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E. The Site Development Plans Division of the LDC (Article 3, Division 3.3) shall apply to Creekside Commerce Park, except where an exemption is set forth herein or otherwise granted pursuant to LDC Section 3.3.4.

F. The Developer shall submit to the County an annual PUD monitoring report in accordance with LDC Section 2.7.3.6.

2.4 COMMUNITY DEVELOPMENT DISTRICT

A. The Developer may elect to establish a Community Development District (CDD) pursuant to Chapter 190, Florida Statutes, 1997, to provide and maintain infrastructure and community facilities needed to serve the park. A CDD would constitute a timely, efficient, effective, responsive and economic way to ensure the provision of facilities and infrastructure for the proposed development. Such infrastructure as may be constructed, managed and financed by the CDD shall be subject to, and shall not be inconsistent with, the Collier County Growth Management Plan and all applicable ordinances dealing with planning and permitting of Creekside Commerce Park.

B. The land area is amenable to infrastructure provision by a district that has the powers set forth in the charter of a Community Development District under Section 190.006 through 190.041, Florida Statutes. Such a district is a legitimate alternative available both to the County and to the landowner for the timely and sustained provision of quality infrastructure under the terms and conditions of County development approval.

2.5 LAND USES

A. The location of land uses are shown on the PUD Master Plan, Exhibit B. Changes and variations in building tracts, location and acreage of these uses shall be permitted at preliminary subdivision plat approval, preliminary site development plan approval and final site development plan approval to accommodate utilities, topography, vegetation, and other site and market conditions, subject to the provisions of Section 2.7.3.5. of the Collier County LDC. The specific location and size of individual tracts and the assignment of square footage or units shall be determined at the time of site development plan approval.

B. Roads and other infrastructure may be either public, private or a combination of public and private, depending on location, design and purpose. The request for a road to be public shall be made by the Developer at the time of final subdivision plat approval. The Developer or its assignees shall be responsible for maintaining the roads, streets, drainage, common areas, water and sewer improvements where such systems are not dedicated to the County. Standards for roads shall be in compliance with the applicable provisions of the County Code regulating subdivisions, unless otherwise approved during subdivision approval. The

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Developer reserves the right to request substitutions to Code design standards in accordance with Section 3.2.7.2. of the LDC.

2.6 LAKE SITING

A. As depicted on the PUD Master Plan, lakes have been preliminary sited. The goal of this Master Plan is to achieve an overall aesthetic character for the park, to permit optimum use of the land, and to increase the efficiency of the water management network. Fill material from lakes is planned to be utilized within the park; however, excess fill material may be utilized off-site. The volume of material to be removed shall be limited to ten percent of the calculated excavation volume to a maximum of 20,000 cubic yards. If the applicant wishes to take more off-site, a commercial excavation permit will be required. Final lake area determination shall be in accordance with the South Florida Water Management District stormwater criteria and Section 3.5.7. of the LDC.

1. Setbacks: Excavations shall be located so that the control elevation shall adhere to the following minimum setback requirements, subject to approval of County staff at time of final construction plan approval:

   a) Twenty feet (20') from right-of-way of internal roads. The roads will be designed to (AASHTO) road standards and shall incorporate such factors as road alignment, travel speed, bank slope, road cross sections, and need for barriers.

   b) Forty feet (40') from Immokalee Road or Goodlette-Frank Road rights-of-way. Perimeter property lines will have a setback of twenty feet (20'). The roads will be designed to (AASHTO) road standards and shall incorporate such factors as road alignment, travel speed, bank slope, road cross sections and need for barriers.

2.7 FILL STORAGE

A. Fill storage is generally permitted as a principal use throughout the Creekside Commerce Park PUD. Fill material generated from properties owned or leased by the Developer may be transported and stockpiled within areas which have been disturbed. Prior to stockpiling in these locations, the Developer shall notify the Community Development and Environmental Services Administrator per Section 3.2.8.3.6. of the LDC. The following standards shall apply:

1. Stockpile maximum height: Thirty-five feet (35')

2. Fill storage areas in excess of five feet (5') in height shall be separated from developed areas by fencing, excavated water bodies or other physical barriers if the side slope of the stockpile is steeper than 4 to 1 (i.e. 3 to 1).

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a) Soil erosion control shall be provided in accordance with LDC Division 3.7.

2.8 USE OF RIGHTS-OF-WAY

Utilization of lands within all park rights-of-way for landscaping, decorative entrance ways, and signage shall be allowed subject to review and administrative approval by the Developer and the Community Development and Environmental Services Administrator for engineering and safety considerations during the development review process.

2.9 SALES OFFICE AND CONSTRUCTION OFFICE

Sales offices, construction offices, and other uses and structures related to the promotion and sale of real estate such as, but not limited to, pavilions, parking areas, and signs, shall be permitted principal uses throughout Creekside Commerce Park. These uses may be either wet or dry facilities. These uses shall be subject to the requirements of Section 2.6.33.4., Section 3.2.6.3.6. and Division 3.3 of the LDC, with the exception that the temporary use permit shall be valid through the life of the project with no extension of the temporary use required. These uses may use septic tanks or holding tanks for waste disposal subject to permitting under F.A.C. 10D-6 and may use potable water or irrigation wells.

2.10 CHANGES AND AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

A. Changes and amendments may be made to this PUD Ordinance or PUD Master Plan as provided in Section 2.7.3.5. of the LDC. Minor changes and refinements as described herein may be made by the Developer in connection with any type of development or permit application required by the LDC.

B. The Community Development and Environmental Services Administrator shall be authorized to approve minor changes and refinements to the Creekside Commerce Park Master Plan upon written request of the Developer or his assignee.

C. The following limitations shall apply to such requests:

1) The minor change or refinement shall be consistent with the Collier County Growth Management Plan and the Creekside Commerce Park PUD document.

2) The minor change or refinement shall not constitute a substantial change pursuant to Section 2.7.3.5.1. of the LDC.

3) The minor change or refinement shall be compatible with external adjacent land uses and shall not create detrimental impacts to abutting land uses,

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water management facilities, and conservation areas within or external to the PUD.

D. The following shall be deemed minor changes or refinements:

1) Reconfiguration of lakes, ponds, canals, or other water management facilities where such changes are consistent with the criteria of the South Florida Water Management District and Collier County.

2) Internal realignment of rights-of-ways.

3) Reconfiguration of parcels per Section 5.5 of this PUD.

E. Minor changes and refinements as described above shall be reviewed by appropriate Collier County staff to ensure that said changes and refinements are otherwise in compliance with all applicable County Ordinances and regulations prior to the Community Development and Environmental Services Administrator's consideration for approval.

F. Approval by the Community Development and Environmental Services Administrator of a minor change or refinement may occur independently from and prior to any application for Subdivision or Site Development Plan approval, however such approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all other necessary County permits and approvals.

2.11 PRELIMINARY SUBDIVISION PLAT PHASING

Submission, review, and approval of Preliminary Subdivision Plats for the park may be accomplished in phases to correspond with the planned development of the property.

2.12 OPEN SPACE AND NATIVE VEGETATION RETENTION REQUIREMENTS

The PUD will fully comply with all sections of the LDC and meet the requirements of the Growth Management Plan relating to open space and retention of native vegetation.

2.13 SURFACE WATER MANAGEMENT

In accordance with the Rules of the South Florida Water Management District (SFWMD), Chapters 40E-4 and 4-E-40, this project shall be designed for a storm event of 3-day duration and 25-year return frequency. The lake originally approved as Lake L-1, Creekside Unit I Plat, shall continue to be operated and maintained in accordance with the approved plat and approved South Florida Water Management District Permit.

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2.14 ENVIRONMENTAL

Vegetation shall be retained in accordance with the criteria established in the Conservation and Coastal Management Element of the GMP and Section 3.05.00 of the LDC.

2.15 UTILITIES

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

B. The owner shall convey to Collier County a County Utility Easement (CUE) no less than 15 feet in width for construction of an irrigation quality (IQ) main through the PUD west of Goodlette-Frank from the North County Water Reclamation Facility to the existing IQ main on Immokalee Road. The requested CUE shall be provided in a mutually agreeable location, deemed acceptable by both the Owner and the Public Utilities Planning and Project Management Division, prior to approval of the next development order west of Goodlette-Frank Road. The CUE shall be conveyed to Collier County and the Collier County Water Sewer District at no cost to County, free and clear of all liens and encumbrances.

2.16 TRANSPORTATION

A. The Developer shall provide appropriate left and/or right turn lanes on Immokalee Road and Goodlette-Frank Road at the main park entrances. Such turn lanes shall be in place prior to the issuance of any Certificates of Occupancy for a use that utilizes the perspective/associated entrance.

B. There shall be a full access intersection at the park's southern entrance on Goodlette Frank Road. When justified by traffic warrants, this intersection shall be signalized, notwithstanding its proximity to Immokalee Road.

C. Future access points to Immokalee and Goodlette-Frank Roads are those shown on the Creekside Commerce Park Master Plan.

D. Arterial level street lighting shall be provided by the Developer at the park's main entrance in conjunction with the development of this entrance.

E. Road impact fees shall be paid in accordance with the provisions of Ordinance 92-22, as amended.

F. The Developer shall provide the appropriate easements or reserve right of way so that the southerly access road west of Goodlette Frank Road may be interconnected to the properties to the west of Creekside Commerce Park.

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G. The Developer shall provide a fair share contribution toward the capital cost of traffic signals at any project access when deemed warranted by Collier County. The signal shall be owned, operated and maintained by Collier County.

H. The Developer agrees to complete construction of the segment of internal roadway that connects Goodlette-Frank Road to the I/C parcel (herein called "southern parcel") that is west of Goodlette Road and abuts Pelican Marsh prior to the first of the following to occur:

1) The issuance of a certificate of occupancy for the "southern parcel";

2) The issuance of a certificate of occupancy on the second business parcel to be developed west of the Pine Ridge Drainage Easement;

3) Within 3 years of approval of this PUD; or

4) Within 9 months of obtaining "grant" money or other funds for construction of such infrastructure from an outside source.

I. The I/C parcels west of the Pine Ridge Drainage Easement and immediately north of the south road shall connect for service and employee access at the time that the south road is extended to a point that they may connect.

J. The Developer agrees to provide the County with an update of the Transportation Impact Statement (TIS) at the time of submittal of a Preliminary Subdivision Plat or Site Development Plan.

K. The Goodlette-Frank Road southernmost access to the I/C parcel east of Goodlette-Frank Road shall be limited to a right-in/right-out access.

L. The maximum trip generation allowed by the proposed uses both primary and ancillary may not exceed 2,045 (external to the PUD, per TIS dated 09/16/2016 and 07-07-2017 as amended) PM Peak Hour, two-way trips.

M. The owner, its successors, or assigns, shall construct a 5-foot wide sidewalk within the Florida Power & Light (FPL) easement, subject to approval by FPL on the west side of Creekside Street and the south side of Creekside Parkway along/within folio # 29331193049 to connect to the existing sidewalk along Creekside Parkway. The construction plans for the sidewalk and the letter request to FPL shall be completed and mailed prior to the issuance of a Certificate of Occupancy for the proposed Arthrex Headquarters building redevelopment on Tract 5 of the Master Plan. The construction of the sidewalk shall be completed no later than one year following FPL's approval.

N. Due to the removal of a portion of the Creekside Boulevard minor collector roadway and re-routing of traffic, the owner, its successors, or assigns, shall design

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and construct the re-routed roadway to adequately accommodate AASHTO Interstate Semitrailer (WB-62) standards and provide access to existing postal service truck traffic prior to the removal of a portion of Creekside Boulevard. The design and construction shall be at no cost to Collier County. Any additional right-of-way easements required by County for a public road pursuant to County standards shall be dedicated to the County, free and clear of all liens and encumbrances without County maintenance responsibility. Such dedication shall occur prior to the issuance of the Certification of Occupancy for the proposed Arthrex Headquarters building redevelopment on Tract 5 of the Master Plan and prior to the removal of a portion of Creekside Boulevard. The owner, its successor, or assigns, shall also accept ownership of the entire length of Creekside Boulevard with all maintenance responsibilities.

2.17 COMMON AREA MAINTENANCE

Most common area maintenance will be provided by the CDD or by a Property Owner's Association (POA). The CDD or the POA, as applicable, shall be responsible for the operation, maintenance, and management of the surface water and stormwater management systems and reserves serving Creekside Commerce Park, in accordance with any applicable permits from the South Florida Water Management District.

2.18 DESIGN GUIDELINES AND STANDARDS

A. The Collier County Planned Unit Development District is intended to encourage ingenuity, innovation and imagination in the planning, design and development or redevelopment of relatively large tracts of land under unified ownership as set forth in the LDC, Section 2.2.20.

B. Creekside Commerce Park is planned as a functionally interrelated business park under unified control. The Developer will establish community-wide guidelines and standards to ensure a high level of quality for both the common areas and the individual parcel developments.

C. These guidelines will serve as a control for individual parcel development, and be referred to as The Declaration of Covenants, Conditions and Restrictions for Creekside Commerce Park. The level of quality defined in this document is directed towards the creation of an attractive business environment, and these standards are the basis for evaluation of projects submitted for review to the Property Association's Architectural and Landscaping Committee, referred to as the ALC. The standards in this document will include criteria for site planning, architectural design, lighting, landscaping, and graphics and signage.

D. The specific design guidelines will act as supplemental standards to the requirements of this Planned Unit Development Ordinance, and other County codes, but in no way supersede them.

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1. Common Areas

The master design of the park's entries and signage, streetscapes, and open space areas will form a harmonious framework that visually links the entire park together. This unified appearance will enhance the image of the entire community. Internal roadways will provide efficient vehicular circulation with streetscapes that create pleasant neighborhood environments. Streetscape plans will be designed to establish a hierarchy of landscape improvements appropriate in scale and character with the function of the street and adjacent land uses. Along these streetscapes a pedestrian walkway system will be established to link each project with the overall community.

2. Individual Projects

A. Site Planning: Each individual parcel project will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles from the street to the site and from the site to the buildings themselves. The orientation of a building or structure upon a site will not only reflect the project's functional need, but will also be responsive to the individual parcel's characteristics and be sensitive to adjacent land uses and the surrounding community.

B. Architectural standards: The objective of the architectural standards will be to promote the creation of an attractive, value-apparent business environment. Design elements throughout a project must be consistent with the nature of the chosen style and building materials selected. Project design should endeavor to adhere to the classical principles of design and avoid clichés, overly complex or garish motifs, while seeking to invoke a "timeless" quality.

C. Lighting: The guidelines for lighting will establish a continuity of design for all lighting in the park which is consistent with the overall visual impression of the park.

D. Landscaping: The purpose of landscape design guidelines within individual projects is to guide development toward harmonious and visually pleasing landscape that is cohesive with the overall master landscape plan. The Creekside landscape concept will have a naturalistic theme. Similar to the overall project's plant palette, individual sites will be dominated with plants that are native, xeric, or naturalized within Southwest Florida. Landscape designs will create a coherent theme which emphasizes plant material as a primary unifying element.

1. Landscape elements along public R.O.W.s will be complimentary to streetscape landscaping. Parcel entries will be

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designed to harmonize with adjacent streetscape landscaping, and clearly accentuate, the parcel entry.

2. Individual parking lots will be screened from the roadways as much as possible, without obscuring views of the building entrances. In addition, plant materials used around main entrances of buildings will visually cue visitors to their location.

E. Graphics/signage: The guidelines serve to provide continuity of design for all signage in the park which is consistent with the overall visual impression of the park. Parcel signage serves the identification needs of the individual tenants and user.

2.19 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout Creekside Commerce Park. Required buffer treatments shall terminate at entrances to accommodate entrance treatments and at lakes to accommodate views into the park. The following standards shall apply:

A. Landscape buffers contiguous to Immokalee Road R.O.W. will be installed at the time of subdivision improvement per construction phase and will have the following characteristics:

1) Minimum width of 20'-0", measured from the R.O.W.

2) Adjacent to Business District type uses within the Business District, trees will be native, xeric, or naturalized canopy trees, spaced at 25' on center (O.C.), planted at an initial height of 13'-14' overall (O.A.) with a 6' spread. In addition, a continuous 24" high shrub hedge shall be provided within the 20' buffer.

B. Landscape buffers contiguous to Goodlette-Frank Road R.O.W. will be installed at the time of subdivision improvement per development phase and will have the following characteristics:

1) Minimum width of 20'-0", measured from the R.O.W.

2) Adjacent to Business District type uses, <u>including residential,</u> within the Business and Industrial/Commerce (I/C) Districts, trees will be native, xeric, or naturalized canopy trees, spaced at 25' O.C., planted at an initial height of 12' O.A., with a 6' spread. At the time of individual lot improvements, hedges will be placed at parking lot edges to satisfy the requirements of LDC Section 2.4.7.4.

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3) Adjacent to industrial type uses within the Industrial/Commerce District, trees will be native, xeric or naturalized canopy trees, spaced at 25' O.C., planted at an initial height of 12' O.A, with a 6' spread. Trees will be placed on a berm, 3 feet high and supplemented with a 5 foot high hedge consisting of but not limited to the following plant material: coco plum, viburnam, ficus. The intent will be to obtain 80% opacity within one year of planting for travelers on Goodlette-Frank Road.

C. Landscape buffers surrounding the perimeter of the park will be installed at the time of subdivision improvement per construction phase. The buffers are referenced on Exhibit B, and proceed in a clockwise direction from the northeast corner of the project as follows:

1) The landscape buffer along the eastern most property boundary, north of the preserve area, as depicted on Exhibit B, shall consist of an Alternative "A" type buffer. Any preservation areas within this buffer may be credited toward buffering requirements.

2) The preserve area along the balance of the eastern most property boundary will serve as the buffer between uses.

3) The Developer will provide a five feet (5') wide Alternative "A" type buffer with trees planted fifty feet (50') on center between the business use and the preserve/lake area, as depicted on Exhibit B.

4) The Developer will provide a five feet (5') wide Alternative "A" type landscape buffer with trees planted fifty feet (50') on center along the eastern property boundary contiguous to the Collier County Sewage Treatment Plant.

5) The landscape buffer along the southern most property boundary, east of Goodlette-Frank Road, shall be a five feet (5') wide Alternative "A" type buffer with trees planted fifty feet (50') on center. An opaque hedge six feet (6') high will be planted to supplement the existing oak tree buffer planted by the County at the Collier County Sewage Treatment Plant.

6) The existing landscape berm/buffer from Goodlette Frank Road to the west side of the Pine Ridge Drainage Easement will be supplemented as follows: a type "A" buffer along the proposed lake; and the remaining area westward of the lake will be supplemented to consist of 50 sabal palms, 8'-14' O.A. and 4 Ficus nitida 12'-13' O.A. and 6'-8' wide; locations to be coordinated with the adjacent property owner.

7) The Developer will provide a ninety percent (90%) opaque landscape buffer and berm between the I/C District and the Pelican Marsh PUD from the west side of the Pine Ridge Drainage Easement to the existing berm to the west, that approximates the existing Pelican Marsh berm/buffer. This buffer will be

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installed concurrent with any I/C construction west of the Pine Ridge Drainage Easement. The buffer shall meet ninety percent (90%) opacity within one (1) year of planting.

8) The Developer will supplement with additional trees the buffer along the remaining portion of the southern property line westward to achieve a ninety percent (90%) opaque buffer. This buffer will be installed concurrent with any I/C construction west of the Pine Ridge Drainage Easement.

9) The landscape buffer between the I/C District and the adjacent Agricultural District along the southern portion of the western property line will be an Alternative "A" type buffer.

10) The landscape buffer between the R.O.W. and the adjacent Agricultural District to the west will be an Alternative "A" type buffer and be incorporated into the R.O.W.

D. Maximum fence or wall height internal to the PUD: Twelve feet (12').

E. Landscape buffers, berms, fences and walls will be constructed along the perimeter of the Creekside Commerce Park PUD boundary concurrent with subdivision and site development construction phase, except where noted in this document.

F. Sidewalks, water management systems, drainage structures, and utilities may be allowed in landscape buffers pursuant to review and approval of the Development Services Administrator.

G. Landscape berms located within the Creekside Commerce Park PUD boundary and contiguous to a property line and/or right-of-way line may be constructed such that the toe of slope is located on the property line and/or encroaches into the right-of-way line when approved by the applicable owner or agency.

2.20 SIGNAGE

A. GENERAL

1) Pursuant to Section 2.5.5.2.3.7. of the LDC, the following conditions provide for the required comprehensive sign plan for the Creekside Commerce Park

2) Each platted parcel shall be considered a separate parcel of land.

3) Signs and decorative landscaped entrance features within a County dedicated right-of-way, shall require a right-of way permit subject to the review and approval of the County.

4) All signs shall be located so as not to cause sight line obstructions.

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B. PARK ENTRY SIGNS

1) Major park entry signs shall be located as depicted on Exhibit B. Each sign will not exceed 160 square feet in size on any side and signs will be no longer than 25 feet in length and 8 feet in height.

2) Minor park entry signs shall be located as depicted Exhibit B. Each minor monument sign will not exceed 100 square feet in size on any side. Minor monument signs will be no larger than 20 feet in length and 8 feet in height.

C. INTERNAL SIGNS

1) Directional or identification signs are allowed within the business park. Such signs may be used to identify the location or direction of approved uses such as sales centers, information centers, etc. Individual signs may be a maximum of 4 square feet per side in size, or signs maintaining a common architectural theme may be combined to form a menu board with a maximum size of 25 square feet per side, and a maximum height of 8 feet. No building permit is required unless such signs are combined to form a menu board.

2) Grand Opening signs: The Developer or parcel owner may display an on-site grand opening sign not exceeding 32 square feet on a side, and not exceeding 64 square feet total. Banner signs shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the Developer/occupant is open for business.

D. USER SIGNS

1) Wall, mansard, canopy or awning signs: One wall, mansard, canopy or awning sign may be permitted for each single-occupancy facility, or for each establishment in a multiple-occupancy facility. Corner units within multiple-occupancy facilities, or multi-frontage single-occupancy facilities shall be allowed two signs, but such signs shall not be combined for the purpose of placing the combined area on one wall. However, the combined area of those signs shall not exceed the maximum allowable display area for signs by this ordinance.

   a. The maximum allowable display area for signs may not be more than 15 percent of the total square footage of the visual facade of the building to which the sign will be attached and may not, in any case, exceed 200 square feet in area for any sign.

2) Monument and Pole signs: One (1) monument or pole sign is permitted for each lot or parcel for each external and internal road frontage(s).

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a. Internal road frontage setbacks: A minimum of fifteen feet (15') from the edge of pavement. Signs may encroach within the right-of-way subject to maintaining safe site distance triangles as per Section 2.4.4.16. of the LDC and when approved by the Community Development and Environmental Services Administrator and applicable utility.

b. External road frontage setbacks: Pole signs shall be setback from any external right-of-way in accordance with the applicable section of the LDC. Monument signs may be permitted closer to the right-of-way subject to maintaining safe site distance triangles as per Section 2.4.4.16. of the LDC and when approved by the Community Development and Environmental Services Administrator and applicable utility.

c. Spot or floodlights may be permitted provided said light shines only on the signs or landscaping and is shielded from motorists and adjacent residents.

d. Should the U.S. Postal Service purchase or lease land within Creekside Commerce Park, in addition to the user signs as permitted herein, they will be allowed one sign between Immokalee Road and the proposed lake adjacent to the west entry.

E. TRAFFIC SIGNS

Traffic signs such as street name signs, stop signs, speed limit signs, etc. may be designed to reflect a common architectural theme, in accordance with Section 3.2.8.3.19. of the LDC.

2.21 GENERAL PERMITTED USES

A. Certain uses shall be considered general permitted uses throughout the Creekside Commerce Park PUD except in the Preserve Area. General permitted uses are those uses which generally serve the Developer and tenants of Creekside Commerce Park and are typically part of the common infrastructure.

B. General Permitted Uses:

1. Essential services as set forth under LDC, Section 2.6.9.1.

2. Water management facilities and related structures.

3. Temporary sewage treatment facilities.

4. Lakes including lakes with bulkheads or other architectural or structural bank treatments.

5. Guardhouses, gatehouses, and access control structures.

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6. Temporary construction, sales, and administrative offices for the Developer and Developer's authorized contractors and consultants, including necessary access ways, parking areas and related uses.

7. Landscape features including, but not limited to, landscape buffers, berms, fences and walls subject to the standards set forth in Section 2.11 of this PUD.

8. Fill storage subject to the standards set forth in Section 2.7 of this PUD. Site filling and grading as set forth in Section 2.7 of this PUD.

9. Outdoor recreation facilities, including but not limited to playfields and fitness trails on areas not designated IC or B on the PUD Master Plan. Stadiums shall be prohibited.

10. Any other use which is comparable in nature with the foregoing uses and which the Community Development and Environmental Services Administrator determines to be compatible.

11. Sidewalks may occur within County required buffers if approved by the Community Development and Environmental Services Administrator.

12. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein are to be in accordance with the LDC provision in effect at the time of Site Development Plan Approval.

2.22 MISCELLANEOUS

A. 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.

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

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SECTION III

INDUSTRIAL/COMMERCE DISTRICT

3.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within Creekside Commerce Park designated on the Master Plan as "I/C".

3.2 GENERAL DESCRIPTION

Areas designated as "I/C" on the PUD Master Plan are intended to provide a maximum of 709,100 square feet of Floor Area of industrial/commerce uses on 49.~~90~~ 43± net acres. Intermediate care (SIC Code 8052), parking garages, and group housing and hotel/motel uses (SIC Code 7011) are in addition to the IC gross square footage figures. Wellness Centers limited to employees and hotel guests within the PUD shall not exceed a maximum of 40,000 s.f., and shall not be counted towards overall square footage. There shall be no offsite memberships. The above referenced wellness center shall be located west of Goodlette-Frank Road.

Notwithstanding the foregoing, the United States Postal Service parcel may use any available square footage in the I/C District (excluding the 166,000 square feet added by the October 2016 amendment) and the Business District up to a FAR of .35 on the United States Postal Service Parcel until all available square footages are used up in the PUD.

3.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. The permitted principal uses and structures will generally consist of light manufacturing, wholesale, warehouse, processing and packaging, laboratories and clinics, research, design and product development, business services and corporate offices and headquarters.

1. Aircraft Parts and Auxiliary Equipment (Group 3728)

2. Apparel and Other Finished Products (Groups 2311-2399)

3. Building Contractors (Groups 1521-1542), except for general contractors for mobile home repair on site, modular housing and premanufactured housing assembled on site, dry cleaning plant construction, paper pulp mill construction, and truck and automobile assembly plant construction.

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4. Business Services (Groups 7311-7313, 7319, 7322, 7323, 7331-7338, 7352, 7359-7389 except for industrial truck rental and leasing; plants, live: rental and leasing; toilets, portable: rental and leasing; employment agencies, except theatrical and motion picture; labor contractors (employment agencies) model registries; labor pools; manpower pools; modeling service; dogs, rental of: for protective service; automobile recovery service; automobile repossession service; bartering services for businesses; bondspersons; bottle exchanges; check validation service; contractors disbursement control; filling pressure containers (aerosol) with hair spray, insecticides, etc.; fire extinguishers, service of gas systems, contract conversion from manufactured to natural gas; metal slitting and shearing on a contract or fee basis produce weighing service, not connected with transportation; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis; tobacco sheeting service on a contract or fee basis)

5. Child Day Care Services (Group 8351)

6. Communications (Groups 4812-4899 not including major communications towers related to cellular phone service, radio broadcasting, television broadcasting, radar or telephone service)

7. Computer and Office Equipment (Groups 3571-3579)

8. Construction; Special Trade Contractors (Groups 1711-1799 except for boiler erection and installation contractors; drainage system installations, cesspool and septic tank contractors; fuel oil burner installation and servicing contractors; gasoline hookup contractors; sewer hookups and connection for buildings contractors; epoxy application contractors; fireproofing buildings contractors; gasoline pump installation contractors; lead burning contractors; and mobile home site setup and tie down contractors)

9. Depository and Non-Depository Institutions (Groups 6011-6163)

10. Drugs and Medicines (Groups 2833-2836, except for adrenal derivatives: bulk, uncompounded; barbituric acid and derivatives: bulk, uncompounded; cocaine and derivatives; codeine and derivatives; gland derivatives: bulk, uncompounded; mercury chlorides, U.S.P; mercury compounds, medicinal: organic and inorganic; morphine and derivatives; opium derivatives)

11. Educational Services (Groups 8249-8299 except construction equipment operation schools; truck driving schools; automobile driving instruction; survival schools; vocational counseling)

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12. Electronics and Other Electrical Equipment Manufacturing (Groups 3612, 3613, 3624, 3625, 3631, 3641-3676, 3678, 3679, 3694, 3695, 3699, except for airport lighting transformers, autotransformers, electric (power transformers) distribution transformers, electric; electric furnace transformers; lighting transformers, street and airport; transformers, reactor; atom smashers (particle accelerators; electron beam metal cutting, forming, and welding machines; electron linear accelerators; electrostatic particle accelerators))

13. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748 except chemical laboratories, commercial research; automobile proving and testing grounds; metallurgical testing laboratories; pollution testing, except automotive emissions testing; radiation dosimetry laboratories; seed testing laboratories; veterinary testing laboratories)

14. Fabricated Metal Products (Groups 3411-3432, 3442, 3444, 3446, 3452, 3469, 3492, 3495, 3496, production of metal is prohibited)

15. Furniture and Fixtures Manufacturing (Groups 2511-2599)

16. Government Offices/Buildings (Groups 9111-9199, 9221, 9222, 9224-9229, 9311, 9451, 9511-9532, 9611, 9631-9661)

17. Hotels / Motels (Group 7011), not to exceed a maximum of 349 rooms for the entire PUD. Only 2 Hotels/Motels are permitted within the PUD. Only one hotel/motel may be located east of Goodlette-Frank Road, and shall not exceed 180 rooms, and only one hotel/motel may be located west of Goodlette Frank Road. The hotel/motel west of Goodlette Frank Road shall be located on Tract 6, not to exceed 169 rooms, is subject to specific development standards and setbacks in Section 3.4.

18. Industrial and Commercial Machinery (Groups 3524, 3546, 3553-3556, 3559, 3562, 3564-3566, 3581-3599 except for bronzing and dusting machines for printing trades; foundry type for printing; presses, printing - slugs printers'; ammunition and explosives loading machinery; brick making machines; cement making machinery; chemical kilns; control rod drive mechanisms for use on nuclear reactors; foundry machinery and equipment; frame straighteners, automotive (garage equipment); fur sewing machines; ginning machines, cotton; metal finishing equipment for plating, except rolling mill lines; metal pickling equipment, except rolling mill lines)

19. Leather and Leather Products (Groups 3131-3199)

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20. Measuring, Analyzing, and Controlling Instruments; Photographic, Medical and Optical Goods: Watches and Clocks Manufacturing (Groups 3812-3843, 3845-3873)
21. Membership Organizations (Groups 8611-8631)
22. Miscellaneous Manufacturing Industries (Groups 3911-3999 except for dressing of furs: bleaching, blending, curring, scraping, and tanning; feathers: curling, dyeing, and renovating - for the trade; fur stripping; furs dressed: bleached, curried, scraped, tanned, and dyed; pelts: scraping, curring, tanning, bleaching and dyeing; plumes, feather; tear gas devices and equipment; veils made of hair)
23. Motion Picture Production (Groups 7812-7819)
24. Motor Freight Transportation (Groups 4214, 4215)
25. Packing and Crating (Group 4783)
26. Paper and Allied Products (Groups 2652-2657, 2673-2679)
27. Personal Services (Groups 7213, 7216, 7219, 7221)
28. Physical Fitness Facilities (Group 7991)
29. Plastic Materials and Synthetics (Groups 2833,2834)
30. Printing, Publishing and Allied Industries (Groups 2711-2791)
31. Professional Offices: including but not limited to, Travel Agencies (Group 4724); Insurance Agencies (Group 6411); Insurance Carriers (Groups 6311-6399); Real Estate (Groups 6512, 6514, 6517, 6519, 6531, 6541, 6552,)
32. Rubber and Miscellaneous Plastic Products (Groups 3021, 3085, 3086, 3088, 3089)
33. Transportation Equipment (Group 3732, except for boats, fiberglass: building and repairing; boats: motorboats, sailboats, rowboats, and canoes - building and repairing; houseboats, building and repairing; motorboats, inboard and outboard: building and repairing)
34. United States Postal Service (Group 4311)
35. Warehousing and Storage (Group 4225, 4226, 5014 except oil and gas storage, petroleum and chemical bulk stations and automobile dead storage) only one (1) self-storage use allowed to be located adjacent to the Collier County Sewage Treatment Plant.
36. Wholesale Trade-Durable Goods (Groups 5021-5031, 5043-5049, 5063-5074, 5078, 5091, 5092, 5094-5099 except for fencing, wood-wholesale; lumber: rough, dressed, and finished-wholesale; batteries, except

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automotive-wholesale; storage batteries, industrial-wholesale; unit substations-wholesale; boilers, power: industrial-wholesale; boilers, steam and hot water heating-wholesale; burners, fuel oil and distillate oil-wholesale; oil burners-wholesale)

37. Wholesale Trade-Nondurable Goods (Groups 5111-5143, 5145, 5147-5149, 5192, 5199 except for cats-wholesale; charcoal-wholesale; dogs-wholesale; fish, tropical-wholesale; furs, dressed-wholesale; greases, animal and vegetable-wholesale; ice, manufactured or natural-wholesale, leather and cut stock-wholesale; linseed oil-wholesale; oils, except cooking: animal and vegetable-wholesale; oilseed cake and meal-wholesale; rubber, crude-wholesale; sawdust-wholesale; vegetable cake and meal-wholesale; wigs-wholesale; worms-wholesale)

38. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

B. Restricted Principal Uses

The following medical related uses must be located within a 1/4 mile radius of the hospital property boundary.

1. Group housing for the elderly limited to Assisted living facilities, independent living units, skilled nursing units and continuing care retirement communities. A maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. These uses are limited to parcels located east of Goodlette-Frank Road.

2. Health Services, medical clinics and offices (Groups 8011-8049, 8052), a maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. SIC Code 8052 land uses are limited to parcels located east of Goodlette-Frank Road.

3. Medical Laboratories and research and Rehabilitative Centers (Groups 8071-8092, 8099)

4. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

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C. Permitted Accessory Uses and Structures:

1. Uses and structures that are accessory and incidental to uses permitted in this district, including indoor and outdoor recreational facilities, including but not limited to physical fitness facilities, playfields and fitness trails. Stadiums shall be prohibited.

2. Retail and wholesale sales and/or display areas as accessory to the principal use, not to exceed an area greater than forty percent (40%) of the gross floor area of the permitted principal use.

D. Operational Requirements for Group Housing

Group housing uses described in Section 3.2.B.1 shall provide the following services and/or be subject to the following operational standards:

1. The facility shall be for residents 55 years of age and older.

2. There shall be on-site dining for the residents.

3. Group transportation services shall be provided for residents for the purposes of grocery and other types of shopping. Individual transportation services may be provided for the residents' individualized needs including but not limited to medical office visits.

4. There shall be an on-site manager/activities coordinator to assist residents with their individual needs. The manager/coordinator shall also be responsible for arranging trips to off-site events as well as planning for lectures, movies, music and other entertainment for the residents at the on-site clubhouse.

5. A wellness center shall be provided on-site. Exercise and other fitness programs shall be provided for the residents.

6. Each unit shall be equipped to notify emergency service providers in the event of medical or other emergency.

7. Each unit shall be designed to accommodate residents with physical impairments (handicaps) as required by the applicable building codes and federal law and regulation.

3.4 DEVELOPMENT STANDARDS

A. Minimum Lot Area: 20,000 S.F.

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B. Minimum Lot Width: 100 FT.

C. Minimum Yard Requirements:

1. Front Yard, adjacent to Immokalee Road or Goodlette-Frank Road: Fifty feet (50'). For parcels located east of Goodlette-Frank Road, see additional setback requirements in Section 3.4.C.7.a.

2. Front Yard, Internal: Thirty feet (30')

3. Side Yard: Ten feet (10')
Five feet (5') to internal property line along Pine Ridge canal drainage easement and FP&L easement

4. Waterfront: Zero feet (0') to bulkhead or rip-rap at top of bank, otherwise twenty feet (20')

5. Rear Yard: Twenty-five feet (25')

6. Minimum Building Setback from Perimeter Boundary of PUD: Fifty feet (50')

7. Minimum Building Setback from Existing Goodlette-Frank Road Right-of-Way East of Goodlette-Frank Road:

a) Goodlette-Frank Road: Minimum of fifty feet (50'), except as provided as follows:

i) For group housing for elderly and intermediate care use:

(a) If the zoned height of any structure exceeds 50 feet, the minimum setback is 75 feet plus for any portion of a building exceeding fifty feet in zoned height an increased setback at a 1:2 ratio (i.e., for one vertical foot of height, setback is increased by two horizontal feet) for that portion of the building over 50 feet of height.

ii) For hotel/motel use:

(a) Minimum setback of 75 feet regardless of height plus for any portion of a building exceeding fifty feet in zoned height an increased setback at a 1:2 ratio (i.e., for one vertical foot of height, setback is increased

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by two horizontal feet) for that portion of the building over 50 feet of height.

D. Maximum Height (Zoned): For parcels west of Goodlette-Frank Road: fifty feet (50'), including silos, storage tanks, elevator towers, satellite dishes, antennas, etc. Facilities located on Tract 5 on the Master Plan shall have a maximum zoned height of one-hundred four (104') feet and a maximum actual height of one-hundred twenty two (122') feet, For parcels east of Goodlette-Frank Road: the Hotel, group housing for the elderly, and the intermediate care facility shall have a zoned height seventy-five feet (75'), actual height eight-five feet (85'). All other uses permitted east of Goodlette-Frank Road pursuant to Section III shall have a zoned height of fifty feet (50') and an actual height of sixty feet (60').

E. Outside storage or display shall be permitted and shall be screened from all internal and external public roadways with a fence or landscaping equivalent or combination thereof. Said fence, wall or landscaped screen shall be opaque in design. All manufacturing operations and equipment, including accessory process equipment such as compressors and air handlers shall be contained in an enclosed structure.

F. All I/C buildings shall meet the requirements of Section 5.05.08 of the LDC, except for buildings located on Tract 5, and 6 on the Master Plan, which shall be subject to the deviation process in Section 5.05.08 of the LDC (see Section 3.5.2, Development Deviations, of this PUD Ordinance). The building located on Tract 5 shall be similar in architectural style to the conceptual building rendering in Exhibit C.

G. Business District type uses located within the I/C District along Goodlette-Frank Road will meet the Collier County Architectural Guidelines in Division 2.8. of the LDC.

H. Industrial type uses abutting Goodlette-Frank Road shall meet the requirements of Section 2.19.B.3 hereof, alternatively, said uses shall have the option of utilizing the landscaped buffer applicable to business uses fronting Goodlette-Frank Road, provided the portion of the building facing Goodlette-Frank Road meets the following Architectural Guideline Sections of the LDC, therefore satisfying the intent of the building design section of the Architectural Guidelines in the opinion of the Community Development and Environmental Services Administrator:

1. Section 2.8.3.5.1., Purpose and Intent

2. Section 2.8.3.5.4., Facade Standard

3. Section 2.8.3.5.6., Project Standards

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4. Section 2.8.3.5.7., Detail Features except for 2.8.3.5.7.2.

5. Section 2.8.3.5.12.

I. Loading Areas: Buildings west of the Pine Ridge canal and adjacent to the Pelican Marsh boundary shall orient loading docks to the north, east or west.

J. Noise: Uses within the I/C District shall not exceed 65 dBA between the hours of 7 a.m. and 10 p.m. Monday through Saturday, and 60 dBA after 10 p.m. to 6:59 a.m. and all of Sundays, as measured at the property boundary of the land use from which the sound emanates.

K. Odor: No business shall cause or allow the emission of odorous air from any single source such as to result in odors which are detectable outside the parcel boundaries. Best practical treatment, maintenance, and control currently available shall be utilized in order to maintain the lowest possible emission of odorous air.

L. Lighting: Lighting shall be located so that no light is aimed directly toward a property designated residential if lighting is located within 200 feet of residential property. Light fixtures within parking areas shall not exceed 25 feet in height.

M. Emissions: All sources of air emissions shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulation (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air emissions without a valid operation permit issued by the Department of Environmental Regulation.

3.5 DEVELOPMENT DEVIATIONS

1. Deviation from LDC Section 5.05.04 D.1 which establishes a .45 floor area ratio (FAR) for group housing uses, to permit an FAR of .6 for group housing uses, including the intermediate care facilities.

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tract 5 and 6 of the Master Plan to be eligible for this deviation process.

3. Deviation from LDC Section 4.06.02.C.4., Type D Buffer, which requires a 10' wide Type D buffer adjacent to rights of way, with trees spaced no more than 30' on center, to permit the existing street trees planted along the west side of Creekside Street to satisfy the minimum Type D buffer tree requirement of the eastern boundary of Tract 5.

Words ~~struck through~~ are deleted; words <u>underlined</u> are added.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

3.6 LANDSCAPE BUFFER RESTRICTIONS

The use of bald cypress trees to meet the landscape buffer requirements in section 2.19.B.2. (and B.3) are prohibited

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Words ~~struck through~~ are deleted; words underlined are added.

SECTION IV

BUSINESS DISTRICT

4.1 PURPOSE

The purpose of this section is to identify permitted uses and development standards for areas within Creekside Commerce Park designated on the Master Plan as "B".

4.2 GENERAL DESCRIPTION

Areas designated as "B" on the PUD Master Plan are intended to provide a maximum of 269,000 square feet of Floor Area, including approximately 219,000 square feet of office uses, ~~and~~ 50,000 square feet of retail uses, and up to 300 multi-family rental apartments (within the 9.9± acre Creekside Commerce Park East Mixed Use Subdistrict of the Growth Management Plan, shown on the Master Plan) on ~~22.90~~23.37± net acres. Intermediate care facilities (SIC Code 8052), parking garages, and group housing and hotel/motel uses (SIC Code 7011) are in addition to the B District gross square footage figures. Wellness Centers limited to employees and hotel guests within the PUD shall not exceed a maximum of 40,000 s.f., and shall not be counted towards overall square footage. There shall be no offsite memberships. The above referenced wellness center shall be located west of Goodlette-Frank Road.

4.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Permitted Principal Uses and Structures:

1. Apparel and Accessory Stores (Groups 5611-5699)

2. Breweries (Group 2082)

3. Building Contractors (Groups 1521-1542), except for general contractors for mobile home repair on site, modular housing and premanufactured housing assembled on site, dry cleaning plant construction, paper pulp mill construction, and truck and automobile assembly plant construction.

4. Business Services (Groups 7311-7313, 7319, 7322, 7323, 7331-7338, 7352, 7359-7389 except for industrial truck rental and leasing; plants, live: rental and leasing; toilets, portable: rental and leasing; employment agencies, except theatrical and motion picture; labor contractors (employment agencies) model registries; labor pools; manpower pools; modeling service; dogs, rental of: for protective service; automobile recovery service; automobile repossession service; bartering services for businesses;

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Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

bondspersons; bottle exchanges; check validation service; contractors disbursement control; filling pressure containers (aerosol) with hair spray, insecticides, etc.; fire extinguishers, service of gas systems, contract conversion from manufactured to natural gas; metal slitting and shearing on a contract or fee basis produce weighing service, not connected with transportation; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis; tobacco sheeting service on a contract or fee basis)

5. Child Day Care Services (Group 8351)

6. Convenience Store, food market (Group 5411) only two (2) allowed within the PUD and Gasoline Filling Station (Group 5541) only one (1) allowed within the PUD.

7. Communications (Groups 4812-4899), not including major communication towers related to cellular phone service, radio broadcasting, television broadcasting, radar or telephone service.

8. Dance and Martial Arts Studios (Groups 7911 and 7999, including only gymnastics and martial arts instruction)

9. Depository and Non-Depository Institutions (Groups 6011-6163) including automatic teller machines

10. Drugs and Medicines (Groups 2833-2836 except for adrenal derivatives: bulk, uncompounded; barbituric acid and derivatives: bulk, uncompounded; cocaine and derivatives; codeine and derivatives; gland derivatives: bulk, uncompounded; mercury chlorides, U.S.P; mercury compounds, medicinal: organic and inorganic; morphine and derivatives; opium derivatives)

11. Dwelling Units, Multi-Family (within the 9.9± acre Creekside Commerce Park East Mixed Use Subdistrict of the Growth Management Plan, shown on the Master Plan)

~~11.~~12. Eating Places (Group 5812) not including stand alone drive-thru restaurants.

~~12.~~13. Educational Services (Groups 8249-8299 except construction equipment operation schools; truck driving schools; automobile driving instruction; survival schools; vocational counseling)

~~13.~~14. Engineering, Accounting, Research, Management and Related Services (Groups 8711-8748 except chemical laboratories, commercial research; automobile proving and testing grounds; metallurgical testing laboratories; pollution testing, except automotive emissions testing; radiation dosimetry laboratories; seed testing laboratories; veterinary testing laboratories)

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~~14.~~15. Government Offices/Buildings (Groups 9111-9199, 9221, 9222, 9224-9229, 9311, 9451, 9511-9532, 9611, 9631-9661)

~~15.~~16. Hardware Stores (Group 5251)

~~16.~~17. Home Furniture, Furnishings and Equipment Stores (Groups 5712-5736)

~~17.~~18. Hotels / Motels (Group 7011); not to exceed a maximum of 349 rooms for the entire PUD. Only 2 hotels/motels are permitted within the PUD. Only one hotel/motel may be located east of Goodlette-Frank Road, and shall not exceed 180 rooms, and only one hotel/motel may be located west of Goodlette Frank Road. The hotel/motel west of Goodlette Frank Road shall be located on Tract 6, not to exceed 169 rooms, is subject to specific development standards and setbacks in Section 4.4.

~~18.~~19. Miscellaneous Food Stores (Group 5499)

~~19.~~20. Miscellaneous General Merchandise Stores (Group 5399)

~~20.~~21. Miscellaneous Retail (Groups 5912-5949 and 5992-5999, excluding used merchandise stores, fireworks, gravestones, tombstones and monuments, ice dealers, sales barns, and swimming pools; retail)

~~21.~~22. Paint/Glass and Wallpaper (Group 5231)

~~22.~~23. Personal Services (Groups 7215, excluding self-service or coin laundries, 7221-7251, 7291 and 7299, including only clothing rental, costume rental, tanning salons and hair services)

~~23.~~24. Professional Offices: Travel Agencies (Group 4724); Insurance Agencies (Group 6411); Insurance Carriers (Groups 6311-6399); Real Estate (Groups 6512-6515, 6517, 6519, 6531, 6541, 6552, 6553); Holding and Other Investment Offices (Groups 6712-6799); Attorneys (Group 8111)

~~24.~~25. Physical Fitness Facilities (Group 7991)

~~25.~~26. Retail Bakeries (Group 5461)

~~26.~~27. Security and Commodity Brokers (Groups 6211-6289)

~~27.~~28. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

B. Restricted Principal Uses

Words ~~struck through~~ are deleted; words underlined are added.

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The following medical related uses must be located within 1/4 mile radius of the hospital property boundary.

1. Group housing for the elderly limited to assisted living facilities, independent living units, skilled nursing units and continuing care retirement communities. A maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. These uses are limited to parcels located east of Goodlette-Frank Road.

2. Drug Stores and Proprietary Stores (Group 5912) only one (1) drug store allowed.

3. Health Services, Medical Clinics and Offices (Groups 8011-8049, 8052), a maximum of 400 aggregate beds shall be permitted for the uses listed in Sections 3.3.B.1, 3.3.B.2, 4.3.B.1 and 4.3.B.3. SIC Code 8052 land uses are limited to parcels located east of Goodlette-Frank Road.

4. Medical Laboratories and research and Rehabilitative Centers (Groups 8071-8099)

5. Any other use or service which is comparable in nature with the foregoing uses and is otherwise clearly consistent with the intent and purpose statement of the District and which the Community Development and Environmental Services Administrator determines to be compatible in this District.

C. Permitted Accessory Uses and Structures

1. Accessory uses and structures customarily associated with principal uses permitted in this district, including indoor and outdoor recreational facilities, including but not limited to physical fitness facilities, playfields and fitness trails on areas not designated IC or B on the PUD Master Plan. Stadiums shall be prohibited.

2. Retail and wholesale sales and/or display areas as accessory to the principal use, not to exceed an area greater than forty percent (40%) of the gross floor area of the permitted principal use.

3. Parking structure supporting dwelling units may be constructed on Tract 9.

D. Operational Requirements for Group Housing

Group housing uses described in Section 4.2.B.1 shall provide the following services and/or be subject to the following operational standards:

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

1. The facility shall be for residents 55 years of age and older.

2. There shall be on-site dining for the residents.

3. Group transportation services shall be provided for residents for the purposes of grocery and other types of shopping. Individual transportation services may be provided for the residents' individualized needs including but not limited to medical office visits.

4. There shall be an on-site manager/activities coordinator to assist residents with their individual needs. The manager/coordinator shall also be responsible for arranging trips to off-site events as well as planning for lectures, movies, music and other entertainment for the residents at the on-site clubhouse.

5. A wellness center shall be provided on-site. Exercise and other fitness programs shall be provided for the residents.

6. Each unit shall be equipped to notify emergency service providers in the event of medical or other emergency.

7. Each unit shall be designed to accommodate residents with physical impairments (handicaps) as required by the applicable building codes and federal law and regulation.

4.4 DEVELOPMENT STANDARDS

1. Non-Residential

A. Minimum Lot Area: 20,000 S.F.

B. Minimum Lot Width: 100 FT.

C. Minimum Yard Requirements:

1. Front Yard, Immokalee and Goodlette-Frank Roads: Fifty feet (50')

2. Front Yard, Internal Roads: Thirty feet (30'), except for parking structures located on Tract 9, which shall be allowed to have a fifteen foot (15') setback.

3. Side Yard: Ten feet (10')
Five feet (5') to internal property line along the Pine Ridge canal drainage easement and FP&L easement

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Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

4. Waterfront: Zero feet (0') to bulkhead or rip-rap at top of bank, otherwise twenty feet (20')

5. Rear Yard: Twenty-five feet (25')

6. Minimum Building Setback from Perimeter Boundary of PUD for Properties West of Goodlette-Frank Road:

   a) Fifty feet (50') for buildings up to thirty five feet (35') in height.

   b) Three additional feet (3') for every one foot of building height over thirty five feet (35') adjoining residential districts.

7. For Properties East of Goodlette-Frank Road: Minimum Building Setback from Perimeter Boundary of PUD and from Public Roadways:

   a) Immokalee Road: Minimum of fifty feet (50') plus for any portion of a building exceeding a zoned height of fifty feet (50'), that portion of the building shall have its building setback increased at a 1:3 ratio (i.e. one (1') vertical foot of height for every three (3') horizontal feet); or

      For any portion of a hotel that may be constructed on the B designated tract at the southeast corner of Goodlette-Frank Road and Immokalee Road, a minimum three hundred fifty foot (350') building setback from Immokalee Road.

   b) Goodlette-Frank Road: Minimum of fifty feet (50') and for any portion of a building exceeding a zoned height of fifty feet (50'), that portion of the building shall have the setback increased at a 1:2 ratio (i.e. one (1') vertical foot of height for every two (2') horizontal feet); or

      For any portion of a hotel on the B designated tract on the southeast corner of Immokalee Road and Goodlette-Frank Road, the minimum setback from Goodlette-Frank Road shall be seventy-five (75') regardless of height.

D. Maximum Height (Zoned): For parcels west of Goodlette-Frank Road, three stories over parking to a maximum of fifty feet (50') except that no structure shall be greater than thirty-five feet (35'), on property west of the Pine Ridge Drainage Easement.

   For Properties East of Goodlette-Frank Road:

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

a) The group housing for the elderly and intermediate care facilities constructed on the B designated tract located at the southeast quadrant of the Goodlette-Frank Road and Immokalee Road intersection shall have a zoned height of sixty feet (60') and an actual height of seventy feet (70'), except that a hotel building or structure associated with this use may not exceed a zoned height of seventy five feet (75') and an actual height of eighty five (85'). All other uses on Tract 9 on the Master Plan shall be permitted to have a zoned height of seventy five feet (75') and an actual height of eighty five (85')

b) The group housing for the elderly and intermediate care facilities constructed on the easternmost B designated tract adjacent to Immokalee Road, as shown on the Master Plan, shall have a zoned height of sixty feet (60') and an actual height of seventy feet (70').

c) All other uses permitted pursuant to Section IV shall be limited to a maximum zoned height of fifty (50') and an actual height of sixty (60').

E. Commercial design guidelines for facilities in the Business District shall be subject to the provisions of Division 2.8. Architectural and Site Design Standards and Site Design Standards for commercial buildings and projects, except buildings located on the southern portion of Tract 3. Buildings located in the southern portion of Tract 3 as labeled on the Master Plan shall be subject to the deviation process in Section 5.05.08 of the LDC (see Section 4.5.3, Development Deviations, of this PUD Ordinance).

F. Outside storage or display shall be permitted and shall be screened from all internal and external public roadways with a fence at least seven feet in height above ground level, or landscaping equivalent or combination thereof. Said fence, wall or landscaped screen shall be opaque in design.

2. Residential

PRINCIPAL STRUCTURES	**MULTI-FAMILY**
Minimum Lot Area	1 acre
Minimum Lot Width	N.A.
Minimum Lot Depth	N.A.
Minimum Front Yard Setback (Goodlette-Frank Road)	50 feet (1)
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	10 feet
Minimum from Creekside Blvd. E. (2)(4)	30 feet
Minimum Lake Maintenance Easement Setback	0 feet
Minimum PUD Boundary Setback	50 feet

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Maximum Building Height Zoned Actual	 95 feet 100 feet
Minimum Distance Between Buildings	20 feet
Floor Area Min. (S.F.), per unit	550 s.f.
ACCESSORY STRUCTURES	
Minimum Front Yard Setback (Goodlette-Frank Road)	50 feet
Minimum Side Yard Setback	5 feet
Minimum Rear Yard Setback	10 feet
Minimum from Creekside Blvd. E.	15 feet (2)(4)
Minimum PUD Boundary Setback	15 feet
Minimum Distance Between Buildings	0/10 feet
Maximum Height (3) Zoned Actual	 20 feet 25 feet

(1) For any portion of a building exceeding a zoned height of fifty feet (50'), that portion of the building shall have the setback increased at a 1:2 ratio (i.e. one (1') horizontal foot setback for every two (2') vertical feet of height).

(2) There shall be no required building setback from Creekside Boulevard East for a pedestrian bridge and supporting infrastructure.

(3) Not applicable to an elevated pedestrian bridge. Parking garage shall be subject to building height per Section 4.4.D. a) above.

(4) A free-standing parking garage may be constructed at fifteen feet (15') from Creekside Boulevard East.

4.5 DEVELOPMENT DEVIATIONS

1. Deviation from LDC Section 5.05.04 D.1 which establishes a .45 floor area ratio (FAR) for group housing uses, to permit an FAR of .6 for group housing uses, including the intermediate care facility.

2. Deviation from LDC Section 5.06.04.F.3 Directory signs, which authorizes one (1) directory sign to be located at the project entrance, to permit installation of the directory sign on Immokalee Road east of Goodlette-Frank Road, not at the project entry, but rather at a location between the project entry and Goodlette-Frank Road.

3. Deviation from LDC Section 5.05.08.G, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on the southern portion of Tract 3 of the Master Plan to be eligible for this deviation process.

Words ~~struck through~~ are deleted; words underlined are added.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

4. Deviation from LDC Section 4.06.02.C.2, "Table 2.4 Table of Buffer Requirements by Land Use Classifications", which requires Residential (RMF-6, RMF-12, RMF-16) multifamily district/use adjacent to Commercial 3 (C-1, C-2, C-3, C-4, C-5); Business Park (BP) district/use to provide a 15' wide type 'B' landscape buffer, to allow no buffer between the proposed residential use and the existing commercial use located to the north and a shared 15 foot wide type 'B' buffer with the institutional use located to the south.

4.6 LANDSCAPE BUFFER RESTRICTIONS

The use of bald cypress trees to meet the landscape buffer requirements in section 2.19.A.2 (and B.2) are prohibited.

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Words ~~struck through~~ are deleted; words underlined are added.

SECTION V

PRESERVE AREA

5.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area within Creekside Commerce Park, designated on the Master Plan, as Preserve Area.

5.2 GENERAL DESCRIPTION

Areas designated as Preserve Area on the Master Plan are designed to accommodate natural systems existing or created as preserves and limited water management uses and functions.

5.3 PERMITTED USES AND STRUCTURES

No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Uses and Structures

1. Boardwalks and nature trails (excluding asphalt paved trails).

2. Water management structures.

3. Any other preserve and related open space activity or use which is comparable in nature with the foregoing uses, permitted in accordance with the LDC and which the Board of Zoning Appeals (BZA) or Hearing Examiner determines to be compatible in the Preserve Area.

5.4 PRESERVE DISTRICT PRESERVATION EASEMENT

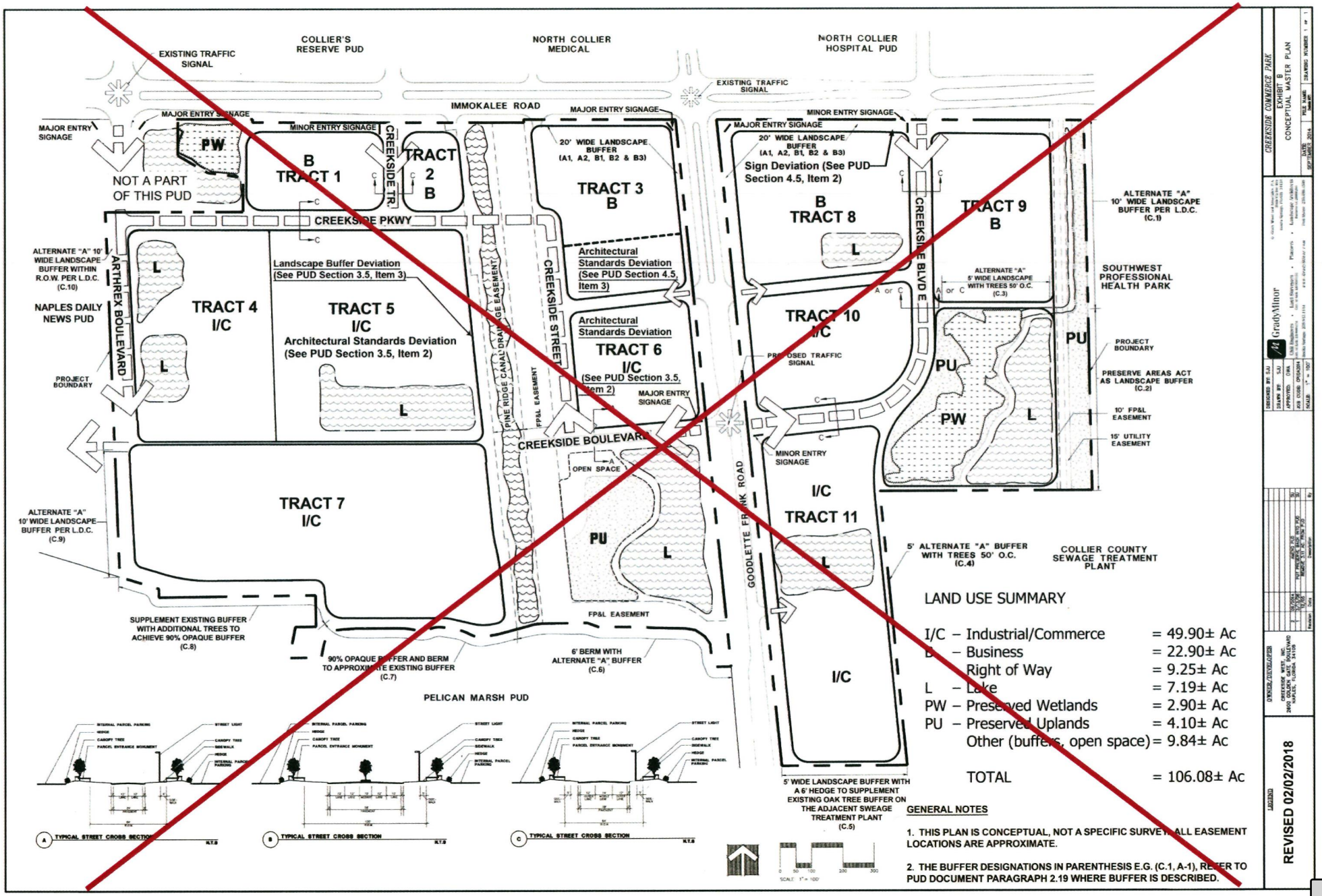
A non-exclusive preservation easement or tract is required by LDC Section 3.2.8.4.7.3. for preservation lands included in the Preserve Area. The Developer, its successor or assign shall be responsible for the control and maintenance of lands within the Preserve Area. Exact location/boundary of the Preserve Area will be determined during the development permitting process with the South Florida Water Management District, Army Corps of Engineers, and Collier County.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

5.5 PRESERVE AREA ADJUSTMENTS

The proposed native vegetation retention areas, depicted on the Creekside Commerce Park Master Plan, are intended for meeting the native vegetation requirements of the Collier County Growth Management Plan and the Collier County LDC. Adjustments may be made to the location of the preservations areas at the time of preliminary plat or site development plan approval. If adjustments are needed, per the Collier County LDC the Developer will have the option to increase the preservation in another area, enhance and preserve another area, or provide increased native landscape per the Collier County LDC. The proposed preservation areas, including 2.9 acres of wetlands and 4.1 acres of uplands, depicted on the Creekside Commerce Park master plan, are areas where the native vegetation requirements may be met on-site as set forth in the Collier County LDC.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)



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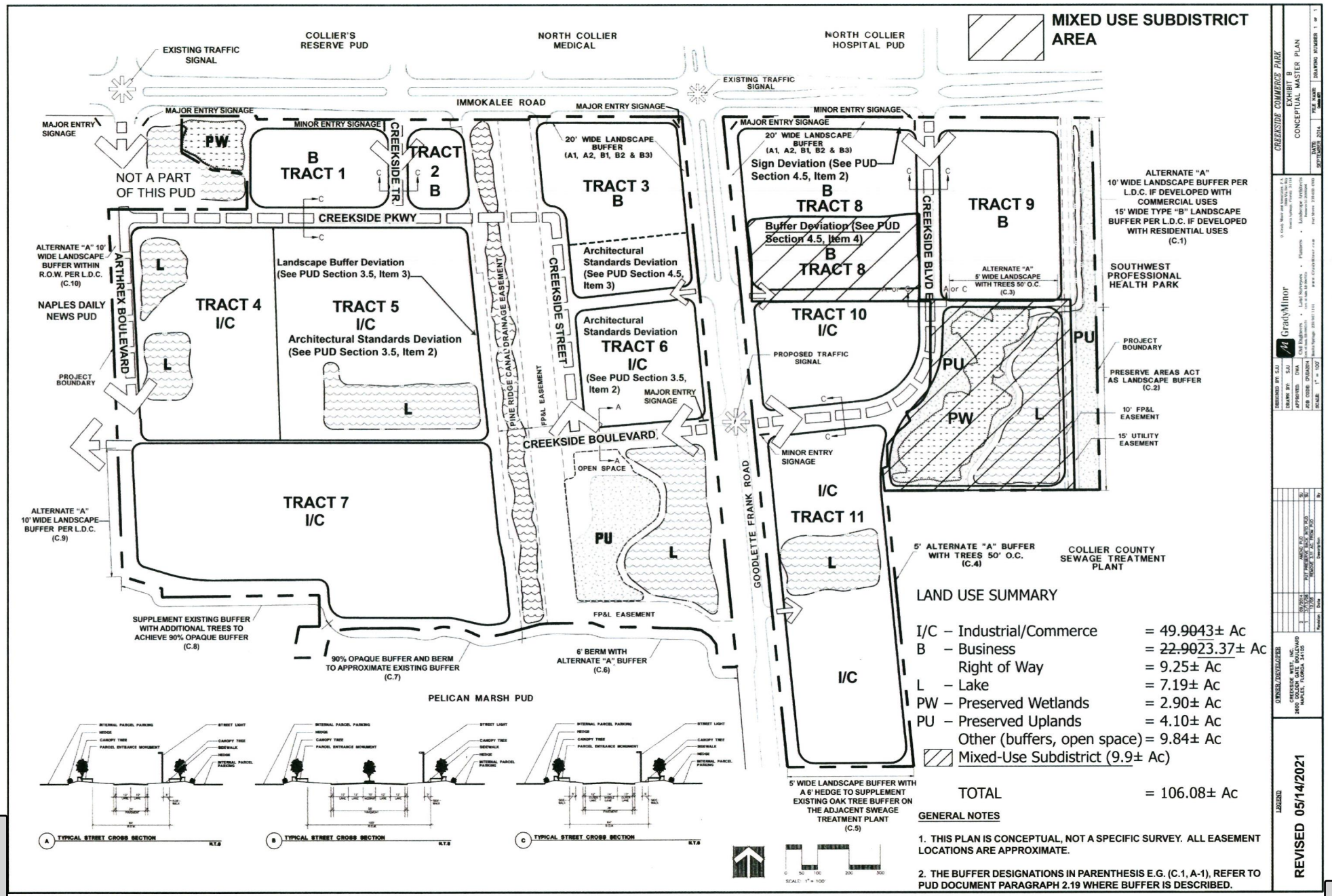
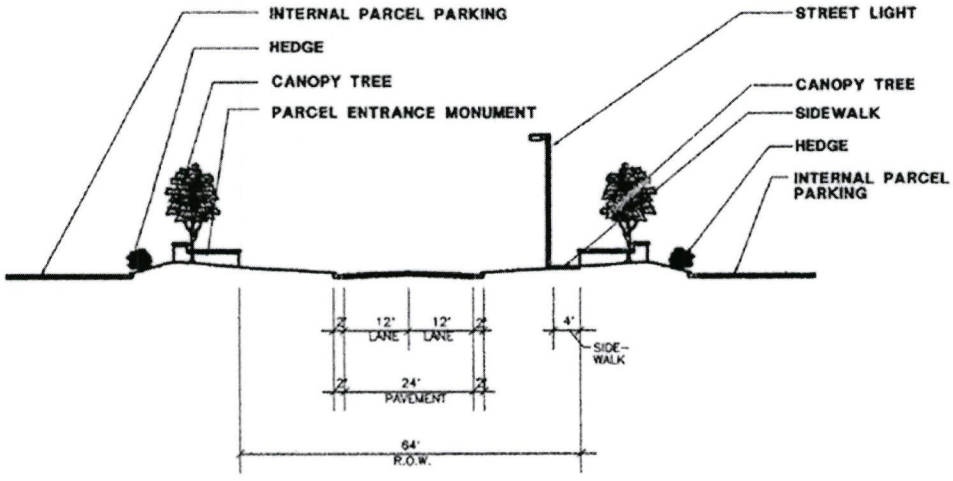
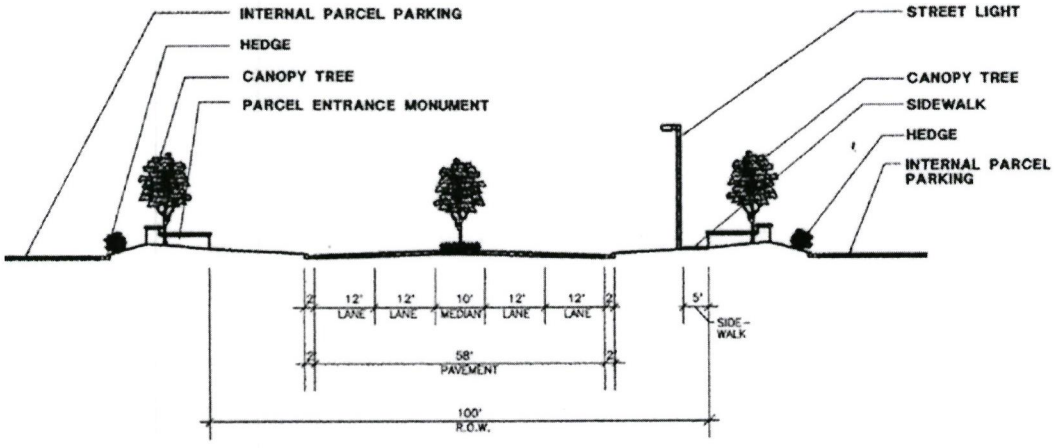

MIXED USE SUBDISTRICT AREA
COLLIER'S RESERVE PUD
NORTH COLLIER MEDICAL
NORTH COLLIER HOSPITAL PUD
EXISTING TRAFFIC SIGNAL
IMMOKALEE ROAD
MAJOR ENTRY SIGNAGE
MINOR ENTRY SIGNAGE
NOT A PART OF THIS PUD
PW
B TRACT 1
TRACT 2 B
CREEKSIDE TR.
CREEKSIDE PKWY
20' WIDE LANDSCAPE BUFFER (A1, A2, B1, B2 & B3)
TRACT 3 B
Architectural Standards Deviation (See PUD Section 4.5, Item 3)
Sign Deviation (See PUD Section 4.5, Item 2)
B TRACT 8
Buffer Deviation (See PUD Section 4.5, Item 4)
TRACT 9 B
ALTERNATE "A" 5' WIDE LANDSCAPE WITH TREES 50' O.C. (C.3)
ALTERNATE "A" 10' WIDE LANDSCAPE BUFFER PER L.D.C. IF DEVELOPED WITH COMMERCIAL USES 15' WIDE TYPE "B" LANDSCAPE BUFFER PER L.D.C. IF DEVELOPED WITH RESIDENTIAL USES (C.1)
SOUTHWEST PROFESSIONAL HEALTH PARK
ALTERNATE "A" 10' WIDE LANDSCAPE BUFFER WITHIN R.O.W. PER L.D.C. (C.10)
NAPLES DAILY NEWS PUD
ARTHREX BOULEVARD
TRACT 4 I/C
Landscape Buffer Deviation (See PUD Section 3.5, Item 3)
TRACT 5 I/C
Architectural Standards Deviation (See PUD Section 3.5, Item 2)
PINE RIDGE CANAL DRAINAGE EASEMENT
FP&L EASEMENT
CREEKSIDE STREET
Architectural Standards Deviation
TRACT 6 I/C
(See PUD Section 3.5, Item 2)
CREEKSIDE BOULEVARD
CREEKSIDE BLVD E
TRACT 10 I/C
PROPOSED TRAFFIC SIGNAL
PROJECT BOUNDARY
PRESERVE AREAS ACT AS LANDSCAPE BUFFER (C.2)
10' FP&L EASEMENT
15' UTILITY EASEMENT
OPEN SPACE
TRACT 7 I/C
ALTERNATE "A" 10' WIDE LANDSCAPE BUFFER PER L.D.C. (C.9)
GOODLETTE FRANK ROAD
I/C TRACT 11
5' ALTERNATE "A" BUFFER WITH TREES 50' O.C. (C.4)
COLLIER COUNTY SEWAGE TREATMENT PLANT
SUPPLEMENT EXISTING BUFFER WITH ADDITIONAL TREES TO ACHIEVE 90% OPAQUE BUFFER (C.8)
90% OPAQUE BUFFER AND BERM TO APPROXIMATE EXISTING BUFFER (C.7)
6' BERM WITH ALTERNATE "A" BUFFER (C.6)
PELICAN MARSH PUD
5' WIDE LANDSCAPE BUFFER WITH A 6' HEDGE TO SUPPLEMENT EXISTING OAK TREE BUFFER ON THE ADJACENT SWEAGE TREATMENT PLANT (C.5)
LAND USE SUMMARY
I/C – Industrial/Commerce = 49.9043± Ac
B – Business = 22.9023.37± Ac
Right of Way = 9.25± Ac
L – Lake = 7.19± Ac
PW – Preserved Wetlands = 2.90± Ac
PU – Preserved Uplands = 4.10± Ac
Other (buffers, open space) = 9.84± Ac
Mixed-Use Subdistrict (9.9± Ac)
TOTAL = 106.08± Ac
GENERAL NOTES
1. THIS PLAN IS CONCEPTUAL, NOT A SPECIFIC SURVEY. ALL EASEMENT LOCATIONS ARE APPROXIMATE.
2. THE BUFFER DESIGNATIONS IN PARENTHESIS E.G. (C.1, A-1), REFER TO PUD DOCUMENT PARAGRAPH 2.19 WHERE BUFFER IS DESCRIBED.
A TYPICAL STREET CROSS SECTION
B TYPICAL STREET CROSS SECTION
C TYPICAL STREET CROSS SECTION
CREEKSIDE COMMERCE PARK
EXHIBIT B
CONCEPTUAL MASTER PLAN
REVISED 05/14/2021
OWNER/DEVELOPER
CREEKSIDE WEST, INC.
2800 TAMIAMI TRAIL NORTH, SUITE 300
NAPLES, FLORIDA 34103

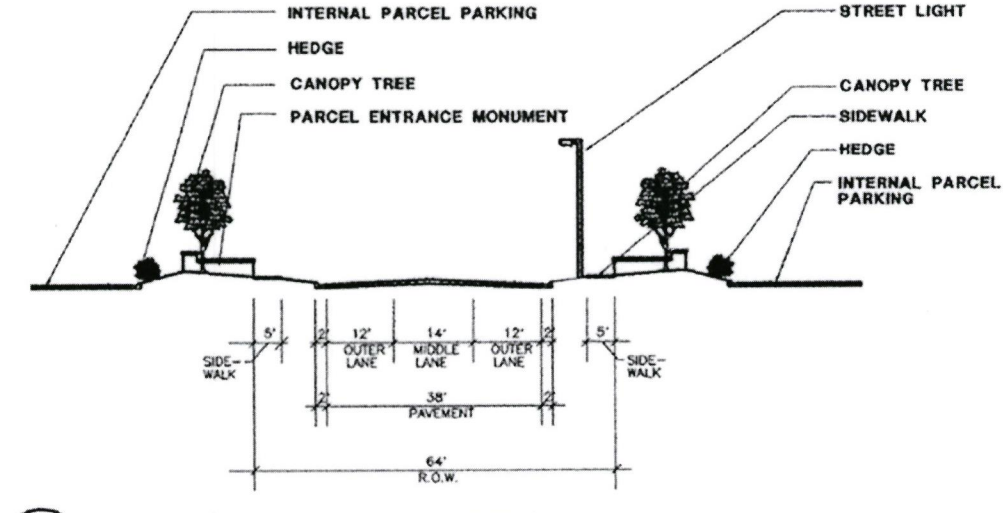
EXHIBIT B1
CROSS SECTIONS (ENLARGED)



A **TYPICAL STREET CROSS SECTION** N.T.S



B **TYPICAL STREET CROSS SECTION** N.T.S



C **TYPICAL STREET CROSS SECTION** N.T.S

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)


Conceptual Drawing
LEO A DALY

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 3, 2021

Ms. Martha S. Vergara, Board Minutes & Records Dept.
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Vergara:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2021-35, which was filed in this office on November 3, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270

MIXED USE SUBDISTRICT AREA

COLLIER'S RESERVE PUD

NORTH COLLIER MEDICAL

NORTH COLLIER HOSPITAL PUD

EXISTING TRAFFIC SIGNAL

EXISTING TRAFFIC SIGNAL

IMMOKALEE ROAD

MAJOR ENTRY SIGNAGE

MAJOR ENTRY SIGNAGE

MINOR ENTRY SIGNAGE

MAJOR ENTRY SIGNAGE

MAJOR ENTRY SIGNAGE

MINOR ENTRY SIGNAGE

NOT A PART OF THIS PUD

PW

B TRACT 1

CREEKSIDE TR.

TRACT 2 B

20' WIDE LANDSCAPE BUFFER (A1, A2, B1, B2 & B3)

TRACT 3 B

20' WIDE LANDSCAPE BUFFER (A1, A2, B1, B2 & B3)

Sign Deviation (See PUD Section 4.5, Item 2)

B TRACT 8

CREEKSIDE BLVD E.

TRACT 9 B

CREEKSIDE PKWY

Buffer Deviation (See PUD Section 4.5, Item 4)

B TRACT 8

ALTERNATE "A" 10' WIDE LANDSCAPE BUFFER WITHIN R.O.W. PER L.D.C. (C.10)

ARTHREX BOULEVARD

L

Landscape Buffer Deviation (See PUD Section 3.5, Item 3)

Architectural Standards Deviation (See PUD Section 4.5, Item 3)

PINE RIDGE CANAL DRAINAGE EASEMENT

CREEKSIDE STREET

FP&L EASEMENT

ALTERNATE "A" 5' WIDE LANDSCAPE WITH TREES 50' O.C. (C.3)

A or C

A or C

ALTERNATE "A" 10' WIDE LANDSCAPE BUFFER PER L.D.C. IF DEVELOPED WITH COMMERCIAL USES 15' WIDE TYPE "B" LANDSCAPE BUFFER PER L.D.C. IF DEVELOPED WITH RESIDENTIAL USES (C.1)

SOUTHWEST PROFESSIONAL HEALTH PARK

NAPLES DAILY NEWS PUD

TRACT 4 I/C

TRACT 5 I/C

Architectural Standards Deviation (See PUD Section 3.5, Item 2)

Architectural Standards Deviation

TRACT 6 I/C

(See PUD Section 3.5, Item 2)

TRACT 10 I/C

PROPOSED TRAFFIC SIGNAL

PU

PROJECT BOUNDARY

PROJECT BOUNDARY

PRESERVE AREAS ACT AS LANDSCAPE BUFFER (C.2)

MAJOR ENTRY SIGNAGE

CREEKSIDE BOULEVARD

A

PW

L

10' FP&L EASEMENT

15' UTILITY EASEMENT

OPEN SPACE

MINOR ENTRY SIGNAGE

GOODLETTE FRANK ROAD

I/C

TRACT 11

ALTERNATE "A" 10' WIDE LANDSCAPE BUFFER PER L.D.C. (C.9)

TRACT 7 I/C

PU

L

L

5' ALTERNATE "A" BUFFER WITH TREES 50' O.C. (C.4)

COLLIER COUNTY SEWAGE TREATMENT PLANT

SUPPLEMENT EXISTING BUFFER WITH ADDITIONAL TREES TO ACHIEVE 90% OPAQUE BUFFER (C.8)

FP&L EASEMENT

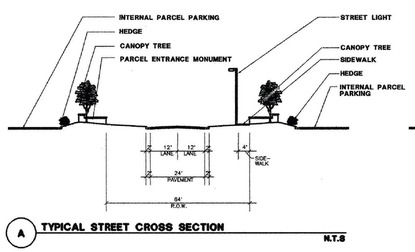
90% OPAQUE BUFFER AND BERM TO APPROXIMATE EXISTING BUFFER (C.7)

6' BERM WITH ALTERNATE "A" BUFFER (C.6)

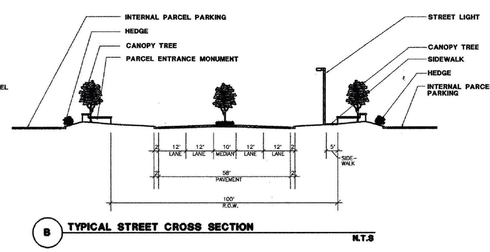
I/C

PELICAN MARSH PUD

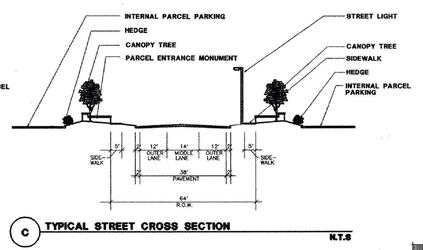
5' WIDE LANDSCAPE BUFFER WITH A 6' HEDGE TO SUPPLEMENT EXISTING OAK TREE BUFFER ON THE ADJACENT SWEAGE TREATMENT PLANT (C.5)



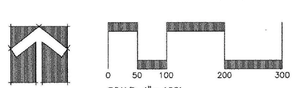
A TYPICAL STREET CROSS SECTION N.T.S



B TYPICAL STREET CROSS SECTION N.T.S



C TYPICAL STREET CROSS SECTION N.T.S



LAND USE SUMMARY

I/C	– Industrial/Commerce	= ~~49.9043~~± Ac
B	– Business	= ~~22.9023~~.37± Ac
	Right of Way	= 9.25± Ac
L	– Lake	= 7.19± Ac
PW	– Preserved Wetlands	= 2.90± Ac
PU	– Preserved Uplands	= 4.10± Ac
	Other (buffers, open space)	= 9.84± Ac
	Mixed-Use Subdistrict (9.9± Ac)	
	TOTAL	= 106.08± Ac

GENERAL NOTES

1. THIS PLAN IS CONCEPTUAL, NOT A SPECIFIC SURVEY. ALL EASEMENT LOCATIONS ARE APPROXIMATE.

2. THE BUFFER DESIGNATIONS IN PARENTHESIS E.G. (C.1, A-1), REFER TO PUD DOCUMENT PARAGRAPH 2.19 WHERE BUFFER IS DESCRIBED.

LEGEND

OWNER/DEVELOPER
CREEKSIDE WEST, INC.
2600 GOLDEN GATE BOULEVARD
NAPLES, FLORIDA 34105

Revision	Date	Description	By
2	09/2014	AMEND PUD	SU
1	07/2006	PUT PRESERVE BACK INTO PUD	SU
	11/2005	REVISED LAKE ZONE PUD	

REVISED 05/14/2021

CREEKSIDE COMMERCE PARK
EXHIBIT B
CONCEPTUAL MASTER PLAN

DATE: SEPTEMBER 2014 | FILE NAME: [illegible] | DRAWING NUMBER 1 of 1

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Certificate of Auth. LB 000316 | Licensed LC 26000266
Bonita Springs: 239.947.1144 | Fort Myers: 239.690.4380
www.GradyMinor.com

GradyMinor

DESIGNED BY: SJU
DRAWN BY: SJU
APPROVED: DWA
JOB CODE: CP/DA/2014
SCALE: 1" = 100'

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

MIXED USE SUBDISTRICT AREA

COLLIER'S RESERVE PUD

NORTH COLLIER MEDICAL

NORTH COLLIER HOSPITAL PUD

EXISTING TRAFFIC SIGNAL

EXISTING TRAFFIC SIGNAL

IMMOKALEE ROAD

MAJOR ENTRY SIGNAGE

MAJOR ENTRY SIGNAGE

MINOR ENTRY SIGNAGE

MAJOR ENTRY SIGNAGE

MINOR ENTRY SIGNAGE

MAJOR ENTRY SIGNAGE

NOT A PART OF THIS PUD

PW

B TRACT 1

ARTHREX WAY

TRACT 2 B

20' WIDE LANDSCAPE BUFFER (A1, A2, B1, B2 & B3)

TRACT 3 B

20' WIDE LANDSCAPE BUFFER (A1, A2, B1, B2 & B3)

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CREEKSIDE BLVD E

TRACT 9 B

CREEKSIDE PKWY

Buffer Deviation (See PUD Section 4.5, Item 4)

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ALTERNATE "A" 5' WIDE LANDSCAPE WITH TREES 50' O.C. (C.3)

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NAPLES DAILY NEWS PUD

ARTHREX BOULEVARD

L

TRACT 4 I/C

Landscape Buffer Deviation (See PUD Section 3.5, Item 3)

TRACT 5 I/C

Architectural Standards Deviation (See PUD Section 3.5, Item 2)

PINE RIDGE CANAL DRAINAGE EASEMENT

FP&L EASEMENT

INNOVATION DRIVE

Architectural Standards Deviation (See PUD Section 4.5, Item 3)

Architectural Standards Deviation

TRACT 6 I/C

(See PUD Section 3.5, Item 2)

TRACT 10 I/C

PROPOSED TRAFFIC SIGNAL

PROJECT BOUNDARY

MAJOR ENTRY SIGNAGE

INNOVATION BOULEVARD

OPEN SPACE

PU

PW

L

MINOR ENTRY SIGNAGE

GOODLETTE FRANK ROAD

I/C

TRACT 11

L

I/C

TRACT 7 I/C

Architectural Standards Deviation (See PUD Section 3.5, Item 2)

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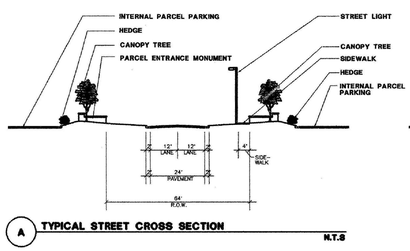
SOUTHWEST PROFESSIONAL HEALTH PARK

PROJECT BOUNDARY

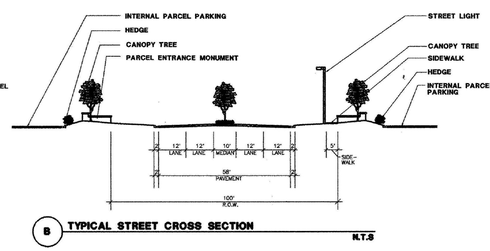
PRESERVE AREAS ACT AS LANDSCAPE BUFFER (C.2)

10' FP&L EASEMENT

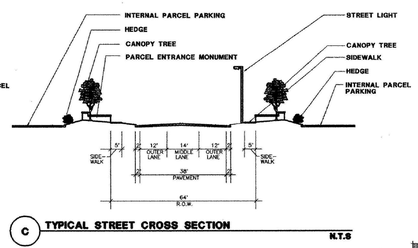
15' UTILITY EASEMENT



A TYPICAL STREET CROSS SECTION N.T.S



B TYPICAL STREET CROSS SECTION N.T.S



C TYPICAL STREET CROSS SECTION N.T.S

Additions underline deletions ~~strikethrough~~

0 50 100 200 300

SCALE: 1" = 100'

LAND USE SUMMARY

I/C	– Industrial/Commerce	= 49.43± Ac
B	– Business	= 23.37± Ac
	Right of Way	= 9.25± Ac
L	– Lake	= 7.19± Ac
PW	– Preserved Wetlands	= 2.90± Ac
PU	– Preserved Uplands	= 4.10± Ac
	Other (buffers, open space)	= 9.84± Ac
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CREEKSIDE COMMERCE PARK

EXHIBIT B
CONCEPTUAL MASTER PLAN

DATE: SEPTEMBER 2014 | FILE NAME: [illegible] | DRAWING NUMBER 1 of 1

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134
Planners • Landscape Architects
Licensed LC 26000266
Fort Myers 239.690.4300
www.GradyMinor.com
GradyMinor
Civil Engineers • Land Surveyors
Cert. of Auth. LB 6660316
Bonita Springs 239.947.1144

DESIGNED BY: SJU
DRAWN BY: SJU
APPROVED: DWA
JOB CODE: CP/DA2014
SCALE: 1" = 100'

By	Description	Date	Revision
SU	AMEND PUD	09/2014	2
SU	PUT PRESERVE BACK INTO PUD	11/2086	1
	REVISED PER SWFWMD	11/2086	

OWNER/DEVELOPER
CREEKSIDE WEST, INC.
2600 GOLDEN GATE BOULEVARD
NAPLES, FLORIDA 34105

LEGEND

REVISED 11/08/2021

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)



Exhibit 1

PUD REVISIONS: Add Section 2.23, Revise Sections 3.4 F. and 3.5 2.

Creekside Commerce Park PUD 29331193162 (PDI) – PL20210002390
11-8-2021

Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com •
www.gradyminor.com

SECTION II

PROJECT DEVELOPMENT

*** *** *** *** *** **Text break** *** *** *** *** ***

2.23 PUD MONITORING

One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until closeout of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this CPUD approval, the Managing Entity is Creekside Commerce East, Inc., 2600 Golden Gate Parkway, Naples, FL 34105. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the CPUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

*** *** *** *** *** **Text break** *** *** *** *** ***

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

SECTION III

INDUSTRIAL/COMMERCE DISTRICT

*** *** *** *** *** **Text break** *** *** *** *** ***

3.4 DEVELOPMENT STANDARDS

*** *** *** *** *** **Text break** *** *** *** *** ***

F. All I/C buildings shall meet the requirements of Section 5.05.08 of the LDC, except for buildings located on Tracts 5, ~~and~~ 6, and 7 on the Master Plan, which shall be subject to the deviation process in Section 5.05.08 of the LDC (see Section 3.5.2, Development Deviations, of this PUD Ordinance). The building located on Tract 5 shall be similar in architectural style to the conceptual building rendering in Exhibit C.

*** *** *** *** *** **Text break** *** *** *** *** ***

3.5 DEVELOPMENT DEVIATIONS

1. Deviation from LDC Section 5.05.04 D.1 which establishes a .45 floor area ratio (FAR) for group housing uses, to permit an FAR of .6 for group housing uses, including the intermediate care facilities.

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tracts 5, ~~and~~ 6, and 7 of the Master Plan to be eligible for this deviation process.

3. Deviation from LDC Section 4.06.02.C.4., Type D Buffer, which requires a 10' wide Type D buffer adjacent to rights of way, with trees spaced no more than 30' on center, to permit the existing street trees planted along the west side of Creekside Street to satisfy the minimum Type D buffer tree requirement of the eastern boundary of Tract 5.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Creekside Commerce Park PUD (PL20210002390)

Deviation Justification

3.5 DEVELOPMENT DEVIATIONS

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tract 5, 6 and 7 of the Master Plan to be eligible for this deviation process.

Justification:
This deviation was previously approved by Ordinance 2016-32 and amended by Ordinance 2018-19 to include Tract 6. All properties in I/C Tracts 5, 6 and 7 are owned by Arthrex and providing for the alternative architectural compliance process will allow for common building design elements for buildings comprising the Arthrex campus.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

INSTR 5978828 OR 5870 PG 38 E-RECORDED 12/31/2020 12:47 PM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $29,264.90 REC $18.50
CONS $4,180,680.00

This instrument was prepared
without opinion of title by:
Brian J. Thanasiu
Cheffy Passidomo
821 5th Avenue South
Naples, FL 34102
239-261-9300

File Number: 13738-0002
Consideration: $4,180,680.00

NOT A CERTIFIED COPY

General Warranty Deed

GENERAL WARRANTY DEED, is made this 31st of December, 2020, by **RES Florida 1336 Holdings, LLC, a Florida limited liability company**, whose post office address is 1370 Creekside Boulevard, Naples, Florida 34108**,** hereinafter called the "grantor", to **RES Florida 1370 Holdings, LLC, a Florida limited liability company**, whose post office address is 1265 Creekside Parkway, Suite 210, Naples, Florida 34108, hereinafter called the "grantee":

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Collier County, Florida, viz:

Unit 2 of Creekside Flex I, a condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 4103, Page 2598, of the Public Records of Collier County, Florida, and any amendments thereto, together with its undivided share in the common elements.

Parcel ID Number: 29334000045

Together with all the 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 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 for the year 2021 and subsequent years, zoning, building code and other use restrictions imposed by governmental authority, restrictions, reservations and easements common to the subdivision, and outstanding oil, gas and mineral interests of record, if any.

(remainder of page intentionally left blank)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

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:

Witness Printed Name Michael Golino

Witness Printed Name Christopher J. Colvin

RES Florida 1336 Holdings, LLC, a Florida limited liability company

By: Arthrex, Inc., a Delaware corporation, its Manager

By: _____ (Seal)
John W. Schmieding, Vice President

State of Florida
County of COLLIER

The foregoing instrument was acknowledged and witnessed before me this 21st day of December, 2020, by means of __X__ physical presence or _____ online notarization, by John W. Schmieding, Vice President of Arthrex, Inc., a Delaware corporation, the Manager of RES Florida 1336 Holdings, LLC, a Florida limited liability company, on behalf of the company, who (X) is personally known to me or (____) produced _____ as identification.

I am a commissioned notary public in the State of FL and my commission expires 11/24/2023.

Notary Public State of Florida
Kelly V Lafata
My Commission GG 934270
Expires 11/24/2023

(Notary Seal)

Notary Public

Print Name: KELLY V LAFATA

NOT A CERTIFIED COPY

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

CREEKSIDE COMMERCE PARK WEST-UNIT TWO

PLAT BOOK 35 PAGE 43

SHEET 1 OF 2

A PORTION OF SECTION 27, TOWNSHIP 48 SOUTH, RANGE 25 EAST
AND BEING A REPLAT OF A PORTION OF TRACTS 1, 3 AND TRACT GC-1 OF PELICAN MARSH GOLF COURSE, PHASE THREE
AS RECORDED IN PLAT BOOK 25, PAGES 14 THROUGH 16 AND ALL OF TRACT F-1 OF
CREEKSIDE COMMERCE PARK WEST UNIT ONE AS RECORDED IN PLAT BOOK 29, PAGES 57 & 58
COLLIER COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
NAPLES, FLORIDA

Resolution No. 18-225
Renaming Creekside Street to Innovation Drive
Recorded 12/20/2018 OR: 5583 PG: 826
Plat Book - 35 PG: 43-44

Resolution No. 18-226
Renaming Creekside Boulevard to Innovation Boulevard
Recorded 12/20/2018 OR: 5583 PG: 872
Plat Book - 35 PG: 43-44

DEDICATIONS

STATE OF FLORIDA)
) SS
COUNTY OF COLLIER)

KNOW ALL MEN BY THESE PRESENTS THAT CREEKSIDE WEST, INC., a Florida Corporation, the owner of the lands described hereon, have caused this plat entitled CREEKSIDE COMMERCE PARK WEST-UNIT TWO" to be made and do hereby dedicate the following:

1. To Creekside Commerce Park Property Owners Association with responsibility for maintenance and to Collier County with no responsibility for maintenance all Lake Easements, and Drainage Easements (D.E). and access thereto.

2. To Creekside Commerce Park Property Owners Association with responsibility for maintenance and to Collier County with no responsibility for maintenance all Landscape Buffer Drainage Easements (L.B.D.E.), and access thereto for the construction and maintenance of swales, berms and underground pipes, provided that such features will not hinder the growth of any required buffer trees.

3. To Creekside Commerce Park Property Owners Association with responsibility for maintenance and to Collier County with no responsibility for maintenance the Preserved Upland Easement which includes existing natural vegetation and may in no way be altered from its natural state (with the exception of approved construction and maintenance activities Collier County Permit and Permit Conditions). Activities prohibited within the Preserved Upland Easement are: construction or placing of buildings on or above the ground; dumping or placing soil or other substances such as trash; removal or destruction of trees, shrubs, or other vegetation with the exception of exotic removal; excavation, dredging, or removal of soil material; and any other activities detrimental to wildlife habitat conservation or preservation.

4. To Collier County Water-Sewer District all County Utility Easements (C.U.E.), with no responsibility for maintenance.

5. To Florida Power and Light, Telephone Provider, and Cable Television Provider or any other utility service provider the shared use all utility easements (U.E.) as a utility easement for the purpose of installation and maintenance of their respective facilities , provided all uses by such utility providers shall be subject to and not inconsistent with use by Collier County or the Collier County Water-Sewer District as a County Utility Easement (C.U.E.).

6. To any cable television provider, its successors, assigns and subsidiaries a non-exclusive utility easement (U.E.) as indicated on the plat for the purpose of construction, installation, maintenance, and operation of cable television facilities and services. No construction, installation, maintenance and operation of cable television facilities and services shall interfere with water, sewer, electric, telephone facilities and services of Florida Power and Light, United Telephone Services or any other utility provider. In the event said cable company damages the facilities of another public utility, it shall be solely responsible for said damages.

7. To Collier County, Tract R to be used as a public right-of-way, however any maintenance or restoration of paver blocked areas will be the responsibility of Creekside Commerce Park Property Owners Association.

8. To Collier County Water-Sewer District, all Water and Sewer utility facilities constructed within this platted area, upon acceptance of the improvements required by the applicable land development regulations.

Witnesses:
Marcia J. Wilhelm
Marcia J. Wilhelm
Printed Name
Karen V. Triplett
KAREN V. TRIPLETT
Printed Name

Creekside West, Inc.
A Florida Corporation
By: Paul J. Marinelli
Paul J. Marinelli, President

CORPORATE ACKNOWLEDGMENT

STATE OF FLORIDA)
) SS
COUNTY OF COLLIER)

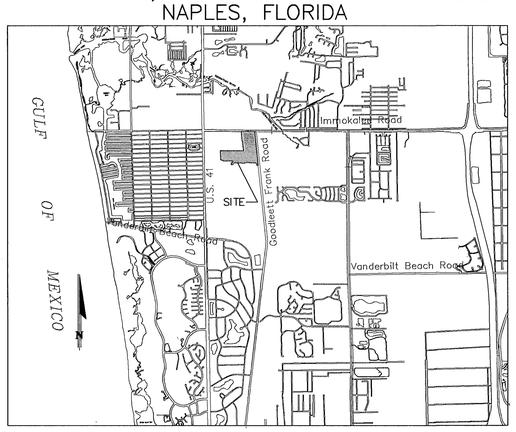
The foregoing instrument was acknowledged before me this 23rd day of MARCH 1999, by Paul J. Marinelli, President of Creekside West, Inc. a Florida Corporation, who is personally known to me.

Susan J. Nelson
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

SUSAN J. NELSON
MY COMMISSION # CC 612005
EXPIRES: April 21, 2001
Bonded Thru Notary Public Underwriters

Susan J. Nelson
NAME OF ACKNOWLEDGER, TYPED PRINTED OR STAMPED

#CC 612005
SERIAL NUMBER IF ANY
MY COMMISSION EXPIRES: 4-21-2001



DESCRIPTION OF LANDS PLATTED

A tract or parcel of land lying in the Northeast quarter of Section 27, Township 48 South, Range 25 East, Collier County, Florida also being a portion of Tracts 1, 3 and GC1 as shown on the Plat of Pelican Marsh Golf Course, Phase Three as recorded in Plat Book 25 Pages 14-16 and all of Tract F1 of Creekside Commerce Park West-Unit One, Plat Book 29 at pages 57 and 58 both of the Public Records of Collier County, Florida which tract or parcel is described as follows:

Begin at the northeasterly corner of Creekside Commerce Park West-Unit One as recorded in Plat Book 29 at pages 57 and 58 said point lying on the Southerly right-of-way line of Immokalee Road (County Road 846) from said Point of Beginning run S.89°48'16"E. along the said Southerly right-of-way line of Immokalee Road for 216.09 feet; thence run N.05°34'16"W. along the said Southerly right-of-way line of Immokalee Road for 10.05 feet; thence run S.89°48'16"E. along the said Southerly right-of-way line of Immokalee Road for 486.20 feet to its intersection with the Westerly right-of-way line of Goodlette-Frank Road (County Road 851); thence run S.05°33'55"E. along the said Westerly right-of-way line of Goodlette-Frank Road for 1619.43 feet to the Northeasterly corner of Pelican Marsh Golf Course, Phase Three; thence continue S.05°33'55"E. along the said Westerly right-of-way line of Goodlette Road for 147.15 feet; thence run S.89°20'45"W. for 51.20 feet; thence run N.23°56'01"W. for 13.07 feet to a point of curvature; thence Northwesterly along the arc of a curve to the right of radius 80.00 feet (delta 22°00'01") (chord 30.53 feet) (chord bearing N.12°56'04"W.) for 30.72 feet to a point of tangency; thence run N.05°01'01"W. for 31.56 feet; thence run N.36°19'27"W. for 32.02 feet; thence run N.56°04'43"W. for 35.11 feet; thence run N.80°39'23"W. for 32.53 feet; thence run N. 88°39'20" W. for 97.78 feet; thence run N.86°04'48"W. for 45.79 feet; thence run N.89°49'56"W. for 132.77 feet; thence run N.69°40'18"W. for 49.44 feet; thence run S.87°27'06"W. for a distance of 132.37 feet; thence run S.84°45'32"W. for 23.43 feet; thence run S.74°56'42"W. for 61.32 feet to the southeast corner of said Tract F1 of said Creekside Commerce Park West-Unit One; thence continue S.74°56'42"W. along the southerly line of said Tract F1 for 60.00 feet; thence run along the southerly line of said Tract F1 the following twenty-three (23) courses: 1) S.79°49'51"W. for 45.93 feet to a point of curvature; 2) Northwesterly along the arc of a curve to the right of radius 66.00 feet (delta39°30'17") (chord 44.61 feet) (chord bearing N.80°25'01"W.) for 45.51 feet to a point of reverse curvature; 3) Northwesterly along the arc of a curve to the left of radius 150.00 feet (delta 20°12'56") (chord 52.65 feet) (chord bearing N.70°46'21"W.) for 52.92 feet to a point of tangency; 4) N.80°52'50"W. for 36.59 feet to a point of curvature; 5) Southwesterly along the arc of a curve to the left of radius 80.00 feet (delta 33°04'22") (chord 45.54 feet) (chord bearing S.82°35'04"W.) for 46.18 feet to a point of reverse curvature; 6) along the arc of a curve to the right of radius 60.00 feet (delta 36°26'24") (chord 37.52 feet) (chord bearing S.84°16'06"W.) for 38.16 feet to a point of reverse curvature; 7) Northwesterly along the arc of a curve to the left of radius 305.00 feet (delta 12°55'59") (chord 68.70 feet) (chord bearing N.83°58'44"W.) for 68.85 feet to a point of tangency; 8) S.89°33'17"W. for 18.36 feet; 9) S.89°39'11"W. for 71.63 feet; 10) N.89°35'03"W. for 36.03 feet; 11) S.86°06'33"W. for 42.94 feet; 12) S.83°44'08"W. for 26.23 feet; 13) S.51°01'05"W. for 27.49 feet; 14) S.33°25'42"W. for 19.95 feet; 15) S.15°39'57"W. for 20.54 feet; 16) S.10°54'31"W. for 34.64 feet; 17) S.89°20'06"W. for 101.06 feet; 18) N.10°45'58"E. for 101.42 feet; 19) N.89°20'45"E. for 65.45 feet; 20) N.00°39'15"W. for 100.64 feet; 21) S.89°20'45"W. for 503.78 feet; 22) N.00°39'15"W. for 27.71 feet; 23) N.72°59'03"W. for 127.88 feet to the Southwest corner of said Tract F1; thence run N.02°19'57"W. along the Westerly line of said Tract F1 for 456.28 feet to the Northwesterly corner of said Tract F1; thence run S.89°49'08"E. along the Northerly line of said Tract F1 for 1215.21 feet to the Northeasterly corner of said Tract F1; thence run N.05°34'16"W. along the Easterly line of said Creekside Commerce Park West Unit-One for 522.91 feet; thence run S.84°25'44"W. along the said Easterly line of said Creekside Commerce Park West Unit-One for 20.00 feet; thence run N.05°34'16"W. along the said Easterly line of said Creekside Commerce Park West Unit-One for 490.29 feet to the Point of Beginning.

Containing 42.13 acres more or less.

COLLIER COUNTY COPY THE CIRCUIT COURT

NOTES:

1. THE BASIS OF BEARINGS IS THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 48 SOUTH, RANGE 26 EAST AS BEING SOUTH 89°45'00" EAST.
2. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
3. ALL LOTS SHALL CONTAIN A 10' UTILITY EASEMENT (U.E.) ALONG THEIR COMMON LINE WITH ALL ROAD RIGHTS-OF-WAYS.
4. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN OFFICIAL RECORD BOOK 2379 AT PAGES 2117 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA. AND AS AMENDED IN O.R.B. 2388 PG. 336 AND O.R. 2739 PG. 923
5. ACCORDING TO COLLIER COUNTY COMMUNITY-PANEL NUMBER 120067 0193D, DATED JUNE 3, 1986, PARCEL LIES IN FLOOD ZONE AE HAVING A BASE FLOOD ELEVATION OF 11.00, PLEASE NOTE FLOOD INSURANCE RATE MAPS ARE SUBJECT TO CHANGE, REFER TO MOST UP TO DATE MAP.
6. AREAS DESIGNATED AS " AREA C-1" AND "AREA C-2" ARE SUBJECT TO THE RESERVED EASEMENT RIGHTS SET FORTH IN O.R.B. 2139 PAGES 646-653 AND O.R.B. 2213 PAGES 1216-1218 BEING THEREIN DESCRIBED AS "FOR INGRESS AND EGRESS AS WELL AS TO INSTALL, MAINTAIN, REPAIR, REPLACE, OPERATE AND UTILIZE LANDSCAPING, BERMS, UTILITIES, DRAINAGE, WATER MANAGEMENT, EMERGENCY SERVICES, GOLF CART AND MAINTENANCE PATHS, IRRIGATION, GOLF COURSE FENCING AND RELATED NON STRUCTURAL APPURTENANCES".
7. AREA DESIGNATED "AREA D" IS SUBJECT TO THE EASEMENT RIGHTS SET FORTH IN O.R.B. 2139 PAGES 693-696 AND O.R.B. 2213 PAGES 1216-1218 BEING THEREIN DESCRIBED AS "FOR INGRESS AND EGRESS AS WELL AS TO INSTALL, MAINTAIN, REPAIR, REPLACE, OPERATE AND UTILIZE LANDSCAPING, BERMS, GOLF CART AND MAINTENANCE PATHS, IRRIGATION, GOLF COURSE FENCING".
8. THE DRAINAGE EASEMENT DEDICATIONS AND RESERVATIONS ON THIS PLAT ARE IN ACCORDANCE WITH THE CONCEPTUAL MASTER PLAN FOR WATER MANAGEMENT BASED ON SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) PERMIT NO. 11-01553-P.
9. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

LEGEND

L.B.D.E.	INDICATES	LANDSCAPE BUFFER AND DRAINAGE EASEMENT
U.E.	INDICATES	UTILITY EASEMENT
C.U.E.	INDICATES	COUNTY UTILITY EASEMENT
D.E.	INDICATES	DRAINAGE EASEMENT
L.M.E.	INDICATES	LAKE MAINTENANCE EASEMENT
O.R.B.	INDICATES	OFFICIAL RECORD BOOK
L13	INDICATES	TABULATED LINE DATA
C24	INDICATES	TABULATED CURVE DATA
⊡	INDICATES	SET PERMANENT REFERENCE MONUMENT PLS NO. 5365
○	INDICATES	SET 3/4 PIPE WITH CAP L.B. 642
◉	INDICATES	SET PERMANENT CONTROL POINT

WAIVER AND RELEASE:

ON NOVEMBER 18, 1997

CREEKSIDE WEST INC. A FLORIDA CORPORATION

EXECUTING THE DEDICATION, THE HOLDER OF APPARENT RECORD TITLE TO THE LAND, HAS FOR ITSELF AND SUCCESSORS IN TITLE OR INTERESTS EXPRESSLY WAIVED AND RELEASED THE COUNTY FROM ANY FUTURE CLAIMS OF VESTED RIGHTS AND EQUITABLE ESTOPPEL PERTAINING TO THE ISSUANCE OF A CERTIFICATE OF PUBLIC FACILITY ADEQUACY IN ACCORDANCE WITH COLLIER COUNTY ORDINANCE NO. 93-82.

COUNTY APPROVALS

ENGINEERING REVIEW SERVICES

THIS PLAT APPROVED BY THE COLLIER COUNTY ENGINEERING REVIEW SERVICES THIS 25th DAY OF March 1999, A.D.

Thomas E. Kuck
THOMAS E. KUCK, P.E.
ENGINEERING REVIEW MANAGER / COUNTY ENGINEER

COUNTY ATTORNEY

THIS PLAT APPROVED BY THE COLLIER COUNTY ATTORNEY THIS 16TH DAY OF NOVEMBER 2000 A.D.

FOR PATRICK G. WHITE
DAVID C. WEIGEL
COLLIER COUNTY ATTORNEY

COUNTY SURVEYOR

THIS PLAT REVIEWED BY THE COLLIER COUNTY SURVEYOR THIS 25TH DAY OF MARCH 2000 A.D.

RICHARD GRIGG, P.S.M.
COLLIER COUNTY SURVEYOR

COUNTY COMMISSION APPROVAL

STATE OF FLORIDA)
) SS
COUNTY OF COLLIER)

THIS PLAT APPROVED FOR RECORDING IN REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA THIS 23rd DAY OF March 1999, A.D. PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COLLIER COUNTY, FLORIDA.

Dwight Edwin Brock, D.C.
ATTEST;
DWIGHT E. BROCK, CLERK

Pamela S. Mac'Kie
PAMELA S. MAC'KIE, CHAIRWOMAN
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS, OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 2:44 A.M. P.M., THIS 19th DAY OF November 2000 A.D. AND DULY RECORDED IN PLAT BOOK 35, AT PAGES 43-44 INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

BY: Antoinette Bates, Deputy Clerk
DWIGHT E. BROCK, CLERK

TITLE CERTIFICATION

STATE OF FLORIDA)
) SS
COUNTY OF COLLIER)

I, SCOTT PRICE, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED TITLE TO ALL OF THE PROPERTY DESCRIBED HEREIN, AND SUCH TITLE IS VESTED IN

CREEKSIDE WEST, INC.

THE CURRENT TAXES HAVE BEEN PAID AND THE PROPERTY IS FREE OF ENCUMBRANCES.

SCOTT PRICE,
FLORIDA BAR NUMBER 383163

SURVEYOR'S CERTIFICATE

STATE OF FLORIDA)
)SS
COUNTY OF COLLIER)

IT IS HEREBY CERTIFIED THAT THE PREPARATION OF THIS PLAT WAS BASED ON A BOUNDARY SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION AS PROVIDED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AND IN CHAPTER 472, FLORIDA STATUTES AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. PERMANENT REFERENCE MONUMENTS WILL BE SET PRIOR TO THE RECORDING OF THIS PLAT AND PERMANENT CONTROL POINTS WILL BE SET PRIOR TO FINAL ACCEPTANCE.

BARRY E. SYREN
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 5365
DATE 3/23/99

STATE OF FLORIDA
BARRY E. SYREN
LS 5365
REGISTERED LAND SURVEYOR

THIS INSTRUMENT PREPARED BY:
BARRY E. SYREN, P.S.M. #5365
JOHNSON ENGINEERING, INC.
2640 GOLDEN GATE PARKWAY #106
NAPLES, FLORIDA, 34105

CREEKSIDE UNIT TWO 25345CV1.DWG 01-25-99

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

CREEKSIDE COMMERCE PARK WEST-UNIT TWO

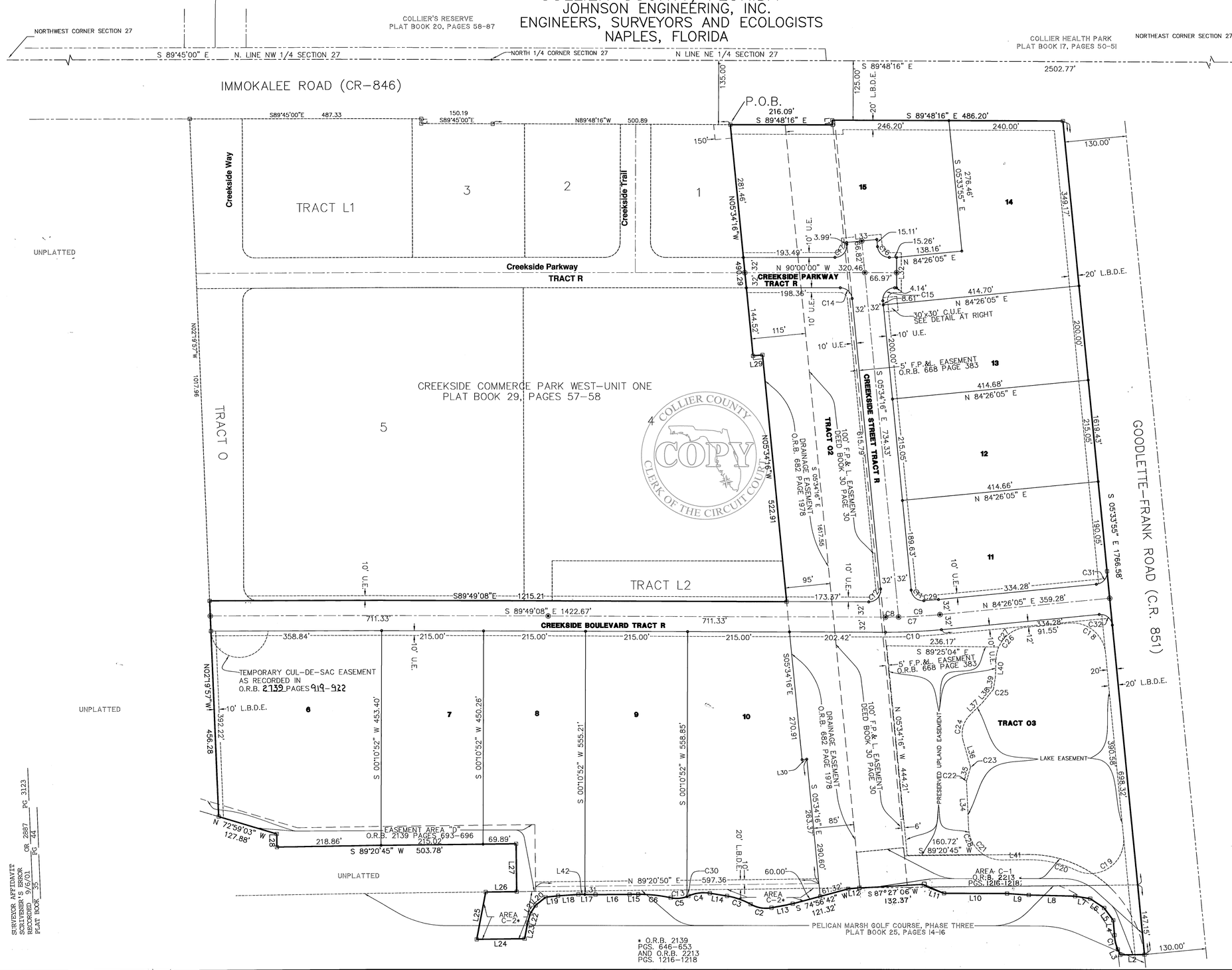
PLAT BOOK 35 PAGE 44

SHEET 2 OF 2

A PORTION OF SECTION 27, TOWNSHIP 48 SOUTH, RANGE 25 EAST
AND BEING A REPLAT OF A PORTION OF TRACTS 1, 3 AND TRACT GC-1 OF PELICAN MARSH GOLF COURSE, PHASE THREE
AS RECORDED IN PLAT BOOK 25, PAGES 14 THROUGH 16 AND ALL OF TRACT F-1 OF
CREEKSIDE COMMERCE PARK WEST UNIT ONE AS RECORDED IN PLAT BOOK 29, PAGES 57 & 58
COLLIER COUNTY, FLORIDA

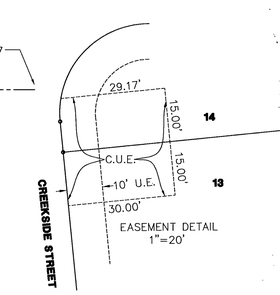
JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
NAPLES, FLORIDA

Resolution No. 2016-235
Vacate County & Public Interest in a Portion of
Tract "R" Creekside Blvd Right of Way
Recorded 11/02/2016 OR: 5329 PG: 2580
Re-Recorded 1/9/2017 OR: 5351 PG: 2316
Plat Book 35 PG 44



COPY
COLLIER COUNTY
CLERK OF THE CIRCUIT COURT

* O.R.B. 2139 PGS. 646-653 AND O.R.B. 2213 PGS. 1216-1218





CURVE TABLE					
CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD
C1	80.00	22°00'01"	30.72	S12°56'04"E	30.53
C2	66.00	39°30'17"	45.51	S80°25'01"E	44.61
C3	150.00	20°12'56"	52.92	N70°46'21"W	52.65
C4	80.00	33°04'22"	46.18	S82°35'04"W	45.54
C5	60.00	36°26'24"	38.16	N84°16'06"E	37.52
C6	305.00	12°55'59"	68.85	N83°58'44"W	68.70
C7	1146.00	05°44'47"	114.94	N87°18'28"E	114.89
C8	1146.00	01°22'30"	27.50	N89°29'37"E	27.50
C9	1146.00	04°22'17"	87.44	N86°37'13"E	87.41
C10	1178.00	05°44'47"	118.15	N87°18'28"E	118.10
C11	25.00	88°23'49"	38.57	S49°46'11"E	34.86
C12	25.00	95°45'08"	41.78	N42°18'18"E	37.08
C13	60.00	33°14'54"	34.82	N85°51'51"E	34.33
C14	25.00	84°25'44"	36.84	N47°47'08"W	33.60
C15	25.00	95°34'16"	41.70	S42°12'52"W	37.03
C16	25.00	84°25'44"	36.84	S47°47'08"E	33.60
C17	25.00	95°34'16"	41.70	N42°12'52"E	37.03
C18	70.00	90°00'00"	109.96	N50°33'55"W	98.99
C19	70.00	120°42'04"	147.46	N54°47'07"E	121.67
C20	234.50	25°47'23"	105.55	N77°45'33"W	104.66
C21	70.00	88°08'48"	107.69	S46°34'51"E	97.38
C22	5.00	18°41'01"	1.63	S06°50'03"W	1.62
C23	5.00	31°49'46"	2.78	N00°15'41"E	2.74
C24	55.00	60°54'55"	58.47	S14°48'15"W	55.76
C25	5.00	30°09'53"	2.63	N24°21'57"E	2.60
C26	70.00	82°26'40"	100.72	S43°12'45"W	92.26
C27	70.00	61°03'40"	74.60	S53°54'15"W	71.12
C28	70.00	54°05'56"	66.09	S29°33'25"E	63.67
C29	1114.00	01°35'50"	31.06	N85°14'00"E	31.06
C30	60.00	03°11'30"	3.34	N67°38'39"E	3.34
C31	25.00	90°00'00"	39.27	N39°26'05"E	35.36
C32	25.00	90°00'00"	39.27	N50°33'55"W	35.36

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.05	N05°34'16"W
L2	51.20	S89°20'45"W
L3	13.07	N23°56'01"W
L4	31.56	N05°01'01"W
L5	32.02	N36°19'27"W
L6	35.11	N56°04'43"W
L7	32.53	N80°39'23"W
L8	97.78	N88°39'20"W
L9	45.79	N86°04'48"W
L10	132.77	N89°49'56"W
L11	49.44	N69°40'18"W
L12	23.43	S84°45'32"W
L13	45.93	S79°49'51"W
L14	36.59	N80°52'50"W
L15	18.36	S89°33'17"W
L16	71.63	S89°39'11"W
L17	36.03	N89°35'03"W
L18	42.94	S86°06'33"W
L19	26.23	S83°44'08"W
L20	27.49	S51°01'05"W
L21	19.95	N33°25'42"E
L22	20.54	S15°39'57"W
L23	34.64	S10°54'31"W
L24	101.06	S89°20'06"W
L25	101.42	N10°45'58"E
L26	65.45	N89°20'45"E
L27	100.64	N00°39'15"W
L28	27.71	N00°39'15"W
L29	20.00	S84°25'44"W
L30	10.00	S84°25'44"W
L31	22.44	S89°35'03"E
L32	64.00	N00°00'00"W
L33	64.00	N84°25'44"E
L34	98.63	N02°30'27"W
L35	28.67	N16°10'34"E
L36	56.54	N15°39'12"W
L37	37.55	N45°15'42"E
L38	34.80	N39°26'53"E
L39	24.65	N09°17'00"E
L40	38.40	N01°59'25"E
L41	54.25	N89°20'45"E
L42	13.59	S89°35'03"E

THIS INSTRUMENT PREPARED BY:
BARRY E. SYREN, P.S.M. #5365
JOHNSON ENGINEERING, INC.
2640 GOLDEN GATE PARKWAY #106
NAPLES, FLORIDA, 34105

CREEKSIDE UNIT TWO 25345CV1.DWG 01-15-99

Attachment: Attachment E Hex Backup revised (20971 : PL20210092390 Creekside Commerce Park PDI)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210002390

I, Daniel Hall (print name), as Vice President (title, if applicable) of Krisdan Management Inc, as Manager of RES Florida 1370 Holdings, 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 Q. Grady Minor & Associates, 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.

Signature

9-30-2021
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [ ] online notarization this 30th day of September, 20 21, by (printed name of owner or qualifier) Daniel Hall.

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: Barbara Birch

BARBARA BIRCH
Commission # HH 165407
Expires August 16, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

BARBARA BIRCH
Commission # HH 165407
Expires August 16, 2025
Bonded Thru Troy Fain Insurance 800-385-7019

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

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS OF KRISDAN MANAGEMENT, INC. IN LIEU OF SPECIAL MEETING

The undersigned, being all of the members of the Board of Directors of KrisDan Management, Inc., a Delaware corporation (the "Corporation"), acting in lieu of a special meeting in accordance with Section 141(f) of the Delaware General Corporation Law, do hereby consent to, approve and adopt the following resolutions and waive all notice thereto:

RESOLVED, that Daniel Hall is hereby elected as Vice-President of the Corporation for a term expiring on the date of the next annual meeting of the Board of Directors, or, if earlier, his death, resignation or removal; provided, however that he shall continue to serve until his successor is elected.

The actions taken by this Unanimous Written Consent shall have the same force and effect as if taken by the undersigned at a regular meeting of the Board of Directors of the Corporation duly called and constituted pursuant to the laws of the State of Delaware.

IN WITNESS WHEREOF, the undersigned, being all of the members of the Board of Directors of the Corporation, have executed this Unanimous Written Consent as of the 31st day of May, 2017.

Reinhold Schmieding

Erika Schmieding

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

2021 FOREIGN PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# F14000001698

FILED
Jan 11, 2021
Secretary of State
5732565942CC

Entity Name: KRISDAN MANAGEMENT, INC.

Current Principal Place of Business:

1265 CREEKSIDE PARKWAY
SUITE 210
NAPLES, FL 34108

Current Mailing Address:

1265 CREEKSIDE PARKWAY
SUITE 210
NAPLES, FL 34108 US

FEI Number: 46-1626094

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

HALL, DANIEL ASST TREASURER & VP
1265 CREEKSIDE PARKWAY
SUITE 210
NAPLES, FL 34108 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: DANIEL HALL 01/11/2021

Electronic Signature of Registered Agent — Date

Officer/Director Detail :

Title	CHAIRMAN, PRESIDENT
Name	SCHMIEDING, REINHOLD D
Address	1370 CREEKSIDE BLVD.
City-State-Zip:	NAPLES FL 34108

Title	ASST. TREASURER
Name	ORBEA, ZEIDA
Address	1265 CREEKSIDE PARKWAY SUITE 210
City-State-Zip:	NAPLES FL 34108

Title	ASST. TREASURER, VP
Name	HALL, DANIEL
Address	1265 CREEKSIDE PARKWAY SUITE 210
City-State-Zip:	NAPLES FL 34108

Title	VP
Name	SCHMIEDING, ERIKA
Address	1370 CREEKSIDE BLVD
City-State-Zip:	NAPLES FL 34108

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: DANIEL HALL VICE PRESIDENT 01/11/2021

Electronic Signature of Signing Officer/Director Detail — Date

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☐ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☒ OTHER PUD Insubstantial Change

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

S27, T48, R25 (see attached)

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

29331193162

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

1336 Innovation Boulevard

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

CURRENT PROJECT NAME *(if applicable)*

Creekside Commerce Park name not yet approved

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # PL20210001970

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Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

Arthrex Facilities Building, Creekside West Flex Space

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

Applicant Name: Sharon Umpenhour

Phone: 239-947-1144 **Email/Fax:** sumpenhour@gradyminor.com

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

FOR STAFF USE ONLY

Folio Number 29331193162

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: L.L.H. **Date:** 09/02/2021

Updated by: _____ **Date:** _____

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

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Collier County Property Appraiser
Property Summary

Parcel No	29331193162	Site Address *Disclaimer	1336 INNOVATION BLVD	Site City	NAPLES	Site Zone *Note	3410

Name / Address	RES FLORIDA 1370 HOLDINGS LLC
	1265 CREEKSIDE PARKWAY, #210
City	NAPLES

State	FL	Zip	34108

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A27	253910 103A27	27	48	25	5.25

Legal	CREEKSIDE COMMERCE PARK WEST UNIT TWO LOT 10 AND A PORTION OF LO 9 AS DESC IN OR 4103 PG 2624

Millage Area	133	Millage Rates	*Calculations	
Sub./Condo	253910 - CREEKSIDE COMMERCE PK WEST U 2	School	Other	Total
Use Code	17 - OFFICE BLDG, NON-PROF, ONE STORY	4.889	6.0335	10.9225

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
12/21/20	5870-38	$ 4,180,700
05/31/16	5296-3433	$ 0

2021 Preliminary Tax Roll

(Subject to Change)

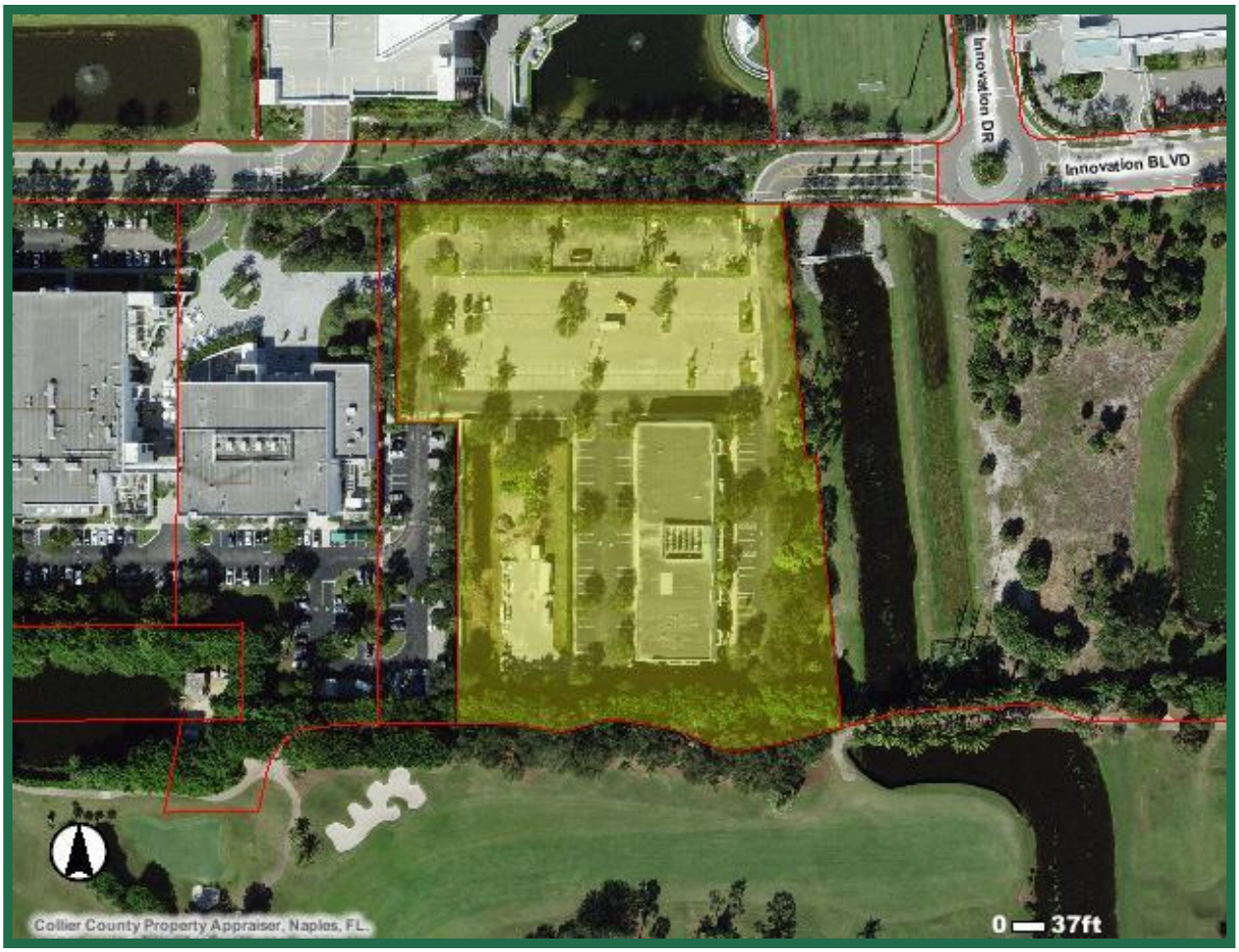
	Land Value	$ 2,172,2
(+)	Improved Value	$ 3,055,1
(=)	Market Value	$ 5,227,3
(=)	Assessed Value	$ 5,227,3
(=)	School Taxable Value	$ 5,227,3
(=)	Taxable Value	$ 5,227,3

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

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Collier County Property Appraiser
Property Aerial

Parcel No	29331193162	Site Address *Disclaimer	1336 INNOVATION BLVD	Site City	NAPLES	Site Zone *Note	341(



Open GIS in a New Window with More Features.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

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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
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
RES Florida 1370 Holdings, LLC	**100**
Krisdan Management, Inc. – Manager	100
Reinhold D. Schmieding, Chairman/President	0
Daniel Hall, Asst. Treasurer/VP	0
Erika Schmieding, VP	0
Zeida Orbea, Asst. Treasurer	0

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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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
N.A.	

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: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

g.

Name and Address
N.A.

h. Date subject property acquired 2008

☐ Leased: Term of lease_____years /months

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(239) 252-2400 FAX: (239) 252-6358

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

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 publichearing.

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

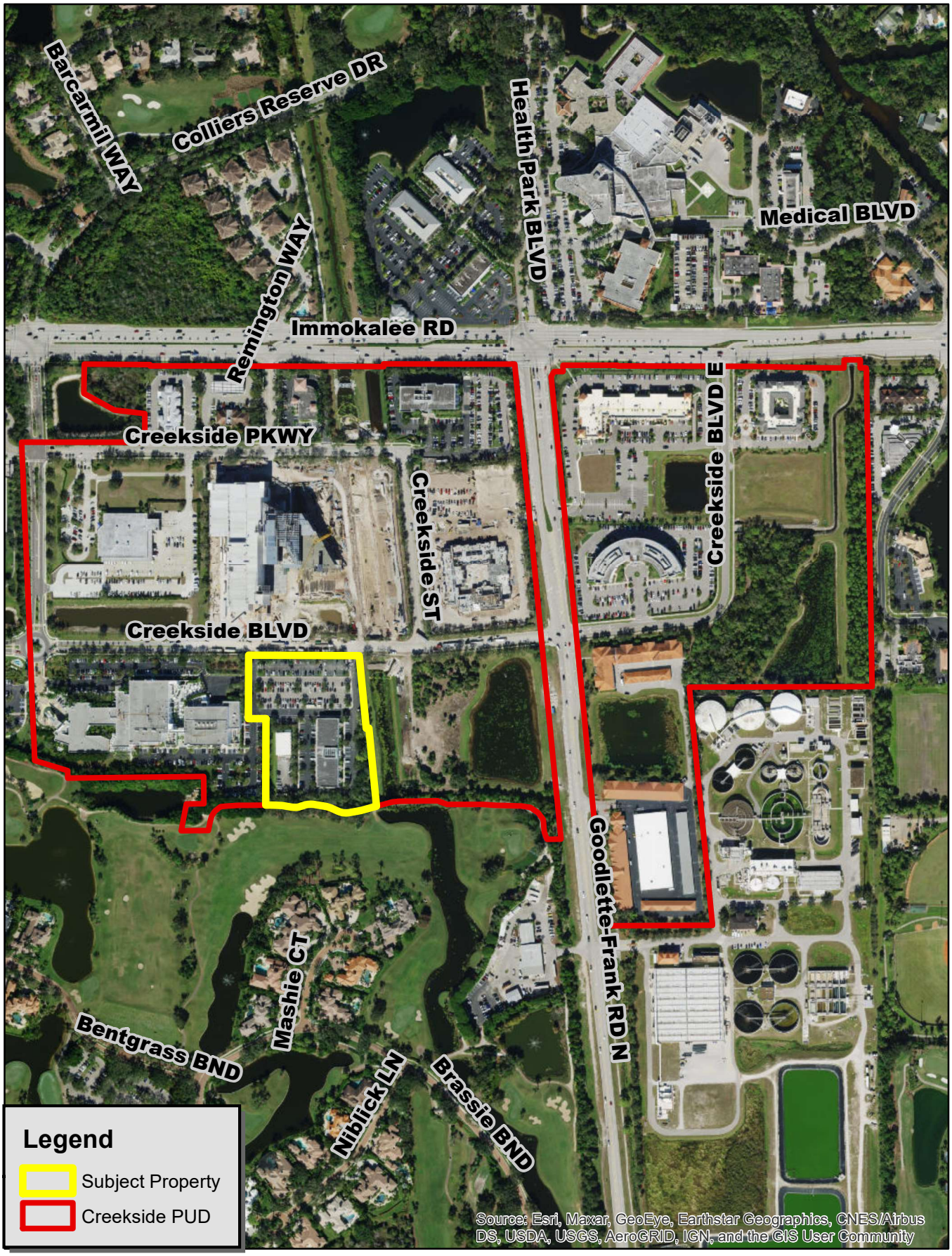
Agent/Owner Signature

9-29-2021
Date

Daniel Hall, Vice President, Krisdan Management, Inc.,
as Manager of RES 1370 Holdings, LLC.
Agent/Owner Name (please print)

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Creekside Commerce Park PUD
Location Map



GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects

560 280 0 560 Feet

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

3900215 OR: 4103 PG: 2500
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
09/12/2006 at 09:48AM DWIGHT E. BROCK, CLERK
REC FEE 460
COPIES 54
Retn:
GOODLETTE COLEMAN ET AL
4001 TAMIAMI TR N #300
NAPLES FL 34103

3.A.f

This Instrument prepared
by and after recording return to:
Matthew L. Grabinski, Esq.
Goodlette, Coleman & Johnson, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

DECLARATION OF CONDOMINIUM OF CREEKSIDE FLEX I,

A COMMERCIAL LAND CONDOMINIUM

This Declaration of Condominium of Creekside Flex I, a Commercial Land Condominium (the "Declaration") is made this 18th day of August, 2006 by Creekside West, Inc., a Florida corporation (the "Declarant"), for itself and its successors, grantees and assigns.

1. PLAN OF DEVELOPMENT. The Declarant owns the fee simple interest in certain real property, hereinafter described, intends to convert said real property to the condominium form of ownership, and hereby makes the following declarations:

Creekside Flex I, a Commercial Land Condominium shall be a commercial land condominium initially containing two (2) units, as set forth herein.

In addition to the terms hereof, this Condominium and this Declaration shall be subject to the Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Creekside Commerce Park West recorded in Official Records Book 2388, page 0336, of the Public Records of Collier County, Florida (the "Master Declaration"), and the Articles and By-Laws of the Creekside Commerce Park Property Owners Association, Inc., all as may be amended from time to time.

The Master Declaration grants to the Master Association, which is formed for the purpose of enforcing the provisions of the Master Declaration, the right to collect assessments from the owners of Lots (as that term is defined in the Master Declaration). The assessments established by the Master Association are used for the improvement, maintenance, enhancement and operation of the Master Association property (as described in the Master Declaration) and to provide services which the Master Association is authorized or required to provide, including, but not limited to, the payment of taxes and insurance on the Master Association property, construction of improvements, repair or replacement of Master Association property, and for such other purpose reasonably related to the carrying out of the authorized functions and purposes of the Master Association. The amount of the assessments is set by the board of directors of the Master Association and the assessments are allocated among the owners of its in Creekside Commerce Park West. All Owners of Units within this Condominium will be required to pay, as part of the Common Expenses of the Association, assessments due the Master Association.

2. LAND OWNERSHIP. The Declarant owns and intends to develop a commercial land Condominium to be known as Creekside Flex I, a Commercial Land Condominium (the "Condominium") on the real property parcel situated in Collier County, Florida and being more particularly identified and described as follows (the "Land"):

BARRON COLLIER CO
FILE NUMBER
106510

SEE EXHIBIT "A", ATTACHED HERETO

3. SUBMISSION STATEMENT. Declarant hereby submits the Land, and all easements, rights and appurtenances belonging thereto, to the condominium form of ownership and use in the manner provided by the Florida Condominium Act as it exists on the date of the recording of this Declaration, excluding therefrom, however, all fixtures, buildings and all improvements (including, without limitation, parking lot improvements, signage and buildings), any public or private utility installations, cable television lines, and other similar equipment that are owned by the entity furnishing such services to the Condominium. The covenants and restrictions contained in this Declaration shall run with the land and be binding upon and inure to the benefit of all present and future Owners of Condominium Parcels. The acquisition of title to a Unit, or any other interest in the Condominium Property, or the lease, occupancy, or use of any portion of the Condominium Property shall constitute in acceptance and ratification of all provisions of this Declaration as it may be amended from time to time, and shall signify agreement to be bound by its terms.

4. NAME AND ADDRESS. The name by which this Condominium shall be identified is CREEKSIDE FLEX I, a Commercial Land Condominium. The street address for this Condominium is 1336 Creekside Blvd. Naples, Florida 34103.

5. DEFINITIONS. The terms used in this Declaration and its exhibits shall have the meanings stated below and in Chapter 718, Florida Statutes, (the "Condominium Act"), unless the context requires otherwise.

5.1 "Articles" or "Articles of Incorporation" shall mean and refer to the articles of incorporation of the Association, attached hereto as Exhibit "C", as amended from time to time.

5.2 "Assessment" shall mean and refer to a share of the funds required for the payment of Common Expenses which from time to time is assessed against the Units.

5.3 "Association" shall mean and refer to CREEKSIDE FLEX I CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation, the entity responsible for the operation of this Condominium.

5.4 "Association Property" shall mean and refer to all property, real or personal, owned or leased by the Association for the use and benefit of the Unit Owners.

5.5 "Board of Directors" or "Board" shall mean and refer to the representative body which is responsible for the administration of the Association's affairs, and is the same body referred to in the Condominium Act as the "Board of Administration".

5.6 "Building" shall mean and refer to any building constructed within a Unit.

5.7 "Bylaws" means the Bylaws of the Association, attached hereto as Exhibit "D", as amended from time to time.

5.8 "Common Elements" means all of the real property submitted to this Declaration that is not within the Unit boundaries set forth in Section 6.2, below. The Common Elements are defined more particularly in Section 8.1, below.

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BARRON COLLIER CO
FILE NUMBER
106 51

5.9 "Common Expenses" means all expenses properly incurred by the Association in its performance of its duties, as set forth more particularly herein.

5.10 "Common Surplus" means the amount of all receipts or revenues, including Assessments, rents or profits collected by the Association which exceeds Common Expenses.

5.11 "Condominium" shall mean and refer to the commercial land condominium created by this Declaration.

5.12 "Condominium Documents" shall mean and include this Declaration and all recorded exhibits hereto, as amended from time to time.

5.13 "Condominium Parcel" means a Unit together with the undivided share in the Common Elements which is appurtenant to the Unit.

5.14 "Condominium Property" means the land subjected to the condominium form of ownership by this Declaration, and all easements and rights appurtenant thereto, but excluding all vertical improvements located thereon.

5.15 "Declaration" shall mean and refer to this Declaration of Condominium of Creekside Flex I, a Commercial Land Condominium, as amended from time to time.

5.16 "Institutional Mortgagee" shall mean and refer to the mortgagee (or its assignee) of a mortgage against a Condominium parcel, which mortgagee is a bank, savings and loan association, mortgage company, insurance company, real estate or mortgage investment trust, pension or profit sharing trust.

5.17 "Invitees" means, customers, clients, patients, delivery persons, employees and all others who have reasonable cause to enter the Condominium/ property in connection with the business of any Unit Owner or lessee.

5.18 "Land" shall mean and refer to the real property described in Exhibit "A" attached hereto, and any other real property added to the Condominium pursuant to the provisions hereof.

5.19 "Lease" shall mean and refer to the grant by a Unit Owner of a temporary right of use of the Owner's Unit for valuable consideration.

5.20 "Limited Common Elements" shall mean and includes those Common Elements which are reserved for the use of a certain Unit or Units to the exclusion of other Units.

5.21 "Master Association" Creekside Commerce Park Property Owners Association, Inc., a Florida not-for-profit corporation.

5.22 "Master Declaration" shall mean the Amended and Restated Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Creekside Commerce Park West recorded in Official Records Book 2388, page 0336, of the Public Records of Collier County, Florida, an all amendments thereto.

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BARRON COLLIER CO
FILE NUMBER
106 51

5.23 "Owner" shall mean and refer to the record holder of title to a Unit.

5.24 "Percentage Interest" shall mean and refer to each Unit Owner's undivided ownership interest in the Common Elements and Common Surplus, as set forth in Section 7.1, below.

5.25 "Rules and Regulations" shall mean and refer to the rules and regulations that may be promulgated by the Board of Directors, governing the use of the Common Elements and the operation of the Association.

5.26 "Unit" shall have the same meaning as the term "Unit" as defined in the Condominium Act.

5.27 "Voting Interest" means the voting rights of the Association members for each Unit, which shall be equal to the Units Percentage Interest in the Common Elements and Common Surplus.

6. SURVEY AND PLANS; DESCRIPTION OF CONDOMINIUM: DESCRIPTION OF UNITS.

6.1 Survey and Plot Plan. Attached hereto as part of Exhibits "A" and "B", and incorporated by reference herein, are a survey of the Land, and a plot plan, which graphically describe the location and dimensions of the Units, including their identification numbers, locations and approximate dimensions and the Common Elements and Limited Common Elements (if any). All of the real property included in the Condominium is described in Exhibit "A", attached hereto. Exhibit "B" contains the legal descriptions of each of the land Units within the Condominium. Together with this Declaration, the Exhibits are in sufficient detail to identify each Unit, the Common Elements, Limited Common Elements, and their relative locations and dimensions. No Unit bears the same designation as any other Unit in the Condominium.

6.2 Unit Boundaries. The perimeter boundaries of each Unit are as depicted on Exhibit "B". There are no upper or lowers boundaries for any Unit.

6.3 Utilities. The Unit shall not be deemed to include any pipes, wiring, ducts or other utility installations that are physically within the above-described boundaries, but which serve other Units or the Common Elements.

6.4 Unit Identification. Exhibit "B" to this Declaration sets forth the Units in the Condominium. Each Unit is designated by a one (1) digit identifying number, as shown on Exhibit "B". The aforesaid identifying number, shall legally identify the applicable Unit.

7. CONDOMINIUM PARCELS; APPURTENANCES AND USE.

7.1 Percentage Interests. Each Unit Owner's Percentage Interest shall be calculated by dividing the total number of gross commercial square feet of office space developed within the building(s) constructed from time to time within each Unit divided by the total number of gross commercial square feet developed within all buildings in all Units within the Condominium. For purposes of this Section 7.1, if there is a dispute as to the total

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BARRON COLLIER CO
FILE NUMBER
106.51

number of commercial square feet within any building, than the decision of the Association shall control.

7.2 Appurtenances to Each Unit. The Owner of each Unit shall have certain rights and own a certain interest in the Condominium Property, including without limitation the following:

7.2.1 An undivided ownership share in the Common Elements and the Common Surplus, as specifically set forth in Section 7.1 above.

7.2.2 Membership and voting rights in the Association, which shall be acquired and exercised as provided in the Articles of Incorporation and Bylaws.

7.2.3 The exclusive right to use the Limited Common Elements reserved for the Unit, and the non-exclusive right to use the Common Elements.

7.2.4 Other appurtenances as may be provided in this Declaration and its exhibits.

7.3 Use and Possession. An Owner is entitled to exclusive use and possession of his or her Unit (subject to the terms hereof and any easements reserved herein), and is entitled to use the Common Elements in accordance with the purposes for which they are intended. All uses shall be permitted as long as such uses are in compliance with all applicable zoning, land usage laws and regulations and the Master Declaration.

8. COMMON ELEMENTS; EASEMENTS.

8.1 Definition. The term "Common Elements" means all of the property submitted to this Declaration that is not within the Unit boundaries set forth in Section 6.2 above. The Common Elements include, without limitation, the following:

8.1.1 Those portions of the Land (if any) not included in a Unit.

8.1.2 All Limited Common Elements (if any).

8.1.3 Easements through the driveways located from time to time on each Unit for access to other Units, and easements for furnishing utility services to the Unit and other Units and to the Common Elements (if any).

8.2 Easements. Each of the following easements and easement rights is reserved through the Condominium Property, is a covenant running with the land, and, notwithstanding any provision herein to the contrary, may not be revoked and shall survive the exclusion of any land from the Condominium. None of these easements may be encumbered by any leasehold or lien other than those on the Condominium Parcels. Any lien encumbering these easements shall automatically be subordinate to the rights of Owners with respect to such easements.

8.2.1 Utility and other Easements. The Association has the power, without the joinder of any Unit Owner, to grant, modify or move easements such as electric,

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BARRON COLLIER CC
FILE NUMBER
1065

gas, cable television, or other utility or service easements, or relocate any existing easements, in any portion of the Common Elements or Association Property, and to grant access easements or relocate any existing access easements in any portion of the Common Elements or Association Property, as the Association shall deem necessary or desirable for the proper operation and maintenance of the Condominium. Such easements, or the relocation of existing easements, may not prevent or unreasonably interfere with the use of the Units. The Association may also transfer title to utility-related equipment, facilities or material, and to take any other action to satisfy the requirements of any utility company or governmental agency to which any such utility related equipment, facilities or material are to be so transferred.

8.2.2 Encroachments. If any Unit encroaches upon any of the Common Elements or upon any other Unit for any reason other than the intentional act of the Owner of such Unit, or if any Common Element encroaches upon any Unit, then an easement shall exist to the extent of that encroachment as long as the encroachment exists.

8.2.3 Ingress, Egress and Parking. A non-exclusive reciprocal easement shall exist in favor of each Owner and occupant, their respective guests, tenants, licensees and invitees for pedestrian traffic over, through, and across sidewalks, streets, outdoor parking areas, driveways, paths, walks, and other portions of the Units as may from time to time be designated for such purposes and uses by the Owner of such Unit, and for reasonable vehicular and pedestrian ingress, egress and parking over, through, and across such outdoor paved portions of the Units as may from time to time be designate for such purposes and uses by the Owner of such Unit.

8.2.4 Construction: Maintenance. The Declarant (including its designees and contractors) shall have the right to enter the Condominium Property and take any action reasonably necessary or convenient for the purpose of completing the construction thereof, provided such activity does not prevent or unreasonably interfere with the use or enjoyment by the Unit Owners of the Condominium Property.

8.2.5 Declarant's Right to Grant Easements. The Declarant, during any period in which the Declarant has any ownership interest in the Condominium Property, shall have the right to grant such electric, telephone, gas, water, sewer, irrigation, drainage, cable television, access, maintenance, signage or other easements, and to relocate any existing easements in any portion of the Common Elements and to grant access easements and to relocate in the existing access easements in any portion of the Common Elements as the Declarant shall deem necessary or desirable.

8.2.8 Association's Access to Units. The Association has an irrevocable access easement to each Unit, during reasonable hours, when necessary for the maintenance, repair, or replacement of any Common Elements or of any portion of a Unit (if any) to be maintained by the Association pursuant to the Declaration, or as necessary to prevent damage to the Common Elements or to one or more Units. The exercise of the Association's rights of access to the Unit shall be

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BARRON COLLIER C
FILE NUMBER
10651

accomplished with due respect for the rights of occupants to privacy and freedom from unreasonable annoyance, as well as with appropriate precautions to protect the personal property within the Unit. The Association may retain a key to all Units. If a Unit Owner alters any lock, or installs a new lock, the Unit Owner shall provide the Association with a key.

8.3 Restraint Upon Separation and Partition. The Percentage Interest appurtenant toa Unit cannot be conveyed or encumbered separately from the Unit and shall pass with the title to the Unit, whether or not separately described. As long as the Condominium exists, the Common Elements cannot be partitioned. The shares in the funds and assets of the Association cannot be assigned, pledged or transferred except as an appurtenance to the Units.

9. LIMITED COMMON ELEMENTS. Any part of the Common Elements that is connected to or exclusively serves either a single Unit (or more but less than all of the Units), and is required in Section 12 of this Declaration to be maintained, repaired or replaced by or at the expense of the Unit Owner(s), shall be deemed a Limited Common Element appurtenant to the Unit or Units. Due to the nature of this land Condominium, the Declarant anticipates that there will be few, if any, Limited Common Elements.

10. ASSOCIATION. The Condominium shall be operated by Creekside Flex Condominium Association, Inc., a Florida not-for-profit corporation, which shall perform its function pursuant to the following:

10.1 Delegation of Management. The Association may contract for the management and maintenance of the Condominium Property (and/or any improvements located thereon for which the Association is responsible for maintaining) and employ a licensed manager or management company to assist the Association in carrying out its powers and duties by performing such functions as the submission of proposals, collection of Assessments, keeping of records, enforcement of rules and maintenance, repair and replacement of the Common Elements with funds made available by the Association for such purposes. The Association and its officers however, shall retain at all times the powers and duties provided in the Condominium Act.

10.2 Membership. The membership of the Association shall be the record Owners of legal title to the Units, as further provided in the Bylaws.

10.3 Acts of the Association. Unless the approval or affirmative vote of the Unit Owners is specifically made necessary by some provision of the Condominium Act or these Condominium Documents, all approvals or actions permitted or required to be given or taken by the Association may be given or taken by its Board of Directors, without a vote of the Owners. The officers and directors of the Association have a fiduciary relationship to the Owners. An Owner does not have the authority to act for the Association by reason of being an Owner.

10.4 Powers and Duties. The powers and duties of the Association include those set forth in the Condominium Act and the Condominium Documents. The Association may contract, sue, or be sued with respect to the exercise or non-exercise of its powers and duties. For these purposes, the powers of the Association include, but are not limited to, the maintenance, management, and operation of the Condominium Property and Association

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Property. The Association may impose fees for the use of Common Elements or Association Property. The Association has the power to enter into agreements to acquire leaseholds, memberships and other ownership, possessory or use interests in lands or facilities, regardless of whether the lands or facilities are contiguous to the Condominium.

10.5 Official Records. The Association shall maintain its official records as required by law.The records shall be open to inspection by members or their authorized representatives' at all reasonable times. The right to inspect the records includes a right to make or obtain photocopies at the reasonable expense of the member seeking copies.

10.6 Purchase of Units. The Association has the power to purchase one or more Units in the Condominium, and to own, lease, mortgage, or convey them, such power to be exercised by the Board of Directors.

10.7 Acquisition of Property. The Association has the power to acquire property, both real and personal. The power to acquire personal property shall be exercised by the Board of Directors. Unless otherwise specifically provided elsewhere herein, the power to acquire ownership interests in real property shall be exercised by the Board of Directors, but only after unanimous approval of the Voting Interests. Notwithstanding the foregoing and to the fullest extent coming by law, the Declarant shall have the right to convey title to any property owned by it, or any easement or interest therein, to the Association as Association Property, and the Association shall be required to accept such conveyance. Any such conveyance shall be effective upon recording the deed or instrument of conveyance in the Public Records of Collier County, Florida.

10.8 Disposition of Property. Any property owned by the Association, whether real, personal or mixed, may be mortgaged, sold, leased or otherwise encumbered or disposed of by the affirmative vote of a majority of the entire Board of Directors, without need for authorization by the Owners.

10.9 Roster. The Association shall maintain a current roster of names and mailing addresses of the Owners, based upon information supplied by the Owners. A copy of the roster shall be made available to any member upon request.

10.10 Limitation on Liability. Notwithstanding its duty to maintain and repair Condominium or Association Property, the Association shall not be liable to individual Unit Owners for personal injury or property damage caused by any latent condition of the property to be maintained and repaired by the Association, or caused by the elements, Owners or other persons.

10.11 Member Approval of Certain Litigation. Notwithstanding any other provision of the Condominium Documents, the Board of Directors shall be required to obtain the prior approval of 100% of the Voting Interests prior to the payment of, or contracting for the payment of, legal fees to any person engaged by the Association for the purpose of commencing any lawsuit, other than for the following purposes:

10.11.1 the collection of Assessments;

10.11.2 the collection of other charges which Owners are obligated to pay;

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10.11.3 in an emergency, when waiting to obtain the approval of the members creates a substantial risk of irreparable injury to the Association or its members; or

10.11.6 filing a compulsory counterclaim.

11. ASSESSMENTS AND LIENS. The Association has the power to levy and collect Assessments against each Unit and Unit Owner in order to provide the necessary funds for proper operation and management of the Condominium and for the operation of the Association. This power includes both "regular" Assessments for each Unit's share of the common expenses as set forth in the annual budget, and "special" Assessments for unusual, nonrecurring or unbudgeted Common Expenses. The Association may also levy special charges against any individual Unit, for any amounts, other than for Common Expenses, which are properly chargeable against such Unit(s). Assessments shall be levied and payment enforced as provided in the Bylaws, and as follows:

11.1 Common Expenses. Common Expenses include the expenses of management, operation, maintenance, repair, replacement or insurance of the Common Elements and Association Property, the expenses of operating the Association, and any other expenses properly incurred by the Association for the Condominium, including amounts budgeted for the purpose of funding reserve accounts (if any).

11.2 Share of Common Expenses. The Owner of each Unit shall be liable for a share of the Common Expenses equal to his share of Ownership of the Common Elements and the Common Surplus, as set forth in Section 7, above.

11.3 Ownership. Assessments and other funds collected by or on behalf of the Association become the property of the Association; no Owner has the right to claim, assign or transfer any interest therein except as an appurtenance to his Unit. An Owner shall not be entitled to withdraw or receive distribution of his share of the Common Surplus, except as otherwise provided herein or by law.

11.4 Who is Liable for Assessments. The Owner of each Unit, regardless of how title was acquired, is liable for all Assessments or installments thereon coming due prior to or while he is the Owner. Multiple Owners are jointly and severally liable. Except as provided in Section 20.3, below (as to certain first mortgagees), whenever title to a Condominium Parcel is transferred for any reason, the new Owner is jointly and severally liable with the previous Owner for all Assessments which came due prior to the transfer and remain unpaid as of the date of the transfer, without prejudice to any right the new Owner may have to recover from the previous Owner any past-due amounts paid by the new Owner.

11.5 No Waiver or Excuse from Payment. The liability for Assessments may not be avoided or abated by waiver of the use or enjoyment of any Common Elements, by abandonment of the Unit on which the Assessments are made, or by interruption in the availability of the Unit or the Common Elements for any reason whatsoever. No Unit Owner may be excused from payment of his share of the Common Expenses unless all Unit Owners are likewise proportionately excused from payment, except as otherwise provided in Section 20.3, below (as to certain first mortgagees).

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11.6 Application of Payments; Failure to Pay; Interest. Assessments and installments thereon paid on or before ten (10) days after the date due shall not bear interest, but all sums not so paid shall thereafter bear interest at the highest rate allowed by law, calculated from the date due until paid. The Association may also impose a late payment fee (in addition to interest) to the extent permitted by law. Assessments and installments thereon shall become due, and the Unit Owner shall become liable for said Assessments or installments, on the date established in the Bylaws or otherwise set by the Board of Directors for payment. All payments on account shall be applied first to interest, then to late payment fees, court costs and attorneys' fees, and finally to delinquent Assessments. No payment by check is deemed received until the check has cleared.

11.7 Acceleration. If any Assessment or special Assessment as to a Unit is unpaid thirty (30) days after the due date, the Association shall have the right to record a Claim of Lien for the unpaid amount due. Upon the recordation of Claim of Lien, the Association shall thereafter have the right to accelerate the due date of the entire unpaid balance of the Unit's Assessments for that fiscal year. The due date for all accelerated amounts shall be the date the Claim of Lien was recorded in the public records. The Association's Claim of Lien shall secure payment of the entire accelerated obligation, together with interest on the entire balance, attorneys' fees and costs as provided by law; and said Claim of Lien shall not be satisfied or released until all sums secured by it have been paid. The right to accelerate shall be exercised by sending to the delinquent Owner a notice of the exercise, which notice shall be sent by certified or registered mail to the Owner's last known address, and shall be deemed given upon mailing of the notice, postpaid. The notice may be given as part of the notice of intent to foreclose, as required by Section 718.116 of the Condominium Act, or may be sent separately.

11.8 Liens. The Association has a lien on each Condominium Parcel securing payment of past due Assessments, including interest and attorneys' fees and costs incurred by the Association incident to the collection of the Assessment or enforcement of the lien, whether before, during or after a lien foreclosure suit. The lien is perfected upon recording a Claim of Lien in the Public Records of Collier County, Florida, stating the description of the Condominium Parcel, the name and address of the Association, the name of the record Owner, the Assessments past due and the due dates. The lien shall be executed and acknowledged by an officer or authorized agent of the Association and shall remain in effect until barred by law. The Claim of Lien secures all unpaid Assessments coming due prior to a final judgment of foreclosure. Upon full payment, the person making the payment is entitled to a satisfaction of the lien.

11.9 Priority of Lien. The Association's lien for unpaid Assessments shall be subordinate and inferior to the lien of a recorded first mortgage, but only to the extent required by the Condominium Act, as amended from time to time. The Association's lien shall be superior to, and take priority over, any other mortgage or lien regardless of when the mortgage or lien was recorded, except as otherwise expressly provided by the Condominium Act, as amended from time to time. Any lease of a Unit shall be subordinate and inferior to the Association's lien regardless of when the lease was executed.

11.10 Foreclosure of Lien. The Association may bring an action in its name to foreclose its lien for unpaid Assessments in the manner provided in the Condominium Act, and may also bring an action to recover a money judgment for the unpaid Assessments without waiving any lien rights.

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11.11 Certificate As To Assessments. Within fifteen (15) days after request by a Unit Owner or mortgagee, the Association shall provide a certificate (sometimes referred to as an "estoppel letter") stating whether all Assessments and other monies owed to the Association by the Unit Owner with respect to the Condominium Parcel have been paid. Any person other than the Owner who relies upon such certificate shall be protected thereby.

11.13 Exemption of Declarant from Assessments. So long as the Declarant holds any Unit for sale or lease in the ordinary course of business, the Declarant shall be exempt from Assessments as an Owner for capital improvements unless the Declarant gives its approval in writing. The Declarant shall further be exempt from any action by the Association that would be detrimental to the sale or lease of Units by the Declarant unless the Declarant approves the action in writing.

11.14 Creekside Commerce Park Property Owners Association, Inc. Creekside Commerce Park. All of the property that may be included in the Condominium is subject to certain restrictions and regulations as provided in the Master Declaration. The Master Declaration provides that the owner(s) of each lot in the Creekside Commerce Park shall pay assessments established by the Master Association, which was formed for the purpose of enforcing the provisions of the Master Declaration. The assessments established by the Master Association are used for the improvement, maintenance, enhancement and operation of the Master Association property and to provide services which the Master Association is authorized or required to provide, including, but not limited to, the payment of taxes and insurance on Master Association property, repair, maintenance, and/or replacement of Master Association property, and for such other purposes reasonably related to the carrying out of the authorized functions and purposes of the Master Association. The amount of the assessments is set by the board of directors of the Master Association and the assessments are allocated among the owners of lots within the Creekside Commerce Park. For the purpose of collecting and paying any assessments due to Master Association, the Association shall be deemed the owner of the underlying lands included within this Condominium. All assessments due the Master Association and attributable to the lands included with this Condominium shall be included within the Common Expenses of the Association and shall likewise be collected from the Unit Owners as a part of the Association's regular Assessments. **If the Association is unable to pay the Master Association all amounts due to Master Association, then the Master Association shall, in accordance with the terms of the Master Declaration, have the right to record a lien against the Condominium Property to secure payments of such assessments.** The Association may (but shall not be required) advance funds, on behalf of a delinquent Unit Owner, for the purpose of ensuring that all assessments due the Master Association are timely paid. If the Association elects to advance funds on behalf of a particular Unit Owner or Unit Owner's, then the Association shall have the right to record a lien against the applicable Units (and may foreclose such lien) for purpose of securing reimbursement to the Association for monies advanced by the Association on behalf of such Owner(s) pursuant to this Section 11.14.

12. MAINTENANCE; LIMITATIONS UPON ALTERATIONS AND IMPROVEMENTS. Responsibility for the protection, maintenance, repair and replacement of the Condominium Property, and restrictions on its alteration and improvement shall be as follows:

12.1 Association Maintenance. The Association is responsible for the protection, maintenance, repair and replacement of all Common Elements, Association Property as well

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as certain outdoor portions of Units (other than the Limited Common Elements that are required elsewhere herein to be maintained by the Unit Owner), and (except for the maintenance item set forth in Section 12.1.5, below), the cost of the foregoing shall be a Common Expense. The Association's responsibilities include, without limitation:

12.1.1 Maintenance and repair of outdoor walkways, driveways, monument signs, sidewalks,parking lots (including resurfacing and re-striping) dumpster enclosure and parking lot lighting;

12.12 Maintenance of all outside landscaping and irrigation within the Condominium Property;

12.1.3 The cost of parking lot lighting electricity.

12.1.4 Utility infrastructure not dedicated to Collier County and serving all Units; and

12.1.5 The cost of irrigation water used to irrigate the landscaped portions of the Condominium Property;

12.1.6 The cost of trash removal service for the dumpster serving the Condominium.

All incidental damage caused to a Unit or Limited Common Elements by work performed or ordered to be performed by the Association shall be promptly repaired by and at the expense of the Association with the cost to be a Common Expense. The Association shall restore the property as nearly as practical to its condition before the damage.

All costs and expenses incurred by the Association in repainting any Building(s) shall be assessed to the Owner of the Unit on which the Building is located. The Association shall have the right to require that the owner of a Unit pay to the Association, in advance, an amount equal to the Association's estimated costs to be incurred in performing repainting of a Building pursuant to Section 12.1.5., above.

12.2 Unit Owner Maintenance. Unless specifically assigned to the Association in Section 12.1, above, each Unit Owner is responsible, at his own expense, for all maintenance, repairs, and replacements of his or her Unit, together with all additions or improvements added thereto, and certain Limited Common Elements. The Owner's responsibilities include, without limitation:

12.2.1 Day to day and extraordinary maintenance, repair and/or replacement of any Building(s) that may be constructed from time to time within a Unit;

12.2.2 The electrical, mechanical and plumbing fixtures and outlets within the Unit boundaries and serving only such Unit (including connections) (but excluding parking area lighting, and exterior irrigation and landscaping);

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12.2.3 Other facilities or fixtures which are located or contained entirely within he Unit, or which serve only the Unit, or which collectively serve one or more of the Units but less than all of the Units;

12.2.4 Periodic pressure cleaning of the building(s) located within each Owners Unit.

12.2.5 Periodic painting of the building(s) located within each Owners Unit.

However, any insurance proceeds paid to the Association with respect to any loss or damage within the Unit which is covered by the Association's casualty insurance policy, and which loss would otherwise be borne by the Unit Owner, shall be paid to the Unit Owner.

12.3 Unit Owner Maintenance Expense Allocations. If a Limited Common Element is an appurtenance to more than one Unit, then the costs to maintain, repair and replace such Limited Common Element shall be ratably shared by the Unit Owners to which such Limited Common Element is appurtenant. Each Unit Owner shall share pro rata in the costs based upon a formula determined as a fraction, the numerator of which is the number of square feet of floor space in the Unit (as set forth in Exhibit "B", attached hereto), and the denominator of which is the total number of square feet of floor space for all the Units to which the Limited Common Element is an appurtenance (also as set forth in Exhibit "B", attached hereto).

12.4 Other Unit Owner Responsibilities. Each Unit Owner shall also have the following responsibilities:

12.4.1 Modifications and Alterations. If an Owner makes any modifications, installations or additions to his or her Unit or the Common Elements, then such Owner and his or her successors in title shall be financially responsible for the insurance, maintenance, repair and replacement of the modifications, installations or additions.

12.4.2Use of Licensed and Insured Contractors. If an Owner contracts for or otherwise causes the maintenance, repair, replacement, alteration, addition or improvement of any portion of Unit or Common Elements, whether with or without Association approval, then such Owner shall be deemed to have warranted to the Declarant, the Association and its members that his or her contractor(s) are properly licensed and fully insured. In addition, such Owner ("Indemnitor") shall indemnify and hold harmless the Declarant, the Association, and all other Unit Owners (collectively the "Indemnitee") from and against any loss, costs, expense or other liability incurred by the Indemnitee caused (in whole or in party) by an intentional or negligent act or ommission of the Owner or any other person and related to the performance of any repairs, maintenance, alterations and/or additions in the Indemnitor's Unit.

12.5 Alteration of Units or Common Elements by Unit Owners. Except as provided in this Section 12.5, an Owner shall not make any alterations or additions to his Unit which would add to or remove any portion of the Common Elements, nor do anything which would adversely affect the safety or soundness of any portion of the Condominium Property. Subject to the foregoing, a Unit Owner shall have the right to make alterations within a Unit

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without the prior approval of the Board so long as the changes are in compliance with all applicable building codes and also subject to such Owners indemnity obligations set forth in Section 12.4.2, above.

In creating this Land Condominium the Declarant specifically intends to provide the Owner of each Unit with maximum flexibility with respect to any future improvements or redevelopment that may occur from time to time on such Unit (subject, of course, to the terms of this Declaration, the Master Declaration, and applicable zoning and building codes and regulations.

12.6 Alterations and Additions to Common Elements and Association Property. The protection, maintenance, repair, insurance and replacement of the Common Elements and Association Property is the responsibility of the Association and the cost shall be a Common Expense. Beyond this function, the Association shall not, without the unanimous prior approval of the Voting Interest, make any material alteration of, or substantial additions to, the Common Elements or the real property owned by the Association if, for any calendar year, the aggregate cost of such alterations and/or additions will exceed $10,000.00. Alterations or additions costing less than this amount may be made with Board approval.

12.7 Enforcement of Maintenance. If, after reasonable written notice an Owner fails to maintain her Unit or its appurtenant Limited Common Elements as required above, the Association may institute legal proceedings to enforce compliance, or may take any and all other lawful actions to remedy such violation. The Association shall have the irrevocable right of access to each Unit during reasonable hours, with or without notice to or consent of the Unit Owner or tenant, when necessary for the maintenance, repair, or replacement of any Common Elements or of any portion of any Unit to be maintained by the Association pursuant to the Declaration or as necessary to prevent damage to the Common Elements or to a Unit or Units. Any expenses incurred by the Association pursuant to this Section 12.7 shall be charged to the Unit Owner, together with reasonable attorney's fees and other expenses of collection, if any.

12.8 Negligence; Damage Caused by Condition in Unit. The Owner of each Unit shall be liable for the expenses of any maintenance, repair or replacement of Common Elements, other Units, or personal property made necessary by his or her act or negligence, or by that of any member of his or her guests, employees, agents, or tenants. Each Unit Owner has a duty to maintain his or her Unit, any Limited Common Element appurtenant to the Unit (except those Limited Common Elements required to be maintained by the Association), and improvements, fixtures, and personal property therein, in such a manner as to prevent foreseeable and reasonably preventable damage to other Units, the Common Elements or the property of other Owners and/or occupants. If any condition, defect or malfunction resulting from the Owner's failure to perform this duty causes damage to other Units, the Common Elements, Association Property or property within other Units, Buildings, the Owner of the offending Unit shall be liable to the person or entity responsible for repairing the damaged property for all costs of repair or replacement not covered by insurance. If one or more of the Units involved is not occupied at the time the damage is discovered, the Association may enter the Unit without prior notice to the Owner and take reasonable action to mitigate damage or prevent its spread. The Association may, but is not obligated to, repair the damage without the prior consent of the Owner.

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13. USE RESTRICTIONS. The use of the Condominium Property shall be in accordance with the following provisions:

13.1 Units. Each Unit shall be used and occupied as permitted by the applicable zoning laws and regulations and as permitted by the Master Declaration and any other private restrictive covenants.

13.2 Common Elements. The Common Elements shall be used only for the purposes for which they are intended in the furnishing of services and facilities for the enjoyment of the Units.

13.3 Signs, Advertising. The use and display of all signage shall be subject to applicable county laws and regulations.

13.4 Lawful Use. No unlawful use shall be made of the Condominium Property nor any part of the it; and all valid laws, covenants and restrictions, zoning ordinances and regulations of all governmental bodies having jurisdiction shall be observed. The responsibility of meeting the requirements of governmental bodies for maintenance, modification or repair of the Condominium Property shall be the same as the responsibility for the maintenance and repair of the property concerned.

13.5 Nuisances. No Owner shall use his or her Unit, or permit it to be used, in any manner which constitutes or causes an unreasonable amount of annoyance or nuisance to the occupant of another Unit, or which would in consistent with the maintenance of the highest standards for a first class commercial condominium.

13.6 Parking. All parking spaces (including handicapped parking) required by applicable municipal and county regulations and pertaining to the use or uses of a Unit shall be located entirely within such Unit, unless the Owner thereof is able to obtain an off-site parking lease or easement.

13.7 Outside Areas. All outside areas, including parking areas and the Common Elements (if any) shall be kept clean and free from dirt, cigarette butts and rubbish, and no Unit Owner or other occupant shall permit any obstruction or the storage of any merchandise, packing containers, pallets, vehicles or other materials to be placed or kept in such areas. Such items shall be taken directly to a public dumping facility for disposal or shall be promptly towed to a storage lot at the Owner's expense.

13.8 Restriction of Antennas or other Fixtures. Notwithstanding any provision herein to the contrary, and in addition to the general restrictions governing improvements of Units and/or Common Elements set forth elsewhere in the Declaration, no Owner shall install or cause to be installed an antenna or any other fixture on the roof of the building or external wall of any Unit, without first obtaining written approval of the Association. .

14. SALE, LEASE OR SUBLEASE OF UNITS. There shall be no restriction on the sale, lease or transfer of a Unit.

15. INSURANCE. Insurance shall be carried and kept in force at all times in accordance with the following provisions:

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15.1 Unit Owner. Each Unit Owner is responsible for insuring his or her own Unit, and the Building(s), fixtures and personal property therein.

15.2 Required Unit Owner Coverage. Each Unit Owner shall establish and maintain the following insurance coverage's and shall have the Association named as an additional insured under each policy:

15.2.1 Property. Loss or damage by fire, extended coverage (including windstorm), vandalism and malicious mischief, and other hazards covered by what is commonly known as an "All Risk" property contract, in commercially reasonable amounts.

15.2.2Liability. General premises and liability for bodily injury and property damage, with coverage of at least $2,000,000.00 per occurrence. The Association shall be named as an additional insured on such policy.

Notwithstanding any provision herein to the contrary, the Association shall not have any obligation to monitor or otherwise verify that any Owner has procured and/or is maintaining the insurance policies required by this Section 15.2.

15.3 Association Insurance; Duty and Authority to Obtain. The Association is responsible for insuring the Common Elements. The Board of Directors shall obtain and keep in force the insurance coverage which it is required to carry by law and under the Condominium Documents, and may obtain and keep in force any or all additional insurance coverage as it deems necessary. The named insured shall be the Association. To the extent permitted by law, the Association may self insure.

15.4 Required Association Coverage. The Association shall maintain adequate insurance covering the Common Elements as well as all Association Property, in amounts determined annually by the Board of Directors, such insurance to afford the following protection:

15.4.1 Property. Loss or damage by fire, extended coverage (including windstorm), vandalism and malicious mischief, and other hazards covered by what is commonly known as an "All Risk" property contract.

15.4.2 Liability. Premises and operations liability for bodily injury and property damage in such limits of protection and with such coverage as are determined by the Board of Directors.

15.5 Optional Association Coverage. The Association may purchase and carry other such insurance coverage as the Board of Directors may determine from time to time to be in the best interest of the Association and Owners. Director's liability insurance may be obtained as an Association expense.

15.6 Description of Coverage. A summary of the coverage included in the master policies, and copies of a master policies, shall be available for inspection by Unit Owners or their authorized representatives upon request.

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15.7 Premiums. Premiums for all insurance obtained and purchased by the Association shall be paid by the Association. The cost of insurance premiums, and other incidental expenses incurred by the Association in administering and carrying out the provisions of this Section, shall be assessed against and collected from the Unit Owners as a Common Expense.

15.8 Insurance Proceeds. All insurance policies purchased by the Association shall be for the benefit of the Association, the Unit Owners and their mortgagees as their interests may appear, and all proceeds shall be payable to the Association. The duty of the Association shall be to receive such proceeds as are paid, and to hold the same in trust, and disburse them for the purposes stated herein and for the benefit of the Owners and their respective mortgagees in the following shares:

15.8.1 Common Elements. Proceeds on account of damage to Common Elements shall be held in as many undivided shares as there are Units, the shares of each Owner being the same as his share in the Common Elements.

15.8.2 Units. Proceeds on account of damage to one or more Units shall be held in undivided shares based on the prorated amount of damage within each damaged Unit as a percentage of the total damage within all Units.

15.8.3 Mortgagee. If a mortgagee endorsement has been issued as to a Unit, the shares of the mortgagee and the Unit Owner shall be as their interests appear. In no event shall any mortgagee have the right to demand application of insurance proceeds to any mortgage or mortgages which it may hold against Unit or Units, except to the extent that insurance proceeds exceed the actual cost of repair or restoration of the damaged building or buildings. Except as otherwise expressly provided, no mortgagee shall have any right to participate in determining whether improvements will be restored after casualty.

15.9 Distribution of Proceeds. Proceeds of insurance policies received by the Association shall be distributed to or for the benefit of the Owners in the following manner:

15.9.1 Cost of Reconstruction or Repair. If the damage for which the proceeds are paid is to be reconstructed or repaired by the Association, the remaining proceeds shall be paid to defray the costs thereof. Any proceeds remaining after defraying costs shall be distributed to the beneficial Owners, remittances to Owners and their mortgagees being paid jointly to them.

15.9.2 Failure to Reconstruct or Repair. If it is determined in the manner elsewhere provided herein that the damages for which the proceeds are paid shall not be reconstructed or repaired, the remaining proceeds shall be distributed to the beneficial Owners, remittances to Owners and their mortgagees being payable jointly to them.

15.10 Association as Agent. The Association is hereby irrevocably appointed as agent for each Owner to adjust all claims arising under insurance policies purchased by the Association for damage or loss to the Condominium Property.

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16. RECONSTRUCTION OR REPAIR AFTER CASUALTY. If any part of the Condominium Property is damaged by casualty, whether and how it shall be reconstructed or repaired shall be determined as follows:

16.1 Damage to Units. Where loss or damage occurs within one or more Units, any Association insurance proceeds on account of the loss or damage, less the deductible, shall be distributed to the Owner(s) of the damaged Unit(s) in shares as provided in Section 15 above. The Owner(s) of the damaged Unit(s) shall be responsible for reconstruction and/or repairs, except that upon the failure or refusal of the Owner(s) to timely effect the repairs or reconstruction, the Association may thereafter complete the same as provided herein.

16.2 Damage to the Common Elements. Where loss or damage occurs to the Common Elements, the Association shall be obligated to repair, restore and rebuild the damage caused by the loss, and the following procedures shall apply:

16.2.1 The Board of Directors shall promptly obtain reliable and detailed estimates of the cost of repair and restoration, and shall negotiate and contract for repair and reconstruction.

16.2.2 If the proceeds of insurance and available reserves are insufficient to pay for the cost of repair and reconstruction of the Common Elements, the Association shall promptly, upon determination of the deficiency, levy a special Assessment against all Owners in proportion to their shares in the Common Elements for the deficiency. In the case of apportioning the cost of repairing damage attributable to a particular building, such special Assessments shall be levied only against the Units within such building, in the proportion that each Unit's square footage bears to the total square feet of all Units within such building. Such special Assessments need not be approved by the Owners. The special Assessments shall be added to the funds available for repair and restoration of the Condominium Property.

16.3 Application of Insurance Proceeds. It shall be presumed that the first monies disbursed for repair and restoration are from the insurance proceeds. If there is a balance in the funds held by the Association after the payment of all costs of repair and restoration, such balance shall be distributed to the Unit Owners, except as otherwise provided in Section 15 above.

16.4 Equitable Relief. In the event of damage to the Common Elements which render any Unit uninhabitable, and the damage is not repaired, reconstructed, or rebuilt within a reasonable period of time, the Owner of the uninhabitable Unit may petition a court or equitable relief, which may include a termination of the Condominium and a partition sale. For the purposes of this provision, it shall be presumed that repair, reconstruction or rebuilding has occurred within a reasonable period of time if work is commenced within six (6) months following the damage or destruction and is completed within twelve (12) months thereafter.

17. CONDEMNATION.

17.1 Deposit of Awards with Association. The taking of all or any part of the Condominium Property by condemnation or eminent domain shall be deemed to be a

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casualty to the portion taken and the awards for that taking shall be deemed to be proceeds from insurance on account of the casualty.

17.2 Determination Whether to Continue Condominium. The Condominium will than be continued unless all Unit Owners vote to terminate the Condominium.

17.3 Disbursement of Funds. If the Condominium is terminated after condemnation, the proceeds of all awards and special Assessments will be deemed to be Condominium Property and shall be owned and distributed in the manner provided for insurance proceeds when the Condominium is terminated after a casualty. If the Condominium is not terminated after condemnation, but the size of the Condominium will be reduced, the Owners of condemned Units, if any, will be made whole. Proceeds of awards and special Assessments shall be used for these purposes and shall be disbursed in the manner provided for disbursements of funds after a casualty.

17.4 Association as Agent. The Association is hereby irrevocably appointed as each Owner's attorney-in-fact for purposes of negotiating or litigating with the condemning authority for the purpose of realizing just compensation.

17.5 Adjustment of Shares in Common Elements. The shares in the Common Elements shall be adjusted to reflect the change in the total square footage of all Units in the condominium.

17.6 Taking of Common Elements. Awards for the taking of Common Elements shall be used to make the remaining portion of the Common Elements usable in a manner approved by the Board of Directors. The balance of such awards, if any, shall be distributed to the Unit Owners in the shares in which they own the Common Elements. If a Unit is mortgaged, the remittance shall be paid jointly to the Owner and mortgagee(s) of the Unit.

17.7 Amendment of Declaration. Any amendments to this Declaration necessitated by condemnation need be approved only by the Owners of a majority of the Units. The consent of lien holders is not required for any such amendment.

18. TERMINATION. The Condominium may be terminated in the following manner in addition to the manner provided by the Condominium Act:

18.1 Agreement. The Condominium may be terminated at any time by the vote of all Unit Owners, and by all mortgagees who have recorded their mortgages.

18.2 General Provisions. Upon termination, the former Owners shall become the owners, as tenants in common, of all Condominium and Association Property and the assets of the Association. The shares of such tenants in common shall be the same as were their shares of the Common Elements immediately prior to such termination. The mortgagee or lienor of a Unit Owner shall have a mortgage or lien solely and exclusively upon the undivided share of such tenant-in–common's interest in and to the lands and other assets of the Association which it may become entitled to receive by reason of such termination. The termination of the Condominium shall be evidenced by a certificate of the Association, executed with the formalities of a deed, and certifying as to the facts effecting the termination. Termination shall become effective when that certificate is recorded in the Public Records of Collier County, Florida.

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18.3 New Condominium. The termination of the Condominium does not bar creation of another Condominium affecting all or any portion of the same property.

18.4 Partition; Sale. Following termination, the former Condominium Property and Association Property may be partitioned and sold upon the application of any Unit Owner. If following a termination, one Unit Owner agrees to accept an offer for the sale of the property, all Owners shall be bound to execute deeds and other documents reasonably required to affect the sale. In that event, any action for partition of the Land and improvements thereon shall be held in abeyance pending the sale, and upon the consummation of the sale shall be discontinued by all parties thereto.

18.5 Last Board. The termination of the Condominium does not, by itself, terminate the Association. The members of the last Board of Directors and the officers of the Association shall continue to have the powers granted in this Declaration for the purpose of winding up the affairs of the Association.

18.6 Provisions Survive Termination. The provisions of this Section 18 are covenants running with the land, and shall survive the termination of the Condominium until all matters covered by those provisions have been completed.

19. ENFORCEMENT.

19.1 Duty to Comply; Right to Sue. Each Owner, his or her tenants, and the Association shall be governed by and shall comply with the provisions of the Condominium Act, the Condominium Documents and the rules and regulations of the Association. Actions for damages or for injunctive relief, or both, for failure to comply may be brought by the Association or by a Unit Owner against:

19.1.1 the Association;

19.1.2 an Owner

19.1.3 Anyone who occupies or is a tenant; or

19.1.4 Any member of the Board of Directors who willfully and knowingly fails to comply with these provisions.

19.2 Waiver of Rights. The failure of the Association or any member to enforce a right, provision, covenant or condition which may be granted by the Condominium Documents shall not constitute a waiver of the right of the Association or member to enforce such right, provision, covenant or condition in the future. A provision of the Condominium Act may not be waived by a Unit Owner if the waiver would adversely affect the rights of the Owner or defeat the purpose of the provision, except that Unit Owners or Directors may waive notice of specific meetings as provided in the Bylaws. Any written instrument or instruction given by a purchaser or Unit Owner to an escrow agent may be relied upon by the escrow agent, whether or not such instruction and the payment of funds thereunder might otherwise constitute a waiver of any provision of the Condominium Act or the Condominium Documents.

UNOFFICIAL DOCUMENT

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19.3 Attorneys' Fees. In any legal proceeding arising out of an alleged failure of a Unit Owner, tenant, guest or the Association to comply with the requirements of the Condominium Act, the Condominium Documents, or the Association's rules and regulations, as they may be amended from time to time, the prevailing party shall be entitled to recover the costs of the proceeding and such attorneys fees as may be awarded by the court.

19.4 Fines. The Association, through its Board of Directors, may levy reasonable fines against a Unit for the failure of the Owner or its occupant, licensee or invitee to comply with any provision of the Declaration, Articles, Bylaws or the Rules and Regulations of the Association. No fine will become a lien against a Unit. Fines shall be in an amount deemed necessary by the Board to deter future violations, but in no event shall any fine exceed the maximum amounts allowed by law. A fine may be levied on the basis of each day of a continuing violation, with a single notice and opportunity for hearing, provided that no such fine shall in the aggregate exceed the maximum amount allowed by law. The procedure for imposing fines shall be as follows:

19.4.1 Notice. The party against whom the fine is sought to be levied shall be afforded an opportunity for hearing after reasonable notice of not less than 14 days, and the notice shall include:

19.4.1.1 a statement of the date, time and place of the hearing:

19.4.1.2 a specification of which provisions of the Declaration, Articles, Bylaws or Rules and Regulations which have allegedly been violated;

19.4.1.3 a short and plain statement of the facts alleged by the Association giving rise to such violations; and

19.4.1.4 the possible amounts of any proposed fine.

19.4.2 Hearing. At the hearing the party against whom the fine may be levied shall have a reasonable opportunity to respond, to present evidence, to provide written and oral argument on all issues involved, and to review, challenge, and respond to any evidence or testimony presented by the Association. The hearing shall be conducted before a committee of three (3) Owners appointed by the Board, none of whom may then be serving as Directors. If the committee by majority vote, which may be taken by secret ballot, does not agree with the fine, it may not be levied.

19.5 No Election of Remedies. All rights, remedies and privileges granted to the Association or Unit Owners under the law and the Condominium Documents shall be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies, nor shall it preclude the party from exercising any other rights, remedies, or privileges that may be available.

20. RIGHTS OF MORTGAGEES.

20.1 Approvals. Written consent of the Institutional Mortgagee of a Unit shall be required for any amendment to the Declaration which would decrease the Unit's share of Ownership of the Common Elements, except as otherwise provided in Section 17.

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20.2 Notice of Casualty or Condemnation. In the event of condemnation, eminent domain proceedings, or substantial damage to, or destruction of, any Unit or any part of the Common Elements, the record holder of any first mortgage on an affected Unit shall be entitled to notice.

20.3 First Mortgage Foreclosure. Unless otherwise provided by law, if the mortgagee of a first mortgage of record acquires title to a Condominium Parcel as a result of foreclosure of the mortgage, or as the result of a deed given in lieu of foreclosure, the mortgagee shall not be liable for such share of the Common Expenses or Assessments attributable to the Condominium Parcel, or chargeable to the former Owner of the parcel, which came due prior to the mortgagee's acquisition of title. If the law requires the mortgagee to be liable, the mortgagee's liability shall be limited to the amount required by law. Any other person acquiring title shall pay the amount owed to the Association to record a Claim of Lien against the Unit and proceed in the same manner as provided for the collection of unpaid Assessments. Any unpaid share of Common Expenses for which such acquirer is exempt from liability becomes a Common Expense collectible from all Unit Owners, including such acquirer and his successors and assigns. No Owner or acquirer of title to a Unit by foreclosure, or by a deed in lieu of foreclosure, may be excused from the payment of any Assessments coming due during the period of such Ownership.

20.4 Redemption. If proceedings are instituted to foreclose any mortgage or lien on any Unit, the Association, on behalf of one or more Owners and with the permission of the mortgagee, may redeem the mortgage or lien for the amount due thereon and be thereby subrogated to all of the mortgagee's or lienor's rights of action, or the Association may purchase the Unit at the foreclosure sale. Any mortgagee shall have an unrestricted, absolute right to accept title to the Unit in settlement and satisfaction of the mortgage or to foreclose its mortgage in accordance with its terms, and to bid upon the Unit at the foreclosure sale.

20.5 Right to Inspect Books. The Association shall make available to institutional mortgagees requesting same, current copies of the Condominium Documents and the books, records and financial statements of the Association. "Available" shall mean ready for inspection, upon written request, during normal business hours, or under other reasonable circumstances. Photocopies shall be provided at the expense of the person requesting them.

20.6 Financial Statement. Any institutional mortgagee is entitled, upon written request, to a copy of the financial statement of the Association for the immediately preceding fiscal year.

20.7 Lender's Notices. Upon written request to the Association, any institutional mortgagee shall be entitled to timely written notice of:

20.7.1 Any sixty (60) day or longer delinquency in the payment of Assessments or charges owed by the Owner of any Unit on which it holds a mortgage.

20.7.2 Any lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association.

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20.7.3 Any proposed action that requires the consent of a specified percentage of mortgage holders.

21. DECLARANT'S RIGHTS AND DUTIES. Notwithstanding any other provision of this Declaration, so long as the Declarant or any successor in interest to the Declarant holds any Units in the Condominium for sale in the ordinary course of business, the following provisions shall apply:

21.1 Declarant's Use. Until the Declarant has sold all of Units, neither the Unit Owners nor the Association, nor either party's use of the Condominium Property shall interfere with the sale of Units. The Declarant may make any use of the unsold Units and the Common Elements and Association Property as may reasonably be expected to facilitate completion of contemplated improvements and the sale of Units, including, but not limited to, maintaining a sales office and/or model Units, displaying signs, leasing Units, and showing Units to prospective purchasers.

21.2 Assignment. All or any of the rights, privileges, powers and immunities granted or reserved to the Declarant in the Condominium Documents may be assigned by the Declarant to any person or entity without the consent of any other Owner or any holder of a mortgage secured by any Unit. In the event of the foreclosure of any mortgage owed by the Declarant, or deed in lieu of such foreclosure, the person first acquiring title to such interest by reason of such foreclosure, or deed in lieu of foreclosure, shall succeed to all rights, powers, privileges and immunities of the Declarant.

21.3 Amendment of Plans, Alterations of Boundaries and/or Unit Dimensions by Declarant. Declarant reserves the right to change the design and arrangement of any Unit without the approval of the Owners or the Board of Directors. Additionally, Common Elements and/or the Limited Common Elements serving a Unit may vary or changes may be made by Declarant to fulfill requirements of governmental entities. The appurtenances to the Unit may be altered, provided that the Condominium Documents are amended as needed to reflect the changes. In addition, the Declarant may reconfigure the landscaped areas, parking lot area, sidewalk area, parking spaces, and/or Common Elements within in the Condominium. However, any amendment which substantially alters the size of a Unit shall require the Declarant to comply with Section 21.4.

21.4 Amendments by Declarant. The Declarant shall have the right up to the time of turnover of control of the Association, to amend this Declaration and its exhibits in any manner and for any purpose the Declarant deems desirable, except that an amendment which substantially increases or decreases the collective total square footage of Units in the Condominium shall require the approval of one hundred (100%) percent of the Voting Interests of the Association. An amendment which substantially alters the size or the perimeter configuration of a Unit without substantially increasing or decreasing the total square footage of all Units comprising the Condominium shall require the approval of fifty one hundred (100%) percent of the Voting Interests of the Units to be modified. Amendments which do not change the size or configuration of a Unit may be made and executed solely by the Declarant and recorded in the public records of Collier County, Florida, without any requirement of securing the consent of any Unit Owner or the Owner or holder of any lien encumbering a Condominium Parcel. After turnover of control, amendments to this Declaration shall be made pursuant to the procedures contained in Section 22, below.

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21.5 Turnover. The Declarant may turn over control of the Association to Owners other than the Declarant prior to the statutory dates, by causing all of its appointed Directors to resign, whereupon it shall be the affirmative obligation of Owners other than the Declarant to elect Directors and assume control of the Association. Provided at least thirty (30) days' notice of the Declarant's decision to cause its appointees to resign is given to Unit Owners, neither the Declarant, nor such appointees shall be liable in any manner in connection with such resignations, even if Owners other than the Declarant refuse or fail to assume control. If the Declarant holds Units for sale in the ordinary course of business, none of the following actions may be taken without approval in writing by the Declarant: (a) Assessment of the Declarant as a Unit Owner for capital improvements; or, (b) any action by the Association that would be detrimental to the sales or leasing of Units by the Declarant. However, an increase in Assessments for Common Expenses without discrimination against the Declarant shall not be deemed to be detrimental to the sales or leasing of Units.

22. AMENDMENT OF DECLARATION. Except for amendments made by Declarant pursuant to Section 21, above, all amendments to this Declaration shall be proposed and adopted in the following manner:

22.1 Proposal. Amendments to this Declaration may be proposed by the Board of Directors, by written petition to the Board signed by the Owners of at least twenty five percent (25%) of the total Voting Interests.

22.2 Procedure. Upon any amendment or amendments to this Declaration being proposed as provided above, the proposed amendment or amendments shall be submitted to a vote of the members not later than the next annual meeting for which proper notice can still be given. Amendments to subdivide a Unit or alter the size or configuration of a Unit and which require only a vote of the Owners in the Unit(s) to be modified shall be submitted to a vote by the special procedures set forth below and in the Bylaws.

22.3 Vote Required. Except as otherwise provided by law, or by specific provision of the Condominium Documents, this Declaration may be amended if the proposed amendment is approved by at least one hundred percent (100%) of the Voting Interests who are present and voting, in person or by proxy, at any annual or special meeting called for the purpose. Alternatively, amendments may be adopted without a meeting following the procedure set forth in Section K of Article IV of the Bylaws.

22.4 Certificate; Recording. A copy of each adopted amendment shall be attached to a certificate that the amendment was duly adopted as an amendment to the Declaration, which certificate shall be in the form required by law and shall be executed by the President or Vice President of the Association with the formalities of a deed. The amendment shall be effective when the certificate and copy of the amendment are recorded in the Public Records of Collier County, Florida.

22.5 Enlargement of Common Elements. The Common Elements designated by this Declaration may be enlarged to add real property acquired by the Association through amendment of this Declaration. The amendment must be approved one hundred percent (100%) of the total Voting Interests of the Association. The amendment divests the Association of title and vests title in the Owners without naming them and without further conveyance, in the same proportion as the undivided shares in the Common Elements that are appurtenant to the Units.

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22.6 Correction of Errors. If there is an omission or error in this Declaration of Condominium or in other documents required by Florida law to establish the Condominium, the Association may correct the error or omission by following the procedures set forth in the Condominium Act.

22.7 Amendment of Provision Relating to Declarant. As long as the Declarant holds any Unit in the Condominium for sale or lease in the ordinary course of business, no amendment shall be effective which changes any provision relating specifically to or adversely affecting the Declarant's rights hereunder, without the Declarant's prior written consent.

23. MISCELLANEOUS.

23.1 Severability. The invalidity or unenforceability in whole or in part of any covenant or restriction or any section, subsection, sentence, clause, phrase or word or other provision of this Declaration, or any recorded exhibit to this Declaration, shall not effect the remaining portions.

23.2 Applicable Statutes. The validity, application and construction of this Declaration and its recorded exhibits shall be governed by the Laws of Florida, particularly the Florida Condominium Act, as it exists on the date hereof.

23.3 Conflicts. If there is a conflict between any provision of this Declaration and the Condominium Act, the Condominium Act shall control. If there is a conflict between this Declaration and the Association's Articles of Incorporation or Bylaws, the Declaration shall control.

23.4 Interpretation. The Board of Directors is responsible for interpreting the provisions of this Declaration and its exhibits. Such interpretation shall be binding upon all parties unless wholly unreasonable. A written opinion rendered by legal counsel that an interpretation adopted by the Board is not unreasonable shall conclusively establish the validity of such interpretation.

23.5 Exhibits. There is hereby incorporated within this Declaration any materials contained in the exhibits hereto which, under the Condominium Act, are required to be part of the Declaration.

23.6 Singular, Plural and Gender. Whenever the context so requires, the use of the plural shall include the singular and the plural, and the use of any gender shall be deemed to include all genders.

23.7 Headings. The headings used in the Condominium documents are for reference purposes only, and do not constitute substantive matter to be considered in construing the terms and provisions of these documents.

IN WITNESS WHEREOF, the Declarant has executed this Declaration the day and year first above written.

NOT OFFICIAL UNTIL RECORDED

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

BARRON COLLIER CO
FILE NUMBER
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Creekside West, Inc.,
a Florida corporation

Witness # 1
Print Name: THOMAS L. TREADWELL JR.

By: _____
David K. Borden, Vice President

Witness # 2
Print Name: THOMAS N. SAMSBURY

STATE OF FLORIDA
COUNTY OF COLLIER

Sworn to and acknowledged before me this 18th day of August, 2006, David K. Borden, as Vice President of Creekside West, Inc., a Florida corporation, on behalf of the corporation. He is personally known to me or who produced _____ as identification.

_____
Notary Public

Lynn Davidson
Print Name

(SEAL)

NOTARY PUBLIC-STATE OF FLORIDA
Lynn Davidson
Commission # DD574589
Expires: AUG. 27, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

NOT CERTIFIED COPY

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

BARRON COLLIER CO.
FILE NUMBER
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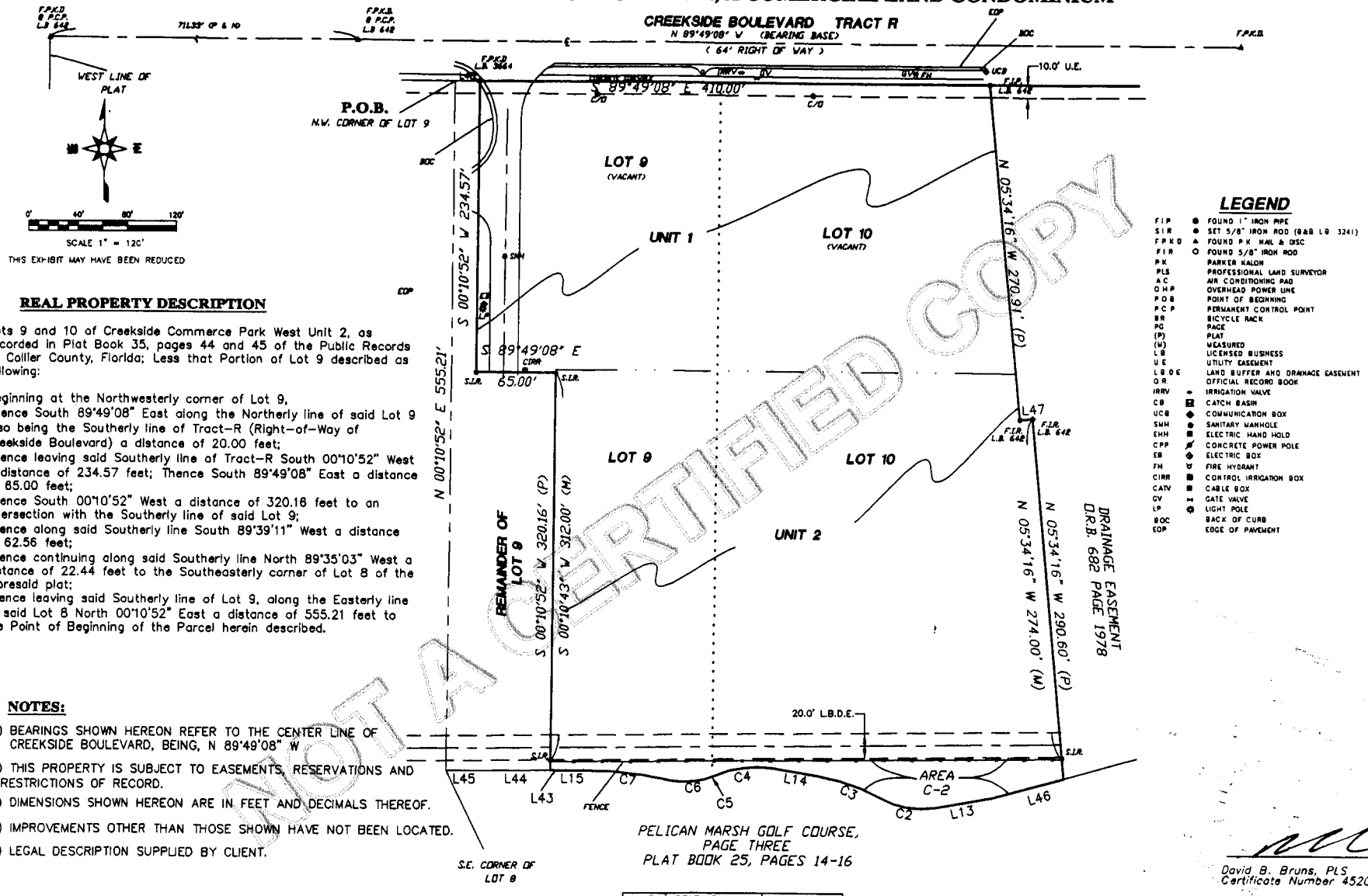
Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Exhibit "A"

BOUNDARY SURVEY
CREEKSIDE FLEX I LAND CONDOMINIUM, A COMERCIAL LAND CONDOMINIUM



LEGEND

F I P	●	FOUND 1" IRON PIPE
S I R	●	SET 5/8" IRON ROD (B&B LB 3241)
F P K D	▲	FOUND P.K. NAIL & DISC
F I R	○	FOUND 5/8" IRON ROD
P K		PARKER KALON
P L S		PROFESSIONAL LAND SURVEYOR
A C		AIR CONDITIONING PAD
O H P		OVERHEAD POWER LINE
P O B		POINT OF BEGINNING
P C P		PERMANENT CONTROL POINT
B R		BICYCLE RACK
P G		PAGE
(P)		PLAT
(M)		MEASURED
L B		LICENSED BUSINESS
U E		UTILITY EASEMENT
L B D E		LAND BUFFER AND DRAINAGE EASEMENT
O.R.		OFFICIAL RECORD BOOK
I R R V	⊕	IRRIGATION VALVE
C B	■	CATCH BASIN
U C B	◆	COMMUNICATION BOX
S M H	●	SANITARY MANHOLE
E H H	■	ELECTRIC HAND HOLD
C P P	⚡	CONCRETE POWER POLE
E B	◆	ELECTRIC BOX
F H	♉	FIRE HYDRANT
C I R R	■	CONTROL IRRIGATION BOX
C A T V	■	CABLE BOX
G V	⋈	GATE VALVE
L P	✿	LIGHT POLE
B O C		BACK OF CURB
E O P		EDGE OF PAVEMENT

REAL PROPERTY DESCRIPTION

Lots 9 and 10 of Creekside Commerce Park West Unit 2, as recorded in Plat Book 35, pages 44 and 45 of the Public Records of Collier County, Florida; Less that Portion of Lot 9 described as following:

Beginning at the Northwesterly corner of Lot 9,
Thence South 89°49'08" East along the Northerly line of said Lot 9 also being the Southerly line of Tract-R (Right-of-Way of Creekside Boulevard) a distance of 20.00 feet;
Thence leaving said Southerly line of Tract-R South 00°10'52" West a distance of 234.57 feet; Thence South 89°49'08" East a distance of 65.00 feet;
Thence South 00°10'52" West a distance of 320.16 feet to an intersection with the Southerly line of said Lot 9;
Thence along said Southerly line South 89°39'11" West a distance of 62.56 feet;
Thence continuing along said Southerly line North 89°35'03" West a distance of 22.44 feet to the Southeasterly corner of Lot 8 of the aforesaid plat;
Thence leaving said Southerly line of Lot 9, along the Easterly line of said Lot 8 North 00°10'52" East a distance of 555.21 feet to the Point of Beginning of the Parcel herein described.

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE CENTER LINE OF CREEKSIDE BOULEVARD, BEING, N 89°49'08" W

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

4.) IMPROVEMENTS OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED.

5.) LEGAL DESCRIPTION SUPPLIED BY CLIENT.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C2	66.00'	45.51'	44.61'	N 80°25'01" W	39°30'17"
C3	150.00'	52.92'	52.65'	S 70°46'21" E	20°12'56"
C4	80.00'	46.18'	45.54'	N 82°35'04" E	33°04'22"
C5	60.00'	3.34'	3.34'	S 67°38'39" W	3°11'30"
C6	60.00'	34.82'	34.33'	S 81°51'51" W	33°14'54"
C7	305.00'	68.85'	68.70'	N 83°58'44" W	12°55'59"

LINE	BEARING	DISTANCE
L47	N 84°25'44" E	10.00'
L46	N 74°56'42" E	60.00'
L13	N 79°49'51" E	45.93'
L14	S 80°52'50" E	38.59'
L15	S 89°33'17" W	18.36'
L43	S 89°39'11" W	9.07'
L44	S 89°39'11" W	62.56'
L45	N 89°35'03" W	22.44'
L48	S 89°49'08" E	20.00'

NOT A CERTIFIED COPY

David B. Bruns, PLS
Certificate Number 4520

DATE: AUGUST 7, 2006
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

Bruns & Bruns, Inc.
Surveying & Land Planning
1072 6th Avenue North
Corporation No. LB 3241
Naples, Florida 34102 (239) 261 - 5965

creeky-10pointsdwg

Attachment: Attachment E Hex Backup revised (20971 : PL202100023390 Creekside Commerce Park PDI)

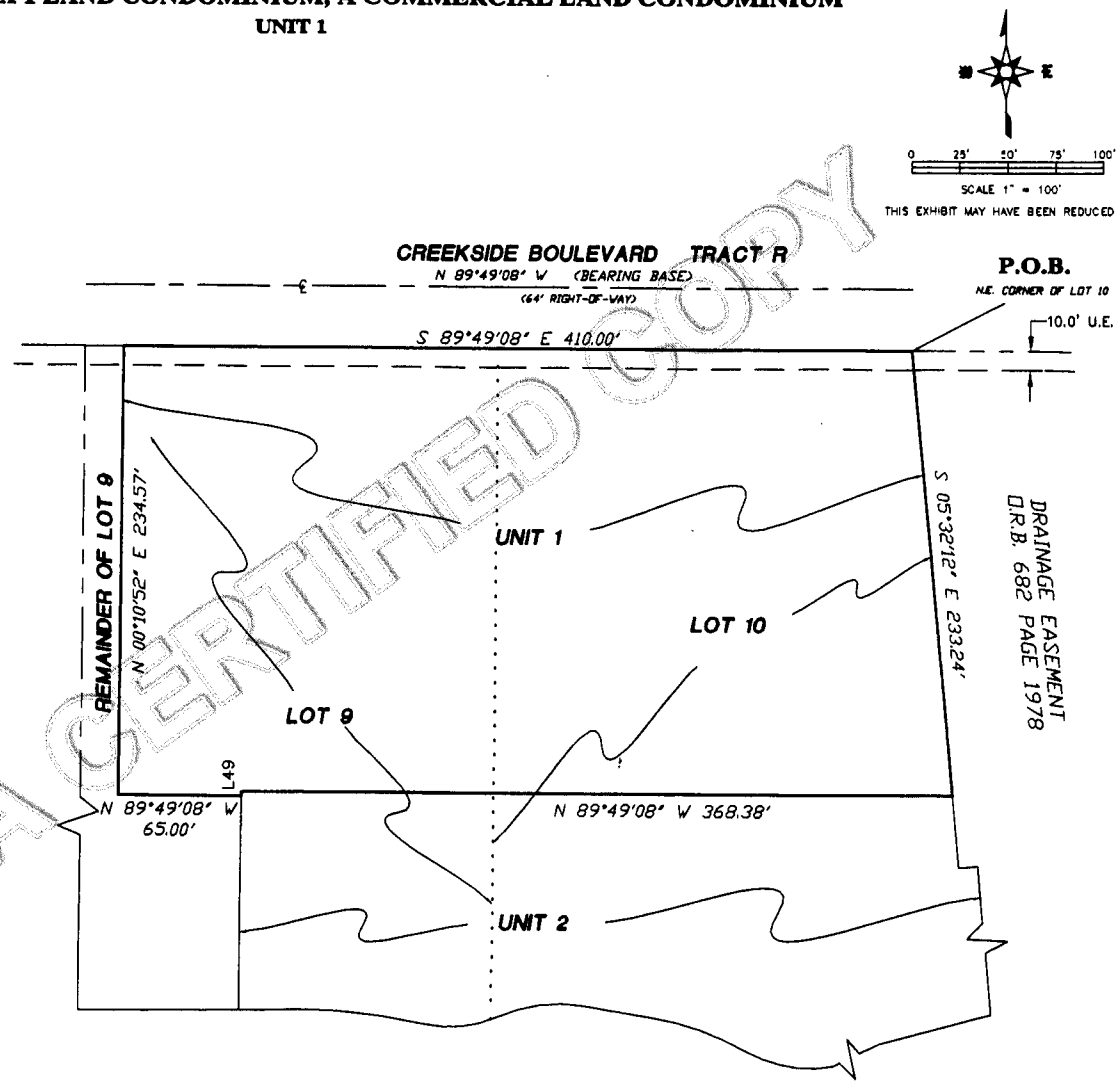
Exhibit "B"
(page 1 of 3)

SKETCH AND LEGAL DESCRIPTION
CREEKSIDE FLEX 1 LAND CONDOMINIUM, A COMMERCIAL LAND CONDOMINIUM
UNIT 1

LEGAL DESCRIPTION

Beginning at the Northeast corner of Lot 10; Creekside Commerce Park West Unit 2, as recorded in Plat Book 35, Pages 44 and 45 of the Public Record of Collier County, Florida;
Thence S 05°32'12" E a distance of 233.24' along the East line of said Lot 10;
Thence N 89°49'08" W a distance of 368.38';
Thence S 00°10'52" W a distance of 2.50';
Thence N 89°49'08" W a distance of 65.00';
Thence N 00°10'52" E a distance of 234.57' to the North line of said Lot 9 and the South right of way line of Creekside Boulevard;
Thence along South right of way line S 89°49'08" E a distance of 410.00' to the POINT of BEGINNING.

LINE	BEARING	DISTANCE
L49	S 00°10'52" W	2.50'



NOT A CERTIFIED COPY

LEGEND

PLS	PROFESSIONAL LAND SURVEYOR
LB	LICENSED BUSINESS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
F.P.L.	FLORIDA POWER & LIGHT COMPANY
EASEM.	EASEMENT
R-O-W	RIGHT-OF-WAY
O.R.B.	OFFICIAL RECORD BOOK
PG.	PAGE
U.E.	UTILITY EASEMENT
C.U.E.	COUNTY UTILITY EASEMENT
F.I.R.C	FOUND 5/8" IRON ROD WITH CAP
P.R.M.	PERMANENT 4"X4" REFERENCE MONUMENT
℄	CENTER LINE

NOTES:

1.) BEARING BASED ON CENTERLINE OF CREEKSIDE BOULEVARD BEING, N 89°49'08" W

CREEK9-10POINTSDWG

David B. Bruns, PLS
Certificate Number 4520

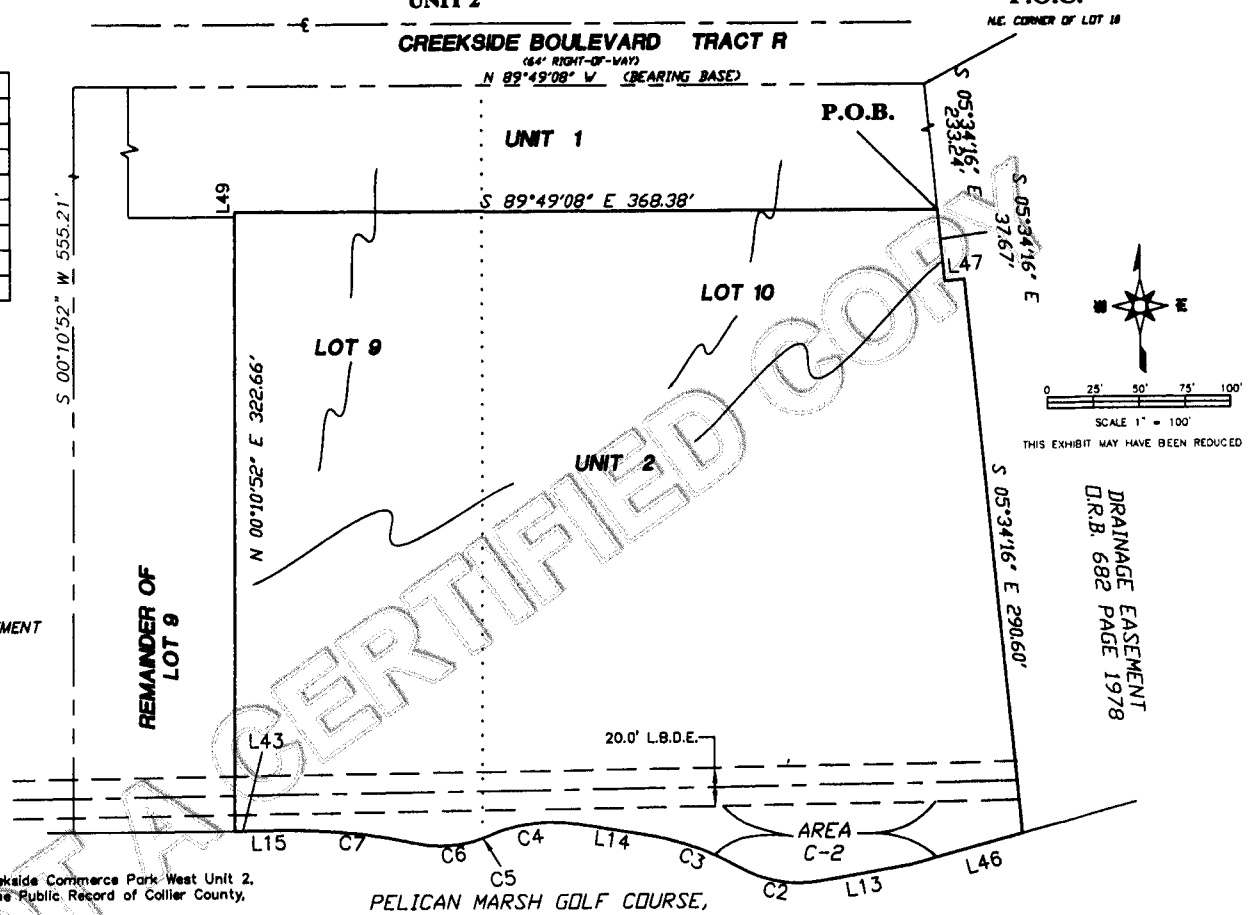
DATE: AUGUST 7, 2006
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

Bruns & Bruns, Inc.
Surveying & Land Planning
1072 6th. Avenue North
Corporation No. LB 3241
Naples, Florida 34102 (239) 261 - 5965

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Exhibit "B"
(page 2 of 3)

SKETCH AND LEGAL DESCRIPTION
CREEKSIDE FLEX I LAND CONDOMINIUM, A COMMERCIAL LAND CONDOMINIUM
UNIT 2



LINE	BEARING	DISTANCE
L47	N 84°25'44" E	10.00'
L46	S 74°56'42" W	60.00'
L13	S 79°49'51" W	45.93'
L14	N 80°52'50" W	36.59'
L15	S 89°33'17" W	18.36'
L43	S 89°39'11" W	9.07'
L48	S 89°49'08" E	20.00'
L49	S 00°10'52" W	2.50'

LEGEND

PLS	PROFESSIONAL LAND SURVEYOR
LB	LICENSED BUSINESS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
F.P.L.	FLORIDA POWER & LIGHT COMPANY
EASEM.	EASEMENT
R-O-W	RIGHT-OF-WAY
O.R.B.	OFFICIAL RECORD BOOK
PG.	PAGE
U.E.	UTILITY EASEMENT
C.U.E.	COUNTY UTILITY EASEMENT
F.I.R.C	FOUND 5/8" IRON ROD WITH CAP
P.R.M.	PERMANENT 4"X4" REFERENCE MONUMENT
L.B.D.E.	LANDSCAPE BUFFER & DRAINAGE EASEMENT
℄	CENTER LINE

LEGAL DESCRIPTION

Commencing at the Northeast corner of Lot 10; Creekside Commerce Park West Unit 2, as recorded in Plat Book 35, Pages 44 and 45 of the Public Record of Collier County, Florida;
Thence S 05°34'16" E a distance of 233.24' along the Easterly line of said lot 10 to the Point of Beginning;
Thence S 05°34'16" E a distance of 37.67'; Thence N 84°25'44" E a distance of 10.00';
Thence S 05°34'16" E a distance of 290.60' to the Southeast corner of said Lot 10;
Thence S 74°56'42" W a distance of 60.00'; Thence S 79°49'51" W a distance of 45.93';
Thence with a curve concave to the North with an arc length of 45.51', with a radius of 66.00', with a chord bearing of N 80°25'01" W, with a chord length of 44.61',; Thence with a curve concave to the South with an arc length of 52.92', with a radius of 150.00', with a chord bearing of N 70°46'21" W, with a chord length of 52.65'; Thence N 80°52'49" W a distance of 36.59';
Thence with a curve concave to the South with an arc length of 46.18', with a radius of 80.00', with a chord bearing of S 82°35'03" W, with a chord length of 45.54'; Thence with a curve concave to the North with an arc length of 3.34', with a radius of 60.00', with a chord bearing of S 67°38'39" W, with a chord length of 3.34' to the Southeast corner of Lot 9;
Thence along the Southerly line of said lot 9 a curve concave to the North with an arc length of 34.82', with a radius of 60.00', with a chord bearing of S 85°51'51" W, with a chord length of 34.33'; Thence with a curve concave to the South with an arc length of 68.85', with a radius of 305.00', with a chord bearing of N 83°58'44" W, with a chord length of 68.70';
Thence S 89°33'17" W a distance of 18.36'; Thence S 89°39'11"W a distance of 9.07' Thence N 00°10'52" E a distance of 322.66'; Thence N 00°10'52" E a distance of 2.50'; Thence S 89°49'08" E a distance of 368.38 to the Point of Beginning.

PELICAN MARSH GOLF COURSE,
PAGE THREE
PLAT BOOK 25, PAGES 14-16

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C2	66.00'	45.51'	44.61'	N 80°25'01" W	39°30'17"
C3	150.00'	52.92'	52.65'	N 70°46'21" W	20°12'56"
C4	80.00'	46.18'	45.54'	S 82°35'03" W	33°04'22"
C5	60.00'	3.34'	3.34'	S 67°38'39" W	3°11'30"
C6	60.00'	34.82'	34.33'	S 81°51'51" W	33°14'54"
C7	305.00'	68.85'	68.70'	N 83°58'44" W	12°55'59"

NOTES:

1.) BEARING BASED ON CENTERLINE OF CREEKSIDE BOULEVARD BEING, N 89°49'08" W

David B. Bruns, PLS
Certificate Number 4520

DATE: AUGUST 7, 2006
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

Bruns & Bruns, Inc.
Surveying & Land Planning
1072 6th Avenue North
Corporation No. LB 3241
Naples, Florida 34102 (239) 261 - 5965

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creek9-10pointsdwg

Bruns & Bruns, Inc.

1072 Sixth Avenue No.
Naples, Florida 34102
(941) 261-5965
Corporation No.
L.B. 3241

EXHIBIT B

CREEKSIDE FLEX I, A COMMERCIAL LAND CONDOMINIUM

Certificate of Surveyor

The undersigned, being a surveyor authorized to practice in the State of Florida, pursuant to Section 718.104(4) (e), Florida Statutes, hereby certifies that the attached Exhibit "B" to the Declaration of Condominium, together with the Provisions of the Declaration of Condominium describing the condominium property, is an accurate representation of the location and dimensions of the units. Each unit within the Condominium can be determined from these materials. Since the Condominium is a land condominium (and, by the terms of the Declaration to which this certificate is attached, specifically excludes all improvements), there are no improvements for which a certification of substantial completion is or will be required.

David A. Bruns

David A. Bruns, PLS
Florida Certificate No. 4520

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

DATE SIGNED: 8-18-06

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State of Florida

Department of State

I certify the attached is a true and correct copy of the Articles of Incorporation of CREEKSIDE FLEX I CONDOMINIUM ASSOCIATION, INC., a Florida corporation, filed on August 9, 2006, as shown by the records of this office.

I further certify the document was electronically received under FAX audit number H06000200093. This certificate is issued in accordance with section 15.16, Florida Statutes, and authenticated by the code noted below

The document number of this corporation is N06000008429.

Authentication Code: 306A00049731-081006-N06000008429-1/1

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Given under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the Tenth day of August, 2006

Sue M. Cobb

Sue M. Cobb
Secretary of State

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ARTICLES OF INCORPORATION
OF
CREEKSIDE FLEX I CONDOMINIUM ASSOCIATION, INC.

The undersigned incorporator, for the purpose of forming a corporation not-for-profit pursuant to Chapter 617, Florida Statutes, and the laws of the State of Florida, hereby adopts the following Articles of Incorporation.

PREAMBLE

Creekside West, Inc., a Florida corporation, ("Declarant") owns certain property in Collier County, Florida (the "Land") and intends to execute and record a Declaration of Condominium of Creekside Flex I, a Commercial Land Condominium (the "Declaration") which will encumber the Land. This Association is being formed as the Association to administer the Declaration and to perform the duties and exercise the powers pursuant to the Declaration, as and when the Declaration is recorded in the Public Records of Collier County, Florida, with these Articles of Incorporation attached as an exhibit. All of the definitions contained in the Declaration shall apply to these Articles of Incorporation, and to the Bylaws of the Association.

ARTICLE I - NAME AND ADDRESS

The name of the corporation is CREEKSIDE FLEX I CONDOMINIUM ASSOCIATION, INC., hereinafter referred to as the "Association". The initial address of the principal office of the Association and the initial mailing address of the Association is c/o Barron Collier Companies, 2600 Golden Gate Parkway, Naples, Florida 34105.

ARTICLE II- PURPOSE

The purposes for which the Association is organized are as follows:

1. To operate as a corporation not-for-profit pursuant to Chapter 617, Florida Statutes.

2. To enforce and exercise the duties of the Association as provided in the Declaration.

3. To promote the health, safety, welfare, comfort and economic benefit of the members of the Association.

ARTICLE III - POWERS AND DUTIES

The Association shall have the following powers and duties:

1. All of the common law and statutory powers of a corporation not-for-profit under the laws of the State of Florida.

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2. To administer, enforce, carry out and perform all of the acts, functions, rights and duties provided in or contemplated by the Declaration, including but not limited to, the following:

A. To own, purchase, sell, mortgage, encumber, lease, administer, manage, operate, maintain, improve, repair and/or replace real and personal property.

B. To make and collect Assessments against Owners to defray the costs, expenses and losses incurred or to be incurred by the Association and to use the proceeds thereof in the exercise of the Association's powers and duties.

C. To enforce the provisions of the Declaration, these Articles and the Bylaws.

D. To make, establish and enforce reasonable rules and regulations governing the use of Units, Common Elements and other property under the jurisdiction of the Association.

E. To grant and modify easements, and to dedicate property owned by the Association to any public or quasi-public agency, authority or utility company for public, utility, drainage and cable television purposes.

F. To borrow money for the purposes of carrying out the powers and duties of the Association.

G. To exercise control over alterations, additions, improvements, or changes in accordance with the terms of the Declaration.

H. To obtain insurance as provided by the Declaration.

I. To employ personnel necessary to perform the obligations, services and duties required of or to be performed by the Association and for proper operation of the properties for which the Association is responsible, or to contract with others for the performance of such obligations, services and/or duties.

J. To sue and be sued.

ARTICLES IV – MEMBERS

The members of the Association shall consist of all of the record Owners of Units. Membership shall be established as to each Unit upon the recording of the Declaration. Upon the transfer of ownership of fee title to, or fee interest in, a Unit, whether by conveyance, devise, judicial decree, foreclosure or otherwise, and upon the recordation amongst the public records of Collier County, Florida, the deed or other instrument establishing the acquisition and designating the Unit affected thereby, the new Owner designated in such deed or other instrument shall thereupon become a

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member of the Association, and the membership of the prior Owner as to the Unit designated shall be terminated, provided, however that the Association shall not have the responsibility or obligation of recognizing any such change in membership until it has been delivered a true copy of the applicable deed or other instrument, or is otherwise informed of the transfer of ownership of the Unit. Prior to the recording of the Declaration, the incorporator shall be the sole member of the Association.

The share of each member in the funds and assets of the Association, and the Common Surplus, and any membership in this Association, cannot be assigned, hypothecated or transferred in any manner except as an appurtenance to the Unit for which that membership is established.

On all matters upon which the membership shall be entitled to vote, each Members' Voting Interest shall be as set forth in the Declaration.

The Bylaws shall provide for an annual meeting of the members of the Association and shall make provision for special meetings.

ARTICLE V - TERM OF EXISTENCE

The Association shall have perpetual existence.

ARTICLE V INCORPORATOR

The name and street address of the incorporator is Matthew L. Grabinski, Esq., GOODLETTE, COLEMAN & JOHNSON, P.A., 4001 Tamiami Trail North, Suite #300, Naples, FL 34103.

ARTICLES VII- DIRECTORS

The property, business and affairs of the Association shall be managed by a Board, which shall consist of not less than three (3) directors, and which shall always be an odd number. The Bylaws may provide for a method of determining the number of directors from time to time. In the absence of a determination as to the number of directors, the Board shall consist of three (3) directors. Directors are not required to be members Association.

All of the duties and powers of the Association existing under the Declaration, these Articles and the Bylaws shall be exercised exclusively by the Board, its agents, contractors or employees, subject to approval by the members only when specifically required.

The Developer shall have the right to appoint all of the Directors subject to the following: (1) When Owners other than the Developer own fifteen percent (15%) or more of the Units, the Owners other than the Developer shall be entitled to elect no less than one-third of the members of the Board of Directors.

Owners other than the Developer are entitled to elect not less than a majority of the members of the Board of Directors upon the first to occur of the following:

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(a) Three (3) years after fifty percent (50%) of the Units that will be operated ultimately by the Association have been conveyed to purchasers;

(b) Three (3) months after Ninety percent (90%) of the Units that will be operated ultimately by the Association have been conveyed to purchasers;

(c) When all the units that will be operated ultimately by the Association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale or lease by the Developer in the ordinary course of business;

(d) When some of the Units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the Developer in the ordinary course of business; or

(e) Seven (7) years after recordation of the Declaration.

The Developer is entitled to elect at least one member of the Board of Directors as long as the Developer holds for sale or lease in the ordinary course of business at least five percent (5%), of the Units in the Condominium. Following the time that Owners other than the Developer are entitled to elect a majority of the Board of Directors, the Developer may exercise the right to vote any Developer-owned Units in the same manner as any other Unit Owner.

Directors shall be elected and removed in the manner provided in the Bylaws. Vacancies on the Board shall be filled in the manner provided by the Bylaws; however any director appointed by the Declarant may only be removed by the Declarant, and any vacancy on the Board shall be appointed by the Declarant if, at the time such vacancy is to be filled, the Declarant is entitled to appoint the directors.

The names and addresses of the initial directors, who shall hold office until their successors are appointed or elected, are as follows:

Paul J. Marinelli	2600 Golden Gate Parkway Naples, Florida 34105
David K. Borden	2600 Golden Gate Parkway Naples, Florida 34105
Brad Boaz	2600 Golden Gate Parkway Naples, Florida 34105

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ARTICLE VIII - OFFICERS

The officers of the Association shall be a president, one or more vice presidents, secretary, treasurer and such other officers as the Board may, from time to time by resolution create. The officers shall serve at the pleasure of the Board. The Bylaws may provide for the removal from office of officers, for filling vacancies and for the duties

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of the officers. The names of the officers who shall serve until their successors are designated by the Board are as follows:

David K. Borden	President
Paul J. Marinelli	Vice President
Brad Boaz	Secretary
Douglas E. Baird	Treasurer

ARTICLE IX - INDEMNIFICATION

The Association shall indemnify any person who was or is a party, or is threatened to be made a party, to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Association) by reason of the fact that he is or was a director, employee, officer or agent of the Association, against expenses (including attorneys' fees) judgments, fines and amounts paid in settlement actually and, reasonably incurred by him in connection with the action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interest of the Association; and with respect to any criminal action or proceeding, if he had no reasonable cause to believe his conduct was unlawful; except, that no indemnification shall be made in respect to any claim, issue or matter as to which such person shall have been adjudged to be liable for gross negligence or willful misfeasance or malfeasance in the performance of his duties to the Association unless and only to the extent that the court in which the action or suit was brought shall determine, upon application, that despite the adjudication of liability, but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which the court shall deem proper. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not, in and of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in, or not opposed to, the best interest of the Association, and with respect to any criminal action or proceeding, that he had no reasonable cause to believe that his conduct was unlawful.

To the extent that a director, officer, employee or agent of the Association has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to hereinabove, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees and appellate attorneys' fees) actually and reasonably incurred by him in connection therewith.

Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the board in the specific case upon receipt of an undertaking by or on behalf of the directors, officers, employees or agents to repay such unless it shall be determined that he is entitled to be indemnified by the Association as authorized herein.

The indemnification provided herein shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under the laws of the State

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of Florida, any Bylaws, agreement, vote of members or otherwise, and as to action taken in an official capacity while holding office, shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

The Association shall have the power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Association, or is or was serving at the request of the Association as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him and incurred by him in any such capacity, as arising out of his status as such, whether or not the Association would have the power to indemnify him against such liability under the provisions of this Article.

ARTICLE X - BYLAWS

The Bylaws shall be adopted by the Board and may be altered, amended or rescinded by the Declarant, the directors or members in the manner provided by the Bylaws.

ARTICLES XI- AMENDMENTS

Amendments to these Articles shall be proposed and adopted in the following manner:

1. A majority of the Board shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of the members, which may be an annual or a special meeting.

2. Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each member entitled to vote thereon within the time and in the manner provided in the Bylaws for the giving of notice of a meeting of the members. If the meeting is an annual meeting, the proposed amendment or such summary may be included in the notice of such annual meeting.

3. At such meeting, a vote of the members entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of one hundred percent (100%) of the Voting Interest of the entire membership of the Association.

4. Any number of amendments may be submitted to the members and voted upon by them at any one meeting.

5. If all of the directors and all of the members eligible to vote sign a written statement manifesting their intention that an amendment to these Articles be adopted, then the amendment shall thereby be adopted as though the above requirements had been satisfied.

6. Notwithstanding anything contained herein to the contrary, so long as Declarant is entitled to elect a majority of the Board of Directors, Declarant shall have the right to amend these Articles without the consent or joinder of any other Owner or any Institutional Lender. In addition, no amendment which would in any way adversely effect any of the rights, privileges, powers or options herein provided in favor of or

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reserved to, the Declarant, unless the Declarant shall join in the execution of the amendment, including, but not limited to, any right of the Declarant to appoint directors.

7. After turnover of control of the Association to members other than the Declarant, no amendment shall change the qualifications for membership or in the Voting Interests of members without approval by all of the members. No amendment shall be made that is in conflict with the Declaration. Prior to the closing of the sale of all Units, no amendment shall in any way adversely effect any of the rights, privileges, powers or options herein provided in favor of; or reserved to, the Declarant, unless the Declarant shall join in the execution of the amendment, including, but not limited to, any right of the Declarant to appoint directors.

ARTICLES X - INITIAL REGISTERED OFFICE AND NAME OF REGISTERED AGENT

The initial registered office of the Association shall be at 4001 Tamiami Trail North, #300, Naples, Florida 34103.

The initial register agent at that address is Matthew L. Grabinski.

WHEREFORE, the incorporator, and the initial registered agent have executed these Articles on this 9th day of August, 2006. By executing these Articles, the undersigned registered agent accepts the appointment as registered agent and states that the undersigned is familiar with and accepts the obligations of that position.

Matthew L. Grabinski

STATE OF FLORIDA
COUNTY OF Collier

Sworn to and subscribed before me this 9th day of August, 2006 by Matthew L. Grabinski, who is personally known to me.

Notary Public

Notary Public - State of Florida
My Commission Expires Jun 5, 2009
Commission # DD 416494
Bonded By National Notary Assn.

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ACCEPTANCE BY REGISTERED AGENT

Having been named to accept service of process for the above-named corporation, at the place designated in these Articles of Incorporation, I hereby accept the appointment to act in this capacity and acknowledge that I am familiar with and agree to accept the obligations imposed upon registered agents under the Florida Not For Profit Act.

Matthew L. Grabinski

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Exhibit "D"

BYLAWS OF

CREEKSIDE FLEX I CONDOMINIUM ASSOCIATION, INC.

I. GENERAL PROVISIONS.

A. Identity. These are the Bylaws of Creekside Flex I Condominium Association, Inc., a Florida not-for-profit corporation, hereinafter referred to as the "Association". The Association has been organized for the purposes stated in the Articles and shall have all of the powers provided in these Bylaws, the Articles, the Declaration and any statute or law of the State of Florida, or any other power incident to any of the above powers.

B. Principal Office. The principal office of the Association shall be at such place as the Board may determine from time to time.

C. Fiscal Year. The fiscal year of the Association shall be the calendar year.

D. Seal. The seal of the Association shall have inscribed upon it the name of the Association, the year of its incorporation and the words "Corporation Not for Profit". The seal may be used by causing it, or a facsimile thereof, to be impressed, affixed or otherwise reproduced upon any instrument or document executed in the name of the Association.

E. Inspection of Books and Records. The books and records of the Association shall be open to inspection by all Owners or their authorized representatives, and all holders, insurers or guarantors of any first mortgage encumbering a Unit. Such records of the Association shall include current copies of the Declaration, Articles and Bylaws, and any amendments thereto any contracts entered into by the Association, and the books, records and financial statements of the Association. The Association shall be required to make available to prospective purchasers of Units current copies of the Declaration, Articles, and Bylaws, and the most recent annual financial statement of the Association. Notwithstanding the foregoing, any inspection of any books or records of the Association will only be permitted upon reasonable notice, during normal business hours or under reasonable circumstances.

F. Definitions. Unless the context otherwise requires, all terms used in these Bylaws shall have the same meaning as are attributed to them in the Articles and the Declaration of Condominium of Creekside Flex I, a commercial land condominium.

II. MEMBERSHIP IN GENERAL.

A. Qualification. Pursuant to the Articles, all of the record Owners of Units shall be members of the Association. Membership for each Unit shall be established upon the recording of the Declaration. Prior to the recording of the Declaration, the incorporator shall be the sole Member of the Association, but its membership shall terminate upon the recording of the Declaration, unless it owns any Units.

B. Changes in Membership. The transfer of the ownership of any Unit, either voluntarily or by operation of law, shall automatically terminate the membership of the prior Owner, and the transferee or new Owner shall automatically become a Member

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FILE NUMBER
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of the Association. It shall be the responsibility of any such transferor and transferee of a Unit to notify the Association of any change in the ownership of any Unit, and the corresponding change in any membership, by delivering to the Association a copy of the deed or other instrument of conveyance which establishes a transfer of ownership. In the absence of such notification, the Association shall not be obligated to recognize any change in membership or ownership of a Unit for purposes of notice, voting, Assessments, or for any other purpose.

C. Member Register. The secretary of the Association shall maintain a register in the office of the Association showing the names and addresses of the members of the Association. It shall be the obligation of each Member of the Association to advise the secretary of any change of address of the Member, or of the change of ownership of the Member's Unit, as set forth above. Upon the request of the Association, any Member who mortgages (or who has mortgaged) his Unit shall notify the Association of the name and address of his mortgagee. Any Member who satisfies the mortgage encumbering his Unit shall also notify the Association thereof, and shall file a copy of the satisfaction of mortgage with the Association.

III. MEMBERSHIP VOTING.

A. Voting Rights. Each Member's Voting Interest shall be as set forth in the Declaration. In the event any Unit is owned by more than one (1) person, or is owned by a person other than an individual, the votes for such Unit shall be cast as set forth below, and votes shall not be divisible.

B. Majority Vote and Quorum Requirements. The acts approved by a majority of the votes present in person or by proxy at a meeting at which a quorum is present shall be binding upon all members and Owners for all purposes, except where otherwise provided by law, in the Declaration, in the Articles or in these Bylaws. Unless otherwise so provided, at any regular or special meeting, the presence in person or by proxy of persons entitled to cast one-third (1/3) of the votes of all the members shall constitute a quorum.

C. Determination as to Voting Rights.

1. In the event any Unit is owned by one individual, his right to cast the votes for the Unit shall be established by the record title to his Unit.

2. In the event any Unit is owned by more than one individual or by an entity, the votes for the Unit may be cast at any meeting by any co-Owner of the Unit provided, however, that in the event a dispute arises between the co-Owners as to how the votes for the Unit shall be cast, or in the event the co-Owners are unable to concur in their decision upon any subject requiring a vote, they shall lose their right to cast the votes for the Unit on the matter being voted upon at that meeting, but their membership shall be counted for purposes of determining the existence of a quorum. For purposes of this paragraph, the principals or partners of any entity (other than a corporation) owning a Unit shall be deemed

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co-Owners of the Unit, and the directors and officers of a corporation owning a Unit shall be deemed co-Owners of the Unit.

3. Proxies. Every Member entitled to vote at a meeting of the members, or to express consent or dissent without a meeting, may authorize another person or persons to act on the Member's behalf by a proxy signed by such Member or his attorney-in-fact. Any proxy shall be delivered to the secretary of the meeting at or prior to the time designated in the order of business for delivering proxies. Members may not vote by general proxy, but may vote by limited proxy. Limited proxies and general proxies may be used to establish a quorum. Limited proxies may also be used for votes taken to amend the Articles or Bylaws or for any matter that requires or permits a vote of the members. Any proxy shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than ninety (90) days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the Member executing it. Every proxy shall specifically set forth the name of the person voting by proxy, and the name of the person authorized to vote the proxy for him. Every proxy shall contain the date, time and place of the meeting for which the proxy is given, and if a limited proxy, shall set forth those items which the proxy holder may vote, and the manner in which the votes are to be cast.

IV. MEMBERSHIP MEETINGS.

A. Persons Entitled to Attend. In the event any Unit is owned by more than one person, all co Owners of the Unit may attend any meeting of the Members. In the event any Unit is owned by a corporation, any director or officer of the corporation may attend any meeting of the members. However, the votes for any Unit shall be cast in accordance with the provisions hereof. Institutional Lenders have the right to attend all Members meetings.

B. Place. All meetings of the members shall be held at the principal office of the Association or at such other place and at such time as shall be designated by the Board and stated in the notice of meeting.

C. Notices. Written notice, which must include an agenda, stating the place, day and hour of any meeting and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given by first-class mail or personally delivered to each Member entitled to vote at such meeting and shall be posted in a conspicuous place on the Condominium Property, not less than fourteen (14) nor more than sixty (60) days before the date of the meeting, and upon notice to the Unit Owners, the Board shall by duly adopted rule designate one or more specific locations on the Condominium Property upon which all notices of Unit Owner meetings shall be posted. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Member at his address as it appears in the records of the Association, with postage thereon pre-paid. For the purpose of determining members entitled to notice of, or to vote at, any meeting of the members of the Association, or in

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order to make a determination of the members for any other purpose, the Board shall be entitled to rely upon the Member register as same exists fourteen (14) days prior to the giving of the notice of any meeting, and the Board shall not be required to take into account any changes in membership occurring after that date but may, in their sole and absolute discretion, do so. Notwithstanding the foregoing, if a Unit is owned by more than one individual or by an entity, only one notice shall be required to be given with respect to the Unit, which may be given to any co-Owner as defined hereinabove of these Bylaws. Notice to any Member or co-Owner shall be sent to the Unit of such Member or co-Owner, unless the Owner of the Unit requests otherwise.

D. Waiver of Notice. Whenever any notice is required to be given to any Member under the provisions of the Articles or these Bylaws, or as otherwise provided by law, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice. Attendance of a Member at a meeting shall constitute a waiver of notice of such meeting, except when the Member objects at the beginning of the meeting to the transaction of any business because the meeting is not lawfully called or convened.

E. Annual Meeting. The annual meeting for the purposes of electing directors and transacting any other business shall be held once each year at a time and place to be determined by the Board and as is contained in the notice of such meeting.

F. Special Meetings. Special meetings of the members may be called at any time-by any director, the president, or at the request, in writing, by not less than twenty-five percent (25%) of the members, or as otherwise provided by law. Such request shall state the purpose of the proposed meeting. Business transacted at all special meetings shall be confined to the subjects stated in the notice of meeting. Notice of any special meeting shall be given in accordance with paragraph C, above.

G. Adjournments. Any meeting may be adjourned or continued by a majority vote of the members present in person or by proxy and entitled to vote, or if no Member entitled to vote is present, then any officer of the Association may adjourn the meeting from time to time. If any meeting is adjourned or continued to another time or place, it shall not be necessary to give any notice of the adjourned meeting, if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken, and any business may be transacted at the adjourned meeting that might have been transacted at the original meeting. If the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken, notice of the adjourned meeting may be given to Members not present at the original meeting, without giving notice to the Members which were present at such meeting.

H. Organization. At each meeting of the members, the president, the vice president, or any person chosen by a majority of the members present, in that order, shall act as chairman of the meeting. The secretary, or in his absence or inability to act, any person appointed by the chairman of the meeting, shall act as secretary of the meeting.

I. Order of Business. The order of business at the annual meetings of the members shall be:

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1. Determination of chairman of the meeting;

2. Calling of the roll and certifying of proxies;

3. Proof of notice of meeting or waiver of notice;

4. Reading and disposal of any unapproved minutes;

5. Reports of directors, officers or committees;

6. Nomination and election of inspectors of election;

7. Determination of number of directors;

8. Election of directors;

9. Unfinished business;

10. New business; and

11. Adjournment.

J. Minutes. The minutes of all meetings of the members shall be kept in a book available for inspection by the members or their authorized representatives, and the directors, upon reasonable notice, during reasonable times. The Association shall retain these minutes for a period of not less than seven (7) years.

K. Actions Without a Meeting. Any action required or permitted to be taken at any annual or special meeting of the members of the Association, may be taken without a meeting, without prior notice, and without a vote if a consent in writing, setting forth the action so taken, shall be signed by the members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members entitled to vote thereon were present and voted. Within ten (10) days after obtaining such authorization by written consent, notice shall be given to those members who have not consented in writing. The notice shall fairly summarize the material features of the authorized action. If a Unit is owned by more than one (1) person or by a corporation, the consent for such Unit need only be signed by one (1) person who would be entitled to cast the vote for the Unit as a co-Owner pursuant to these Bylaws.

V. DIRECTORS.

A. Membership. The affairs of the Association shall be managed by a Board of not less than three (3) nor more than nine (9) directors. So long as the Declarant is entitled to appoint any director pursuant to the Articles, the number of directors will be determined, and may be changed from time to time, by the Declarant by written notice to the Board. After the Declarant is no longer entitled to appoint any director, the number of directors may be changed at any meeting where the members are to elect any directors by the then existing Board, if prior to such meeting of the members the Board votes to change the number of directors and such change is indicated in the notice of the meeting sent to the members, or by the members at the meeting prior to the election of

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directors. If the number of directors on the Board is not changed, then the number of directors shall be the same as the number on the Board prior to such meeting (plus any unfilled vacancies created by the death, resignation or removal of a director). In any event there shall always be an odd number of directors.

B. Election of Directors by Members. Election of directors to be elected by the members of the Association shall be conducted in the following manner:

1. Within ninety (90) days after the members other than the Declarant are entitled to elect any directors, as provided in the Articles, or within ninety (90) days after the Declarant notifies the Association that it waives its right to appoint one or more directors, the Association shall call a special meeting of the members to elect any directors the members are then entitled to elect, or to replace the appropriate number of directors previously appointed by the Declarant. Such special meeting may be called and the notice given by any Member if the Association fails to do so. At such special meeting the members shall be required to elect any directors which they are entitled to elect, and if they fail to do so any directors appointed by Declarant which would have been replaced by any directors elected by the members may resign without further liability or obligation to the Association. The members of the board shall be elected by written ballot or voting machine. Proxies shall in no event be used in electing the board, either in general elections or elections to fill vacancies caused by recall, resignation, or otherwise,. Not less than sixty (60) days before a scheduled election, the Association shall mail, deliver, or electronically transmit, whether by separate Association mailing or included in another Association mailing, delivery, or transmission, including regularly published newsletters, to each Unit Owner entitled to a vote, a first notice of the date of the election. Any Unit Owner or other eligible person desiring to be a candidate for the board must give written notice to the Association not less than forty (40) days before a scheduled election. The Association shall mail, deliver, or electronically transmit a second notice of the election to all Unit Owners entitled to vote therein, together with a ballot which shall list all candidates. Upon request of a candidate, the Association shall include an information sheet, no larger than 8 ½ by 11 inches, which must be furnished by the candidate not less than thirty five (35) days before the election, to be included with the mailing, delivery or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be born by the Association. The Association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the Association may print or duplicate the information sheets on both sides of the paper.

2. Except as provided above, the members shall elect directors at a special meeting of the members.

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3. Prior to any special or annual meeting at which directors are to be elected by the members, the existing Board may nominate a committee, which committee shall nominate one (1) person for each director to be elected by the members, on the basis that the number of directors to serve on the Board will not be altered by the members at the members meeting. Nominations for additional directorships created at the meeting shall be made from the floor, and other nominations may be made from the floor.

4. There shall be no quorum requirement; however, at least twenty percent (20%) of the eligible voters must cast a ballot in order to have a valid election of the members of the Board. No Unit Owner shall permit any other person to vote his or her ballot, and any such ballots improperly cast shall be deemed invalid. A Unit Owner who needs assistance in casting the ballot for the reasons stated in Florida Statute 101.051 may obtain assistance in casting the ballot. Each Member voting being entitled to cast his votes for each of as many nominees as there are vacancies to be filled. There shall be no cumulative voting.

C. Term of Office. All directors elected by the members shall hold office until the next annual meeting of the members and until their successors are duly elected, or until such director's death, resignation or removal, as hereinafter provided or as otherwise provided by statute or by the Articles.

D. Organizational Meeting. The newly elected Board shall meet for the purposes of organization, the election of officers and the transaction of other business immediately after their election or within ten (10) days of the same at such place and time as shall be fixed by the directors at the meeting at which they were elected, and no further notice of the organizational meeting shall be necessary.

E. Regular Meetings. Regular meetings of the Board may be held at such time and place as shall be determined, from time to time, by a majority of the directors. No regular meetings of the Board will be required.

F. Special Meetings. Special meetings of the Board may be called by any director, or by the president, at any time.

G. Notice of Meetings. Adequate notice of all meetings, which notice shall specifically incorporate an identification of agenda items, shall be posted conspicuously on the Condominium Property at least forty-eight (48) continuous hours preceding the meeting except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus-one of the members of the Board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. However, written notice of any meeting at which: (1) nonemergency Special Assessments, or (2) amendments to rules regarding Unit use will be considered shall be mailed, delivered, or electronically transmitted to the Unit Owners and posted conspicuously on the Condominium Property not less than fourteen (14) days prior to the meeting. Evidence of compliance with this fourteen (14) day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the Association. Upon notice to the Unit Owners, the Board shall by duly adopted rule

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designate a specific location on the Condominium Property or Association Property upon which all notices of Board meetings shall be posted.

H. Meetings to Adopt Budgets and Assessments. Any meeting at which a proposed annual budget of the Association will be considered by the Board or Unit Owners shall be open to all Unit Owners. At least fourteen (14) days prior to such a meeting, the Board shall hand deliver to each Unit Owner, mail to each Unit Owner at the address last furnished to the Association by the Unit Owner, or electronically transmit to the location furnished by the Unit Owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the Association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the Association.

If a Board adopts in any fiscal year an annual budget which requires Assessments against Unit Owners which exceed one hundred fifteen percent (115%) of Assessments for the preceding fiscal year, the Board shall conduct a special meeting of the Unit Owners to consider a substitute budget if the Board receives, within twenty-one (21) days after the adoption of the annual budget, a written request for a special meeting from at least ten percent (10%) of all Voting Interests. The special meeting shall be conducted within sixty (60) days after adoption of the annual budget. At least fourteen (14) days prior to such special meeting, the Board shall hand deliver to each Unit Owner, or mail to each unit owner at the address last furnished to the Association, a notice of the meeting. An officer or manager of the association, or other person providing notice to such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the Association. Unit Owners may consider and adopt a substitute budget at the special meeting. A substitute budget is adopted if approved by a majority of all Voting Interests. If there is not a quorum at the special meeting or a substitute budget is not adopted, the annual budget previously adopted by the Board shall take effect as scheduled.

Any determination of whether Assessments exceed one hundred fifteen percent (115%) of assessments for the prior fiscal year shall exclude any authorized provision for reasonable reserves for repair or replacement of the Condominium Property, anticipated expenses of the Association which the Board does not expect to be incurred on a regular or annual basis, or Assessments for betterments to the Condominium Property.

In addition to annual operating expenses, the budget shall include reserve accounts for capital expenditures and deferred maintenance, unless Members other than the Declarant have determined, by a majority vote at a duly called meeting of the Association, to provide no reserves or less reserves than required by this subsection. However, prior to turnover of control of an Association by the Declarant to Unit Owners other than a Declarant, the Declarant may vote to waive the reserves or reduce the funding of reserves for the first two (2) fiscal years of the Association's operation, beginning with the fiscal year in which the initial declaration is recorded. After such time reserves may be waived or reduced only upon the vote of a majority of all non-developer Voting Interests voting in person or by limited proxy at a duly called meeting of the Association.

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I. Quorum and Manner of Acting. A majority of the directors determined in the manner provided in these Bylaws shall constitute a quorum for the transaction of any business at a meeting of the Board. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the Board, unless the act of a greater number of directors is required by the Declaration, Articles or by applicable law. A director who is present at a meeting of the board shall be deemed to have voted in favor of any action taken, unless he voted against or abstained from voting because of an asserted conflict of interest. The vote or abstention of each director present on each issued voted upon shall be recorded in the minutes.

J. Committees. The Board may, by resolution duly adopted, appoint committees. Any committee shall have and may exercise such powers, duties and functions as may be determined by the Board from time to time, which may include any powers which may be exercised by the Board and which are not prohibited by law from being exercised by a committee.

K. Resignation. Any director may resign at any time by giving written notice of his resignation to another director or officer. Any such resignation shall take effect at the time specified therein or, if the time when such resignation is to become effective is not specified therein, immediately upon its receipt, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

L. Removal of Directors. Directors may be removed as follows:

1. Any director other than a director appointed by the Declarant may be removed by majority vote of the remaining directors, if such director has been absent for the last three (3) consecutive Board meetings and adjournments and continuances of such meetings.

2. Any director other than a director appointed by the Declarant may be removed with or without cause by a majority of the votes of the members of the Association at a special meeting of the members called by not less than ten percent (10%) of the members of the Association expressly for that purpose. The vacancy on the Board caused by any such removal may be filled by the members at such meeting or, if the members shall fail to fill such vacancy, by the Board, as in the case of any other vacancy on the Board.

M. Vacancies.

1. Vacancies in the Board may be filled by a majority vote of the directors then in office, though less than a quorum, or by a sole remaining director, and a director so chosen shall hold office until the next annual election and until his successor is duly elected, unless sooner displaced. If there are no directors, then a special election of the members shall be called to, elect the directors. Notwithstanding anything contained herein to the contrary, the Declarant at all times shall have the right to appoint the maximum number of directors permitted by the Articles, and any vacancies on the Board may be filled by the Declarant to the extent that the number of directors then serving on the Board which were

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appointed by the Declarant is less than the number of directors the Declarant is then entitled to appoint.

2. In the event the Association fails to fill vacancies on the Board sufficient to constitute a quorum in accordance with these Bylaws; any Owner may apply to the Circuit Court of the County in which the Land is located for the appointment of a receiver to manage the affairs of the Association. At least thirty (30) days prior to applying to the Circuit Court, the Owner shall mail to the Association a notice describing the intended action giving the Association the opportunity to fill the vacancies. If during such time the Association fails to fill the vacancies, the Owner may proceed with the petition. If a receiver is appointed, the Association shall be responsible for the salary of the receiver, court costs and attorney's fees. The receiver shall have all powers and duties of a duly constituted member of the Board, and shall serve until the Association fills vacancies on the Board sufficient to constitute a quorum. A director may join by written concurrence in any action taken at a meeting of the Board but such concurrence may not be used for the purposes of creating a quorum.

N. Adjourned Meetings. A majority of the directors present at a meeting, whether or not a quorum exists, may adjourn any meeting of the Board to another place and time. Notice of any such adjourned meeting shall be given to the directors who are not present at the time of the adjournment, and, unless the time and place of the adjourned meeting are announced at the time of the adjournment, to the other directors. At any adjourned meeting, any business that might have been transacted at the meeting as originally called may be transacted without further notice.

O. Presiding Officer. The presiding officer of the Board meetings shall be the chairman of the Board if such an officer is elected and if none, the president of the Association shall preside. In the absence of the presiding officer, the directors shall designate one of their members to preside.

P. Order of Business. The order of business at a Board meeting shall be:

1. Calling of roll;
2. Proof of due notice of meeting;
3. Reading and disposal of any unapproved minutes;
4. Reports of officers and committees;
5. Election of officers;
6. Unfinished business;
7. New business; and

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8. Adjournment

Q. Minutes of Meetings. The minutes of all meetings of the Board shall be kept in a book available for inspection by the members of the Association, or their authorized representatives, and the directors, upon reasonable notice, during reasonable times. The Association shall retain these minutes for a period of not less than seven (7) years.

R. Directors Appointed by the Declarant. Notwithstanding anything contained herein to the contrary, the Declarant shall have the right to appoint the maximum number of directors in accordance with the privileges granted to the Declarant pursuant to the Articles. All directors appointed by the Declarant shall serve at the pleasure of the Declarant, and the Declarant shall have the absolute right, at any time, and in its sole discretion, to remove any director appointed by it, and to replace such director with another person to serve on the Board. Replacement of any director appointed by the Declarant shall be made by written instrument delivered to any officer or any other director, which instrument shall specify the name of the person designated as successor director. The removal of any director and the designation of his successor by the Declarant shall become effective immediately upon delivery of such written instrument by the Declarant.

S. Compensation. The directors shall not be entitled to any compensation for serving as directors unless the members approve such compensation, provided however, the Association may reimburse any director for expenses incurred on behalf of the Association, without approval of the members.

T. Powers and Duties. The directors shall have the right to exercise all of the powers and duties of the Association, express or implied, existing under these Bylaws, the Articles, the Declaration, or as otherwise provided by statute or law.

VI. OFFICERS.

A. Members and Qualifications. The officers of the Association shall include a president, vice president, treasurer and secretary, all of whom shall be elected by the directors and may be removed from office with or without cause by the directors. Any person may hold two or more offices except that the president shall not also be the secretary. The Board may, from time to time, elect such other officers and designate their powers and duties as the Board shall find to be appropriate to manage the affairs of the Association from time to time. Each officer shall hold office until the meeting of the board following the next annual meeting of the members, or until his successor shall have been duly elected and shall have qualified, or until his death, or until he shall have resigned, or until he shall have been removed, as provided in these Bylaws.

B. Resignation. Any officer may resign at any time by giving written notice of his resignation to any director or officer. Any such resignation shall take effect at the time specified therein, or if there is not time specified therein, immediately upon its receipt and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make such resignation effective.

C. Vacancies. A vacancy in any office, whether arising from death, resignation, removal or any other cause may be filled for the unexpired portion of the

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term of such vacant office, in the manner prescribed in these Bylaws for the regular election or appointment of such office.

D. The President. The president shall be the chief executive officer of the Association. He shall have all of the powers and duties which are usually vested in the office of president of an Association or corporation including, but not limited to, the power to appoint committees from among the members from time to time, as be may in his discretion deem appropriate to assist in the conduct of the affairs of the Association.

E. The Vice President. The vice president shall, in the absence or disability of the president, exercise the powers and perform the duties of the president. He shall also assist the president generally and exercise such other powers and perform such other duties as may be prescribed by the directors.

F. The Secretary. The secretary shall prepare and keep the minutes of all proceedings of the directors and the members. He shall attend to the giving and serving of all notices to the members and directors and other notices required by law. He shall have custody of the seal of the Association and affix the same to instruments requiring a seal when duly executed. He shall keep the records of the Association, except those of the treasurer, and shall perform all other duties incident to the office of secretary of an Association, and as may be required by the directors or the president.

G. The Treasurer. The treasurer shall have custody of all property of the Association, including funds, securities, and evidence of indebtedness. He shall keep books of account for the Association in accordance with good accounting practices, which, together with substantiating papers, shall be made available to the Board for examination at reasonable times. He shall submit a Treasurer's Report to the Board at reasonable intervals and shall perform all other duties incident to the office of treasurer. He shall collect all Assessments and shall report to the Board the status of collections as requested.

H. Compensation. The officers shall not be entitled to compensation unless the Board specifically votes to compensate them. However, neither this provision, nor the provision that directors will not be compensated unless otherwise determined by the members, shall preclude the Board from employing a director or an officer as an employee of the Association and compensating such employee, nor shall they preclude the Association from contracting with a director for the management of property subject to the jurisdiction of the Association, or for the provision of services to the Association, and in either such event to pay such director a reasonable fee for such management or provision of services.

VII. FINANCES AND ASSESSMENTS.

A. Assessment Roll. The Association shall maintain an Assessment roll for each Unit, designating the name and current mailing address of the Owner, the amount of each Assessment against such Owner, the dates and amounts in which the Assessments come due, the amounts paid upon the account of the Owner, and the balance due.

B. Depositories. The funds of the Association shall be deposited in such banks and depositories as may be determined and approved by appropriate resolutions

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of the Board from time to time. Funds shall be withdrawn only upon checks and demands for money signed by such officers, directors or other persons as may be designated by the Board. Fidelity bonds as required by the Declaration shall be required of all signatories on any account of the Association.

C. Depositing of Payments. All sums collected by the Association from Assessments may be deposited in single fund or divided into more than one fund, as determined by the Board.

D. Accounting Records and Reports. The Association shall maintain accounting records according to good accounting practices. The records shall be open to inspection by Owners and Institutional Lenders or their authorized representatives, at reasonable times. Within ninety (90) days after the end of the fiscal year, or annually on a date provided in the Bylaws, the Association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within twenty-one (21) days after the final financial report is completed by the Association or received from the third party, but not later than one hundred twenty (120) days after the end of the fiscal year or other date as provided in the Bylaws, the Association shall mail to each Unit Owner at the address last furnished to the association by the Unit Owner, or hand deliver to each Unit Owner, a copy of the financial report or a notice that a copy of the financial report will be mailed or hand delivered to the Unit Owner, without charge, upon receipt of a written request from the Unit Owner.

Financial reports shall be prepared as follows:

1.

A report of cash receipts and disbursements shall be prepared and must disclose the amount of receipts by accounts and receipt classification in the amount of expenses by accounts and expense classifications including, but not limited to, the following, as applicable: taxes, insurance costs, building maintenance and repair, expenses for lawn care, expenses for refuse collection and utility services, security, professional and management fees and expenses, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance and any other category which the Association maintains reserves.

E. Reserves. Subject to the Developer's right to waive reserves for the first two (2) years of operation, the budget of the Association shall provide for a reserve fund for the periodic maintenance, repair and replacement of the Common Elements and other property which the Association is obligated to maintain.

VIII. PARLIAMENTARY RULES. Roberts Rules of Order (latest Edition) shall govern the conduct of the Association meetings when not in conflict with the Declaration, Articles or these Bylaws.

IX. AMENDMENTS. Except as otherwise provided, these Bylaws may be amended in the following manner:

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A. Notice. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting at which a proposed amendment is to be considered.

B. Initiation. A resolution to amend these Bylaws may be proposed either by any director, or by or at the direction of members holding twenty-five percent (25%) or more of the votes of the Association.

C. Adoption of Amendments.

1. A resolution for the adoption of the proposed amendment shall be adopted by not less than a majority of the votes of the entire membership of the Association.

2. Notwithstanding the foregoing, these Bylaws may be amended solely by the Board, upon the unanimous vote of the directors and without the vote or approval of the members, if the purpose of such amendment is solely to conform these Bylaws to the provisions of any applicable state statute including any amendment to any statute hereafter adopted.

3. Notwithstanding anything contained herein to the contrary, so long as the Declarant is entitled to appoint a majority of the directors, the Declarant shall have the right to unilaterally amend these Bylaws without the joinder or approval of the Board or Members and so long as the Declarant (or an entity in which Declarant holds an ownership interest) owns any Unit for sale or lease in the ordinary course of business, no amendment to these Bylaws shall be effective without the written approval of Declarant.

D. After turnover of control of the Association to members other than the Declarant, no amendment shall make any changes in the qualification for membership nor in the Voting Interests of members without approval by all of the members and the joinder of all record owners of mortgages upon the Units. No amendment shall be made that is in conflict with the Declaration or the Articles. Prior to the closing of the sale of all Units, no amendment shall make any changes which would in any way affect any of the rights, privileges, powers or options herein provided in favor of or reserved to, the Declarant, unless the Declarant shall join in the execution of the amendment.

E. These bylaws shall not be revised or amended by reference to title or number only. Proposals to amend these bylaws shall contain the full text of the bylaws to be amended. New words shall be inserted in the text underlined, and words to be deleted shall be lined through with hyphens. However, if the proposed change is so extensive that this procedure would hinder, rather that assist, the understanding of the proposed amendment, it is not necessary to use underlining and hyphens as indicators of words added or deleted, but instead, a notation must be inserted immediately preceding the proposed amendment in substantially the following language: "Substantial rewording of bylaw. See bylaw_____ for present text".

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Execution and Recording. No modification of, or amendment to, the Bylaws, shall be valid until recorded in the pubic records of the county in which the Condominium is located.

X. MISCELLANEOUS.

A. Tenses and Genders. The use of any gender or any tenses in these Bylaws shall refer to all genders or to all tenses, wherever the context so requires.

B. Partial Invalidity. Should any of the provisions hereof be void or become unenforceable at law or in equity, the remaining provisions shall, nevertheless, be and remain in full force and effect.

C. Conflicts. In the event of any conflict, the Declaration, the Articles and these Bylaws shall govern, in that order.

D. Captions. Captions are inserted herein only as a matter of convenience and for reference, and in no way are intended to or shall define, limit or describe the scope of these Bylaws or the intent of any provision hereof.

E. Waiver of Objections. The failure of the Board or any officers of the Association to comply with any terms and provisions of the Declaration, the Articles, or these Bylaws which relate to time limitations shall not, in and of itself, invalidate the act done or performed. Any such failure shall be waived if it is not objected to by a Member of the Association within ten (10) days after the Member is notified, or becomes aware, of the failure. Furthermore, if such failure occurs at a general or special meeting, the failure shall be waived as to all members who received notice of the meeting or appeared and failed to object to such failure at the meeting.

The foregoing was adopted as the Bylaws of the Association this 18th day of August, 2006.

David K. Borden, President

Brad Boaz, Secretary

(Corporate Seal)

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AFFIDAVIT OF COMPLIANCE

Petition PL20210002390 – Creekside Commerce Park PUD Insubstantial Change

I hereby certify that pursuant to Ordinance 2004-41, of the Collier County Land Development Code, I did cause the attached newspaper advertisement to appear and I did give notice by mail to the following property owners and/or condominium and civic associations whose members may be affected by the proposed land use changes of an application request for a rezoning, PUD amendment, or conditional use, at least 15 days prior to the scheduled Neighborhood Information Meeting. *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 and the date, time, and place of a Neighborhood Information Meeting.

Per the attached letters, property owner's list, and copy of newspaper advertisement which are hereby made a part of this Affidavit of Compliance.

Sharon Umpenhour as Senior Planning Technician
for Q. Grady Minor & Associates, P.A.

State of Florida
County of Lee

The foregoing Affidavit of compliance was acknowledged before me this October 22, 2021 by Sharon Umpenhour as Senior Planning Technician, who is personally known to me.

(Signature of Notary Public)

CARIN J. DWYER
MY COMMISSION # GG 982367
EXPIRES: May 14, 2024
Bonded Thru Notary Public Underwriters

Carin J. Dwyer
Printed Name of Notary

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

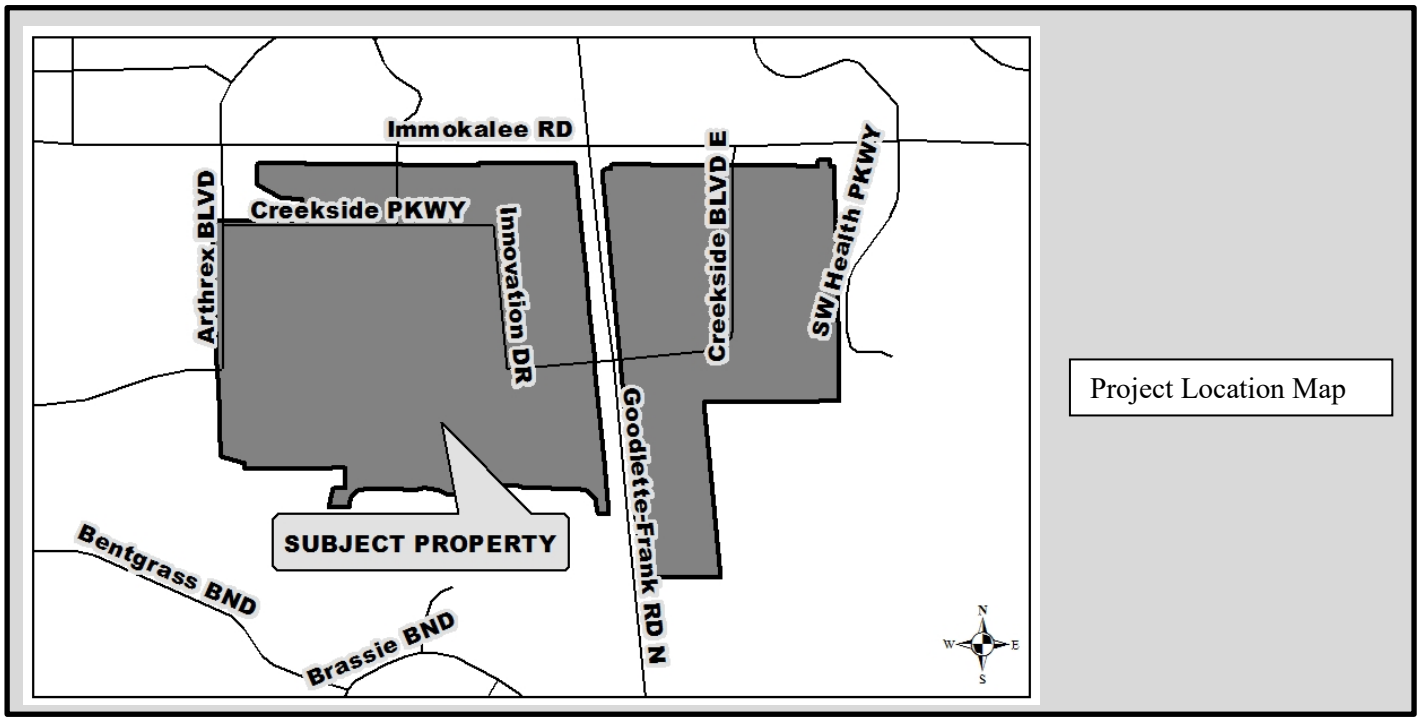
NOTICE OF NEIGHBORHOOD INFORMATION MEETING

PROJECT NAME: Creekside Commerce Park PUD 29331193162 (PL20210002390)

A Neighborhood Information Meeting hosted by D. Wayne Arnold, AICP, of Q. Grady Minor and Associates, P.A., representing RES Florida 1370 Holdings, LLC (Applicant) will be held **November 9, 2021, 5:30 pm at Arthrex (1 Arthrex Way, Naples, FL 34108).** Questions or comments please contact Sharon Umpenhour, Senior Planning Technician with Q. Grady Minor & Associates, P.A. by email: sumpenhour@gradyminor.com or phone: 239-947-1144. For project information or to register to participate remotely go to, gradyminor.com, click on the Planning tab and scroll down to the project name.

RES Florida 1370 Holdings, LLC submitted a formal application to Collier County seeking approval of an Insubstantial Change to a PUD (PDI). The PDI proposes to modify the PUD Ordinance to allow Tract 7 on the PUD Master Plan to qualify for the alternative architectural compliance process as was previously approved for other buildings on the Arthrex Campus.

The Creekside Commerce Park PUD is comprised of 106± acres, located on the southwest and southeast quadrant of Immokalee Road and Goodlette-Frank Road in Section 27, Township 48 South, Range 25 East, Collier County, Florida.



Project Location Map

Please be advised that any information provided is subject to change until final approval by the governing authority. The Neighborhood Information Meeting is for informational purposes, it is not a public hearing.

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Ph. 239-947-1144 Fax. 239-947-0375
EB 0005151 LB 0005151 LC 26000266
www

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: PL20210002390 | Buffer: 500' | Date: 10/18/2021 | Site Location: Creekside Commerce Park PUD

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	LEGAL1	LEGAL2	LEGAL3	LEGAL4	FOLIO	ADDRESSTYPE
A K S SW FLORIDA LLC	743 BENTWATER CIR APT 201				NAPLES, FL 34108---6735	NORTH NAPLES MEDICAL PARK	LOT 2			64280000426	U
ALBRECHT, MIKKA	1325 REMINGTON WAY #2201				N NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 203			69229000149	U
ARHC BSNPLFL01 LLC	1735 MARKET ST A400				PHILADELPHIA, PA 19103---0	CREEKSIDE EAST	LAND CONDOMINIUM UNIT 1			29333000020	U
ARTHUR J WARBURTON REV TRUST	MARGARET MARY EILEEN WARBURTON	REVOCABLE TRUST	1395 REMINGTON CT #9202		NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 904			69229000725	U
BALLAMOR NAPLES LLC	1388 GREAT EGRET TRAIL				NAPLES, FL 34105---0	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 1-E			48501000095	U
BARBOT TR, IVONNE MARTINEZ	IVONNE MARTINEZ BARBOT TRUST	1375 REMINGTON CT #7101			NAPLES, FL 34110---942	REMINGTON RESERVE	A CONDOMINIUM UNIT 701			69229000505	U
BERONJA, BRANKO M & JOANNE M	1355 REMINGTON WAY #5201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 404			69229000327	U
BERONJA, BRANKO M & JOANNE M	1355 REMINGTON WAY UNIT 5201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 503			69229000385	U
BONNEY K LETT REV TRUST	1340 REMINGTON WAY APT 10202				NAPLES, FL 34110---938	REMINGTON RESERVE	A CONDOMINIUM UNIT 1004			69229000806	U
BREITHAUPT, VICTORIA L	1395 REMINGTON CT #901				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 901			69229000660	U
BRONSNICK, DEANNA D	50 STERLING DR				CHATHAM, NJ 07928---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 704			69229000563	U
C TURTLE OF NAPLES INC	5455 JAEGER RD STE A				NAPLES, FL 34109---5805	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 3-A			48501000189	U
CBYW NAPLES PROPCO LLC	% WELLTOWER INC	4500 DORR STREET			TOLEDO, OH 43615---0	SOUTHWEST PROFESSIONAL HEALTH	PARK	TRACT A		74445100504	U
CBYW NAPLES PROPCO LLC	% WELLTOWER INC	4500 DORR STREET			TOLEDO, OH 43615---0	SOUTHWEST PROFESSIONAL HEALTH	PARK	TRACT P		74445101325	U
CHERYL P SACHS TRUST	1315 REMINGTON WAY UNIT 1202				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 104			69229000084	U
CHRISTIANIA K NIETZ REV TRUST	15505 BISHOP RD				BOWLING GREEN, OH 43402---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1202			69229000929	U
COLLIER CNTY	BOARD OF COUNTY COMMISSIONERS	3301 TAMIAMI TRL E			NAPLES, FL 34112---0	26 48 25 SW1/4 OF NW1/4 LESS E	30FT & E 60FT OF N 60FT 39.05	AC OR 11O6 PG 1648		00168840007	U
COLLIER CNTY	BOARD OF COUNTY COMMISSIONERS	3301 TAMIAMI TRL E BLDG F			NAPLES, FL 34112---4902	27 48 25 COMM SE CNR SEC W	100.04FT, N 2637.85FT, CONT N	1315.14FT, E 100.01FT, S	1314.70FT, CONT S 2640.71FT	00168040009	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	26 48 25 COM AT N1/4 CNR SEC	26, S 100' & POB, S 89 DEG W	146.02', S 50', N 89 DEG E	146.5', N 50' TO POB AND COMM	00167720100	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	PORTION OF TR B OF COLLIER	HEALTH PARK DESC IN	OR 3690 PG 3601		27167500400	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	FRANK BOULEVARD	(FRANK BOULEVARD C-851) & THAT	PORTION ADDED FOR ROAD WIDEN-	ING AS DESC IN OR 3057 PG 3387	34500000107	U
COLLIER HEALTH CARE INC	PO BOX 413029				NAPLES, FL 34101---3029	NORTH NAPLES MEDICAL PARK	LOT 7			64280000523	U
COLLIER HEALTH CARE INC	PO BOX 413029				NAPLES, FL 34101---3029	COLLIER HEALTH PARK THAT PORT	OF TRACT "C" DESC AS: COM SW	CNR LOT 7 NORTH NAPLES MEDICAL	PARK, S 31'17"W 5.39FT, N 89	27167550214	U
COLLIER HEALTH PARK	OWNERS' ASSOCIATION INC	560 DELAWARE AVE #300			BUFFALO, NY 14202---0	COLLIER HEALTH PARK TRACT D,	LESS THAT PORTION VACATED ON	RES # 91-634 OR 1650 PG 1686		27167550405	U
COLLIER'S RESERVE ASSOC INC	11711 COLLIERS RESERVE DR				NAPLES, FL 34110---909	COLLIER'S RESERVE TRACT "R",	LESS THAT PORTION DESC IN OR	2478 PG 1125 REF AS	CROSSPOINTE DR, LESS THAT	27185003251	U
COLLIER'S RESERVE ASSOC INC	11715 COLLIERS RESERVE DR				NAPLES, FL 34110---909	COLLIER'S RESERVE	TRACT 01-06 LESS THAT PART	LYING E OF TR R DESC IN OR	3659 PG 3087	27185003756	U
COOLCHANGE LAND TRUST	1315 REMINGTON WAY #1102				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 102			69229000042	U
COUNTY WATER-SEWER DISTRICT	UTILITY DIVISION	COLLIER COUNTY COURTHOUSE	3301 TAMIAMI TRL E BLDG F		NAPLES, FL 34112---4902	27 48 25 COM SE CNR, W 100FT,	N 1500FT TO POB CONT N	2455.41FT, WLY 577.2FT, SLY	886.02FT, WLY 400FT, SLY	00167840006	U
CREEKSIDE COMMERCE PARK	PROPERTY OWNERS ASSOC INC	2600 GOLDEN GATE PKWY			NAPLES, FL 34101---0	CREEKSIDE COMMERCE PARK WEST	UNIT ONE	TRACT L1 LESS OR 3661 PG 2087		29331190521	U
CREEKSIDE COMMERCE PARK	PROPERTY OWNERS ASSOC INC	2600 GOLDEN GATE PKWY			NAPLES, FL 34105---0	CREEKSIDE COMMERCE PARK WEST	UNIT 2, THAT PORTION OF TR R	VACATED BY OR 5329 PG 2580 AND	OR 5351 PG 2316	29331193036	U
CREEKSIDE COMMERCE PARK	PROPERTY OWNERS ASSOC INC	2600 GOLDEN GATE PKWY			NAPLES, FL 34105---3227	CREEKSIDE COMMERCE PARK WEST	UNIT ONE	TRACT R		29331190680	U
CREEKSIDE COMMERCE PARK	PROPERTY OWNERS ASSOC INC	2600 GOLDEN GATE PKWY			NAPLES, FL 34105---3227	CREEKSIDE COMMERCE PARK WEST	UNIT TWO TRACT R LESS THAT	PART DESC IN OR 3926 PG 2925,	LESS THAT PORTION VACATED	29331193023	U
CREEKSIDE COMMERCE PARK	PROPERTY OWNERS ASSOC INC	2600 GOLDEN GATE PKWY			NAPLES, FL 34105---3227	CREEKSIDE COMMERCE PARK WEST	UNIT TWO TRACT O3			29331193065	U
CREEKSIDE COMMERCE PARK	PROPERTY OWNERS ASSSN INC	2600 GOLDEN GATE PKWY			NAPLES, FL 34105---0	ARTHREX BOULEVARD	TRACT O			22435007724	U
CREEKSIDE EAST INC	% BARRON COLLIER COMPANIES	2600 GOLDEN GATE PARKWAY			NAPLES, FL 34105---0	CREEKSIDE EAST	LAND CONDOMINIUM UNIT 2			29333000046	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34103---0	CREEKSIDE COMMERCE	PARK EAST TRACT P-2			29331181145	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE CORNERS CONDOMINIUM	A COMMERCIAL LAND CONDOMINIUM	UNIT 1		23991198024	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE CORNERS CONDOMINIUM	A COMMERCIAL LAND CONDOMINIUM	UNIT 2		23991198040	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE PARK EAST	TRACT 2			29331180023	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE PARK EAST	TRACT 3, LESS	THAT PORTION NKA CREEKSIDE	EAST LAND CONDO AS DESC	29331180049	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE CO MMERCE	PARK EAST TRACT 4			29331180544	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE	PARK EAST TRACT 4A			29331180560	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE	PARK EAST TRACT 4B			29331180586	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE	PARK EAST, PART OF TR 5. DESC	AS FOLL; COMM AT NE CNR 27-48-	25, ALG E LI S01 09 43E 696.85	29331180609	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE	PARK EAST TRACT 6			29331181103	U
CREEKSIDE EAST INC	2600 GOLDEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE	PARK EAST TRACT P-1			29331181129	U
CREEKSIDE EAST INC	2600 GOLDFEN GATE PKWY				NAPLES, FL 34105---0	CREEKSIDE COMMERCE	PARK EAST TRACT P-3			29331181161	U
CREEKSIDE HOSPITALITY LLC	1370 CREEKSIDE BLVD				NAPLES, FL 34109---1945	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 11 AND THAT	PORTION OF LOT 12 AS DESC IN	OR 5500 PG 1221	29331193188	U
CREEKSIDE WEST INC	% RYAN LLC	THREE GALLERIA TOWER	13155 NOEL RD #100 LB73		DALLAS, TX 75240---0	CREEKSIDE COMMERCE PARK WEST	UNIT ONE	LOT 2, AND E 32.84FT OF LOT 3,	LESS OR 3663 PG 2579	29331190709	U
CUMMINGS JR, PAUL A	BARBARA M CUMMINGS	12029 COLLIERS RESERVE DRIVE			NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 501			69229000343	U
D & B CRANDALL FAM LIM PRTNRSH	777 WEDGE DR				NAPLES, FL 34103---4447	ROYAL PALM BUILDING	A CONDOMINIUM UNIT 101			71360000041	U
D'ALESSANDRO, JOSEPH A	CYNTHIA A D'ALESSANDRO	300 LUZERNE AVE			WEST PITTSTON, PA 18643---2234	REMINGTON RESERVE	A CONDOMINIUM UNIT 402			69229000288	U
DENNIS STABILE DEC OF TRUST	1340 REMINGTON WAY #201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1003			69229000783	U
DONLEY, DAVID S	PO BOX 272				PICKERINGTON, OH 43147---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 804			69229000644	U
DONLEY, MICHAEL D	7600 FARMSBURY DR				REYNOLDSBURG, OH 43068---3150	REMINGTON RESERVE	A CONDOMINIUM UNIT 302			69229000204	U
DUGAN, M KEVIN & MARGARET M	11611 USEPPA CT				NAPLES, FL 34110---925	REMINGTON RESERVE	A CONDOMINIUM UNIT 502			69229000369	U
ECKERTY TR, THOMAS G	UNRECORDED LAND TRUST	UTD 04/02/96	12734 KENWOOD LN STE 89		FORT MYERS, FL 33907---5638	SOUTHWEST PROFESSIONAL HEALTH	PARK	TRACT R		74445101341	U
ENCORE VENTURE LLC	8009 KILKENNY COURT				NAPLES, FL 34112---0	ROYAL PALM BUILDING	A CONDOMINIUM UNIT 301			71360000122	U
ESTATES AT BAY COLONY GOLF	CLUB, THE	10495 GOODLETTE-FRANK RD N			NAPLES, FL 34109---0	MASHIE COURT AT THE ESTATES AT	BAY COLONY GOLF CLUB	TRACT A		59934000127	U
FARLEY WHITE CHP LLC	%FARLEY WHITE INTERESTS LLC	155 FEDERAL STREET	STE 1800		BOSTON, MA 02110---0	COLLIER HEALTH PARK	CONDOMINIUM A COMMERCIAL	LAND CONDOMINIUM UNIT 1		27167400021	U
FARLEY WHITE CHP LLC	%FARLEY WHITE INTERESTS LLC	155 FEDERAL STREET	STE 1800		BOSTON, MA 02110---0	COLLIER HEALTH PARK	CONDOMINIUM A COMMERCIAL	LAND CONDOMINIUM UNIT 2		27167400047	U
FLP 1750 LLC	PO BOX 492				ALPENA, MI 49707---0	RUBELL MEDICAL CENTER	CONDOMINIUM A COMMERCIAL LAND	CONDOMINIUM UNIT 1		71723900021	U
FLP 1750 LLC	PO BOX 492				ALPENA, MI 49707---0	RUBELL MEDICAL CENTER	CONDOMINIUM A COMMERCIAL LAND	CONDOMINIUM UNIT 2		71723900047	U
FLP 1750 LLC	PO BOX 492				ALPENA, MI 49707---0	RUBELL MEDICAL CENTER	CONDOMINIUM A COMMERCIAL LAND	CONDOMINIUM UNIT 3		71723900063	U
FRANCES L NAPLES REV LIV TRUST	1345 REMINGTON WAY #4201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 403			69229000301	U
GALBRAITH, BEVERLY F	1320 REMINGTON WAY UNIT 1201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1201			69229000903	U
GAYLE G NERING TRUST	1395 REMINGTON CT #9201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 903			69229000709	U
GOLDMAN, LAWRENCE E & CAROL A	1355 REMINGTON WAY #5202				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 504			69229000408	U
HEITMANN TR, TERESA L	PETERSEN TR, ROBERT A=& JUDY C	TERESA L HEITMANN REV TRUST	ROBERT A PETERSEN REV TRUST 1660 MEDICAL BLVD STE 300		NAPLES, FL 34110---1497	ROYAL PALM BUILDING	A CONDOMINIUM UNIT 300			71360000106	U
HERBKERSMAN, MARY K	1395 REMINGTON CT #8101				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 801			69229000589	U
HOGAN, KAREN B	9751 BENTGRASS BND				NAPLES, FL 34108---1933	BENTGRASS BEND AT THE ESTATES	AT BAY COLONY GOLF CLUB	LOT 80		23932000443	U
HOSLER TRUST	47 FARRAGUT AVE				PIEDMONT, CA 94610---0	MASHIE COURT AT THE ESTATES AT	BAY COLONY GOLF CLUB	LOT 55		59934000062	U
J CAROLYN SARGENT TRUST	1345 REMINGTON WAY #401				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 401			69229000262	U
J DOUGLAS SMITH TRUST	3610 139TH ST				LEAKWOOD, KS 66224---0	BENTGRASS BEND AT THE ESTATES	AT BAY COLONY GOLF CLUB	LOT 78		23932000401	U
JENSING INC	5550 HERON POINT DR #1102				NAPLES, FL 34108---0	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 1-A			48501000024	U
JONES, MICHAEL A & JANET E	9671 MASHIE CT				NAPLES, FL 34108---1997	MASHIE COURT AT THE ESTATES AT	BAY COLONY GOLF CLUB	LOT 58		59934000127	U
JRW NORTH OFFICE LLC	9130 CORSEA DEL FONTANA WAY				NAPLES, FL 34109---0	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM UNIT 110			26090000049	U
JSS PROPERTIES INC	5822 SPANISH OAKS LN				NAPLES, FL 34119---1154	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 2-A			48501000105	U
JSS PROPERTIES INC	5822 SPANISH OAKS LN				NAPLES, FL 34119---1154	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 2-B			48501000121	U
JSS PROPERTIES INC	5822 SPANISH OAKS LN				NAPLES, FL 34119---1154	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 2-D			48501000150	U
JUDSON, JACKIE	1340 REMINGTON WAY #1002				NAPLES, FL 34110---938	REMINGTON RESERVE	A CONDOMINIUM UNIT 1002			69229000767	U
KALBACH, JAMES C & DONNA L	214 E KING STREET				EDENTON, NC 27932---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 702			69229000521	U
KARP, CLAUDIA	12285 SW 1ST ST				CORAL SPRINGS, FL 33071---8059	REMINGTON RESERVE	A CONDOMINIUM UNIT 1001			69229000741	U
KSSK LLC	15187 BROLIO WAY				NAPLES, FL 34110---2719	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 1-B			48501000040	U
KSSK LLC	15187 BROLIO WAY				NAPLES, FL 34110---2719	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 1-C			48501000066	U
LARE JR, JOHN & NANCY H	1365 REMINGTON WAY #6201				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 603			69229000466	U
LIZ PROPERTIES LTD	1435 MAHOGANEE RD				NAPLES, FL 34110---1401	COLLIER HEALTH PARK REPLAT OF	TRACT B-1			27167550489	U
LUKAS, CYNTHIA A	8749 N CLEAR LAKE RD				MILTON, WI 53563---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 201			69229000107	U
LUND, THOMAS C & CAROL A	9755 BENTGRASS BEND				NAPLES, FL 34108---0	BENTGRASS BEND AT THE ESTATES	AT BAY COLONY GOLF CLUB	LOT 79		23932000427	U
M T V L LLC	1713 SW HEALTH PKWY STE 1				NAPLES, FL 34109---502	SOUTHWEST PROFESSIONAL HEALTH	PARK THAT PORTION OF TRACT B1	DESC AS: COM NW CNR TRACT B1,	N 89DEG 55'29"E 238.82FT TO A	74445100821	U
MCELROY, WALTER R	PAMELA J MCELROY	1375 REMINGTON CT #7201			NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 703			69229000547	U
MERCER, THOMAS A & GAIL T	904 COUNTRY CLUB DR				BOWLING GREEN, OH 43402---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1204			69229000961	U
MEYER JR, ANDREW C & KATHLEEN	9675 MASHIE CT				NAPLES, FL 34108---1997	MASHIE COURT AT THE ESTATES AT	BAY COLONY GOLF CLUB	LOTS 59 AND 60		59934000143	U
MPG HEALTH PARKWAY LLC	6321 DANIEL PWKY #200				FORT MYERS, FL 33912---0	SOUTHWEST PROFESSIONAL HEALTH	PARK TRACT B1, LESS THAT	PORTION DESC IN OR 2598 PG	1508	74445100805	U
NAPE, DAVID J & CYNTHIA J	60 PINECONE LN				SHAVERTOWN, PA 18708---9543	REMINGTON RESERVE	A CONDOMINIUM UNIT 602			69229000440	U
NAPLES 9 LLC	12763 STARK RD STE 101				LIVONIA, MI 48150---1535	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM UNIT 200			26090000081	U
NAPLES 9 LLC	12763 STARK RD STE 101				LIVONIA, MI 48150---1535	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM UNIT 210			26090000104	U
NAPLES 9 LLC	12763 STARK RD STE 101				LIVONIA, MI 48150---1535	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM UNIT 300			26090000120	U
NAPLES 9 LLC	12763 STARK RD STE 101				LIVONIA, MI 48150---1535	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM UNIT 100			26090000023	U
NAPLES CHIROPRACTIC CENTER INC	C/O WHITE HERON WELLNESS CTR	1775 ARLINGTON ST	STE 2		SARASOTA, FL 34239---0	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 2-E			48501000163	U
NAPLES COMMUNITY HOSPITAL INC	350 7TH ST N				NAPLES, FL 34102---5754	COLLIER HEALTH PARK TRACT C,	LESS THAT PORTION DESC IN OR	2445 PG 2177		27167550201	U
NAPLES COMMUNITY HOSPITAL INC	350 7TH STREET N				NAPLES, FL 34102---0	NORTH NAPLES MEDICAL PARK	LOT 1 LESS ORDER OF TAKING 04-	3779 DESC IN OR 3697 PG 260		64280000400	U
NAPLES COMMUNITY HOSPITAL INC	PO BOX 413029				NAPLES, FL 34101---3029	NORTH NAPLES MEDICAL PARK	LOT 6			64280000507	U
NATIONWIDE HLTH PROPERTIES INC	% CTUS GROUP US INC	21001 N TATUM BLVD #1630-630			PHOENIX, AZ 85050---0	SOUTHWEST PROFESSIONAL HEALTH	PARK	TRACT B3		74445101105	U
NCH HEALTHCARE SYSTEM INC	PO BOX 413001				NAPLES, FL 34101---0	27 48 25 FROM NW CNR SEC 27, S	125.02 FT, N 45 DEG E 35.08FT,	S 89 DEG E 573.46 FT, S 86 DEG	E 500.61 FT, S 89 DEG E 147.09	00168040601	U
NCH HEALTHCARE SYSTEM INC	PO BOX 413001				NAPLES, FL 34101---0	27 48 25 COMM NW CNR SEC 27,	S 125.02FT, N 44DEG E 34.99FT,	S 89DEG E 573.45FT, S 89DEG E	500.61FT, S 89DEG E 768.26FT,	00168048001	U
NCHMD INC	350 7TH STREET N				NAPLES, FL 34102---0	NORTH NAPLES MEDICAL PARK	LOTS 4 AND 5			64280000468	U
NEWTON JR, ROBERT D & KIM M	1330 REMINGTON WAY #11101				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1101			69229000822	U
NORTH NAPLES MEDICAL PARK	OWNERS ASSOCIATION	PO BOX 413029			NAPLES, FL 34101---3029	NORTH NAPLES MEDICAL PARK	TRACT R			64280000387	U
NORTH NAPLES MEDICAL PARK	OWNERS ASSOCIATION INC	PO BOX 413029			NAPLES, FL 34101---3029	NORTH NAPLES MEDICAL PARK	TRACT P-1			64280000060	U
NORTH NAPLES MEDICAL PARK	OWNERS ASSOCIATION INC	PO BOX 413029			NAPLES, FL 34101---3029	NORTH NAPLES MEDICAL PARK	TRACT P-2			64280000361	U
NOVAK, MICHAEL A & BRIDGETTE A	1660 MEDICAL BLVD STE 200				NAPLES, FL 34110---1416	ROYAL PALM BUILDING	A CONDOMINIUM UNIT 200			71360000067	U
NOVAK, MICHAEL A & BRIDGETTE A	1660 MEDICAL BLVD STE 200				NAPLES, FL 34110---1416	ROYAL PALM BUILDING	A CONDOMINIUM UNIT 201			71360000083	U
OLSON, JAY & KATHLYN	1335 REMINGTON WAY APT 3201				NAPLES, FL 34110---937	REMINGTON RESERVE	A CONDOMINIUM UNIT 303			69229000220	U
PALM 100 LLC	1680 MEDICAL BLVD SUITE 100				NAPLES, FL 34110---0	ROYAL PALM BUILDING	A CONDOMINIUM UNIT 100			71360000025	U
PGA FAMILY REALTY LLC	408 COLLEGE AVENUE SUITE #1				ITHACA, NY 14850---0	COLLIER HEALTH PARK	CONDOMINIUM A COMMERCIAL	LAND CONDOMINIUM UNIT 3		27167400063	U
PGA FAMILY REALTY LLC	408 COLLEGE AVENUE SUITE #1				ITHACA, NY 14850---0	COLLIER HEALTH PARK	CONDOMINIUM A COMMERCIAL	LAND CONDOMINIUM UNIT 4		27167400089	U
PIKE, JOSEPH D & CHAN POYNER	9663 MASHIE COURT				NAPLES, FL 34108---1997	MASHIE COURT AT THE ESTATES AT	BAY COLONY GOLF CLUB	LOT 56 AND LOT 57		59934000088	U
PLAYTPUS PROPERTIES SUB IV LLC	11623 USEPPA CT				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 202			69229000123	U
POTIER, MICHEL & PATRICIA	1325 REMINGTON WAY APT 2202				NAPLES, FL 34110---934	REMINGTON RESERVE	A CONDOMINIUM UNIT 204			69229000165	U
PRATT, KRISTIN LEIGH	1365 REMINGTON WAY #6101				NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 601				

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PRYOR REVOCABLE TRUST	9664 MASHIE CT			NAPLES, FL 34108---1996	MASHIE COURT AT THE ESTATES AT	BAY COLONY GOLF CLUB	LOT 61			59934000185 U
QUATRO LLC	363 NEPTUNES BIGHT			NAPLES, FL 34103---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 803				69229000628 U
QUILLIN TR, ANDREW D	MICHELLE C QUILLIN TR	4635 ABERDEEN AVE		DUBLIN, OH 43016---9529	REMINGTON RESERVE	A CONDOMINIUM UNIT 304				69229000246 U
RANI INVESTMENTS LLC	425 DOCKSIDE DR # 602			NAPLES, FL 34110---0	CREEKSIDE COMMERCE PARK WEST	UNIT ONE	LOT 3, LESS OR 3662 PG 1812,	LESS E 32.84FT OF LOT 3		29331190725 U
RES FLORIDA 1250 HOLDINGS LLC	1265 CREEKSIDE PARKWAY	SUITE 210		NAPLES, FL 34108---0	CREEKSIDE COMMERCE PARK	LOT 4				29331194022 U
RES FLORIDA 1250 HOLDINGS LLC	1265 CREEKSIDE PKWY STE 210			NAPLES, FL 34108---0	CREEKSIDE COMMERCE PARK WEST	UNIT TWO TRACT O2				29331193049 U
RES FLORIDA 1255 HOLDINGS LLC	% JOHN SCHMIEDING	1370 CREEKSIDE BLVD		NAPLES, FL 34108---1945	CREEKSIDE COMMERCE PARK WEST	UNIT ONE	LOT 1 LESS OR 3661 PG 2083			29331190686 U
RES FLORIDA 1265 HOLDINGS, LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---0	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 14 AND 15 AND	THAT PART OF TR R AS DESC IN	OR 3926 PG 2925 (RES 06-73)		29331193243 U
RES FLORIDA 1284 HOLDING LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---0	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 13 AND THAT PART	OF LOT 12 FURTHER DESC AS: BEG	AT THE NE CNR OF LOT 13, RUN S		29331193227 U
RES FLORIDA 1370 HOLDINGS LLC	1265 CREEKSIDE PARKWAY, #210			NAPLES, FL 34108---0	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 10 AND A PORTION	OF LOT 9 AS DESC IN OR 4103 PG	2624		29331193162 U
RES FLORIDA 1370 HOLDINGS LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---0	ARTHREX AT CREEKSIDE-TRACT"A"	TRACT A				22435011024 U
RES FLORIDA 1370 HOLDINGS LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---1945	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 6, LESS	ARTHREX AT CREEK SIDE TRACT A			29331193081 U
RES FLORIDA 1370 HOLDINGS LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---1945	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 7				29331193104 U
RES FLORIDA 1370 HOLDINGS LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---1945	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 8				29331193120 U
RES FLORIDA 1370 HOLDINGS LLC	1370 CREEKSIDE BLVD			NAPLES, FL 34108---1945	CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 9, LESS THAT	PART OF 9 NKA CREEKSIDE FLEX I	COMMERCIAL LAND CONDO AS DESC		29331193146 U
RIVERCHASE COMMONS OWNERS	ASSOCIATION INC	PO BOX 8537		NAPLES, FL 34101---8537	RIVERCHASE COMMONS	TRACT J				69586500065 U
S J M J LIMITED PARTNERSHIP	1901 WISHWOOD DR	PO BOX 1423		WASHINGTON, MO 63090---0	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 2-C				48501000147 U
SCHAFER, HENRY W & JUDITH M	18049 S SHORE LN W			EDEN PRAIRIE, MN 55346---3412	REMINGTON RESERVE	A CONDOMINIUM UNIT 301				69229000181 U
SINGER, MARK A	5550 HERON POINT DR			NAPLES, FL 34108---2868	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 1-D				48501000082 U
SMARG, RICHARD M	1185 IMMOKALEE RD STE 120			NAPLES, FL 34110---4806	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM UNIT 120				26090000065 U
SNIDER, MARY JOYCE	RHONDA COODY KATZMAN	1385 REMINGTON CT #8102		NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 802				69229000602 U
SOUTHWEST FLORIDA WOMEN'S	GROUP AND BUILDING CO LLC	1890 SW HEALTH PKWY STE 303		NAPLES, FL 34109---473	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 3-B				48501000202 U
SOUTHWEST FLORIDA WOMEN'S	GROUP BUILDING CO LLC	1890 SW HEALTH PKWY STE 303		NAPLES, FL 34109---473	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 3-C				48501000228 U
STELZER, JOHN A & CHRISTINE J	4 ALEXANDER CT			BAYPORT, NY 11705---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1103				69229000864 U
STURINO REVOCABLE TRUST	11612 USEPPA CT			NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 604				69229000482 U
SW FLA WOMENS GROUP COM LLC	1890 SW HEALTH PKWY STE 303			NAPLES, FL 34109---473	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 3-E				48501000260 U
SWAMP LLC	3860 PEMBROOKE LANE			VESTAL, NY 13850---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1104				69229000880 U
TORRENS LLC	1890 SW HEALTH PKWY #302			NAPLES, FL 34109---0	GULFCOAST MEDICAL ARTS CENTER	A CONDOMINIUM UNIT 3-D				48501000244 U
TRAIL BOULEVARD LLLP	%PARADIGM TAX- ESS #1638	PO BOX 800729		DALLAS, TX 75380---0	27 48 25 THAT PORTION LYING S	OF IMMOKALEE RD AND ELY OF	GOODLETTE FRANK RD AS FURTHER	DESC IN OR 4522 PG 381		00168040106 U
TRAIL BOULEVARD LLLP	%PARADIGM TAX- ESS #1638	PO BOX 800729		DALLAS, TX 75380---0	27 48 25 COMM AT NE CNR SEC 27	S01DEG 09'43"E 1314.62FT, S89	DEG 48'50'W 677.35FT, S05DEG	35'39"E 229.90FT TO POB, S05		00168042706 U
TURICCHI, THOMAS E & LEE A	1320 REMINGTON WAY #12201			NAPLES, FL 34110---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 1203				69229000945 U
UNITED STATES POSTAL SERVICE	4000 DEKALB TECHNOLOGY PKWY	STE 300		ATLANTA, GA 30340---2761	CREEKSIDE COMMERCE PARK WEST	UNIT ONE	LOT 5			29331190848 U
WALSH, PHYLLIS	WILLIAM WALSH	3860 PEMBROKE LN		VESTAL, NY 13850---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 103				69229000068 U
WALSH, WILLIAM	PHYLLIS WALSH	3860 PEMBROKE LN		VESTAL, NY 13850---0	REMINGTON RESERVE	A CONDOMINIUM UNIT 101				69229000026 U
WHITE OAKS REAL ESTATE	INVESTMENTS OF SW FL LLC	1285 CREEKSIDE BLVD E		NAPLES, FL 34109---0	CREEKSIDE COMMERCE PARK EAST,	PART OF TR 5 DESC AS FOLL; COM	AT NE CNR 27-48-25 ALG E LI	S01 09 43E 696.85FT, THENCE		29331180612 U
REFERENCE ONLY	CITIZENS NATIONAL BANK CENTER	A CONDOMINIUM			RIVERCHASE COMMONS	LOT 10 AND 11 NKA CITIZENS	NATIONAL BANK CENTER CONDO AS	DESC IN OR 3134 PG 1379		69586500447 N
REFERENCE ONLY	COLLIER HEALTH PARK	CONDOMINIUM A COMMERCIAL	LAND CONDOMINIUM		COLLIER HEALTH PARK,	THAT PORTION OF TRACT B AS	DESC IN OR 5244 PG 1526 NKA	COLLIER HEALTH PARK CONDO-		27167500206 N
REFERENCE ONLY	CREEKSIDE CORNERS CONDOMINIUM	A COMMERCIAL LAND CONDOMINIUM			CREEKSIDE COMMERCE PARK	EAST, THAT PART OF TRACT 5	NKA CREEKSIDE CORNERS	CONDO, A COMMERCIAL LAND		29331180625 N
REFERENCE ONLY	CREEKSIDE EAST	LAND CONDOMINIUM			CREEKSIDE COMMERCE PARK EAST	THAT PORTION OF TRACT 3 NKA	CREEKSIDE EAST LAND CONDO AS	DESC IN OR 5057 PG 2811		29331180104 N
REFERENCE ONLY	CREEKSIDE FLEX I	A COMMERCIAL LAND CONDOMINIUM			CREEKSIDE COMMERCE PARK WEST	UNIT TWO LOT 10 AND A PORTION	OF LOT 9 NKS CREEKSIDE FLEX I	COMMERCIAL LAND CONDO AS DESC		29331193162 N
REFERENCE ONLY	GULFCOAST MEDICAL ARTS	CENTER A CONDOMINIUM			SOUTHWEST PROFESSIONAL HEALTH	PARK TRACT B4 NKA GULFCOAST	MEDICAL ARTS CENTER CONDO AS	DESC IN OR 2644 PG 551 & OR		74445101309 N
REFERENCE ONLY	NOW SEE PELICAN MARSH GOLF	COURSE PH TWO TR GC1 PAR 1	FOLIO# 66679351250		BENTGRASS BEND AT THE ESTATES	AT BAY COLONY GOLF CLUB	TRACT B			23932000045 N
REFERENCE ONLY	NOW SEE PELICAN MARSH GOLF	COURSE PH TWO TR GC1 PAR 1	FOLIO# 66679351250		PELICAN MARSH GOLF COURSE	PHASE THREE TRACT 3, LESS THAT	PORTION DESC IN OR 2139 PG 646			66679360759 N
REFERENCE ONLY	NOW SEE PELICAN MARSH GOLF	COURSE PH TWO TRACT GC-1 PCL 1	FOLIO 66679351250		PELICAN MARSH GOLF COURSE	PHASE THREE TRACT GC1 B				66679361363 N
REFERENCE ONLY	NOW SEE PELICAN MARSH GOLF	COURSE PH TWO TRACT GC-1 PCL-1	FOLIO# 66679351250		PELICAN MARSH GOLF COURSE	PHASE THREE THAT PORTION OF TR	GC1 AS DESC IN OR 2147 PG 712	(PORTION OF BAY COLONY GOLF		66679361321 N
REFERENCE ONLY	REMINGTON RESERVE	A CONDOMINIUM			COLLIER'S RESERVE	THAT PORTION OF TR "I" NKA	REMINGTON RESERVE CONDO (PH 1)	AS DESC IN OR 4093 PG 1474 AS		27185002605 N
REFERENCE ONLY	ROYAL PALM BUILDING	A CONDOMINIUM			NORTH NAPLES MEDICAL PARK LOT	8 & 9 NIK/A ROYAL PALM	BUILDING CONDO AS DESC IN OR	2396 PG 2708		64280000549 N
REFERENCE ONLY	RUBELL MEDICAL CENTER CONDO	A COMMERCIAL LAND CONDOMINIUM			SOUTHWEST PROFESSIONAL HEALTH	PARK TRACT B2, NKA RUBELL	MEDICAL CENTER CONDOMINIUM	A COMMERCIAL LAND CONDOMINIUM		74445101008 N
BERECZKI, CSABA F	16 SONNY ST			MAPLE L6A 1C1 CANADA	REMINGTON RESERVE	A CONDOMINIUM UNIT 902				69229000686 F
SIEKIERSKI, WILLIAM	104 - 11 DURHAM PRIVATE			OTTAWA K1M 2H6 CANADA	REMINGTON RESERVE	A CONDOMINIUM UNIT 1102				69229000848 F
PELICAN MARSH CDD	5672 STRAND COURT, SUITE 1			NAPLES, FL 34110						
PELICAN MARSH FOUNDATION	1504 PELICAN MARSH BOULEVARD			NAPLES, FL 34109-0315						

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Naples Daily News
PART OF THE USA TODAY NETWORK
Published Daily
Naples, FL 34110

Q GRADY MINOR ASSOCIATES PA
3800 VIA DEL REY
BONITA SPRINGS, FL 34134
ATTN SHARON UMPENHOUR

Affidavit of Publication
STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared who on oath says that they serve as **legal clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida , for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

10/22/2021

Subscribed and sworn to before on October 22nd, 2021

Notary, State of WI, County of Brown
My commission expires: 5.15.23

PUBLICATION COST: $932.40
AD NO: GCI0753453
CUSTOMER NO: 531419
PO#: PL20210002390
AD SIZE:

NANCY HEYRMAN
Notary Public
State of Wisconsin

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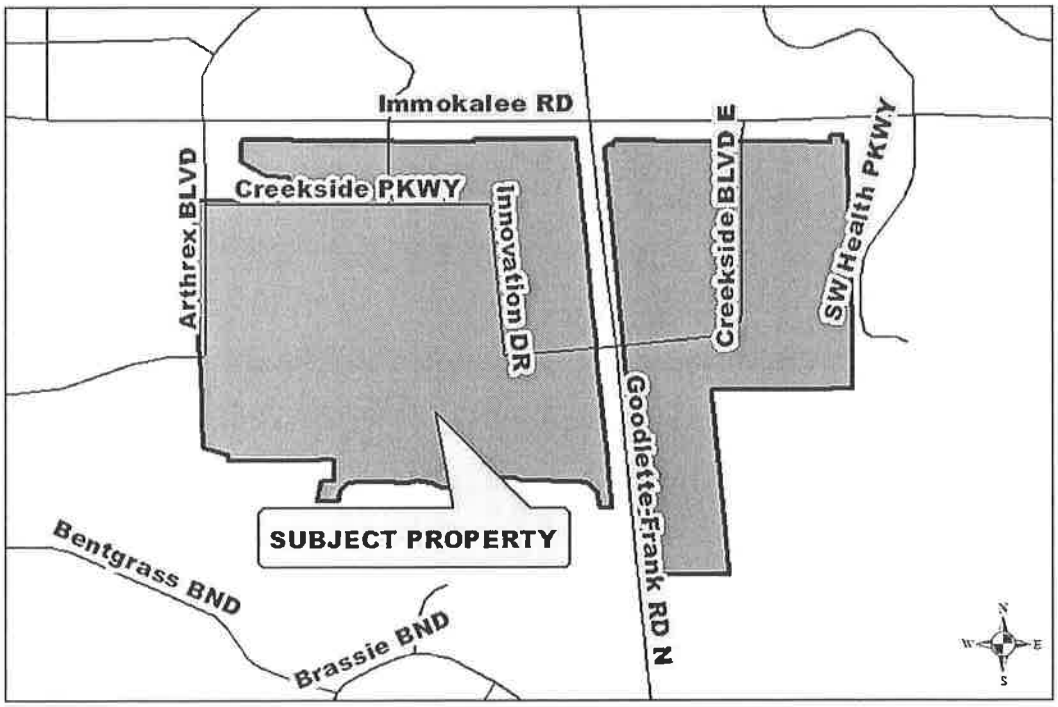
NEIGHBORHOOD INFORMATION MEETING

PROJECT NAME: Creekside Commerce Park PUD 29331193162 (PL20210002390)

A Neighborhood Information Meeting hosted by D. Wayne Arnold, AICP, of Q. Grady Minor and Associates, P.A., representing RES Florida 1370 Holdings, LLC (Applicant) will be held **November 9, 2021, 5:30 pm at Arthrex (1 Arthrex Way, Naples, FL 34108).** Questions or comments please contact Sharon Umpenhour, Senior Planning Technician with Q. Grady Minor & Associates, P.A. by email: sumpenhour@gradyminor.com or phone: 239-947-1144. For project information or to register to participate remotely go to, gradyminor.com, click on the Planning tab and scroll down to the project name.

RES Florida 1370 Holdings, LLC submitted a formal application to Collier County seeking approval of an Insubstantial Change to a PUD (PDI). The PDI proposes to modify the PUD Ordinance to allow Tract 7 on the PUD Master Plan to qualify for the alternative architectural compliance process as was previously approved for other buildings on the Arthrex Campus.

The Creekside Commerce Park PUD is comprised of 106± acres, located on the southwest and southeast quadrant of Immokalee Road and Goodlette-Frank Road in Section 27, Township 48 South, Range 25 East, Collier County, Florida.



Please be advised that any information provided is subject to change until final approval by the governing authority. The Neighborhood Information Meeting is for informational purposes, it is not a public hearing.

ND-GCI0753453-01

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PL20210002390 Creekside Commerce Park
November 9, 2021 Neighborhood Information Meeting Transcript

Wayne Arnold: Good evening, I'm Wayne Arnold with Grady Minor and Associates, and here representing Arthrex and Sharon Umpenhour is with our firm, she'll be recording the meeting, we're required to do that per Collier County regulations. Trent Lewis is here representing Arthrex, he's the facilities director. And Gabriela Castro is here from Collier County government. Buzz, thank you for joining us. We're here to talk about an insubstantial change to the Creekside PUD. Insubstantial changes are a form of an amendment that's allowed that goes through the Hearing Examiner review process rather than to the Board of County Commissioners.

There's some criteria for what is an insubstantial change and, in this case, we're adding some very minor texts about the PUD document and the zoning master plan for it. We're here to talk about something… If you don't mind me turning my back on it so I can see the exhibit, Tract Seven is one of Arthrex's holdings that they've acquired, it has the existing office building that they formally occupied there, they still occupy space, but their headquarters has now moved into the building we're in. The other building was a college, and they've acquired that, and they're going to renovate that and use it for additional Arthrex employee space. They also would like to build another building on the tract and in order to make the building look like it fits in with the other Arthrex buildings, we're asking for it to be able to go through an alternative architectural design process that was allowed for Tracts five and six, which allows the hotel where it's existing and the building we're in tonight, which is Tract five. So, on the master plan, you can see the PUD document, excuse me, we're going to say Tracts five, six, and seven, that are identified on the master plan, would qualify for this alternative architectural review.

On the master plan, you can see that Tract seven is that one, and so, as you come in off of Goodlette-Frank Road, you're on Creekside Blvd., it will terminate…right now, it essentially terminates at the Tract seven that we're talking about. And so, on that tract, we're not asking to change any uses, we're not asking to change any development standards, we're just asking for it to be allowed to be reviewed under the alternate architectural design standards. This is a rendering and concept, and it's probably changed since we received this a couple of weeks ago from the client, but they're looking to do a very modern looking office space, it'll be a training center as well as some additional office space. They do a lot of video production and things of that nature, so, those would be uses that would be utilized in the building. The reason that I think this image in the center, lower, represents why

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the architectural alternative process is necessary, the county would require that building, for instance, to have some relief on the front of it, and what Arthrex would do would be to utilize landscaping, some other design elements, to break up the space. But again, it's going to be done under the existing development standards for the PUD.

So, in a nutshell, that's what we're proposing to do, it's something that's been done for the other two buildings that Arthrex owns, and we think it makes sense for them to be able to use the process that the County's established for architectural review. So, with that, I'm happy to take any questions. Okay, none from our one audience member, anybody online have a question or comment?

Tyler Korn: Hi, yes, thank you. I'm sorry, maybe I missed it, but what is the total height of the building going to be?

Wayne: Right now, the PUD allows buildings in that tract to be 50 ft. high.

Tyler: Fifty feet?

Wayne: And that's remaining unchanged.

Tyler: And that's for a two-story building?

Wayne: It doesn't establish a maximum number of stories; it only establishes the vertical height.

Tyler: I'm sorry, but is what is being proposed a two-story building?

Wayne: This rendering represents a two-story building, but again, it would allow a building up to 50 ft. in height, whether it would be two stories, potentially three stories.

Tyler: I see. So, we don't know what the actual proposal is, right?

Wayne: This is not an actual proposal tonight; this is merely setting up the concept for them to be able to go through the architectural process that's already in the Land Development Code.

Tyler: I see.

Wayne: Could I just ask your name for the record, just so we can record that please?

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Tyler: Sure, Tyler Korn, on behalf of the Estates at Bay Colony.

Wayne: Okay, thank you.

Wayne: Any other comments or questions?

Tyler: So, I'm sorry, just for clarity, what is the minor deviation that's being sought from the PUD?

Wayne: The deviation is to allow Tract seven, which I highlighted on the master plan, to go through an alternative architectural review process. The building that we're in physically, the new office building that's the headquarters for Arthrex, as well as their hotel, also utilize that same alternate process. It allows them to do a few things different architecturally, and tailor the building to look like it's part of their campus.

Tyler: I see. I see, okay. Well, thanks.

Wayne: Sure. So, if there are any other questions, please feel free to ask. Just for some housekeeping, this will go to the hearing examiner, we don't have a hearing date established, but there will be other notice that goes out. If you receive notice for this meeting, you will receive notice from the county regarding the date of the hearing examiner, and as always, as the county continues to review, they may make, or suggest, minor revisions to how we've made the applications, so, there could be some other refinement. So, I would encourage you to contact Sharon Umpenhour, from our office, if you would like to continue to get updates or if you need access to the materials that are under review from the county.

We'll be happy to provide links to you. And if you can see our screen, that contact information is there. So, I don't know if you want to take a photo of that, or how you would like to do that, or write any of the information down. Any other questions, comments? If not, we're going to adjourn. I appreciate the questions and I appreciate you all following the item. Goodnight.

Tyler: Thanks so much.

[End of Audio]

Duration: 8 minutes

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

PETITION: PL20210002390, Creekside Commerce Park PUD 2933193162 (PDI)

November 9, 2021 Neighborhood Information Meeting (NIM)

Project information and a copy of this presentation can be found on our website: gradyminor.com/planning

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INTRODUCTION

PROJECT TEAM:

- ***RES Florida 1370 Holdings LLC*** – *Applicant*
- ***Trent Lewis, MBA, LEED AP, Director of Facilities & Corporate infrastructure*** – *Arthrex, Inc.*
- ***D. Wayne Arnold, AICP, Professional Planner*** – *Q. Grady Minor & Associates, P.A.*
- ***James A. Carr, P.E., Professional Engineer*** – *Agnoli, Barber & Brundage, Inc.*
- ***Mark Shannon, Sr. Project Manager*** – *Studio+*

**Please note, all information provided is subject to change until final approval by the governing authority.*

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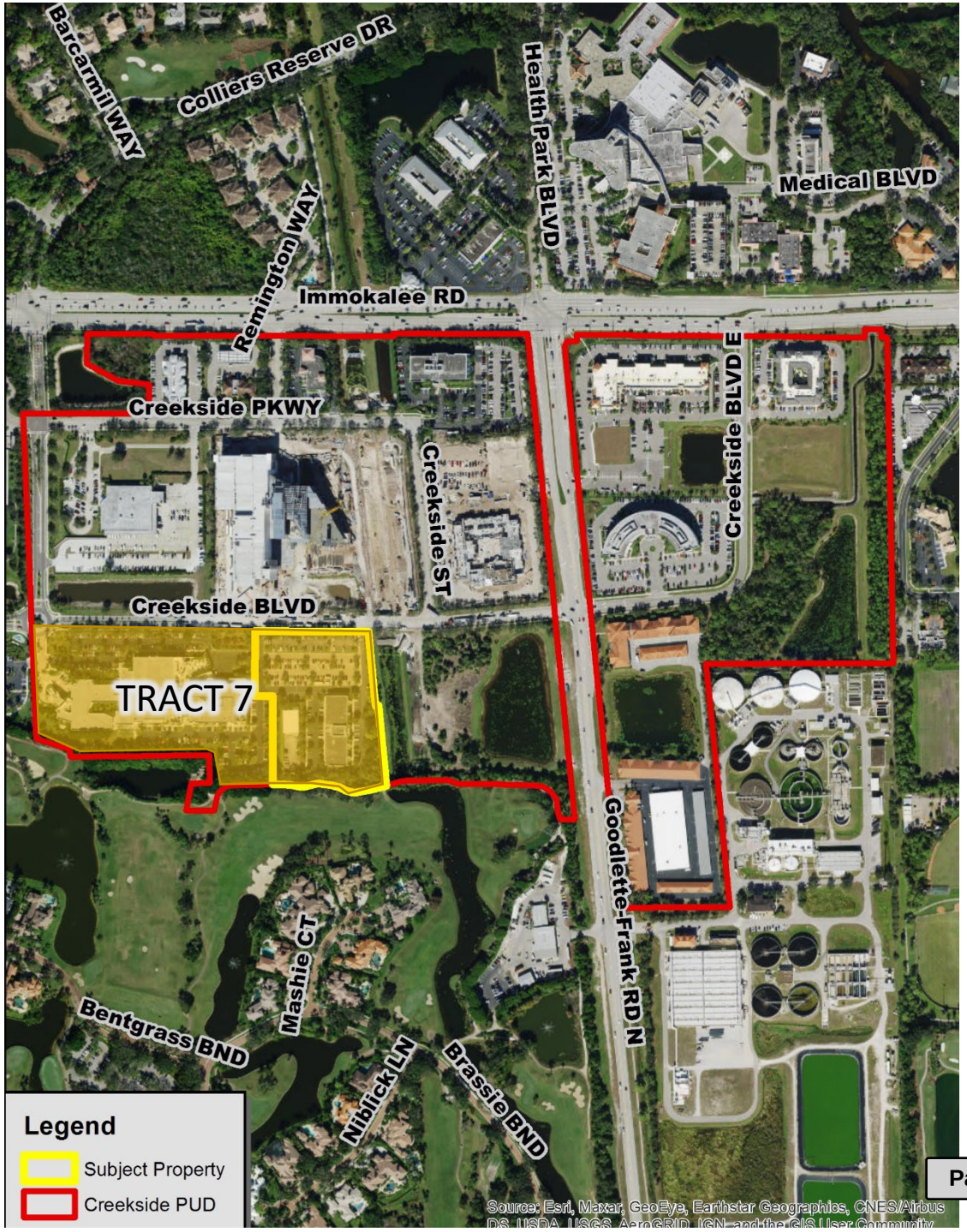
LOCATION MAP





3.A.f

N

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PROJECT INFORMATION

Current Zoning: *Creekside Commerce Park PUD*

Approved Ordinance: *2018-19 (April 24, 2018)*

Proposed Request:

- *Modify Section 3.5, Development Deviations, Item 2. to include Tract 7*
- *Modify the Master Plan to add deviation notation to Tract 7.*

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside

PROPOSED DEVIATION

N

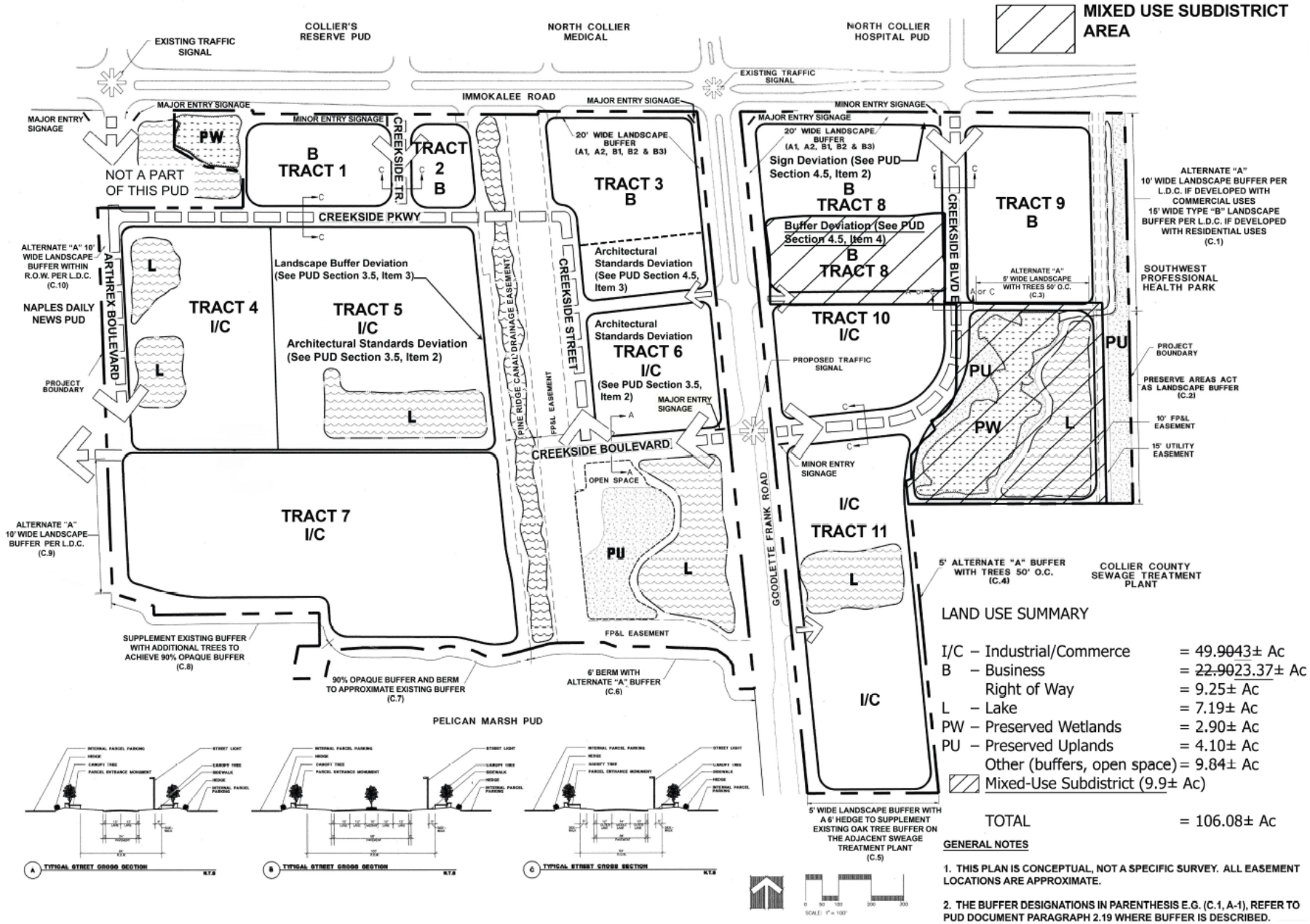
SECTION III
INDUSTRIAL/COMMERCE DISTRICT

3.5 Development Deviations

2. Deviation from LDC Section 5.05.08, Deviations and alternate compliance, which authorizes the County Manager or designee to administratively approve deviations from compliance with Section 5.05.08 of the LDC for specific types of buildings, to allow general office and medical office, hotel and physical fitness facilities that can be constructed on Tract 5, ~~and 6~~, and 7 of the Master Plan to be eligible for this deviation process.

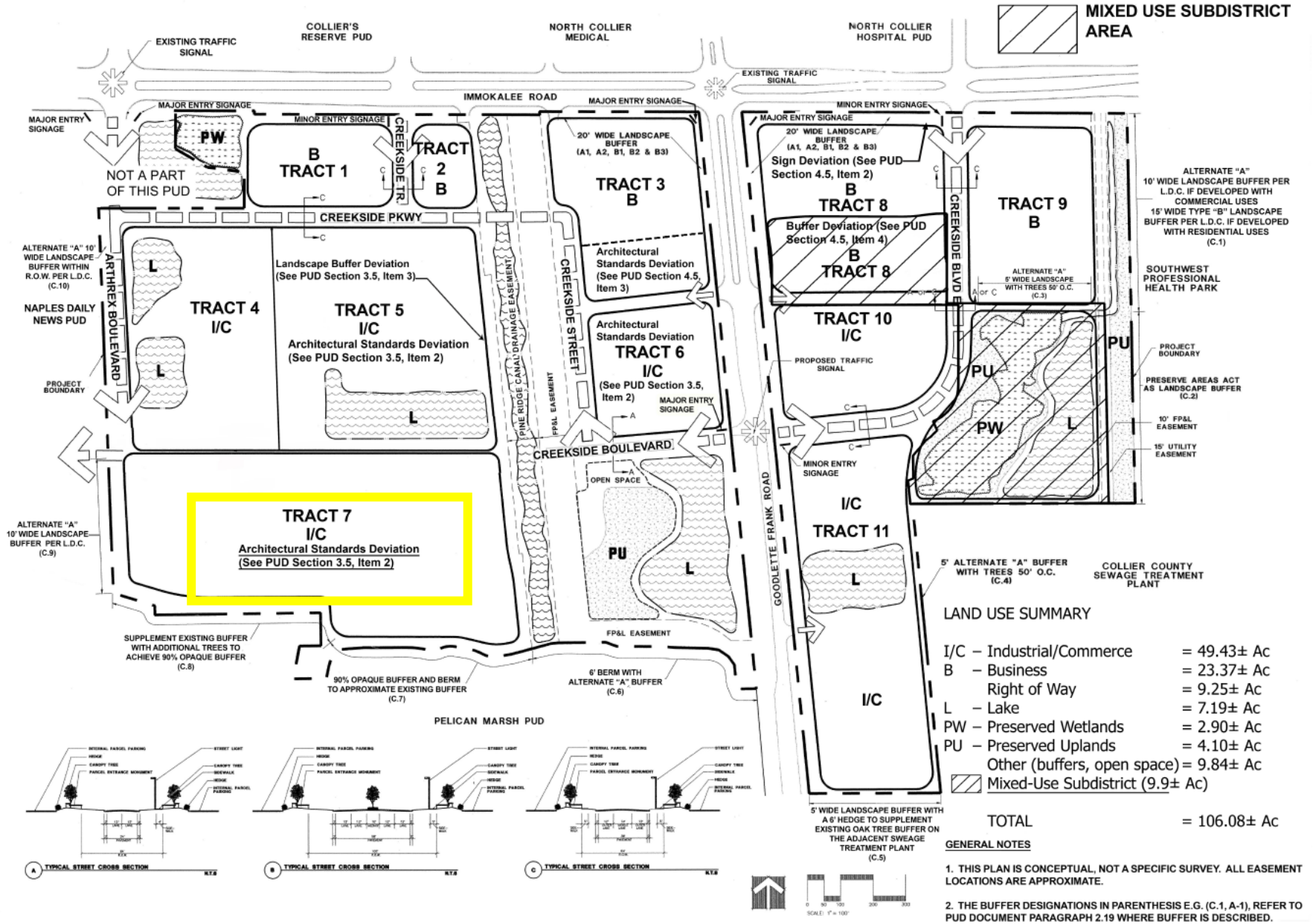
Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside

APPROVED MASTER PLAN



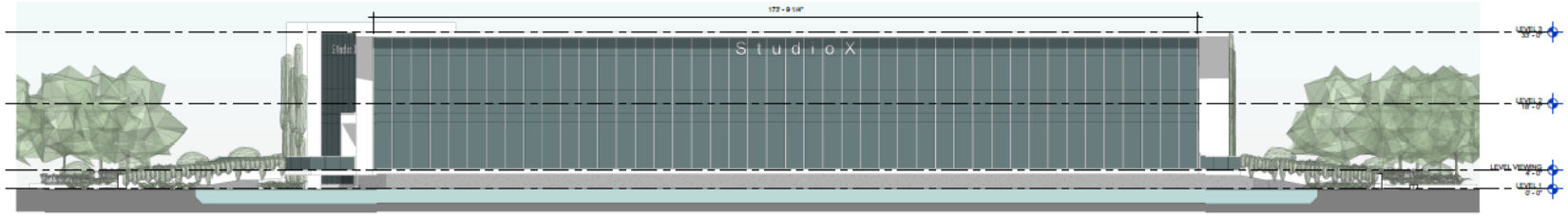
Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside

PROPOSED MASTER PLAN

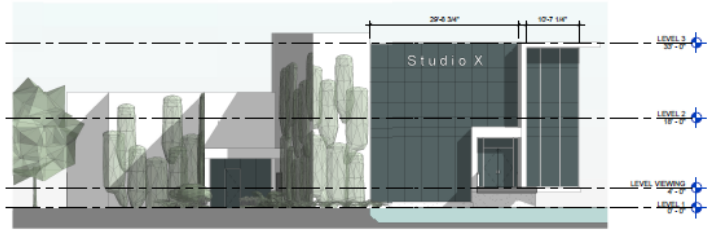


Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside

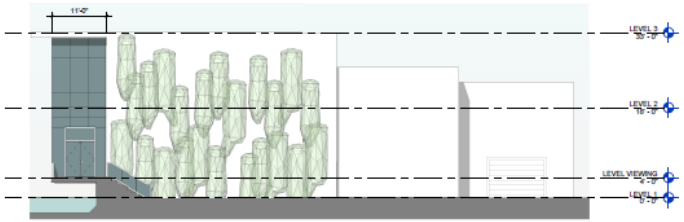
CONCEPTUAL BUILDING RENDERINGS



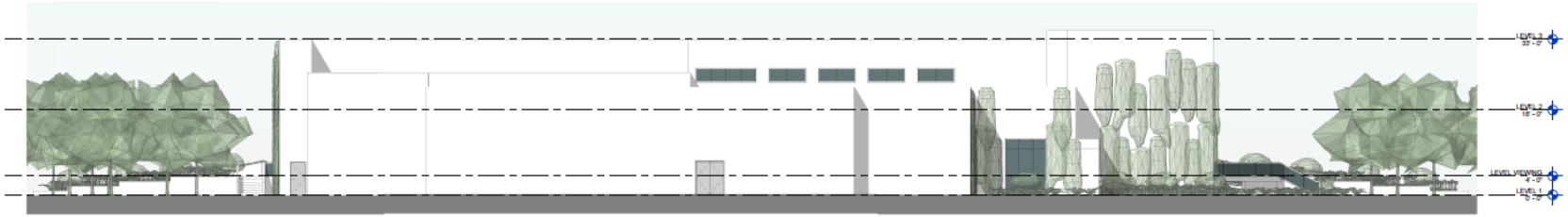
NORTH ELEVATION | 1 | 3/32" = 1'-0"



EAST ELEVATION | 3 | 3/32" = 1'-0"



WEST ELEVATION | 2 | 3/32" = 1'-0"



SOUTH ELEVATION | 4 | 3/32" = 1'-0"







studio+ Arthrex

ARTHREX
STUDIO X
PROJECT NUMBER: FL2106
-
FORT MYERS, FL 33907

A-02
ELEVATIONS + EXTERIOR
ISSUED DATE: 08/24/21
SCALE: 3/32" = 1'-0"

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside

CONCLUSION

Documents and information can be found online:

- *Gradyminor.com/Planning*
- *Collier County GMD Public Portal: cvportal.colliercountyfl.gov/CityViewWeb*

Next Steps

- *Hearing sign(s) posted on property advertising Hearing Examiner (HEX) meeting dates.*
  - *HEX- TBD*

Contact:

- ***Q. Grady Minor & Associates, P.A.:*** *Sharon Umpenhour, Senior Planning Technician; sumpenhour@gradyminor.com or 239.947.1144 extension 1249*

- ***Collier County Staff:***
  Gabriela Castro, AICP, Principal Planner; Gabriela.Castro@colliercountyfl.gov or (239) 252-4211

Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside

SIGN POSTING INSTRUCTIONS

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

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

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

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

- - - -









Attachment: Attachment E Hex Backup revised (20971 : PL20210002390 Creekside Commerce Park PDI)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Item Summary: Petition No. BDE-PL20200002208 - Request for a 36.9-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow construction of a boat docking facility protruding a total of 56.9 feet into a waterway that is 271.6± feet wide to allow a new boat dock facility with two boat slips, each with a boat lift, one for a 39-foot vessel and the other for a 20-foot vessel and paddle craft for the benefit of property described as Lot 20, Southport on the Bay, Unit One, located at 226 Malibu Cove, in Section 6, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

Meeting Date: 02/24/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/01/2022 3:35 PM

Submitted by:
Title: – Zoning
Name: Mike Bosi
02/01/2022 3:35 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	02/07/2022 1:56 PM
Zoning	Ray Bellows	Review Item	Completed	02/08/2022 11:24 AM
Zoning	Mike Bosi	Zoning Director Review	Completed	02/10/2022 9:52 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	02/24/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: FEBRUARY 24, 2022

SUBJECT: BDE-PL20200002208, 219 MALIBU COVE DOCK,

PROPERTY OWNER/APPLICANT:

Dan Davis
2445 Brown Rd.
Orion, MI 48359

AGENT:

Bill Nelson
Greg Orick II Marine Construction, Inc
2815 Bayview Dr.
Naples, FL 34112

REQUESTED ACTION:

The petitioner requests a 36.9-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, to allow a new boat dock facility with two boat slips, each with a boat lift, that will protrude a total of 56.9 feet into a waterway that is 271.6± feet wide for the benefit of the subject property.

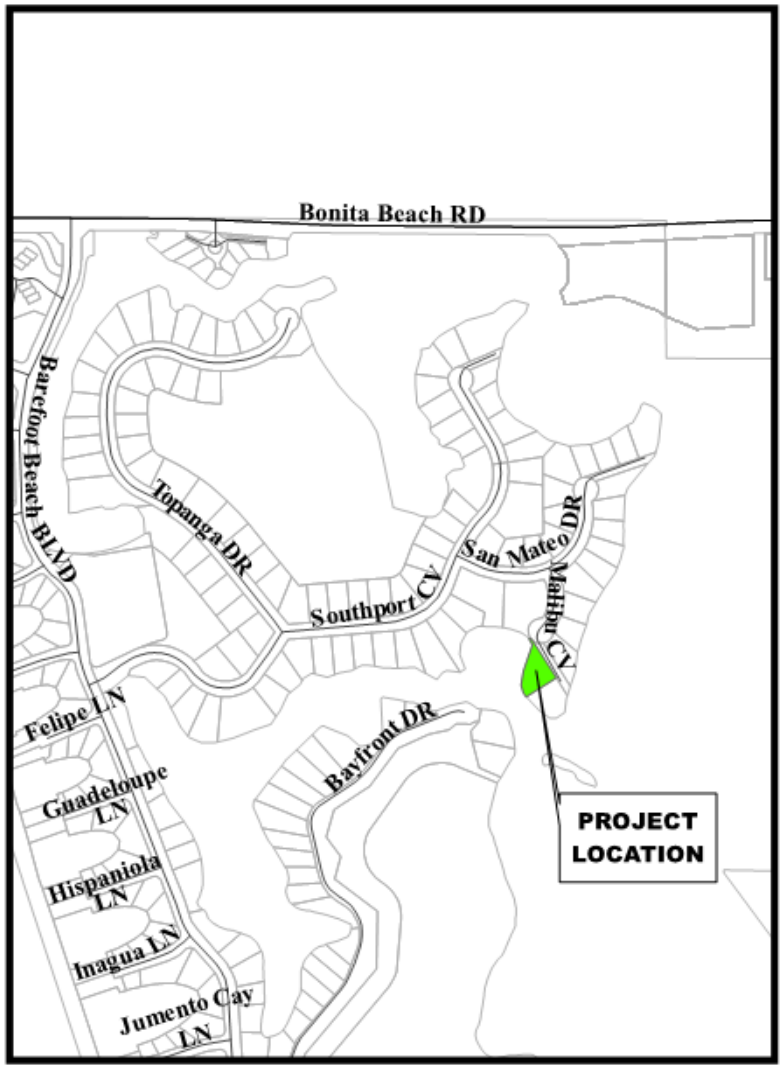
GEOGRAPHIC LOCATION:

The subject property is located at 226 Malibu Cove and is formally identified as Lot 20, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

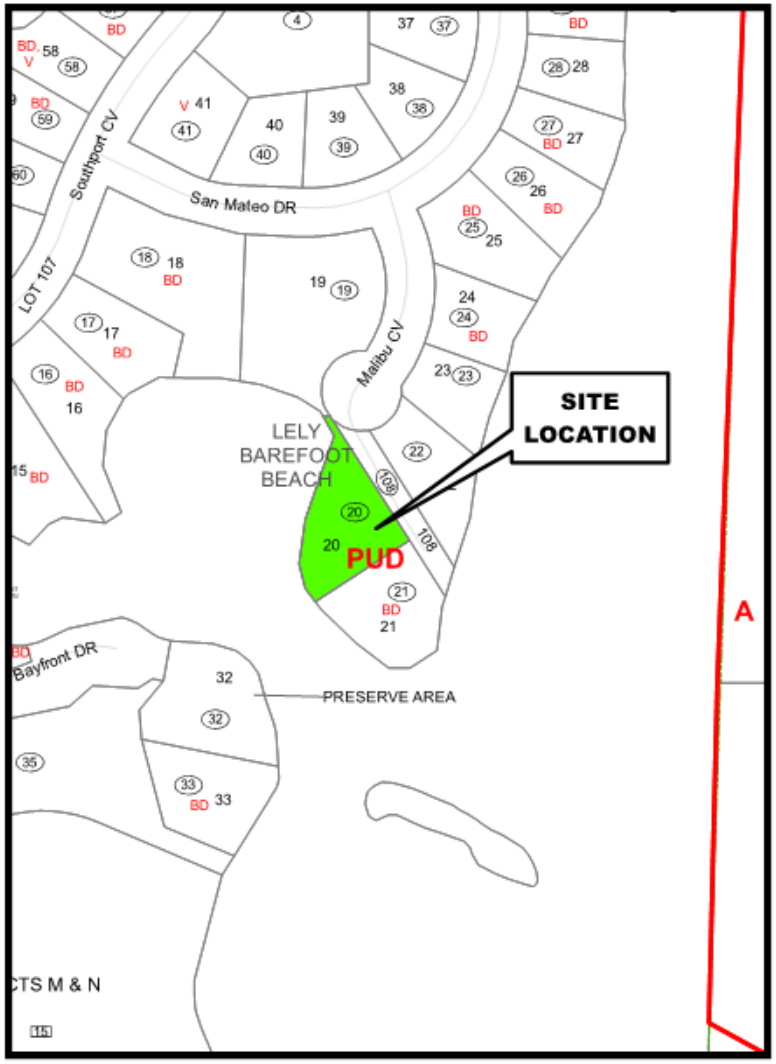
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is located within Tract H, a residential component, of the Lely Barefoot Beach Planned Unit Development (PUD) and comprises 0.26± acres. The petitioner desires to construct a new boat dock facility with two boat slips, each with a boat lift, one for a 39-foot vessel and the other for a 20-foot vessel and paddle craft. The proposed dock facility will protrude 56.9 feet from the Mean High Water Line (MHWL) which also serves as the platted property line. The subject dock facility will cross a 20-foot conservation easement for which the Conservancy of Southwest Florida has provided a letter of no objection (see Attachment C).

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



Location Map



Zoning Map

Petition Number: PL20200002208

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

SURROUNDING LAND USE & ZONING:

North: Malibu Cove cul-de-sac (Right of Way)

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

East: A 30-foot access easement / driveway then a single-family residence located within the Lely Barefoot Beach PUD

West: Little Hickory Bay located within the Lely Barefoot Beach PUD



Collier County GIS

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The shoreline for this property contains mangroves. The proposed dock will be constructed waterward through the mangrove fringe. The access walkway will be 4 feet wide and constructed within the footprint of the existing dock. Any additional impacts to mangroves will require written approval from Florida Department of Environmental Protection (DEP). A

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. On page 5 of 8 of the Environmental Data (Figure 3), an aerial with a note stating that no seagrasses were observed within 200 feet is provided. The property contains a conservation easement just landward of mean high-water line (OR Book 1756 PG 1358).

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:

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. In order 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 improved with a single-family residence, allowing for up to two boat slips, and is on an irregularly shaped lot with 249± feet of water frontage within a residential component of a PUD. The petitioner desires to construct a dock facility with two boat slips, each with a boat lift, one for a 39-foot vessel and the other for a 20-foot vessel and paddle craft.

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.)**

   Criterion met. The applicant states that this BDE request is based on the existing 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. As depicted within a provided cross section (see Attachment C), there is insufficient water depth within 20-feet of the MHWL to moor a vessel of the length, type, and draft, as that which is proposed. Staff finds the applicant's argument to be compelling and concurs.

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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. The proposed dock facility does not intrude into any marked or charted navigable channel and is near the terminus end of the bay with little navigation other than for neighboring properties.

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.)**

   Criterion met. The applicable waterway is 271.6± feet wide as measured from MHWL to MHWL, the requested protrusion is 56.9 feet; therefore, the proposed dock facility will occupy 20.95 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, staff is comfortable stating that the intent of this challenge is satisfied. Refer to Width of Waterway exhibit within Attachment C.

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. As depicted upon the Proposed Dock Plan, See Attachment A, the proposed dock facility satisfies setback requirements and is 53.8 feet from the nearest neighboring dock facility.

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 subject property has a natural mangrove shoreline that cannot be impacted or removed due to it being recorded as a Conservation Easement which requires the dock to be on the waterward side of the mangrove fringe; the dock has been designed with a 4-foot-wide walkway to transverse the conservation easement.

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**

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

area not directly related to these functions. (The facility should not use excessive deck area.

Criterion met. The proposed boat dock facility has been designed to moor two marine vessels and a paddle craft; said design does not include any deck area that is not necessary for reasonable, safe, access to the vessels for loading/unloading and routine maintenance of said vessels.

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 property has 249± feet of water frontage and the two vessels combined total 59 feet; therefore they will account for 23.69 percent of the waterfront value. Paddle craft 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.)**

Criterion 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.)**

Criterion 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.**

Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Staff analysis finds this request complies with five of the five of the primary criteria and five of the six secondary criteria with the sixth criterion being not applicable.

CONCURRENT LAND USE APPLICATIONS:

None.

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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 to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. 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.

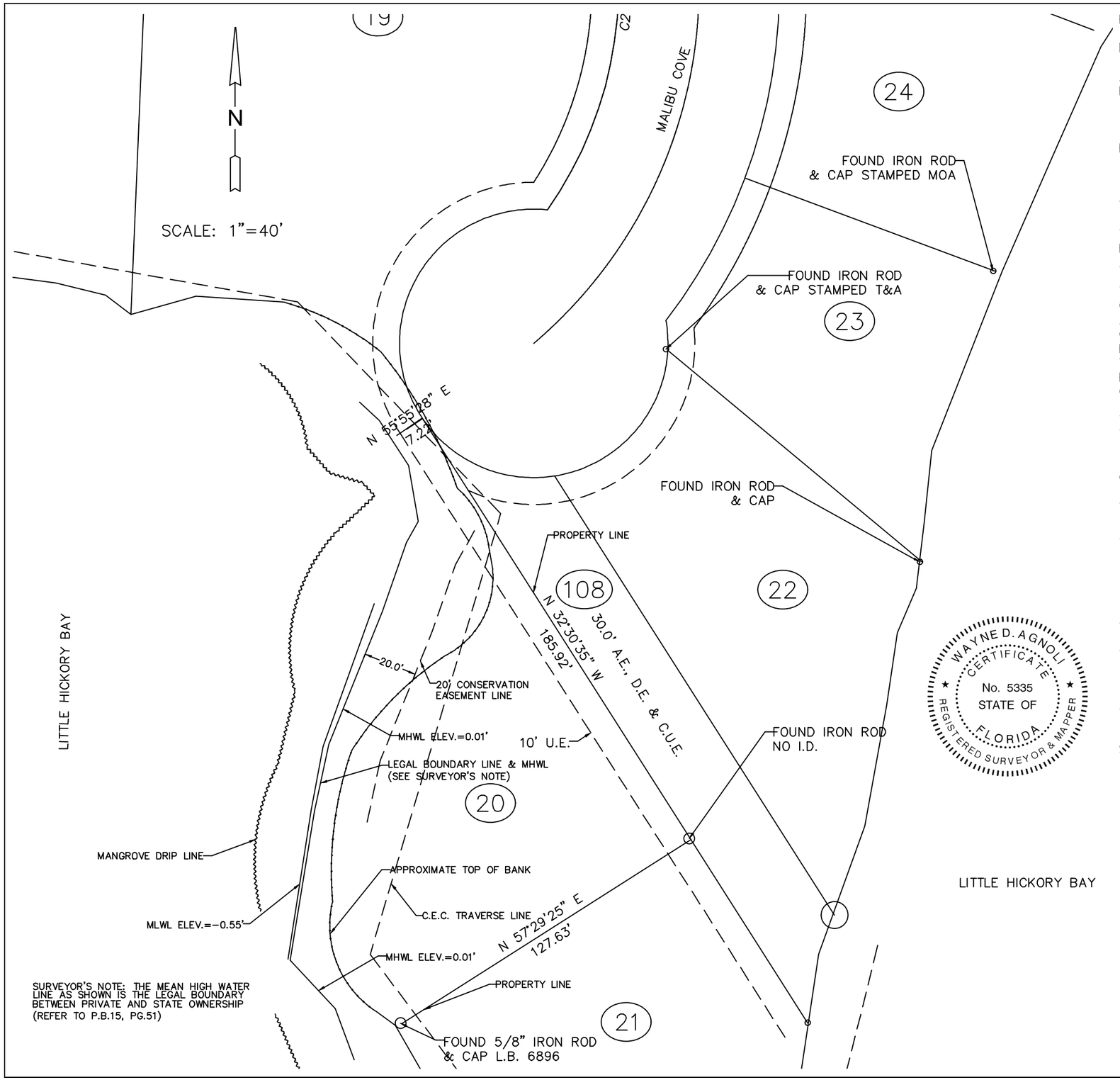
STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20200002208, to allow for the construction of the proposed dock facility as depicted within Attachment A, Sheets 3 to 5.

Attachments:

A) Boundary Survey, Bathometric, and Proposed Boat Dock Plans
B) Public Hearing Sign Posting
C) Applicant's Backup, application and supporting documents
D) Hybrid Meeting Waiver

Attachment: Staff Report 01282022 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



PREPARED FOR: DAN DAVIS

DATE OF FIELD SURVEY: JUNE 25, 2020

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

BY Wayne D. Agnoli, R. S. M.

Digitally signed by Wayne D. Agnoli, R. S. M.
DN: E=agnoliw@abbinc.com, CN="Wayne D. Agnoli, R. S. M.", O="Agnoli, Barber & Brundage, Inc.", L=Naples, S=Florida, C=US
Date: 2021.05.04 10:38:18-04'00'

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

THIS SITE PLAN 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 SITE PLAN 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 SITE PLAN 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 EAST LINE OF LOT 20, SOUTHPORT ON THE BY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 32° 30' 35" WEST.
3. ELEVATIONS ARE BASED ON NAVD 1988.
4. THE VERTICAL CONTROL ACCURACY FOR THIS SURVEY WAS BASED ON THE FLORIDA STATE PLAIN COORDINATE SYSTEM EAST ZONE NAD 83-90 DATUM.
5. THE HORIZONTAL CONTROL ACCURACY FOR THIS SURVEY ACHIEVED THE COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.

SURVEYOR'S NOTE:

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

226 MALIBU COVE BOUNDARY SURVEY

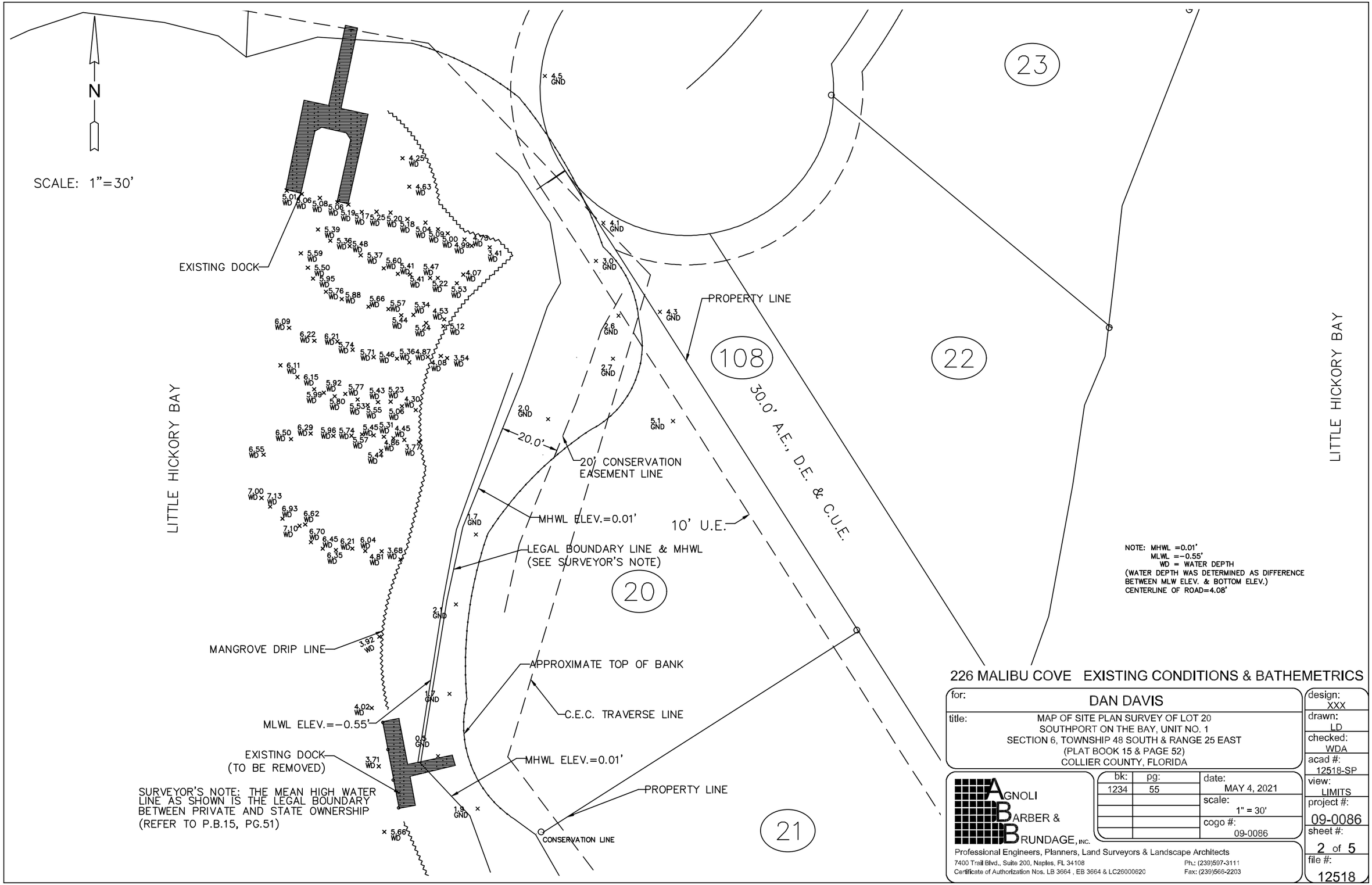
for:	DAN DAVIS
title:	MAP OF SITE PLAN SURVEY OF LOT 20 SOUTHPORT ON THE BAY, UNIT NO. 1 SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 15 & PAGE 52) COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1234	55	MAY 4, 2021
		scale: 1" = 40'
		cogo #: 09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12518-SP
view:	LIMITS
project #:	09-0086
sheet #:	1 of 5
file #:	12518

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 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

Attachment: Attachment A - Boundary Survey, Bathometric, and Proposed Boat Dock Plans (21222 : PL20200002208 BDE 226 Malibu Cove



NOTE: MHWL =0.01'
MLWL =-0.55'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.08'

226 MALIBU COVE EXISTING CONDITIONS & BATHEMETRICS

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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		scale: 1" = 30'
		cogo #: 09-0086

design:	XXX
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checked:	WDA
acad #:	12518-SP
view:	LIMITS
project #:	09-0086
sheet #:	2 of 5
file #:	12518

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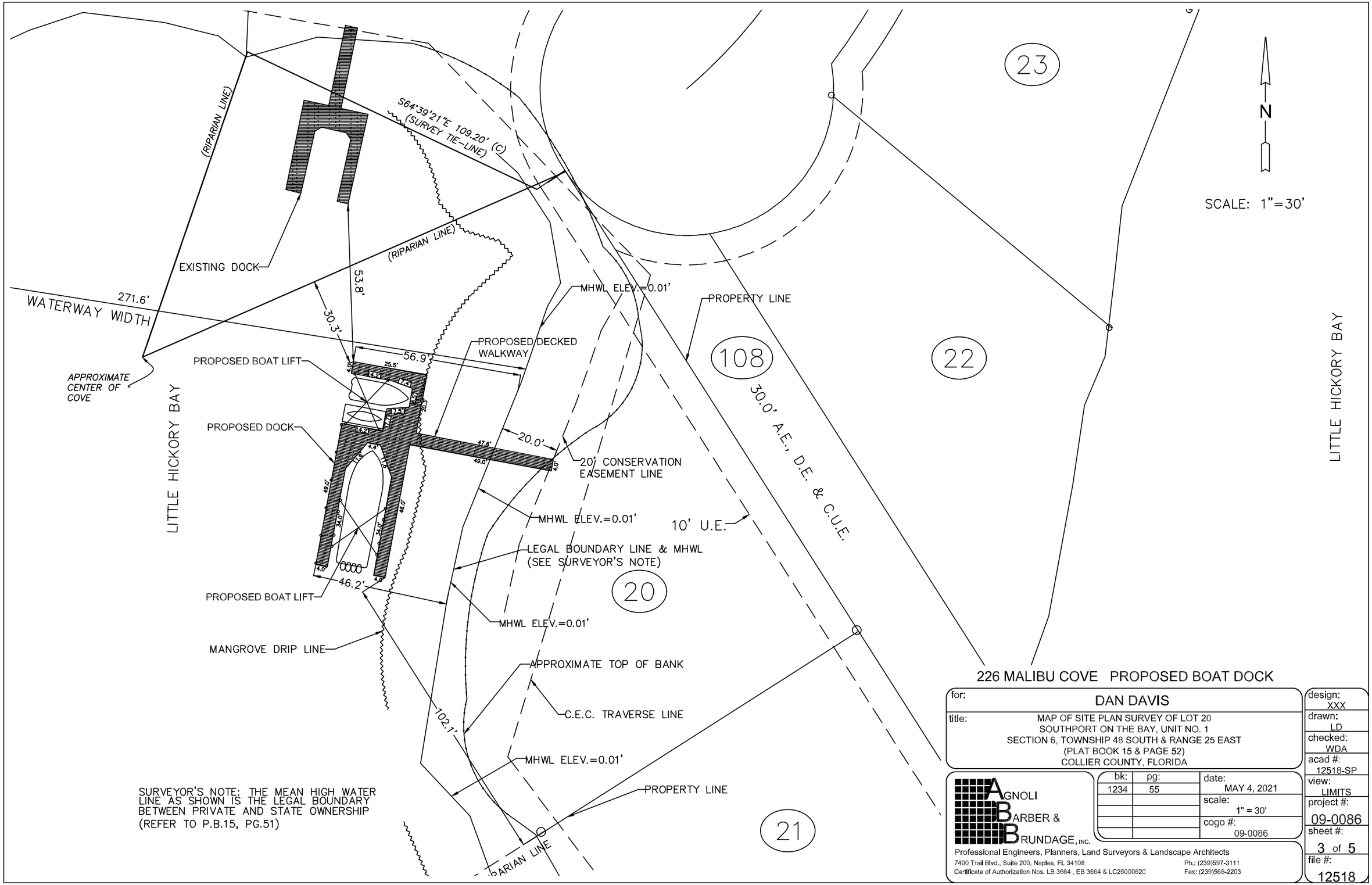

226 MALIBU COVE PROPOSED BOAT DOCK

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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view: LIMITS
project #: 09-0086
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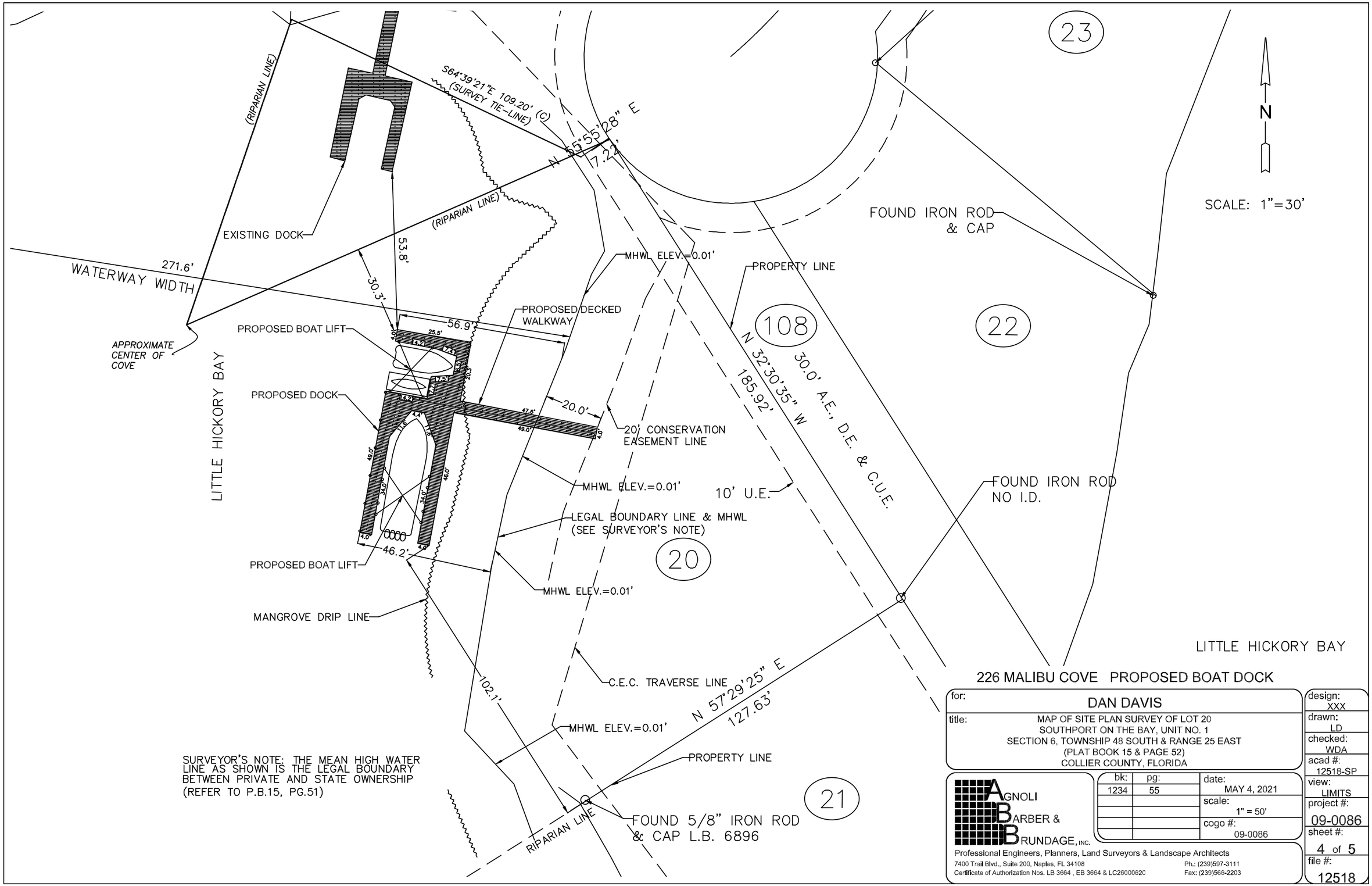
file #: 12518

Attachment: Attachment A - Boundary Survey, Bathometric, and Proposed Boat Dock Plans (21222 : PL20200002208 BDE 226 Malibu Cove



226 MALIBU COVE PROPOSED BOAT DOCK

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

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		cogo #: 09-0086

design: XXX
drawn: LD
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acad #: 12518-SP
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sheet #: 4 of 5
file #: 12518

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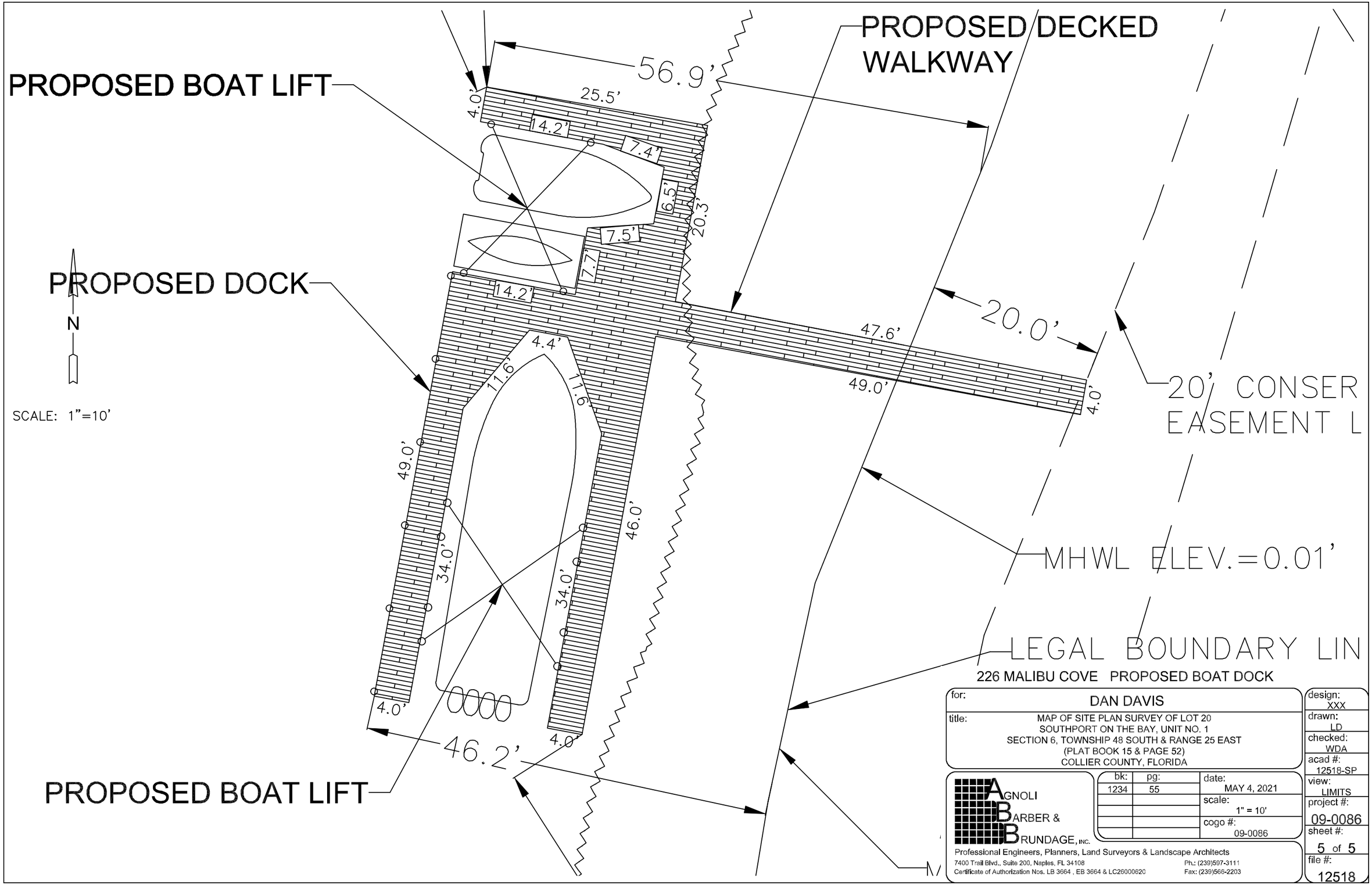

Attachment: Attachment A - Boundary Survey, Bathometric, and Proposed Boat Dock Plans (21222 : PL20200002208 BDE 226 Malibu Cove

KellyJohn

From: KellyJohn
Sent: Friday, February 04, 2022 3:35 PM
To: KellyJohn
Subject: BDE-PL20200002208 - 226 Malibu Cove - Sign Posting for HEX 2/24/2022
Attachments: 6545081C-DA1A-4B8C-9F22-2CCB4FD461D0.jpeg; D6FDDBC4-C7DE-48BC-8E0F-393AF608B90C.jpeg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location at approximately 1:15 P.M. this date, for the purposes of satisfying public notice requirements contained within the Collier County Land Development Code, as evidenced by the attached photos.

Respectfully,
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Sign Posting - PL20200002208 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)





Attachment: Attachment B - Sign Posting - PL20200002208 (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

THIS PETITION IS FOR (check one): ■ **DOCK EXTENSION** ☐ **BOATHOUSE**

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT INFORMATION

Name of Property Owner(s): DAN DAVIS

Name of Applicant if different than owner: _____

Address: 2445 BROWN RD **City:** ORION **State:** MI **ZIP:** 48359

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

E-Mail Address: _____

Name of Agent(s): BILL NELSON/ Robert Tice

Firm: GREG ORICK II MARINE CONSTRUCTION INC

Address: 2815 BAYVIEW DR **City:** NAPLES **State:** FL **ZIP:** 34112

Telephone: 239-949-5588 **Cell:** _____ **Fax:** _____

E-Mail Address: INFO@ORICKMARINE.COM

PROPERTY LOCATION

Section/Township/Range: 6 / 48 / 25 **Property I.D. Number:** 74435002308

Subdivision: 636400 - SOUTHPORT ON THE BAY UNIT 1 **Unit:** 1 **Lot:** 20 **Block:** _____

Address/ General Location of Subject Property:
226 MALIBU COVE, BONITA SPRINGS, FL, 34134

Current Zoning and Land use of Subject Property:
PUD-Miscellaneous Residential

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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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	PUD/LELY BAREFOOT BEACH	SINGLE FAMILY RESIDENTIAL
S	PUD/LELY BAREFOOT BEACH	SINGLE FAMILY RESIDENTIAL
E	PUD/LELY BAREFOOT BEACH	SINGLE FAMILY RESIDENTIAL
W	WATERWRAY/PUD/LELY BAREFOOT BEACH	LITTLE HICKORY BAY/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):

NEW BOAT DOCK AND LIFTS TO BE INSTALLED WITH A 56.9' WATER PROTRUSION FROM THE MEAN HIGH WATER LINE. THE TOTAL PROTRUSION IS 20.95% OF A 271.6' CANAL WIDTH. DOCK AND LIFTS TO ACCOMODATE A 39.0' LONG BOAT AND A 20.0' LONG BOAT. THE LIFT FOR THE 20.0' LONG BOAT WILL ALSO HAVE A FLOW THROUGH PLATFORM TO LAUNCH PADDLE CRAFT.

SITE INFORMATION

1. **Waterway Width:**
   271.6 ft. Measurement from ☐ plat ■ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   249.4 ft.
3. **Setbacks:**
   Provided: 30.3,102.1 ft.
   Required: 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   56.9 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 39.0 ft.
   2. 20.0 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   224 MALIBU CV-50'; 222 MALIBU CV-31'; 219 MALIBU CV-39'; 64 SOUTHPORT CV-40'; 66 SOUTHPORT CV-66'; 68 SOUTHPORT CV-44'; 70 SOUTHPORT CV- 36'; 185 BAYFRONT DR-26'; 218 MALIBU CV-58'; 212 MALIBU CV-48'
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.26 Acres

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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8. 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.

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 percent of the width of the waterway, and whether or not 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.)

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.)

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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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 I 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.)

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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.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☑	☐
Chart of Site Waterway	1	☑	☐
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.	1	☑	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☑	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

Collier County

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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: Annis Moxam	☐	Parks and Recreation: David Berra
☐	City of Naples: Robin Singer, Planning Director	☐	School District (Residential Components): Amy Lockheart
■	Conservancy of SWFL: Nichole Johnson	☐	Other:
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	Other:

FEE REQUIREMENTS:

- ☐ **Boat Dock Extension Petition:** $1,500.00
- ☐ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00
- ☐ **An additional fee for property owner notifications will be billed to the applicant prior to the Hearing Examiner hearing date.**

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 fees shall be submitted to:

Growth Management Department
Planning and Regulation
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Greg Orich II
Signature of Petitioner or Agent

5-12-21
Date

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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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
DAN DAVIS- 226 MALIBU COVE	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 - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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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

Dan Davis
Agent/Owner Signature

12-04-20
Date

DAN DAVIS
Agent/Owner Name (please print)

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20200002208

I, DAN DAVIS (print name), as OWNER (title, if applicable) of 226 MALIBU COVE (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 GREG ORICK II MARINE CONSTRUCTION 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.

Dan Davis
Signature

12-04-20
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 12/04/2020 (date) by DAN DAVIS (name of person providing oath or affirmation), as _____ who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

Notary Public State of Florida
Sabrina M Dobbins
My Commission GG 280879
Expires 12/02/2022

Sabrina M Dobbins
Signature of Notary Public

CP\08-COA-00115\155
REV 3/24/14

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Department at 239-252-5724 or submit in person to the Addressing Department at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Department.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ■ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

LEGAL DESCRIPTION of subject property or properties *(copy of lengthy description may be attached)* 6-48-25

SOUTHPORT ON THE BAY UNIT ONE LOT 20 OR 1611 PG 158

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

74435002308

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

226 MALIBU CV

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

PROPOSED PROJECT NAME *(if applicable)*

226 Malibu Cv - BDE

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

_____

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

Applicant Name: Bill Nelson/Robert Tice

Phone: 239-949-5588 **Email/Fax:** PERMITS@ORICKMARINE.COM

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

FOR STAFF USE ONLY

Folio Number 74435002308

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

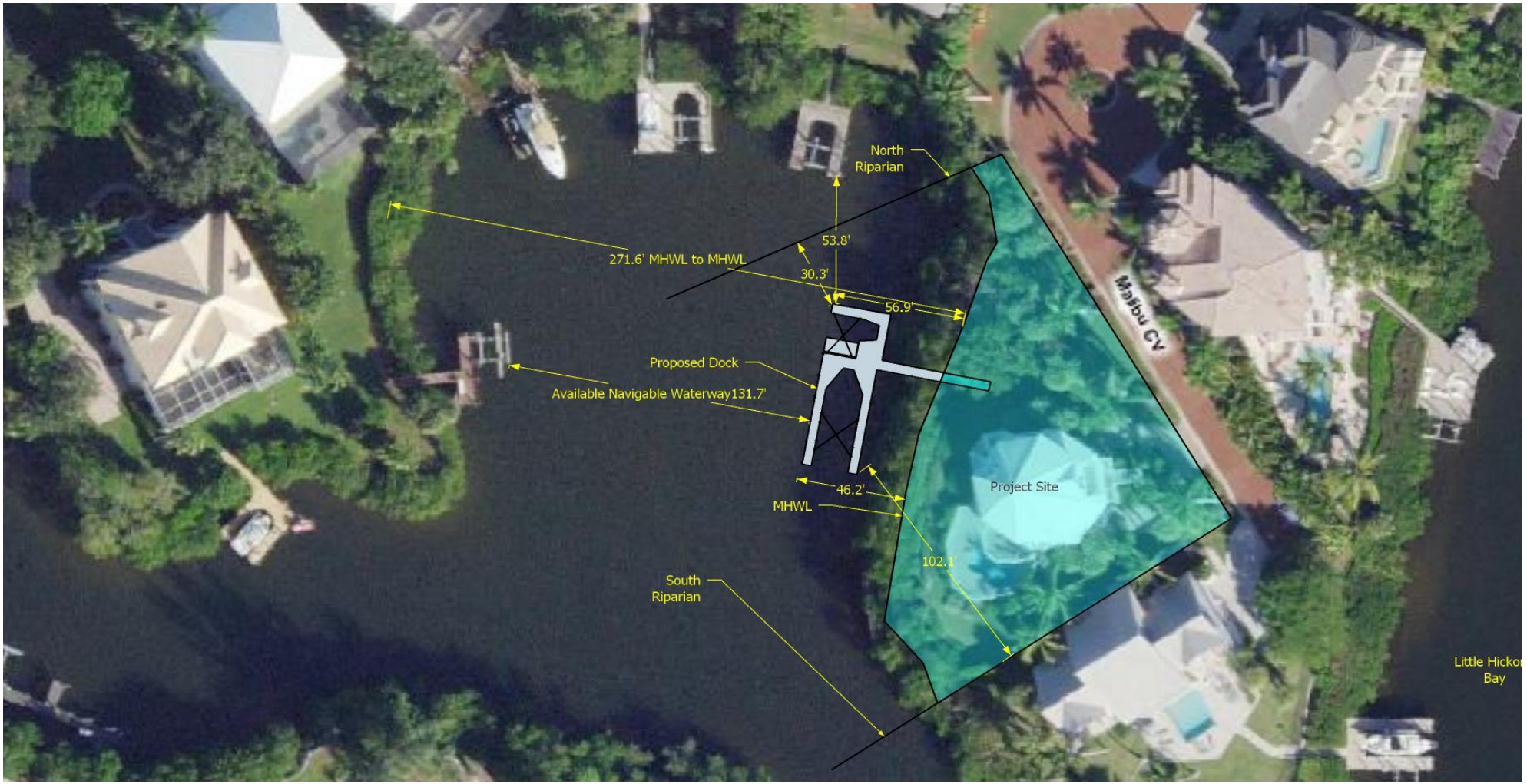
Folio Number _____

Approved by: VF **Date:** 10/30/2020

Updated by: _____ **Date:** _____

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

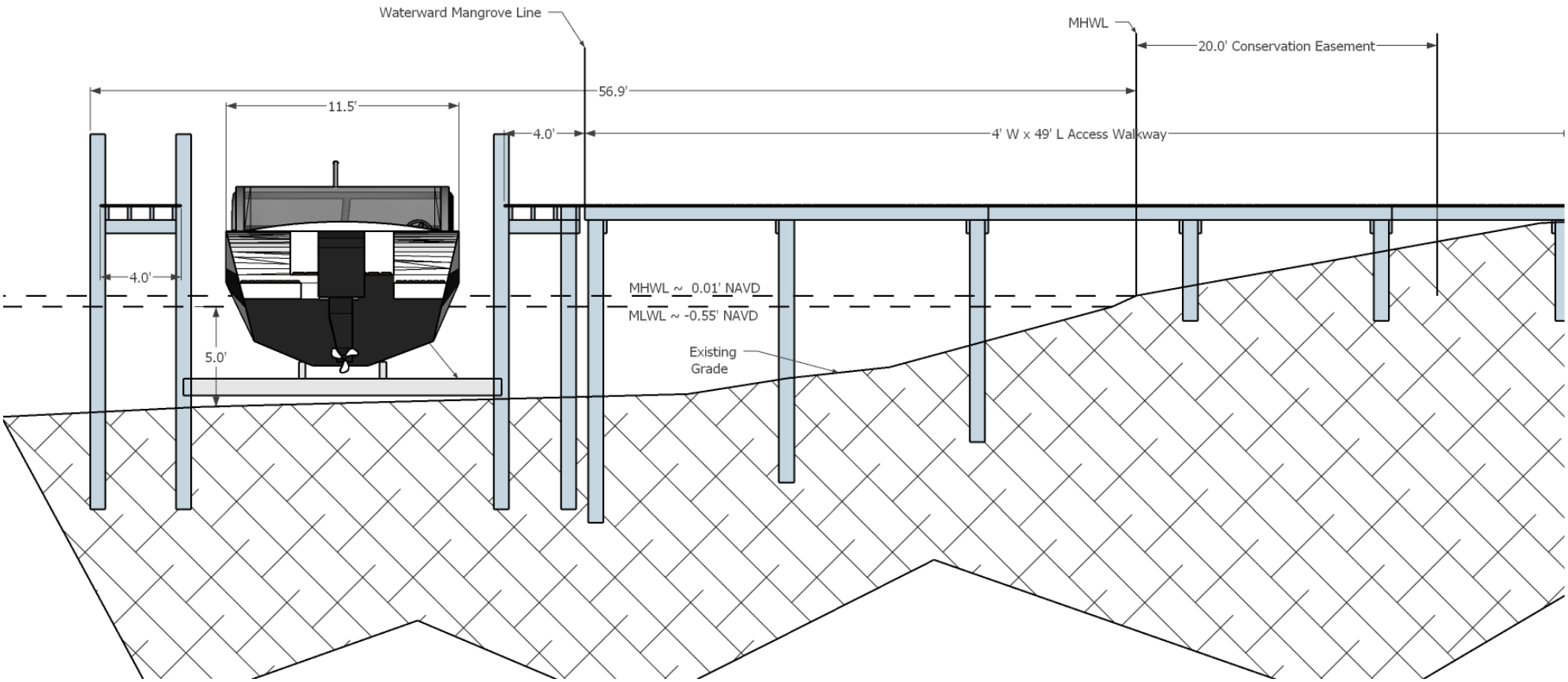
Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



GREG ORICK MARINE CONSTRUCTION, INC. **(239) 949-5588**	Name: **Dan Davis** Address: **226 Malibu Cove** **Bonita Springs, FL 34134** Date: **5/6/2021**	Approved Signature: _____ Approved Date: _____

N
W E
S

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



GREG ORICK MARINE CONSTRUCTION, INC. **(239) 949-5588**	Name: **Dan Davis** Address: **226 Malibu Cove** **Bonita Springs, FL 34134** Date: **11/3/2021**	Approved Signature: _____ Approved Date: _____

N
W E
S

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

Primary Criteria

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.)**

   Response: Criteria Met: The upland property is a single-family residential zoned lot that per the LDC is allowed two boat slips. Proposed dock consists of 2 slips with a lift in each, which is appropriate for a single-family dwelling. We are requesting a 36.9-foot extension from the allowed 20-foot protrusion, for a total 56.9-foot protrusion.

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.)**

Response: Criteria Met: Due to the natural shoreline it is too shallow to moor a vessel within the allowed 20-foot protrusion from the MHWL, mangrove roots are also present in the same area, making it impossible to moor a vessel of the general length, type, and draft for the area.

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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.)

Response: Criteria Met: The proposed dock facility does not intrude into any marked or charted navigable channel, thus no adverse impact on navigation is expected. The Canal Width is 271.6' and the proposed dock will only have a 20.9% protrusion into the water-way maintaining more than 50% of navigable water-way width.

4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not 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.)

Response: Criteria Met: The water way width is 271.6' and the proposed dock facility protrudes a total of 56.9' from MHWL, which is 20.95% of the water-way width. Thus, the dock facility does not protrude more than 25% of water-way width and maintains more than 50% of navigable water-way width.

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.)

Response: Criteria Met: The proposed dock location and design will not impact or interfere with the use of any neighboring docks. The nearest existing neighboring dock is approximately 53.8' from proposed dock.

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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.)**

Response: Criteria Met - The proposed dock facility has no existing seawall, mature mangrove growth along the shoreline limits how close a vessel can approach shore and justifies proposed extension beyond the mangroves. A 4' wide walkway will alter the mangroves to access the proposed dock, as allowable per the conservation easement attached.

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.)**

Response: Criteria Met - The design of the proposed boat dock is for mooring of two recreational vessels and paddle craft to be maintained safely without incidence. No excessive deck area is being proposed, as shown in the site plan.

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.)**

Response: Criteria Met - The property has a water frontage of 249.4 feet, the proposed vessels in combination total 56.0 feet, which is only 22.45 percent. Thus, will not exceed 50% of the property linear waterfront footage.

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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.)

Response: Criteria Met - The proposed dock facility will not impact the waterfront view of neighboring waterfront property owners and is consistent with existing facilities along shoreline as shown in the aerial drawing. The proposed dock meets the setback requirements and will not impact the view of the neighboring waterfront property owners.

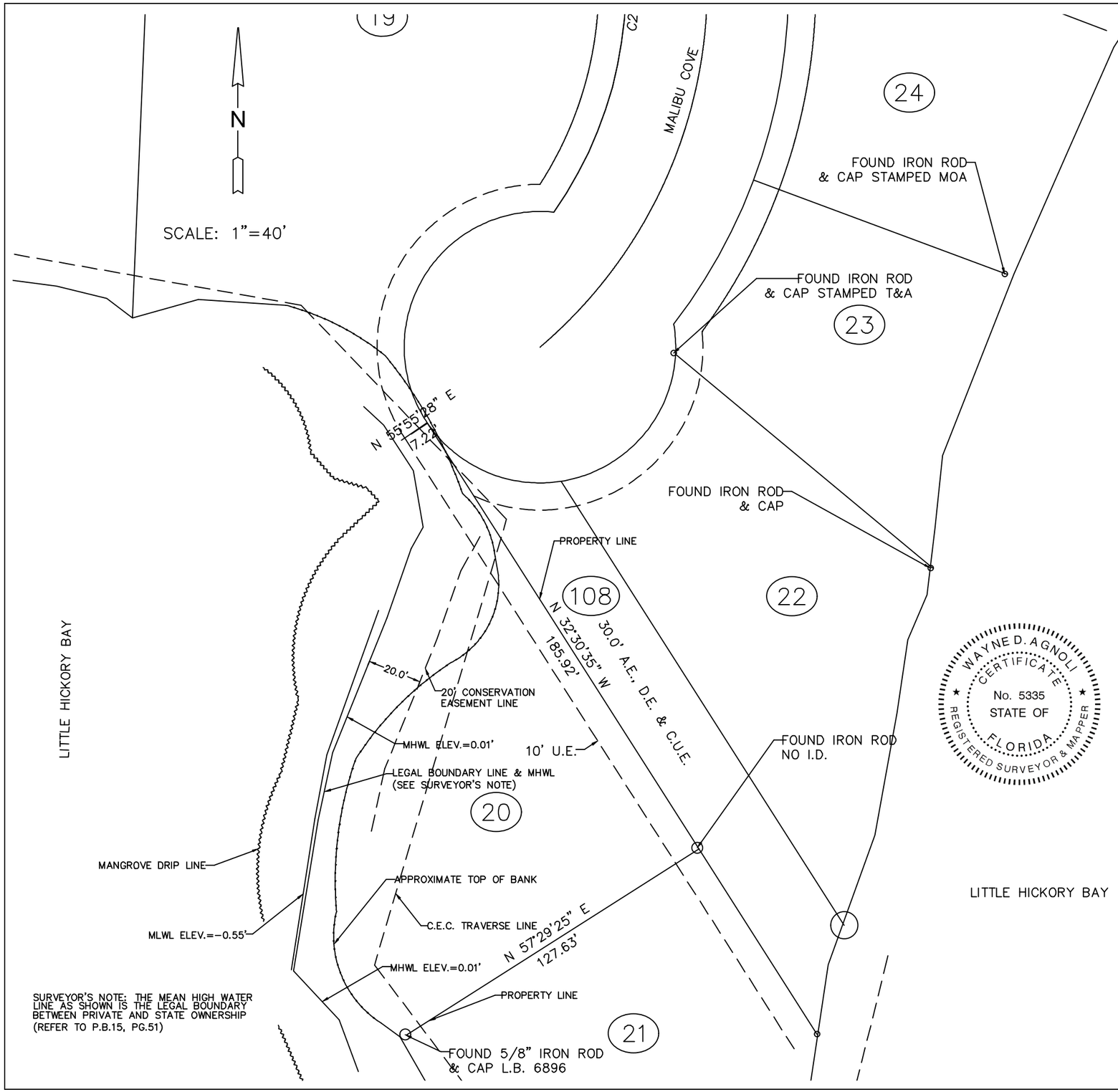
5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

Response: Criteria Met- No seagrass beds are located within the immediate area or 200' of the proposed dock facility. (Please refer to the Submerged Resource Survey provided by Earth Tech Environmental.)

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.)

Response: Criteria Met -This is a single-family dock with two vessel moorings areas with lifts and is not subject to the requirements of the Manatee Protection Plan as stated in the above referenced code of 5.03.06 E.11.

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



LITTLE HICKORY BAY

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

PREPARED FOR: DAN DAVIS

DATE OF FIELD SURVEY: JUNE 25, 2020

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

BY_____

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

THIS SITE PLAN 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 SITE PLAN 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 SITE PLAN 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 EAST LINE OF LOT 20, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 32° 30' 35" WEST.
3. ELEVATIONS ARE BASED ON NAVD 1988.
4. THE VERTICAL CONTROL ACCURACY FOR THIS SURVEY WAS BASED ON THE FLORIDA STATE PLAIN COORDINATE SYSTEM EAST ZONE NAD 83-90 DATUM.
5. THE HORIZONTAL CONTROL ACCURACY FOR THIS SURVEY ACHIEVED THE COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.

SURVEYOR'S NOTE:

226 MALIBU COVE BOUNDARY SURVEY

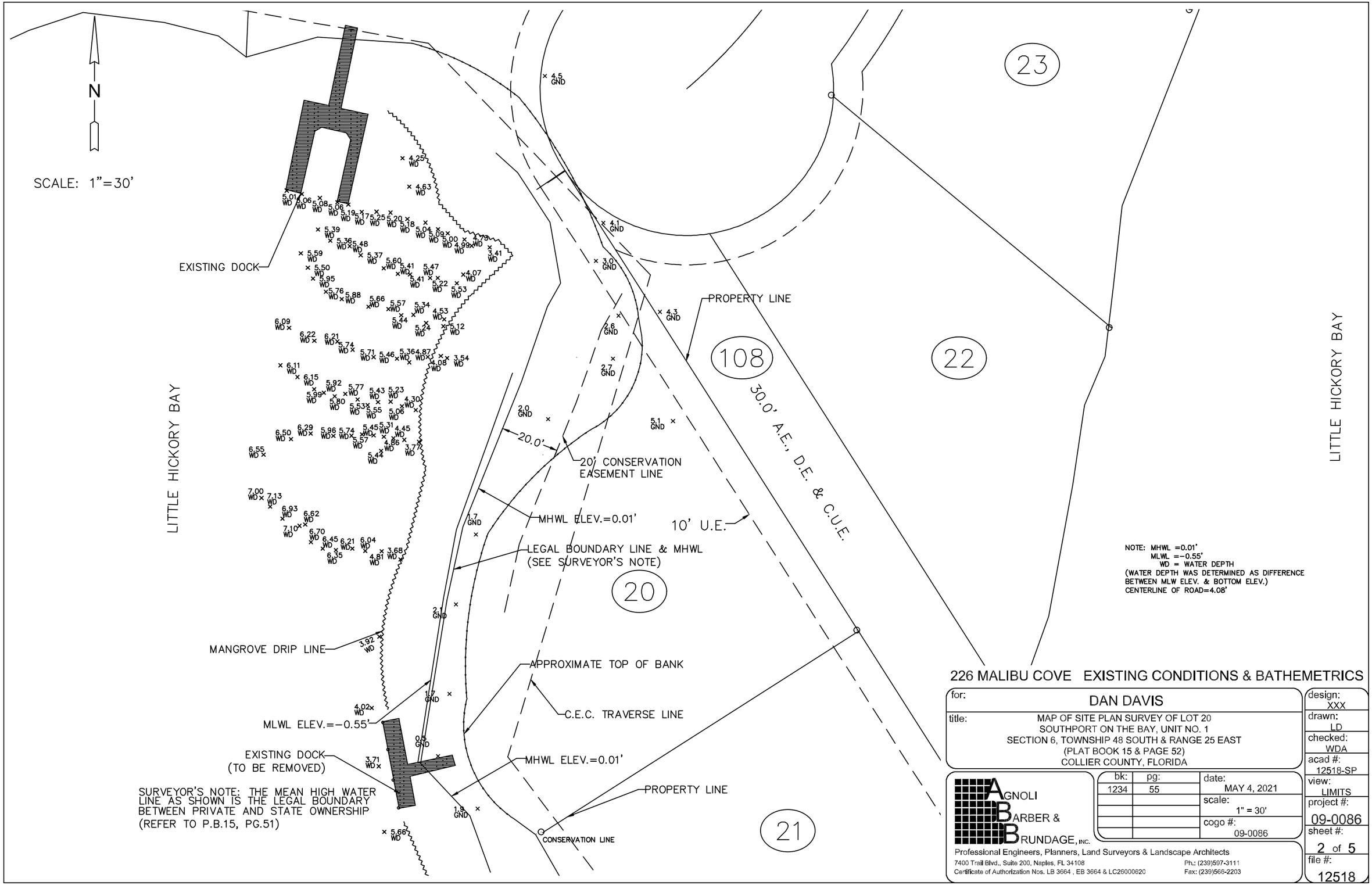
for:	DAN DAVIS
title:	MAP OF SITE PLAN SURVEY OF LOT 20 SOUTHPORT ON THE BAY, UNIT NO. 1 SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 15 & PAGE 52) COLLIER COUNTY, FLORIDA

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 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

bk:	pg:	date:
1234	55	MAY 4, 2021
		scale: 1" = 40'
		cogo #: 09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12518-SP
view:	LIMITS
project #:	09-0086
sheet #:	1 of 5
file #:	12518

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



NOTE: MHWL =0.01'
MLWL =-0.55'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.08'

226 MALIBU COVE EXISTING CONDITIONS & BATHEMETRICS

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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		scale: 1" = 30'
		cogo #: 09-0086

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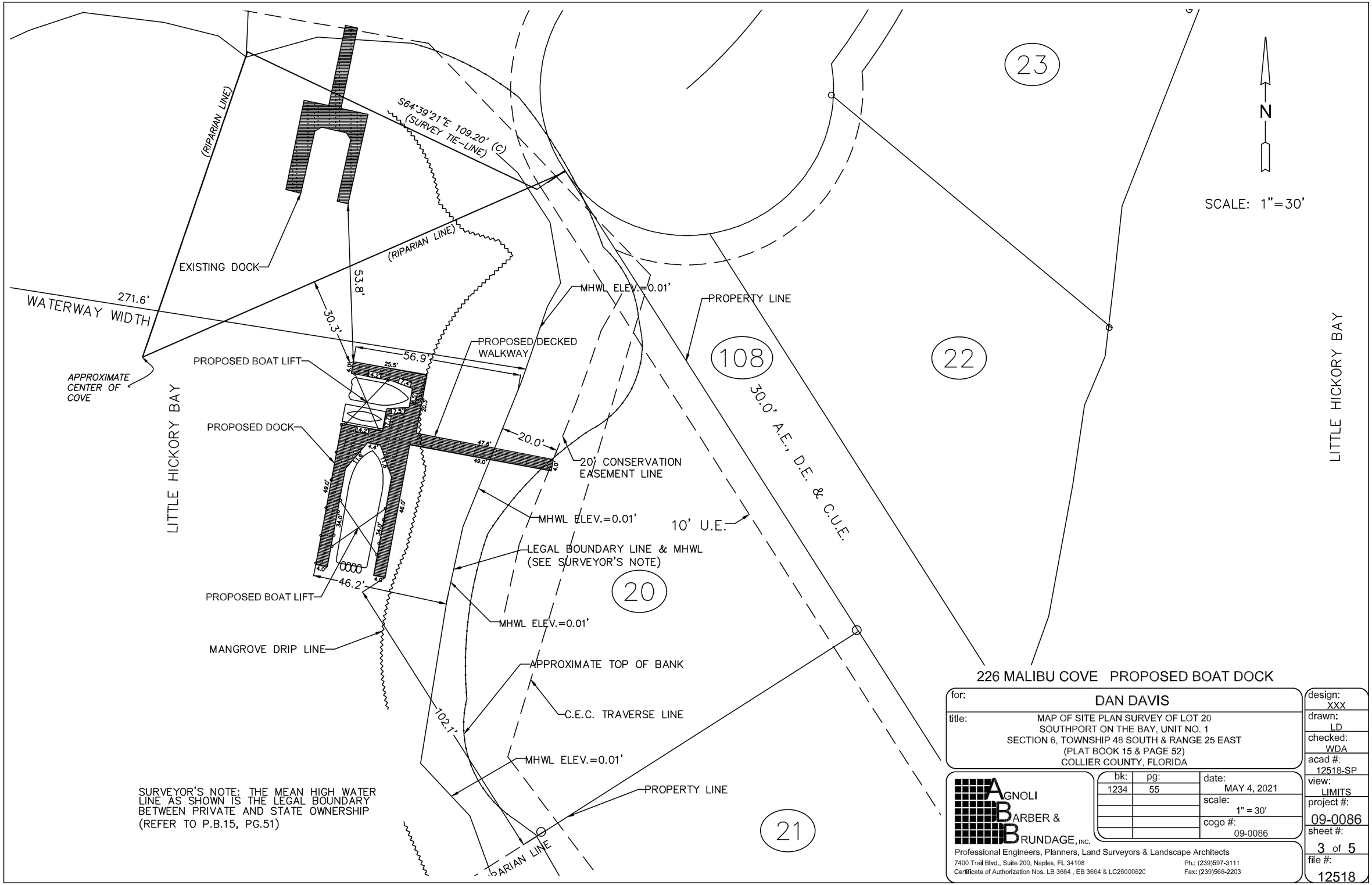
drawn: LD
checked: WDA
acad #: 12518-SP
view: LIMITS
project #: 09-0086
sheet #: 2 of 5
file #: 12518

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



226 MALIBU COVE PROPOSED BOAT DOCK

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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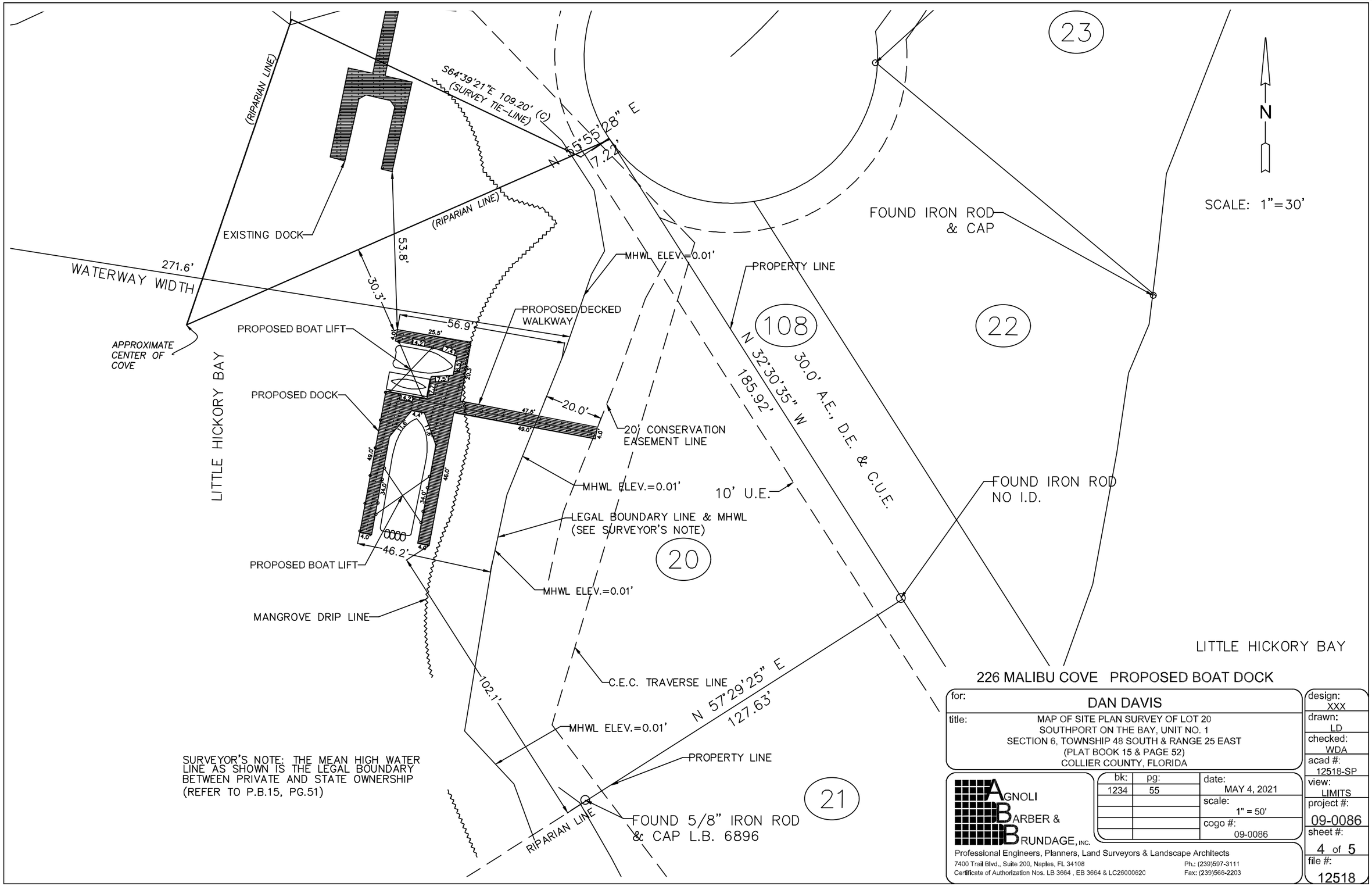
acad #: 12518-SP
view: LIMITS
project #: 09-0086
sheet #: 3 of 5
file #: 12518

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



SURVEYOR'S NOTE: THE MEAN HIGH WATER LINE AS SHOWN IS THE LEGAL BOUNDARY BETWEEN PRIVATE AND STATE OWNERSHIP (REFER TO P.B.15, PG.51)

226 MALIBU COVE PROPOSED BOAT DOCK

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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acad #: 12518-SP
view: LIMITS
project #: 09-0086
sheet #: 4 of 5
file #: 12518

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

PROPOSED BOAT LIFT

PROPOSED DOCK

PROPOSED DECKED WALKWAY

N

SCALE: 1"=10'

56.9'

25.5'

4.0'

14.2'

7.4'

6.5'

20.3'

7.5'

7.7'

14.2'

47.6'

20.0'

49.0'

4.0'

4.4'

11.6'

11.6'

49.0'

34.0'

34.0'

46.0'

4.0'

4.0'

46.2'

20' CONSER EASEMENT L

MHWL ELEV.=0.01'

LEGAL BOUNDARY LIN

PROPOSED BOAT LIFT

226 MALIBU COVE PROPOSED BOAT DOCK

for: DAN DAVIS

title: MAP OF SITE PLAN SURVEY OF LOT 20
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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		scale: 1" = 10'
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checked: WDA
acad #: 12518-SP
view: LIMITS
project #: 09-0086
sheet #: 5 of 5
file #: 12518

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)



226 Malibu Cove
Bonita Springs, FL 34134

SUBMERGED RESOURCE SURVEY
COLLIER COUNTY, FLORIDA

Prepared For:

Greg Orick Marine Construction
1035 Collier Center Way, Suite 1
Naples, FL 34110

Prepared By:

Earth Tech Environmental, LLC
10600 Jolea Avenue
Bonita Springs, FL 34135
239.304.0030
www.eteflorida.com

June 30, 2020
Revised: July 27, 2021

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

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REFERENCES 8

EXHIBITS

Figure 1 Site Location Map

Figure 2 Site Vicinity Map

Figure 3 Survey Area

Figure 4 Seagrass Observed

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

INTRODUCTION

The purpose of this report is to summarize Earth Tech Environmental's (ETE) evaluation of the proposed dock construction area located at 226 Malibu Cove (Subject Property) in Bonita Springs, Florida, for the presence of important submerged resources such as seagrass and/or hard bottom.

ETE conducted fieldwork for this Submerged Resource Survey (SRS) on June 30, 2020 for Greg Orick Marine Construction (Client). The Client is proposing to construct a new dock structure.

LOCATION

The Subject Property is located south of Bonita Beach Rd and west of US 41 in Section 6, Township 48 South, Range 25 East, in Bonita Springs, Collier County, Florida. The Subject Property is currently under development, with surveyors from Greg Orick Marine present at the time of the SRS survey taking location points of the existing dock structure. See Figures 1 & 2 below for the property location.

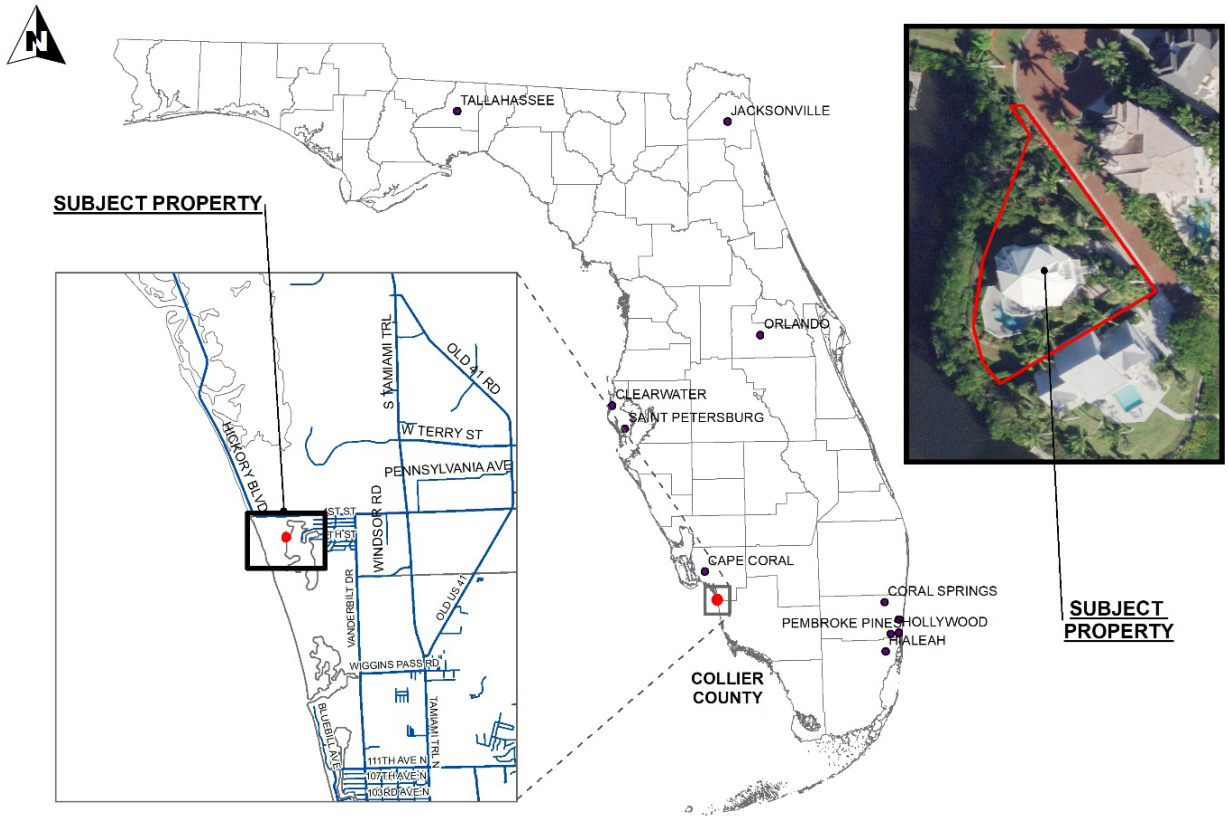


Figure 1. *Site Location Map*

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

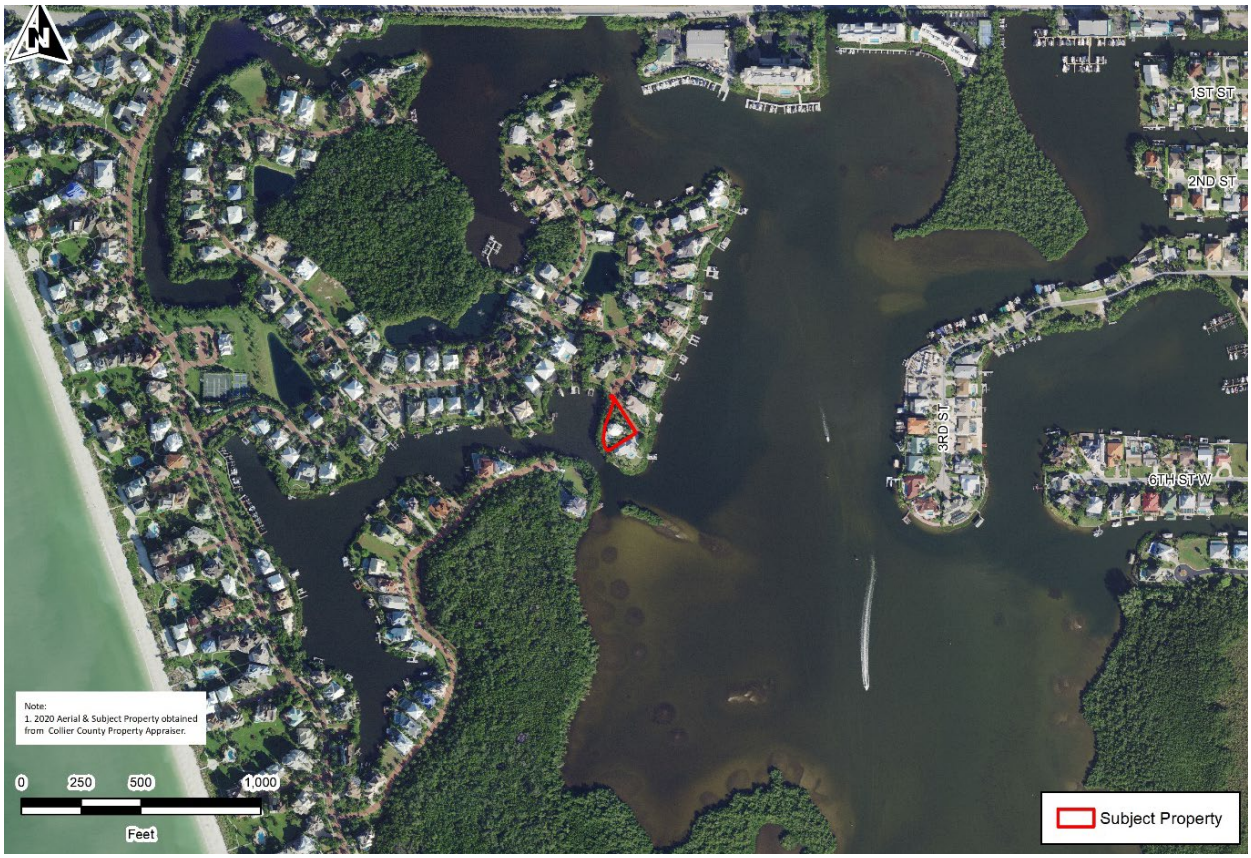


Figure 2. *Site Vicinity Map*

SURVEY MATERIALS & METHODS

Based on the proposed dock location, an SRS was performed to search for the presence of important submerged resources such as seagrass and/or oyster beds. The SRS included the proposed construction location as well as a 200-foot buffer radius (survey area) as per the Collier County Land Development Code (LDC) subsection 5.03.06. The SRS was conducted based on methodology outlined in three (3) publications:

1) "Submerged Aquatic Vegetation Survey Guidelines". US Army Corps of Engineers (ACOE). Undated. http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/processing_steps/process_seagrass_survey.pdf

2) Florida Fish and Wildlife Conservation Commission (FWC) Recommended Survey Protocols for Estuarine and Marine Submerged Aquatic Vegetation (SAV) related to Permitting Applications. 12/14/2011. DRAFT. http://myfwc.com/media/1626941/SeagrassSurveyProtocol.pdf

3) Collier County, Florida – Land Development Code/Chapter 5 Supplemental Standards/Subsection 5.03.06 – Dock Facilities (May 31, 2017 – Current). https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=COLLIER_CO_LAND_DEVELOPMENT_CODE

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

The survey area is shown in Figure 3. Seagrass in Southwest Florida is ephemeral in nature; therefore, seagrass abundance and density can vary throughout the year.

The SRS was conducted by two (2) Ecologists from ETE, utilizing SCUBA gear. North-south and east-west transects were completed throughout the approximate survey area. Photographs were taken to document observations.

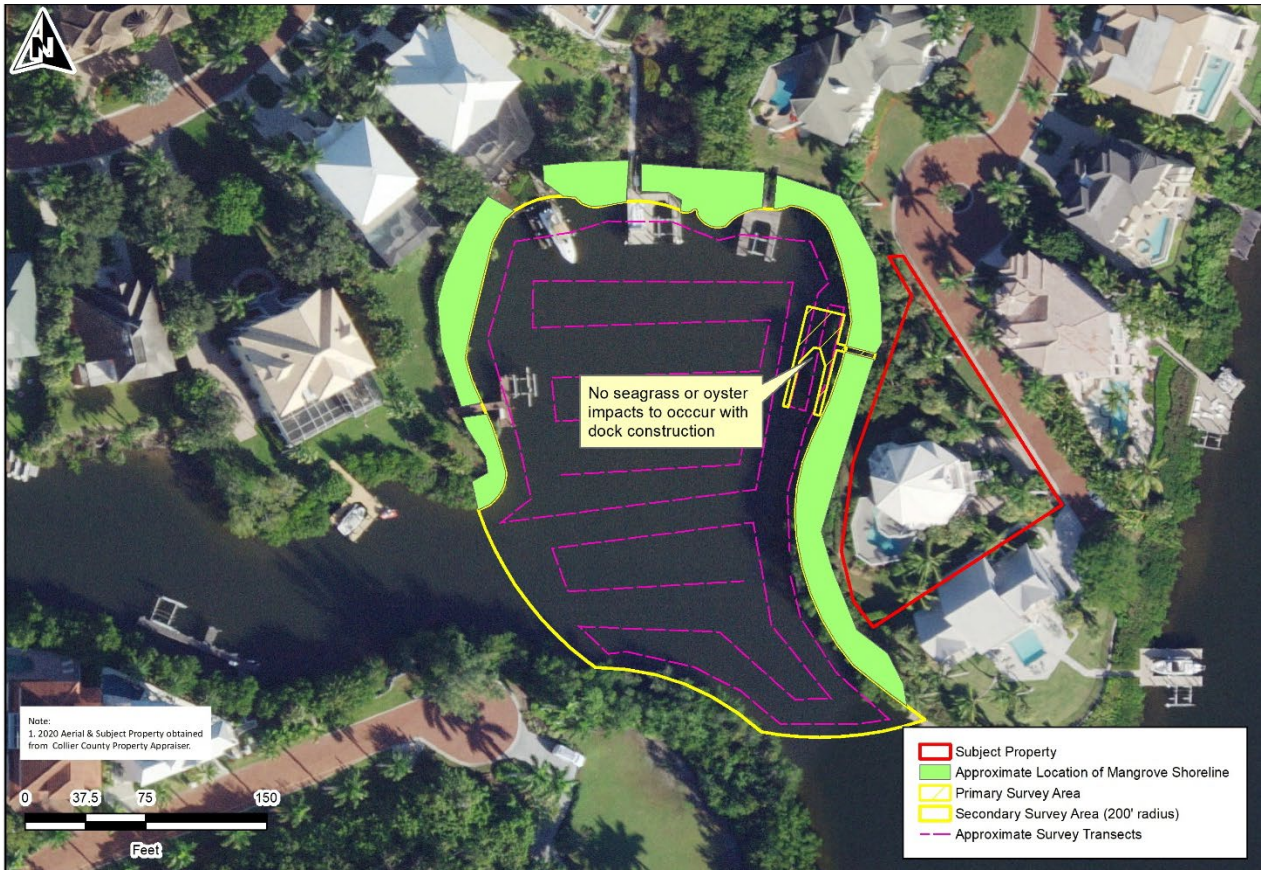


Figure 3. *Survey Area*

RESULTS/DISCUSSION

The tide at the time of the survey was high and outgoing. For June 30th, the tide were as follows:
Low – 12:47 AM
High – 7:18 AM
Low – 1:15 PM
High –6:47 PM

Water depth varied from approximately four (4) feet to ten (10) feet. Weather conditions during the survey were approximately 91°F with scattered clouds, light winds (SW @ 9). Underwater visibility was approximately (2) feet. Bottom material was primarily mucky substrate. The majority of the surveyed area was subject to heavy siltation.

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

The shoreline was consistently lined with red mangroves that reached over the water (both branches/ foliage and roots) throughout the entirety of the eastern side of the cove. Approximate locations are shown on Figure 3. No mangroves are to be impacted for dock construction. Minimum lateral branches will be trimmed according to FDEP criteria to allow dock passage.

No seagrass or hardbottom areas were observed within the survey areas. Scattered oysters (individuals) both dead and alive were observed in both the primary and secondary survey areas along the cove where mangroves were present and extended to about 10 – 15 feet (around 6 foot of depth) from the shore. No oyster colonies will be impacted by dock construction – none are present under the dock or in the job site. Very little macroalgae (Caulerpa) was observed in the survey area. See Table 1 below for a full species list.

Table 1. Species Observed during Submerged Resource Survey

Common Name	Scientific Name
Algae	
Caulerpa	*Caulerpa sp.*
Invertebrates	
Barnacle	*Balanus spp.*
Eastern Oyster	*Crassostrea virginica*
Feather Duster	*Sabellida Sp.*
Fishes	
Blenny, Seagrass	*Stathmonotus stahli*
Catfish, Hardhead	*Ariopsis felis*
Mullet, Striped	*Mugil cephalus*
Pinfish	*Lagodon rhomboides*
Sheepshead	*Archosargus probatocephalus*
Snapper, Gray	*Lutjanus griseus*

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

PHOTOGRAPHIC DOCUMENTATION

The following photographs were taken to document observations during the SRS.



Typical bottom near the mangrove shore and the proposed dock area that is composed of deceased oysters.



Typical bottom substrate in the middle of the cove.

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

REFERENCES

Collier County Property Appraiser. http://www.collierappraiser.com

Dawes, C.J., R.C. Phillips, and G. Morrison. 2004. Seagrass Communities of the Gulf Coast of Florida: Status and Ecology. Florida Fish and Wildlife Conservation Commission Fish and Wildlife Research Institute and the Tampa Bay Estuary Program. St. Petersburg, FL. iv + 74 pp.

Florida Fish and Wildlife Conservation Commission (FWC) Recommended Survey Protocols for Estuarine and Marine Submerged Aquatic Vegetation (SAV) related to Permitting Applications 12/14/2011 DRAFT. http://myfwc.com/media/1626941/SeagrassSurveyProtocol.pdf

Fonseca, M.S., W.J. Kenworthy and G.W. Thayer 1998. Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters. NOAA Coastal Ocean Program Decision Analysis Series No. 12, NOAA Coastal Ocean Office, Silver Spring, MD. pp. 1-222.

Green, R.H. 1979. Sampling design and statistical analysis methods of environmental biologists. John. W. and Sons, Inc., New York.

Karazsia, J., 2010. A Science-based Seagrass Survey Window for Coastal Construction Project Planning in Florida. NOAA NMFS Southeast Region, Habitat Conservation Division.

Morris, L.J., L. Hall and R. Virnstein. 2001. Field Guide for Fixed Seagrass Transect Monitoring in the Indian River Lagoon. St. Johns River Water Management District.

"Submerged Aquatic Vegetation Survey Guidelines". US Army Corps of Engineers (ACOE). Undated. http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/processing_steps/process_seagrass_survey.pdf

Zieman, J.C. 1982. The Ecology of the Seagrasses of South Florida: A Community Profile. U.S.F & W.S., Office of Biological Services, Washington D.C. FWS/OBS-82/25, 158 pp. (Human Impacts p. 84-90)

Collier County, Florida – Land Development Code/Chapter 5 Supplemental Standards/Subsection 5.03.06 – Dock Facilities (May 31, 2017 – Current). https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=COLLIER_CO_LAND_DEVELOPMENT_CODE

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

CONSERVANCY of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

December 10, 2020

Greg Orick II Marine Construction, Inc.
27171 Driftwood Dr.
Bonita Springs, FL 34135

Attention: Sabrina Dobbins, Permits Technician

RE: 226 Malibu Cove- Davis Boat Dock Extension PL20200002208

Dear Ms. Dobbins:

Thank you for sending us the boat dock extension application package for 226 Malibu Cove for review. Pursuant to the Settlement Agreement between the Conservancy, Lely Estates, Inc., and Collier County pertaining to the Lely Barefoot Beach PUD, the Conservancy must be notified of any proposed construction activities within the conservation easement. Upon review of the site plan surveys dated November 30, 2020 from Agnoli Barber & Brundage Inc., we do not see any inconsistencies with the plan in regards to the easement or settlement agreement. Per the settlement agreement, an access ramp or walkway through the conservation easement is permissible provided that the ramp or walkway is consistent with the DEP permits and it does not exceed 4 feet in width.

Sincerely,

April Olson
Senior Environmental Planning Specialist

Nicole Johnson
Director of Environmental Policy

Attachment: Attachment C - BACKUP FINAL (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

★★★★ CHARITY NAVIGATOR Four Star Charity

Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20200002208

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

Name: Dan Davis Date: 12-29-21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment D - HEX Hybrid Waiver Signed (21222 : PL20200002208 BDE 226 Malibu Cove Davis)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C
Item Summary: Petition No. BDE-PL20210000104 - Request for a 21-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 41 feet into a waterway that is 121.6± feet wide for the benefit of property located at 1680 Vinland Way, also described as Lot 19, Landing at Bear's Paw, in Section 35, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 4

Meeting Date: 02/24/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/01/2022 3:46 PM

Submitted by:
Title: – Zoning
Name: Mike Bosi
02/01/2022 3:46 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	02/07/2022 1:55 PM
Zoning	Ray Bellows	Review Item	Completed	02/08/2022 12:20 PM
Zoning	Mike Bosi	Zoning Director Review	Completed	02/10/2022 9:53 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	02/24/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION - ZONING SERVICES SECTION

HEARING DATE: FEBRUARY 24, 2022

SUBJECT: BDE-PL20210000104, 1680 VINLAND WAY – SHERRILL DOCK

PROPERTY OWNER/APPLICANT:

David Sherrill, Trustee
C. David Sherrill Trust
240 Aviation Dr N., Suite 200
Naples, FL 34104

AGENT:

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

REQUESTED ACTION:

The petitioner requests a 21-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility that will protrude a total of 41 feet into a waterway that is 121.6± feet wide, pursuant to Section 5.03.06 of the Collier County Land Development Code (LDC) for the benefit of the subject property.

GEOGRAPHIC LOCATION:

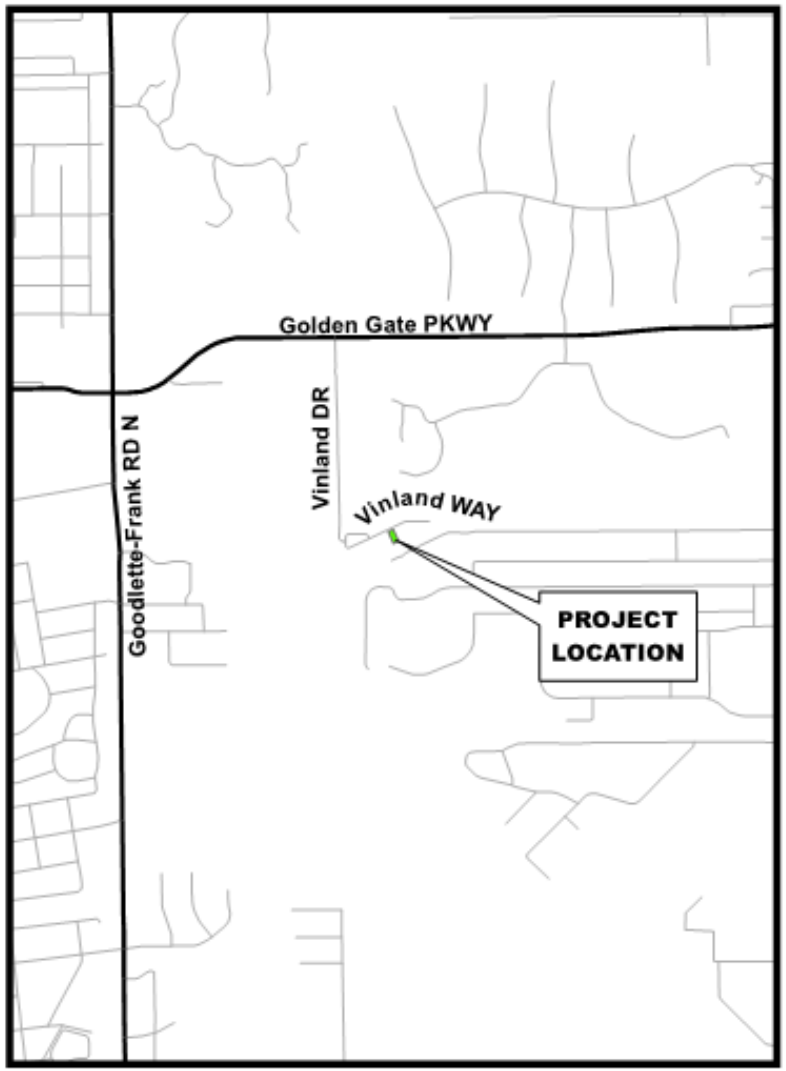
The subject property is located at 1680 Vinland Way, further described as Lot 19, Landings at Bear's Paw, in Section 35, Township 49 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

PURPOSE/DESCRIPTION OF PROJECT:

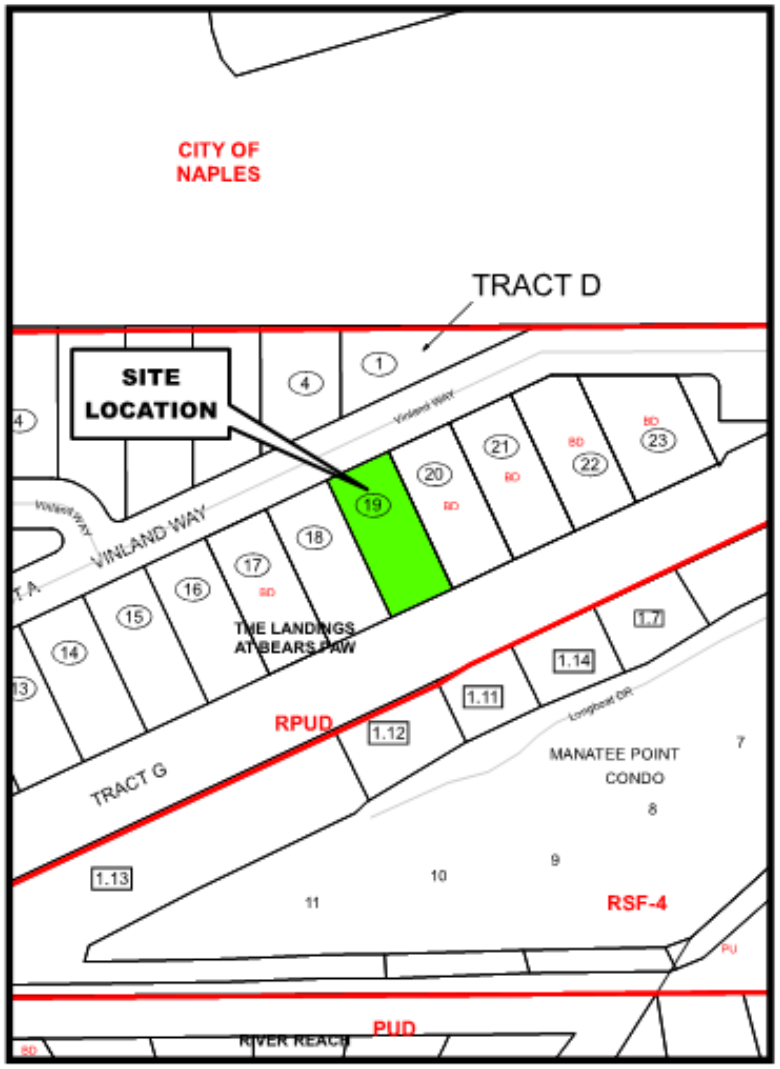
The subject property is located within a residential component of the Landings at Bear's Paw Planned Unit Development (PUD), Ordinance 13-66, as amended. Said property comprises 0.23 acres that has been developed with a single-family dwelling and has 67 feet of water frontage. The petitioner is proposing to construct a dock facility with a single slip, with boatlift, to moor a vessel of up to 36 feet in overall length.

(Continued on Page 3)

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)



Location Map



Zoning Map

Petition Number: PL20210000104

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Purpose/Description of Project (Continued)

Exhibit A of the Landings at Bear's Paw RPUD document, Permitted Uses, section c. – Golden Gate Canal (as to the Northern ½ of the Golden Gate Canal abutting the project) states:

> *i. Permitted Uses: private recreational single-family boat docks, mooring pilings, boat lifts/davits, and kayak launches to serve residents and their guests. All docks are reserved for the exclusive use of the owners of dwelling units within the RPUD property. No more than ten (10) boat slips may be constructed adjacent to the Amenity Area, no more than two (2) boat slips may be constructed adjacent to each platted single-family water-front lot, and no more than thirty-eight (38) slips may be constructed within the project. Except for any deviations listed in this RPUD Document, all docks and boat slips shall be subject to the requirements of LDC Section 5.03.06 and, to the extent applicable, the Manatee Protection Plan.*

Exhibit E of the Landings at Bear's Paw RPUD Document, List of Deviations, contains the following applicable deviation:

> *4. Deviation #4 seeks relief from LDC Section 5.03.06.E.5., "Dock Facilities," which requires dock facilities to have a side setback of 15 feet for dock facilities on lots with greater than 60 feet of water frontage, to allow 7.5-foot side setbacks for the private single-family community dock facilities located along that section of Golden Gate Canal within the Residential Tract; provided that such slips are parallel to (rather than perpendicular to) the shoreline.*

Staff further notes that at the time of site development for the RPUD the developer modified the shoreline to create a rip-rap shoreline extending from the rear property lines into the water body. This modified the MHWL and as a result the property line is a greater distance landward of the MHWL. As such, it was previously determined that for this development that if a dock does not protrude 20 feet past the original controlling MHWL no BDE should be required (See Attachment C).

As per a Map of Specific Purpose Survey (Proposed Dock Site Plan) dated 1/11/2022 the proposed dock facility incorporates a shore parallel design and will satisfy the 7.5-foot side/riparian setback allowed by the RPUD (see above). The structurally attached boat lift will protrude 30.4 feet as measured from the Mean High Water Line (MHWL). However, LDC Section 5.03.06.C.1, Measurement of dock protrusions and extensions, states: *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).* If measured from the property line, the most restrictive point as per the referenced requirement, the overall protrusion is 41± feet.

LDC Section 5.03.06.C.4. states: 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. The actual width of

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

the waterway is 121.6± feet at this location, MHWL to MHWL. Given that the proposed protrusion is 30.4 feet from the MHWL, the dock facility will occupy 25 percent of the waterway.

Collier County records reveal that of the 14 platted single-family waterfront lots, each of which is allocated two boat slips as per the RPUD document, five have been issued BDEs and three (including the subject parcel) are in the process of obtaining BDEs. Approved BDE information:

- 1672 Vinland Way – Lot 17 – HEX Decision 18-11 – Single slip, 44-foot protrusion
- 1684 Vinland Way – Lot 20 – HEX Decision 18-17 – Single slip, 42-foot protrusion
- 1688 Vinland Way – Lot 21 – HEX Decision 16-36 – Single slip, 44-foot protrusion
- 1692 Vinland Way – Lot 22 – HEX Decision 17-11 – Single slip, 44-foot protrusion
- 1696 Vinland Way – Lot 23 – HEX Decision 18-07 – Single slip, 43-foot protrusion

SURROUNDING LAND USE & ZONING:

North: Vinland Way (Right-of-Way), then Single-family dwelling within the Landings at Bear's Paw PUD

East: Single-family dwelling within the Landings at Bear's Paw PUD

South: Golden Gate Canal, then single family dwellings within a Residential Single-Family-4 (RSF-4) zoning district

West: Single-family dwelling within the Landings at Bear's Paw PUD



Aerial – Collier County GIS

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

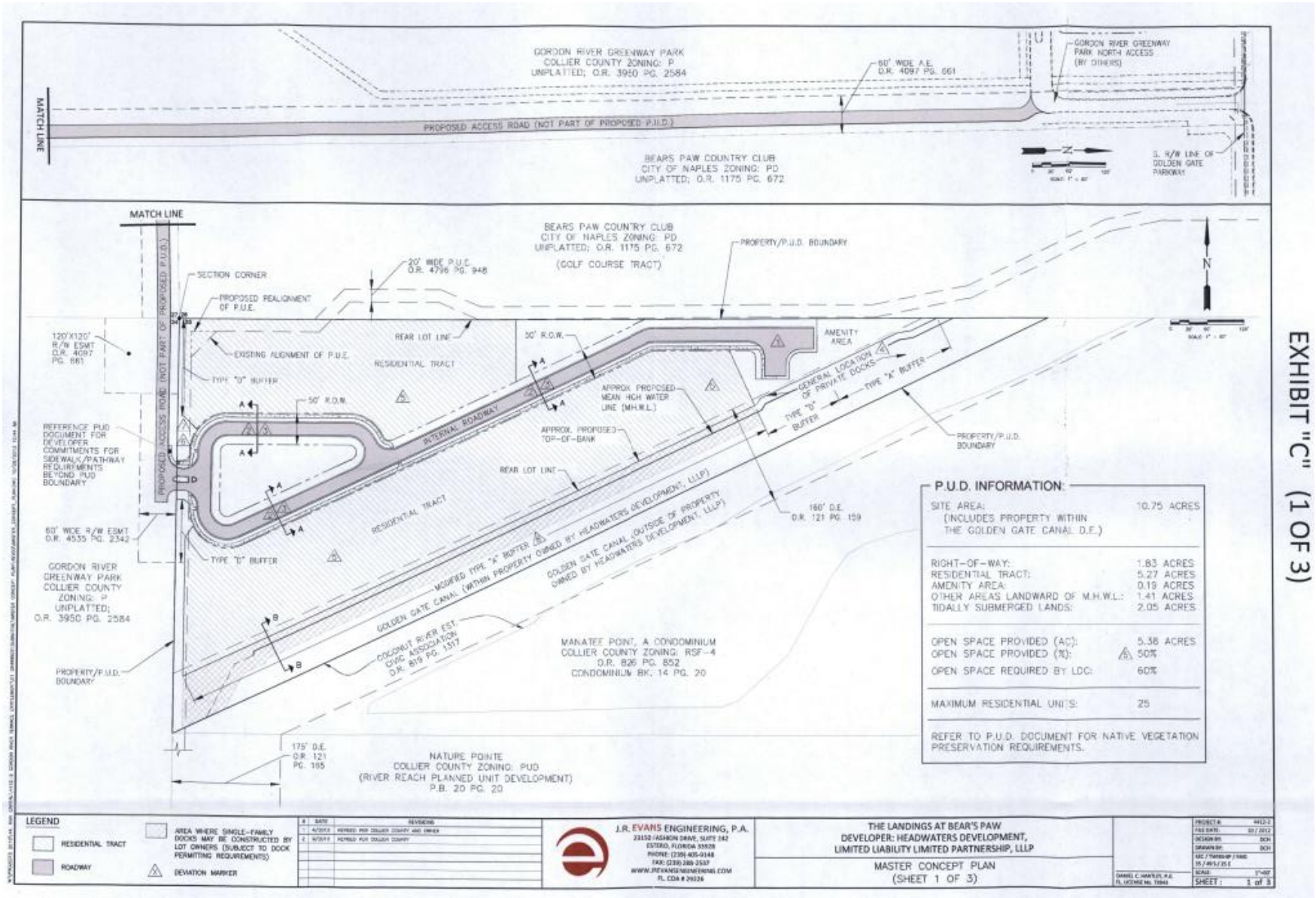


EXHIBIT "C" (1 OF 3)

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located adjacent to a man-made canal which leads to the Gordon River. The proposed docking facilities will be constructed waterward of the existing riprap shoreline. 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 7 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 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. In order 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 the residential development area of a Residential Planned Unit Development (RPUD) for which the RPUD document specifically allows each platted single-family lot located along the Golden Gate Canal two boat slips. The petitioner desires to construct a dock facility with a single slip with boatlift. To accommodate a vessel of up to 36 feet in overall length.

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.)**

   Criterion met. The attached survey and plans demonstrate that there is insufficient water depth at the 20-foot protrusion line as measured from the property line, the most restrictive point of measure.

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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. The proposed dock facility will only protrude 30.4 feet from the MHWL into the subject waterway that is approximately 121.6 feet wide from MHWL to MHWL. The entire waterway is used for navigation as there are no navigational markers indicating the exact thread of navigation. The residences on the opposite shore have their docks on a different canal/waterway.

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.)**

Criterion met. The approximate waterway width is 121.6 feet, MHWL to MHWL. The requested total dock protrusion is 30.4 feet from the MHWL which is 25 percent of the width of the waterway; therefore, more than 50 percent of the waterway is open for navigation.

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 new dock facility incorporates a shore parallel design and will not exceed the 7.5-foot side setback requirements from both property/riparian lines. The dock facility and location have been designed to satisfy required setbacks, provide safe access to/from a vessel, and not to interfere with any future neighboring dock facilities that may be constructed.

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 design of the proposed dock facility is greatly influenced by a property line that was pushed back during the design phase of the development to allow for the canals shoreline to be stabilized using rip-rap. At this location the property line is 11± feet landward of the MHWL. Due to this condition the existing dock protrudes further out into the waterway in order to decrease the access walkway's slope and to reach out to adequate water depths to safely moor the vessel and allow the boatlift to function properly as well as the dock as it is an existing floating dock.

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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 dock facility has been minimized in order to meet the County dock building guidelines, the approved PUD, and be constructed within the 25% width of waterway. The proposed protrusion is consistent with the other dock designs that have been approved within this same development along subject shoreline. The design also provides adequate and safe access to and from the vessel while still allowing room for other recreational use like fishing and kayak/paddle board storage on the dock." Staff concurs.

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 not met. The subject property has 67 feet of water/canal frontage, and the proposed dock facility has been designed to moor a single 36-foot vessel which equates to 53.73 percent of said waterfrontage.

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 proposed dock facility is one of potentially 14 other single-family docking facilities to be constructed along the subject shoreline not including the HOA's docking facility. The proposed dock facility uses a shore parallel design and will satisfy the required 7.5-foot side/riparian setbacks applicable to this RPUD. All waterfront homes desiring a dock facility along this shoreline will have similar challenges and no one homeowner should be impacted more than another.

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. Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Staff analysis finds this request complies with five of the five of the primary criteria. With respect to the six secondary criteria, one of the criteria is found to be not applicable and the request meets four of the remaining five.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF ZONING APPEALS:

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. 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.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20210001645, to allow for the construction of the proposed dock facility as depicted within the plans contained within Attachment A.

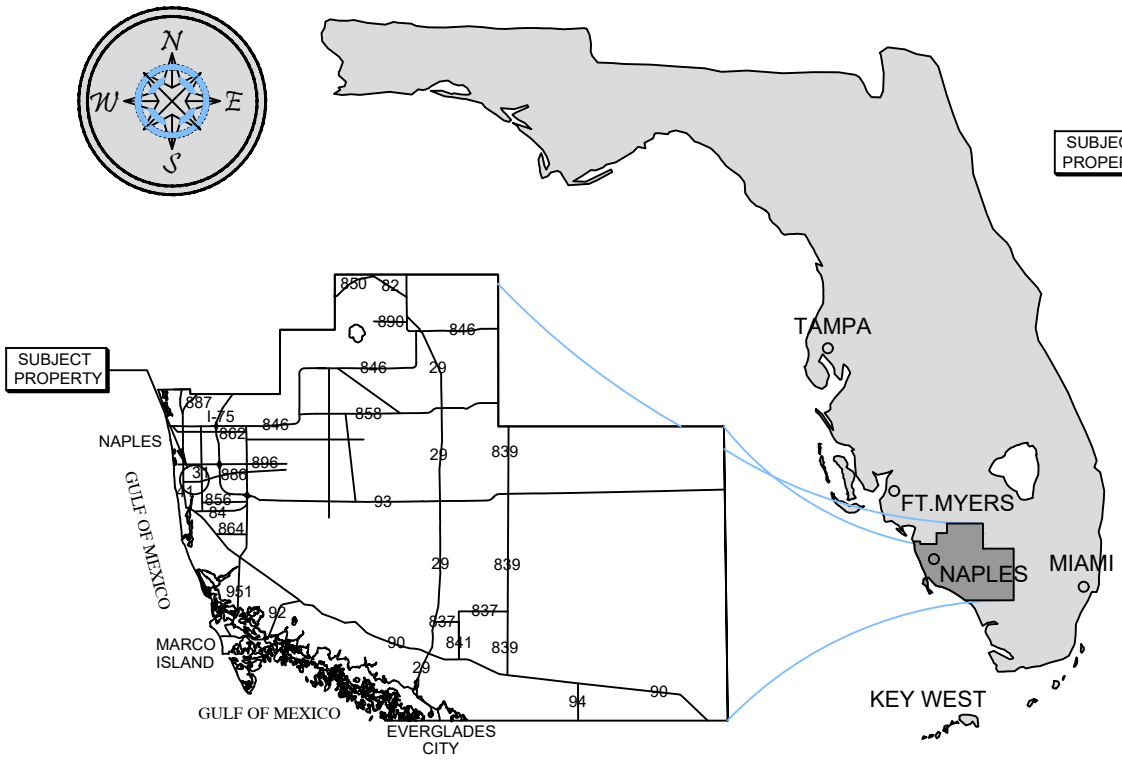
Attachments:

A) Proposed Site and Dock Plans
B) Public Hearing Sign Posting
C) E-mail from Collier County Development Review
D) Applicant's Backup
E) HEX Hybrid Meeting Waiver

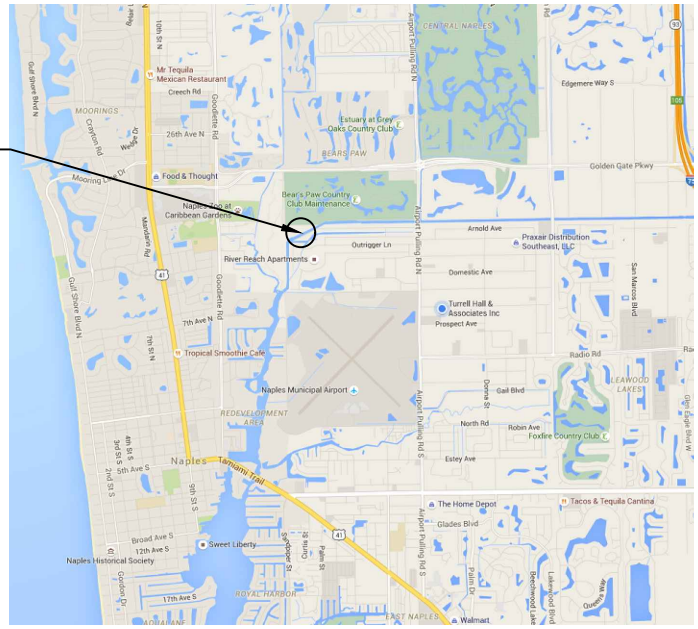
Attachment: Staff Report 01252022 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg LOCATION MAP 1/10/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 1680 VINLAND WAY
NAPLES, FL 34108

<> LATITUDE: N 26.166989
<> LONGITUDE: W -81.781228

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. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

1680 VINLAND WAY

LOCATION MAP

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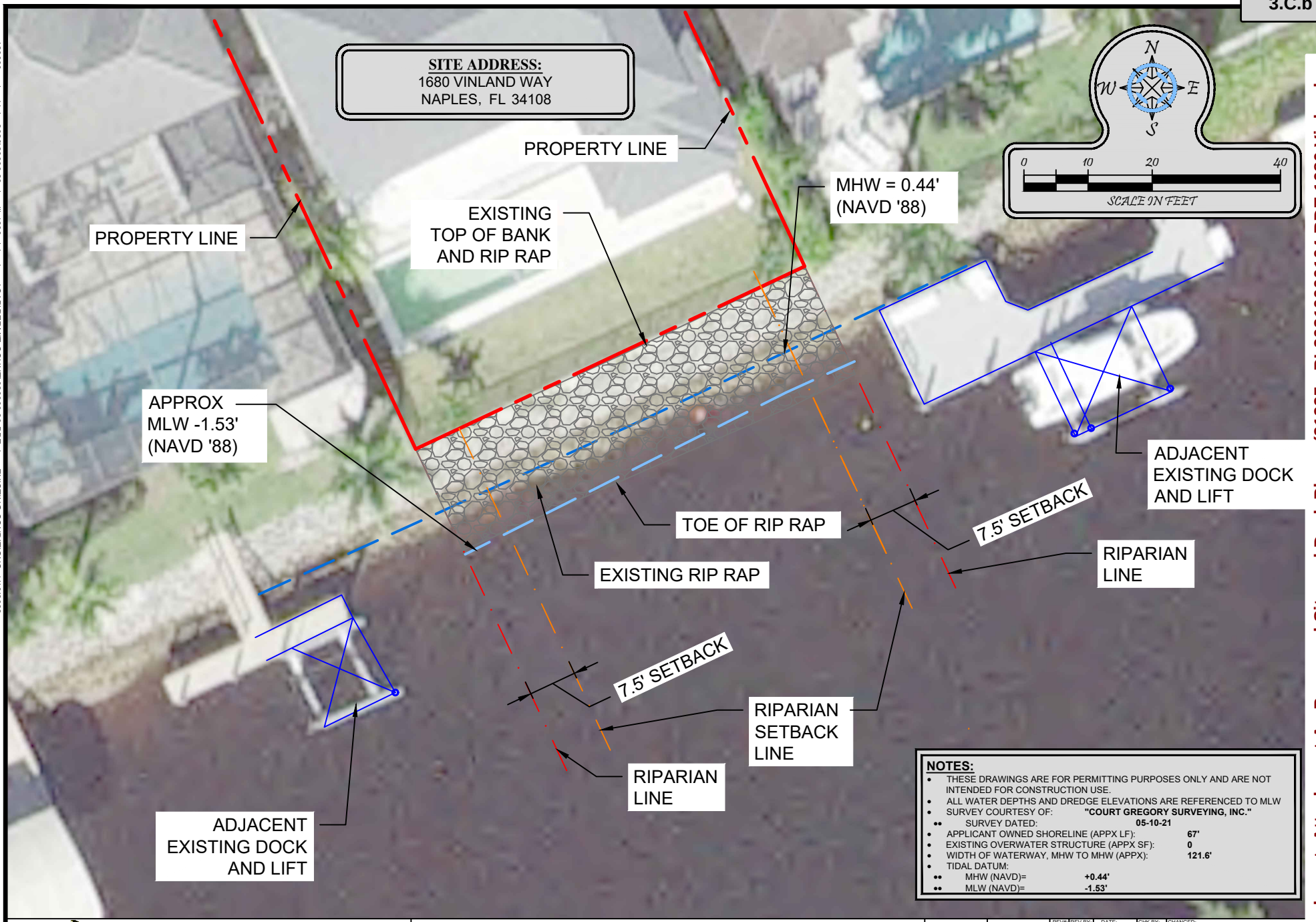
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	01 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg EXISTING CONDITIONS 1/10/2022



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: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **05-10-21**
- APPLICANT OWNED SHORELINE (APPX LF): **67'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **121.6'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**

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Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

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EXISTING CONDITIONS

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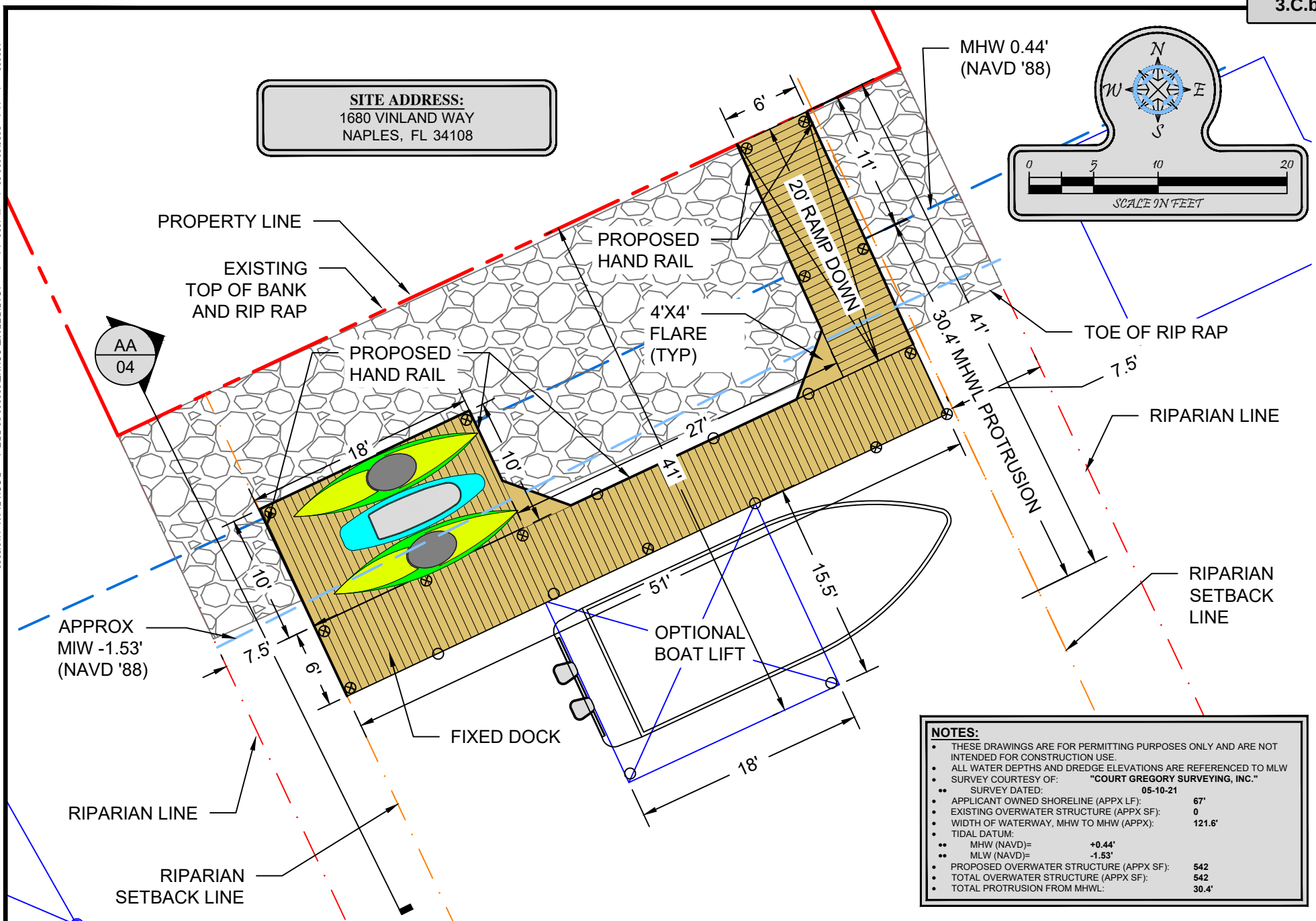
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	02 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg DOCK PLAN 1/10/2022

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland



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- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **121.6'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **542**
- TOTAL OVERWATER STRUCTURE (APPX SF): **542**
- TOTAL PROTRUSION FROM MHWL: **30.4'**

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DOCK PLAN

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	03 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

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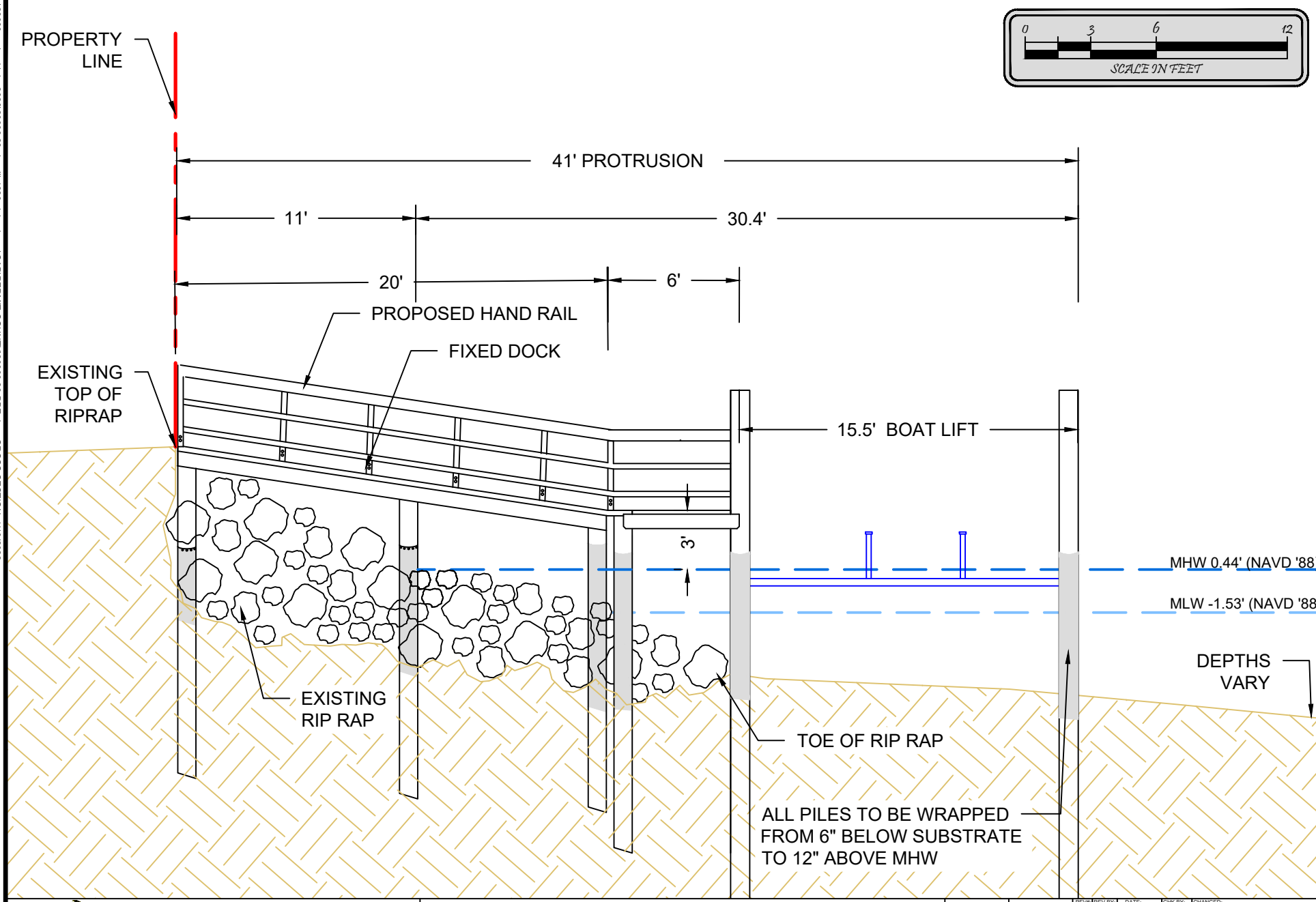

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CROSS SECTION

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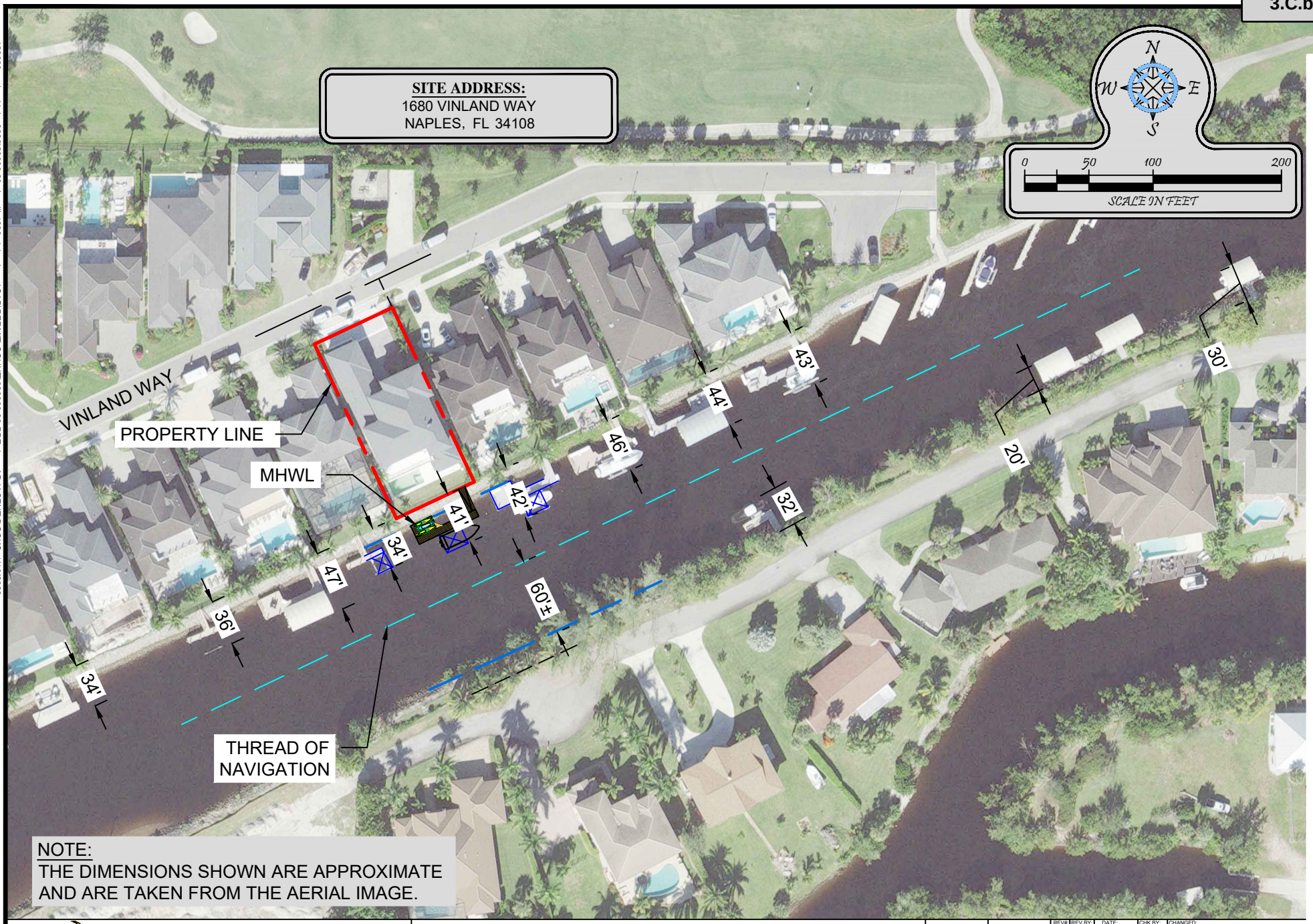
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	04 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg ADJACENT DOCKS 1/10/2022

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland



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

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1680 VINLAND WAY

ADJACENT DOCKS

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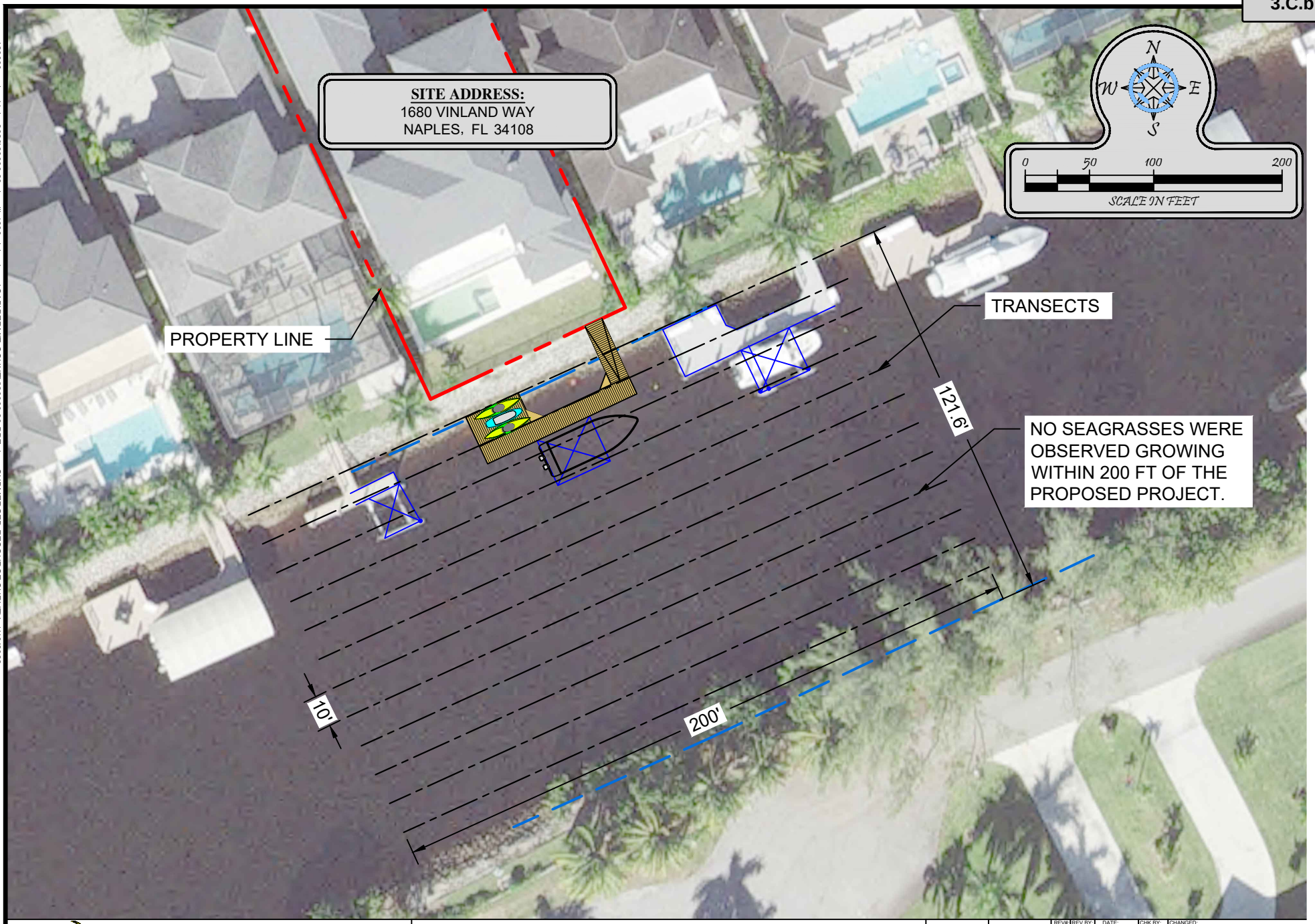
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	05 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg SUBMERGED RESOURCE SURVEY 1/10/2022



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SUBMERGED RESOURCE SURVEY

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DRAWN BY:	RMJ	2.	-	-	-	-
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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg WIDTH OF WATERWAY 1/10/2022



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1680 VINLAND WAY

WIDTH OF WATERWAY

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (21225 : PL20210000104 BDE 1680 Vinland

KellyJohn

From: KellyJohn
Sent: Friday, February 04, 2022 3:28 PM
To: KellyJohn
Subject: BDE-PL20210000104 - 1680 Vinland Way - Sign Posting for HEX 2/24/2022
Attachments: F8A3E2A3-DEAB-487D-AEB6-21FE502552DF.jpeg; 88758724-D529-421F-AE19-4B3F6961201C.jpeg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location at approximately 12:20 P.M. this date, for the purposes of satisfying public notice requirements contained within the Collier County Land Development Code, as evidenced by the attached photos.

Respectfully,
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Sign Posting PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)





Attachment: Attachment B - Sign Posting PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

NawrockiStefanie

From: McLeanMatthew
Sent: Wednesday, April 27, 2016 3:00 PM
To: info@orickmarine.com
Cc: ScottChris; NawrockiStefanie
Subject: FW: Landings at Bear's Paw

Holly,

Per our phone call and your question yesterday, please see below on the offset requirement and from where is should be measured. Thanks.

Collier County

Matt McLean, P.E.
Principal Project Manager

Collier County Growth Management Department
Development Review Division - Manager
2800 N. Horseshoe Drive
Naples, FL 34104
Phone: 239-252-8279
Fax: 239-252-6945

From: McLeanMatthew
Sent: Tuesday, July 21, 2015 10:13 AM
To: dan@jrevansengineering.com; BosiMichael <MichaelBosi@colliergov.net>; Will J. Dempsey <wjdempsey@napleslaw.com>; StrainMark <MarkStrain@colliergov.net>
Cc: 'Greg Wardeberg' <gwardeberg@gmail.com>; ScottChris <ChrisScott@colliergov.net>
Subject: RE: Landings at Bear's Paw

Dan,

The LDC definition of Mean high-water line (MHW) identifies the intersection of the tidal plane of mean high water with shore as established by per the FL Coastal Mapping Act of 1974 Laws of Florida. Within the state law "mean high water" is the average height of the high waters over a 19 year period; therefore, the County recognizes the original MHW condition as one of the parameters for measuring the boat dock setback. For this particular project, this is the most restrictive measurement. As long as the docks do not protrude 20 feet past that original controlling MHW line, then no BDE is required. The approved PPL plans show this dimension as 20 feet from the controlling MHW line and will suffice for the site review/approval. Please provide a copy of this email along with the building permit application resubmittal. Thanks.

Collier County

Attachment: Attachment C - MHW determination of boat docks (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Matt McLean, P.E.
Principal Project Manager

Collier County Growth Management Department
Development Review Division - Manager
2800 N. Horseshoe Drive
Naples, FL 34104
Phone: 239-252-8279
Fax: 239-252-6945

From: dan@jrevansengineering.com [mailto:dan@jrevansengineering.com]
Sent: Tuesday, July 21, 2015 9:49 AM
To: BosiMichael; Will J. Dempsey; StrainMark
Cc: McLeanMatthew; 'Greg Wardeberg'
Subject: RE: Landings at Bear's Paw

First, I would like to thank everyone for reviewing this matter on behalf of the developer. It is sincerely appreciated.

If you need any further information from me in order to finalize your review/decision re: the BDE, or if you would like to meet with me today or at any time, please advise.

Otherwise, if a decision has (or will be) made on the BDE, please advise on how to appropriately document that a BDE is not required, and that the approved PPL and ICP permits (PL20120002819 and PL20150000357, respectively) suffice for review/approval of the building permit for the docks.

Sincere thanks,

Daniel C. Hartley, P.E.
J.R. Evans Engineering, P.A.
9351 Corkscrew Road, Suite 102
Estero, FL 33928
www.jrevansengineering.com
c (239) 250-9408

From: BosiMichael [mailto:MichaelBosi@colliergov.net]
Sent: Tuesday, July 21, 2015 8:22 AM
To: Will J. Dempsey; StrainMark
Cc: McLeanMatthew; 'Greg Wardeberg'; dan@jrevansengineering.com
Subject: RE: Landings at Bear's Paw

Great job, Mark and Matt and thanks for all, working together to get the best decision within the code.
bosi

From: Will J. Dempsey [mailto:wjdempsey@napleslaw.com]
Sent: Tuesday, July 21, 2015 7:43 AM
To: StrainMark
Cc: BosiMichael; McLeanMatthew; 'Greg Wardeberg'; 'dan@jrevansengineering.com'
Subject: RE: Landings at Bear's Paw

Thanks Mark and Matt. Matt, I got your voicemail yesterday. I was (and am still) scrambling to stay on top of a number of client commitments and either Dan or I will get back to you today.

Attachment: Attachment C - MHW determination of boat docks (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Thanks again gents,

Will J. Dempsey
Florida Bar Board Certified Real Estate Lawyer

CHEFFY PASSIDOMO
ATTORNEYS AT LAW

Cheffy Passidomo, P.A.
821 5th Avenue South
Naples, FL 34102

(239) 261-9300 telephone
(239) 261-9782 facsimile
wjdempsey@napleslaw.com
www.napleslaw.com

This e-mail, along with any files transmitted with it, is for the sole use of the intended recipient(s) and may contain information that is confidential or privileged. If this e-mail is not addressed to you (or if you have any reason to believe that it is not intended for you), please notify the sender by return e-mail or by telephoning us (collect) at 239-261-9300 and delete this message immediately from your computer. Any unauthorized review, use, retention, disclosure, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. Please note that any views or opinions presented in this e-mail are those of the author and do not necessarily represent those of the law firm.

From: StrainMark [mailto:MarkStrain@colliergov.net]
Sent: Tuesday, July 21, 2015 7:40 AM
To: Will J. Dempsey
Cc: BosiMichael; McLeanMatthew; 'Greg Wardeberg'; 'dan@jrevansengineering.com'
Subject: RE: Landings at Bear's Paw

I believe this has been resolved and no BDE is needed, Matt Mclean has the details.

But.....I am always available to meet.

Mark
239.252.4446

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From: Will J. Dempsey [mailto:wjdempsey@napleslaw.com]
Sent: Monday, July 20, 2015 2:30 PM
To: StrainMark
Cc: BosiMichael; McLeanMatthew; 'Greg Wardeberg'; 'dan@jrevansengineering.com'
Subject: Landings at Bear's Paw

Good afternoon Mark:

Attachment: Attachment C - MHW determination of boat docks (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Would you have time this week to huddle up on a Boat Dock Extension request for the Landings at Bear's Paw? This is the triangular residential project on the Golden Gate Canal and between Bear's Paw and the Gordon River Greenway. I'm available pretty much any time starting Wednesday through end of week.

Thanks Mark,

Will J. Dempsey
Florida Bar Board Certified Real Estate Lawyer

CHEFFY PASSIDOMO
ATTORNEYS AT LAW

Cheffy Passidomo, P.A.
821 5th Avenue South
Naples, FL 34102

(239) 261-9300 telephone
(239) 261-9782 facsimile
wjdempsey@napleslaw.com
www.napleslaw.com

This e-mail, along with any files transmitted with it, is for the sole use of the intended recipient(s) and may contain information that is confidential or privileged. If this e-mail is not addressed to you (or if you have any reason to believe that it is not intended for you), please notify the sender by return e-mail or by telephoning us (collect) at 239-261-9300 and delete this message immediately from your computer. Any unauthorized review, use, retention, disclosure, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. Please note that any views or opinions presented in this e-mail are those of the author and do not necessarily represent those of the law firm.

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Attachment: Attachment C - MHW determination of boat docks (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

BDE. PL20210000104
1680 VINLAND WAY

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.

- ✓ Application, to include but not limited to the following:
  - ✓ Narrative of request
  - ✓ Property Information
  - ✓ Property Ownership Disclosure Form
  - ✓ 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
- ✓ Affidavit of ~~Representation~~ AUTHORIZATION
- ✓ 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
- ✓ Deviation Justifications PRIMARY & SECONDARY CRITERIA

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

✓ Boundary Survey

✓ 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.

✓ **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.

Jeff Rogers

Signature of Agent Representative

01/26/2022

Date

Jeff Rogers

Printed Name of Signing Agent Representative

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Narrative Description: The proposed Boat Dock Extension request is for a single-family dock located within the Landings at Bear's Paw development along the Gordon River. This section of the Gordon River bottom lands is owned by the development as well as the rip-rap shoreline which is why we had the HOA provide us with a letter of support.

The proposed dock has been designed to be consistent with the other previously approved docks that also required a BDE. As proposed the dock will protrude approximately 41-feet from the property line and approximately 30.4-feet from the mean high water line (MHWL) therefore we are requesting a 21-foot extension from the allowed 20-feet. The subject waterway is approximately 121.6-feet wide, as measured from MHWL to MHWL and as proposed dock will protrude approximately 25% into the subject waterway. The required side yard setbacks as outlined within the RPUD documents are 7.5-feet and as proposed the dock will provide the required setbacks. Please note, the boatlift has not yet been added.

Additionally, the RPUD also allows the Landings at Bear's Paw development have up to 38 boat slips along their shoreline. The community dock accommodates 9 slips, and the remaining slips (29) are for the residences along the river which are allowed 2 slips per lot. The proposed dock is one of the allowed 29 slips along the river.

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

THIS PETITION IS FOR (check one): ■ **DOCK EXTENSION** ☐ **BOATHOUSE**

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT INFORMATION

Name of Property Owner(s): David C Sherrill Trust

Name of Applicant if different than owner: David C. Sherrill

Address: 240 Aviation Dr N. **City:** Naples **State:** FL **ZIP:** 34104

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

E-Mail Address: DSherrill@hartfordFL.com

Name of Agent(s): 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 **Fax:** 239-643-6632

E-Mail Address: jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 35 / 49 / 25 **Property I.D. Number:** 54490010520

Subdivision: Landings at Bear Paw **Unit:** _____ **Lot:** 19 **Block:** _____

Address/ General Location of Subject Property:
1680 Vinland Way, Naples, FL 34105

Current Zoning and Land use of Subject Property:
RPUD/ UR / RSF-4

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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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	RPUD	Residential Single-Family
S	RSF-4 & A	Residential Single-Family & Golden Gate Canal
E	RPUD	Residential Single-Family
W	RPUD	Residential Single-Family

DESCRIPTION OF PROJECT

Narrative description of project (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):
See attached

SITE INFORMATION

1. **Waterway Width:**
   121.6 ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ■ other (specify) aerial
2. **Total Property Water Frontage:**
   67 ft.
3. **Setbacks:**
   Provided: 7.5 ft.
   Required: 7.5 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   41 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 36 ft.
   2. _____ ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   Majority of the waterfront homes along the subject shoreline have docks which most have been granted BDE's. As proposed the dock is consistent with the previous approved docks.
7. **Signs are required to be posted for all petitions. On properties that are 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

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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8. 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.

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 percent of the width of the waterway, and whether or not 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.)

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.)

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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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 I 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.)

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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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.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☐	☐
Chart of Site Waterway	1	☐	☐
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.	1	☐	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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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: Annis Moxam	☐	Parks and Recreation: David Berra
☐	City of Naples: Robin Singer, Planning Director	☐	School District (Residential Components): Amy Lockheart
☐	Conservancy of SWFL: Nichole Johnson	☐	Other:
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	Other:

FEE REQUIREMENTS:

- ☐ **Boat Dock Extension Petition:** $1,500.00
- ☐ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00
- ☐ **An additional fee for property owner notifications will be billed to the applicant prior to the Hearing Examiner hearing date.**

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 fees shall be submitted to:

Growth Management Department
Planning and Regulation
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Jeff Rogers

Signature of Petitioner or Agent

01/07/2022

Date

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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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

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
David C Sherrill Trust	100

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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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

Jeff Rogers
Agent/Owner Signature

7.1.21
Date

Jeff Rogers
Agent/Owner Name (please print)

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210000104

I, Clare D. Sherrill (print name), as Trustee (title, if applicable) of C. David Sherrill Trust (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 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.

Signature

7/7/2021
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 7/7/21 (date) by C. David Sherrill (name of person providing oath or affirmation), as _____ who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

DEBORAH LYN SHENSTONE
Notary Public - State of Florida
Commission # HH 124613
My Comm. Expires May 9, 2025
Bonded through National Notary Assn.

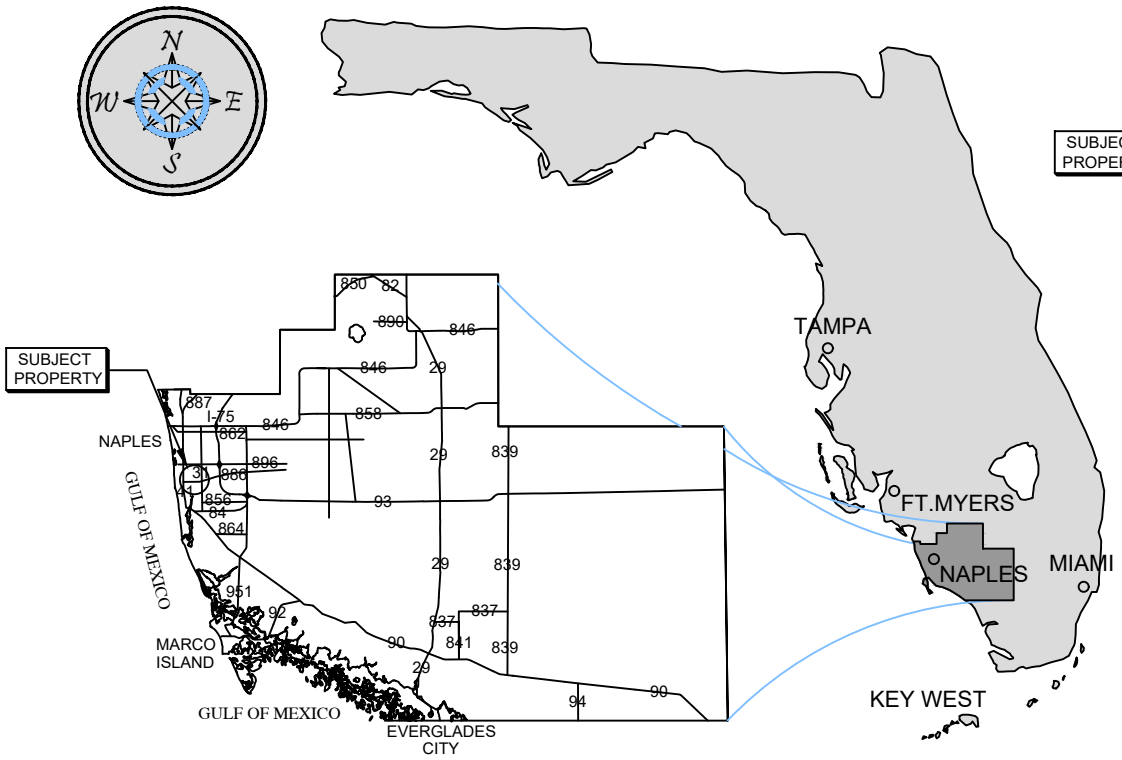
Signature of Notary Public

CP\08-COA-00115\155
REV 3/24/14

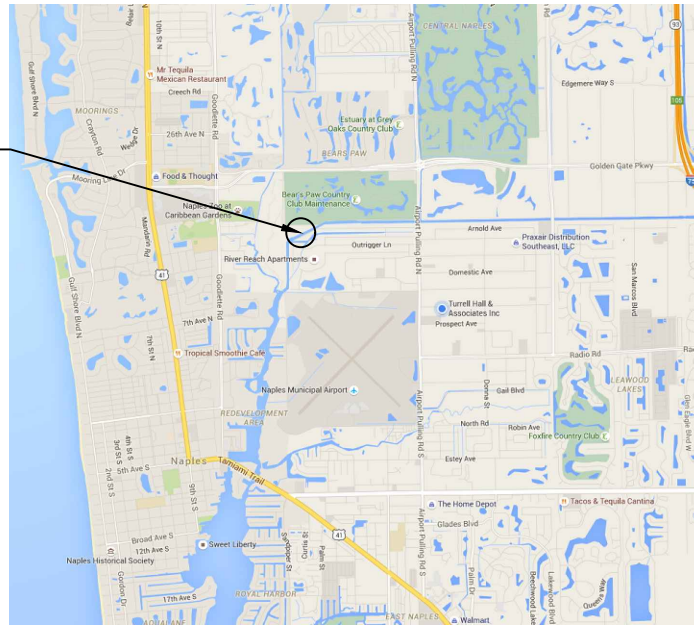
Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg LOCATION MAP 1/10/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 1680 VINLAND WAY
NAPLES, FL 34108

<> LATITUDE: N 26.166989
<> LONGITUDE: W -81.781228

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. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

1680 VINLAND WAY

LOCATION MAP

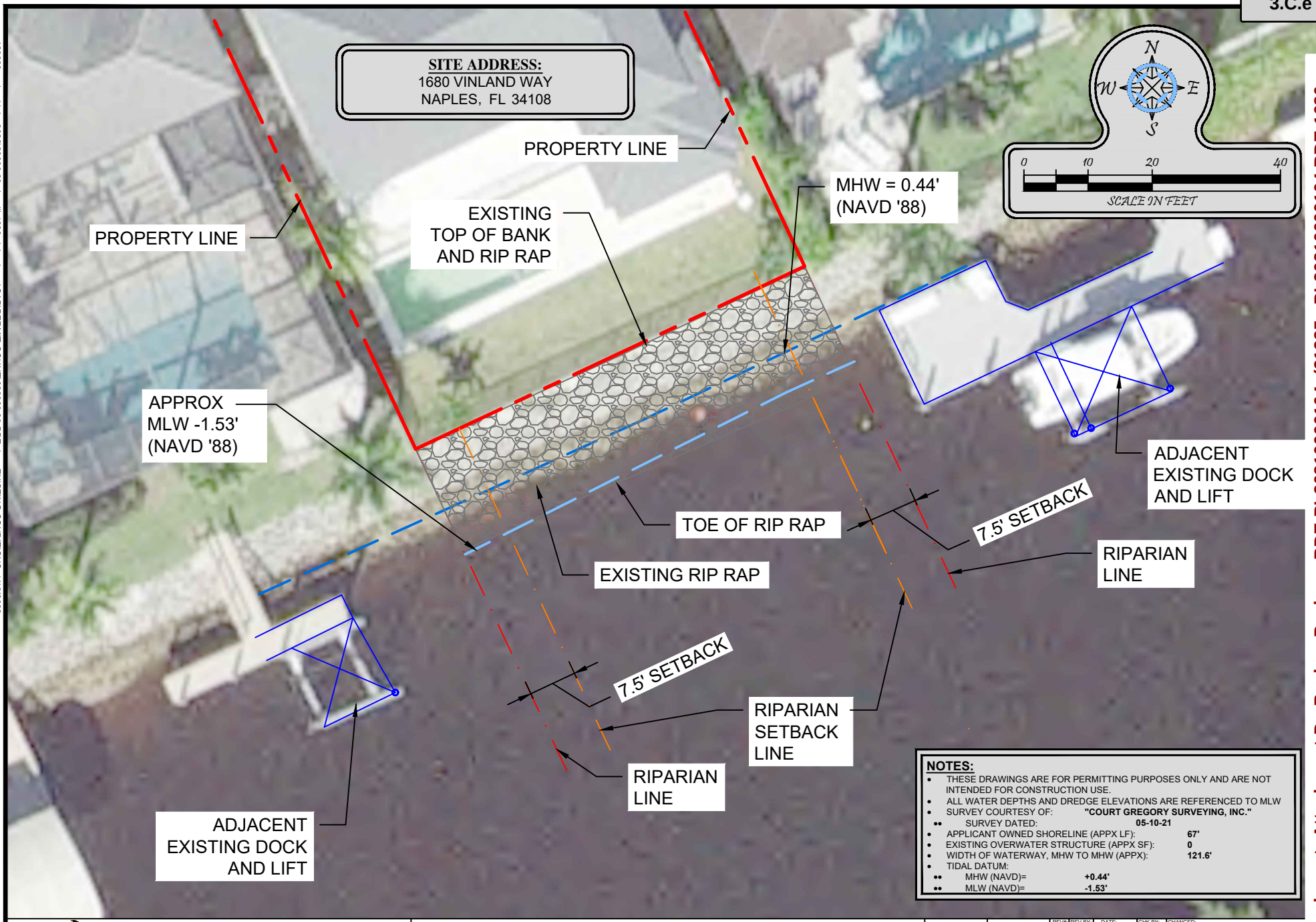
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	01 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg EXISTING CONDITIONS 1/10/2022



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: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **05-10-21**
- APPLICANT OWNED SHORELINE (APPX LF): **67'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **121.6'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**

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1680 VINLAND WAY

EXISTING CONDITIONS

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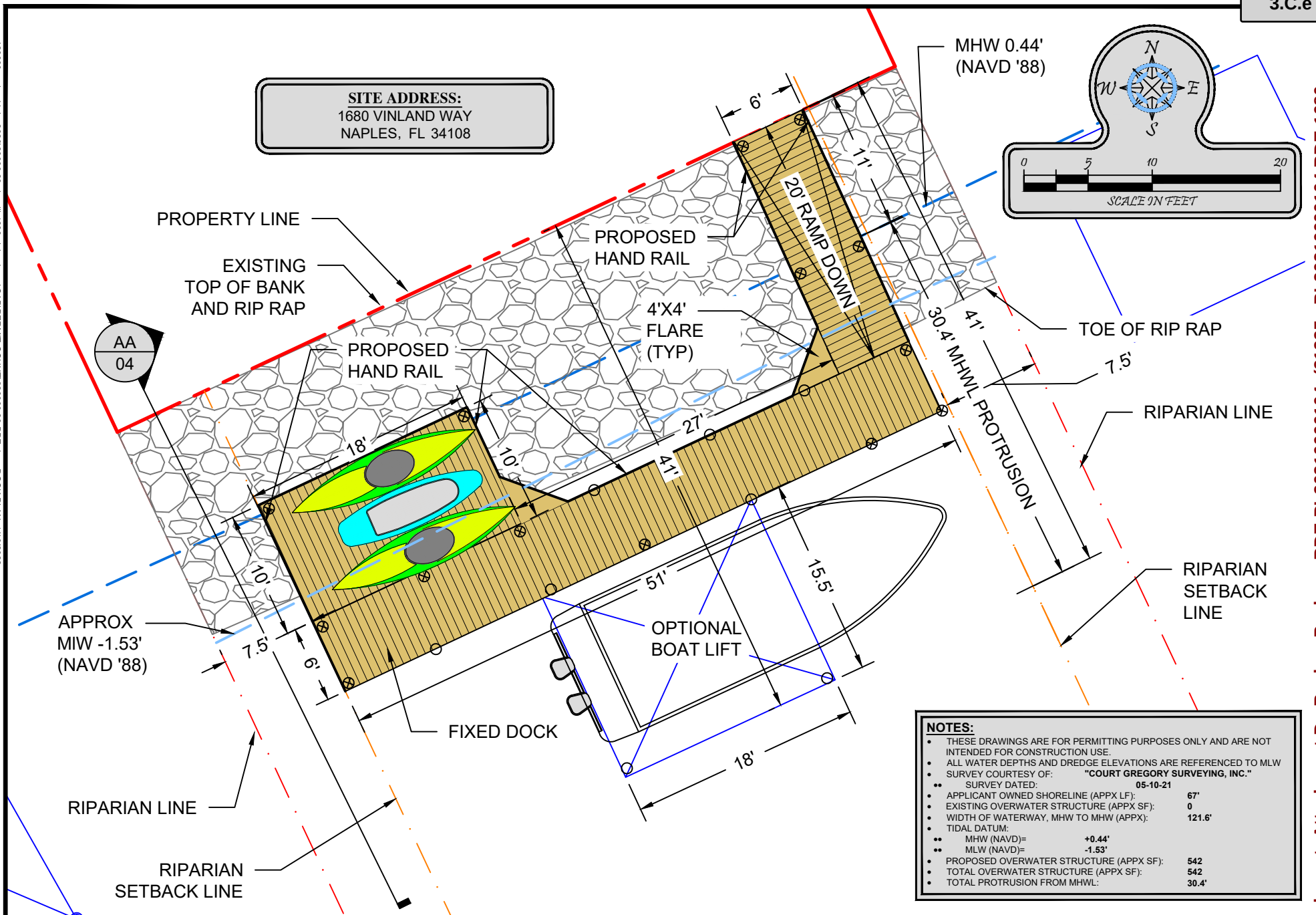
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	02 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg DOCK PLAN 1/10/2022



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  - SURVEY DATED: **05-10-21**
- APPLICANT OWNED SHORELINE (APPX LF): **67'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **121.6'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **542**
- TOTAL OVERWATER STRUCTURE (APPX SF): **542**
- TOTAL PROTRUSION FROM MHWL: **30.4'**

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1680 VINLAND WAY

DOCK PLAN

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
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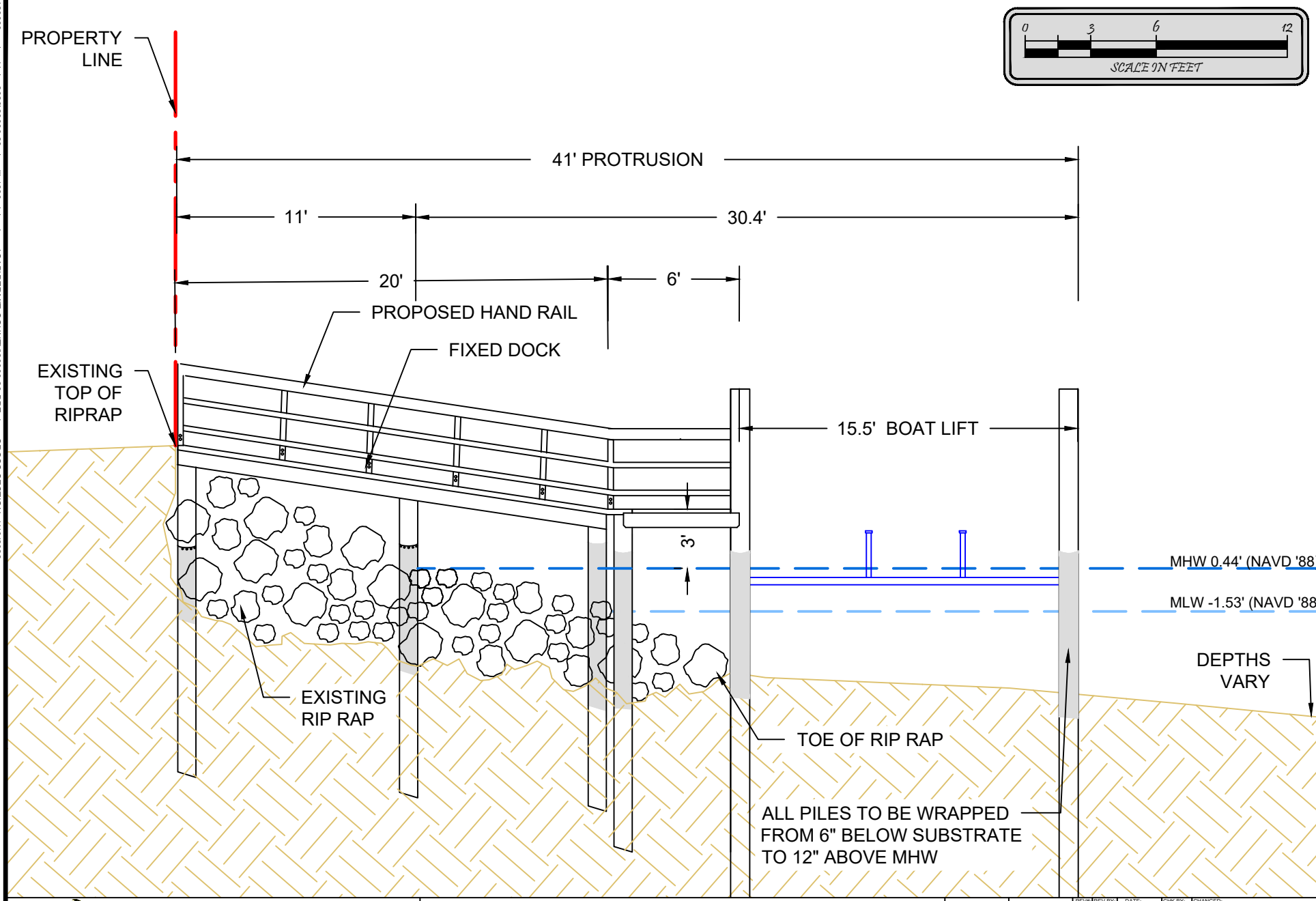
SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg CROSS SECTION 1/10/2022



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1680 VINLAND WAY

CROSS SECTION

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CREATED:	01-10-22	3.	-	-	-	-
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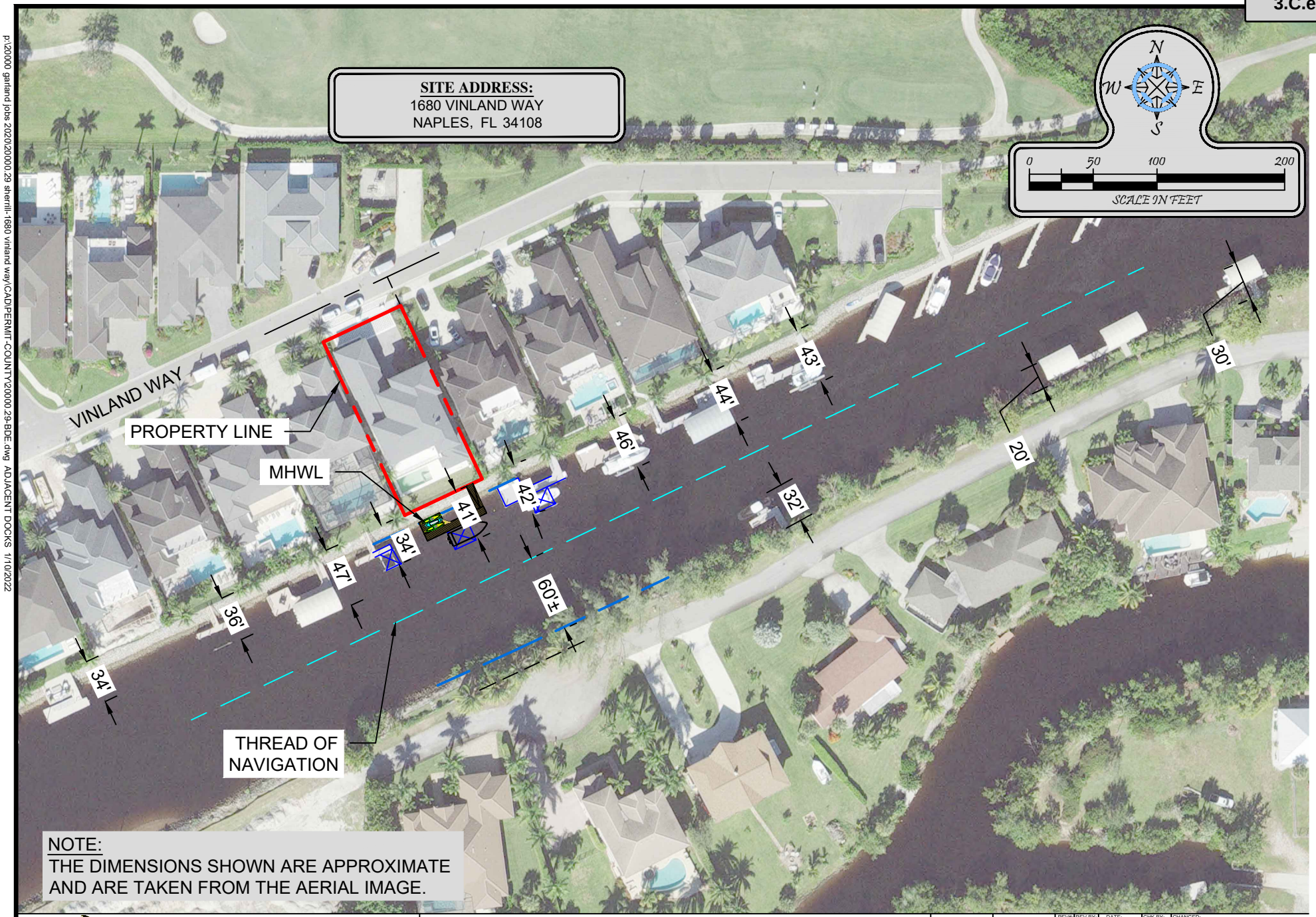
SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg ADJACENT DOCKS 1/10/2022



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

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1680 VINLAND WAY

ADJACENT DOCKS

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DRAWN BY:	RMJ	2.	-	-	-	-
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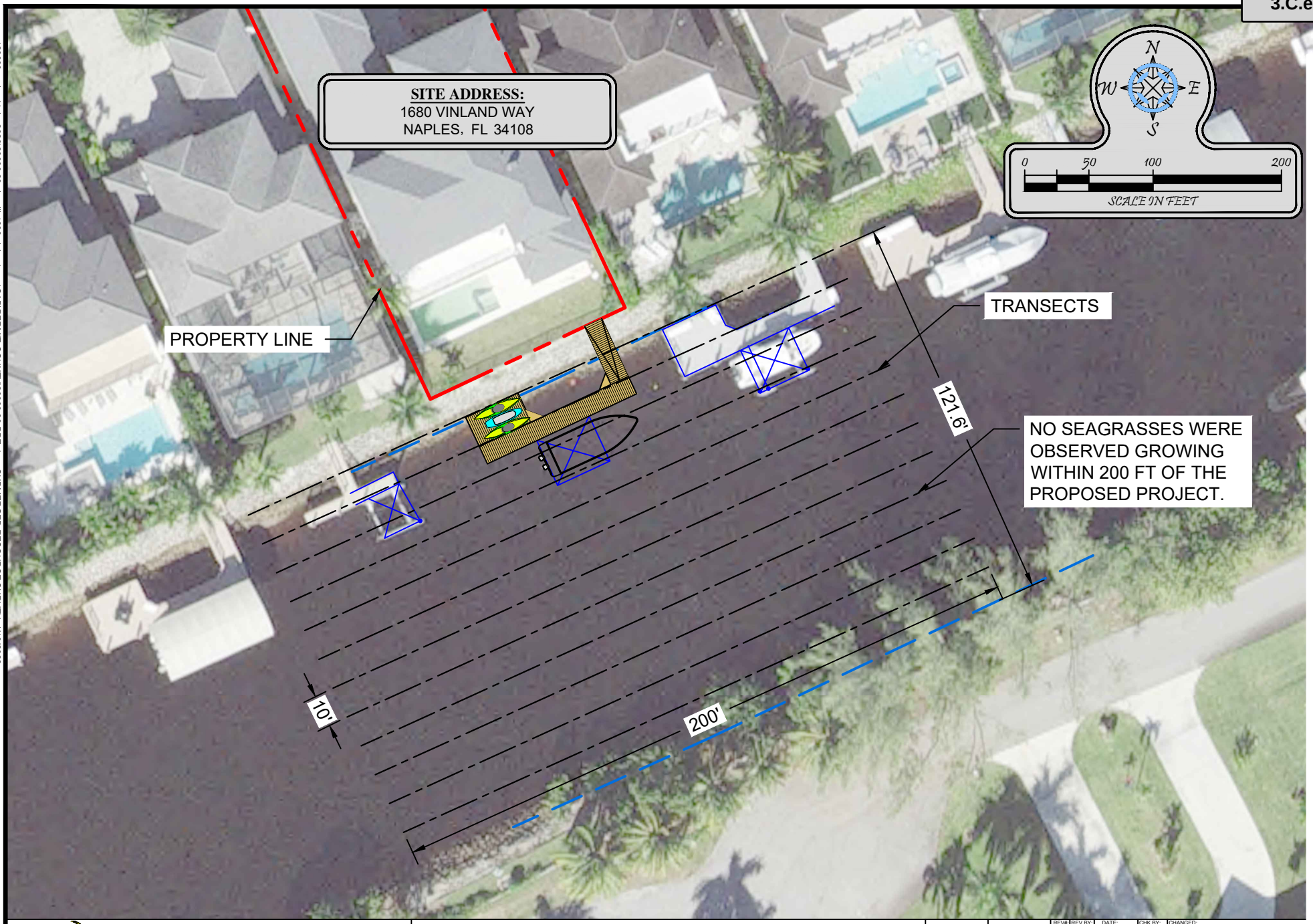
SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg SUBMERGED RESOURCE SURVEY 1/10/2022



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1680 VINLAND WAY

SUBMERGED RESOURCE SURVEY

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680



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1680 VINLAND WAY

WIDTH OF WATERWAY

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-10-22	3.	-	-	-	-
JOB NO.:	20000.29	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

p:\20000 garland jobs 2020\20000.29 sherrill-1680 vinland way\CAD\PERMIT-COUNTY\20000.29-BDE.dwg WIDTH OF WATERWAY 1/10/2022

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680

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.)

Criterion Met

Response: The total waterfront length for this property is 67-ft. The zoning and upland land use is a single-family residential unit which warrants no more than 2 slips per CC-LDC as well as the approved PUD. The current proposed dock design has 1 optional boat slip.

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.)

Criterion Met

Response: See attached survey/drawing illustrating the existing shoreline and associated base of riprap. At the 20-foot protrusion line taken from the Top of Bank there is just not sufficient water to accommodate the vessel nor boatlift and is still partially over the riprap. Therefore, there is insufficient water depths to moor a vessel or provide safe access to the docking facility within the 20-foot protrusion mark.

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.)

Criterion Met

Response: The proposed docking facility will not have any adverse impacts on navigation as it will only protrude 30.4-feet from the MHWL into the waterway that is approximately 121.6-feet wide from MHWL to MHWL. The entire waterway is used for navigation as there are no navigational markers indicating the exact thread of navigation. The proposed docking facility provides adequate space for

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

navigation through this waterway as well as provides sufficient space for a dock to be built across the waterway from the subject property and still provide adequate space for navigation. Additionally, the proposed dock design is consistent with at least 3 if not 4 other existing docks along the subject shoreline.

4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not 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.)

Criterion Met

Response: The proposed docking facility protrudes approximately 30.4-feet from the MHWL into a waterway that is 121.6' wide from MHW to MHW. The proposed dock protrudes approximately 25% into the waterway and therefore as proposed the dock does meet this criterion.

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.)

Criterion Met

Response: The proposed dock facility will provide 7.5-foot setbacks from both property/riparian lines. The approved PUD for the Landings at Bears Paw development only requires 7.5-feet setbacks for a docking facility that is parallel to the shoreline. The dock design and location has been designed to be located within the required setbacks, provide safe access with a vessel, and not interfere with any future neighboring docking facilities that maybe constructed.

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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.)

Response: The proposed dock facility was primarily governed by the County guidelines and the approved PUD for the Landings at Bear's Paw. The one special condition that has affected the overall proposed dock design was the relatively high Top of Bank elevation and the associated large rip-rap shoreline. Due to this condition the proposed access walkway portion of the dock needs to protrude further out into the waterway in order to decrease the access walkway's slope and to reach out to adequate water depths to safely moor the vessel and allow the boatlift to function properly.

Criterion 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.)

Response: The proposed dock facility has been minimized in order to meet the County dock building guidelines, the approved PUD, and be constructed within the 25% width of waterway. The proposed design is consistent with the other dock designs that have been approved within this same development along the subject shoreline. The design also provides adequate and safe access to and from the vessel while still allowing room for other recreational use like fishing and kayak/paddle board storage on the dock.

Criterion 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.)

Response: The proposed dock facility has been designed to only moor one vessel up to 36-feet which is more than 50% the subject property's linear waterfront footage. Therefore, this criteria is not 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.)

Response: The proposed dock facility will be one of potentially 14 other single-family docking facilities allowed to be constructed along this shoreline not including the HOA docking facility. The proposed dock has been designed within the designated setback area as outlined in the approved PUD document for this development. The proposed docking facility design is consistent with others on this waterway and will not affect neighboring properties view of the waterway.

Criterion Met

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

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 I must be demonstrated.)

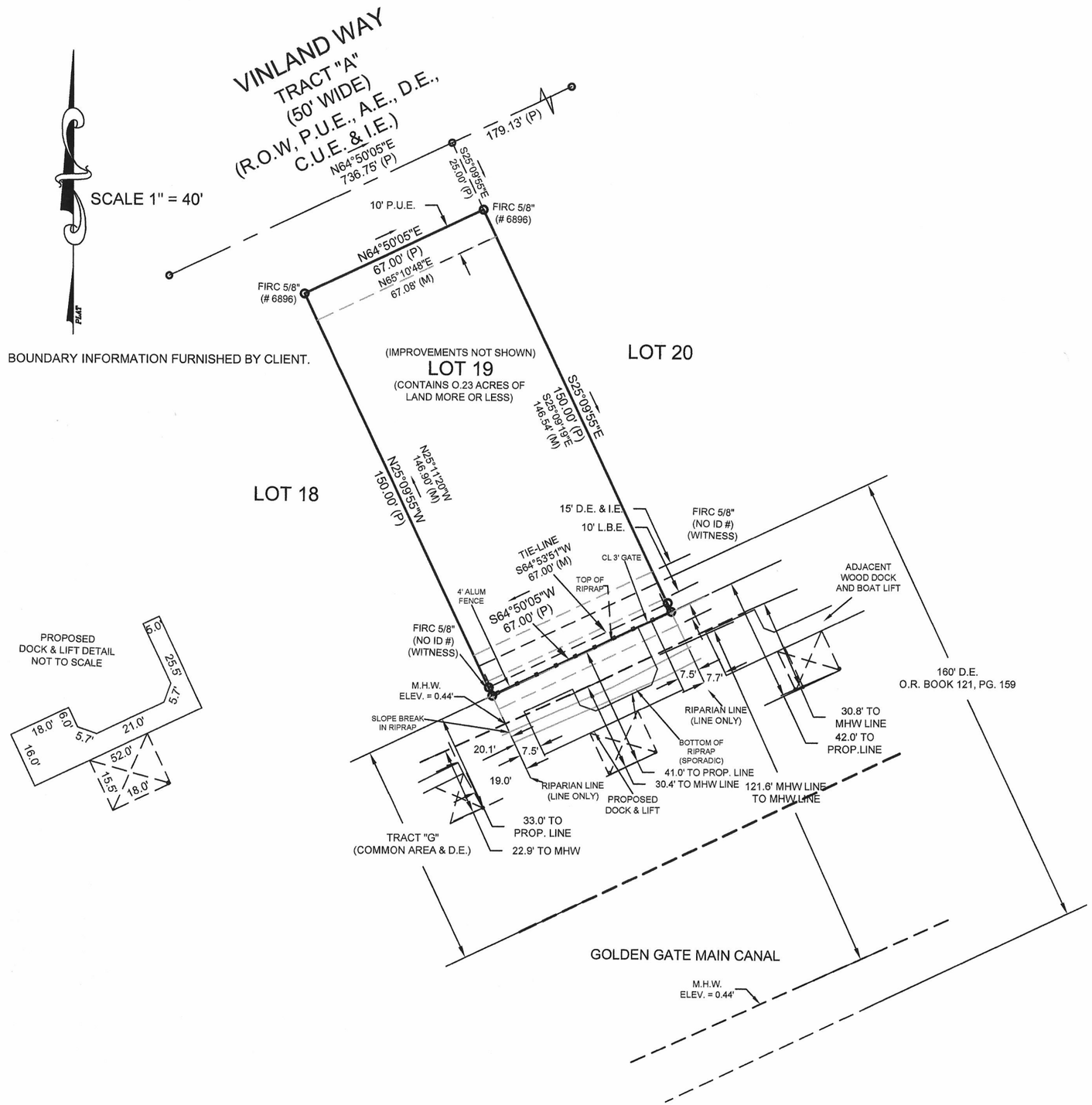
Response: There are no seagrass beds present on the property nor the neighboring properties within 200' of the existing dock structure.

Criterion 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.)

Response: The proposed work is a single-family dock facility and therefore not subject to Manatee Protection Requirements.

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)



NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF VINLAND WAY AS SHOWN IN PLAT BOOK 56 PAGE 6 OF COLLIER COUNTY, BEING NORTH 64D 50' 05" EAST.

2.IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.

3.SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF- WAY OF RECORD.

4.DATE OF FIELD SURVEY MAY 10, 2021.

5.THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. 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.

6.SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS, UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

7.ELEVATIONS SHOWN ARE BASED ON N.A.V.D. DATUM OF 1988. DESCRIPTION OF BM AS FOLLOWS: SPKND # 6004 IN NORTH 2 FT VALLEY GUTTER OPPOSITE SITE RES # 1692 ELEV. = 6.86'

8.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE N/A AS SHOWN ON FEMA MAP PANEL # ISLAND. BASE ELEVATION DETERMINED AT N/A ALL FEMA INFORMATION SHOWN NEEDS TO BE VERIFIED BY THE USER(S) OF THIS SURVEY, BEFORE ANY DESIGN AND/OR CONSTRUCTION.

9.NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

10.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING AND THE PROPOSED DOCK WITH RELATION TO THE PROPERTY LINES. PROPERTY LINES ARE SHOWN AS PLAT.

REVISIONS

REPOSITIONED DOCK TO 41' PROTRUSION
DATE OF FIELD REVISION 01-11-2022

LEGEND

= FOUND (") IRON ROD (SURVEYOR ID #) (FIR)
= SET 1/2" IRON ROD (PSM #6004)(SIRC)
= SET 4" X 4" CONCRETE MONUMENT (PSM #6004)(SCM)
= FOUND CONCRETE MONUMENT (SURVEYOR ID #)(FCM)
= BENCHMARK (FOUND OR SET) R/W = RIGHT OF WAY(R.O.W.)
= FOUND NAIL OR PK NAIL AND DISC (SURVEYOR ID #) (FPKN)
= SET PK NAIL AND DISC (PSM #6004) (SPKN&D) FD. = FOUND
FN&TT = FOUND NAIL AND TIN TAB BM = BENCHMARK
(M) = FIELD MEASUREMENT (C) = CALCULATED MEASUREMENT
P.C.P. = PERMANENT CONTROL POINT (#) C.L.= CENTERLINE
P.R.M. = PERMANENT REFERENCE MONUMENT (#) (PG) = PAGE
(P) OR (D) = PLAT OR RECORDED(DEED) MEASUREMENT
(PB) = PLAT BOOK PL EXT = PROPERTY LINE EXTENDED
CMP = CORRUGATED METAL PIPE CATV=CABLE TV
FF = FINISHED FLOOR U.T.S.= UNITED TELEPHONE RISER
= WELL CONC = CONCRETE CB = CATCH BASIN OR INLET
= WATER/GATE VALVE R.C.P. = REINFORCED CONCRETE PIPE
= SANITARY SEWER PROP = PROPERTY X = SPOT ELEVATION
TOB = TOP OF BANK TOS = TOP OF SLOPE EOW = EDGE OF WATER
BOS = BOTTOM OF BANK BOS = BOTTOM OF SLOPE EO = EDGE OF
CBS=CONCRETE BLOCK & STUCCO VG = VALLEY GUTTER
ELEC. = ELECTRIC TRANS = TRANSFORMER JAC = JACUZZI
DE = DRAINAGE EASEMENT SWE = SIDEWALK EASEMENT
LBE = LANDSCAPE BUFFER EASEMENT IE = IRRIG. EASEMENT
PUE = PUBLIC UTILITY EASEMENT UE = UTILITY EASEMENT
LMA(E)= LAKE MAINTENANCE ACCESS EASEMENT
LME = LAKE MAINTENANCE EASEMENT A.E.= ACCESS EASEMENT
MHW/MLW = APPROXIMATE MEAN HIGH/LOW WATER

MAP OF SPECIFIC PURPOSE SURVEY

(PROPOSED DOCK SITE PLAN)

LOT 19

OF

LANDINGS AT BEAR'S PAW

AS RECORDED IN
PLAT BOOK 56 PAGE(S) 5-6
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

1680 VINLAND WAY

CERTIFY TO:
GARLAND & GARLAND

CERTIFICATION:
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

SIGNED_____
COURT H. GREGORY PSM #6004
DATE 1/11/2022
DATE OF FIELD SURVEY 05-10-2021

PSM # 6004
LB # 7112

C.G.S.
Court Gregory Surveying, Inc
761 Teton Court
Naples, Florida 34104
(239)643-7845 office
cgs6004@comcast.net
(239)272-3707 cell

Date 01/11/2022
Job # EN10220Mrev1
FI

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

July 6, 2021

Collier County Government

RE: The Landings at Bear's Paw – 1680 Vinland Way
Installation of Boat Dock and Lift Request

To Whom It May Concern:

This letter is intended to notify Collier County that the Landings at Bear's Paw Homeowner's Association, Inc. Board of Directors has reviewed and approved the proposed dock project, located at the property referenced above.

The subject property is allowed a dock with up to two boat slips as outlined within the approved RPUD. As proposed the dock and boatlift meet all the community design criteria and therefore, we trust that our approval will allow the County to proceed with their review of the proposed Boat Dock Extension application.

Should you have any questions, please contact me at: 239.436.1500.

Sincerely,



George A. Wilson
President
Landings at Bear's Paw Homeowner's Association, Inc.

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

Jeff Rogers

From: StrainMark <MarkStrain@colliergov.net>
Sent: Thursday, August 11, 2016 2:17 PM
To: Jeff Rogers

This is what I found in an email sent by Matt to the applicant:

The LDC definition of Mean high-water line (MHW) identifies the intersection of the tidal plane of mean high water with shore as established by per the FL Coastal Mapping Act of 1974 Laws of Florida. Within the state law "mean high water" is the average height of the high waters over a 19 year period; therefore, the County recognizes the original MHW condition as one of the parameters for measuring the boat dock setback. For this particular project, this is the most restrictive measurement. As long as the docks do not protrude 20 feet past that original controlling MHW line, then no BDE is required. The approved PPL plans show this dimension as 20 feet from the controlling MHW line and will suffice for the site review/approval. Please provide a copy of this email along with the building permit application resubmittal.

Mark

239.252.4446

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

SHERRILL DOCK
1680 VINLAND WAY
NAPLES, FL 34105

SUBMERGED RESOURCE SURVEY

JULY 19, 2021

PREPARED BY:



TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

1.0 INTRODUCTION

The Sherrill dock and associated residence is located at 1680 Vinland Way and can be further identified by parcel #54490010520. The property is bound to the north and south by single family residences, to the east by Samar Ave, and to the south by the subject man-made canal. The property is located at Section 32, Township 51, and Range 26. The landward portion of the property currently contains a single-family residence that is currently under construction and the subject dock will be an accessory structure.

Turrell, Hall & Associates was contracted to provide environmental permitting services pertaining to the mangrove removal and proposed docking facility, which requires the completion of a Submerged Resource Survey (SRS). This report will provide planning and assistance to both the owner(s) and government agencies reviewing the proposed project.

The SRS survey was conducted on July 16, 2021. Sea surface conditions consisted of partly cloudy skies, light winds out of the southeast, and an air temperature of 88° F. The tide was at mid-level upon arrival to the site, allowing for observance of most of the bottom lands from the dock. High tide at the project site occurred at 7:01 A.M. (2.5 ft.) and low tide had occurred following our arrival onsite at 12:50 P.M. (0.8 ft.). The water temperature was 85° F.

2.0 OBJECTIVE

The objective of the submerged resource survey was to identify and locate any existing submerged resources within 200' of the proposed project. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so would assist in reconfiguring the proposed dock in order to minimize any impacts. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit to verify the location of any submerged resources within 200-feet.
- Turrell, Hall & Associates personnel identified submerged resources at the site (or the lack there of), estimated the percent coverage, and delineated the approximate limits of any submerged resources observed.
- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

3.0 METHODOLOGY

Turrell, Hall & Associates biologists intentionally designed the methodology of the Submerged Resource Survey to cover the entire property shoreline for the proposed dock and boat-lift installation. The components for this survey included:

- Review of aerial photography of survey area
- Establish survey transects lines overlaid onto aerials
- Physically swim transects, GPS locate limits of submerged resources, and determine approximate percent of coverage
- Document and photograph all findings

The survey area was evaluated systematically by following the established transects, spaced approximately 10-feet apart as shown on the attached exhibit. The existing surrounding docks on the canal provided reference points for easily identifiable land markers such as dock pilings which assisted in maintaining position within each transect.

4.0 RESULTS

The substrate found within the surveyed area consists of 1 distinct classification: silt muck with sand and minimal shell debris, which was observed throughout the entire surveyed area. The shoreline consists of rip-rap with numerous other existing single-family docks. The rip-rap and existing dock piles all support a variety of fish as well as sessile and motile invertebrates such as barnacles and mud crabs. Some of the existing dock piles carried historic fragments or remains of oysters, but no live individuals were observed. Algae was observed covering parts of the submerged portions of the piles and rip-rap but was not observed in the underlying substrate. The majority of the project site was devoid of vegetative growth, presumably because of the low water quality and higher levels of freshwater which also reduces penetration of the water column by sunlight. A list of observed species can be seen below in Table 1.

Table 1 – Observed fish species

Common Name	**Scientific Name**
Striped Mullet	*Mugil cephalus*
Sheepshead	*Archosargus probatocephalus*
Gray Snapper	*Lutjanus grisens*
Barnacle	*Amphibalanus spp.*
Mud Crab	*Panopius* herbstii
Snook	*Centropomus undecimalis*

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

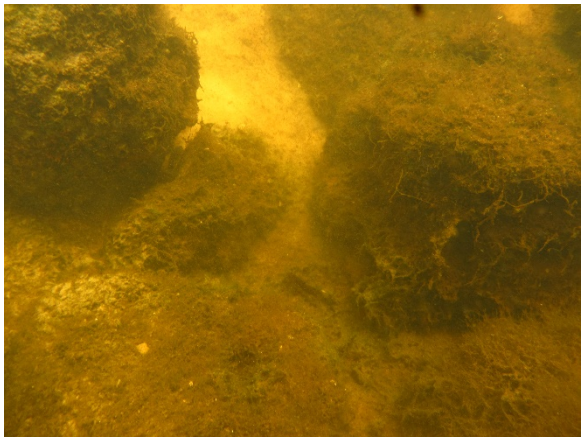
5.0 CONCLUSIONS

The submerged resource survey conducted at the project site yielded few findings at best. Barnacles, mud crabs, and numerous fish species could be seen along the shoreline as well as out on the adjacent dock pilings. Seagrasses were not observed anywhere near the project site. All fish species were observed swimming in and around the shoreline.

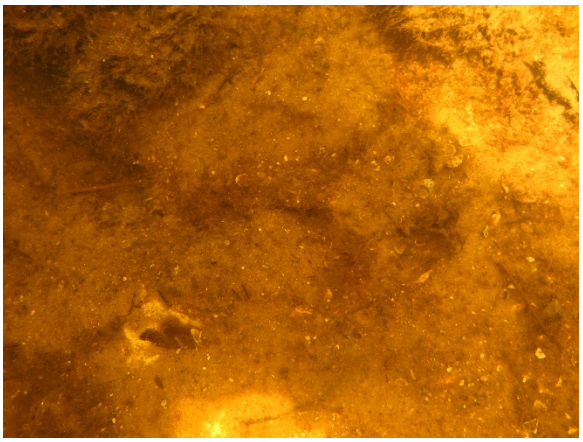
Negative impacts to submerged resources are not expected with the proposed project.



RIP-RAP SHORELINE & ADJACENT DOCK



SEAWALL & MANGROVE SHORELINE



Typical Bottom Sediment



Typical Bottom sediment

Attachment: Attachment D - Backup Package BDE PL20210000104 (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): _____

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

Name: C. David Sherrill

Date: 1/26/2022

Signature: _____

☒ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment E - Public Hearing Waiver (21225 : PL20210000104 BDE 1680 Vinland Way Sherrill)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.D
Item Summary: Petition No. VA-PL20210001516 - Request for a variance from section 5.03.06.E.5 of the Land Development Code to reduce the required eastern side setback for a boat dock facility from 15 feet to 5.1 feet for a lot with 63.2± feet of water frontage located at 177 Topanga Drive further described as Lot 86, Southport on the Bay Unit 1, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

Meeting Date: 02/24/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/02/2022 4:39 PM

Submitted by:
Title: – Zoning
Name: Mike Bosi
02/02/2022 4:39 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	02/07/2022 1:42 PM
Zoning	Ray Bellows	Review Item	Completed	02/08/2022 12:47 PM
Zoning	Mike Bosi	Zoning Director Review	Completed	02/10/2022 9:57 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	02/24/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: FEBRUARY 24, 2022

SUBJECT: VA-PL20210001516, 177 TOPANGA DRIVE, PAUL DOCK, COMPANION TO BDE-PL20210000155

PROPERTY OWNER/APPLICANT:

Timothy W. Paul
177 Topanga Dr.
Bonita Springs, FL 34134

AGENT:

Mark Oreus
Greg Orick II Marine Construction, Inc.
2815 Bayview Dr.
Naples, FL 34112

REQUESTED ACTION:

The petitioner requests a variance from Section 5.03.06.E.5 of the Collier County Land Development Code (LDC), to reduce the required eastern side/riparian setback for dock facilities on lots with water frontage of 60 feet or greater from 15 feet to 5.1 feet for a lot with 63.2± feet of water frontage, for the benefit of the subject property.

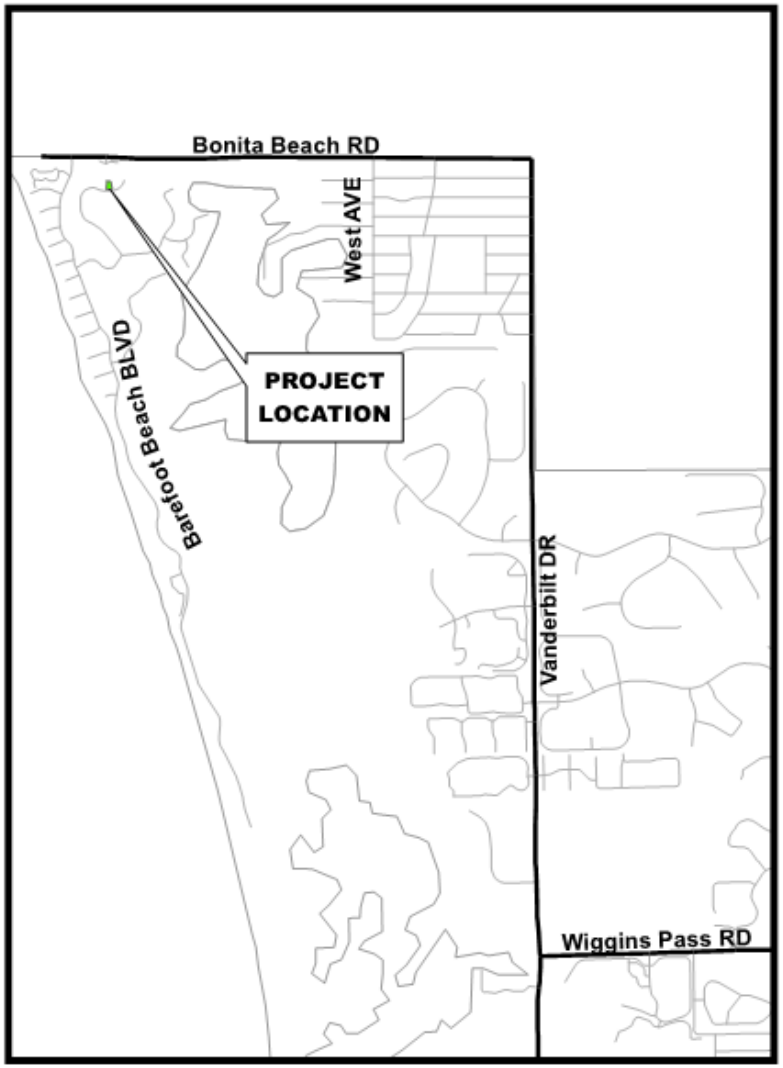
GEOGRAPHIC LOCATION:

The subject property is located at 177 Topanga Drive and is further identified as Lot 86, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

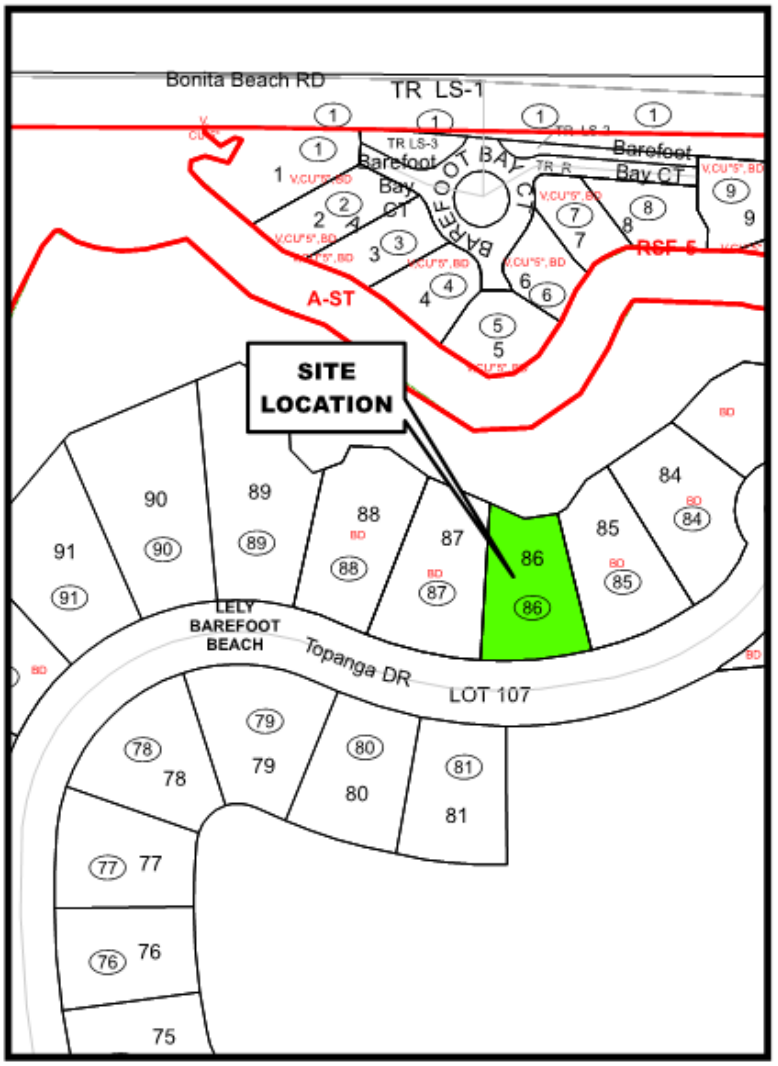
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is located within Tract H, a residential component, of the Lely Barefoot Beach Planned Unit Development (PUD) and comprises 0.22± acres. The petitioner desires to construct a new dock facility with two boat lifts, one for a 32.7-foot vessel and the other for two 11.7-foot personal watercraft. As proposed, the new dock facility will encroach 9.9 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-PL20210000155.

Attachment: Staff Report 02012022 (21226 : PL20210001516 VA 177 Topanga Drive Paul)



Location Map



Zoning Map

Petition Number: PL20210001516

Attachment: Staff Report 02012022 (21226 : PL20210001516 VA 177 Topanga Drive Paul)

SURROUNDING LAND USE & ZONING:

North: Little Hickory Bay located then a single-family residence within a Residential Single-Family-5 (RSF-5) zoning district

South: Topanga Drive (Right-of-Way) then Conservation Easement

East: 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 GIS

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is in the Urban Designation, Urban Residential Subdistrict, land use classification and is within the Coastal High Hazard Area on the County's Future Land Use Map (FLUM). This land use category is designed to accommodate a variety of residential uses including single-family, multi-family, duplex, mobile home and mixed-use projects. As previously noted, the subject petition seeks a variance for a proposed single-family boat dock facility which is an authorized use within this land use designation, therefore, the use is consistent with the FLUM. The GMP does not address individual variance requests; the Plan deals with the larger issue of the actual land use.

Attachment: Staff Report 02012022 (21226 : PL20210001516 VA 177 Topanga Drive Paul)

ZONING ANALYSIS:

The Lely Barefoot Beach PUD requires that single-family dock facilities satisfy the requirements contained in LDC Section 5.03.06. As per Section 5.03.06 E.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 5.0306.E or 5.03.06.F or otherwise exempted. Staff has determined the subject boat dock facility is not exempt and must therefore satisfy the 15-foot side/riparian setback requirement. The petitioner is requesting to reduce the required side yard for dock facilities from 15 feet to 5.1 feet on the eastern side to allow the proposed dock to be constructed as proposed within the plans contained within Attachment A.

The decision to grant a variance is based on the criteria in LDC Section 9.04.03.A–H (in bold font below). Staff has analyzed this petition relative to these provisions and offers the following responses:

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

Yes. The shape of the subject property shoreline and the fact it is a natural mangrove shoreline that cannot be removed or altered due to an overlaid Conservation Easement are the driving factors for this Variance request. The applicant's vessel, natural shoreline, shape of shoreline, and related riparian line locations create a pie shape buildable area that required the dock to protrude further out into the subject waterway. The subject dock satisfies setback requirements on the west side but not on the east as a result. The petitioner has designed the proposed facility with the circumstances considered, including the desire not to impede the use of neighboring dock facilities.

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. As stated above, 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.

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

The applicant's agent states: "Yes, the denial of the Variance petition would not allow the owner to store any of their vessels at their property safely with the proposed dock and boat lifts." Staff agrees that a literal interpretation of the Code would compel a smaller dock, thereby creating practical difficulties for the applicant with respect to docking a 32.7-foot vessel.

d. Will the Variance, if granted, be the minimum Variance that will make possible the

Attachment: Staff Report 02012022 (21226 : PL20210001516 VA 177 Topanga Drive Paul)

reasonable use of the land, building or structure and which promote standards of health, safety and welfare?

The applicant's agent states: "Yes. The proposed docking facility has been reduced to the minimum size and still provide safe access. Also, the proposed docking facility is consistent with the other docking facilities along this shoreline as well as within the Little Hickory Bay that have been previously granted BDE's and some side yard setback variances." Staff agrees that the proposed dock has been designed to eliminate excess decking and that the 4-foot finger pier portion does not allow sufficient space for routine maintenance and safe loading/unloading of vessels thus necessitating the terminal platform.

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

Yes. By definition, a Variance bestows some dimensional relief from the zoning regulations specific to a site. 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.

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. 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.

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.?

Yes. The subject docking facility is uniquely situated and compensates for existing dock facilities as well as an existing Conservation Easement and maintains the integrity of the natural mangrove shoreline.

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.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC does not normally hear variance petitions. Since the subject variance doesn't impact any preserve area, the EAC did not hear this petition.

Attachment: Staff Report 02012022 (21226 : PL20210001516 VA 177 Topanga Drive Paul)

CONCURRENT LAND USE APPLICATIONS:

Companion Petition No. BDE-PL20210000155, to allow the proposed boat dock facility to protrude a total of 51.1 feet into a waterway that is 125.1± feet wide.

PUBLIC NOTICE:

Notice Requirements for Variance petitions are contained within LDC Section 10.03.06.F.2. The required Agent Letter was sent to all property owners located within 150 feet of the subject property and the Southport on The Bay Property Owners' Association on December 9, 2021, as evidenced by an executed Affidavit of Compliance contained within Attachment C.

Notice of the Hearing Examiner hearing was provided by newspaper advertisement, mailed notice to owners within 500 feet of the site, and posting of a public notice sign on the site at least 15 days prior to the hearing.

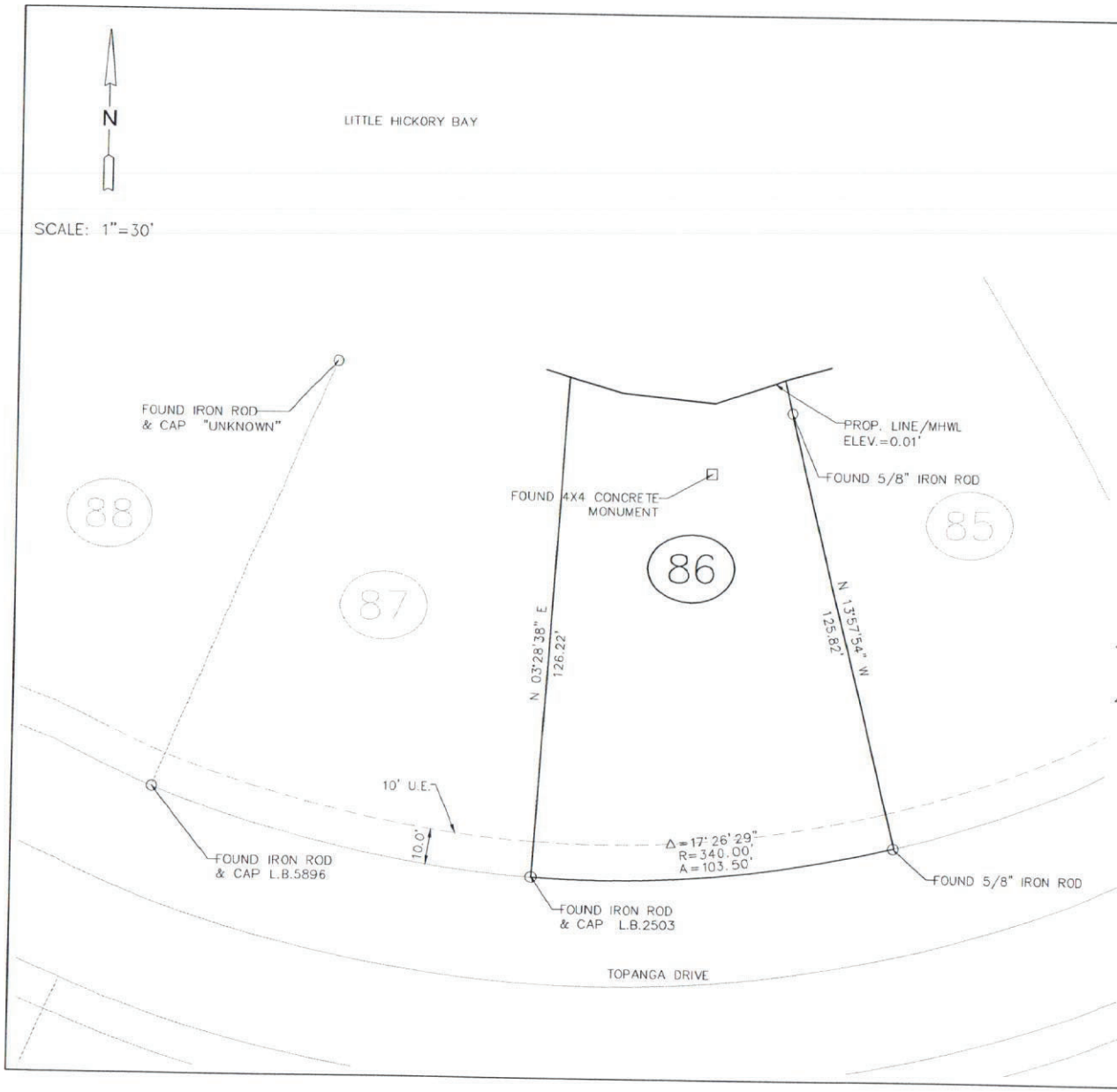
RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve variance petition VA-PL20210001516 to reduce the minimum east side/riparian setback from 15 feet to 5.1 feet, thereby allowing for the construction of the dock facility depicted within Attachment A, for the benefit of the subject property.

Attachments:

A) Proposed Dock and Site Survey
B) Public Hearing Sign Posting
C) Applicant's Backup: Application, Narrative, Agent Letter Info
D) HEX Hybrid Meeting Waiver

Attachment: Staff Report 02012022 (21226 : PL20210001516 VA 177 Topanga Drive Paul)



PREPARED FOR: TIM PAUL

DATE OF FIELD SURVEY: DECEMBER 4, 2020

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

BY ~~Wayne D. Agnoli, R. S. M.~~ Digitally signed by Wayne D. Agnoli, R. S. M. DN: E=agnoliw@abbinc.com, CN="Wayne D. Agnoli, R. S. M.", O="Agnoli, Barber & Brundage, Inc.", L=Naples, S=Florida, C=US Date: 2021.06.22 14:22:28-04'00'

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

THIS SITE PLAN 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 SITE PLAN 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 SITE PLAN 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 EAST LINE OF LOT 86, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 13° 57' 54" 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).

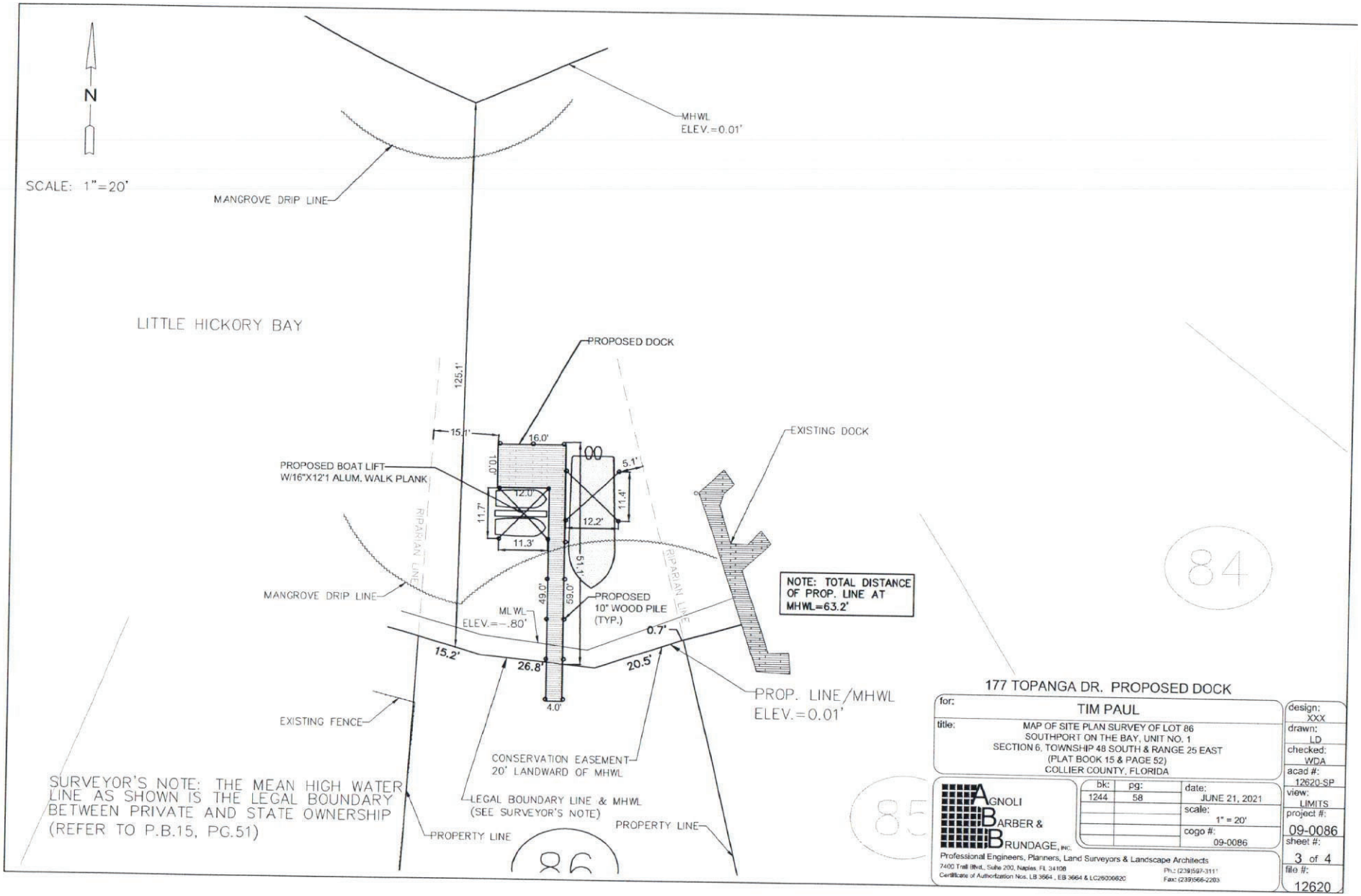
SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

177 TOPANGA DR.

for:	TIM PAUL		design: XXX
title:	MAP OF SITE PLAN SURVEY OF LOT 86 SOUTHPORT ON THE BAY, UNIT NO. 1 SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 15 & PAGE 52) COLLIER COUNTY, FLORIDA		drawn: LD
			checked: WDA
			acad #: 12620-SP
	bk: 1244 pg: 58	date: JUNE 19, 2021	view: LIMITS
		scale: 1" = 30'	project #: 09-0086
		cogo #: 09-0086	sheet #: 1 of 4
			file #: 12620

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC2900620
Ph.: (239)597-3111
Fax: (239)566-2203

Attachment: Attachment A - Survey For VA (21226 : PL20210001516 VA 177 Topanga Drive Paul)



Attachment: Attachment A - Survey For VA (21226 : PL20210001516 VA 177 Topanga Drive Paul)

KellyJohn

From: KellyJohn
Sent: Friday, February 04, 2022 3:46 PM
To: KellyJohn
Subject: VA-PL20210001516 and BDE-PL20210000155 - 177 Topanga Dr - Sign Posting for HEX 2/24/2022
Attachments: 34B5578B-F013-4D7E-AD52-C7AF8E58F712.jpeg; EA489B55-CED0-44D7-B476-1E172C7B983C.jpeg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location at approximately 1:20 P.M. this date, for the purposes of satisfying public notice requirements contained within the Collier County Land Development Code, as evidenced by the attached photos.

Respectfully,
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Sign Posting PL20210001516 PL20210000155 (21226 : PL20210001516 VA 177 Topanga Drive Paul)





Attachment: Attachment B - Sign Posting PL20210001516 PL20210000155 (21226 : PL20210001516 VA 177 Topanga Drive Paul)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District

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

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Timothy Paul

Name of Applicant if different than owner: Timothy Paul

Address: 177 Topanga Dr **City:** Bonita Springs **State:** FL **ZIP:** 34134

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

E-Mail Address: _____

Name of Agent: Mark Oreus

Firm: Greg Orick II Marine Construction, Inc.

Address: 2815 Bayview Dr **City:** Naples **State:** FL **ZIP:** 34112

Telephone: 239-949-5588 **Cell:** _____ **Fax:** _____

E-Mail Address: permits@orickmarine.com

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

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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: 74435007400 **Section/Township/Range:** 6 / 48 / 25

Subdivision: Southport on the Bay **Unit:** 1 **Lot:** 86 **Block:** _____

Metes & Bounds Description: _____ **Total Acreage:** .22

Address/ General Location of Subject Property: 177 Topanga Dr, Bonita Springs, FL 34134

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	Waterway/RSF-5	Little Hickory Bay/Single Family Residence
S	PUD	Single Family Residence
E	PUD	Single Family Residence
W	PUD	Single Family Residence

Minimum Yard Requirements for Subject Property:

Front: _____ **Corner Lot:** Yes ☐ No ■

Side: 15 **Waterfront Lot:** Yes ■ No ☐

Rear: _____

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

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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: Lely Barefoot Beach Master Association
Mailing Address: 195 Barefoot Beach POA Unit 1 **City:** Bonita Springs **State:** FL **ZIP:** 34134

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.

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

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

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

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

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

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

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

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

☐ Yes ■ No If yes, please provide copies.

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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(239) 252-2400 FAX: (239) 252-6358

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

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☐	☐	☐
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 C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

Collier County

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(239) 252-2400 FAX: (239) 252-6358

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

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

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

Greg Orich II
Applicant Signature

7/28/21
Date

Greg Orich II
Printed Name

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

GREG ORICK MARINE CONSTRUCTION
Family Owned and Operated For Over 30 Years
License #C28961

License #C28961

Wednesday, July 28, 2021

Collier County Growth Management

Zoning Division

2800 N Horseshoe Dr.

Naples, FL 34104

Re: PL20210001516

177 Topanga Dr (VA)

To Whom It May Concern,

Please find attached a request for a variance for a proposed single-family docking facility located at 177 Topanga Dr, Bonita Springs, Florida 34134. The property is located on the northwest side of Little Hickory Bay. The subject property is located within Section 06, Township 48 East, and Range 25 South in Collier County and can be identified by folio #74435007400.

The proposed project scope consists of constructing a new fixed dock with two boat lifts. The proposed dock will provide a 15.1' setback off the western riparian line and only a 5.1' setback from the eastern riparian line. The required side yard setbacks with Collier County are 15-feet on both east and west sides. The proposed project meets the minimum on the west side but unable to on the east side. Therefore, a request for a variance from the LDC Section 5.03.06.E.5 to reduce the side yard setback requirement from 15-feet to 5.1-feet for the proposed docking facility located at Lot 86, Southport on the Bay Unit 1 subdivision, also known as 177 Topanga Dr in Section 06, Township 48 East, and Range 25 South in Collier County, Florida.

The shape of the subject property shoreline and the fact it is a natural mangrove shoreline which cannot be removed or altered due to the overlaid Conservation Easement are the driving factors for this variance request. The applicant's vessel, natural shoreline, shape of shoreline, associated riparian line locations creating a pie shape build able area that requires the dock to protrude further out into the subject waterway. That is why the subject dock does not meet the required side yard setback on the east side but does on the west side.

Please see uploaded documents for additional information and measurements. If you have any questions, please contact me via email (Permits@Orickmarine.com) or at the office number in the footer.

2815 Bayview Drive, Naples FL 34112
Office: (239) 949 – 5588 ● E-Mail: info@orickmarine.com
www.orickmarine.com

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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GROWTH MANAGEMENT DEPARTMENT
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(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
PAUL, TIMOTHY W, 11345 GREAT BLUE TRACE, FISHERS,IN, 46037	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 - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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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:

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(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

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

The completed application, all required submittal materials, and fees shall be submitted to:

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

_____ 7/26/2021

Agent/Owner Signature Date

Mark Oreus
_____

Agent/Owner Name (please print)

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210001516

I, Timothy W Paul (print name), as Owner (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 Greg Orick II Marine Construction 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.

_____ 7/26/2021

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 26 day of July, 20 21, by (printed name of owner or qualifier) Timothy Paul.

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: _____

HILARY KING
Notary Public-State of Florida
Commission # GG 318480
My Commission Expires
April 1, 2023

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

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Department at 239-252-5724 or submit in person to the Addressing Department at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Department.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☐ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☒ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

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

SOUTHPORT ON THE BAY UNIT ONE LOT 86 T48, R25, S06

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

74435007400

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

177 TOPANGA DR BONITA SPRINGS, FL 34134

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

PROPOSED PROJECT NAME *(if applicable)*

177 Topanga Drive name not yet approved

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # PL20210000155

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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GROWTH MANAGEMENT DIVISION
www.colliergov.net

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

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

Applicant Name: Greg Orick II Marine Construction

Phone: 239-949-5588 **Email/Fax:** permits@orickmarine.com

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

FOR STAFF USE ONLY

Folio Number 74435007400

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

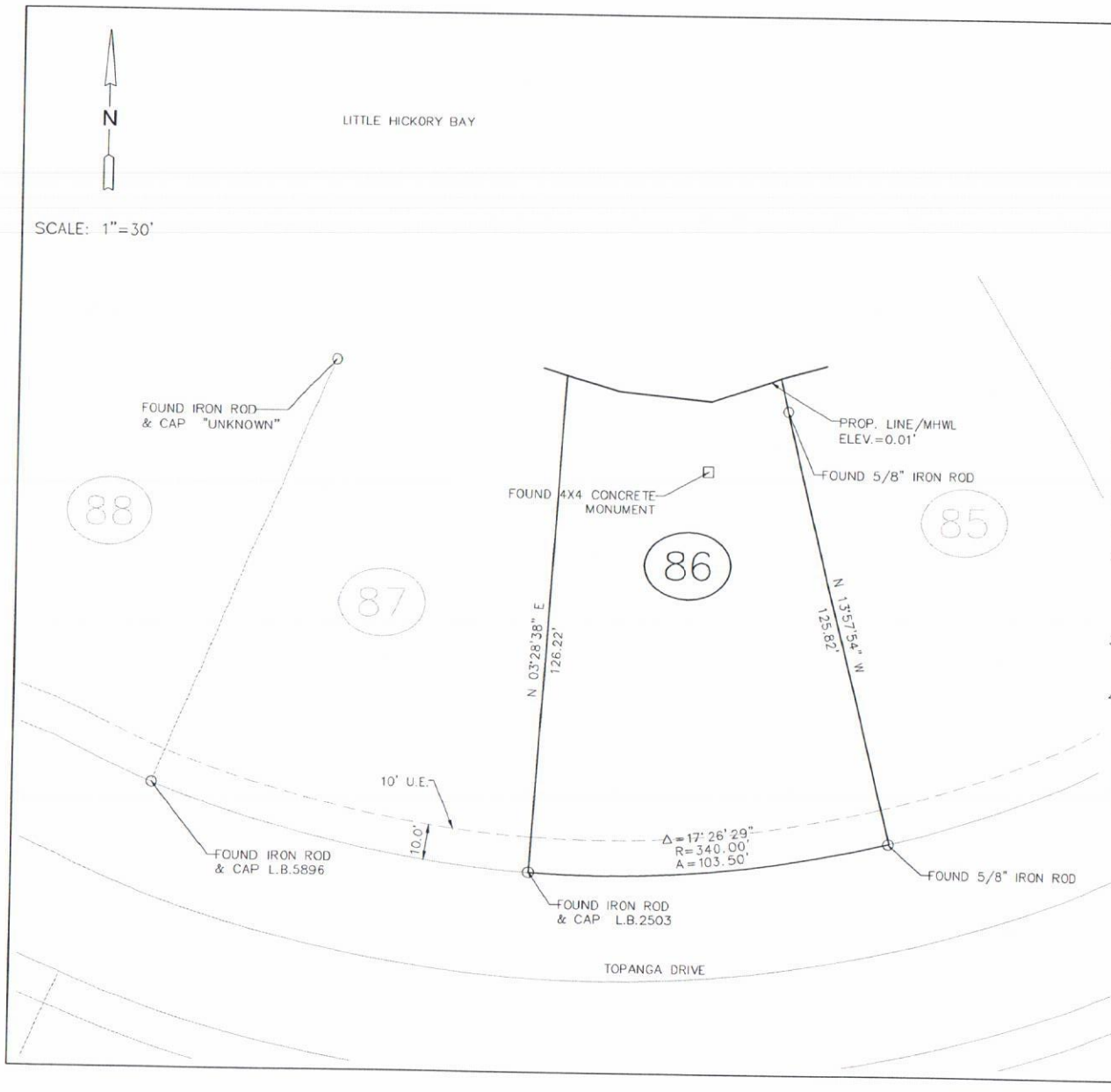
Folio Number _____

Approved by: L.L.H. **Date:** 07/28/2021

Updated by: _____ **Date:** _____

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

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)



PREPARED FOR: TIM PAUL

DATE OF FIELD SURVEY: DECEMBER 4, 2020

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

BY ~~Wayne D. Agnoli, R. S. M.~~ Digitally signed by Wayne D. Agnoli, R. S. M. DN: E=agnoliw@abbinc.com, CN="Wayne D. Agnoli, R. S. M.", O="Agnoli, Barber & Brundage, Inc.", L=Naples, S=Florida, C=US Date: 2021.06.22 14:22:28-04'00'

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

THIS SITE PLAN 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 SITE PLAN 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 SITE PLAN 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 EAST LINE OF LOT 86, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 13° 57' 54" 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).

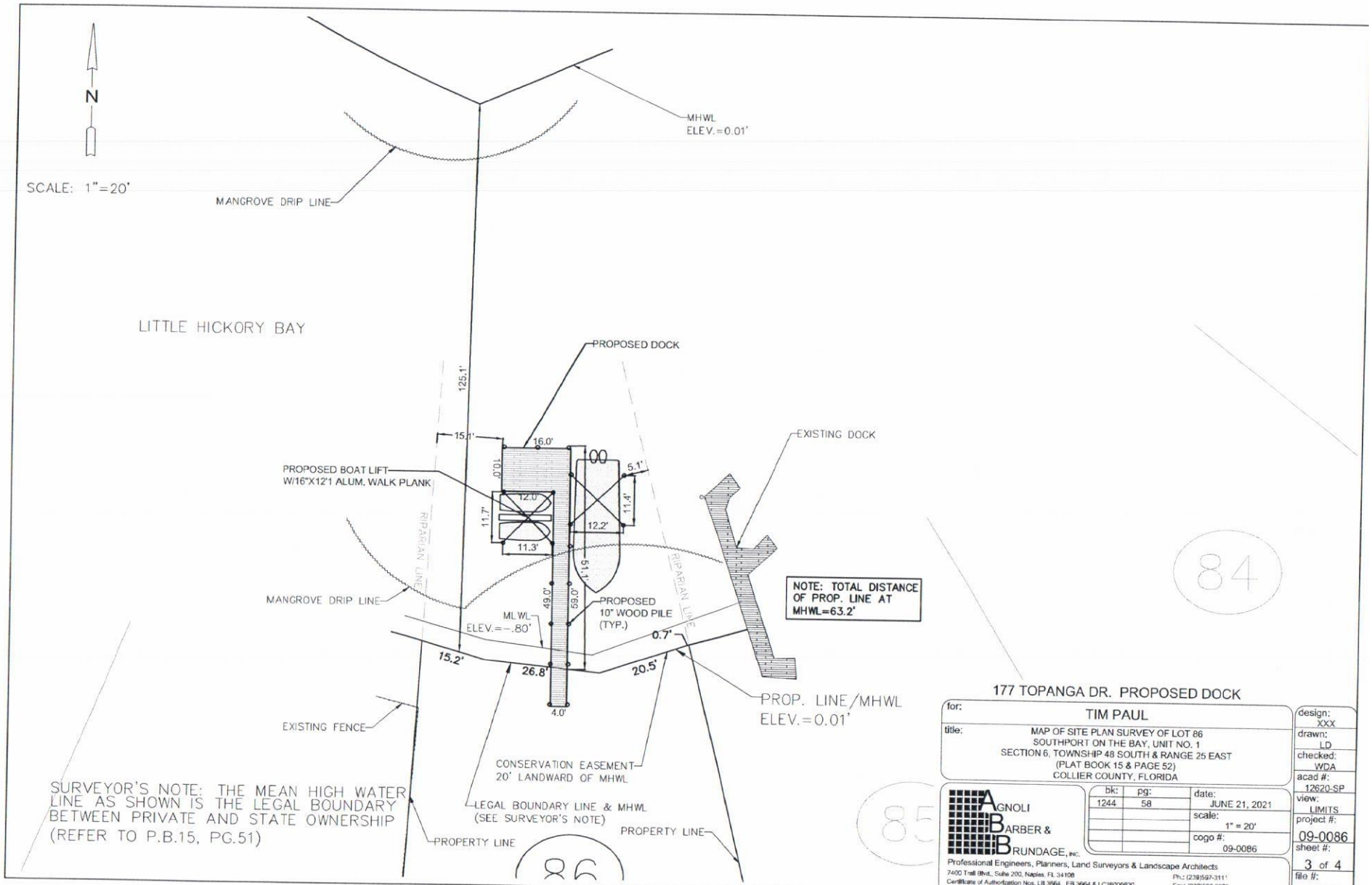
SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

177 TOPANGA DR.

for:	TIM PAUL		design: XXX
title:	MAP OF SITE PLAN SURVEY OF LOT 86 SOUTHPORT ON THE BAY, UNIT NO. 1 SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 15 & PAGE 52) COLLIER COUNTY, FLORIDA		drawn: LD
			checked: WDA
			acad #: 12620-SP
	bk: 1244 pg: 58	date: JUNE 19, 2021	view: LIMITS
		scale: 1" = 30'	project #: 09-0086
		cogo #: 09-0086	sheet #: 1 of 4
			file #: 12620

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620
Ph.: (239)597-3111
Fax: (239)566-2203

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)



177 TOPANGA DR. PROPOSED DOCK

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
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:
1244	58	JUNE 21, 2021

scale: 1" = 20'
cogo #: 09-0086

design: XXX
drawn: LD
checked: WDA
acad #: 12620-SP
view: LIMITS
project #: 09-0086
sheet #: 3 of 4
file #: 12620

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108
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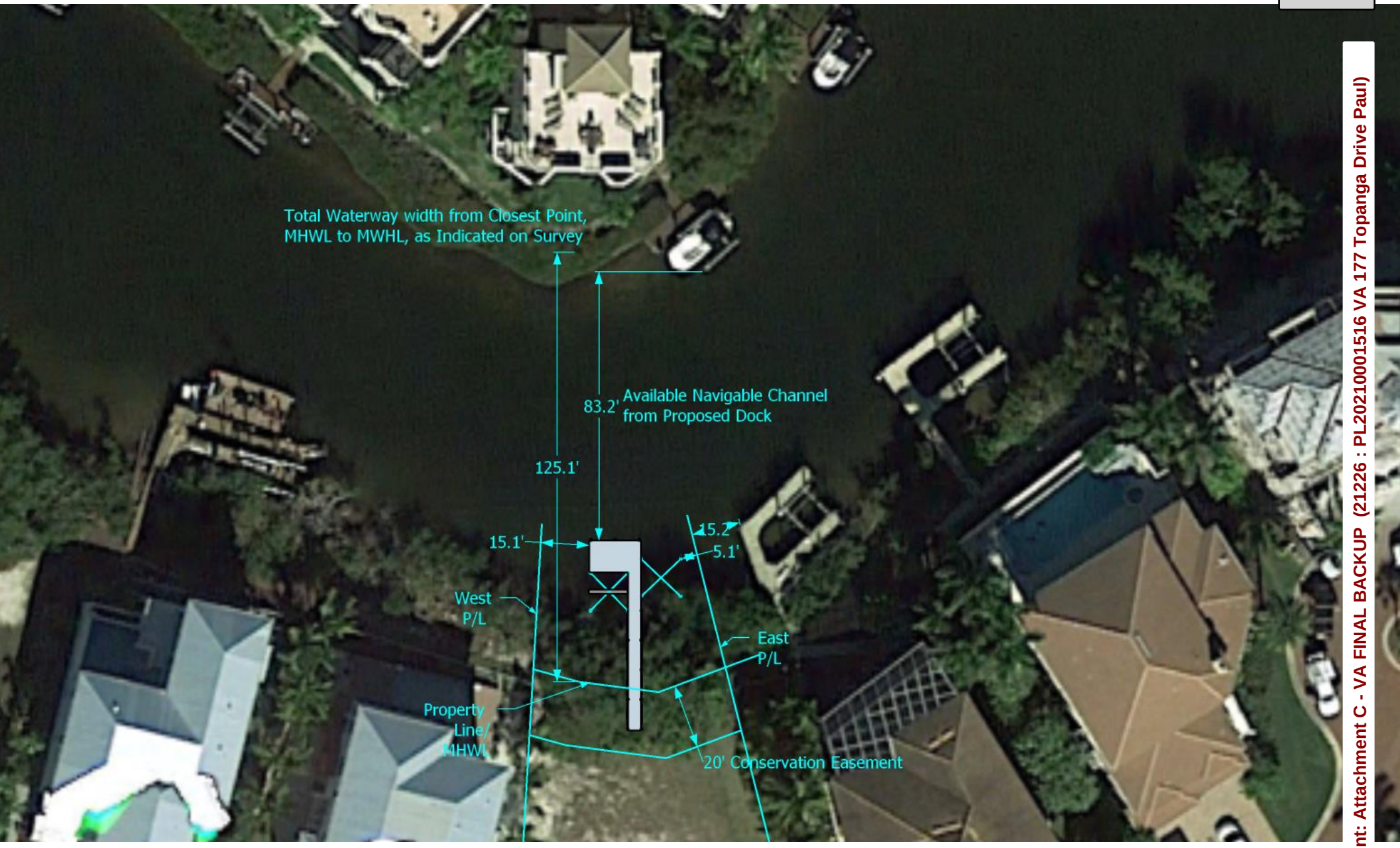

Greg Orick Marine Construction, Inc. **(239) 949-5588**	Name: **Tim Paul** Address: **177 Topanga Dr** **Bonita Springs, FL 34134** Date: **6/29/2021**	Approved Signature: _____ Approved Date: _____

N
W E
S

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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 9 day of December, 2021 by Mark Drews, who is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

Yunet Ferro
Printed Name of Notary

Yunet Ferro
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG301498
Expires 2/13/2023

(Notary Seal)

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

GREG ORICK MARINE CONSTRUCTION
Family Owned and Operated For Over 30 Years
License #C28961

License #C28961

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

Monday, November 1, 2021

Mailing Address (TBD)

Naples, FL (TBD)

To Whom It May Concern:

Please be advised that the sender has made a formal application to Collier County for a variance, PL20210001516, from the requirements of the zoning regulations as they apply to the following described property:

Southport on the Bay Unit One in Section 6, Township 48 South, Range 25 East, Collier County, Florida Also Known As: 177 Topanga Dr, Folio: 74435007400

It is our intent to ask the County to allow us to reduce the minimum side yard setback from the southeast riparian line from 15 feet to 5.1 feet to accommodate the proposed docking facility and associated boatlifts. If you have any questions or concerns, please feel free to contact Greg Orick II Marine Construction using the contact information listed below.

Best Regards,

Greg Orick II
President
Greg Orick II Marine Constriction Inc
Info@Orickmarine.com

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	FOLIO	ADDRESSTYPE
BETZIOS, STEVEN & ELAINE	182 TOPANGA DR				BONITA SPRINGS, FL 34134---8544	74435006702	U
DOUGLAS R OEHLER IRREV TRUST	6161 GEORGES WAY				CINCINNATI, OH 45233---0	74435007109	U
FLORIDA FAMILY LLC	1513 FFAIRFIELD BEACH RD				FAIRFIELD, CT 06824---0	74435007507	U
GULA, JAMES T	180 TOPANGA DR				BONITA SPRINGS, FL 34134---8544	74435006809	U
KALDANY, ANDREW & CATHARINE P	172 TOPANGA DR				BONITA SPRINGS, FL 34134---8544	74435007002	U
LIA M PETERSON REV TRUST	THOMA MARK PETERSON TRUST	60 SYCAMORE ST W			SAINT PAUL, MN 55117---5448	74435006906	U
LOIS M RUHL TRUST	181 TOPANGA DRIVE				BONITA SPRINGS, FL 34134---0	74435007604	U
MUELLER, RAND W & MAUREEN T	173 TOPANGA DR				BONITA SPRINGS, FL 34134---8545	74435007206	U
PAUL, TIMOTHY W	11345 GREAT BLUE TRACE				FISHERS, IN 46037---0	74435007400	U
PRUNSKY TR, BARBARA	B3 TRUST	12649 W REGAN RD			MOKENA, IL 60448---8292	22899000189	U
SAWYER, JOHN P	175 TOPANGA DR				NAPLES, FL 34134---0	74435007303	U
SOUTHPORT ON THE BAY	PROPERTY OWNERS' ASSN INC	% SANDCASTLE COMM MGMT	9150 GALLERIA CT #201		NAPLES, FL 34109---0	74435000203	U
SOUTHPORT ON THE BAY	PROPERTY OWNERS' ASSN INC	% SANDCASTLE COMM MGMT	9150 GALLERIA CT #201		NAPLES, FL 34109---0	74435009505	U

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

BETZIOS, STEVEN & ELAINE
182 TOPANGA DR

BONITA SPRINGS, FL 34134---8544

GULA, JAMES T
180 TOPANGA DR

BONITA SPRINGS, FL 34134---8544

LOIS M RUHL TRUST
181 TOPANGA DRIVE

BONITA SPRINGS, FL 34134---0

PRUNSKY TR, BARBARA
B3 TRUST
12649 W REGAN RD

MOKENA, IL 60448---8292

SOUTHPORT ON THE BAY
PROPERTY OWNERS' ASSN INC
% SANDCASTLE COMM MGMT
9150 GALLERIA CT #201

NAPLES, FL 34109---0

DOUGLAS R OEHLER IRREV TRUST
6161 GEORGES WAY

CINCINNATI, OH 45233---0

KALDANY, ANDREW & CATHARINE P
172 TOPANGA DR

BONITA SPRINGS, FL 34134---8544

MUELLER, RAND W & MAUREEN T
173 TOPANGA DR

BONITA SPRINGS, FL 34134---8545

SAWYER, JOHN P
175 TOPANGA DR

NAPLES, FL 34134---0

FLORIDA FAMILY LLC
1513 FFAIRFIELD BEACH RD

FAIRFIELD, CT 06824---0

LIA M PETERSON REV TRUST
THOMA MARK PETERSON TRUST
60 SYCAMORE ST W

SAINT PAUL, MN 55117---5448

PAUL, TIMOTHY W
11345 GREAT BLUE TRACE

FISHERS, IN 46037---0

SOUTHPORT ON THE BAY
PROPERTY OWNERS' ASSN INC
% SANDCASTLE COMM MGMT
9150 GALLERIA CT #201

NAPLES, FL 34109---0

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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34102
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AMOUNT
$6.11
R2305M143443-51

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DEC 09 2021
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To:

PS

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

BETZIOS, STEVEN & ELAINE
182 TOPANGA DR

BONITA SPRINGS, FL 34134---8544

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BONITA SPRINGS, FL 34134---8545

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FLORIDA FAMILY LLC
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SAINT PAUL, MN 55117---5448

PAUL, TIMOTHY W
11345 GREAT BLUE TRACE

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PROPERTY OWNERS' ASSN INC
% SANDCASTLE COMM MGMT
9150 GALLERIA CT #201

NAPLES, FL 34109---0

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

GREG ORICK MARINE CONSTRUCTION

Family Owned and Operated For Over 30 Years

License #C28961

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Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

Monday, November 1, 2021

Mailing Address (TBD)

Naples, FL (TBD)

To Whom It May Concern:

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Southport on the Bay Unit One in Section 6, Township 48 South, Range 25 East, Collier County, Florida Also Known As: 177 Topanga Dr, Folio: 74435007400

It is our intent to ask the County to allow us to reduce the minimum side yard setback from the southeast riparian line from 15 feet to 5.1 feet to accommodate the proposed docking facility and associated boatlifts. If you have any questions or concerns, please feel free to contact Greg Orick II Marine Construction using the contact information listed below.

Best Regards,

Greg Orick II
President
Greg Orick II Marine Constriction Inc
Info@Orickmarine.com

GREG ORICK MARINE CONSTRUCTION
Family Owned & Operated For Over 25 Years
License #C28961

Wednesday, November 10, 2021

Re: Nature of Petition

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.**

The subject property currently does not contains a docking facility. The proposed work will entail the construction of a new docking facility with two boatlifts which will protrude 51.1' from the most restrictive point (MHWL) out into a section of waterbody which is Little Hickory Bay. It will be built outward to the existing shoreline and due to the design and mangrove overhang from shore a BDE has been applied for alongside this VA.

This variance petition seeks to reduce the riparian line setback on the southeast side of the proposed dock from the required 15-feet to 5.1-feet. The subject property is zoned PUD within the Barefoot Beach residential community with a single-family residence currently under construction on the uplands permit number **PRBD20210208241** and per the Collier County LDC a docking facility is allowed but requires 15-foot setbacks from both riparian lines. The shape of the subject property shoreline and the fact it is a natural mangrove shoreline which cannot be removed or altered due to the overlaid Conservation Easement are the driving factors for this variance request. The applicant's vessel, natural shoreline, shape of shoreline, associated riparian line locations creating a pie shape buildable area requires the dock to protrude further out into the subject waterway. That is why the subject dock does not meet the required side yard setback on the east side but does on the west side.

This was the only design that would allow for safe navigation of waterway while still allowing for property owners vessels to safely be stored and not imposing on the egress/ingress of neighboring docks. This design was also placed to allow for as little impact to mangroves and any critical habitats in the area.

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

2815 Bayview Dr ● Naples, FL 34112
Office: (239) 949 – 5588 ● Fax: (239) 301 – 2238 ● E-Mail: info@orickmarine.com
www.GregOrickMarineConstruction.com

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

The proposed design will only go through the mangrove at a maximum of 4-feet wide which is what dock access is allowed through a Conservation Easement. There will be no dredging on the entire proposed project.

2. **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.**

Yes,The curve shaped shoreline limits what proposed docking facility can be introduced, additionally the conservation easement and presence of mangroves add even more of a restriction. Also with the presence of the docks at both neighboring properties, the property owner is very limited in which direction they can access the docking facility without causing any navigational issues.

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.**

Yes, As stated above, the property's natural shoreline, shape of shoreline, and Conservation Easement on the shoreline requires additional protrusion due to the pie shape riparian lines. Due to these factors and the property owners vessel size, these are the special conditions driving this side yard setback 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.**

Yes, The denial of the Variance petition would not allow the owner to store any of their vessels at the property safely with the proposed Dock and boat lifts.

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.**

Yes. The proposed docking facility has been reduced to the minimum size and still provide safe access. Also, the proposed docking facility is consistent with the other docking facilities along this shoreline as well as within Little Hickory Bay that have been previously granted BDE's and some side yard setback variances

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

2815 Bayview Dr ● Naples, FL 34112
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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.

No. Several of the neighboring lots already contain similar docking facilities that also required a BDE and setback variances.

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**.

Yes, The variance is for a single-family docking facility that will not affect the functionality of any surrounding lots but allow this property to be consistent with the others along the same subject shoreline.

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.

The variance will allow the construction of a private single-family docking facility, which will increase the recreational value of the property and the Little Hickory Bay area.

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

Yes. Besides the dock's side setbacks and protrusion, all other design criteria will be met.

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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www.GregOrickMarineConstruction.com

Property Summary | Property Detail | Aerial | Sketches | Trim Notices

Parcel No	74435007400	Site Address *Disclaimer	177 TOPANGA DR	Site City	BONITA SPRINGS	Site Zone *Note	34134

Name / Address	BOCA HOLDINGS LLC
	11345 GREAT BLUE TRACE
City	FISHERS

State	IN	Zip	46037

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A06	636400 863A06	6	48	25	0.22

Legal	SOUTHPORT ON THE BAY UNIT ONE LOT 86

Millage Area	3	Millage Rates *Calculations		
Sub./Condo	636400 - SOUTHPORT ON THE BAY UNIT 1	School	Other	Total
Use Code	0 - VACANT RESIDENTIAL	5.016	5.7924	10.8084

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
08/20/20	5809-582	$ 825,000
12/20/02	3180-745	$ 671,900
12/12/00	2753-2911	$ 445,000
12/07/99	2618-2752	$ 0
08/31/94	1981-233	$ 0
07/01/90	1546-2136	$ 123,500

2020 Certified Tax Roll

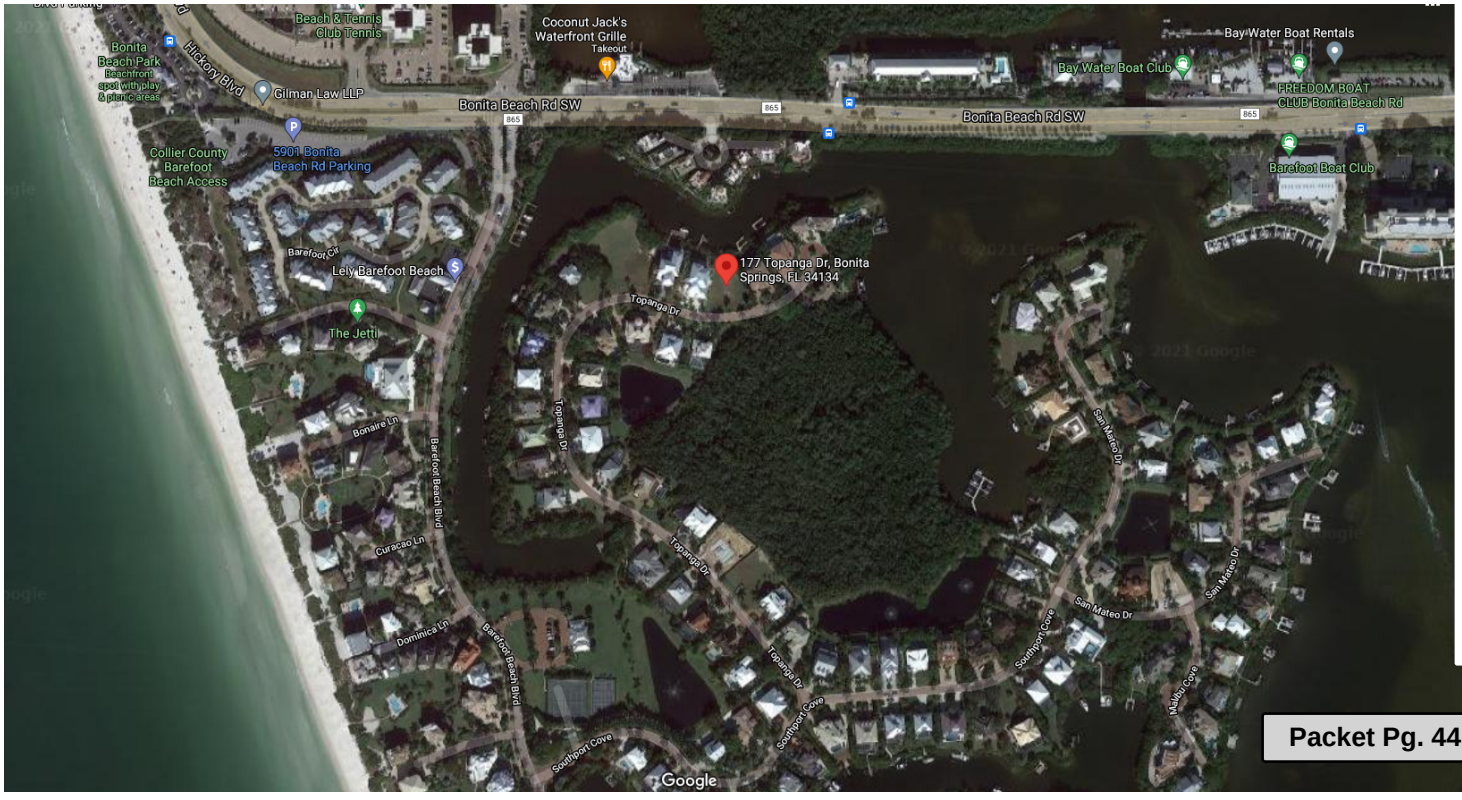
(Subject to Change)

Land Value	$ 852,959
(+) Improved Value	$ 0
(=) Market Value	$ 852,959
(-) 10% Cap	$ 164,906
(=) Assessed Value	$ 688,053
(=) School Taxable Value	$ 852,959
(=) Taxable Value	$ 688,053



Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)





Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

DRAWING NUMBER PG52
DRAWING NUMBER PB15
DRAWING NUMBER
DRAWING NUMBER
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA

PLAT BOOK 15 , PAGE 52

SOUTHPORT ON THE BAY, UNIT ONE

A SUBDIVISION LYING IN SECTIONS 6 AND 5, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

RESOLUTION NO. 2003-49
VACATE EASEMENT
RECORDED 1/30/2003 OR 3207 PG 3207-3210
PLAT BOOK 15 PAGE 52

NOTE:
SEE SHEET 3 OF 3 FOR COURSE AND CURVE DATA

TO BONITA BEACH ROAD

LITTLE HICKORY BAY

20' CONSERVATION EASEMENT LANDWARD OF MEAN HIGH WATER

LITTLE HICKORY BAY NOT INCLUDED

DESCRIPTION LINE

MEAN HIGH WATER

CONSERVATION EASEMENT (C.E.)

DRAINAGE EASEMENT (LAKE 2)

DRAINAGE EASEMENT (LAKE 1)

DRAINAGE EASEMENT (LAKE 4)

20' LAKE MAINTENANCE EASEMENT DRAINAGE EASEMENT (LAKE 3)

LOT 107

C.U.E.

TOPANGA DRIVE

SOUTHPORT COVE

SAN MATEO DRIVE

MALIBU COVE

60' R.O.W.

LELY BEACH BOULEVARD 60' R.O.W.

LELY BAREFOOT BEACH, UNIT ONE P.B. 12, PGS. 34 - 37

10' D.E.

C.E.C. TRAVERSE LINE

M.H.W.

P.O.B.
NORTHEAST CORNER OF TRACT "B"

TRACT "B"
COMMUNITY RECREATION AREA

LOT 109
30' A.E., D.E. & C.U.E.

LOT 108
30' A.E., D.E. & C.U.E.

AGREED BOUNDARY LINE (O.R. 82, PG. 74)

BAYFRONT GARDENS
P.B. 14, PGS. 114 - 117

SEE DETAIL AT RIGHT FOR CONSERVATION EASEMENT

SEE DETAIL AT RIGHT FOR THIS AREA

DETAIL FOR LOCATION OF MEAN HIGH WATER
N.T.S.

DETAIL OF CONSERVATION EASEMENT
N.T.S.

DETAIL OF LOT LINE
N.T.S.

SCALE : 1" = 100'

THIS INSTRUMENT PREPARED BY:
JAMES S. RICHMOND, P.L.S.
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
3106 SOUTH HORSESHOE DRIVE, NAPLES, FLORIDA

SHEET 2 OF 3
C.E.C. FILE NO.: 87-194

COPY
CLERK OF THE CIRCUIT COURT

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

CONSERVANCY of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

August 12, 2021

Greg Orick II Marine Construction, Inc.

Attention: Mark Oreus, Permit Technician

RE: 177 Topanga Dr. Boat Dock

Dear Mr. Oreus:

Thank you for sending the Conservancy of Southwest Florida the boat dock application design surveys for 177 Topanga Drive for review. Pursuant to the Settlement Agreement between the Conservancy, Lely Estates, Inc., and Collier County pertaining to the Lely Barefoot Beach PUD, the Conservancy must be notified of any proposed construction activities within the conservation easement. Upon review of the site plan surveys dated June 21, 2021 from Agnoli Barber & Brundage Inc., we do not see any inconsistencies with the plan in regard to the easement or settlement agreement, ***with the understanding and commitment from the consultant that, despite the survey drawings depicting the future boat within the mangrove drip line, in fact no mangroves outside of the access walkway will be impacted*** (see consultant communication attached). Per the settlement agreement, an access ramp or walkway through the conservation easement is permissible provided that the ramp or walkway is consistent with the DEP permits and it does not exceed 4 feet in width.

Please feel free to reach out to me with any questions.

Sincerely,

Nicole Johnson

Nicole Johnson
Director of Environmental Policy

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

★★★★ CHARITY NAVIGATOR Four Star Charity

Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

1495 Smith Preserve Way I Naples, Florida 34102 I 239.262.0304 I Fax 239.262.0672 I www.conservancy.org

nicole johnson

From: Permitting - GOMC <permits@orickmarine.com>
Sent: Monday, August 9, 2021 11:40 AM
To: nicole johnson
Subject: [EXTERNAL]RE: [EXTERNAL]177 Topanga Dr Conservation Letter of No Objection Request

I believe that just the way the jagged line looks. We actually designed the dock specifically to not even touch the roots of the mangrove. No mitigation will be needed at all for the proposed project. Let me know if you have any other questions.

Thank you,

Mark Oreus
Permit Technician
O: 239-949-5588|C: 239-398-0301 |F: 239-301-2238 |
www.orickmarine.com

GREG ORICK
MARINE CONSTRUCTION

From: nicole johnson <nicolej@conservancy.org>
Sent: Friday, August 6, 2021 2:20 PM
To: Permitting - GOMC <permits@orickmarine.com>
Subject: RE: [EXTERNAL]177 Topanga Dr Conservation Letter of No Objection Request

Hi Mark,

A question on this application.

The drawings show the mangrove drip line, with what appears to be the boat intruding into the mangroves. Am I reading this correctly that conservation easement mangroves will have to be removed to accommodate the boat?

Thanks for the clarification.

Nicole

Nicole Johnson
Director of Environmental Policy
Position funded by the Candace and Michael McCaw Endowment
Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, FL 34102
nicolej@conservancy.org I 239-403-4220

www.conservancy.org

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

INSTR 6026012 OR 5915 PG 2355 E-RECORDED 3/26/2021 10:50 AM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $0.70 REC $18.50
CONS $10.00

Purchase Price/Transfer Dollar Amount: $10.00
Documentary Stamp Tax Amount: $.70 no consideration paid
Recording Amount: $18.50

Property Identification Number: 74435007400

Prepared without opinion of title by:
Mark Price, Esq
850 Park Shore Drive, Third Floor
Naples, FL 34103

[Space Above This Line For Recording Data]

QUIT CLAIM DEED

This Quit Claim Deed is made this 23rd day of March 2021, by **Boca Holdings, LLC, an Indiana limited liability company**, whose post office address is 11345 Great Blue Trace, Fishers, IN 46037 (singularly or collectively "Grantor"), to **Timothy W. Paul, a married person,** with a post office address of 11345 Great Blue Trace, Fishers, IN 46037 ("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 the Grantor, for and in consideration of the sum of Ten and no/100 dollars ($10.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situated, lying and being in Collier County, State of Florida, to wit:

Lot 86, Southport on the Bay, Unit One, according to the plat thereof, as recorded in Plat Book 15, pages 51 through 53, inclusive, of the Public Records of Collier County, Florida.

THIS IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR OR THE GRANTOR'S FAMILY, NOR IS IT CONTIGUOUS TO THE SAME.

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

NOT A CERTIFIED COPY

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

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

Signed, sealed and delivered in our presence:

Boca Holdings, LLC, an Indiana limited liability company

Print Name: ~~Tim Paul~~

Andrew Thrall

Print Name: STEVEN M PHILLIPS

By: Timothy W. Paul
Its: Manager

STATE OF INDIANA)
)
COUNTY OF Marion)

The foregoing instrument was sworn to and acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23rd day of March, 2021 by Timothy W. Paul, as Manager, on behalf of the corporation. He is personally known to me or has produced Drivers license as identification.

Se

SUZANNE M BLOCHER
Notary Public, State of Indiana
Shelby County
Commission Number NP0726548
My Commission Expires
April 29, 2028

Notary Name: Suzanne Blocher
My Commission Expires: 4/29/28

601905.01.0264.0264

NOT CERTIFIED COPY

Attachment: Attachment C - VA FINAL BACKUP (21226 : PL20210001516 VA 177 Topanga Drive Paul)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210001516

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

Name: Tim Paul

Date: 12-23-21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment D - HEX Hybrid Meeting Waiver VA (21226 : PL20210001516 VA 177 Topanga Drive Paul)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.E
Item Summary: Petition No. BDE-PL20210000155 - Request for a 31.1-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 51.1 feet into a waterway that is 125.1 feet wide. The subject property is located at 177 Topanga Drive and is further described as Lot 86, Southport on the Bay Unit 1, in Section 06, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

Meeting Date: 02/24/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
02/02/2022 4:51 PM

Submitted by:
Title: – Zoning
Name: Mike Bosi
02/02/2022 4:51 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	02/07/2022 1:35 PM
Zoning	Ray Bellows	Review Item	Completed	02/08/2022 12:32 PM
Zoning	Mike Bosi	Zoning Director Review	Completed	02/10/2022 9:54 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	02/24/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: FEBRUARY 24, 2022

SUBJECT: BDE-PL20210000155, 177 TOPANGA DRIVE, PAUL DOCK, COMPANION TO VA-PL20210001516

PROPERTY OWNER/APPLICANT:

Timothy W. Paul
177 Topanga Dr.
Bonita Springs, FL 34134

AGENT:

Mark Oreus
Greg Orick II Marine Construction, Inc.
2815 Bayview Dr.
Naples, FL 34112

REQUESTED ACTION:

The petitioner requests a 31.1-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 51.1 feet into a waterway that is 125.1± feet wide, for the benefit of the subject property.

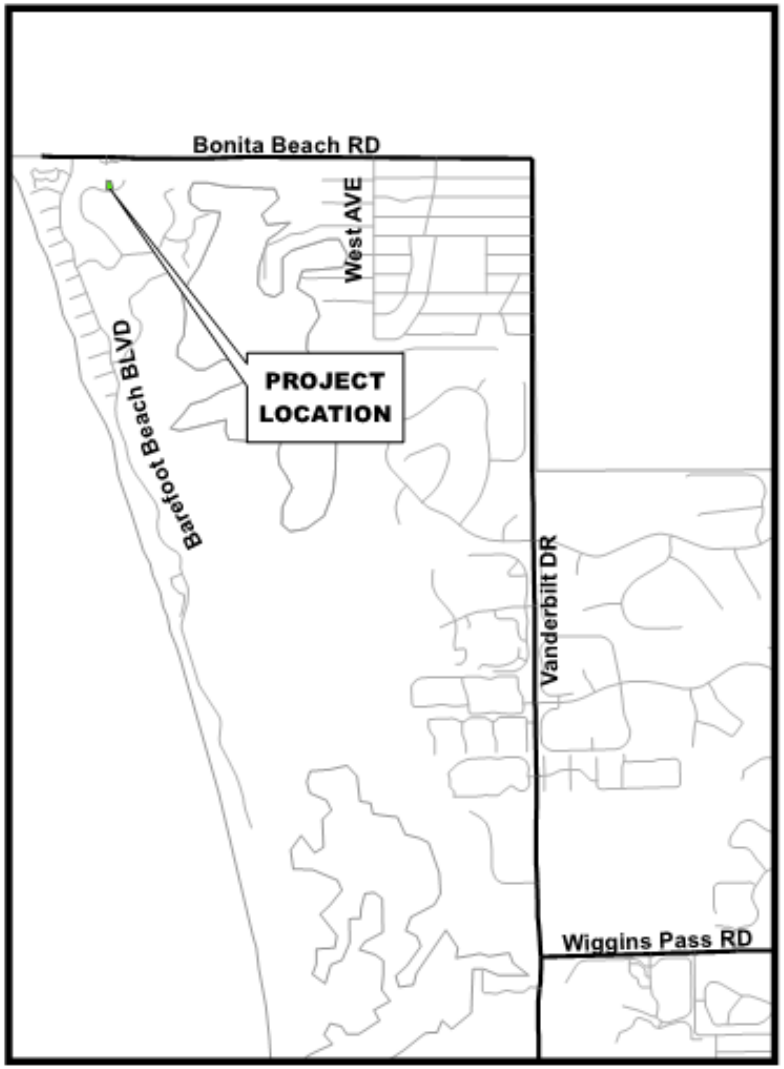
GEOGRAPHIC LOCATION:

The subject property is located at 177 Topanga Drive and is further identified as Lot 86, Southport on the Bay Unit One, in Section 6, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

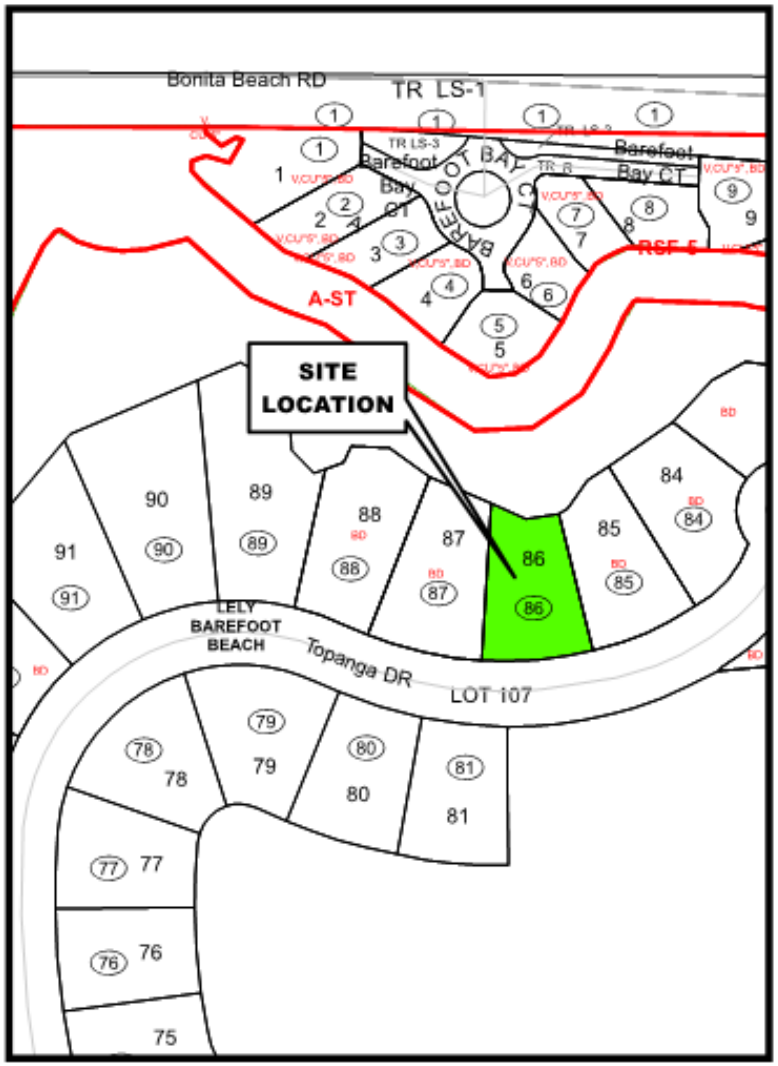
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is located within Tract H, a residential component, of the Lely Barefoot Beach Planned Unit Development (PUD) and comprises 0.22± acres with 63.2 feet of water frontage. The petitioner desires to construct a new dock facility with two boat lifts, one for a 32.7-foot vessel and the other for two 11.7-foot personal watercraft. The proposed dock facility will protrude 51.1 feet from the Mean High Water Line (MHWL) which also serves as the platted property line. This BDE is requested to accommodate the desired vessel size, a natural mangrove shoreline, and a (Continued on Page 3)

Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



Location Map



Zoning Map

Petition Number: PL20210000155

Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

PURPOSE/DESCRIPTION OF PROJECT (Continued from Page 1):

platted 20-foot Conservation Easement that exists landward of the MHWL for which the Conservancy of Southwest Florida has provided a letter of no objection in keeping with an existing settlement agreement; see Attachment D. As proposed, the proposed dock facility will encroach 9.9 feet into the required 15-foot eastern side/riparian setback which is the subject of a companion Variance request.

SURROUNDING LAND USE & ZONING:

North: Little Hickory Bay then a single-family residence within a Residential Single-Family-5 (RSF-5) zoning district

South: Topanga Drive (Right-of-Way) then Conservation Easement

East: 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 GIS

Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The shoreline for this property contains mangroves. The proposed dock will be constructed waterward through the mangrove fringe. The access walkway will be 4 feet wide and constructed within the footprint of the existing dock. Any additional impacts to mangroves will require written approval from Florida Department of Environmental Protection (DEP). A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. The property contains a conservation easement just landward of mean high-water line (OR Book 1756 PG 1358).

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:

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. In order 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 Tract H, a residential component, within the Lely Barefoot Beach PUD for which a Building Permit has been issued for a single-family residence; No. PRBD20210208241, as of this date said permit is in "inspect" status and inspections are being performed as construction progresses. Said property is an irregular shaped lot with 63.2 feet of water frontage. The proposed boat docking facility has two slips, each with a boat lift, one for a 32.7-foot vessel and the other which will be segmented to accommodate two 11.7-foot personal watercraft.

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.)**

Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Criterion met. The existing shallow natural mangrove shoreline, further restricted by a 20-foot Conservation Easement, make it impossible to moor a vessel at Mean Low Water without a boat dock extension as is demonstrated in the attached bathymetric survey and cross-section contained within Attachments A and B.

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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. The applicant states that the proposed dock and lifts have been designed not to impede navigation and that protrusions are consistent with neighboring docks along the shoreline. Said boat dock facility does not intrude into any marked or charted navigable channel, thus there will be no adverse impact on navigation.

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.)**

Criterion not met. The applicable waterway is 125.1± feet wide as measured from MHWL to MHWL, the requested protrusion is 51.1 feet; therefore, the proposed dock facility will occupy 40.8 percent of the width of said waterway which leaves 59.2 percent of the waterway open for navigation. The residence on the opposite shoreline is allowed a single dock facility; said facility is located at a location that will not further decrease the available thread of navigation.

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. As shown within the aerial exhibit contained within Attachment B, the proposed boat dock facility will not interfere with neighboring dock facilities. The dock to the west has a perpendicular orientation to the shoreline and the dock to the east has its boat slips ingress/egress aligned from the east.

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 states the following: “The proposed dock facility is in an area of Little Hickory Bay that has well developed mangroves that extend many feet beyond the

Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

county allowed dock protrusion of 20'. Also, due to the narrow shoreline configuration and presence of existing neighboring docks, a boat can only come in perpendicular to the shoreline. The proposed boat is 32.7' long, which is a typical size boat for the area, so it would protrude past the allowable 20' when docking perpendicular to the shoreline. Criteria met due to the size of the proposed boat and by extending the dock beyond the reach of the mangroves to navigable water." Zoning staff concurs and notes that the recorded Conservation Easement extends 20 feet landward of the MHWL and requires the docking facility to be waterward of the mangrove fringe; together with the shape of the property's shoreline qualify as special conditions not related to water depth.

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 subject docking facility is comprised of a 4-foot-wide finger pier with a 10-foot by 16-foot terminal platform. It is staff's opinion that the 4-foot pier is adequate for safe access and that the terminal platform is required for reasonable loading/unloading and routine maintenance of the vessels to be moored at this facility; therefore, any excessive decking is minimal at best.

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 not met. The subject property has 63.2± feet of water frontage; vessels to be docked at this facility include a 32.7-foot vessel and two 11.7-foot personal watercraft with a combined measurement of 56.1 feet.

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 proposed dock has been designed within the designated riparian lines and is consistent with the existing docks along the subject shoreline. Additionally, as the subject property is located within the Coast High Hazard Area, as per the Future Land Use Map (FLUM), most residences are constructed well above grade with the habitable area being over parking.

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.)**

Criterion 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.

Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

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 not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Staff analysis finds this request complies with four of the five of the primary criteria and four of the six secondary criteria with the sixth criterion being not applicable.

CONCURRENT LAND USE APPLICATIONS:

Companion Petition No. VA-PL20210001516 for dock side/riparian setback reduction.

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 to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. 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.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20210000155, to allow for the construction of the proposed dock facility as depicted within the plans contained within Attachments A and B, with the following conditions:

1. Companion Petition No. VA-PL20210001516 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.

2. A Certificate of Occupancy must be issued for a principal structure, a single-family residence, at this location prior to the issuance of a Certificate of Completion for an accessory structure; to Wit: the proposed dock facility.

Attachments:

A) Site Plan and Proposed Dock Survey
B) Dock Overall Aerial and Cross Section
C) Public Hearing Sign Posting
D) Applicant's Backup, application and supporting documents
E) Hybrid Meeting Waiver

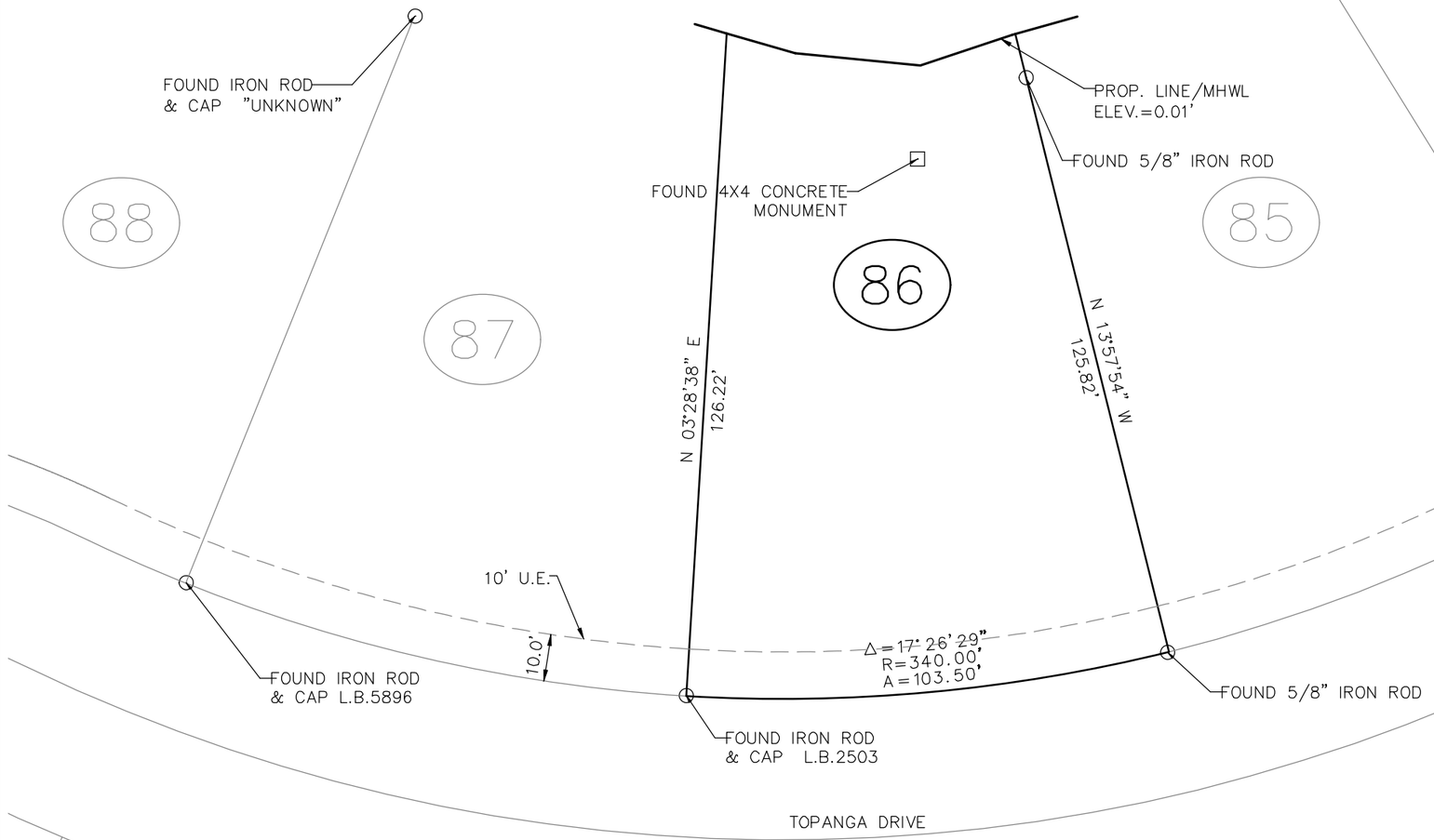
Attachment: Staff Report 01312022 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



SCALE: 1"=30'

LITTLE HICKORY BAY

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



PREPARED FOR: TIM PAUL

DATE OF FIELD SURVEY: DECEMBER 4, 2020

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

BY____~~Wayne D. Agnoli, R. S. M.~~

Digitally signed by Wayne D. Agnoli, R. S. M.
DN: E=agnoliw@abbinc.com, CN="Wayne D. ~~Agnoli, R. S. M.~~", O="~~Agnoli,~~ Barber & Brundage, Inc.", L=Naples, S=Florida, C=US
Date: 2021.06.22 14:22:28-04'00'

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

THIS SITE PLAN 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 SITE PLAN 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 SITE PLAN 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 EAST LINE OF LOT 86, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 13° 57' 54" 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 SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

177 TOPANGA DR.

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
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:
1244	58	JUNE 19, 2021
		scale: 1" = 30'
		cogo #: 09-0086

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 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

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drawn:	LD
checked:	WDA
acad #:	12620-SP
view:	LIMITS
project #:	09-0086
sheet #:	1 of 4
file #:	12620

Attachment: Attachment A - Site Plan and Proposed Dock Survey (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

N

SCALE: 1"=20'

MHWL
ELEV.=0.01'

MANGROVE DRIP LINE

NOTE: MHWL =0.01'
MLWL =-0.80'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.73'

LITTLE HICKORY BAY

× 8.4 WD
× 8.0 WD
× 8.3 WD
× 8.9 WD
× 8.6 WD
× 8.4 WD
× 8.0 WD
× 9.4 WD
× 8.9 WD
× 8.3 WD
× 8.0 WD
× 8.0 WD
× 7.7 WD
8.0 WD
× 8.4 WD
× 8.6 WD
× 9.3 WD
8.9 WD
× 8.2 WD
× 7.8 WD
× 6.8 WD
× 8.4 WD
× 7.9 WD
× 5.4 WD
× 6.0 WD
× 8.0 WD
× 7.7 WD
× 7.6 WD
4.3 WD
× 6.2 WD
× 7.3 WD
× 3.4 WD
× 4.4 WD
× 6.1 WD
× 6.4 WD
2.6 WD
× 4.6 WD
× 4.7 WD
1.6 WD
× 3.0 WD
× 3.7 WD
× 3.1 WD
0.6 WD
0.8 WD
0.7 WD
MLWL
ELEV.=-.80'
0.7 WD
× 2.8 GND
2.6 GND
× 2.6 GND
EXISTING FENCE
× 2.6 GND
× 2.3 GND
× 2.4 GND
× 2.8 GND
CONSERVATION EASEMENT
20' LANDWARD OF MHWL
LEGAL BOUNDARY LINE & MHWL
(SEE SURVEYOR'S NOTE)
PROPERTY LINE
PROPERTY LINE

EXISTING DOCK

PROP. LINE/MHWL
ELEV.=0.01'

SURVEYOR'S NOTE: THE MEAN HIGH WATER LINE AS SHOWN IS THE LEGAL BOUNDARY BETWEEN PRIVATE AND STATE OWNERSHIP (REFER TO P.B.15, PG.51)

84

85

86

177 TOPANGA DR. EXISTING CONDITIONS

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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drawn: LD
checked: WDA
acad #: 12620-SP
view: LIMITS
project #: 09-0086
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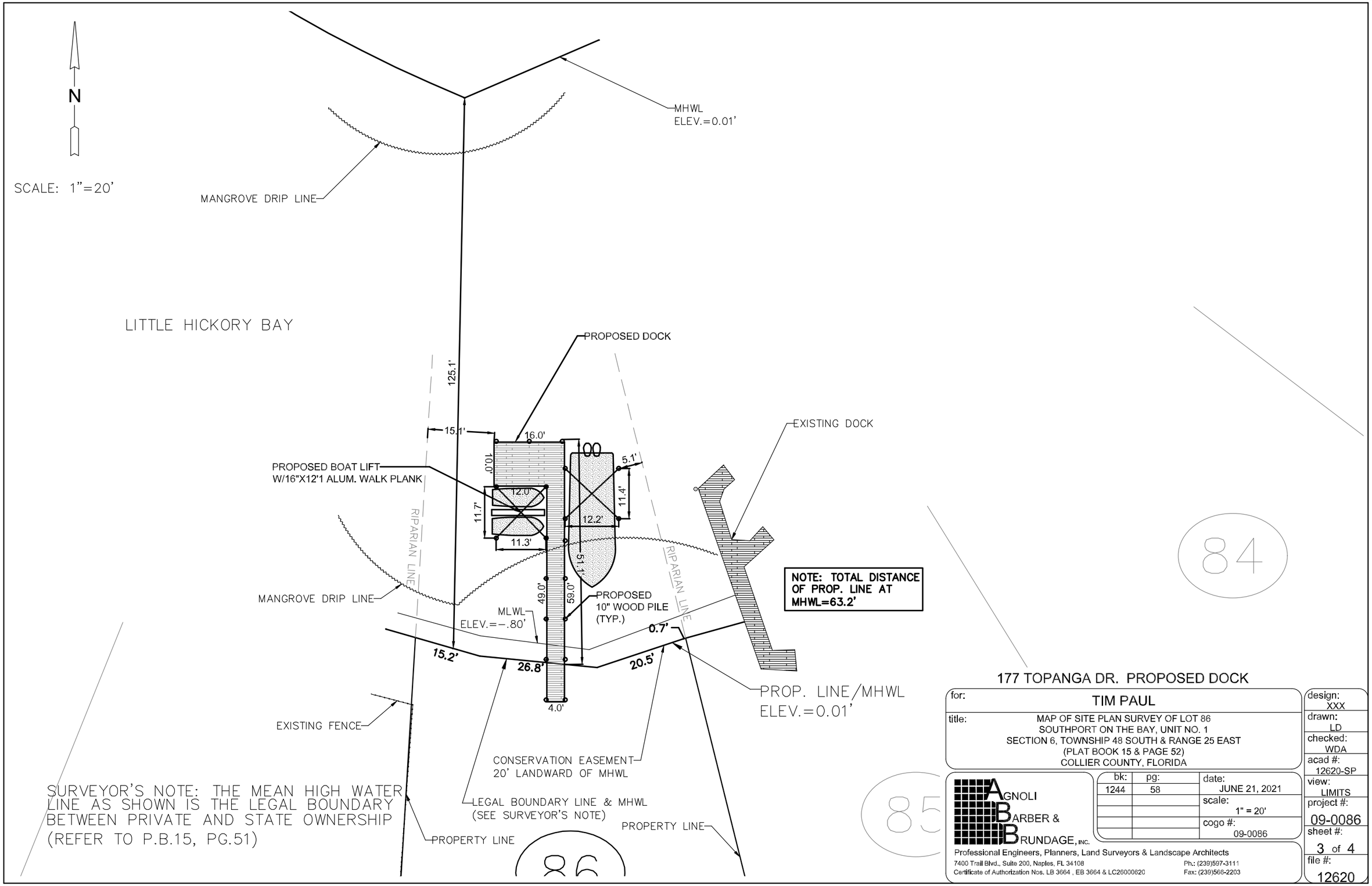
Attachment: Attachment A - Site Plan and Proposed Dock Survey (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



177 TOPANGA DR. PROPOSED DOCK

for:	TIM PAUL
title:	MAP OF SITE PLAN SURVEY OF LOT 86 SOUTHPORT ON THE BAY, UNIT NO. 1 SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 15 & PAGE 52) COLLIER COUNTY, FLORIDA

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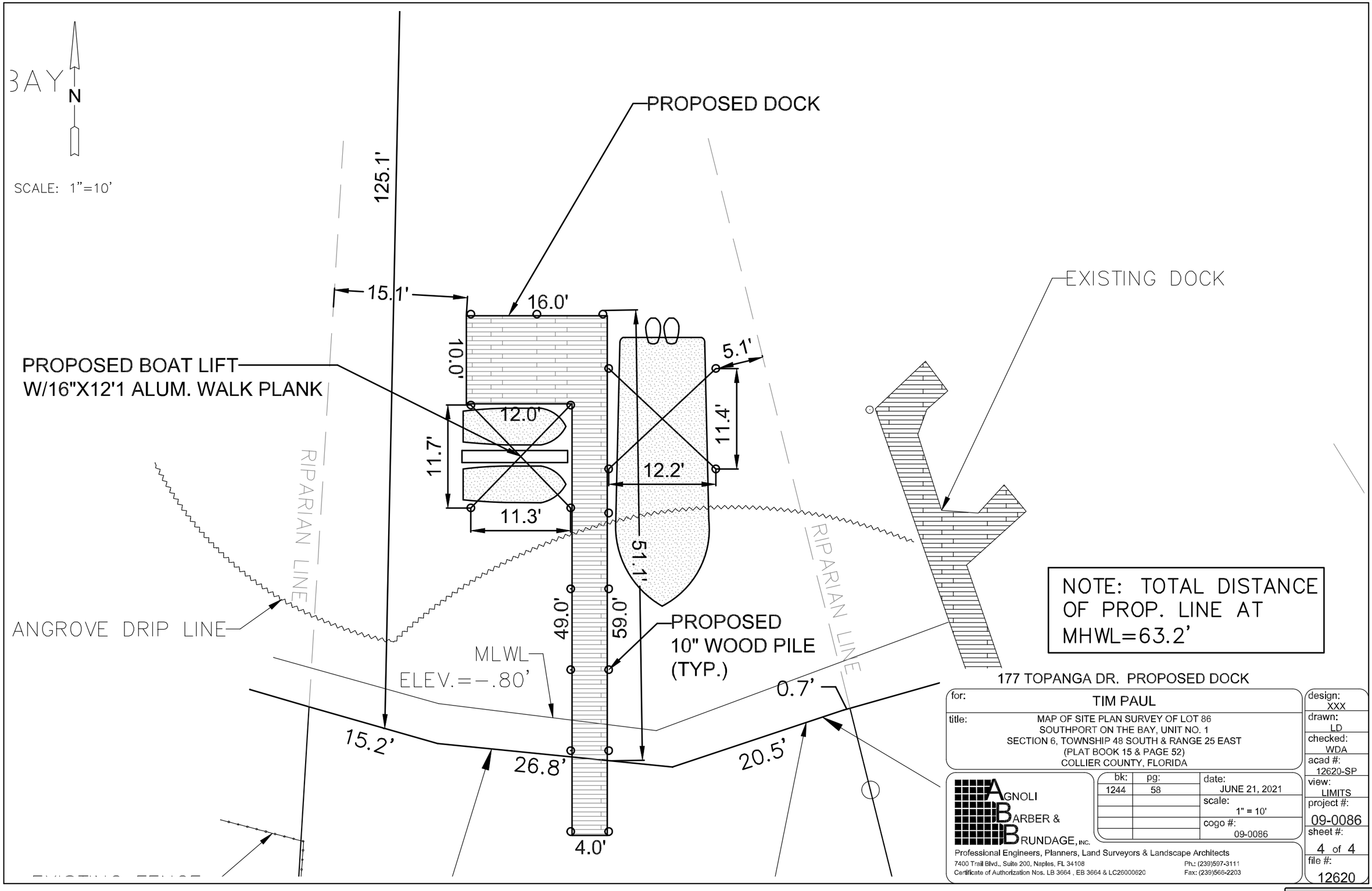
drawn:	LD
checked:	WDA
acad #:	12620-SP
view:	LIMITS
project #:	09-0086
sheet #:	3 of 4
file #:	12620

Attachment: Attachment A - Site Plan and Proposed Dock Survey (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



177 TOPANGA DR. PROPOSED DOCK

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
SOUTHPORT ON THE BAY, UNIT NO. 1
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view:	LIMITS
project #:	09-0086
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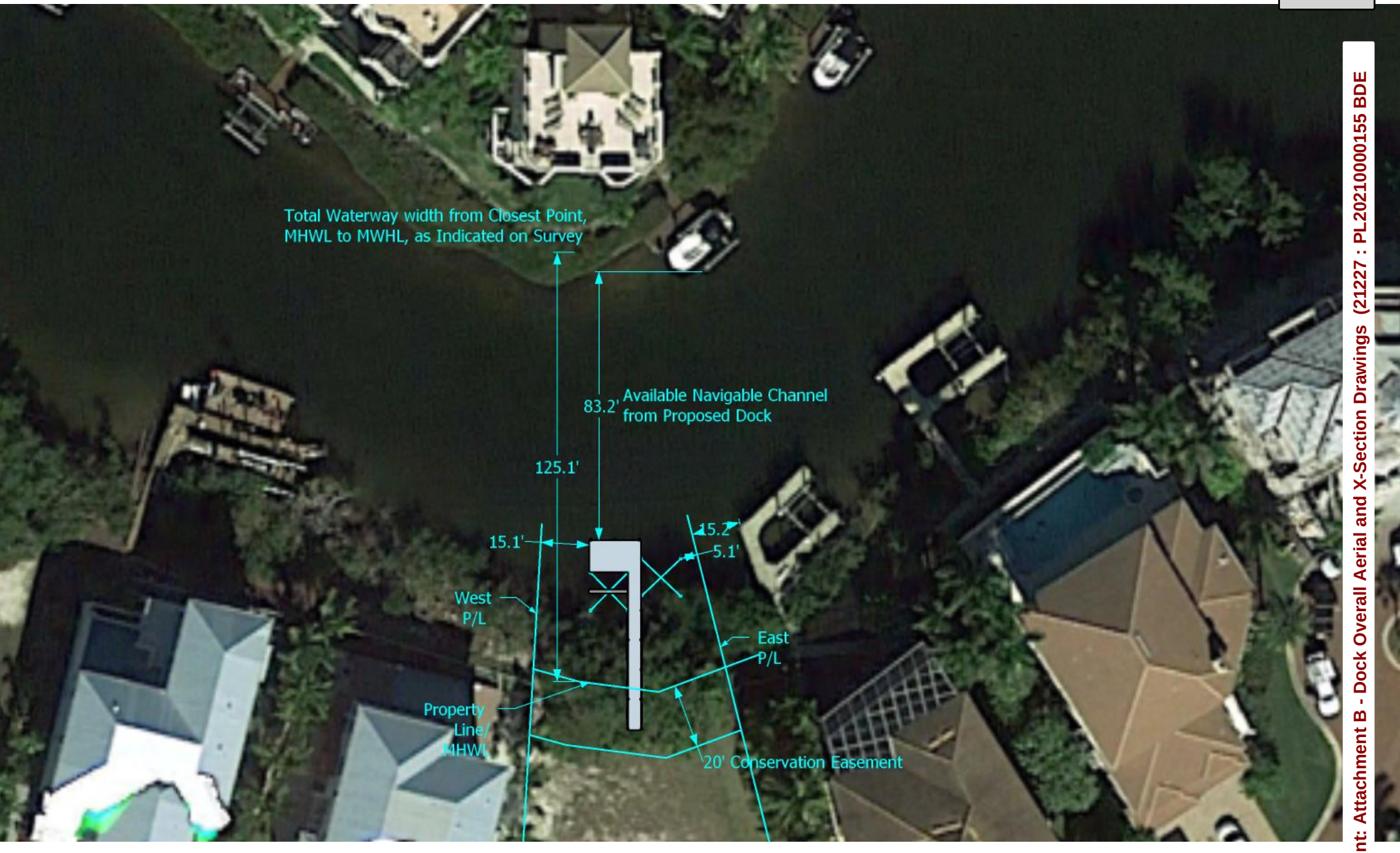
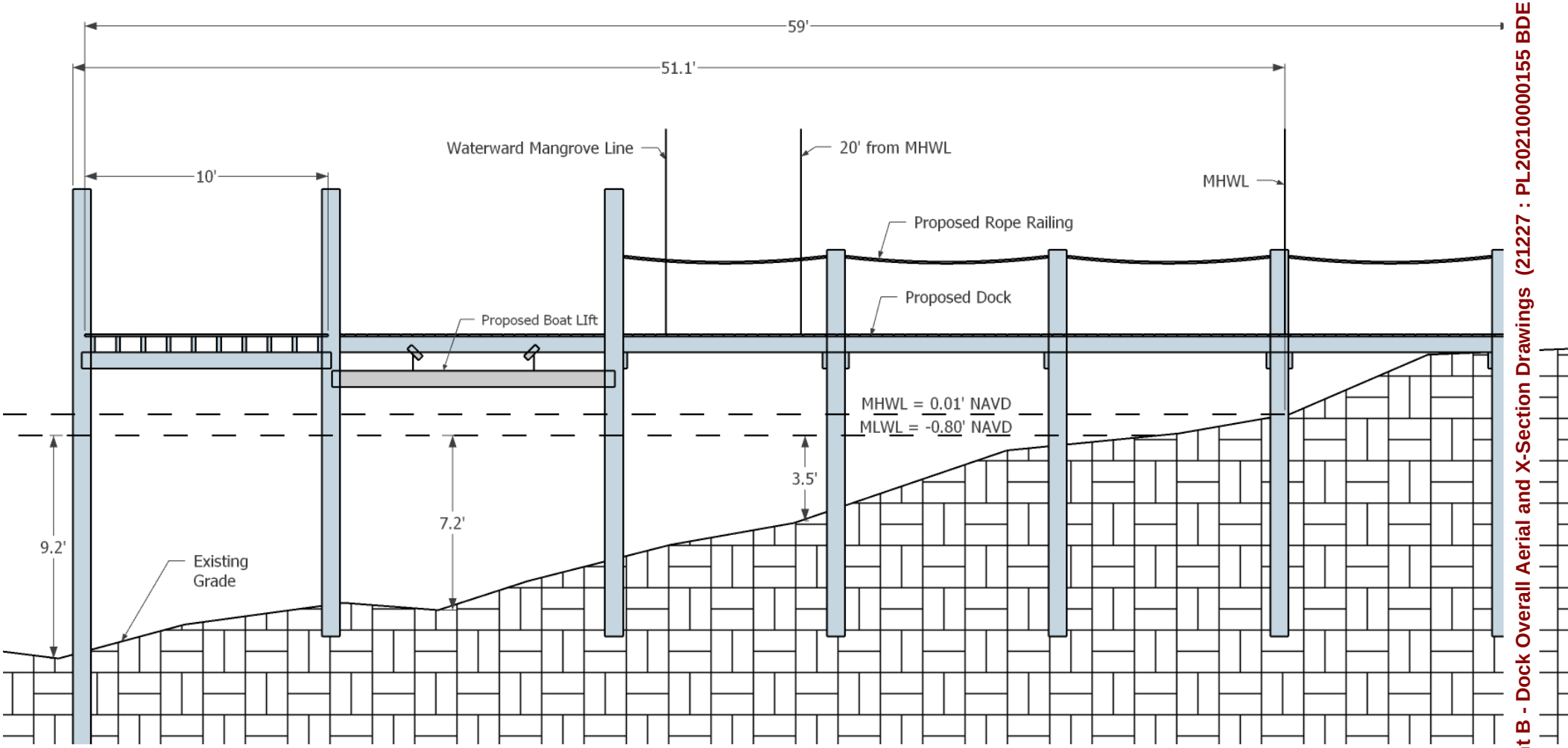
file #:	12620

Attachment: Attachment A - Site Plan and Proposed Dock Survey (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

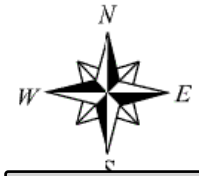


Greg Orick Marine Construction, Inc. **(239) 949-5588**	Name: **Tim Paul** Address: **177 Topanga Dr** **Bonita Springs, FL 34134** Date: **6/29/2021**	Approved Signature: _____ Approved Date: _____

Attachment: Attachment B - Dock Overall Aerial and X-Section Drawings (21227 : PL20210000155 BDE



GREG ORICK MARINE CONSTRUCTION, INC. **(239) 949-5588**	Name: **Tim Paul** Address: **177 Topanga Dr** **Bonita Springs, FL 34134** Date: **6/21/2021**	Approved Signature: _____ Approved Date: _____



Attachment: Attachment B - Dock Overall Aerial and X-Section Drawings (21227 : PL20210000155 BDE

KellyJohn

From: KellyJohn
Sent: Friday, February 04, 2022 3:46 PM
To: KellyJohn
Subject: VA-PL20210001516 and BDE-PL20210000155 - 177 Topanga Dr - Sign Posting for HEX 2/24/2022
Attachments: 34B5578B-F013-4D7E-AD52-C7AF8E58F712.jpeg; EA489B55-CED0-44D7-B476-1E172C7B983C.jpeg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location at approximately 1:20 P.M. this date, for the purposes of satisfying public notice requirements contained within the Collier County Land Development Code, as evidenced by the attached photos.

Respectfully,
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Sign Posting PL20210001516 PL20210000155 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)





Attachment: Attachment C - Sign Posting PL20210001516 PL20210000155 (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

THIS PETITION IS FOR (check one): ■ **DOCK EXTENSION** ☐ **BOATHOUSE**

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT INFORMATION

Name of Property Owner(s): PAUL, TIMOTHY W

Name of Applicant if different than owner: _____

Address: 177 Topanga Dr **City:** Bonita Springs **State:** FL **ZIP:** 34134

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

E-Mail Address: _____

Name of Agent(s): Bill Nelson / Mark Oreus / Eric Hochan / Robert Tice

Firm: Greg Orick II Marine Construction, Inc.

Address: 2815 Bayview Dr **City:** Naples **State:** FL **ZIP:** 34112

Telephone: 239 949 5588 **Cell:** 239 398 0301 **Fax:** 239 301 2238

E-Mail Address: permits@orickmarine.com

PROPERTY LOCATION

Section/Township/Range: 6 / 48 / 25 **Property I.D. Number:** 74435007400

Subdivision: Southport on the Bay **Unit:** 1 **Lot:** 86 **Block:** _____

Address/ General Location of Subject Property:
177 Topanga Dr, Bonita Springs, FL 34134

Current Zoning and Land use of Subject Property:
PUD - Vacant Residential

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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	Waterway/RSF-5	Little Hickory Bay/Single Family Residence
S	PUD	Single Family Residence
E	PUD	Single Family Residence
W	PUD	Single Family Residence

DESCRIPTION OF PROJECT

Narrative description of project (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):

New Dock and Boat Lifts to be installed with a 51.1' water protrusion from the Mean High Water Line / Rear Property Line. The total protrusion is 40.8% of a 125.1' canal width. Boat Dock Extension is needed due to the conservation easement in the rear of the property, the shore normal orientation required to access this narrow lot location and due to the mangrove overhang from shore.

SITE INFORMATION

1. **Waterway Width:**
   125.1 ft. Measurement from ☐ plat ■ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   63.2 ft.
3. **Setbacks:**
   Provided: 15.1W;5.1E ft.
   Required: 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   51.1 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 32.7 ft.
   2. 11.7, 11.7 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   179 Topang Dr -54', 175 Topanga Dr. - 40' , 173 Topanga - 48'
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.22 Acres

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8. 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.

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 percent of the width of the waterway, and whether or not 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.)

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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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 I 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.)

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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.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☑	☐
Chart of Site Waterway	1	☑	☐
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.	1	☑	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Collier County

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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: Annis Moxam	☐	Parks and Recreation: David Berra
☐	City of Naples: Robin Singer, Planning Director	☐	School District (Residential Components): Amy Lockheart
☐	Conservancy of SWFL: Nichole Johnson	☐	Other:
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	Other:

FEE REQUIREMENTS:

- ☐ **Boat Dock Extension Petition:** $1,500.00
- ☐ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00
- ☐ **An additional fee for property owner notifications will be billed to the applicant prior to the Hearing Examiner hearing date.**

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 fees shall be submitted to:

Growth Management Department
Planning and Regulation
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Signature of Petitioner or Agent

11-1-21
Date

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

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(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
PAUL, TIMOTHY W, 11345 GREAT BLUE TRACE, FISHERS,IN, 46037	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

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d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
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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

_____ 7/26/2021

Agent/Owner Signature Date

Mark Oreus
_____

Agent/Owner Name (please print)

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Timothy W Paul (print name), as Owner (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 Greg Orick II Marine Construction Inc to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

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

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

_____ **Signature**

7/26/2021 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 26 day of July, 20 21, by (printed name of owner or qualifier) Timothy Paul.

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: _____

HILARY KING
Notary Public-State of Florida
Commission # GG 318480
My Commission Expires
April 1, 2023

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

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Department at 239-252-5724 or submit in person to the Addressing Department at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Department.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☒ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

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

SOUTHPORT ON THE BAY UNIT ONE LOT 86 T48, R25, S06

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

74435007400

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

177 TOPANGA DR BONITA SPRINGS, FL 34134

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

PROPOSED PROJECT NAME *(if applicable)*

177 Topanga Drive name not yet approved

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # PL20210000155

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

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(239) 252-2400 FAX (239) 252-5724

Project or development names proposed for, or already appearing in, condominium documents (if application; indicate whether proposed or existing)

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

Applicant Name: Greg Orick II Marine Construction

Phone: 239-949-5588 **Email/Fax:** permits@orickmarine.com

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

FOR STAFF USE ONLY

Folio Number 74435007400

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: L.L.H. **Date:** 07/28/2021

Updated by: _____ **Date:** _____

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

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Property Summary | Property Detail | Aerial | Sketches | Trim Notices

Parcel No	74435007400	Site Address *Disclaimer	177 TOPANGA DR	Site City	BONITA SPRINGS	Site Zone *Note	34134

Name / Address	BOCA HOLDINGS LLC
	11345 GREAT BLUE TRACE
City	FISHERS

State	IN	Zip	46037

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A06	636400 863A06	6	48	25	0.22

Legal	SOUTHPORT ON THE BAY UNIT ONE LOT 86

Millage Area	3	Millage Rates	*Calculations	
Sub./Condo	636400 - SOUTHPORT ON THE BAY UNIT 1	School	Other	Total
Use Code	0 - VACANT RESIDENTIAL	5.016	5.7924	10.8084

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
08/20/20	5809-582	$ 825,000
12/20/02	3180-745	$ 671,900
12/12/00	2753-2911	$ 445,000
12/07/99	2618-2752	$ 0
08/31/94	1981-233	$ 0
07/01/90	1546-2136	$ 123,500

2020 Certified Tax Roll

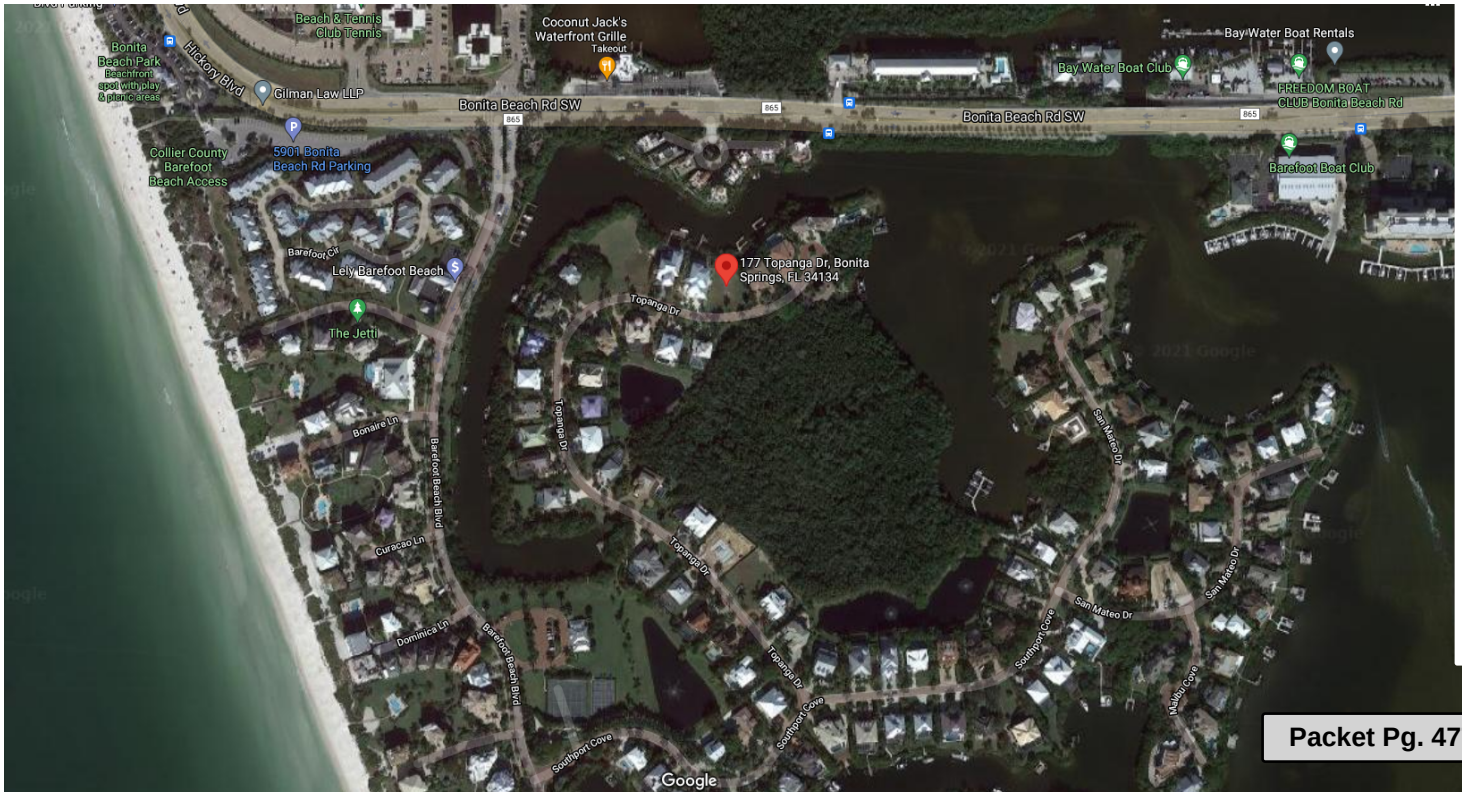
(Subject to Change)

Land Value	$ 852,959
(+) Improved Value	$ 0
(=) Market Value	$ 852,959
(-) 10% Cap	$ 164,906
(=) Assessed Value	$ 688,053
(=) School Taxable Value	$ 852,959
(=) Taxable Value	$ 688,053



Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)





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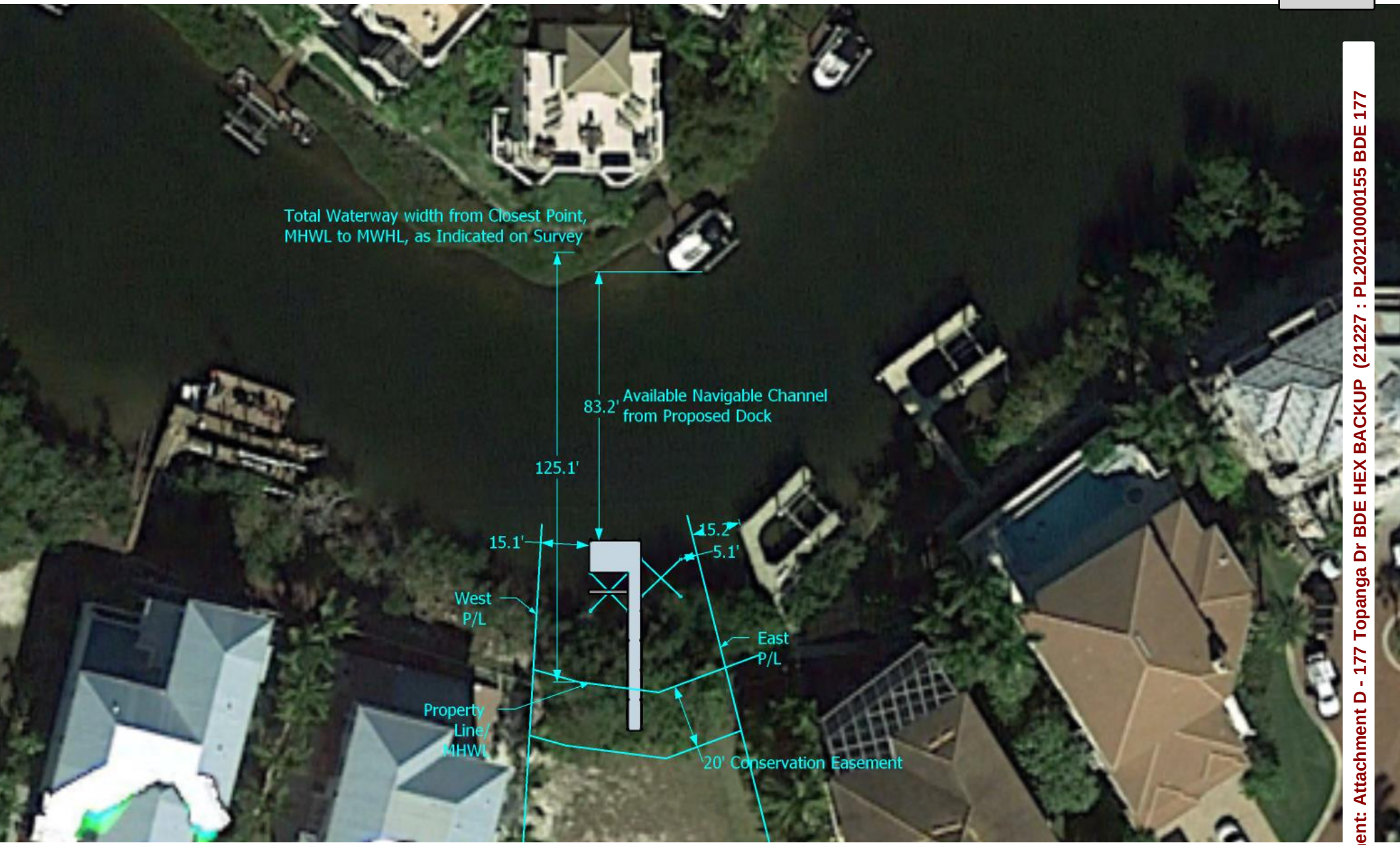
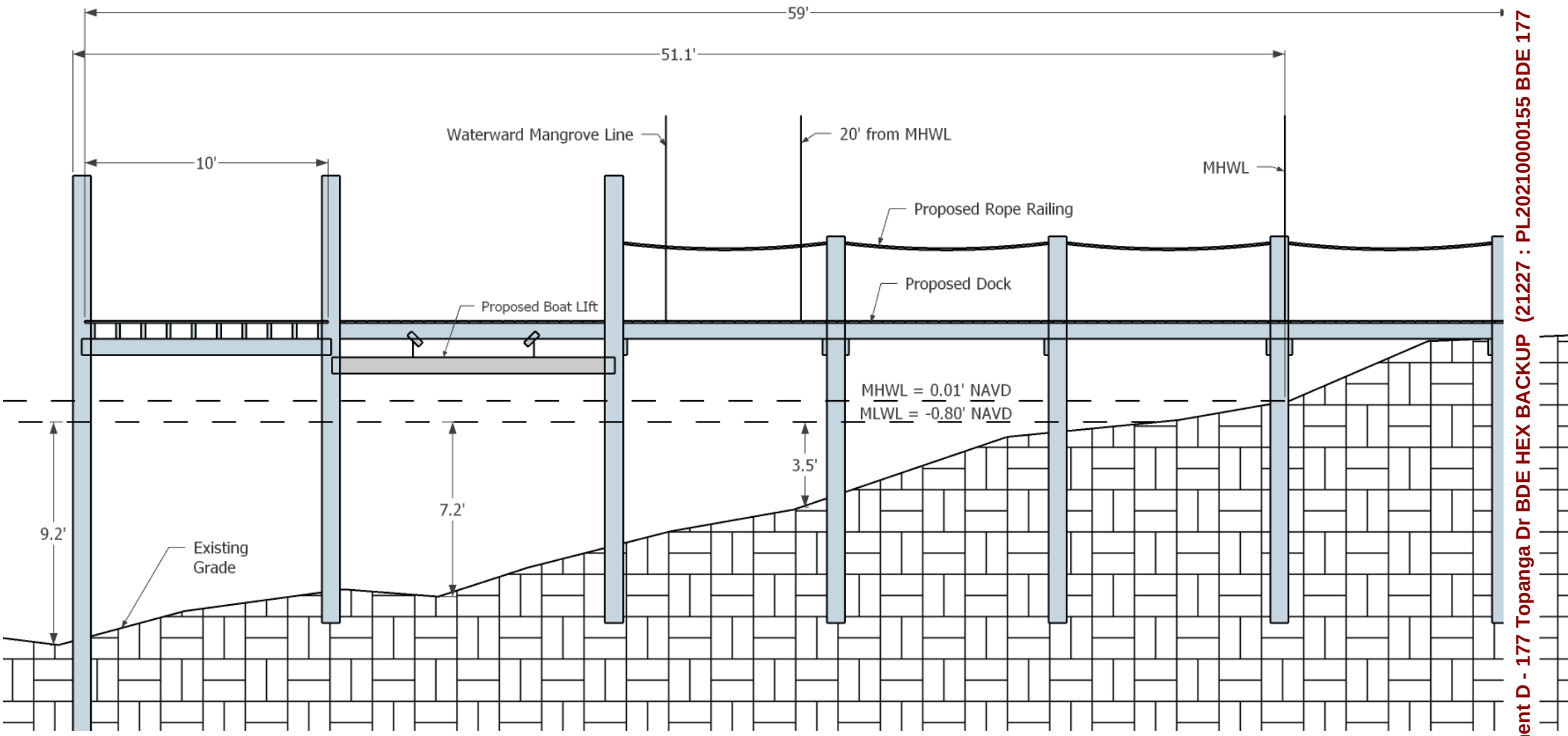


Greg Orick Marine Construction, Inc. **(239) 949-5588**	Name: **Tim Paul** Address: **177 Topanga Dr** **Bonita Springs, FL 34134** Date: **6/29/2021**	Approved Signature: _____ Approved Date: _____

N
W E
S

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177



GREG ORICK MARINE CONSTRUCTION, INC. **(239) 949-5588**	Name: **Tim Paul** Address: **177 Topanga Dr** **Bonita Springs, FL 34134** Date: **6/21/2021**	Approved Signature: _____ Approved Date: _____

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177

Primary Criteria

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.)**

Response: The location has 63.2 feet of water frontage and is zoned PUD. The upland property is a single-family residential zoned lot that per LDC is allowed two slips. Proposed dock consists of 2 slips with lifts attached to a single dock, which is appropriate for a single-family dwelling. We are requesting a 31.1-foot extension beyond the allowed 20-foot protrusion.

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.)**

Response: Without the boat dock extension, a vessel would not be able to be moored or launched while at MLWL due to the water depth within a 20' protrusion of the MHWL/ property line, as shown in the bathymetric survey and cross section drawing.

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.)**

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Response: **Proposed dock facility does not intrude into any marked or charted navigable channel, thus there will be no adverse impact on navigation. The proposed dock and lifts have been designed not to impede navigation and its protrusion is consistent with the neighboring docks along the shoreline.**

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.)**

Response: **Proposed dock protrudes a total of 51.1 feet from MHWL, the overall protrusion is 40.8% of 125.1-foot waterway, dock facility maintains more than 59.2% of navigable waterway open. Criteria 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.)**

Response: **Proposed dock extension does not interfere with neighboring docks as shown in the aerial drawing. The dock to the West has a perpendicular orientation to the shoreline and the dock to the East has its boat slip's ingress/egress from the East. The proposed facility is consistent with existing facilities along the shoreline.**

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

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.)**

Response: The proposed dock facility is in an area of Little Hickory Bay that has well developed mangroves that extend many feet beyond the county allowed dock protrusion of 20'. Also, due to the narrow shoreline configuration and presence of existing neighboring docks, a boat can only come in perpendicular to the shoreline. The proposed boat is 32.7' long, which is a typical size boat for the area, so it would protrude past the allowable 20' when docking perpendicular to the shoreline. Criteria met due to the size of the proposed boat and by extending the dock beyond the reach of the mangroves to navigable water.

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.)**

Response: The design of the proposed boat dock is for recreational vessels to be maintained safely without incidence. No excessive deck area is being proposed, as shown in the site plan.

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.)**

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Response: **Vessel LOA combined is 56.1 feet (1 ea. 32.7' long Boat & 2 ea. 11.7' long PWC), which is more than 50 percent of the linear water frontage, being 63.2 long. Criterion not 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.)**

Response: **Proposed dock facility will not have an impact on waterfront view of neighboring properties and will be consistent with existing dock facilities along shoreline as shown in the aerial drawing. The proposed dock facility is within the property's riparian lines and will not impact the view of the neighboring waterfront property owners.**

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 I must be demonstrated.)**

Response: **There are no seagrass beds located near proposed dock facility as shown in the results of submerged resource survey conducted by Turrell, Hall & Associates and provided for review.**

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.)**

Response: **This is a single family proposed dock and boathouse, with two vessel mooring areas with lifts and is not subject to the requirements of the Manatee Protection Plan as stated in the above referenced code of 5.03.06 E.11.**

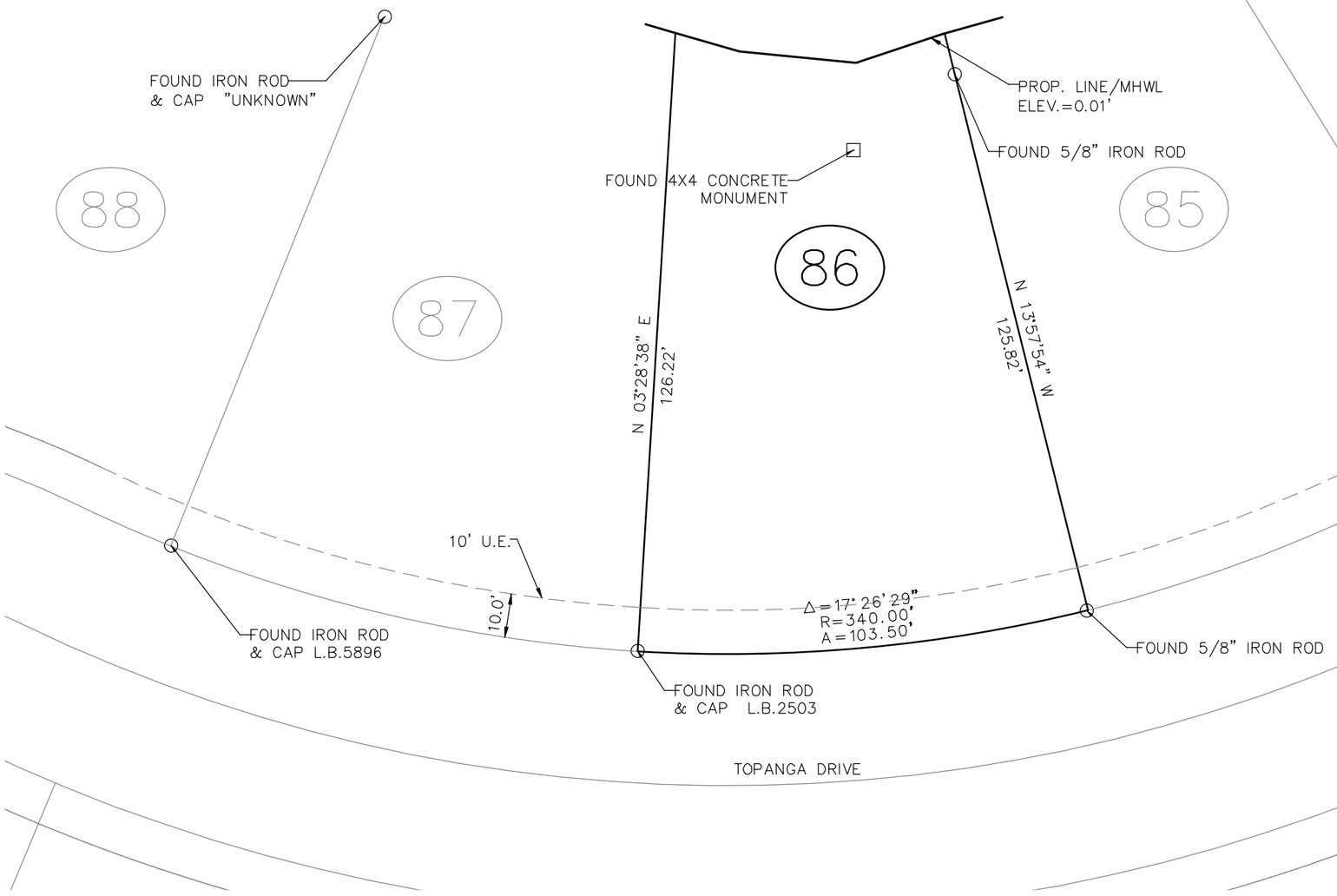
Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



SCALE: 1"=30'

LITTLE HICKORY BAY

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



PREPARED FOR: TIM PAUL

DATE OF FIELD SURVEY: DECEMBER 4, 2020

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

BY_____

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

THIS SITE PLAN 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 SITE PLAN 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 SITE PLAN 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 EAST LINE OF LOT 86, SOUTHPORT ON THE BAY, UNIT 1, SECTION 6, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 13° 57' 54" 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 SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

177 TOPANGA DR.

for:	TIM PAUL
title:	MAP OF SITE PLAN SURVEY OF LOT 86 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:
1244	58	JUNE 19, 2021
		scale: 1" = 30'
		cogo #: 09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12620-SP
view:	LIMITS
project #:	09-0086
sheet #:	1 of 4
file #:	12620

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 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

N

SCALE: 1"=20'

MHWL
ELEV.=0.01'

MANGROVE DRIP LINE

NOTE: MHWL =0.01'
MLWL =-0.80'
WD = WATER DEPTH
(WATER DEPTH WAS DETERMINED AS DIFFERENCE BETWEEN MLW ELEV. & BOTTOM ELEV.)
CENTERLINE OF ROAD=4.73'

LITTLE HICKORY BAY

× 8.4 WD
× 8.0 WD
× 8.3 WD
× 8.9 WD
× 8.6 WD
× 8.4 WD
× 8.0 WD
× 9.4 WD
× 8.9 WD
× 8.3 WD
× 8.0 WD
× 8.0 WD
× 7.7 WD
8.0 WD
× 8.4 WD
× 8.6 WD
× 9.3 WD
8.9 WD
× 8.2 WD
× 7.8 WD
× 7.9 WD
× 6.8 WD
× 8.4 WD
× 6.0 WD
× 8.0 WD
× 7.7 WD
× 5.4 WD
× 7.6 WD
4.3 WD
× 6.2 WD
× 7.3 WD
× 3.4 WD
× 4.4 WD
× 6.1 WD
× 6.4 WD
2.6 WD
× 4.6 WD
× 4.7 WD
× 3.0 WD
× 3.7 WD
× 3.1 WD
1.6 WD
0.6 WD
0.8 WD
0.7 WD
MLWL
ELEV.=-.80'
0.7 WD
× 2.8 GND
2.6 GND
EXISTING FENCE
2.6 GND
2.3 GND
2.4 GND
2.8 GND
× 2.6 GND
CONSERVATION EASEMENT
20' LANDWARD OF MHWL
LEGAL BOUNDARY LINE & MHWL
(SEE SURVEYOR'S NOTE)
PROPERTY LINE
PROPERTY LINE
PROP. LINE/MHWL
ELEV.=0.01'
EXISTING DOCK

SURVEYOR'S NOTE: THE MEAN HIGH WATER LINE AS SHOWN IS THE LEGAL BOUNDARY BETWEEN PRIVATE AND STATE OWNERSHIP (REFER TO P.B.15, PG.51)

84
85
86

177 TOPANGA DR. EXISTING CONDITIONS

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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bk:	pg:	date:
1244	58	JUNE 21, 2021
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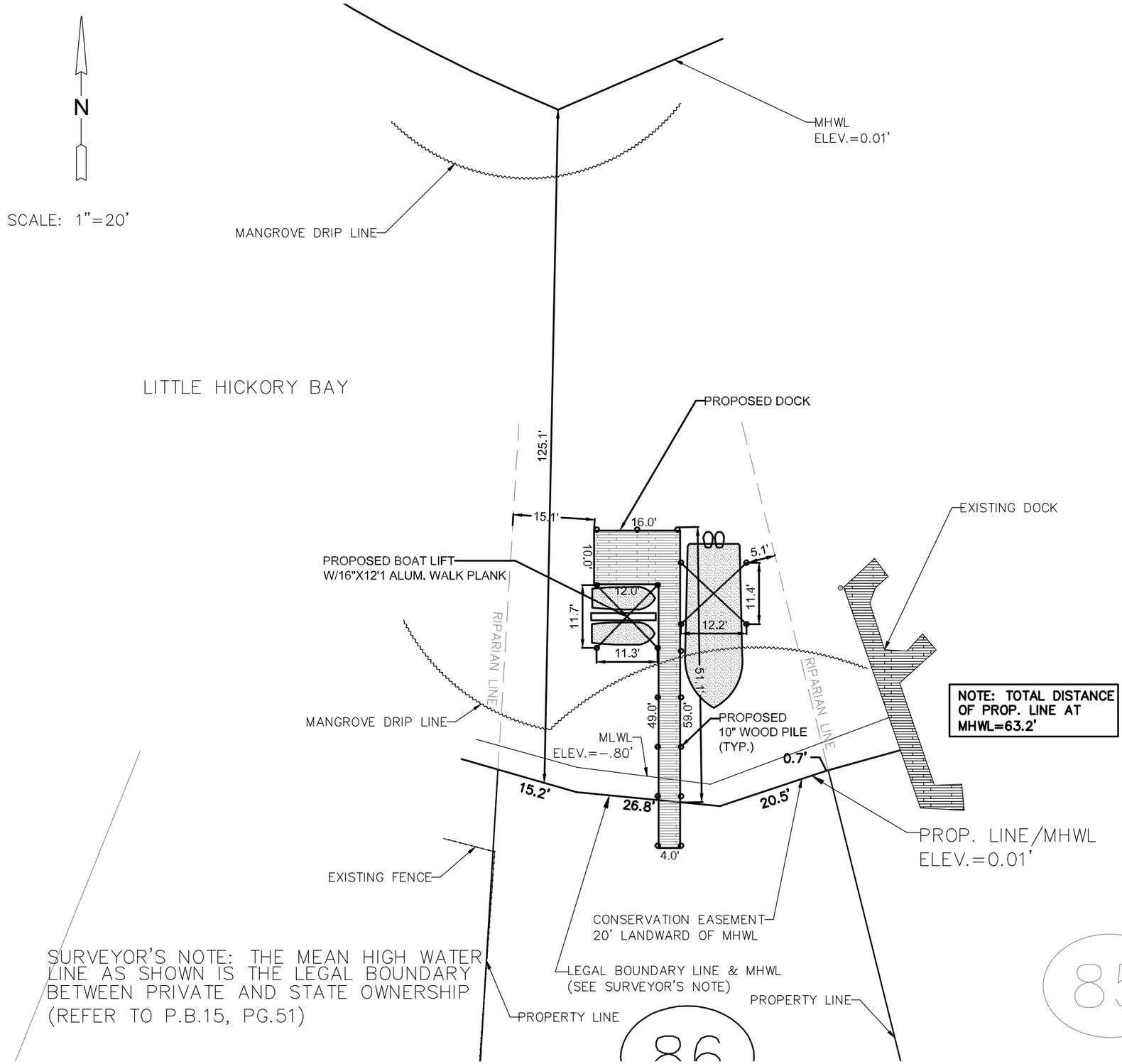
		cogo #: 09-0086

design: XXX
drawn: LD
checked: WDA
acad #: 12620-SP
view: LIMITS
project #: 09-0086
sheet #: 2 of 4
file #: 12620

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



177 TOPANGA DR. PROPOSED DOCK

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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bk:	pg:	date:
1244	58	JUNE 21, 2021
		scale: 1" = 20'
		cogo #: 09-0086

design: XXX
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checked: WDA
acad #: 12620-SP
view: LIMITS
project #: 09-0086
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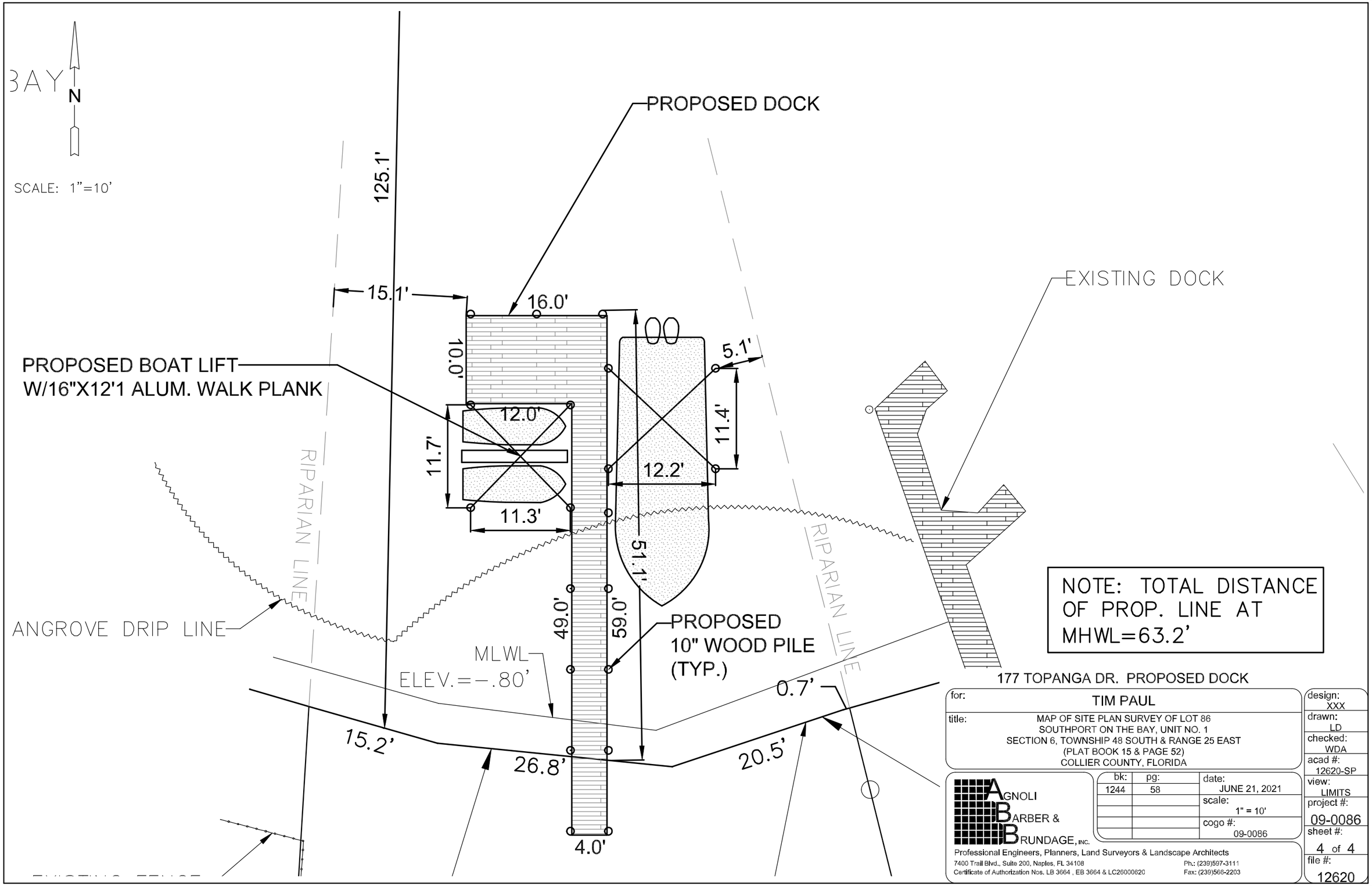
file #: 12620

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)



177 TOPANGA DR. PROPOSED DOCK

for: TIM PAUL

title: MAP OF SITE PLAN SURVEY OF LOT 86
SOUTHPORT ON THE BAY, UNIT NO. 1
SECTION 6, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 15 & PAGE 52)
COLLIER COUNTY, FLORIDA

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view:	LIMITS
project #:	09-0086
sheet #:	4 of 4
file #:	12620

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

DRAWING NUMBER PG52
DRAWING NUMBER PB15
DRAWING NUMBER
DRAWING NUMBER
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA

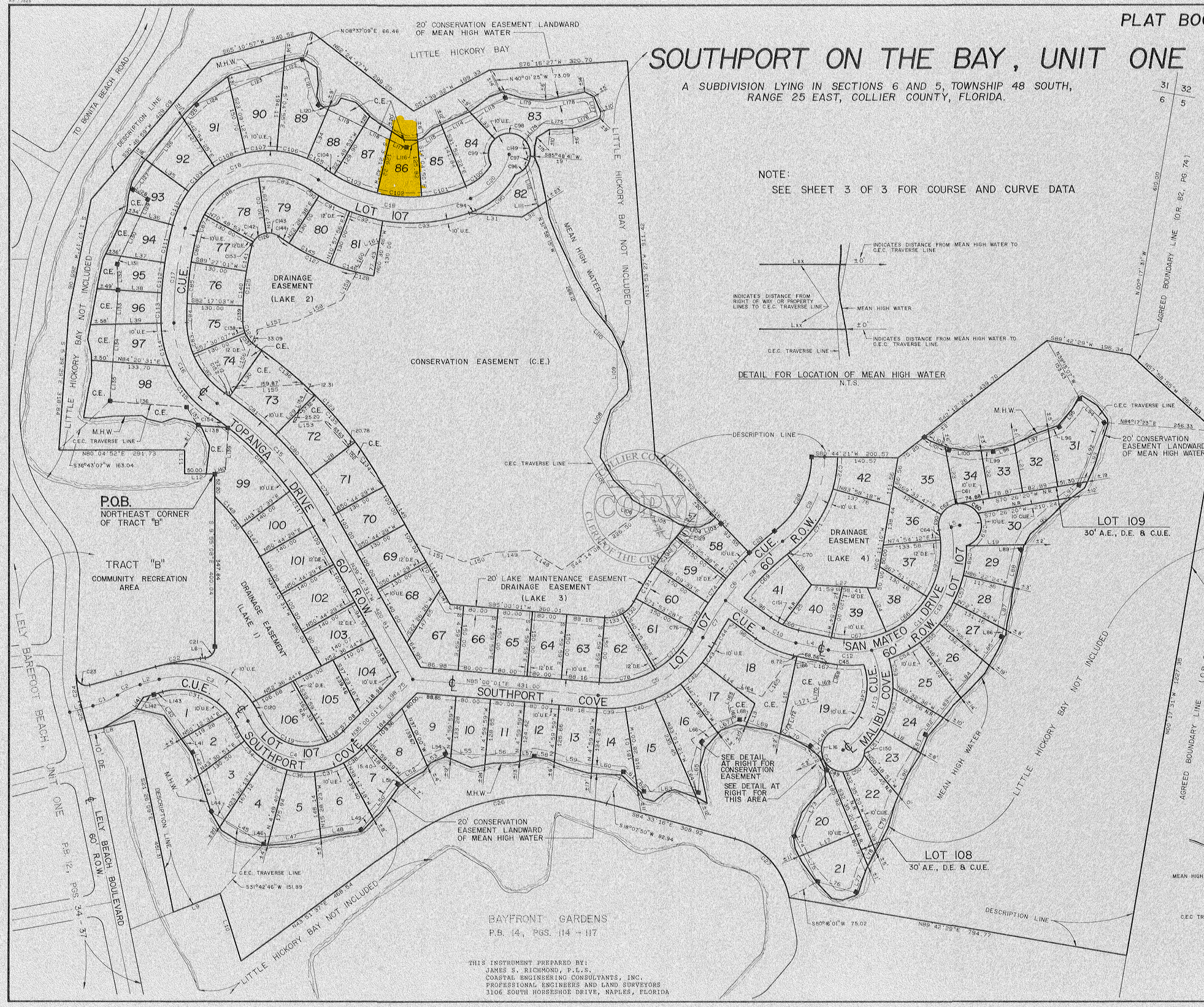
PLAT BOOK 15 , PAGE 52

SOUTHPORT ON THE BAY, UNIT ONE

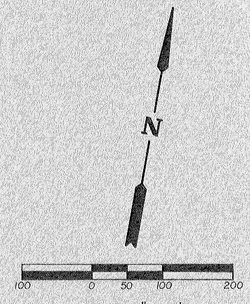
A SUBDIVISION LYING IN SECTIONS 6 AND 5, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

RESOLUTION NO. 2003-49
VACATE EASEMENT
RECORDED 1/30/2003 OR 3207 PG 3207-3210
PLAT BOOK 15 PAGE 52

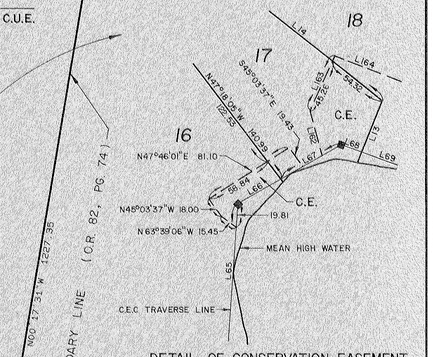
NOTE:
SEE SHEET 3 OF 3 FOR COURSE AND CURVE DATA



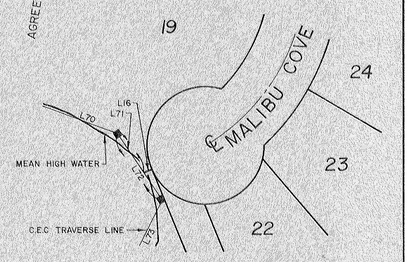
DETAIL FOR LOCATION OF MEAN HIGH WATER
N.T.S.



SCALE : 1" = 100'



DETAIL OF CONSERVATION EASEMENT
N.T.S.



DETAIL OF LOT LINE
N.T.S.

SHEET 2 OF 3
C.E.C. FILE NO.: 87-194

THIS INSTRUMENT PREPARED BY:
JAMES S. RICHMOND, P.L.S.
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
3106 SOUTH HORSESHOE DRIVE, NAPLES, FLORIDA

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL2021000155 BDE 177 Topanga Drive Paul)

BOCA HOLDINGS, LLC
177 TOPANGA DRIVE
NAPLES, FL 34134

SUBMERGED RESOURCE SURVEY

OCTOBER 2020

PREPARED BY:



TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

1.0 INTRODUCTION

The Boca Holdings, LLC residence and associated proposed docking facility is located at 177 Topanga Drive, identified by Parcel Number 74435007400. The property is located off Topanga Drive just south of Bonita Beach Road, bound to the west by a single-family residential lot, bound to the east by another single-family residential lot, and bound to the north by Little Hickory Bay. The property is located in Section 06, Township 48 South, and Range 25 East. The upland portion of the property is a single-family residence currently under construction.

Turrell, Hall & Associates was contracted to provide environmental permitting services and one aspect is the associated Submerged Resource Survey (SRS). This survey will provide planning and review assistance to both owners and agency reviewers in regards to proposed project. The proposed project consists of constructing a single-family dock within a man-altered waterway off Little Hickory Bay.

The SRS survey was conducted on October 1, 2020. Light east winds, mostly clear skies, and an incoming tide resulted in visible access to the entire project area. Surface water conditions on this day were calm which also helped to provide fair environmental conditions for the survey. The water temperature was 82°F. Low tide occurred at 7:42 A.M (0.5') and high tide occurred at 1:29 P.M (2.5') on the date of the survey.

2.0 OBJECTIVE

The objective of the Submerged Resource Survey was to identify and locate any existing submerged resources within the limits of the proposed dock project or within 200-feet of the project area. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so would assist in reconfiguring the proposed dock in order to minimize any impacts. If seagrasses are present within the project area it needs to be determined if the seagrass beds are small in size or if they are part of a large seagrass bed. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit and I snorkeled these transects within the proposed project basin and verified the location of any submerged resources.

- Turrell, Hall & Associates personnel identified submerged resources at the site, estimated the % of coverage, and delineated the approximate limits of any submerged resources observed.

- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

3.0 METHODOLOGY

Turrell, Hall & Associates biologists intentionally designed the methodology of the SRS to cover the entire property shoreline for the proposed dock installation. The components for this survey included:

- Review of aerial photography of survey area
- Establish survey transects lines overlaid onto aerials
- Physically swim transects, GPS locate limits of submerged resources, and determine approximate percent of coverage
- Document and photograph all findings

The surveyed area was evaluated systematically by following the established transects spaced approximately 10-feet apart within the proposed dock footprint. The survey was expanded out 200-feet from the proposed docking facility in order to verify no other resources were within the surrounding waterway. The neighboring properties have existing docks which helped to provide easily identifiable reference markers, such as dock piles which assisted in locating transects and keeping them consistent throughout most of the survey area.

One biologist walked/swam these transects using snorkel equipment where needed within the surveyed area. The other individual assisted with compiling notes and documenting findings on aerials. Located submerged resources were photographed, the approximate percent of coverage was quantified, and the location was delineated on an aerial photo as well as confirmed via handheld GPS (Garmin Model 72H). The biologists used a half meter square quadrant further broken into sections by cordage to make coverage estimates easier.

4.0 RESULTS

The substrate found within the surveyed area included two distinct classifications; silt sand with shell debris and just silt/ muck material scattered throughout. These two substrates were found scattered throughout the entire surveyed area. There was also scattered oyster debris along the property shoreline within the mangrove roots. The shoreline consisted of red mangroves and scattered rip-rap both of which provide habitat for numerous fish, crabs, barnacles, and oysters growing on and around the mangrove roots. The majority of the survey area exhibited a silt/muck bottom that was devoid of any aquatic vegetation growth or any types of submerged resources. The lack of any submerged resources is most likely due to the overall water quality within Little Hickory Bay as well as the water clarity not allowing much sunlight penetration. This was most evident in the deeper water depths.

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Various filamentous algae and macro algae were observed and documented growing along the bottom sediments throughout the survey area. Also observed were numerous fish species during the survey and a list of these species has been prepared and is provided below as Table 1.

Table 1 – Observed Fish Species

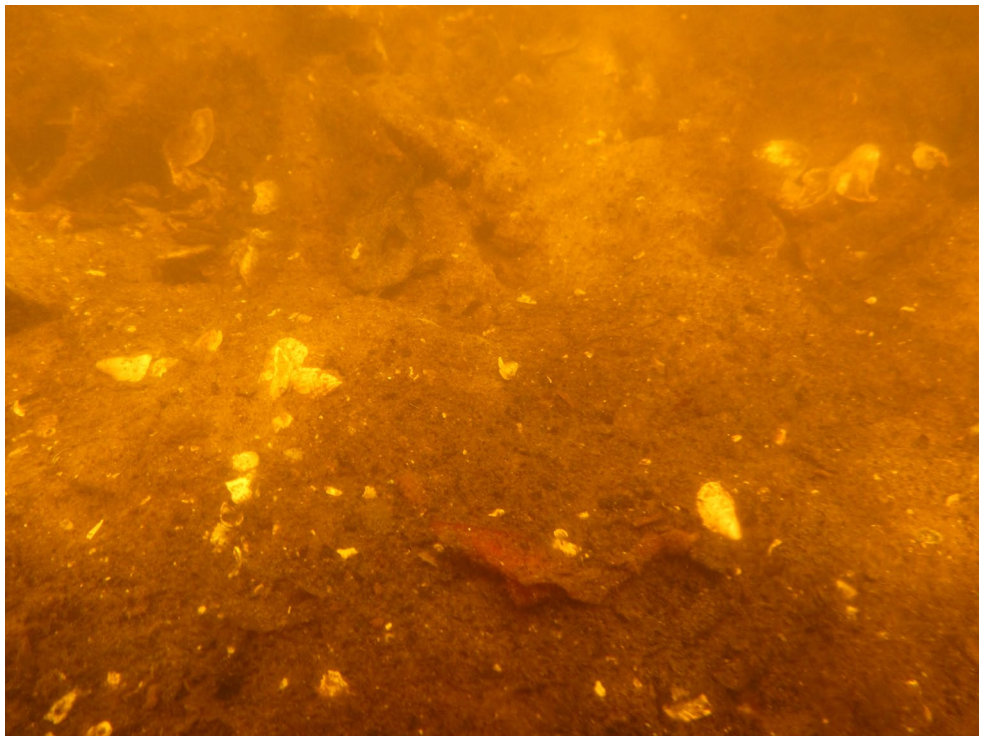
Common Name	Scientific Name
mangrove snapper	*Lutjanus griseus*
sheepshead	*Archosargus probatocephalus*
striped mullet	*Mugil cephalus*
snook	*Centrompus undecimalis*
jack crevalle	*Caranx hippos*

5.0 CONCLUSIONS

The submerged resource survey was completed for the entire subject property shoreline and expanded out 200-feet from the project area which yielded few findings. Barnacles were observed growing on the mangrove roots and existing dock piles on the adjacent properties. The subject property shoreline consists of mangroves which provide natural cover. This mangrove area was where all the observed fish species were located including: Gray Snapper (*Lutjanus griseus)*, Sheepshead *(Archosargus probatocephalus)*, Stripped Mullet *(Mugil cephalus)*, and a few Common Snooks (*Centropomus undecimalis).*

Negative impacts to submerged resources are not expected with the proposed docking facility installation.

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

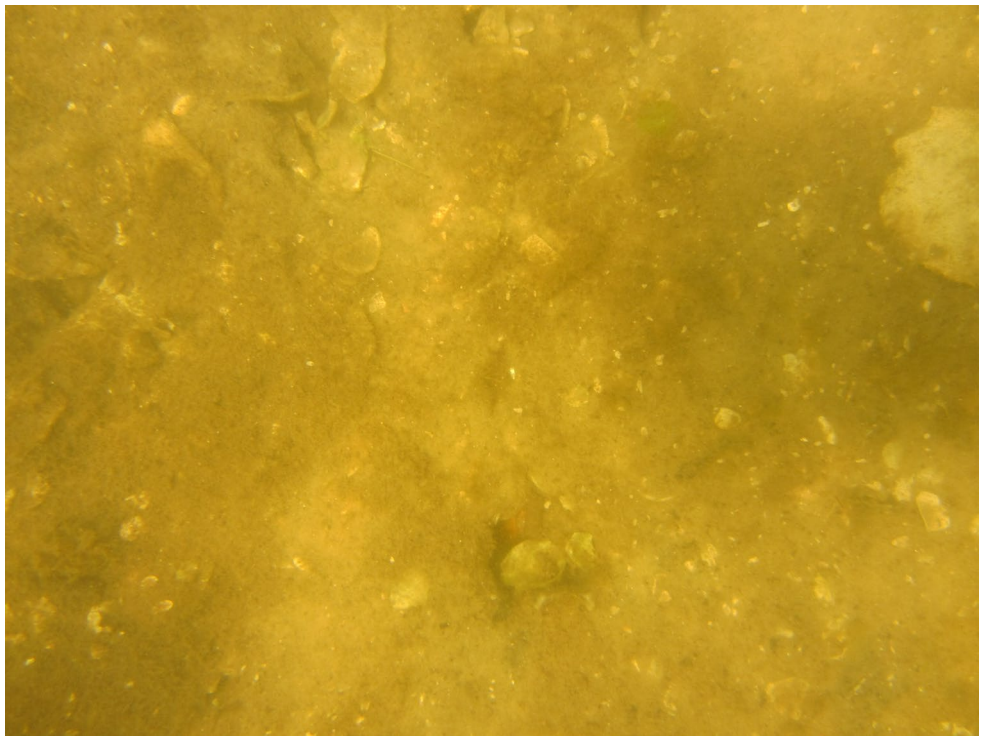


Bottom Sediment along mangrove shoreline, muck with shell & oyster debris



Muck with shell & oyster debris

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

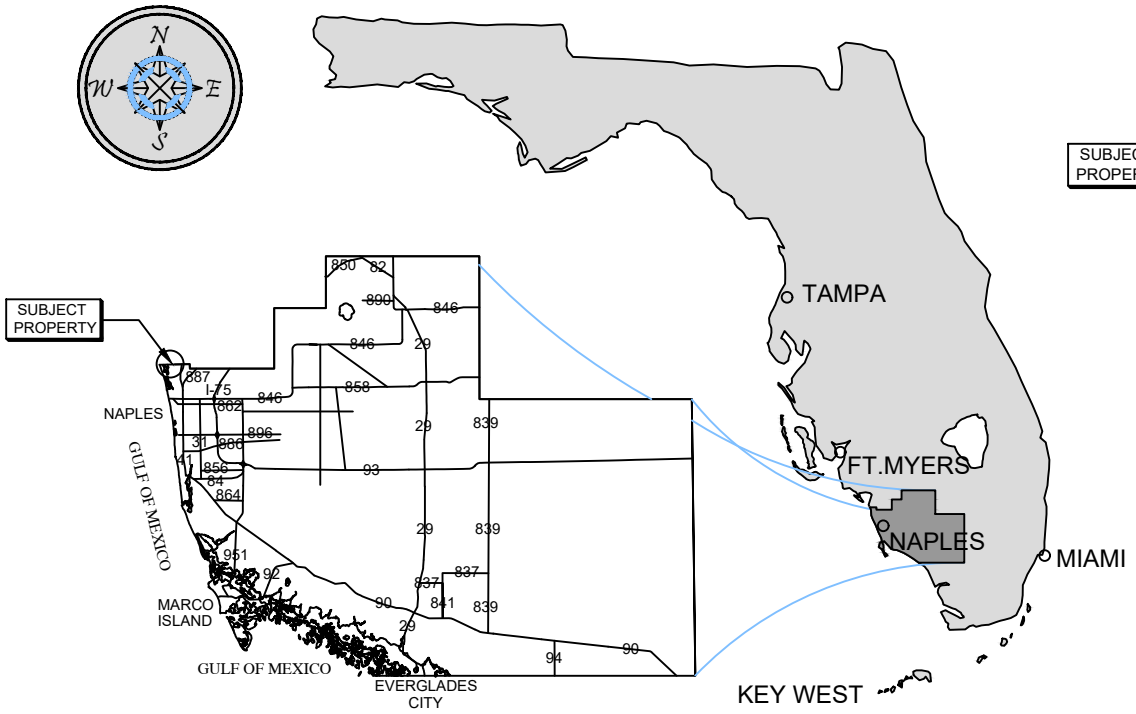


Oyster shell & debris

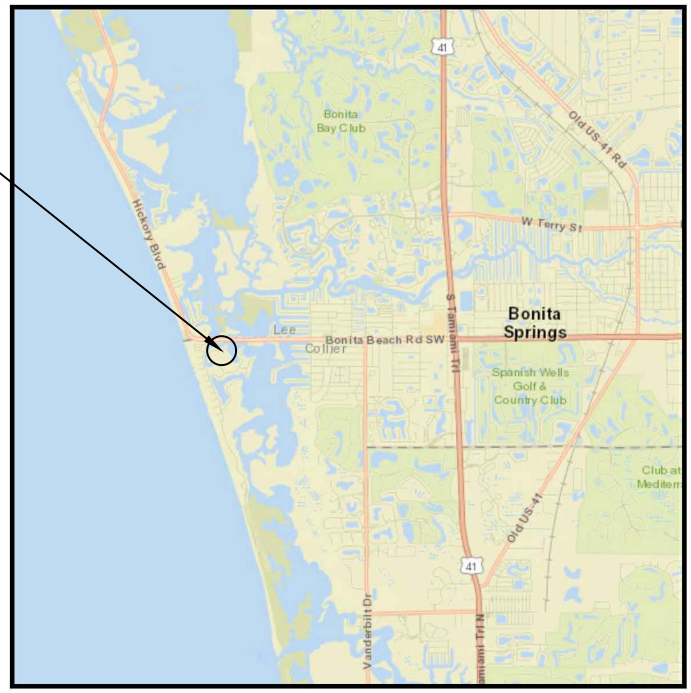
Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

p:\proposals\proposals 2021\left\177 topanga dr\177_TOPANGA.dwg LOCATION MAP 9/2/2021

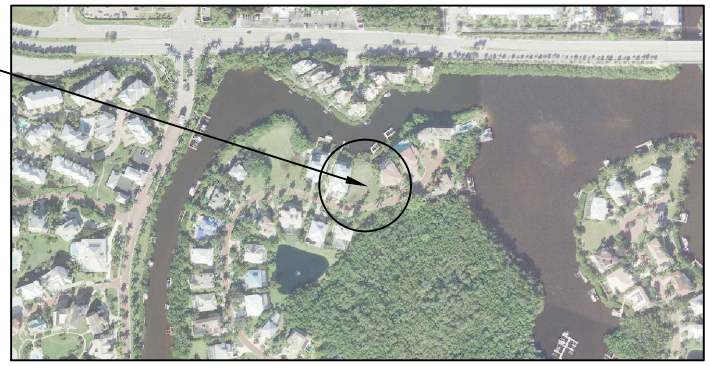
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 177 TOPANGA DR
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.329147
<> LONGITUDE: W -81.840574

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

177 TOPANGA DR

LOCATION MAP

RY NO. 5875

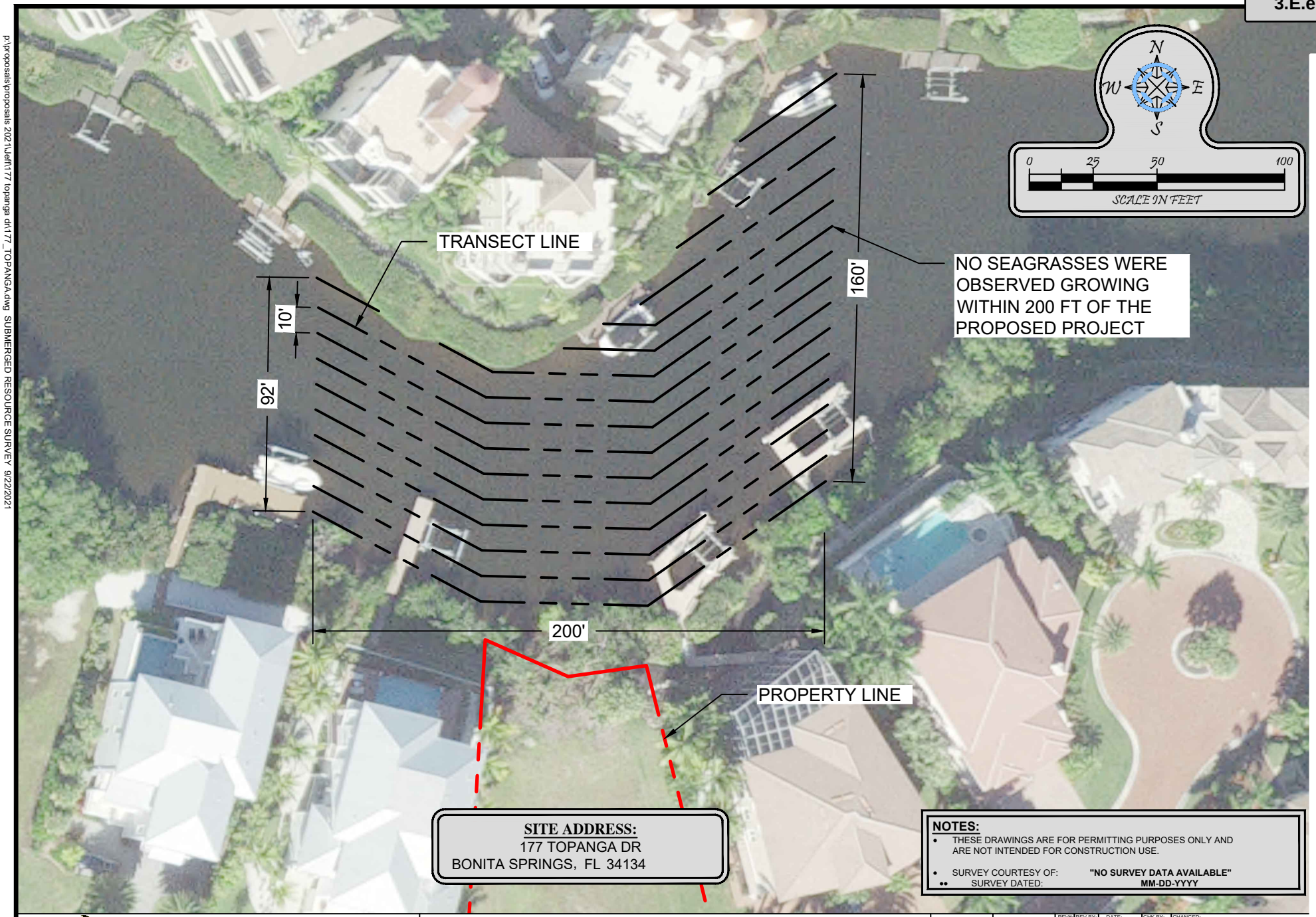
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	09-22-21	3.	-	-	-	-
JOB NO.:	PROPOSALS	4.	-	-	-	-
SHEET NO.:	01 OF 02	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177

p:\proposals\proposals 2021\eff\177 topanga dr\177_TOPANGA.dwg SUBMERGED RESOURCE SURVEY 9/22/2021



SITE ADDRESS:
177 TOPANGA DR
BONITA SPRINGS, FL 34134

NOTES:
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- SURVEY COURTESY OF: "NO SURVEY DATA AVAILABLE"
- SURVEY DATED: MM-DD-YYYY

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

177 TOPANGA DR

SUBMERGED RESOURCE SURVEY

RY NO. 5875

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:	09-22-21	3.	-	-	-	-
JOB NO.:	PROPOSALS	4.	-	-	-	-
SHEET NO.:	02 OF 02	5.	-	-	-	-

SECTION- 06 TOWNSHIP- 48S

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177

CONSERVANCY of Southwest Florida
OUR WATER, LAND, WILDLIFE, FUTURE.

Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

August 12, 2021

Greg Orick II Marine Construction, Inc.

Attention: Mark Oreus, Permit Technician

RE: 177 Topanga Dr. Boat Dock

Dear Mr. Oreus:

Thank you for sending the Conservancy of Southwest Florida the boat dock application design surveys for 177 Topanga Drive for review. Pursuant to the Settlement Agreement between the Conservancy, Lely Estates, Inc., and Collier County pertaining to the Lely Barefoot Beach PUD, the Conservancy must be notified of any proposed construction activities within the conservation easement. Upon review of the site plan surveys dated June 21, 2021 from Agnoli Barber & Brundage Inc., we do not see any inconsistencies with the plan in regard to the easement or settlement agreement, ***with the understanding and commitment from the consultant that, despite the survey drawings depicting the future boat within the mangrove drip line, in fact no mangroves outside of the access walkway will be impacted*** (see consultant communication attached). Per the settlement agreement, an access ramp or walkway through the conservation easement is permissible provided that the ramp or walkway is consistent with the DEP permits and it does not exceed 4 feet in width.

Please feel free to reach out to me with any questions.

Sincerely,

Nicole Johnson

Nicole Johnson
Director of Environmental Policy

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

★★★★ CHARITY NAVIGATOR Four Star Charity

Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

nicole johnson

From: Permitting - GOMC <permits@orickmarine.com>
Sent: Monday, August 9, 2021 11:40 AM
To: nicole johnson
Subject: [EXTERNAL]RE: [EXTERNAL]177 Topanga Dr Conservation Letter of No Objection Request

I believe that just the way the jagged line looks. We actually designed the dock specifically to not even touch the roots of the mangrove. No mitigation will be needed at all for the proposed project. Let me know if you have any other questions.

Thank you,

Mark Oreus
Permit Technician
O: 239-949-5588|C: 239-398-0301 |F: 239-301-2238 |
www.orickmarine.com
GREG ORICK MARINE CONSTRUCTION

From: nicole johnson <nicolej@conservancy.org>
Sent: Friday, August 6, 2021 2:20 PM
To: Permitting - GOMC <permits@orickmarine.com>
Subject: RE: [EXTERNAL]177 Topanga Dr Conservation Letter of No Objection Request

Hi Mark,

A question on this application.

The drawings show the mangrove drip line, with what appears to be the boat intruding into the mangroves. Am I reading this correctly that conservation easement mangroves will have to be removed to accommodate the boat?

Thanks for the clarification.

Nicole

Nicole Johnson
Director of Environmental Policy
Position funded by the Candace and Michael McCaw Endowment
Conservancy of Southwest Florida
1495 Smith Preserve Way
Naples, FL 34102
nicolej@conservancy.org I 239-403-4220

www.conservancy.org

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

ABILITY MANAGEMENT
PROPERTY MANAGEMENT SERVICES

October 27, 2021

Greg Orick Marine Construction/Mark Oreus,

RE: 177 Topanga Drive – Dock

On behalf of Southport on the Bay ARB; The plans submitted for a dock at 177 Topanga Drive, have been reviewed and approved with no objection.

Allen Bouley
Association Manager -C.A.M.
Ability Management
6736 Lone Oak Blvd
Naples, FL 34109
239-591-4200

Attachment: Attachment D - 177 Topanga Dr BDE HEX BACKUP (21227 : PL20210000155 BDE 177 Topanga Drive Paul)

Collier County

COLL ER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210000155

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

Name: Tim Paul

Date: 12-23-21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment E - HEX Hybrid Meeting Waiver BDE (21227 : PL20210000155 BDE 177 Topanga Drive Paul)