COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

January 12, 2023

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 Andrew.Youngblood@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. BDE-PL20210002320 - 415 Seabee Ave - Request for a 12-foot boat dock extension from 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 boat docking facility protruding a total of 32 feet into a waterway that is 213± feet wide. The subject property is located at 415 Seabee Avenue and is further described as Lot 19, Block Q, Conner's Vanderbilt Beach Estates Unit No. 2, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

B. PETITION NO. BD-PL20220002146 - Request for a 35-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 that will protrude a total of 55 feet into a waterway that is 338± feet wide, pursuant to Section 5.03.06 of the Land Development Code, for the benefit of property located at 167 Sunset Cay, also described as Lot 84, Port of the Islands (The Cays) Phase II, in Section 9, Township 52 South, Range 28 East, Collier County, Florida. [Coordinator: John Kelly, Planner II] Commission District 1

C. PETITION NO. BD-PL20220000501 - Request for a 2.75-foot boat dock extension and boathouse from the maximum permitted protrusion of 25 percent of the width of the waterway or 20 feet into a waterway, whichever is less, to allow construction of a boat docking facility protruding a total of 22.75 feet into a waterway that is 91± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 231 Dolphin Cove Court and is further described as Lot 8, Dolphin Cove, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Planner II] Commission District 2

4. Other Business

A. Motion to reconsider HEX Decision 2022-55 for ADA-PL20220004625

5. Public Comments

6. Adjourn

SUPPLEMENTAL STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: JANUARY 12, 2023

SUBJECT: BDE-PL20210002320, 415 SEABEE AVENUE - MAFFEI DOCK

PROPERTY OWNER/APPLICANT:

Massimo and Phyllis LaGrasta Maffei
11128 Palmetto Ridge Dr.
Naples, FL 34110

AGENT:

Nick Pearson
Turrell, Hall & Associates, Inc.
3584 Exchange Ave.
Naples, FL 34104

REQUESTED ACTION:

The petitioner requests a 12-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, pursuant to Section 5.03.06 of the Collier County Land Development Code (LDC), to allow a boat docking facility protruding a total of 32 feet into a waterway that is 213± feet wide.

PROJECT STATUS:

The subject project was initially heard as Agenda Item 3.E during the October 13, 2022, regularly scheduled Collier County Hearing Examiner Meeting. When the item was opened to public speakers it was learned that one or more concerned parties had engaged the services of a local attorney, Mr. Patrick G. White. Mr. White noted that there could be procedural issues given the impact of Hurricane Ian which devastated the coastal area on September 28, 2022. The petitioner's agent suggested that a continuance might be in order as that would allow them to discuss concerns and perhaps resolve any issues.

The petitioner's agent notified Zoning staff that they had attempted to discuss issues with Mr. White; however, no meetings or productive discussions took place. As such, no suggestions as to alterations or design changes were provided. The petitioner has since re-visited their design and, to resolve any conflict with the neighboring property to the west, has made the following changes to their initial dock design:

Attachment: Supplemental Staff Report 12202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

1. The dock has been switched from a floating dock design to a fixed dock design. As a result, the gangway on the east side has been removed.

2. The larger platform area of the dock, which connects to the seawall has changed shape slightly. The floating design had this area dimensioned at 15 feet by 19 feet. The new design will be approximately 11 feet by 17 feet with a flared section leading to the finger dock.

3. The provided side setback on the dock's west side has increased by 7 feet, from 15 feet to 22 feet.

4. The protrusion of the decking of the dock has been reduced to 17 feet from the face of the seawall; the total protrusion of the dock facility remains at 32 feet from the seawall.

5. The width of the finger dock has been reduced by 2 feet, from 6 feet to 4 feet.

6. The outside lift was previously shown as an elevator lift (lift piles on only one side). This has been changed to a conventional 8-post lift.

7. The total overwater square footage previously proposed for the floating dock was approximately 505 square feet. The new fixed dock design will be approximately 331 square feet over water.

New boat dock plans were provided and are attached as Attachment F; said plans are to replace those contained within Attachment A.

E-mailed correspondence from Mr. White reveals the petitioner's agent had provided 2 alternative designs to "his clients" on December 12, 2022, and requested their comments be provided by noon on December 15, 2022. Zoning staff was not copied on said correspondence and is uncertain as to the designs provided for review. As per Mr. White, the following is his clients' response to said design alternatives:

"Although my clients are appreciative of being afforded a last-minute opportunity to review the petitioner's two revised drawings, we are of the opinion they do little to nothing to address our prior concerns and objections; and in fact, could be seen as exacerbating those concerns, almost as if intended to compel acquiescence to the petitioner's original proposal."

Zoning staff is uncertain if the revised plans being presented by the petitioner at this time incorporate any of the design elements of the two alternative designs that were provided to Mr. White and/or his clients. Staff has reviewed said revised plans and finds that, with exception of the requested 32-foot protrusion, said dock facility satisfies the requirements of the LDC. Staff further notes that were it not for the lift being proposed on the eastern side of the dock, said dock would comply with LDC requirements and be permitted without question during the building permit process. In other words, the dock would have been permitted without the outer lift and as such, it is staff's observation that adding the lift to the east side does not further inhibit the western neighbor's ability to ingress or egress their dock.

Attachment: Supplemental Staff Report 12202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20210002320 in accordance with the "Proposed Dock" plan provided within Attachment F.

New Attachments:

Attachment D – Public Correspondence (introduced during the meeting on 10/13/2022)
Attachment E – Revised Dock Design Information
Attachment F – Revised Boat Dock Plans

Attachment: Supplemental Staff Report 12202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: OCTOBER 13, 2022

SUBJECT: BDE-PL20210002320, 415 SEABEE AVENUE - MAFFEI DOCK

PROPERTY OWNER/APPLICANT:

Massimo and Phyllis LaGrasta Maffei
11128 Palmetto Ridge Dr.
Naples, FL 34110

AGENT:

Nick Pearson
Turrell, Hall & Associates, Inc.
3584 Exchange Ave.
Naples, FL 34104

REQUESTED ACTION:

The petitioner requests a 12-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, pursuant to Section 5.03.06 of the Collier County Land Development Code (LDC), to allow a boat docking facility protruding a total of 32 feet into a waterway that is 213± feet wide.

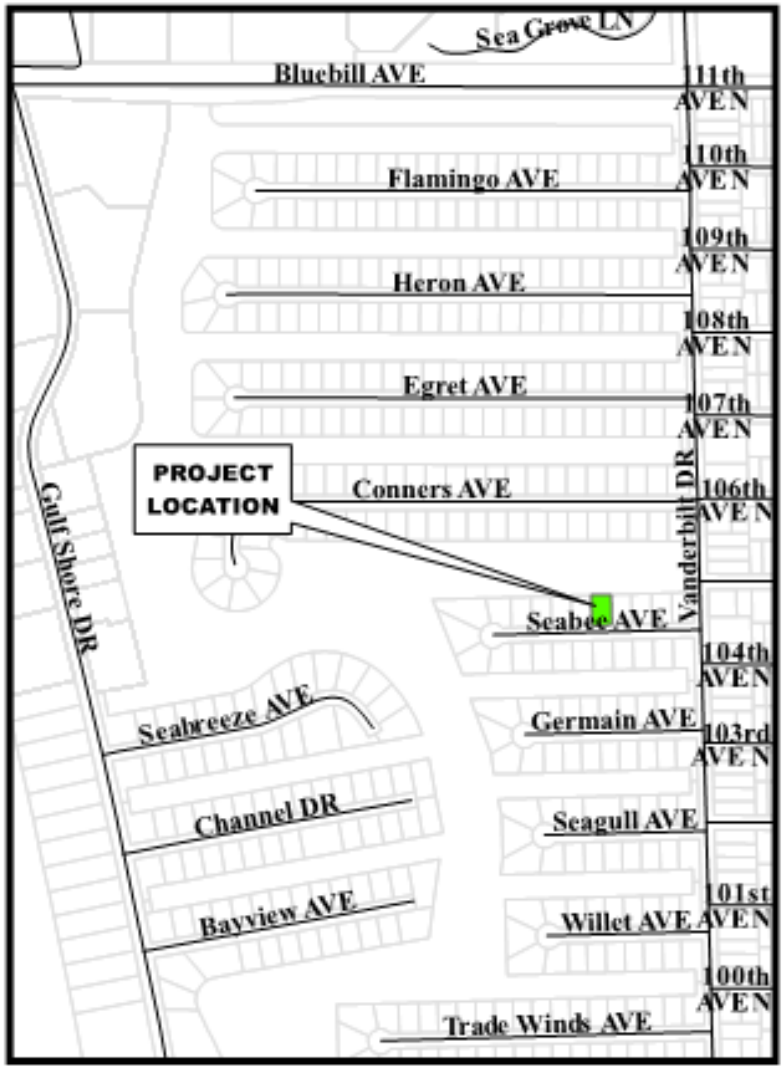
GEOGRAPHIC LOCATION:

The subject property is located at 415 Seabee Avenue, further described as Lot 19, Block Q, Conner's Vanderbilt Beach Estates Unit No. 2, in Section 29, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

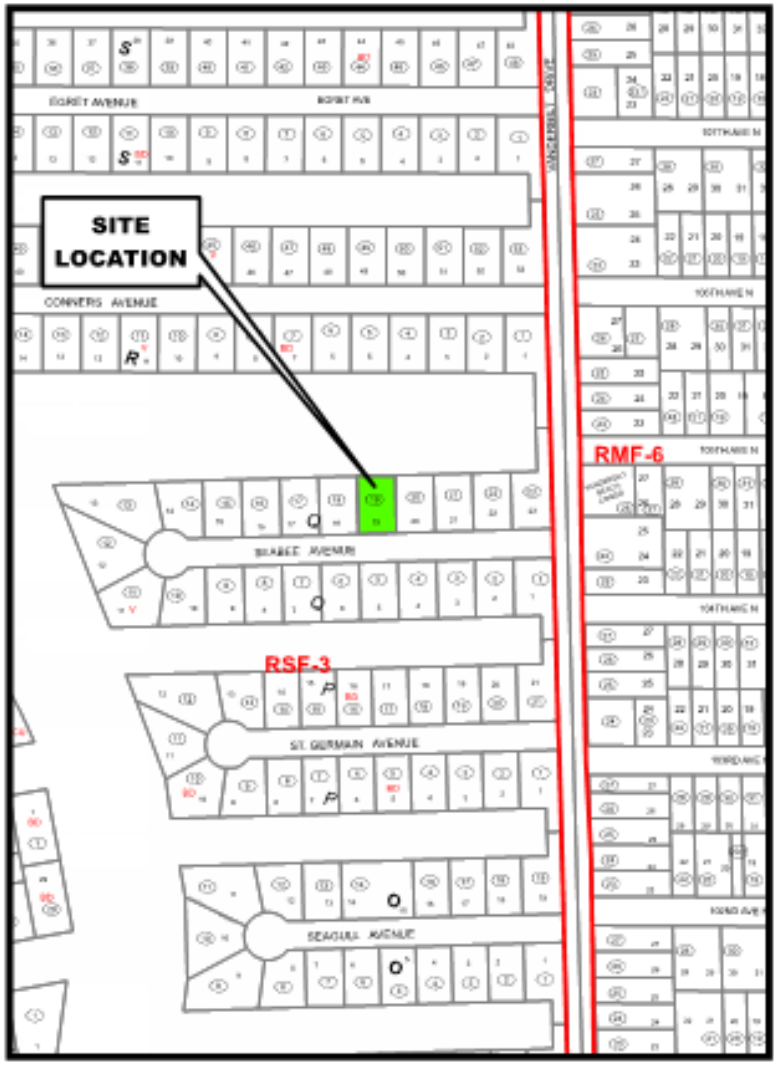
PURPOSE/DESCRIPTION OF PROJECT:

The subject property comprises 0.22 acres that has been razed, is located within a Single-Family-3 (RSF-3) Zoning District, with 80± feet of water frontage. Building Permit No. PRBD20201250795 was issued on 06/04/2021, re-issued on 07/21/2021 upon receipt of revisions, for a 3-story single-family residence that is presently under construction; the project is in "Inspect Status" with inspections being performed by a private provider. The proposed dock facility consists of an L-shaped floating dock that will be shore parallel with two boatlifts, one on the outside to moor a 31-foot vessel and a larger lift on the inside of the dock for a 36-foot vessel. The required 15-foot side/riparian setback will be satisfied on both sides of the dock facility.

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)



Location Map



Zoning Map

Petition Number: PL20210002320

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

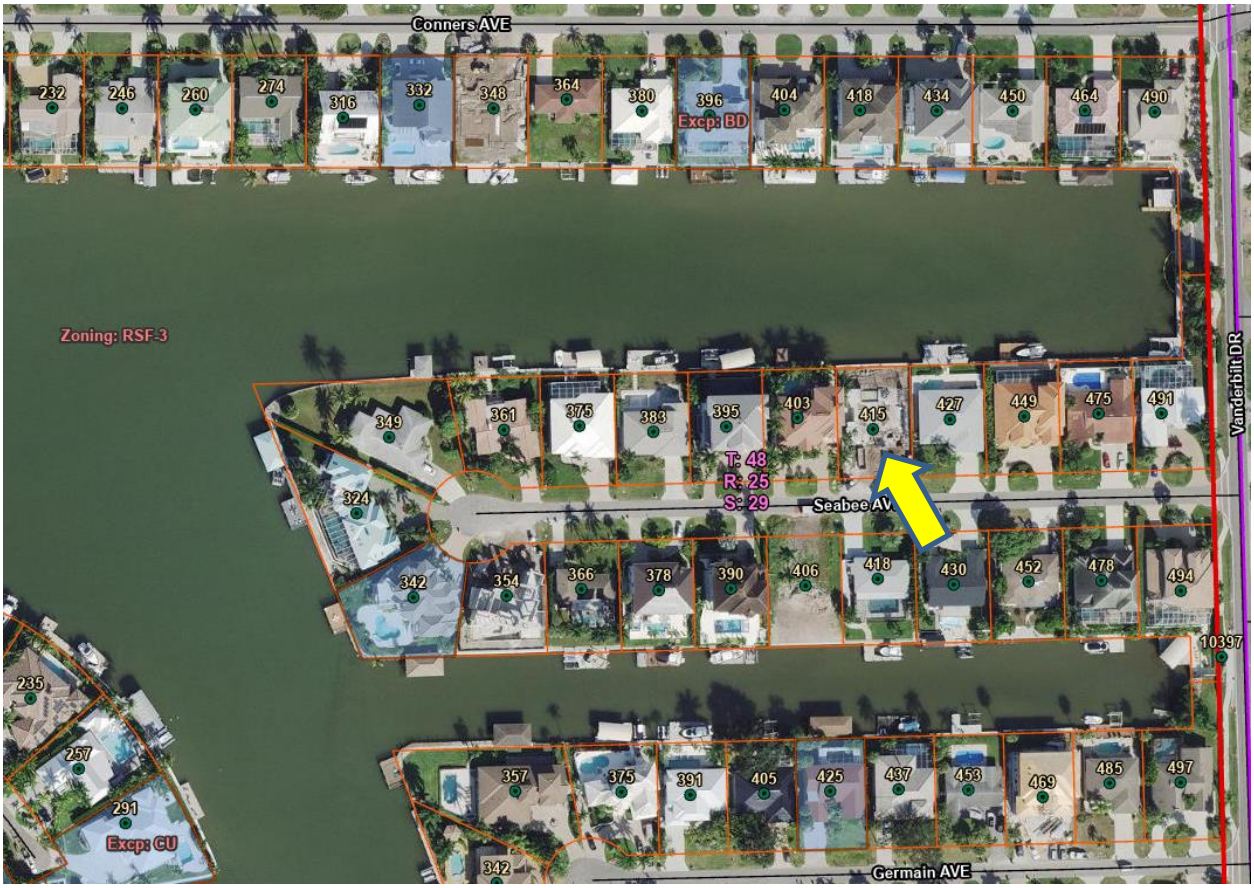
SURROUNDING LAND USE & ZONING:

North: Vanderbilt Lagoon Waterway then a single-family dwelling, Residential Single-Family-3 District (RSF-3)

East: Single-family dwelling, Residential Single-Family-3 District (RSF-3)

South: Seabee Avenue (Right-of-Way) then a Single-family dwelling, Residential Single-Family-3 District (RSF-3)

West: Single-family dwelling, Residential Single-Family-3 District (RSF-3)



Aerial – Collier County GIS

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located adjacent to Vanderbilt Lagoon. The proposed docking facilities will be constructed waterward of the existing seawall. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 6 of 10 of the Site Plan provides an aerial with a note stating that no seagrasses were observed within 200 feet.

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

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 an RSF-3 Zoning District that will support a single-family dwelling, Building Permit No. PRBD20201250795, for which the LDC allows two boat slips. The proposed boat docking facility consists of a single dock with two boat lifts.

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

   Criteria not met. The applicant's agent states: "See attached survey/drawings illustrating the previously existing docking facility and proposed docking facility. Water depths at this location are adequate for the proposed vessels. This criteria [sic] is therefore not met." Zoning staff doesn't disagree and therefore also finds this criterion has not been satisfied.

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's agent states: "There is no navigable channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project and this criterion [sic] is met." Zoning staff concurs.

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

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 213 feet wide, MHWL to MHWL. The proposed dock will protrude 32 feet from the MHWL which is 15.02 percent of the waterway; there will be 163 feet between dock facilities which means 76.53 percent of the waterway will remain free for navigation.

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

Criterion met. The applicant's agent provides the following statement and exhibits: "The proposed docking facility is located entirely within the applicant's riparian area and will meet the required side yard setbacks of 15 feet on both sides. With the exception of the single boat and lift which is triggering the need for this BDE petition, the entire dock facility will also be located within the allowed 20' protrusion limit. That is to say, without the lift, a BDE petition would not be necessary, and the property owner could simply apply for a building permit and construct the floating dock as shown in the exhibits. Navigation to, from, and around a U-shaped, shore parallel oriented dock vis the 30' space provided by combined side setbacks is required in almost every dock within Vanderbilt lagoon. In this case, since the proposed boatlift poses no additional obstacle to navigation beyond that of the dock by itself, there is no reason to believe that navigation to the neighboring properties will be affected adversely by the project proposed under this BDE petition.

In terms of specifics, the docking facility to the east is oriented so that ingress/egress occurs from the east (away from the subject property). This property should therefore not be affected by the project at all. The property to the west also has a dock facility which, as is typical for the area, utilizes essentially the entirety of its riparian area that falls within the side setbacks and 20' protrusion limit. This facility will moor a maximum-sized boat of 33' in length that will ingress/egress from the east (towards the facility proposed under this BDE petition). The floating dock being proposed at the subject property, which is entirely within the 20-foot protrusion limit, would require the neighbor's boat to angle somewhat in and out of the lift for proper navigation. As discussed above, this sort of angled entry and exit path is common within the general area. The lift being proposed on the outside of the floating dock would not alter this angle of ingress/egress. Therefore, we believe that no neighboring dock facilities nor public navigation will be affected by the proposed structures, and this criterion [sic] is therefore met.

It is also not uncommon throughout Vanderbilt lagoon for boats to be docked within a slip where the backing distance is significantly less than the moored vessel's total length. And while we acknowledge that ingressing [sic] and egressing from a slip in this type of situation is constricted, such is also the nature of the shore parallel dock configuration throughout Vanderbilt Lagoon. Several examples of this situation can be seen in the photos below."

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)



103 Bayview Ave – 38 ft. of boat length and 24 ft. of backing distance.



151 Bayview Ave. – 33.5 ft. of boat length and 27 ft. of backing distance.



314 Egret Ave. - 40.5 ft. of boat length and 23 ft. of backing distance.



410 Egret Ave. – 36 ft. of boat length and 25 ft. of backing distance.

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

Zoning staff does not disagree with the applicant; however, must point out that, by definition, a boat dock facility includes all slips and vessels to be moored at the dock and that a dock is a structure constructed in or over a waterway for the purpose of mooring a boat or other watercraft; therefore, although the floating dock could be constructed without a BDE, the waterward side could not be used as a slip with or without a lift and the dock would still need a useable slip. To accept the applicant's argument, Staff needs to find that the proposed interior or most landward slip is functional. Staff further notes that it appears to be the proposed dock itself (located within the 20-foot protrusion limit) and not the proposed lift or vessel on the waterward side that is the potential cause for any docking challenges that could impact the neighbor to the west. Ultimately, staff opines that the applicant is correct that the proposed dock facility would be permitted by the County with a single slip which would pose the same docking challenges to the western neighbor; thus, staff is compelled to find that this criterion has been satisfied as it is located within the required side/riparian setback.

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 the type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)**

   Criterion met. The applicant states, in part: "The Vanderbilt Lagoon waterway is fronted by a network of linear streets, canal, and docks. This grid configuration of properties, combined with the 20' protrusion limitation for docks (as defined by Collier County's Land Development Code) in this area of the canal, all but requires the orientation of docks to be constructed in a shore parallel configuration. As a result, most docks present on standard canal lots within Vanderbilt lagoon are more or less uniform in utilizing this shore parallel mooring configuration, where the full 20' of protrusion and 40' to 50' area (for typical sized lots) within the riparian side setbacks are preempted. The subject property has 50' of riparian area between its 15' riparian setbacks. However, this shore-parallel configuration makes full use of the riparian area difficult or not possible should the applicant want to moor a boat that is larger than the combined 15' side setbacks of the applicant and their neighbor. This is namely because, although the applicant's vessel might fit within its riparian area, the neighboring docking facilities may block the needed ingress or egress path to the vessel's slip…" Zoning staff concurs that the neighboring dock facilities must be taken into account when looking at the waterway as a whole and further concurs that the actual length of owned shoreline factors into the proposed boat dock facility design; therefore, this criterion has been satisfied.

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.)**

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

Criterion met. The applicant states: "The proposed facility will utilize approximately 505 square feet of 'decking', which is located entirely within the normal protrusion limit of 20' from the mean-high water line. This amount of structure is in-line with nearly all neighboring facilities in the area. Both contiguous neighbors at 403 and 427 Seabee Ave have comparably sized docks respectively with approximately 560 square feet and 490 square feet of decking, as seen in the photos below.





Additionally, the previous dock on this property was also approximately 500 square feet in area. The access walkway of the proposed dock is 6' wide and is typical for floating docks and for other dock structures in the area as well. The larger area on the east side of the facility will be used to provide space for the gangway and to provide storage space for recreational items such as dock boxes, kayaks or paddleboards, a fish cleaning station, etc. Lastly, this square platform will provide structural stability to the access walkway, similar to an outrigger on a sailboat. From an engineering standpoint, long skinny floating docks are never advisable because of their instability, known as the canoe effect. For the reasons listed above, and because no submerged resources are present in the area, we believe the decking proposed is not excessive and that this criterion [sic] is met." Zoning staff is convinced that there is no decking beyond the allowable 20-foot protrusion limit and that the landward of the protrusion limit has been engineered to provide stability for the floating dock; therefore, this criterion is satisfied.

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 combined length of the proposed vessels, 67 feet, will exceed 50 percent of the property's 80-foot shoreline.

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

Criterion met. The applicant's agent states: "Criteria #4 is aimed at whether or not the facility will have a 'major impact' on the waterfront views of the neighbors. Neither the use nor the number of vessels proposed is excessive beyond what the normal building code

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

would allow. The proposed structures are also located entirely within the applicant's riparian area and riparian setbacks and no decking is proposed outside the normal protrusion limit. Although the adjective 'major' is, in this context, a subjective term, our opinion is that the proposed structures will not constitute an impact on the neighbors' views at all beyond what is typically allowed. And the structures will certainly not constitute a major impact.

Additionally, the right of view of riparian owners is restricted to the space within their respective riparian areas. From this perspective, the views of the neighbors won't be changing at all, and impacts on their legally allotted views will not be affected. If the views outside the neighbors' riparian areas are considered, then it should be noted that nearly every house on the project's site's canal is already built out with a dock and boat(s). The proposed facility consists of a private, recreational 2-vessel dock which will serve the same use and purpose as everyone else. Therefore, because the use of the property is not changing, and because both vessels are located entirely within the owner's riparian area, our opinion is that the project should not have an impact on the views of neighboring property owners, and this criterion [sic] is met."

To evaluate this criterion, Zoning staff must be mindful that both the applicant and their neighbors have rights that must be applied equally and fairly. It is staff's understanding that a waterfront property owner has the right to an unobscured view within their riparian area; however, rights to a view outside of said area riparian area are limited to the extent that a neighbor should not have their rights to full use of their waterfront property (to include docks) infringed upon. Given that the proposed dock facility has been designed to be fully within the riparian area of the subject property, and that the required 15-foot side/riparian setbacks are satisfied on both sides, staff finds that the proposed dock has been fully minimized beyond the 20-foot thereby minimizing any impact to views.

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

Criterion met. There are no seagrass beds present on the property nor the neighboring properties within 200 feet of the existing dock structure.

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

Criterion is not applicable. The proposed project is for a single-family residential boat dock facility. Section 5.03.06.E.11, Manatee Protection Plan, is not applicable for this boat dock proposal.

Staff analysis finds this request complies with four of the five primary criteria and five of the six secondary criteria with the sixth criterion being not applicable. As of the date of this Staff Report, no public opposition has been received.

Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

CONCURRENT LAND USE APPLICATIONS:

There are no known concurrent land use petitions.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:

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

RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20210002320 in accordance with the "Proposed Dock" plan provided within Attachment A.

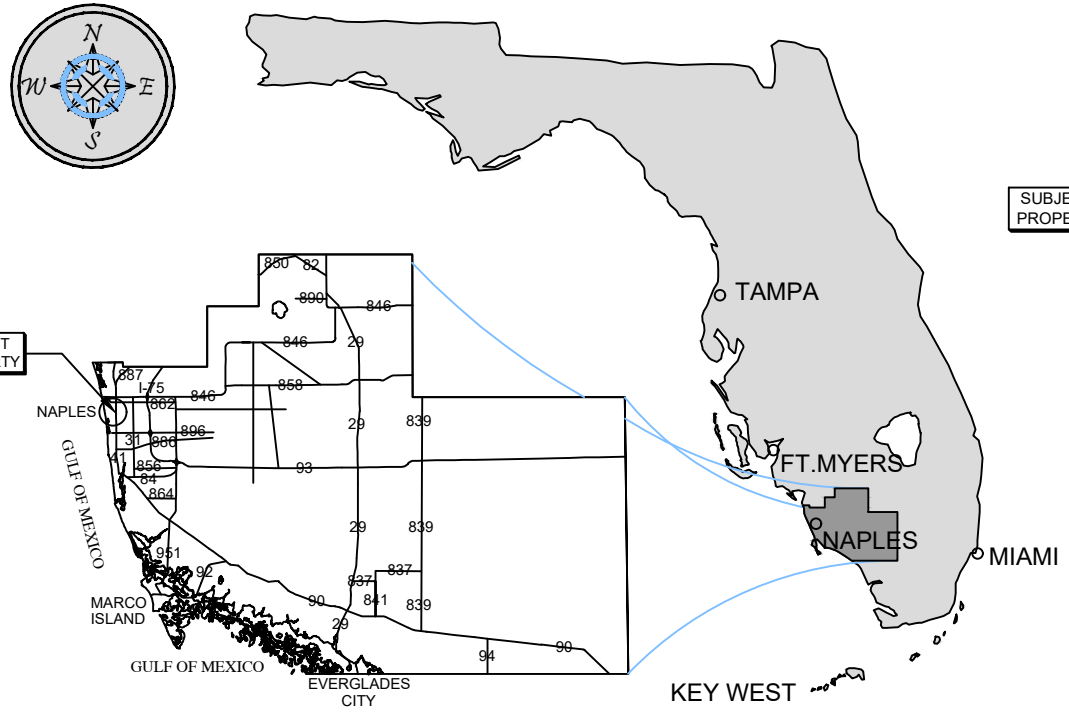
Attachments:

A. Proposed Dock Plans
B. Public Hearing Sign Posting
C. Applicant's Backup; Application and Supporting Documents

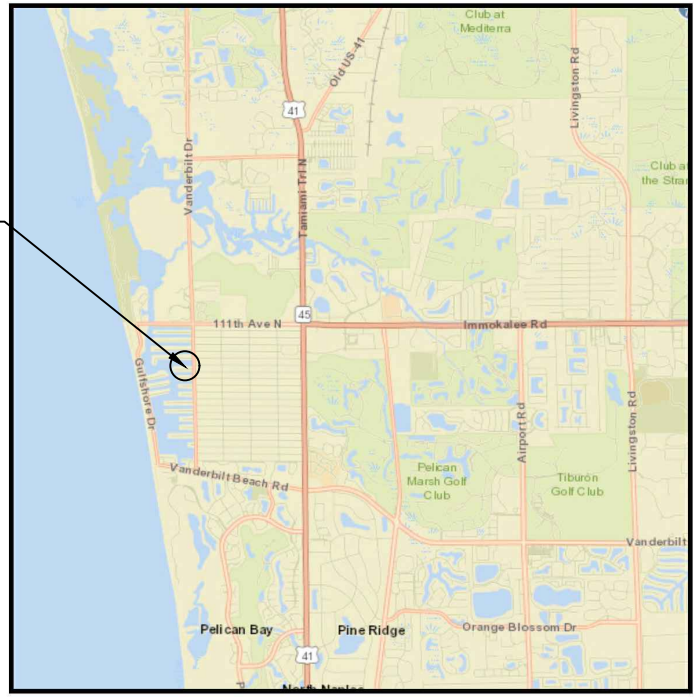
Attachment: Staff Report 09202022 (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg LOCATION MAP 8/4/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 415 SEABEE AVE
NAPLES, FL 34108

<> LATITUDE: N 26.266570
<> LONGITUDE: W -81.818745

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

415 SEABEE AVE

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:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg EXISTING CONDITIONS 8/4/2022



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: **"JH McCARRIER LAND SURVEYING, INC."**
  - SURVEY DATED: **05-14-19**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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

415 SEABEE AVE

EXISTING CONDITIONS

RY NO. 5875

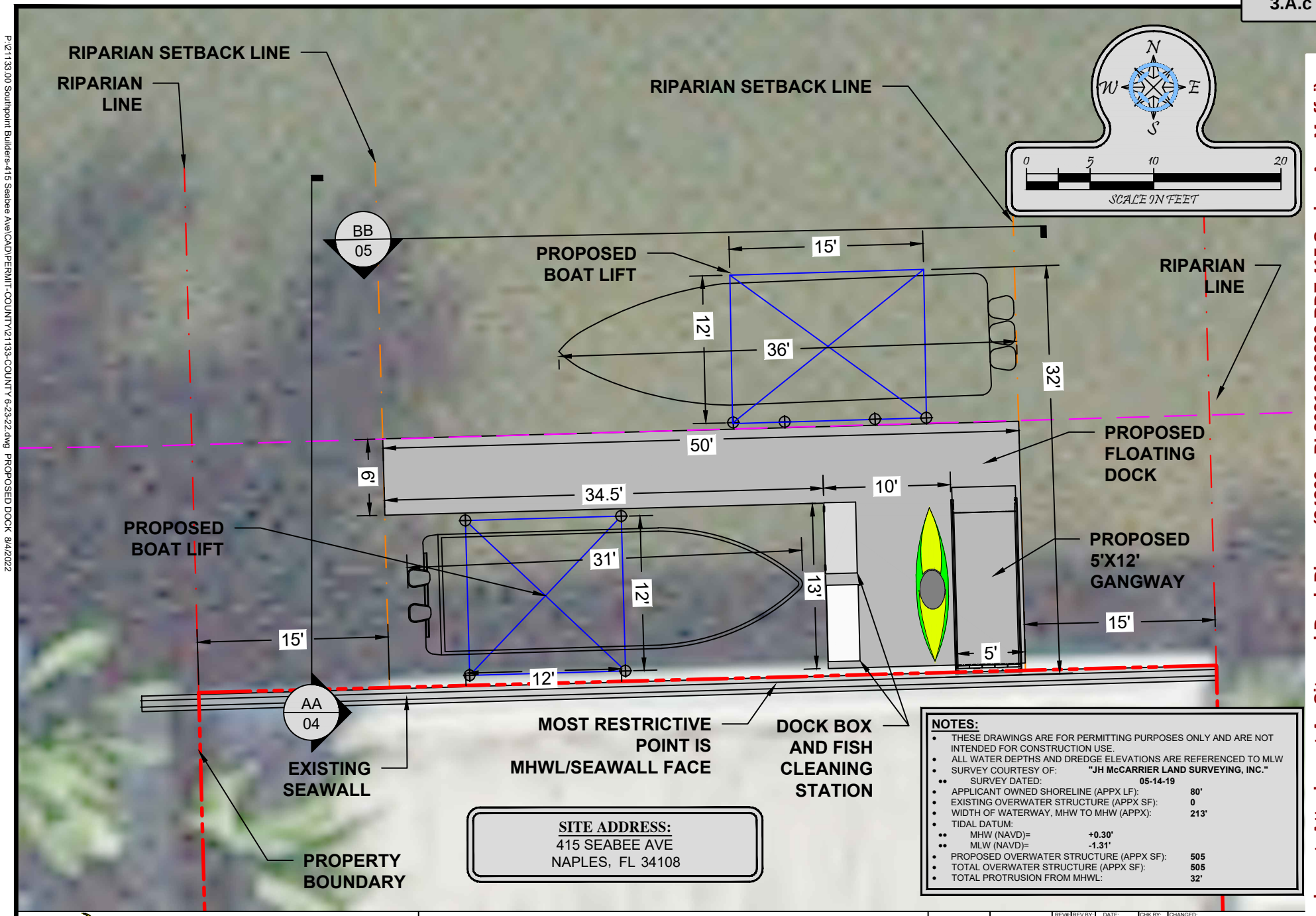
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	02 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg PROPOSED DOCK 8/4/2022

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)



SITE ADDRESS:
415 SEABEE AVE
NAPLES, FL 34108

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: **"JH McCARRIER LAND SURVEYING, INC."**
  - SURVEY DATED: **05-14-19**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **505**
- TOTAL OVERWATER STRUCTURE (APPX SF): **505**
- TOTAL PROTRUSION FROM MHWL: **32'**

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415 SEABEE AVE

PROPOSED DOCK

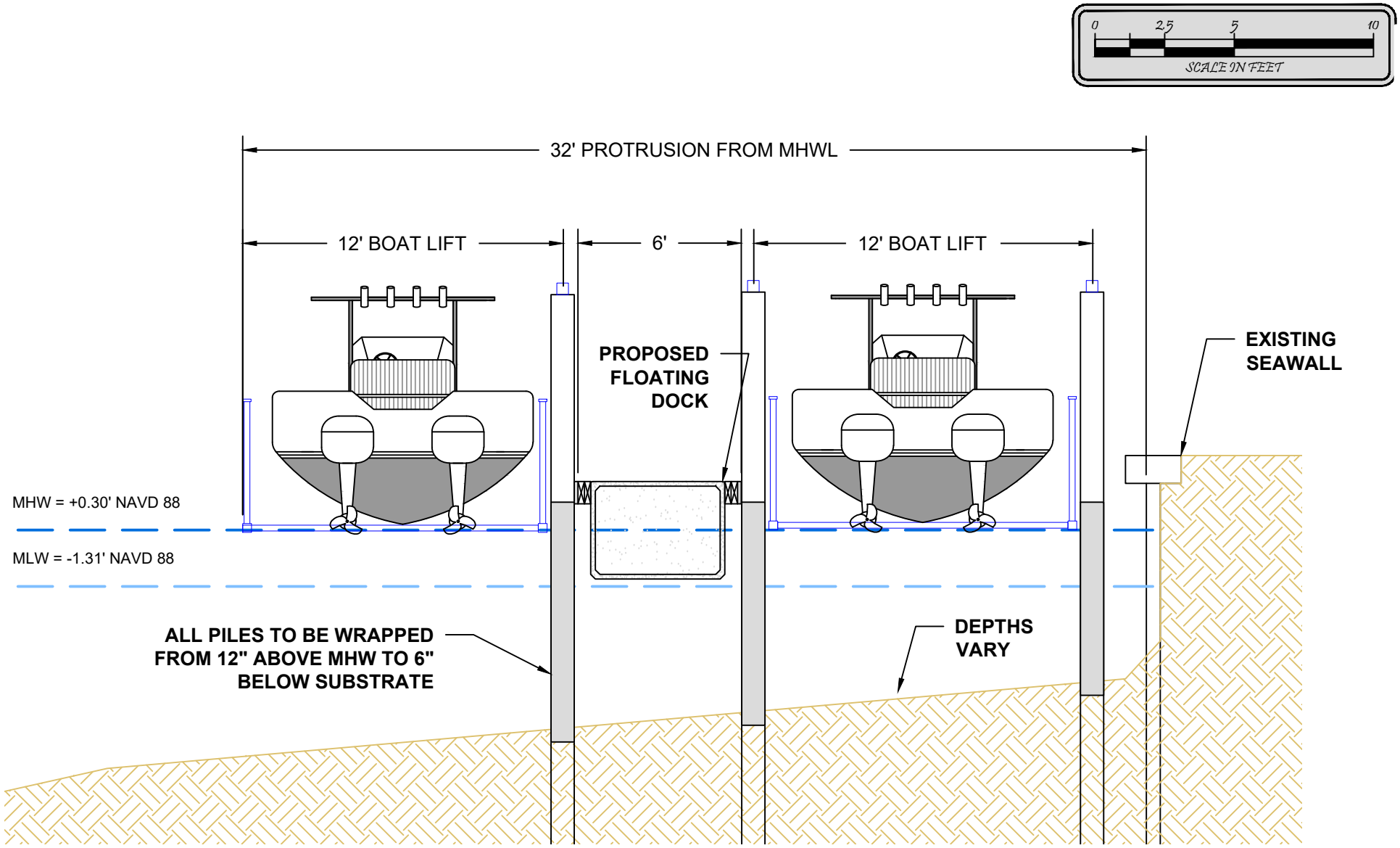
RY NO. 5875

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SHEET NO.:	03 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg CROSS SECTION AA 8/4/2022



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415 SEABEE AVE

CROSS SECTION AA

RY NO. 5875

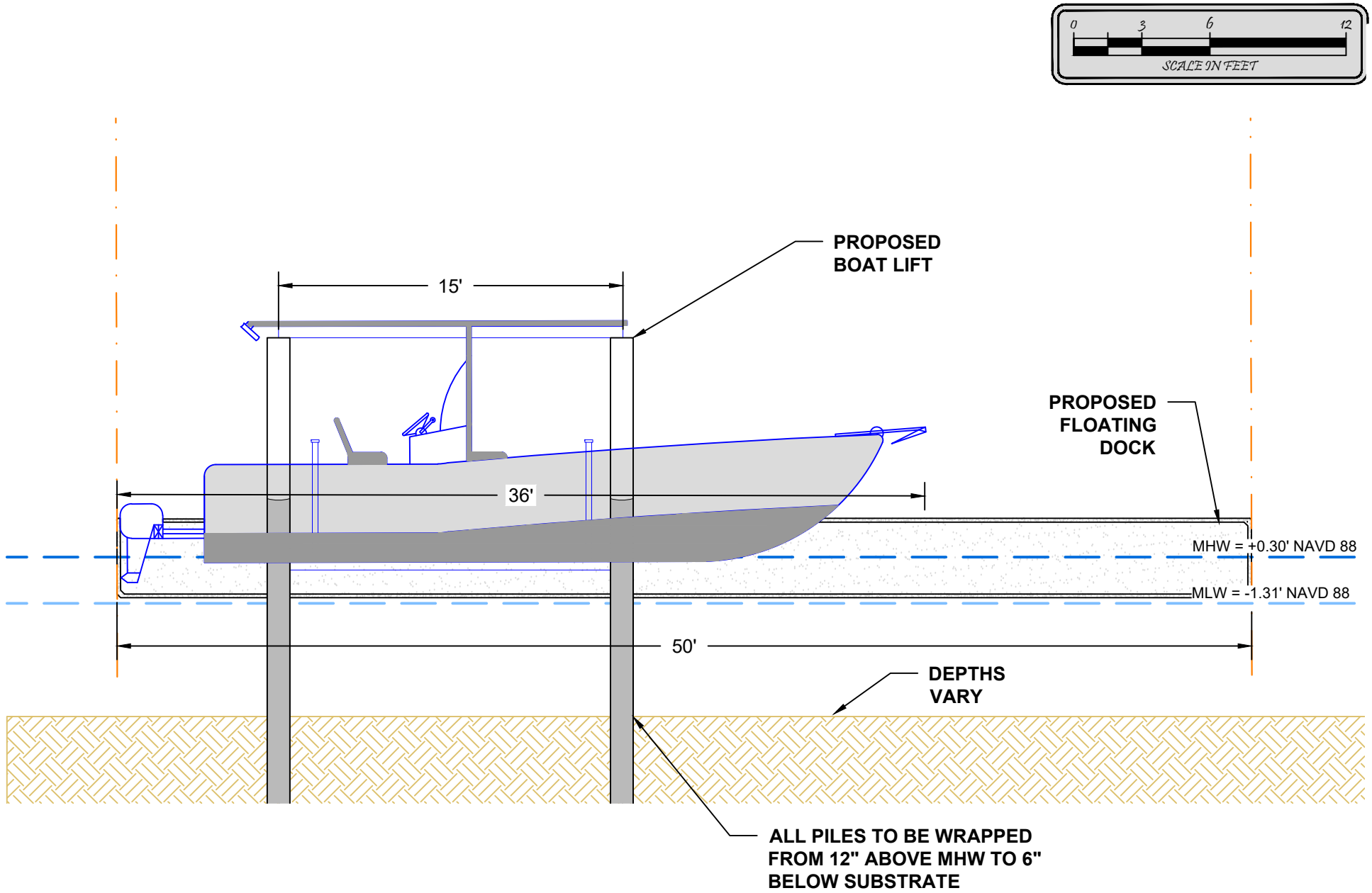
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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	04 OF 10	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg CROSS SECTION BB 8/4/2022



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415 SEABEE AVE

CROSS SECTION BB

RY NO. 5875

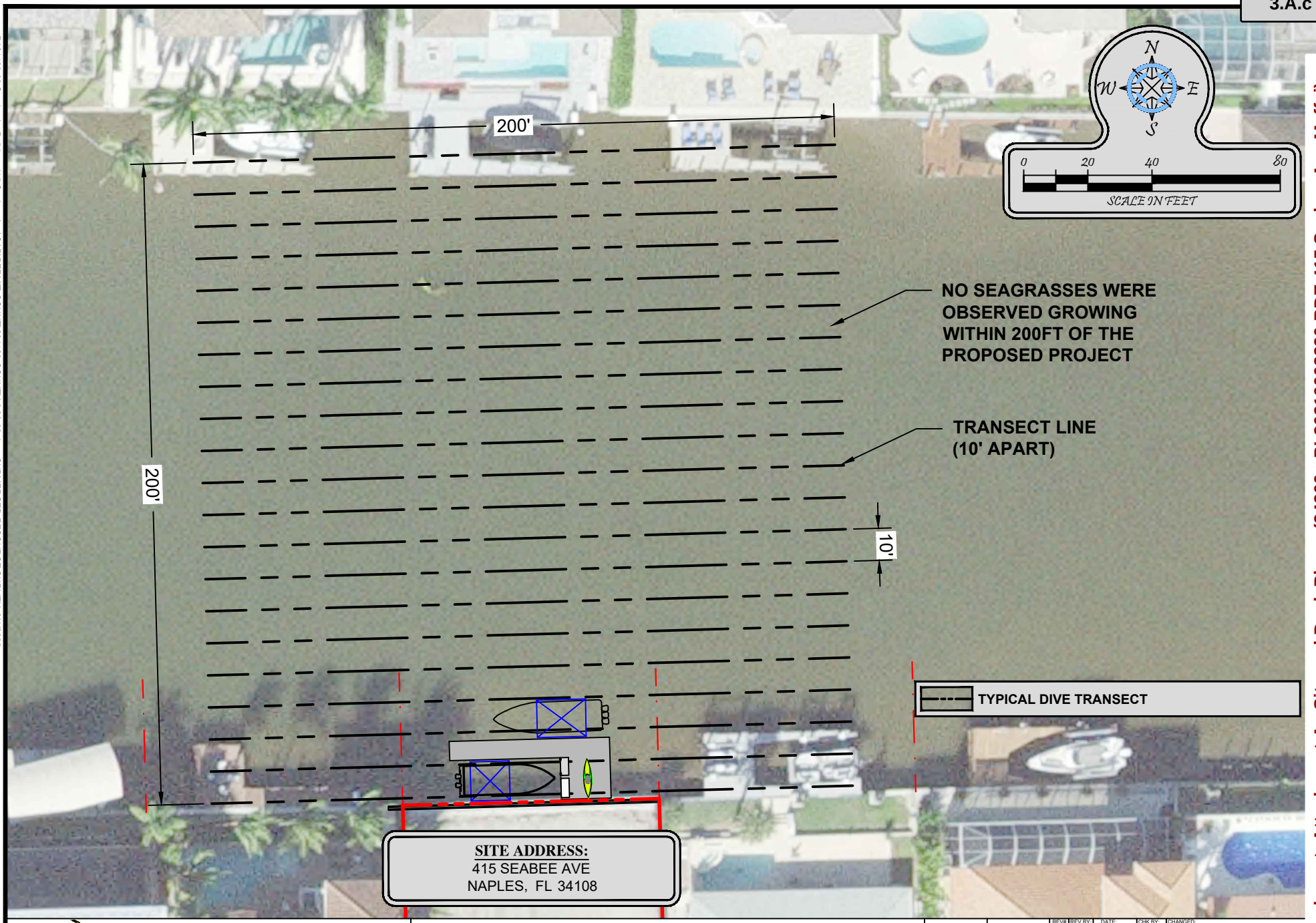
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg SUBMERGED RESOURCE SURVEY 8/4/2022



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415 SEABEE AVE

SUBMERGED RESOURCE SURVEY

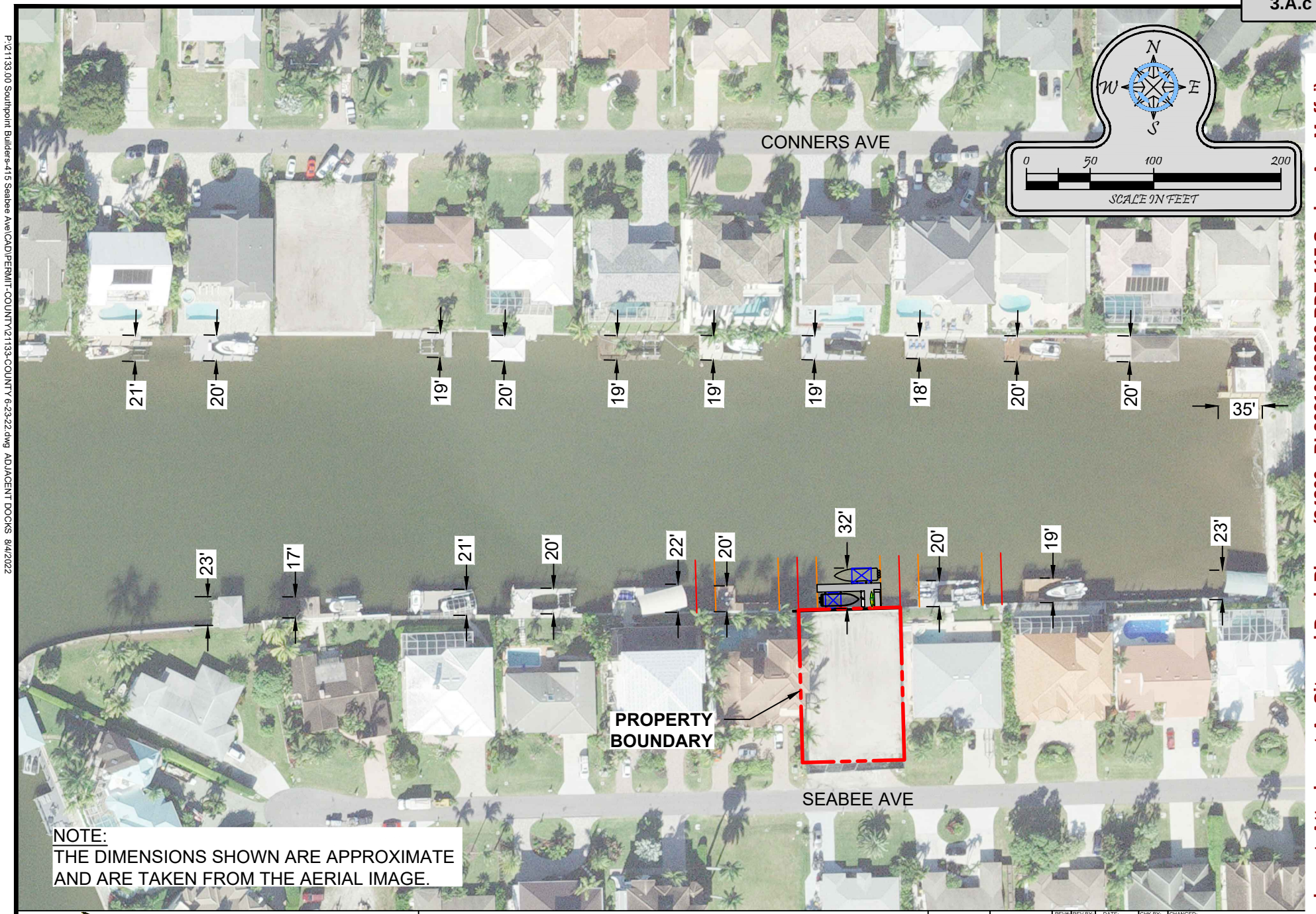
RY NO. 5875

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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	06 OF 10	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)



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

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415 SEABEE AVE

ADJACENT DOCKS

RY NO. 5875

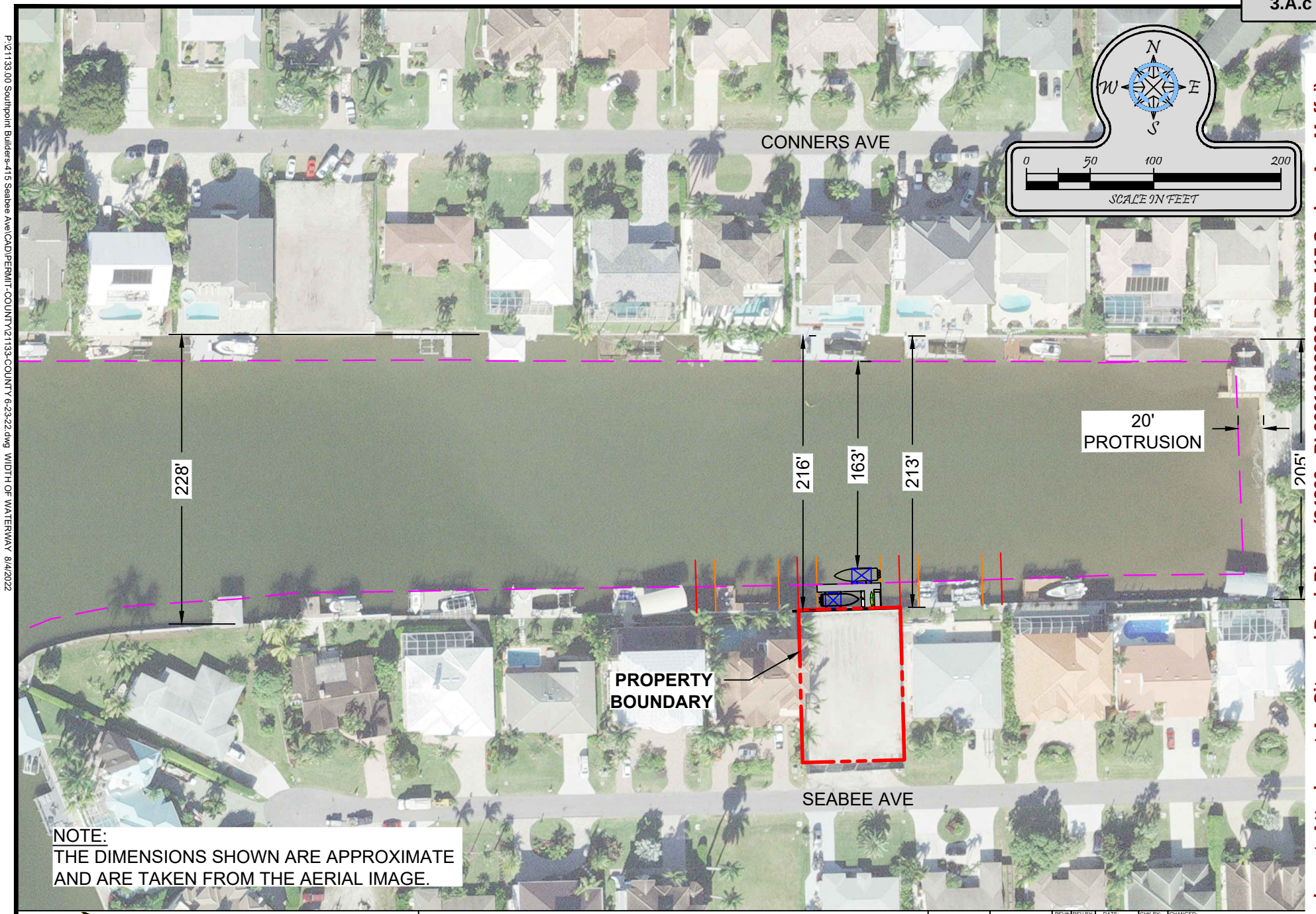
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CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	07 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg ADJACENT DOCKS 8/4/2022

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)



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415 SEABEE AVE

WIDTH OF WATERWAY

RY NO. 5875

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		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
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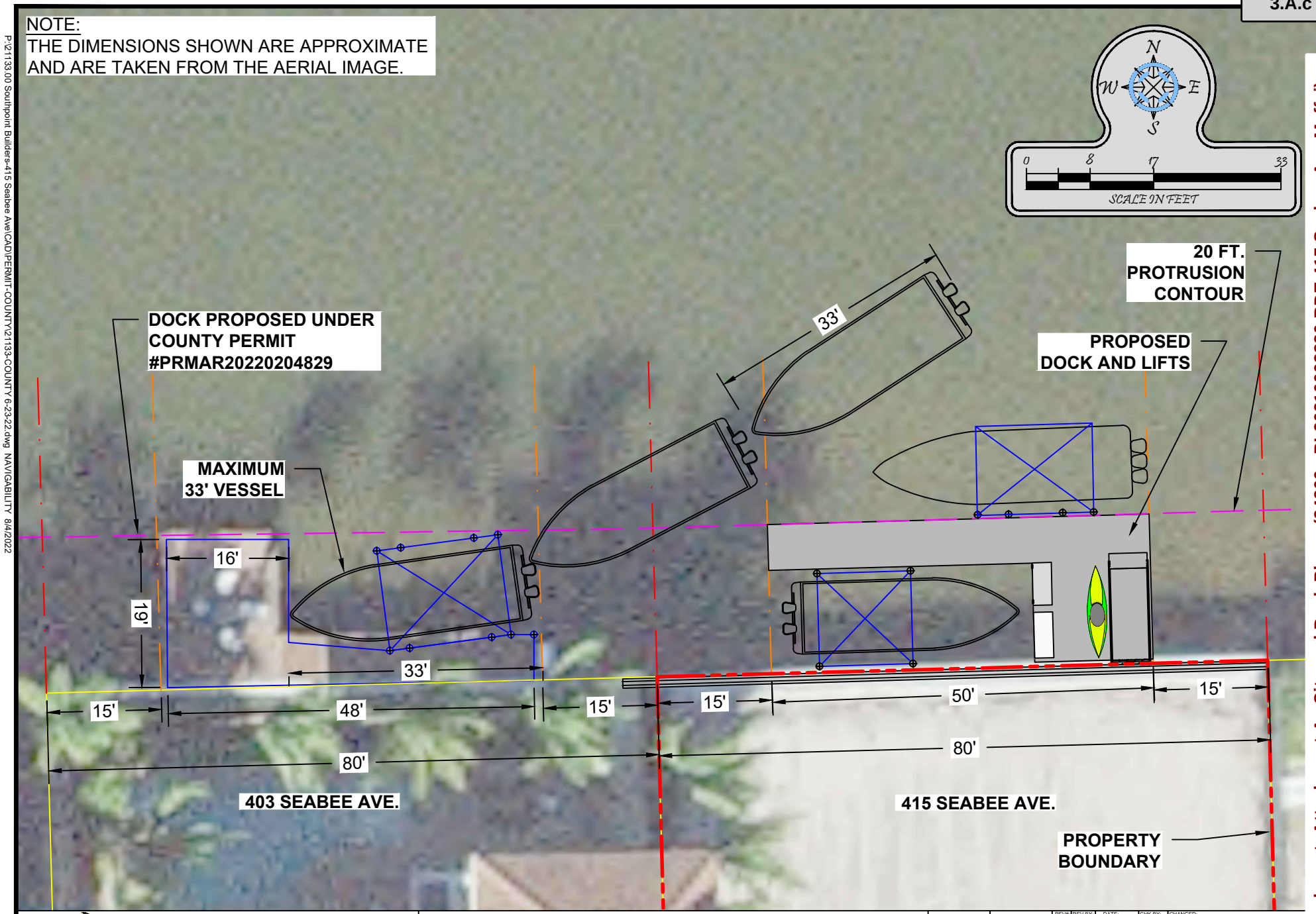
SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg WIDTH OF WATERWAY 8/4/2022

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg NAVIGABILITY 8/4/2022

NOTE:
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415 SEABEE AVE

NAVIGABILITY OF NEIGHBORS

RY NO. 5875

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

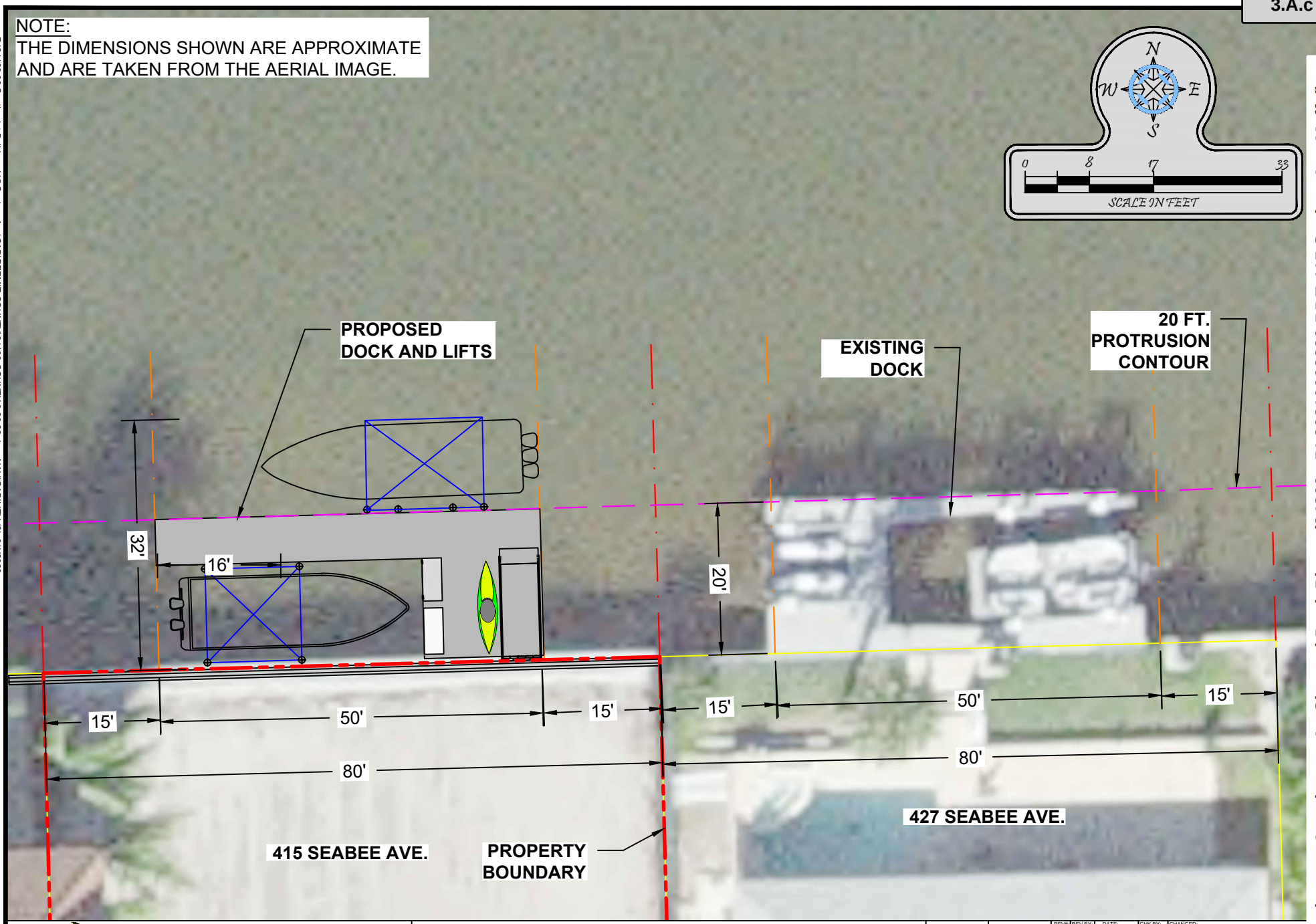
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	09 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg NAVIGABILITY (2) 8/4/2022

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415 SEABEE AVE

NAVIGABILITY OF NEIGHBORS

RY NO. 5875

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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	10 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Site and Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

KellyJohn

From: KellyJohn
Sent: Monday, October 3, 2022 5:06 PM
To: KellyJohn
Subject: BDE-PL20210002320 - 415 Seabee Ave - HEX Sign Posting 10/3/2022
Attachments: Photo 1.jpg; Photo 2.jpg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petition, scheduled for hearing by the Hearing Examiner on October 13, 2022, at approximately 1:55PM this date. Said sign was posted to the front of the subject property immediately adjacent to the nearest public right-of-way 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 - Public Hearing Sign Posting (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)





Attachment: Attachment B - Public Hearing Sign Posting (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

MAFFEI DOCK
415 SEABEE AVENUE
NAPLES, FL 34108

BDE PETITION
#PL20210002320
AUGUST 2022

PREPARED BY:

TURRELL, HALL & ASSOCIATES, INC.
Marine & Environmental Consulting
PHONE: 239-643-0166 WWW.THANAPLES.COM

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

BDE. PL202100
415 SEABEE AVE

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 C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

✓ 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.

Signature of Agent Representative

9/7/2022
Date

Nick Pearson
Printed Name of Signing Agent Representative

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Application Form

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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): Massimo Maffei and Phyllis Maffei

Name of Applicant if different than owner: _____

Address: 11128 Palmetto Ridge Dr **City:** Naples **State:** FL **ZIP:** 34110

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

E-Mail Address: _____

Name of Agent(s): Nick Pearson

Firm: Turrell, Hall & Associates, Inc.

Address: 3584 Exchange Ave. **City:** Naples **State:** FL **ZIP:** 34104

Telephone: (239) 643-0166 **Cell:** _____ **Fax:** _____

E-Mail Address: Nick@THAnaples.com

PROPERTY LOCATION

Section/Township/Range: 29 / 48S / 25E **Property I.D. Number:** 27589360008

Subdivision: Conner's Vanderbilt Beach Est **Unit:** 2 **Lot:** 19 **Block:** Q

Address/ General Location of Subject Property:
415 Seabee Avenue

Current Zoning and Land use of Subject Property:
RSF-3

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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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	RSF-3	N/A / open water
S	RSF-3	single-family residential
E	RSF-3	single-family residential
W	RSF-3	single-family residential

DESCRIPTION OF PROJECT

Narrative description of project (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):
see attached narrative

SITE INFORMATION

1. **Waterway Width:**
   213 ft. Measurement from ☐ plat ☐ survey ☒ visual estimate
   ☒ other (specify) GIS
2. **Total Property Water Frontage:**
   80 ft.
3. **Setbacks:**
   Provided: 15 ft.
   Required: 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   32 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 31 ft.
   2. 36 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   Both neighboring docks to the east and west protrude 20' into the waterway (403 and 427 Seabee Ave.)
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

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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(239) 252-2400 FAX: (239) 252-6358

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 - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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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 C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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 - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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: ENVIRONMENTAL
☐	Emergency Management: Dan Summers; and/or EMS: Artie Bay	☐	Other:

PAID ☑ PRE-APP Meeting Fee $500.00

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

8/2/2022
Date

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Narrative Statement

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

TURRELL, HALL & ASSOCIATES, INC.
Marine & Environmental Consulting

3584 Exchange Avenue ● Naples, Florida 34104-3732 ● 239-643-0166 ● Fax (239) 643-6632 ● tuna@thanaples.com

415 Seabee Ave. BDE Petition #PL20210002320
February 16, 2021
Narrative Description of Project

Narrative description of project: (indicate extent of work, new dock, replacement, addition to existing facility, any other pertinent information):

The property at 415 Seabee Ave, owned by Massimo and Phyllis Maffei since July 2019, is a conventional 80′ x 120′ rectangular shaped lot located in the Conner's Vanderbilt Beach Estate subdivision of Naples. The parcel is currently the construction site of a single-family residence by the owners. The parcel currently has an 80′ seawall shoreline and no docking facility. A dock was present until late 2020, when it was demolished in preparation for a new, reconfigured dock. The waterway on which this property occurs is a man-made waterway, dredged entirely from uplands. The lot is zoned RSF-3, which is intended for development with single-family residences.

The proposed dock consists of an L-shaped floating dock that will span 50′ from riparian setback to riparian setback. The access walkway which will be used for loading and unloading from the applicants' boats will be 6′ in width. The end segment where the gangway will be located, will provide an approximately 10′ x 13′ platform for storage of marine related items (kayaks, dock box, fish cleaning station). Two boatlifts are also proposed as part of this BDE petition. A smaller lift will occur on the inside of the dock and a larger elevator lift will be located on the outside of the floating dock. The larger lift is the only portion of the project which will protrude beyond the typical 20′ protrusion limit. The smaller lift will moor an approximately 31′ vessel and the larger lift will moor an approximately 36′ vessel. Total protrusion of the facility into the waterway will amount to approximately 32′ from the MHWL, or 12′ beyond the typically permitted 20′ of protrusion. Total over-water structure proposed would amount to approximately 505 square feet, which is comparable to the surrounding structures, despite the additional protrusion proposed.

All structures proposed would be located within the applicant's riparian setbacks and have been designed so as to not affect the ingress or egress paths from neighboring docks or public navigability in general. The neighbor to the east ingresses from the east and so will not be affected by the structures as proposed. The neighboring to the west has a dock with an ingress/egress path also from the east. However, the structure has been designed so that this neighbor will not be affected by any structures protruding beyond the typically allowed 20′ of protrusion either.

Considering that there are also no seagrasses growing within 200′ of the proposed project so environmental impacts by the designed structure are non-existent. We believe that this BDE would therefore allow the property owner to make reasonable use of the waterway and docking facility for mooring and other water-based recreational activities while also maintaining the ability to safely ingress and egress with either of the applicant's vessels.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Property Information

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Collier County Property Appraiser
Property Summary

Parcel No	27589360008	Site Address *Disclaimer	415 SEABEE AVE	Site City	NAPLES	Site Zone *Note	3410

Name / Address	MAFFEI, MASSIMO
	PHYLLIS LAGRASTA MAFFEI
	11128 PALMETTO RIDEGE DR

City	NAPLES	State	FL	Zip	34110

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A29	233800 Q 193A29	29	48	25	0.22

Legal	CONNER'S VANDERBILT BCH EST UNIT 2 BLK Q LOT 19

Millage Area	154	Millage Rates	*Calculations	
Sub./Condo	233800 - CONNERS VANDERBILT BCH EST #2	School	Other	Total
Use Code	0 - VACANT RESIDENTIAL	5.016	6.5976	11.6136

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
07/11/19	5664-1620	$ 915,000
04/30/10	4563-1503	$ 625,000
09/13/06	4104-1530	$ 1,200,000
05/04/04	3555-1209	$ 700,000
07/14/00	2698-2420	$ 0
02/19/99	2514-2381	$ 245,000
02/19/99	2514-2379	$ 0
06/10/92	1724-921	$ 222,300
08/01/89	1462-1085	$ 0

2020 Certified Tax Roll

(Subject to Change)

	Land Value	$ 733,4
(+)	Improved Value	$ 181,0
(=)	Market Value	$ 914,4
(=)	Assessed Value	$ 914,4
(=)	School Taxable Value	$ 914,4
(=)	Taxable Value	$ 914,4

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

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Collier County Property Appraiser
Property Detail

Parcel No	27589360008	Site Address *Disclaimer	415 SEABEE AVE	Site City	NAPLES	Site Zone *Note	34

Name / Address	MAFFEI, MASSIMO
	PHYLLIS LAGRASTA MAFFEI
	11128 PALMETTO RIDEGE DR

City	NAPLES	State	FL	Zip	34110

Permits (Provided for reference purposes only. *Full Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1974	COUNTY	73-3185	12/06/74			
1975	COUNTY	74-142	01/13/75			
2005	COUNTY	0405-2848				DOCK
2005	COUNTY	0406-2132	09/16/04			POOL
2005	COUNTY	0407-1450	08/16/04			ROOF
2005	COUNTY	0407-2510	09/16/04			SCREEN ENCLOSUR
2008	COUNTY	0702-2207				DOCK
2021	COUNTY	PRBD20200520647	10/27/20		10/19/20	SEA WALL
2021	COUNTY	PRBD20200726848	05/24/21		05/21/21	RESIDENCE, DEMOLITION

Land

#	Calc Code	Units
10	RESIDENTIAL FF	9600

Building/Extra Features

#	Year Built	Description	Area	Ac Ar
10	2020	SEAWALL	80	8(

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

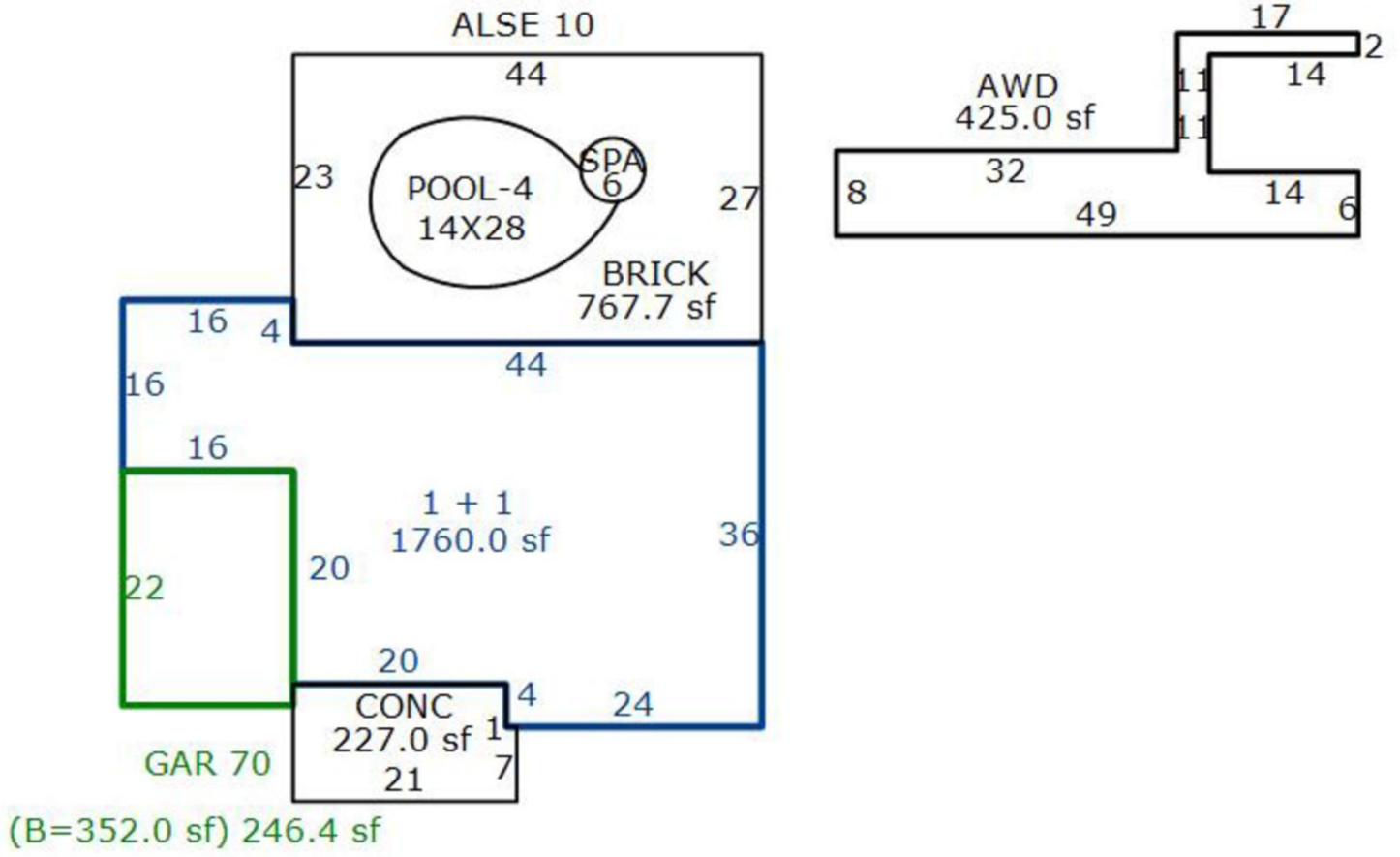
Collier County Property Appraiser
Property Aerial

Parcel No	27589360008	Site Address *Disclaimer	415 SEABEE AVE	Site City	NAPLES	Site Zone *Note	34



Open GIS in a New Window with More Features.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :



Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Property Ownership Disclosure Form

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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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
Massimo and Phyllis Maffei 11128 Palmetto Ridege Dr	100

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

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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(239) 252-2400 FAX: (239) 252-6358

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

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

The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104



Agent/Owner Signature

2/15/2022
Date

Nick Pearson
Agent/Owner Name (please print)

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Property Deed

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

INSTR 5754760 OR 5664 PG 1620 E-RECORDED 8/19/2019 3:32 PM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $6,405.00 REC $18.50
CONS $915,000.00

Consideration: $915,000.00
Documentary Stamps: $6,405.00
Recording Fee: $18.50

Prepared by:
James F. Morey, Esq.
Bond, Schoeneck & King, PLLC
4001 Tamiami Trail North Suite 105
Naples, FL 34103

File Number: **406977**

Parcel Identification No. **27589360008**

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 11 day of **July, 2019** between **William G. Howard and Jill A. Howard, husband and wife** whose post office address is **P.O. Box 388, Buckner, KY 40010** of the County of **Oldham**, State of **Kentucky**, grantor*, and **Massimo Maffei and Phyllis LaGrasta Maffei, husband and wife** whose post office address is **11128 Palmetto Ridge Drive, Naples, FL 34110** of the County of **Collier**, State of **Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Collier County**, **Florida**, to-wit:

> **Lot 19, Block Q, Unit No. 2 Conner's Vanderbilt Beach Estates, according to the Plat thereof recorded in Plat Book 3, Page 17, of the Public Records of Collier County, Florida.**
>
> **Subject to (a) ad valorem and non ad valorem real property taxes for the year of closing and subsequent years; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record, if any; and (d) restrictions, reservations and easements common to the subdivision.**

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

NOT A CERTIFIED COPY

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 : PL20210002320

Signed, sealed and delivered in our presence (as to both):

Dwaina Richmond
(Signature of Witness #1)
Print Name: Dwaina Richmond

William Howard (Seal)
William G. Howard

Debora Wisdom
(Signature of Witness #2)
Print Name: Debora Wisdom

Jill A. Howard (Seal)
Jill A. Howard

State of Kentucky
County of Oldham

The foregoing instrument was acknowledged before me this 11 day of July, 2019 by William G. Howard and Jill A. Howard, who [✓] are personally known or [_] have produced _____ driver's licenses as identification.

[Notary Seal]

Notary Public

Printed Name: Baylene Blair

My Commission Expires: 4/12/2020

WEB CERTIFIED COPY

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 : PL20210002320

Addressing Checklist

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☒ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

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

Conner's Vanderbilt Beach Est # 2 T48, R25, S29

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

27589360008

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

415 Seabee Avenue, Naples, FL, 34108

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy - needed only for unplatted properties)

CURRENT PROJECT NAME *(if applicable)*

PROPOSED PROJECT NAME *(if applicable)*

415 Seabee Avenue - BDE petition name not yet approved

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

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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: Nick Pearson (Turrell, Hall & Associates, Inc.)

Phone: (239) 643-0166 **Email/Fax:** Nick@THAnaples.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 27589360008

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: L.L.H. **Date:** 08/27/2021

Updated by: **Date:**

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

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Affidavit of Authorization

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Massimo Maffei (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 Turrell, Hall & Assoc., 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.

_____ 1-13-2022

Signature **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 13th day of January, 2021, by (printed name of owner or qualifier) Massimo Maffei.

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: Victoria Burns

VICTORIA D BURNS
Notary Public – State of Florida
Commission # GG 182731
My Comm. Expires Mar 13, 2022
Bonded through National Notary Assn.

Notary Seal

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

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 : PL20210002320

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210002320

I, Phyllis Maffei (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 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**

10-28-2021 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 28th day of October, 2021, by (printed name of owner or qualifier) Phyllis Maffei.

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: Victoria Burns

VICTORIA D BURNS
Notary Public – State of Florida
Commission # GG 182731
My Comm. Expires Mar 13, 2022
Bonded through National Notary Assn.

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

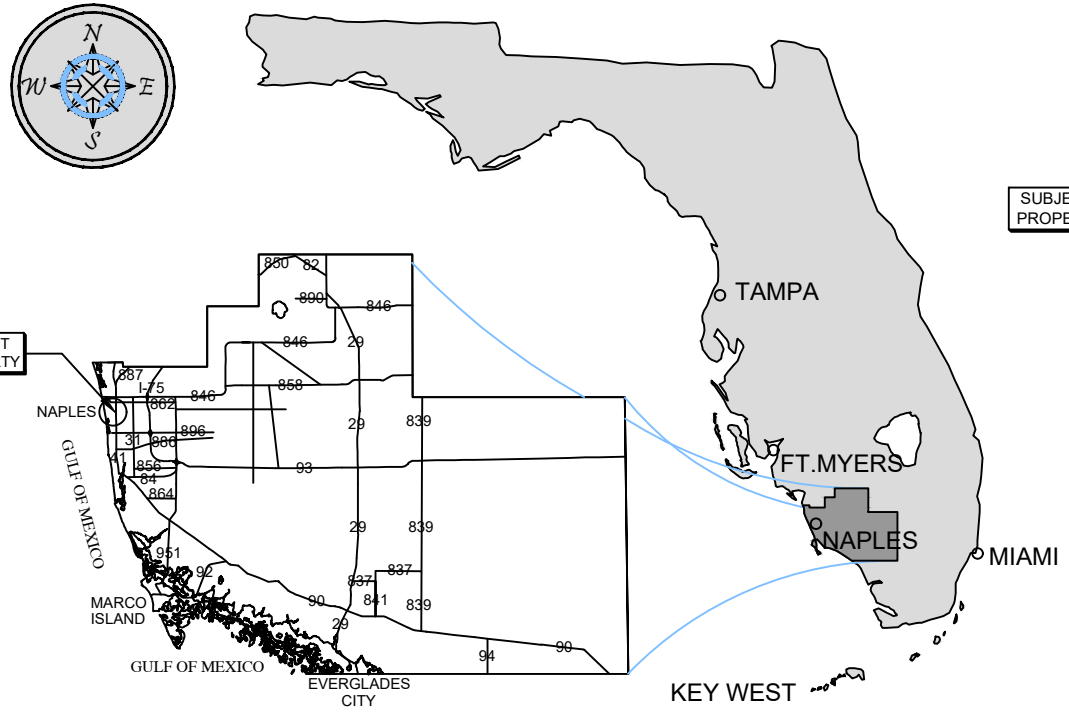
Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 : PL20210002320

BDE Drawings / Exhibits

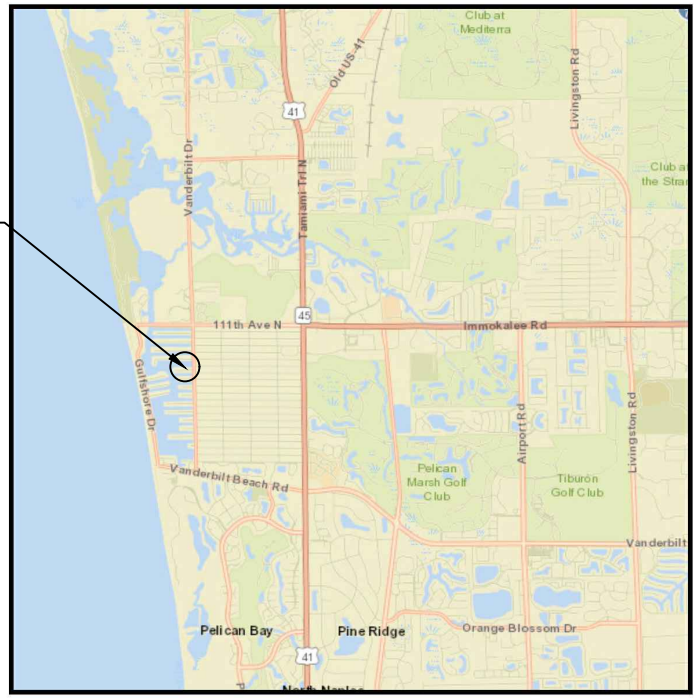
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P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg LOCATION MAP 8/4/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 415 SEABEE AVE
NAPLES, FL 34108

<> LATITUDE: N 26.266570
<> LONGITUDE: W -81.818745

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

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

415 SEABEE AVE

LOCATION MAP

RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg EXISTING CONDITIONS 8/4/2022



NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"JH McCARRIER LAND SURVEYING, INC."**
  - SURVEY DATED: **05-14-19**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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415 SEABEE AVE

EXISTING CONDITIONS

RY NO. 5875

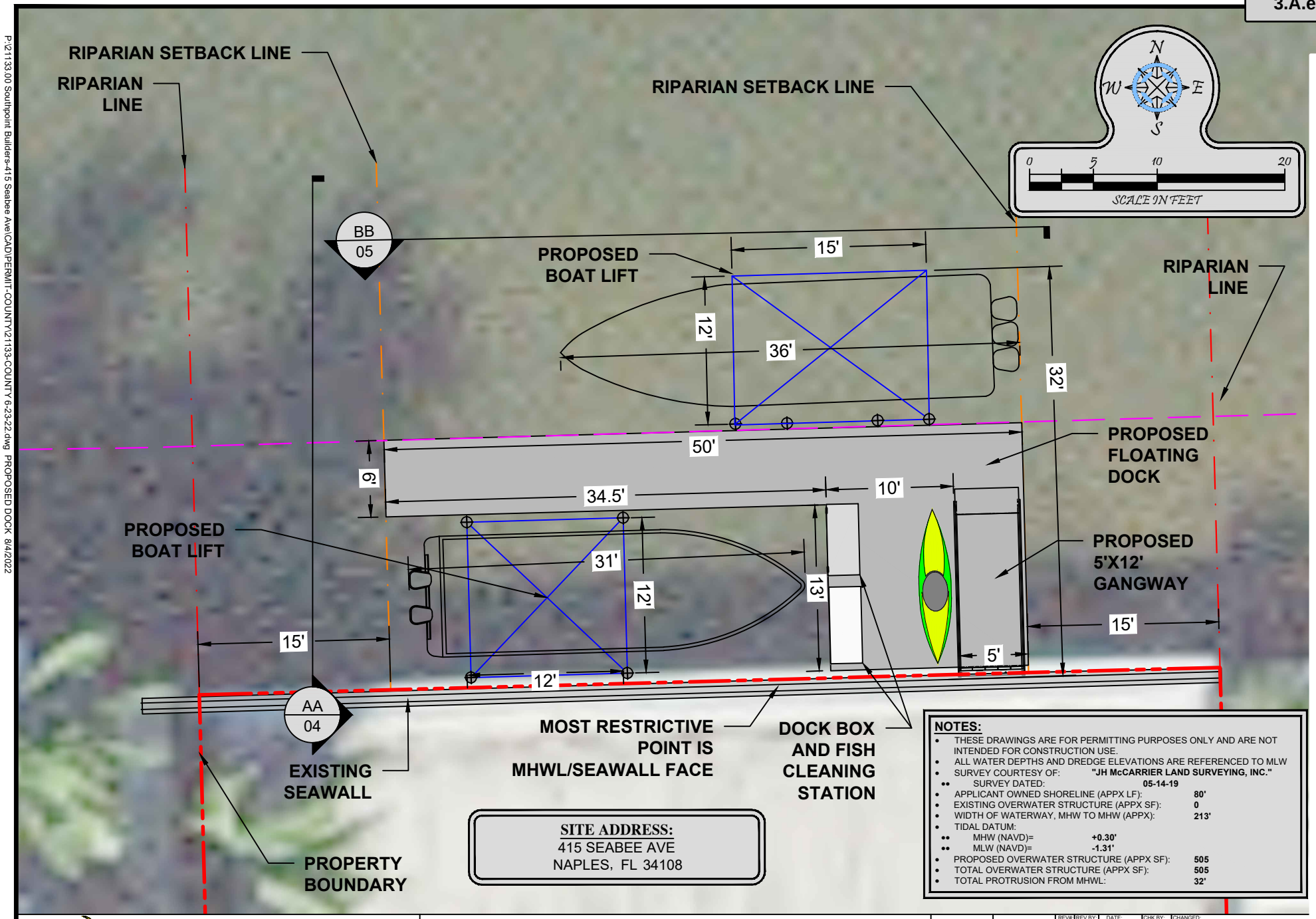
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg PROPOSED DOCK 8/4/2022



SITE ADDRESS:
415 SEABEE AVE
NAPLES, FL 34108

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  - SURVEY DATED: **05-14-19**
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- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **505**
- TOTAL OVERWATER STRUCTURE (APPX SF): **505**
- TOTAL PROTRUSION FROM MHWL: **32'**

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PROPOSED DOCK

RY NO. 5875

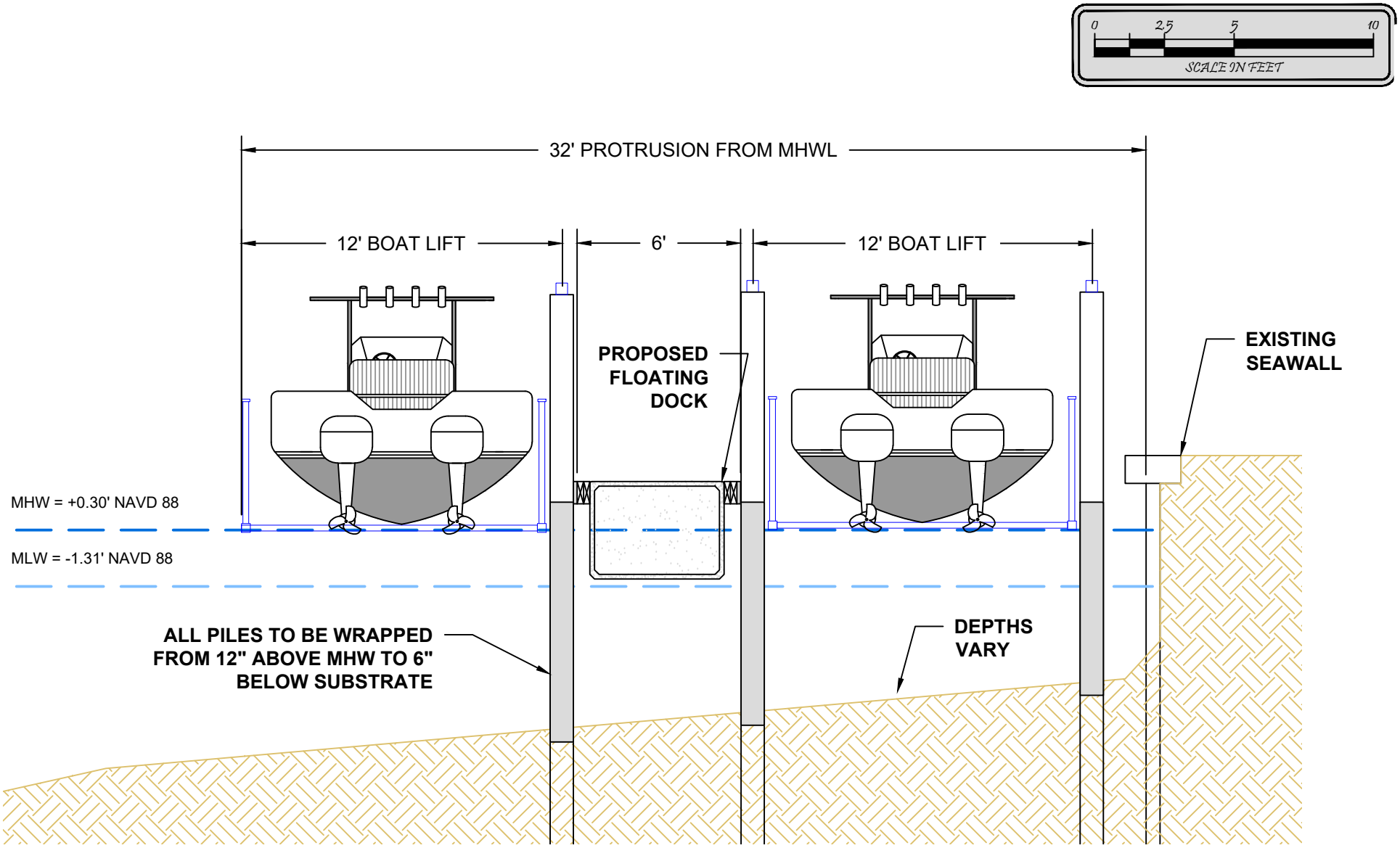
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg CROSS SECTION AA 8/4/2022



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415 SEABEE AVE

CROSS SECTION AA

RY NO. 5875

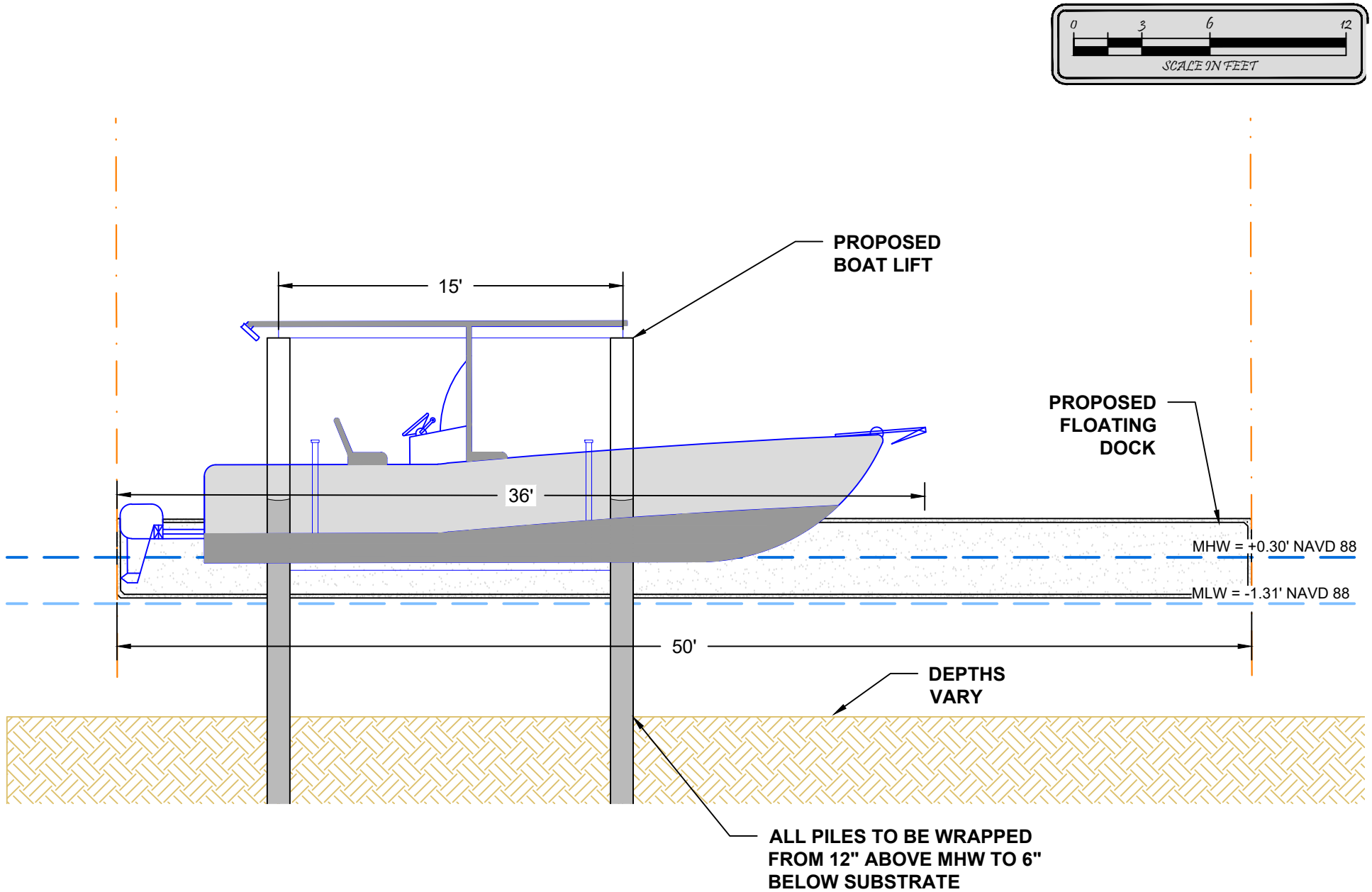
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

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415 SEABEE AVE

CROSS SECTION BB

RY NO. 5875

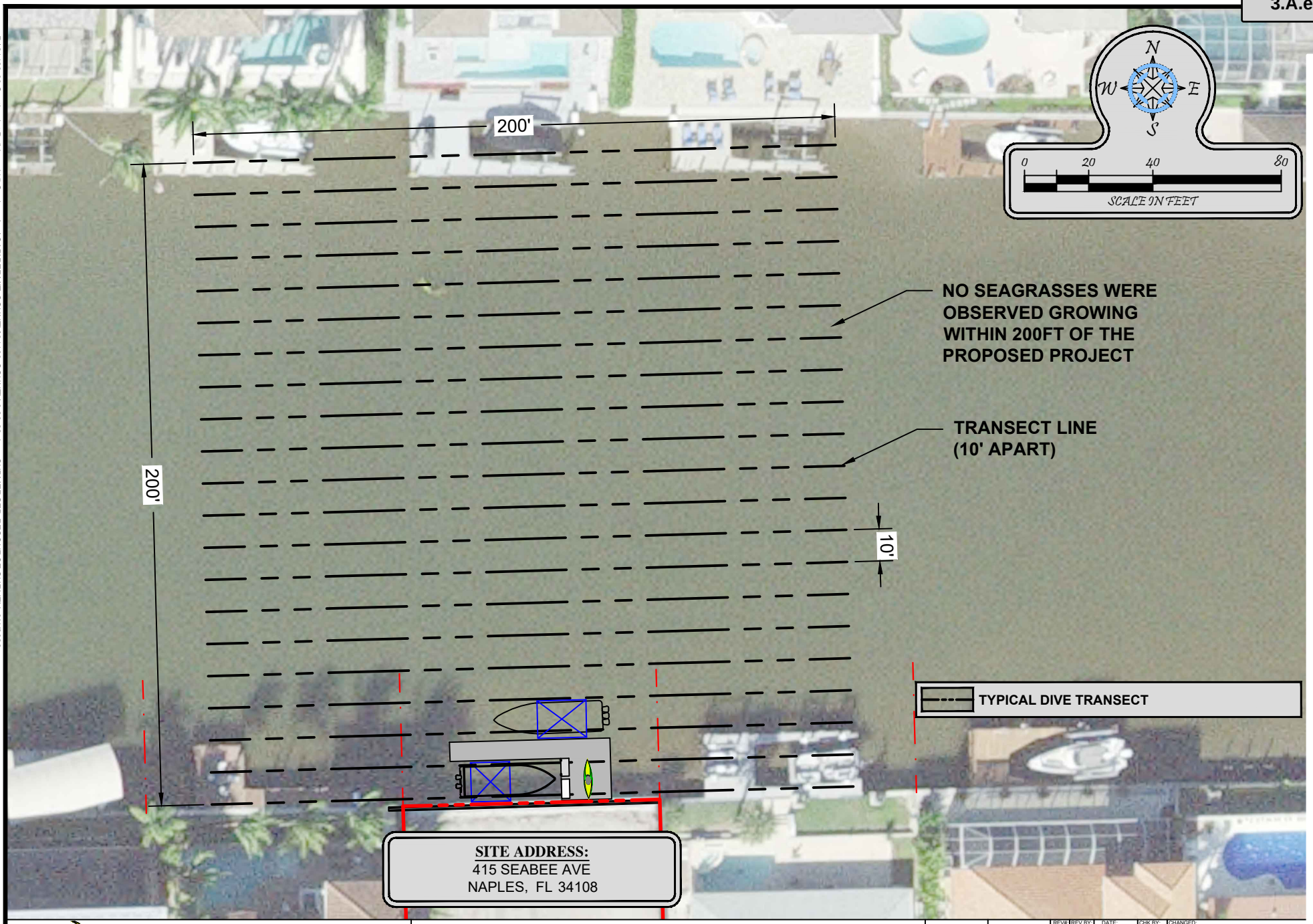
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SHEET NO.:	05 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg SUBMERGED RESOURCE SURVEY 8/4/2022



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SUBMERGED RESOURCE SURVEY

RY NO. 5875

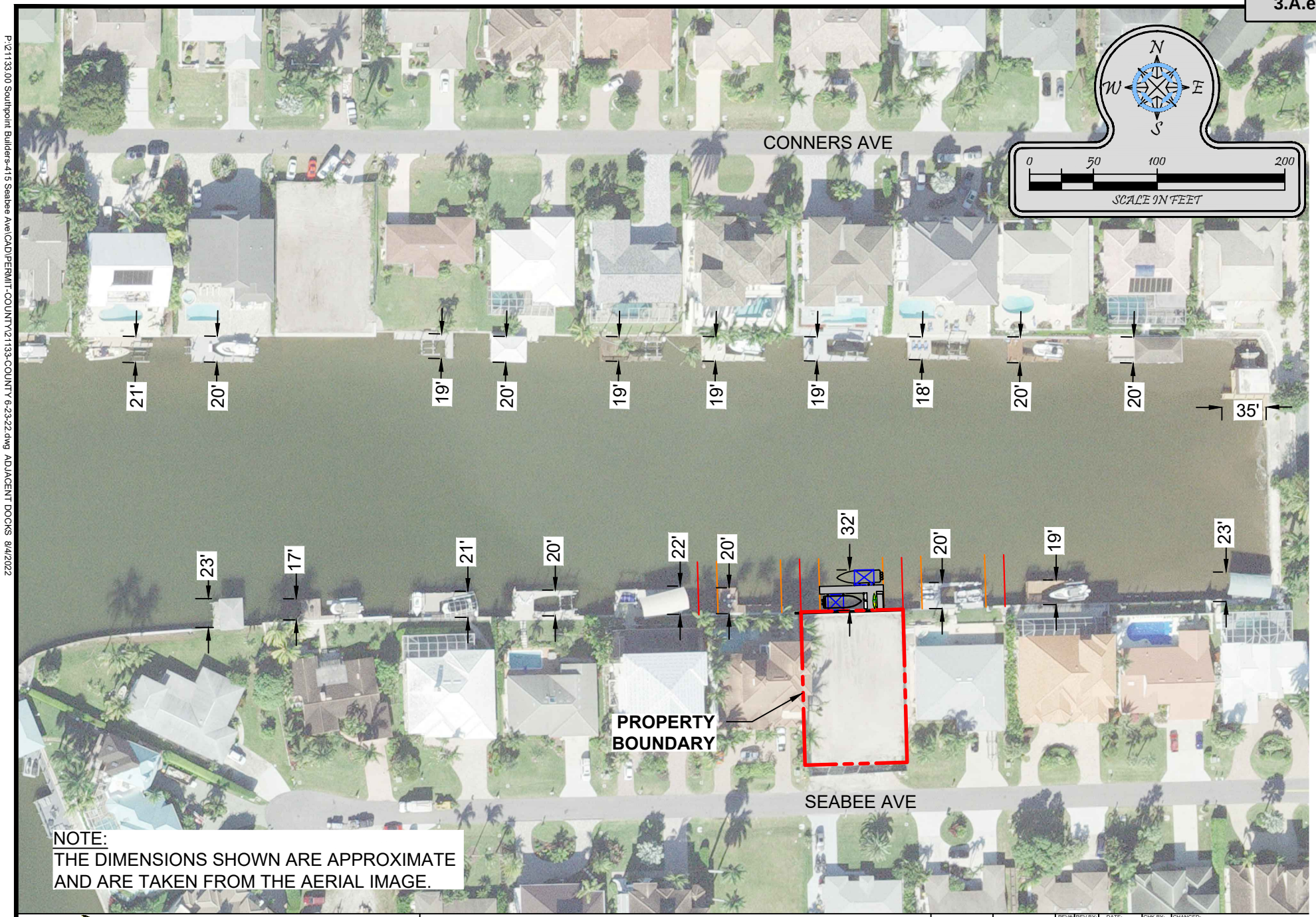
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SECTION- 29 TOWNSHIP- 48 S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg ADJACENT DOCKS 8/4/2022



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ADJACENT DOCKS

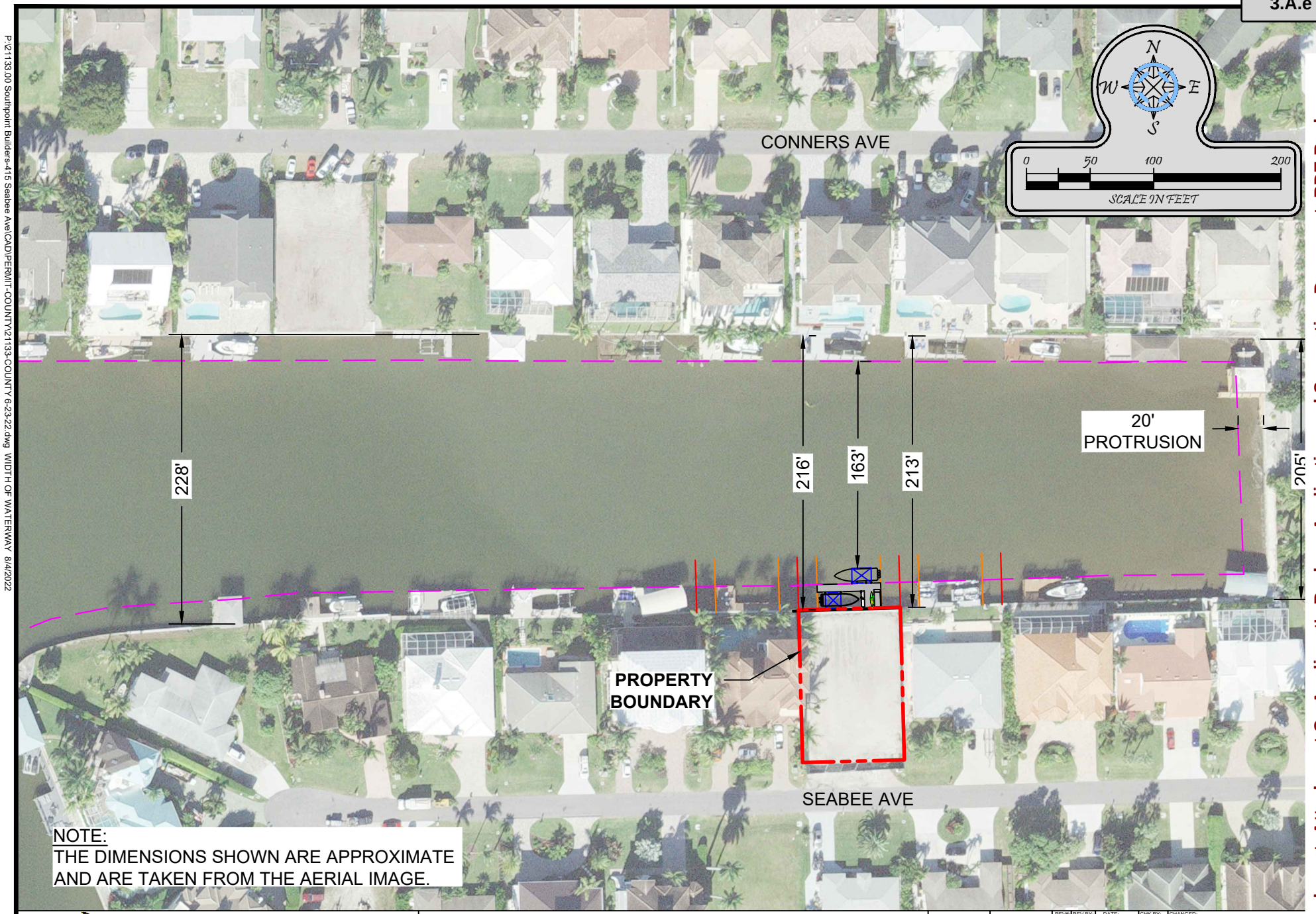
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JOB NO.:	21133	4.	-	-	-	-
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -



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415 SEABEE AVE

WIDTH OF WATERWAY

RY NO. 5875

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CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	08 OF 10	5.	-	-	-	-

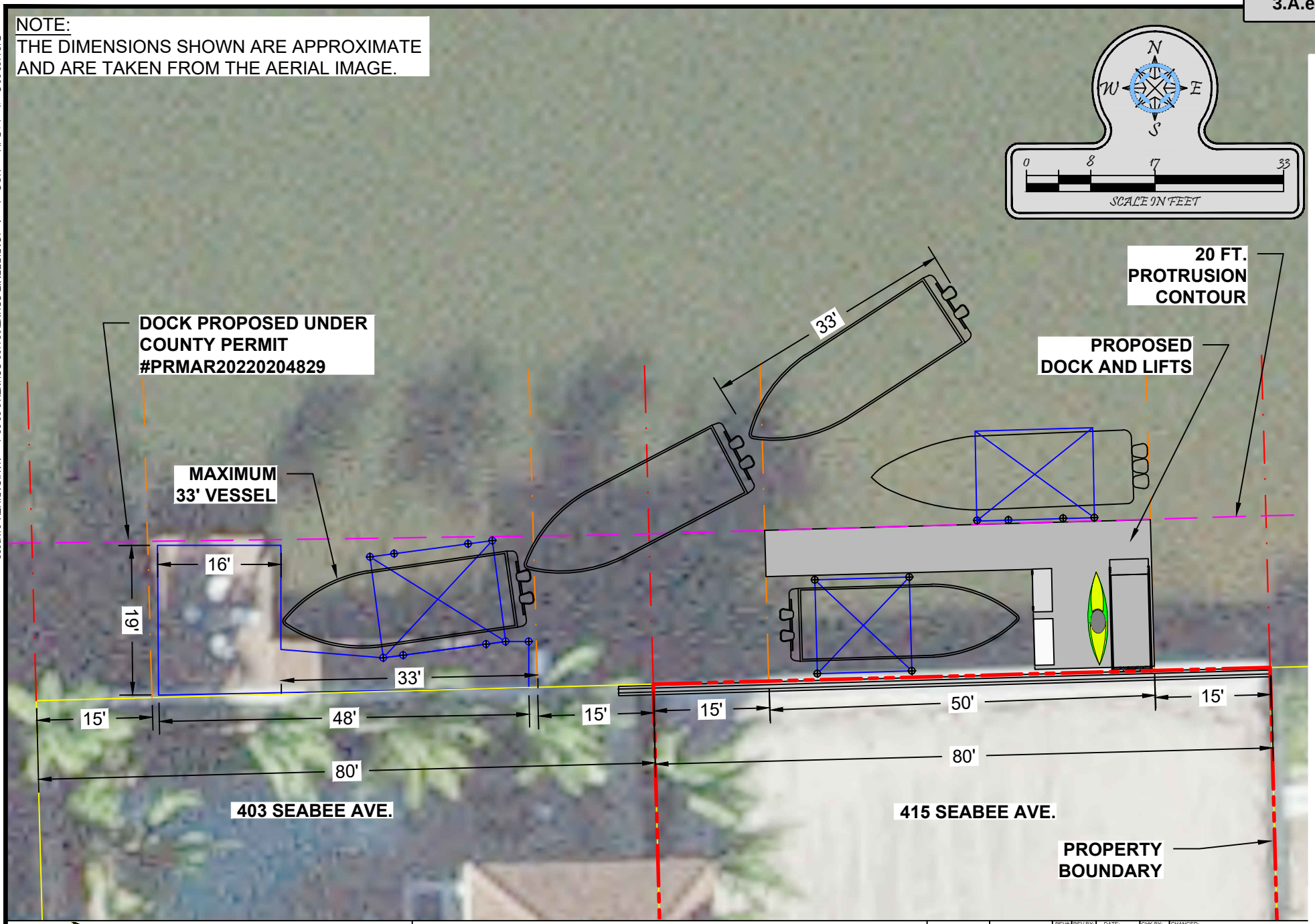
SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg WIDTH OF WATERWAY 8/4/2022

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg NAVIGABILITY 8/4/2022

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



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415 SEABEE AVE

NAVIGABILITY OF NEIGHBORS

RY NO. 5875

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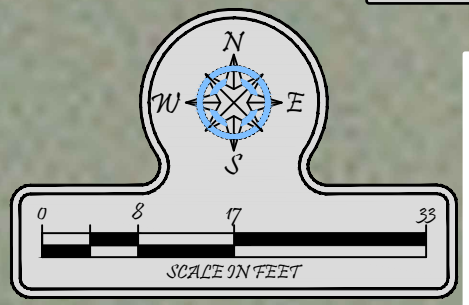
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SHEET NO.:	09 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY 6-23-22.dwg NAVIGABILITY (2) 8/4/2022

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



PROPOSED DOCK AND LIFTS

EXISTING DOCK

20 FT. PROTRUSION CONTOUR

32'

16'

20'

15'

50'

15'

15'

50'

15'

80'

80'

415 SEABEE AVE.

PROPERTY BOUNDARY

427 SEABEE AVE.

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415 SEABEE AVE

NAVIGABILITY OF NEIGHBORS

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SECTION-29 TOWNSHIP-48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

Primary Criteria

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

PRIMARY CRITERIA

The following criteria, pursuant to LDC section 5.03.06, shall be used as a guide by staff in determining its recommendation to the Office of the Hearing Examiner. The Hearing Examiner will utilize the following criteria as a guide in the decision to approve or deny a particular Dock Extension request. In order for the Hearing Examiner to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

   The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the CC-LDC. The proposed project consists of single dock with 2 boat lifts. This criteria is therefore met.

2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)

   See attached survey/drawings illustrating the previously existing docking facility and proposed docking facility. Water depths at this location are adequate for the proposed vessels. This criteria is therefore not met.

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

   There is no navigable channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project and this criteria is met.

4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50 percent of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)

   The proposed docking facility will protrude 32' into the waterway in a location where the width of waterway is approximately 213' across. Meaning, the project will take

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

up 15% of the waterway with 85% of the waterway left for navigability and construction on the opposite side of the waterway. This criteria is therefore met.

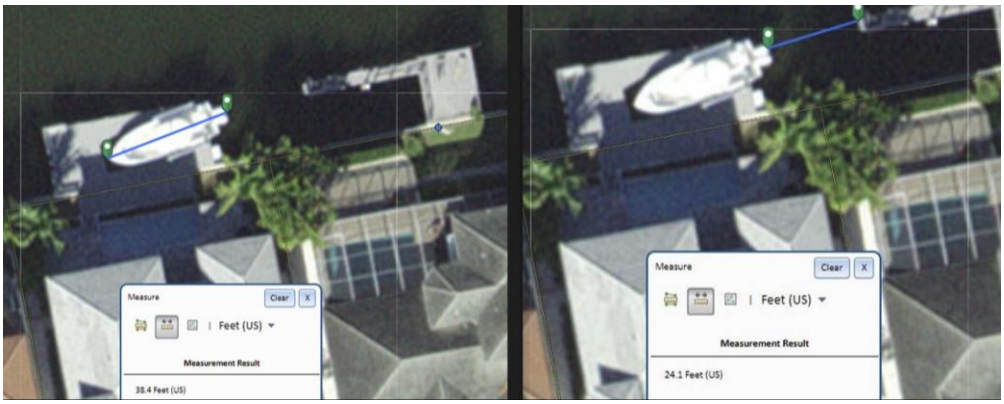
5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

The proposed docking facility is located entirely within the applicant's riparian area and will meet the required side yard setbacks of 15-feet on both sides. With the exception of the single boat and lift which is triggering the need for this BDE petition, the entire dock facility will also be located within the typically allowed 20' protrusion limit. That is to say, without the lift, a BDE petition would not be necessary, and the property owner could simply apply for a building permit and construct the floating dock as shown on the exhibits. Navigation to, from, and around a U-shaped, shore-parallel oriented dock via the 30' space provided by combined side setbacks is required in almost every dock within Vanderbilt lagoon. In this case, since the proposed boatlift poses no additional obstacle to navigation beyond that of the dock by itself, there is no reason to believe that navigation to the neighboring properties will be affected adversely by the project proposed under this BDE petition.

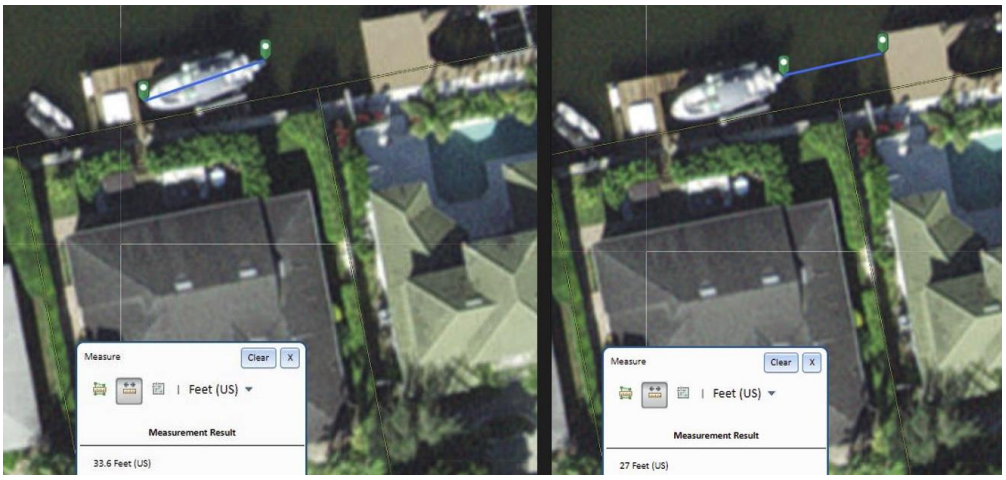
In terms of specifics, the docking facility to the east is oriented so that ingress/egress occurs from the east (away from the subject property). This property should therefore not be affected by the project at all. The property to the west also has a dock facility which, as is typical for the area, utilizes essentially the entirety of its riparian area that falls within the side setbacks and 20' protrusion limit. This facility will moor a maximum sized boat of 33' in length that will ingress/egress from the east (towards the facility proposed under this BDE petition). The floating dock being proposed at the subject property, which is entirely within the 20-foot protrusion limit, would require the neighbor's boat to angle somewhat in and out of the lift for proper navigation. As discussed above, this sort of angled entry and exit path is common within the general area. The lift being proposed on the outside of the floating dock would not alter this angle of ingress/egress. Therefore, we believe that no neighboring dock facilities nor public navigation will be affected by the proposed structures, and this criteria is therefore met.

It is also not uncommon throughout Vanderbilt lagoon for boats to be docked within a slip where the backing distance is significantly less than the moored vessel's total length. And while we acknowledge that ingressing and egressing from a slip in this type of situation is constricted, such is also the nature of the shore parallel dock configuration throughout Vanderbilt lagoon. Several examples of this situation cane be seen in the photos below.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :



103 Bayview Ave – 38 ft. of boat length and 24 ft. of backing distance.



151 Bayview Ave. – 33.5 ft. of boat length and 27 ft. of backing distance.



314 Egret Ave. - 40.5 ft. of boat length and 23 ft. of backing distance.



410 Egret Ave. – 36 ft. of boat length and 25 ft. of backing distance.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Secondary Criteria

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

SECONDARY CRITERIA

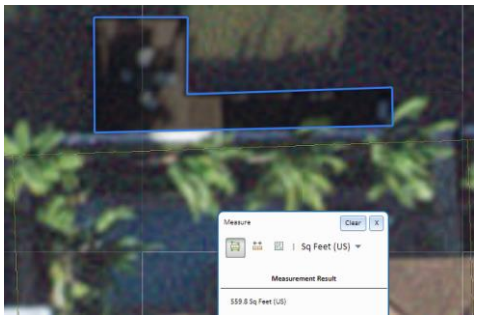
1. Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline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

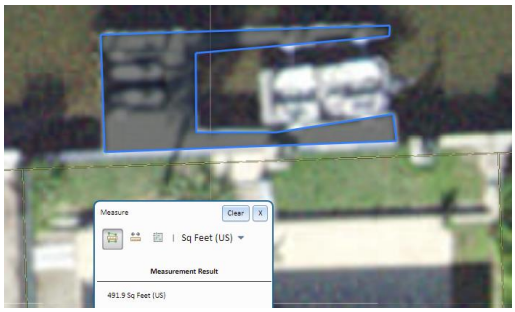
   The Vanderbilt Lagoon waterway is fronted by a network of linear streets, canals, and docks. This grid configuration of properties, combined with the 20' protrusion limitation for docks (as defined by Collier County's Land Development Code) in this area of the canal, all but requires the orientation of docks to be constructed in a shore parallel configuration. As a result, most docks present on standard canal lots within Vanderbilt lagoon are more or less uniform in utilizing this shore parallel mooring configuration, where the full 20' of protrusion and 40' to 50' area (for typical sized lots) within the riparian side setbacks are preempted. The subject property has 50' of riparian area between its 15' riparian setbacks. However, this shore-parallel configuration makes full use of the riparian area difficult or not possible should the applicant want to moor a boat that is larger than the combined 15' side setbacks of the applicant and their neighbors. This is namely because, although the applicant's vessel might fit within its riparian area, the neighboring docking facilities may block the needed ingress or egress path to the vessel's slip. While a shore-perpendicular design configuration would likely solve the issue of such potential navigational interference, the associated increased deviation from Collier County's protrusion regulations make this an undesirable alternative. As a result, in this case the applicant has instead elected to proceed with utilizing a shore-parallel dock design configuration to preserve consistency, while acknowledging the navigational challenges arising from neighboring properties that are inherently involved. This criteria is therefore met. Should staff prefer a shore-perpendicular design, this can be offered as an alternative.

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

   The proposed facility will utilize approximately 505 square feet of "decking", which is located entirely within the normal protrusion limit of 20' from the mean-high water line. This amount of structure is in-line with nearly all neighboring facilities in the area. Both contiguous neighbors at 403 and 427 Seabee Ave have comparably sized docks respectively with approximately 560 square feet and 490 square feet of decking, as seen in the photos below.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :





Additionally, the previous dock on this property was also approximately 500 square feet in area. The access walkway of the proposed dock is 6' wide and is typical for floating docks and for other dock structures in the area as well. The larger area on the east side of the facility will be used to provide space for the gangway and to provide storage space for recreational items such as a dock box, kayaks or paddleboards, a fish cleaning station, etc. Lastly, this square platform will provide structural stability to the access walkway, similar to an outrigger on a sailboat. From an engineering standpoint, long skinny floating docks are never advisable because of their instability, known as the canoe effect. For the reasons listed above, and because no submerged resources are present in the area, we believe the decking proposed is not excessive and that this criteria is met.

3. For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)

   The length of both vessels together do exceed 50% of the property's shoreline. This criteria is therefore 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.)

   Criteria #4 is aimed at whether or not the facility will have a "major impact" on the waterfront views of the neighbors. Neither the use nor number of vessels proposed is excessive beyond what the normal building code would allow. The proposed structures are also located entirely within the applicant's riparian area and riparian setbacks and no decking is proposed outside the normal protrusion limit. Although the adjective "major" is, in this context, a subjective term, our opinion is that the proposed structures will not constitute an impact on the neighbors views at all beyond what is typically allowed. And the structures will certainly not constitute a major impact.

   Additionally, the right of views of riparian owners are restricted to the space within their respective riparian area. From this perspective, the views of the neighbors won't be changing at all, and impacts to their legally allotted views will not be affected. If the views outside the neighbors' riparian areas are considered, then it

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

should be noted that nearly every house on the project's site's canal is already built out with a dock and boat(s). The proposed facility consists of a private, recreational 2-vessel dock which will serve the same use and purpose as everyone else. Therefore, because the use of the property is not changing, and because both vessels are located entirely within the owners riparian area, our opinion is that the project should not have an impact on the views of neighboring property owners and this criteria is met.

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.)

   There are no seagrass beds present within 200' of the property nor the neighboring properties. This criteria is therefore met.

6. Whether or not the proposed dock facility is subject to the manatee protection requirements of LDC subsection 5.03.06 E.11. (If applicable, compliance with subsection 5.03.06.E.11 must be demonstrated.)

   The proposed project is for a private, recreational 2-slip dock associated with a single-family residence in Vanderbilt Lagoon, and so this criteria is, according to county staff, not applicable.

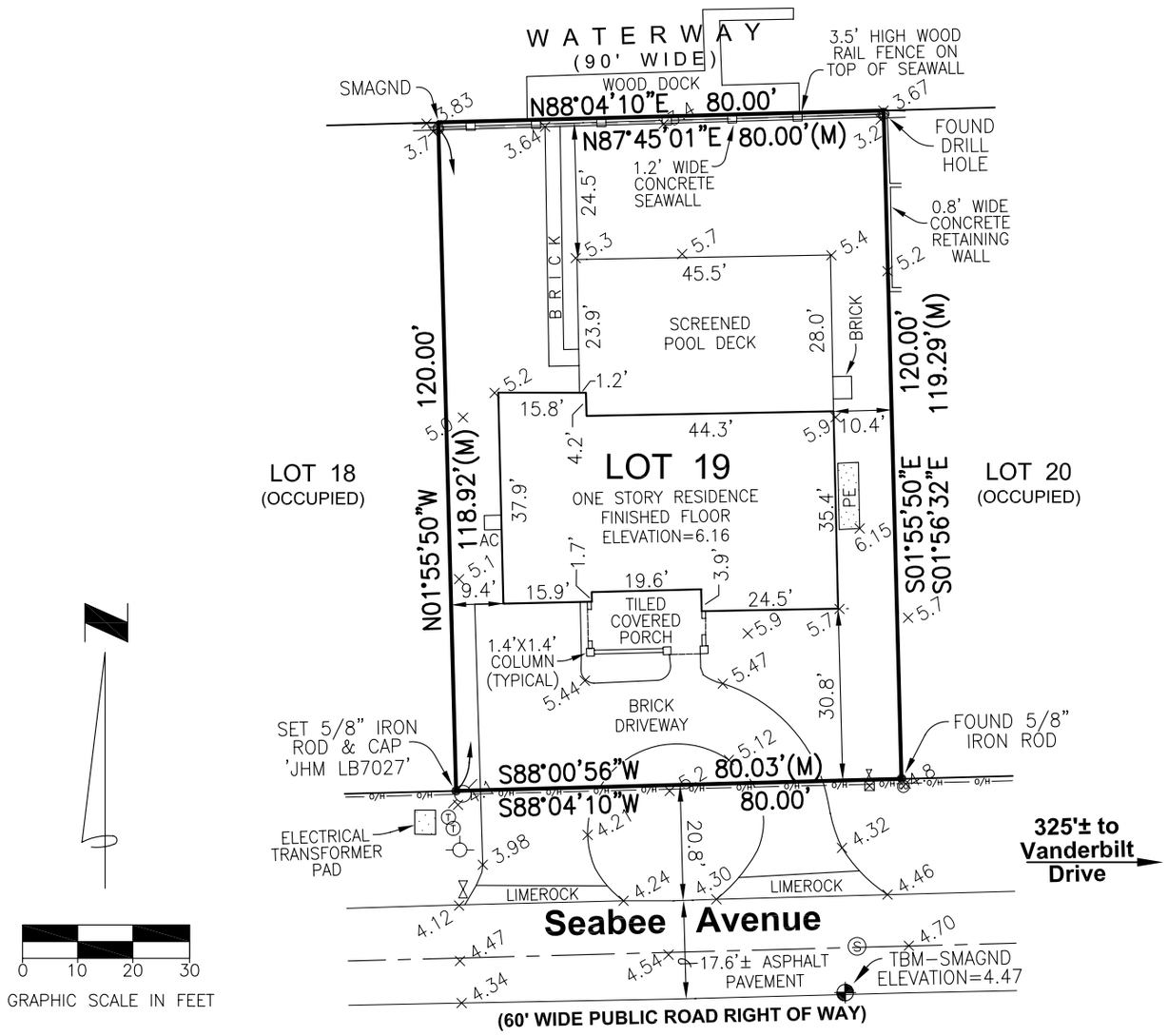
Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Professional Survey

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

LEGEND

+5.3	DENOTES SPOT ELEVATION	SMAGND	DENOTES SET MAG NAIL & DISC STAMPED 'JHM LB7027'
SS	DENOTES SEWER CLEANOUT	TBM	DENOTES TEMPORARY BENCHMARK
T	DENOTES TELEPHONE RISER	PE	DENOTES POOL EQUIPMENT
	DENOTES FIRE HYDRANT	AC	DENOTES AIR CONDITIONER
	DENOTES GATE VALVE	S	DENOTES SANITARY SEWER MANHOLE
	DENOTES POWER POLE		DENOTES WATER METER W/BACKFLOW PREVENTER
O/H	DENOTES OVERHEAD WIRES	(M)	DENOTES MEASURED
	DENOTES CONCRETE		



LEGAL DESCRIPTION

LOT 19, BLOCK "Q", **'UNIT NO. 2 CONNER'S VANDERBILT BEACH ESTATES'**, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, AT PAGE 17, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

SURVEYOR'S NOTES

1) UNDERGROUND ENCROACHMENTS AND/OR IMPROVEMENTS WERE NOT LOCATED OR SHOWN HEREON.
2) BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED EAST LINE OF LOT 19, BLOCK Q, AS S01°56'32"E.
3) THIS MAP IS NOT VALID WITHOUT EITHER THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4) SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD.
5) SUBJECT PROPERTY LIES IN ZONE AE ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 12021C0189H, DATED 05/16/2012 (BASE FLOOD ELEVATION = 10).
6) THE ACCURACY OF THIS SURVEY HAS MET OR EXCEEDED THE MINIMUM REQUIREMENTS FOR A SUBURBAN SURVEY AS SET FORTH IN THE STANDARDS OF PRACTICE [CHAPTER 5J-17.051(3)(b)15.b.ii], FLORIDA STATUTES.
7) ELEVATIONS SHOWN HEREON RELATE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
8) BEARINGS AND DISTANCES ARE PER PLAT UNLESS OTHERWISE NOTED.

CERTIFIED TO:

MASSIMO and PHYLLIS MAFFEI
SANIBEL CAPTIVA COMMUNITY BANK
FLORIDA HOMETOWN TITLE & ESCROW, LLC
WESTCOR LAND TITLE INSURANCE COMPAN

Judith H. McCarrier License Number 6021 STATE OF FLORIDA Professional Surveyor and Mapper

JUDITH H. McCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021

J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone:(239) 277-7821

PROJECT
BOUNDARY SURVEY W/SPOT ELEVATIONS
LOT 19, BLOCK Q,
'UNIT NO. 2 CONNER'S VANDERBILT BEACH ESTATES'

ADDRESS
415 SEABEE AVENUE
NAPLES, FL 34108

CLIENT
MASSIMO and PHYLLIS MAFFEI
11128 PALMETTO RIDGE DRIVE
NAPLES, FL 34110
PHONE: (239) 348-9299

REVISIONS
5/21/19 ADD FNC,PP+REV LOC OF SMAGND

F.B. / PG.: ConnersVanderbiltBchEst-L19.survey

SCALE 1"=30'	DATE MAY 14, 201
FILENAME ConnersVanderbiltBch_415Seabee.dwg	PROJECT NO. 19-034
DRAWN BY JWM	CHECKED BY JHM

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

Submerged Resource Survey

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

415 SEABEE AVE.
NAPLES, FL 34108
FOLIO #27589360008

SUBMERGED RESOURCE SURVEY REPORT
SEPTEMBER 2021

PREPARED BY:

TURRELL, HALL & ASSOCIATES, INC.
Marine & Environmental Consulting
PHONE: 239-643-0166 WWW.THANAPLES.COM

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

Table of Contents

1 Introduction **1**

2 Objective **2**

3 Methodology **3**

4 Results **4**

5 Conclusion **5**

6 Photos ..... Error! Bookmark not defined.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 415 Seabee Ave. in Naples, FL 34108 that can be identified by folio #27589360008. This resource survey will provide planning assistance to both the property owner and regulating agencies during any review processes for the proposed project.

The subject property consists of a 0.22-acre parcel that can be found in Naples along Vanderbilt Channel that connects to the Gulf of Mexico through Wiggins Pass. The cleared parcel currently contains an existing seawall measuring 80 linear feet. The property is neighbored to the east and west by single family residences, to the north by a manmade canal, and to the south by Seabee Avenue. Nearly all surrounding lots contain docking facilities (with boatlifts) with the same use as that which is proposed.

The SRS was conducted on September 22, 2021, between approximately 2:00 p.m. and 3:00 p.m. Site conditions consisted of cloudy skies with a slight breeze. Water clarity was adequate and allowed approximately 12-18 inches of visibility. The ambient air temperature was approximately 83 degrees Fahrenheit and wind speeds averaged 6 mph from the north. The average ambient water temperature was approximately 86 degrees Fahrenheit. High tide occurred during the site visit at approximately 2:34 p.m. and reached approximately 2.50 feet above the Mean Low Water Mark. Low tide was achieved before the site visit at approximately 8:46 a.m., reaching approximately 0.30 feet above the Mean Low Water Mark. It then was again achieved following the site visit at approximately 9:09 PM, reaching 0.6 feet above the MLW mark.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

2 OBJECTIVE

The objective of the SRS was to identify and locate any existing submerged resources within 200 feet of the proposed docking facility expansion. Ordinarily, if seagrasses are present within the vicinity of a project area, an analysis will be required regarding species, percent coverage, and impacts projected by the proposed project. The presence of seagrasses may be ample cause for re-configuration of the design for projects over surface waters in order to minimize impacts. The general scope of work performed during a typical submerged resource survey is summarized below:

- THA personnel will conduct a site visit and swim a series of transects within the project site in order to verify the location of any submerged resources.
- THA personnel will identify submerged resources within the vicinity of the site and produce an estimate of the percent coverage of any resources found.
- THA personnel will delineate the approximate limits of any submerged resources observed via a handheld GPS device.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

3 METHODOLOGY

THA biologists intentionally designed the methodology of the SRS to cover not only the entire property shoreline for the proposed dock installation but also the area within 200 ft. of the proposed site. The components utilized for this survey included:

- Reviewing aerial photography of the surveyed area.
- Establishing survey transect lines (spaced approximately 10 feet apart) overlaid onto aerials. (See attached Exhibits)
- Physically swimming the transects, GPS locating the limits of any submerged resources found, and determining the percent coverage within the area.
- Documenting and photographing all findings

The surveyed area was evaluated systematically by following the established transect lines throughout the project site as shown on the attached exhibit. Neighboring properties, docking facilities, and other landmarks provided reference markers which assisted in maintaining correct positioning over each transect.

During this SRS, one THA staff member swam the transect lines using snorkel equipment while a second remained on the shore taking notes and compiling findings on an aerial of the project site. Ordinarily, if any resources are found, they are photographed, GPS located, delineated, and analyzed for percent coverage within the area via a half meter square quadrat.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

4 RESULTS

The substrate found within the surveyed area consists of sandy material and sparse shell debris. Depths increased gradually with distance from the shoreline to the middle of the waterway from approximately three to seven feet. During the submerged portion of the survey, no seagrasses, oysters, or other resources were observed in any capacity. Accordingly, no impacts to submerged resources are expected to occur as the result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

Table 1: Observed species of wildlife and vegetation within the vicinity of the project site

Common Name	**Scientific Name**
Eastern mudminnow	*Umbra pygmaea*
Sheepshead	*Archosargus probatocephalus*

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

5 CONCLUSION

The submerged resource survey was conducted and completed throughout a 200-foot radius surrounding the project site and yielded no results. No seagrasses or other resources were observed anywhere within the vicinity of the project site. Accordingly, negative impacts to submerged resources are not expected as a result of any dock project.

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

6 PHOTOS

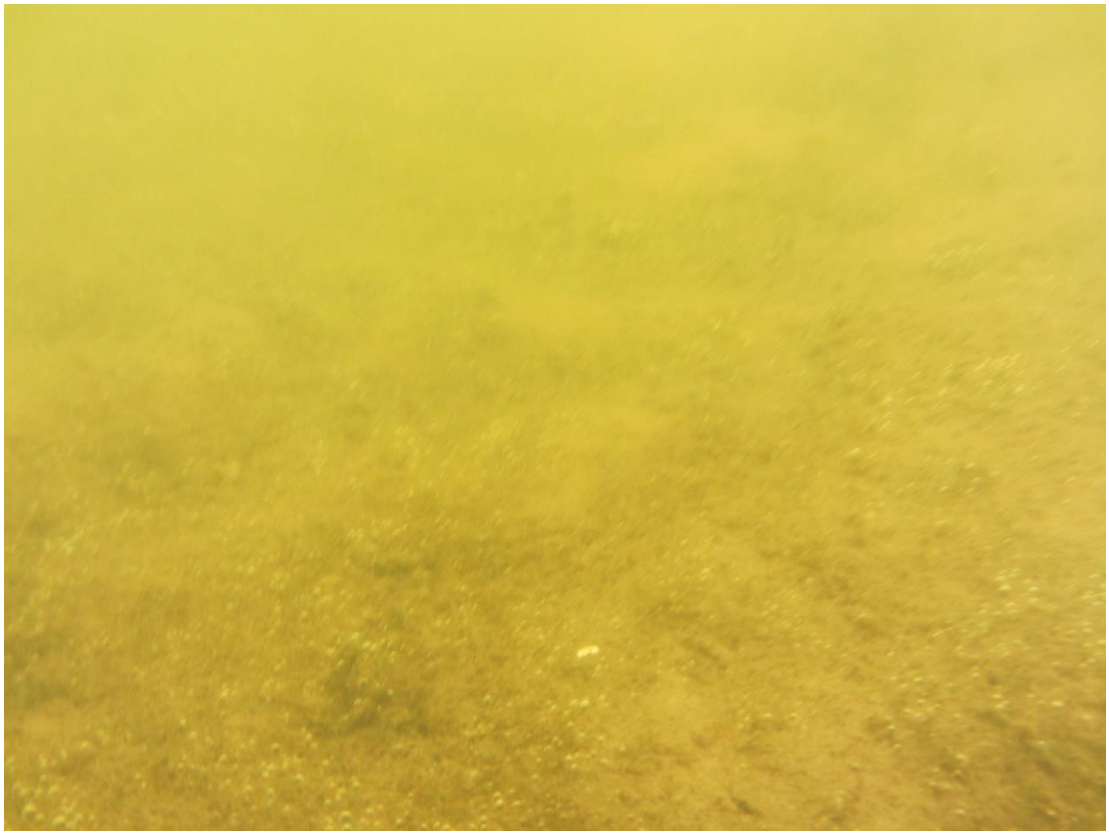
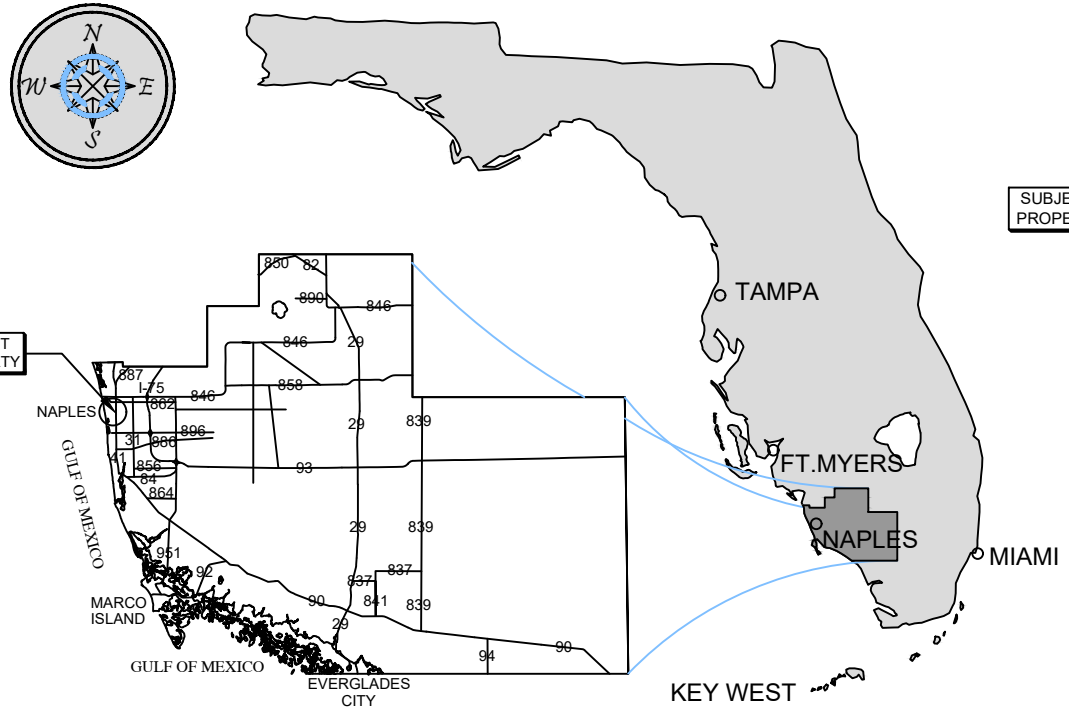


Photo 1: View of the silty sand substrate observed on the seafloor.

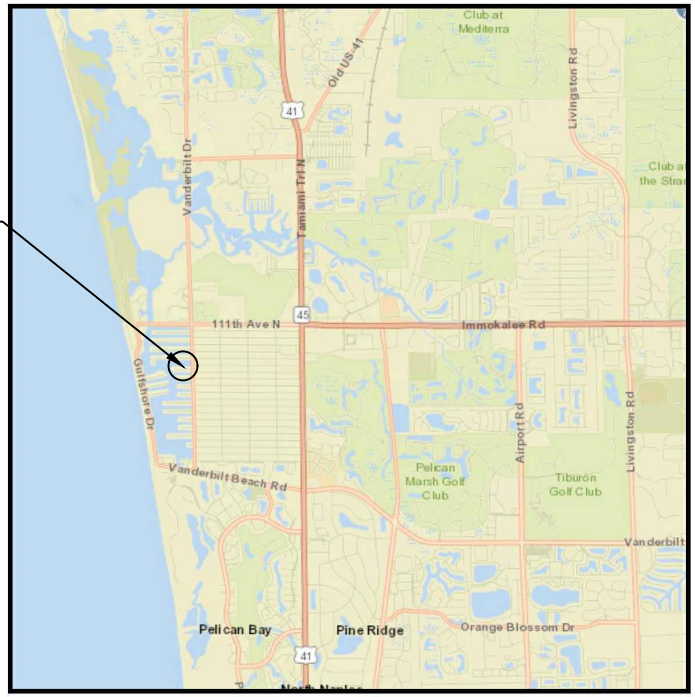
Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup - Maffei, 415 Seabee Ave - (24206 :

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY.dwg LOCATION MAP 2/15/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 415 SEABEE AVE
NAPLES, FL 34108

<> LATITUDE: N 26.266570
<> LONGITUDE: W -81.818745

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

415 SEABEE AVE

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:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	01 OF 04	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY.dwg EXISTING CONDITIONS 2/15/2022



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: **"JH McCARRIER LAND SURVEYING, INC."**
  - SURVEY DATED: **05-14-19**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
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415 SEABEE AVE

EXISTING CONDITIONS

RY NO. 5875

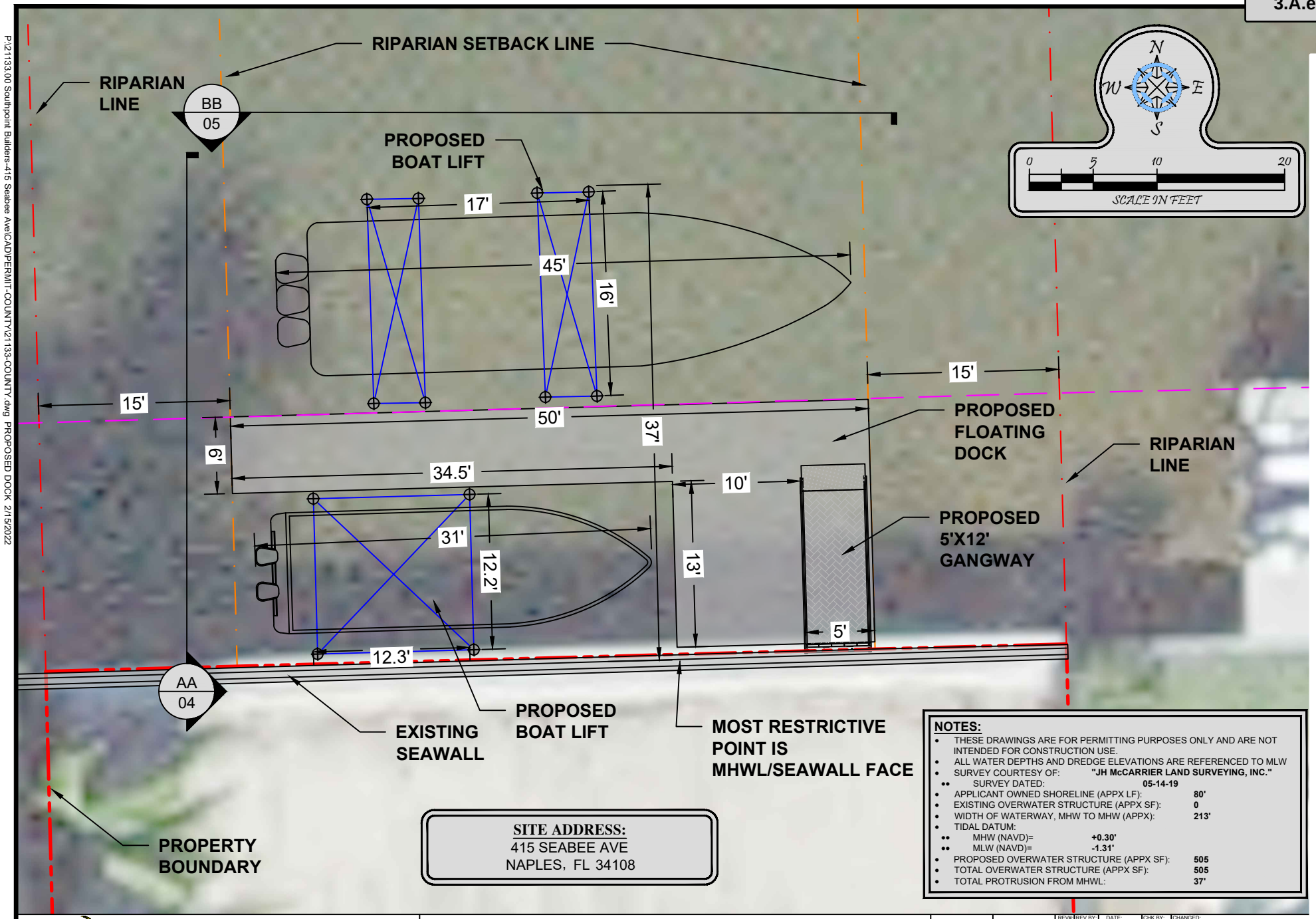
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DRAWN BY:	RMJ	2.	-	-	-	-
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JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	02 OF 04	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY.dwg PROPOSED DOCK 2/15/2022



SITE ADDRESS:
415 SEABEE AVE
NAPLES, FL 34108

NOTES:

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- SURVEY COURTESY OF: **"JH McCARRIER LAND SURVEYING, INC."**
  - SURVEY DATED: **05-14-19**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **505**
- TOTAL OVERWATER STRUCTURE (APPX SF): **505**
- TOTAL PROTRUSION FROM MHWL: **37'**

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

415 SEABEE AVE

PROPOSED DOCK

RY NO. 5875

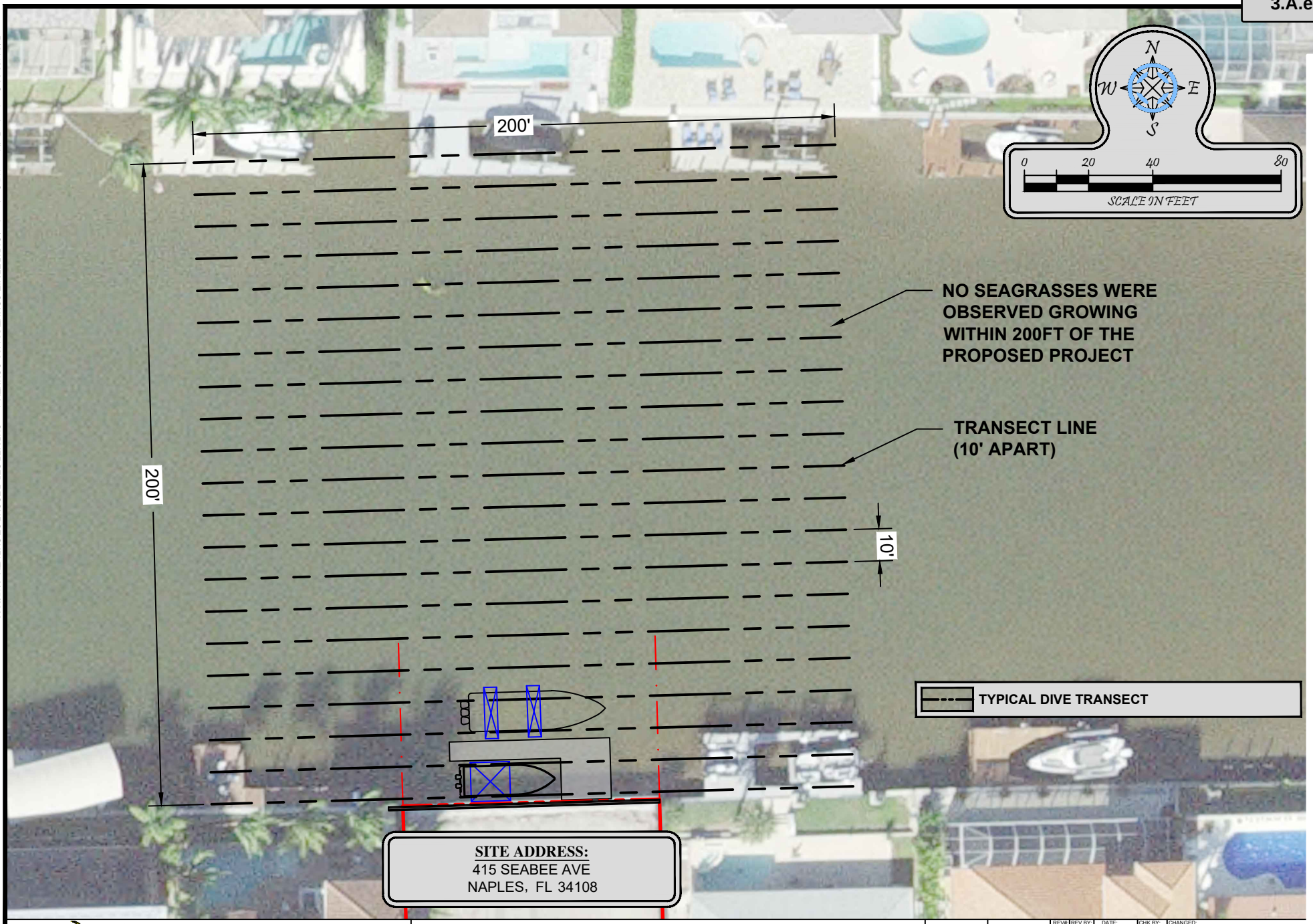
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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	03 OF 04	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\21133-COUNTY.dwg SUBMERGED RESOURCE SURVEY 2/15/2022



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

415 SEABEE AVE

SUBMERGED RESOURCE SURVEY

RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	04 OF 04	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

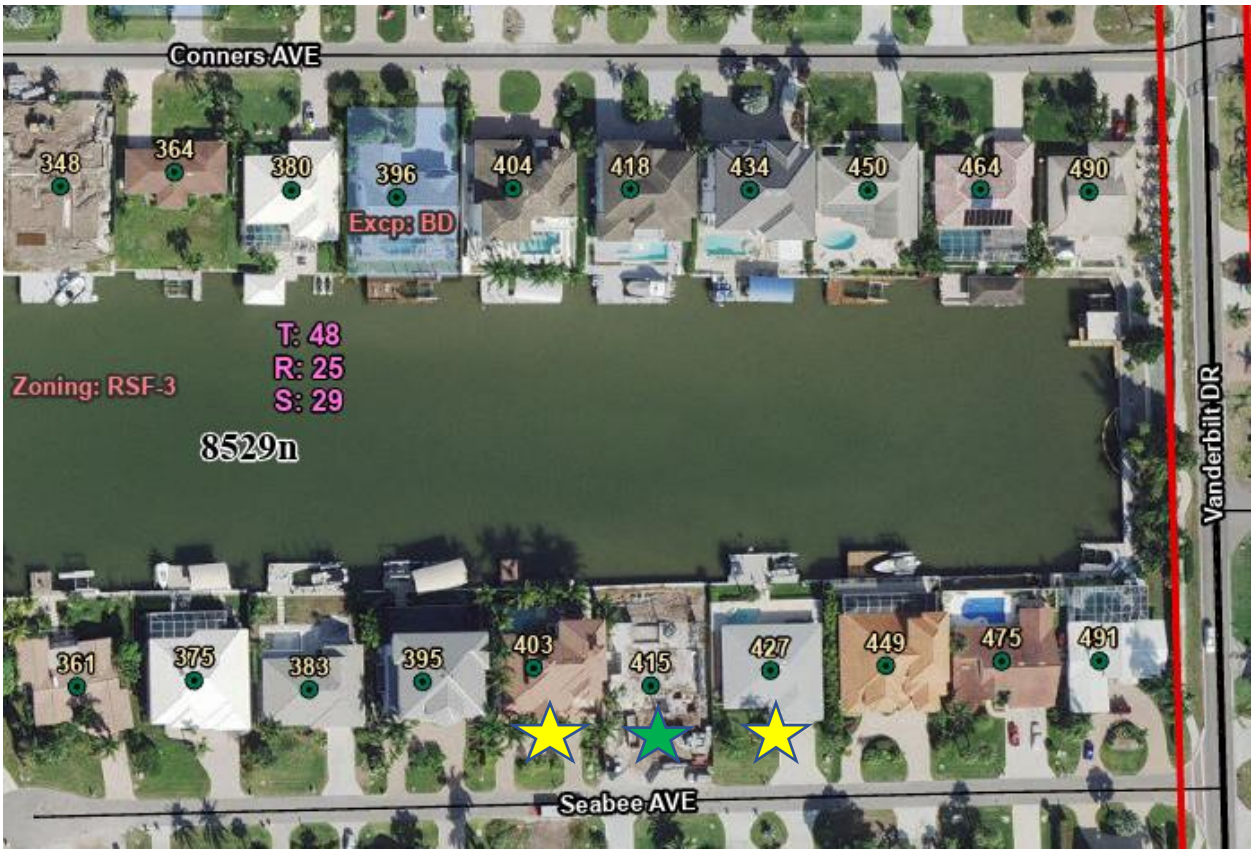
Attachment: Attachment C - Applicant's Backup, Application and Supporting DocumentsBDE Backup -

Hearing Examiner – October 13, 2022

Agenda Item 3.E

BDE-PL20210002320

Attachment D – Public Correspondence



Collier County GIS

Applicant/Petitioner – 415 Seabee Avenue

Letters of Objection – 403 Seabee Avenue (L. deSoto)
– 427 Seabee Ave (G. Dunn)
– (S. Dunn)

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

From: LINDA DESOTO <linda.desoto@verizon.net>
Sent: Friday, October 7, 2022 10:02 AM
To: KellyJohn
Cc: "Patrick White ESQ."
Subject: Formal Complaint Letter for Boat Extension 415 Seabee 10/13/22
Attachments: Linda's Formal Objection Hearing Boat Dock on 101322-.docx

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Dear Mr. Kelly:
I am sending you my formal complaint letter again. I've sent it several times but, I guess you aren't receiving it. Please confirm you are receiving it this time for the hearing.
Thank you.

Kindest Regards,

Linda deSoto

Email: LindadeSoto@me.com
310-753-5580

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

Linda Jane deSoto
BDS & Partners, LLC
Owner
403 Seabee Avenue
Naples, FL 34108

10/1/22

RE: Public Hearing will be held on October 13, 9:00AM
2800 Horse Shoe Drive, Naples Florida
(Boat Dock Extension) Petition PL20210002320
Subject: Proposed 32' dock 415 Seabee Avenue, Naples, FL 34108

To All Parties:

As a resident located at 403 Seabee Avenue, Naples, FL 34108, I reside directly next door to the west of the above captioned property. It has been brought to my attention that the owner of this home at 415 Seabee is requesting a variance from the normal allowed boat dock extensions. The variance he desires extends far into the canal which, will render it very difficult, if not impossible for me to park my own boat in my dock/boat lift.

The request is for a 17-foot boat dock extension from 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 boat docking facility protruding a total of 37 feet into a waterway that is 213+- feet wide. The subject property is located at 415 Seabee Avenue and is further described as Lot 19, Bock Q, Conner's Vanderbilt Beach Estates Unit No. 2, in Section 29, Township 48 South, Range 25 East, Collier County Florida.

(PL20210002320)(415 Seabee) shows a drawing where he appears to be adhering to the rules of the permitting process: 15' on either side, 50' in the center and 20' into the canal. This variance permit will allow him to have two boats. However, once you put two boats in this dock, it will protrude approximately 32' into the canal which, will impinge on my ability to access my dock. I currently have a valid permit for my dock and boat lift being built in November 2022 by Greg Orick Marine Construction.

My Points of Rebuttal include but are not limited to:

1. **INABILITY TO PARK MY OWN BOAT**: It is my understanding, that although his lift is 20' from the sea wall, when he puts a boat on the lift, he will be encroaching approximately 32' to 37'which, is why he's asking for the variance for the 24' dock extension rule. I have been advised by many experts that I will NOT be able to get into my own boat lift and slip. (See 403 & 415 Seabee Site and dock plants) below. Like most boat owners, I must enter my dock from the East side which, is already a very tight fit and not easy to navigate especially, with the winds and low tides. I have plans to reconstruct my dock taking place November 2022 which, will be at an angle to help ease the already difficult burden of parking. (See attached diagram).

2. **PROPERTY VALUES WILL GO DOWN:** This will dramatically affect the value of my property and the other neighbors. It will affect the enjoyment of owning a boat as I or future owners will not be able to park in the lift. The cost of my boat lift, dock and permit are approximately $35,000. (See Signed Orick Contract) If I or any other neighbors go to sell

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

their home with this dock allowed, it would be expected that the value of their property would certainly go down in value dramatically.

3. **VIEW LINE AFFECTED-LAND USE CODES:** My view line will be majorly affected with this current proposal which, is part of the land use codes prohibiting this type of encroachment. The beautiful views I planned on when purchasing my home will be affected negatively for sure.

4. **NORMAL SAFE PARKING:** I should state my intention that all residents should be required to stay within the norms of the others in the canal which is 20'-22' dock parking parallel.

5. **PILING SUPPORT:** 415 Seabee- Does Max Maffei's proposed boat lift have support from both sides to hold a 34' boat which he is proposing? There does not seem to be any pilings shown on the sketch.

6. **DANGER:** This proposed dock will be a dangerous hazard, especially at night. It will need to be lit up to prevent accidents since this dock protrudes more than the average boat dock in Conners. It will make it much more difficult to navigate. 24/7 night lighting will need to be installed to prevent accidents from boaters, paddle boarders who do not see his dock.

7. **DOMINO EFFECT OF PROBLEMS FOR THE CANALS**: I am also concerned about the domino effect this will have if he is allowed obtain this permit with this variance. If this passes, many other future boat owners will feel they can do it too. The canals will not be condusive to easy, safe boating. It could become a navigating nightmare and dangerous, especially at night. There will need to be lights on constantly, at night obviously, not good for sea-life either thus causing more problems.

8. **NOT FAIR TO OTHERS:** The other issue is, I do not know of any other docks, this size, protruding into the water. This is not fair to the other neighbors who are adhering to the rules. Why should anyone be able to get this variance when the rest of the neighborhood is adhering to the rules which are proven to be the best answers for the canals for many years.

9. **REDESIGN OF MY OWN DOCK:** If this permit variance is allowed to go through, I will have to redesign my own dock in a similar fashion extending out too so I will be able to get a boat in my dock. I will be upsetting my neighbors which, I do not want to do. I enjoy having good relations with my neighbors. I have been advised by a marine consultant, that the way the dock is designed now at 415 Seabee, I will only be able to get certain types of boats in the dock which is unfair to me. *He had this to say, "Linda, looking at the plans, either their plot line is incorrect, or part of your house is on his property. **IF** you are getting a twin engine BW Vantage 320, **AND** your neighbor keeps his outside boat as far back as in the drawings, there will be a minimum of 5 to 6 ft. of clearance when you make your approach to your lift. Easy for an experienced operator, and very easy if you are getting joystick control, or bow thruster. Yes, if he has a 31 ft. boat in the inside lift space, he cannot get it out without contact to your boat...according to the drawings. Yes, that is bad. On the other hand, if he has a smaller boat (26' to 28') he can do it. It would be wonderful if you could get him to eliminate 2 ft. off of the length of his floating dock. That would make it easier for him, and you!"*

   If my neighbor does not park his boat correctly or buys a larger boat than indicated or a future owner does not comply with the size of the boat indicated he is putting on his docks, I, nor anyone who buys my home, will NOT BE ABLE TO PARK A BOAT. I will be in a position of redesigning my dock which costs more money, headache, time, etc. I might even have to sue him or a future owner because my dock will be obsolete. Either way, this is not a solution

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

for compromise. He is extending his dock far more than is needed so he can have two boats. I am asking for one boat dock like all the others in the neighborhood and the ability to buy whichever boat I wish. Why should I have to buy a special kind of boat so he can fit two boats in his dock.

10. **PUBLIC ADVERTISEMENT:** Due to the recent hurricane, the public advertisements were blown away, taken down or swept away by the sea due to the huge catastrophic, once in a lifetime hurricane. Therefore, not enough advertisement has been provided nor time to give the community of neighbors' time to respond with their rebuttals to this permit variance. It is being put through the system without ample feedback from all the neighbors who have an opinion due to not knowing about the hearing or having the ability to show up to the hearing because they are in complete survival mode. Some of these people on the canal have no home left at all. Here is what one of my neighbors had to say, "Looks good Linda. I won't be at the meeting too much upside down in our lives right now.
We are homeless temporarily." Another neighbor, Mr. Gonnering across the canal on said, "My wife and I are exhausted. Myself, and Pat down the street, Bob and Ken across the canal have all lost our houses and have moved out. We all spoke at the first hearing last year. I am hoping we will be at the next meeting. We have lost everything. I do not have a plug for t computer to read your letter, no Wifi. We just moved in out apartment today.

I hope to keep these canals beautiful, easy to navigate and safe.

I agree with Robert and Evelyn Kischman fellow neighbors, " If Collier Count allows one property owner to extend his dock, then others will follow suit causing a domino effect of problems for those who lose their views and may not be able to afford to extend docks built to be kept in code. For safety purposes and visual aesthetic purposes, this would be a mess." It is not fair to everyone else. It is very dangerous. And, once this dock is approved, other homeowners will request similar variances over and over. The canals will be more and more crowded not allowing the wider water ways we all paid extra for when we bought our homes. There will be no end to the devaluation of our beautiful homes we all bought thinking it would remain the same.

I also agree with Mr. Gonnering across the canal from me, "If each other decided to extend their dock 24' on each side of the canal, it would make the wake area 44' less total. The waterway is already crowded with many boaters Kayak and paddle-boarders and wildlife such as dolphin and manatee. We would not only be disrupting our homes but, our endangered wildlife as well."

In conclusion, overall, I am very concerned about canal esthetics, property value, boat launching, boat parking and docking safety. This is a detriment to everyone in this neighborhood.

I along with many others will be devastated if you allow this to go through.

Thank you for your consideration in this most important matter.

Kindest Regards,

Linda deSoto

Email: LindadeSoto@me.com
310-753-5580
403 Seabee, Naples-Owner

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

From: gregory dunn <gdunn5000@gmail.com>
Sent: Wednesday, October 12, 2022 2:16 PM
To: KellyJohn
Subject: Proposed dock at 415 Seabee Ave.

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

John, I am writing to oppose the dock extension at 415 Seabee Ave. I live at 427 Seabee avenue, one house to the east. If approved this dock would virtually eliminate our view to the west. Every home in our area has been constructed to maximize the view, including the house at 415 Seabee. It has a pool deck, two levels of balconies and a rooftop deck with fire pit at 45 feet above the ground. Obviously the view is important to him. Our house is a ranch with the view from the pool deck and the dock. We don't have the option to go to the rooftop to see the sunset or enjoy all of the activity that happens on the canal.
I am also concerned with our ability to get a boat into the dock on the west side.
Thank you for your consideration, Greg Dunn

Sent from my iPad

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

From: sheri Dunn <art4walls@comcast.net>
Sent: Wednesday, October 12, 2022 2:56 PM
To: KellyJohn
Subject: Proposed Exception for Oversized Dock at 415 Seabee Avenue

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Dear Mr. Kelly,

My husband and I are the proud owners of the home directly east of the property currently under construction at 415 Seabee Avenue. Our home located at 427 Seabee Avenue is the dream home we have worked all our lives for. Hurricane Ian destroyed all the work that we put into the home since purchasing it almost 2 years ago. However, we are determined residents of Florida and this hurricane will not deter our resolve to rebuild our home and remain in Naples.

I am writing you today to ask you to oppose the dock extension at 415 Seabee Avenue. If allowed to be built, the oversized dock will result in hazardous conditions for everyone in the area. Boaters, paddle boarders, kayakers, Seadoo owners, all will be at greater risk. We have grandchildren who kayak and paddle board in the area. Do you think the owner of 415 Seabee Avenue will be watching for kayakers and paddle boarders?

Lastly, the view for all the property owners on both sides of the canal will be destroyed. And we are concerned about property values. There is a reason why the City set the maximum at 20 feet for a dock.

Please uphold the standards set by the City of Naples.

A concerned citizen and Naples property owner,

Sheri Dunn

Attachment: Attachment D - Public Correspondence (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

From: Nick Pearson <Nick@thanaples.com>
Sent: Tuesday, December 20, 2022 2:19 PM
To: KellyJohn
Subject: Maffei BDE petition PL20210002320 at 415 Seabee Ave.
Attachments: 21133-COUNTY FIXED-DOCK.pdf

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John,

In follow-up to our conversation a moment ago, below is a straight-forward list of the changes made to the previous dock plans for the Maffei's BDE petition. The new plans (attached) are intended to be used for the Maffei's BDE petition moving forward.

- The dock has been switched from a floating dock design to a fixed design. As a result, the gangway has been removed, since it is no longer needed.
- The larger platform area of the dock, which connects to the seawall has changed shape slightly. The floating design had this area dimensioned at approximately 15'x19'. The new design will be approximately 11'x17' with a flared section leading onto the finger dock.
- The provided side setback on the dock's west side has been increased from 15' to 22'.
- The protrusion of the decking of the dock has been reduced to protruding 17' from the face of the seawall. Total protrusion proposed has remained the same, at a maximum of 32' from the face of the seawall.
- The finger dock width has been reduced from 6' in width to 4' in width.
- The outside lift was previously shown as an elevator lift (lift piles only on one side). This has been changed to a conventional 8-post lift.
- The total overwater square footage previously proposed for the floating dock was approximately 505 square feet over water. The new fixed dock design will consist of approximately 331 square feet of over water structure.

If you need anything else, give me a call at 239-643-0166 or email me direct at Nick@THAnaples.com.

Best Regards,
Nick Pearson

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
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Naples, FL. 34104-3732
Phone: (239) 643-0166
Fax: (239) 643-6632
Email: Nicholas@THAnaples.com
Web: www.turrell-associates.com

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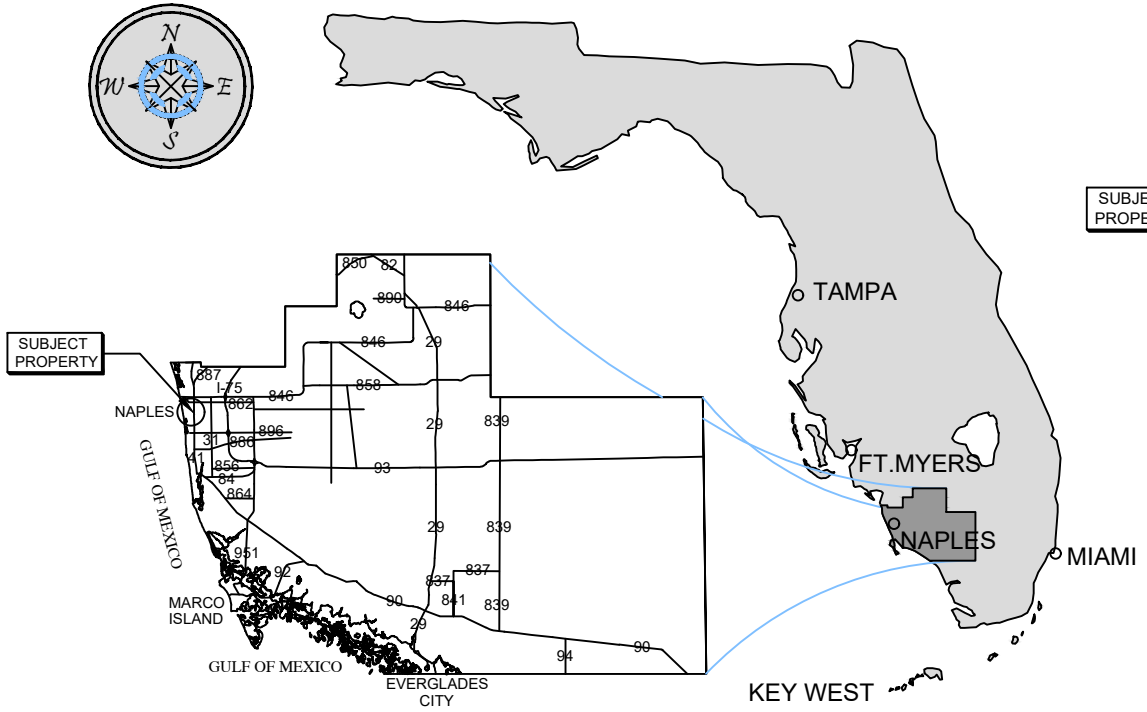
Attachment: Attachment E - Applicant's Revisions (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

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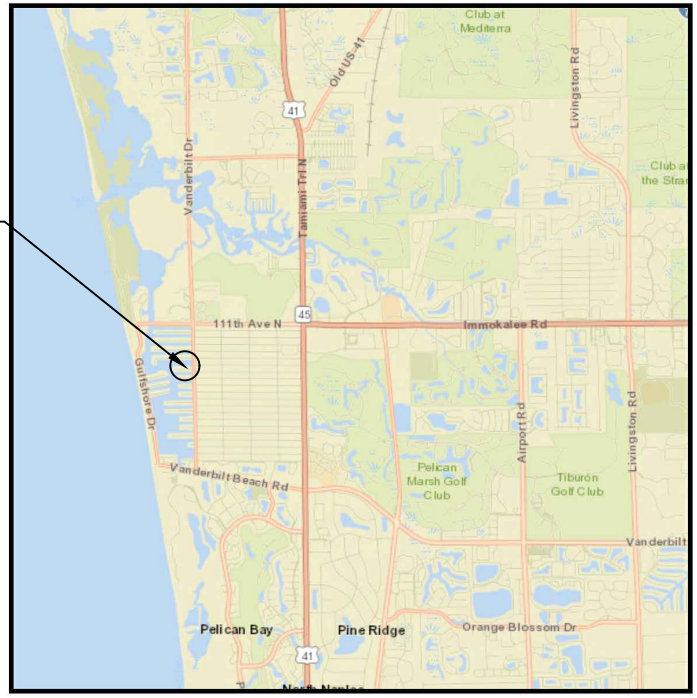
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P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\ALTERNATE DESIGNS\21133-COUNTY FIXED.dwg LOCATION MAP 12/19/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 415 SEABEE AVE
NAPLES, FL 34108

<> LATITUDE: N 26.266570
<> LONGITUDE: W -81.818745

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

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3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

415 SEABEE AVE

LOCATION MAP

RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave

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NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"JH McCARRIER LAND SURVEYING, INC."**
  - SURVEY DATED: **05-14-19**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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415 SEABEE AVE

EXISTING CONDITIONS

RY NO. 5875

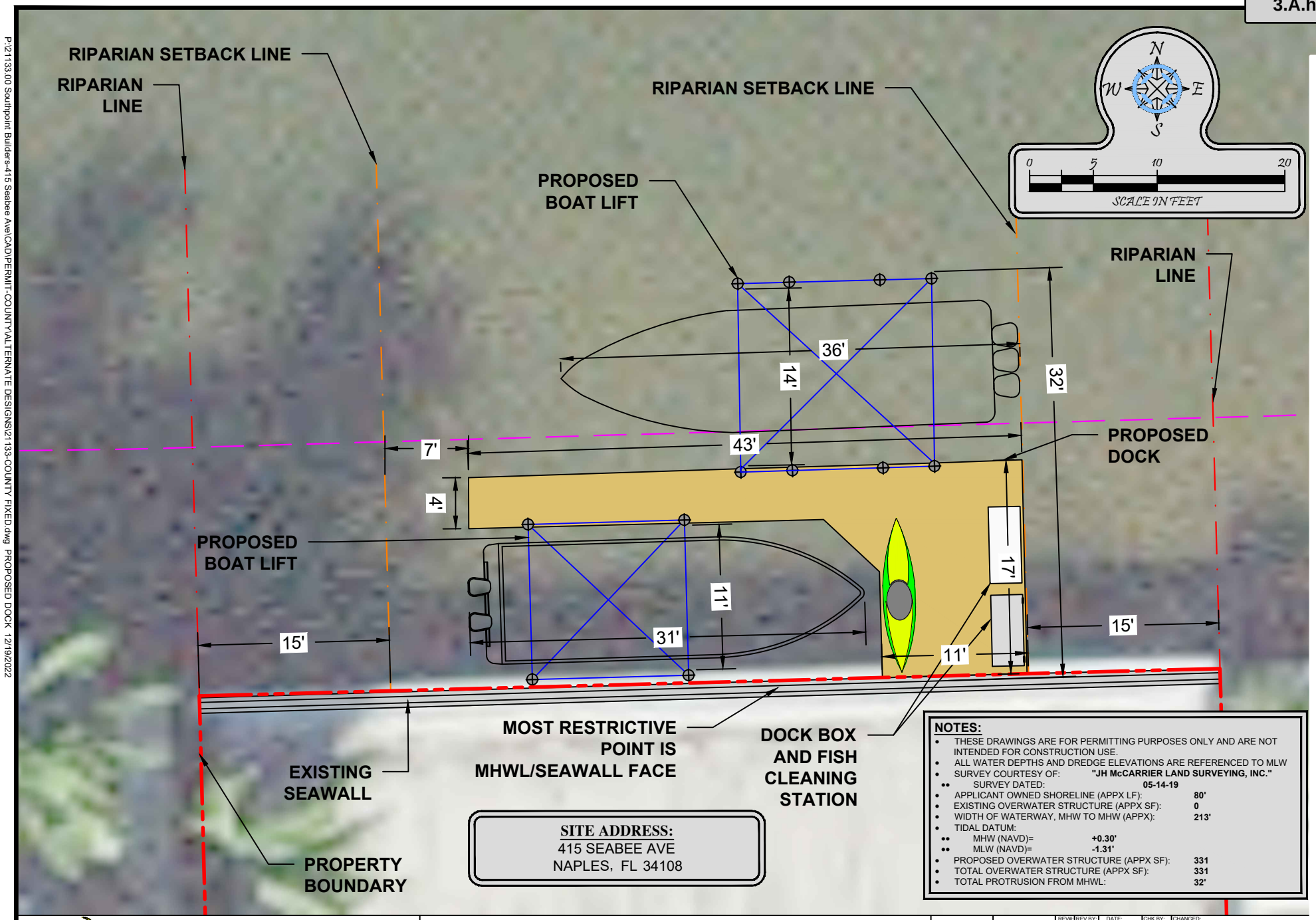
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SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\ALTERNATE DESIGNS\21133-COUNTY FIXED.dwg PROPOSED DOCK 12/19/2022

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave



SITE ADDRESS:
415 SEABEE AVE
NAPLES, FL 34108

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- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **213'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **331**
- TOTAL OVERWATER STRUCTURE (APPX SF): **331**
- TOTAL PROTRUSION FROM MHWL: **32'**

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PROPOSED DOCK

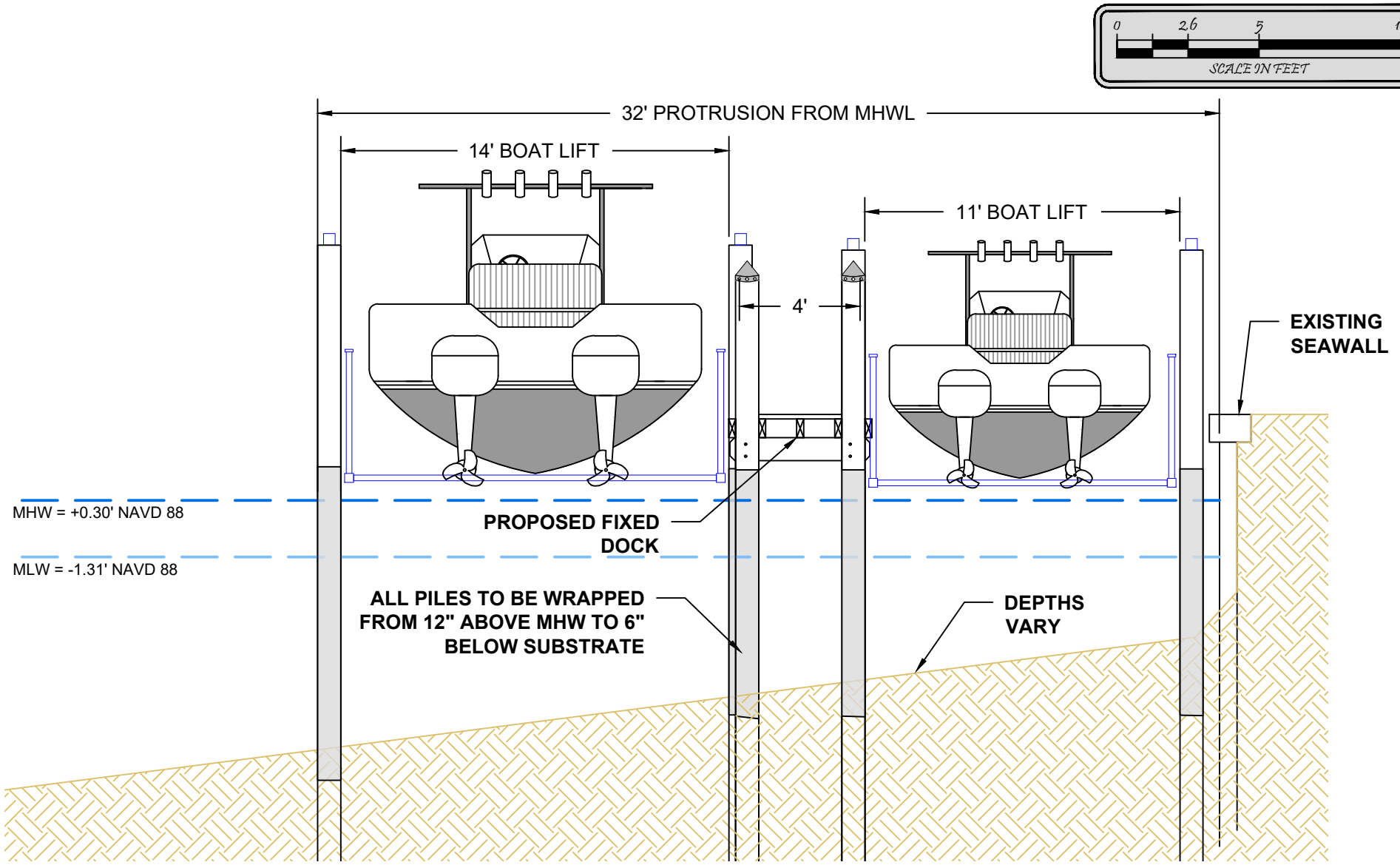
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SHEET NO.:	03 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\ALTERNATE DESIGNS\21133-COUNTY FIXED.dwg CROSS SECTION AA 12/19/2022



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415 SEABEE AVE

CROSS SECTION AA

RY NO. 5875

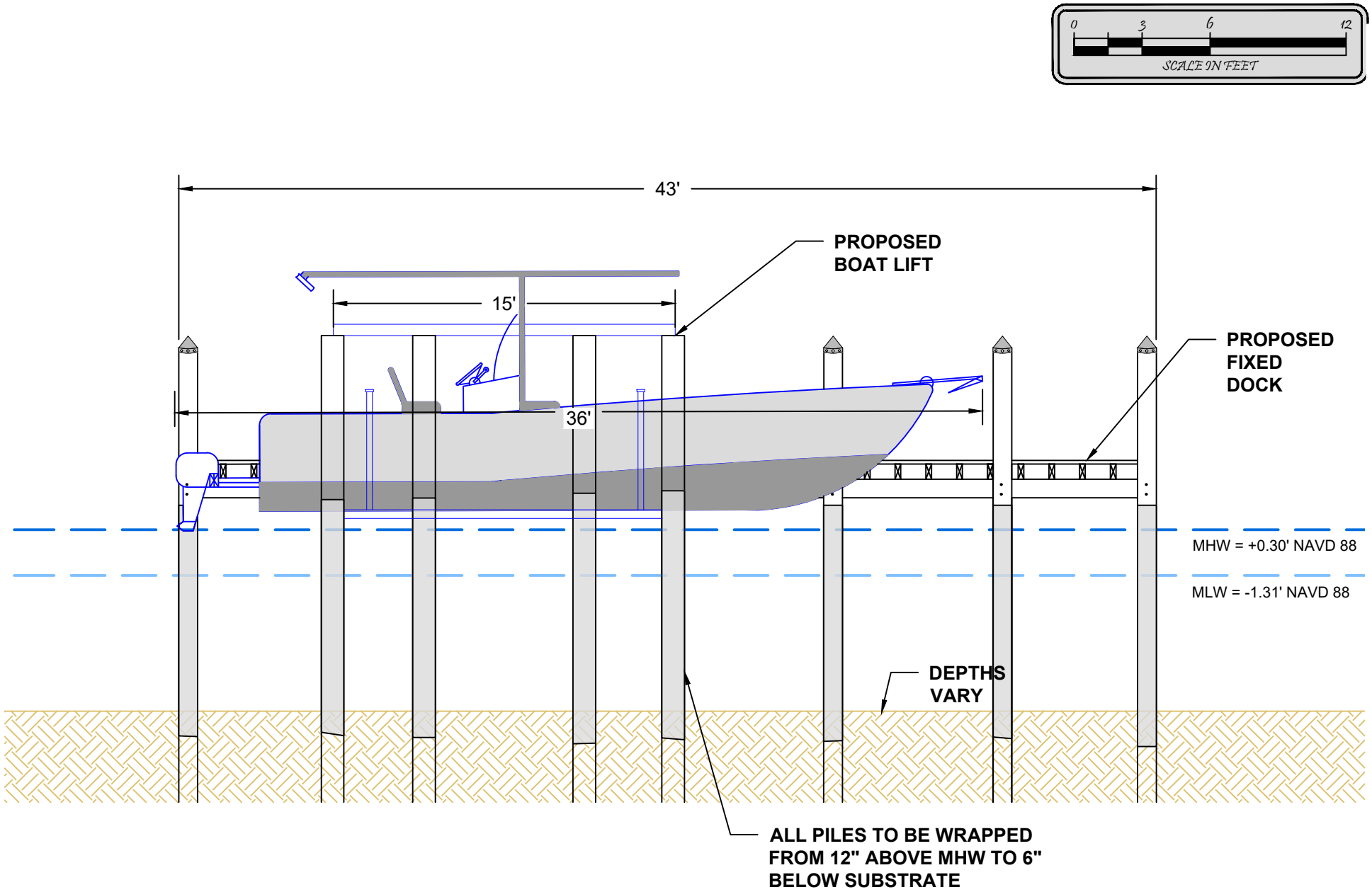
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave

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415 SEABEE AVE

CROSS SECTION BB

RY NO. 5875

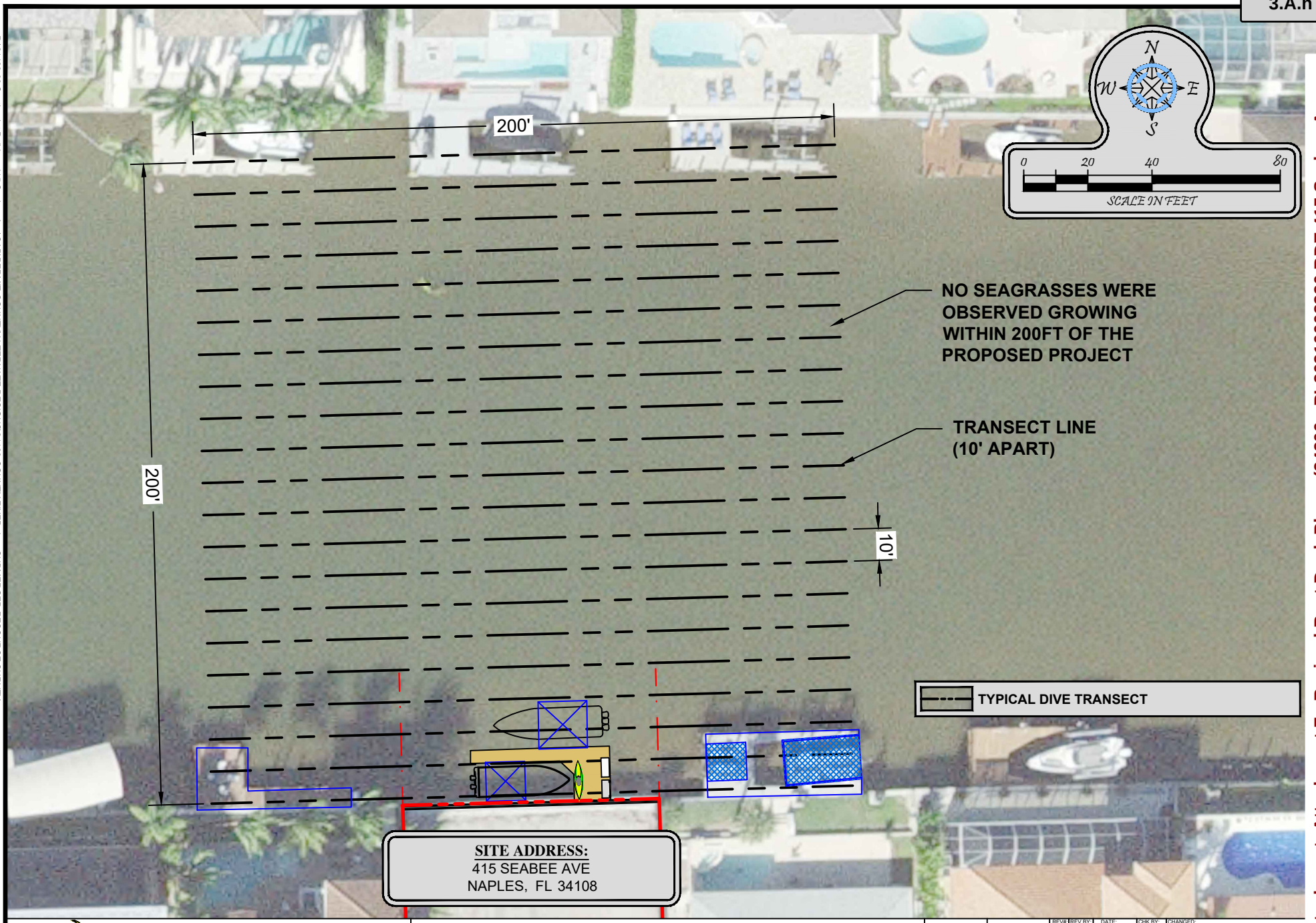
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave

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415 SEABEE AVE

SUBMERGED RESOURCE SURVEY

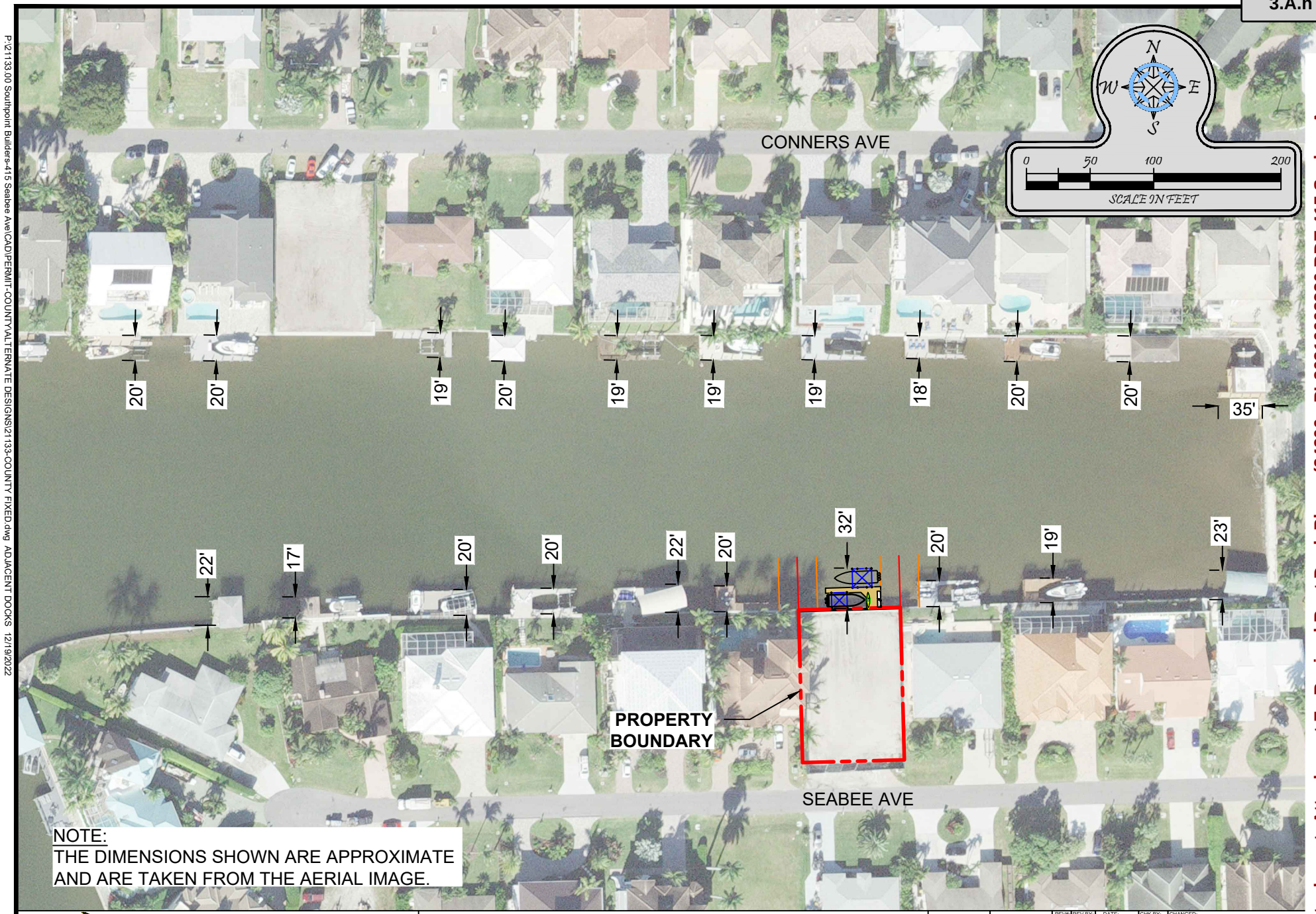
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave



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

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ADJACENT DOCKS

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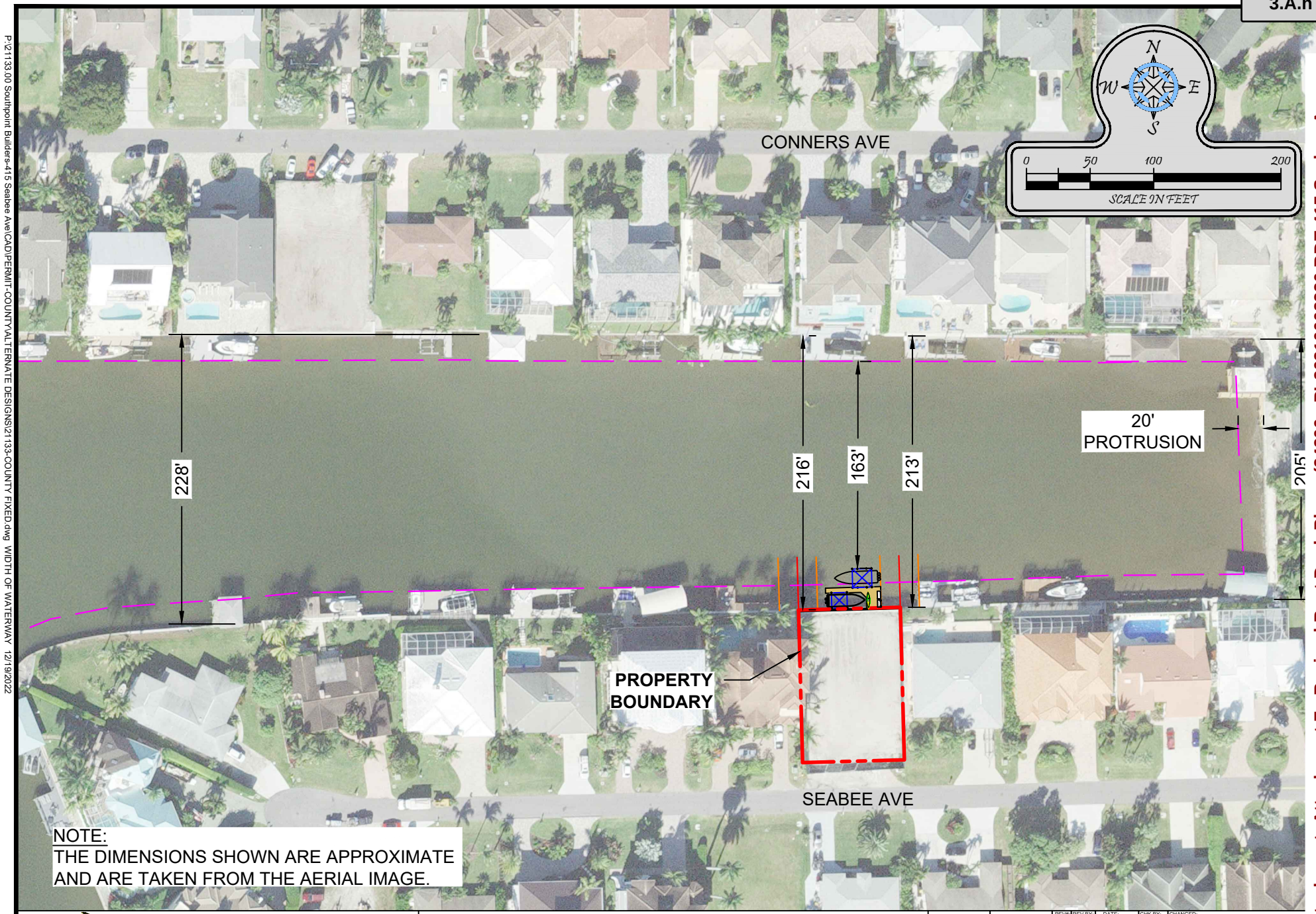
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SECTION-29 TOWNSHIP-48S

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Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave



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3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

415 SEABEE AVE

WIDTH OF WATERWAY

RY NO. 5875

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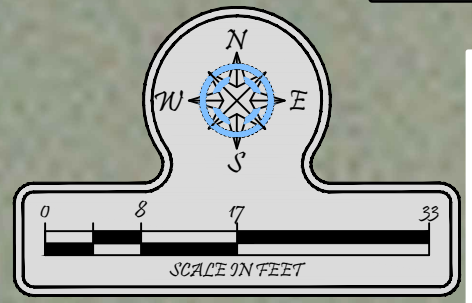
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JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	08 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\ALTERNATE DESIGNS\21133-COUNTY FIXED.dwg WIDTH OF WATERWAY 12/19/2022

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave

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



PROPOSED DOCK AND LIFTS

BOATHOUSE OVER PWC LIFT

20 FT. PROTRUSION CONTOUR

BOATSLIP CANOPY

APPROXIMATED FOOTPRINT OF EXISTING DOCK

30'

32'

43'

20'

Est. 12'

Est. 23'

15'

50'

15'

15'

Est. 50'

15'

80'

80'

427 SEABEE AVE.

415 SEABEE AVE.

PROPERTY BOUNDARY

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

415 SEABEE AVE

NAVIGABILITY OF NEIGHBORS

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:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	10 OF 10	5.	-	-	-	-

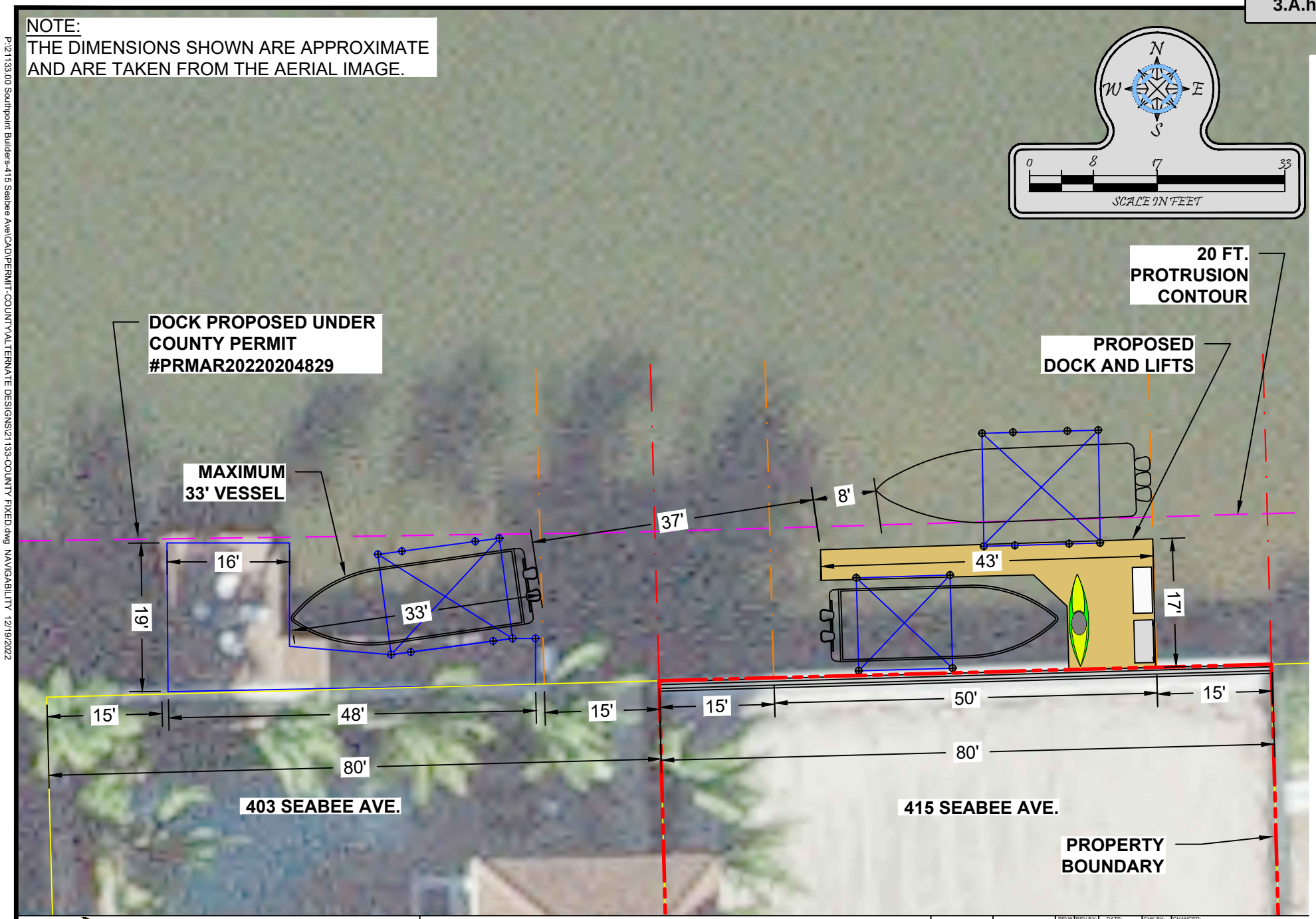
SECTION-29 TOWNSHIP-48S

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\ALTERNATE DESIGNS\21133-COUNTY FIXED.dwg NAVIGABILITY (2) 12/19/2022

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave

P:\21133.00 Southpoint Builders-415 Seabee Ave\CAD\PERMIT-COUNTY\ALTERNATE DESIGNS\21133-COUNTY FIXED.dwg NAVIGABILITY 12/19/2022

NOTE:
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415 SEABEE AVE

NAVIGABILITY OF NEIGHBORS

RY NO. 5875

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DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-18-21	3.	-	-	-	-
JOB NO.:	21133	4.	-	-	-	-
SHEET NO.:	09 OF 10	5.	-	-	-	-

SECTION-29 TOWNSHIP-48S

Attachment: Attachment F - Revised Boat Dock Plans (24206 : PL20210002320 BDE 415 Seabee Ave





Attachment: Attachment G - Second Public Hearing Sign Posting (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

From: KellyJohn
Sent: Wednesday, December 28, 2022 12:38 PM
To: KellyJohn
Subject: BDE-PL20210002320 - 415 Seabee Ave - Public Hearing Sign Posted on 12/22/2022
Attachments: 6FFB7C22-068F-41D4-8282-338650CA4DD8.jpeg; AC1C23AE-BE1C-4046-8AC0-37A2572AB606.jpeg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petition, scheduled for hearing by the Hearing Examiner on January 12, 2023, at approximately 12:55PM. Said sign was posted to the front of the subject property, immediately adjacent to the public right-of-way, as evidenced by the attached photos.

Respectfully,
John Kelly
Planner II

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 G - Second Public Hearing Sign Posting (24206 : PL20210002320 BDE 415 Seabee Ave Maffei)

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: JANUARY 12, 2023

SUBJECT: BDE-PL20220002146, 167 SUNSET CAY – HUTCHINS DOCK

PROPERTY OWNER/APPLICANT:

Robert Brauch and Judith Ann Hutchins
9264 Shadow Oak Ln.
Naples, FL 34120

AGENT:

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

REQUESTED ACTION:

The petitioner requests a 35-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 55 feet into a waterway that is 338± feet wide, pursuant to LDC Section 5.03.06.

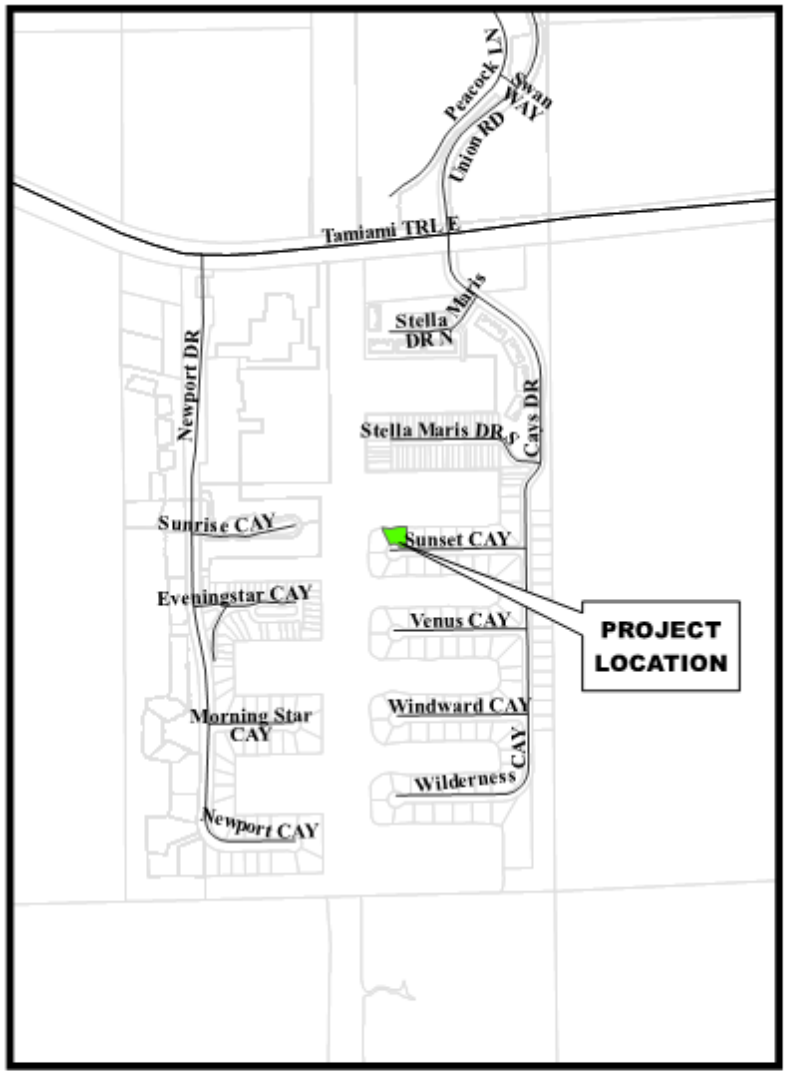
GEOGRAPHIC LOCATION:

The subject property is located at 167 Sunset Cay, further described as Lot 84, Port of the Islands (The Cays) Phase II, in Section 9, Township 52 South, Range 28 East. Collier County, Florida. *(See location map on the following page)*

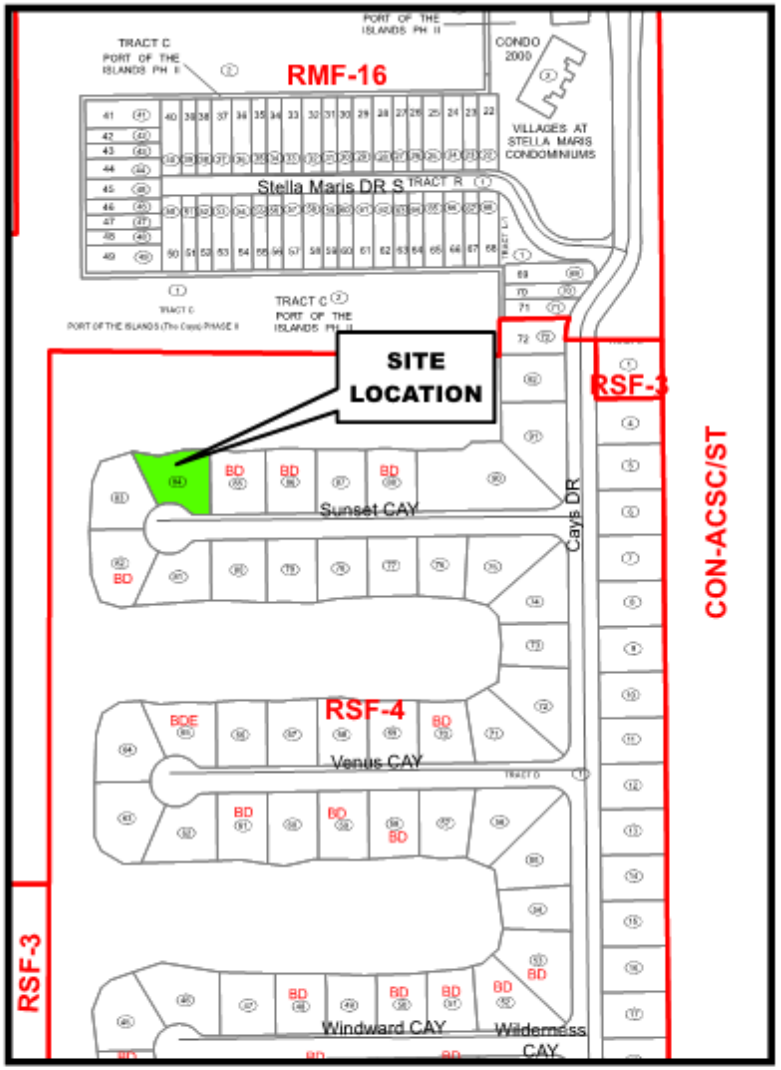
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is located within a Single-Family-4 (RSF-4) Zoning District, comprises 0.35 acres with 149± feet of water frontage, and supports a new one-story single-family dwelling. It is the desire of the petitioner to construct a boat docking facility that will protrude 55 feet from the MHWL/Property Line into a waterway that is 338± feet wide; said dock comprises an 8-foot finger pier with a slip on each side and a 14-foot by 14-foot platform for the storage of recreational equipment (kayaks and paddleboards). Each slip will have a boatlift, the eastern to accommodate a 50-foot vessel and the western for a 30-foot vessel. The required 15-foot side/riparian setbacks for boat docks on lots with 60 feet or greater of water frontage will be satisfied on both sides.

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)



Location Map



Zoning Map

Petition Number: PL20220002146

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

SURROUNDING LAND USE & ZONING:

North: Faka Union Canal (waterway) then improved multi-family development; Residential Multi-Family-16 (RMF-16) District

East: Single-family dwelling; Residential-Single-Family-4 (RSF-4) Zoning District

South: Sunset Cay (Right-of-Way) then a single-family dwelling; Residential-Single-Family-4 (RSF-4) Zoning District

West: Single-family dwelling; Residential-Single-Family-4 (RSF-4) Zoning District



Aerial – Collier County GIS

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. 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. The site plan Exhibit sheet 8 of 10 provides an aerial with a note stating that no seagrasses were observed within 200 feet.

This project does not require an Environmental Advisory Council (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 an RSF-4 Zoning District and supports a single-family dwelling for which the LDC and Manatee Protection Plan allows two boat slips. The proposed boat docking facility comprises a boat docking facility with two slips, each with a boat lift, one for a 50-foot vessel and the other a 30-foot vessel.

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

   Criteria met. The applicant's agent states: "The boat dock extension is necessary to accommodate the owners' vessels and due to rip-rap shoreline the proposed dock cannot come any closer to the shoreline. A more shore parallel dock design would not work due to the rip-rap and would then also require the vessels to cross over into the adjacent property owners' riparian area. The reason for this BDE request was due to both shallow water

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

depths along the shoreline as well as the vessel size." As based upon the provided cross-section and provided Special Purpose Survey depicting water levels, staff concurs.

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

Criterion met. There are no marked channels within this area and the width of the waterway is approximately 338 feet, MHWL to MHWL; as proposed, navigation within the subject waterway will not be impacted.

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 338 feet. The proposed dock protrusion is 58 feet from the MHWL/Property Line. Therefore, the dock facility will occupy approximately 17.16 percent of the waterway.

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 not met. The applicant contends this criterion has been satisfied; however, staff disagrees. The applicant's agent states: "The proposed docking facility is consistent with the outlined designed criteria within the Collier County Manatee Protection Plan for single-family docks with shorelines greater than 100 feet. The proposed dock design is also consistent with other previously approved adjacent docks within the subject waterway as well 156 Venus Cay and 159 Windward Cay. As proposed with a finger dock design and the two slips being perpendicular to the shoreline the dock will be within the allowed buildable area by providing the required setbacks and therefore the views into the subject waterway by the adjacent property owners will not be impacted nor their access to their docks." Zoning Staff did question the shore perpendicular design of the dock as well as its placement. In response, the applicant's agent provided and evaluated three additional designs, two being shore parallel and the third at a 45-degree angle to the shore. The applicant's agent asserts the shore perpendicular design is preferable as it avoids crossing over the riparian lines of others, minimizes the over-water square footage, and is within the 25 percent of waterway limitation. Staff would be more favorable to the alternative designs and even their preferred design if situated further west along the subject shoreline; however, as proposed, staff finds the proposed design and location could negatively impact the ability of the neighboring property to the east from accessing the westernmost slip of their dock from the west.

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

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 the type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)**

   Criterion met. The applicant's agent states: "The subject property shoreline consists of a natural riprap shoreline along the entire 149 linear feet. Due to the riprap, the proposed dock design has the larger boatlift and the associated vessel as close to the base of the riprap as possible to prevent the vessel from potentially striking the riprap (rocks) and minimizing the overall protrusion as much as possible with a perpendicular dock layout. Additionally, the property line is landward of the mean high-water line therefore the overall protrusion measurement is taken from a point on the property that is not over water. Due to these existing on-site conditions as well as avoiding ingress/egressing the dock/slip over the adjacent property owners' riparian area the best dock layout is being proposed. Additionally, the width of waterway and the fact the entire waterway is open for navigation allows for a dock to protrude out which is consistent with ours previously approved within the subject canals." Zoning Staff offers that the plat for subdivision in which this property is located, Port of the Islands (The Cays) Phase II (PB21, PG 1-4) depicts a 20-foot drainage easement (D.E.) running along the shoreline of all canal lots; see dedication and Detail of Easements for Each Lot on applicable pages. The shoreline is reinforced by a rip-rap revetment and the rip-rap occupies the waterfront half of the easement, a swale at the top of the rip-rap occupies the remainder. Provided drawings demonstrate the D.E. is spanned and not blocked by the proposed dock.

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 docking facility design will provide sufficient deck area to allow for access to both boatlifts [SIC] and the associated vessels. There is also sufficient deck area for routine maintenance, safe access as well as recreational activities like fishing plus storage of kayaks or paddleboards. The total over-water square footage is 635 square feet. The adjacent docking facility and numerous others as shown on the BDE exhibits and other associated documents/images indicate that those docks have considerable amount [SIC] decking compared to the proposed dock.

   Additionally, as a note based on the code, the applicant could construct a dock that stretched across the entire property from setback to setback being approximately 119 feet long [SIC] 20 feet out from the platted property. In my opinion, a design like that would result in a significant [SIC] amount of more decking area compared to what is being proposed. This would be more impactful to the environment by creating a much larger shaded area of bottomlands and provide area that would be excessive compared to what is being proposed."

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

Zoning staff is of the opinion that, given the finger type dock is limited to 8 feet in width, an intermediate platform measuring 14 feet by 14 feet is not excessive being that it can be used to provide safe space for routine maintenance, safe access, and the outdoor storage of kayaks and paddleboards.

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 proposed boat docking facility has been designed to allow for the mooring of two vessels, one being 30 and the other 50 feet in length. The subject property has approximately 149 feet of water frontage. The combined vessel length of 80 feet exceeds the 50 percent threshold as it equates to approximately 53.69 percent of the waterfront footage.

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

Criterion met. The applicant's agent states: "As proposed the dock has been designed within the designated setbacks and is consistent with other previously approve [SIC] BDE boat docks being perpendicular to the shoreline in order [SIC] remain within the riparian area. The adjacent property to our east has a docking facility that is parallel to the shoreline but within the required side yard setback. There are no impacts to either adjacent property owner as their view is within their riparian lines extending from the shoreline out to the middle of the subject waterway."

To evaluate this criterion, Zoning staff must be mindful that both the applicant and their neighbors have rights that must be applied equally and fairly. It is staff's understanding that a waterfront property owner has the right to an unobscured view within their own riparian area; however, rights to a view outside of said riparian area are limited to the extent that a neighbor should not have their rights to full use of their waterfront property (to include docks) infringed upon. In this case, the applicant has substantially exceeded side setback requirements on both sides of the proposed facility and there is no impact on the views of neighboring properties within their respective riparian areas.

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.

Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

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 met. The applicant's agent states, in part: "As outlined in the MPP Section 3.2.3.4 the subject property meets the standards to have two boat slips and the proposed dock does not need to be shore parallel/marginal which is a requirement for commercially zoned properties. Based on this the proposed dock is consistent with the MPP requirements as there are no impacts to seagrasses and we have water depths greater than 4' MLW." Staff notes the subject property is located within Port of the Islands for which the MPP is applicable and concurs with the applicant's findings.

Staff analysis finds this request complies with four of the five primary criteria and five of the six secondary criteria. As of the time this staff report was drafted, no public objections or other correspondence had been received.

CONCURRENT LAND USE APPLICATIONS:

There are no known concurrent land use petitions.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:

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

RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20220002146 in accordance with the Proposed Dock Plans provided within Attachment A.

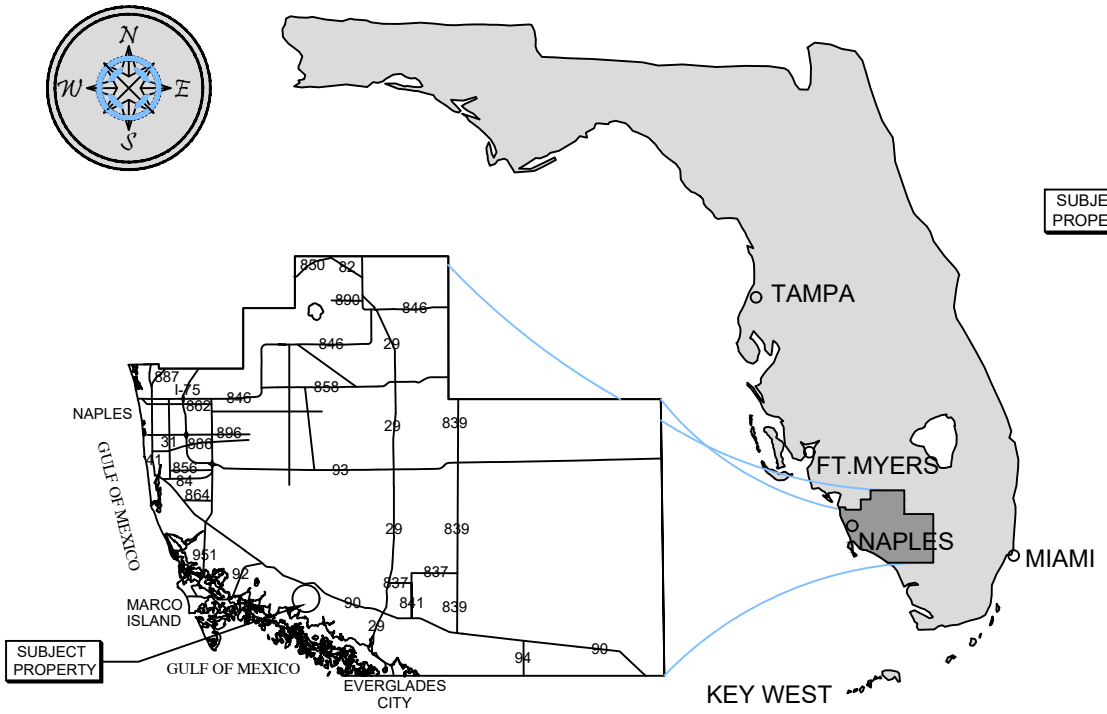
Attachments:

A. Proposed Dock Plans
B. Map of Boundary Survey
C. Port of the Islands (The Cays) Phase II Plat, PB 21, PG 1-4
D. Public Hearing Sign Posting
E. Applicant's Backup; Application and Supporting Documents

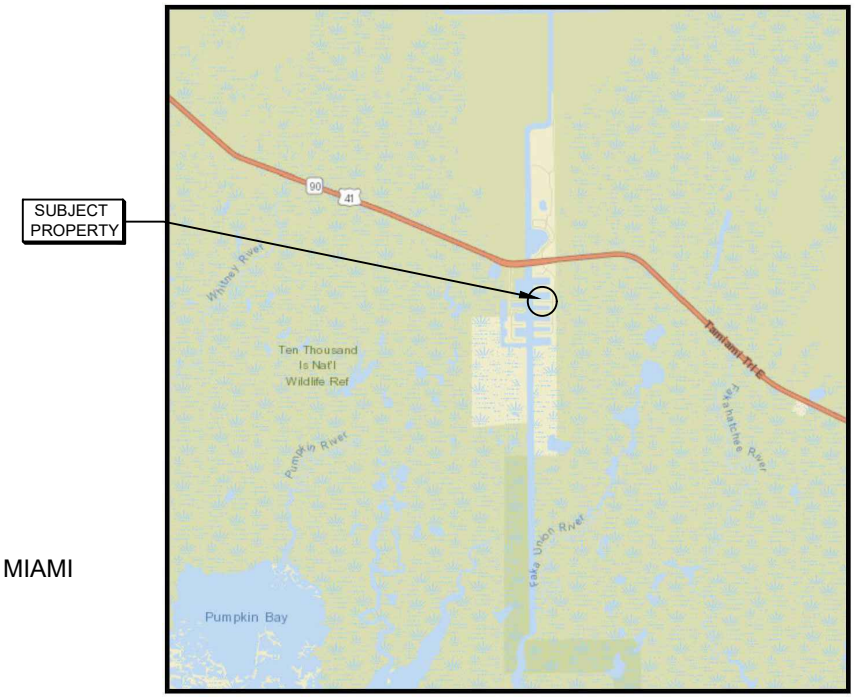
Attachment: Staff Report 12202022 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg LOCATION MAP 12/20/2022

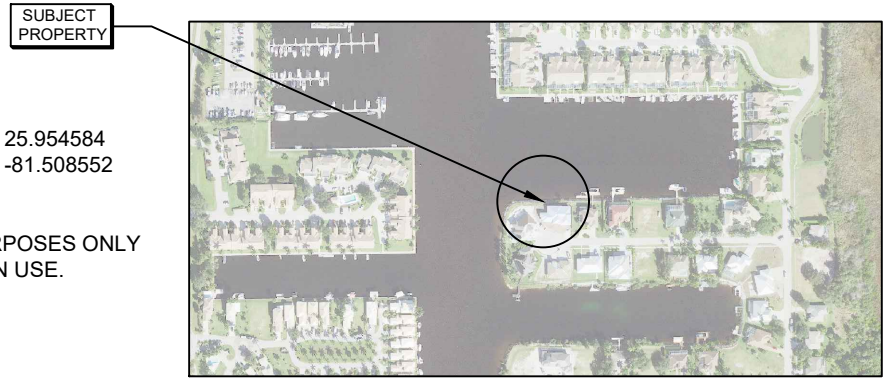
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 167 SUNSET CAY
NAPLES, FL 34114

<> LATITUDE: N 25.954584
<> LONGITUDE: W -81.508552

NOTES:

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

167 SUNSET CAY

LOCATION MAP

RY NO. 5875

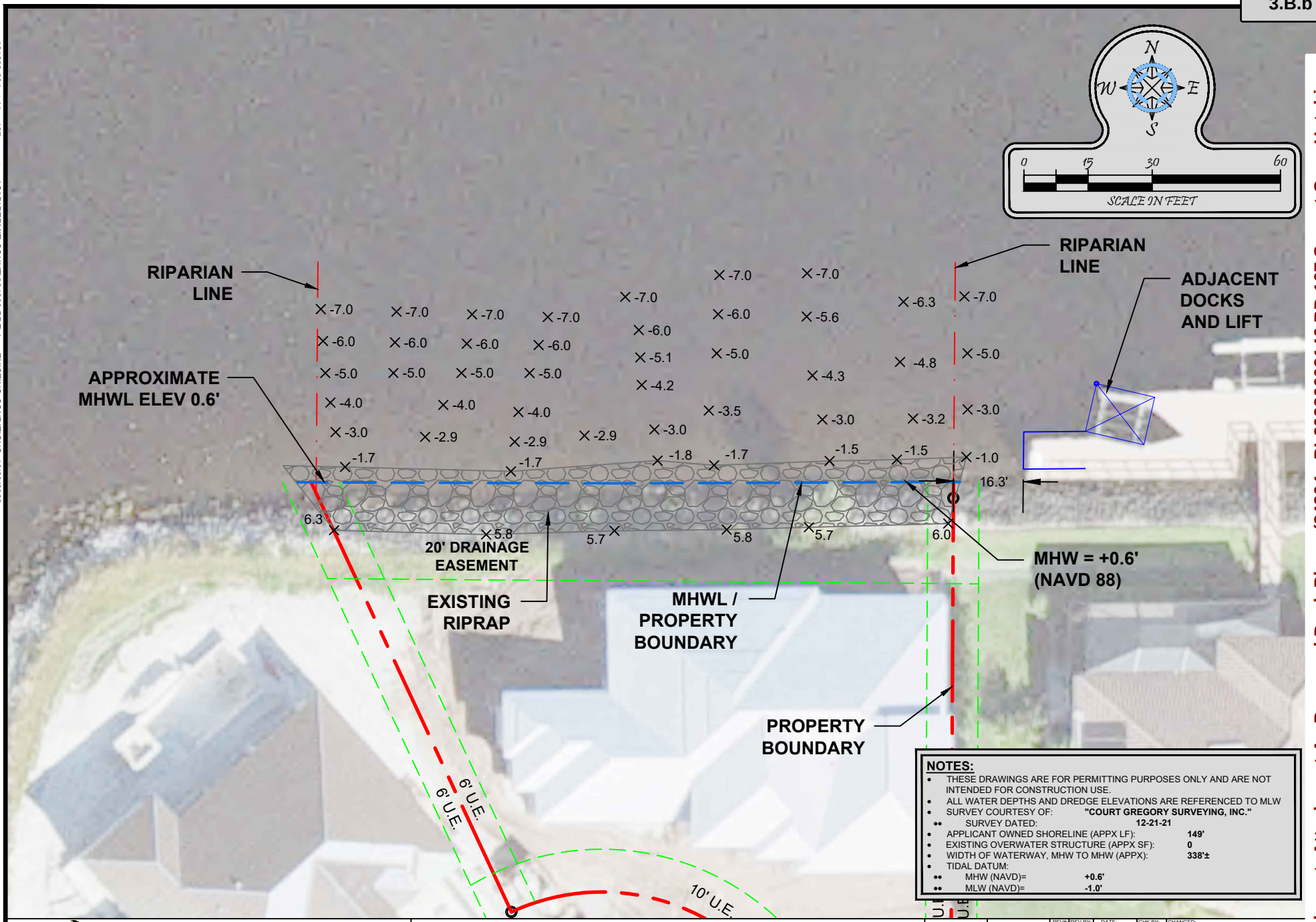
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JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg EXISTING CONDITIONS 12/20/2022



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: **12-21-21**
- APPLICANT OWNED SHORELINE (APPX LF): **149'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **338'±**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.6'**
  - MLW (NAVD)= **-1.0'**

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

167 SUNSET CAY

EXISTING CONDITIONS

RY NO. 5875

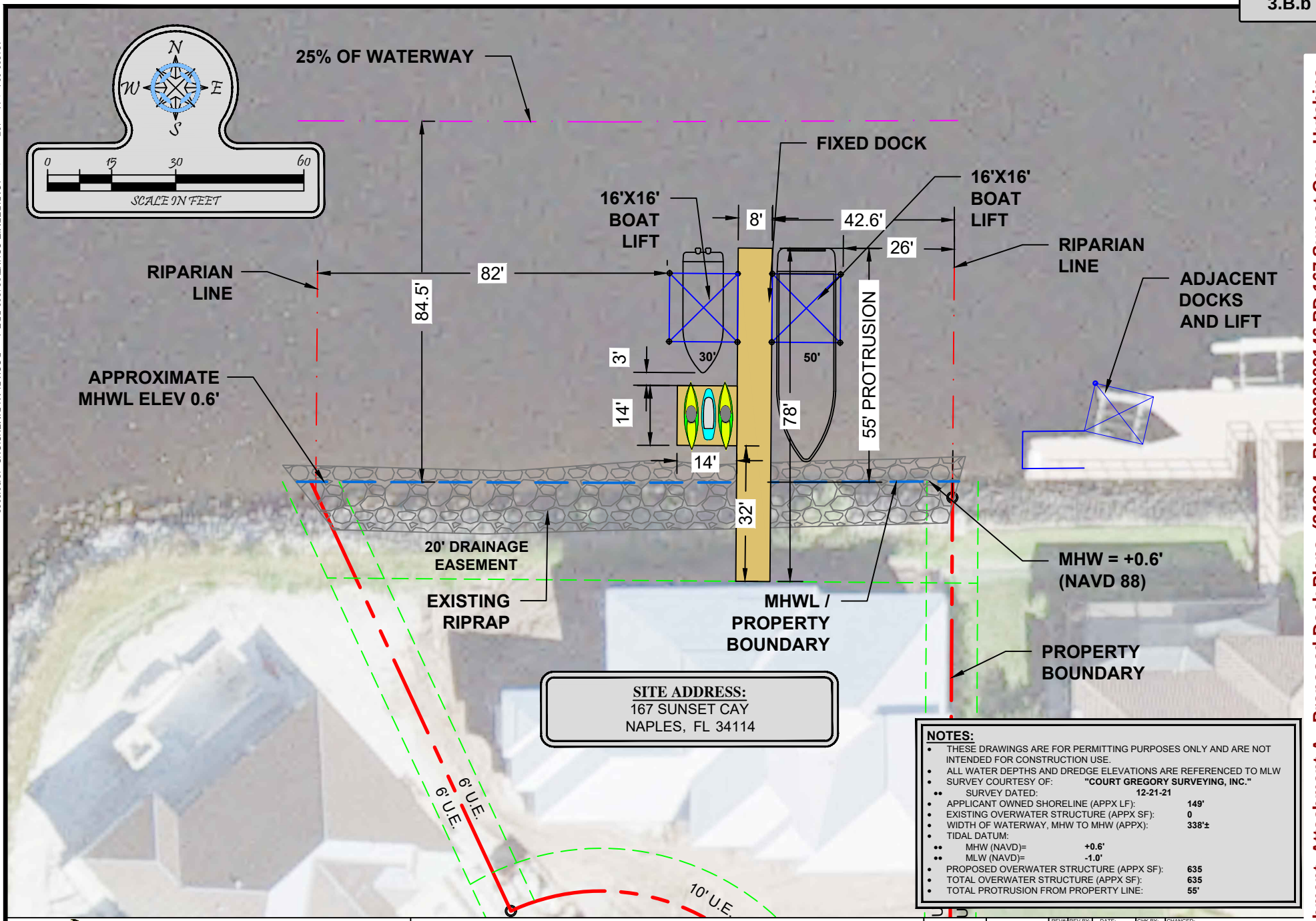
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DRAWN BY:	RMJ	2.	-	-	-	-
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JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	02 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg DOCK PLAN-DIMENSIONS 12/20/2022



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- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **338'±**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.6'**
  - MLW (NAVD)= **-1.0'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **635**
- TOTAL OVERWATER STRUCTURE (APPX SF): **635**
- TOTAL PROTRUSION FROM PROPERTY LINE: **55'**

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

167 SUNSET CAY

DOCK PLAN-DIMENSIONS

RY NO. 5875

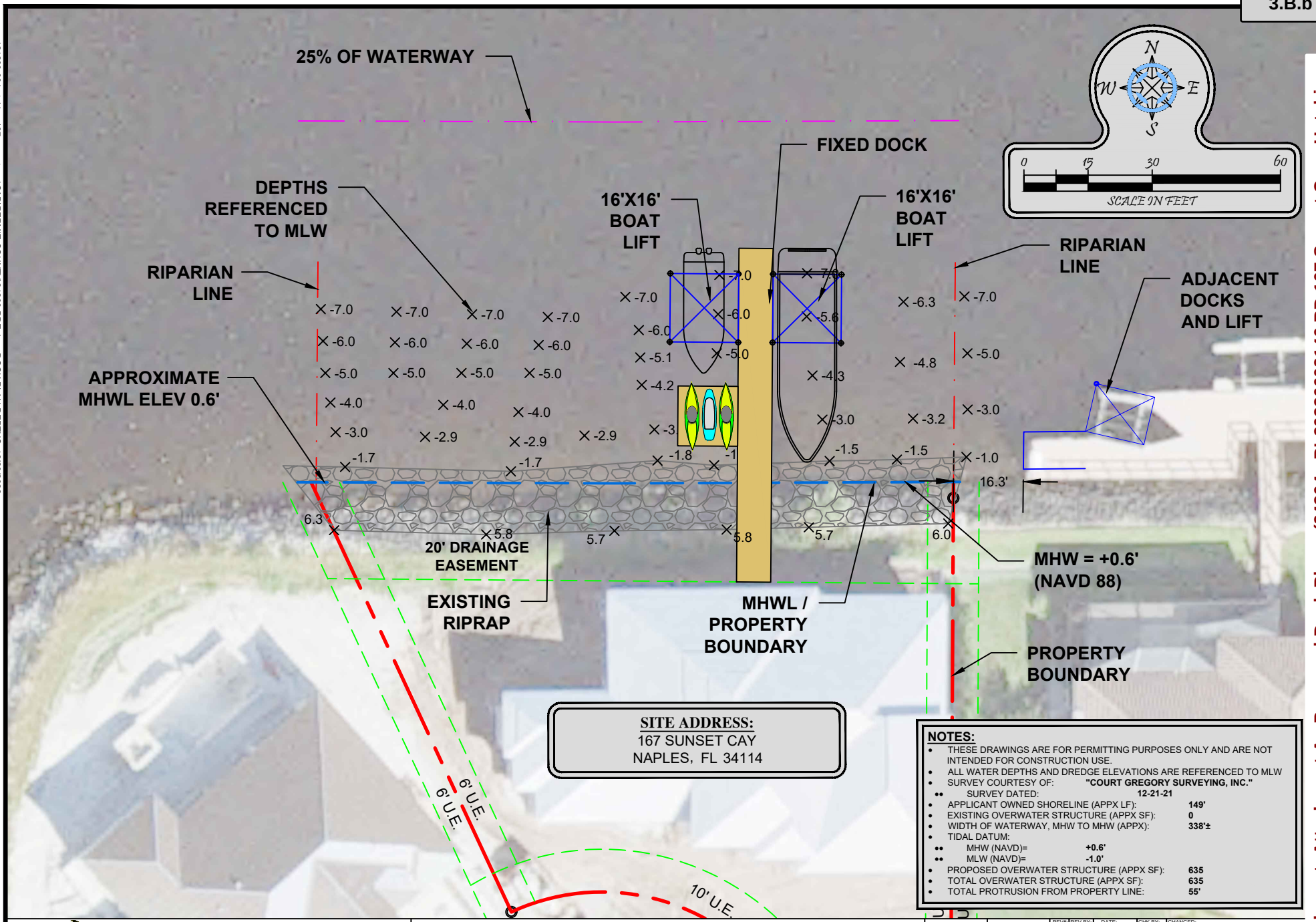
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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	07-12-22	JR	REVISED DIMENSION
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	03 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg DOCK PLAN-DEPTHS 12/20/2022



SITE ADDRESS:
167 SUNSET CAY
NAPLES, FL 34114

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: **12-21-21**
- APPLICANT OWNED SHORELINE (APPX LF): **149'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **338'±**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.6'**
  - MLW (NAVD)= **-1.0'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **635**
- TOTAL OVERWATER STRUCTURE (APPX SF): **635**
- TOTAL PROTRUSION FROM PROPERTY LINE: **55'**

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

167 SUNSET CAY

DOCK PLAN-DEPTHS

RY NO. 5875

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

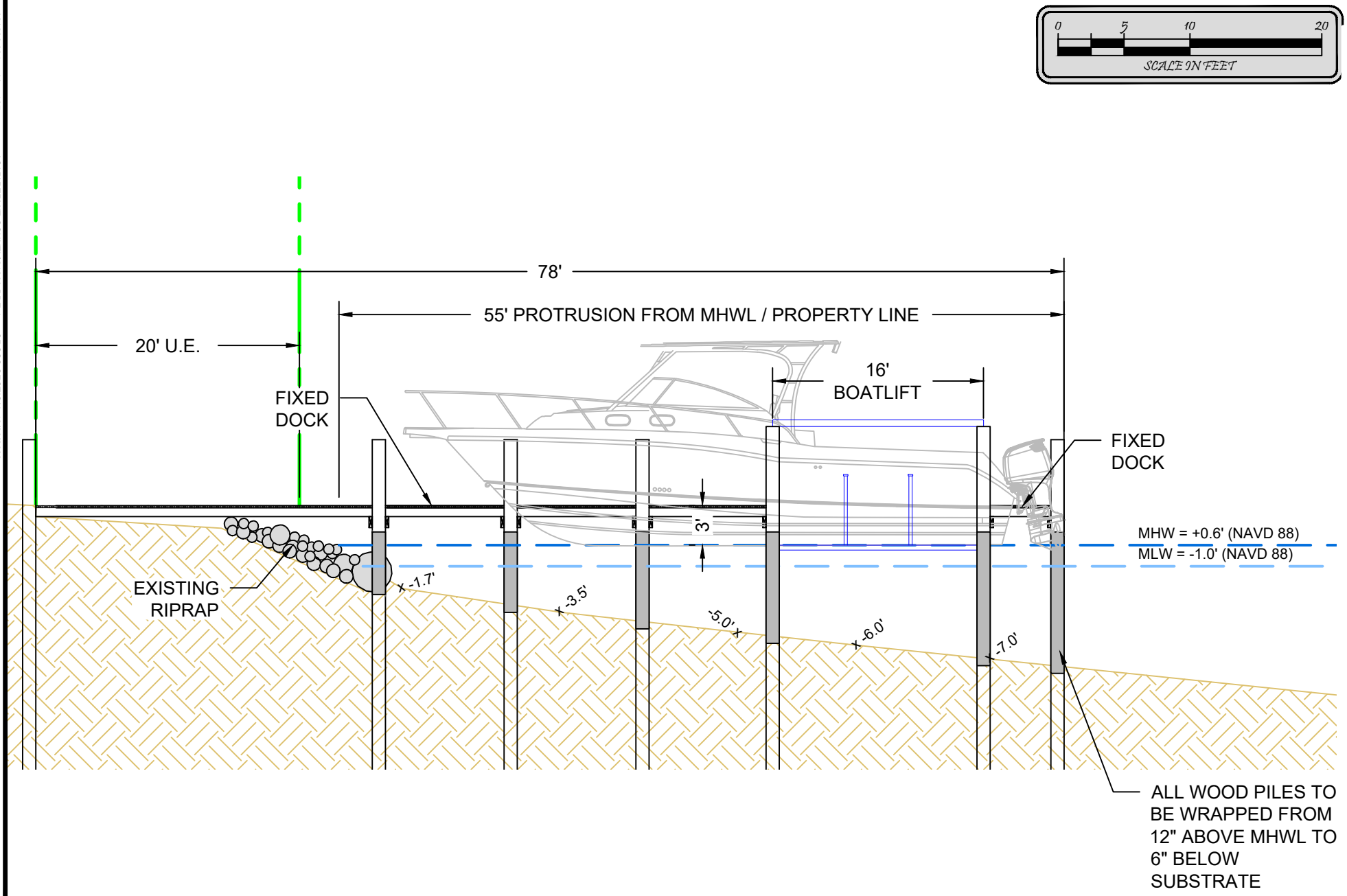
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	04 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg CROSS SECTION 12/20/2022

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins



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167 SUNSET CAY

CROSS SECTION

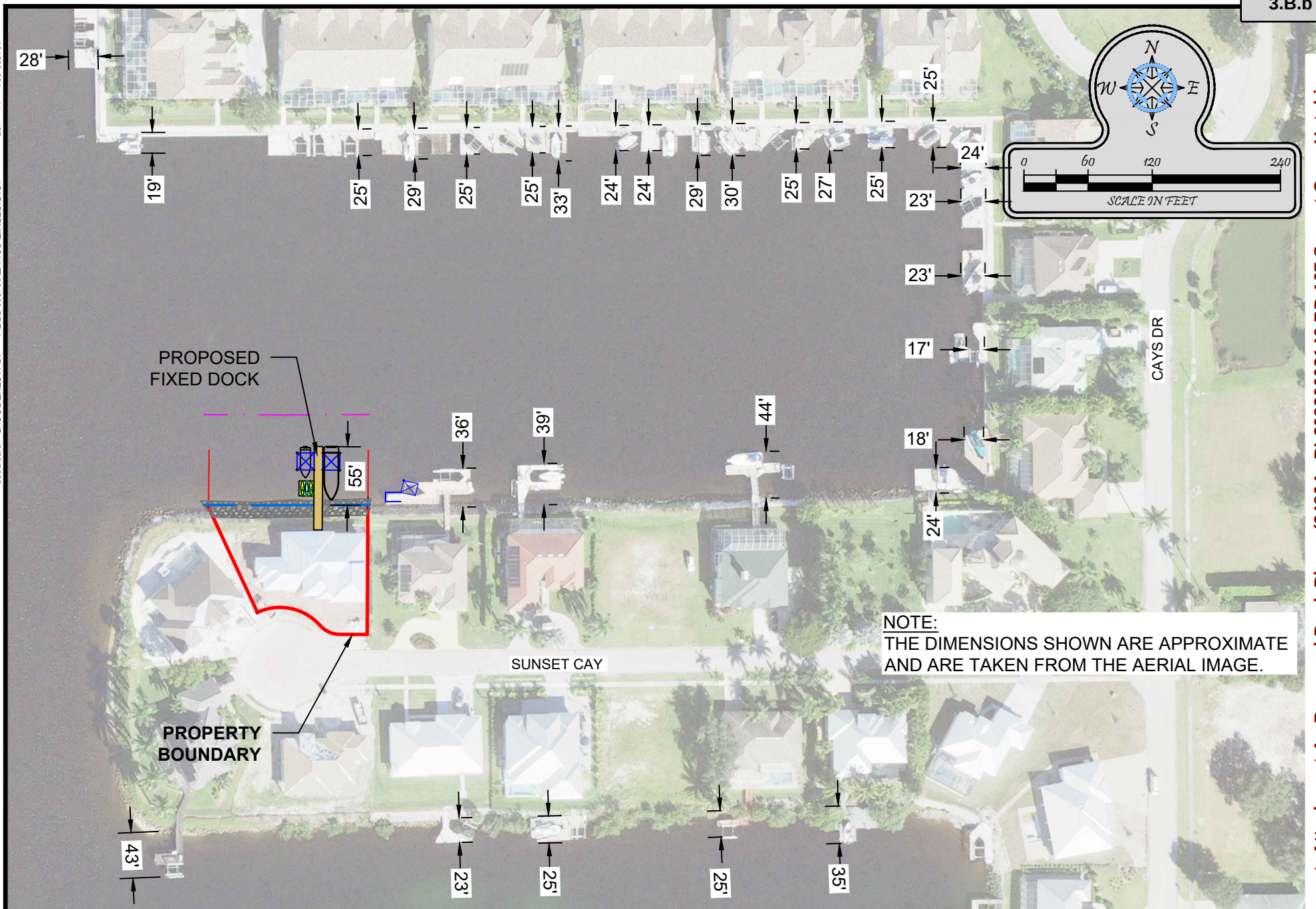
RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	07-12-22	JR	ADDED DECK IN UE
DRAWN BY:	RMJ	2.	RMJ	08-30-22	JR	ELEVATED DOCK
CREATED:	06-04-22	3.	RMJ	12-20-22	JR	REMOVED PILE
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	05 OF 10	5.	-	-	-	-

SECTION-09 TOWNSHIP- 52S

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg ADJACENT DOCKS 12/20/2022



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167 SUNSET CAY

ADJACENT DOCKS

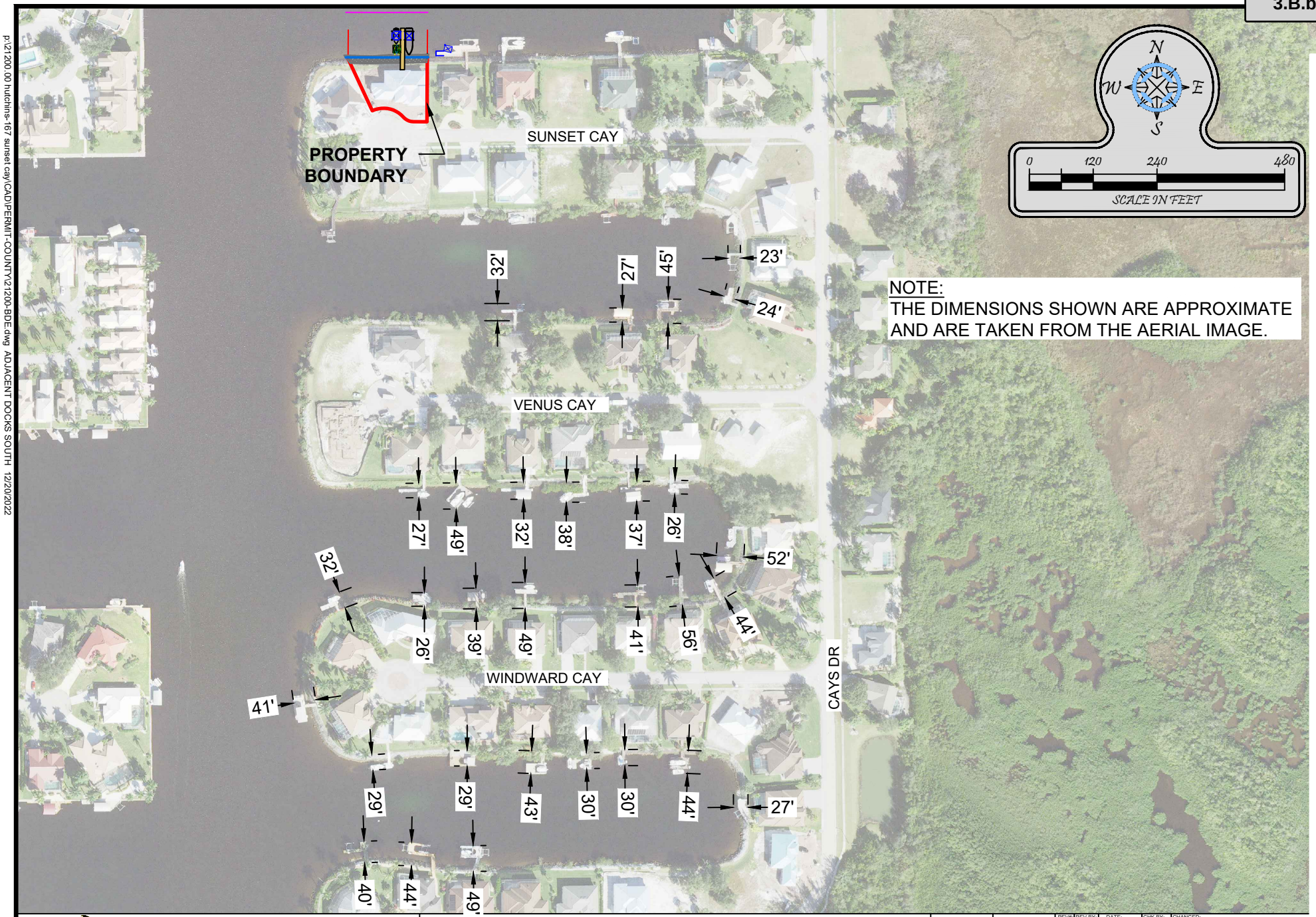
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DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	06 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins



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167 SUNSET CAY

ADJACENT DOCKS SOUTH

RY NO. 5875

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

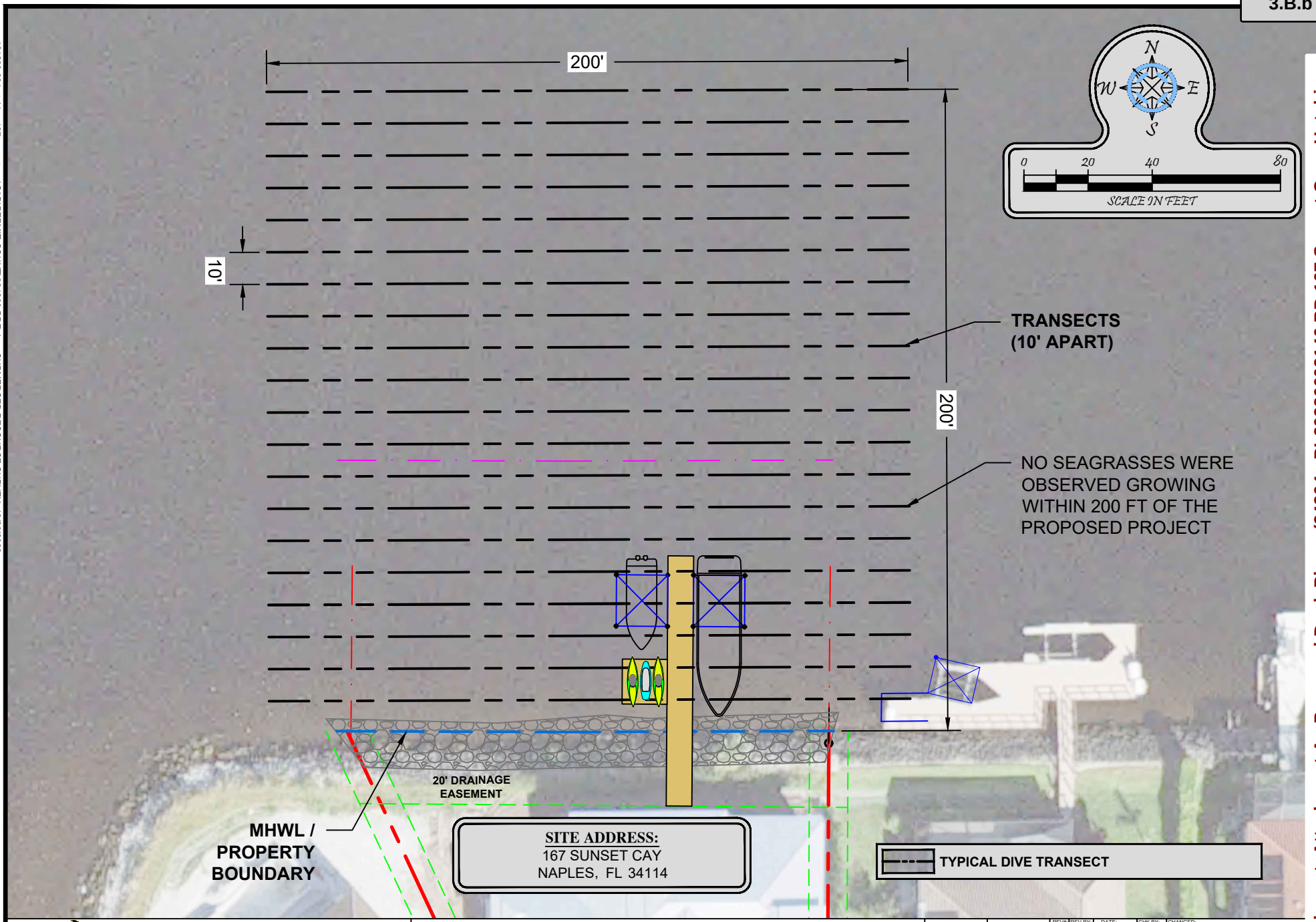
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	07 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg ADJACENT DOCKS SOUTH 12/20/2022

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg SUBMERGED RESOURCE SURVEY 12/20/2022



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167 SUNSET CAY

SUBMERGED RESOURCE SURVEY

RY NO. 5875

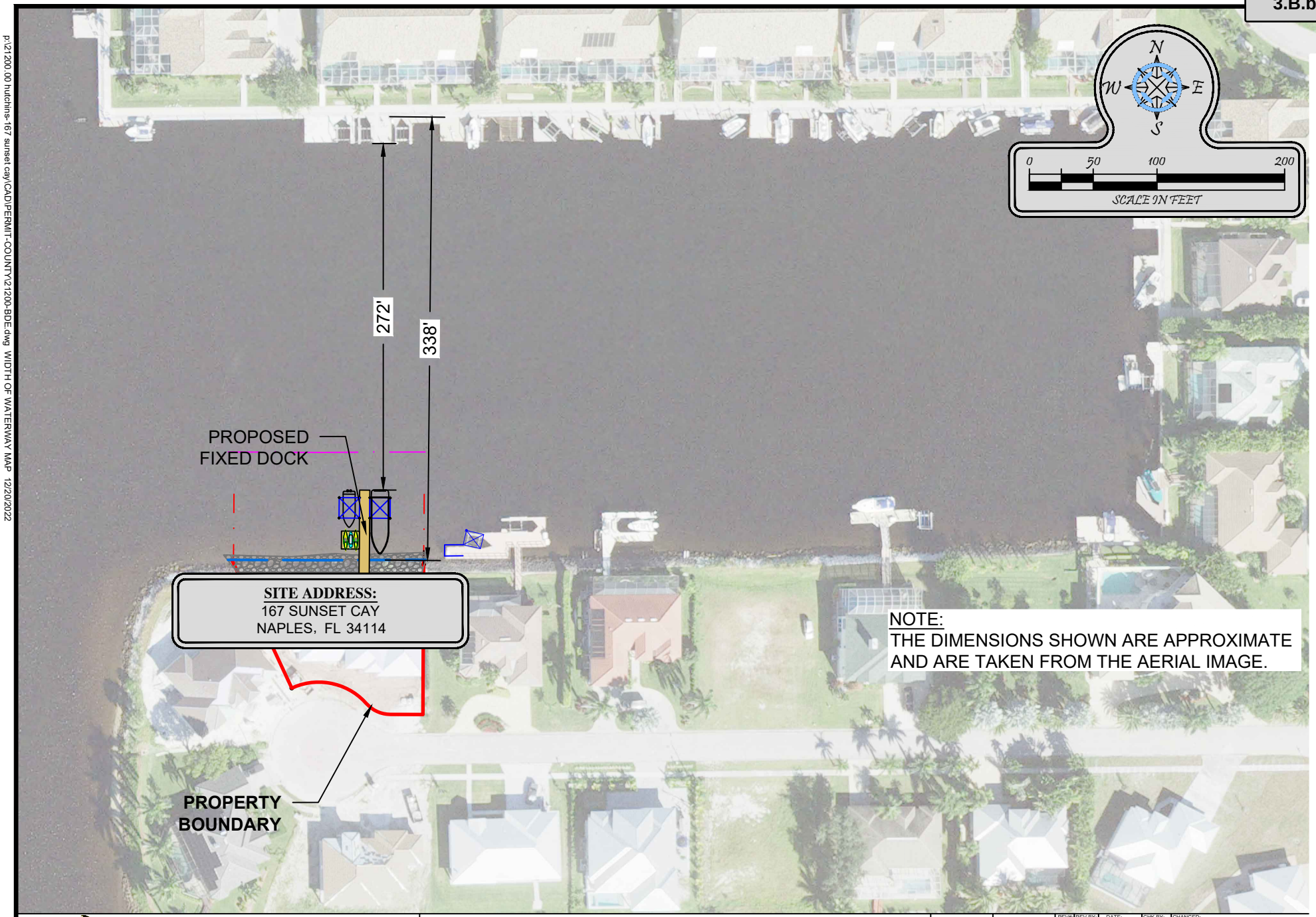
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		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	08 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg WIDTH OF WATERWAY MAP 12/20/2022



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

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167 SUNSET CAY

WIDTH OF WATERWAY MAP

RY NO. 5875

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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	09 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg ADJACENT WATERWAY 12/20/2022



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167 SUNSET CAY

ADJACENT WATERWAY

RY NO. 5875

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SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment A - Proposed Dock Plans (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

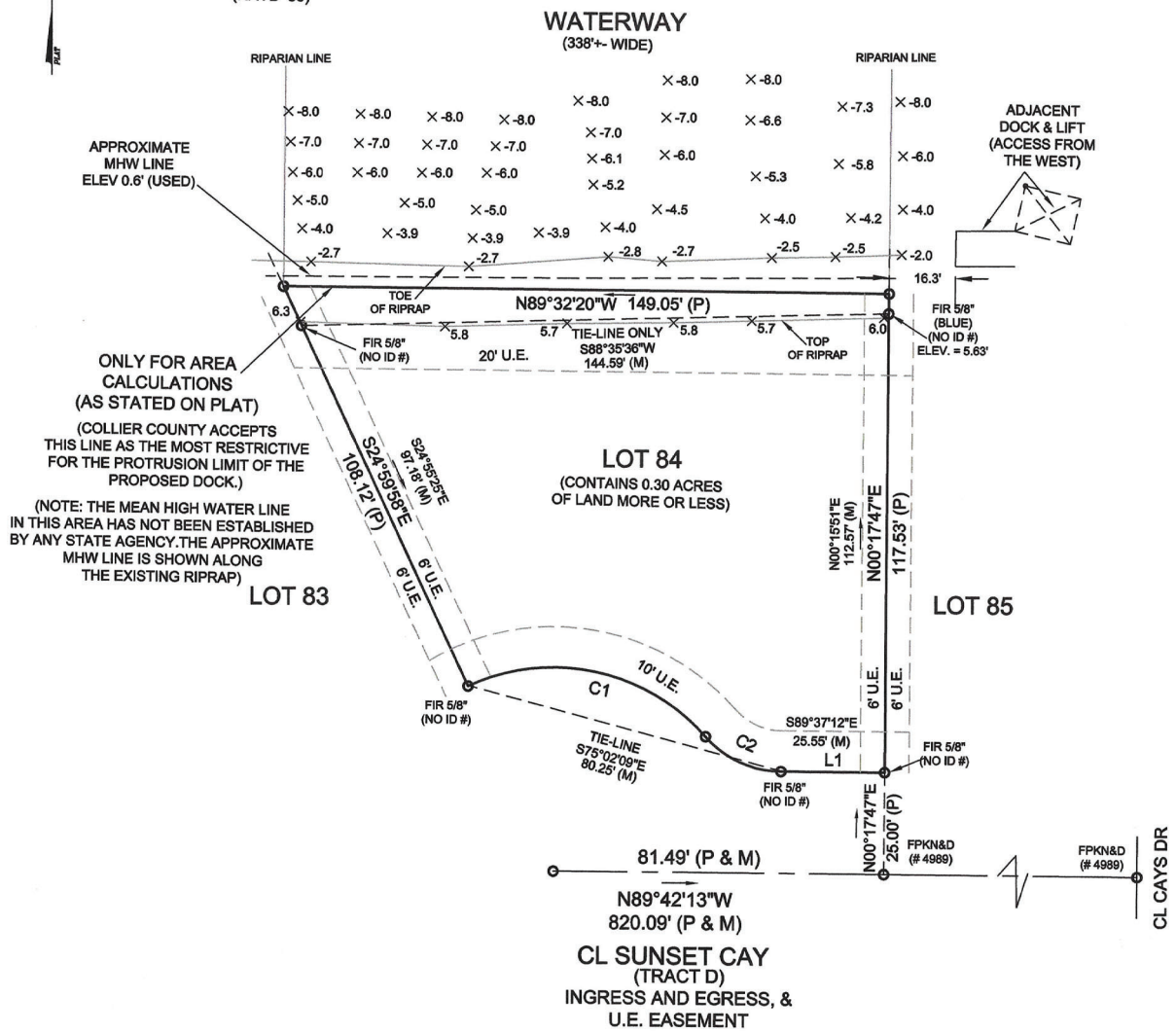
3.B.c

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIR	CHORD
C1	64.13	50.00	73°29'12"	N78°15'22"W	59.82
C2	21.02	25.00	48°11'01"	S65°36'28"E	20.41

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.59	S89°42'13"E

SCALE 1" = 30'

X = DENOTES SPOT ELEVATION (NAVD '88)



NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SUNSET CAY AS SHOWN IN PLAT BOOK 21 PAGE 3 OF COLLIER COUNTY, BEING SOUTH 89D 42' 13" 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 DECEMBER 16, 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 BENCHMARK IS AS FOLLOWS: SET BM ON NORTH RIM SSMH IN CUL-DE-SAC ELEV. = 6.35' (NAVD '88 DATUM)

8.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING CONDITIONS ALONG THE SHORELINE AND A BATHYMETRIC OF THE SUBJECT PROPERTYS PLATTED PROPERTY LINES.

9.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE "AE" AS INDICATED ON FEMA MAP # BASE ELEVATION DETERMINED AT ALL FEMA INFORMATION SHOWN NEEDS TO BE VERIFIED BY THE USER(S) OF THIS SURVEY, BEFORE ANY DESIGN AND/OR CONSTRUCTION.

10.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.

REVISIONS

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

LOT 84

OF

PORT OF THE ISLANDS (THE CAYS) PHASE II

AS RECORDED IN PLAT BOOK 21 PAGE(S) 1-4 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA

167 SUNSET CAY

CERTIFY TO:
TURRELL, HALL & ASSOCITES

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 SEC 472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS FREEDOM OF ENCUMBRANCES.

Digitally signed by Court Gregory
DN: cn=Court Gregory, o=Court Gregory Surveying Inc, ou, email=cgs6004@comcast.net, c=US
Date: 2021.12.21 13:55:10 -05'00'

SIGNED_____
COURT H. GREGORY PSM #6004
DATE 12/21/2021
DATE OF FIELD SURVEY 12-16-2021

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 12/21/2021
Job # PI0118M
Fb MI-44 Pg 58

Attachment: Attachment B - Map of Boundary Survey (24204 : PL20220002146 BD 167 Sunset Cay -

PORT OF THE ISLANDS (THE CAYS) PHASE II

A SUBDIVISION OF LAND IN THE EAST ONE-HALF OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 28 EAST, COLLIER COUNTY, FLORIDA.

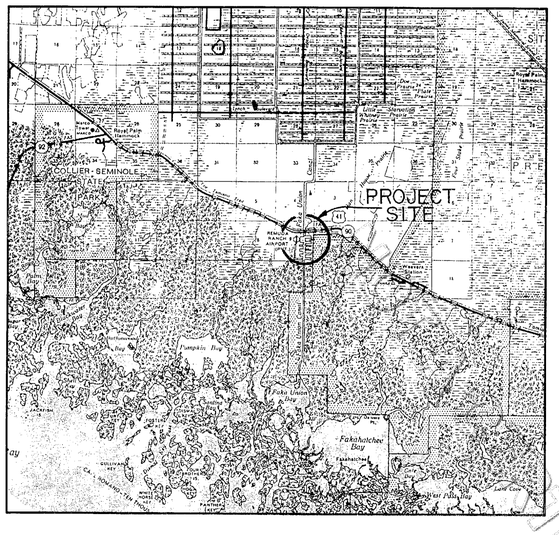
GENERAL NOTES

1. ALL LINEAR DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 9 – TP.52 S. – RG. 28 E. AS BEING N 00°-17'-47" E.
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.
4. RESTRICTIONS, RESERVATIONS, AND PROTECTIVE COVENANTS ARE FOUND IN OFFICIAL RECORDS BOOK 1692 PGS. 1377 PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, AND, THE FOLLOWING:

   THE CONSERVATION AREAS AND BUFFER ZONES MAY IN NO WAY BE ALTERED FROM THEIR NATURAL STATE. ACTIVITIES PROHIBITED WITHIN THE CONSERVATION AREAS INCLUDE, BUT ARE NOT LIMITED TO: 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 REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL; DIKING OR FENCING; AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.
5. CONSERVATION EASEMENTS INCLUDE A 15 FOOT BUFFER ZONE AS SHOWN ON SHEETS 2 – 4.
6. TRACT "G" IS FOR FUTURE DEVELOPMENT.
7. SEE SHEET 2 OF 4 FOR DESCRIPTION OF LANDS PLATTED.
8. THERE IS NO LOT 1, 2, OR 3 ON THIS PLAT.
9. ON JUNE 8 1992, PORT OF THE ISLANDS, 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. 90-24.

VICINITY MAP

N.T.S.



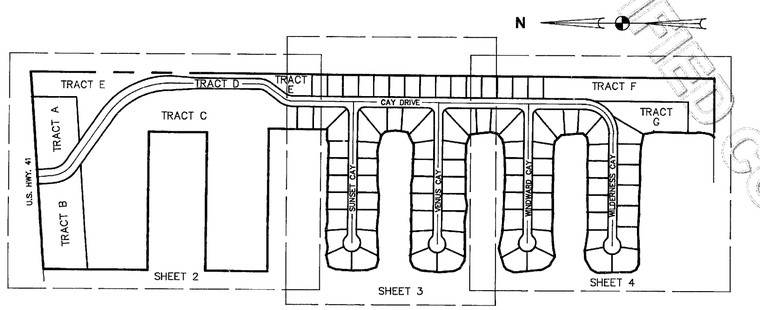
TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF COLLIER

I, DAVID L. COOK, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY AND THAT THE RECORD TITLE TO THE HEREON DESCRIBED PROPERTY IS VESTED IN PORT OF THE ISLANDS, INC., A FLORIDA CORPORATION, AND, THAT ALL TAXES HAVE BEEN PAID ~~THROUGH 12-31-91~~ AND THERE ARE NO DELINQUENT TAXES AND I FIND THAT THE PROPERTY IS ENCUMBERED BY THE MORTGAGE RECORDED IN OFFICIAL RECORD BOOK 857, PAGE 1671 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; AND I FIND THAT THE PROPERTY IS FREE FROM ENCUMBERANCES EXCEPT FOR THE MORTGAGE.

David L. Cook

DAVID L. COOK,
ATTORNEY AT LAW
FLA. BAR NO. 248533



SHEET INDEX
N.T.S.

MORTGAGEE'S CONSENT

STATE OF FLORIDA
COUNTY OF COLLIER

THE UNDERSIGNED HEREBY CERTIFIES THAT INTERNATIONAL BAY CLUBS, INC., A CALIFORNIA CORPORATION, AUTHORIZED TO DO BUSINESS IN FLORIDA, IS THE HOLDER OF MORTGAGE ON THE HEREON DESCRIBED PROPERTY AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LANDS DESCRIBED IN THE DEDICATION HERETO, BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 857, PAGE 1671 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SHALL BE SUBORDINATE TO THE DEDICATIONS SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY THEIR AUTHORIZED CORPORATE OFFICER AND THE CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS FIRST DAY OF DECEMBER, 1992

INTERNATIONAL BAY CLUBS, INC.

A CALIFORNIA CORPORATION

WITNESSES:

Nancy Delnva
NANCY DELAVA

Ann M. Rauch
ANN M. RAUCH

BY: Charles E. White
CHARLES E. WHITE
EXECUTIVE VICE PRESIDENT

(CORPORATE SEAL)

MORTGAGEE'S ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF COLLIER

THE FOREGOING MORTGAGEE'S CONSENT WAS ACKNOWLEDGED BEFORE ME THIS December 1, 1992 BY CHARLES E. WHITE, EXECUTIVE VICE PRESIDENT OF INTERNATIONAL BAY CLUBS, INC., A CALIFORNIA CORPORATION ON BEHALF OF THE CORPORATION. HE/~~SHE~~ IS PERSONALLY KNOWN TO ME ~~OR WHO HAS PRODUCED~~ ~~AS IDENTIFICATION~~ AND WHO ~~DID~~/DID NOT TAKE AN OATH.

SEAL:

Betty A. Greenwell
(SIGNATURE OF NOTARY)
NAME OF NOTARY TYPED, STAMPED, OR PRINTED:
BETTY A. GREENWELL
NOTARY PUBLIC
COMMISSION NUMBER: AA677783

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF COLLIER

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 1-22-93 BY THOMAS L. BARNARD, VICE PRESIDENT OF PORT OF THE ISLANDS, INC., A FLORIDA CORPORATION, ON BEHALF OF THE CORPORATION. HE/IS PERSONALLY KNOWN TO ME AND DID NOT TAKE AN OATH.

SIGN: Judith L. Boyce
JUDITH L. BOYCE
NOTARY PUBLIC
COMMISSION NUMBER: CC250560

JUDITH L. BOYCE
MY COMMISSION # CC250560 EXPIRES
January 9, 1997
BONDED THRU TROY FAIN INSURANCE, INC.

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF COLLIER

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS DECEMBER 1, 1992 BY CHARLES E. WHITE, PRESIDENT OF PORT OF THE ISLANDS, INC., A FLORIDA CORPORATION, ON BEHALF OF THE CORPORATION. HE/~~SHE~~ IS PERSONALLY KNOWN TO ME ~~OR WHO HAS PRODUCED~~ ~~AS IDENTIFICATION~~ AND WHO ~~DID~~/DID NOT TAKE AN OATH.

SEAL:

Betty A. Greenwell
(SIGNATURE OF NOTARY)
NAME OF NOTARY TYPED, STAMPED, OR PRINTED:
BETTY A. GREENWELL
NOTARY PUBLIC
COMMISSION NUMBER: AA677783

22nd DAY OF January, 1993

SIGNED IN THE PRESENCE OF:

James Wilkison
WITNESS JAMES N. WILKISON

Kimberly J. Croston
WITNESS KIMBERLY J. CROSTON

PORT OF THE ISLANDS, INC.,
A FLORIDA CORPORATION

BY: Thomas L. Barnard
THOMAS L. BARNARD
VICE PRESIDENT

DEDICATION

STATE OF FLORIDA
COUNTY OF COLLIER

KNOW ALL MEN BY THESE PRESENTS THAT PORT OF THE ISLANDS, INCORPORATED, A FLORIDA CORPORATION, THE OWNERS OF THE LANDS DESCRIBED AND INCLUDED IN THIS PLAT HAVE CAUSED THIS PLAT OF **PORT OF THE ISLANDS (THE CAYS) PHASE II** TO BE MADE AND SUBDIVIDED AS SHOWN AND DO HEREBY DEDICATE THE FOLLOWING:

TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT, ALL ROAD RIGHTS-OF-WAY, SAME BEING SHOWN AS TRACT "D", AND THE MAINTENANCE THEREOF, SUBJECT TO EASEMENTS HEREAFTER SET FORTH; AND;

TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND COLLIER COUNTY, THE FOLLOWING AS DRAINAGE EASEMENTS(D.E.): A 20 FOOT WIDE STRIP OF LAND AT THE REAR OF LOTS 4 THROUGH 92, AND, A 10 FOOT WIDE STRIP OF LAND RUNNING ALONG AND ABUTTING THE COMMON SIDE OF LOTS 19, 20, 25, 26, 32, 33, 38, 39, 44, 45, 50, 51, 57, 58, 63, 64, 69, 70, 76, 77, 82, 83, 88, AND 89, AS SHOWN, WITH RESPONSIBILITY OF MAINTENANCE TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND NO RESPONSIBILITY OF MAINTENANCE TO COLLIER COUNTY; AND;

TRACTS "E" AND "F" TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND COLLIER COUNTY FOR DRAINAGE AND LANDSCAPING PURPOSES, EXCEPT WHERE OTHER EASEMENTS ARE SHOWN, (LANDSCAPING LIMITED TO ANY WHERE BEYOND TWENTY FEET LANDWARD OF LAKES CONTROL ELEVATIONS AND ANY AREA WHERE DRAINAGE WILL NOT BE OBSTRUCTED), WITH RESPONSIBILITY OF MAINTENANCE TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND NO RESPONSIBILITY OF MAINTENANCE TO COLLIER COUNTY; AND;

THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT, THE AREAS DESIGNATED P.O.I.C.I.D.U.E.(UTILITY EASEMENTS) AND THE WATER DISTRIBUTION SYSTEMS, SANITARY AND STORM SEWER COLLECTION SYSTEMS, AND DRAINAGE FACILITIES CONTAINED WITHIN THOSE EASEMENTS AND WITHIN THIS PLAT, WITH THE MAINTENANCE THEREOF; AND;

TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT, THE CONSERVATION EASEMENTS(INCLUDING 15 FOOT BUFFER STRIP) AS DEFINED IN CHAPTER 704, FLORIDA STATUTES; AND;

TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND COLLIER COUNTY, THE 20 FOOT LANDSCAPE BUFFER EASEMENT RUNNING ALONG THE BOUNDARY LINES OF TRACTS "A" AND "B" THAT RUN IN COMMON WITH THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41, AS SHOWN, WITH RESPONSIBILITY OF MAINTENANCE TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND NO RESPONSIBILITY OF MAINTENANCE TO COLLIER COUNTY, LANDSCAPE LIMITED TO THE NORTH 10 FEET OF THE BUFFER EASEMENT AND CONSTRUCTED IMPROVEMENTS WITHIN THE SOUTH 10 FEET LIMITED TO THOSE NEEDED FOR THE UTILITY EASEMENT(U.E.) DEFINED IN THE DEDICATION HEREIN; AND;

TO LEE COUNTY ELECTRIC COOPERATIVE, INC., ITS SUCCESSORS AND ASSIGNS, UNITED TELEPHONE COMPANY OF FLORIDA, ITS SUCCESSORS AND ASSIGNS, AND PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT:

A TEN-FOOT-WIDE NON-EXCLUSIVE UTILITY EASEMENT(U.E.) LYING WITHIN LOTS 4 THROUGH 92, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A TEN FOOT WIDE U.E. WITHIN ALL THOSE PORTIONS OF LOTS 4 THROUGH 92 LYING WITHIN TEN FEET OF TRACT "D": SAID UTILITY EASEMENTS CROSS ALL DRAINAGE EASEMENTS ENCUMBERING THE SELECTED SIDE LOT LINES AS SHOWN HEREON; AND: A SIX FOOT WIDE U.E. ALONG THE SIDE LOT LINES OF LOTS 4 THROUGH 92 EXTENDING SIX FEET ALONG EACH SIDE OF THE LOT LINE, EXCEPT WHERE DRAINAGE EASEMENTS ARE SHOWN, SAID UTILITY EASEMENTS ARE DEDICATED FOR THE PURPOSE OF THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF THEIR RESPECTIVE UTILITIES; AND;

TRACT "D" AS AN EASEMENT FOR INGRESS AND EGRESS AND AS A NON-EXCLUSIVE UTILITY EASEMENT FOR THE PURPOSE OF THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF THEIR RESPECTIVE UTILITIES; AND;

THE UTILITY EASEMENTS, AS SHOWN, THROUGH TRACTS "A", "B", "C", AND "E" AND ALL OTHER U.E. AS SHOWN, FOR THE PURPOSE OF THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF THEIR RESPECTIVE UTILITIES ; AND;

TO ANY AUTHORIZED CABLE TELEVISION COMPANIES, THE UTILITY EASEMENTS(U.E.) FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES PROVIDED THAT THE USE DOES NOT INTERFERE WITH THE SERVICES PROVIDED BY PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT AND THE PUBLIC UTILITIES AS PER FLORIDA STATUTES 177.091(27); AND;

COLLIER COUNTY AN ACCESS EASEMENT OVER TRACT D FOR THE SOLE PURPOSE OF PERMITTING EMERGENCY SERVICE VEHICLES; AND;

TO THE PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT, THE FIVE FOOT SIDEWALK EASEMENT AS SHOWN THROUGH TRACTS "A" AND "E", WITH MAINTENANCE RESPONSIBILITY AND NO RESPONSIBILITY OF MAINTENANCE TO COLLIER COUNTY.

FIRST DAY OF DECEMBER, 1992

SIGNED IN THE PRESENCE OF:

Nancy Delnva
WITNESS NANCY DELAVA

Ann M. Rauch
WITNESS ANN M. RAUCH

PORT OF THE ISLANDS, INC.,
A FLORIDA CORPORATION

BY: Charles E. White
CHARLES E. WHITE,
PRESIDENT

SEAL:

DEVELOPMENT SERVICES DEPARTMENT

THIS PLAT APPROVED BY THE SITE DEVELOPMENT REVIEW DEPARTMENT OF COLLIER COUNTY, FLORIDA, THIS 5TH DAY OF JANUARY, 1993.

John F. Madajewski
JOHN F. MADAJEWSKI, P.E.
PROJECT PLAN REVIEW MANAGER
COLLIER COUNTY ENGINEER

COUNTY HEALTH DEPARTMENT

THIS PLAT APPROVED BY THE COLLIER COUNTY HEALTH DEPARTMENT THIS 5TH DAY OF JANUARY, 1993 WITH CONNECTION TO CENTRAL WATER AND CENTRAL SEWERAGE SYSTEM; AND NO INDIVIDUAL POTABLE WATER WELLS OR INDIVIDUAL SEWAGE SYSTEMS ARE PERMITTED.

L.D. LUKIN, P.E.
ENVIRONMENTAL ENGINEERING DIRECTOR

UTILTIES DIVISION

THIS PLAT APPROVED BY THE UTILITIES DEPARTMENT OF COLLIER COUNTY, FLORIDA, THIS 7TH DAY OF JANUARY, 1993.

FREDERICK BLOETSCHER, P.E.
ASSISTANT UTILITIES ADMINISTRATOR

COUNTY ATTORNEY

THIS PLAT APPROVED BY THE COUNTY ATTORNEY OF COLLIER COUNTY, FLORIDA, THIS 22ND DAY OF JANUARY, 1993.

David C. Weigel
FOR KENNETH B. CUTLER
COLLIER COUNTY ATTORNEY

COUNTY COMMISSION

THIS PLAT APPROVED IN REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THIS 5TH DAY OF JANUARY 1993 PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COLLIER COUNTY, FLORIDA.

ATTEST

By: Maureen Kemp D.C.
DWIGHT E. BROCK, CLERK

Burt L. Saunders
BURT L. SAUNDERS
CHAIRMAN

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, LAWS OF THE STATE OF FLORIDA. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 8:33 A.M., THIS 26TH DAY OF JANUARY 1993 AND RECORDED IN PLAT BOOK PAGE OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

Dale Craig dc
DWIGHT E. BROCK
CLERK OF CIRCUIT COURT
IN AND FOR COLLIER COUNTY, FL.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BASED ON AN ACTUAL BOUNDARY SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION AND THAT ALL PERMANENT REFERENCE MONUMENTS (PRM) WILL BE SET PRIOR TO THE RECORDING OF THIS PLAT AS REQUIRED BY FLORIDA STATUTE 177-091(7) AND THAT ALL PERMANENT CONTROL POINTS (PCP) WILL BE SET IN ACCORDANCE WITH FLORIDA STATUTE 177-091(8) AND THAT THIS PLAT COMPLIES WITH ALL OTHER REQUIREMENTS OF FLORIDA STATUTE 177. I FURTHER CERTIFY THAT THE BOUNDARY SURVEY PERFORMED FOR THE PLAT PREPARATION MEETS THE REQUIREMENTS OF 21HH-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES AND IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED.

Horace A. Wilkison
HORACE A. WILKISON, P.L.S.
FLA. REG. NO. 1677

DATE: 12/14/92

THIS INSTRUMENT PREPARED BY:
WILKISON AND ASSOCIATES, INC.
3584 EXCHANGE AVENUE, SUITE A
(813) 643-2404 FAX # (813) 643-5173

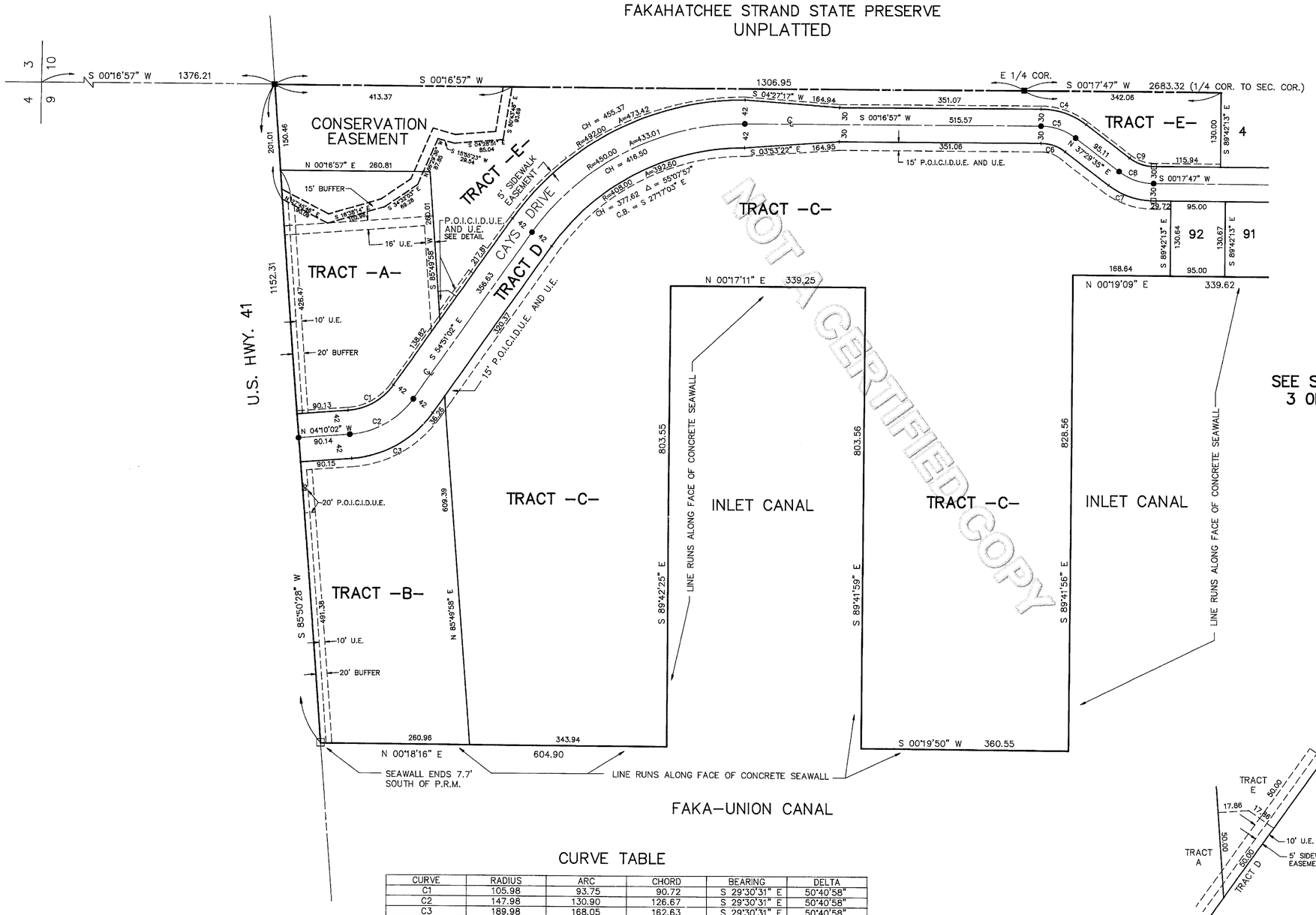
REFERENCE:
CAYPLAT1

UNOFFICIAL COPY

Attachment: Attachment C - PB21 PG1-4 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

PORT OF THE ISLANDS (THE CAYS) PHASE II

A SUBDIVISION OF LAND IN THE EAST ONE-HALF OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 28 EAST, COLLIER COUNTY, FLORIDA.



NOT A CERTIFIED COPY

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

KEY:

- ■ PERMANENT REFERENCE MONUMENT (FOUND)
- ⊡ PERMANENT REFERENCE MONUMENT (SET)

NOTE: ALL PERMANENT REFERENCE MONUMENTS ARE CONCRETE MONUMENTS. IF SET ARE 4" AT TOP AND STAMPED "HW 1677".

- ● PERMANENT CONTROL POINT SURVEYORS CAP STAMPED "PCP HW 1677"

R – RADIUS
A – ARC
Δ – DELTA
CH – CHORD
C.B –CHORD BEARING
℄ – CENTERLINE
P.O.I.C.I.D.U.E. – PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT UTILITY EASEMENT
U.E. – UTILITY EASEMENT

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

MEAN HIGH WATER LINE AT SEAWALL FACE

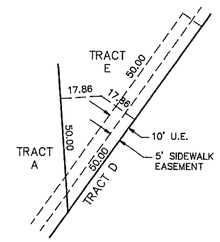
CURVE TABLE

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C1	105.98	93.75	90.72	S 29°30'31" E	50°40'58"
C2	147.98	130.90	126.67	S 29°30'31" E	50°40'58"
C3	189.98	168.05	162.63	S 29°30'31" E	50°40'58"
C4	130.00	84.42	82.95	N 18°53'11" E	37°12'28"
C5	100.00	64.94	63.80	N 18°53'11" E	37°12'28"
C6	70.00	45.46	44.66	N 18°53'11" E	37°12'28"
C7	130.00	84.40	82.92	S 18°53'41" W	37°11'48"
C8	100.00	64.92	63.79	S 18°53'41" W	37°11'48"
C9	70.00	45.44	44.65	S 18°53'41" W	37°11'48"

DESCRIPTION OF LANDS PLATTED:

ALL LANDS IN THE EAST 1/2 OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 28 EAST, COLLIER COUNTY, FLORIDA LYING EASTERLY AND ABOVE THE MEAN HIGH WATER LINE AND SOUTH OF U.S. HIGHWAY 41.

CONTAINING 71.4 Ac. MORE OR LESS



P.O.I.C.I.D.U.E. DETAIL
N.T.S.

THIS INSTRUMENT PREPARED BY:
HORACE A. WILKISON P.L.S. FLA. REG. NO. 1677
WILKISON AND ASSOCIATES, INC.
3584 EXCHANGE AVENUE, SUITE A
(813) 643-2404 FAX # (813) 643-5173

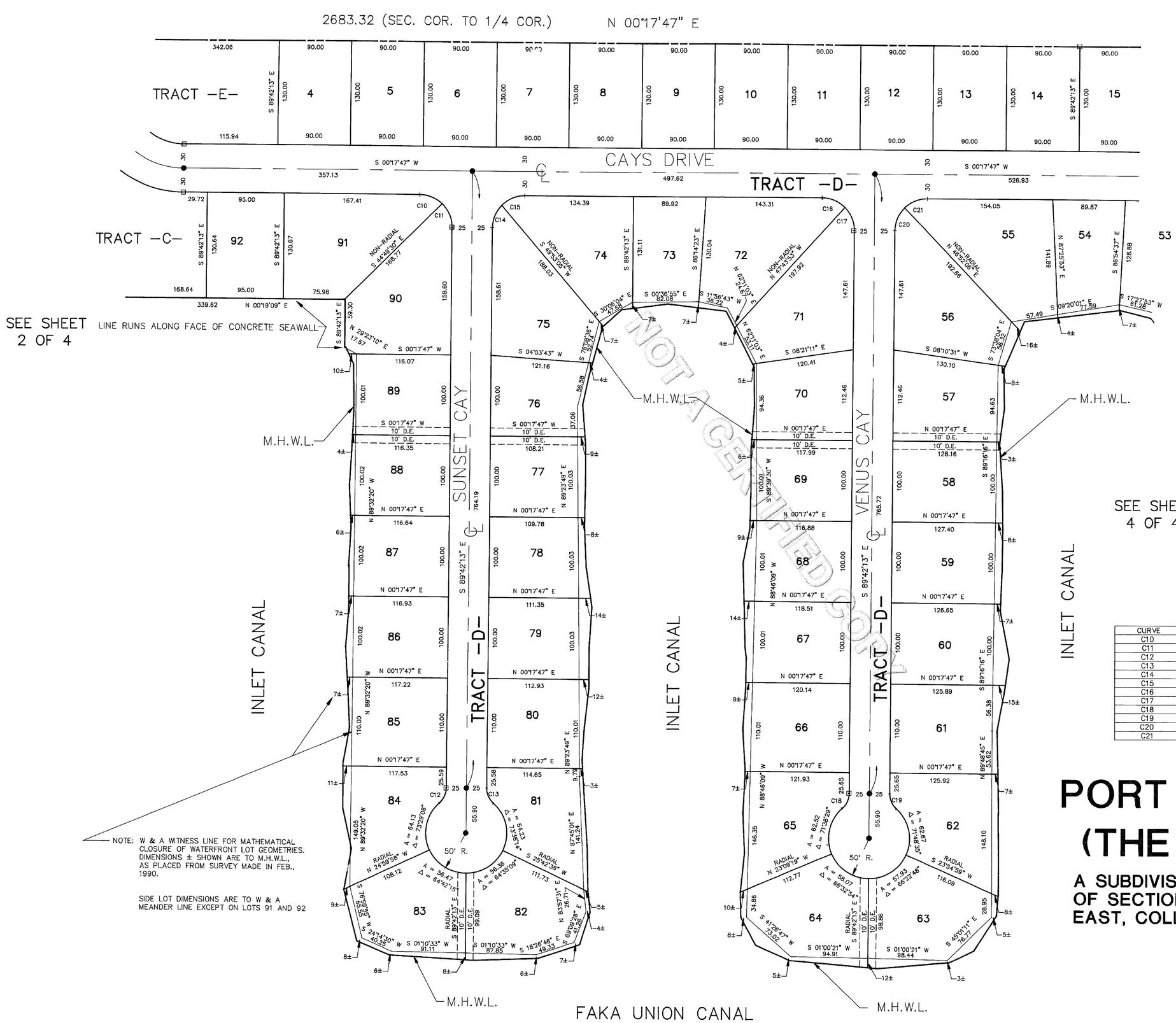
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CAYPLAT2

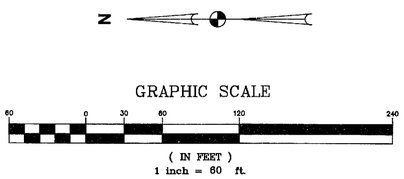
Attachment: Attachment C - PB21 PG1-4 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

FAKAHATCHEE STRAND STATE PRESERVE
UNPLATTED

PLAT BOOK 21 , PAGE 3

SHEET 3 OF 4





KEY:

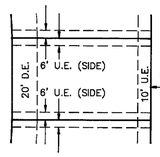
- ■ PERMANENT REFERENCE MONUMENT (FOUND)
- ⊡ PERMANENT REFERENCE MONUMENT (SET)

NOTE: ALL PERMANENT REFERENCE MONUMENTS ARE CONCRETE MONUMENTS. IF SET ARE 4" AT TOP AND STAMPED "HW 1677".

- ● PERMANENT CONTROL POINT SURVEYORS CAP STAMPED "PCP HW 1677"
- R – RADIUS
- A – ARC
- Δ – DELTA
- CH – CHORD
- C.B – CHORD BEARING
- M.H.W.L. – MEAN HIGH WATER LINE
- ℄ – CENTERLINE
- D.E. – DRAINAGE EASEMENT
- U.E. – UTILITY EASEMENT

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

SEE SHEET 4 OF 4



DETAIL OF EASEMENTS FOR EACH LOT.
6' SIDE U.E. NOT RESERVED WHERE SIDE D.E. SHOWN (ON LOTS 19, 20, 25, 26, 32, 33, 38, 39, 44, 45, 50, 51, 57, 58, 63, 64, 69, 70, 76, 77, 82, 83, 88, AND 89.)

10' U.E. CROSSES ALL SIDE LOT EASEMENTS INCLUDING UTILITY AND DRAINAGE EASEMENTS.

NOT TO SCALE

CURVE TABLE

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C10	40.00	30.55	29.81	N 22°10'32" E	43°45'31"
C11	40.00	32.28	31.41	N 67°10'32" E	46°14'29"
C12	25.00	21.03	20.41	S 65°36'32" E	48°11'23"
C13	25.00	21.03	20.41	S 66°12'06" W	48°11'23"
C14	40.00	30.92	30.16	N 67°33'24" W	44°17'38"
C15	40.00	31.91	31.07	N 22°33'24" W	45°42'22"
C16	40.00	31.43	30.63	N 22°48'24" E	45°01'14"
C17	40.00	31.40	30.60	N 67°48'24" E	44°58'46"
C18	25.00	21.03	20.41	S 65°36'32" E	48°11'23"
C19	25.00	21.03	20.41	S 66°12'06" W	48°11'23"
C20	40.00	31.85	31.01	N 66°53'43" W	45°36'59"
C21	40.00	30.99	30.22	N 21°53'43" W	44°23'01"

PORT OF THE ISLANDS
(THE CAYS) PHASE II

A SUBDIVISION OF LAND IN THE EAST ONE-HALF OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 28 EAST, COLLIER COUNTY, FLORIDA.

THIS INSTRUMENT PREPARED BY:
HORACE A. WILKISON P.L.S. FLA. REG. NO. 1677
WILKISON AND ASSOCIATES, INC.
3584 EXCHANGE AVENUE, SUITE A
(813) 643-2404 FAX # (813) 643-5173

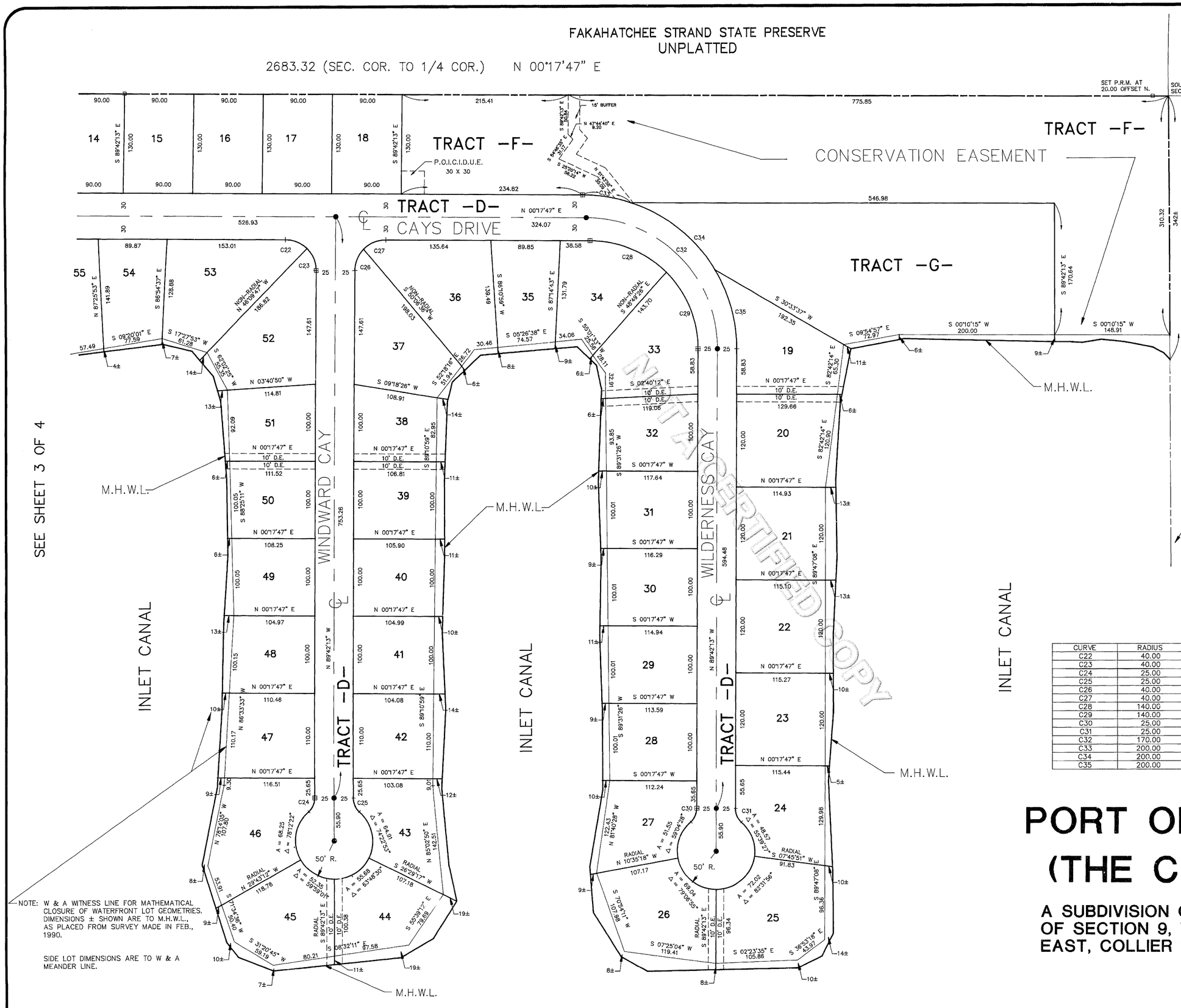
REFERENCE: CAYPLAT3

Attachment: Attachment C - PB21 PG1-4 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

PLAT BOOK 21, PAGE 4

SHEET 4 OF 4

FAKAHATCHEE STRAND STATE PRESERVE
UNPLATTED



UNOFFICIAL DOCUMENT

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

KEY:

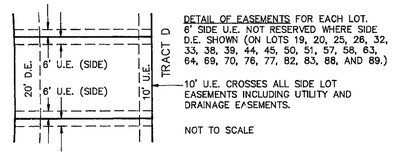
- ■ PERMANENT REFERENCE MONUMENT (FOUND)
- ⊡ PERMANENT REFERENCE MONUMENT (SET)

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- ● PERMANENT CONTROL POINT, SURVEYORS CAP STAMPED "PCP HW 1677"

R – RADIUS
A – ARC
Δ – DELTA
CH – CHORD
C.B –CHORD BEARING
M.H.W.L. – MEAN HIGH WATER LINE
℄ – CENTERLINE
D.E. – DRAINAGE EASEMENT
U.E. – UTILITY EASEMENT
P.O.I.C.I.D.U.E. – PORT OF THE ISLANDS COMMUNITY IMPROVEMENTS DISTRICT UTILITY EASEMENT

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF



DETAIL OF EASEMENTS FOR EACH LOT. 6' SIDE U.E. NOT RESERVED WHERE SIDE D.E. SHOWN (ON LOTS 19, 20, 25, 26, 32, 33, 38, 39, 44, 45, 50, 51, 57, 58, 63, 64, 69, 70, 76, 77, 82, 83, 88, AND 89.)

10' U.E. CROSSES ALL SIDE LOT EASEMENTS INCLUDING UTILITY AND DRAINAGE EASEMENTS.

NOT TO SCALE

CURVE TABLE

CURVE	RADIUS	ARC	CHORD	BEARING	DELTA
C22	40.00	30.95	30.18	N 22°27'49" E	44°20'04"
C23	40.00	31.88	31.04	N 67°27'49" E	45°39'56"
C24	25.00	21.03	20.41	S 65°36'32" E	48°11'23"
C25	25.00	21.03	20.41	S 66°12'06" W	48°11'23"
C26	40.00	30.85	30.09	N 67°36'23" W	44°11'41"
C27	40.00	31.98	31.13	N 22°36'23" W	45°48'19"
C28	140.00	109.21	106.47	N 22°38'40" E	44°41'47"
C29	140.00	110.70	107.84	N 67°38'40" E	45°18'13"
C30	25.00	21.03	20.41	S 65°36'32" E	48°11'23"
C31	25.00	21.03	20.41	S 66°12'06" W	48°11'23"
C32	170.00	267.04	240.42	N 45°17'47" E	90°00'00"
C33	200.00	63.51	63.25	N 09°23'38" E	18°11'42"
C34	200.00	142.53	139.53	N 38°54'26" E	40°49'54"
C35	200.00	108.12	106.81	N 74°48'35" E	30°58'24"

PORT OF THE ISLANDS (THE CAYS) PHASE II

A SUBDIVISION OF LAND IN THE EAST ONE-HALF OF SECTION 9, TOWNSHIP 52 SOUTH, RANGE 28 EAST, COLLIER COUNTY, FLORIDA.

THIS INSTRUMENT PREPARED BY:
HORACE A. WILKISON P.L.S. FLA. REG. NO. 1677
WILKISON AND ASSOCIATES, INC.
3584 EXCHANGE AVENUE, SUITE A
(813) 643-2404 FAX # (813) 643-5173

REFERENCE: CAYPLAT4

Attachment: Attachment C - PB21 PG1-4 (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

From: KellyJohn
Sent: Wednesday, December 28, 2022 12:45 PM
To: KellyJohn
Subject: BDE-PL20220002146 - 167 Sunset Cay - Public Hearing Sign Posted on 12/22/2022
Attachments: 3D69A3E3-4E4C-4B15-98E6-DAA00E7B11B2.jpeg; E856A4EF-D2A2-43DA-B7C2-B6109B74FD50.jpeg; 33680DBE-FBE4-443A-93E2-8BA167E6DD9D.jpeg; E1314726-97C3-4BB3-AC6A-1FE7BF3AA5D1.jpeg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petition, scheduled for hearing by the Hearing Examiner on January 12, 2023, at approximately 2:15 PM. Said sign was posted to the front of the subject property, immediately adjacent to the public right-of-way, as evidenced by the attached photos.

Respectfully,

John Kelly
Planner II

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 D - Public Hearing Sign Posting (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)





Attachment: Attachment D - Public Hearing Sign Posting (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)





Attachment: Attachment D - Public Hearing Sign Posting (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins Dock)

BDE-PL20220002
167 SUNSET CAY

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 AND SECONDARY CRITERIA

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

✓ 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/ E-mail

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

11/28/22
Date

Jeff Rogers
Printed Name of Signing Agent Representative

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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): Robert and Judith Hutchins

Name of Applicant if different than owner:

Address: 9264 Shadow Oak Ln **City:** Naples **State:** FL **ZIP:** 34120

Telephone: **Cell:** 952-201-9372 **Fax:**

E-Mail Address: jackson246248@gmail.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: 9 / 52S / 28E **Property I.D. Number:** 68300003668

Subdivision: 571300 - PORT OF THE ISLANDS (THE CAYS) PHASE II **Unit:** **Lot:** 84 **Block:**

Address/ General Location of Subject Property:
167 Sunset Cay, Naples, FL 34114

Current Zoning and Land use of Subject Property:
RSF-4 Vacant Residential Single-family

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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	RSF-4	Faka Union Canal
S	RSF-4	Sunset Cay
E	RSF-4	Residential Single Family
W	RSF-4	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:**
   338 ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ☒ other (specify) GIS
2. **Total Property Water Frontage:**
   149 ft.
3. **Setbacks:**
   Provided: 26 and 82 ft.
   Required: 15 & 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   58 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 30 ft.
   2. 50 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   There are numerous other properties within the subject waterway that have approved BDE's varying in overall protrusions ranging from 30-50 feet.
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?** 0.35 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.

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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

7/12/22
Date

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Pre-Application Meeting Notes

Petition Type: BDE
Date and Time: Tuesday 5/3/22 at 1:30 PM

Assigned Planner: John Kelly

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

Project Information

Project Name: Hutchins - 167 Sunset Cay (BDE)

PL #: 20220002146

Property ID #: 68300003668 **Current Zoning:** RSF - 4

Project Address: 167 Sunset Cay **City:** Naples **State:** FL **Zip:** 34114

Applicant: Jeff Rogers - Turrell Hall& Associates, Inc.

Agent Name: Jeff Rogers **Phone:** 239-643-0166

Agent/Firm Address: 3584 Exchange Ave. **City:** Naples **State:** FL **Zip:** 34104

Property Owner: Robert Hutchins & Judith Ann Hutchins-Brauch

Please provide the following, if applicable:

i. **Total Acreage:** .35

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 –

- See page 2B of 5 for general information

- Please resolve Manatee Protection Plan (MPP) issues with Environmental Div and CRD
  - ? # of slips
  - ? Perpendicular to shore

- Dock/Site Plan - Clearly depict use of space

- Please incorporate all miscellaneous information into a clear and concise narrative statement for project

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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Pre-Application Meeting Notes
GMD - Zoning Services

Planner: John Kelly
(239)252-5719
John.kelly@colliercountyfl.gov

Boat Dock Extension

- Complete the required application; respond to each question and sign
- Refer to the Final Submittal Requirement Checklist and provide/submit required documents
  - All submitted plans must be legible when duplicated on 8.5" X 11" standard paper
  - The final recording of documents is in black & white; minimize the use of color
- Provide a Boundary Survey to demonstrate lot dimensions, water frontage, and riparian lines as well as the principal use of the subject property
- Either as part of the application, or on a separate sheet, provide a detailed Narrative Statement fully describing the project and what is being requested
- On a sheet separate from the application, please provide persuasive and convincing responses to each of the Primary and Secondary Criteria contained within LDC Section 5.03.06.H
  - state if each criterion has been satisfied or not satisfied
  - provide sufficient evidence to support any claims such as insufficient water depth, unique characteristics of the property or waterfront, width of waterway and/or canal
- Site Plans
  - Site Plans should be measured in feet
  - Note that the dock facility includes any docked vessel(s); show vessel(s) on plan
  - Demonstrate width of property and/or the total property water frontage
  - Demonstrate side and/or riparian setbacks for the dock facility
  - Demonstrate amount of dock protrusion using such points of measure as are contained within LDC Section 5.03.06.C.1, Measurement of Dock Protrusion.
- Note that dock facilities should be minimized to allow reasonable, safe access to the vessel(s) for loading, unloading, and routine maintenance without the use of excessive deck area

Boathouse

- See above for general information
- On a sheet separate from the application, please provide persuasive and convincing responses to each of the Boathouse Criteria contained within LDC Section 5.03.06.F
  - state if each criterion has been satisfied or not satisfied
  - provide sufficient evidence to support any claims such as insufficient water depth, unique characteristics of the property or waterfront, width of waterway and/or canal
- Site Plans
  - Demonstrate setback requirements from property and riparian lines, demonstrate the separation from other structures on the site, Demonstrate height of boathouse and type of roof; note that the roof alone may overhang up to 3 feet into the waterway beyond the maximum protrusion and/or setback (plans must show the amount of roof overhang)

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Meeting Notes

Zoning Ops — Both The County Attorneys office & Craig Brown Deferred Their Comments To The Manatee Protection Plan. Please Contact Craig Brown with Questions.

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

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Pre-Application Meeting Sign-In Sheet

PL# 20220002146

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
☐ Shar A.Beddow	MSM/Deputy Fire Marshal - Greater Naples Fire	241-1422	sbeddow@gnfire.org
☑ 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
☐ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☑ Thomas Clarke	Zoning Operations Analyst	252-2584	thomas.clarke@colliercountyfl.gov
☐ Jamie Cook	Development Review Director	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	GMP - Comprehensive Planning	252-5715	sue.faulkner@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
☐ Rachel Hansen	GMP – Comprehensive Planning	252-1142	Rachel.hansen@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	GMP – Comprehensive Planning	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
☐ Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov

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☐	Matt McLean, P.E.	Division Director - IF, CPP & PM	252-8279	matthew.mclean@colliercountyfl.gov
☐	Michele Mosca, AICP	Capital Project Planning	252-2466	michele.mosca@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	GMP, 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

Additional Attendee Contact Information:

Name	Representing	Phone	Email
Jeff Robbins	Tunnell Hall	643-0162	Jeff@THANAPLES.com

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Collier County
Growth Management Department
Zoning Division

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

PL20220002146 – Hutchins – 167 Sunset Cay (BDE) **Planner: John Kelly**

Assigned Ops Staff: Thomas Clarke

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request:**

  Jeff Rogers – Turrell, Hall & Associates, Inc.

- **Agent to list for PL#**

  Jeff Rogers – Turrell, Hall & Associates, Inc.

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

  Robert Hutchins & Judith Ann Hutchins-Brauch

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

  Boat Dock Extension(BDE)

- **Please list the density request of the project if applicable and number of homes/units/offices/docks:**

  N/A

- **Details about Project:**

  Requesting a Boat Dock Extension for 167 Sunset Cay.

REQUIRED Supplemental Information provided by:
Name: Jeff Rogers
Title:
Email: jeff@thanaples.com
Phone: 239-643-0166

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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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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(239) 252-2400 FAX: (239) 252-6358

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

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

The completed application, all required submittal materials, and fees shall be submitted to:

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

_____ _____
Agent/Owner Signature Date

_____
Agent/Owner Name (please print)

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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(239) 252-2400 FAX: (239) 252-6358

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 E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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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
☐	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: Pre-APP Meeting Fee: $500.00 PAID ✓

- ☑ **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 Date

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Collier County
Growth Management Department

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliercountyfl.gov or submit in person to the Addressing Section at the address listed below. This form must be signed by Addressing personnel *prior* to the pre-application meeting. **Please allow 3 business days for processing**.

Not all items will apply to every project. Items in **bold** 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 Permit)
- ☐ 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)

PORT OF THE ISLANDS (THE CAYS) PHASE II LOT 84 T52, R28, S09

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

68300003668

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

167 Sunset Cay, Naples, FL 34114

- **LOCATION MAP** must be attached showing exact location of project/site in relation to nearest public road right-of-way
- SURVEY (copy – only needed for unplatted properties)

CURRENT PROJECT NAME (if applicable)

PROPOSED PROJECT NAME (if applicable)

PROPOSED STREET NAMES (if applicable)

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

SDP _____-_____ or AR or PL # _____

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

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Collier County
Growth Management Department

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 ☐ Personally picked up

Applicant Name: Robert and Judith Hutchins/ Jeff Rogers(agent)

Phone: (239) 643-0166 **Email:** tuna@thanaples.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 68300003668

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: L.L.H **Date:** 2/24/2022

Updated by: **Date:**

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

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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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
X Robert Hutchens, 9264 Shadow Oak Ln Naples 34120	50
X Judith Hutchens, 9264 Shadow Oak Ln Naples 34120	50

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

Name and Address	% of Ownership

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest:

Name and Address	% of Ownership

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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Date of option: _____

Date option terminates: _____, or

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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

X _____
Agent/Owner Signature

10/26/21
Date

Judith Hutchins
Agent/Owner Name (please print)

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Robert Hutchins (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

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

10-26-2021 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10/26/2021 (date) by Robert Hutchins (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

JORDAN LEE RICE
Notary Public-State of Florida
Commission # GG 947550
My Commission Expires
January 15, 2024

Jordan Lee Rice
Signature of Notary Public

CP\08-COA-00115\155
REV 3/24/14

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Judith Hutchins (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

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

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- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
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Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Jhutchins
Signature

10/26/21
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10/26/2021 (date) by Judith Hutchins (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

JORDAN LEE RICE
Notary Public-State of Florida
Commission # GG 947550
My Commission Expires
January 15, 2024

Jordan Lee Rice
Signature of Notary Public

CP\08-COA-00115\155
REV 3/24/14

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Narrative Description: The proposed Boat Dock Extension request is to construct a new single-family docking facility with two boatlifts located at 167 Sunset Cay 178 Tahiti Circle Port of the Islands. The subject waterway is considered a man-made canal called the Faka Union Canal which is subject to the county manatee protection plan. The subject property has a rip-rap shoreline which is approximately 149-linear feet long and based off the collier county manatee protection plan is allowed two boat slips. The platted property line so the most restrictive point and the applicate is currently constructing a new single-family residence.

The proposed dock will require a BDE for the applicant to moor their vessels on boatlifts at the proposed docking facility. As proposed the dock will have two boatlifts one for the 50-foot vessel and the other for a 30-foot vessel with a deck area to store recreational equipment like kayaks and paddleboards. The proposed dock will protrude approximately 58-feet from the property line and therefore we are requesting a 38-foot extension over the allowed 20-feet. The subject waterway is approximately 338-feet wide and as proposed the dock and boat lift would protrude approximately 18% into the subject waterway. The subject waterway is an unmarked waterway and completely open to navigation therefore no impacts to navigation within the area will result from the proposed dock.

The proposed dock will provide 82-foot and 26-foot setbacks which is greater than what is required for lots with 60-feet of shoreline or greater. There are no impacts to any submerged resources, the decking area has been minimized and still provides area for recreational activities and associated storage.

There are numerous other existing docking facilities on the subject waterway that have BDE approvals with a hand full of them being granted 30-feet extensions from the allowed 20-feet. Therefore, as proposed the dock is consistent with the other existing docks. Attached is a map outlining the properties that have BDE approvals for your reference.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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.)

   The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the CC-LDC and the Collier County Manatee Protection Plan. The proposed docking facility consists of installing two boatlifts one to accommodate a 50-foot LOA vessel and the other is 30-foot vessel. The proposed dock will extend out 58-feet from the platted property line which is 38-feet of protrusion past from the allowed 20-feet. Additionally, the proposed dock will provide 82-foot and 26-foot setbacks from both riparian lines and therefore will not interfere with the adjacent properties as the vessel's ingress/egress the proposed boatlifts.

   Criterion Met

2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)

   The boat dock extension is necessary to accommodate the owners' vessels and due to rip-rap shoreline the proposed dock cannot come any closer to the shoreline. A more shore parallel dock design would not work due to the rip-rap and would then also require the vessels to cross over into the adjacent property owners' riparian area. The reason for this BDE request was due to both shallow water depths along the shoreline as well as the vessel size.

   Criterion Not Met

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

   The proposed docking facility design is consistent with numerous other docks along the subject and adjacent waterways as well as the overall protrusion out. As proposed the dock and boatlifts will not impact navigation as well as maintain the ingress/egress to both adjacent neighboring docks. There is no marked channel within this section of the Faka Union Canal therefore the entire waterway provides safe navigation and no impacts to any navigation will result from the proposed project.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Criterion Met

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.)

   The approximate waterway width is 338-feet wide. The proposed dock protrusion is 58-feet which is approximately 18% width of the waterway.

   Criterion Met

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

   The proposed docking facility is consistent with the outlined designed criteria within the collier county manatee protection plan for single-family docks with shorelines greater than 100-feet. The proposed dock design is also consistent with other previously approved adjacent docks within the subject waterway as well 156 Venus Cay and 159 Winward Cay. As proposed with a finger dock design and the two slips being perpendicular to the shoreline the dock will be within the allowed buildable area by providing the required setbacks and therefore the views into the subject waterway by the adjacent property owners will not be impacted nor their access to their docks.

   Criterion Met

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Secondary Criteria

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

   The subject property shoreline consists of a natural riprap shoreline along the entire 149-linear feet. Due to the riprap the proposed dock design has the larger boatlift and the associated vessel as close to the base of riprap as possible to prevent the vessel from potentially striking the riprap (rocks) and minimizing the overall protrusion as much as possible with a perpendicular dock layout. Additionally, the property line is landward of the mean high-water line therefore the overall protrusion measurement is taken from a point on the property that is not over water. Due to these existing on-site conditions as well as avoiding ingress/egressing the dock/slip over the adjacent property owners' riparian area the best dock layout is being proposed. Additionally, the width of waterway and the fact the entire waterway is open for navigation allows for a dock to protrude out which is consistent with ours previously approved within the subject canals.

   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.)

   The proposed docking facility design will provide sufficient deck area to allow for access to both boatlifts the associated vessels. There is also sufficient deck area for routine maintenance, safe access as well as recreational activities like fishing plus storage of kayaks or paddleboards. The total over-water square footage is 635 square feet. The adjacent docking facility and numerous others as shown on the BDE exhibits and other associated documents/images indicate that those docks have considerable amount decking compared to the proposed dock.

   Additionally, as a note based off the code the applicant could construct a dock that stretched across the entire property from setback to setback being approximately 119-feet long 20-feet out from the platted property. In my opinion a design like that would result in a significant amount of more decking area compared to what is being proposed. This would be more impactful to the environment by creating a much larger shaded area of bottomlands and provide area that would be excessive compared to what is being proposed.
   +
   Criterion Met

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

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.)

   As proposed the two vessels to be moored on site total 80-feet overall and with the existing shoreline length being approximately 149-feet we exceed 50%.

   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.)

   As proposed the dock has been designed within the designated setbacks and is consistent with other previously approved BDE boat docks being perpendicular to the shoreline in order remain within the riparian area. The adjacent property to our east has a docking facility which is parallel to the shoreline but within the required side yard setback. There are no impacts to either adjacent property owner as their view is within their riparian lines extending from the shoreline out to the middle of the subject waterway.

   Criterion Met

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.)

   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.)

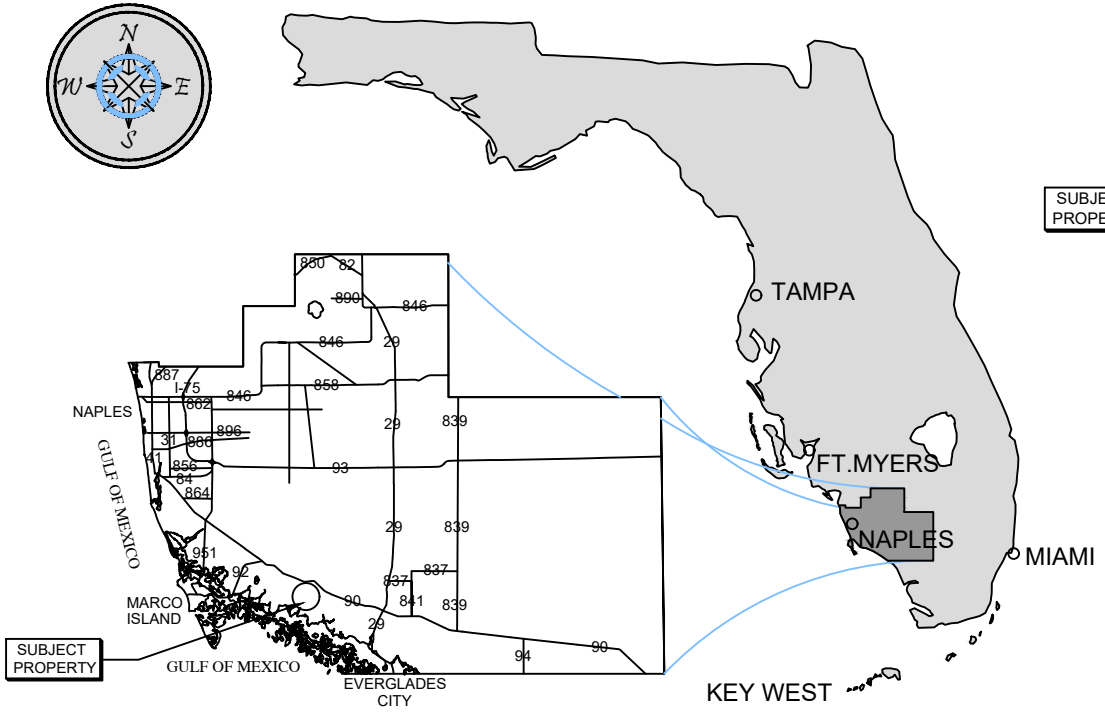
   The subject property is a single-family residence which typically are not subject to the Collier County MPP but in this case being down in Port of the Islands we are. As outlined in the MPP Section 3.2.3.4 the subject property meets the standards to have two boat slips and the proposed dock does not need to be shore parallel/marginal which is a requirement for commercially zoned properties. Based off this the proposed dock is consistent with the MPP requirements as there are no impacts to seagrasses and we have water depths greater than 4' MLW.

   Criterion Met

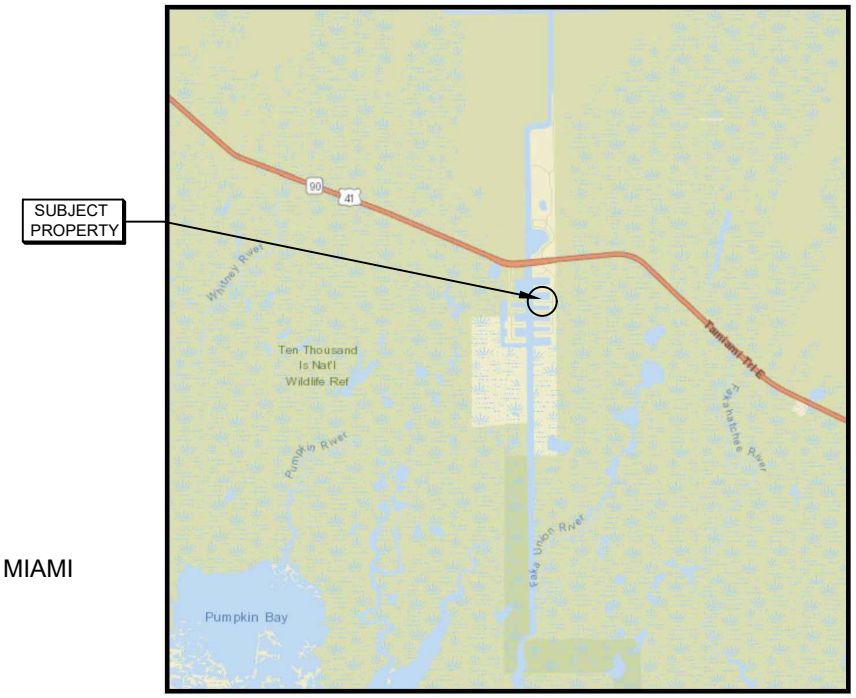
Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg LOCATION MAP 12/20/2022

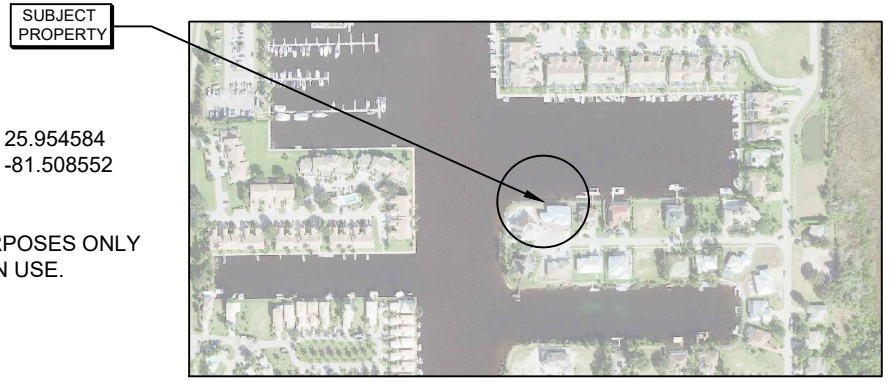
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 167 SUNSET CAY
NAPLES, FL 34114

<> LATITUDE: N 25.954584
<> LONGITUDE: W -81.508552

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

167 SUNSET CAY

LOCATION MAP

RY NO. 5875

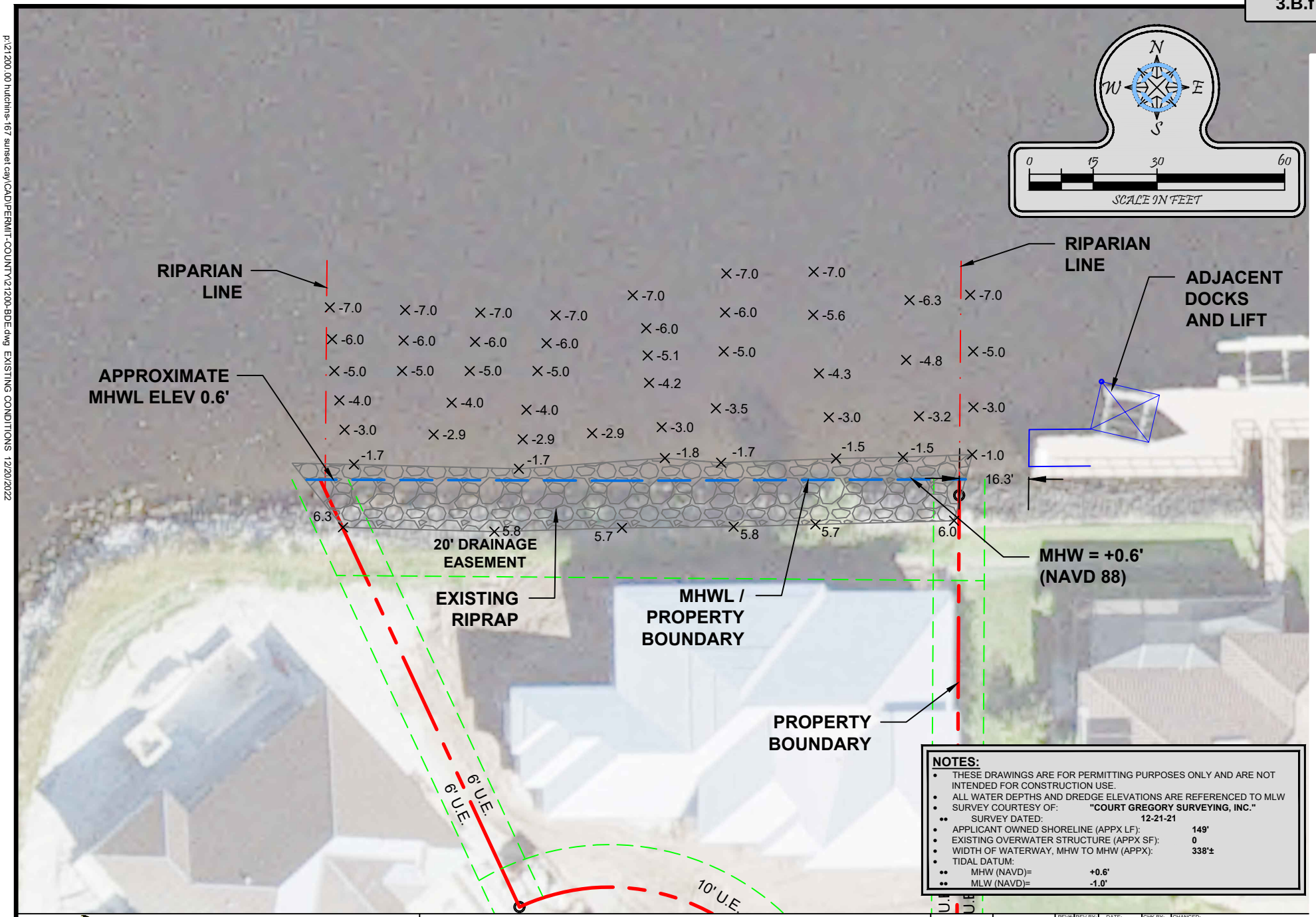
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

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DRAWN BY:	RMJ	2.	RMJ	08-30-22	JR	SHEET 05
CREATED:	06-04-22	3.	RMJ	12-20-22	JR	SHEET 05
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg EXISTING CONDITIONS 12/20/2022



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: **12-21-21**
- APPLICANT OWNED SHORELINE (APPX LF): **149'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **338'±**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.6'**
  - MLW (NAVD)= **-1.0'**

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167 SUNSET CAY

EXISTING CONDITIONS

RY NO. 5875

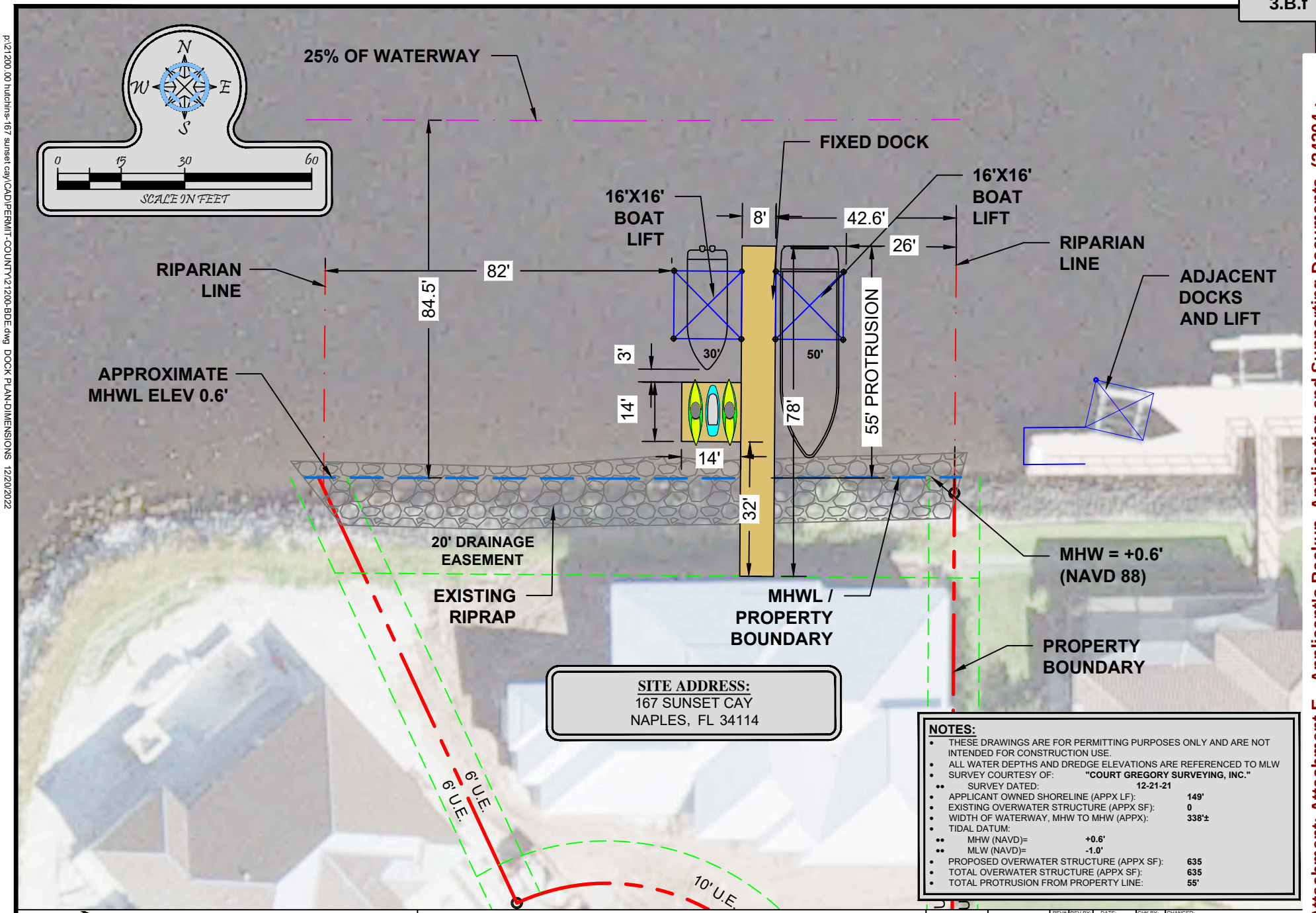
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JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	02 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg DOCK PLAN-DIMENSIONS 12/20/2022



NOTES:

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- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **12-21-21**
- APPLICANT OWNED SHORELINE (APPX LF): **149'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **338'±**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.6'**
  - MLW (NAVD)= **-1.0'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **635**
- TOTAL OVERWATER STRUCTURE (APPX SF): **635**
- TOTAL PROTRUSION FROM PROPERTY LINE: **55'**

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167 SUNSET CAY

DOCK PLAN-DIMENSIONS

RY NO. 5875

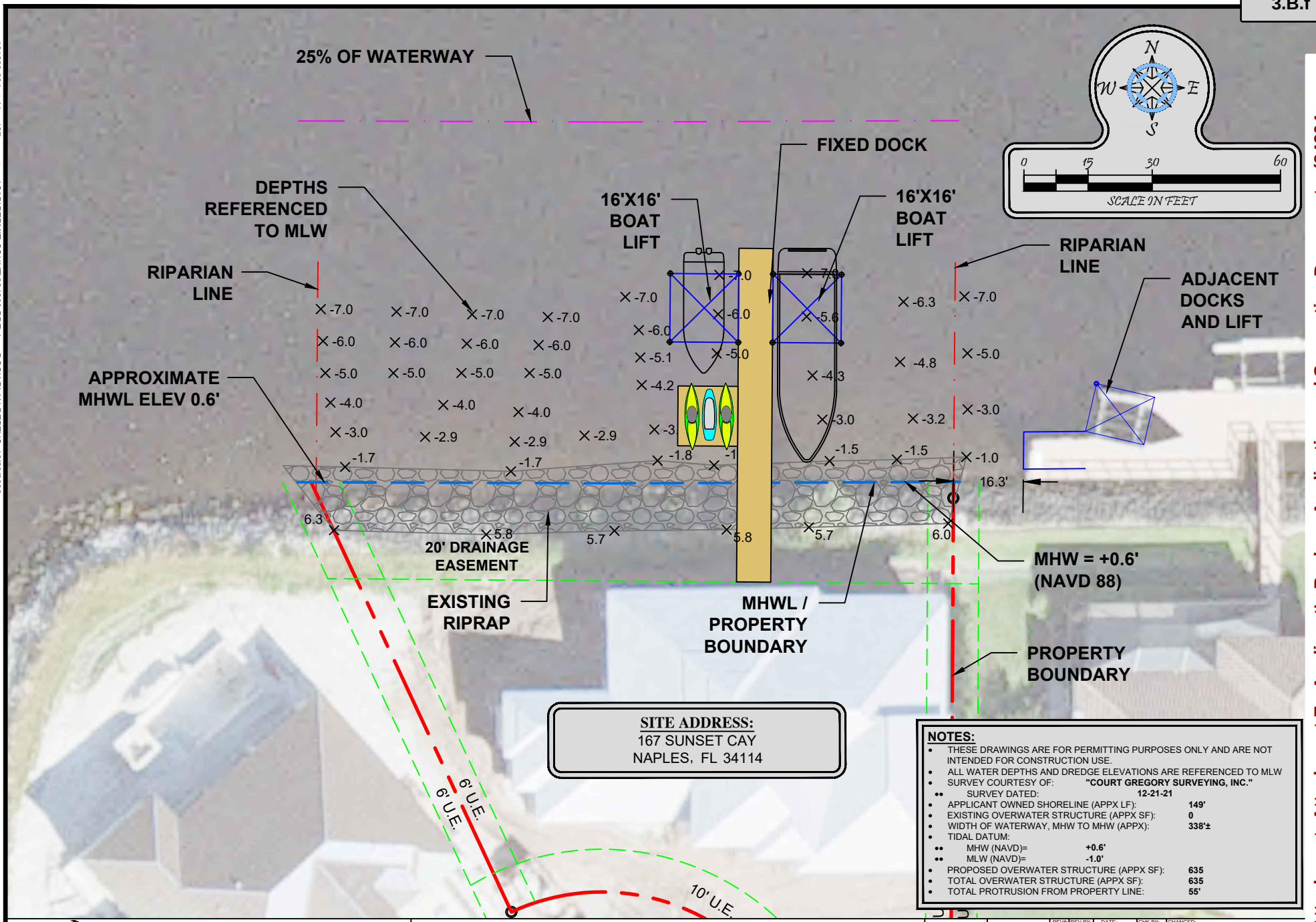
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JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	03 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg DOCK PLAN-DEPTHS 12/20/2022



SITE ADDRESS:
167 SUNSET CAY
NAPLES, FL 34114

NOTES:

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- SURVEY COURTESY OF: "COURT GREGORY SURVEYING, INC."
  - SURVEY DATED: 12-21-21
- APPLICANT OWNED SHORELINE (APPX LF): 149'
- EXISTING OVERWATER STRUCTURE (APPX SF): 0
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 338'±
- TIDAL DATUM:
  - MHW (NAVD)= +0.6'
  - MLW (NAVD)= -1.0'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 635
- TOTAL OVERWATER STRUCTURE (APPX SF): 635
- TOTAL PROTRUSION FROM PROPERTY LINE: 55'

Turrell, Hall & Associates, Inc.
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167 SUNSET CAY

DOCK PLAN-DEPTHS

RY NO. 5875

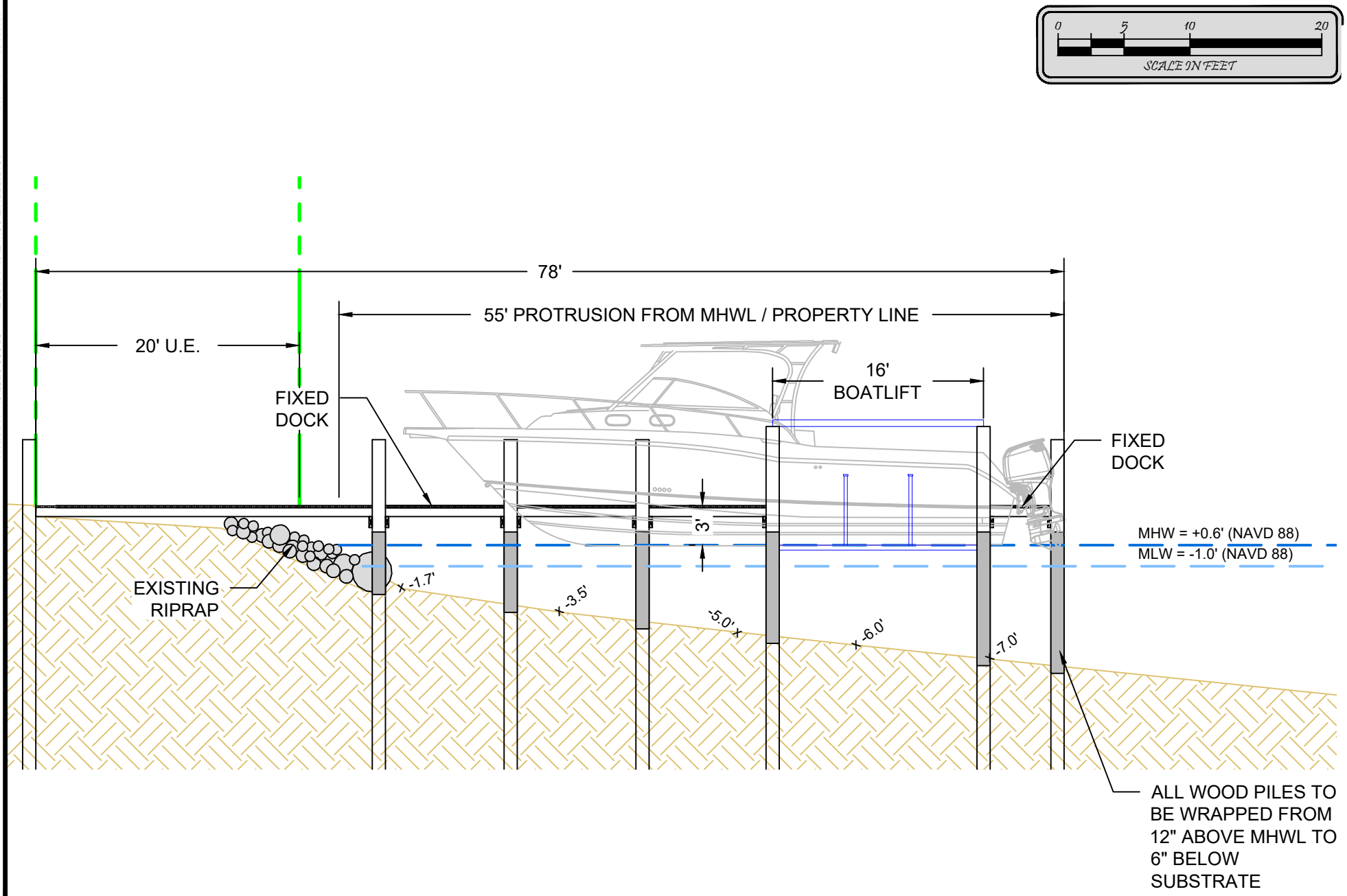
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

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SHEET NO.:	04 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg CROSS SECTION 12/20/2022



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167 SUNSET CAY

CROSS SECTION

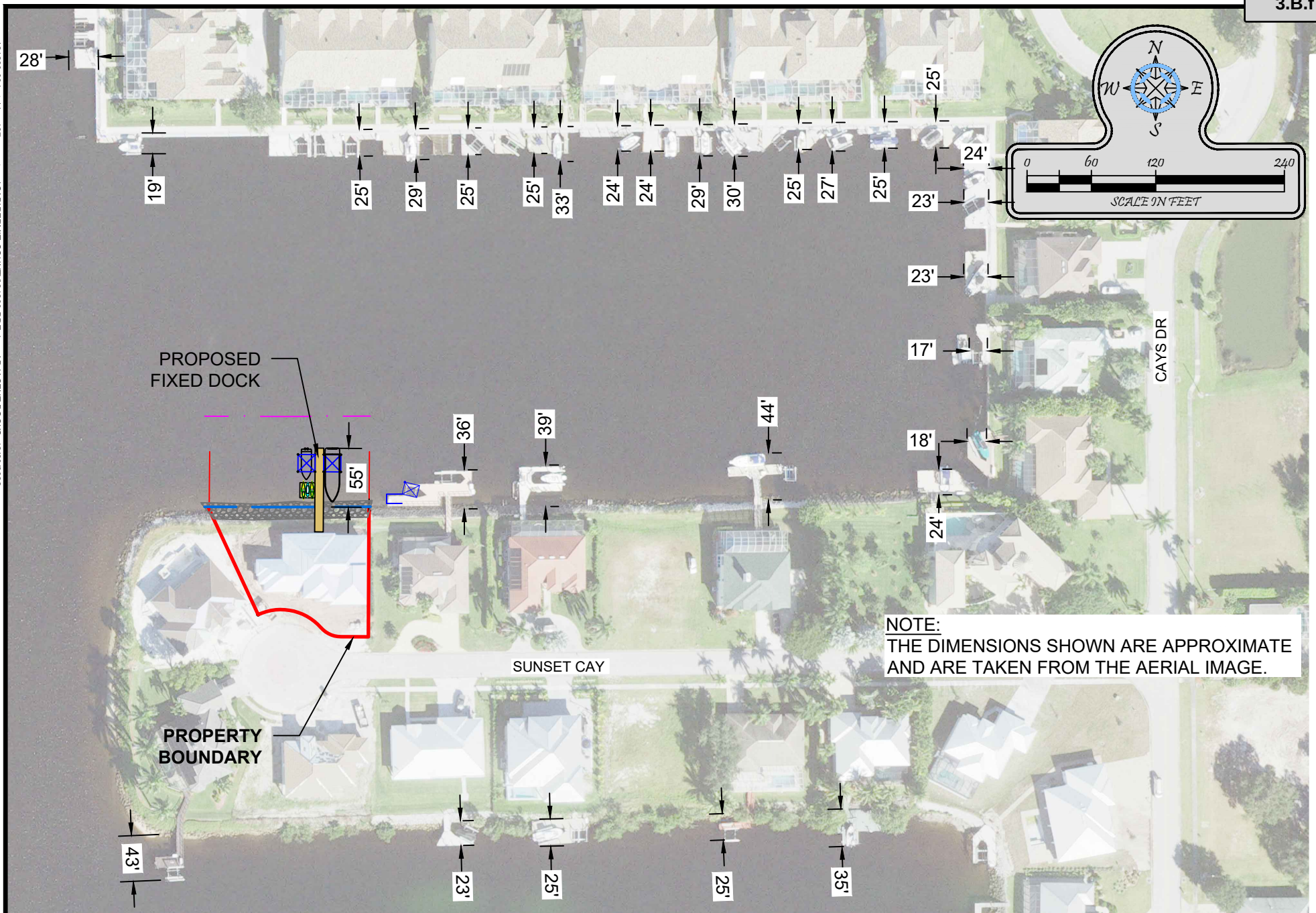
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THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

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DRAWN BY:	RMJ	2.	RMJ	08-30-22	JR	ELEVATED DOCK
CREATED:	06-04-22	3.	RMJ	12-20-22	JR	REMOVED PILE
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	05 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :



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

167 SUNSET CAY

ADJACENT DOCKS

RY NO. 5875

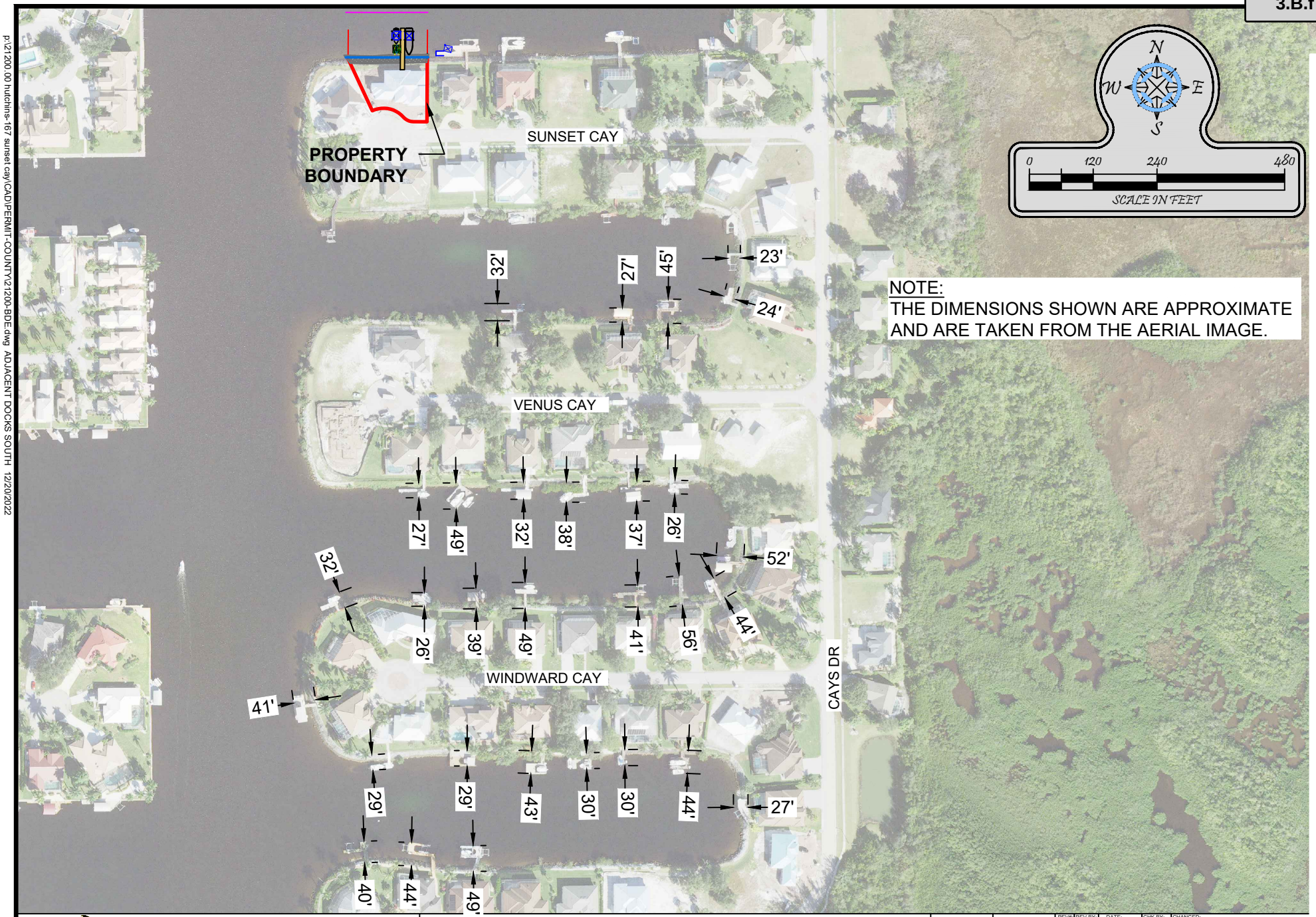
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SHEET NO.:	06 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg ADJACENT DOCKS 12/20/2022

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :



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167 SUNSET CAY

ADJACENT DOCKS SOUTH

RY NO. 5875

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

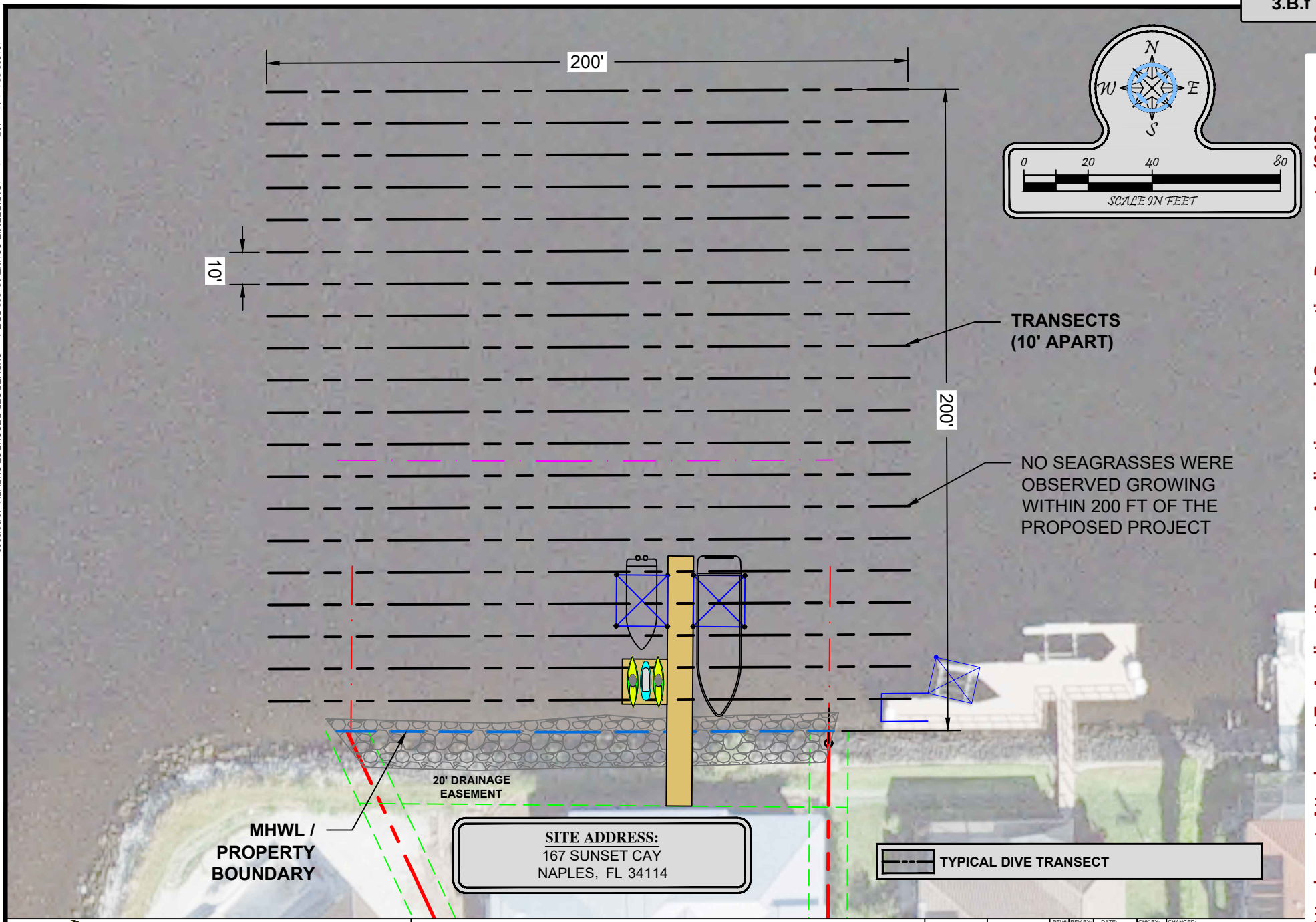
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SHEET NO.:	07 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg ADJACENT DOCKS SOUTH 12/20/2022

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg SUBMERGED RESOURCE SURVEY 12/20/2022



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
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167 SUNSET CAY

SUBMERGED RESOURCE SURVEY

RY NO. 5875

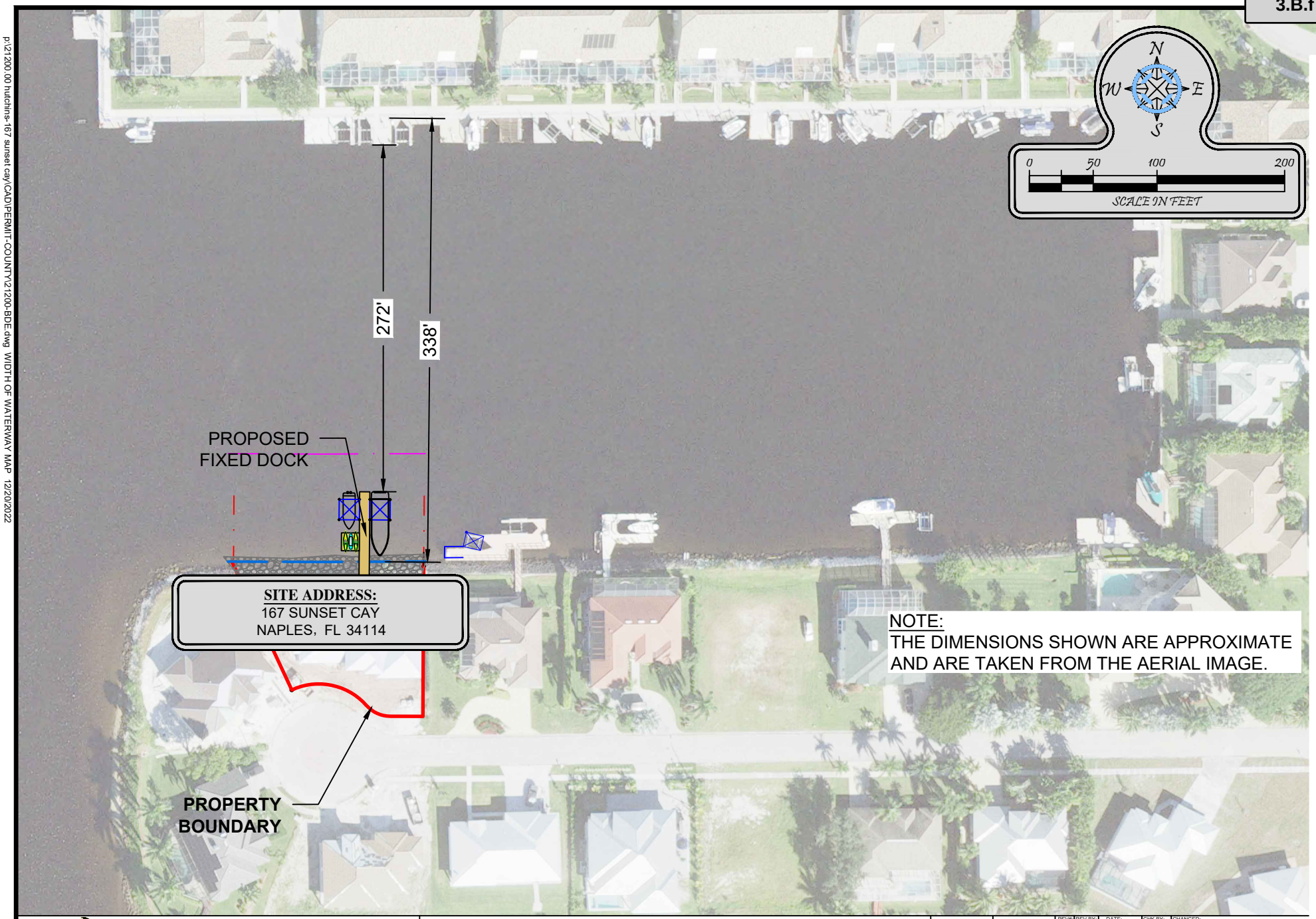
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

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JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	08 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg WIDTH OF WATERWAY MAP 12/20/2022



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

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
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167 SUNSET CAY

WIDTH OF WATERWAY 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.	RMJ	07-12-22	JR	REVISED DIMENSION
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-04-22	3.	-	-	-	-
JOB NO.:	21200.00	4.	-	-	-	-
SHEET NO.:	09 OF 10	5.	-	-	-	-

SECTION- 09 TOWNSHIP- 52S

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

p:\21200.00 hutchins-167 sunset cay\CAD\PERMIT-COUNTY\21200-BDE.dwg ADJACENT WATERWAY 12/20/2022



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
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167 SUNSET CAY

ADJACENT WATERWAY

RY NO. 5875

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SECTION- 09 TOWNSHIP- 52S

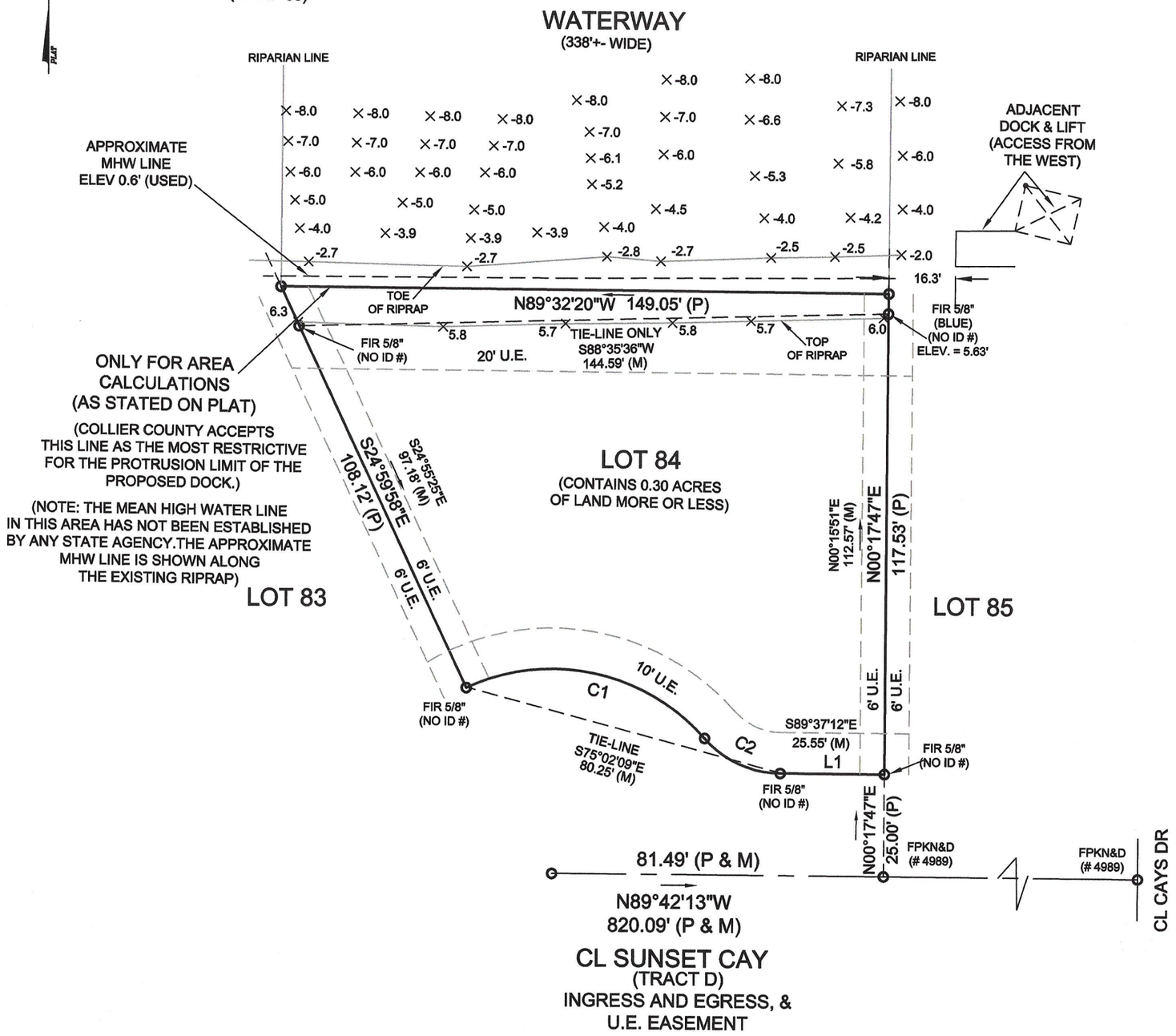
Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 :

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIR	CHORD
C1	64.13	50.00	73°29'12"	N78°15'22"W	59.82
C2	21.02	25.00	48°11'01"	S65°36'28"E	20.41

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.59	S89°42'13"E

SCALE 1" = 30'

X = DENOTES SPOT ELEVATION (NAVD '88)



NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF SUNSET CAY AS SHOWN IN PLAT BOOK 21 PAGE 3 OF COLLIER COUNTY, BEING SOUTH 89D 42' 13" 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 DECEMBER 16, 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 BENCHMARK IS AS FOLLOWS: SET BM ON NORTH RIM SSMH IN CUL-DE-SAC ELEV. = 6.35' (NAVD '88 DATUM)

8.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING CONDITIONS ALONG THE SHORELINE AND A BATHYMETRIC OF THE SUBJECT PROPERTYS PLATTED PROPERTY LINES.

9.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE "AE" AS INDICATED ON FEMA MAP # BASE ELEVATION DETERMINED AT ALL FEMA INFORMATION SHOWN NEEDS TO BE VERIFIED BY THE USER(S) OF THIS SURVEY, BEFORE ANY DESIGN AND/OR CONSTRUCTION.

10.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.

REVISIONS

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 LOT 84

OF

PORT OF THE ISLANDS (THE CAYS) PHASE II

AS RECORDED IN
PLAT BOOK 21 PAGE(S) 1-4
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

167 SUNSET CAY

CERTIFY TO:
TURRELL, HALL & ASSOCITES

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 12/21/2021
DATE OF FIELD SURVEY 12-16-2021

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 12/21/2021
Job # PI0118M
Fb M

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay - Hutchins

167 SUNSET CAY
NAPLES, FL 34114
FOLIO #68300003668

SUBMERGED RESOURCE SURVEY REPORT
MAY 18, 2022

PREPARED BY:

TURRELL, HALL & ASSOCIATES, INC.
Marine & Environmental Consulting
PHONE: 239-643-0166 WWW.THANAPLES.COM

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

Table of Contents

1 Introduction 1
2 Objective 2
3 Methodology 3
4 Results 4
5 Conclusion 5
6 Photos 6

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 167 Sunset Cay in Naples, FL 34114 that can be identified by folio #68300003668. This resource survey will provide planning assistance to both the property owner and regulating agencies during the review process for the proposed project.

The subject property consists of a 0.35-acre parcel that can be found in Port of the Islands along a man-made canal just off the Faka Union Canal that connects to the Gulf of Mexico. The parcel currently contains an existing single-family residence currently under construction and a rip-rap shoreline. The property is neighbored to the east and west by other single-family residences, to the north by the canal, and to the south by Sunset Cay.

The SRS was conducted on May 18, 2022, between approximately 8:45 a.m. and 9:40 a.m. Site conditions consisted of mostly clear skies with a slight breeze. Water clarity was fair to good which allowed approximately 12-18 inches of visibility. The ambient air temperature was approximately 80 degrees Fahrenheit and wind speeds averaged 5 mph from the east. High tide occurred before the site visit at approximately 6:08 a.m. and reached approximately 2.1 feet above the Mean Low Water Mark and low tide was achieved after the site visit at approximately 11:20 a.m., reaching approximately 0.7 feet above the Mean Low Water Mark.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

2 OBJECTIVE

The objective of the SRS was to identify and locate any existing submerged resources within 200 feet of the existing docking facility and proposed additional boatlift. Ordinarily, if seagrasses are present within the vicinity of a project area, an analysis will be required regarding species, percent coverage, and impacts projected by the proposed project. The presence of seagrasses may be ample cause for re-configuration of the design for projects over surface waters in order to minimize impacts. The general scope of work performed during a typical submerged resource survey is summarized below:

- THA personnel will conduct a site visit and swim a series of transects within the project site in order to verify the location of any submerged resources.

- THA personnel will identify submerged resources within the vicinity of the site and produce an estimate of the percent coverage of any resources found.

- THA personnel will delineate the approximate limits of any submerged resources observed via a handheld GPS device.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

3 METHODOLOGY

THA biologists intentionally designed the methodology of the SRS to cover not only the entire property shoreline of the subject property but also the area within 200 ft. of the project site. The components utilized for this survey included:

- Reviewing aerial photography of the surveyed area.
- Establishing survey transect lines (spaced approximately 10 feet apart) overlaid onto aerials. (See attached Exhibits)
- Physically swimming the transects, GPS locating the limits of any submerged resources found, and determining the percent coverage within the area.
- Documenting and photographing all findings

The surveyed area was evaluated systematically by following the established transect lines throughout the project site as shown on the attached exhibit. The existing and neighboring properties, docking facilities, and other landmarks provided reference markers which assisted in maintaining correct positioning over each transect.

During this SRS, one THA staff member swam the transect lines using snorkel equipment while a second remained on the shore taking notes and compiling findings on an aerial of the project site. Ordinarily, if any resources are found, they are photographed, GPS located, delineated, and analyzed for percent coverage within the area via a half meter square quadrat.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

4 RESULTS

The substrate found within the surveyed area consists of 2 distinct classifications: silt sand and muck with shell debris. The silt sand substrate was found mostly along the subject shoreline and the muck substrate was throughout the deeper area. The shoreline consists of rip-rap with neighboring docking facilities which provide cover for fish as well as manatees and alligators. Algae was observed covering parts of the submerged riprap but was not observed in the underlying substrate. The majority of the project site was devoid of vegetative growth, presumably because of a freshwater input and clarity. 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*
Grey Snapper	*Lutjanus griseus*
West Indian Manatee "sea cow"	*Trichechus manatus*
American Alligator	*A. mississippiensis*

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

5 CONCLUSION

The submerged resource survey conducted at the project site yielded few findings at best. Algae was observed on parts of the rip-rap, but nowhere else around the project site. Seagrasses were not observed anywhere near the project site. All fish species were observed swimming in and around the neighboring docking facilities and both manatees and alligators were also observed in and around the docks.

Negative impacts to submerged resources are not expected with the proposed project.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

6 PHOTOS



Photo 1: Existing neighboring dock and associated boatlift.



Photo 2: Subject property rip-rap shoreline.

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

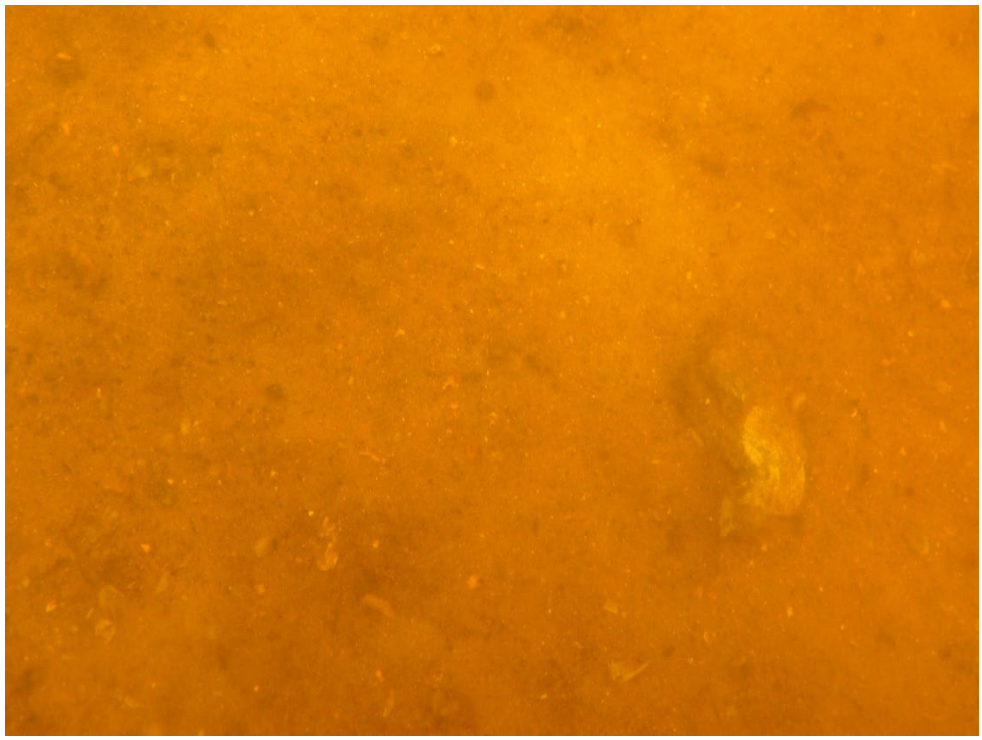


Photo 3: Typical view of bottom sediment.



Photo 4: Muck bottom material

Attachment: Attachment E - Applicant's Backup, Application and Supporting Documents (24204 : PL20220002146 BD 167 Sunset Cay -

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: JANUARY 12, 2023

SUBJECT: BDE-PL20220000501, 231 DOLPHIN COVE COURT - LENS DOCK

PROPERTY OWNER/APPLICANT:

The Lens Family Trust
John F. and Lori-Ann Lens, Trustees
22 Beechtree Dr.
Lakeview, MA 02347

AGENT:

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

REQUESTED ACTION:

The petitioner requests a boathouse and a 2.75-foot boat dock extension from the maximum permitted protrusion of 25 percent of the width of the waterway or 20 feet into a waterway, whichever is less, to allow construction of a boat docking facility protruding a total of 22.75 feet into a waterway that is 91± feet wide, pursuant to Section 5.03.06 of the Collier County Land Development Code (LDC).

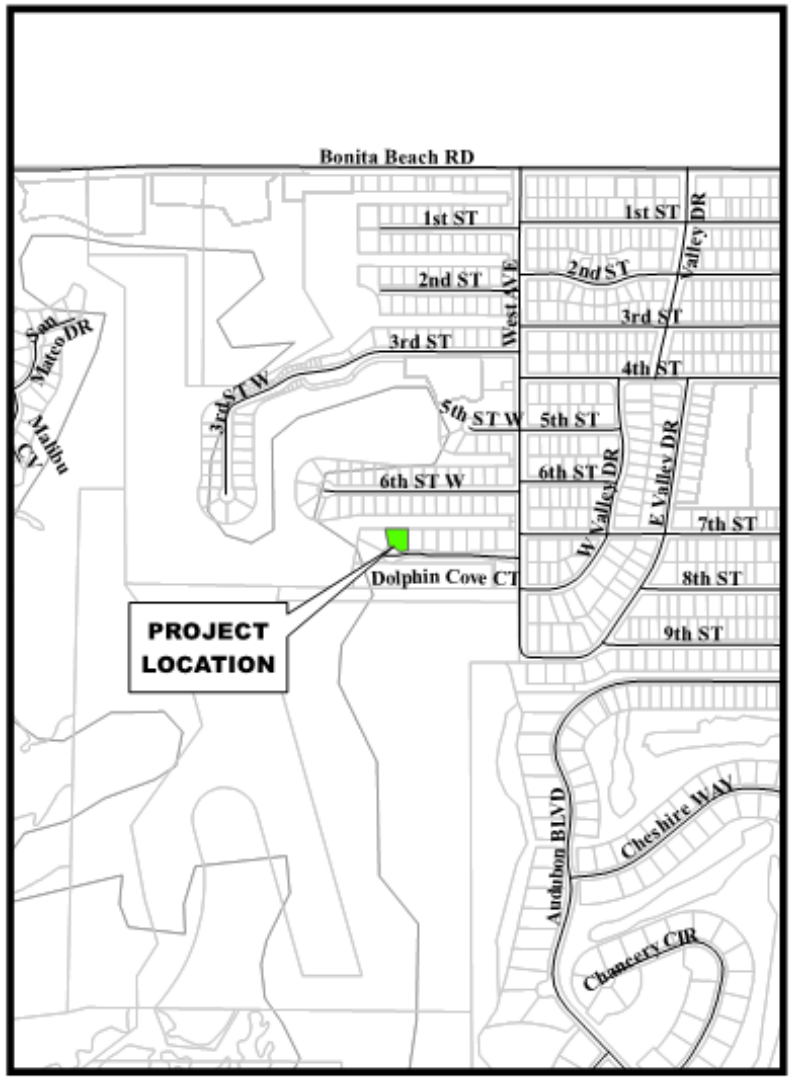
GEOGRAPHIC LOCATION:

The subject property is located at 231 Dolphin Cove Court, further described as Lot 8, Dolphin Cove, in Section 5, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

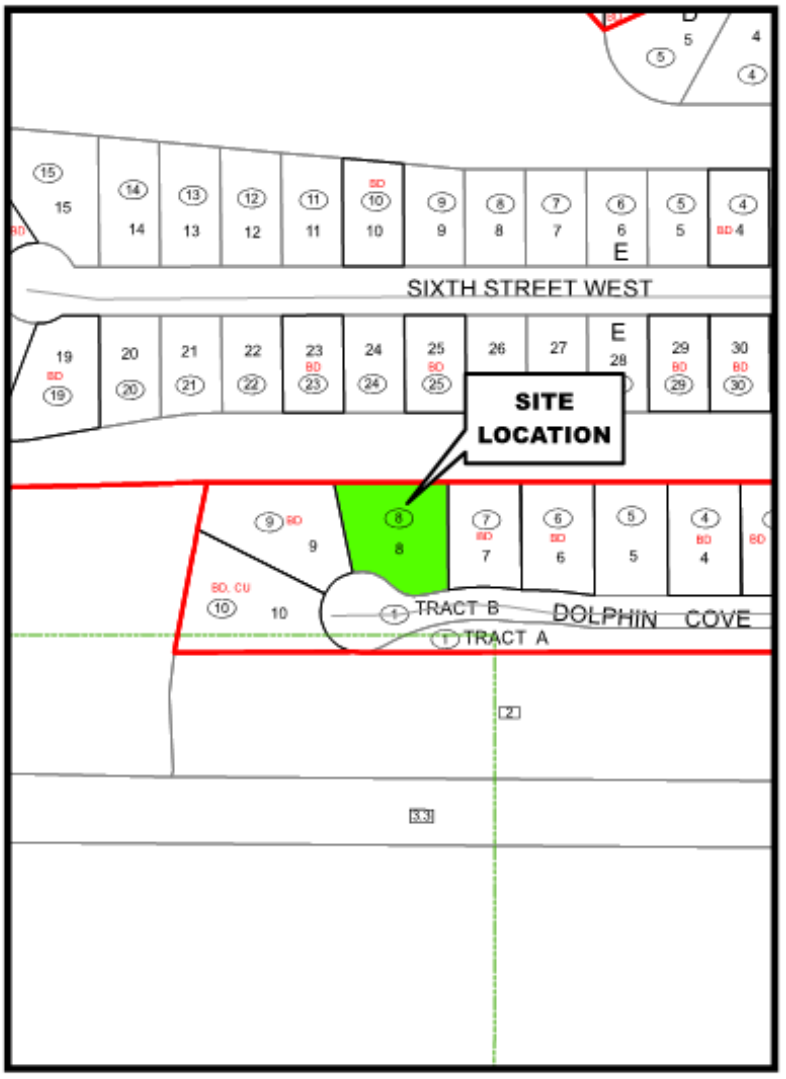
PURPOSE/DESCRIPTION OF THE PROJECT:

The subject waterfront property comprises 0.39 acres, located within a Residential Single-Family-3 (RSF-3) zoning district that is being developed for a one-story single-family dwelling as per Building Permit No. PRBD20211049219. Said property is on a man-made canal just off Little Hickory Bay and has 140± feet of shoreline consisting of a man-made rip-rap bank with mangroves throughout all of which are located within a 10-foot conservation easement. The proposed dock facility consists of a U-shaped dock, accessed by a 4-foot-wide walkway, with two boat lifts; one to moor a 32-foot vessel that will be covered by a boathouse and a second serving two 12-foot personal watercraft. The dock facility will protrude 22.75 feet into the 91±-foot wide canal and the required 15-foot side/riparian setbacks will be satisfied on both sides of the docking facility.

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)



Location Map



Zoning Map

Petition Number: PL20220000501

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

SURROUNDING LAND USE & ZONING:

North: Little Hickory Bay canal then single-family dwellings, Residential Single-Family-4 District (RSF-4)

East: Single-family dwelling, Residential Single-Family-3 District (RSF-3)

South: Dolphin Cove Court (Right-of-Way) then preserve, Audubon Country Club PUD

West: Single-family dwelling, Residential Single-Family-3 District (RSF-3)



Aerial – 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 beyond the mangrove fringe parallel to the shoreline. Any additional impacts to mangroves will require written approval from the Florida Department of Environmental Protection (DEP). A submerged resources survey provided by the applicant found no submerged resources in

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

the area 200 feet beyond the proposed docking facility. The Site Plan (sheet 7 of 10) indicates no seagrass has been observed within 200 feet of the proposed docking structure. The property contains a conservation easement just landward of the mean high-water line (MHWL) (Plat Book 19 Pages 55 – 56).

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 an RSF-3 Zoning District that will support a single-family dwelling, Building Permit No. PRBD20211049219, for which this section of the LDC allows up to two boat slips. The proposed dock facility consists of a U-shaped dock, accessed by a 4-foot-wide walkway, with two boat lifts; one to moor a 32-foot vessel that will be covered by a boathouse and a second serving two 12-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.)**

   Criteria not met. The applicant's agent states: "The reason for this BDE request is based on the existing rip-rap shoreline which includes a 10-foot Conservation Easement (CE) and mangroves. Water depths within the allowed 20 feet are restrictive but are not the sole reason for this BDE request." Zoning staff concurs.

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.)**

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Criterion met. There is no marked or charted navigable channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project.

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

Criterion met. As per the Specific Purpose Survey provided by the applicant, the subject canal width is between 91 feet and 95.2 feet, MHWL to MHWL. As per the proposed dock plans, sheet 04 of 10, the dock facility will protrude 22.75 feet into said waterway as measured from the most restrictive point. It can therefore be established that the proposed dock facility will occupy 25 percent of the 91-foot waterway. Sheet 10 of said plans reveals 47 feet between the proposed dock facility and that on the opposite shore; therefore, 51.65 percent of the canal remains 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 applicant's agent states: "The proposed docking facility has been designed to be consistent with the other existing and previously approved docking facilities on the subject waterway. This is a new dock structure but will be within the required side yard setbacks as well as centrally located along the subject property's shoreline. Due to this no neighboring views or access will be negatively impacted as the proposed dock is consistent [sic] with all the previously approved docks along the subject shoreline." Zoning staff notes that the proposed dock facility design, less the boathouse, is like the existing docks to both the east and west; each accesses the primary (shore parallel) slip from the west and has an ancillary (perpendicular to shore) slip on the eastern side. Additionally, the proposed dock facility is setback 44 feet or more from each of the neighboring side/riparian lines. As such, staff concurs that there should be no interference with neighboring docks.

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 the type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)**

Criterion met. The subject property has three special conditions: a rip-rap shoreline, protected mangroves, and a 10-foot conservation easement. Staff notes that Environmental Planning Staff does have concerns with the subject conditions and has resolved to satisfy those concerns at the time of permitting; therefore, they have requested a specific condition of approval requiring removal of the rip-rap from the easement prior to their obtaining a Certificate of Completion.

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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 states: "The proposed docking facility design has been fully minimized and still provides routine access to the vessels as well as provide an area for recreational activities for fishing and storage of kayaks and paddleboards." Staff concurs and further notes that the noted recreational area is minimal, measuring only 8 feet by 19 feet.

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

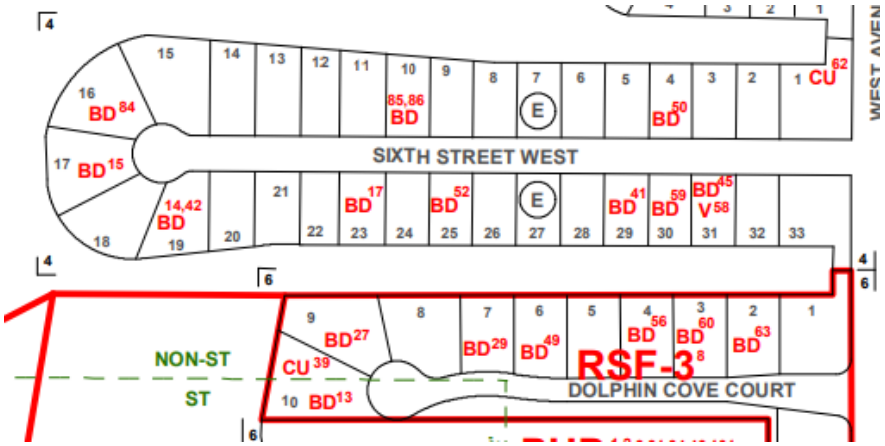
Criterion met. The subject docking facility has been designed to accommodate a 32-foot vessel, LOA, and two 12-foot PWCs with a maximum combined length of 56 feet; the subject property's linear waterfront footage is 140± feet.

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. To evaluate this criterion, Zoning staff must be mindful that both the applicant and their neighbors have rights that must be applied equally and fairly. It is staff's understanding that a waterfront property owner has the right to an unobscured view within their own riparian area; however, rights to a view outside of said riparian area are limited to the extent that a neighbor should not have their rights to full use of their waterfront property (to include docks) infringed upon. In this case, the applicant seeks to increase their allowable protrusion by only 2.75 feet, and they are providing a side/riparian setback of no less than 44 feet on each side whereas the required side/riparian setback is 15 feet. Additionally, the subject facility has been designed to be shore parallel and the proposed boathouse will be 15 feet in height and open on all 4 sides. Staff concludes that any impact on the waterfront view of neighbors has been minimized and therefore the impact to views is also minimal.

Zoning staff did however observe that the Zoning Atlas reveals an unusually high number of Boat Dock Extensions having been approved in the immediate vicinity, see below. Research reveals that the majority were issued prior to a zoning amendment approved in the year 2000 that served to increase the allowable protrusion for waterways under 100 feet in width. Prior to this amendment, boat docks on such waterways were limited to a protrusion of 5 feet; the amendment increased the allowable protrusion to 25 percent of the waterway not to exceed 20 feet. Staff proceeded to pull the approved Boat Dock (BD) Extensions within the canal between Dolphin Cove Court and Sixth Street West and was able to determine that of 12 approved BDs only three served to go beyond the newly established 20-foot protrusion limit. Despite this information, staff continues to believe the subject petition is neither extreme nor unwarranted.

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)



Collier County Zoning Atlas

BD[17] – CCPC Resolution 93-37 to allow a 16-foot protrusion and Boathouse
BD[27] – CCPC Resolution 95-31 to allow a 20-foot protrusion
BD[29] – CCPC Resolution 95-47 to allow a 17-foot protrusion
BD[41] – CCPC Resolution 97-32 to allow a 22-foot protrusion
BD[42] – CCPC Resolution 97-36 to allow a 46-foot protrusion
BD[45] – CCPC Resolution 98-39 to allow a 20-foot protrusion
BD[49] – CCPC Resolution 98-55 to allow a 20-foot protrusion and Boathouse
BD[52] – CCPC Resolution 99-22 to allow a 17-foot protrusion
BD[56] – CCPC Resolution 00-01 to allow a 20-foot protrusion
BD[59] – CCPC Resolution 00-03 to allow a 20-foot protrusion
BD[60] – CCPC Resolution 00-05 to allow a 21-foot protrusion
BD[63] – CCPC Resolution 00-19 to allow a 20-foot protrusion and Boathouse

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

Criterion met. There are no seagrass beds present on the property nor the neighboring properties within 200 feet of the existing dock structure.

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

Criterion is not applicable. The proposed project is for a single-family residential boat dock facility. Section 5.03.06.E.11, Manatee Protection Plan, is not applicable to this boat dock proposal.

Standards for Boathouses:

1. **Minimum side setback requirement: Fifteen Feet.**

Criterion met. As per the provided Dock Plan, the boathouse is setback more than 15 feet from both the eastern and western side/riparian lines.

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

2. **Maximum protrusion into the waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.**

   Criterion met. Cross Section AA indicates that despite there being a roof overhang, said roof will not extend beyond the footprint of the proposed dock facility.

3. **Maximum height: Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.**

   Criterion met: The tip of the uppermost portion of the roof is 15 feet above the fixed dock.

4. **Maximum number of boathouses or covered structures per site: One.**

   Criterion met. Only one boathouse is to be built on this property.

5. **All boathouses and covered structures shall be completely open on all 4 sides.**

   Criterion met. The boathouse will be completely open on all four sides.

6. **Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.**

   Criterion met. The roofing material and color of the proposed boathouse will match that of the principal structure.

7. **The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.**

   Criterion met. The boathouse is located within the required side/riparian setbacks and will be obscured by existing mangroves.

With respect to the BDE, staff analysis finds this request complies with four of the five primary criteria and five of the six secondary criteria with the sixth criterion being not applicable. As for the boathouse, staff analysis finds that this petition satisfies all seven of the required boathouse standards. As of the date of this Staff Report, no public opposition has been received.

CONCURRENT LAND USE APPLICATIONS:

There are no known concurrent land use petitions.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner.

Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

An aggrieved non-party may appeal a decision of the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20220000501 in accordance with the Proposed Plans provided within Attachment A and subject to the following conditions of approval:

1. The riprap located within the Conservation Easement must be removed prior to the issuance of a Certificate of Completion for the dock facility's building permit; and

2. A Certificate of Completion for the dock facility, an accessory structure, cannot be issued prior to the issuance of a Certificate of Occupancy for the residence, the principal structure on the subject property.

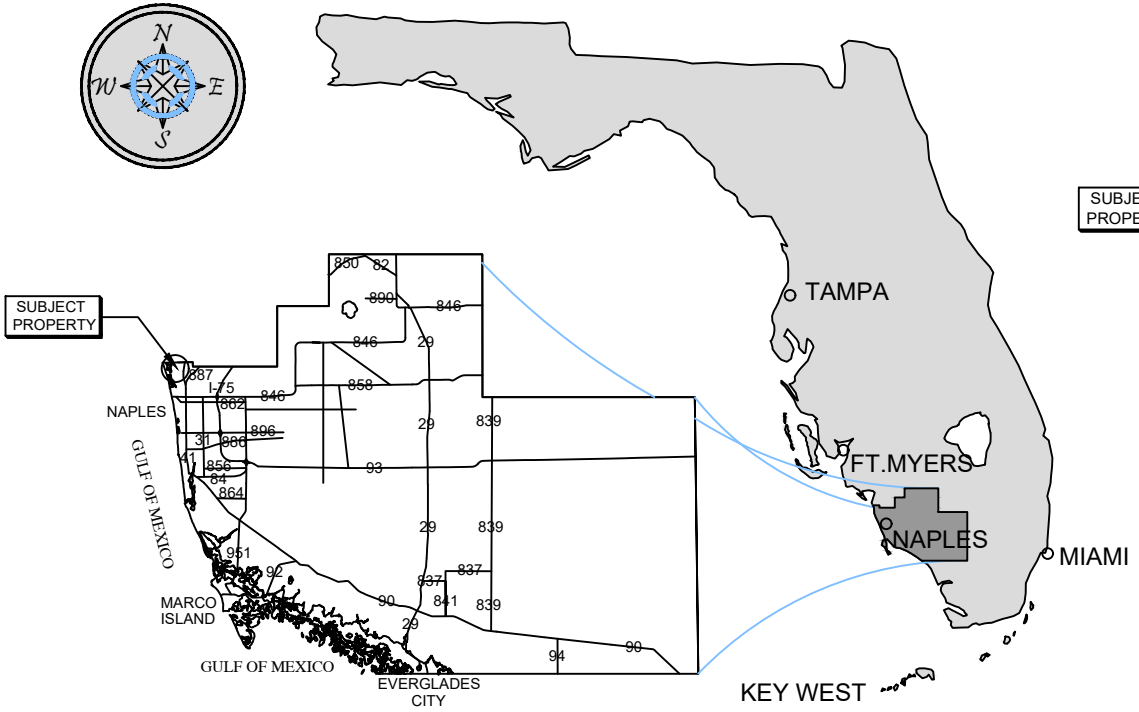
Attachments:

A. Proposed Dock Plans
B. Specific Purpose Survey
C. Dolphin Cove, PB19 PG55-56
D. Building Permit No. PRBD20211049219
E. Public Hearing Sign Posting
F. Applicant's Backup; Application and Supporting Documents

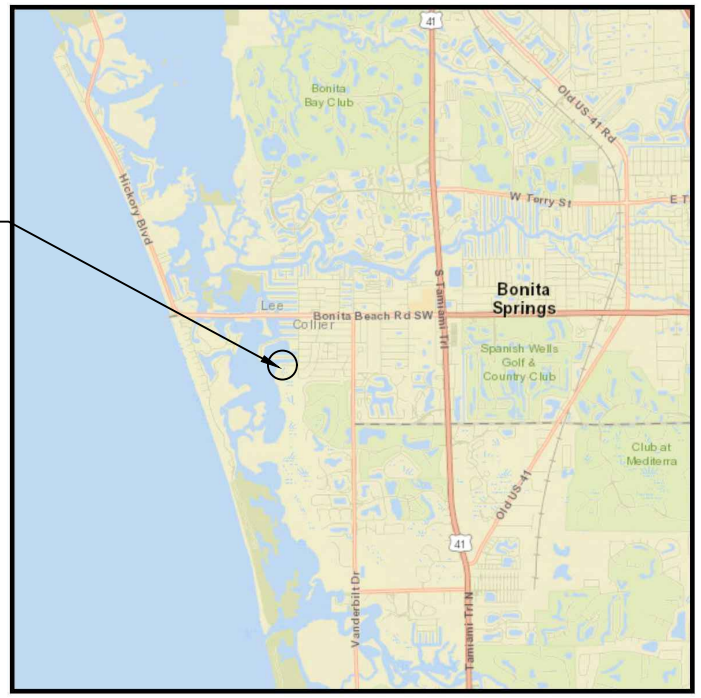
Attachment: Staff Report 12202022 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg LOCATION MAP 10/31/2022

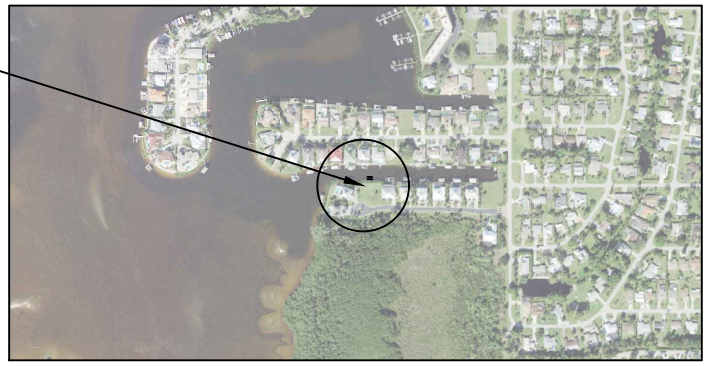
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 231 DOLPHIN COVE CT
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.324098
<> LONGITUDE: W -81.829413

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

231 DOLPHIN COVE CT

LOCATION MAP

RY NO. 5875

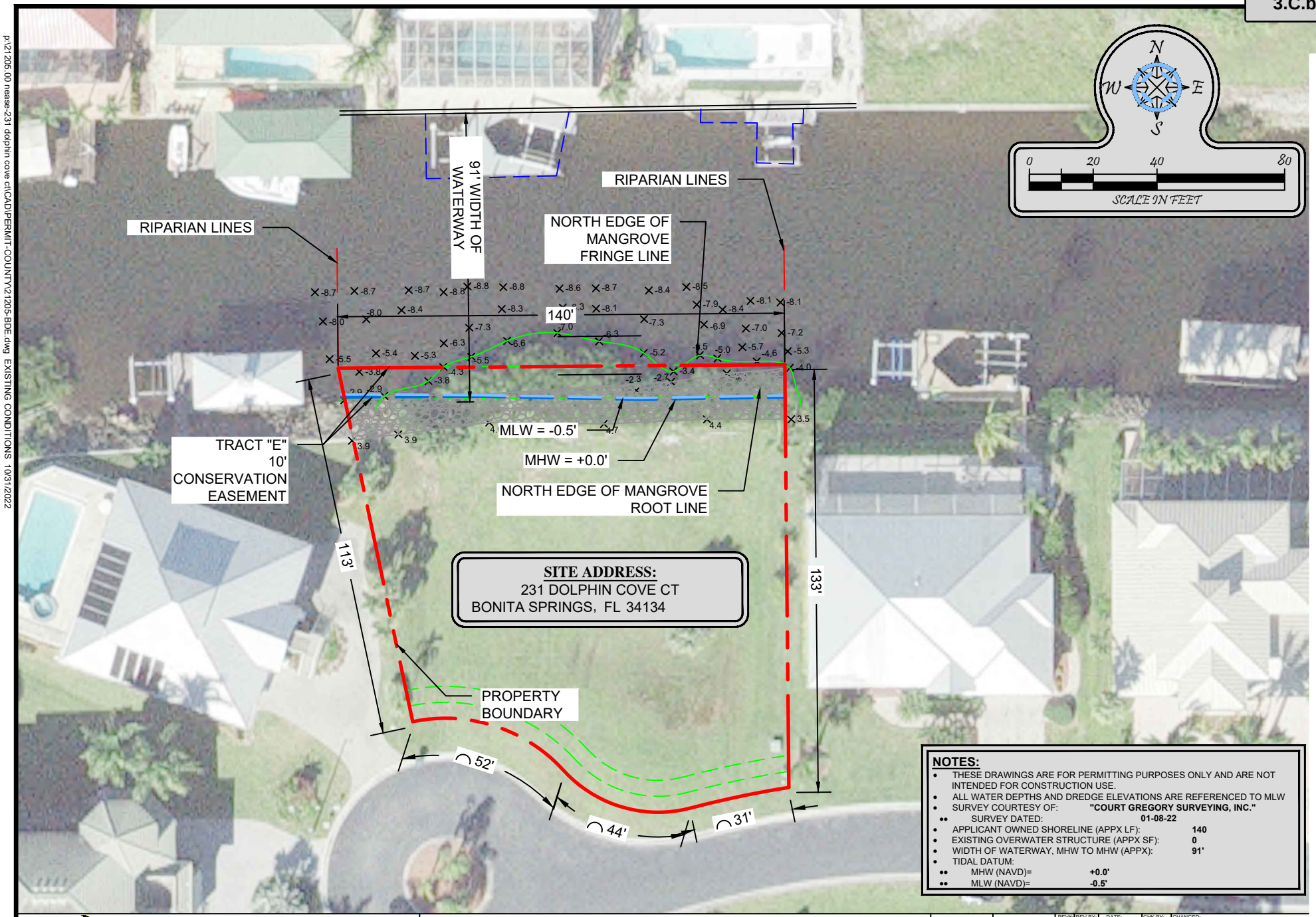
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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg EXISTING CONDITIONS 10/31/2022



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: **01-08-22**
- APPLICANT OWNED SHORELINE (APPX LF): **140**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **91'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.0'**
  - MLW (NAVD)= **-0.5'**

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

231 DOLPHIN COVE CT

EXISTING CONDITIONS

RY NO. 5875

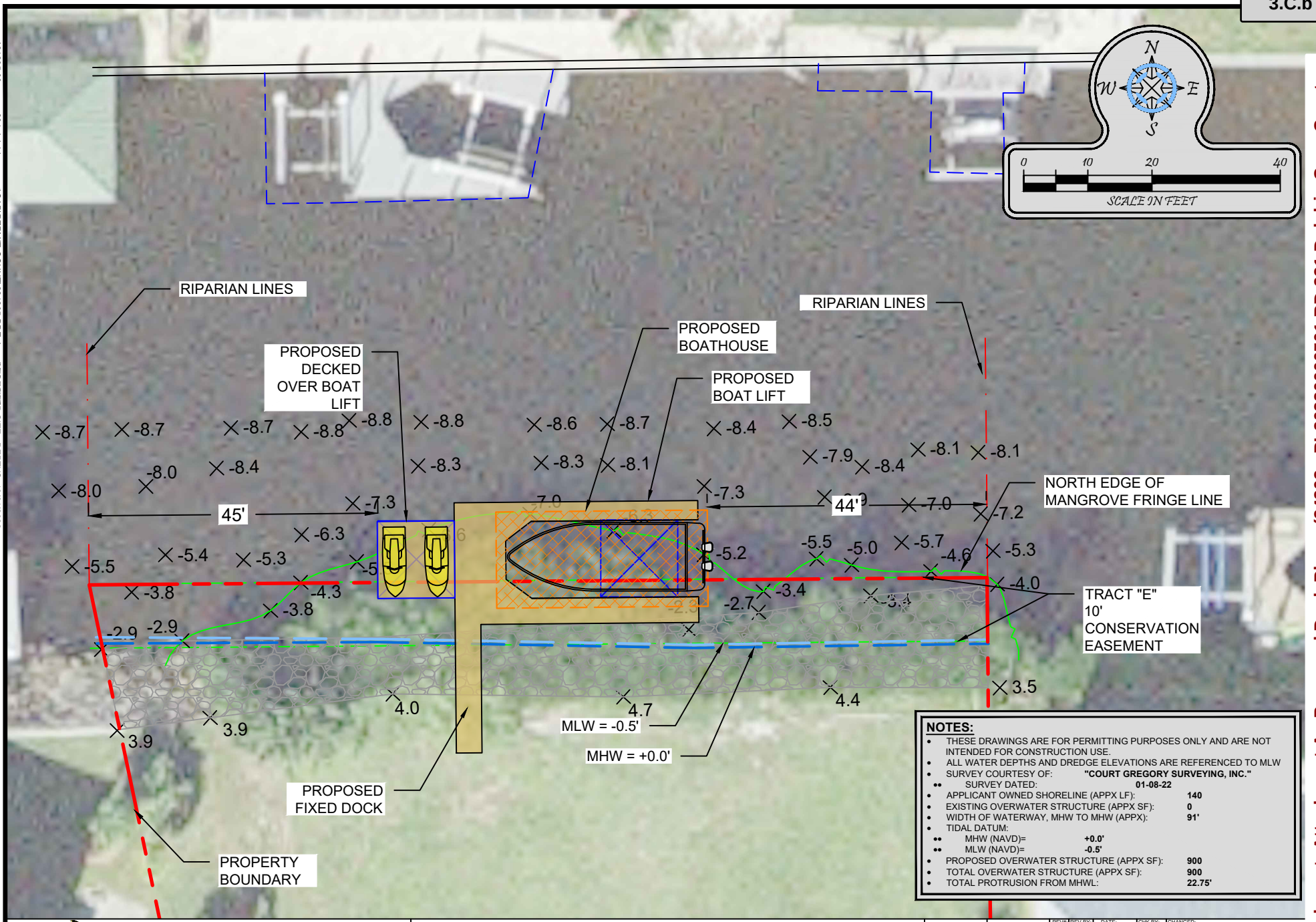
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DRAWN BY:	RMJ	2.	-	-	-	-
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JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	02 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg 11/30/2022 PROPOSED SITE - DEPTHS 10/31/2022



NOTES:

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- APPLICANT OWNED SHORELINE (APPX LF): **140**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **91'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.0'**
  - MLW (NAVD)= **-0.5'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **900**
- TOTAL OVERWATER STRUCTURE (APPX SF): **900**
- TOTAL PROTRUSION FROM MHWL: **22.75'**

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

231 DOLPHIN COVE CT

PROPOSED SITE - DEPTHS

RY NO. 5875

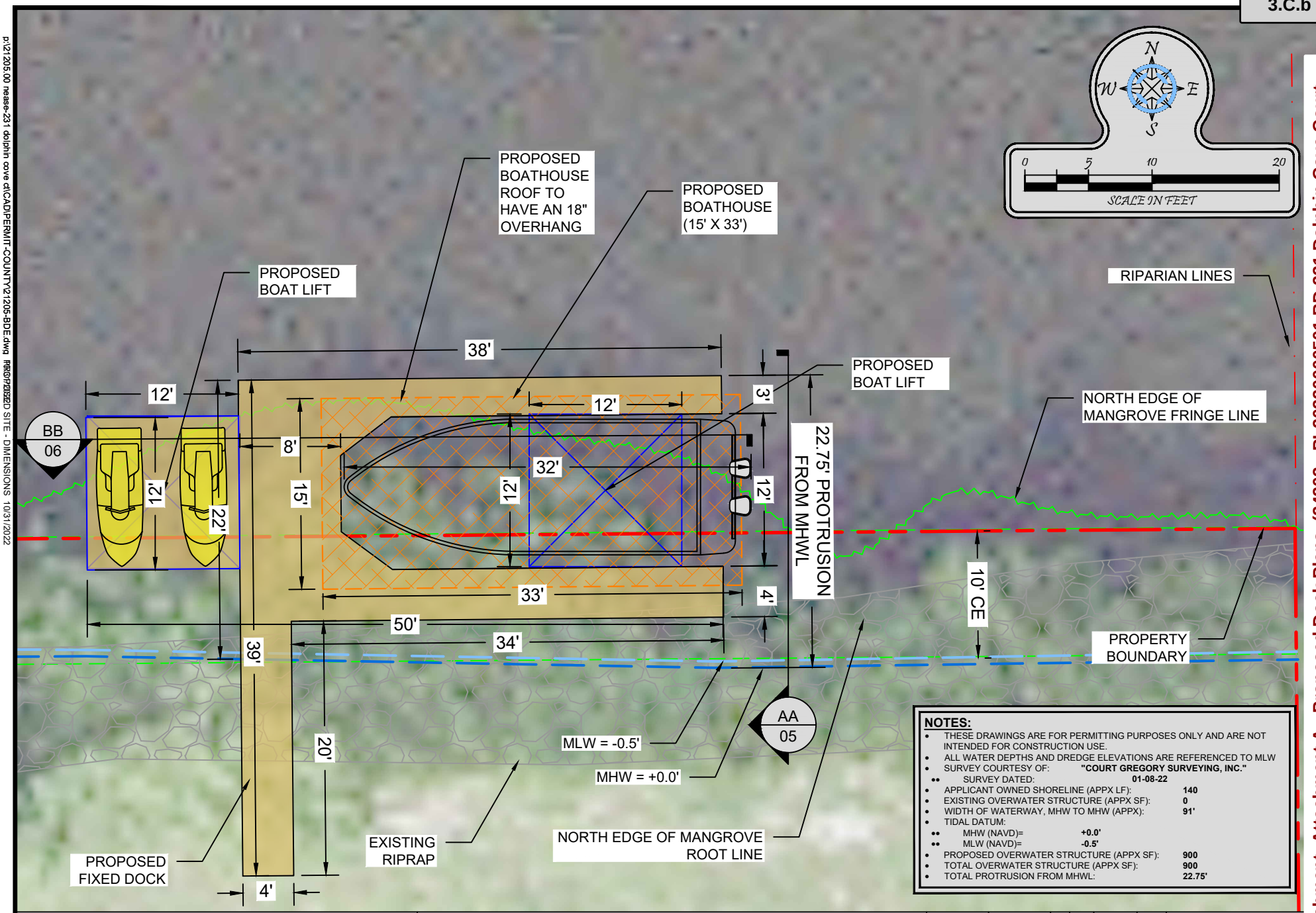
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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	03 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48 S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg ff 10/31/2022 PROPOSED SITE - DIMENSIONS 10/31/2022



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: **01-08-22**
- APPLICANT OWNED SHORELINE (APPX LF): **140**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **91'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.0'**
  - MLW (NAVD)= **-0.5'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **900**
- TOTAL OVERWATER STRUCTURE (APPX SF): **900**
- TOTAL PROTRUSION FROM MHWL: **22.75'**

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

231 DOLPHIN COVE CT

PROPOSED SITE - DIMENSIONS

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:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	04 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48 S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg CROSS SECTION - AA 10/31/2022



NOTE: ROOFING MATERIAL AND COLOR SHALL BE THE SAME AS THAT USED ON PRINCIPAL STRUCTURES

22.75' PROTRUSION FROM MHWL

BOATHOUSE ROOF

18"

18"

15'

15'

13'

24'

12' BOAT LIFT

3'

FIXED DOCK

4'

FIXED DOCK

4.0'

RIPRAP

6'

MHW = +0.0' NAVD

MLW = -0.5' NAVD

-2.7

-5.5

-7.9

GEOTEXTILE FABRIC

ALL PILES TO BE WRAPPED FROM 12" ABOVE MHWL TO 6" BELOW SUBSTRATE

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231 DOLPHIN COVE CT

CROSS SECTION - AA

RY NO. 5875

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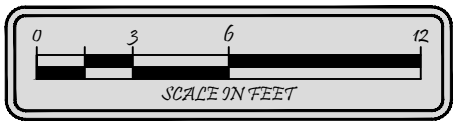
DESIGNED:	JR
DRAWN BY:	RMJ
CREATED:	10-31-22
JOB NO.:	21205.00
SHEET NO.:	05 OF 10

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

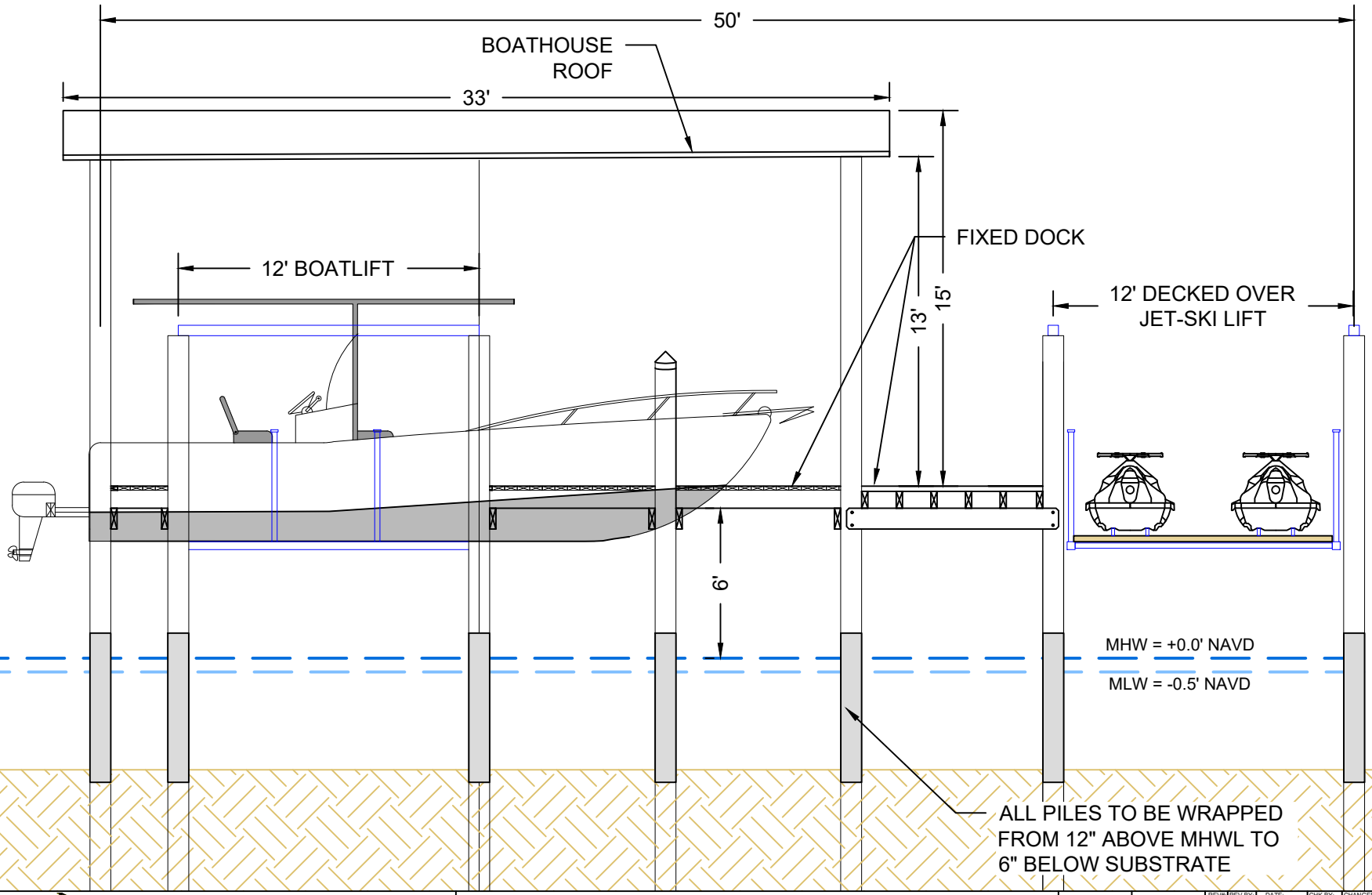
SECTION-05 TOWNSHIP-48S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove dt\CAD\PERMIT-COUNTY\21205-BDE.dwg CROSS SECTION - BB 10/31/2022



NOTE: ROOFING MATERIAL AND COLOR SHALL BE THE SAME AS THAT USED ON PRINCIPAL STRUCTURES



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231 DOLPHIN COVE CT

CROSS SECTION - BB

RY NO. 5875

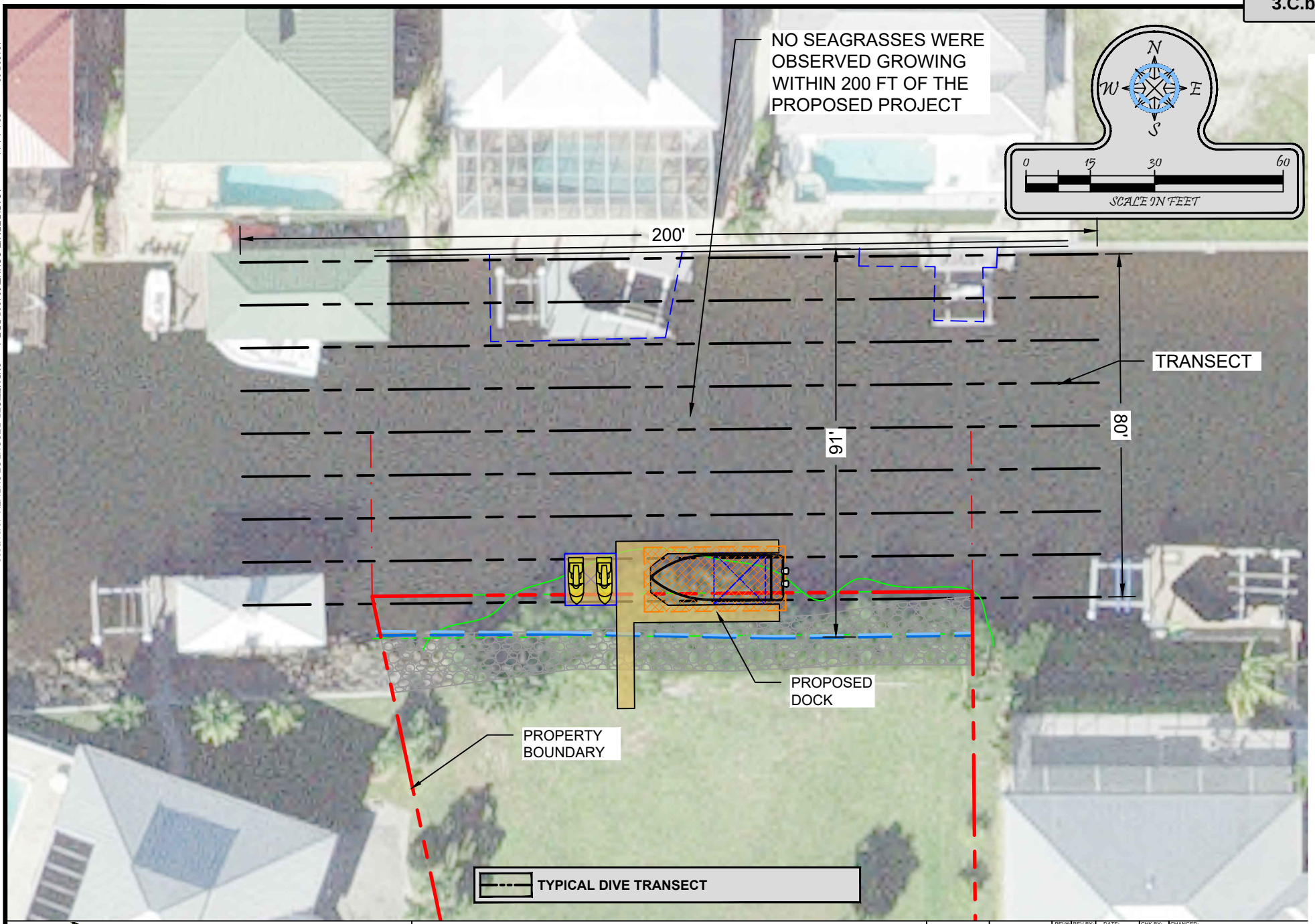
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	06 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg SUBMERGED RESOURCE SURVEY 10/31/2022



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231 DOLPHIN COVE CT

SUBMERGED RESOURCE SURVEY

RY NO. 5875

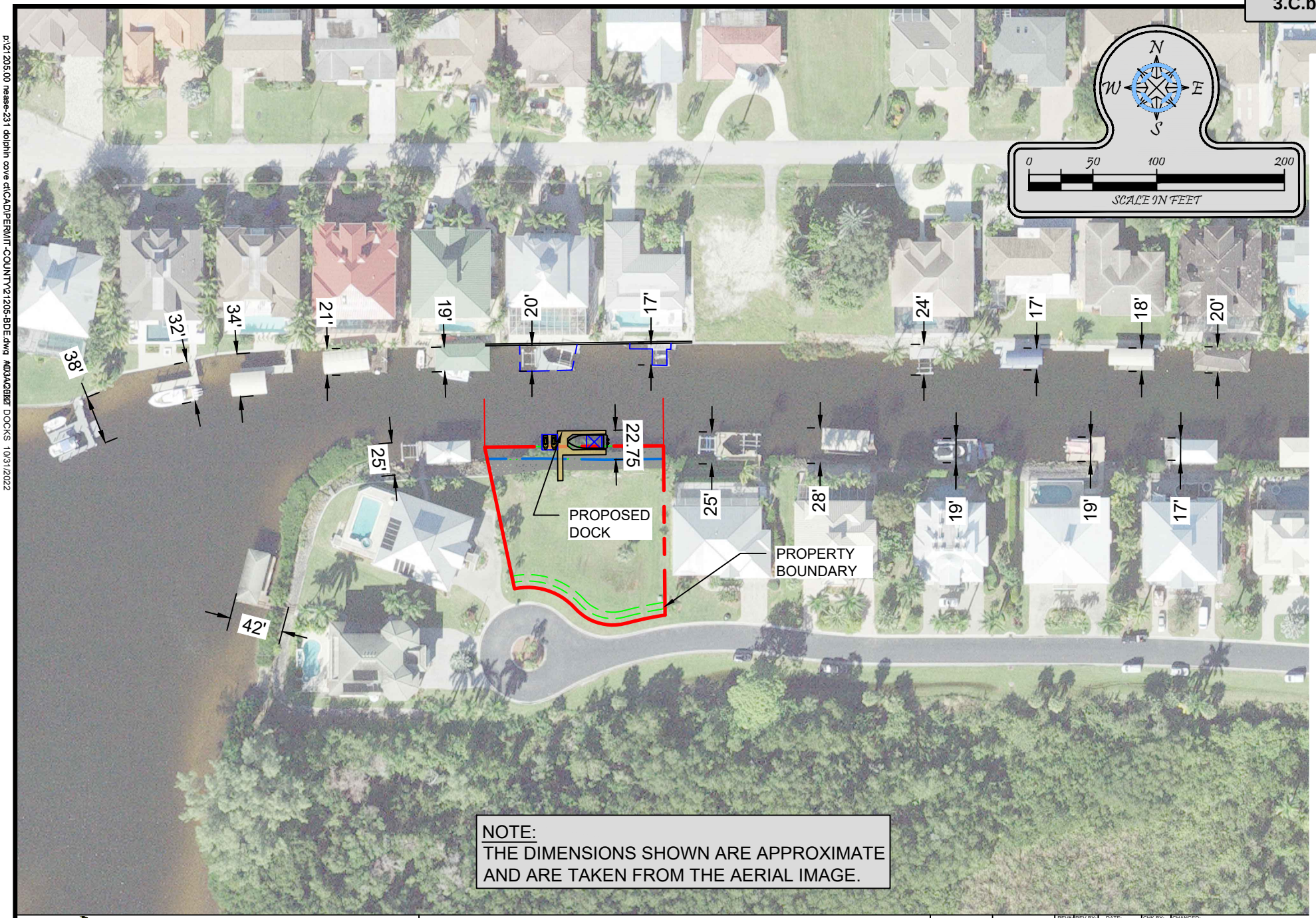
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	07 OF 10	5.	-	-	-	-

SECTION-05 TOWNSHIP-48S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg, 10/31/2022 DOCKS 10/31/2022



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

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231 DOLPHIN COVE CT

ADJACENT DOCKS

RY NO. 5875

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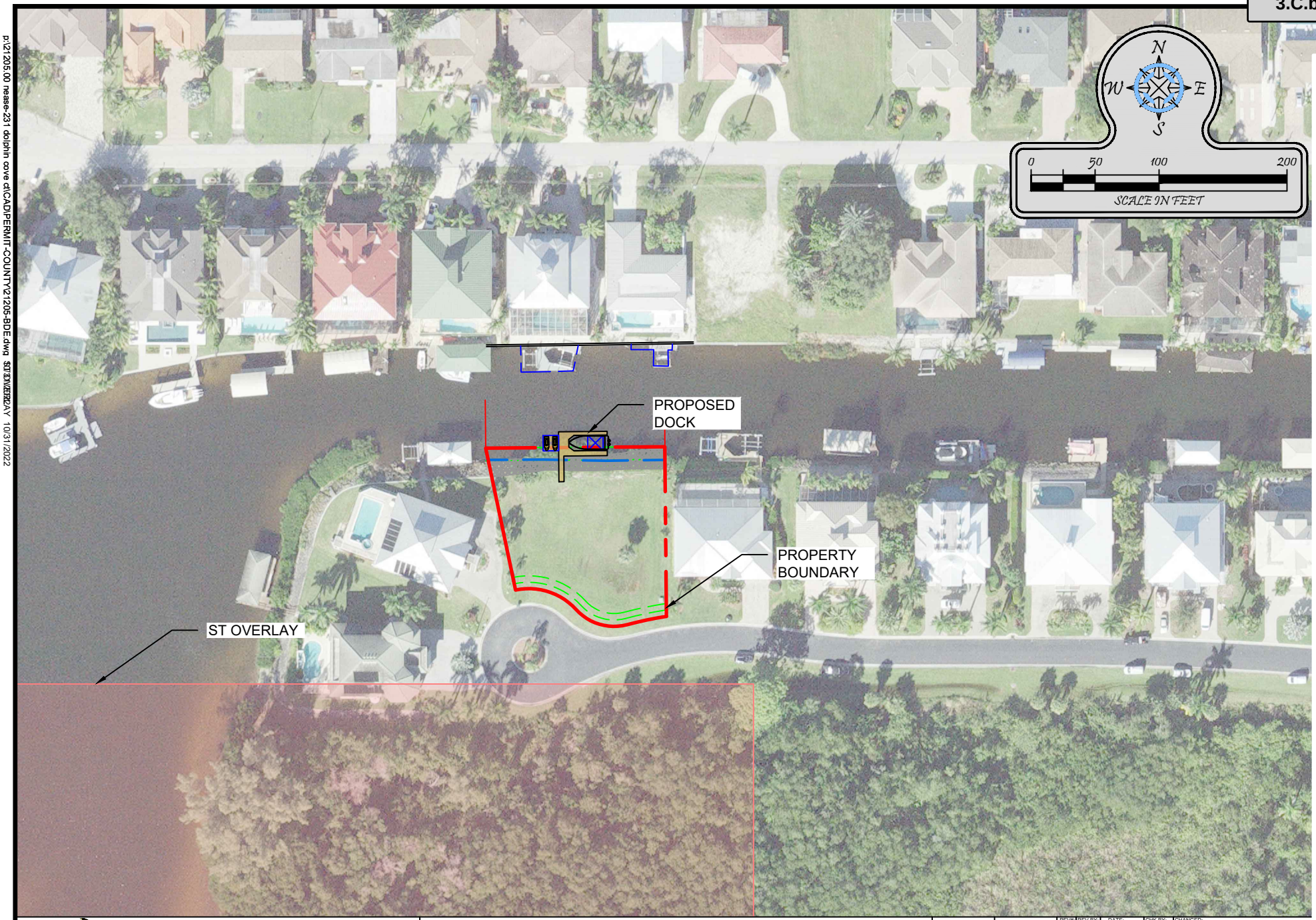
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	08 OF 10	5.	-	-	-	-

SECTION-05 TOWNSHIP-48S

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg ST OVERLAY 10/31/2022



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231 DOLPHIN COVE CT

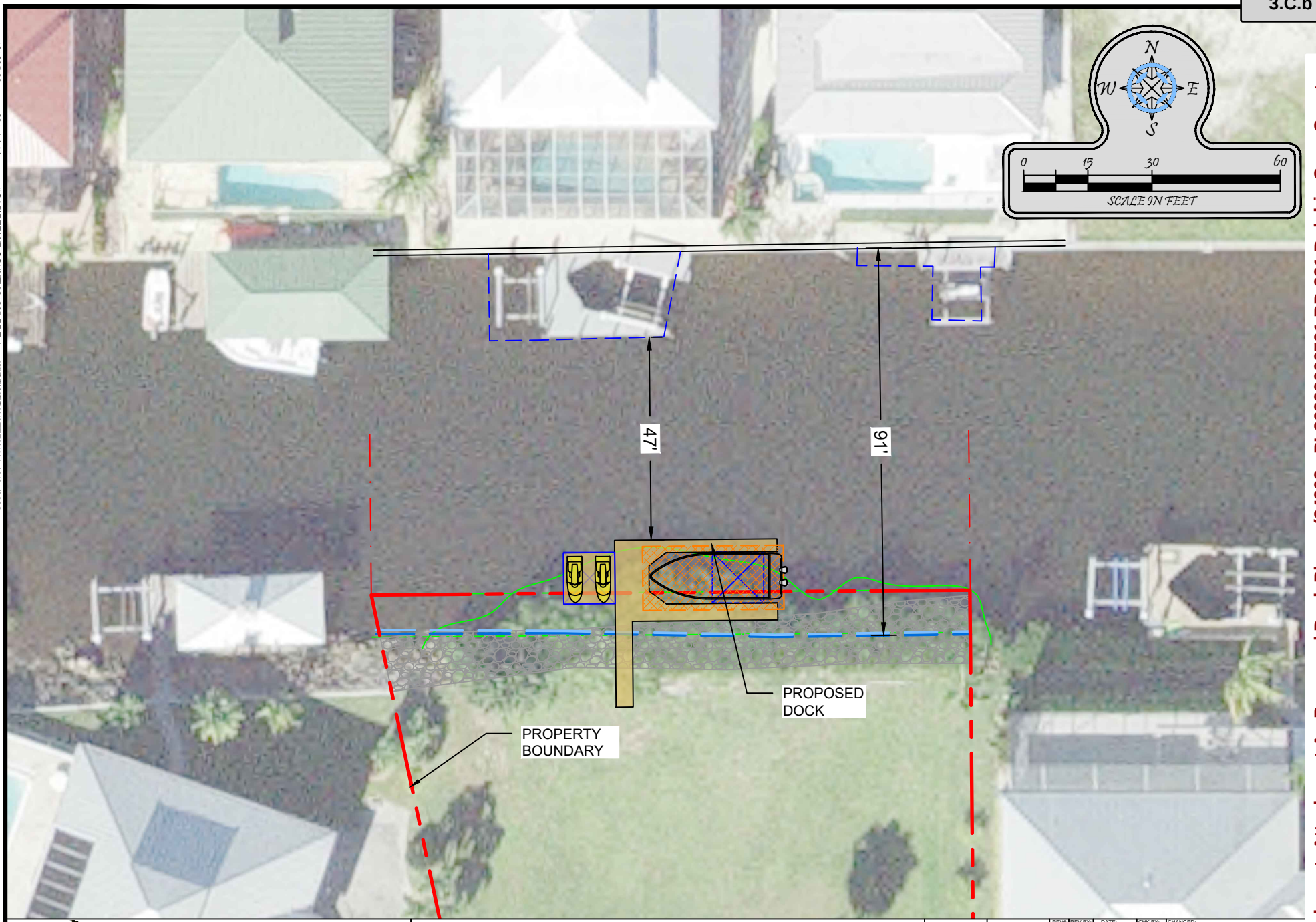
ST OVERLAY

RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	09 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48 S



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

231 DOLPHIN COVE CT

WIDTH OF WATERWAY

RY NO. 5875

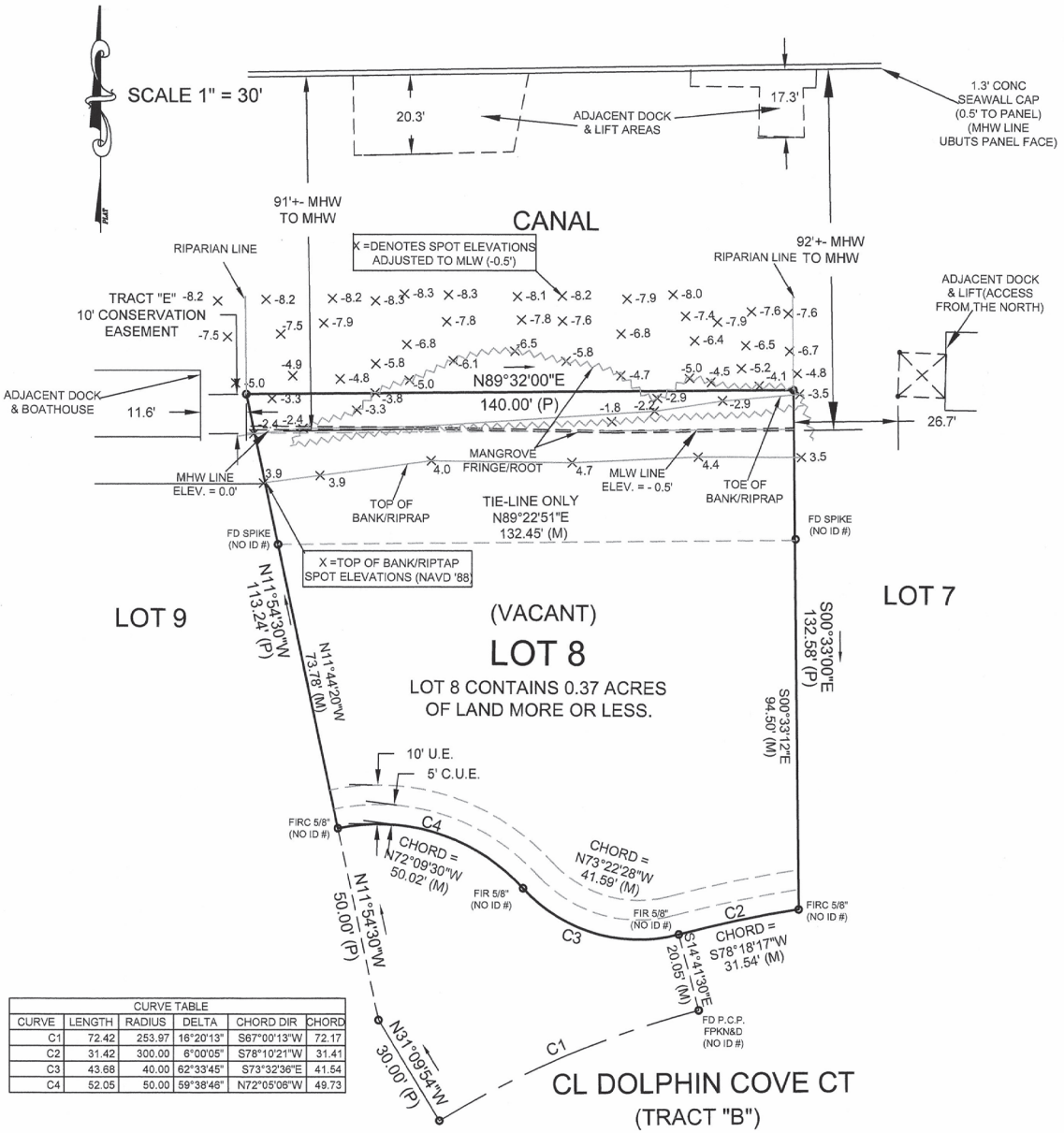
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	10 OF 10	5.	-	-	-	-

SECTION-05 TOWNSHIP-48S

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg WIDTH OF WATERWAY 10/31/2022

Attachment: Attachment A - Proposed Dock Plans (24203 : PL20220000501 BD 231 Dolphin Cove Court -



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIR	CHORD
C1	72.42	253.97	16°20'13"	S67°00'13"W	72.17
C2	31.42	300.00	6°00'05"	S78°10'21"W	31.41
C3	43.68	40.00	62°33'45"	S73°32'36"E	41.54
C4	52.05	50.00	59°38'46"	N72°05'06"W	49.73

NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF DOLPHIN COVE COURT AS SHOWN IN PLAT BOOK 19 PAGE 56 OF COLLIER COUNTY, BEING SOUTH 31° 09' 54" 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 JANUARY 7, 2022.

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: SET BM SPKN&D #6004 IN 2' VALLEY GUTTER AT CENTER OF LOT 8 ELEV. = 4.73'

11.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SHORELINE CONDITIONS & BATHYMETRIC IN RELATION THE THE. PROPERTY LINES ARE SHOWN AS PLAT.

9.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.

10.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.

REVISIONS

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

OF

LOT 8

OF

DOLPHIN COVE

AS RECORDED IN
PLAT BOOK 19 PAGE(S) 55-56
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

231 DOLPHIN COVE COURT

CERTIFY TO:
TURRELL, HALL & ASSOCIATES

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 PROFESSIO LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECT 472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS FREEDOM OF ENCUMBRANCES.

Digitally signed by Court Gregory
DN: cn=Court Gregory, o=Court Gregory Surveying Inc, ou, email=cgs6004@comcast.net, c=US
Date: 2022.08.24 07:04:15 -04'00'

SIGNED_____
COURT H. GREGORY PSM #6004
DATE 08/11/2022
DATE OF FIELD SURVEY 01-07-2022

PSM # 6004
LB # 7112

C.G.S.
Court Gregory Surveying, I
761 Teton Court
Naples, Florida 34104
(239)643-7845 office
cgs6004@comcast.net
(239)272-3707 cell

Date 08/11/202
Job # VB1BS0(
Fb VB-5 Pgs 3

Attachment: Attachment B - Specific Purpose Survey (24203 : PL20220000501 BD 231 Dolphin Cove Court

DOLPHIN COVE

A SUBDIVISION OF PART OF SECTION 5 TOWNSHIP 48 SOUTH, RANGE 25 EAST COLLIER COUNTY, FLORIDA

COUNTY APPROVALS

ENGINEER

This plat approved by the County Engineer this 6th day of APRIL, 1992.

John F. Madajewski
Project Review Services Manager/
County Engineer, P. E. No. 27401

HEALTH DEPARTMENT

This plat approved by the County Health Department this 6th day of APRIL, 1992, with connection to central water and central sewage systems, and no individual potable water wells or individual sewage systems are permitted.

L. D. Lukin, P.E.
Director of Environmental Engineering

ATTORNEY

This plat approved by the County Attorney this 1st day of APRIL, 1992.

Kenneth B. Cuyler, Esq.
County Attorney

UTILITIES DIVISION

This plat approved by the Collier County Utilities Division this 9th day of April, 1992.

Frederick Bloetscher
Assistant Utilities Administrator
P. E. No. 42335
Utilities Division

COUNTY COMMISSION APPROVAL

This plat approved for recording in regular open meeting of the Board of County Commissioners of Collier County, Florida this 28TH day of JANUARY, 1992, provided that this plat is filed in the Office of the Clerk of the Circuit Court of Collier County, Florida.

By: Maureen Kenyon, D.C.
James C. Giles
Clerk of the Circuit Court

Michael J. Volpe, Chairman
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 this plat was filed for record at 9:15 A.M. this 3RD day of JUNE, 1992 and duly recorded in Plat Book 19, Pages 55 through 56 of the public records of Collier County, Florida.

Barbara Miller Rowe
James C. Giles
Clerk of Circuit Court
Collier County, Florida

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat was prepared from an actual survey of the property by me or under my supervision as provided in Rule 21 HH-6 Florida Administrative Code and Chapter 472 of the Florida Statutes.

It is further certified that all permanent reference monuments shown hereon actually exist, and all permanent control points will exist prior to final acceptance of the subdivision and their location, size, type and material are correctly shown, as provided in the current edition of Chapter 177 of the Florida Statutes.

AGNOLI, BARBER & BRUNDAGE, INC.
Professional Engineers, Planners & Land Surveyors

Guy P. Adams, P.L.S. No. 4390 — Date 3-6-92

This instrument was prepared by Guy P. Adams of Agnoli, Barber & Brundage, Incorporated Professional Engineers, Planners and Land Surveyors Naples, Florida 33963

Description of Lands Platted

All that part of the Northwest Quarter of Section 5, Township 48 South, Range 25 East, Collier County, Florida, being more particularly described as follows:

Commencing at the center of said Section 5; thence South 89°32'00" West 30.00 feet to an intersection with the westerly right-of-way line of West Avenue, said intersection being the Point of Beginning of the parcel of land herein being described; thence North 0°33'00" West along said westerly right-of-way line a distance of 410.00 feet to the southeast property corner of Lot 33, Block E, Little Hickory Shores Unit No. 2, as recorded in Plat Book 3, page 79, Collier County, Florida; thence leaving said right-of-way line South 89°32'00" West along the southerly line of said Lot 33 a distance of 30.00 feet to an intersection with the easterly line of the canal as shown on said plat; thence South 0°33'00" East along said canal 40.00 feet; thence South 89°32'00" West along said canal 926.63 feet; thence leaving said canal South 10°33'27" West 213.95 feet; thence North 89°32'00" East 857.43 feet; thence South 0°33'00" East 160.00 feet; thence North 89°32'00" East 140.42 feet to the Point of Beginning of the parcel herein described; containing 5.25 acres of land more or less; subject to easements and restrictions of record.

TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF COLLIER

I, RICHARD M. VOGEL, a duly licensed attorney in the State of Florida, do hereby certify that I have examined the title to the hereon described property and that title is vested in the name of AUDUBON JOINT VENTURE, a Florida general partnership, that the Developer of the property is DOLPHIN COVE PARTNERSHIP, a Florida general partnership, under a Contract for Purchase and Sale with the record title owner. Further, the current taxes have been paid and the property is subject to a certain Mortgage and Security Agreement in favor of THE ROCHESTER COMMUNITY SAVINGS BANK, recorded in O.R. Book 1323, Pages 1088 et seq., as modified, in the Public Records of Collier County, Florida; and a certain Mortgage and Security Agreement in favor of NORSTAR BANK, N.A., recorded in O.R. Book 1384, Pages 1912 et seq., as modified, in the Public Records of Collier County, Florida.

Richard M. Vogel

MORTGAGEES' CONSENT

State of Florida NEW YORK
County of Collier MONROE

The undersigned hereby certify that they are the holder of a mortgage, lien, or other encumbrance upon the hereon described property and do hereby consent to the dedication of the lands described in the dedication hereto, by the owner thereof and agree that their mortgage, lien, or other encumbrance which is recorded in Official Record Book 1384, pages 1912 et seq. all of the Public Records of Collier County, Florida, shall be subordinated to the dedications shown hereon.

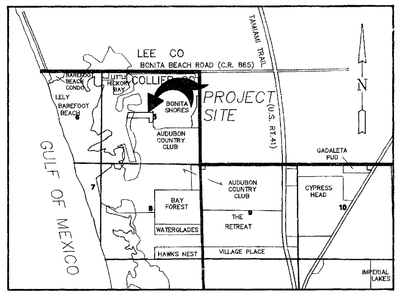
Witness:

Vice President

Secretary / Treasurer

The foregoing instrument was acknowledged before me this 2nd day of April, 1992, by Thomas E. Kissella on behalf of Norstar Bank N.A.

Notary Public — Date March 26, 1992



LOCATION MAP

GENERAL NOTES:

1) All dimensions are in feet and decimals thereof.
2) Bearings are based on the Plat of Little Hickory Shores, Unit No. 2, Plat Book 3, Page 79.
3) ■ – Indicates Permanent Reference Monuments (PRM) set, stamped "PRM 4390".
4) □ – Indicates Permanent Reference Monuments (PRM) found, stamped as shown.
5) ● – Indicates Permanent Control Points (PCP) set, iron rod 1/2" x 24" with survey cap stamped "PCP 4390".
6) All curves are circular curves.
7) See plat for additional easements.
8) CUE indicates County Utility Easement
9) The centerline of pavement ranges in elevation from a low of 5.78 to a high of 7.11 per design plans. The average lot elevation is approximately 5.0 ± which is natural ground. According to Flood Insurance Rate map, Community-Panel Number 120067-0179D revised June 3, 1986, the property lies in Zone AE, 12. Elevations are based on National Geodetic Vertical Datum 1929.
10) Restrictions, reservations and restrictive covenants are recorded in Official Record Book _____, pages _____ through _____, Public Records of Collier County, Florida.
11) NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this County.

MORTGAGEES' CONSENT

State of Florida NEW YORK
County of Collier MONROE

The undersigned hereby certify that they are the holder of a mortgage, lien, or other encumbrance upon the hereon described property and do hereby consent to the dedication of the lands described in the dedication hereto, by the owner thereof and agree that their mortgage, lien, or other encumbrance which is recorded in Official Record Book 1323, pages 1088 et seq. all of the Public Records of Collier County, Florida, shall be subordinated to the dedications shown hereon.

Witness:

Vice President

Secretary / Treasurer

The foregoing instrument was acknowledged before me this 26th day of March, 1992, by Gerald B. Horn on behalf of The Rochester Community Savings Bank.

Notary Public — Date March 30, 1992

MONICA F WILSON
NOTARY PUBLIC, State of N.Y., Monroe Co.
My Commission Expires 10-31-92

DEDICATION

State of Florida
County of Collier

KNOW ALL MEN BY THESE PRESENTS that AUDUBON JOINT VENTURE, a Florida General Partnership, as owner, and DOLPHIN COVE PARTNERSHIP, a Florida General Partnership, the developer of the lands described hereon have caused this plat of "Dolphin Cove" to be made and do hereby dedicate the tracts and easements as shown hereon as follows:

1) To Collier County and the Collier County Water-Sewer District all County Utility Easements (CUE) for the purpose of installation and maintenance of their facilities.
2) Tract "B" to the perpetual use and maintenance of Dolphin Cove Home Owners Association, Inc.
3) Tracts "A", "D", "E" and "F" to Collier County and to Dolphin Cove Home Owners Association, Inc., said easements will be maintained by Dolphin Cove Home Owners Association, Inc. with Collier County having no responsibility for maintenance. Tracts D, E and F, which are conservation easements, shall be protected in accordance with chapter 704.06 of the Florida Statues except that the removal of exotic species shall be permitted within Tracts D, E and F. Within Tract "E" individual docks may be permitted across the conservation easement subject to the rules and regulations of any local, state or federal regulatory agencies.
4) Tract "C" Recreation Area shall be dedicated to Dolphin Cove Homeowners Association, Inc. This shall preclude sale of the tract to any individual property owners, other than an abutting/adjacent owner. The recreational uses will be the type such that no parking is permitted within Tract "C" or within the adjacent right-of-way.
5) To Florida Power & Light, United Telephone Services, any cablevision provider or any other utility services provider the shared use of all of Tract "B" Collier County Utility Easments and Utility Easements as shown on the plat for the purpose of installation and maintenance of their respective facilities. Within Tract "B" 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.
6) All sewer and water utilities constructed within this platted area shall be deeded to Collier County Water-Sewer District upon acceptance of the improvements required by the plat or applicable ordinances.

OWNER:

AUDUBON JOINT VENTURE,
a Florida General Partnership

By: F. & B. ASSOCIATES, a New York Limited Partnership, General Partner

By: F and B. Land Corporation, a Delaware Corporation, General Partner

ROBERT FLINN, PRESIDENT

DEVELOPER:

DOLPHIN COVE PARTNERSHIP
A Florida General Partnership

By Stan Starrett
Stan Starrett
General Partner

By Robert Gisselbeck
Robert Gisselbeck,
General Partner

By Peter Gisselbeck
Peter Gisselbeck,
General Partner

GENERAL PARTNERSHIP ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing Dedication was acknowledged before me this 12th day of MARCH 1992, by Stan Starrett, Robert Gisselbeck and Peter Gisselbeck, the general partners of DOLPHIN COVE PARTNERSHIP, a Florida general partnership, on behalf of the partnership. They are personally known to me.

Rosemary Gangel
Notary Public – Signature — My Commission Expires: 11-3-94

ROSEMARY GANGEL
Notary Public – Printed Name
Commission No.: CC 053258 (Seal)

GENERAL PARTNERSHIP ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing Dedication was acknowledged before me this 11th day of March 1992, by Robert H. Flinn, President of F. and B. Land Corporation, a Delaware Corporation, the entity general partner of F. & B. Associates, a New York Limited Partnership, the general partner of AUDUBON JOINT VENTURE, a Florida general partnership, on behalf of the partnership. He is personally known to me.

Notary Public – Signature — My Commission Expires: 2-25-94

Notary Public – Printed Name
Commission No.: CC 053258 (Seal)

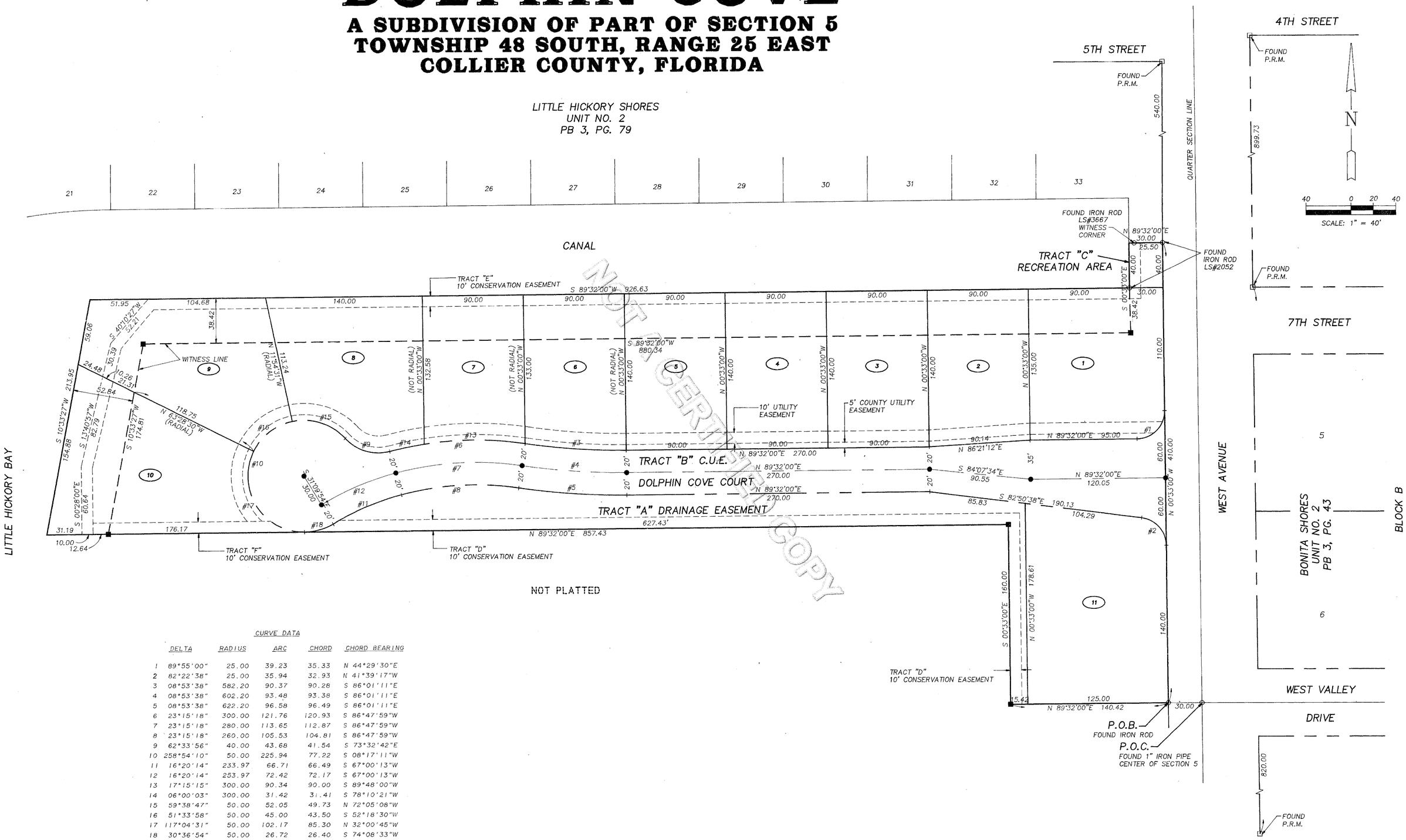
ABB FILE #3272
ACAD #3272-PTC
MARCH 6, 1992

Attachment: Attachment C - Dolphin Cove, PB19 PG55-56 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

PLAT BOOK 19 PAGE 56
SHEET 2 OF 2

DOLPHIN COVE

A SUBDIVISION OF PART OF SECTION 5 TOWNSHIP 48 SOUTH, RANGE 25 EAST COLLIER COUNTY, FLORIDA



NOT CERTIFIED COPY

CURVE DATA

	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
1	89°55'00"	25.00	39.23	35.33	N 44°29'30"E
2	82°22'38"	25.00	35.94	32.93	N 41°39'17"W
3	08°53'38"	582.20	90.37	90.28	S 86°01'11"E
4	08°53'38"	602.20	93.48	93.38	S 86°01'11"E
5	08°53'38"	622.20	96.58	96.49	S 86°01'11"E
6	23°15'18"	300.00	121.76	120.93	S 86°47'59"W
7	23°15'18"	280.00	113.65	112.87	S 86°47'59"W
8	23°15'18"	260.00	105.53	104.81	S 86°47'59"W
9	62°33'56"	40.00	43.68	41.54	S 73°32'42"E
10	258°54'10"	50.00	225.94	77.22	S 08°17'11"W
11	16°20'14"	233.97	66.71	66.49	S 67°00'13"W
12	16°20'14"	253.97	72.42	72.17	S 67°00'13"W
13	17°15'15"	300.00	90.34	90.00	S 89°48'00"W
14	06°00'03"	300.00	31.42	31.41	S 78°10'21"W
15	59°38'47"	50.00	52.05	49.73	N 72°05'08"W
16	51°33'58"	50.00	45.00	43.50	S 52°18'30"W
17	117°04'31"	50.00	102.17	85.30	N 32°00'45"W
18	30°36'54"	50.00	26.72	26.40	S 74°08'33"W

This instrument was prepared by Guy P. Adams of
Agnoli, Barber & Brundage, Incorporated
Professional Engineers, Planners and Land Surveyors
Naples, Florida 33963

ABB FILE #3272
ACAD #3272-PT1
DECEMBER 20, 1991

Attachment: Attachment C - Dolphin Cove, PB19 PG55-56 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

PRBD20211049219

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

PERMIT

PERMIT #: PRBD20211049219 PERMIT TYPE: Building
DATE ISSUED: June 30, 2022
BUILDING CODE IN EFFECT: FBC 7th Edition 2020

JOB ADDRESS: 231 Dolphin Cove CT, Bonita Springs, Vacant Land
FOLIO #: 29910000650
JOB DESCRIPTION: Single Family Residence to be single story including 3,202 A/C space and 5,922 total square footage along with pool to be completed at
4BED 4W/C
231 Dolphin Cove CT, Vacant Land, Bonita Springs

OWNER INFORMATION:
LENS FAMILY TRUST
22 BEECHTREE DR
LAKEVIEW, MA 02347

AREA OF WORK (SQFT): 5922

SETBACKS:
FRONT: 30' REAR: 25' principal/ 10' accessory <4' above top of bank LEFT: 7.5' RIGHT: 7.5'

FLOOD ZONE: AE
SEWER: Sewer
WATER: New

CONTRACTOR INFORMATION:
NEASE INC
12553 NEW BRITTANY BLVD.
FORT MYERS BEACH, FL 33931
(239) 334-0999

CERTIFICATE #:
LCC20170002897

Attachment: Attachment D - Building Permit PRBD20211049219 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

PRBD20211049219

INSPECTION JOB CARD

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

SETBACKS:											
FRONT:	30'	REAR:	25' principal / 10' accessory <4' above top of bank	LEFT:	7.5'	RIGHT:	7.5'	SPECIAL:		FLOOD ZONE:	FZAE

INSPECTION	OUTCOME	COMMENTS
101 - Pile Caps		
103 - Floating Slab		SOIL TREAT
104 - Tie Beam		
106 - Columns		
107 - Truss/Sheathing/Bucks		
108 - Framing		
109 - Insulation		
111 - Dry-in/Flashing		
115 - Building Final		
118 - Lintel Beam		
119 - Fill Cells		
120 - Flood Vent Relief		
121 - Elevated Structural Deck		
124 - Steel In Stairs		
134 - Roofing Final		
136 - Impact Glass		
151 - Shearwall/Nailing		
152 - Shearwall/Water Barrier		
153 - Shearwall/Stucco Lath		
154 - Soffit Coverings In progress		Please do NOT complete Soffit installation prior to inspection.
200 - Plumbing		

Attachment: Attachment D - Building Permit PRBD20211049219 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Underground		
201 - Plumbing Rough-in		
203 - Sewer Tap		
204 - Plumbing Final		
300 - A/C Rough		
301 - A/C Final		
501 - Electrical Rough		
502 - Electrical Final		
505 - Temporary Power Residential		
508 - TV/Telephone Rough		
509 - TV/Telephone Final		
801 - Site Drainage		
802 - Landscaping		
810 - Exotic Vegetation Removal		
814 - Erosion/Silt		The 814 - Erosion/Silt must be passed before any other inspections are scheduled.

OPEN CONDITIONS Condition Type:	**Condition Description:**
Informational	NOTICE OF CLEARING RESTRICTIONS: The issuance of a building permit for a single-family dwelling allows up to one (1) acre of native vegetation to be cleared. Clearing more than one (1) acre may be allowed for accessory structures and requires a separate Vegetation Removal Permit. Properties located in the following zoning district overlays may not be allowed to clear one (1) acre: Rural Fringe Mixed Use District (RFMU), Big Cypress Area of Concern (ACSC), and Special Treatment Overlay (ST). There may be additional restrictions related to clearing native vegetation and impacts to wetlands or protected species found on the property. State and Federal agency permits may be required. Contact the Growth Management Department?s Environmental Services at (239) 252-2400 for additional information.
CO Hold	Waiting for Blower Door Test documentation. Upload to the condition on the portal.<4.37 ACH50
CO Hold	Waiting for Final Energy Calc Summary Sheet. Send document to EnergyCalc@CollierCountyFl.gov and include your permit number in the emails subject line.
Informational	FEMA - All equipment must be above flood plus one foot. Any materials used below flood level must comply with FEMA regulations
CO Hold	A Spot Survey will be required within ten days of passing a 704 shell reinforcement or 103/133 inspection of slab. Prior to obtaining County approval of the Spot Survey, the permit holder?s construction activities are at his/her own risk. After 10 days an "Inspection HOLD" will be placed on this Permit for survey review. NOTE: A Spot Survey must verify slab meets setbacks and minimum elevation per Chapter 62, Collier County Code of

Attachment: Attachment D - Building Permit PRBD20211049219 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

	Laws and Ordinances, e.g., 18? above the crown of the road or the elevation established by the SFWMD permit. ** The top of bank or seawall final elevation must be addressed on the spot survey. Pool deck shall not be more than 4' above top of bank or top of seawall.**
CO Hold	Soil Compaction Test. Upload to the condition on the portal.
CO Hold	Any required County impact fees will be due prior to issuance of a temporary or final Certificate of Occupancy
CO Hold	At the time of permit application, the permitted structure is in the special flood hazard area. An Under Construction Elevation Certificate is required within 10 days of passing a 103 or 133 inspection of slab or other foundation system. Prior to obtaining County approval of the Under Construction Elevation Certificate, the permit holder?s construction activities are at his/her own risk. Under Construction Elevation Certificates must verify the slab meets minimum elevations per the Florida Building Code and Chapter 62, Collier County Code of Laws and Ordinances (e.g., BFE +1 or 18? above the crown of the road, whichever is higher, and the elevation established by the SFWMD permit). AE 10.00 NAVD, Proposed FFE 11.00, Garage 6.58 NAVD. (12) Flood vents model 1540-511 for 4,813 sqft enclosure. 400sqft per vent
CO Hold	> Elevation Certificate AE 10.00 NAVD, Proposed FFE 11.00, Garage 6.58 NAVD. (12) Flood vents model 1540-511 for 4,813 sqft enclosure. 400sqft per vent
CO Hold	Pursuant to the Floodplain Management Ordinance 2019-01 a Non-conversion Agreement shall be recorded in the public records of Collier County, FL prior to issuance of the certificate of occupancy or certificate of completion for this permit. Once the Non-Conversion Agreement is recorded, upload to the condition on the portal. For questions, contact the Floodplain Management section at 239-252-2942 or email BuildingFloodDocs@colliercountyfl.gov. The form can be downloaded here: https://www.colliercountyfl.gov/home/showdocument?id=84981
Inspection Hold	Permit is on inspection hold until the following deferred items are submitted as a revision:TRUSS LAYOOUT
Inspection Hold	Permit is on inspection hold until the following deferred items are submitted as a revision:SHOP DRAWINGS FOR PRECAST HC DECKING
CO Hold	Engineering Certificate/Letter (Structural). Upload to the condition on the portal.PILINGS
Stipulation	The rip rap located within the conservation easement must be removed in association with PL20220000501 (BDE approval). BrownCraig 06/23/2022
Inspection Hold	Sub Contractor (Electrical) Upload to the condition on portal.
Inspection Hold	Sub Contractor (Mechanical) Upload to the condition on portal.
Inspection Hold	Sub Contractor (Roofing) Upload to the condition on portal.
Inspection Hold	Sub Contractor (Plumbing) Upload to the condition on portal.
CO Hold	Please contact the Inspection/CO section at 239-252-2406 or email us at inspections@colliercountyfl.gov to have this condition resolved prior to paying CO fees. This will generate the Mandatory Curbside Solid Waste Collection fee based on the total permit fees due.

NOTE: If you are unable to schedule your inspection, please contact the inspection desk at 252-2400.
NOISE ORDINANCE: Collier County Codes of Laws and Ordinances 54-92(f) Construction Sound. NOISE LIMITATIONS are in effect at all times. Work permitted, RESIDENTIAL Areas – 6:30 AM to 7:00 PM Monday thru Saturday; NON-RESIDENTIA Areas (more than 500 feet from Residential Area) 6:00AM to 8:00PM Monday thru Saturday. No Work on Sundays or Holidays. RADIOS, LOUDSPEAKERS, ETC. – Must not disturb peace, quiet and comfort of neighboring inhabitants. FREE CABLE

Attachment: Attachment D - Building Permit PRBD20211049219 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

PRBD20211049219

LOCATIONS – Call 48 Hours prior to digging/FPL 434-1222/UTS 1-800-542-0088/PalmerCATV 783-0638 and all other applicabl utilities.

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

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

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

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

Attachment: Attachment D - Building Permit PRBD20211049219 (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

From: KellyJohn
Sent: Wednesday, December 28, 2022 12:42 PM
To: KellyJohn
Subject: BDE-PL20220000501 - 231 Dolphin Cove Ct - Public Hearing Sign Posted on 12/22/2022
Attachments: 92E70613-E837-4F7F-841B-4A205D6B8362.jpeg; CC19C4C3-549B-4DD2-9223-6BAA81D5CBF7.jpeg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petition, scheduled for hearing by the Hearing Examiner on January 12, 2023, at approximately 1:08 PM. Said sign was posted to the front of the subject property, immediately adjacent to the public right-of-way, as evidenced by the attached photos.

Respectfully,
John Kelly
Planner II

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 E - Public Hearing Sign Posting (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)


DOC-BOX
NEASE INC
CONSTRUCTION / RENOVATIONS
RESIDENTIAL • COMMERCIAL
239-910-5116
Lic.# CGC031413
NEASE INC
CONSTRUCTION / RENOVATIONS
RESIDENTIAL • COMMERCIAL
239-910-5116
Lic.# CGC031413
PUBLIC HEARING
FOR
231 Dolphin Cove CT
BOAT DOCK EXTENSION
To Allow a 22.75-foot Protrusion and BOATHOUSE
Petition No. PL20220000501
HEX: January 12, 2023 at 9 a.m.
Growth Management Building
2800 North Horseshoe Drive, 609/610
John Kelly, Planner II: (239) 252-5719



BDE PL20220000501
231 DOLPHIN CT

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.

BDE APP PACKAGE ADDRESSING PROPERTY AFFIDAVIT NARRATIVE PRIMARY SECONDARY BOATHOUSE EXHIBITS SURVEY SAG

- ✓ 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. ADDRESSING CHECKLIST
- ___ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- ✓ Affidavit of ~~Unified Control~~ AUTHORIZATION
- ___ Affidavit of Representation
- ✓ 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, BOATHOUSE ✓ CRITERIA

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

✓ 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/ E-mail

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

11/28/22
Date

Jeff Rogers
Printed Name of Signing Agent Representative

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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): Lens Family Trust

Name of Applicant if different than owner: John & Lori-Ann Lens

Address: 22 Beechtree Drive **City:** Lakeview **State:** MA **ZIP:** 02347

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

E-Mail Address: jlens@comcast.net

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:** _____

E-Mail Address: jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 05 / 48 / 25 **Property I.D. Number:** 29910000650

Subdivision: Dolphin Cove **Unit:** _____ **Lot:** 8 **Block:** _____

Address/ General Location of Subject Property:
231 Dolphin Cove

Current Zoning and Land use of Subject Property:
RSF-3 Single-family Residential

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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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	RSF-4	Residential Single-family
S	PUD	Audubon Country Club
E	RSF-3	Residential Single-family
W	RSF-3	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:**
   91 ft. Measurement from ☐ plat ☒ survey ☐ visual estimate
   ☒ other (specify) GIS
2. **Total Property Water Frontage:**
   140 ft.
3. **Setbacks:**
   Provided: 45 & 44 ft.
   Required: 15 & 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   22.75 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 32 ft.
   2. 12 & 12 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   There are numerous other docks within the subject canal and surrounding Little Hickory Bay that have all been granted boat dock extensions ranging from 25-50 feet.
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?** 0.39 Acres

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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 F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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(239) 252-2400 FAX: (239) 252-6358

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 F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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

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 F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review
☐	Addressing: 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 Rose
Signature of Petitioner or Agent

8/31/22
Date

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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

Pre-Application Meeting Notes

Petition Type: BDE
Date and Time: Wednesday 2/16/22 - 1:30 PM

Assigned Planner: John Kelly

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

Project Information

Project Name: Nease - 231 Dolphin Cove Ct (BDE)

PL #: 20220000501

Property ID #: 29910000650 **Current Zoning:** RSF-3

Project Address: 231 Dolphin Cove Ct.,Bonita Springs, FL 34134 **City:** _____ **State:** _____ **Zip:** _____

Applicant: Jeff Rogers, Turrell Hall & Associates Inc.

Agent Name: Jeff Rogers **Phone:** 239-643-0166

Agent/Firm Address: 3584 Exchange Ave. **City:** Naples **State:** FL **Zip:** 34104

Property Owner: Lens Family Trust

Please provide the following, if applicable:

i. **Total Acreage:** .39

ii. **Proposed # of Residential Units:** _____

iii. **Proposed Commercial Square Footage:** _____

iv. **For Amendments, indicate the original petition number:** _____

v. **If there is an Ordinance or Resolution associated with this project, please indicate the type and number:** _____

vi. **If the project is within a Plat, provide the name and AR#/PL#:** _____

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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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 –

- SEE ATTACHED, BDE & BOATHOUSE NOTES ON PAGE 2A.
- PROPERTY ABUTS A 10-FOOT CONSERVATION EASEMENT, TRACT E, AS PER PLAT. OBTAIN A LETTER OF NO OBJECTION FROM HOA
- PROVIDE SURVEY TO ESTABLISH MOST RESTRICTIVE POINT FOR MEASURING PROTRUSION; BELIEVED TO BE THE MHWL.

If Site is within the City of Naples Water Service Area please send to Naples Utilities and Planning Departments. Then, if the petition is submitted, we are to send it (by email) to the four persons below in their Utilities and Planning Depts. - along with a request that they send us a letter or email of "no objection" to the petition. Bob Middleton RMiddleton@naplesgov.com Allyson Holland AMHolland@naplesgov.com Robin Singer RSinger@naplesgov.com Erica Martin emartin@naplesgov.com

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

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Pre-Application Meeting Notes
GMD - Zoning Services

Planner: John Kelly
(239)252-5719
John.kelly@colliercountyfl.gov

Boat Dock Extension

- Complete the required application; respond to each question and sign
- Refer to the Final Submittal Requirement Checklist and provide/submit required documents
  - All submitted plans must be legible when duplicated on 8.5" X 11" standard paper
  - The final recording of documents is in black & white; minimize the use of color
- Provide a Boundary Survey to demonstrate lot dimensions, water frontage, and riparian lines as well as the principal use of the subject property
- Either as part of the application, or on a separate sheet, provide a detailed Narrative Statement fully describing the project and what is being requested
- On a sheet separate from the application, please provide persuasive and convincing responses to each of the Primary and Secondary Criteria contained within LDC Section 5.03.06.H
  - state if each criterion has been satisfied or not satisfied
  - provide sufficient evidence to support any claims such as insufficient water depth, unique characteristics of the property or waterfront, width of waterway and/or canal
- Site/Dock Plans
  - Site Plans should be measured in feet
  - Note that the dock facility includes any docked vessel(s); show any vessel(s) on plan
  - Demonstrate width of property and/or the total property water frontage
  - Demonstrate side and/or riparian setbacks for the dock facility
  - Demonstrate amount of dock protrusion using such points of measure as are contained within LDC Section 5.03.06.C.1, Measurement of Dock Protrusion
  - Demonstrate width of waterway (MHWL to MHWL) and the width between the most waterward point of dock facilities if a dock facility is located on the opposite shore
- Note that dock facilities should be minimized to allow reasonable, safe access to the vessel(s) for loading, unloading, and routine maintenance without the use of excessive deck area

Boathouse

- See above for general information
- On a sheet separate from the application, please provide persuasive and convincing responses to each of the Boathouse Criteria contained within LDC Section 5.03.06.F
  - state if each criterion has been satisfied or not satisfied
  - provide sufficient evidence to support any claims such as insufficient water depth, unique characteristics of the property or waterfront, width of waterway and/or canal
- Site Plans
  - Demonstrate setback requirements from property and riparian lines, demonstrate the separation from other structures on the site, Demonstrate height of boathouse and type of roof; note that the roof alone may overhang up to 3 feet into the waterway beyond the maximum protrusion and/or setback (plans must show the amount of roof overhang)

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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Meeting Notes

ENVIRONMENTAL - CRAIG BROWN - SEE EMAIL NOTES ON PAGE 3.A

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

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Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

ThomasClarkeVEN

From: BrownCraig
Sent: Wednesday, February 16, 2022 5:42 PM
To: ThomasClarkeVEN
Subject: RE: Pre-App Research for Nease-231 Dolphin Cove Ct. (BDE) - PL20220000501
Attachments: Boat Dock Extension Checklist 2017 for customer.doc

Thomas,

I will be out until Feb 23rd. Let me know what notes I still owe you.
Here are my notes for this one.

Please provide a benthic survey with an exhibit to indicate the location of seagrasses or oyster beds within 200 feet of the proposed docking facility. ***LDC Section 5.03.06.J***

Please provide a description of the shoreline and any native vegetation present. Indicate any proposed impacts to the native shoreline vegetation (approximate area in square feet to be impacted).

Please provide complete answers to Secondary Criteria #5 and #6 See ***LDC section 5.03.06. H.2***

If lighting is proposed, please provide a description of the type and locations on the docking facility.

Please provide any written authorization from any state and federal agencies ***if any approvals*** *have been obtained.*

Please provide written acknowledgment from Homeowners Association for the placement of the dock through the conservation easement.

Label the name of any natural waterbody in close proximity to the proposed docking facility.

Craig Brown
Senior Environmental Specialist
Development Review Division
(239) 252-2548.

How are we doing? Please CLICK HERE to fill out a Customer Survey.
We appreciate your Feedback!

From: ThomasClarkeVEN <Thomas.Clarke@colliercountyfl.gov>
Sent: Tuesday, February 15, 2022 4:42 PM
To: AshtonHeidi <Heidi.Ashton@colliercountyfl.gov>; BeardLaurie <Laurie.Beard@colliercountyfl.gov>; BrownCraig <Craig.Brown@colliercountyfl.gov>; CookJaime <Jaime.Cook@colliercountyfl.gov>; CrotteauKathynell <Kathynell.Crotteau@colliercountyfl.gov>; PerryDerek <Derek.Perry@colliercountyfl.gov>; OrtmanEric <Eric.Ortman@colliercountyfl.gov>; FaulknerSue <Sue.Faulkner@colliercountyfl.gov>; FeyEric

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Residential Boat Dock Extension Checklist FOR APPLICANTS
Submerged Resources Survey Checklist

1. Is there an overlay? ST overlay needs an ST permit (much of Isle of Capri & Keewaydin has an ST Overlay over the water)

2. Include an aerial with a note indicating whether seagrass beds exist within 200 feet of the proposed dock facility. (LDC 5.03.06 J)
   Provide a submerged resources survey from an Environmental Consultant done between April and October.

3. All proposed dock facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, or meet restrictions for continuous beds. (LDC 5.03.06 J.)

4. Provide complete answers to Secondary Criteria #5 & #6.

5. Demonstrate how negative impacts to seagrass beds and other native shoreline vegetation and hard bottom communities have been minimized. (LDC 5.03.06 J .4)

6. Provide a clearing plan for removal of any vegetation related to the boat dock. This is simply an information exhibit being requested.

7. Are there any draft restrictions? Look at the MPP.
   Note: Draft restrictions exist for Wiggins Pass.

Keewaydin: BDE not required for Keewaydin
- Most always need an ST permit related to a Building Permit– water and land have ST Overlay

---

SUGGESTED FORMAT AND INFORMATION TO INCLUDE IN SUBMERGED RESOURCES SURVEY

- Location of survey – property address and folio#
  - The survey shall indicate any seagrass or seagrass beds located within 200 feet on any proposed dock facility (5.03.06.J). In order for this to be accomplished, any within 200 feet of the proposed dock (within the riparian lines of the property and adjacent to the property) shall be surveyed.
- Who did the survey – which firm and their contact information including name, address, phone #, email
- What date was the survey conducted? Guidance from FWC is to do between April and October
  - Weather conditions, water temperature, low tide & high tide times
- Objective of Survey & Work done on the site
  - Was the site snorkeled?
  - What methodologies were used?
  - Was a GPS used?
  - Was an aerial photograph reviewed and used to establish survey transect lines?
- Results
  - What was found? Substrate and what kind? Seagrass, shell, oysters?
  - What was along the shoreline? Mangroves, seawall, etc?

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

- Why does the consultant think no submergerd resources were found?
- Other observations

- When seagrass is found, include all requirements of LDC section 5.03.06. J.
- Conclusions
  - Were any submerged resources found? If yes, what?
  - Are any impacts to submerged resources expected or proposed?
- Pictures (suggested angles)
  - Looking toward and away from the shoreline
  - The proposed location of the boat access
  - Observations in the water - Any oyster debris, shell, seagrass
- Aerial photograph
  - Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of 1 inch to 200 feet when available from the County, or a scale of 1 inch to 400 feet when such photographs are not available from the County. (LDC 5.03.06.J)
  - An aerial is required even when seagrasses are not found. The aerial shall indicate whether seagrasses were found within 200 feet of the proposed dock facility.

5.03.06. J. (LDC section up to date as of 2017)

Protection of seagrass beds. Seagrass or seagrass beds within 200 feet of any proposed **docks**, **dock facilities,** or **boathouses** shall be protected through the following standards:

1. Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of 1 inch to 200 feet when available from the County, or a scale of 1 inch to 400 feet when such photographs are not available from the County. The location of seagrass beds shall be verified by the County Manager or designee prior to issuance of any project approval or permit.
2. All proposed **dock** facilities shall be located and aligned to stay at least 10 feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, and to minimize negative impacts to seagrasses and other native **shoreline**, emergent and submerged vegetation, and hard bottom communities.
3. Where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, the **applicant** shall be allowed to build a **dock** across the seagrass beds, or a **docking** facility within 10 feet of seagrass beds. Such **docking** facilities shall comply with the following conditions:
   a. The **dock** shall be at a height of at least 3.5 feet NGVD.
   b. The terminal platform area of the **dock** shall not exceed 160 square feet.
   c. The **access dock** shall not exceed a width of 4 feet.
   d. The **access dock** and terminal platform shall be sited to impact the smallest area of seagrass beds possible.
4. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native **shoreline** vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)



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(239) 252-2400

Pre-Application Meeting Sign-In Sheet

PL# 20220000501

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
☐ Shar A.Beddow	MSM/Deputy Fire Marshal - Greater Naples Fire	241-1422	sbeddow@gnfire.org
☐ 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
☐ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☑ Thomas Clarke	Zoning Operations Analyst	252-2584	thomas.clarke@colliercountyfl.gov
☐ Jamie Cook	Development Review Director	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	GMP - Comprehensive Planning	252-5715	sue.faulkner@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
☐ Rachel Hansen	GMP – Comprehensive Planning	252-1142	Rachel.hansen@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	GMP – Comprehensive Planning	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
☐ Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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☐ Matt McLean, P.E.	Division Director - IF, CPP & PM	252-8279	matthew.mclean@colliercountyfl.gov
☐ Michele Mosca, AICP	Capital Project Planning	252-2466	michele.mosca@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	GMP, 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

Additional Attendee Contact Information:

Name	Representing	Phone	Email
Jeff Roberts	Turnell Hall		
Justin Ebnit			

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Collier County
Growth Management Department
Zoning Division

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

PL20220000501– Nease-231 Dolphin Cove Ct (BDE) **Planner- John Kelly**

Assigned Ops Staff: Thomas Clarke

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**

  Jeff Rogers – Turrell, Hall & Associates, Inc. 239-784-0081
- **Agent to list for PL#**

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

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

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

  Single-family
- **Details about Project:**
  New dock, boatlift and boathouse on vacant residential lot.

REQUIRED Supplemental Information provided by:
Name: Jeff Rogers
Title: Consultant
Email: jeff@thanaples.com
Phone: 239-643-0166 or 239-784-0081

Cancellation/Reschedule Requests: Contact Danny Condomina-Client Services Supervisor
danny.condomina@colliercountyfl Phone: 239-252-6866

Created April 5, 2017

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

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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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

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(239) 252-2400 FAX: (239) 252-6358

d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

Name and Address	% of Ownership

e. If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners:

Name and Address	% of Ownership

Date of Contract: _____

f. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust:

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed to Collier County immediately if such change occurs prior to the petition's final public hearing.

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

The completed application, all required submittal materials, and fees shall be submitted to:

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

_____ _____
Agent/Owner Signature Date

_____
Agent/Owner Name (please print)

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Collier County

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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. OR EMAIL	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 F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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
☐	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: ENVIRONMENTAL REV.
☐	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 Date

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliergov.net or fax to the Operations Division at 239-252-5724 or submit in person to the Addressing Section at the above address. Form must be signed by Addressing personnel prior to pre-application meeting, **please allow 3 days for processing.**

Not all items will apply to every project. Items in **bold type** are required. **FOLIO NUMBERS MUST BE PROVIDED.** Forms older than 6 months will require additional review and approval by the Addressing Section.

PETITION TYPE *(Indicate type below, complete a separate Addressing Checklist for each Petition type)*

- ☐ BL (Blasting Permit)
- ☒ BD (Boat Dock Extension)
- ☐ Carnival/Circus Permit
- ☐ CU (Conditional Use)
- ☐ EXP (Excavation Permit)
- ☐ FP (Final Plat
- ☐ LLA (Lot Line Adjustment)
- ☐ PNC (Project Name Change)
- ☐ PPL (Plans & Plat Review)
- ☐ PSP (Preliminary Subdivision Plat)
- ☐ PUD Rezone
- ☐ RZ (Standard Rezone)
- ☐ SDP (Site Development Plan)
- ☐ SDPA (SDP Amendment)
- ☐ SDPI (Insubstantial Change to SDP)
- ☐ SIP (Site Improvement Plan)
- ☐ SIPI (Insubstantial Change to SIP)
- ☐ SNR (Street Name Change)
- ☐ SNC (Street Name Change – Unplatted)
- ☐ TDR (Transfer of Development Rights)
- ☐ VA (Variance)
- ☐ VRP (Vegetation Removal Permit)
- ☐ VRSFP (Vegetation Removal & Site Fill Permit)
- ☐ OTHER _____

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

DOLPHIN COVE LOT 8 T48, R25, S05

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

29910000650

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

231 Dolphin Cove Ct, 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)

CURRENT PROJECT NAME *(if applicable)*

_____

PROPOSED PROJECT NAME *(if applicable)*

_____

PROPOSED STREET NAMES *(if applicable)*

_____

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

SDP___-____ or AR or PL # _____

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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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: Jeff Rogers

Phone: 239-643-0166 **Email/Fax:** tuna@thanaples.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 29910000650

Folio Number

Folio Number

Folio Number

Folio Number

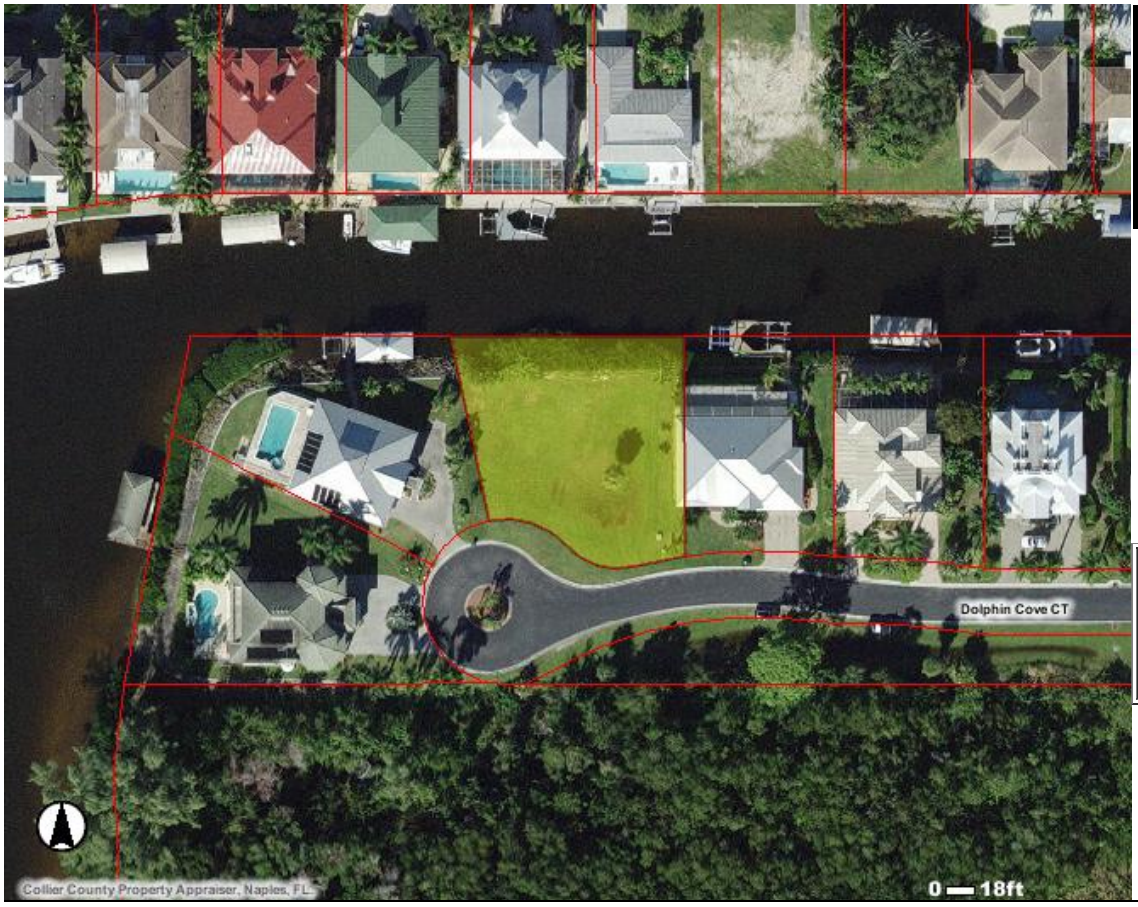
Folio Number

Approved by: L.L.H. **Date:** 1/20/2022

Updated by: **Date:**

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

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)





MAP LEGEND

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

Folio Number: 29910000650
Name: LENS FAMILY TRUST
Street# & Name: 231 DOLPHIN COVE CT
Build# / Unit#: / 8
Legal Description: DOLPHIN COVE LOT 8

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

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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(239) 252-2400 FAX: (239) 252-6358

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

b. If the property is owned by a CORPORATION, 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
John Lens 731 Dolphin Cove Court, Bonita	50%
Lori Lens 731 Dolphin Cove Court Bonita	50%

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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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 1-29-2021

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

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

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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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

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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

J. F. Lens
Agent/Owner Signature

3-17-22
Date

John F. Lens
Agent/Owner Name (please print)

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220000501

I, John Lens & Lauanne Lens (print name), as Owner (title, if applicable) of The Lens Family 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 Jeff Rogers- Turrell, Hall & Associates, Inc. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

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

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

J & F Lens & Lauanne Lens
Signature

March 12 2022
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 3/12/22 (date) by John & Lauanne Lens (name of person providing oath or affirmation), as owner who is personally known to me or who has produced Driver License (type of identification) as identification.

STAMP/SEAL

MORGAN B. RODGERS
MY COMMISSION # GG 293917
EXPIRES: May 20, 2023
Bonded Thru Notary Public Underwriters

Signature of Notary Public

CP\08-COA-00115\155
REV 3/24/14

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Narrative Description: The proposed Boat Dock Extension request is for a single-family dock located within man-made canal just off Little Hickory Bay. The subject property has a single-family residence currently being constructed on the upland area and has approximately 140-linear feet of shoreline. The subject shoreline consists of a man-made rip-rap bank with mangroves throughout all of which are located within the 10-foot conservation easement (CE) as outlined per PB 19, Pages 55-56. The subject waterway is approximately 91-feet wide as measured from MHWL to MHWL and in this case the MHWL is the most restrictive point.

The proposed dock design consists of a U-shaped dock a boathouse and two boatlifts which is consistent with other existing previously approved docks on the subject canal. As proposed the dock will protrude approximately 22.75-feet or 25% into the waterway as well as provide 44 and 45-foot side yard setbacks from the subject property's riparian lines. The dock will also consist of two boatlifts one to accommodate a 32-foot vessel and the other being a decked over boatlift to accommodate 2 personal watercrafts (PWC's). Additionally, the dock will include a boathouse over the large boatlift which has been designed to meet the Collier County LDC design criteria for boathouses. Please see attached boathouse criteria.

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

PRIMARY CRITERIA

The following criteria, pursuant to LDC section 5.03.06, shall be used as a guide by staff in determining its recommendation to the Office of the Hearing Examiner. The Hearing Examiner will utilize the following criteria as a guide in the decision to approve or deny a particular Dock Extension request. In order for the Hearing Examiner to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

   The subject property is zoned as a single-family residential property which warrants no more than 2 slips per the CC-LDC. The proposed project consists of constructing a new docking facility with a boathouse which will have two boatlifts. The proposed dock extends out 22.75-feet from the Mean High-Water Line (MHWL) and therefore we are requesting a 2.75-foot boat dock extension from the allowed 20-feet.

   Criterion Met

2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)

   The reason for this BDE request is based on the existing rip-rap shoreline which includes a 10-foot Conservation Easement and mangroves. Water depths within the allowed 20-feet are restrictive but are not the sole reason for this BDE request.

   Criterion Not Met

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

   The proposed docking facility is consistent with the other docks within the subject waterway. As proposed the dock and boatlifts will not impact navigation as some of the adjacent neighboring docks extend out past what the applicant is requesting

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

within this BDE. The overall protrusion has been reduced to the fully extent possible and be within 25% of the waterway width.

Criterion Met

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.)

   The approximate waterway width is approximately 91-feet wide. The proposed dock protrusion is 22.75-feet which is 25% width of the waterway.

   Criterion Met

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

   The proposed docking facility has been designed to be consistent with the other existing and previously approved docking facilities on the subject waterway. This is a new dock structure but will be within the required side yard setbacks as well as centrally located along the subject property's shoreline. Due to this no neighboring views or access will be negatively impacted as the proposed dock is consist with all the previously approved docks along the subject shoreline.

   Criterion Met

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

SECONDARY CRITERIA

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

   The subject property shoreline has three special conditions taken into consideration which justify the proposed dock design and associated dimensions. These conditions consist of the rip-rap shoreline, associated mangroves, and the 10-foot-wide conservation easement all of which do not allow the proposed dock to be constructed within 20-feet from the MHWL.

   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.)

   The proposed docking facility design has been fully minimized and still provides routine access to the vessels as well as provide area for recreational activities for fishing and storage for kayaks or paddleboards.

   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.)

   The proposed vessels size to be kept on-site range from 30-feet to 12-feet long. Based on the vessels length this criterion is met as the 1 vessel and 2 PWC's will not exceed the allowed 50% of the subject property's linear shoreline.

   Criterion 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.)

   As proposed the dock has been designed within the designated property lines and riparian lines with the required side yard setbacks of 15-feet. All adjacent properties have docks which are consistent with what we are proposing therefore the views will be about the same.

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Additionally, this is a boating community and is expected to have docks, associated boatlifts, and vessels along the subject waterway and therefore no impacts to neighboring property views of the waterway will result from the proposed project.

Criterion Met

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.)

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.)

The proposed work is for a single-family docking facility and therefore not subject to Manatee Protection Requirements.

N/A

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Boathouse Criteria
LDC Section 5.03.06(F)

1. Minimum side setback requirement: Fifteen feet.

   As proposed the dock will provide a 44-foot setback and a 45-foot setback. Therefore, this criterion is met.

2. Maximum protrusion into waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.

   Please see attached exhibits, the cross-section view verifying the proposed boathouse roof will extend out into the waterway no more than 22.75-feet from the MHWL, which is 25% width of the subject waterway.

3. Maximum height: Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.

   Please see attached exhibits indicating the proposed boathouse roof will be 15-feet above the top of dock.

4. Maximum number of boathouses or covered structures per site: One.

   This criterion is met.

5. All boathouses and covered structures shall be completely open on all 4 sides.

   This criterion is met.

6. Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.

   The proposed roofing material will match the upland principal structure therefore this criterion is met.

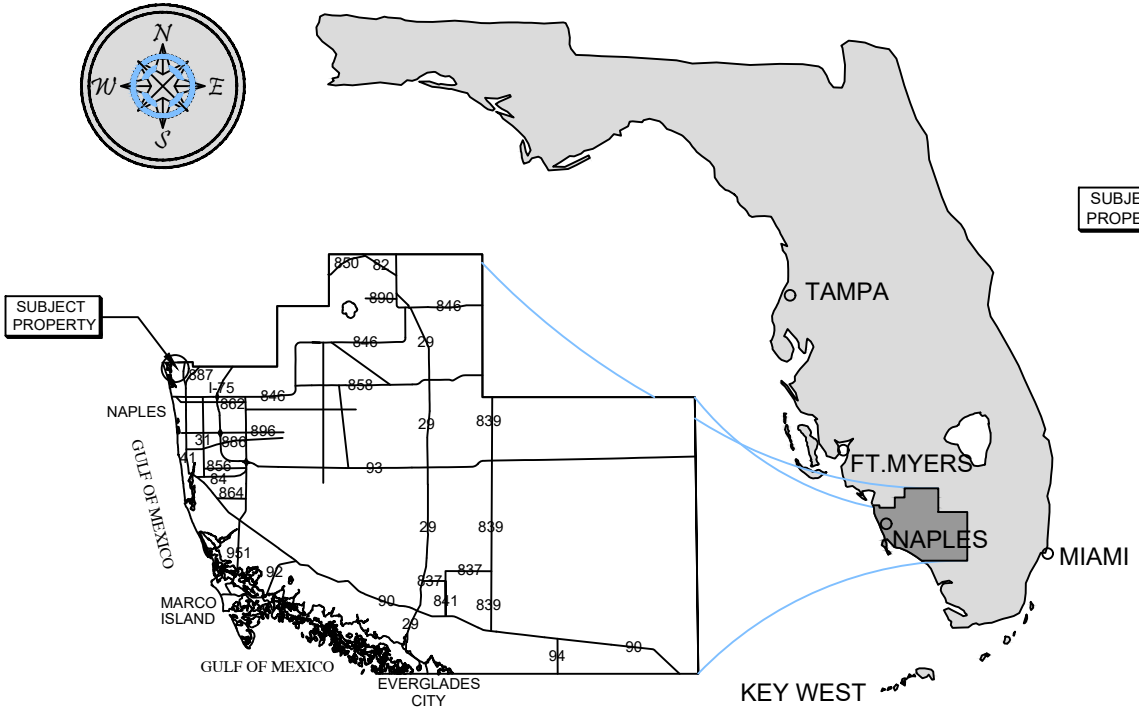
7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.

   The boathouse is located within the required side yard setbacks and is consistent with other existing previously approved boathouses on the subject waterway.

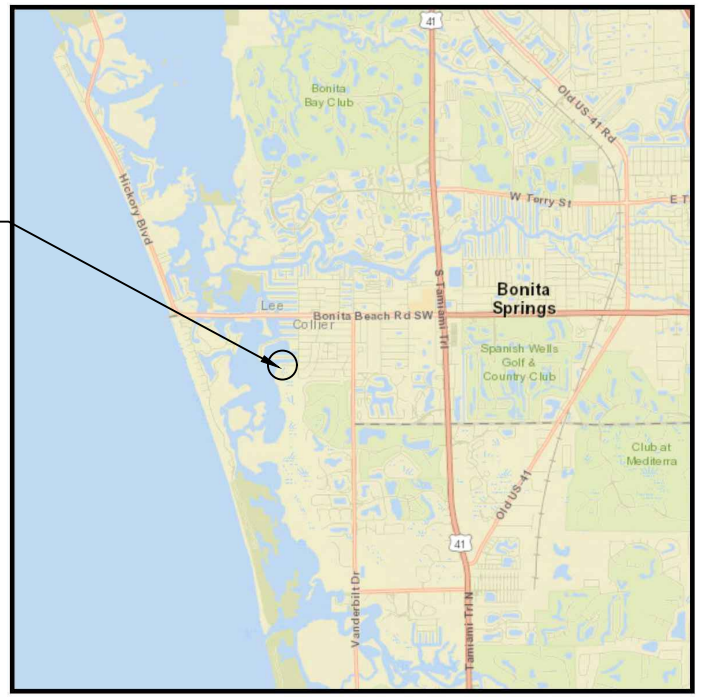
Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg LOCATION MAP 10/31/2022

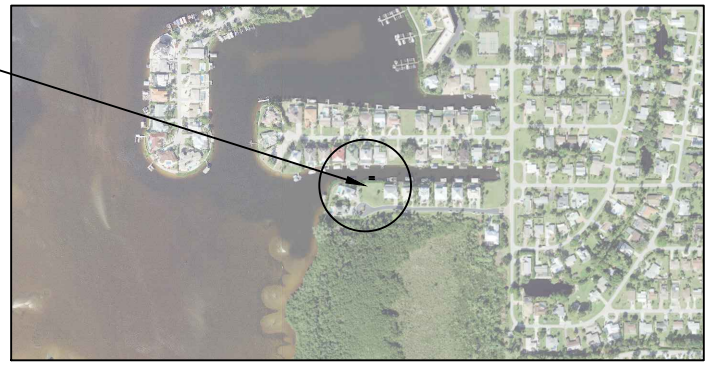
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 231 DOLPHIN COVE CT
BONITA SPRINGS, FL 34134

<> LATITUDE: N 26.324098
<> LONGITUDE: W -81.829413

NOTES:

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

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

231 DOLPHIN COVE CT

LOCATION MAP

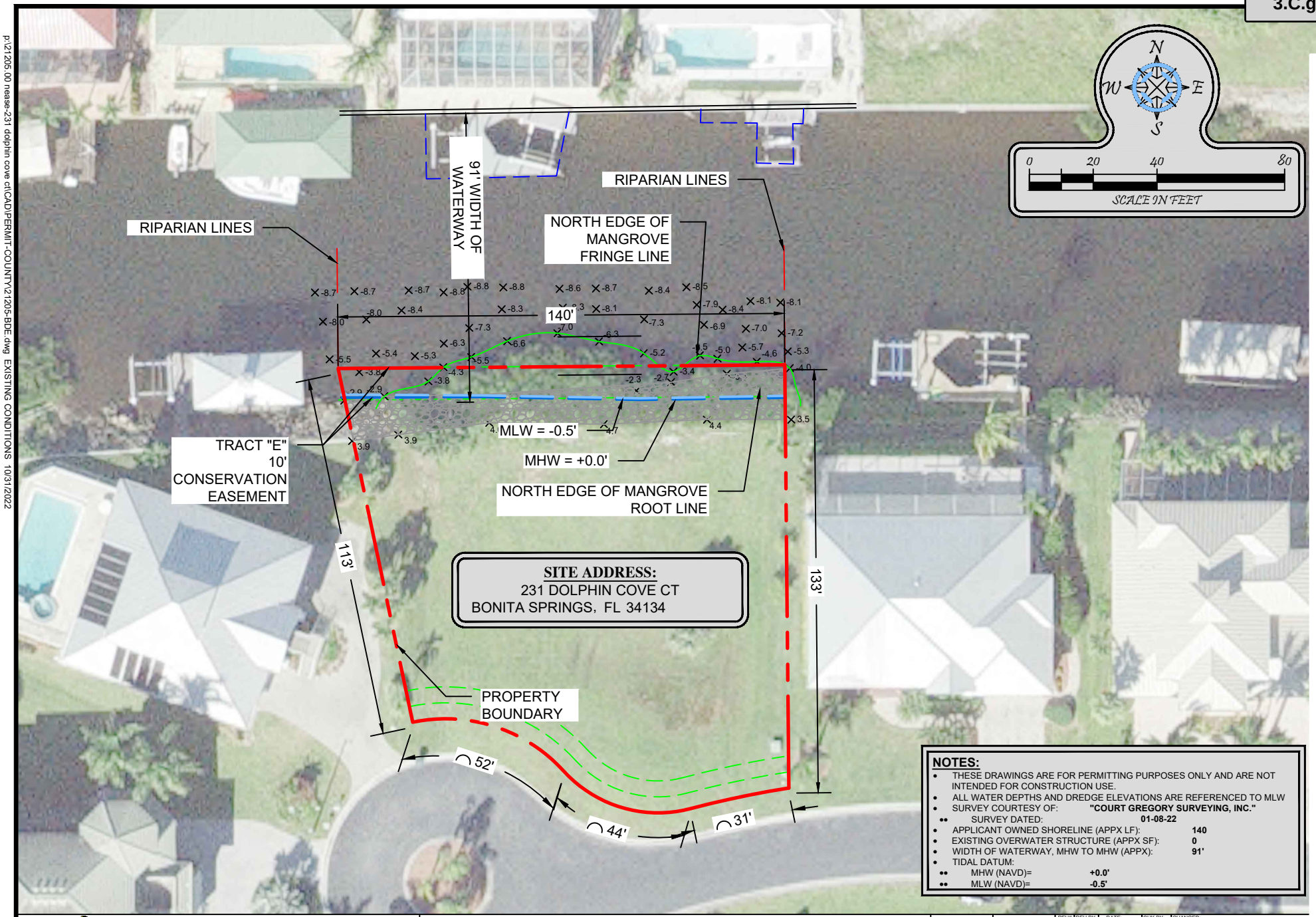
RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	01 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48S

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD



NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **01-08-22**
- APPLICANT OWNED SHORELINE (APPX LF): **140**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **91'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.0'**
  - MLW (NAVD)= **-0.5'**

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231 DOLPHIN COVE CT

EXISTING CONDITIONS

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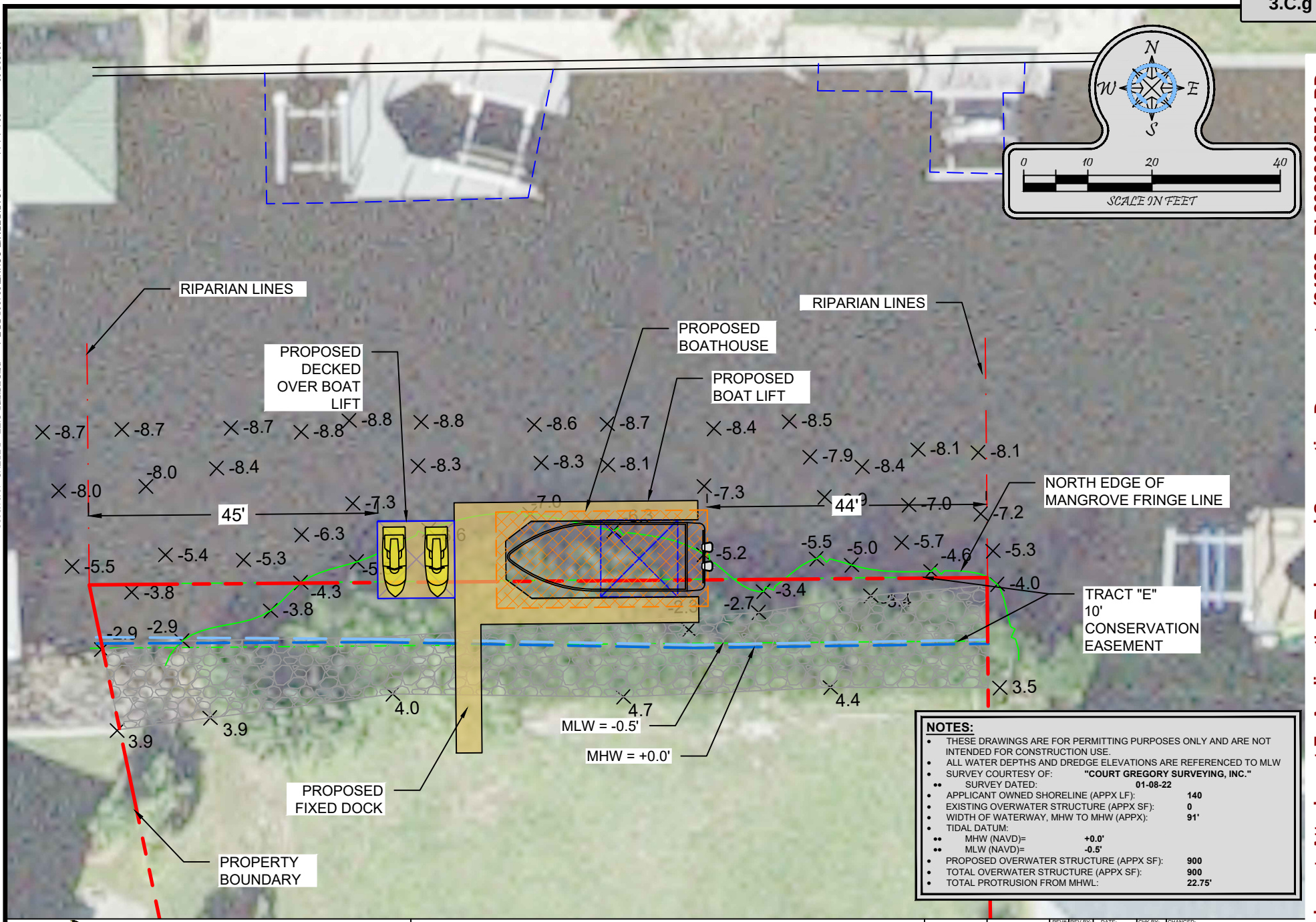
SECTION- 05 TOWNSHIP- 48S

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg EXISTING CONDITIONS 10/31/2022

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg ff8/30/2022 PROPOSED SITE - DEPTHS 10/31/2022

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD



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- TIDAL DATUM:
  - MHW (NAVD)= **+0.0'**
  - MLW (NAVD)= **-0.5'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **900**
- TOTAL OVERWATER STRUCTURE (APPX SF): **900**
- TOTAL PROTRUSION FROM MHWL: **22.75'**

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231 DOLPHIN COVE CT

PROPOSED SITE - DEPTHS

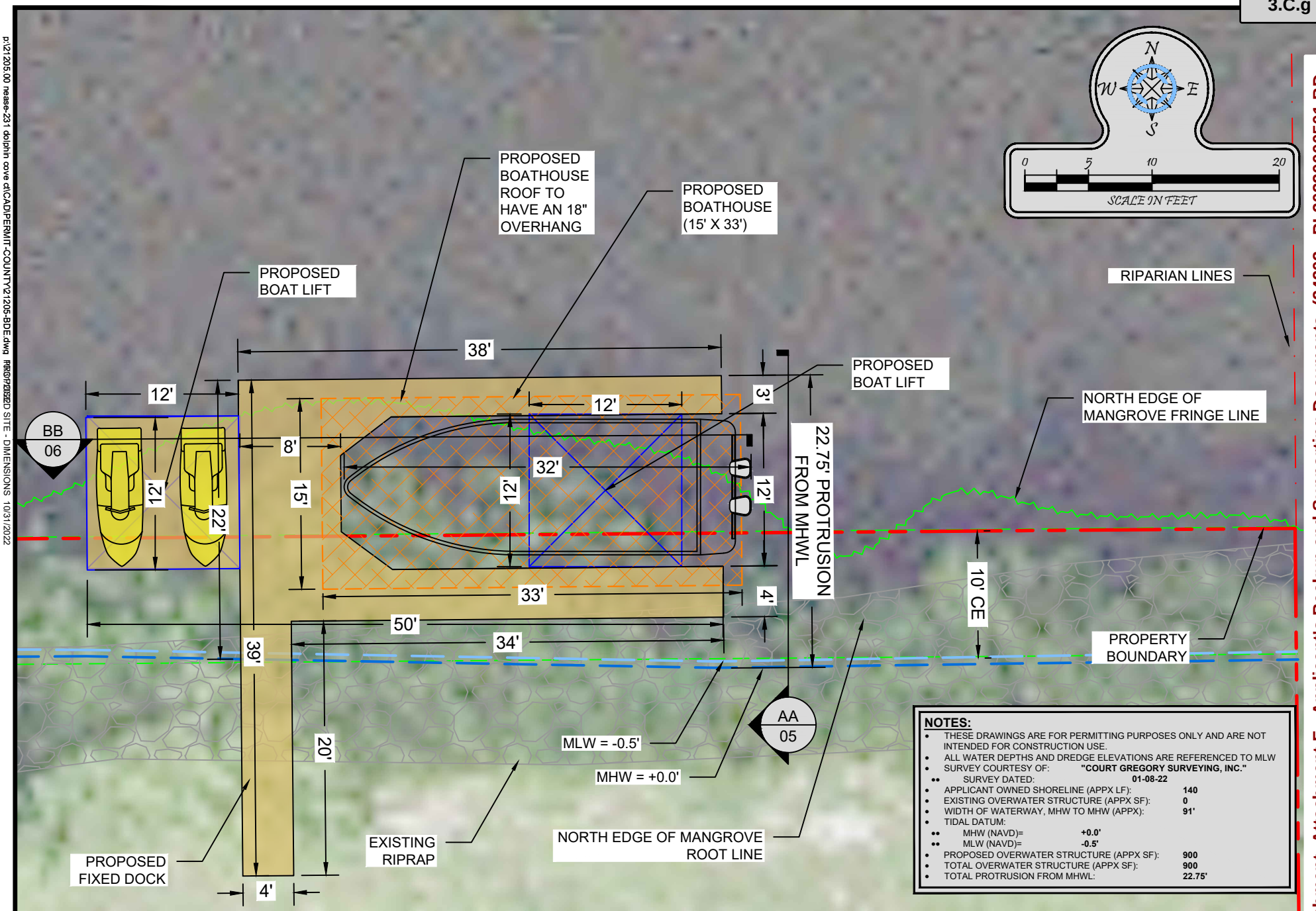
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CREATED:	10-31-22	3.	-	-	-	-
JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	03 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48 S

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg ff&b 10/31/2022 PROPOSED SITE - DIMENSIONS 10/31/2022



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231 DOLPHIN COVE CT

PROPOSED SITE - DIMENSIONS

RY NO. 5875

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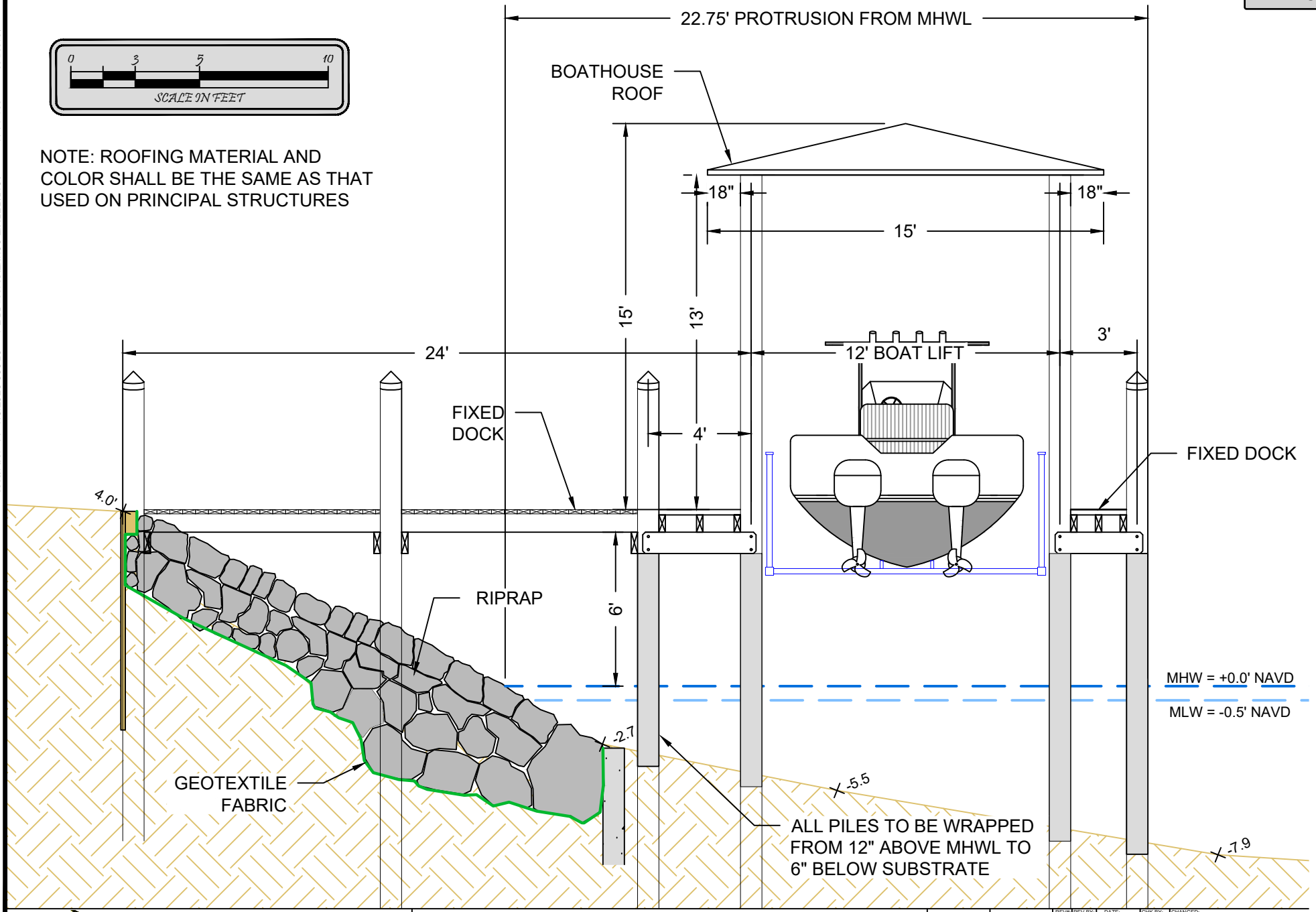
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SHEET NO.:	04 OF 10	5.	-	-	-	-

SECTION- 05 TOWNSHIP- 48 S

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg CROSS SECTION - AA 10/31/2022

NOTE: ROOFING MATERIAL AND COLOR SHALL BE THE SAME AS THAT USED ON PRINCIPAL STRUCTURES



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231 DOLPHIN COVE CT

CROSS SECTION - AA

RY NO. 5875

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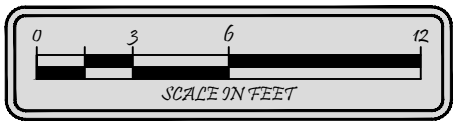
DESIGNED:	JR
DRAWN BY:	RMJ
CREATED:	10-31-22
JOB NO.:	21205.00
SHEET NO.:	05 OF 10

REV#	REV BY:	DATE:	CHK BY:	CHANGED:
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3.	-	-	-	-
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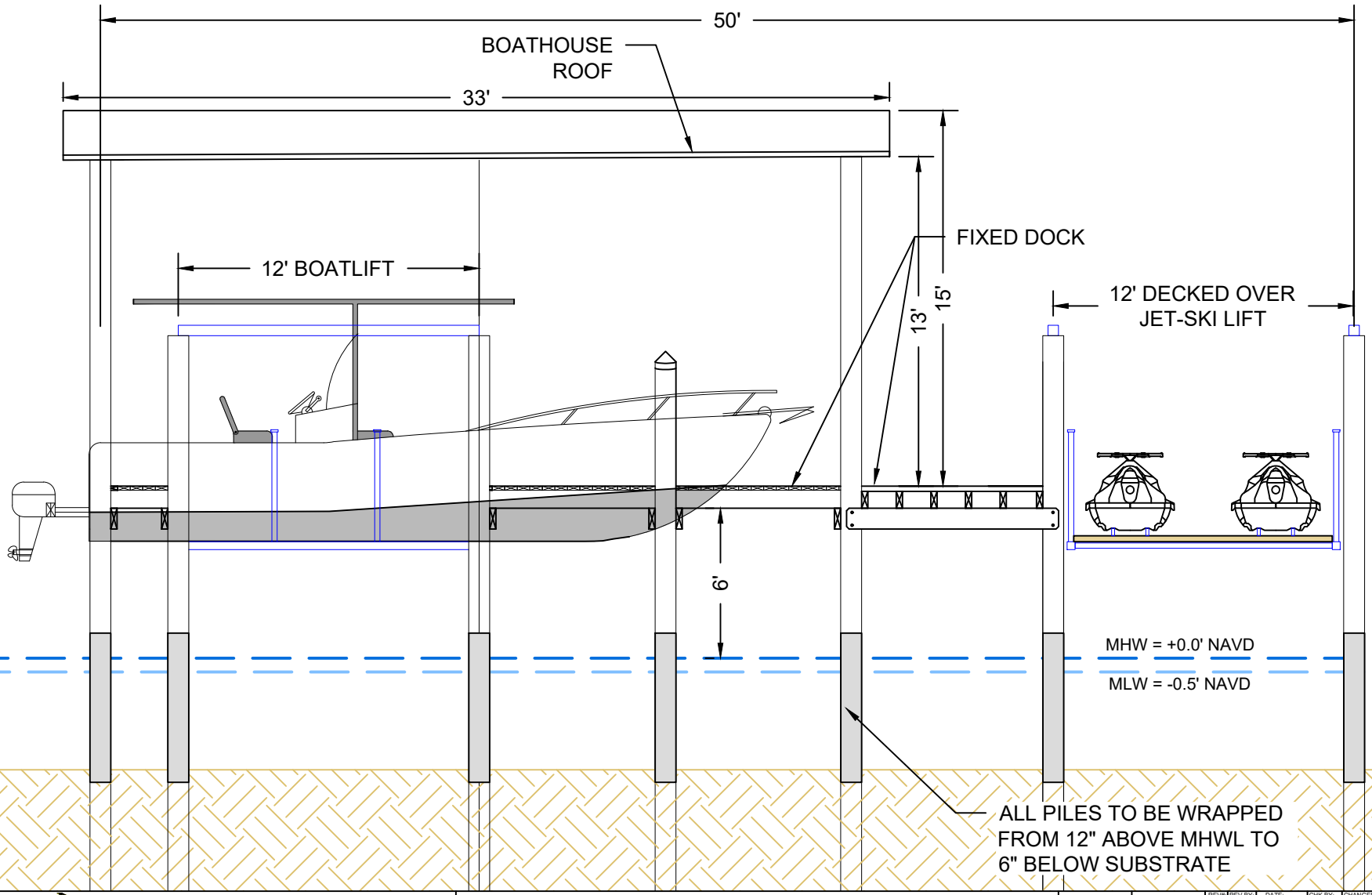
SECTION-05 TOWNSHIP-48S

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg CROSS SECTION - BB 10/31/2022



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231 DOLPHIN COVE CT

CROSS SECTION - BB

RY NO. 5875

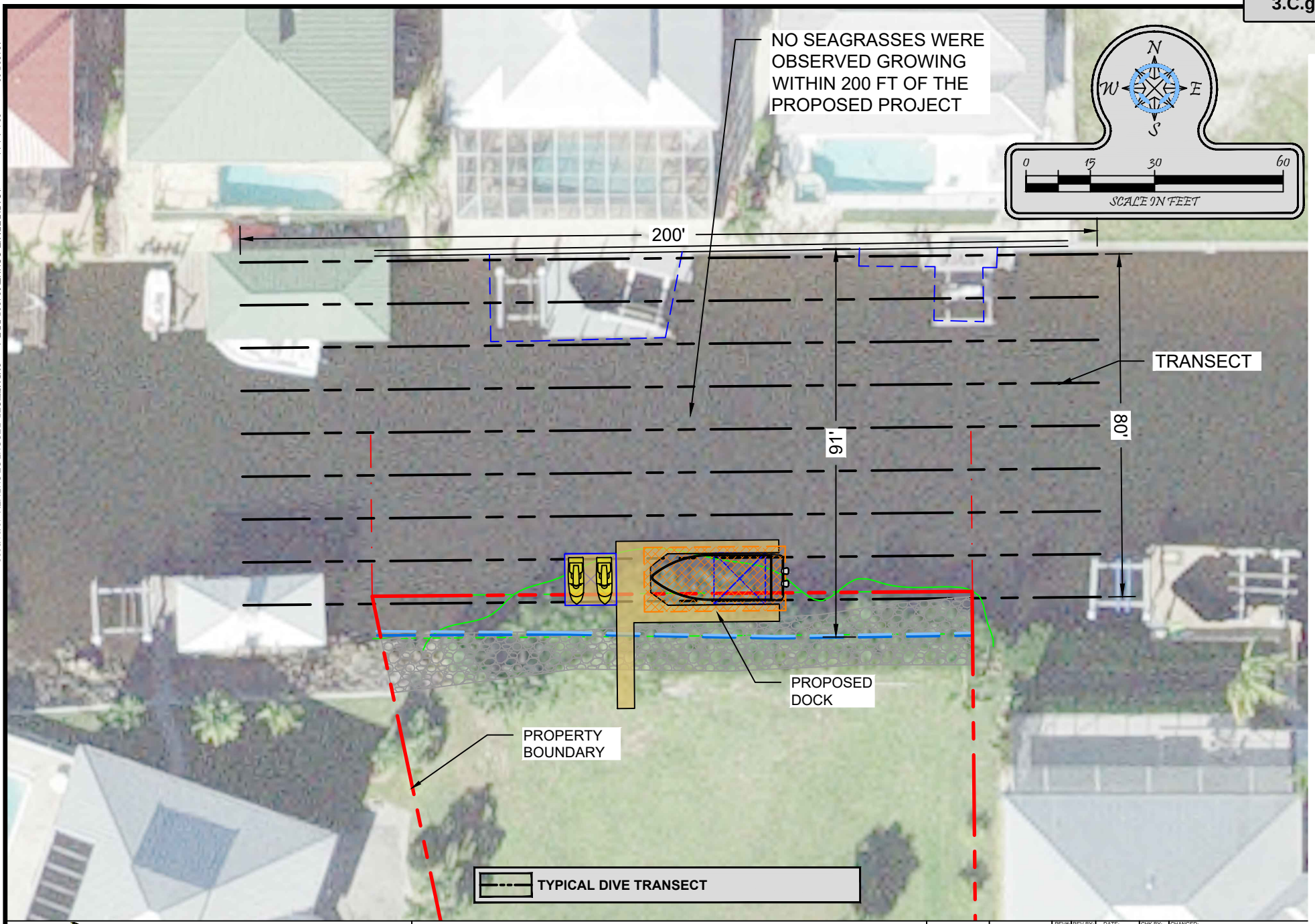
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JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	06 OF 10	5.	-	-	-	-

SECTION-05 TOWNSHIP-48S

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg 10/31/2022 SUBMERGED RESOURCE SURVEY 10/31/2022



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231 DOLPHIN COVE CT

SUBMERGED RESOURCE SURVEY

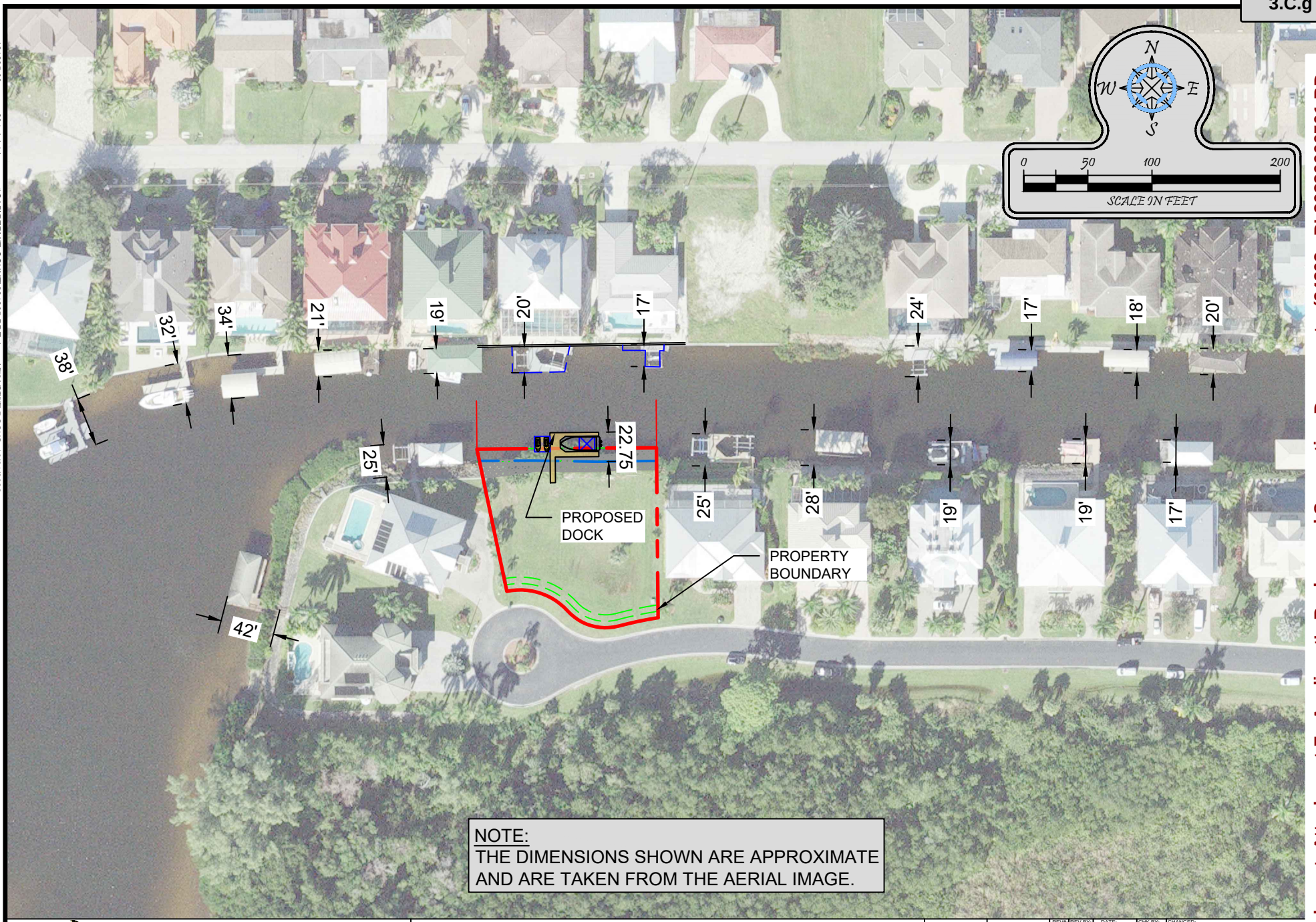
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DRAWN BY:	RMJ	2.	-	-	-	-
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JOB NO.:	21205.00	4.	-	-	-	-
SHEET NO.:	07 OF 10	5.	-	-	-	-

SECTION-05 TOWNSHIP-48S

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD



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

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231 DOLPHIN COVE CT

ADJACENT DOCKS

RY NO. 5875

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
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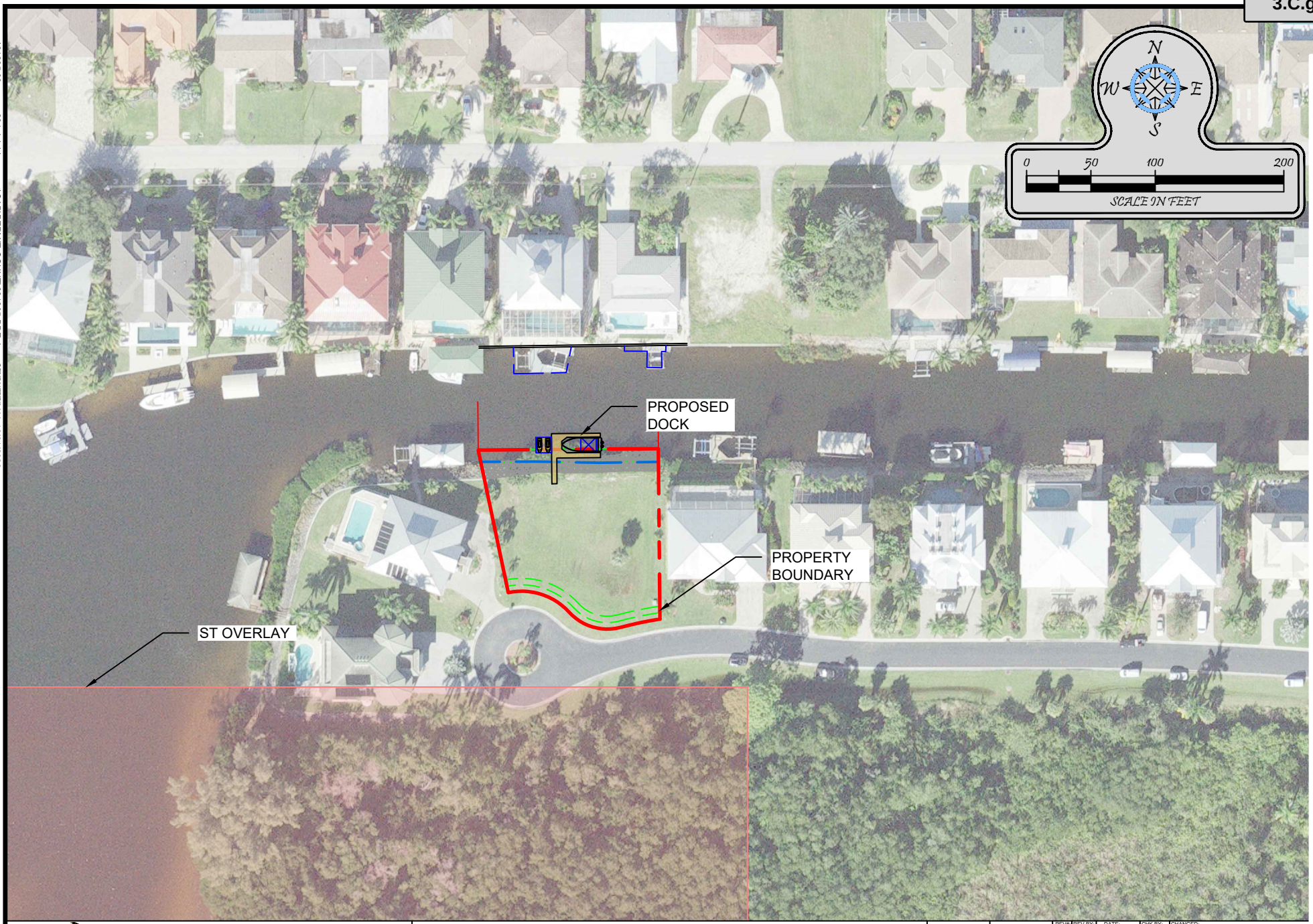
SECTION- 05 TOWNSHIP- 48 S

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Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg ST OVERLAY 10/31/2022



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231 DOLPHIN COVE CT

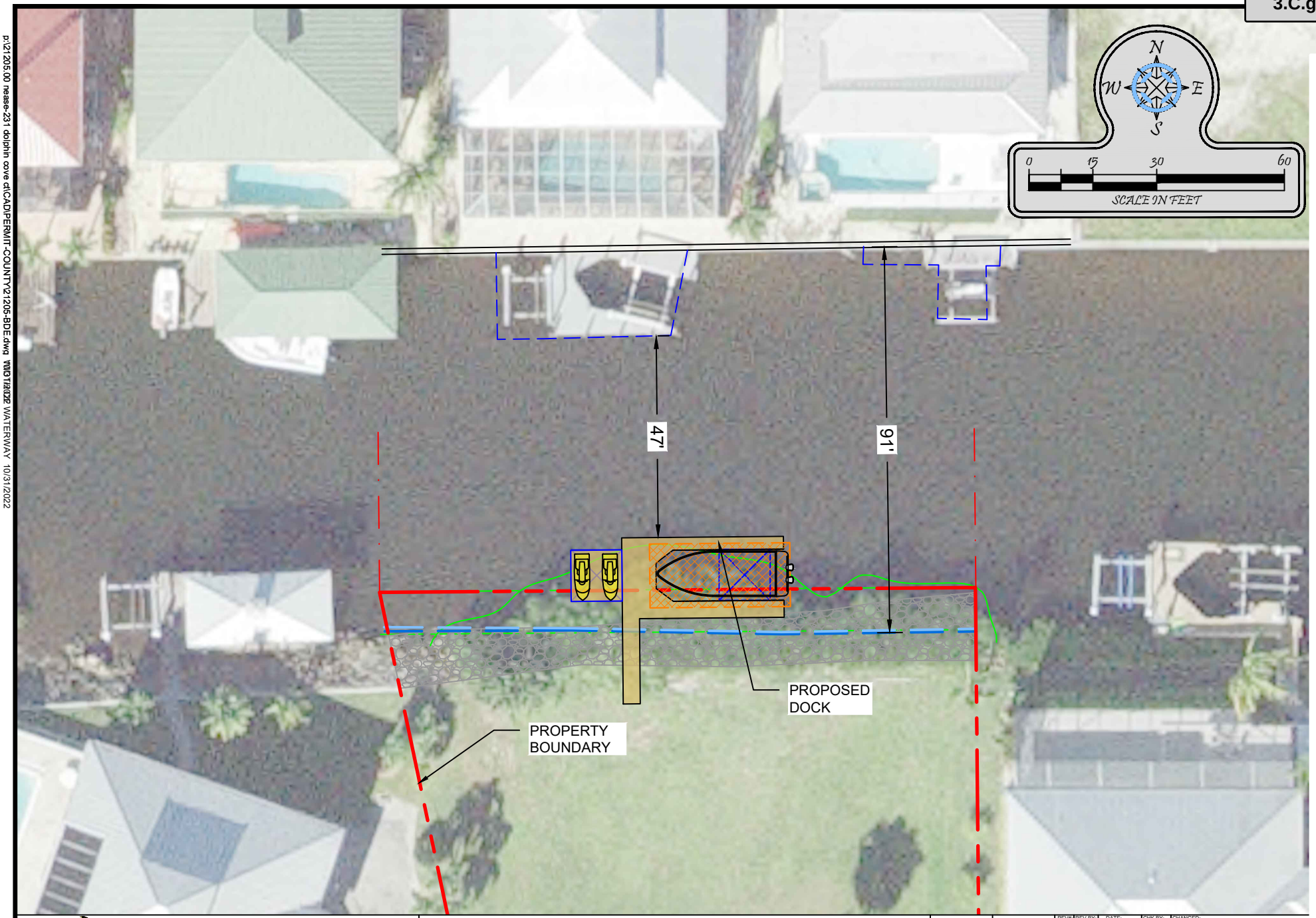
ST OVERLAY

RY NO. 5875

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SECTION- 05 TOWNSHIP- 48 S



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231 DOLPHIN COVE CT

WIDTH OF WATERWAY

RY NO. 5875

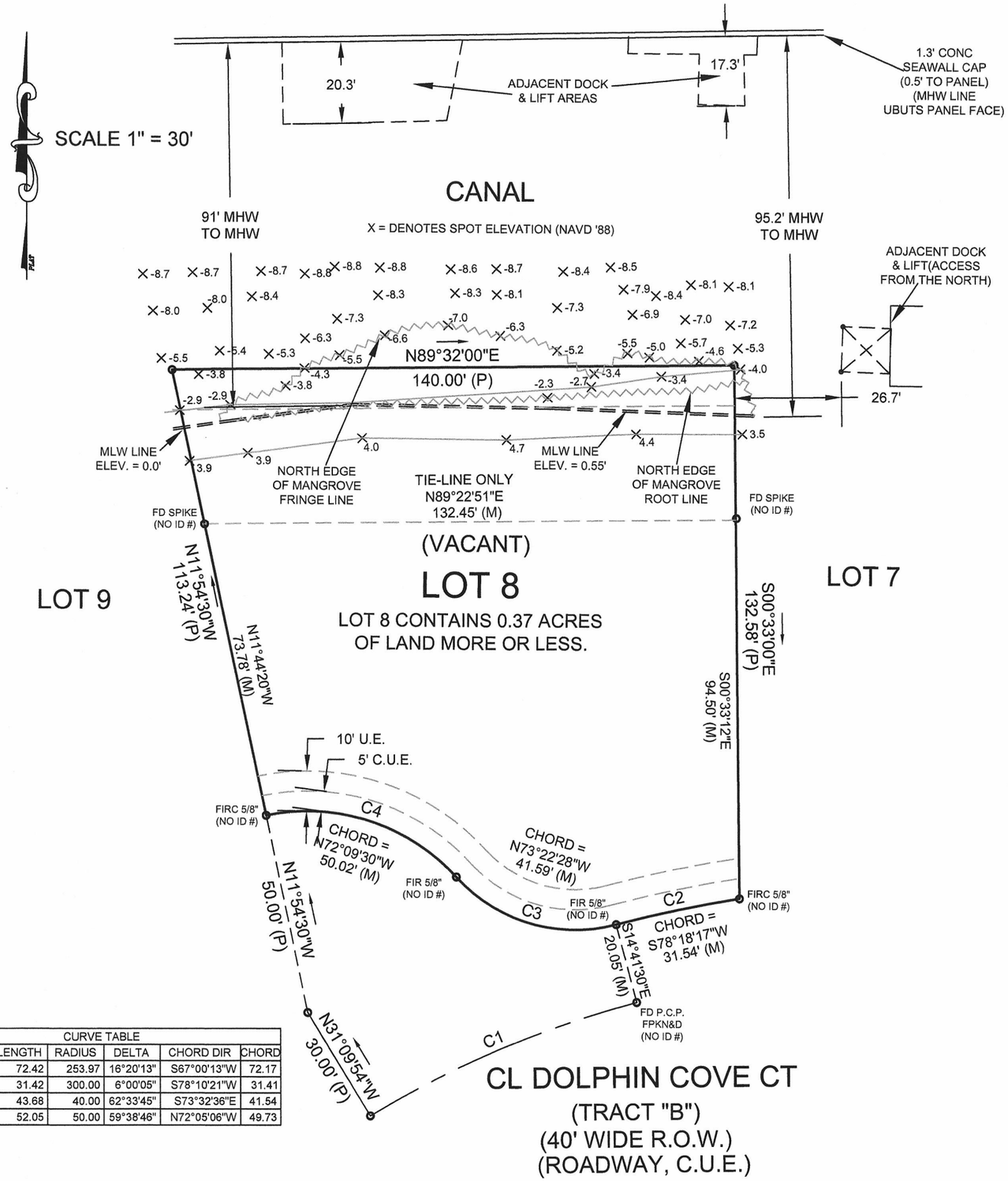
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SECTION-05 TOWNSHIP-48S

p:\21205.00 nease-231 dolphin cove ct\CAD\PERMIT-COUNTY\21205-BDE.dwg WIDTH OF WATERWAY 10/31/2022

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD DIR	CHORD
C1	72.42	253.97	16°20'13"	S67°00'13"W	72.17
C2	31.42	300.00	6°00'05"	S78°10'21"W	31.41
C3	43.68	40.00	62°33'45"	S73°32'36"E	41.54
C4	52.05	50.00	59°38'46"	N72°05'06"W	49.73

NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF DOLPHIN COVE COURT AS SHOWN IN PLAT BOOK 19 PAGE 56 OF COLLIER COUNTY, BEING SOUTH 31° 09' 54" 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 JANUARY 7, 2022.

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: SET BM SPKN&D #6004 IN 2' VALLEY GUTTER AT CENTER OF LOT 8 ELEV. = 4.73'

11.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SHORELINE CONDITIONS & BATHYMETRIC IN RELATION THE THE. PROPERTY LINES ARE SHOWN AS PLAT.

9.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.

10.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.

REVISIONS

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

OF

LOT 8

OF

DOLPHIN COVE

AS RECORDED IN PLAT BOOK 19 PAGE(S) 56-57 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA

231 DOLPHIN COVE COURT

CERTIFY TO:

TURRELL, HALL & ASSOCIATES

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 01/17/2022
DATE OF FIELD SURVEY 01-07-2022

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 01/17/2022
Job # VB1BS0051M
Fb VB-5 Pgs 37-38

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

LENS FAMILY DOCK
231 DOLPHIN COVE CT
BONITA SPRINGS, FL 34134

SUBMERGED RESOURCE SURVEY

APRIL 2022

PREPARED BY:



TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

1.0 INTRODUCTION

The Lens Family dock and associated residence is located at 231 Dolphin Cove Ct and can be further identified by parcel #29910000650. The property is bound to the east and west by single family residences, to the north by subject canal, and to the south by Dolphin Cove Court. The property is located at Section 5, Township 48, and Range 25. The landward portion of the property currently consist of a vacant single-family residential lot that is about to be under construction.

Turrell, Hall & Associates was contracted to provide environmental permitting services pertaining to the 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 March 23, 2022. Sea surface conditions consisted of clear skies, light winds out of the southeast, and an air temperature of 82° F at the time of the survey. The tide was a low tide upon arrival to the site, low tide at the project site occurred at 10:52 A.M. (0.9 ft.) and high tide had occurred following our arrival onsite at 4:21 P.M. (2.2 ft.). The water temperature was 74° 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 F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

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 minimal shell debris, which was observed throughout the entire surveyed area. The shoreline consists of a natural rip-rap and mangrove bank which currently supports a variety of fish as well as sessile and motile invertebrates such as barnacles and mud crabs growing the rocks and mangrove roots. Some of the existing rocks carried historic fragments or remains of oysters, but no live individuals were observed. Algae was observed covering parts of the deeper submerged areas within the canal 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 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*
Crevalle Jack	*Caranx hippos*
Gray Snapper	*Lutjanus grisens*
Barnacle	*Amphibalanus spp.*
Mud Crab	*Panopius* herbstii
Snook	*Centropomus undecimalis*

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

5.0 CONCLUSIONS

The submerged resource survey conducted at the project site yielded few findings at best. Barnacles, mud crabs, and historic indicators of oysters could be seen on the riprap and on the adjacent dock pilings. The mangroves and natural shoreline area provides additional cover and habitat for fish and other marine life to utilize. Seagrasses were not observed anywhere near the project site. All fish species were observed swimming in and around the dock and subject shoreline.

Negative impacts to submerged resources are not expected with the proposed project.

<table>
<tr><td>  </td><td>  </td></tr>
<tr><td>EXISTING PROPERTY & MANGROVE SHORELINE</td><td>EXISTING ADJACENT DOCKS ON WATERWAY</td></tr>
<tr><td>  </td><td>  </td></tr>
<tr><td>Typical Bottom Sediment</td><td>Observed Oyster Debris Covered with Silt</td></tr>
</table>

Attachment: Attachment F - Applicant's Backup and Supporting Documents (24203 : PL20220000501 BD 231 Dolphin Cove Court - Lens Dock)

Motion for Reconsideration

TO: HEARING EXAMINER – ANDREW DICKMAN, ESQ.

FROM: MIKE BOSI, AICP, DIRECTOR - ZONING DIVISION - GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: DECEMBER 22, 2022

SUBJECT: HEARING EXAMINER (HEX) DECISION 2022-55, PETITION NO. ADA-PL20220004625

REQUESTED ACTION:

The Hearing Examiner issued HEX Decision 2022-55 on December 9, 2022.

The Collier County Administrative Code, Chapter 9. Officer of the Hearing Examiner – Procedures within Public Hearing – Reconsideration of matter by the Hearing Examiner provides the following:

1. On motion by a party, the Hearing Examiner may grant a rehearing on an application for the following reasons:

- *Mistake, inadvertence, or excusable neglect;*
- *Newly discovered evidence which by due diligence could not have been discovered in time for the original hearing; or*
- *Fraud, misrepresentation, or other misconduct of an adverse party.*

2. The motion for reconsideration by a party shall be made prior to the deadline for filing an appeal. The filing of such a motion tolls the time for filing an appeal. The time for filing an appeal shall begin anew in full upon the Hearing Examiner's denial of such a motion.

Staff makes its motion for reconsideration based on the following:

1. The Hearing Examiner was not apprised of Attorney General Opinion 2012-32 (Attachment A) regarding property owner consent to a rezone.
2. HEX Decision 2022-55 would require the County to change its business practices by requiring consent of any and all Homeowners Associations where an owner of property within a Planned Unit Development (PUD) requests an amendment to a development order such as a PUD Ordinance or subdivision plats/plans, when the HOA has no ownership or easement interest in the subject property.

MPB

Mike Bosi, AICP, Zoning Director

1. Attachment A– *Attorney General Opinion 2012-32*

Attachment: Motion for Reconsideration (24256 : PL20220004625 Reconsider HEX Decision)

ATTACHMENT "A"

Florida Attorney General Advisory Legal Opinion

Number: AGO 2012-32
Date: September 19, 2012
Subject: Counties--landowner consent for zoning changes

Mr. Mark H. Scruby
Clay County Attorney
Post Office Box 1366
Green Cove Springs, Florida 32043-1366

RE: COUNTIES--ZONING--PLANNED DEVELOPMENTS--COMMUNITY PLANNING ACT--CONSENT REQUIREMENTS--authority of county to adopt ordinance containing other landowner consent requirement for applications for zoning changes. Part II, Ch. 163, Fla. Stat.; Art. VIII, s. 1(f), Fla. Const.; Part II, Ch. 125, Fla. Stat.; s. 125.66(4), Fla. Stat.

Dear Mr. Scruby:

On behalf of the Board of County Commissioners of Clay County, you have requested my opinion on substantially the following questions:

1. In the case of an application to revise the zoning for a portion of a planned development by the owner of said portion, do the provisions of the Community Planning Act, as codified in Part II of Chapter 163, Florida Statutes, authorize a local government to require in its zoning code the consent to the application by some or all of the other individual property owners within the planned development, or by an association of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development, before the application can be considered for approval?

2. If the answer to Question 1 is in the negative, then in the case of an application to revise the zoning for a portion of a

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planned development by the owner of said portion, does the common law or any other statutory law authorize a local government to require in its zoning code the consent to the application by some or all of the other individual property owners within the planned development, or by an association of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development before the application can be considered for approval?

3. In the case of an application to revise the zoning for a portion of a planned development by the owner of said portion, where the planned development is also subject to recorded covenants and restrictions (i) that are private in nature, (ii) that govern use rights and limitations and development standards for all lands within the planned development, and (iii) that give the individual owners of land within the planned development the right to vote on amendments to the covenants and restrictions, does the common law or any other statutory law authorize a local government to require such application to include the favorable outcome of a vote to approve the filing of the application by all or some fixed percentage of such individual members casting ballots?

In sum:

1. and 2. I am not aware of nor have you drawn my attention to any provision of the "Community Planning Act" which would authorize a local governmental agency to delegate its legislative zoning authority to other land owners by requiring their consent prior to the acceptance of a request for rezoning. In the absence of concern for a particular statutory provision, however, this office will not undertake a broad review of multiple chapters of the Florida Statutes in an attempt to justify what the courts have clearly identified as a suspect practice. Finally, there is no common law right of local governments to impose a consent requirement such as the one you propose on applications for rezoning. Rather, the extent of the zoning power is circumscribed by the grant of power from the Legislature to local governments and contained in Chapters 125 and 166, Florida Statutes.

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3. This office will not comment on the terms of private contracts or their enforcement. As addressed more fully herein, consent requirements such as the one you have proposed may constitute an unconstitutional delegation of legislative authority and are not favored in the law and may implicate a number of constitutional rights.

According to your letter, the zoning article of Clay County's land development code provides for planned developments in addition to conventional use categories. The code requires that an application to rezone a tract of land into a planned development must be joined by all owners of the property within the boundaries of the proposed tract. Occasionally, a party owning a portion of a planned development may wish to modify some aspect of the plan as it was previously approved. In order for such party to apply for the modification, the code requires that the application be joined by all of the other owners of property within the boundaries of the planned development, not just the owners of the parcel for which the modification is sought. Without the joinder of all these owners, an application for modification will not be accepted.

The Board of County Commissioners has realized the difficulty of acquiring such third party joinder, especially as a development approaches build-out and hundreds or thousands of individual parcels have already been conveyed to third parties. In light of these concerns, the board is considering the adoption of an ordinance amending the joinder provision by reducing the percentage of joining owners from one hundred to some lesser figure or by eliminating it entirely.

As the county attorney, you have advised the board that the submission of an application to amend a portion of an approved planned development cannot lawfully be conditioned on the joinder or consent of third parties who have no ownership interest in the particular parcel, even if the third parties own other property within the planned development. However, community concerns with the reduction or elimination of these restrictions has led to the Clay County Board of County Commissioners requesting that an Attorney General Opinion be sought on these issues.

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Initially, I must advise you that this office has no authority to comment on validly adopted provisions of the current zoning code of Clay County. This office, like the courts, must assume that a validly adopted statute or ordinance is lawful and effective until it is challenged and declared invalid in an appropriate court case.[1] Thus, my comments are provided to you for use by the commission in considering proposed legislation.

Questions One and Two

Zoning is generally understood to be the regulation of land according to its nature and uses.[2] The power to restrict the use of land through zoning is delegated to local governments by the Legislature and is limited by the terms of the grant.[3] The classification, regulation, prohibition, restriction, permitting, and determination of uses within districts constitutes an exercise of local governmental zoning and police power, possessed by counties and municipalities generally under zoning statutes.[4] Thus, zoning enactments cannot validly be extended beyond the accomplishment of those purposes within their scope.[5]

In order to be valid, any zoning regulations that are adopted must be reasonable and nondiscriminatory and they must tend to promote the public health, safety, morals, or general welfare.[6] As the Florida Supreme Court stated in *Griffin v. Sharpe*,[7] an ordinance enacted under a theory of general police powers must not infringe on constitutional guarantees by invading personal or property rights unnecessarily or unreasonably, denying due process of law or equal protection of laws, or impairing obligations of contract. In addition, such an ordinance must not be inconsistent with the general laws of the state, must not discriminate unreasonably, arbitrarily or oppressively, and must not constitute a delegation of legislative or executive or administrative power.[8]

You have asked whether some statutory provision may authorize a local government to require in its zoning code that consent to an application for rezoning by some or all of the other individual property owners within a planned development is

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required before the application can be considered for approval. As a general proposition this office has previously concluded that such a requirement might, if enacted, result in an illegal delegation or abdication of legislative power.

In Attorney General Opinion 83-31, this office was asked by the Board of County Commissioners of Santa Rosa County whether an ordinance could be validly enacted which required the written consent of a majority of landowners and homeowners within a designated distance of proposed landing strips or runways of an airport facility prior to the construction of any additional airport facility in the county. A statutory provision, section 330.36, Florida Statutes, provided that no county or municipality could license airports or control their location except by zoning requirements. The statute made no exception for any other type of county ordinance other than regulation by a zoning ordinance. Thus, the opinion concluded that such an ordinance could not be validly enacted or enforced. The opinion goes on to caution against a possible illegal delegation or abdication of legislative power by the adoption of such an ordinance:

"Additionally, the proposed ordinance, if enacted, might well result in an illegal delegation or abdication of legislative power. An airport or landing field constructed and operated in a proper manner is not a nuisance per se.[9] Thus, the construction or maintenance and operation of an airport facility are not susceptible to regulation or proscription as a public nuisance by county legislative enactment.[10] The proposed ordinance does not zone any lands or prohibit the use of designated or specific lands at specific locations for airport purposes or establish any safety regulations or standards in the interest of and to protect the public health, safety or welfare. It simply requires the airport owner or developer to obtain the written consent of the majority of the specified landowners and homeowners prior to commencing construction of any additional airport facility in the county, and the only limitation upon such property owners in exercising their power to consent or withhold their consent to 'the construction of any additional airport facility' is their own free will and choice or their own whims or unbridled discretion. It permits the adjoining

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landowners to regulate property rights and deny a landowner his right to use his property, not otherwise restricted or regulated by law, for a lawful use or purpose. In effect, the affected landowners and homeowners are delegated the legislative power vested in the county commission to determine the public policy and regulate property rights and whether an airport facility may be located, maintained and operated at any particular location. The governmental powers of the legislative and governing body of a county cannot be delegated."[11]

While consideration generally must be given to the rights of the individual landowner of the property involved as well as the interests of adjoining landowners and others in the adoption of zoning changes,[12] I must caution that an ordinance which delegates the legislative power vested in the county commission to determine the public policy and regulate property rights based on the written consent of all or a majority of the specified landowners and homeowners prior to accepting an application for rezoning might well be seen by a court as an invalid delegation of the legislative power of the county.[13]

Further, under Florida law generally, a property owner acquires no vested rights to the continuation of existing zoning.[14] There is no general constitutional right to be free from all changes in land use laws.[15] A landowner who plans to use his property in accordance with existing zoning regulations is entitled to assume only that such regulations will not be altered to his detriment, unless the change bears a substantial relation to the health, morals, welfare or safety of the public.[16] As discussed above, an ordinance enacted under a theory of general police powers must not infringe on constitutional guarantees by invading personal or property rights unnecessarily or unreasonably, denying due process of law or equal protection of laws, or impairing obligations of contract. Nor may such an ordinance be inconsistent with the general laws of the state, discriminate unreasonably, arbitrarily or oppressively, or constitute a delegation of legislative or executive or administrative power.[17] The adoption of an ordinance which includes a consent requirement as a condition precedent to the application process for rezoning could be seen to interject an element of arbitrariness into that

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application process.[18] Again, the opinions of residents are not factual evidence and have been determined by the courts to not constitute a sound basis for denial of a zoning change application.[19]

You have specifically directed my attention to the Community Planning Act, sections 163.3164 - 163.3217, Florida Statutes, and associations of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development as potential sources of statutory authority for adopting an ordinance imposing a consent requirement to an application for rezoning.

The "Community Planning Act," codified in Part II, Chapter 163, Florida Statutes, was enacted to

"utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government."[20]

The act specifically provides that "no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act."[21] The comprehensive plan must provide

"the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the

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inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations."[22]

The act provides that it is the will of the Legislature that the public be involved in community planning:

"It is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The provisions and procedures required in this act are set out as the minimum requirements towards this end."[23]

To facilitate this public participation the act requires public hearings, the opportunity for written comments, and other public information opportunities.[24] As Florida courts have noted with regard to zoning decisions:

"The role of the governmental entity is to arrive at sound decisions affecting the use of property within its domain. This includes receiving citizen input regarding the effect of the proposed use on the neighborhood, especially where the input is fact-based."[25]

However, no provision of the "Community Planning Act" of which I am aware or to which you have drawn my attention would authorize a local governmental agency to delegate its legislative zoning authority to other land owners by requiring their consent prior to the acceptance of a request for rezoning.[26]

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You have also asked whether associations of property owners governed under Chapters 718, 719, or 720, Florida Statutes, and operating within the planned development may be potential sources of statutory authority for adopting an ordinance imposing a consent requirement to an application for rezoning. You are aware of no provisions in these laws which would bear directly on the validity of consent requirements prior to accepting a request for rezoning. Rather, these references, and your previous reference to Part II, Chapter 163, Florida Statutes, are intended to reflect more recent land development regulation and property owner rights laws. In the absence of concern for a particular statutory provision, this office will not undertake a broad review of multiple chapters of the Florida Statutes in an attempt to justify what the courts have clearly identified as a suspect practice.

Finally, the zoning power of Florida counties is statutory, not a common law power.[27] Local governments have no inherent right to restrict the use of land through zoning; such right is limited by the statute or ordinance creating the same.[28] The adoption of zoning ordinances and zoning maps is a legislative act[29] and zoning ordinances must find their justification in some aspect of the police power, asserted for the public welfare.[30] I am aware of, and you have brought to my attention, no common law right of local governments to impose a consent requirement such as the one you propose on applications for rezoning. Rather, the extent of the zoning power is circumscribed by the grant of power from the Legislature to local governments and contained in Chapters 125 and 166, Florida Statutes.

Question Three

You have asked whether a local government may require an application for rezoning to include the favorable outcome of a vote to approve the filing of the application by all or some of the individual members voting on the matter when private recorded covenants and restrictions call for such a vote. This office will not comment on the terms of private contracts or their enforcement. As addressed more fully herein, consent requirements such as the one you have proposed may constitute an

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unconstitutional delegation of legislative authority and are not favored in the law and may implicate a number of constitutional rights.[31]

Sincerely,

Pam Bondi
Attorney General

PB/tgh

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[1] *See Evans v. Hillsborough County*, 186 So. 193 (Fla. 1938) (a statute found on statute books must be presumed to be valid and must be given effect until it is judicially declared unconstitutional); *White v. Crandon*, 156 So. 303 (Fla. 1934) (county commissioners must obey statutes until in proper proceedings they are passed upon by the courts and declared invalid); *State ex rel. Gillespie v. Thursby*, 139 So. 372 (Fla. 1932), *rehearing denied*, 140 So. 775 (Fla. 1932); *Falco v. State*, 407 So. 2d 203 (Fla. 1981) (court has duty, if reasonably possible, and consistent with constitutional rights, to resolve all doubts as to validity of statute in favor of its constitutionality); *State v. Jefferson*, 758 So. 2d 661 (Fla. 2000); Ops. Att'y Gen. Fla. 92-02 (1992) (statutes are presumptively valid and must be given effect until determined otherwise by a court of competent jurisdiction in an appropriate judicial proceeding; 88-09 (1989); 87-36 (1987); *cf.* 90-47 (1990) (presumptive validity of municipal ordinance).

[2] *See* 7 Fla. Jur. 2d *Building, Zoning, and Land Controls* s. 53; *and see Barefield v. Davis*, 251 So. 2d 699 (Fla. 1st DCA 1971).

[3] As a charter county, the zoning power of Clay County is derived from Art. VIII, s. 1(f), Fla. Const., and Part II, Ch. 125, Fla. Stat., particularly s. 125.66(4), Fla. Stat. *Cf. State ex rel. Henry v. Miami*, 158 So. 82 (Fla. 1934) (no such thing as a general legislative power on the part of municipal authorities to control and direct how the private properties of municipal

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inhabitants shall be held or enjoyed).

[4] *See* Inf. Op. to Chiaro, dated January 24, 1997.

[5] *See Davis v. Sails*, 318 So. 2d 214 (Fla. 1st DCA 1975); *Prescott v. Charlotte County*, 263 So. 2d 623 (Fla. 2d DCA 1972), *cert. denied*, 267 So. 2d 834 (Fla. 1972).

[6] *See City of Jacksonville v. Sohn*, 616 So. 2d 1173 (Fla. 1st DCA 1993); *Carter v. Town of Palm Beach*, 237 So. 2d 130 (Fla. 1970); Op. Att'y Gen. Fla. 79-71 (1979); 62 C.J.S. *Municipal Corporations* ss. 128, 132-135 (1949); 7 Fla. Jur. 2d *Building, Zoning, and Land Controls* s. 102.

[7] 65 So. 2d 751 (Fla. 1953), *and see City of Port Orange v. Leechase Corp.*, 430 So. 2d 534 (Fla. 5th DCA 1983).

[8] *And see Miami Shores Village v. William N. Brockway Post No. 124 of American Legion*, 24 So. 2d 33 (Fla. 1945); *Wallace v. Town of Palm Beach*, 624 F.Supp. 864 (S.D. Fla. 1985); Inf. Op. to Dellagloria, dated January 5, 2001.

[9] *See generally* 2A C.J.S. *Aeronautics and Aerospace* s. 70 (1972); *Brooks v. Patterson*, 31 So. 2d 472, 474 (Fla. 1947); *cf. Corbett v. Eastern Air Lines, Inc.*, 166 So. 2d 196 (Fla. 1st DCA 1964).

[10] *See Brooks v. Patterson, supra*, and *S.H. Kress and Co. v. City of Miami*, 82 So. 775 (Fla. 1919).

[11] *Crandon v. Hazlett*, 26 So. 2d 638, 642 (Fla. 1946); *State v. City of Tallahassee*, 177 So. 719 (Fla. 1937); *Dade County v. State*, 116 So. 72 (Fla. 1928); *see also Washington ex rel. Seattle Title Trust Co. v. Roberge*, 278 U.S. 116 (1928); *and see generally* 16 C.J.S. *Constitutional Law* ss. 133, 137 (1956); 62 C.J.S. *Municipal Corporations* ss. 154, 226(10), 227(9) (1949); 101A C.J.S. *Zoning and Land Planning* s. 30 (1979). *See also City of Miami Beach v. Forte Towers*, Inc., 305 So .2d 764 (Fla. 1974); *Cassady v. Consolidated Naval Stores Company*, 119 So. 2d 35 (Fla. 1960); *Richey v. Wells*, 166 So. 817 (Fla. 1936); *Bailey v. Van Pelt*, 82 So. 789 (Fla. 1919). *Cf. Cusack Co. v. City of*

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Chicago, 242 U.S. 526 (1917); *Eubank v. City of Richmond*, 226 U.S. 137 (1912); *Grova v. Baran*, 134 So. 2d 25 (Fla. 2d DCA 1961), *appeal dismissed*, 145 So. 2d 489 (Fla. 1962); *Miller v. Ryan*, 54 So. 2d 60 (Fla. 1951).

[12] *See* 101A C.J.S. *Zoning and Land Planning* s. 71; *and see infra* n.25 providing citations to Florida statutory provisions providing for the consideration of "affected person[s]" during the development process who may include owners of abutting real property.

[13] *See Pollard v. Palm Beach County*, 560 So. 2d 1358 (Fla. 4th DCA 1990) (opinions of residents are not factual evidence and not sound basis for denial of zoning change application); *City of Apopka v. Orange County*, 299 So. 2d 657, 659-660 (Fla. 4th DCA 1974); and *Town of Ponce Inlet v. Rancourt*, 627 So. 2d 586 (Fla. 5th DCA 1993); *Marell v. Hardy*, 450 So. 2d 1207 (Fla. 4th DCA 1984) (it is the function of the legislative body charged with responsibility for protecting and enhancing the health, welfare, and safety of public to weigh the advantages and disadvantages of rezoning property).

[14] *See Villas of Lake Jackson, Ltd. v. Leon County*, 884 F.Supp. 1544 (N.D. Fla. 1995), *opinion modified on reconsideration*, 906 F.Supp. 1509 (N.D. Fla. 1995), *affirmed*, 121 F.3d 610 (C.A. 11 Fla. 1997).

[15] *New Port Largo, Inc. v. Monroe County*, 95 F.3d 1084 (C.A. 11 (Fla.) 1996), *cert. denied*, 117 S.Ct. 2514, 521 U.S. 1121, 138 L.Ed.2d 1016 (1997).

[16] *City of Miami Beach v. 8701 Collins. Ave., Inc.*, 77 So. 2d 428 (Fla. 1954).

[17] *And see Miami Shores Village v. William N. Brockway Post No. 124 of American Legion*, 24 So. 2d 33 (Fla. 1945); *Wallace v. Town of Palm Beach*, 624 F.Supp. 864 (S.D. Fla. 1985); Inf. Op. to Dellagloria, dated January 5, 2001.

[18] *See, e.g, Corn v. City of Lauderdale Lakes*, 997 F.2d 1369 (C.A. 11 Fla. 1993), *cert. denied*, 114 S.Ct. 1400, 511 U.S.

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1018, 128 L.Ed.2d 73, *appeal after remand*, 95 F.3d 1066, cert. denied, 118 S.Ct. 441, 522 U.S. 981, 139 L.Ed.2d 378 (restrictions government imposes on land must be substantially related to general welfare; if not, governmental action is arbitrary and capricious in violation of substantive due process); *Eide v. Sarasota County*, 908 F.2d 716 (C.A. 11 Fla. 1990), *cert. denied*, 111 S.Ct. 1073, 498 U.S. 1120, 112 L.Ed.2d 1179 (property owner may challenge zoning regulation by arguing that regulation is arbitrary and capricious, does not bear substantial relation to public health, safety, morals, or general welfare, and is therefore invalid exercise of police power; owner need only prove that government acted arbitrarily and capriciously either facially or as applied).

[19] *Pollard v. Palm Beach County*, *supra* .

[20] Section 163.3161(2), Fla. Stat.

[21] Section 163.3161(6), Fla. Stat.

[22] Section 163.3177(1), Fla. Stat., *and see* the remainder of this statute for the required and optional elements of a comprehensive plan.

[23] Section 163.3181(1), Fla. Stat.

[24] *See e.g.*, s. 163.3181(2), Fla. Stat.; s. 163.3174(1) and (4), Fla. Stat., requiring that the local planning agency prepare the comprehensive plan or amendment after public hearings; s. 163.3184(11), Fla. Stat., providing for public hearings during the process for adoption of comprehensive plans or plan amendments. However, I would also note that s. 163.3167(8), Fla. Stat., specifically prohibits "[a]n initiative or referendum process in regard to any development order or in regard to any local comprehensive plan amendment or map amendment[.]"

[25] *See City of Dania v. Florida Power and Light*, 718 So. 2d 813 at 816 (Fla. 4th DCA 1998), citing *Grefkowicz v. Metropolitan Dade County*, 389 So. 2d 1041 (Fla. 3d DCA 1980); *Metropolitan Dade County v. Blumenthal*, 675 So. 2d 598 (Fla. 3d

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DCA 1995).

[26] *Cf.* s. 163.3184, Fla. Stat., which defines "[a]ffected person" to include "owners of real property abutting real property that is the subject of a proposed change to a future land use map" and authorizing any affected person to file a petition with the Division of Administrative Hearings to challenge whether the plan is in compliance with the statute; s. 163.3187(5)(a), Fla. Stat., providing a similar procedure for any "affected person" to challenge the compliance of a small scale development amendment; and s. 163.3215, Fla. Stat., providing standing for aggrieved or adversely affected parties to enforce local comprehensive plans through development orders. *And cf. Preserve Palm Beach Political Action Committee v. Town of Palm Beach*, 50 So. 3d 1176, 1179 (Fla. 4th DCA 2010) ("The right of the people to vote on issues they are entitled to vote on is one of utmost importance in our democratic system of government. But there are issues – such as the right of a small landowner to use his property subject only to government regulations – which should not be determined by popular vote. Section 163.3167(12) rightfully protects the small landowner from having to submit her development plans to the general public and ensures that those plans will be approved or not, instead, by the elected officials of the municipality in a quasi-judicial process.").

[27] *See Penthouse, Inc. v. Saba*, 399 So. 2d 456 (Fla. 2d DCA 1981), *review denied*, 408 So. 2d 1095 (Fla. 1981).

[28] *See Florida Tallow Corp. v. Bryan*, 237 So. 2d 308 (Fla. 4th DCA 1970).

[29] *Pasco County v. J. Dico, Inc.*, 343 So. 2d 83 (Fla. 2d DCA 1977); *and see Starkey v. Okaloosa County*, 512 So. 2d 1040 (Fla. 1st DCA 1987) (rezoning is a legislative prerogative).

[30] *Flava Works, Inc. v. City of Miami, Fla.*, 800 F.Supp. 2d 1182 (S.D. Fla. 2011); *and see County of Volusia v. City of Deltona*, 925 So. 2d 340 (Fla. 5th DCA 2006), *rehearing denied* (2006), (because the zoning power is an aspect of the police power, a municipality may not enter into a private contract with

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a property owner for the amendment of a zoning ordinance subject to restrictions in an agreement to be executed between the city and the owner).

[31] *See Villas of Lake Jackson, Ltd. v. Leon County*, 121 F.3d 610 (C.A. 11 Fla. 1997) (any constitutional right based upon zoning regulation governing specific use of real property, to extent claim is based upon deprivation of right to use property itself for that specific purpose is protectable, if it is right for which Constitution gives protection at all, only by procedural due process claim challenging procedures by which regulation was adopted, substantive due process claim based upon arbitrary and capricious action of government in adopting regulation, Takings Clause claim, or under some other constitutional provision that gives landowner protectable right, not specifically involved with real property right itself).

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