COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

October 14, 2021

9: 00 AM

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

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

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

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

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. * NOTE: This item has been Continued from the September 23, 2021 HEX Meeting *** PETITION NO. PE - PL20210000596 - 2831 Becca Avenue Parking Exemption - Request for modification to condition of approval #6 of Hearing Examiner Decision #2019-38 which limited operation to no more than six days a week to allow operation on Mondays as part of the parking exemption for an off-site parking lot consisting of 62 spaces serving the Celebration Food Truck Park site pursuant to Land Development Code Section 4.05.02.K. The site that is subject to the parking exemption is in the RMF-6-BMUD-R1 zoning district and is located at 2831 Becca Avenue in Section 11, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: Ray Bellows, AICP, Zoning Manager] Commission District 4.**

B. PETITION NO. PDI-PL20210000868 - Tree Farm Mixed-Use Planned Unit Development - Request for an insubstantial change to the Tree Farm Mixed-Use Planned Unit Development (MPUD) by requesting deviations from LDC Section 5.06.04.G.2.a which limits off-premises directional signs to 12 square feet in area to instead allow an off premises directional sign with up to 50 square feet of sign area and to Sections 5.06.04.G.2.c and 5.06.04.G.3 which requires off-premises directional signs to be located a minimum of 10 feet to a property line and a minimum of 50 feet to the adjacent residential zoning district, respectfully, to instead allow an off-premises directional sign to have a zero foot setback to the residential tract to the north for the benefit of the Tree Farm Apartments. The subject MPUD is 58.84± acres located in the northwest quadrant of the intersection of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 22, Township 48 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 5

C. PETITION NO. PCUD-PL20210000661 -White Lake Corporate Park - Request for approval of a Comparable Use Determination whether the proposed use of fire station and ancillary administrative office, training facility with tower, warehousing, and fleet storage is comparable in nature with the permitted uses in Section 3.2.A, White Lake Corporate Park Planned Unit Development (PUD), Ordinance 01-59, as amended, within Tract "I", White Lake Corporate Park PUD, located north of White Lake Boulevard and east of Shaw Boulevard, in Section 35, Township 49 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 5

4. Other Business

5. Public Comments

6. Adjourn

10/14/2021

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A
Item Summary: *** NOTE: This item has been Continued from the September 23, 2021 HEX Meeting *** PETITION NO. PE - PL20210000596 - 2831 Becca Avenue Parking Exemption - Request for modification to condition of approval #6 of Hearing Examiner Decision #2019-38 which limited operation to no more than six days a week to allow operation on Mondays as part of the parking exemption for an off-site parking lot consisting of 62 spaces serving the Celebration Food Truck Park site pursuant to Land Development Code Section 4.05.02.K. The site that is subject to the parking exemption is in the RMF-6-BMUD-R1 zoning district and is located at 2831 Becca Avenue in Section 11, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: Ray Bellows, AICP, Zoning Manager] Commission District 4.

Meeting Date: 10/14/2021

Prepared by:
Title: – Zoning
Name: Laura DeJohn
09/07/2021 6:38 PM

Submitted by:
Title: – Zoning
Name: Mike Bosi
09/07/2021 6:38 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	09/07/2021 7:15 PM
Zoning	Diane Lynch	Review Item	Skipped	09/07/2021 7:17 PM
Zoning	Ray Bellows	Review Item	Completed	09/08/2021 9:19 AM
Zoning	Mike Bosi	Zoning Director Review	Completed	09/08/2021 9:39 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	10/14/2021 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: SEPTEMBER 23, 2021

SUBJECT: PE-PL20210000596 PARKING EXEMPTION;
2831 BECCA AVENUE OFF-SITE PARKING LOT

PROPERTY OWNERS/APPLICANT/AGENT:

Owner/Applicant:

Bayshore Redevelopment Group LLC
& Naples 2.0, LLC
Rebecca Maddox, Manager
1350 Jewel Box Ave.
Naples, FL 34102

Agent:

Robert J. Mulhere, FAICP
Hole Montes, Inc.
950 Encore Way
Naples, FL 34110

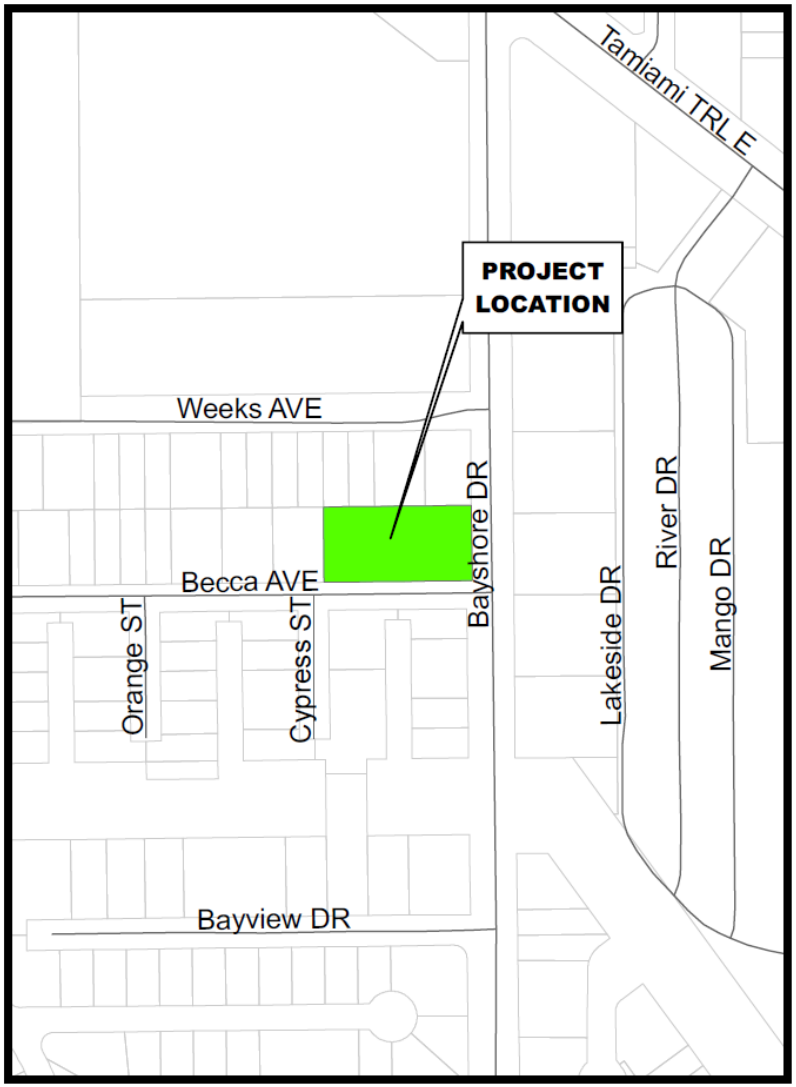
REQUESTED ACTION:

The applicant requests that the Hearing Examiner consider modification to condition of approval #6 of Hearing Examiner Decision Number 2019-38 which limited operation to no more than six days a week to allow operation on Mondays as part of the Parking Exemption for an off-site parking lot consisting of 62 spaces serving the Celebration Park Food Truck Park site pursuant to Land Development Code Section 4.05.02.K. The site that is subject to the Parking Exemption is in the Residential Multifamily-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay (RMF-6-BMUD-R1) Zoning District.

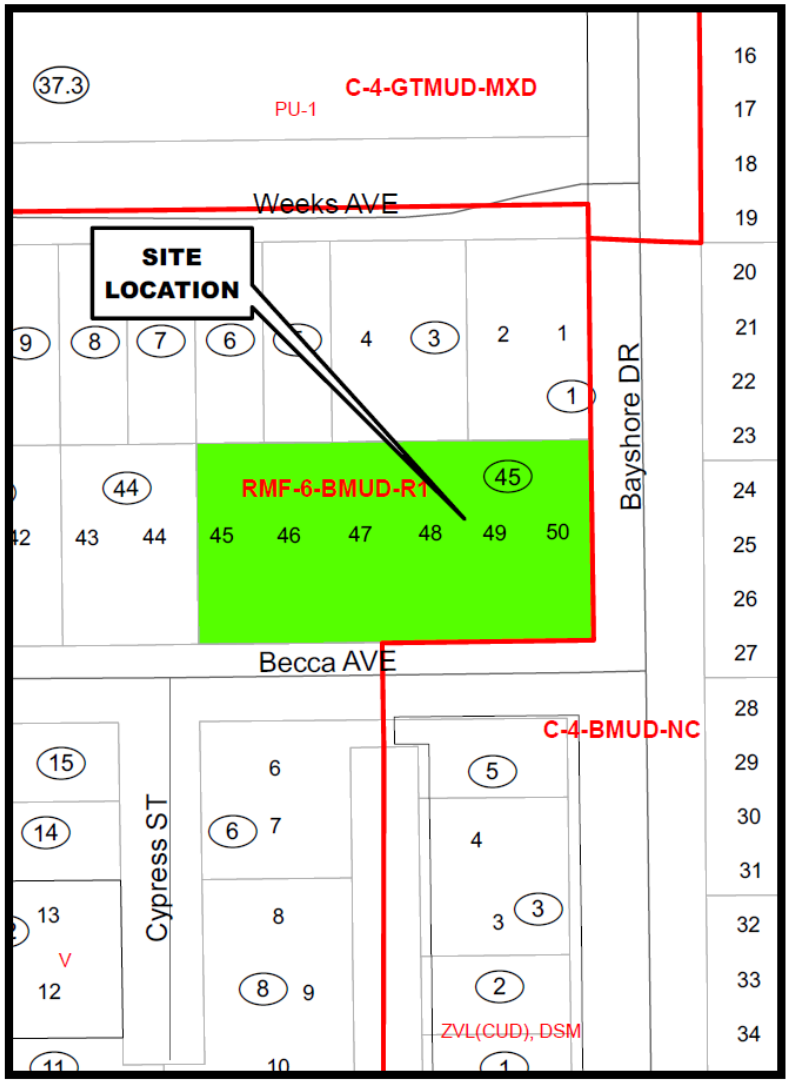
GEOGRAPHIC LOCATION:

The parking lot is located at 2831 Becca Avenue in Section 11, Township 50 South, Range 25 East, Collier County, Florida. The legal description is Lots 45-50 of the Rebecca Weeks Subdivision. The parcel is 0.93 acres and is located at the northwest corner of Bayshore Drive and Becca Avenue, across Becca Avenue from the commercially designated Celebration Food Truck Park *(see location map, page 2).*

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)



Location Map



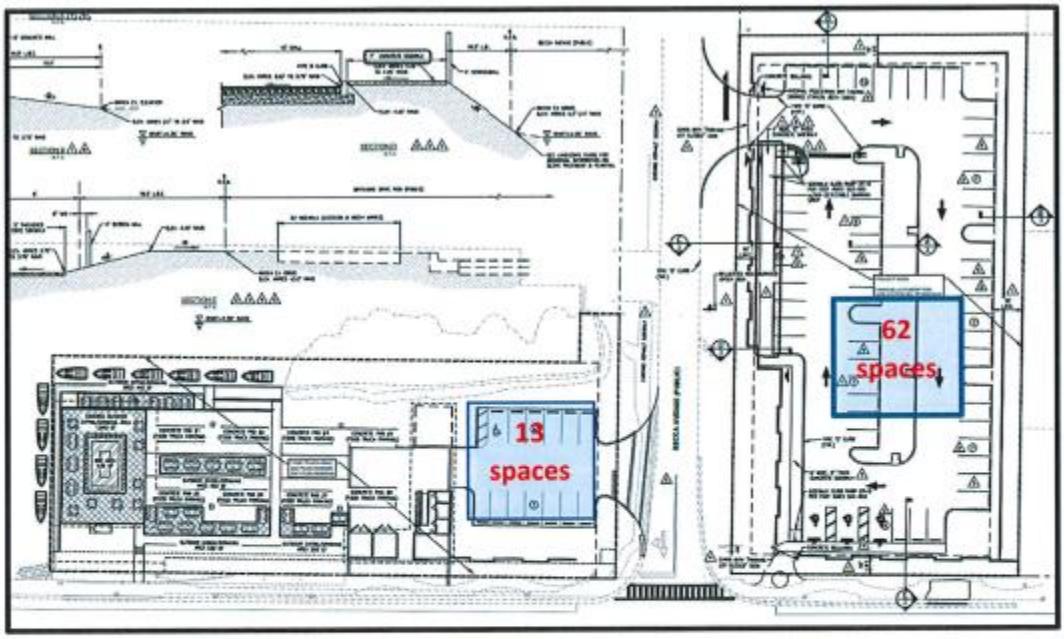
Zoning Map

Petition Number: PL20180003220

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking

PURPOSE/DESCRIPTION OF PROJECT:

The subject site is zoned RMF-6-BMUD-R1 and is developed with an off-site parking lot, permitted by the approval of a Parking Exemption by HEX Decision 2019-38. The off-site parking lot supports the Celebration Food Truck Park. The Food Truck Park was constructed under an approved Site Development Plan PL20170000252. The parking lot was constructed to support the required parking at the Food Truck Park, as detailed in the petitioner's narrative, provided below:



PARKING CALCULATIONS 1 2 6

BUILDING	CRITERIA	REQUIRED	PROVIDED
RESTAURANT / FOOD TRUCK PADS (1,632 S.F.)	1 SPACE PER 150 S.F.	11	12
RESTROOMS / STORAGE BUILDING (120 S.F.)	1 SPACE PER 150 S.F.	1	1
BAR AREA (630 S.F.)	1 SPACE PER 50 S.F.	13	13
OUTDOOR EATING / DRINKING AREA (3,653 S.F.)	1 SPACE PER 75 S.F.	49	49
TOTAL (INCLUDING HANDICAPPED)		74	75
HANDICAPPED PARKING REQUIRED		3	4

BICYCLE PARKING PROVIDED = ± 21

The Parking Exemption granted for the subject site (HEX Decision 2019-38 [PL201800033220]) included 17 conditions of approval. The condition relevant to the current request is Condition 6, which states:

> 6. *Hours of operations shall be between 9:30 AM to 10:30 PM, no more than six days a week and will remain closed on Mondays.*

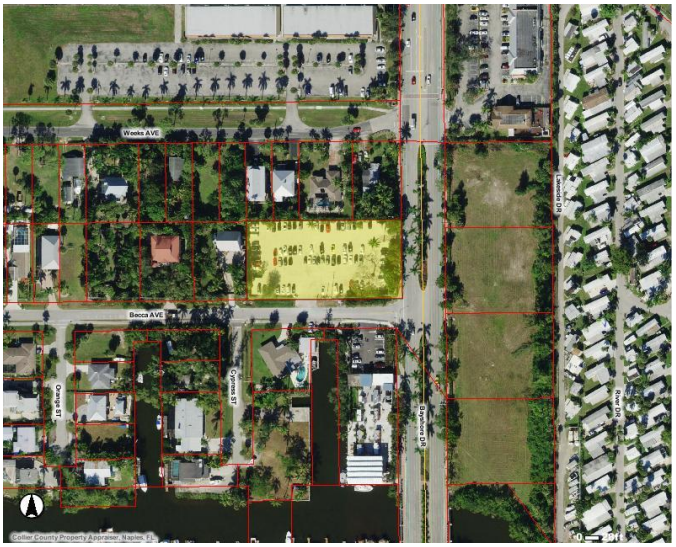
The petitioner's current Parking Exemption request is to remove the Monday restriction so that the off-site parking lot, and therefore the Food Truck Park, may operate on Mondays.

The parking lot is north and across Becca Avenue from the Food Truck Park site. The approved Parking Exemption allows 62 parking spaces to fulfill the requirements applicable to the Food

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Truck Park operation. Access to the proposed parking lot is from Becca Avenue just west of the Food Truck Park site. No changes are proposed to the previously approved number of parking spaces, circulation, access, buffers, screening and wall.

SURROUNDING LAND USE AND ZONING:



North: Single-family residential, zoned RMF-6-BMUD-R1

South: Commercial Food Truck Park, zoned C-4-BMUD-NC & Single-family residential, zoned RMF-6-BMUD-R1 with Accessory Parking Zone Overlay

East: Bayshore Drive and vacant site zoned C-4-BMUD-NC with approved Alcoholic Beverage Waiver in proximity to two churches (HEX Decision 2021-12)

West: Single-family residential, zoned RMF-6-BMUD-R1

ANALYSIS:

Transportation Review: Transportation Planning Staff have reviewed the currently proposed Parking Exemption Request and found that the proposed exemption is consistent with the transportation elements of the GMP. Further, this request, to allow the parking facility to operate on Monday, does not alter the findings for the previous parking exemption because there are no additional PM peak hour trips proposed for this facility.

Zoning Review: In accordance with Section 4.05.02.K.3.a(2) of the LDC, an applicant may seek a parking exemption when off-site parking is requested for land not zoned for commercial use. The Zoning Division has completed a review of parking exemption criteria from Section 4.05.02.K.3.b of the LDC for consideration by the Hearing Examiner for a potential determination, and responses to each criterion is below:

(1) Whether the amount of off-site parking is required by sections 4.05.04 G. and 4.05.09, or is in excess of these requirements.

The calculation provided by the petitioner (see page 3 of this report) indicates 74 parking spaces are required and 75 spaces are provided, including the 62 spaces on the subject property. No changes are proposed to the amount of parking provided through this petition. This Parking Exemption request is to remove the restriction from operating on Mondays as conditioned in the HEX Final Decision 2019-38 (Condition #6).

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

(2) The distance of the farthest parking space from the facility to be served.

There are no proposed changes to location of off-site parking. The farthest parking space from the lot to the Food Truck park entry walk is approximately 320 feet. Through the granting of the Parking Exemption by HEX Decision 2019-38, it was determined that the maximum distance from the Food Truck park to the farthest parking space is reasonable.

(3) Pedestrian safety if the lots are separated by a collector or arterial roadway.

The parking exemption area is not separated by a collector or arterial roadway. Pedestrians cross a local road (Becca Avenue) to utilize the off-site parking lot. The applicant has provided a marked crosswalk at Becca Avenue and Bayshore Drive.

(4) Pedestrian and vehicular safety.

Based on the existing design and operation of the parking area, no pedestrian and vehicular safety issues have been raised.

(5) The character and quality of the neighborhood and the future development of surrounding properties.

The operation of the Food Truck Park and the off-site parking that is subject of this petition have a record of Code Enforcement activity. See Attachment D for a summary of the cases. Since 2018, a total of 24 cases have been entered: 18 cases associated with Celebration Food Truck Park and 6 cases associated with the Becca Avenue Parking Lot (one of which was withdrawn as a duplicate complaint subject to ongoing compliance efforts).

Of the 18 cases associated with Celebration Food Truck Park, nine related to noise, including monthly complaints from March 2021 to July 2021. Others related to blocking handicap parking space or fire lane, greater number than the allowed eight food trucks, operating a golf cart on the street, and docking of boats overnight. After being found guilty for noise violation by the Special Magistrate on April 2, 2021, Code Enforcement staff reported sound level readings taken in April, May, June and July in the high 60 to low 70 decibel levels, not exceeding the sound level limit of 72 dB(C) before 10:00 PM, so no violation was found.

Of the five cases associated with the Becca Avenue Parking Lot, three related to operation of the parking lot on Mondays; the most recent was filed in February 2021. Upon a finding of guilty at the March 25, 2021 Code Enforcement Board Hearing, Monday use of the parking lot was required to cease, and the subject petition has been filed to comply with obtaining required approval to operating the parking lot on Mondays.

The frequency of complaints in recent years and months indicates the Food Truck Park and parking lot have an impact on the character and quality of the residences in the neighborhood. The amplified outdoor noise levels have been the most frequently identified issue by surrounding residents, with four complaints filed after the guilty finding in April, and each of the sound level readings for these complaints have been within a few decibels of the maximum allowable level.

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

The additional day of operation on Monday has potential to cause an additional day of noise associated with the Food Truck Park each week. Per the County Code of Laws, multiple findings of noise violations will lead to enforcement action restricting any amplified sound at the Food Truck Park.

(6) Potential parking problems for neighboring properties.

Condition 15 of HEX Decision 2019-38 requires that the applicant shall provide regular patrolling of the parking exemption area, no less than hourly, but additionally if needed to control loitering. This condition to patrol the parking area should be expanded to assure patrons of the Food Truck Park are using the designated, approved parking spaces and not parking on neighboring properties or Rights of Way. If patrolling is effective, the proposed parking exemption to remove the Monday operation restriction should not present potential parking problems for neighboring residential properties.

(7) Whether the internal traffic flow is required to leave the site to reach the proposed off-site parking.

There are no proposed changes to the existing internal traffic flow required to leave the site and reach the existing off-site parking.

(8) Whether vehicular access shall be from or onto residential streets.

There are no proposed changes to vehicular access, which is along Becca Avenue. Becca Avenue transitions to a residential street going west from the subject site.

(9) Whether buffers adjacent to the property zoned residential are 15 feet in width and include a wall in addition to required landscaping.

There are no proposed changes to buffers. Section 5.03.02.H.1 of the LDC is applicable, requiring a wall or fence for the commercial use abutting and adjacent to residential property. A 15-foot Type B buffer and wall is constructed adjacent to the residential properties to the west and north.

(10) Whether the off-site parking area will be used for valet parking.

Valet parking is not proposed.

(11) Whether the off-site parking area will be used for employee parking.

Per Condition 4 of the approved Parking Exemption applicable to this site (HEX Decision 2019-38), the parking lot is for use only by customers, employees of the Celebration Park Naples or vendor employees.

(12) Whether there are more viable alternatives available.

Using the existing off-site parking area in order to operate on Mondays is the most viable option.

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

NEIGHBORHOOD INFORMATION MEETING (NIM):

The applicant conducted a NIM on July 27, 2021 at 5:30 PM, at St. Peter the Apostle Catholic Church at 5130 Rattlesnake Hammock Road, Naples, Florida 34113. Two attendees who live near the parking lot voiced concern with ongoing noise generated by the Food Truck Park amplified music. The meeting was approximately 20 minutes, and no commitments were made during the meeting. The NIM summary is included in the applicant's backup materials (Attachment E).

PUBLIC NOTICE:

The agent submitted an affidavit of compliance that the required letter was sent to property owners within 150 feet of the subject site on June 30, 2021 as required by Section 1.03.06 of the LDC. Mailed notice was completed by Collier County to property owners within 500 feet of the site and a newspaper ad was published in the Naples Daily News at least 15 days prior to the Hearing Examiner hearing. Signs were also posted on the property 15 days prior to the Hearing Examiner hearing.

RECOMMENDATION:

Zoning Division staff recommends the Hearing Examiner approve petition PE-PL20210000596 with the adjustments to conditions of approval from Hearing Examiner Decision Number 2019-38 listed in strikethrough/underline format in Attachment A.

Attachments:

A) Recommended List of Conditions
B) HEX Decision 2019-38 (Parking Exemption)
C) HEX Decision 2021-12 (Food and Wine Venue Alcoholic Beverage Waiver)
D) Summary of Code Enforcement Cases
E) Applicant's Backup Material

Attachment: 09-07-21 - Staff Report Becca Ave PE (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

ATTACHMENT A
Recommended List of Conditions

CONDITIONS:

1. All other applicable state or federal permits must be obtained before commencement of the development.
2. Improvements shall be consistent with the attached conceptual plan of the parking exemption area (Exhibit A) and landscaping plans (Exhibit B).
3. Only paved surface parking is permitted. No parking structures are allowed within the parking exemption area.
4. For use only by customers, employees of the Celebration Park Naples or vendor employees.
5. No vendor operations or special events are allowed in the parking exemption area.
6. Hours of operation shall be between 9:30 AM to 10:30 PM~~, no more than six days a week and will remain closed on Mondays~~.
7. Lighting to be bollard style no higher than forty-eight inches except for pole lighting adjacent (within ten feet) of any right-of-way not to exceed ten feet in height. All lighting to be Dark Sky compliant, shielded and not to exceed 0.2 foot-candles at residential property lines. Lighting to be restricted to evening hours of operation.
8. A finished (stucco and paint or equivalent) eight-foot masonry wall, a minimum of ten-foot from the property line, shall be installed along the north and west property lines common with residential properties. Wall height shall be measured from average design height of finished drive isle centerline.
9. A type B buffer as enhanced with trees spaced twenty-foot on center as shown on landscape plan will be installed along the west and north property lines.
10. The finished eight-foot masonry wall and landscaping on the residential side of the wall, shall be completed by the end of December 2019 along the west and north property lines.
11. No dumpster or trash containers will be allowed within the parking lot with the exception of trash receptacles that are to be emptied daily.
12. No loading or unloading allowed from the parking exemption area.
13. The parking exemption area will have a controlled restricted access point that will be opened and closed consistent with the allowed hours of operation of the parking area.
14. Signage will be installed directing customers to the sidewalk connection along Bayshore Drive for use of the Becca A venue crossing.
15. The applicant shall provide regular patrolling of the parking exemption area, no less than hourly, but additionally if needed to control loitering and to direct patrons of the Food Truck Park to use the designated parking spaces and boat tie ups and not park vehicles or tie up boats on neighboring properties or Rights of Way. Video cameras will be installed to monitor the parking lot and shall be directed away from the abutting residential areas.
16. The dry detention area shall be curbed with a type D curb or equivalent.
17. The pedestrian crossing at Becca A venue and Bayshore Drive shall utilize high visibility striping.

Attachment: ATTACHMENT A - Recommended List of Conditions (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

HEX NO. 2019 – 38

HEARING EXAMINER DECISION

PETITION NO. PE-PL20180003220 - Bayshore Redevelopment Group, LLC requests a parking exemption under LDC Section 4.05.02.K.3 to allow off-site parking on lots zoned Residential Multi-Family-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay District (RMF-6-BMUD-R1) and separated from the permitted use by a local road. The subject property is located at the northwest corner of Bayshore Drive and Becca Avenue in Section 11, Township 50 South, Range 25 East in Collier County, Florida.

DATE OF HEARING: August 22, 2019

STAFF RECOMMENDATION: Approval.

FINDINGS:

Based on the applicant's written petition, testimony at the hearing of the applicant and the public, and the recommendation of staff, the Hearing Examiner finds that the criteria set forth in Section 4.05.02 K.3.b of the Land Development Code has been met and the petition should be approved.

ANALYSIS:

This petition requests a parking exemption within the Bayshore Overlay and will serve the principle use, Celebration Park (also known as Celebration Park Naples and Bayshore Food Truck Park), which is located to the south of the proposed parking area. This parking exemption process is not a review of the Celebration Park site.

Parking exemptions are reviewed in accordance with section 4.05.02.K.3a(2) where an applicant may seek an exemption for off site parking on sites that are not commercially zoned. In review of a dozen previous parking exemptions within the county, eight of those were approved in residentially zoned areas with three in the same underlying residential zoning district, RMF-6, as is this application. All previously approved parking exemptions included conditions of approval.

The required Neighborhood Information Meeting (NIM) was held with approximately thirty-seven names on the sign-in sheets. In addition to the NIM there was correspondence received from five individuals. At this hearing over 100 people were in attendance. Eighteen speaker slips were completed and there was a total of twelve speakers. The hearing lasted approximately two hours.

The subject property is within the Bayshore Overlay and is zoned RMF-6-BMUD-R1 (Residential Multi-Family at 6-units per acre within the Bayshore Mixed Use District and the Residential subdistrict 1 designation). This designation allows the underlying uses of the RMF-6 district which includes a variety of residential uses including multi-family and family care facilities. The overlay designation provides for similar residential uses of the RMF-6 zoning and changes to some development standards.

Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Off-site parking is an allowed use in the underlying zoning district with an approved parking exemption. The parking exemption process is not a change in zoning.

There are six lots involved in this request that will create 62 off-site parking spaces within a walled and landscape area (see Exhibit A). The intent of this parking exemption is to support the Celebration Park which is directly south, across Becca Avenue, from the proposed parking lot.

Access to the off-site parking area will be from Becca Avenue. This is a local street intersecting Bayshore Drive, a collector roadway, and the parking exemption property is in the northwest corner of that intersection. Due to spacing and traffic safety issues, entry from Bayshore Drive is not possible.

Bayshore Drive is the primary roadway into this part of the Bayshore neighborhood. Approximately eighty percent of the west side of Bayshore Drive south to Thomasson Drive is zoned commercial. With a predominance of commercial zoning in this redevelopment area, the parking lot will provide a transition from the adjacent C-4 zoning to the south and the residential to the north and west.

Without this off-site parking lot, the possibility of more potential parking problems in the neighborhood would increase. As proposed, the parking lot would be easily recognizable upon entering Becca Avenue and the flow of traffic to serve the principal use will not be negatively impacted.

The County had previously realized the need for additional parking while allowing for commercially zoned properties along Bayshore Drive. As such, the Overlay includes numerous areas designated on the zoning maps as APZ, Accessory Parking Zones (see Exhibit C). There is an APZ designation directly to the west of the Celebration Park across an abutting canal; this area if used as a parking lot, would have driveway access from either Becca Avenue or Cypress Street, or both. Either access would be further west on Becca Avenue than the access to the proposed parking lot. Because of the APZ designation, this area on Cypress Street would not have needed a parking exemption.

While the APZ is another option it would cause further intrusion into the Becca Avenue neighborhood and does not appear to be a more viable alternative to the proposed parking exemption area. Buffers required in the APZ areas by the Bayshore Overlay are ten feet wide, with a six-foot masonry wall and trees spaced thirty feet on center OR a fifteen-foot buffer with trees spaced twenty-five feet on center, a hedge of ten-gallon plants at five-feet high, with a three-foot spread and spaced four-feet on center (no wall required).

For the parking exemption lot, the applicant will provide a fifteen-foot landscape buffer and an eight-foot wall along the north and west property lines and ten-feet in from those property lines to provide area for more plantings on the residential side of the wall (see Exhibit B). Trees will be planted twenty-foot on center with additionally required plantings as provided by the Land Development Code and the attached Exhibit B. This buffer exceeds the APZ requirements. Along the roadway frontages the applicant will be adding four-foot walls with plantings.

To resolve some of the buffering issues as expeditiously as possible with the adjoining residential neighbors, the applicant has agreed to complete the residential property boundary walls and

Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

landscaping on the residential side of the wall, by the end of 2019. Staff concurred that this was feasible pending swift responses by the applicant to staff's reviews.

While some parking exemptions use valet parking, valet parking is not being contemplated at this time. The parking exemption area will be limited to customer, employee and vendor parking. Vendor parking does not include operations or loading or unloading.

Celebration Park is constructed under site development plan PL20170000252. While the Celebration Park site plan is outside of this review, that initial plan did not anticipate the amount of traffic being generated based on activity at Celebration Park. This has resulted in the need for additional parking and a re-review of the initial site development plan is in process as a plan amendment. This parking exemption would provide up to sixty-two spaces as part of the parking necessary for Celebration Park. The furthest parking space from the Celebration Park is approximately three hundred twenty feet, providing a reasonable distance to accommodate customers.

At the south and east side of the parking lot, within the walled area, a five to six-foot sidewalk will be constructed directing customers to follow the interior walkway to a connecting walkway at Bayshore Drive. Where Becca Avenue intersects Bayshore Drive, a high visibility pedestrian cross walk will be provided to allow customers safe access to the Celebration Park Naples. It is expected that this internal walkway along with the wall and landscaping will discourage pedestrians from crossing randomly along Becca Avenue and route customers to the Bayshore/Becca cross-walk. In addition, the applicant will provide directional signage toward the cross-walk area as shown on Exhibit A.

DECISION:

The Hearing Examiner hereby approves Petition PE-PL20180003220 filed by Frank J. Feeney, P.E., of Q. Grady Minor & Associates, P.A., representing Bayshore Redevelopment Group, LLC, to allow off-site parking on lots zoned Residential Multi-Family-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay District (RMF-6-BMUD-R1) and separated from the permitted use by a local road known as Becca Avenue, to serve an outdoor bar and food truck park known as Celebration Park Naples. The off-site parking lot located at the northwest corner of Bayshore Drive and Becca Avenue and further described herein shall comply with the Plans attached as Exhibits "A" and "B", and shall be subject to the condition(s) set forth below.

ATTACHMENTS: Exhibit A – Site Plan
Exhibit B – Landscape Plans
Exhibit C – Bayshore Overlay Map

LEGAL DESCRIPTION: Lots 45, 46, 47, 48, 49 and 50, Rebecca Weeks Subdivision, according to the map or plat thereof as recorded in Plat Book 2, Page 81, Public Records of Collier County, Florida.

Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

CONDITIONS:

1. All other applicable state or federal permits must be obtained before commencement of the development.
2. Improvements shall be consistent with the attached conceptual plan of the parking exemption area (Exhibit A) and landscaping plans (Exhibit B).
3. Only paved surface parking is permitted. No parking structures are allowed within the parking exemption area.
4. For use only by customers, employees of the Celebration Park Naples or vendor employees.
5. No vendor operations or special events are allowed in the parking exemption area.
6. Hours of operation shall be between 9:30 AM to 10:30 PM, no more than six days a week and will remain closed on Mondays.
7. Lighting to be bollard style no higher than forty-eight inches except for pole lighting adjacent (within ten feet) of any right-of-way not to exceed ten feet in height. All lighting to be Dark Sky compliant, shielded and not to exceed 0.2 foot-candles at residential property lines. Lighting to be restricted to evening hours of operation.
8. A finished (stucco and paint or equivalent) eight-foot masonry wall, a minimum of ten-foot from the property line, shall be installed along the north and west property lines common with residential properties. Wall height shall be measured from average design height of finished drive isle centerline.
9. A type B buffer as enhanced with trees spaced twenty-foot on center as shown on landscape plan will be installed along the west and north property lines.
10. The finished eight-foot masonry wall and landscaping on the residential side of the wall, shall be completed by the end of December 2019 along the west and north property lines.
11. No dumpster or trash containers will be allowed within the parking lot with the exception of trash receptacles that are to be emptied daily.
12. No loading or unloading allowed from the parking exemption area.
13. The parking exemption area will have a controlled restricted access point that will be opened and closed consistent with the allowed hours of operation of the parking area.
14. Signage will be installed directing customers to the sidewalk connection along Bayshore Drive for use of the Becca Avenue crossing.
15. The applicant shall provide regular patrolling of the parking exemption area, no less than hourly, but additionally if needed to control loitering. Video cameras will be installed to monitor the parking lot and shall be directed away from the abutting residential areas.
16. The dry detention area shall be curbed with a type D curb or equivalent.
17. The pedestrian crossing at Becca Avenue and Bayshore Drive shall utilize high visibility stripping.

DISCLAIMER:

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

Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

APPEALS:

This decision becomes effective on the date it is rendered. Pursuant to Ordinance 2013-25, as amended, a Hearing Examiner Decision may be appealed to the Board of County Commissioners or the Board of Zoning Appeals, as appropriate. Appeals must be filed within 30 days of the date the Hearing Examiner Decision is rendered.

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.

9-4-19
Date

Mark Strain, Hearing Examiner

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

ZONED: RMF - 6 - BMUD - R1
CURRENT USE: RESIDENTIAL

ZONED: RMF - 6 - BMUD - R1
CURRENT USE: RESIDENTIAL

ZONED: RMF - 6 - BMUD - R1
CURRENT USE: RESIDENTIAL

ZONED: RMF - 6 - BMUD - R1
CURRENT USE: RESIDENTIAL

15' TYPE 'B' LANDSCAPE BUFFER

PROPERTY BOUNDARY

8' CONCRETE WALL

4' SCREEN WALL

ZONED: RMF - 6 - BMUD - R1
CURRENT USE: RESIDENTIAL

15' TYPE 'B' LANDSCAPE BUFFER

PROPERTY BOUNDARY

5' SIDEWALK

RIGHT-OF-WAY

BAYSHORE DRIVE (PUBLIC)

10' TYPE 'D' LANDSCAPE BUFFER

DRY DETENTION

CONCRETE FLUME

CONCRETE FLUME

INTERNAL PEDESTRIAN DIRECTIONAL SIGNAGE

6' SIDEWALK

CONCEPTUAL INTERNAL DIRECTIONAL SIGNAGE

ALL PEDESTRIANS PLEASE USE SIDEWALK TO BAYSHORE THIS WAY

8' CONCRETE WALL

4' SCREEN WALL

INTERNAL PEDESTRIAN DIRECTIONAL SINGNAGE

RIGHT-OF-WAY

PROPERTY BOUNDARY

10' TYPE 'D' LANDSCAPE BUFFER

SPECIAL EMPHASIS CROSS WALK

BECCA AVENUE (PUBLIC)

PARKING SPACES ON PARKING LOT PARCEL = 62

ZONED: RMF - 6 - BMUD - R1
CURRENT USE: RESIDENTIAL

ZONED: C4 - BMUD - NC
CURRENT USE: COMMERCIAL

N

0 15' 30'

11x17 SCALE: 1" = 30

LEGEND

Revision	Date	Description	By

DESIGNED BY: F.J.F.
DRAWN BY: D.M.S.
APPROVED: F.J.F.
JOB CODE: BSPARKLT
SCALE: 11x17 1" = 30'

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 • Cert. of Auth. LB 0005151 • Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380
Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

BAYSHORE PARKING LOT

PARKING EXEMPTION CONCEPTUAL PLAN

ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD '88) CONVERSION FACTOR TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD '29) IS (+)1.217

FRANCIS JOSEPH FEENEY, P.E.
FLORIDA P.E. LICENSE NO. 64

MUNICIPALITY: COLLIER COUN
SEC/TWN/RGE: 11/50S/25E
DATE: JULY 2019
SUBMITTAL TYPE: CONCEPT

Exhibit "A"

Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

CONCEPTUAL LANDSCAPE PLAN

15' Type 'B' Buffer

8' WALL WITH ROOT BARRIER; SELECTION BY OTHERS

4' WALL WITH ROOT BARRIER REQUIRED (SEE DETAILS); SELECTION BY OTHERS

BAYSHORE DRIVE (PUBLIC)

*10' Type 'D' Buffer

15' Type 'B' Buffer

8' WALL WITH ROOT BARRIER; SELECTION BY OTHERS

Crushed shell overhang (typ.)

EXISTING MANGROVE AREA / COORDINATE TREE PLACEMENT WITH EXISTING TREE CANOPY / ROOT LINE (SEE ENGINEERING SET FOR TREE COUNT)

*10' Type 'D' Buffer

BECCA AVENUE (PUBLIC)

4' WALL WITH ROOT BARRIER REQUIRED (SEE DETAILS); SELECTION BY OTHERS

* The street side of the streetwall shall have trees at 30 feet on center planted within tree wells or a minimum 5 foot wide strip with ground covers other than grass.

unobstructed visibility at a level between 30 inches and 8 feet above the crown of the adjacent roadway (TYP)

CANOPY TREES TO BE SPACED 20' O.C. IN TYPE 'B' BUFFERS

BAYSHORE FOOD TRUCK PARK - PARKING LOT - HEX EXHIBITS 08.27.19

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eMERGE design llc LANDSCAPE ARCHITECTURE | PLANNING

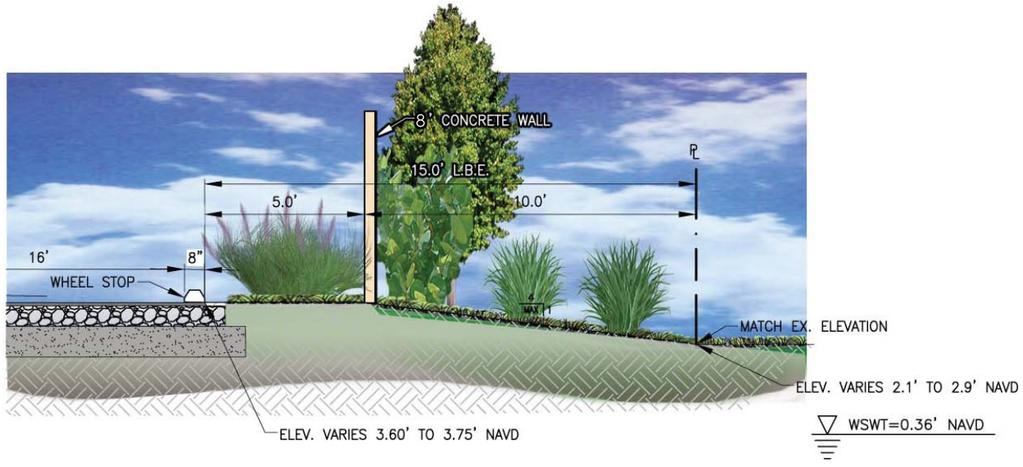
Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

CONCEPTUAL LANDSCAPE LIST/SECTIONS

PLANT SCHEDULE

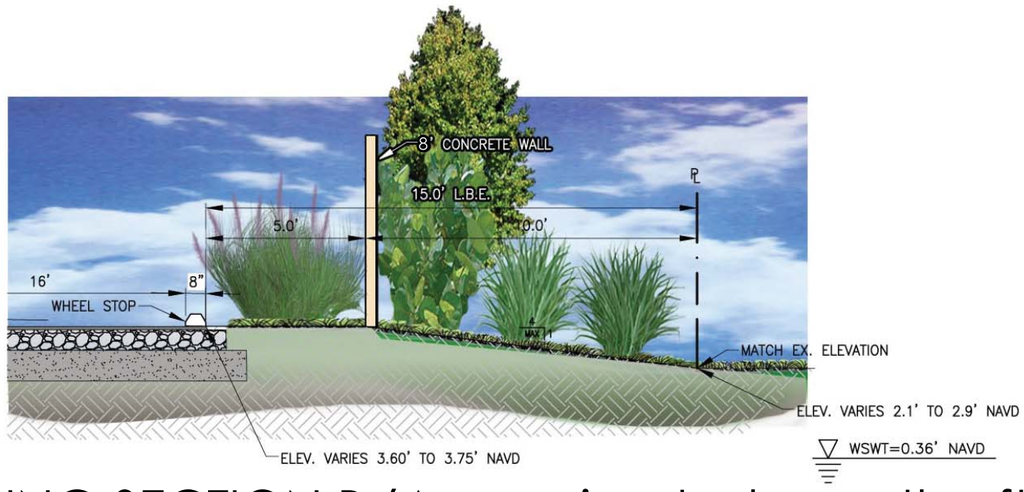
native / zone

TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	DETAIL
BUR SIM	7	Bursera simaruba / Gumbo Limbo	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y / 10
CON ERE	16	Conocarpus erectus / Buttonwood	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y / 10
CON SE2	12	Conocarpus erectus 'Sericeus' / Silver Buttonwood	B & B	1.75"; multi-trunk	10'-12'H X 5'-6'W	Y / 10
COR SEB	4	Cordia sebestena / Orange Geiger Tree	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y / 10
PUN PIS	3	Pisidia piscipula / Jamaica Dogwood	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y / 10
TAX ASE	1	Taxodium ascendens / Pond Cypress	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y / 7
PALM TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	DETAIL
SAB SAB	3	Sabal palmetto / Cabbage Palmetto	B & B		16', 20', 24' O.A., Stagger adj. height	Y / 7
SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	FIELD2	FIELD3 / NOTATION	DETAIL
CHR RED	173	Chrysobalanus icaco 'Red Tip' / Red Tip Cocoplum	5 gal	18" O.A.	5' min. bed width	Y / 10
COC UVI	98	Coccoloba uvifera / Sea Grape	10 gal	5' O.A., 4' O.C.		Y / 10
SHRUB AREAS	QTY	BOTANICAL / COMMON NAME	CONT	FIELD2	FIELD3 / NOTATION	DETAIL
MUH CAP	193	Muhlenbergia capillaris / Pink Muhly	1 gal	4' O.C.	3" crushed shell	Y / 7
TRI FAK	316	Tripsacum dactyloides / Fakahatchee Grass	1 gal	4' O.C.	3" crushed shell	Y / 7
GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	FIELD2	FIELD3 / NOTATION	DETAIL
HEL DEB	285	Helianthus debilis / Dune Sunflower	1 gal	12" O.A.	3" crushed shell	Y /10



ENGINEERING SECTION B (Code-planted)

NOT TO SCALE



ENGINEERING SECTION B (Approximated growth after 1 Year)

NOT TO SCALE

Attachment: ATTACHMENT B - HEX Decision 2019-38 (200186 : PL20210000596 2831 Becca Avenue Parking Exemption)

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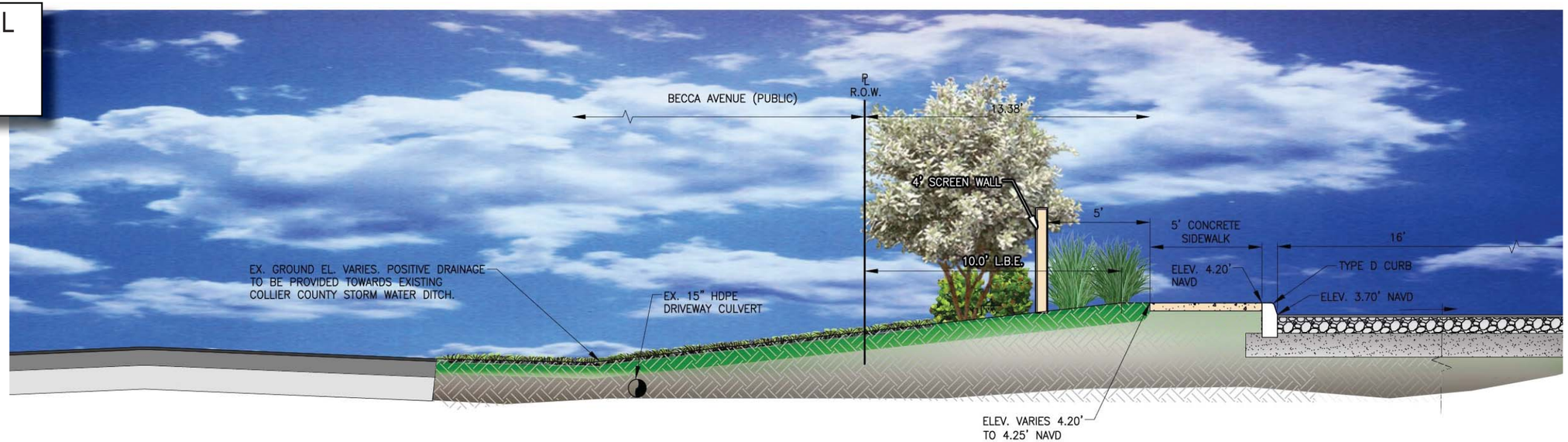
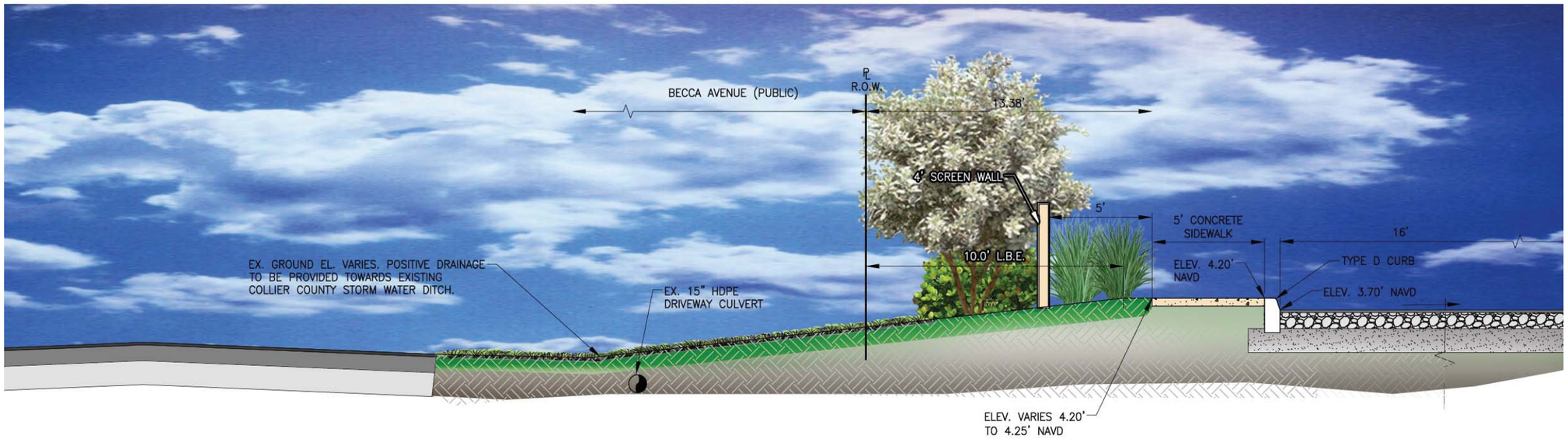
CONCEPTUAL LANDSCAPE SECTIONS



ENGINEERING SECTION C (Code-planted)

NOT TO SCALE



ENGINEERING SECTION C (Approximated growth after 1 Year)

NOT TO SCALE

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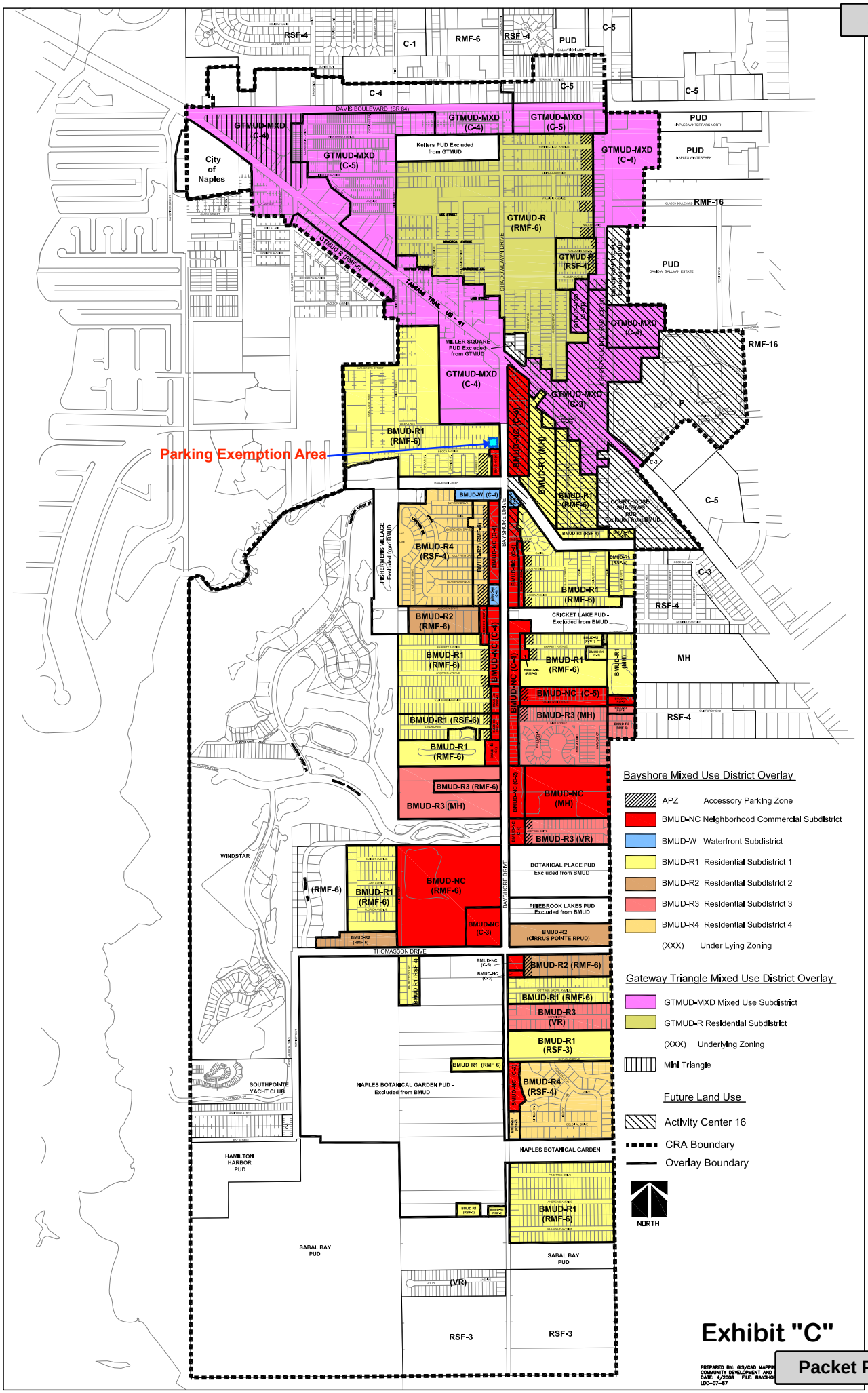
Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL 20210000596 2831 Becca Avenue Parking Exemption)



Attachment: ATTACHMENT B - HEX Decision 2019-38 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY HEARING EXAMINER
Naples, Florida
August 22, 2019

LET IT BE REMEMBERED, that the Collier County Hearing Examiner, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION at 2800 North Horseshoe Drive, Room 609/610, Naples, Florida, with the following people present:

HEARING EXAMINER MARK STRAIN

ALSO PRESENT: Raymond V. Bellows, Zoning Manager
Tim Finn, Principal Planner
Heidi Ashton-Cicko, Managing Assistant County Attorney

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

PROCEEDINGS

HEARING EXAMINER STRAIN: Ladies and gentlemen, good morning. Could I have your attention, please. Everyone, if you'll please refrain from discussion at this point.

We have two clocks in the room. One is at 9:00, and the other's a few minutes before, a couple minutes before. But my watch says it's 9:00, so we'll go by 9:00. The meeting's going to start.

If you all have cell phones with you, if you please don't mind putting them on silent or turning them off for no interruptions.

And with that, would everybody rise for Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

HEARING EXAMINER STRAIN: Thank you.

And welcome to the Thursday, August 22nd meeting of the Collier County Hearing Examiner's Office.

My name is Mark Strain. I am the Hearing Examiner for Collier County.

Some housekeeping items as we move forward with this meeting: Speakers will be limited to five minutes unless otherwise waived, decisions are final unless appealed to the Board of County Commissioners, and a decision will be rendered within 30 days.

In review of the agenda, we have two items, or we had two items on today's agenda. The first one was Petition No. VA-PL20190000336. It was Norbert Hajduk requesting a variance in the Lely Country Club PUD.

Mr. Hajduk has requested that that item be withdrawn. He's no longer pursuing that variance, so that is not going to be heard today.

Is there anybody here for that particular item?

Sir, just for your information, we're not going to be discussing it. The gentleman withdrew this request.

MR. DOUGLASS: Which is fine.

HEARING EXAMINER STRAIN: With that, we'll move right into -- we have our advertised public hearings that are remaining. It's Item 3B. I imagine it's the one you all are here for. Petition No. PE-PL20180003220. It's the Bayshore Redevelopment Group, LLC. It's for a parking exemption on six lots in the RFMUD-6 BMUD-R1 district.

Now, if you're planning to testify and speak on this, we have speaker slips outside. Those people will be called first, but I'm here to listen to what you all have got to say. So even if you don't fill out a speaker slip, at the end I'll say, "Does anybody else want to speak?"

I do ask that you try to limit your speak -- your speaking to items that are not redundant. And if you agree with the previous speaker, it's great just to say I agree or disagree. And with that in mind, would everybody wishing to speak on this item please rise to be sworn in by the court reporter.

(The speakers were duly sworn and indicated in the affirmative.)

HEARING EXAMINER STRAIN: Okay. With that, my disclosures: I have talked with staff. Certainly, I went down to the site a few days ago to see what it looked like. I've talked with the applicant several times. We met at one point, the applicant's representative, that is; talked with several of the county commissioners; and I've done extensive research on this particular area of Bayshore both now and, of course, in the past.

So with that in mind, we'll move right into the presentation by the applicant.

Mr. Mulhere, it's all yours.

MR. MULHERE: Thank you, Mr. Strain. For the record, my name is Bob Mulhere. I'm

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

with the firm of Hole Montes and working on behalf of the applicant.

Also with me this morning, Frank Feeney, who's the civil engineer with Grady Minor who has designed the off-site parking lot. I'm just going to -- I don't have a really lengthy presentation, but I do want to go over a few issues before -- I know you have a fairly busy agenda, so...

HEARING EXAMINER STRAIN: Well, I'd like you to be as detailed as to some of the issues you may be aware of. I had received seven or eight emails. I forwarded all those to the staff.

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: Some were in the report. I believe you may have seen copies of them. Staff should have sent them to you, and I know staff will be putting the ones that came after the report was issued on record today.

I also received, by the way, a couple phone calls from people in the area.

So -- but, Bob, I would like you to address as many of the issues that you are aware of --

MR. MULHERE: Thank you.

HEARING EXAMINER STRAIN: -- because I'll be asking you questions on others. Okay.

MR. MULHERE: Yeah. So just to start out with, this is a copy of the Collier County zoning map, and it shows Bayshore. And Becca is right here. Celebration Park is right here. The off-site parking lot is right here, and it's the six contiguous lots starting on the frontage lot on Bayshore. And I have a blowup of that.

So this shows a little more detail. And I've labeled the six parking lots. The zoning on those, as you indicated, is RMF-6 with the Bayshore Mixed Use District R1 Overlay, Residential 1 Overlay.

Again, Celebration Park is right here. I pointed out this group of lots right here highlighted in yellow. The striping on those lots on the zoning map indicate that that falls within an accessory parking zone called APZ, and that allows residentially zoned lots that are permitted for off-street parking or water retention in management areas.

I point that out because, as you can see from the location, these lots would require traffic to come down further on Becca and potentially even access it off Cypress, as opposed to these lots, which allows the access closer to Bayshore.

HEARING EXAMINER STRAIN: While you're on that page, just a quick question for Ray Bellows. Ray is our zoning manager.

Ray, would an APZ need a process like we're going through today?

MR. BELLOWS: For the record, Ray Bellows. The APZ is zoned currently as part of the Bayshore overlay, so it would not need a public hearing.

HEARING EXAMINER STRAIN: Okay, thank you.

MR. MULHERE: This I know is going to be a little bit hard to see. I'll point out -- so this is the LDC table for residential development under the Bayshore Mixed Use District R1 overlay, and it provides the development standards.

I guess in particular, I'd point out that single-family homes are allowed, row houses are allowed, which would be attached dwelling units, a multifamily product, as well as apartments. The density that is allowed in RMF-6 is six units per acre. There are six platted lots that make up the off-site parking lots. So, obviously, six units without any type of density bonus, there are a couple of opportunities for density bonus, most notably an affordable housing density bonus. But the base density is six units per acre on those lots.

And within that RMF-6 Bayshore Mixed Use District, the development standards would allow for a height -- a zoned height of 35 feet, which you can see runs across the bottom here. So

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

all those types of uses that are allowed would allow a zoned height of 35 feet. The structure could be likely maybe 40 feet. But that would allow for three stories at 10-foot floor-to-ceiling heights.

You can see under, for example, row house, a side-yard setback of five feet. And, collectively, these lots would constitute a corner lot if they were developed collectively.

So you have frontage on Becca and Bayshore. The west and north property lines adjacent to residential zoning would be side yards. So a side-yard setback, for example, attached dwelling units under the row house, could be as little as five feet; for single-family it's seven-and-a-half; and for apartments it's seven-and-a-half, but there are some exceptions to that.

So this is the exceptions to the dimensional requirements. And this allows for a zero side yard setback for row houses and apartments. It also provides for the minimum dimensional standards for area for duplexes and two-family.

So the LDC has several opportunities to allow for off-site parking. One is noncontiguous lots under the same ownership, and that's what we're looking at here, which requires the exemption to locational requirements.

So No. 3 is the parking exemption which allows the Hearing Examiner to review and approve off-site parking under the same ownership but which falls under one of those criteria listed below -- one or more of those criteria listed below.

And this parking lot -- this aggregation of lots is not zoned commercial. It's zoned RMF-6, which is why we're here today.

So this is a copy of the off-site parking site plan. I'll make that a little bit bigger.

HEARING EXAMINER STRAIN: Bob, one clarification on that last slide.

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: I recall a conversation I had with one resident in the neighborhood. He was under the impression we were rezoning this to commercial. And a parking exemption, ladies and gentlemen, is not a zoning. It's just an allowance to allow parking. It doesn't change the zoning of the property. It does not zone the property commercial. That is not part of the action today. If it was that kind of action, it would be going to a different board. I wouldn't be hearing it.

MR. MULHERE: Yeah. There are specific criteria, and -- by which you would review this and make your recommendation. I have those, and I'll talk a little bit about those, but it doesn't change the zoning. And this public hearing process provides an opportunity to put conditions -- other conditions, additional conditions onto this request.

So this is the site plan, and, of course, Bayshore is here. Becca is there. Here's the entrance to the parking area. It's a one-way drive. The setback to the adjacent residential lots is 15 feet. We depict a 6-foot wall adjacent to those lots. The dry retention is in the center. And there is also a decorative wall along the front. In addition to the aesthetics of that decorative wall, the purpose of that is to direct people who use this parking lot to a safe crossing opportunity as opposed to just crossing anywhere along Becca.

And so -- of course, that wall is not installed yet, and none of these improvements, basically, are installed, so...

HEARING EXAMINER STRAIN: Bob, would you point out the sidewalk and the locational wall specifically on that plan. It's hard to read the way it's written. And, also, the direction that you're going to provide signage, I would assume, would be that people would be directed towards Bayshore, so they would cross at the Becca entrance to Bayshore.

MR. MULHERE: Correct, yes. Right here there will be signage. This sidewalk is right here.

HEARING EXAMINER STRAIN: And the crossing will be where?

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

MR. MULHERE: The crossing is --

HEARING EXAMINER STRAIN: Not there. No, no. Bayshore and Becca, I believe --

MR. MULHERE: Oh, right here.

HEARING EXAMINER STRAIN: -- is where you have indicated. The problem's been, from some of the reports --

MR. MULHERE: It's not labeled on the site plan.

HEARING EXAMINER STRAIN: -- that people are wandering across Becca, and it's a dangerous situation.

MR. MULHERE: Yeah. Because there's no barrier and no direction, really, at the present moment. There will be when this is improved.

We have an enhanced landscape buffer also. And this is the site plan with an overview, a plan view of the landscape buffer showing the wall location. The wall is set off, I believe, 10 foot from the adjacent residential property line, and the landscape -- the majority of the landscaping will be placed on the residential side of that wall.

Certainly, the -- you know, there could be some landscaping also placed within the five feet on the other side of the wall but, obviously, our objective was to buffer the neighbors from the parking lot with the wall and the landscaping. So the majority of the landscaping is in that 10 foot that is on the residential side of the wall.

This also depicts the landscaping along the street rights-of-way. I have a little more specific exhibit right here. I just want to make sure I've got the right one here. Yeah, that is. Yep, that's the enhanced. So I'm going to make that a little bit bigger.

This top photo that you're looking at now is the landscaping -- depicting the landscaping primarily on the residential side of the wall, and that is at the time of planting. There are a little bit -- going to be very hard to read, but there's a plant schedule here. These are larger than code required so that -- because these are required to achieve an opacity of 80 percent within one year of time of planting. So you have to put in larger plants to achieve that opacity.

This exhibit depicts the landscaping approximating the growth after one year.

HEARING EXAMINER STRAIN: That list of plant material, Bob, would you read off the primary plants. I'm not -- not so much the ground cover, but the larger plants, if you can.

MR. MULHERE: If I can read it.

HEARING EXAMINER STRAIN: I have -- Mark Templeton is here somewhere. Mark -- okay. At some point during the meeting I'm going to ask him his opinions on the plant materials to make sure that if this were to go forward, the plant material's the best that could be placed there in regards to opacity, growth, other issues.

MR. MULHERE: You know, I have to apologize. It looks like, gumbo limbo is the first one under the botanical common name title.

HEARING EXAMINER STRAIN: Yep.

MR. MULHERE: And then buttonwood, silver buttonwood, orange geiger tree.

HEARING EXAMINER STRAIN: Looks like it.

MR. MULHERE: I'm glad I don't have to do the Latin. Jamaica dogwood and pond cypress. Those are the larger plant species.

HEARING EXAMINER STRAIN: That will be enough to get Mark Templeton's thoughts on it when we get to the staff report.

MR. MULHERE: Yeah. I believe Mark has seen this. If not, I certainly will share it with him.

HEARING EXAMINER STRAIN: Has this been submitted to the county yet for review?

MR. MULHERE: This particular exhibit, no. We prepared this -- they have a landscape

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

plan, but this particular exhibit was prepared for the hearing.

So, as I mentioned, there is criteria in the code which the Hearing Examiner should consider, shall consider, and that's 1 through 12, and the application that we submitted addresses those criteria that we believe are applicable. Not all of them are applicable; for example, whether the parking is in excess of what's required. This parking is required.

And things such as the distance from the farthest parking space to the facility. Of course, this is directly across a local road. Pedestrian safety, which we talked a little bit about with respect to the wall and the sidewalk.

Character and quality of the neighborhood; future development of surrounding properties, which I did discuss a little bit; the alternative development with residential; potential parking problems for the neighbors. We know there have been problems with the parking lot as it exists today. We are looking to remedy those problems.

Internal traffic flow, vehicular access, and whether the buffers adjacent to the property zoned residential are 15-foot in width and include a wall in addition to the landscaping.

So we -- there's no intent to use this for valet parking, certainly not at this point in time.

And the -- whether there are more viable alternatives available -- I did discuss one viable alternative but, again, that would bring more traffic into that residential street to a further depth.

So with that, I know you have a lot of questions, and I would like to -- obviously you're going to go to public hearing. I'll take notes and respond to those.

HEARING EXAMINER STRAIN: Okay. But first between -- we normally hear the applicant. I'll ask questions, then we go to staff, get the staff report, staff members will come up and explain their take on what they've heard, and by that time you'll get a good reading on what's being proposed versus what you may not have heard or seen previously, and then we'll go to public speakers.

So with that, Bob, based -- can you put that site plan back on. Not the one with the landscaping but the one with the --

MR. MULHERE: Sure.

HEARING EXAMINER STRAIN: -- traffic -- or the spaces.

MR. MULHERE: You're talking about the black-and-white two dimensional?

HEARING EXAMINER STRAIN: Yes. Now, by count, you've got 59 spaces of regular spaces and three handicapped. Is that --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- correct? And is that consistent with the proposed SDP that you have in process --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- or you're going to have in process?

MR. MULHERE: It is, yes.

HEARING EXAMINER STRAIN: Okay. Now, according to the table, you're required to have 68. You're providing 75. Now, that's got to be including what's across the street on the south side then.

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: Okay. And there I know you've got one parking space and then probably 12 regulars.

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: Okay. The dry detention that you have in the center, I noticed on each corner on the ends it looks like you're curbing that, but it doesn't show what's -- any curving leading up to the other flumes that are coming off the parking area. And the

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reason I'm asking is because people have a tendency to park anywhere if it gets crowded.

And I would hate to see that parking -- that dry detention have people just driving off because there's no way to -- nothing stopping them from doing so.

MR. MULHERE: Obviously, there's bumper stops here. You're talking about somebody pulling in here or here.

HEARING EXAMINER STRAIN: Right.

So I'm suggesting maybe an F curb or something substantial enough people -- it's going to discourage people from driving into what -- what will probably be a landscape area if it gets built.

MR. FEENEY: For the record, Frank Feeney. I'm the civil engineer for the project.

HEARING EXAMINER STRAIN: Could you spell your last name for the court reporter.

MR. FEENEY: F-e-e-n-e-y.

At this point in time we do not have a curb shown on that, but we are not -- we're not against actually putting a D curb to prevent any vehicles from actually trying to park half in and half off of that.

HEARING EXAMINER STRAIN: A D curb is a raised curb as well.

MR. FEENEY: Yes, sir; six inches raised.

HEARING EXAMINER STRAIN: When Matt McLean comes up and talks about the site plan, we'll confirm with him that that doesn't have a problem with his department, so thank you.

I'm looking at some of the questions I had. I think some of them have been answered by what you've just provided. The wall that's proposed and the landscaping on the outside of the wall, if you were to move forward with that on a most rapid pace possible, when would that possibly be completed if that were allowed to go forward?

MR. MULHERE: If we were approved and able to go forward, the SDP, depending on any changes that might be made as a condition of approval of this if that were to happen, the SDP is pretty close to being approved. So staff's already reviewed it a couple of times. There have to be some minor changes. That would be pretty quick.

As soon as the SDP is approved, we would move forward and make that -- a first priority of improvement would be the wall and the landscaping. I would say no later than the end of the year.

HEARING EXAMINER STRAIN: Okay.

MR. MULHERE: You know, January 1st maybe.

HEARING EXAMINER STRAIN: The reason I'm asking is I did get a letter from one gentleman who lives behind, and it looks like there was vegetation possibly behind his house on your side of the property line -- your former owner probably left it there -- and it got cleared when this fill was placed out there, and now he's got a view that isn't pleasant. And I -- I am concerned about things like that.

MR. MULHERE: Yeah. I mean, I think that we should make that a first priority of business to install the landscaping, give it the longest chance to grow to become opaque, and the masonry wall as well, which will reduce sound.

I didn't mention that, obviously, we will reduce or limit the height of lighting in the parking lot as well, so there won't be any light intrusion either, so...

HEARING EXAMINER STRAIN: You're anticipating a question I'm going to have, and that's on that subject. But let me clear up a couple other items in order so I don't get confused and take something out of order.

You're only asking -- and this would only be for paved surface parking only. No parking structures.

MR. MULHERE: Correct. That's correct, surface parking only.

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HEARING EXAMINER STRAIN: That would be a condition for sure. The others that -- it's only for patrons and employees of the Celebration Park. It wouldn't be for the general public. Is that --

MR. MULHERE: That's correct.

HEARING EXAMINER STRAIN: -- consistent with your understanding?

MR. MULHERE: Yep.

HEARING EXAMINER STRAIN: Your hours of operation, I saw in the staff report, I think we're looking at somewhere about 9:30 to 10:30 with the -- the park's open 10:00 to 10:00.

MR. MULHERE: Yeah. I think a half an hour in advance is sufficient. You know, employees may arrive a half an hour in advance, and folks may leave a few minutes after that. We want to ensure that people are, you know, leaving very quickly after the close of the park, so yes.

HEARING EXAMINER STRAIN: Lighting. We have in other -- there's been a dozen or more parking exemptions; the most recent ones I took a look at to see what standards we -- were accepted in some of them, and we have gone to bollard style lighting, which is about 42 or 48 inches high at the most in the parking areas, and then if there is any pole lighting, it's within a certain range of the right-of-way, within five or 10 feet of the right-of-way so that if the right-of-way requires the pole lighting, it's there. And I would -- and also Dark Skies compliant. Is any of that inconsistent with what you're considering?

MR. MULHERE: No, no. We're completely comfortable with accepting a condition like that. The lighting, bollard lighting, low-level lighting probably means there will have to be a few more bollards put in to meet the safety designs of the lighting standards, but that can be accomplished, and no problem with that.

HEARING EXAMINER STRAIN: You're looking at holding the wall back 10 feet from the property line. The --

MR. MULHERE: That's correct.

HEARING EXAMINER STRAIN: -- wall between you and the residential.

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: The code requires six at minimum, so the 10 is so that you can have more plantings on the other side?

MR. MULHERE: Yep.

HEARING EXAMINER STRAIN: Okay. And those plantings will be the ones in that schematic you previously showed?

MR. MULHERE: Yes, that's correct.

HEARING EXAMINER STRAIN: Dumpsters. Parking provisions wouldn't allow a dumpster enclosure or trash containers other than possibly trash receptacles for people who would have a drinking cup or something they'd want to throw in before they got in their car. Are you understanding that as well?

MR. MULHERE: Yeah. Something small, yeah. No large dumpsters, no dumpster pickup; nothing like that would be in there.

HEARING EXAMINER STRAIN: There will be no allowed loading or unloading from this parking lot.

MR. MULHERE: Yeah, that's fine.

HEARING EXAMINER STRAIN: Okay. And, actually, I have -- Matt McLean will be speaking soon. The loading and unloading is supposed to occur on the site to the south. So there wouldn't be a need for one in this parking lot, and by code it wouldn't be allowed.

Are you restricting access during off hours?

MR. MULHERE: Yeah. The intent is to chain -- put a chain up that would prevent folks

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from entering and leaving either before 9:30 or after 10:30.

HEARING EXAMINER STRAIN: So if they're after -- if they don't get their car out by 10:30, they're locked in --

MR. MULHERE: They're out of luck. Maybe the manager will be there or somebody will be there to help them out. But, yeah.

HEARING EXAMINER STRAIN: Which brings up another question. I had one person call me talking about some rather distasteful loitering going on in the parking lot as it currently exists today. And how are you attempting to prevent that?

MR. MULHERE: I saw a couple of letters that made reference to that, which is unfortunate. And, of course, obviously, the landscape buffer and the wall will have some effective remedy, but I think the intention here is to monitor the parking lot at least once an hour to have a walk-through, more often if necessary.

But the other thing I felt that might be helpful would be to install some video cameras. They both work as a dissuader of inappropriate behavior -- sign, you know, video cameras -- and they also allow, you know, some ability to capture whatever might happen and take whatever necessary action would be necessary.

We don't really anticipate anything like that continuing with monitoring of the parking lot and with the improvements that we're making.

HEARING EXAMINER STRAIN: None of the vendor operations will be going on in this parking lot.

MR. MULHERE: That's correct.

HEARING EXAMINER STRAIN: And there will be no special events going on in this parking lot.

MR. MULHERE: Yep. No, special events. We obviously really need this for parking.

HEARING EXAMINER STRAIN: We're going to go into the staff report, look at what questions are there. The -- one of the questions raised earlier on I saw, it either was in an email or a phone call, was sediment control. There's some problems out front. I also have someone from transportation -- one of our engineers to talk to from the county's perspective, but can you tell me how you resolved that finish, if you resolved it, and what the status is going to be if this facility goes forward.

MR. FEENEY: The sedimentation issues that you bring up, Mark, were addressed earlier the past couple months. We have gone in and actually applied and put in a silt fence coming from about this location all along to prevent any water from coming from the actual site as it is right now and discharging out.

What we were seeing is there's an existing gravel driveway that is in this general vicinity that was improved upon by adding in a new layer for maintenance purposes, another layer of gravel over the top of it, and it was providing some siltation that was coming down and getting down into the swale as well as down Becca as well.

Since the pollution issues have come up, we have gone back in and re-topped this with a washed 57 stone so that you won't have the sedimentation issues. We've also grassed and made sure that this entire area is sodded to prevent some -- to provide some filtration as well as added in some sedimentation barriers in this general area to help again to prevent siltation from going off site.

HEARING EXAMINER STRAIN: I notice there's some mangroves in this oval area you have where it says "property boundary" on the right side, and I understand you're not removing those, neither is the county, because they're on the county side at this point, from what I hear as well. But that's where your outfall is, is it not?

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MR. FEENEY: Our outfall is actually going to be located right here in front of an existing concrete overflow. So, yes, our outfall's going to be going into that existing swale.

HEARING EXAMINER STRAIN: Now, when you -- if this site's developed, you'll be sloping all the perimeter towards the dry detention in the center with a catch basin that's going to trigger at a certain point and outfall into this other outfall over to the mangrove area; is that correct?

MR. FEENEY: Yes. Everything's going to be graded so it flows directly into the dry detention area. It will be treated and held in this area generally until we reach a certain elevation, as you mentioned, and discharge out into this general area of the swale. The mangroves that you're referring to are actually to the west in this general area. We're looking to try to pop through as -- not impacting the mangroves. We don't want to have to mess with them or deal with them, honestly.

HEARING EXAMINER STRAIN: Now, how does the process that you're putting together for drainage compare to the drainage situation that's being created by these six lots today?

MR. FEENEY: Right now there is no drainage being provided for dry pretreatment for the existing six lots. What we're providing is above and beyond what's currently there.

HEARING EXAMINER STRAIN: So by no pretreatment, the runoff from those six lots goes -- disperses anywhere that it's sloped to, whether it's Becca, Bayshore north or west.

MR. FEENEY: Generally, the existing lots right now are kind of graded away from Bayshore and would be grading back towards Becca and discharging either into this area or actually discharging out that way towards the west.

HEARING EXAMINER STRAIN: Okay. When you -- if you develop this site, or anybody were to develop it for any reason going forward, whether it's this or housing or whatever, the site would be sloped to a point where it's all caught on property, taken to that outfall at the mangrove area, and then it would no longer go onto Becca.

MR. FEENEY: That's correct.

Just so you know, the mention of the -- there's actually a weir structure. It's located right before where we would be tying into. So our outfall is downstream of that, so we would not be impacting any of the area in this -- further downstream to the west.

HEARING EXAMINER STRAIN: I'm checking some quick questions I may have on the balance of the staff report. Just give me just a minute. There's 77 pages. Actually, it was a smaller staff report than many of them we receive.

I don't have any other questions there.

And that takes me to the end of my questions of you at this point. We're going to go to staff comments. And --

MR. FEENEY: Before I jump off, Mark, I want to point out one other thing. I know that Bob mentioned this already, but I wanted to again point out that we are looking to direct all of our patrons to come on this existing -- or on this sidewalk through signage as well as with the screen wall that we are putting in -- or would be putting in along Becca to, again, help steer pedestrians to come up to the existing crosswalk at Becca and actually access the Celebration Park in that particular manner. We want to make sure that this is a safe pedestrian-friendly area, and part of it is making sure that we have the correct flow coming back to this point and crossing where it is currently.

HEARING EXAMINER STRAIN: Besides the sidewalk and the signage, there's that dark -- that solid offset line is a four-foot wall, is it not?

MR. FEENEY: Yes, it is.

HEARING EXAMINER STRAIN: And you'll have vegetation between there?

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MR. FEENEY: Yes, sir, it is.

HEARING EXAMINER STRAIN: And your lighting that you're scheduled to put in would only operate in off -- evening hours up the end of time of operation of the facility --

MR. FEENEY: Correct.

MR. MULHERE: Correct.

HEARING EXAMINER STRAIN: -- so it wouldn't be lighting -- the interior of this facility would not be lit all night long? Even though it will be bollard lighting, it would still be two or more feet below the wall, but it will still not continue during the night all night.

MR. MULHERE: Correct.

MR. FEENEY: That is the intent, yes.

HEARING EXAMINER STRAIN: Well, the intent will be consolidated into a potential stipulation if this were to go forward. These are items that I wanted to make sure we're --

MR. MULHERE: I mean, that's easy to handle through a timer, so, yeah.

HEARING EXAMINER STRAIN: That is all the questions I have at this point. Does anyone have anything to add before questioning to staff?

MR. MULHERE: No, thank you. I'm good.

HEARING EXAMINER STRAIN: Ray, I think with James on vacation this week, it's yours.

MR. BELLOWS: Correct. For the record, Ray Bellows. I'm filling in for James Sabo who was the project manager for this parking exemption.

You have received with your application package the staff report that contains staff's analysis of this parking exemption, staff's finding that it meets all the criteria for the parking exemption. It is consistent with the Comprehensive Plan and with the Bayshore overlay.

Staff is recommending approval of this parking exemption subject to the conditions contained in the --

(Applause.)

HEARING EXAMINER STRAIN: Ladies and gentlemen, I appreciate your response, but if you could refrain. We need to keep moving quickly with this meeting, or all of us will be here for a couple days. So thank you, though, for your comments.

MR. BELLOWS: I was just also going to add that the modifications presented by Mr. Mulhere are acceptable to staff in regards to landscaping and lighting.

HEARING EXAMINER STRAIN: Now, I'm going to be asking questions of some of the other staff members. If you hear anything -- Ray, by the way, has been here for how many decades?

MR. BELLOWS: Thirty-one years.

HEARING EXAMINER STRAIN: So there's nobody with a corporate history like Ray has. So, Ray, if you hear something that's inconsistent, please feel free to jump in.

MR. BELLOWS: Will do.

HEARING EXAMINER STRAIN: Okay. With that, I'd like to ask Matt McLean to start out, if Matt's here.

MR. McLEAN: Good morning. Matt McLean, Director of Development Review, for the record.

HEARING EXAMINER STRAIN: Thank you, Matt.

In the plan that you saw, the description of the drainage, do you see anything there that's inconsistent with how you would review it if it were applied for that way, and particularly the curb, sloping, discharge, items like that?

MR. McLEAN: No. The addition of curb along the northern section of the dry detention

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area would help alleviate the potential for parking to go in that area, so that's something that could easily be attainable by design. And the stormwater plan certainly will be an improvement from what's out there today.

HEARING EXAMINER STRAIN: There would be a limitation on loading, but that has become a problem from what some of the correspondence I've seen has. There's been loading in the right-of-way and along Becca. None of that's acceptable. I don't believe any of it's consistent with our code.

What provisions is there or will there be in review for a loading opportunity on the site to the south?

MR. McLEAN: In the current Site Development Plan amendment application that's under review by staff today there will be some form of stipulation that requires the loading to be handled on site on the southern parcel.

HEARING EXAMINER STRAIN: Okay. If for some reason that didn't occur, that would be something Code Enforcement would then be able to enforce?

MR. McLEAN: Yes, that's correct. As you indicated, there is no loading ability or off-loading ability on Becca in the public right-of-way or on this particular parking lot.

HEARING EXAMINER STRAIN: In the discussions that I had just now with the applicant, did you see anything there that is inconsistent with the way you would expect it to come in, Matt?

They talked about a time frame, for example, being able to have this wall, if -- like I said, if it's approved, to be completed by the end of December. How does that sit with your understanding of the process?

MR. McLEAN: Well, currently right now the application has been submitted to our teams. We've reviewed it a couple of times already. So, really, the onus is going to be on the developer's consultants that continue to finalize whatever items may be left that we've identified or anything that would come out of this particular hearing.

That being said, I don't expect that process to take an extremely long period of time at this stage, so I think that it could certainly be attainable to construct the wall and the landscaping that's been referenced today first prior to the end of the year.

HEARING EXAMINER STRAIN: Okay. But that's all subject to a quick turnaround response by the applicant.

MR. McLEAN: Yes, that's correct.

HEARING EXAMINER STRAIN: Okay. Thank you. I don't have anything else, Matt. Thank you for your time.

I do have Mark Templeton. I've got some questions that I'd like to ask Mark. And I think I kind of geared him up for it by the way we talked about the landscaping previously.

MR. TEMPLETON: For the record, Mark Templeton. I look at the landscape plans for the Development Review team.

HEARING EXAMINER STRAIN: Mark, you heard the comments and the type of vegetation. My concern is for the neighbors surrounding this property. And I want to make sure that if this were to be built or go forward that the absolute best form of vegetation that could be put there to the benefit of the neighbors is there, and we're talking about to the west and the north side.

MR. TEMPLETON: Yeah. So in this zoning district, there's two different options for landscape buffers. They could either do -- when you've got a nonresidential development next to a residential development, you could either do a 10-foot-wide buffer with trees 30 feet on center and a wall, or you could do a 15-foot-wide Type B buffer without a wall.

HEARING EXAMINER STRAIN: You said Type B again?

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MR. TEMPLETON: Type B as in boy, yeah.
HEARING EXAMINER STRAIN: Without a wall?
MR. TEMPLETON: Without a wall.
HEARING EXAMINER STRAIN: Now, that's something in the overlay?
MR. TEMPLETON: In the overlay district, yeah.
HEARING EXAMINER STRAIN: So that means the Bayshore overlay has changed to a regular code to allow a buffer that's not quite as intense as the code might require or the one that we're -- being seen here today?
MR. TEMPLETON: Yes, that's correct, yeah.
So the plans submitted show a 15-foot-wide Type B buffer with a wall; trees are spaced 25 feet on center consistent with the code; 5-foot-high hedge.
And I apologize; the first time I'm looking at this today. It looks like they're showing, you know, a 5-foot-high hedge and then two rows of some other kind of shrub that I'm not sure what it is.
HEARING EXAMINER STRAIN: Bob -- or you and Frank need to help clarify it.
MR. TEMPLETON: I don't see what that is --
MR. MULHERE: Pampas grass maybe.
MR. TEMPLETON: -- but it looks like a -- maybe the 5-foot hedge is here.
HEARING EXAMINER STRAIN: The trees that are shown -- I mean, what goes above the wall's probably more important than what goes below because we're going to be -- they're going to be code minimum or better for the smaller -- and, by the way, it's the responsibility of the property owner who is installing this to maintain it, irrigate it, and take care of it from there forward. So what kind of -- what about the large trees, as far as the larger trees go, and the time of frame -- frame time in which they'd be above the wall as far as planting and growth.
MR. TEMPLETON: Right. So where this site's located, everything has to be native. What they're showing on the plant list is all native.
Code minimum size is 10-foot high with a 4-foot spread. I believe Mr. Mulhere indicated they were going to be larger -- specced larger than code minimum. What this shows is 10-, 12-foot high, 5- to 6-foot wide. Code min is 4-foot wide. They're saying 5 to 6-foot wide, so it is slightly wider than what code requires.
The height, it says 10 to 12, so it may just be 10 foot, which would be code min. One and three-quarter inch caliper, that's code min. So what I'm seeing is not necessarily much above code minimum size-wise.
HEARING EXAMINER STRAIN: What about spacing?
MR. TEMPLETON: Spacing is per code.
HEARING EXAMINER STRAIN: Is there any advantage to tighten the spacing up on that type of vegetation?
MR. TEMPLETON: Certainly a little bit if we're trying to block the views into the parking lot.
HEARING EXAMINER STRAIN: So instead of 30 feet, 20, feet, 25 feet or --
(Simultaneous crosstalk.)
MR. TEMPLETON: Well, 25 feet is what's required and what they're going to be providing. So, yeah, maybe either throw in an understory tree in between these 25-foot trees on center or --
HEARING EXAMINER STRAIN: I'm more concerned about the canopies. The canopies are what's going to protect the height above the wall and that's -- if anything, that's what the neighbors are going to be left to view is what's above the wall. So as fast as that can mature

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and be solidified, that's probably more important than lower stuff.

MR. FEENEY: I can address exactly what's going to be going in there right now. These plans and these exhibits that we created for this meeting are actually from the landscape plan that has been submitted into the staff.

For the record, my name is Frank Feeney. I'm the civil engineer for the project.

What we're calling out along the north and west sides are a mixture of green buttonwoods, which -- Mark, you'll have to correct me on my heights. I believe they can get up to somewhere about 25 and 30 foot tall?

MR. TEMPLETON: Yes, they could get pretty big.

MR. FEENEY: Once they get mature.

HEARING EXAMINER STRAIN: Okay.

MR. FEENEY: So right off the bat they're going to be above the 6-foot-tall wall, but they will eventually grow beyond that.

HEARING EXAMINER STRAIN: Okay. Now, that's the -- that's the main primary high tree that would be above the wall?

MR. FEENEY: That's correct.

HEARING EXAMINER STRAIN: Now, does that one flush out with a decent canopy that's opaque to the opacity required?

MR. FEENEY: It does flush out and get a larger head. I believe it gets up somewhere in the realm of about 20 feet wide --

MR. TEMPLETON: Twenty to 30-foot spread is --

HEARING EXAMINER STRAIN: Twenty feet wide. That's 10 feet each side of 20 feet. So at 25 feet you've got gaps in the hedge then?

MR. MULHERE: We're perfectly fine with reducing the 25 feet. I want to defer to Mark as to sometimes if you get these canopy trees too close, it's detrimental to the canopy trees. So if you're comfortable -- which, by the way, by reducing the on-center number, you have more trees. So I'm okay with 20 feet. I just -- I would have to defer to staff as to what's appropriate. And we don't have a problem putting in some more trees.

HEARING EXAMINER STRAIN: Okay. The key here is if this is going to happen, the neighborhood needs to have the best buffers and protection they can. And if these trees -- a few more trees to tighten them all up so that if you have a 20-foot spread on a mature tree and you're 25 feet apart, that's still going to leave some gaps.

So it would make a lot more sense then to put them at 20 feet apart so they fill out completely in between them faster.

Does that seem reasonable, Mark?

MR. TEMPLETON: Yes.

HEARING EXAMINER STRAIN: Okay. Mark, is there anything -- I think that's most of the issues I have on landscaping. Is there anything else you have you'd like to make a comment on?

MR. TEMPLETON: Nothing I can think of right now.

HEARING EXAMINER STRAIN: Okay. Thank you. I appreciate your time. I saw you brought two books. I hope I asked you enough questions to use them both.

Is county transportation here? Ah, Mike Sawyer.

MR. SAWYER: Good morning. For the record, Mike Sawyer, Transportation Planning.

HEARING EXAMINER STRAIN: Good morning, Mike.

Issues about transportation. Let's -- there's two or three questions I have of you. The first one is, there was a push to have this -- in fact, I was one of the people suggesting, why don't we

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come in off Bayshore and save the access through Becca. Your department has a very strong position on why that doesn't work. And I don't necessarily disagree with you. I just need you to explain it, if you don't mind.

MR. SAWYER: We are mostly concerned on an access on Bayshore because of the more dangerous weave movement to the intersection of Bayshore and Becca. In other words, you would have people exiting out of the parking lot and making a weave through the two travel lanes to get to the intersection to make a U-turn to go north, basically, on Bayshore.

We would also be concerned -- the lack of being able to get a turn lane, again, on Bayshore in order to get people into the parking lot as well. So you'd have more of a conflict having traffic backing up onto the travel lane on Bayshore as well going into the parking lot.

HEARING EXAMINER STRAIN: Would you need a decel lane on the entry to the parking lot as well --

MR. SAWYER: Yes.

HEARING EXAMINER STRAIN: -- if one was ever to consider there?

MR. SAWYER: Yes.

HEARING EXAMINER STRAIN: So you've got a decel lane there. You'd look at another decel lane approaching Becca.

MR. SAWYER: Yes.

HEARING EXAMINER STRAIN: And then people coming out, right-in, right-out only, I would assume. So the right-out would mean they'd have -- if they want to go back north, they'd have to go across the two lanes, potentially three with the decel lane, to get back over into the left lane on Bayshore to make a U-turn and go north; is that --

MR. SAWYER: Correct.

HEARING EXAMINER STRAIN: At the same time, does that have any impact on the potential to leave Bayshore and Becca open as a full median cut versus a reduced cut?

MR. SAWYER: Potentially, we would be looking at limiting the access on that intersection. It would -- we would look at it very closely. We would probably wind up having some sort of reduced -- instead of having a full intersection, we would possibly just have a right-in, right-out and a left-in.

HEARING EXAMINER STRAIN: On Becca?

MR. SAWYER: Yes.

HEARING EXAMINER STRAIN: Okay. So for all those reasons -- and that is what you explained to me before -- that's why I'm trying to get it back on record that -- that's why the Transportation Department didn't want to see a connection made directly to Bayshore.

MR. SAWYER: Correct.

HEARING EXAMINER STRAIN: As far as this connection they're showing now, it's further back from the corner, which I know transportation likes to see that spacing. That produces a safer situation, and the walkway on Bayshore going on Becca, crossing from north to south. Everything fine with you guys on that, or is there something that could be done to improve that walkway?

MR. SAWYER: As far as the walkway at Becca, probably getting a high-visibility striping for that crossing would probably be a very good idea, and we would probably require that at any rate at SDP because the parking lot is primarily serving, again, the Food Truck Park.

HEARING EXAMINER STRAIN: I understand this is in SDP. Obviously, it can't proceed until other things are completed. Have you looked at that SDP?

MR. SAWYER: I have not. We do meet quite regularly with the Site Development Plan people, and we will definitely work with them to make sure that we see it, and if we see anything,

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we'll make sure it happens.

HEARING EXAMINER STRAIN: If another type of development was put there, like the residential housing or six units with or without bonuses, even less or more, would they be entitled to a curb cut at every single lot location?

MR. SAWYER: If they were single-family, yes.

HEARING EXAMINER STRAIN: Okay. If they're one of the row houses or any other houses described in the Bayshore overlay -- which, generally, we're not that familiar with, because I can't remember if any have even been done yet -- will that still apply? I mean, basically, every lot gets an access to Becca?

MR. SAWYER: Certainly -- depending on the layout of the buildings. You know, if you've got a row house, you're theoretically looking at alternatively possibly one single building or potentially two separate buildings. We would certainly encourage fewer access points, but they would be entitled to one per lot, you are correct.

HEARING EXAMINER STRAIN: Okay. I think that's all I've got, Mike.

MR. SABO: Okay. Thank you.

HEARING EXAMINER STRAIN: Thank you. Matt, I see you came back up. Good news or bad news or --

MR. McLEAN: All good news, I think. Matt McLean, Director of Development Review.

Just to further enhance the record there as it relates to the high-visibility striping across Becca, that will be part of the Site Development Plan review and approval. That is a requirement.

HEARING EXAMINER STRAIN: And that plan is not processed completely. It's still on hold, obviously. It can't be approved without the results of this meeting.

MR. McLEAN: That's correct. Without the results of this meeting, that application will continue to be in review status, that's correct.

HEARING EXAMINER STRAIN: That was known early on, right?

MR. McLEAN: Absolutely.

(Simultaneous crosstalk.)

HEARING EXAMINER STRAIN: So the applicant's at risk for whatever expenditures they have date to process a plan regardless of the outcome of this meeting?

MR. McLEAN: That is correct.

HEARING EXAMINER STRAIN: Okay. Thank you. I don't have any more in that regard.

I don't believe I have any more questions right now of staff. I would like staff members, if they could, stay around because, depending on the input from the community, there may be other issues to address.

And with that, we're going to go to public speakers. Now, just so everybody knows, we'll take a break at about 10:30 for the court reporter. Her fingers are moving as fast as we're all talking. So she needs a little bit of time at that point, and then we'll resume after that.

So with that, the speakers will be called out by Ray Bellows. Please come to the microphone. And you'll need to identify yourself for the record. If your name isn't something simple, please spell it so we get it correctly on the record.

And then after all the registered public speakers have had their opportunity, I'll ask for those who have not spoken if they'd still like to say anything.

So, Ray.

MR. BELLOWS: The first speaker is Wil Rudman to be followed by William Douglass.

MR. RUDMAN: Good morning. Mr. Chairman, members of the hearing committee,

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thank you for this opportunity to voice my opinion in opposition to the proposed variance for No. 183 Palmetto Dunes Circle. I live at 147 Palmetto Dunes Circle.

HEARING EXAMINER STRAIN: Sir, excuse me. I'm sorry. That one was withdrawn.

MR. RUDMAN: I'm sorry, sir.

HEARING EXAMINER STRAIN: Somebody must have listened to you because that one was withdrawn. They're no longer pursuing that.

MR. RUDMAN: I'm hard of hearing.

HEARING EXAMINER STRAIN: No, that's okay. That one's gone. That hearing was canceled. The applicant does not want to pursue it, so you've won your argument.

MR. RUDMAN: Oh, they didn't tell me.

(Applause.)

HEARING EXAMINER STRAIN: Next speaker, Ray.

Thank you, sir.

MR. BELLOWS: William Douglass.

HEARING EXAMINER STRAIN: Mr. Douglass, are you here?

MR. DOUGLASS: We talked earlier about the first one, so...

HEARING EXAMINER STRAIN: He withdraws. Okay.

MR. BELLOWS: Dennis Samblanet.

MR. SAMBLANET: Dennis Samblanet, S-a-m-b-l-a-n-e-t.

Good morning, Mr. Strain and --

HEARING EXAMINER STRAIN: Good morning.

MR. SAMBLANET: -- county staff.

I am a retired state certified general contractor owning my own business here in Collier County for 30 years.

I believe -- I believe that Celebration Park is a novel idea and an asset to Bayshore area. I love business, and I give Ms. Maddox credit for this idea along with the willingness and financial backing to get this up and running. But it doesn't matter how much of an asset it is to the community if the negative affects neighbors with illegal actions.

It is obvious that the county accepted plans, drawings, construction documents, approved permit and provided a certificate of completion in order for the Celebration Park to open and operate with 13 parking places. It is my understanding that the 13 parking spaces were added on the seating -- were based on the seating area proposed at the time of permitting. Now, many more seats have been added and possibly more coming, so additional parking is required.

It appears that the park may already be violating with -- be in violation with not enough parking based on the seating that's been added.

I found it incomprehensible to spend as much time, effort, and money constructing Celebration Park with only 13 parking places and not having immediate plans for additional parking. I believe there was always plans for this residential lot to be used for additional parking.

It appears to me that Ms. Maddox and the county were in communication about using this residential lot as additional parking as early as September 19th, 2018, which is the date of the Collier County pre-application meeting notes. Project name: Bayshore Food Truck Parking Lot.

Is it possible that Ms. Maddox and her associates realized at this point it would take quite some time to legally go through the correct permitting process and decided it was easier and quicker to move forward illegally and still be able to use the parking lot while the parking exemption process was underway? Which is exactly what has happened.

I would hate to think that the county was involved in this decision, but the fact that the county continues to allow her to use the illegal parking lot certainly raises some questions.

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If this residential lot is allowed to become a commercial parking lot, the neighbors, and especially the six adjoining lot owners, will be paying a very high price for Ms. Maddox and the county's oversight or hidden agenda. I wonder how much of these six adjoining lots will depreciate if this parking lot is approved.

I am all for Ms. Maddox's business succeeding, like I said, and I believe Celebration Park is definitely an asset to our community. It's only the parking -- I want to make sure that it's only the parking that I have an issue with and its being created underhandedly, illegally, and at the expense of others. It's just not right for the county to show favoritism allowing one person to succeed illegally, and everyone else plays by the rules.

Ms. Maddox has arranged for additional parking in the large lot off of Weeks Avenue. There are a total of 166 parking spots one block from Celebration Park. She also arranged for additional parking in the lot off Bayview Drive directly south of 360. In this lot there are 53 parking places available one block from Celebration Park.

Patrons on Fifth Avenue and south -- and Third Street South walk at least one block, and much further, all the time and think nothing of it, so the location is not too far. Celebration Park has 13 parking spaces on site.

With 166 spaces on Weeks Avenue, 53 spaces on Bayview Drive, and 13 spaces on site for a total of 232 parking spaces, it's obvious that this illegal parking lot is not needed. Keep in mind that the parking calculations on the most recent parking exceptions conceptual plan, which we're talking about here, only required 68 spaces. She currently has almost three-and-a-half times that many parking available to her right now.

There are currently five lots on the east side of Cypress Street directly across the water west of Celebration Park that are already zoned accessory parking zone, which does not require a parking exemption, which is what we've already talked about too. I would expect these lots to be used for what they were intended before creating a parking exemption for other areas.

Ms. Maddox has also purchased two lots east of Bayshore Drive directly across from the illegal parking lot which she has some phenomenal plans for, and I really hope they go forward, but there she can have additional parking as well.

It should be obvious that there are plenty of options for current and future parking without having to take a residential property and create a commercial property -- a commercial parking lot.

Growth Management has stated there are no immediate health or safety concerns on the illegal parking lot. People are constantly jaywalking, which is illegal, across the Bayshore Avenue in numerous locations with dogs on leashes, children in strollers, children walking, phones, food, drinks in their hands not watching for cars.

Keep in mind that these safety issues increase dramatically during the season, which is the time Growth Management should have been monitoring this site. I don't understand how Growth Management can honestly state there are no immediate health or safety concerns with this illegal parking lot.

I have seen the latest parking exemption conceptual plan for the proposed parking lot, and the vehicle entry and exit is even further west than the current illegal one, making it further away from Celebration Park entrance. This proposed plan is for patrons to exit the parking lot by sidewalk all the way to the southeast corner of the lot out onto Bayshore Drive -- out onto Bayshore sidewalk and across Becca at the existing sidewalk.

Be assured that those in the western half of the parking lot will be walking out the vehicle entrance/exit, still jaywalking across Becca Avenue, just as they do now, because it's closer and that's what they're used to.

And where that's -- what I'm talking about is this entrance right here. This entry/exit here.

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The existing illegal one is over here closer to where they enter Celebration Park. Now it's further down the street, so these people in this western half of the parking lot are going to be walking right out here and right down Becca Avenue, which now they're going to be on Becca Avenue for a longer distance and a longer period of time than they are right now, so this creates even more of a conflict.

HEARING EXAMINER STRAIN: The site plan that you refer to that you looked at, it was how long ago when you first looked at it?

MR. SAMBLANET: Well, I've seen it probably three weeks ago.

HEARING EXAMINER STRAIN: Okay. The plan you may have seen had the sidewalk on the outside of the wall, and the sidewalk was purposely moved inside the wall so that people would -- it would be more directive to head towards Bayshore to cross at Becca.

MR. SAMBLANET: No, I totally understand that, and that's a great idea in keeping it inside, but what I'm talking about is right here. This is where the --

HEARING EXAMINER STRAIN: Oh, yeah. I understand what you're saying. I'm just saying it was -- the attempt to minimize it was partly why it was now moved inside the property.

MR. SAMBLANET: Which was a good move, yes.

HEARING EXAMINER STRAIN: It wouldn't encourage -- because like you're saying, the practical application, if you're walking along a sidewalk and you've got to just trip across two lanes of -- small lanes of residential, you'd just walk across the street. I mean, I did that yesterday, or three days ago when I was down there, so I'm guilty of it, too. But that inside sidewalk, I think their thought was it would tend to keep people more inside the property and funnel them towards Bayshore.

MR. SAMBLANET: And I would agree with that, and that is the thought. But what I'm saying is that people have walked out of that, because it's the only way to get there now. They're so used to that.

HEARING EXAMINER STRAIN: I understand.

MR. SAMBLANET: And they're -- and the west half of this parking lot, it's going to be much closer for them to walk out that vehicle entry/exit and still cross the street or walk the street, and now they're on the street for a longer period of time and further distance than what they are even now.

HEARING EXAMINER STRAIN: I understand, sir.

MR. SAMBLANET: So that complicates it, in my opinion.

I can -- I question how the county can justifiably approve additional parking when 232 parking spaces are currently available within one block, and property already zoned accessory permitting -- accessory parking is available one block to the west of Celebration Park. There's no ethical reason to allow this illegal parking lot to exist.

Thank you for allowing me to --

HEARING EXAMINER STRAIN: I'll be asking questions of staff before we finish, so thank you.

Next speaker, Ray.

MR. BELLOWS: Robert Messmer.

MR. MESSMER: Good morning.

HEARING EXAMINER STRAIN: Good morning.

MR. MESSMER: Mr. Strain, staff, and my neighbors, my name is Bob Messmer, M-e-s-s-m-e-r, owner and full-time resident on Orange Street two blocks directly west of the food park.

I have had a continued and active interest in Collier County, especially my Bayshore

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neighborhood, since I moved here 25 years ago. I was a charter member of the Bayshore Advisory Committee when it was first organized by Bill Neale and before it became an official county advisory committee.

Later I served on the county Contractor Licensing Board for several years. When a vacancy opened on the Bayshore MSTU, I applied and continue as one of its longest serving members.

I'm an architect licensed in California, New York, District of Columbia, and the United Kingdom prior to retiring. The above I hope gives some professional credence to my following comments regarding the petition.

I commend, salute, and applaud, Rebecca Maddox for her successful efforts in improving the Bayshore area. 360 has been a goldmine for her since the day it opened; however, insufficient parking was permitted by the county. That was the county's first mistake. Her second goldmine is the Food Truck Park, one of the most attractive, interesting, and popular drinking and eating establishments in Southwest Florida; however, once again, the county issued a building permit and occupancy permit requiring only 13 parking spaces. That is not even enough for the employees, more or less any patrons. That was the county's second mistake, and each mistake becomes exponentially greater.

Apparently last fall the existing parking lot south of the 360 was not available for her to rent nor was the existing parking lot on the north side of Weeks, so she bought Ken and Ursula Thompson's property, obtained a permit to demolish the house, and then immediately, without a permit or any county approvals, that very night covered the lot with gravel and, voila, she has her parking lot operating illegally since last November. The county's third mistake.

Now my comments regarding the staff report. Criterion 5 states, quote, the character and quality of the neighborhood and the future development of surrounding properties, unquote.

The staff response is quote, the Zoning Division does not believe that the proposed parking exemption would negatively affect the character and quality of the neighborhood, unquote.

Now, really, a commercial parking lot operating until 10:30 p.m. with existing homes bordering its west and north sides does not negatively affect the quality of life for those homeowners?

Criterion No. 11 states quote, whether the off-site parking will be used for employee parking. The staff's response is, quote, the applicant has not indicated that the off-street parking will be used for employees to increase the amount of available space for customers. There should be -- there should be a condition that no employee parking is allowed, unquote.

So, Rebecca, where will your employees park? Along Becca? Cypress? Orange? Poplar? Question mark.

Criterion 12 states, quote, whether there are more viable alternatives available, and Mr. Belenet (sic) addressed this in detail. A summation is, staff's response is the Zoning Division finds that the proposed parking site is the best alternative, quote.

Come now, zoning. Better than utilizing the 232 spaces she already has access to? Better than using all or part of the commercially zoned one-and-a-half acres she recently purchased on the east side of Bayshore?

In summation, Ms. Maddox does not need the additional 62 spaces at this residential location. She has rental agreements for 219 spaces and 13 spaces at the park already.

According to the applicant's petition, 68 spaces are required. Only the county can verify if that quantity is correct or not. If correct, she exceeds the county's requirements by 164 spaces.

Mr. Strain, please do not approve this exemption. It is not needed nor required by the county. If it is granted, it will devalue the adjacent homes' values by at least 40 and my own home

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by at least 20 percent.

Rebecca repeatedly claims she wishes to be a good neighbor, a claim which is false. She, if this petition is granted, will cause hundreds of thousands of dollars of devaluation to her neighbors' properties.

That concludes my comments, Mr. Strain. If you have any questions or clarifications of my comments I will respond, otherwise I'll return to my seat.

HEARING EXAMINER STRAIN: Thank you very much. And I will have questions of staff as a result of your comments. And when we're all finished with public speakers, staff's going to come back up and answer some questions. Thank you, sir.

MR. MESSMER: I understand.

HEARING EXAMINER STRAIN: Next speaker, Ray.

MR. BELLOWS: Barbara Hunt.

MS. HUNT: I'm passing.

MR. BELLOWS: Greg Economos.

MR. ECONOMOS: That was a good one.

Thank you. My name is Greg Economos. For the record, it's E-c-o-n-o-m-o-s.

I'm a local realtor here in Naples and have been for the past three years. I have a strong connection to Bayshore. I actually got married at the Botanical Gardens several years ago. And when I did that first drive down Bayshore several years ago, I would not have wanted my guests to drive down Bayshore.

It was not -- it did not seem safe. It wasn't something that I wanted people to see. Now with what's been happening with the redevelopment and with the Food Truck Park and 360 and Ankrolab down the street, it is a proud place for Neapolitans to go and visit, and out-of-town guests.

People looked forward to Celebration Park coming, and I agree that it is a challenge for the parking, but it also is a unique gathering place for all of Naples. It's not just things that happen on Third Street or Fifth Avenue. It's a gathering place for everyone.

So when it first opened, you know, Celebration Park was a huge success, and we all saw that. Unfortunately, that was almost its downfall. People were parking everywhere. And I understand the concerns, because they were parking on Becca, parking down the street, parking maybe on Orange and the other streets. It was dangerous. And so while I agree that the parking lot, as it is now, may still be a little bit unsafe, what happened is that what Ms. Maddox did was create a parking lot where people were off the street. They were not parking on the side streets. I think that is a huge benefit to what this parking lot will offer.

It is a dilemma, and I think the success has actually created that dilemma. But I think with the options that have been discussed with the wall around the property at the six feet or eight feet, with the plantings that will create that canopy with the lower level lighting, and with some sort of security with video cameras as has been discussed, or with the hourly, you know, walk-arounds, that will really alleviate a lot of those problems.

And I was just there the other day, and I totally understand the neighbor on the north side, you know, because it looks like lights shine directly into his property, or their property. I don't know who it is. And I agree that this wall should help alleviate that.

In addition, I drive down Bayshore a lot. There are currently at least four other corner properties that are on Bayshore that have adjacent residential houses. So, you know, I do understand the house to the -- directly to the west and the ones on the northern lot. It's an issue for them. But the values in Bayshore for the home -- and I have to disagree with you, I'm sorry, but they're increasing. The lot directly to the west --

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(Applause.)

MR. ECONOMOS: Thank you -- directly to the west, he bought it for 182-; $182,000. Do you know what he's asking for that house right now? $425,000. Do you know why? It's because of what's happening on Bayshore and Celebration Park. It's not ridiculous. He -- the man even has --

HEARING EXAMINER STRAIN: Sir, you'll have to direct your comments to me.

MR. ECONOMOS: Okay. The listing for the property directly to the west actually has several photos of 360 Market and Celebration Park. Clearly that property thinks being that close is an asset, otherwise they wouldn't have included it in the listing agreement.

In addition, Mattamy Homes is creating a very large development on the corner of Bayshore and Thomasson. I'm sure you know about it; Arboretum. There is no way that they would -- a huge company of that nature would have invested that much in that property without having businesses to support the residents who are purchasing those properties.

So I think with all of Bayshore and the redevelopment that's happening, parking is a necessity. I agree that there's -- as the gentleman said, there are other lots available, but this is one that is directly across, will reduce the impact on people walking along Bayshore. If there were parking along the other side of Bayshore, how dangerous would that be, people walking across Bayshore to get to Celebration Park? It has to be on that side of Bayshore. And I think what's been proposed with the wall and the sidewalk going down is a great solution to the issue.

So those are my comments, and I appreciate your time.

HEARING EXAMINER STRAIN: Thank you.

Next speaker, Ray.

(Applause.)

HEARING EXAMINER STRAIN: Ladies and gentlemen, that's okay. You can refrain from the applause. I appreciate it.

MR. BELLOWS: Camille Kielty.

MS. KIELTY: Yes. Good morning, sir. My name is Camille Kielty, and I am a resident of Naples. I'm actually four blocks from Celebration Park.

I moved here two-and-a-half years ago, and I built a home on Shoreview, and part of the strategy/rationale behind my taking a move here was what I saw as a great environment for retirement.

And, certainly, looking at Bayshore and East Naples, I met Rebecca Maddox early, and she told me it was absolutely a place to settle.

I can also tell you that I am an advisory board member of the CRA, and I think that Celebration Park certainly has been an excellent example of what it is that we have been looking for as part of the CRA, an opportunity to provide for culturally diverse connections amongst family, friends, neighbors, and visitors.

It's been wildly successful, and it's that success that needs to continue, and the parking lot is absolutely critical to the continued success of Celebration Park and 360.

I would like to note that I think both management and the owners of Celebration Park have been very responsive and responsible. By responsive, when there are concerns that are brought to their attention, they are addressed as rapidly as possible, and I think -- I know, as a matter of fact, because I was present when Mr. Messmer and Mr. Samblanet had concerns about noise at the park.

And so we sat down. We had a conversation. We then took matters into our own hands by bringing on the necessary equipment at the park to more centralize the noise.

In following up, there's been one complaint from them since that time relative to noise. I'm four blocks away. I do not hear noise from any type of music. Some people consider it noise.

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I consider it very beneficial, but I do not hear the music at Celebration Park.

From my perspective we are changing Bayshore. We are changing it for the better. We do need these continued successful businesses that are drawing upon many and many new owners to Bayshore. And, as was mentioned previously, the home sales in East Naples is up by over 20 percent year over year. The prices of those homes are also up significantly year over year, and I think this is due to the likes of Rebecca Maddox bringing ingenuity, bringing personal investments, personal dollars and, at the same time, generating hundreds and thousands of dollars to the Naples community.

Thank you.

HEARING EXAMINER STRAIN: I have a question about your position and on the CRA. You're a board member; is that correct?

MS. KIELTY: I'm an advisory board member, yes.

HEARING EXAMINER STRAIN: Were you present when the -- this particular parking exemption was -- or the Food Truck Park as a whole, including this parking exemption, was presented to the CRA Board? It was --

MS. KIELTY: I was not present.

HEARING EXAMINER STRAIN: -- January 15th.

MS. KIELTY: No, I was not present.

HEARING EXAMINER STRAIN: Okay. Because I had asked the CRA if they had weighed in on that, on this matter, and they said that the CRA Board supports this and her investment in the area and the parking lot. And so there was a consensus on the CRA Board, but I haven't seen a formal vote. So just I was curious, if you were there, what the outcome of that was, but --

MS. KIELTY: No. I know that there was not a formal vote. I know that, in speaking to other board members, you know, in the forums, that there was support for the park --

HEARING EXAMINER STRAIN: Thank you very much.

MS. KIELTY: -- for the parking lot. You're welcome.

HEARING EXAMINER STRAIN: Next speaker, Ray.

MR. BELLOWS: Gary Rudd.

MR. RUDD: Good morning, Mr. Strain. My name is Gary Rudd, R-u-d-d. And I am the -- well, first of all, I'm the dad of this little one walking around, and that's my wife, Heather.

HEARING EXAMINER STRAIN: Is she going to speak?

MR. RUDMAN: She is not going to speak. She spoke enough. I cannot deny her.

So what I do represent is one of the owners of the Dilly Seafood at Celebration Park. So we own the -- we own the seafood truck, and from that -- you know, when we first came here we didn't quite have a home. And so I am for the parking lot, I should state that, because the continued growth, as in anything else -- the growth of our business alone has expanded into about -- over 50 employees because we now are able to catch fish locally. We have multiple boats, and we come to Celebration Park and offload.

We are a registered dock where FWC can come in and check our fish that come in. We're one of the only people in the state that do that.

And so my point is that between our 50 employees and then the truck members that are here present, a lot of them in the back there, owner/operators, we represent over 200 employees that have grown and expanded, and our families have been able to benefit.

We are for the parking lot so that we are able to expand and continue to grow in this community. And when I say there's 200 members, you take that, and then you take the families like mine, and you expand that on into the growth and what has happened. I see Gigi right back

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there as well.

And so like I had said, we didn't quite have a home, and when we -- Food Truck Park was started, it turned into such a success and such growth that there's so many different others that have grown from that; my business, and then others have actually even opened, restaurants downtown and expanded off. And so the revenue generated expands on from what it -- what the growth is.

And just like anything else -- I'll make one more point that, you know, in order to succeed and grow, there might be two, three people.

I myself was also sitting in on the meeting when we were approached about the noise, and Patrick was as well, and we all listened. We sat there for over an hour, and we made changes and made some changes towards what would happen towards the music, just to address something specifically.

So that's it unless there's any questions.

HEARING EXAMINER STRAIN: Thank you.

Next speaker, Ray.

MR. BELLOWS: Robin Forbes.

MS. FORBES: Hello, Mr. Strain. My name is Robin Forbes.

HEARING EXAMINER STRAIN: Good morning.

MS. FORBES: I also live in Bayshore. I live off of Shoreview, and I'm a huge supporter of the parking lot. It is such a wonderful community that the parking lot would help support Celebration Park. It would help with the pedestrian issue.

As far as the other parking available for Rebecca Maddox, I just do want to point out, because I asked, on Weeks Avenue there are only 52 spots available for parking, and on Bayview Drive, across from 360 Market, there are those spots. I'm sorry. There are only 36 available spots for parking, so it's not 200-and-some spots that are available for the parking, and that's why this is so important that we get that.

HEARING EXAMINER STRAIN: Thank you. And during the staff discussion when we follow public speakers, the availability of parking is controlled, in order for it to account, by our code, and those are the questions I'll find out, because it's -- just the fact that there's leasable space may not meet the availability requirements in our code. We'll talk about that, so thank you.

Next speaker, Ray.

MR. BELLOWS: Eileen McNeil.

MS. McNEIL: Oh, I didn't check the box that I wanted to be a speaker. I just put that I was in favor of it.

MR. BELLOWS: Okay. Thank you.

HEARING EXAMINER STRAIN: Next speaker, Ray.

MR. BELLOWS: Jac Adams.

HEARING EXAMINER STRAIN: A little bit louder.

MR. BELLOWS: Jac, J-a-c, Adams?

MR. ADAMS: Good morning, Mr. Strain.

HEARING EXAMINER STRAIN: Good morning.

MR. ADAMS: Good morning. My neighbors -- my name's Joe Adams, for the record. I live on Arbutus, which is at the end of Becca.

Since the Food Truck Park was -- came online, there has been a change in the neighborhood. There's no question about that.

I believe that this parking lot structure with the sidewalk inside the wall directing traffic to the corner, which is a legal crossing, is a great idea. I really don't know how you would keep people, beside hiring an armed guard at the entrance there, from crossing Becca at the entrance of

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the parking lot. That's probably going to happen regardless of anybody's best intentions.

Rebecca Maddox I first met a few years back, and, you know, I saw -- I heard her vision. And she's one of the few people in this county that actually has a vision. And she's -- and I liked her vision. And I believe that the people on Bayshore in general agree with where she's going in her dreams, and her dreams, for the most part, coincide with my own.

She found out that I was a bit of an artist a few years ago and also offered to support me in any way she could. Not monetarily, but giving me an opportunity, and she continues to do so. I am painting some things in the Food Truck Park currently.

One of the main issues I have with the parking lot is I wonder whether or not pervious concrete has been considered for use in the parking lot. Runoff and flooding on Becca is a regular occurrence. At the end of this month we'll see it. I can -- although I don't have a crystal ball, I can guarantee you it's going to happen. The 28th through the 31st we have very high tides. And when we have high tides, new moon, Becca floods, and the creek rises above the street level. That's not something that anybody's been able to come up with a solution to.

But I am a little bit concerned that with all this nonabsorbable surface being installed here whether the runoff there at Bayshore and Becca might not add to that problem. The water simply doesn't have any place to go, you know. And at the end of Becca there at the stop sign, it crosses the street underneath the street into a lot which is unoccupied currently. And I asked people about maybe putting a culvert through there to access the creek to drain Becca, but that's private property, so I guess that's not possible either.

But as a whole, this sounds like a very attractive addition. I do know that the neighbors there were concerned about looking in a parking lot. Who would want to do that regardless of how nice they look? But I believe that what I've seen in the plans that are -- we're looking at here would alleviate that issue.

And so I'm in favor of the parking lot with the caveat that I would like -- and anybody who doesn't know about pervious concrete, it's been around a long time. There's been a lot of studies done in the state of Florida, Georgia, and North Carolina, I believe. And I have some information on it here. It drains -- it drains at 27 inches per hour. So if it's raining that much, we'll have other issues besides just draining. But it would be, perhaps, a good material to consider for the surfacing of the parking lot.

That's all I have. Thank you.

HEARING EXAMINER STRAIN: Thank you very much, sir.

Now, Terri, would 10 minutes work for you?

COURT REPORTER: (Nods head.)

HEARING EXAMINER STRAIN: We're going to take a 10-minute break for the court reporter. Please, I'm here to listen to your issues, so if you could come back after the break, we'll resume the public speakers at that point. So we'll take a break till 10:40 and resume.

(A brief recess was had.)

HEARING EXAMINER STRAIN: Okay. Ladies and gentlemen, if you'll please refrain -- come back to your seats and refrain from conversation. Everyone, we'd like to resume the meeting.

Hello, everybody -- if you all will come in and take your seats. We're ready to start, ladies and gentlemen. We're going to start the meeting.

Okay. We left off on public speakers. We'll continue with the public speakers that are first registered and then go to anyone else that wants to speak.

Ray, next speaker, please.

MR. BELLOWS: Amanda Jaron.

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UNIDENTIFIED SPEAKER: She had to leave.
MR. BELLOWS: Lane Wilkinson?
UNIDENTIFIED SPEAKER: Also gone.
MR. BELLOWS: Meredith Garvin.
MS. GAVIN: Gavin.
MR. BELLOWS: Gavin.
MS. GAVIN: Hello. For the record, my name is Meredith Gavin, however I'm reading a statement prepared by Michael and Janet Gavin.
HEARING EXAMINER STRAIN: Okay. You need to slow down a little bit because she's got to type as fast as you talk, and you're like me. I talk pretty fast. I've learned -- she's controlling me better now.
MS. GAVIN: No problem. As I said, I'm representing Michael and Janet Gavin --
HEARING EXAMINER STRAIN: Thank you.
MS. GAVIN: -- who own two of the six affected lots adjacent to the petitioned parking lot.

My husband and I have a direct vested interest concerning the exemption to permit a zoned residential property to be used as a commercial parking lot. Whether you agree (sic) the premise or not, there's no arguing that unguarded, unsecure surface parking lots create an atmosphere that is inherently hostile to the pedestrian.

They are aesthetically dull, unbearably hot in the summer, windswept in all seasons, and potentially menacing to women returning to their cars alone after dark. If there is overhead lighting, it is a nuisance to the adjacent surrounding properties. Parking lots are notorious settings for a multitude of illegal activities.

Our property is designated at Lots 3 and 4 on Weeks Avenue on the zoning map. Our home is directly behind the illegal parking lot on Becca Avenue. When we purchased the property in October 2011 to be our forever home, we never dreamt that the residential property behind our home would ever be considered a commercial parking lot.

Since the lot has been put into illegal operation, cars have been parking directly up to the old chain-link fence that currently borders the properties. The owners have not been willing to comply with providing a 15-foot buffer that is required by the exemption that they are seeking. In fact, they have removed shrubs that would have helped maintain somewhat of a buffer.

We have headlights shining into our bedroom and living room every day Celebration Food Truck and the bar -- to be referenced from here on out as "the park" -- is on the operation and sometimes even when not in operation because the lot is left unsecured by a gate.

The park closes at 10 p.m. but the vendors and other employees do not leave the parking lot until well after the park's designated closing time.

We also have experienced cars' alarms blaring for several hours while owners of the cars are elsewhere. We've had strangers peering into our backyard, lanai-enclosed pool, and the glass doors to exit into the lanai from the master bedroom, living room, dining room, and kitchen areas.

We have witnessed men urinating on now removed shrubs bordering our property line. The removal of the shrubs has also increased the dust from the shells that are being used as paving. This raises health concerns for me because I'm an asthmatic, and the dust potentially can be lethal.

Since the lot has been illegally put into use, we have lost all privacy and have had our health compromised. These threats have been heightened since the removal of the shrub barrier.

God forbid a customer who has been at the park erroneously places their vehicle in the incorrect gear and plow through the old chain-link fence into our property causing physical harm to the private property, us, or one of our family members.

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I do have a photo of how the property is affected and where the cars are. As you can see, cars park directly next to the fence, and you can see that -- where our pool is, and there is our property line as well.

We are concerned how the presence of the parking lot will impact the character of our residential community but are extremely concerned how it will impact the privacy, security, and value of our home. If or when we decide to sell our property, we feel the presence of the lot will negatively impact purchaser interests in our property. Many professional buyers will be put off by having a parking lot butting to their backyards of their property, even if it has a 15-foot buffer and landscaping of some sort of the wall that's characteristics is not defined, which it has been.

The owners of the park have entered into a lease agreement with the established parking lot at 2740 Bayshore Drive to ensure the vendors within the park will remain in operation no matter the results of the hearing for the exemption of the Becca lot.

The established parking lot is already zoned for commercial. It is well lit, paved, has direct public sidewalks that lead to the existing crosswalks to provide safe pedestrian traffic.

The parking lot at 2740 Bayshore Drive offers safe entrance and exiting onto Weeks Avenue that's not interrupting the Bayshore Drive traffic flow. By the park's owners' own actions of leasing this park facility, they conceded that there is already adequate parking in the community for them to fully operate their business. This directly addresses that there is more viable alternative parking than the residentially zoned property as a commercial parking lot.

We also have a photo, and this is from Celebration Park's social media in February -- on February 16th that shows different parking that's available in the area designated by Celebration Park.

As you can see, they said that there's plenty of parking in all of the green spaces. It's a little bit blurry. And then they show the Becca Avenue lot in blue and where Celebration Park is and the 360 Market. This also does not include the extended parking on the opposite side of the 360 Market.

Please examine the cost and benefits of the proposed exemption.

The costs: Loss of six residential lots that could be used for family homes, loss of residential property taxes for a proven unnecessary parking lot provided with little or no direct revenue.

Depreciation of the surrounding residential homes in the community. Increased need for police patrolling for pedestrian and community protection. Indirect harm to the environment. As encouraged driving over public transit, walking or bicycling will result in more traffic congestion. Private vehicle travel involves more energy use, more air pollution, higher greenhouse gas emissions, and more vehicle-related accidents.

Direct harm to the environment. Increased amounts of hardscape areas, the creation of an urban heat island effect, increased rainwater runoff, reduced groundwater recharge.

Parking lot surfaces collect polluted runoff because of the leaking oil and other fluids parked -- from the parked cars.

Site hardscapes reduce opportunity for groundwater retention, open space, and tree planting.

Private vehicle transportation have a larger noise footprint. Pollution and greenhouse gas emissions associated with physical construction activity, and increased public-health issues such as asthma and other pulmonary diseases because of air pollution.

The benefits: Rewarding poor private developer planning. Demonstration of total disrespect and disregard for the Collier County ordinances that have been created by our public officials to protect the citizens of the communities in which they live.

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Let's be perfectly clear, the owners of the park are not asking permission at this point. The parking lot has been illegally created and used for the benefit with no regard on how it would impact the residents of the community. They are seeking forgiveness. Ignorance is not an excuse of the blatant disdain of our communities' laws and ordinances.

The actual situation that is occurring in the park knowingly (sic) entered operation with insufficient on-site parking, and they're pressuring Collier County to do something about it at the public's cost.

Hopefully, county Collier (sic) planners and elected officials will determine that good of their many constituents in the community outweigh the need for the unnecessary parking lot in a residential community.

Thank you. Janet and Michael Gavin.

HEARING EXAMINER STRAIN: Thank you.

MS. GAVIN: That's all.

HEARING EXAMINER STRAIN: I dare to ask the court reporter how fast you spoke.

MS. GAVIN: I can give it to her if that's easier.

HEARING EXAMINER STRAIN: Yes, please. I was going to ask you that, too.

Thank you, miss.

Next speaker, Ray.

MR. BELLOWS: Carey Wennerlyn.

UNIDENTIFIED SPEAKER: Carey had to leave.

MR. BELLOWS: Maurice Gutierrez.

MR. GUTIERREZ: Good morning. For the record, Maurice Gutierrez. I am a property owner at 2736 Shoreview Drive.

HEARING EXAMINER STRAIN: Can you spell the last name, too, Maurice, please.

MR. GUTIERREZ: G-u-t-i-e-r-r-e-z.

HEARING EXAMINER STRAIN: Thank you.

MR. GUTIERREZ: And currently the chairman of the CRA.

We're all looking at this really closely because it's difficult to get redevelopment without growth, and with growth comes some pains. And the uniqueness of Bayshore is both on east and west side directly on Bayshore there are residential homes because of the zoning from years ago. And today we have developers looking at us through a microscope. There's nothing left, and we're trying to manage what goes in in reference to does it fit the neighborhood.

So, for instance, commercially, you could have put a building there. You could put row housing there. So the impact of this parking area, the way it's proposed for safety, has a lot less negative impact than other uses that would be allowed or that could be petitioned to be allowed.

But more so on the board we look at what has happened in the neighborhood, and is it part of the neighborhood? The answer is yes, it has already occurred.

Years ago Gulf Shores Marina petitioned the county to take two multifamily lots on Riverview and on Lakeview and convert them into parking only for their marina. They sold the property. Sara Bay Marina now has plans to redevelop it.

When they came to the CRA Board with their plans, I was very specifically looking at, have they altered that agreement? The answer's no. So not only has the county managed their position of allowing that to occur, but then maintained that use so it doesn't get diminished and then something else put there.

Similarly, this is a similar situation. Again, parking only, which could even be stipulated as never to be but parking. But more so I've heard a lot about a lot of parking. Yeah, we have parking lots on Riverview, parking lots on Bayview, all privately owned without a structure or a

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business, which means tomorrow, a developer can walk up, take the parking lot out and put a building legally within their zoning rights.

So the concept of saying there's plenty there, we don't need this as a solution, is not a permanent solution.

The CRA recognizes this and is currently in the process of a Site Development Plan on the east side of Bayshore within a couple blocks of this location to have a public parking used for businesses that cannot open due to the parking requirements.

So we're trying to be proactive and work with the neighborhood. But I always go back to that concept, how much impact will it have, and in the future where is it going to be, because we're not going to not grow. And with the redevelopment emphasis for the area, there's certain properties that were allowed to be residential when they're actually, today, on a four-lane. Used to be a dirt road.

So those changes impact us all as neighbors. But I will end by saying the majority of us don't live in a gated community, so all of these decisions impact us directly, because we're mostly on small dead-end streets and/or single connecting egresses. And, in retrospect of what could be there, personally, I feel it is a good solution the way they've designed the safety issues, but it could definitely be worse.

From a standpoint of the CRA, I feel we are behind the redevelopment effort of this area, and this is one of those efforts that we would side on with the property owner versus those that feel that this is too intrusive.

Thank you.

HEARING EXAMINER STRAIN: Maurice, you're the chairman of the CRA still?

MR. GUTIERREZ: Yes, sir.

HEARING EXAMINER STRAIN: Okay. I know in January there was a meeting in which you were presenting this project. And I saw by the minutes you were at the meeting, but I couldn't decipher in the minutes any position taken whether by consensus or formal vote. Do you recall how you handled it at that meeting?

MR. GUTIERREZ: There was no formal vote or motion to accept. The way it was proposed, it was more of an informative meeting and to see the feedback of the board, which was predominantly positive.

HEARING EXAMINER STRAIN: I appreciate your comments. Thank you, as always.

MR. GUTIERREZ: Thank you.

HEARING EXAMINER STRAIN: Next speaker, Ray.

MR. BELLOWS: Cheryl Risk. And the last speaker would be Diane Sullivan.

HEARING EXAMINER STRAIN: Ms. Risk, are you here?

UNIDENTIFIED SPEAKER: They both left.

HEARING EXAMINER STRAIN: Okay. Ms. Sullivan has left.

That takes us to the end of our registered public speakers, so now we'll open it up to any of those people who would like to speak who are not registered. And, sir, you just had your hand up. Do you want to speak?

MR. TRUITT: My name is --

HEARING EXAMINER STRAIN: Well, before you -- were you sworn in with the rest of the group?

MR. TRUITT: I was not.

HEARING EXAMINER STRAIN: Okay. First we have to swear you in.

(The speaker was duly sworn and indicated in the affirmative.)

MR. TRUITT: I swear.

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HEARING EXAMINER STRAIN: Then we'll need your name and --

MR. TRUITT: Certainly. John Truitt, T-r-u-i-t-t.

I own the property on Cypress Street, Demere Landing, Lots 8, 9, and 10. I'm also a licensed attorney here in the state of Florida. My bar number is 92579, and I'm also licensed to practice law in the state of Massachusetts.

I -- there is a benefit to going last, I guess. A lot of people that came up brought up some excellent points, but certainly the first issue I'd like to address is, again, how did this initial project get approved with only 13 allotted parking spots? And we'll take that one step further. I borrowed the overlay here of the area. The property that I own --

HEARING EXAMINER STRAIN: You'll have to use -- make sure you use either the hand-held or the other fixed mic.

MR. TRUITT: The property that I own is here. It is now a vacant lot. It's the three lots. So the building that was on it has been torn down.

It is approximately, I believe, 100-plus feet of seawall. It is adjacent to the Celebration Park. And when the establishment opened with 13 allowed parking spots, the property in question that we're seeking a variance on -- or they're seeking a variance on on Becca Ave, there was a -- to my understanding, an allowance for construction vehicles only for use during construction. And since that time, obviously, since construction's been completed, it's been being used illegally for parking of customers for Celebration Park.

And I know that there's an active code enforcement presence in that area because I've received no less than three notices for my grass on my property being over six inches high and that I needed to cut it. So if you're as diligent about the height of my grass, I would hope you're as diligent about somebody using a piece of property illegally to park her customers on.

HEARING EXAMINER STRAIN: As an attorney, you probably understand that this meeting is about the property that's owned -- that encompasses the six lots to the north of Becca. So the code enforcement actions are a separate item that are being handled by a different department in Collier County that I'm not involved in.

MR. TRUITT: I take your point, but the point I'm trying to raise is the county, in its entirety, is certainly aware and of and diligent enough to get on me for illegal use or some type of an issue on my piece of property when I -- to my knowledge, has there been any type of similar addressing of the use of that piece of property for parking of customers for the past year illegally without -- why are we here to have this variance? And that also --

HEARING EXAMINER STRAIN: It's not a variance, sir.

MR. TRUITT: Or getting approval to use it for parking, correct?

HEARING EXAMINER STRAIN: It's a parking exemption.

MR. TRUITT: Okay, thank you. I appreciate the correction.

But the point is is if -- it is not approved for that use at this point, correct?

HEARING EXAMINER STRAIN: That's correct.

MR. TRUITT: Okay, thank you.

So up until this point, I think it also proves the point that I was trying to make as to why it was even authorized in the first place because it certainly underscores the fact that there was not adequate parking initially when it was approved for 13.

She's -- they're trying to get the variance for piece of property, and there's been testimony from other people that there have been purchases and potential use of other surrounding areas upward of 200-plus parking spots. So, again, that all underscores how did it get approved initially with only 13?

Because it's very clear, based on what's going on now, that that is woefully inadequate and

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potentially what is -- even with the variance on this piece of property, it's still going to be woefully inadequate. And because my property is so very close to her property, when it first opened -- I've gone down there numerous times, and I've had individuals send me photographs, what have you, people park on my property. There's dog excrement on my property. There's litter on my property. People tie up on my seawall and walk over to patronize without my permission.

It's been nothing but a tremendous nuisance to me. And I echo some of the concerns that some of the other people have on the property. I don't -- there's not a home on there, and I don't live there, but certainly the location of my property in conjunction to hers, as well as it being a vacant lot, is extremely convenient for any overflow. She's supposed to be such a good neighbor, what is being done to address the concerns of the people on my property?

It's also, as an attorney, raised concerns for me, what if somebody gets hurt on my property?

HEARING EXAMINER STRAIN: I understand.

MR. TRUITT: So it's been nothing but a tremendous headache for me, and I don't even live down there. So I can only imagine what it's like for some of the people that do live near there.

And it's not a situation where I'm against growth in that area. It's just that it needs to be done in a way that's respectful and mindful of the concerns of that particular area.

So if you're going to be a good neighbor, be a good neighbor, you know. There should be no -- her goal, understandably, is to have a successful business, and by all accounts it is. But, certainly, there wasn't appropriate planning done with respect to parking, and now we're going back after the fact.

This is almost a foregone conclusion in my book. It seems to me like your -- the fact that we're having this meeting and giving me the opportunity to speak to you, it's almost patronizing and condescending because it's going to be rubber stamped. Why else you would you allow -- "you" meaning the county -- the initial allowance for her to build that property with 13 spots knowing that we're going to be, a year later, addressing an inadequacy of parking?

HEARING EXAMINER STRAIN: The review of that original piece of property is not a review we're doing today, and I was not involved in it, because was that done administratively. It's already zoned C4. So it didn't get to a level of a public meeting in that regard. So I can't answer your questions nor can I move into that action because I honestly don't know enough about it to talk to you about it today.

MR. TRUITT: But it's a situation where we can't put the toothpaste back in the tube.

HEARING EXAMINER STRAIN: Exactly. That's a good point, yes. That's what we're trying to deal with.

MR. TRUITT: Okay. So I disagree with that.

HEARING EXAMINER STRAIN: That's fine, and I understand your position.

MR. TRUITT: So I think that -- I mean, to make a final statement as to -- I disagree with allowing the variance for that piece of property at the end of Becca Ave to be used for parking. There's adequate areas around there, as many of these other people brought up. I wasn't even aware of that, but there's other avenues that need to be explored that may be more appropriate, certainly given the fact that even with all this extensive planning, you know, here we are almost 12 months after the fact, and I can personally attest to the issues it's caused me at my piece of property, and they've been all negative, negative, negative. Thank you.

HEARING EXAMINER STRAIN: You're noted for the record. Thank you very much.

Next speaker who -- anybody else like to speak? Yes, sir, come on up. Please identify yourself for the record. And I'll have to ask if you've been sworn in.

MR. BROWN: Yes.

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HEARING EXAMINER STRAIN: Thank you.

MR. BROWN: Hello. My name's Antonio Brown. I'm a realtor in Naples and also developer.

I know Rebecca since 2013 when she was planning to buy that property. So we became partners. I'm a partner of Celebration Park and this new parking lot.

I just want to give you some perspective of what happened in these years. We purchased, not with Rebecca, with my partners, a Linda Ripe (phonetic), in 2013. Bayshore was basically starting to develop a little bit. Nobody wanted to live there that wasn't in that area.

This changed a lot in these years. My son has a house that he built on Van Buren. Across the street there's always -- all those houses are commercial, and there's a lot of people, young professionals coming to buy properties there because of Celebration Park, because of 360, because of the brewery, because of the Botanical Garden.

So many businesses are coming and so many people are attracted to Bayshore; that that doesn't happen in one day or two.

So I think these businesses that are coming, not just Celebration that we did with Rebecca, that are coming in the future to Bayshore are going to benefit everybody: The county, the businesses, the families.

So I just want to thank everybody and thank the county on the process. But this is a long and very painful process for us also. It's been five years that we've been developing this project, and I think this is the last piece that we need to make it successful, more successful than what it is right now, and it's a piece to have more safety, have the neighbors -- we are very pleased to help anybody that needs help or needs any suggestions that they have to the plans.

So I'm just saying that -- thank you to everybody, and I think it's a good thing for the community and for the businesses that are coming there, too.

Thank you very much.

HEARING EXAMINER STRAIN: Thank you, sir.

Next speaker, Ray -- or, sorry. Anybody else? Yes, sir. You want to come up. Please identify yourself for the record and let me know if you were sworn.

MR. GANN: I was sworn in.

HEARING EXAMINER STRAIN: Thank you.

MR. GANN: My name is John Gann, and I live on Shoreview Drive.

My history is all at the same time. I had a bed and breakfast, I had a restaurant, I had motels, I was a developer, a contractor, and I had a real estate, so I'm pretty familiar with the whole gamut of the conversation that's going on here.

My wife, when I met her, was in Naples, and I wasn't in Naples. So she brought me down here, and she introduced me to the area. Happened to come onto Shoreview Drive in 2013, saw some things going on.

Based on my past background, I thought it would be a good area. We purchased the property. I put a couple hundred thousand dollars in it because I ripped it right down to the bare walls. And, of course, the tax rate is considerably higher.

After that I saw the block I live on, the homes were selling at one point for less than $300,000, and now they're up -- I see changes constantly. They're constantly changing. Two houses away from me just went from 425-. I think the guy is wanting 595- now.

So as far as deteriorating because of Celebration Park, it's not. It's like Fifth Avenue and South Street; everyone wants to be in an area that's developing.

For Maddox to have bought the property over across the street from her is probably the smartest thing as a businessperson to do, because she might have leases right now, but the more

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successful she's going to be, those leases can change the next time the contract comes around.

It doesn't take long before you're out of business. Fifth Avenue and South, same thing. The more successful, the tenant pays more money. It's out.

The parking lot -- and I understand the people around it might have some concerns, and I truly understand that. But from what I've seen with the map, the planning, the fencing, the sidewalk, all the things, I think it's trying to be addressed, as much as possible, can be done.

I think this is a good idea for it. The CRA is behind it. I know my community, maybe not necessarily the people right on that street, but the community in general is very much behind it, and I think the county should do everything it can to help get this temporary problem solved and help business grow on Bayshore.

Thank you.

HEARING EXAMINER STRAIN: Thank you, sir.

Any other speakers who have not already spoken?

(No response.)

HEARING EXAMINER STRAIN: Okay. With that, I'd like to talk with some staff members before we go to applicant's rebuttal.

And, Matt, if you have -- Matt McLean, if you're still here.

MR. McLEAN: Matt McLean, for the record.

HEARING EXAMINER STRAIN: Thank you, Matt, for staying.

The parking calculations, do they include employee parking as well? The numbers were 68 required, 75 provided. Does that 68 required include any consideration of employee parking, or is that an additional calculation that has to be added to the 68?

MR. McLEAN: I would have to go back and review that particular one. Can I come back to that question after I look at the plan?

HEARING EXAMINER STRAIN: Yes. Let me make sure I don't have anything else of you first.

Pervious pavers, the issue came up. In regards to whether or not a pervious paver would change anything in the off-site discharges, would they or would they not?

MR. McLEAN: The off-site discharge ultimately wouldn't change, but we have had some very successful projects that have utilized pervious pavement and pervious pavers.

What effectively happens on that is, obviously, there's a lot more pervious surface within a development, which then can, quite frankly, potentially allow someone to -- in the case of this particular project there may be an opportunity to get some additional parking spaces beyond what they're currently showing because there would be less dry detention area typically needed, because you could utilize that storage underneath that particular type of construction.

HEARING EXAMINER STRAIN: But from a perspective of off-site drainage, which is what the gentleman was concerned about or expressing frustration with, I believe, Becca or somewhere where they've had some additional waters, would that change anything from the discharges that would come off this site?

MR. McLEAN: From an off-site drainage perspective, it would not. They're still allowed to have a certain amount of off-site discharge availability, and that difference between pervious versus non-pervious surface would not impact their allowable discharge.

HEARING EXAMINER STRAIN: What I understood it to be mostly used for is to create more impervious where they have more hard surface than they can accommodate with the dry detention area like they've got here.

So, in essence, they could have more asphalt and less dry detention if they have more pervious through pavers.

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MR. McLEAN: That's correct, if they chose to design it that way.

I'll come back.

HEARING EXAMINER STRAIN: That's all I've got. I have a couple other questions of somebody else right now.

Ray, I've got a couple of different questions. The additional parking, if the parking's related to the principal use and they want to use it on a leased facility, what do they have to do for us to be able to count that as a principal-use parking?

MR. BELLOWS: You mean the parking to the south of --

HEARING EXAMINER STRAIN: It doesn't matter where it is. Right now if we -- if someone wanted to come in and they needed more parking spaces than they could fit on site and they had a parking exemption where they didn't own property, what would they end up having to do in order for us to convince -- convince the county that they could have additional parking counted on that off-site?

MR. BELLOWS: Well, there are three types of parking exemptions. Two of them require at least 67 percent of the required parking to be placed on the site of the commercial use seeking off-site parking. That off-site parking requires a 10-year lease.

HEARING EXAMINER STRAIN: That's what I was getting at. I thought we had a lease arrangement.

MR. BELLOWS: Yeah.

HEARING EXAMINER STRAIN: So unless those other sites that were referenced could be leased in a signed lease for 10 years, we could not count them as her off-site permanent parking facilities to qualify her operations; is that fair to say?

MR. BELLOWS: If I understand your question, the Site Development Plan is required to depict this off-site parking to meet their parking requirements.

HEARING EXAMINER STRAIN: Correct. And we would require a 10-year lease in order for that to be effective?

MR. BELLOWS: Correct.

HEARING EXAMINER STRAIN: Okay. Another -- and I have a question of Mr. Mulhere. Do you have any days in which the parking lot doesn't operate, the parking or Celebration Park doesn't operate?

MR. MULHERE: Mondays.

HEARING EXAMINER STRAIN: Then you wouldn't need to operate that parking lot on Mondays, would you?

MR. MULHERE: If we're not open, we don't need to operate it.

HEARING EXAMINER STRAIN: Okay. That's what I needed to hear. And with that, unless Matt has a clarification on the question he was going to check on, I'll go -- let you go into your rebuttal.

MR. McLEAN: With respect to the employees, that actually is all filtered and then counted with respect to the restaurant square footage and the outdoor footage or, I'm sorry, the outdoor seating area. There's not a specific line item for employees when it comes to the required parking. It's assumed that it's calculated within those particular components.

HEARING EXAMINER STRAIN: That's what I needed to confirm --

MR. McLEAN: Thank you.

HEARING EXAMINER STRAIN: -- that we did take it into consideration. Thank you.

Okay. Bob.

MR. MULHERE: I was looking for that exhibit that the young lady put on the visualizer that had the parking.

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

That's it. Thank you.

I just wanted to briefly address, because it was raised by several people, the, you know, amount of additional parking. As a community or urban planner who's worked in Collier County for almost 30 years, maybe more than 30 years, and also someone who's worked on both the public side of the CRA development as well as the private side representing clients who may have an interest in the CRA -- and I think it was mentioned, you know, what happens is that you can become a victim of your own success. It's been 20 years to get to this point where there is this kind of interest, where property values are actually increasing where there is interest in the CRA, broader CRA, but including Bayshore.

And, you know, the same thing happened on Fifth Avenue and, ultimately, they built -- I think there's three parking garages and a fourth one planned in downtown Naples, built by the city and maintained by the city for free public parking.

We don't have that situation here, but I heard mention that the CRA -- and I know that they are looking for opportunities to create some additional public parking, because there will be deficiencies of parking if people increasingly come to Bayshore to recreate, to dine, to perhaps -- you know, maybe to go to an art gallery or go to the Botanical Gardens, which certainly has enough parking on its own.

So these -- these parking spaces that were shown on this exhibit -- and you mentioned it. There is a requirement for a long-term lease minimum of 10 years, but if you're a businessman or woman -- sorry. In this case, businesswoman -- you know, it wouldn't make any sense to have a successful business and have a 10-year lease that might expire, so you'd probably want a longer-term lease or a more permanent situation.

This is a more permanent situation. The parking that is available -- I don't know the name of the commercial, but it's a block north of Becca. Mr. Ingram owns the property, Larry Ingram. That property's for sale, and that is, I believe, at best, a month-to-month lease. It was done because when the park became successful there was a need for more parking. When I went there three or four times, I parked in his parking lot. That may or may not be available.

The leased parking on the other side of 360 Market that was referenced, I think 53 spaces, not all of those spaces are available to Ms. Maddox. And, also, that is a short-term lease. I think it expires -- she may have a year on that. I don't know the details, but it is not a long-term lease.

So these are temporary fixes. There may be an opportunity to provide some additional public parking or parking for businesses that Ms. Maddox is associated with as she develops the parcels that she purchased on the east side of Bayshore. But that's still in the planning stages. We don't know.

And so none of those are -- you know, are the kind of solution that this provides an opportunity to.

I guess I would say that I think we appreciate the problems and the concerns that this has generated in the neighborhood particularly for people who live close to this parking lot. It's not improved to the standards that the county would require. It needs to be improved to those standards or greater, and in this case we are providing greater standards, and we recognize that.

That probably doesn't alleviate the problems that people have already experienced, but at least we can take care of it moving forward.

This is -- there is actually a code enforcement case that was opened on this off-site parking lot, and this is one opportunity to remedy the illegal use of that parking lot. The other remedy would be to eliminate everything and restore it to its previous condition. So there are opportunities. There is a code enforcement case.

I think that really -- that really concludes my rebuttal. Thank you.

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

HEARING EXAMINER STRAIN: Just one point of clarification, because it's been brought up a couple times. The current facility to the south that is not part of today's review, which is the Celebration Park site --

MR. MULHERE: Yes.

HEARING EXAMINER STRAIN: -- you're in for some processing there, too, right, an SDP review, on anything there?

MR. MULHERE: No, not my knowledge. I think what has happened is there is a Site Development Plan amendment which will incorporate the off-site parking lot.

HEARING EXAMINER STRAIN: Right. But the parking of the 13, whatever number, 12 -- I don't know how many spaces you have.

MR. MULHERE: I think it was 13.

HEARING EXAMINER STRAIN: Those number of spaces as being corrected through the current submittal that's being reviewed that Matt had come up and provided the numbers for --

MR. MULHERE: To ensure that the appropriate number of parking spaces are provided knowing what we know today, and that will limit the number of seats that can be provided for on the site. The only way that you could put more seats in than whatever that Site Development Plan typically would limit you to -- and I don't know the details. I'm not working on it -- what that number is. But there will be a limit. It's based on the parking.

HEARING EXAMINER STRAIN: Right. So if you need -- if you put more --

MR. MULHERE: You've got to find more parking, exactly.

HEARING EXAMINER STRAIN: I just wanted to make sure, because that is a correction, then, to the original submittal.

MR. MULHERE: Yes, that's correct.

HEARING EXAMINER STRAIN: I don't have any other questions, Bob. I think everything that I had written or thought about has been asked, and we've had public testimony and staff follow-up.

So with that, we will close the public hearing, and a decision will be rendered within 30 days.

And I thank all of you for your attendance today. I greatly appreciate your input, and we'll have something out to you soon.

That takes us to other business. There is none. And this meeting's adjourned. Thank you.

****

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

There being no further business for the good of the County, the meeting was adjourned by order of the Hearing Examiner at 11:21 a.m.

COLLIER COUNTY HEARING EXAMINER

MARK STRAIN, HEARING EXAMINER

These minutes approved by the Hearing Examiner on 9-12-19, as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF
U.S. LEGAL SUPPORT, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.

Attachment: ATTACHMENT B1 - 8-22-19 HEX Meeting Minutes (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

HEX NO. 2021-12

HEARING EXAMINER DECISION

DATE OF HEARING.

February 25, 2021

PETITION.

PETITION NO. PL202000001934 ABW - Bayshore Wine and Food Venue-The applicant requests that the Hearing Examiner consider a minimum distance waiver pursuant to Section 5.05.01.A.6. of the Land Development Code for an establishment to be known as the Bayshore Wine and Food Venue that seeks to sell alcohol for consumption on-site with a minimum separation distance of less than 500 feet from an existing establishment whose primary function is the sale of alcoholic beverages for consumption on-site and two churches.

GENERAL PURPOSE FOR THE PETITION.

Request to waive the required minimum separation distance of 500 feet from churches (houses of worship) and waive the required minimum separation distance of 500 feet from establishments that sell alcohol for on-site consumption and derive less than fifty-one percent of its sales from food items for the proposed Bayshore Wine and Food Venue. The existing establishments within 500 feet are:

ESTABLISHMENT	LOCATION	DISTANCE
Celebration Food Truck Park	Unit 12105	100.3 feet
Revelation Church of Jesus Christ of the Apostolic	2740 Bayshore Drive	311.7 feet
Iglesio del Evangelio de Cristo	2727 Bayshore Drive	281.5 feet

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The Hearing Examiner has jurisdiction over this Petitioner pursuant to Art. III, Div. 3 of the Collier County of Ordinances, Section 5.05.01.A.6. 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.

Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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.

5. County planning staff presented their report and recommendation, Petitioner and/or Petitioner's representative presented the Petition, followed by public comment, and rebuttal by Petitioner and/or Petitioner's representative.

6. Several members of the public submitted testimony and written comments in opposition to the Petition; however, none of the establishments within the 500" distance objected. Most objections pertained to the existing Celebration Food Truck Park.

7. The proposed establishment is in the Bayshore Gateway Triangle Community Redevelopment Area.

8. The Board of Zoning Appeals (BZA) is referenced in 5.05.01.A.6 but "Alcohol Distance Waiver" is listed in Chapter 9 (Office of the Hearing Examiner) of the County Administrative Code. The "factors" upon which the Hearing Examiner shall base the decision on are listed in 5.05.01.A.6:[1]

    a. The nature and type of natural or manmade boundary, structure, or other feature lying between the proposed establishment and an existing school, childcare center, public library, church, public park, or public playground which is determined by the BZA to lessen the need for the total 500-foot distance requirement. Such boundary, structure, or other feature may include, but is not limited to, lakes, marshes, nondevelopable wetlands, designated preserve areas, canals, and major rights-of-way.

       The record clearly reflects that all but one existing establishment (The Iglesio del Evangelio de Cristo church at 2727 Bayshore Drive) is separated by a major right-of-way (Bayshore Drive).

    b. The paths of vehicular and pedestrian traffic which could be taken between the alcoholic beverage establishment and the school, childcare center, public library, church, public park, or public playground.

       The record reflects that the pedestrian travel distance to the two existing houses of worship is greater than 500 feet. The existing alcoholic beverage establishment is located directly across Bayshore Drive at the Celebration Food Truck Park. Testimony and the County staff report support the belief that patrons at both locations would walk across Bayshore Drive (four houses) to go to both locations while using the onsite parking for one or the other. Testimony reflects that there is an existing cross walk near both establishments for traversing Bayshore Drive.

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

Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

c. The hours of operation and the noise and light which could potentially be generated from the premises selling alcoholic beverages.

The testimony (oral and written) from the public focus mostly on disruption caused by the existing food truck park located across Bayshore Drive from the Petition location, and that an additional alcoholic beverage establishment will intensify the situation. Most complaints related to noise (amplified music) and overflow parking into the neighborhood adjacent to the food truck park, particularly during special events there. Testimony reflects that the owner of the food truck park and the subject Petition is the same owner. The petitioner has offered to limit outdoor amplified music to the hours of 11:00 a.m. to 10:00 p.m. on Friday and Saturday, and 11:00 a.m. to 9:00 p.m. on Sunday through Thursday.

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 that given by the public, the Hearing Examiner finds that there is enough competent, substantial evidence as applied to the factors set forth in Section 5.05.01.A.6. of the Land Development Code to approve the Petition.

The second and third factors require attention. It is almost certain that combined, the existing food truck establishment and the future venue described in the Petition, will intensify pedestrian activity across Bayshore Drive and the amplified music. Combined, both will draw more traffic and more patrons. Care must be taken for pedestrian safety and controlling the music amplification. While Bayshore Drive lessens the need for the 500 feet separation, it also requires attention to pedestrian safety. The design of the future venue illustrates an open area and outdoor stage on the east side abutting an existing residential area. The Petitioner should take every step possible to redesign the location of the stage and/or the stage itself away from the residential area. Perhaps cover the stage and not allow musicians to use their own amplification system. The venue can instead install its own system, allowing for better management. The Petitioner should establish buffers to ameliorate noise and light disturbance into the residential area.

DECISION.

The Hearing Examiner hereby APPROVES Petition Number ABW-PL20200001934 filed by Robert J. Mulhere, FAICP of Hole Montes, Inc. and Maddox & Partners, LLC representing Naples 3.0 Holdings, Inc., with respect to the property as described as the east side of Bayshore Drive between Weeks Avenue and Becca Avenue in Section 11, Township 50 South, Range 25 East, Collier County, Florida for the following:

- A minimum distance waiver for an establishment to be known as the Bayshore Wine and Food Venue that seeks to sell alcohol for consumption onsite with a minimum separation distance of less than 500 feet from an existing establishment whose primary function is the sale of alcoholic beverages for consumption on-site and two churches.

Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Said changes are fully described in the Venue Aerial Separation Exhibit attached as Exhibit "A" and are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – Venue Aerial Separation Exhibit

LEGAL DESCRIPTION.

The east side of Bayshore Drive between Weeks Avenue and Becca Avenue in Section 11, Township 50 South, Range 25 East, Collier County, Florida.

CONDITIONS.

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

2. Outdoor amplified music shall be limited to the hours of 11:00 a.m. to 10:00 p.m. on Friday and Saturday, and 11:00 a.m. to 9:00 p.m. on Sunday through Thursday.

3. Fully ensure pedestrian safety crossing Bayshore Drive to the greatest extent feasible.

4. Take protective steps to prevent music amplification intrusion into the abutting residential neighborhood.

DISCLAIMER.

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

APPEALS.

This decision becomes effective on the date it is rendered. Pursuant to Ordinance 2013-25, as amended, a Hearing Examiner Decision may be appealed to the Board of County Commissioners or the Board of Zoning Appeals, as appropriate. Appeals must be filed within 30 days of the date the Hearing Examiner Decision is rendered.

Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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.

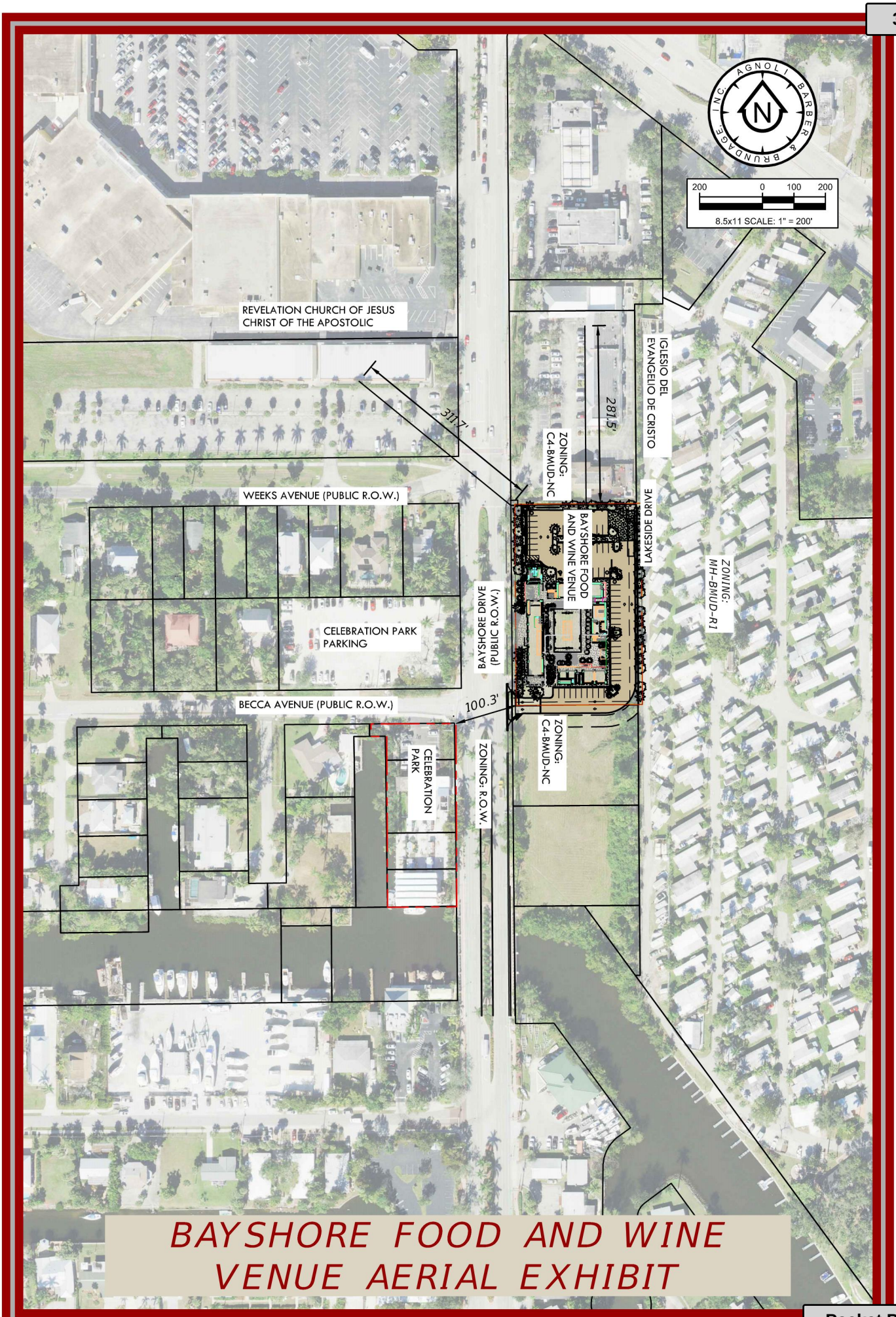
March 19, 2021
Date

Andrew Dickman, Esq., AICP
Hearing Examiner

Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

EXHIBIT “A”

Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)



Attachment: ATTACHMENT C - HEX Final Decision 2021-12 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Summary of Code Enforcement Cases
2018-2021

Location	Case #	Date Entered	Description of Complaint	Violation Found / Not Found	Date of Close Case
Becca Ave Parking Lot (2831 Becca Ave)	CESD20180015491	12/17/2018	Unpermitted improvements to lot.	**Violation/Hearings** 12/17/2018 - Unpermitted construction work witnessed including lot clearing and introduction of gravel fill. A STOP WORK ORDER was issued for this pending approval of all permits. Several re-inspections noted non-compliance and approval of necessary permits 9/6/2019 - Special Magistrate Hearing. Respondent was present. Stipulation Agreement. OR 5677 PG 2185. Respondent shall abate all violations by Obtaining all required Collier County approvals for the parking lot 3/6/2020 - Special Magistrate Hearing. Respondent was present. OR 5747 PG 686. Imposition of Fines/liens is Denied based on the mitigating circumstances presented by respondent and a total fine amount of $20,500.00 waived by the Special Magistrate.	2/27/2020
Becca Ave Parking Lot (2831 Becca Ave)	CELU20190011773	9/25/2019	Complainant stated that cars are parking on lot, also delivery trucks are using lot to offload, the agreement dated 9/4/19 does not allow for this. ***DUPLICATE CASE CESD20180015491***	**Withdrawn** already been addressed under case #CESD20180015491 which has been adjudicated with a Stipulation that the respondent has until December 2019 to achieve compliance. As such, this is a ***DUPLICATE CASE CESD20180015491	9/30/2019

Attachment: ATTACHMENT D - Summary of Code Enforcement Cases (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Summary of Code Enforcement Cases
2018-2021

Location	Case #	Date Entered	Description of Complaint	Violation Found / Not Found	Date of Close Case
Becca Ave Parking Lot (2831 Becca Ave)	CELU20200001310	2/5/2020	Complainant stated that the parking lot was used on Monday which is designated as a no use day per ordinance.	**Voluntary Compliance** Courtesy Notice to Celebration Park to let them know that any repeat of this activity would result in a Notice of Violation and a CEB Hearing. Corrective Action Taken.	2/6/2020
Becca Ave Parking Lot (2831 Becca Ave)	CESD20200006293	6/12/2020	Parking lot is flooding complainant's property.	**No Violation** 06/24/2020 - Per Engineering Determination, there is no violation. opened a new case (CEPM20200006766) to address the stormwater issue.	6/24/2020
Becca Ave Parking Lot (2831 Becca Ave)	CELU20200013901	12/31/2020	Parking Lot for Celebration Park was open on Monday 12/28/2020.	**Violation/Unpaid** 12/31/2020 - This parking lot was open on Monday 12/28/2020 which is a violation of Hex 19-38 Condition 6. Served Citation #:00182	1/7/2021
Becca Ave Parking Lot (2831 Becca Ave)	CELU20210001826	2/23/2021	Parking Lot was open on a Monday (2/22) in violation of the HEX ruling.	**Violation/Hearing** 3/25/2021 - Code Enforcement Board Hearing. Found Guilty. Respondent not present. Stipulation Agreement. Respondent must abate all violations by: Immediately cease all use of this parking lot on all Mondays, until such time as all of the required Collier County approvals have been obtained that would allow the parking lot to be open on Mondays. Pay a civil penalty of $750.00 for this recurring violation and pay operational costs for the prosecution of this case in the amount of $59.21 on or before April 24, 2021.	3/30/2021

Attachment: ATTACHMENT D - Summary of Code Enforcement Cases (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Summary of Code Enforcement Cases
2018-2021

Location	Case #	Date Entered	Description of Complaint	Violation Found / Not Found	Date of Close Case
Celebration Park (2880 Becca Ave)	CEN20190009852	8/14/2019	Complaint of no Amplified Sound Permit at Celebration Park.	**No Violation** City View research shows that PL20180003242 - AMPLIFIED SOUND PERMIT FOR OPERATION OF FOOD TRUCK AND TIKI BAR - AMPLIFIED SOUND PERMIT ALLOWED FROM 10:00 A.M. TO 10:00 P.M. - CHAPTER 54.90 - MAXIMUM PERMISSLBLE SOUND LEVELS OF THE CODE OF LAWS AND ORDINANCE, was approved on 10/26/2018 @ 11:11 am est. As such, there is no violation found.	8/14/2019
Celebration Park (2880 Becca Ave)	CEV20190012772	10/22/2019	Celebration Park is operating a golf cart on undesignated county streets/roads. The ordinance does not cover operation in this area.	**No Violation** Cart had been returned / no longer in use.	10/23/2019
Celebration Park (2880 Becca Ave)	CELU20190012817	10/23/2019	Greater number of trucks and 1 floating food concession than allowed per approved site plan.	**Voluntary Compliance** Per Zoning Determination, I witnessed violations of the approved SDP including exceeding the maximum allowable food service vehicle count, and, allowing a floating food service boat to be moored to the parcel. Corrected 12/4/2019.	12/10/2019
Celebration Park (2880 Becca Ave)	CEN20200001265	2/4/2020	Noise- (mainly in the evenings 7pm to 9pm) Music at the food truck park evenings and weekends.	**Voluntary Compliance** 02/21/2020 - Site Visit. Discussed current and previous noise readings taken by Deputy Nelson, levels and locations, walked park with General Manager Mr. Johnson to show areas of concern as well as surrounding dwellings. Corrective Action Taken.	2/21/2020

Attachment: ATTACHMENT D - Summary of Code Enforcement Cases (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Summary of Code Enforcement Cases
2018-2021

Location	Case #	Date Entered	Description of Complaint	Violation Found / Not Found	Date of Close Case
Celebration Park (2880 Becca Ave)	CELU20200001421	2/7/2020	Farmer's Market on Sunday without TUP 7am-4pm blocking the handicapped parking spaces.	**No Violation** Temporary Market tents relocated to inside the Park and not blocking any parking.	2/10/2020
Celebration Park (2880 Becca Ave)	CECOM20200004898	5/6/2020	Celebration Park in Naples has their Bar fully open. They do not have a food license, only a bar one. Each truck has their own food license and can be open, but the bar is breaking the law.	**No Violation** "The zoning approval for the Food Truck Park allows the bar to operate as an accessory use to the food truck food sales...". As such, there is no violation.	5/12/2020
Celebration Park (2880 Becca Ave)	CEN20200006648	6/22/2020	Excessive amplified noise on Friday & Saturday evenings from Celebration Park	**Referral** moved the entertainment to other side of bar area to help remediate noise. Corrective Action Taken.	6/29/2020
Celebration Park (2880 Becca Ave)	CEPE20200010200	9/18/2020	Food truck blocking handicapped spot	**Voluntary Compliance** The illegally parked food truck has been removed from the property.	9/22/2020
Celebration Park (2880 Becca Ave)	CELU20200012027	11/6/2020	Food vendor truck parked in the handicapped spot up front.	**Voluntary Compliance** The food truck that was set up in the parking lot has been removed from the property.	11/12/2020
Celebration Park (2880 Becca Ave)	CEN20200012097	11/10/2020	Excessive noise from the amplified sound at Celebration Food Truck Park	**Violation (See case CEN20210002604)** Notice of Violation recorded - 12/21/2020 Corrective Action taken at followup site visits on 1/8/2021, 1/9/2021, 1/22/2021, 1/29/2021, 2/18/2021, 2/19/2021, 3/15/2021 Planted a vegetative buffer and a portable sound barrier "blanket" around the live band and relocated the live band to another designated area, repositioning speakers.	3/17/2021
Celebration Park (2880 Becca Ave)	CELU20200012446	11/20/2020	A food truck is parked in the customer parking area. This is the 9th food truck.	**Voluntary Compliance** 9th food truck has been removed.	12/11/2020

Attachment: ATTACHMENT D - Summary of Code Enforcement Cases (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Summary of Code Enforcement Cases
2018-2021

Location	Case #	Date Entered	Description of Complaint	Violation Found / Not Found	Date of Close Case
Celebration Park (2880 Becca Ave)	CELU20210000331	1/11/2021	Pontoon boats are being docked and stored overnight at Celebration Park.	**Voluntary Compliance** The rental boats that were being stored at Celebration Park have been removed.	2/18/2021
Celebration Park (2880 Becca Ave)	CESD20210001376	2/7/2021	Celebration Park - food truck deliveries were witnessed to be blocking fire lane. Large propane tanks require permits and inspections.	**Referral** this case will be submitted for closure under "Outside Jurisdiction" as these issues are under the authority of Greater Naples Fire Department.	5/12/2021
Celebration Park (2880 Becca Ave)	CEN20210002604	3/17/2021	Noise complaint for Celebration Park off Bayshore Drive	**Violation/Hearing** Previously case CEN20200012097 4/2/2021 - Special Magistrate Hearing. Found Guilty. Pay operational costs of $111.70 by May 2, 2021 and comply with decibel sound limits	4/7/2021
Celebration Park (2880 Becca Ave)	CEN20210003514	4/9/2021	Loud music coming from the property.	**No Violation** Conducted noise readings from complainant's property (@ 2978 Orange Street), approximately 560 feet away from the alleged Sound Source/property in question. The highest Sound Source Level/"Source-On" reading was 68.6 dB(C) @ 1930 hrs. The allowable Sound Level Limit at that time of day is 72 dB(C). The highest Ambient Sound Level reading was 59.5 dB(C) @ 1954 hrs.	5/4/2021
Celebration Park (2880 Becca Ave)	CEN20210005111	5/18/2021	Complaint about loud music on Saturdays at Celebration Park	**No Violation** Approximately 10 -12 readings were taken from 6pm - 7pm (all recorded) with not much difference in ambient and source levels all of which varied between high 60s to low 70s, none of which were in violation of the Collier County Noise Ordinance. The complainant was also on site and decibel levels were viewed by him continuously to show no violations existed.	5/24/2021

Attachment: ATTACHMENT D - Summary of Code Enforcement Cases (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Summary of Code Enforcement Cases
2018-2021

Location	Case #	Date Entered	Description of Complaint	Violation Found / Not Found	Date of Close Case
Celebration Park (2880 Becca Ave)	CEN20210006814	6/28/2021	Loud music (especially the drums) going on from 11am to 10pm. Caller states he's 700 feet away & he has to turn his TV all the way up to not hear the drums.	**No Violation** Conducted noise readings from complainant's property (@ 2938 Cypress Street), approx. 280 feet from the Sound Source/ property in question. The highest Sound Source Level/"Source-On" reading was 72.3 dB(C) @ 2039 hrs. The highest Ambient Sound Level was 63.8 dB(C) @ 2018 hrs. The difference between the Sound Source Level/"Source-on" and Ambient Sound Level is 8.5 dB(C), a correction of 1 dB (C) applies and is to be subtracted from the Sound Source Level. The adjusted/corrected Sound Source Level is 71.3 dB(C) and the allowable Sound Level Limit at that time of day is 72 dB(C).	7/28/2021
Celebration Park (2880 Becca Ave)	CEN20210007644	7/19/2021	Excessive noise from music at Celebration Park.	**No Violation** Conducted noise reading from the complainant's property at 2872 Weeks Ave which is approx. 300 feet away from the where the band was playing. The highest Sound Source Level/Source-On reading was 71.9 db(C) at 1933 hrs. The Highest Ambient Sound Level was 70.4 db(C) at 1803 Hrs. The difference between the Sound Source Level/ Source On and Ambient Sound Level is 1.5 db(C), a correction of 1db (C) applies and is subtracted from the Sound Source Level is 70.9 db(C) and the allowable Sound Level Limit at that time of day is 72db (C). Therefore, the results of the reading indicates that there is no noise violation at this time.	8/16/2021

Attachment: ATTACHMENT D - Summary of Code Enforcement Cases (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY CODE ENFORCEMENT
CODE ENFORCEMENT BOARD

Case No. CELU20210001826

_____/

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA,

Petitioner,

vs.

BAYSHORE REDEVELOPMENT GP, LLC,

Respondent.

_____/

ORDER OF THE CODE ENFORCEMENT BOARD

THIS CAUSE came before the Code Enforcement Board (the "Board") for public hearing on March 25, 2021, and the Board, having heard testimony under oath, received evidence and heard argument respective to all appropriate matters, hereupon issues its Findings of Fact, Conclusions of Law, and Order of the Board as follows:

FINDINGS OF FACT

1. Respondent, **BAYSHORE REDEVELOPMENT GP, LLC,** is the owner of the subject property (the "Property").

2. Respondent, having been notified of the date of hearing by certified mail and posting, did not appear at the public hearing.

3. Prior to the hearing, Respondent entered into a Stipulation, which is attached hereto as Exhibit "A." The Stipulation is adopted and incorporated into this Order, and Respondent is ordered to comply.

4. The Property at 2831 Becca Ave, Naples, FL 34112, Folio No. 81271240003 (Legal Description: REBECCA WEEKS LOTS 45-50, LESS THAT PORTION FOR R/W) is in violation of Collier County Land Development Code, Ord. No. 04-41, as amended, Section 2.02.03, in the following particulars:

   This parking lot was in use on Monday, February 22, 2021, which is not a permitted use per HEX # 2019- 38.

5. The violations have not been abated as of the date of this hearing.

CONCLUSIONS OF LAW

Based upon the foregoing facts, the Board makes the following Conclusions of Law:

1. All notices were properly and timely issued, and the Board has jurisdiction pursuant to Chapter 162, Florida Statutes, and Chapter 2, Article IX, Code of Laws and Ordinances of Collier County, Florida.

2. The preponderance of the evidence shows that violations of Collier County Land Development Code, Ord. No. 04-41, as amended, Section 2.02.03 do exist, and that Respondent committed, and was responsible for maintaining or allowing the violations to continue as of the date of this hearing.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Chapter 2, Article IX, Code of Laws and Ordinances of Collier County, Florida, it is hereby ORDERED that:

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

A. Respondent is found guilty of violating Collier County Land Development Code, Ord. No. 04-41, as amended, Section 2.02.03.

B. Respondent must pay a civil penalty of $750.00 for this recurring violation.

C. Respondent must abate all violations by immediately ceasing all use of this parking lot on all Mondays, until such time as all of the required Collier County approvals have been obtained that would allow the parking lot to be open on Mondays.

D. If Respondent fails to comply with this Order, Collier County may abate the violations using any method to bring the violations into compliance and may use the assistance of the Collier County Sheriff's Office to enforce the provisions of this Order and all costs of abatement shall be assessed to Respondent.

E. Respondent is ordered to pay operational costs for the prosecution of this case in the amount of **$ 59.21 on or before April 24, 2021**.

F. Respondent shall notify Code Enforcement within 24 hours of abatement of the violations and request the investigator to perform a site inspection to confirm compliance.

DONE AND ORDERED this 25 day of March, 2021 at Collier County, Florida.

CODE ENFORCEMENT BOARD
COLLIER COUNTY, FLORIDA

BY: _____
Robert Kaufman, Chair

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 2 day of April, 2021, by Robert Kaufman, Chair of the Collier County Code Enforcement Board Collier County, Florida.

☒ Personally Known OR ☐ Produced Identification
Type of Identification Produced_____

_____
Signature of Notary Public - State of Florida

HELEN BUCHILLON
Commission # GG 104629
Expires May 15, 2021
Bonded Thru Budget Notary Services

_____
Commissioned Name of Notary Public
(Print/Type/Stamp)

PAYMENT OF FINES: Any fines ordered to be paid pursuant to this Order may be paid at the Collier County Code Enforcement Department, 2800 North Horseshoe Drive, Naples, FL 34104, Phone: (239) 252-2440, Website: www.colliercountyfl.gov. Any release of lien or confirmation of compliance or confirmation of the satisfaction of the obligations of this Order may also be obtained at this location.

APPEAL: Any aggrieved party may appeal a final order of the Board to the Circuit Court within thirty (30) days of the execution of the Order appealed. An appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created within the original hearing. It is the responsibility of the appealing party to obtain a transcribed record of the hearing from the Clerk of Courts. Filing an appeal will not automatically stay this Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this ORDER has been sent by U.S. Mail to: BAYSHORE REDEVELOPMENT GP, LLC, 1350 JEWEL BOX AVE., Naples, FL 34102 on April 2, 2021.

_____
Code Enforcement Official

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

#7

BOARD OF COUNTY COMMISSIONERS
Collier County, Florida
Petitioner,

vs.

Case No. CELU20210001826

BAYSHORE REDEVELOPMENT GP LLC
Respondent(s),

STIPULATION/AGREEMENT

Before me, the undersigned, Rebecca Maddox, on behalf of BAYSHORE REDEVELOPMENT GP LLC, enters into this Stipulation and Agreement with Collier County as to the resolution of Notices of Violation in reference (case) number CELU20210001826 dated the 25th day of February, 2021.

This agreement is subject to the approval of the Code Enforcement Board. If it is not approved, the case may be heard on the scheduled Hearing date, therefore it is strongly recommended that the respondent or representative attend the Hearing.

In consideration of the disposition and resolution of the matters outlined in said Notice(s) of Violation for which a hearing is currently scheduled for March 25, 2021; to promote efficiency in the administration of the code enforcement process; and to obtain a quick and expeditious resolution of the matters outlined therein the parties hereto agree as follows:

1) The violations noted in the referenced Notice of Violation are accurate and I stipulate to their existence, and that I have been properly notified pursuant to Florida Statute 162.

THEREFORE, it is agreed between the parties that the Respondent shall;

1) Pay operational costs in the amount of $59.21 incurred in the prosecution of this case within 30 days of this hearing.

2) Pay a civil penalty of $750.00 for this recurring violation.

3) Abate all violations by:
Immediately cease all use of this parking lot on all Mondays, until such time as all of the required Collier County approvals have been obtained that would allow the parking lot to be open on Mondays.

4) Respondent must notify Code Enforcement within 24 hours of abatement of the violation and request the Investigator perform a site inspection to confirm compliance.
(24 hours notice shall be by phone or fax and made during the workweek. If the violation is abated 24 hours prior to a Saturday, Sunday or legal holiday, then the notification must be made on the next day that is not a Saturday, Sunday or legal holiday.)

4) That if the Respondent fails to abate the violation the County may abate the violation using any method to bring the violation into compliance and may use the assistance of the Collier County Sheriff's Office to enforce the provisions of this agreement and all costs of abatement shall be assessed to the property owner.

Respondent or Representative (sign)

Respondent or Representative (print)

3-24-21
Date

Joseph Muchg, Supervisor
for Michael Ossorio, Director
Code Enforcement Division

3-24-21
Date

REV 3-29-16

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

INSTR 6118734 OR 6003 PG 243 RECORDED 8/26/2021 11:20 AM PAGES 3
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
REC $27.00

CODE ENFORCEMENT – SPECIAL MAGISTRATE
COLLIER COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA,

Petitioner,

vs. **Case No. –CEN20210002604**

NAPLES 2.0 LLC,

Respondent.
_____/

NOT A CERTIFIED COPY

AMENDED
ORDER OF THE SPECIAL MAGISTRATE

THIS CAUSE came on for public hearing before the Special Magistrate on April 2, 2021, and the Special Magistrate, having heard testimony under oath, received evidence and heard argument respective to all appropriate matters, hereupon issues its Findings of Fact, Conclusions of Law and Order of the Special Magistrate, as follows:

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. Respondent, the owner of the subject property located at 2880 Becca Avenue, Naples, FL 34112, Folio No. 29830040004.

2. Respondent, **NAPLES 2.0 LLC,** was duly notified of the date of hearing by certified mail and posting, but did not appear at the public hearing, having entered into a Stipulation that resolved all outstanding issues between the parties.

3. The real property owned by Respondent is in violation of the Collier County Code of Laws and Ordinances, Chapter 54, Article IV, Section 54-92(b)(1) in the following particulars:

Sound level limit was exceeded on improved occupied commercial property.

4. Respondent was in violation at the time of issuance of the Notice of Violation, but the violation was abated as of the date of the public hearing.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Collier County Ordinance No. 07-44, as amended,

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

IT IS HEREBY ORDERED:

A. Respondent is found guilty of violation of the Collier County Code of Laws and Ordinances, Chapter 54, Article IV, Section 54-92(b)(1).

B. Respondent is ordered to **pay operational costs** for the prosecution of this case in the amount of **$111.70 on or before May 2, 2021.**

DONE AND ORDERED this 6th day of August, *nunc pro tunc* to April 2, 2021, at Naples, Collier County, Florida.

COLLIER COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE

BRENDA C. GARRETSON

PAYMENT OF FINES: Any fines ordered to be paid pursuant to this order may be paid at the Collier County Code Enforcement Division, 2800 North Horseshoe Drive, Naples, FL 34104, phone # (239) 252-2440, or www.colliergov.net. Any release of lien or confirmation of compliance or confirmation of the satisfaction of the obligations of this order may also be obtained at this location.

APPEAL: Any aggrieved party may appeal a final order of the Special Magistrate to the Circuit Court within thirty (30) days of the execution of the Order appealed. An appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created within the original hearing. It is the responsibility of the appealing party to obtain a transcribed record of the hearing from the Clerk of Courts. Filing an Appeal will not automatically stay the Special Magistrate's Order.

I, Crystal K. Kinzel, Clerk of Courts, and for Collier County do hearby certify that the above instrument is a true and correct copy of the original filed in Collier County, Florida
By: _____ Deputy Clerk
Date: 8/23/2021

NOT A CERTIFIED COPY

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this ORDER OF THE SPECIAL MAGISTRATE, has been sent by U.S. Mail on this 17th day of August, 2021 to Respondent(s), NAPLES 2.0 LLC, 2055 TRADE CENTER WAY, NAPLES, FL 34109.

Code Enforcement Official

NOT A CERTIFIED COPY

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

INSTR 6048597 OR 5937 PG 1211 RECORDED 4/29/2021 1:52 PM PAGES 4
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
REC $35.50

COLLIER COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE

Case No. –CEN20210002604

_____/

BOARD OF COUNTY COMMISSIONERS COLLIER COUNTY, FLORIDA,

Petitioner,

vs.

NAPLES 2.0 LLC and CELEBRATION PARK LLC,

Respondents.

_____/

NOT A CERTIFIED COPY

ORDER OF THE SPECIAL MAGISTRATE

THIS CAUSE came on for public hearing before the Special Magistrate on April 2, 2021, and the Special Magistrate, having heard testimony under oath, received evidence and heard argument respective to all appropriate matters, hereupon issues its Findings of Fact, Conclusions of Law and Order of the Special Magistrate, as follows:

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. Respondents, the owner of the subject property located at 2880 Becca Avenue, Naples, FL 34112, Folio No. 29830040004.

2. Respondents, **NAPLES 2.0 LLC and CELEBRATION PARK LLC,** were duly notified of the date of hearing by certified mail and posting, but did not appear at the public hearing, having entered into a Stipulation that resolved all outstanding issues between the parties.

3. The real property owned by Respondents is in violation of the Collier County Code of Laws and Ordinances, Chapter 54, Article IV, Section 54-92(b)(1) in the following particulars:

Sound level limit was exceeded on improved occupied commercial property.

4. Respondents were in violation at the time of issuance of the Notice of Violation, but the violation was abated as of the date of the public hearing.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Collier County Ordinance No. 07-44, as amended,

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

IT IS HEREBY ORDERED:

A. Respondents are found guilty of violation of the Collier County Code of Laws and Ordinances, Chapter 54, Article IV, Section 54-92(b)(1).

B. Respondents are ordered to **pay operational costs** for the prosecution of this case in the amount of **$111.70 on or before May 2, 2021.**

C. Respondents must abate the violation by complying with the decibel sound limits in accordance with sound levels and time constraints pursuant to Table 1 of Collier County Code of Laws and Ordinances, Chapter 54, Article IV, Section 54-92(b)(1) for all future amplified sound events.

DONE AND ORDERED this 2nd day of April 2021 at Naples, Collier County, Florida.

COLLIER COUNTY CODE ENFORCEMENT
SPECIAL MAGISTRATE

BRENDA C. GARRETSON

PAYMENT OF FINES: Any fines ordered to be paid pursuant to this order may be paid at the Collier County Code Enforcement Division, 2800 North Horseshoe Drive, Naples, FL 34104, phone # (239) 252-2440, or www.colliergov.net. Any release of lien or confirmation of compliance or confirmation of the satisfaction of the obligations of this order may also be obtained at this location.

APPEAL: Any aggrieved party may appeal a final order of the Special Magistrate to the Circuit Court within thirty (30) days of the execution of the Order appealed. An appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created within the original hearing. It is the responsibility of the appealing party to obtain a transcribed record of the hearing from the Clerk of Courts. Filing an Appeal will not automatically stay the Special Magistrate's Order.

I, Crystal K. Kinzel, Clerk of Courts in and for Collier County
do hearby certify that the above instrument is a true and correct
copy of the original filed in Collier County, Florida
By: Deputy Clerk
Date: 4/26/2021

UNOFFICIAL CERTIFIED COPY

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

#16

BOARD OF COUNTY COMMISSIONERS
Collier County, Florida
Petitioner,

vs.

Case No. CEN20210002604

Naples 2.0 LLC.
Respondent(s),

NOT RECORDED COPY

STIPULATION/AGREEMENT

Before me, the undersigned, Rebecca Maddox, Manager, on behalf of Naples 2.0 LLC., enters into this Stipulation and Agreement with Collier County as to the resolution of Notices of Violation in reference (case) number CEN20210002604 dated the 17th day of March, 2021.

This agreement is subject to the approval of the Special Magistrate. If it is not approved, the case may be heard on the scheduled Hearing date, therefore it is strongly recommended that the respondent or representative attend the Hearing.

In consideration of the disposition and resolution of the matters outlined in said Notice(s) of Violation for which a hearing is currently scheduled for April 2, 2021; to promote efficiency in the administration of the code enforcement process; and to obtain a quick and expeditious resolution of the matters outlined therein the parties hereto agree as follows:
1) The violations as noted in the referenced Notice of Violation are accurate and I stipulate to their existence, and that I have been properly notified pursuant to Florida Statute 162.

THEREFORE, it is agreed between the parties that the Respondent shall;

1) Pay operational costs in the amount of $ 111.70 incurred in the prosecution of this case within 30 days of this hearing.

2) Comply with the decibel sound limits in accordance with sound levels and time constraints pursuant to Table 1 of Collier County Code of Laws 54-92(b)(1) for all future amplified sound events.

3) That if the Respondent fails to abate the violation the County may abate the violation using any method to bring the violation into compliance and may use the assistance of the Collier County Sheriff's Office to enforce the provisions of this agreement and all costs of abatement shall be assessed to the property owner.

Rebecca maddox (Apr 1, 2021 17:43 EDT)
Respondent or Representative (sign)

Rebecca Maddox, Manager
Respondent or Representative (print)

Apr 1, 2021
Date

Michael E. Moore
Attorney for Respondent
04/02/2021

Chris Ambach, Supervisor
for Michael Ossorio, Director
Code Enforcement Division

3/2/21
Date

REV 3-29-16

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this ORDER OF THE SPECIAL MAGISTRATE, has been sent by U.S. Mail on this 14th day of April, 2021 to Respondent(s), Naples 2.0 LLC, 2055 Trade Center Way, Naples, Fl 34109 and Celebration Park LLC, 1350 Jewel Box Ave, Naples, FL 34102 .

Elena M Gonzalez
Code Enforcement Official

NOT A CERTIFIED COPY

Attachment: ATTACHMENT D1 - Magistrate & Code Board Orders-Agmts (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 BECCA AVENUE – PARKING EXEMPTION
(PE-20210000596)

PARKING EXEMPTION APPLICATION

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

APPLICATION FOR PUBLIC HEARING FOR PARKING EXEMPTION

PETITION NO (PL)
PROJECT NAME
DATE PROCESSED

To be completed by staff

☑ Parking Exemption with a Public Hearing: LDC subsection 4.05.02 K.3, Code of Laws section 2-83 through 2-90 and Ch. 3 F. of the Administrative Code

☐ Administrative Parking Exemption: LDC subsection 4.05.02 K.1-2 and Ch. 6 C. of the Administrative Code

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Bayshore Redevelopment Group, LLC & Naples 2.0, LLC

Name of Applicant if different than owner:

Address: 1350 Jewel Box Ave. **City:** Naples **State:** FL **ZIP:** 34102

Telephone: N/A **Cell:** N/A **Fax:** N/A

E-Mail Address: rebecca@three60market.com

Name of Agent: Robert J. Mulhere, FAICP, President/CEO

Firm: Hole Montes, Inc.

Address: 950 Encore Way **City:** Naples **State:** FL **ZIP:** 34110

Telephone: 239-254-2000 **Cell:** N/A **Fax:** 239-254-2099

E-Mail Address: bobmulhere@hmeng.com

BE AWARE THAT COLLIER COUNTY HAS LOBBYIST REGULATIONS. ADDITIONALLY, THIS PETITION IS SUBJECT TO COMPLIANCE WITH CERTAIN NEIGHBORHOOD INFORMATION AND SIGN REQUIREMENTS OF THE LAND DEVELOPMENT CODE (LDC). GUIDE YOURSELF ACCORDINGLY AND ENSURE THAT YOU ARE IN COMPLIANCE WITH THESE REGULATIONS.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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

On a separate sheet attached to the application, provide a detailed legal description of the property covered by the application.

- If the request involves changes to more than one zoning district, the applicant shall include a separate legal description for property involved in each district;
- The applicant shall submit 4 copies of a recent survey (completed within the last six months, maximum 1" to 400' scale), if required to do so at the pre-application meeting; and
- The applicant is responsible for supplying the correct legal description. If questions arise concerning the legal description, an engineer's certification or sealed survey may be required.

PRINCIPAL SITE:

Property I.D. Number: 29830040004 **Plat Book:** 4 **Page #:** 14

Section/Township/Range: 11 / 50S / 25E

Subdivision: Demere Landing **Unit:** _____ **Lot:** 1 - 5 **Block:** _____

Metes & Bounds Description: _____

Size of Property: _____ **ft. X** _____ **ft. =** _____ **Total Sq. Ft. Acres:** 0.75

OFF-SITE PARKING AREA:

Section/Township/Range 11 / 50S / 25E **Plat Book** 2 **Page #:** 81

Lot: 45-56 **Block:** _____ **Unit** _____ **Subdivision:** Rebecca Weeks

Property I.D. Number(s): 81271240003

Metes & Bounds Description: _____

Size of property: _____ **ft. X** _____ **ft. = Total Sq. Ft.** _____ **Acres** 0.93

Address/general location of subject property:

2831 Becca Avenue & 2880 Becca Avenue

ZONING INFORMATION

Zoning of proposed off-site parking lot: RMF-6-BMUD-R1

Zoning of commercial tract the Parking Exemption is proposed to serve: C-4-BMUD-NC

Type of land use that the parking exemption is proposed to serve: Restaurant

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROJECT INFORMATION

Total number of parking spaces required for project: 74 spaces

Number of Parking Spaces Proposed offsite: 75 spaces (62 off-site and 13 on-site)

Is the proposed parking lot separated from the permitted use by a collector or arterial roadway?

☐ YES ☑ NO

If yes, please name the roadway: Becca Ave.

Does the permitted use propose to share required parking with another permitted use?

☐ YES ☑ NO

ASSOCIATIONS

Required: List all registered Home Owner 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: East Naples Civic Association, PMB #49
Mailing Address: 8595 Collier Blvd., Ste. 107 Naples, FL 34114-3556 **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:** _____

EVALUATION CRITERIA

On a separate sheet attached to the application, please provide the following: (Include any necessary backup materials and documentation)

- For an *Administrative Parking Exemption*, provide a narrative statement describing the request with specific reference to the criteria noted in LDC subsection 4.05.02 K.1-2.; or
- For a *Parking Exemption with a Public Hearing*, provide a narrative statement describing the request with specific reference to the criteria noted in LDC subsection 4.05.02 K.3.b.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Pre-Application Meeting and Final Submittal Requirement Checklist for: Parking Exemption

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.**

- ☐ *For a Parking Exemption with a Public Hearing*, see Chapter 3 F. of the Administrative Code for submittal requirements.
- ☐ *For an Administrative Parking Exemption*, see Chapter 6 C. of the Administrative Code for submittal requirements.

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☑	☒	
Pre-Application meeting notes	☐	☐	☑
Affidavit of Authorization, signed & sealed	1	☒	
Completed Addressing Checklist	1	☒	
Narrative Statement (based upon LDC Evaluation Criteria)	☑	☑	
Property Ownership Disclosure Form	1	☒	☐
Warranty Deed	1	☑	☐
Boundary Survey, no more than 6 months old (24 in. x 36in.)	1	☑	☐
Conceptual Site Plan measuring 24 in. x 36 in. and 8 ½ in. x 11 in	1	☑	☐
Location Map	1	☑	☐
10-Year Lease Agreement, if required by the approval criteria (see LDC subsection 4.05.02.K.2.a)	1	☐	☑
Electronic copies of all documents & plans *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☑	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

FEE REQUIREMENTS

- ☐ **Parking Exemption:** $1,500.00
  - Additional fee for 5th and subsequent reviews, 20% of original fee
- ☐ **Pre-Application Meeting, if required:** $500.00 (Applications submitted 9 months or more after the date of the last pre-application meeting shall not be credited towards application fees; a new pre-application meeting may be required.)
- ☐ **Estimated Legal Advertising Fee for HEX or Collier County Planning Commission:** $1,125.00
- ☐ **Estimated Legal Advertising Fee for Board of County Commissioners:** $500.00
- ☐ **Property Owner Notification Fees, if required:** $1.50 Non-certified; $3.00 Certified return receipt mail (Petitioner to pay this amount prior to advertisement of 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

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.

Agent/Applicant Signature

7-21-2021
Date

Robert J. Mulhere, FAICP, President
Printed Name

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 BECCA AVENUE - PARKING EXEMPTION
(PE-PL20210000596)

WARRANTY DEED

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

INSTR 5454866 OR 5437 PG 305 RECORDED 10/4/2017 10:42 AM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $2,849.00 REC $18.50
CONS $407,000.00

CONSIDERATION: $407,000.00

Prepared without opinion of title by:
Joshua D. Rudnick
Attorney at Law
Woods, Weidenmiller, Michetti, Rudnick & Galbraith, PLLC
9045 Strada Stell Court Fourth Floor
Naples, FL 34109
239-325-4070
File Number: **17733-001**

Return to:
Paradise Coast Title & Escrow, LLC
2670 Airport Road South
Naples, FL 34112
239-963-1635

Parcel Identification No. **81271240003**

[Space Above This Line For Recording Data]

Warranty Deed

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

COLLIER COUNTY
CLERK OF THE CIRCUIT COURT
COPY

This Indenture made this **25th** day of **September, 2017**, between **Ursula E. Thompson, a single woman and Elaine March, a married woman** whose post office address is **153 West Street, Naples, FL 34108** of the County of **Collier**, State of **Florida**, grantor*, and **Bayshore Redevelopment Group, LLC, a Florida limited liability company,** whose post office address is **3570 Bayshore Drive, Suite 103, Naples, FL 34112** of the County of **Collier**, State of **Florida**, grantee*,

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

Lots 45, 46, 47, 48, 49 and 50, Rebecca Weeks Subdivision, according to the map or plat thereof as recorded in Plat Book 2, Page 81, Public Records of Collier County, Florida

Subject to ad valorem taxes for the current year and subsequent years; zoning, building code and other use restrictions imposed by governmental authority; outstanding oil, gas and mineral interests of record if any; and restrictions, reservations and easements common to the subdivision; provided however, that none of them 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 above described premises, with the appurtenances, unto the said grantee, its successors and assigns, in fee simple forever.

Elaine March warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 153 West Street, Naples, FL 34108.

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.

DoubleTime®

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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

Signed, sealed and delivered in the presence of:
AS TO BOTH

Witness Name: Sonia Rivas

Witness Name: Megan Finchatter

Ursula E. Thompson, by Elaine March her attorney-in-fact

Elaine March

State of Florida
County of Collier

The foregoing instrument was acknowledged and witnessed before me this 25 day of September, 2017 by Elaine March, individually and as attorney-in-fact for Ursula E. Thompson, who [ ] is personally known or [X] has produced a driver's license as identification.

[Notary Seal]

SONIA RIVAS MY COMMISSION EXPIRES December 10, 2017 #FF 075553 Bonded thru Notary Public Underwriters NOTARY PUBLIC, STATE OF FLORIDA

COLLIER COUNTY, FL CLERK OF THE CIRCUIT COURT

COPY

Notary Public

Printed Name: Sonia Rivas

My Commission Expires: 12/10/17

DoubleTime®

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 BECCA AVENUE - PARKING EXEMPTION
(PE-PL20210000596)

AFFIDAVITS OF AUTHORIZATION

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL-20210000596

I, REBECCA J. MADDOX (print name), as MGR (title, if applicable) of BAYSHORE REDEVELOPMENT GROUP, LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

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

Notes:

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

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

Signature

7-6-2021
Date

REBECCA J. MADDOX, MGR, BAYSHORE REDEVELOPMENT GROUP, LLC

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 6 day of July, 2021, by (printed name of owner or qualifier) Sophia Kunstler.

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

[ ] Are personally known to me

[✔] Has produced a current drivers license FL

[ ] Has produced _____ as identification.

Notary Signature: _____

SOPHIA KUNSTLER
MY COMMISSION EXPIRES
APRIL 21, 2025
#HH 119948
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

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

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL-20210000596

I, REBECCA J. MADDOX (print name), as MGR (title, if applicable) of NAPLES 2.0, LLC (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

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

Rebecca J. Maddox
Signature

7-6-2021
Date

REBECCA J. MADDOX, MGR, NAPLES 2.0, LLC

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 6 day of July, 2021, by (printed name of owner or qualifier) Sophia Kunstler.

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

[ ] Are personally known to me

[✓] Has produced a current drivers license FL

[ ] Has produced _____ as identification.

Notary Signature: _____

SOPHIA KUNSTLER
MY COMMISSION EXPIRES
APRIL 21, 2025
#HH 119948
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

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

2831 BECCA AVENUE - PARKING EXEMPTION
(PE-PL20210000596)

PROPERTY OWNERSHIP DISCLOSURE FORMS

W/OWNERSHIP FLOWCHARTS

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

Name and Address	% of Ownership
Bayshore Redevelopment Group, LLC*	
Naples 2.0, LLC*	
*See attached Ownership Flowchart	

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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.

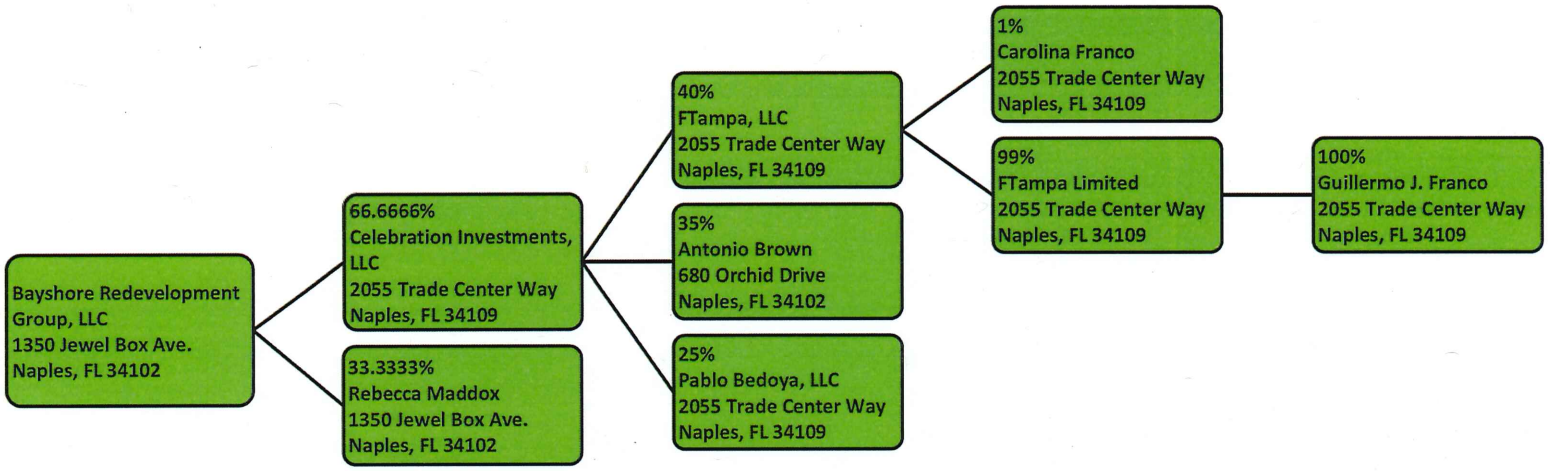
The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____ 7-21-2021
Agent/Owner Signature Date

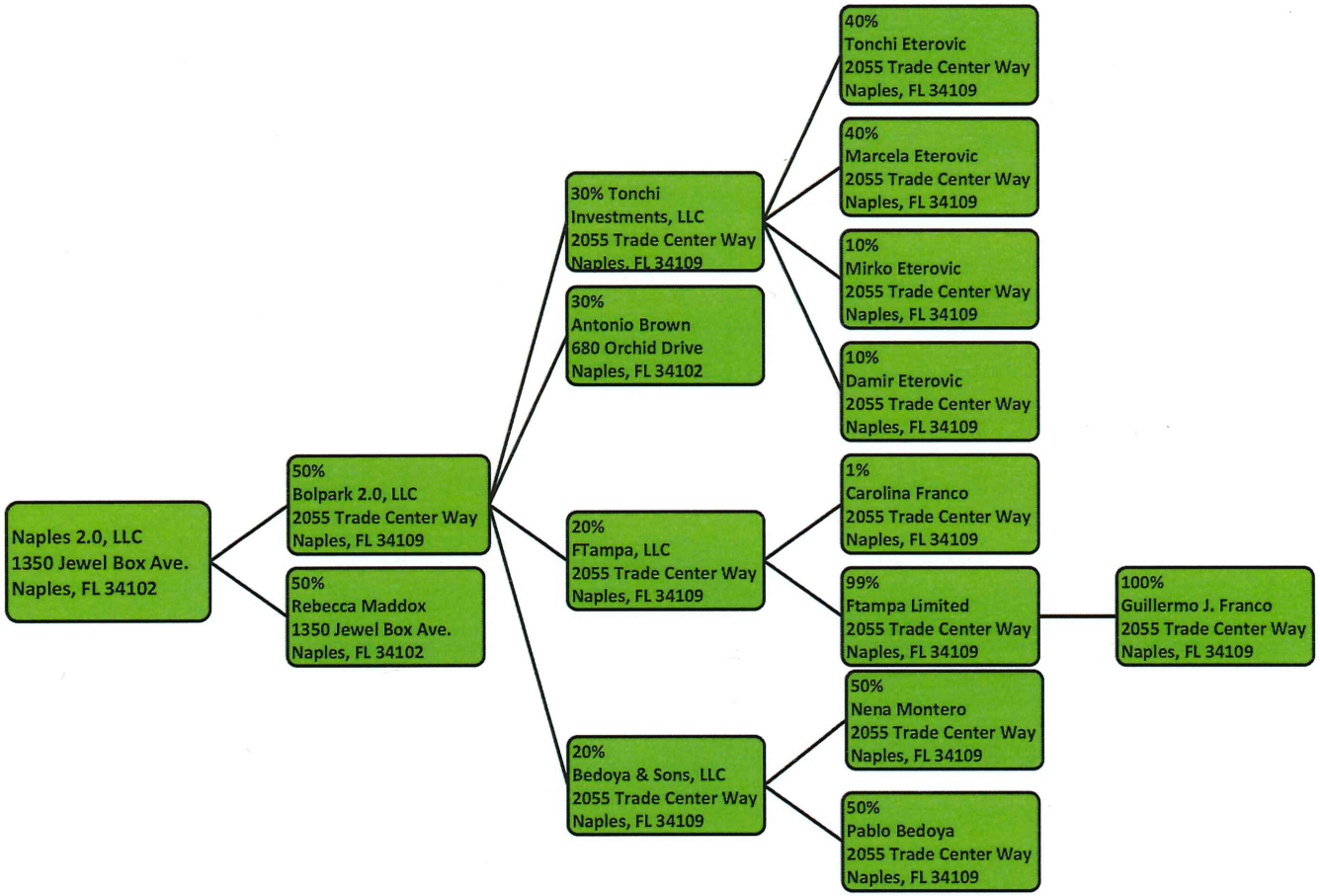
Robert J. Mulhere, FAICP, President/CEO
Agent/Owner Name (please print)

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Bayshore Redevelopment Group, LLC



NAPLES 2.0, LLC



2831 BECCA AVENUE - PARKING EXEMPTION
(PE-PL20210000596)

NARRATIVE & JUSTIFICATION

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 Becca Avenue Parking Exemption
Requested Amendment to Conditions of Hearing Examiner Decision 2019-38
(PE-PL20210000596)
Revised 7-21-2021

Narrative and Justification

Nature of Request:

This is a request to amend a condition set forth in the approval of a Parking Exemption (HEX No 2019-28, attached). The off-site lot is located at 2831 Becca Avenue, and provides parking in support of Celebration Park (Food Truck Park) located across Becca Avenue form the off-stie lot, on the southwest corner of Becca Avenue and Bayshore Drive. After meeting with staff, to discuss the proposed amended condition, the property owner was directed to submit this application. This requested amendment to the conditions of approval are as follows:

6. Hours of operation shall be between 9:30 AM and 10:30 PM, ~~no more than six days a week and will remain closed on Mondays~~.

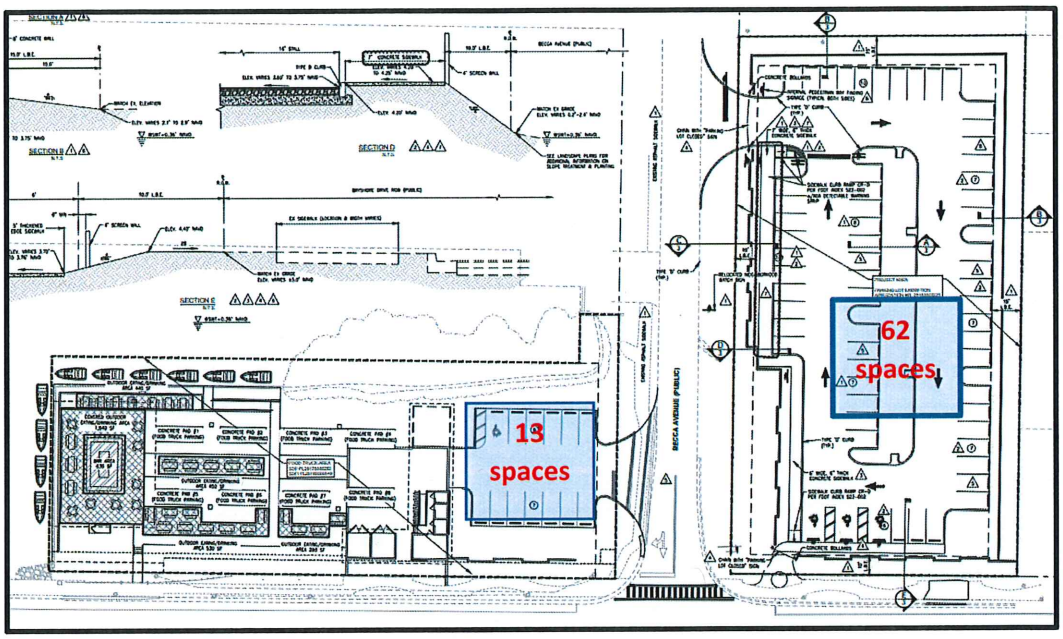
The request is not based upon changing conditions in the neighborhood, other than the fact that the off-site parking lot improvements, including the enhanced buffers, have been completed, and the lot has been in operation for some time now, providing the client with a full understanding of the operational aspects of the off-site lot. Based upon market demand, the business owner wishes to operate on Mondays, which necessitates use of the off-site parking lot. My client met with staff (Ray Bellows and Anita Jenkins) to discuss the process of removing the prohibition on utilizing the off-site lot on Mondays. And the direction was to proceed with a request to go back before the HEX with a request to have that condition removed or altered.

At the original HEX hearing for the off-site lot, the business owner stated that Celebration Park was closed on Mondays, and the Hearing Examiner, in issuing his decision, included a condition restricting the use of the off-site lot on Mondays. This is a business decision, and there are no land use or compatibility related reason to restrict the use of the lot on Mondays. If the off-site lot is acceptable (i.e., compatible) for use Tuesday through Sunday, there is no justification for restriction of the use of the off-site parking on Mondays. Regardless, below is an evaluation of the LDC Section 4.05.02.K.3.b:

(1) Whether the amount of off-site parking is required by sections 4.05.04.G. and 4.05.09 or is in excess of these requirements.

(2) The distance of the farthest parking space from the facility to be served.

Response: Celebration Park requires a total of 74 parking spaces and has 13 spaces located on site and 62 in the off-site lot, for a total of 75 spaces. The 62 off-site spaces represent 83.5% of the required parking.



PARKING CALCULATIONS 1 2 6

BUILDING	CRITERIA	REQUIRED	PROVIDED
RESTAURANT / FOOD TRUCK PADS (1,632 S.F.)	1 SPACE PER 150 S.F.	11	12
RESTROOMS / STORAGE BUILDING (120 S.F.)	1 SPACE PER 150 S.F.	1	1
BAR AREA (630 S.F.)	1 SPACE PER 50 S.F.	13	13
OUTDOOR EATING / DRINKING AREA (3,653 S.F.)	1 SPACE PER 75 S.F.	49	49
TOTAL (INCLUDING HANDICAPPED)		74	75
HANDICAPPED PARKING REQUIRED		3	4

BICYCLE PARKING PROVIDED = ± 21

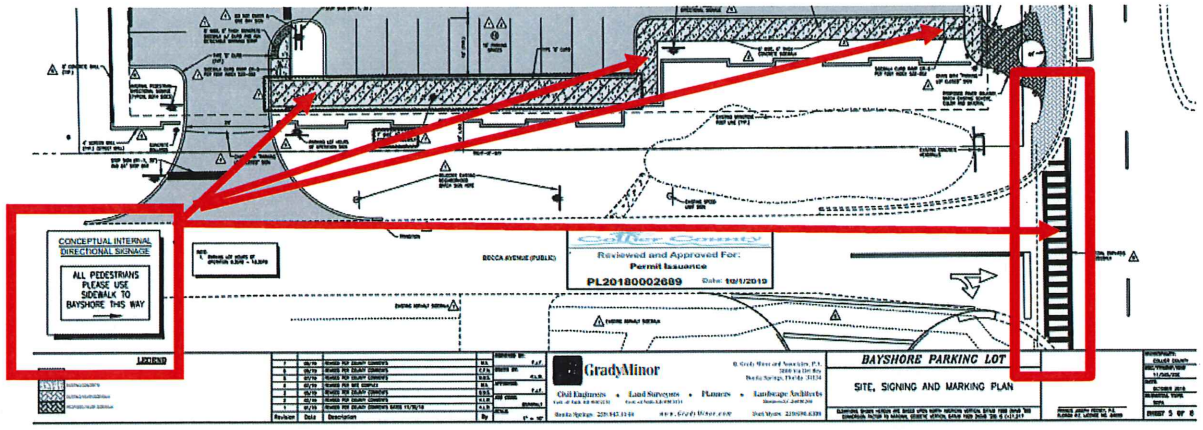
(3) Pedestrian safety if the lots are separated by a collector or arterial roadway.

Response: The lots are not separated by a collector or arterial roadway.

(4) Pedestrian and vehicular safety.

Response: The off-site parking design considered pedestrian and vehicular safety. As required as a condition of approval the lot is paved, includes signage directing customers (using the lot) to use the sidewalk along the Becca Avenue to reach the pedestrian crossing along Bayshore Drive, the lot is also marked with directional arrows (see below).

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)



(5) The character and quality of the neighborhood and the future development of surrounding properties.

Response: The off-site parking design considered these issues and as a condition of approval, includes the following:

- **Limited hours of use from 9:30 AM to 10:30 PM;**
- **Controls to limit access outside of permitted hours of use;**
- **Low level "bollard" type, dark sky compliant lighting limited to forty-eight inches in height, (except within ten feet of the right-of-way, where lighting is limited to 10 feet in height);**
- **A finished eight-foot-tall masonry wall, a minimum of ten feet off the property line;**
- **An enhanced Type B buffer installed in along the west and north property lines (adjacent to residential zoning);**
- **No "dumpsters in the off-site park lot; and,**
- **Regular (hourly) patrolling of the lot during operational hours to prevent loitering (along with video surveillance).**

(6) Potential parking problems for neighboring properties.

Response: The off-site lot was developed to address potential issues related to parking within the Becca Avenue right of way, by eliminating the likelihood of this occurring.

(7) Whether the internal traffic flow is required to leave the site to reach the proposed off-site parking.

Response: When the on-site lot is full signage is used to notify customers to use the off-site lot.

(8) Whether vehicular access shall be from or onto residential streets.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Response: Vehicular access is from Becca Avenue which is primarily a residential street; however, the off-site lot is located at the corner of Becca and Bayshore, substantially buffered from adjacent residential parcels, and further restricted as indicated above.

(9) Whether buffers adjacent to the property zoned residential are 15 feet in width and include a wall in addition to required landscaping.

Response: Buffer adjacent to residential zoned parcels are 15 feet in width with enhanced landscaping, and an 8-foot-tall opaque wall located 10 feet from the property line with required plantings provided on the outside (residential side) of the wall.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

(10) Whether the off-site parking area will be used for valet parking.

Response: On occasion, during special events, the lot may be used for valet parking.

(11) Whether the off-site parking area will be used for employee parking.

Response: Employees may use the lot for parking.

(12) Whether there are more viable alternatives available.

Response: This was the most viable solution.

Conclusion:

The approved Parking Exemption (off-site parking) petition was evaluated by staff, who recommended approval, and by the HEX, who approved the off-site parking, subject to a number of conditions. Please see HEX No 2019-38 (Attached). The majority of these conditions were required to ensure compatible with the Neighborhood, including the following:

- Limited hours of use from 9:30 AM to 10:30 PM;
- Controls to limit access outside of permitted hours of use;
- Low level "bollard" type, dark sky compliant lighting limited to forty-eight inches in height, (except within ten feet of the right-of-way, where lighting is limited to 10 feet in height);
- A finished eight-foot-tall masonry wall, a minimum of ten feet off the property line;
- An enhanced Type B buffer installed in along the west and north property lines (adjacent to residential zoning);
- No "dumpsters in the off-site park lot; and,
- Regular (hourly) patrolling of the lot during operational hours to prevent loitering (along with video surveillance).

The requested revision to the approved conditions does not create a condition of incompatibility. The off-site lot, with the above conditions was deemed to be compatible, using the off-site lot on Mondays has no impact on such compatibility. The only basis for the restriction on using the off-site lot on Mondays was the fact that at the time of the HEX hearing, Celebration Park was closed on Mondays. As a result, the Hearing Examiner included a condition that the off-site lot is not used on Mondays.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 BECCA AVENUE - PARKING EXEMPTION
(PE-PL20210000596)

ADJACENT PROPERTY OWNER NOTIFICATION AND MAILING LIST

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

HOLEMONTES
ENGINEERS | LANDSCAPE ARCHITECTS | PLANNERS | SURVEYORS
SINCE 1966

950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

June 30, 2021

Re: Parking Exemption 2831 Becca Ave.
(PL-20210000596)

Dear Property Owner:

You are receiving this letter, as required by Collier County, to notify you of a pending request to modify several conditions that were included in the Collier County Hearing Examiner's approval of a Parking Exemption which allowed for off-site parking in support of the Celebration Park (Food Truck Park). The off-site lot, located at 2831 Becca Avenue, was constructed pursuant to this approval and is operational. The request is to allow for use of the off-site lot on Mondays. When the Parking Exemption (for the off-site lot) was approved, Celebration Park was closed on Mondays. The business owner now wishes to operate on Mondays and utilize the off-site on Mondays as well.

Please see the aerial location exhibit below:

Should you have any questions, please don't hesitate to contact me at 239-254-2000 or bobmulhere@hmeng.com

Very truly yours,

HOLE MONTES, INC.

Robert J. Mulhere, FAICP
President/CEO

H:\2021\2021080\WP\Becca Ave - Property Owner Owner (6-30-2021).docx

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

BAYSHORE REDEVELOPMENT GP LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---0

BLOODMONEY R/E HOLDINGS LLC
2775 BAYVIEW DRIVE
NAPLES, FL 34112---0

BUCHANAN, JAMES ALLEN
2815 BECCA AVE
NAPLES, FL 34112---0

GAVIN, MICHAEL J
3382 GRAHAM RD
ROCK CREEK, OH 44084---9748

GRIMES, RICHARD H
2898 WEEKS AVE
NAPLES, FL 34112---5700

LUEDTKE, MARY A
6947 MADRID DR
DEMOTTE, IN 46310---9411

LUEDTKE, RANDAL J
6947 MADRID DR
DEMOTTE, IN 46310---9411

LUEDTKE, RANDAL J
6947 MADRID DR
DEMOTTE, IN 46310---9411

NAPLES 2.0 LLC
2055 TRADE CENTER WAY
NAPLES, FL 34109---0

NAPLES 3.0 HOLDINGS LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---0

NAPLES 3.0 HOLDINGS LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---7523

NEVIUS, WILLIAM K
PAMELA L PASCOE
2832 WEEKS AVE
NAPLES, FL 34112---0

PETERSON JR, RAYMOND W
2846 WEEKS AVE
NAPLES, FL 34112---5700

RIGHT TIME MANAGEMENT LLC
800 MEADOWLAND DR
NAPLES, FL 34108---0

RIGHT TIME MANAGEMENT LLC
800 MEADOWLAND DR
NAPLES, FL 34108---0

RODERICK, CHARLES & SUSAN
2306 QUEENS WAY
NAPLES, FL 34112---0

RODERICK, CHARLES & SUSAN
2306 QUEENS WAY
NAPLES, FL 34112---0

SAWCC
P O BOX 10102
NAPLES, FL 34101---0

SMITH, JOHN M
2779 BECCA AVE
NAPLES, FL 34112---0

TRUITT, JOHN J
JILL TRUITT-LANGAN
JESSE P TRUITT
14515 GREY FOX RUN
NAPLES, FL 34110---7044

ZENGER, CARL M
1084 SNYDERS FLATS RD RR #1
BLOOMINGDALE N0B 1K0 CANADA

East Naples Civic Association
PMB #49
8595 Collier Blvd, Suite 107
Naples, FL 34114-3556

label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

AFFIDAVIT OF COMPLIANCE

I hereby certify that I did give notice by mail to the following property owners and/or condominium and civic associations whose members may be affected by the proposed 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 proposed change.

The attached letter and property owner's list are hereby made a part of this Affidavit of Compliance.

(Signature of Applicant)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing Affidavit of Compliance was acknowledged before me this 30th day of June, 2021 by means of X physical presence or _____ online notarization, by Robert J. Mulhere, FAICP, President/CEO, who is personally known to me X or who has produced _____ as identification.

Stephanie Karol
Signature of Notary Public

(Notary Seal)

Stephanie Karol
Printed Name of Notary

STEPHANIE KAROL
Notary Public - State of Florida
Commission # GG 965839
My Comm. Expires Mar 9, 2024
Bonded through National Notary Assn.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 BECCA AVENUE - PARKING EXEMPTION (PE-PL20210000596)

HEARING EXAMINER DECISION 2019-38

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

HEX NO. 2019 – 38

HEARING EXAMINER DECISION

PETITION NO. PE-PL20180003220 - Bayshore Redevelopment Group, LLC requests a parking exemption under LDC Section 4.05.02.K.3 to allow off-site parking on lots zoned Residential Multi-Family-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay District (RMF-6-BMUD-R1) and separated from the permitted use by a local road. The subject property is located at the northwest corner of Bayshore Drive and Becca Avenue in Section 11, Township 50 South, Range 25 East in Collier County, Florida.

DATE OF HEARING: August 22, 2019

STAFF RECOMMENDATION: Approval.

FINDINGS:

Based on the applicant's written petition, testimony at the hearing of the applicant and the public, and the recommendation of staff, the Hearing Examiner finds that the criteria set forth in Section 4.05.02 K.3.b of the Land Development Code has been met and the petition should be approved.

ANALYSIS:

This petition requests a parking exemption within the Bayshore Overlay and will serve the principle use, Celebration Park (also known as Celebration Park Naples and Bayshore Food Truck Park), which is located to the south of the proposed parking area. This parking exemption process is not a review of the Celebration Park site.

Parking exemptions are reviewed in accordance with section 4.05.02.K.3a(2) where an applicant may seek an exemption for off site parking on sites that are not commercially zoned. In review of a dozen previous parking exemptions within the county, eight of those were approved in residentially zoned areas with three in the same underlying residential zoning district, RMF-6, as is this application. All previously approved parking exemptions included conditions of approval.

The required Neighborhood Information Meeting (NIM) was held with approximately thirty-seven names on the sign-in sheets. In addition to the NIM there was correspondence received from five individuals. At this hearing over 100 people were in attendance. Eighteen speaker slips were completed and there was a total of twelve speakers. The hearing lasted approximately two hours.

The subject property is within the Bayshore Overlay and is zoned RMF-6-BMUD-R1 (Residential Multi-Family at 6-units per acre within the Bayshore Mixed Use District and the Residential subdistrict 1 designation). This designation allows the underlying uses of the RMF-6 district which includes a variety of residential uses including multi-family and family care facilities. The overlay designation provides for similar residential uses of the RMF-6 zoning and changes to some development standards.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Off-site parking is an allowed use in the underlying zoning district with an approved parking exemption. The parking exemption process is not a change in zoning.

There are six lots involved in this request that will create 62 off-site parking spaces within a walled and landscape area (see Exhibit A). The intent of this parking exemption is to support the Celebration Park which is directly south, across Becca Avenue, from the proposed parking lot.

Access to the off-site parking area will be from Becca Avenue. This is a local street intersecting Bayshore Drive, a collector roadway, and the parking exemption property is in the northwest corner of that intersection. Due to spacing and traffic safety issues, entry from Bayshore Drive is not possible.

Bayshore Drive is the primary roadway into this part of the Bayshore neighborhood. Approximately eighty percent of the west side of Bayshore Drive south to Thomasson Drive is zoned commercial. With a predominance of commercial zoning in this redevelopment area, the parking lot will provide a transition from the adjacent C-4 zoning to the south and the residential to the north and west.

Without this off-site parking lot, the possibility of more potential parking problems in the neighborhood would increase. As proposed, the parking lot would be easily recognizable upon entering Becca Avenue and the flow of traffic to serve the principal use will not be negatively impacted.

The County had previously realized the need for additional parking while allowing for commercially zoned properties along Bayshore Drive. As such, the Overlay includes numerous areas designated on the zoning maps as APZ, Accessory Parking Zones (see Exhibit C). There is an APZ designation directly to the west of the Celebration Park across an abutting canal; this area if used as a parking lot, would have driveway access from either Becca Avenue or Cypress Street, or both. Either access would be further west on Becca Avenue than the access to the proposed parking lot. Because of the APZ designation, this area on Cypress Street would not have needed a parking exemption.

While the APZ is another option it would cause further intrusion into the Becca Avenue neighborhood and does not appear to be a more viable alternative to the proposed parking exemption area. Buffers required in the APZ areas by the Bayshore Overlay are ten feet wide, with a six-foot masonry wall and trees spaced thirty feet on center OR a fifteen-foot buffer with trees spaced twenty-five feet on center, a hedge of ten-gallon plants at five-feet high, with a three-foot spread and spaced four-feet on center (no wall required).

For the parking exemption lot, the applicant will provide a fifteen-foot landscape buffer and an eight-foot wall along the north and west property lines and ten-feet in from those property lines to provide area for more plantings on the residential side of the wall (see Exhibit B). Trees will be planted twenty-foot on center with additionally required plantings as provided by the Land Development Code and the attached Exhibit B. This buffer exceeds the APZ requirements. Along the roadway frontages the applicant will be adding four-foot walls with plantings.

To resolve some of the buffering issues as expeditiously as possible with the adjoining residential neighbors, the applicant has agreed to complete the residential property boundary walls and

landscaping on the residential side of the wall, by the end of 2019. Staff concurred that this was feasible pending swift responses by the applicant to staff's reviews.

While some parking exemptions use valet parking, valet parking is not being contemplated at this time. The parking exemption area will be limited to customer, employee and vendor parking. Vendor parking does not include operations or loading or unloading.

Celebration Park is constructed under site development plan PL20170000252. While the Celebration Park site plan is outside of this review, that initial plan did not anticipate the amount of traffic being generated based on activity at Celebration Park. This has resulted in the need for additional parking and a re-review of the initial site development plan is in process as a plan amendment. This parking exemption would provide up to sixty-two spaces as part of the parking necessary for Celebration Park. The furthest parking space from the Celebration Park is approximately three hundred twenty feet, providing a reasonable distance to accommodate customers.

At the south and east side of the parking lot, within the walled area, a five to six-foot sidewalk will be constructed directing customers to follow the interior walkway to a connecting walkway at Bayshore Drive. Where Becca Avenue intersects Bayshore Drive, a high visibility pedestrian cross walk will be provided to allow customers safe access to the Celebration Park Naples. It is expected that this internal walkway along with the wall and landscaping will discourage pedestrians from crossing randomly along Becca Avenue and route customers to the Bayshore/Becca cross-walk. In addition, the applicant will provide directional signage toward the cross-walk area as shown on Exhibit A.

DECISION:

The Hearing Examiner hereby approves Petition PE-PL20180003220 filed by Frank J. Feeney, P.E., of Q. Grady Minor & Associates, P.A., representing Bayshore Redevelopment Group, LLC, to allow off-site parking on lots zoned Residential Multi-Family-6 District within the Residential Subdistrict 1 of the Bayshore Mixed Use Overlay District (RMF-6-BMUD-R1) and separated from the permitted use by a local road known as Becca Avenue, to serve an outdoor bar and food truck park known as Celebration Park Naples. The off-site parking lot located at the northwest corner of Bayshore Drive and Becca Avenue and further described herein shall comply with the Plans attached as Exhibits "A" and "B", and shall be subject to the condition(s) set forth below.

ATTACHMENTS: Exhibit A – Site Plan
Exhibit B – Landscape Plans
Exhibit C – Bayshore Overlay Map

LEGAL DESCRIPTION: Lots 45, 46, 47, 48, 49 and 50, Rebecca Weeks Subdivision, according to the map or plat thereof as recorded in Plat Book 2, Page 81, Public Records of Collier County, Florida.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

CONDITIONS:

1. All other applicable state or federal permits must be obtained before commencement of the development.
2. Improvements shall be consistent with the attached conceptual plan of the parking exemption area (Exhibit A) and landscaping plans (Exhibit B).
3. Only paved surface parking is permitted. No parking structures are allowed within the parking exemption area.
4. For use only by customers, employees of the Celebration Park Naples or vendor employees.
5. No vendor operations or special events are allowed in the parking exemption area.
6. Hours of operation shall be between 9:30 AM to 10:30 PM, no more than six days a week and will remain closed on Mondays.
7. Lighting to be bollard style no higher than forty-eight inches except for pole lighting adjacent (within ten feet) of any right-of-way not to exceed ten feet in height. All lighting to be Dark Sky compliant, shielded and not to exceed 0.2 foot-candles at residential property lines. Lighting to be restricted to evening hours of operation.
8. A finished (stucco and paint or equivalent) eight-foot masonry wall, a minimum of ten-foot from the property line, shall be installed along the north and west property lines common with residential properties. Wall height shall be measured from average design height of finished drive isle centerline.
9. A type B buffer as enhanced with trees spaced twenty-foot on center as shown on landscape plan will be installed along the west and north property lines.
10. The finished eight-foot masonry wall and landscaping on the residential side of the wall, shall be completed by the end of December 2019 along the west and north property lines.
11. No dumpster or trash containers will be allowed within the parking lot with the exception of trash receptacles that are to be emptied daily.
12. No loading or unloading allowed from the parking exemption area.
13. The parking exemption area will have a controlled restricted access point that will be opened and closed consistent with the allowed hours of operation of the parking area.
14. Signage will be installed directing customers to the sidewalk connection along Bayshore Drive for use of the Becca Avenue crossing.
15. The applicant shall provide regular patrolling of the parking exemption area, no less than hourly, but additionally if needed to control loitering. Video cameras will be installed to monitor the parking lot and shall be directed away from the abutting residential areas.
16. The dry detention area shall be curbed with a type D curb or equivalent.
17. The pedestrian crossing at Becca Avenue and Bayshore Drive shall utilize high visibility stripping.

DISCLAIMER:

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

APPEALS:

This decision becomes effective on the date it is rendered. Pursuant to Ordinance 2013-25, as amended, a Hearing Examiner Decision may be appealed to the Board of County Commissioners or the Board of Zoning Appeals, as appropriate. Appeals must be filed within 30 days of the date the Hearing Examiner Decision is rendered.

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.

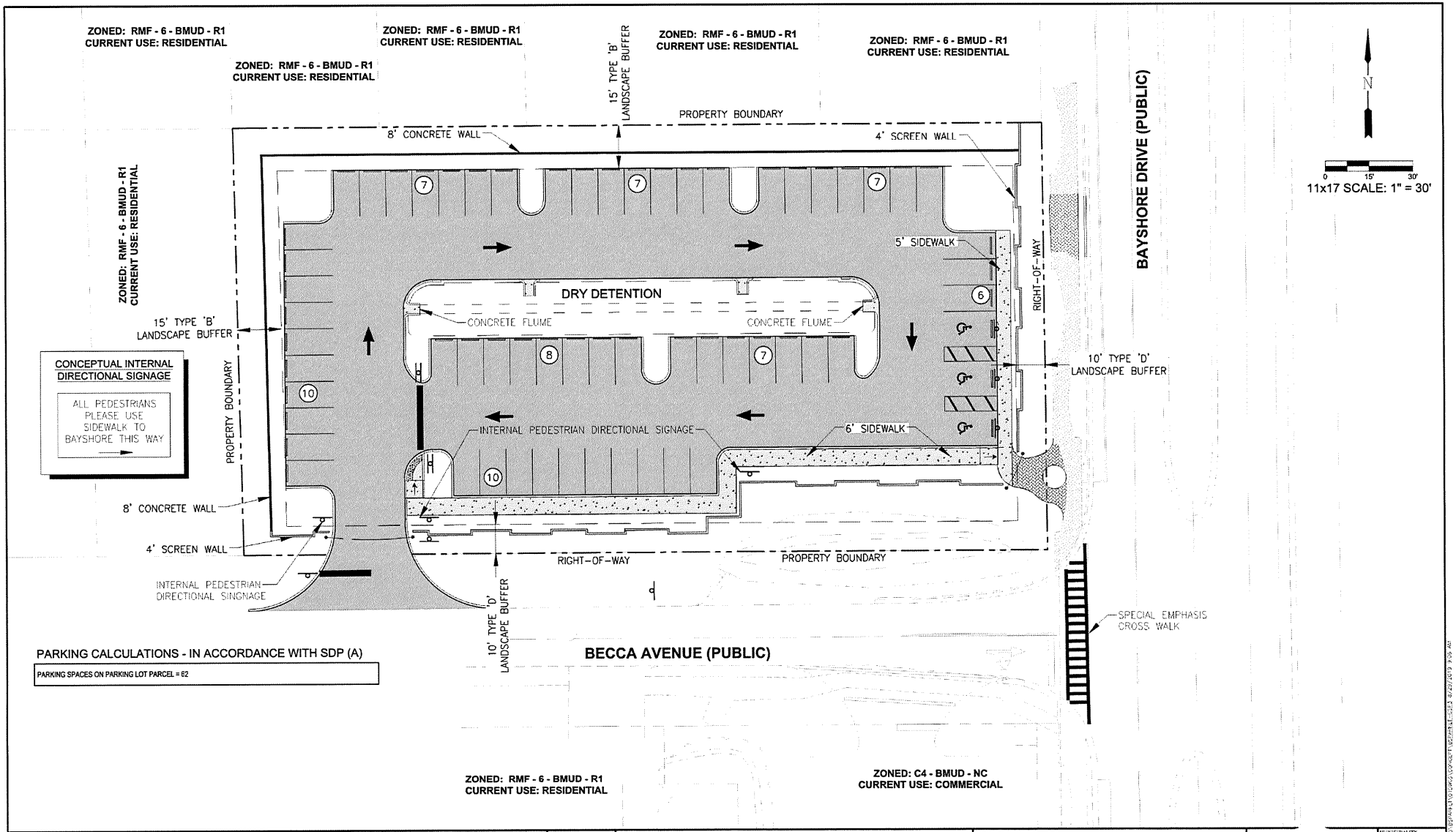
9-4-19
Date

Mark Strain, Hearing Examiner

Approved as to form and legality:

Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)



LEGEND

Revision	Date	Description	By

DESIGNED BY: F.J.F.
DRAWN BY: D.M.S.
APPROVED: F.J.F.
JOB CODE: BSPARKLT
SCALE: 11x17 1" = 30'

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

BAYSHORE PARKING LOT

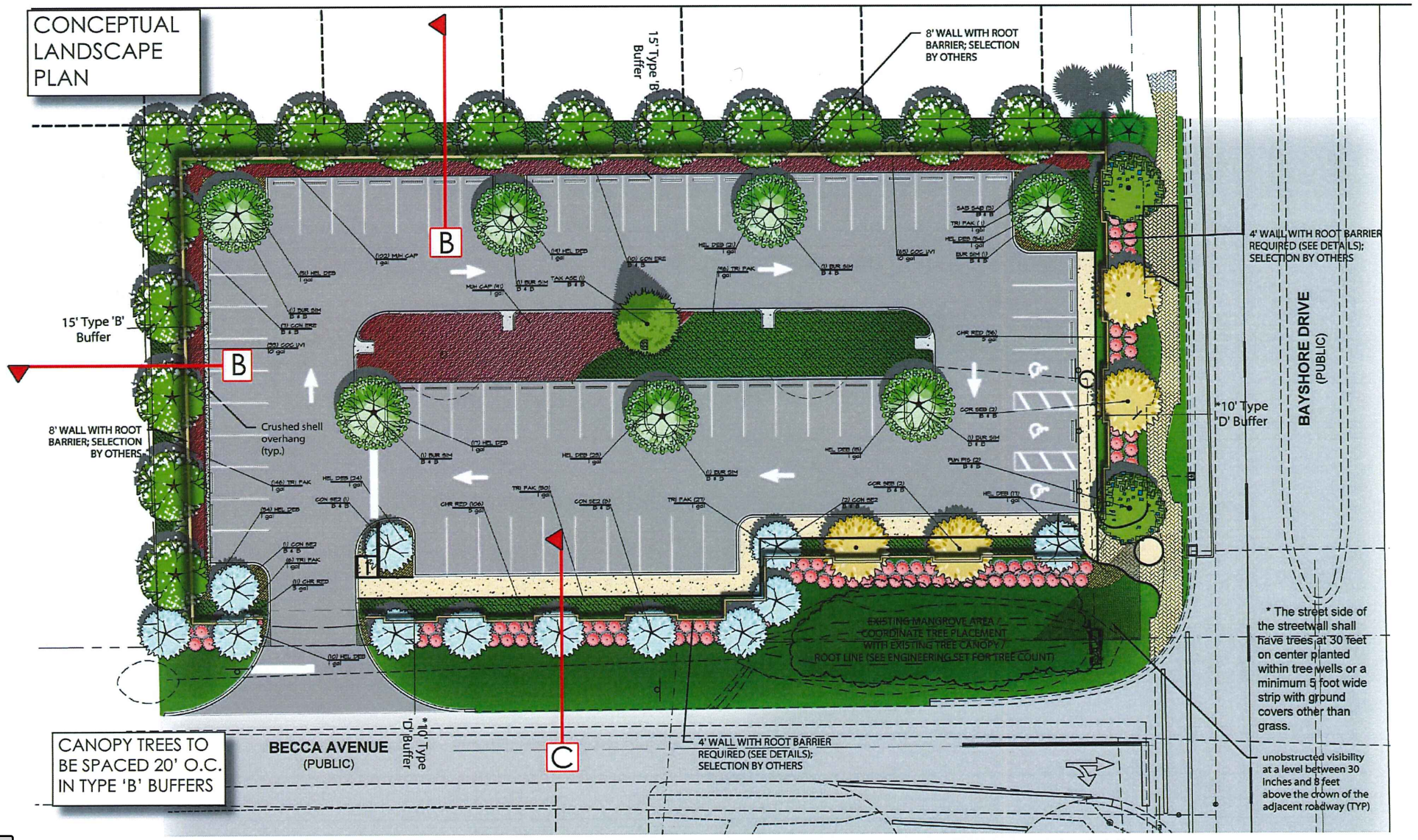
PARKING EXEMPTION CONCEPTUAL PLAN

ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD '88)
CONVERSION FACTOR TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD '29) IS (+)1.217

FRANCIS JOSEPH FEENEY, P.E.
FLORIDA P.E. LICENSE NO. 64698

MUNICIPALITY: COLLIER COUNTY
SECTION/RGE: 11/50S/25E
DATE: JULY 2019
SUBMITTAL TYPE: CONCEPT
SHEET 1 OF 1

Exhibit "A"



BAYSHORE FOOD TRUCK PARK - PARKING LOT - HEX EXHIBITS 08.27.19

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eMERGE design LLC LANDSCAPE ARCHITECTURE | PLANNING

Exhibit "B" - Page 1 of 3

CONCEPTUAL LANDSCAPE LIST/SECTIONS

PLANT SCHEDULE — native / zone

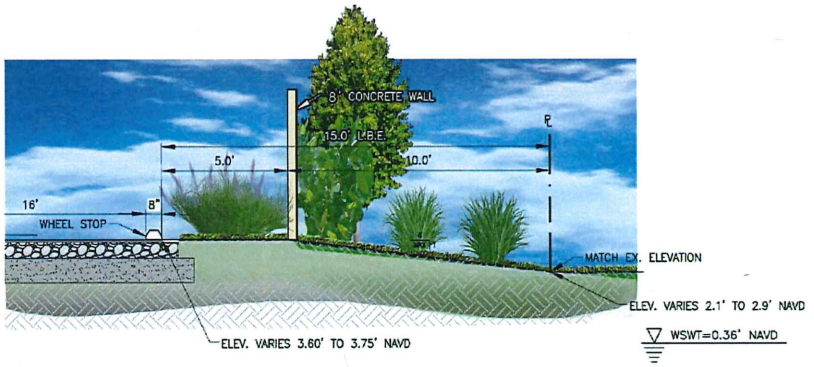
TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	DETAIL
BUR SIM	7	Bursera simaruba / Gumbo Limbo	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y/10
CON ERE	16	Conocarpus erectus / Buttonwood	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y/10
CON SE2	12	Conocarpus erectus 'Sericeus' / Silver Buttonwood	B & B	1.75"; multi-trunk	10'-12'H X 5'-6'W	Y/10
COR SEB	4	Cordia sebestena / Orange Geiger Tree	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y/10
PUN PIS	3	Pisidia piscipula / Jamaica Dogwood	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y/10
TAX ASE	1	Taxodium ascendens / Pond Cypress	B & B	1.75"Cal	10'-12'H X 5'-6'W	Y/7

PALM TREES	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	DETAIL
SAB SAB	3	Sabal palmetto / Cabbage Palmetto	B & B		16', 20', 24' O.A., Stagger adj. height	Y/7

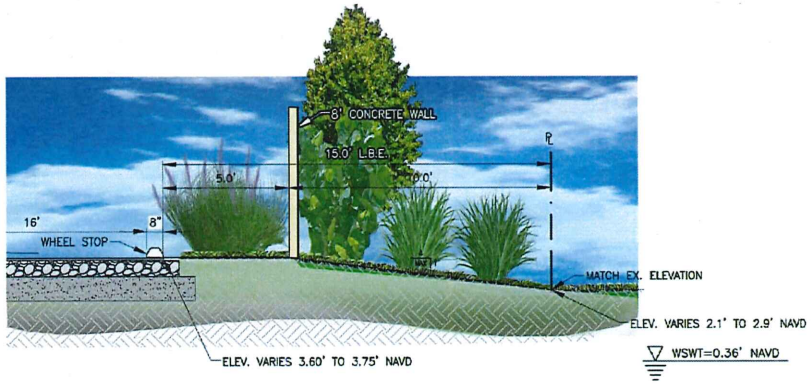
SHRUBS	QTY	BOTANICAL / COMMON NAME	SIZE	FIELD2	FIELD3 / NOTATION	DETAIL
CHR RED	173	Chrysobalanus icaco 'Red Tip' / Red Tip Cocoplum	5 gal	18" O.A.	5' min. bed width	Y/10
COC UVI	98	Coccoloba uvifera / Sea Grape	10 gal	5' O.A., 4' O.C.		Y/10

SHRUB AREAS	QTY	BOTANICAL / COMMON NAME	CONT	FIELD2	FIELD3 / NOTATION	DETAIL
MUH CAP	193	Muhlenbergia capillaris / Pink Muhly	1 gal	4' O.C.	3" crushed shell	Y/7
TRI FAK	316	Tripsacum dactyloides / Fakahatchee Grass	1 gal	4' O.C.	3" crushed shell	Y/7

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	FIELD2	FIELD3 / NOTATION	DETAIL
HEL DEB	285	Helianthus debilis / Dune Sunflower	1 gal	12" O.A.	3" crushed shell	Y/10



ENGINEERING SECTION B (Code-planted)
NOT TO SCALE



ENGINEERING SECTION B (Approximated growth after 1 Year)
NOT TO SCALE

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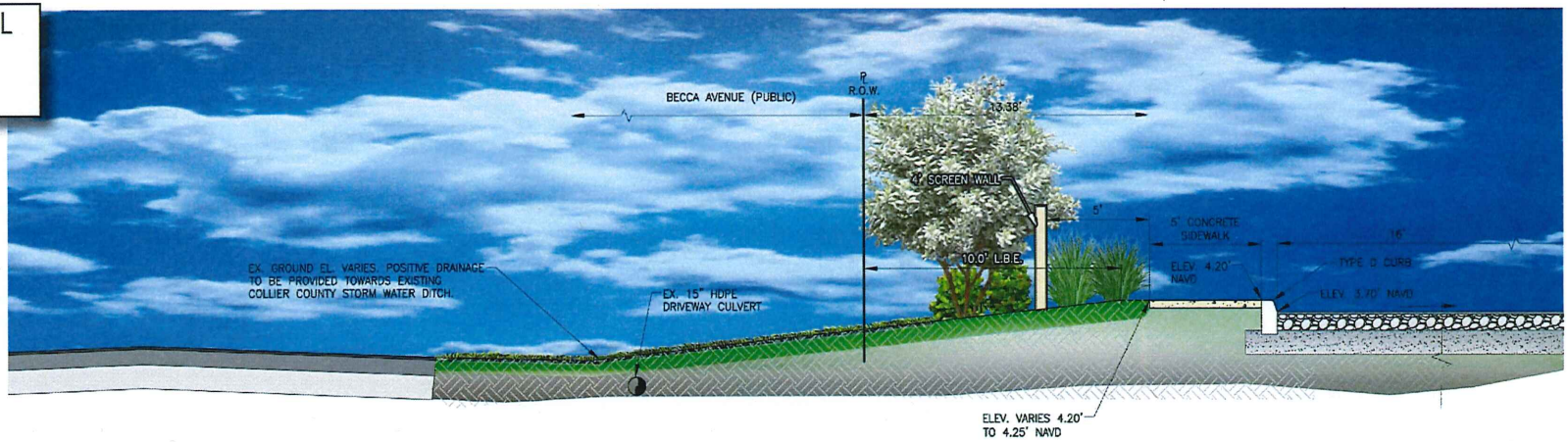
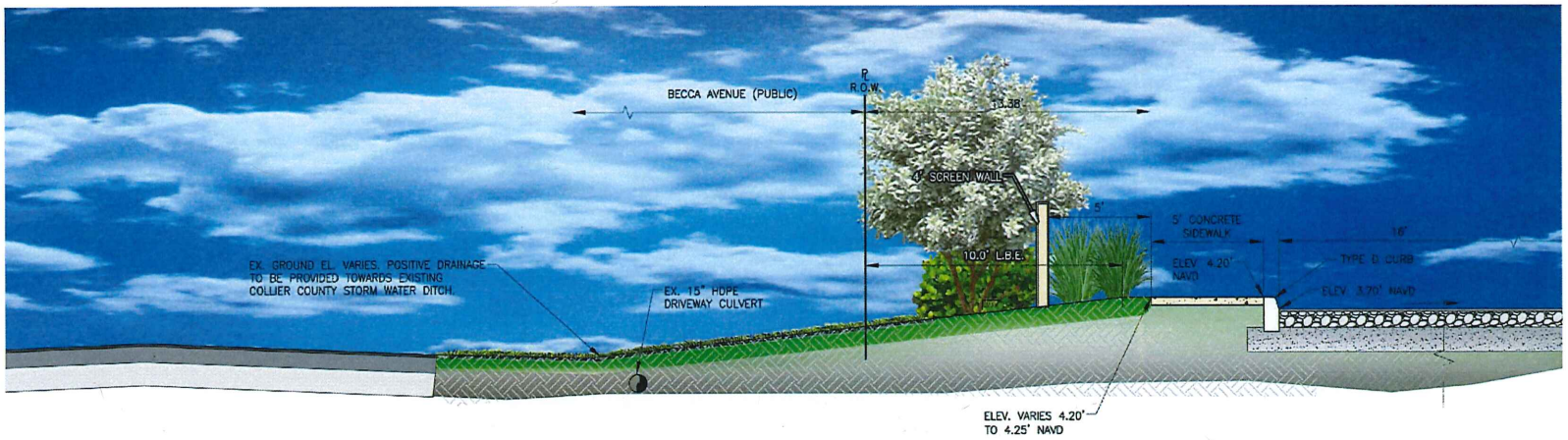
CONCEPTUAL LANDSCAPE SECTIONS



ENGINEERING SECTION C (Code-planted)
NOT TO SCALE



ENGINEERING SECTION C (Approximated growth after 1 Year)
NOT TO SCALE

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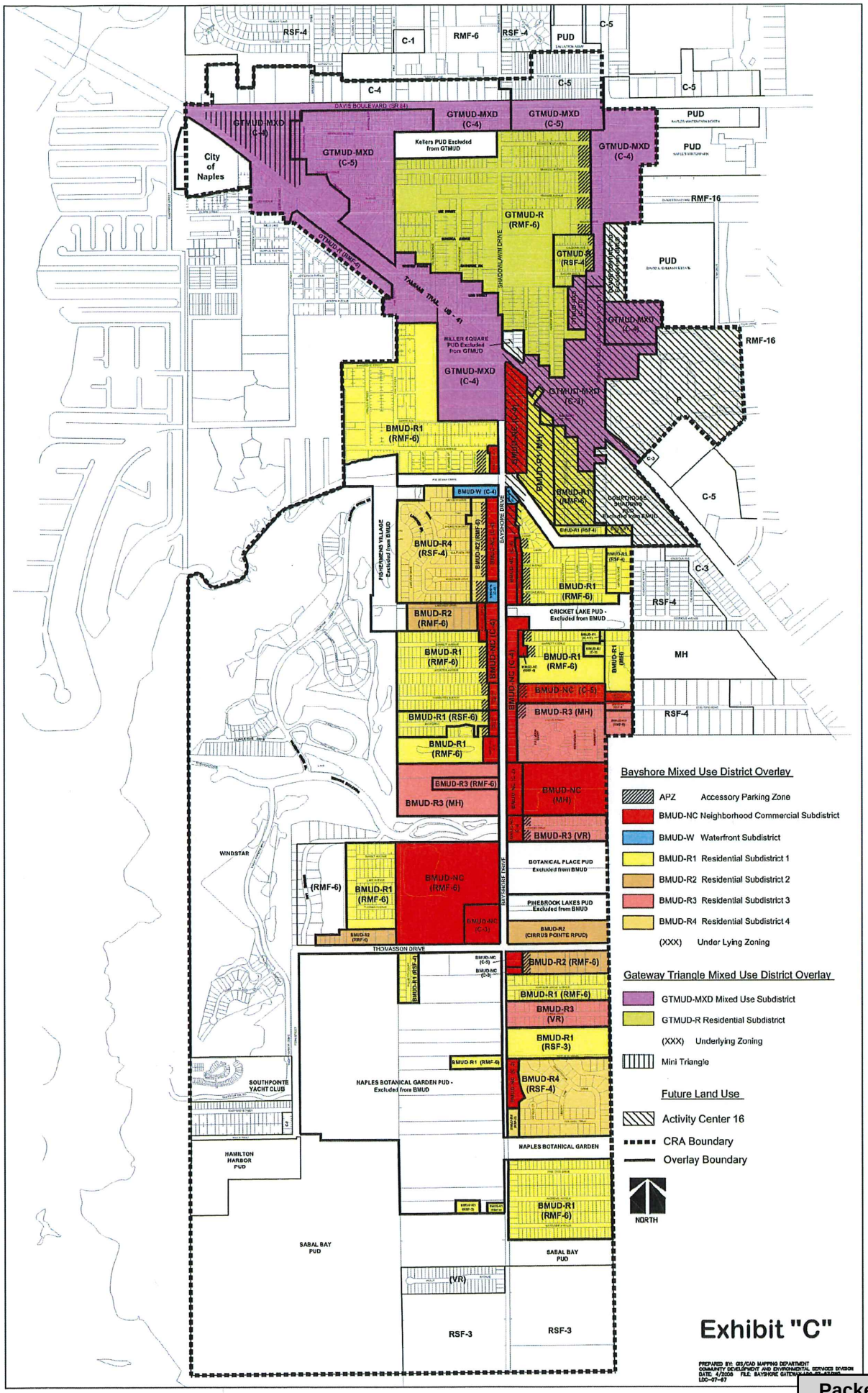


Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

2831 BECCA AVENUE - PARKING EXEMPTION
(PE-PL20210000596)

NIM DOCUMENTS

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Naples Daily News
PART OF THE USA TODAY NETWORK
Published Daily
Naples, FL 34110

HOLES MONTES ASSOCIATES INC
950 ENCORE WAY STE 200
NAPLES, FL 34110
ATTN

Affidavit of Publication
STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared who on oath says that they serve as **legal clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida , for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

7/10/2021

Subscribed and sworn to before on July 10th, 2021:

Tara Mondloch

Notary, State of WI, County of Brown

TARA MONDLOCH
Notary Public
State of Wisconsin

My commission expires: August 6, 2021

PUBLICATION COST: $1,040.25
AD NO: GCI0687734
CUSTOMER NO: 530712
PO#: PUBLIC NOTICE

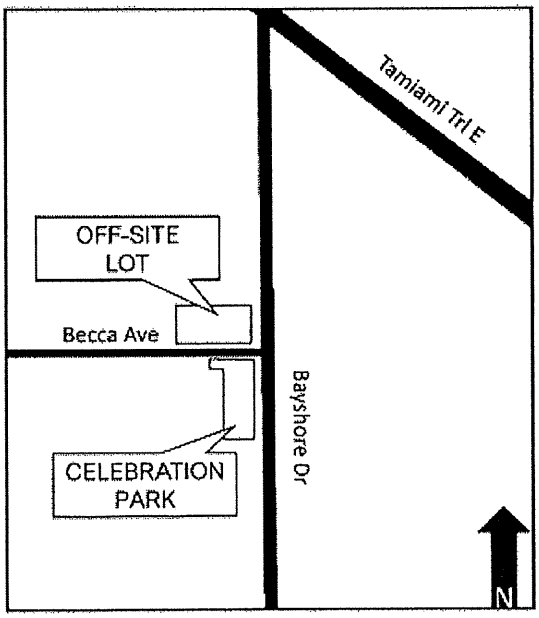
Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

The public is invited to attend a neighborhood information meeting held by Robert J. Mulhere, FAICP, President/CEO of Hole Montes, Inc. on behalf of the property owner at the following time and location:

Tuesday, July 27, 2021 at 5:30 p.m.
St. Peter the Apostle Catholic Church – Spirit Center
5130 Rattlesnake Hammock Road, Naples, FL 34113
(Entrance from Rattlesnake Hammock Road)

The following formal application has been made to Collier County: **Parking Exemption (PL-20210000596)** – This request is to modify a condition that was included in the Collier County Hearing Examiner's approval of a Parking Exemption (HEX Decision No. 2019-28) which allowed for off-site parking in support of the Celebration Park (Food Truck Park). The off-site lot is located at 2831 Becca Avenue and was constructed pursuant to the condition of the HEX approval.

This request is to allow for the use of the off-site lot on Mondays. When the Parking Exemption (for the off-site lot) was approved, Celebration Park was closed on Mondays. The business owner now wishes to operate Celebration Park on Mondays, therefore, use of the off-site parking is required.



WE VALUE YOUR INPUT

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owners and Collier County staff. We will be adhering to social distancing protocols during the meeting. If you would rather not or are unable to attend the meeting and would like to participate via zoom or view a video of the meeting, please email us at NeighborhoodMeeting@hmeng.com and we will send a link. You may also email any comments or questions to NeighborhoodMeeting@hmeng.com. Please reference 2831 Becca Avenue – Parking Exemption in the subject line.

Robert J. Mulhere, FAICP, President/CEO, Hole Montes, Inc.,
950 Encore Way, Naples, FL 34110
Phone: 239-254-2000, email: bobmulhere@hmeng.com

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

AFFIDAVIT OF COMPLIANCE

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

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

(Signature of Applicant)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing Affidavit of Compliance was acknowledged before me this 3rd day of July, 2021 by means of X physical presence or _____ online notarization, by Robert J. Mulhere, who is personally known to me X or who has produced _____ as identification.

Stephanie Karol
Signature of Notary Public

(Notary Seal)

Stephanie Karol
Printed Name of Notary

STEPHANIE KAROL
Notary Public - State of Florida
Commission # GG 965839
My Comm. Expires Mar 9, 2024
Bonded through National Notary Assn.

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HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

July 12, 2021

Re: 2831 Becca Avenue – Parking Exemption (PL-20210000596)
Neighborhood Information Meeting
HM File No. 2021.080

Dear Property Owner:

Please be advised that Robert J. Mulhere, FAICP, President/CEO of Hole Montes, Inc. on behalf of the property owner, has filed the following application with Collier County Growth Management:

Parking Exemption (PL-20210000596) – This request is to modify a condition that was included in the Collier County Hearing Examiner's approval of a Parking Exemption (HEX Decision No. 2019-28) which allowed for off-site parking in support of the Celebration Park (Food Truck Park). The off-site lot is located at 2831 Becca Avenue and was constructed pursuant to the condition of the HEX approval.

This request is to allow for the use of the off-site lot on Mondays. When the Parking Exemption (for the off-site lot) was approved, Celebration Park was closed on Mondays. The business owner now wishes to operate Celebration Park on Mondays, therefore, use of the off-site parking is required.

In compliance with the Land Development Code requirements, a Neighborhood Information Meeting will be held to provide you an opportunity to hear a presentation about this petition and ask questions. The Neighborhood Information Meeting will be held on Tuesday, July 27, 2021 at 5:30 p.m. at St. Peter the Apostle Catholic Church, Spirit Center, 5130 Rattlesnake Hammock Rd, Naples, FL 34113 (entrance from Rattlesnake Hammock Road).

We will be adhering to social distancing protocols during the meeting. If you would rather not or are unable to attend the meeting and would like to participate via Zoom or view a video of the meeting, please email us at NeighborhoodMeeting@hmeng.com and we will send you a link. You may also email any comments or questions to NeighborhoodMeeting@hmeng.com. Please reference **2831 Becca Ave – Parking Exemption** in subject line.

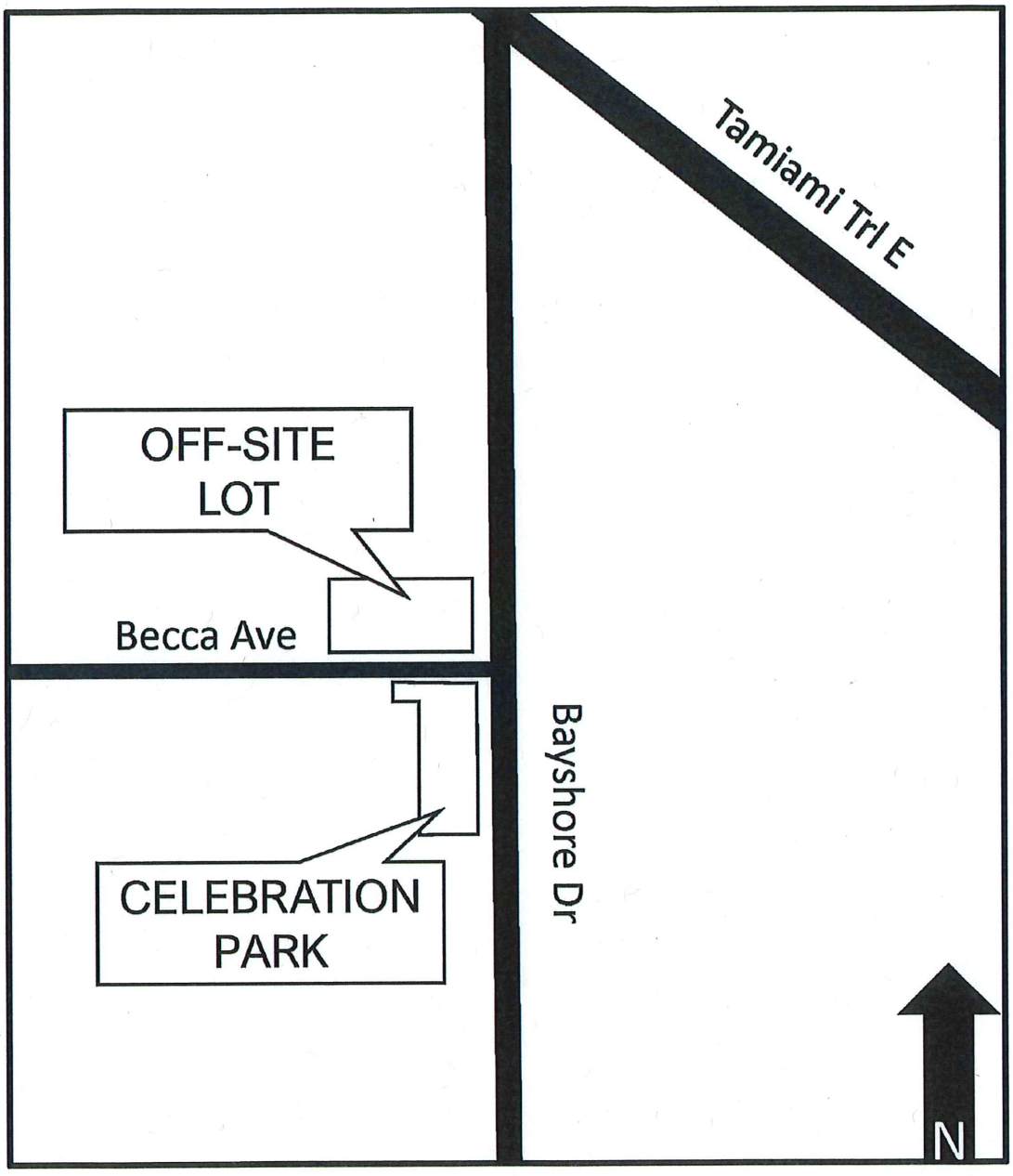
If you have any questions, please don't hesitate to contact me at 239-254-2000.

Very truly yours,

HOLE MONTES, INC.

Robert J. Mulhere, FAICP
President/CEO
RJM/sek

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)



HOLEMONTES

Becca Avenue Parking Exemption Location Map

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Neighborhood Information Meeting Summary
2831 Becca Avenue – Parking Exemption (PL-20210000596)
July 27, 2021, 5:30 PM
St. Peter the Apostle Catholic Church, Spirit Center
5130 Rattlesnake Hammock Rd, Naples, FL 34113

Applicants:
Bayshore Redevelopment Group, LLC & Naples 2.0, LLC

On Behalf of the Applicant:
Robert Mulhere, FAICP, Hole Montes, Inc.

Collier County Staff:
Ray Bellows, Zoning Manager, Collier County
Laura DeJohn, AICP, Johnson Engineering (on behalf of Collier County)

Bayshore CRA Staff:
Tami Scott, Project Manager, Bayshore CRA

Approximately 22 members of the public attended in person and 3 participated via zoom.

Mr. Mulhere started the presentation by introducing Gary Rudd, representing the applicant. Mr. Mulhere then provided an overview of the request, which is limited to revising the restriction on use of the off-site lot on Mondays to allow use of the lot on Mondays. Mr. Mulhere provided an overview of the conditions of approval from the Hearing Examiner's approval of the off-site lot (HEX 2019-38).

Following the presentation there was approximately ten minutes of questions from the public in attendance.

Summary of Public Comments

Amplified Music
Two individuals voiced concerns about amplified music at Celebration Park. Mr. Mulhere explained that there are existing restrictions in place. This application is not proposing any changes to these restrictions. Code enforcement has been to the site to measure the amplified music, and the property met County standards. Three individuals spoke in favor of the application to allow use of the off-site lot on Mondays.

The meeting concluded at approximately 5:53 PM.

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

2754 BAYVIEW LLC
2815 BAYVIEW DR
NAPLES, FL 34112---0

2754 BAYVIEW LLC
2815 BAYVIEW DRIVE
NAPLES, FL 34112---0

BAYES, WILLIAM J
2595 BECCA AVENUE
NAPLES, FL 34112---0

BAYSHORE REDEVELOPMENT GP LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---0

BAYVIEW INN LLC
139 MARCO LAKE DR
MARCO ISLAND, FL 34145---3601

BAYVIEW INN LLC
139 MARCO LAKE DR
MARCO ISLAND, FL 34145---3601

BEACHWALK BROWN LLC
2055 TRADE CENTER WAY
NAPLES, FL 34109---0

BLOODMONEY R/E HOLDINGS LLC
2775 BAYVIEW DRIVE
NAPLES, FL 34112---0

BLOODMONEY R/E HOLDINGS LLC
2775 BAYVIEW DRIVE
NAPLES, FL 34112---0

BLOODMONEY R/E HOLDINGS LLC
2775 BAYVIEW DRIVE
NAPLES, FL 34112---0

BUCHANAN, JAMES ALLEN
2815 BECCA AVE
NAPLES, FL 34112---0

BYERLY, THOMAS
TINA M LOGAN
2958 CYPRESS ST
NAPLES, FL 34112---0

CANTONI, ELSA
EDDA THEISS
8772 BELLANO CT #202
NAPLES, FL 34119---0

CRUM, ALAN B & SUSAN J
2648 WEEKS AVE
NAPLES, FL 34112---0

CRUM, ALAN B & SUSAN J
2648 WEEKS AVE
NAPLES, FL 34112---5701

CRUM, ALAN B & SUSAN J
2648 WEEKS AVENUE
NAPLES, FL 34112---0

CRUM, ALAN B & SUSAN J
2663 BECCA AVE
NAPLES, FL 34112---5842

DEBORAH J SZOT TRUST NO 418
615 KNOEBEL DRIVE
LEMONT, IL 60439---0

DESAVIGNY, MELISSA
2957 ORANGE ST
NAPLES, FL 34112---5826

DOUGHERTY, CHARLES J
57 S SPRING AVE
LA GRANGE, IL 60525---0

FOTRE JR, WILLIAM J
2918 ORANGE ST
NAPLES, FL 34112---0

GAVIN, MICHAEL J
3382 GRAHAM RD
ROCK CREEK, OH 44084---9748

GRIMES, RICHARD H
2898 WEEKS AVE
NAPLES, FL 34112---5700

GULF GATE PLAZA LLC
% ISRAM REALTY & MGT INC
500 S DIXIE HWY
HALLANDALE BEACH, FL 33009---6332

HARMONY SHORES MHP LLC
3415 RADIO RD #109
NAPLES, FL 34104---0

HUNT, WILLIAM F & BARBARA J
2997 ORANGE ST
NAPLES, FL 34112---5897

KEEWAYDIN ISLD CMNTY ASSN INC
% BEECHWOOD CO
1001 LIBERTY AVE STE 720
PITTSBURGH, PA 15222---3718

KEEWAYDIN ISLD CMNTY ASSN INC
% BEECHWOOD CO
1001 LIBERTY AVE STE 850
PITTSBURGH, PA 15222---3718

KOMAROWSKI, TROY & ANGELA
2695 BECCA AVE
NAPLES, FL 34112---5842

KOMAROWSKI, TROY S & ANGELA R
2695 BECCA AVE
NAPLES, FL 34112---5842

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LAFAYETTE N INGRAM III TRUST
2278 QUEENS WAY
NAPLES, FL 34112---5424

LUEDTKE, MARY A
6947 MADRID DR
DEMOTTE, IN 46310---9411

LUEDTKE, RANDAL J
6947 MADRID DR
DEMOTTE, IN 46310---9411

LUEDTKE, RANDAL J
6947 MADRID DR
DEMOTTE, IN 46310---9411

MADDOX & PARTNERS LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---0

MESSMER, ROBERT F
2978 ORANGE ST
NAPLES, FL 34112---5826

MILLER, REGINA
GERALD DOUGLAS MILLER
401 MAXWELL AVE
ROYAL OAK, MI 48067---4606

NAPLES 2.0 LLC
2055 TRADE CENTER WAY
NAPLES, FL 34109---0

NAPLES 3.0 HOLDINGS LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---0

NAPLES 3.0 HOLDINGS LLC
1350 JEWEL BOX AVE
NAPLES, FL 34102---7523

NEVIUS, WILLIAM K
PAMELA L PASCOE
2832 WEEKS AVE
NAPLES, FL 34112---0

ORICK II, GREGORY L
2815 BAYVIEW DR
NAPLES, FL 34112---0

PETERSON JR, RAYMOND W
2846 WEEKS AVE
NAPLES, FL 34112---5700

PINE, ROBERT
550 MUREC DR
NAPLES, FL 34102---0

PLAZA BAYSHORE CORP
15275 COLLIER BLVD #201 / 269
NAPLES, FL 34112---0

PLAZA BAYSHORE CORP
15275 COLLIER BLVD #201/269
NAPLES, FL 34119---0

PORTER, H W
2997 ORANGE ST
NAPLES, FL 34112---5897

RIGHT TIME MANAGEMENT LLC
800 MEADOWLAND DR
NAPLES, FL 34108---0

RIGHT TIME MANAGEMENT LLC
800 MEADOWLAND DR
NAPLES, FL 34108---0

RIGHT TIME MANAGEMENT LLC
800 MEADOWLAND DR
NAPLES, FL 34108---0

RODERICK, CHARLES & SUSAN
2306 QUEENS WAY
NAPLES, FL 34112---0

RODERICK, CHARLES & SUSAN
2306 QUEENS WAY
NAPLES, FL 34112---0

ROHMAR COMPANY LTD LLC
534 FAIRLAWN BLVD
AKRON, OH 44313---0

SAWCC
P O BOX 10102
NAPLES, FL 34101---0

SAWYER'S OUTBOARD SERVICE INC
3125 BAYSHORE DR
NAPLES, FL 34112---5853

SAWYER'S OUTBOARD SERVICE INC
3125 BAYSHORE DR
NAPLES, FL 34112---5853

SAWYER'S OUTBOARD SERVICE INC
3125 BAYSHORE DR
NAPLES, FL 34112---5853

SCHUBERT, CAITLIN S & MARCUS A
2648 WEEKS AVE
NAPLES, FL 34112---5701

SMITH, JOHN M
2779 BECCA AVE
NAPLES, FL 34112---0

TOWNSEND, RICHARD N
2679 BECCA AVE
NAPLES, FL 34112---0

label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

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label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

STAPLES

TRACY, GABE LEE
3838 EXCHANGE AVE
NAPLES, FL 34104---0

TRUITT, JOHN J
JILL TRUITT-LANGAN
JESSE P TRUITT
14515 GREY FOX RUN
NAPLES, FL 34110---7044

ZENGER, CARL & HELEN
1084 SNYDER'S FLATS RD
BLOOMINGDALE N0B 1K0 CANADA

ZENGER, CARL & HELEN
1084 SNYDER'S FLATS RD
BLOOMINGDALE N0B 1K0 CANADA

ZENGER, CARL M
1084 SNYDERS FLATS RD RR #1
BLOOMINGDALE N0B 1K0 CANADA

East Naples Civic Association
PMB #49
8595 Collier Blvd, Suite 107
Naples, FL 34114-3556

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

STAPLES
label size 1" x 2 5/8" compatible with Avery ®5160/8160
Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160

NEIGHBORHOOD INFORMATION MEETING

2831 BECCA AVENUE – PARKING EXEMPTION (PL-20210000596)
TUESDAY, JULY 27, 2021 AT 5:30PM
PLEASE PRINT CLEARLY

Please be advised

The information on this sheet is to contact you regarding this project and future public meetings. Under Florida law, e-mail addresses, phone numbers and certain home addresses are public records once received by a government agency. If you do not want your e-mail address, phone number or home address released if the County receives a public records request, you can refrain from including such information on this sheet. You have the option of checking with the County staff on your own to obtain updates on the project as well as checking the County Web site for additional information.

Name	Address	City, State Zip	E-Mail Address
Tucker & Nicole Jones	2880 Becca Ave	Naples, FL 34102	nawtyhogg@gmail.com
Ami Scott	Backstage CPA		
Laura DeJohn	Collier County		
David, Marcela, Santi	2880 Becca Ave	Naples FL 34102	Foodtruck naples@gmail.co
TROY KOMAROWSKI	2695 BECCA AVE	NAPLES 34112	
RAY BELLOWS	2800 N. HORSESHOE DR	NAPLES	Ray.bellows@colliercountyfl.gov
J Bixler	168 Jeepers Dr		SOCWOOAS1@gm.
[illegible]	921 E. JASPER AV	NAPLES	
Kristijan Petrov	3645 Becca Sitting	Naples FL	—
JohnPaul Wilinski	2		
LORI DEAN	2701 LAKEVIEW DR	NAPLES	loriadean@outlook
Maria Ortiz	6254 Vista Garden Way	Naples FL	maria542h@hotmail.com
Delaney Guarascio	4874 Regal Drive	Bonita Springs	delaneyguarascio@gmail.com

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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Name	Address	City, State Zip	E-Mail Address
Alan Crum	2663 Becca	Naples Fl. 34112	
JOHN M. SMITH	2779 BECCA	NAPLES, FL 34112	
Stephen Shifter	2778 Becca	Naple F. 3411	
ORAN TOWNSEND	~~44 SIAN~~ 2880 BECCA AVE	NAPLE FL	
Dragana Todorovic	2880 Becca Ave	Naples FL 3411	
~~KEVIN DOGAN~~	~~535 RIDGE DR~~	NAPLES FL 34108	
Brad Hamuth	2701 Lakeview Dr	Naples Fl	34112
Ellie Clissold	3484 Dorado way	Naples FL	elliecg:13@comcast.net
Gustavo Chavez	1973 49th terrace	Naples fl	gachs100@hotmail.com

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

NEIGHBORHOOD INFORMATION MEETING

2831 BECCA AVENUE – PARKING EXEMPTION (PL-20210000596)
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Name	Address	City, State Zip	E-Mail Address
Evgenia Lorandou	4241 Gulfstream Dr	Naples 34112	evinalorandou141@gmail.com

Attachment: ATTACHMENT E - PE-PL-20210000596 HEX Back-Up Documents (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL-20210000596

Naples 2.0, LLC & Bayshore Redevelopment Group, LLC

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

Name: Michael G. Moore Date: 8/24/2021

Signature: Michael Moore

☐ Applicant*

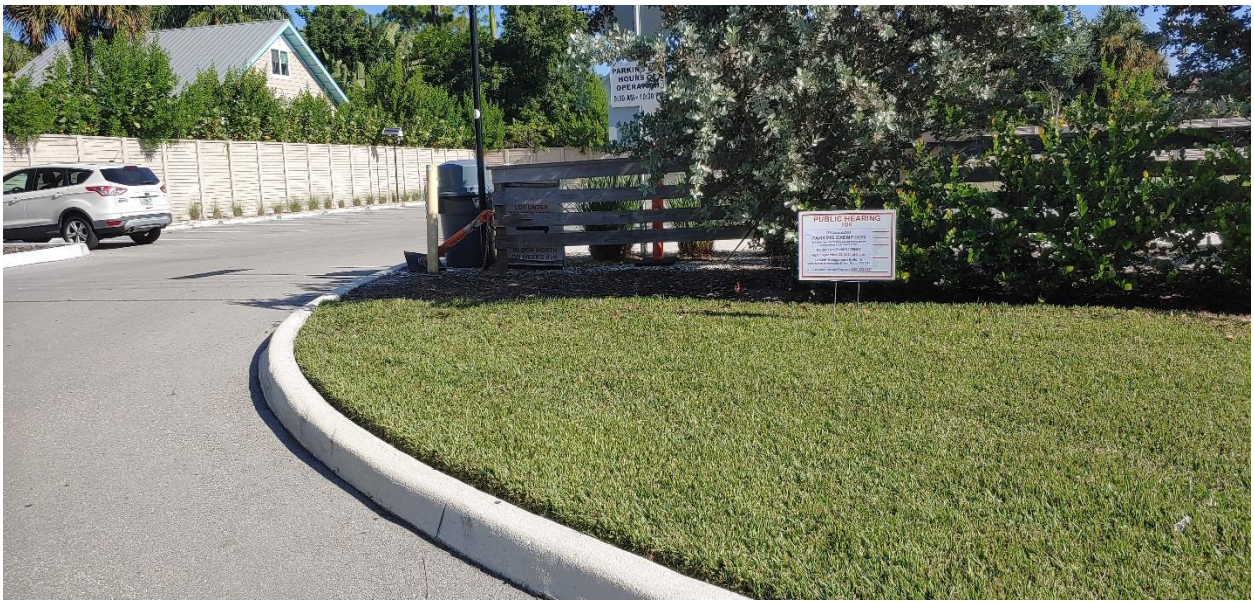
☑ Legal Counsel to Applicant

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

Attachment: HEX Hybrid Meeting Waiver (signed) (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Sign posted on 9/8/21
PL20210000596 – 2831 Becca Avenue Parking Exemption

Sign along Becca Avenue Frontage



Attachment: Sign posted on 9-8-21 (PL20210000596) (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Sign posted on 9/8/21

PL20210000596 – 2831 Becca Avenue Parking Exemption

Sign along Bayshore Drive Frontage

Attachment: Sign posted on 9-8-21 (PL20210000596) (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Signs updated on 9/21/21
PL20210000596 – 2831 Becca Avenue Parking Exemption

Sign along Becca Avenue Frontage

Sign along Bayshore Drive Frontage

Attachment: Signs updated on 9-21-21 (PL20210000596) (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Public Correspondence received as of Oct. 6, 2021

for

Parking Exemption PE-PL20210000596

2831 Becca Avenue Off-site Parking Lot

October 14, 2021 Hearing Examiner

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Dina Galeazzi Elliot <Dina.elliot@exitonesolutions.com>
Sent: Monday, September 27, 2021 10:27 AM
To: LauraDeJohnVEN
Subject: PL – 20210000506 Celebration Park

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

Hello,

My name is Dina Elliot, owner of Exit One Solutions and also a full-time Naples resident. I am writing in support of removing a ruling that Celebration Park's "All Monday Parking

Lots Completely Closed" rule.

Not only is Celebration Park a wonderful location in our community that brings together families, friends in an lovely outdoor setting (with amazing food trucks I may add) but I

personally have been involved with CAN (Cancer Alliance Naples) which hosted their annual event last year at Celebration Park on a Monday. CAN supports anyone in Collier

county in need who is going through cancer treatments. They are planning to continue their event at Celebration Park in 2022, raising much needed funds to help our

community.

I am requesting an amendment to a condition of the approved Becca Avenue Off-Site Parking which currently limits the use of the lot to 6 days a week (prohibiting use of the lot on Mondays) to allow the use of the lot on Mondays. Events and Celebration Park business owners are impacted by this ruling and should not be penalized. In my opinion, there is no reason to restrict the use of the lot on Mondays, especially for events that support the community as the restriction was inserted in the off-stie parking approval because at that time Celebration Park was not open on Mondays. Everyone – from non-profits, local community, and employees of Celebration Park and the food trucks would benefit from this change.

Thank you for your consideration in this matter.

Dina Elliot
President

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

239-598-0246 o.
201-310-3356 c.
dina.elliot@exitonesolutions.com
www.exitonesolutions.com
--

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Troy Komo <tskomo@gmail.com>
Sent: Friday, October 1, 2021 1:01 PM
To: LauraDeJohnVEN
Subject: PEPL20210000596

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Laura
Hope all is well, if you could put this in for the Chief Hearing Examiner To see I would appreciate it. This is in regards to Celebration park wanting to open an additional day which would increase our noise exposure as well as traffic. Pedestrian traffic on Becca is already very hazardous due to 80% of Celebrations customers making a straight line from the parking lot automobile entrance to the parks automobile entrance which involves walking on Becca Ave. for 75ft..

It would be great if The County could do something to remove the noise from this open air business, if they wanted to have amplified entertainment they should have built it with 4 walls and a roof to contain it.

The main issue with this place has always been the loud amplified noise, I for one would be satisfied with no amplified music at any time from this establishment. You will see my email below sent to the Board a couple if weeks ago, with no response from my district representative.

Respectfully Submitted
Troy Komarowski

Begin forwarded message:

> **From:** Troy Komo <tskomo@gmail.com>
> **Date:** August 16, 2021 at 4:01:11 PM EDT
> **To:** Penny Taylor <Penny.Taylor@colliercountyfl.gov>
> **Subject: Celebration Park Noise**
>
> August 16, 2021
>
> Dear Commissioner Taylor
>
> I am writing this e-mail in regards to loud music coming from Celebration Park (CP) at the corner of Bayshore Drive and Becca Avenue. On the evening of August 14, 2021, from 5:30 p.m. until 9:15 p.m., the amplified music was way too loud.
>
> This issue has been ongoing for the last two years. Area residents have made multiple complaints to your code enforcement office. Most recently, neighbors registered complaints on May 18 and July 17.
>
> When a Code Enforcement Investigator (CEI) was assigned the case, he immediately contacted Celebration Park's manager. The CEI advised the manager that the CEI would be there on May 22 to conduct a sound study. By the time the CEI arrived, the park manager had already taken his own sound readings and apparently adjusted the volume down. Was it a coincidence that the county's readings came in just 1db under the violation limit after being warned? Thankfully, noise from the truck park was under control for the next 3 weeks. These events are confirmed by the case notes in your city view system and conversations with CE.

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

Sadly, CP's past efforts to control the volume have been inconsistent and have not lasted. On July 17, Collier Commissioners were contacted by another resident regarding amplified noise levels and yet another Code Case was opened after which your CEI recorded levels only .7db below the violation limit. This seems very much like a teenager who doesn't turn down his stereo until he hears dad's footsteps coming up the stairs.

As a 35-year resident at 2695 Becca Avenue, I feel that an amplified music permit granted by Collier County Growth Management for a completely-open, outdoor venue within 75-feet of residential properties is unacceptable. Imagine if the noise were within yards of your home … night after night.

Sound readings taken after a violation, especially with advanced notice, does not seem impartial. This strategy certainly hasn't solved our problem. We simply do not believe that Code Enforcement is seeking an honest evaluation of the noise problem.

Can the board suggest a contact at the county other than Code Enforcement where residents could be guided on this … perhaps someone in the zoning department can be as helpful to us as they are to business entities?

I welcome the opportunity to speak with any commissioner interested in the fair implementation of Collier County policies. I would also like to personally invite you to my home any time Celebration Park is exceeding decibel levels in the code. I believe you have to personally experience the noise to appreciate our concerns.

Please review my request. I would welcome any advice that will help me and my neighbors restore some control over the persistent noise problem being created by Celebration Park.

I will be awaiting your response.

Respectfully Submitted
Troy Komarowski

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Marcus Schubert <mschubert987@gmail.com>
Sent: Friday, October 1, 2021 9:52 AM
To: LauraDeJohnVEN
Subject: Case PEPL20210000596 reference

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

Good morning Laura,

I wanted to send you a letter in regards to the open case on celebration food truck park. Whilst I am happy to see growth and development in my local community I am sad to say that the food truck park is very much having a negative impact on the surrounding areas.
Every night we are subjected to loud amplified music sometimes including profanities which can be heard from inside our residences and by little ears, police have been notified on numerous occasions to ask them to turn it down with no results and the park continues to demonstrate blatant disregard for the communities request.

I come home from work to relax and would like my children to have a peaceful night sleep, not be subjected to loud thumping through the walls from the band or DJ at the park. I do believe the permit they have is for non amplified music which clearly is being dishonored.
Aside from excessive noise other issues include increased traffic and speeding throughout the Neighboring streets, I personally have witnessed many occasions of people speeding excessively down weeks and Becca Avenue pulling into the food truck park parking lot and the large parking lot on weeks ave.

I really would like for these issues to be taken seriously and addressed as it is very much negatively affecting the residents who some have lived for many years before the park was built.

These issues have been brought up time and time again to the county and to the police who are tasked with enforcing the Law. Celebration food truck park is continually disturbing the peace and demonstrating a harassing and tormenting stance by ignoring the requests of the Neighborhood to keep the noise and traffic to acceptable levels.

Your help and consideration in these matters would be greatly appreciated.

Thank you for your time
Marcus Schubert
Local Resident

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Janet Gavin <lizandemere@yahoo.com>
Sent: Friday, October 1, 2021 10:01 AM
To: LauraDeJohnVEN
Subject: Fw: parking lot 2831 Becca Ave which is not permitted f

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

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "Janet Gavin" <lizandemere@yahoo.com>
To: "basslawoffice@comcast.net" <basslawoffice@comcast.net>, "Troy Komo" <tskomo@gmail.com>
Sent: Wed, Mar 24, 2021 at 12:18 PM
Subject: Fw: parking lot 2831 Becca Ave which is not permitted f
Forwarded for your information.

Janet and Michael Gavin

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "Janet Gavin" <lizandemere@yahoo.com>
To: "penny.taylor@colliercountyfl.gov" <penny.taylor@colliercountyfl.gov>
Cc: "Janet Gavin" <gavinj1961@gmail.com>
Sent: Tue, Mar 23, 2021 at 9:40 PM
Subject: parking lot 2831 Becca Ave which is not permitted f
Dear Ms. Taylor,

My husband and I are voicing concerns about permitting the parking lot 2831 Becca Ave to be permitted to be used for parking on Mondays. At present, the lot is not permitted for use per HEX 2019-38.

We reside at 2872 Weeks Ave. Our property contains a third of the lots that form the border to the Celebration Park Annex parking lot. We, the residents have been forced to tolerate the poor planning of Celebration Park since its' inception.

Celebration Park was permitted for eight food trucks and an open air bar with a site plan for 13 parking spots. Where else in Naples would 9 businesses be permitted to not even have enough parking for staff let alone patrons? Because of this debacle the Becca property was purchased by Celebration Park.

Again a blind eye was turned until there were hearings. The owners illegally created a dirt/grass lot (eventually it was covered in shell) that was not zoned for parking. They even began charging patrons to park in the illegal lot. Patrons complained and they ceased collecting fees. We were forced to endure headlights shining into the back of our home which is all glass. Until the wall was erected, we had witnessed patrons urinating in the bushes that were on our boundary line that overlooks our screened lanai and pool. We were deprived of the right to privacy.

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

We had been in contact with John Johnson from Zoning Enforcement, with all are concerns and frustrations with coping with this new disrespectful neighbor, Celebration Park. He was sympathetic but had little to offer under his department.

Next came hearings where the owners requesed forgiveness instead of following the proper procedure to request rezoning the lot. If you haven't noticed, there is a history of doing whatever the owners wish and only complying with ordinances when forced.

HEX 2019-38 was signed with specified requirements and rules. These specifications include what, when and how the lot is to be used. They have not complied with many of the terms of the document. Now they have been using the lot on Mondays when HEX 2019-38 forbids it. The lot is to be blocked nightly when not in use and during all hours on Mondays. This was a small consolation. At least one day a week we were given a reprieve from revving car and motorcycle engines, blaring car radio music and annoying car alarms. This might not seem important unless it is in YOUR backyard! We purchased into a neighbood and now are constantly told how Celebration Park benefits the neighborhood. The only one benefitting is the owner of Celebration Park! Noise levels continue to escalate and traffic and speeding on Weeks has exponentially increased! The sheriff has tried parking an unoccupied sheriff's vehicle to detour the speeding but that has had no effect. I suggest speed bumps on Weeks and a traffic light at the intersection of Weeks and Bayshore.

We are also concerned about the planned winery/outdoor concert venue on Bayshore near Weeks and Celebration Park. What is planned for noise control and parking? We fought to not have a parking structure on the Becca property. We are afraid that the owner's are scheming to eventually request that part of the ordinence to be revised to benefit the owners underplanned parking..AGAIN! A presidence and slippery slope would be created if the Becca lot is permitted to be used on Mondays. We want to be good neighbors but enough is enough! Only one neighbor is benefitting and it is not the residents of the community!

Feel free to contact us should you want to discuss these concerns further.

Thank you for your service to our community and neighborhood.

Respectful,

Janet and Michael Gavin

216-780-0746
or
216-780-2605

Sent from Yahoo Mail on Android

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Neftali Feliciano <Neftali@cancerallianceofnaples.org>
Sent: Monday, October 4, 2021 12:12 PM
To: LauraDeJohnVEN
Subject: Petition number - PL – 20210000506 Request to amend a condition (Celebration Park)

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

Hi Laura,

I hope this email finds you well.

I am emailing to express my support for amending a condition that will allow Celebration Park to use their off-site parking lot on Mondays. Currently, there is a prohibition for use on Mondays and this is hurting the growth of the business.

Celebration Park does a lot of good in the community and it's a great place to visit. The success they have had as a business has directly impacted our non-profit organization. Celebration Park hosted our annual signature event last year and we were able to raise over $100,000. This money was used to help over 100 local children and adults battling cancer with direct non-medical financial assistance.

The Cancer Alliance of Naples will be hosting our 20th Anniversary Signature Event on Monday, March 14, 2022. We are expecting even more support from the community for this event and cannot overstate the importance of being able to accommodate the guests with parking.

CAN is now helping over 1,200 clients per year. Successful businesses like Celebration Park allow us to do what we do. We are neighbors helping neighbors with cancer.

I am confident the County will make the right decision and allow them to use the parking lot on Mondays.

Thanks again for your service to the community.

Sincerely,

Neftali Feliciano

Chief Executive Officer
3384 Woods Edge Circle Ste 102
Bonita Springs, FL 34134
(239)643-HOPE (4673)
Fax:(239)643-4616
www.cancerallianceofnaples.org

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Jason Marshall <jason@sewshore.com>
Sent: Monday, October 4, 2021 12:27 PM
To: LauraDeJohnVEN
Cc: BellowsRay
Subject: Concern for Celebration Park off-site parking lot // PL-20210000506

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

Hello,

I'm writing you in regards to petition number PL-20210000506 which is a request to amend conditions in place for the Celebration Park off-site lot.

My name is Jason Marshall and I'm a lifelong Naples native. I was born at NCH in 1979 and raised in this wonderfull community over the past 42 years. Additionally, I'm a local business owner. My company is United Uniforms / Sew Shore, the latter which was established in 1986. Celebration park, several of the trucks, and many of their patrons are also my clients.

As a child, I recall the days of outdoor concerts at Cambier Park. I believe The Wailers (sans Bob Marley) even played one of those concerts. The entire community would turn out for the festivities, and perhaps I saw my parents at their happiest and best at these concerts. In my late teens, I also recall pushback from residents regarding restricting outdoor entertainment. There was very little entertainment for our area when there was so much potential. In fact, I feel these decisions gave Naples the negative "retirement capitol of the world" moniker for many years. Many of us, in our early days as new drivers, would drive up to Fort Myers just to hang out amongst live music.

Over the years, we have seen neighborhoods and local businesses flourish around the addition of entertainment venues to our Naples community. While Downtown Naples slept comfortably with restrictions and outdated venues and spaces, North Naples boomed with the addition of Mercato and property values climbed. The activation of outdoor spaces for live music and entertainment made North Naples the new destination location or "must-see" part of town. As the younger get older, I believe these types of improvements will continue.

As a native, I love the old and historic Naples. However, those days are long gone and well in the past. Naples needs an update, a revitalization per se. What Rebecca & Nancy Maddox have brought to the Bayshore District is exactly what Naples needs and wants. The integrity of the design and long-term vision should be appreciated and celebrated. People are flocking to a neighborhood that has been written off for years. People are taking a second look and property values are rising, and just like North Naples, businesses and families are flourishing around the "newness" and attractions in the Bayshore Arts District. To say that Celebration Park was at the center of this is an understatement.

Celebration Park has beyond proved itself as exceptional destination venue for Naples, FL. As a destination location, Celebration Park is in demand 7 days a week. The food vendors are in demand 7 days a week. The entertainment businesses that run alongside Celebration park such as tikiboat tours, jet ski rentals, etc… is in demand 7 days a week. I understand that the single day parking restriction stems from Celebration Park's original hours of operation. I believe it's fair to say that time changes everything. Fortunately, for the Bayshore Arts District this was a change for the good. Now it's time to change the outdated parking lot restriction for the better, for good.

Please reconsider this ruling for all of the employees and staff of Celebration Park and participating business that will benefit from the extra day of parking. Please reconsider this ruling for the Food Truck operators that will have

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

better sales from the extra day of parking. Please reconsider this ruling for the locals, and employees of nearby venues such as NCH Hospital, who visit Celebration Park daily to grab a quick lunch. Please reconsider this ruling in consideration for visitors who will park illegally elsewhere or risk being towed because the lot is restricted on Mondays. Please reconsider this ruling for the sake of future charitible events and the complications a closed lot will bring for a single day. All of the positives and people the benefit from this lot to be open 7 days a week far exceeds any reason or demand from the several homeowners that are against it.

I implore you to make the relevant and conscious decision to remove the limiting conditions of the off-site lot for Celebration Park and make amendments to allow the lot to remain open for 7 days a week. Let's improve what was started, as EVERYTHING happening in the Bayshore Arts District is heading in the right direction. Any opposition is a bitter vendetta without merit or concern for our community as a whole.

Thank you,

Jason Marshall
Owner / President
United Uniforms / Sew Shore
(239) 774-4655
jason@sewshore.com

Tollgate Plaza
3845 Beck Blvd. Suite 809
Naples, FL 34114

Greentree Center
2340 Immokalee Rd.
Naples, FL 34119

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www.uniteduniforms-usa.com

Shop with us online at:
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Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Susan Crum <sjcrum@comcast.net>
Sent: Monday, October 4, 2021 8:11 PM
To: JohnsonJohn; LauraDeJohnVEN
Subject: CP Parking on 10/4/2021
Attachments: IMG_8310.jpg; IMG_8312.jpg; IMG_8313.jpg

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

Good Evening Mr.Johnson,

Thank you for taking my call today. Can you please let me know what transpired with the CP Parking Lot being utilized on 10/4/21? I'm going to the HEX meeting on 10/14 and planning on speaking therefore would like to include this incident and how it was handled by Code Enforcement.

FYI I attached pictures that were taken at 10:00 AM 10/4/21. At 1:45 PM the chain was not up and the cars were still in the parking lot. I then came home and called you and left a message with Ms. DeJohn.

Thank you.

Sincerely,

Susan Crum

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Susan Crum <sjcrum@comcast.net>
Sent: Tuesday, October 5, 2021 3:01 PM
To: LauraDeJohnVEN
Subject: Public Hearing on 10/14 RE: Parking Exemption for 2831 Becca
Attachments: cp2.jpg; cp3.jpg; cp22.jpg

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

Good Afternoon,

I would like these pictures included.

The first picture is to explain how dangerous it is for people to be walking down the street with on coming traffic. Being open on Mondays, would increase people being at danger in the street yet another day.

In the the HEX 2019-38 it states 62 parking spaces. The second two pictures show cars lining up and down outside a marked space. Note the white Porsche backed up to a car parked in the handicap space. If the parking lot is full, and more cars are allowed to park wherever, please disregard the parking lot pictures.

Sincerely,

Susan Crum

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

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LauraDeJohnVEN

From: T E Byerly Co Inc T E Byerly Co Inc <tomtebco@verizon.net>
Sent: Tuesday, October 5, 2021 1:18 PM
To: LauraDeJohnVEN
Subject: Reference PEPL20210000596

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

I am writing to protest the opening of the parking lot for Celebration Park on Mondays. It was our understanding the parking lot would be closed on Mondays, so the neighborhood has one day of the week you can sit outside without being disturbed by loud music and cars parking on your lawn. On weekends the music is so loud you can not sit in your house without being disturbed. I trust you will agree with the neighborhood and allow one night of the week to enjoy our homes.
VTY
Tom Byerly
2958 Cypress Street
Naples, FL

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Chris Olson <chris@olsondinunzio.com>
Sent: Tuesday, October 5, 2021 11:18 AM
To: LauraDeJohnVEN
Cc: ray.bellows@colliercountyfl.cov
Subject: Celebration Park parking Becca Ave PL-20210000506

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

Hello!

I support Celebration Park and what it has done to the Bayshore Drive area. It has definitely created a beautification of that area, added jobs, and added a much needed outdoor venue in Naples!! I understand there is a current limitation of use of their ***owned*** off- site parking area on Becca on Mondays, and that the parking lot is completely closed all Mondays. This is ridiculous!!! Why on earth would an owned parking lot be subject to such a ruling? Therefore, I support an amendment to approve the use of this parking lot on Mondays. Not only are you hurting the business owner, but more importantly you are hurting all the employees and food truck families with the ability to earn a living by taking away a day to work and operate.

Sincerely,

Christine Olson
Olson & DiNunzio Insurance Agency Inc.
2536 Northbrooke Plaza Dr
Naples, FL 34119
Phone: 239.596.6226
Fax: 239.596.1620
Web page: www.olsondinunzio.com

Disclaimer: please be advised that insurance coverage cannot be added, deleted or otherwise changed via email, voice mail or facsimile. No binder, insurance policy, change, addition, and/or deletion to insurance coverage goes into effect unless and until confirmed directly with a licensed representative of Olson and Dinunzio Insurance Agency Inc.

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: George <georged914@gmail.com>
Sent: Wednesday, October 6, 2021 3:02 PM
To: LauraDeJohnVEN
Subject: Reference PEPL20210000596

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

Good afternoon Laura:

My name is George Dougherty and I live at 2998 Cypress St. I am sending this email in regards to Celebration Park wanting to open the parking lot for an additional day. I wanted to attend the hearing in person but unfortunately have been dealing with a sick relative for the past few months and have therefore been out of town.

I believe the parking lot should remain closed on Monday. Celebration Park has traditionally been closed on Monday which gives the neighbors a brief respite from the noise and disruption that the business generates. I have been told that this was the reason that the hearing examiner excluded use of the parking lot on Mondays in his original decision. Efforts to reach a mutually agreeable resolution of the noise issue, to date, have not been successful. Thank you for considering this email.

George

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Heather Bliss <blissh645@gmail.com>
Sent: Tuesday, October 5, 2021 11:06 PM
To: LauraDeJohnVEN; BellowsRay
Subject: Celebration park off site parking lot.

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

To Laura and Ray,

I'm writing this letter in regards to petition number PL-20210000506, a request to amend conditions in place for the Celebration Park off-site lot.

My name is Heather Bliss. I am a permanent Naples resident, whom resides on Bayview Dr, which is 1-2 blocks away from the parking lot. I have 3 children, all whom attend Collier county public schools. I am also an employee of Three 60 Market and Mega Sabor, a food truck in the park.

East Naples has needed a makeover for quite some time. It's not secret. The work Rebecca and Nancy and Maddox have put into making this possible has been like any other. Not just with creating employment through their businesses but their relationships with people. I get to experience first hand everyday the respect and love the community has for them and what they bring to this area of Naples. Not just the upper class citizens but those in the middle and lower classes as well. Helping people from all back-round's because by donations, meals, employment etc, they truly care about the well being of the community they serve.

I get the pleasure of interacting with the people they touch everyday as customers. Everyone raves about Celebration Park. There is always families with children playing games and enjoying the variety of food from the food trucks. They love how everyone can make their own selection for food. I continuously hear comments that they with there was MORE places like Celebration Park because if it's uniqueness. People stopping on their lunch breaks from work. People waiting for specific trucks to be open. The whole energy of the park is positive and happy.

Bayshore is the Art District. This is where one would expect to find a place like Celebration Park. Any Art District of any city if full of love, culture, music and fun. So much of Naples caters to the 55 and older community it's refreshing to have one area for the younger crowd. The crowd that is a very large portion of the workforce here in Naples.

One day may seem minimal but it would be detrimental overall to restrict Celebration Park from using the part lot, which it owns I may add, on Mondays. It will create illegal parking issues and congestion issues. It would be detrimental to charitable organizations they work with. I walk by the lot frequently late at night and it is a relief to see the amount of cars parked overnight, because patrons can leave their cars safely and Uber home. This reducing the amount of drunk drivers on the roads my kids walk down.

I ask you to reconsider, not only for the establishment itself but for the community in which in serves. Thank you.

Heather Bliss

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Alan Crum <alan@outbacksportyards.com>
Sent: Wednesday, October 6, 2021 7:15 PM
To: LauraDeJohnVEN
Subject: PEPL20210000596

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

Laura, this email concerns the hearing for the parking lot on Becca Ave. to be used by Celebration Park on Mondays . The original conditions of petition No. PE-PL201800003220 should be enforced and kept in place. By allowing CP to operate on Mondays would only increase the many problems that already exist with this establishment . First , the original SDP showed 13 parking spaces and 54 seats around the bar area , so from its inception , not enough parking , yet somehow approved. Second , the driveway is so steep and short that it was obvious no delivery trucks were going to make it into the delivery area , again , approved knowing beer trucks would be blocking one lane of Bayshore Drive and the bike path as well as one lane of Becca Ave. while servicing CP. Third , patrons routinely walk down the middle of Becca Ave. day and night going to and from CP, they haven't fixed that problem yet and they have no intention to do so , setting up more hazards . Forth , the noise from the amplified music is out of control , it is so loud the thumping bass enters our homes , we cant sleep , enjoy a program , or have a nice quiet dinner , and forget about going outside , we hear each and every word . We have had sound surveys done by the county only to find out the examiner calls the manager of CP and alerts him when and where they will take place . Once again , something completely ridiculous , amplified sound from an outdoor venue located inside an existing neighborhood, approved . There seems to be a pattern . However , after further investigation of the amplified sound permit # PL20180003242 dated 9-26-18 , the agent of CP who submitted the permit and the owner who signed it., failed to list the number of speakers and the amplifying devices to be used . They did however identify the sound and method as " Non-Amplified Acoustic Sound " so in other words CP has been broadcasting amplified sound for three years illegally. At the very least , CP should not be allowed to broadcast amplified sound effective immediately. In the future if they wish to apply for another amplified sound permit , there should be a public hearing attached to it because of all the harassment the neighborhood has endured over the last three years not to mention the waste of tax payer money for bogus sound surveys and sheriff department calls , asking them to turn it down , all the while assuming they have a valid permit , which they don't.

Sent from Mail for Windows

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

LauraDeJohnVEN

From: Madeline Lindner <madsaved@gmail.com>
Sent: Wednesday, October 6, 2021 8:11 PM
To: LauraDeJohnVEN; BellowsRay
Subject: Concern for Celebration Park off-site parking lot

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

Hello

I am writing to you in regards to petition number PL-20210000506 which is a request to amend conditions in place for the Celebration Park off-site lot.

My name is Madeline Lindner. My husband and I relocated to Florida upon me accepting a position as Operations Manager for a long-familiar Eyewear distributor. For years I enjoyed the excitement and fulfillment of a prospering career. Having reached retirement age, I resigned from my position five years ago. Blessed to be enjoying my free time and all that Naples and surrounding areas offer, I never thought I would consider working again. I didn't know then that my thinking would change after meeting Rebecca Maddox.

My first visit to Three60 Market I had the opportunity to meet Rebecca Maddox.
Over my next few visits there Ms. Maddox would come to our waterfront table and share her excitement over what was about to be constructed on the then empty lot . The area is now known as Celebration Park. I was smittened with Ms Maddox's desire to bring something to an area that was written off for years. Something would help in building the community. On that ground and motivated by her long term vision, I came out of retirement ,and began working at Three60.

Celebration Park has proved to be an exceptional destination venue for Naples.Everyone benefits for this parking lot to be open 7 days a week. I understand that the single day parking lot stems from Celebration Park's original hours of operation. It's time to change the outdated parking lot restriction.I'm asking you to remove the limiting conditions and make amendments to allow the lot to remain open for 7 days a week.

Thank You.
Madeline Lindner

Attachment: Public Correspondence received as of 10-6-21 (20018 : PL20210000596 2831 Becca Avenue Parking Exemption)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Item Summary: PETITION NO. PDI-PL20210000868 - Tree Farm Mixed-Use Planned Unit Development - Request for an insubstantial change to the Tree Farm Mixed-Use Planned Unit Development (MPUD) by requesting deviations from LDC Section 5.06.04.G.2.a which limits off-premises directional signs to 12 square feet in area to instead allow an off premises directional sign with up to 50 square feet of sign area and to Sections 5.06.04.G.2.c and 5.06.04.G.3 which requires off-premises directional signs to be located a minimum of 10 feet to a property line and a minimum of 50 feet to the adjacent residential zoning district, respectfully, to instead allow an off-premises directional sign to have a zero foot setback to the residential tract to the north for the benefit of the Tree Farm Apartments. The subject MPUD is 58.84± acres located in the northwest quadrant of the intersection of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 22, Township 48 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 5

Meeting Date: 10/14/2021

Prepared by:
Title: Planner – Zoning
Name: John Kelly
09/27/2021 10:44 AM

Submitted by:
Title: – Zoning
Name: Mike Bosi
09/27/2021 10:44 AM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	09/28/2021 12:40 PM
Zoning	Ray Bellows	Review Item	Completed	09/28/2021 4:37 PM
Zoning	Mike Bosi	Zoning Director Review	Completed	09/29/2021 7:47 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	10/14/2021 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: OCTOBER 14, 2021

SUBJECT: PDI-PL20210000868; TREE FARM MPUD

OWNER/APPLICANT:

TBC Tree Farm 1, LLC
WPPI Naples TF, LLC
9800 Connecticut Dr. Suite A1-100
Crown Point, IN 46307

AGENT:

Christipher O. Scott
Peninsula Engineering
2600 Golden Gate Pkwy
Naples, FL 34103

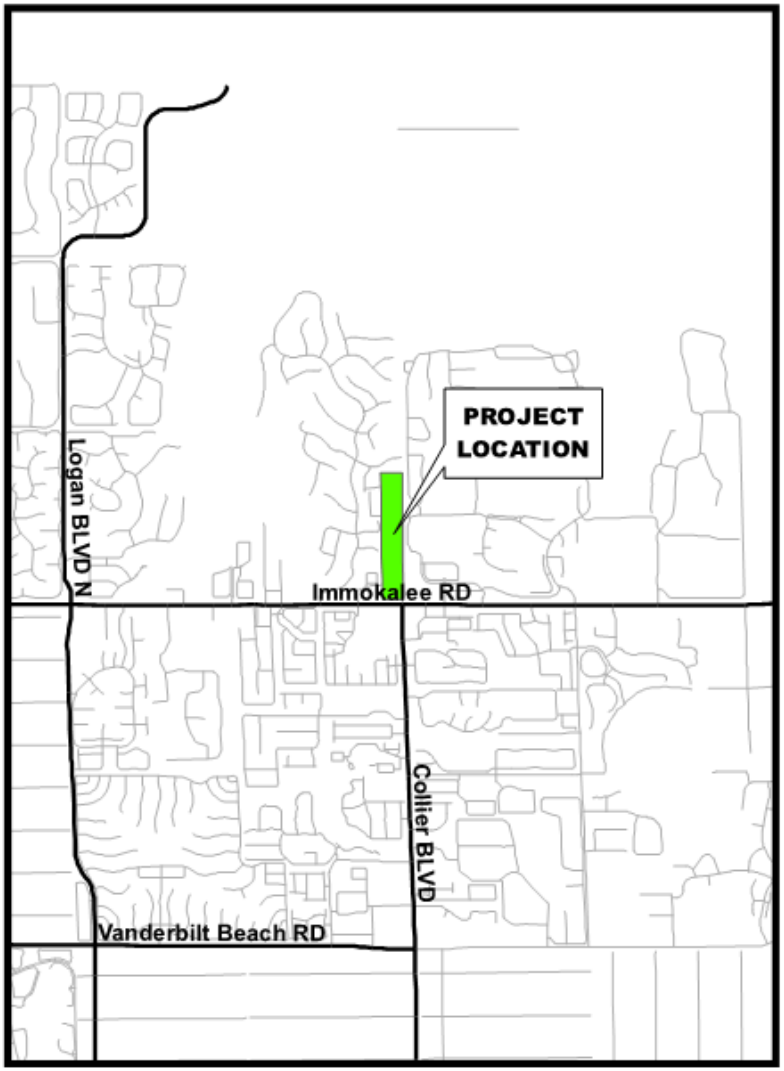
REQUESTED ACTION:

The petitioner requests that the Hearing Examiner approve an insubstantial change to the Tree Farm Mixed-Use Planned Unit Development (MPUD), Ordinance 07-54, as amended, by requesting deviations from LDC Section 5.06.04.G.2.a, which limits off-premise directional signs to 12 square feet in area to instead allow an off-premise directional sign with up to 50 square feet of sign area and from Sections 5.06.04.G.2.c and 5.06.04.G.3, which requires off-premise directional signs to be located a mninimum of 10 feet to a property line and a minimum of 50 feet to the adjacent residential zoning district, respectfully, to instead allow an off-premise directional sign to have a zero-foot setback to the residential tract to the north for the benefit of the Tree Farm Apartments.

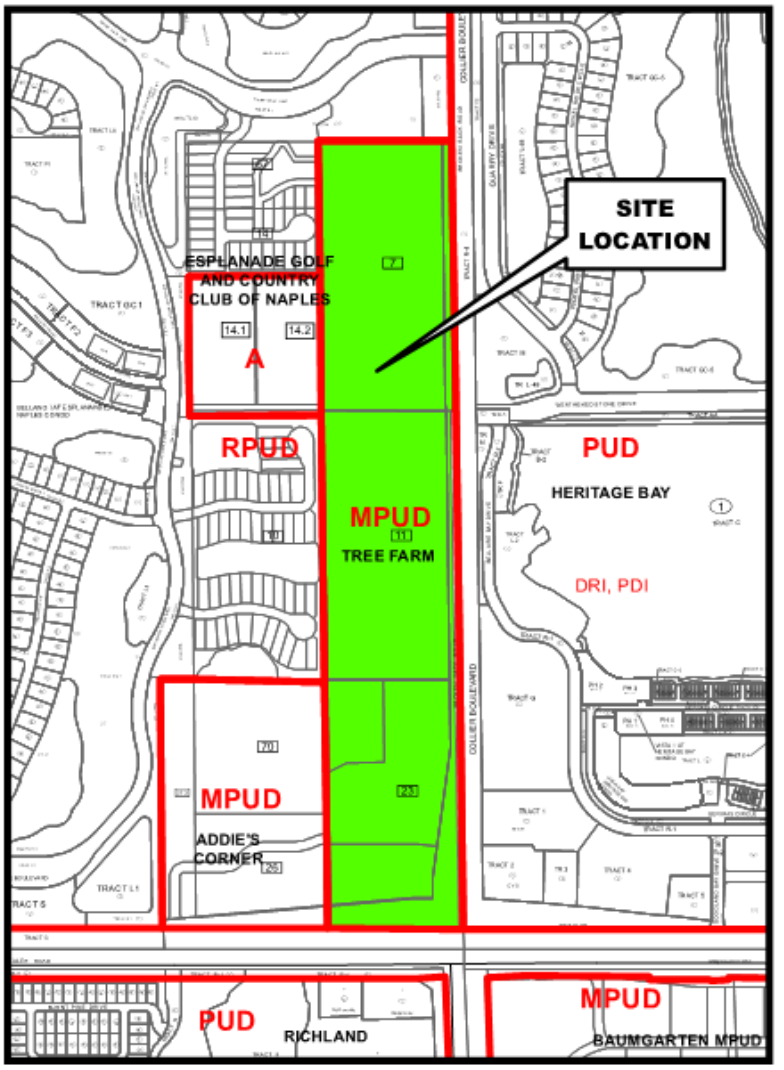
GEOGRAPHIC LOCATION:

The Tree Farm MPUD comprises 58.84± acreslocated at the northwest quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 22, Township 48 South, Range 26 East, Collier County, Florida. (*see location map on following page*)

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)



Location Map



Zoning Map

Petition Number: PL20210000868

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)

PURPOSE AND DESCRIPTION OF PROJECT:

Subsequent to the approval for Tree Farm Apartments (SDP-PL20190002847), comprising 18.59 acres and 286 multi-family dwelling units located within Tract B and L-1 of the Tree Farm Subdivision (PB 68; PG 90-94), the County approached the developer about revising the southern access easement at Colllier Boulevard to accommodate a proposed traffic circle. Said traffic circle is intended to improve access to development within the Heritage Bay PUD on the East Side of Collier Boulevard. To accommodate for the traffic circle the applicant is requesting an Insubstantial Change to the Tree Farm MPUD to amend Section 6.8 to include deviations for an off-premise directional sign for Tree Farm Apartments, to be located within the existing access and sign easement (OR 5771, PG 1841) on Tract C, immediately south of Tract B (see Attachment D). WPPI Naples TF, LLC (the applicant) is responsible for maintenance of the sign. Due to location, an On-Premise sign is not feasible and as such the applicant is pursuing an Off-Premise Directional Sign. Said Off-Premise Directional Sign has been designed to be consistent with the development standards for an On-Premise Residential Sign (LDC Section 5.06.04 B.6) as it relates to size, sign area and setbacks. An On Premise Residential Sign is permitted to be up to 8 feet in height, 64 square feet in sign area and must be setback a minimum of 10 feet from property lines. LDC Section 5.06.04 G allows for Off-Premise Directional Signs; however, deviations are necessary to accommodate the proposed sign which satisfies On-Premise requirements.

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property:

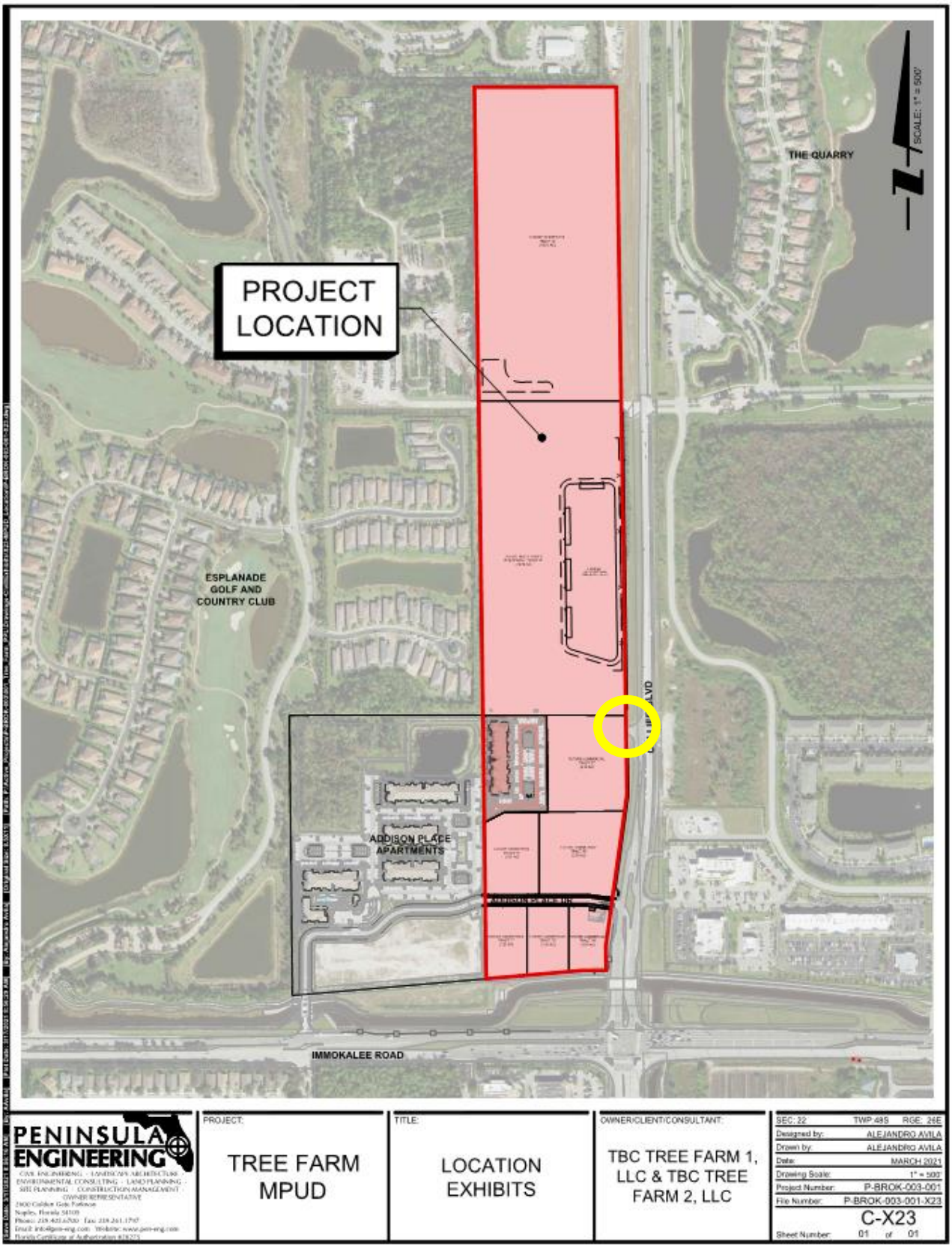
North: Tree Farm Apartments (SDP-PL20190002847), 286± dwelling units within a Residential component of the Tree Farm MPUD

East: Collier Boulevard Extension (Right-of-Way) Right-of-Way then property allocated "GOV" (General Government, Utilities, EMS, Fire & Sheriff Substation within the Heritage Bay PUD, Ordinance 03-40, as amended

South: Seychelles Avenue (Right-of-Way) followed by single-family residences within a Rural Agricultural (A) zoning district

West: Right-of-Way and Access Easement located within a Commercial/Mixed-Use component of the Tree Farm MPUD

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)



Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)

STAFF ANALYSIS:

Comprehensive Planning: Approximately 18.69 acres of the Tree Farm MPUD are designated Urban – Commercial District, Mixed Use Activity Center Subdistrict (#3). The remaining ±40.15 acres of this MPUD are designated Urban – Mixed Use District, Urban Residential Subdistrict and are within a Residential Density Band as identified on the Future Land Use Map of the Growth Management Plan (GMP). Ordinance #07-54 approved 425 DUs and no amendment is being requested to the density.

The applicant is requesting Deviation #5 for one off-premise sign to be located within the existing access and sign easement or on the northern boundary of the C/MU tract C - adjacent to Collier Blvd. to provide project signage for the Residential Tract to the North (Tree Farm Tract B). It may deviate with maximum square feet and have a 0' setback to the residential tract to the north.

The Growth Management Plan does not address signage in the Mixed Use Activity Center #3.; therefore, it is consistent with the GMP.

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

Environmental Review: Environmental Planning staff has reviewed this petition. None of the existing preserve areas will be impacted by the proposed petition. This project does not require Environmental Advisory Council (EAC) review, as this project did not meet the EAC scope of land development project reviews as identified in Section 2-1193 of the Collier County Codes of Laws and Ordinances.

Transportation Element: Transportation Planning staff has evaluated the proposed changes to the PUD Document and found no issue with consistency.

CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications under review at the present time.

PLANNED UNIT DEVELOPMENT INSUBSTANTIAL CHANGE CRITERIA:

Sections 10.02.13.E.1 and 10.02.13.E.2 of the Land Development Code set forth the criteria by which insubstantial changes to a PUD Document are to be reviewed before they can be approved. The criteria and a response to each have been listed as follows:

LDC Section 10.02.13.E.1 Criteria:

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

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

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)

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

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

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

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

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

No, there is no increase to the size of areas used for non-residential uses and no relocation of non-residential uses proposed.

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

No, there are no substantial impacts resulting from this amendment pertaining to traffic generation, traffic circulation, or impacts on other public facilities.

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

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

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

No, the request does not result in a requirement for increased stormwater retention or increased stormwater discharge.

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

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

i. Are there any modifications to the PUD Master Plan or PUD Document or amendment to a PUD ordinance which is inconsistent with the Future Land Use Element or other

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)

elements of the Growth Management Plan or which modification would increase the density of intensity of the permitted land uses?

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

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

This project is not a DRI.

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

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

LDC Section 10.02.13.E.2 Criteria:

Does this petition change the analysis of the findings and criteria used for the original application? (PUD and Rezone Findings are attached to this Staff Report as Attachment B.)

No, the proposed change does not affect the original analysis and findings for the most recent zoning action in Petition PUDZ-05-AR-8284. An excerpt from the staff report prepared for that petition is attached as Attachment B. Attachment B contains the PUD and Rezoning Findings from Petition PUDZ-05-AR-8284.

DEVIATION DISCUSSION:

The petitioner is seeking relief from three requirements of the LDC by means of proposing a single deviation. Said LDC deviation will to amend Section 6.8 of the existing MPUD document by adding Subsection E, Deviation #5. The petitioner's justification and staff analysis/recommendation are outlined below.

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)

Proposed Deviation #5

One off-premise sign may be located within the existing access and sign easement (OR 5771, PG 1841) on the northern boundary of the C/MU tract (Tree Farm Tract C) adjacent to Collier Boulevard to provide project signage for the Residential Tract to the north (Tree Farm Tract B) as depicted on Exhibit C within Attachment A. The off-premise sign may deviate from section 5.06.04.G.2.a which limits off-premise directional signs to 12 square feet in sign area to instead allow a maximum of 50 square feet in sign area. The off-premise sign may deviate from section 5.06.04.G.2.c and section 5.06.04.G.3 which require the sign to be a minimum of 10 feet to a property line and a minimum 50 feet to adjacent residential zoning district, respectively, to instead allow the sign to have no minimum (zero feet) distance to the residential tract to the north.

Petitioner's Justification:

The deviations will allow the Tree Farm Apartment's main project sign to be located near the primary access and provide sufficient visibility at the proposed Collier Boulevard traffic circle. The relocation of the southern access to the Tree Farm Apartments project is necessary for the County's traffic circle improvements on Collier Boulevard. This access road provides the primary entrance into the Apartment development. The access road is being moved to the south, away from the multi-family project (tract B), in cooperation with the County to construct a traffic circle on Collier Boulevard. The traffic circle on Collier Boulevard is subject to a developer agreement between Collier County and the Tree Farm developers. The existing easement (OR 5771, PG 1841) allows for the placement of the sign and enhanced landscaping. By locating the sign in the Sign Easement, it is now considered an off-premise sign by the LDC as opposed to an on-premise residential sign. The deviations allow the off-premise sign to function as an on-premise residential sign (LDC Section 5.06.04 B.6) as it relates to size, sign area and setbacks; the requested off-premise sign is in lieu of placing an on-premise residential sign. An on-premise residential sign is permitted to be up to 8 feet in height, 64 square feet in sign area and must be setbacka minimum of 10' from property lines. LDC Section 5.06.04 G allows for off-premise directional signs; however, deviations are necessary to allow a sign that is consistent with standards for an on-premise residential sign.

Staff Analysis and Recommendation:

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

NEIGHBORHOOD INFORMATION MEETING (NIM):

The NIM was held on August 5, 2021 at St. Monica's Episcopal Church, at 7070 Immokalee Road, Naples, Florida, 34134; an option to attend remotely was provided. Attending were two interested persons, County staff, and the applicant's team. Questions were taken at the conclusion of the

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presentation and the meeting was subsequently closed at 5:50 PM. (See Attachment D)

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve Petition PDI-PL20210000868 with the understanding that the contents of Attachment A be included as part of any Final Decision.

Attachments:

A) Revised Exhibit E for Russell Square RPUD – List of Deviations and Master Plan
B) PUD and Rezone Findings - PUDZ-05-AR-8284
C) SDP-PL20190002847 Zoning Data Sheet
D) Applicant's Backup – Application, Justification, NIM and Posting Information
E) HEX Hybrid Meeting Waivers

Attachment: Staff Report PDI-PL20210000868 09252021 (20189 : PL20210000868 PDI Tree Farm MPUD)

LIST OF REQUESTED DEVIATIONS FROM THE LDC

TREE FARM MPUD

* * * * * * * * * * * * *

6.8 DEVIATIONS

A. Deviation #1
At the discretion of the developer, the minimum right-of-way width to be utilized for all internal project streets may be fifty feet (50'). Deviation #1 from section 6.06.01 (O) of the LDC. Utilization of lands within all project right-of-way for landscaping. Decorative entranceway and signage may be allowed subject to review and administrative approval by the community development and environmental services administrator, or his designee, for engineering and safety considerations prior to installation. [Approved in Ord. 07-54]

B. Deviation #2
Relief from LDC Section 5. 03. 02. C, which permits a maximum wall height of 6' in residential zoning districts and residential components of a PUD, to allow a maximum wall height of 8' along the perimeter of the PUD, and allow a 12' wall/berm combination within residential portions of the PUD along Collier Boulevard. The berm portion of the 12' wall/ berm shall be minimum of 3' in height. [Approved in Ord. 07- 541]

C. Deviation #3
Boundary marker monuments containing project identification signs designed to identify the project, or any major use within the project, shall be permitted in location depicted on the MPUD master plan (Exhibit " A"). Said boundary marker monument shall not exceed 6 feet in height as measured from finished grade at the location of the boundary marker monument. The sign face area for such boundary markers shall not exceed 64 square feet in area and shall not exceed the height or length of the monument, which it is located. If the sign is two-sided, each sigh shall not exceed 64 square feet in area. Each sign shall only contain the main project name, insignia or motto of the entire development, and the developer's name and logo. Boundary marker monuments shall be setback a minimum of 10 feet from any MPUD perimeter property line. [Approved in Ord. 07- 541]

D. Deviation #4
One off-premises sign may be located to west of the tree farm MPUD generally located near the access to collier boulevard from the property immediately adjacent to the west of Tree Farm MPUD. The off-premise sign may deviate from the maximum 12 square foot size set forth in section 5.06.04.G.2.a., but may not exceed 16 square feet in size, and may also deviate from section 5.06.04.G.2.e., which requires such off-site signs to

Attachment: Attachment A - Deviations and Master Concept Plan (20189 : PL20210000868 PDI Tree Farm MPUD)

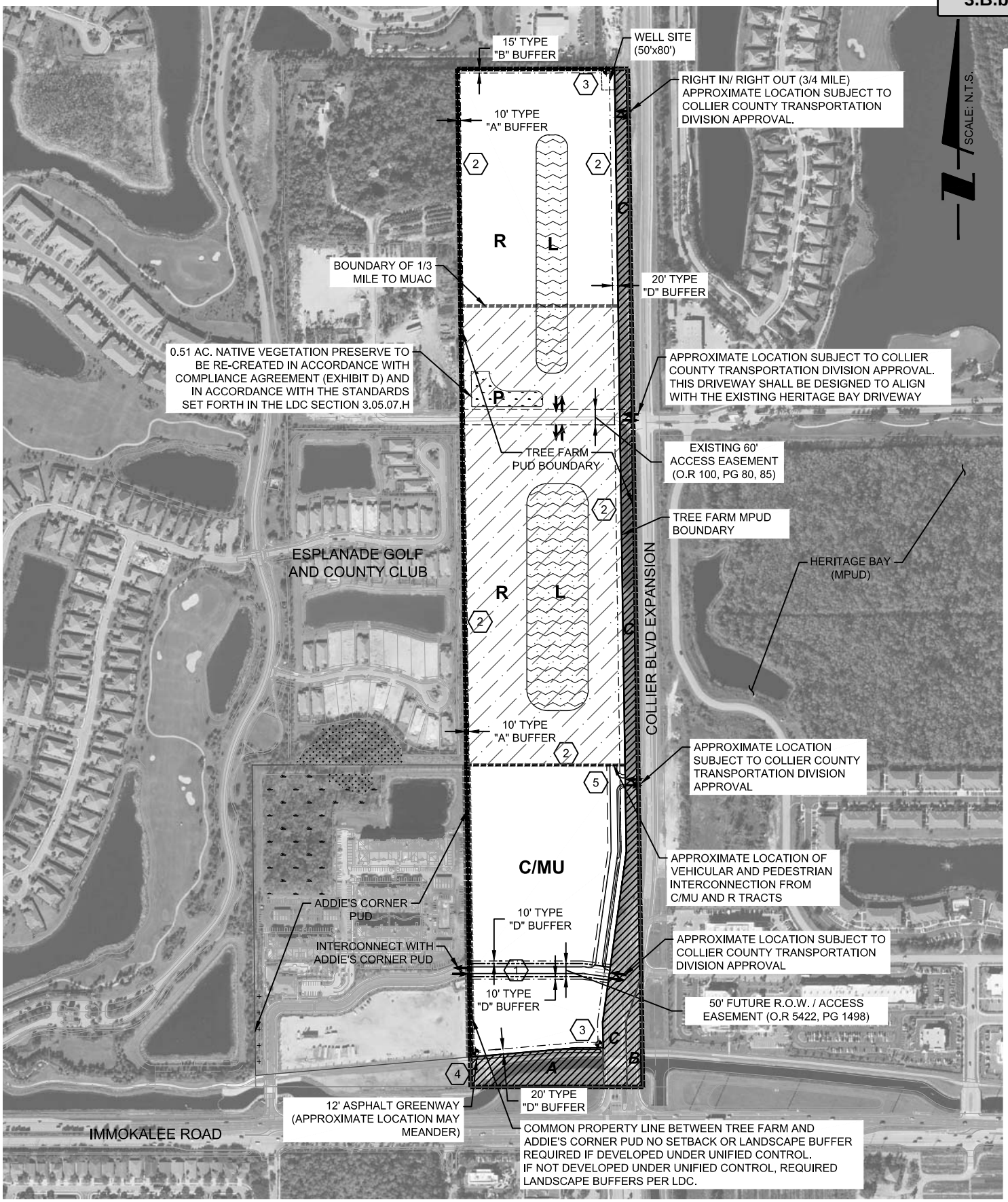
be located within 1, 000 feet of the intersection of the arterial roadway serving the building, structure or use. [Approved in Ord. 07- 541]

E. Deviation #5

One off-premise sign may be located within the existing access and sign easement (OR 5771, PG 1841) on the northern boundary of the C/MU tract (Tree Farm Tract C) adjacent to Collier Boulevard to provide project signage for the Residential Tract to the north (Tree Farm Tract B) as depicted on Exhibit C. The off-premise sign may deviate from section 5.06.04.G.2.a. which limits off-premise directional signs to 12 square feet in sign area to instead allow a maximum of 50 square feet in sign area. The off-premise sign may deviate from section 5.06.04.G.2.c. and section 5.06.04.G.3. which require the sign to be a minimum of 10 feet to a property line and a minimum 50 feet to adjacent residential zoning district, respectfully, to instead allow the sign to have no minimum (zero feet) distance to the residential tract to the north.

* * * * * * * * * * * * *

Attachment: Attachment A - Deviations and Master Concept Plan (20189 : PL20210000868 PDI Tree Farm MPUD)



Attachment: Attachment A - Deviations and Master Concept Plan (20189 : PL20210000868 PDI Tree Farm MPUD)

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Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

PROJECT:
TREE FARM MPUD

TITLE:
MPUD MASTER CONCEPT PLAN (EXHIBIT "A")

OWNER/CLIENT/CONSULTANT:
TBC TREE FARM 1, LLC & TBC TREE FARM 2, LLC

SEC: 22	TWP:48 RGE:
Designed by:	ALEJANDRO A
Drawn by:	ALEJANDRO A
Date:	MARCH
Drawing Scale:	N
Project Number:	P-BROK-
File Number:	P-BROK-001-001-X17
Sheet N	

SCHEDULE OF DEVIATIONS

DEVIATION 1:
AT THE DISCRETION OF THE DEVELOPER, THE MINIMUM RIGHT-OF-WAY WIDTH TO BE UTILIZED FOR ALL INTERNAL PROJECT STREETS MAY BE FIFTY FEET (50').
DEVIATION #1 FROM SECTION 6.06.01(O) OF THE LDC. UTILIZATION OF LANDS WITHIN ALL PROJECT RIGHT-OF-WAY FOR LANDSCAPING.
DECORATIVE ENTRANCEWAY, AND SIGNAGE MAY BE ALLOWED SUBJECT TO REVIEW AND ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES ADMINISTRATOR, OR HIS DESIGNEE, FOR ENGINEERING AND SAFETY CONSIDERATIONS PRIOR TO INSTALLATION.

DEVIATION 2:
DEVIATION #2 SEEKS RELIEF FROM LDC SECTION 5.03.02.C, WHICH PERMITS A MAXIMUM WALL HEIGHT OF 6' IN RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL COMPONENTS OF A PUD, TO ALLOW A MAXIMUM WALL HEIGHT OF 8' ALONG THE PERIMETER OF THE PUD, AND ALLOW A 12' WALL/BERM COMBINATION WITHIN RESIDENTIAL PORTIONS OF THE PUD ALONG COLLIER BOULEVARD. THE BERM PORTION OF THE 12' WALL/BERM SHALL BE MINIMUM OF 3' IN HEIGHT.

DEVIATION 3:
BOUNDARY MARKER MONUMENTS CONTAINING PROJECT IDENTIFICATION SIGNS DESIGNED TO IDENTIFY THE PROJECT, OR ANY MAJOR USE WITHIN THE PROJECT, SHALL BE PERMITTED IN LOCATION DEPICTED ON THE MPUD MASTER PLAN (EXHIBIT "A"). SAID BOUNDARY MARKER MONUMENT SHALL NOT EXCEED 6 FEET IN HEIGHT AS MEASURED FROM FINISHED GRADE AT THE LOCATION OF THE BOUNDARY MARKER MONUMENT. THE SIGN FACE AREA FOR SUCH BOUNDARY MARKERS SHALL NOT EXCEED 64 SQUARE FEET IN AREA AND SHALL NOT EXCEED THE HEIGHT OR LENGTH OF THE MONUMENT WHICH IT IS LOCATED. IF THE SIGN IS TWO-SIDED, EACH SIGH SHALL NOT EXCEED 64 SQUARE FEET IN AREA. EACH SIGN SHALL ONLY CONTAIN THE MAIN PROJECT NAME, INSIGNIA OR MOTTO OF THE ENTIRE DEVELOPMENT, AND THE DEVELOPER'S NAME AND LOGO. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY MPUD PERIMETER PROPERTY LINE.

DEVIATION 4:
ONE OFF-PREMISES SIGN MAY BE LOCATED TO WEST OF THE TREE FARM MPUD GENERALLY LOCATED NEAR THE ACCESS TO COLLIER BOULEVARD FROM THE PROPERTY IMMEDIATELY ADJACENT TO THE WEST OF TREE FARM MPUD. THE OFF-PREMISE SIGN MAY DEVIATE FROM THE MAXIMUM 12 SQUARE FOOT SIZE SET FORTH IN SECTION 5.06.04.C.15.B.I.G.2.A., BUT MAY NOT EXCEED 16 SQUARE FEET IN SIZE, AND MAY ALSO DEVIATE FROM SECTION 5.06.04.C.15.B.VG.2.E., WHICH REQUIRES SUCH OFF-SITE SIGNS TO BE LOCATED WITH IN 1,000 FEET OF THE INTERSECTION OF THE ARTERIAL ROADWAY SERVING THE BUILDING, STRUCTURE OR USE.

DEVIATION 5:
ONE OFF-PREMISE SIGN MAY BE LOCATED WITHIN THE EXISTING ACCESS AND SIGN EASEMENT (OR 5771, PG 1841) ON THE NORTHERN BOUNDARY OF THE C/MU TRACT (TREE FARM TRACT C) ADJACENT TO COLLIER BOULEVARD TO PROVIDE PROJECT SIGNAGE FOR THE RESIDENTIAL TRACT TO THE NORTH (TREE FARM TRACT B) AS DEPICTED ON EXHIBIT C. THE OFF-PREMISE SIGN MAY DEVIATE FROM SECTION 5.06.04 G.2.A. WHICH LIMITS OFF-PREMISE DIRECTIONAL SIGNS TO 12 SQUARE FEET IN SIGN AREA TO ALLOW A MAXIMUM OF 50 SQUARE FEET IN SIGN AREA. THE OFF-PREMISE SIGN MAY DEVIATE FROM SECTION 5.06.04 G.2.C. AND SECTION 5.06.04 G.3 WHICH REQUIRE THE SIGN TO BE A MINIMUM OF 10 FEET TO A PROPERTY LINE AND A MINIMUM 50 FEET TO ADJACENT RESIDENTIAL ZONING DISTRICT, RESPECTFULLY, TO INSTEAD ALLOW THE SIGN TO HAVE NO MINIMUM (ZERO) DISTANCE TO THE RESIDENTIAL TRACT TO THE NORTH.

LEGEND

R	RESIDENTIAL
C/MU	COMMERCIAL / MIXED USE
P	PRESERVE
	PUD INGRESS / EGRESS
#	DEVIATIONS
	WATER MANAGEMENT LAKE
	PRESERVE AREA
	ROW CONVEYANCE TO COLLIER COUNTY LABELED AS TRACTS A, B AND C. (SEE SECTION 6.3.C)
	BOUNDARY MARKER MONUMENTS

MPUD MASTER PLAN NOTES

1. THE AMOUNT OF REQUIRED OPEN SPACE IS 30%.
2. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 15.43 AC OPEN SPACE [30% OF 51.43 (58.84 - 7.42 ROW CONVEYANCE.)]
3. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
4. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.
5. THE PROJECT SHALL BE DESIGNED TO PROVIDE VEHICULAR, PEDESTRIAN AND BICYCLE CONNECTIVITY BETWEEN RESIDENTIAL AND MIXED USED/COMMERCIAL AND TO ADJACENT PROPERTY TO THE WEST.
6. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY PERIMETER MPUD PROPERTY LINE.

LAND USE SUMMARY

TRACT	LAND USE	ACREAGE
TRACT "R"	RESIDENTIAL	*39.64 ± ACRES
TRACT "P"	PRESERVE	0.51 ± ACRES
TRACT "C/MU"	COMMERCIAL / MIXED USE	*18.69 ± ACRES
TOTAL		58.84 ± ACRES

* INCLUDES ROW CONVEYANCE

PRESERVE

A MINIMUM OF 0.51 ACRES (25% OF THE 2.02 ACRES OF NATIVE VEGETATION ON SITE) IS REQUIRED TO BE RETAINED OR REPLANTED. THE TRACTS IDENTIFIED AS "P" CONTAINS 0.51 ± ACRES, AND FULLY SATISFIES THE NATIVE VEGETATION REQUIREMENTS.

MAXIMUM DENSITY AND INTENSITY

460 MULTI-FAMILY / SINGLE FAMILY ATTACHED / TOWNHOUSE AND / OR SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNITS.
PLUS 250 HOTEL UNITS, 150 ALF UNITS, 105,000 SF OF INDOOR SELF STORAGE AND 80,000 SF COMMERCIAL USES. ALL SUBJECT TO SECTION 6.3.K

Attachment: Attachment A - Deviations and Master Concept Plan (20189 : PL20210000868 PDI Tree Farm MPUD)

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PROJECT: TREE FARM MPUD

TITLE: MPUD MASTER CONCEPT PLAN NOTES

OWNER/CLIENT/CONSULTANT: TBC TREE FARM 1, LLC & TBC TREE FARM 2, LLC

SEC: 22	TWP:48 RGE:
Designed by:	ALEJANDRO A
Drawn by:	ALEJANDRO A
Date:	MARCH
Drawing Scale:	N
Project Number:	P-BROK-001
File Number:	P-BROK-001-001-X17
Sheet Number	

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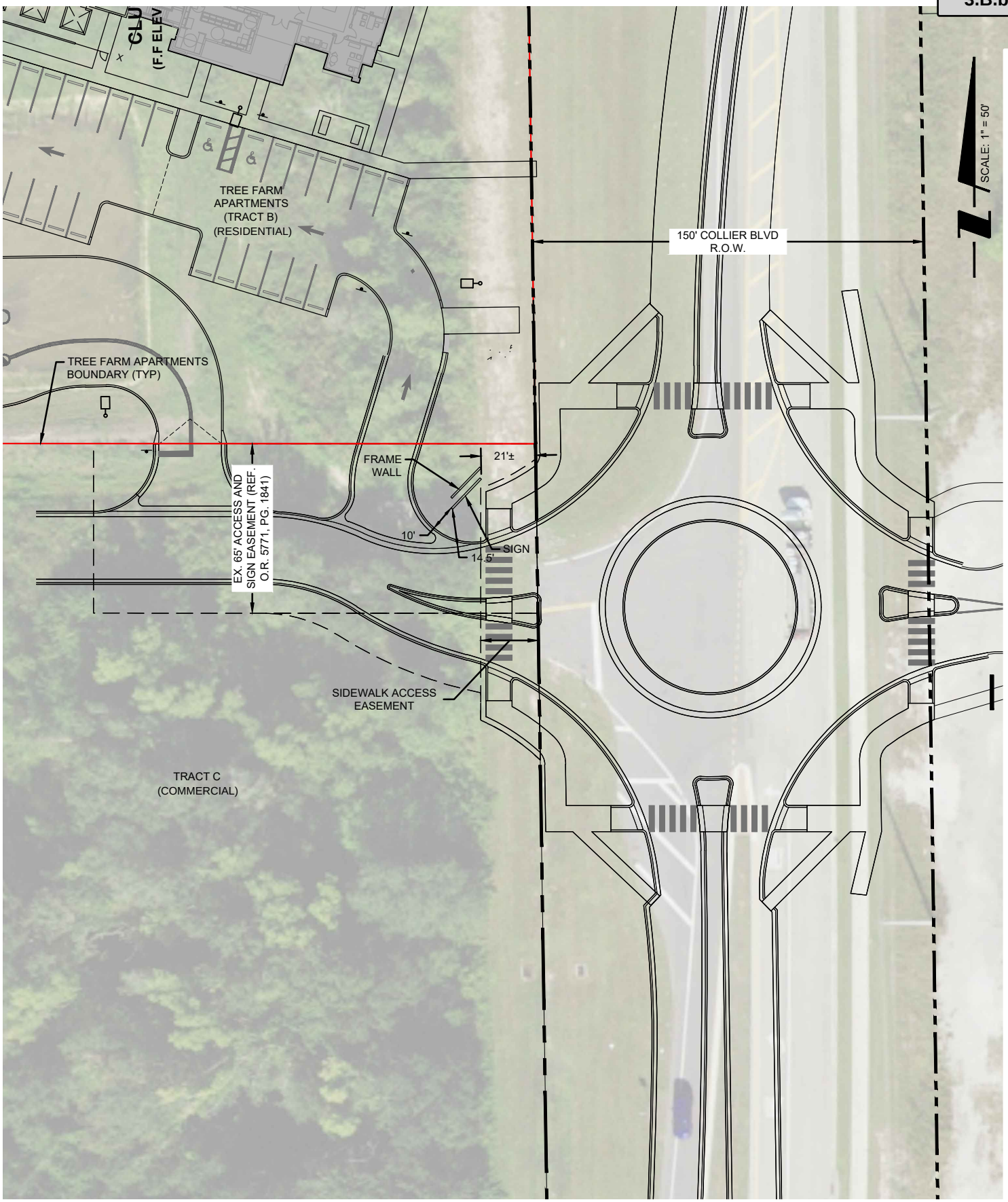

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Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

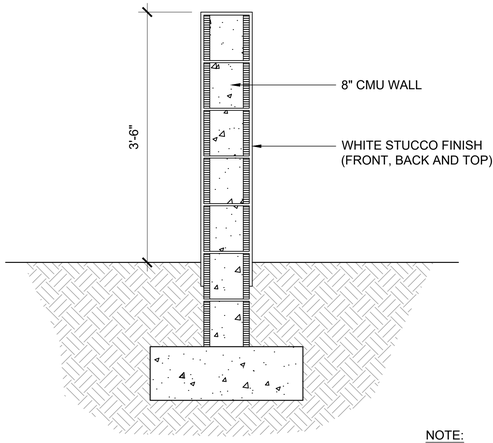
PROJECT:
TREE FARM APARTMENTS

TITLE:
SIGN LOCATION EXHIBIT C

OWNER/CLIENT/CONSULTANT:
WPPI NAPLES TF, LLC.

SEC: 22	TWP:48S RGE:
Designed by:	ANTON SCHAF
Drawn by:	ANTON SCHAF
Date:	JUNE
Drawing Scale:	1"
Project Number:	P-BROK-003-
File Number:	P-BROK-003-001-X16
Sheet N	C-X16

Attachment: Attachment A - Deviations and Master Concept Plan (20189 : PL20210000868 PDI Tree Farm MPUD)



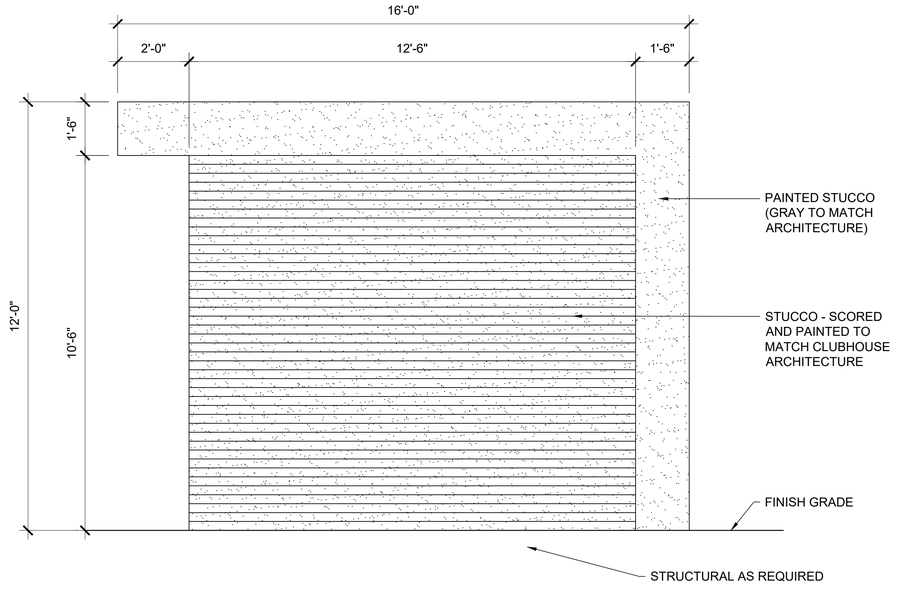
SECTION

NOTE:
STRUCTURAL BY OTHERS. PROVIDE SHOP DRAWINGS FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO INSTALLATION/CONSTRUCTION.

DECORATIVE CURVILINEAR WALL

SCALE: 1" = 1'-0"

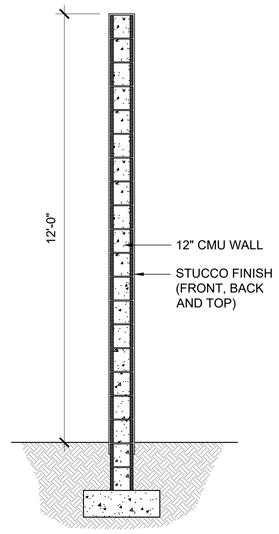
DT-CURVILINEAR WALL.dwg



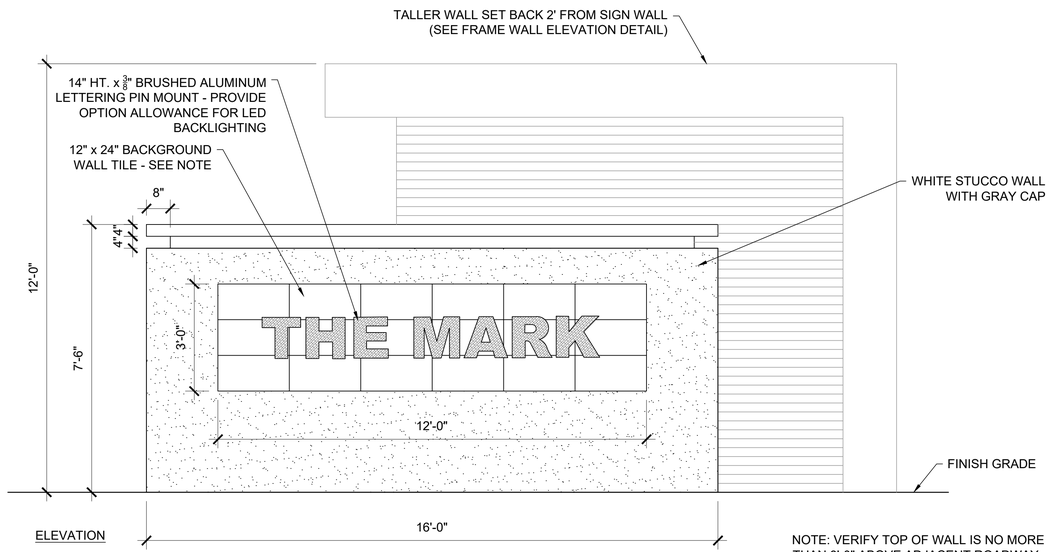
FRAME WALL

SCALE: 1/2" = 1'-0"

DT-FRAME WALL.dwg



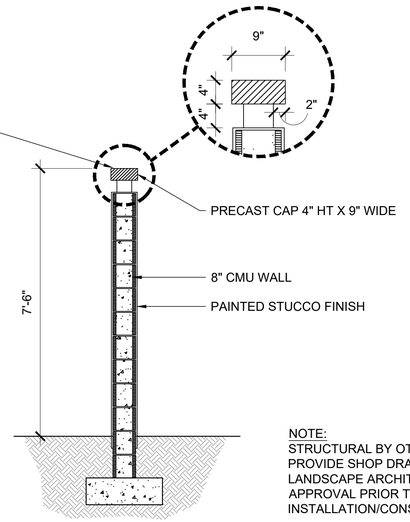
SECTION



ELEVATION

NOTE: BLACK BACKGROUND TILE TO BE DALTILE PORCELAIN INFUSION FIELD TILE WENGE 12" x 24", BLACK WENGE # IF6612241P WITH CUSTOM BUILDING PRODUCTS # 370 DOVE GRAY GROUT

NOTE: VERIFY TOP OF WALL IS NO MORE THAN 8'-0" ABOVE ADJACENT ROADWAY GRADE AT ROAD CENTERLINE



SECTION

NOTE:
STRUCTURAL BY OTHERS.
PROVIDE SHOP DRAWINGS FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO INSTALLATION/CONSTRUCTION.

SIGN WALL

SCALE: 1/2" = 1'-0"

DT-SIGN WALL.dwg

NOTE: SEE SHEET L-127 FOR STRUCTURAL DETAILS

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE

2600 Golden Gate Parkway
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Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

TREE FARM APARTMENTS

SHEET TITLE:

MAIN ENTRY DETAILS (A)

PREPARED FOR:

WPPI NAPLES TF, LLC.

REVISIONS:

No:	Revision:	Date:

GRAPHIC SCALE:

NORTH

VERIFY ALL DIMENSIONS SHOWN ON THESE DRAWINGS TO CONFIRM PROPER SCALE PRIOR CONSTRUCTION. REPORT ANY ERRORS OR OMISSIONS TO PENINSULA ENGINEERING.

PROFESSIONAL SEALS:

PROFESSIONAL ENGINEER:	STEVE SAMMONS
FLORIDA LICENSE NUMBER:	LA0001394

Designed by:	STEVE SAMMONS
Drawn by:	STEVE SAMMONS
Date:	FEBRUARY 2021
Horizontal Scale:	
Project Number:	P-WHTE-001-001
File Number:	P-WHTE-003-001-L-104
Sheet Number:	L-104 04 of 27

Attachment: Attachment A - Deviations and Master Concept Plan (20189 : PL20210000868 PDI Tree Farm MPUD)

REZONE FINDINGS
PETITION PUDZ-05-AR-8284, TREE FARM MPUD

Section 10.03.05 of the Collier County Land Development Code requires that the report and recommendations of the Planning Commission to the Board of County Commissioners shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:

1. Whether the proposed change will be consistent with the goals, objectives & policies of the Future Land Use Map and the elements of the Growth Management Plan.

Pro: The subject property is located within the Urban-Commercial District, Mixed-Use Activity Center Subdistrict (#3) and the remaining 40.15± acres, inclusive of the acreage reserved for future ROW, are designated Urban-Mixed Use District, Residential Subdistrict, and are within a Residential Density Band, as depicted on the Future Land Use Map of the Growth Management Plan. Specific development requirements are established in the GMP, and the RPUD Application contains appropriate references assuring compliance with the provisions of the FLUE.

Con: The adjacent and nearby residents may deem the proposed maximum height of 50-feet to be incompatible with the adjoining residential properties.

Findings: Based on the staff's review, the proposed development would be in compliance with the Future Land Use Element (FLUE) of the Growth Management Plan (GMP) for Collier County and addresses the need for affordable and workforce housing.

2. The existing land use pattern;

Pro: The Location and Zoning Maps that are attached to the staff report show the Tree Farm MPUD site is located between existing developed or developing residential and commercial properties. GMP FLUE Policy 7.1 encourages developers to connect to fronting collector and arterial roads, which this site will provide access to the property from Collier Boulevard extension. In addition, FLUE Policy 7.3 encourages internal access or loop roads in an effort to reduce vehicle congestion on nearby collector/arterial roads. As a result, this project proposes a shared access with the property to the west.

Con: The petitioner's proposes residential uses that are at a higher density and may be deemed not compatible with the adjoining residential land uses in activity intensity.

Findings: Staff believes that the petition has provided adequate ameliorating factors to offset the adverse impacts from the proposed land uses and density.

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

EXHIBIT "A"

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

Pro: The Tree Farm MPUD parcel is of sufficient size that it will not result in an isolated district unrelated to adjacent and nearby districts. It is also consistent with expected land uses by virtue of its consistency with the FLUE of the GMP. Review staff indicates that since the applicable adequate public facilities either exist or will be provided and that the petition is willing to phase the start and approval of the development upon the completion of critical facilities, the amendment will not create an isolated district

Con: None

Findings: The subject parcel is of sufficient size that it will not result in an isolated district because the proposed amendment is for a commercial district which is compatible with the adjacent and nearby zoning districts.

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

Pro: The subject site adjoins a future six lane County roadway Collier Boulevard (CR 951) to the east, future residential planned development to the north and west, and a six lane County roadway Immokalee road, then planned mixed use development to the south, and proposed planned mixed use development to the east. The subject site basically fits within an area that is undeveloped.

Con: None

Findings: The mixed use parcel boundaries are logically drawn and they are consistent with the Urban-Commercial District, Mixed-Use Activity Center Subdistrict (#3) and the remaining 40.15+ acres, inclusive of the acreage reserved for future ROW, are designated Urban-Mixed Use District, Residential Subdistrict, and are within a Residential Density Band, as depicted on the Future Land Use Map of the Growth Management Plan.

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

Pro: The request is reasonable because is does not change the land use which continue to be in harmony with the GMP Future Land Use for the development of Activity Center #3 and the "Density Band" around the activity center.

Con: The proposed petition was a voluntary action by the petitioner's selection of the subject property. This site requires the BCC to make a finding that the project is consistent with the GMP, LDC.

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

Findings: The proposed Tree Farm MPUD is compatible with adjacent land uses due to the ameliorating element provided through landscaping buffering along the boundaries of the mixed use development area.

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

Pro: The County's current land use policies in the F.L.U.E. support the action to encourage the concentration of commercial activities at major roadway intersection or activity center. It also provides incentives for the development of residential development within and near these activity centers.

Con: Some of the surrounding residential home owners may oppose the construction of additional commercial and residential activities in this area.

Findings: The proposed Tree Farm MPUD is compatible with adjacent land uses and consistent with expected land uses by virtue of its consistency with the FLUE of the GMP.

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

Pro: The project was reviewed based on the current Transportation Impact Statement (TIS) guidelines and with respect to Policy 5.1 of the Collier County Growth Management Plan Transportation Element. The project is located at the North West corner of the Immokalee Road and Collier Boulevard intersection. The intersection and approaching roadways are all currently under construction and anticipated to be substantially complete by the 1st quarter of 2009. The project traffic is consistent with policy 5.1 of the transportation element in the GMP on the immediately adjacent roadway network. The next impacted links on both Immokalee Road and Collier Boulevard have not been let for construction but are scheduled within the 5 year planning period for construction. The Immokalee Road and I-75 interchange is included in the approved I-75 contract. Collier Boulevard south of Golden Gate Boulevard is currently in the design phase and included in the 2008 construction schedule.

The development has coordinated with the adjacent properties and Collier County Transportation staff to provide access and interconnection to facilitate traffic circulation. Staff has reviewed the project with respect to the future needs of the Collier Boulevard (CR-951) and Immokalee Road intersection with respect to the Sing Point Urban Interchange concept (SPUI) plan and consideration for the extension of CR-951. The developer has agreed to donate, at no cost to the County, significant right of way for the intersection and roadway extension. The total right of way donation is approximately eight acres. The developer has also agreed to provide water management for the entire property frontage along the future CR-951 for half of the roadway storm water needs. The other half of the roadway water management is being provided for within Heritage Bay. The developer has agreed to construct the greenway adjacent to his site and provide parking for

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

access to the greenway. The applicant has also agreed to pay his fair share with the adjacent developments to facilitate significant bridge improvements on the north side of the intersection.

Con: None

Findings: Transportation staff has reviewed the project and finds it consistent with policy 5.1 of the Transportation Element in the GMP with respect to capacity available and proposed additional mitigation.

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

Pro: The proposed change should not create drainage or surface water problems because the LDC and GMP have regulations in place that will ensure review for drainage on new developments.

Con: Urban intensification could potentially increase area-wide flooding in a severe rainfall event.

Findings: Every project approved in Collier County involving the utilization of land for some land use activity is scrutinized and required to mitigate all sub-surface drainage generated by developmental activities.

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

Pro/Con**:** Evaluation not applicable

Findings: All projects in Collier County are subject to the development standards that are unique to the zoning district in which it is located. These development standards and others apply generally and equally to all zoning districts (i.e. open space requirement, corridor management provisions, etc.) were designed to ensure that light penetration and circulation of air does not adversely affect adjacent areas.

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

Pro: Urban intensification typically increases the value of adjacent or underutilized land.

Con: Property valuation is affected by a host of factors including zoning; however, zoning by itself may or may not affect values, since value determination by law is driven by market value. The mere fact that a property is given a new zoning designation or amendment may or may not affect value. However, staff is of the opinion that this petition could adversely affect property values based on the projects incompatibility to the Land Development Code and the adjoining property as identified previously.

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

Findings: This is a subjective determination based upon anticipated results which may be internal or external to the subject property, and which can affect property values. Property valuation is affected by a host of factors including zoning; however, zoning by itself may or may not affect values, since value determination by law is driven by market value. The mere fact that a property is given a new zoning designation may or may not affect value.

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

Pro/Con: Evaluation not applicable

Findings: The basic premise underlying all of the development standards in the Land Development Code is that their sound application, when combined with the site development plan approval process and/or subdivision process, gives reasonable assurance that a change in zoning will not result in deterrence to improvement or development of adjacent property.

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

Pro: The subject property is designated Urban-Commercial District, Mixed-Use Activity Center Subdistrict (#3) and the remaining 40.15± acres, inclusive of the acreage reserved for future ROW, are designated Urban-Mixed Use District, Residential Subdistrict, and are within a Residential Density Band, as depicted on the Future Land Use Map of the Growth Management Plan. The purpose of this subdistrict is to provide for higher densities of mixed uses in Activity Center #3 with fewer natural resource constraints and where existing and planned public facilities are concentrated.

Con: None

Findings: The proposed rezone complies with the land use designation of the Urban-Commercial District, Mixed-Use Activity Center Subdistrict (#3) and the remaining 40.15± acres, inclusive of the acreage reserved for future ROW, are designated Urban-Mixed Use District, Residential Subdistrict, and are within a Residential Density Band, as depicted on the FLUM of the GMP, which is a public policy statement supporting zoning actions when they are consistent with the entire GMP.

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

Pro: The existing Rural Agricultural (A) zoning does not provide the variety of permitted land uses or density needed to develop the subject property for commercial and residential uses.

Con: None

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

Findings: The proposed rezone conforms to the future land use element of the GMP because it will be used in accordance with the Future Land Use Element of the GMP for Activity Center Subdistrict #3 and the "Residential Density Band" area around the Activity Center.

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

Pro: The proposed zoning amendment meets all objective criteria set forth for the GMP Future Land Use Element Policy 5.3 and conforms to the purpose and intent of the GMP and all its elements.

Con: None

Findings: The proposed zoning is designed in a manner that is compatible with surrounding property in size and scale.

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

Pro/Con: Evaluation not applicable

Findings: There are many sites, which are zoned to accommodate the proposed development. This is not the determining factor when evaluating the appropriateness of a rezoning decision. The determinants of zoning are consistency with all elements of the GMP, compatibility, adequacy of infrastructure and to some extent the timing of the action and all of the above criteria.

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

Pro: Any development of this site would require considerable site alteration with the existing or the proposed zoning.

Con: None

Findings: Staff believes that the proposed conditions would aid in creating ameliorating elements which would offset the adverse impacts from the proposed land uses.

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

Pro/Con: Evaluation not applicable

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

Findings: A multi-disciplined team responsible for reviewing jurisdictional elements of the GMP and the LDC, public facilities requirements has reviewed this land use petition and found it consistent and in compliance for zoning approval. A final determination whether this project meets the full requirements of adequate public facilities specifications will be determined as part of the development approval process.

FINDINGS FOR PUD
PETITION PUDZ-05-AR-8284, TREE FARM MPUD

Section 10.03.05 of the Collier County Land Development Code requires the Planning Commission to make a finding as to the PUD Master Plans' compliance with the following criteria:

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

   Pro: The nearby area is developed with commercial and residential uses and the petition is for mixed commercial and residential uses. The petitioner is setting aside a preserve area and has agreed to provide a future interconnect to property to the west, and has agreed to provide approximately 8.0± acres of land for the future extension of Collier Boulevard. The project will be required to comply with all county regulations regarding drainage, sewer, water and other utilities.

   Con: Not applicable because this project is surrounded by commercial and residential uses at a density that is lower than the proposed residential petition.

   Findings: The proposed change increases density but meets the criteria provided for in Activity Center Subdistrict #3. The petition will be in compliance with all county regulations; therefore the project is suitable for the area.

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

   Pro/Con: Evaluation not applicable

   Findings: Documents submitted with the Tree Farm MPUD application provide evidence of unified control. The Land Development Code and the Ordinance of Adoption makes appropriate provisions for continuing operation and maintenance of common areas.

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

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

Pro: The applicant has identified in the Application for Tree Farm MPUD that it will be in compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan.

Con: None

EXHIBIT "B"

Findings: The subject petition has been found consistent with the goals, objectives and policies of the GMP. The staff report expounds in detail of how the project is deemed consistent with the GMP.

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

Pro: The proposed mixed use criteria of Activity Center Subdistrict #3 consisting of residential units located above commercial uses, in an attached building, or in a freestanding building - are allowed. Such mixed use projects are intended to be developed at a human-scale, pedestrian-oriented, and interconnected with adjacent projects – whether commercial or residential. Street, pedestrian pathway and bike lane interconnections with adjacent properties, where possible and practicable, are encouraged. Density is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of a Mixed Use Activity Center, the eligible density is 16 dwelling units per acre. The actual residential development proposed within the boundaries of the Activity Center is 44 units (2.35 Dwelling Units/Acre) with the remaining 100 units to be shifted/developed outside the Activity Center boundaries, contrary to the FLUE provision above. As proposed, this shifting/reallocation of units from the Activity Center acreage to the lands outside the Activity Center boundaries increases the overall density on these lands from 7 Dwelling Units/Acre to 9.48 Dwelling Units/Acre or 281 units to 381 units.
residential development provides 238 dwelling units

Con: None

Findings: Staff analysis indicated that the petition is compatible, both internally and externally with the proposed uses and with the surrounding uses.

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

Pro: The petition meets the minimum Open Space requirements of thirty percent.

Con: None

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

Findings: Staff analysis indicated that the petition is compatible, both internally and externally with the proposed uses and with the surrounding uses. The proposed Tree Farm Road MPUD is compatible with adjacent land uses due to the ameliorating element provided through landscaping buffering along boundaries of the mixed use and residential development area.

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

Pro/Con: Evaluation not applicable

Findings: The proposed Tree Farm MPUD will not adversely impact the timing or sequence of development that is currently allowed in the area. Furthermore, the adopted concurrency requirements ensure that further LOS degradation is not allowed or the LOS deficiency is corrected.

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

Pro/Con: Evaluation not applicable

Findings: Ability, as applied in this context, implies supporting infrastructure such as wastewater disposal system, potable water supplies, characteristics of the property relative to hazards, and capacity of roads, is supportive of conditions emanating from urban development.

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

Pro: The petitioner has submitted a request for three deviations within the PUD Document.

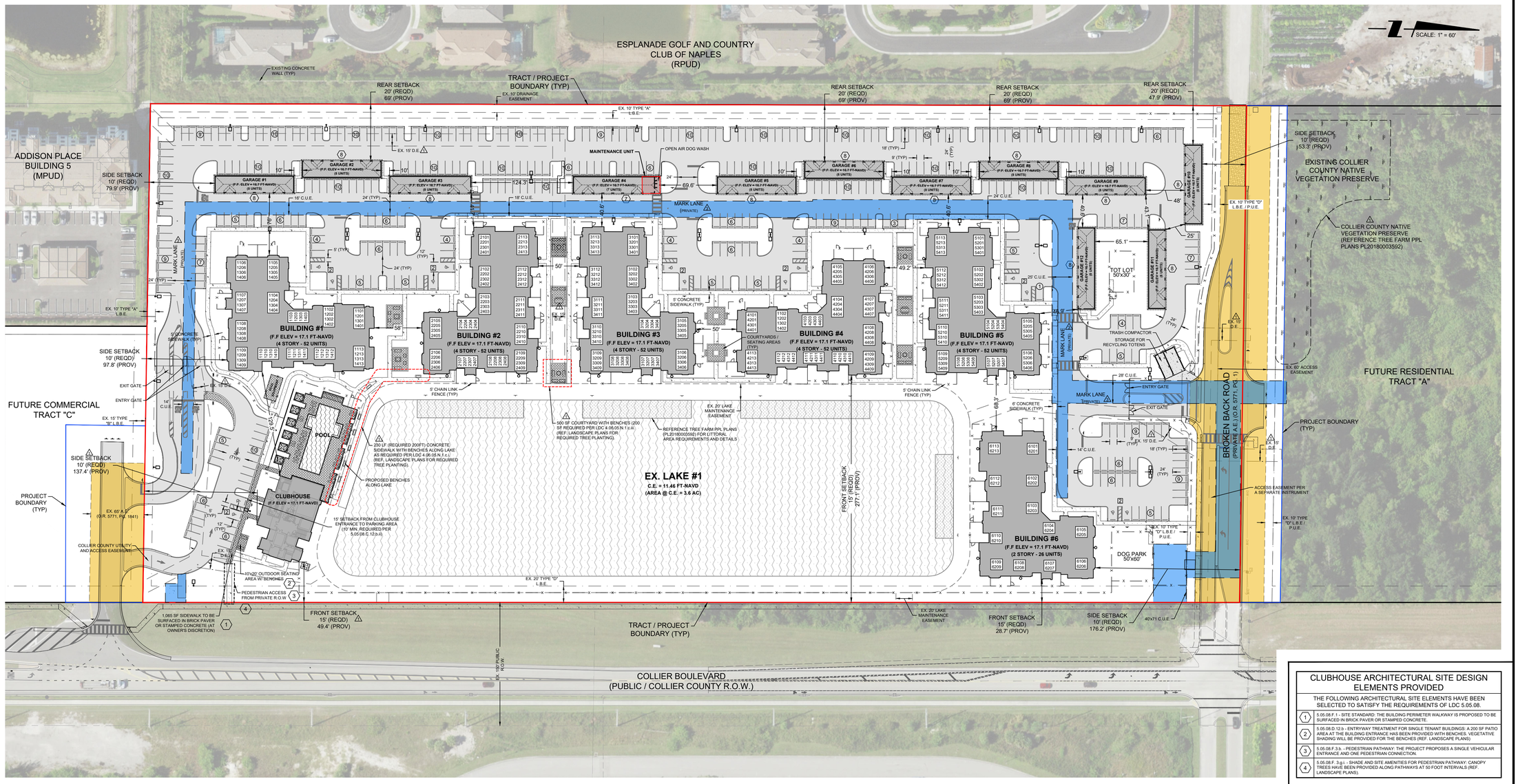
- A deviation seeks relief from the required 60-foot wide local road right-of-way. The petitioner is proposing that the private roadway shall have a 50 foot right-of-way width.
- A deviation seeks relief from the number of model homes permitted within a project to a maximum of five. The petitioner is proposing a maximum of ten model homes not be exceeded.
- A deviation seeks relief from the maximum sign are allowed for off-premises directional signs of the required maximum of 12 square feet, and the requirement that the off-premise sign be located within 1,000-feet of the intersection of the arterial roadway providing access to the building . The petitioner proposes to all a maximum of 16 square feet and the off-premise sign be located within 1,320-feet of the intersection of the arterial roadway providing access to the building.

Con: The requirements provided within the LDC are applicable for the health, safety and welfare of the citizens and visitors of Collier County

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)

Findings: Staff is supportive of Deviation No. 1 with the stipulation that the streets shall remain private. The proposed interior roadway system is privately maintained. Staff, therefore, finds the deviation in compliance with LDC Section 10.02.13.A.3, in that the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community." The staff is not supportive of Deviation #2 or Deviation #3.

Attachment: Attachment B - PUD and Rezone Findings PUDZ-05-AR-8284 (20189 : PL20210000868 PDI Tree Farm MPUD)



CLUBHOUSE ARCHITECTURAL SITE DESIGN ELEMENTS PROVIDED

THE FOLLOWING ARCHITECTURAL SITE ELEMENTS HAVE BEEN SELECTED TO SATISFY THE REQUIREMENTS OF LDC 5.05.08.

1. 5.05.08.F.1 - SITE STANDARD: THE BUILDING PERIMETER WALKWAY IS PROPOSED TO BE SURFACED IN BRICK PAVER OR STAMPED CONCRETE.
2. 5.05.08.D.12.b - ENTRYWAY TREATMENT FOR SINGLE TENANT BUILDINGS: A 200 SF PATIO AREA AT THE BUILDING ENTRANCE HAS BEEN PROVIDED WITH BENCHES. VEGETATIVE SHADING WILL BE PROVIDED FOR THE BENCHES (REF. LANDSCAPE PLANS)
3. 5.05.08.F.3.b - PEDESTRIAN PATHWAY: THE PROJECT PROPOSES A SINGLE VEHICULAR ENTRANCE AND ONE PEDESTRIAN CONNECTION.
4. 5.05.08.F.3.g.i. - SHADE AND SITE AMENITIES FOR PEDESTRIAN PATHWAY: CANOPY TREES HAVE BEEN PROVIDED ALONG PATHWAYS AT 50 FOOT INTERVALS (REF. LANDSCAPE PLANS).

PARKING TABLES

⚠ PARKING SUMMARY - TREE FARM APARTMENTS

RESIDENTIAL BUILDING PARKING REQUIRED PER LDC

1 BEDROOM =	110	UNITS X	1.75	SPACES PER UNIT	
2 & 3 BEDROOM =	176	UNITS X	2	SPACES PER UNIT	
TOTAL RESIDENTIAL PARKING REQUIRED =	**545**	**SPACES REQUIRED FOR RESIDENTIAL**			

CLUBHOUSE BUILDING PARKING REQUIRED PER LDC

CLUBHOUSE BUILDING =	5,950	SF TOTAL					
RECREATIONAL USE =	4,417	SF X	1	SPACE / 200 SF		=	22
OFFICE / ADMINISTRATIVE USE =	1,339	SF X	1	SPACE / 300 SF x	50% REDUCTION	=	2

POOL PARKING REQUIRED PER LDC

POOL AREA =	2,400	SF =	1	/	75	SF FOR FIRST 1,000 SF POOL AREA
			1	/	125	SF FOR ADDITIONAL POOL AREA
POOL PARKING REQUIRED (STANDARD LDC) =	25	SPACES				
POOL PARKING REQUIRED (WITH 50% REDUCTION) =	13	SPACES				

TOTAL PROJECT REQUIRED

RESIDENTIAL BUILDINGS (PER LDC) =	545	SPACES
RECREATIONAL USES (PER LDC) =	22	SPACES
OFFICE / ADMINISTRATIVE USES (PER LDC) =	2	SPACES
POOL AREA (PER LDC) =	13	SPACES
TOTAL REQUIRED FOR PROJECT PER LDC =	**582**	**SPACES**
TOTAL REQUIRED FOR PROJECT PER APPROVED APR =	**530**	**SPACES (3)**
TOTAL PROVIDED IN PROJECT =	**545**	**SPACES**
STANDARD PARKING =	**436**	**SPACES**
ACCESSIBLE PARKING =	**14**	**SPACES**
GARAGE PARKING =	**95**	**SPACES**

1. PER LDC 4.05.04.G, REQUIRED PARKING FOR OFFICE / ADMINISTRATIVE USES IS CALCULATED AT 50% OF NORMAL REQUIREMENTS
2. THE CLUBHOUSE WILL INCLUDE 194 SF OF FLOOR AREA THAT CONSIST OF JANITOR / UTILITY CLOSETS THAT ARE NOT INCLUDED IN THE PARKING CALCULATION
3. REQUIRED PARKING FOR THE PROJECT WAS APPROVED AS AN ADMINISTRATIVE PARKING REDUCTION APPLICATION (APR PL20200000904).

LEGEND

- (X) STANDARD PARKING
- [X] ACCESSIBLE PARKING
- (X) GARAGE PARKING

ACCESSIBLE PARKING ⚠ REQUIREMENTS

TOTAL PARKING IN LOT	REQUIRED	PROVIDED
545	11	14

SETBACK TABLES

⚠SETBACK TABLE

PRINCIPAL STRUCTURE	REQUIRED PRINCIPAL SETBACKS					PROVIDED PRINCIPAL SETBACKS				
	FRONT	REAR	SIDE	PRESERVE	STRUCTURE SEPARATION	FRONT	REAR	SIDE	PRESERVE	STRUCTURE SEPARATION
BLDG #1	15 FEET	20 FEET	10 FEET	25 FEET	20 FEET	281.3 FEET	184.3 FEET	97.8 FEET	N/A	58.0 FEET
BLDG #2	15 FEET	20 FEET	10 FEET	25 FEET	20 FEET	278.0 FEET	148.9 FEET	334.5 FEET	N/A	41.7 FEET
BLDG #3	15 FEET	20 FEET	10 FEET	25 FEET	20 FEET	278.0 FEET	148.9 FEET	525.0 FEET	N/A	40.6 FEET
BLDG #4	15 FEET	20 FEET	10 FEET	25 FEET	20 FEET	277.1 FEET	187.4 FEET	437.1 FEET	N/A	49.2 FEET
BLDG #5	15 FEET	20 FEET	10 FEET	25 FEET	20 FEET	276.7 FEET	148.9 FEET	245.4 FEET	N/A	40.6 FEET
BLDG #6	15 FEET	20 FEET	10 FEET	25 FEET	20 FEET	28.7 FEET	396.7 FEET	176.2 FEET	N/A	68.3 FEET
CLUBHOUSE	15 FEET	20 FEET	10 FEET	25 FEET	⚠ 20 FEET	⚠49.4 FEET	⚠52.9 FEET	⚠137.4 FEET	N/A	⚠129.5 FEET
ACCESSORY STRUCTURE	**REQUIRED ACCESSORY SETBACKS**					**PROVIDED ACCESSORY SETBACKS**				
	FRONT	REAR	SIDE	PRESERVE	STRUCTURE (1) SEPARATION	FRONT	REAR	SIDE	PRESERVE	STRUCTURE SEPARATION
GARAGE #1	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	499.2 FEET	87.7 FEET	79.9 FEET	N/A	10.0 FEET
GARAGE #2	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	517.5 FEET	69.0 FEET	185.8 FEET	N/A	10.0 FEET
GARAGE #3	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	498.7 FEET	87.7 FEET	292.7 FEET	N/A	10.0 FEET
GARAGE #4 AND MAINTENANCE UNIT	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	498.2 FEET	87.7 FEET	516.3 FEET	N/A	40.6 FEET
GARAGE #5	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	497.9 FEET	87.7 FEET	547.0 FEET	N/A	10.0 FEET
GARAGE #6	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	516.4 FEET	69.0 FEET	440.9 FEET	N/A	10.0 FEET
GARAGE #7	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	497.6 FEET	87.7 FEET	334.4 FEET	N/A	10.0 FEET
GARAGE #8	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	516.0 FEET	69.0 FEET	228.3 FEET	N/A	10.0 FEET
GARAGE #9	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	497.2 FEET	87.7 FEET	121.7 FEET	N/A	10.0 FEET
GARAGE #10	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	461.1 FEET	47.9 FEET	53.3 FEET	N/A	25.0 FEET
GARAGE #11	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	357.9 FEET	151.3 FEET	96.8 FEET	N/A	25.0 FEET
GARAGE #12	10 FEET	5 FEET	5 FEET	10 FEET	10 FEET	357.3 FEET	149.0 FEET	182.7 FEET	N/A	40.6 FEET

1. REQUIRED SEPARATION FOR ACCESSORY STRUCTURES ARE ZERO FEET (IF ATTACHED) OR TEN FEET IF DETACHED.

DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS TABLE

PRINCIPAL STRUCTURES	UNIT TYPE	
	MULTI-FAMILY *4	AMENITY AREA *5 *6
MINIMUM LOT AREA	10,000 SF	10,000 SF
MINIMUM LOT WIDTH	100 FEET	N/A
MINIMUM LOT DEPTH	N/A	N/A
MINIMUM FRONT YARD SETBACK *1	15 FEET	25 FEET
MINIMUM SIDE YARD SETBACK	10 FEET	25 FEET
MINIMUM REAR YARD SETBACK	20 FEET	25 FEET
MAXIMUM BUILDING HEIGHT ZONED ACTUAL	4 STORIES, (NTE 50') 62 FEET	2 STORES, (NTE 35') 45 FEET
MINIMUM DISTANCE BETWEEN BUILDINGS	20 FT OR 1/2 ZONED BUILDING HEIGHT	20 FEET
FLOOR AREA MIN. (S.F.), PER UNIT	750 SF	N/A
MINIMUM PUD BOUNDARY SETBACK WEST EAST NORTH SOUTH	N/A	100 FEET 25 FEET 25 FEET 25 FEET
MINIMUM PRESERVE SETBACK	25 FEET	25 FEET
ACCESSORY STRUCTURES *2 *3		
MINIMUM FRONT YARD SETBACK	10 FEET	15 FEET
MINIMUM SIDE YARD SETBACK	5 FEET	15 FEET
MINIMUM REAR YARD SETBACK	5 FEET	15 FEET
MINIMUM PRESERVE SETBACK	10 FEET	25 FEET
MAXIMUM HEIGHT ACTUAL	42 FEET	2 STORIES (NTE 42')

NTE - NOT TO EXCEED

*1 - FRONT YARDS SHALL BE MEASURED FROM BACK OF CURB FOR PRIVATE STREETS OR DRIVES, AND FROM ROW LINE FOR ANY PUBLIC ROADWAY

*2 - SETBACK FROM LAKE EASEMENTS FOR ALL ACCESSORY USES AND STRUCTURES MAY BE ZERO FEET (0')

*3 - ALL LANDSCAPE BUFFER EASEMENT AND/OR LAKE MAINTENANCE EASEMENT SHALL BE LOCATED WITHIN OPEN SPACE TRACTS OR LAKE TRACTS AND NOT BE WITHIN A RESIDENTIAL LOT. WHERE A HOME SITE ABUTS A LANDSCAPE BUFFER EASEMENT OR LAKE MAINTENANCE EASEMENT WITHIN OPEN SPACE TRACTS, THAT ACCESSORY STRUCTURE SETBACK ON THE RESIDENTIAL LOT MAY BE REDUCED TO ZERO FEET (0') FROM THE EASEMENT LINE.

*4 - IN THE EVENT THE PROPERTY IS DEVELOPED AS A UNIFIED DEVELOPMENT WITH ADDIE'S CORNER PUD, A ZERO FOOT SETBACK SHALL BE ALLOWED ALONG THE COMMON PROPERTY PUD BOUNDARY AND LANDSCAPE BUFFER SHALL BE REQUIRED (APPROVED HEX DECISION 2018-12).

*5 - WHERE THE AMENITY AREA ABUTS RESIDENTIAL LOTS, THE REQUIRED 15' TYPE BUFFER SHALL BE INCLUDE A 6' WALL.

*6 - APPLIES ONLY TO ACTIVE RECREATION AREAS SUCH AS POOLS, OUTDOOR COURTS, CLUBHOUSES AND SIMILAR USES. PASSIVE RECREATIONAL USES SHALL HAVE NO PUD BOUNDARY SETBACK.

BUILDING TABLES

BUILDING UNIT NUMBER SUMMARY

BUILDING	FLOOR NO.	NO. OF UNITS	UNIT NUMBERS
BLDG 1	1	13 UNITS	1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113
	2	13 UNITS	1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213
	3	13 UNITS	1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313
	4	13 UNITS	1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413
BLDG 2	1	13 UNITS	2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113
	2	13 UNITS	2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213
	3	13 UNITS	2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313
	4	13 UNITS	2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413
BLDG 3	1	13 UNITS	3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113
	2	13 UNITS	3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213
	3	13 UNITS	3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313
	4	13 UNITS	3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413
BLDG 4	1	13 UNITS	4101, 4102, 4103, 4104, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113
	2	13 UNITS	4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213
	3	13 UNITS	4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313
	4	13 UNITS	4401, 4402, 4403, 4405, 4405, 4406, 4407, 4408, 4409, 4410, 4411, 4412, 4413
BLDG 5	1	13 UNITS	5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5113
	2	13 UNITS	5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213
	3	13 UNITS	5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313
	4	13 UNITS	5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413
BLDG 6	1	13 UNITS	6101, 6102, 6103, 6104, 6105, 6106, 6107, 6108, 6109, 6110, 6111, 6112, 6113
	2	13 UNITS	6201, 6202, 6203, 6204, 6205, 6206, 6207, 6208, 6209, 6210, 6211, 6212, 6213

⚠ BUILDING UNIT BREAKDOWN

UNIT NUMBERS	BEDROOM/ UNIT TYPE	UNIT FLOOR AREA*	MIN. ALL FLOOR AREA
1107, 1110, 1111, 1207, 1210, 1211, 1307, 1310, 1311, 1407, 1410, 1411, 2107, 2110, 2111, 2207, 2210, 2211, 2307, 2310, 2311, 2407, 2410, 2411, 3107, 3110, 3111, 3207, 3210, 3211, 3307, 3310, 3311, 3407, 3410, 3411, 4107, 4110, 4111, 4207, 4210, 4211, 4307, 4310, 4311, 4407, 4410, 4411, 5107, 5110, 5111, 5207, 5210, 5211, 5307, 5310, 5311, 5407, 5410, 5411, 6107, 6110, 6111, 6207, 6210, 6211	1 BD / "A1"	⚠ 753 SF	750 SF
1103, 1104, 1203, 1204, 1303, 1304, 1403, 1404, 2103, 2104, 2203, 2204, 2303, 2304, 2403, 2404, 3103, 3104, 3203, 3204, 3303, 3304, 3403, 3404, 4103, 4104, 4203, 4204, 4303, 4304, 4403, 4404, 5103, 5104, 5203, 5204, 5303, 5304, 5403, 5404, 6103, 6104, 6203, 6204	1 BD / "A2"	871 SF	750 SF
1105, 1106, 1112, 1205, 1206, 1209, 1212, 1305, 1306, 1309, 1312, 1405, 1406, 1409, 1412, 2105, 2106, 2109, 2112, 2205, 2206, 2209, 2212, 2305, 2306, 2309, 2312, 2405, 2406, 2409, 2412, 3105, 3106, 3109, 3112, 3205, 3206, 3209, 3212, 3305, 3306, 3309, 3312, 3405, 3406, 3409, 3412, 4105, 4106, 4109, 4112, 4205, 4206, 4209, 4212, 4305, 4306, 4309, 4312, 4405, 4406, 4409, 4412, 5105, 5106, 5109, 5112, 5205, 5206, 5209, 5212, 5305, 5306, 5309, 5312, 5405, 5406, 5409, 5412, 6105, 6106, 6109, 6112, 6205, 6206, 6209, 6212	2 BD / "B1"	1,139 SF	750 SF
1108, 1202, 1208, 1302, 1308, 1402, 1408, 2108, 2202, 2208, 2302, 2308, 2402, 2408, 3108, 3202, 3208, 3302, 3308, 3402, 3408, 4108, 4202, 4208, 4302, 4308, 4402, 4408, 5108, 5202, 5208, 5302, 5308, 5402, 5408, 6102, 6108, 6202, 6208	2 BD / "B2"	1,121 SF	750 SF
1102, 2102, 3102, 4102, 5102	2 BD / "B3"	1,131 SF	750 SF
1101, 1113, 1201, 1213, 1301, 1313, 1401, 1413, 2101, 2113, 2201, 2213, 2301, 2313, 2401, 2413, 3101, 3113, 3201, 3213, 3301, 3313, 3401, 3413, 4101, 4113, 4201, 4213, 4301, 4313, 4401, 4413, 5101, 5113, 5201, 5213, 5301, 5313, 5401, 5413, 6101, 6113, 6201, 6213	3 BD / "C1"	⚠ 1,427 SF	750 SF

*UNIT FLOOR AREA UNDER A/C ONLY AND DOES NOT INCLUDE EXTERIOR (BALCONY) AREA.

LEGEND

- COUNTY UTILITY EASEMENT (ROADWAY TO BE PRIVATELY MAINTAINED)
- EXISTING ACCESS EASEMENT (ROADWAY TO BE PRIVATELY MAINTAINED)

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE
ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC 26000632

PROJECT:

TREE FARM APARTMENTS

TITLE:

ZONING DATA SHEET AND TABLES

OWNER/CLIENT/CONSULTANT:

WPPI NAPLES TF, LLC.

REVISIONS:

No:	Revision:	Date:
1	REVISED PER COLLIER COUNTY COMMENTS DATED ON 05/28/20	6/30/20
3	REVISED PER COLLIER COUNTY COMMENTS DATED ON 07/27/20	08/18/20

NOTES:

Collier County
Reviewed and Approved For:
Permit Issuance
PL20190002847 Date: 10/26/2020

PROFESSIONAL SEALS:

PROFESSIONAL ENGINEER: DANIEL F. WATERS, P.E.
FLORIDA LICENSE NUMBER: 60746

DATUM NOTE:
ALL ELEVATIONS ARE BASED ON NAVD 88 (NORTH AMERICAN VERTICAL DATUM OF 1988).

Bar Scale: 1" = 60'
0 15' 30' 60' 120' 180'

SEC: 22 TWP: 48S RGE: 26E
City NAPLES County: COLLIER
Designed by: ALEJANDRO AVILA
Drawn by: ALEJANDRO AVILA
Date: APRIL 2020
Horizontal Scale: 1" = 60'
Vertical Scale: N.T.S.
Project Number: P-WHTE-001-001
File Number: P-WHTE-001-102PL

Sheet Number: C-102
04 of 28

Attachment: Attachment C - SDP-PL20190002847 Zoning Data Sheet (20189 : PL20210000868 PDI Tree Farm MPUD)

Collier County

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

INSUBSTANTIAL CHANGE TO A PUD (PDI)

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

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

PETITION NO
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): TBC Tree Farm 1 LLC

Name of Applicant if different than owner: Peninsula Engineering

Address: 2600 Golden Gate Parkway **City:** Naples **State:** FL **ZIP:** 34103

Telephone: 239-262-2600 **Cell:** _____ **Fax:** _____

E-Mail Address: Dwaters@pen-eng.com

Name of Agent: Christopher O. Scott

Firm: Peninsula Engineering

Address: 2600 Golden Gate Pkwy **City:** Naples **State:** FL **ZIP:** 34103

Telephone: 239-262-2600 **Cell:** _____ **Fax:** _____

E-Mail Address: CScott@pen-eng.com

DETAIL OF REQUEST

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

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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PROPERTY INFORMATION

PUD NAME: Tree Farm MPUD **ORDINANCE NUMBER:** 2020-03
FOLIO NUMBER(S): 1872440000, 187400002, 188040005, 188040102, 190041607

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

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

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

If no, please explain: _____

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

If yes, in whose name? TBC Tree Farm 1, LLC and TBC Tree Farm 2, LLC

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

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

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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

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

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

FEE REQUIREMENTS

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

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

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

All checks payable to: Board of County Commissioners.

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

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

Agent/Owner Signature

3/12/2021
Date

Christopher O. Scott
Applicant/Owner Name (please print)

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) Tree Farm PUD Insubstantial Change PL20210000868

I, J.Matthew Chambers (print name), as Treasurer of WMB Corp., an Indiana Corporation (see below for corporate authorization) (title, if applicable) of WPPI Naples TF, LLC a Delaware Limited Liability Company (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 Chris Scott of Peninsula Engineering 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.

_____ 02/10/2021

Signature **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 10 day of March, 20 21, by (printed name of owner or qualifier) J. Matthew Chambers.

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

[ ] Are personally known to me

[X] Has produced a current drivers license Florida Driver license #C516-453-69-429-0

[X] Has produced Deiver license as identification.

Notary Signature: Kim D. Davidson

KIM D. DAVIDSON
Notary Public - State of Florida
Commission # GG 154782
My Comm. Expires Feb 19, 2022
Bonded through National Notary Assn.

CORPORATE AUTHORIZATION:
WMB CORP., AN INDIANA CORPORATION AS THE MANAGER OF:
WPPI / HS NAPLES TF INVESTMENT, LLC A DELAWARE LIMITED LIABILITY COMPANY AS THE OPERATING MEMBER OF:
WPPI / WL TREE FARM, LLC A DELAWARE LIMITED LIABILITY COMPANY AS THE SOLE MEMBER OF:
WPPI NAPLES TF, LLC. A DELAWARE LIMITED LIABILITY COMPANY (PROPERTY OWNER)

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

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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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
WPPI Naples TF, LLC	100%
9800 Connecticut Dr. Suite A1_100	
Crown Point, Indiana 46307	

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 - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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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.

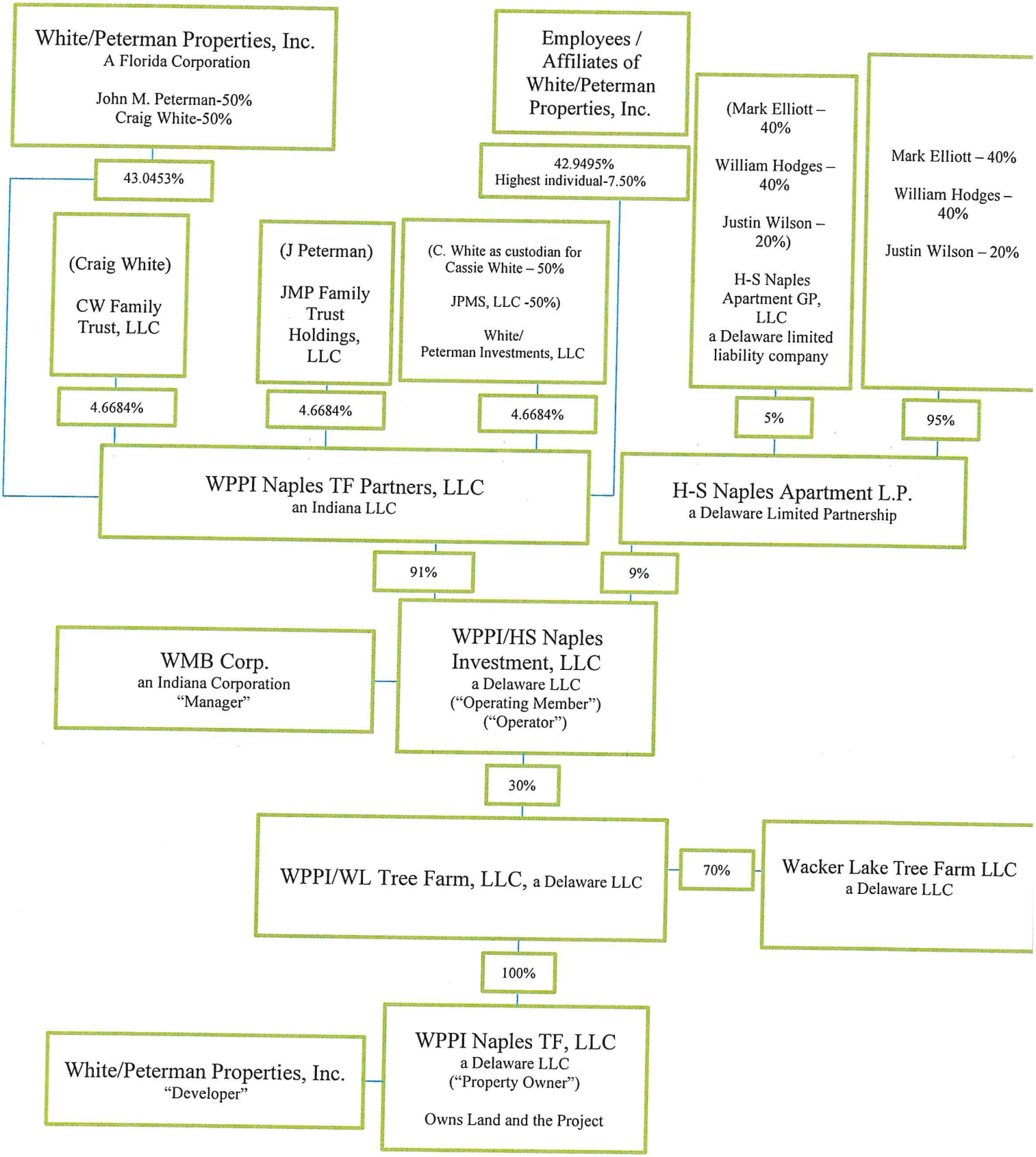
The completed application, all required submittal materials, and fees shall be submitted to:
Growth Management Department
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

_____ _____
Agent/Owner Signature Date

Jason Weisler
Agent/Owner Name (please print)

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

WPPI Naples TF, LLC
286 Unit Apartment Project
Naples, Florida



C:\Users\KDavidson\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\7FTA0XR2\WPPI Naples TF LLC Organizational Chart-(WPPI Side) 6-8-21.docx

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

Employees/Affiliates of White/Peterman Properties, inc.
Ownership in WPPI Naples TF Partners, LLC

Member	Percentage	
JFN Holdings, LLC	4.6684%	(Owned 100% by Jerry F. Nichols Revocable Trust)
John Perry	4.6684%	
J. Matthew Chambers	7.4695%	
Timothy J. Connelly	7.4695%	
Robert C. Hale	7.4695%	
J. Matthew Chambers as Trustee of the Carlson Irrevocable family trust	4.6684%	
Jason Weisler as Trustee of the Jason S. Weisler Revocable trust	4.6684%	
Jeffrey J. Fus	1.8674%	
	42.9495%	

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

JPMS, LLC
Members

Mamber	Percentage
John M. Peterman	1.072%
PMP Delaware Holdings, LLC	26.810%
SMH Delaware Holdings, LLC	26.810%
MTT Delaware Holdings, LLC	26.810%
Carly Lauren Sinnema	1.528%
Jake Michael Sinnema	1.528%
Carter John Tait	5.147%
Charles Roderick Peterman	5.147%
Liam John Peterman	5.147%
	100.00%

Z:\Legal\WPPI Legal\WPPI\Projects\Naples Tree Farm\Organizational Charts\Ownership JPMS.doc

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

Confidential

05/26/21

Structure for Naples Tree Farm

CERTIFICATE OF INCUMBENCY

I, Jason S. Weisler, hereby certify to you that I am the duly elected and qualified Secretary of WMB Corp, an Indiana corporation (the "Company"), and that, as such, I am authorized to execute this Certificate on behalf of the Company, and I further certify that the persons named below are duly elected, qualified and acting officers of the Company, holding the offices set forth below at the date hereof and that the specimen signature opposite each officer's name is the true and genuine signature of such officer.

Name	Specimen Signature	Office
J. Matthew Chambers		Treasurer
Jason S. Weisler		Secretary

I further certify that the Company is the Manager of WPPI/HS Naples TF Investment, LLC ("WPPI/HS"), and that WPPI/HS is the Operating Member of WPPI/WL Tree Farm, LLC ("WPPI/WL"), and that WPPI/WL is the Sole Member of WPPI Naples TF, LLC (the "Property Owner"), and that J. Matthew Chambers is authorized as the Treasurer of the Company and on behalf of the Company in its capacity as the Manager of the Operating Member of the Sole Member of the Property Owner to execute and deliver any zoning applications, permit applications, permits, bonds, plats, performance agreements (including without limitation Excavation Performance Agreements) or other documents or agreements necessary or desirable for the Property Owner's development or operation of the Property Owner's property located in Naples, Florida.

You may conclusively rely on this Certificate until formally advised by a like certificate of any changes herein.

IN WITNESS WHEREOF, I have hereunto affixed my signature effective as of this 31st day of August, 2020.

Jason S. Weisler, Secretary

I, J. Matthew Chambers, hereby certify to you that I am the duly elected and qualified Treasurer of the Company, and further certify that the specimen signature opposite Jason S. Weisler's name is the true and genuine signature of such Jason S. Weisler.

J. Matthew Chambers, Treasurer

Z:\Legal\WPPI Legal\WPPI\Projects\Naples Tree Farm\WPPI Naples TF, LLC\Certificate of Incumbency County 8-31-20.docx

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

PENINSULA ENGINEERING

PROJECT NARRATIVE AND DETAIL OF REQUEST

BACKGROUND:

The Tree Farm MPUD is located at the northwest intersection of Immokalee Road and Collier Boulevard. The MPUD was originally approved by Ordinance 2007-54 to allow for up to 175,000 square feet of commercial uses and 425 residential units. The MPUD Master Plan includes a Commercial/Mixed Use (C/MU) area on the southern third of the project and Residential (R) on the northern two-thirds with a half-acre Preserve (P) tract north of Broken Back Road.

The MPUD has had several revisions to revise development intensity, development standards and to allow for unified plan of development with projects located in the adjacent Addie's Corner MPUD. The Tree Farm MPUD was most recently amended by Ordinance 2020-03 to increase the residential units to 460, reduce the commercial/office uses to 80,000 square feet, and allow for up to 105,000 square feet of indoor self-storage, 140 hotel units and 150 assisted living units, subject to a traffic generation cap.

To date, the MPUD has been approved the following development orders:

- Frontage Road through the C/MU portion of the MPUD was constructed as part of the Addison Place Apartments (SDP, PL20160003553), providing access from Collier Boulevard to the Addie's Corner MPUD to the west.
- Addison Place Expansion: Site Development Plan (SDP, PL20180000683) was approved for 54 multi-family units within the C/MU portion of the MPUD on the western boundary. This apartment complex is accessed exclusively from the Addison Place Apartments (SDP, PL20160003553).
- Tree Farm Subdivision: Plans and Plat (PB 68; PG 90-94) to create development tracts and common infrastructure was approved by the Board of County Commissioners on December 8, 2020.
- Tree Farm Apartments: Site Development Plan (SDP, PL20190002847) was approved for 286 multi-family units on 18.59-acres (Tract B and L-1 of the approved Tree Farm Plat). This development is within the Residential portion of the MPUD and is accessed on the south from a shared access easement from Collier Boulevard and on the north from Broken Back Road.

After the approval of the Tree Farm Apartments SDP, the County approached the developer about revising the southern access easement at Collier Boulevard in order to accommodate a proposed traffic circle. The traffic circle is intended to improve access to the proposed Government Center within the Heritage Bay PUD on the east side of Collier Boulevard. Tree Farm Apartments has agreed to relocating the southern access point further south to accommodate the traffic circle improvements.

REQUEST:

The Applicant is requesting an Insubstantial Change to the Tree Farm MPUD to amend Section 6.8 to include deviations for an off-premise directional sign for Tree Farm Apartments, to be located within the existing access and sign easement on Tract C, immediately south of Tract B.

The relocation of the southern access to the Tree Farm Apartments project is necessary for the County's traffic circle improvements on Collier Boulevard. This access road provides the primary entrance into the

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

Apartment development. The access road is being moved to the south, away from the multi-family project, in order to better align with the traffic circle. The deviations will allow the main project sign for Tree Farm Apartments to be near the primary access and provide sufficient visibility at the proposed Collier Boulevard traffic circle. The existing easement (OR 5771, PG 1841) allows for the placement of the sign and enhanced landscaping. The proposed sign will be consistent with development standards for an On-Premise Residential Sign (LDC Section 5.06.04 B.6) as it relates to size, sign area and setbacks. An On-Premise Residential Sign is permitted to be up to 8 feet in height, 64 square feet in sign area and must be setback a minimum of 10' from property lines.

LDC Section 5.06.04 G. allows for off-premise directional signs; however, deviations are necessary to allow a sign that is consistent with standards for an On-Premise Residential Sign. Requirements for an Off-Premise Directional Sign are provided below with analysis provided in ***bold italicized text***.

G. *Off-premises directional signs.* Off-premises directional signs are permitted if the following requirements are met:

1. Off-premises directional signs shall be permitted only in nonresidential zoning districts, agricultural districts and designated nonresidential components of PUDs.

The proposed off-premise directional sign is located within an existing access and sign easement, located within the Commercial/Mixed Use (C/MU) portion of the Tree Farm MPUD (Tract C, Tree Farm unrecorded subdivision).

2. No more than 2 one-sided or 1 double-sided off-premise directional signs shall be permitted for a building, structure, or use which is not visible from the roadway serving such building, structure, or use, provided:

Only one off-premise sign is being requested.

a. Each sign shall not be more than 12 square feet in area.

A deviation is requested to allow for a 50 square foot sign area, which is less than the 64 square feet that would be allowed for an On-Premise Residential Sign.

b. The sign shall not be more than 8 feet in height above the lowest center grade of the roadway adjacent to the sign location.

The proposed sign will not exceed 8 feet above the lowest center grade of the adjacent roadway.

c. The sign shall not be located closer than 10 feet to any property line.

The proposed sign will not be located closer than 10 feet to the Collier Boulevard right-of-way. However, since the proposed off-premise directional sign is specifically intended for the adjacent Tree Farm Apartment project to the north, a deviation is requested to allow the off-premise directional sign with no distance requirement to the adjacent residential tract (Tract B) to the north.

d. The applicant shall submit with the permit application, a notarized written letter of permission from the property owner where the off-premises directional sign is to be located.

The proposed sign is being located within a recorded easement (OR 5771, PG 1841) that allows the developer of the apartments to construct a multi-family sign within the easement.

e. The sign shall be located no more than 1,000 feet from the building, structure, or use for which the sign is displayed.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

The proposed sign is less than 1,000 feet from the Apartment use.

3. Off-premises directional signs shall be located a minimum of 50 feet from a residential zoning district.

The adjacent residential district is the Tree Farm Apartment site (Tree Farm, Tract B). Therefore, since the proposed off-premise directional sign is specifically intended for this project, a deviation is requested to allow the off-premise directional sign with no distance requirement to the adjacent residential district.

4. Off-premises directional signs shall be located a minimum of 100 feet from another off-premises directional sign.

The proposed sign is not located within 100 feet from another off-premise directional sign.

COMPLIANCE WITH LDC SECTION 10.02.13 E.:

The request complies with the insubstantial change criteria of LDC Section 10.03.13 E.:

E. Changes and amendments. There are three types of changes to a PUD Ordinance: Substantial, Insubstantial, and Minor.

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

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

The request does NOT include a change in the boundary of the PUD.

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

The request does NOT increase the number of dwelling units or intensity of land use or height of buildings within the development.

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

The request does NOT change preservation, conservation, recreation or open space areas.

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

The request does NOT increase areas or relocate areas for nonresidential land uses.

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

The request does NOT increase impacts of development, such as traffic generation, circulation or impacts on other public facilities.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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

The request does NOT change land use activities and does NOT generate higher level of vehicular trips.

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

The request does NOT result in a requirement for increased stormwater retention or increased stormwater discharges.

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

The request does NOT create incompatibility with, or negatively impact, adjacent land uses.

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

The request IS consistent with the Collier County Growth Management Plan

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

The request is NOT located within a DRI.

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

The request is NOT deemed a substantial modification and may be processed as an Insubstantial Change (PDI).

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

LIST OF REQUESTED DEVIATIONS FROM THE LDC

TREE FARM MPUD

* * * * * * * * * * * * *

6.8 DEVIATIONS

A. Deviation #1
At the discretion of the developer, the minimum right-of-way width to be utilized for all internal project streets may be fifty feet (50'). Deviation #1 from section 6.06.01 (O) of the LDC. Utilization of lands within all project right-of-way for landscaping. Decorative entranceway and signage may be allowed subject to review and administrative approval by the community development and environmental services administrator, or his designee, for engineering and safety considerations prior to installation. [Approved in Ord. 07-54]

B. Deviation #2
Relief from LDC Section 5. 03. 02. C, which permits a maximum wall height of 6' in residential zoning districts and residential components of a PUD, to allow a maximum wall height of 8' along the perimeter of the PUD, and allow a 12' wall/berm combination within residential portions of the PUD along Collier Boulevard. The berm portion of the 12' wall/ berm shall be minimum of 3' in height. [Approved in Ord. 07- 541]

C. Deviation #3
Boundary marker monuments containing project identification signs designed to identify the project, or any major use within the project, shall be permitted in location depicted on the MPUD master plan (Exhibit " A"). Said boundary marker monument shall not exceed 6 feet in height as measured from finished grade at the location of the boundary marker monument. The sign face area for such boundary markers shall not exceed 64 square feet in area and shall not exceed the height or length of the monument, which it is located. If the sign is two-sided, each sigh shall not exceed 64 square feet in area. Each sign shall only contain the main project name, insignia or motto of the entire development, and the developer's name and logo. Boundary marker monuments shall be setback a minimum of 10 feet from any MPUD perimeter property line. [Approved in Ord. 07- 541]

D. Deviation #4
One off-premises sign may be located to west of the tree farm MPUD generally located near the access to collier boulevard from the property immediately adjacent to the west of Tree Farm MPUD. The off-premise sign may deviate from the maximum 12 square foot size set forth in section 5.06.04.G.2.a., but may not exceed 16 square feet in size, and may also deviate from section 5.06.04.G.2.e., which requires such off-site signs to

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

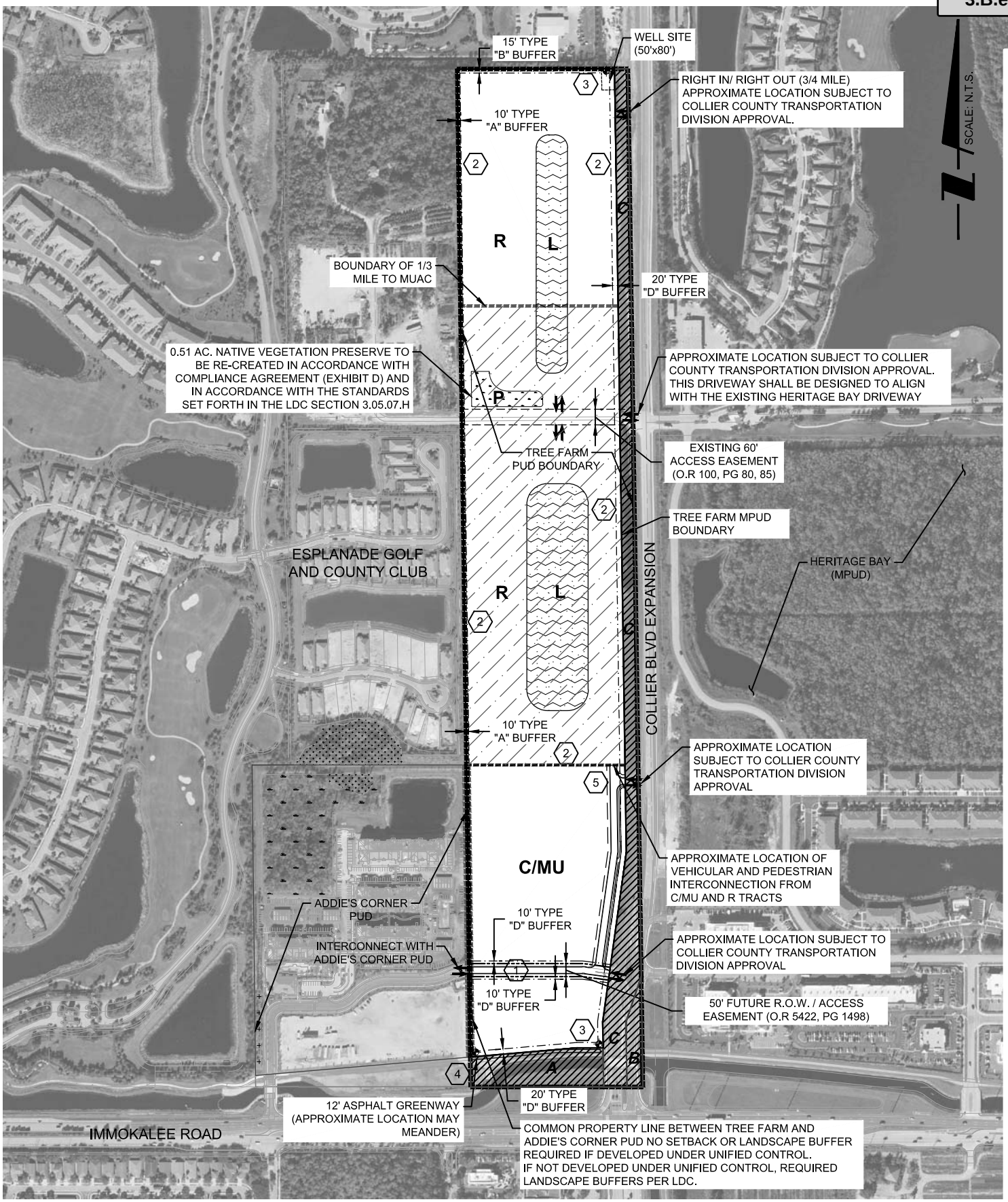
be located within 1, 000 feet of the intersection of the arterial roadway serving the building, structure or use. [Approved in Ord. 07- 541]

E. Deviation #5

One off-premise sign may be located within the existing access and sign easement (OR 5771, PG 1841) on the northern boundary of the C/MU tract (Tree Farm Tract C) adjacent to Collier Boulevard to provide project signage for the Residential Tract to the north (Tree Farm Tract B) as depicted on Exhibit C. The off-premise sign may deviate from section 5.06.04.G.2.a. which limits off-premise directional signs to 12 square feet in sign area to instead allow a maximum of 50 square feet in sign area. The off-premise sign may deviate from section 5.06.04.G.2.c. and section 5.06.04.G.3. which require the sign to be a minimum of 10 feet to a property line and a minimum 50 feet to adjacent residential zoning district, respectfully, to instead allow the sign to have no minimum (zero feet) distance to the residential tract to the north.

* * * * * * * * * * * * *

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)



Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

PROJECT:
TREE FARM MPUD

TITLE:
MPUD MASTER CONCEPT PLAN (EXHIBIT "A")

OWNER/CLIENT/CONSULTANT:
TBC TREE FARM 1, LLC & TBC TREE FARM 2, LLC

SEC: 22	TWP:48 RGE:
Designed by:	ALEJANDRO A
Drawn by:	ALEJANDRO A
Date:	MARCH
Drawing Scale:	N
Project Number:	P-BROK-[illegible]
File Number:	P-BROK-001-001-X17
Sheet N	C-X17

SCHEDULE OF DEVIATIONS

DEVIATION 1:
AT THE DISCRETION OF THE DEVELOPER, THE MINIMUM RIGHT-OF-WAY WIDTH TO BE UTILIZED FOR ALL INTERNAL PROJECT STREETS MAY BE FIFTY FEET (50').
DEVIATION #1 FROM SECTION 6.06.01(O) OF THE LDC. UTILIZATION OF LANDS WITHIN ALL PROJECT RIGHT-OF-WAY FOR LANDSCAPING.
DECORATIVE ENTRANCEWAY, AND SIGNAGE MAY BE ALLOWED SUBJECT TO REVIEW AND ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES ADMINISTRATOR, OR HIS DESIGNEE, FOR ENGINEERING AND SAFETY CONSIDERATIONS PRIOR TO INSTALLATION.

DEVIATION 2:
DEVIATION #2 SEEKS RELIEF FROM LDC SECTION 5.03.02.C, WHICH PERMITS A MAXIMUM WALL HEIGHT OF 6' IN RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL COMPONENTS OF A PUD, TO ALLOW A MAXIMUM WALL HEIGHT OF 8' ALONG THE PERIMETER OF THE PUD, AND ALLOW A 12' WALL/BERM COMBINATION WITHIN RESIDENTIAL PORTIONS OF THE PUD ALONG COLLIER BOULEVARD. THE BERM PORTION OF THE 12' WALL/BERM SHALL BE MINIMUM OF 3' IN HEIGHT.

DEVIATION 3:
BOUNDARY MARKER MONUMENTS CONTAINING PROJECT IDENTIFICATION SIGNS DESIGNED TO IDENTIFY THE PROJECT, OR ANY MAJOR USE WITHIN THE PROJECT, SHALL BE PERMITTED IN LOCATION DEPICTED ON THE MPUD MASTER PLAN (EXHIBIT "A"). SAID BOUNDARY MARKER MONUMENT SHALL NOT EXCEED 6 FEET IN HEIGHT AS MEASURED FROM FINISHED GRADE AT THE LOCATION OF THE BOUNDARY MARKER MONUMENT. THE SIGN FACE AREA FOR SUCH BOUNDARY MARKERS SHALL NOT EXCEED 64 SQUARE FEET IN AREA AND SHALL NOT EXCEED THE HEIGHT OR LENGTH OF THE MONUMENT WHICH IT IS LOCATED. IF THE SIGN IS TWO-SIDED, EACH SIGH SHALL NOT EXCEED 64 SQUARE FEET IN AREA. EACH SIGN SHALL ONLY CONTAIN THE MAIN PROJECT NAME, INSIGNIA OR MOTTO OF THE ENTIRE DEVELOPMENT, AND THE DEVELOPER'S NAME AND LOGO. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY MPUD PERIMETER PROPERTY LINE.

DEVIATION 4:
ONE OFF-PREMISES SIGN MAY BE LOCATED TO WEST OF THE TREE FARM MPUD GENERALLY LOCATED NEAR THE ACCESS TO COLLIER BOULEVARD FROM THE PROPERTY IMMEDIATELY ADJACENT TO THE WEST OF TREE FARM MPUD. THE OFF-PREMISE SIGN MAY DEVIATE FROM THE MAXIMUM 12 SQUARE FOOT SIZE SET FORTH IN SECTION 5.06.04.C.15.B.I.G.2.A., BUT MAY NOT EXCEED 16 SQUARE FEET IN SIZE, AND MAY ALSO DEVIATE FROM SECTION 5.06.04.C.15.B.VG.2.E., WHICH REQUIRES SUCH OFF-SITE SIGNS TO BE LOCATED WITH IN 1,000 FEET OF THE INTERSECTION OF THE ARTERIAL ROADWAY SERVING THE BUILDING, STRUCTURE OR USE.

DEVIATION 5:
ONE OFF-PREMISE SIGN MAY BE LOCATED WITHIN THE EXISTING ACCESS AND SIGN EASEMENT (OR 5771, PG 1841) ON THE NORTHERN BOUNDARY OF THE C/MU TRACT (TREE FARM TRACT C) ADJACENT TO COLLIER BOULEVARD TO PROVIDE PROJECT SIGNAGE FOR THE RESIDENTIAL TRACT TO THE NORTH (TREE FARM TRACT B) AS DEPICTED ON EXHIBIT C. THE OFF-PREMISE SIGN MAY DEVIATE FROM SECTION 5.06.04 G.2.A. WHICH LIMITS OFF-PREMISE DIRECTIONAL SIGNS TO 12 SQUARE FEET IN SIGN AREA TO ALLOW A MAXIMUM OF 50 SQUARE FEET IN SIGN AREA. THE OFF-PREMISE SIGN MAY DEVIATE FROM SECTION 5.06.04 G.2.C. AND SECTION 5.06.04 G.3 WHICH REQUIRE THE SIGN TO BE A MINIMUM OF 10 FEET TO A PROPERTY LINE AND A MINIMUM 50 FEET TO ADJACENT RESIDENTIAL ZONING DISTRICT, RESPECTFULLY, TO INSTEAD ALLOW THE SIGN TO HAVE NO MINIMUM (ZERO) DISTANCE TO THE RESIDENTIAL TRACT TO THE NORTH.

LEGEND

R	RESIDENTIAL
C/MU	COMMERCIAL / MIXED USE
P	PRESERVE
	PUD INGRESS / EGRESS
#	DEVIATIONS
	WATER MANAGEMENT LAKE
	PRESERVE AREA
	ROW CONVEYANCE TO COLLIER COUNTY LABELED AS TRACTS A, B AND C. (SEE SECTION 6.3.C)
	BOUNDARY MARKER MONUMENTS

MPUD MASTER PLAN NOTES

1. THE AMOUNT OF REQUIRED OPEN SPACE IS 30%.
2. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 15.43 AC OPEN SPACE [30% OF 51.43 (58.84 - 7.42 ROW CONVEYANCE.)]
3. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
4. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.
5. THE PROJECT SHALL BE DESIGNED TO PROVIDE VEHICULAR, PEDESTRIAN AND BICYCLE CONNECTIVITY BETWEEN RESIDENTIAL AND MIXED USED/COMMERCIAL AND TO ADJACENT PROPERTY TO THE WEST.
6. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY PERIMETER MPUD PROPERTY LINE.

LAND USE SUMMARY

TRACT	LAND USE	ACREAGE
TRACT "R"	RESIDENTIAL	*39.64 ± ACRES
TRACT "P"	PRESERVE	0.51 ± ACRES
TRACT "C/MU"	COMMERCIAL / MIXED USE	*18.69 ± ACRES
TOTAL		58.84 ± ACRES

* INCLUDES ROW CONVEYANCE

PRESERVE

A MINIMUM OF 0.51 ACRES (25% OF THE 2.02 ACRES OF NATIVE VEGETATION ON SITE) IS REQUIRED TO BE RETAINED OR REPLANTED. THE TRACTS IDENTIFIED AS "P" CONTAINS 0.51 ± ACRES, AND FULLY SATISFIES THE NATIVE VEGETATION REQUIREMENTS.

MAXIMUM DENSITY AND INTENSITY

460 MULTI-FAMILY / SINGLE FAMILY ATTACHED / TOWNHOUSE AND / OR SINGLE FAMILY DETACHED RESIDENTIAL DWELLING UNITS.
PLUS 250 HOTEL UNITS, 150 ALF UNITS, 105,000 SF OF INDOOR SELF STORAGE AND 80,000 SF COMMERCIAL USES. ALL SUBJECT TO SECTION 6.3.K

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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ENVIRONMENTAL CONSULTING · LAND PLANNING ·
SITE PLANNING · CONSTRUCTION MANAGEMENT ·
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Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

PROJECT: TREE FARM MPUD

TITLE: MPUD MASTER CONCEPT PLAN NOTES

OWNER/CLIENT/CONSULTANT: TBC TREE FARM 1, LLC & TBC TREE FARM 2, LLC

SEC: 22	TWP:48 RGE:
Designed by:	ALEJANDRO A
Drawn by:	ALEJANDRO A
Date:	MARCH
Drawing Scale:	N
Project Number:	P-BROK-001
File Number:	P-BROK-001-001-X17
Sheet Number	

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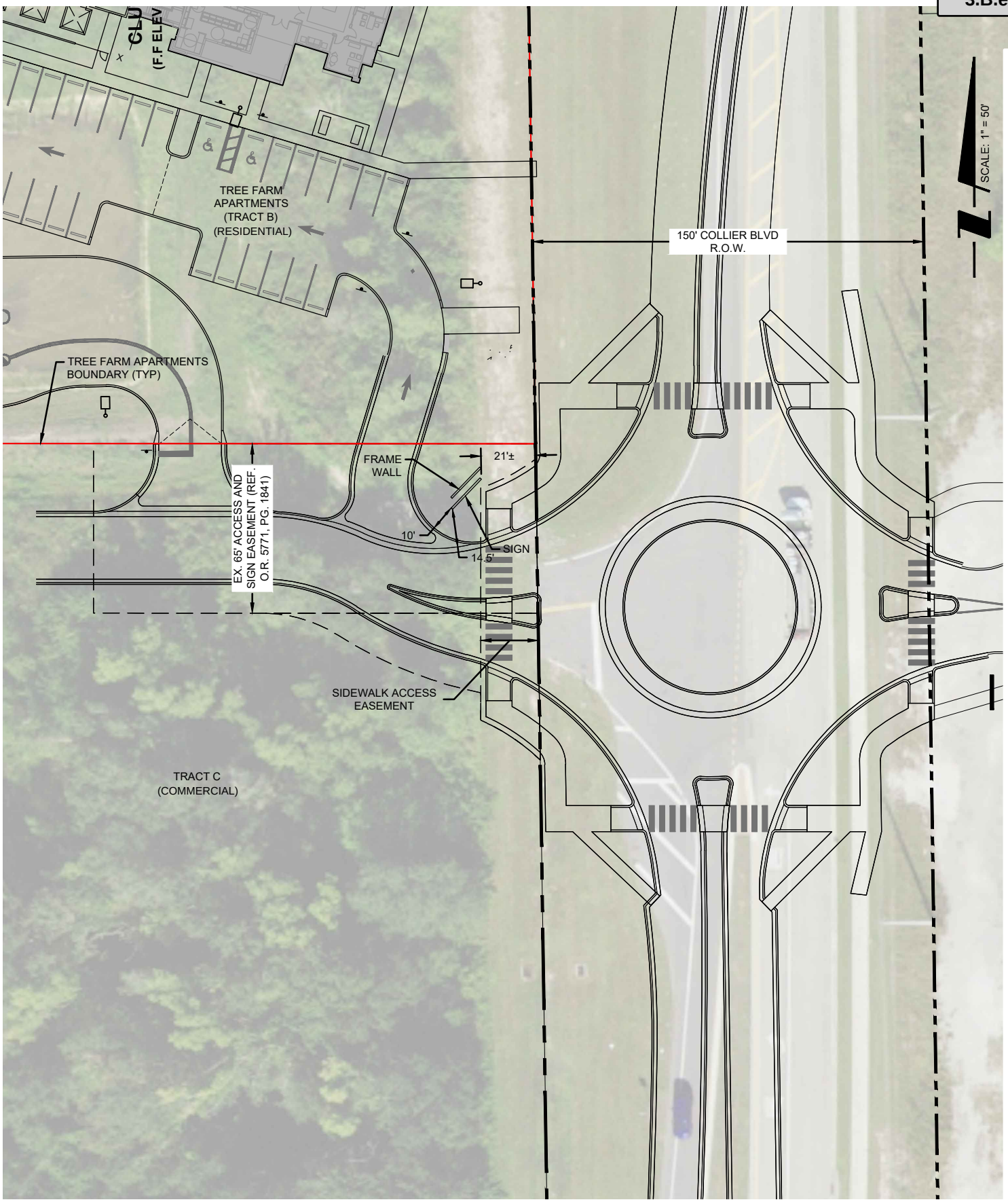

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

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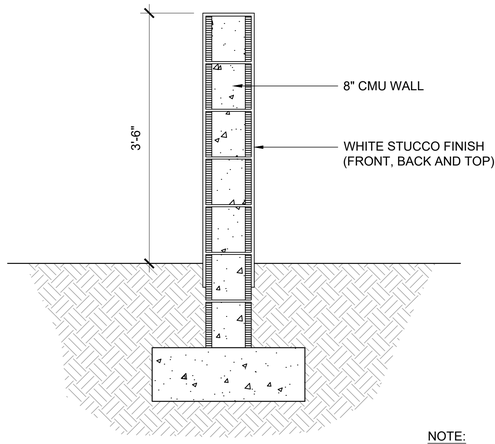
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

PROJECT:
TREE FARM APARTMENTS

TITLE:
SIGN LOCATION EXHIBIT C

OWNER/CLIENT/CONSULTANT:
WPPI NAPLES TF, LLC.

SEC: 22	TWP:48S RGE:
Designed by:	ANTON SCHAF
Drawn by:	ANTON SCHAF
Date:	JUNE
Drawing Scale:	1"
Project Number:	P-BROK-003-
File Number:	P-BROK-003-001-X16
Sheet N	C-X16



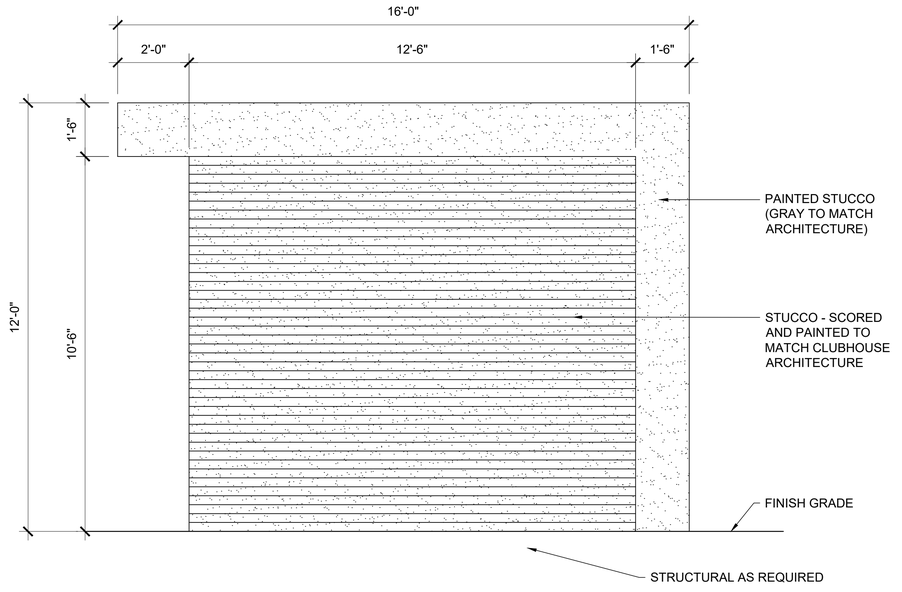
SECTION

NOTE:
STRUCTURAL BY OTHERS. PROVIDE SHOP DRAWINGS FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO INSTALLATION/CONSTRUCTION.

DECORATIVE CURVILINEAR WALL

SCALE: 1" = 1'-0"

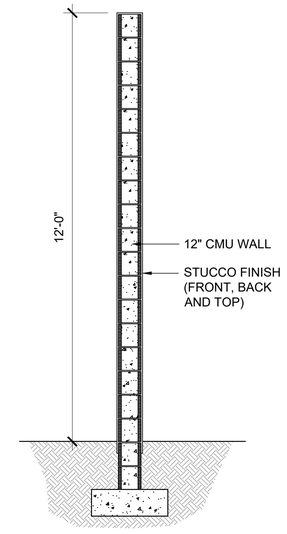
DT-CURVILINEAR WALL.dwg



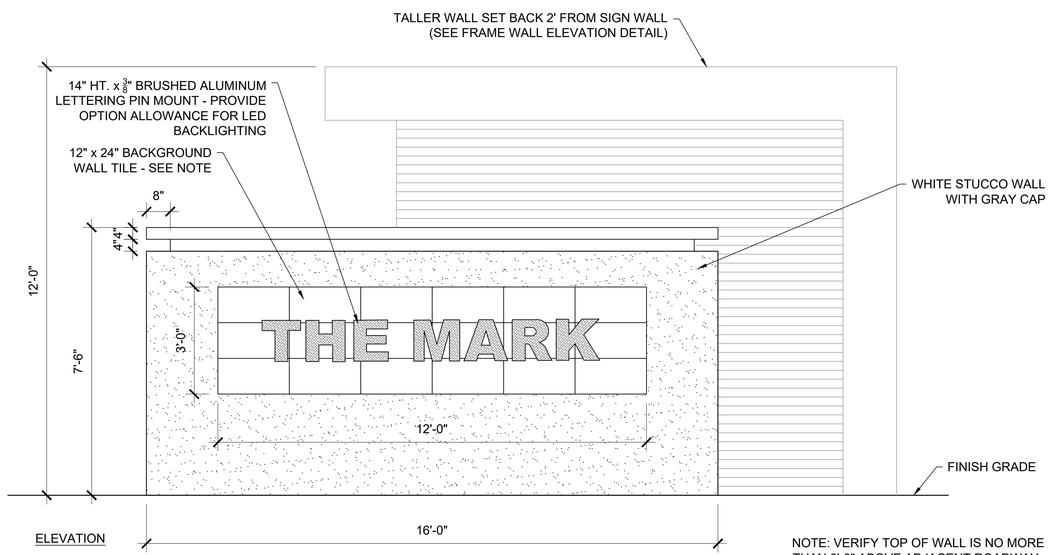
FRAME WALL

SCALE: 1/2" = 1'-0"

DT-FRAME WALL.dwg



SECTION



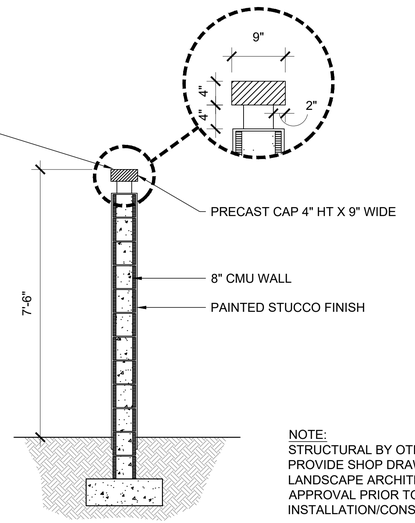
ELEVATION

NOTE: BLACK BACKGROUND TILE TO BE DALTILE PORCELAIN INFUSION FIELD TILE WENGE 12" x 24", BLACK WENGE # IF6612241P WITH CUSTOM BUILDING PRODUCTS # 370 DOVE GRAY GROUT

SIGN WALL

SCALE: 1/2" = 1'-0"

DT-SIGN WALL.dwg



NOTE: VERIFY TOP OF WALL IS NO MORE THAN 8'-0" ABOVE ADJACENT ROADWAY GRADE AT ROAD CENTERLINE

SECTION

NOTE:
STRUCTURAL BY OTHERS.
PROVIDE SHOP DRAWINGS FOR LANDSCAPE ARCHITECT APPROVAL PRIOR TO INSTALLATION/CONSTRUCTION.

NOTE: SEE SHEET L-127 FOR STRUCTURAL DETAILS

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE

2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com
Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #28275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

TREE FARM APARTMENTS

SHEET TITLE:

MAIN ENTRY DETAILS (A)

PREPARED FOR:

WPPI NAPLES TF, LLC.

REVISIONS:

No:	Revision:	Date:

GRAPHIC SCALE:

NORTH

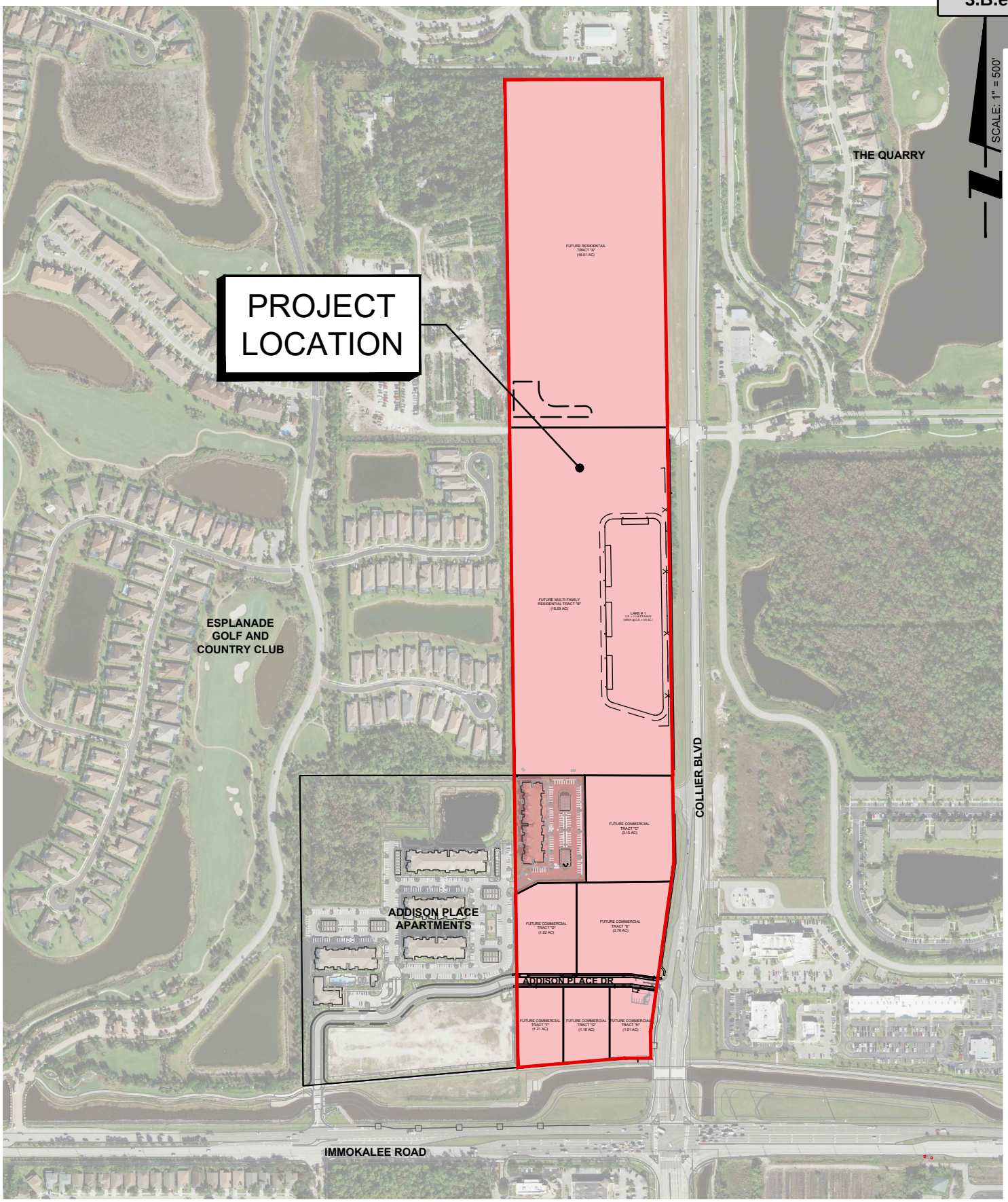
VERIFY ALL DIMENSIONS SHOWN ON THESE DRAWINGS TO CONFIRM PROPER SCALE PRIOR CONSTRUCTION. REPORT ANY ERRORS OR OMISSIONS TO PENINSULA ENGINEERING.

PROFESSIONAL SEALS:

PROFESSIONAL ENGINEER:	STEVE SAMMONS
FLORIDA LICENSE NUMBER:	LA0001394

Designed by:	STEVE SAMMONS
Drawn by:	STEVE SAMMONS
Date:	FEBRUARY 2021
Horizontal Scale:	
Project Number:	P-WHTE-001-001
File Number:	P-WHTE-003-001-L-104
Sheet Number:	L-104 04 of 27

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)



Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

[Save Date: 3/17/2021 8:56:16 AM] [By: AAVila] [Plot Date: 3/17/2021 8:56:29 AM] [By: Alejandro Avila] [Original Size: 8.5X11] [Path: P:\Active Projects\P-BROK-003\001 Tree Farm PPL\Drawings-civil\Exhibits\X23 MPUD Location\P-BROK-003-001-X23.dwg]

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Certificate of Authorization #28275

PROJECT:
TREE FARM MPUD

TITLE:
LOCATION EXHIBITS

OWNER/CLIENT/CONSULTANT:
TBC TREE FARM 1, LLC & TBC TREE FARM 2, LLC

SEC: 22	TWP:48S RGE:
Designed by:	ALEJANDRO A
Drawn by:	ALEJANDRO A
Date:	MARCH
Drawing Scale:	1" =
Project Number:	P-BROK-003-
File Number:	P-BROK-003-001-X23
Sheet N	C-X23

PENINSULA ENGINEERING

LIST OF REQUESTED DEVIATIONS WITH JUSTIFICATION

Deviations #1-4 previously approved and are not subject of this request.

Deviation #5: One off-premise sign may be located within the existing access and sign easement (OR 5771, PG 1841) on the northern boundary of the C/MU tract (Tree Farm Tract C) adjacent to Collier Boulevard to provide project signage for the Residential Tract to the north (Tree Farm Tract B) as depicted on Exhibit C. The off-premise sign may deviate from section 5.06.04.G.2.a. which limits off-premise directional signs to 12 square feet in sign area to instead allow a maximum of 50 square feet in sign area. The off-premise sign may deviate from section 5.06.04.G.2.c. and section 5.06.04.G.3. which require the sign to be a minimum of 10 feet to a property line and a minimum 50 feet to adjacent residential zoning district, respectfully, to instead allow the sign to have no minimum (zero feet) distance to the residential tract to the north.

Justification: The deviations will allow the Tree Farm Apartment's main project sign to be located near the primary access and provide sufficient visibility at the proposed Collier Boulevard traffic circle. The relocation of the southern access to the Tree Farm Apartments project is necessary for the County's traffic circle improvements on Collier Boulevard. This access road provides the primary entrance into the Apartment development. The access road is being moved to the south, away from the multi-family project (Tract B), in cooporation with the County to construct a traffic circle on Collier Boulevard. The traffic circle on Collier Boulevard is subject to a developer agreement between Collier County and the Tree Farm developers. The existing easement (OR 5771, PG 1841) allows for the placement of the sign and enhanced landscaping. By locating the sign in the Sign Easement, it is now considered an off-premise sign by the LDC as opposed to an on-premise residential sign. The deviations allow the off-premise sign to function as an on-premise residential sign. The proposed sign will be consistent with development standards for an on-premise residential Sign (LDC Section 5.06.04 B.6) as it relates to size, sign area and setbacks; the requested off-premise sign is in lieu of placing an on-premise residential sign. An on-premise residential sign is permitted to be up to 8 feet in height, 64 square feet in sign area and must be setback a minimum of 10' from property lines.

LDC Section 5.06.04 G. allows for off-premise directional signs; however, deviations are necessary to allow a sign that is consistent with standards for an On-Premise Residential Sign. Requirements for an Off-Premise Directional Sign are provided below with analysis provided in ***bold italicized text***.

G. *Off-premises directional signs.* Off-premises directional signs are permitted if the following requirements are met:

1. Off-premises directional signs shall be permitted only in nonresidential zoning districts, agricultural districts and designated nonresidential components of PUDs.

The proposed off-premise directional sign is located within an existing access and sign easement, located within the Commercial/Mixed Use (C/MU) portion of the Tree Farm MPUD (Tree Farm, Tract C).

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

2. No more than 2 one-sided or 1 double-sided off-premise directional signs shall be permitted for a building, structure, or use which is not visible from the roadway serving such building, structure, or use, provided:

Only one off-premise sign is being requested.

a. Each sign shall not be more than 12 square feet in area.

A deviation is requested to allow for a 50 square foot sign area, which is less than the 64 square feet that would be allowed for an On-Premise Residential Sign.

b. The sign shall not be more than 8 feet in height above the lowest center grade of the roadway adjacent to the sign location.

The proposed sign will not exceed 8 feet above the lowest center grade of the adjacent roadway.

c. The sign shall not be located closer than 10 feet to any property line.

The proposed sign will not be located closer than 10 feet to the Collier Boulevard right-of-way. However, since the proposed off-premise directional sign is specifically intended for the adjacent Tree Farm Apartment project to the north, a deviation is requested to allow the off-premise directional sign with no distance requirement to the adjacent property line to the north.

d. The applicant shall submit with the permit application, a notarized written letter of permission from the property owner where the off-premises directional sign is to be located.

The proposed sign is being located within a recorded easement (OR 5771, PG 1841) that allows the developer of the apartments to construct a multi-family sign within the easement.

e. The sign shall be located no more than 1,000 feet from the building, structure, or use for which the sign is displayed.

The proposed sign is less than 1,000 feet from the multi-family apartment use.

3. Off-premises directional signs shall be located a minimum of 50 feet from a residential zoning district.

The adjacent residential district is the Tree Farm Apartment site (Tract B, Tree Farm unrecorded subdivision). Therefore, since the proposed off-premise directional sign is specifically intended for this project, a deviation is requested to allow the off-premise directional sign with no distance requirement to the adjacent residential district.

4. Off-premises directional signs shall be located a minimum of 100 feet from another off-premises directional sign.

The proposed sign is not located within 100 feet from another off-premise directional sign. Any signage on the south side of the access easement will be an on-site commercial sign for Tract C.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

PLAT BOOK 68 PAGE 90
SHEET 1 OF 5

TREE FARM

A SUBDIVISION LOCATED IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

DEDICATIONS/RESERVATIONS

STATE OF FLORIDA
COUNTY OF COLLIER

KNOW ALL MEN BY THESE PRESENTS THAT:

TBC TREE FARM 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WPPI NAPLES TF, LLC, A DELAWARE LIMITED LIABILITY COMPANY, HABITAT FOR HUMANITY OF COLLIER COUNTY, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AND JFN HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

THE OWNERS OF THE LAND DESCRIBED HEREON HAVE CAUSED THIS PLAT ENTITLED **TREE FARM** TO BE MADE AND DO HEREBY DEDICATE OR RESERVE THE FOLLOWING:

1. RESERVE TO TBC TREE FARM 1, LLC, ITS SUCCESSORS AND OR ASSIGNS:
   - A. TRACTS "C", "D" AND "E" AS FUTURE DEVELOPMENT WITH RESPONSIBILITY FOR MAINTENANCE SUBJECT TO EASEMENTS DEPICTED THEREON.
   - B. ALL D.E., C.U.E., P.U.E, AND A.E. LYING WITHIN TRACT "R" AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - C. ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - D. ALL TEMPORARY DRAINAGE EASEMENTS (T.D.E) LYING WITHIN TRACTS "B", "C" AND "E" WITH NO RESPONSIBILITY FOR MAINTENANCE. ALL T.D.E.S SHALL AUTOMATICALLY EXPIRE UPON GRANTING OF A PERPETUAL D.E. FOR THE PERMANENT FACILITIES AND APPROVAL OF A SITE CERTIFICATION BY THE COLLIER COUNTY GROWTH MANAGEMENT DIVISION FOR THE PERMANENT DRAINAGE SYSTEM INSTALLED TO REPLACE THE TEMPORARY FACILITIES WITHIN THE T.D.E.
   - E. ALL LAKE EASEMENTS (L.E.) AND LAKE MAINTENANCE EASEMENTS (L.M.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - F. ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) LYING WITHIN TRACTS "C", "D" AND "E" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
   - G. ALL PERIMETER LANDSCAPE BUFFER EASEMENTS (P.L.B.E.) LYING WITHIN TRACTS "C", "D" AND "E" AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.

2. RESERVE TO JFN HOLDINGS, LLC, ITS SUCCESSORS AND OR ASSIGNS:
   - A. TRACTS "F", "G" AND "H" AS FUTURE DEVELOPMENT WITH RESPONSIBILITY FOR MAINTENANCE SUBJECT TO EASEMENTS DEPICTED THEREON.
   - B. ALL D.E., C.U.E., P.U.E, AND A.E. LYING WITHIN TRACT "R" AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - C. ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - D. ALL TEMPORARY DRAINAGE EASEMENTS (T.D.E) LYING WITHIN TRACTS "B", "C" AND "E" WITH NO RESPONSIBILITY FOR MAINTENANCE. ALL T.D.E.S SHALL AUTOMATICALLY EXPIRE UPON GRANTING OF A PERPETUAL D.E. FOR THE PERMANENT FACILITIES AND APPROVAL OF A SITE CERTIFICATION BY THE COLLIER COUNTY GROWTH MANAGEMENT DIVISION FOR THE PERMANENT DRAINAGE SYSTEM INSTALLED TO REPLACE THE TEMPORARY FACILITIES WITHIN THE T.D.E.
   - E. ALL LAKE EASEMENTS (L.E.) AND LAKE MAINTENANCE EASEMENTS (L.M.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - F. THE LANDSCAPE BUFFER EASEMENTS (L.B.E.) LYING WITHIN TRACTS "F", "G" AND "H" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
   - G. THE PERIMETER LANDSCAPE BUFFER EASEMENTS (P.L.B.E.) LYING WITHIN TRACTS "F", "G" AND "H" AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.

3. RESERVE TO HABITAT FOR HUMANITY OF COLLIER COUNTY, INC., ITS SUCCESSORS AND OR ASSIGNS:
   - A. TRACT "A" AS FUTURE DEVELOPMENT, WITH RESPONSIBILITY FOR MAINTENANCE SUBJECT TO EASEMENTS DEPICTED THEREON.
   - B. ALL D.E., C.U.E., P.U.E, AND A.E. LYING WITHIN TRACT "R" AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - C. ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - D. ALL TEMPORARY DRAINAGE EASEMENTS (T.D.E.) LYING WITHIN TRACT "B" WITH NO RESPONSIBILITY FOR MAINTENANCE. ALL T.D.E.S SHALL AUTOMATICALLY EXPIRE UPON GRANTING OF A PERPETUAL D.E. FOR THE PERMANENT FACILITIES AND APPROVAL OF A SITE CERTIFICATION BY THE COLLIER COUNTY GROWTH MANAGEMENT DIVISION FOR THE PERMANENT DRAINAGE SYSTEM INSTALLED TO REPLACE THE TEMPORARY FACILITIES WITHIN THE T.D.E.
   - E. ALL LAKE EASEMENTS (L.E.) AND LAKE MAINTENANCE EASEMENTS (L.M.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - F. ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) LYING WITHIN TRACT "A" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
   - G. THE 0.51 ACRE PRESERVE AREA AND ASSOCIATED ACCESS EASEMENT (A.E.) LYING WITHIN TRACT "A" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE. THE PRESERVE AREA SHALL BE RE-VEGETATED WITH NATIVE VEGETATION IN ACCORDANCE WITH SECTION V., PARAGRAPH 5.2.C. OF MPUD ORDINANCE 20-03. ACTIVITIES PROHIBITED WITHIN THE PRESERVE AREA INCLUDE, BUT ARE NOT LIMITED TO: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; DESTRUCTION OF TREES, SHRUBS, OR OTHER VEGETATION WITH THE EXCEPTION OF EXOTIC / NUISANCE VEGETATION REMOVAL; EXCAVATION, DREDGING, OR REMOVAL OF SOIL REMOVAL; DIKING OR FENCING; ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR OTHER FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

4. RESERVE TO WPPI NAPLES TF, LLC, ITS SUCCESSORS AND OR ASSIGNS:
   - A. TRACT "B" AS FUTURE DEVELOPMENT, WITH RESPONSIBILITY FOR MAINTENANCE, SUBJECT TO EASEMENTS DEPICTED THEREON.
   - B. ALL D.E., C.U.E., P.U.E, AND A.E. LYING WITHIN TRACT "R" AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - C. ALL DRAINAGE EASEMENTS (D.E.) EXCEPT FOR THE DRAINAGE EASEMENT DEPICTED OVER TRACT "L-1", AS DEPICTED ON THIS PLAT, WITH NO RESPONSIBILITY FOR MAINTENANCE.
   - D. TRACT "L-1" (LAKE, L.E., A.E., D.E., AND L.M.E.) AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
   - E. ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) LYING WITHIN TRACT "B" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
   - F. ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) LYING WITHIN TRACT "B" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.

5. DEDICATE TO TREE FARM MASTER ASSOCIATION, INC.:
   - A. ALL DRAINAGE EASEMENTS (D.E.) EXCEPT FOR THE DRAINAGE EASEMENT OVER TRACT "L-1", AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
   - B. ALL TEMPORARY DRAINAGE EASEMENTS (T.D.E.) AS DEPICTED ON TRACT "B" OF THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE. ALL T.D.E.S SHALL AUTOMATICALLY EXPIRE UPON GRANTING OF A PERPETUAL D.E. FOR THE PERMANENT FACILITIES AND APPROVAL OF A SITE CERTIFICATION BY THE COLLIER COUNTY GROWTH MANAGEMENT DIVISION FOR THE PERMANENT DRAINAGE SYSTEM INSTALLED TO REPLACE THE TEMPORARY FACILITIES WITHIN THE T.D.E.
   - C. ALL LAKE EASEMENTS (L.E.) AND LAKE MAINTENANCE EASEMENTS (L.M.E.) AND THE DRAINAGE EASEMENT OVER TRACT "L-1" AS DEPICTED ON THIS PLAT (TOGETHER WITH THE RIGHT OF ACCESS) WITH RESPONSIBILITY FOR MAINTENANCE TO THE EXTENT NECESSARY TO ASSURE MAINTENANCE AND OPERATION IN ACCORDANCE WITH THE PROVISIONS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMITS APPLICABLE WITHIN THIS PLAT.

6. DEDICATE TO TREE FARM COMMERCIAL ASSOCIATION, INC.:
   - A. TRACT R (ADDISON PLACE DRIVE) AS A PRIVATE ROAD RIGHT-OF-WAY SUBJECT TO EASEMENTS DEPICTED THEREON (R.O.W., D.E., C.U.E., P.U.E., AND A.E.), WITH RESPONSIBILITY FOR MAINTENANCE.
   - B. ALL TEMPORARY DRAINAGE EASEMENTS (T.D.E.) LYING WITHIN TRACTS "C", "D" AND "E" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE. ALL T.D.E.S SHALL AUTOMATICALLY EXPIRE UPON GRANTING OF A PERPETUAL D.E. FOR THE PERMANENT FACILITIES AND APPROVAL OF A SITE CERTIFICATION BY THE COLLIER COUNTY GROWTH MANAGEMENT DIVISION FOR THE PERMANENT DRAINAGE SYSTEM INSTALLED TO REPLACE THE TEMPORARY FACILITIES WITHIN THE T.D.E.
   - C. ALL PERIMETER LANDSCAPE BUFFER EASEMENTS (P.L.B.E.) LYING WITHIN TRACTS "C", "D", "E", "F", "G", AND "H" AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.

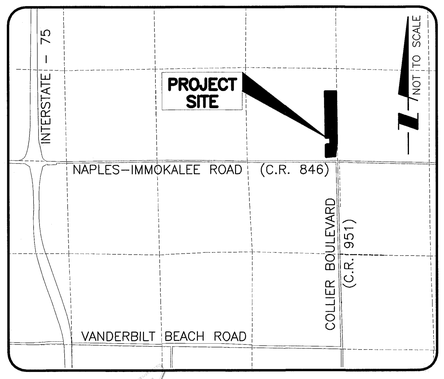
7. DEDICATE TO COLLIER COUNTY, ITS FRANCHISES, AND NORTH COLLIER FIRE CONTROL & RESCUE DISTRICT:
   - A. A NON-EXCLUSIVE ACCESS EASEMENT (A.E.) OVER AND ACROSS TRACT "R" (ADDISON PLACE DRIVE), THE AREA DEPICTED WITHIN THE PERPETUAL ACCESS EASEMENT RECORDED IN O.R. 5771, PG. 30 AND THE AREA DEPICTED WITHIN THE EASEMENT AGREEMENT RECORDED IN O.R. 5771, PG. 1841 FOR THE SOLE PURPOSE OF PERMITTING EMERGENCY AND OTHER SERVICE VEHICLES TO ACCESS THE PROPERTIES DEPICTED ON THIS PLAT, WITH NO RESPONSIBILITY FOR MAINTENANCE.

8. DEDICATE TO COLLIER COUNTY WATER-SEWER DISTRICT:
   - A. ALL COUNTY UTILITY EASEMENTS (C.U.E.) FOR POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER SYSTEM(S) OR PORTION(S) THEREOF AND INGRESS AND EGRESS RIGHTS, WHERE APPROPRIATE, TO THE COLLIER COUNTY WATER-SEWER DISTRICT TO OPERATE AND MAINTAIN POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER UTILITY SYSTEMS OR PORTION(S) THEREOF WITHIN THE PLATTED AREA AFTER FINAL CONVEYANCE TO THE CCWSD AND, WHERE APPLICABLE, TO INSTALL THE CCWSD'S CONNECTING UTILITY FACILITIES WITHIN SUCH EASEMENT(S), WITH NO RESPONSIBILITY FOR MAINTENANCE OF THE SURFACE EASEMENT AREA;
   - B. ALL APPLICABLE POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER SYSTEM(S) OR PORTION(S) THEREOF CONSTRUCTED WITHIN THIS PLATTED AREA IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THE COLLIER COUNTY UTILITIES STANDARDS AND PROCEDURES ORDINANCE (2004-31), AS AMENDED, SHALL BE CONVEYED TO THE BOARD AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT UPON ACCEPTANCE OF THE ADDITIONS, EXTENSIONS, AND/OR IMPROVEMENTS REQUIRED BY THE PLAT.
   - C. A WELL SITE EASEMENT (W.S.E.) LYING WITHIN TRACT "A" WITH RESPONSIBILITY FOR MAINTENANCE FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A RAW WATER WELL IN ACCORDANCE WITH DEVELOPER COMMITMENT 6.4.A IN MPUD ORD 20-03.

9. DEDICATE TO COLLIER COUNTY:
   - A. THE PRESERVE AREA LYING WITHIN TRACT "A" WITHOUT RESPONSIBILITY FOR MAINTENANCE AND SUBJECT TO THE CONDITIONS OF THE DEDICATION IN PARAGRAPH 3.G ABOVE.
   - B. ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED ON THIS PLAT FOR THE SOLE PURPOSE OF ACCEPTANCE AND TREATMENT OF STORMWATER IN ACCORDANCE WITH SECTION VI., 6.E. OF MPUD ORDINANCE 02-03 WITH NO RESPONSIBILITY FOR MAINTENANCE. THE DEDICATION OF THE D.E. INCLUDES THE RIGHT OF ACCESS OVER AND ACROSS THE D.E. AREAS FOR THE PURPOSE OF PERFORMING MAINTENANCE OF THE STORMWATER SYSTEM.
   - C. ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) AND ACCESS EASEMENTS (A.E.) WITHOUT RESPONSIBILITY FOR MAINTENANCE, LYING WITHIN TRACT "B" AS DEPICTED ON THIS PLAT FOR THE SOLE PURPOSE OF MAINTENANCE AND REPAIR NECESSARY TO MAINTAIN OPERATION OF THAT PORTION OF THE TREE FARM STORMWATER MANAGEMENT SYSTEM PROVIDING CONNECTION BETWEEN THE COLLIER COUNTY STORM WATER MANAGEMENT SYSTEM LOCATED IN COLLIER BOULEVARD TO THE SYSTEM OUTFALL TO THE ADJACENT PROPERTY TO THE WEST OF THIS PLAT.
   - D. THE ACCESS EASEMENT (A.E.) WITHOUT RESPONSIBILITY FOR MAINTENANCE, LYING WITHIN TRACT "A" AS DEPICTED ON THIS PLAT FOR THE SOLE PURPOSE OF PERMITTING ACCESS TO THE PRESERVE AREA TO ASSURE MAINTENANCE OF THE PRESERVE AREA IN ACCORDANCE WITH SECTION V., PARAGRAPH 5.2.C. OF MPUD ORDINANCE 20-03.
   - E. A SIDEWALK EASEMENT WITH RESPONSIBILITY FOR MAINTENANCE OVER A PORTION OF THE NORTHEAST CORNER OF TRACT "C" AS SHOWN ON SHEET 3 OF 5.

10. DEDICATE TO ALL LICENSED OR FRANCHISED PUBLIC OR PRIVATE UTILITIES:
   - A. A NON-EXCLUSIVE PUBLIC UTILITY EASEMENT (P.U.E.) AS SHOWN ON THIS PLAT FOR PUBLIC UTILITY PURPOSES, INCLUDING CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF THEIR RESPECTIVE FACILITIES, INCLUDING CABLE TELEVISION SERVICES PROVIDED THAT, TO THE GREATEST EXTENT POSSIBLE, ALL UTILITY LINES SHALL BE UNDERGROUND.

     ALL PUBLIC UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.



LOCATION MAP

FOR REFERENCE ONLY

IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS HAVE CAUSED THESE PRESENTS TO BE SIGNED THIS 26th DAY OF January, 2021, A.D.

WITNESSES:

Madeleine Richie
PRINTED NAME

Sara Marquez
PRINTED NAME

TBC TREE FARM 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY
BY: TBC ADDISON CORNER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SOLE MEMBER

WILLIAM B. YEOMANS, JR.
MANAGER

Lisa Casey
PRINTED NAME

Kristin Trautman
PRINTED NAME

WPPI NAPLES TF, LLC, A DELAWARE LIMITED LIABILITY COMPANY
BY: WPPI/WL TREE FARM, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS SOLE MEMBER

BY: WPPI/HS NAPLES TF INVESTMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS OPERATING MEMBER

BY: WMB CORP., AN INDIANA CORPORATION, ITS MANAGER

J. MATTHEW CHAMBERS
TREASURER

Madeleine Richie
PRINTED NAME

Sara Marquez
PRINTED NAME

Dee Proehl
PRINTED NAME

Lisa B. Lethlow
PRINTED NAME

JFN HOLDINGS, LLC., A FLORIDA LIMITED LIABILITY COMPANY
BY: THE JERRY F. NICHOLS REVOCABLE TRUST, ITS MANAGING MEMBER

JERRY F. NICHOLS
TRUSTEE

HABITAT FOR HUMANITY OF COLLIER COUNTY, INC. A FLORIDA NOT FOR PROFIT CORPORATION

NICK KOULOHERAS
PRESIDENT

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF Florida

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [V] PHYSICAL PRESENCE OR [ ] ONLINE NOTARIZATION, THIS 25th DAY OF January, 2021, BY WILLIAM B. YEOMANS, JR., AS MANAGER OF TBC ADDISON CORNER, LLC, A FLORIDA LIMITED LIABILITY COMPANY, THE SOLE MEMBER OF TBC TREE FARM 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED Driver License AS IDENTIFICATION.

Kim D. Davidson
NOTARY PUBLIC - STATE OF FLORIDA (AFFIX SEAL)

Kim D. Davidson
NAME OF ACKNOWLEDGER (TYPED, PRINTED OR STAMPED)

GG 154782 — COMMISSION #
2-19-2022 — MY COMMISSION EXPIRES

KIM D. DAVIDSON
Notary Public - State of Florida
Commission # GG 154782
My Comm. Expires Feb 19, 2022
Bonded through National Notary Assn.

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF Florida

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [V] PHYSICAL PRESENCE OR [ ] ONLINE NOTARIZATION, THIS 26th DAY OF January, 2021, BY J. MATTHEW CHAMBERS, AS TREASURER OF WMB CORP., AN INDIANA CORPORATION AS MANAGER OF WPPI/HS NAPLES TF, LLC., A DELAWARE LIMITED LIABILITY COMPANY, AS OPERATING MEMBER OF WPPI/WL TREE FARM, LLC., A DELAWARE LIMITED LIABILITY COMPANY, THE SOLE MEMBER OF WPPI NAPLES TF, LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED Driver License AS IDENTIFICATION.

Kim D. Davidson
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My Comm. Expires Feb 19, 2022
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LEGAL DESCRIPTION & GENERAL NOTES

SEE SHEET 2 OF 5

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF Florida

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [V] PHYSICAL PRESENCE OR [ ] ONLINE NOTARIZATION, THIS 25th DAY OF January, 2021, BY NICK KOULOHERAS, AS PRESIDENT OF HABITAT FOR HUMANITY OF COLLIER COUNTY, INC. WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED Driver License AS IDENTIFICATION.

Kim D. Davidson
NOTARY PUBLIC - STATE OF FLORIDA (AFFIX SEAL)

Kim D. Davidson
NAME OF ACKNOWLEDGER (TYPED, PRINTED OR STAMPED)

GG 154782 — COMMISSION #
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Notary Public - State of Florida
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COUNTY APPROVALS

COUNTY ENGINEER

THIS PLAT APPROVED BY THE GROWTH MANAGEMENT DEPARTMENT OF COLLIER COUNTY, FLORIDA THIS 2nd DAY OF FEBRUARY, 2021, A.D.

JACK MCKENNA, P.E.
COLLIER COUNTY, ENGINEER

COUNTY ATTORNEY

THIS PLAT APPROVED BY THE COLLIER COUNTY ATTORNEY THIS 5th DAY OF FEBRUARY, 2021, A.D.

DEREK D. PERRY, ASSISTANT COUNTY ATTORNEY

COUNTY SURVEYOR

THIS PLAT REVIEWED BY THE COLLIER COUNTY SURVEYOR THIS 2nd DAY OF FEBRUARY, 2021, A.D.

MARCUS L. BERMAN, P.S.M. #LS5086
COLLIER COUNTY, FLORIDA

COUNTY COMMISSION APPROVAL

THIS PLAT APPROVED FOR RECORDING IN A REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THIS 8th DAY OF December 2020, A.D., PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF COLLIER COUNTY, FLORIDA.

ATTEST: Attest as to Chairman's signature only
CRYSTAL K. KINZEL, CLERK OF THE CIRCUIT COURT AND COMPTROLLER IN AND FOR COLLIER COUNTY, FLORIDA

PENNY TAYLOR, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES OF THE STATE OF FLORIDA. I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 9:48 AM. THIS 11TH DAY OF FEBRUARY, 2021, A.D. AND DULY RECORDED IN PLAT BOOK 68, PAGES 90 THROUGH 94, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

CRYSTAL K. KINZEL CLERK OF THE CIRCUIT COURT AND COMPTROLLER IN AND FOR COLLIER COUNTY, FLORIDA

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A BOUNDARY SURVEY OF THE PROPERTY PERFORMED BY ME, OR UNDER MY SUPERVISION, AS PROVIDED IN CHAPTER 177.041 FLORIDA STATUTES AND THAT THIS PLAT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, AS AMENDED, FLORIDA STATUTES. IT IS FURTHER CERTIFIED THAT ALL PERMANENT REFERENCE MONUMENTS WILL BE SET PRIOR TO RECORDING OF THIS PLAT AND AND THAT ALL PERMANENT CONTROL POINTS AND LOT CORNERS WILL BE SET PRIOR TO FINAL ACCEPTANCE OF THE REQUIRED IMPROVEMENTS.

STANTEC CONSULTING SERVICES INC.

LANCE T MILLER P.S.M. #LS5627

FEBRUARY 10, 2020
DATED

THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
NAPLES, COLLIER COUNTY, FLORIDA, 34108
PHONE: (239) 649-4040
CERTIFICATE OF AUTHORIZATION #LB-7866

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000869 PDI Tree Farm MPUD)

TREE FARM

A SUBDIVISION LOCATED IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

SCALE: 1"= 150'
0 150 300
SCALE IN FEET

THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
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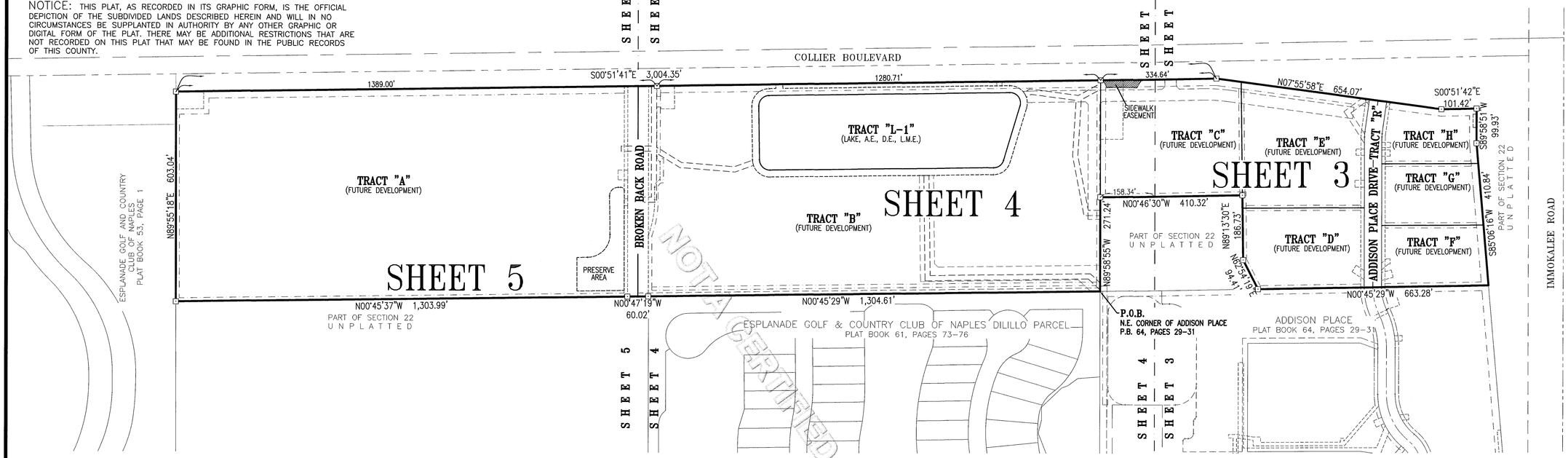

NOT A CERTIFIED COPY

LEGAL DESCRIPTION

ALL THAT PART OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF ADDISON PLACE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGES 29 THROUGH 31, INCLUSIVE, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;
THENCE ALONG THE EAST BOUNDARY LINE OF ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, DILLILO PARCEL, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 61, PAGES 73 THROUGH 76, INCLUSIVE, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, NORTH 00°45'29" WEST 1,304.61 FEET;
THENCE LEAVING SAID BOUNDARY, NORTH 00°47'19" WEST 60.02 FEET;
THENCE NORTH 00°45'37" WEST 1,303.99 FEET TO A POINT ON THE SOUTH LINE OF TRACT M, ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 53, PAGE 1, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;
THENCE ALONG THE BOUNDARY OF SAID ESPLANADE GOLF AND COUNTRY CLUB OF NAPLES, NORTH 89°55'18" EAST 603.04 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF COLLIER BOULEVARD;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF COLLIER BOULEVARD IN THE FOLLOWING THREE (3) DESCRIBED COURSES:
1. SOUTH 00°51'41" EAST 3,004.35 FEET;
2. SOUTH 07°55'58" WEST 654.07 FEET;
3. SOUTH 00°51'42" EAST 101.42 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 89°58'51" WEST 99.93 FEET;
THENCE SOUTH 85°06'16" WEST 410.84 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED ADDISON PLACE;
THENCE ALONG THE EAST LINE OF SAID ADDISON PLACE, NORTH 00°45'29" WEST 663.28 FEET;
THENCE LEAVING SAID LINE, NORTH 62°54'19" EAST 94.41 FEET;
THENCE NORTH 89°13'30" EAST 186.73 FEET;
THENCE NORTH 00°46'30" WEST 410.32 FEET;
THENCE NORTH 89°58'55" WEST 271.24 FEET TO THE POINT OF BEGINNING.

CONTAINING 48.82 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL CURVES ARE CIRCULAR CURVES AND ARE TANGENTIAL UNLESS NOTED OTHERWISE IN DESCRIPTION OF LAND PLATTED.
3. BEARINGS ARE BASED ON THE SOUTH LINE OF SAID SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING NORTH 89°57'40 WEST. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 2007 ADJUSTMENT.
4. □ INDICATES PERMANENT REFERENCE MONUMENT (P.R.M.) SET IRON PIN WITH CAP STAMPED P.R.M. LB-7866.
   ■ INDICATES PERMANENT REFERENCE MONUMENT (P.R.M.)
   ⊙ INDICATES SET PERMANENT CONTROL POINT (P.C.P.) STAMPED P.C.P. LB-7866 AND WILL BE PLACED IN ACCORDANCE TO SECTION 177.091 (8), FLORIDA STATUTES.
5. ABBREVIATIONS:
   P.O.B. = POINT OF BEGINNING
   F.P.L. = FLORIDA POWER & LIGHT
   L.B.E. = LANDSCAPE BUFFER EASEMENT
   P.L.B.E. = PERIMETER LANDSCAPE BUFFER EASEMENT
   L.E. = LAKE EASEMENT
   L.M.E. = LAKE MAINTENANCE EASEMENT,
   P.B. = PLAT BOOK, P or PG = PAGE
   A.E. = ACCESS EASEMENT
   C.U.E. = COUNTY UTILITY EASEMENT
   D.E. = DRAINAGE EASEMENT
   P.U.E. = PUBLIC UTILITY EASEMENT
   O.R. = OFFICIAL RECORDS BOOK
   T.D.E. = TEMPORARY DRAINAGE EASEMENTS
   W.S.E. = WELL SITE EASEMENT
6. THE LANDS ENCOMPASSED BY THIS PLAT ARE SUBJECT TO THE DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS FOR TREE FARM MASTER ASSOCIATION, INC., RECORDED IN OFFICIAL RECORDS BOOK 5761, PAGE 3762, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.
7. THE LANDS ENCOMPASSED BY THIS PLAT ARE SUBJECT TO THE TREE FARM MIXED USE PLANNED UNIT DEVELOPMENT ACCORDING TO ORDINANCE NO 20-03, COLLIER COUNTY, FLORIDA.
8. TRACTS "C", "D", "E", "F", "G", "H" AND "R", ARE SUBJECT TO THE DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS FOR TREE FARM COMMERCIAL, RECORDED IN OFFICIAL RECORDS BOOK 5783, PAGE 3357, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.
9. THE ASSIGNMENT OF MAINTENANCE RESPONSIBILITIES IN THIS PLAT DOES NOT SUPERCEDE ANY PREVIOUSLY RECORDED COST SHARING AGREEMENTS OR EASEMENTS AMONG PROPERTY OWNERS.
10. THE LANDS ENCOMPASSED BY THIS PLAT ARE SUBJECT TO THE RESERVATION OF THE SOUTH 30 FEET OF TRACT "A" AS SHOWN ON THIS PLAT, AND THE NORTH 30 FEET OF TRACT "B" AS SHOWN ON THIS PLAT AS ACCESS EASEMENTS FOR HIGHWAY RIGHT-OF-WAY IN ACCORDANCE WITH EXHIBIT "A" TO THE DEED RECORDED AT OFFICIAL RECORDS BOOK 5475, PAGE 3597.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000869 PDI Tree Farm MPUD)

PLAT BOOK 68 PAGE 92
SHEET 3 OF 5

TREE FARM

A SUBDIVISION LOCATED IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
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PHONE: (239) 649-4040
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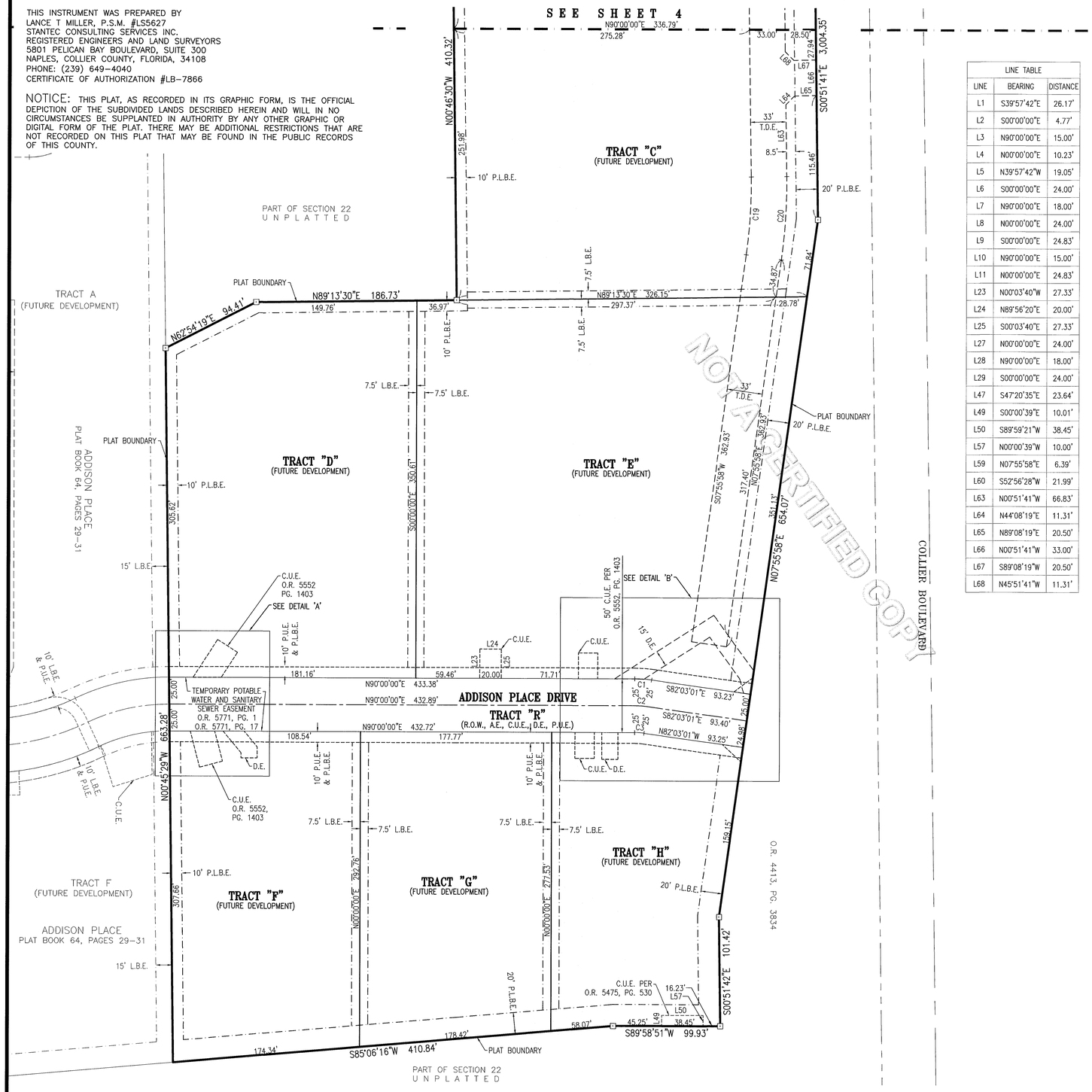


LINE TABLE		
LINE	BEARING	DISTANCE
L1	S39°57'42"E	26.17'
L2	S00°00'00"E	4.77'
L3	N90°00'00"E	15.00'
L4	N00°00'00"E	10.23'
L5	N39°57'42"W	19.05'
L6	S00°00'00"E	24.00'
L7	N90°00'00"E	18.00'
L8	N00°00'00"E	24.00'
L9	S00°00'00"E	24.83'
L10	N90°00'00"E	15.00'
L11	N00°00'00"E	24.83'
L23	N00°03'40"W	27.33'
L24	N89°56'20"E	20.00'
L25	S00°03'40"E	27.33'
L27	N00°00'00"E	24.00'
L28	N90°00'00"E	18.00'
L29	S00°00'00"E	24.00'
L47	S47°20'35"E	23.64'
L49	S00°00'39"E	10.01'
L50	S89°59'21"W	38.45'
L57	N00°00'39"W	10.00'
L59	N07°55'58"E	6.39'
L60	S52°56'28"W	21.99'
L63	N00°51'41"W	66.83'
L64	N44°08'19"E	11.31'
L65	N89°08'19"E	20.50'
L66	N00°51'41"W	33.00'
L67	S89°08'19"W	20.50'
L68	N45°51'41"W	11.31'

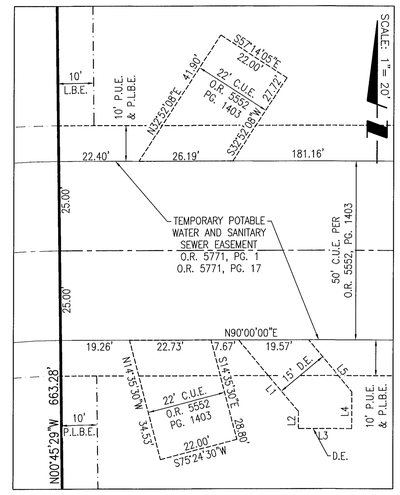
CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	113.00'	7°56'59"	15.68'	15.67'	S86°01'31"W
C2	88.00'	7°56'59"	12.21'	12.20'	N86°01'31"W
C3	63.00'	7°56'59"	8.74'	8.73'	N86°01'31"W
C17	113.00'	3°41'19"	7.27'	7.27'	N83°53'41"W
C19	471.50'	8°47'39"	72.37'	72.30'	S03°32'08"W
C20	504.50'	8°47'39"	77.43'	77.36'	N03°32'08"E

SCALE: 1" = 50'

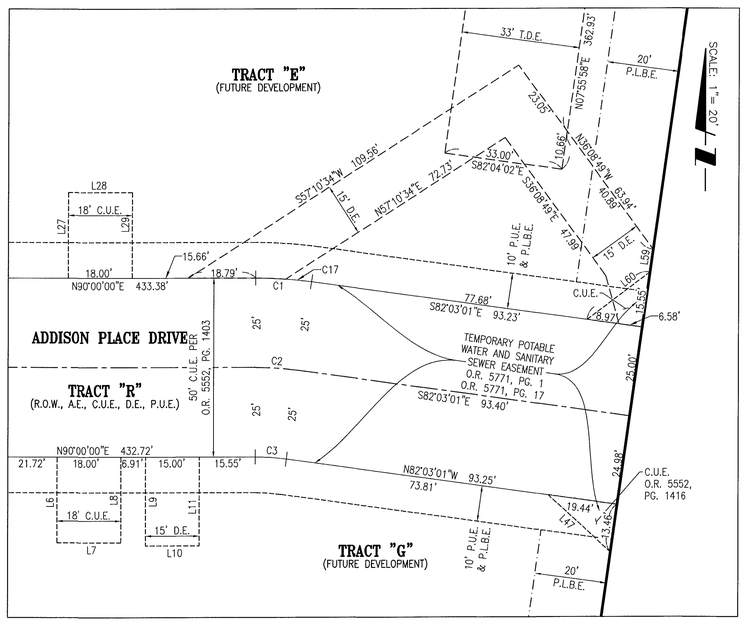
0 50 100

SCALE IN FEET

DETAIL 'A'
(SCALE: 1" = 20')



DETAIL 'B'
(SCALE: 1" = 20')



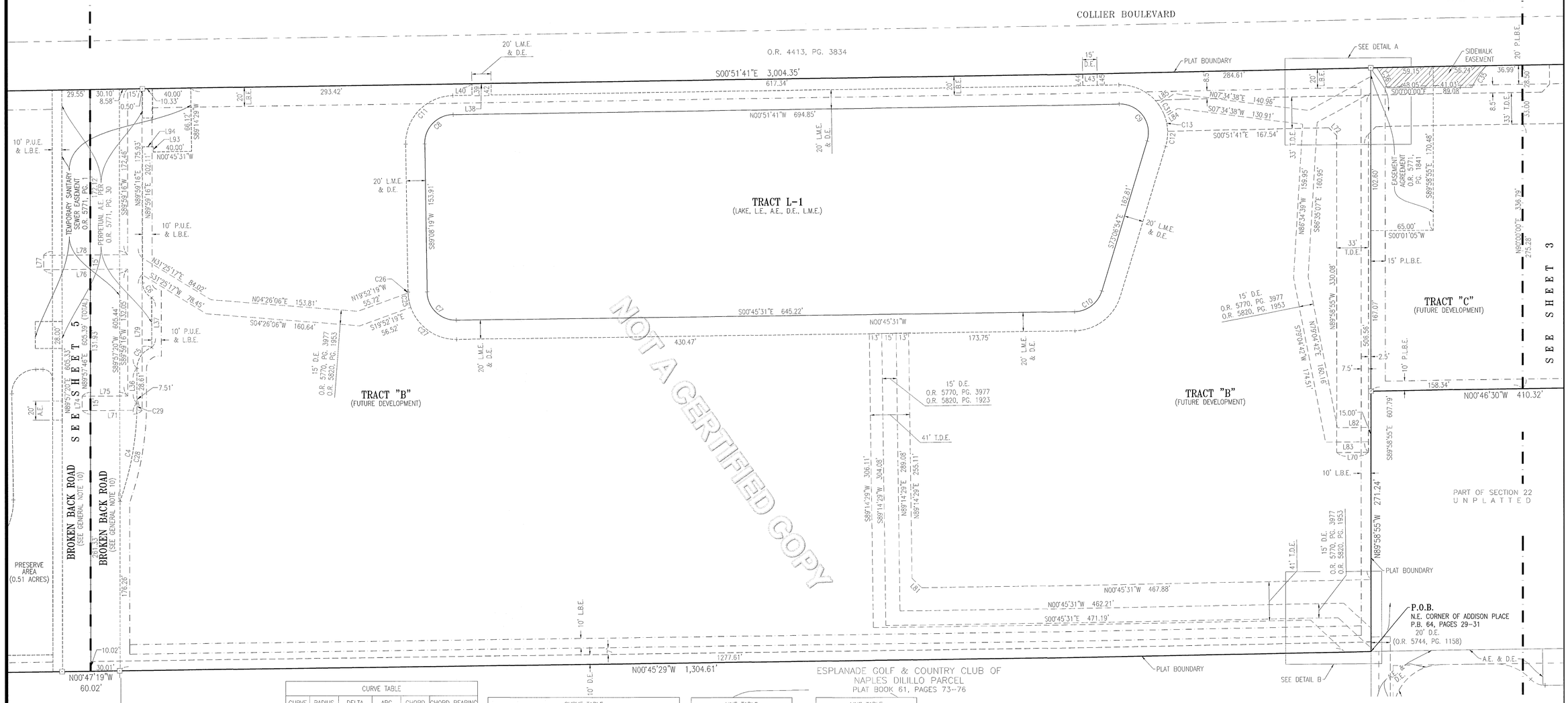
Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

TREE FARM

A SUBDIVISION LOCATED IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.

PLAT BOOK 68 PAGE 93
SHEET 4 OF 5

SCALE: 1" = 50'
0 50 100
SCALE IN FEET



NOT A CERTIFIED COPY

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C4	302.00'	19°48'05"	104.37'	103.85'	S80°07'25"E
C5	23.00'	70°58'07"	28.49'	26.70'	S54°31'41"E
C6	17.00'	63°49'16"	18.94'	17.97'	N58°04'38"E
C7	30.00'	89°53'50"	47.07'	42.39'	S44°11'24"W
C8	30.00'	90°00'00"	47.12'	42.43'	N45°51'41"W
C9	30.00'	107°44'47"	56.42'	48.46'	N53°00'42"E
C10	30.00'	72°21'23"	37.89'	35.42'	S36°56'13"E
C11	50.00'	90°00'00"	78.54'	70.71'	N45°51'41"W
C12	50.00'	18°19'08"	15.99'	15.92'	S82°16'28"E
C13	50.00'	17°38'52"	15.40'	15.34'	N79°44'32"E
C25	50.00'	17°28'50"	15.25'	15.20'	N79°19'46"E
C26	50.00'	1°04'08"	0.93'	0.93'	S88°36'15"W
C27	50.00'	77°06'58"	67.30'	62.33'	S37°47'58"W
C28	302.00'	18°22'46"	96.88'	96.46'	S79°24'46"E
C29	302.00'	1°25'19"	7.50'	7.50'	S89°18'48"E
C31	50.00'	17°19'16"	15.12'	15.06'	S62°15'27"W

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C35	78.00	20°13'11"	27.53'	27.38'	N56°15'17"W
C36	73.01	18°44'46"	23.89'	23.78'	N62°11'53"E

LINE TABLE		
LINE	BEARING	DISTANCE
L36	N89°59'16"E	36.11'
L37	N89°59'16"E	52.00'
L38	S00°51'41"E	20.00'
L39	S89°10'02"W	12.00'
L40	N00°51'41"W	20.00'
L41	N45°25'18"W	3.56'
L42	N89°10'02"E	12.00'
L43	S00°51'41"E	15.00'
L44	N89°08'19"E	12.00'
L45	N89°08'19"E	12.00'
L46	N45°25'18"W	7.66'
L70	S00°01'05"W	33.00'
L71	S00°10'01"E	62.48'
L72	S44°34'42"W	11.40'

LINE TABLE		
LINE	BEARING	DISTANCE
L74	S89°49'59"W	15.00'
L75	N00°10'01"W	47.52'
L76	S00°21'13"E	87.45'
L77	S89°38'47"W	15.00'
L78	N00°21'13"W	87.54'
L79	N89°59'16"E	141.18'
L81	N44°14'29"E	14.14'
L82	N00°01'10"E	34.81'
L83	S00°01'10"W	47.19'
L84	S32°46'42"E	15.82'
L85	N32°46'42"W	20.01'
L93	N89°14'29"E	5.25'
L94	N00°02'40"W	11.12'

THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
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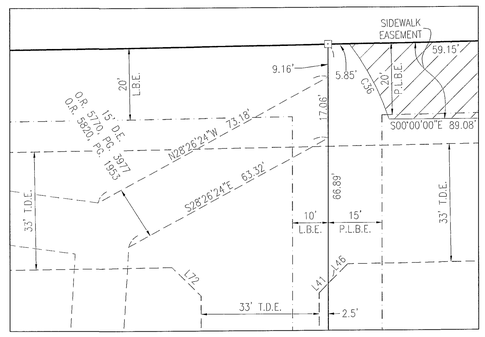
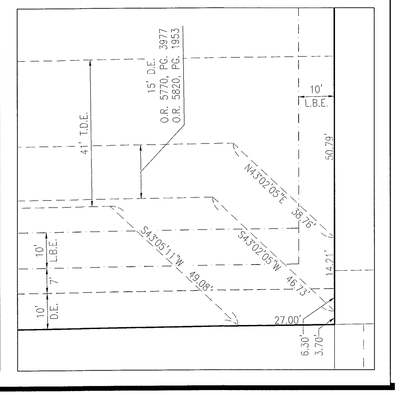
DETAIL A
(SCALE: 1" = 20')



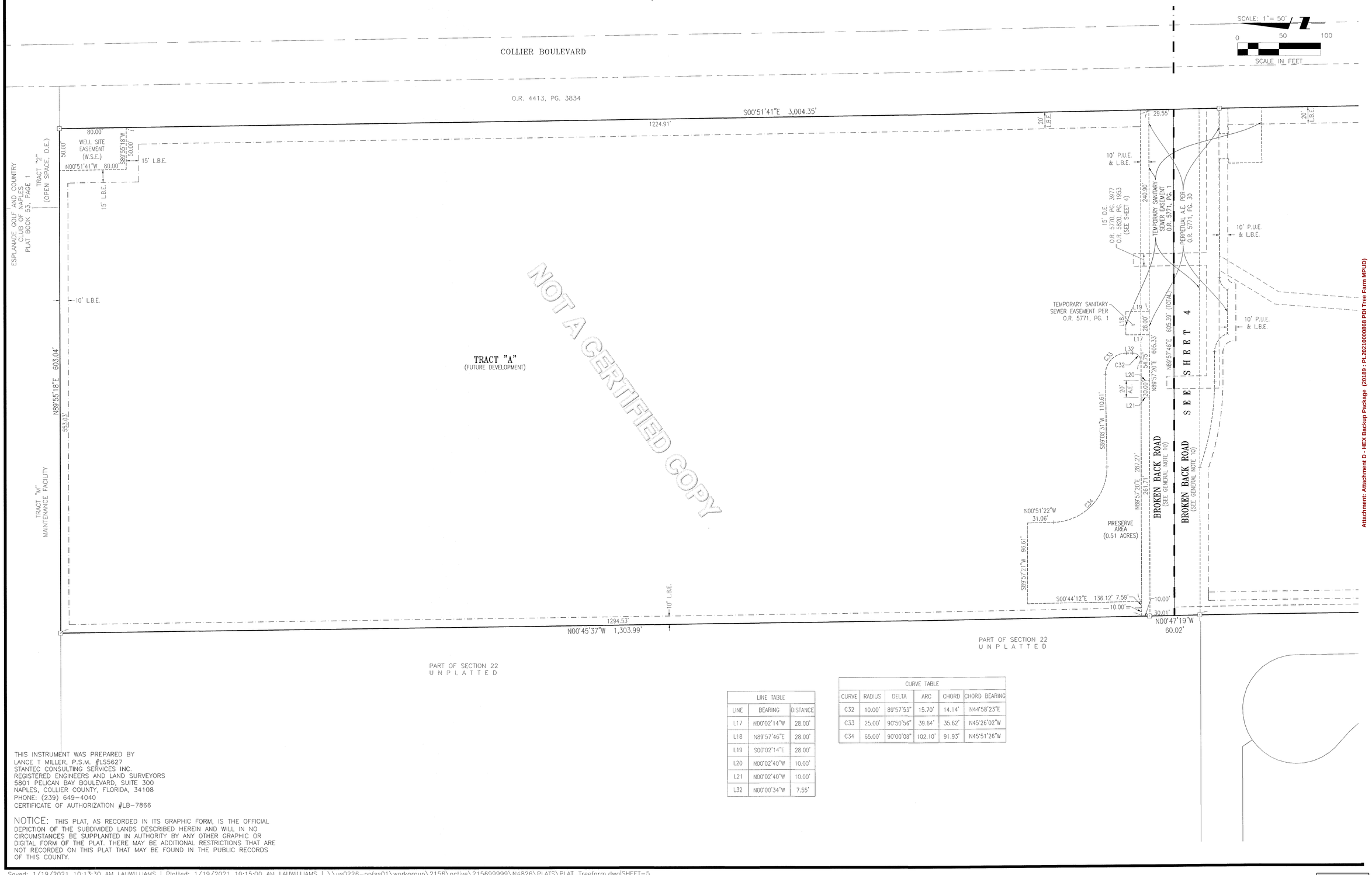
DETAIL B
(SCALE: 1" = 20')



Attachment: Attachment D - HEX Backup Package (20189 : PL2021000668 PDI Tree Farm MPUD)

TREE FARM

A SUBDIVISION LOCATED IN SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



NOT A CERTIFIED COPY

LINE TABLE		
LINE	BEARING	DISTANCE
L17	N00°02'14"W	28.00'
L18	N89°57'46"E	28.00'
L19	S00°02'14"E	28.00'
L20	N00°02'40"W	10.00'
L21	N00°02'40"W	10.00'
L32	N00°00'34"W	7.55'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C32	10.00'	89°57'53"	15.70'	14.14'	N44°58'23"E
C33	25.00'	90°50'56"	39.64'	35.62'	N45°26'02"W
C34	65.00'	90°00'08"	102.10'	91.93'	N45°51'26"W

THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
NAPLES, COLLIER COUNTY, FLORIDA, 34108
PHONE: (239) 649-4040
CERTIFICATE OF AUTHORIZATION #LB-7866

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

INSTR 5876138 OR 5771 PG 1841 E-RECORDED 6/5/2020 1:35 PM PAGES 14
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $0.70 REC $120.50 INDX $2.00
CONS $10.00

Prepared without opinion of title by:

Zachary J. Chauhan, Esq.
Trenam Law
101 E. Kennedy Blvd.
Suite 2700
Tampa, FL 33602

Space Above This Line for Recording Date

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this "**Agreement**) is made and entered into as of the 2. day of June. 2020, by and between **TBC Tree Farm 1, LLC**., a Florida limited liability company, its successors and/or assigns ("**TBC1**") and **WPPI Naples TF, LLC**, a Delaware limited liability company, its successors and/or assigns ("**WPPI**"). TBC1 and WPPI are sometimes collectively referred to herein as the "**Parties**".

COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

WITNESSETH

WHEREAS, TBC1 is the owner of that certain tract or parcel of land more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference (the "**TBC1 Property**");

WHEREAS, WPPI is the owner of that certain tract or parcel of land more particularly described on **Exhibit "B"** attached hereto and incorporated herein by this reference (the "**WPPI Property**");

WHEREAS, WPPI intends to construct certain roadway improvements together with sidewalks, curbing, lighting and landscaping (collectively, the "**Roadway Improvements**") within the portion of the TBC1 Property legally described on **Exhibit "C"** attached hereto and incorporated herein by this reference (the "**Easement Area**")

WHEREAS, WPPI also intends to construct signage ("**Signage**") in the Easement Area;

WHEREAS, the Roadway Improvements and Signage are generally depicted on the conceptual site plan set forth on **Exhibit "D"** attached hereto and incorporated herein by this reference (the "**Conceptual Site Plan**"); and

WHEREAS, TBC1 has agreed to grant and convey to WPPI the Access Easement (defined below) and Signage Easement (defined below).

NOW, THEREFORE, in consideration of the mutual agreements, covenants and conditions contained herein, and the payment of Ten and no/100th Dollars in hand paid by the Parties, the receipt and sufficiency of each of which are hereby acknowledged, the Parties hereby agree as follows:

1. Recitals. The foregoing recitals are hereby ratified and confirmed and incorporated by reference as if fully set forth herein.

2. Grant of Access Easement. TBC1 hereby declares, establishes, grants and conveys: (a) to WPPI, its successors and assigns a perpetual, non-exclusive easement for the purposes of constructing, maintaining, repairing and replacing the Roadway Improvements, and (b) to WPPI, its successors and assigns, licensees, tenants, permittees, guests and invitees a perpetual, non-exclusive easement for ingress

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and egress on, over and across the Easement Area solely for the purposes of pedestrian and vehicular access to and from the WPPI Property (collectively, the "**Access Easement**").

3. Construction and Maintenance of the Roadway Improvements.

a. WPPI shall, at its sole cost and expense, construct the Roadway Improvements. At least two (2) months prior to commencing construction of the Roadway Improvements, WPPI shall deliver to TBC1 plans and specifications with respect to such Roadway Improvements (the **"Roadway Plans"**) for TBC1's review and approval, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, TBC1 shall not be permitted to withhold its consent (i) if the Roadway Plans are consistent with the Conceptual Site Plan and (ii) as long as the Roadway Plans, including without limitation, the proposed entrance, are typical of a class A apartment project in the market. TBC1 shall have ten (10) business days (the "**Roadway Plan Review Period**") after receipt of the plans and specifications to review and provide WPPI written notice of its comments and objections to such plans and specifications within said Roadway Plan Review Period. Absent such written notice of objection within the Roadway Plan Review Period, the Roadway Plans shall conclusively be deemed approved. Following receipt of said objections, WPPI shall have twenty (20) business days (the "**Roadway Plan Resubmittal Period**") to provide amended plans and specifications addressing the objections. This process shall continue as set forth above until the plans and specifications for the Roadway Improvements are approved by TBC1, however, the Roadway Plan Review Period and the Roadway Plan Resubmittal Period shall be reduced to five (5) business days and ten (10) business days respectively after the initial review period. Once approved (or deemed to be approved, as the case may be), the plans and specifications shall be deemed to be the "**Roadway Approved Plans and Specifications**". WPPI shall construct the Roadway Improvements in accordance with the Roadway Approved Plans and Specifications and shall be responsible for obtaining all permits and other governmental approvals with respect to the Roadway Improvements.

b. In the event (i) substantial completion of the Roadway Improvements has not yet been completed and (ii) as a condition to the issuance of a Certificate of Completion (or Occupancy) (a "**CO**") with respect to the development of the TBC1 Property, Collier County requires completion of the Roadway Improvements, and provided completion of construction of the Roadway Improvements is not achieved within one hundred twenty (120) days following written notice from TBC1 to WPPI (the "**Cure Period**"), then TBC1 shall have the right (but not the obligation) to undertake the completion of the Roadway Improvements by delivering written notice of such election to WPPI within fourteen (14) days of the expiration of the Cure Period (the "**Election Period**"). In the event TBC1 exercises the foregoing right to complete the Roadway Improvements, the Roadway Approved Plans and Specifications and permits related thereto will be deemed assigned and transferred to TBC1 and WPPI shall cooperate and work in good faith with TBC1 to facilitate the undertaking of such work. Although the foregoing transfer and assignment of the Roadway Improvements Approved Plans and Specifications and associated permits is intended to be self-operative, WPPI shall fully cooperate in connection therewith including, without limitation, the execution of such documentation as may be reasonably requested by TBC1 or required by any governmental entity or agency having jurisdiction. In the event TBC1 elects to undertake completion of the Roadway Improvements, WPPI shall promptly reimburse TBC1 for all reasonable costs incurred by TBC1 in connection with the construction of the Roadway Improvements.

c. After completion of construction of the Roadway Improvements, WPPI shall be, at its sole cost and expense, responsible for maintaining the Roadway Improvements located within the Easement Area.

4. Grant of Signage Easement. TBC1 hereby declares, establishes, grants and conveys to WPPI, its successors and assigns, a perpetual, non-exclusive easement for the construction, use, maintenance, repair and replacement of the Signage within the portion of the Easement Area shown on the

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Conceptual Site Plan as "Allowable Multi-Family Sign Area and Enhanced Landscaping within Access Easement" (the "**Signage Easement**"), provided however that the Signage or the construction, installation, maintenance or use thereof shall not unreasonably block the view of the TBC1 Signage (as hereinafter defined) or otherwise unreasonably interfere with or otherwise prevent the non-exclusive use and enjoyment of the Easement Area by TBC1 for the purposes set forth herein.

5. Construction and Maintenance of the Signage.

a. WPPI may, at its sole cost and expense, construct the Signage within the portion Easement Area shown on the Conceptual Site Plan as "Allowable Multi-Family Sign Area and Enhanced Landscaping within Access Easement". At least two (2) months prior to commencing construction of the Sign, WPPI shall deliver to TBC1 plans and specifications with respect to such Signage for TBC1's review and comment. TBC1 shall have ten (10) business days after receipt of the plans and specifications to review provide WPPI written notice of its comments. WPPI shall have no obligation to accept or incorporate such comments into its plans and specifications for the Signage. WPPI shall be responsible for obtaining all permits and other governmental approvals with respect to the Signage.

b. Notwithstanding anything in this Agreement to the contrary, the location of the Signage shall be as set forth on the Conceptual Site Plan.

c. After completion of construction of the Sign, WPPI shall be, at its sole cost and expense, be responsible for maintaining the Sign located within the Easement Area.

6. Reservation of Rights. TBC1 reserves the right to construct, install, maintain and use signs (the "**TBC1 Signage**") within the portion of the Easement Area shown on the Conceptual Site Plan as "Allowable Commercial Sign Area and Enhanced Landscaping within Access Easement," provided however that the TBC1 Signage or the construction, installation, maintenance or use thereof shall not unreasonably block the view of the Signage or otherwise unreasonably interfere with or otherwise prevent the non-exclusive use and enjoyment of the Easement Area by WPPI for the purposes set forth herein. TCB1 shall be responsible for maintaining the TBC1 Signage and for all construction and maintenance costs thereof. Notwithstanding the foregoing, at least two (2) months prior to commencing construction of the TBC1 Signage, TBC1 shall deliver to WPPI plans and specifications with respect to such TBC1 Signage for WPPI's review and comment. WPPI shall have ten (10) business days after receipt of the plans and specifications to review provide TBC1 written notice of its comments. TBC1 shall have no obligation to accept or incorporate such comments into its plans and specifications for the TBC1 Signage. TBC1 shall be responsible for obtaining all permits and other governmental approvals with respect to the TBC1 Signage. In addition, TBC1 reserves the right to install and maintain landscaping within the portion of the Easement Area shown on the Conceptual Site Plan as "Allowable Commercial Sign Area and Enhanced Landscaping within Access Easement," provided however that such landscaping shall be consistent with landscaping installed by WPPI and shall not unreasonably block the view of the Signage. Furthermore, TBC1 reserves the right for itself, its successors and assigns, licensees, tenants, permittees, guests and invitees to use the Roadway for the purposes of pedestrian and vehicular access.

7. Compliance. Use of the Access Easement and Signage Easement shall be subject to and at all times comply with all applicable laws, statutes, codes, ordinances, zoning and other governmental restrictions, and all covenants, conditions, restrictions, easements, rights-of-way and other matters of record. Use of the Access Easement and Signage Easement shall be at the sole risk of users thereof.

8. Easements and Agreements to Run With Land. The easements and agreements granted, made and declared herein shall be perpetual easements and agreements running with the land, burdening and benefitting the TBC1 Property and the WPPI Property, as applicable. Such easements and agreements

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Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

shall be appurtenant to the TBC1 Property and the WPPI Property, as applicable, and may not be modified or waived in any manner except by written recorded instrument executed by the respective owner or owners of such property.

9. Indemnification.

a. WPPI shall indemnify, defend and hold TBC1 harmless from and against any and all damages, liability, costs and expenses suffered or incurred by TBC1 or asserted against TBC1 or the TBC1 Property as a result of or in connection with WPPI's (or any person or entity claiming by, through or under WPPI) use of the Access Easement and/or Signage Easement except to the extent such damages, liabilities, costs and expenses arise out of the negligence or willful misconduct of TBC1.

b. TBC1 shall indemnify, defend and hold WPPI harmless from and against any and all damages, liability, costs and expenses suffered or incurred by WPPI or asserted against WPPI or the WPPI Property as a result of or in connection with TBC1's (or any person or entity claiming by, through or under TBC1) use of the Access Easement and/or Signage Easement except to the extent such damages, liabilities, costs and expenses arise out of the negligence or willful misconduct of TBC1.

10. Default. In the event either party shall default in the performance of their respective maintenance obligations hereunder, the other party shall have the right, in addition to all other remedies it may have at law or in equity, after fifteen (15) days' prior written notice to the other (or in the event of an emergency after such notice as is practicable under the circumstances), shall have the right, but not the obligation, to perform such obligation on behalf of the defaulting party. In such event, the defaulting party shall promptly reimburse the other party the cost thereof, together with interest thereon at the lesser of eighteen percent (18%) or the maximum rate allowable per law.

11. No Dedication. Notwithstanding anything in this Agreement to the contrary, nothing contained herein shall be deemed to be a gift or dedication of any property described herein to the general public or for any public purpose, or to inure to the benefit any other person or entity, except as expressly set forth in this Agreement, it being the intention of the parties that this Agreement exclusively benefits the TBC1 Property and WPPI Property and will be limited to and for the purposes expressed in this Agreement.

12. Headings. The paragraph titles and headings of this Agreement are for convenience of reference only, do not form a part hereof, and shall not affect the meaning or interpretation of this Agreement.

13. Counterparts. This Agreement may be executed in any number of multiple counterparts, each of which when executed shall constitute an original and all of which shall constitute a single document.

14. Enforcement. In the event a party hereto elects or is required to bring an action to enforce a provision of this Agreement or to recover damages, or employs an attorney to seek the enforcement of any provision of this Agreement or to recover damages, the prevailing party in any such action shall be entitled to recover reasonable fees and costs, including attorneys' fees, whether incurred at trial or on appeal, from the non-prevailing party.

15. Governing Law; Venue. This Agreement shall be interpreted, construed and enforced in accordance with the laws of the state of Florida, exclusive of choice of law rules. Venue for any dispute arising under this Agreement shall lie exclusively in Collier County, Florida, and in no other venue.

[Signature pages to follow]

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

IN WITNESS WHEREOF, the parties, by and through their respective duly authorized representatives, have each executed this Agreement to be effective as of the day and year first above written.

TBC1:

WITNESSESS:

Print Name: Zachary Chauhan

Print Name: PATTY L. MEW

TBC Tree Farm 1, LLC,
a Florida limited liability company

By: TBC Addison Corner, LLC, a Florida limited liability company, its sole member

By: _____
William B. Yeomans, Jr.
Manager

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 28 day of May, 2020, by William B. Yeomans Jr., as Manager of TBC Addison Corner, LLC, a Florida limited liability company, the sole member of TBC Tree Farm 1, LLC, a Florida limited liability company, on behalf of the limited liability company. He [☑] is personally known to me or [ ] presented a _____ driver's license as identification.

PATTY L. MEW
Commission # GG 986354
Expires May 17, 2024
Bonded Thru Budget Notary Services

Notary Public
Print Name: PATTY L. MEW
My Commission Expires:

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WPPI:

WITNESSESS:

Print Name: DIANE GOLDEN

Print Name: MARY LOGOTHETIS

WPPI NAPLES TF, LLC,
a Delaware limited liability company

By: WPPI/WL Tree Farm, LLC
a Delaware limited liability company
its: sole member

By: WPPI/HS Naples TF Investment, LLC
a Delaware limited liability company
its: Operating Member

By: WMB Corp., an Indiana
corporation,
its: Manager

By: _____
J. Matthew Chambers, Treasurer

COLLIER COUNTY
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CLERK OF THE CIRCUIT COURT

STATE OF INDIANA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 1st day of JUNE, 2020, by J. Matthew Chambers, the Treasurer of WMB Corp., an Indiana corporation, the Manager of WPPI/HS Naples TF Investment, LLC, a Delaware limited liability company, the Operating Member of WPPI/WL Tree Farm, LLC, a Delaware limited liability company, the Sole Member of WPPI Naples TF, LLC a Delaware limited liability company, who executed the foregoing document on behalf of said corporation in its capacity as the Manager of the Operating Member of the Sole Member of WPPI Naples TF, LLC, and ☒ who is personally known to me or ☐ who has produced _____ as identification.

SHARON MUSTAFA
Lake County
My Commission Expires
October 18, 2023

Notary Public

Print Name: SHARON MUSTAFA

My Commission Expires: 10.18.27

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

CONSENT AND SUBORDINATION

JERRY F. NICHOLS, TRUSTEE OF THE JERRY F. NICHOLS REVOCABLE TRUST DATED OCTOBER 7, 1999, the undersigned mortgagee, is the owner and holder of a purchase money mortgage (the "TBC 1 Mortgage") on the real property more particularly described in such TBC 1 Mortgage, dated July 27, 2017, and recorded August 3, 2017 in Official Records Book 5422, at Page 1552, of the Public Records of Collier County, Florida, as amended by that certain Partial Release of Mortgage and Other Loan Documents dated September 19, 2018, and recorded September 24, 2018 in Official Records Book 5555, at Page 1930, of the Public Records of Collier County, Florida, and hereby consents to TBC Tree Farm 1, LLC, a Florida limited liability company, subjecting the real property described in the TBC 1 Mortgage to the provisions of the above Perpetual Access Agreement and agrees that the lien of the TBC 1 Mortgage shall be subordinate to the above Perpetual Access Agreement.

COLLIER COUNTY COPY CLERK OF THE CIRCUIT COURT

JERRY F. NICHOLS, TRUSTEE OF THE JERRY F. NICHOLS REVOCABLE TRUST DATED OCTOBER 7, 1999

STATE OF Florida)
) SS:
COUNTY OF Collier)

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization, this 5th day of March, 2020, by JERRY F. NICHOLS, TRUSTEE OF THE JERRY F. NICHOLS REVOCABLE TRUST DATED OCTOBER 7, 1999. He [✓] is personally known to me or [ ] has produced _____ as identification.

KRISTIN M. CONROY
MY COMMISSION # GG 161485
EXPIRES: November 19, 2021
Bonded Thru Notary Public Underwriters

Notary Public – State of Florida

My Commission Expires: 11/19/2021

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

EXHIBIT A

Legal Description of TBC1 Property

The East Half of the Southeast Quarter of the Southeast Quarter of Section 22, Township 48 South, Range 26 East, Collier County, Florida; excepting the South 100 feet thereof for Canal Right-of-Way.

And excepting therefrom the property described in Deed Recorded in O.R. Book 4413, Page 3834, Public Records of Collier County, Florida (For Right of Way Purposes).

And excepting therefrom the following described property:

Part of Section 22, Township 48 South, Range 26 East, Collier County, Florida being more particularly described as follows:

COMMENCING at the Southeast corner of Section 22, Township 48 South, Range 26 East, Collier County, Florida;

Thence along the South line of said Section 22, North 89°57'40" West 660.04 feet;

Thence leaving said line, North 00°45'29" West 878.30 feet to the POINT OF BEGINNING; Thence continue along said line North 00°45'29" West 455.93 feet;

Thence South 89°58'55" East 271.24 feet;

Thence South 00°46'30" East 410.32 feet;

Thence South 89°13'30" West 186.73 feet;

Thence South 62°54'19" West 94.41 feet to the POINT OF BEGINNING. Containing 2.61 acres, more or less.

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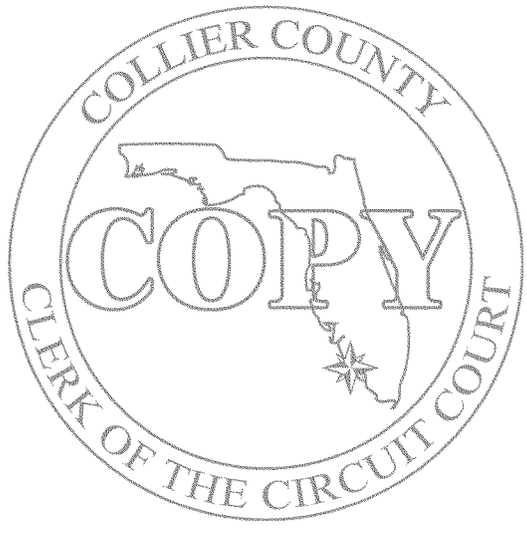
EXHIBIT B

Legal Description of WPPI Property

The East Half of the Northeast Quarter of the Southeast Quarter of Section 22, Township 48 South, Range 26 East, Collier County, Florida; excepting there from the property described in Deed recorded in Official Records Book 4413, Page 3834, Public Records of Collier County, Florida (For Right Of Way Purposes).

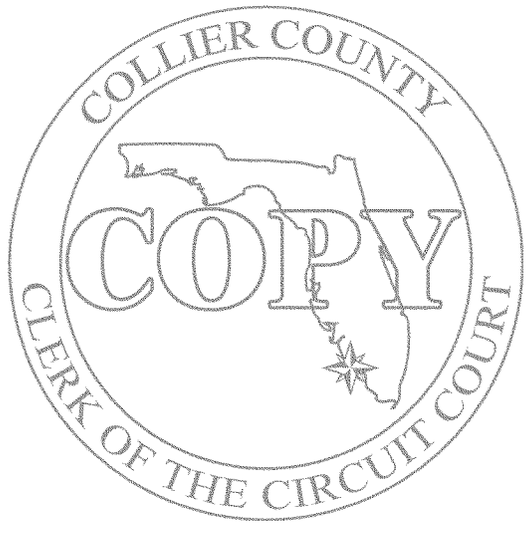


Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

EXHIBIT C

Legal Description and Depiction of Easement Area

(SEE ATTACHED)



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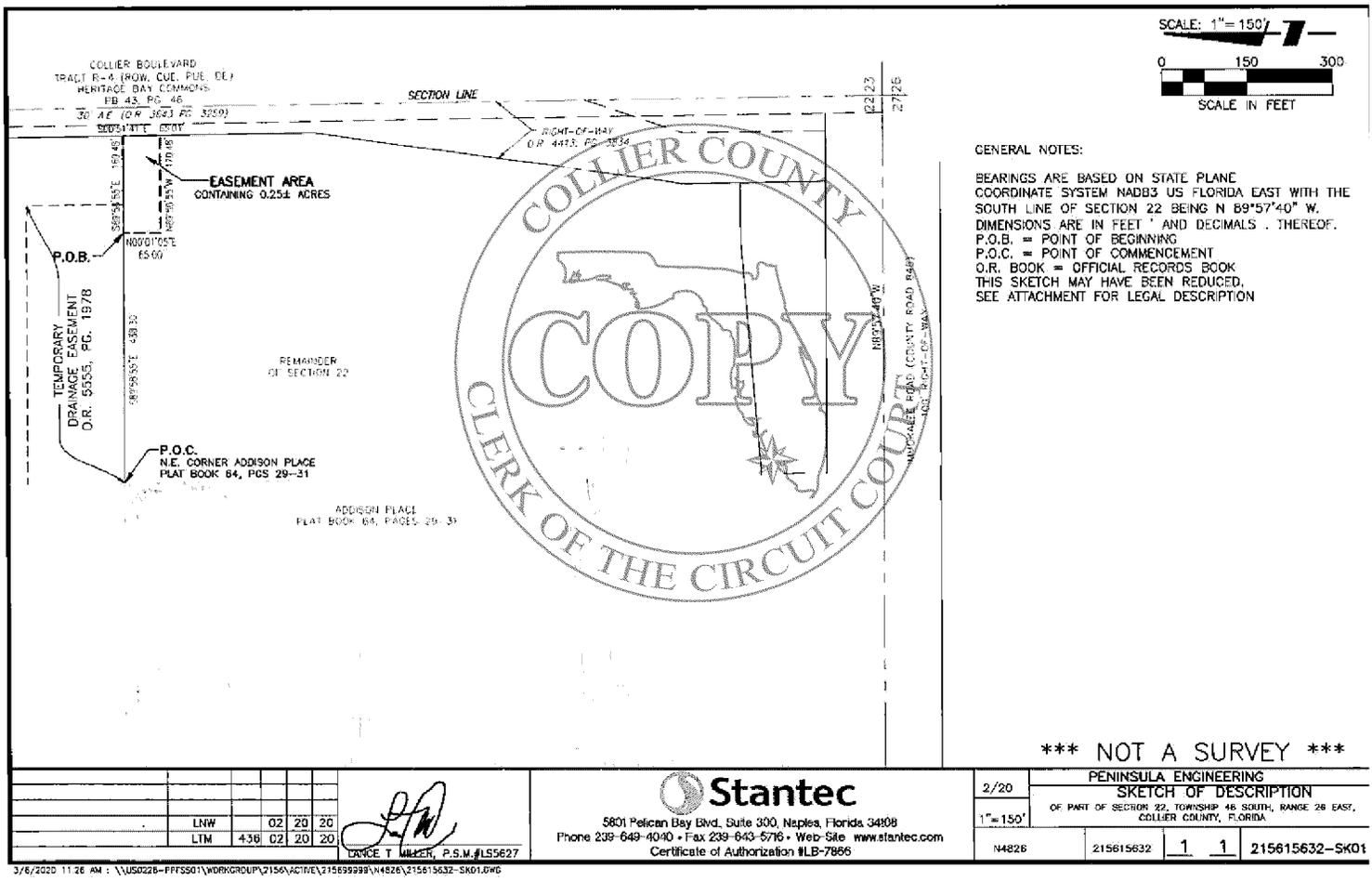

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Stantec
5801 Pelican Bay Boulevard, Suite 300, Naples, FL 34108

Legal Description
Part of Section 22, Township 48 South, Range 26 East,
Collier County, Florida
(Easement Area)

COMMENCING at the Northeast corner of Addison Place, a subdivision according to the Plat thereof, as recorded in Plat Book 64, Pages 29 through 31, Public Records of Collier County, Florida;
Thence North 89°58'55" East 438.30 feet to the POINT OF BEGINNING;
Thence continue South 89°58'55" East 169.48 feet to a point on the West line of Collier Boulevard;
Thence along said right-of-way, South 00°51'41" East 65.01 feet;
Thence leaving said right-of-way, North 89°58'55" West 170.48 feet;
Thence North 00°01'05" East 65.00 feet to the POINT OF BEGINNING.

Containing 0.25 acres, more or less.
Subject to easements and restrictions of record.
Bearings are based on State Plane coordinate system US-FL East NAD83 adjustment with the South line of Section 22 being North 89°57'40" West.

Certificate of authorization #LB-7866
Stantec Consulting Services, Inc.
Registered Engineers and Land Surveyors

COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

By: _____ February 20, 2020
Lance T Miller, Professional Surveyor and Mapper #LS5627

Not valid unless embossed with the Professional's seal.
Ref. 215615632-SK01

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

EXHIBIT D

Conceptual Site Plan

(SEE ATTACHED)

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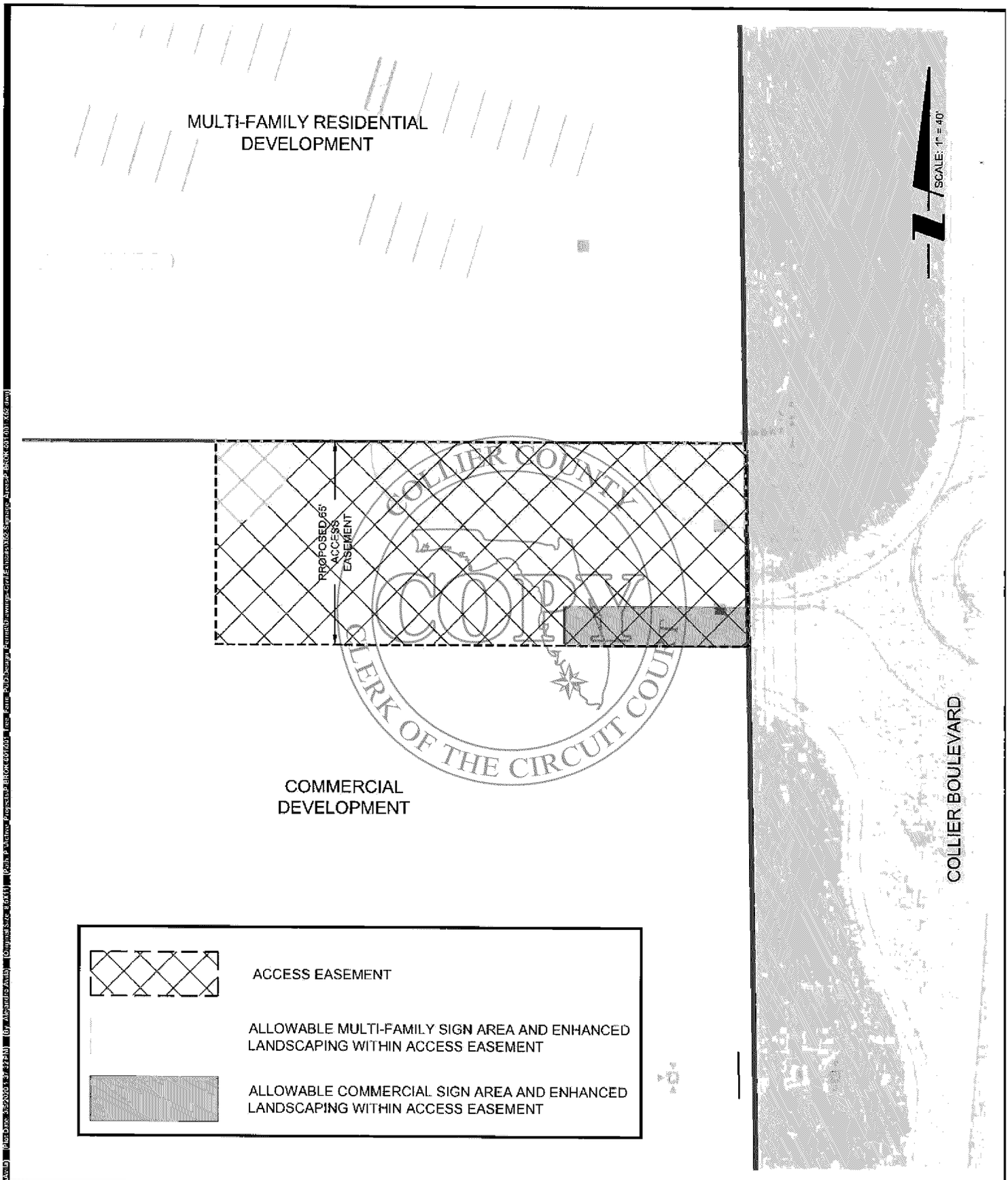

PENINSULA ENGINEERING
CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT
OWNER REPRESENTATIVE
2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
email: info@peninsula-eng.com Website: www.peninsula-eng.com
Florida Certificate of Authorization #28275

PROJECT:
TREE FARM

TITLE:
ALLOWABLE SIGN AND LANDSCAPE AREA

OWNER/CLIENT/CONSULTANT:
BROOKLINE COMPANIES

SEC: 22	TWP: 48S RGE: 26E
Designed by:	ALEJANDRO AVILA
Drawn by:	ALEJANDRO AVILA
Date:	MARCH 2020
Drawing Scale:	1" = 40'
Project Number:	P-BROK-001-001
File Number:	P-BROK-001-001-X52
Sheet Number:	C-X52

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

AFFIDAVIT OF COMPLIANCE

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

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

(Signature of Applicant)

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☑ physical presence or ☐ online notarization this 9th day of August, 2021, by CHRISTOPHER O. SCOTT.

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 Seal)

Notary Signature: Kim D. Davidson

KIM D. DAVIDSON
Notary Public – State of Florida
Commission # GG 154782
My Comm. Expires Feb 19, 2022
Bonded through National Notary Assn.

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

Tree Farm PUD Insubstantial Change (PL20210000868)
Neighborhood Information Meeting Sign-In Sheet

PENINSULA ENGINEERING

Thursday, August 5, 2021 5:30-6:30
St. Monica's Episcopal Church

Name	Address/Company	Phone	E-Mail
CHRIS SCOTT	PENINSULA ENG.	403-6727	CScott@pen-eng.com
JOHN KELLY	COLLIER COUNTY	252-5719	John.kelly@colliercountyfl.gov
Bernadette Thomas & Sam STATSIVARTSEN	8697 Dilillo Ct		
SAM			

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

TREE FARM MPUD PDI (PL20210000868)
NEIGHBORHOOD INFORMATION MEETING SUMMARY

Thursday, May 5, 2021

BEGIN 5:42PM

Chris Scott: And again, the MPUD is just the zoning designation. It's a Mixed Use Planned Unit Development. My name is Chris Scott. Dan Waters was going to be here; he's project Engineer but he's up in North Carolina. Matt Chambers, who is the developer of the apartments also couldn't make it.

This (image of project site) you have on your letter; so this just shows where we're at. So that area in pink is the whole Planned Unit Development. The area that is dashed in is the area where the request for our deviation is being proposed. If you look…not sure if my mouse shows up. That red line on the map is the dividing line between the residential portion of the development and the mixed-use portion where there commercial uses.

This development agreed to work with the County to put that round-about on Collier Boulevard which shifted the driveway south. So when that happened, the project…the residential community sign is also going to be further south and is now outside of their property. So they are asking for a deviation to allow for a sign – an off-premise sign.

Stan Strysivartsen: Where is Pubix in relation…Pebblebrooke?

Chris: Pebblebrook is on the opposite side, it would be (shows on map).

Bernadette Thomas: Do you know if they're going to knock the wall down and put a more substantial wall?

Chris: No, they're not touching the wall. The wall that is over there is your all's developments. They're not touching that wall.

Bernadette: Are they going to put trees over there?

Chris: They are required to put a buffer along the property line.

Bernadette: How wide? At least thee feet?

Chris: The PUD would specify. I would imagine it would be at least a 15' wide buffer. Generally, any multifamily development adjacent to single family would be a 15' wide buffer with trees every 30 feet and a five foot hedge.

Bernadette: Oh good. And they would take care of it?

Chris: They would take care of it, yep.

Bernadette: That's good. The trees absorb the noise. It's been quite noisy.

Chris: Yeah, that's the construction.

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(Unintelligible)

Chris: This is a lot of gobbily-goop probably to you, but this is the actual language that would be added to the Planned Unit Development document. So they're requesting a deviation. Essentially what it is is the residential community wants to put a sign up consistent with what would typically be allowed in a residential community, but since it is off their property it is now considered an off-site sign. Off-site signs have a much lower standards, so they need deviations to allow what they normally would have had if it was still on their parcel.

So, they're looking for a deviation to allow up to 50 square feet of sign area, as opposed to the 12 square feet that an off-premise sign would have. And then they also need deviations to not require a setback to their own property. Normally an off-premise sign has a 10 foot setback to adjacent properties or 10 foot from residentially zoned properties. But since this sign is for their property, they want to be able to go right up to their property line if they need to.

Sam: Will the road be two lanes or four lanes?

Chris: I believe the long term plan for Collier Boulevard is to be four lane.

Ok, and this area shown with the yellow bubbles…that is where the sign will be. And that is kind of a picture of the sign.

Sam: Ohhh, the Mark…

Chris: I'm not sure if that is the actual name, but that is the sign size. So that pretty much is what is being requested. And that's the only change that is being proposed with this.

Bernadette: Can something like this add to our property values or is that considered now going to be congestion. I'm gonna say it takes away from property values.

Chris: I'm not a realtor, so I don't know. Generally, if you have nice development nearby then your property values are going to go up.

Bernadette: Congestion. There is a lot of stuff going on.

Chris: How it would impact you all in your community, I don't know. Because you all don't enter off of Collier Boulevard do you?

Sam: Only in the back. Yeah, in the back sometimes.

Chris: Yeah, well now if you are going to the back gate you will have a traffic circle to drive through on the way to the light at Immokalee Road.

Bernadette: Where?

Sam: There it is, right there.

Bernadette: I know, is that gonna be cars going to hit you as you try to get out?

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Chris: I hope not. I mean you all are from Jersey so…I remember driving through South Jersey and there are circles everywhere…

Bernadette: I know…I can't stand them. You know….They're deadly.

(Unintelligible) (cross talk)

Chris: Essentially though, that is pretty much all I have prepared. The only change that is done is regarding that signage.

Bernadette: When is this done?

Chris: Well, in regards to this application what happens is after I have this public meeting is I have to get some information to Mr. Kelly who is the County planner sitting back there who is reviewing it. And uh…

Bernadette: Is this going to lower our taxes?

Chris: This is not going to do anything to your taxes.

Bernadette: Shouldn't they go down?

Chris: That's not up to John (Kelly). But this project will get scheduled to go before the Hearing Examiner's Office. So you'll probably get another notice; if you got this one, you're going to get one from the County advising you that a Hearing Examiner meeting has been scheduled. And he will make a determination at that meeting. He'll review the evidence and then he'll decide whether to approve or deny this application.

Bernadette: They are nice at the Tax Collector. I call them and ask; they usually say we don't know. Cause I ask. Usually around October I call…

Sam: Do you live in Naples?

Chris: I actually live…and if you don't mind, I'm going to say that the meeting is closed. So I don't have to transcribe everything else.

END 5:50PM

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PENINSULA ENGINEERING

July 14, 2021

Dear Property Owner:

Please be advised that a formal Planned Unit Development Insubstantial Change (PDI) application has been submitted to Collier County for the Tree Farm MPUD, located at the northwest intersection of Immokalee Road and Collier Boulevard.

TITLE

Request for an insubstantial change to Ordinance No. 20-03, as amended, the Tree Farm Mixed Use Planned Unit Development (MPUD), Section 6.8, Deviations, for a sign deviation from LDC Sections 5.06.04.G.2.a., 5.06.04.G.2.c. and 5.06.05.G.3. to allow the residential tract (Tree Farm Tract B) a 50 square foot off-premise sign to be located within a sign easement on the Commercial/Mixed Use tract (Tree Farm Tract C) with no minimum distance requirement to the residential tract line. This deviation only applies to Tract B of the MPUD as shown on Exhibit C. The subject property consists of 3.15 acres, in the northwest quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 22, Township 48 South, Range 26 East, Collier County, Florida. [PL20210000868]

In compliance with the Land Development Code, a Neighborhood Information Meeting (NIM) will be held to provide you an opportunity to become fully aware of the development intentions and give you an opportunity to comment and ask questions. The NIM will be held on Thursday, August 5, 2021 at 5:30 pm at Saint Monica's Episcopal Church, 7070 Immokalee Road, Naples, FL 34119.

The meeting will be conducted simultaneously through Zoom. If you are not able to attend the meeting in person and wish to attend via Zoom, please email me at CScott@pen-eng.com prior to the meeting to obtain a link.

At this meeting, we will make every effort to illustrate the proposed request and answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,

PENINSULA ENGINEERING

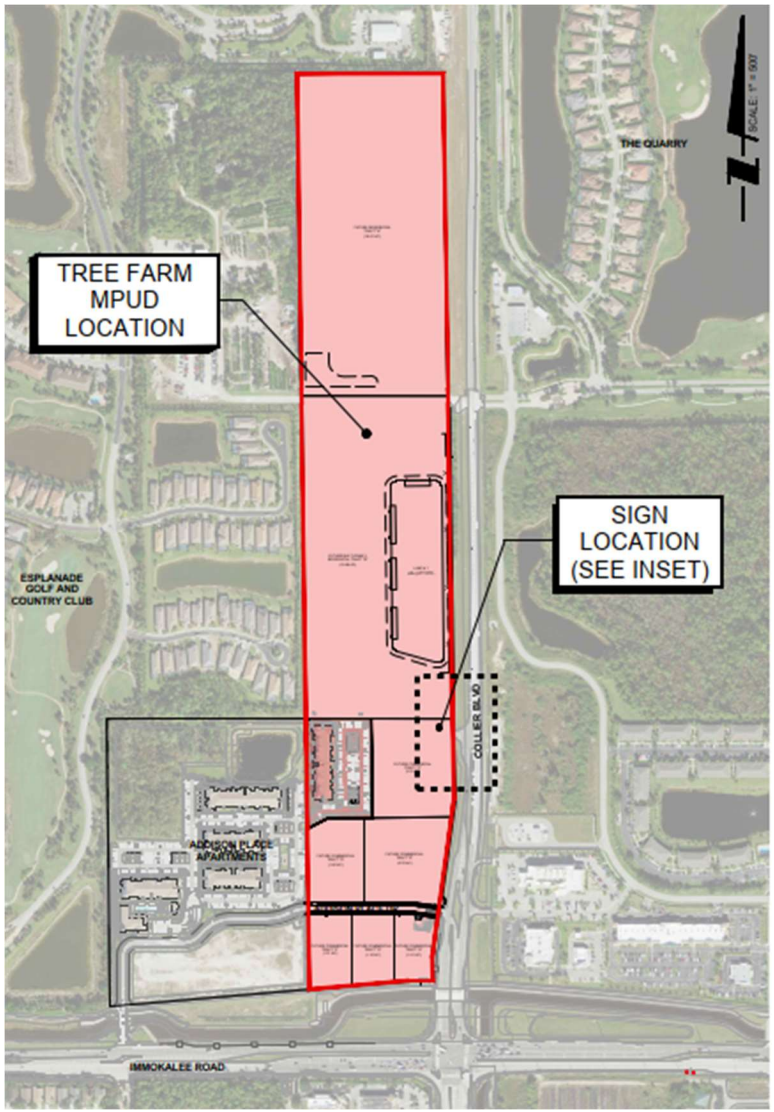
Christopher O. Scott

Christopher O. Scott, AICP
Zoning Manager
CScott@pen-eng.com
239-403-6700

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

PENINSULA ENGINEERING

PROJECT AND OFF-PREMISE SIGN LOCATION



Project Location Map

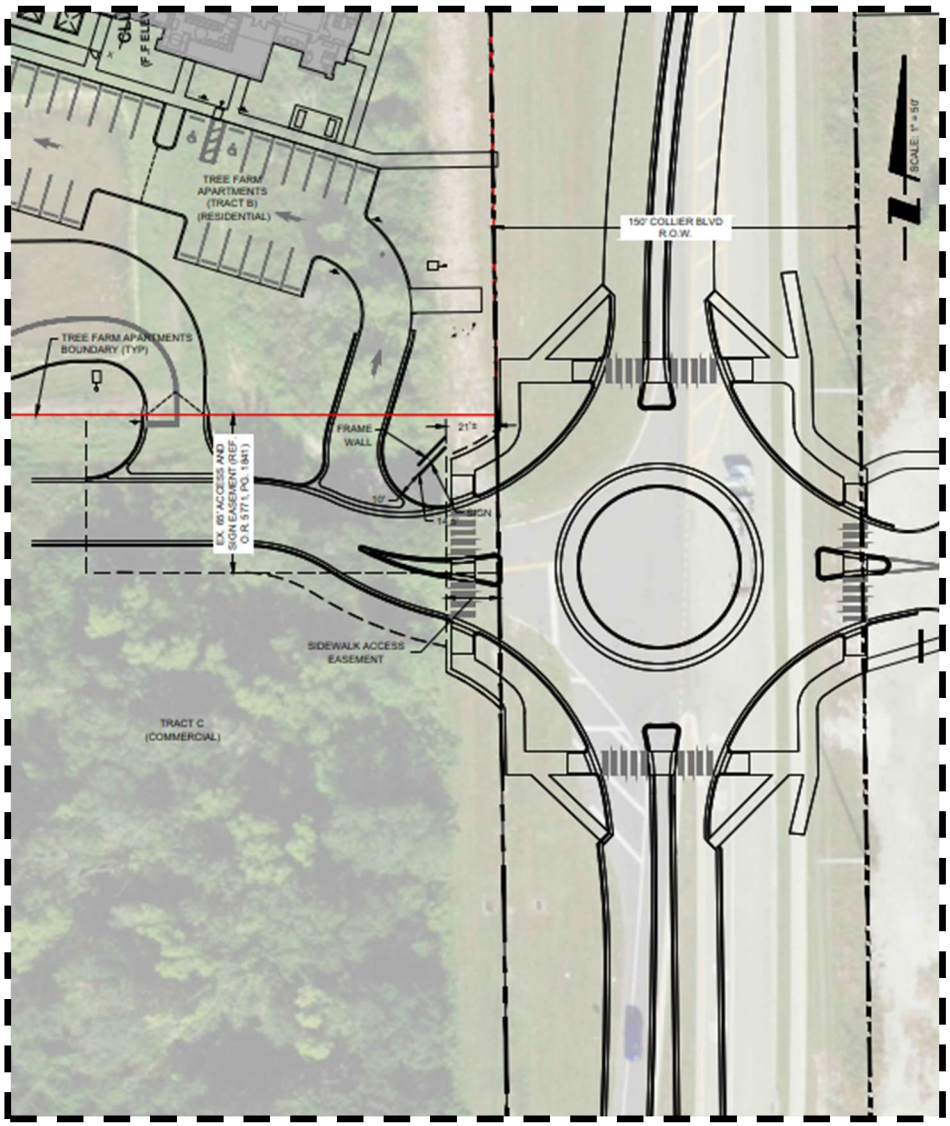


Exhibit C. Sign Location

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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: PL20210000868 (PDI) | Buffer: 500' | Date: 6/9/2021 | Site Location: 77459000228

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	FOLIO	ADDRESSTYP
ADDISON COMMERCIAL CORNER LLC	% PROFESSIONAL RESOURCE	DEVELOPMENT INC	PO BOX 768		EFFINGHAM, IL 62401---0	21842600168	U
ADDISON COMMERCIAL CORNER LLC	% PROFESSIONAL RESOURCE	DEVELOPMENT INC	PO BOX 768		EFFINGHAM, IL 62401---0	21842600142	U
ADDISON COMMERCIAL CORNER LLC	% PROFESSIONAL RESOURCE	DEVELOPMENT INC	PO BOX 768		EFFINGHAM, IL 62401---0	21842600126	U
ADDISON PLACE ASSOCIATION INC	2020 SALZEDO ST STE 100				CORAL GABLES, FL 33134---0	21842600061	U
CAROL ANN ROBB TRUST	46033 HATCHER ROAD				NEW WATERFORD, OH 44445---0	31347562348	U
CC ADDISON PLACE LLC	2020 SALZEDO ST	SUITE 200			CORAL GABLES, FL 33134---0	00190041607	U
CC ADDISON PLACE LLC	2020 SALZEDO STREET	2ND FLOOR			CORAL GABLES, FL 33134---0	21842600029	U
COLLIER CNTY	C/O REAL PROPERTY MANAGEMENT	3335 TAMIAMI TR E, STE 101			NAPLES, FL 34112---0	49660082584	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	00190041403	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	00190041500	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	49660084265	U
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104---0	49660084320	U
CVS 75479 FL L L C	% CVS CAREMARK CORPORATION	1 CVS DR #8927-01			WOONSOCKET, RI 02895---6146	25118010048	U
FLOW WAY COMMUNITY	DEVELOPMENT DISTRICT	% JP WARD & ASSOCIATES LLC	2900 NE 12TH TER STE 1		OAKLAND PARK, FL 33334---0	31347562063	U
HICKEY, JAMES R & SANDRA L	8696 DILILLO COURT				NAPLES, FL 34110---0	31347562380	U
JFN HOLDINGS LLC	9130 GALLERIA CT	SUITE 200			NAPLES, FL 34109---0	77459000529	U
JFN HOLDINGS LLC	9130 GALLERIA CT				NAPLES, FL 34109---0	77459000626	U
JFN HOLDINGS LLC	9130 GALLERIA CT				NAPLES, FL 34109---0	77459000723	U
KERSTING, ROBERT	MAGDALENA KRYSTYNA KERSTING	8692 DILILLO CT			NAPLES, FL 34119---0	31347562364	U
LENNAR HOMES LLC	10481 BEN C PRT6 ML CYPRS PKWY				FORT MYERS, FL 33966---6460	49660083703	U
LENNAR HOMES LLC	10481 BEN C PRT6 ML CYPRS PKWY				FORT MYERS, FL 33966---6460	49660084249	U
NAPLES COMMUNITY HOSPITAL INC	350 7TH ST N				NAPLES, FL 34102---0	25118010022	U
TAYLOR MORRISON ESPLANADE	NAPLES LLC	551 N CATTLEMAN RD # 200			SARASOTA, FL 34232---0	31347562144	U
TBC TREE FARM 1 LLC	% BROOKLINE COMPANIES LLC	ATTN: WILLIAM B YEOMANS	14004 ROOSEVELT BLVD #601C		CLEARWATER, FL 33762---0	77459000228	U
TBC TREE FARM 1 LLC	% BROOKLINE COMPANIES LLC	ATTN: WILLIAM B YEOMANS	14004 ROOSEVELT BLVD #601C		CLEARWATER, FL 33762---0	77459000325	U
TBC TREE FARM 1 LLC	% BROOKLINE COMPANIES LLC	ATTN: WILLIAM B YEOMANS	14004 ROOSEVELT BLVD #601C		CLEARWATER, FL 33762---0	77459000422	U
THOMAS, BERNADETTE	SAM SIVARTSEN	8697 DILILLO CT			NAPLES, FL 34119---0	31347562403	U
TREE FARM COMMERCIAL ASSN INCI	13290 58TH ST N	BUILDING 10 SUITE 1014			CLEARWATER, FL 33760---0	77459000846	U
WPPI NAPLES TF LLC	9800 CONNECTICUT DR	SUITE A1 100			CROWN POINT, IN 46307---0	77459000121	U
WPPI NAPLES TF LLC	9800 CONNECTICUT DR	SUITE A1 100			CROWN POINT, IN 56307---0	77459000820	U

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Timestamp
7/14/2021 12:42:27

Final Publication Date
7/21/2021

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GCI0688977

Publication
Naples Daily News

Market
Naples

Delivery Method
Both

Number of Affidavits Needed
1

Customer Email
cscott@pen-eng.com

Customer Name
BARRON COLLIER PARTNERSHIP

Customer Phone Number
239-262-2600

Customer Address
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105

Account Number (If Known)
532409

Name
Christopher Scott

Street
2600 GOLDEN GATE PARKWAY

City
Naples

State
FL

ZIP Code
34105

Your Name
Nicolle Lackey

Email Address
nlackey@localiq.com

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

Naples Daily News
PART OF THE USA TODAY NETWORK
Published Daily
Naples, FL 34110

BARRON COLLIER PARTNERSHIP
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105
ATTN CHRISTOPHER SCOTT

Affidavit of Publication
STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared who on oath says that they serve as **legal clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida. and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida , for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

7/21/2021

Subscribed and sworn to before on July 21st, 2021

Notary, State of WI, County of Brown

My commission expires: 5·15·23

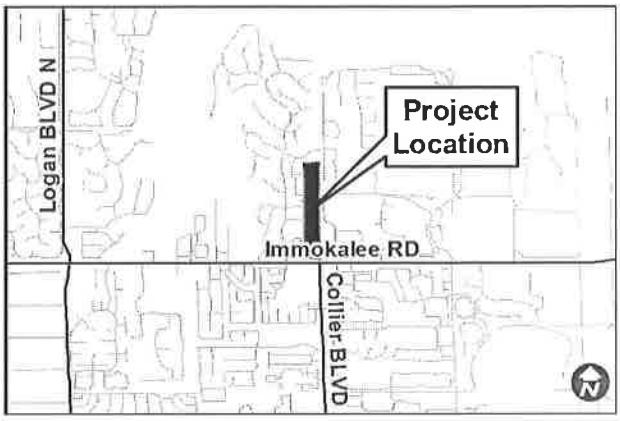
PUBLICATION COST: $1,033.20
AD NO: GCI0688977
CUSTOMER NO: 532409
PO#: PUBLIC NOTICE

NANCY HEYRMAN
Notary Public
State of Wisconsin

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

NEIGHBORHOOD INFORMATION MEETING

The public is invited to attend a neighborhood meeting held by Chris Scott of Peninsula Engineering on August 5, 2021 at 5:30 pm at Saint Monica's Episcopal Church, 7070 Immokalee Road, Naples, FL 34119.



Request for an insubstantial change to Ordinance No. 20-03, as amended, the Tree Farm Mixed Use Planned Unit Development (MPUD), Section 6.8, Deviations, for a sign deviation from LDC Sections 5.06.04.G.2.a., 5.06.04.G.2.c. and 5.06.05.G.3. to allow the residential tract (Tree Farm Tract B) a 50 square foot off-premise sign to be located within a sign easement on the Commercial/Mixed Use tract (Tree Farm Tract C) with no minimum distance requirement to the residential tract line. This deviation only applies to Tract B of the MPUD as shown on Exhibit C. The subject property consists of 3.15 acres, in the northwest quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 22, Township 48 South, Range 26 East, Collier County, Florida. [PL20210000868].

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owner/developer and Collier County staff. If you are unable to attend this meeting in person, but have questions or comments or wish to attend simultaneously through Zoom, please contact:

Chris Scott, Planning Manager
Peninsula Engineering
2600 Golden Gate Parkway, Naples, FL 34105
cscott@pen-eng.com (239) 403-2600

NG-GCI0688977-01

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

SIGN POSTING INSTRUCTIONS

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

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

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

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

- - - -

Tree Farm PDI, PL20210000868
Collier County Hearing Examiner
Public Hearing Sign Posting - September 15, 2021

PENINSULA ENGINEERING

Attachment: Attachment D - HEX Backup Package (20189 : PL20210000868 PDI Tree Farm MPUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210000868

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

Name: J. Matthew Chambers
Treasurer of WMB Corp, an Indiana Corporation

Date: 9/28/2021

Signature: _____

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment E - HEX Hybrid Meeting Waivers (20189 : PL20210000868 PDI Tree Farm MPUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210000868

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

Name: Christopher Scott Date: 9/20/2021

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment E - HEX Hybrid Meeting Waivers (20189 : PL20210000868 PDI Tree Farm MPUD)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C
Item Summary: PETITION NO. PCUD-PL20210000661 -White Lake Corporate Park - Request for approval of a Comparable Use Determination whether the proposed use of fire station and ancillary administrative office, training facility with tower, warehousing, and fleet storage is comparable in nature with the permitted uses in Section 3.2.A, White Lake Corporate Park Planned Unit Development (PUD), Ordinance 01-59, as amended, within Tract "I", White Lake Corporate Park PUD, located north of White Lake Boulevard and east of Shaw Boulevard, in Section 35, Township 49 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 5

Meeting Date: 10/14/2021

Prepared by:
Title: Planner – Zoning
Name: John Kelly
09/28/2021 4:49 PM

Submitted by:
Title: – Zoning
Name: Mike Bosi
09/28/2021 4:49 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	09/28/2021 6:19 PM
Zoning	Ray Bellows	Review Item	Completed	09/30/2021 10:42 AM
Zoning	Mike Bosi	Zoning Director Review	Completed	09/30/2021 11:02 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	10/14/2021 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION – ZONING SERVICES SECTION

HEARING DATE: OCTOBER 14, 2021

SUBJECT: PCUD-PL20210000661; GNFD - WHITE LAKE CORPORATE PARK PUD

PROPERTY OWNER/AGENT:

Owner: Greater Naples Fire Rescue District
Applicant: Craig D. Varn, GNFD Attorney
14575 Collier Blvd.
Naples, FL 34119

Agent(s): Jessica Klutz
Davidson Engineering
4365 Radio Rd., Suite 201
Naples, FL 34110

REQUESTED ACTION:

Request for a determination that the proposed use of fire station and ancillary administrative office, training facility with tower, warehousing, and fleet storage is comparable in nature with the permitted uses in Section 3.2.A, White Lake Corporate Park Planned Unit Development (PUD), Ordinance No. 01-59, as amended, within Tract "I", White Lake Corporate Park PUD.

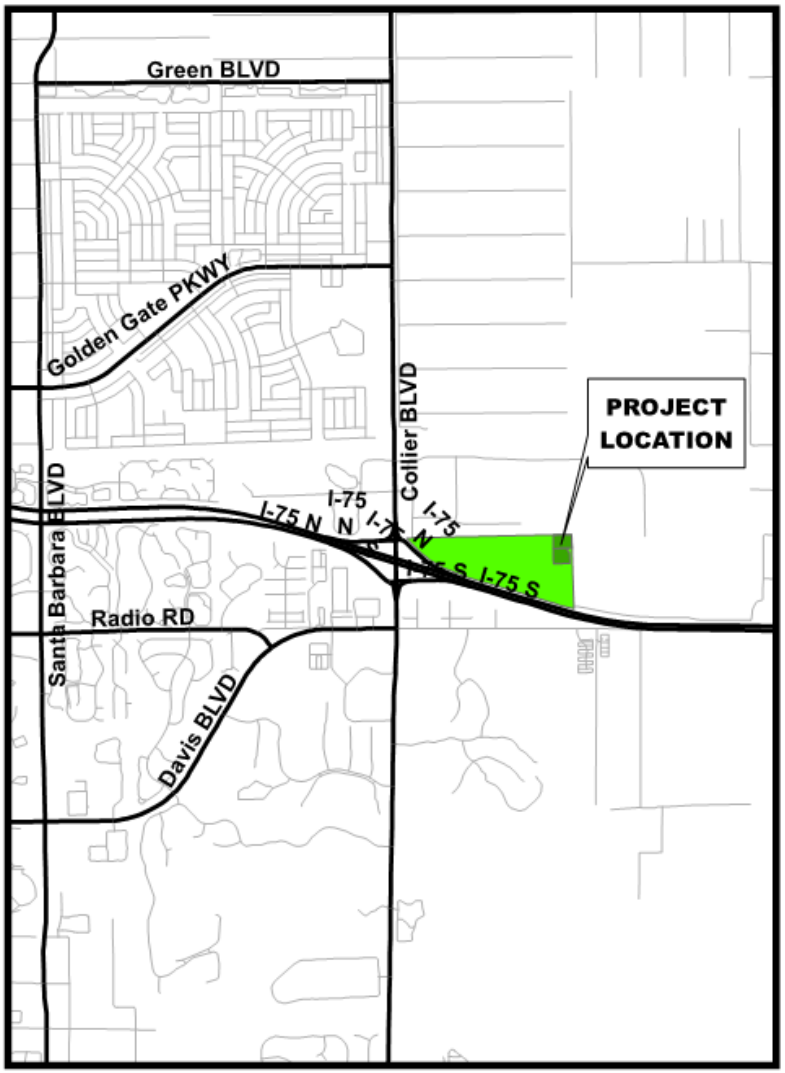
GEOGRAPHIC LOCATION:

The subject project comprises two properties that will be combined for development; Parcel No. 81790004746 and Parcel No. 81790004769 are located at 3485 and 3481 Shearwater Street, respectively. Said properties are further identified as White Lake Corporate Park, Phase 3, Lots 17 and 18, located at the northern end of Shearwater Street on the west side, in Section 35, Township 49 South, Range 26 East, Collier County, Florida. (*see location map on following page*)

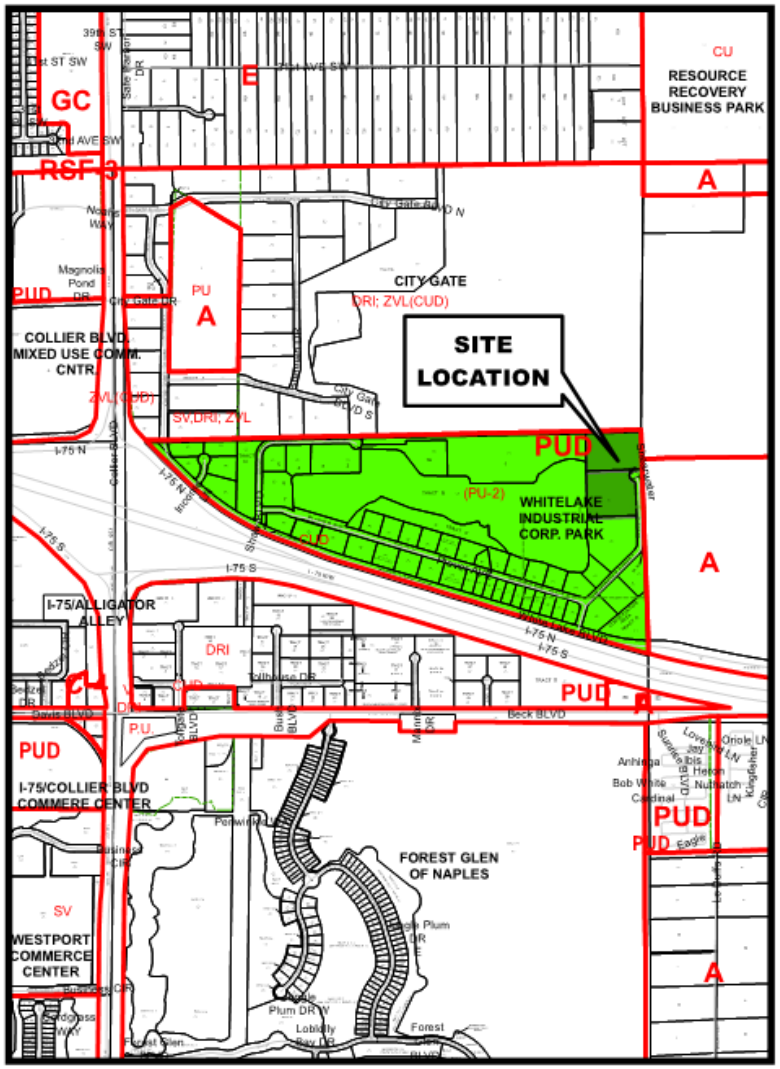
PURPOSE/DESCRIPTION OF PROJECT:

The petitioner has purchased the undeveloped property described above, comprising of 10.2± acres, located within Tract "I" of the 144.4± acre White Lake Corporate Park PUD; Tract "I" is the industrial component of the subject PUD. Permitted and Accessory uses within the Industrial Development Area are listed within Section 3.2 of the PUD document which references the (Continued on Page 4)

Attachment: Staff Report - PL20210000661 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)



Location Map



Zoning Map

Petition Number: PL20210000661

Attachment: Staff Report - PL20210000661 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

SURROUNDING LAND USE AND ZONING:

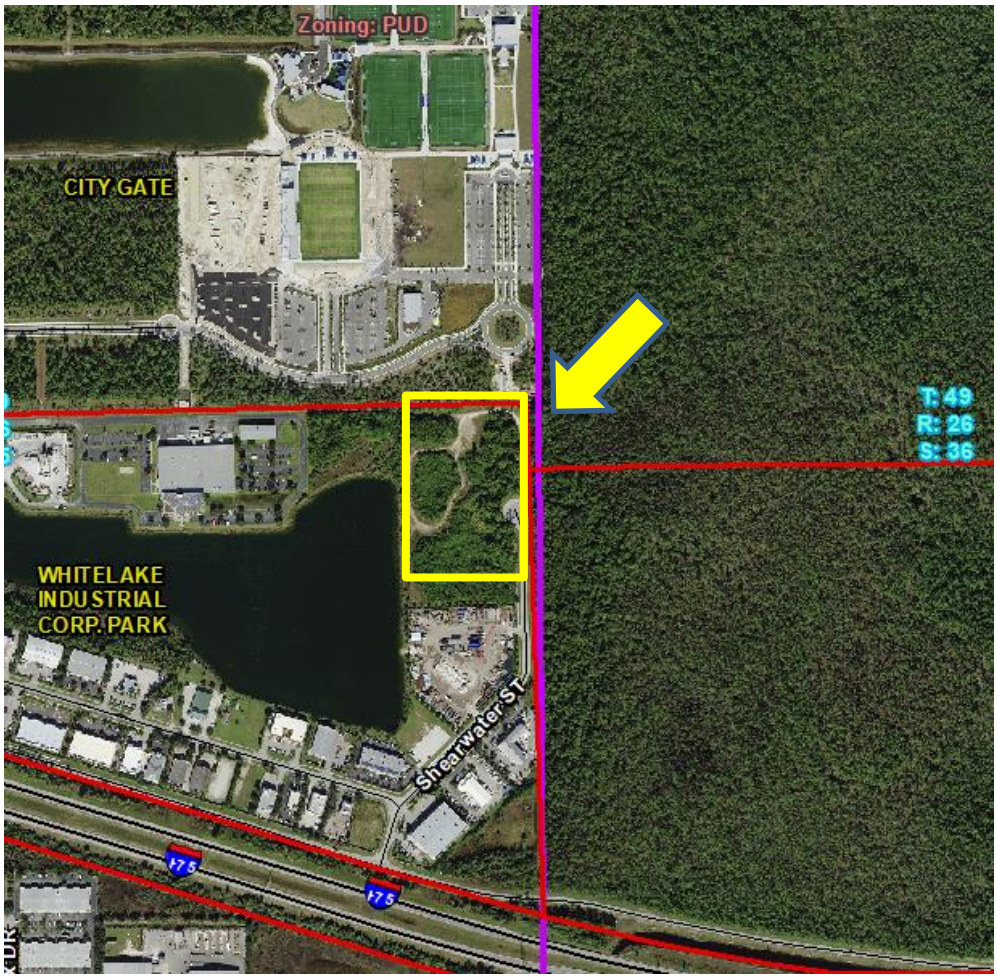
This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property:

North: Native Vegetation and Water Management Area located within the Collier County Sports Complex and Events Center within the City Gate Commerce Park PUD

East: To the north is property being developed as Collier County Sports Complex and Events Center – Phase 2 that has been allocated as Preserve Area within the City Gate PUD; to the south is Shearwater Street (Right-of-Way) followed by unimproved property located within a Rural Agricultural (A) Zoning District

South: Outdoor construction storage facility located within the located within Tract "I" of the White Lake Corporate Park PUD

West: To the north is uncleared property declared for "Future Development" that is part of a Site Development Plan (SDP-98-135, as amended) for an office/manufacturing facility and to the south is an existing lake; located within Tract "I" of the White Lake Corporate Park PUD



Collier County GIS

Attachment: Staff Report - PL20210000661 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

(**Purpose/Description of Project**, Continued from Page 1)

Standard Industrial Classification Manual, 1987 Edition, as published by the Executive Office of the President, Office of Management and Budget. As *Fire protection and Ancillary Fire Station Services* (SIC 9224) is not specifically called out as being a permitted use within the PUD the petitioner seeks to obtain a formal determination that said use is allowable as a permitted Essential Service, that it qualifies by means of Permitted Use #36 which states: Any other use which is comparable in nature to the foregoing land uses as determined by the Collier County Planning Services Director," or as a combination of the two.

The principal use of the development will be as a regional fire rescue training facility, inclusive of a training tower and classroom space, with an accessory fire station. The training facility is expected to operate within the hours of 7:30 A.M. to 5:00 P.M. with occasional evening/nighttime exercises; the anticipated number of persons to be engaged in training at any given time should not exceed 50 persons. Additional proposed uses include Administrative Offices, Fleet Storage and Maintenance, and General Warehousing/Storage.

STAFF ANALYSIS:

In accordance with LDC Section 10.02.06.K, a Comparable Use Determination (CUD) process is to be used to determine whether a specified use is comparable in nature with the list of permitted uses and the purpose and intent statement of the specified zoning district, overlay, or PUD. CUDs are to be evaluated using the following criteria which is then presented at a public hearing for the purposes of approval, approval with conditions, or denial.

a. The proposed use possesses similar characteristics to the other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

   i. Operating hours;

      - There are no restrictions for operating hours for any land use within the White Lake Corporate Park PUD; normal operating hours for industrial uses can range from a typical l8-hour workday to shift work encompassing 24-hours per day. As an essential service, the fire station will operate 24-hours per day; the training element will typically operate between 7:30 A.M. and 5:00 P.M. with occasional evening and nighttime exercises.

   ii. Traffic volume generated/attracted;

      - Approximately 50 persons will use the training facility during operating hours. The applicant has submitted a Comparative Trip Generation Analysis, dated March 10, 2021, which compares the proposed use to that of a U.S. Postal Office facility which is a permitted use within the PUD. Said analysis finds that the proposed use will generate significantly less traffic which results in a net benefit to the surrounding roadway network capacity.

   iii. Type of vehicles associated with the use;

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- The proposed use involved fire trucks, fire engines and regular vehicles. Typical vehicles within an industrial area are passenger vehicles, box and semi-trucks and tractor-trailers; the average length of a larger fire truck is 35± feet and tractor-trailers average 53± feet.

iv. Number and type of required parking spaces; and

- The applicant states that the proposed development will follow the parking requirements contained within LDC Section 4.05.02. It is anticipated that a number of fire trucks will be staged/parked/stored within the fire station; additional trucks and other apparatus will be stored both indoors within warehouse facilities and outdoors with compliant screening and buffering. A more detailed analysis will be provided as part of the SDP process as the project moves forward. The number and type of required parking spaces are similar to those of other allowable uses within an industrial area.

v. Business practices and activities

- The subject property is located within the Industrial component of a PUD; as such, a fire station is an allowable permitted use. Other proposed uses, including "Training" and "Fleet Storage" are comparable to the following permitted uses contained within PUD Section 3.2.A:

    - Educational Services (SIC 8243 – 8249) – These SIC classifications include typical educational facilities and vocational training, which are comparable to the "Training" component of the proposed facility. This "Training" component refers to firefighting training that comprises a mixture of classroom work, demonstrations, and hands on evolutions.

    - Motor Freight Transportation and Warehousing (SIC 4212 – 4226) – These SIC classifications include trucking and truck storage services, courier, and delivery services (except by air), and warehousing and storage services. The uses are comparable to those proposed as the equipment to be used is very much the same (trucks, forklifts, etc.).

    - Automotive Repair, Services, and Parking (SIC Major Group 75) – This is a broad classification that includes car, truck and recreational vehicle rentals/leasing, body shop, repair services, wash facilities and specialized services. Said uses are comparable to the proposed fleet services and maintenance uses as well as aspects of the training facility.

    - Construction (SIC Major Group 17) and Heavy Construction (SIC Major Group 16) – These are broad classifications that include excavation, wrecking and demolition work, and carpentry which are comparable to fire and rescue training exercises which would include salvage and overhaul operations.

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b. The effect the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

- The proposed development will need to satisfy all development standards and buffering requirements contained within the LDC. It has been established that a fire station is permitted as an essential service at the subject location. The applicant contends the overall facility (training facility with tower, warehousing, and fleet storage proposed use will be less intense compared to many of the industrial land uses permitted within the subject PUD, generating less noise, traffic, and waste. The proposed tower will be 5 stories in height, below the maximum 50 feet contained within PUD Section 3.3.F and will satisfy State criteria to minimize potential effect of training exercises such as smoke and noise resulting from controlled fires. Any outdoors lighting or tower lighting will be consistent with LDC requirements and will not exceed that of nearby facilities such as the sports complex. The site will also have a helicopter pad for emergency use by the Forest Service and/or Collier County EMS Medflight in conjunction with the fire station; any related training will be minimal and infrequent. The proposed development will have no greater negative impact on neighboring properties with respect to noise, glare, and odors than those of other permitted uses within the industrial component of the PUD.

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

- As per the Future Land Use Map (FLUM) of the Collier County Growth Management Plan (GMP), the subject property is located within the Urban Commercial District, Mixed Use Activity Center Subdistrict #9. The proposed uses are not specifically prohibited and are deemed to be consistent as the uses are comparable to others permitted by right within the industrial component of the PUD.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

- The applicant has demonstrated that the proposed use (fire station and ancillary administrative office, training facility with tower, warehousing, and fleet storage) is consistent with those listed as being allowable within Tract "I", the industrial component, of the White Lake Corporate Park PUD:

  i. Essential Services, per LDC Section 2.01.03.C
  ii. Educational Services (SIC 8243 – 8249)
  iii. Motor Freight Transportation and Warehousing (SIC 4212 – 4226)
  iv. Automotive Repair, Services, and Parking (SIC Major Group 75)
  v. Construction (SIC Major Group 17)
  vi. Heavy Construction (SIC Major Group 16)

e. Any additional relevant information as may be required by County Manager or Designee.

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LDC Section 1.08.02 provides the following definitions:

> *Essential Services:* Those services and facilities, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities.
>
> *Fire Station*: The building(s) and site of a government establishment primarily engaged in firefighting, used to house fire trucks and other emergency vehicles, firefighting equipment and apparatus, firefighters, and support/administrative staff.
>
> *Fire Station Services, Ancillary*: Fire protection activities imperative to carry out the purposes of a government establishment primarily engaged in firefighting, such as fire training camps, but which is not required to be located at a fire station for that fire station to serve its function. However, services designed to repair any firefighting equipment is not an ancillary fire station service.

LDC Section 2.01.03.C states:

> Additional permitted essential services in commercial and industrial zoned districts. In commercial and industrial zoned districts, in addition to the essential services identified above in section 2.01.03.A, the following governmental services and facilities, as defined by this Code, including law enforcement, fire, emergency medical services and facilities, public park and public library services and facilities, shall be considered a permitted essential service.

Compatibility is defined within the LDC as follows: "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." Compliance with the LDC architectural and landscape requirements, in combination with applicable PUD development regulations, assist in ensuring compatibility.

CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications pertaining to the subject properties.

PUBLIC NOTICE):

Per LDC Section 10.03.06.O and the Administrative Code the following notice procedures are required for: Newspaper Advertisement prior to the advertised public hearing in accordance with

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F.S. § 125.66. This requirement was satisfied by county staff on or about September 24, 2021.

A Comparable Use Determination petition does not require an Agent Letter, Property Owner Notification Letter, Neighborhood Information Meeting, or the posting of a sign on the property.

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that the proposed use of a regional fire rescue training facility, inclusive of a training tower and classroom space, with an accessory fire station, warehousing, and fleet storage is comparable and compatible with the Industrial – Tract "I" permitted uses contained within Section 3.2.A of the White Lake Corporate Park PUD subject to the following conditions of approval:

1. The helicopter pad depicted in the Conceptual Site Plan shall not be used in such a manner as it becomes a heliport or helistop, as described within LDC Section 5.05.13, which would require Conditional Use (CU) authorization as provided for in Section 10.08.00 of the LDC.

2. With exception to bona fide emergency operations, any use of the helicopter pad shall be limited to daylight hours.

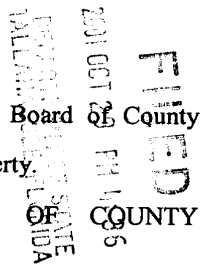
Attachments:

A) Ordinance 01-59, White Lake Corporate Park PUD
B) Ordinance 18-45, Amendment to the White Lake Corporate Park PUD
C) Application and Back-up Material
D) HEX Hybrid Meeting Waiver

Attachment: Staff Report - PL20210000661 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

ORDINANCE NO. 01- 59

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERED 9635S BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "PUD" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS WHITE LAKE INDUSTRIAL CORPORATE PARK PUD, FOR PROPERTY LOCATED NORTHEAST OF AND ADJACENT TO THE INTERSECTION I-75 AND COLLIER BOULEVARD (C.R. 951), IN SECTION 35, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 144.4± ACRES; PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 93-01, THE FORMER WHITE LAKE INDUSTRIAL PARK PUD; AND BY PROVIDING AN EFFECTIVE DATE.



WHEREAS, RWA, Inc., representing William T. Higgs, petitioned the Board of County Commissioners to change the zoning classification of the herein described real property.

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

SECTION ONE:

The zoning classification of the herein described real property located in Section 35, Township 49 South, Range 26 East, Collier County, Florida, is changed from "PUD" to "PUD" Planned Unit Development in accordance with the PUD Document, attached hereto as Exhibit "A", which is incorporated herein and by reference made part hereof. The Official Zoning Atlas Map numbered 9635S, as described in Ordinance Number 91-102, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

Ordinance Number 93-01, known as the White Lake Industrial Park PUD, adopted on January 5, 1993 by the Board of County Commissioners of Collier County, is hereby repealed in its entirety.

SECTION THREE:

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

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 23rd day of OCTOBER, 2001.

ATTEST:
DWIGHT E. BROCK, Clerk
Attest as to Chairman's signature only.
By: Teri Michaels, D.C.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: _____
JAMES D. CARTER, Ph.D., CHAIRMAN

Approved as to Form and
Legal Sufficiency

Marjorie M. Student
Marjorie M. Student
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 29th day of Oct., 2001 and acknowledgement of that filing received this 2nd day of Nov., 2001
By Ellie Hoffman
Deputy Clerk

G:/admin/PUD-92-08(1)/CB/cw

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

WHITE LAKE CORPORATE PARK

A

PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN
GOVERNING WHITE LAKE CORPORATE PARK,
A PLANNED UNIT DEVELOPMENT PURSUANT TO
PROVISIONS OF THE COLLIER COUNTY
LAND DEVELOPMENT CODE

PREPARED FOR:

WILLIAM T. HIGGS
2666 AIRPORT ROAD SOUTH
NAPLES, FLORIDA 34112

PREPARED BY:

RWA, INC.
3050 NORTH HORSESHOE DRIVE
SUITE 270
NAPLES, FLORIDA 34104

DATE REVIEWED BY CCPC	9/7/01
DATE APPROVED BY BCC	10/23/01
ORDINANCE NUMBER	2001-59
AMENDMENTS AND REPEAL	93-01

Exhibit "A"

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

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Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

LIST OF EXHIBITS AND TABLES

EXHIBIT A	PUD MASTER PLAN
TABLE I	PROJECT LAND USE TRACTS

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

STATEMENT OF COMPLIANCE

The development of approximately 144.4 acres of property in Collier County as a Planned Unit Development to be known as White Lake Corporate Park is in compliance with the goals, objectives and policies of Collier County as set forth in the Growth Management Plan. The facilities and improvements within the White Lake Corporate Park PUD will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives of each of the elements of the Growth Management Plan for the following reasons:

1. The subject property proposed for development is within the Interchange Activity Center Subdistrict, and the Industrial District as identified on the Future Land Use Map as provided for in Objective 1 of the Future Land Use Element (FLUE), and the uses contemplated are consistent therewith.

2. The subject property is located in Activity Center #9. The land uses, and land use intensities proposed are consistent with the Future Land Use Element of the Collier County Growth Management Plan.

3. Development of the White Lake Corporate Park PUD shall be consistent with the Activity Center #9 Interchange Master Plan.

4. The subject property is located in the northeast quadrant of the I-75/Collier Boulevard Interchange. This strategic location allows the site superior access for the placement of commercial and industrial/business park activities.

5. The project is a mixed-use development located within a designated Activity Center, therefore, the proposed commercial, and industrial park land uses are consistent with the Future Land Use Element of the Collier County Growth Management Plan.

6. The development will be compatible with and complementary to existing and planned surrounding land uses.

7. The development of the White Lake Corporate Park PUD will result in an efficient and economical extension of community facilities and services as required in Policies 3.1.H and L of the Future Land Use Element.

8. Improvements are planned to be in compliance with applicable land development regulations as set forth in Objective 3 of the Future Land Use Element.

9. The White Lake Corporate Park PUD is planned to incorporate natural systems for water management in accordance with their natural functions and capabilities as required by Objective 1.5 of the Drainage Sub-Element of the Public Facilities Element.

10. All final Development Orders within the White Lake Corporate Park PUD are subject to the Collier County Concurrency Management System, as implemented by the Adequate Public Facilities Ordinance.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property proposed to be developed under the project name of the White Lake Corporate Park PUD.

1.2 LEGAL DESCRIPTION

Description of the South ½ of Section 35 lying North and East of I-75 Right-of-Way and bounded on the East by monumented and occupied line.

All that part of Section 35, Township 49 South, Range 26 East, Collier County, Florida and being described as follows:
Commencing at the West ¼ Section corner of said Section 35; thence along the East and West ¼ Section line of said Section 35, North 89°-00-01" East 401.67 feet to the Easterly Right-of-Way line of I-75 and the POINT OF BEGINNING of the parcel herein described;
thence along the Right-of-Way line of said I-75 the following seven (7) courses:

(1) South 43°-47'-54" East 222.17 feet;
(2) South 46°-47'-05" East 308.10 feet;
(3) Southeasterly 1047.59 feet along the arc of a circular curve concave to the northeast, having a radius of 2700.79 feet and being subtended by a chord which bears South 57°-53'-50" East 1041.03 feet;
(4) South 69°-00-33" East 516.30 feet;
(5) South 73°-00'-33" East 2839.52 feet;
(6) Southeasterly 411.28 feet along the arc of a circular curve concave to the Northeast, having a radius of 1492.89 feet and being subtended by a chord which bears south 80°-54'-53" East 409.98 feet to a point of reverse curvature;
(7) Easterly 22.49 feet along the arc of a circular curve concave to the South, having a radius of 1562.89 feet and being subtended by a chord which bears South 88°-22'-53" East 22.49 feet to the East line of said Section 35;

Thence leaving said I-75 Right-of-Way continue along said East line of Section 35, North 1°-57'-08" West 2089.96 feet to the East ¼ section corner of said Section 35;
Thence along the East and West ¼ Section line of said Section 35, South 89°-00'-00" West 4814.62 feet to the Point of Beginning of the parcel herein described;
subject to a Florida Power and Light Company easement as recorded in O.R. Book 681, pages 1214-1215, Collier County, Florida; also subject to other easements and restrictions or record; containing 144.4 acres of land more or less.

1.3 PROPERTY OWNERSHIP

The subject property is currently under the unified ownership of William T. Higgs, 2666 Airport Road South, Naples, Florida 34112.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

1.4 PHYSICAL DESCRIPTION

A. This project is located Northeast of and adjacent to the intersection of Interstate I-75 and County Road 951 in the South ½ of Section 35, Township 49 South, Range 26 East, Collier County, Florida.

B. The zoning classification of the subject property is Planned Unit Development (PUD).

C. The project site is within the South Florida Water Management District, Main Golden Gate Basin.

D. Water management facilities for the proposed project are planned to be of the lake detention type.

E. Elevations within the project site range from 8.2 to 12.9 feet above mean sea level. Most of the area, however, falls within the 9.5 to 12.0 feet of elevation category.

F. The site is located in Flood Zone X according to FIRM Map, panel 425 of 1125, Collier County, Florida.

G. The soil types on the subject property include Pineda fine sand, limestone substratum (approximately 13%) and Boca fine sand (approximately 55%). The remainder of the site (approximately 32 %) consists of a lake. Soil characteristics were derived from the Soil Survey of Collier County, Florida, issued by the U.S. Department of Agriculture (Soil Conservation Service) in March, 1954.

H. The property was historically utilized as an earth mining operation. Presently, the property is being developed in accordance with Section 3.2 and Section 4.2 of the former White Lake Corporate Park PUD.

1.5 PROJECT DESCRIPTION

The White Lake Corporate Park PUD shall be a mixed-use development, with a small commercial development opportunity located west of the FP&L easement on the White Lake Boulevard frontage, and the industrial development opportunity will remain over the balance of the PUD property. The commercial component of the development is limited to 96,165 square feet of gross leasable floor area, and will be located on a 7.85± acre parcel. The commercial land uses proposed are those typically associated with major interchanges, including, but not limited to, convenience stores with gas pumps, restaurants, fast-food and/or sit-down dining, and banks. The industrial/office park development is limited only by the land area available on the east side of the FP&L easement

1.6 SHORT TITLE

This Ordinance shall be known and cited as the "White Lake Corporate Park Planned Unit Development Ordinance".

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

SECTION II

PROJECT DEVELOPMENT REQUIREMENTS

2.1 PURPOSE

The purpose of this Section is to delineate and generally describe the project plan of development, relationships to applicable County ordinances, the respective land uses of the tracts included in the White Lake Corporate Park PUD development, as well as other project relationships.

2.2 GENERAL

A. Regulations for development of the White Lake Corporate Park PUD shall be in accordance with the contents of this document, PUD-Planned Unit Development District and other applicable sections and parts of the Collier County Land Development Code and Growth Management Plan in effect at the time of building permit application. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the County Land Development Code shall apply.

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the Collier County Land Development Code in effect at the time of building permit application.

C. All conditions imposed and all graphic material presented depicting restrictions for the development of the White Lake Corporate Park PUD shall become part of the regulations that govern the manner in which the PUD site may be developed.

D. Unless modified, waived or excepted by this PUD, the provisions of other sections of the Land Development Code, where applicable, remain in full force and effect with respect to the development of the land that comprises this PUD.

E. Development permitted by the approval of this petition will be subject to a concurrency review under the provisions of Division 3.15, Adequate Public Facilities, of the County Land Development Code, at the earliest or next to occur of either Final Site Development Plan, Final Plat approval, or building permit issuance applicable to this development.

2.3 DESCRIPTION OF PROJECT PLAN AND LAND USE TRACTS

A. The project Master Plan, including layout of streets and use of land for the various tracts is illustrated graphically by Exhibit "A", PUD Master Plan. There will be two land use tracts, portions of which may include water management lakes or facilities, and private street rights-of-way, the general configuration of which is also illustrated by Exhibit "A".

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

TABLE I

PROJECT LAND USE TRACTS

	TYPE	ACREAGE±
TRACT "I"	INDUSTRIAL	136.5
TRACT "C"	COMMERCIAL	7.8

B. Areas within the PUD may be excavated and constructed as lakes or, upon approval, may be constructed as shallow, intermittent wet and dry depressions for water retention purposes. Minor modification to all tracts, lakes or other boundaries may be permitted at the time of final plat or site development plan approval, subject to the provisions of Sections 3.2.6.3.5. and 2.7.3.5. respectively, of the Collier County Land Development Code, or as otherwise permitted by this PUD document.

C. In addition to the various areas and specific items shown on Exhibit "A", such easements as necessary (utility, private, semi-private) shall be established within or along the various tracts as may be necessary.

2.4 DEVELOPMENT SCHEDULE

The intent of the Developer is to proceed with and complete the subdivision process for the final phase of development and to construct the infrastructure improvement as soon as all necessary permits are received. Individual lots will then be sold to prospective end-users for development. Build-out is estimated to occur in the year 2002.

2.5 OPEN SPACE

A minimum of thirty percent (30%) of the project's gross area shall be devoted to open space in accordance with the Section 2.6.32.3. of the Collier County Land Development Code. This requirement shall not apply to individual development parcels.

Of the project's total 144.4± acres, the following acreages represent 38% of the total site, all contributing to open space.

- Lake: 36.6± Ac.
- Wetland Conservation Area: 9.3± Ac.
- Native Landscaping: 6.9± Ac.
- FPL Easement: 3.0± Ac.

2.6 PROJECT PLAN APPROVAL REQUIREMENTS

A. Prior to the recording of a record plat for all or part of the PUD, final plans of all required improvements shall receive approval of the appropriate Collier County governmental agency to insure compliance with the PUD Master Development Plan, the Collier County Subdivision Code, and the platting laws of the State of Florida.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

B. Exhibit "A", PUD Master Plan, constitutes the required PUD Development Plan. If required, a preliminary subdivision plat shall be submitted for the entire area covered by the PUD Master Plan. Any division of property and the development of the land shall be in compliance with Division 3.2 of the Collier County Land Development Code, and the platting laws of the State of Florida.

C. The provisions of Division 3.3 of the Collier County Land Development Code, when applicable, shall apply to the development of all platted tracts, or parcels of land as provided in said Division prior to the issuance of a building permit or other development order.

D. The development of any tract or parcel approved for commercial or industrial development contemplating fee simple ownership of land for each commercial or industrial unit or parcel, shall be required to submit and receive approval of a preliminary subdivision plat, in conformance with the requirements of Division 3.2 of the Collier County Land Development Code, prior to the submittal of construction plans and a final plat for any portion of the tract or parcel.

E. Appropriate instruments will be provided at the time of infrastructural improvements regarding any dedications and methods for providing perpetual maintenance of common facilities.

2.7 LAKE SETBACK AND EXCAVATIONS

Should lakes be excavated, the lake setback requirements described in Section 3.5.7.1 of the Land Development Code may be reduced with the administrative approval of the Collier County Community Development and Environmental Services Administrator, or his designee. Lakes may be excavated to the maximum commercial excavation depths set forth in Section 3.5.7.3.1. of the Land Development Code, however, removal of fill from the White Lake Corporate Park PUD shall be limited to an amount up to ten percent (10%) (to a maximum 20,000 cubic yards), of the total volume excavated unless a commercial excavation permit is received.

2.8 USE OF RIGHTS-OF-WAY

All platted project streets shall be private and shall be classified as local streets. Utilization of lands within all project rights-of-way for landscaping, decorative entranceways, and signage may be allowed subject to review and administrative approval by the Collier County Community Development and Environmental Services Administrator, or his designee, for engineering and safety considerations prior to installation.

2.9 AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

Changes and amendments may be made to this PUD Ordinance or PUD Master Development Plan, Exhibit "A", as provided for in Section 2.7.3.5. of the Collier County Land Development Code. Minor changes and refinements as described in Section 5.3.C. of this PUD document may be made in connection with any type of development or permit application required by the Collier County Land Development Code.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

2.10 DEDICATION AND MAINTENANCE OF COMMON AREAS & FACILITIES

Easements shall be provided for water management areas, rights-of-way, utilities and other purposes as required. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities in compliance with applicable regulations in effect at the time of adoption of this Ordinance establishing the White Lake Corporate Park PUD.

Whenever the developer elects to create land area whose ownership and maintenance responsibility is a common interest to all of the subsequent purchasers of property within the White Lake Corporate Park PUD, the developer shall provide appropriate legal instruments for the establishment of a Property Owners' Association whose function shall include provision for the perpetual care and maintenance of all common facilities and open space, subject further to the provisions of Section 2.2.20.3.8. of the Collier County Land Development Code.

2.11 FILL STORAGE

Notwithstanding the provisions of Section 3.2.8.3.6. of the Collier County Land Development Code, fill storage is generally permitted as a principal use throughout the White Lake Corporate Park PUD. Fill material generated may be stockpiled within areas designated for development. Prior to stockpiling in these locations, a Vegetation Removal and Site Filling Permit, along with plans showing the locations and cross-sections shall be submitted to Collier County Planning Services Staff for review and approval. The following standards shall apply:

A. Stockpile maximum side slope: 3:1

B. Stockpile maximum height: thirty-five (35) feet

C Fill storage areas shall be screened with a security fence at least six (6) feet in height above ground level. If fill is spread to a height less than four feet over development areas that are depicted on an approved Site Development Plan, no fencing is required.

D. Soil erosion control shall be provided in accordance with Division 3.7 of the Land Development Code.

E. Fill storage shall not be permitted in Preserve Areas.

2.12 REQUIRED ENVIRONMENTAL PERMITTING

Where the development of land within the White Lake Corporate Park PUD requires a permit from a local, State, or Federal agency with jurisdiction over the property proposed for development, the developer shall obtain such permits prior to final development order approval.

2.13 NATIVE VEGETATION RETENTION REQUIREMENTS

White Lake Corporate Park PUD will be consistent with Policy 6.4.6 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan, by adhering to the provisions of Section 3.9.5.5.3 of the Collier County Land Development Code.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

2.14 LINKAGE TO COLLIER COUNTY LAND DEVELOPMENT CODE

Pursuant to Subsection 2.7.3.3. of the Land Development Code, upon adoption of the PUD Ordinance and attendant PUD Master Plan, the provisions of the PUD document become a part of the Land Development Code and shall be the standards of development for the PUD. Thenceforth, development in the area delineated as the White Lake Corporate Park PUD District on the Official Zoning Map will be governed by the adopted development regulations, PUD Master Plan, and all applicable provisions of the Collier County Land Development Code.

2.15 ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS

Commercial land uses shall comply with the provisions of Section 2.8.3. of the Land Development Code. Land uses proposed adjacent to the White Lake Boulevard Right-of-Way, visible from the I-75 travel lanes, shall comply with the applicable architectural design guidelines set forth in Division 2.8 of the Land Development Code, and may request alternative architectural design standards as provided in, and in accordance with, the provisions of Section 2.8.2.5 of the Land Development Code. Alternative standards shall be evaluated for their consistency with the purpose and intent of the Activity Center #9 Interchange Master Plan. The purpose of the architectural guidelines and standards is to provide a pleasing visual experience from the I-75 corridor in an effort to create a gateway into Naples and Collier County, thereby advancing the purpose of the Activity Center #9 Interchange Master Plan. At such time as Collier County adopts design standards for the Activity Center #9 Interchange Master Plan, those standards shall apply to this PUD.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

SECTION III

INDUSTRIAL DEVELOPMENT AREA

3.1 PURPOSE

The purpose of this Section is to set forth the development plan for areas designated as Tract "I", Industrial Development Area on Exhibit "A", PUD Master Plan.

3.2 USES PERMITTED

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

A. Principal Uses[1]:

1) Agricultural related services (Industry Numbers 0711-0724, 0761, 0782, and 0783);

2) Apparel and other finished products as defined under Major Group 23;

3) Automotive repair, services, and parking as defined in Major Group 75;

4) Building construction as defined under Major Group 15;

5) Business services (Industry Numbers 7312, 7313, 7319, 7334-7336, and 7342-7389);

6) Communications as defined under Major Group 48;

7) Construction – special trade contractors as defined under Major Group 17;

8) Eating and drinking places (Industry Number 5812);

9) Educational services (Industry Numbers 8243-8249);

10) Electronic and other electrical equipment and components, except computer equipment as defined under Major Group 36;

11) Engineering, accounting, research, management, and related services (Industry Numbers 8711-8733);

12) Fabricated metal products, except machinery and transportation equipment (Industry Numbers 3411-3479, and 3499);

13) Food and kindred products (Industry Numbers 2011-2099). Slaughtering Plants of any kind are prohibited;

14) Furniture and fixtures as defined under Major Group 25;

15) Heavy construction other than building construction-contractors as defined under Major Group 16;

[1] Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987 Edition.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

16) Industrial and commercial machinery and computer equipment as defined under Major Group 35;

17) Leather and leather products (Industry Numbers 3131-3199);

18) Local, and suburban transit and interurban highway passenger transportation as defined under Major Group 41;

19) Lumber and wood products (Industry Numbers 2426, 2431-2499);

20) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks as defined under Major Group 38;

21) Membership organizations (Industry Numbers 8611 and 8631);

22) Miscellaneous manufacturing industries as defined under Major Group 39;

23) Miscellaneous repair services (Industry Number 7692);

24) Motor freight transportation and warehousing (Industry Numbers 4212 - 4226);

25) Paper and allied products (Industry Numbers 2652-2679);

26) Personal services (Industry Number 7219);

27) Printing, publishing, and allied industries as defined under Major Group 27;

28) Rubber and miscellaneous plastics (Industry Numbers 3021-3089);

29) Stone, glass, and concrete products (Industry Numbers 3211, 3251-3273, and 3281);

30) Textile mill products (Industry Numbers 2211, 2221, 2241, 2251-2259, and 2273-2299);

31) Transportation equipment (Industry Numbers 3714, 3716, 3728, 3732, 3751, 3769, 3792, and 3799);

32) Transportation services (Industry Numbers 4731, and 4783);

33) United States Postal Service as defined under Major Group 43;

34) Wholesale trade-durable goods (Industry Numbers 5012-5014, 5021-5049, 5063-5088, 5091, 5092 and 5094);

35) Wholesale trade-nondurable goods (Industry Numbers 5111-5159, 5181, 5182, and 5199);

36) Any other use which is comparable in nature to the foregoing land uses as determined by the Collier County Planning Services Director.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

B. Accessory Uses

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

1) Parking facilities;

2) Customary accessory and incidental uses and structures associated with permitted principal uses of this PUD;

3) Retail sales and/or display areas as accessory to the principal use, not to exceed an area greater than twenty percent (20%) of the gross floor area of the permitted principal use and subject to retail standards for landscaping, parking and open space.

3.3 DEVELOPMENT STANDARDS

A. GENERAL: Except as provided for herein, all criteria set forth below shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Front yard setbacks shall be measured from back of curb or edge of pavement, whichever is closer to the structure.

B. MINIMUM LOT AREA: 20,000 square feet.

C. AVERAGE LOT WIDTH: 100 feet.

D. MINIMUM YARDS:

1) Front Yard: 50 feet;

2) Side Yard: 20 feet;

3) Rear Yard: 15 feet;

4) Waterfront: 25 feet;

4) Yards abutting off-site residential land uses: 50 feet;

5) Parcels with two frontages may reduce one front yard by 10 feet.

E. MINIMUM DISTANCE BETWEEN STRUCTURES: Placement of structures shall be in compliance with NFPA standards for fire safety, with no less than 10 feet of separation.

F. MAXIMUM HEIGHT: 50 feet.

G. MINIMUM FLOOR AREA: 1,000 square feet.

H. OFF-STREET PARKING AND LOADING REQUIREMENTS:

As required by Division 2.3 of the Collier County Land Development Code in effect at the time of site development plan approval.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

I. OUTSIDE STORAGE:

Outside storage of manufactured products, raw or finished materials, or vehicles other than passenger vehicles is permitted in this PUD subject to the provision of screening with a fence at least 7 feet in height above ground level from all adjacent or abutting residentially zoned or developed land. Said fence or wall shall be opaque in design, and made of masonry, wood, or other materials approved by the Collier County Planning Services Director.

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

SECTION IV

COMMERCIAL DEVELOPMENT AREA

4.1 PURPOSE

The purpose of this Section is to set forth the development plan for areas designated as Tract "C", Commercial Development Area on Exhibit "A", PUD Master Plan.

4.2 MAXIMUM COMMERCIAL SQUARE FEET

The 7.85± acre Commercial Development Area (Tract "C"), shall not be developed with more than 96,165 square feet of commercial uses. Should a hotel or motel be proposed, a commensurate amount of commercial development opportunity shall be lost, based on a comparison of average annual daily trip generations.

4.3 USES PERMITTED

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

A. Principal Uses[1]:

1) Apparel and accessory stores as defined under Major Group 56;

2) Automotive dealers and gasoline service stations (Industry Numbers 5531, and 5541);

3) Building materials, hardware, and garden supply (Industry Numbers 5211-5261);

4) Business services (Industry Numbers 7311, 7334, and 7371);

5) Carwashes (Industry Number 7542);

6) Eating and drinking places as defined under Major Group 58;

7) Engineering, accounting, research, and management (Numbers 8711 with no outside equipment storage, 8712 with no outside equipment storage, 8721, 8732, 8742, 8743, and 8748);

8) Finance, insurance, and real estate as defined under Major Groups 60, 61, 62, 63, 64, 65, and 67;

9) Food stores as defined under Major Group 54;

10) General merchandise stores as defined under Major Group 53;

11) Government offices as defined under Major Group 91;

[1] Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987 Edition.

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12) Home furniture, furnishings, and equipment stores as defined under Major Group 57;

13) Hotels or motels (Industry Number 7011). No more than 150 rooms shall be permitted;

14) Legal services as defined under Major Group 81;

15) Miscellaneous retail as defined under Major Group 59, not including Industry Numbers 5932, 5961, 5983-5989, and not including the retail sale of fireworks;

16) Motion pictures as defined under Major Group 78;

17) Personal services (Industry Numbers 7211, 7215, 7216 except rug cleaning, 7221-7291, and 7299, only including car title and tag service, computer photography or portraits, costume rental, dress suit and tuxedo rental, electrolysis (hair removal), hair weaving or replacement service, and tanning salons).

B. Accessory Uses

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

1) Parking facilities;

2) One caretaker's residence.

4.4 DEVELOPMENT STANDARDS

A. GENERAL: Except as provided for herein, all criteria set forth below shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Front yard setbacks shall be measured from back of curb or edge of pavement, whichever is closer to the structure.

B. MINIMUM LOT AREA: 10,000 square feet.

C. AVERAGE LOT WIDTH: 100 feet.

D. MINIMUM YARDS (INTERNAL):

1) Front Yard: 25 feet, or one-half of the building height as measured from each exterior wall, whichever is greater;

2) Side Yard: 10 feet;

3) Rear Yard: One-half of the building height;

4) Parcels with two frontages may reduce one front yard by 10 feet.

E. MINIMUM DISTANCE BETWEEN STRUCTURES: Placement of structures shall be in compliance with NFPA standards for fire safety, with no less than 10 feet of separation.

F. MAXIMUM HEIGHT: 50 feet.

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G. MINIMUM FLOOR AREA: 1,000 square feet per principal structure, on the first finished floor.

H. MAXIMUM GROSS LEASABLE FLOOR AREA: 96,165 square feet.

I. OFF-STREET PARKING AND LOADING REQUIREMENTS:

As required by Division 2.3 of the Collier County Land Development Code in effect at the time of site development plan approval.

J. OUTSIDE STORAGE AND DISPLAY:

Outside storage and display is prohibited in Tract C as depicted on Exhibit "A", PUD Master Plan, with the exception of garden centers.

K. CARETAKER'S RESIDENCE:

One (1) caretaker's residence shall be permitted for the commercial development area, subject to the following:

1) The residence shall be constructed as an integral part of the shopping center or one of the commercial buildings, and shall be entered from within that structure. Exits that comply with fire codes shall be permitted.

2) The caretakers' residence shall be an accessory use, and shall be for the exclusive use of the property owner, tenant, or designated employee operating or maintaining the shopping center or commercial facilities.

3) Off-street parking shall be as for a single-family residence in accordance with Division 2.3 of the Collier County Land Development Code in effect at the time of site development plan approval. Parking for the caretaker's residences shall be in addition to any other required parking facilities.

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SECTION V

DEVELOPMENT COMMITMENTS

5.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the development of the project.

5.2 GENERAL

All facilities shall be constructed in strict accordance with final site development plans, final subdivision plans and all applicable State and local laws, codes, and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of the Land Development Code, Division 3.2 shall apply to this project even if the land within the PUD is not to be platted. The developer, his successor and assigns shall be responsible for the commitments outlined in this document.

The developer, his successor or assignee, shall follow the Master Development Plan and the regulations of the PUD as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successor or assignee in title to the developer is bound by any commitments within this agreement. These commitments may be assigned or delegated to a master association to be created by the developer. Upon assignment or delegation, the developer shall be released from responsibility for the commitments.

5.3 PUD MASTER DEVELOPMENT PLAN

A. Exhibit "A", PUD Master Plan illustrates the proposed development and is conceptual in nature. Proposed tract, lot or land use boundaries, or special land use boundaries shall not be construed to be final, and may be varied at anytime at any subsequent approval phase such as final platting or site development plan application. Subject to the provisions of Section 2.7.3.5 of the Land Development Code, amendments may be made from time to time.

B. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all services and all common areas in the project.

C. The Community Development and Environmental Services Administrator, or his designee, shall be authorized to approve minor changes and refinements to the White Lake Corporate Park PUD Master Plan upon written request of the developer.

1) The following limitations shall apply to such requests:

a. The minor change or refinement shall be consistent with the Collier County Growth Management Plan and the White Lake Corporate Park PUD document.

b. The minor change or refinement shall not constitute a substantial change pursuant to Subsection 2.7.3.5.1. of the Collier County Land Development Code.

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

2) The following shall be considered minor changes or refinements, subject to the limitations of Subsection 5.3.C.1) of this document:

a. Reconfiguration of preserve areas, jurisdictional wetland limits, and mitigation features as a result of regulatory agency review and permitting. There may be no overall decrease in preserve area.

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

c. Internal realignment of vehicular circulation patterns.

3) Minor changes and refinements, as described above, shall be reviewed by appropriate County staff to ensure compliance with all applicable County ordinances and regulations prior to the Administrator's consideration for approval.

4) Approval by the Administrator of a minor change or refinement may occur independently from and prior to any application for subdivision or site development plan approval, however, the Administrator's, or his designee's approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all applicable County permits and approvals.

5.4 SCHEDULE OF DEVELOPMENT/MONITORING REPORT AND SUNSET PROVISION

A. This PUD is subject to the Sunset Provisions of Section 2.7.3.4 of the Land Development Code.

B. An annual PUD monitoring report shall be submitted pursuant to Section 2.7.3.6 of the Land Development Code.

5.5 TRANSPORTATION

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

A. The developer shall maintain joint/shared access with the adjacent property (Citygate PUD), via White Lake Boulevard.

B. The petitioner shall provide left turn lanes and arterial level street lighting at all project entrances, if deemed warranted by Collier County. The turn lanes and arterial level street lighting shall be provided when requested by the County.

C. The petitioner shall be responsible for a fair share contribution of the site related roadway improvements at the Collier Boulevard/White Lake Boulevard intersection, which has been determined to be $118,850.00, and shall be paid to Collier County on or before October 1, 2001.

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5.6 ENGINEERING

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

A. Detailed paving, grading site drainage and utility plans shall be submitted to Engineering Review Services for review. No construction permits shall be issued unless and until approval of the proposed construction with the submitted plans is granted by Engineering Review Services.

B. The internal right-of-way cross-section shall be in accordance with the typical section depicted on Exhibit "A", PUD Master Plan.

C. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County Land Development Code.

D. Work within Collier County right-of-way shall meet the requirements of Collier County Right-Of-Way Ordinance 82-91.

E. The project shall be platted in accordance with the Collier County Land Development Code to define the right-of-way, tracts, and easements as shown on the Master Plan.

5.7 WATER MANAGEMENT

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

A. A copy of the South Florida Water Management District (SFWMD) Surface Water Permit Application shall be sent to Collier County Development Services with the Subdivision Plat and Construction Plan and/or SDP submittal. A copy of the approval of this SFWMD Surface Water Permit shall be submitted prior to Site Development Plan approval.

B. All requirements of Excavation Permit No. 59.133 shall be complied with. If an annual report is not filed, the excavation permit will be considered void in accordance with the Land Development Code and a complete resubmission will be necessary.

5.8 UTILITIES

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

A. Water distribution, sewage collection and transmission and interim water and/or sewage treatment facilities to serve the project are to be designed, constructed, conveyed, owned and maintained in accordance with Collier County Ordinance No. 97-17, as amended, and other applicable County rules and regulations.

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B. The on-site water distribution system to serve the project must be connected to the District's water main consistent with the main sizing requirements specified in the County's Water Master Plan and extended throughout the project. During design of these facilities, the following features shall be incorporated into the distribution system:

1. Dead-end mains shall be eliminated by looping the internal pipeline network;

2. Stubs for future system interconnection with adjacent properties shall be provided to the east property line of the project, at locations to be mutually agreed to by the County and the Developer during the design phase of the project;

2. The utility construction documents for the project's sewerage system shall be prepared so that all sewage flowing into the County's sewerage system is transmitted by one (1) main on-site pump station. The developer's engineer shall meet with the County staff prior to commencing preparation of construction drawings, so that all aspects of the sewerage system design can be coordinated with the County's Sewer Master Plan;

3. The existing off-site water facilities of the District must be evaluated for hydraulic capacity to serve this project and reinforced as required, if necessary, consistent with the County's Water Master Plan to insure that the District's water system can hydraulically provide a sufficient quantity of water to meet the anticipated demands for the project, and the District's existing committed capacity.

5.9 ENVIRONMENTAL

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

A Wetland preserve/conservation areas shall be surveyed prior to construction plan/plat approval. A conservation easement similar to or as per Chapter 704.06 Florida Statutes shall be created and indicated on the plat, and shall be recorded in the Public Records of Collier County.

B. All State and Federal permits that may affect the design of this project shall be submitted to Engineering Review Services prior to final subdivision plat approval.

C. The use of native species in landscape plans shall be in accordance with Section 2.4.4.1 of the Collier County Land Development Code.

D. Prohibited exotic vegetation removal shall be performed in accordance with Section 3.9.6.6 of the Collier County Land Development Code.

E. Pursuant to Section 2.2.25.8.1. of the Land Development Code, if during the course of site clearing, excavation or other construction activity a historic artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the Collier County Code Enforcement Department contacted.

F. The mitigation plan for the preserve and buffer areas is provided in the Environmental Impact Statement.

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G. The PUD Master Plan provides 4.9 acres of conservation area on-site. An additional 6.9 acres of native landscaping will be planted on site, and 0.3 acres of littoral vegetation will be restored along the entire lake bank where it abuts the conservation area. Mitigation planting within conservation areas, buffers and lake littoral zones shall be completed prior to preliminary acceptance of the next phase of the development.

5.10 ACCESSORY STRUCTURES

Accessory structures shall be constructed simultaneously with, or following the construction of the principal structure, except for a construction site office that may be constructed prior to commencement of infrastructure construction.

5.11 SIGNS

All signs shall be in accordance with Division 2.5 of Collier County's Land Development Code, and the Activity Center #9 Interchange Master Plan.

5.12 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout the White Lake Corporate Park PUD, except in preserve areas. The following standards shall apply:

A. Landscape berms shall have the following maximum side slopes:

1) Grassed berms 3:1
2) Ground covered berms 3:1
3) Rip-Rap berms 1:1
4) Structural walled berms may be vertical.

B. Fencing materials shall be of either wood, masonry or similar material, except an eight (8) foot high unified, opaque, modular concrete fence/wall shall be constructed along White Lake Boulevard associated with Tract "I". A type "D" landscape buffer shall be placed along the street side of said fence/wall. The fence/wall shall be located a minimum of five (5) feet from the White Lake Boulevard right-of-way. Construction of the fence/wall shall occur prior to or concurrently with building construction on each parcel.

D. Fence or wall maximum height: 9 feet, as measured from the finished grade of the ground at the base of the fence or wall. For the purpose of this provision, finished grade shall be considered no greater than 18 inches above the crown elevation of the nearest existing road, unless the fence or wall is constructed on a perimeter landscape berm. In these cases, the fence or wall shall not exceed 6 feet in height from the top of berm elevation with an average side slope of greater than 4:1 (i.e. 3:1, 2:1, 1:1, or vertical).

D. Pedestrian sidewalks, bike paths, water management facilities and structures may be allowed in landscape buffer areas in accordance with Division 2.4 of the Land Development Code.

5.13 LANDSCAPING FOR OFF-STREET PARKING AREAS

Except where provided for elsewhere in this document, all landscaping for off-street parking areas shall be in accordance with Division 2.4 of the Collier County Land Development Code, and the Activity Center #9 Interchange Master Plan.

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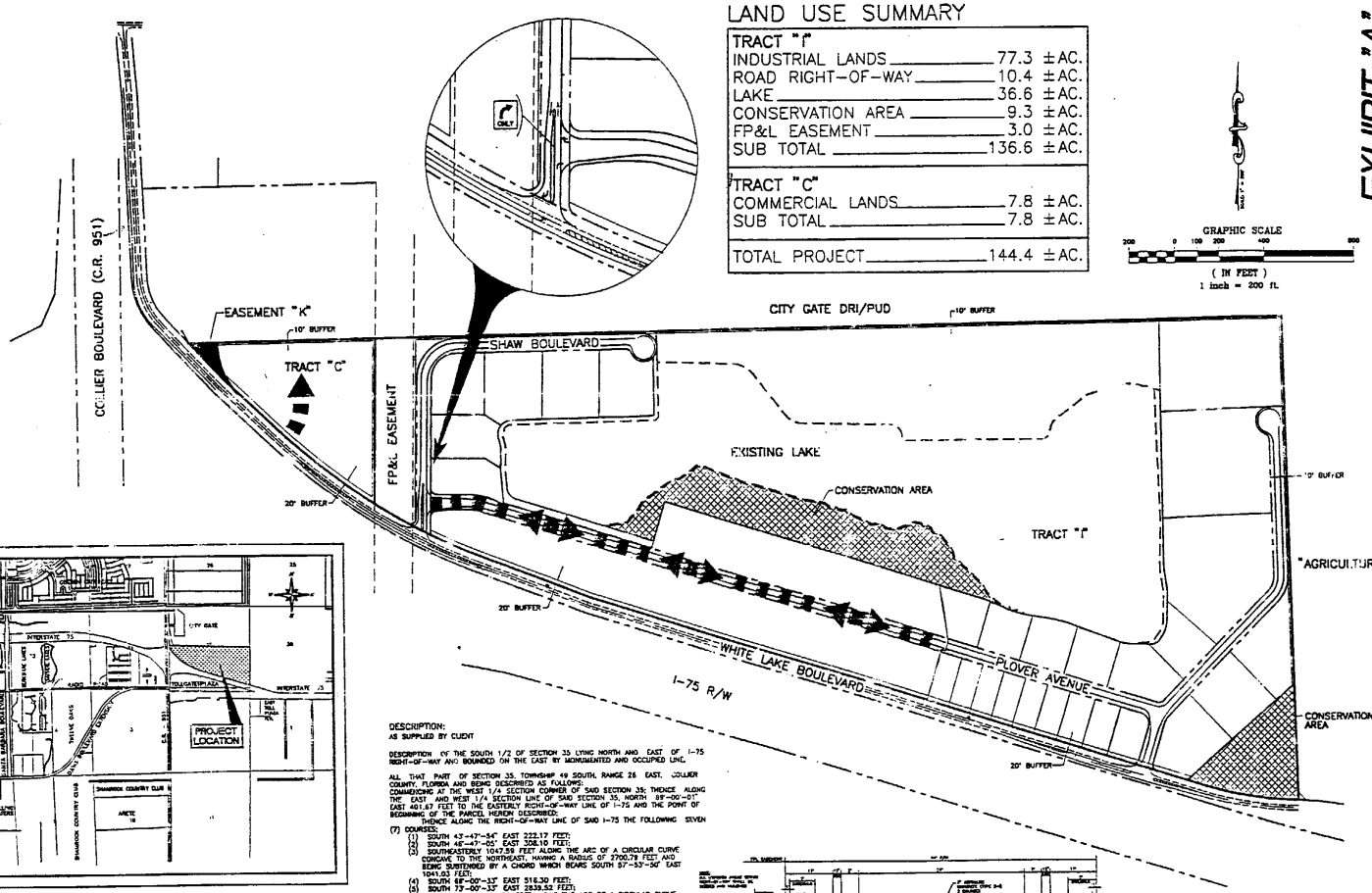
EXHIBIT "A"

LAND USE SUMMARY

TRACT "I"		
INDUSTRIAL LANDS	77.3	±AC.
ROAD RIGHT-OF-WAY	10.4	±AC.
LAKE	36.6	±AC.
CONSERVATION AREA	9.3	±AC.
FP&L EASEMENT	3.0	±AC.
SUB TOTAL	136.6	±AC.
TRACT "C"		
COMMERCIAL LANDS	7.8	±AC.
SUB TOTAL	7.8	±AC.
TOTAL PROJECT	144.4	±AC.



PROJECT LOCATION

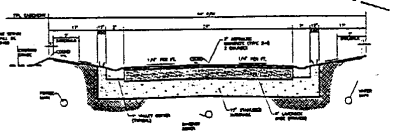
PUD MASTER PLAN NOTES

1. WITHIN THE PUD BOUNDARIES THERE WILL BE A MINIMUM OF 43.32 ACRES OF OPEN SPACE.
2. OPEN SPACE SHALL BE ALL LANDS NOT COVERED WITH IMPERVIOUS SURFACES.
3. PURSUANT TO SECTION 3.8.2.5. OF THE LDC, 25% OF THE VIABLE, NATURALLY FUNCTIONING NATIVE VEGETATION IS REQUIRED TO BE RETAINED, OR REPLANTED.
4. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
5. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER PRELIMINARY SUBDIVISION PLAT APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.

DESCRIPTION:
AS SUPPLIED BY CLIENT

DESCRIPTION OF THE SOUTH 1/2 OF SECTION 35 LYING NORTH AND EAST OF I-75 RIGHT-OF-WAY AND BOUNDED ON THE EAST BY UNDESIGNATED AND OCCUPIED LINE.

ALL THAT PART OF SECTION 35, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST 1/4 SECTION CORNER OF SAID SECTION 35; THENCE ALONG THE EAST AND WEST 1/4 SECTION LINE OF SAID SECTION 35, NORTH 89°-00'-01" EAST 401.67 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF I-75 AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
THENCE ALONG THE RIGHT-OF-WAY LINE OF SAID I-75 THE FOLLOWING SEVEN (7) COURSES:
(1) SOUTH 43°-47'-34" EAST 232.17 FEET;
(2) SOUTH 46°-47'-05" EAST 308.10 FEET;
(3) SOUTHEASTERLY 1047.59 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 7700.79 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 57°-53'-50" EAST 1046.83 FEET;
(4) SOUTH 68°-00'-33" EAST 516.30 FEET;
(5) SOUTH 77°-00'-13" EAST 2838.52 FEET;
(6) SOUTHEASTERLY 411.28 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1492.89 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 80°-34'-53" EAST 409.98 FEET TO A POINT OF REVERSE CURVATURE;
(7) EASTERLY 22.49 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1562.89 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 84°-23'-53" EAST 22.48 FEET TO THE EAST LINE OF SAID SECTION 35;
THENCE LEAVING SAID I-75 RIGHT-OF-WAY CONTINUE ALONG THE EAST LINE OF SECTION 35,
NORTH 1°-57'-08" WEST 2089.86 FEET TO THE EAST 1/4 SECTION LINE OF SAID SECTION 35;
THENCE ALONG THE EAST AND WEST 1/4 SECTION LINE OF SAID SECTION 35, SOUTH 89°-00'-00" WEST
4814.83 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
SUBJECT TO A FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN O.R. BOOK 681, PAGES 1314-1315, COLLIER COUNTY, FLORIDA;
ALSO SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD;
CONTAINING 144.4 ACRES OF LAND MORE OR LESS.



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RWA INC.
CIVIL ENGINEERS Development & Environmental Consultants

PROJECT: WHITE LAKE CORPORATE PARK
CLIENT: WILLIAM T. HIGGS
TITLE: PUD MASTER PLAN
DATE: AUG 2000
SCALE: 1" = 200'
DRAWN: RJL
CHECKED: E.J.K.
PROJECT NO. 99-099
FILE NO. XCOMPACT
SHEET NUMBER 1 OF 1

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD

STATE OF FLORIDA)

COUNTY OF COLLIER)

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

ORDINANCE NO. 2001-59

Which was adopted by the Board of County Commissioners on the 23rd day of October, 2001, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day of October, 2001.

FILED
2001 OCT 29 PM 4:36
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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

By: Teri Michaels
Deputy Clerk

Attachment: Attachment A - Ord. 01-59 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

ORDINANCE NO. 18 - 45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2001-59, THE WHITE LAKE CORPORATE PARK PLANNED UNIT DEVELOPMENT, BY INCREASING THE MAXIMUM NUMBER OF HOTEL/MOTEL ROOMS FROM 150 TO 281, BY ADDING TOOL RENTAL AND LEASING AS A PERMITTED USE AND ADDING GENERAL WAREHOUSING AND STORAGE AS AN ACCESSORY USE; BY INCREASING THE COMMERCIAL TRACT BY 3 ACRES AND REDUCING THE INDUSTRIAL TRACT BY 3 ACRES; BY ADDING A CAP ON TRAFFIC TRIP GENERATION FOR THE COMMERCIAL DEVELOPMENT AREA; BY REVISING DEVELOPMENT COMMITMENTS; AND REVISING THE PUD MASTER PLAN TO MOVE THE TRACT C BOUNDARY TO THE EAST OF THE FPL EASEMENT; AND PROVIDING AN EFFECTIVE DATE. THE SUBJECT PROPERTY, CONSISTING OF 144.4+/- ACRES, IS LOCATED NORTHEAST OF, AND ADJACENT TO, THE INTERSECTION OF I-75 AND COLLIER BOULEVARD IN SECTION 35, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA. [PL20170004428]

WHEREAS, on October 23, 2001, the Board of County Commissioners approved Ordinance No. 2001-59, which established the White Lake Corporate Park Planned Unit Development (PUD); and

WHEREAS, Patrick Vanasse, AICP of RWA, Inc. representing Power Holdings Corporation, petitioned the Board of County Commissioners of Collier County, Florida, to amend Ordinance 2001-59, as amended, the White Lake Corporate Park PUD.

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

SECTION ONE: Amendment to Section 1.5, Project Description, of the PUD Document attached as Exhibit A to Ordinance No. 2001-59, the White Lake Corporate Park PUD.

Section 1.5, Project Description, of the PUD Document previously attached as Exhibit A to Ordinance Number 2001-59, the White Lake Corporate Park PUD, is hereby amended as follows:

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

1.5 PROJECT DESCRIPTION

The White Lake Corporate Park PUD shall be a mixed-use development, with a small commercial development opportunity located west of, and including, the FP&L easement on the White Lake Boulevard frontage, and the industrial development opportunity will remain over the balance of the PUD property. The commercial component of the development is limited to 96,165 square feet of gross leasable floor area, and will be located on a ~~7.85~~ 10.85± acre parcel. The commercial land uses proposed are those typically associated with major interchanges, including, but not limited to, convenience stores with gas pumps, restaurants, fast-food and/or sit-down dining, and banks. The industrial/office park development is limited only by the land area available on the east side of the FP&L easement.

SECTION TWO: Amendments to Table 1 of Section II, Project Development Requirements, of the PUD Document of Ordinance Number 2001-59, White Lake Corporate Park PUD.

Table I of Section II, Project Development Requirements, of the PUD Document previously attached as Exhibit A to Ordinance Number 2001-59, the White Lake Corporate Park PUD, is hereby amended as follows:

TABLE I

PROJECT LAND USE TRACTS

	TYPE	ACREAGE±
TRACT "I"	INDUSTRIAL	~~136.5~~ 133.5
TRACT "C"	COMMERCIAL	~~7.8~~ 10.85

SECTION THREE: Amendments to Section 2.15, Architectural Design Guidelines and Standards, of the PUD Document of Ordinance Number 2001-59, White Lake Corporate Park PUD.

Section 2.15, Architectural Design Guidelines and Standards, of the PUD Document previously attached as Exhibit A to Ordinance Number 2001-59, the White Lake Corporate Park PUD, is hereby amended as follows:

2.15 ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS

Commercial land uses shall comply with the provisions of ~~Section 2.8.3.~~ Section 5.05.08 of the Land Development Code. Land uses proposed adjacent to the White Lake Boulevard Right-of-Way, visible from the I-75 travel lanes, shall comply with the

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

applicable architectural design guidelines set forth in ~~Division 2.8~~ Section 5.05.08 of the Land Development Code, and may request alternative architectural design standards as provided in, and in accordance with, the provisions of Section ~~2.8.2.5~~ 5.05.08.G of the Land Development Code. Alternative standards shall be evaluated for their consistency with the purpose and intent of the Activity Center #9 Interchange Master Plan. The purpose of the architectural guidelines and standards is to provide a pleasing visual experience from the I-75 corridor in an effort to create a gateway into Naples and Collier County, thereby advancing the purpose of the Activity Center #9 Interchange Master Plan. ~~At such time as~~ Collier County ~~adopts~~ design standards for the Activity Center #9 Interchange Master Plan~~, those standards~~ shall apply to this PUD.

SECTION FOUR: Amendments to Section IV, Commercial Development Area, of PUD Document of Ordinance Number 2001-59, White Lake Corporate Park PUD.

Section IV, Commercial Development Area of the PUD Document previously attached as Exhibit A to Ordinance Number 2001-59, the White Lake Corporate Park PUD, is hereby amended as follows:

4.1 PURPOSE

The purpose of this Section is to set forth the development plan for areas designated as Tract "C", Commercial Development Area on Exhibit "A", PUD Master Plan.

4.2 MAXIMUM COMMERCIAL SQUARE FEET

The ~~7.85~~10.85± acre Commercial Development Area (Tract "C"), shall not be developed with more than 96,165 square feet of commercial uses. Should ~~a~~ hotels or motels be proposed, a commensurate amount of commercial development opportunity shall be lost, based on a comparison of average annual daily trip generations. The maximum total daily trip generation for the Commercial Development Area of the PUD shall not exceed 584 two-way PM peak hour net trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval.

4.3 USES PERMITTED

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

A. Principal Uses[1]:

1) Apparel and accessory stores as defined under Major Group 56;

[1] Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987 Edition.

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

2) Automotive dealers and gasoline service stations (Industry Numbers 5531, and 5541);
3) Building materials, hardware, and garden supply (Industry Numbers 5211-5261);

4) Business services (Industry Numbers 7311, 7334, and 7371);

5) Carwashes (Industry Number 7542);

6) Eating and drinking places as defined under Major Group 58;

7) Engineering, accounting, research, and management (Numbers 8711 with no outside equipment storage, 8712 with no outside equipment storage, 8721, 8732, 8742, 8743, and 8748);

8) Finance, insurance, and real estate as defined under Major Groups 60, 61, 62, 63, 64, 65, and 67;

9) Food stores as defined under Major Group 54;

10) General merchandise stores as defined under Major Group 53;

11) Government offices as defined under Major Group 91;

12) Home furniture, furnishings, and equipment stores as defined under Major Group 57;

13) Hotels or motels (Industry Number 7011). No more than ~~150~~281 rooms shall be permitted;

14) Legal services as defined under Major Group 81;

15) Miscellaneous retail as defined under Major Group 59, not including Industry Numbers 5932, 5961, 5983-5989, and not including the retail sale of fireworks;

16) Motion pictures as defined under Major Group 78;

17) Personal services (Industry Numbers 7211, 7215, 7216 except rug cleaning, 7221-7291, and 7299, only including car title and tag service, computer photography or portraits, costume rental, dress suit and tuxedo rental, electrolysis (hair removal), hair weaving or replacement service, and tanning salons).

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

18) Equipment Rental and Leasing, Not Elsewhere Classified (Industry Number 7359) limited to tool rental and leasing.

B. Accessory Uses

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

1) Parking facilities;

2) One caretaker's residence.

3) General Warehousing and Storage (Industry Number 4225) limited to General Warehousing and Storage, not to include mini-warehouse warehousing or warehousing, self-storage.

4.4 DEVELOPMENT STANDARDS

A. GENERAL: Except as provided for herein, all criteria set forth below shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Front yard setbacks shall be measured from back of curb or edge of pavement, whichever is closer to the structure.

B. MINIMUM LOT AREA: 10,000 square feet.

C. AVERAGE LOT WIDTH: 100 feet

D. MINIMUM YARDS (INTERNAL):

1) Front Yard: 25 feet, or one-half of the building height as measured from each exterior wall, whichever is greater;

2) Site Yard: 10 feet;

3) Rear Yard: One-half of the building height;

4) Parcels with two frontages may reduce one front yard by 10 feet.

E. MINIMUM DISTANCE BETWEEN STRUCTURES: Placement of structures shall be in compliance with NFPA standards for fire safety, with no less than 10 feet of separation.

F. MAXIMUM HEIGHT: 50 feet.

G. MINIMUM FLOOR AREA: 1,000 square feet per principal structure, on the first finished floor.

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

H. MAXIMUM GROSS LEASABLE FLOOR AREA: 96,165 square feet.

I. OFF-STREET PARKING AND LOADING REQUIREMENTS:

As required by ~~Division 2.3~~ LDC section 4.05.00 of the Collier County Land Development Code in effect at the time of site development plan approval.

J. OUTSIDE STORAGE AND DISPLAY:

Outside storage and display is prohibited in Tract C as depicted on Exhibit "A", PUD Master Plan, with the exception of garden centers.

K. CARETAKER'S RESIDENCE:

One (1) caretaker's residence shall be permitted for the commercial development area, subject to the following:

1) The residence shall be constructed as an integral part of the shopping center or one of the commercial buildings, and shall be entered from within that structure. Exits that comply with fire codes shall be permitted

2) The caretaker's residence shall be an accessory use, and shall be for the exclusive use of the property owner, tenant, or designated employee operating or maintaining the shopping center or commercial facilities.
3) Off-street parking shall be as for a single-family residence in accordance with ~~Division 2.3~~ LDC section 4.05.00 of the Collier County Land Development Code in effect at the time of site development plan approval. Parking for the caretaker's residences shall be in addition to any other required parking facilities.

SECTION FIVE: Amendments to Section V, Development Commitments, of the PUD Document previously attached as Exhibit A to Ordinance Number 2001-59, the White Lake Corporate Park PUD.

Section V, Development Commitments, of the PUD Document previously attached as Exhibit A to Ordinance Number 2001-59, the White Lake Corporate Park PUD, is hereby amended as follows:

5.1 PURPOSE

The purpose of this section is to set forth the development commitments for the development of the project.

****

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

5.4 SCHEDULE OF DEVELOPMENT/MONITORING REPORT AND SUNSET PROVISION

~~B.~~A. ~~An annual PUD monitoring report shall be submitted pursuant to Section 2.7.3.6 of the Land Development Code.~~ One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is the White Lake Commons Association, Inc., or its assigns. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. When the PUD is closed out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

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

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

****

5.5 TRANSPORTATION

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

A. The developer shall maintain joint/shared access with the adjacent property (Citygate PUD), via White Lake Boulevard.

B. The petitioner shall provide left turn lanes and arterial level street lighting at all project entrances, if deemed warranted by Collier County. The turn lanes and arterial level street lighting shall be provided when requested by the County.

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C. The petitioner shall be responsible for a fair share contribution of the site related roadway improvements at the Collier Boulevard/White Lake Boulevard intersection, which has been determined to be $118,850.00, and shall be paid to Collier County on or before October 1, 2001.

D. The White Lake Corporate Park PUD Transportation Impact Study was based on a development scenario of 96,165 square feet of retail uses for Tract C and 86.3 acres of developable industrial acreage for Tract I, as previously approved in PUD Ordinance No. 01-59. Total trip estimates were derived using the ITE Trip Generation Manual 9th edition. The maximum total daily trip generation for the Commercial Development Area of the PUD shall not exceed 584 two-way PM peak hour net trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval.

****

5.8 UTILITIES

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

~~A. Water distribution, sewage collection and transmission and interim water and/or sewage treatment facilities to serve the project are to be designed, constructed, conveyed, owned and maintained in accordance with Collier County Ordinance No. 97-17, as amended, and other applicable County rules and regulations.~~

~~B. The on-site water distribution system to serve the project must be connected to the District's water main consistent with the main sizing requirements specified in the County's Water Master Plan and extended throughout the project. During design of these facilities, the following features shall be incorporated into the distribution system:~~

~~1. Dead-end mains shall be eliminated by looping the internal pipeline network;~~

~~2. Stubs for future system interconnection with adjacent properties shall be provided to the east property line of the project, at locations to be mutually agreed to by the County and the Developer during the design phase of the project;~~

~~2. The utility construction documents for the project's sewerage system shall be prepared so that all sewage flowing into the County's sewerage system is transmitted by one (1) main on-site pump station. The developer's engineer shall meet with the County staff prior to commencing preparation of construction drawings, so that all aspects of the sewage system design can be coordinated with the County's Sewer Master Plan;~~

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

~~3. The existing off-site water facilities of the District must be evaluated for hydraulic capacity to serve this project and reinforced as required, if necessary, consistent with the County's Water Master Plan to insure that the District's water system can hydraulically provide a sufficient quantity of water to meet the anticipated demands for the project, and the District's existing committed capacity.~~

A. The White Lake Commons Association, Inc. (or successor in title) will convey County Utility Easements (CUEs) to the Collier County Water-Sewer District at the termini of Shaw Boulevard and Shearwater Street as depicted on the master plan. These easements will be for future water distribution system interconnection with adjacent properties and will run from the Shaw Boulevard cul-de-sac to the adjacent northern PUD boundary and from the Shearwater Street cul-de-sac to the adjacent eastern PUD boundary. The easements will be conveyed in accordance with the Collier County Utilities Standards and Procedures Ordinance at no cost to the County or the Collier County Water-Sewer District free and clear of all liens and encumbrances and shall be provided prior to or in conjunction with approval of the next development permit. In addition, if looping of the water distribution system is requested by any owner of this PUD, any costs to County or the Collier County Water-Sewer District, including land acquisition, engineering, permitting, and construction costs, for piping or other utilities infrastructure on this PUD property or adjacent property related to on-site or off-site looping of the PUD's water distribution system shall be paid by Power Corporation, its successors or assigns, within 30 days of written notification to Power Corporation, its successors and assigns. At close-out of the PUD monitoring in accordance with LDC Section 10.02.13.F, this commitment shall expire.

B. The utility construction documents for the project's sewerage system shall be prepared so that all sewage flowing into the County's sewerage system is transmitted by one (1) main on-site pump station. The developer's engineer shall meet with the County staff prior to commencing preparation of construction drawings, so that all aspects of the sewerage system design can be coordinated with the County's Sewer Master Plan.

****

SECTION SIX: Amendment to PUD Master Plan attached as Exhibit A to the PUD Document attached to Ordinance No. 2001-59, the White Lake Corporate Park PUD.

The PUD Master Plan attached as Exhibit A to the PUD Document attached to Ordinance No. 2001-59, the White Lake Corporate Park PUD, is hereby amended and replaced with Exhibit A attached hereto and incorporated herein.

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

SECTION SEVEN: Effective Date.

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

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 25th day of September, 2018.

ATTEST:
CRYSTAL K. KINZEL, CLERK

By: _____, Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
ANDY SOLIS, Chairman

Approved as to form and legality:

_____ HFAC 8-16-18
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Revised PUD Master Plan

This ordinance filed with the Secretary of State's Office the 26th day of September 2018 and acknowledgement of that filing received this 2nd day of October, 2018.

By: _____ Deputy Clerk

* Stat emailed to wrong email address

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

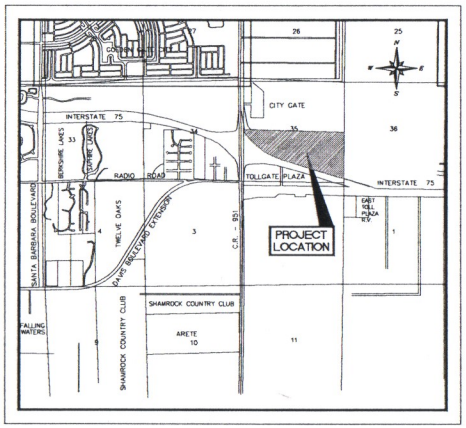
EXHIBIT "A"

LAND USE SUMMARY

TRACT "I"		
INDUSTRIAL LANDS	77.3	±AC.
ROAD RIGHT-OF-WAY	10.4	±AC.
LAKE	36.6	±AC.
CONSERVATION AREA	9.3	±AC.
SUB TOTAL	133.6	±AC.
TRACT "C"		
COMMERCIAL LANDS	7.8	±AC.
FP&L EASEMENT	3.0	±AC.
SUB TOTAL	10.8	±AC.
TOTAL PROJECT	144.4	±AC.

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.

COLLIER BOULEVARD (C.R. 951)
EASEMENT "K"
10' BUFFER
TRACT "C"
INCOME LANE
FP&L EASEMENT
20' BUFFER
SHAW BOULEVARD
COLLIER COUNTY UTILITY EASEMENT
CITY GATE DRI/PUD
10' BUFFER
EXISTING LAKE
CONSERVATION AREA
TRACT "I"
"AGRICULTURE"
COLLIER COUNTY UTILITY EASEMENT
10' BUFFER
SHEARWATER ST.
PLOVER AVENUE
WHITE LAKE BOULEVARD
I-75 R/W
CONSERVATION AREA
20' BUFFER
20' BUFFER



PROJECT LOCATION

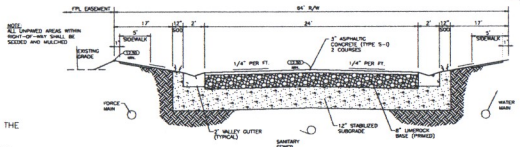
PUD MASTER PLAN NOTES

1. WITHIN THE PUD BOUNDARIES THERE WILL BE A MINIMUM OF 43.32 ACRES OF OPEN SPACE.
2. OPEN SPACE SHALL BE ALL LANDS NOT COVERED WITH IMPERVIOUS SURFACES.
3. PURSUANT TO SECTION 3.9.5.5. OF THE LDC, 25% OF THE VIABLE, NATURALLY FUNCTIONING NATIVE VEGETATION IS REQUIRED TO BE RETAINED, OR REPLANTED.
4. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
5. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER PRELIMINARY SUBDIVISION PLAT APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.

DESCRIPTION:
AS SUPPLIED BY CLIENT

DESCRIPTION OF THE SOUTH 1/2 OF SECTION 35 LYING NORTH AND EAST OF I-75 RIGHT-OF-WAY AND BOUNDED ON THE EAST BY MONUMENTED AND OCCUPIED LINE.

ALL THAT PART OF SECTION 35, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE WEST 1/4 SECTION CORNER OF SAID SECTION 35; THENCE ALONG THE EAST AND WEST 1/4 SECTION LINE OF SAID SECTION 35, NORTH 89°-00'-01" EAST 401.67 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF I-75 AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
THENCE ALONG THE RIGHT-OF-WAY LINE OF SAID I-75 THE FOLLOWING SEVEN (7) COURSES;
(1) SOUTH 43°-47'-54" EAST 222.17 FEET;
(2) SOUTH 46°-47'-05" EAST 308.10 FEET;
(3) SOUTHEASTERLY 1047.59 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2700.79 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 57°-53'-50" EAST 1041.03 FEET;
(4) SOUTH 68°-00'-33" EAST 516.30 FEET;
(5) SOUTH 73°-00'-33" EAST 2839.52 FEET;
(6) SOUTHEASTERLY 411.28 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1492.89 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 80°-54'-53" EAST 409.98 FEET TO A POINT OF REVERSE CURVATURE;
(7) EASTERLY 22.49 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1562.89 FEET AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 88°-22'-53" EAST 22.49 FEET TO THE EAST LINE OF SAID SECTION 35;
THENCE LEAVING SAID I-75 RIGHT-OF-WAY CONTINUE ALONG THE EAST LINE OF SECTION 35,
NORTH 1°-57'-08" WEST 2089.96 FEET TO THE EAST 1/4 SECTION LINE OF SAID SECTION 35;
THENCE ALONG THE EAST AND WEST 1/4 SECTION LINE OF SAID SECTION 35, SOUTH 89°-00'-00" WEST
4814.62 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
SUBJECT TO A FLORIDA POWER AND LIGHT COMPANY EASEMENT AS RECORDED IN O.R. BOOK 681, PAGES 1214-1215, COLLIER COUNTY, FLORIDA;
ALSO SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD;
CONTAINING 144.4 ACRES OF LAND MORE OR LESS.



TYPICAL PAVEMENT SECTION
N.T.S.

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
4575 Via Royale Suite 201 Ft. Myers, FL 33919

RWA INC.
CIVIL ENGINEERS Development & Environmental Consultants
3050 North Horseshoe Drive, Suite 270, Naples, Florida 34104 (941) 649-5500 FAX (941) 649-7256

PROJECT: WHITE LAKE CORPORATE PARK
CLIENT: WILLIAM T. HIGGS
TITLE: PUD MASTER PLAN
SEC 35 TWP 49S RGE 26E
SCALE: 1" = 200'
DRAWN: PJ
CHECKED: PJ
DATE: FEB. 2018
PROJECT NO. 93 009
DWG NO. 93-009-PUD
SHEET NUMBER 1 OF 1

K:\1993\93009.00.00 WHITE LAKE CORPORATE PARK\PLANNING\PUD AMENDMENT\PUD SET\PUD - REVISION # 3\93009PUD1.DWG

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD

FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 26, 2018

Ms. Crystal K. Kinzel, Interim Clerk
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann Jennejohn

Dear Ms. Kinzel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 18-45, which was filed in this office on September 26, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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

Attachment: Attachment B - Ord. 18-45 (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Comparable Use Determination

LDC sections 2.03.00 A, 10.02.06 J & Code of Laws section 2-83 – 2-90
Chapter 3 G.6 of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

☑ **PUD Zoning District**
☐ **Standard Zoning District**

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Greater Naples Fire Rescue District

Name of Applicant if different than owner: Craig D. Varn

Address: 14575 Collier Blvd **City:** Naples **State:** FL **ZIP:** 34119

Telephone: 239-348-7540 **Cell:** _____ **Fax:** _____

E-Mail Address: _____

Name of Agent(s): Jessica Kluttz

Firm: Davidson Engineering

Address: 4365 Radio Rd, Suite 201 **City:** Naples **State:** FL **ZIP:** 34104

Telephone: 239-434-6060 **Cell:** _____ **Fax:** _____

E-Mail Address: jessicak@davidsonengineering.com

PROPERTY INFORMATION

Site Address: 3481 & 3485 Shearwater Street **Folio Number:** 81790004746 & 81790004762

Property Owners Name: Greater Naples Fire Rescue District

DETERMINATION REQUEST

The determination request and justification for the use must be done by a certified land use planner or a land use attorney. Provide the completed request on a separate attached sheet. Please be very specific and include the SIC Code, if known. The request should adhere to the following format:

"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of Fire Protection/Training *is comparable and compatible with the permitted uses in the* White Lake *PUD or in the* _____*Straight Zoning District."*

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted.**

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Affidavit of Authorization	1	☒	
Completed Addressing Checklist	1	☒	
Determination request and the justification for the use	1	☒	
PUD Ordinance and Development Commitment information		✔	☐
Property Ownership Disclosure Form	1	☒	
Electronic Copies of all documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.		✔	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

FEE REQUIREMENTS:

- ☐ **Application:** $1,000.00; Additional Fees of $100 per hour will be charged as needed upon completion of review and research. Payment of Additional Fees will be required prior to the release of the verification.
- ☐ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners
The completed application, all required submittal materials, and the permit fee shall be submitted to:

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

09/02/2021
Date

Applicant Signature

Craig D. Varn
Printed Name

Please be advised that the zoning letter is based upon the available records furnished by Collier County and what was visible and accessible at the time of inspection. This report is based on the Land Development Code that is in effect on the date the report was prepared. Code regulations could be subject to change. While every attempt has been made to ensure the accuracy or completeness, and each subscriber to or user of this report understands that this department disclaims any liability for any damages in connection with its use. In addition, this department assumes no responsibility for the cost of correcting any unreported conditions.

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

ZONING VERIFICATION LETTER- PUD COMPARABLE USE DETERMINATION
REVISED 8-05-2021

The intent of this request is to obtain a formal determination that Essential Services, specifically Fire Protection and Ancillary Fire Station Services (SIC 9224), is comparable with the list of existing permitted uses within the White Lake Industrial Corporate Park PUD – Industrial Development Area (PUD Ordinance 2001-59, as amended). *Refer to Attachment "A" for the PUD Ordinances and Attachment "B" for the Description of SIC 9224: Fire Protection.*

Per item 36., Section 3.2.A. of the White Lake Corporate Park PUD, the following is permitted:

> *"Any other use which is comparable in nature to the foregoing land uses as determined by the Collier County Planning Services Director."*

Per the above language, I formally request the below information be considered to confirm Fire Protection and Ancillary Fire Station Services (SIC 9224) is a comparable land use with those listed in the Industrial Development Area of the White Lake Industrial Corporate Park PUD.

PROPOSED DEVELOPMENT

The subject request involves two (2) separate lots within the White Lake PUD, platted as the White Lake Corporate Park Phase Three- Lots 17 and 18, collectively consisting of 10.02-acres; *refer to Attachment "C" for the Location Map*. The Greater Naples Fire Rescue District (GNFD) is proposing to utilize the site for a variety of fire station/ ancillary fire station and regional firefighter training services that are imperative and necessary to promote and protect public health, safety and welfare. The proposed land uses include Administrative Offices, Fleet Storage and Maintenance, General Warehousing/Storage, and Training, inclusive of a training tower and classroom space. The training tower is a necessity, allowing for live fire training in an enclosed structure that will provide conditions similar to actual fire calls. The tower will meet applicable building and design codes and will be properly equipped to allow fire training in a controlled fashion, with no negative impact on surrounding property owners. *Please refer to Attachment "G" for the Conceptual Site Plan demonstrating conformance to all applicable codes within the PUD and Activity Center #9 requirements. Due to the site location, the development is subject to Activity Center #9 Interchange Master Plan design standards as per LDC 4.02.23. All habitable structures and storage structures will be subject to the Activity Center #9 Interchange Master Plan as it relates to architectural standards, landscaping, signage, and lighting. Storage will be held in a structure or screened per PUD Section 3.2.I. and LDC requirements.*

The location of this proposed development has been strategically planned and carefully considered by the Fire District for several years. The location is proposed to be within the vicinity of Collier County's "Core Campus #2"; *refer to Attachment "D" for the Master Space Planning-Collier County Core Campus #2 Location Map and Attachment "E" for the "Surrounding Developments Exhibit".* A future interconnect to

the City Gate Commerce Park PUD is also planned, which will allow for emergency-only interconnectivity between all proposed governmental facilities/ essential services within the proposed Collier County Core Campus #2. Co-locating governmental facilities and providing connectivity between the existing/proposed essential services will be an overall benefit.

The principal use of this development will be as a regional fire rescue training facility with an accessory fire station. The training of firefighters is essential to "promote and protect public health, safety and welfare" per LDC Section 2.01.03.C. Further, the accessory fire station will provide emergency services which are deemed an Essential Service, and the training facility will not interfere with the delivery of emergency services. A regional emergency training facility is essential to ensure that there is trained staff available at fire stations and similar service facilities, and vehicle maintenance and repair is needed to deliver fire rescue service, so these uses should also be deemed as essential. Regarding the training facility, expected use is at most 50 persons at a time within the hours of 7:30AM to 5:00PM with occasional evening and nighttime exercises. Sight illumination will not exceed standards set forth in the Collier County Land Development Code. Mobile water pumps mounted on fire trucks and apparatus will be utilized for training and demonstrative purposes, sound will not exceed expected levels within an industrial district which allows for manufacturing, heavy construction, and other intensive uses. To minimize smoke and fumes, only clean burning natural gas and Combustible Class A materials, as mandated by state criteria, will be utilized in fires. No noxious fumes or heavy smoke will be created on the site. To emulate real-life situations, theatrical smoke is utilized which does not create black smoke.

Fleet storage and maintenance is further essential as it allows for the effective delivery of fire service at a reginal scale by ensuring all vehicles are in working condition. Per LDC Section 2.01.03.C, governmental facilities including fire, educational services (SIC 8243-8249) and motor freight transportation and warehousing (SIC 4212-4226) are permitted uses within industrially zoned districts. SIC 4212-4226 includes Local Trucking both with and without storage, as well as general warehousing and storage. which are comparable uses to the fleet storage element of the request. The inclusion of SIC Major Group 75 Automotive Repair, Services, and Parking permits the storage of automobiles on the site both in garages, structures, and lots as well as the repair and maintenance of vehicles. The subject properties are within the "Industrial Development Area" per the White Lake Industrial Corporate Park PUD. Indoor storage will be held within structures compliant with the PUD and Activity Center #9 requirements, and outdoor storage will be screened per standards set forth in PUD Section 3.2.I. Accessory parking is permitted per the PUD, and fleet storage of fire trucks and apparatus will be contained within an indoor garage and warehouse structure for maintenance and storage.

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

JUSTIFICATIONS & LAND DEVELOPMENT CODE CRITERIA

In accordance with Collier County Land Development Code Section 10.02.06.K.2., "Comparable Use Determination Permit Requirements", I offer the following:

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

i. Business practices and activities.

Response:

a. Fire Protection is an Essential Service, as defined in the Collier County Land Development Code. Essential Services are defined as below:

"Those services and facilities, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities".

Per LDC Section 2.01.03.C, governmental facilities, including fire, is a permitted use within industrially zoned districts. The subject properties are within the "Industrial Development Area" per the White Lake Industrial Corporate Park PUD. Other on-site activities including "Training" and "Fleet Storage" are comparable to the following permitted uses as per PUD 3.2.A:

b. Educational Services (SIC 8243-8249) are permitted uses within the PUD. These SIC Codes include typical educational facilities and vocational training, which are comparable to the "Training" component of the proposed GNFD development. This "Training" component refers to firefighting training in that there will be a mixture of classroom work, demonstrations, and hands on experience performed at the site. All of these are requited of vocational school, so it is a comparable use.

c. Motor Freight Transportation and Warehousing (SIC 4212-4226) are permitted uses within the PUD. Included within these SIC codes are, but not limited to, both trucking and truck storage services, and general warehousing and storage; thus, equivalent to the fleet and general storage uses proposed on the subject properties. Utilizing fire trucks and other motor vehicles are an essential part of training, and this equipment is comparable to similar industrial vehicles including semi-trucks and forklifts, which are used frequently in an industrial district.

d. Automotive Repair, Services, and Parking (SIC Major Group 75) are permitted uses within the PUD. These SIC Codes include parking lots, automotive repairs, and parking structures which are further comparable to the fleet storage use as well as components of the "Training" component of the proposed development.

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

e. ***Construction (SIC Major Group 17) & Heavy Construction (SIC Major Group 16) is permitted which includes excavation, wrecking & demolition work, and carpentry, which are comparable to training exercises including rescue and fire training. Heavy Construction permitted uses are far more intense than training exercises, but potentially related Heavy Construction activities include water, sewer, pipeline, and communication and power line construction. In training, access to buildings and vehicles will be demonstrated which could cause damage to the equipment, showing a relation to demolition work and excavation.***

ii. Operating hours;

The proposed GNFD development is an "Essential Service" and not be subject to operating hours. Although, in comparison to permitted uses within the Industrial Development Area of the White Lake PUD, normal operating hours for industrial uses can range from typical 8-hour workdays up to 24 hours a day. There are no restrictions for operating hours for any land use within the White Lake Industrial Corporate Park PUD. The training element of the GNFD development, will operate from 7:30AM to 5:00PM with occasional evening and nighttime exercises.

iii. Traffic volume generated/attracted;

Response: Approximately 50 people will utilize the site at a time for training purposes during operating hours for the training element. A detailed Traffic Impact Statement will be submitted at the time of SDP review, and the traffic volumes of the proposed Fire Rescue Training site are comparable to permitted uses within the White Lake PUD.

iv. Type of vehicles associated with the use;

Response: The types of vehicles associated with the proposed development are typical fire trucks, fire engines and regular vehicles. These are all very similar when compared to typical vehicles associated with industrial uses, such as semi-trucks and trailers. The average length of the "larger" fire trucks that are utilized are ±35-feet and semi-trucks/trailers have an average length of 53-feet.

v. Number and type of required parking spaces; and

Response: The proposed development will follow Collier County code requirements for parking associated with the use(s) on the property and there will also be spaces available both out and indoors to accommodate fleet storage/parking. Approximately 5 fire trucks will be housed in indoor facilities, and other vehicles and equipment will be stored both indoor warehouse facilities and outdoors with code compliant screening and buffering. A detailed parking analysis will be provided per CCLDC requirement at time of SDP submittal. The number and type of required parking spaces are similar in comparison to permitted uses within the Industrial Development Area of the PUD, such as Automotive Repair, Services and Parking (Major SIC Group 75) and Motor Freight Transportation and Warehousing (SIC 4212-4226).

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

Response: The proposed development will have no greater negative impact on neighboring properties than that of other permitted uses in the White Lake PUD. Buffers will be erected as required by the Land Development Code. The GNFD development will be less intense compared to many of the industrial land uses permitted in the White Lake PUD, generating less noise, traffic, and waste than permitted uses including Heavy Construction (SIC Major Group 16) and Transportation Services (SIC 4731 and 4783). The proposed use is also an Essential Service, as defined by the Collier County Land Development Code. State criteria will further be followed to minimize potential effects of training exercises such as smoke and noise from controlled fires set in the 5-story training tower, which will be set on a cement slab. Please refer to the attached conceptual site plan document to see conforming buffers and outside storage elements in accordance with PUD Section 3.3. The proposed tower will be 5 stories in height, below the maximum height of 50 feet set forth in PUD Section 3.3.F. Any outdoors lighting or tower lighting will be consistent with the LDC, outdoors lighting will be necessary to facilitate evening and nighttime training. This lighting will not exceed that of nearby uses such as the sports facilities.

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

Response: The proposed use is consistent with the GMP. The future land use designation is the Industrial District and allows for Essential Services. This use is comprised of essential services and permitted uses per PUD 3.2.A.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

Response: The subject properties are within the "Industrial Development Area" of the White Lake Industrial Corporate Park PUD. Per the Collier County Land Development Code, governmental facilities, including fire, are permitted within industrially zoned districts. Educational services (SIC 8243-8249) including vocational training and automotive repair, services, and parking (SIC Major Group 75) are permitted uses per PUD 3.2.A. making the use consistent with the PUD.

e. Any additional relevant information as may be required by County Manager or Designee.

Response: The subject land use being requested is a compatible land use when evaluating the surrounding area and properties. The subject site is adjacent to industrial land uses along the south and west, adjacent to a preserve along the east on the "Collier County 305" parcel and adjacent to retained native vegetation on the Collier County Sports Complex site to the north; refer to Attachment E- Surrounding Developments Exhibit. Preservation and water management areas will be included on the site to buffer against adjacent uses.

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

To conclude, it is the petitioner's position that SIC Code 9224 is comparable in nature with the existing, approved industrial land uses within the White Lake PUD, the use is consistent with the Future Land Use Designation and compatible with the surrounding area.

Jessica Kluttz

Jessica Kluttz
Planner

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership
GREATER NAPLES FIRE RESCUE DISTRICT	100%
14575 COLLIER BLVD., NAPLES, FL 34119	

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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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

J. Nolan Sapp
Agent/Owner Signature

3-11-21
Date

J. Nolan Sapp
Agent/Owner Name (please print)

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

ADDRESSING CHECKLIST

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

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

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

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

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

White Lake Corporate Park Phase Three - Lots 17 & 18 T49, R26, S35

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

81790004746 & 81790004762

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

3481 & 3485 Shearwater Street

- **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)*

GNFD @ White Lake name not yet approved

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

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

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

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

Applicant Name: Jessica Harrelson, AICP

Phone: 239.434.6060 **Email/Fax:** jessica@davidsonengineering.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 81790004746 & 81790004762

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: _____ **Date:** 03/04/2021

Updated by: _____ **Date:** _____

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

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

INSTR 6051605 OR 5940 PG 1307 RECORDED 5/5/2021 8:58 AM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $37,100.00 REC $18.50
CONS $5,300,000.00

Prepared By:
Thad D. Kirkpatrick, Esquire
Thornton Law Firm, PLLC
7400 Trail Blvd, Suite 121
Naples, FL 34108
(239) 649-4900
File Number: **8383.002**

Parcel Identification No. **81790004762**

Consideration: $5,300,000.00
Doc Stamps: $51,100.00

[Space Above This Line For Recording Data]

Warranty Deed

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

THIS INDENTURE made this 22nd day of **April, 2021** between **Plover Group Properties LLC, a Florida limited liability company,** whose post office address is 4480 7th Ave NW, Naples, FL 34119, grantor*, and **The Greater Naples Fire Rescue District, an independent special district created under Chapter 2014-240, Laws of Florida and Operated pursuant to Chapter 191, Florida Statutes,** whose post office address is 14575 Collier Blvd, Naples, FL 34119, grantee*,

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

Lots 17 and 18, White Lake Corporate Park Phase Three, according to the plat thereof recorded at Plat Book 34, Pages 45 and 46 in the Public Records of Collier County, Florida.

Subject to the following: (a) ad valorem and non ad valorem real property taxes for the year 2021 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.

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

* "grantor" and "grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

NOT A CERTIFIED COPY

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

Signed, sealed and delivered in our presence:

Plover Group Properties LLC, a Florida limited liability company

Witness # 1 Signature

Witness #1 Printed Name

By: Richard D. Harvey, Manager

Witness #2 Signature

Witness #2 Printed Name

State of Florida
County of Collier

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization, this 22nd day of April, 2021 by Richard D. Harvey, as Manager of Plover Group Properties LLC, a Florida limited liability company, who [ ] is personally known or [✓] has produced a driver's license as identification.

[Notary Seal]

ALICIA M. ROSA
MY COMMISSION # GG 222335
EXPIRES: May 28, 2022
Bonded Thru Notary Public Underwriters

Notary Public

Printed Name: Alicia M. Rosa

My Commission Expires:

NOT A CERTIFIED COPY

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

AFFIDAVIT OF AUTHORIZATION

I, **J. Nolan Sapp** (print name), as **Fire Chief** of **The Greater Naples Fire Rescue District, an independent special district created under Chapter 2014-240, Laws of Florida and Operated pursuant to Chapter 191, Florida Statues** swear or affirm under oath, that I am the (choose one):

The owner X applicant _____ contract purchaser __ and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Collier County to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application; and that
4. The property will be transferred, conveyed, sold or subdivided subject to the conditions and restrictions imposed by the approved action.
5. We/I authorize Davidson Engineering, Inc. to act as our/my representative in any matters regarding this petition including 1 through 2 above.
6. Applicant is the owner of the property described herein and which is the subject matter of the proposed submittal; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of Applicant's knowledge and belief; and that if Applicant is not providing an attorney's opinion of title, that the information Applicant provided to the surveyor is sufficient to prepare an accurate boundary survey for this application, and is honest and true to the best of Applicant's knowledge and belief.
7. Applicant understands that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or County printed, shall not be altered. Applicant further understands that if Public Hearings are required, they will not be advertised until this application is deemed complete, and all required information has been submitted.

**Notes:*

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

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

J. Nolan Sapp
Signature

J. Nolan Sapp
Printed Name

STATE OF FLORIDA
COUNTY OF COLLIER

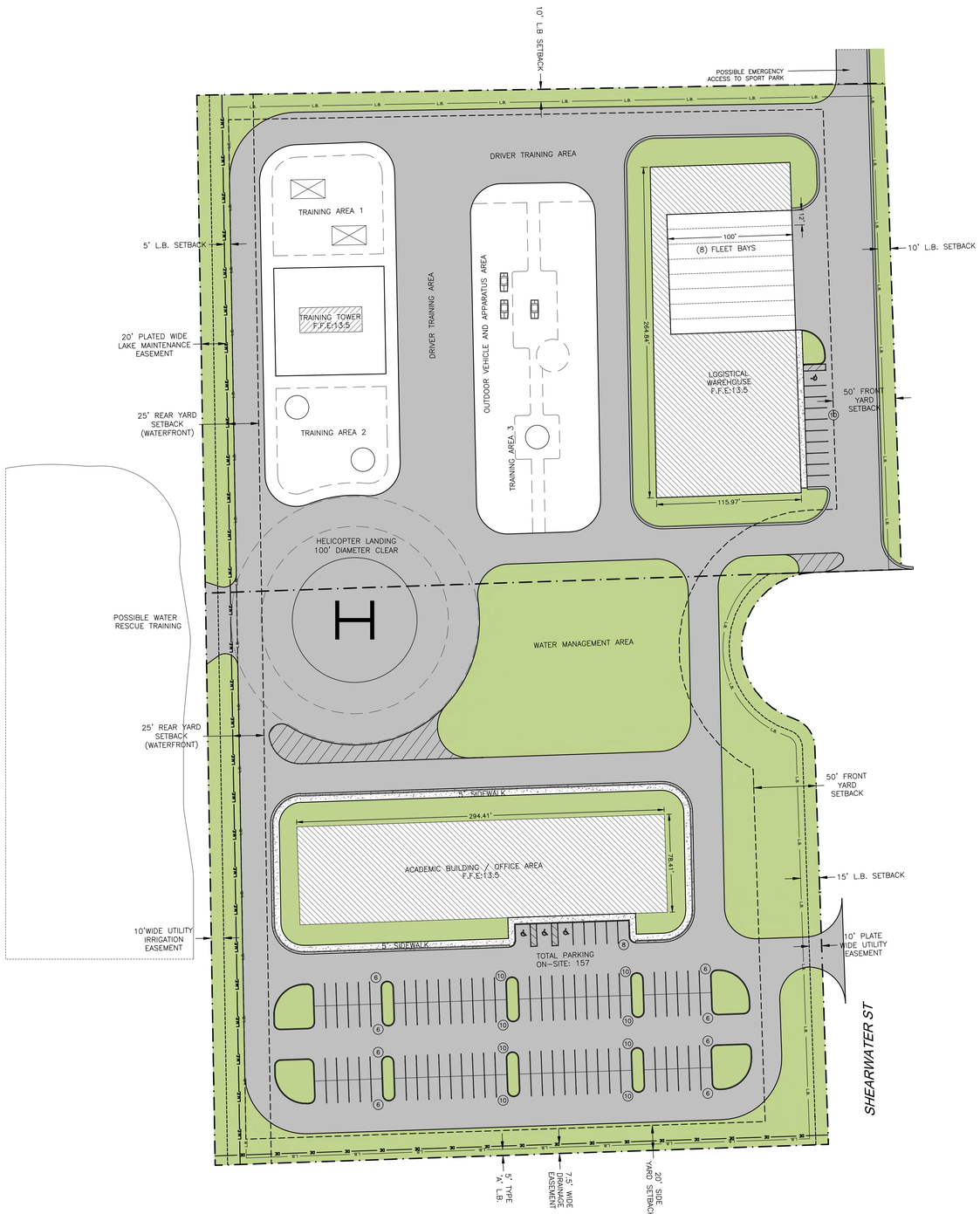
SWORN TO and subscribed before me by means of ☐ physical presence or ☒ online notarization this 15th day of June, 2021, by J. Nolan Sapp. Such person(s) Notary Public must check applicable box:

☒ are personally known to me.
☐ produced her current driver license.
☐ produced _____ as identification.

TOCIA HAMLIN-ROSA
MY COMMISSION # GG 309547
EXPIRES: July 7, 2023
Bonded Thru Notary Public Underwriters

Tocia Hamlin-Rosa
Notary Public
Printed Name of Notary: Tocia Hamlin-Rosa
Commission Number: _____
My Commission Expires: _____

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)



LEGEND

- PROPOSED PAVED SURFACE
- STANDARD CONCRETE SECTION
- LANDSCAPE AREAS
- DRAINAGE INLET
- PROPOSED SIGN LOCATION

TRAINING TOWER
50' ZONED HEIGHT PER PUD.

DAVIDSON ENGINEERING
ESTABLISHED 1997
4365 Radio Road, Suite 201
Naples, Florida 34104
P: 239.434.6060
Company Cert. of Authorization No. 00009496

GNFD SHEARWATER ST

SCALE: 1"=50'

ATTACHMENT 'A'

SHEET NO:

CONCEPT PLAN 4

REVISIONS		
REV.	DATE	DESCRIPTION
1	08/05/2021	LANDSCAPE BUFFERS

\\de-fs1\Company\Active Projects\GNFD-SHEARWATER ST\Site Civil\Sheetfiles\CONCEPT PLANS\CONCEPT PLAN – CP04.dwg (SDP-MCP) Batzabeth Reyes Sep 28, 2021 – 1:57pm

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

3.C.d

ATTACHMENT 'B'

SIC Search

Description for 9224: Fire Protection

Division J: Public Administration | Major Group 92: Justice, Public Order, And Safety | Industry Group 922: Public Order And Safety

9224 Fire Protection
Government establishments primarily engaged in firefighting and other related fire protection activities. Government and private establishments primarily engaged in forest firefighting and fire protection services are classified in Agriculture, Industry 0851. Private establishments primarily engaged in other firefighting services are classified in Services, Industry 7389.

- Fire departments, including volunteer-government
- Fire marshals'offices-government
- Fire prevention offices-government

UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety & Health Administration
200 Constitution Ave NW
Washington, DC 20210
800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

White House
Severe Storm and Flood Recovery Assistance
Disaster Recovery Assistance
DisasterAssistance.gov
USA.gov
No Fear Act Data
U.S. Office of Special Counsel

OCCUPATIONAL SAFETY & HEALTH

Frequently Asked Questions
A - Z Index
Freedom of Information Act - OSHA
Read The OSHA Newsletter
Subscribe to the OSHA Newsletter
OSHA Publications
Office of Inspector General

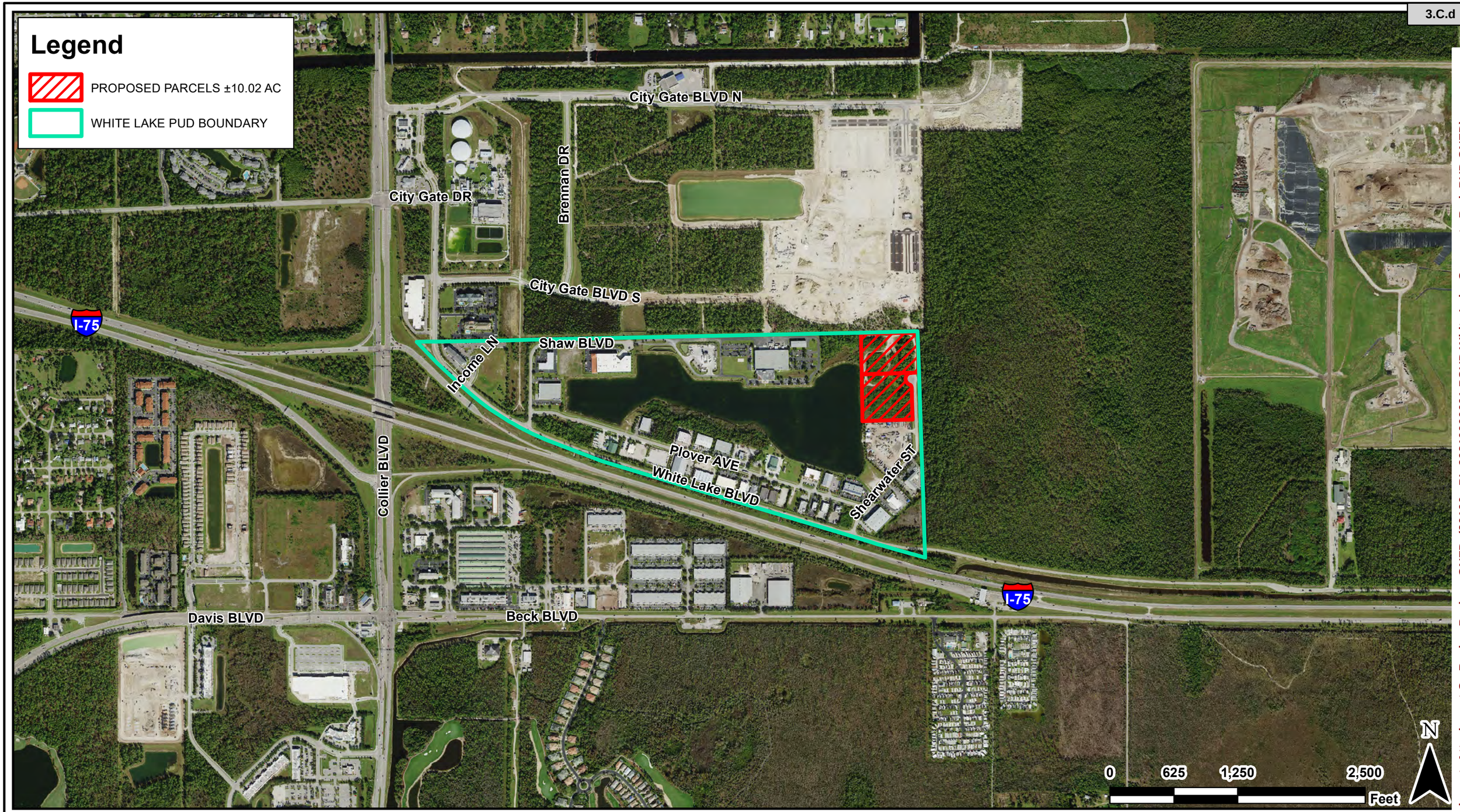
ABOUT THIS SITE

Freedom of Information Act - DOL

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

Privacy & Security Statement
Disclaimers
Important Web Site Notices
Plug-ins Used by DOL
Accessibility Statement

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)



Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

DAVIDSON ENGINEERING
ESTABLISHED 1997

4365 RADIO ROAD
SUITE 201
NAPLES, FL 34104
P: 239-434-6060

PROJECT:
GNFD @ WHITE LAKE

LOCATION:
3481/3485 Shearwater ST
Naples, FL 34117

CLIENT:
Greater Naples Fire Rescue District
14575 Collier Blvd.
Naples, FL 34119

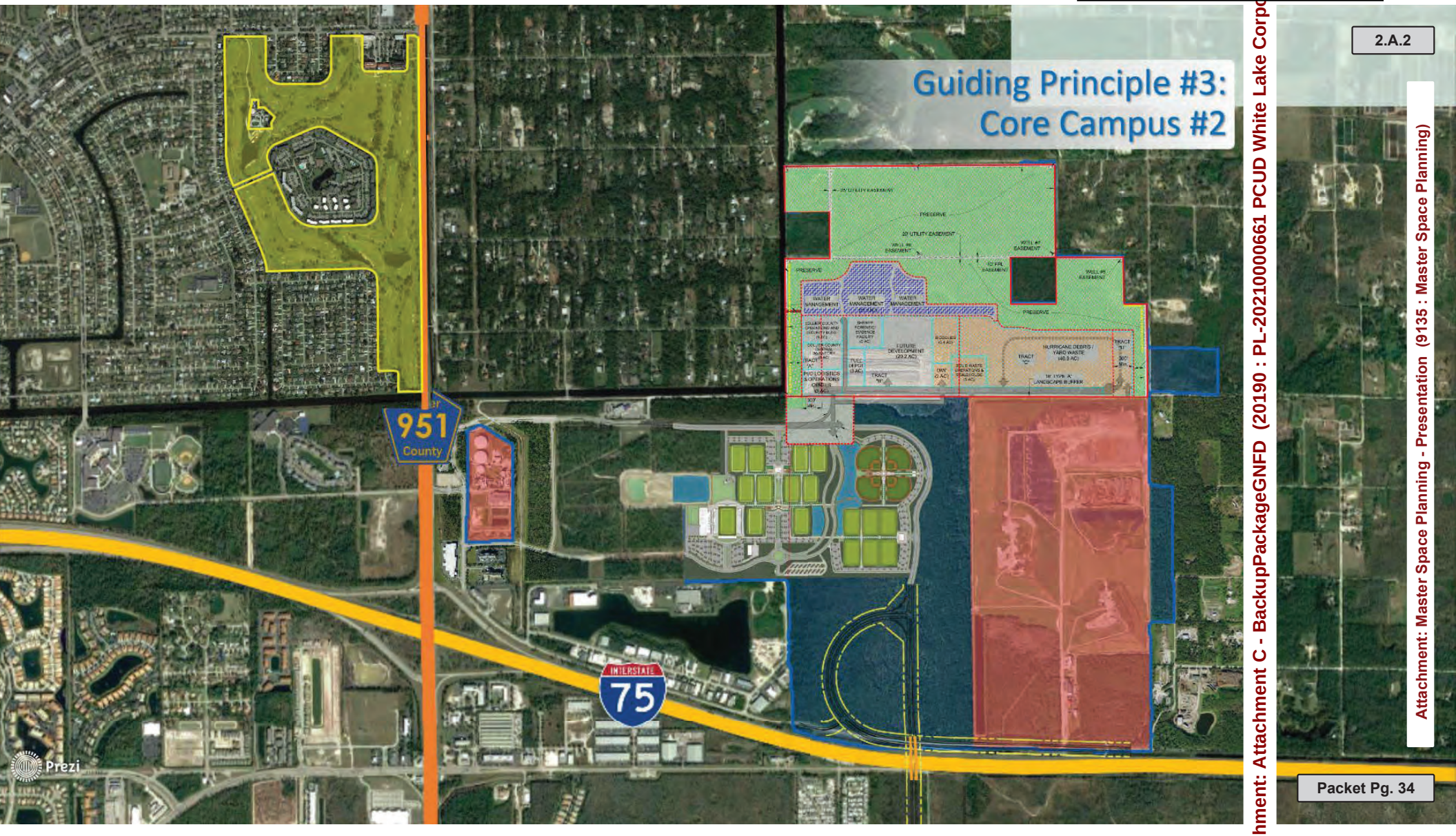
EXHIBIT DESC:
PROPOSED PARCELS - LOCATION MAP

ATTACHMENT 'C'

NOTES:

Z:\Proposals\Issued to Client\GNFD-SHEARWATER ST DD\06 - GIS\2021-02-23

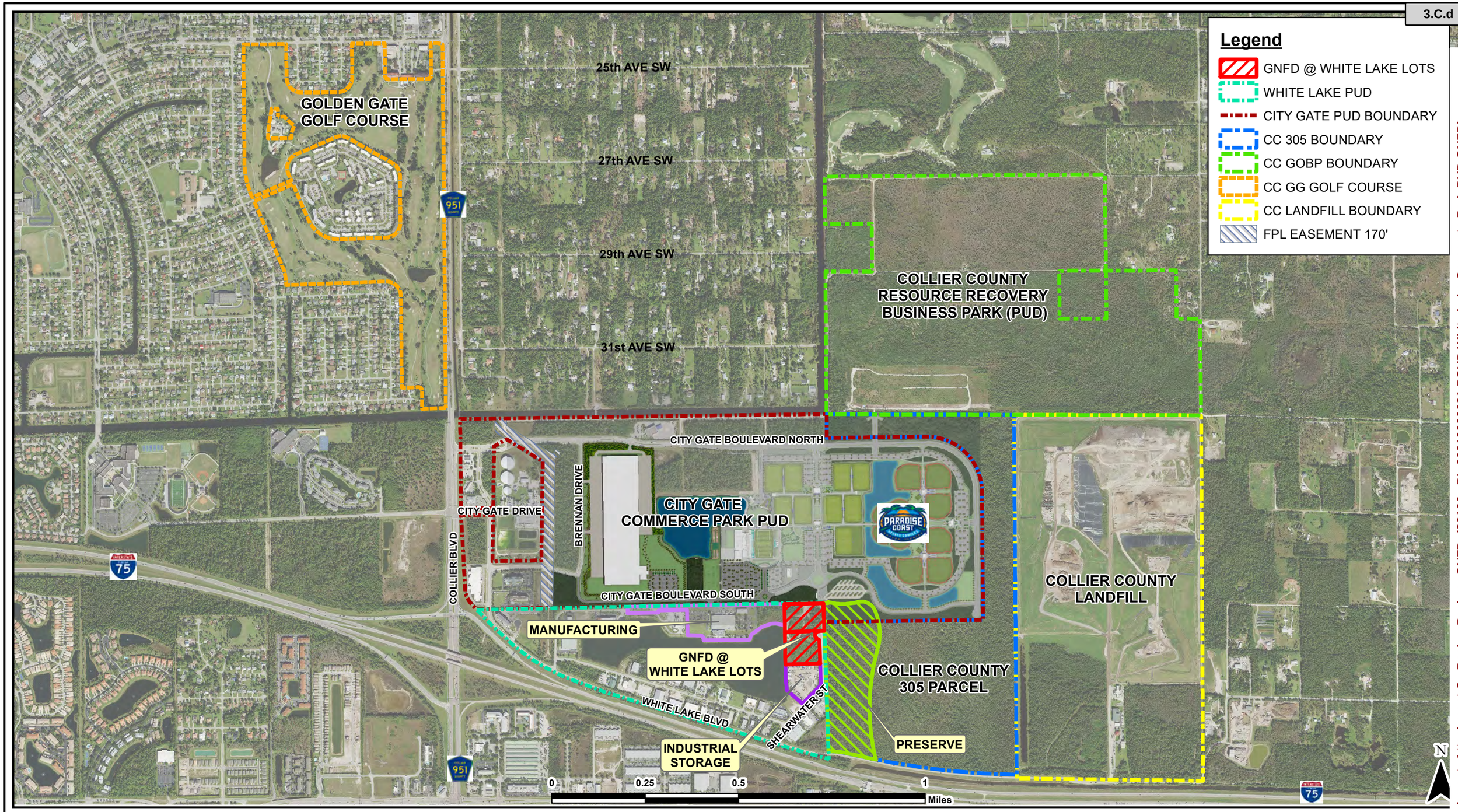
ATTACHMENT 'D'



NOTE: HIGHLIGHTED PARCELS, ALONG WITH THE COLLIER COUNTY SPORTS COMPLEX, REPRESENT "COLLIER COUNTY CO CAMPUS #2". THESE PARCELS ARE PLANNED FOR DEVELOPMENT OF ESSENTIAL SERVICES.

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corpo

Attachment: Master Space Planning - Presentation (9135 : Master Space Planning)



Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

DAVIDSON ENGINEERING
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4365 RADIO ROAD
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NAPLES, FL 34104
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GNFD @ WHITE LAKE

LOCATION:
3481/3485 Shearwater ST
Naples, FL 34117

CLIENT:
Greater Naples Fire Rescue District
14575 Collier Blvd.
Naples, FL 34119

EXHIBIT DESC:
GNFD - SURROUNDING DEVELOPMENTS

ATTACHMENT 'E'

NOTES:

Z:\Active Projects\G\GNFD-SHEARWATER ST\06- GIS\2020-03-19

DAVIDSON ENGINEERING

Civil Engineering • Planning • Permitting

www.davidsonengineering.com

Comparative Trip Generation Analysis

LOCATION:
3481 & 3485 Shearwater St
Section 35, Township 49 S, Range 26 E
Collier County, Florida

PREPARED FOR:
Greater Naples Fire Rescue District
14575 Collier Blvd.
Naples, FL 34119

PREPARED BY:
Davidson Engineering, Inc.
4365 Radio Road, Suite 201
Naples, Florida 34104

March 10, 2021

_____

Andrew Rath, P.E. License No. 73996
Company ID No. 9496

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

Existing Conditions

The roughly 10-acre property is currently undeveloped and sits at the north end of Shearwater St., which connects to White Lake Blvd to the south. The property is presently zoned PUD, where there are several uses permitted within the existing zoning document. The physical addresses are 3481 & 3485 Shearwater St., Naples, FL 34117. There is existing vehicular access via the cul-de-sac at the north end of Shearwater.

Proposed Use

The prospective property owner is planning to clear the site and construct a Fire & Rescue Station with Training Facilities. This would most closely be represented by Institute of Transportation Engineers (ITE) Land Use Classification (LUC) 575, Fire and Rescue Station, where the description reads as follows: *A fire & rescue station is building that houses emergency services equipment, firefighting apparatus, and the individuals that provide emergency firefighting services. Other services sometimes offered thought the fire & rescue stations include emergency medical, hazardous materials, rescue, safety training, and fire prevention services.*

Permitted Uses

There are several uses permitted within the existing PUD, some of which generate far more traffic than the proposed LUC 575. One use was selected for comparative purposes to demonstrate that the proposed use will be much less impactful from a trip generation standpoint than one of the already approved uses. The permitted use selected was United States Post Office LUC 732, where the description reads as follows: *A United States post office is a federal building that contains service windows for mailing packages and letters, post office boxes, offices, sorting and distributing facilities for mail, and vehicle storage areas.*

Trip Generation

Time Period	Evaluation Criteria	X	**PM Peak Hour** Trip Generation Rate	Calculated Traffic
LUC 575 PM Peak Hour	Per 1,000 sf	100	(T) = 0.48 (x)	48

Trip generation rates are per the Institute of Transportation Engineers publication, *Trip Generation Manual,* 10th Edition.

Table 2: Summary of Site Trip Generation from a Permitted Use [US Post Office (732)]

Time Period	Evaluation Criteria	X	**PM Peak Hour** Trip Generation Rate	Calculated Traffic
LUC 732 PM Peak Hour	Per 1,000 sf	100	(T) = 11.21 (x)	1,121

Conclusion:

Per the ITE 10th Edition, the proposed use (LUC 575) will result in significantly less PM Peak Hour Trips than one of the already permitted uses (LUC 732) with the same size building (100,000 sf). This would be considered a net benefit to the surrounding roadway network capacity, with the PM Peak Hour Trips being less than 5% of the PM Peak Hour Trips generated by an already permitted use.

Attachment: Attachment C - BackupPackageGNFD (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210000661

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

Name: Craig D. Varn Date: 9/10/2021

Signature: Craig D. Varn

☐ Applicant*

☑ Legal Counsel to Applicant

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

Attachment: Attachment D - HEX Hybrid Meeting Waiver (20190 : PL-20210000661 PCUD White Lake Corporate Park PUD GNFD)