**COLLIER COUNTY**
**Collier County Hearing Examiner**

# AGENDA

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

**November 12, 2021**

**9: 00 AM**

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

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

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

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

**1. Pledge of Allegiance**

**2. Review of Agenda**

**3. Advertised Public Hearing**

**A. PETITION NO. PDI - PL20210001887 Sonoma Oaks MPUD - Request for an insubstantial change to Ordinance No. 10-48, the Sonoma Oaks Mixed Use Planned Unit Development (MPUD), by amending Exhibit B-1, the Residential Development Standards, for Single-Family (attached and detached) as follows: 1. Delete reference to "Per Unit" within the minimum lot area standard; 2. Reduce the minimum lot width from 35 feet to 24 feet; and 3. Reduce the minimum rear yard setback from 15 feet to 10 feet. The subject PUD is 37.5± acres located on the west side of Collier Boulevard (CR 951) between Wolfe Road and Loop Road, in Section 34, Township 48 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 3**

**B. PETITION NO. PCUD - PL20210001555 - Westview Plaza PUD 3600 Westview Dr. - Request for a determination that the proposed use of indoor automobile repair facility (SIC 7532) is comparable in nature to other permitted uses in Section 2.2.a of the Westview Plaza Planned Unit Development (PUD) adopted by Ordinance Number 83-45, as amended. The subject property is located at 3600 Westview Drive, Westview Plaza Replat Lot 9, in Section 1, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 4**

**C. PETITION NO. PDI- PL20200001682 - Lely a Resort Community - Request for an insubstantial change to Ordinance 92-15, as amended, the Lely, A Resort Community Planned Unit Development, by adding two deviations from LDC Section 5.06.04.F.4 to allow a second wall sign on the south (front) façade not to exceed 16 square feet and to allow an additional wall sign on the east (side) façade not to exceed 200 square feet for Unit 132, at 12725 Tamiami Trail East, in the Freedom Square Development located at the northwest corner of Tamiami Trail East (US 41) and Celeste Drive. The subject PUD consists of 2892± acres, located between U.S. 41 and Rattlesnake Hammock Road west of Collier Boulevard (CR 951), in Sections 21, 22, 27, 28, 33 and 34, Township 50 South, Range 26 East, Collier County, Florida, and Section 3, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1**

**D. PETITION NO. BDE - PL20200001868 153 Venus Cay Bertolino Leipold Dock - Request for a 15-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 35 feet into a waterway that is 196± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 153 Venus Cay, further described as Lot 65, Port of the Islands (The Cays) Phase II, in Section 9, Township 52 South, Range 28 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1**

**E. PETITION NO. BDE - PL20210001835 260 Conners Ave McKibben Dock - Request for a 14-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 34 feet into a waterway that is 268± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 260 Conners Avenue and is further described as Lot 14, Block R, Conner's Vanderbilt Beach Estates Unit No. 3, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2**

**4. Other Business**

**5. Public Comments**

**6. Adjourn**

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.A
**Item Summary:** PETITION NO. PDI - PL20210001887 Sonoma Oaks MPUD - Request for an insubstantial change to Ordinance No. 10-48, the Sonoma Oaks Mixed Use Planned Unit Development (MPUD), by amending Exhibit B-1, the Residential Development Standards, for Single-Family (attached and detached) as follows: 1. Delete reference to "Per Unit" within the minimum lot area standard; 2. Reduce the minimum lot width from 35 feet to 24 feet; and 3. Reduce the minimum rear yard setback from 15 feet to 10 feet. The subject PUD is 37.5± acres located on the west side of Collier Boulevard (CR 951) between Wolfe Road and Loop Road, in Section 34, Township 48 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 3

**Meeting Date:** 11/12/2021

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
10/29/2021 5:25 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
10/29/2021 5:25 PM

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**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 10/29/2021 6:56 PM |
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | | Review Item | Completed |
| Zoning | Mike Bosi | Review Item | Skipped | 11/01/2021 4:32 PM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 11/01/2021 4:32 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 11/12/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

**HEARING DATE:** NOVEMBER 12, 2021

**SUBJECT:** PDI-PL20210001887, SONOMA OAKS MPUD PDI

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## OWNER/APPLICANT:

Property Owner:
We Have Arrived, LLC
4215 E. 60th St. #6
Davenport, IA 52807

Applicant:
Pulte Home Company, LLC
24311 Walden Center Dr., #300
Bonita Springs, FL 34109

Agent:
Kenrick S. Gallander, AICP
RWA, Inc.
6610 Willow Park Dr.
Naples, FL 34109

## REQUESTED ACTION:

The petitioner requests that the Hearing Examiner approve an insubstantial change to Ordinance No. 10-48, the Sonoma Oaks Mixed-Use Planned Unit Development (MPUD), by amending Exhibit B-1, the Residential Development Standards, for Single-Family (attached and detached) as follows: 1. Delete reference to "Per Unit" within the minimum lot area standard; 2. Reduce the minimum lot width from 35 feet to 24 feet for single family attached dwelling units; 3. Reduce the minimum rear yard setback from 15 feet to 10 feet for single family attached dwelling units, and 4. Add footnote 6 specifying that said changes apply only to single family attached dwelling units.

## GEOGRAPHIC LOCATION:

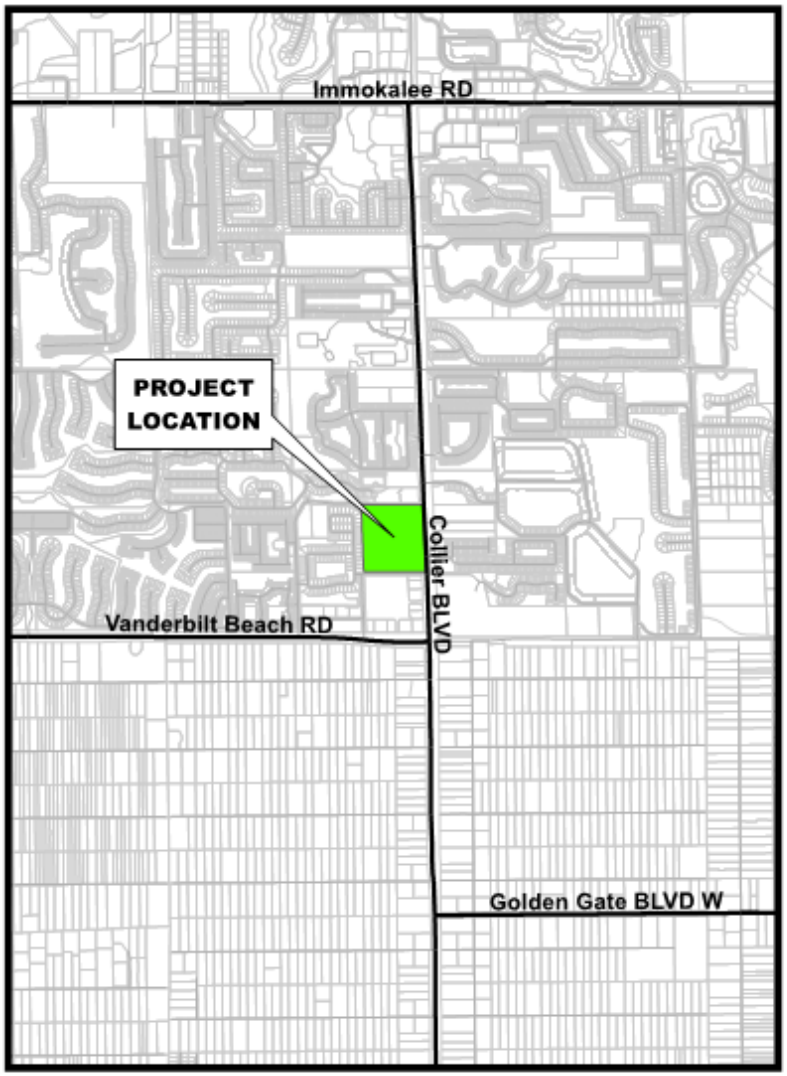
The Sonoma Oaks MPUD comprises 37.5± acres located at the west side of Collier Boulevard (CR 951) between Wolfe Road and Loop Road, in Section 34, Township 48 South, Range 26 East, Collier County, Florida.

## PURPOSE AND DESCRIPTION OF PROJECT:

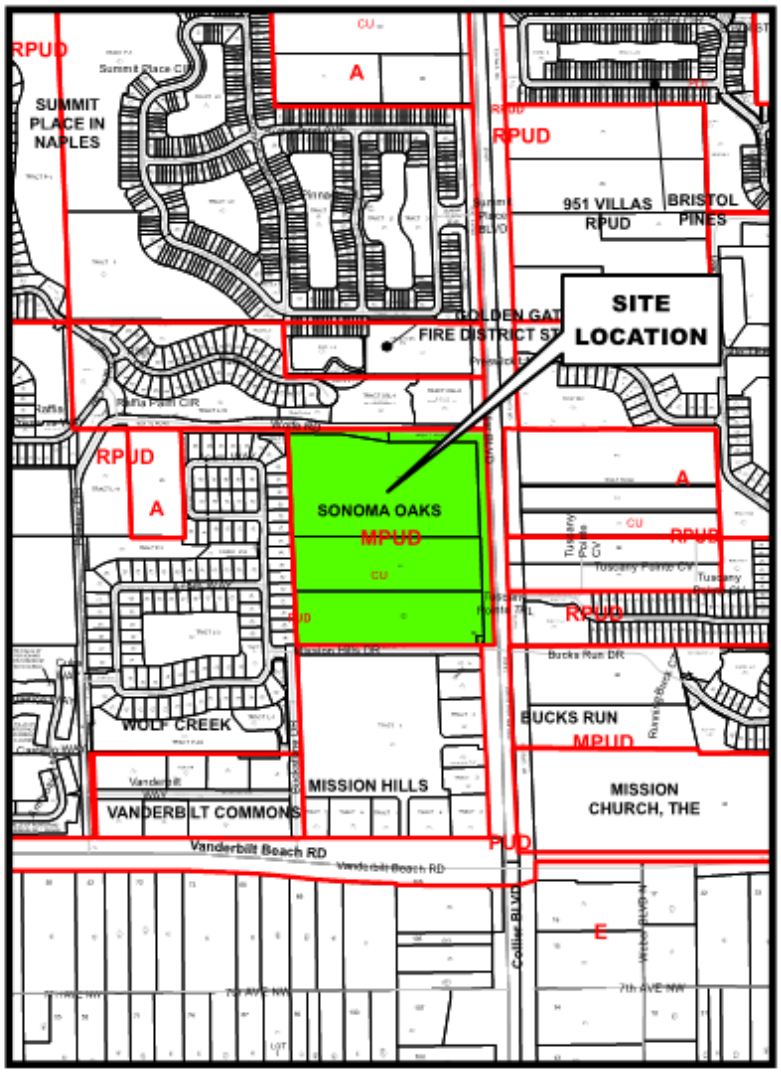
The Sonoma Oaks MPUD allows a maximum of 120,000 square feet of commercial development and a maximum of 114 residential dwelling units. The proposed amendment only impacts the Residential element of the MPUD and only to the extent of reducing the required minimum lot width (Continued on page 4)



Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)




Location Map




Zoning Map

Petition Number: PL20210001887



Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

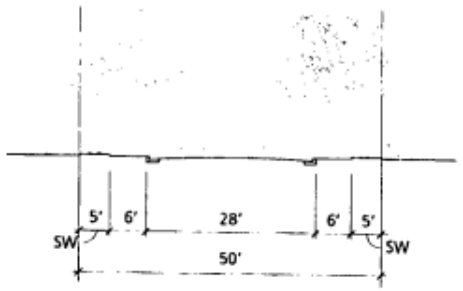
## LAND USE SUMMARY

| | | ACRES | UNITS/SQUARE FEET |
|---|---|---|---|
| R | RESIDENTIAL | 15.02 | 114 DWELLING UNITS (456 ILF, ALF, SKILLED NURSING UNITS ON 'R' DESIGNATED AREAS) |
| C | COMMERCIAL | 8.93 | 120,000 SQUARE FEET |
| P | NATIVE PRESERVE | 5.73 | |
| | RIGHTS OF WAY | | |
| | -PUBLIC EASEMENT | 2.06 | |
| | -DEDICATED | 3.50 | |
| | ** OTHER | 2.26 | |
| | TOTAL | 37.50 | |

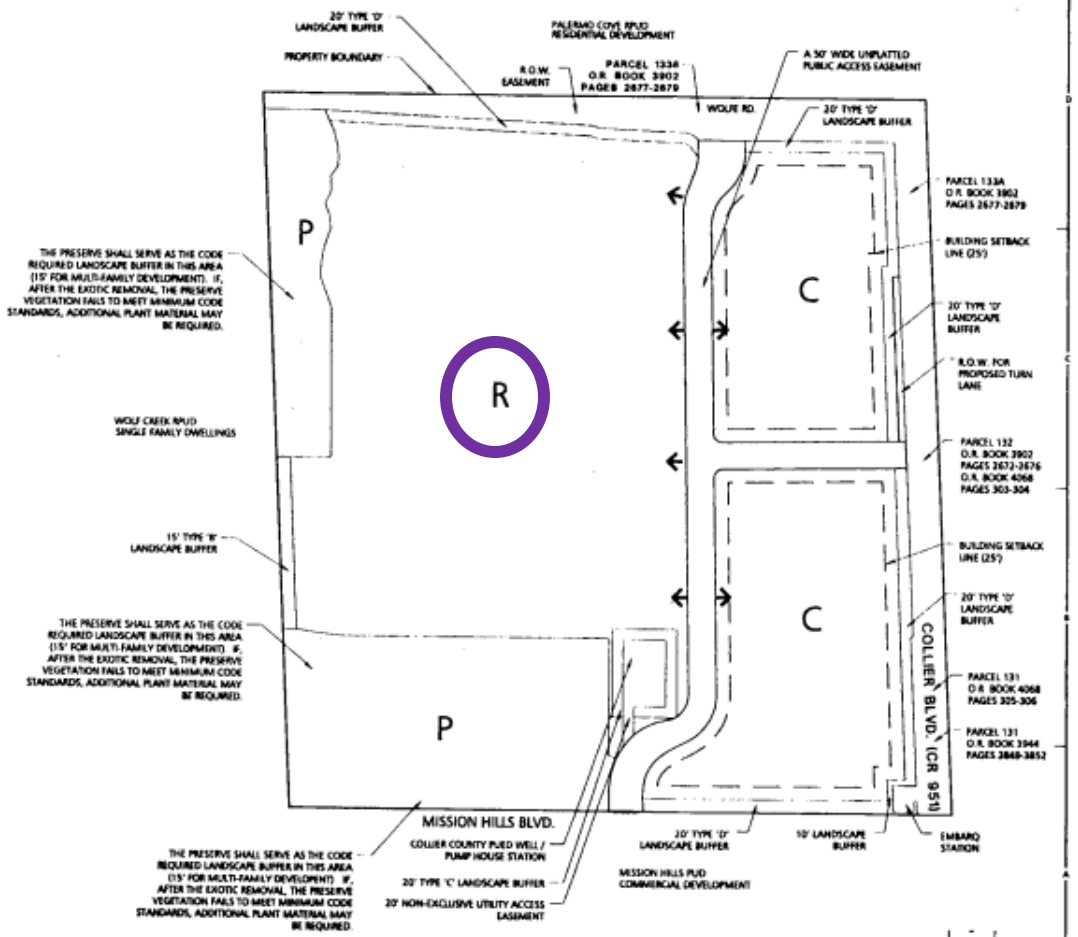
** (R) LAKES BUFFERS, PARKS (R & C), OPEN SPACE, FUTURE WELL, ETC.

## MPUD MASTER PLAN NOTES

1. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 10.2 ACRES (30% OF 34 (37.50-3.5) DEDICATED RIGHT OF WAY) OF OPEN SPACE.
2. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
3. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL OR CONSTRUCTION PLANS AND PLAT APPROVAL.
4. THE ROADWAY WITHIN THE SONOMA OAKS PROJECT CONNECTING WOLFE ROAD AND MISSION HILLS BOULEVARD SHALL BE A 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT. ALL STORM WATER RUN OFF ASSOCIATED WITH THE ACCESS EASEMENT SHALL BE ACCOMMODATED ONSITE VIA THE SONOMA OAKS STORM WATER MANAGEMENT SYSTEM. ALL STORM WATER MANAGEMENT INFRASTRUCTURE SHALL BE DESIGNED IN ACCORDANCE WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND COLLIER COUNTY STANDARDS AND THE PROPER EASEMENTS SHALL BE RECORDED. THE SONOMA OAKS PROPERTY OWNERS' ASSOCIATION SHALL BE GRANTED SOLE OWNERSHIP, ACCESS RIGHTS AND MAINTENANCE RESPONSIBILITY FOR THE PUBLIC ACCESS EASEMENT AND ALL INFRASTRUCTURE SERVING THE PUBLIC ACCESS EASEMENT.
5. 5.73 ACRES OF NATIVE VEGETATION SHALL BE PRESERVED ON-SITE.
6. THE RESIDENTIAL TRACT IS DESIGNED TO ACCOMMODATE INTERNAL ROADWAYS AND WATER MANAGEMENT.




TYPICAL 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT




IN COORDINATION WITH:

PREPARED BY: WilsonMiller, Inc.

SONOMA OAKS

PREPARED FOR: VOLA II, LLC

SCALE: 1"=300'
DATE: SEPTEMBER 27, 2010
FILE: 05544-100-002

PUD MASTER PLAN EXHIBIT C

NOT FOR CONSTRUCTION

G101

**Purpose and Description of Project (Continued)**

and rear yard for single-family attached structures to better accommodate a townhouse type product as depicted within Attachment B, a component of a plat presently under review by the County.

This PDI petition is to modify the following elements of the Sonoma Oaks MPUD:

1. Amend Exhibit B-1 in the PUD Document deleting reference to "PER UNIT" as is irrelevant; the development standards are per lot.
2. Amend Exhibit B-1 in the PUD Document changing the Minimum Lot Width for Single-Family from 35 feet to 24 feet for single family attached dwelling units.
3. Amend Exhibit B-1 in the PUD Document changing the Minimum Rear Setback for Single-Family from 15 feet to 10 feet for single family attached dwelling units.
4. Add footnote 6 specifying that the minimum dimension shall only apply to single family attached dwelling units.

**SURROUNDING LAND USE AND ZONING:**

North: Wolfe Road (Right-of-Way) then Raffia Preserve within the Palermo Cove RPUD

East: Collier Boulevard (CR 951) then Agriculturally used and zoned lands to the north and the Collier 36 and Tuscany Pointe RPUDs to the south

South: Mission Hills Boulevard (Right-of-Way) then Mission Hills Shopping Center located within the Mission Hills PUD

West: Black Bear Ridge a single-family residential development located within the Wolf Creek RPUD




**Collier County GIS**



Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

## STAFF ANALYSIS:

The proposed amendment to Exhibit B-1, the Residential Subdistrict Development Standards, of the Sonoma Oaks MPUD do not change the density or land use. Staff has no cause for concern.

*Comprehensive Planning:* The subject site is designated Urban (Urban Mixed-Use District, Urban Residential Subdistrict) on the Future Land Use Map (FLUM) in the GMP. The subject amendment is consistent with the Future Land Use Element (FLUE).

*Conservation and Coastal Management Element:* Environmental review staff has found this project to be consistent with the Conservation & Coastal Management Element (CCME). No revisions to the environmental portions of the PUD are being proposed with this petition.

Environmental Review: Environmental Planning staff has reviewed this petition. The existing preserve areas will not be impacted by the proposed petition. This project does not require Environmental Advisory Council (EAC) review, as this project did not meet the EAC scope of land development project reviews as identified in Section 2-1193 of the Collier County Codes of Laws and Ordinances.

*Transportation Element:* Not applicable.

## PLANNED UNIT DEVELOPMENT INSUBSTANTIAL CHANGE CRITERIA:

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

**LDC Section 10.02.13.E.1 Criteria:**

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

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

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

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

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

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

Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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

No, the request does not increase areas or relocate areas for nonresidential land uses. The changes to the Mixed-Use Development standards does not increase or relocate areas designated as Mixed-Use on the Master Concept Plan and does not increase the amount of non-residential intensity permitted in the PUD.

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

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

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

No, the request does not change land use activities and does not generate a higher level of vehicular trips.

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

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

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

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

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

No, this modification is in compliance with the Future Land Use Element of the Growth Management Plan.

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

Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

No, the Sonoma Oaks MPUD is not a DRI, therefore this criterion is not applicable.

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

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

**LDC Section 10.02.13.E.2 Criteria:**

**Does this petition change the analysis of the findings and criteria used for the original application? (Rezone Findings are attached to this Staff Report as Exhibit "C".)**

No, the change proposed does not affect the original analysis, rezone, and PUD findings (attached).

## DEVIATION DISCUSSION:

No deviations are being requested as part of this application.

## NEIGHBORHOOD INFORMATION MEETING (NIM):

The applicant conducted a duly noticed and advertised NIM on October 26, 2021 at the Naples Church located at 10910 Immokalee Road, the meeting was simultaneously presented on Zoom to allow for remote audience participation. The meeting, hosted by Kenrick Gallander of RWA, Inc, commenced at 5:30 P.M. A brief overview of the development was provided which led to explanation of the purpose of the subject petition request. It was explained that the subject petition is limited to decreasing the minimum lot width for single-family attached dwelling types from 35 feet to 24 feet, decreasing the minimum rear yard setback from 15 feet to 10 feet for the same, and to remove the "per unit" reference within the Minimum Lot Area Standard. Following the presentation, the floor was opened to questions from the audience. A broad range of questions concerning the development were asked and responded to. As for those pertaining to the subject petition, participants were assured the allowable uses and density were not changing. The meeting concluded at 6:05 P.M. The NIM Summary and Sign-In Sheet are included within Attachment D.

## CONCURRENT LAND USE APPLICATIONS:

There are two land use petitions presently under review by Collier County. A Site Development Plan, SDP-PL20200001957, is being reviewed for a rehabilitation hospital to be located within the component of the MPUD and a Plans and Plat review, PPL-PL20190002811, is being reviewed to develop the residential component of the MPUD.

## STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve petition PDI-PL20210001887 to amend Exhibit B-1, the Residential Development Standards, for Single-Family (attached and



Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

detached) as follows: 1. Delete reference to “Per Unit” within the minimum lot area standard; 2. Reduce the minimum lot width from 35 feet to 24 feet for single family attached dwelling units; 3. Reduce the minimum rear yard setback from 15 feet to 10 feet for single family attached dwelling units, and 4. Add footnote 6 specifying that said changes apply only to single family attached dwelling units.

Attachments:

A. Proposed PUD Insubstantial Change Documents
B. Zoning Data Sheet
C. Findings of Fact of the original Rezone
D. Applicant’s Backup – Application, NIM Info, and Sign Posting
E. Hybrid Meeting Waiver

Attachment: Staff Report 11012021 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT B-1**
**RESIDENTIAL "R" SUBDISTRICT**
**DEVELOPMENT STANDARDS**

| DEVELOPMENT STANDARDS | SINGLE FAMILY (ATTACHED AND DETACHED) | MULTI-FAMILY | CLUBHOUSE/ RECREATION BUILDINGS | ILF/ALF/CCRC/ SKILLED NURSING UNITS[4] |
|---|---|---|---|---|
| **PRINCIPAL STRUCTURES** | | | | |
| MINIMUM LOT AREA | 2,250 S.F. ~~PER UNIT~~ | 10,000 S.F. | 10,000 S.F. | N/A |
| MINIMUM LOT WIDTH | 35 FEET 24 FEET[6] | 100 FEET | N/A | N/A |
| MINIMUM FLOOR AREA | 1,000 S.F. | 1,000 S.F./D.U. | N/A | N/A |
| MIN FRONT YARD[3] | 15 FEET | 15 FEET | 15 FEET | 15 FEET |
| MIN SIDE YARD | 5 FEET[5] | 15 FEET | 15 FEET | 15 FEET |
| MIN REAR YARD | 15 FEET 10 FEET[6] | 20 FEET | 20 FEET | 20 FEET |
| MIN PRESERVE SETBACK | 25 FEET | 25 FEET | 25 FEET | 25 FEET |
| MIN DISTANCE BETWEEN STRUCTURES | 10 FEET | ½THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING | ½THE ZONED BUIILDING HEIGHT, NOT LESS THAN 30 FEET | ½THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or55 FEET AH | NTE 61 FEET ZH or 69 FEET AH[2] |
| MAXIMUM FLOOR AREA RATIO | N/A | N/A | N/A | 0.6 |
| **ACCESSORY STRUCTURES[1]** | | | | |
| FRONT[3] | 10 FEET | 10 FEET | 20 FEET | 10 FEET |
| SIDE | 5 FEET[5] | 5 FEET | ½BH | 5FEET |
| REAR | 5 FEET | 5FEET | 10 FEET | 5 FEET |
| PRESERVE SETBACK | 10 FEET | 10 FEET | 10 FEET | 10 FEET |
| DISTANCE BETWEEN PRINCIPAL STRUCTURE | 6/0 FEET | 6 FEET | 10 FEET | 6 FEET |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH, whichever is less | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or 55 FEET AH, whichever is less | NTE 61 FEET ZH or 69 FEET AH, whichever is less[2] |



Attachment: Attachment A - PUD Insubstantial Change Documents (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

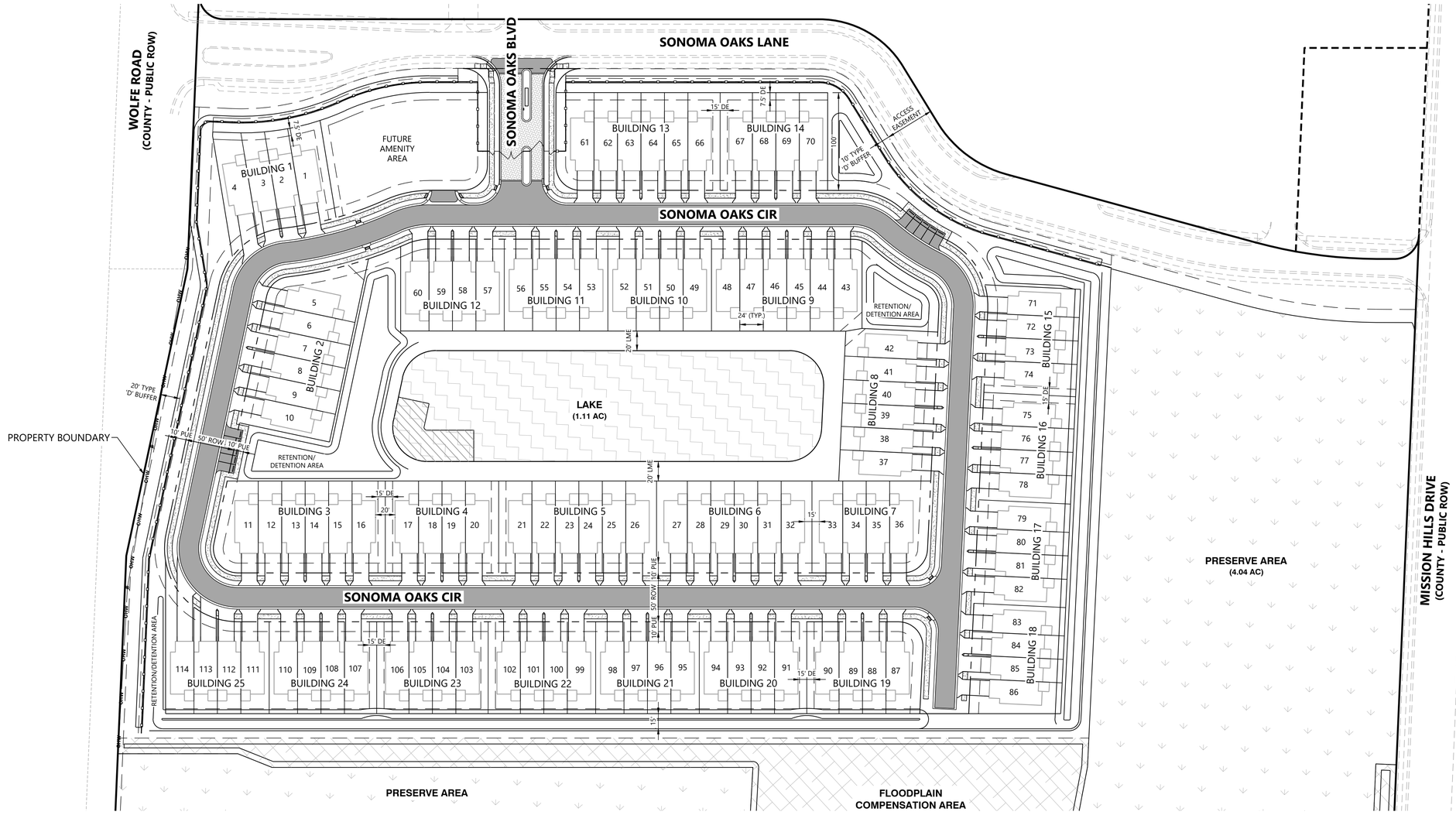
**EXHIBIT B-1**
**RESIDENTIAL "R" SUBDISTRICT**
**DEVELOPMENT STANDARDS**

NTE = Not To Exceed
BH = Building Height
ZH = Zoned Height
AH = Actual Height
Notes:

1. Setback from lake easements for all accessory uses and structures shall be zero feet (0') or greater.
2. No buildings greater than fifty-one feet (51') in height (zoned) shall be permitted within two hundred feet (200') of the western property line. All buildings within one hundred feet (100') of the western property line shall not be oriented parallel to the western property line.
3. Front yards shall be measured as follows: If the parcel is served by a public right-of-way, setback is measured from the adjacent right-of-way line. If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).
4. If ILF, ALF, CCRC, skilled nursing or similar facilities are located in the Residential District in an area adjacent to the Preserve, the Preserve acreage shall be allocated to the FAR even if it is platted in a separate tract.
5. Minimum side yard setback for principal and accessory structures may be reduced as long as the minimum distance between principal structures is a minimum of ten feet (10').
6. Minimum dimension shall only apply to single family attached dwelling units.

GENERAL: Except as provided for herein, all criteria set forth above shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

Attachment: Attachment A - PUD Insubstantial Change Documents (20477 : PL20210001887 PDI Sonoma Oaks MPUD)




0 60 120 Feet

## LEGEND

- LAKE AREA
- WETLAND BUFFER
- LITTORAL AREA
- WETLAND PRESERVE

## UNIT SUMMARY

| UNIT TYPE | NUMBER OF UNITS |
|---|---|
| TOWNHOUSE | 114 |

## DEVELOPMENT STANDARDS TABLE

| PRINCIPAL STRUCTURES | SINGLE-FAMILY ATTACHED /TOWNHOUSE |
|---|---|
| MINIMUM LOT AREA | 2,250 S.F. |
| MINIMUM LOT WIDTH | 24' |
| MINIMUM FLOOR AREA | 1,000 S.F. |
| FRONT YARD | 15' (3) |
| MINIMUM SIDE YARD | 5' (4) |
| MINIMUM REAR YARD | 10' |
| MINIMUM PRESERVE SETBACK | 25' |
| MINIMUM DIST. BETWEEN STRUCTURES | 10' |
| MAX. ZONED BUILDING HEIGHT | 35' |
| MAX. ACTUAL BUILDING HEIGHT | 45' |

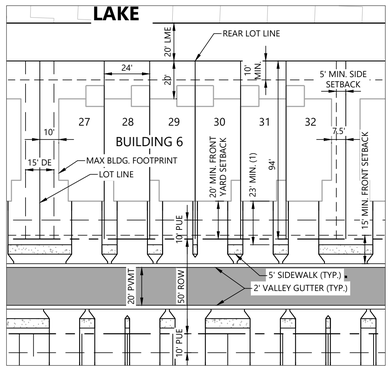
**NOTES:**
- S.P.S. = SAME AS PRINCIPAL STRUCTURES

FOOTNOTES:
(1) SETBACK FROM LAKE EASEMENTS FOR ALL ACCESSORY USES AND STRUCTURES SHALL BE ZERO FEET (0') OR GREATER.

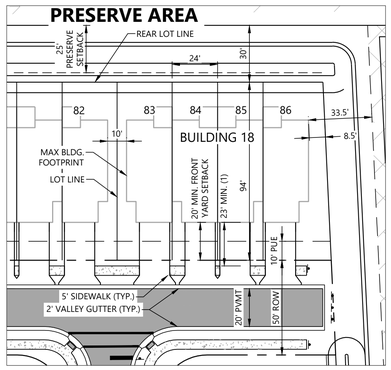
(2) NO BUILDINGS GREATER THAN FIFTY-ONE FEET (51') IN HEIGHT (ZONED) SHALL BE PERMITTED WITHIN TWO HUNDRED FEET (200') OF THE WESTERN PROPERTY LINE. ALL BUILDINGS WITHIN ONE HUNDRED FEET (100') OF THE WESTERN PROPERTY LINE SHALL NOT BE ORIENTED PARALLEL TO THE WESTERN PROPERTY LINE.

(3) FRONT YARDS SHALL BE MEASURED AS FOLLOWS: IF THE PARCEL IS SERVED BY A PUBLIC RIGHT-OF-WAY, SETBACK IS MEASURED FROM THE ADJACENT RIGHT-OF-WAY LINE. IF THE PARCEL IS SERVED BY A PRIVATE ROAD, SETBACK IS MEASURED FROM THE BACK IF CURB (IF CURBED) OR EDGE OF PAVEMENT (IF NOT CURBED).

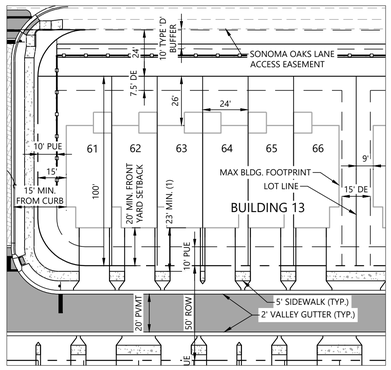
(4) MINIMUM SIDE YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES MAY BE REDUCED AS LONG AS THE MINIMUM DISTANCE BETWEEN PRINCIPAL STRUCTURES IS A MINIMUM OF TEN FEET (10').




**TYPICAL LOT ADJACENT TO LAKE**
SCALE: 1"=40'




**TYPICAL LOT ADJACENT TO PRESERVE**
SCALE: 1"=40'




**TYPICAL CORNER LOT**
SCALE: 1"=40'

| REV # | REVISION | DRAWN | CHECKED | DATE |
|---|---|---|---|---|
| 1 | REVISED REAR SETBACK | DLP | MCP | 10/8/21 |

RWA ENGINEERING
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578
www.consult-rwa.com
Florida Certificates of Authorization
EB 7663 LB6952

DATE: SEPT., 2021
SEC: 34 TWP: 48S RGE: 26E
DESIGNED: MCP
DRAWN: DLP
HORIZ. SCALE (FULL): 1" = 60'
HORIZ. SCALE (HALF): 1" = 120'
VERT. SCALE (FULL): N/A
VERT. SCALE (HALF): N/A

CLIENT: PULTE HOMES CORPORATION

TITLE: ZONING DATA SHEET

PROJECT: SONOMA OAKS

PROJECT NO.: 180015.00.02
FILE NAME: 01 1800150002X ZS01
SHEET NUMBER: 1 OF 1

MICHAEL C. PAPPAS
FLORIDA LICENSE NO. 60910

October 8, 2021 8:48 AM K:\2018\180015.00.02 Sonoma Oaks Parcel 11\05 Design, Const Plans & Tech Specs\Current Plans\Sheet Files\01 1800150002X ZS01.dwg

Attachment: Attachment B - Zoning Data Sheet_PL20190002811_20211008 (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

PUD Findings
Extracted from Staff Report for PUDA-2007-AR-11961

LDC Subsection 10.03.05.I.2 states, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners…shall show that the planning commission has studied and considered proposed change in relation to the following when applicable." Additionally, Section 10.02.13 of the Collier County LDC requires the Planning Commission to make findings as to the PUD Master Plans' compliance with the additional criteria as also noted below. [Staff's responses to these criteria are provided in bold, non-italicized font]:

**PUD Findings:** LDC Subsection 10.02.13.B.5 states that, "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria" (Staff's responses to these criteria are provided in bold font):

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

**Staff has provided an extensive review of the proposed uses and believes that the proposed uses are compatible with the uses in the area with the additional setbacks, buffering and wall placement proposed by the petitioner. Therefore, the commitments made by the applicant provide adequate assurances that the proposed change will not adversely affect living conditions in the area.**

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

**Documents submitted with the application, which were reviewed by the County Attorney's Office, demonstrate unified control of the property. Additionally, the development will be required to gain platting and/or site development approval. Both processes will ensure that appropriate stipulations for the provision of and continuing operation and maintenance of infrastructure will be provided by the developer.**

*3. Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the Growth Management Plan (GMP).*

**County staff has reviewed this petition and has offered an analysis of the relevant goals, objectives and policies of the GMP within the GMP discussion of this staff report. Based on that analysis, staff is of the opinion that this petition can be found consistent with the overall GMP.**

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

Attachment: Attachment C - PUD Findings (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

*requirements.*

**Staff has provided an extensive review of the proposed uses and believes that the uses proposed are compatible with the surrounding area.**

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

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

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

**Currently, the roadway infrastructure has adequate capacity to serve the proposed project at this time, i.e., GMP consistent at the time of rezoning as evaluated as part of the GMP Transportation Element consistency review. In addition, the project's development must comply with all other applicable concurrency management regulations when development approvals are sought.**

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

**The area has adequate supporting infrastructure such as road capacity, wastewater disposal system, and potable water supplies to accommodate this project based upon the commitments made by the petitioner and the fact that adequate public facilities requirements will be addressed when development approvals are sought.**

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

**The petitioner is seeking one deviation to allow design flexibility in compliance with the purpose and intent of the Planned Unit Development Districts (LDC Section 2.03.06A). This criterion requires an evaluation of the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district. Staff believes the deviation proposed can be supported, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the elements may be waived without a detrimental effect on the health, safety and welfare of the community" and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations." Please refer to the Deviation Discussion portion of the staff report for a more extensive examination of the deviations.**

**Rezone Findings:** *LDC Subsection 10.03.05.I. states*, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners…shall show that the planning commission has studied and considered proposed change in relation to the following when applicable" *(Staff's responses to these criteria are provided in bold font):*

*1. Whether the proposed change will be consistent with the goals, objectives, & policies of*

Attachment: Attachment C - PUD Findings (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

*the Future Land Use Map and the elements of the Growth Management Plan.*

**The zoning analysis provides an in-depth review of the proposed uses. Staff is of the opinion that the project as proposed is consistent with GMP FLUE Policy 5.4 requiring the project to be compatible with neighborhood development with the additional setback and buffering commitments provided by the petitioner. Therefore, staff recommends that this petition be deemed consistent with the GMP.**

*2. The existing land use pattern;*

**As described in the "Surrounding Land Use and Zoning" portion of this report and discussed in the zoning review analysis, the adjacent existing land use pattern is a mixture of residential uses to the north, across Wolfe Road and to the west and commercial uses to the south, across Mission Hills Boulevard. Uses to the east are separated by Collier Boulevard.**

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

**The proposed PUD rezone would not create an isolated zoning district because the subject property is already zoned PUD. Additionally, the zoning boundary mirrors the existing property ownership boundary.**

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

**Staff is of the opinion that the proposed district boundaries are logically drawn.**

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

**The proposed change is not necessary, *per se*; but it is being requested in compliance with the LDC provisions to seek such changes.**

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

**Staff is of the opinion that the proposed change, with the commitments made by the applicant, is consistent with the County's land use policies that are reflected by the Future Land Use Element (FLUE) of the GMP. Therefore, the proposed change should not adversely impact living conditions in the area.**

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

**The roadway infrastructure has adequate capacity to serve the proposed project at this time.**

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

**The proposed change should not create drainage or surface water problems because the LDC**

Attachment: Attachment C - PUD Findings (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**specifically addresses prerequisite development standards that are designed to reduce the risk of flooding on nearby properties. Additionally, the LDC and GMP have other specific regulations in place that will ensure review for drainage on new developments.**

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

**If this petition were approved, any subsequent development would need to comply with the applicable LDC standards for development or as outlined in the PUD document. This project's property development regulations do not indicate that exceedingly tall structures would be included in the project; therefore the project should not significantly reduce light and air to adjacent areas; thus the development proposed, if approved, should not negatively affect light and air permeation into adjacent areas.**

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

**This is a subjective determination based upon anticipated results, which may be internal or external to the subject property. Property valuation is affected by a host of factors including zoning; however zoning by itself may or may not affect values, since value determination is driven by market value. There is no guarantee that the project will be marketed in a manner comparable to the surrounding developments.**

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

**Properties around this property are already developed or developing now. Therefore, the proposed zoning change should not be a deterrent to the improvement of adjacent properties.**

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

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

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

**The property already has a PUD zoning designation and could be developed within the parameters of that zoning ordinance; however, the petitioner is seeking this rezone in compliance with LDC provisions for such action. The petition can be evaluated and action taken as deemed appropriate through the public hearing process. Staff believes the**

Attachment: Attachment C - PUD Findings (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**proposed rezone meets the intent of the PUD district and further, believes the public interest will be maintained.**

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

**As noted previously, the proposed rezone boundary follows the existing PUD zoning and property ownership boundary. The GMP is a policy statement which has evaluated the scale, density and intensity of land uses deemed to be acceptable throughout the urban-designated areas of Collier County. Staff is of the opinion that the development standards and the developer commitments will ensure that the project is not out of scale with the needs of the community.**

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

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

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

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

*17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance, as amended.*

**The project will have to meet all applicable criteria set forth in LDC Section 6.02.00 regarding Adequate Public Facilities and the project will need to be consistent with all applicable goals and objectives of the GMP regarding adequate public facilities, except as it may be exempt by federal regulations. This petition has been reviewed by county staff that is responsible for jurisdictional elements of the GMP as part of the amendment process and those staff persons have concluded that no Level of Service will be adversely impacted with the commitments contained in the PUD document.**

Attachment: Attachment C - PUD Findings (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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

Attachment: Attachment C - PUD Findings (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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# INSUBSTANTIAL CHANGE TO A PUD (PDI)

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

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

**PETITION NO**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

## APPLICANT CONTACT INFORMATION

**Name of Property Owner(s):** WE HAVE ARRIVED, LLC

**Name of Applicant if different than owner:** Pulte Home Company, LLC

**Address:** 24311 Walden Center Dr. Si **City:** Bonita Springs **State:** FL **ZIP:** 34109

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

**E-Mail Address:** patrick.butler@pultegroup.com

**Name of Agent:** Kenrick S. Gallander, AICP

**Firm:** RWA, Inc

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

**Telephone:** 239-597-0575 **Cell:** _____ **Fax:** _____

**E-Mail Address:** kgallander@consult-rwa.com

## DETAIL OF REQUEST

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



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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## PROPERTY INFORMATION

**PUD NAME:** Sonoma Oaks MPUD **ORDINANCE NUMBER:** 10-48
**FOLIO NUMBER(S):** 00203280009

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

Attach on a separate sheet, a written description of the map or text change. See attached Project Narrative.

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

If no, please explain: _____

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

If yes, in whose name? _____

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

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

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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## Pre-Application Meeting and Final Submittal Requirement Checklist for: PUD Insubstantial Change Chapter 3 G.3 of the Administrative Code

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

| REQUIREMENTS FOR REVIEW | # OF COPIES | REQUIRED | NOT REQUIRED |
|---|---|---|---|
| Completed Application (download current form from County website) | 1 | ☒ | |
| Pre-Application Meeting notes Pre-Application Meeting waived. | 1 | ☐ | ☑ |
| Project Narrative, including a detailed description of proposed changes and why amendment is necessary | 1 | ☑ | ☐ |
| Detail of request | 1 | ☒ | |
| Current Master Plan & 1 Reduced Copy | 1 | ☒ | |
| Revised Master Plan & 1 Reduced Copy No changes proposed. | 1 | ☒ | |
| Revised Text and any exhibits | ☐ | ☐ | ☑ |
| PUD document with changes crossed through & underlined | ☐ | ☑ | ☐ |
| PUD document as revised with amended Title Page with Ordinance # | ☐ | ☑ | ☐ |
| Warranty Deed | ☐ | ☑ | ☐ |
| Legal Description | 1 | | ☐ |
| Boundary survey, if boundary of original PUD is amended | ☐ | ☐ | ☑ |
| If PUD is platted, include plat book pages | ☐ | ☐ | ☑ |
| List identifying Owner & all parties of corporation | 1 | ☑ | ☐ |
| Affidavit of Authorization, signed & notarized | 1 | ☒ | |
| Completed Addressing Checklist | 1 | ☒ | |
| Property Ownership Disclosure Form | 1 | ☒ | |
| Copy of 8 ½ in. x 11 in. graphic location map of site | 1 | ☑ | ☐ |
| Electronic copy of all documents and plans<br>*Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format. | ☐ | ☑ | ☐ |
| ***If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement.** | | | |

**ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:**

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

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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

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

## FEE REQUIREMENTS

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

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

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

*All checks payable to: Board of County Commissioners.*

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

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

Kenrick Gallander Digitally signed by Kenrick Gallander Date: 2021.08.12 17:03:04 -04'00'

Agent/Owner Signature _____ Date

Applicant/Owner Name (please print)



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# The Sonoma Oaks MPUD

## Insubstantial Change to A PUD (PDI)

Project Narrative and Detail of Request

October 6, 2021

**Background:**

This is a proposed amendment, utilizing the PUD Insubstantial Change (PDI) Application process, to the existing Sonoma Oaks MPUD approved December 14th, 2010 (Ordinance No. 10-48). The existing MPUD allows a maximum of 120,000 square feet of commercial development and a maximum of 114 residential dwelling units. The overall subject property remains undeveloped and is generally located to the west side of Collier Blvd between Wolfe Road and Loop Road in Section 34, Township 48 south, Range 26 East, Collier County. The MPUD is designated Urban Residential Subdistrict on the Future Land Use Map of the Collier County Growth Management Plan.

**Request:**

This PDI petition is requested to address the following modification to the approved Sonoma Oaks MPUD:

1. Amend Exhibit B-1 in the PUD Document deleting reference to "PER UNIT" within the Minimum Lot Area standard. This amendment was deemed appropriate after coordination and guidance from staff based on their comment regarding lot dimensions.
2. Amend Exhibit B-1 in the PUD Document changing the Minimum Lot Width for Single Family (Attached and Detached) for single family attached only from 35 feet to 24 feet, per footnote 6 as proposed.
3. Amend Exhibit B-1 in the PUD Document changing the Minimum Rear Setback for Single Family (Attached and Detached) for single family attached only from 15 feet to 10 feet, per footnote 6 as proposed.
4. A footnote (number 6) clarifying that the proposed amended standards for minimum lot width and minimum rear setback for Single Family (Attached and Detached) do not apply to single family detached dwellings.

**LDC Section 10.02.13.E.1 Compliance:**

The following analysis identifies that the proposed request does not meet the PUD substantial change criteria per LDC Section 10.02.13.E.1:

*a. A proposed change in the boundary of the PUD;*

**The PUD boundary has not changed.**



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

**There is no increase in the total number of approved dwelling units (114).**

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

**There is no proposed decrease to the existing approved preservation, conservation, recreation, or open space areas.**

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

**There is no proposed increase in the size of areas used for nonresidential uses within the Sonoma Oakes MPUD.**

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

**There is no increase to the existing approved impacts of the proposed development. Density and unit count remain consistent with Ordinance No. 10-48.**

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

**No change is proposed that will result in land use activities that generate a higher level of vehicular traffic. The land use activities proposed remain consistent with those approved under Ordinance No. 10-48.**

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

**Based on the conceptual nature of the master plan and the proposed changes, there will be no reduction in impervious surfaces, there will be no need to increase stormwater retention, and lastly stormwater discharges will not increase.**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)



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

**There is no change proposed that will bring about a relationship to an abutting land use that would be incompatible with an adjacent land use. The proposed residential land uses remain compatible with the residential uses adjacent to the subject property.**

i. *Any modification to the PUD master plan or PUD document or amendment to a PUD ordinance which is inconsistent with the Future Land Use Element or other element of the Growth Management Plan or which modification would increase the density or intensity of the permitted land uses;*

**There is no proposed modification or change to the density or intensity of the permitted land uses. The number of proposed dwelling units remains at 114.**

**The Sonoma Oaks MPUD remains compatible and complementary to the existing and future surrounding land uses as required in Policy 5.6 of the Growth Management Plan's (GMP) Future Land Use Element (FLUE). The proposed residential lot width change from 35 feet to 24 feet and rear setback change from 15 feet to 10 feet specifically for single-family attached dwellings as outlined in the proposed amended Exhibit B-1 of the PUD Document do not negatively impact the proposed development's compatibility to the surrounding residential land uses. Compatibility for the project is achieved through maintaining the proposed land use tracts as depicted on the approved PUD master plan, the placement and maintenance of buffers, and the proposed development standards.**

j. *The proposed change is to a PUD district designated as a development of regional impact (DRI) and approved pursuant to F.S. § 380.06, where such change requires a determination and public hearing by Collier County pursuant to F.S. § 380.06(19). Any change that meets the criterion of F.S. § 380.06(19)(e)2, and any changes to a DRI/PUD master plan that clearly do not create a substantial deviation shall be reviewed and approved by Collier County under this LDC section 10.02.13; or*

**This criterion is not applicable as the Sonoma Oaks MPUD is not a "development of regional impact (DRI) and approved pursuant *to F.S. § 380.06.*, and the proposed modifications/amendment do not meet the criterion of *F.S. § 380.06(19)(e)2.***

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

**Based on the analysis of the criteria described above that establishes "substantial modification" per LDC Section 10.02.13.E.1, there is no modification proposed that is deemed substantial.**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)



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COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION
www.colliergov.net

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

# ADDRESSING CHECKLIST

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

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

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

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

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

See attached. 34-48-26

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

00203280009

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

West side of Collier Blvd between Wolfe Road and Loop Road

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

PROPOSED PROJECT NAME *(if applicable)*

Sonoma Oaks (Existing)

PROPOSED STREET NAMES *(if applicable)*

TBD

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

SDP___-____ or AR or PL # 20190002811

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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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)

N/A

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

**Applicant Name:** Kenrick S. Gallander, AICP

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

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

**FOR STAFF USE ONLY**

**Folio Number** 00203280009

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Approved by:** _____ **Date:** 7/26/21

**Updated by:** _____ **Date:** _____

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

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)





EWA ENGINEERING
6610 Willow Park Drive, Suite 200 / Naples, Florida 34109
(239) 597-0275 / FAX: (239) 597-0278
www.ewaengineering.com
Florida Certificate of Authorization EB 7663 / LB6952


SONOMA OAKS

LOCATION MAP

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER, LYING IN SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34;
THENCE N.89°49'46"W., ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, FOR 1,321.20 FEET TO THE INTERSECTION OF THE EAST LINE OF BLACK BEAR RIDGE – PHASE 1, RECORDED IN PLAT BOOK 43, PAGES 89 THROUGH 92, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;
THENCE S.02°16'18"E., ALONG SAID EAST LINE, FOR 30.03 FEET TO THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5273, PAGES 2488 THROUGH 2490, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE S.89°49'46"E., ALONG SAID SOUTH LINE, FOR 326.80 FEET;
THENCE S.80°14'19"E., ALONG SAID SOUTH LINE, FOR 300.10 FEET TO THE SOUTHWEST CORNER OF PARCEL 133B, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3902, PAGES 2677 THROUGH 2679, OF SAID PUBLIC RECORDS;
THENCE S.89°52'50"E., ALONG THE SOUTH LINE OF SAID PARCEL 133B, FOR 281.76 FEET TO A POINT OF CUSP;
THENCE SOUTHWESTERLY 40.34 FEET ALONG THE ARC OF A NON–TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 92°27'09" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.43°58'12"W. FOR 36.10 FEET;
THENCE S.02°15'22"E., FOR 609.72 FEET TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY 101.96 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET THROUGH A CENTRAL ANGLE OF 58°25'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.26°57'03"W. FOR 97.60 FEET;
THENCE S.56°09'37"W., FOR 68.05 FEET TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY 90.37 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET THROUGH A CENTRAL ANGLE OF 43°08'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.34°35'16"W. FOR 88.25 FEET;
THENCE S.13°00'49"W., FOR 264.47 FEET TO A POINT OF CURVATURE;
THENCE SOUTHEASTERLY 124.98 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 475.00 FEET THROUGH A CENTRAL ANGLE OF 15°04'32" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.05°28'32"W. FOR 124.62 FEET;
THENCE S.02°03'44"E., FOR 17.94 FEET TO A POINT OF CURVATURE;
THENCE SOUTHEASTERLY 38.64 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET THROUGH A CENTRAL ANGLE OF 88°33'23" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.45°33'05"E. FOR 34.91 FEET TO A POINT OF CUSP AND THE NORTH LINE OF MISSION HILLS SHOPPING CENTER, AS RECORDED IN PLAT BOOK 41, PAGES 26 THROUGH 29, OR SAID PUBLIC RECORDS;
THENCE N.89°49'45"W, ALONG SAID NORTH LINE, FOR 654.66 FEET TO THE EAST LINE OF THE AFORESAID BLACK BEAR RIDGE – PHASE 1;
THENCE N.02°16'18"W., ALONG SAID EAST LINE, FOR 1,308.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 1,021,139 SQUARE FEET OR 23.44 ACRES, MORE OR LESS.

November 9, 2020 11:46 AM K:\2018\180146.00.04 Sonoma Oaks Lot Split\0002 Sketch And Legal Descriptions\Rev04\02 SD.dwg

NOTES:
1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FLORIDA ZONE EAST (NAD 83/2011) WHERE THE NORTH LINE OF THE SE 1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEARS S89°49'46"W.

DENNIS A. MILLER DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS 5626
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

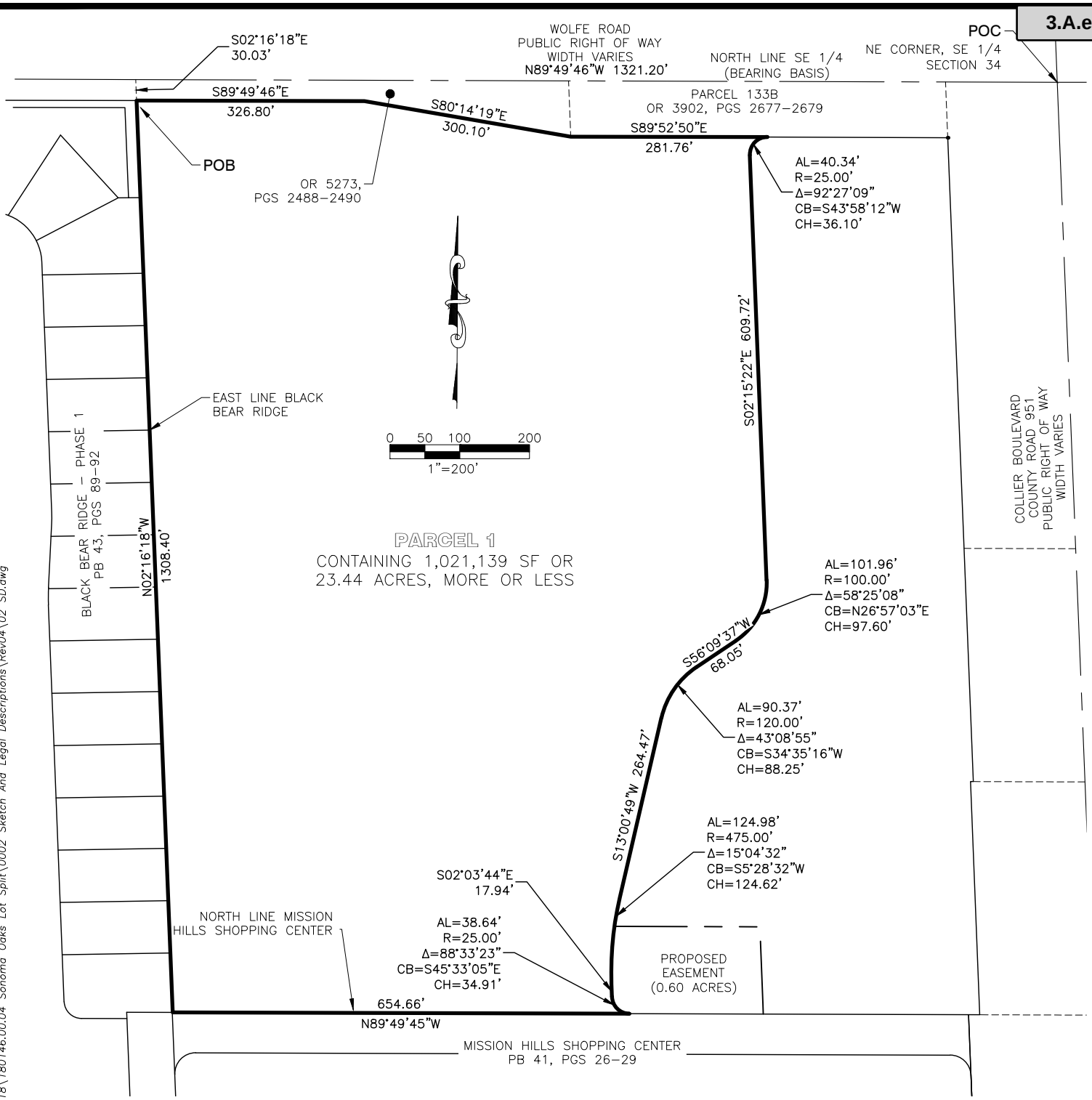
PARCEL 1
LEGAL DESCRIPTION

SECTION, 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA

RWA ENGINEERING
6610 Willow Park Drive, Suite 2
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578
LB No.: 6952

| JOB NUMBER | REVISION | SECTION | TOWNSHIP | RANGE | SCALE | DATE | DRAWN BY | FILE NAME | SHEET |
|---|---|---|---|---|---|---|---|---|---|
| 180146.00.04 | 00 | 34 | 48 S | 26 E | NA | 10/27/20 | NJM | 02 SD P1 | |

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)




LEGEND

| | | |
|---|---|---|
| AL | = | ARC LENGTH |
| CH | = | CHORD LENGTH |
| CB | = | CHORD BEARING |
| INST | = | INSTRUMENT NUMBER |
| OR | = | OFFICIAL RECORDS BOO |
| PG | = | PAGE |
| POC | = | POINT OF COMMENCEME |
| POB | = | POINT OF BEGINNING |
| R | = | RADIUS |
| SF | = | SQUARE FEET |
| Δ | = | DELTA ANGLE |

NOTES:
1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FLORIDA ZONE EAST (NAD 83/2011) WHERE THE NORTH LINE OF THE SE 1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEARS S89°49'46"W.

November 9, 2020 11:46 AM K:\2018\180146.00.04 Sonoma Oaks Lot Split\0002 Sketch And Legal Descriptions\Rev04\02 SD.dwg

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# PARCEL 1
# SKETCH OF DESCRIPTION

SECTION, 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA

RWA ENGINEERING
6610 Willow Park Drive, Suite 2
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578
LB No.: 6952

| JOB NUMBER | REVISION | SECTION | TOWNSHIP | RANGE | SCALE | DATE | DRAWN BY | FILE NAME | SHEET |
|---|---|---|---|---|---|---|---|---|---|
| 180146.00.04 | 00 | 34 | 48 S | 26 E | 1"=200' | 10/27/20 | NJM | 02 SD P1 | |





EWA ENGINEERING
6610 Willow Park Drive, Suite 200 / Naples, Florida 34109
(239) 597-0275 / FAX: (239) 597-0278
www.ewaengineering.com
Florida Certificate of Authorization EB 7663 / LB6952


SONOMA OAKS

LOCATION MAP

INSTR 5558691 OR 5511 PG 2775 RECORDED 5/21/2018 9:41 AM PAGES 3
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $38,727.50 REC $27.00
CONS $5,532,500.00



This instrument was prepared
without opinion of title by:
William J. Dempsey
Cheffy Passidomo, P.A.
821 Fifth Avenue South
Naples, Florida 34102
(239) 261-9300

File Number: 10378-0007
Consideration: $5,532,500.00

NOT A CERTIFIED COPY

# General Warranty Deed

THIS GENERAL WARRANTY DEED, made this 17th of May, 2018, by **Voila II, LLC, a Florida limited liability company,** whose address is C/O Mark Guay, Bessemer Trust, Two International Place, Suite 2220, Boston, MA 02110, hereinafter called the "grantor", to **We Have Arrived, LLC, a Florida limited liability company**, whose post office address is 11220 Metro Parkway, Suite 27, Fort Myers, Florida 33966, hereinafter called the "grantee":

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth,** that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Collier County, Florida, viz:

See Exhibit "A" attached hereto and incorporated herewith

Parcel ID Numbers: 00203280009, 00204520001, 00203680007 and 00204781109

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes for the year 2018 and subsequent years, zoning, building code and other use restrictions imposed by governmental authority, restrictions, reservations and easements common to the subdivision, and outstanding oil, gas and mineral interests of record, if any.

**(remainder of page intentionally left blank)**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**In Witness Whereof,** the said grantor has signed and sealed these presents the day and year first above written.

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

Beth Oceper
Witness Printed Name Beth Oceper

Jane Rutter
Witness Printed Name Jane Richter

**Voila II, LLC, a Florida limited liability company**

By: DRAX 951, LLC, a Florida limited liability company, its Managing Member

By: The Von Liebig Office, Inc., a Delaware Corporation, its Manager

By: Bessemer Trust Company of Florida, a Florida corporation, its authorized signatory

By: _____ (Seal)
Mark P. Guay, Senior Vice President

State of Florida
County of Palm Beach

The foregoing instrument was acknowledged and witnessed before me this 11 day of May, 2018, by Mark P. Guay, Senior Vice President of Bessemer Trust Company of Florida, a Florida corporation, as authorized signatory of The Von Liebig Office, Inc., a Delaware Corporation, as the Manager of DRAX 951, LLC, a Florida limited liability company, as the Managing Member of Voila II, LLC, a Florida limited liability company, who is personally known to me or who has produced _____ as identification.

I am a commissioned notary public in the State of FL and my commission expires 10-22-2020.

Amber J Wilson
**Notary Public**

**Print Name:** Amber J Wilson

**(Notary Seal)**

AMBER J. WILSON
MY COMMISSION EXPIRES
OCTOBER 22, 2020
GG 028206
Bonded thru
Troy Fain Insurance
NOTARY PUBLIC, STATE OF FLORIDA

NOT A CERTIFIED COPY

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT "A"**

Parcel 1:

The North ½ of the Northeast ¼ of the Southeast ¼ of Section 34, Township 48 South, Range 26 East, Collier County, Florida, less and except the East 100 feet thereof and also less and except those land conveyed to Collier County in Deed recorded in Official Records Book 3902, Page 2677, Public Records of Collier County, Florida, and less and except the following described lands: Commencing at the East quarter corner of Section 34, Township 48 South, Range 26 East, Collier County, thence run along the south line of the northeast quarter of said Section 34 North 89°51'32" West a distance of 699.99 feet to the point on the northwest corner of the lands described in Official Records Book 3902, Page 2677 and the Point of Beginning of parcel herein described, thence run along the west line of said lands, South 02°16'32" East a distance of 80.07 feet; thence run North 80°16'05" West a distance of 300.10 feet; thence run North 89°51'32" West a distance of 327.68 feet to the southeast corner of Tract A-3 Black Bear Ridge-Phase I at Plat Book 43, Pages 89 through 92, Public Records of Collier County, Florida; thence run along the east line of said Tract A-3 North 02°14'34" West a distance of 30.03 feet to a point on the aforementioned south line of the northeast quarter of said Section 34; thence run along said south line, South 89°51'32" East a distance of 621.45 feet to the Point of Beginning.

Parcel 2:

The North ½ of the South ½ of the Northeast ¼ of the Southeast ¼ of Section 34, Township 48 South, Range 26 East, Collier County, Florida less and except the east 100 feet thereof and also less and except those land conveyed to Collier County in Deed recorded in Official Records Book 3902, Page 2680, Public Records of Collier County, Florida.

Parcel 3:

The South ½ of the South ½ of the Northeast ¼ of the Southeast ¼ of Section 34, Township 48 South, Range 26 East, Collier County, Florida, less and except the east 100 feet thereof and also less and except the following described lands: A portion of the South ½ of the South ½ of the Northeast ¼ of the Southeast ¼ of Section 34, Township 48 South, Range 25 East, and being a portion of those lands described in Official Records Book 2107, Page 1174, of the Official Records of Collier County, Florida, being more particularly described as follows: Commencing at the East ¼ corner of Section 34, Township 48 South, Range 26 East, thence North 89°51'33" West, along the north line of the Southeast ¼ of said Section 34 a distance of 100.09 feet to its intersection with the westerly right of way line of County Road 951 (Collier Boulevard); thence South 02°16'01" East along said right of way line a distance of 1,004.15 feet to the Point of Beginning; thence continue South 02°16'01" East along said line a distance of 334.72 feet to its intersection with the south line of the South ½ of the South ½ of the Northeast ¼ of the Southeast ¼ of said Section 34; thence North 89°49'11" West along said south line a distance of 64.06; thence North 02°16'01" West a distance of 334.71 to the intersection with the north line of the South ½ of the South ½ of the Northeast ¼ of the Southeast ¼ of said Section 34; thence South 89°49'47" East along said north line a distance of 64.06 feet to the Point of Beginning.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)






# Detail by Entity Name

Florida Limited Liability Company
WE HAVE ARRIVED, LLC

## Filing Information

| | |
|---|---|
| **Document Number** | L18000085355 |
| **FEI/EIN Number** | 82-5141885 |
| **Date Filed** | 04/04/2018 |
| **Effective Date** | 04/04/2018 |
| **State** | FL |
| **Status** | ACTIVE |
| **Last Event** | LC AMENDMENT |
| **Event Date Filed** | 09/21/2018 |
| **Event Effective Date** | NONE |

## Principal Address

4215 EAST 60TH ST
SUITE #6
DAVENPORT, IA 52807

## Mailing Address

4215 E. 60TH ST. #6
DAVENPORT, IA 52807

Changed: 08/24/2018

## Registered Agent Name & Address

BOLANOS TRUXTON PA
12800 UNIVERSITY DR
SUITE 350

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

FORT MYERS, FL 33907

## Authorized Person(s) Detail

**Name & Address**

Title MGR

SEITZ, A JEFFREY
4215 EAST 60TH ST, SUITE #6
DAVENPORT, IA 52807

Title VP

MULLARKEY, PETE
4215 E. 60TH ST. #6
DAVENPORT, IA 52807

## Annual Reports

| Report Year | Filed Date |
|---|---|
| 2019 | 03/21/2019 |
| 2020 | 06/04/2020 |
| 2021 | 03/30/2021 |

## Document Images

| | |
|---|---|
| 03/30/2021 -- ANNUAL REPORT | View image in PDF format |
| 06/04/2020 -- ANNUAL REPORT | View image in PDF format |
| 03/21/2019 -- ANNUAL REPORT | View image in PDF format |
| 09/21/2018 -- LC Amendment | View image in PDF format |
| 04/04/2018 -- Florida Limited Liability | View image in PDF format |

Previous On List Next On List Return to List

WE HAVE ARRIVED, LLC
Search

Events **No Name History**



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF COLLIER, LYING IN SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

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THENCE S.02°15'22"E., FOR 609.72 FEET TO A POINT OF CURVATURE;
THENCE SOUTHWESTERLY 101.96 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET THROUGH A CENTRAL ANGLE OF 58°25'08" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.26°57'03"W. FOR 97.60 FEET;
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THENCE N.89°49'45"W, ALONG SAID NORTH LINE, FOR 654.66 FEET TO THE EAST LINE OF THE AFORESAID BLACK BEAR RIDGE – PHASE 1;
THENCE N.02°16'18"W., ALONG SAID EAST LINE, FOR 1,308.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 1,021,139 SQUARE FEET OR 23.44 ACRES, MORE OR LESS.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

September 21, 2021 2:09 PM K:\2018\180015.00.02 Sonoma Oaks Parcel 1\20 Boundary Survey\Ref\02 SD-Rev01.dwg

NOTES:
1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FLORIDA ZONE EAST (NAD 83/2011) WHERE THE NORTH LINE OF THE SE 1/4 OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEARS S89°49'46"W.

9/21/21

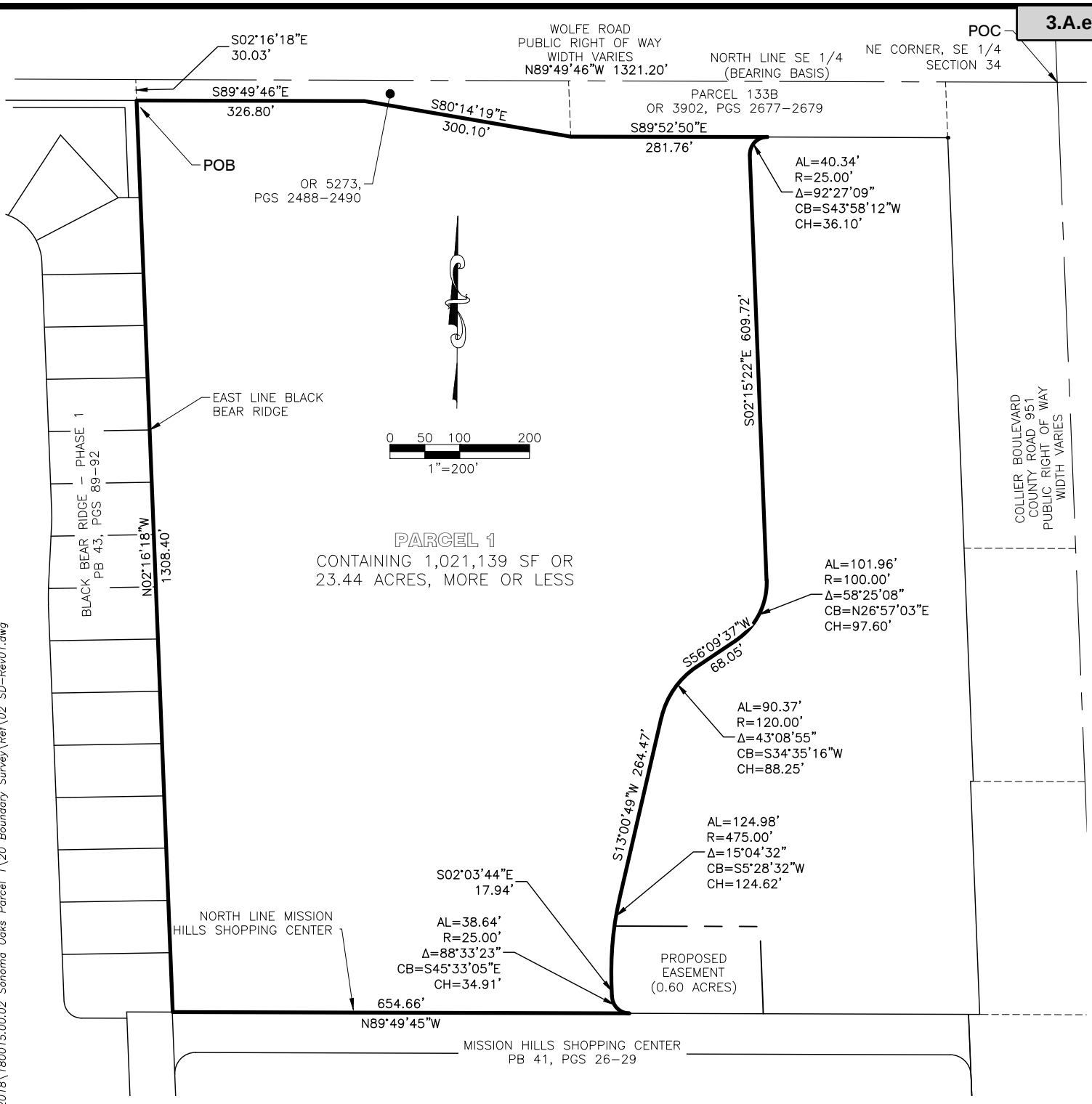
MICHAEL A. WARD DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS 5301
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSEI SURVEYOR AND MAPPER.

PARCEL 1
LEGAL DESCRIPTION

SECTION, 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA

RWA ENGINEERING
6610 Willow Park Drive, Suite 2
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578
LB No.: 6952

| JOB NUMBER | REVISION | SECTION | TOWNSHIP | RANGE | SCALE | DATE | DRAWN BY | FILE NAME | SHEET |
|---|---|---|---|---|---|---|---|---|---|
| 180015.00.02(20) | 01 | 34 | 48 S | 26 E | NA | 09/21/21 | WF | 02 SD | |




LEGEND

| | | |
|---|---|---|
| AL | = | ARC LENGTH |
| CH | = | CHORD LENGTH |
| CB | = | CHORD BEARING |
| INST | = | INSTRUMENT NUMBER |
| OR | = | OFFICIAL RECORDS BOO |
| PG | = | PAGE |
| POC | = | POINT OF COMMENCEME |
| POB | = | POINT OF BEGINNING |
| R | = | RADIUS |
| SF | = | SQUARE FEET |
| Δ | = | DELTA ANGLE |

# PARCEL 1
# SKETCH OF DESCRIPTION

SECTION, 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA

RWA ENGINEERING
6610 Willow Park Drive, Suite 2
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578
LB No.: 6952

| JOB NUMBER | REVISION | SECTION | TOWNSHIP | RANGE | SCALE | DATE | DRAWN BY | FILE NAME | SHEET |
|---|---|---|---|---|---|---|---|---|---|
| 180015.00.02(20) | 01 | 34 | 48 S | 26 E | 1"=200' | 09/21/21 | WF | 02 SD | |

September 21, 2021 2:09 PM K:\2018\180015.00.02 Sonoma Oaks Parcel 1\20 Boundary Survey\Ref\02 SD-Rev01.dwg

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

**Please complete the following, use additional sheets if necessary.**

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

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

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 D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

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

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

| Name and Address | % of Ownership |
|---|---|
| We Have Arrived, LLC is a Florida limited liability company | |
| Member list is attached hereto. | |
| | |

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 |
|---|---|
| PULTE HOME COMPANY, LLC | 100 |
| A DIVISION of PULTEGROUP, INC. | |
| 3350 PEACHTREE ROAD NORTHEAST, SUITE 150 | |
| ATLANTA, GA 30326 | |
| "PUBLICY TRADED" | |

**Date of Contract:** 07/19/2021

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

| Name and Address |
|---|
| |
| |
| |
| |
| |

g. Date subject property acquired _____

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

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



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

**Date of option:** _____

**Date option terminates:** _____, or

**Anticipated closing date:** _____

## AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

A. Jeffrey Seitz
Agent/Owner Signature

08/02/2021
Date

A. Jeffrey Seitz, Manager
Agent/Owner Name (please print)



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

| Member List – We Have Arrived, LLC, a Florida limited liability company | Percentage of Ownership |
|---|---|
| Our Oaks Land, LLC, a Florida limited liability company | 4.250% |
| Gunther Reese and Joan M. Reese, Co-Trustees of the Gunther Reese Revocable Trust dated April 8, 2005 | 9.238% |
| Joan M. Reese, Co-Trustee of the Gunther Reese Irrevocable Trust for the benefit of James A. Reese dated December 20, 1984 | 3.360% |
| Joan M. Reese, Co-Trustee of the Gunther Reese Irrevocable Trust for the benefit of Carol Anne Reese dated December 20, 1984 | 3.360% |
| Joan M. Reese, Co-Trustee of the Gunther Reese Irrevocable Trust for the benefit of Michelle Reese dated December 20, 1984 | 3.360% |
| Joan M. Reese, Co-Trustee of the Gunther Reese Irrevocable Trust for the benefit of Danielle Reese dated December 20, 1984 | 3.360% |
| Idelson Ventures 1, LLC, a Florida limited liability company | 22.678% |
| Advance Florida Properties, LLC, a Florida limited liability company | 50.394% |
| Total | 100.00% |

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**Member List – Additional Information**

1. Our Oaks Land LLC, a Florida limited liability company
    - Retland Holdings, LLC
        - MGRS:

            Kristi L. Denny
            6810 International Center Blvd.
            Fort Myers, FL 33912

            Randy Thibaut
            6810 International Center Blvd.
            Fort Myers, FL 33912

    - Rollins Fruit Company, Inc.
        - President:

            ROLLINS, Jr., William H
            18341 Hunters Glen Road
            North Fort Myers, FL 33917

        - Vice President:

            ROLLINS, Sharon E
            18341 Hunters Glen Road
            North Fort Myers, FL 33917

    - Midland Trust Company as Custodian FBO Kristi Denny
    - Midland Trust Company as Custodian FBO Susan Janeen Jones
    - Midland Trust Company as Custodian FBO Melissa A. Ward
    - Randy Thibaut Trustee of the Noelle Bloomfield Trust dated 4/16/14
    - Randy Thibaut Trustee of the Justin Thibaut Trust dated 4/16/14
    - Kent Lorenz
    - MNFL 1, LLC
        - MGRS:

            Bloomfield, Matthew J
            6810 International Center Blvd.
            Fort Myers, FL 33912

            Bloomfield, Noelle D
            6810 International Center Blvd.
            Fort Myers, FL 33912

    - Ronald E. Inge, Trustee of the Ronald E. Inge Revocable Trust, as amended and restated on Oct. 12, 2006

2. Idelson Ventures 1 LLC, a Florida limited liability company
    - Mimi Idelson Weinberg Irrev Trust
    - Rachel Wallack Irrev Trust
    - Mark Weinberg Irrev Trust
    - Jay Weinberg Irrev Trust

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**Member List – Additional Information**

- Illeanna Ideslon Irrev Trust
- Jennifer Idelson Irrev Trust
- Monica Idelson Irrev Trust
- Cory Weinberg Irrev Trust
- Robyn Weinberg Irrev Trust
- Dov Wallack Irrev Trust
- Issac Wallack Irrev Trust
- Joanna Chaya Wallack Irrev
- Lauren Nichole Weinberg
- Alexander Weinberg Irrev Trust
- Karil Lora Weinberg Irrev Trust
- Steele Idelson Irrev Trust
- Charles Idelson Trust
- Dalilah Digiacinto Irrev Trust
- Darrbe Kenneth Idelson Irrev Trust
- Sutton Joseph Idelson Irrev Trust

3. Advance Florida Properties LLC, a Florida limited liability company
    - Is a single member disregarded LLC, with the sole LLC member being: Advance Homes, Inc., an Iowa Corporation.
    - A. Jeffrey Seitz is the Manager of Advance Florida Properties, but he is not an actual member of the LLC

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**From:** BellowsRay
**To:** Ken Gallander
**Cc:** Blake Finnegan
**Subject:** RE: Pre-app meeting waiver?
**Date:** Thursday, July 29, 2021 3:01:34 PM
**Attachments:** image002.png
image005.png
oledata.mso

---

Good afternoon,

The preapplication meeting has been waived since the proposed change to the PUD document is minimal.

Respectfully,

*Ray*

Raymond V. Bellows, Zoning Manager
Zoning Division - Zoning Services Section
Growth Management Department
Telephone: 239.252.2463; Fax: 239.252.6350
*Exceeding expectations, every day!*

*Tell us how we are doing by taking our Zoning Division Survey at* https://goo.gl/eXjvqT.

---

**From:** Ken Gallander <kgallander@consult-rwa.com>
**Sent:** Tuesday, July 27, 2021 4:25 PM
**To:** BellowsRay <Ray.Bellows@colliercountyfl.gov>
**Cc:** Blake Finnegan <BFinnegan@consult-rwa.com>
**Subject:** FW: Pre-app meeting waiver?

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

Hi Ray,

We are working on the PDI petition to the Sonoma Oaks MPUD that I briefly talked with you last week about. Our request is to amend Exhibit B-1 in the PUD Document changing the Minimum Lot Width for Single-family (attached and detached) from 35 feet to 24 feet.

Do you believe it is necessary to have a pre-app meeting for this PDI or can we have it waived?

Thank you!
Ken

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**Ken Gallander, AICP**
Director of Planning
**OFFICE** | 239.597.0575
**CELL** | 850.803.5621
**EMAIL** | KGallander@consult-rwa.com

***RWA IS GOING TO SUMMER HOURS!** From Memorial Day to Labor Day we're adjusting our schedules to get an early start to our weekends. Most of us will be off on Friday afternoons; however, we remain fully dedicated to our clients and colleagues and will accommodate your needs.

***RWA's FORT MYERS OFFICE HAS MOVED!** In order to accommodate continued growth and create a little more elbow room for employees and guests,
RWA has relocated to 12800 University Drive, Suite 175, Fort Myers, FL 33907.

---

**From:** ThomasClarkeVEN <Thomas.Clarke@colliercountyfl.gov>
**Sent:** Tuesday, July 27, 2021 9:13 AM
**To:** Ken Gallander <kgallander@consult-rwa.com>
**Cc:** Blake Finnegan <BFinnegan@consult-rwa.com>; BellowsRay <Ray.Bellows@colliercountyfl.gov>
**Subject:** RE: Pre-app meeting waiver?

Hi Ken,

You can set up the petition on-line as normal so we have a PL number. They email Ray Bellows and let him know which project/petition you are requesting the waiver for and why. You can also call Ray directly and go over the request with him beforehand, if the waiver is the determining factor for accepting the project.

*Thomas Clarke*
**Operations Analyst - Zoning Division**
**2800 North Horseshoe Drive, Naples, FL 34104**
**Phone: 239-252-2526**
*Tell us how we are doing by taking our Zoning Division Survey at* http://bit.ly/CollierZoning

Collier County
*Exceeding Expectations Everyday*

---

**From:** Ken Gallander <kgallander@consult-rwa.com>
**Sent:** Tuesday, July 27, 2021 8:34 AM
**To:** ThomasClarkeVEN <Thomas.Clarke@colliercountyfl.gov>

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**Cc:** Blake Finnegan <BFinnegan@consult-rwa.com>
**Subject:** Pre-app meeting waiver?

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.

Thomas,

Is there a process to request a pre-app waiver?

Thank you!

**Ken Gallander, AICP**
Director of Planning
**OFFICE** | 239.597.0575
**CELL** | 850.803.5621
**EMAIL** | KGallander@consult-rwa.com

***RWA IS GOING TO SUMMER HOURS!** From Memorial Day to Labor Day we're adjusting our schedules to get an early start to our weekends. Most of us will be off on Friday afternoons; however, we remain fully dedicated to our clients and colleagues and will accommodate your needs.

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RWA has relocated to 12800 University Drive, Suite 175, Fort Myers, FL 33907.

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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 - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20190002811 and PL20210001887

I, A. Jeffrey Seitz (print name), as Manager (title, if applicable) of We Have Arrived, LLC (company, if applicable), swear or affirm under oath, that I am the (choose one) ✓ owner ____ applicant ____ contract purchaser and that:

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

A. Jeffrey Seitz
**Signature**

08/02/2021 01:53 PM CDT
**Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 08/02/2021 (date) by (name of person providing oath or affirmation), as A. Jeffrey Seitz who is personally known to me or who has produced _____ (type of identification) as identification.

**STAMP/SEAL**

NOTARIAL SEAL · IOWA ·
**PETER F. MULLARKEY**
Commission Number 783403
My Commission Expires
03/31/2023

Peter F Mullarkey 08/02/2021 01:55 PM CDT
**Signature of Notary Public**

Online Notary Public.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20190002811 & PL2021000187

I, Mike Hueniken (print name), as Vice President of Land (title, if applicable) of Pulte Home Company, LLC. (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [ ] applicant [ ] contract purchaser [✓] and that:

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

*Notes:*

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

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

Michael Hueniken — **Signature**

8/30/21 — **Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 30th day of August, 2021, by (printed name of owner or qualifier) Michael Hueniken.

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: Jacqueline Kramer

JACQUELINE KRAMER
MY COMMISSION # HH 075076
EXPIRES: November 15, 2021
Bonded Thru Notary Public Underwriters

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

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# AFFIDAVIT

STATE OF FLORIDA
COUNTY OF COLLIER

We/I, We Have Arrived, LLC hereinafter referred to as "Applicant"), being first duly sworn, state(s) the following under the penalties of perjury:

Applicant is the owner of the property described herein and which is the subject matter of the proposed submittal; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of Applicant's knowledge and belief; and that if Applicant is not providing an attorney's opinion of title, that the information Applicant provided to the surveyor is sufficient to prepare an accurate boundary survey for this application, and is honest and true to the best of Applicant's knowledge and belief.

Applicant understands that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or County printed, shall not be altered. Applicant further understands that if Public Hearings are required, they will not be advertised until this application is deemed complete, and all required information has been submitted.

As the property owner, Applicant authorizes Pulte Home Company, LLC, to act as Applicant's representative in any matters regarding this application.

08/02/2021
02:06 PM CDT
Signature of Property Owner

Signature of Property Owner

A. Jeffrey Seitz, Manager
Typed or Printed Name of Owner

Typed or Printed Name of Owner

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this 2nd day of August, 2021, by (printed name of owner or qualifier)_____.

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

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

NOTARIAL SEAL · IOWA ·
PETER F. MULLARKEY
Commission Number 783403
My Commission Expires
03/31/2023

Online Notary Public.

Notary Signature: 08/02/2021 02:07 PM CDT

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Ordinance 2004-41, of the Collier County Land Development Code, I did cause the attached newspaper advertisement to appear and I did give notice by mail to the following property owners and/or condominium and civic associations whose members may be affected by the proposed land use changes of an application request for a rezoning, PUD amendment, or conditional use, at least 15 days prior to the scheduled Neighborhood Information Meeting. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change and the date, time, and place of a Neighborhood Information Meeting.

Per the attached letters, property owner's list, and copy of newspaper advertisement which are hereby made a part of this Affidavit of Compliance

(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 29TH day of OCTOBER, 2021 by KENDRICK GALLANOFF, who is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

*(Notary Seal)*

NOAH MEDEIROS
Printed Name of Notary

Notary Public State of Florida
Noah Medeiros
My Commission GG 921539
Expires 10/11/2023

G:\NIM Procedures/Affidavit Of Compliance - NIM Oct2010.Doc

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

ENGINEERING

October 7, 2021

***Subject:*** ***Neighborhood Information Meeting***
***Sonoma Oaks MPUD Planned Development Insubstantial Change (PDI) Application***
***(PL20210001887)***

Dear Property Owner:

Please be advised that a formal application has been submitted to Collier County seeking approval of a request to amend the existing Sonoma Oaks MPUD. The overall Sonoma Oaks MPUD subject property is 37.5 ± acres and is located to the west side of Collier Blvd between Wolfe Road and Loop Road in Section 34, Township 48 South, Range 26 East, Collier County, Florida.

The Petitioner is asking the County to address the following:

- Amend Exhibit B-1 in the PUD Document deleting reference to "PER UNIT" within the Minimum Lot Area standard.
- Amend Exhibit B-1 in the PUD Document changing the Minimum Lot Width for Single-family (attached and detached) from 35 feet to 24 feet.
- Amend Exhibit B-1 in the PUD Document changing the Minimum Rear Setback for Single-family (attached and detached) from 15 feet to 10 feet.

In compliance with the Land Development Code requirements, a Neighborhood Information Meeting (NIM) will be held to provide you an opportunity to become fully aware of our development intentions and to give you an opportunity to influence the form of development. **The Neighborhood Information Meeting will be held at 5:30pm on Tuesday, October 26, 2021, in the Main Building at the Naples Church located at 10910 Immokalee Rd., Naples, FL 34120.**

**Due to COVID-19, special accommodations will be made to allow people to attend in person or virtually.** The meeting will be held indoors where CDC guidelines will be observed. Reservations for in-person meeting attendance is required to ensure CDC guidelines can be met. The meeting will also be online via Zoom. Should you choose to either participate in the Zoom meeting or want to attend in-person, **please notify us via email at bfinnegan@consult-rwa.com prior to October 26, 2021,** to allow us to send you login instructions and document your reservation.

Should you have questions prior to the meeting, please also contact me via email at kgallander@consult-rwa.com or 239-597-0575.

Sincerely,
**RWA, Inc.**

Kenrick S. Gallander, AICP
Director of Planning
KSG/

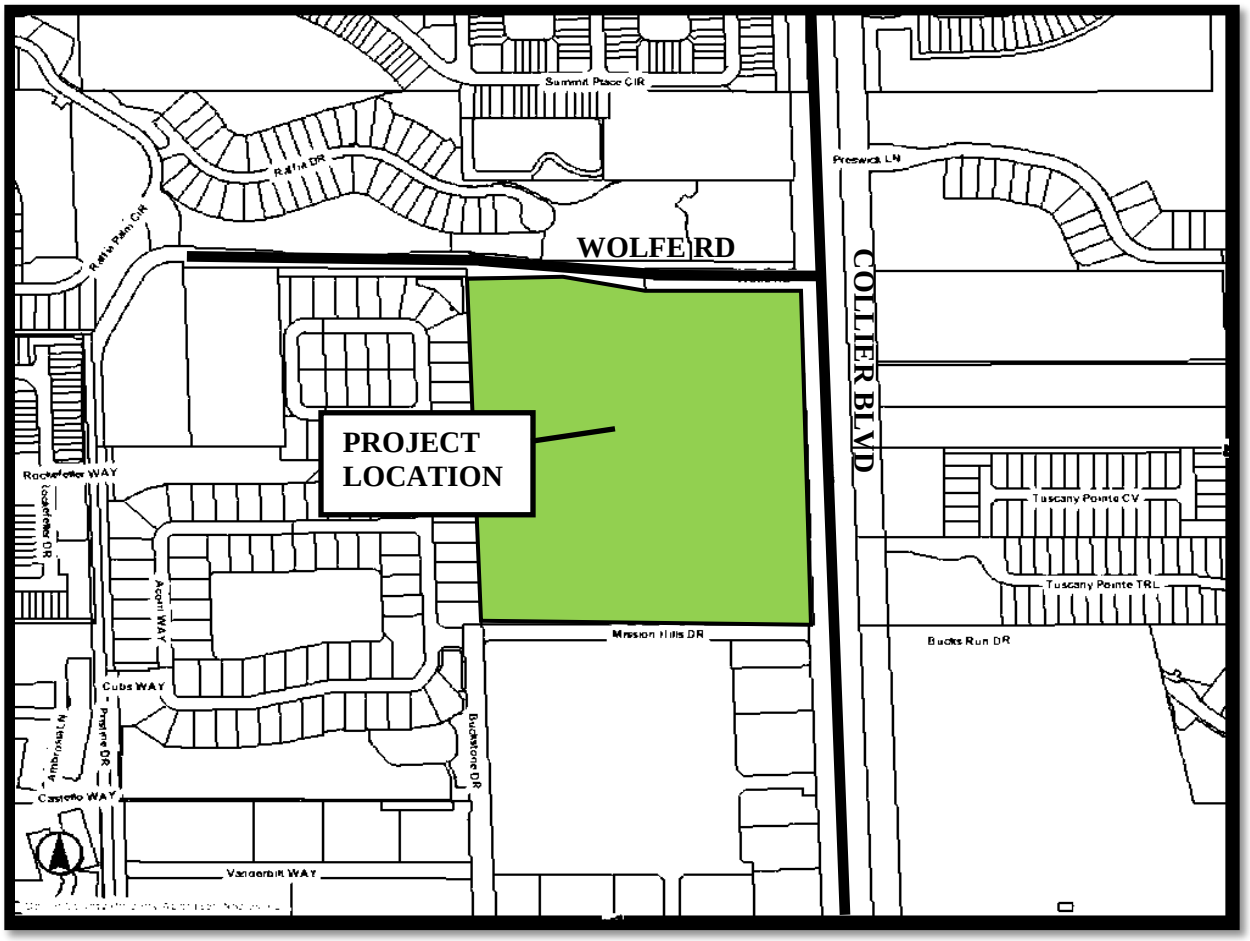


6610 Willow Park Drive Suite 200 Naples, FL 34109 | (239) 597-0575 | Fax (239) 597-0578
www.consult-rwa.com



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# Project Location Map




Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)



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

| Name | Address | NAME3 | NAME4 | City, Zip |
|---|---|---|---|---|
| 7236 ACORN WAY LAND TRUST | 7236 ACORN WAY | | | NAPLES, FL 34119---0 |
| 7259 ACO LLC | 12543 COLLIERS RESERVE DR | | | NAPLES, FL 34110---0 |
| 7-ELEVEN INC | % RYAN LLC | THREE GALLERIA TOWER | 13155 NOEL RD #100 LB73 | DALLAS, TX 75240---0 |
| ABRAMS FAMILY TRUST | 7213 ACORN WAY | | | NAPLES, FL 34119---0 |
| ADRAGNA, ANDREW & TARA J | 7231 ACORN WAY | | | NAPLES, FL 34119---9609 |
| AKERS, PATRICIA L | 7291 ACORN WAY | | | NAPLES, FL 34119---8091 |
| ALLERS, BRIAN CRAIG | LESLIE ANNE ALLERS | 7437 ACORN WAY | | NAPLES, FL 34119---0 |
| AVENUE O LLC | 104 S WYNSTONE PARK DRIVE | | | N BARRINGTON, IL 60016---0 |
| BLACK BEAR RIDGE PROPERTY | OWNERS ASSOCIATIOON INC | % CARDINAL PROPERTY MGMT | 4670 CARDINAL WAY STE 302 | NAPLES, FL 34112---0 |
| BORGIONE, JAMES V & TERESA M | 7442 ACORN WAY | | | NAPLES, FL 34119---0 |
| BOYCE, ERIC & DESIREA | LISA CRISTINE WEIL | 14301 TUSCANY POINTE COVE | | NAPLES, FL 34120---0 |
| BUTLER, TIMOTHY J | RUBY M MERIWEATHER | 7441 ACORN WAY | | NAPLES, FL 34119---0 |
| CAMEJO, ALEXANDER P & KACI M | 7239 ACORN WAY | | | NAPLES, FL 34119---0 |
| CAPRIROLO, KATHERINE | RONALD HERMAN CHAVEZ | 4080 RAFFIA DR | | NAPLES, FL 34119---0 |
| CARMELLA M TETI TRUST | 14313 TUSCANY POINTE COVE | | | NAPLES, FL 34120---0 |
| CASEO LIVING TRUST | 4114 RAFFIA DRIVE | | | NAPLES, FL 34119---0 |
| CHAVIE, THOMAS A & EUNICE I | 4076 RAFFIA DR | | | NAPLES, FL 34119---0 |
| CHRISTOPHER, JONATHAN D | CARRIE A CHRISTOPHER | 4072 RAFFIA DR | | NAPLES, FL 34119---0 |
| COLLIER CNTY | TRANSPORTATION RIGHT-OF-WAY | 2885 HORSESHOE DRIVE S | | NAPLES, FL 34104---0 |
| COMEAUX, ERNEST A | 7210 ACORN WAY | | | NAPLES, FL 34119---0 |
| DAMON, LISA | PAUL R DAMON | 612 TOPAZ LN | | HUDSON, WI 54016---0 |
| DAVENPORT, ROBERT E | LYNETTE E DAVENPORT | 9064 THE LN | | NAPLES, FL 34109---1554 |
| DETESO, ROBERT J & KATHLEEN A | 30 OAK ST | | | WALTHAM, MA 02453---0 |
| DEWANE, BISHOP FRANK J | DIOCESE OF VENICE | 1000 PINEBROOK RD | | VENICE, FL 34285---6426 |
| DONALD K & GAYLE S WHEELER TRU | 46 PICARDY HILL DR | | | CHESTERFIELD, MO 63017---0 |
| DORSEY, STEPHEN M | SUSAN SERRA DORSEY | 17 TIFFANY PL | | SARATOGA SPRINGS, NY 12866---9059 |
| DU, THINH VIEN | HUYEN THI THANH DAM | 14321 TUSCANY POINTE COVE | | NAPLES, FL 34120---0 |
| EICHELBAUM PARRA, ELIO | MARIA A EICHELBAUM | 4099 RAFFIA DR | | NAPLES, FL 34119---0 |
| ENCOMPASS HEALTH REHAB | HOSPITAL OF NAPLES LLC | ATTN REAL ESTATES DEPT | 9001 LIBERTY PKWY | BIRMINGHAM, AL 35242---0 |
| GEREMIA, GERARD W | THOOMAS G MCKENNA | 7326 ACORN WAY | | NAPLES, FL 34119---0 |
| GEZELLA, BRYAN T | 7205 ACORN WAY | | | NAPLES, FL 34119---8091 |
| GIAIMO, DANIEL V | JACQUELINE M GIAIMO | 13 BROOK ST | | MT KISCO, NY 10549---0 |
| GIBBS, PETER L & KRISTEN ANNE | 7283 ACORN WAY | | | NAPLES, FL 34119---0 |
| GOODE, RICHARD | MONIKA NOWAK | 7434 ACORN WAY | | NAPLES, FL 34119---0 |
| GREATER NAPLES FIRE | RESCUE DISTRICT | 11145 COLLIER BLVD | | NAPLES, FL 34119---0 |
| HEIDENTHAL, JUSTINA M | 4068 RAFFIA DR | | | NAPLES, FL 34119---0 |
| HILL, LISA LYNNE | 7449 ACORN WAY | | | NAPLES, FL 34119---0 |
| HISTED, ADAM THOMAS | 5127 KIRKWALL CIRCLE | | | MELBOURNE, FL 32940---0 |
| HOWE, JAMES THOMAS & BETH A | 4091 RAFFIA DR | | | NAPLES, FL 34119---0 |
| JACKSON, DANIEL | MARLENE SUAREZ | 7323 ACORN WAY | | NAPLES, FL 34119---0 |
| JOHN NITTOLO REV TRUST | NANCY S NITTOLO REV TRUST | 7214 ACORN WAY | | NAPLES, FL 34119---0 |
| JONJAMES LLC | %STEVEN PRUCHANSKY | 6920 DANIELS RD | | NAPLES, FL 34109---0 |
| KEAGY, DOROTHY | 7327 ACORN WAY | | | NAPLES, FL 34119---0 |
| LANGILLE, GUDRUN H | 7287 ACORN WAY | | | NAPLES, FL 34119---9609 |
| LINDNER TR, MARK L | LAND TRUST UTD 01/04/99 | 2301 NE SAVANNAH RD#1516 | | JENSEN BCH, FL 34957---0 |
| LOLLI, DANIEL T | 7267 ACORN WAY | | | NAPLES, FL 34119---8091 |
| MARTIN & ROGAN REV TRUST | 7330 ACORN WAY | | | NAPLES, FL 34119---0 |
| MCGRAY, MICHAEL J & HEATHER | 4064 RAFFIA DR | | | NAPLES, FL 34119---0 |
| MELINO, MARK J | 1303 LITTLE MILL RD | | | FRANKLINVILLE, NJ 08322---3730 |
| MORMAN, LAWRENCE M & KATHY A | 624 COVERED BRIDGE DR | | | DELAWARE, OH 43015---3195 |
| MORRIS, WILLIAM PASCAL | CAROL HOLT MORRIS | 7202 ACORN WAY | | NAPLES, FL 34119---9608 |
| MOUSSA, SAMEH | NOHA MOUSSA | 4106 RAFFIA DR | | NAPLES, FL 34119---0 |
| NICOLE KIMBALL REV TRUST | 14309 TUCANY POINTE COVE | | | NAPLES, FL 34120---0 |
| OSTER, SELMA J B | 7235 ACORN WAY | | | NAPLES, FL 34119---0 |
| PATRICIA A BEEHAN IRREV TRUST | 4084 RAFFIA DR | | | NAPLES, FL 34119---0 |
| PAVEL LESCHINSKY LIVING TRUST | MARINA FEFERMAN LIVING TRUST | 843 TALL GRASS LANE | | MUNDELEIN, IL 60060---0 |
| PENIX, BRENT L | ASHLEY C PENIX | 7206 ACORN WAY | | NAPLES, FL 34119---0 |
| PEREZ, SANDRA MILENA | JUAN ANTONIO PEREZ | 14305 TUSCANY POINTE COVE | | NAPLES, FL 34120---0 |
| PETRALIA, JEROME C & MARILYN | 7278 ACORN WAY | | | NAPLES, FL 34119---8091 |
| POIRIER, WILLIAM | DANIEL MARSH | 7445 ACORN WAY | | NAPLES, FL 34119---0 |
| PYNNONEN, MICHAEL & RACHAEL | 7247 ACORN WAY | | | NAPLES, FL 34119---0 |

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks

| | | | | |
|---|---|---|---|---|
| RAFFIA PRESERVE M/ASSOC LLC | % ASSOCAI GULF COAST | 9887 FOURTH ST N | SUITE 301 | ST PETERSBURG, FL 33702---0 |
| RAFFIA PRESERVE MASTER ASSN IN | 24301 WALDEN CENTER RD | | | BONITA SPRINGS, FL 34134---0 |
| RITTER, DAVID C & TERESA | 7299 ACORN WAY | | | NAPLES, FL 34119---9609 |
| ROBERT L WAID REV TRUST | JOYCE A WAID REV TRUST | 7306 ACORN WAY | | NAPLES, FL 34119---0 |
| ROUNDING FAMILY TRUST | 7307 ACORN WAY | | | NAPLES, FL 34119---0 |
| SALKA, JOHN A & LISA M | 7298 ACORN WAY | | | NAPLES, FL 34119---0 |
| SCHEIDEMANN, JOSEPHINE | 7243 ACORN WAY | | | NAPLES, FL 34119---9609 |
| SPOOL, ROGER OWEN | LILYAN E CHRAPPA-SPOOL | 7334 ACORN WAY | | NAPLES, FL 34119---0 |
| STRONG, DEANE J & ANAMARIA E | 7244 ACORN WAY | | | NAPLES, FL 34119---0 |
| SUMMIT PLACE CMNTY ASSN INC | % KW PROP MGMT & CONSULTING | 3358 WOODS EDGE CIR STE 102 | | BONITA SPRINGS, FL 34134---3323 |
| SUTTON, ROBERT T & FAYE C | 7311 ACORN WAY | | | NAPLES, FL 34119---9625 |
| TAVAREZ, CHRISTIAN & TIFFANY | 4098 RAFFIA DR | | | NAPLES, FL 34119---0 |
| TERPENING, CRAIG ROBERT | 7209 ACORN WAY | | | NAPLES, FL 34119---0 |
| TORRES, CRYSTAL LEANNE | JOSE RUBEN TORRES | 14317 TUSCANY POINTE COVE | | NAPLES, FL 34120---0 |
| TOWNSLEY, DAVID NED | TRESA LEVONNE TOWNSLEY | 7232 ACORN WAY | | NAPLES, FL 34119---9608 |
| TROIANO, MICHAEL F | GRETCHEN A TROIANO | 1401 HOMESTEAD RD | | VERONA, PA 15147---2439 |
| TUSCANY PT COMMUNITY ASSOC INC | %CARDINAL MANAGEMENT GROUP | ATTN MIKE LOVERDE | 4670 CARDINAL WAY, STE 302 | NAPLES, FL 34112---0 |
| UGO CALCAGNO REV TRUST | RHONDA M CALCAGNO REV TRUST | 21 MCCORMICK PL | | STATEN ISLAND, NY 10305---2509 |
| VANDERBILT CMMTY ASSOC INC | 8250 DANBURY BLVD | | | NAPLES, FL 34120---1631 |
| VIGILANTE, ANTHONY | KATHLEEN WHITE-VIGILANTE | 7319 ACORN WAY | | NAPLES, FL 34119---0 |
| WALTERS, CARRIE H | SCOTT E HORNER | 7275 ACORN WAY | | NAPLES, FL 34119---9609 |
| WE HAVE ARRIVED LLC | 6810 INTERNATIONAL CENTER BLVD | | | FORT MYERS, FL 33912---0 |
| WEBER, JOHN R & MONICA S | 7295 ACORN WAY | | | NAPLES, FL 34119---0 |
| WHITTENHALL, JOEL E & ZONDRA T | 7251 ACORN WAY | | | NAPLES, FL 34119---0 |
| WINNER, DAVID E & MELISSA J | 7240 ACORN WAY | | | NAPLES, FL 34119---9608 |
| WOERZ, GARY F & ANNA G | 7315 ACORN WAY | | | NAPLES, FL 34119---0 |
| WOOD JAMES R & DENISE P | 7303 ACORN WAY | | | NAPLES, FL 34119---0 |
| YORK WANG REVOCABLE TRUST | 4092 RAFFIA DR | | | NAPLES, FL 34119---0 |
| SUSO 4 MISSION HILLS LP | % SLATE ASSET MANAGEMENT LP | 121 KING ST W | SUITE 200 | TORONTO M5H 3T9 CANADA |

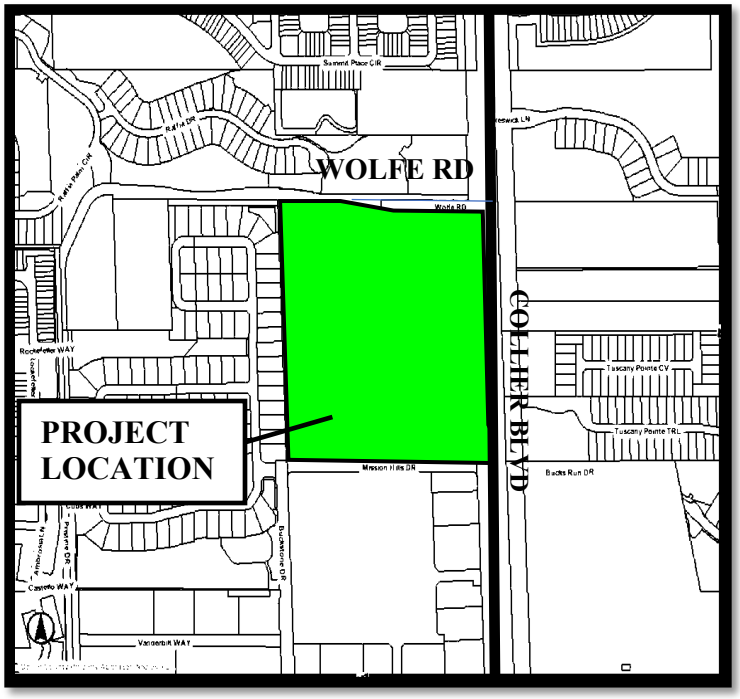
Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks

**NEIGHBORHOOD INFORMATION MEETING**

The public is invited to attend a Neighborhood Information Meeting held by RWA, Inc., representing WE HAVE ARRIVED LLC, regarding a rezoning petition (PL No. 20210001887) on:

**Tuesday, October 26, 2021, at 5:30 pm**
**Naples Church, Main Building, located at 10910 Immokalee Rd., Naples, FL 34120**

The overall Sonoma Oaks MPUD subject property is 37.5 ± acres and is located to the west side of Collier Blvd between Wolfe Road and Loop Road in Section 34, Township 48 South, Range 26 East, Collier County, Florida.




The Petitioner is asking the County to amend Exhibit B-1 in the PUD Document deleting the reference to "PER UNIT" within the Minimum Lot Area standard, amend the Minimum Lot Width for Single-family (attached and detached) from 35 feet to 24 feet and amend the Minimum Rear Setback for Single-Family (attached and detached) from 15 feet to 10 feet.

Business and property owners, residents and visitors are welcome to attend the presentation to discuss the project. If you are unable to attend the meeting in-person and would like the opportunity to participate virtually, an on-line meeting will be available. Details related to joining the meeting can be obtained by contacting the individual listed below. Reservations for in-person meeting attendance is required to ensure that the CDC guidelines can be achieved.

If you are unable to attend the meeting in-person or participate virtually, and have questions or comments, they can also be directed by mail, phone, or e-mail to the individual below:

Kenrick Gallander, AICP
RWA Engineering
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
Phone: 239-597-0575
Email: kgallander@consult-rwa.com

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

RWA ENGINEERING

## Sign-In Sheet

### Neighborhood Information Meeting: Sonoma Oaks PUDI
### 10/26/2021 at 5:30pm

| Name | Company | Street Address | City | Phone # | Email |
|---|---|---|---|---|---|
| Dr. Faye Sutton | Black Bear Ridge | 7311 Acorn Way | Naples | — | fosutton@louisville.edu |
| John Weber | Black Bear Ridge | 7295 Acorn Way | " " | 315-427-7856 | festerll@verizon.net |
| Dave Winner | BBR | 7240 Acorn | " | 239-218-0156 | david.winnerbbr@gmail.com |
| Roxane Menna | BBR | 7217 Acorn Way | | 239-398-8635 | RMenna@JohnRWood.com |
| Pat Butler | Pulte | | " | 239-777-3512 | Patrick.Butler@Pulte.com |
| James Woods | BBR | 7303 Acorn Way | " | 2612 916 7858 | jrwoods@mail.com |
| John Kelly | Collier County BCC | — | — | 239-252-5719 | John.Kelly@CollierCountyFL.gov |
| Ray Bellows | Collier County | — | — | 239-252-2483 | |
| John Harney | BBR | 7426 Acorn Way | " | 847-609-9815 | JRH7426@gmail.com |

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

| Sonoma Oaks NIM ZOOM Attendance | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Name | Sent Zoom Link | Accepted Zoom | Zoom Attendance | Organization | Email | Address | Phone # |
| ZOOM: | Public | | | | | | | |
| 1 | Paul Damon | YES | Sent NIM handouts | | Property Owner | pdamon@sbcglobal.net | 7255 Acorn Way Naples, FL 34119 | 651-503-1722 |
| 2 | Kristen Gibbs | YES | Sent NIM handouts | | Property Owner | kristen@galtinsurance.com | 7283 Acorn Way Naples FL, 34119 | 239-258-4163 |
| 3 | Jim & Teresa Borgione | YES | Sent NIM handouts | | Property Owner | jborgion@aol.com | 7442 Acorn Way, Naples FL, 34119 | 248-318-1950 |
| 4 | David Winner | YES | Sent NIM handouts | | Black Bear Ridge HOA Board President | david.winnerbb@gmail.com | 7240 Acorn Way, Naples, FL 34119 | 239-218-0156 |
| 5 | PavelLeschinsky | YES | Sent NIM handouts | | Property Owner | desna1978@gmail.com | 7271 Acorn Way, Naples, FL 34119 | 847-845-6306 |
| 6 | Josephine Schneidemann | YES | Sent NIM handouts | | Property Owner | josephinelynn@comcast.net | 7243 Acorn Way, Naples, FL 34119 | |
| 7 | Gary Woerz | YES | Sent NIM handouts | | Property Owner | gfwdmd@gmail.com | 7315 Acorn Lane, Naples, FL 34119 | |
| 8 | Lisa Damon | YES | Sent NIM handouts | | Property Owner | ldamon64@yahoo.com | 7255 Acorn Way Naples, FL 34119 | 651-263-5159 |
| 9 | Gudrun Langille | YES | Sent NIM handouts | | Property Owner | gundyhl@yahoo.com | 7287 Acorn Way, Naples, FL 34119 | 239-2728136 |
| 10 | Eileen Kurtz | YES | Sent NIM handouts | | Property Owner | eileenckurtz@gmail.com | 4461 Tamarind Way Naples 34119 | 518-796-7377 |
| 11 | Gretchen Troiano | YES | Sent NIM handouts | | Property Owner | gretchen.troiano@opco.com | 7302 Acorn Way Naples, FL 34119 | |
| 12 | Jena Rounding | YES | Sent NIM handouts | | Property Owner | jenarounding@gmail.com | 7307 Acorn Way, Naples, FL 34119 | 239-595-3395 |
| 13 | Brian Allers | YES | Sent NIM handouts | | | bcallers@hotmail.com | | 913-669-5326 |
| 14 | Robert Martin | YES | Sent NIM handouts | | Property Owner | martinprodigy@yahoo.com | 7330 Acorn Way, Naples, FL 34119 | 630-518-2119 |
| | | | | | | | | |
| | | | | | | | | |

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# SONOMA OAKS

## Mixed Use Planned Development (MPUD)

## Insubstantial Change (PDI)

(PDI – PL20210001887)

Neighborhood Information Meeting

October 26, 2021

5:30pm

RWA ENGINEERING

Pulte HOMES

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI

# Team Representatives

- Applicant:
  - Pulte Home Company, LLC
    - Pat Butler
    - Drew Reiser
- Agent:
  - RWA, Inc.
    - Ken Gallander, AICP
    - Blake Finnegan
    - Mike Pappas, P.E.
    - John Williams

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI

# Subject Property:

- Overall 37.5+/- acres
- West of Collier Blvd., between Wolfe Rd. and Mission Hills Dr. (formerly Loop Rd.)
- Zoning:
  - Sonoma Oaks Mixed Use Planned Development (MPUD)
    - Approved: Ordinance No. 10-48 (Dec. 14, 2010)
      - Commercial Tracts: 120,000 SF of Commercial and/or Senior Housing
      - Residential Tracts: 114 Residential Dwelling Units and/or max. 456 Senior Housing Units
        - Single-family (attached & detached)
        - Multi-family
        - Independent/Assisted Living & Skilled Nursing

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI



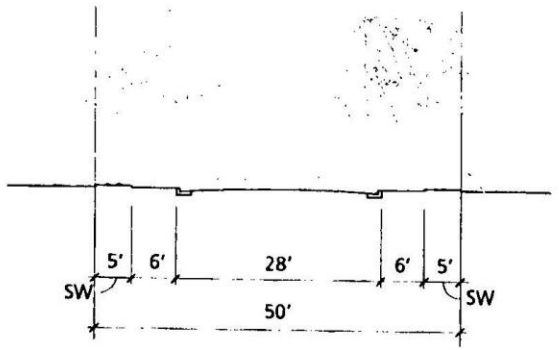

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI

| LAND USE SUMMARY | | ACRES | UNITS/SQUARE FEET |
|---|---|---|---|
| R | RESIDENTIAL | 15.02 | 114 DWELLING UNITS (456 ILF, ALF, SKILLED NURSING UNITS ON 'R' DESIGNATED AREAS) |
| C | COMMERCIAL | 8.93 | 120,000 SQUARE FEET |
| P | NATIVE PRESERVE | 5.73 | |
| | RIGHTS OF WAY | | |
| | -PUBLIC EASEMENT | 2.06 | |
| | -DEDICATED | 3.50 | |
| | ** OTHER | 2.26 | |
| | TOTAL | 37.50 | |

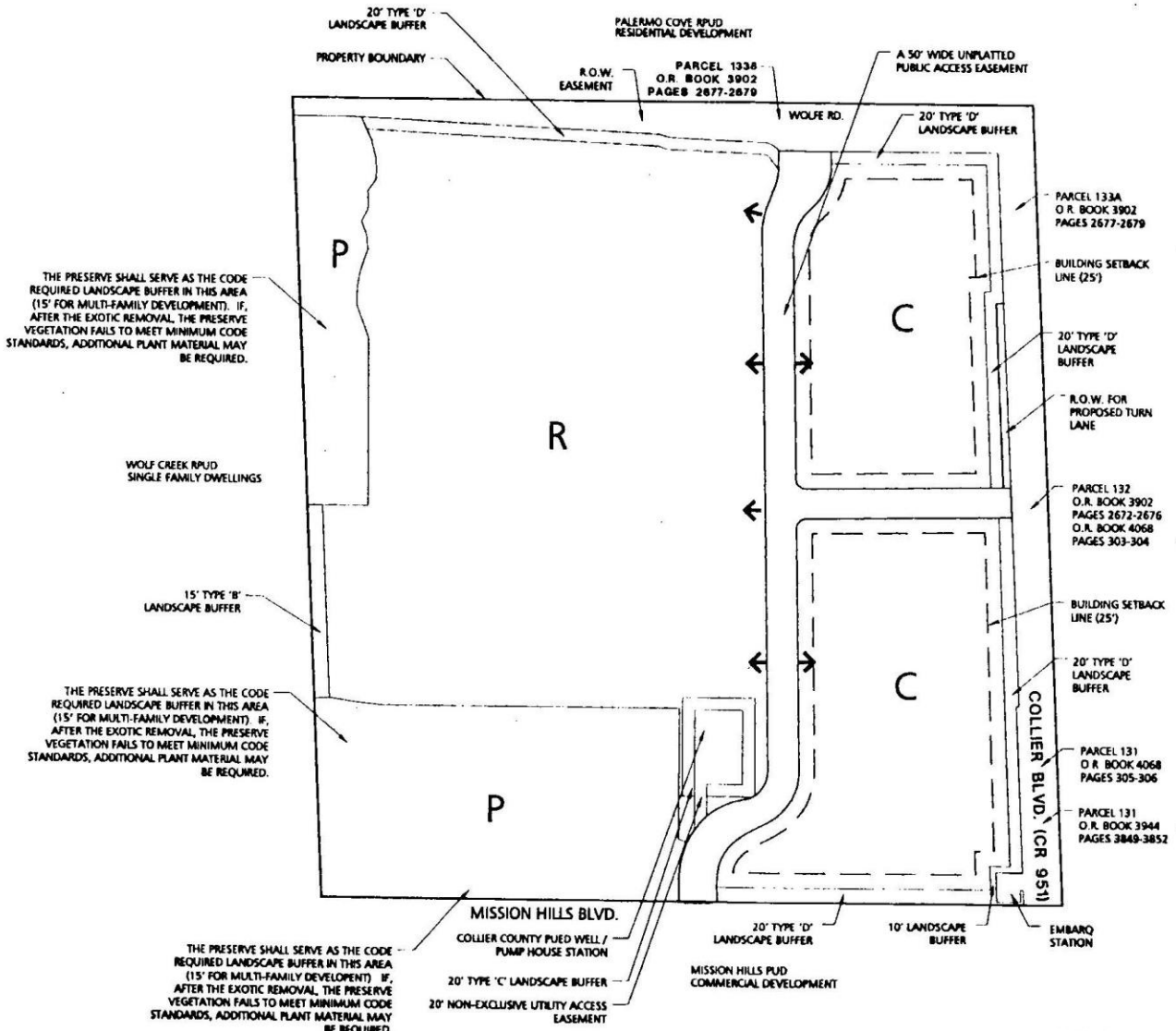
** INCLUDES BUFFERS, PERIMETER BERM, OPEN SPACE, FUEL WELL, ETC.

## MPUD MASTER PLAN NOTES

1. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 10.2 ACRES (30% OF 34 (37.50-3.5) DEDICATED RIGHT OF WAY) OF OPEN SPACE.
2. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
3. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL OR CONSTRUCTION PLANS AND PLAT APPROVAL.
4. THE ROADWAY WITHIN THE SONOMA OAKS PROJECT CONNECTING WOLFE ROAD AND MISSION HILLS BOULEVARD SHALL BE A 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT. ALL STORM WATER RUN OFF ASSOCIATED WITH THE ACCESS EASEMENT SHALL BE ACCOMMODATED ON-SITE VIA THE SONOMA OAKS STORM WATER MANAGEMENT SYSTEM. ALL STORM WATER MANAGEMENT INFRASTRUCTURE SHALL BE DESIGNED IN ACCORDANCE WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND COLLIER COUNTY STANDARDS AND THE PROPER EASEMENTS SHALL BE RECORDED. THE SONOMA OAKS PROPERTY OWNERS' ASSOCIATION SHALL BE GRANTED SOLE OWNERSHIP, ACCESS RIGHTS AND MAINTENANCE RESPONSIBILITY FOR THE PUBLIC ACCESS EASEMENT AND ALL INFRASTRUCTUFE SERVING THE PUBLIC ACCESS EASEMENT.
5. 5.73 ACRES OF NATIVE VEGETATION SHALL BE PRESERVED ON-SITE.
6. THE RESIDENTIAL TRACT IS DESIGNED TO ACCOMMODATE INTERNAL ROADWAYS AND WATER MANAGEMENT.




TYPICAL 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT




IN COORDINATION WITH:

PREPARED BY: WilsonMiller, WilsonMiller, Inc.

SONOMA OAKS

PREPARED FOR: VOILA II, LLC

| REV | DATE | DESCRIPTION |
|---|---|---|

SCALE: 1"=200'
DATE: SEPTEMBER 27, 2010
PIN: 05544-100-002
PROJECT MANAGER:

PUD MASTER PLAN EXHIBIT C

NOT FOR CONSTRUCTION

G101

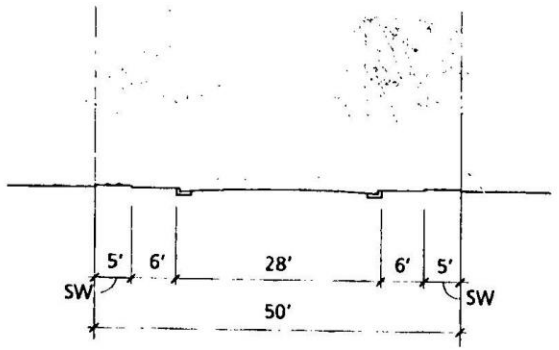
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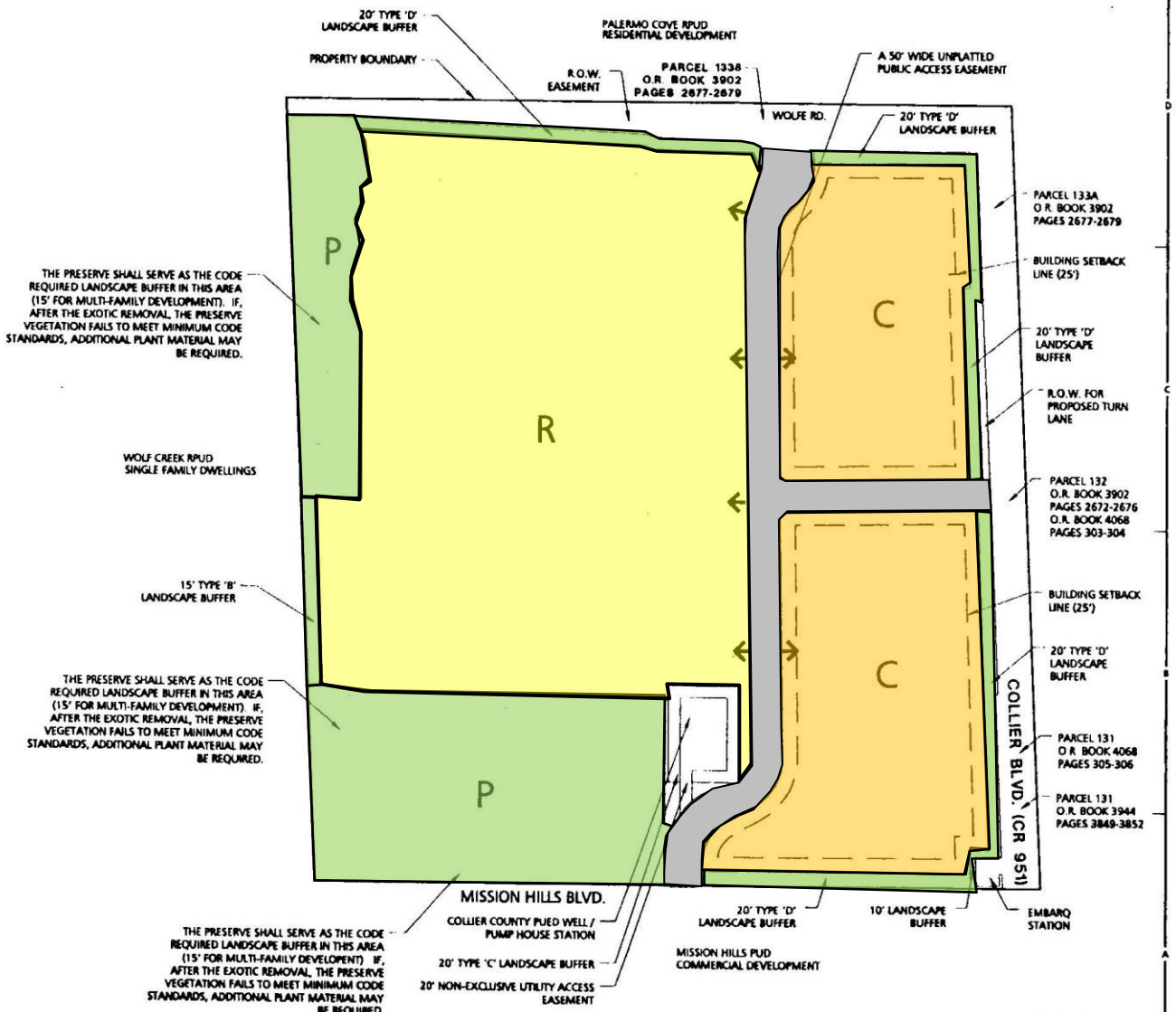
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IN COORDINATION WITH:

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PREPARED FOR: VOILA II, LLC

REV DATE DESCRIPTION

SCALE: 1"=200'
DATE: SEPTEMBER 27, 2010
PIN: 05544-100-002
PROJECT MANAGER:

PUD MASTER PLAN EXHIBIT C

NOT FOR CONSTRUCTION

G101

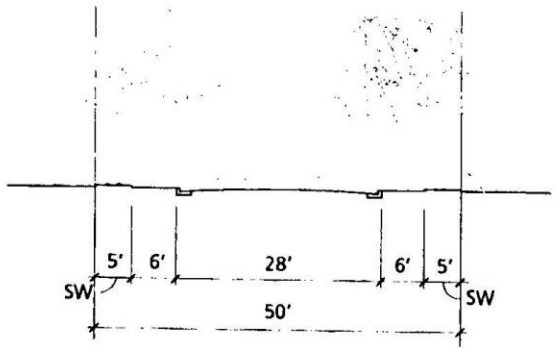
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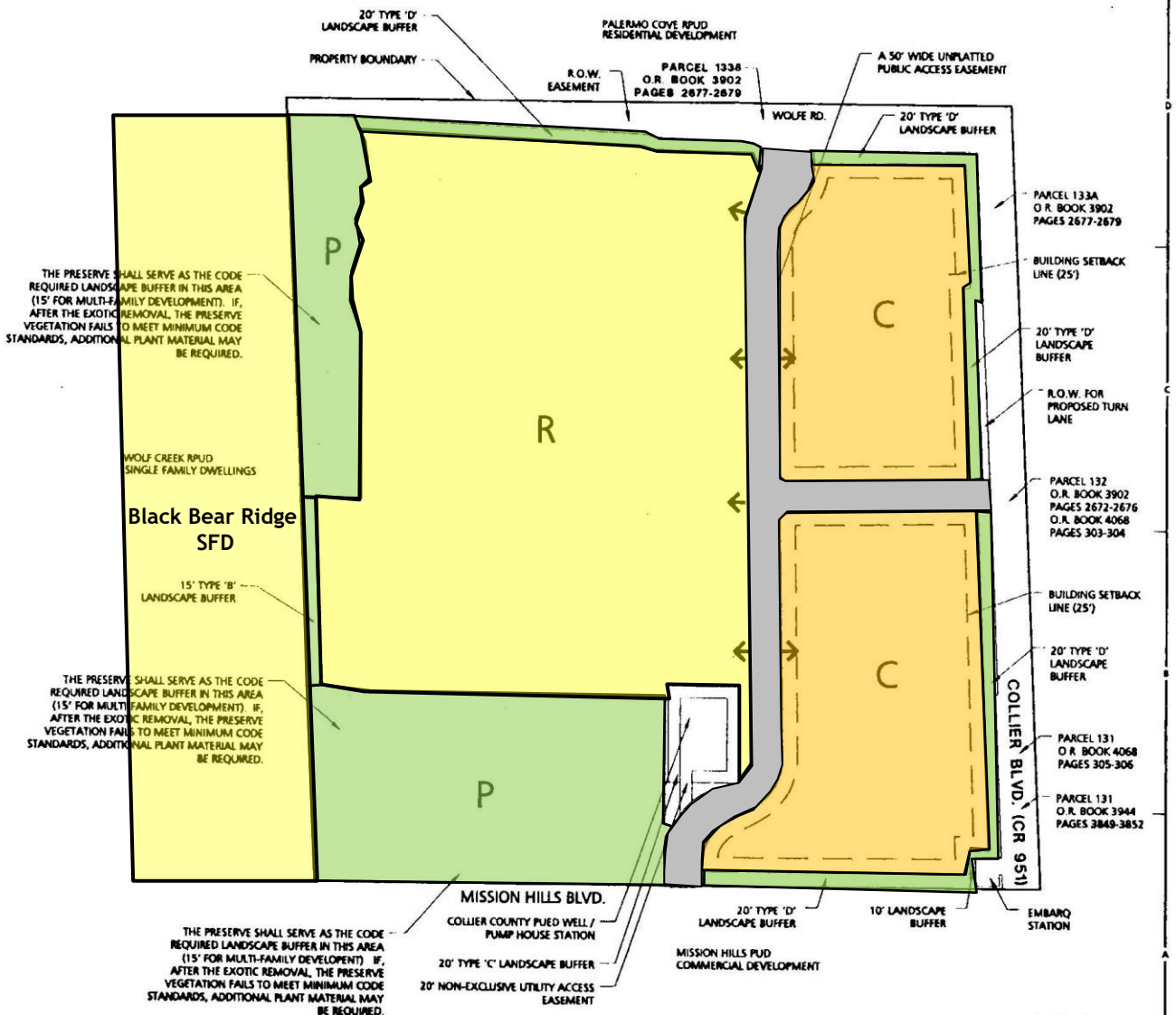
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6. THE RESIDENTIAL TRACT IS DESIGNED TO ACCOMMODATE INTERNAL ROADWAYS AND WATER MANAGEMENT.




TYPICAL 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT




| | | | | | |
|---|---|---|---|---|---|
| IN COORDINATION WITH. | PREPARED BY: WilsonMiller, WilsonMiller, Inc. | SONOMA OAKS | PREPARED FOR: VOILA II, LLC | SCALE: 1"=200' DATE: SEPTEMBER 27, 2010 PIN: 05544-100-002 PROJECT MANAGER: | PUD MASTER PLAN EXHIBIT C |

NOT FOR CONSTRUCTION

G101



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI

# Request:

- Insubstantial Change to Planned Unit Development (PDI)
- Sonoma Oaks MPUD Development Standards
- Approved Conceptual Master Site Plan to Construction Plans for Review by Collier County
  - Floodplain compensation area – Impacts Residential Tract Area
  - Limit present-day attached single-family dwelling product with upgrade options
  - Comparable with surrounding residential dev. standards
- Amend the Development Standards
  - Min. Lot Width for Attached Single-family: 35’ to 24’
  - Min. Rear Setback for Attached Single-family: 15’ to 10’
  - Delete “PER UNIT” reference within Min. Lot Area

RWA ENGINEERING

Pulte HOMES

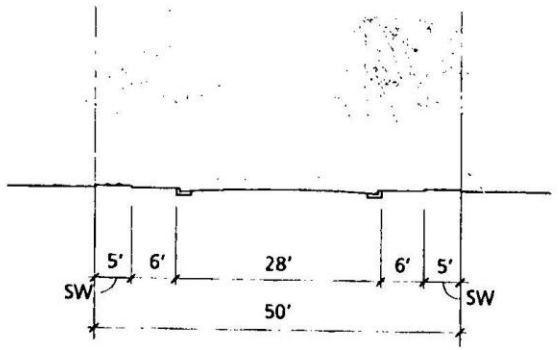
Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI

| LAND USE SUMMARY | | ACRES | UNITS/SQUARE FEET |
|---|---|---|---|
| R | RESIDENTIAL | 15.02 | 114 DWELLING UNITS (456 ILF, ALF, SKILLED NURSING UNITS ON 'R' DESIGNATED AREAS) |
| C | COMMERCIAL | 8.93 | 120,000 SQUARE FEET |
| P | NATIVE PRESERVE | 5.73 | |
| | RIGHTS OF WAY | | |
| | -PUBLIC EASEMENT | 2.06 | |
| | -DEDICATED | 3.50 | |
| | ** OTHER | 2.26 | |
| | TOTAL | 37.50 | |

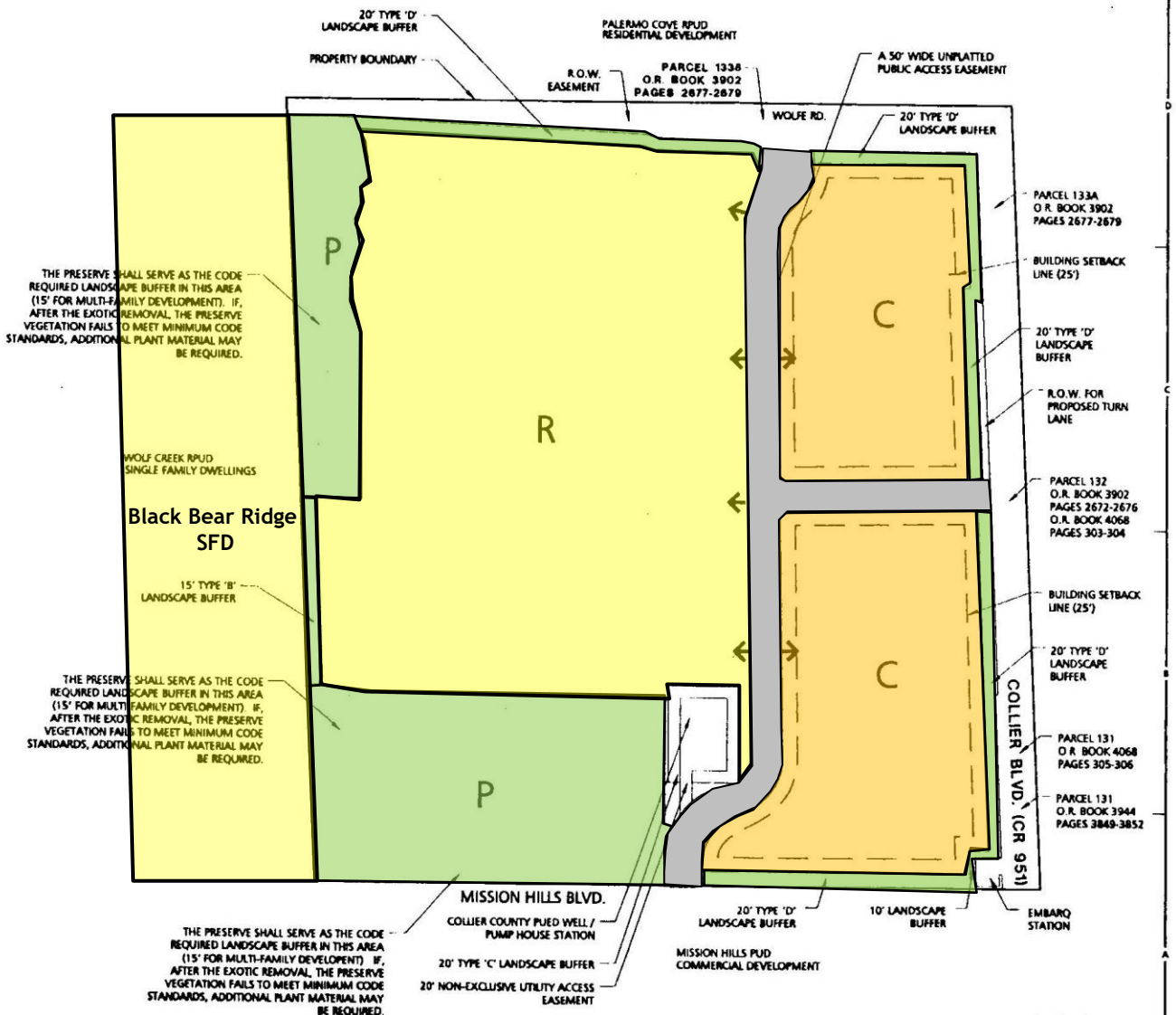
** INCLUDES BUFFERS, PERIMETER BERM, OPEN SPACE, FUEL WELL, ETC.

## MPUD MASTER PLAN NOTES

1. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 10.2 ACRES (30% OF 34 (37.50-3.5) DEDICATED RIGHT OF WAY) OF OPEN SPACE.
2. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
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TYPICAL 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT




IN COORDINATION WITH.

PREPARED BY: WilsonMiller, WilsonMiller, Inc.

SONOMA OAKS

PREPARED FOR: VOILA II, LLC

| REV | DATE | DESCRIPTION |
|---|---|---|

SCALE: 1"=200'
DATE: SEPTEMBER 27, 2010
PIN: 05544-100-002
PROJECT MANAGER:

PUD MASTER PLAN EXHIBIT C

NOT FOR CONSTRUCTION

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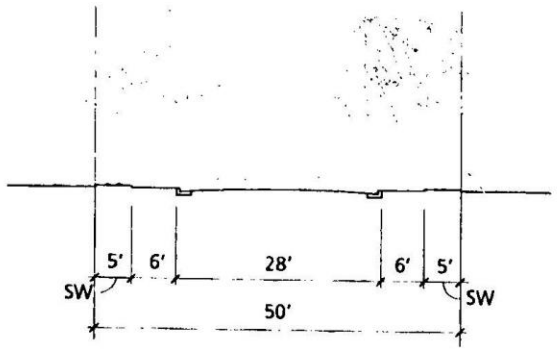
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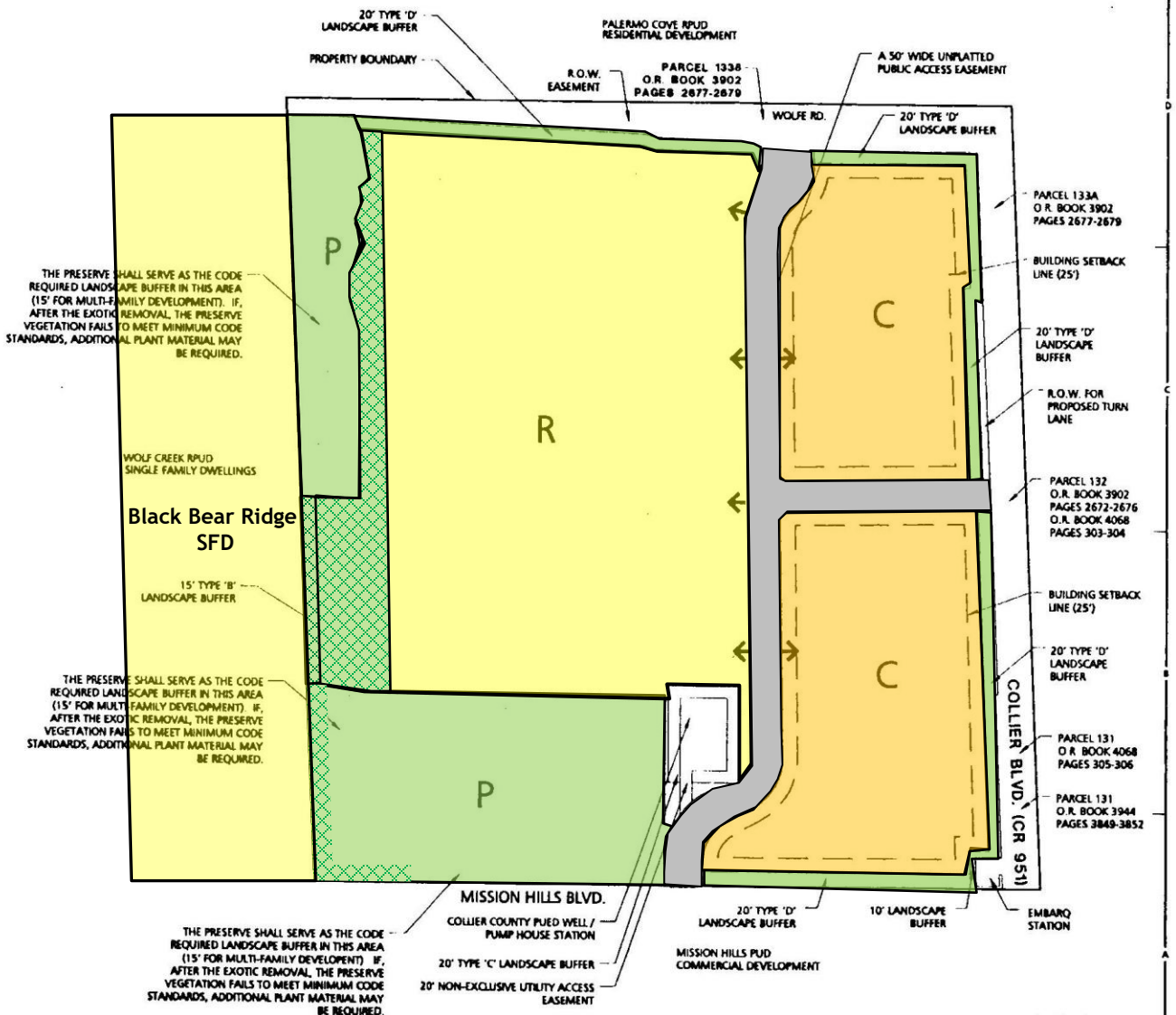
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IN COORDINATION WITH.

PREPARED BY: WilsonMiller — WilsonMiller, Inc.

SONOMA OAKS

PREPARED FOR: VOILA II, LLC

| REV | DATE | DESCRIPTION |
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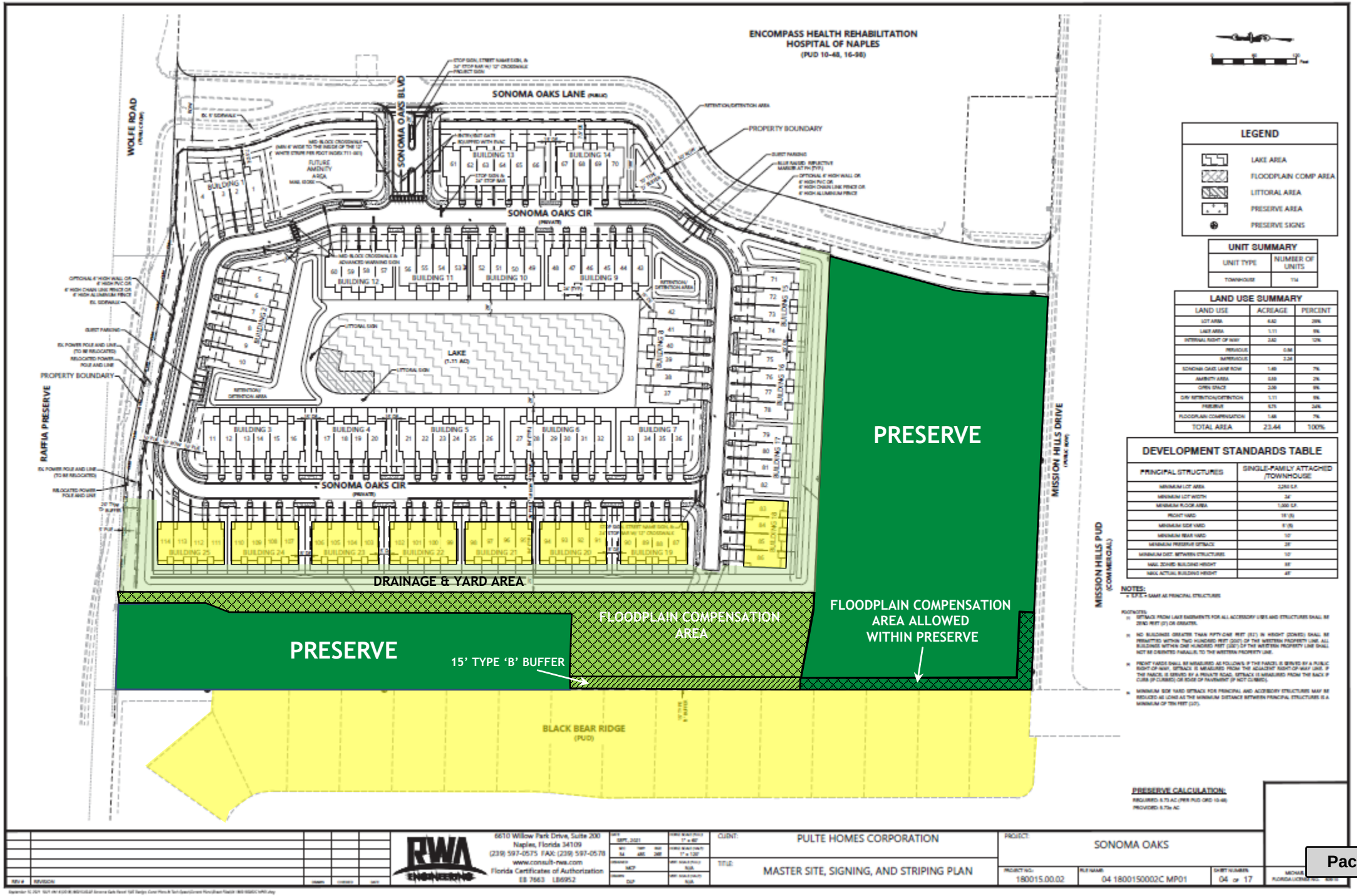
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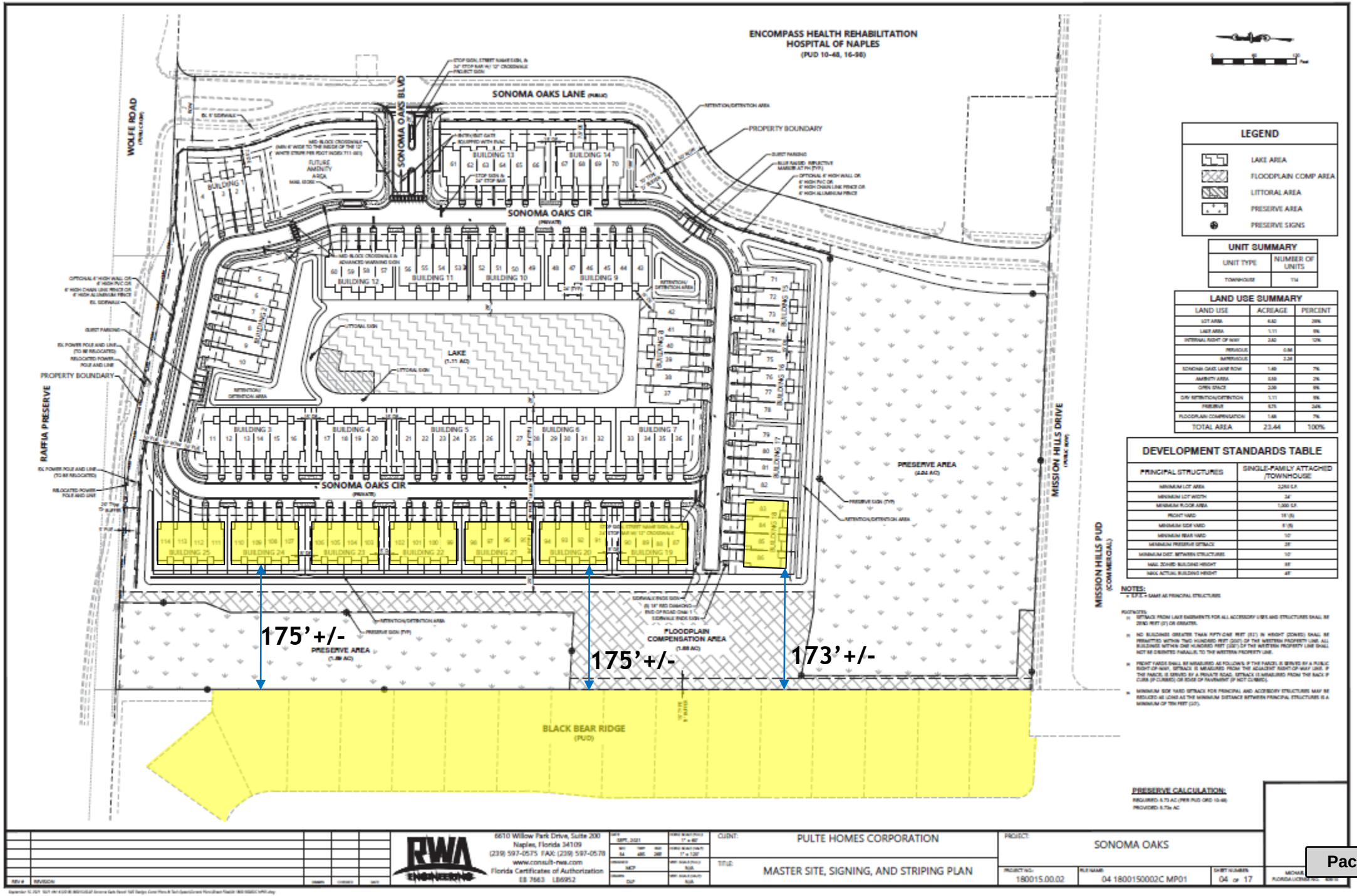
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RWA ENGINEERING
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578
www.consult-rwa.com
Florida Certificates of Authorization
EB 7663 LB6952

CLIENT: PULTE HOMES CORPORATION

PROJECT: SONOMA OAKS

TITLE: MASTER SITE, SIGNING, AND STRIPING PLAN

PROJECT NO.: 180015.00.02

FILE NAME: 04 1800150002C MP01

SHEET NUMBER: 04 of 17

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI

# Process and Timeline:

- Application under review with County Staff
  - Submittal #2
- Collier County Hearing Examiner
  - Public Hearing:  November 12, 2021

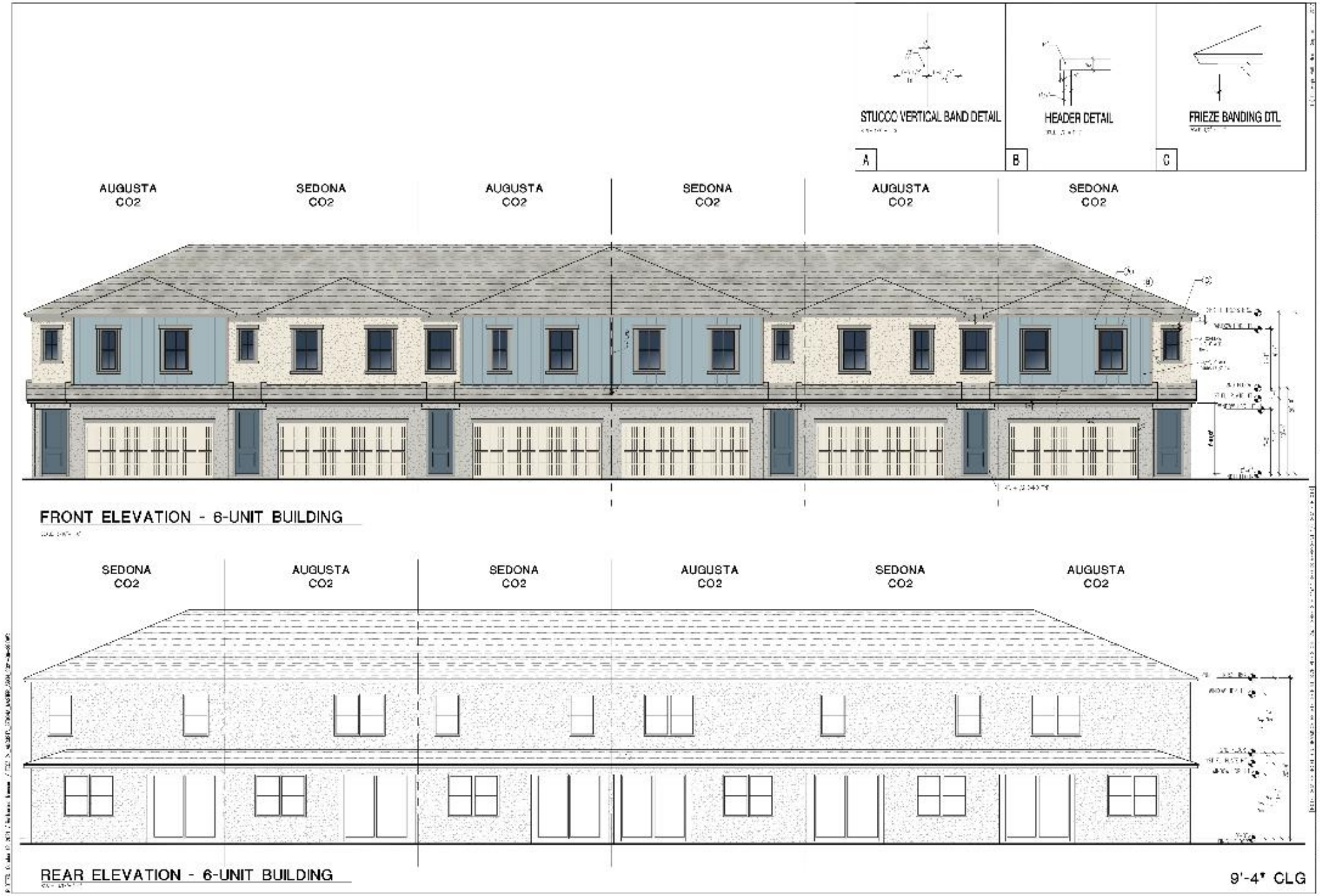
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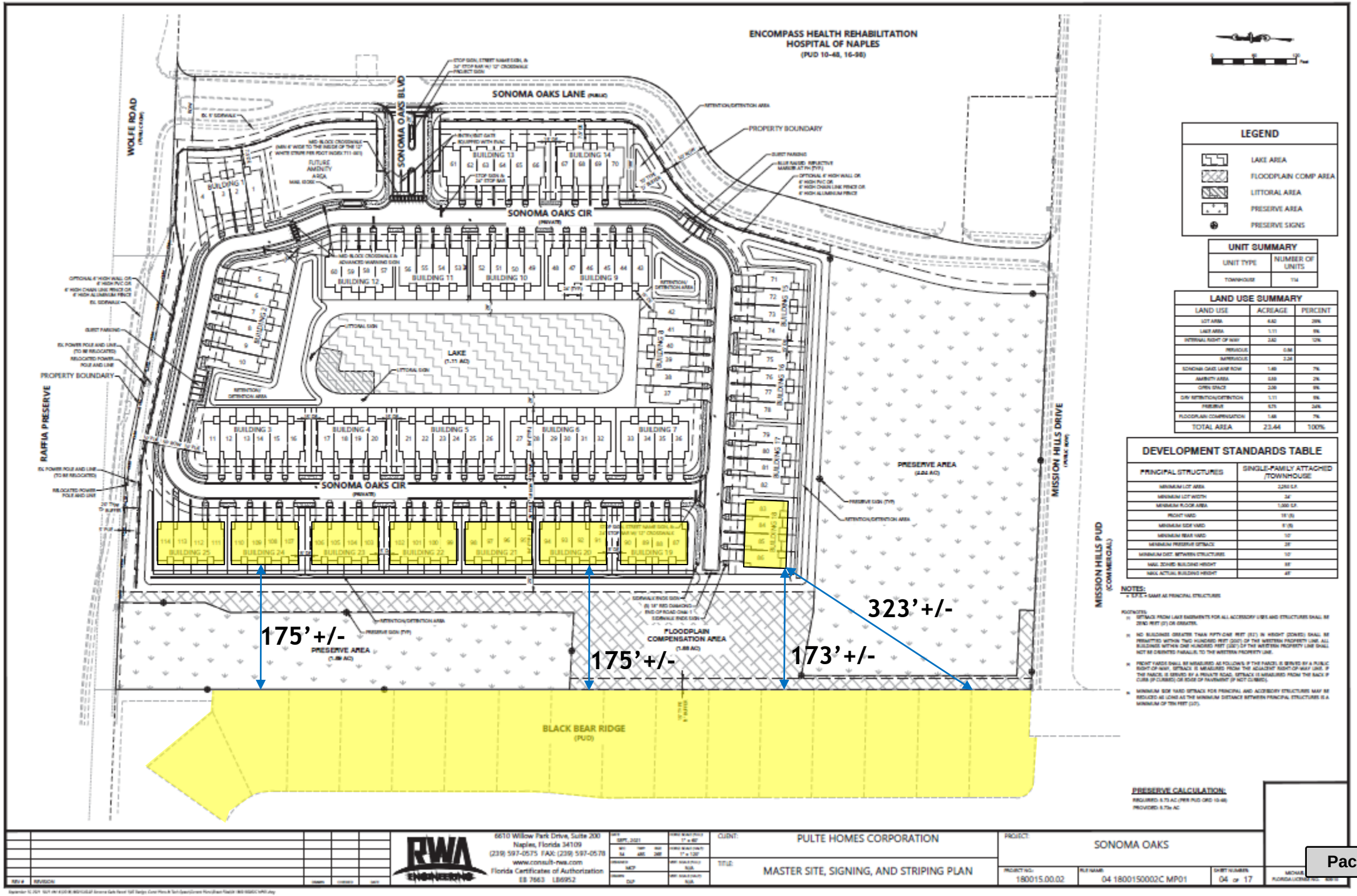
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# Questions?

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI




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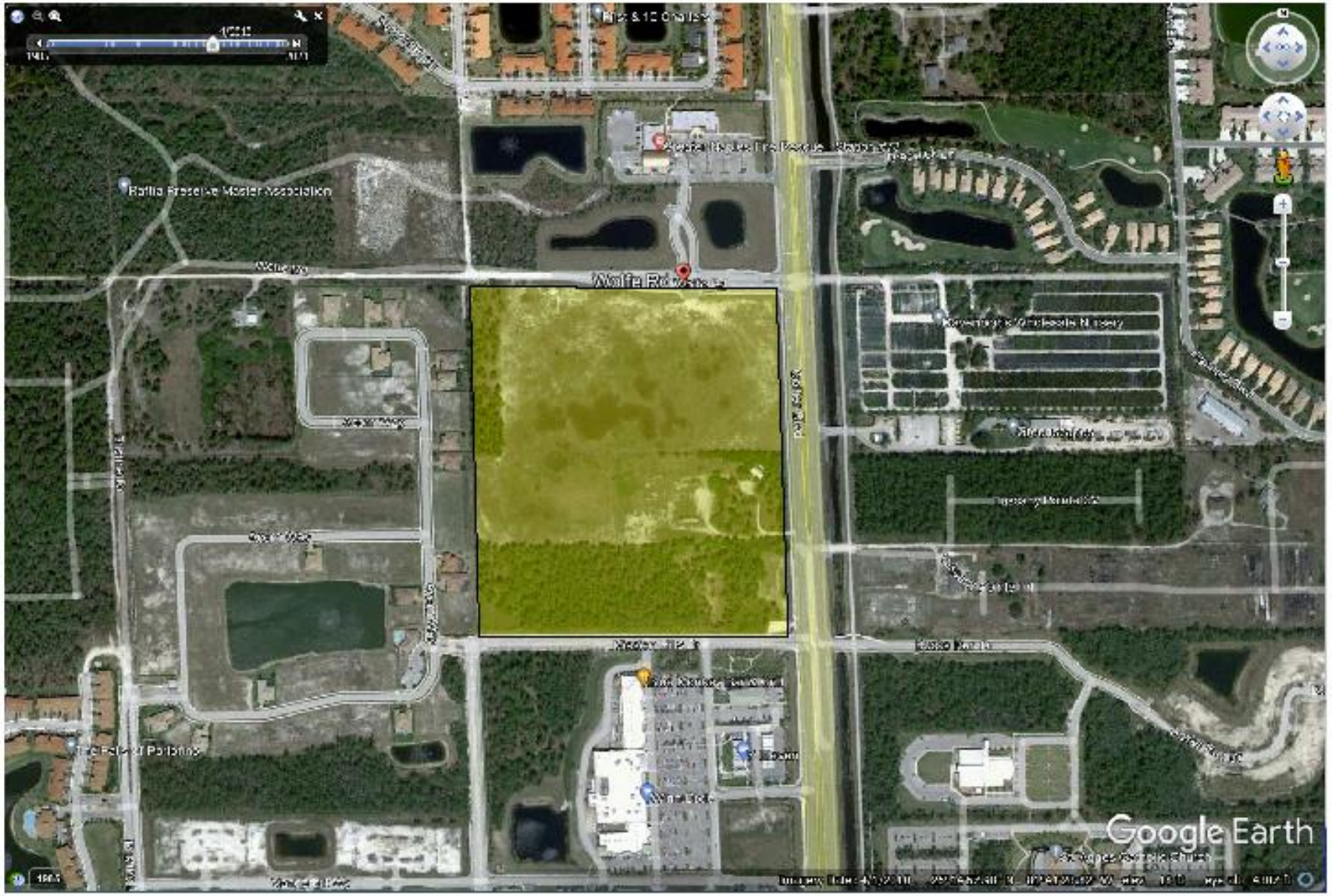

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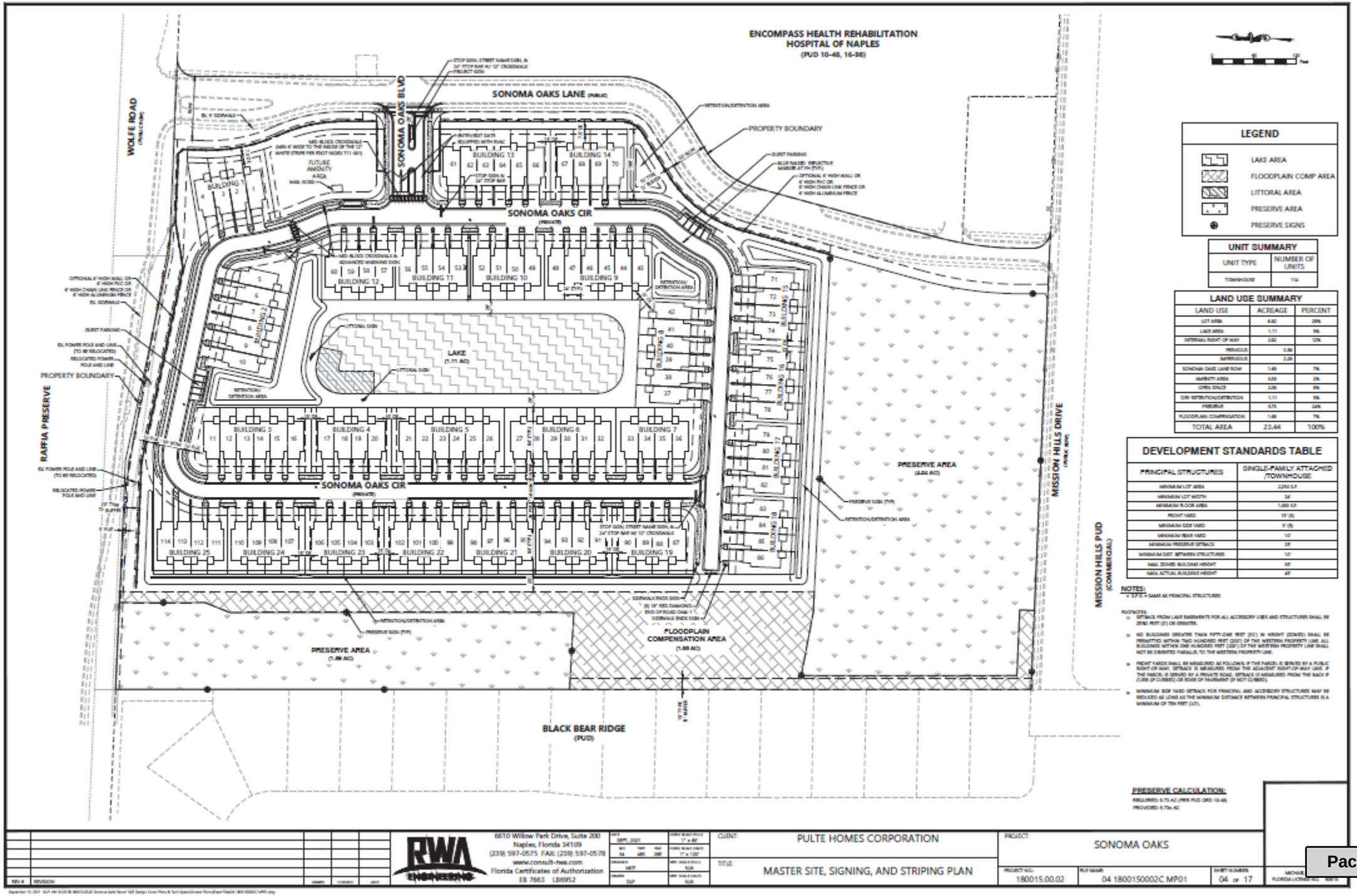

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2010

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FILE NAME: 04 1800150002C MP01

SHEET NUMBER: 04 of 17

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RECEIVED DEC 2010

ORDINANCE NO. 10- 48

FILED
2010 DEC 20 PM 12:07
TALLAHASSEE, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH ESTABLISHED THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM A MIXED USE PLANNED UNIT DEVELOPMENT ZONING DISTRICT (MPUD) TO AN MPUD ZONING DISTRICT, FOR A PROJECT KNOWN AS SONOMA OAKS TO ALLOW CONSTRUCTION OF A MAXIMUM OF 120,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT AND/OR SENIOR HOUSING UNITS INCLUDING INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING UNITS AT A FAR OF .60 ON THE COMMERCIAL PORTION AND A MAXIMUM OF 114 RESIDENTIAL DWELLING UNITS AND/OR A MAXIMUM OF 456 SENIOR HOUSING UNITS INCLUDING INDEPENDENT LIVING, ASSISTED LIVING AND SKILLED NURSING FACILITY UNITS ON THE RESIDENTIAL PORTION, FOR PROPERTY LOCATED ON THE WEST SIDE OF COLLIER BOULEVARD (CR 951) BETWEEN WOLFE ROAD AND LOOP ROAD, IN SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 37.5± ACRES; PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 05-61, THE FORMER SONOMA OAKS MPUD; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Margaret Perry of WilsonMiller Inc. and Richard Yovanovich, Esquire of Coleman, Yovanovich & Koester, P.A, representing Voila II LLC, petitioned the Board of County Commissioners to change the zoning classification of the herein described real property;

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

SECTION ONE:

The zoning classification of the herein described real property located in Section 34, Township 48 South, Range 26 East, Collier County, Florida, is changed from a Mixed Use Planned Unit Development (MPUD) to an MPUD Zoning District, for a project known as the Sonoma Oaks Mixed Use Planned Development to allow construction of a maximum of 120,000 square feet of commercial development and/or senior housing units including independent living, assisted living and skilled nursing units at a FAR of .60 on the commercial portion and a maximum of 114 residential dwelling units and/or a

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

maximum of 456 senior housing units including independent living, assisted living and skilled nursing facility units on the residential portion in accordance with the MPUD Documents, attached hereto as Exhibits A through F, all of which are incorporated herein and by reference made part hereof. The appropriate zoning atlas map or maps, as described in Ordinance Number 04-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

Ordinance Number 05-61, known as the Sonoma Oaks MPUD, adopted on November 15, 2005, by the Board of County Commissioners of Collier County, is hereby repealed in its entirety.

SECTION THREE:

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

PASSED AND DULY ADOPTED by super majority vote of the Board of County Commissioners of Collier County, Florida, this 14th day of December, 2010.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____, Deputy Clerk

Attest as to Chairman's signature only.

Approved as to form:
and legal sufficiency:

Heidi Ashton-Cicko
Section Chief, Land Use/Transportation

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Fred W. Coyle
FRED W. COYLE, Chairman

| | |
|---|---|
| Exhibit A-1: | List of Allowable Uses (Residential) |
| Exhibit A-2 | List of Allowable Uses (Commercial) |
| Exhibit B-1: | Residential Development Standards |
| Exhibit B-2: | Commercial Development Standards |
| Exhibit C: | Master Plan |
| Exhibit D: | Legal Description |
| Exhibit E: | List of Requested Deviations |
| Exhibit F: | Development Commitments |

Project History: Ordinance Number 05-61

This ordinance filed with the Secretary of State's Office the 20th day of December 2010 and acknowledgement of that filing received this 21st day of December 2010
By _____ Deputy Clerk

CP\08-CPS-00863\53





Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A-1
# RESIDENTIAL "R" SUBDISTRICT
# LIST OF ALLOWABLE USES

**Permitted Uses:**

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

A. Principal Uses:

1. Single-family and/or multi-family dwellings (maximum of 114).
2. Independent living facility (ILF) units for individuals over the age of 55, assisted living facility (ALF) units, and skilled nursing facility units or a continuing care retirement community ("CCRC") consisting of ILF, ALF and skilled nursing units may be constructed. The maximum size of the ILF, ALF, CCRC skilled nursing and similar facilities shall not exceed a floor area ratio (FAR) of 0.6. For conversion purposes, four (4) ILF, ALF, or skilled nursing units shall be equal to one (1) residential dwelling unit, for a maximum of 456 ILF, ALF, skilled nursing or CCRC.
3. Any other principal use which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") by the process outlined in the Land Development Code (LDC).

B. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

1. Clubhouses
2. Private garages
3. Swimming pools with, or without screened enclosures
4. Tennis courts
5. Tot lots
6. Playgrounds
7. Outdoor recreation facilities
8. Model homes, and other uses and structures related to the promotion and sale and/or rental of real estate such as, but not limited to, pavilions, viewing platforms, gazebos, parking areas, and signs subject to the requirements of the LDC.
9. Essential services, including water and sewer lines, natural gas lines, electrical transmission and distribution lines, sewage lift stations and water pumping stations, essential service wells and wells permitted by the South Florida Water Management District (SFWMD) or the Florida Department of Environmental Services (FDEP)
10. Water management facilities and related structures
11. Irrigation treatment and distribution facilities
12. Temporary sewage treatment facilities
13. Lakes, including lakes with bulkheads or other architectural or structural bank treatments
14. Temporary construction, sales, and administrative offices for the developer and developer's authorized contractors and consultants, including necessary

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT A-1**
**RESIDENTIAL "R" SUBDISTRICT**
**LIST OF ALLOWABLE USES**

access ways, parking areas, and related uses. Temporary sales centers may be serviced by temporary well and septic systems.

15. Landscape features including, but not limited to, landscape buffers, berms, fences, and walls
16. Uses accessory to ILF, ALF, and/or skilled nursing facilities, such as, but not limited to, on-site dining facilities, group transportation services and wellness centers.

**Development Standards:**

Exhibit B-1 sets forth the development standards for land uses within the MPUD Residential Subdistrict. Standards not specifically set forth herein shall be those specified in applicable sections of the Growth Management Plan (GMP) and the LDC in effect as of the date of the site development plan or subdivision plat approval.

A base density of four dwelling units per acre yields a gross density of 114 dwelling units for the Sonoma Oaks MPUD.

**Operational Characteristics:**

The developer of ILF, ALF, CCRC and/or skilled nursing facilities, its successors or assigns, shall provide the following services and/or be subject to the following operational standards:

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

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

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

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

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

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

7. Each unit shall be designed to allow a resident to age-in-place. For example, kitchens may be easily retrofitted to lower the sink to accommodate a wheelchair bound resident or bathrooms may be retrofitted to add grab bars.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT A-2**
**COMMERCIAL "C" SUBDISTRICT**
**LIST OF ALLOWABLE USES**

**Permitted Uses:**

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

A. Principal Uses:

1. Paint, glass, and wallpaper stores (Group 5231)
2. Variety stores (Group 5331)
3. Miscellaneous and general merchandise stores (Group 5399)
4. Candy, nut and confectionary stores (Group 5441)
5. Dairy product stores (Group 5451)
6. Miscellaneous food stores (Group 5499)
7. Any retail business engaged in selling apparel and accessories as defined under the Major Group 56 in the Standard Industrial Classification Manual.
8. Any retail business engaged in selling home furniture, furnishings, and equipment stores as defined under Industry Group 571, 572, and 573 in the Standard Industrial Classification Manual.
9. Eating places (Group 5812), except that a maximum of one free standing fast food restaurant, as defined in the LDC, shall be permitted, not to exceed 5,000 square feet of gross leasable floor area.
10. Drug stores and proprietary stores (Group 5912)
11. Sporting goods and bicycle shops (Group 5941)
12. Book stores (Group 5942)
13. Stationary stores (Group 5943)
14. Jewelry stores (Group 5944)
15. Camera and photographic supply stores (Group 5946)
16. Gift, novelty and souvenir shops (Group 5947)
17. Luggage and leatherworks stores (Group 5948)
18. Establishments operating primarily in the fields of finance, insurance, and real estate as defined under Major groups 60, 61, 62, 63, 64, 65, and 67 in the Standard Industrial Classification Manual.
19. Establishments operating primarily to provide personal services as defined in the Standard Industrial Classification Manual for the following Industry Groups:
    a. Photographic portrait studios (Group 722)
    b. Beauty shops (Group 723)
    c. Barber shops (Group 724)
    d. Shoe repair shops and shoeshine parlors (Group 725)
    e. Miscellaneous personal services, only including Group 7291 tax return preparation services, and Group 7299 personal services, only including car title and tag service, computer photography or portraits, costume rental, diet workshops, electrolysis (hair removal), genealogical investigation service, hair weaving or replacements service, dress suit or tuxedo rental, and tanning salons.
20. Establishments primarily engaged in rendering services to businesses on a contract or fee basis for the following Industry Numbers:
    a. Advertising agencies (Group 7311)
    b. Advertising, not elsewhere classified (Group 7319)

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT A-2**
**COMMERCIAL "C" SUBDISTRICT**
**LIST OF ALLOWABLE USES**

c. Adjustment and collection services (Group 7322)
d. Credit reporting services (Group 7323)
e. Mailing, reproduction, commercial art (Group 7331-7338)

21. Establishments primarily engaged in developing film and in making photographic prints and enlargements for the trade or for the general public, only including Industry Number 7384, photofinishing laboratories.
22. Establishments engaged in miscellaneous repair services, only including Industry Numbers 7631 – watch, clock, and jewelry repair and Group 7699 – repair shops and related services, not elsewhere classified.
23. Video tape rental (Group 7841), excluding adult oriented rentals and sales.
24. Physical fitness facilities (Group 7991)
25. Establishments operating primarily to provide medical and health services as defined under Major Group 80 in the Standard Industrial Classification Manual, for the following Industry Numbers:
    a. Offices and clinics of doctors of medicine (Group 8011);
    b. Offices and clinics of dentists (Group 8021);
    c. Offices and clinics of doctors of osteopathy (Group 8031);
    d. Offices and clinics of other health practitioners (Group 8041-8049);
    e. Medical and dental laboratories (Group 8071-8082);
    f. Miscellaneous health and allied services not elsewhere classified (Group 8092-8099).
26. Establishments operating primarily to provide legal services as defined under Major Group 81 in the Standard Industrial Classification Manual.
27. Membership organizations engaged in promoting the interests of its members as defined under Major Group 86 in the Standard Industrial Classification Manual.
28. Establishments operating primarily to provide engineering, accounting, research, and management for the following Industry Numbers:
    a. Engineering services (Group 8711)
    b. Architectural services (Group 8712)
    c. Surveying services (Group 8713)
    d. Accounting, auditing and bookkeeping services (Group 8721)
    e. Management services (Group 8741)
    f. Management consulting services (Group 8742)
    g. Public relations services (Group 8743)
    h. Business consulting services (Group 8748)
29. Independent living facility (ILF) units for individuals over the age of 55, assisted living facility (ALF) units, and skilled nursing facility units (Groups 8051 and 8052) or a CCRC consisting of ILF, ALF and skilled nursing units. The maximum size of the ILF, ALF, CCRC, skilled nursing and similar facilities shall not exceed a floor area ratio (FAR) of 0.6.
30. Any other principal use which is comparable in nature to the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") by the process outlined in the LDC.

B. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A-2
# COMMERCIAL "C" SUBDISTRICT
# LIST OF ALLOWABLE USES

1. Uses and structures that are accessory and incidental to the Commercial Permitted Principal Uses within the Sonoma Oaks MPUD.
2. Retail sales and/or display areas as accessory to the principal use, not to exceed an area greater than 20 percent of the gross floor area of the permitted principal use.
3. Essential services, including water and sewer lines, natural gas lines, electrical transmission and distribution lines, sewage lift stations and water pumping stations, essential service wells and wells permitted by the South Florida Water Management District (SFWMD) or the Florida Department of Environmental Services (FDEP), and government facilities (including law enforcement, fire, emergency medical services and facilities, public park and public library services and facilities)
4. Water management facilities and related structures
5. Irrigation treatment and distribution facilities
6. Temporary sewage treatment facilities
7. Lakes including lakes with bulkheads or other architectural or structural bank treatments
8. Temporary construction, sales, and administrative offices for the developer and developer's authorized contractors and consultants, including necessary access ways, parking areas, and related uses. Temporary uses for sales centers may be serviced by temporary well and septic systems.
9. Landscape features including, but not limited to, landscape buffers, berms, fences, and walls
10. Uses accessory to ILF, ALF, CCRC and/or skilled nursing facilities, such as, but not limited to, on-site dining facilities, group transportation services and wellness centers.

**Development Standards:**

A. Exhibit B-2 sets forth the development standards for land uses within the MPUD Commercial (C) Subdistrict. Standards not specifically set forth herein shall be those specified in applicable sections of the GMP and LDC in effect as of the date of approval of the SDP or subdivision plat.

B. Maximum Commercial/Office Square Footage: The 8.93+/- acre Commercial Tract ("C") shall not be developed with more than 120,000 square feet of commercial/office uses in accordance with the permitted principal and accessory uses set forth above. ILF, ALF, CCRC, skilled nursing and similar facilities shall not count toward the 120,000 square feet of commercial/office square footage, and shall not exceed a FAR of 0.6.

**Operational Characteristics:**

The developer of ILF, ALF, CCRC and/or skilled nursing facilities, its successors or assigns, shall provide the following services and/or be subject to the following operational standards:

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

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



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT A-2**
**COMMERCIAL "C" SUBDISTRICT**
**LIST OF ALLOWABLE USES**

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

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

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

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

7. Each unit shall be designed to allow a resident to age-in-place. For example, kitchens may be easily retrofitted to lower the sink to accommodate a wheelchair bound resident or bathrooms may be retrofitted to add grab bars.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A-3
# NATIVE PRESERVE "P" SUBDISTRICT
# ALLOWABLE USES AND DEVELOPMENT STANDARDS

**Permitted Uses:**

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

A. Principal Uses:

1. Open spaces/Nature preserves

B. Accessory Uses:

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

1. Water management structures
2. Mitigation areas
3. Footpaths and boardwalks, provided any clearing required to facilitate these uses does not impact the minimum required vegetation.

**Development Standards:**

5.73 acres of native vegetation shall be preserved on-site, in accordance with the MPUD Master Plan provided as Exhibit C of this Ordinance.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

## EXHIBIT B-1
## RESIDENTIAL "R" SUBDISTRICT
## DEVELOPMENT STANDARDS

| DEVELOPMENT STANDARDS | SINGLE FAMILY (ATTACHED AND DETACHED) | MULTI-FAMILY | CLUBHOUSE/ RECREATION BUILDINGS | ILF/ALF/CCRC/ SKILLED NURSING UNITS[4] |
|---|---|---|---|---|
| **PRINCIPAL STRUCTURES** | | | | |
| MINIMUM LOT AREA | 2,250 S.F. PER UNIT | 10,000 S.F. | 10,000 S.F. | N/A |
| MINIMUM LOT WIDTH | 35 FEET | 100 FEET | N/A | N/A |
| MINIMUM FLOOR AREA | 1,000 S.F. | 1,000 S.F./D.U. | N/A | N/A |
| MIN FRONT YARD[3] | 15 FEET | 15 FEET | 15 FEET | 15 FEET |
| MIN SIDE YARD | 5 FEET[5] | 15 FEET | 15 FEET | 15 FEET |
| MIN REAR YARD | 15 FEET | 20 FEET | 20 FEET | 20 FEET |
| MIN PRESERVE SETBACK | 25 FEET | 25 FEET | 25 FEET | 25 FEET |
| MIN DISTANCE BETWEEN STRUCTURES | 10 FEET | ½ THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING | ½ THE ZONED BUIILDING HEIGHT, NOT LESS THAN 30 FEET | ½ THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or 55 FEET AH | NTE 61 FEET ZH or 69 FEET AH[2] |
| MAXIMUM FLOOR AREA RATIO | N/A | N/A | N/A | 0.6 |
| **ACCESSORY STRUCTURES[1]** | | | | |
| FRONT[3] | 10 FEET | 10 FEET | 20 FEET | 10 FEET |
| SIDE | 5 FEET[5] | 5 FEET | ½ BH | 5 FEET |
| REAR | 5 FEET | 5 FEET | 10 FEET | 5 FEET |
| PRESERVE SETBACK | 10 FEET | 10 FEET | 10 FEET | 10 FEET |
| DISTANCE BETWEEN PRINCIPAL STRUCTURE | 6/0 FEET | 6 FEET | 10 FEET | 6 FEET |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH, whichever is less | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or 55 FEET AH, whichever is less | NTE 61 FEET ZH or 69 FEET AH, whichever is less[2] |

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

## EXHIBIT B-1
## RESIDENTIAL "R" SUBDISTRICT
## DEVELOPMENT STANDARDS

NTE = Not To Exceed
BH = Building Height
ZH = Zoned Height
AH = Actual Height
Notes:

1. Setback from lake easements for all accessory uses and structures shall be zero feet (0') or greater.
2. No buildings greater than fifty-one feet (51') in height (zoned) shall be permitted within two hundred feet (200') of the western property line. All buildings within one hundred feet (100') of the western property line shall not be oriented parallel to the western property line.
3. Front yards shall be measured as follows: If the parcel is served by a public right-of-way, setback is measured from the adjacent right-of-way line. If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).
4. If ILF, ALF, CCRC, skilled nursing or similar facilities are located in the Residential District in an area adjacent to the Preserve, the Preserve acreage shall be allocated to the FAR even if it is platted in a separate tract.
5. Minimum side yard setback for principal and accessory structures may be reduced as long as the minimum distance between principal structures is a minimum of ten feet (10').

GENERAL: Except as provided for herein, all criteria set forth above shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT B-2
# COMMERCIAL "C" SUBDISTRICT
# DEVELOPMENT STANDARDS

| | PRINCIPAL USES | ACCESSORY USES | ILF/ALF/CCRC/SKILLED NURSING |
|---|---|---|---|
| **MINIMUM LOT AREA** | 10,000 Sq. Ft. | N/A | N/A |
| **MINIMUM LOT WIDTH** | 100 Ft. | N/A | N/A |
| **MINIMUM YARDS (External)** | | | |
| From Wolfe Road | 25 Ft. | SPS | 25 Ft. |
| From Collier Blvd. | 25 Ft. | SPS | 50 Ft. |
| From Loop Road | 25 Ft. | SPS | 25 Ft. |
| **MINIMUM YARDS (Internal)** | | | |
| Internal Drives/ROW | 15 Ft. | 10 Ft. | 15 Ft. |
| Rear | 10 Ft. | 10 Ft. | 10 Ft. |
| Side | 10 Ft. | 10 Ft. | 10 Ft. |
| Lakes | 25 Ft. | 10 Ft. | 25 Ft. |
| **PRESERVE SETBACK** | 25 Ft. | 10 Ft. | 25 Ft. |
| **MIN. DISTANCE BETWEEN STRUCTURES** | 10 ft. or ½ the sum of the zoned building heights* | 10 Ft. | 10 ft. or ½ the sum of the zoned building heights* |
| **MAX BUILDING HEIGHT NOT TO EXCEED** | | | 42 ft. ZH |
| Retail Buildings*** | 42 ft. ZH | 42 ft. ZH | N/A |
| Office Buildings*** | 42 ft. ZH | 42 ft. ZH | N/A |
| Combination Retail and Office*** | 42 ft. ZH | 42 ft. ZH | N/A |
| ILF/ALF/CCRC/Skilled Nursing*** | N/A | N/A | 42 ft. ZH |
| **MINIMUM FLOOR AREA** | 1000 Sq. Ft.** | N/A | N/A |
| **MAX. GROSS LEASABLE AREA** | 120,000 Sq. Ft. | N/A | N/A |
| **MAXIMUM FLOOR AREA RATIO** | N/A | N/A | 0.6 |

* whichever is greater

** Per principal structure, on the finished first floor. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall adhere to the development standards listed in accessory uses above.

***Actual height, as defined in the LDC shall not exceed 50 feet.

SPS = same as principal structure
BH = Building Height
ZH = Zoned Height
AH = Actual Height

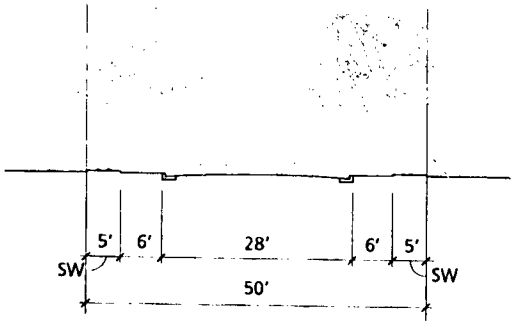
Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

| LAND USE SUMMARY | | ACRES | UNITS/SQUARE FEET |
|---|---|---|---|
| R | RESIDENTIAL | 15.02 | 114 DWELLING UNITS (456 ILF, ALF, SKILLED NURSING UNITS ON 'R' DESIGNATED AREAS) |
| C | COMMERCIAL | 8.93 | 120,000 SQUARE FEET |
| P | NATIVE PRESERVE | 5.73 | |
| | RIGHTS OF WAY | | |
| | -PUBLIC EASEMENT | 2.06 | |
| | -DEDICATED | 3.50 | |
| | ** OTHER | 2.26 | |
| | TOTAL | 37.50 | |

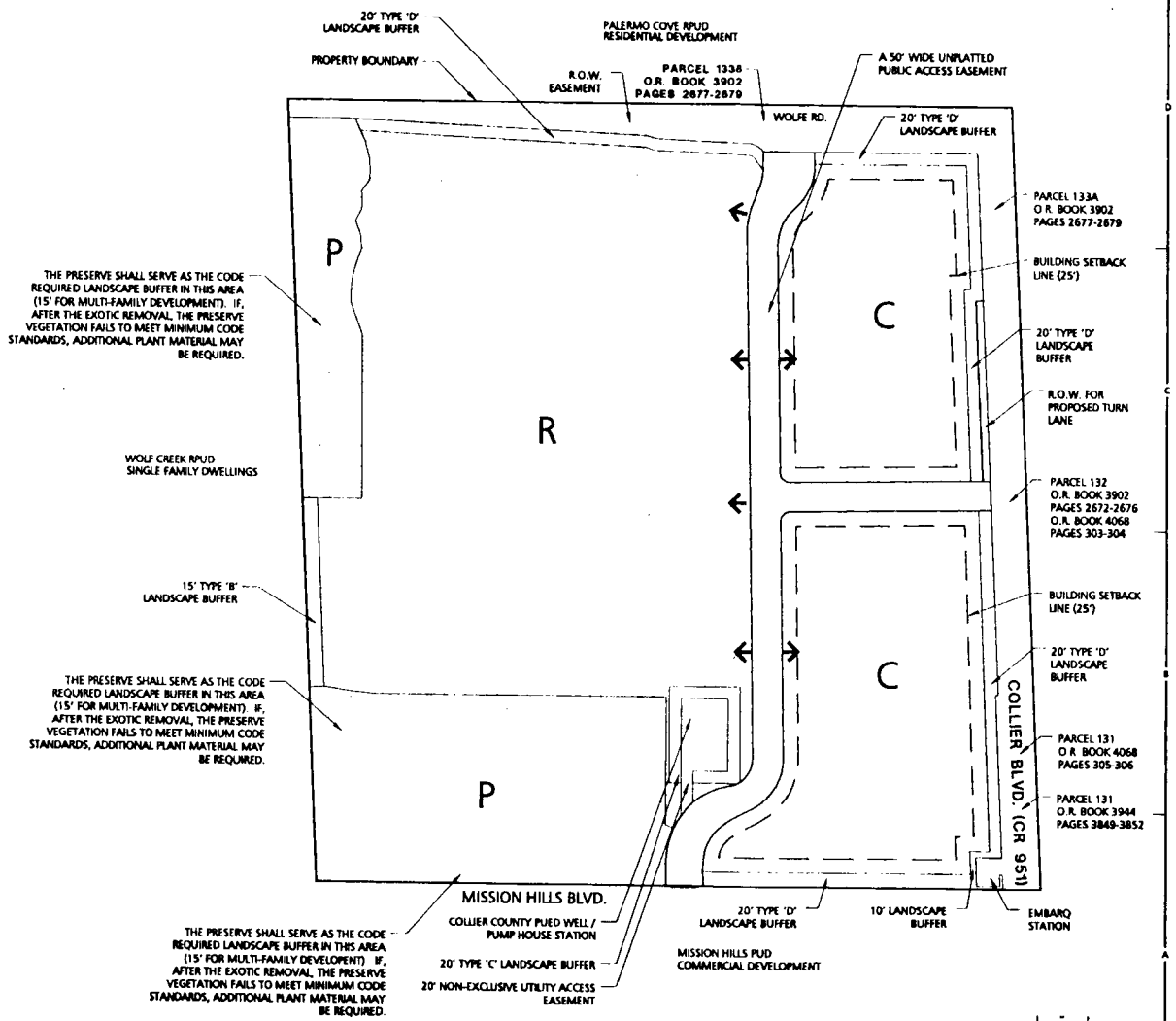
** INCLUDES BUFFERS, PERIMETER BERM, OPEN SPACE, FUEL WELL, ETC

## MPUD MASTER PLAN NOTES

1. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 10.2 ACRES (30% OF 34 (37.50-3.5) DEDICATED RIGHT OF WAY) OF OPEN SPACE.
2. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
3. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL OR CONSTRUCTION PLANS AND PLAT APPROVAL.
4. THE ROADWAY WITHIN THE SONOMA OAKS PROJECT CONNECTING WOLFE ROAD AND MISSION HILLS BOULEVARD SHALL BE A 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT. ALL STORM WATER RUN OFF ASSOCIATED WITH THE ACCESS EASEMENT SHALL BE ACCOMMODATED ON-SITE VIA THE SONOMA OAKS STORM WATER MANAGEMENT SYSTEM. ALL STORM WATER MANAGEMENT INFRASTRUCTURE SHALL BE DESIGNED IN ACCORDANCE WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND COLLIER COUNTY STANDARDS AND THE PROPER EASEMENTS SHALL BE RECORDED. THE SONOMA OAKS PROPERTY OWNERS' ASSOCIATION SHALL BE GRANTED SOLE OWNERSHIP, ACCESS RIGHTS AND MAINTENANCE RESPONSIBILITY FOR THE PUBLIC ACCESS EASEMENT AND ALL INFRASTRUCTURE SERVING THE PUBLIC ACCESS EASEMENT.
5. 5.73 ACRES OF NATIVE VEGETATION SHALL BE PRESERVED ON-SITE.
6. THE RESIDENTIAL TRACT IS DESIGNED TO ACCOMMODATE INTERNAL ROADWAYS AND WATER MANAGEMENT.




TYPICAL 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT




IN COORDINATION WITH:

PREPARED BY: WilsonMiller, WilsonMiller, Inc.

SONOMA OAKS

PREPARED FOR: VOILA II, LLC

| REV | DATE | DESCRIPTION |
|---|---|---|
| | | |

SCALE: 1"=200'
DATE: SEPTEMBER 27, 2010
PIN: 05544-100-002
PROJECT MANAGER:

PUD MASTER PLAN EXHIBIT C

NOT FOR CONSTRUCTION

G101

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks

**EXHIBIT D**
**LEGAL DESCRIPTION**

THE SUBJECT PROPERTY BEING 37.5+/- ACRES, IS COMPRISED OF 3 ADJOINING PARCELS THAT ARE LOCATED IN SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, AND IS FULLY DESCRIBED AS:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, LESS THE EAST 100 FEET PREVIOUSLY DEEDED FOR STATE HIGHWAY RIGHT-OF-WAY (PARCEL 1).

THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, LESS THE EAST 100 FEET PREVIOUSLY DEEDED FOR STATE HIGHWAY RIGHT-OF-WAY (PARCEL 2).

THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA; SUBJECT TO EXISTING RESTRICTIONS AND RESERVATIONS OF RECORD; AND EXCEPTING THE EAST 100 FEET THEREOF PREVIOUSLY CONVEYED FOR HIGHWAY RIGHT-OF-WAY (PARCEL 3).

Please note: legal description has not changed; it is being provided with this submittal as a courtesy.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

## EXHIBIT E
## LIST OF REQUESTED DEVIATIONS

**Deviation 1** from LDC Subsection 6.06.01(O) (Section III of the proposed Construction Standards Manual intended to be adopted as part of the County's Administrative Code) that requires right-of-way for local roads to be at least sixty feet (60') wide to allow a roadway width of fifty feet (50'). Please note the reduced roadway width will not diminish the level of service standard and all supporting water, sewer and utilities will be accommodated. The minimum right-of-way or roadway width to be utilized for all project streets in the Sonoma Oaks MPUD shall be fifty feet (50').

Justification: In order to accommodate the County's demand for Collier Boulevard and Wolfe Road right-of-way acreage that resulted in a total loss of 3.5 acres, and to meet the required native vegetation area of 5.73 acres, a roadway width of 50 feet is required.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT F
# DEVELOPMENT COMMITMENTS

## Transportation

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

A. The developer has conveyed right-of-way for Collier Boulevard and Wolfe Road: (1) Collier Boulevard - a strip of land 65 feet in width and running the entire length of the property frontage on Collier Boulevard; and (2) Wolfe Road - a strip of land 80 feet in width and 540 feet in length along Wolfe Road frontage of the project. No further conveyances are required.

B. The roadway within the Sonoma Oaks project connecting Wolfe Road and Mission Hills Boulevard shall be an unplatted public access easement which shall be created prior to the issuance of the first building permit and shall be constructed prior to the issuance of the first certificate of occupancy. All storm water run-off associated with the access easement shall be accommodated on-site via the Sonoma Oaks storm water management system. All storm water management infrastructure shall be designed in accordance with South Florida Water Management District and Collier County standards and the proper easements shall be recorded. The Sonoma Oaks property owners' association shall be granted ownership, access rights and maintenance responsibility for the public access easement and all infrastructure serving the public access easement.

C. The development within this project shall be limited to 583 adjusted two-way, PM peak hour trips (correspondent to the highest trip generation scenario of those proposed in the updated traffic study information dated April 12, 2010); allowing for flexibility in the proposed uses without creating unforeseen impacts on the adjacent roadway network. For purposes of calculation of the weekday PM peak hour trip generation for this PUD, the lesser of the weekday PM peak hour trips as calculated in the Institute of Traffic Engineer's (ITE) Report, titled **Trip Generation**, 8th Edition or the trip generation as calculated in then current ITE Trip Generation Report shall be utilized.

## Utilities

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

A. The Owner will convey to Collier County an easement for a parcel of land for a well and pump-house, at no cost to the County. The size of the well and pump-house parcel shall be the minimum necessary to accommodate these improvements and shall not exceed 10,000 square feet. The Owner shall also convey to Collier County a 20 foot non-exclusive easement for access to the well site parcel and for underground pipelines, at no cost to the County. The general location of the well site parcel and the 20 foot access and utility easement and the configurations are indicated on the PUD master plan. The precise locations of the easements shall be determined at the time of first site development plan or subdivision plat approval. Collier County may also use the public access easement described in Transportation Commitment Condition B of this Exhibit F to install its

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT F**
**DEVELOPMENT COMMITMENTS**

underground pipelines and other utilities by coordinating the location with Owner. Collier County agrees to design and construct the pump-house, fencing, landscaping, signage, and lighting, and any other site improvements in the well site parcel so as to conform to, and be harmonious with, the architecture of the commercial or residential site location, depending upon the final site location. In exchange for the easements, at a minimum, Collier County agrees to provide a type C buffer around the perimeter of the well/pump house area, and the developer of Sonoma Oaks shall review and approve the design of the well/pump house and the landscaping prior to construction or installation. At or before site development plan approval if Owner has not platted the easements, Collier County shall prepare at its expense any necessary easement documents and legal descriptions for the well site and access easements which documents are subject to the Owner's review and approval.

**Environmental**

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

A. All conservation areas shall be designated as conservation/preservation tracts or easements on all construction plans, and shall be recorded on the plat with protective covenants per, or similar to, those found in Section 704.06, of the Florida Statutes. Conservation areas shall be dedicated on the plat to the project's homeowner's association or like entity for ownership and maintenance responsibility and to Collier County with no responsibility for maintenance.

B. Development must comply with the guidelines and recommendations of the U.S. Fish and Wildlife Service (USF&WS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding potential impacts to "listed species." Where gopher tortoises or other protected species have been observed on site, a Habitat Management Plan shall be submitted to Environmental Services Staff for review and approval prior to site plan/construction plan approval.

C. 5.73 acres of native vegetation shall be preserved on-site, in accordance with the MPUD Master Plan provided as Exhibit C of this Ordinance.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

STATE OF FLORIDA)

COUNTY OF COLLIER)

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

**ORDINANCE 2010-48**

Which was adopted by the Board of County Commissioners on the 14th day of December, 2010, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of December, 2010.

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

By: Ann Jennejohn,
Deputy Clerk

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT B-1**
**RESIDENTIAL "R" SUBDISTRICT**
**DEVELOPMENT STANDARDS**

| DEVELOPMENT STANDARDS | SINGLE FAMILY (ATTACHED AND DETACHED) | MULTI-FAMILY | CLUBHOUSE/ RECREATION BUILDINGS | ILF/ALF/CCRC/ SKILLED NURSING UNITS[4] |
|---|---|---|---|---|
| **PRINCIPAL STRUCTURES** | | | | |
| MINIMUM LOT AREA | 2,250 S.F. ~~PER UNIT~~ | 10,000 S.F. | 10,000 S.F. | N/A |
| MINIMUM LOT WIDTH | 35 FEET 24 FEET[6] | 100 FEET | N/A | N/A |
| MINIMUM FLOOR AREA | 1,000 S.F. | 1,000 S.F./D.U. | N/A | N/A |
| MIN FRONT YARD[3] | 15 FEET | 15 FEET | 15 FEET | 15 FEET |
| MIN SIDE YARD | 5 FEET[5] | 15 FEET | 15 FEET | 15 FEET |
| MIN REAR YARD | 15 FEET 10 FEET[6] | 20 FEET | 20 FEET | 20 FEET |
| MIN PRESERVE SETBACK | 25 FEET | 25 FEET | 25 FEET | 25 FEET |
| MIN DISTANCE BETWEEN STRUCTURES | 10 FEET | ½THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING | ½THE ZONED BUIILDING HEIGHT, NOT LESS THAN 30 FEET | ½THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or55 FEET AH | NTE 61 FEET ZH or 69 FEET AH[2] |
| MAXIMUM FLOOR AREA RATIO | N/A | N/A | N/A | 0.6 |
| **ACCESSORY STRUCTURES[1]** | | | | |
| FRONT[3] | 10 FEET | 10 FEET | 20 FEET | 10 FEET |
| SIDE | 5 FEET[5] | 5 FEET | ½BH | 5FEET |
| REAR | 5 FEET | 5FEET | 10 FEET | 5 FEET |
| PRESERVE SETBACK | 10 FEET | 10 FEET | 10 FEET | 10 FEET |
| DISTANCE BETWEEN PRINCIPAL STRUCTURE | 6/0 FEET | 6 FEET | 10 FEET | 6 FEET |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH, whichever is less | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or 55 FEET AH, whichever is less | NTE 61 FEET ZH or 69 FEET AH, whichever is less[2] |



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**EXHIBIT B-1**
**RESIDENTIAL "R" SUBDISTRICT**
**DEVELOPMENT STANDARDS**

NTE = Not To Exceed
BH = Building Height
ZH = Zoned Height
AH = Actual Height
Notes:

1. Setback from lake easements for all accessory uses and structures shall be zero feet (0') or greater.
2. No buildings greater than fifty-one feet (51') in height (zoned) shall be permitted within two hundred feet (200') of the western property line. All buildings within one hundred feet (100') of the western property line shall not be oriented parallel to the western property line.
3. Front yards shall be measured as follows: If the parcel is served by a public right-of-way, setback is measured from the adjacent right-of-way line. If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).
4. If ILF, ALF, CCRC, skilled nursing or similar facilities are located in the Residential District in an area adjacent to the Preserve, the Preserve acreage shall be allocated to the FAR even if it is platted in a separate tract.
5. Minimum side yard setback for principal and accessory structures may be reduced as long as the minimum distance between principal structures is a minimum of ten feet (10').
6. Minimum dimension shall only apply to single family attached dwelling units.

GENERAL: Except as provided for herein, all criteria set forth above shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# MEMORANDUM

**DATE:** October 29, 2021

**TO:** John Kelly, AICP, Senior Planner
Collier County – Growth Management Department: Zoning Division

**FROM:** Kenrick S. Gallander, AICP
Director of Planning
RWA Engineering

**PROJECT NAME:** Sonoma Oaks MPUD PDI– (PL#: 20210001887)

**SUBJECT:** Neighborhood Information Meeting – Summary

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A Neighborhood Information Meeting (NIM) was held on October 26, at 5:30pm at the Naples Church, 10910 Immokalee Rd, Naples, FL 34120.

**Attendees are as follows:**

- Kenrick Gallander, AICP, Director of Planning – RWA Engineering
- John Williams, Vice President – RWA Engineering
- Blake Finnegan, Associate Planner – RWA Engineering
- John Kelly, Senior Planner – Collier County
- Raymond Bellows, Zoning Manager – Collier County
- Patrick Butler, PulteGroup
- Mike Hueniken, Pulte Group
- Steven Gust, PulteGroup
- Drew Reiser, PulteGroup

Please refer to the attached Sign-In Sheet and NIM ZOOM Reservation Tracker Sheet for all other attendees.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**Intro Summary (Started at 5:30 p.m.):**

Mr. Gallander began the meeting introducing himself and those in attendance. As a result of the meeting being done virtually as well, he ensured those attending via Zoom could hear and see the PowerPoint Presentation online. Once confirmed, Mr. Gallander proceeded to outline the meeting, which would include a brief presentation followed by questions and answers.

The presentation included a description of the subject property location and details of the subject property. This included the current Sonoma Oaks Mixed Use Planned Development (MPUD) under the approved zoning Ordinance No. 10-48.

Mr. Gallander discussed the location of the property in reference to the surrounding properties and outlined the Master Plan detailing the approved development tracts – Residential Tract, Commercial Tract, and the Preserve Tract, as well as buffer types on each side of the property.

Next, Mr. Gallander further detailed the specific development tracts associated within the Master Plan providing additional background details of the future Sonoma Oaks development and existing surrounding residential uses related to the approved zoning.

He then went into the details of the request to amend the Sonoma Oaks MPUD's development standards to allow for a decrease in the minimum lot width for single family attached dwellings form 35 feet to 24 feet, a decrease in the minimum rear setback from 15 feet to 10, and delete the reference to "PER UNIT" within the Minimum Lot Area standard.

Mr. Gallander then summarized the basis for the request mainly due to the evolution of the last eleven years since the PUD was approved. Under the development permitting process based on the zoning, it became apparent the development standards were limiting the ability to address the typical single-family attached/townhome development. Additionally, the requirement to add a floodplain compensation area was unknown during the zoning approvals, which reduced the developable area within residential tract area. Having further flexibility in the standards helps to address the constraints put on by the floodplain compensation area. Lastly, the proposed development standards are comparable to those in the surrounding residential areas and throughout Collier County.

Mr. Gallander then presented a slide outlining estimates of the distances from the adjacent residential properties to the Sonoma Oaks townhomes, helping to visualize the extensive separation between the residential uses and that the proposed amended development standards would not negatively impact the residential properties to the west in Black Bear Ridge.

Mr. Gallander then reviewed the process and timeline of the request, including the date of the upcoming public hearing, which the residents would have an additional opportunity for public input.

Mr. Gallander concluded the presentation and then opened the floor for questions/comments/input from those in attendance.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**Questions/Comments asked or offered at the meeting:**

Q/C: Is the 37.5 acres just the residential portion or entire area of MPUD?

**A: It is the entire area.**

Q/C: So, the entire area is approved for 114 units?

**A: Correct.**

Q/C: What is the 173' measurement from?

**A: That is our estimate of where your property line ends to the nearest structure of where the Sonoma Oaks homes will be constructed.**

Q/C: Is there going to be foliage in floodplain com area?

**A: That area is cleared out and graded lower and is typically a more natural meadow type/open space type of area. Now to the west, where there is no preserve, we are required to but in the 15-foot Type B buffer.**

Q/C: What is in the Type B Buffer?

**A: Made up of trees and hedge at a width of 15'.**

Q/C: Is the floodplain compensation area going to be wet or dry?

**A: The majority of the time it will be dry. When heavy rains occur, it may fill with some water.**

Q/C: What are you going to do to create the floodplain area?

**A: We are required to clear out vegetation in that area. This will allow the outfall to flow properly, and it will be a 20-foot-wide swale.**

Q/C: How large a ditch?

**A: Typically, slightly lower than floodplain compensation area and approximately 20 feet wide.**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

Q/C: Which lots do not abut a preserve?

**A: We do not know the lot numbers. It appears 3 full lots and portions of 2 lots.**

Q/C: Sounds like the floodplain area is going to be a bit lower. What will it look like eventually? Is it maintained like a landscape area, or does it just grow?

**A: The area now will be brought down to about a foot lower and that's what it will be at. The intent is for it to be a grassy type of area.**

Q/C: Part of my concern is that the original approval was based on a lot less density.

**A: Let me clarify, we are not changing the density. Our orientation and design are being adjusted but we are not increasing units.**

Q/C: I was told that along the preserve area that Black Bear Ridge fence was 2 feet back from our property line. Will your swale or preserve start on our line?

**A: No, they will need to be on our property.**

Q/C: Will there be any fence constructed between the two properties?

**A: Fencing is optional along the north along the roadway and along Collier Boulevard, but along the preserve and where the buffers there is not fence or wall.**

Q/C: Is there any reason a fence couldn't be installed?

**A: I can't say at this time. This something we will take into consideration.**

Q/C: So, the way I understand it, the property was always allowed 114 units, it's just the way they are laid out which you have to make it more dense?

**A: Yes. You can call it that. This is a result of the constraints of the property and the typical layout of development and townhome product.**

Q/C: Is that a lake in the middle?

**A: Yes.**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

Q/C: What is the estimated construction timeline?

**A: Estimated for site work is the beginning of the year of 2022. Hopefully some vertical late spring early summer is our estimates at this time.**

Q/C: Will the lake be used to support the irrigation?

**A: We do not know at this time, but believe so.**

Q/C: Will they all be the same size units?

**A: Right now, we are proposing two layouts with very similar square footage of around 1800 SF.**

Q/C: Are any balconies proposed?

**A: None are proposed.**

Q/C: How much of what is being proposed is going to end up getting changed?

**A: I would say very little. We are constrained by the master plan as to where residential units can go. All uses proposed for this project will have to be consistent with the master plan. At the time we are moving forward with what you see here.**

Q/C: Will there be any affordable housing?

**A: No**

Q/C: Will there be an HOA?

**A: Yes, there will be one.**

Q/C: Will you also make sure the preserve is maintained? Will Pulte be utilizing a firm to help manage them?

**A: Yes.**

Q/C: Will Pulte manage them or subcontract them out?

**A: They will subcontract them out.**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

Q/C: Is there a wall or fence on the Wolfe Road side of the property?

**A: No. It is an optional wall or fence.**

Q/C: What is the price point?

**A: Mid 400 thousand.**

Q/C: Is there a community with similar townhomes so we can see what will be going in behind us?

**A: Yes, Hammock Cove in the Gateway community in Lee County.**

Q/C: Was the originally approved 114 dwelling units based on the entire 37 acres or the residential portion?

**A: I believe it was the entire area of the Planned Unit Development.**

Q/C: Will this be a 55+ community?

**A: No.**

Q/C: What is the square footage of the homes?

**A: Between 1800 and 1900 SF of livable area.**

Q/C: Will you be using block or wood construction material?

**A: Potentially both.**

Q/C: Is there an amenity area?

**A: Yes.**

Q/C: Is there any protection so that they (kids) are not going into the preserve or other areas.

**A: No plans for fencing, but there will be the required signage for the preserve areas.**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

Q/C: There is a desire to continue the discussion to ensure being good neighbors and would like opportunity to see about fencing around floodplain compensation area.

**A: Pulte will be a good neighbor and ensures vegetative buffer and marshland plantings will be provided and will likely add additional height and other landscaping to enhance the areas. But will take years to mature.**

Q/C: Does Pulte have their own landscape team?

**A: The development team has a landscape architect ensuring the theme of development landscaping is met. Will ensure the code minimum plan is met, but will also likely have an enhanced plan.**

Q/C: This meeting has been very helpful to clarify the development. But can you speak to the commercial side?

**A: The commercial side based on the zoning verification letters, it's a rehabilitation hospital for occupational and physical injuries.**

Q/C: Is the dead end street at the southwest end accurate?

**A: Yes, it provides the access to the end townhome units for cars and fire to access them.**

The meeting adjourned at approximately 6:35 p.m.

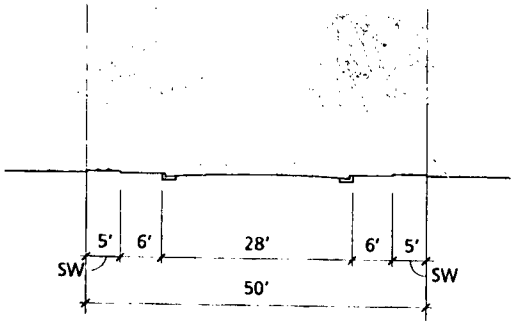
Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

| LAND USE SUMMARY | | ACRES | UNITS/SQUARE FEET |
|---|---|---|---|
| R | RESIDENTIAL | 15.02 | 114 DWELLING UNITS (456 ILF, ALF, SKILLED NURSING UNITS ON 'R' DESIGNATED AREAS) |
| C | COMMERCIAL | 8.93 | 120,000 SQUARE FEET |
| P | NATIVE PRESERVE | 5.73 | |
| | RIGHTS OF WAY | | |
| | -PUBLIC EASEMENT | 2.06 | |
| | -DEDICATED | 3.50 | |
| | ** OTHER | 2.26 | |
| | TOTAL | 37.50 | |

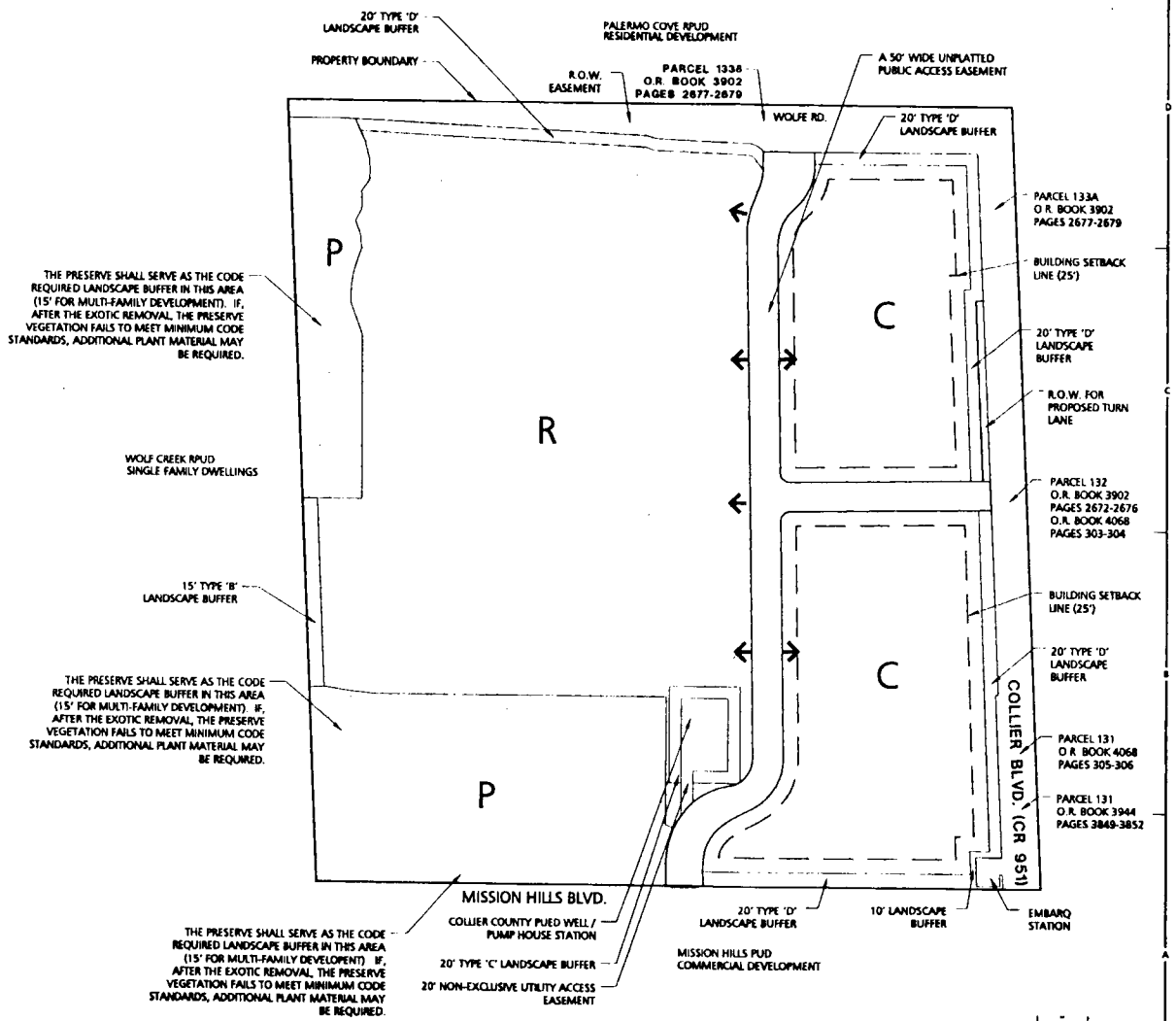
** INCLUDES BUFFERS, PERIMETER BERM, OPEN SPACE, FUEL WELL, ETC

## MPUD MASTER PLAN NOTES

1. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 10.2 ACRES (30% OF 34 (37.50-3.5) DEDICATED RIGHT OF WAY) OF OPEN SPACE.
2. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
3. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL OR CONSTRUCTION PLANS AND PLAT APPROVAL.
4. THE ROADWAY WITHIN THE SONOMA OAKS PROJECT CONNECTING WOLFE ROAD AND MISSION HILLS BOULEVARD SHALL BE A 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT. ALL STORM WATER RUN OFF ASSOCIATED WITH THE ACCESS EASEMENT SHALL BE ACCOMMODATED ON-SITE VIA THE SONOMA OAKS STORM WATER MANAGEMENT SYSTEM. ALL STORM WATER MANAGEMENT INFRASTRUCTURE SHALL BE DESIGNED IN ACCORDANCE WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND COLLIER COUNTY STANDARDS AND THE PROPER EASEMENTS SHALL BE RECORDED. THE SONOMA OAKS PROPERTY OWNERS' ASSOCIATION SHALL BE GRANTED SOLE OWNERSHIP, ACCESS RIGHTS AND MAINTENANCE RESPONSIBILITY FOR THE PUBLIC ACCESS EASEMENT AND ALL INFRASTRUCTURE SERVING THE PUBLIC ACCESS EASEMENT.
5. 5.73 ACRES OF NATIVE VEGETATION SHALL BE PRESERVED ON-SITE.
6. THE RESIDENTIAL TRACT IS DESIGNED TO ACCOMMODATE INTERNAL ROADWAYS AND WATER MANAGEMENT.




TYPICAL 50' WIDE UNPLATTED PUBLIC ACCESS EASEMENT




IN COORDINATION WITH.

PREPARED BY: WilsonMiller, WilsonMiller, Inc.

SONOMA OAKS

PREPARED FOR: VOILA II, LLC

| REV | DATE | DESCRIPTION |
|---|---|---|
| | | |

SCALE: 1"=200'
DATE: SEPTEMBER 27, 2010
PIN: 05544-100-002
PROJECT MANAGER:

PUD MASTER PLAN EXHIBIT C

NOT FOR CONSTRUCTION

G101

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks

**EXHIBIT B-1**
**RESIDENTIAL "R" SUBDISTRICT**
**DEVELOPMENT STANDARDS**

| DEVELOPMENT STANDARDS | SINGLE FAMILY (ATTACHED AND DETACHED) | MULTI-FAMILY | CLUBHOUSE/ RECREATION BUILDINGS | ILF/ALF/CCRC/ SKILLED NURSING UNITS[4] |
|---|---|---|---|---|
| **PRINCIPAL STRUCTURES** | | | | |
| MINIMUM LOT AREA | 2,250 S.F. ~~PER UNIT~~ | 10,000 S.F. | 10,000 S.F. | N/A |
| MINIMUM LOT WIDTH | 35 FEET 24 FEET[6] | 100 FEET | N/A | N/A |
| MINIMUM FLOOR AREA | 1,000 S.F. | 1,000 S.F./D.U. | N/A | N/A |
| MIN FRONT YARD[3] | 15 FEET | 15 FEET | 15 FEET | 15 FEET |
| MIN SIDE YARD | 5 FEET[5] | 15 FEET | 15 FEET | 15 FEET |
| MIN REAR YARD | 15 FEET 10 FEET[6] | 20 FEET | 20 FEET | 20 FEET |
| MIN PRESERVE SETBACK | 25 FEET | 25 FEET | 25 FEET | 25 FEET |
| MIN DISTANCE BETWEEN STRUCTURES | 10 FEET | ½THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING | ½THE ZONED BUIILDING HEIGHT, NOT LESS THAN 30 FEET | ½THE ZONED BUILDING HEIGHT OF THE TALLEST BUILDING |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or55 FEET AH | NTE 61 FEET ZH or 69 FEET AH[2] |
| MAXIMUM FLOOR AREA RATIO | N/A | N/A | N/A | 0.6 |
| **ACCESSORY STRUCTURES[1]** | | | | |
| FRONT[3] | 10 FEET | 10 FEET | 20 FEET | 10 FEET |
| SIDE | 5 FEET[5] | 5 FEET | ½BH | 5FEET |
| REAR | 5 FEET | 5FEET | 10 FEET | 5 FEET |
| PRESERVE SETBACK | 10 FEET | 10 FEET | 10 FEET | 10 FEET |
| DISTANCE BETWEEN PRINCIPAL STRUCTURE | 6/0 FEET | 6 FEET | 10 FEET | 6 FEET |
| MAX BUILDING HEIGHT | NTE 35 FEET ZH or 45 FEET AH, whichever is less | 45 FEET ZH or 55 FEET AH[2] | NTE 45 FEET ZH or 55 FEET AH, whichever is less | NTE 61 FEET ZH or 69 FEET AH, whichever is less[2] |



Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

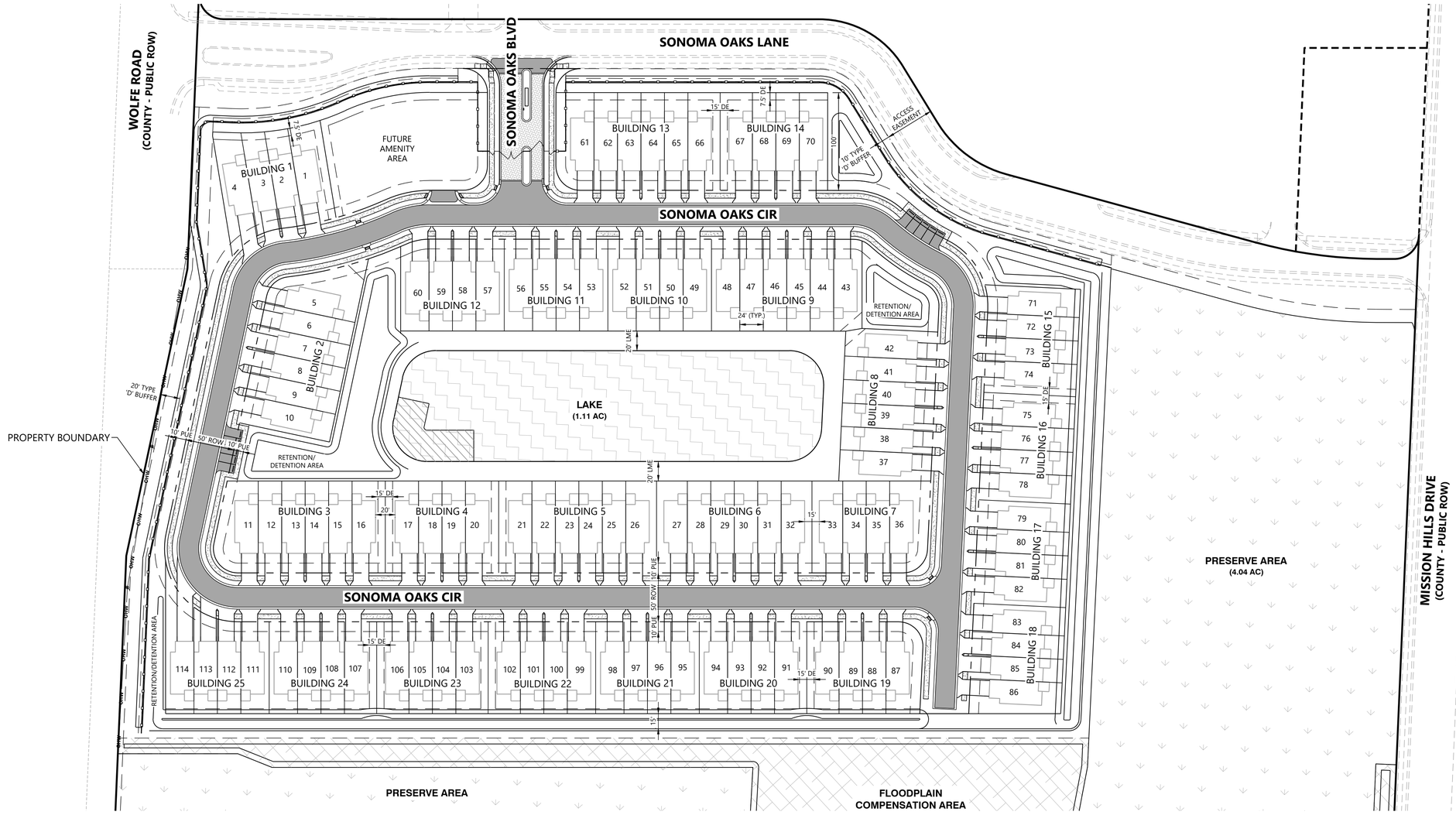
**EXHIBIT B-1**
**RESIDENTIAL "R" SUBDISTRICT**
**DEVELOPMENT STANDARDS**

NTE = Not To Exceed
BH = Building Height
ZH = Zoned Height
AH = Actual Height
Notes:

1. Setback from lake easements for all accessory uses and structures shall be zero feet (0') or greater.
2. No buildings greater than fifty-one feet (51') in height (zoned) shall be permitted within two hundred feet (200') of the western property line. All buildings within one hundred feet (100') of the western property line shall not be oriented parallel to the western property line.
3. Front yards shall be measured as follows: If the parcel is served by a public right-of-way, setback is measured from the adjacent right-of-way line. If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).
4. If ILF, ALF, CCRC, skilled nursing or similar facilities are located in the Residential District in an area adjacent to the Preserve, the Preserve acreage shall be allocated to the FAR even if it is platted in a separate tract.
5. Minimum side yard setback for principal and accessory structures may be reduced as long as the minimum distance between principal structures is a minimum of ten feet (10').
6. Minimum dimension shall only apply to single family attached dwelling units.

GENERAL: Except as provided for herein, all criteria set forth above shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)




0 60 120 Feet

## LEGEND

- LAKE AREA
- WETLAND BUFFER
- LITTORAL AREA
- WETLAND PRESERVE

## UNIT SUMMARY

| UNIT TYPE | NUMBER OF UNITS |
|---|---|
| TOWNHOUSE | 114 |

## DEVELOPMENT STANDARDS TABLE

| PRINCIPAL STRUCTURES | SINGLE-FAMILY ATTACHED /TOWNHOUSE |
|---|---|
| MINIMUM LOT AREA | 2,250 S.F. |
| MINIMUM LOT WIDTH | 24' |
| MINIMUM FLOOR AREA | 1,000 S.F. |
| FRONT YARD | 15' (3) |
| MINIMUM SIDE YARD | 5' (4) |
| MINIMUM REAR YARD | 10' |
| MINIMUM PRESERVE SETBACK | 25' |
| MINIMUM DIST. BETWEEN STRUCTURES | 10' |
| MAX. ZONED BUILDING HEIGHT | 35' |
| MAX. ACTUAL BUILDING HEIGHT | 45' |

**NOTES:**

- S.P.S. = SAME AS PRINCIPAL STRUCTURES

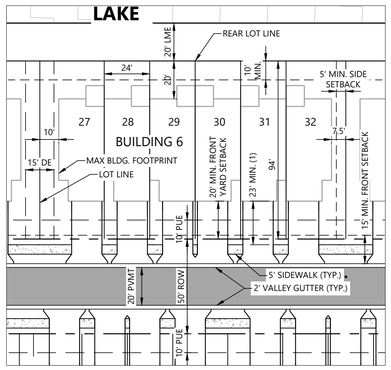
FOOTNOTES:

(1) SETBACK FROM LAKE EASEMENTS FOR ALL ACCESSORY USES AND STRUCTURES SHALL BE ZERO FEET (0') OR GREATER.

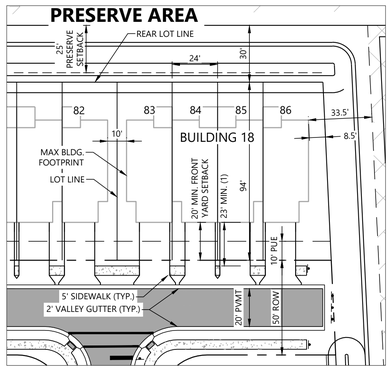
(2) NO BUILDINGS GREATER THAN FIFTY-ONE FEET (51') IN HEIGHT (ZONED) SHALL BE PERMITTED WITHIN TWO HUNDRED FEET (200') OF THE WESTERN PROPERTY LINE. ALL BUILDINGS WITHIN ONE HUNDRED FEET (100') OF THE WESTERN PROPERTY LINE SHALL NOT BE ORIENTED PARALLEL TO THE WESTERN PROPERTY LINE.

(3) FRONT YARDS SHALL BE MEASURED AS FOLLOWS: IF THE PARCEL IS SERVED BY A PUBLIC RIGHT-OF-WAY, SETBACK IS MEASURED FROM THE ADJACENT RIGHT-OF-WAY LINE. IF THE PARCEL IS SERVED BY A PRIVATE ROAD, SETBACK IS MEASURED FROM THE BACK IF CURB (IF CURBED) OR EDGE OF PAVEMENT (IF NOT CURBED).

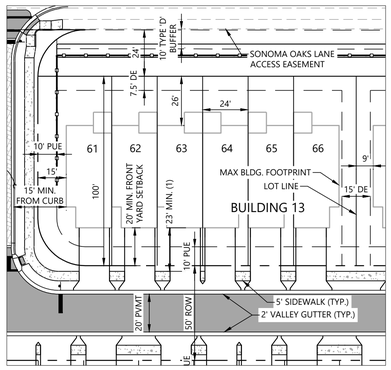
(4) MINIMUM SIDE YARD SETBACK FOR PRINCIPAL AND ACCESSORY STRUCTURES MAY BE REDUCED AS LONG AS THE MINIMUM DISTANCE BETWEEN PRINCIPAL STRUCTURES IS A MINIMUM OF TEN FEET (10').




**TYPICAL LOT ADJACENT TO LAKE**
SCALE: 1"=40'




**TYPICAL LOT ADJACENT TO PRESERVE**
SCALE: 1"=40'




**TYPICAL CORNER LOT**
SCALE: 1"=40'

| REV # | REVISION | DRAWN | CHECKED | DATE |
|---|---|---|---|---|
| 1 | REVISED REAR SETBACK | DLP | MCP | 10/8/21 |

RWA ENGINEERING
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575 FAX: (239) 597-0578
www.consult-rwa.com
Florida Certificates of Authorization
EB 7663 LB6952

DATE: SEPT., 2021
SEC: 34 TWP: 48S RGE: 26E
DESIGNED: MCP
DRAWN: DLP
HORIZ. SCALE (FULL): 1" = 60'
HORIZ. SCALE (HALF): 1" = 120'
VERT. SCALE (FULL): N/A
VERT. SCALE (HALF): N/A

CLIENT: PULTE HOMES CORPORATION

TITLE: ZONING DATA SHEET

PROJECT: SONOMA OAKS

PROJECT NO.: 180015.00.02
FILE NAME: 01 1800150002X ZS01
SHEET NUMBER: 1 OF 1

MICHAEL C. PAPPAS
FLORIDA LICENSE NO. 60910

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

## SIGN POSTING INSTRUCTIONS

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

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

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

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

- - - -

PUBLIC HEARING NOTICE

Sonoma Oaks MPUD

PUD Insubstantial Change

Petition No. 20210001887

HEX: November 12, 2021 - 9:00 a.m.

Growth Management Building - 609/610

2800 N. Horseshoe Dr., Naples, FL 34104

John Kelly, Senior Planner: 239-252-5719

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# PUBLIC HEARING NOTICE

**Sonoma Oaks MPUD**

**PUD Insubstantial Change**

Petition No. 20210001887

**HEX: November 12, 2021 - 9:00 a.m.**

Growth Management Building - 609/610

2800 N. Horseshoe Dr., Naples, FL 34104

**John Kelly, Senior Planner: 239-252-5719**

Attachment: Attachment D - HEX Package Combined FINAL (20477 : PL20210001887 PDI Sonoma Oaks MPUD)




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COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210001887

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

Name: Michael Hueniken Date: 10/25/21

Signature: Michael Hueniken

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

Prepared by and return to:
Scott Clements
Area General Counsel
Pulte Home Company, LLC
2301 Lucien Way, Suite 155
Maitland, Florida 32751

**AFFIDAVIT**

**STATE OF FLORIDA**
**COUNTY OF ORANGE**

BEFORE ME, the undersigned officer authorized to administer oaths, on this day personally appeared **Scott M. Clements**, who upon being duly sworn, deposes and says:

1. He is over the age of eighteen (18) years and has personal knowledge of the facts stated herein.

2. He is Area General Counsel, Vice President, and Assistant Secretary of **Pulte Home Company, LLC**, a Michigan limited liability company (the "**LLC**"), successor by conversion of **Pulte Home Corporation**, a Michigan corporation, which has never been dissolved.

3. The individuals identified below have been duly authorized to execute documents on behalf of the LLC in accordance with the Signing Power Resolutions adopted by the LLC as of January 1, 2017, currently in effect and attached hereto in pertinent part as Exhibit "A" (the "Signing Powers Resolution"), and such documents, properly executed by the individuals identified below, on behalf of the LLC are binding upon the LLC:

| | |
|---|---|
| **Peter Keane** | Area President (Florida) |
| **Brian Yonaley** | Area Vice President – Finance (Florida) |
| **Rich McCormick** | Division President (Southwest Florida) |
| **Anthony L. Schutt** | Vice President – Operations (Southwest Florida) and Vice President – Finance (Southwest Florida) |
| **Naomi Robertson** | Director – Finance (Southwest Florida) |
| **Daniel Bryce Langen** | Vice President – Finance and Treasurer |
| **Gregory S. Rives** | Assistant Treasurer |
| **Michael Woolery** | Vice President – Land Acquisition (Southwest Florida) |
| **Steven Gust** | Director – Land Acquisition (Southwest Florida) |
| **Glenn Hasenfus** | Director – Land Acquisition (Southwest Florida) |
| **Mike Hueniken** | Vice President – Land Development (Southwest Florida) |
| **Scott Brooks** | Director – Land Development (Southwest Florida) |
| **Keith Stewart** | Vice President – Construction Operations (Southwest Florida) |
| **Joshua Graeve** | Vice President – Sales (Southwest Florida); and Assistant Secretary (North Florida, West Florida, Southeast Florida, and Southwest Florida) |
| **Wes Copeland** | Vice President – Purchasing (Southwest Florida) |
| **Travis Hucks** | Director of Product (Florida Zone) |
| **Scott Clements** | Vice President and Assistant Secretary |
| **Michael Blake Lapinsky** | Assistant Secretary (North Florida, West Florida, Southeast Florida, and Southwest Florida) |
| **Craig Russo** | Assistant Secretary (North Florida, West Florida, Southeast Florida, and Southwest Florida) |
| **Justin Wood** | General Sales Manager (Southwest Florida) and Assistant Secretary (North Florida, West Florida, Southeast Florida, and Southwest Florida) |

Additionally and specifically, **Naomi Robertson,** as **Director – Finance; Justin Wood**, as **General Sales Manager; Ella Fleming** as **Division Controller**; and **Laura Ray, Christicia Marconi, Joann Frazier, Ashley Sherrill, Maleine Beltran,** and **Cindi Diekelmann**, in their respective capacities as **Closing/Homebuyer Coordinators**, have been duly authorized to execute (i) contracts for the sale of residential homes or lots to consumers (not to another business), and (ii) deeds of conveyance and all other documents that are relevant or incident to the sale and closing of residential homes or lots to consumers (not to another business), including any mortgage-related documents, such as buydown agreements or other relevant documents, on behalf of the LLC, and such documents, properly executed by such individuals on behalf of the LLC, are binding upon the LLC.

Further, **Daniel Bryce Langen**, as **Vice President-Finance** and **Treasurer**, and **Gregory S. Rives**, as **Assistant Treasurer**, have been and are duly authorized to execute bonds and any other bond-related documents on behalf of the LLC, and such documents, properly executed on behalf of the LLC are binding upon the LLC.



Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

4. The Signing Powers Resolution, Paragraph C., RESOLUTIONS, I-V, VII, and VIII, identifies certain titles in the Division Specific Signing Power sections, which titles are clarified and shall correspond as set forth below:

   A. Omission of the words "Gulf Coast," "North Florida," "West Florida," "Florida," "Southeast Florida" or "Southwest Florida" after an officer's name does not constitute improper, incomplete or incorrect execution and does not affect or limit the authority of the otherwise duly authorized officer in any way;
   B. Division VP/Director of Finance shall mean either a Division-level (i.e., Southwest Florida-level) Vice President – Finance or a Director of Finance;
   C. Division VP/Director of Land Development/Acquisition shall mean either a Division-level (i.e., a Southwest Florida-level) Vice President – Land Development or Vice President – Land Acquisition; or either a Director of Land Development or a Director of Land Acquisition;
   D. Division VP/Director of Construction Operations shall also mean either a Division-level (i.e., Southwest Florida-level) Vice President – Construction Operations or a Director of Construction Operations;
   E. Division/Project Controller shall also mean either Division Controller or Project Controller;
   F. Division VP of Sales shall also mean Vice President – Sales.

5. The LLC is not now and has never been a debtor in a bankruptcy proceeding during the existence of the LLC.

6. This Affidavit is given for the purposes of evidencing incumbency and authority of the employees named above and pursuant to the provisions of Section 689.045, Florida Statutes.

**Scott M. Clements**

Sworn to and subscribed before me by means of ✓ physical presence or ___ online notarization this 15th day of April, 2021, by Scott M. Clements, Area General Counsel, Vice President, and Assistant Secretary of Pulte Home Company, LLC, a Michigan limited liability company, on behalf of the LLC, who is personally known to me.

**Print Name: Kelly V. Costantino**
**Notary Public, State of Florida**
**Commission No.: GG929396**
**Commission Expires: 01/23/2024**

KELLY V. COSTANTINO
Commission # GG 929396
Expires January 23, 2024
Bonded Thru Troy Fain Insurance 800-385-7019

Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A
# SIGNING POWER RESOLUTIONS

Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# CERTIFIED RESOLUTIONS
# OF THE BOARD OF DIRECTORS OF
# PULTE HOME COMPANY, LLC

I, Scott M. Clements, herby certify that I am a duly elected and acting Assistant Secretary of PULTE HOME COMPANY, LLC, a limited liability company authorized and existing under the laws of the State of Michigan; that attached is a true copy of the resolutions adopted by the Board of Directors of the limited liability company to be effective January 1, 2017; and that such resolutions have not been rescinded or modified, and do not contravene any provisions of the Articles of Organization or Operating Agreement of said limited liability company.

IN WITNESS WHEREOF, I have here unto set my hand this 3rd day of January, 2017.

Scott M. Clements, Assistant Secretary

STATE OF FLORIDA )
)
COUNTY OF ORANGE )

On January 3, 2017, before me, Kelly V. Costantino, a Notary Public in and for said State, personally appeared Scott M. Clements, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Kelly V. Costantino, Notary Public
Orange County, Florida
My Commission Expires: 01/23/2020

KELLY V. COSTANTINO
Commission # FF 942099
Expires January 23, 2020
Bonded Thru Troy Fain Insurance 800-385-7019

Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

## PULTE HOME COMPANY, LLC SIGNING

## POWER RESOLUTIONS

A. **DEFINITIONS.**

As used in these resolutions:

"signing power" means the power and authority to execute and deliver an agreement, instrument or other document.

"General Signing Power" means signing power relating to the ordinary course of business of PULTE HOME COMPANY, LLC (the "Company") generally, without restriction to a particular Division or project, both in the Company's own capacity and in any instances where it is the managing partner or managing member of a joint venture (the "Partnership").

"Division Specific Signing Power" means signing power relating only to the ordinary course of business of a Division over which the officer, manager, or employee in question has management responsibility, both in the Company's own capacity and as managing partner or managing member of the Partnership.

B. **PURPOSE.**

The purpose of these resolutions is to establish the signing power of certain employees of the Company, both in the Company's own capacity and as managing partner or managing member of the Partnership. Copies of these resolutions may be delivered to title companies and other parties who require evidence of the signing power of an employee. No employee of the Company may subdelegate his or her signing power except as expressly provided in these resolutions by use of the words: "Other title(s) or person(s) designated in writing by . . .".

C. **RESOLUTIONS.**

RESOLVED, that the following officers, managers, or employees of the Company shall have the General Signing Power or the Division Specific Signing Power , as indicated in the charts below:

Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

**Development of Real Property**

I. General Development. Applications, tentative and final subdivision plats and maps, development agreements, land development agreements, amenity contractor agreements and all other documents that are relevant or incident to the development of real property in which the Company or the Partnership has any interest, other than documents contemplated in part VI below:

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Area VP Land |
| Executive Vice President | Division President |
| Senior Vice President | Division VP/Director Finance |
| Vice President | Division VP/Director of Land Development/Acquisition |

House Construction Agreements. Contractor agreements, construction agreements, contracts, purchase orders, pricing schedules, scopes of work and all other documents that are relevant or incident to the construction of residential homes and amenities thereto in which the Company or the Partnership has any interest, other than documents contemplated in the paragraph immediately above this one:

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Area VP Construction Operations |
| Executive Vice President | Area Purchasing Director |
| Senior Vice President | Division President |
| Vice President | Division VP/Director Finance |
| | Division VP/Director of Construction Operations |
| | Division Purchasing Director/Manager |

**Storm Water Management**

II. Notices of intent, notices of termination, storm water pollution prevention plans, reports, certifications or other documentation that is relevant or incident to storm water



Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

management and erosion control in the development of real property and/or construction of homes in which the Company or the Partnership has any interest.

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Area VP Land |
| Executive Vice President | Division President |
| Senior Vice President | Division VP/Director Finance |
| Vice President | Division VP/Director of Land Development/Acquisition |
| | Division Storm Water Compliance Representative |

**Sale and Closing of Residential Homes or Lots**

III. Contracts for the sale of residential homes or lots to consumers (not to another business).

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Division President |
| Executive Vice President | Division VP/Director Finance |
| Senior Vice President | Division Controller |
| Vice President | Division VP of Sales |
| | General Sales Manager |
| | Closing/Homebuyer Coordinator |
| | Any of the following employees of either Pulte Mortgage LLC: Vice President, Branch Manager and Assistant Secretary |
| | Any of the following employees of either Sun City Title Agency, Inc. or PGP Title, Inc. or PGP Title of Florida, Inc.: Vice President, Escrow Manager, Escrow Supervisor, Director-Closing Services, and Title Officer |



Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

| | |
|---|---|
| | Other title(s) or person(s) designated in writing by either the Area President or Area VP Finance |

IV. Deeds of conveyance and all other documents that are relevant or incident to the sale and closing of residential homes or lots to consumers (not to another business), including any mortgage-related documents, such as buydown agreements or other relevant documents.

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Division President |
| Executive Vice President | Division VP/Director Finance |
| Senior Vice President | Division Controller |
| Vice President | Division VP of Sales |
| | General Sales Manager |
| | Closing/Homebuyer Coordinator |
| | Any of the following employees of either Pulte Mortgage LLC: Vice President and Branch Manager |
| | Any of the following employees of either Sun City Title Agency, Inc. or PGP Title, Inc. or PGP Title of Florida, Inc.: Vice President, Escrow Manager, Escrow Supervisor, Director-Closing Services, and Title Officer |
| | Other title(s) or person(s) designated in writing by either the Area President or Area VP Finance |

**Closing of the Purchase and Sale of Real Property**

V. Contracts, deeds and all other closing documents for the purchase or sale of real property (other than the sale and closing of residential homes or lots to consumers).

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Area VP Land |



Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

| | |
|---|---|
| Executive Vice President | Division President |
| Senior Vice President and General Counsel | Division VP/Director of Finance |
| Other title(s) or person(s) designated in writing by resolution(s) of the Board of Directors | Division VP of Land Development/Acquisition |

**Real Property Financing and Land Banking Transactions**

VI. Documents related to any of the following real property financings and land banking transactions:

a. Traditional Financing. Loan agreements, security agreements, promissory notes, deeds of trust and all other documents that are relevant or incident to the financing of the purchase and/or development of real property.

b. Special Taxing District Financing. Loan agreements, security agreements, promissory notes, deeds of trust and all other documents under which the Company or the Partnership is a party that are relevant or incident to a Special Taxing District Financing (defined below), other than documents contemplated in Guarantees and Environmental Indemnities.

"Special Taxing District Financing" means a financing through the issuance of bonds by a community development district, community facilities district, municipal utility district, county or municipal improvement district, tax incremental district or other similar special purpose unit of local government.

c. Guarantees and Environmental Indemnities. Guarantees of payment or performance of the obligations of another entity (whether in the form of a payment guaranty, indemnity or other document), maintenance or remargining guarantees and environmental indemnities in connection with development financing.

d. Land Banking Transactions. Assignments of contracts to purchase real property, options to purchase real property, development agreements and other documents evidencing arrangements with an intermediary, such as a land banker, to purchase or develop real property.

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chief Financial Officer of the publicly traded ultimate parent | |
| Treasurer of the publicly traded ultimate parent | |



Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

Licenses

VII. Documents necessary to obtain licenses and department of real estate public reports or similar documents in California and other states (such as, without limitation, Arizona and Nevada).

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Area VP Land |
| Executive Vice President | Division President |
| Senior Vice President | Division VP/Director of Finance |
| Vice President | Division VP/Director Sales |
| | Division VP of Construction Operations |
| | Area VP/Division VP/Director Land Acquisition/Development |

CC&Rs

VIII. Restrictive covenants, conditions, restrictions, easements and other similar rights or restrictions, commonly known as CC&Rs, affecting real property or improvements on real property, and documents relating to CC&Rs, such as the organizational documents for the related homeowners' or property owners' association.

| *General Signing Power* | *Division Specific Signing Power* |
|---|---|
| Chairman of the Board | Area President |
| Chief Executive Officer | Area VP Finance |
| President | Area VP Land |
| Executive Vice President | Division President |
| Senior Vice President | Division VP/Director Finance |
| Vice President | Division VP/Director Land Acquisition/Development |

RESOLVED FURTHER, that all lawful acts specifically described in the immediately preceding resolution, undertaken prior to the adoption of these resolutions, in the Company's own capacity or as managing partner or managing member of the Partnership, are hereby ratified, confirmed and adopted by the Company.



Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

# EXHIBIT A

RESOLVED FURTHER, that any Signing Power Resolutions or Powers of Attorney and Grants of Agency previously issued or adopted by the Company are hereby terminated, revoked and superseded in their entirety by these resolutions.

Effective as of January 1, 2017.

* * * * *

Attachment: Attachment E - HEX Hybrid Mtg Waiver (20477 : PL20210001887 PDI Sonoma Oaks MPUD)

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.B
**Item Summary:** PETITION NO. PCUD - PL20210001555 - Westview Plaza PUD 3600 Westview Dr. - Request for a determination that the proposed use of indoor automobile repair facility (SIC 7532) is comparable in nature to other permitted uses in Section 2.2.a of the Westview Plaza Planned Unit Development (PUD) adopted by Ordinance Number 83-45, as amended. The subject property is located at 3600 Westview Drive, Westview Plaza Replat Lot 9, in Section 1, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 4

**Meeting Date:** 11/12/2021

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
10/25/2021 7:38 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
10/25/2021 7:38 PM

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**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | Review Item | Completed | |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 10/26/2021 1:44 PM |
| Zoning | Ray Bellows | Review Item | Completed | 10/27/2021 9:57 AM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 10/29/2021 4:05 PM |
| Zoning | Diane Lynch | Review Item | Skipped | 10/26/2021 1:43 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 11/12/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION – ZONING SERVICES SECTION

**HEARING DATE:** NOVEMBER 12, 2021

**SUBJECT:** PCUD-PL20210001555; WESTVIEW PLAZA PUD

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## PROPERTY OWNER/AGENT:

**Owner**: Motorsports Storage LLC
1250 Airport Rd. S.
Naples, FL 34104

**Agent(s):** D. Wayne Arnold, AICP
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

## REQUESTED ACTION:

Request for a determination that the proposed use of indoor automobile repair facility (SIC 7532) is comparable in nature with the permitted uses in Section 2.2.A of the Westview Plaza Planned Unit Development (PUD), Ordinance 83-45, as amended.

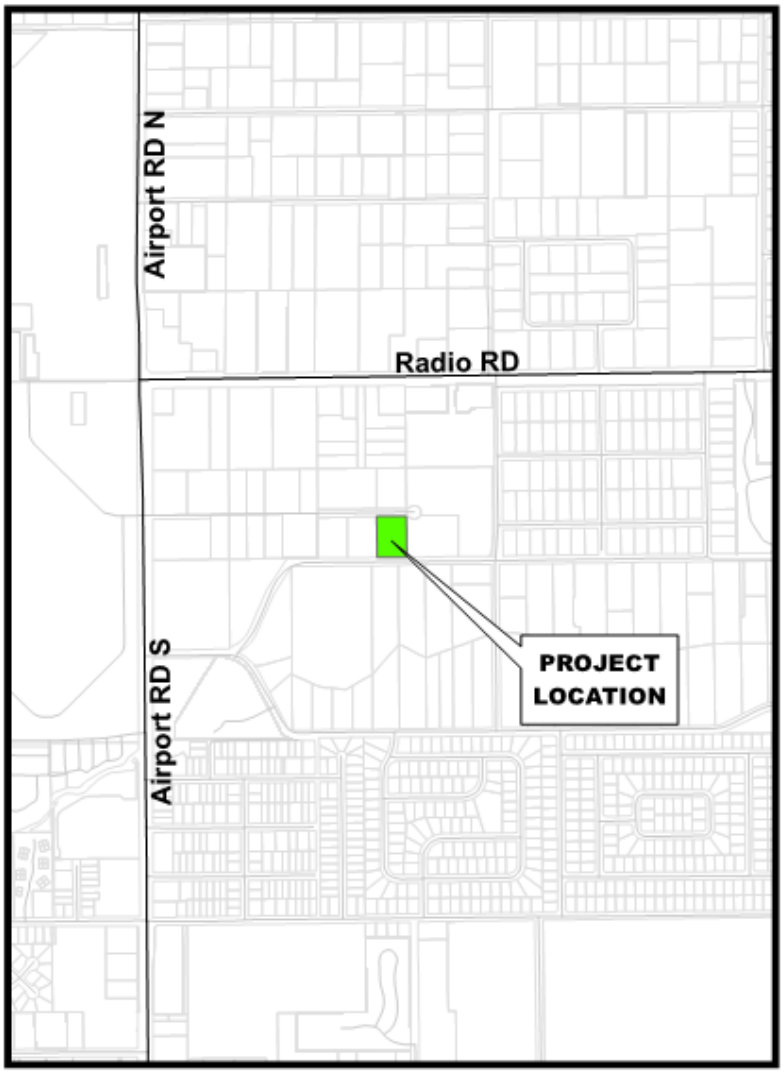
## GEOGRAPHIC LOCATION:

The subject property, Parcel/Folio No. 81570360008, is located at 3600 Westview Drive and is further identified as Westview Plaza Replat Lot 9, in Section 1, Township 50 South, Range 25 East, Collier County, Florida. (*see location map on following page*)

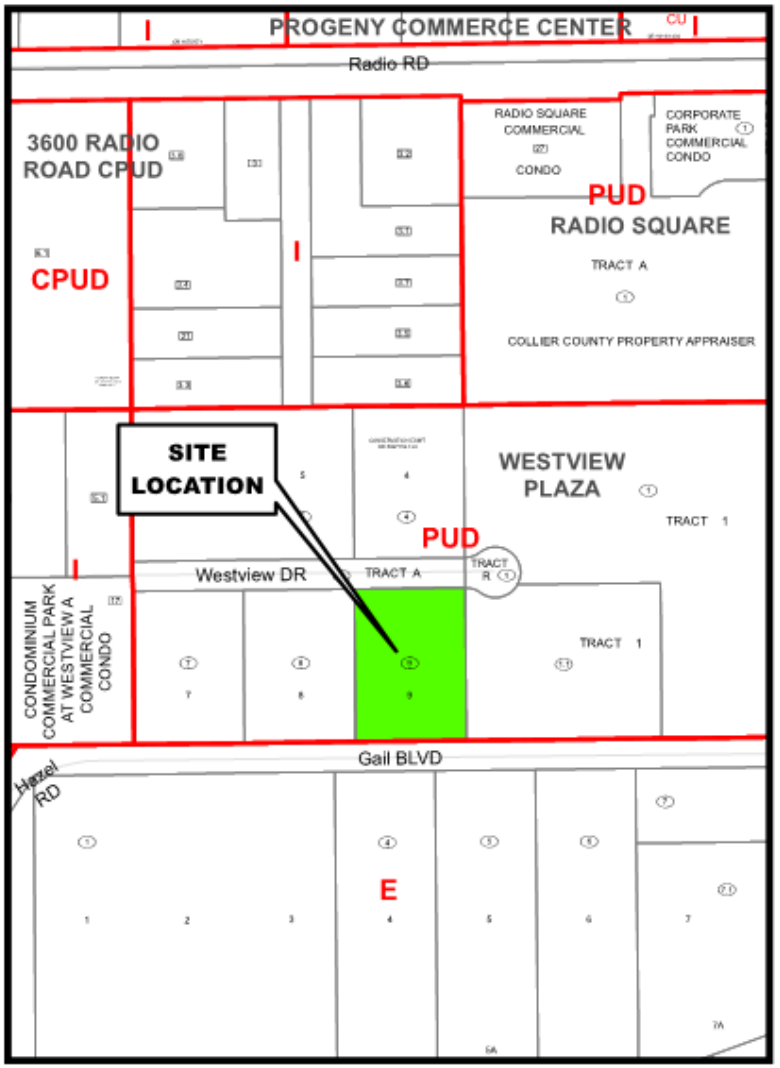
## PURPOSE/DESCRIPTION OF PROJECT:

The subject property comprises 1.55± acres located within the 20.37± acre Westview Plaza PUD that was developed in conjunction with an approved Site Development Plan (SDP-2002-AR-2993, as amended). The SDP provided for an 18,645± square foot building with space allocated for office, warehouse, and retail/showroom, together with a required parking tabulation based upon said uses; see Attachment B. The petitioner now desires to convert the existing building into an indoor automobile repair facility for luxury automobiles, SIC 7532 (limited to restoration body work, painting, and detailing). The petitioner stipulates that all work will take place behind closed doors and therefore argues the use is similar in function and character to other allowable uses within the PUD.

Attachment: Staff Report 10212021 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)




Location Map




Zoning Map

Petition Number: PL20210001555



Attachment: Staff Report 10212021 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview

## SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property:

**North**: Westview Drive (Right-of-Way) then Leiberg Storage, SDP-PL20140000066, for a 6,400± square foot storage facility (no outside storage shown on SDP) within the Westview Plaza PUD

**East**: Undeveloped portion of property that is part of SDP-2001-AR-588, as amended, a 57,950± square foot office/industrial building, FKA: Gulf Coast American Blinds, NKA: Manhattan of Florida within the Westview Plaza PUD

**South**: Gail Boulevard (Right-of-Way) followed by a single-family residence within the Estates (E) Zoning District

**West**: Herbeau Creations, SDP-2002-AR-2993, an 18,645± square foot office / warehouse / showroom facility within the Westview Plaza PUD




**Collier County GIS**

Attachment: Staff Report 10212021 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

**STAFF ANALYSIS:**

In accordance with LDC Section 10.02.06.K, a Comparable Use Determination (CUD) process is to be used to determine whether a specified use is comparable in nature with the list of permitted uses and the purpose and intent statement of the specified zoning district, overlay, or PUD. CUDs are to be evaluated using the following criteria which is then presented at a public hearing for the purposes of approval, approval with conditions, or denial.

a. The proposed use possesses similar characteristics to the other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

i. Operating hours;

- There are no restrictions for operating hours for any land use within the Westview Plaza PUD; however, the restoration vehicle repair facility would generally operate between the hours of 7:00 A.M. to 6:00 P.M.

ii. Traffic volume generated/attracted;

- Traffic volume is anticipated to be no greater than for other permitted uses within the PUD. Vehicles to be serviced will be driven or delivered to the site and dropped off until such time as services can completed. The facility is limited to a paint booth and five service lifts. As a high-end facility, the focus is on providing precision work and not volume.

iii. Type of vehicles associated with the use;

- Services will be limited to high-end luxury vehicles such as, but not limited to, Lamborghini, Ferrari, Maserati, Lotus, BMW, Alfa Romeo, Karma and Jaguar. Said vehicles will typically be hauled or driven in for service; therefore, tow trucks and passenger type vehicles can also be anticipated.

iv. Number and type of required parking spaces; and

- As per Section 2.5 of the Westview Plaza PUD, the applicant must follow the parking requirements contained within LDC Section 4.05.02. The applicant states that the proposed facility will not function like a typical auto service center and as such parking demands will be less. Because services are limited to luxury and exotic vehicles only, the time spent on each vehicle is greater which results in fewer vehicles being repaired. Given the value of the vehicles to be serviced, they will typically be stored within the building. Outside parking spaces will be used by employees and patrons who will drop off and retrieve their vehicles; customers will not wait for their vehicles. Should it be determined the subject use is comparable to other uses permitted within the PUD, the applicant intends to seek a determination pursuant to LDC Section 4.05.04.F that the proposed luxury services are unique and that the County Manager, or designee, may determine the minimum parking requirement.

Attachment: Staff Report 10212021 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

v. Business practices and activities

- The petitioner owns and operates an exotic and luxury car sales facility nearby and desires to use the subject property for performing restoration body repair and service for like automobiles. All services would be conducted within the confines of the existing fully enclosed 19,000 square foot building; service bay doors will be closed during the servicing of said vehicles. Services are limited to high end exotic and luxury vehicles, as previously described. Hours of operation will typically be between 7:00 A.M. and 6:00 P.M. Monday through Saturday. The facility will have a single paint booth and no more than five service lifts. The anticipated number of vehicles to be serviced on any given day will vary; however, it is projected to be 10 to 12.

b. The effect the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

- All work is to be performed within the confines of a fully enclosed building. The existing site was developed in accordance with an approved SDP and no alterations to exterior lighting are proposed; therefore, no additional glare (if any) is anticipated.

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

- As per the Future Land Use Map (FLUM) of the Collier County Growth Management Plan (GMP), the subject property is located within the Urban Residential District, Urban Residential Subdistrict. The existing PUD has been deemed consistent with the GMP by Policy 5.11 of the Future Land Use Element (FLUE) as "improved property" under the County's former Zoning Reevaluation Process. The proposed use is not prohibited under the GMP.

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

- The proposed use of the existing building to perform restoration body work, painting and cosmetic detailing for luxury and exotic passenger vehicles is compatible with other uses existing within the Westview Plaza PUD and is consistent with other uses permitted in the PUD. The equipment used is like that which is used for high technology precision manufacturing, a permitted use within the PUD. Laboratories are permitted subject to the same standards for manufacturing with the additional provision that all work be conducted within an enclosed structure. The PUD also permits research and design and development activities, subject to the same standards for laboratories. The use is a low intensity use and generates fewer vehicle trips than other permitted retail and services uses within the PUD. The proposed use is no more intense than the precision manufacturing, laboratory, and repair uses that are allowable within the PUD and is comparable in nature to the functions that could occur in association with said uses.

Attachment: Staff Report 10212021 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

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

- ***Compatibility*** is defined within the LDC as follows: "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." Compliance with the LDC architectural and landscape requirements, in combination with applicable PUD development regulations, assist in ensuring compatibility.

**CONCURRENT LAND USE APPLICATIONS:**

There are no concurrent land use applications pertaining to the subject properties.

**PUBLIC NOTICE):**

Per LDC Section 10.03.06.O and the Administrative Code the following notice procedures are required for: Newspaper Advertisement prior to the advertised public hearing in accordance with F.S. § 125.66. This requirement was satisfied by county staff on or about October 22, 2021.

A Comparable Use Determination petition does not require an Agent Letter, Property Owner Notification Letter, Neighborhood Information Meeting, or the posting of a sign on the property.

**RECOMMENDATION:**

Staff recommends that the Collier County Hearing Examiner determine that the proposed use of an indoor automobile repair facility for luxury automobiles, SIC 7532 (limited to restoration body work, painting, and detailing), is comparable and compatible with the permitted principal uses listed within Section 2.2.a of the Westview Plaza PUD, subject to the following conditions of approval:

1. Any outside parking of vehicles to be serviced shall be temporary and will not use or obstruct required parking spaces.

2. Approval of this PCUD shall not relieve the petitioner of pursuing an Administrative Parking Reduction (APR), if required, prior obtaining a Zoning Certificate to conduct business.

3. Any alteration to existing parking areas shall require SDP approval.

Attachments:

A) Applicant's Backup; including Application, Justification, and Ordinance No. 83-45
B) SDP-2002-AR-2993
C) HEX Hybrid Meeting Waiver

Attachment: Staff Report 10212021 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

# Westview Plaza CUD (PL20210001555)

# Application and Supporting Documents

# November 12, 2021 HEX Hearing

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

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

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# Comparable Use Determination

LDC sections 2.03.00 A, 10.02.06 J & Code of Laws section 2-83 – 2-90
Chapter 3 G.6 of the Administrative Code

**PROJECT NUMBER**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

☑ **PUD Zoning District**
☐ **Standard Zoning District**

## APPLICANT CONTACT INFORMATION

**Name of Property Owner(s):** Motorsports Storage LLC

**Name of Applicant if different than owner:** _____

**Address:** 1250 Airport Road S **City:** Naples **State:** FL **ZIP:** 34104

**Telephone:** 239.206.1657 **Cell:** _____ **Fax:** _____

**E-Mail Address:** todd@naplesmotorsports.com

**Name of Agent(s):** D. Wayne Arnold

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

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

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

**E-Mail Address:** warnold@gradyminor.com

## PROPERTY INFORMATION

**Site Address:** 3600 Westview Drive **Folio Number:** 81570360008

**Property Owners Name:** Motorsports Storage LLC

## DETERMINATION REQUEST

The determination request and justification for the use must be done by a certified land use planner or a land use attorney. Provide the completed request on a separate attached sheet. Please be very specific and include the SIC Code, if known. The request should adhere to the following format:

*"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of _____ is comparable and compatible with the permitted uses in the* Westview Plaza *PUD or in the _____Straight Zoning District."*



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

## SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted.**

| REQUIREMENTS FOR REVIEW | # OF COPIES | REQUIRED | NOT REQUIRED |
|---|---|---|---|
| Completed Application (download current form from County website) | 1 | ☒ | |
| Affidavit of Authorization | 1 | ☒ | |
| Completed Addressing Checklist | 1 | ☒ | |
| Determination request and the justification for the use | 1 | ☒ | |
| PUD Ordinance and Development Commitment information | | ☑ | ☐ |
| Property Ownership Disclosure Form | 1 | ☒ | |
| Electronic Copies of all documents<br>*Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format. | | ☑ | ☐ |

**ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:**

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

**FEE REQUIREMENTS:**

- **Application:** $1,000.00; Additional Fees of $100 per hour will be charged as needed upon completion of review and research. Payment of Additional Fees will be required prior to the release of the verification.
- **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

*All checks payable to: Board of County Commissioners*

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

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

D. Wayne Arnold, AICP — Digitally signed by D. Wayne Arnold, AICP Date: 2021.06.21 11:50:50 -04'00'

Applicant Signature

June 21, 2021

Date

D. Wayne Arnold, AICP

Printed Name

*Please be advised that the zoning letter is based upon the available records furnished by Collier County and what was visible and accessible at the time of inspection. This report is based on the Land Development Code that is in effect on the date the report was prepared. Code regulations could be subject to change. While every attempt has been made to ensure the accuracy or completeness, and each subscriber to or user of this report understands that this department disclaims any liability for any damages in connection with its use. In addition, this department assumes no responsibility for the cost of correcting any unreported conditions.*

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** Comparable Use Determination for Westview Plaza PUD

I, Todd Rosenthal (print name), as Authorized Member (title, if applicable) of Motorsports Storage LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

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

**Notes:*

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

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

Signature

6/21/2021
Date

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 21st day of June, 2021, by (printed name of owner or qualifier) Todd Rosenthal.

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

[✓] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: _____

Notary Seal

SARA MICHELLE LEE LOUGHRIDGE
Notary Public - State of Florida
Commission # GG 943440
My Comm. Expires Apr 24, 2024
Bonded through National Notary Assn.

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



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

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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 Comparable Use Determination

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

S1, T50, R265

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

81570360008

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

3600 Westview Drive

- **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)*

Westview Plaza name not yet approved

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

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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)

Westview Plaza

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

**Applicant Name:** Sharon Umpenhour

**Phone:** 239-947-1144 **Email/Fax:** sumpenhour@gradyminor.com

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

**FOR STAFF USE ONLY**

**Folio Number** 81570360008

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Approved by:** S.L.H. **Date:** 06/22/2021

**Updated by:** _____ **Date:** _____

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

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

# Collier County Property Appraiser
## Property Summary

| Parcel No | 81570360008 | Site Address *Disclaimer | 3600 WESTVIEW DR | Site City | NAPLES | Site Zone *Note | 341 |
|---|---|---|---|---|---|---|---|

| Name / Address | MOTORSPORTS STORAGE LLC |
|---|---|
| | 1250 AIRPORT RD S |
| City | NAPLES |
| State | FL |
| Zip | 34104 |

| Map No. | Strap No. | Section | Township | Range | Acres *Estimated |
|---|---|---|---|---|---|
| 5A01 | 710501 95A01 | 1 | 50 | 25 | 1.55 |

| Legal | WESTVIEW PLAZA REPLAT LOT 9 |
|---|---|

| Millage Area | 51 | Millage Rates *Calculations | | |
|---|---|---|---|---|
| Sub./Condo | 710501 - WESTVIEW PLAZA REPLAT | School | Other | Total |
| Use Code | 48 - WAREHOUSING, DISTRIBUTION TERMINALS, TRU | 5.016 | 6.2924 | 11.3084 |

### Latest Sales History
(Not all Sales are listed due to Confidentiality)

| Date | Book-Page | Amount |
|---|---|---|
| 09/10/20 | 5815-221 | $ 3,020,000 |
| 08/07/15 | 5239-1656 | $ 2,100,000 |
| 07/09/01 | 2856-4 | $ 400,000 |
| 12/28/95 | 2132-2089 | $ 0 |
| 08/01/89 | 1464-309 | $ 900,000 |
| 04/01/85 | 1128-2235 | $ 0 |

### 2020 Certified Tax Roll
(Subject to Change)

| | | |
|---|---|---|
| | Land Value | $ 1,201, |
| (+) | Improved Value | $ 1,409, |
| (=) | Market Value | $ 2,610, |
| (-) | 10% Cap | $ 384, |
| (=) | Assessed Value | $ 2,226, |
| (=) | School Taxable Value | $ 2,610, |
| (=) | Taxable Value | $ 2,226, |

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

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

# Collier County Property Appraiser
## Property Aerial

| Parcel No | 81570360008 | Site Address *Disclaimer | 3600 WESTVIEW DR | Site City | NAPLES | Site Zone *Note | 341 |
|---|---|---|---|---|---|---|---|




Open GIS in a New Window with More Features.

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

# Westview Plaza PUD

## Determination request and justification

We are seeking a Comparable Use Determination from staff and the Hearing Examiner that an indoor automotive repair facility (SIC 7532) for luxury and exotic automobiles is a comparable use and compatible to other uses permitted within the Westview Plaza PUD. The property is located at 3600 Westview Drive, which is a developed commercial property located within the Westview Plaza PUD.

The property owner also owns and operates a luxury automobile sales facility nearby and wishes to utilize the subject property on Westview Drive for performing restoration body repair and service for luxury and exotic automobiles. Specifically, he wishes to perform restoration body work, painting and detailing for a variety of luxury and exotic cars such as Lamborghini, Karma, Alfa Romeo, Lotus, and similar vehicles which have very specialized, exacting and often unique repair standards. All service would be conducted within the approximately 19,000 square foot existing building and the service door to the facility would remain closed during servicing of the luxury and exotic automobiles.

The proposed auto repair use is only for high end, luxury automobile repair. At the owner's recently approved project at Estey and Airport Road, the PUD permits the sale of luxury automobiles and provided the following definition for luxury automobiles.

> *Luxury Automotive vehicle and equipment dealers (5511 and 5599). Luxury Automotive dealer shall be any automobile dealership (5511) that sells only new and used high-end luxury vehicles such as, but not limited to, Lamborghini, Ferrari, Maserati, Lotus, BMW, Alfa Romeo, Karma or Jaguar and the hours of operation may be less than a typical automobile dealership and inventory may be limited.*

Only luxury automobiles as defined above will be serviced, and they will be repaired indoors only. Any temporary parking outdoors will be within a security fenced area. Customers will not wait during servicing of the vehicle. These automobiles require very specialized parts, and the installation of body parts and painting must be done in accordance with exacting manufacturer's standards and specifications, and repairs may take days to complete. Because the service is for luxury and exotic automobiles only, the volume of vehicles repaired is limited. The facility will have a single paint booth and no more than five service lifts. The outside parking spaces will be utilized by employees and patrons who will drop off and pick-up their vehicle.

The proposed facility will not function like typical auto service centers and thus has less parking space demands. If the use is determined to be comparable to other uses permitted in the PUD, the applicant intends to seek a determination pursuant to LDC 4.05.04 F. that the proposed luxury auto services are unique and that the County Manager, or designee may determine the minimum parking requirements.

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)



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

The Westview Plaza PUD permits a variety of land uses that have comparable use characteristics as those that would occur in the proposed luxury exotic vehicle repair facility. The PUD permits high technology precision manufacturing which does not generate odor, noise which is detectable from off the premises. Laboratories are permitted subject to the same standards for manufacturing with the additional provision that all work is conducted within an enclosed structure. The PUD also permits research, design and development activities, again, subject to the same standards for laboratories.

The activities associated with performing restoration body work, painting and minor cosmetic repair of luxury and exotic vehicles is performed indoors, and the equipment utilized in these activities would be similar to equipment that could be utilized in other equipment repair, laboratories or high technology manufacturing that are permitted uses within the PUD. All of the proposed service would be within the fully enclosed building with the garage door closed during vehicle servicing. The anticipated number of vehicles serviced daily will vary, although it is anticipated that 10-12 vehicles will typically be serviced on a daily basis. The PUD does not have established hours of operation; however, the restoration vehicle repair facility would generally operate between the hours of 7:00 a.m. to 6 p.m. Monday through Saturday. These hours are typical for other retail and service uses that are also permitted within the PUD. The exotic and luxury passenger vehicles would be driven to the site or would be transported on a single car flatbed truck.

Because the restoration body repair, painting and detailing uses would occur within a fully enclosed building, it will not produce any noise, glare, or odor effects to neighboring properties. The existing PUD has been deemed consistent with the Growth Management Plan by Policy 5.11 of the Future Land Use Element as “improved property” under the County’s former Zoning Re-evaluation process. The proposed use is not prohibited under the Growth Management Plan.

The proposed use of the existing building to perform restoration body work, painting and cosmetic detailing for luxury and exotic passenger vehicles is compatible with other uses existing within the Westview PUD and consistent with other uses permitted in the PUD. The use is a very low intensity use and generates far less vehicle trips than many other retail and service uses permitted in the PUD. The use proposed is no more intense than the precision manufacturing, laboratory and repair uses also permitted with the PUD, and is comparable in nature to the functions that could occur in association with these uses.

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

ORDINANCE 83- 45

AN ORDINANCE AMENDING ORDINANCE 82-2 THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA BY AMENDING THE ZONING ATLAS MAP NUMBER 49-26-8 BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM C-1 TO PUD PLANNED UNIT DEVELOPMENT FOR WESTVIEW PLAZA LOCATED AT THE END OF WESTVIEW DRIVE, NORTH OF GAIL BOULEVARD, WEST OF DONNA STREET AND EAST OF AIRPORT ROAD; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, Post, Buckley, Schuh & Jernigan, representing Strom and Harvey, petitioned the Board of County Commissioners to change the Zoning Classification of the herein described real property;

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

SECTION ONE:

The Zoning Classification of the herein described real property located in Section 1, Township 50 South, Range 25 East, Collier County, Florida is changed from C-1 to "PUD" Planned Unit Development in accordance with the PUD document attached hereto as Exhibit "A" which is incorporated herein and by reference made part hereof. The Official Zoning Atlas Map Number, Number 50-25-1, as described in Ordinance 82-2, is hereby amended accordingly.



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

SECTION TWO:

This Ordinance shall become effective upon receipt of notice that is has been filed with the Secretary of State.

DATE: August 16, 1983

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Mary-Frances Kruse
MARY-FRANCES KRUSE, CHAIRMAN

ATTEST:
WILLIAM J. REAGAN, CLERK

William J. Reagan

PUD Ordinance

STATE OF FLORIDA )

COUNTY OF COLLIER )

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereb- certify that the foregoing is a true original of:

ORDINANCE NO. 83-45

which was adopted by the Board of County Commissioners during Regular Session the 16th day of August, 1983.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 17th day of August, 1983.

This ordinance filed with the Secretary of State's office the 22nd day of Aug., 1983 and acknowledgement of that filing received this 26th day of Aug. 1983.

By Virginia Nagri
Deputy Clerk

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex officio to Board of
County Commissioners

By Virginia Nagri, Deputy Clerk

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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

# PLANNED UNIT DEVELOPMENT DOCUMENT

# FOR

# WESTVIEW PLAZA

Prepared By:

Post, Buckley, Schuh & Jernigan, Inc.
Naples, Florida

Date Issued: _____

Date Approved By CAPC: _____

Date Approved By BCC: August 6, 1982

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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

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SECTION II: COMMERCIAL DEVELOPMENT REGULATIONS

SECTION III: DEVELOPMENT COMMITMENTS

SECTION IV: EXHIBITS



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

SECTION I: LEGAL DESCRIPTION

1.1 LEGAL DESCRIPTION OF THE PUD PARCEL

All of the South ½ of the Northeast ¼ of the Northwest ¼ of Section 1, Township 50 South, Range 25 East, Collier County, Florida, subject to easements and restrictions of record; containing 20.37 acres more or less.

Also known as Westview Plaza, as recorded in Plat Book 13, Page 50, of the Public Records of Collier County, Florida.



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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

SECTION II: COMMERCIAL DEVELOPMENT REGULATIONS

2.1 PURPOSE

The purpose of this section is to set forth the regulations for the development of the proposed 20.37 acre Planned Unit Development known as Westview Plaza.

2.2 PERMITTED USES AND STRUCTURES, SUBJECT TO SITE PLAN REVIEW

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

2.2.a. Permitted Principal Uses And Structures:

1. Art Studios and Art Supply stores
2. Automobile part stores
3. Banks
4. Barber and beauty shops
5. Blueprint and engineering supply shops
6. Business and professional offices (including retail)
7. Cemeteries and Mausoleums (human or pet)
8. Churches or other places of worship
9. Civic and cultural activities
10. Clothing stores
11. Colleges, universities, schools and other educational facilities
12. Confectionary and candy stores
13. Delicatessens
14. Drug stores
15. Electrical supply stores
16. Financial institutions
17. Florist shops
18. Food markets
19. Funeral homes
20. Garden supply stores
21. Gift shops
22. Gourmet shops
23. Hardware
24. Health food stores
25. High technology precision manufacturing uses where the product is of a small nature which does not generate odor, noise, etc., which is detectable from off the premises; e.g. optical, dental, hearing aids, medical instruments, computer components, etc.
26. Hobby supply stores
27. Ice cream shops





Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

28. Interior decorating showrooms
29. Jewelry stores
30. Laboratories, provided that:
    a) No odor, noise, chemical discharge, etc., detectable from off the premises are generated;
    b) All work is done within enclosed structures; and
    c) No product is manufactured or sold, except incidental to development activities
31. Medical clinics
32. Medical laboratories
33. Medical offices (for human care)
34. Mortgage brokers
35. Music stores
36. Office supply stores
37. Paint and wallpaper stores (retail)
38. Pet stores (no outside kenneling)
39. Photographic equipment and supply stores
40. Real estate offices
41. Repair shops (radio, television, small appliance, shoes and other items of a small size or nature)
42. Research, design and development activities (high technology), provided that:
    a) See restrictions for laboratories
43. Shopping centers (not to exceed 25,000 sq. ft.)
44. Transportation, communication and utility offices (not including storage of equipment)
45. Veterinary clinics (no outside kenneling)
46. Watch and precision instrument sales and repair
47. Any other professional or commercial use which is comparable in nature with the foregoing uses which the Zoning Director determines to be compatible in the district.

2.2.b. Permitted Accessory Uses And Structures

Accessory uses and structures customarily associated with the uses permitted in this district.

2.3 DEVELOPMENT STANDARDS

2.3.a. Minimum Lot Area: One (1) acre

2.3.b. Minimum Lot Width: Two hundred (200) feet

2.3.c. Minimum Yard Requirements:

1) Front Yard - Fifty (50) feet
2) Side Yard - Fifty (50) feet
3) Rear Yard - Fifty (50) feet



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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

2.3.d. Maximum Height Of Structures: Thirty (30) feet above the finished grade of the lot.

2.3.e. Minimum Floor Area Of Principal Structure: One thousand (1,000) square feet per building on ground floor.

2.3.f. Minimum Distance Between Structures: Thirty (30) feet or 1/2 the sum of the heights, whichever is greater.

2.4 SIGNS

2.4.a. Maximum Height: Twenty-five (25) feet.

2.4.b. Minimum Front Setback: Fifteen (15) feet.

2.4.c. Individual Business Signs:

1) One wall, marquee or hanging sign per business, (no maximum height), with an area not more than twenty percent (20%) of the total square footage of the front wall to which it shall be affixed, with a maximum of 250 square feet.

2) One on-premise sign per lot, with a maximum area of one hundred (100) square feet. Maximum height, twenty-five (25) feet.

2.4.d. Project Identification Signs:

1) One directory sign located at each main entrance, with an area not more than 250 square feet

or

One project sign located at each main entrance, with an area not more than 100 square feet.

2.5 MINIMUM OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

As required by the Zoning Ordinance in effect at the time of application for building permits.

2.6 MINIMUM LANDSCAPING REQUIREMENTS AND REQUIRED BUFFER AREA

As required by the Zoning Ordinance in effect at the time of application for building permits.

2.7 LOADING AND UNLOADING PROVISIONS

As required by the Zoning Ordinance in effect at the time of application for building permits.

2.8 LIGHTING

Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.



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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

2.9 MERCHANDISE STORAGE AND DISPLAY

There shall be no outside storage or display of merchandise.



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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

SECTION III: DEVELOPMENT COMMITMENTS

3.1 ADDITIONAL DESIGN REQUIREMENTS

Additional guidelines which are more stringent than those contained in the Zoning Ordinance in effect at the time of application for a building permit may be established by the developer to ensure maximum consistancy and continuity within the project as well as with the character of the surrounding residential neighborhood.

3.2 LANDSCAPE BUFFER STRIP

The developer will provide a landscaped buffer strip, not less than 10-feet in width, which will achieve eight (8) feet in height and 80% opacity within 12 months of planting, along the southern and eastern property lines. Existing vegetation will be utilized wherever the required criteria is presently being met. Gaps in existing vegetation caused by previous clearing operations along the southern property line will be replanted with vegetation eight (8) feet in height and 80% opaque. Seedlings which will meet the required criteria within 12 months will be utilized elsewhere in the buffer strip.

3.3 STREET MODIFICATIONS

The developer will eliminate the existing pavement connection of Westview Drive and Donna Street. Although the Westview Drive right-of-way will continue through to Donna Street, for possible future re-connection, the pavement connection will be removed and a turn around provided at the easterly end of Westview Drive, so that access to Westview Plaza will be allowed from Airport-Pulling Road, only.

3.4 TRAFFIC IMPROVEMENTS

When deemed warranted by the County Engineer, the developer or his assigns shall provide a fair share contribution toward the capital cost of a traffic signal at the intersection of Airport-Pulling Road and Westview Drive. Any and all traffic signals shall be owned, operated and maintained by Collier County.

3.5 BUILDING CONSTRAINTS

Each commercial lot shall be limited to a fifty percent (50%) impervious density in accordance with the previously approved water management design for this property.

3.6 DEVELOPMENT PLAN

3.6.a. Parcel Use Criteria

The parcel use designations illustrated in Exhibit 4.1 which accompanies this submission, reflects the permitted uses specified in Section 2.2.a.



BOOK 017 PAGE 238

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

3.6.b. Site Plan Review

Prior to the issuance of building permits for each parcel, an individual site plan shall be submitted to the Zoning Department for their review and approval.



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

SECTION IV: EXHIBITS

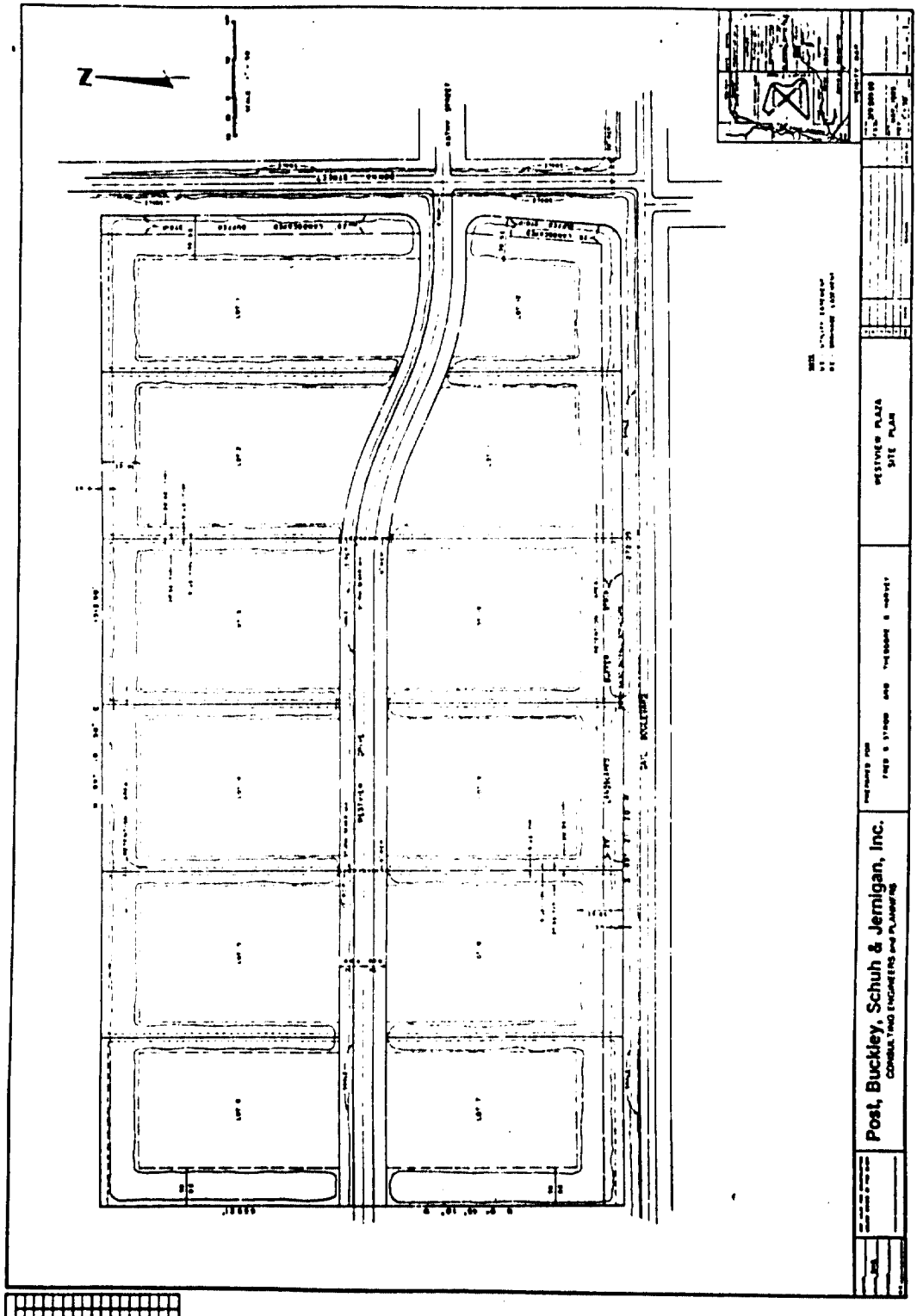
4.1 PURPOSE AND INTENT

The Master Plan (Exhibit 4.1) is a visual representation of the proposed Westview Plaza commercial PUD. This plan is not intended to represent the final development plan for individual lots. Actual building sizes and locations, parking lots, etc., will be determined by the actual use on each lot and will be subject to individual site plan review and approval at the time of application for a building permit.



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

RECORDER'S MEMO: Legibility of writing, Typing or Printing unsatisfactory in this document when received.




BOOK 017 PAGE 241

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

## PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

**Please complete the following, use additional sheets if necessary.**

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

| Name and Address | % of Ownership |
|---|---|
| | |
| N.A. | |
| | |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| | |
| Motorsports Storage LLC | 100 |
| Todd Rosenthal, Authorized Member, 1250 Airport Rd S. | 100 |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| | |
| N.A. | |
| | |
| | |
| | |



Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

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

| Name and Address | % of Ownership |
|---|---|
| | |
| N.A. | |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| | |
| N.A. | |
| | |
| | |
| | |

**Date of Contract:** _____

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

| Name and Address |
|---|
| |
| N.A. |
| |
| |
| |

g. Date subject property acquired 9/10/2020

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

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

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
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

D. Wayne Arnold, AICP Digitally signed by D. Wayne Arnold, AICP Date: 2021.05.14 15:07:33 -04'00'
_____
Agent/Owner Signature

May 14, 2021
_____
Date

D. Wayne Arnold, AICP
_____
Agent/Owner Name (please print)

Attachment: Attachment A - Applicant's Backup (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

Section 11

# Site-Plan

**Includes:**

a. ***Survey and Legal Description*** on the next following page
b. Site Plans
c. Additional Plans_____

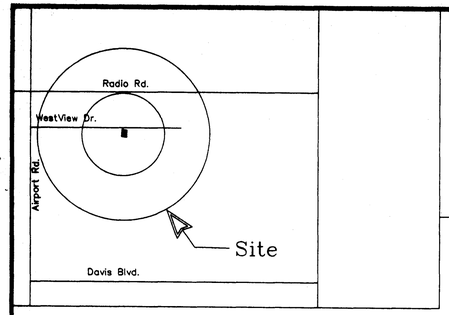
## NO: Aerial photographs

**Project No:** 20020700007

Application No: SDP-2002-AR-2993
OLD SDP NO: SDP -

Approval Date: 2/28/03
Township: 50 S
Range: 25 E
Section: 01
Project Name: Herbeau Creations

Attachment: Attachment B - SDP-2002-AR-2993 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)




## Location Map

## Description

Lot 9
WestView Plaza

Site Summary

| | | |
|---|---|---|
| Building/covered walk | 18,645 sf | 27.7% |
| Pavement/walk | 20,875 sf | 30.9% |
| Open Area | 27,892 sf | 41.4% |
| Total Site | 67,412 sf | |

Parking Requirements
Office 1 space/300 sf
Warehouse 1 space/1000 sf
Retail/showroom 1 space/275 sf

Parking required
Office 3,000 sf/300 = 10.0
Warehouse 13,898 sf/1000 = 13.9
Retail/showroom 1,195 sf/275 = 4.3
Total required = 28.2 spaces

Spaces provided
Regular 27
Handicap 2
Total 29 spaces

Zoning

| | |
|---|---|
| Site | PUD (Ind) |
| North | PUD – Ind |
| South | E – Estate |
| East | PUD – Ind |
| West | PUD – Ind |

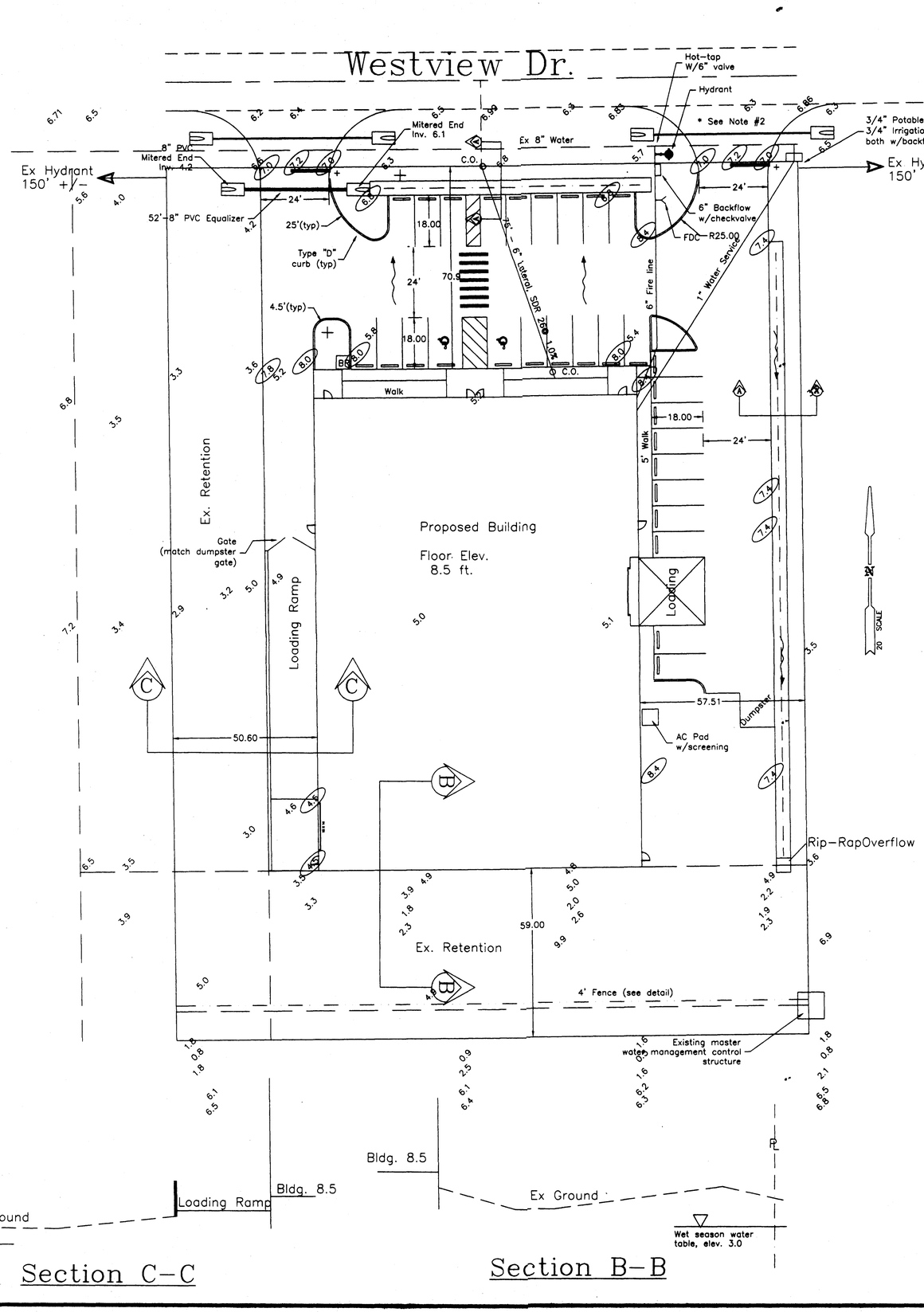
Setbacks

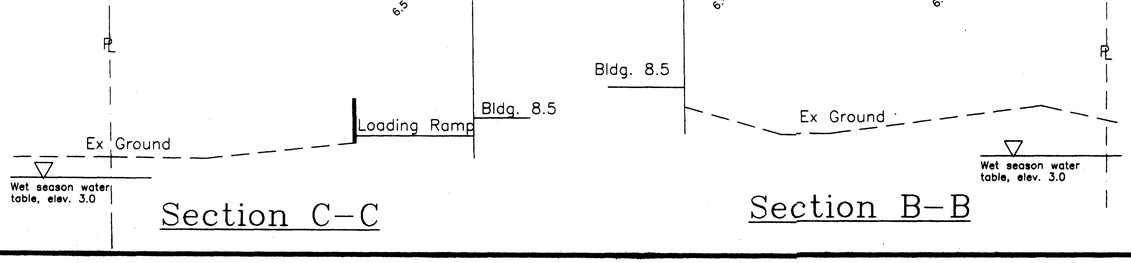
| | Required | Provided |
|---|---|---|
| Front | 50' | 70.9' |
| Side | 50' | 50.5' |
| Rear | 50' | 59.0' |

Fire Sprinkler Information

Building Information
Bldg. #1 – 16,170 sf – sprinkled

Construction Type SBC #4
Fire flow 1572 gpm




Section C–C




Section B–B

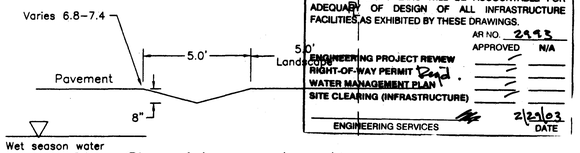
**LEGEND**

- Proposed Elevations (N.G.V.D.) Top of sod or pavement
- Proposed Elevations (N.G.V.D.) Top of curb/walk
- xx.xx Existing Elevations
- Proposed
- Proposed
- Existing
- Existing
- Flow Direction
- C.O. Clean-out
- Stop Sign & 24" stop bar
- BR Bike Rack

Water Management

Water quality & quantity provided by master water management system.
100 yr floor elev. 7.0
25 yr. elev. 6.5

Notes:
1. The review and approval of the improvement plans does not authorize construction of required improvements which are inconsistent with easements of record.
2. Construction of the driveways within the R/W and drainage easement are to be in accordance with the Collier County R/W permit.
3. All exotic vegetation, as defined by the Collier County Land Development Code, shall be removed from the site and the property owner shall be responsible for subsequent annual exotic vegetation removal.
4. The property owner shall be responsible for the maintenance of the water management system.
5. Boundary survey provided by Rhodes & Rhodes dated 5/25/01.
6. Clearing shall be in accordance with the site clearing plan. Enviro-fence or equal shall be erected at drip line and to remain in place until completion of construction.
7. Silt fence shall be erected around the entire site to prevent off-site erosion during constrction.
8. Connection to the water and sewer shall be in accordance with City of Naples and Collier County Utility requirements.
9. Contractor shall verify the location of the water and sewer prior to construction.
10. Water meter, meter box and service lead to be installed by City of Naples Utilities.
11. Collier County Utilities to be notified 48 hrs prior to construction.
12. All on-site water and sewer to be owned and maintained by the property owner.




Section A–A

ENGINEERING SERVICES DEPARTMENT
THIS PROJECT HAS BEEN REVIEWED AND APPROVED FOR SUFFICIENCY WITH COLLIER COUNTY'S LAND DEVELOPMENT CODE. THE ENTITY/ENGINEER OF RECORD SIGNING AND SEALING THESE PLANS WILL BE ACCOUNTABLE FOR ADEQUACY OF DESIGN OF ALL INFRASTRUCTURE FACILITIES AS EXHIBITED BY THESE DRAWINGS.
AR NO. 2993

| | APPROVED | N/A |
|---|---|---|
| ENGINEERING PROJECT REVIEW | | |
| RIGHT-OF-WAY PERMIT | | |
| WATER MANAGEMENT PLAN | | |
| SITE CLEARING (INFRASTRUCTURE) | | |

2/25/03
ENGINEERING SERVICES DATE

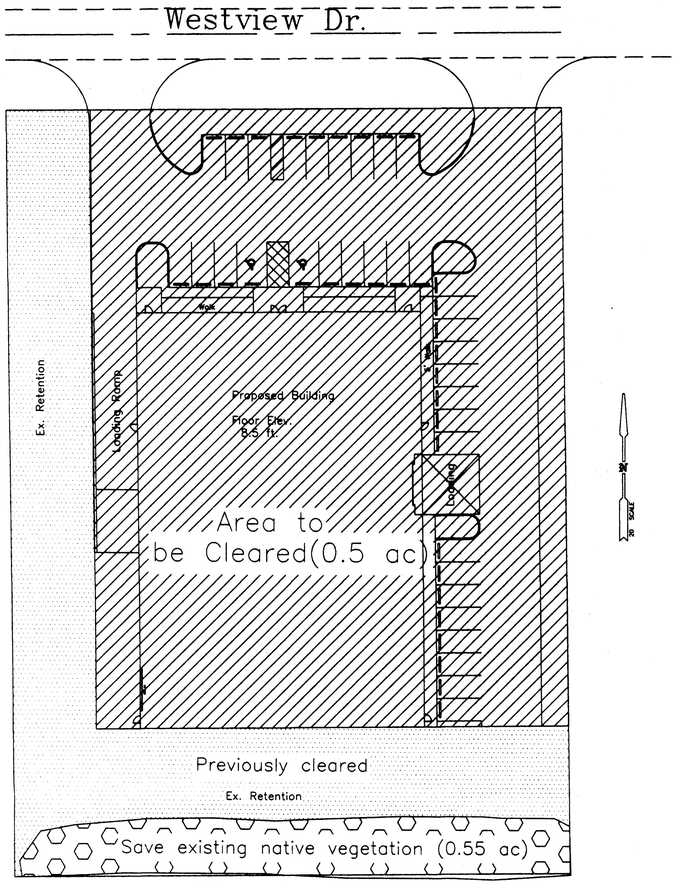
SDP-2002-AR-2993 REV 2
Project: 20030700007
DATE: 01/02/03

| | | |
|---|---|---|
| Terrance Kepple FL PE # 41983 3905 Exchange Ave. Naples, Fl 34104 (941) 403-1760 | TITLE | Site Plan |
| FOR Holger Baron | PROJECT | Herbeau Creations |

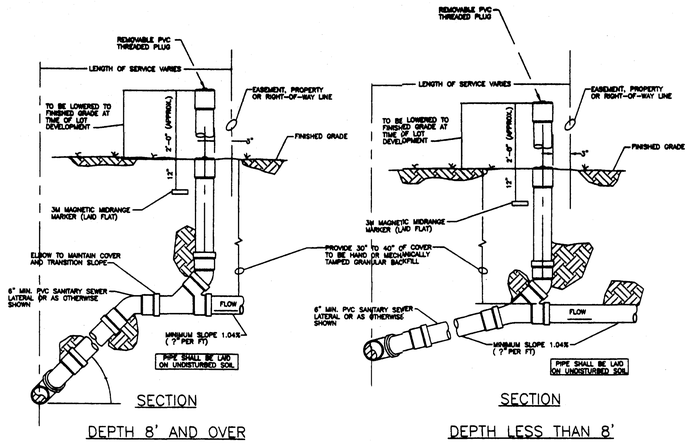
| DATE | BY | REVISION |
|---|---|---|
| 11/15/02 | TLK | Revised per County review |

SHEET 1 OF 2 | SCALE 1"=20'
W.O. NO. 1277 | FILE NO. 2002-277 | DATE 7/1/02

Attachment: Attachment B - SDP-2002-AR-2993 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)



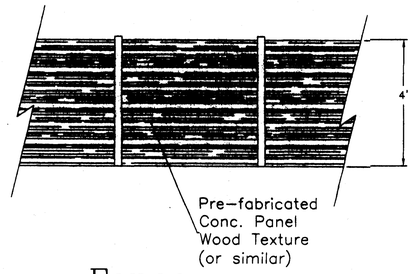

## Clearing Plan



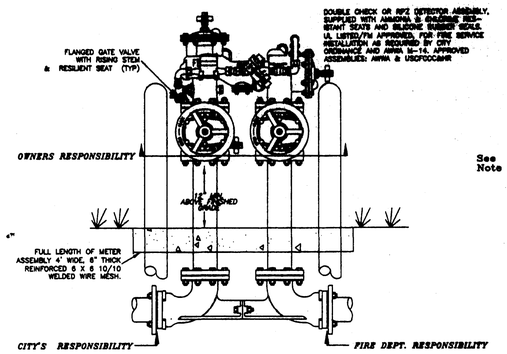

## SEWER CONNECTION DETAILS

S-10
REVISED: 03/23/00

PROPERTY, R/W OR EASEMENT LINE
N.T.S.

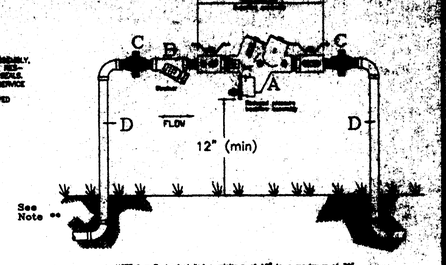



## Fence




NOTES:
-ALL ABOVE GROUND PIPE WILL HAVE FLANGED END D.I.P. CLASS 51 ALL NUTS & BOLTS SHALL BE STAINLESS STEEL.
-(4) VEHICULAR GUARD POSTS TO BE INSTALLED AROUND METER. CONFIGURATION TO BE ILLUSTRATED ON CONSTRUCTION DOCUMENTS SUBMITTED FOR REVIEW AND APPROVAL.
-AS THIS UNIT WILL REQUIRE PERIODIC TESTING, FACILITIES REQUIRING CONTINUOUS WATER SERVICE MAY WISH TO INSTALL PARALLEL UNITS TO PREVENT SERVICE INTERRUPTIONS.
-BACKFLOW ASSY. WILL BE OWNED & MAINTAINED BY PROPERTY OWNER
-CITY WILL REQUIRE DEDICATION OF MATERIAL UP TO AND INCLUDING THE FIRST ISOLATION VALVE FROM THE CITY'S WATER MAIN
-BACKFLOW UNIT REQUIRES INITIAL CERTIFICATION BY CITY OF NAPLES WATER DEPARTMENT(Backflow Division)
-ALL PLANTINGS SHALL BE A MINIMUM OF 3' FROM EDGE OF SLAB, AND PROVIDE A 3' ACCESS OPENING.
-ALL ABOVE GROUND PIPING INCLUDING ASSEMBLY WILL BE PAINTED RUSTOLEUM FEDERAL SAFETY RED.

Master Series
(Alt.) Fire System Detector Check



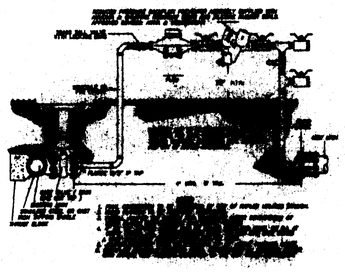

NOTE * - To be installed a minimum of 12" to a maximum of 30" over final finished grade as measured to the lowest point of the RP assembly and shall be clear from all obstructions.
- All piping components shall be lead free bronze or brass.
- Assembly shall be installed by certified tester and tested upon installation and annually thereafter.
- Assembly shall be painted by factory standard.
- Assembly shall be painted according to painted customers Federal Safety Red.

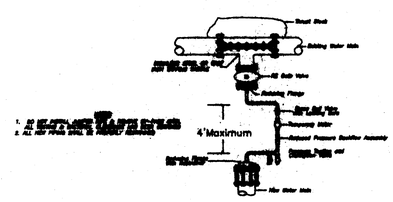
A= Reduced pressure backflow preventer - ASWA & USCFCCCHR approved
B = Gate valve
C = Unions
D = Blowoff
E = Sizes 3/4" to 2"

** Assembly to be installed as close as possible to meter on customers property

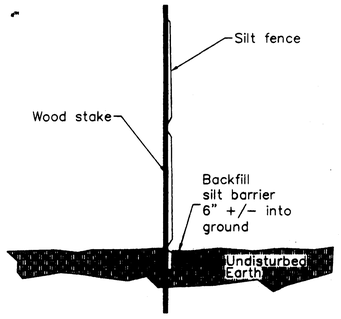
## Reduced Pressure Backflow

Potable & Irrigation

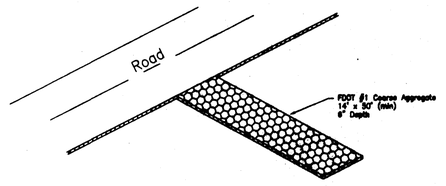




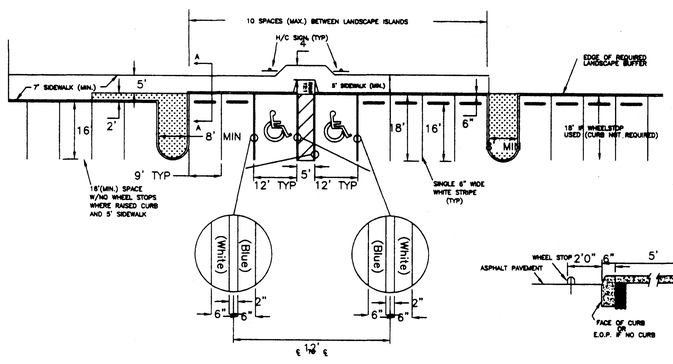

## Hottap & Connection Detail



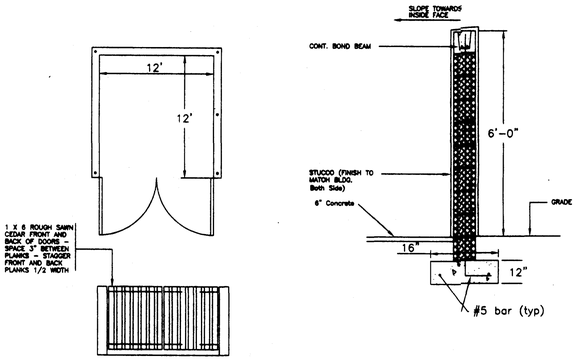

## Silt Fence



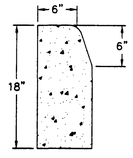

## Gravel Construction Entrance
## Erosion Control



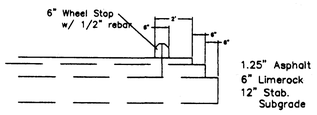

## Parking Space Dimensions



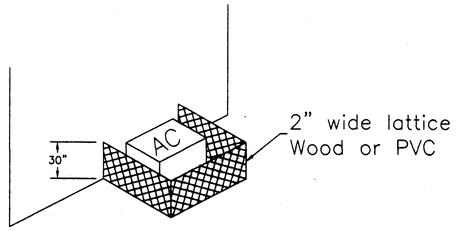

## Dumpster




## TYPE "D" CURB

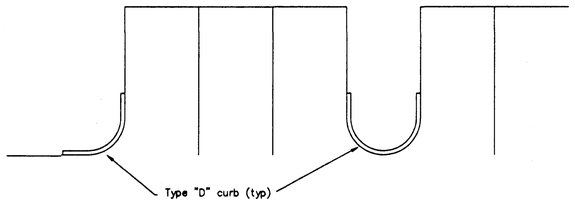



## Pavement Section
## Car Stop Detail




## AC Screening

not to scale

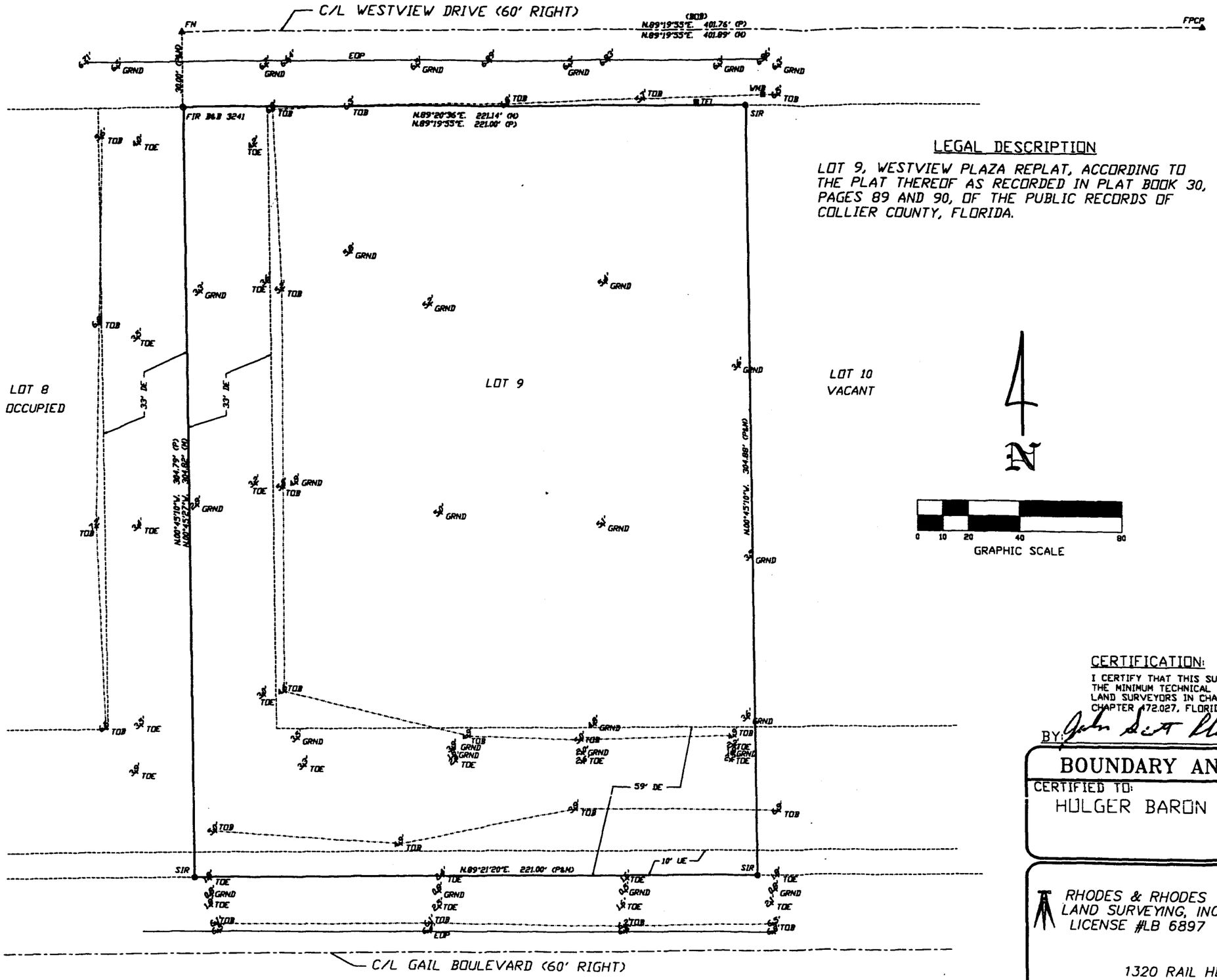



## Landscape Island

| | |
|---|---|
| Surveyor Planner Engineer | TITLE: Details Clearing Plan |
| FOR: Holger Baron | Herbeau Creations |
| DATE: 11/15/02 BY: TJK | SHEET 2 OF 2 |

Attachment: Attachment B - SDP-2002-AR-2993 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

**SDP-2002-AR-2993**
**PROJECT #2002070007**
DATE: 8/22/02
FRED REISCHL




## LEGAL DESCRIPTION

LOT 9, WESTVIEW PLAZA REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 30, PAGES 89 AND 90, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

N

0 10 20 40 80
GRAPHIC SCALE

### ABBREVIATIONS

BOB = BASIS OF BEARING
C/L = CENTERLINE
CO = SANITARY CLEAN OUT
CTV = CABLE TV
EOP = EDGE OF PAVEMENT
ELEC. B= ELECTRIC BOX
FCM = FOUND CONCRETE MONUMENT
FIR = FOUND 5/8" IRON ROD
F.F. ELEV. = FINISHED FLOOR ELEVATION
FN = FOUND NAIL
FND = FOUND NAIL AND DISC
FPL = FLORIDA POWER AND LIGHT
M = MEASURED
ME = MAINTENANCE EASEMENT
NGVD = NATIONAL GEODETIC VERTICAL DATUM
OHV = OVERHEAD WIRES
P = PLAT
GRND = GROUND ELEVATION
TOB = TOP OF BANK
TOE = TOE OF SLOPE
xx' = ELEVATION

PCP = PERMANENT CONTROL POINT
PK = PK NAIL
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
PU&DE = PUBLIC UTILITY AND DRAINAGE EASEMENT
R/W = RIGHT OF WAY LINE
SIR = SET 5/8 IRON ROD AND CAP LB 6897
TEL = TELEPHONE BOX
UE = UTILITY EASEMENT
UE&PE = UTILITY EASEMENT AND PEDESTRIAN EASEMENT
WMB = WATER METER BOX
WPP = WOOD POWER POLE

### NOTES

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

| FLOOD ZONE: | PANEL NO: | MAP REVISION DATE |
|---|---|---|
| ZONE AE<br>ELEVATION = 7.0 | 120067 0394 D | JUNE 3, 1986 |

### CERTIFICATION:

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

BY: John Scott Rhodes JOHN SCOTT RHODES PSM #5739

## BOUNDARY AND TOPOGRAPHIC SURVEY

CERTIFIED TO:
HULGER BARON

RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

1320 RAIL HEAD BOULEVARD, #6
NAPLES, FLORIDA 34110
(941) 593-0570 (941) 593-0581 FAX

| bk: | pg: | date: |
|---|---|---|
| 133 | 40-42 | MAY 25, 2001 |
| | | scale: 1" =40' |
| | | cogo #: 01-387 |

design:
drawn: JSR
checked: JRT
acad #: 2001-387
view: PLOT
project#: 2001-387
sheet #: 1 of 1
file #:

Attachment: Attachment B - SDP-2002-AR-2993 (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210001555 Westview Plaza CUD

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

Name: Todd Rosenthal Date: 10-6-2021

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment C - HEX Hybrid Waiver (20473 : PL20210001555 PCUD Westview Plaza PUD 3600 Westview Dr.)

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.C
**Item Summary:** PETITION NO. PDI- PL20200001682 - Lely a Resort Community - Request for an insubstantial change to Ordinance 92-15, as amended, the Lely, A Resort Community Planned Unit Development, by adding two deviations from LDC Section 5.06.04.F.4 to allow a second wall sign on the south (front) façade not to exceed 16 square feet and to allow an additional wall sign on the east (side) façade not to exceed 200 square feet for Unit 132, at 12725 Tamiami Trail East, in the Freedom Square Development located at the northwest corner of Tamiami Trail East (US 41) and Celeste Drive. The subject PUD consists of 2892± acres, located between U.S. 41 and Rattlesnake Hammock Road west of Collier Boulevard (CR 951), in Sections 21, 22, 27, 28, 33 and 34, Township 50 South, Range 26 East, Collier County, Florida, and Section 3, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

**Meeting Date:** 11/12/2021

---

**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
10/25/2021 7:45 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
10/25/2021 7:45 PM

---

**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | Review Item | Completed | |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 10/26/2021 1:47 PM |
| Zoning | Ray Bellows | Review Item | Completed | 10/27/2021 9:52 AM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 10/29/2021 10:42 AM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 11/12/2021 9:00 AM | |

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

**HEARING DATE:** NOVEMBER 12, 2021

**SUBJECT:** PDI-PL20200001682; LELY, A RESORT COMMUNITY PUD, FREEDOM SQUARE - BURLINGTON

## OWNER/APPLICANT:

Property Owner:
New Plan Florida Holdings, LLC
500 East Broward Blvd, #1130
Ft. Lauderdale, FL 33394

Applicant:
Burlington Stores, Inc.
1830 Route 130 North
Burlington, NJ 08016

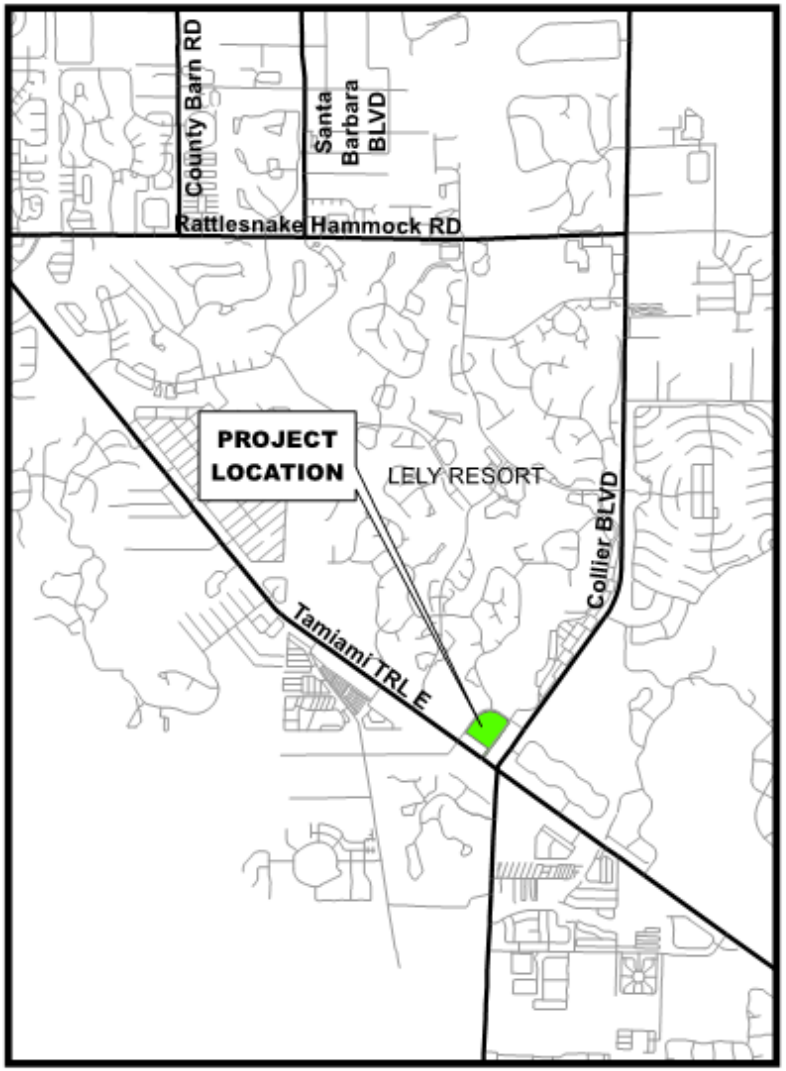
Agent:
Jeff Katims, AICP
Sepsi, Inc.
3350 NW 53 Street, #101
Ft. Lauderdale, FL 33309

## REQUESTED ACTION:

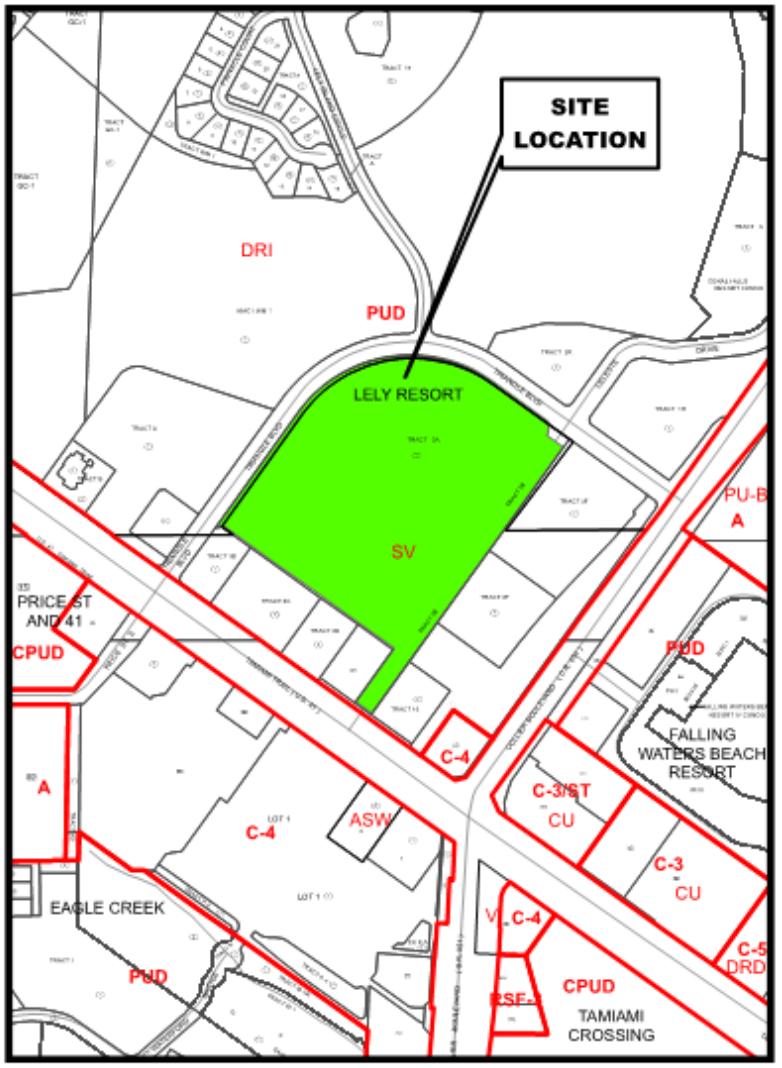
The petitioner requests that the Hearing Examiner approve an insubstantial change to the Lely, A Resort Community Planned Unit Development (PUD), Ordinance 92-15, as amended, by adding two deviations from LDC Section 5.06.04.F.4 to allow a second wall sign on the south (front) façade not to exceed 16 square feet and to allow an additional wall sign on the east (side) façade not to exceed 200 square feet for the subject unit, located within the Freedom Square development.

## GEOGRAPHIC LOCATION:

The subject property, Unit 132 at 12725 Tamiami Trail East, is located within the Freedom Square, a 19.8± acre shopping center, located at the northwest quadrant of Tamiami Trail East (US 41) and Celeste Drive, which is further located within the larger Lely, A Resort Community, PUD comprising 2892± acres located between US 41 and Rattlesnake Hammock Road west of Collier Boulevard (CR 951), in Sections 21, 22, 27, 28, 33 and 34, Township 50 South, Range 26 East, Collier County, Florida, and Section 3, Township 51 South, Range 26 East, Collier County, Florida. (*see location map on following page*)




Location Map




Zoning Map

Petition Number: PL20200001682

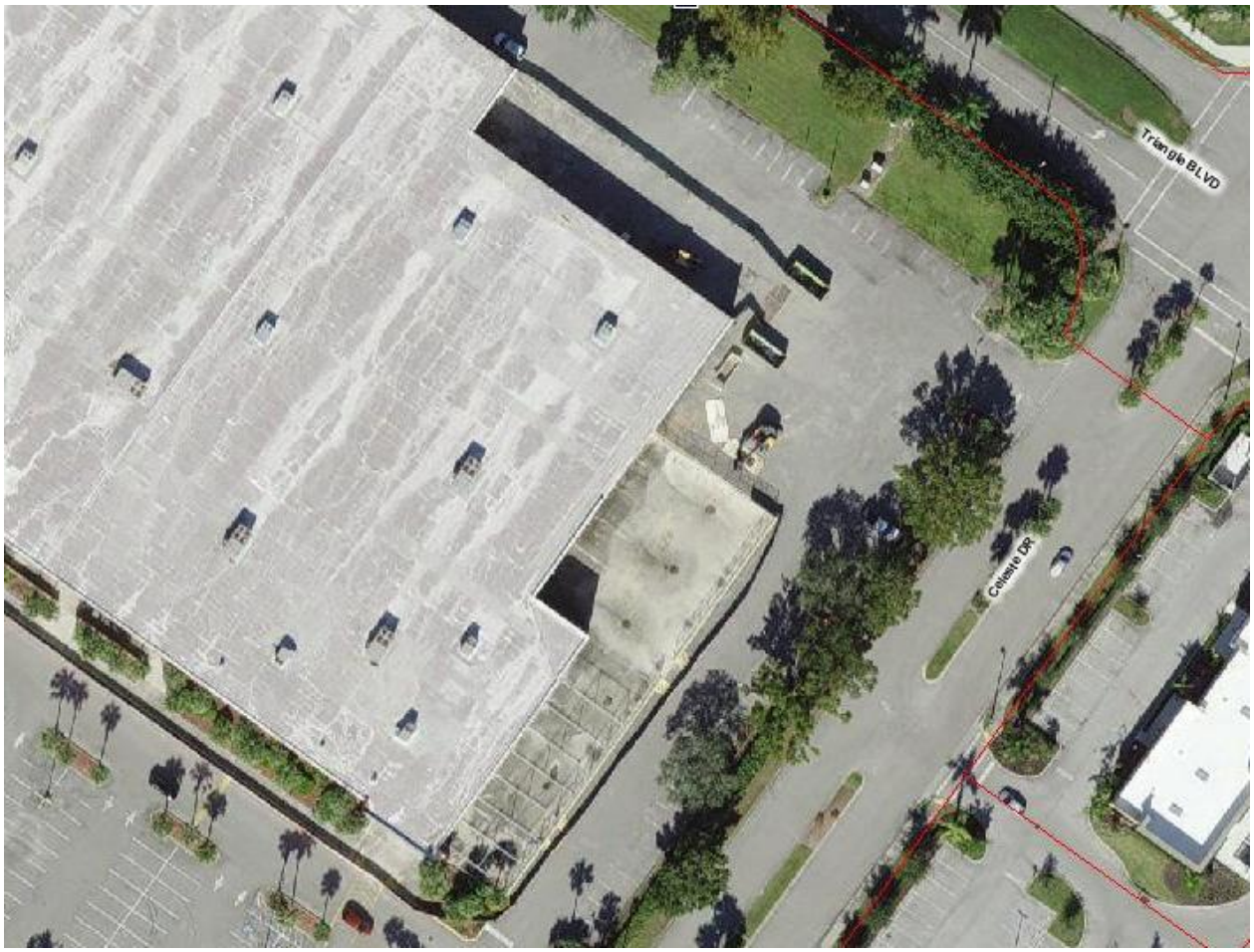


Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom

**PURPOSE AND DESCRIPTION OF PROJECT:**

Freedom Square is a full-service commercial shopping center located within the Lely, A Resort Community PUD. The shopping center is bordered on two sides (southeast and southwest) by 11 stand-alone out parcels. A Burlington retail store will occupy 35,000± square feet at the southeast end of the shopping center. The location of Burlington's unit, #132, is unique in that despite not being an end unit it does have a second exterior (side) wall. The store's primary façade measures 140 feet-6 inches in length with an average height of 28 feet and a façade area of 3,940± square feet. The corner façade measures 104 feet-1 ¼ inches with an average height of 22 feet-10 inches and façade area of 2,270± square feet.

The applicant is requesting an insubstantial change to the PUD to address the literal limitation of one permitted wall sign for an interior unit at a maximum of 200 square feet to instead allow a total of three wall signs for the subject unit: two signs on the primary façade and one on the Celeste Drive corner elevation. The proposed Burlington signs include one sign of 200 square feet on the primary façade and a second, non-illuminated sign of 16 square feet, for a total of 216 square feet of sign area on the primary façade, and one 200 square foot sign for the southeast/Celeste Drive elevation; the total sign area of all signs combined is 416 square feet.




**Aerial – Collier County Property Appraiser**

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## SURROUNDING LAND USE AND ZONING:

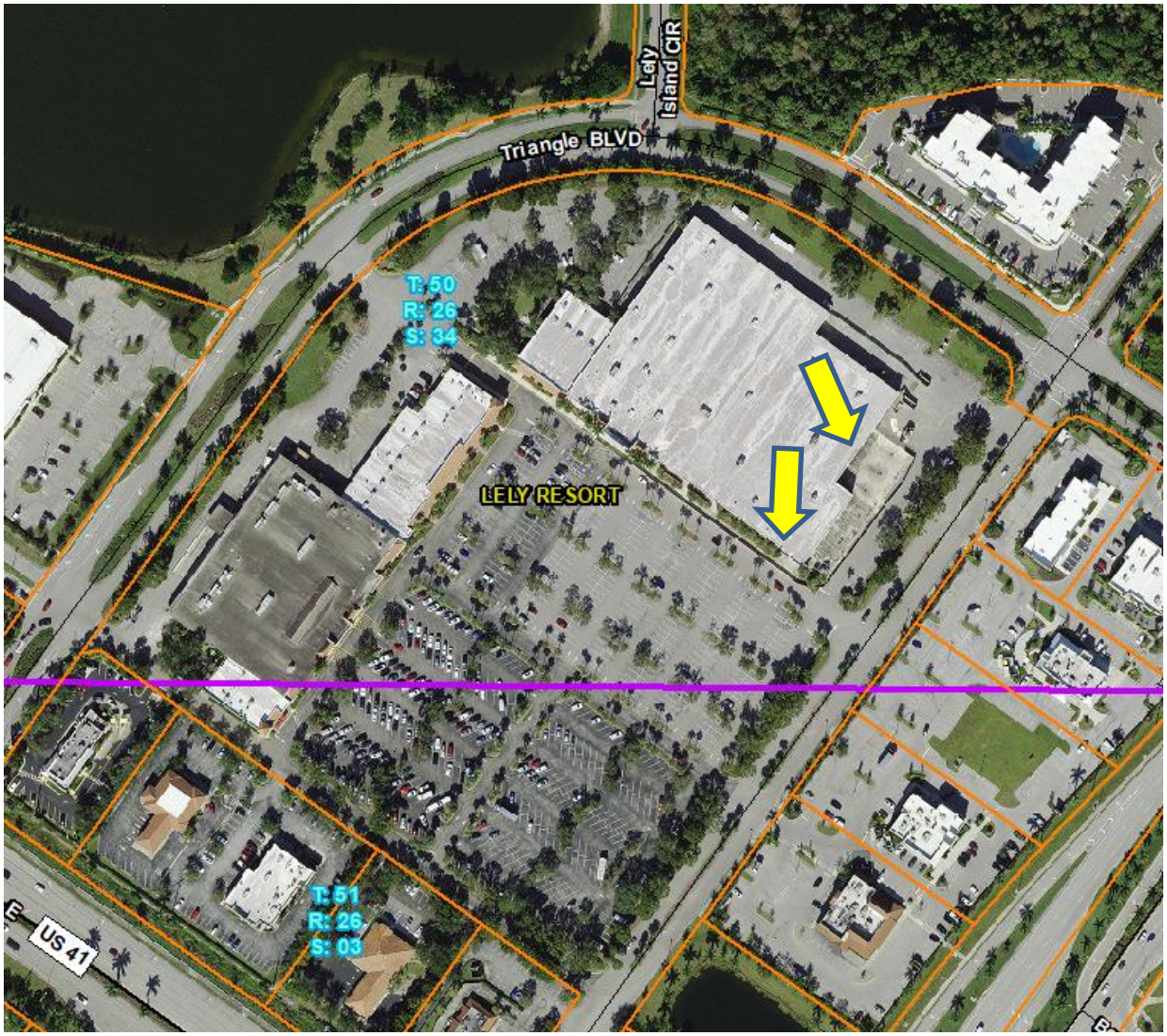
This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property:

**North**: Triangle Boulevard (Right-of-Way) then Staybridge Suites hotel located within the Lely, A Resort Community, PUD

**East:** Celeste Drive (Right-of-Way) then retail/commercial out-parcels primarily developed with restaurants within the Lely, A Resort Community, PUD

**South:** Retail/Commercial out-parcels located within the Lely, A Resort Community, PUD

**West:** Triangle Boulevard (Right-of-Way) then Triangle Plaza at Lely Resort and Lake both within the Lely, A Resort Community, PUD




**Collier County - GIS**

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## STAFF ANALYSIS:

*Comprehensive Planning:* Because this application is not adding uses or increasing the intensity of the previously approved uses in the Lely, A Resort Community PUD, staff concludes the proposed PDI may be deemed consistent with the Future Land Use Element (FLUE) of the Growth Management Plan (GMP).

*Conservation and Coastal Management Element:* Environmental review staff has found this project to be consistent with the Conservation & Coastal Management Element (CCME). No revisions to the environmental portions of the PUD petition are being requested.

Environmental Review: Environmental Planning staff has reviewed this petition. Sensitive habitat will not be impacted by the proposed petition. This project does not require Environmental Advisory Council (EAC) review, as this project did not meet the EAC scope of land development project reviews as identified in Section 2-1193 of the Collier County Codes of Laws and Ordinances. Environmental Services staff recommend **approval** of the proposed petition.

*Transportation Element:* Signs are not addressed in the Transportation Element; therefore, there is no issue with consistency.

## CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications under review at the present time.

## PLANNED UNIT DEVELOPMENT INSUBSTANTIAL CHANGE CRITERIA:

Sections 10.02.13.E.1 and 10.02.13.E.2 of the Land Development Code set forth the criteria by which insubstantial changes to a PUD Document are to be reviewed before they can be approved. The criteria and a response to each have been listed as follows:

**LDC Section 10.02.13.E.1 Criteria:**

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

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

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

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

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

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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

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

No, there is no increase to the size of areas used for non-residential uses and no relocation of non-residential uses proposed.

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

No, there are no substantial impacts resulting from this amendment pertaining to traffic generation, traffic circulation, or impacts on other public facilities.

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

No, the request does not change the land use activities and does not generate a higher level of vehicular traffic.

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

No, the request does not result in a requirement for increased stormwater retention or increased stormwater discharge.

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

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

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

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

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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

The Lely, A resort Community PUD, is a DRI, however, this change does not require an amendment to the DRI.

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

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

**LDC Section 10.02.13.E.2 Criteria:**

**Does this petition change the analysis of the findings and criteria used for the original application? (PUD and Rezone Findings are attached to this Staff Report as Attachment B.)**

No, the proposed changes do not affect the original analysis and findings for the original application. The proposed deviation will not alter the findings of the original Lely, A Resort Community PUD petition (attached).

**DEVIATION DISCUSSION:**

The petitioner is seeking two deviations from the requirements of the LDC. The petitioner's justification and staff analysis/recommendation are outlined below.

**Proposed Deviation #14**

"**Deviation 14:** Deviation from LDC Section 5.06.04 F.4., which allows one wall, mansard, canopy or awning sign for each unit in a multiple-occupancy parcel that is not an end unit and does not have at least 25,000 sq. ft. of floor area and 200 ft. of front wall length, to instead allow an additional nonilluminated wall sign (logo) not to exceed 16 square feet to be placed on the front façade adjacent to the unit entrance, not higher than 9 feet above grade. This deviation applies solely to Unit 132 of the Freedom Square Development."

***Petitioner's Justification:***
This deviation is to allow an additional non-illuminated 16 square foot pedestrian-level logo sign that is part of an architectural entranceway designed to humanize the scale of the substantial overall façade. The 16 square feet requested for the entrance logo sign is in addition to the 200 square feet allowed for the frontage that will be used entirely for the primary identification sign. The effect of

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

two signs is that they are viewed separately and therefore avoid the perception of sign clutter. The applicant argues that the additional 16 square feet is justified by the need to maintain signage hierarchy within the shopping center as smaller stores are allowed signs of up to 150 square feet. The LDC allows a second sign for end units and three signs are allowable for stores with at least 25,000 square feet of floor area and 200 feet of front wall frontage. The subject Burlington store has 140% of the floor area to qualify but only 140 feet-6 inches of front wall frontage. Additionally, the Burlington store has a second façade that functions much like an end unit; however, County staff has opined the unit is not technically an end unit. The applicant notes that "end unit" is not a defined term within the LDC.

***Staff Analysis and Recommendation:***
Staff sees no detrimental effect if this deviation is approved. Zoning staff **recommends approval** of this deviation, finding that in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community" and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

**Proposed Deviation #15**

**"Deviation 15:** Deviation from LDC Section 5.06.04 F.4, which allows for one wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each unit in a multiple-occupancy parcel. Sign(s) shall be affixed to the associated tenant or lease holder's unit, with exceptions for architectural design impediments, as noted in LDC section 5.06.04 F.4.b. End units within shopping centers and multiple-occupancy parcels, or single occupancy parcels where there is double frontage on a public right-of-way, shall be allowed 2 signs, but such signs shall not be placed on one wall, to instead allow an additional wall sign on the East façade not to exceed 200 square feet. This deviation applies solely to Unit 132 of the Freedom Square Development."

***Petitioner's Justification:***
The deviation will allow for an additional sign of 200 square feet on a side façade belonging to Unit 132 of the Freedom Square Development. The LDC allows a second sign for end units and three signs are allowable for stores with at least 25,000 square feet of floor area and 200 feet of front wall frontage. The subject Burlington store has 140% of the floor area to qualify but only 140 feet-6 inches of front wall frontage. Additionally, the Burlington store has a second façade that functions much like an end unit; however, County staff has opined the unit is not technically an end unit. The applicant notes that "end unit" is not a defined term within the LDC. This end of the shopping center is being redeveloped and a restaurant with outdoor seating and a new retail store will bookend the 104 feet of the exterior wall belonging to Burlington. The requested sign on Burlington's Celeste Drive frontage would provide a visual bridge between the restaurant and the retail store thereby improving the aesthetic of the shopping center and distracting from the dumpster enclosure that is to be placed between the two.

***Staff Analysis and Recommendation:***
Staff sees no detrimental effect if this deviation is approved. Zoning staff **recommends approval** of this deviation, finding that in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

and welfare of the community" and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

**NEIGHBORHOOD INFORMATION MEETING (NIM):**

A duly advertised NIM was held at 5:00 P.M. on August 24, 2021 at the Staybridge Suites Naples-Marco Island, located at 9401 Triangle Boulevard, Naples, Florida, 341343; an option to attend remotely was provided. There being no participants from the public the meeting was adjourned at 5:15 P.M. (See Attachment D)

**RECOMMENDATION:**

Staff recommends that the Collier County Hearing Examiner approve Petition PDI-PL20200001682 with the understanding that the contents of Attachment A be included as part of any Final Decision.

Attachments:

A) Revised PUD Section XV – Deviations and Plans
B) Zoning Analysis, Ord. 92-15 adopted 03/10/1992
C) Applicant's Backup; Application, Justification, Sign Posting
D) HEX Hybrid Meeting Waivers

Attachment: Staff Report 10232021 (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Attachment: Attachment A - Requested Deviations (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## SECTION XV
## DEVIATIONS FROM THE LDC

In addition to deviations currently approved in the PUD, the following deviations are being added to the PUD:

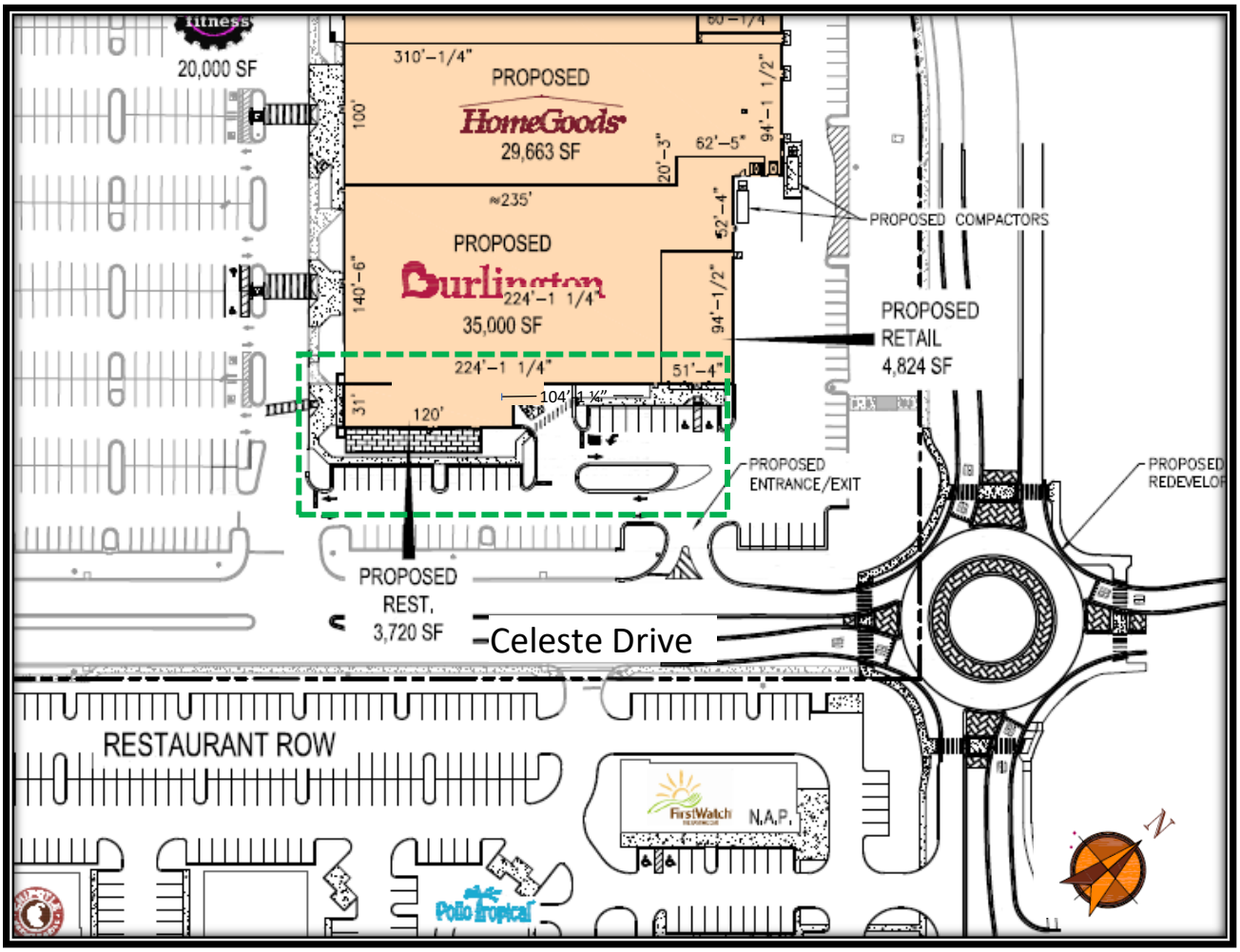
* * * * * * * * * * * * *

**Deviation 14:** Deviation from LDC Section 5.06.04 F.4., which allows one wall, mansard, canopy or awning sign for each unit in a multiple-occupancy parcel that is not an end unit and does not have at least 25,000 sq. ft. of floor area and 200 ft. of front wall length, to instead allow an additional nonilluminated wall sign (logo) not to exceed 16 square feet to be placed on the front façade adjacent to the unit entrance, not higher than 9 feet above grade. This deviation applies solely to Unit 132 of the Freedom Square Development. [PL20200001682]

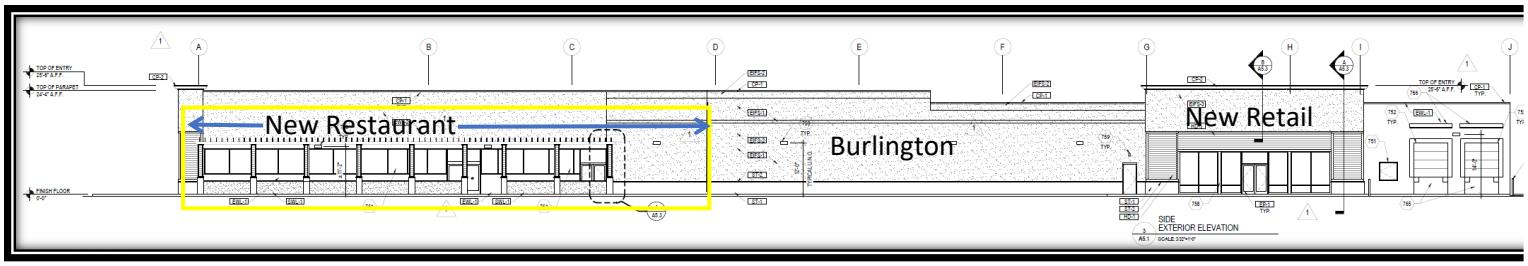
**Deviation 15:** Deviation from LDC Section 5.06.04 F.4, which allows for one wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each unit in a multiple-occupancy parcel. Sign(s) shall be affixed to the associated tenant or lease holder's unit, with exceptions for architectural design impediments, as noted in LDC section 5.06.04 F.4.b. End units within shopping centers and multiple-occupancy parcels, or single occupancy parcels where there is double frontage on a public right-of-way, shall be allowed 2 signs, but such signs shall not be placed on one wall, to instead allow an additional wall sign on the East façade not to exceed 200 square feet. This deviation applies solely to Unit 132 of the Freedom Square Development. [PL20200001682]

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

## PARTIAL SITE REDEVELOPMENT PLAN




## SOUTH EAST ELEVATION (Former Garden Center)




Attachment: Attachment A - Requested Deviations (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)




STORE NO. 1257

EXTERIOR SIGN: PLANNING SUBMITTAL

MARCH 25, **2021**

Nick Zahner
9932 Prospect Ave Studio 137
Santee, CA 92071
NickZ@blairsign.net
Northern California: (510) 337-9020 (510) 337-9029 fax
Southern California: (619) 792-1600 (619) 792-1608 fax
California License #677503

BLAIR SIGN PROGRAMS

- *Design / Build*
- *Master Sign Programs*
- *Re-Image / Re-Model*
- *Property Branding*
- *Sustainable Relevance*
  LEED • CalGreen • Governance

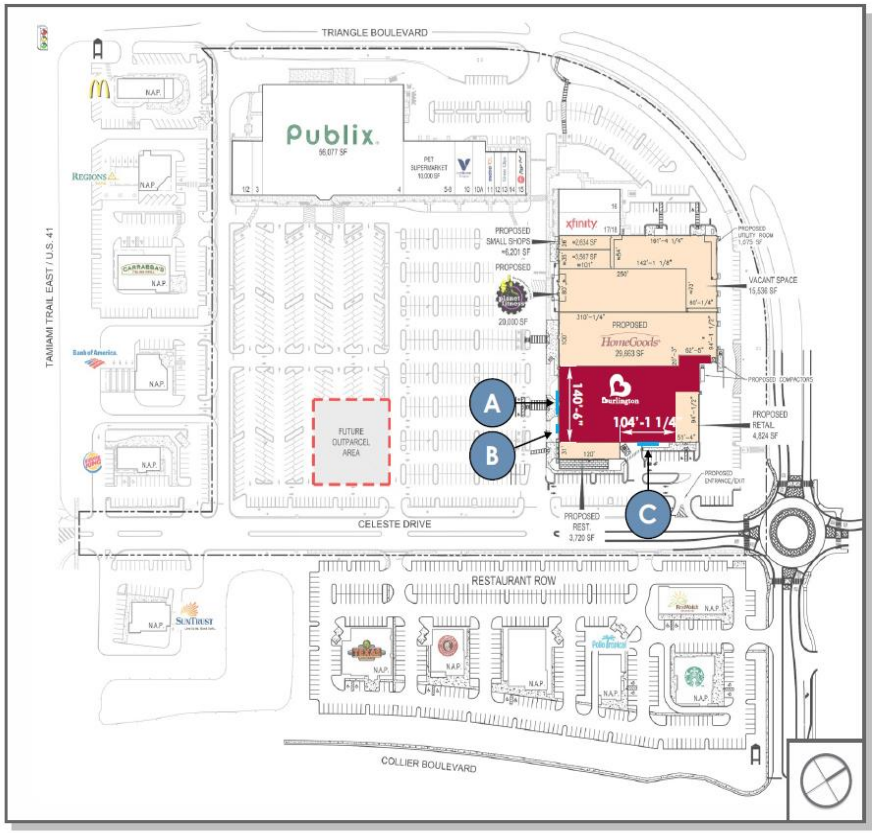
Energy Verified
TITLE 24

ICSC

sustainable design

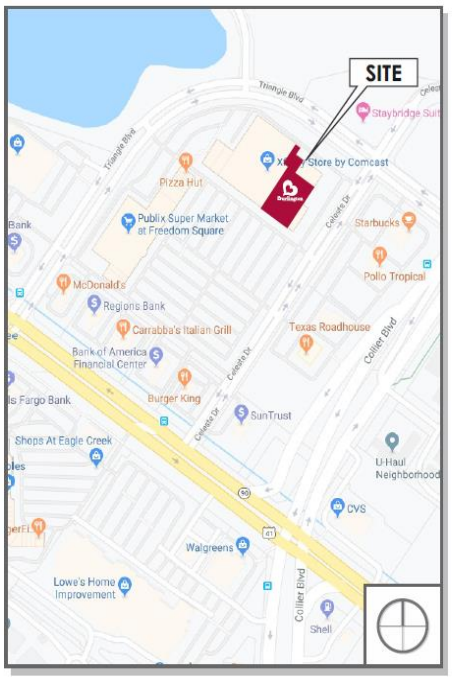
FREEDOM SQUARE
12725 Tamiami Trail E
Naples, FL 34113

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SITE PLAN

| SECTION I: BUILDING SIGNS | | | |
|---|---|---|---|
| SIGN TYPE | SIGN DESCRIPTION | ALLOWED | PROPOSED |
| A | Channel Letters | 200 Sq. Ft. | 200 Sq. Ft. |
| B | "Heart-B" Logo | | 16 Sq. Ft. |
| C | Channel Letters | | 200 Sq. Ft. |
| | **BUILDING SIGN TOTAL** | **200 Sq. Ft.** | **416 Sq. Ft.** |
| **SECTION II: GROUND SIGNS** | | | |
| | N/A | | |
| **SECTION III: CONSTRUCTION** | | | |
| A, C | Channel Letter Detail | | |
| A, C | Tag Line Channel Letter Detail | | |




VICINITY MAP

BLAIR SIGN PROGRAMS

Northern California:
(510) 337-9020
Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN Nº:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

VICINITY MAP
SITE PLAN

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| SIGN TYPE: A | SOUTH ELEVATION | SCALE: 3/32" = 1'-0" |
|---|---|---|

NOTES:
All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.

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Northern California:
(510) 337-9020
Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503

sustainable design

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Naples, FL 34113

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| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

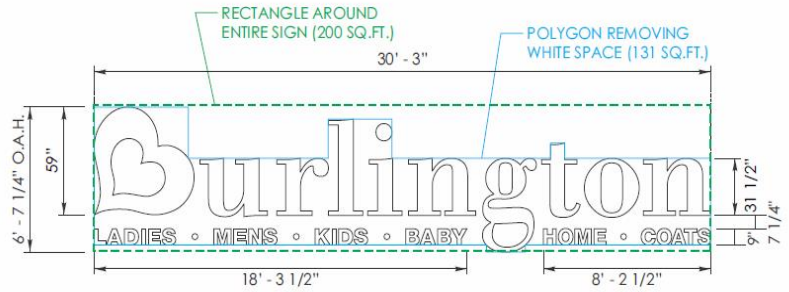
SIGN TYPE: A

SECTION I
SHEET 1

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| SIGN TYPE: A | SOUTH ELEVATION | SCALE: 3/32" = 1'-0" |
|---|---|---|




| SIGN TYPE: A | 59" ILLUMINATED CHANNEL LETTERS w/ TAG LINE | 120v/ 20 amp | 200 SQ. FT. | SCALE: 3/16" = 1'-0" |
|---|---|---|---|---|

## SCOPE OF WORK

**Sign(s) Type: A**

**Manufacture and Install:**
(1) One Set of Internally (LED) Illuminated Remote Channel Letters

**"Burlington" Letters:**
- Body:
5" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Backs.
- Faces:
3/16" White Lexan with 1st Surface
Burlington Red Translucent Vinyl,
1" Black Trim Cap.
- Illumination:
Red LED's.

**"Tag Line" Letters:**
- Body:
3" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Letter Backs.
- Faces:
3/16" Clear Plex with 1st Surface
3M #3635-222 Perforated Black Vinyl
2nd Surface 3M 30% Diffuser,
1" Black Trim Cap.
- Illumination:
White 6500k LED's.

**Incoming Power/Access:**
Primary Circuit(s) by Others, Reasonable Access Required within Six Feet (6') of Center of Sign (Behind Wall).



EXISTING ELEVATION

**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**

BLAIR SIGN PROGRAMS
Northern California:
(510) 337-9020
Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN Nº:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

SIGN TYPE: A

SECTION I
SHEET 2

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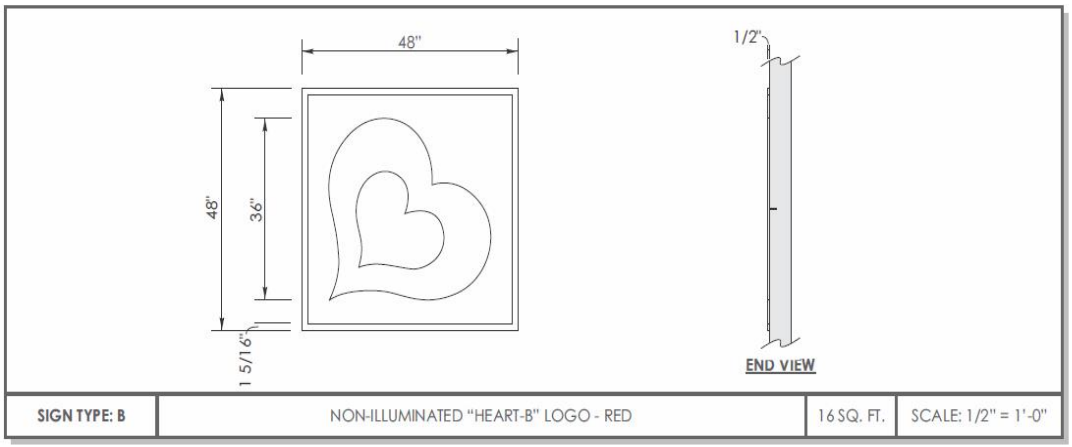

## SCOPE OF WORK

**Sign(s) Type: B**

**Manufacture and Install:**
(1) One Non-Illuminated "Heart-B" Logo

**"Heart-B" Logo:**
1/2" Thk. FCO Acrylic painted to match PMS 207c, satin finish on face and returns.

**Install:**
Stud mount, flush to ceramic tile wall with D/F 3M VHB tape and clear silicone on backs of FCOs.




**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**

BLAIR SIGN PROGRAMS
Northern California:
(510) 337-9020
Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

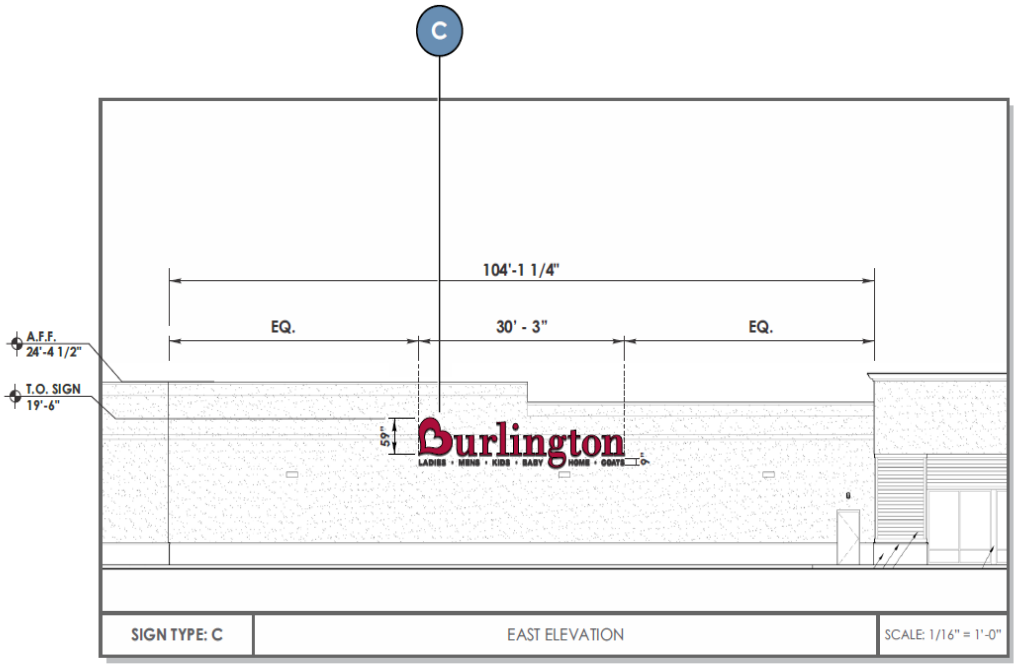
DESIGN Nº:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

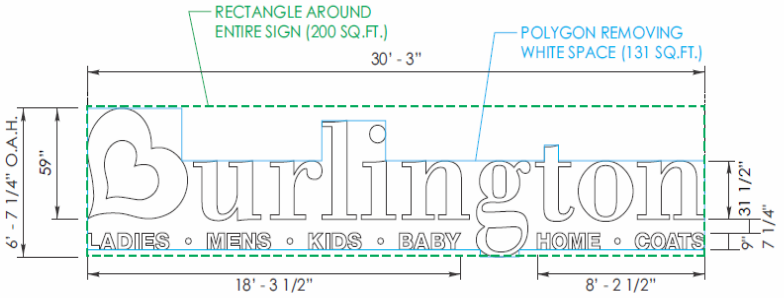
SIGN TYPE: B

SECTION I
SHEET 3

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| SIGN TYPE: C | EAST ELEVATION | SCALE: 1/16" = 1'-0" |
|---|---|---|




| SIGN TYPE: C | 59" ILLUMINATED CHANNEL LETTERS w/ TAG LINE | 120v/ 10 amp | 200 SQ. FT. | SCALE: 3/16" = 1'-0" |
|---|---|---|---|---|

## SCOPE OF WORK

**Sign(s) Type: C**

**Manufacture and Install:**
(1) One Set of Internally (LED) Illuminated Remote Channel Letters

**"Burlington" Letters:**
- Body:
5" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Backs.
- Faces:
3/16" White Lexan with 1st Surface
Burlington Red Translucent Vinyl,
1" Black Trim Cap.
- Illumination:
Red LED's.

**"Tag Line" Letters:**
- Body:
3" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Letter Backs.
- Faces:
3/16" Clear Plex with 1st Surface
3M #3635-222 Perforated Black Vinyl
2nd Surface 3M 30% Diffuser,
1" Black Trim Cap.
- Illumination:
White 6500k LED's.

**Incoming Power/Access:**
Primary Circuit(s) by Others, Reasonable Access Required within Six Feet (6') of Center of Sign (Behind Wall).

**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**

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Southern California:
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CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN Nº:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

SIGN TYPE: C

SECTION I
SHEET 4

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Attachment: Attachment A - Requested Deviations (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**FINDINGS OF FACT for PUDA-PL20140002040 Lely, A Resort Community:**

**PUD Findings:** LDC Subsection 10.02.13.B.5 states that, "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria" (Staff's responses to these criteria are provided in bold font):

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

**Staff has reviewed the proposed amendment and believes the uses and property development regulations are compatible with the development approved in the area. The commitments made by the applicant should provide adequate assurances that the proposed change should not adversely affect living conditions in the area.**

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

**Documents submitted with the application, which were reviewed by the County Attorney's Office, demonstrate unified control of the property. Additionally, the development will be required to gain platting and/or site development approval. Both processes will ensure that appropriate stipulations for the provision of and continuing operation and maintenance of infrastructure will be provided by the developer.**

*3. Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the Growth Management Plan (GMP).*

**Staff has reviewed this petition and has offered an analysis of the relevant goals, objectives and policies of the GMP within the GMP discussion and the analysis provided by Comprehensive Planning staff and the zoning analysis of this staff report. Based on those staff analyses, planning zoning staff is of the opinion that this PUD Amendment remains consistent with the overall GMP.**

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

**Staff has provided a review of the proposed changes and believes that the project will be compatible with the surrounding area. The approved uses within the PUD are not proposed to change as part of this amendment; however the applicant is requesting to add residential use(s) in the C-3 tract. The uses approved in the original PUD rezone were determined to be compatible and continue to be compatible with the changes proposed by this request. The petitioner is proposing a number of changes as noted above, however staff believes uses remain compatible given the development standards and project commitments.**

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

**The amount of native preserve aside for this project meets the minimum requirement of the LDC.**

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

Attachment: Attachment B - Findings of Fact (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Attachment: Attachment B - Findings of Fact (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**The roadway infrastructure has adequate capacity to serve the proposed project at this time, i.e., GMP consistent at the time of rezoning as evaluated as part of the GMP Transportation Element consistency review. The project's development must comply with all other applicable concurrency management regulations when development approvals are sought. Additionally, the PUD document contains additional developer commitments that should help ensure there are adequate facilities available to serve this project.**

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

**The area has adequate supporting infrastructure such as road capacity, wastewater disposal system, and potable water supplies to accommodate this project based upon the commitments made by the petitioner and the fact that adequate public facilities requirements will be addressed when development approvals are sought.**

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

**The petitioner is seeking seven deviations to allow design flexibility in compliance with the purpose and intent of the Planned Unit Development Districts (LDC Section 2.03.06.A). This criterion requires an evaluation of the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district. Staff has provided an analysis of the deviations in the Deviation Discussion portion of this staff report, and is recommending approval of the deviations.**

**Rezone Findings:** *LDC Subsection 10.02.08.F. states*, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners…shall show that the planning commission has studied and considered proposed change in relation to the following when applicable" *(Staff's responses to these criteria are provided in bold font):*

*1. Whether the proposed change will be consistent with the goals, objectives, & policies of the Future Land Use Map and the elements of the Growth Management Plan.*

**The zoning analysis provides an in-depth review of the proposed amendment. Staff is of the opinion that the project as proposed is consistent with GMP FLUE Policy 5.4 requiring the project to be compatible with neighborhood development. Staff recommends that this petition be deemed consistent with the FLUE of the GMP. The petition can also be deemed consistent with the CCME and the Transportation Element. Therefore, staff recommends that this petition be deemed consistent with the GMP because uses are not changing with this amendment.**

*2. The existing land use pattern;*

**Staff has described the existing land use pattern in the "Surrounding Land Use and Zoning" portion of this report and discussed it at length in the zoning review analysis. Staff believes the proposed amendment is appropriate given the existing land use pattern, and development restrictions included in the PUD Ordinance.**

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

**The proposed PUD amendment would not create an isolated zoning district because the subject site**

**is already zoned PUD and there are no land additions proposed as part of this amendment.**

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

**Staff is of the opinion that the district boundaries are logically drawn given the current property ownership boundaries and the existing PUD zoning.**

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

**The proposed amendment is not necessary, *per se*; but it is being requested in compliance with the LDC provisions to seek such amendment to allow the owner the opportunity to develop the land with uses other than what the existing zoning district would allow. Without this amendment, the property could be developed in compliance with the existing PUD ordinance regulations. The applicant's request is consistent with the proposed GMPA.**

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

**Staff is of the opinion that the proposed amendment, with the commitments made by the applicant, can been deemed consistent with the County's land use policies that are reflected by the Future Land Use Element (FLUE) of the GMP. The project includes restrictions and development standards that are designed to address compatibility of the project. Development in compliance with the proposed PUD amendment should not adversely impact living conditions in the area.**

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

**The roadway infrastructure has adequate capacity to serve the proposed project with the commitment that has been provided by the developer.**

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

**The proposed amendment should not create drainage or surface water problems. The developer of the project will be required to adhere to a surface water management permit from the SFWMD in conjunction with any local site development plan approvals and ultimate construction on site.**

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

**If this amendment petition is approved, any subsequent development would need to comply with the applicable LDC standards for development or as outlined in the PUD document. The location of the proposed buildings, combined with the setbacks and project buffers will help insure that light and air to adjacent areas will not be reduced.**

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

**This is a subjective determination based upon anticipated results, which may be internal or external to the subject property. Property valuation is affected by a host of factors including zoning; however zoning by itself may or may not affect values, since value determination is driven by market conditions.**

Attachment: Attachment B - Findings of Fact (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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

**The proposed zoning change should not be a deterrent to the improvement of adjacent properties.**

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

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

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

**The subject property could be developed within the parameters of the existing zoning designations; however, the petitioner is seeking this amendment in compliance with LDC provisions for such action. The petition can be evaluated and action taken as deemed appropriate through the public hearing process. Staff believes the proposed amendment meets the intent of the PUD district, if staff's conditions of approval are adopted, and further, believes the public interest will be maintained.**

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

**As noted previously, the subject property already has a zoning designation of PUD; the PUD rezoning was evaluated at the rezoning stage and was deemed consistent with the GMP. The GMP is a policy statement which has evaluated the scale, density and intensity of land uses deemed to be acceptable throughout the urban-designated areas of Collier County. Staff is of the opinion that the development standards and the developer commitments will ensure that the project is not out of scale with the needs of the community.**

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

**The petition was reviewed on its own merit for compliance with the GMP and the LDC; and staff does not review other sites in conjunction with a specific petition. The proposed amendment is consistent with the GMP as it is proposed to be amended as discussed in other portions of the staff report.**

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

**Additional development anticipated by the PUD document would require considerable site alteration. This project will undergo extensive evaluation relative to all federal, state, and local development regulations during the site development plan or platting approval process and again later as part of the building permit process.**

*17. The impact of development on the availability of adequate public facilities and services consistent*

Attachment: Attachment B - Findings of Fact (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

*with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance, as amended.*

**This petition has been reviewed by county staff that is responsible for jurisdictional elements of the GMP as part of the amendment process and those staff persons have concluded that no Level of Service will be adversely impacted with the commitments contained in the PUD document.**

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

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

Attachment: Attachment B - Findings of Fact (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

PDI-PL20200001
LELY RESORT PUD

# 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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

____ 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** 2 2 2 2 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 Katims
Signature of Agent Representative

October 11, 2021
Date

Jeff Katims, AICP, CNU-A
Printed Name of Signing Agent Representative

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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NAPLES, FLORIDA 34104
(239) 252-2400 FAX: (239) 252-6358

# INSUBSTANTIAL CHANGE TO A PUD (PDI)

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

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

**PETITION NO**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

## APPLICANT CONTACT INFORMATION

**Name of Property Owner(s):** New Plan Florida Holdings, LLC

**Name of Applicant if different than owner:** Burlington Stores, Inc.

**Address:** 1830 Rte. 130 N. **City:** Burlington **State:** NJ **ZIP:** 08016

**Telephone:** 609-387-7800 ext. 535 **Cell:** 609-784-6260 **Fax:** N/A

**E-Mail Address:** karen.weidenbach@burlington.com

**Name of Agent:** Jeff Katims, AICP

**Firm:** Sepi

**Address:** 3350 NW 53 St. #101 **City:** Ft. Lauderdale **State:** FL **ZIP:** 33309

**Telephone:** 954-475-3070 **Cell:** 954-554-8894 **Fax:** N/A

**E-Mail Address:** jkatims@sepiinc.com

## DETAIL OF REQUEST

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



Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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## PROPERTY INFORMATION

**PUD NAME:** Lely, A Resort Community **ORDINANCE NUMBER:** 92-15
**FOLIO NUMBER(S):** 34520001005

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

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

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

If no, please explain: _____

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

If yes, in whose name? _____

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

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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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## Pre-Application Meeting and Final Submittal Requirement Checklist for: PUD Insubstantial Change Chapter 3 G.3 of the Administrative Code

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

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

**ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:**

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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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

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

## FEE REQUIREMENTS

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

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

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

*All checks payable to: Board of County Commissioners.*

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

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

Jeff Katims Digitally signed by Jeff Katims Date: 2021.06.23 18:52:33 -04'00'

Agent/Owner Signature

6/23/21

Date

Applicant/Owner Name (please print)



Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

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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 |
|---|---|
| | |
| | |
| | |
| | |
| | |



Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

| Name and Address | % of Ownership |
|---|---|
| Brixmor LLC | 100% |
| 450 Lexington Avenue, Floor 13, New York, NY 10017 | |
| (Note: Brixmor LLC is 100% owned by Brixmor Property Group, Inc. (BRX:NYSE), which is a public company.) | |
| (Note: The owner is New Plan Florida Holdings, LLC, a Delaware limited liability company) | |

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 |
|---|
| Burlington Stores, Inc. |
| 1830 Route 130 North Burlington NJ 08016 |
| |
| |
| |

g. Date subject property acquired _____

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

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



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

**Date of option: _____**

**Date option terminates: _____**, or

**Anticipated closing date: _____**

## AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

_____
Agent/Owner Signature

Date

Matthew Ryan
_____
Agent/Owner Name (please print)



Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

# Collier County Property Appraiser
# Property Summary

| Parcel No | 34520001005 | Site Address *Disclaimer | 12655 TAMIAMI TRL E | Site City | NAPLES | Site Zone *Note | 341 |
|---|---|---|---|---|---|---|---|

| Name / Address | NEW PLAN FLORIDA HOLDINGS LLC |
|---|---|
| | % RYAN LLC TAX COMPLIANCE |
| | 500 EAST BROWARD BLVD #1130 |
| | |
| | |

| City | FORT LAUDERDALE | State | FL | Zip | 33394 |
|---|---|---|---|---|---|

| Map No. | Strap No. | Section | Township | Range | Acres *Estimated |
|---|---|---|---|---|---|
| 6B03 | 309400 3A 16B03 | 3 | 51 | 26 | 22.23 |

| Legal | FREEDOM SQUARE TRACT 3A AND TRACT 3E, LESS THAT PORTION IN ORDER C TAKING "113FEE" IN OR 4896 PG 1335 FOR US 41 R/W, LESS THAT PORTION KNOWN AS "107FEE" AS DESC IN OR 5849 PG 3862 |
|---|---|

| Millage Area | 245 | Millage Rates *Calculations | | |
|---|---|---|---|---|
| Sub./Condo | 309400 - FREEDOM SQUARE | School | Other | Total |
| Use Code | 16 - COMMUNITY SHOPPING CENTERS | 5.016 | 6.2924 | 11.3084 |

## Latest Sales History

(Not all Sales are listed due to Confidentiality)

| Date | Book-Page | Amount |
|---|---|---|
| 04/24/07 | 4218-1988 | $ 0 |
| 10/08/97 | 2353-2311 | $ 11,602,600 |
| 01/01/94 | 1909-1260 | $ 3,839,100 |

## 2020 Certified Tax Roll

(Subject to Change)

| | | |
|---|---|---|
| | Land Value | $ 8,175,2 |
| (+) | Improved Value | $ 10,702,2 |
| (=) | Market Value | $ 18,877,5 |
| (-) | 10% Cap | $ 291,7 |
| (=) | Assessed Value | $ 18,585,7 |
| (=) | School Taxable Value | $ 18,877,5 |
| (=) | Taxable Value | $ 18,585,7 |

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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)



# Detail by Officer/Registered Agent Name

Foreign Limited Liability Company
NEW PLAN FLORIDA HOLDINGS, LLC

**Filing Information**

| | |
|---|---|
| **Document Number** | M07000001967 |
| **FEI/EIN Number** | 20-8827767 |
| **Date Filed** | 04/04/2007 |
| **State** | DE |
| **Status** | ACTIVE |
| **Last Event** | CANCEL ADM DISS/REV |
| **Event Date Filed** | 10/16/2008 |
| **Event Effective Date** | NONE |

**Principal Address**

450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Changed: 04/28/2016

**Mailing Address**

450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Changed: 04/28/2016

**Registered Agent Name & Address**

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

**Authorized Person(s) Detail**

**Name & Address**

Title Authorized Member

BRIXMOR LLC
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

RODENSTEIN, BARRY

450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

FINNEGAN, BRIAN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

SINGH, CAROLYN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

VENDER, DAVID
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

MOORE, KRISTEN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

HORGAN, MARK
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

BERGER, MATTHEW
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

HENDRICKSON, JOHN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

BROWN, WILLIAM
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

RYAN, MATTHEW

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

RYAN, MATTHEW
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP, CFO, Treasurer

AMAN, ANGELA
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP, Secretary, GC

SIEGEL, STEVEN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title CEO, President

TAYLOR, JAMES M
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

GERSTENHABER, DAVID
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title EVP

BUCHAKJIAN, HAIG
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

STEIN, HELANE
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

PIPPIS, JAMES
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

WHITE, JASON
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title ASST SECRETARY

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

BENNISON, PATRICK
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

GUHEEN, RYAN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

SLATER, STACY
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

GALLAGHER, STEVEN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

KAUFMAN, STEVEN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

CREEKMOORE, TONYA
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

Title SVP

BRYDZINSKI, KEVIN
450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

**Annual Reports**

| Report Year | Filed Date |
|---|---|
| 2018 | 04/28/2018 |
| 2019 | 02/01/2019 |
| 2020 | 01/15/2020 |

**Document Images**

| | |
|---|---|
| 01/15/2020 -- ANNUAL REPORT | View image in PDF format |
| 02/01/2019 -- ANNUAL REPORT | View image in PDF format |
| 04/28/2018 -- ANNUAL REPORT | View image in PDF format |
| 04/26/2017 -- AMENDED ANNUAL REPORT | View image in PDF format |

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

| | |
|---|---|
| 04/25/2017 -- ANNUAL REPORT | View image in PDF format |
| 10/28/2016 -- AMENDED ANNUAL REPORT | View image in PDF format |
| 04/28/2016 -- ANNUAL REPORT | View image in PDF format |
| 04/25/2015 -- ANNUAL REPORT | View image in PDF format |
| 04/29/2014 -- ANNUAL REPORT | View image in PDF format |
| 04/25/2013 -- ANNUAL REPORT | View image in PDF format |
| 04/04/2012 -- ANNUAL REPORT | View image in PDF format |
| 03/14/2011 -- ANNUAL REPORT | View image in PDF format |
| 04/09/2010 -- ANNUAL REPORT | View image in PDF format |
| 05/01/2009 -- ANNUAL REPORT | View image in PDF format |
| 10/16/2008 -- REINSTATEMENT | View image in PDF format |
| 04/04/2007 -- Foreign Limited | View image in PDF format |

Florida Department of State, Division of Corporations

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**2020 FOREIGN LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# M07000001967

**Entity Name:** NEW PLAN FLORIDA HOLDINGS, LLC

**Current Principal Place of Business:**

450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017

**Current Mailing Address:**

450 LEXINGTON AVENUE, 13TH FLOOR
NEW YORK, NY 10017 US

**FEI Number: 20-8827767**

**FILED**
**Jan 15, 2020**
**Secretary of State**
**5391908527CC**

**Certificate of Status Desired:** No

**Name and Address of Current Registered Agent:**

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

SIGNATURE:

Electronic Signature of Registered Agent — Date

**Authorized Person(s) Detail :**

| | | | |
|---|---|---|---|
| Title | AUTHORIZED MEMBER | Title | EVP |
| Name | BRIXMOR LLC | Name | RODENSTEIN, BARRY |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR | Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 | City-State-Zip: | NEW YORK NY 10017 |
| Title | EVP | Title | EVP |
| Name | FINNEGAN, BRIAN | Name | SINGH, CAROLYN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR | Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 | City-State-Zip: | NEW YORK NY 10017 |
| Title | EVP | Title | SVP |
| Name | VENDER, DAVID | Name | MOORE, KRISTEN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR | Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 | City-State-Zip: | NEW YORK NY 10017 |
| Title | EVP | Title | EVP |
| Name | HORGAN, MARK | Name | BERGER, MATTHEW |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR | Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 | City-State-Zip: | NEW YORK NY 10017 |

**Continues on page 2**

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

SIGNATURE: STEVEN SIEGEL SECRETARY 01/15/2020

Electronic Signature of Signing Authorized Person(s) Detail — Date

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## Authorized Person(s) Detail Continued :

| | |
|---|---|
| Title | EVP |
| Name | HENDRICKSON, JOHN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | EVP |
| Name | RYAN, MATTHEW |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | EVP, SECRETARY, GC |
| Name | SIEGEL, STEVEN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | GERSTENHABER, DAVID |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | STEIN, HELANE |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | WHITE, JASON |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | GUHEEN, RYAN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | GALLAGHER, STEVEN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | CREEKMOORE, TONYA |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | EVP |
| Name | BROWN, WILLIAM |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | EVP, CFO, TREASURER |
| Name | AMAN, ANGELA |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | CEO, PRESIDENT |
| Name | TAYLOR, JAMES M |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | EVP |
| Name | BUCHAKJIAN, HAIG |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | PIPPIS, JAMES |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | ASST SECRETARY |
| Name | BENNISON, PATRICK |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | SLATER, STACY |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | KAUFMAN, STEVEN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

| | |
|---|---|
| Title | SVP |
| Name | BRYDZINSKI, KEVIN |
| Address | 450 LEXINGTON AVENUE, 13TH FLOOR |
| City-State-Zip: | NEW YORK NY 10017 |

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL 202 000016 8 2

I, Matthew Ryan (print name), as EVP (title, if applicable) of New Plan Florida Holdings, LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✓] applicant [ ] contract purchaser [ ] and that:

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

3/24/21
Date

**STATE OF FLORIDA**
**COUNTY OF ORANGE**

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 24 day of March, 20 21, by (printed name of owner or qualifier) Matthew Ryan.

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

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Nicole Garner

NICOLE P. GARNER
MY COMMISSION # GG 945621
EXPIRES: January 9, 2024
Bonded Thru Notary Public Underwriters

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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

OFFICER'S CERTIFICATE

I, Patrick Bennison, Assistant Secretary of Brixmor LLC, a Maryland limited liability company and the managing member of New Plan Florida Holdings, LLC, a Delaware limited liability company (the "Company"), DO HEREBY CERTIFY as follows:

Matthew Ryan is a duly elected and appointed Executive Vice President of the Company who is authorized to sign for and on behalf of the Company.

**IN WITNESS WHEREOF**, I have hereunto set my hand as of this 6th day of May, 2021.

Brixmor LLC, a Maryland limited liability company, managing member

By: _____

Patrick Bennison
Assistant Secretary

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20200001682

I, Karen Weidenbach (print name), as Construction Purchasing Manager (title, if applicable) of Burlington Stores, Inc. (company, if applicable), swear or affirm under oath, that I am the (choose one) owner ☐ applicant ☐ contract purchaser ☑ and that:

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

Karen Weidenbach
**Signature**

3/24/21
**Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of ☑ physical presence or ☐ online notarization this 24th day of March, 2021, by (printed name of owner or qualifier) Karen Weidenbach.

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

☐ Are personally known to me

☑ Has produced a current drivers license W225942400 61582

☐ Has produced _____ as identification.

Notary Signature: _____

DARLENE DELUCA
Commission # 2362995
Notary Public, State of New Jersey
My Commission Expires
August 6, 2022

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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## Chelsea Brandon

**From:** Matt Castro <Matt@blairsign.net>
**Sent:** Wednesday, June 2, 2021 3:29 PM
**To:** Chelsea Brandon
**Subject:** FW: Authorization to Sign Affidavit
**Attachments:** Signed Affidavit.pdf

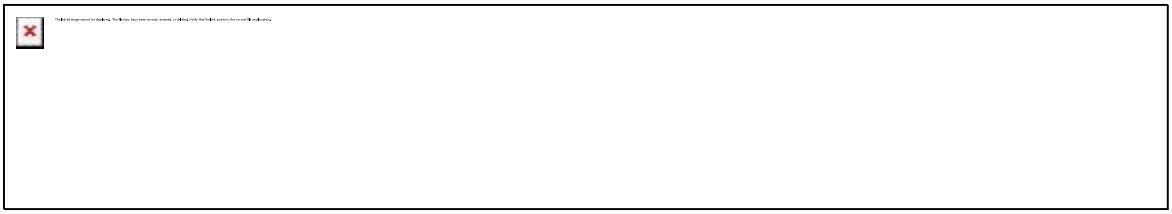
**Follow Up Flag:** Follow up
**Flag Status:** Flagged

**CAUTION:** External email. **NEVER CLICK or OPEN** unexpected links or attachments. **NEVER** provide your user ID or Password. Send all suspicious email as an attachment to Report Spam.

Hi Chelsea,

Please see below authorizing Karen able to sign for their attorney.

Any questions please call or email me.



**From:** Karen Weidenbach <Karen.Weidenbach@burlington.com>
**Sent:** Wednesday, June 2, 2021 12:01 PM
**To:** Matt Castro <Matt@blairsign.net>; Nick Zahner <Nickz@blairsign.net>; Scott Bilbrey <Bilbrey@blairsign.net>
**Cc:** Raheel Yousaf <Raheel.Yousaf@burlington.com>; Jennifer Omilian <Jennifer.Omilian@burlington.com>
**Subject:** FW: Authorization to Sign Affidavit

Hi - please see email below form attorney Anna Kripitz for Naples, FL.

Thanks,

---

*Karen Weidenbach*

Manager - Construction Purchasing

Burlington Stores, Inc.

1830 Route 130 North
Burlington, NJ 08016
☎ 609-387-7800 ext. 53570
Cell: 609-784-6260
karen.weidenbach@burlington.com



Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**From:** Anna Kripitz
**Sent:** Wednesday, June 2, 2021 2:56 PM
**To:** Karen Weidenbach <Karen.Weidenbach@burlington.com>
**Cc:** Raheel Yousaf <Raheel.Yousaf@burlington.com>; Donna Flannery <Donna.Flannery@burlington.com>
**Subject:** RE: Authorization to Sign Affidavit

Karen Weidenbach is authorized to sign the attached affidavit.

**Anna Kripitz**
**Director, Real Estate Counsel**
Burlington Stores, Inc.
1830 Route 130 N
Burlington, New Jersey 08016
office: (609) 387-7800 x53268
external efax: (609) 589-2096
internal efax: 1096
anna.kripitz@BurlingtonStores.com

**NOTICE:**

**Notice: This communication, including attachments, may contain confidential or proprietary information to be conveyed solely for the intended recipient(s). If you are not the intended recipient, or if you otherwise received this message in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments, without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is strictly prohibited and may be unlawful.**

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20200001682

I, _____ (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_____ 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**

3/24/21 **Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of ☐ physical presence or ☐ online notarization this ____ day of _____, 20___, by (printed name of owner or qualifier) _____.

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

☐ Are personally known to me

☑ Has produced a current drivers license W225942400 61582

☐ Has produced _____ as identification.

Notary Signature: _____

Notary Seal

**DARLENE DELUCA**
**Commission # 2362995**
**Notary Public, State of New Jersey**
**My Commission Expires**
**August 6, 2022**

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

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)




# STORE NO. 1257

## EXTERIOR SIGN: PLANNING SUBMITTAL

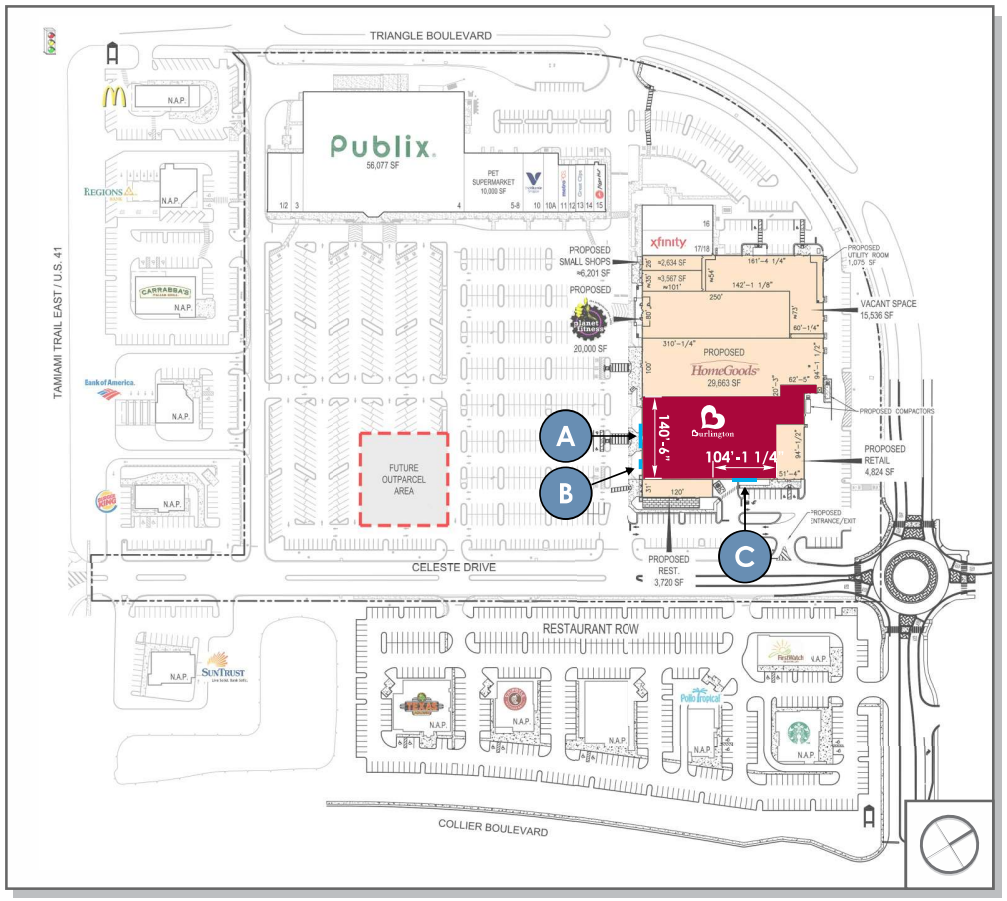
MARCH 25, **2021**

Nick Zahner
9932 Prospect Ave Studio 137
Santee, CA 92071
NickZ@blairsign.net
Northern California: (510) 337-9020 (510) 337-9029 fax
Southern California: (619) 792-1600 (619) 792-1608 fax
California License #677503

- *Design / Build*
- *Master Sign Programs*
- *Re-Image / Re-Model*
- *Property Branding*
- *Sustainable Relevance*
  LEED • CalGreen • Governance

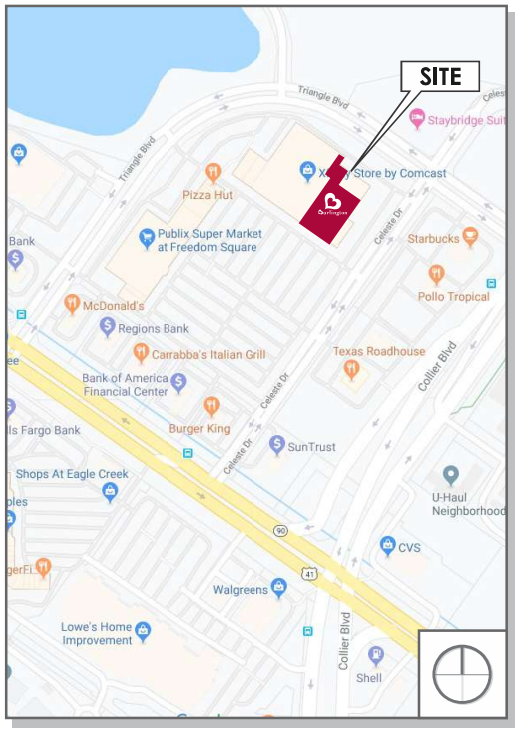
FREEDOM SQUARE
12725 Tamiami Trail E
Naples, FL 34113

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SITE PLAN

| SECTION I: BUILDING SIGNS | | | |
|---|---|---|---|
| SIGN TYPE | SIGN DESCRIPTION | ALLOWED | PROPOSED |
| A | Channel Letters | 200 Sq. Ft. | 200 Sq. Ft. |
| B | "Heart-B" Logo | | 16 Sq. Ft. |
| C | Channel Letters | | 200 Sq. Ft. |
| | **BUILDING SIGN TOTAL** | **200 Sq. Ft.** | **416 Sq. Ft.** |
| **SECTION II: GROUND SIGNS** | | | |
| | N/A | | |
| **SECTION III: CONSTRUCTION** | | | |
| A, C | Channel Letter Detail | | |
| A, C | Tag Line Channel Letter Detail | | |




VICINITY MAP

BLAIR SIGN PROGRAMS
Northern California:
(510) 337-9020
Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN №:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

# VICINITY MAP
# SITE PLAN

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| SIGN TYPE: A | SOUTH ELEVATION | SCALE: 3/32" = 1'-0" |
|---|---|---|

**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**

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(619) 792-1600
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CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

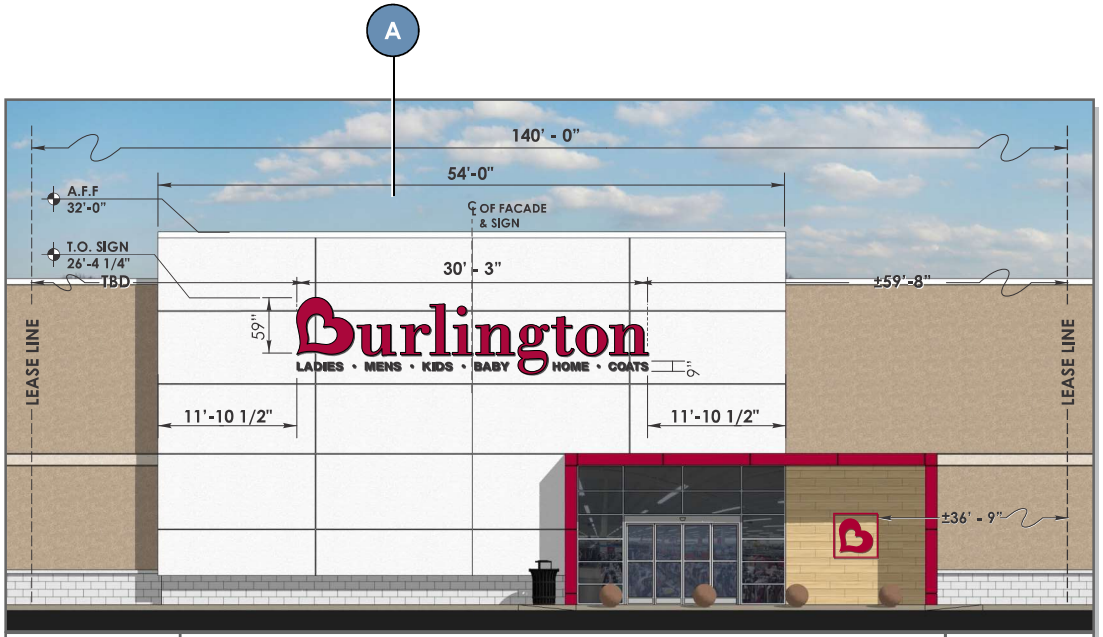
DESIGN №:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

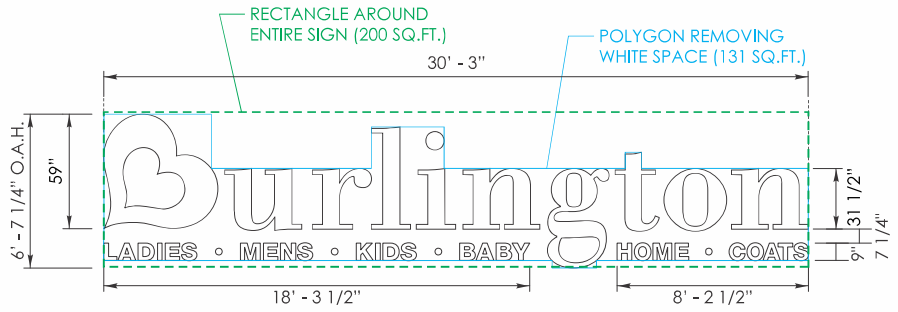
SIGN TYPE: A

SECTION I
SHEET 1

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| SIGN TYPE: A | SOUTH ELEVATION | SCALE: 3/32" = 1'-0" |
|---|---|---|




| SIGN TYPE: A | 59" ILLUMINATED CHANNEL LETTERS w/ TAG LINE | 120v/ 20 amp | 200 SQ. FT. | SCALE: 3/16" = 1'-0" |
|---|---|---|---|---|

## SCOPE OF WORK

**Sign(s) Type: A**

**Manufacture and Install:**
(1) One Set of Internally (LED) Illuminated Remote Channel Letters

**"Burlington" Letters:**
- Body:
5" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Backs.
- Faces:
3/16" White Lexan with 1st Surface
Burlington Red Translucent Vinyl,
1" Black Trim Cap.
- Illumination:
Red LED's.

**"Tag Line" Letters:**
- Body:
3" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Letter Backs.
- Faces:
3/16" Clear Plex with 1st Surface
3M #3635-222 Perforated Black Vinyl
2nd Surface 3M 30% Diffuser,
1" Black Trim Cap.
- Illumination:
White 6500k LED's.

**Incoming Power/Access:**
Primary Circuit(s) by Others, Reasonable Access Required within Six Feet (6') of Center of Sign (Behind Wall).



EXISTING ELEVATION

**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**


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Southern California:
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sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN №:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

SIGN TYPE: A

SECTION I
SHEET 2


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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)




| SIGN TYPE: B | SOUTH ELEVATION | SCALE: 3/32" = 1'-0" |
|---|---|---|

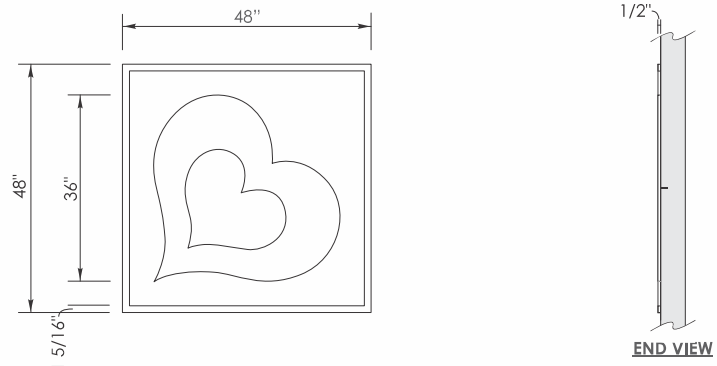
## SCOPE OF WORK

**Sign(s) Type: B**

**Manufacture and Install:**
(1) One Non-Illuminated "Heart-B" Logo

**"Heart-B" Logo:**
1/2" Thk. FCO Acrylic painted to match PMS 207c, satin finish on face and returns.

**Install:**
Stud mount, flush to ceramic tile wall with D/F 3M VHB tape and clear silicone on backs of FCOs.




| SIGN TYPE: B | NON-ILLUMINATED "HEART-B" LOGO - RED | 16 SQ. FT. | SCALE: 1/2" = 1'-0" |
|---|---|---|---|

**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**

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Northern California:
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Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503

sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN №:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

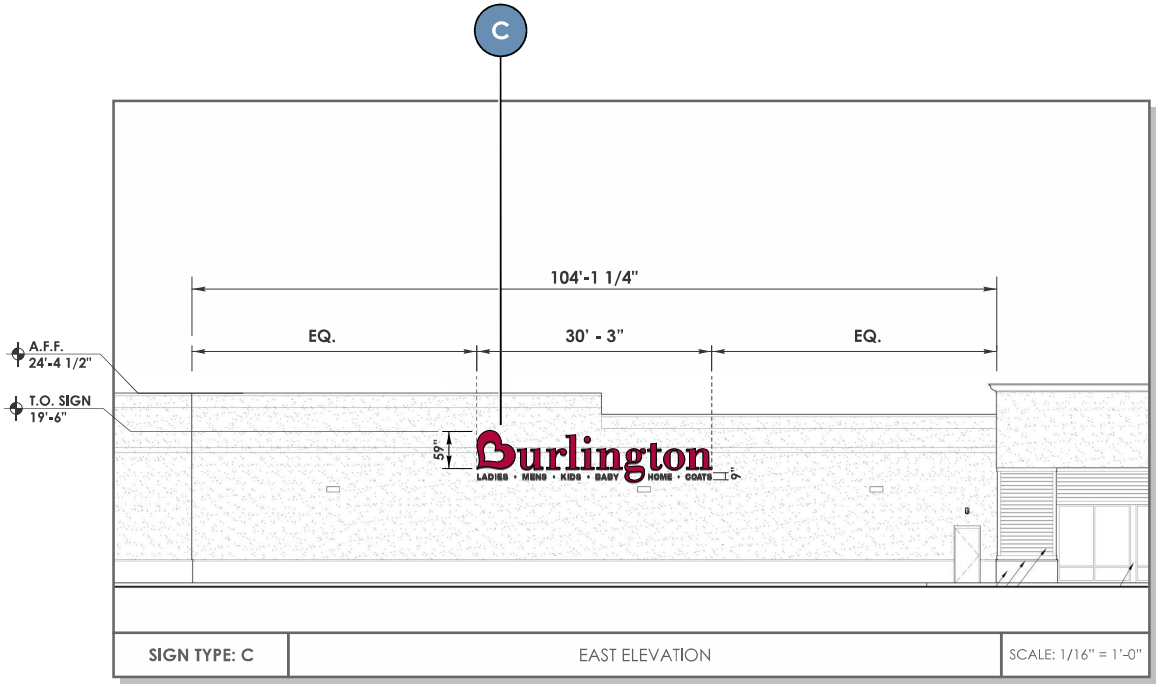
SIGN TYPE: B

SECTION I
SHEET 3

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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)




| SIGN TYPE: C | EAST ELEVATION | SCALE: 1/16" = 1'-0" |
|---|---|---|

## SCOPE OF WORK

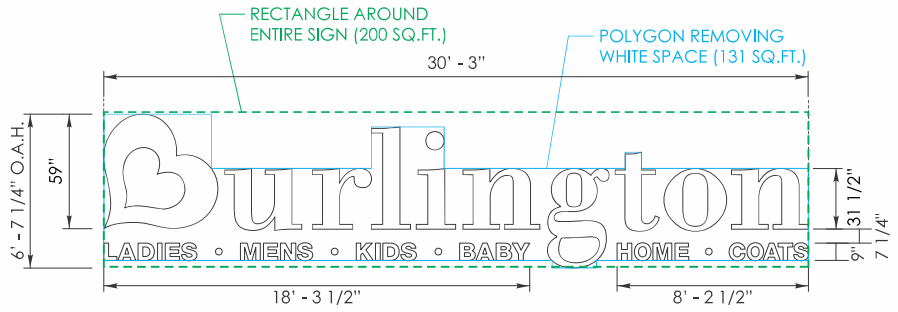
**Sign(s) Type: C**

**Manufacture and Install:**
(1) One Set of Internally (LED) Illuminated Remote Channel Letters

**"Burlington" Letters:**
- Body:
5" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Backs.
- Faces:
3/16" White Lexan with 1st Surface
Burlington Red Translucent Vinyl,
1" Black Trim Cap.
- Illumination:
Red LED's.

**"Tag Line" Letters:**
- Body:
3" Deep, .040" Aluminum Returns
Pre-painted Black (Satin Finish)
w/ .040" Aluminum Letter Backs.
- Faces:
3/16" Clear Plex with 1st Surface
3M #3635-222 Perforated Black Vinyl
2nd Surface 3M 30% Diffuser,
1" Black Trim Cap.
- Illumination:
White 6500k LED's.

**Incoming Power/Access:**
Primary Circuit(s) by Others, Reasonable Access Required within Six Feet (6') of Center of Sign (Behind Wall).




| SIGN TYPE: C | 59" ILLUMINATED CHANNEL LETTERS w/ TAG LINE | 120v/ 10 amp | 200 SQ. FT. | SCALE: 3/16" = 1'-0" |
|---|---|---|---|---|

**NOTES:**
**All dimensions, site and installation conditions, including access and attachment methods, etc. to be verified.**


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(510) 337-9020
Southern California:
(619) 792-1600
info@blairsign.net
CA License #677503


sustainable design

CLIENT:
Burlington

PROJECT:
Tamiami #1257
Planning Submittal

ADDRESS:
12725 Tamiami Trail E
Naples, FL 34113

DATE:
03/18/2020

DESIGNER:
J. O'Gara

DESIGN №:

| REVISIONS: | BY: |
|---|---|
| 04/13/20 | JO |
| 06/23/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

SIGN TYPE: C

SECTION I
SHEET 4


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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

The MELLGREN PLANNING Group a SEPI Company

SEPI Offices:

Fort Lauderdale, FL | Palmetto, FL | Raleigh, NC| Beaufort, SC | Wilmington, NC | Charlotte, NC | Charleston, SC

Written Summary of NIM for application PL20200001682

A Neighborhood Information Meeting (NIM) for Collier County application PL20200001682 for an Insubstantial Change to a Planned Unit Development was hosted by SEPI, Inc., on behalf of applicant Burlington Stores, Inc. on Tuesday August 24, 2021 at 5:00pm at the Staybridge Suites Naples Marco Island located at 9401 Triangle Blvd Naples Florida 34113. A virtual option via Zoom was available as well to provide the public with a virtual option to participate. The meeting was opened at 5:00pm. There was no attendance from the public either in-person, or through Zoom. John Kelly and Ray Bellows attended the meeting in-person on behalf of Collier County. The meeting concluded at 5:15pm after waiting for fifteen minutes for the public to arrive. No public comments were made. There was one request from a property owner who received a mail notice for additional information on the proposed signs. This correspondence is attached to the NIM documents.

3350 NW 53rd Street | Suite 101 | Fort Lauderdale, FL 33309
954.475.3070

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

# SIGN IN SHEET

| Project: | Neighborhood Information Meeting – Collier County | Meeting Date: | August 24, 2021 |
|---|---|---|---|

| Name | Address | Email | Phone |
|---|---|---|---|
| JOHN KELLY | | John.Kelly @ CollierCountyFL.GOV | (239) 252-5719 |
| Ray Bellows | | Ray.Bellows@collierCountyFL.gov | |
| | | | |
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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## Chelsea Brandon

**From:** Peter Redebaugh <predebaugh@agreerealty.com>
**Sent:** Tuesday, August 24, 2021 11:31 AM
**To:** Chelsea Brandon
**Subject:** RE: [EXTERNAL] RE: PL2020001682 (Insubstantial Change to PUD)

Thanks!

**Peter Redebaugh**
Property Manager
GA, FL, NC, SC
T: 248.291.9231 | M: 248.904.7016

AGREE REALTY
RETHINK RETAIL
www.agreerealty.com | NYSE: ADC

---

**From:** Chelsea Brandon <CBrandon@sepiinc.com>
**Sent:** Tuesday, August 24, 2021 11:09 AM
**To:** Peter Redebaugh <predebaugh@agreerealty.com>
**Subject:** [EXTERNAL] RE: PL2020001682 (Insubstantial Change to PUD)

Hi Peter,

Thank you for reaching out. I have attached the proposed sign plans. The additional signage are signs “B” and “C” shown on page 2 of the site plan. Please let me know if I can answer any questions you may have.

Best regards,

**CHELSEA BRANDON, AICP**
Planner
SEPI, Inc.
3350 NW 53rd Street, #101, Ft. Lauderdale, FL 33309
954.475.3070 O 305.469.4955 M
*Celebrating Twenty Years*

---

**From:** Peter Redebaugh <predebaugh@agreerealty.com>
**Sent:** Tuesday, August 24, 2021 11:04 AM
**To:** Chelsea Brandon <CBrandon@sepiinc.com>
**Subject:** PL2020001682 (Insubstantial Change to PUD)

**CAUTION:** External email. **NEVER CLICK or OPEN** unexpected links or attachments. **NEVER** provide your user ID or Password. Send all suspicious email as an attachment to Report Spam.

Good morning Chelsea,

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL2020001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

I hope all is well. I received the attached notice and was hoping you could provide more information. Do you have any prototypes of the proposed signage that you could share?

Thank you,

**Peter Redebaugh**
Property Manager
GA, FL, NC, SC
T: 248.291.9231 | M: 248.904.7016

AGREE REALTY
RETHINK RETAIL

www.agreerealty.com | NYSE: ADC

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

# AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Ordinance 2004-41, of the Collier County Land Development Code, I did cause the attached newspaper advertisement to appear and I did give notice by mail to the following property owners and/or condominium and civic associations whose members may be affected by the proposed land use changes of an application request for a rezoning, PUD amendment, or conditional use, at least 15 days prior to the scheduled Neighborhood Information Meeting. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change and the date, time, and place of a Neighborhood Information Meeting.

Per the attached letters, property owner's list, and copy of newspaper advertisement which are hereby made a part of this Affidavit of Compliance

(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 11th day of August, ~~2010~~ 2021 by Jeff Katims, who is personally known to me or who has produced _____ as identification.

(Signature of Notary Public)

*(Notary Seal)*

Jennifer Kiar
Printed Name of Notary

JENNIFER KIAR
MY COMMISSION # GG364109
EXPIRES: September 10, 2023

G:\NIM Procedures/Affidavit Of Compliance - NIM Oct2010.Doc

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Naples Daily News
PART OF THE USA TODAY NETWORK
Published Daily
Naples, FL 34110

SEPI, INC.
3350 NW 53RD STREET, #101

FORT LAUDERDALE, FL 33309

## Affidavit of Publication

STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared said legal clerk who on oath says that he/she serves as **Legal Clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said
Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

**Published: 08/07/2021**

Subscribed and sworn to before on August 7, 2021:

Notary, State of WI, County of Brown

1-7-25
My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Publication Cost: $364.00
Ad No: 0004856028
Customer No: 9544753070SEPI
PO #:

# of Affidavits 1

This is not an invoice

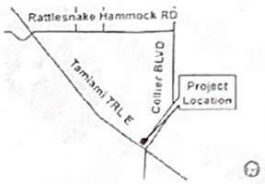
NEIGHBORHOOD INFORMATION MEETING

The public is invited to attend a neighborhood information meeting held by SEPI, Inc. on behalf of Burlington Stores, Inc. at the following time and location:

Tuesday, August 24, 2021, at 5:00 p.m.
Staybridge Suites Naples-Marco Island
Gulf Coast Conference Room
9401 Triangle Boulevard, Naples, FL 34113
*face coverings are required*

**Attending Virtually is also available using Zoom Meeting ID: Meeting ID: 253 266 2257**

Please be advised that Burlington Stores, Inc. has filed an application (PL20200001682) with Collier County. The application is seeking approval of an Insubstantial Change to a Planned Unit Development (PDI) to deviate from LDC Section 5.06.04(4)a - Development Standards for Signs in Nonresidential Districts to allow for a sign of up to 200 square feet on the eastern façade, and LDC Section 5.06.04(4) - Development Standards for Signs in Nonresidential Districts to allow for a logo sign of 16 square feet to be located on the front façade of Unit 132 of the Freedom Square Development.




WE VALUE YOUR INPUT

Business and property owners and residents are welcome to attend the presentation and discuss the project with the owners' representatives and Collier County staff. If you are unable to attend this meeting, but have questions or comments, they can be directed to:

SEPI, Inc. c/o Chelsea Brandon
3350 NW 53rd Street #101, Fort Lauderdale, FL 33309
(954) 475-3070 OR Cbrandon@sepiinc.com

*Please note that the Collier County does not sponsor or endorse this program.
4856028 8/7/2021

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Naples Daily News
PART OF THE USA TODAY NETWORK

SEPI, INC.
3350 NW 53RD STREET, #101
FORT LAUDERDALE FL 33309-

| Account | AD# | Net Amount | Tax Amount | Total Amount | Payment Method | Payment Amount | Amount D |
|---|---|---|---|---|---|---|---|
| 9544753070SEPI | 0004856028 | $364.00 | $0.00 | $364.00 | Credit Card | $0.00 | $364.00 |

**Sales Rep:** JPellegrin **Order Taker:** JPellegrin **Order Created** 08/05/2021

| Product | # Ins | Column | Agate Lines | Start Date | End Date |
|---|---|---|---|---|---|
| NDN-Naples Daily News | 1 | 2.00 | 104 | 08/07/2021 | 08/07/2021 |
| NDN-naplesnews.com | 1 | 2.00 | 104 | 08/07/2021 | 08/07/2021 |

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**Text of Ad: 08/05/2021**

**NEIGHBORHOOD INFORMATION MEETING**

The public is invited to attend a neighborhood information meeting held by SEPI, Inc. on behalf of Burlington Stores, Inc. at the following time and location:

Tuesday, August 24, 2021, at 5:00 p.m.
Staybridge Suites Naples-Marco Island
Gulf Coast Conference Room
9401 Triangle Boulevard, Naples, FL 34113
***face coverings are required***

**Attending Virtually is also available using Zoom Meeting ID: Meeting ID: 253 266 2257**

Please be advised that Burlington Stores, Inc. has filed an application (PL20200001682) with Collier County. The application is seeking approval of an Insubstantial Change to a Planned Unit Development (PDI) to deviate from LDC Section 5.06.04(4)a - Development Standards for Signs in Nonresidential Districts to allow for a sign of up to 200 square feet on the eastern façade, and LDC Section 5.06.04(4) - Development Standards for Signs in Nonresidential Districts to allow for a logo sign of 16 square feet to be located on the front façade of Unit 132 of the Freedom Square Development.




**WE VALUE YOUR INPUT**

Business and property owners and residents are welcome to attend the presentation and discuss the project with the owners' representatives and Collier County staff. If you are unable to attend this meeting, but have questions or comments, they can be directed to:

SEPI, Inc. c/o Chelsea Brandon
3350 NW 53rd Street #101, Fort Lauderdale, FL 33309
(954) 475-3070 OR Cbrandon@sepiinc.com

*Please note that the Collier County does not sponsor or endorse this program.
4856028 8/7/2021

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

The MELLGREN PLANNING Group a SEPI Company

SEPI Offices:

Fort Lauderdale, FL | Palmetto, FL | Raleigh, NC| Beaufort, NC | Wilmington, NC | Charlotte, NC | Charleston, SC

August 4, 2021

RE: Lely PUD-Freedom Square Signage PDI
PL20200001682 (Insubstantial Change to PUD)

Dear Property Owner:

Please be advised that Burlington Stores, Inc. has filed an application (PL20200001682) with Collier County. The application is seeking approval of an Insubstantial Change to a Planned Unit Development (PDI) to deviate from LDC Section 5.06.04(4)a - Development Standards for Signs in Nonresidential Districts to allow for a sign of up to 200 square feet on the eastern façade, and LDC Section 5.06.04(4) - Development Standards for Signs in Nonresidential Districts to allow for a logo sign of 16 square feet to be located on the front façade of Unit 132 of the Freedom Square Development.

A Neighborhood Information Meeting will be held to provide you an opportunity to hear a presentation about this application and ask questions. **The Neighborhood Information Meeting will be held on Tuesday, August 24, 2021 at 5:00 p.m. at** Staybridge Suites Naples-Marco Island,
Gulf Coast Conference Room
9401 Triangle Boulevard, Naples, FL 34113

Attending virtually is also available via Zoom. Please visit www.zoom.us, click on "Join A Meeting" in the top right corner, and enter **Meeting ID: 253 266 2257**

Should you have questions prior to the meeting, please contact me directly at (954) 475-3070, or Cbrandon@sepiinc.com.

Sincerely,

Chelsea Brandon, AICP,
Planner

*Please note that Collier County does not sponsor or endorse this program.

3350 NW 53rd Street | Suite 101 | Fort Lauderdale, FL 33309
954.475.3070

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

| NAME1 | NAME2 | NAME3 | NAME4 | NAME5 | NAME6 | FOLIO | ADDRESSTYPE |
|---|---|---|---|---|---|---|---|
| ADVANCED SOUTHWEST GP LLC | % MASOTTI & MASOTTI LLC | 1100 SUMMER ST | SUITE 401 | | STAMFORD, CT 06905---0 | 69330000041 | U |
| AFJ PROPERTIES LLC | 31 TIDEWATER WAY | | | | SAVANNAH, GA 31411---0 | 69330000106 | U |
| AGREE LTD PARTNERSHIP | 70 EAST LONG LAKE RD | | | | BLOOMFIELD HILLS, MI 48304---0 | 00726360008 | U |
| ASSOCIATED REAL ESTATE SW INC | 7995 MAHOGANY RUN LN | | | | NAPLES, FL 34112---0 | 55425006003 | U |
| BARNETT BANK NA NAPLES | % BANK OF AMERICA | ATT:CORP RE ASMT | NC1-001-03-81 | 101 N TRYON ST | CHARLOTTE, NC 28255---1 | 34520001403 | U |
| BRAVOFLORIDA LLC | 4220 EDISON LAKES PARKWAY | | | | MISHAWAKA, IN 46545---0 | 00726640003 | U |
| COLLIER CNTY | TRANSPORTATION RIGHT-OF-WAY | 2885 HORSESHOE DRIVE S | | | NAPLES, FL 34104---0 | 00724680007 | U |
| DAZ QUALIFIED OPP ZONE BUS LLC | 4029 LIGHTHOUSE LANE | | | | NAPLES, FL 34112---0 | 69330000083 | U |
| E5 NAPLES LLC | 2465 BYRON STATION DR SW STE F | | | | BYRON CENTER, MI 49315---0 | 77510402121 | U |
| ESPROP LLC | 2900 N UNIVERSITY DR | | | | CORAL SPRINGS, FL 33065---0 | 69330000067 | U |
| ESPROP LLC | 2900 UNIVERSITY DR # 26 | | | | CORAL SPRINGS, FL 33065---0 | 25910000502 | U |
| FIFTH THIRD BANK | MD 10ATA1 CORP FAC | 38 FOUNTAIN SQUARE PLAZA | | | CINCINNATI, OH 45263---0 | 00726960000 | U |
| GOLDEN CLIPPER LLC | 15821 FM 529 ROAD UNIT 282 | | | | HOUSTON, TX 77095---0 | 69330000025 | U |
| JPMORGAN CHASE BANK NATL ASSN | JPMORGAN CHSAE & CO | 1111 POLARIS PKWY | | | COLUMBUS, OH 43240---2031 | 55425001105 | U |
| JWR LIVING TRUST | 6379 WEST 83RD ST | | | | LOS ANGELES, CA 90045---0 | 77510402008 | U |
| KITE EAGLE CREEK LLC | 30 S MERIDIAN ST STE 1100 | | | | INDIANAPOLIS, IN 46204---3565 | 00726723001 | U |
| LOWE'S HOME CENTERS INC | MAIL CODE NB6LG | 1000 LOWES BLVD | | | MOORESVILLE, NC 28117---8520 | 25368002589 | U |
| MCDONALDS CORPORATION | % MICHAEL LEE ADAMS | 8850 TERRENE CT | | | BONITA SPRINGS, FL 34135---0 | 34520001102 | U |
| NAPLES TAMIAMI DST | 1401 BROAD ST | | | | CLIFTON, NJ 07013---0 | 34520001209 | U |
| NEW PLAN FLORIDA HOLDINGS LLC | % RYAN LLC TAX COMPLIANCE | 500 EAST BROWARD BLVD #1130 | | | FORT LAUDERDALE, FL 33394---0 | 34520001005 | U |
| STACEY DEVELOPMENT LLC | 3188 LEXHAM LANE | | | | ROCHESTER HILLS, MI 48309---0 | 25910000751 | U |
| SUNTRUST BANK | PO BOX 26665 | | | | RICHMOND, VA 23261---6665 | 55425004005 | U |
| TJS NAPLES LLC | % RYAN LLC | THREE GALLERIA TOWER | 13155 NOEL RD #100 LB73 | | DALLAS, TX 75240---0 | 25368002026 | U |
| TJS NAPLES LLC | % WALGREEN CO | REAL ESTATE TAX DEPARTMENT | PO BOX 1159 | | DEERFIELD, IL 60015---6002 | 25368000028 | U |
| WACHOVIA BANK | % THOMSON REUTERS | PO BOX 2609 | | | CARLSBAD, CA 92018---2609 | 73550000024 | U |





Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Copy of POList_500_PL20200001682

The MELLGREN PLANNING Group a SEPI Company

SEPI Offices:

Fort Lauderdale, FL | Palmetto, FL | Raleigh, NC| Beaufort, NC | Wilmington, NC | Charlotte, NC | Charleston, SC

**PROJECT NARRATIVE**

Freedom Square is a commercial shopping center within the Lely Resort PUD and located at southwest quadrant of the Triangle Boulevard and Celeste Drive intersection. The shopping center occupies 19.8 acres and has two buildings. Each building has approximately 500 feet of primary frontage on the parking facility. Current tenants include restaurants, a grocery store, medical offices, beauty salons, and retail stores providing services to the adjacent neighborhood. The shopping center is bordered on two sides (southeast and southwest) by 11 stand-alone outparcels.

A Burlington store will occupy 35,000 sq. ft. at the southeast end of the center. The store's primary façade will measure 140'-6" in length with an average height of 28 ft and a façade area of 3.940 sq. ft. The corner façade will measure 104'-1 ¼" with an average height of 22'-10" and façade area of 2,270 sq. ft.

**OVERVIEW OF REQUESTED DEVIATIONS**

Applicant Burlington Stores, Inc., is requesting an insubstantial change to PUD (PDI) Ordinance 92-15, as amended, the "Lely, A Resort Community" amending Ordinances 92-38, 07-72, and 15-39, in addition to HEX Decisions 2014-04, 2016-32, 2017-03 and 2019-30, by adding two deviations from LDC Section 5.06.04.F.4. to address the literal limitation of one permitted wall sign at a maximum of 200 sq. ft.

The request would permit a total of three wall signs, with two signs permitted on the primary façade, and one on the Celeste Drive corner elevation. The proposed Burlington signs include one sign of 200 sq. ft. on the primary façade and a second, non-illuminated sign of 16 sq. ft. on the primary façade for a total of 216 sq. ft. of signage for the primary façade, and one 200 sq. ft. sign for the southeast/Celeste Drive elevation, totaling 416 sq. ft. for all signs, as identified on the proposed sign plan attached as Exhibit "C". The formal verbiage for the deviations is attached as Exhibit "B."



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954.475.3070

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## JUSTIFICATIONS

**Requested PUD Deviation No. 14** on Exhibit "B" increases the number of permitted wall signs authorized in LDC Section 5.06.04 F.4. from one sign to a total of three signs as applied to the location of the Burlington store only by virtue of the qualifying conditions in the deviation.

1. A second sign is permitted for end units and three signs are permitted for stores with at least 25,000 sq. ft. of floor area and 200 ft. of front wall frontage. The Burlington store meets the technical requirements or intent of many of these criteria.

   1.1. The Burlington store has 140% of the minimum floor area requirement needed to qualify for three signs, however the front wall length is less than the requisite 200 sq. ft. to qualify.

   1.2. The Burlington store has a second façade that functions much like an end unit, although County staff has opined that the store does not technically qualify as an end unit (the term is not defined in the code).

2. The additional requested sign on the primary façade is centered approximately 6 feet above ground level, orienting it only to pedestrians and drivers that are closely approaching the store. Since the sign is not designed to be visible from a distance, the sign is not illuminated. The building's entranceway architecture, topping out at only 12-ft. above finished floor level is specifically designed to incorporate this small logo, which together reduce the perceived mass of the large "junior big box" façade to humanize the scale of the substantial overall façade, a purpose that is aligned with best urban design practices. The effect then, is an architecturally integrated sign that will generally be viewed separately from the primary identification sign, avoiding sign clutter and an unseemly juxtaposition of signs.

3. As shown in the partial site plan in Exhibit "A", the newly redeveloped southeast façade of the shopping center facing Celeste Drive will feature a restaurant with outdoor seating and a retail store that, together, will bookend the side of the Burlington store. New parking spaces and a sidewalk will line this frontage. Burlington's 104-foot-long facade along Celeste Drive will comprise more than one-third of the redeveloped Celeste Drive frontage. Although the Burlington does not technically qualify as an end unit, it functions like one and should qualify for a sign along this frontage.

4. The requested sign on the Burlington unit's Celeste Drive frontage would provide a visual bridge between the restaurant and the retail store in lieu of an unattributed blank façade separating the two, improve the aesthetic of the shopping center and distract from the dumpster enclosure that will be placed between the restaurant and retail space. A sign



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at this location will add to a sense of vitality on this frontage that will be lacking with 104 linear ft. of blank, unattributed façade.

**Proposed PUD Deviation No. 15** on Exhibit "B" increases the maximum display area for signs authorized in LDC Section 5.06.04.F.4.a,. from a maximum 200 sq. ft. allowed for units between 25,000 and 59,999 sq. ft., to 414 sq. ft..

1. The following justifications apply to the primary façade.

   1.1. On the primary façade, an additional 16 sq. ft. of wall signage is requested for a pedestrian-level logo sign. The sign is part of an architectural entranceway that is designed to humanize the scale of the substantial overall façade—a purpose that is aligned with best urban design practices.

   1.2. The 16 sq. ft. requested for the entrance logo sign is additional to the full 200 sq. ft. authorized for the frontage and utilized by the primary identification sign. This is justified by the need to maintain signage hierarchy within the shopping center, noting that smaller stores including non-anchor tenants are permitted up to 150 sq. ft. of wall sign area, which would be just 34 sq. ft. smaller than the Burlington identification sign if the 16 sq. ft. for the entrance logo were deducted.

   1.3. The 200 sq.-ft. identification sign is well-proportioned to the façade. Reducing its size would not increase its aesthetics, as the Burlington façade is large, measuring 32 ft. in height at the sign location and nearly 4,000 sq. ft. in total area, meaning the sign covers only 5 percent of the façade area, whereas signs for smaller stores may occupy up to 20% of their facades. Similarly, the sign width is only 21.4% of the total façade width and 55% of the entrance feature façade width as compared to an allowance of 80%.

2. The following justifications apply to the secondary façade.

   2.1. On the secondary façade, Burlington's 104 ft. of façade length will comprise more than one-third of the redeveloped Celeste-Drive frontage. The requested sign on Burlington's Celeste Drive frontage would provide a visual bridge between the restaurant and the retail store that together bookend Burlington, in lieu of a miscellaneous blank façade separating the two. Given the substantial length and 2,270 sq. ft. area of the Burlington façade, the full 200-sq. ft. sign (i.e. matching the size of the front façade sign and not exceeding the maximum code allowance for one façade) is appropriate to best fill the otherwise blank façade and improve the aesthetic of the shopping center while distracting from the dumpster enclosure that will be placed between the restaurant and



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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

retail space. The requested sign would comprise only 8.8% of the façade; well below the maximum 20% that is allowed.

2.2. The Celeste Drive frontage of the shopping center is being redeveloped to be an "active" frontage (i.e. an urban planning term used to describe a building frontage comprised of businesses that engage the adjacent sidewalk through outdoor dining, one or more entrances and fenestration that visually connects the inside of the business space to the adjacent sidewalk). As such, the 200 sq. ft. Burlington sign is appropriate here to contribute to the sense of vitality and activity along this frontage. Signage can serve a purpose greater than identification and wayfinding by adding a dimension of liveliness to an area, and this requested sign would serve that purpose.

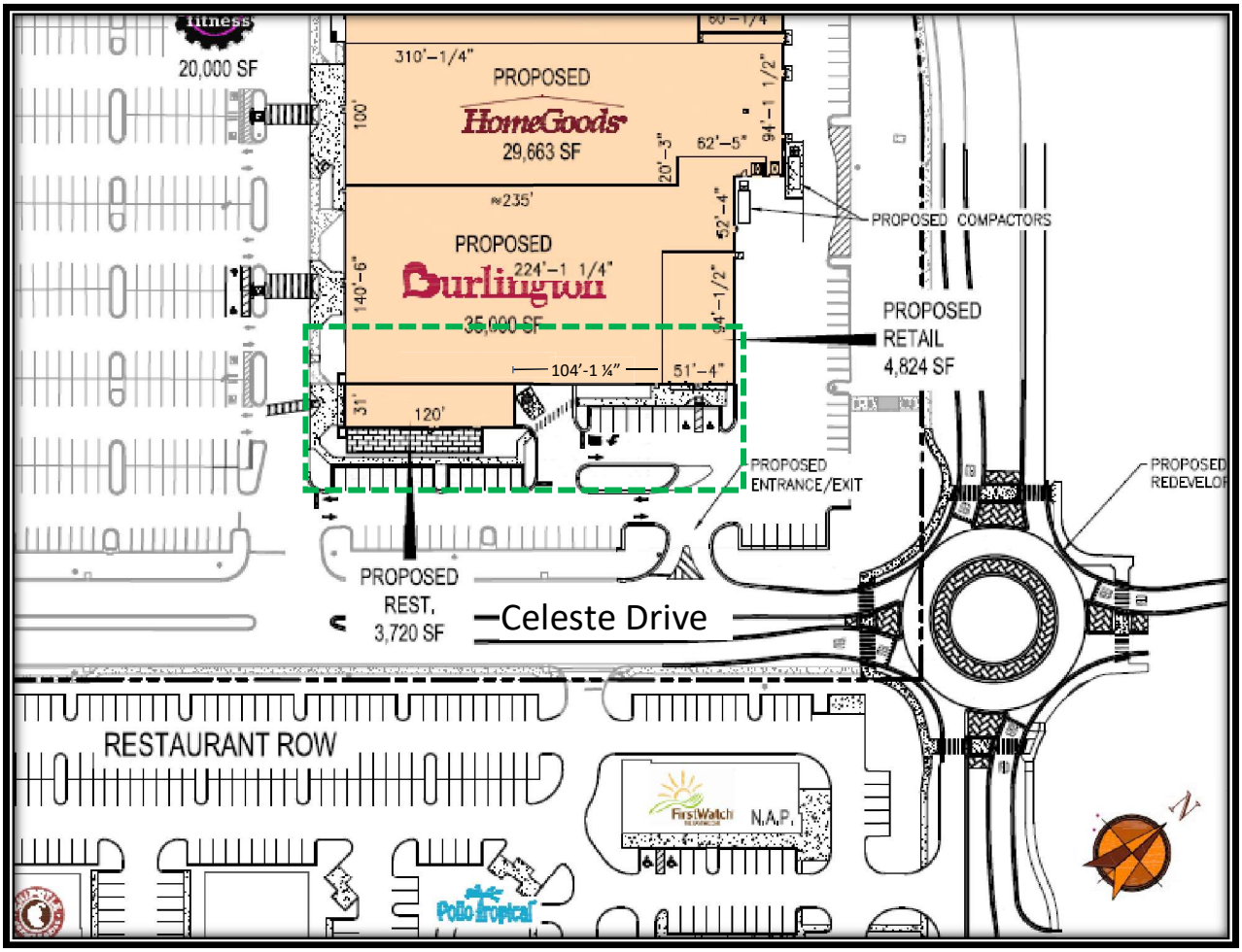
3. The identification signs on both facades utilize lowercase letters with a taller logomark doubling as the first letter of the sign copy. Staff measures signs as a single rectangle, based upon the height of the first letter. This methodology treats an all CAPS sign the same as a sign with lowercase lettering. However, Burlington's lowercase lettering results in substantial white space above the lowercase letters, which accounts for a full one-third of the sign area using the County's methodology. The actual area occupied by the copy measures only 131 sq. ft., producing a significantly leaner appearance than an all CAPS sign that would have the identical area measurement using the county's methodology.



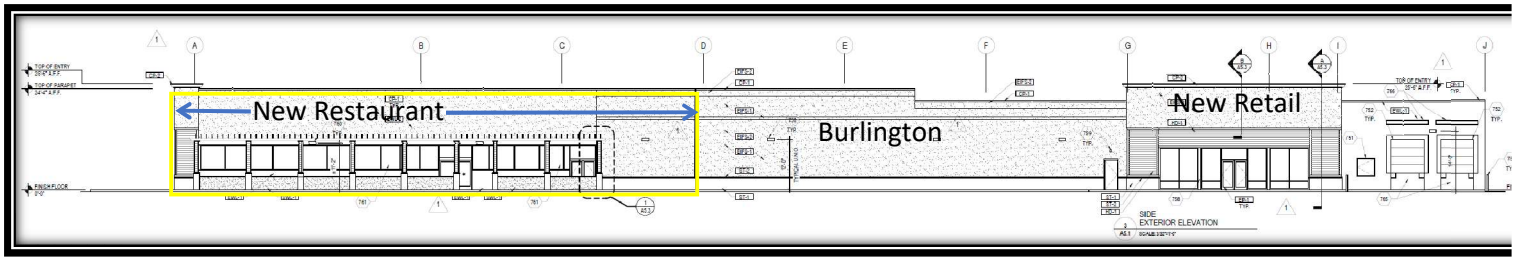
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954.475.3070

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**EXHIBIT "A" TO APPLICATION**
**PARTIAL SITE REDEVELOPMENT PLAN**




**SOUTH EAST ELEVATION (Former Garden Center)**






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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**EXHIBIT "B" TO APPLICATION**
**REQUESTED DEVIATIONS**

In addition to the deviations currently approved in the PUD, the following deviations are being added to the PUD:

**Deviation 14:** Deviation from LDC Section 5.06.04 F.4., which allows one wall, mansard, canopy or awning sign for each unit in a multiple-occupancy parcel that is not an end unit and does not have at least 25,000 sq. ft. of floor area and 200 ft. of front wall length, to instead allow an additional nonilluminated wall sign (logo) not to exceed 16 square feet to be placed on the front façade adjacent to the unit entrance, not higher than 9 feet above grade. This deviation applies solely to Unit 132 of the Freedom Square Development. [PL20200001682]

**Deviation 15**: Deviation from LDC Section 5.06.04 F.4, which allows for one wall, mansard, canopy or awning sign shall be permitted for each single-occupancy parcel, or for each unit in a multiple-occupancy parcel. Sign(s) shall be affixed to the associated tenant or lease holder's unit, with exceptions for architectural design impediments, as noted in LDC section 5.06.04 F.4.b. End units within shopping centers and multiple-occupancy parcels, or single occupancy parcels where there is double frontage on a public right-of-way, shall be allowed 2 signs, but such signs shall not be placed on one wall, to instead allow an additional wall sign on the East façade not to exceed 200 square feet. This deviation applies solely to Unit 132 of the Freedom Square Development. [PL20200001682]



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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**EXHIBIT "C" TO APPLICATION**
**PROPOSED SIGN PLAN**




STORE NO. 1257
EXTERIOR SIGN: PLANNING SUBMITTAL

MARCH 25, 2021

BLAIR SIGN PROGRAMS

- Design / Build
- Master Sign Programs
- Re-Image / Re-Model
- Property Branding
- Sustainable Relevance

Energy Verified TITLE 24 ICSC

FREEDOM SQUARE
12725 Tamiami Trail E
Naples, FL 34113




SITE PLAN

| SECTION I: BUILDING SIGNS | | | |
|---|---|---|---|
| SIGN TYPE | SIGN DESCRIPTION | ALLOWED | PROPOSED |
| A | Channel Letters | 200 Sq. Ft. | 200 Sq. Ft. |
| B | "Neon Bl" Logo | | 14 Sq. Ft. |
| C | Channel Letters | | 200 Sq. Ft. |
| | BUILDING SIGN TOTAL | 200 Sq. Ft. | 414 Sq. Ft. |
| SECTION II: GROUND SIGNS | | | |
| | N/A | | |
| SECTION III: CONSTRUCTION | | | |
| A, C | Channel Letter Detail | | |
| A, C | Tag Line Channel Letter Detail | | |




VICINITY MAP

BLAIR SIGN PROGRAMS

Client: Burlington
Project: Tamiami #1257 Planning Submittal
Address: 12725 Tamiami Trail E Naples, FL 34113
Date: 03/18/2020
Designer: J.O'Gara
Design №:

| Revisions | By |
|---|---|
| 04/13/20 | JO |
| 06/25/20 | JO |
| 08/07/20 | PS |
| 11/10/20 | VZ |
| 11/17/20 | VZ |
| 12/02/20 | PS |
| 03/25/21 | JO |

VICINITY MAP
SITE PLAN

ALL RIGHTS RESERVED ©2018 BLAIR SIGN PROGRAMS

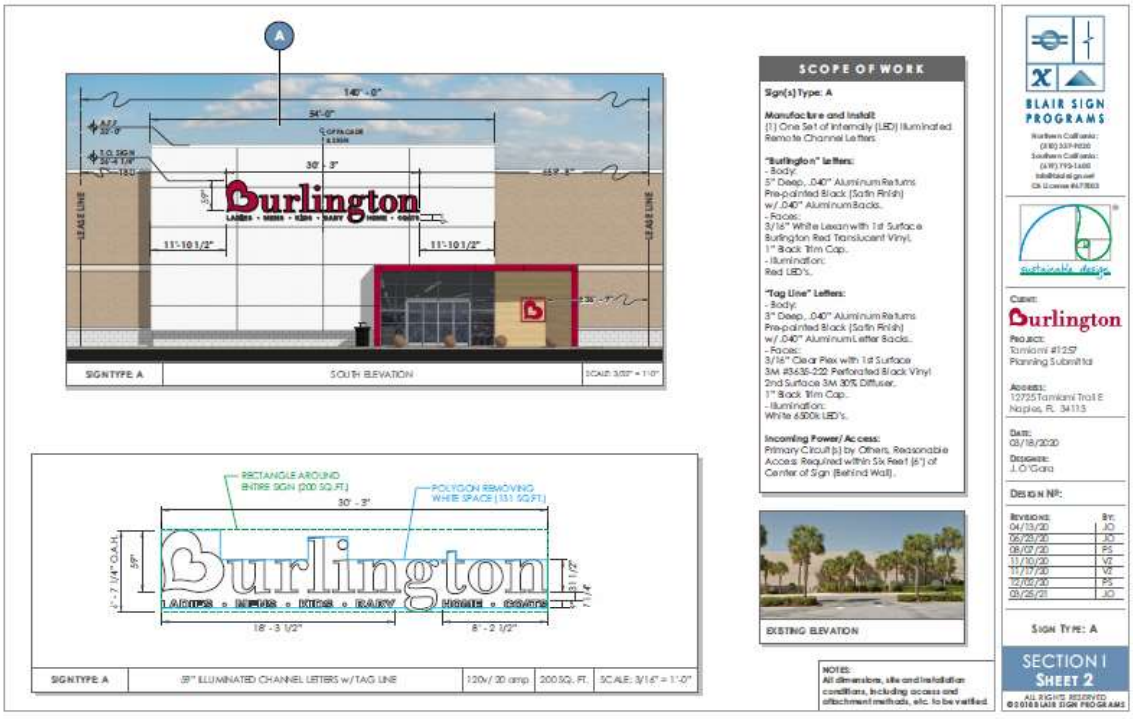


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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**EXHIBIT "C" TO APPLICATION**
**PROPOSED SIGN PLAN**



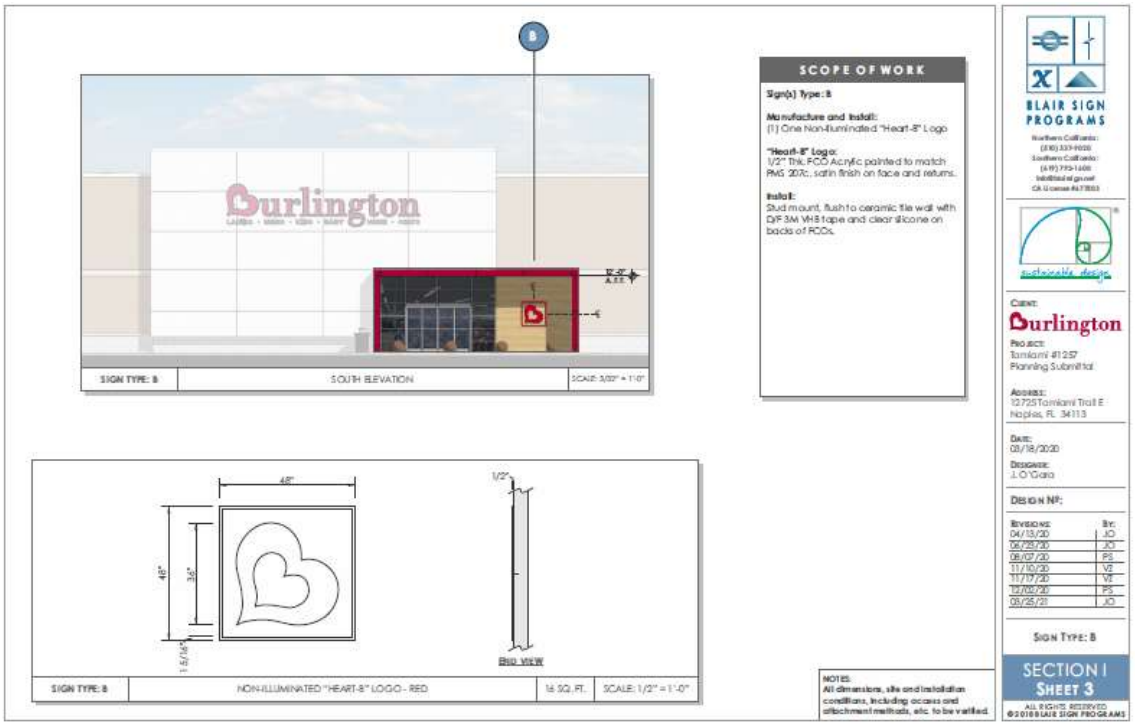



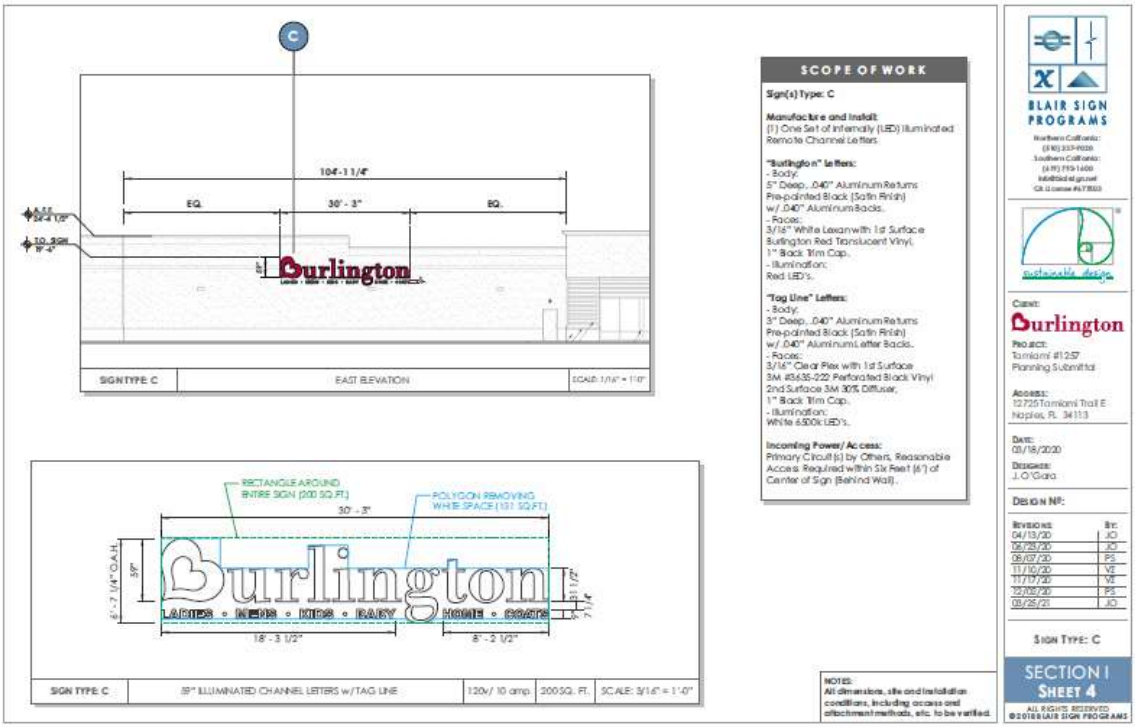



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Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

**EXHIBIT "C" TO APPLICATION**
**PROPOSED SIGN PLAN**






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## KellyJohn

**From:** Chelsea Brandon <CBrandon@sepiinc.com>
**Sent:** Sunday, October 31, 2021 2:05 PM
**To:** KellyJohn
**Subject:** Sign affidavit and photos for Burlington
**Attachments:** Collier County Sign Posting affidavit.pdf; IMG-0240.jpeg; IMG-0241.jpeg; IMG-0245.jpeg; IMG-0256.jpeg

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

Hi John,

I have included the sign posting affidavit executed by Jeffrey Katims and photos of the sign postings. Please let me know if you need anything else at this time.

Thank you,

**CHELSEA BRANDON, AICP**
Planner
SEPI, Inc.
3350 NW 53rd Street, #101, Ft. Lauderdale, FL 33309
954.475.3070 O 305.469.4955 M
*Celebrating Twenty Years*

Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)

## SIGN POSTING INSTRUCTIONS

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

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

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

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

- - - -







Attachment: Attachment C - BACKUP PACKAGE (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square Burlington)


PUBLIC HEARING NOTICE
Lely Resort - Freedom Square Signage
PUD Insubstantial Change
Petition No. 20200001682
HEX: November 12, 2021 - 9:00 A.M.
Growth Management Building
2800 North Horseshoe Drive, 609/610
John Kelly, Senior Planner: 239-252-5719


PUBLIC HEARING NOTICE
Lely Resort - Freedom Square Signage
PUD Insubstantial Change
Petition No. 20200001682
HEX: November 12, 2021 - 9:00 A.M.
Growth Management Building
2800 North Horseshoe Drive, 609/610
John Kelly, Senior Planner: 239-252-5719

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): 20200001682

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

Name: Matthew Ryan

Date: 10/22/21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment D - HEX Hybrid Meeting Waivers (20474 : PL20200001682 PDI Lely, A Resort Community, PUD Freedom Square

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): 20200001682

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

Name: Karen Weidenbach

Date: 10.27.21

Signature: Karen Weidenbach

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment D - HEX Hybrid Meeting Waivers (20474 : PL20200001682 PDI Lely, A Resort Community, PUD

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.D
**Item Summary:** PETITION NO. BDE - PL20200001868 153 Venus Cay Bertolino Leipold Dock - Request for a 15-foot boat dock extension over the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 35 feet into a waterway that is 196± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 153 Venus Cay, further described as Lot 65, Port of the Islands (The Cays) Phase II, in Section 9, Township 52 South, Range 28 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

**Meeting Date:** 11/12/2021

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
10/25/2021 7:51 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
10/25/2021 7:51 PM

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**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | Review Item | Completed | |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 10/26/2021 1:53 PM |
| Zoning | Ray Bellows | Review Item | Completed | 10/27/2021 10:03 AM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 10/29/2021 10:43 AM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 11/12/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

**HEARING DATE:** NOVEMBER 12, 2021

**SUBJECT:** BDE-PL20200001868, 153 VENUS CAY DOCK

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**PROPERTY OWNER/APPLICANT:**

Suzanne T Bertolino and Lynne M. Leipold
153 Venus Cay
Naples, FL 34114

**AGENT:**

Randy McNeil
Naples Marine Construction
3427 Enterprise Ave.
Naples, FL 34104

**REQUESTED ACTION:**

The petitioner requests a 15-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 35 feet into a waterway that is 196± feet wide, pursuant to LDC Section 5.03.06.

**GEOGRAPHIC LOCATION:**

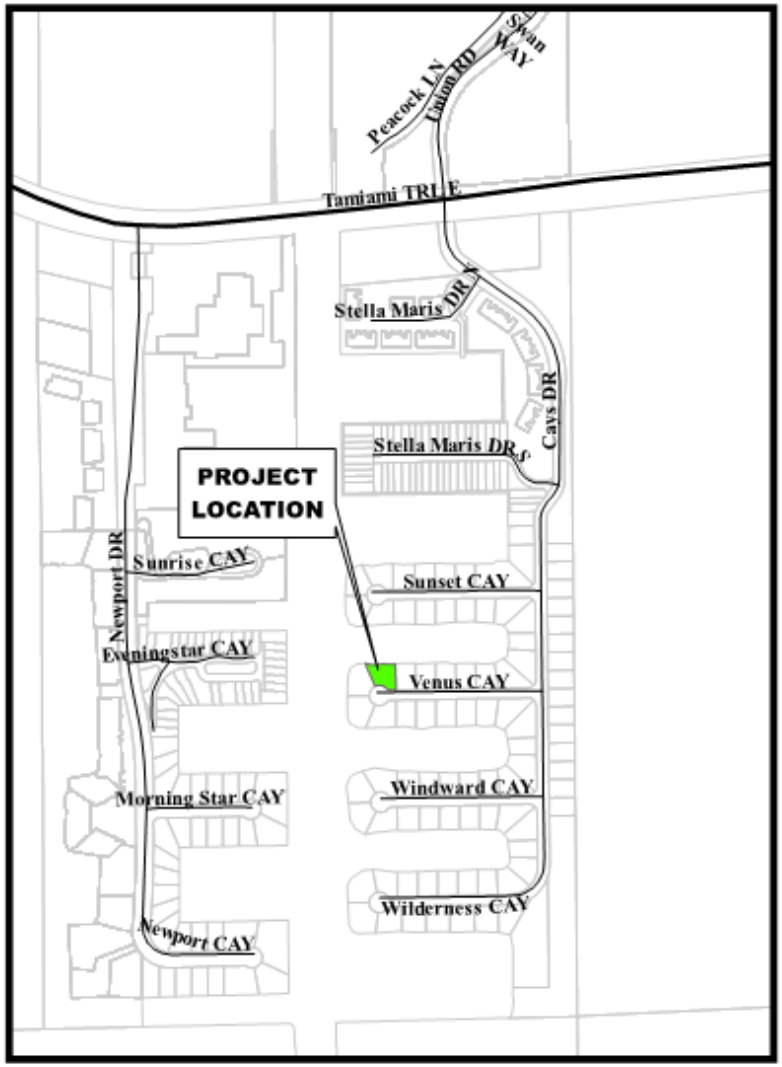
The subject property is located at 153 Venus Cay, further described as Lot 65, Port of the Islands (The Cays) Phase II, in Section 9, Township 52 South, Range 28 East. Collier County, Florida. *(See location map on the following page)*

**PURPOSE/DESCRIPTION OF PROJECT:**

The subject property is located within a Single-Family-4 (RSF-4) Zoning District, comprises 0.36 acres with 146.35± feet of water frontage, for which Building Permit No. PRBD20200518796 was issued on 8/14/2020 for a single-family residence upon previously unimproved property. It is the desire of the owner/applicant to construct a boat docking facility that will protrude 15 feet from the MHWL/Property Line, the most restrictive point, into a waterway that is 196± feet, that will accommodate two boat slips, each with a lift, for two 25-foot vessels. The required 15-foot side/riparian setbacks for boat docks on lots with 60 feet or greater of water frontage will be satisfied.



Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)




Location Map




Zoning Map

Petition Number: PL20200001868



Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

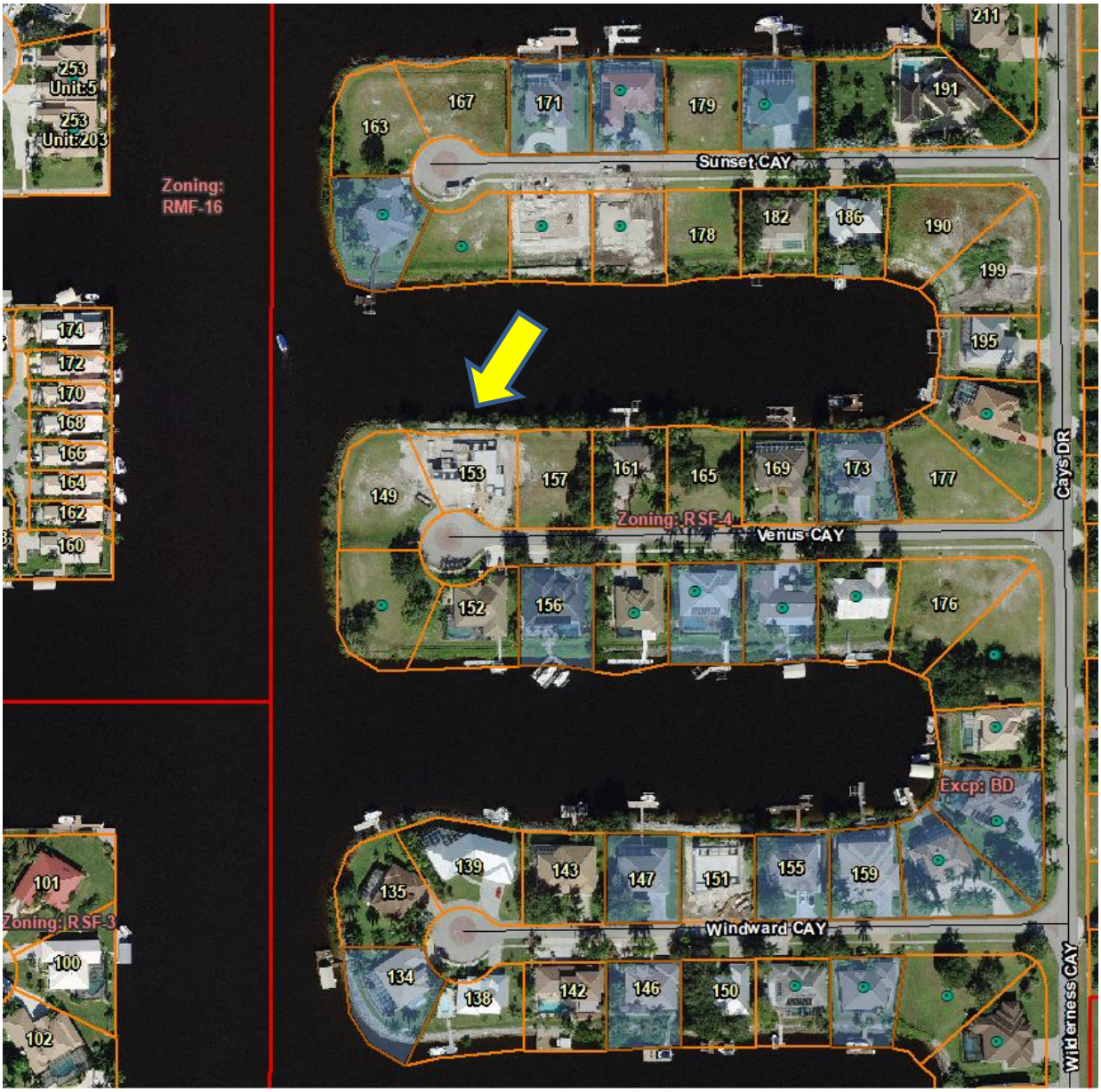
## SURROUNDING LAND USE & ZONING:

North: Faka Union Canal (waterway) then unimproved property; Residential-Single-Family-4 (RSF-4) Zoning District

East: unimproved property; Residential-Single-Family-4 (RSF-4) Zoning District

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

West: Unimproved property; Residential-Single-Family-4 (RSF-4) Zoning District




**Aerial – Collier County GIS**

Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

**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 the Faka Union Canal. The proposed docking facility will be constructed waterward of the existing shoreline. The shoreline contains a mix of red mangrove (*Rhizophora mangle*) and rip rap; the proposed dock will not impact the existing mangroves. A submerged resources survey provided by the applicant found no seagrasses in the area of, or extending 200 feet beyond, the proposed docking facility. Exhibit Sheet 6 of 6 of the site plan provides an aerial with a note stating that no seagrasses were observed within 200 feet. This project does not require an Environmental Advisory Council (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 allows two boat slips. The proposed boat docking facility comprises a boat docking facility with two slips, each with a boat lift, for two 25-foot vessels.

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.** As demonstrated by a provided Cross Section, see Attachment A, the requested protrusion will allow for the boat lifts to be lowered at MLT.

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**



Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

**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 196 feet; 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 196 feet. The proposed dock protrusion is 35 feet from the MHWL/Property Line. Therefore, the dock facility will occupy approximately 17.86 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 met**. The proposed boat docking facility will more than satisfy the required 15-foot side/riparian setback requirements. Neighboring properties are presently unimproved.

**Secondary Criteria:**

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

**Criterion met**. The applicant has stated that there are no special conditions not involving water depth and that this criterion is not met. Zoning staff disagrees as the plat for subdivision in which this property is located, Port of the Islands (The Cays) Phase II (PB21, PG 1-4) depict a 20-foot drainage easement (D.E.) running along the shoreline of all canal lots. 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.
.

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 proposed boat docking facility will allow for the mooring of two 25-foot vessels and allow for safe loading, unloading, and minor maintenance.



Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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 proposed boat docking facility will allow for 2 25-foot vessels with a combined value of 50 feet and the property has 146.35 feet of shoreline; therefore, the combined vessel lengths occupy 34.16± 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 proposed dock facility exceeds required side/riparian setback requirements; said dock facility is consistent with other docks in the area.

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 five of the five primary criteria and five of the six secondary criteria with the sixth criterion being not applicable. Staff notes that five letters of objection to the proposed dock facility have been received; see Attachment G.

**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 to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her



Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

**RECOMMENDATION:**

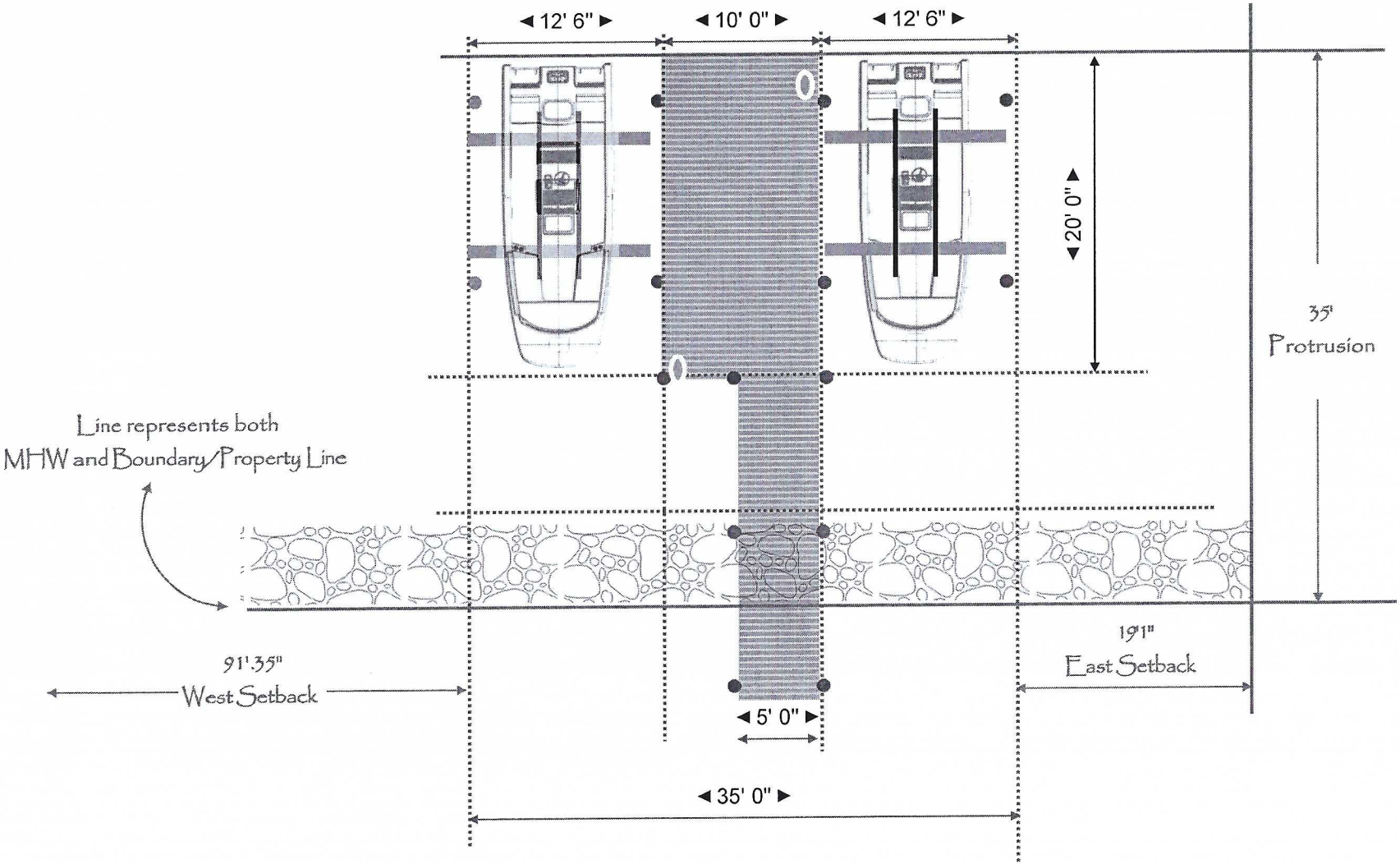
Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20200001868 in accordance with the "Proposed Site Plan" provided within Attachment A.

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, including Application
F. HEX Hybrid Meeting Waiver
G. Correspondence – Letters of Objection

Attachment: Staff Report 11042021 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

# Proposed Site Plan



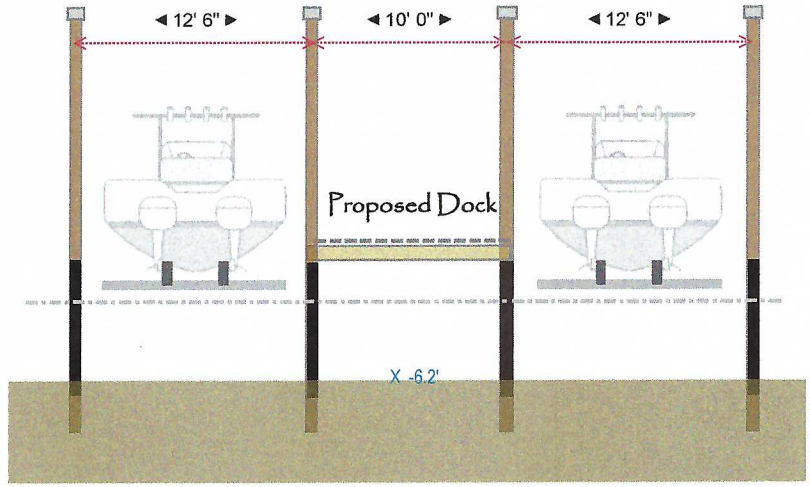

| NAPLES MARINE CONSTRUCTION | | HOME OWNER | | PROPERTY / CONSTRUCTION LOCATION | |
|---|---|---|---|---|---|
| 3427 ENTERPRISE AVE | NAME | SUE BERTOLINO & LYNNE LEIPOLD | JOB NAME | VENUS CAY | |
| NAPLES FL 34104 | STREET | 153 VENUS CAY | PARCEL | 68300003299 | |
| 239-330-3386 | CITY, ZIP | NAPLES FL 34114 | STREET | 153 VENUS CAY | |
| WWW.NAPLESMARINECONSTRUCTION.COM | CONTACT | 248-277-2883 | LEGAL | POI (THE CAYS) PHASE II LOT 65 | |

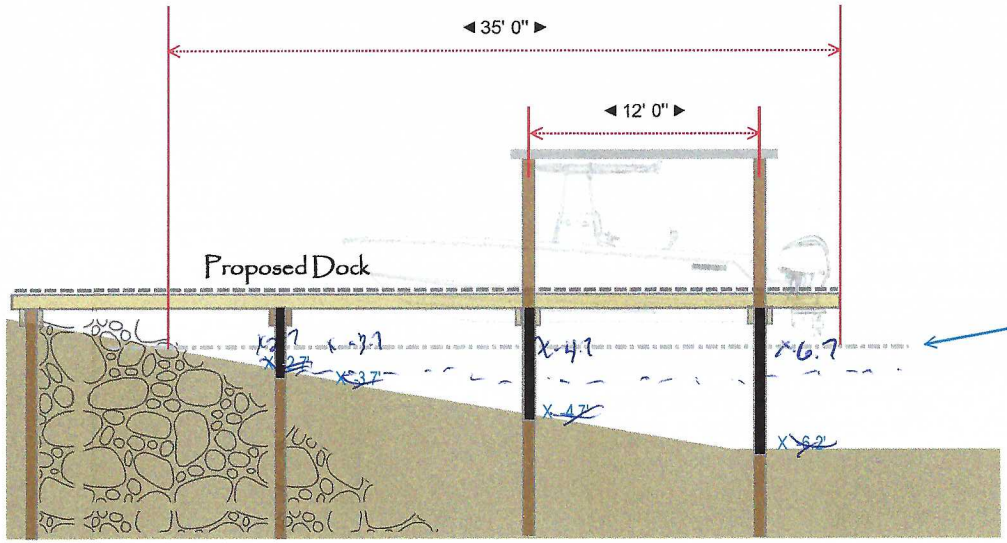
NAPLES MARINE CONSTRUCTION

Attachment: Attachment A - Proposed Dock Plans (20475 : PL20200001868 BDE 153 Venus Cay

# Cross Section

Proposed (12' 6" x 12') boatlifts




- All dock / boat lift pilings to be wrapped 12" above MHWL to 6" below substrate.
- Platted MHW line - per survey

| NAPLES MARINE CONSTRUCTION | | HOME OWNER | | PROPERTY / CONSTRUCTION LOCATION | |
|---|---|---|---|---|---|
| 3427 ENTERPRISE AVE | NAME | SUE BERTOLINO & LYNNE LEIPOLD | JOB NAME | VENUS CAY | |
| NAPLES FL 34104 | STREET | 153 VENUS CAY | PARCEL | 68300003299 | |
| 239-330-3386 | CITY, ZIP | NAPLES FL 34114 | STREET | 153 VENUS CAY | |
| WWW.NAPLESMARINECONSTRUCTION.COM | CONTACT | 248-277-2883 | LEGAL | POI (THE CAYS) PHASE I | |

Attachment: Attachment A - Proposed Dock Plans (20475 : PL20200001868 BDE 153 Venus Cay

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | LENGTH | RADIUS | DELTA | CHORD DIR | CHORD |
| C1 | 62.52 | 50.00 | 71°38'29" | N77°20'01"W | 58.53 |
| C2 | 21.02 | 25.00 | 48°11'01" | S65°36'28"E | 20.41 |

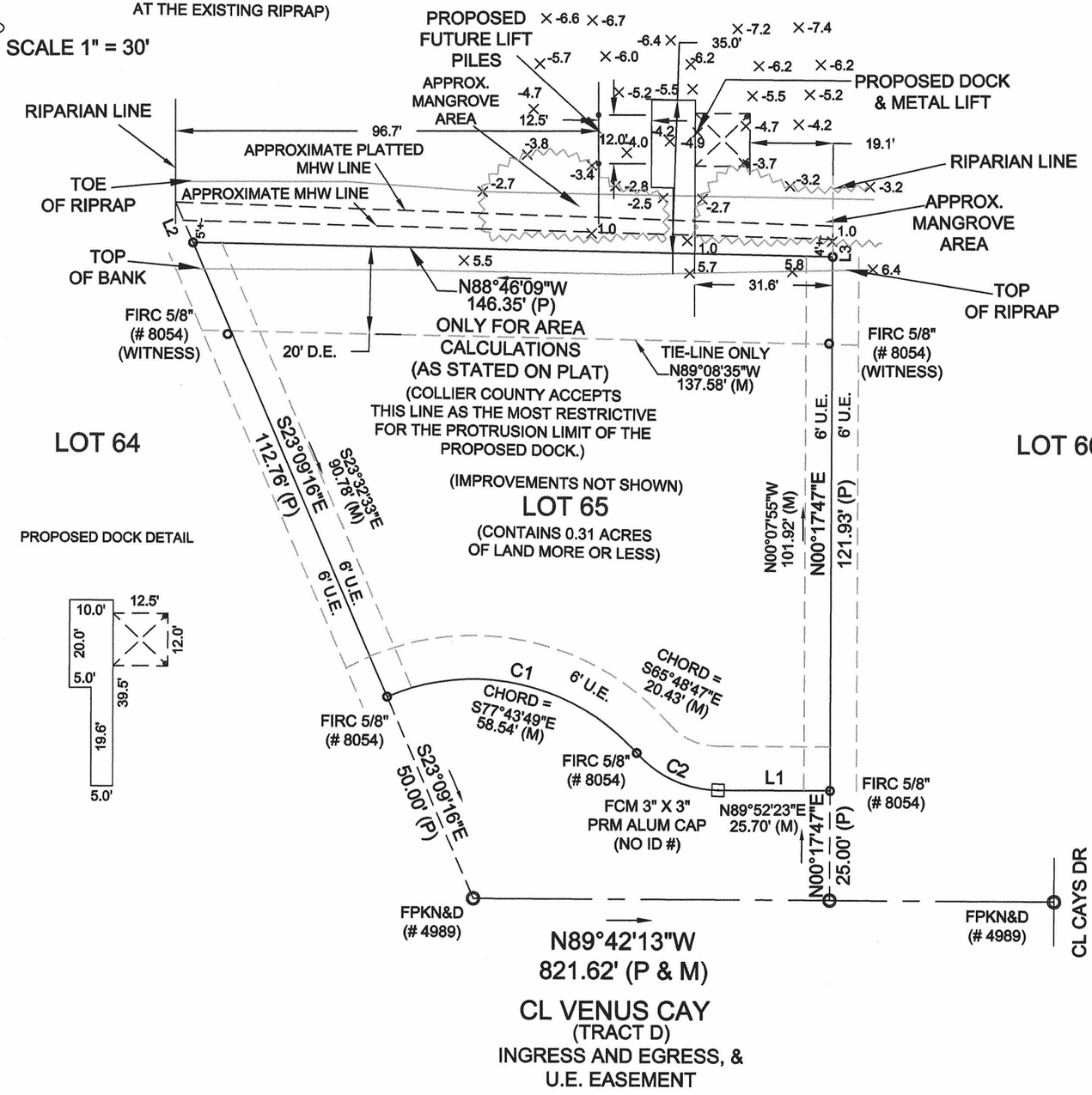
| LINE TABLE | | |
|---|---|---|
| LINE | LENGTH | BEARING |
| L1 | 25.66 | S89°42'13"E |
| L2 | 10' | S23°09'16"E |
| L3 | 7' | N00°17'47"E |

X = DENOTES SPOT ELEVATION (NAVD '88)

(NOTE: THE MEAN HIGH WATER LINE IN THIS AREA HAS NOT BEEN ESTABLISHED BY ANY STATE AGENCY.THE APPROXIMATE PLATTED MHW LINE IS SHOWN ALONG WITH AN APPROXIMATE MHW LINE AT THE EXISTING RIPRAP)

WATERWAY (196'+- WIDE)

SCALE 1" = 30'




PROPOSED DOCK DETAIL




NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF VENUS 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 JULY 20, 2020.

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 SET PKN&D AT SOUTH EDGE OF ROAD AT WEST PL EXT. ELEV. = 5.64' (NAVD '88 DATUM)

8.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING CONDITIONS ALONG THE SHORELINE OF THE SUBJECT PROPERTY PTOPERTY LINES ARE SHOWN AS PLAT

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

MOVED PROPOSED DOCK LOCATION
DATE OF REVISION 01-16-2021
MOVED PROPOSED DOCK LOCATION
DATE OF REVISION 02-16-2021
BATHYMETRIC SURVEY & SAFE UPLAND LINE
DATE OF REVISION 02-19-2021
MOVED PROPOSED DOCK LOCATION
DATE OF REVISION 08-02-2021
VARIOUS REQUESTS FROM COUNTY
DATE OF REVISION 08-24-2021

## 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 BOUNDARY SURVEY

(PROPOSED DOCK SITE PLAN)

## LOT 65

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

153 VENUS CAY

CERTIFY TO:
NAPLES MARINE CONSTRUCTION

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.

Digitally signed by Court Gregory
DN: cn=Court Gregory, o=Court Gregory Surveying Inc, ou, email=cgs6004@comcast.net, c=US
Date: 2021.10.11 14:34:29 -04'00'

SIGNED_____
COURT H. GREGORY PSM #6004
DATE 08/24/2021
DATE OF FIELD SURVEY 07-20-2020

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 08/24/2021
Job # PI0105M6
Fb PI-4 Pg 59

Attachment: Attachment B - Survey (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold 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.

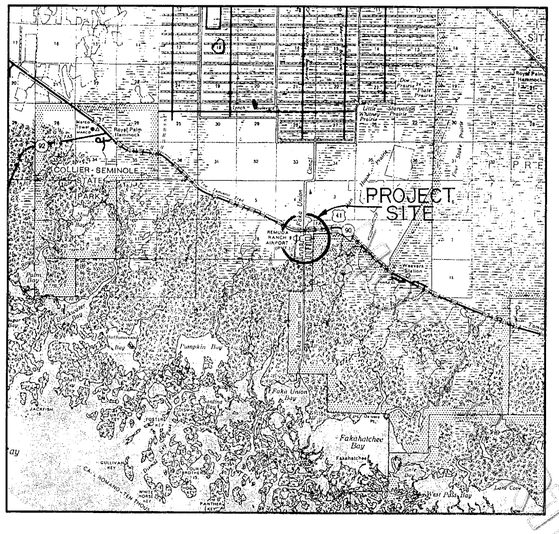
## GENERAL NOTES

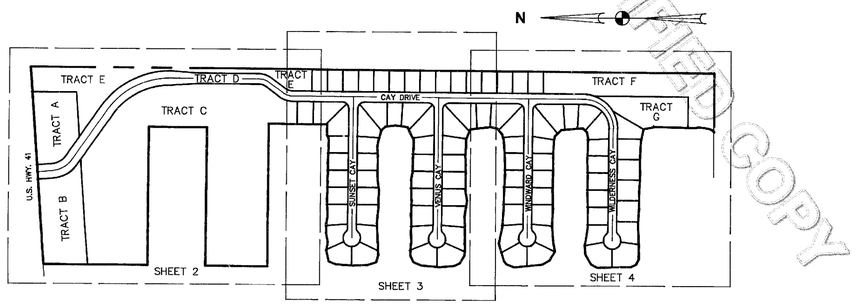
1. ALL LINEAR DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 9 – TP.52 S. – RG. 28 E. AS BEING N 00°-17'-47" E.
3. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE 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.




SHEET INDEX

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

## 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 Delavia
NANCY DELAVIA

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/~~SHE~~ IS PERSONALLY KNOWN TO ME AND DID NOT TAKE AN OATH.

JUDITH L. BOYCE
MY COMMISSION # CC250560 EXPIRES
January 8, 1997
BONDED THRU TROY FAIN INSURANCE, INC.

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

## 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:
WITNESS JAMES N. WILKISON
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:
WITNESS NANCY DELAVIA
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
KENNETH B. CUYLER
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 Hagan 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 21 PAGE 1 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.,

DATE: 12/4/92

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

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

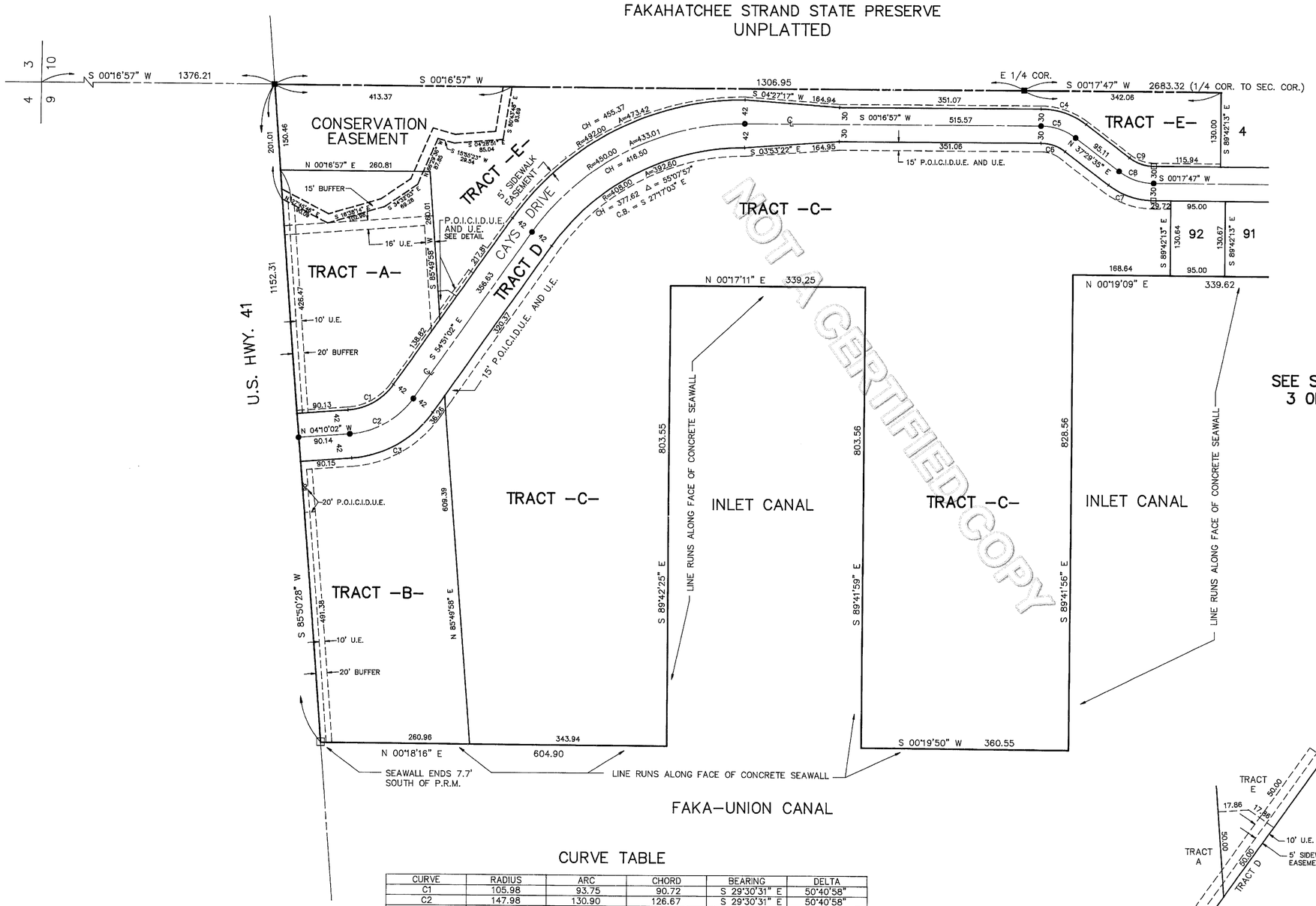
REFERENCE:
CAYPLAT1

UNCERTIFIED COPY

Attachment: Attachment C - Port of the Islands (The Cays) Phase II (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold 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.




N

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

SEE SHEET 3 OF 4

NOTE: ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

MEAN HIGH WATER LINE AT SEAWALL FACE

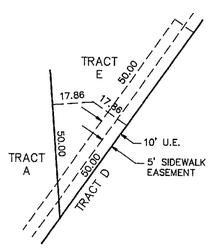
### CURVE TABLE

| 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

REFERENCE:
CAYPLAT2

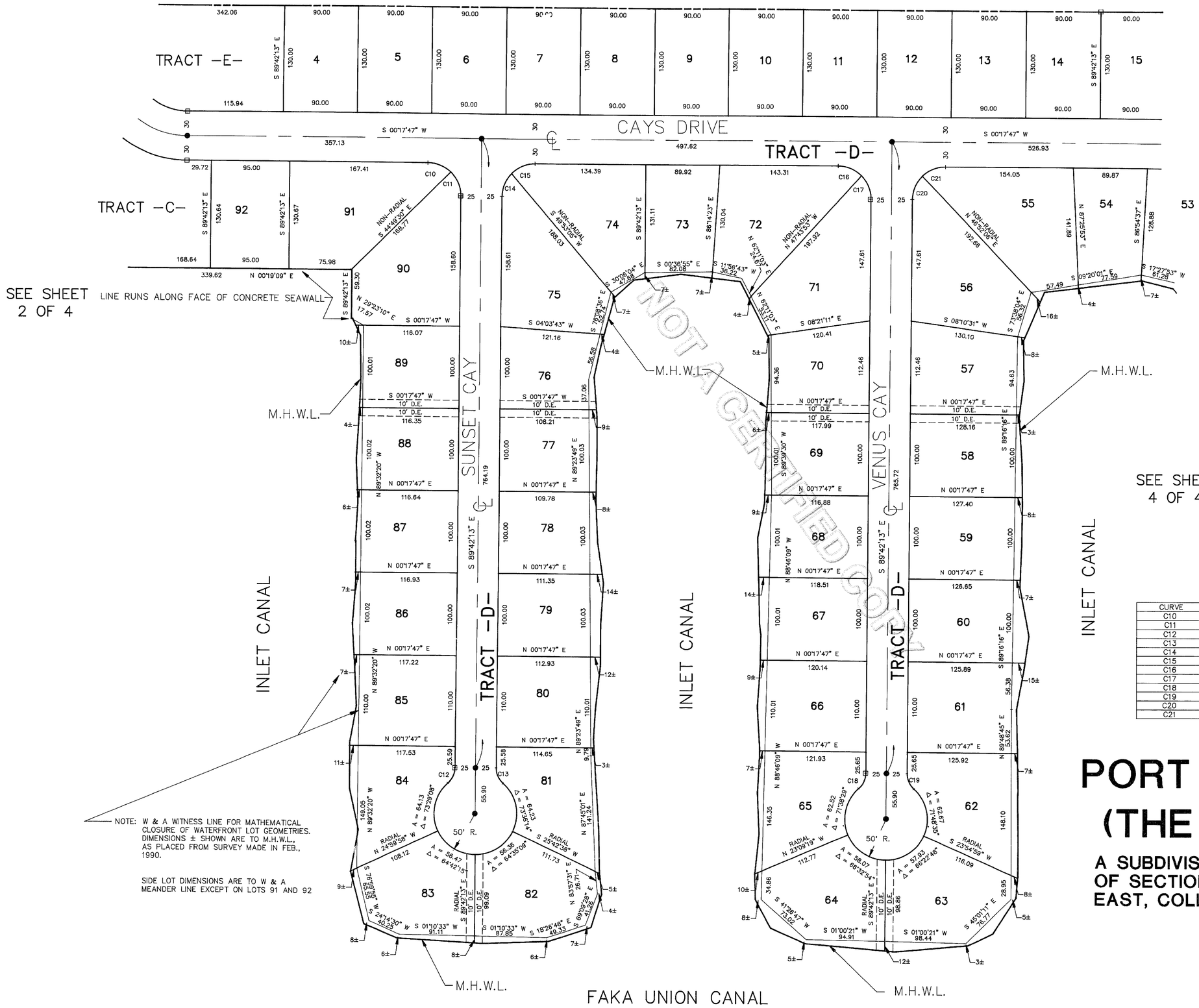


Attachment: Attachment C - Port of the Islands (The Cays) Phase II (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

# FAKAHATCHEE STRAND STATE PRESERVE
# UNPLATTED

**PLAT BOOK 21 , PAGE 3**

SHEET 3 OF 4




N

GRAPHIC SCALE

60 0 30 60 120 240

( IN FEET )
1 inch = 60 ft.

KEY:

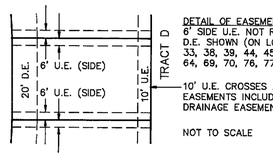
- ■ PERMANENT REFERENCE MONUMENT (FOUND)
- ⊡ PERMANENT REFERENCE MONUMENT (SET)

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
△ – 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.




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°42'28" |
| 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 - Port of the Islands (The Cays) Phase II (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

PLAT BOOK 21, PAGE 4

SHEET 4 OF 4

# FAKAHATCHEE STRAND STATE PRESERVE
# UNPLATTED

2683.32 (SEC. COR. TO 1/4 COR.) N 00°17'47" E

SET P.R.M. AT 20.00 OFFSET N.

SOUTHEAST CORNER OF SECTION 9 - 52 - 28

775.85

TRACT -F-

CONSERVATION EASEMENT

TRACT -F-

15' BUFFER

P.O.I.C.I.D.U.E. 30 X 30

234.82

TRACT -D-

℄ CAYS DRIVE

N 00°17'47" E 324.07

546.98

526.93

TRACT -G-

N 89°56'40" E 342±

310.32

SECTION LINE

UNPLATTED

INLET CANAL

INLET CANAL

INLET CANAL

WINDWARD CAY

WILDERNESS CAY

TRACT -D-

℄

753.26

M.H.W.L.

M.H.W.L.

M.H.W.L.

M.H.W.L.

M.H.W.L.

FAKA UNION CANAL

SEE SHEET 3 OF 4

NOTE: W & A WITNESS LINE FOR MATHEMATICAL CLOSURE OF WATERFRONT LOT GEOMETRIES. DIMENSIONS ± SHOWN ARE TO M.H.W.L., AS PLACED FROM SURVEY MADE IN FEB., 1990.

SIDE LOT DIMENSIONS ARE TO W & A MEANDER LINE.

GRAPHIC SCALE

60 0 30 60 120 240

( IN FEET )
1 inch = 60 ft.

KEY:

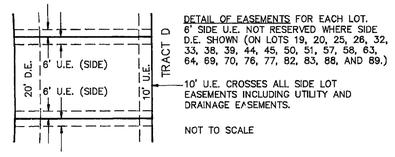
- ■ PERMANENT REFERENCE MONUMENT (FOUND)
- ⊡ PERMANENT REFERENCE MONUMENT (SET)

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
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

CERTIFIED COPY

Attachment: Attachment C - Port of the Islands (The Cays) Phase II (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

**KellyJohn**

**From:** KellyJohn
**Sent:** Tuesday, October 26, 2021 3:59 PM
**To:** KellyJohn
**Subject:** BDE-PL20210001835 - 260 Conners Ave - 11/12/2021 HEX Public Hearing Sign Posted
**Attachments:** A0FB5F45-FD09-44A3-AF4F-AC57382A3DB5.jpeg; 1D930685-DA91-494D-9A54-5A932E12A387.jpeg

Good afternoon,

A Public Hearing sign for the 11/12/2021 HEX meeting was posted by be to the front of 260 Conners Ave, immediately adjacent to the public Right-of-Way at approximately 1:10 P.M. this date. See 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 D - Sign Posting (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)






Attachment: Attachment D - Sign Posting (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold 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*

PL20200001868

## APPLICANT INFORMATION

**Name of Property Owner(s):** BERTOLINO, SUZANNE T, LYNNE M LEIPOLD

**Name of Applicant if different than owner:** Randy McNeil

**Address:** 153 Venus Cay **City:** Naples **State:** FL **ZIP:** 34114

**Telephone:** (440) 725-1548 **Cell:** _____ **Fax:** _____

**E-Mail Address:** randy@naplesmc.com

**Name of Agent(s):** Randy McNeil

**Firm:** WB Marine Group, LLC DBA Naples Marine Construction

**Address:** 3427 Enterprise Ave **City:** Naples **State:** FL **ZIP:** 34104

**Telephone:** (440) 725-1548 **Cell:** _____ **Fax:** _____

**E-Mail Address:** randy@naplesmc.com

## PROPERTY LOCATION

**Section/Township/Range:** 9 / 52 / _____ **Property I.D. Number:** 68300003299

**Subdivision:** 57130-Port of the Islands **Unit:** _____ **Lot:** _____ **Block:** _____

**Address/ General Location of Subject Property:**
153 Venus Cay

**Current Zoning and Land use of Subject Property:**
Residential



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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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 | A-ST | Canal |
| S | RSF | Residential Single Family |
| E | RSF | Residential Single Family |
| W | RSF | 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):
Build new dock per attached site plan. Requesting BDE of 15" past normal 20' protrusion.

## SITE INFORMATION

1. **Waterway Width:**
   196' ft. Measurement from ☐ plat ■ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   146.35 ft.
3. **Setbacks:**
   Provided: W96.7 ft.
   Required: E19.1 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   35' ft.
5. **Number and Length of Vessels to use Facility:**
   1. 25 ft.
   2. 25 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   162 Sunset Cay- approx 38', 173 Venus Cay- approx 45', 161 Venus Cay approx 38'
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?** .36 Acres



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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**8. Official Interpretations or Zoning Verifications:**

To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ■ No If yes, please provide copies.

## PRIMARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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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 E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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## Pre-Application Meeting and Final Submittal Requirement Checklist for:

☐ Dock Extension
☐ Boathouse
Chapter 3 B. of the Administrative Code

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

| 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:<br>• Lot dimensions;<br>• Required setbacks for the dock facility;<br>• Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);<br>• Configuration, location, and dimensions of existing and proposed facility;<br>• Water depth where proposed dock facility is to be located;<br>• Distance of navigable channel;<br>• Illustration of the contour of the property; and<br>• 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<br>*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 - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold 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**

Signature of Petitioner or Agent

8/30/2021
Date

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

NAPLES MARINE CONSTRUCTION

# PRIMARY CRITERIA

## 153 Venus Cay

## PL20200001868

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.)

   **Criteria met: Proposed 2 slips at single-family use property. Waterway has similar docks already approved**

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.)

   **Criteria met: At mean low tide when lift goes down the BDE is enough for boat to launch.**

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.)

   **Criteria met: Canal is 196' +/- wide with no channel markers to interfere.**



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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.)

**Criteria met: Again waterway 196' +/- total dock protrusion 35' approx. 18%.**

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.)

**Criteria met: Side setbacks W96.7 and E19.1 are plenty so to not interfere with neighbors dock or docking.**

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

NAPLES MARINE CONSTRUCTION

## Secondary CRITERIA

## 153 Venus Cay

## PL20200001868

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.)

   **Criteria not met: No special conditions beyond water depth.**

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

   **Criteria met: The docking facility will provide for mooring of up to 2- 25' vessels and allow safe loading and unloading and minor maintenance.**

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.)

   **Criteria met: Possibly 2- 25' vessels= 50' property width 146.35, well under 50%.**



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

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 met: The proposed dock is consistent with the docks previously constructed on surrounding adjacent properties. As the proposed dock meets and exceeds the required side setbacks therefore no new impact on neighboring property views of the waterway.**

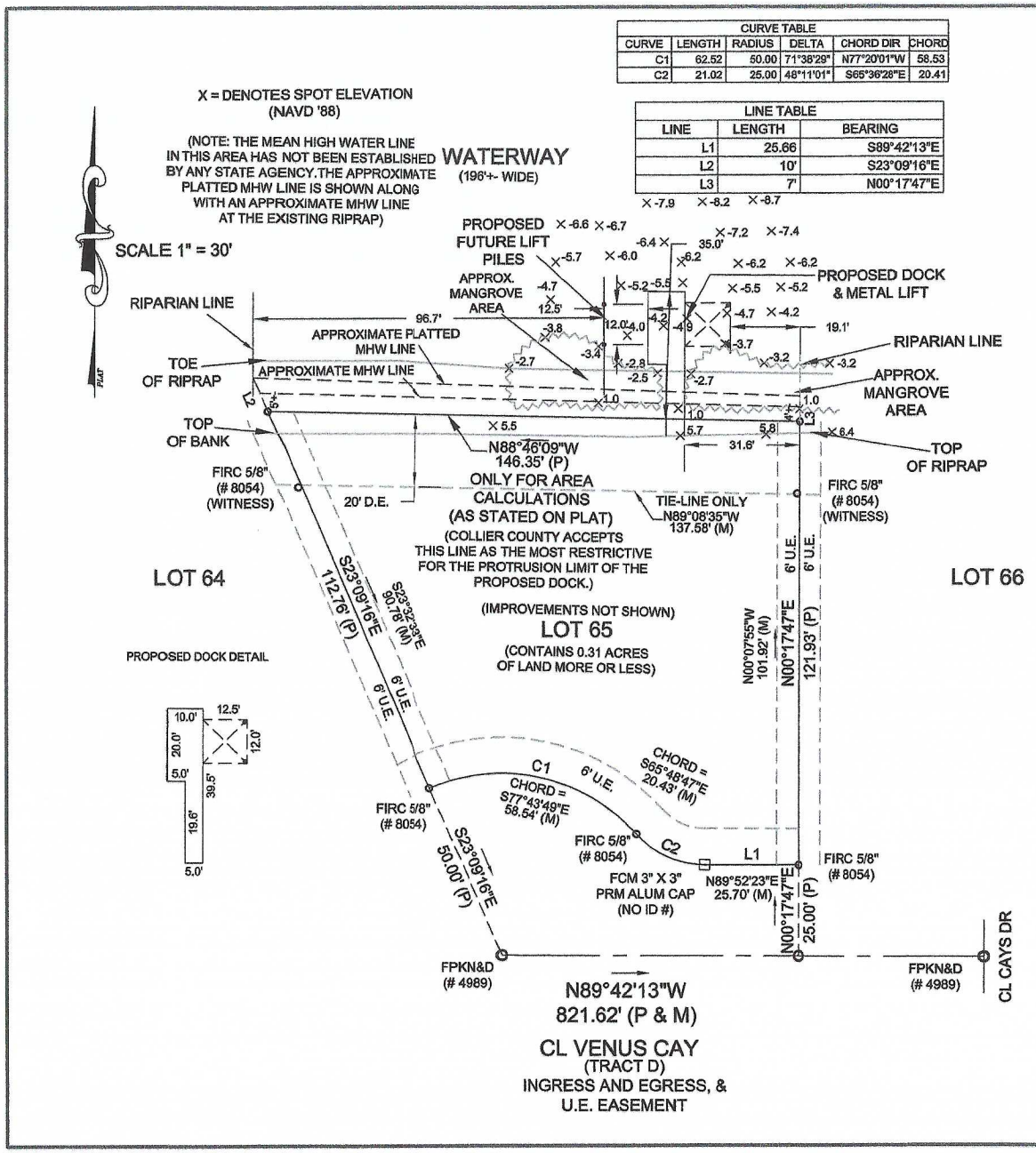
5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

**Criteria met: There are no seagrass beds present on the property or the neighboring properties within 200' of proposed dock structure.**

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.)

**Criteria met: The proposed work is a single family dock facility and therefore not subject to manatee protection requirements.**

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)




NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF VENUS 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 JULY 20, 2020.

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 SET PKN&D AT SOUTH EDGE OF ROAD AT WEST PL EXT. ELEV. = 5.64' (NAVD '88 DATUM)

8.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING CONDITIONS ALONG THE SHORELINE OF THE SUBJECT PROPERTY PTOPERTY LINES ARE SHOWN AS PLAT

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

MOVED PROPOSED DOCK LOCATION
DATE OF REVISION 01-16-2021
MOVED PROPOSED DOCK LOCATION
DATE OF REVISION 02-16-2021
BATHYMETRIC SURVEY & SAFE UPLAND LINE
DATE OF REVISION 02-19-2021
MOVED PROPOSED DOCK LOCATION
DATE OF REVISION 08-02-2021
VARIOUS REQUESTS FROM COUNTY
DATE OF REVISION 08-24-2021

## LEGEND

O = 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.)
O = 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
WV = 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 BOUNDARY SURVEY

(PROPOSED DOCK SITE PLAN)

## LOT 65

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

153 VENUS CAY

CERTIFY TO:
NAPLES MARINE CONSTRUCTION

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.

Digitally signed by Court Gregory
DN: cn=Court Gregory, o=Court Gregory Surveying Inc, ou, email=cgs6004@comcast.net, c=US
Date: 2021.10.11 14:34:29 -04'00'

SIGNED_____
COURT H. GREGORY PSM #6004
DATE_____
DATE OF FIELD SURVEY 07-20-2020

PSM # 6004
LB # 7112

C.G.S.

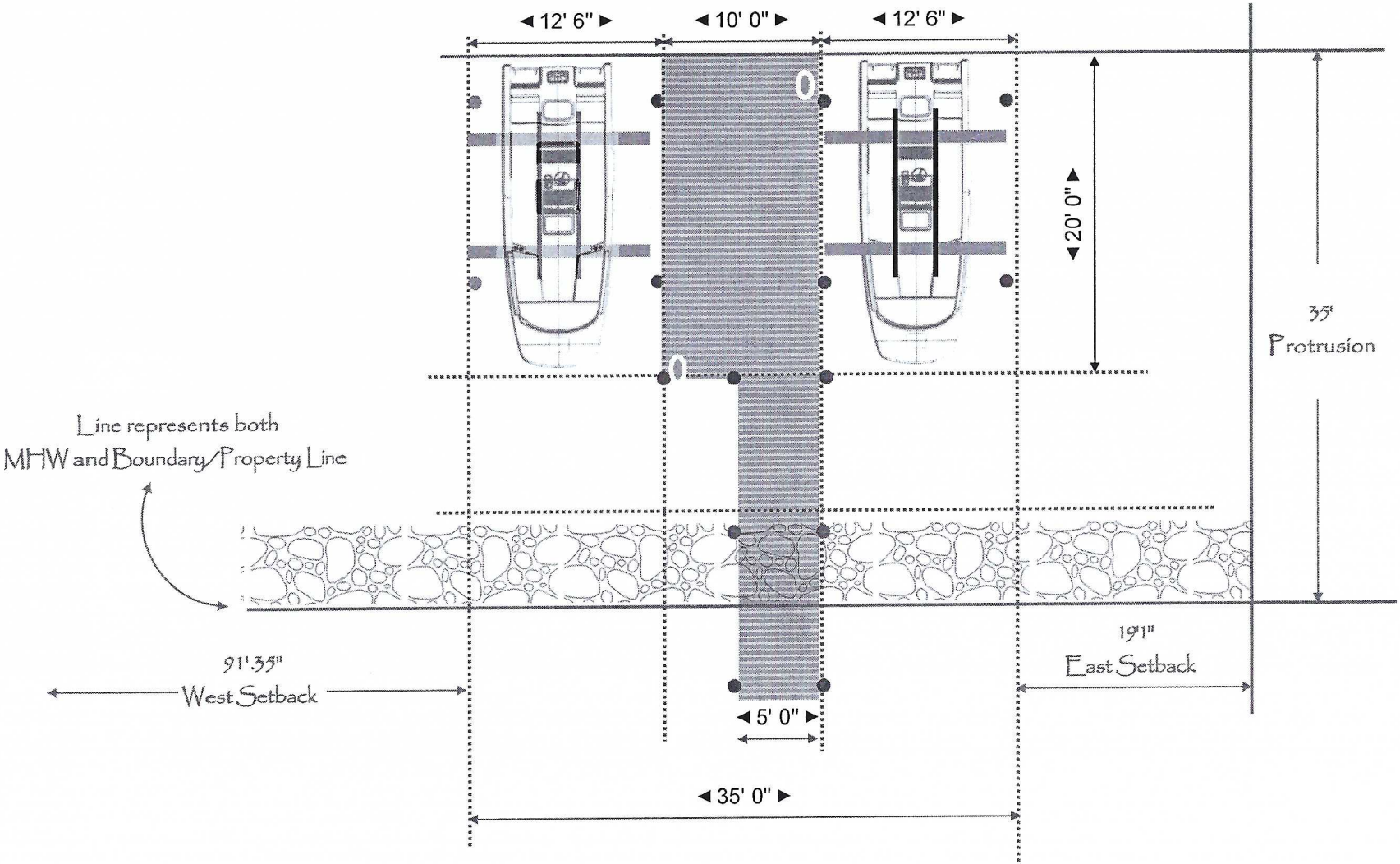
**Court Gregory Surveying, Inc**
761 Teton Court
Naples, Florida 34104

(239)643-7845 office
cgs6004@comcast.net
(239)272-3707 cell

Date 08/24/2021
Job # PI0105M6
Fb PI-4 Pg 59

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino

# Proposed Site Plan



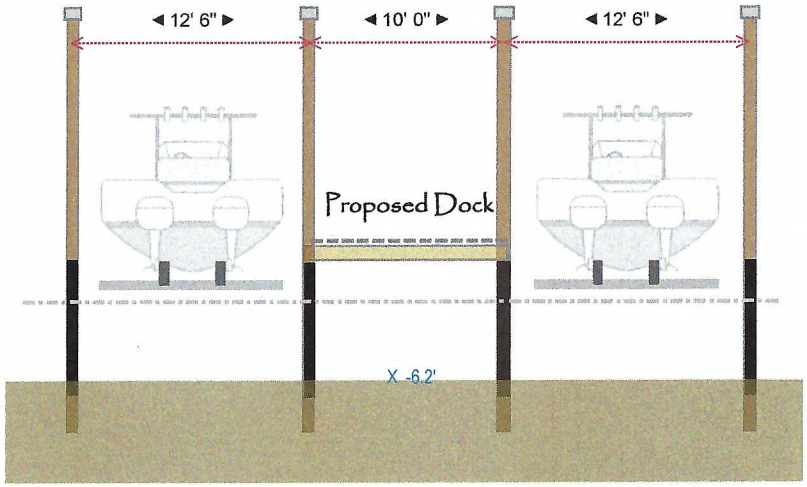

| NAPLES MARINE CONSTRUCTION | | HOME OWNER | | PROPERTY / CONSTRUCTION LOCATION | |
|---|---|---|---|---|---|
| 3427 ENTERPRISE AVE | NAME | SUE BERTOLINO & LYNNE LEIPOLD | JOB NAME | VENUS CAY | |
| NAPLES FL 34104 | STREET | 153 VENUS CAY | PARCEL | 68300003299 | |
| 239-330-3386 | CITY, ZIP | NAPLES FL 34114 | STREET | 153 VENUS CAY | |
| WWW.NAPLESMARINECONSTRUCTION.COM | CONTACT | 248-277-2883 | LEGAL | POI (THE CAYS) PHASE II LOT 65 | |

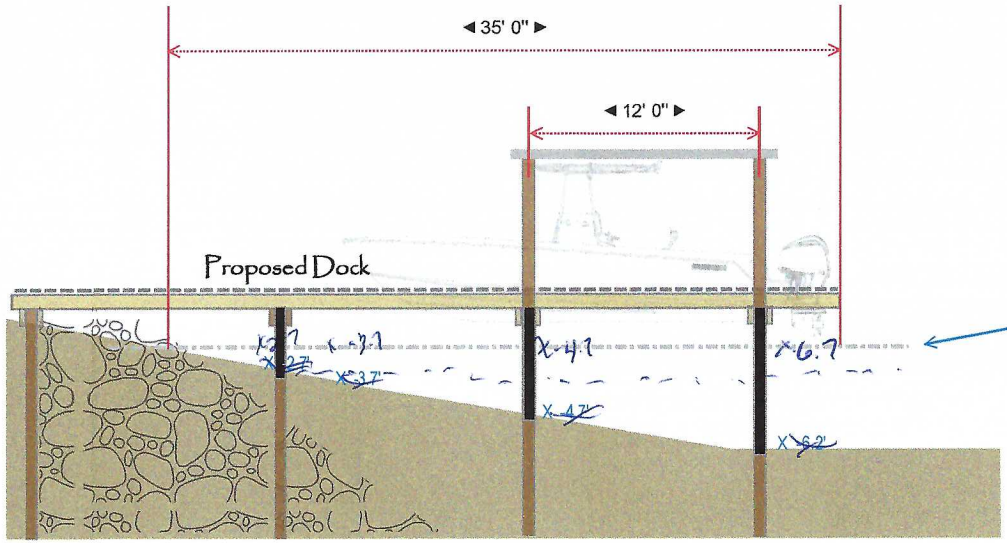
NAPLES MARINE CONSTRUCTION

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino

# Cross Section

Proposed (12' 6" x 12') boatlifts




- All dock / boat lift pilings to be wrapped 12" above MHWL to 6" below substrate.
- Platted MHW line - per survey

| NAPLES MARINE CONSTRUCTION | | HOME OWNER | | PROPERTY / CONSTRUCTION LOCATION | |
|---|---|---|---|---|---|
| 3427 ENTERPRISE AVE | NAME | SUE BERTOLINO & LYNNE LEIPOLD | JOB NAME | VENUS CAY | |
| NAPLES FL 34104 | STREET | 153 VENUS CAY | PARCEL | 68300003299 | |
| 239-330-3386 | CITY, ZIP | NAPLES FL 34114 | STREET | 153 VENUS CAY | |
| WWW.NAPLESMARINECONSTRUCTION.COM | CONTACT | 248-277-2883 | LEGAL | POI (THE CAYS) PHASE I | |

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino

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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 |
|---|---|
| Suzanne Bertolino- 153 Venus Cay, Naples FL | 50% |
| Lynn Leipold- 153 Venus Cay, Naples FL | 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 |
|---|---|
| N/A | |
| | |
| | |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| N/A | |
| | |
| | |
| | |
| | |



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

| Name and Address | % of Ownership |
|---|---|
| N/A | |
| | |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| N/A | |
| | |
| | |
| | |
| | |

**Date of Contract:** _____

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

| Name and Address |
|---|
| N/A |
| |
| |
| |
| |

g. Date subject property acquired _____

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

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



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold 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

**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

8/25/2021
Date

Randy McNeil
Agent/Owner Name (please print)



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

# AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20200001868

I, Suzanne Bertolino (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 Randy McNeil/Naples Marine Construction to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:*

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

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

Suzanne Bertolino
Signature

11/19/2020
Date

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of ☑ physical presence or ☐ online notarization this 19 day of November, 2020, by (printed name of owner or qualifier) Suzanne Bertolino.

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: Rachelle Smith

Notary Public State of Florida
Rachelle Smith
My Commission GG 270947
Expires 10/24/2022

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

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20200001868

I, Lynne Leipold (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 Randy McNeil/Naples Marine Construction to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:*

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

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

Lynn Leipold
**Signature**

12/31/2020
**Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was acknowleged before me by means of [●] physical presence or [ ] online notarization this 31 day of December, 2020, by (printed name of owner or qualifier) Lynne Leipold.

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: Rachelle Smith

Notary Public State of Florida
Rachelle Smith
My Commission GG 270947
Expires 10/24/2022

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

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

# 153 VENUS CAY
# PORT OF THE ISLANDS, FL 34114

## SUBMERGED RESOURCE SURVEY

**SEPTEMBER 17, 2020**

**PREPARED BY:**

TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

## 1.0 INTRODUCTION

The subject property is located at 153 Venus Cay and can be identified by parcel #68300003299. The property is bound to the east and west by single-family residential vacant lots, to the north by Faka Union Canal system and to the South by Venus Cay. The property is located at Section 09, Township 52 S, and Range 28 E. The landward portion of the property currently contains a single-family residence under construction with a rip-rap shoreline and scattered mangroves.

Turrell, Hall & Associates was contracted to provide environmental services pertaining to the proposed docking facility and the Collier County BDE process, which includes the completion of a Submerged Resource Survey (SRS). This survey will provide planning and assistance to both the owner(s) and government agencies reviewing the proposed project. The proposed project consists of permitting the installation of a single-family docking facility.

The SRS survey was conducted on September 15, 2020. Surface conditions consisted of partly cloudy skies, light winds out of the southeast, and an air temperature of 91° F. The tide was low and still falling upon arrival to the site, allowing for observance of some of the bottom lands along the shoreline. High tide at the project site occurred at 12:11 P.M. (5.2 ft.) and low tide occurred at 7:11 P.M. (-0. ft.). The water temperature was 80° 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 docking facility location 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 in order to verify the location of any submerged resources.
- 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 E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

## 3.0 METHODOLOGY

Turrell, Hall & Associates biologists intentionally designed the methodology of the Submerged Resource Survey to cover the entire property shoreline as well as 200-feet surrounding the site. 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 10-20 feet apart as shown on the attached exhibit. The existing adjacent docks all provided numerous 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: thick muck. This substrate was found throughout the entire surveyed area. The shoreline consists of a rip-rap natural shoreline with scattered mangroves and buttonwood which provides cover for a variety of fish. Floating hydrilla was observed trapped within the existing mangrove roots and observed floating in the canal. The majority of the project site was devoid of submerged aquatic growth, presumably because of a combination of the amount of freshwater and poor water quality. Such conditions also create highly turbid waters, reducing 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* |
| Tarpon | *Megalops* |
| American Alligator | *Alligator mississippiensis* |
| Mud Crab | *Panopius* herbstii |

## 5.0 CONCLUSIONS

The submerged resource survey conducted at the project site yielded few findings at best. Only a few barnacles, mud crabs, and a variety of fish were all observed in and around the existing mangrove shoreline. Hydrilla was observed floating out in the waterway and trapped within the



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

mangrove rootline around the project site. Seagrasses were not observed anywhere within 200-feet of the project site. All fish species were observed swimming in and around the shoreline.

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



Existing Rip-rap and Mangrove **shoreline**

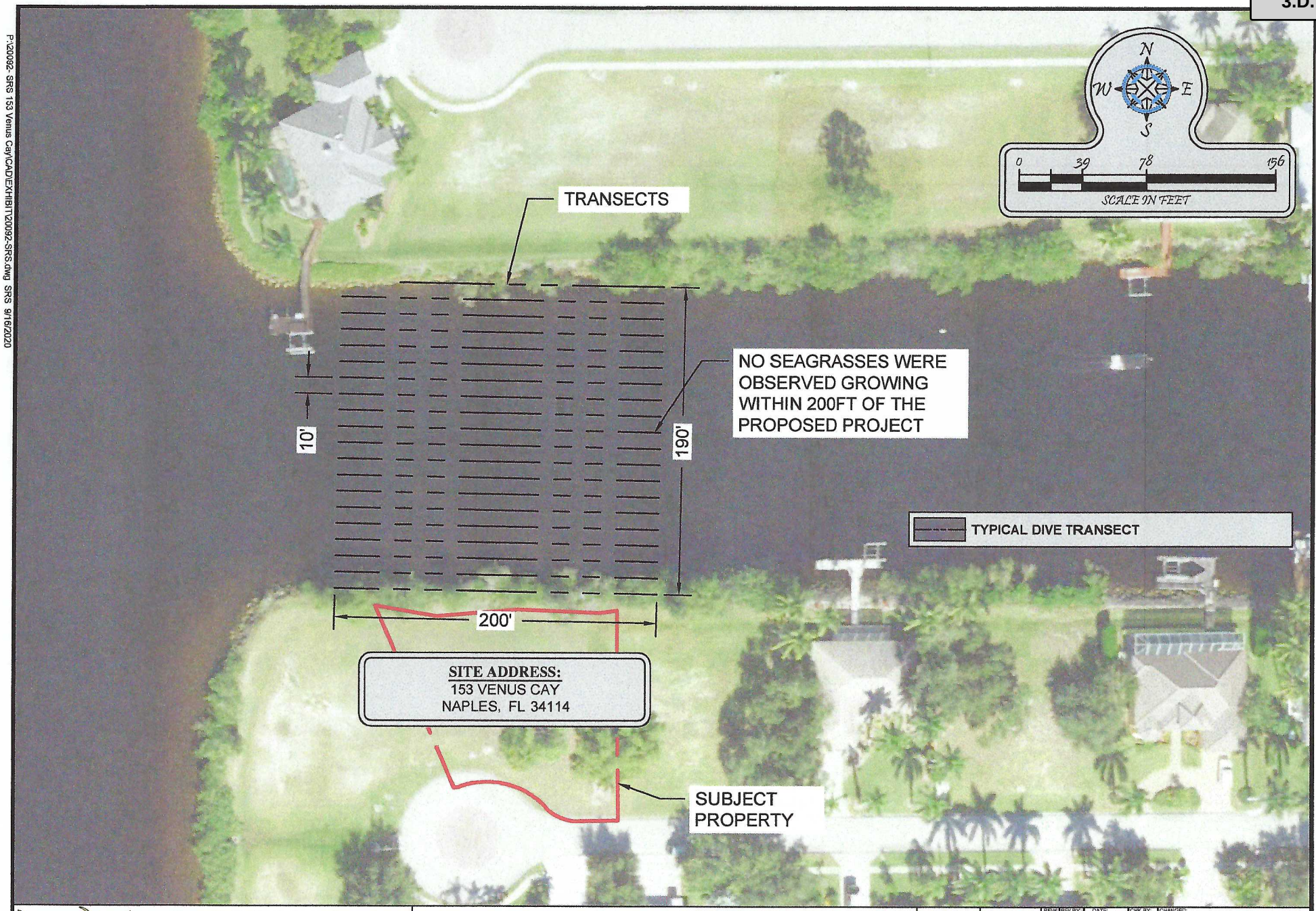
Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)



TYPICAL MUCK BOTTOM SEDIMENT



Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)




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

# 153 VENUS CAY

## SUBMERGED RESOURCE SURVEY

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

| | |
|---|---|
| DESIGNED: | JR |
| DRAWN BY: | RMJ |
| CREATED: | 09-16-20 |
| JOB NO.: | 20092 |
| SHEET NO.: | 01 OF 01 |

| REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|
| 1. | - | - | - | - |
| 2. | - | - | - | - |
| 3. | - | - | - | - |
| 4. | - | - | - | - |
| 5. | - | - | - | - |

SECTION- 9 TOWNSHIP- 52 S

P:\20092- SRS 153 Venus Cay\CAD\EXHIBIT\20092-SRS.dwg SRS 9/16/2020

Attachment: Attachment E - Applicants Backup (20475 : PL20200001868 BDE 153 Venus Cay Bertolino

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20200001868

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

Name: BERTOLINO, SUZANNE T

Date: 10/28/2021

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment F - HEX Hybrid Meeting Waivers (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20200001868

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

Name: LYNNE M LEIPOLD

Date: 10/29/2021

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment F - HEX Hybrid Meeting Waivers (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

**KellyJohn**

**From:** Caryl Williams <carylwilliams77@gmail.com>
**Sent:** Tuesday, November 02, 2021 4:10 PM
**To:** KellyJohn
**Subject:** Proposed dock extension on Venus Cay in Port of the Islands from Williams

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.

Hello, John Kelly, Senior Planner for Collier County.

My husband Patrick Williams and I, Caryl Williams oppose the request to extend the homeowner's dock into the waterway off the back of their home on Venus Cay. We are building our home and dock on the water and have purposely designed our home and dock to benefit the views and usage of the waterway for all recreational purposes.

Blocking the view of neighbors and reducing the width of the canal, is not acceptable.
A horizontal dock, running parallel to their lot is preferred.

Neighbors are still out of residence. Many neighbors have no idea of the extension request.
Thank you,
CarylWilliams77@gmail.com

Sent from my iPhone

Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

## KellyJohn

**From:** Karen Biery <karenbierybooks@gmail.com>
**Sent:** Tuesday, November 02, 2021 3:29 PM
**To:** KellyJohn
**Subject:** Re: BDE-PL20200001868 - 153 Venus CAY - HEX 11/12/2021 at 9:00 AM

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.

Good afternoon John,

Thank you for sending the information. We wish we would've had more time to discuss this with the owners prior to sending along our concerns.

Using the attached photos of the 2 newest docks in our canal (see photo #1) a 2 boat lift dock can easily be accomplished without such an intrusive protrusion. The docks in the photo (north side of our canal) have less water at low tide than on the side of the proposed site. We feel especially due to the over-extension of the key lot dock on the north end of our canal (see photo #2), that their proposed extension is excessive. Therefore, we are not in favor of the lengthy extension request.

Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)



Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

Photo #1. Home on right has dual lifts. Home on the right has 1 lift.

Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)



Photo #2

Thank you for your consideration.

Jeff and Karen Biery
161 Venus Cay
Naples, Fl 34114

On Nov 2, 2021, at 1:03 PM, KellyJohn <John.Kelly@colliercountyfl.gov> wrote:

> Good afternoon Karen,
>
> Thank you for your interest in the referenced project. As noted, it is scheduled for public hearing on November 12, 2021. At this time I am only available to provide you with the plans that have been submitted for the project; the complete Staff Report will be available later this week. In the event you would like to provide any information to be distributed with the hearing package, you'll need to provide it to me sometime today. You're welcome to get information to me after today; however, such information will not be presented until the time of hearing. You are also welcome to attend the meeting in-person or electronically via Zoom; information as to registration is included within both mailed correspondence and the newspaper ad that ran for the meeting; please let me know if you didn't receive either and will be happy to assist you further. Again, thanks for your interest and concern.
>
> 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/CollierZoningthy
>
> <image001.jpg>
> ***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 A - Proposed Dock Plans.pdf>
>
> <Attachment B - Survey.pdf>

Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)



Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)



Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

## KellyJohn

**From:** Leny and Terri King <napleskingteam@gmail.com>
**Sent:** Wednesday, November 03, 2021 2:17 PM
**To:** KellyJohn
**Subject:** 153 Venus Cay, Naples - Dock expansion

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

Hi John,

We found out that our new neighbor across the canal from us is trying to get approval for a much larger dock than allowed by code. We just finished our dock here on the same canal as did many new neighbors. We all moved here for the same reasons, we did our due diligence and moved our boat lifts coming in from the side because of the restrictions. If I knew the rules could be broken I would have done my new dock a lot differently. I am sure we all would.
I just want to speak my opinion and if you are taking votes, I am totally against it. Please do not allow this to happen.

Thank you,
C. Leonard King
170 Sunset Cay, Naples, FL 34114
239-963-7938

**Terri King**
Broker Associate
**Leny King**
Realtor
napleskingteam@gmail.com

**The King Team**
Living, Loving, Selling the Naples Life!

**Terri 239-734-1841**
**Leny 239-963-7938**

**Amerivest Realty**

Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

## KellyJohn

**From:** tim <timtrout@aol.com>
**Sent:** Thursday, November 04, 2021 1:53 PM
**To:** KellyJohn
**Subject:** Re: BDE-PL20200001868 - 153 Venus CAY - HEX 11/12/2021 at 9:00 AM

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, forgot to put my address (if needed) which I 162 Newport Drive unit 1206, Naples, Florida. 34114

Sent from the all new AOL app for iOS

On Thursday, November 4, 2021, 1:25 PM, tim <timtrout@aol.com> wrote:

> Good morning Mr. Kelly, I want to put on record my opposition to the proposed dock extension request at 153 Venus Cay for two reasons. The first is that all of the double docks in our community have been built parallel to shore. This double load facing the canal does not aesthetically fit with the continuity and flow of the existing docks within the community. The second reason is that a twenty foot boat dock is built for a shallow draft boat and does not need to be set that deep in the canal.
>
> Sincerely,
> Tim Reed

Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

**KellyJohn**

**From:** ThomasClarkeVEN
**Sent:** Thursday, November 04, 2021 12:55 PM
**To:** KellyJohn
**Cc:** YoungbloodAndrew; llfranck3@gmail.com
**Subject:** FW: Petition #PL20200001868 Port of the Islands - 153 Venus Cay (BDE)

John,

Could you please enter into the public record the email below indicating the Franck's opposition to the above Petition for the Hearing on 11/12.
Thank You,

*Thomas Clarke*
**Operations Analyst - Zoning Division**
**2800 North Horseshoe Drive, Naples, FL 34104**
**Phone: 239-252-2526**
*Tell us how we are doing by taking our Zoning Division Survey at* http://bit.ly/CollierZoning
Collier County
*Exceeding Expectations Everyday*

**From:** Lee Franck <llfranck3@gmail.com>
**Sent:** Thursday, November 04, 2021 11:27 AM
**To:** ThomasClarkeVEN <Thomas.Clarke@colliercountyfl.gov>
**Subject:** Petition #PL20200001868 Port of the Islands

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. Clarke,

My wife and I will be unable to attend the public hearing for PL20200001868 on Nov. 12th, 2021.

We are very much OPPOSED to the extension of boat docks as we believe this will greatly degrade the overall aesthetics of the port and especially the waterway behind Venus Cay.

Please forward this email to the appropriate person/persons.

Sincerely,



Attachment: Attachment G - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

Lee and Shelia Franck
169 Venus Cay
Naples, FL 34114

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 - Letters of Objection X 5 (20475 : PL20200001868 BDE 153 Venus Cay Bertolino Leipold Dock)

**COLLIER COUNTY**
**Collier County Hearing Examiner**

**Item Number:** 3.E
**Item Summary:** PETITION NO. BDE - PL20210001835 260 Conners Ave McKibben Dock - Request for a 14-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 34 feet into a waterway that is 268± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 260 Conners Avenue and is further described as Lot 14, Block R, Conner's Vanderbilt Beach Estates Unit No. 3, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

**Meeting Date:** 11/12/2021

---

**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
10/25/2021 7:57 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
10/25/2021 7:57 PM

---

**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | Review Item | Completed | |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 10/26/2021 1:56 PM |
| Zoning | Ray Bellows | Review Item | Completed | 10/27/2021 10:13 AM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 10/29/2021 10:50 AM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 11/12/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

**FROM:** ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

**HEARING DATE:** NOVEMBER 12, 2021

**SUBJECT:** BDE-PL20210001835, 260 CONNERS AVENUE, MCKIBBEN DOCK

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**PROPERTY OWNER/APPLICANT:**

Douglas G. and Christine E. McKibben
260 Conners Ave.
Naples, FL 34108

**AGENT:**

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

**REQUESTED ACTION:**

The petitioner requests a 14-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 34 feet into a waterway that is 268± feet wide, pursuant to LDC Section 5.03.06.

**GEOGRAPHIC LOCATION:**

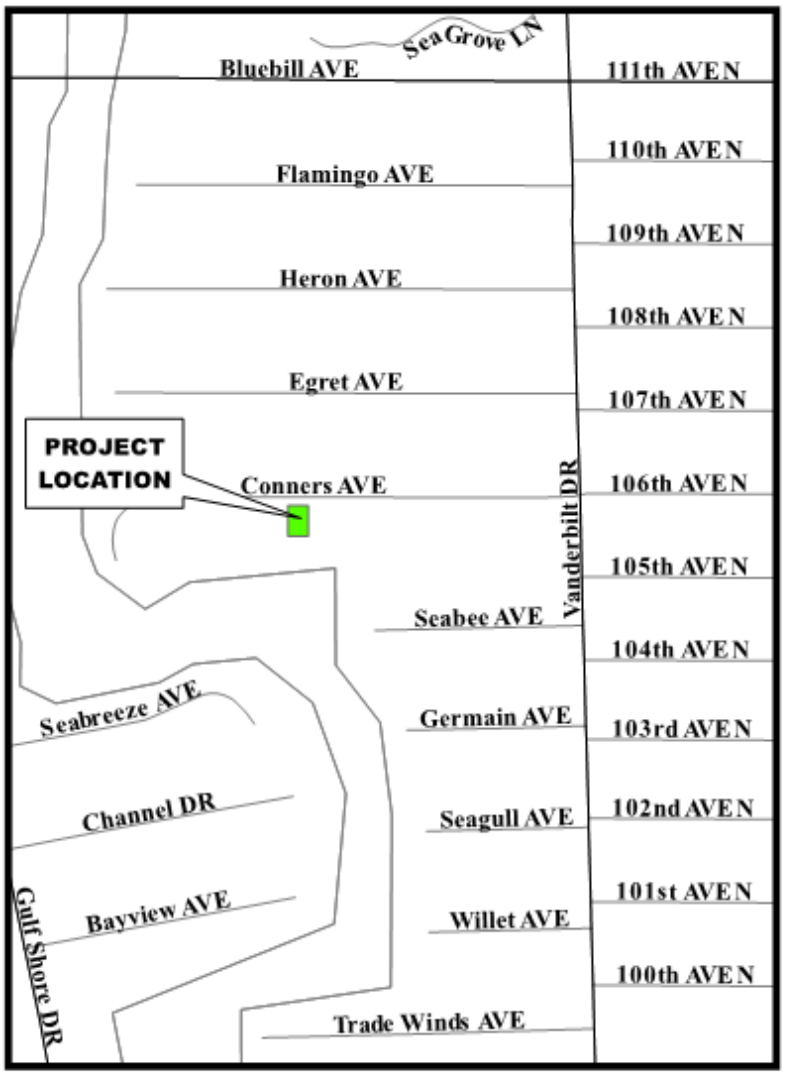
The subject property is located at 260 Conners Avenue, further described as Lot 14, Block R, Conner's Vanderbilt Beach Estates Unit No. 3, in Section 29, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

**PURPOSE/DESCRIPTION OF PROJECT:**

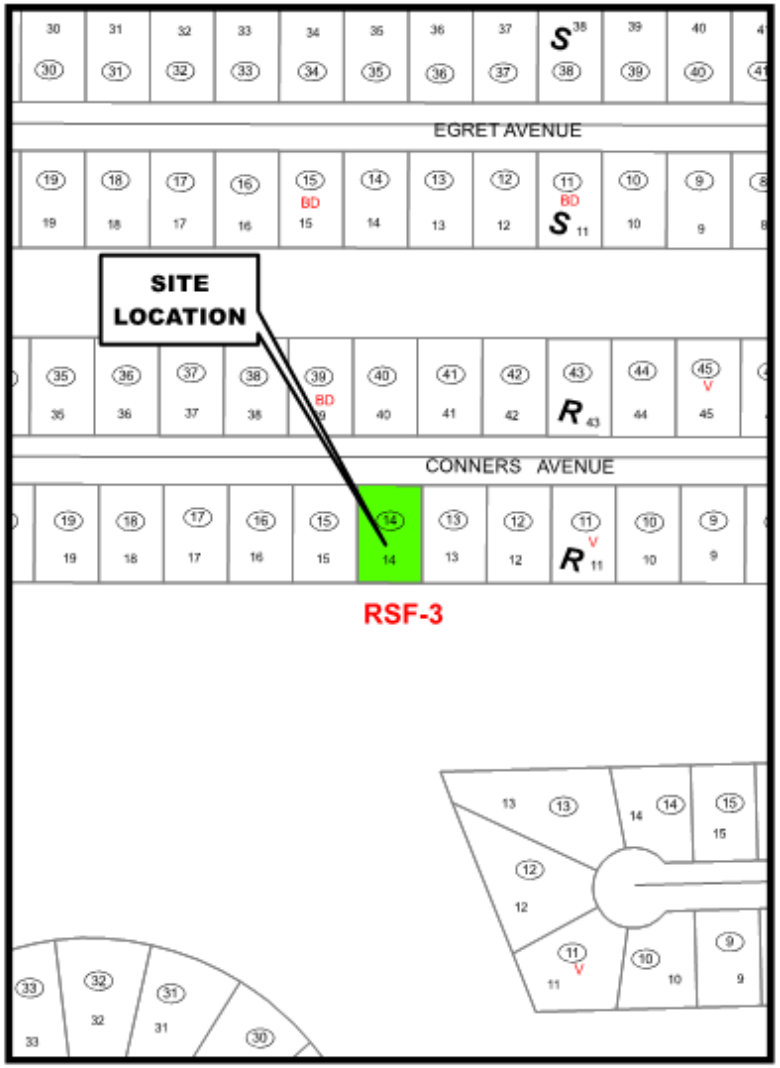
The subject property is located within a Single-Family-3 (RSF-3) Zoning District, comprises 0.22 acres with 80± feet of water frontage, and has been improved with a single-family residence. It is the desire of the owner/applicant to remove and replace the existing boat docking facility with a larger dock facility designed to accommodate a single 45-foot vessel. The new dock will protrude 34 feet from the property line, the most restrictive point, into a waterway that is 268± feet wide at this location; therefore, the proposed dock will occupy approximately 14 percent of the width of the waterway. The required 15-foot side/riparian setbacks for boat docks on lots with 60 feet or greater of water frontage will be satisfied.



Attachment: Staff Report 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)




Location Map




Zoning Map

Petition Number: PL20210001835



Attachment: Staff Report 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## SURROUNDING LAND USE & ZONING:

North: Conners Avenue (Right-of-Way) then Single-family dwelling, Residential Single-Family-3 District (RSF-3)

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

South: Vanderbilt Lagoon waterway

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 proposed dock is to be constructed waterward of the existing seawalled shoreline. The proposed dock will not impact native shoreline vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. The Submerged Resource Survey exhibit sheet 5 of 7 provides an aerial with a note stating that no seagrasses were observed within 200 feet of the proposed docking facility.



Attachment: Staff Report 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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 and supports a single-family dwelling for which the LDC allows two boat slips. The proposed boat docking facility comprises a single boat slip designed to accommodate a 45-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 not met.** The applicant's agent states: "The reason for this BDE request is due to the applicant's vessel size and the two adjacent existing docks. The applicant owned shoreline length is 80-feet and with 30-feet being within setbacks the only dock design option in order to accommodate the applicant's vessels is to push the dock further out into the waterway. The two adjacent properties have existing docks which limited the proposed dock design due to lack of space to safe navigate the vessel between the docks for a more parallel mooring design. As proposed the dock provides safe access to the slip as well as maintains the required 15-foot setbacks and the overall dock protrusion has been fully minimized. Additionally, the proposed design will not interfere with the adjacent properties nor their access to their shoreline or subject docks/slips." Zoning staff concurs and 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**



Attachment: Staff Report 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

**into any marked or charted navigable channel thus impeding vessel traffic in the channel.)**

**Criterion met**. The proposed boat docking facility is consistent with the other docks along the subject shoreline. There are no marked channels within this area of Vanderbilt Lagoon and the overall width of the waterway is approximately 268 feet across from the proposed facility. 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 268-feet wide. The proposed dock protrusion is 34 feet from the MHWL which is under 15 percent of the width 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 met**. The existing dock facility satisfies the required side yard/riparian line setbacks of 15-feet for dock facilities on lots of 60-feet or more in width. Neighboring properties have the same setback requirements, therefore, there should be 30-feet between dock facilities which is consistent for the area. The new dock will maintain these setbacks and should have no greater impact.

**Secondary Criteria:**

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

**Criterion met**. The applicant states: "The subject property special conditions that have been factored in the overall proposed dock layout are the existing width of waterway, applicant owned shoreline length and the adjacent docking facilities.

As for the subject property's shoreline length of 80-feet does not provide sufficient backing distances for a shore parallel mooring like the existing docking facility. The typical design criteria for backing distance is length and half of the vessel size utilizing the slip therefore we would need to provide 67.5 feet. With the two adjacent properties both having existing docking facilities the shore parallel design was not an option for this property.

Based off that the only other option for this property is to protrude further than the allowed 20 feet due to the subject property being located on an open waterway. This allowed us to



Attachment: Staff Report 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

push the dock out further and still remain within 25% width of the waterway as well as not to interfere with other vessel's navigation on the subject waterway."

Zoning staff concurs that the neighboring dock facilities must be taken into account when looking at the waterway in 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.)**

**Criterion met**. The applicant states: "The proposed docking facility design provides reasonable and safe access to the boat as well as provides the additional square footage needed for routine maintenance on the boat, recreational activities on the dock like fishing, kayaking, or paddle boarding. As designed this dock is still consistent with other docking facilities within the Vanderbilt Lagoon waterway but can protrude further out into this section of waterway as the property is on one of the larger bays within the Lagoon." Zoning staff concurs with the applicant and therefore finds this criterion to have been 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 subject property has 80 feet of water frontage and the proposed vessel to be docked at this location is 45 feet long; the vessels size exceeds the 50 percent limitation.

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

**Criterion met**. The proposed dock facility will replace an existing dock facility. The subject dock and lift satisfy the required yard and riparian setbacks; therefore, any new impacts to neighboring property views of the waterway should be minimal.

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 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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 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 of the primary criteria and four of the six secondary criteria with the sixth criterion being not applicable. Staff notes that 11 Letters of Objection have been received pertaining to the proposed dock facility; See Attachment F.

**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 to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

**RECOMMENDATION:**

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20210001835 in accordance with the "Proposed Dock" plan identified as Sheet No. 03 of 07, provided within Attachment A.

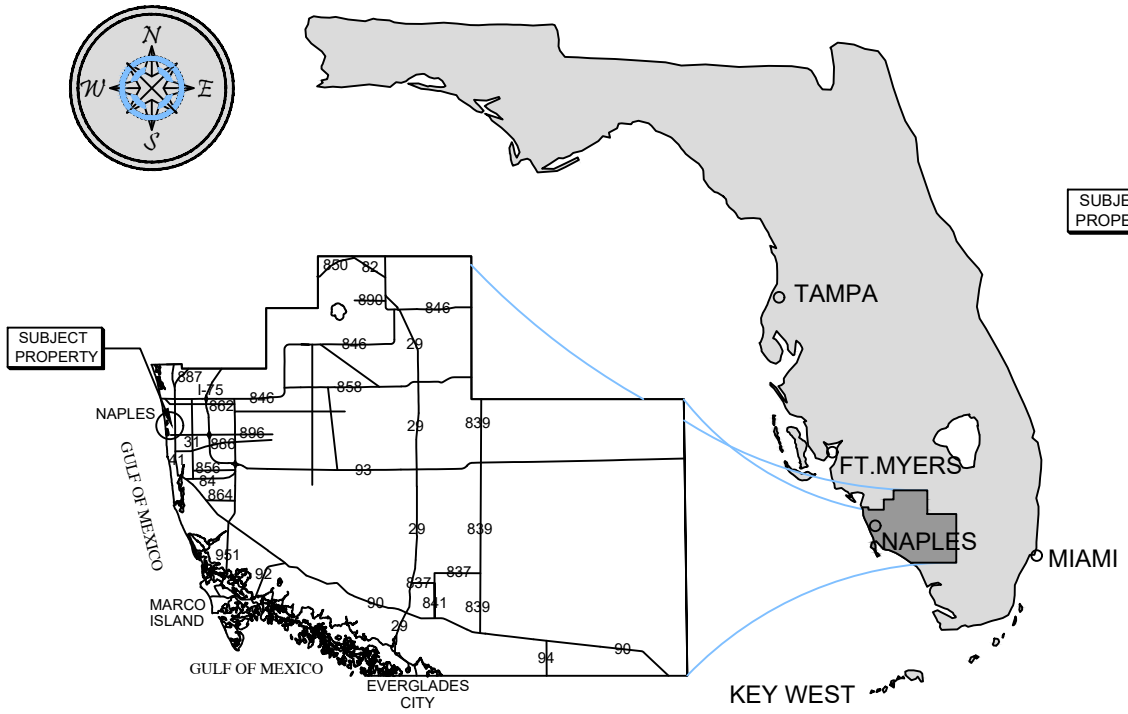
Attachments:

A. Proposed Dock Plans
B. Map of Specific Purpose Survey
C. Public Hearing Sign Posting
D. Applicant's Backup, including Application
E. HEX Hybrid Meeting Waiver
F. Correspondence – Letters of Objection

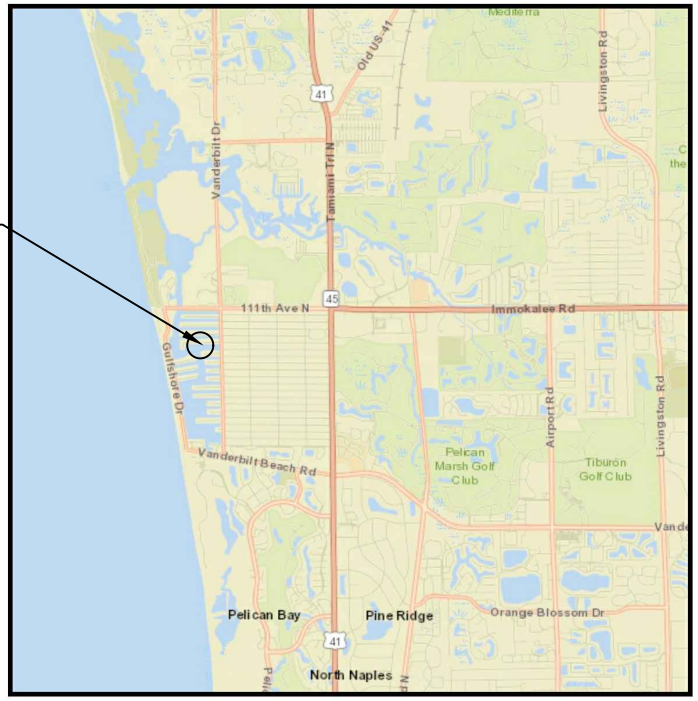
Attachment: Staff Report 11042021 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 260 CONNERS AVE
NAPLES, FL 34108

<> LATITUDE: N 26.267351
<> LONGITUDE: W -81.821027

**NOTES:**

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

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# 260 CONNERS AVE

LOCATION MAP

RY NO. 5875

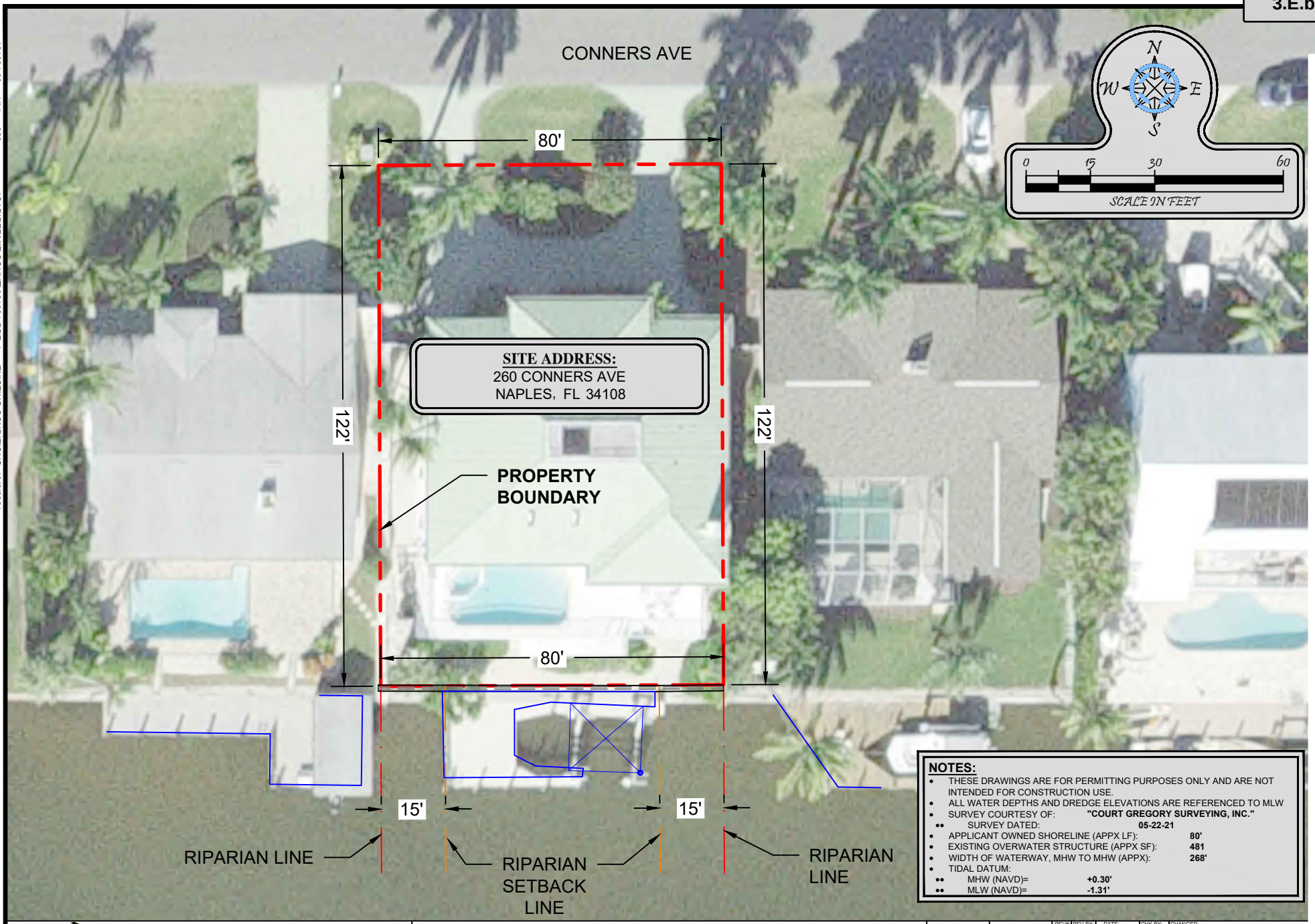
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SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (20476 : PL20210001835 BDE 260 Conners Ave

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg EXISTING CONDITIONS 10/6/2021




**NOTES:**

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **05-22-21**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **481**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **268'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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# 260 CONNERS AVE

## EXISTING CONDITIONS

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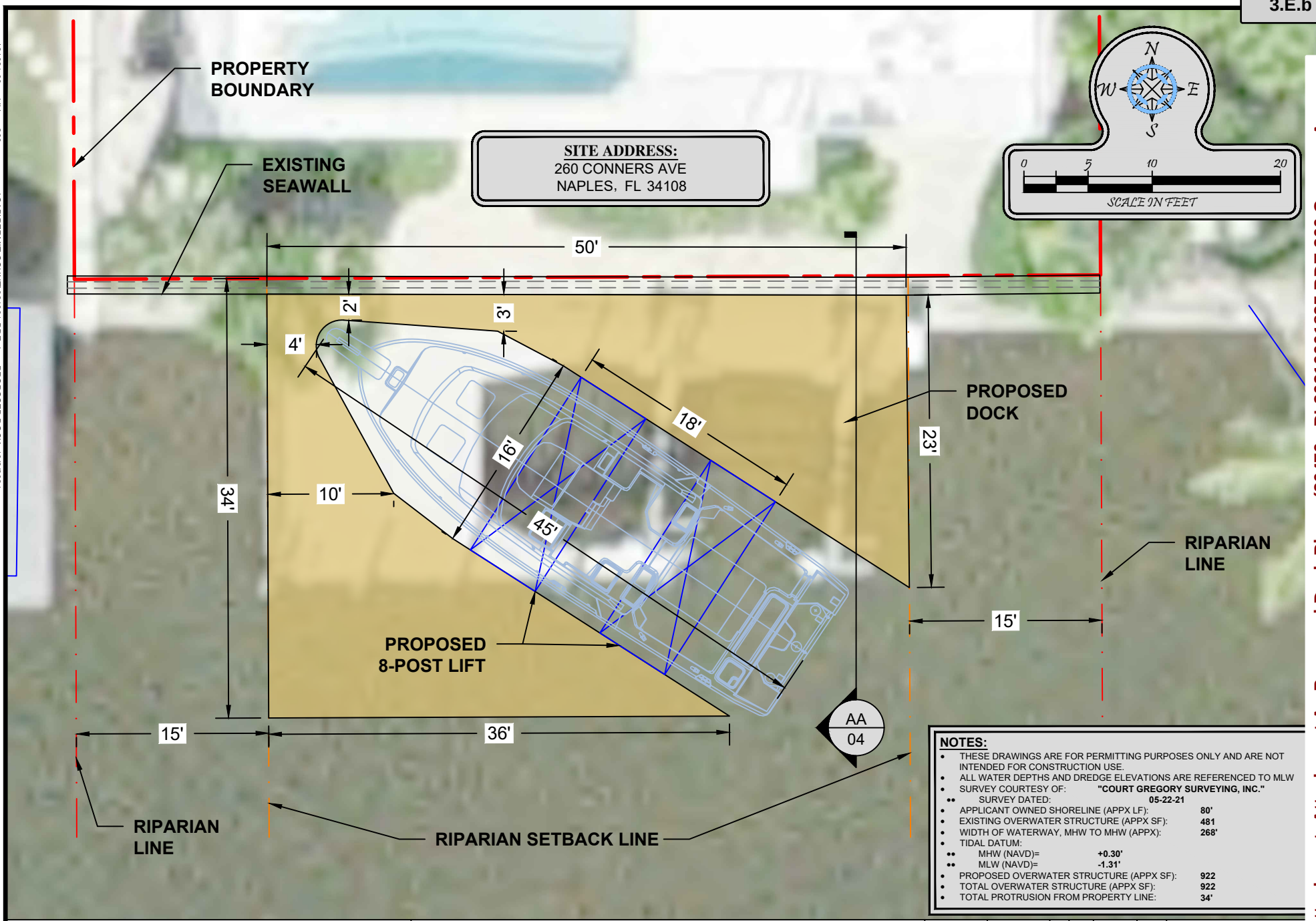
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SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (20476 : PL20210001835 BDE 260 Conners Ave

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg PROPOSED DOCK 10/6/2021




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- EXISTING OVERWATER STRUCTURE (APPX SF): **481**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **268'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **922**
- TOTAL OVERWATER STRUCTURE (APPX SF): **922**
- TOTAL PROTRUSION FROM PROPERTY LINE: **34'**

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# 260 CONNERS AVE

## PROPOSED DOCK

RY NO. 5875

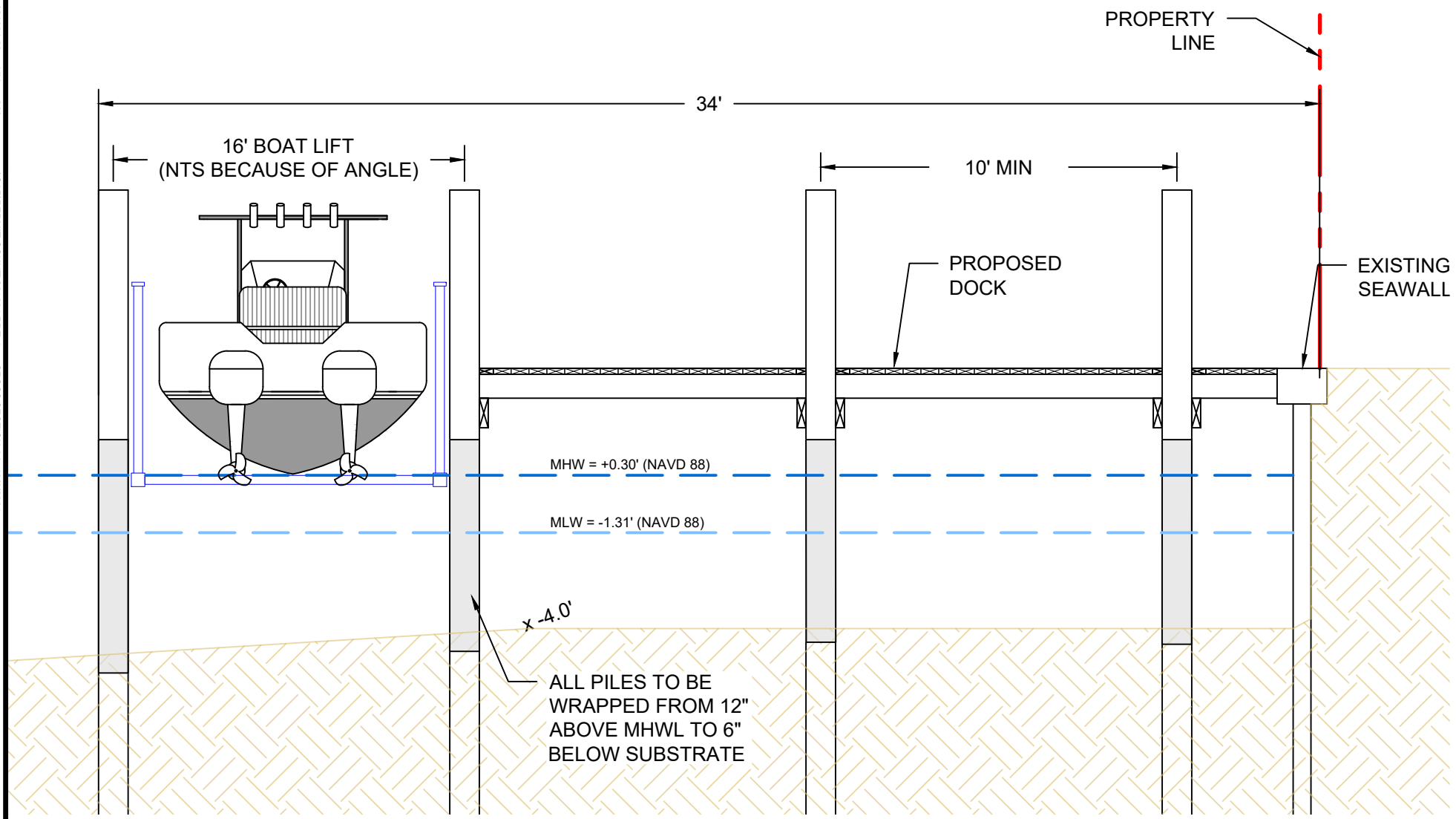
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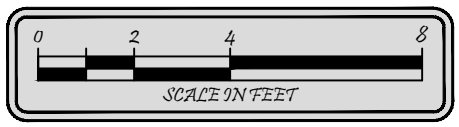
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SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (20476 : PL20210001835 BDE 260 Conners Ave

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg CROSS SECTION AA 10/6/2021




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# 260 CONNERS AVE

## CROSS SECTION AA

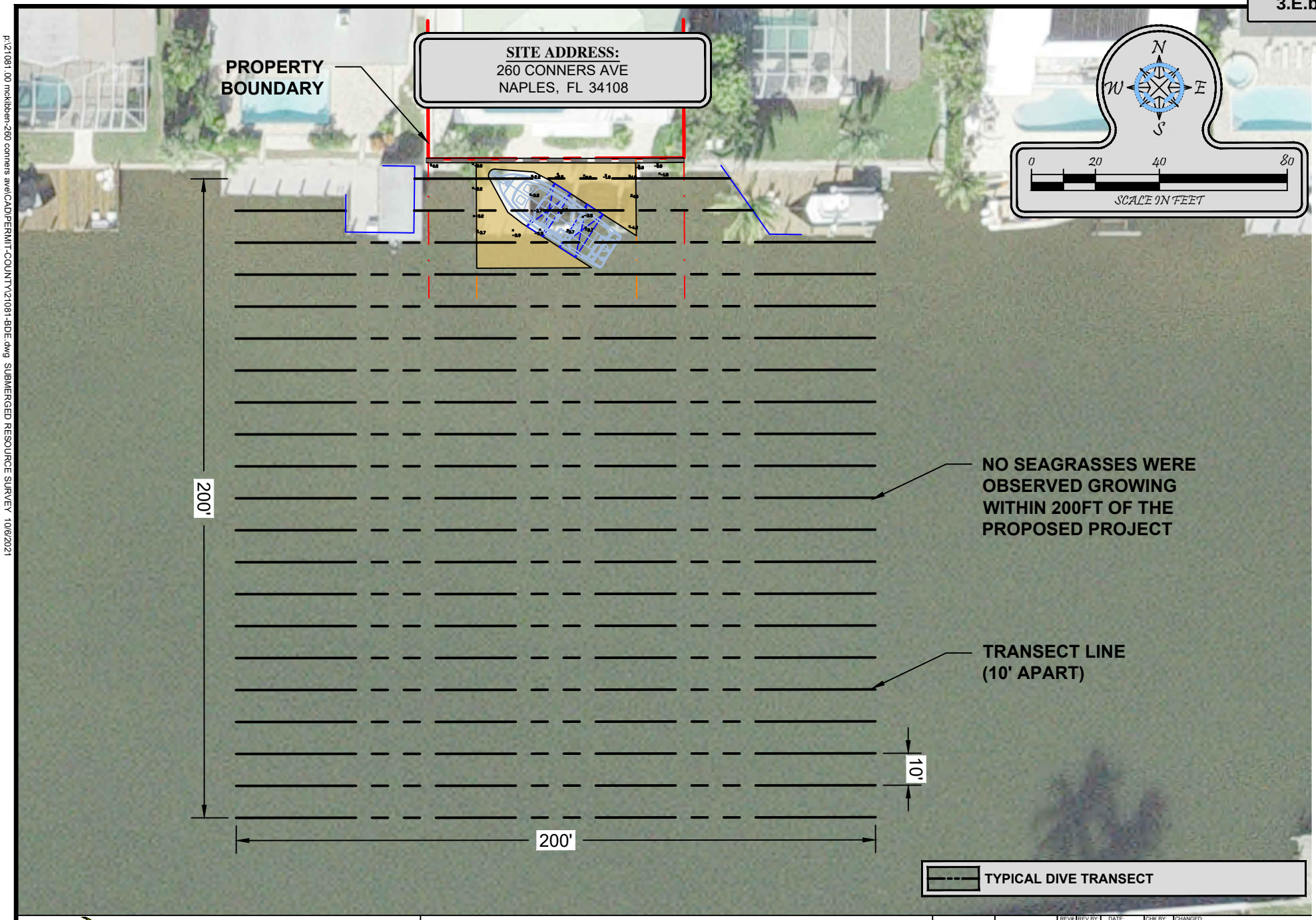
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SECTION-29 TOWNSHIP-48S

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# 260 CONNERS AVE

## SUBMERGED RESOURCE SURVEY

RY NO. 5875

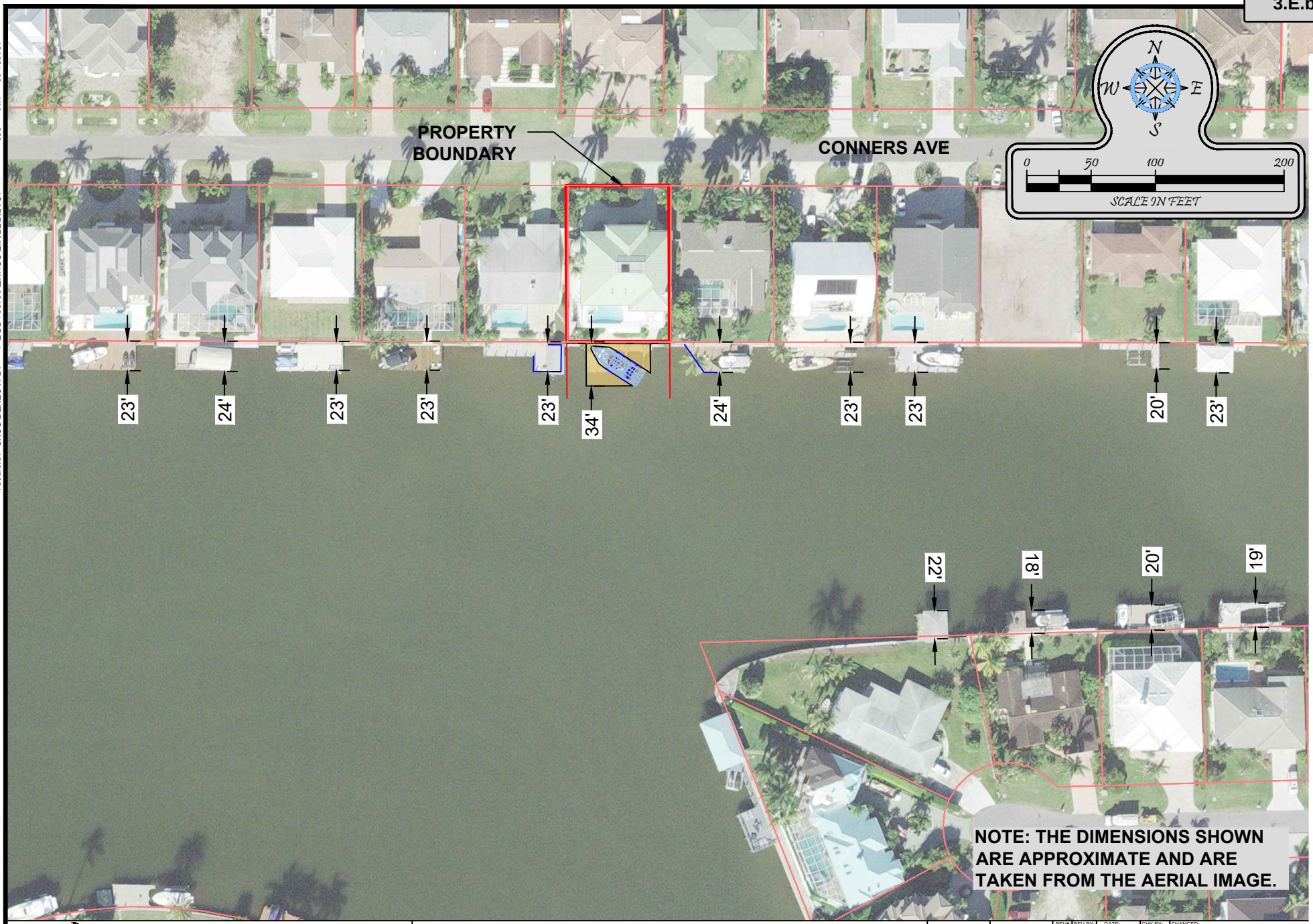
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SECTION- 29 TOWNSHIP- 48S

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# 260 CONNERS AVE

## ADJACENT DOCKS

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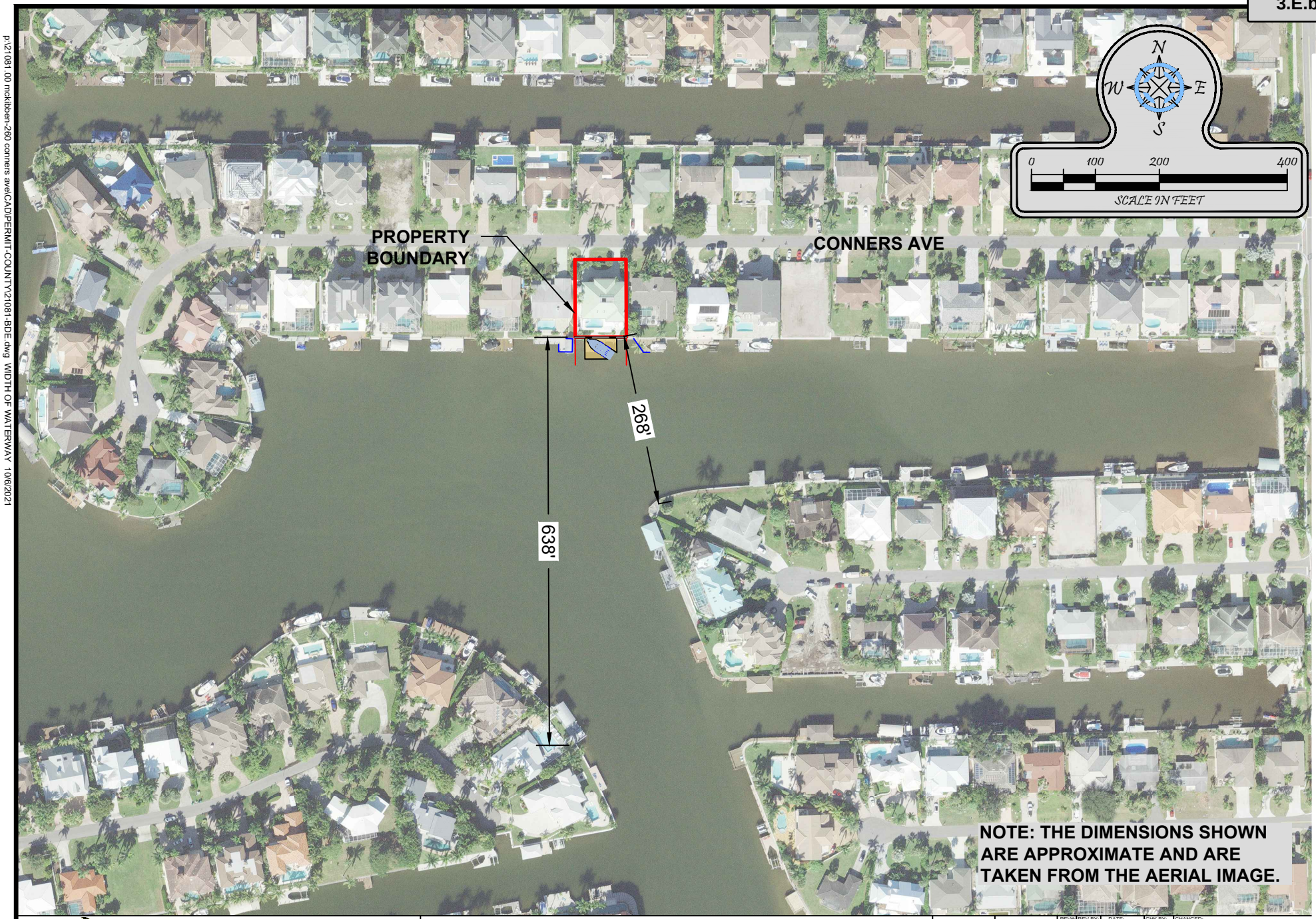
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SECTION- 29 TOWNSHIP- 48S

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Attachment: Attachment A - Proposed Dock Plans (20476 : PL20210001835 BDE 260 Conners Ave

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg WIDTH OF WATERWAY 10/6/2021




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# 260 CONNERS AVE

## WIDTH OF WATERWAY

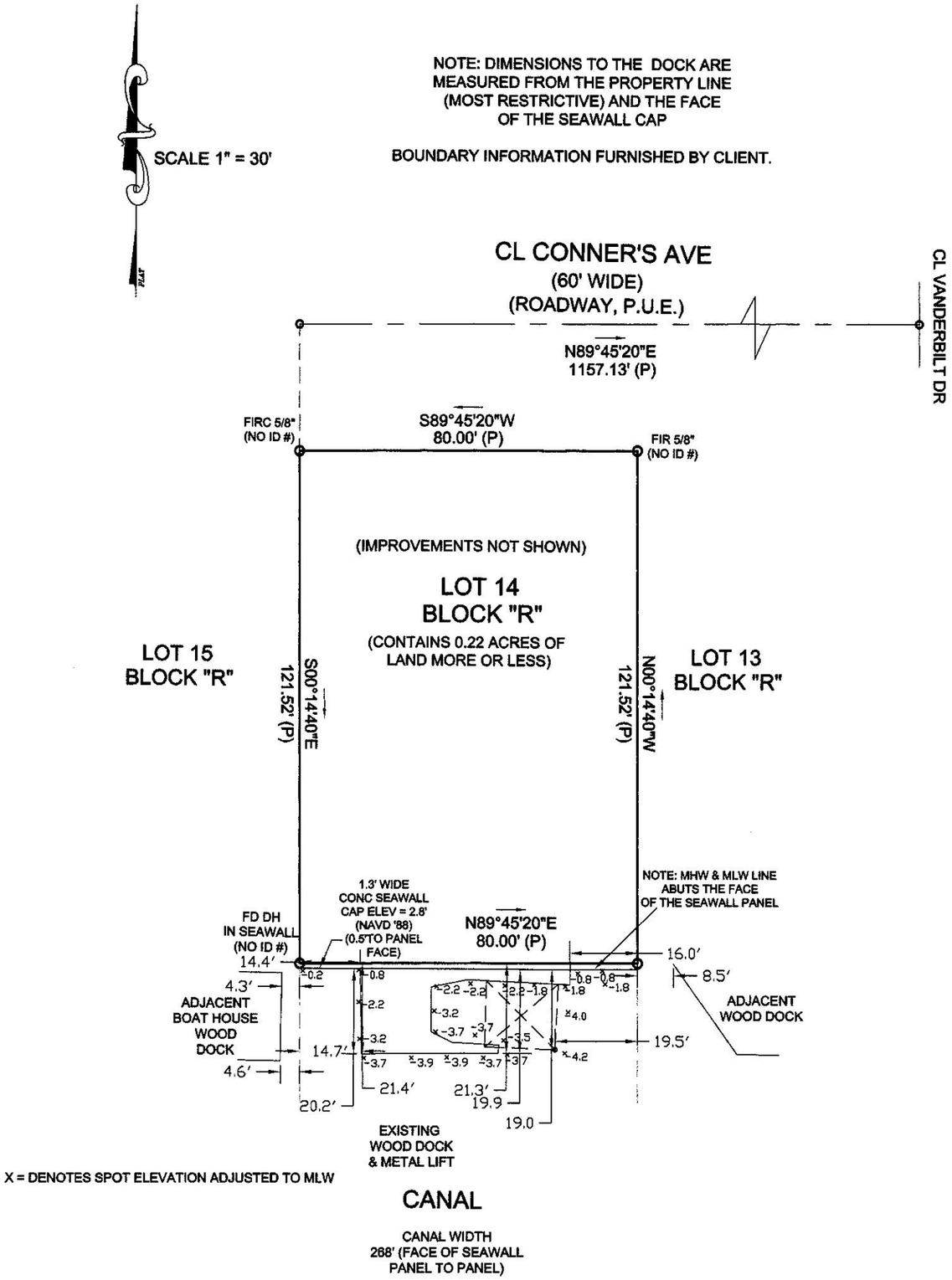
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SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (20476 : PL20210001835 BDE 260 Conners Ave




NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF CONNER'S AVE AS SHOWN IN PLAT BOOK 3 PAGE 89 OF COLLIER COUNTY, BEING SOUTH 89D 45' 20" WEST.

2.IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.

3.SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF- WAY OF RECORD.

4.DATE OF FIELD SURVEY MAY 22, 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:SPKN IN BRICK DRIVE IN EAST ENTRANCE AT RES # 260 CONNER'S AVENUE ELEV. = 2.73' NAVD '88

8.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE " " AS INDICATED ON FEMA FLOOD ZONE MAP PANEL NO N/A DATED: BASE ELEVATION DETERMINED AT N/A

9.NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

10. THE LAND DESCRIPTION SHOWN HEREON IS BASED UPON THE INSTRUMENT OF RECORD.

11. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SHORELINE CONDITIONS AND A BATHYMETRIC OF THE SUBJECT PROPERTY. PROPERTY LINES ARE SHOWN AS PLAT.

REVISIONS

LEGEND

O = 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.)
O = 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
W = WELL CONC = CONCRETE CB = CATCH BASIN OR INLET
WV = WATER/GATE VALVE R.C.P. = REINFORCED CONCRETE PIPE
S = 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
CUE = COUNTY (U.E.)

# MAP OF SPECIFIC PURPOSE SURVEY

## LOT 14 BLOCK "R"

OF

## CONNER'S VANDERBILT BEACH ESTATES UNIT NO. 3

AS RECORDED IN
PLAT BOOK 3 PAGE(S) 89
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

260 CONNER'S AVENUE

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.

Digitally signed by Court Gregory
DN: cn=Court Gregory, o=Court Gregory Surveying Inc, ou, email=cgs6004@comcast.net, c=US
Date: 2021.09.02 13:55:56 -04'00'

SIGNED _____
COURT H. GREGORY PSM #6004
DATE 06/11/2021
DATE OF FIELD SURVEY 05-22-2021

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 06/11/2021
Job # VB20168M
Fb VB-5 Pg 26

Attachment: Attachment B - Survey RESIGNED (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** KellyJohn
**Sent:** Tuesday, October 26, 2021 4:06 PM
**To:** KellyJohn
**Subject:** BDE-PL20200001868 - 153 Venus Cay - 11/12/2021 HEX Public Hearing Sign Posted
**Attachments:** E7BCEA09-A662-4F3A-9550-4B60C7A6E61F.jpeg; 17A6C0F1-5396-41B3-B982-0D6CA8BFCEF9.jpeg; 830DE92B-A1F0-4EDD-8E3A-D783FD42541C.jpeg; 607152E7-47B6-4C11-9E5C-DE60F78E5A52.jpeg; 99468B4F-723B-4C9D-9E0B-21C9AA52901B.jpeg

Good afternoon,

A Public Hearing sign for the 11/12/2021 HEX meeting was posted by be to the front of 260 Conners Ave, immediately adjacent to the public Right-of-Way at approximately 2:00 P.M. this date. See attached photos

Respectfully,
*John Kelly*
Senior Planner

***Zoning Division – Zoning Services Section***
**2800 North Horseshoe Drive, Naples Florida 34104**
**Phone: 239.252.5719 Fax: 239.252.6363**
**Email:** John.Kelly@colliercountyfl.gov

*Tell us how we are doing by taking our Zoning Division Survey at* http://bit.ly/CollierZoning

Collier County
*Growth Management Department*

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Sign Posting (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)






Attachment: Attachment C - Sign Posting (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)





Attachment: Attachment C - Sign Posting (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)



Attachment: Attachment C - Sign Posting (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

BDE. PL20210001835
260 Conners 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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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** of/ 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

10/18/2021
Date

Jeff Rogers
Printed Name of Signing Agent Representative

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# BDE Application

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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):** Douglas & Christine McKibben

**Name of Applicant if different than owner:**

**Address:** 260 Conners Ave **City:** Naples **State:** FL **ZIP:** 34108

**Telephone:** 260-710-1010 **Cell:** **Fax:**

**E-Mail Address:** dgm49@aol.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:** 29 / 48 / 25 **Property I.D. Number:** 27630560003

**Subdivision:** Conners Vanderbilt BCH EST **Unit:** 3 **Lot:** 14 **Block:** R

**Address/ General Location of Subject Property:**
260 Conners Ave

**Current Zoning and Land use of Subject Property:**
Single-family Residential (RSF-3)



Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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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 | Conners Ave |
| S | RSF-3 | Vanderbilt Lagoon |
| 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:**
   268 ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ■ other (specify) aerial
2. **Total Property Water Frontage:**
   80 ft.
3. **Setbacks:**
   Provided: 15 & 15 ft.
   Required: 15 & 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   34 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 45 ft.
   2. _____ ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   There are numerous other docking facilities along the subject shoreline that protrude 10-30' out into the Vanderbilt lagoon waterway. There are a large number of docking facilities wihtin the Vanderbilt Lagoon that protrude the same distance and have BDE approvals.
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?** .22 Acres



Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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**8. Official Interpretations or Zoning Verifications:**

To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ■ No If yes, please provide copies.

## PRIMARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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## SECONDARY CRITERIA

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

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

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

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

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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**Pre-Application Meeting and Final Submittal Requirement Checklist for:**
☒ Dock Extension
☐ Boathouse
Chapter 3 B. of the Administrative Code

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

| 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:<br>• Lot dimensions;<br>• Required setbacks for the dock facility;<br>• Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment);<br>• Configuration, location, and dimensions of existing and proposed facility;<br>• Water depth where proposed dock facility is to be located;<br>• Distance of navigable channel;<br>• Illustration of the contour of the property; and<br>• 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<br>*Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format. | 1 | ☐ | ☐ |

**ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:**

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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 Bogen
Signature of Petitioner or Agent

8.30.21
Date

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# Project Narrative

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Narrative Description: The proposed Boat Dock Extension request is for a single-family dock located within the Vanderbilt Lagoon. The proposed project consists of removing the existing docking facility to then construct the proposed dock with one boatlift. The proposed dock design was developed through review of other docks on the subject waterway as well as to accommodate the applicant's vessel he is in the process of purchasing. As proposed the dock will protrude approximately 34-feet from the property line which is the most restrictive point. The subject waterway is approximately 268-feet wide therefore as proposed the dock will protrude approximately 14% width of the waterway. The required side yard setbacks are 15-feet which the proposed dock design will maintain.

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# Criteria

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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 one dock with one boatlift to accommodate one vessel up to 45-feet. The proposed dock extends out 34-feet from the plotted property line therefore we are requesting a 14-foot boat dock extension from the allowed 20-feet.**

   **Criteria 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 due to the applicant's vessel size and the two adjacent existing docks. The applicant owned shoreline length is 80-feet and with 30-feet being within setbacks the only dock design option in order to accommodate the applicant's vessels is to push the dock further out into the waterway. The two adjacent properties have existing docks which limited the proposed dock design due to lack of space to safe navigate the vessel between the docks for a more parallel mooring design. As proposed the dock provides safe access to the slip as well as maintains the required 15-foot setbacks and the overall dock protrusion has been fully minimized. Additionally the proposed design will not interfere with the adjacent properties nor their access to their shoreline or subject docks/slips.**

   **Criteria 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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

**The proposed docking facility is consistent with the other docks along the subject shoreline. As proposed the dock and boatlift will not impact navigation as there is no marked channel within this area of Vanderbilt Lagoon and the overall width of waterway is 268-feet across from the proposed docking facility. As proposed the dock will not impact navigation within subject waterway.**

**Criteria 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 268-feet wide. The proposed dock protrusion from the MHWL is 34-feet which is under 14% width of the waterway.**

**Criteria 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 originates from the applicant's upland single-family residential lot with an existing single-family residence. There is an existing dock on site as well as on both adjacent properties which was taken into consideration when developing the proposed dock design. The proposed dock is within the applicant's riparian area and meets the required side yard setbacks therefore will not result in any impacts to the neighboring views.**

**Criteria met**

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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 special conditions that have factored in the overall proposed dock layout are the existing width of waterway, applicant owned shoreline length and the adjacent docking facilities.**

   **As for the subject property's shoreline length of 80-feet does not provide sufficient backing distances for a shore parallel mooring like the existing docking facility. The typically design criteria for backing distance is length and half of the vessel size utilizing the slip therefore we would need to provide 67.5-feet. With the two adjacent properties both having existing docking facilities the shore parallel design was not an option for this property.**

   **Based off that the only other option for this property is to protrude further than the allowed 20-feet due to the subject property being located on an open waterway. This allowed us to push the dock out further and still remain within 25% width of waterway as well as not to interfere with other vessel's navigation on the subject waterway.**

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 provides reasonable and safe access to the boat as well as provides the additional square footage needed for routine maintenance on the boat, recreational activities on the dock like fishing, kayaking or paddle boarding. As designed this dock is still consistent with other existing docking facilities within the Vanderbilt Lagoon waterway but can protrude further out into this section of waterway as the property is on one of the larger bays within the Lagoon.**

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 is 45-feet long. Based on the vessels length the applicant will exceed the allowed 50% of the subject property's linear shoreline, therefore this criterion is not met.**

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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.)

   **There is an existing dock and boatlift already onsite therefore, no impacts to the neighboring property views of the waterway will result from the proposed project.**

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**

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**

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# Property Ownership

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

## PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

**Please complete the following, use additional sheets if necessary.**

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

| Name and Address | % of Ownership |
|---|---|
| Douglas G. McKibben | 50% |
| Christine E. McKibben | 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 D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

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

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

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |

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

| Name and Address | % of Ownership |
|---|---|
| | |
| | |
| | |
| | |
| | |

**Date of Contract:** _____

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

| Name and Address |
|---|
| |
| |
| |
| |
| |

g. Date subject property acquired _____

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

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



Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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

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

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

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

Jeff Boger
Agent/Owner Signature

8.25.21
Date

Jeff Boger
Agent/Owner Name (please print)



Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# Affidavit(s)

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20210001835

I, Christine McKibben (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.**

Christine McKibben
**Signature**

8-5-21
**Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 8/5/21 (date) by Christine McKibben (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**

SEAL
Commission Number HH022115
Allen County

**Signature of Notary Public**

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20210001825

I, Douglas McKibben (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**

8-5-21 **Date**

**STATE OF FLORIDA**
**COUNTY OF COLLIER**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 8/5/21 (date) by Douglas McKibben (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**

AMANDA J LETTERS
My Commission Expires
November 2, 2024
Commission Number HH022115
Allen County

_____ **Signature of Notary Public**

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

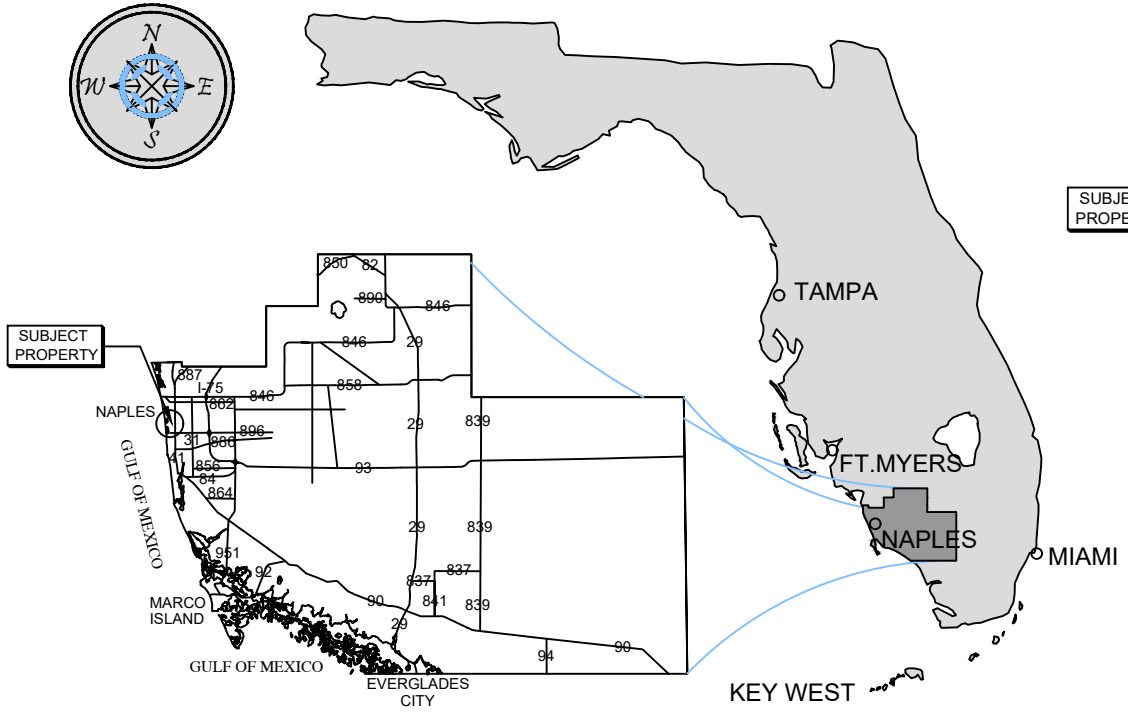
# BDE
# Exhibits/Drawings

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg LOCATION MAP 8/30/2021

# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 260 CONNERS AVE
NAPLES, FL 34108

<> LATITUDE: N 26.267351
<> LONGITUDE: W -81.821027

**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

# 260 CONNERS AVE

## LOCATION MAP

RY NO. 5875

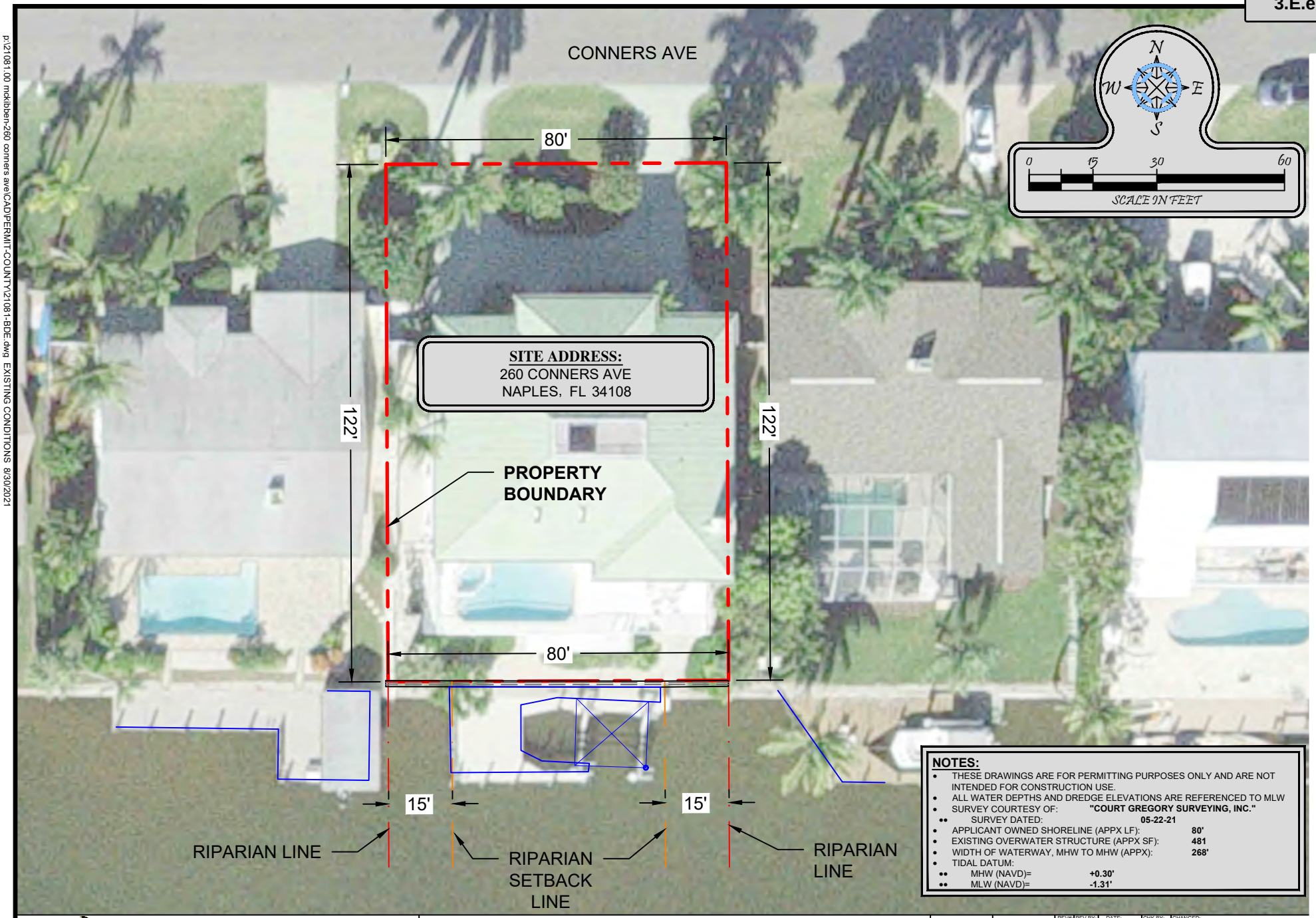
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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 01 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg EXISTING CONDITIONS 8/30/2021




**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **05-22-21**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **481**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **268'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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# 260 CONNERS AVE

## EXISTING CONDITIONS

RY NO. 5875

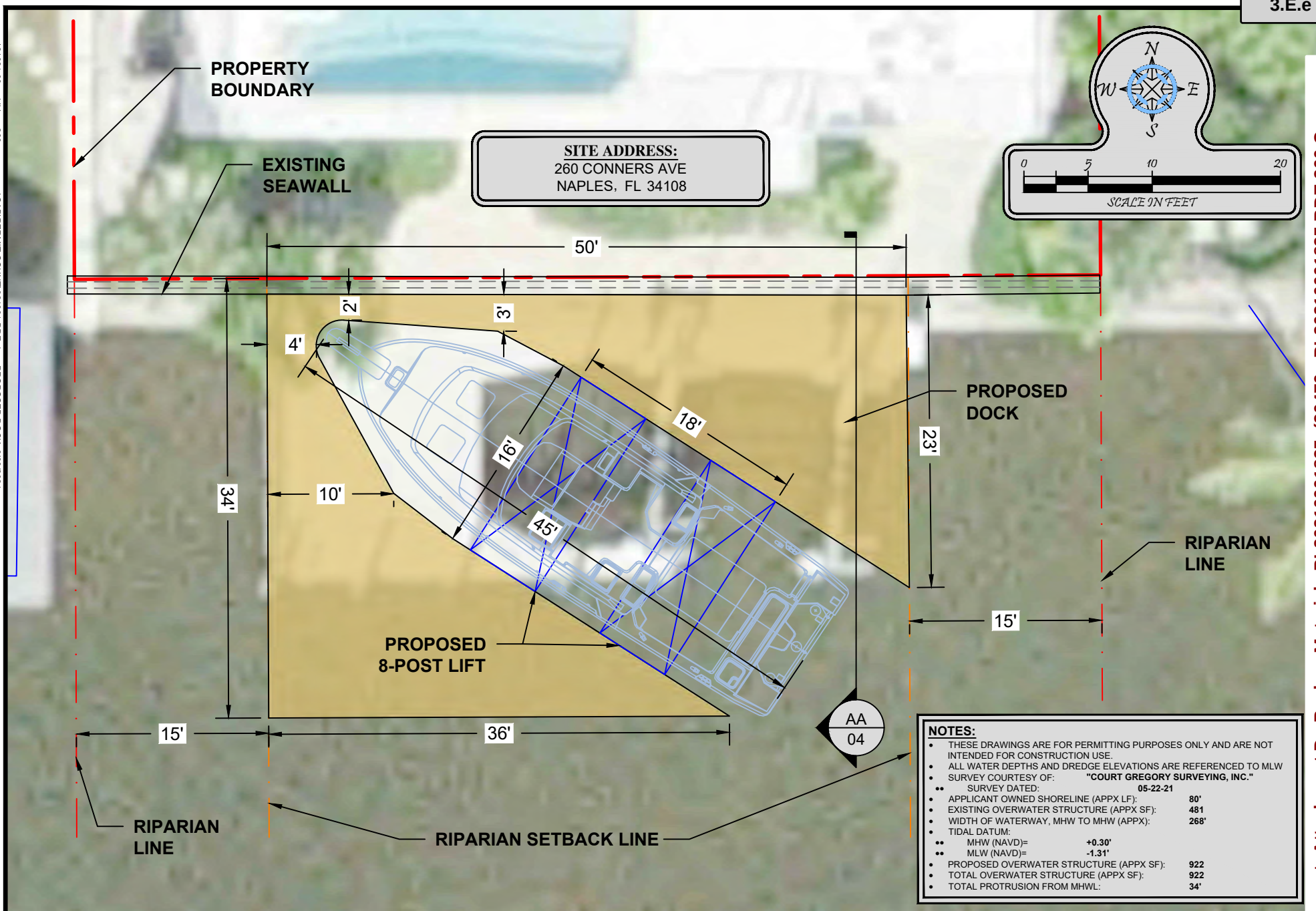
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|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 02 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg PROPOSED DOCK 8/30/2021




**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **05-22-21**
- APPLICANT OWNED SHORELINE (APPX LF): **80'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **481**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **268'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **922**
- TOTAL OVERWATER STRUCTURE (APPX SF): **922**
- TOTAL PROTRUSION FROM MHWL: **34'**

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

# 260 CONNERS AVE

## PROPOSED DOCK

RY NO. 5875

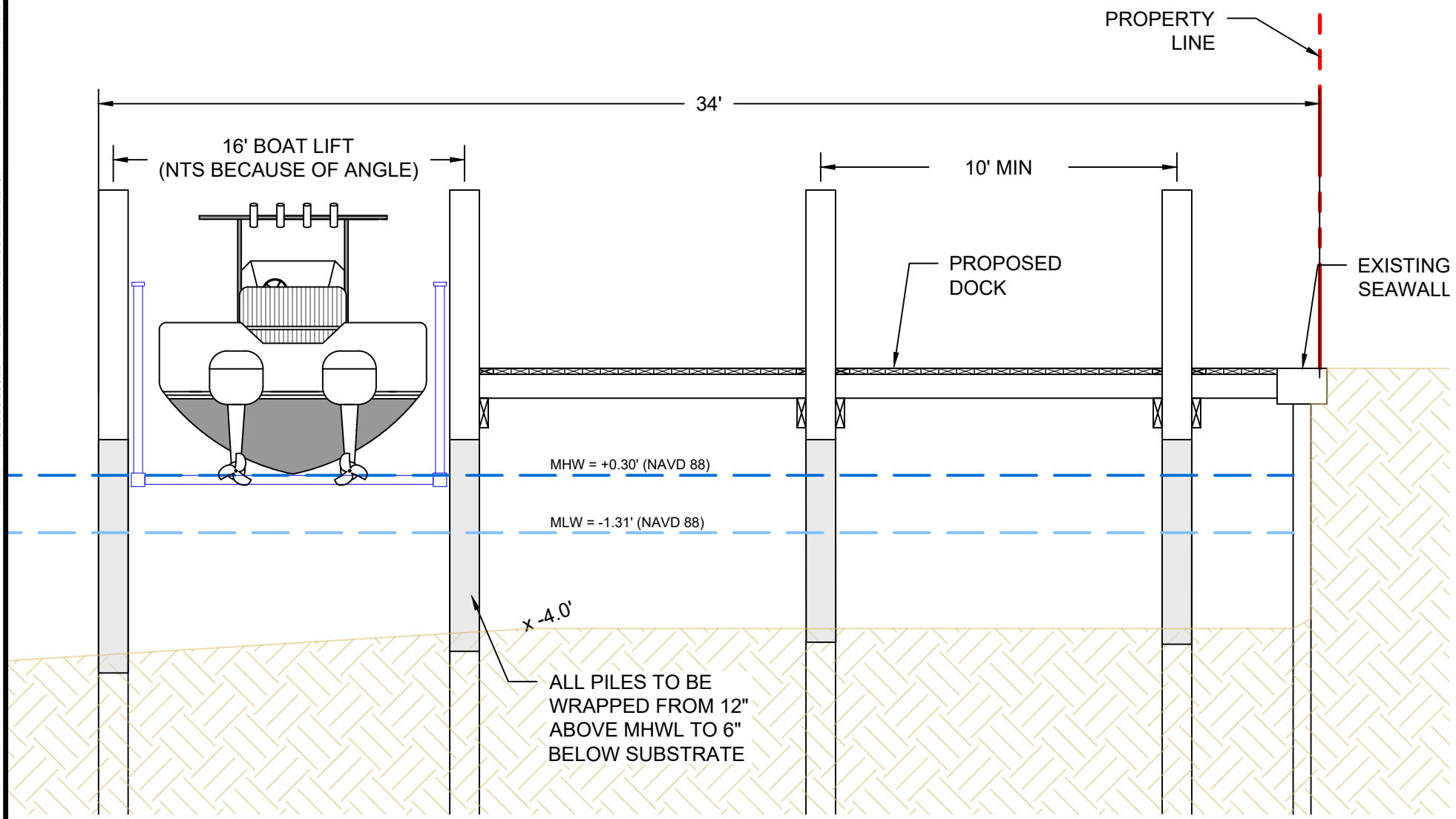
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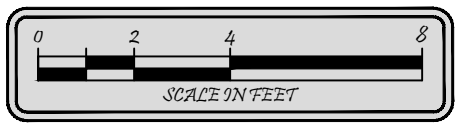
| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
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| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 03 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners

p:\21081.00 mckibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg CROSS SECTION AA 8/30/2021




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# 260 CONNERS AVE

## CROSS SECTION AA

RY NO. 5875

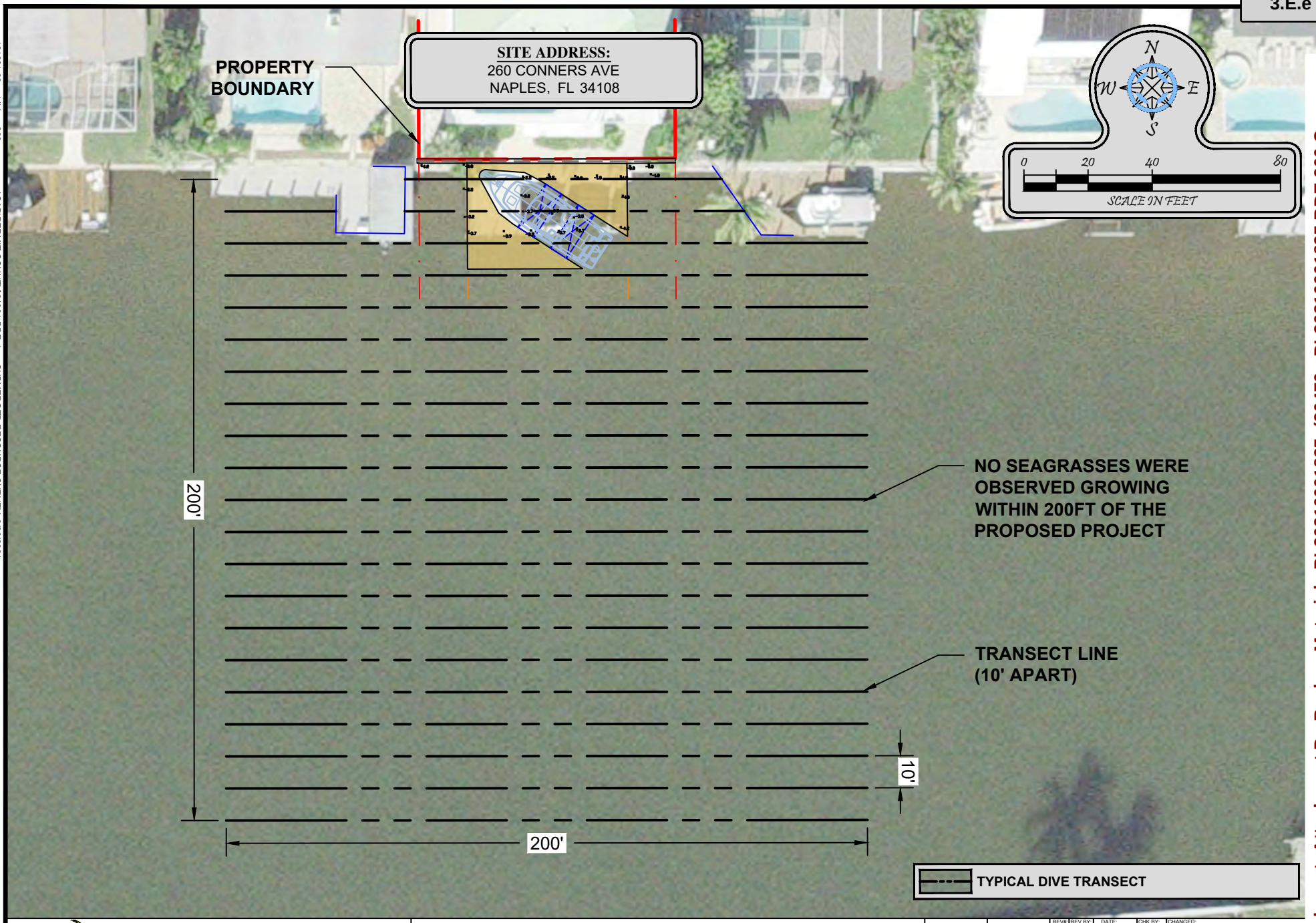
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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
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| CREATED: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 04 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg SUBMERGED RESOURCE SURVEY 8/30/2021




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# 260 CONNERS AVE

## SUBMERGED RESOURCE SURVEY

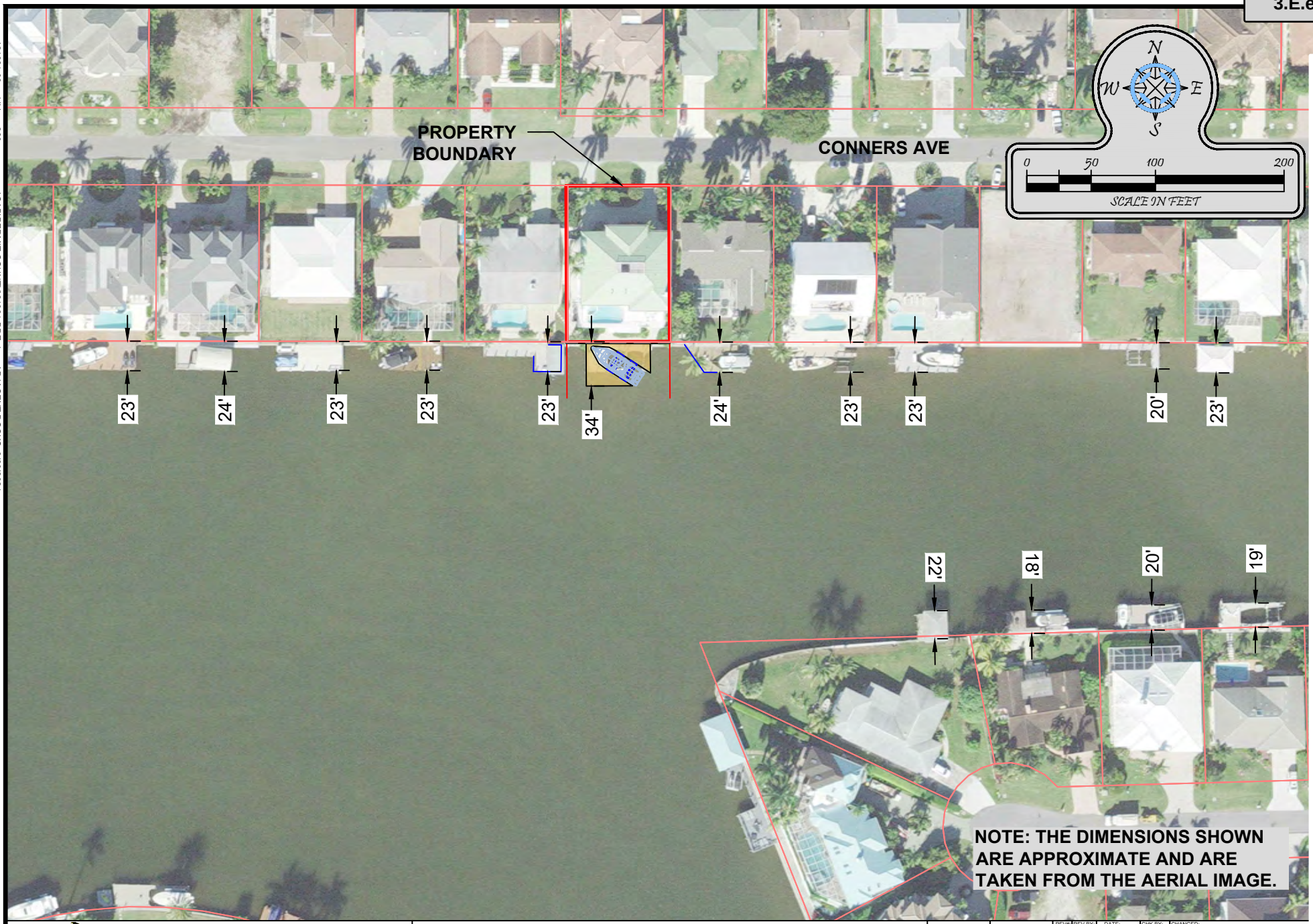
RY NO. 5875

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| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 05 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners




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

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

# 260 CONNERS AVE

## ADJACENT DOCKS

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: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 06 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

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Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners

p:\21081.00 mcklibben-260 conners ave\CAD\PERMIT-COUNTY\21081-BDE.dwg WIDTH OF WATERWAY 8/30/2021




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RY NO. 5875

# 260 CONNERS AVE

## WIDTH OF WATERWAY

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: | 08-28-21 | 3. | - | - | - | - |
| JOB NO.: | 21081 | 4. | - | - | - | - |
| SHEET NO.: | 07 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners

# Survey

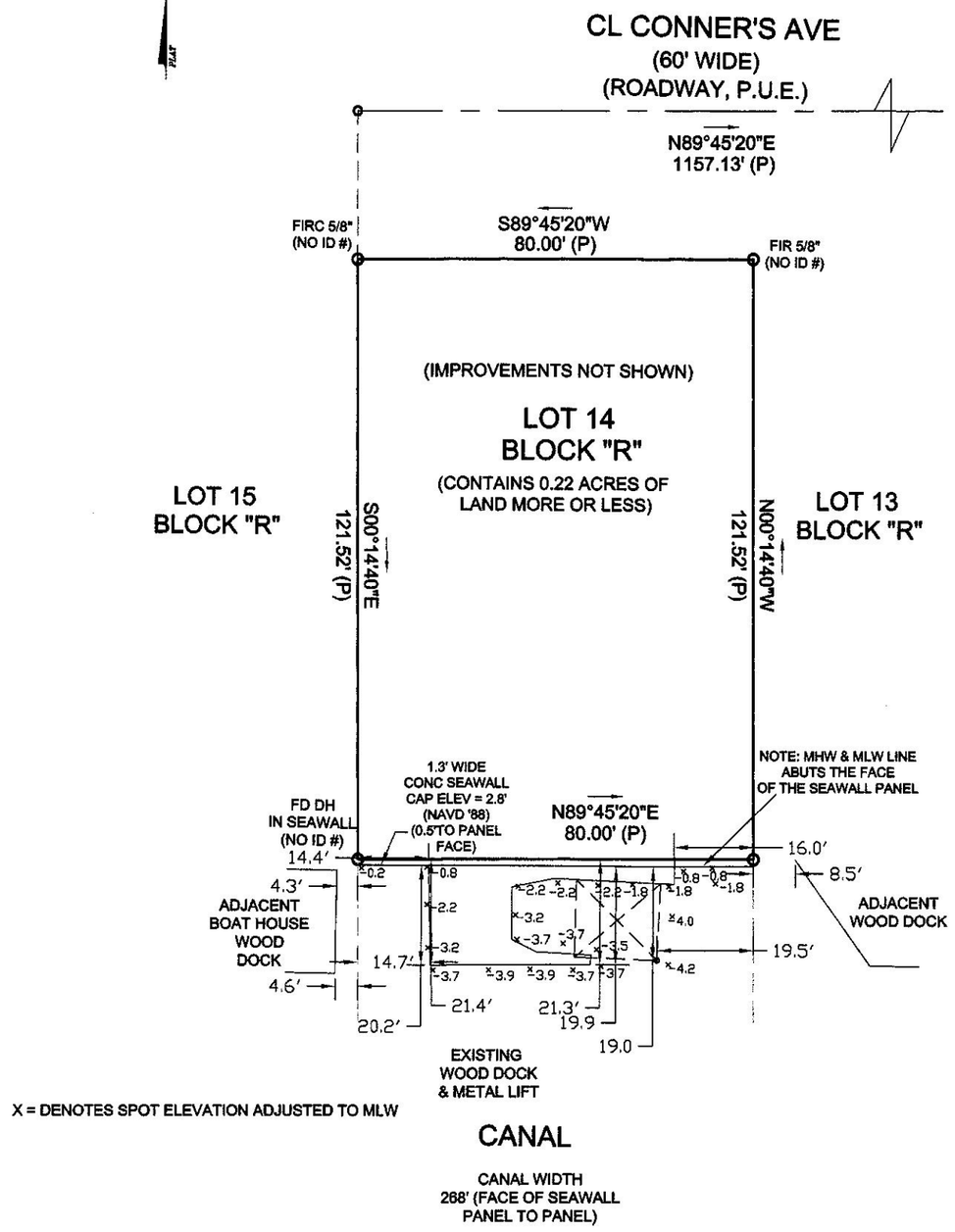
TURRELL, HALL & ASSOCIATES, INC.
Marine & Environmental Consulting

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

SCALE 1" = 30'

NOTE: DIMENSIONS TO THE DOCK ARE MEASURED FROM THE PROPERTY LINE (MOST RESTRICTIVE) AND THE FACE OF THE SEAWALL CAP

BOUNDARY INFORMATION FURNISHED BY CLIENT.




NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF CONNER'S AVE AS SHOWN IN PLAT BOOK 3 PAGE 89 OF COLLIER COUNTY, BEING SOUTH 89D 45' 20" WEST.

2.IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.

3.SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF- WAY OF RECORD.

4.DATE OF FIELD SURVEY MAY 22, 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:SPKN IN BRICK DRIVE IN EAST ENTRANCE AT RES # 260 CONNER'S AVENUE ELEV. = 2.73' NAVD '88

8.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE " " AS INDICATED ON FEMA FLOOD ZONE MAP PANEL NO N/A
DATED: BASE ELEVATION DETERMINED AT N/A

9.NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

10. THE LAND DESCRIPTION SHOWN HEREON IS BASED UPON THE INSTRUMENT OF RECORD.

11. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SHORELINE CONDITIONS AND A BATHYMETRIC OF THE SUBJECT PROPERTY. PROPERTY LINES ARE SHOWN AS PLAT.

REVISIONS

## LEGEND

O = 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.)
O = 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
WV ⋈ = 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
CUE = COUNTY (U.E.)

# MAP OF SPECIFIC PURPOSE SURVEY

## LOT 14 BLOCK "R"

OF

## CONNER'S VANDERBILT BEACH ESTATES UNIT NO. 3

AS RECORDED IN
PLAT BOOK 3 PAGE(S) 89
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

260 CONNER'S AVENUE

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 06/11/2021
DATE OF FIELD SURVEY 05-22-2021

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 06/11/2021
Job # VB20168M
Fb VB-5 Pg 26

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# Submerged Resources Survey

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

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

# McKibben Dock
# 260 Conners Ave
# Naples, FL 34108

## Submerged Resource Survey

August 2, 2021

**Prepared by:**



Turrell, Hall & Associates, Inc
3584 Exchange Avenue, Ste B
Naples, FL 34104

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## 1.0 INTRODUCTION

The McKibben dock and associated residence is located at 260 Conners Ave and can be further identified by parcel #27630560003. The property is bound to the east and west by single family residences, to the north by Conners Ave, and to the south by Vanderbilt Lagoon. The property is located at Section 29, Township 48S, and Range 25E. The landward portion of the property currently contains a single-family residence with an existing docking facility for one boat.

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 August 2, 2021. Sea surface conditions consisted of clear skies, light winds out of the southeast, and an air temperature of 88° F at the time of the survey. The tide was a high tide upon arrival to the site, high tide at the project site occurred at 8:54 A.M. (2.1 ft.) and low tide had occurred following our arrival onsite at 4:24 P.M. (0.4 ft.). The water temperature was 86° F.

## 2.0 OBJECTIVE

The objective of the submerged resource survey was to identify and locate any existing submerged resources within 200' of the proposed project. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so would assist in reconfiguring the proposed dock in order to minimize any impacts. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit to verify the location of any submerged resources within 200-feet.
- Turrell, Hall & Associates personnel identified submerged resources at the site (or the lack there of), estimated the percent coverage, and delineated the approximate limits of any submerged resources observed.
- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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 concrete seawall with an existing docking facility. The existing dock and surrounding docking facilities all support a variety of fish as well as sessile and motile invertebrates such as barnacles and mud crabs. Some of the existing dock piles carried historic fragments or remains of oysters, but no live individuals were observed. Algae was observed covering parts of the submerged portions of the piles and seawall panels 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 D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben 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 seawall panel and on the dock pilings. The dock area does provide 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.



EXISTING DOCK



EXISTING DOCK AND WATERWAY



Typical Bottom Sediment



Existing Seawall

Attachment: Attachment D - Backup Materials PL20210001835 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): BDE - PL20210001835

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

Name: Douglas G. McKibben Date: 10-28-21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment E - HEX Hybrid Meeting Waiver (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** STEVE HOBERG <stevehoberg@yahoo.com>
**Sent:** Tuesday, November 02, 2021 10:04 AM
**To:** KellyJohn
**Subject:** Boat Dock Extension Petition #PL20210001835 – 260 Conner Avenue
**Attachments:** Conners Dock Letter.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.

John,

Please see attached word document. I am opposed to the dock extension at 260 Conners Ave.

Steve Hoberg
281 Conners Ave
Naples, FL 34108

Sent from Mail for Windows

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Steve Hoberg
281 Conners Ave
Naples, FL 34108

November 2, 2021

John Kelly
2800 N Horseshoe Drive
Naples, FL 34104
john.kelly@colliercountyfl.gov

Dear John,

RE: Boat Dock Extension Petition #PL20210001835 – 260 Conner Avenue.

I live on the other side of the street on the Egret & Conners Canal. I have experienced homeowners on my canal building covered structures on the canal which is destroying the view for everyone up and down the canal. Extending docks do the same thing and should not be allowed. There are rules which are made to be followed and abided by so that all can enjoy our neighborhood and views. Many of these people which live here are not here all year as I am and do not use these structures and dock extensions only a few months out of the year. I must deal with these the entire year so I'm against all extensions and covered structures located on any canal.

This also brings into account other issues related which is more square footage over the water which will cause more debris and chemicals to be allowed into the canal. Washing your boat, power spraining off your dock, material & furniture being blown into the canal, and pesticide runoff from grass and landscaping. Blowing debris and trimming plants and leaving the debris in the water is a big problem as well with local landscapers which is against the law.

Laws and ordinances are issued to most of the people living here and should be followed. I am against any variances from actual building laws, codes and ordinances.

Thank You,

Steve Hoberg
281 Conners Ave
Naples, FL 34108

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** Bill Gonnering <bill@ipcnaples.com>
**Sent:** Thursday, October 28, 2021 3:32 PM
**To:** KellyJohn
**Subject:** Formal Objection Letter Conners-Seabee Dock Letter.pdf
**Attachments:** Conners-Seabee Dock Letter.pdf

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,

Per your request, please see attached the formal objection letter.

Thank you,

**Christine Gonnering McManus, CCIM, SIOR**
Investment Properties Corporation of Naples
3838 Tamiami Trail North, Suite 402
Naples, Florida 34103-3586
tel 239.261.3400 x 163
fax 239.261.7579
cell 239.777.2020
christine@ipcnaples.com
www.ipcnaples.com

*Licensed Real Estate Broker*

investment
properties
corporation

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**LIABILITY DISCLAIMER**: Buyers, Sellers, Landlords and Tenants must all conduct proper due-diligence when buying, selling or leasing commercial property. Due diligence should include, but not be limited to, matters involving zoning, permitting, environmental and all other regulatory matters, plus financial underwriting of participating parties including research associated with bankruptcy, foreclosure and financial capability. Neither IPC nor its employees, agents or staff perform appraisals or provide services of an appraiser. Additionally, parties should obtain tax and legal advice. IPC does not represent or warrant these matters nor is it responsible for the statements of third parties.

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

DocuSign Envelope ID: E38ACABA-C5DE-419A-8E41-E4FC53AAF113



William & Patricia Gonnering
375 Seabee Ave.
Naples, FL 34108

October 28, 2021

John Kelly
2800 N Horseshoe Drive
Naples, FL 34104
john.kelly@colliercountyfl.gov

Dear John,

This letter is a formal objection to the Boat Dock Extension Petition #PL20210001835 – 260 Conner Avenue.

As a resident of Vanderbilt Beach for over 23 years, I am very concerned about the Conners/ Seabee canal esthetics, property values, and boat launching and docking ability on our canal. Most of the docks on our waterway have an East/West entrance and exit. See attached photo. If the 14' dock extension rule is allowed, it will create the following problems:

1) If my neighbor extended his dock 14' out from present dock, I would not be able to get my boat in my slip. My dock, which was refinished April 2021 at a cost of $35,000 will be considered obsolete and will have to be reconfigured. Like most owners, I have to enter my dock from the East side and it is already a tight fit. When I reconstructed the dock, I put the entrance on an angle to help ease the already cumbersome burden of parking.

2) If Collier County allows one property owner extend his dock, many others will follow suit causing a domino effect of problems for those who do not want to or cannot afford to extend their dock.

3) If each owner decided to extend their dock 14' on each side of the canal, it would make the wake area 28' less total. The waterway is already crowded with many boaters, kayak and paddleboarders, and wildlife such as dolphin and manatee. We would not only be disrupting our homes but our endangered wildlife as well.

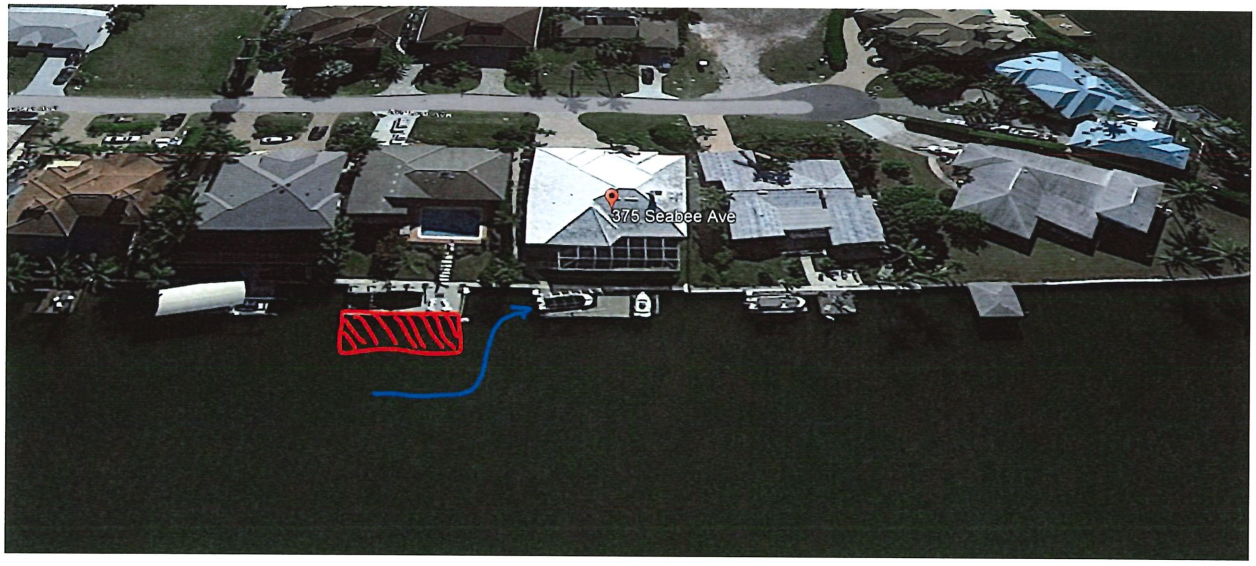
4) If one dock is extended in a waterway and the other not extended, what would keep boats from running into the extended dock in day or night? Irregular sized docks would create traffic problems and property damage beyond what we already face.

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

5) The esthetic look of the canal will be changed by the inconsistent sizes of the docks. Most of the docks have a uniform size and look.

6) The Conners/Seabee canal has always been considered premium property values based on the extra large width of the canal. Changing this dynamic may have a negative impact on property values.

I have included a photo below to show you just how much this would impact my current property as well as my friends and neighbor's homes. I invite you to come to my home and take a boat ride with me. I'd like to show you how difficult it is to park a boat in the current capacity and decipher how an additional 14' would make my boat dock obsolete.




Sincerely,

DocuSigned by:
Bill Gonnering
B9B72F669D964CE...

William V. Gonnering
375 Seabee Ave
Naples, FL 34108
239-572-4500

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

**KellyJohn**

**From:** HENRY FERRIS <hdfvmd@comcast.net>
**Sent:** Tuesday, November 02, 2021 8:39 PM
**To:** KellyJohn
**Subject:** Fwd: Change from standard dock size Re: Petition # PL20210001835

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.

---------- Original Message ----------
From: HENRY FERRIS <hdfvmd@comcast.net>
To: "Kelly@colliercountyfl.gov" <Kelly@colliercountyfl.gov>
Date: 11/02/2021 4:14 PM
Subject: Change to standard dock size Re: Petition # PL20210001835

Dear Mr. Kelly,

My wife and I are residents of the Conners section of Vanderbilt Beach. Our home is located on a canal at 254 Flamingo Ave. and we are opposed to an extension of the standard dock size to accommodate someone with a very large boat or social life that requires increased space on the water.

The applicant was aware of the allowed dock size per unit when he purchased his home. Had he wanted more outdoor entertainment space he should have bought a different house. Additional coverage of 14 feet on either side of the canal would create a hazard for other boaters making ingress and egress from their own docks extremely difficult and would make turning hazardous for the average small craft captain. It would also significantly decrease navigable space in the canal should all residents decide to increase their outdoor play area.

Increasing the standard dock size for one homeowner would set a dangerous precedent for all, simply because some folks want to park their yachts at home and have more space to entertain.

Wall-to-wall docks would make all of our properties unattractive and our canals unsafe to navigate, and would make our neighborhoods resemble marinas.

In addition, decreasing our open space would reduce feeding areas for birds, dolphins, and manatees, and consequently would increase the stress our native fauna must endure. Our manatee population is already under duress and creating less space for them to graze would certainly hasten the demise of a beloved species.

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

In conclusion, Mr. Kelly, we urge you to disallow the variance requested by the applicant in question so that we may preserve the beauty, safety and harmony we now enjoy in Vanderbilt Beach.

Thank you.

Sincerely,

Henry D. Ferris Jr. V.M.D.

Deborah B Ferris

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** Bill G <grigsbybill@gmail.com>
**Sent:** Tuesday, November 02, 2021 8:22 PM
**To:** KellyJohn
**Subject:** objection to petition #PL202110001835

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 Kelly
Growth Management Department of Collier County

Regarding:

Public Hearing Notice
Petition number: PL20210001835
260 Conners Avenue

Dear Mr. Kelly,
We are objecting to the petition for an extension of the boat dock at the address listed above. Our concern stems mainly from the implications that other property owners may seek approval for similar extensions. With a precedent from this petition granted, others will have the ability to extend their docks causing a problem for neighboring docks that have slips running parallel to the shoreline. It may even prohibit boats from entering adjacent docks, especially those over 25 feet.
We ask that you consider the negative implications resulting from approving this petition and ask that you reject it.

Respectfully,
Bill & Kristi Grigsby
450 Conners Avenue
Naples, FL

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** Evie Kisch <bobandeviekisch@aol.com>
**Sent:** Monday, November 01, 2021 5:48 PM
**To:** KellyJohn
**Subject:** Objection to the Boat Dock Extension Petition #PL20210001835-260 Conners Ave,
**Attachments:** Boat Dock.pdf

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.

Robert & Evelyn Kisch
274 Conners Ave
Naples, Fl 34108

October 30, 2021

Dear John:

This letter is a formal objection to the Boat Dock Extension Petition #PL20210001835-260 Conners Avenue,

As a resident directly next door/East of 260 Conners Ave I have the following objections,

1. If my neighbor extended his dock 14 ft out from present dock, it would affect our present view of the bay as we have it now...

2. If my next door neighbor East at 316 Conners was granted the same variance I would not be able to get my boat out or in my slip. Also If I ever wanted to come in from the West (which is under the present guideline) that would definitely be eliminated...I could not do it..

3. If Collier County allows one property owner to extend his dock, many others will follow suit causing a domino effect of problems for those who do not want to or afford to extend their docks

4. If owners decided to extend their dock14ft on each side of the canal, it would make area 28ft less total causing problems with boaters, kayak paddleboarders, dolphin and manatee.

5. As far as a safety issue, if 1 dock is extended in a waterway and the other remains in code,not to extend, it could cause more boater accidents and property damage due to. irregular sized docks

6. The Conners/Seabee Canal homes have always been premium property based on the extra large width of the canal.
Changing this dynamic would have a negative impact on property values.. I bought this property 21 years ago for boating, views and investment

I have included a photo .

Sincerely,

Robert & Evelyn Kisch



Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

274 Conners Ave.
Naples, Fl 34108

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Google Maps




Imagery ©2021 U.S. Geological Survey, Map data ©2021 50 ft

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** john owler <owler232@hotmail.com>
**Sent:** Friday, October 29, 2021 3:51 PM
**To:** KellyJohn
**Subject:** Petition No.: PL20210001835 Boat Dock Extension at 260 Conners 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: It was nice talking with you on the phone this afternoon regarding the above subject. The proposed dock will not be going next door to me so it will not directly effect me(I am 2 houses away from the proposed dock extension). However, if my neighbor on the west side of my house did this extension I would not be able to get my boat out without modifying my existing dock. I think by allowing future dock extensions it would make the wake areas 28' less if houses on both sides of our bay. The look of our bay would be changed by inconsistent sizes of docks. Also boat accidents could become more prevalent. It's my hope that property values will not decrease because of dock extensions. Collier County must carefully evaluate this petition. Kind Regards, John Owler 232 Conners Ave. owler232@hotmail.com

Sent from Mail for Windows

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** Ken Frey <kenfrey21@comcast.net>
**Sent:** Thursday, October 28, 2021 8:08 AM
**To:** KellyJohn
**Subject:** Petition# PL 20210001835

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 John,
It was a pleasure speaking with you recently. As discussed since the Conners Vanderbilt canal system was built all docks were built on 80' lots leaving a dock maximum size of 50' wide by 20' extension in the water. Every dock on the canal in question currently fits these parameters. Entry to the docks is from the ends, leaving a 30' space to dock your vessel.
With all the docks being the same your approach when docking is a very shallow angle, approx 15 degrees allowing you to dock a boat up to a 36' length. As docks are allowed to extend beyond 20' the angle of approach dramatically changes. See sketch. In my case if my neighbor was allowed to extend his dock by 14' my 25' boat could not get into the boat well.
The moment one dock is granted a code variance it opens the door for others. This would permanently change the character of the canal and cause undu burden on existing docks to make extensive and expensive changes to continue to dock our boats.
While the current request doesn't directly effect docking on either side of his home, it does prevent the opportunity to dock from either end if desired.
This is a very bad and unfair precedent to start.
I along with other concerned neighbors will look forward to expressing our views at the Nov 12 meeting.
Regards
Ken Frey

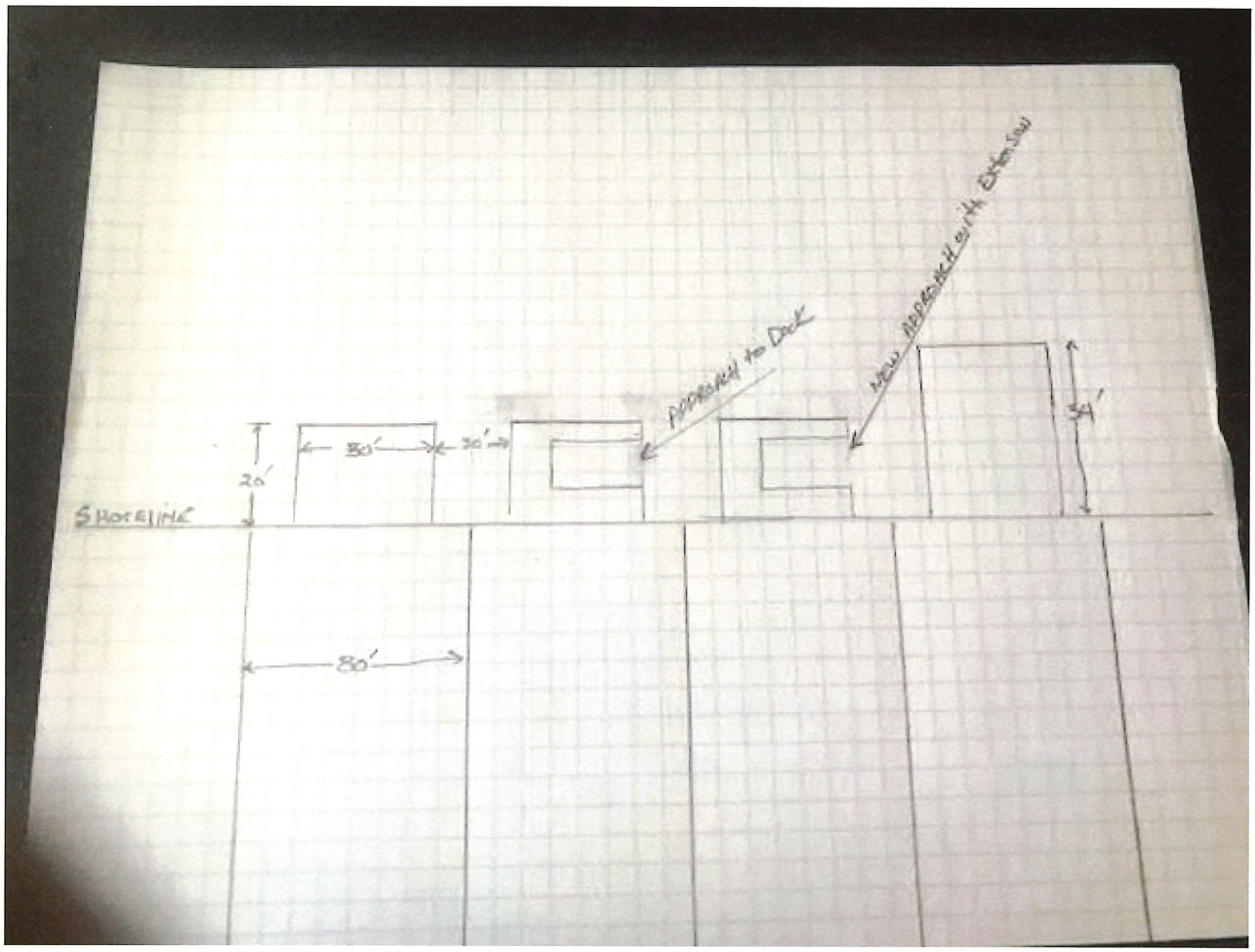
Sent from my iPad

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** Ken Frey <kenfrey21@comcast.net>
**Sent:** Thursday, October 28, 2021 8:09 AM
**To:** KellyJohn
**Subject:** Petition no. PL 20210001835

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.




Sent from my iPad

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** Robert Granata <rgranata@eypex.com>
**Sent:** Wednesday, November 03, 2021 8:34 AM
**To:** KellyJohn
**Subject:** RE: November 2-Conners request for deviation BDE-PL20210001835
**Attachments:** November 2-434 Conners Avenue.pdf

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John,

Here is the document in .PDF. Address is on top of letterhead.

Please let me know if you need anything else

Robert Granata
434 Conners
Naples, FL 34108

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**From:** KellyJohn <John.Kelly@colliercountyfl.gov>
**Sent:** Tuesday, November 2, 2021 9:25 PM
**To:** Robert Granata <rgranata@eypex.com>
**Subject:** RE: November 2-Conners request for deviation BDE-PL20210001835

Good evening Mr. Granata,

I have received your correspondence and it will be included as part of the hearing package that will be provided to the Hearing Examiner (HEX) upon its being published late on Thursday; it should be available for dissemination on Friday at which time I'll provide you with a hyperlink to a site containing the same information. I'll be happy to replace the provided image upon receipt of the .pdf; as a side note, please consider adding your address as it may be of value to the HEX when evaluating the weight of your correspondence. Additionally, you're welcome to attend the hearing either in-person or electronically via Zoom; additional information will be provided with the meeting's agenda which will be part of the aforementioned package. Feel free to contact me should you need additional information or assistance.

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*

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

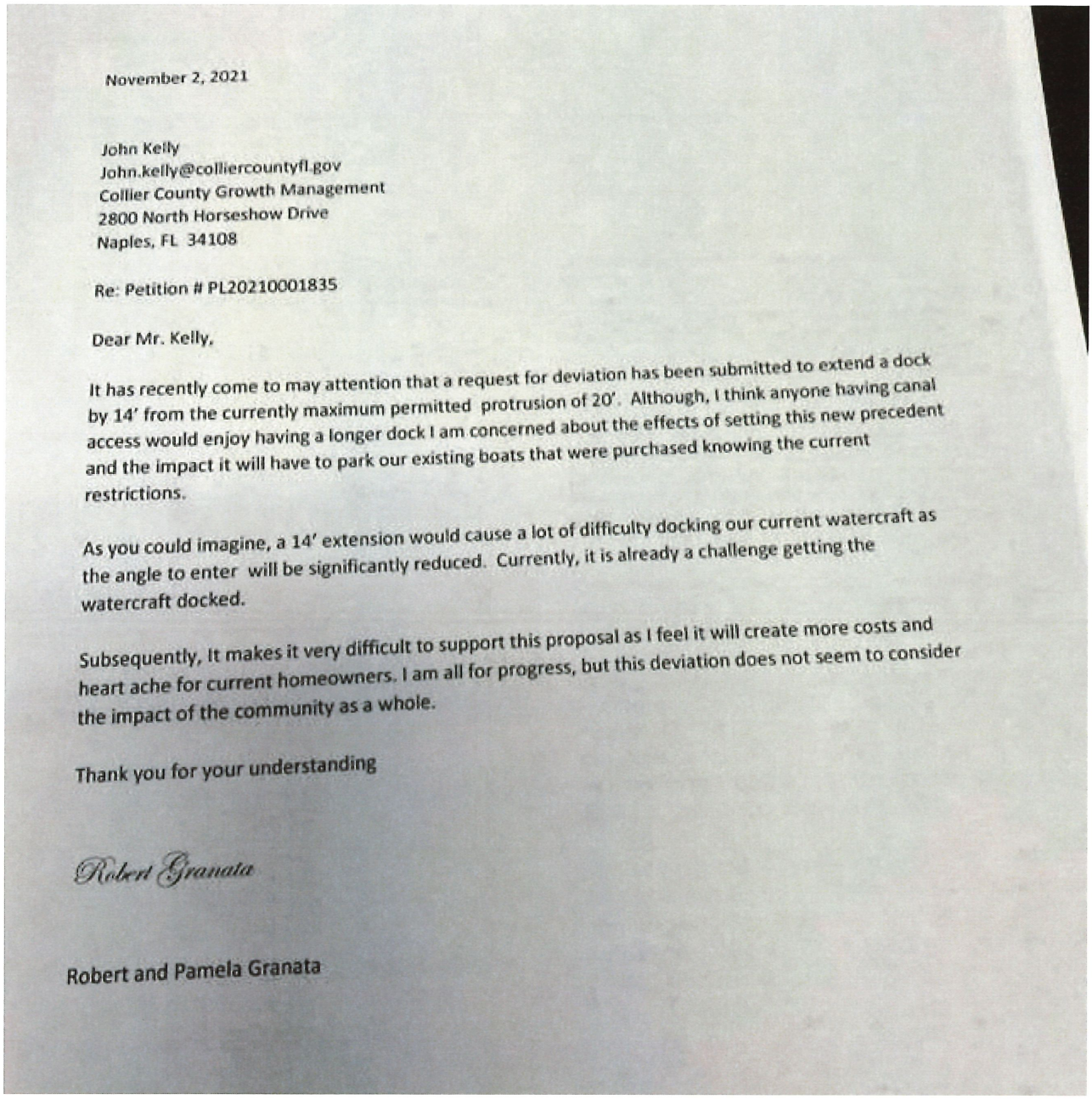
**From:** Robert Granata <rgranata@eypex.com>
**Sent:** Tuesday, November 02, 2021 8:48 PM
**To:** KellyJohn <John.Kelly@colliercountyfl.gov>
**Subject:** Re: November 2-Conners request for deviation

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Thanks John. I'll have it to you tomorrow in pdf.

For your reference here is a photo of it

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)



November 2, 2021

John Kelly
John.kelly@colliercountyfl.gov
Collier County Growth Management
2800 North Horseshow Drive
Naples, FL 34108

Re: Petition # PL20210001835

Dear Mr. Kelly,

It has recently come to may attention that a request for deviation has been submitted to extend a dock by 14' from the currently maximum permitted protrusion of 20'. Although, I think anyone having canal access would enjoy having a longer dock I am concerned about the effects of setting this new precedent and the impact it will have to park our existing boats that were purchased knowing the current restrictions.

As you could imagine, a 14' extension would cause a lot of difficulty docking our current watercraft as the angle to enter will be significantly reduced. Currently, it is already a challenge getting the watercraft docked.

Subsequently, It makes it very difficult to support this proposal as I feel it will create more costs and heart ache for current homeowners. I am all for progress, but this deviation does not seem to consider the impact of the community as a whole.

Thank you for your understanding

Robert Granata

Robert and Pamela Granata

Thank you

Robert Granata
CEO
Eypex Corporation

2631 Superior Court
Auburn Hills, MI 48326-4313 USA
Cell: +1-248-515-1442
Rgranata@eypex.com

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Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

On Nov 2, 2021, at 7:45 PM, KellyJohn <John.Kelly@colliercountyfl.gov> wrote:

Mr. Granata,

Please provide your comments as a .pdf attachment. Our IT policy prevents me from using a third-party website to retrieve such documents from unknown senders. Thank you…

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***

**From:** Robert Granata via Adobe Acrobat <message@adobe.com>
**Sent:** Tuesday, November 02, 2021 11:56 AM
**To:** KellyJohn <John.Kelly@colliercountyfl.gov>
**Subject:** November 2-Conners request for deviation

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.

Robert Granata (rgranata@eypex.com) has shared **November 2-Conners request for deviation.pdf**.

You can also comment on it.





Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Open

| | |
|---|---|
| SENT BY | Robert Granata (rgranata@eypex.com) |
| MESSAGE FROM SENDER | Dear Mr. Kelly,<br><br>Please note the attached letter regarding Petition PL 20210001835.<br><br>Thank you for your service to the community<br><br>Respectfully, Robert Granata |
| SHARED ON | 02-November-2021 08:56 AM PDT |

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Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Robert and Pamela Granata
434 Conners Avenue
Naples, FL 34108

November 2, 2021

John Kelly
John.kelly@colliercountyfl.gov
Collier County Growth Management
2800 North Horseshow Drive
Naples, FL 34108

Re: Petition # PL20210001835

Dear Mr. Kelly,

It has recently come to may attention that a request for deviation has been submitted to extend a dock by 14' from the currently maximum permitted protrusion of 20'. Although, I think anyone having canal access would enjoy having a longer dock I am concerned about the effects of setting this new precedent and the impact it will have to park our existing boats that were purchased knowing the current restrictions.

As you could imagine, a 14' extension would cause a lot of difficulty docking our current watercraft as the angle to enter will be significantly reduced. Currently, it is already a challenge getting the watercraft docked.

Subsequently, It makes it very difficult to support this proposal as I feel it will create more costs and heart ache for current homeowners. I am all for progress, but this deviation does not seem to consider the impact of the community as a whole.

Thank you for your understanding

*Robert Granata*

Robert and Pamela Granata

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** rickborg@aol.com
**Sent:** Thursday, November 04, 2021 2:15 PM
**To:** KellyJohn
**Subject:** Objection to dock extension #PL20210001835
**Attachments:** Dock extension 14 foot.pdf

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 Kelly,

Attached is a letter for a formal objection for a dock extension petition # PL20210001835.

Rick Borgeson
847-380-3599 cell phone

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Richard D Borgeson
Deane S Borgeson
125 Conners Ave
Naples, Fl 34108

November 4, 2021

John Kelly
2800 N Horseshoe Dr
Naples, Fl 34104
john.kelly@colliercountyfl.gov

Dear John,

This is a formal objection to the Boat Dock Extension Petition #PL20210001835
260 Conners Ave
Naples, Fl 34108

As a resident and property owner in Vanderbilt Beach for over 20 years, we are very concerned about the huge problems that a 14 foot dock extension would create to the existing docks and properties.

A 14 foot extension to docks out in the waterways would block/hinder the docking of neighbors boats and water crafts. We believe this would set a dangerous precedent.

Sincerely,

Rick Borgeson
Deane Borgeson

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

## KellyJohn

**From:** marta meda <martameda@hotmail.com>
**Sent:** Thursday, November 04, 2021 2:22 PM
**To:** KellyJohn
**Subject:** Petition # PL20210001835

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,

Please submit this opposition to Petition # PL20210001835 on my behalf as a resident who lives 4 streets away from this property on Connors Ave.

I've been a resident of Connors-Vanderbilt for 27 years and strongly oppose allowing for the appoval of a variance for a 14 foot dock extension on Conners Ave waterway for the following reasons:

1. It would create a safety hazzard for boaters at nighttime.

2. It would create the potential for more/larger wakes around kayaks & paddle boards in that area. This currently doesn't seem like a significant issue, however, the **new Stock high rise condominium developement to be built on this waterway will eventually be adding potentially hundreds of more kayakers, paddle boarders and small boat traffic on a regular basis.**

3. **It would create a precedence and open the door to a potentail situation of having our waterways cluttered with a glut of oversized docks and take away from the uniformity that has existed here for decades.**

I don't think that Collier county could be less restrictive when it comes to what it allows people to build for homes on their properties in this neighborhood, but when it comes to the waterways of Vanderbilt Lagoon, these are used by the entire community and dock size uniformity shouldn't be a lot to expect from all of our neighbors.

If this were a golfing community with homes on a golf course, a homeowner would never be allowed to extend their patio out onto the golf course. They purchased their property knowing full well where the end of their patio would be and agreed to that restriction when purchasing the property. I consider our waterways in the same context and hope that this analogy makes sense.

We pay a lot extra to live on these waterways and now we're all paying hundreds to thousands of dollars extra each year to maintain the waterways to keep them well dredged for everyone. This is not unlike my golf course analogy.

4. An additional aspect to the 'create a precidence' concern is that for those of us who live on pie-shaped lots on wide waterways, the consequence of allowing dock extensions could be disasterous.

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Property lines are extrapolated into the water beyond the seawalls and if my neighbor was to ever be allowed to extend his dock by 14 feet, based on the angle of our property line extension into the bay, his dock would literally be in front of my back yard.
It's very unsettlling for me to think about that possibility, but opening the door to these dock extensions would make that a scary potential reality for me.

Thank you for your consideration.

Sincerely,
Marta Meda
364 Seagull Ave
Naples Fl 34108

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Carl & Dorothy Olla

396 Conners Ave

Naples Fl 34108

Nov 2,2021

John Kelly

2800 N Horeshoe Drive

Naples, Fl 34104

Dear John,

Thios letter is a formal objection to the Boat Dock Extension Petition #pl202

10001835-260 Conners Ave

As a resident of Vanderbilt Beach for over 22 years, I am very concerned about this 14 ft extension. It would make neighboring docking very hard and dangerous.

The esthetic look of the canal will change.

Carl Olla

396 Conners Ave

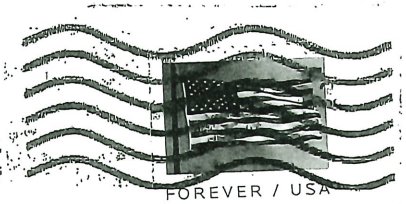
Naples Fl 34108

239-596-3071

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave McKibben Dock)

Carl Olla
396 Conners Ave.
Naples, FL 34108

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2 NOV 2021 PM 4 L




JOHN KELLY
2800 N HORESHOE DRIVE
NAPLES FL 34104

34104-691700

Attachment: Attachment F - Letters of Objection X 11 (20476 : PL20210001835 BDE 260 Conners Ave