COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

October 27, 2022

9: 00 AM

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

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

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

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

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. Petition No. BDE-PL20210000314 - 715 Palm Point Drive - Request for a 10-foot boat dock extension over the maximum 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for a total protrusion of 30 feet to allow an addition to an existing dock facility that will accommodate a second slip with boatlift and boathouse in a waterway that is 87 feet in width for the benefit of property located at 715 Palm Point Drive, and is described as a parcel of land being a portion of Tract 1, as shown on but not a part of the Plat of Goodland Isles Second Addition, in Section 19, Township 52 South, Range 27 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

B. Petition No. VA-PL20220004839 - 406 Cristobel Street - Request for a variance from section 5.03.06.E.5 of the Land Development Code to reduce the required side setback for a boat dock facility from 15 feet to 5 feet on the west side for a lot with 85± feet of water frontage located at 406 Cristobal Street and is further described as Lot 579, Isles of Capri No. 3, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

C. Petition No. BDE-PL20220004181 - 406 Cristobel Street - Request for a 6-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 26 feet into a waterway that is 358± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 406 Cristobal Street and is further described as Lot 579, Isles of Capri No. 3, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

4. Other Business

5. Public Comments

6. Adjourn

10/27/2022

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Doc ID: 23588
Item Summary: Petition No. BDE-PL20210000314 - 715 Palm Point Drive - Request for a 10-foot boat dock extension over the maximum 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for a total protrusion of 30 feet to allow an addition to an existing dock facility that will accommodate a second slip with boatlift and boathouse in a waterway that is 87 feet in width for the benefit of property located at 715 Palm Point Drive, and is described as a parcel of land being a portion of Tract 1, as shown on but not a part of the Plat of Goodland Isles Second Addition, in Section 19, Township 52 South, Range 27 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

Meeting Date: 10/27/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
10/07/2022 8:42 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
10/07/2022 8:42 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	10/08/2022 2:03 AM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	10/13/2022 3:44 PM
Zoning	Ray Bellows	Review Item	Completed	10/14/2022 10:42 AM
Zoning	Mike Bosi	Division Director	Completed	10/17/2022 1:40 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	10/27/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: OCTOBER 27, 2022

SUBJECT: BDE-PL20210000314, 715 PALM POINT DRIVE – DONAHUE DOCK

PROPERTY OWNER/APPLICANT:

Thomas A. and Debra A. Donahue
P.O. Box 875
Goodland, FL 34104

AGENT:

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

REQUESTED ACTION:

The petitioner requests a 10-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed for waterways greater than 100 feet in width, pursuant to Section 5.03.06 of the Collier County Land Development Code (LDC), to allow an addition to an existing dock facility that protrudes a total of 30 feet into a waterway that is 87± feet wide.

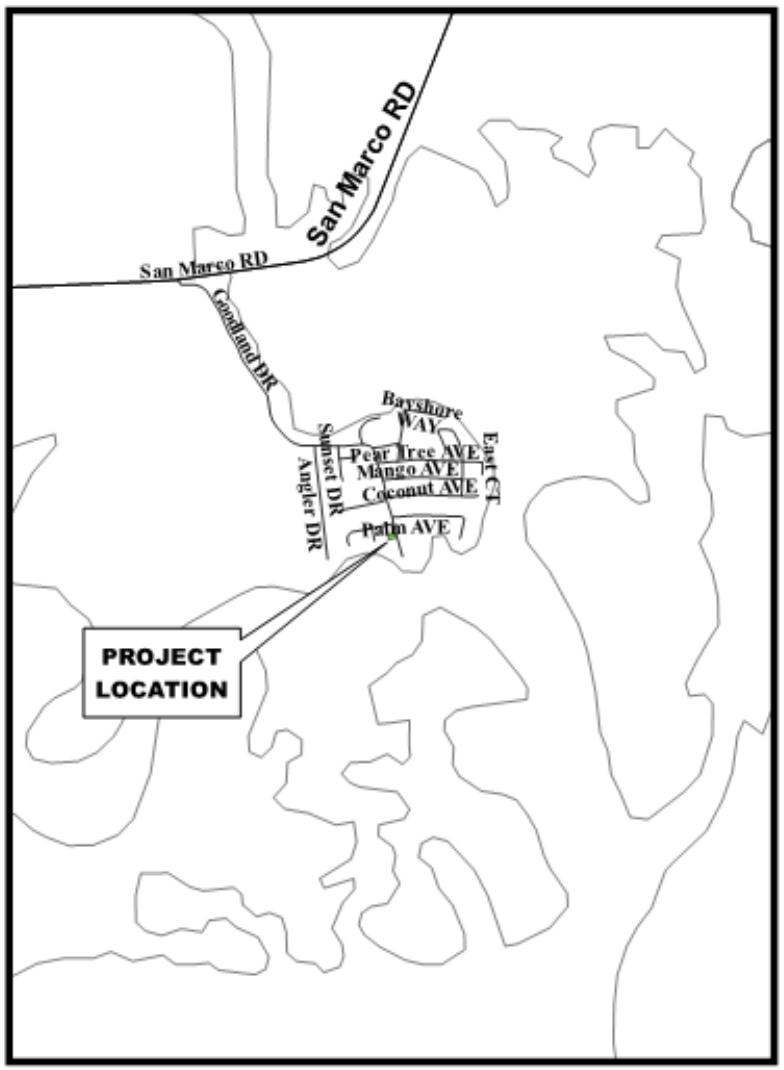
GEOGRAPHIC LOCATION:

The subject property is located at 715 Palm Point Drive, located in Section 19, Township 52 South, Range 27 East. Collier County, Florida; refer to **Attachment A** for the full legal description of the subject property. *(See location map on the following page)*

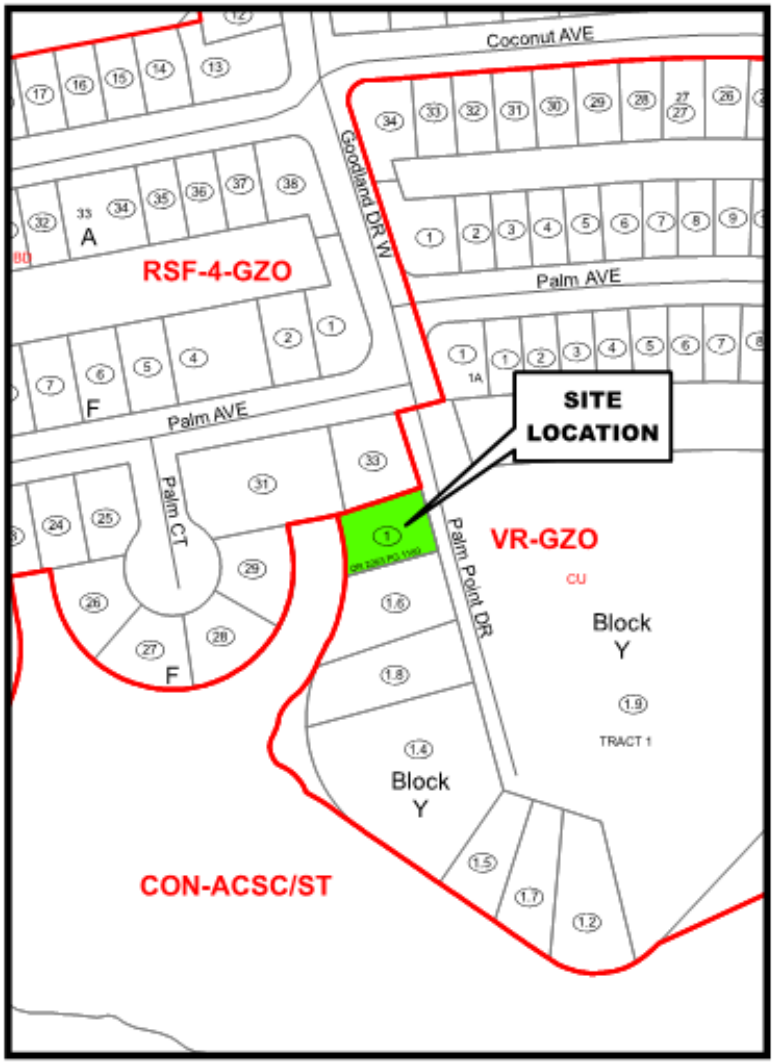
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is improved with a single-family dwelling, comprises 0.21± acres, has 83± feet of water frontage and is in a Village Residential - Goodland Zoning Overlay (VR-GZO) Zoning District. There is an existing legal nonconforming dock on the property for which there is a recorded access Easement (OR 2263 PG 1160) and an Order Granting Permanent Injunctive Relief (OR 4324 PG 0777) to an unrelated party; see **Attachment D**. The Order and Easement limit what can be done with the existing dock facility. It is the applicant's desire to expand upon the existing facility by adding a new 30-foot dock with boatlift and boathouse for a 24-foot LOA vessel. Staff is looking at both the existing and proposed docks as a single boat docking facility.

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)



Location Map



Zoning Map

Petition Number: PL20210000314

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

SURROUNDING LAND USE & ZONING:

North: A single-family dwelling, Residential Single-Family-4 - Goodland Zoning Overlay (RSF-4-GZO)

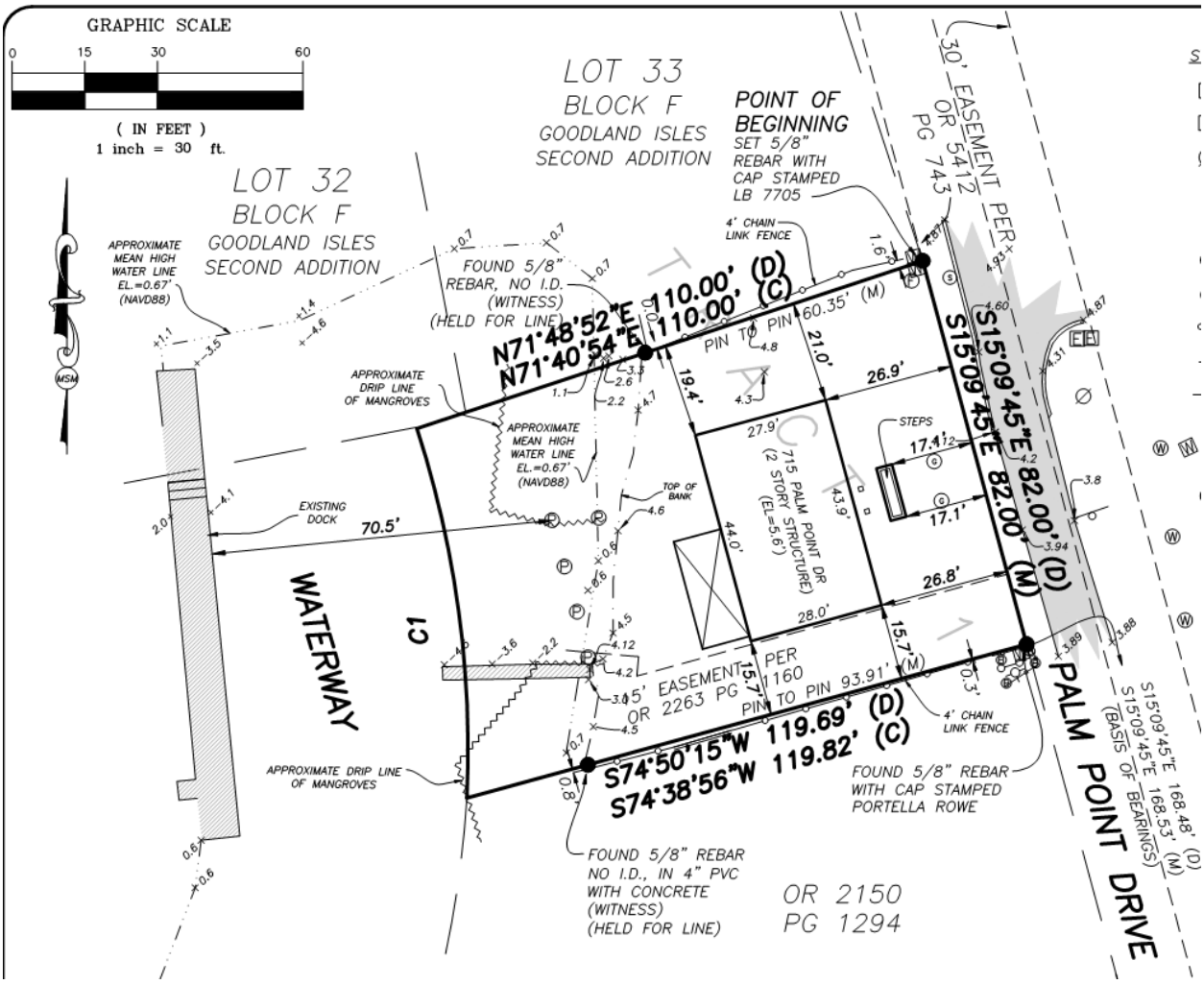
East: Palm Point Drive (Right-of-Way) then a Community Park (Conditional Use), Village Residential – Goodland Zoning Overlay (VR-GZO)

South: A single-family dwelling, Village Residential/Goodland Zoning Overlay (VR-GZO)

West: Blue Hill Creek (waterway), Conservation/Area of Critical State Concern-Special Treatment (CON-ACSC/ST)

Aerial – Collier County GIS

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)



Part of Provided Boundary Survey

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 Big Cypress Area of Critical State Concern Special Treatment Overlay (ACSC/ST) in Goodland Bay. The ACSC Conservation designation has been established to ensure the protection of native habitats; the proposed structure does not impact sensitive habitats. The proposed docking facilities will be constructed waterward of the existing shoreline. The shoreline does contain red mangroves (Rhizophora mangle); however, no impacts to the red mangroves are proposed. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 12 of the Site Plan provides an aerial with a note stating that no seagrasses were observed within 200 feet.

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

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

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 a Village Residential (VR) Zoning District and is further located with the Goodland Zoning Overlay (GZO). The VR zoning district allows single-family dwellings as a permitted principal use and further allows private docks and boathouses, subject to LDC Section 5.03.06 as allowable accessory uses. The GZO is silent with respect to docks and boathouses. The proposed project consists of constructing and adding an additional slip, for a total of two boat slips, with a boat lift and boathouse. The typical number of slips for single-family use is two.

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

   Criteria met. The applicant's agent states: "See attached drawings illustrating the existing docking facility, proposed docking facility, and water depths within the canal. Water depths do not exceed 2' at low tide until beyond 20' from the Mean High Water contour, which is not adequate for the property owner's vessel." Staff concurs.

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

   Criterion met. The applicant's agent states: "The proposed docking facility is not located within a marked channel. Furthermore, the proposed dock is entirely within the owner's platted property line and has been designed so as not to restrict the waterway any further than any of the other nearby existing dock facilities." Staff concurs; however, notes that as per the provided Boundary Survey, the existing finger pier is not entirely within the property line. Additionally, the subject property is depicted as being part of Tract 1 for

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

which a note appears stating "Not Part of This Plat" and as such is not part of the referenced plat (Goodland Isles Second Addition – Plat Book 8 Page 19); therefore, said property is not platted.

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

Criterion not met. The applicant's agent states: "The waterway width is approximately 87' in width next to the proposed structure. The proposed structure protrudes 30' into the waterway or 35% of the width of the waterway. Structures on the opposite side of the waterway protrude 19' into the waterway or 22% of the width of the waterway. This will leave a space of 38' through which public navigation can occur or 43% of the width of the waterway.

We acknowledge that this amount of protrusion exceeds the normal parameters of Collier County's L.D.C. However, considering the difficulties of the site as the mangrove shoreline, access easement, and associated dock, shallow water depths, and that the proposed structure will be entirely within the applicant's platted property lines, we believe that the added protrusion can be addressed and approved through this BDE petition."

Staff again notes the subject property is not platted. However, staff concurs with the applicant's argument and given the location agrees.

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

Criterion met. The applicant's agent states: "The proposed docking facility will meet the required side yard setbacks of 15-feet and will protrude so as to match the existing dock on site. Considering that this property is located nearly at the end of a canal, the shallow water depths within 20' of the subject property do not supply navigable space, and public navigation should not be affected by the project, our opinion is that the proposed dock will not interfere with any existing or future neighboring docking facilities." Staff doesn't disagree and therefore concurs.

Secondary Criteria:

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

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

Criterion met. The applicant's agent states: "The subject property's shoreline is comprised of a mix of mangroves and rip rap. While the property owner is permitted to trim the mangroves, they still serve as significant obstacles for mooring a vessel at this site, particularly within 20' of the Mean High-Water Line. Additionally, the existing dock on site further serves to make mooring within 20' of the MHWL difficult, particularly because it cannot be altered, as this would comprise a violation of the access easement's terms and conditions." Staff concurs that the mangrove and rip rap shoreline constitute a special condition, as does the existing dock with access easement; however, staff is unable to provide a legal judgment that absolutely no modifications can be made to the existing dock.

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

Criterion met. The applicant's agent states: "The proposed docking facility will cover approximately 472 square feet of the overwater structure, bringing the total overwater square footage at the site to 559 square feet. This is small enough to qualify the dock as being exempt from needing a permit from the state (the Florida Department of Environmental Protection). It is also significantly smaller than most of the nearby docks, and the majority of this square footage will occur within 20' of the Mean High-Water Line. We believe that the amount of decking proposed would allow reasonable, safe access, and is not excessive." Staff concurs.

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

Criterion not met. The applicant's agent states: "The length of the applicant's vessel is 24'. The length of the access easement grantee's vessel is approximately 19'. Collectively, both vessels would therefore amount to 43', which is more than 50% of the applicant's total shoreline (83')." Staff is uncertain as to the length of the access easement holder's vessel and must therefore find this criterion has not been satisfied; however, staff is uncertain as to the extent and defers to the applicant's statement.

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

Criterion met. The applicant's agent states: "The proposed docking facility is located entirely within the riparian area of the property owner and also entirely within his platted property lines as well. Furthermore, the project site is largely blocked on both sides by mangroves. Our opinion is therefore that the views of neighbors will not be significantly affected by the proposed project." Having viewed aerial photography of the subject inlet, staff concurs.

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Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

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

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

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

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

Standards for Boathouses:

1. **Minimum side setback requirement: Fifteen Feet.**

   Criterion met. As per the provided Dock Plan, the boathouse is setback more than 15 feet from both the northern and southern side/riparian lines; see **Attachment B**.

2. **Maximum protrusion into the waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.**

   Criterion met. Cross Section AA indicates there is no roof overhang to the front or back of the proposed boathouse. The waterway at this point is 87 feet which would allow the boathouse to protrude up to 17.4 feet; however, if approved, the subject BDE allows for additional protrusion of up to 30 feet.

3. **Maximum height: Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.**

   Criterion met: The proposed height is 15 feet above the seawall; see **Attachment B**.

4. **Maximum number of boathouses or covered structures per site: One.**

   Criterion met. Only one boathouse is to be built on this property.

5. **All boathouses and covered structures shall be completely open on all 4 sides.**

   Criterion met. The boathouse will be open on all four sides.

6. **Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chickee" style. A single-family**

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.

Criterion met. The roofing material and color of the proposed boathouse will match that of the principal structure.

7. **The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.**

Criterion met. The boathouse is located within the required side/riparian setbacks and, as per the applicant's agent, is flanked by mangroves.

With respect to the BDE, staff analysis finds this request complies with four of the five primary criteria and four of the six secondary criteria with the sixth criterion being not applicable. As for the boathouse, staff analysis finds that this petition satisfies all seven of the required boathouse standards. As of the date of this Staff Report, no public opposition has been received.

CONCURRENT LAND USE APPLICATIONS:

There are no known concurrent land use petitions.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:

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

RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20210000314 in accordance with the "Proposed Dock" plan provided within **Attachment B,** subject to the following conditions:

1. The applicant must incorporate a railing or otherwise chain or rope off the northern side of both the new/proposed dock and the existing finger dock to inhibit the docking or mooring of any vessel(s) thereby resulting in a third boat slip.

Attachments:

A. Legal Description, per OR 6062 PG 3015-3016
B. Dock, Boathouse, and Site Plans
C. Public Hearing Sign Posting
D. Applicant's Backup; Application and Supporting Documents

Attachment: Staff Report 10182022 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

ATTACHMENT A

Legal Description
715 Palm Point Dr – Goodland, Florida

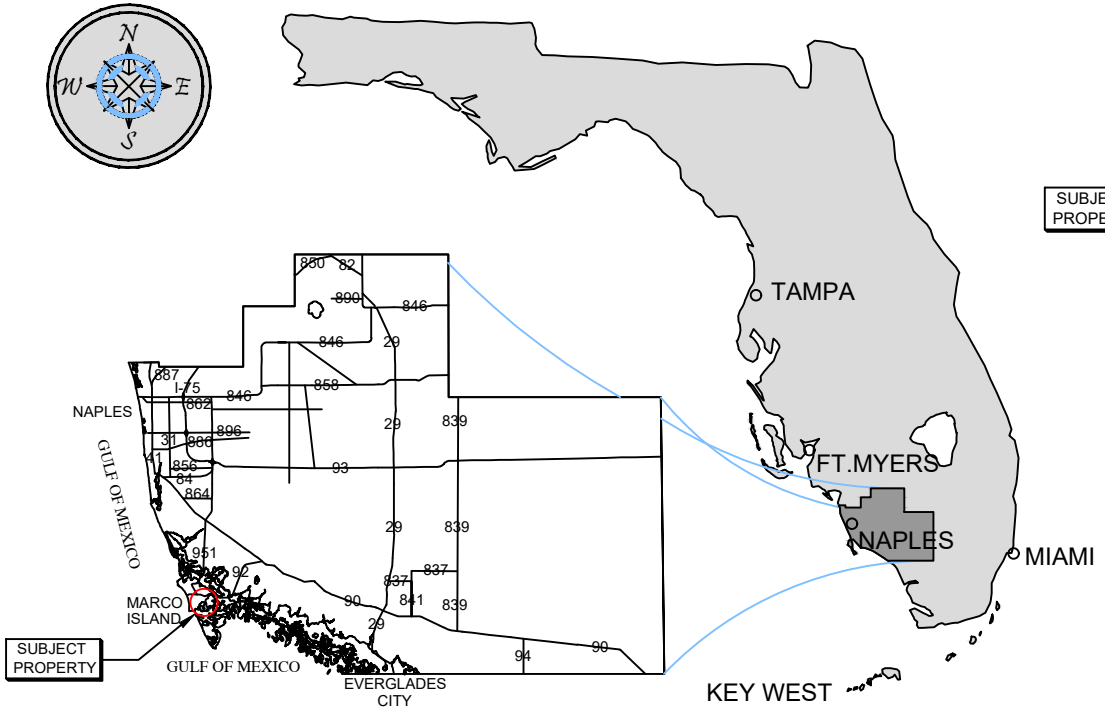
A PARCEL OF LAND BEING A PORTION OF TRACT 1, AS SHOWN ON BUT NOT A PART OF THE PLAT OF GOODLAND ISLES SECOND ADDITION, RECORDED IN PLAT BOOK 8, PAGE 19 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 33, BLOCK "F" GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST 82.00 FEET TO A POINT ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1252, PAGE 760 OF THE PUBLIC RECORDS OF COLLIER COUNTY FLORIDA; THENCE SOUTH 74 DEGREES 48 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE, 119.69 FEET TO A POINT ON A CURVE CONCAVED TO THE WEST; THENCE ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 213.18 FEET, A CENTRAL ANGLE OF 20 DEGREES 45 MINUTES 48 SECONDS, (CHORD BEARS NORTH 7 DEGREES 49 MINUTES 42 SECONDS WEST, CHORD DISTANCE EQUALS 76.83 FEET) FOR 77.25 FEET; THENCE NORTH 71 DEGREES 47 MINUTES 17 SECONDS EAST 110.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH, A 30.00 FEET WIDE ACCESS EASEMENT, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FROM THE POINT OF BEGINNING OF SAID CENTERLINE ON THE SOUTH LINE OF PALM AVENUE AS SHOWN ON SAID PLAT OF GOODLAND ISLES SECOND ADDITION, SAID POINT LYING NORTH 74 DEGREES 49 MINUTES 12 SECONDS EAST OF AND 20.10 FEET FROM THE NORTHEASTERLY CORNER OF LOT 33, BLOCK "F", SAID GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST ALONG SAID CENTERLINE FOR 478.94 FEET.

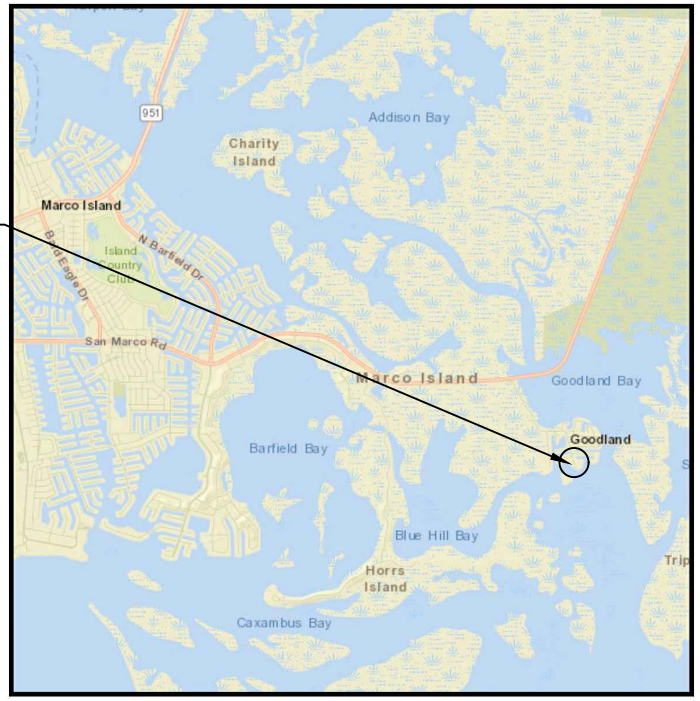
Attachment: Attachment A - Legal Description of Property (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\20035.10-BDE option 7-29-22.dwg LOCATION MAP 8/31/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

<> 715 PALM POINT DR
GOODLAND, FL 34140

<> LATITUDE: N 25.921851
<> LONGITUDE: W -81.647370

NOTES:

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

COUNTY AERIAL

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

715 PALM POINT DR

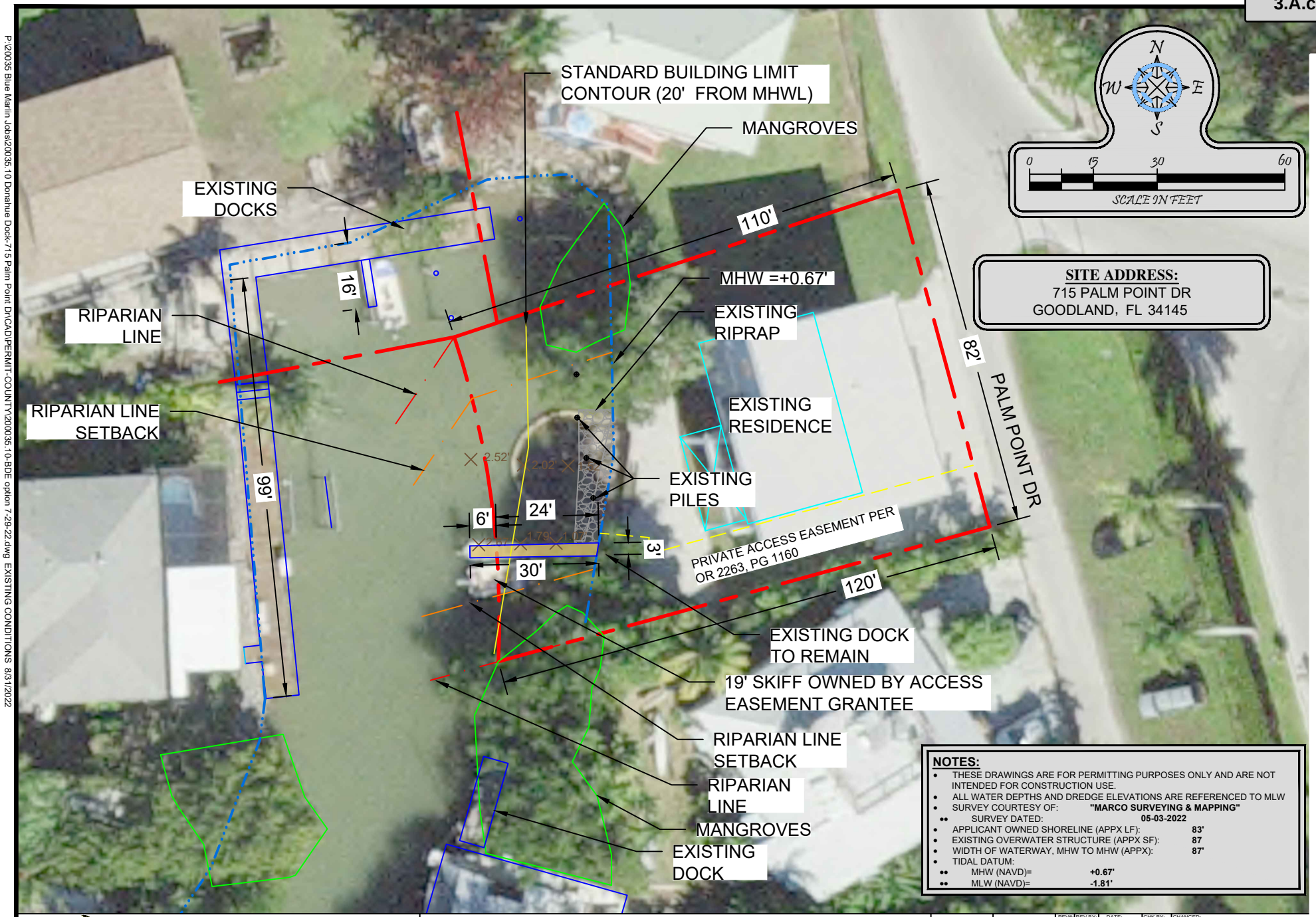
LOCATION MAP

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
SHEET NO.:	01 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

Attachment: Attachment B - Dock, Boathouse and Site Plans (23588 : PL20210000314 BDE 715 Palm Point



SITE ADDRESS:
715 PALM POINT DR
GOODLAND, FL 34145

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **05-03-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **83'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **87**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **87'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.67'**
  - MLW (NAVD)= **-1.81'**

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

715 PALM POINT DR

EXISTING CONDITIONS

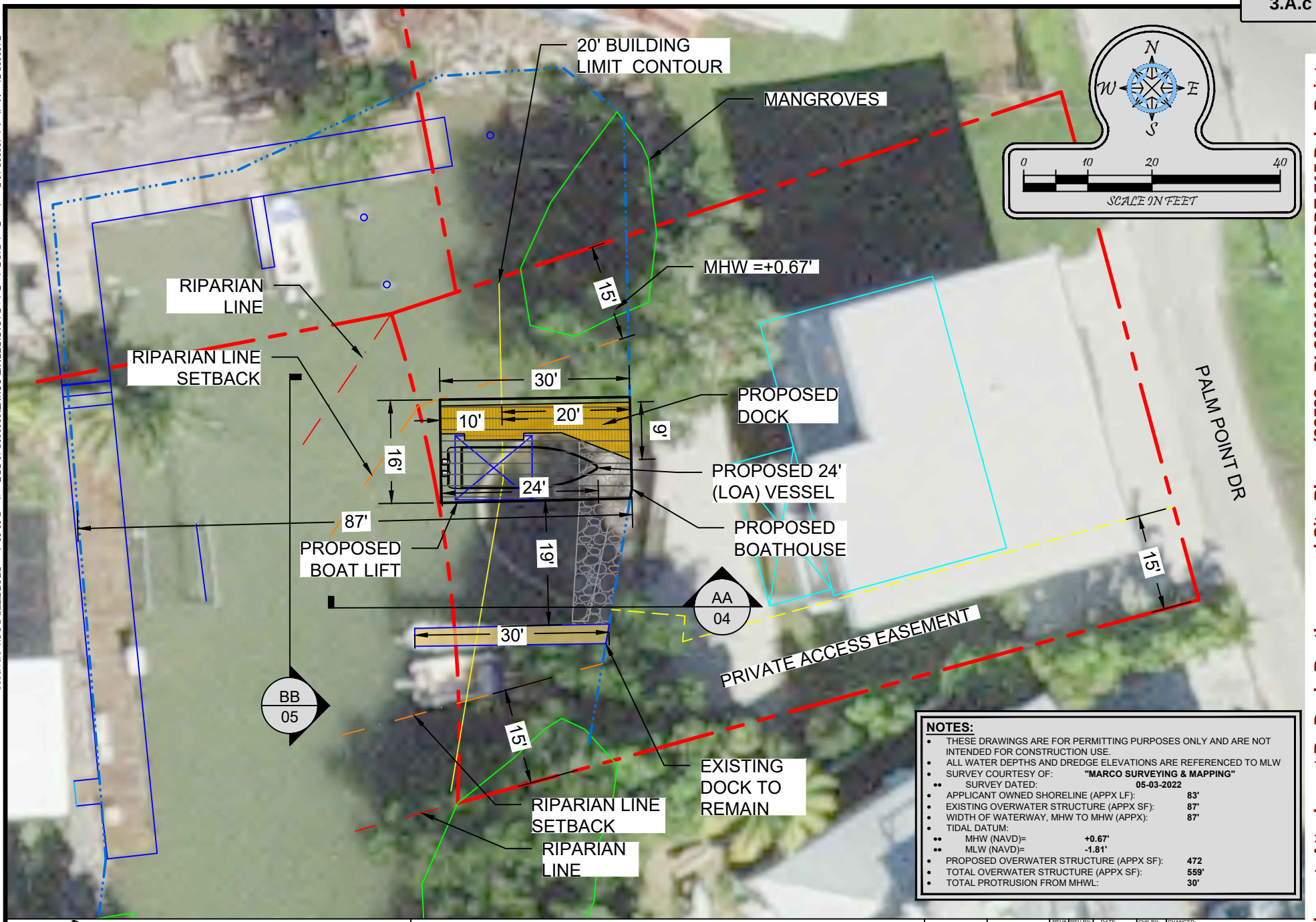
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
SHEET NO.:	02 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\20035.10-BDE option 7-29-22.dwg EXISTING CONDITIONS 8/31/2022

Attachment: Attachment B - Dock, Boathouse and Site Plans (23588 : PL20210000314 BDE 715 Palm Point



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  - SURVEY DATED: **05-03-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **83'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **87'**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **87'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.67'**
  - MLW (NAVD)= **-1.81'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **472**
- TOTAL OVERWATER STRUCTURE (APPX SF): **559'**
- TOTAL PROTRUSION FROM MHWL: **30'**

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

715 PALM POINT DR

PROPOSED DOCK

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

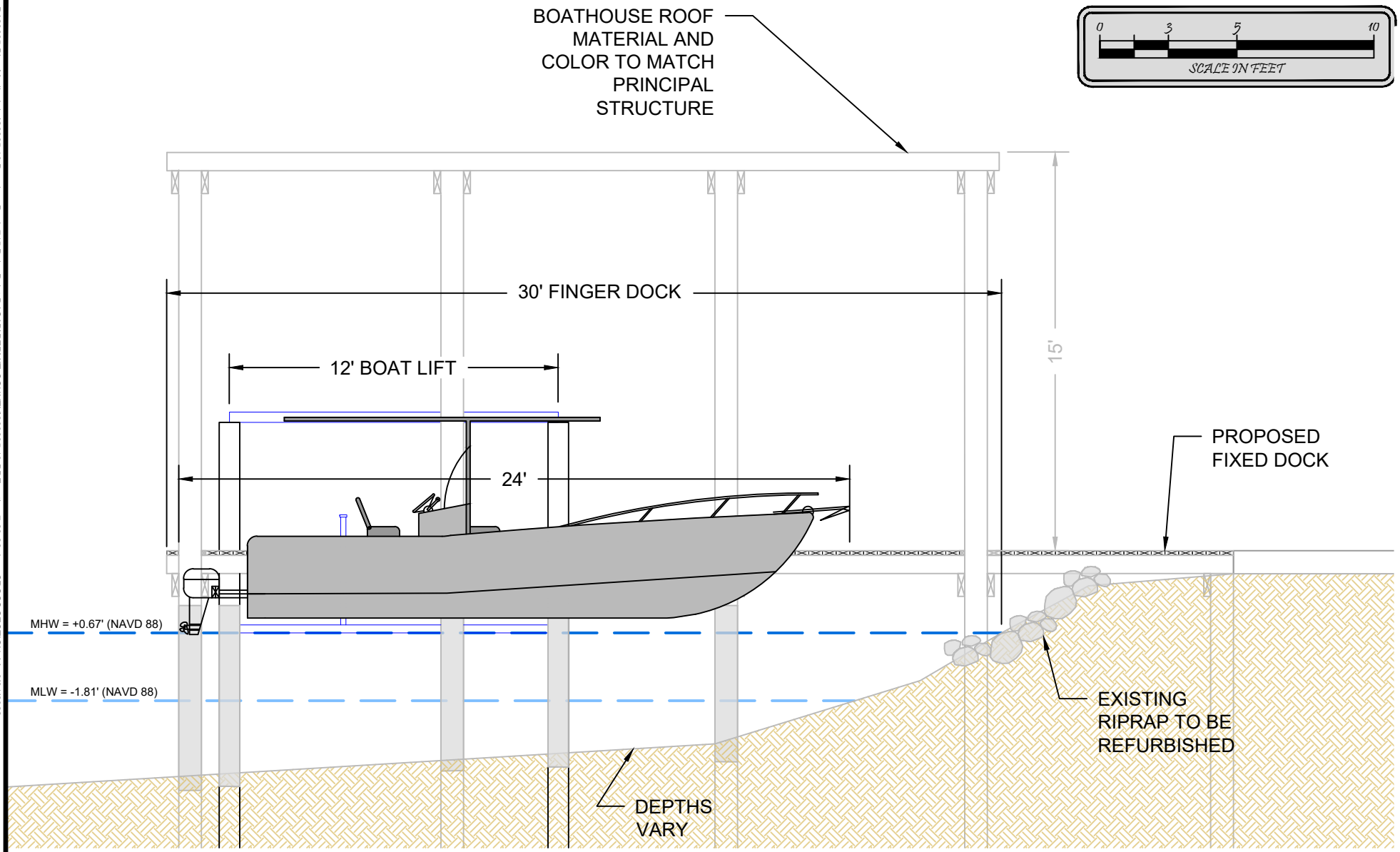
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
SHEET NO.:	03 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\20035.10-BDE option 7-29-22.dwg 8/30/2022 PROPOSED DOCK 8/31/2022

Attachment: Attachment B - Dock, Boathouse and Site Plans (23588 : PL20210000314 BDE 715 Palm Point

P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\200035.10-BDE option 7-29-22.dwg CROSS SECTION AA 8/31/2022



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CROSS SECTION AA

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SECTION- 18 TOWNSHIP- 52S

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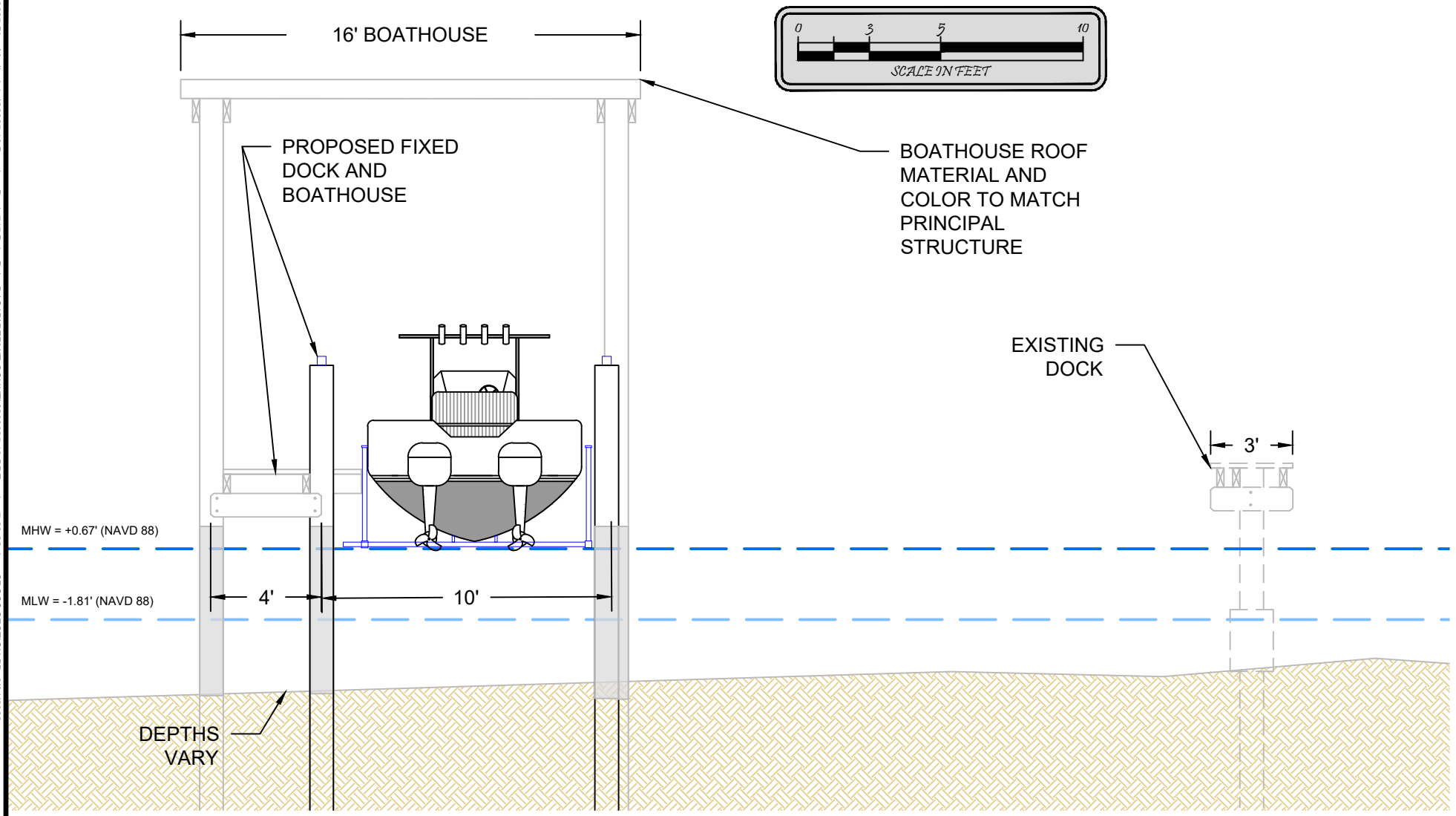

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CROSS SECTION BB

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SECTION-18 TOWNSHIP-52S

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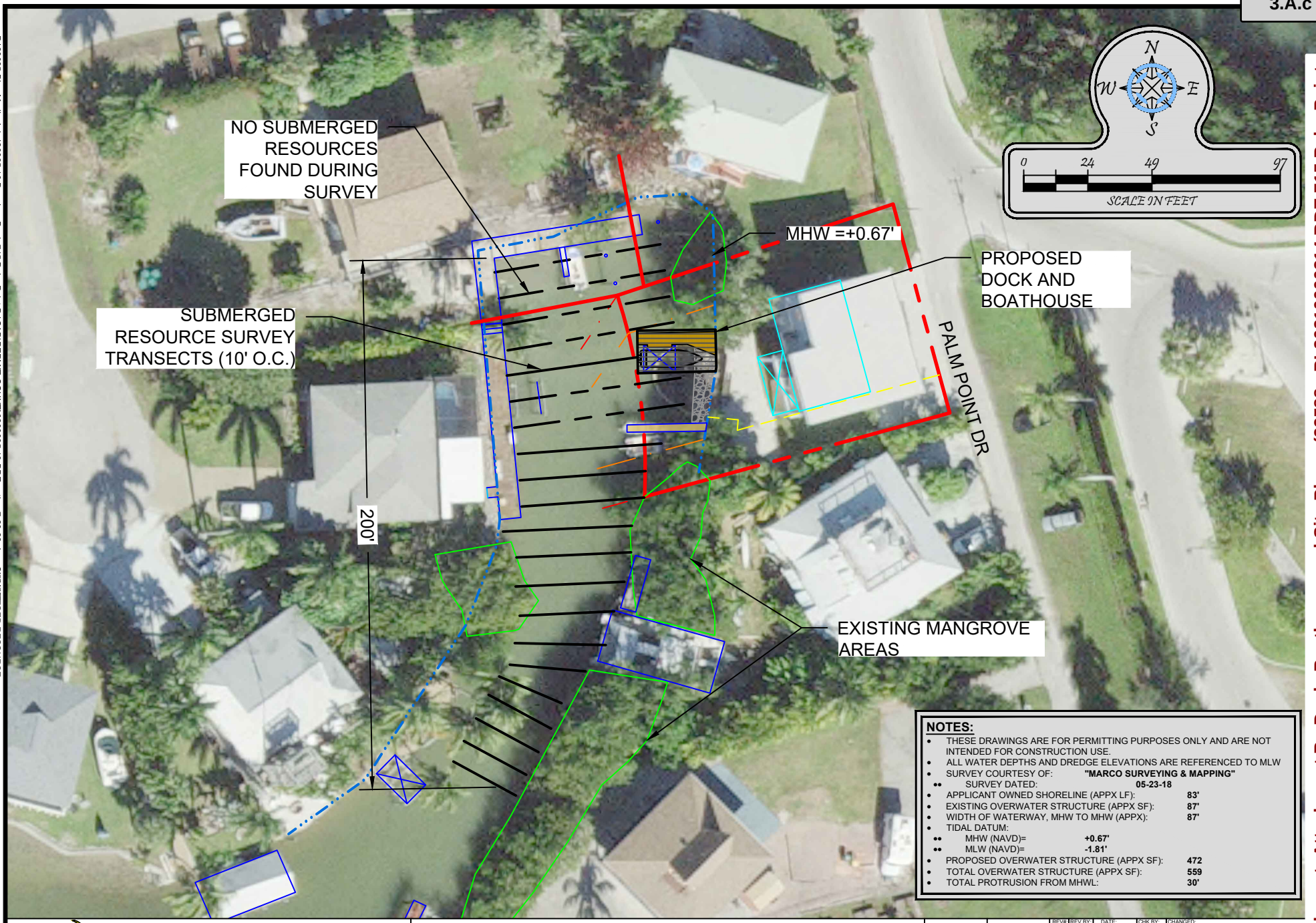
P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\20035.10-BDE option 7-29-22.dwg 8/3/2022 SUBMERGED RESOURCE



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SUBMERGED RESOURCE SURVEY

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DRAWN BY:	RMJ	2.	-	-	-	-
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SECTION- 18 TOWNSHIP- 52S

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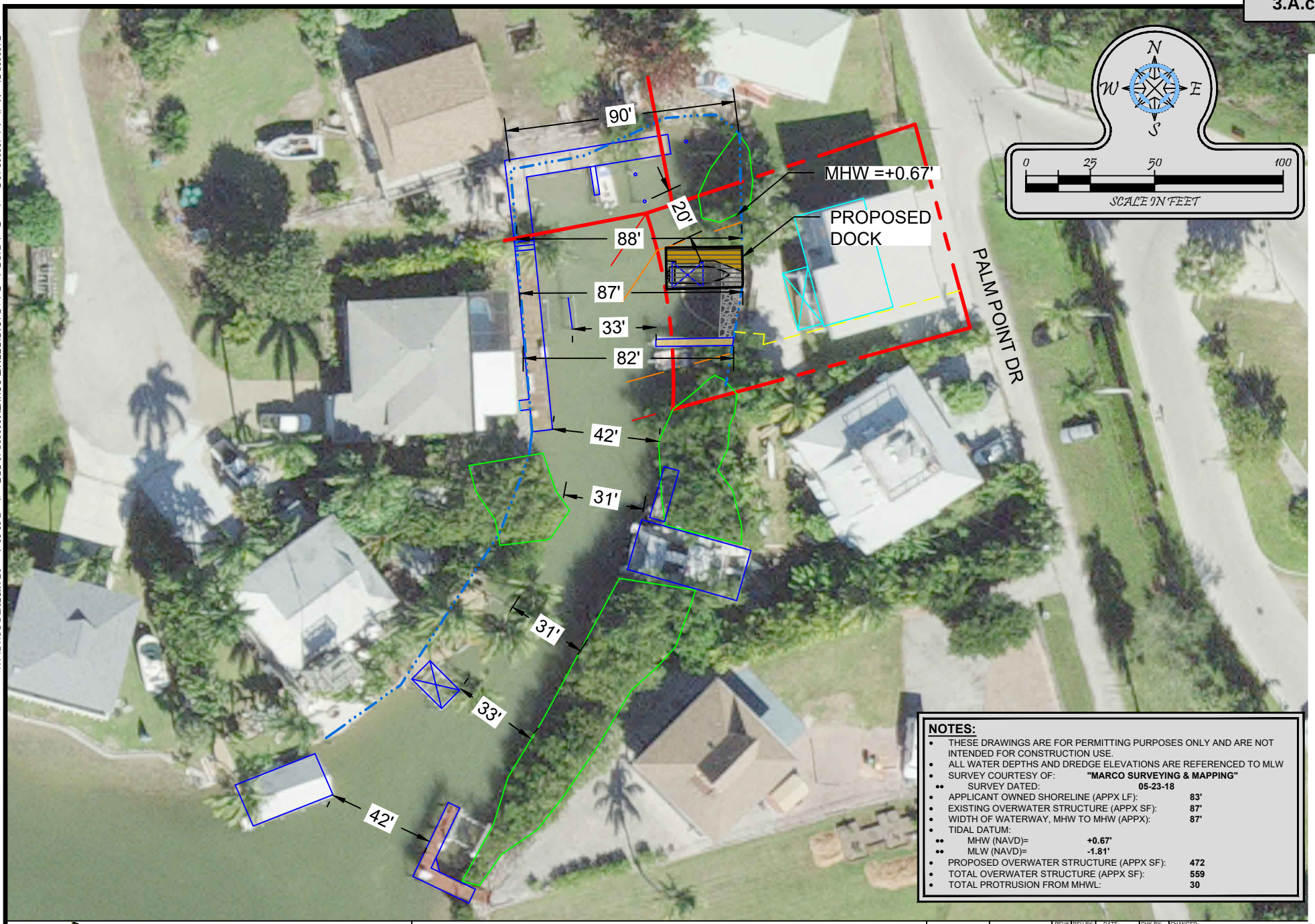

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ADJACENT DOCK PLAN - OVERVIEW

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SECTION- 18 TOWNSHIP- 52S

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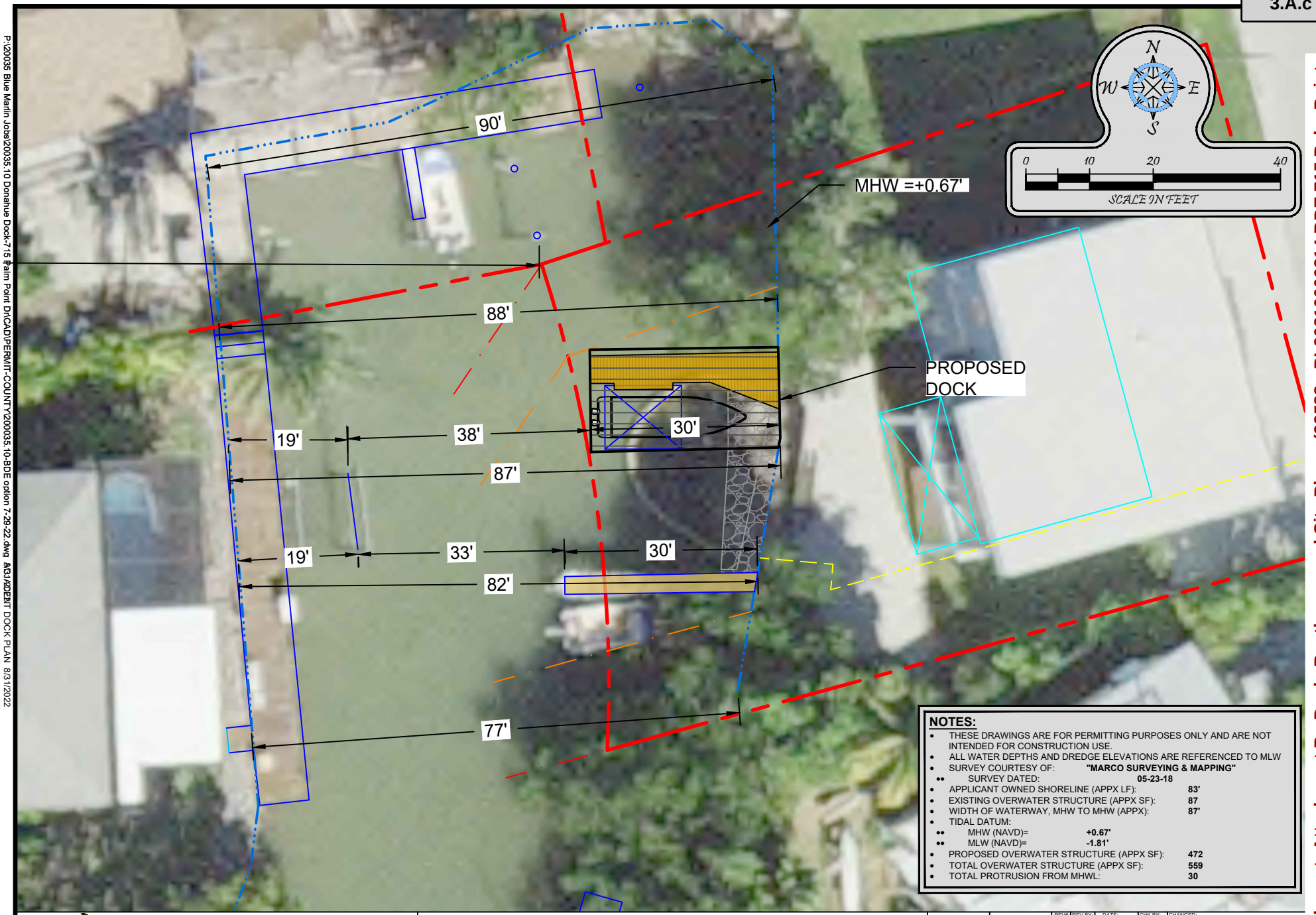

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ADJACENT DOCK PLAN

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DRAWN BY:	RMJ	2.	-	-	-	-
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SECTION- 18 TOWNSHIP- 52S

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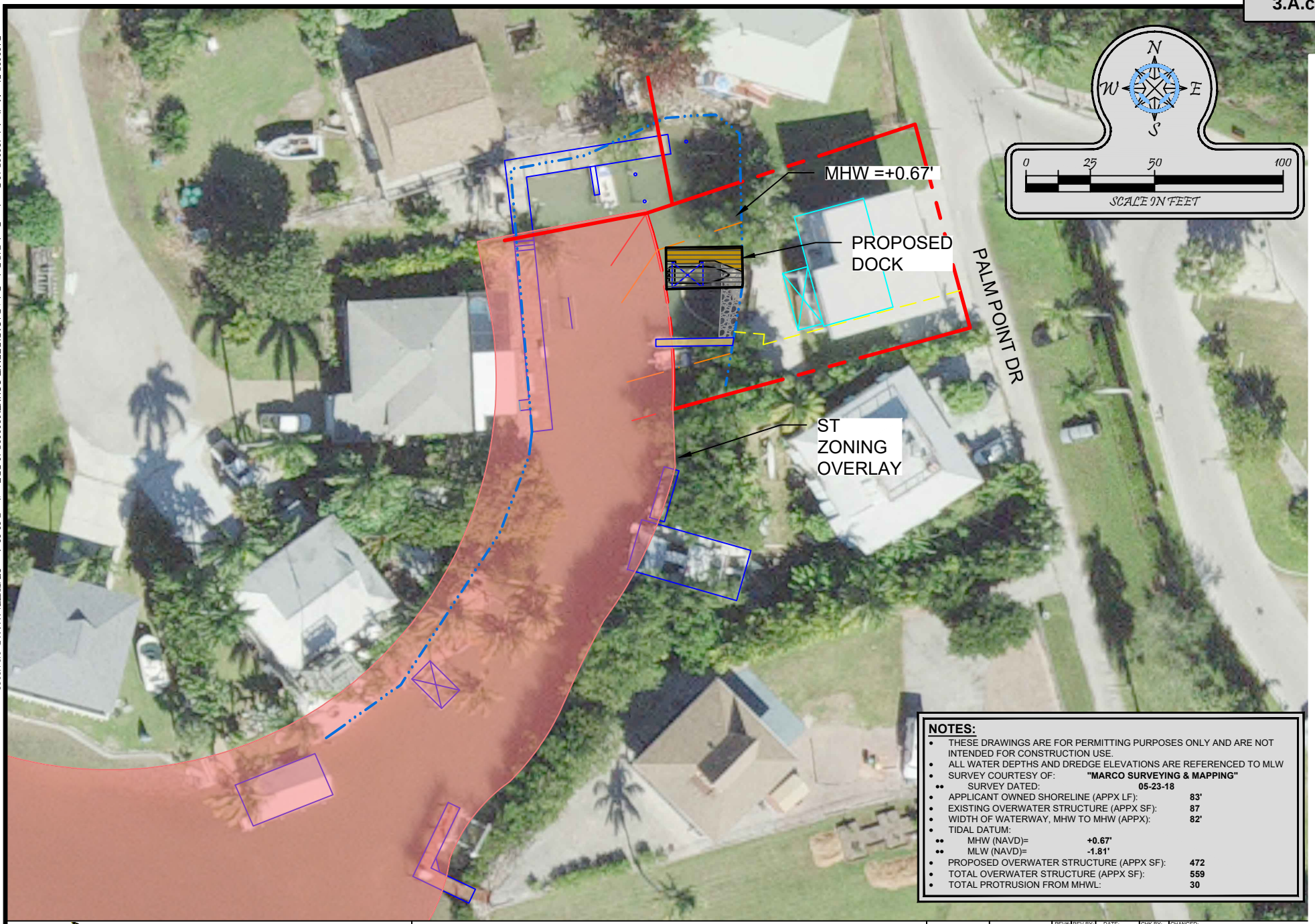

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715 PALM POINT DR

ST OVERLAY MAP

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
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SECTION- 18 TOWNSHIP- 52S

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Attachment: Attachment B - Dock, Boathouse and Site Plans (23588 : PL20210000314 BDE 715 Palm Point

KellyJohn

From: KellyJohn
Sent: Monday, October 10, 2022 4:25 PM
To: KellyJohn
Subject: BDE-PL20210000314 - 715 Palm Point Dr - Public Hearing Sign Posting, HEX 10/27/2022
Attachments: 35CFC9A0-82DE-4E84-BD3D-DBC4FE806D84.jpeg; C097729A-E646-4B35-B4C6-8BDACDDB3592.jpeg; 27CDC791-D2F6-4C92-A0EB-2ACDFFB534FF.jpeg; 907F1B7F-C2B6-430B-A424-EA70F6C8A0C5.jpeg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petitions, scheduled for hearing by the Hearing Examiner on October 13, 2022, at approximately 1:30PM this date. Said sign was posted to the front of the subject property immediately adjacent to the nearest public right-of-way as evidenced by the attached photos.

Respectfully,
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Public Hearing Sign Posting2 (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

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DONAHUE DOCK
715 PALM POINT DR.
NAPLES, FL 34140

BDE PETITION
#PL20210000314
SEPTEMBER 2022

PREPARED BY:

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

PHONE: 239-643-0166 WWW.THANAPLES.COM

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

BDE-PL20210000314
715 Palm Point Dr

HEARING PACKAGE CHECKLIST

A. Backup provided by the County Planner

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

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

B. Backup provided by Applicant:

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

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

✓ 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** 04/ 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.

Signature of Agent Representative

9/14/2022
Date

Nick Pearson
Printed Name of Signing Agent Representative

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Application Form

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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): Thomas and Debra Donahue

Name of Applicant if different than owner: _____

Address: PO BOX 875 **City:** Goodland **State:** FL **ZIP:** 34140

Telephone: _____ **Cell:** (239) 235-1966 **Fax:** _____

E-Mail Address: Tom.Donahue715@gmail.com

Name of Agent(s): Nick Pearson

Firm: Turrell, Hall & Associates, Inc.

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

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

E-Mail Address: Nick@THAnaples.com

PROPERTY LOCATION

Section/Township/Range: 18 / 52 S / 27 E **Property I.D. Number:** 46372680002

Subdivision: GOODLAND ISLES BLK Y LESS GOODLAND ISLES 1ST ADD + LESS GOODLAND ISLES 2ND ADD LESS OR 409-6-7, **Unit:** _____ **Lot:** _____ **Block:** Y

Address/ General Location of Subject Property:
715 Palm Point Dr.

Current Zoning and Land use of Subject Property:
VR-GZO; current use is private residential

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	RSF-4	Private Residential
S	VR-GZO	Private Residential
E	VR-GZO	Public boat ramp park
W	ACSC-ST	N/A - public waterway

DESCRIPTION OF PROJECT

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

Construction of dock with boathouse and 1 boat lift that will consist of 472 square feet of decking and that will protrude 30' beyond the MHWL.

New facility will match protrusion of existing dock that is utilized by access easement holder and the total over water square footage will at

the site will be 559 square feet. See narrative for additional information.

SITE INFORMATION

1. **Waterway Width:**
   87 ft. Measurement from ☐ plat ■ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   83 ft.
3. **Setbacks:**
   Provided: 15 ft.
   Required: 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   30 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 24 ft.
   2. 19 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   The neighbor to the west at 674 Palm Ct. has a dock and lift that protrudes roughly 20' into the waterway.
   The neighbor to the north west has a dock that appears to protrude roughly 20' into the waterway. The associated boat appears to protrude to about 25'.
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.21 Acres

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8. Official Interpretations or Zoning Verifications:

To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ■ No If yes, please provide copies.

PRIMARY CRITERIA

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

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

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

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

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

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

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

SECONDARY CRITERIA

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

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

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

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

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Collier County

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

Pre-Application Meeting and Final Submittal Requirement Checklist for:
[X] Dock Extension
[X] Boathouse
Chapter 3 B. of the Administrative Code

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☑	☐
Chart of Site Waterway	1	☐	☑
Site Plan Illustration with the following: • Lot dimensions; • Required setbacks for the dock facility; • Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment); • Configuration, location, and dimensions of existing and proposed facility; • Water depth where proposed dock facility is to be located; • Distance of navigable channel; • Illustration of the contour of the property; and • Illustration of dock facility from both an aerial and side view.	1	☑	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☑	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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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:

PAID ☑ Pre APP MTG. Fee

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

4/6/2021
Date

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Narrative Statement

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

DESCRIPTION OF PROJECT

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

The property at 715 Palm Point Dr. in Goodland is a 0.21-acre parcel zoned as VR-GZO (Village Residential – Goodland Zoning OVERLAY). The current use is single-family residential. The parcel is roughly rectangular with the exception of an arc-shaped shoreline comprised of rip rap and mangroves, which abuts the ST zoning overlay. The plat to which the subject property's legal description refers is PB 9, PG 19. This plat was created in July of 1965, and officially approved in October of 1967. But, despite that the subject property physically comprises a portion of Tract 1 on this plat, Tract 1 is actually specifically described as "not part of this plat". So, our understanding is that the subject property would technically be considered unplatted. The legal description, however, describes the subject property as being 82' wide and a meandering 110' to 120' in length. The actual area of uplands on the site per the required boundary survey (Marco Surveying & Mapping) is between only 71' and 99' of property length. The adjacent waterway is platted, but it does not match the dimensions in the plat. Whereas the plat depicts the canal as being an apparently uniform 61.43' in width, the actual canal width meanders from 90' at the canal-end, to 70' at the subject property's south riparian line. The width of waterway at the location of the proposed boathouse is 87'. Navigable space within portions of the canal area significantly less even still due to vegetation along the shoreline.

Following approval of the goodland isles 2nd additional plat, initial dredging, clearing, and preparation for development had largely been completed by 1969, as is evident from aerial photography. At this time, per aerial photos, the canal seems to roughly match the general shape and dimensions of the plat. The canal appears similarly in 1973. But by 1980, the canal had obviously been further dredged, which resulted in a sizable portion of the subject property's rear yard being removed (prior to a house being constructed on the lot). And the north neighboring property at 664 Palm Ave. (which is landlocked per the plat) acquired riparian access. The canal appears to have remained unchanged in terms of approximate size ever since.

The year 1980 is also the first year in which the existing dock on the site can be viewed in aerial photography. Since the dock does not appear to have any permitting history on record, aerial photography gives the best approximation of its construction date at sometime between 1973 and 1979. The existing dock is approximately 3' wide and protrudes approximately 30' into the waterway from the current Mean High-Water Line (MHWL). For the county's intents and purposes, the MHWL is the most restrictive point from which to measure protrusion at this site because it is located significantly further in the landward direction than the platted property line.

Also, important to note is that there is an access easement on this site granted to a third-party individual. The easement was originally granted and recorded on December 20,1996 via OR 2263 PG 1160-1161. The easement grantor and grantee have since both changed to new individuals. Mr. Nicholas Lemke is the current owner of this easement. The easement was litigated over in 2007

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

and 2008. The case resulted in an order granting permanent injunctive relief to Mr. Lemke as recorded in OR 4324 PG 0777. We have attempted to obtain his cooperation in this petition via a no-objection letter but have been unable to do so. However, Mr. Lemke has indicated verbally through his attorney that he would not oppose the project if it did not affect his access negatively. The access easement specifically grants Mr. Lemke "a right to utilize the south side of the wood dock…". Since the proposed structures are found well to the north of the existing dock on site, and because no other changes to the existing dock are proposed, we do not believe we will be affecting Mr. Lemke's right of access or his interest in the access easement.

The proposed project consists of constructing a finger dock and boathouse approximately 19' to the north of the existing dock facility, for use by the property owner, Mr. Thomas Donahue. The new dock will consist of approximately 472 square feet of over water area, bringing the total overwater structure at the site to 559 square feet. Protrusion of the new structure will be approximately 30' from the MHWL, matching the existing structure. The new structure will contain a single boat lift and will leave approximately 38' of canal space for navigation between the structures across the canal. This will allow for mooring by a 24' vessel (total length of hull plus motor, etc.)

Considering that no seagrasses could be found within 200' of the property, that the dock will be built entirely within the owner's riparian area (and entirely within the confines of the owner's platted property lines), and numerous docks of similar or greater dimensions can be found in the surrounding area, we believe that this BDE would therefore allow the property owner to make reasonable use of the waterway for mooring and other water-based recreational activities.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Property Information

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Collier County Property Appraiser
Property Summary

Parcel No	46372680002	Site Address *Disclaimer	715 PALM POINT DR	Site City	GOODLAND	Site Zone *Note	34

Name / Address	DONAHUE, THOMAS A=& DEBRA L				
	715 PALM POINT DR				
	PO BOX 875				
City	GOODLAND	State	FL	Zip	34140

Map No.	Strap No.	Section	Township	Range	Acres *Estimate
7C18	380200 Y 17C18	18	52	27	0.21

Legal	GOODLAND ISLES BLK Y LESS GOODLAND ISLES 1ST ADD + LESS GOODLAND IS 2ND ADD LESS OR 409-6-7, 736- 1057, 833-728-29, OR 823 PG 556, LESS OR 940 1945, OR 1252 PG 760 LESS OR 1418 PG 620

		Millage Rates	*Calculations	
Millage Area	24			
Sub./Condo	380200 - GOODLAND ISLES	School	Other	Total
Use Code	1 - SINGLE FAMILY RESIDENTIAL	5.016	6.2075	11.223

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/29/18	5533-3010	$ 135,000
03/15/17	5412-743	$ 0
12/16/13	4995-3092	$ 86,000
10/14/13	4975-3959	$ 0
03/17/09	4439-1798	$ 100
11/29/04	3711-1920	$ 250,000

2020 Certified Tax Roll

(Subject to Change)

	Land Value	$ 147,
(+)	Improved Value	
(=)	Market Value	$ 147,
(-)	10% Cap	$ 22,
(=)	Assessed Value	$ 125,
(=)	School Taxable Value	$ 147,
(=)	Taxable Value	$ 125,

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Collier County Property Appraiser
Property Detail

Parcel No	46372680002	Site Address *Disclaimer	715 PALM POINT DR	Site City	GOODLAND	Site Zone *Note	34

Name / Address	DONAHUE, THOMAS A=& DEBRA L
	715 PALM POINT DR
	PO BOX 875

City	GOODLAND	State	FL	Zip	34140

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

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
2021	COUNTY	PRBD20190208537	07/02/20		06/18/20	RESIDENCE
2021	COUNTY	PRBD20200310994				SEA WALL

Land

#	Calc Code	Units
10	RESIDENTIAL FF	78.68

Building/Extra Features

#	Year Built	Description	Area	Ac Ar
20	2000	WOOD DOCK	96	9(

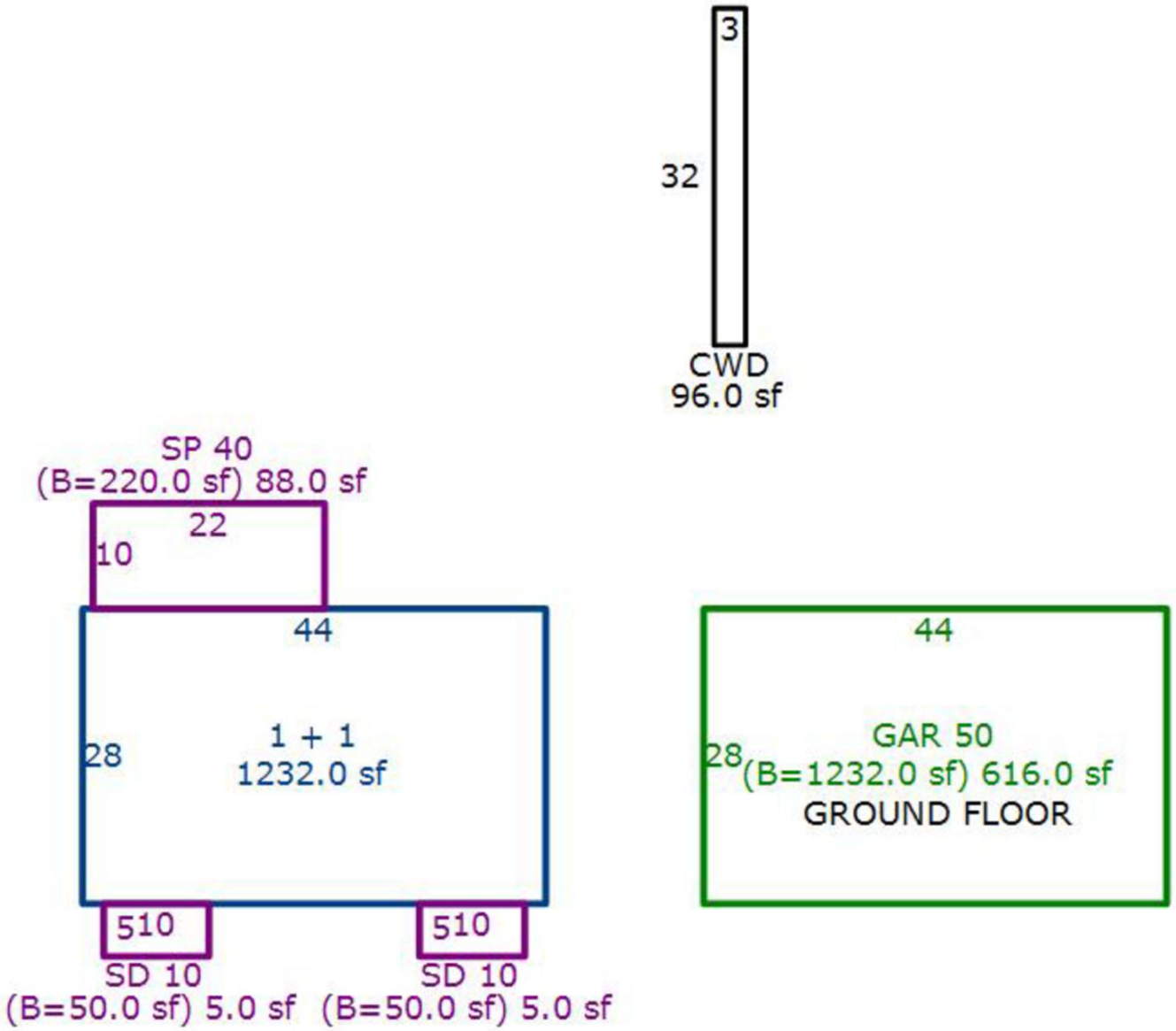
Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Collier County Property Appraiser
Property Aerial

Parcel No	46372680002	Site Address *Disclaimer	715 PALM POINT DR	Site City	GOODLAND	Site Zone *Note	34

Open GIS in a New Window with More Features.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr



Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Property Ownership Disclosure Form

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
Thomas & Debra Donahue; PO Box 875, Goodland FL 34140	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired 06/29/2018

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

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

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Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

4/6/2021
Date

Nick Pearson
Agent/Owner Name (please print)

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Property Deed

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

INSTR 6181056 OR 6062 PG 3015 RECORDED 12/28/2021 9:48 AM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $0.70 REC $18.50

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

Prepared by and return to:

James Karl & Associates, P.A.
1095 Bald Eagle Dr Suite 1
Marco Island, FL 34145
239-642-9988
File Number: **3186.000**
Will Call No.:
Parcel Identification No. **46372680002**

[Space Above This Line For Recording Data]

Corrective Warranty Deed

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

This Indenture made this **21st** day of **December, 2021** between **Barbara Confer, a married woman, Individually and as Trustee of the 715 Palm Point Drive Land Trust dated March 15, 2017,** whose post office address is **711 Rockport Ct., Marco Island, FL 34145** of the County of **Collier**, State of **Florida**, grantor*, and **Thomas A. Donahue and Debra L. Donahue, husband and wife,** whose post office address is **11 Harrison Avenue, Salisbury, MA 01952** of the County of **Essex**, State of **Massachusetts**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of ONE HUNDRED THIRTY FIVE THOUSAND AND NO/100 DOLLARS ($135,000.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Collier County**, **Florida**, to-wit:

A PARCEL OF LAND BEING A PORTION OF TRACT 1, AS SHOWN ON BUT NOT A PART OF THE PLAT OF GOODLAND ISLES SECOND ADDITION, RECORDED IN PLAT BOOK 8, PAGE 19 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 33, BLOCK "F" GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST 82.00 FEET TO A POINT ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1252, PAGE 760 OF THE PUBLIC RECORDS OF COLLIER COUNTY FLORIDA; THENCE SOUTH 74 DEGREES 48 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE, 119.69 FEET TO A POINT ON A CURVE CONCAVED TO THE WEST; THENCE ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 213.18 FEET, A CENTRAL ANGLE OF 20 DEGREES 45 MINUTES 48 SECONDS, (CHORD BEARS NORTH 7 DEGREES 49 MINUTES 42 SECONDS WEST, CHORD DISTANCE EQUALS 76.83 FEET) FOR 77.25 FEET; THENCE NORTH 71 DEGREES 47 MINUTES 17 SECONDS EAST 110.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH, A 30.00 FEET WIDE ACCESS EASEMENT, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FROM THE POINT OF BEGINNING OF SAID CENTERLINE ON THE SOUTH LINE OF PALM AVENUE AS SHOWN ON SAID PLAT OF GOODLAND ISLES SECOND ADDITION, SAID POINT LYING NORTH 74 DEGREES 49 MINUTES 12 SECONDS EAST OF AND 20.10 FEET FROM THE NORTHEASTERLY CORNER OF LOT 33, BLOCK "F", SAID GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST ALONG SAID CENTERLINE FOR 478.94 FEET.

Subject to taxes for 2018 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together will all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

NOT OFFICIAL RECORDED DOCUMENT

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead as the subject property is VACANT Land.

THIS CORRECTIVE WARRANTY DEED IS MADE TO CORRECT THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY REFLECTED ON THE CORRECTIVE WARRANTY DEED DATED OCTOBER 12, 2021 AND RECORDED ON 10/15/21 IN O.R. BOOK 6027, PAGE 1581, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

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

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

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

Signed, sealed and delivered in our presence:

Witness Name: Cheryl Mourning

Barbara Confer, Individually and as Trustee
of the 715 Palm Point Drive Land Trust dated March 15, 2017

Witness Name: Scott Shipley

State of Florida
County of Collier

The foregoing instrument was acknowledged before me by means of [X] physical presence or [_] online notarization, this 21 day of June, 2018 by Barbara Confer, Individually and as Trustee of the 715 Palm Point Drive Land Trust dated March 15, 2017, who [_] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires:

Notary Public State of Florida
CHERYL M MOURNING
My Commission HH 021971
Expires 09/15/2024

NOT A CERTIFIED COPY

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

Addressing Checklist

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

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

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

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

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

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

GOODLAND ISLES BLK Y LESS GOODLAND ISLES 1ST ADD + LESS GOODLAND ISLES

T52, R27, S18 & 1

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

46372680002

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

715 Palm Point Dr, Naples, FL

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

CURRENT PROJECT NAME *(if applicable)*

PROPOSED PROJECT NAME *(if applicable)*

715 PALM POINT DR - BDE petition

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point 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)

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

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

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

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

FOR STAFF USE ONLY

Folio Number 46372680002

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: S L H **Date:** 02/09/2021

Updated by: **Date:**

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Attachment: Attachment D - Applicant's Backup, Application ans Supporting

Pre-Application Meeting Notes

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NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Notes

Petition Type: (BDE)
Date and Time: Wednesday 2/24/2021 1:30PM

Assigned Planner: John Kelly

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

Project Information

Project Name: 715 Palm Point Dr. -Donahue Dock (BDE)

PL #: 20210000314

Property ID #: 46372680002 **Current Zoning:** VR- GZO

Project Address: 715 Palm Point Dr. **City:** Goodland **State:** FL **Zip:** 34140

Applicant: Nick Pearson

Agent Name: Turrell, Hall & Associates **Phone:** 239-643-0166

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

Property Owner: Thomas A. & Debra L. Donahue

Please provide the following, if applicable:

i. **Total Acreage:** .21

ii. **Proposed # of Residential Units:** _____

iii. **Proposed Commercial Square Footage:** _____

iv. **For Amendments, indicate the original petition number:** _____

v. **If there is an Ordinance or Resolution associated with this project, please indicate the type and number:** _____

vi. **If the project is within a Plat, provide the name and AR#/PL#:** _____

_____

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Meeting Notes

As of 10/16/2017 all Zoning applications have revised applications, and your associated Application is included in your notes; additionally a *new Property Ownership Disclosure Form is required for all applications. A copy of this new form is included in your pre-app

Note – link is https://www.colliercountyfl.gov/Home/ShowDocument?id=75093

John Kelly

ZONING –

- WITH RESPECT TO EASEMENT AND COURT ORDER, PLEASE ESTABLISH AUTHORITY TO MODIFY THE EXISTING DOCK FACILITY; OBTAIN LETTER OF NO OBJECTION OR AFFIDAVIT OF AUTHORIZATION
- SITE PLAN MUST DEPICT LENGTH OF WATERFRONT PROPERTY AND PROVIDE A PROTRUSION MEASUREMENT USING THE MOST RESTRICTIVE POINT AS IDENTIFIED WITHIN LDC SECTION 5.06.03.C.). SHOW SATISFACTION OF SIDE YARD / RIPARIAN SETBACKS.
- PLEASE PROVIDE A DETAILED NARRATIVE STATEMENT DETAILING THE BDE REQUEST AND EASEMENT / COURT ORDER.
- ON A SEPARATE SHEET, PLEASE PROVIDE INDIVIDUAL RESPONSES TO EACH OF THE PRIMARY, SECONDARY, AND BOATHOUSE CRITERIA.
- IF WATER DEPTH IS USED TO JUSTIFY THE BDE, PLEASE PROVIDE AN EXHIBIT DEMONSTRATING CLAIM; INCLUDE DEPTH AND DRAFT
- BOAT HOUSE ROOF MUST BE OF SAME MATERIAL AS PRINCIPAL STRUCTURE OR MAY BE PALM FROND OR CHIKEE TYPE
- ALL PLANS MUST BE LEGIBLE ON 8.5 x 11 STOCK

If Site is within the City of Naples Water Service Area please send to Naples Utilities and Planning Departments. Then, if the petition is submitted, we are to send it (by email) to the four persons below in their Utilities and Planning Depts. - along with a request that they send us a letter or email of "no objection" to the petition. Bob Middleton RMiddleton@naplesgov.com Allyson Holland AMHolland@naplesgov.com Robin Singer RSinger@naplesgov.com Erica Martin emartin@naplesgov.com

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

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Meeting Notes

ENVIRONMENTAL NOTES – CRAIG BROWN – See ATTACHED PG 3B.1. → 3B.3

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

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Residential Boat Dock Extension Checklist FOR REVIEWERS
Submerged Resources Survey Checklist

1. Is there an overlay? ST overlay needs an ST permit (much of Isle of Capri & Keewaydin has an ST Overlay over the water)

2. Include an aerial with a note indicating whether seagrass beds exist within 200 feet of the proposed dock facility. (LDC 5.03.06 J)
   Provide a submerged resources survey from an Environmental Consultant done between April and October.
   Policy on Requirement for requiring Submerged Resources Survey (October 2017):
   - Require for all Boat Dock petitions
   - Always require an aerial with a note indicating whether seagrass beds exist within 200 feet of the proposed dock facility.

3. All proposed dock facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, or meet restrictions for continuous beds. (LDC 5.03.06 J.) P530

4. Provide complete answers to Secondary Criteria #5 & #6. (Use Misc in CV)

5. Demonstrate how negative impacts to seagrass beds and other native shoreline vegetation and hard bottom communities have been minimized. (LDC 5.03.06 J .4) P530

6. Provide a clearing plan for removal of any vegetation related to the boat dock. This is simply an information exhibit being requested.

7. Are there any draft restrictions? Look at the MPP.
   Draft restrictions exist for Wiggins Pass.

Keewaydin: BDE not required for Keewaydin
- Most always need an ST permit related to a Building Permit– water and land have ST Overlay

Seagrass: Light penetration is needed to survive, usually in more shallow areas

Submerged Resources Survey:
- Read thoroughly
- Check location description for street & waterway (if given)
- Check to see if it was uploaded to CV
- Indicate in CV "Comments box" if one was done & if it was uploaded to CV

*****SEE SUGGESTED FORMAT OF SUBMERGED RESOURCES SURVEY ON NEXT PAGE*****

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

MULTI SLIP DOCKING FACILITY

- Look at supplemental criteria in 5.05.02
  - Port of the Islands uses different Rating system – see MPP
- **See 5.03.06 E 11 and 5.05.02 for Manatee awareness requirements for multi-slip docking facilities** Whether the proposed **dock** facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this LDC. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated).

SUGGESTED FORMAT AND INFORMATION TO INCLUDE IN SUBMERGED RESOURCES SURVEY

- Location of survey – property address and folio#
  - The survey shall indicate any seagrass or seagrass beds located within 200 feet on any proposed dock facility (5.03.06.J). In order for this to be accomplished, any within 200 feet of the proposed dock (within the riparian lines of the property and adjacent to the property) shall be surveyed.
- Who did the survey – which firm and their contact information including name, address, phone #, email
- What date was the survey conducted? Guidance from FWC is to do between April and October
  - Weather conditions, water temperature, low tide & high tide times
- Objective of Survey & Work done on the site
  - Was the site snorkeled?
  - What methodologies were used?
  - Was a GPS used?
  - Was an aerial photograph reviewed and used to establish survey transect lines?
- Results
  - What was found? Substrate and what kind? Seagrass, shell, oysters?
  - What was along the shoreline? Mangroves, seawall, etc?
  - Why does the consultant think no submerged resources were found?
  - Other observations
- When seagrass is found, include all requirements of LDC section 5.03.06. J.
- Conclusions
  - Were any submerged resources found? If yes, what?
  - Are any impacts to submerged resources expected or proposed?
- Pictures (suggested angles)
  - Looking toward and away from the shoreline
  - The proposed location of the boat access
  - Observations in the water - Any oyster debris, shell, seagrass
- Aerial photograph
  - Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of 1 inch to 200 feet when available from the County, or a scale of 1 inch to 400 feet when such photographs are not available from the County. (LDC 5.03.06.J)
  - An aerial is required even when seagrasses are not found. The aerial shall indicate whether seagrasses were found within 200 feet of the proposed dock facility.

5.03.06. J. (LDC section up to date as of 2016)

Protection of seagrass beds. Seagrass or seagrass beds within 200 feet of any proposed **docks**, **dock facilities,** or **boathouses** shall be protected through the following standards:

1. Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of 1 inch to 200 feet when available from the County, or a scale of 1 inch to 400 feet when such

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

photographs are not available from the County. The location of seagrass beds shall be verified by the County Manager or designee prior to issuance of any project approval or permit.

2. All proposed **dock** facilities shall be located and aligned to stay at least 10 feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, and to minimize negative impacts to seagrasses and other native **shoreline**, emergent and submerged vegetation, and hard bottom communities.

3. Where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, the **applicant** shall be allowed to build a **dock** across the seagrass beds, or a **docking** facility within 10 feet of seagrass beds. Such **docking** facilities shall comply with the following conditions:

   a. The **dock** shall be at a height of at least 3.5 feet NGVD.
   b. The terminal platform area of the **dock** shall not exceed 160 square feet.
   c. The **access dock** shall not exceed a width of 4 feet.
   d. The **access dock** and terminal platform shall be sited to impact the smallest area of seagrass beds possible.

4. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native **shoreline** vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.

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(239) 252-2400

Pre-Application Meeting Sign-In Sheet

PL# 20210000314

Collier County Contact Information:

Name	Review Discipline	Phone	Email
☐ Maggie Acevedo	North Collier Fire	252-2309	macevedo@northcollierfire.com
☐ Steve Baluch	Transportation Planning	252-2361	stephen.baluch@colliercountyfl.gov
☑ Ray Bellows	Zoning, Planning Manager	252-2463	raymond.bellows@colliercountyfl.gov
☐ Laurie Beard	PUD Monitoring	252-5782	laurie.beard@colliercountyfl.gov
☑ Craig Brown	Environmental Specialist	252-2548	craig.brown@colliercountyfl.gov
☐ Alexandra Casanova	Operations Coordinator	252-2658	Alexandra.casanova@colliercountyfl.gov
☐ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☑ Thomas Clarke	Zoning Operations Coordinator	252-2584	thomas.clarke@colliercountyfl.gov
☐ Jamie Cook	Prin. Environmental Specialist	252-6290	Jaime.cook@colliercountyfl.gov
☐ Jackie De la Osa	North Collier Fire	252-2312	jdelaosa@northcollierfire.com
☐ Maggie DeMeo	North Collier Fire	252-2308	pdemeo@northcollierfire.com
☐ Eric Fey, P.E.	Utility Planning	252-1037	eric.fey@colliercountyfl.gov
☐ Tim Finn, AICP	Zoning Principal Planner	252-4312	timothy.finn@colliercountyfl.gov
☐ Sue Faulkner	Comprehensive Planning	252-5715	sue.faulkner@colliercountyfl.gov
☐ Jeremy Frantz	LDC Manager	252-2305	Jeremy.Frantz@colliercountyfl.gov
☐ Michael Gibbons	Structural/Residential Plan Review	252-2426	michael.gibbons@colliercountyfl.gov
☐ Storm Gewirtz, P.E.	Engineering Stormwater	252-2434	storm.gewirtz@colliercountyfl.gov
☑ Cormac Giblin, AICP	Development Review-Planning Manager	252-5095	Cormac.giblin@colliercountyfl.gov
☐ Nancy Gundlach, AICP	Zoning Principal Planner	252-2484	nancy.gundlach@colliercountyfl.gov
☐ Richard Henderlong	Zoning Principal Planner	252-2464	richard.henderlong@colliercountyfl.gov
☐ John Houldsworth	Engineering Subdivision	252-5757	john.houldsworth@colliercountyfl.gov
☐ Alicia Humphries	Right-Of-Way Permitting	252-2326	alicia.humphries@colliercountyfl.gov
☐ Anita Jenkins	Planning & Zoning Director	252-5095	Anita.jenkins@colliercountyfl.gov
☑ John Kelly	Zoning Senior Planner	252-5719	john.kelly@colliercountyfl.gov
☐ Parker Klopf	Zoning Senior Planner	252-2471	Parker.klopf@colliercountyfl.gov
☐ Troy Komarowski	North Collier Fire	252-2521	tkomarowski@northcollierfire.com
☐ Sean Lintz	North Collier Fire	597-9227	slintz@northcollierfire.com
☐ Diane Lynch	Operations Analyst	252-8243	diane.lynch@colliercountyfl.gov
☐ Thomas Mastroberto	Greater Naples Fire	252-7348	thomas.mastroberto@colliercountyfl.gov

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☐	Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov
☐	Matt McLean, P.E.	Development Review Director	252-8279	matthew.mclean@colliercountyfl.gov
☐	Michele Mosca, AICP	Capital Project Planning	252-2466	michele.mosca@colliercountyfl.gov
☐	Annis Moxam	Addressing	252-5519	annis.moxam@colliercountyfl.gov
☐	Richard Orth	Stormwater Planning	252-5092	richard.orth@colliercountyfl.gov
☐	Brandy Otero	Transit	252-5859	brandy.otero@colliercountyfl.gov
☑	Derek Perry	Assistant County Attorney	252-8066	Derek.perry@colliercountyfl.gov
☐	Brandi Pollard	Utility Impact fees	252-6237	brandi.pollard@colliercountyfl.gov
☐	Todd Riggall	North Collier Fire	597-9227	triggall@northcollierfire.com
☐	Brett Rosenblum, P.E.	Development Review Principal Project Manager	252-2905	brett.rosenblum@colliercountyfl.gov
☐	James Sabo, AICP	Zoning Principal Planner	252-2708	james.sabo@colliergo.net
☐	Michael Sawyer	Transportation Planning	252-2926	michael.sawyer@colliercountyfl.gov
☐	Corby Schmidt, AICP	Comprehensive Planning	252-2944	corby.schmidt@colliercountyfl.gov
☐	Linda Simmons	North Collier Fire	252-2311	Linda.Simmons@colliercountyfl.gov
☐	Peter Shawinsky	Architectural Review	252-8523	peter.shawinsky@colliercountyfl.gov
☐	Mark Templeton	Landscape Review	252-2475	mark.templeton@colliercountyfl.gov
☐	Connie Thomas	Client Services Supervisor	252-6369	Consuela.thomas@colliercountyfl.gov
☐	Jessica Velasco	Client Services	252-2584	jessica.velasco@colliercountyfl.gov
☐	Jon Walsh, P.E.	Building Review	252-2962	jonathan.walsh@colliercountyfl.gov
☐	Kirsten Wilkie	Environmental Review Manager	252-5518	kirsten.wilkie@colliercountyfl.gov
☐	Christine Willoughby	Development Review - Zoning	252-5748	christine.willoughby@colliercountyfl.gov
☐	Daniel Zunzunegui	North Collier Fire	252-2310	Daniel.Zunzunegui@colliercountyfl.gov

Additional Attendee Contact Information:

Name	Representing	Phone	Email
NICK PEARSON	TURNELL-HALL		

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Collier County
Growth Management Department
Zoning Division

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

PL20210000314 – 715 Palm Point Dr-Donahue Dock (BDE) -Planner-John Kelly -PRE-APP INFO

Assigned Ops Staff: Thomas Clarke
Jeremy Frantz,(Ops Staff)

STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION

- **Name and Number of who submitted pre-app request**
  Nick Pearson, Turrell Hall & Associates Inc.
  nick@thanaples.com
  239-643-0166

- **Agent to list for PL#**
  Nick Pearson, Turrell,Hall & Associates,Inc

- **Owner of property (all owners for all parcels)**
  Thomas A & Debra L. Donahue

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

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

  Boat dock extension for parcel number 46372680002

- **Details about Project:**

  BDE – See attached Plans for Submittal 1

REQUIRED Supplemental Information provided by:
Name:
Title:
Email:
Phone:

Cancellation/Reschedule Requests: Contact Danny Condomina-Client Services Supervisor
danny.condomina@colliercountyfl Phone: 239-252-6866

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

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Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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

_____ _____
Agent/Owner Signature Date

_____
Agent/Owner Name (please print)

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Pre-Application Meeting and Final Submittal Requirement Checklist for:

☐ Dock Extension
☐ Boathouse
Chapter 3 B. of the Administrative Code

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☑	☐
Chart of Site Waterway	1	☐	☑
Site Plan Illustration with the following: • Lot dimensions; • Required setbacks for the dock facility; • Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment); • Configuration, location, and dimensions of existing and proposed facility; • Water depth where proposed dock facility is to be located; • Distance of navigable channel; • Illustration of the contour of the property; and • Illustration of dock facility from both an aerial and side view.	1	☑	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☑	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

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

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

PAID ☑ Pre APP MTG. Fee

FEE REQUIREMENTS:

- ☑ **Boat Dock Extension Petition:** $1,500.00
- ☑ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00
- ☑ **An additional fee for property owner notifications will be billed to the applicant prior to the Hearing Examiner hearing date.**

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

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

All checks payable to: Board of County Commissioners.

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

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

_____ _____

Signature of Petitioner or Agent Date

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Affidavit of Authorization

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210000314

I, Debra Donahue (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.

Debra Donahue
Signature

8/13/21
Date

STATE OF FLORIDA
COUNTY OF COLLIER

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

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

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Sierra Greenley

SIERRA GREENLEY
MY COMMISSION # HH 043331
EXPIRES: December 15, 2024
Bonded Thru Notary Public Underwriters

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210000314

I, Thomas Donahue (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 and 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

4/14/21 Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4/14/21 (date) by Thomas Donahue (name of person providing oath or affirmation), as owner who is personally known to me or who has produced driver's license (type of identification) as identification.

STAMP/SEAL

Jordan Lee Rice
Signature of Notary Public

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

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

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BDE Drawings / Exhibits

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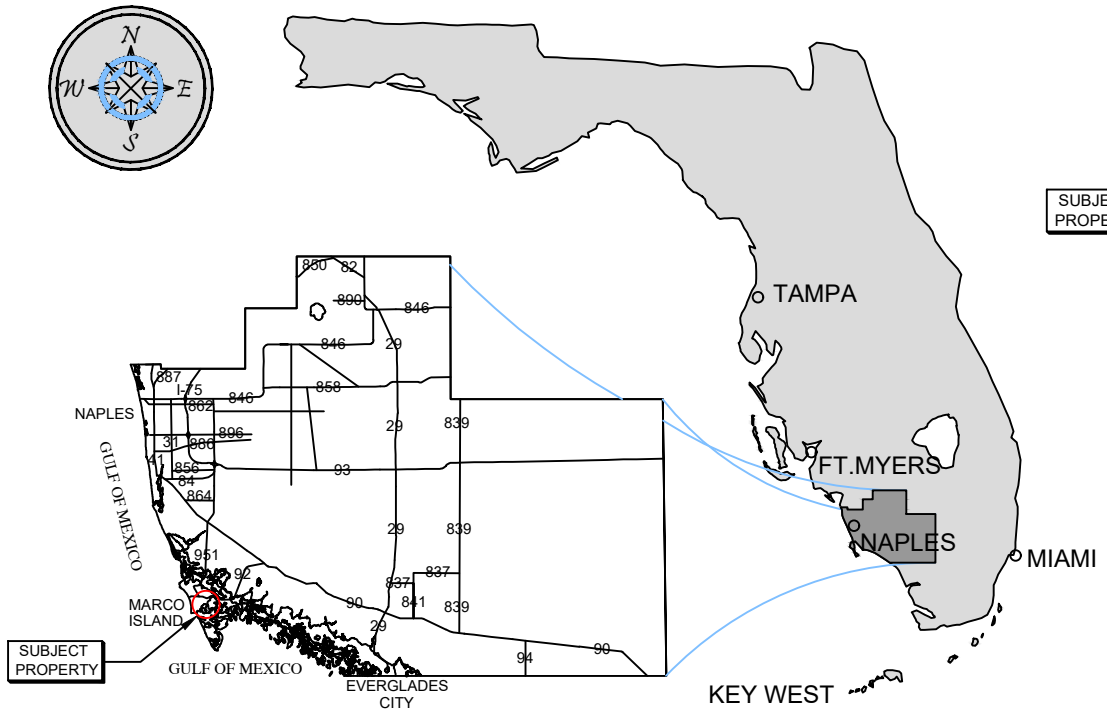
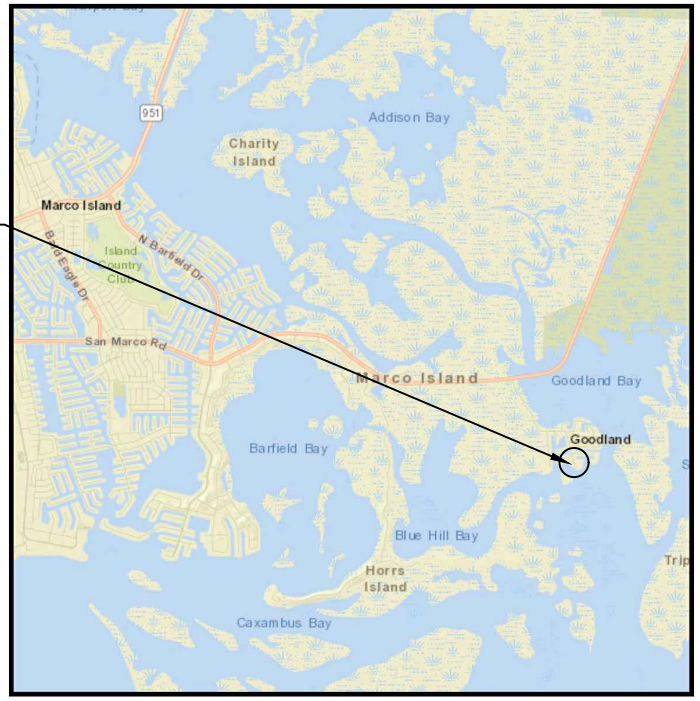
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

<> 715 PALM POINT DR
GOODLAND, FL 34140

<> LATITUDE: N 25.921851
<> LONGITUDE: W -81.647370

NOTES:

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

COUNTY AERIAL

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

715 PALM POINT DR

LOCATION MAP

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DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
SHEET NO.:	01 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\200035.10-BDE option 7-29-22.dwg LOCATION MAP 8/31/2022

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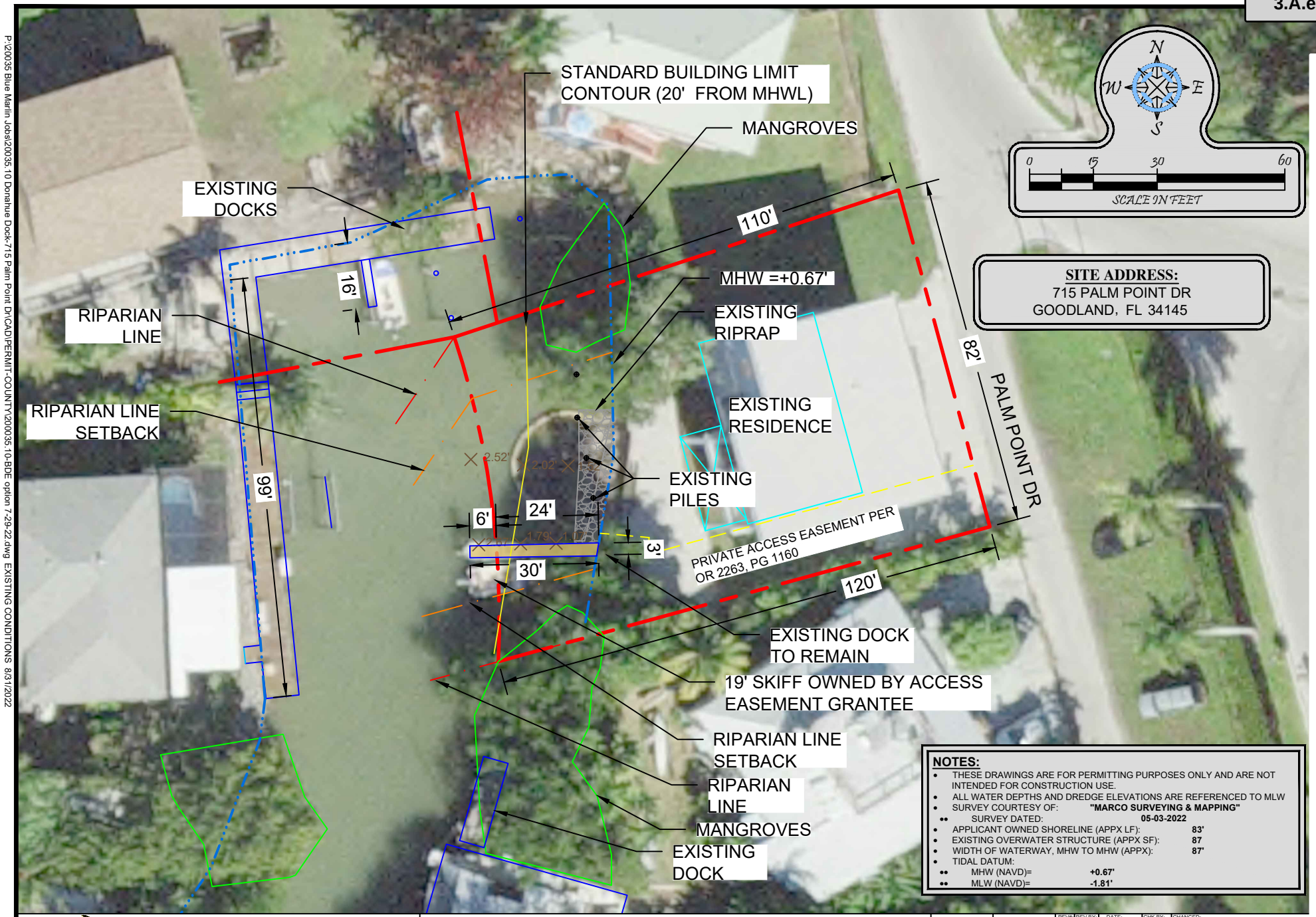

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715 PALM POINT DR
GOODLAND, FL 34145

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  - SURVEY DATED: **05-03-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **83'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **87**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **87'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.67'**
  - MLW (NAVD)= **-1.81'**

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EXISTING CONDITIONS

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SECTION-18 TOWNSHIP-52S

P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\20035.10-BDE option 7-29-22.dwg EXISTING CONDITIONS 8/31/2022

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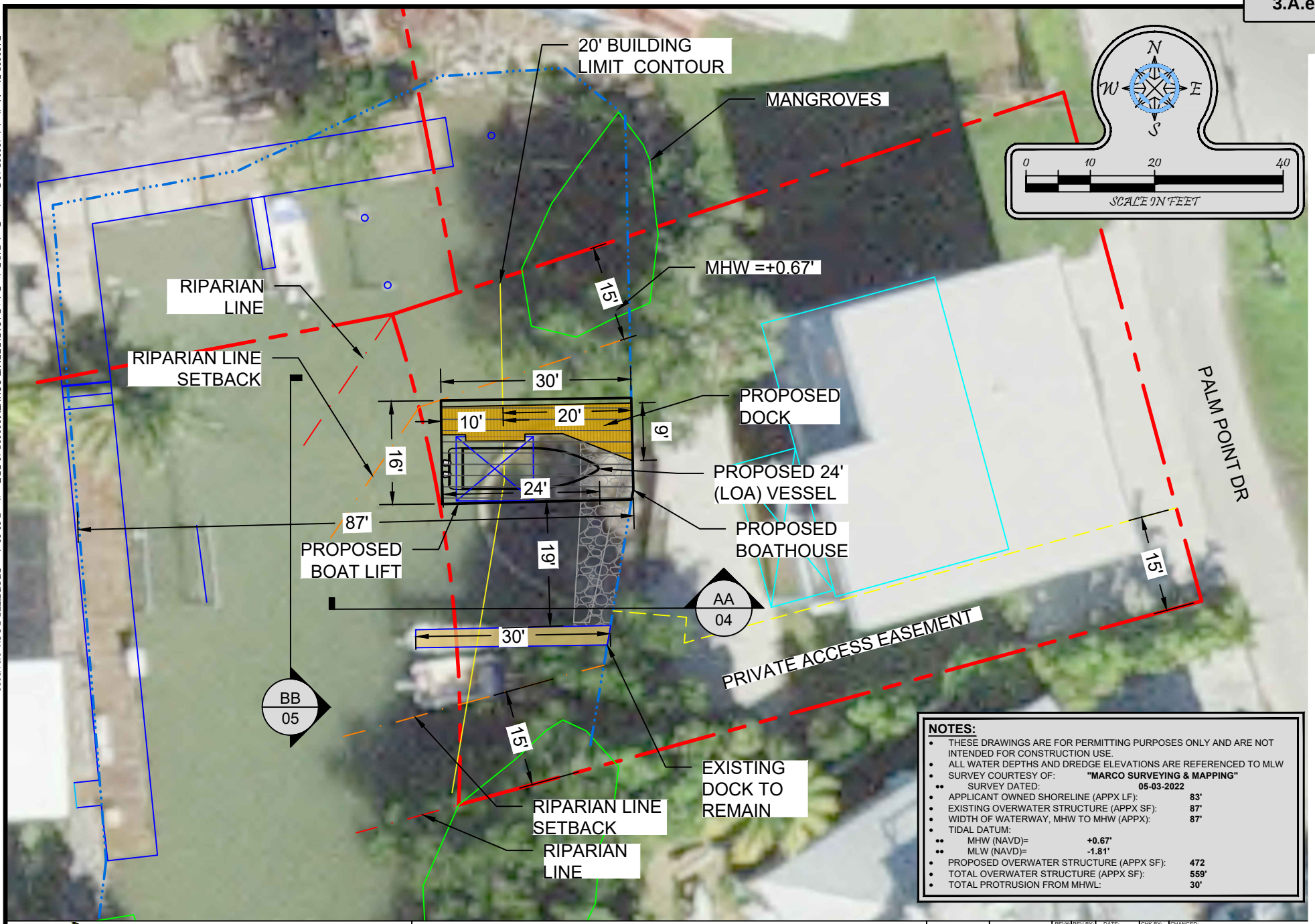

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  - MLW (NAVD)= **-1.81'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **472**
- TOTAL OVERWATER STRUCTURE (APPX SF): **559'**
- TOTAL PROTRUSION FROM MHWL: **30'**

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PROPOSED DOCK

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SHEET NO.:	03 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

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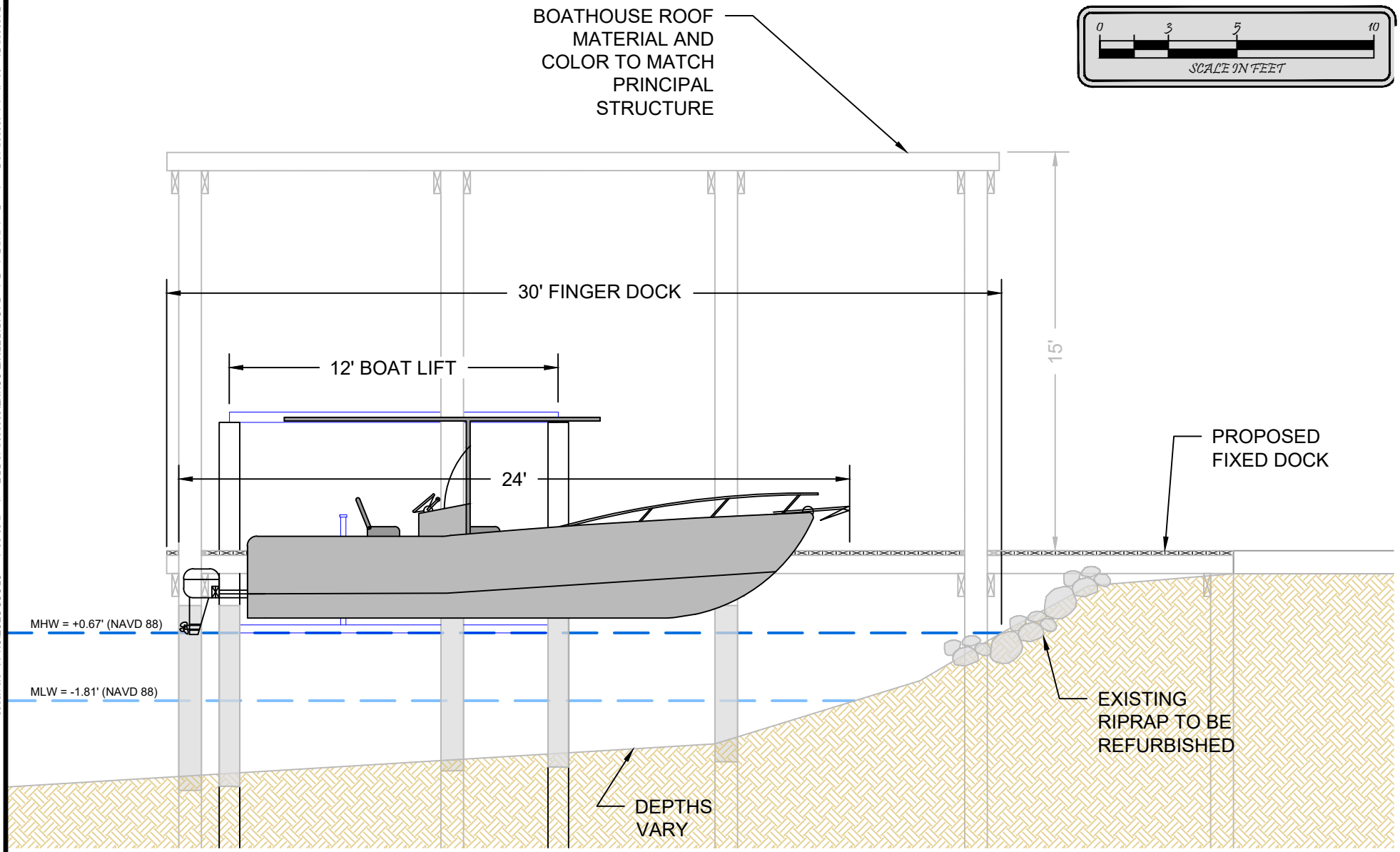
P:\20035 Blue Marlin Jobs\20035.10 Donahue Dock-715 Palm Point Dr\CAD\PERMIT-COUNTY\200035.10-BDE option 7-29-22.dwg CROSS SECTION AA 8/31/2022



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CROSS SECTION AA

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SECTION-18 TOWNSHIP-52S

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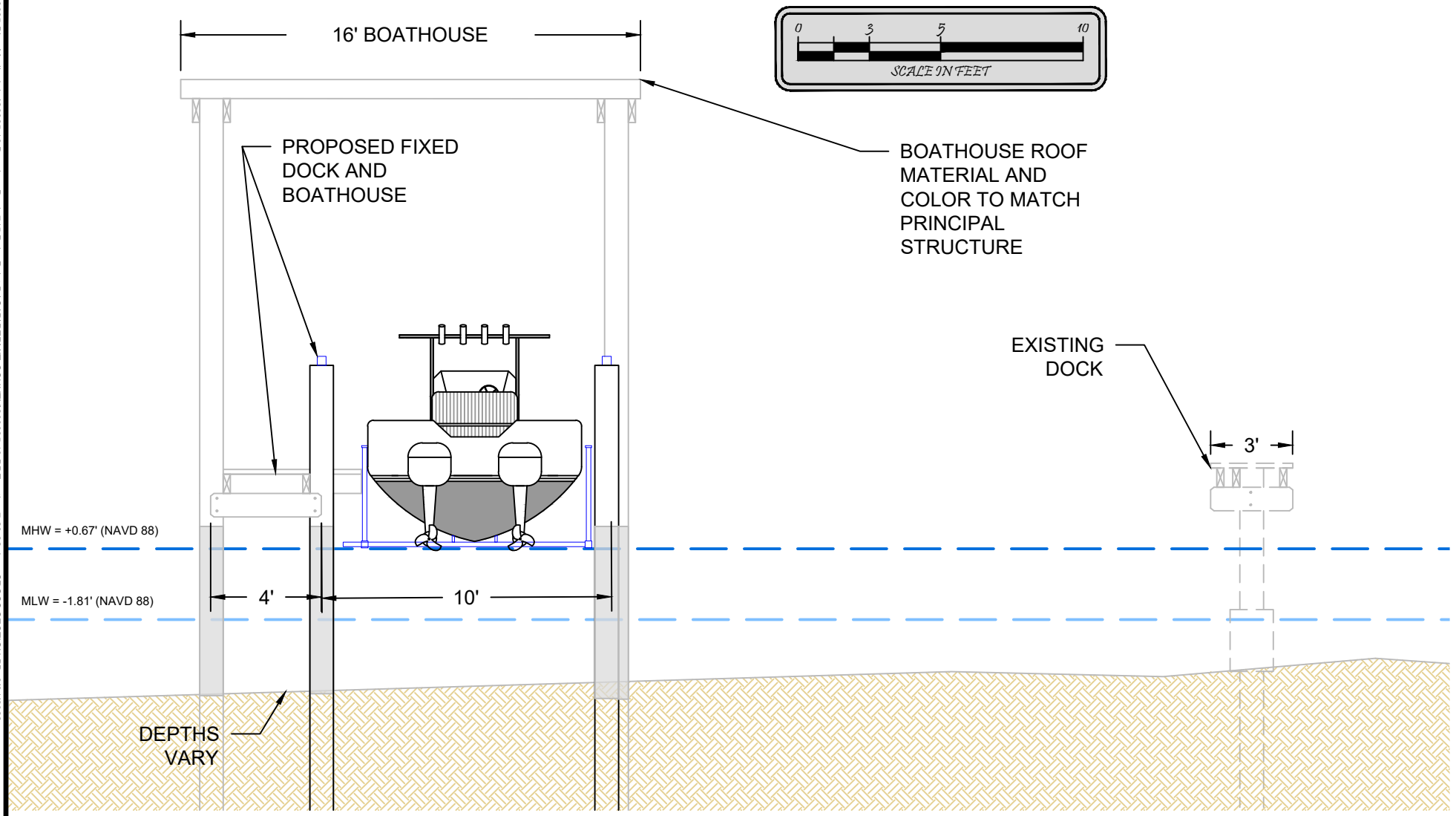

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CROSS SECTION BB

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SECTION- 18 TOWNSHIP- 52S

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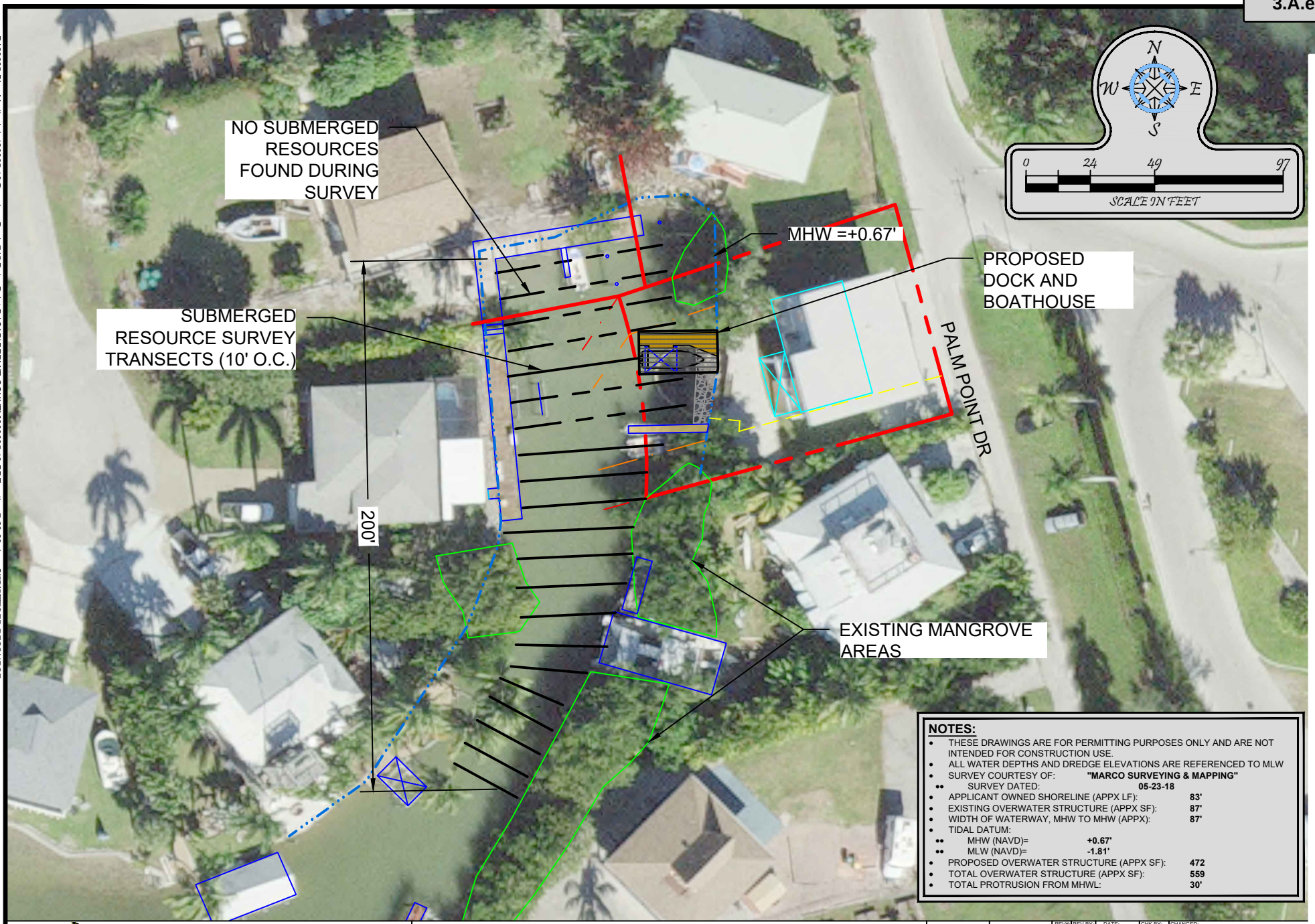

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SUBMERGED RESOURCE SURVEY

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SECTION- 18 TOWNSHIP- 52S

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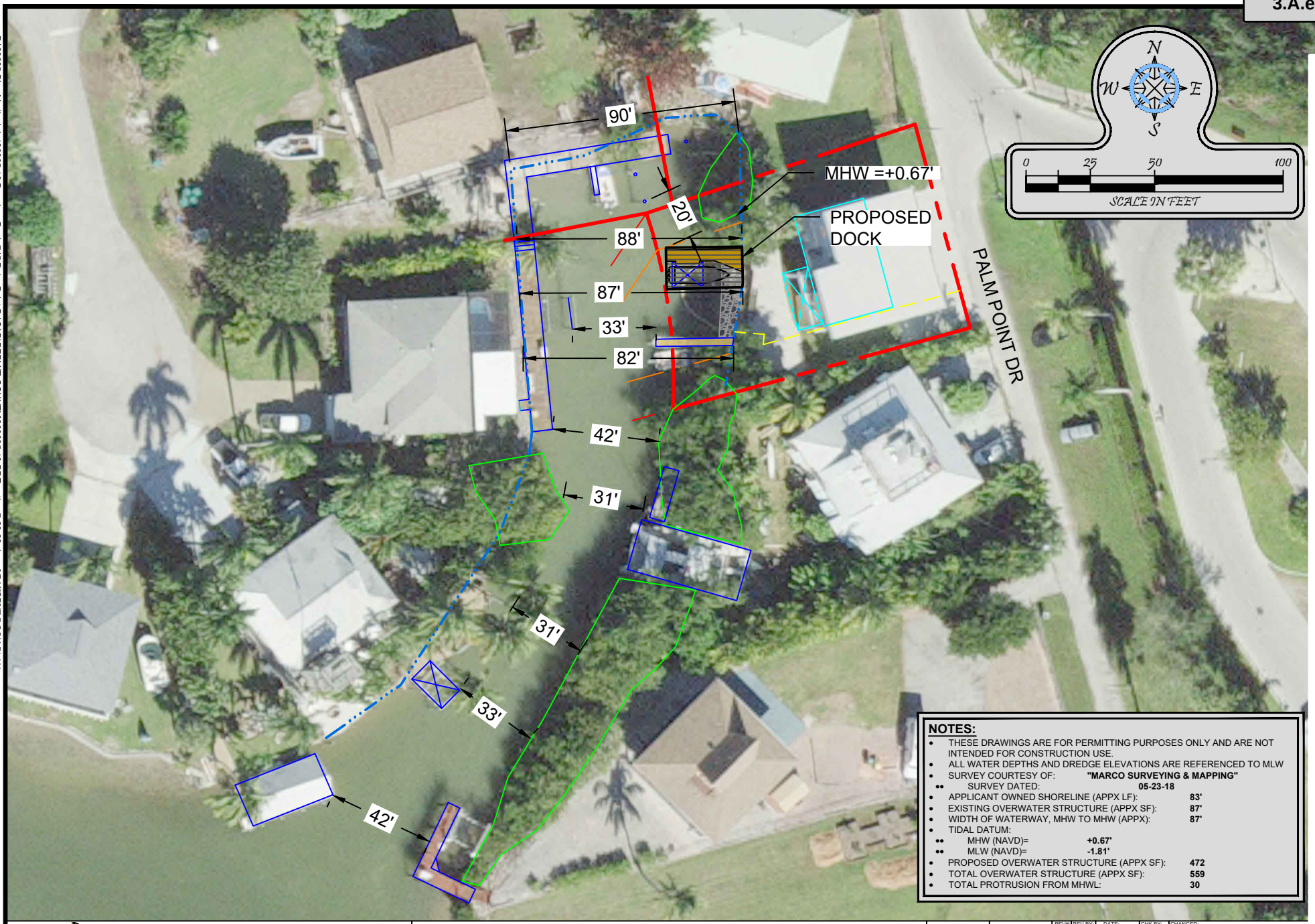

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ADJACENT DOCK PLAN - OVERVIEW

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SECTION- 18 TOWNSHIP- 52S

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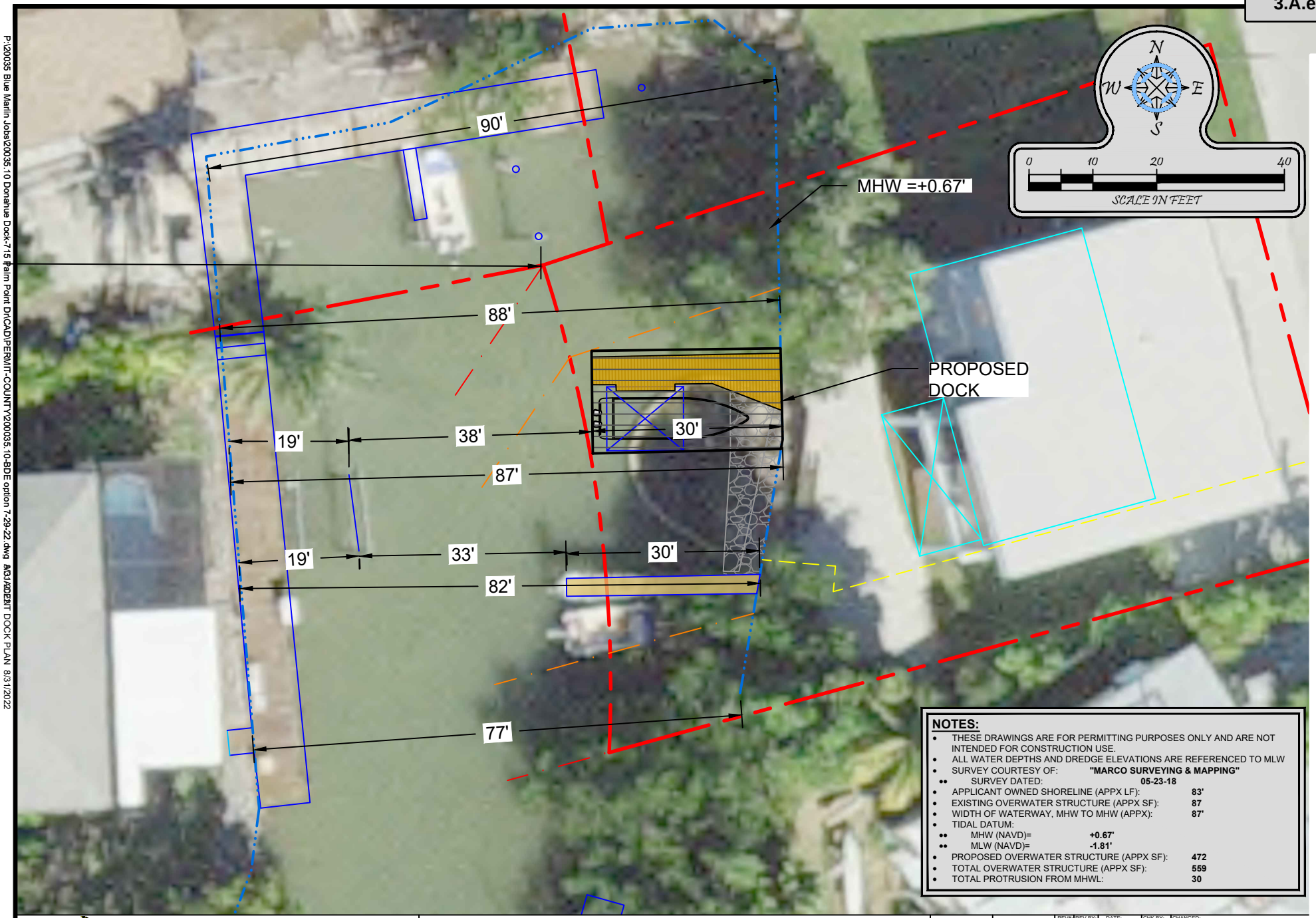

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ADJACENT DOCK PLAN

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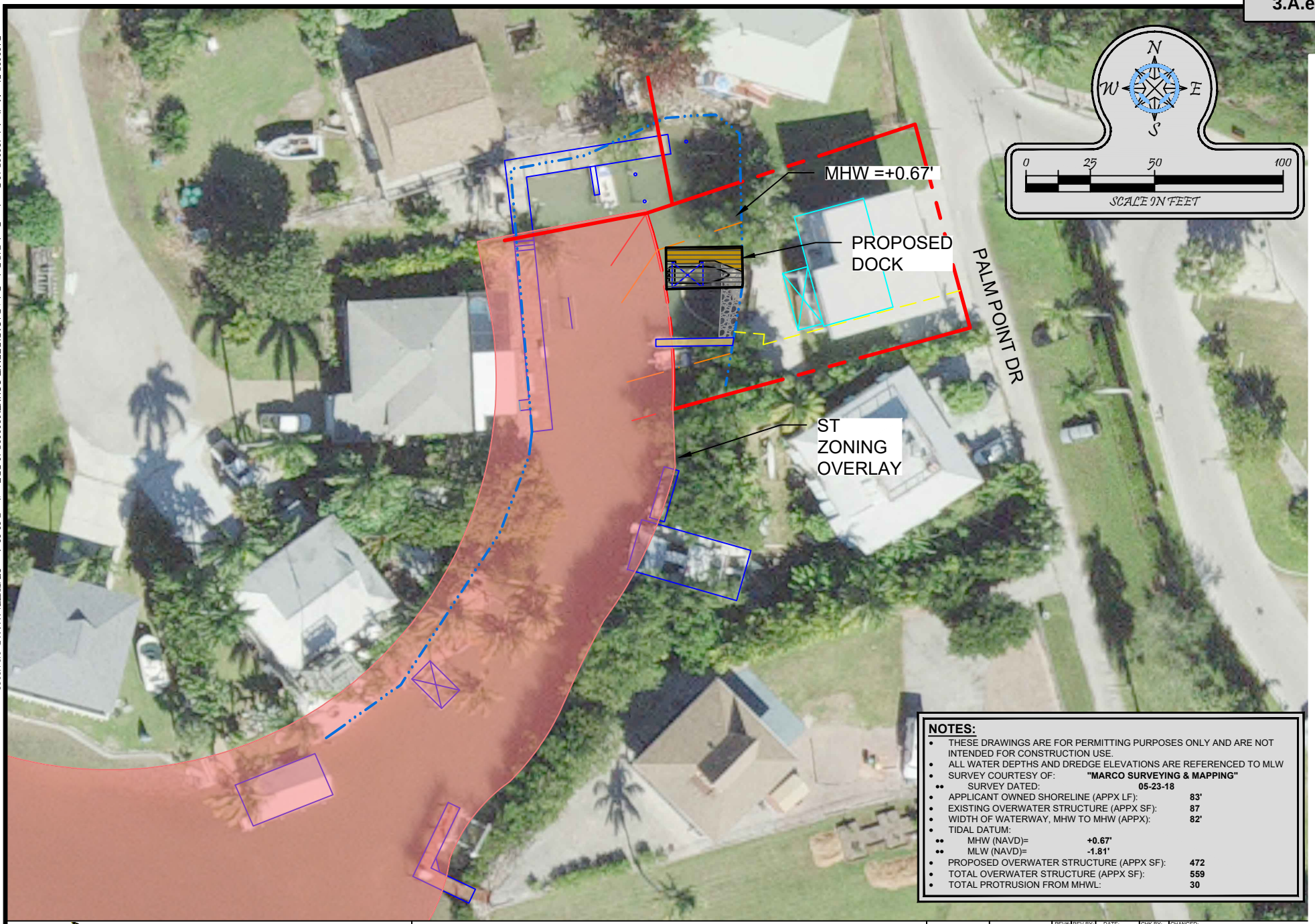

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ST OVERLAY MAP

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Primary Criteria

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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's zoning and use is for a single-family residential unit along a waterfront. Section 5.03.06 B.1. of the Collier County L.D.C. states that individual or multiple private docks are an allowable use for the zoning type. Additionally, the typical number of boat slips for such a use is no more than 2 slips.

   The proposed project consists of constructing a new docking facility that will provide one slip. The existing dock facility at the site also provides 1 slip. Access to the north side of the proposed finger pier will be blocked by mangroves and the side setback. Use of the north side of the existing dock is blocked by a railing. Therefore, the total number of slips at the site will equal 2. This criteria is therefore met/satisfied.

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

   See attached drawings illustrating the existing docking facility, proposed docking facility, and water depths within the canal. Water depths do not exceed 2' at low tide until beyond 20' from the Mean High Tide contour, which is not adequate for the property owner's vessel. This criteria is therefore met/satisfied.

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

   The proposed docking facility is not located within a marked channel. Furthermore, the proposed dock is entirely within the owner's platted property line and has been

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designed so as to not restrict the waterway any further than any of the other nearby existing dock facilities. This criteria is therefore met/satisfied.

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 waterway width is approximately 87' in width next to the proposed structure. The proposed structure protrudes 30' into the waterway or 35% the width of waterway. Structures on the opposite side of the waterway protrude 19' into the waterway or 22% the width of waterway. This will leave a space of 38' through which public navigation can occur or 43% of the width of waterway.

   We acknowledge that this amount of protrusion exceeds the normal parameters of Collier County's L.D.C. However, considering the difficulties of the site such as the mangrove shoreline, access easement and associated dock, shallow water depths, and that the proposed structure will be entirely within the applicant's platted property lines, we believe that the added protrusion can be addressed and approved through this BDE petition. This criteria is therefore not met/satisfied.

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 will meet the required side yard setbacks of 15-feet and will protrude so as to match the existing dock on site. Considering that this property is located nearly at the end of the canal, the shallow water depths within 20' of the subject property which do not supply navigable space, and public navigation should not be affected by the project, our opinion is that the proposed dock will not interfere with any existing or future neighboring docking facilities. This criteria is therefore met/satisfied.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Secondary Criteria

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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's shoreline is comprised of a mix of mangroves and rip rap. While the property owner is permitted to trim the mangroves, they still serve as significant obstacles for mooring a vessel at this site, particularly within 20' of the Mean High-Water Line. Additionally, the existing dock on site further serves to make mooring within 20' of the MHWL difficult, particularly because it cannot be altered, as this would comprise a violation of the access easement's terms and conditions. This criteria is therefore met/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.)

   The proposed docking facility will cover approximately 472 square feet of over water structure, bringing the total over water square footage at the site to 559 square feet. This is small enough to qualify the dock as being exempt from needing a permit from the state (the Florida Department of Environmental Protection). It is also significantly smaller than most of the nearby docks, and the majority of this square footage will occur within 20' of the Mean High-Water Line. We believe that the amount of decking proposed would allow reasonable, safe access, and is not excessive. This criteria is therefore met/satisfied.

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

   The length of the applicant's vessel is 24'. The length of the access easement grantee's vessel is approximately 19'. Collectively, both vessels would therefore amount to 43', which is more than 50% of the applicant's total shoreline (83'). This criteria is therefore not met/satisfied.

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

   The proposed docking facility is located entirely within the riparian area of the property owner and also entirely within his platted property lines as well. Furthermore, the project site is largely blocked on both sides by mangroves. Our

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

opinion is therefore that the views of neighbors will not be significantly affected by the proposed project. This criteria is therefore met/satisfied.

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

   There are no seagrass beds present within 200' of the proposed dock location. This criteria is therefore met/satisfied.

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 dock facility. The Collier County Manatee Protection Plan does not restrict single-family docks, except for those within the sea walled basin of Port of the Islands. This dock is not within Port of the Islands, and so therefore complies with the Manatee Protection Plan. This criteria is therefore, according to county staff, not applicable.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Boathouse Criteria

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

BOATHOUSE CRITERIA

1. Minimum side setback requirement: Fifteen feet.

   Side setbacks of 15′ are provided as required in Chapter 5.03.06 F. of the Collier County L.D.C. This criteria is met/satisfied.

2. Maximum protrusion into waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.

   The protrusion of the proposed project will amount to a maximum of 30′ from the Mean High-Water Line. The waterway is 87′ in width at this location, and so therefore, the protrusion proposed will exceed the normal permissible amount. The added protrusion will be addressed by BDE petition #PL20210000314. This criteria is therefore met/satisfied.

3. Maximum height: Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.

   The proposed boathouse will be no more than 15′ in height. This criteria is therefore met/satisfied.

4. Maximum number of boathouses or covered structures per site: One.

   The site currently does not have any other boathouses or covered structures present. And the project only proposes a single boathouse. This criteria is therefore satisfied.

5. All boathouses and covered structures shall be completely open on all 4 sides.

   The boathouse will be completely open on all 4 sides. This criteria is therefore met/satisfied.

6. Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.

   The roofing material and color will be the same as the principal structure. This criteria is therefore met/satisfied.

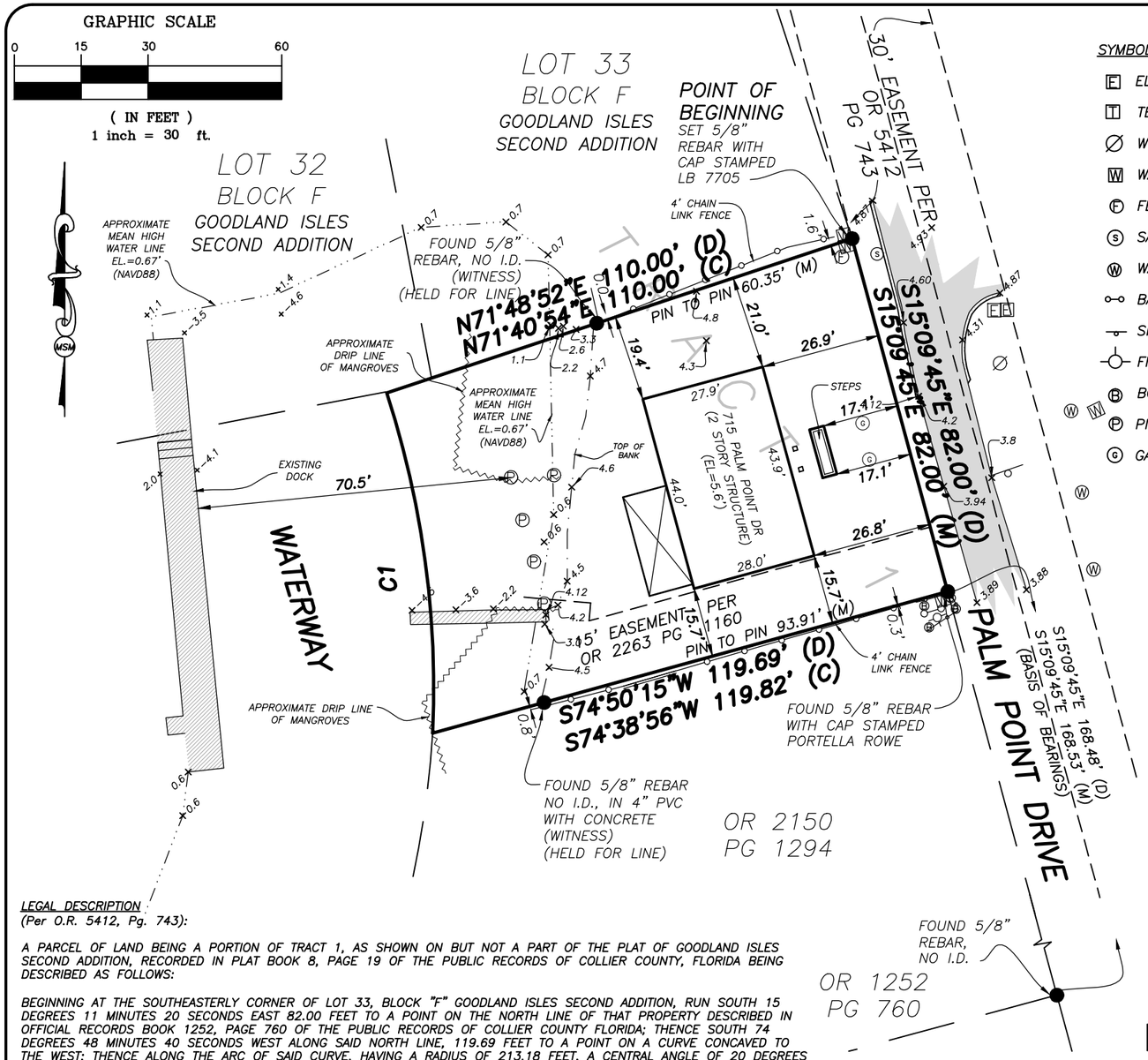
7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical

   The proposed boathouse and dock will not affect any neighbor's views. The sides are both flanked by mangroves which protrude almost the same distance from the shore as the proposed structure. This criteria is therefore met/satisfied.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Professional Survey and Plat

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr



SYMBOL LEGEND

- E — ELECTRIC BOX
- T — TELEPHONE BOX
- WOOD UTILITY POLE
- W — WATER METER
- F — FENCE POST
- S — SANITARY VALVE
- W — WATER VALVE
- BACKFLOW PREVENTER
- SIGNAGE
- FIRE HYDRANT
- B — BOLLARD
- P — PILE
- G — GAS

NOTES:

1. *Last day of field work is May 23, 2018 (date of survey)*
2. *Bearings shown hereon are based on the Westerly line of Palm Point Drive, OR 5412, PG 743, as located in State Plane coordinate system Florida East Zone, NAD 83, 2011 adjustment being S15°09'45"E. Rotated from Plat bearing system clockwise 00°01'35".*
3. *No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.*
4. *No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.*
5. *The intended use of this survey is to serve as an analysis tool for a permitting purposes.*
6. *Unless otherwise indicated all easements shown hereon are based on plat.*
7. *Only above ground, visible and apparent improvements were located.*
8. *Foundations and overhangs are not taken into account on this survey.*
9. *Irrigation equipment was not taken into account on this survey.*
10. *No other persons or entities other than those listed as exclusive users may rely on this survey.*
11. *All dimensions are in feet and decimals thereof, unless otherwise noted.*
12. *Subject to easements, reservations and restrictions of record.*
13. *Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.*
14. *According to the Collier County Zoning Map viewer as posted on colliergov.net this property is zoned RSF-4-GZO.*

    Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.
15. *Property contains 0.20 acres (8,894 square feet) more or less.*
16. *Mean High Water Line elevation of 0.67' (NAVD88) is based on the Department of Environmental Protection Tide Station ID: 872-4979 located approximately 4,800' North-Northwest of site.*
17. *Property falls in Flood Zone "AE" base flood elevation "10" according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Number 12021C0842H, Community Number 120067, Panel 0842, Suffix H, Dated May 16, 2012.*
18. *All elevations are in North American Vertical Datum of 1988, (NAVD88).*
19. *Per OR 4317 PG 3652 the 15' Easement has a call of "along the water" for this survey the "Approximate Mean High Water Line" was held to show the easement.*
20. *Described boundary shown on survey per proposed legal description.*

REVISIONS:

1. *REMOVED TOPOGRAPHIC INFORMATION, ADDED CONCRETE FOUNDATION; S.C., WO#19-516, FB#186, PG#38; 07/30/2019.*
2. *ADD PLOT PLAN INFORMATION, R.Y., WO #20-224, 05/12/2020.*
3. *ADD NEW PILES & TOPO, R.Y., WO #20-719, 11/05/2020.*
4. *ADD PROPOSED (CORRECTED) DEED; J.P.; 12/20/2021*
5. *ADD UPDATED MEAN HIGH WATER LINE, R.Y., #20-719; FB#246, PG#37; 4/27/2022.*

LEGAL DESCRIPTION
(Per O.R. 5412, Pg. 743):

A PARCEL OF LAND BEING A PORTION OF TRACT 1, AS SHOWN ON BUT NOT A PART OF THE PLAT OF GOODLAND ISLES SECOND ADDITION, RECORDED IN PLAT BOOK 8, PAGE 19 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 33, BLOCK "F" GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST 82.00 FEET TO A POINT ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1252, PAGE 760 OF THE PUBLIC RECORDS OF COLLIER COUNTY FLORIDA; THENCE SOUTH 74 DEGREES 48 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE, 119.69 FEET TO A POINT ON A CURVE CONCAVED TO THE WEST; THENCE ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 213.18 FEET, A CENTRAL ANGLE OF 20 DEGREES 45 MINUTES 49 SECONDS, (CHORD BEARS NORTH 7 DEGREES 49 MINUTES 42 SECONDS EAST, CHORD DISTANCE EQUALS 76.63 FEET) FOR 77.25 FEET; THENCE NORTH 71 DEGREES 47 MINUTES 17 SECONDS EAST 110.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH, A 30.00 FEET WIDE ACCESS EASEMENT, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FROM THE POINT OF BEGINNING OF SAID CENTERLINE ON THE SOUTH LINE OF PALM AVENUE AS SHOWN ON SAID PLAT OF GOODLAND ISLES SECOND ADDITION, SAID POINT LYING NORTH 74 DEGREES 49 MINUTES 12 SECONDS EAST OF AND 20.10 FEET FROM THE NORTHEASTERLY CORNER OF LOT 33, BLOCK "F", SAID GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST ALONG SAID CENTERLINE FOR 478.94 FEET.

PROPOSED LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT 1, AS SHOWN ON BUT NOT A PART OF THE PLAT OF GOODLAND ISLES SECOND ADDITION, RECORDED IN PLAT BOOK 8, PAGE 19 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 33, BLOCK "F" GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST 82.00 FEET TO A POINT ON THE NORTH LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1252, PAGE 760 OF THE PUBLIC RECORDS OF COLLIER COUNTY FLORIDA; THENCE SOUTH 74 DEGREES 48 MINUTES 40 SECONDS WEST ALONG SAID NORTH LINE, 119.69 FEET TO A POINT ON A CURVE CONCAVED TO THE WEST; THENCE ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 213.18 FEET, A CENTRAL ANGLE OF 20 DEGREES 45 MINUTES 48 SECONDS, (CHORD BEARS NORTH 7 DEGREES 49 MINUTES 42 SECONDS WEST, CHORD DISTANCE EQUALS 76.83 FEET) FOR 77.25 FEET; THENCE NORTH 71 DEGREES 47 MINUTES 17 SECONDS EAST 110.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH, A 30.00 FEET WIDE ACCESS EASEMENT, LYING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FROM THE POINT OF BEGINNING OF SAID CENTERLINE ON THE SOUTH LINE OF PALM AVENUE AS SHOWN ON SAID PLAT OF GOODLAND ISLES SECOND ADDITION, SAID POINT LYING NORTH 74 DEGREES 49 MINUTES 12 SECONDS EAST OF AND 20.10 FEET FROM THE NORTHEASTERLY CORNER OF LOT 33, BLOCK "F", SAID GOODLAND ISLES SECOND ADDITION, RUN SOUTH 15 DEGREES 11 MINUTES 20 SECONDS EAST ALONG SAID CENTERLINE FOR 478.94 FEET.

SURFACE LEGEND

- ASPHALT
- CONCRETE
- WOOD DOCK

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C1(D)	213.18'	77.25'	20°45'48"	N07°49'42"W	76.83'
C1(C)	213.18'	77.41'	20°48'22"	N07°42'41"W	76.99'

ABBREVIATIONS

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

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

For the Exclusive Use Of:
Tom Donahue

JOHN P. PACETTI CERTIFICATE No. 6916 STATE OF FLORIDA

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

BOUNDARY SURVEY

A Portion of Tract 1, Goodland Isles Second Addition, Collier County, Florida

CLIENT:	Tom Donahue				
HORIZONTAL SCALE:	1" = 30'	PROJECT NUMBER:	P738		
CHIEF:	BOOK/PAGE	DRAFTED BY:	DATE	WO NUMBER	DRAWING NO.
G.P.	163 / 3	R.Y.	05/2018	18-	

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

GOODLAND ISLES
SECOND ADDITION

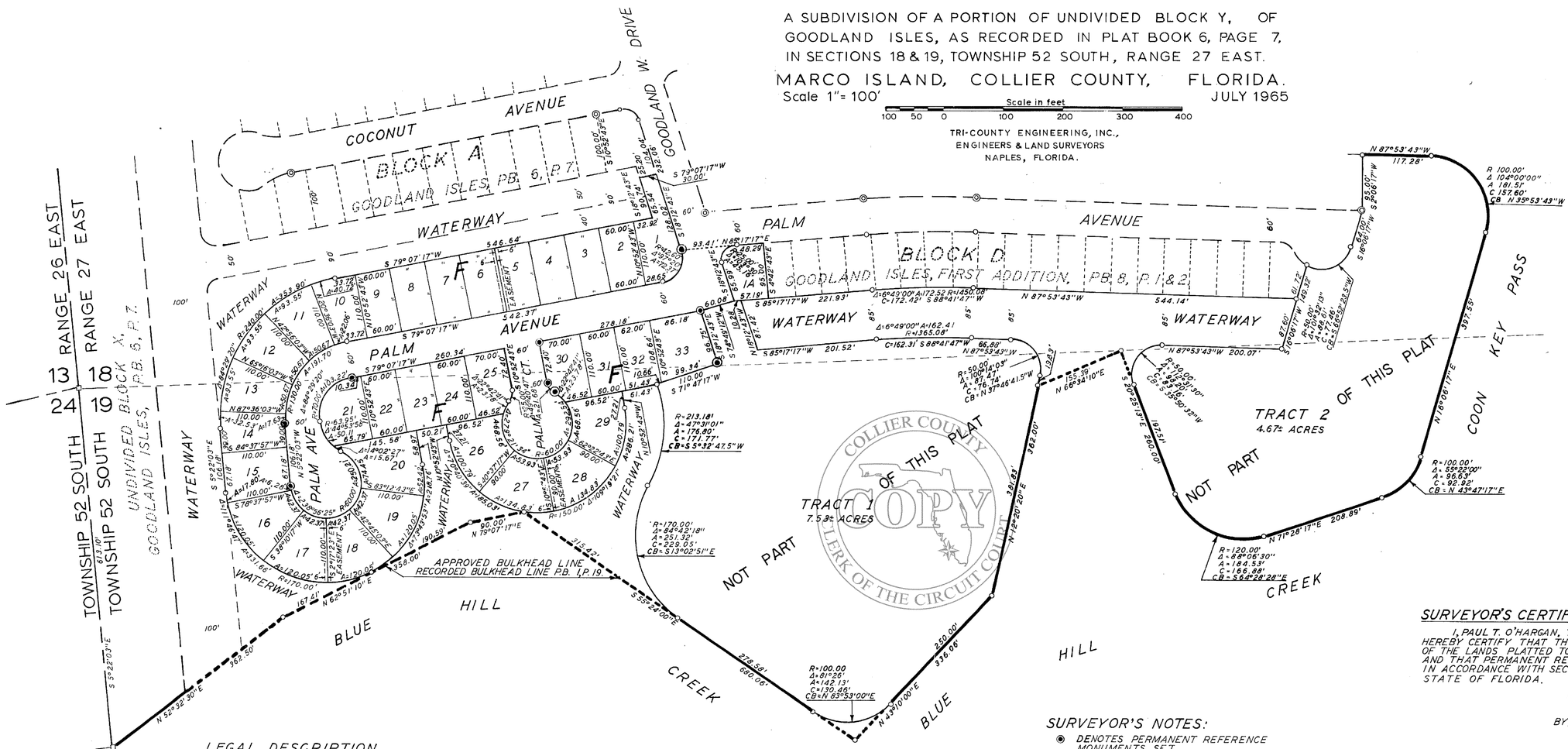
A SUBDIVISION OF A PORTION OF UNDIVIDED BLOCK Y, OF GOODLAND ISLES, AS RECORDED IN PLAT BOOK 6, PAGE 7, IN SECTIONS 18 & 19, TOWNSHIP 52 SOUTH, RANGE 27 EAST.

MARCO ISLAND, COLLIER COUNTY, FLORIDA.

Scale 1" = 100' JULY 1965

Scale in feet
100 50 0 100 200 300 400

TRI-COUNTY ENGINEERING, INC.,
ENGINEERS & LAND SURVEYORS
NAPLES, FLORIDA.



LEGAL DESCRIPTION

A SUBDIVISION OF UNDIVIDED BLOCK 'Y' OF GOODLAND ISLES, AS RECORDED IN PLAT BOOK 6, PAGE 7, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, EXCEPT THAT PORTION THEREOF RECORDED IN PLAT OF GOODLAND ISLES, FIRST ADDITION, AS RECORDED IN PLAT BOOK 8, PAGES 1 AND 2, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:— THAT GOODLAND, INC., OWNER OF THE HEREIN DESCRIBED LANDS, BY ITS UNDERSIGNED PRESIDENT, THEODORE E. CURCIE, AND SECRETARY, E. BALDWIN HAS CAUSED TO BE MADE THIS PLAT ENTITLED "GOODLAND ISLES, SECOND ADDITION," AND DOES HEREBY DEDICATE THE STREETS, WATERWAYS, AND EASEMENTS, AS SHOWN ON THE ATTACHED PLAT TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES AND USES THEREON SHOWN.

IN WITNESS WHEREOF, THE SAID OWNER HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 28 DAY OF JULY, A.D. 1967.

WITNESS Beatrice Supple — THEODORE E. CURCIE, PRES.

WITNESS Florida A. Barbee — E. BALDWIN, SEC'Y.

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF BROWARD S.S:

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, THEODORE E. CURCIE, PRESIDENT, AND E. BALDWIN, SECRETARY, OFFICERS OF GOODLAND, INC., TO ME WELL KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION, AND W'D ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR OWN FREE ACT AND DEED AS SUCH OFFICERS, AND THAT THEY AFFIXED THERETO THE OFFICIAL SEAL OF SAID CORPORATION, AND THAT INSTRUMENT IS THE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL, AT HALLANDALE, COUNTY OF BROWARD, STATE OF FLORIDA, THIS 28 DAY OF July, A.D. 1967.

MY COMMISSION EXPIRES Notary Public, State of Florida at Large My Commission Expires March 20, 1969 Bonded by American Fire & Casualty Co.

Patsy E. Mesamuch
NOTARY PUBLIC
STATE OF FLORIDA, AT LARGE

VACATION — E 6' LOT 17, BLK F
W 6' LOT 18 BLK F
SEE OFFICIAL RECORD BOOK 600 PAGE 1656. SEPTEMBER 3, 1974

RESOLUTION: 83-85

VACATE A PORTION OF THE CUL-DE-SAC OF PALM AVENUE. RECORDED 6-6-83 OR 1025 Pg 272-273

SURVEYOR'S NOTES:

- ◉ DENOTES PERMANENT REFERENCE MONUMENTS SET.
- ◎ DENOTES PERMANENT REFERENCE MONUMENTS FOUND.
- □ DENOTES CONCRETE MONUMENTS FOUND IN PLACE.

BEARINGS ARE BASED ON PLAT OF GOODLAND ISLES, P.B. 6, P. 7, IN COLLIER COUNTY, FLORIDA.

COUNTY APPROVAL (HEALTH DEPT.)

THIS PLAT APPROVED BY THE COLLIER COUNTY HEALTH DEPARTMENT THIS 3rd DAY OF October, A.D. 1967.

Robert R. Weber

SURVEYOR'S CERTIFICATE

I, PAUL T. O'HARGAN, THE SURVEYOR MAKING THIS PLAT, DO HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS PLATTED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED IN ACCORDANCE WITH SECTION 7, CHAPTER 10275, LAWS OF THE STATE OF FLORIDA.

TRI-COUNTY ENGINEERING, INC.,

BY Paul T. O'Hargan
PAUL T. O'HARGAN,
FLA. REG. SURV. NO. 1936.

COUNTY APPROVALS

THIS PLAT APPROVED BY COUNTY PLANNING COMMISSION THIS 3 DAY OF October, A.D. 1967.
Carl Clemmer
CARL CLEMMER,

THIS PLAT APPROVED BY COUNTY ENGINEER THIS 3rd DAY OF October, A.D. 1967.
Harmon Turner
HARMON TURNER

THIS PLAT APPROVED IN REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THIS 3rd DAY OF October, A.D. 1967.

Margaret J. Scott — CLERK
A. C. Hancock — CHAIRMAN

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 10275, LAWS OF THE STATE OF FLORIDA, AND THAT SAID PLAT WAS FILED FOR RECORD AT 10:32 A.M., THIS 3rd DAY OF October, A.D. 1967 AND RECORDED IN PLAT BOOK 8, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

Margaret J. Scott
CLERK OF THE CIRCUIT COURT

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr Donahue)

Original Access Easement Document

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

2130454 OR: 2263 PG: 1100
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
12/20/96 at 12:40PM DWIGHT B. BROCK, CLERK
RETN REC FEE 10.50
WOODWARD PIRES DOC-.70 .70
ET AL

GRANT OF NON-EXCLUSIVE EASEMENT

ET AL
P O BOX 088
MARCO ISLAND FL 33969

Know all men by these presents that **Goodland, Inc.** a Florida Corporation, in consideration of the sum of Ten and N0/100 ($10.00) Dollars and other valuable consideration, receipt of which is hereby acknowledged does hereby grant to **Otha Blevins and Pearl Blevins**, his wife, whose post office address is 600 Hunter Run, Campbellsville, Kentucky 42718, owners of the following property:

> Lot 25, Block F, GOODLAND ISLES, second addition, according to the Plat thereof, as recorded in Plat Book 8, Page 19, of the Public Records of Collier County, Florida.

and to their successors and assigns, an easement forever for a right of ingress and egress and for boat dockage subject to the conditions contained herein, through the following described lands of the Grantor situated in the County of Collier, State of Florida and more particularly described as follows:

1. A non-exclusive right of ingress and egress (the "Ingress and Egress Easement") along fifteen (15) foot wide strip of land lying north of the north line of that property described in Official Records Book 1252, Page 760, of the Public Records of Collier County, Florida, along with an additional fifteen (15) foot wide strip of land north along the water to the dock described in 2 below (approximately twenty (20) feet long).

2. A right to utilize the south side of the wood dock closest to the Ingress and Egress Easement referenced in paragraph one above.

3. The right to repair, replace or improve the dock described in 2 above.

Along with all rights and privileges necessary or convenient for the full enjoyment of the described purposes.

This Easement Agreement does not give Grantees an ownership right in the property described herein but only a right to use the property described herein to provide water access.

The Grantor, however, reserves the right and privilege to also use the Ingress and Egress Easement described in paragraph one above.

The Grantees agree that they will not disturb the existing or future uses to which Grantor or its successors and assigns puts the adjacent property.

RETURN TO WOODWARD, PIRES & LOMBARDO, P.A.
POST OFFICE BOX [illegible]

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

The Grantees further agree that nothing which presently exists on the Grantor's property shall be disturbed, by which is meant the dock, any palm trees or shrubbery, and that the terrain be used by the Grantees in such a way that it is not detriment to the appearance of the property. The Grantor and its successors and assigns will have no obligation to maintain the property and no responsibility to repair or rebuild the dock if it is damaged due to any Act of God or natural disasters.

In Witness Whereof, the Grantor has executed this Agreement this 30th day of July 1996.

Signed in the presence of:

Goodland, Inc.

Witness

By: _____ **As Its** _____

Witness

STATE OF FLORIDA

COUNTY OF Collier

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared _____ as an officer of **Goodland, Inc.**, a Florida Corporation, to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, that I relied upon the following form of identification of the above-named person: _____ and that an oath (was) (was not) taken.

COLLIER COUNTY
RECORDS
COPY
OF THE CIRCUIT

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of July A.D., 1996.

CRAIG R. WOODWARD
MY COMMISSION # CC 276208
EXPIRES: May 6, 1997
Bonded Thru Notary Public Underwriters

Notary Public Signature

Craig R Woodward

Notary Public Printed Signature

Notary Rubber Stamp Seal

REA\8671.EAS

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Injunctive Relief

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

2f

Retn:
CIVIL

4121321 OR: 4324 PG: 0777
RECORDED in the OFFICIAL RECORDS of COLLIER COUNTY, FL REC FEE 18.50
01/25/2008 at 11:00AM DWIGHT E. BROCK, CLERK

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA
CIVIL ACTION

NICHOLAS LEMKE,

Plaintiff,

Vs.

RICHARD BARLETTA and MARCIA MARTIN, Husband and Wife,

Defendants.

CASE NO. 07-828-CA

Filed in Open Court
Date: 1/23/08
By: DC

NOT CERTIFIED COPY

ORDER GRANTING PERMANENT INJUNCTIVE RELIEF

This cause having come before the court for final hearing upon the verified COMPLAINT of the Plaintiff, NICHOLAS LEMKE, praying for a ***permanent injunction*** against the Defendants RICHARD BARLETTA and MARCIA MARTIN, and their respective heirs, successors, and assigns, the court finds:

1. That good and proper service of the Plaintiff's COMPLAINT was made upon the Defendants RICHARD BARLETTA and MARCIA MARTIN.

2. That more than twenty (20) days has passed since good and proper service of the Plaintiff's COMPLAINT was made upon the Defendants RICHARD BARLETTA and MARCIA MARTIN.

3. That the Defendants RICHARD BARLETTA and MARCIA MARTIN, have failed to file a responsive pleading to the Plaintiff's COMPLAINT.

4. That a DEFAULT has been entered in this action against Defendants RICHARD BARLETTA and MARCIA MARTIN, for failure to file a responsive pleading to the Plaintiff's COMPLAINT, within the time prescribed by law.

5. That the equities are with the Plaintiff NICHOLAS LEMKE, and that the Plaintiff is entitled to the relief sought in the Plaintiff's COMPLAINT filed in the above-styled action.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

WHEREFORE, IT IS ORDERED AND ADJUDGED that the Defendants, RICHARD BARLETTA and MARCIA MARTIN, their heirs, executors, successors and assigns, and those engaged by them are ***permanently enjoined*** from:

A. Interfering with the Plaintiff's right of access and easement rights over, across, and through that tract, parcel, or piece of real estate in Collier County, Florida, described as:

> A fifteen (15) foot wide strip of land lying north of the north line of that property described in Official Records Book 1252, Page 760, of the Public Records of Collier County, Florida, along with an additional fifteen (15) foot wide strip of land north along the water for a distance of twenty (20) feet.

and the boat dock appurtenant thereto, granted by that GRANT OF NON-EXCLUSIVE EASEMENT recorded in O.R. Book 2263, Pages 1160 and 1161, of the Public Records of Collier County, Florida.

B. Damaging or altering the dock constructed upon or adjacent to the above described lands.

C. Engaging others to interfere with Plaintiff's rights as set forth in that GRANT OF NON-EXCLUSIVE EASEMENT recorded in O.R. Book 2263, Pages 1160 and 1161, of the Public Records of Collier County, Florida.

D. Engaging others to damage or alter the dock constructed upon or adjacent to the lands described in that GRANT OF NON-EXCLUSIVE EASEMENT recorded in O.R. Book 2263, Pages 1160 and 1161, of the Public Records of Collier County, Florida.

DONE AND ORDERED this the 22 day of January, A.D., 2008.

Hugh D. Hayes, Circuit Judge

Copies Furnished To:

L. N. Ingram, III, Esquire
Attorney for Plaintiff
Florida Bar No. 038572
Suite No. 302
900 Sixth Avenue South
Naples, Florida 34102-6792
Ph: (239) 262-4121

Richard Barletta
6017 Pine Ridge Road #106
Naples, Florida 34119

Richard Barletta
127 Eastern Avenue # 254
Gloucester, MA 01930

Marcia Martin
6017 Pine Ridge Road #106
Naples, Florida 34119

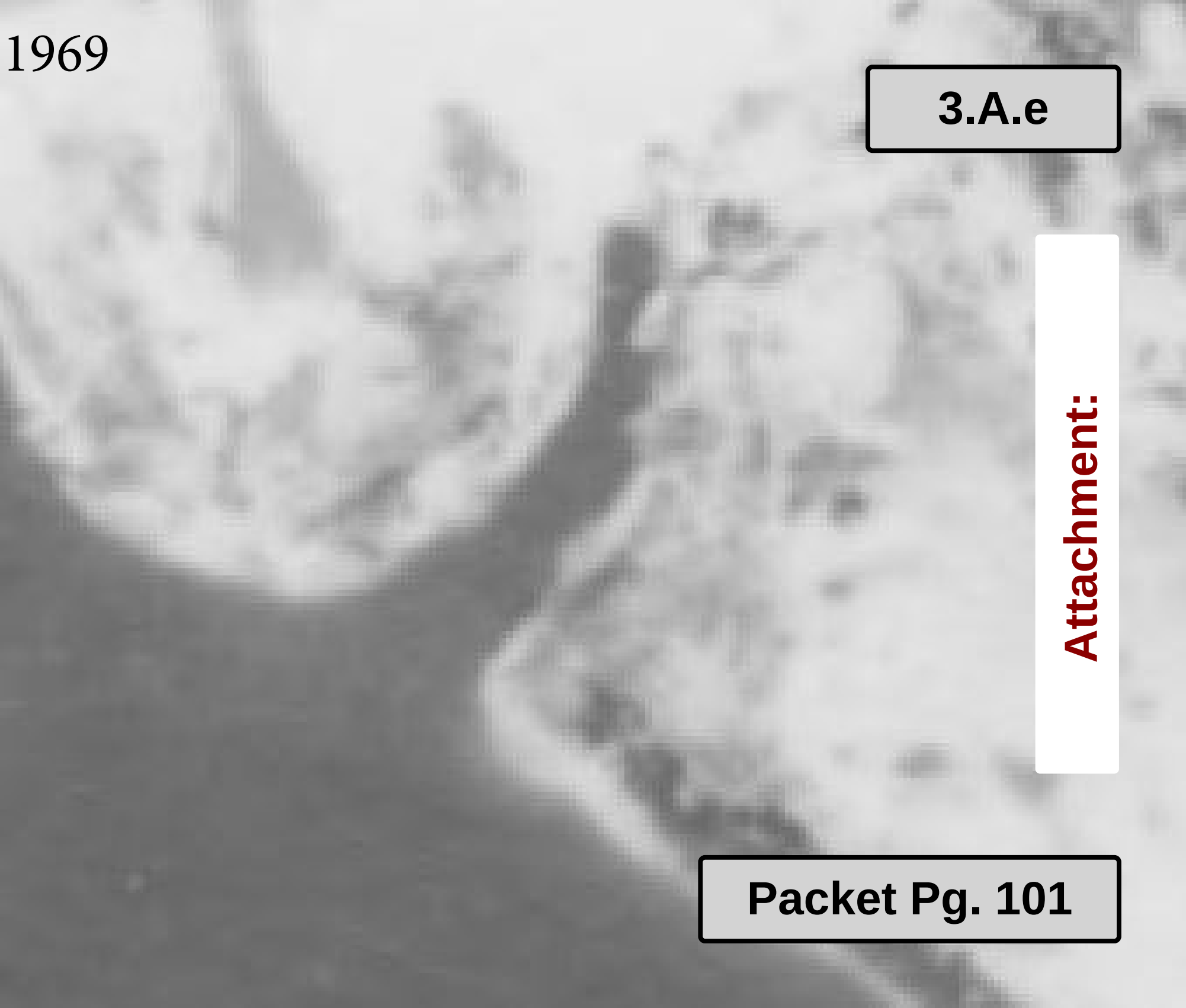
Marcia Martin
127 Eastern Avenue #254
Gloucester, MA 01930

NOT CERTIFIED COPY

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Historical Aerials

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr



3.A.e

Attachment:

Packet Pg. 101

Attachment: Attachment D - Applicant's Backup, Application ans Supporting

Attachment: Attachment D - Applicant's Backup,

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents

Submerged Resource Survey

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

715 PALM POINT DR.
NAPLES, FL 34140
FOLIO #46372680002

SUBMERGED RESOURCE SURVEY REPORT
APRIL 2021

PREPARED BY:

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

1 Introduction

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 715 Palm Point Dr. in Goodland, FL 34140 and that can be identified by folio #46372680002. This survey will provide planning assistance to both the property owner and regulating agencies during any review processes for the proposed project, which consists of constructing a private, recreational single-family docking facility with 2 boatlifts.

The subject property consists of a 0.21-acre parcel that can be found on the south side of Goodland within a man-made canal. The parcel currently contains a single-family residence with a rip rap shoreline and an existing finger pier. The property is neighbored to the south, and north by single-family residences, to the east by a county-owned public boat ramp park, and to the west by a man-made canal. Nearly all surrounding lots contain additional docking facilities (with boatlifts) similar in size to that which is proposed.

The SRS was conducted on April 14th 2021 at approximately 10:30 a.m. Site conditions consisted of clear, sunny skies and 10 to 15 mph winds out of the east. Water clarity was poor, allowing for submerged visibility of roughly only 6 to 12 inches on average. The ambient air temperature was approximately 75 degrees Fahrenheit and ambient water temperature was approximately 73 degrees Fahrenheit. Low tide occurred prior to the site visit at 9:08 a.m. and reached approximately 0.9 ft. above the mean low water mark. High tide occurred following the site visit at 2:22 p.m. and reached 2.7 ft. above the mean low water mark.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

2 Objective

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

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

3 Methodology

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

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

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

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

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

4 Results

The substrate found within the surveyed area consists of a silty muck material with occasional shell debris. The substrate appeared consistent throughout the project site to the limits of the survey area. Additionally, depths increased gradually with distance from the shoreline to the center of the canal. The shoreline at the project site consists of rip rap and mangroves. There was no docking facility present at the project site at the time of the site visit.

Besides the mangroves found on the edges of the site and oysters found on existing dock piles, no other natural shoreline, seagrasses, or other submerged resources are present at the project site. Because the existing mangroves on the site are to be avoided and the existing dock piles will remain, no impacts to submerged resources are expected to occur as the result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

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

Common Name	**Scientific Name**
Common Bottlenose dolphin	*Tursiops truncatus*
Atlantic sheepshead	*Archosargus probatocephalus*
Striped mullet	*Mugil cephalus*
Eastern oyster	*Crassostrea virginica*
Common barnacle	*Balanus spp.*
Caulerpa	*Caulerpa spp.*
Red mangrove	*Rhizophora mangle*

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

5 Conclusion

The submerged resource survey was conducted and completed throughout a 200-foot radius surrounding the project site and yielded no results besides the oysters present on the dock piles and mangroves along the shoreline, neither of which will be affected by the proposed docking structures. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

6 Photos

Photo 1: Mangroves and rip rap shoreline found on site.

Photo 2: Shoreline opposite the subject property's shoreline.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Photo 3: View of waterway down the canal.

Photo 4: Typical view of substrate at project site.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

Photo 5: Oysters recruited on dock pile on site.

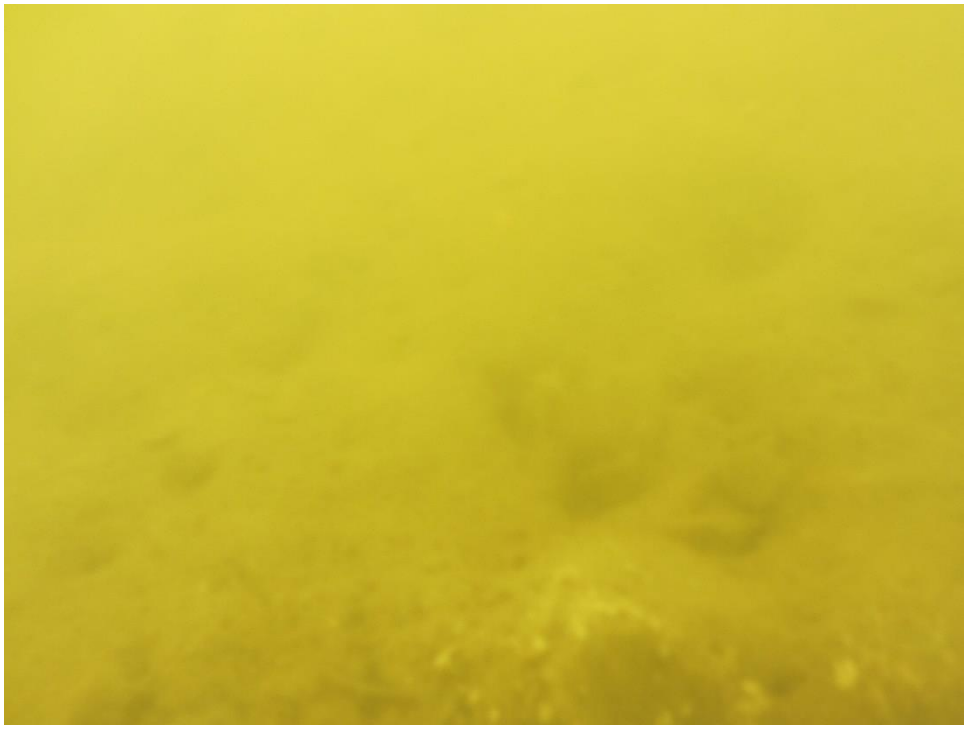
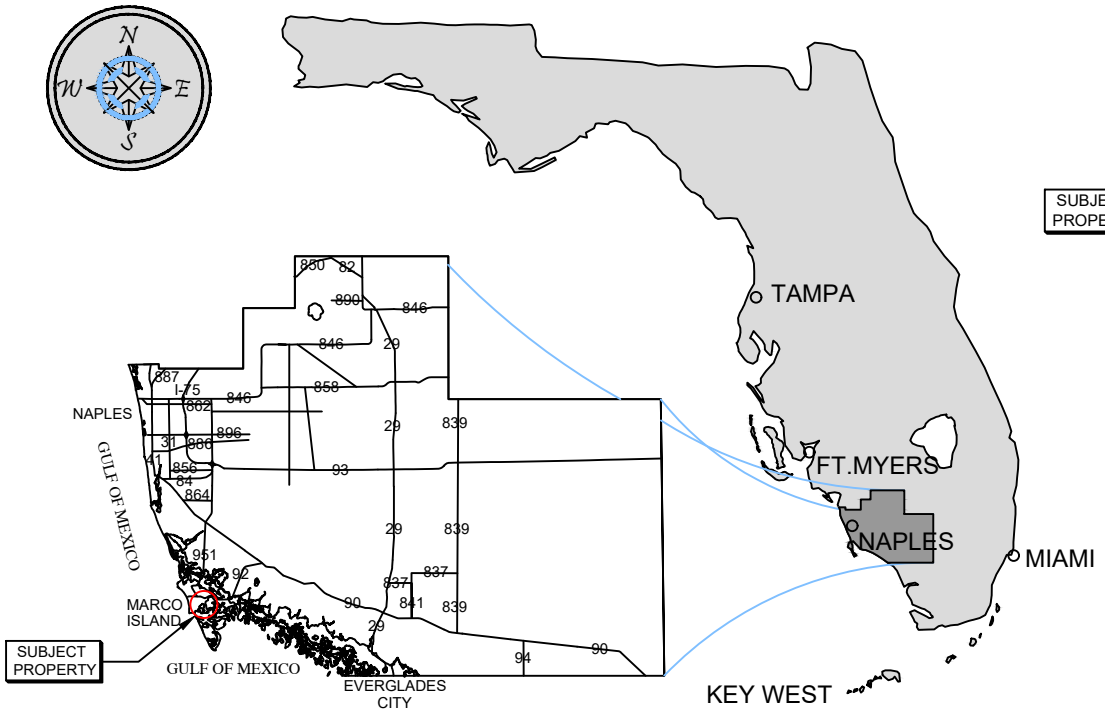


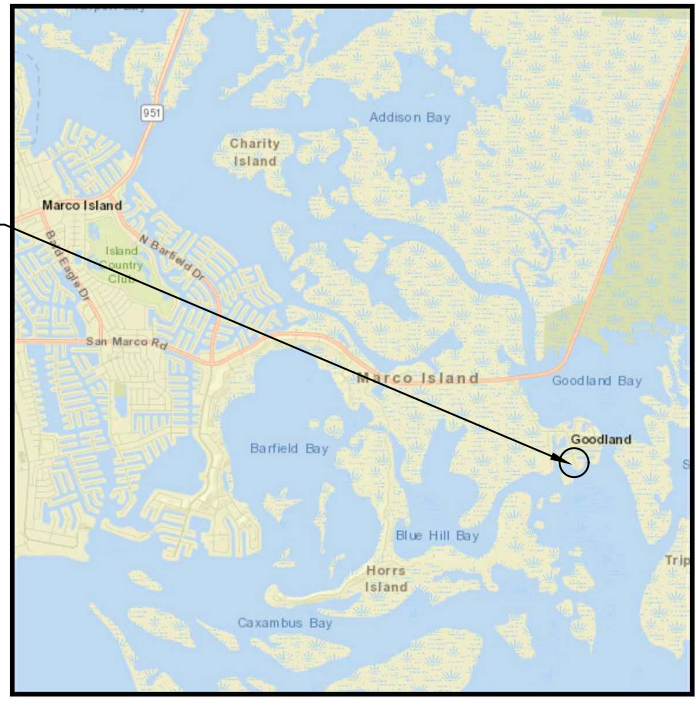
Photo 6: Typical view of bottomlands found on site.

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 : PL20210000314 BDE 715 Palm Point Dr

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

<> 715 PALM POINT DR
GOODLAND, FL 34145

<> LATITUDE: N 25.921851
<> LONGITUDE: W -81.647370

NOTES:

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

COUNTY AERIAL

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

715 PALM POINT DR

LOCATION MAP

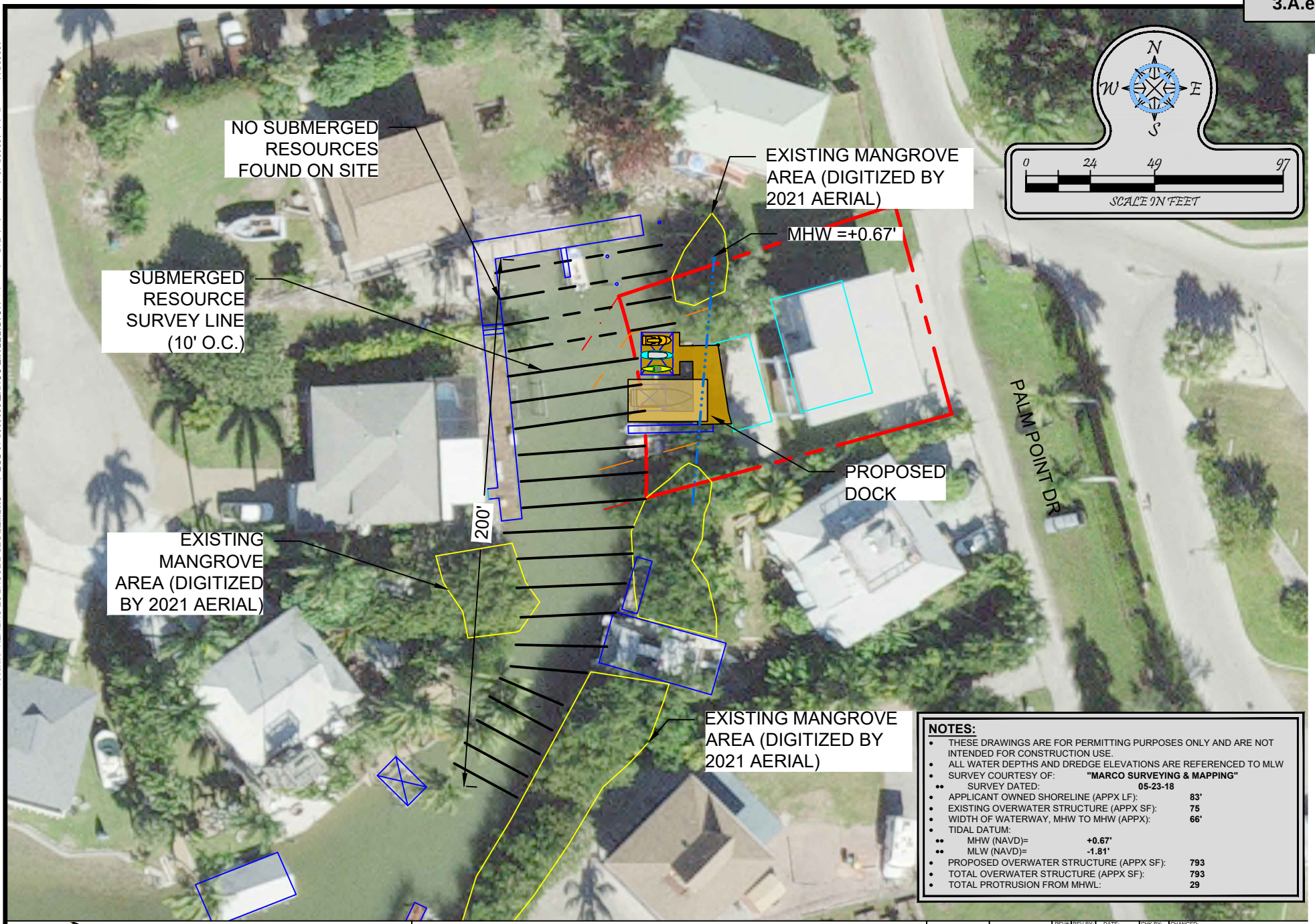
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
SHEET NO.:	01 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

p:\20035 blue marlin jobs\20035.10 donahue dock-715 palm point dr\CAD\PERMIT-COUNTY\20035.10-BDE.dwg LOCATION MAP 6/5/2021

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 :



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **05-23-18**
- APPLICANT OWNED SHORELINE (APPX LF): **83'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **75**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **66'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.67'**
  - MLW (NAVD)= **-1.81'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **793**
- TOTAL OVERWATER STRUCTURE (APPX SF): **793**
- TOTAL PROTRUSION FROM MHWL: **29**

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

715 PALM POINT DR

SUBMERGED RESOURCE SURVEY

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	06-05-21	3.	-	-	-	-
JOB NO.:	20035.10	4.	-	-	-	-
SHEET NO.:	06 OF 09	5.	-	-	-	-

SECTION- 18 TOWNSHIP- 52S

p:\20035 blue marlin lobs\20035.10 donahue dock-715 palm point dr\CAD\PERMIT-COUNTY\20035.10-BDE.dwg 6/5/2021 SUBMERGED RESOURCE SURVEY

Attachment: Attachment D - Applicant's Backup, Application ans Supporting Documents (23588 :

10/27/2022

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Doc ID: 23586
Item Summary: Petition No. VA-PL20220004839 - 406 Cristobel Street - Request for a variance from section 5.03.06.E.5 of the Land Development Code to reduce the required side setback for a boat dock facility from 15 feet to 5 feet on the west side for a lot with 85± feet of water frontage located at 406 Cristobal Street and is further described as Lot 579, Isles of Capri No. 3, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

Meeting Date: 10/27/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
10/07/2022 8:41 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
10/07/2022 8:41 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item Completed	10/08/2022 1:57 AM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	10/13/2022 3:43 PM
Zoning	Ray Bellows	Review Item	Completed	10/14/2022 10:01 AM
Zoning	Mike Bosi	Division Director	Completed	10/14/2022 10:06 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	10/27/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: OCTOBER 27, 2022

SUBJECT: VA-PL20220004839, 406 CRISTOBAL STREET – MIDDLEBROOK
COMPANION TO BDE-PL2022004181

PROPERTY OWNER/APPLICANT:

Beau Middlebrook
406 Cristobal St.
Naples, FL 34113

AGENT:

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

REQUESTED ACTION:

The petitioner requests a variance from Section 5.03.06.E.5 of the Collier County Land Development Code (LDC), to reduce the required side/riparian setback for dock facilities on lots with a water frontage of 60 feet or greater from 15 feet to 5 feet on the west side for a lot with 85± feet of water frontage, for the benefit of the subject property.

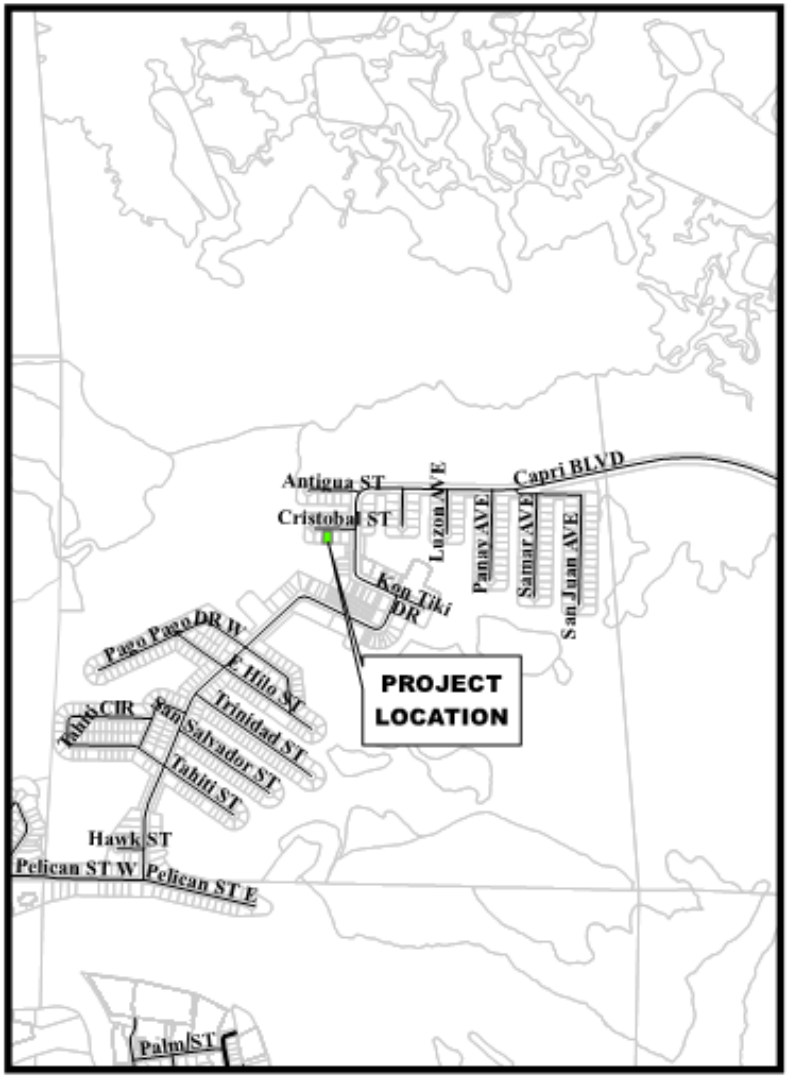
GEOGRAPHIC LOCATION:

The subject property is located at 406 Cristobal Street, on the south side of Cristobal Street, approximately 225-feet west of Capri Boulevard and is legally described as Isles of Capri Number 3, Lot 579, in Section 32, Township 51 South, Range 26 East. Collier County, Florida. *(See location map on the following page)*

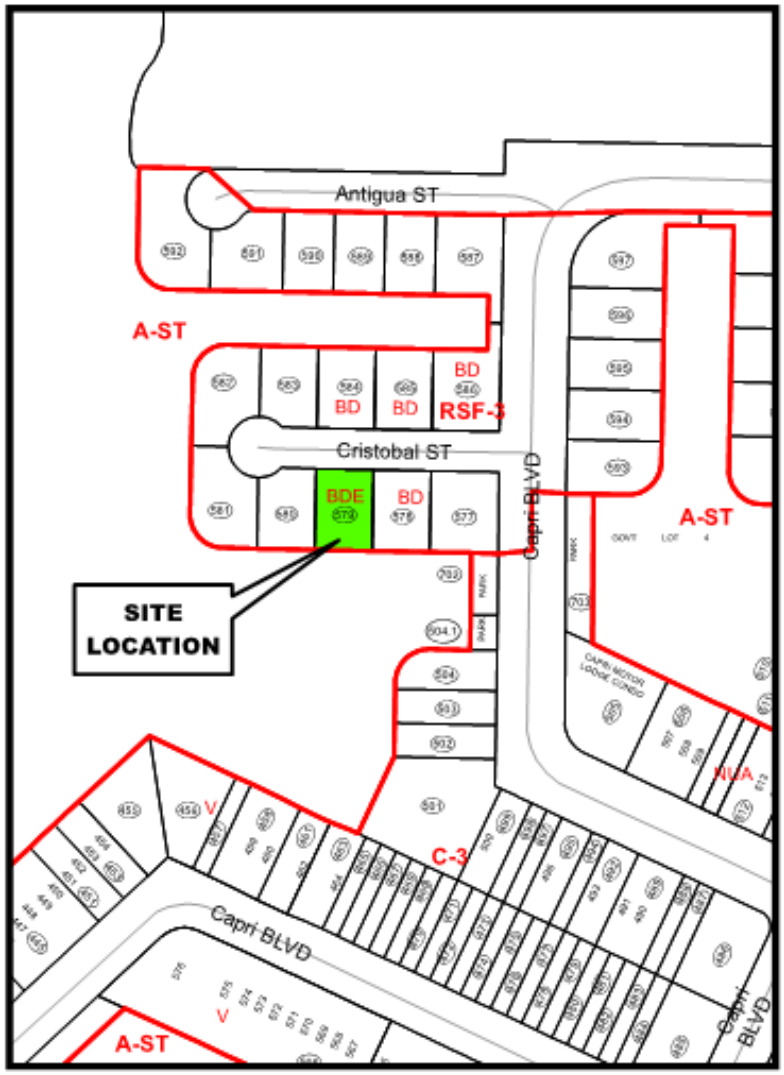
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is located within a Residential Single-Family-3 (RSF-3) Zoning District and comprises 0.23± acres with 85± feet of water frontage. The petitioner desires to modify an existing dock facility to allow for a second boat slip with a boatlift and vessel. The dock design is influenced by the state's DEP aquatic preserve rules and the County's Land Development Code (LDC). The applicant hopes to replace the existing dock facility while retaining an existing slip and lift; the resulting design results in two pilings and a portion of a 38-foot vessel (by definition, both are part of the "dock facility") that will encroach 10 feet into a required 15-foot side/riparian setback on the west side. Dock protrusion is addressed by companion petition, BDE-PL20220004181.

Attachment: Staff Report 10052022 (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)



Location Map



Zoning Map

Petition Number: PL20220004839

Attachment: Staff Report 10052022 (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

SURROUNDING LAND USE & ZONING:

North: Single-family residence, within a Residential Single Family-3 (RSF-3) zoning district

South: Johnson Bay, a waterway, located within a Rural Agricultural (A) zoning district and Special Treatment (ST) overlay

East: Single-family residence, within a Residential Single Family-3 (RSF-3) zoning district

West: Single-family residence, within a Residential Single Family-3 (RSF-3) zoning district

Aerial – Collier County GIS

Attachment: Staff Report 10052022 (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Urban Designation, Urban Coastal Fringe Subdistrict, land use classification on the County's Future Land Use Map (FLUM) of the Future Land Use Element (FLUE) of the GMP. The GMP does not address individual Variance requests but deals with the larger issue of the actual use. As previously noted, the subject petition seeks a variance for a proposed single-family boat dock facility which is an authorized use within this land use designation, therefore, the use is consistent with the FLUM. The GMP does not address individual variance requests, the Plan deals with the larger issue of the actual land use.

ZONING ANALYSIS:

As per Section 5.03.06 E.5, all dock facilities on lots with a water frontage of 60 feet or greater shall have a side setback requirement of 15 feet, except as provided in subsections 5.0306.E or 5.03.06.F or otherwise exempted. Staff has determined the subject boat dock facility is not exempt and must therefore satisfy the 15-foot side/riparian setback requirement. The petitioner is requesting to reduce the required side yard for dock facilities from 15 feet to 5 feet on the western side to allow the proposed dock to be constructed as proposed within the plans contained within Attachment A.

The decision to grant a variance is based on the criteria in LDC Section 9.04.03.A–H (in bold font below). Staff has analyzed this petition relative to these provisions and offers the following responses:

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

Yes. The subject property is located upon a waterway/bay that is classified by the State of Florida as an aquatic preserve. The State's aquatic preserve rules limit the size, location, and protrusion of docks; most significantly, the dock cannot protrude out past the 4-foot MLW contour line or 25 feet from the MHWL/seawall.

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

Yes. As stated above, the property is located within a natural waterway classified as an aquatic preserve by the State of Florida and therefore the dock design must meet the state's rules for aquatic preserves which are more restrictive on the overall allowed protrusion. There are no variances or deviations allowed per the state's rules other than encroaching into a side yard. As a result, the applicant is seeking a variance from the side/riparian setback to comply with the County's LDC.

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

The applicant's agent states: "Yes. The denial of this petition request would prevent the applicant to having any options to store the two vessels he currently owns on site due to no other dock configuration options that would accommodate both vessels. This is due to the

Attachment: Staff Report 10052022 (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

state's aquatic preserve rules which limit the applicant's ability to protrude any further out into the subject waterway than 25-feet. Additionally, the subject property being zoned RSF-3 residential single-family property is allowed 2 boat slips." Staff concurs that single-family zoning typically allows for two boat slips.

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

The applicant's agent states: "Yes. The proposed docking facility has been reduced to the minimum size and still provides safe access and provide mooring area for the two vessels the applicant currently owns. Also, the proposed docking facility is consistent with the other docking facilities along this shoreline." Staff agrees that the proposed dock has been designed to eliminate excess decking and that the 4-foot finger portion should allow adequate space for routine maintenance and safe loading/unloading of the vessels.

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

Yes. By definition, a Variance bestows some dimensional relief from the zoning regulations specific to a site. LDC Section 9.04.02 allows relief through the Variance process for any dimensional development standard. However, other properties facing a similar situation are entitled to make a similar request and would be conferred equal consideration on a case-by-case basis. Additionally, the applicant's agent notes that there are similar existing conditions in the area that have not yet needed variances as they are presently legal and non-conforming.

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

Yes. The applicant's agent states: The variance is for a docking facility and associated vessel to be stored at the subject property. This is a waterfront boating community that offers access to the subject waterway through riparian rights therefore the proposed dock will not affect the functionality of any surrounding lots but allow this property to be consistent with the others along the same subject shoreline with two boat slips. Additionally, the subject property owner has received setback waivers from both adjacent property owners." Staff finds the subject variance will be in harmony with the general intent and purpose of the LDC and will not be injurious to the neighborhood or detrimental to public welfare. With respect to the "setback waivers," the applicant is referring to a "Letter of Concurrence for Setback Waiver" that is contained within **Attachment D**. Staff is of the opinion the subject letter acknowledges notification of a setback issue; however, believes the text does not adequately inform the adjacent property owner of the actual details of the variance. Staff does further note that the neighbor should have also received a written "Agent Letter" from the petitioner clearly stating the facts of this variance request.

g. Are there natural conditions or physically induced conditions that ameliorate the goals

Attachment: Staff Report 10052022 (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

and objectives of the regulation such as natural preserves, lakes, golf courses, etc.?

Yes. The applicant states: "The subject waterway is a natural bay made up of sovereign submerged lands (state lands). Additionally, the waterway is classified as an aquatic preserve which restricts dock designs to reduce impacts to surrounding natural characteristics." Staff concurs.

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

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

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

The EAC does not normally hear variance petitions. Since the subject variance doesn't impact any preserve area, the EAC did not hear this petition.

CONCURRENT LAND USE APPLICATIONS:

Companion Petition No. BDE-PL20220004181, to allow the proposed boat dock facility to protrude a total of 26 feet into a waterway that is 358± feet wide.

PUBLIC NOTICE:

Notice Requirements for Variance petitions are contained within LDC Section 10.03.06.F.2. The required Agent Letter was sent to all property owners located within 150 feet of the subject property on or about September 12, 2022, as evidenced by an executed Affidavit of Compliance contained within **Attachment D**.

Notice of the Hearing Examiner's public hearing was provided by newspaper advertisement, mailed notice to owners within 500 feet of the site, and posting of a public notice sign on the site at least 15 days prior to the hearing.

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve variance petition VA-PL20220004839 to reduce the minimum west side/riparian setback from 15 feet to 5 feet, thereby allowing for the construction of the dock facility depicted within Attachment A, subsequent to the approval of a companion Boat Dock Extension, BDE-PL20220004181, for the benefit of the subject property.

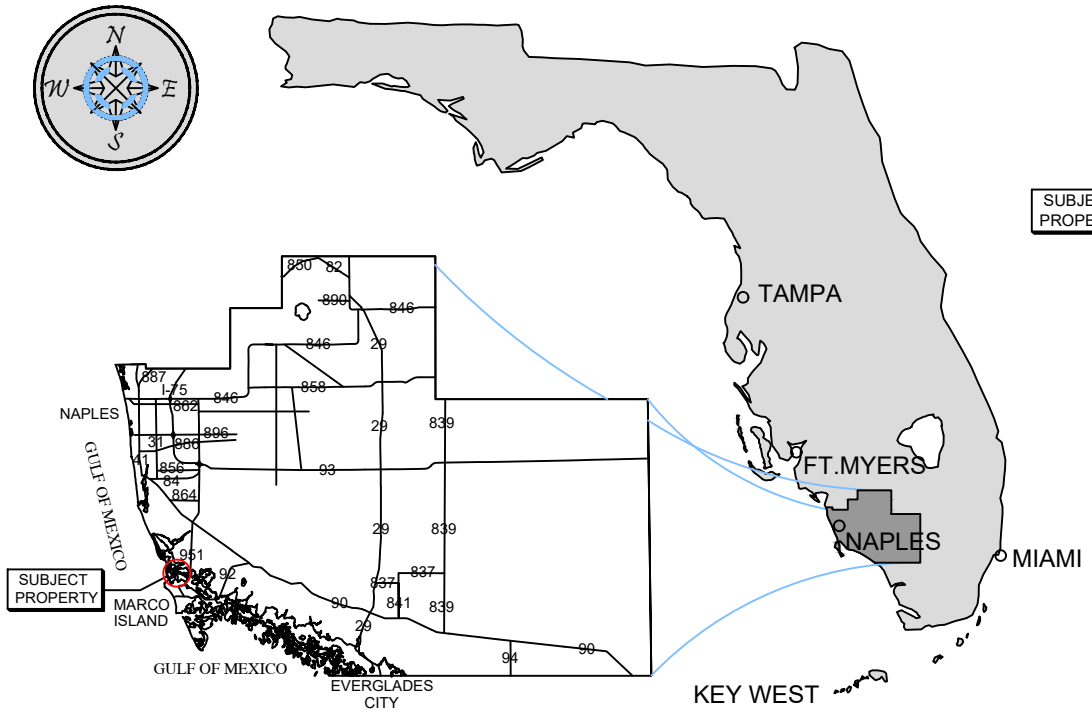
Attachments:

A) Proposed Dock Plans
B) Boundary & Topographic Survey
C) Public Hearing Sign Posting
D) Applicant's Backup: Application, Narrative, Agent Letter Info

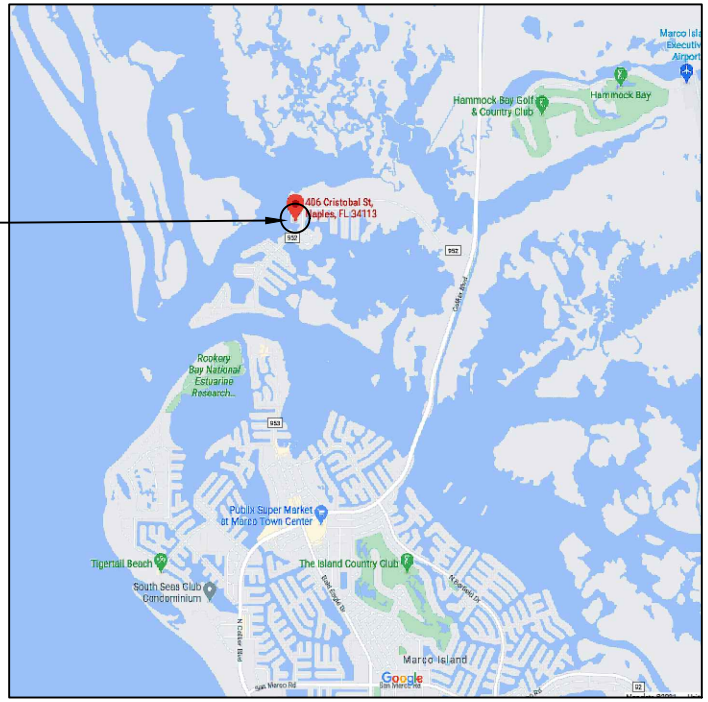
Attachment: Staff Report 10052022 (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-VARIANCE.dwg LOCATION MAP 8/31/2022

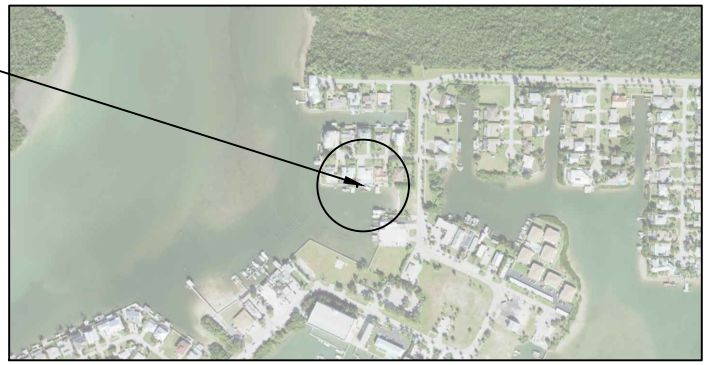
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 406 CRISTOBAL ST
NAPLES, FL 34113

<> LATITUDE: N 25.9865369
<> LONGITUDE: W -81.7274113

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

MIDDLEBROOK - 406 CRISTOBAL ST.

LOCATION MAP

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

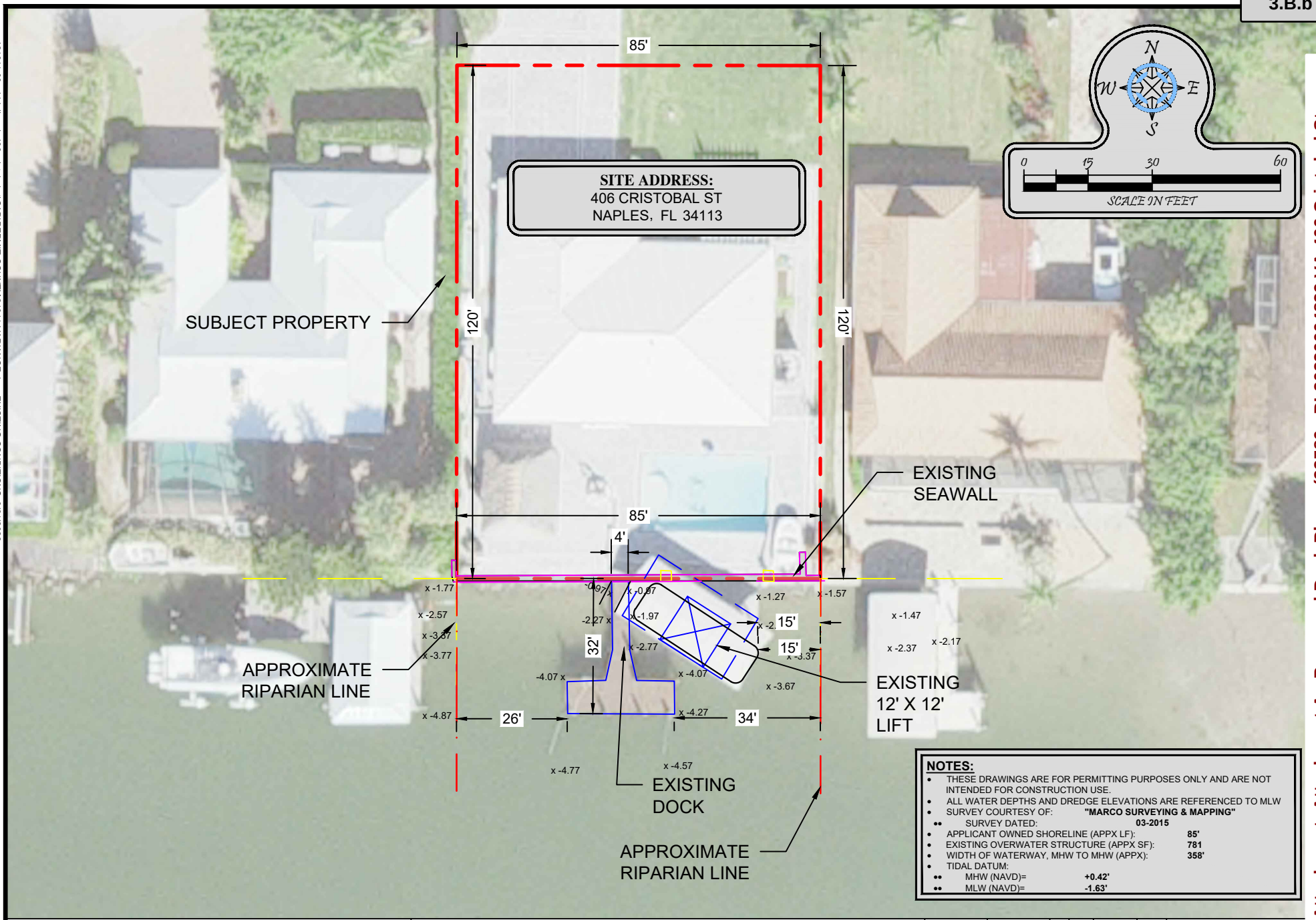
		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	01 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Dock Plans (23586 : PL20220004839 VA 406 Cristobal St

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-VARIANCE.dwg EXISTING CONDITIONS 8/31/2022

Attachment: Attachment A - Proposed Dock Plans (23586 : PL20220004839 VA 406 Cristobal St



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **03-2015**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**

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

MIDDLEBROOK - 406 CRISTOBAL ST.

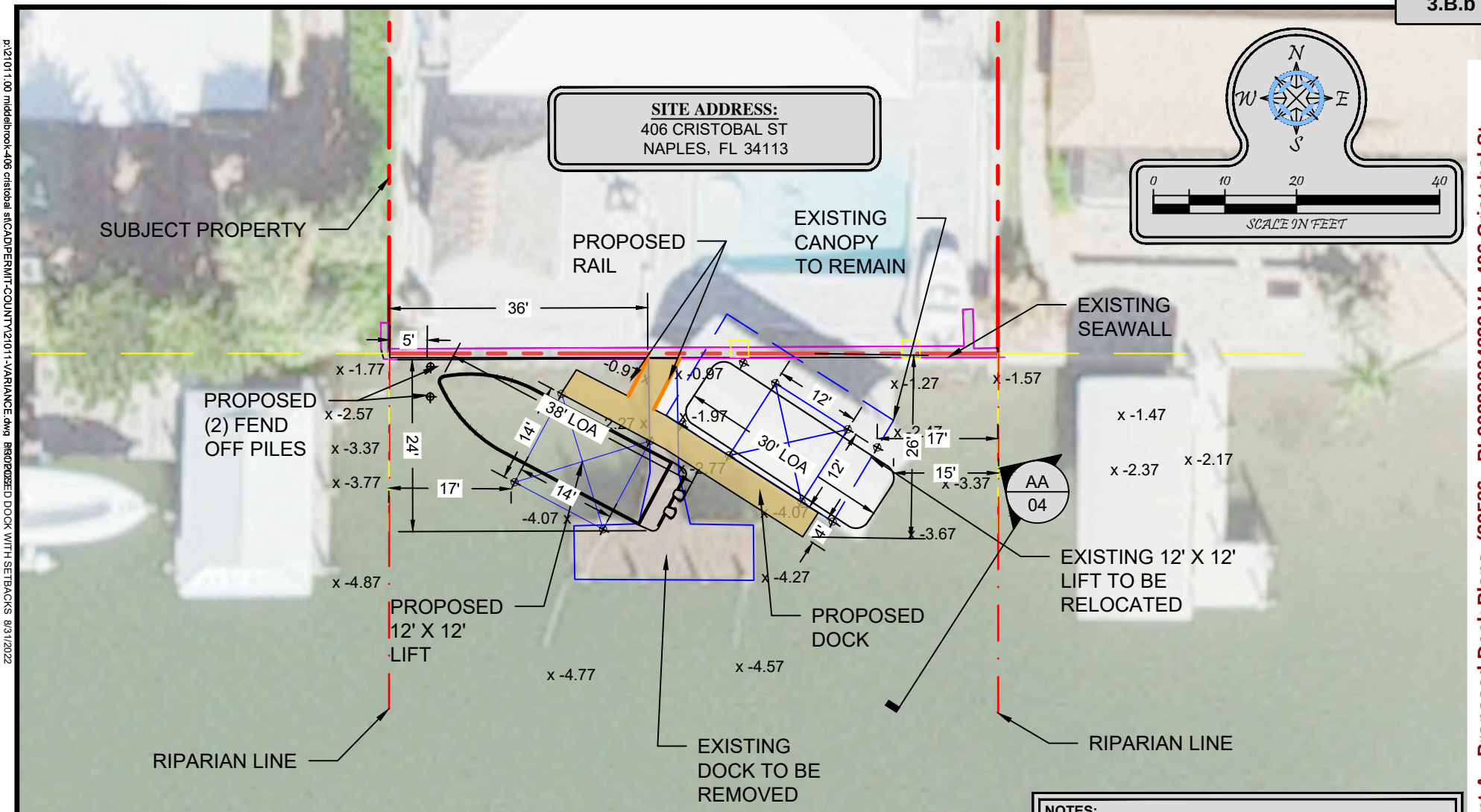
EXISTING CONDITIONS

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:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	02 OF 04	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-VARIANCE.dwg 8/30/2022



NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **03-2015**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26'**

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

MIDDLEBROOK - 406 CRISTOBAL ST.

PROPOSED DOCK WITH SETBACKS

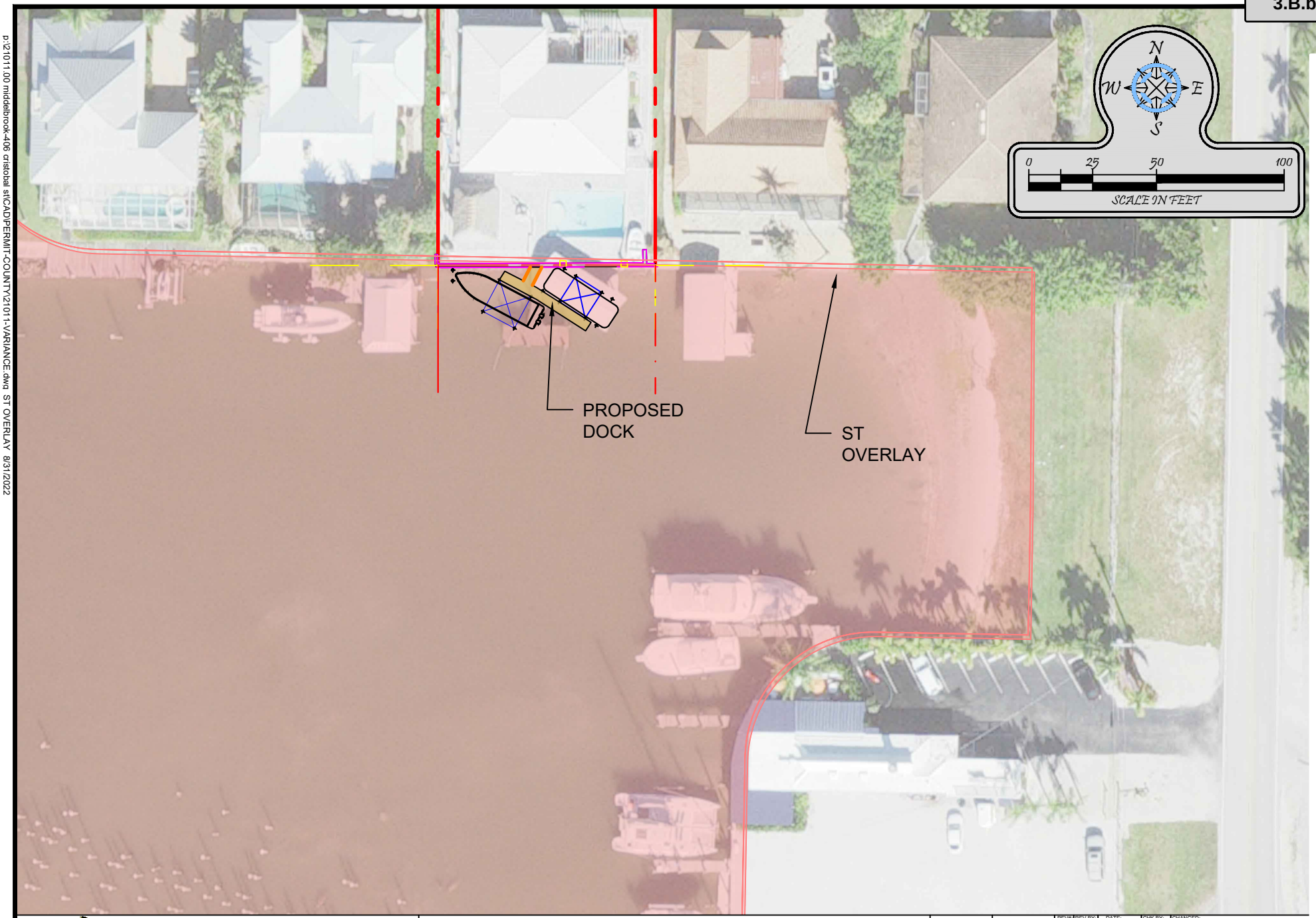
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	03 OF 04	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Dock Plans (23586 : PL20220004839 VA 406 Cristobal St

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-VARIANCE.dwg ST OVERLAY 8/31/2022



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

MIDDLEBROOK - 406 CRISTOBAL ST.

ST OVERLAY

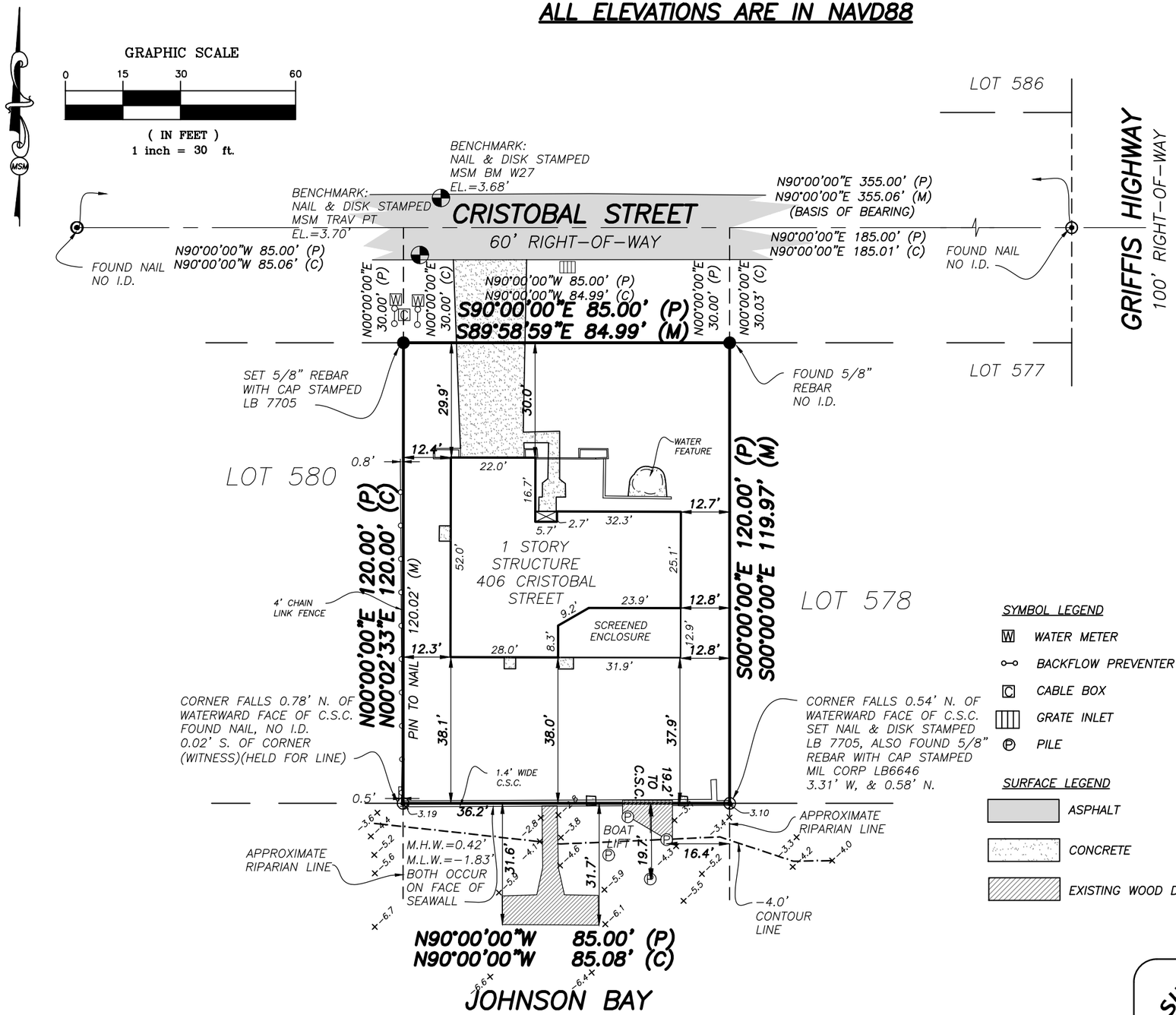
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	04 OF 04	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Dock Plans (23586 : PL20220004839 VA 406 Cristobal St

ALL ELEVATIONS ARE IN NAVD88



NOTES:

1. Last day of field work is March 30, 2015 (date of survey)
2. Bearings shown hereon are based on the South Right-of-Way line of Cristobal Street, Isles of Capri No. 3, according to the Plat thereof, as recorded in the Public Records of Collier County, Florida being N90°00'00"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.
4. No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Unless otherwise indicated all easements shown hereon are based on plat.
7. Only above ground, visible and apparent improvements were located.
8. Foundations and overhangs are not taken into account on this survey.
9. Irrigation equipment was not taken into account on this survey.
10. No other persons or entities other than those listed as exclusive users may rely on this survey.
11. All dimensions are in feet and decimals thereof, unless otherwise noted.
12. Subject to easements, reservations and restrictions of record.
13. Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.
14. According to public record this property is zoned RSF-3.

    Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.

15. Property contains 0.23 acres (10,203 square feet) more or less.

SYMBOL LEGEND

- W — WATER METER
- BACKFLOW PREVENTER
- C — CABLE BOX
- GRATE INLET
- P — PILE

SURFACE LEGEND

- ASPHALT
- CONCRETE
- EXISTING WOOD DOCK

ABBREVIATIONS

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

REVISIONS:

1. REVISE CERTIFICATIONS, R.Y., 05/06/2015
2. ADD PLOT PLAN INFORMATION, UPDATE CLIENT NAME, R.Y., 03/16/2016, WO #16-160
3. REMOVE PLOT PLAN, ADD NEW DOCK PILES, T.D., 04/19/2016, WO# 16-230
4. ADD DIMENSIONS. T.D. 05/03/2016, WO# 16-230
5. ADD TOPOGRAPHIC INFORMATION, R.Y., WO #22-034, 2/8/2022.

LEGAL DESCRIPTION

(Per O.R. 4770, Pg. 1520):

Lot 579, Isles of Capri No. 3, according to the Plat thereof, recorded in Plat Book 3, Page 66, of the Public Records of Collier County, Florida

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

For the Exclusive Use Of:
Beau Middlebrooke

David Hyatt PSM
Digitally signed by David Hyatt PSM
Date: 2022.02.10 13:44:29 -05'00'

David J. Hyatt, PSM,
Florida License No. 5834
Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper
Certificate of Authorization #7705.

BOUNDARY & TOPOGRAPHIC SURVEY

Lot 579, Isles of Capri No. 3, Collier County, Florida

CLIENT:	Beau Middlebrook				
HORIZONTAL SCALE:	1" = 30'		PROJECT NUMBER:	N/A	
CHIEF:	BOOK/PAGE		DRAFTED BY:	DATE	WO NUMBER	DRAWING NO.
KW	106	56	RY	03/2015	15-	

Attachment: Attachment B - Boundary and Topographic Survey (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

KellyJohn

From: KellyJohn
Sent: Monday, October 10, 2022 4:17 PM
To: KellyJohn
Subject: VA-PL20220004839 and BDE-PL20220004181 - 406 Cristobal St - Public Hearing Sign Posting, HEX 10/27/2022
Attachments: B4566879-7D2E-47F5-AE96-5070D13DE664.jpeg; 64F6086D-515A-4B6A-974A-E3B9F171D6B9.jpeg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petitions, scheduled for hearing by the Hearing Examiner on October 13, 2022, at approximately 1:00PM this date. Said sign was posted to the front of the subject property immediately adjacent to the nearest public right-of-way as evidenced by the attached photos.

Respectfully
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment C - Public Hearing Sign Posting (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Attachment: Attachment C - Public Hearing Sign Posting (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

VA. PL20220004839
406 CRISTOBAL ST

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) AGENT LETTER
  - ✓ ~~Include 3~~ thumbnail drives of video and/or audio
    - LETER
    - MAILING LIST
    - AFFIDAVIT
- ____ Traffic Impact Study (TIS)
- ____ Environmental Data
- ____ Historical/Archeological Survey or Waiver
- ____ Utility Letter
- ✓ Deviation Justifications VA CRITERIA

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

✓ Boundary Survey

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

___ Submerged Resource Surveys may be included here if required.

✓ **flash drive with *only one* pdf file for all documents** OR E-MAIL

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

Jeff Roger
Signature of Agent Representative

9/12/22
Date

Jeff Roger
Printed Name of Signing Agent Representative

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District

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

PROJECT NUMBER PROJECT NAME DATE PROCESSED	*To be completed by staff*

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Beau Christopher Middlebrook **Name of Applicant if different than owner:** _____ **Address:** 406 Cristobal St **City:** Naples **State:** FL **ZIP:** 34113

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

E-Mail Address: beaumiddlebrook@gmail.com

Name of Agent: Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-634-0166 **Cell:** 239-784-0081 **Fax:** 239-634-6632

E-Mail Address: jeff@thanaples.com & caitlin@thanaples.com

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY INFORMATION

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

Property I.D. Number: 52450120009 **Section/Township/Range:** 32 / 51 / 26

Subdivision: 427000 - ISLES OF CAPRI **Unit:** 3 **Lot:** 579 **Block:** ____

Metes & Bounds Description: ____ **Total Acreage:** .23

Address/ General Location of Subject Property: 406 Cristobal St, Naples, FL 34113

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	A-ST	Johnson Bay
S	RSF-3	Cristobal St
E	RSF-3	Single-Family Residential
W	RSF-3	Single-Famly Residential

Minimum Yard Requirements for Subject Property:

Front: ____ **Corner Lot:** Yes ☐ No ■

Side: 5 & 15 **Waterfront Lot:** Yes ■ No ☐

Rear: ____

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

COLLIER COUNTY GOVERNMENT
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(239) 252-2400 FAX: (239) 252-6358

ASSOCIATIONS

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

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

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

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

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

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

NATURE OF PETITION

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

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

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

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

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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

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

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

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

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

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

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

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

☐ Yes ■ No If yes, please provide copies.

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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

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

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

FEE REQUIREMENTS

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

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

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

All checks payable to: Board of County Commissioners.

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

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

X _____ 08/04/22

Applicant Signature — Date

Beau Middlebrook

Printed Name

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Collier County
Growth Management Department

ADDRESSING CHECKLIST

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

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

PETITION TYPE (Indicate type below. Complete a separate Addressing Checklist for each Petition type).

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

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

ISLES OF CAPRI NO 3 LOT 579 T51, R26, S32

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

52450120009

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

406 Cristobal St, Naples, FL 34113

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

CURRENT PROJECT NAME (if applicable)

Middlebrook - 406 Cristobal St 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 # _____

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Collier County
Growth Management Department

Project or development names proposed for, or already appearing in, condominium documents (if application, indicate whether proposed or existing)

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

Applicant Name: Jeff Rogers

Phone: (239) 643-0166 **Email:** Jeff@thanaples.com caitlin@thanaples.com

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

FOR STAFF USE ONLY

Folio Number 52450120009

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: L.L.H. **Date:** 7/13/2022

Updated by: **Date:**

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Pre-Application Meeting Notes
GMD - Zoning Services

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

VARIANCE

- Complete the required application; respond to each question and sign
- Refer to the Final Submittal Requirement Checklist and provide/submit required documents
    - All submitted plans must be legible when duplicated on 8.5" X 11" standard paper
    - The final recording of documents is in black & white; minimize the use of color
- On a sheet separate from the application, provide a "Narrative Statement" to include a detailed explanation of the variance(s) being requested; identify what structures are existing and what is proposed; the amount of encroachment in feet, i.e. reduce the front yard setback from 25 feet to 18.5 feet; how the encroachment was made known; and why the encroachment is necessary. Additionally, for After-the-fact Variances, please provide detailed building permit information.
- On a sheet separate from the application, provide persuasive and convincing responses to each of the "Criteria for Variances" contained within LDC Section 9.04.03.a – h. (The Land Development Code may be viewed online at www.municode.com)
- Provide an As-Built or Boundary Survey to depict any/all after-the-fact encroachments; measurements are to be in feet. Such surveys should also demonstrate lot dimensions as well as the principal use of the property in question.
- Provide a Site Plan, drawn to scale, to depict any/all proposed construction with all measurements in feet. Note that a certified site plan will be required during the permitting process; it is suggested that the same plan that is used for this variance request be used for permitting purposes.
- For After-the-Fact Variance requests, please provide Building Permit information, including approved permits, approved site/concept plans, surveys, and Certificates of Occupancy/Completion.
- Note that in lieu of conducting a Neighborhood Information Meeting (NIM) the applicant is responsible for mailing an "Agent Letter" to each property owner and homeowners' association located within 150 feet of the subject property.
- The applicant is responsible for the posting of a public hearing sign or signs on property's comprising one-acre or more; County staff will be responsible for public hearing signs on property's of less than one-acre.

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

TURRELL, HALL & ASSOCIATES, INC.

Marine & Environmental Consulting

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

August 31, 2022

Collier County Growth Management
2800 Horseshoe Dr.
Naples, FL 34104

RE: Middlebrook Dock – 406 Cristobal Street, Lot 579 (folio 52450120009)
PL20220004839 Variance

To Whom It May Concern,

Turrell, Hall & Associates, Inc. is submitting a Variance application on behalf of our client for their dock located at 406 Cristobal Street, Lot 579 in Naples, FL. This variance petition seeks to reduce the west riparian line setback from 15-feet to 5-feet to provide enough area to moor the applicant's vessel on the proposed dock and associated boatlift. The subject property is zoned RSF-3 which is allowed two boatlifts per the Collier County LDC. The state's DEP aquatic preserve rules are more restrictive than the local county rules and therefore the proposed dock design as proposed meets the DEP rules and is the only realistic option to provide safe mooring for two vessels onsite. As proposed the dock and vessels will be within meet the required side yard setback on the east side being 15-feet but will not meet the 15-foot setback requirement on the west side. The two driving factors for this variance request are the currently owned vessels by the applicant that will be moored onsite and the DEP rules which do not allow for any deviations/variances regarding overall dock protrusion. Due to these factors both vessels will be moored within 26-feet from the seawall/MHWL/property line but will then have to encroach into the side yard setback. Please see attached exhibits indicating the proposed dock design.

If you have any questions, please contact me via email jeff@thanaples.com or at the office 239-643-0166. Thank you.

TURRELL, HALL & ASSOCIATES, INC.
MARINE & ENVIRONMENTAL CONSULTING

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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

The subject property currently has an existing docking facility and one canopy covered boatlift along a seawall shoreline on a natural bay. The proposed work consists of modifying the existing docking facility and installing one new boatlift to accommodate the applicant's new boat with the overall dock protrusion being 26-feet from the most restrictive point (Mean High Water Line/property line). The subject property shoreline consists of approximately 85-linear feet and the existing boatlift on the east side will remain in the existing footprint which meets the required 15-foot setback.

This variance petition seeks to reduce the riparian line setback on the western side of the modified dock from 15-feet to 5-feet which is indicated on the attached variance exhibits. The subject property is zoned RSF-3 (residential single-family) which is allowed two boat slips per the Collier County LDC. The driving factor for this variance request as well as the Boat Dock Extension is the location of the subject property/waterway being within the Rookery Bay Aquatic Preserve. Due to this fact the state's dock design criteria are more restrictive and there are no deviations or variances allowed on the overall allowed protrusion the proposed dock design is what was allowed based on the state's rules. However, the proposed dock design does not meet the state's required side yard setbacks being 25-feet as both adjacent property owners have provided us with setback waivers acknowledging the encroachment and are not objecting to the proposed modifications.

As proposed the dock will maintain the 15-foot setback from the east side riparian line but the western setback will only be 5-feet. Therefore, as proposed we are requesting the western side yard setback be reduced from the required 15-feet to 5-feet which is a 10-foot reduction from what is required.

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

The proposed project consists of modifying the existing docking facility on-site due to the state rules which requires the dock protrusion to be reduced which limits design options which would accommodate two vessels. The project will not alter the site in any way as the existing dock will only be modified and an additional boatlift will be added.

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

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

The special condition for the subject property driving this request is the subject waterway/bay is classified as an aquatic preserve with the state of Florida and therefore the state's dock design criteria is more restrictive on the allowed protrusion. Based off the state rules the dock cannot extend out past the -4' MLW contour line or 25-foot protrusion measurement from the MHWL/seawall. Due to this restriction the dock design being proposed is really the only option that will accommodate both vessels the owner/applicant currently owns but forces the new boatlift and associated vessel to encroach into the side yard setback of 15-feet by 10-feet which puts the bow of the vessel approximately 5-feet from the riparian line.

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

As stated above, the property is located within a natural waterway classified as an aquatic preserve by the state of Florida and therefore the dock design must meet the state rules for aquatic preserves which are more restrictive on overall allowed protrusion. There are no variances or deviations allowed per the state rules other than encroaching into side yard setback requirements. Due to this the proposed dock modification results in requiring a variance from the riparian setbacks to comply with Collier County's LDC.

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

Yes. The denial of this petition request would prevent the applicant to having any options to store the two vessels he currently owns on site due to no other dock configuration options that would accommodate both vessels. This is due to the state's aquatic preserve rules which limit the applicant's ability to protrude any further out into the subject waterway than 25-feet. Additionally, the subject property being zoned RSF-3 residential single-family property is allowed 2 boat slips.

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

Yes. The proposed docking facility has been reduced to the minimum size and still provide safe access and provide mooring area for the two vessels the applicant currently owns. Also, the proposed docking facility is consistent with the other docking facilities along this shoreline.

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

No. Several of the neighboring lots already contain similar docking facilities that also required a BDE and the others that are existing are considered grandfathered structures which do not provide the required 15-foot side yard setback.

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

The variance is for a docking facility and associated vessel to be stored at the subject property. This is a waterfront boating community that offers access to the subject waterway through riparian rights therefore the proposed dock will not affect the functionality of any surrounding lots but allow this property to be consistent with the others along the same subject shoreline with two boat slips. Additionally, the subject property owner has received setback waivers from both adjacent property owners.

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

The subject waterway is a natural bay made up of sovereign submerged lands (state lands). Additionally, the waterway is classified as an aquatic preserve which restricts dock designs to reduce impacts to surrounding natural characteristics.

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

Yes. Besides the dock's side setbacks and protrusion, all other design criteria will be met.

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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
Beau Middlebrook	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Agent/Owner Signature

7/26/22
Date

Jeff Rogers
Agent/Owner Name (please print)

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220004839

I, Beau Middlebrook (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

08/04/22
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 4 day of August, 2022, by (printed name of owner or qualifier) Beau Middlebrooks

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: _____

APRIL WELLS NOTARY PUBLIC MY COMMISSION EXPIRES 6-10-2026 STATE OF FLORIDA COMMISSION NUMBER HH 227316

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

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

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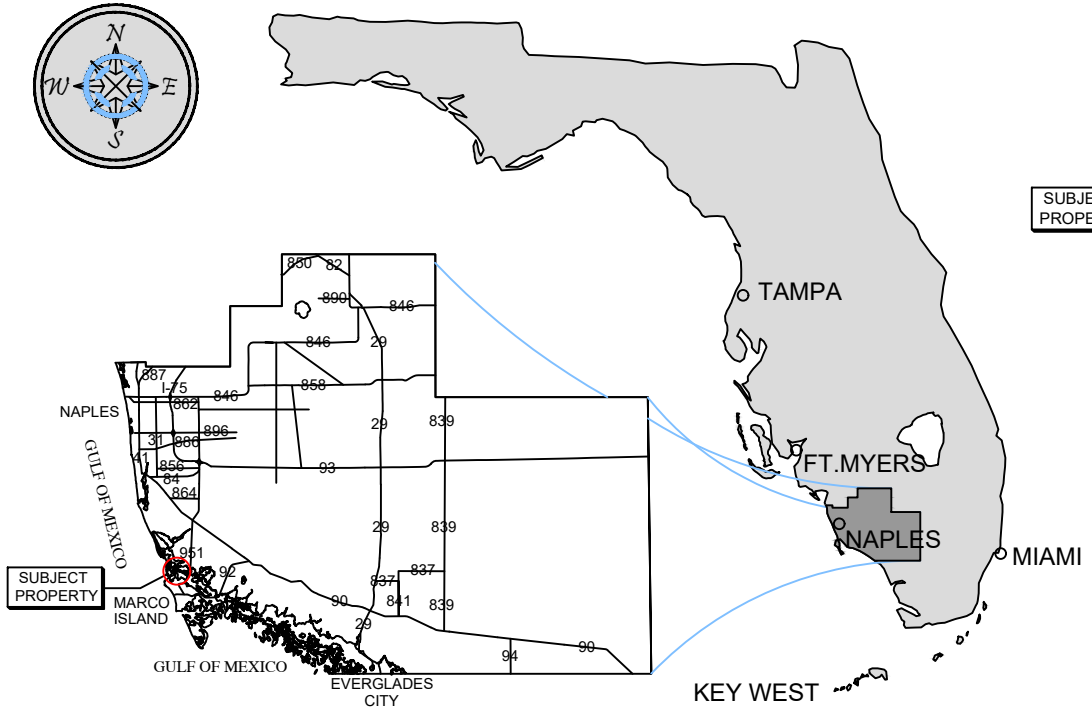
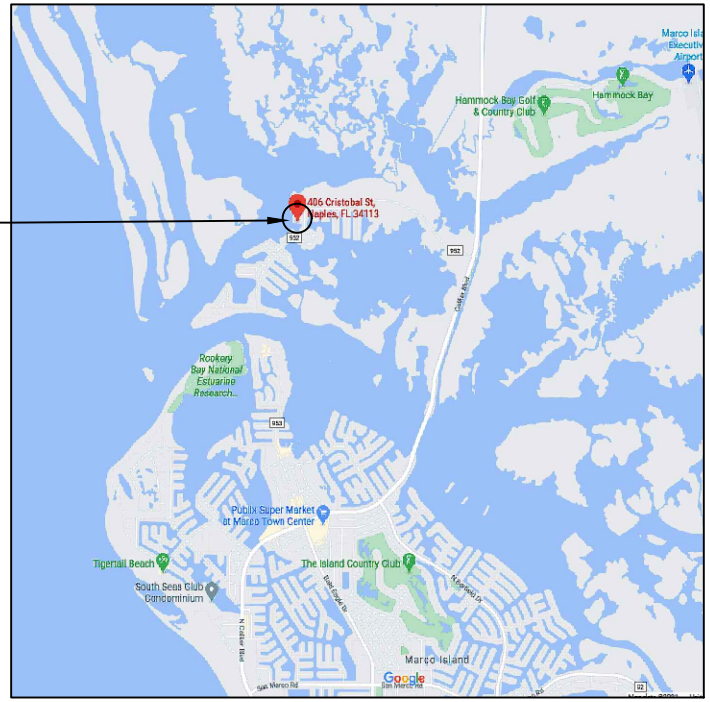
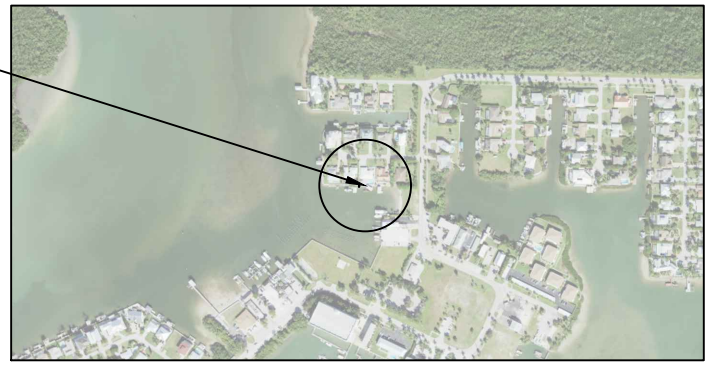
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 406 CRISTOBAL ST
NAPLES, FL 34113

<> LATITUDE: N 25.9865369
<> LONGITUDE: W -81.7274113

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

MIDDLEBROOK - 406 CRISTOBAL ST.

LOCATION MAP

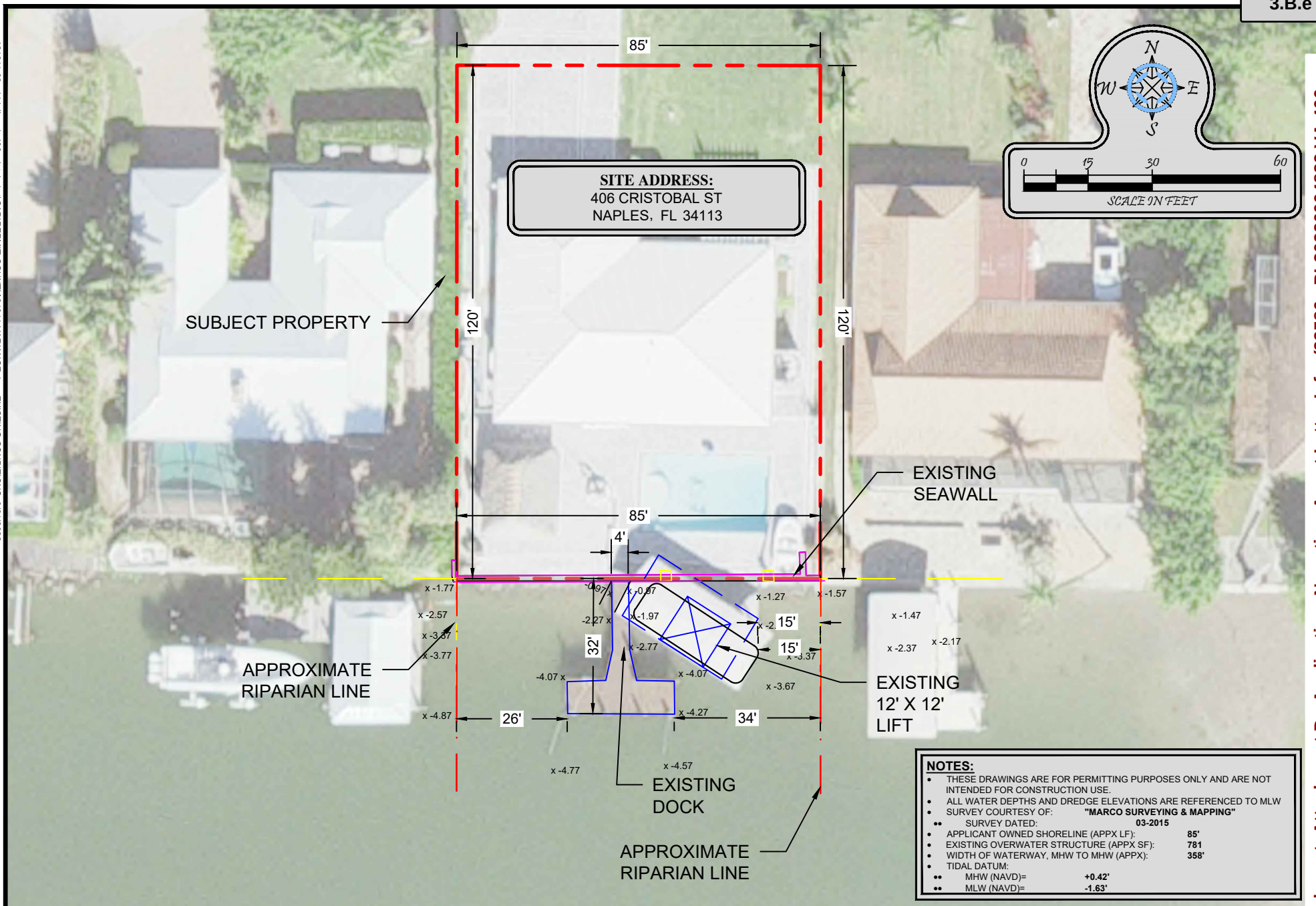
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	01 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406

p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-VARIANCE.dwg EXISTING CONDITIONS 8/31/2022



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **03-2015**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**

Turrell, Hall & Associates, Inc.
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MIDDLEBROOK - 406 CRISTOBAL ST.

EXISTING CONDITIONS

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		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	02 OF 04	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406

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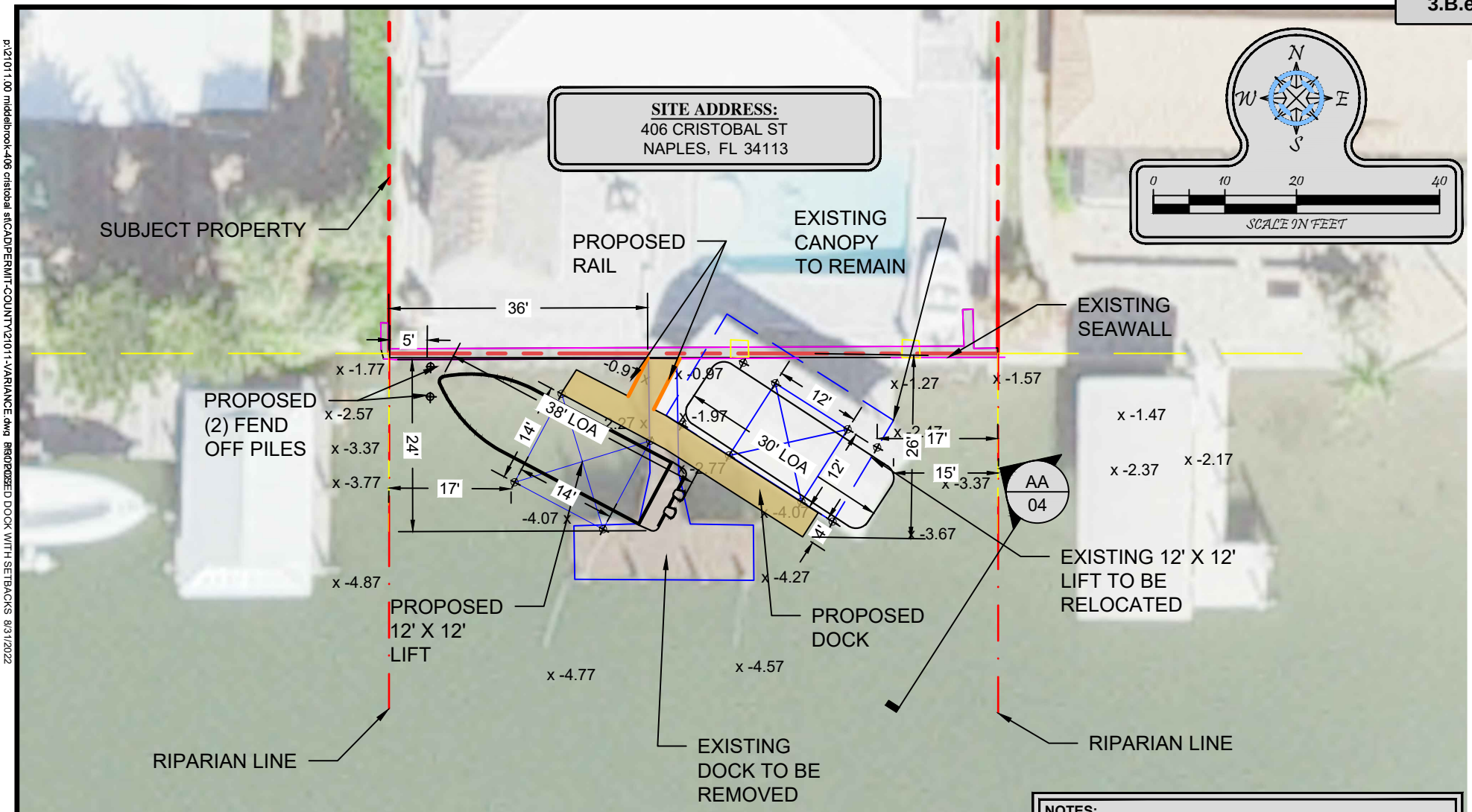

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- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26'**

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

MIDDLEBROOK - 406 CRISTOBAL ST.

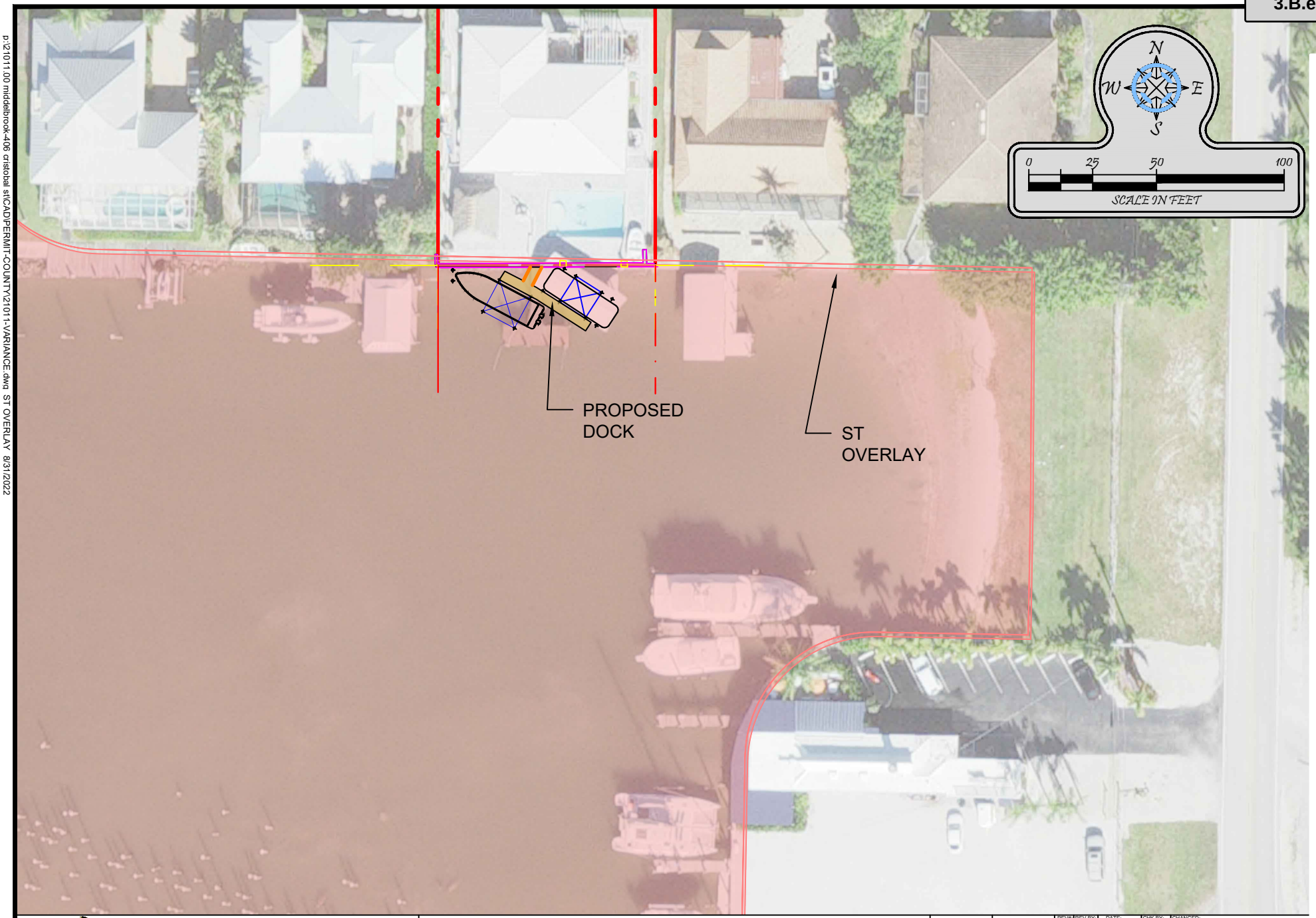
PROPOSED DOCK WITH SETBACKS

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:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	03 OF 04	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406



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

MIDDLEBROOK - 406 CRISTOBAL ST.

ST OVERLAY

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:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	04 OF 04	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

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Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406

Notification of Variance
to Property Owners and Associations within 150 feet

Turrell, Hall & Associates, Inc.
3584 Exchange Ave. Suite B
Naples, FL 34104
Office: 239 643-0166

7.27.2022

Mailing Address
Naples, FL

Dear Property Owner:

Please be advised that the sender has made a formal application to Collier County for a variance, PL, from the requirements of the zoning regulations as they apply to the following described property:

ISLES OF CAPRI NO 3 LOT 579, Replat in Section 32, Township 51 South, Range 26 East, Collier County, Florida
AKA: 406 Cristobal St, Folio: 52450120009

It is our intent to ask the County to allow us to reduce the minimum side yard setback from the west riparian line from 15 feet to 5.0 feet for the proposed boat lift and associated vessel to accommodate the proposed dock modifications which are being required by the Department of Environmental Protection (DEP). If you have any questions or concerns, please feel free to contact Jeff Rogers using the contact information listed below.

Regards,

Jeff Rogers
Turrell, Hall & Associates, Inc.
Jeff@thanaples.com

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Notice: This data belongs to the Collier County Property Appraiser's Office (CCPA). Therefore, the recipient agrees not to represent this data to anyone as other than CCPA provided data. The recipient may not transfer this data to others without consent from the CCPA.

Petition: PL20220004839 | Buffer: 150' | Date: 8/1/2022 | Site Location: 52450120009

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	LEGAL1	LEGAL2	LEGAL3	LEGAL4	FOLIO	ADDRESSTY
405 CRISTOBAL STREET TRUST	3560 4TH AVE				SAN DIEGO, CA 92103---0	ISLES OF CAPRI NO 3 LOT 584				52450320003	U
CALLAHAN, KELLY T & SHARON L	401 CRISTOBAL ST				NAPLES, FL 34113---0	ISLES OF CAPRI NO 3 LOT 586				52450400004	U
COLLIER CNTY	C/O REAL PROPERTY MANAGEMENT	3335 TAMIAMI TR E, STE 101			NAPLES, FL 34112---0	ISLESOF CAPRI NO 3 LOT 702	PARK			52455040003	U
HELSEL, RONALD M	DENISE S CATERINI-HELSEL	404 CRISTOBAL ST			NAPLES, FL 34113---1209	ISLES OF CAPRI NO 3 LOT 578				52450080000	U
J & M A BOERNER REV LIV TRUST	409 CRISTOBAL ST				NAPLES, FL 34113---8618	ISLES OF CAPRI NO 3 LOT 582				52450240002	U
JULIE GAUTHIER REV TRUST	403 CRISTOBAL ST				NAPLES, FL 34113---0	ISLES OF CAPRI NO 3 LOT 585	OR 1942 PG 2022			52450360005	U
MIDDLEBROOK, BEAU CHRISTOPHER	406 CRISTOBAL ST				NAPLES, FL 34113---0	ISLES OF CAPRI NO 3 LOT 579				52450120009	U
NANCY J DEVOLDER REV TRUST	407 CRISTOBAL ST				NAPLES, FL 34113---8618	ISLES OF CAPRI NO 3 LOT 583				52450280004	U
WARD TR EST, HARLAN R	HARLAN R WARD Q/P/R TRUST EST	UTD 5/2/01	% DOLORES J WARD PR	408 CRISTOBAL ST	NAPLES, FL 34113---8618	ISLES OF CAPRI NO 3 LOT 580				52450160001	U
WASSERMAN, THEODORE & KAREN L	445 STOKES RD				SHAMONG, NJ 08088---8924	ISLES OF CAPRI NO 3 LOT 577				52450040008	U
WASSERMAN, THEODORE W	KAREN L WASSERMAN	410 CRISTOBAL ST			NAPLES, FL 34113---8618	ISLES OF CAPRI NO 3 LOT 581				52450200000	U

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406

AFFIDAVIT OF COMPLIANCE

I hereby certify that pursuant to Ordinance 2004-72, of the Collier County Land Development Code, I did give notice by mail at least 30 days after receipt of letter indicating that the application is sufficient to the following property owners and or condominium and civic associations whose members may be impacted by the proposed land use changes of an application request for a variance or parking exemption. *For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Collier County and any other persons or entities who have made a formal request of the county to be notified.* The said notice contained the laymen's description of the site property of proposed change.

Per attached letters and or property owner's list, which are hereby made a part of this Affidavit of Compliance.

Jeff Rogers
(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 12 day of Sept, 2022 by Jeff Rogers, who is personally known to me or who has produced _____ as identification.

Amanda W Horton
(Signature of Notary Public)

Amanda W Horton
Printed Name of Notary

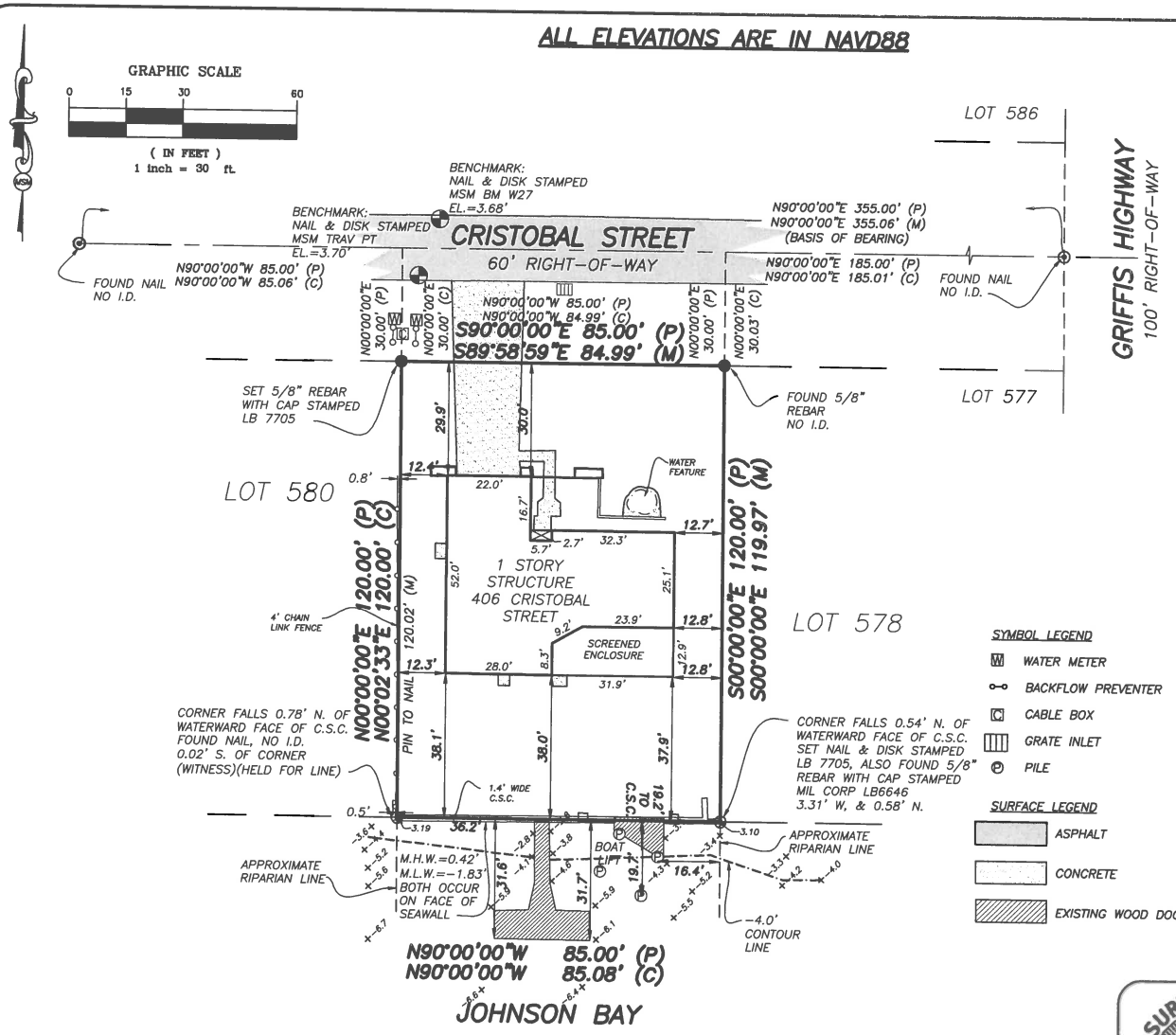
(Notary Seal)

AMANDA W HORTON
Notary Public - State of Florida
Commission # HH 169081
My Comm. Expires Aug 24, 2025
Bonded through National Notary Assn.

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406

ALL ELEVATIONS ARE IN NAVD88



NOTES:

1. Last day of field work is March 30, 2015 (date of survey)
2. Bearings shown hereon are based on the South Right-of-Way line of Cristobal Street, Isles of Capri No. 3, according to the Plat thereof, as recorded in the Public Records of Collier County, Florida being N90°00'00"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.
4. No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Unless otherwise indicated all easements shown hereon are based on plat.
7. Only above ground, visible and apparent improvements were located.
8. Foundations and overhangs are not taken into account on this survey.
9. Irrigation equipment was not taken into account on this survey.
10. No other persons or entities other than those listed as exclusive users may rely on this survey.
11. All dimensions are in feet and decimals thereof, unless otherwise noted.
12. Subject to easements, reservations and restrictions of record.
13. Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.
14. According to public record this property is zoned RSF-3.

Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.

15. Property contains 0.23 acres (10,203 square feet) more or less.

ABBREVIATIONS

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

For the Exclusive Use Of:
Beau Middlebrooke

David Hyatt PSM
Digitally signed b David Hyatt PSM Date: 2022.02.10 13:44:29 -05'00'

David J. Hyatt, PSM,
Florida License No. 5834
Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper Certificate of Authorization #7705.

REVISIONS:

1. REVISE CERTIFICATIONS, R.Y., 05/06/2015
2. ADD PLOT PLAN INFORMATION, UPDATE CLIENT NAME, R.Y., 03/16/2016, WO #16-160
3. REMOVE PLOT PLAN, ADD NEW DOCK PILES, T.D., 04/19/2016, WO# 16-230
4. ADD DIMENSIONS. T.D. 05/03/2016, WO# 16-230
5. ADD TOPOGRAPHIC INFORMATION, R.Y., WO #22-034, 2/8/2022.

LEGAL DESCRIPTION

(Per O.R. 4770, Pg. 1520):

Lot 579, Isles of Capri No. 3, according to the Plat thereof, recorded in Plat Book 3, Page 66, of the Public Records of Collier County, Florida

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

BOUNDARY & TOPOGRAPHIC SURVEY

Lot 579, Isles of Capri No. 3, Collier County, Florida

CLIENT:	Beau Middlebrook					
HORIZONTAL SCALE:	1" = 30'		PROJECT NUMBER:	N/A		
CHIEF:	BOOK/PAGE		DRAFTED BY:	DATE	WO NUMBER	DRAWING N
KW	106	56	RY	03/2015	15-122	2-146.

INSTR 5117678 OR 5148 PG 294 RECORDED 5/5/2015 1:23 PM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $4,095.00 REC $18.50
CONS $585,000.00

Prepared by and return to:
William G. Morris, P.A.
Law Offices of William G. Morris, P.A.
247 North Collier Boulevard Suite 202
Marco Island, FL 34145
239-642-6020
File Number: **15RE130**

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this **17th** day of **April, 2015** between **Donnie Gene Mitchell and Kimberly Ann Schnell Mitchell, husband and wife** whose post office address is **85 West Pelican Street, Naples, FL 34113**, grantor, and **Beau Christopher Middlebrook, a single man** whose post office address is **406 Cristobal Street, Naples, FL 34113**, grantee:

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

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

Lot 579, Isles of Capri No. 3, according to the map or plat thereof as recorded in Plat Book 3, Page 66, Public Records of Collier County, Florida.

Parcel Identification Number: 52450120009

Subject to the following exceptions: (a) ad valorem and non ad valorem real property taxes for the year of closing and subsequent years; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record, if any, and (d) restrictions, reservations and easements common to the subdivision, provided that none of the foregoing shall prevent use of the Property for residential purposes.

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, subject to the following exceptions: (a) ad valorem and non ad valorem real property taxes for the year of closing and subsequent years; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record, if any, and (d) restrictions, reservations and easements common to the subdivision.

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

NOT A CERTIFIED COPY

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

Signed, sealed and delivered in our presence:

Witness Name: PEGILEE H. MORRIS

Witness Name: Carey L Chard

(Seal)
Donnie Gene Mitchell

(Seal)
Kimberly Ann Schnell Mitchell

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 17th day of April, 2015 by Donnie Gene Mitchell and Kimberly Ann Schnell Mitchell, who [ ] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

PEGILEE H. MORRIS
MY COMMISSION # FF 142993
EXPIRES: July 17, 2018
Bonded Thru Budget Notary Services

Notary Public

Printed Name: PEGILEE H. MORRIS

My Commission Expires: JULY 17, 2018

NOT A CERTIFIED COPY

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Beau Middlebrook (owner/applicant)
406 Cristobal Street (address of project)
Naples, FL 34113

FROM: Harlan R Ward Trust (adjacent property owner)
408 Cristobal Street
Naples, FL 34113

I hereby state that I am the owner of the adjacent upland riparian property located to the (**north** / south / east / west) of the facility or activity proposed to be constructed or conducted by Beau Middlebrook (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line.** This file shows the structure will be located entirely within the applicant's riparian rights area and will only provide a 15-foot setback with our common riparian rights line between our parcels.

Daniel C Ward
(Original signature of adjacent owner)

5-3-22
(Date signed)

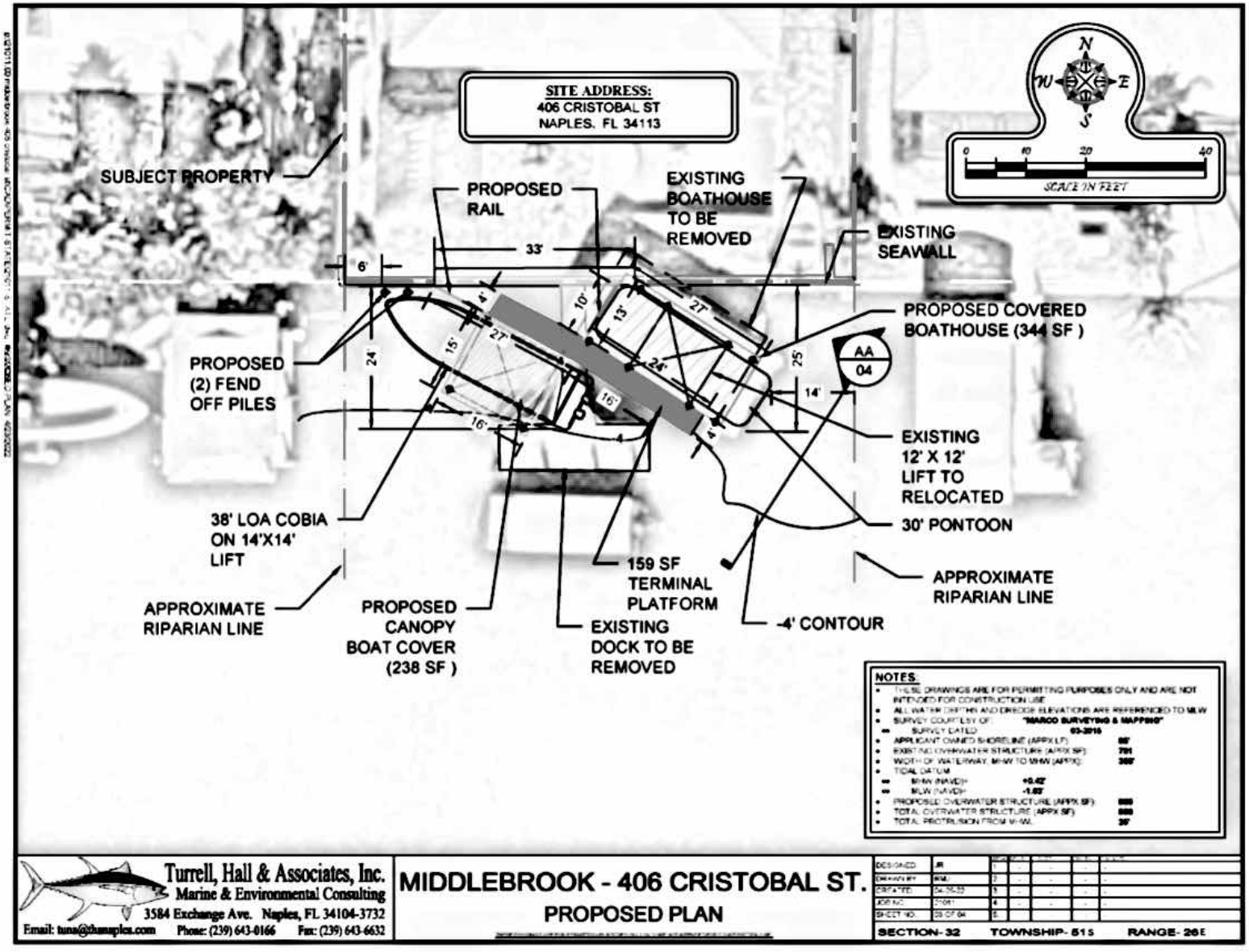
Daniel C Ward
(Printed name of adjacent owner)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

Daniel C Ward - Trustee - Harlan R Ward Trust
14929 Manitou Rd
Prior Lake Mn
612-669-0028

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406 Cristobal St Middlebrook)

LETTER OF CONCURRENCE FOR SETBACK WAIVER
PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



(Initials of adjacent owner) (Date) 5-3-22

Attachment: Attachment D - Application, Narrative, Agent Letter Info (23586 : PL20220004839 VA 406

10/27/2022

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C
Doc ID: 23587
Item Summary: Petition No. BDE-PL20220004181 - 406 Cristobel Street - Request for a 6-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 26 feet into a waterway that is 358± feet wide, pursuant to LDC Section 5.03.06. The subject property is located at 406 Cristobal Street and is further described as Lot 579, Isles of Capri No. 3, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

Meeting Date: 10/27/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
10/07/2022 8:41 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
10/07/2022 8:41 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	10/08/2022 2:01 AM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	10/13/2022 3:44 PM
Zoning	Ray Bellows	Review Item	Completed	10/14/2022 10:05 AM
Zoning	Mike Bosi	Division Director	Completed	10/14/2022 10:56 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	10/27/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION - ZONING SERVICES SECTION

HEARING DATE: OCTOBER 27, 2022

SUBJECT: BDE-PL20220004181, 406 CRISTOBAL STREET – MIDDLEBROOK
COMPANION TO VA-PL20220004839

PROPERTY OWNER:

Beau Middlebrook
406 Cristobal Street
Naples, FL 34113

AGENT:

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

REQUESTED ACTION:

Request to approve a 6-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 26 feet into a waterway that is 358± feet wide, pursuant to Section 5.03.06.E.1 of the Collier County Land Development Code (LDC).

GEOGRAPHIC LOCATION:

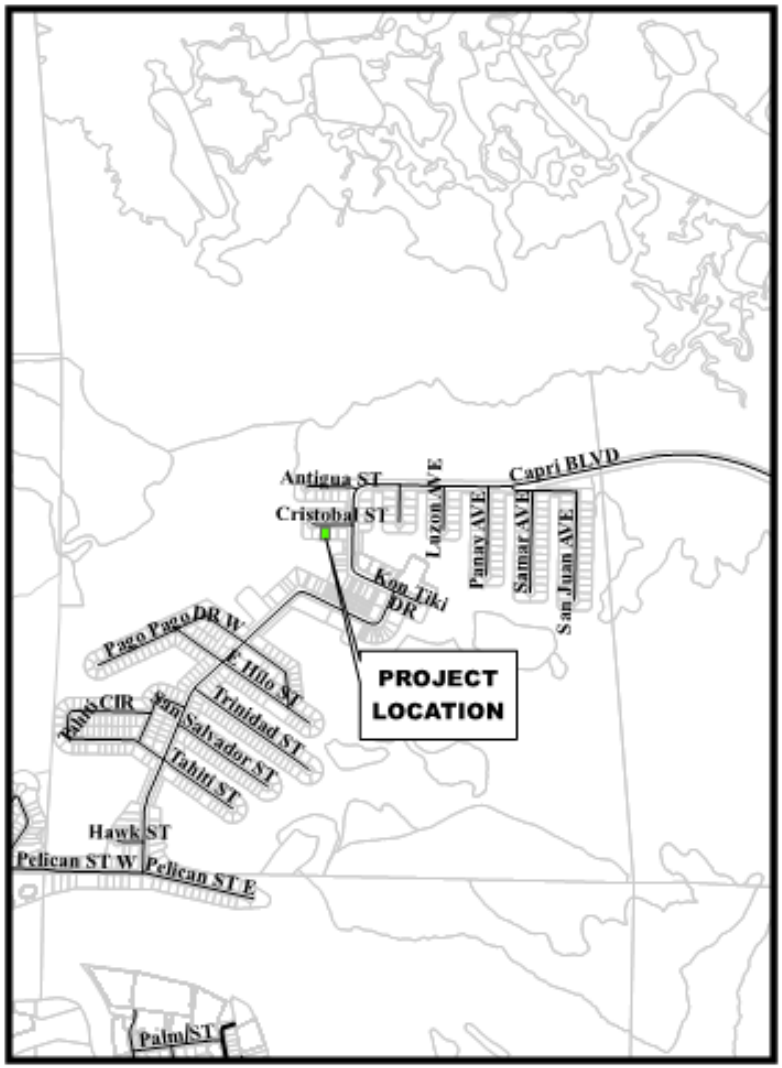
The subject property is located at 406 Cristobal Street, on the south side of Cristobal Street approximately 225-feet west of Capri Boulevard and is legally described as Isles of Capri Number 3, Lot 579, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. *(See location map on the following page)*

PURPOSE/DESCRIPTION OF PROJECT:

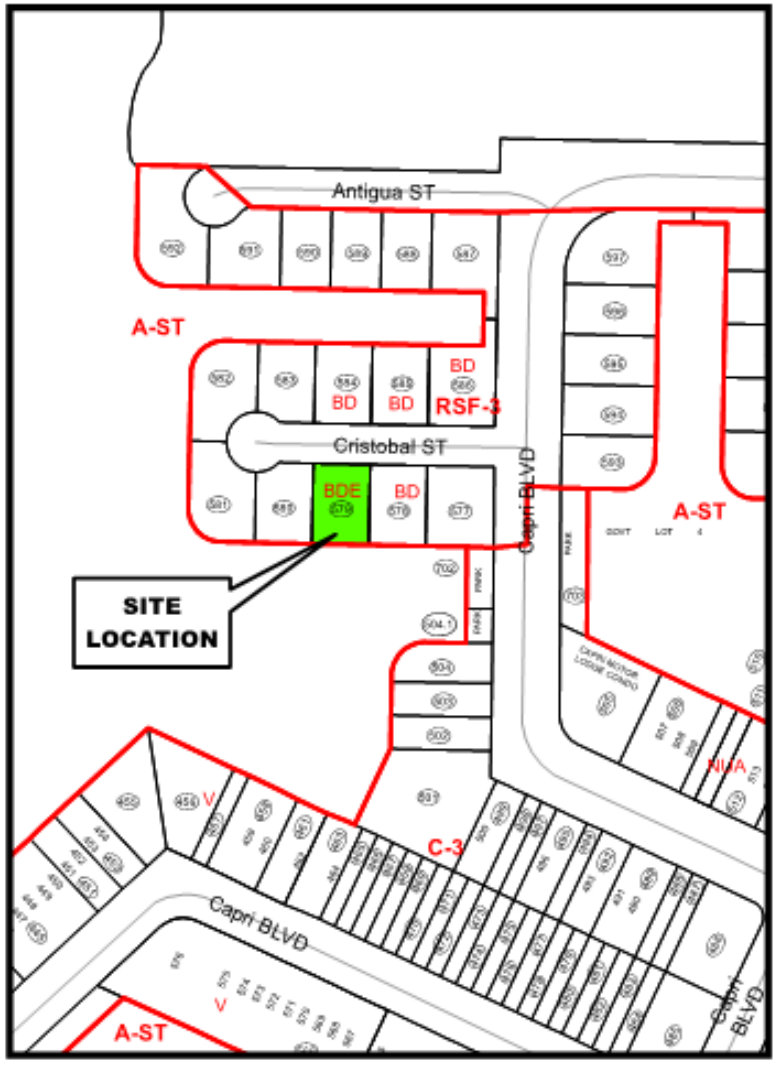
The subject property is located within a Residential Single-Family-3 (RSF-3) Zoning District and supports a single-family dwelling with 85± feet of water frontage on Johnson Bay. The petitioner seeks to modify an existing dock facility for which the County's Hearing Examiner previously issued a formal decision, HEX No. 2021-29, allowing for a 40-foot protrusion; see **Attachment C**. The subject waterway is located within a section of Johnson Bay that is state lands lying

(Continued on Page 3)

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)



Location Map



Zoning Map

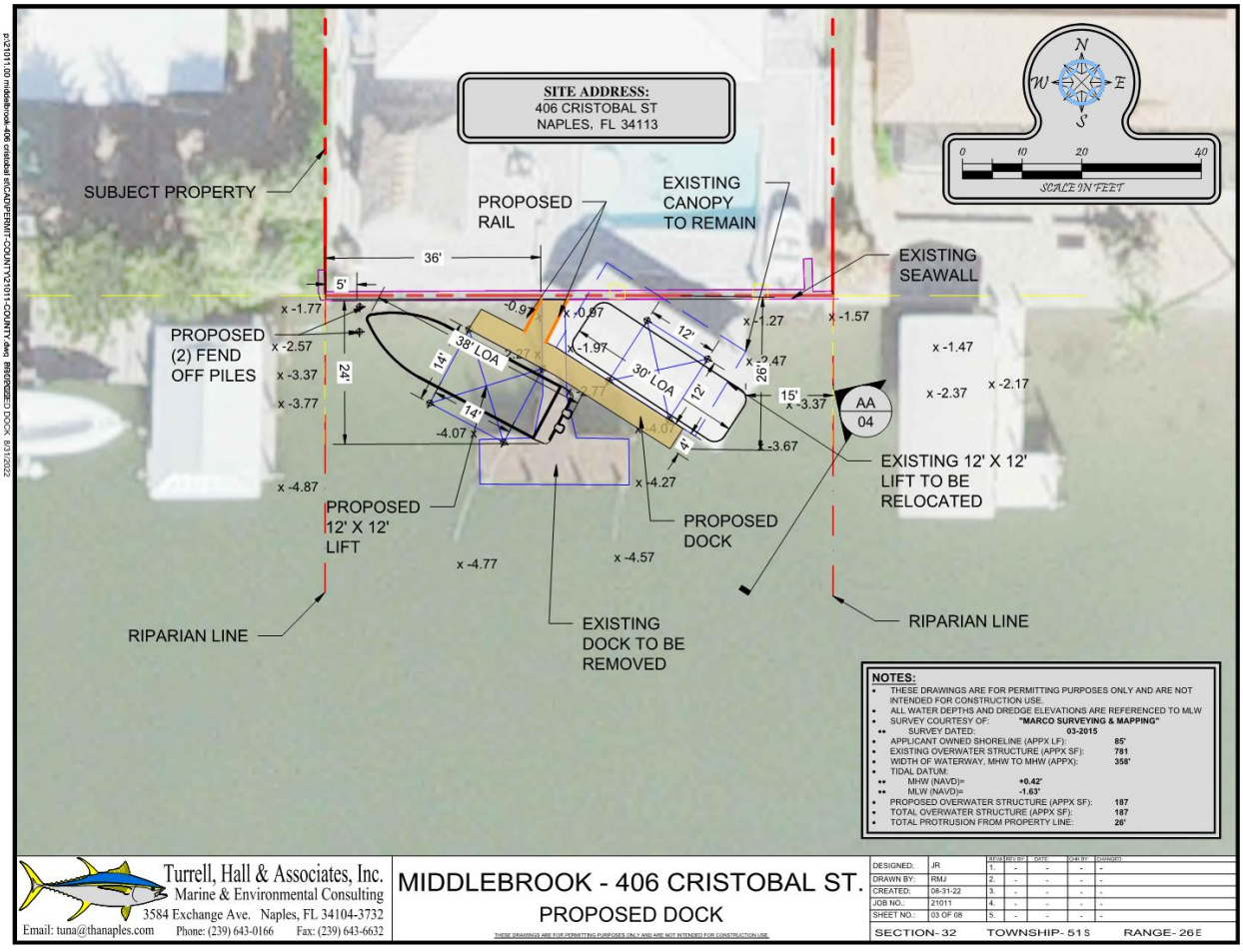
Petition Number: PL20220004181

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Purpose/Description of Project,
(Continued from Page 1)

within the Rookery Bay Aquatic Preserve and it has since been determined that neither the existing nor the proposed dock facility are compliant with the state Department of Environmental Protection (DEP) aquatic preserve rules. The subject dock facility has therefore been completely redesigned to allow for two boat slips, each with a boatlift, that will protrude 26 feet from the property line; the vessels will measure 30 feet and 38 feet, respectively.

The existing dock received development approval by means of Building Permit No. 79-4599, issued on or about September 20, 1979, for a T-shaped dock; see **Attachment D**. County records reveal the current 20-foot protrusion limitation was first introduced into development regulations by means of Ordinance 79-45, for which the effective date was July 10, 1976; therefore, as permit records reveal a dock facility protruding 32 feet into the waterway, said permit was issued in error. A boatlift and 4 pilings were later added to the existing dock facility by means of Permit No. PRBD20160205777 in 2016; said addition protrudes 19.7 feet from the property line; see **Attachment E**. LDC Section 5.03.06.E.5 requires a 15-foot side/riparian setback for lots with a water frontage of 60 feet or greater. The new dock design will be setback 15-feet to the west side and only 5 feet from the east side; therefore, a companion variance must also be approved to allow for the proposed dock facility.



Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

SURROUNDING LAND USE & ZONING:

North: Single-family residence, within a Residential Single Family-3 (RSF-3) zoning district

South: Johnson Bay, a waterway, located within a Rural Agricultural (A) zoning district and Special Treatment (ST) overlay

East: Single-family residence, within a Residential Single Family-3 (RSF-3) zoning district

West: Single-family residence, within a Residential Single Family-3 (RSF-3) zoning district

Aerial – Collier County GIS

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

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 an ST overlay zone (Johnson Bay), which will require an ST-permit for the proposed docking facilities prior to the issuance of the building permits. The proposed docking facilities will be constructed waterward of the existing seawalled shoreline. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 6 of 8 provides an aerial with a note stating that no seagrasses were observed within 200 feet.

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

STAFF ANALYSIS:

In accordance with LDC Section 5.03.06.H., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a dock facility extension request based on certain criteria. In order for the Hearing Examiner to approve this request, at least four of the five primary criteria and four of the six secondary criteria must be met:

Primary Criteria:

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

   Criterion met. The subject property is located within an RSF-3 Zoning District and supports a single-family dwelling for which the LDC allows two boat slips. The proposed project consists of removing the existing dock facility but keeping the boatlift and pilings that were constructed by means of Permit No. PRBD20160205777. The replacement dock, as well as a second lift for a second vessel, will be constructed within 26 feet of the MHWL/property line as required by DEP to be in compliance with the State's Aquatic Preserve rules.

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

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Criterion met. The applicant's agent states: "The proposed dock is limited by the State (DEP) to only protrude out to the -4' MLW contour line. The depths landward of the proposed dock and associated boatlifts are too shallow to moor the vessels and provide sufficient depths for the boatlifts to fully function at a low tide elevation. Additionally, due to the subject property and surrounding waterway being within the Rookery Bay Aquatic Preserve dredging is not an option therefore pushing the proposed dock out past the 20-foot protrusion point is the only option and still provides enough area for the two vessels." Staff concurs with the applicant's argument.

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

Criterion met. As proposed, the subject dock will protrude less than the two adjacent docks and many of the surrounding docks on the subject waterway. The proposed dock facility does not protrude into any marked or charted navigable channel and will not impede any vessel traffic.

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 waterway width at the subject location is 358± feet; therefore, the proposed dock facility will occupy 7.26 percent of the waterway width. The subject waterway narrows considerably immediately east of the subject waterway. Using the applicant's Sheet No. 08 of 08, Width of Waterway, it is appropriate to note the waterway immediately to the east is 138 feet wide (118 feet plus 20-foot average protrusion) and that there will be approximately 92 feet between dock facilities which results in 92 feet or 66.67 percent of the waterway remaining free for navigation at the narrowest point.

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

Criterion met. The applicant's agent states: "The proposed docking facility will maintain its current setback from the east riparian line which is 15-feet. The proposed western setback is only 5-feet as proposed but the owner has signed a setback letter which is attached to the BDE submittal for your recorders {sic} indicating they do not object and as proposed the boat will {sic} encroach or block their access or current utilization of their shoreline." For the purposes of satisfying this criterion, staff concurs; however, must note that the provided "Letter of Concurrence for Setback Waiver", see **Attachment F**, is not entirely accurate with respect to the depicted setback; the attached plan is however accurate indicating the neighbor is aware of the request.

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Secondary Criteria:

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

   Criterion met. The applicant's agent states: "The subject property is located within the Rookery Bay Aquatic Preserve and therefore is restricted/limited to the DEP (state's) aquatic preserve dock design criteria. The two most restrictive design criteria are the overall allowed protrusion out into the waterway and the total over-water square footage. Additionally, another design issue, in this case, is the applicant's vessel size being 38-feet LOA and designing a dock configuration that meets the aquatic preserve rules as well as the county LDC rules. As currently proposed the dock protrudes out past the allowed 20-feet per the LDC but is within the allowed protrusion per the aquatic preserve rules being 26-feet from the MHWL.

   Due to all of these limitations mostly being implemented by the state the proposed dock configuration is really the only option the applicant has to accommodate the two vessels they currently own. As proposed the vessel will encroach into the required side yard setback which is why a variance application has also been submitted as a companion to this BDE request."

   Staff finds that the State's aquatic preserve rules to be more restrictive than the County's dock requirements and therefore finds the argument to be treated as a special condition is compelling; staff therefore concurs.

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

   Criterion met. The applicant's agent states: "The proposed project consists of minimizing the existing docking facility from 781-square feet down to 284-square feet over-water structure. The proposed project is being driven by the applicant's new vessel and the proposed dock modifications will minimize the decking area due to the aquatic preserve rules. However, as designed the proposed dock will still provide adequate deck area for safe access to the vessels as well as still provide enough deck area for maintenance and recreational activities like fishing, kayaking, and paddle boarding." Staff concurs.

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

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Criterion not met. The proposed docking facility has been designed to moor two vessels, one being 38 feet LOA and the other being 30 feet LOA, totaling 68 feet; the total shoreline width is 85 feet, thus the 50 percent limitation is exceeded, with the total length of the two vessels representing 80 percent of the total length of the frontage. Staff is concerned that this represents an intensification of use that could be detrimental to adjoining properties.

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

Criterion met. The applicant's agent states: "As proposed the dock has been minimized regarding the overall protrusion out into the waterway. Additionally, the dock will now not extend out as far into the waterway as the two adjacent docking facilities. The one major issue is on the west side the proposed vessel slip will encroach into the required yard setback of 15-feet, but the owner of that property has already signed off on a letter of no objection which is attached for your records. As proposed the dock will not impact either property owner's view out into the waterway, and both have side [sic] letters of no objection." Again, staff notes that the letters contained within **Attachment F** are not entirely correct; however, staff accepts them as evidence that each of the respective signers is aware of the subject zoning action; staff therefore concurs.

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 within 200 feet of the existing or proposed dock structure.

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

Criterion is not applicable. Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Staff analysis finds this request complies with five of the primary criteria. With respect to the six secondary criteria, one of the criteria is found to be not applicable, the request meets four of the remaining five secondary criteria.

CONCURRENT LAND USE APPLICATIONS:

- Variance Petition – PL20220004839

APPEAL OF BOAT DOCK EXTENSION:

Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

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

STAFF RECOMMENDATION:

Based on the above findings and letters of no objections from adjoining properties, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20220004181, to allow for the construction of the proposed dock facility as depicted within the plans contained in Attachment A, subject to the approval of companion Variance Petition No. PL20220004839. Should the companion Variance not be approved, the subject BDE shall become null and void.

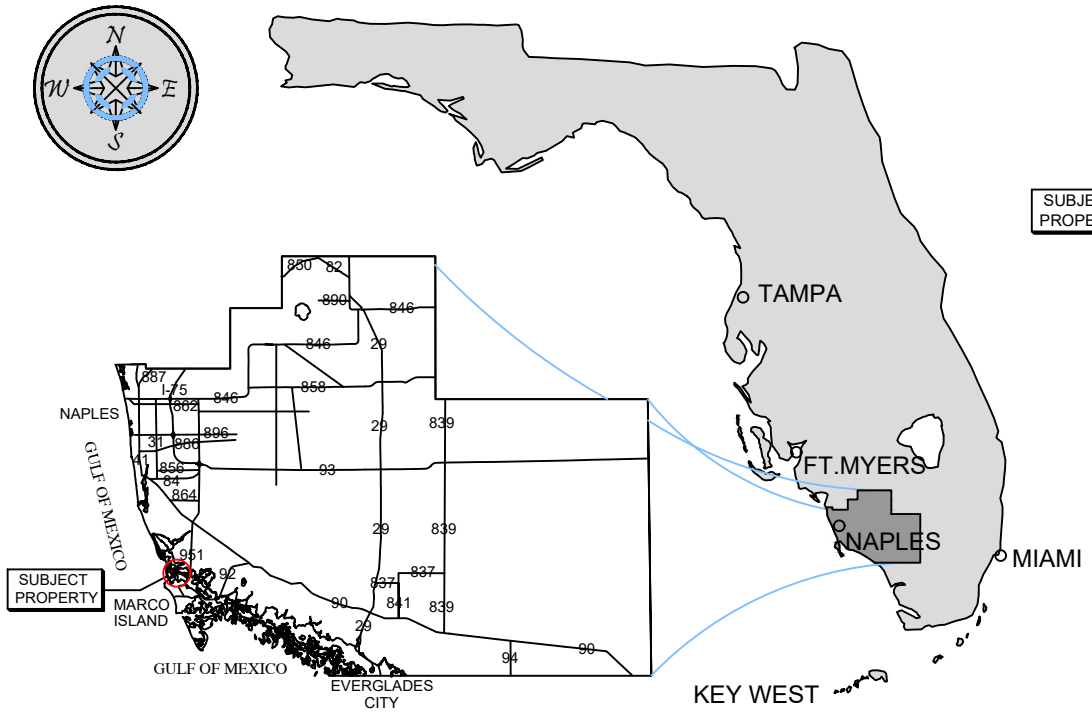
Attachments:

A) Proposed Site and Dock Plans
B) Public Hearing Sign Posting
C) Hearing Examiner Decision No. 2021-29
D) Building Permit No. 79-4599
E) Building Permit No. PRBD20160205777
F) Applicant's Backup, including Application and Supporting Documents

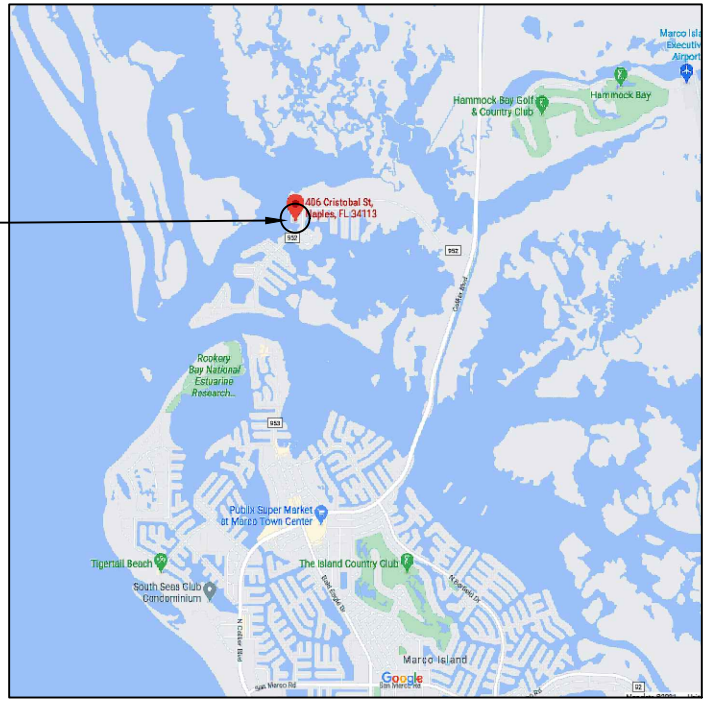
Attachment: Staff Report 10-14-22 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg LOCATION MAP 8/31/2022

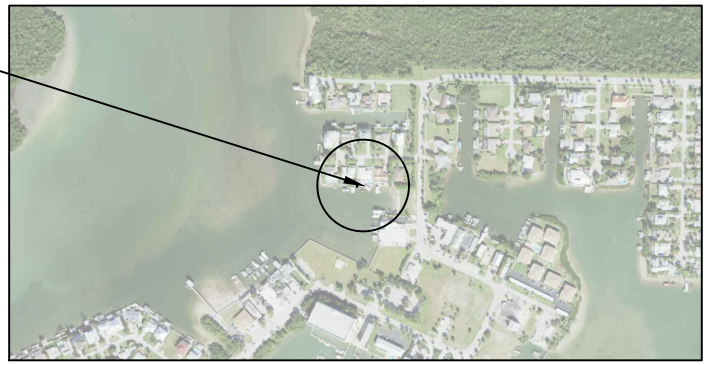
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 406 CRISTOBAL ST
NAPLES, FL 34113

<> LATITUDE: N 25.9865369
<> LONGITUDE: W -81.7274113

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

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Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
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MIDDLEBROOK - 406 CRISTOBAL ST.
LOCATION MAP
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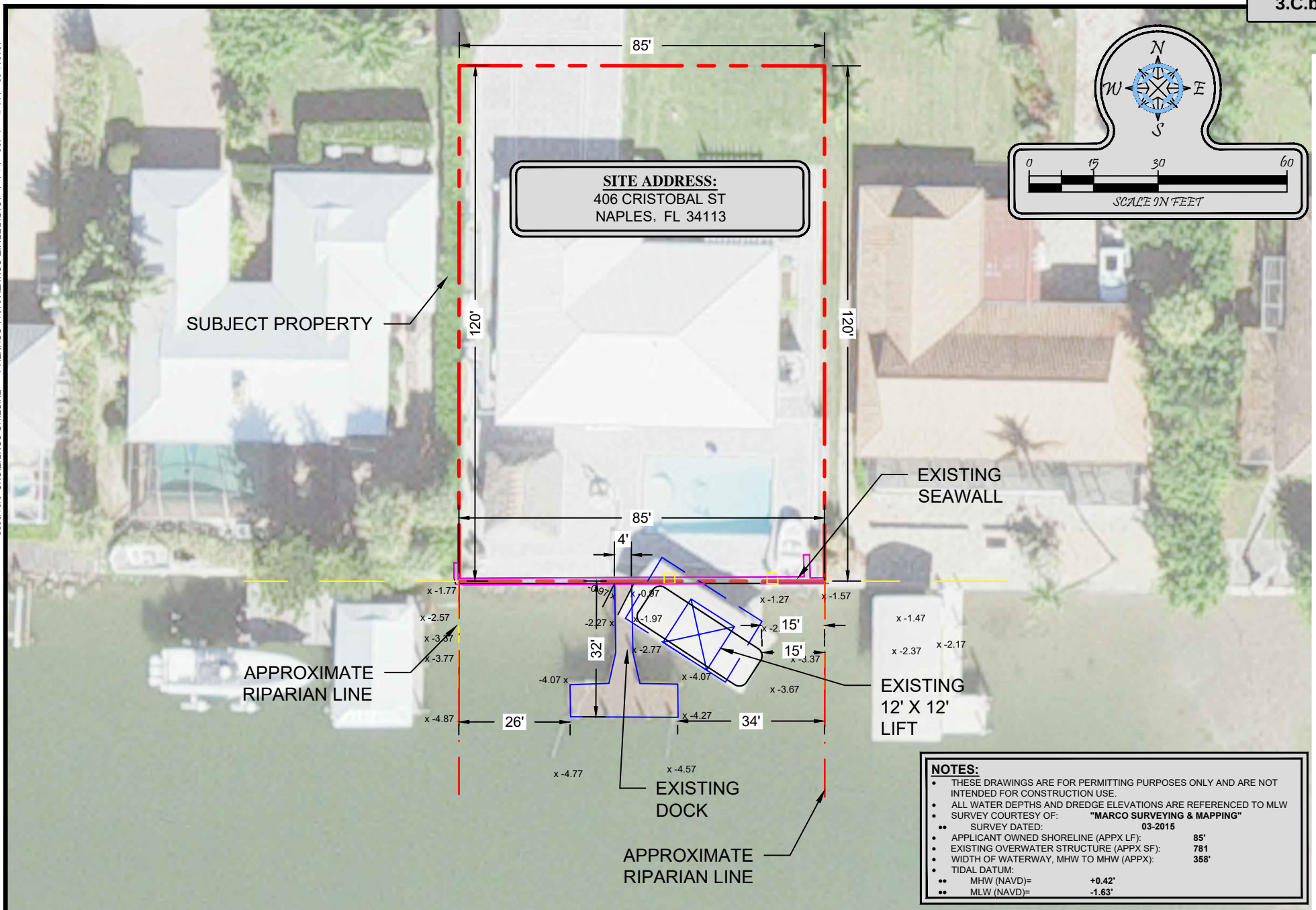
		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	01 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - BDE Exhibits - Updated 8.31.22 (23587 : PL20220004181 BDE 406 Cristobal St

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg EXISTING CONDITIONS 8/31/2022

Attachment: Attachment A - BDE Exhibits - Updated 8.31.22 (23587 : PL20220004181 BDE 406 Cristobal St



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **03-2015**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**

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MIDDLEBROOK - 406 CRISTOBAL ST.

EXISTING CONDITIONS

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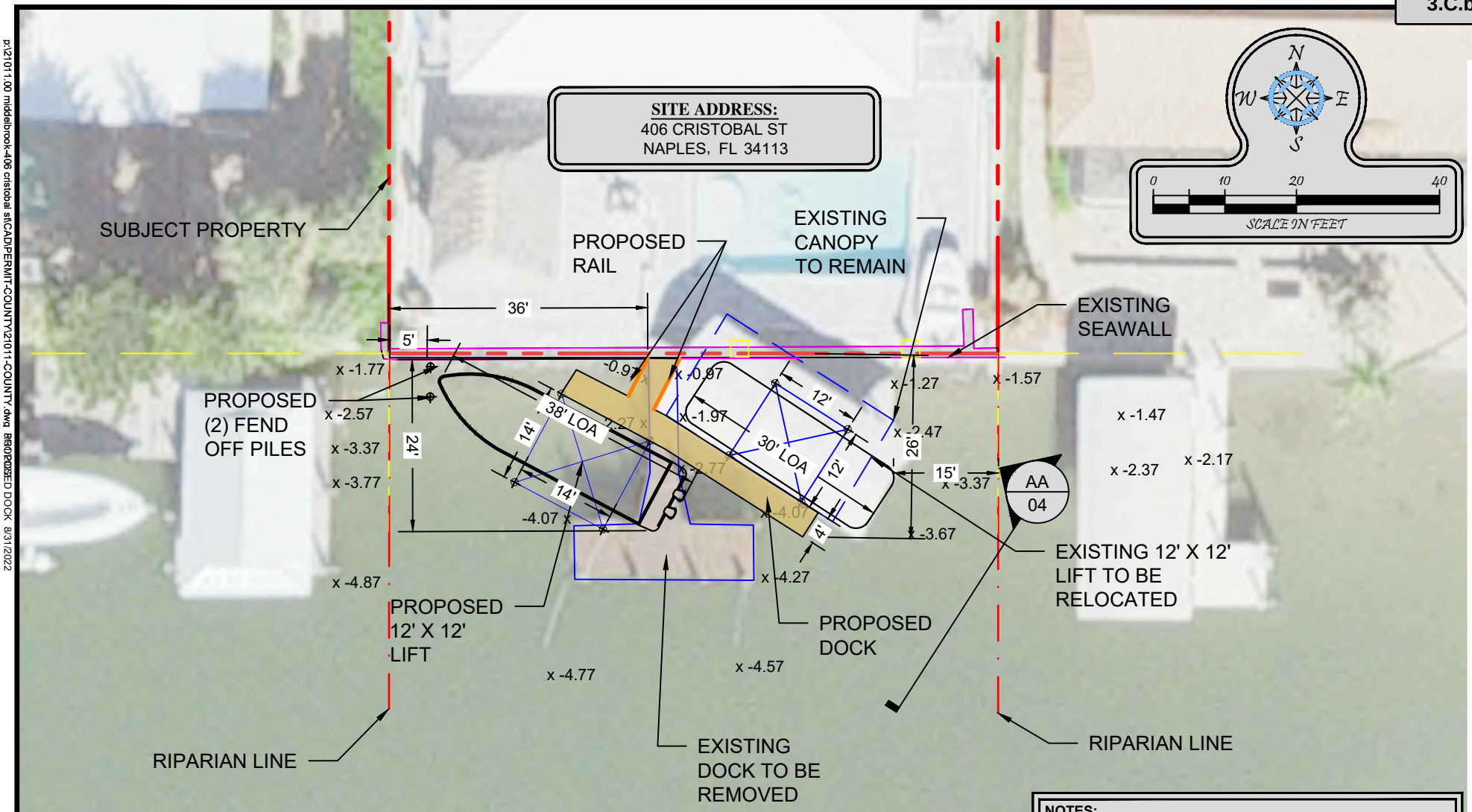
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	02 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg 8/30/2022 PROPOSED DOCK 8/31/2022



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- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26'**

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MIDDLEBROOK - 406 CRISTOBAL ST.

PROPOSED DOCK

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
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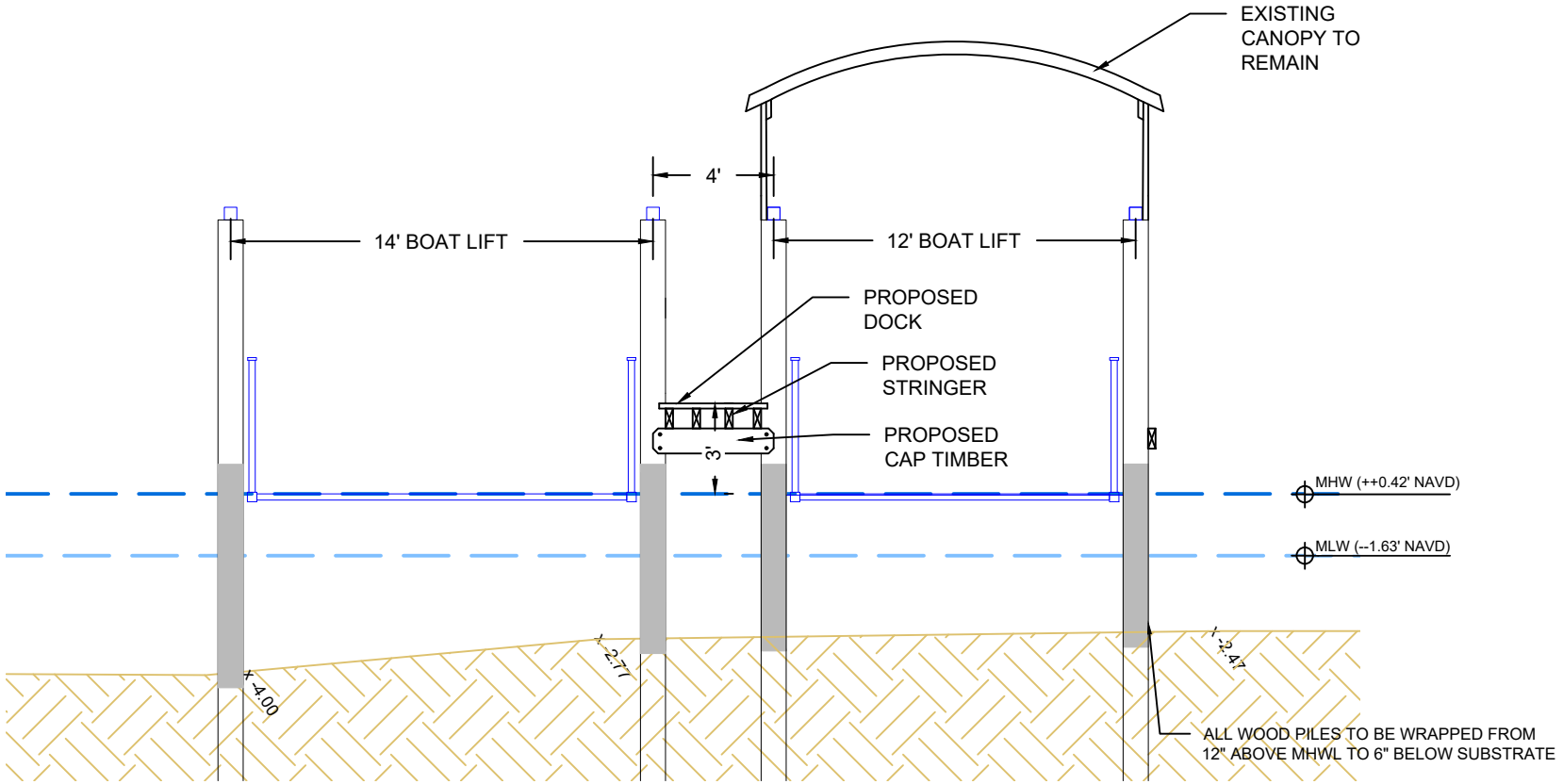
SHEET NO.:	03 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - BDE Exhibits - Updated 8.31.22 (23587 : PL20220004181 BDE 406 Cristobal St

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg CROSS SECTION AA 8/31/2022



CROSS SECTION AA

SCALE: 1" = 6'

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MIDDLEBROOK - 406 CRISTOBAL ST.

CROSS SECTION AA

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DESIGNED:	JR	1.	-	-	-	-
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SHEET NO.:	04 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

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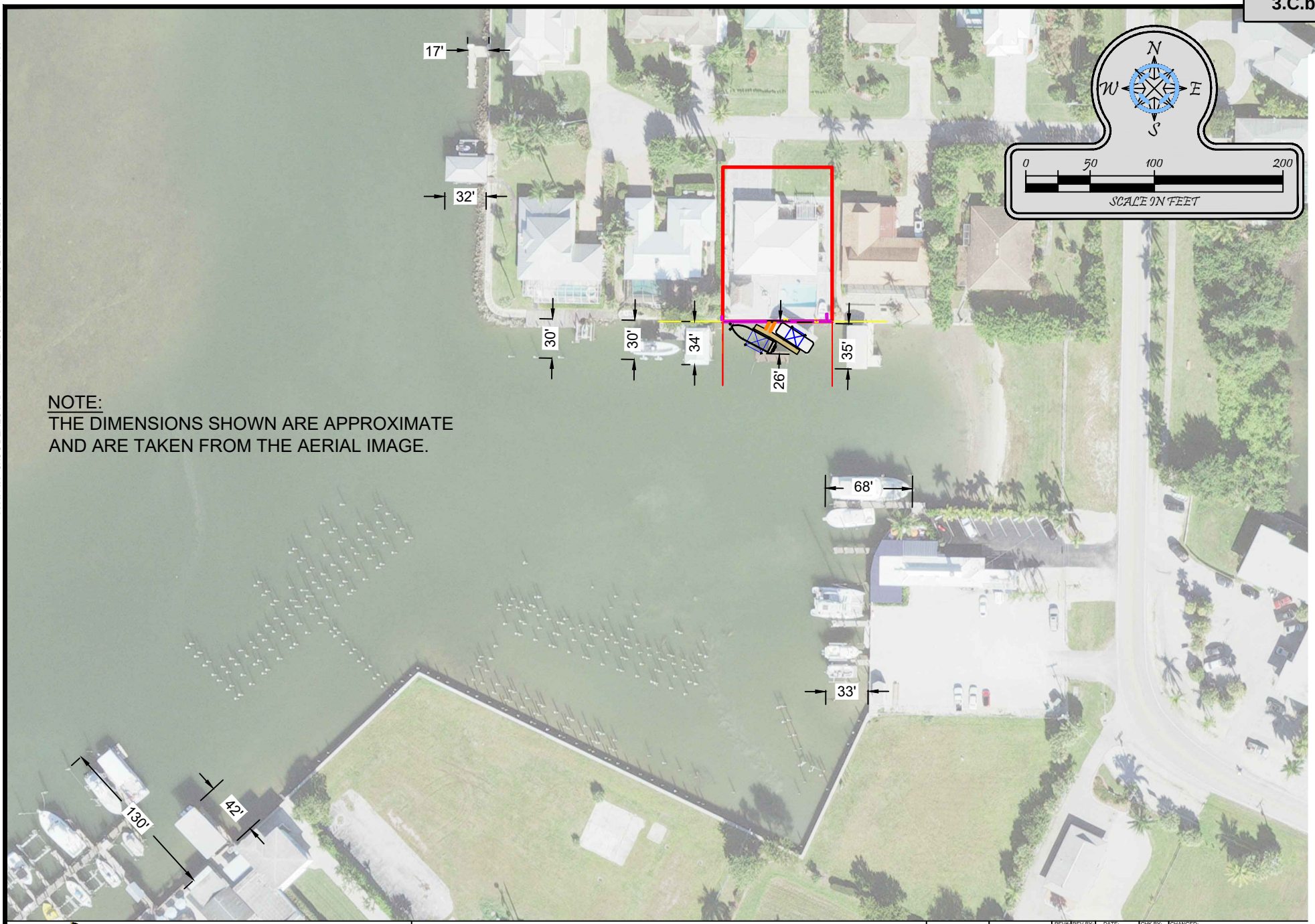
p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg ADJACENT DOCKS 8/31/2022



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

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MIDDLEBROOK - 406 CRISTOBAL ST.

ADJACENT DOCKS

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SECTION- 32 TOWNSHIP- 51 S

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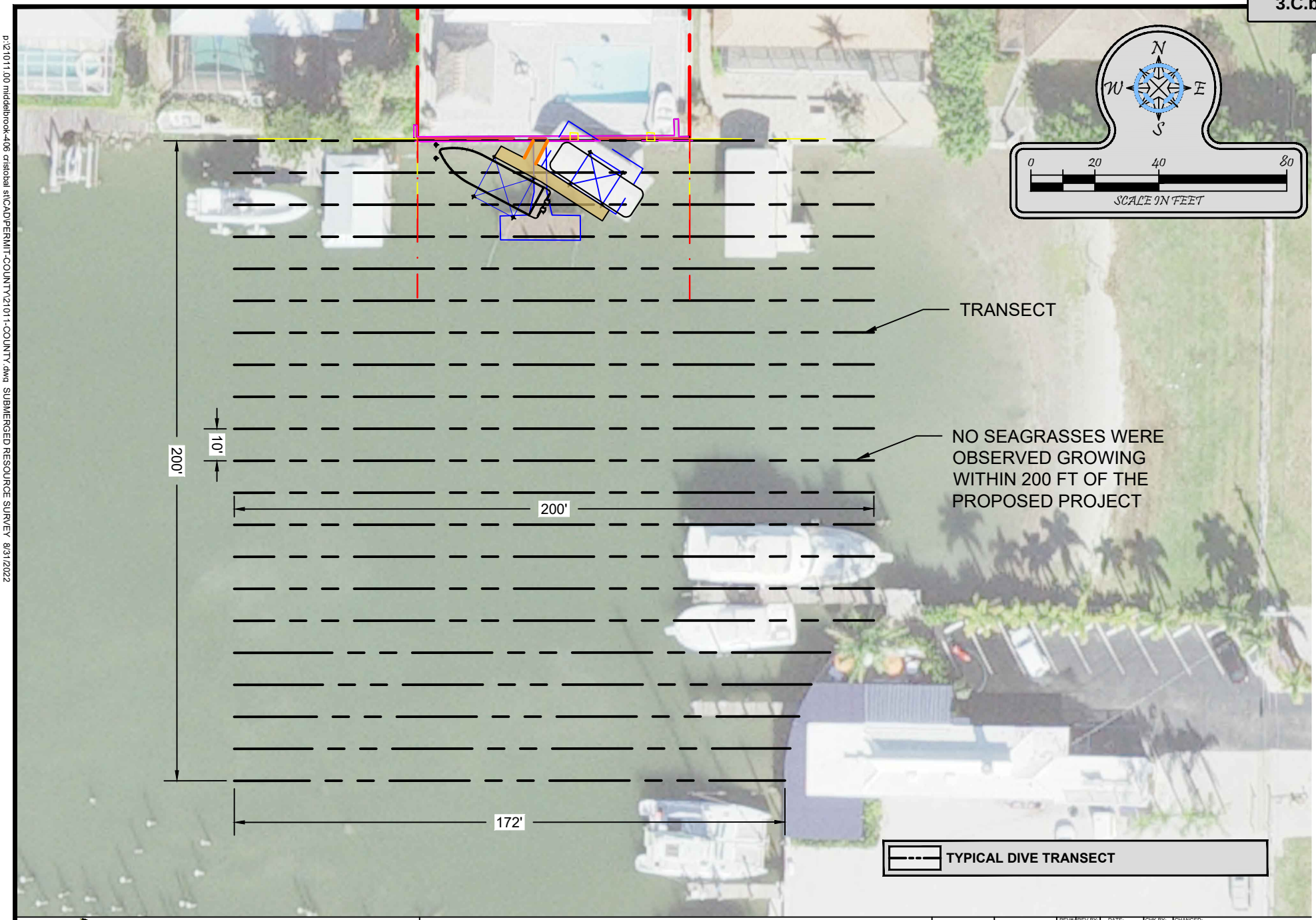
p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg SUBMERGED RESOURCE SURVEY 8/31/2022



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MIDDLEBROOK - 406 CRISTOBAL ST.

SUBMERGED RESOURCE SURVEY

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DRAWN BY:	RMJ	2.	-	-	-	-
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SECTION- 32 TOWNSHIP- 51 S

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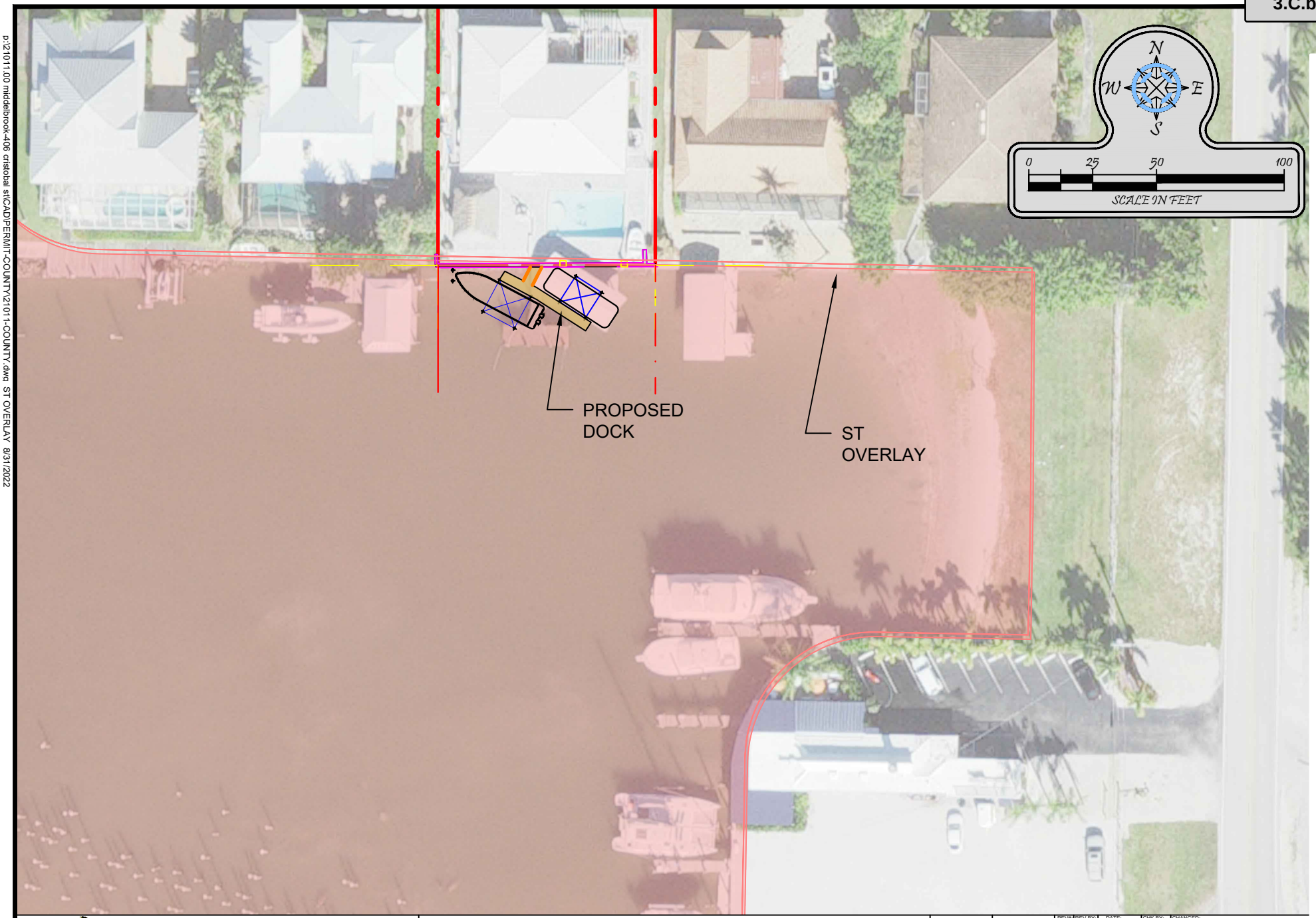

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg ST OVERLAY 8/31/2022

Attachment: Attachment A - BDE Exhibits - Updated 8.31.22 (23587 : PL20220004181 BDE 406 Cristobal St

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MIDDLEBROOK - 406 CRISTOBAL ST.

ST OVERLAY

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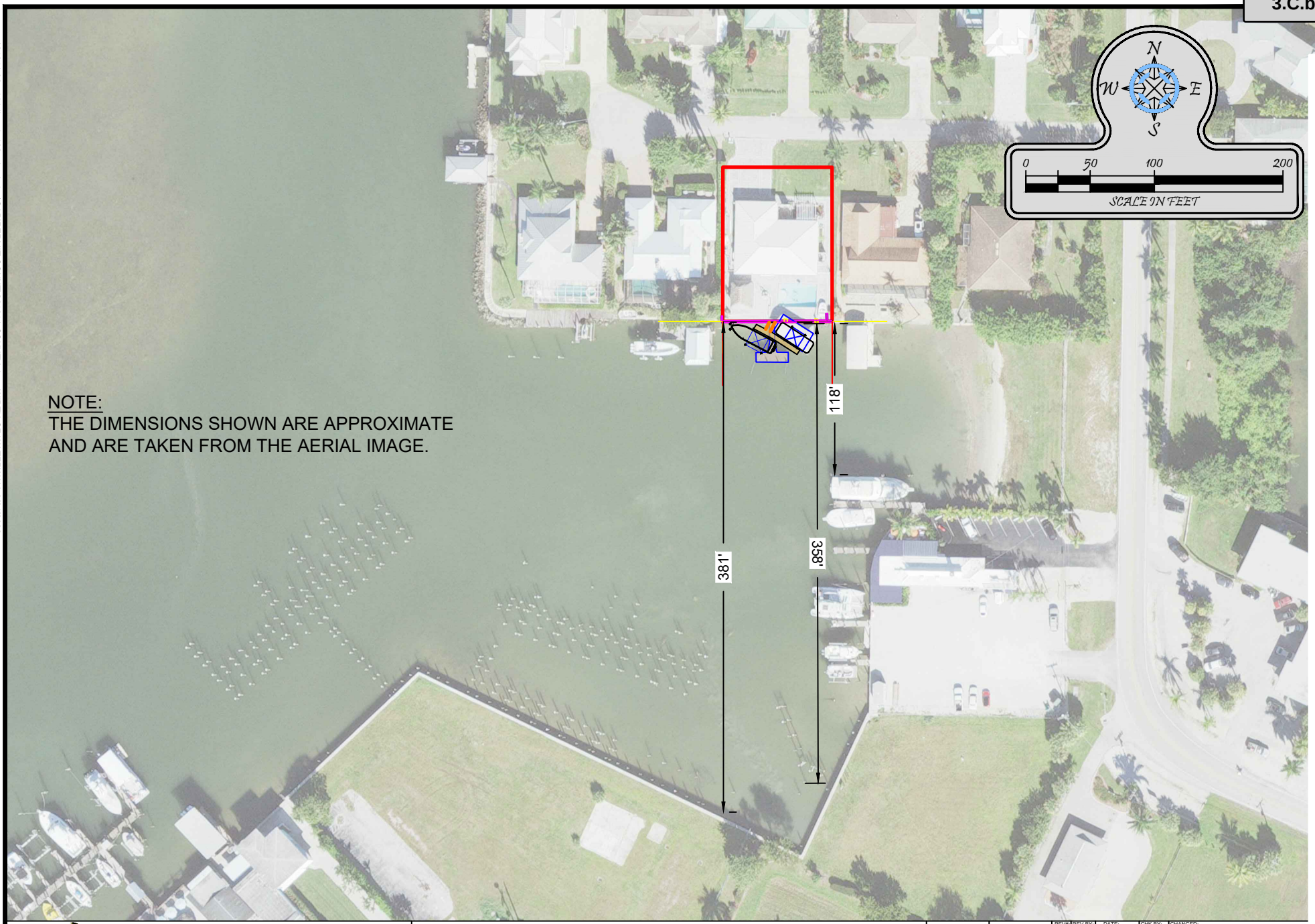
SECTION- 32 TOWNSHIP- 51 S

p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg WIDTH OF WATERWAY 8/31/2022



NOTE:
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MIDDLEBROOK - 406 CRISTOBAL ST.

WIDTH OF WATERWAY

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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	08 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - BDE Exhibits - Updated 8.31.22 (23587 : PL20220004181 BDE 406 Cristobal St

KellyJohn

From: KellyJohn
Sent: Monday, October 10, 2022 4:17 PM
To: KellyJohn
Subject: VA-PL20220004839 and BDE-PL20220004181 - 406 Cristobal St - Public Hearing Sign Posting, HEX 10/27/2022
Attachments: B4566879-7D2E-47F5-AE96-5070D13DE664.jpeg; 64F6086D-515A-4B6A-974A-E3B9F171D6B9.jpeg

I, John Kelly, personally posted a Public Hearing Sign for the above referenced petitions, scheduled for hearing by the Hearing Examiner on October 13, 2022, at approximately 1:00PM this date. Said sign was posted to the front of the subject property immediately adjacent to the nearest public right-of-way as evidenced by the attached photos.

Respectfully
John Kelly
Senior Planner

Zoning Division – Zoning Services Section
2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.5719 Fax: 239.252.6363
Email: John.Kelly@colliercountyfl.gov

Tell us how we are doing by taking our Zoning Division Survey at http://bit.ly/CollierZoning

Collier County
Growth Management Department

Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Public Hearing Sign Posting (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Attachment: Attachment B - Public Hearing Sign Posting (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

HEX NO. 2021-29

HEARING EXAMINER DECISION

DATE OF HEARING.

July 22, 2021

PETITION.

PETITION NO. BDE-PL20210000519 406 Cristobal St - Request for a 20-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width allowed by Section 5.03.06.E.1 of the Land Development Code, to allow construction of a boat docking facility and vessel protruding a total of 40 feet into a waterway that is 358 feet wide, for property located at 406 Cristobal Street, legally described as Isles of Capri Number 3, Lot 579, in Section 32, Township 51 South, Range 26 East, Collier County, Florida.

GENERAL PURPOSE FOR THE PETITION.

The petitioner seeks to modify an existing dock for a single-family home within Isles of Capri, subject to the RSF-3 Single Family Zoning designation. The existing boat lift accommodates a 25-foot vessel. The existing dock is proposed to be modified by removing a section to transform the "T" to an "L," and by adding a second boat lift for a 38-foot vessel. This request is needed because the total proposed protrusion from the property line to accommodate the new boat lift and vessel is 40 feet, which exceeds the maximum allowed protrusion of 20 feet.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

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

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

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

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

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

5. A public notice was published in the Naples Daily News on July 2, 2021, at least 15 days prior to the hearing; and a notification letter was sent to property owners within 500 feet of the subject site on July 2, 2021, at least 15 days prior to the hearing. A sign was also posted on the property 15 days prior to the hearing.

6. The County representative introduced the Petition and staff recommendations, followed by Petitioner and/or Petitioner's representative, and then public comment.

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

Primary Criteria:

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

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The property is located within a residential single-family zoning district. The number of dock facilities and/or boat slips appropriate for a typical single-family use is no more than two slips. The request is to maintain the existing condition of two boats; one is now proposed to be a 38-foot vessel with a boat lift and the existing boat lift is to accommodate a 25-foot vessel. The proposed modifications result in the dock and vessel combination protruding 40 feet from the property line.

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.)

   Based on the record at the subject public hearing, including expert testimony and exhibits, this this criterion is not met. The water depth is not an issue.

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

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

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The proposed dock facility is to protrude a maximum of 40 feet into the waterway which is consistent with the existing conditions depicted on page 3 of the county's staff report and consistent with positions of neighboring dock facilities. Additionally, the proposed dock facility will not impact navigation as the waterway does not have a marked navigational channel; the entire Bay is open to navigation.

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

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The dock facility is proposed to protrude 40 feet into a waterway that is approximately 358 feet wide, so the protrusion is under 12% 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.)

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The dock is proposed to maintain required 15-foot setbacks from the riparian lines, with no recognized impediments to the navigation of neighboring docked vessels.

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.)

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The subject property shoreline consists of a concrete seawall with 85-feet of usable shoreline. The required side yard setbacks of 15-feet for a total of 30-feet leaves only 55-feet of buildable area for the proposed dock and associated vessels. Due to the applicant's vessel sizes and the existing adjacent neighboring docking facilities there is not enough space to design a dock and boatlift that would accommodate the applicant's vessel within the 20-foot limitations. The least impactive is to push the boatlift out further into the subject waterway as there is plenty of room for navigation and will not affect the waterway navigability. In addition, the consideration that the existing dock configuration is being maintained and potential protrusion appears to be less than the existing condition of dock and vessel protrusion shown in the aerial exhibit.

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

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.

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The dock facility is proposed to be consistent with the previously permitted dock structure and is designed without excessive decking and provides sufficient area to allow for safe access to the vessel.

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.)

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is not met. The proposed 38-foot vessel in addition to the 25-foot vessel totals 63 feet. This exceeds the 50 percent threshold of 85 linear waterfront feet, which calculates to 42.5 feet.

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

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. The proposed boat dock facility satisfies LDC setback requirements from the riparian lines, and the existing dock configuration is being maintained. Potential protrusion appears to be less than the existing condition of dock and vessel protrusion shown in the aerial exhibit.

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

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is met. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. The applicant's Exhibit sheet provides an aerial with a note stating that no seagrasses were observed within 200 feet. The property is located adjacent to an ST overlay zone (Johnson Bay), which will require an ST-permit for the proposed docking facilities prior to issuance of the building permits.

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.

   Based on the record at the subject public hearing, including expert testimony and exhibits, this criterion is not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to individual docks behind individual residences.

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there is enough competent, substantial evidence as applied to the criteria set forth in Section 5.03.06.H of the Land Development Code to approve Petition. The Petition meets 4 out of 5 of the primary criteria and 4 out of 6 secondary criteria.

DECISION.

The Hearing Examiner hereby APPROVES Petition Number BDE-PL20210000519, filed by Jeff Rogers of Turrell, Hall & Associates, Inc. representing Beau Middlebrook, with respect to the property described as Isles of Capri Number 3, Lot 579, in Section 32, Township 51 South, Range 26 East. Collier County, Florida, for the following:

- A 20-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width allowed by Section 5.03.06.E.1 of the Land Development Code, to allow construction of a boat docking facility and vessel protruding a total of 40 feet into a waterway that is 358 feet wide.

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

ATTACHMENTS.

Exhibit A – Proposed Dock Plan

LEGAL DESCRIPTION.

Isles of Capri Number 3, Lot 579, in Section 32, Township 51 South, Range 26 East. Collier County, Florida.

CONDITIONS.

1. All other applicable state or federal permits must be obtained before commencement of the development.
2. An ST permit must be sought and approved prior to the issuance of any permits to construct the subject dock facility, consistent with the 20-foot boat dock extension.

DISCLAIMER.

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS.

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

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

August 18, 2021
Date

Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS.

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

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

Date

Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

EXHIBIT “A”

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

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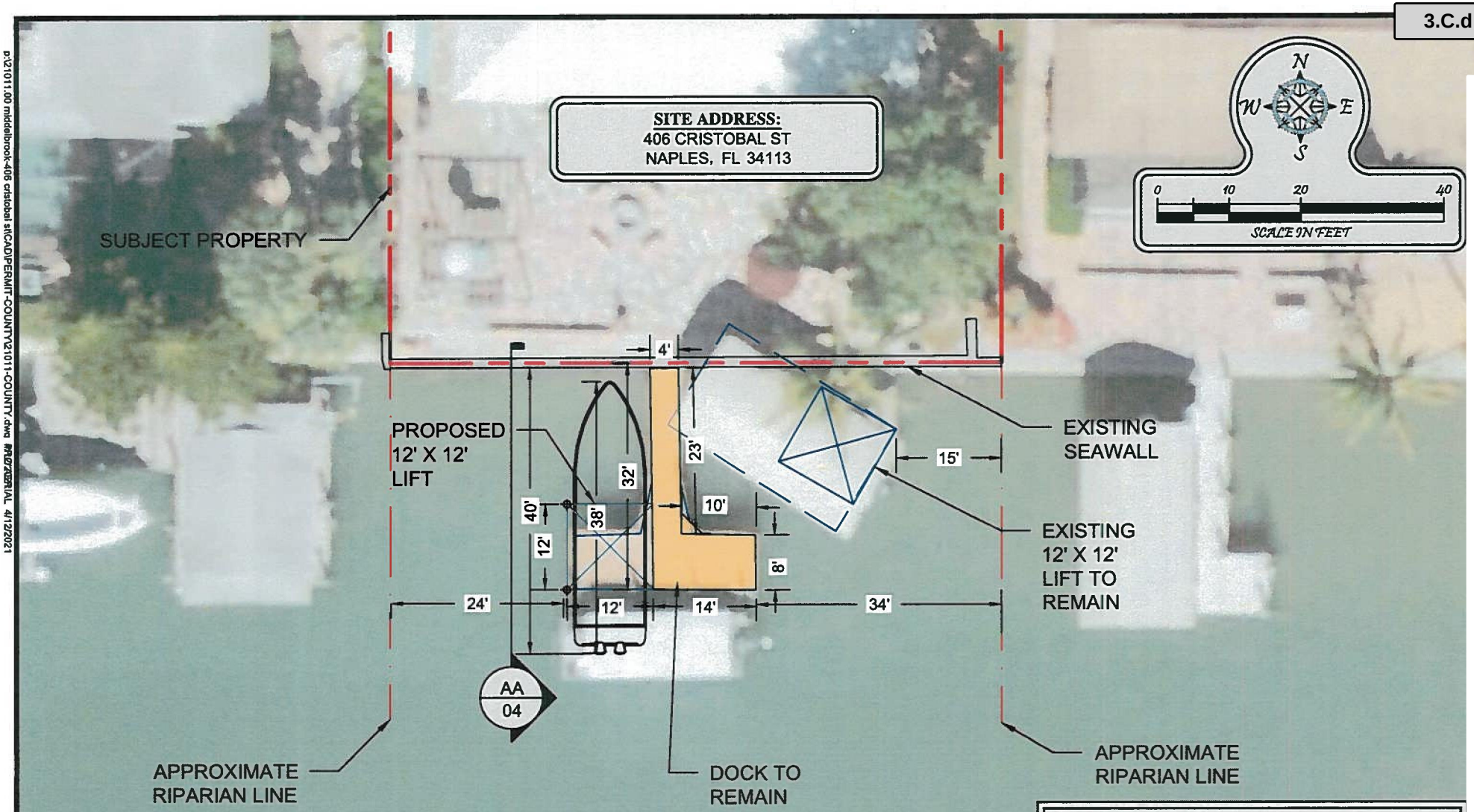


NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "MARCO SURVEYING & MAPPING"
  - SURVEY DATED: 03-2015
- APPLICANT OWNED SHORELINE (APPX LF): 85'
- EXISTING OVERWATER STRUCTURE (APPX SF): 781
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 358'
- TIDAL DATUM:
  - MHW (NAVD)= +0.42'
  - MLW (NAVD)= -1.63'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 692
- TOTAL OVERWATER STRUCTURE (APPX SF): 692
- TOTAL PROTRUSION FROM MHWL: 40'

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

MIDDLEBROOK - 406 CRISTOBAL ST.

PROPOSED DOCK

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

		REV	REV BY	DATE	CHK BY	CHANGES
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	03-10-21	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S RANGE- 26 E

Attachment: Attachment C - HEX Decision 2021-29 (23587 : PL20220004181 BDE 406 Cristobal St

FORM RPI 1015

BUILDING PERMIT

COLLIER COUNTY, FLORIDA

DATE APPLIED 10-11-79

PERMIT NUMBER 79-4599 DATE ISSUED 10-12-79

NAME of OWNER Raymond H. Oram PHONE 394-5226

JOB ADDRESS 406 Cristobal St.

CONTRACTOR Collier Marine Inc. State Reg. _____ C.C. 055

ARCHITECT _____ Address _____

ELECTRICAL _____ State Reg. _____ C.C. _____

PLUMBING _____ State Reg. _____ C.C. _____

AIR COND/MECH _____ State Reg. _____ C.C. _____

ROOFING _____ State Reg. _____ C.C. _____

SWIMMING POOL _____ State Reg. _____ C.C. _____

LEGAL

LOT 579 BLOCK _____ UNIT 3 SUBDIVISION Isles of Capri

OR METES AND BOUNDS _____

BUILDING

Permit to Build-Alter-Repair-Move Boat dock & Boat Davits

Size 80' x 240' Height _____ No. of Stories _____

A copy of the approved plans and specifications shall be kept at the building site during construction.

ZONING

Use Private Building or Structure will face _____

Zoning RS-3

		ORDINANCE STANDARDS	
Lot Area		Minimum Lot Area	
Front Yard Set Back		Maximum Building Height	
Rear Yard Set Back		Minimum Front Yard Set Back	
Side Yards Set Back		Minimum Rear Yard Set Back	
Parking Spaces		Minimum Side Yard Set Back	

Floor Space	Sq. Feet	Central Sewer Name	Yes
Utility	Sq. Feet	Central Water Name	Yes
Porch	Sq. Feet	Well Permit No.	
Carport	Sq. Feet	Septic Tank	Gallons
Other	Sq. Feet	Drainfield	Sq. Feet
A.C. Mech	Tons	Septic Tank No.	
Total	Sq. Feet	Plumbing Stub	inches below finish floor grade.
		Sanitarian	

Estimated Cost per Ord.	$ 5,000.00
Building Permit	$ 22.00
Electrical Permit	$
Plumbing Permit	$
A.C./Mech. Permit	$
Roofing Permit	$
Swim. Pool Permit	$
Septic Tank	$
Driveway Permit	$
Total Permit	$ 22.00

NOTE:

Any work within Public Right-of-Way must comply with County Ordinance No. 77-29 and Collier County Public Rights-of-Way Construction Standard Handbook, latest edition.

The above application has been examined and is hereby approved subject to the payment of $ 22.00 by _____ as provided by the Collier County Building Code.

Payment Received: Raymond Dulaney, Jr. nh Building Official

This permit expires if work is not started within 6 months from date of issue. Permit void if zoning classification is violated. This use must not change to any other use without a new permit from the Zoning Director. Fee will be quadrupled plus daily penalty of $500.00 if work is started without a permit. The applicant further understands that the proposed use of structure shall not be used or occupied until an approved Certificate of Occupancy is issued.

"FAILURE TO COMPLY WITH THE MECHANICS' LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR BUILDING IMPROVEMENTS."

Owner _____

Agent _____

Contractor Collier Marine Inc.

Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

FORM RPI 1015

APPLICATION FOR BUILDING PERMIT

COLLIER COUNTY, FLORIDA

DATE APPLIED 10-11-79

PERMIT NUMBER 79- 4599 DATE ISSUED

NAME of OWNER RAYMOND H. CRAM PHONE 394-5226

JOB ADDRESS 406 CRISTOBAL STREET

CONTRACTOR COLLIER MARINE INC State Reg. C.C. 055

ARCHITECT State Reg. Address

ELECTRICAL State Reg. C.C.

PLUMBING State Reg. C.C.

AIR COND/MECH State Reg. C.C.

ROOFING State Reg. C.C.

SWIMMING POOL State Reg. C.C.

LEGAL

LOT 579 BLOCK UNIT 3 SUBDIVISION ISLES OF CAPRI

OR METES AND BOUNDS

BUILDING

Permit to Build-Alter-Repair-Move BOAT DOCK & BOAT DAVITS

Size 8'0" x 24'0" Height No. of Stories

A copy of the approved plans and specifications shall be kept at the building site during construction.

Use PRIVATE Building or Structure will face

Zoning RS-3

ZONING

		ORDINANCE STANDARDS	
Lot Area		Minimum Lot Area	
Front Yard Set Back		Maximum Building Height	
Rear Yard Set Back		Minimum Front Yard Set Back	
Side Yards Set Back		Minimum Rear Yard Set Back	
Parking Spaces		Minimum Side Yard Set Back	

Floor Space	Sq. Feet	Central Sewer Name	Yes
Utility	Sq. Feet	Central Water Name	Yes
Porch	Sq. Feet	Well Permit No.	
Carport	Sq. Feet	Septic Tank	Gallons
Other	Sq. Feet	Drainfield	Sq. Feet
A.C. Mech	Tons	Septic Tank No.	
Total	Sq. Feet	Plumbing Stub	inches below finish floor grade.
		Sanitarian	

Estimated Cost per Ord. 77-28	$	5000.00
Building Permit	$	22.00
Electrical Permit	$	
Plumbing Permit	$	
A.C./Mech. Permit	$	
Roofing Permit	$	
Swim. Pool Permit	$	
Septic Tank	$	
Driveway Permit	$	
Total Permit	$	22.00

NOTE:
Any work within Public Right-of-Way must comply with County Ordinance No. 77-29 and Collier County Public Rights-of-Way Construction Standard Handbook, latest edition.

The above application has been examined and is hereby approved subject to the payment of $ by as provided by the Collier County Building Code.

Payment Received: Building Official

This permit expires if work is not started within 6 months from date of issue. Permit void if zoning classification is violated. This use must not change to any other use without a new permit from the Zoning Director. Fee will be quadrupled plus daily penalty of $500.00 if work is started without a permit. The applicant further understands that the proposed use of structure shall not be used or occupied until an approved Certificate of Occupancy is issued.

Date

Elec. Rec'd

Plbg. Rec'd

A.C. Rec'd

Roof Rec'd

Pool Rec'd

Owner

Agent Robert Jackson

Contractor COLLIER MARINE INC.

Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

Board of County Commissioners
COLLIER COUNTY COURTHOUSE
NAPLES, FLORIDA 33942

THOMAS P. ARCHER
COMMISSIONER

CLIFFORD WENZEL
COMMISSIONER

DAVID C. BROWN
COMMISSIONER

C. R. "RUSS" WIMER
COMMISSIONER

JOHN A. PISTOR
COMMISSIONER

WILLIAM J. REAGAN
CLERK

September 20, 1979

Collier Marine, Inc.
3607 Enterprise Avenue
Naples, Florida 33942

Dear Sir:

Re: Permit #63.795, Lot 579, Unit 3, Section 32, T51, R26, Isles of Capri

This is to advise that your application for a dock permit(s), at the above referenced property for Mr. Raymond H. Oram recorded owner, has been reviewed, and both the County Engineering Department and Environmental Advisory Council have no objection to the location of the proposed construction as shown on your application.

This construction must meet all the Collier County Zoning and Building Departments' requirements for construction and requirements of any other agencies having jurisdiction over this project, i.e., State, Federal, etc.

In addition, the property owner shall be aware that when construction is permitted within the public waterway, the installation is for permissive use only and that placing of facility(ies) shall not operate to create or vest any property right of the associated waterway to the property owner. Furthermore, the property owner shall be responsible to maintain such constructed facility(ies) until it is removed or unless otherwise specified.

A copy of this letter shall be presented to the Collier County Zoning and Building Departments prior to the issuance of a Building Permit.

Very truly yours,

VE C. B. Barksdale
County Engineer

CBB/20-A1

cc: Building Department

Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

DATE SUBMITTED TO EAC _____

APPLICANT: Collier Marine, Inc.
3607 Enterprise Avenue
Naples, Florida 33942

REFERENCE: #63.795
Lot 579 Unit 3
Sect. 32, T51, R26
Isles of Capri

TYPE OF CONSTRUCTION: Dock

OWNER: Raymond H. Oram
406 Cristobal Street
Naples, Florida 33942

DATE OF EAC REVIEW: 9/19/79

APPROVED: ✓

COMMENTS OR RESTRICTIONS: _____

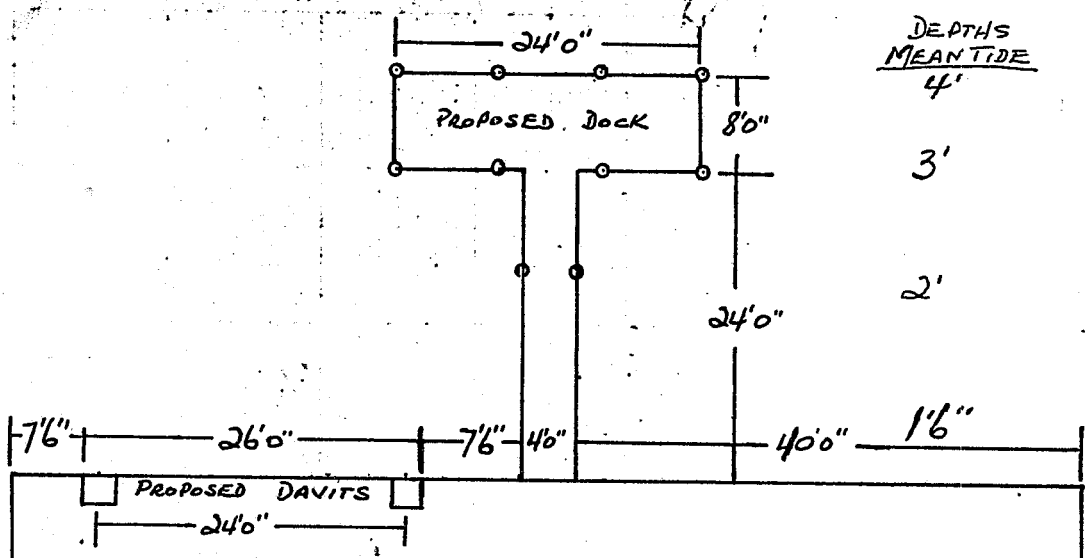
DENIED: _____

COMMENTS OR RESTRICTIONS: _____

SIGNATURE: Jerry L Kurmin

TITLE: Environmental Consultant

Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)



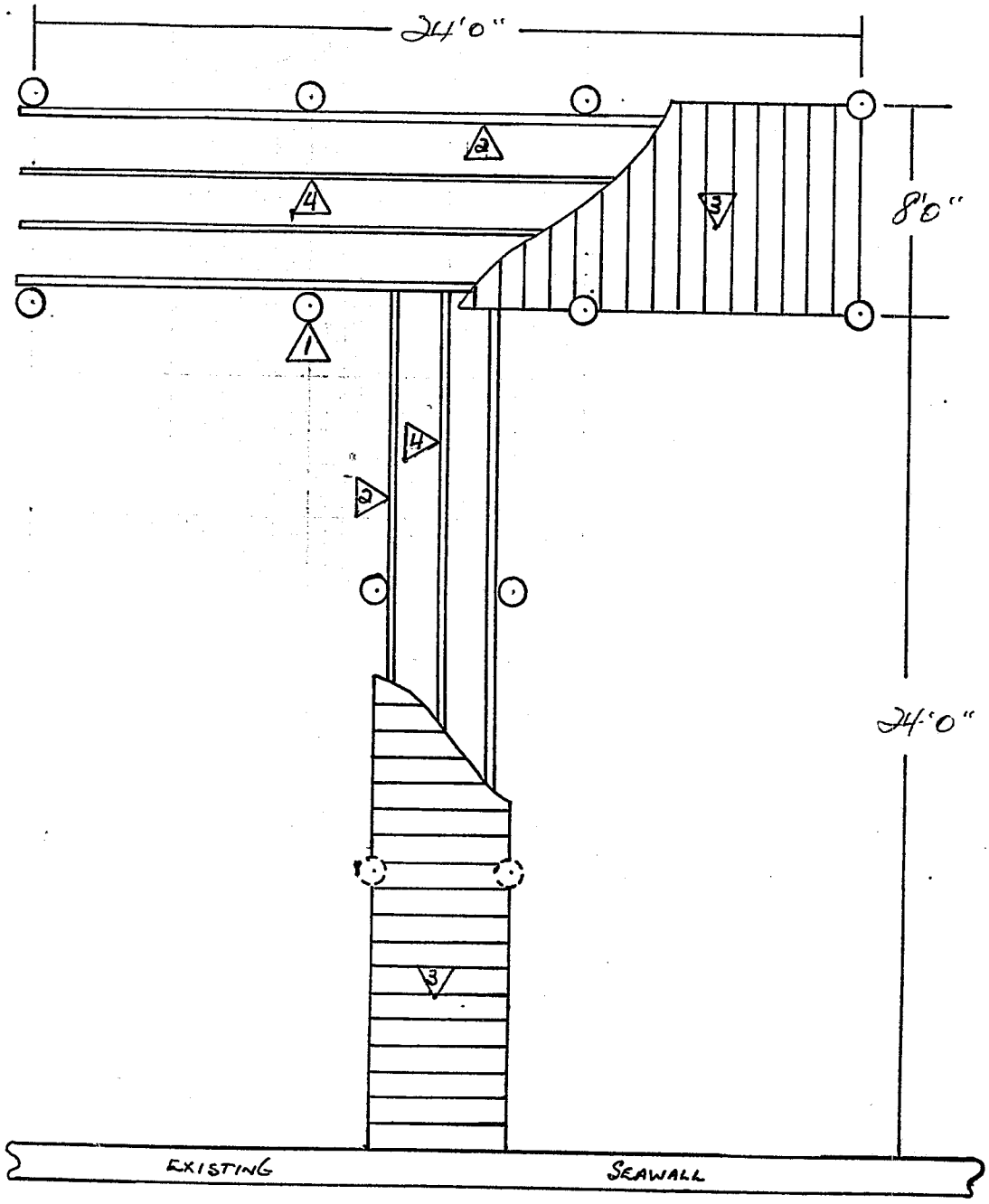
PLOT PLAN SHOWING LOCATION OF PROPOSED PRIVATE DOCK & DAVITS FOR

RAYMOND H. ORAM
406 CRISTOBAL STREET
ISLES OF CAPRI - FLORIDA

LOT 579 - ISLES OF CAPRI #3

COLLIER MARINE INC.

Attachment: Attachment D - Building Permit 79-4599 (23587 : PL2022004181 BDE 406 Cristobal St Middlebrook)



COLLIER MARINE INC.

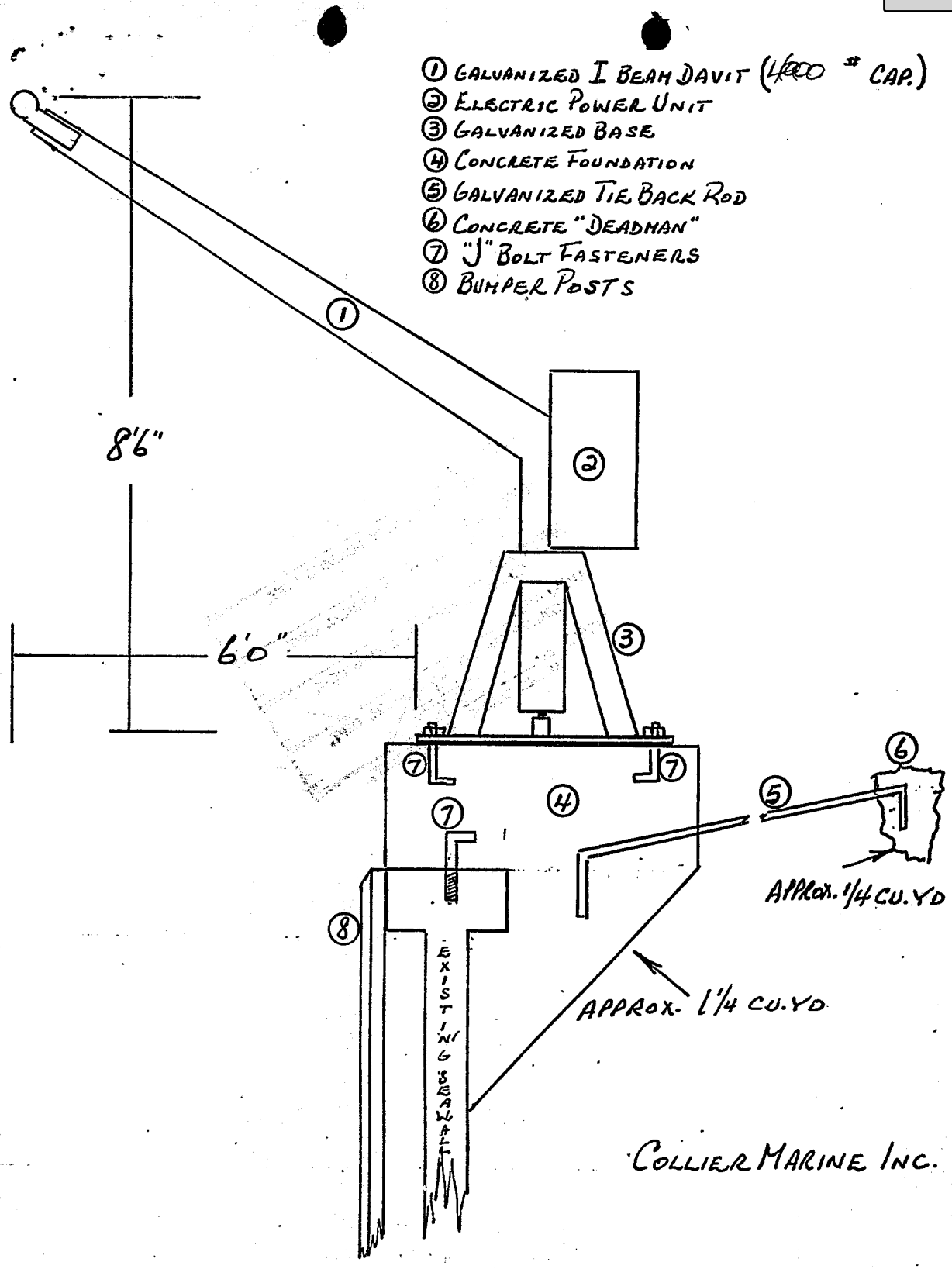
Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

MATERIAL SPECIFICATIONS

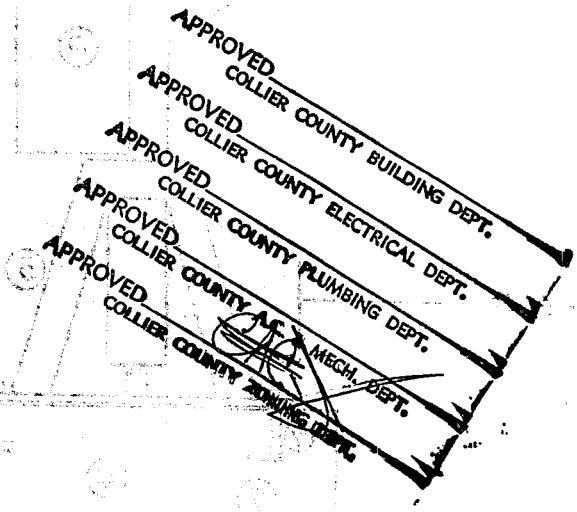
1. PILES = 9" BUTT END - CHROMATED COPPER ARSENATE TREATED
2. STRINGERS = 2" x 8" " " " "
3. DECK = 2" x 8" PRESSURE TREATED
4. NAILER = 2" x 4" " "
5. PILINGS TO BE COPPER CAPPED

COLLIER MARINE INC.

Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)



Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)



Attachment: Attachment D - Building Permit 79-4599 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

PERMIT

PERMIT #: PRBD20160205777O1 PERMIT TYPE: MR
ISSUED: BY: APPLIED DATE: 02-23-16 APPROVAL DATE: 03-25-16
MASTER #: COA:

JOB ADDRESS: 406 Cristobal ST
JOB DESCRIPTION: INSTALL 4 PILINGS & 1 LIFT TO EXISTING DOCK JOB PHONE:
406 CRISTOBAL ST.

SUBDIVISION #: BLOCK: LOT:
FLOOD MAP: ZONE: ELEVATION:
FOLIO #: 52450120009 SECTION-TOWNSHIP-RANGE: 32-51-26

OWNER INFORMATION:
MIDDLEBROOK, BEAU CHRISTOPHER
406 CRISTOBAL ST
NAPLES , FL 34113-

CONTRACTOR INFORMATION:
ONYX MARINE CONSTRUCTION, L.L.C. DBA
MOORE DOCKS LIFTS & SEAWALLS
1 FRONT ST.
MARCO ISLAND, FL 34145

CERTIFICATE #: LCC20150001595 PHONE:

FCC CODE:
CONSTRUCTION CODE: 0218
JOB VALUE: $10,000.00 TOTAL RES SQFT: 0 TOTAL COMM SQFT: 0

SETBACKS FRONT: REAR: LEFT: RIGHT:
SEWER: WATER:
CONTACT NAME:
CONTACT PHONE:

Per Collier County Ordinance No. 2002-01, as it may be amended, all work must comply with all applicable laws, codes, ordinances, and any additiona stipulations or conditions of this permit. This permit expires if work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit. Additional fees for failing to obtain permits prior to the commencement of construction may be imposed. Permittee(s) further understands that any contractor that may be employed must be a licensed contractor and that the structure must not be used or occupied until a Certificate of Occupancy is issued.

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

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

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Attachment: Attachment E - Building Permit PRBD20160205777 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS
CERTIFICATE OF COMPLETION

This Certificate is issued pursuant to the requirements of the Florida Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the county regulating building construction or use. For the following:

PERMIT NBR: PRBD2016020577701 CO NBR: STATUS: Finaled

CO TYPE: COMP ISSUED DATE: May 05, 2016

ADDRESS: 406 Cristobal ST

SUBDIVISION:

LOT: BLOCK: T.R.S.:

SLUC CODE: UTILITY COMPANY:

JOB DESC: INSTALL 4 PILINGS & 1 LIFT TO EXISTING DOCK
406 CRISTOBAL ST. NUMBER OF METERS:

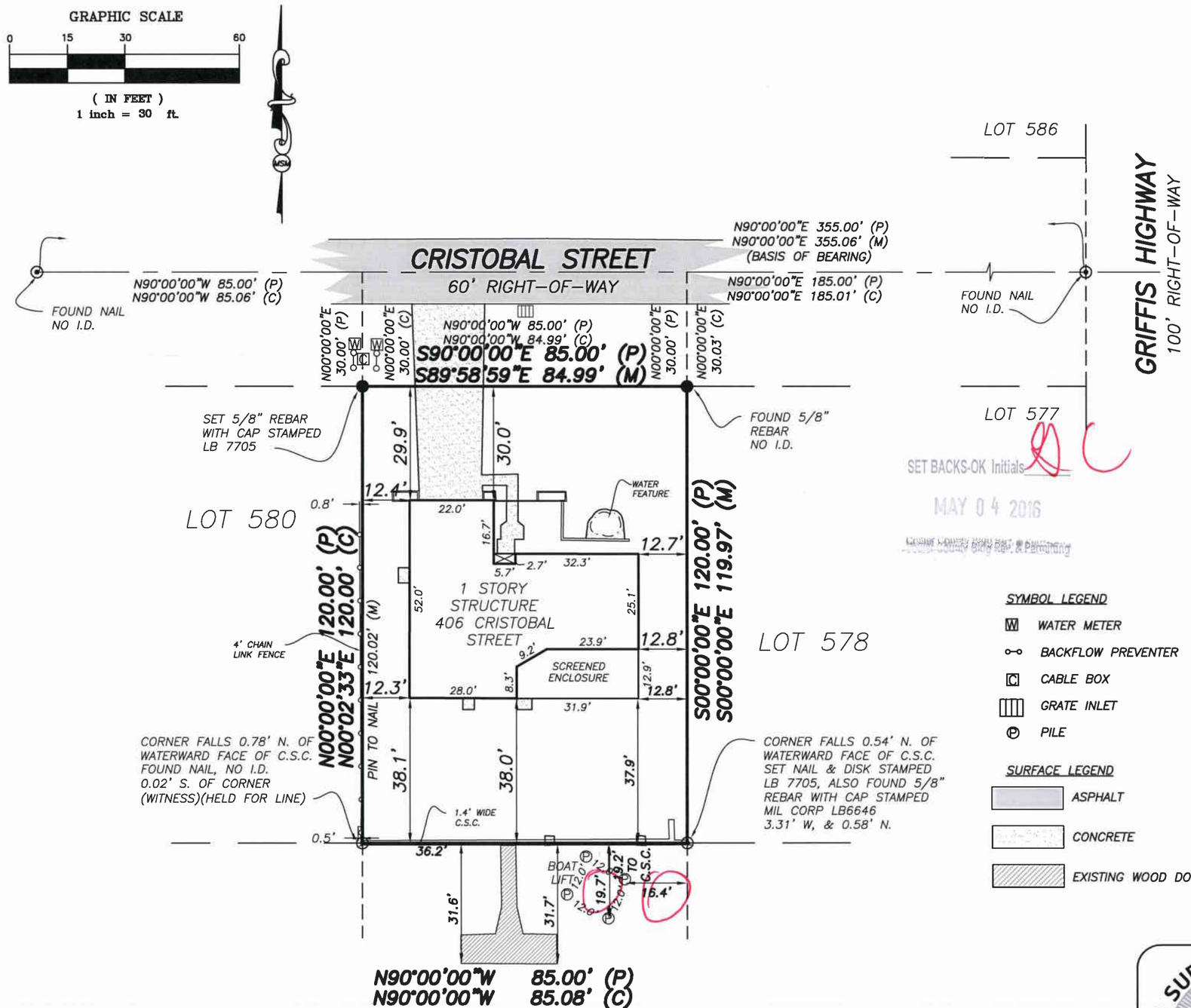
OWNER: MIDDLEBROOK, BEAU
CHRISTOPHER

LEGAL DESCRIPTION

ISLES OF CAPRI NO 3 LOT 579

Note: A new certificate is required if the use of the building or premises is changed, or if alterations are made to the building or property described. A new certificate voids any certificate or prior date.

Attachment: Attachment E - Building Permit PRBD20160205777 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)



SET BACKS-OK Initials

MAY 04 2016

Collier County Growth Mgt. Division

NOTES:

1. *Last day of field work is March 30, 2015 (date of survey)*
2. *Bearings shown hereon are based on the South Right-of-Way line of Cristobal Street, Isles of Capri No. 3, according to the Plat thereof, as recorded in the Public Records of Collier County, Florida being N90°00'00"E.*
3. *No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.*
4. *No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.*
5. *The intended use of this survey is to serve as an analysis tool for permitting purposes.*
6. *Unless otherwise indicated all easements shown hereon are based on plat.*
7. *Only above ground, visible and apparent improvements were located.*
8. *Foundations and overhangs are not taken into account on this survey.*
9. *Irrigation equipment was not taken into account on this survey.*
10. *No other persons or entities other than those listed as exclusive users may rely on this survey.*
11. *All dimensions are in feet and decimals thereof, unless otherwise noted.*
12. *Subject to easements, reservations and restrictions of record.*
13. *Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.*
14. *According to the Collier County Zoning Map viewer as posted on colliergov.net this property is zoned RSF-3. According to Ordinance 04-41, as amended of the Collier County Land Development Code the setback requirements for RSF-3 as applied to this property are as follows:*

    Front Yard: 30'
    Rear Yard: 25'
    Rear Screen Enclosure: 10'
    Side Yard: 7.5'

    Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.

15. *Property contains 0.23 acres (10,203 square feet) more or less.*

SYMBOL LEGEND

- W WATER METER
- BACKFLOW PREVENTER
- C CABLE BOX
- GRATE INLET
- P PILE

SURFACE LEGEND

- ASPHALT
- CONCRETE
- EXISTING WOOD DOCK

ABBREVIATIONS

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

For the Exclusive Use Of:
Beau Christopher Middlebrook

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

REVISIONS:

1. *REVISE CERTIFICATIONS, R.Y., 05/06/2015*
2. *ADD PLOT PLAN INFORMATION, UPDATE CLIENT NAME, R.Y., 03/16/2016, WO #16-160*
3. *REMOVE PLOT PLAN, ADD NEW DOCK PILES, T.D., 04/19/2016, WO# 16-230*
4. *ADD DIMENSIONS. T.D. 05/03/2016, WO# 16-230*

LEGAL DESCRIPTION
(Per O.R. 4770, Pg. 1520):

Lot 579, Isles of Capri No. 3, according to the Plat thereof, recorded in Plat Book 3, Page 66, of the Public Records of Collier County, Florida

MARCO SURVEYING & MAPPING
A LIMITED LIABILITY COMPANY
MARCO SURVEYING & MAPPING
950 NORTH COLLIER BOULEVARD
UNIT 412
MARCO ISLAND, FLORIDA 34145
(239) 389-0026
WWW.MARCOSURVEYS.COM

BOUNDARY SURVEY

Lot 579, Isles of Capri No. 3, Collier County, Florida

CLIENT:	Beau Middlebrook				
HORIZONTAL SCALE:	1" = 30'		PROJECT NUMBER:	N/A	
CHIEF:	BOOK/PAGE	DRAFTED BY:	DATE	WO NUMBER	DRAWING NO.
KW	106 / 56	RY	03/2015	15-	

Attachment: Attachment E - Building Permit PRBD20160205777 (23587 : PL20220004181 BDE 406 Cristobal St Middlebrook)

BDE-PL20220004181
406 Cristobal St

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

____ 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 F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

____ 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**

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 Boger
Signature of Agent Representative

9/12/22
Date

Jeff Boger
Printed Name of Signing Agent Representative

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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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): Beau Middlebrook

Name of Applicant if different than owner: Jeff Rogers

Address: 406 Cristobal St. **City:** Naples **State:** FL **ZIP:** 34113

Telephone: _____ **Cell:** 239-248-9774 **Fax:** _____

E-Mail Address: beaumiddlebrook@gmail.com

Name of Agent(s): Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-643-0166 **Cell:** 239-784-0081 **Fax:** 239-643-6632

E-Mail Address: jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 32 / 51S / 26E **Property I.D. Number:** 52450120009

Subdivision: ISLES OF CAPRI **Unit:** 3 **Lot:** 579 **Block:** _____

Address/ General Location of Subject Property:
406 Cristobal St. Naples, FL 34113

Current Zoning and Land use of Subject Property:
SINGLE FAMILY RESIDENTIAL

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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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	Cristobal Street
S	A-ST	Johnson Bay
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):

The proposed project consist of modifying an existing single-family docking facility in order to accommodate the applicant's new vessel. The existing dock has one boat-lift with a removable canopy cover that accommodates one vessel. The proposed project will minimize/remove a portion of the existing dock to install a boat-lift for the 38-foot vessel which is driving this 20-foot BDE request. The vessel is driving this request.

SITE INFORMATION

1. **Waterway Width:**
   358 ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ☒ other (specify) Aerial
2. **Total Property Water Frontage:**
   85 ft.
3. **Setbacks:**
   Provided: 15 & 6 ft.
   Required: 15 & 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   25 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 38 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:**
   Johnson Bay and most of the surrounding properties all have boat docks some of which are grandfathered strucutres. Most of the docks are consistent with our proposed dock its just the vessel driving this petition request.
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.23 Acres

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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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 F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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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 F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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Pre-Application Meeting and Final Submittal Requirement Checklist for:

☒ Dock Extension
☐ Boathouse
Chapter 3 B. of the Administrative Code

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☐	☐
Chart of Site Waterway	1	☐	☐
Site Plan Illustration with the following: • Lot dimensions; • Required setbacks for the dock facility; • Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment); • Configuration, location, and dimensions of existing and proposed facility; • Water depth where proposed dock facility is to be located; • Distance of navigable channel; • Illustration of the contour of the property; and • Illustration of dock facility from both an aerial and side view.	1	☐	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☐	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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

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

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

FEE REQUIREMENTS:

- ☐ **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 Boyer
Signature of Petitioner or Agent

1/26/22
Date

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Collier County
Growth Management Department

ADDRESSING CHECKLIST

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

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

PETITION TYPE (Indicate type below. Complete a separate Addressing Checklist for each Petition type).

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

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

ISLES OF CAPRI NO 3 LOT 579 T51, R26, S32

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

52450120009

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

406 Cristobal St, Naples, FL 34113

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

CURRENT PROJECT NAME (if applicable)

Middlebrook - 406 Cristobal St 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 # _____

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Collier County
Growth Management Department

Project or development names proposed for, or already appearing in, condominium documents (if application, indicate whether proposed or existing)

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

Applicant Name: Beau Middlebrook/Agent-Jeff Rogers

Phone: (239) 643-0166 **Email:** caitlin@thanaples.com

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

FOR STAFF USE ONLY

Folio Number 52450120009

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: L.L.H. **Date:** 6/7/2022

Updated by: **Date:**

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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

Antigua ST
Cristobal ST
Capri BLVD
Collier County Property Appraiser, Naples, FL
0 35ft

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GROWTH MANAGEMENT DEPARTMENT
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NAPLES, FLORIDA 34104
(239) 252-2400

Pre-Application Meeting Notes

Petition Type: BSD
Date and Time: 07/06/2022 @ 10:30 AM

Assigned Planner: John Kelly

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

Project Information

Project Name: 406 Cristobal St - Middlebrook Dock
PL #: 20220004181
Property ID #: 52450120009 Current Zoning: RSF-3
Project Address: 406 Cristobal St City: Naples State: FL Zip: 34113
Applicant: Beau Christopher Middlebrook
Agent Name: Jeff Rogers Phone: (239) 643-0166
Agent/Firm Address: Turrell, Hall & Associates 3584 Exchange Ave City: Naples State: FL Zip: 34104
Property Owner: Beau Christopher Middlebrook

Please provide the following, if applicable:

i. Total Acreage: 0.23
ii. Proposed # of Residential Units: _____
iii. Proposed Commercial Square Footage: _____
iv. For Amendments, indicate the original petition number: _____
v. If there is an Ordinance or Resolution associated with this project, please indicate the type and number: _____
vi. If the project is within a Plat, provide the name and AR#/PL#: _____

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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(239) 252-2400

Meeting Notes

As of 10/16/2017 all Zoning applications have revised applications, and your associated Application is included in your notes; additionally a *new Property Ownership Disclosure Form is required for all applications. A copy of this new form is included in your pre-app

Note – link is https://www.colliercountyfl.gov/Home/ShowDocument?id=75093

ZONING

- SEE ATTACHED, PAGE 2 & GENERIC SUBMITTAL NOTES
- PROPERTY IS LOCATED WITHIN A RSF-3 ZONING DISTRICT
  - PRIOR BD PETITION - PL20210000519; HEX DECISION 2021-29
    - ALLOWED FOR 40' PROTRUSION; EXISTING CANOPY
    - PER AGENT, DEP DID NOT APPROVE DESIGN
  - BD REQUIRED BASED UPON RECONFIGURATION OF DOCK AND TOTAL PROTRUSION, EXTENDS > 20 FEET.
    - PER APPLICANT, PROTRUSION MEASURED FROM SEAWALL/MHWL
- NEW/PROPOSED DOCK FACILITY ENCROACHES INTO 15-FOOT REQUIRED SIDE/RIPARIAN SETBACK ON WEST SIDE; COMPANION VARIANCE TO BE REQUIRED. AGENT LETTER REQUIRED AS PART OF VA PROCESS.
- APPLICANT'S AGENT STATES PROPERTY IS LOCATED ON A BAY, NOT CANAL.

If Site is within the City of Naples Water Service Area please send to Naples Utilities and Planning Departments. Then, if the petition is submitted, we are to send it (by email) to the four persons below in their Utilities and Planning Depts. - along with a request that they send us a letter or email of "no objection" to the petition. Bob Middleton RMiddleton@naplesgov.com Allyson Holland AMHolland@naplesgov.com Robin Singer RSinger@naplesgov.com Erica Martin emartin@naplesgov.com

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Pre-Application Meeting Notes
GMD - Zoning Services

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

Boat Dock Extension

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

Boathouse

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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(239) 252-2400

Meeting Notes

ENVIRONMENTAL REVIEW COMMENTS

- SEE ATTACHED, PAGES 3A - 3D

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

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

KellyJohn

From: BrownCraig
Sent: Wednesday, July 6, 2022 5:13 PM
To: KellyJohn
Cc: ThomasClarkeVEN
Subject: 406 Cristobal BDE Notes
Attachments: Boat Dock Extension Checklist 2016.doc

John

Here are my notes:

Please provide a benthic survey with an exhibit to indicate the location of seagrasses or oyster beds within 200 feet of the proposed docking facility. ***LDC Section 5.03.06.J***
Please provide a description of the shoreline and any native vegetation present. Indicate any proposed impacts to the native shoreline vegetation (approximate area in square feet to be impacted).
Please provide complete answers to Secondary Criteria #5 and #6 See ***LDC section 5.03.06. H.2***
If lighting is proposed, please provide a description of the type and locations on the docking facility.
Please provide any written authorization from any state and federal agencies ***if any approvals*** *have been obtained.*
Label the name of any natural waterbody in close proximity to the proposed docking facility. ***(as applicable)***

Craig Brown
Principal Environmental Specialist
Development Review Division
(239) 252-2548.

How are we doing? Please CLICK HERE to fill out a Customer Survey.
We appreciate your Feedback!

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.

PAGE 3A

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Residential Boat Dock Extension Checklist
Submerged Resources Survey Checklist

1. Is there an overlay? ST overlay needs an ST permit (much of Isle of Capri & Keewaydin has an ST Overlay over the water)

2. Seagrass or seagrass beds within 200 feet of any proposed dock facility shall be identified on an aerial photograph. (LDC 5.03.06 I)
   Provide a submerged resources survey from an Environmental Consultant done between April and October. P530

3. All proposed dock facilities shall be located and aligned to stay at least ten feet from any existing seagrass beds, or meet restrictions for continuous beds. (LDC 5.03.06 J.) P530

4. Provide complete answers to Secondary Criteria #5 & #6. (Use Misc in CV)

5. Demonstrate how negative impacts to seagrass beds and other native shoreline vegetation and hard bottom communities have been minimized. (LDC 5.03.06 J .4) P530

6. The dock shall be field adjusted to minimize impacts to mangroves. (LDC 5.03.06 I.2) Remove this checklist item – look at LDC? P530

7. Provide a clearing plan for removal of any vegetation related to the boat dock. This is simply an information exhibit being requested. (Use Misc in CV)

8. Are there any draft restrictions? Look at the MPP. (Use Misc in CV)

Keewaydin: BDE not required for Keewaydin
- Most always need an ST permit related to a Building Permit– water and land have ST Overlay

Seagrass: Light penetration is needed to survive, usually in more shallow areas

Submerged Resources Survey:
- Read thoroughly
- Check location description for street & waterway (if given)
- Check to see if it was uploaded to CV
- Indicate in CV "Comments box" if one was done & if it was uploaded to CV

*****SEE SUGGESTED FORMAT OF SUBMERGED RESOURCES SURVEY ON NEXT PAGE*****

PAGE 3B

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

MULTI SLIP DOCKING FACILITY

- Look at supplemental criteria in 5.05.02
  - Port of the Islands uses different Rating system – see MPP
- **See 5.03.06 E 11 and 5.05.02 for Manatee awareness requirements for multi-slip docking facilities**
  Whether the proposed **dock** facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this LDC. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated).

SUGGESTION FORMAT AND INFORMATION TO INCLUDE IN
SUBMERGED RESOURCES SURVEY

- Location of survey – property address and folio#
  - The survey shall indicate any seagrass or seagrass beds located within 200 feet on any proposed dock facility (5.03.06.J). In order for this to be accomplished, any within 200 feet of the proposed dock (within the riparian lines of the property and adjacent to the property) shall be surveyed.
- Who did the survey – which firm and their contact information including name, address, phone #, email
- What date was the survey conducted? Guidance from FWC is to do between April and October
  - Weather conditions, water temperature, low tide & high tide times
- Objective of Survey & Work done on the site
  - Was the site snorkeled?
  - What methodologies were used?
  - Was a GPS used?
  - Was an aerial photograph reviewed and used to establish survey transect lines?
- Results
  - What was found? Substrate and what kind? Seagrass, shell, oysters?
  - What was along the shoreline? Mangroves, seawall, etc?
  - Why does the consultant think no submerged resources were found?
  - Other observations
- When seagrass is found, include all requirements of LDC section 5.03.06. J.
- Conclusions
  - Were any submerged resources found? If yes, what?
  - Are any impacts to submerged resources expected or proposed?
- Pictures (suggested angles)
  - Looking toward and away from the shoreline
  - The proposed location of the boat access
  - Observations in the water - Any oyster debris, shell, seagrass

5.03.06. J. (LDC section up to date as of 2016)

Protection of seagrass beds. Seagrass or seagrass beds within 200 feet of any proposed **docks**, **dock facilities,** or **boathouses** shall be protected through the following standards:

1. Where new **docking** facilities or boat **dock** extensions are proposed, the location and presence of seagrass or seagrass beds within 200 feet of any proposed **dock** facility shall be identified on an aerial photograph having a scale of 1 inch to 200 feet when available from the County, or a scale of 1 inch to 400 feet when such photographs are not available from the County. The location of seagrass beds shall be verified by the County Manager or designee prior to issuance of any project approval or permit.
2. All proposed **dock** facilities shall be located and aligned to stay at least 10 feet from any existing seagrass beds, except where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, and to minimize negative impacts to seagrasses and other native **shoreline**, emergent and submerged vegetation, and hard bottom communities.

PAGE 3C

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3. Where a continuous bed of seagrasses exists off the **shore** of the property and **adjacent** to the property, the **applicant** shall be allowed to build a **dock** across the seagrass beds, or a **docking** facility within 10 feet of seagrass beds. Such **docking** facilities shall comply with the following conditions:

   a. The **dock** shall be at a height of at least 3.5 feet NGVD.
   b. The terminal platform area of the **dock** shall not exceed 160 square feet.
   c. The **access dock** shall not exceed a width of 4 feet.
   d. The **access dock** and terminal platform shall be sited to impact the smallest area of seagrass beds possible.

4. The petitioner shall be required to demonstrate how negative impacts to seagrass beds and other native **shoreline** vegetation and hard bottom communities have been minimized prior to any project approval or permit issuance.

PAGE 3D

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Collier County

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GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Pre-Application Meeting Sign-In Sheet
PL#_____

Collier County Contact Information:

Name	Review Discipline	Phone	Email
☐ Maggie Acevedo	North Collier Fire	252-2309	macevedo@northcollierfire.com
☐ Steve Baluch	Transportation Planning	252-2361	stephen.baluch@colliercountyfl.gov
☐ Shar A.Beddow	MSM/Deputy Fire Marshal - Greater Naples Fire	241-1422	sbeddow@gnfire.org
☐ Ray Bellows	Zoning, Planning Manager	252-2463	raymond.bellows@colliercountyfl.gov
☐ Laurie Beard	PUD Monitoring	252-5782	laurie.beard@colliercountyfl.gov
☑ Craig Brown	Environmental Specialist	252-2548	craig.brown@colliercountyfl.gov
☐ Heidi Ashton Cicko	Managing Asst. County Attorney	252-8773	heidi.ashton@colliercountyfl.gov
☐ Thomas Clarke	Zoning Operations Analyst	252-2584	thomas.clarke@colliercountyfl.gov
☐ Jamie Cook	Development Review Director	252-6290	Jaime.cook@colliercountyfl.gov
☐ Gabriela Castro	Zoning Principal Planner	252-4211	gabriela.castro@colliercountyfl.gov
☐ Maggie DeMeo	North Collier Fire	252-2308	pdemeo@northcollierfire.com
☐ Eric Fey, P.E.	Utility Planning	252-1037	eric.fey@colliercountyfl.gov
☐ Tim Finn, AICP	Zoning Principal Planner	252-4312	timothy.finn@colliercountyfl.gov
☐ Sue Faulkner	GMP - Comprehensive Planning	252-5715	sue.faulkner@colliercountyfl.gov
☐ Michael Gibbons	Structural/Residential Plan Review	252-2426	michael.gibbons@colliercountyfl.gov
☐ Storm Gewirtz, P.E.	Engineering Stormwater	252-2434	storm.gewirtz@colliercountyfl.gov
☑ Cormac Giblin, AICP	Development Review-Planning Manager	252-5095	Cormac.giblin@colliercountyfl.gov
☐ Nancy Gundlach, AICP	Zoning Principal Planner	252-2484	nancy.gundlach@colliercountyfl.gov
☐ Rachel Hansen	GMP – Comprehensive Planning	252-1142	Rachel.hansen@colliercountyfl.gov
☐ Richard Henderlong	Zoning Principal Planner	252-2464	richard.henderlong@colliercountyfl.gov
☐ John Houldsworth	Engineering Subdivision	252-5757	john.houldsworth@colliercountyfl.gov
☐ Alicia Humphries	Right-Of-Way Permitting	252-2326	alicia.humphries@colliercountyfl.gov
☐ Anita Jenkins	Planning & Zoning Director	252-5095	Anita.jenkins@colliercountyfl.gov
☑ John Kelly	Zoning Senior Planner	252-5719	john.kelly@colliercountyfl.gov
☐ Parker Klopf	GMP – Comprehensive Planning	252-2471	Parker.klopf@colliercountyfl.gov
☐ Troy Komarowski	North Collier Fire	252-2521	tkomarowski@northcollierfire.com
☐ Sean Lintz	North Collier Fire	597-9227	slintz@northcollierfire.com
☐ Diane Lynch	Operations Analyst	252-8243	diane.lynch@colliercountyfl.gov
☐ Thomas Mastroberto	Greater Naples Fire	252-7348	thomas.mastroberto@colliercountyfl.gov
☐ Jack McKenna, P.E.	Engineering Services	252-2911	jack.mckenna@colliercountyfl.gov

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

Additional Attendee Contact Information:

Name	Representing	Phone	Email

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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): _____

Name of Applicant if different than owner: _____

Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

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

E-Mail Address: _____

Name of Agent(s): _____

Firm: _____

Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

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

E-Mail Address: _____

PROPERTY LOCATION

Section/Township/Range: _____/_____/_____ **Property I.D. Number:** _____

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

Address/ General Location of Subject Property:

_____

Current Zoning and Land use of Subject Property:

_____

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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		
S		
E		
W		

DESCRIPTION OF PROJECT

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

_____

_____

_____

SITE INFORMATION

1. **Waterway Width:**
   _____ ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   _____ ft.
3. **Setbacks:**
   Provided: _____ ft.
   Required: _____ ft.
4. **Total Protrusion of Proposed Facility into Water:**
   _____ ft.
5. **Number and Length of Vessels to use Facility:**
   1. _____ 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:**

   _____

   _____
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?** _____ Acres

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8. Official Interpretations or Zoning Verifications:

To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ☐ No If yes, please provide copies.

PRIMARY CRITERIA

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

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

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

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

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

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

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SECONDARY CRITERIA

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

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

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

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

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

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

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Pre-Application Meeting and Final Submittal Requirement Checklist for:
☑ Dock Extension
☐ Boathouse
Chapter 3 B. of the Administrative Code

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Signed and Sealed Survey	1	☑	☐
Chart of Site Waterway OR AERIAL	1	☑	☐
Site Plan Illustration with the following: • Lot dimensions; • Required setbacks for the dock facility; • Cross section showing relation to MHW/MLW and shoreline (bank, seawall, or rip-rap revetment); • Configuration, location, and dimensions of existing and proposed facility; • Water depth where proposed dock facility is to be located; • Distance of navigable channel; • Illustration of the contour of the property; and • Illustration of dock facility from both an aerial and side view.	1	☑	☐
Affidavit of Authorization, signed and notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Electronic copy of all required documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☑	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

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

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

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

FEE REQUIREMENTS:

- ☑ **Boat Dock Extension Petition:** $1,500.00
- ☑ **Estimated Legal Advertising fee for the Office of the Hearing Examiner:** $1,125.00
- ☑ **An additional fee for property owner notifications will be billed to the applicant prior to the Hearing Examiner hearing date.**

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

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

All checks payable to: Board of County Commissioners.

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

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

_____ _____

Signature of Petitioner or Agent Date

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

KellyJohn

From: KellyJohn
Sent: Thursday, July 7, 2022 12:38 PM
To: 'Jeff Rogers'
Cc: GMD Client Services; BellowsRay
Subject: VA - 406 Cristobal St, Middlebrook Dock - Pre-Application Meeting Waiver
Attachments: Pre-App Notes for Variances 041421.docx

Good afternoon Jeff,

We had a Pre-Application Meeting for a PL20220004181, a Boat Dock Extension (BD), for this property on July 6th at which tame it became know a companion Variance (VA) would also be required. We briefly discussed the requirements for a VA and you've been made aware that absent a credit for a Pre-Application Meeting you'll need to pay the full petition and estimated advertising fees at the time of submittal. Additionally, you're aware that a VA carries the added burden of mailing an approved Agent Letter to all property owners and home owners associations located within 150 feet of the project. I have attached a generic Guide for VA submittals that I typically provide to participants of Pre-App meetings. Having discussed this project with the Zoning Manager, your requirement for a Pre-Application Meeting for the subject companion VA is herewith waived.

Please provide a copy of this letter with your permit application. Should you need any assistance with your submittal, please contact Ms. Jessica Velasco, Business Center Project Coordinator, at (239)252-2584. For all other inquiries, feel free to contact me using the information below. I'll let you know when the Pre-App meeting notes for the BD have been uploaded to the Portal.

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 - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Pre-Application Meeting Notes
GMD - Zoning Services

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

VARIANCE

- Complete the required application; respond to each question and sign
- Refer to the Final Submittal Requirement Checklist and provide/submit required documents
    - All submitted plans must be legible when duplicated on 8.5" X 11" standard paper
    - The final recording of documents is in black & white; minimize the use of color
- On a sheet separate from the application, provide a "Narrative Statement" to include a detailed explanation of the variance(s) being requested; identify what structures are existing and what is proposed; the amount of encroachment in feet, i.e. reduce the front yard setback from 25 feet to 18.5 feet; how the encroachment was made known; and why the encroachment is necessary. Additionally, for After-the-fact Variances, please provide detailed building permit information.
- On a sheet separate from the application, provide persuasive and convincing responses to each of the "Criteria for Variances" contained within LDC Section 9.04.03.a – h. (The Land Development Code may be viewed online at www.municode.com)
- Provide an As-Built or Boundary Survey to depict any/all after-the-fact encroachments; measurements are to be in feet. Such surveys should also demonstrate lot dimensions as well as the principal use of the property in question.
- Provide a Site Plan, drawn to scale, to depict any/all proposed construction with all measurements in feet. Note that a certified site plan will be required during the permitting process; it is suggested that the same plan that is used for this variance request be used for permitting purposes.
- For After-the-Fact Variance requests, please provide Building Permit information, including approved permits, approved site/concept plans, surveys, and Certificates of Occupancy/Completion.
- Note that in lieu of conducting a Neighborhood Information Meeting (NIM) the applicant is responsible for mailing an "Agent Letter" to each property owner and homeowners' association located within 150 feet of the subject property.
- The applicant is responsible for the posting of a public hearing sign or signs on property's comprising one-acre or more; County staff will be responsible for public hearing signs on property's of less than one-acre.

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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
Beau Middlebrook	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Agent/Owner Signature

7/26/22
Date

Jeff Rogers
Agent/Owner Name (please print)

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220004839

I, Beau Middlebrook (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

08/04/22
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [☒] physical presence or [ ] online notarization this 4 day of August, 2022, by (printed name of owner or qualifier) Beau Middlebrooks

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: _____

APRIL WELLS NOTARY PUBLIC MY COMMISSION EXPIRES 6-10-2026 STATE OF FLORIDA COMMISSION NUMBER HH 227316

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

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Narrative Description: The proposed Boat Dock Extension request is to modify the existing single-family docking facility located at 406 Cristobal Street on Isles of Capri. The subject waterway is considered Johnson Bay along the northwest side of Isles of Capri. This section of Johnson Bay is state lands and lies within the Rookery Bay Aquatic Preserve area. The subject property has a seawall that is located on the property line and the MHWL therefore is the most restrictive point. Additionally, the existing docking facility as well as the previously approved BDE (HEX NO. 2021-29) has since been determined to be non-compliant with the state DEP aquatic preserve rules and therefore the existing dock and previous approval are no longer valid which is why we are proceeding with a new BDE application.

The proposed dock reconfiguration will reduce the overall protrusion out into the waterway from what is existing and the previously approved BDE. The proposed dock has been designed to meet the aquatic preserve rules which are more restrictive on allowed protrusion and to reduce the overall cost to the applicant by leaving in place any portion of the existing dock and boatlift. The proposed dock design leaves the existing boatlift on the east side but completely modifies majority of the dock by proposing an angle to reduce the overall protrusion to fall within the -4-foot MLW contour line as required by the state. As proposed the dock will only protrude out 26-feet from the most restrictive point (MHWL, property line, seawall) therefore the applicant is requesting for a 6-foot extension over the allowed 20-feet. The subject waterway is approximately 358-feet wide and as proposed the dock and associated boatlifts will protrude just under 8% of the waterway width. The subject waterway is an unmarked waterway and completely open to navigation therefore no impacts to navigation within the area will result from the proposed dock.

Additionally, there are other single-family docks within the subject bay and surrounding waterway that support docks that protrude out past what the proposed dock will ultimately protrude and will be a reduction from what is existing today. This can be seen on the attached BDE exhibits as a reference for your review.

The proposed dock will provide a 15-foot setback from the eastern riparian line and only a 5-feet setback from the western riparian line which does require a side yard setback variance approval. As a side note both adjacent neighbors have signed letters of No Objection/Setback Waivers which are attached for your recorders and were required by the state as their setback requirement is 25-feet over state lands. The variance application has also been submitted as a companion application and will be reviewed simultaneously as this BDE application. Finally, there are no impacts to any submerged resources, the decking area has been minimized, and still provides sufficient surface area for recreational activities, routine maintenance, and associated storage.

PRIMARY CRITERIA

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

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

   The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the CC-LDC. The proposed project consists of removing the existing docking facility but keeping the boatlift and associated canopy cover in the same/existing footprint as it was determined after the previous BDE approval (HEX 2021-29) that the dock is not compliant with the State DEP aquatic preserve rules. Due to that a new dock will then be constructed all within 26-feet from the MHWL/property line as required by DEP as well as a new boatlift to accommodate a second vessel on-site. As proposed the applicant is requesting 6-foot 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 proposed dock is limited by the State (DEP) to only protrude out to the -4' MLW contour line. The depths landward of the proposed dock and associated boatlifts are too shallow to moor the vessels and provide sufficient depths for the boatlifts to fully function at a low tide elevation. Additionally, due to the subject property and surrounding waterway being within the Rookery Bay Aquatic preserve dredging is not an option therefore pushing the proposed dock out past the 20-foot protrusion point is the only option and still provide enough area for the two vessels.

   Criteria met.

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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

   The proposed docking facility is consistent with the other docks along the subject shoreline and surrounding waterway with two boatlifts. As currently proposed the subject dock will protrude less than the two adjacent docks and most of the surrounding docks on the subject waterway. There is no marked channel within this section of the bay therefore the entire area is open to navigation ensuring no impacts will result from the proposed project

   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 358-feet wide. The proposed dock protrusion is 26-feet which is under 8% 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 will maintain its current setback from the east riparian line which is 15-feet. The proposed western setback is only 5-feet as proposed but the owner has signed a setback letter which is attached to the BDE submittal for your recorders indicating they do not object and as proposed the boat will it encroach or block their access or current utilization of their shoreline. Therefore, this criterion has been met.

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

SECONDARY CRITERIA

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

   The subject property is located within the Rookery Bay Aquatic Preserve and therefore is restricted/limited to the DEP (state's) aquatic preserve dock design criteria. The two most restrictive design criteria are the overall allowed protrusion out into the waterway and total over-water square footage. Additionally, another design issue in this case is the applicant's vessel size being 38-feet LOA and designing a dock configuration that meets the aquatic preserve rules as well as the county LDC rules. As currently proposed the dock protrudes out past the allowed 20-feet per the LDC but is within the allowed protrusion per the aquatic preserve rules being 26-feet from the MHWL.

   Due to all of these limitations mostly being implemented by the state the proposed dock configuration is really the only option the applicant has to accommodate the two vessels they currently own. As proposed the vessel will encroach into the required side yard setback which is why a variance application has also been submitted as a companion to this BDE request.

   Criteria Met

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

   The proposed project consists of minimizing the existing docking facility from 781-square feet down to 284-square feet of over-water structure. The proposed project is being driven by the applicant's new vessel and the proposed dock modifications will minimize decking area due to the aquatic preserve rules. However, as designed the proposed dock will still provide adequate deck area for safe access to the vessels as well as still provide enough deck area for maintenance and recreational activities like fishing, kayaking, and paddle boarding.

   Criteria met.

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

   The proposed docking facility has been designed to moor two vessels one being 38-feet and the other being 30-feet in length. The total dimension length proposed to be

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

stored on the subject dock is approximately 64-feet and the total shoreline length is 85-feet therefore this criterion is not met.

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

   As proposed the dock has been minimized regarding the overall protrusion out into the waterway. Additionally, the dock will now not extend out as far into the waterway as the two adjacent docking facilities. The one major issue is on the west side the proposed vessel slip will encroach into the required side yard setback of 15-feet, but the owner of that property has already signed off on a letter of no objection which is attached for your records. As proposed the dock will not impact either property owners' view out into the waterway, and both have side letters of no objection.

   Criteria Met

5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)

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

   Criteria Met

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

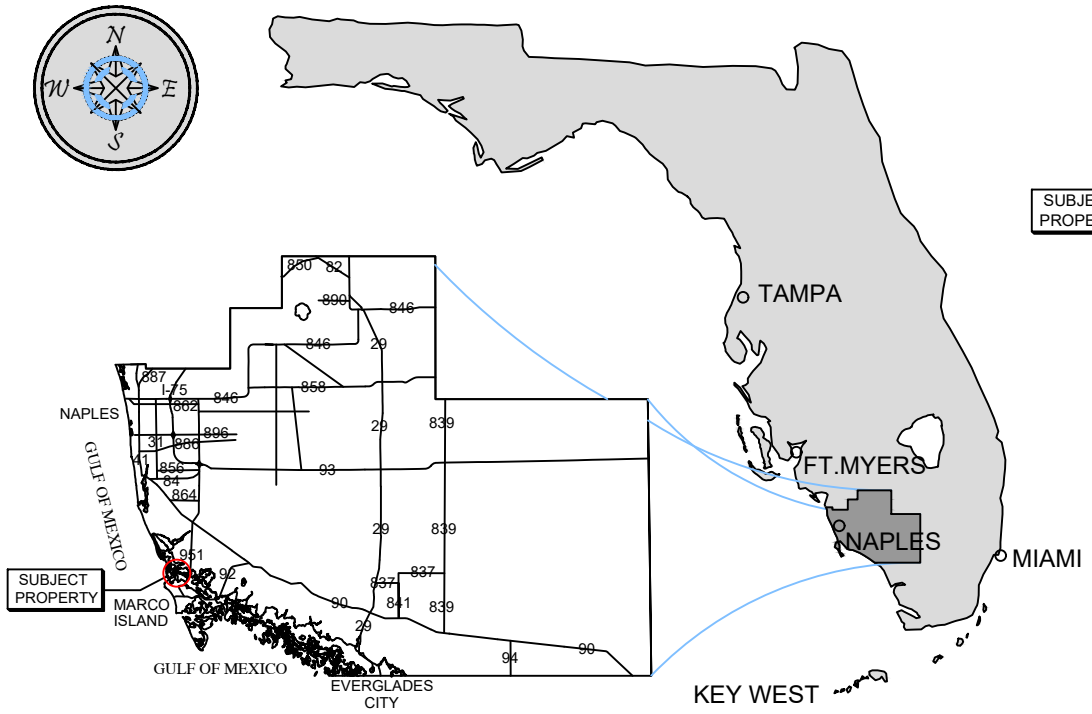
   The proposed work is a single-family dock facility and therefore not subject to Manatee Protection Plan requirements.

   N/A

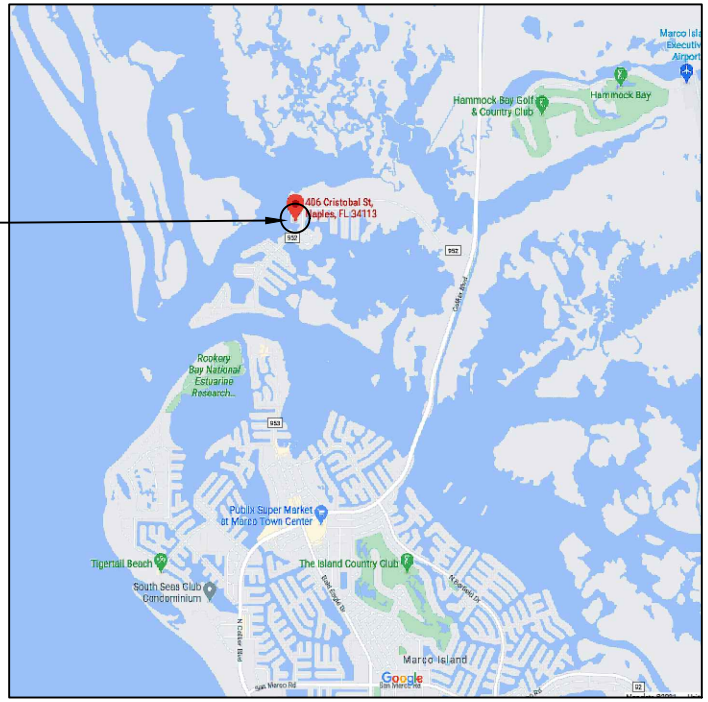
Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg LOCATION MAP 8/31/2022

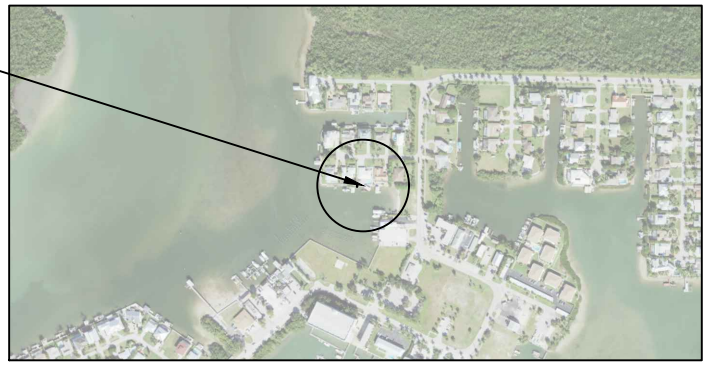
STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 406 CRISTOBAL ST
NAPLES, FL 34113

<> LATITUDE: N 25.9865369
<> LONGITUDE: W -81.7274113

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

MIDDLEBROOK - 406 CRISTOBAL ST.

LOCATION MAP

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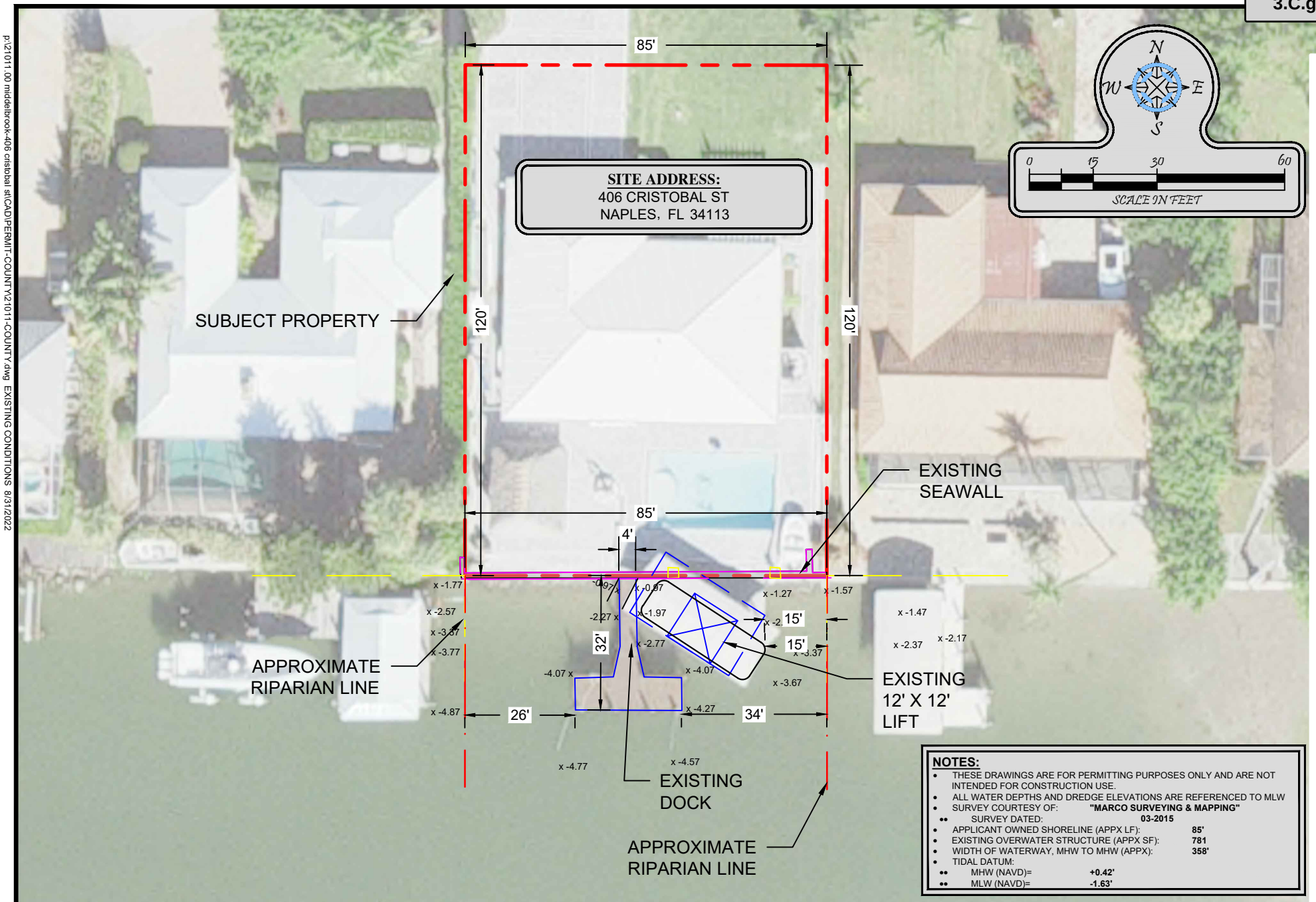
		REV#:	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	01 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg EXISTING CONDITIONS 8/31/2022



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"MARCO SURVEYING & MAPPING"**
  - SURVEY DATED: **03-2015**
- APPLICANT OWNED SHORELINE (APPX LF): **85'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**

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Marine & Environmental Consulting
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MIDDLEBROOK - 406 CRISTOBAL ST.

EXISTING CONDITIONS

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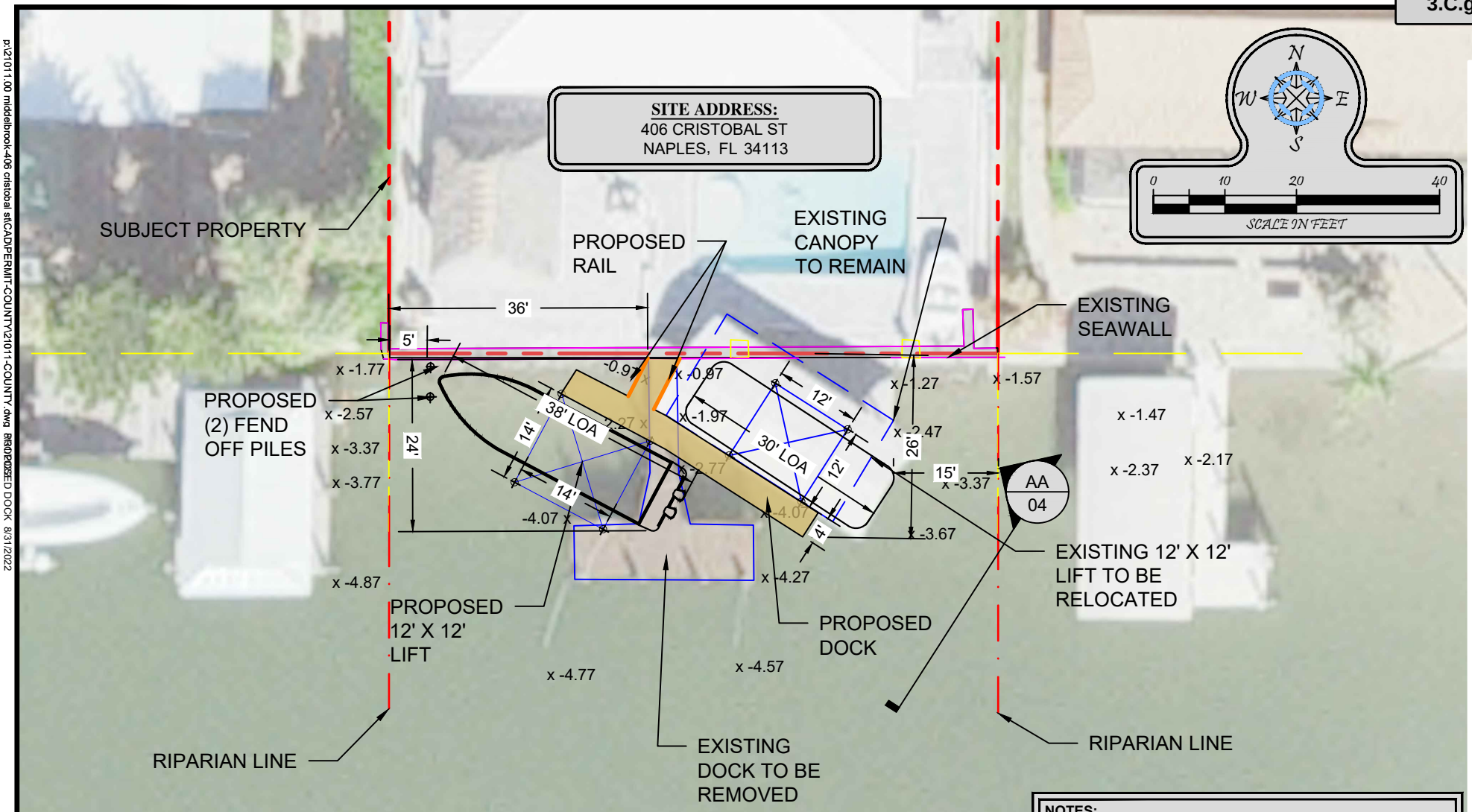
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	02 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg 8/30/2022 PROPOSED DOCK 8/31/2022



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- EXISTING OVERWATER STRUCTURE (APPX SF): **781**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **358'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL OVERWATER STRUCTURE (APPX SF): **187**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26'**

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MIDDLEBROOK - 406 CRISTOBAL ST.

PROPOSED DOCK

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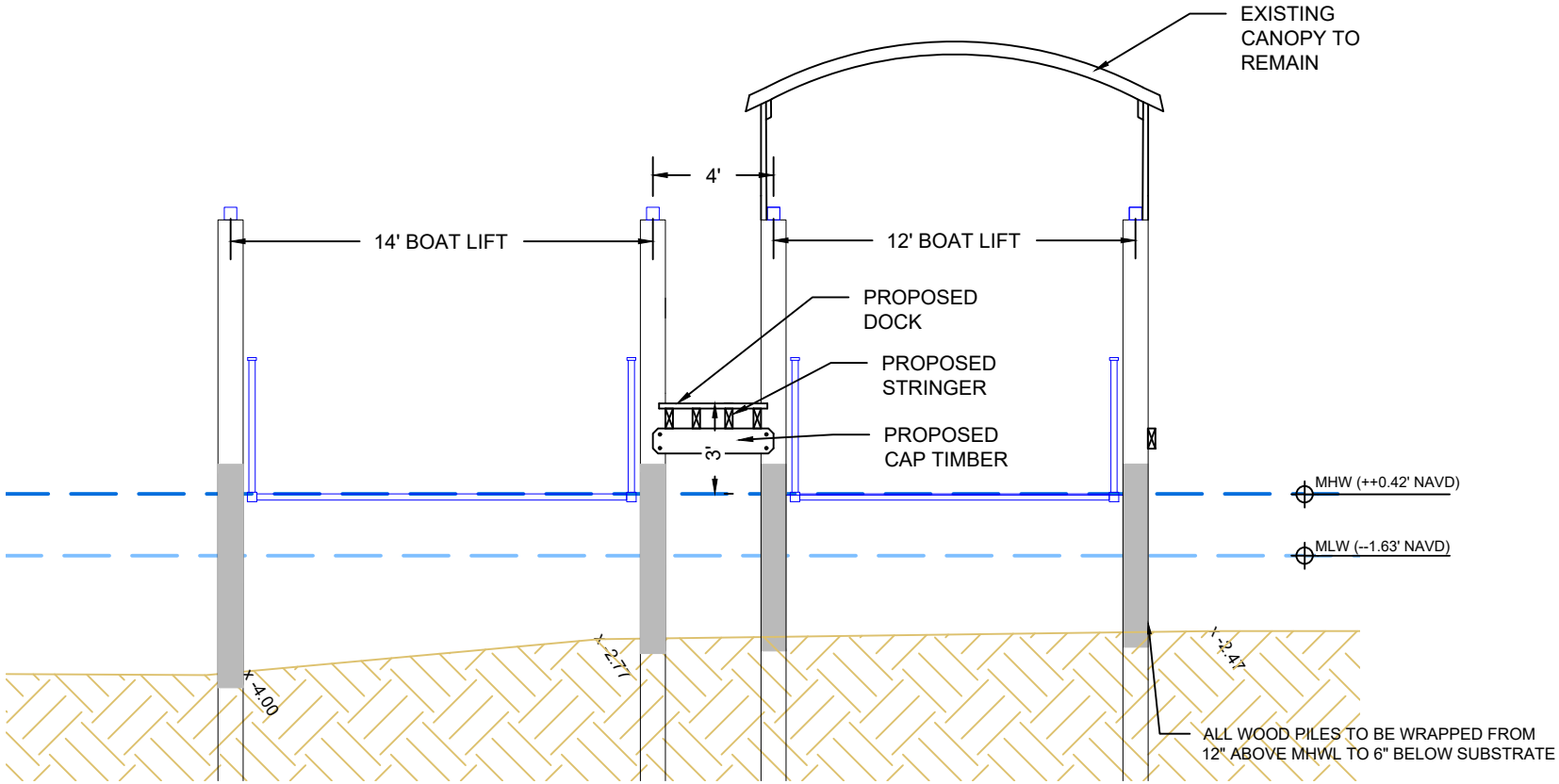
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg CROSS SECTION AA 8/31/2022



CROSS SECTION AA

SCALE: 1" = 6'

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CROSS SECTION AA

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DESIGNED:	JR	1.	-	-	-	-
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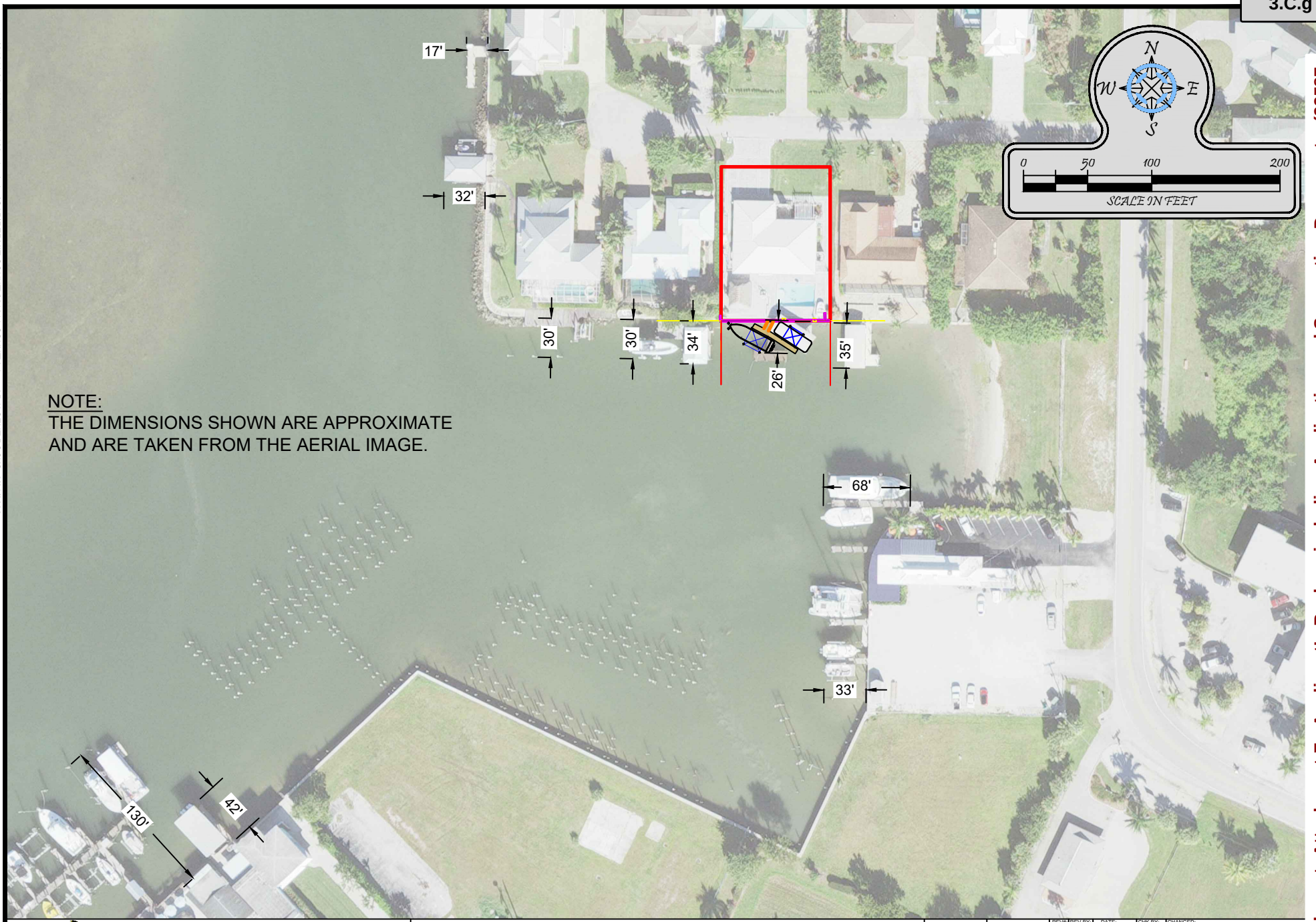
SHEET NO.:	04 OF 08	5.	-	-	-	-

SECTION-32 TOWNSHIP- 51 S

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg ADJACENT DOCKS 8/31/2022



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

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ADJACENT DOCKS

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SHEET NO.:	05 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

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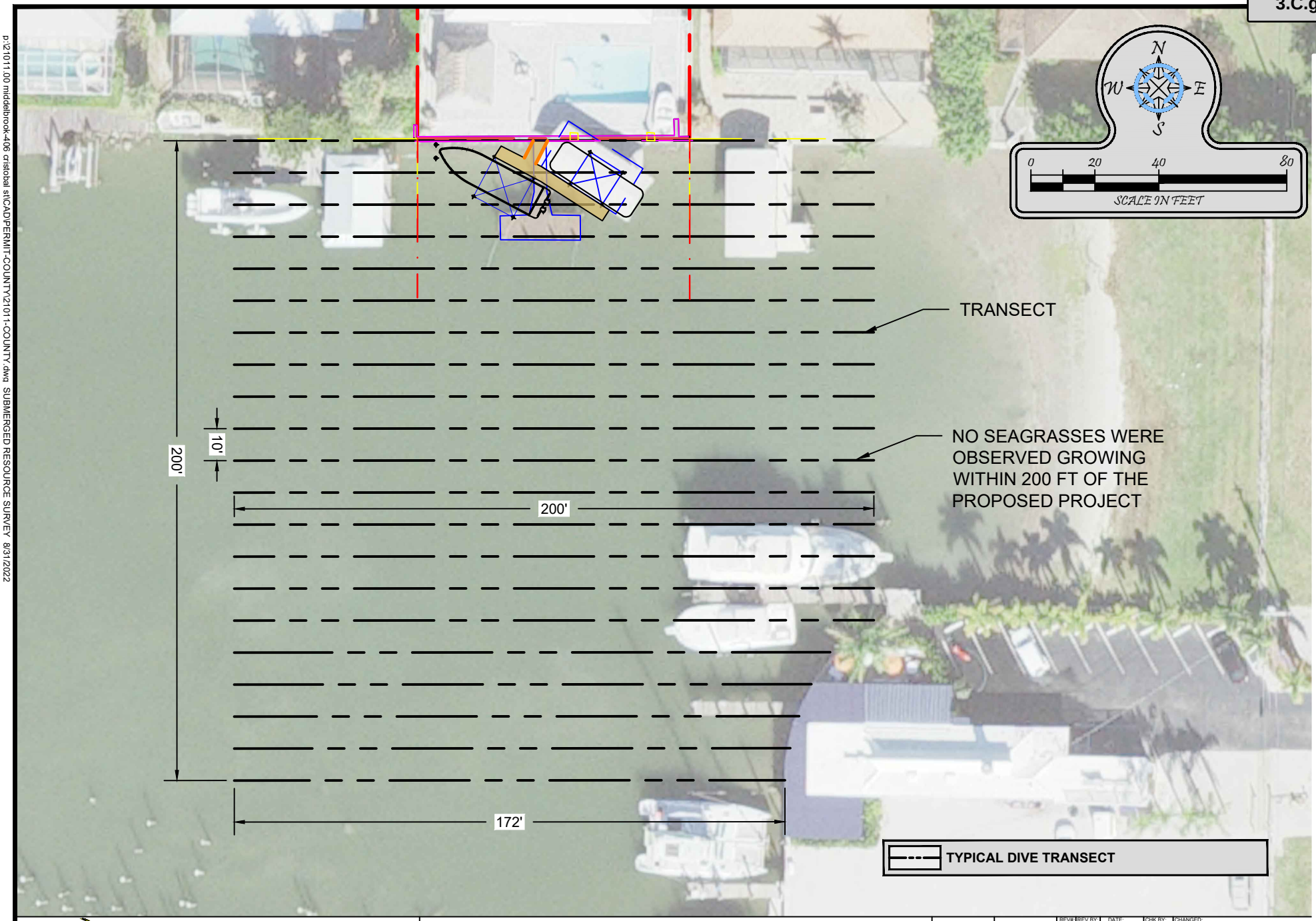
p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg SUBMERGED RESOURCE SURVEY 8/31/2022



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MIDDLEBROOK - 406 CRISTOBAL ST.

SUBMERGED RESOURCE SURVEY

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SHEET NO.:	06 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

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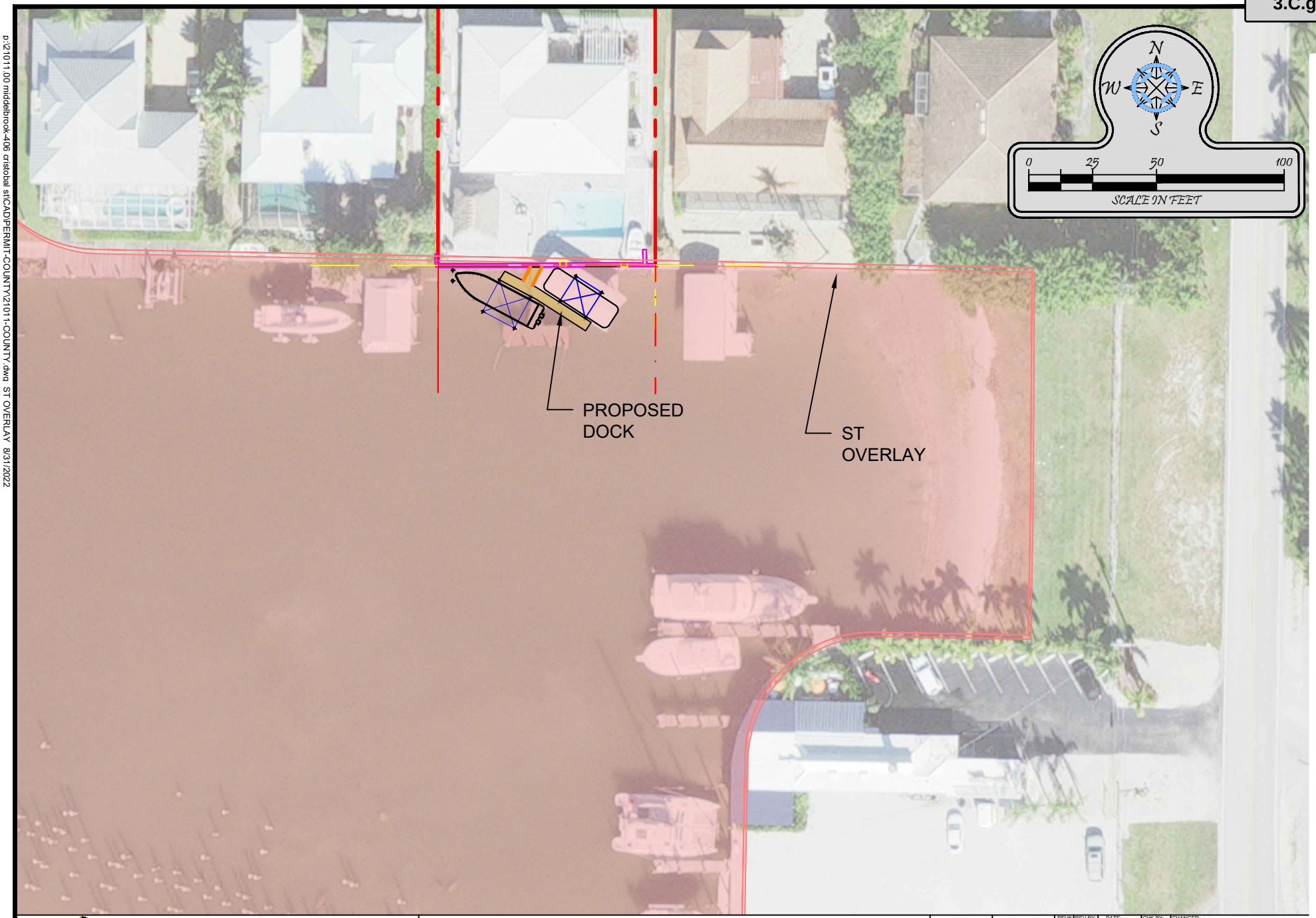
p:\21011.00 middelbrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg ST OVERLAY 8/31/2022



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MIDDLEBROOK - 406 CRISTOBAL ST.

ST OVERLAY

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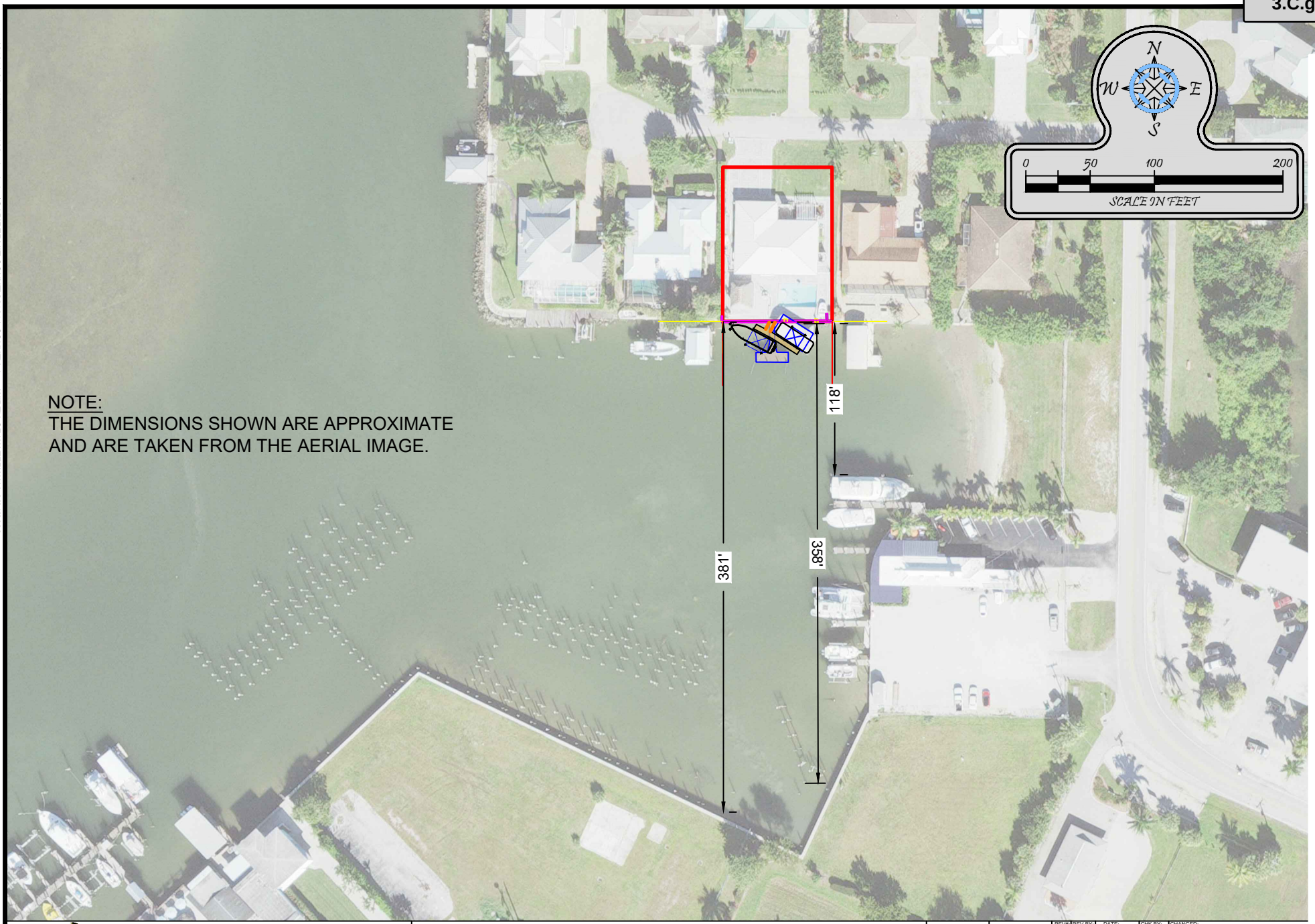
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	07 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

p:\21011.00 middlebrook-406 cristobal st\CAD\PERMIT-COUNTY\21011-COUNTY.dwg WIDTH OF WATERWAY 8/31/2022



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

MIDDLEBROOK - 406 CRISTOBAL ST.

WIDTH OF WATERWAY

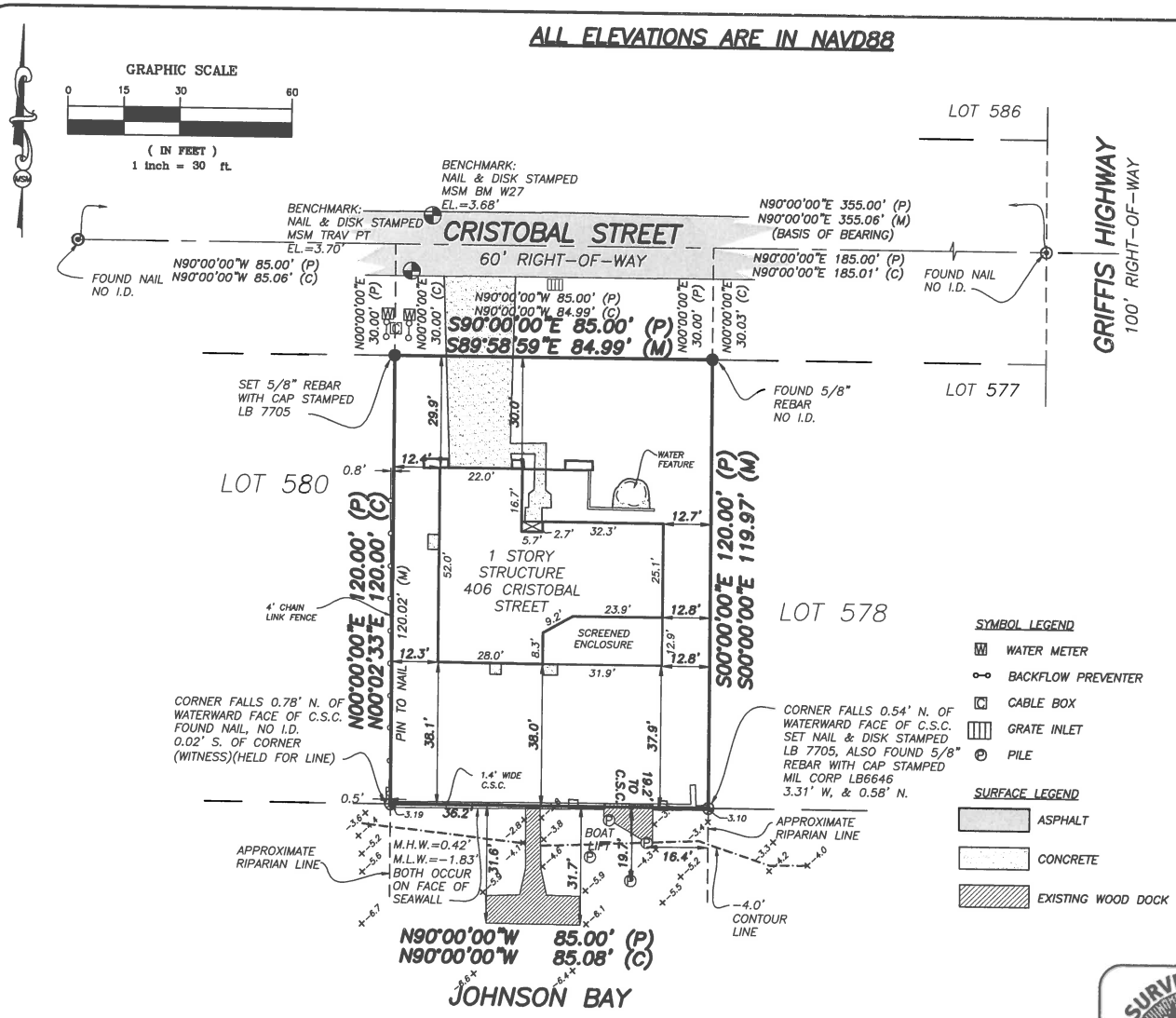
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	08-31-22	3.	-	-	-	-
JOB NO.:	21011	4.	-	-	-	-
SHEET NO.:	08 OF 08	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

ALL ELEVATIONS ARE IN NAVD88



NOTES:

1. Last day of field work is March 30, 2015 (date of survey)
2. Bearings shown hereon are based on the South Right-of-Way line of Cristobal Street, Isles of Capri No. 3, according to the Plat thereof, as recorded in the Public Records of Collier County, Florida being N90°00'00"E.
3. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search.
4. No environmental study, audit, or determinations were made in this survey. Any environmental conditions that may be depicted on this survey are the result of simple observation and not the result of a scientific analysis.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Unless otherwise indicated all easements shown hereon are based on plat.
7. Only above ground, visible and apparent improvements were located.
8. Foundations and overhangs are not taken into account on this survey.
9. Irrigation equipment was not taken into account on this survey.
10. No other persons or entities other than those listed as exclusive users may rely on this survey.
11. All dimensions are in feet and decimals thereof, unless otherwise noted.
12. Subject to easements, reservations and restrictions of record.
13. Building ties reflect distances to the finish surface of the structure and may not be representative of foundations or primary walls.
14. According to public record this property is zoned RSF-3.

Zoning and setback information is provided for informational purposes only and are subject to variances and other conditions not provided to the surveyor consult county codes before making any decisions regarding setbacks.

15. Property contains 0.23 acres (10,203 square feet) more or less.

ABBREVIATIONS

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

For the Exclusive Use Of:
Beau Middlebrooke

David Hyatt PSM
Digitally signed by David Hyatt PSM
Date: 2022.02.10 13:44:29 -05'00'

David J. Hyatt, PSM,
Florida License No. 5834
Not valid without the signature and original seal of the Florida Licensed Professional Surveyor and Mapper Certificate of Authorization #7705.

REVISIONS:

1. REVISE CERTIFICATIONS, R.Y., 05/06/2015
2. ADD PLOT PLAN INFORMATION, UPDATE CLIENT NAME, R.Y., 03/16/2016, WO #16-160
3. REMOVE PLOT PLAN, ADD NEW DOCK PILES, T.D., 04/19/2016, WO# 16-230
4. ADD DIMENSIONS. T.D. 05/03/2016, WO# 16-230
5. ADD TOPOGRAPHIC INFORMATION, R.Y., WO #22-034, 2/8/2022.

LEGAL DESCRIPTION

(Per O.R. 4770, Pg. 1520):

Lot 579, Isles of Capri No. 3, according to the Plat thereof, recorded in Plat Book 3, Page 66, of the Public Records of Collier County, Florida

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

BOUNDARY & TOPOGRAPHIC SURVEY

Lot 579, Isles of Capri No. 3, Collier County, Florida

CLIENT:	Beau Middlebrook					
HORIZONTAL SCALE:	1" = 30'		PROJECT NUMBER:	N/A		
CHIEF:	BOOK/PAGE		DRAFTED BY:	DATE	WO NUMBER	DRAWING N
KW	106	56	RY	03/2015	15-122	2-146.

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587

MIDDLEBROOK DOCK
406 CRISTOBAL STREET
NAPLES, FL 34113

SUBMERGED RESOURCE SURVEY

JULY 13, 2022

PREPARED BY:

TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

1.0 INTRODUCTION

The Middlebrook dock and associated residence is located at 406 Cristobal Street and can be identified by parcel #52450120009. The property is bound to the east and west by other single-family residences, to the north by Cristobal Street, and to the south by Johnson Bay. The property is located at Section 32, Township 51S, and Range 26E. The landward portion of the property currently contains a single-family residence with an existing docking facility with one boatlift and associated boatlift canopy.

Turrell, Hall & Associates was contracted to provide environmental permitting services pertaining to the removal of the existing docking facility and construction of the proposed dock, which requires the completion of a Submerged Resource Survey (SRS), side yard setback variance, and Boat Dock Extension. This underwater observational survey will provide planning and assistance to both the owner(s) and government agencies reviewing the proposed project.

The SRS survey was conducted on July 8, 2022. Weather conditions consisted of partly cloudy skies, light winds out of the southeast, and an air temperature of 86° F at the time the observations were conducted. The tide was a high tide but falling upon arrival to the site around 10:30am. High tide provided clear water allowing for observance of most of the bottom substrate with just a mask and snorkel from the surface. It is estimated visibility was approximately 3-4' which are ideal conditions for this area. High tide at the project site occurred prior to our arrival at 8:54 A.M. (2.6 ft.) and low tide had occurred after to our observations were completed at 3:41 P.M. (0.3 ft.). The water temperature was approximately 86° F.

2.0 OBJECTIVE

The objective of the submerged resource survey was to identify and locate any observed existing submerged resources within 200' of the proposed project. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so would assist in reconfiguring the proposed dock in order to minimize any impacts. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit to verify the location of any submerged resources within 200-feet.

- Turrell, Hall & Associates personnel identified submerged resources at the site (or the lack there of), estimated the percent coverage, and delineated the approximate limits of any submerged resources observed.

- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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 modification and proposed boat-lift installation and expanded out 200-feet in all directions. The components for this survey included:

- Review of aerial photography of survey area
- Establish survey transects lines overlaid onto aerials
- Physically swim transects, make visual observations, GPS locate limits of any observed 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 and surrounding docks on the bay 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 sand with shell debris, which was observed throughout the entire surveyed area. The shoreline consists of a seawall with rip-rap placed in front and an existing docking facility, boatlift and associated boatlift canopy cover. The rip-rap and dock area support and provide cover to a variety of fish as well as sessile and motile invertebrates such as barnacles and mud crabs. Some of the existing dock piles, seawall panels, and rip-rap carried historic fragments or remains of oysters, but no live individuals were observed. Algae was observed covering parts of the submerged portions of the rip-rap, dock 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 a combination of low water quality and volatile tidal currents. A list of observed fish species can be seen below in Table 1.

Table 1 – Observed fish species

Common Name	**Scientific Name**
Striped Mullet	*Mugil cephalus*
Sheepshead	*Archosargus probatocephalus*
Crevalle Jack	*Caranx hippos*
Gray Snapper	*Lutjanus grisens*
Barnacle	*Amphibalanus spp.*
Mud Crab	*Panopius* herbstii
Snook	*Centropomus undecimalis*

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

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 pilings. Algae was observed on parts of the rip-rap, dock piles, and along sections of the seawall panels, but nowhere else around the project site. Seagrasses were not observed anywhere near the project site even though they have been observed on adjacent properties but are located outside the required survey area from the subject dock/property. All fish species were observed swimming in and around the existing docking facility.

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

SEAWALL SHORELINE & RIP-RAP

EXISTING DOCK, BOATLIFT AND CANOPY

Typical Observed Bottom Sediment

Typical Bottom sediment with shell debris

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

Observed Algae growth on Rip-Rap	Observed barnacle growth on dock piles

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

INSTR 5117678 OR 5148 PG 294 RECORDED 5/5/2015 1:23 PM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $4,095.00 REC $18.50
CONS $585,000.00

Prepared by and return to:
William G. Morris, P.A.
Law Offices of William G. Morris, P.A.
247 North Collier Boulevard Suite 202
Marco Island, FL 34145
239-642-6020
File Number: **15RE130**

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this **17th** day of **April, 2015** between **Donnie Gene Mitchell and Kimberly Ann Schnell Mitchell, husband and wife** whose post office address is **85 West Pelican Street, Naples, FL 34113**, grantor, and **Beau Christopher Middlebrook, a single man** whose post office address is **406 Cristobal Street, Naples, FL 34113**, grantee:

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

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

Lot 579, Isles of Capri No. 3, according to the map or plat thereof as recorded in Plat Book 3, Page 66, Public Records of Collier County, Florida.

Parcel Identification Number: 52450120009

Subject to the following exceptions: (a) ad valorem and non ad valorem real property taxes for the year of closing and subsequent years; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record, if any, and (d) restrictions, reservations and easements common to the subdivision, provided that none of the foregoing shall prevent use of the Property for residential purposes.

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, subject to the following exceptions: (a) ad valorem and non ad valorem real property taxes for the year of closing and subsequent years; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record, if any, and (d) restrictions, reservations and easements common to the subdivision.

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

NOT A CERTIFIED COPY

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal St

Signed, sealed and delivered in our presence:

Witness Name: PEGILEE H. MORRIS

Witness Name: Carey L Chard

(Seal)
Donnie Gene Mitchell

(Seal)
Kimberly Ann Schnell Mitchell

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 17th day of April, 2015 by Donnie Gene Mitchell and Kimberly Ann Schnell Mitchell, who [ ] are personally known or [X] have produced a driver's license as identification.

[Notary Seal]

PEGILEE H. MORRIS
MY COMMISSION # FF 142993
EXPIRES: July 17, 2018
Bonded Thru Budget Notary Services

Notary Public

Printed Name: PEGILEE H. MORRIS

My Commission Expires: JULY 17, 2018

NOT A CERTIFIED COPY

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal St

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Beau Middlebrook (owner/applicant)
406 Cristobal Street (address of project)
Naples, FL 34113

FROM: Harlan R Ward Trust (adjacent property owner)
408 Cristobal Street
Naples, FL 34113

I hereby state that I am the owner of the adjacent upland riparian property located to the (**north** / south / east / west) of the facility or activity proposed to be constructed or conducted by Beau Middlebrook (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line.** This file shows the structure will be located entirely within the applicant's riparian rights area and will only provide a 15-foot setback with our common riparian rights line between our parcels.

Daniel C Ward
(Original signature of adjacent owner)

5-3-22
(Date signed)

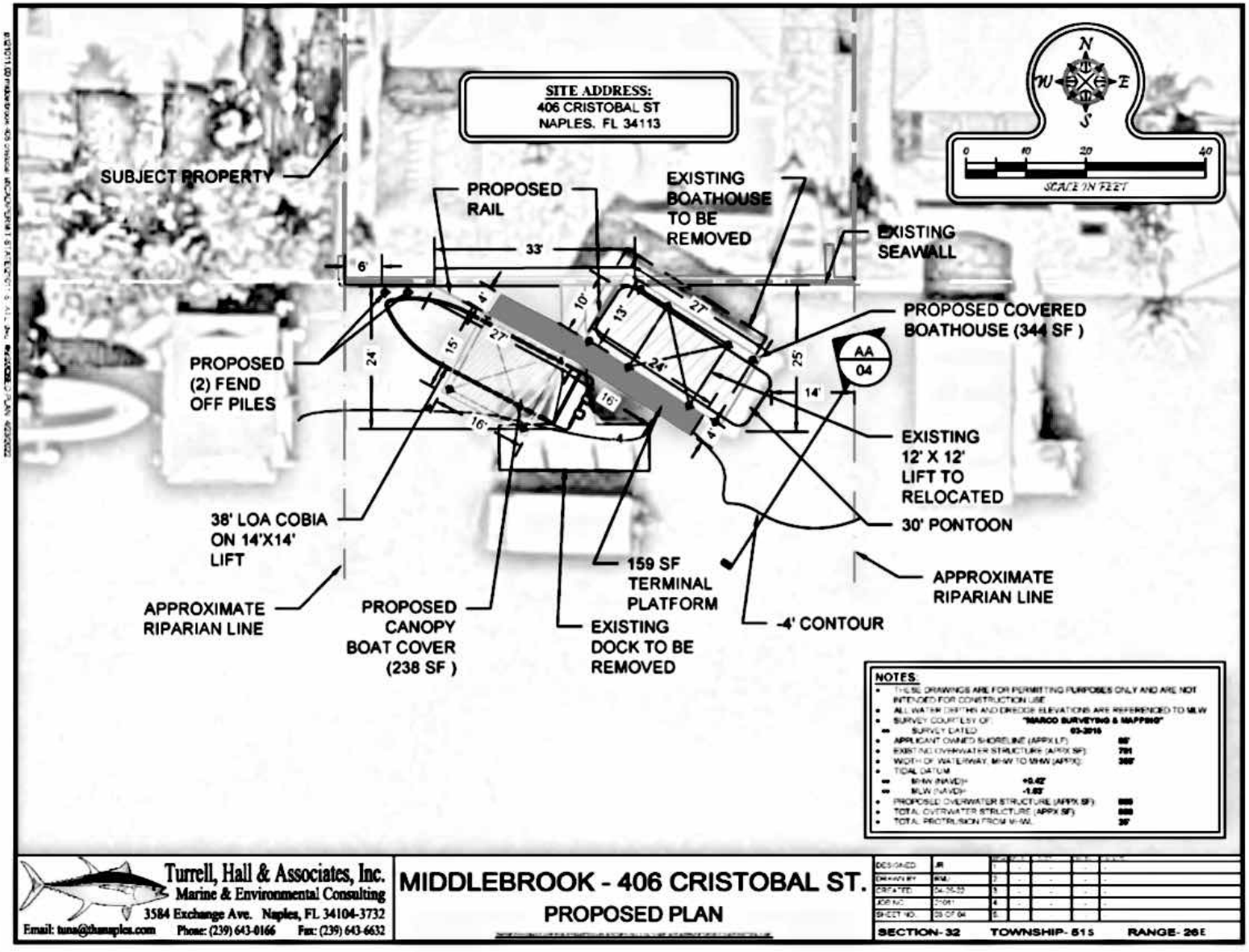
Daniel C Ward
(Printed name of adjacent owner)

This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

Daniel C Ward - Trustee - Harlan R Ward Trust
14929 Manitou Rd
Prior Lake Mn
612-669-0028

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406 Cristobal

LETTER OF CONCURRENCE FOR SETBACK WAIVER
PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



(Initials of adjacent owner) _____ 5-3-22 (Date)

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents

LETTER OF CONCURRENCE FOR SETBACK WAIVER

TO: Beau Middlebrook (owner/applicant)
406 Cristobal Street (address of project)
Naples, FL 34113

FROM: Ronald M. Helsel & Denise S. Caterini – Helsel (adjacent property owner)
404 Cristobal Street
Naples, FL 34113

I hereby state that I am the owner of the adjacent upland riparian property located to the (north / **south** / east / west) of the facility or activity proposed to be constructed or conducted by Beau Middlebrook (the applicant), as shown in the above referenced file (and on the attached drawing). **I understand that the subject project will be located entirely within the applicant's riparian rights area, and I do not object to the proposed structure or activity being located within the area required as a setback distance from the common riparian rights line.** This file shows the structure will be located entirely within the applicant's riparian rights area and will only provide a 15-foot setback with our common riparian rights line between our parcels.

Denise S. Caterini-Helsel
(Original signature of adjacent owner)

05-03-22
(Date signed)

Denise S. Caterini-Helsel
(Printed name of adjacent owner)

Ronald M Helsel

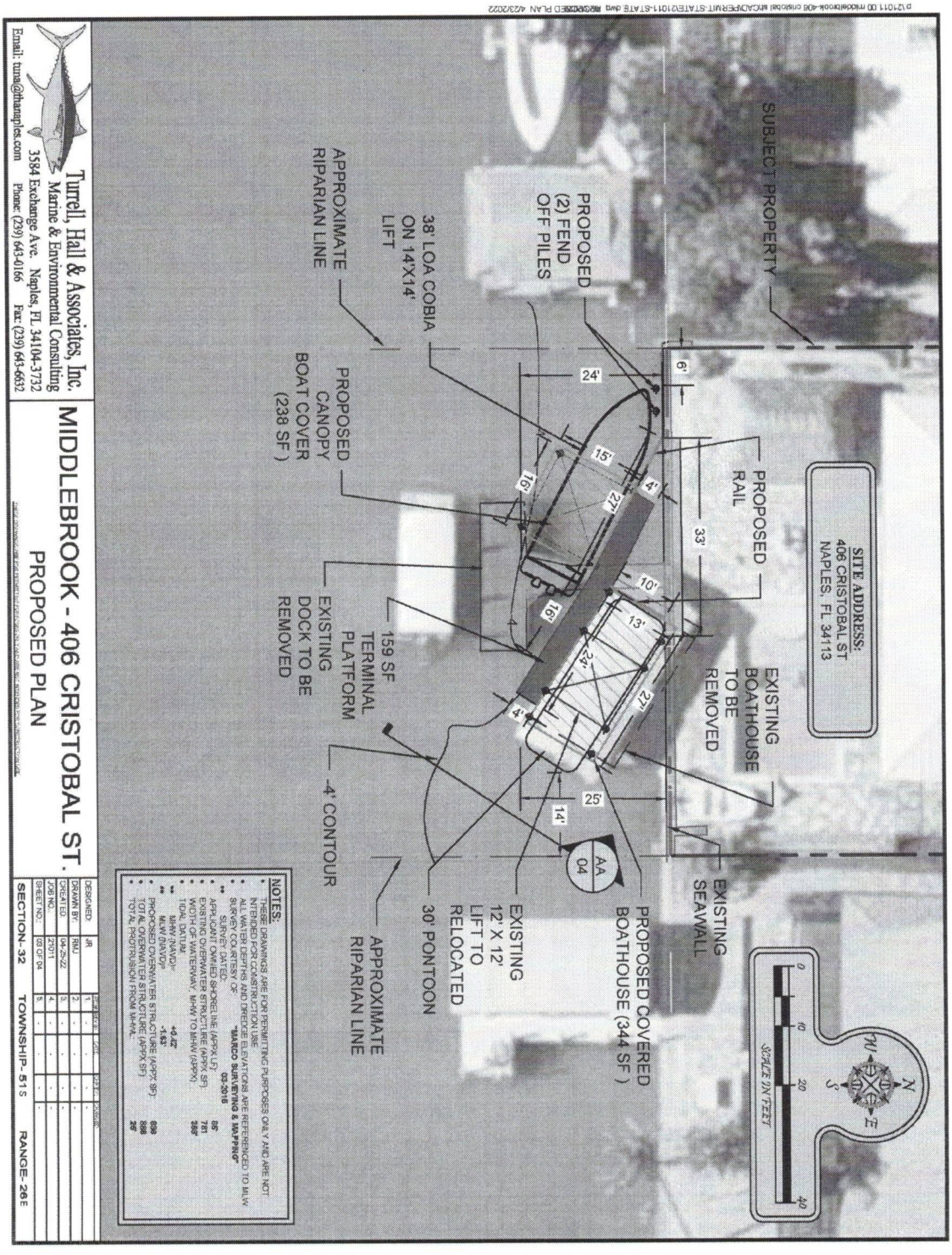
This form is not adopted by rule; therefore, any letter of concurrence of similar content may be accepted.

5/3/22

(5/2/2022)

Attachment: Attachment F - Applicant's Backup, including Application and Supporting Documents (23587 : PL20220004181 BDE 406

LETTER OF CONCURRENCE FOR SETBACK WAIVER
PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



(Initials of adjacent owner) 05-03-22 (Date)
5/3/22