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

# AGENDA

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

**December 23, 2021**

**9: 00 AM**

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

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

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

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

**1. Pledge of Allegiance**

**2. Review of Agenda**

**3. Advertised Public Hearing**

**A. PETITION NO. VA-PL20210002276 - 10091 Gulf Shore Dr. - Request for a variance from Land Development Code Section 5.03.06.E.6 to reduce the required side yard riparian setback of 7.5 feet to 0 feet for a dock facility on a lot with less than 60 feet of water frontage, located adjacent to 10091 Gulf Shore Drive, further described as the North 50 feet of Lot 14, Block C, Re-Subdivision of Part of Unit No. 1, Conner's Vanderbilt Estates, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2**

**B. PETITION NO. BDE-PL20200002573 - 10090 &10091 Gulf Shore Dr. - Request for a 25-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 45 feet into a waterway that is 100± feet wide, pursuant to LDC Section 5.03.06. The subject property is located adjacent to 10091 Gulf Shore Drive, further described as the North 50 feet of Lot 14, Block C, Re-Subdivision of Part of Unit No. 1, Conner's Vanderbilt Estates, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2**

**C. PETITION NO. BDE-PL20190000673 -164 Tahiti Circle - Request for a 6.8-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow a boat docking facility protruding a total of 26.8 feet into a waterway that is 1,890± feet wide, pursuant to Section 5.03.06 of the Land Development Code, for the benefit of property located at 164 Tahiti Circle, also described as Lot 150 of Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1**

**4. Other Business**

**5. Public Comments**

**6. Adjourn**

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

**Item Number:** 3.A
**Item Summary:** PETITION NO. VA-PL20210002276 - 10091 Gulf Shore Dr. - Request for a variance from Land Development Code Section 5.03.06.E.6 to reduce the required side yard riparian setback of 7.5 feet to 0 feet for a dock facility on a lot with less than 60 feet of water frontage, located adjacent to 10091 Gulf Shore Drive, further described as the North 50 feet of Lot 14, Block C, Re-Subdivision of Part of Unit No. 1, Conner's Vanderbilt Estates, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

**Meeting Date:** 12/23/2021

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
12/06/2021 6:00 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
12/06/2021 6:00 PM

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**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | | Review Item | Completed |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 12/06/2021 8:58 PM |
| Zoning | Ray Bellows | Review Item | Completed | 12/07/2021 3:12 PM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 12/07/2021 3:17 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 12/23/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

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

**HEARING DATE:** DECEMBER 23, 2021

**SUBJECT:** VA-PL20210002276, 10090 and 10091 GULF SHORE DRIVE DOCK, COMPANION TO BDE-PL20200002573

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**PROPERTY OWNER/APPLICANT:**

Andrew T. and Fern B. Jaffe
10091 Gulf Shore Drive
Naples, FL 34108

**AGENT:**

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

**REQUESTED ACTION:**

The petitioner requests a variance from Section 5.03.06.E.5 of the Collier County Land Development Code, to reduce the required side/riparian setback for dock facilities on lots with water frontage of less than 60 feet from 7.5 feet to 0 feet for a lot with 50± feet of water frontage, for the benefit of the subject property.

**GEOGRAPHIC LOCATION:**

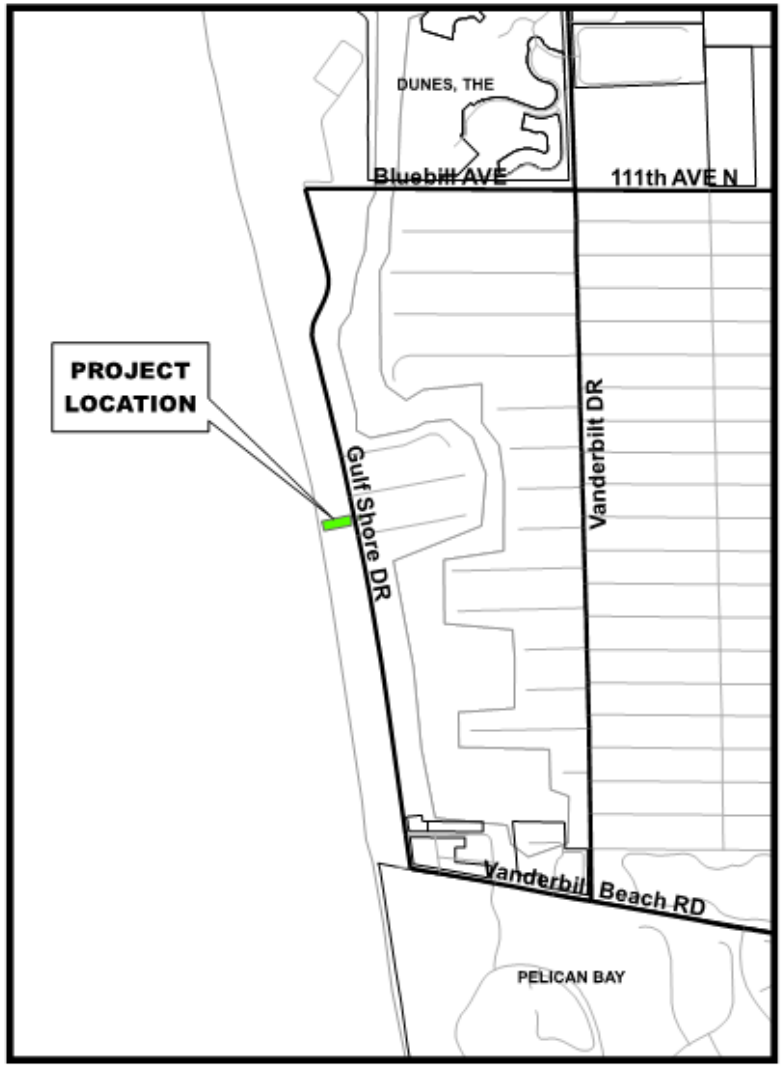
The subject parcel is located at 10090 Gulf Shore Drive and is further described as the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, in Section 29, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

**PURPOSE/DESCRIPTION OF PROJECT:**

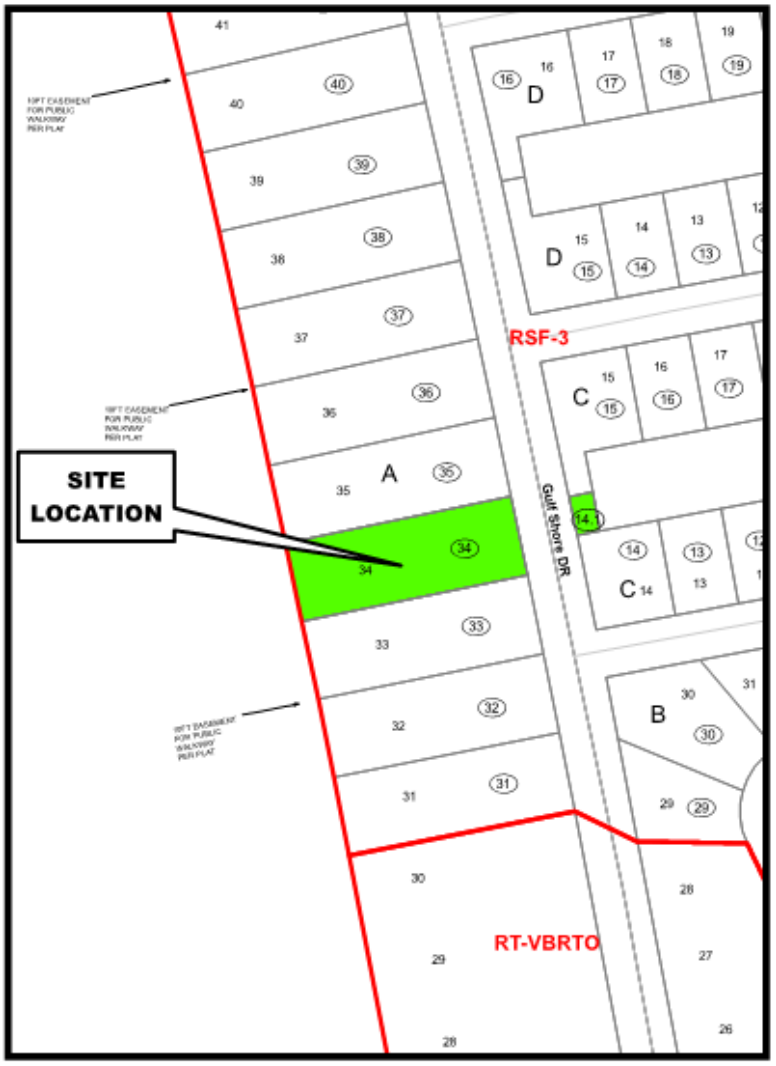
The subject parcel, 10090 Gulf Shore Drive, measures 30 feet by 50 feet and is joined by means of deed to 10091 Gulf Shore Drive, a single-family residence, located adjacent to and across the road. The combined parcels have historically been treated by the County as a single combined property, bisected by Gulf Shore Drive, with the subject parcel serving to support a residential boat dock facility. The petitioner now desires to reconfigure the existing dock facility that required a (Continued on Page 3)



Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)




Location Map




Zoning Map

Petition Number: PL20210002276



Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

PURPOSE/DESCRIPTION OF PROJECT (Continued from Page 1)

similar Variance, VA-PL20110002576, which was approved by the Board of County Commissioners acting as the Board of Zoning Appeals (BZA) after having received a recommendation of denial from the Collier County Planning Commission (CCPC); see Attachments C and D. It should be noted that the companion Boat Dock Extension, BDE-PL20110001573, was denied by Resolution of the CCPC; however, it was approved by means of a subsequent Administrative Appeal to the BZA, ADA-PL20110001573; see Attachment E. For clarification, the CCPC has approval authority for BDEs and acts as an advisory board for VAs; both the VA and BDE were heard as companion items by both boards hence the Minutes for each relate to both petitions; see Attachments F and G.

Staff notes that the subject parcel is a pre-existing non-conforming lot of record deeded to the residence at 10091 Gulf Shore Drive in 1955; see deeds provided within Attachment C. It has further been established that a boat dock was constructed on this parcel in the 1950's and the use has continued to exist since. The LDC states that single-family residential dock facilities should be limited to two slips, the applicant requests the same. Staff is of the belief that the BZA's approval of Resolutions 12-265 (the VA) and 12-266 (the ADA for the BDE) serve to quiet any land use issues pertaining to the existence of a residential boat dock facility serving the single-family residence located at 10091 Gulf Shore Drive which is further located within a Residential Single-Family-3 (RSF-3) Zoning District; the subject parcel has 50 feet of water frontage.

Section 1.08.02, Definitions, provides the following:

> *Lot of Record* is defined, in part, as: "…a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, for which an agreement for deed or deed was recorded prior to October 14, 1974, if within the Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District."
>
> *Nonconforming*: "Refers to uses, buildings, lots, or structures that are in existence at the time of adoption of this Code or and Amendment(s), which were in compliance with applicable laws at the time of establishment of construction, but which do not comply with regulations and requirements of this LDC.
>
> *Nonconforming Lot of Record* is defined, in part, as: Any lawful lot or parcel which was recorded, or for which an agreement for deed or deed was recorded prior to October 14, 1974, if within the former Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District, which lot or parcel does not meet the minimum width or lot area requirements as a result of passage of this Code shall be considered as a legal nonconforming lot and shall be eligible for the issuance of a building permit provided all other requirements of this Code and the Florida Statutes are met.

The location of the subject parcel and associated riparian lines place limits on the layout of the dock facility to accommodate the mooring of two vessels. A new VA is required as the layout of the existing dock is being reconfigured to accommodate a 48-foot vessel and a second lift for kayaks and/or up to two personal watercraft. Given the design constraints, the applicant seeks to continue the existing 0-foot side/riparian setback to allow for the construction of the dock facility depicted within Attachment A.



Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

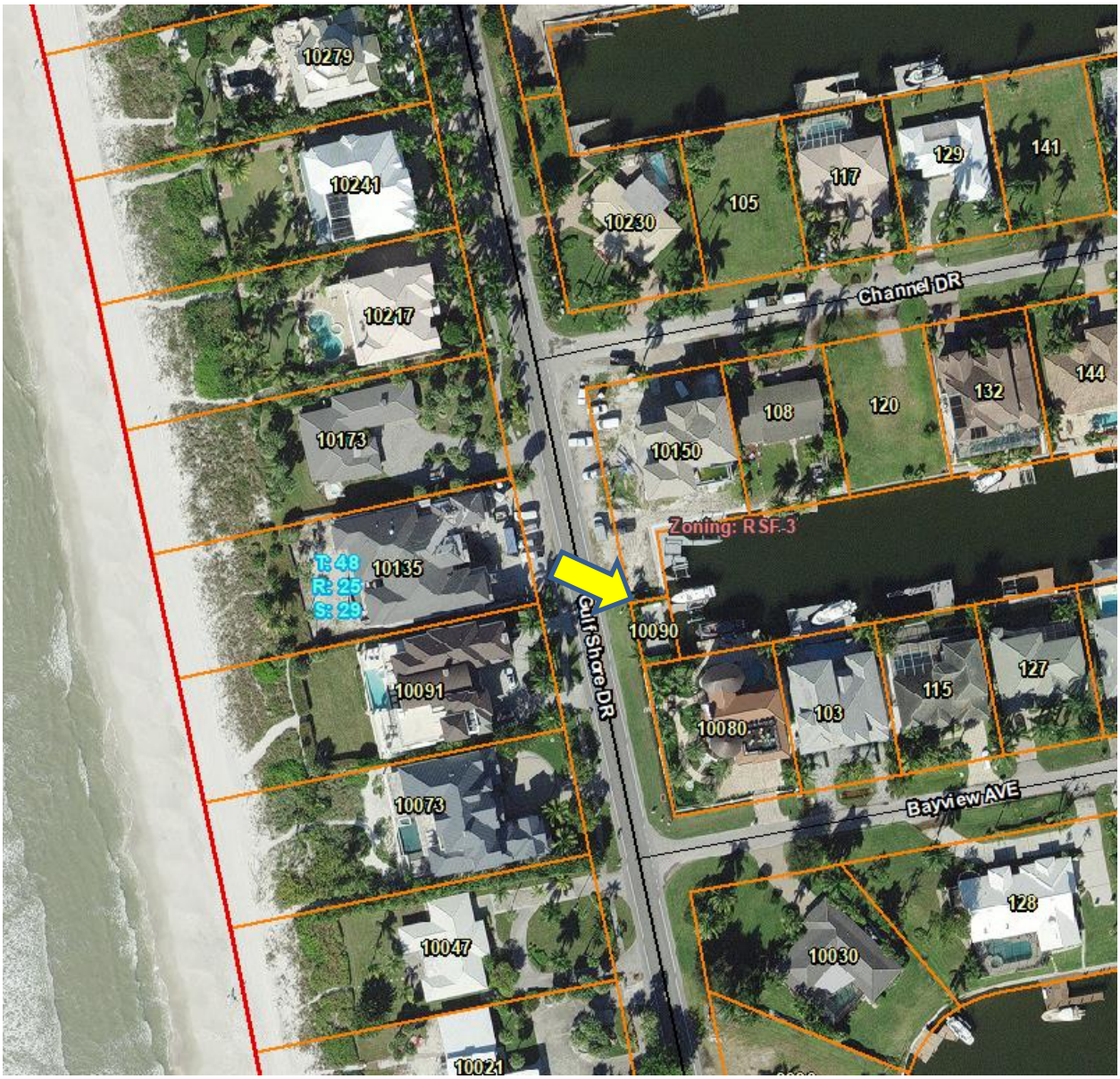
## SURROUNDING LAND USE & ZONING:

North: Single-family residence within a Residential Single-Family-3 (RSF-3) Zoning District

South: Single-family residence within a Residential Single-Family-3 (RSF-3) Zoning District

East: Vanderbilt Lagoon Canal

West: Single-family residence within a Residential Single-Family-3 (RSF-3) Zoning District




**Collier County GIS**

Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

## GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is in the Urban Mixed Use Residential land use classification on the County's Future Land Use Map (FLUM). This land use category is designed to accommodate a variety of residential uses including single-family, multi-family, duplex, mobile home, and mixed-use projects. As previously noted, the subject petition seeks a variance for a single-family boat dock facility which is an authorized use within this land use designation, therefore, the use is consistent with the FLUM. The Growth Management Plan (GMP) does not address individual variance requests; the Plan deals with the larger issue of the actual use.

## ZONING ANALYSIS:

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

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

Yes. The subject parcel measures approximately 30 feet by 50 feet and is part of a larger combined property for which the majority is located on the west side of Gulf Shore Drive. The subject property has been combined by means of a deed and homesteaded; as such, the subject portion can no longer be split off despite having previously been a nonconforming lot of record. The subject parcel has 50± feet of water frontage and is located at the end-corner of a manmade canal. The applicant's agent notes that being at the corner of the canal, the riparian line dividing the applicant's and the south neighbor's riparian area is restrictive for the applicant's riparian area as it tapers at an angle through each property's riparian area. The limited amount of shoreline combined with the southern riparian line all but requires a side setback variance if the parcel is to be useable. The proposed Variance allows the property owner to make reasonable use of the waterway and dock facility for mooring and other water based recreational activities while maintaining safe ingress and egress to the applicant's vessels.

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

Yes. As noted above, the subject parcel is deemed to be legal and conforming given that it has been combined for the purposes of development with that across Gulf Shore Drive. The applicant purchased the subject property as two combined parcels that have existed as such since the 1950's. Prior zoning actions serve to quiet the use issues with respect to the use of this parcel for a single-family residential boat dock facility.

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

Yes. Were the applicant to maintain the required side/riparian setback requirements a much



Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

smaller dock facility could be built; however, it would not allow for two slips or for the mooring of vessels presently allowed by means of prior zoning actions.

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

Yes. With exception to the decked over lift, there is no excess decking. As for the decked-over lift, the applicant has explained that it is to be a platform for kayaks and/or up to two personal watercraft.

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

Yes. By definition, a Variance bestows some dimensional relief from the zoning regulations specific to a site. LDC Section 9.04.02 allows relief through the Variance process for any dimensional development standard. However, other properties facing a similar situation are entitled to make a similar request and would be conferred equal consideration on a case-by-case basis. Staff notes that the subject property comprising two parcels has been homesteaded.

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

Yes. The granting of the subject variance request will be in harmony with the general intent and purpose of the LDC and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The applicant further states: "The dock design proposed under this variance petition has been specifically configured in such a way so as to adequately provide safe access to the applicant's vessels while simultaneously avoiding negatively affecting navigation or public use within the adjacent canal. In addition, docks are a permitted accessory use in the underlying zoning district, and the applicant therefore has riparian rights to use of the canal. The end of the canal is also currently built out with 6 boatlifts between 3 properties that have riparian access at the end of the canal. Therefore, we do not believe the proposed project will significantly change views from the existing structures." Staff concurs.

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

Yes. The applicant states: "The areas which the proposed structures would cover per this variance petition consist of the surface waters of a man-made waterway that was originally dredged from uplands. Construction within the side setbacks as proposed will have no effect on any natural preserves, lakes, golf courses, etc. Additionally, the proposed project has already received state and federal approval from the Florida Department of Environmental



Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

Protection." Staff concurs.

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

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

**ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:**

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

**CONCURRENT LAND USE APPLICATIONS:**

Companion Petition No. BDE-PL20200002573, to allow the proposed boat dock facility to protrude a total of 45 feet into a waterway that is 100± feet wide.

**RECOMMENDATION:**

Staff recommends that the Collier County Hearing Examiner approve variance petition VA-PL20210002276 to reduce the minimum side/riparian setback from 7.5 feet to 0 feet, thereby allowing for the construction of the dock facility depicted on the "Proposed Dock" plan within Attachment A, for the benefit of the subject combined property.

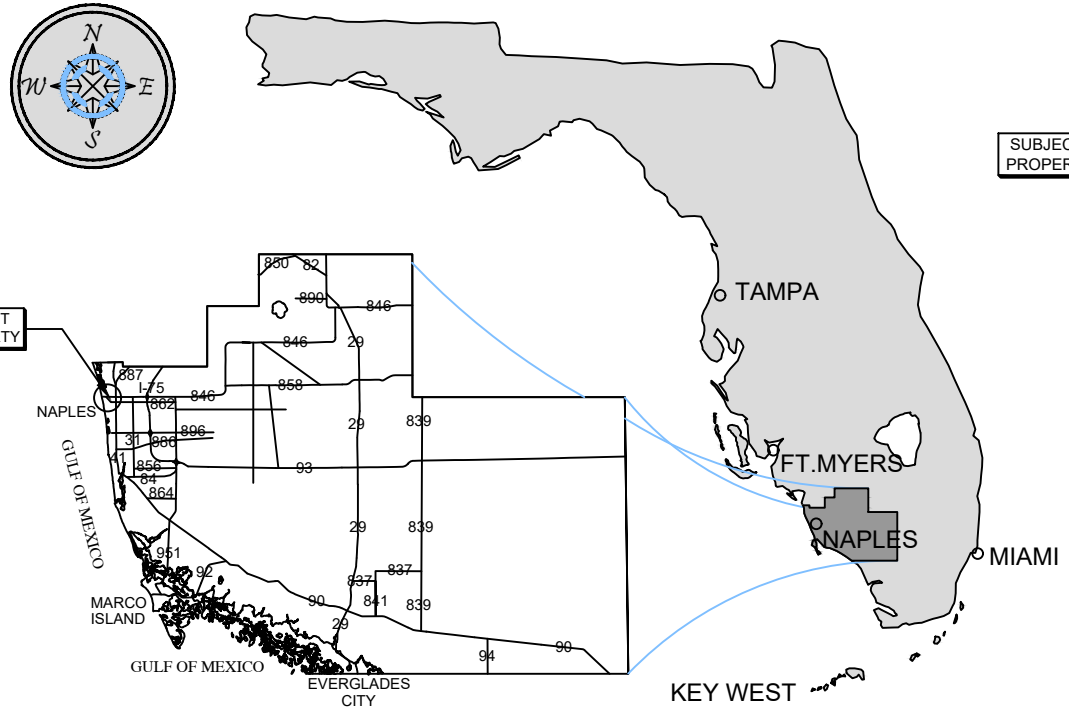
Attachments:

A) Proposed Site and Dock Plans
B) Public Hearing Sign Posting
C) Resolution 2012-265 (Approval, VA-PL20110001576)
D) VA-PL20110001576 – Executive Summary and Backup
E) Resolution 2012-266 (Approval, ADA-PL20110001573)
F) BCC Minutes 12_11-12_2012 R – Edited for Brevity
G) CCPC Minutes 05_03_2012 R
H) Applicant's Backup: Application, Narrative, Agent Letter Info
I) HEX Hybrid Meeting Waiver

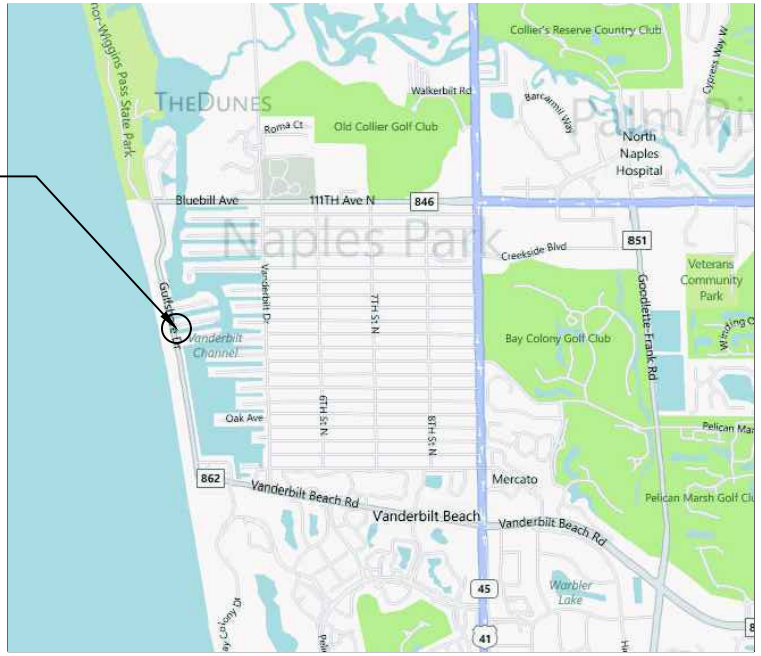
Attachment: Staff Report 12022021 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 10091 GULF SHORE DR
NAPLES, FL 34108

<> LATITUDE: N 26.263339
<> LONGITUDE: W -81.824228

**NOTES:**

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

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

# 10091 GULF SHORE DR

## LOCATION MAP

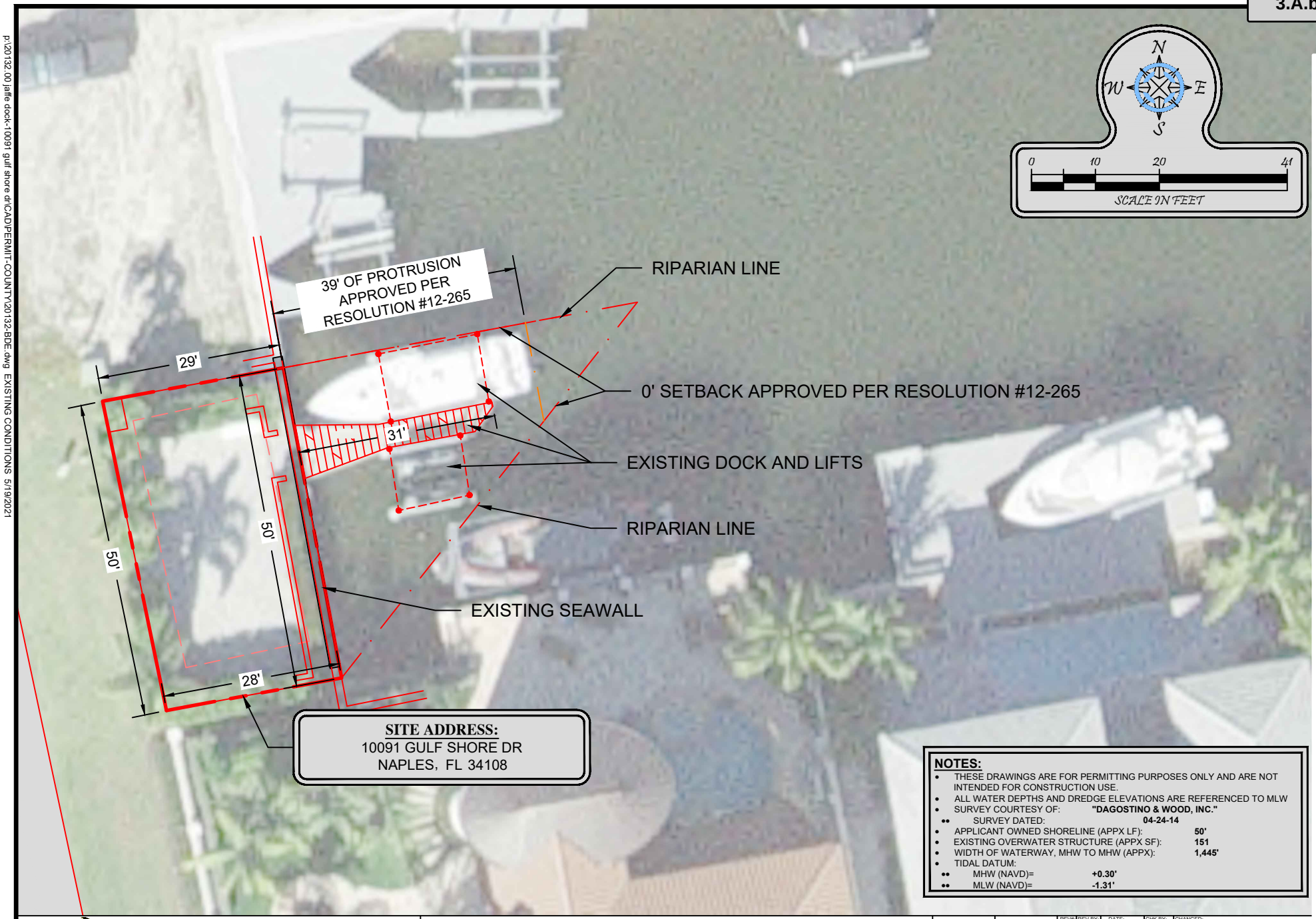
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| SHEET NO.: | 01 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Site and Dock Plans (20767 : PL20210002276 VA 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg EXISTING CONDITIONS 5/19/2021




**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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# 10091 GULF SHORE DR

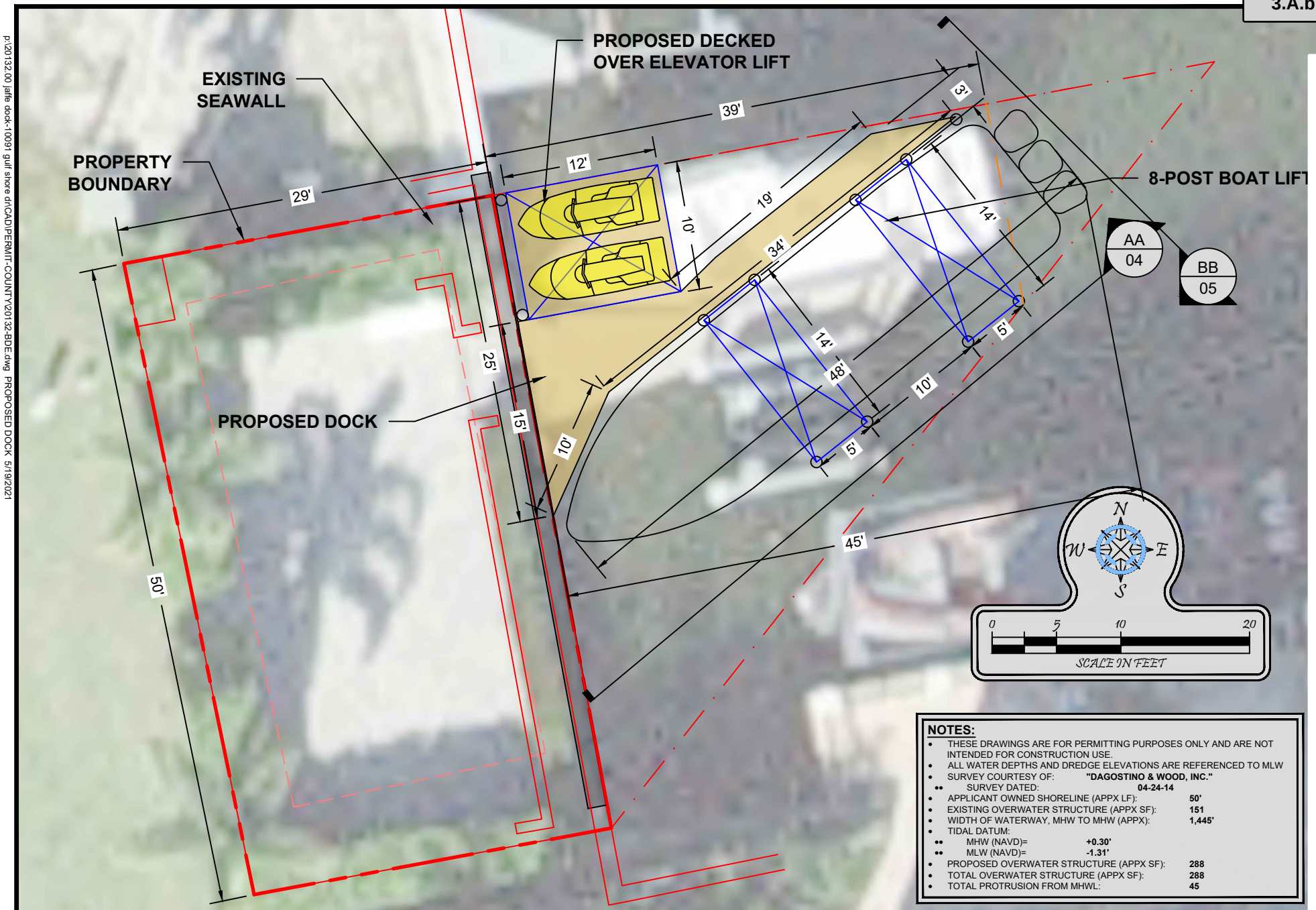
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SECTION- 29 TOWNSHIP- 48S

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  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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# 10091 GULF SHORE DR

## PROPOSED DOCK

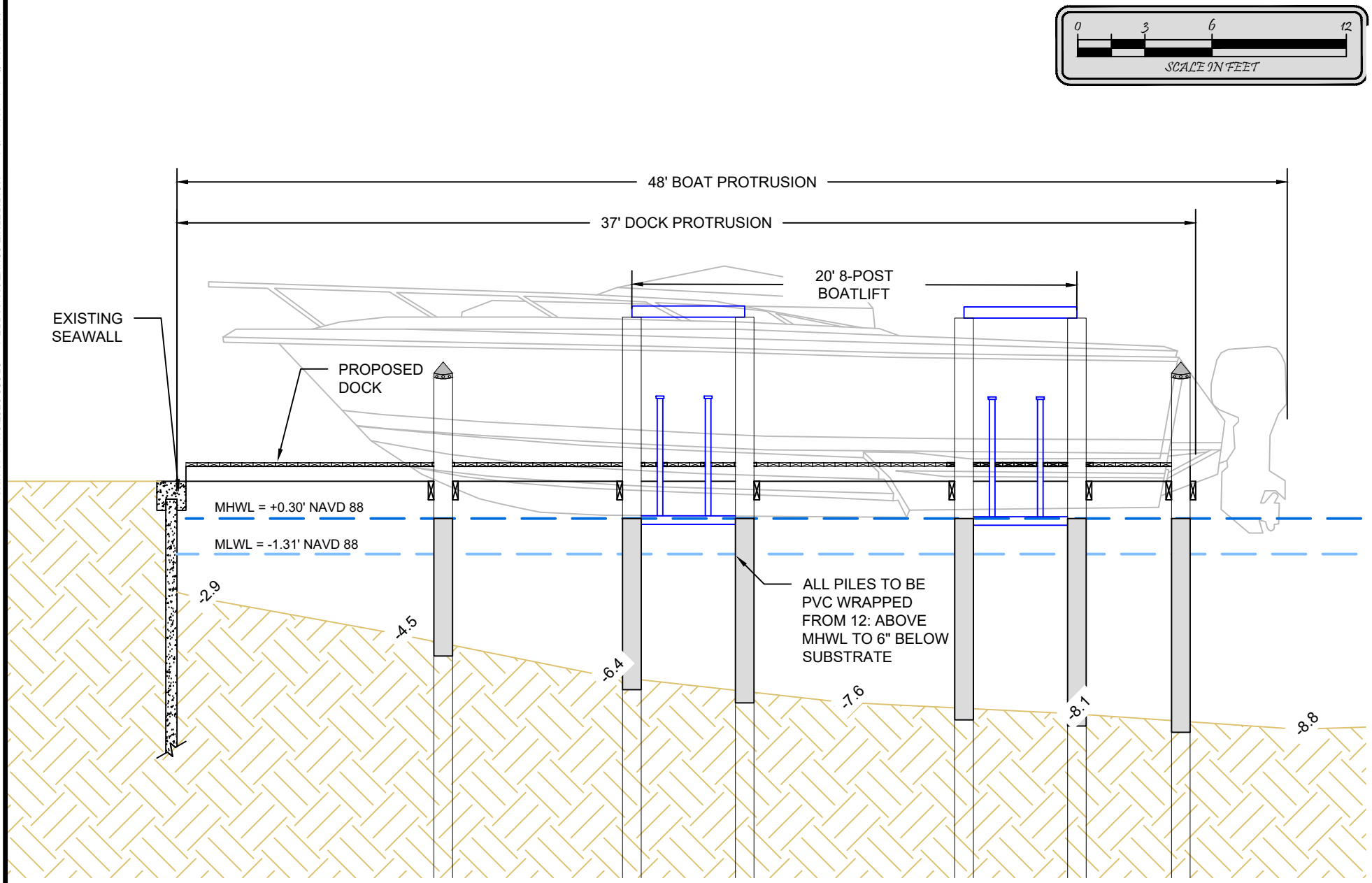
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20767 : PL20210002276 VA 10090 and 10091

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# 10091 GULF SHORE DR

## CROSS SECTION AA

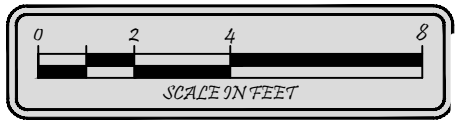
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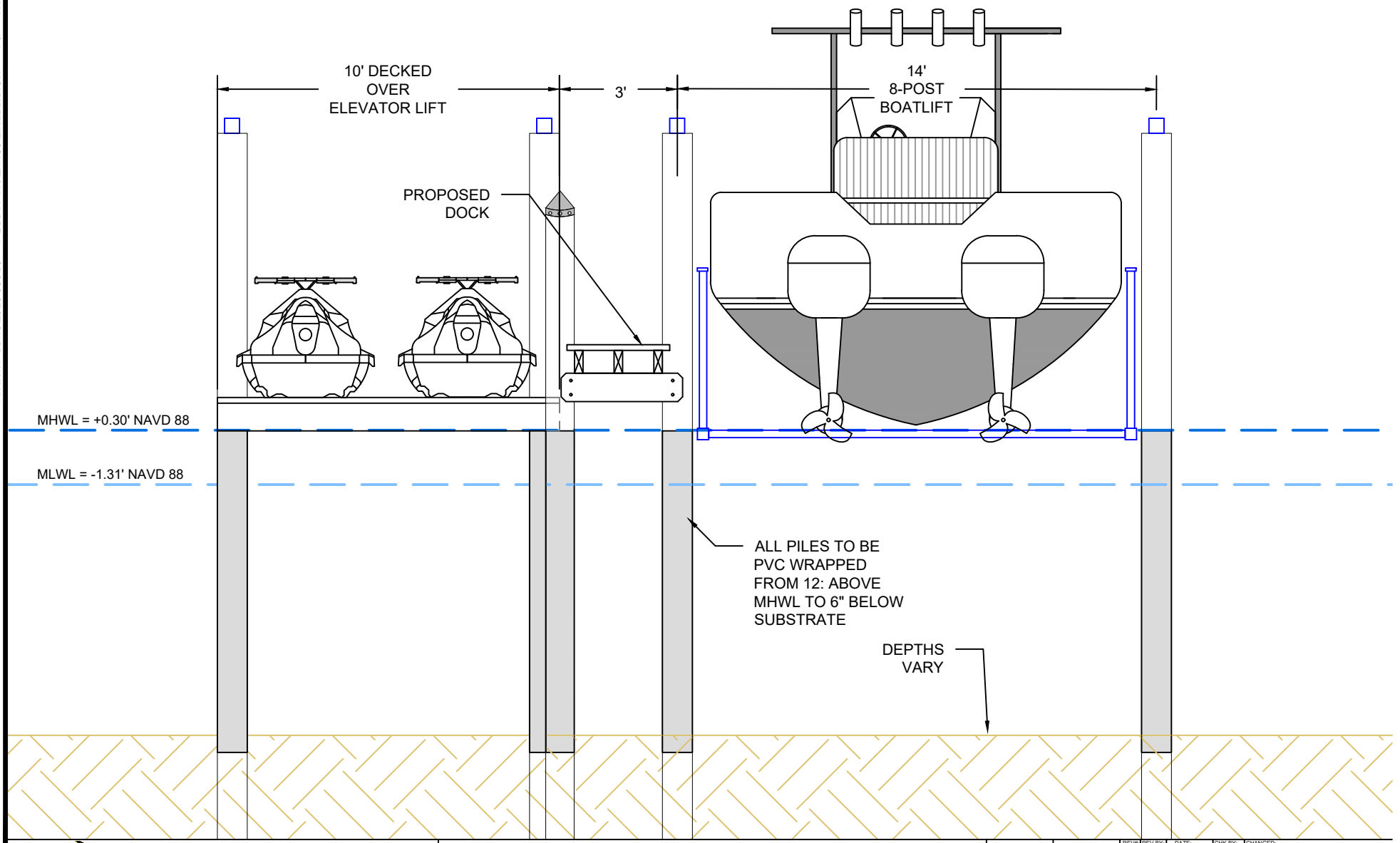
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20767 : PL20210002276 VA 10090 and 10091

p:\20132.00 laffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg CROSS SECTION BB 5/19/2021




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# 10091 GULF SHORE DR

## CROSS SECTION BB

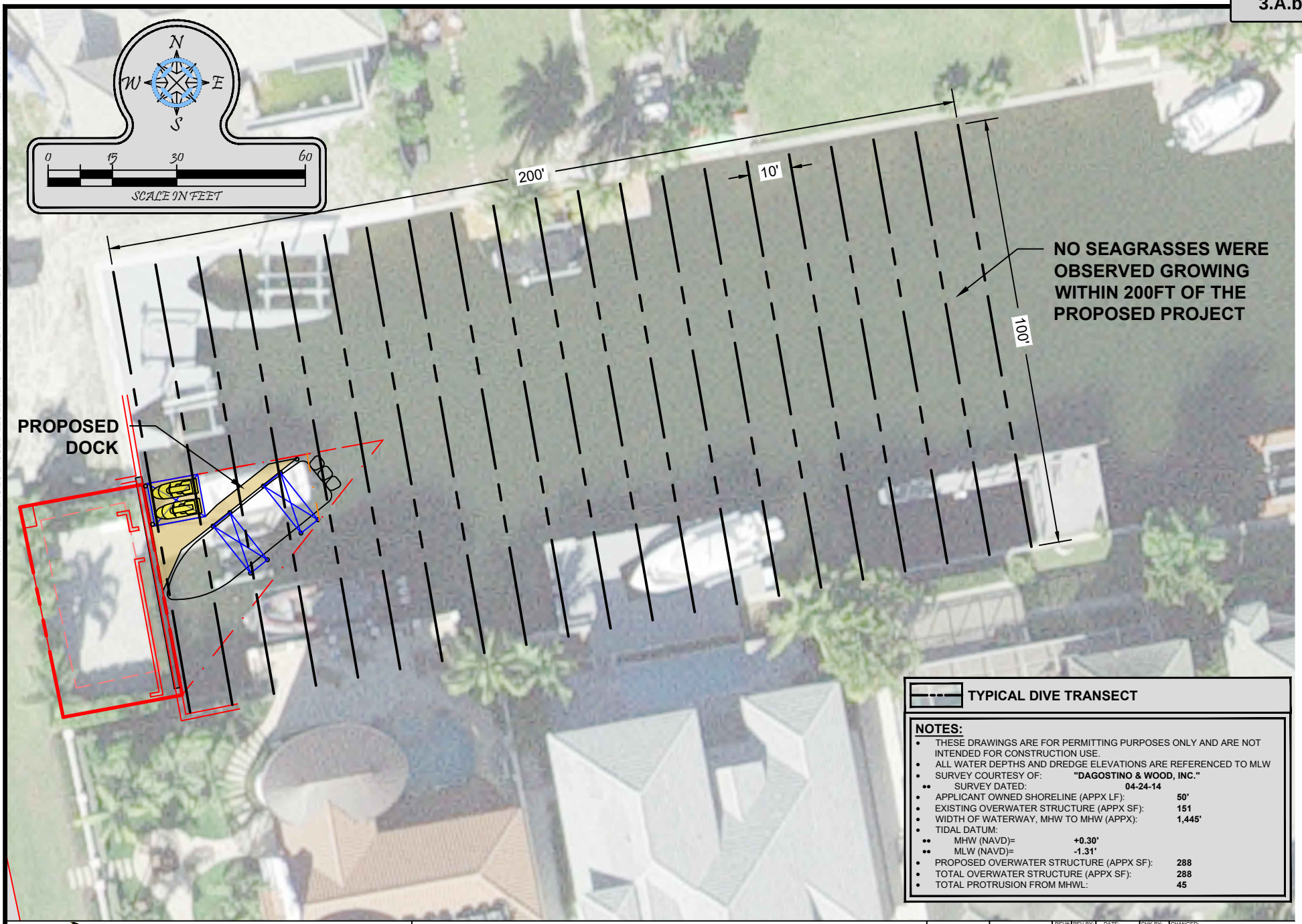
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 05 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20767 : PL20210002276 VA 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg SUBMERGED RESOURCE SURVEY 5/19/2021




**TYPICAL DIVE TRANSECT**

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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

# 10091 GULF SHORE DR

## SUBMERGED RESOURCE SURVEY

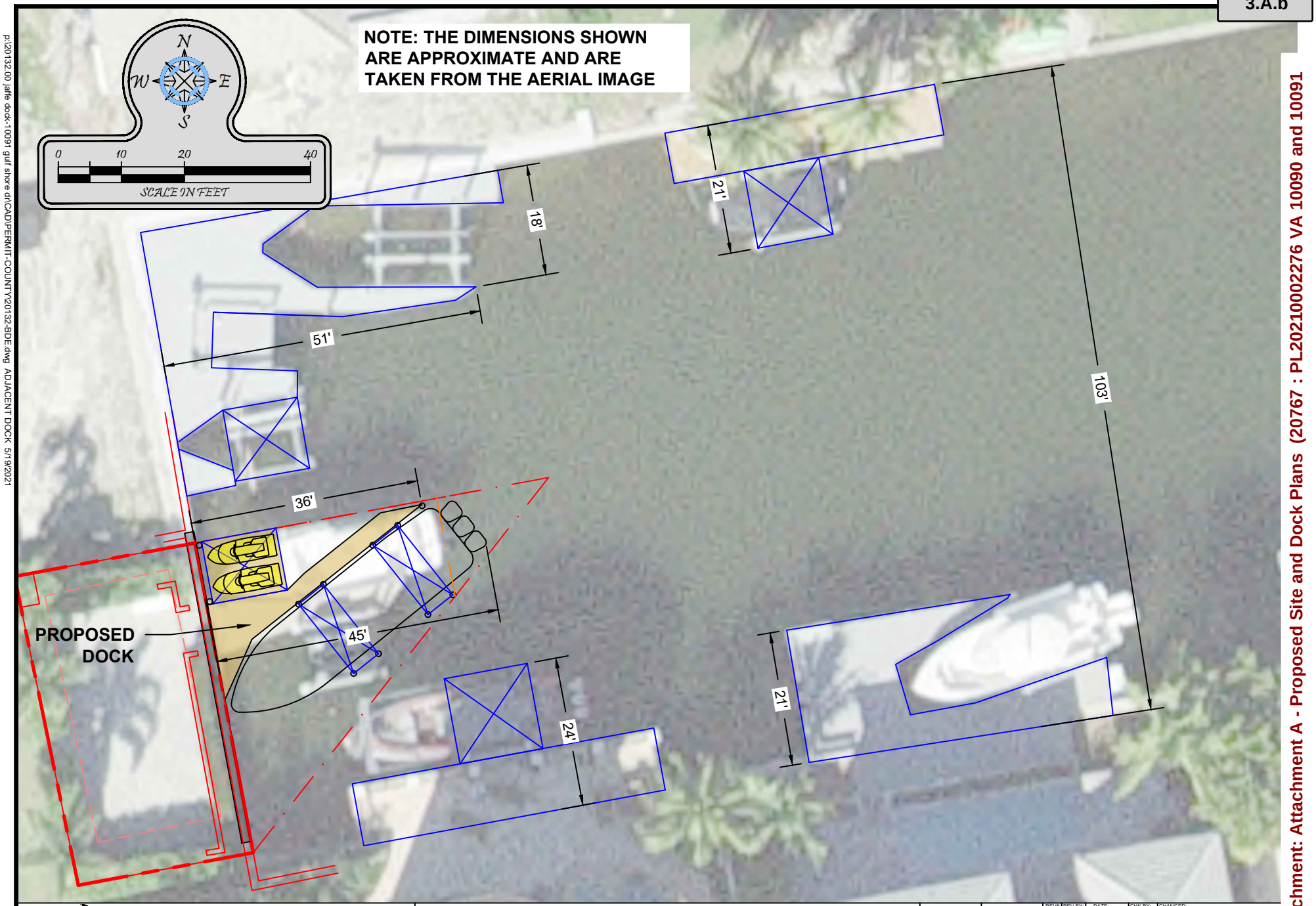
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 06 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20767 : PL20210002276 VA 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg ADJACENT DOCK 5/19/2021




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

# 10091 GULF SHORE DR

## ADJACENT DOCK

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

| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 07 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20767 : PL20210002276 VA 10090 and 10091

**KellyJohn**

**From:** KellyJohn
**Sent:** Tuesday, December 07, 2021 5:22 PM
**To:** KellyJohn
**Subject:** VA-PL20210002276 and BDE-PL20200002573 - Public Hearing Sign Posting for HEX on 12-23-2021
**Attachments:** 872F8649-EBCB-48CB-B9A9-F250845BB54F.jpeg; 1B7D830A-6715-4562-87F3-8882151B859A.jpeg; D2321224-5A4C-4A2A-B33B-31ED48B68C9A.jpeg

To satisfy the Public Hearing sign posting requirement for projects of this type, a public hearing sign was posted to the front of 10090 Gulf Shore Drive at approximately 1:15 P.M. this date as evidenced by the attached photographs.

Respectfully,
*John Kelly*
Senior Planner

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

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

Collier County
*Growth Management Department*

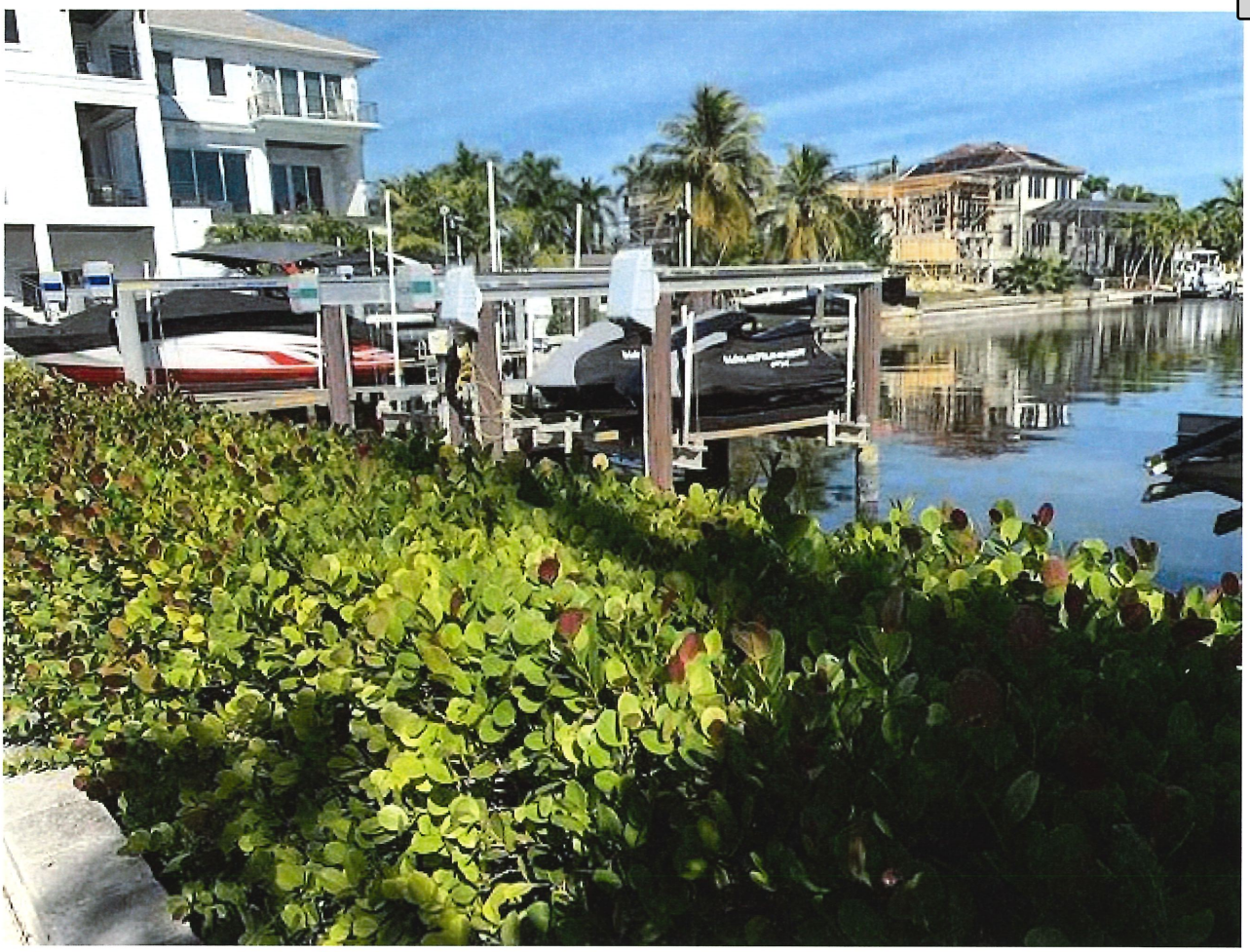
Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Posting - VA-PL20210002276 and BDE-PL20200002573 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore






Attachment: Attachment B - Posting - VA-PL20210002276 and BDE-PL20200002573 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore



Attachment: Attachment B - Posting - VA-PL20210002276 and BDE-PL20200002573 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore

**RESOLUTION NO. 12- 265**

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA, RELATING TO PETITION NUMBER VA-PL2011-1576, FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 5.03.06.E.7 TO PERMIT A REDUCED SIDE YARD (RIPARIAN) SETBACK FROM 7.5 FEET TO 0 FEET ON PROPERTY LOCATED AT 10090 GULF SHORE DRIVE FOR THE BENEFIT OF 10091 GULF SHORE DRIVE, CONNER'S VANDERBILT BEACH ESTATES IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance No. 2004-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which is the granting of variances; and

WHEREAS, the Collier County Board of Zoning Appeals has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of a variance from Section 5.03.06.E.7 of the Land Development Code to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet as shown on the attached Exhibit "A", in the RSF-3 Zoning District for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 9.04.00 of the Zoning Regulations of said Land Development Code for the unincorporated area of Collier County; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in public meeting assembled, and the Board having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA that:

Petition Number VA-PL2011-1576 filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc. with respect to the property hereinafter described as:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

Attachment: Attachment C - Resolution 2012-265 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

INSTR 4785436 OR 4874 PG 1962
RECORDED 1/9/2013 4:46 PM PAGES 3
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COU
COLLIER COUNTY FLORIDA
REC $27.00

be and the same hereby is approved for a variance to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet as shown on the attached Exhibit "A", in the RSF-3 Zoning District, wherein said property is located.

BE IT FURTHER RESOLVED that two conditions of approval apply to this variance: (1) that the parcel in question be granted its companion boat dock extension as applied for in BD-PL20110001573; and (2) that the lot containing the corresponding residence obtain a Certificate of Occupancy for building permit number PRBD20120304314.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote this 12th day of December, 2012.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____, Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

By: _____
GEORGIA A. HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency:

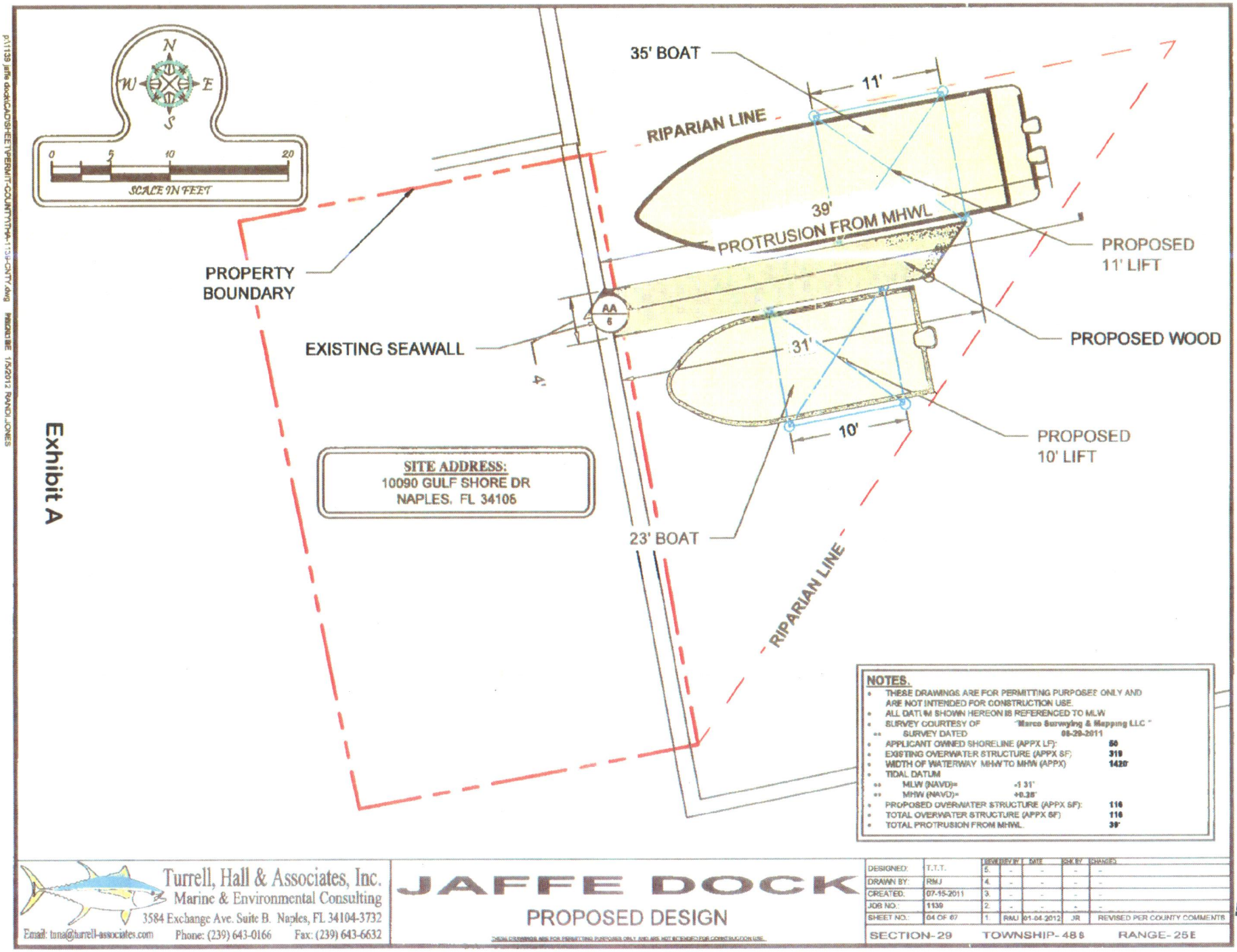
_____
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Site Plan

CP\11-CPS-01128/30



Attachment: Attachment C - Resolution 2012-265 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)


N
W
E
S
0
5
10
20
SCALE IN FEET
35' BOAT
11'
RIPARIAN LINE
39'
PROTRUSION FROM MHWL
PROPOSED
11' LIFT
PROPERTY
BOUNDARY
AA
6
PROPOSED WOOD
EXISTING SEAWALL
4'
31'
10'
PROPOSED
10' LIFT
SITE ADDRESS:
10090 GULF SHORE DR
NAPLES, FL 34105
23' BOAT
RIPARIAN LINE
Exhibit A
NOTES.
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
SURVEY COURTESY OF "Marco Surveying & Mapping LLC "
SURVEY DATED 08-29-2011
APPLICANT OWNED SHORELINE (APPX LF): 60
EXISTING OVERWATER STRUCTURE (APPX SF) 319
WIDTH OF WATERWAY MHW TO MHW (APPX) 1420'
TIDAL DATUM
MLW (NAVD)= -1.31'
MHW (NAVD)= +0.38'
PROPOSED OVERWATER STRUCTURE (APPX SF): 116
TOTAL OVERWATER STRUCTURE (APPX SF) 116
TOTAL PROTRUSION FROM MHWL 39'
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632
JAFFE DOCK
PROPOSED DESIGN
DESIGNED: T.T.T.
DRAWN BY: RMJ
CREATED: 07-15-2011
JOB NO.: 1139
SHEET NO.: 04 OF 07
REVISED PER COUNTY COMMENTS
SECTION- 29 TOWNSHIP- 48 S RANGE- 25 E

8 B

# EXECUTIVE SUMMARY

**Recommendation to consider a Resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition Number VA-PL20110001576, Jaffe Variance, for a variance from Land Development Code Section 5.03.06.E.7 to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet on property located at 10091 Gulf Shore Drive, Conner's Vanderbilt Beach Estates in Section 29, Township 48 South, Range 25 East in Collier County, Florida. [Companion item to: ADA-PL20120001218, Jaffe Boat Dock Appeal]**

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**OBJECTIVE:** To have the Board of Zoning and Appeals (BZA) review staff's findings and recommendations along with the recommendations of the Collier County Planning Commission (CCPC) regarding the above referenced variance petition and render a decision regarding the petition; and ensure the project is in harmony with all the applicable codes and regulations in order to ensure that the community's interests are maintained.

**CONSIDERATIONS:** The purpose of the project is to remove an existing nonconforming dock and to construct a replacement 4-foot wide finger dock with two proposed boat lifts that will serve two boats. The proposed dock facility is located on a small, legally nonconforming lot that has 50 feet of shoreline on a canal that has historically been under common ownership with the beachfront residence located at 10091 Gulf Shore Drive since 1955. The total proposed overwater structure is approximately 116± square feet with a total protrusion of 39 feet from the Mean High Water Line (MHWL). The proposed dock requires a 19-foot boat dock extension and a companion boat dock extension application BDE-PL20110001573 which was denied by the CCPC. The applicant has submitted an appeal (ADA-PL20120001218) which is a companion to this variance request.

The proposed boat dock facility protrudes into the required 7.5-foot riparian line setback. A Variance is sought to allow a boat dock facility at 0 feet from the riparian lines. In addition, there is no dredging proposed for this project.

The Conceptual Site Plan entitled "Jaffe Dock - Proposed Design" dated July 15, 2011, and prepared by Turrell, Hall & Associates, Inc. illustrates the location of the proposed boat dock and boat lifts. (See Site Plan on page 3 of 8 of the Staff Report).

According to information provided by the applicant, the neighbor to the north of the subject site has an existing, approximately 35-foot long boat dock. The neighbor to the southeast has no boat dock.

In addition, Staff has received two Letters of Support from adjacent neighbors to the north and south of the subject site.

**FISCAL IMPACT:** The Variance request by and of itself will have no fiscal impact on Collier County.



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

**GROWTH MANAGEMENT PLAN (GMP) IMPACT:** Growth Management Plan (GMP) does not address individual variance requests; the plan deals with the larger issue of the actual use. Please refer to the attached Staff Report for a detailed analysis.

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The CCPC heard petition VA-PL20110001576 on May 3, 2012, and by a vote of 8 to 1 recommended to forward this petition to the Board of Zoning Appeals (BZA) with a recommendation of denial.

The motion for denial incorporated the CCPC's findings that the petition did not meet Variance criteria b, c, d, e, and f which state:

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

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

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

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

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

The CCPC also denied the companion Boat Dock Extension, BDE-PL20110001573. The applicant has submitted an appeal (ADA-PL20120001218) which is a companion to this variance request. Because of the CCPC recommendation for denial, this petition has been placed on the Regular Agenda. Even though the CCPC is recommending denial of the Variance, Staff is recommending approval based upon the following Staff responses to the criteria listed above:

b. The lot where the boat dock is located is a legally nonconforming lot, atypical of the area and has a highly irregular riparian line (see attached Boat Dock Area Exhibit).

c. If the applicant were to maintain the required riparian set back lines, he could build a dock but not moor two vessels as other typical single family waterfront lot owners.

d. The proposed dock is reasonable while still allowing for safe access for the vessel to moor within the riparian boundaries.

e. Most other neighboring properties moor two vessels. This property owner is seeking the same.



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

f. The granting of this Variance will be harmonious with the LDC and there will be no injury to the neighborhood. In addition, two letters of support have been received from the neighbors located immediately to the north and south of the subject site.

For further information, please refer to the Analysis outlined in the Staff Report.

**LEGAL CONSIDERATIONS**: Petitioner is requesting a Variance to reduce a side yard (riparian) setback from 7.5 feet to 0 feet to construct a replacement boat dock. The granting of such a Variance is permitted under LDC §9.04.02.

The attached staff report and recommendations of the Planning Commission are advisory only and are not binding on you. All testimony given must be under oath. The Petitioner has the burden to prove that the proposed Variance is consistent with all the criteria set forth on the following page, and you may question Petitioner, or staff, to satisfy yourself that the necessary criteria have been satisfied. LDC Section 9.04.02.A requires that "based upon the evidence given in public hearing; and the findings of the Planning Commission" you "should determine to the maximum extent possible if the granting of the Variance will diminish or otherwise have a detrimental effect on the public interest, safety or welfare." Should you consider denying the Variance, to assure that your decision is not later found to be arbitrary, discriminatory or unreasonable, the denial must be based upon competent, substantial evidence that the proposal does not meet one or more of the listed criteria below.

In granting any Variance, the Board of Zoning Appeals may prescribe the following:

1. Appropriate conditions and safeguards in conformity with the zoning code or other applicable county ordinances. Violation of such conditions and safeguards, when made a part of the terms under which the Variance is granted, shall be deemed a violation of the zoning code.
2. A reasonable time limit within which the action for which the Variance required shall be begun or completed or both.

## Criteria for Variances:

a. There are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, structure, or building involved.
b. There are special conditions and circumstances which do not result from the action of the applicant, such as pre-existing conditions relative to the property which is the subject of the Variance request.
c. A literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.
d. The Variance, if granted, will be the minimum Variance that will make possible the reasonable use of the land, building, or structure and which promote standards of health, safety, or welfare.



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

e. Granting the Variance ~~requested~~ will not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.
f. Granting the Variance will be in harmony with the intent and purpose of the LDC, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
g. There are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf course, etc.
h. Granting the Variance will be consistent with the GMP.

The proposed Resolution was prepared by the County Attorney's Office and is legally sufficient for Board action. A majority vote is necessary for Board approval. (HFAC)

**RECOMMENDATION:** While the CCPC recommends denial of the Variance, Staff recommends that the Board of Zoning Appeals approve the Variance request for VA-PL20110001576 based upon Staff's analysis provided within the attached Staff Report subject to the Board's approval of the companion petition (ADA-PL20120001218).

**PREPARED BY:** Nancy Gundlach, Principal Planner, Planning and Zoning
Growth Management Division, Planning and Regulation

Attachments: 1) Staff Report
2) Warranty Deeds
3) Letters of No Objection
4) Location Map
5) Site Plan
6) Resolution
7) Application
8) Boat Dock Area Exhibit



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# COLLIER COUNTY

## Board of County Commissioners

**Item Number:** 8.B.

**Item Summary:** This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to consider a Resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition Number VA-PL20110001576, Jaffe Variance, for a variance from Land Development Code Section 5.03.06.E.7 to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet on property located at 10091 Gulf Shore Drive, Conner's Vanderbilt Beach Estates in Section 29, Township 48 South, Range 25 East in Collier County, Florida. [Companion item to: ADA-PL20120001218, Jaffe Boat Dock Appeal]

**Meeting Date:** 12/11/2012

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**Prepared By**

Name: GundlachNancy
Title: Planner, Principal,Comprehensive Planning
11/13/2012 3:02:41 PM

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**Approved By**

Name: BellowsRay
Title: Manager - Planning, Comprehensive Planning
Date: 11/14/2012 4:37:23 PM

Name: BosiMichael
Title: Manager - Planning,Comprehensive Planning
Date: 11/15/2012 11:19:51 AM

Name: PuigJudy
Title: Operations Analyst, GMD P&R
Date: 11/16/2012 2:25:00 PM

Name: AshtonHeidi
Title: Section Chief/Land Use-Transportation,County Attor
Date: 11/19/2012 9:25:34 AM

Name: PuigJudy

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Title: Operations Analyst, GMD P&R
Date: 11/28/2012 10:12:27 AM

Name: KlatzkowJeff
Title: County Attorney
Date: 11/29/2012 1:37:31 PM

Name: FinnEd
Title: Senior Budget Analyst, OMB
Date: 12/3/2012 9:18:02 AM

Name: OchsLeo
Title: County Manager
Date: 12/3/2012 9:33:48 AM

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Collier County

# STAFF REPORT

**TO:** COLLIER COUNTY PLANNING COMMISSION

**FROM:** DEPARTMENT OF LAND DEVELOPMENT SERVICES
GROWTH MANAGEMENT DIVISION, PLANNING AND REGULATION

**HEARING DATE:** MAY 3, 2012

**SUBJECT:** PETITION VA-PL20110001576, JAFFE VARIANCE
COMPANION ITEM: BDE-PL20110001573

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## PROPERTY OWNER/AGENT:

Owner: Andrew Jaffe
10091 Gulfshore Drive
Naples, Fl 34108

Agent: Jeff Rogers
Turrell, Hall and Associates
3584 Exchange Avenue
Naples, Fl 34104

## REQUESTED ACTION:

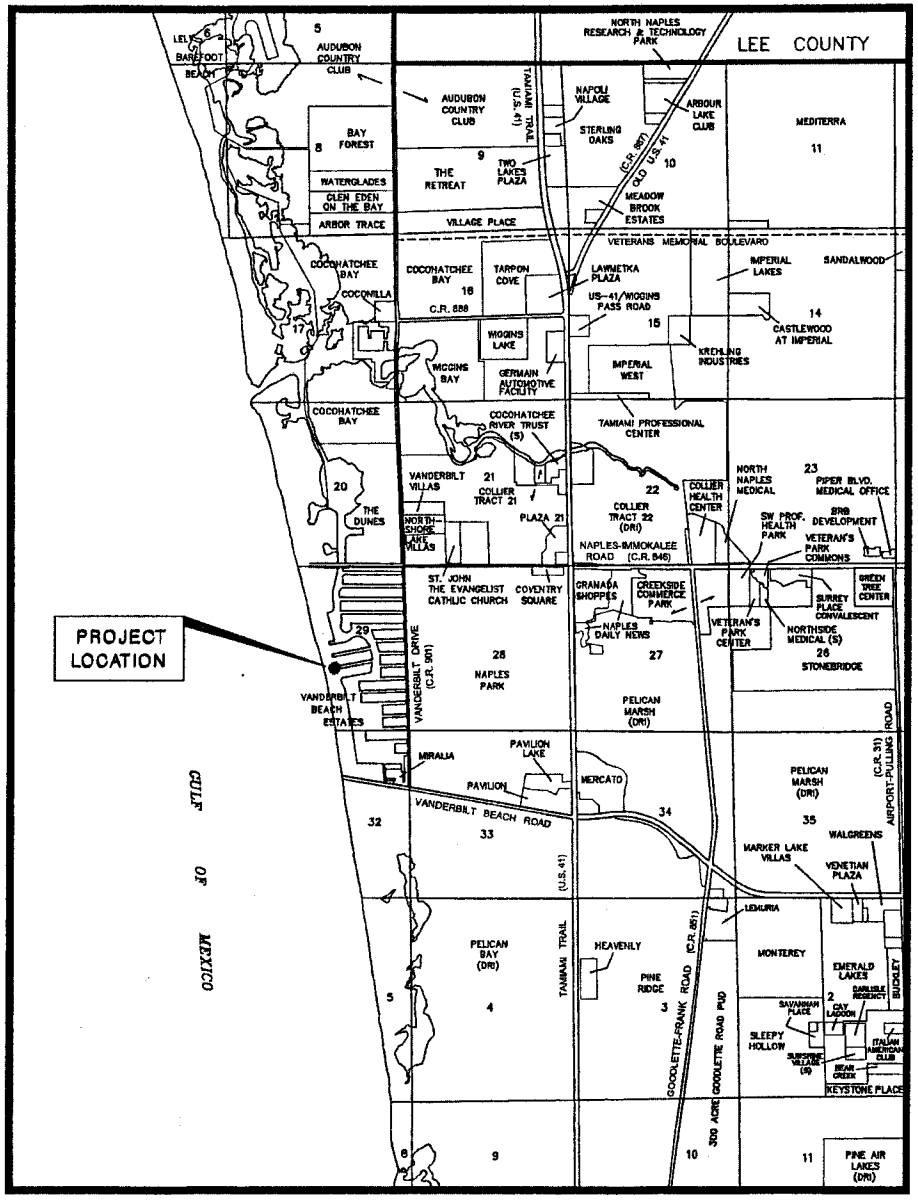
To have the Collier County Planning Commission (CCPC) consider an application for a proposed variance from the required side yard riparian line setback of 7.5 feet for property with less than 60 feet of water frontage to 0 feet as provided for in Section 5.03.06 E.7 of the Land Development Code (LDC). The requested action (if approved) would allow a dock facility at 0 feet from the riparian line.

## GEOGRAPHIC LOCATION:

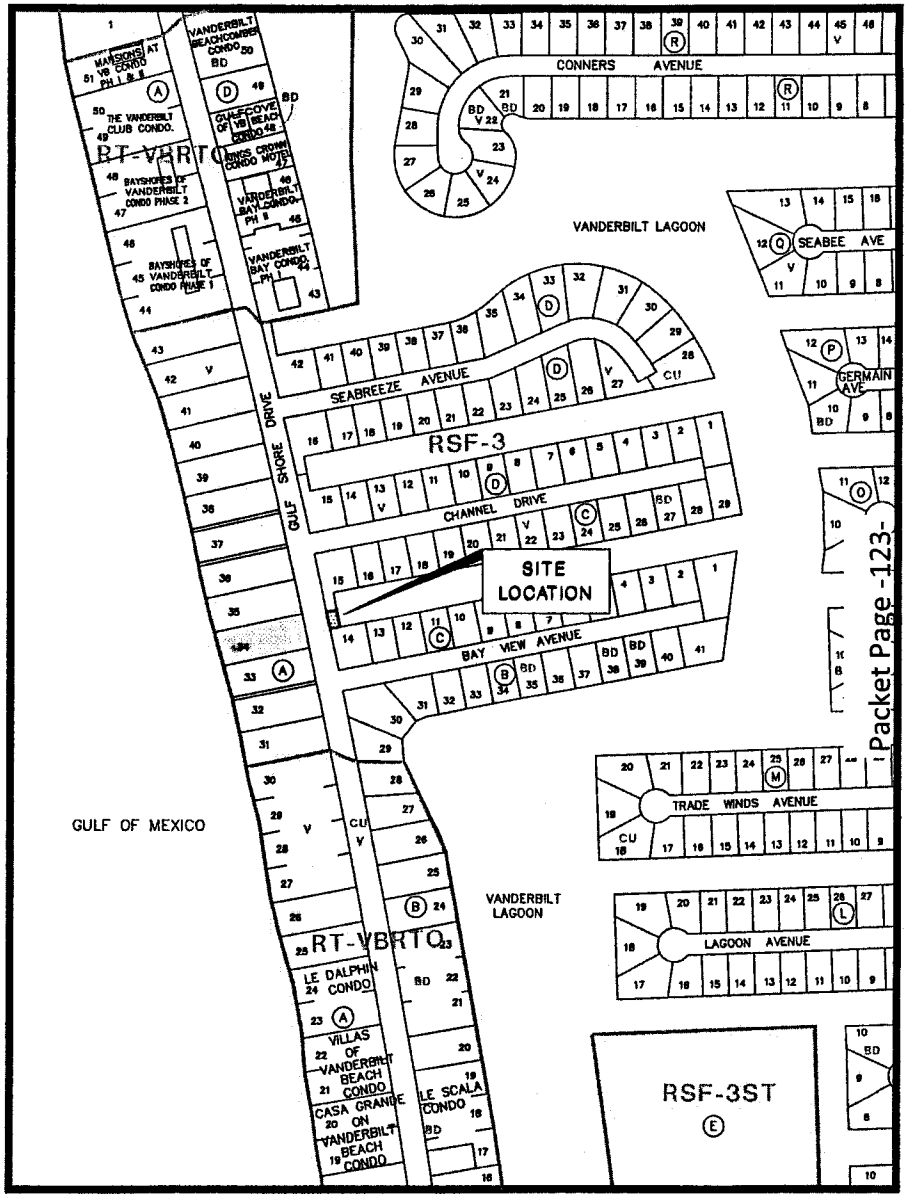
The subject boat dock lot is located at 10090 Gulfshore Drive, Conner's Vanderbilt Beach Estates in Section 29, Township 48 South, Range 25 East in Collier County, Florida. The property owner lives directly across the street at 10091 Gulfshore Drive. *(See location map on following page)*

## PURPOSE/DESCRIPTION OF PROJECT:

The purpose of the project is to remove an existing nonconforming dock and to construct a 4-foot wide finger dock with two proposed boat lifts that will serve two boats. The proposed dock




LOCATION MAP




ZONING MAP

PETITION # VA-PL-2011-1576







Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

facility is located on a small, legally nonconforming lot that has 50 feet of shoreline that was deeded to the residence at 10091 Gulfshore Drive in 1955. (See Attachment B.) The original residence has been demolished and a building permit (permit number PRBD20120304314) is currently undergoing review. The total proposed overwater structure is approximately 116± square feet with a total protrusion of 39 feet from the Mean High Water Line (MHWL). The proposed dock requires a 19-foot boat dock extension and a companion boat dock extension application BDE-PL20110001573 has been filed.

The proposed boat dock facility protrudes into the required 7.5-foot riparian line setback. A Variance is sought to allow a boat dock facility at 0 feet from the riparian lines. In addition, there is no dredging proposed for this project.

The Conceptual Site Plan entitled "Jaffe Dock - Proposed Design" dated July 15, 2011, and prepared by Turrell, Hall & Associates, Inc. illustrates the location of the proposed boat dock and boat lifts. (See Site Plan on previous page).

According to information provided by the applicant, the neighbor to the north of the subject site has an existing, approximately 35-foot long boat dock. The neighbor to the southeast has no boat dock. Due to the location of the subject property at the end of the canal, the riparian lines form a limited triangular area in which to locate a boat dock facility. A variance is required from these riparian lines.

In addition, Staff has received two Letters of Support from adjacent neighbors to the north and south of the subject site.

**SURROUNDING LAND USE & ZONING:**

SUBJECT PARCEL: A parcel, with a zoning designation of RSF-3

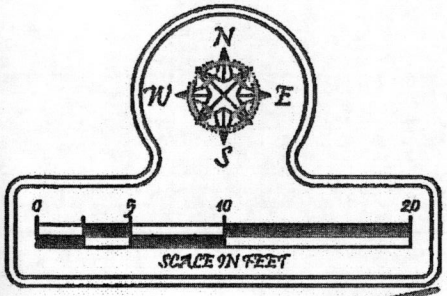
**North**: Single-family residence, with a zoning designation of RSF-3

**East:** Canal

**South:** Vacant single-family lot, with a zoning designation of RSF-3

**West:** Gulfshore Drive right-of-way, and then a Single-family residence, with a zoning designation of RSF-4

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




35' BOAT

11'

RIPARIAN LINE

39'

PROTRUSION FROM MHWL

PROPOSED
11' LIFT

PROPERTY
BOUNDARY

EXISTING SEAWALL

PROPOSED WOOD

31'

10'

PROPOSED
10' LIFT

**SITE ADDRESS:**
10090 GULF SHORE DR
NAPLES, FL 34108

23' BOAT

RIPARIAN LINE

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF "Marco Surveying & Mapping LLC"
- ** SURVEY DATED 08-25-2011
- APPLICANT OWNED SHORELINE (APPX LF): 69
- EXISTING OVERWATER STRUCTURE (APPX SF): 319
- WIDTH OF WATERWAY MHW TO MHW (APPX): 1429'
- TIDAL DATUM
- ** MLW (NAVD)= -1.31'
- ** MHW (NAVD)= +0.38'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 110
- TOTAL OVERWATER STRUCTURE (APPX SF): 110
- TOTAL PROTRUSION FROM MHWL: 39'

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

# JAFFE DOCK

## PROPOSED DESIGN

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

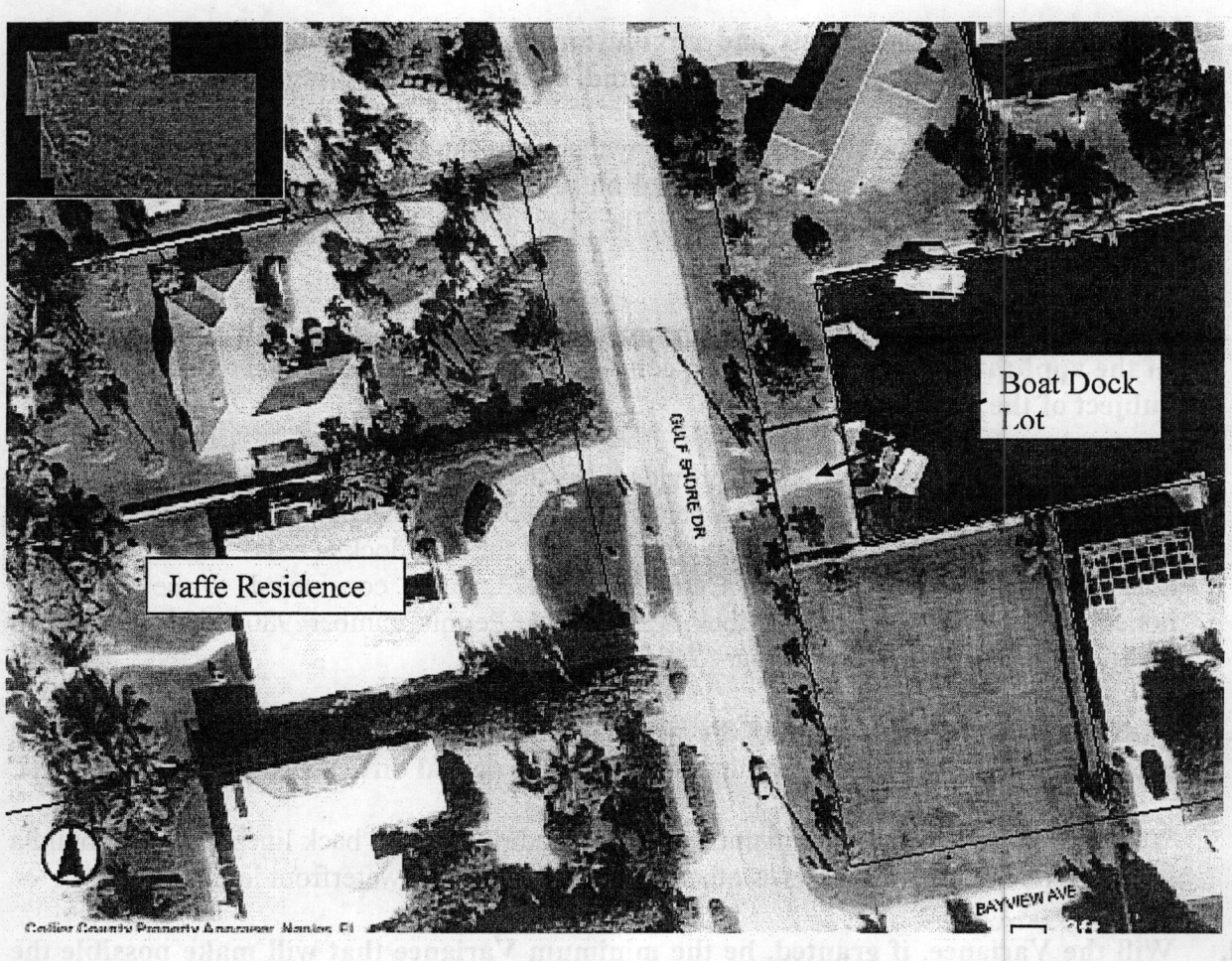
| | | | | | | |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | RMJ | 4. | - | - | - | - |
| CREATED: | 07-15-2011 | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |
| SHEET NO.: | 04 OF 07 | 1. | RMJ | 01-04-2012 | JR | REVISED PER COUNTY COMMENTS |

SECTION- 29 TOWNSHIP- 48S RANGE- 25E

p:\1139 jaffe dock\CAD\SHEETPERMIT-COUNTY\TPA-1139-CNTY.dwg PLOTTED: 1/5/2012 RANDI.JONES



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




**AERIAL**

## GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is located in the Urban Mixed Use Residential land use classification on the County's Future Land Use Map (FLUM). This land use category is designed to accommodate a variety of residential uses including single family, multi-family, duplex, mobile home and mixed-use projects. As previously noted, the subject petition seeks a variance for a single family home that is located within a single-family subdivision, which is an authorized use in this land use designation, therefore, the single family home use is consistent with the FLUM. The Growth Management Plan (GMP) does not address individual variance requests; the Plan deals with the larger issue of the actual use.

## ANALYSIS:

Section 9.04.01 of the Land Development Code gives the Board of Zoning Appeals (BZA) the authority to grant Variances. The Planning Commission is advisory to the BZA and utilizes the provisions of Section 9.04.03 A. through H. (in bold font below), as general guidelines to assist in making their recommendation of approval or denial. Staff has analyzed this petition relative to these provisions and offers the following responses:



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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

Yes. According to information provided by the applicant, the subject property is located in at the end of a finger canal. (See Aerial on previous page.) Due to the location of the subject site at the end of the finger canal, the riparian lines form a limited triangular area in which to locate a boat dock facility.

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

Yes. According to information provided by the applicant, the subject property was subdivided from the neighboring property in the 1950's and deeded to the property located across the street at 10091 Gulfshore Drive to allow for boat dock access. Because the boat dock lot was created prior to October of 1973, it is considered to be a legally nonconforming lot. The boat dock, Boat Dock Permit number 98020583 received a certificate of occupancy on February 2, 2000.

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

Yes. If the applicant were to maintain the required riparian set back lines, he could build a dock but not moor two vessels as other typical single family waterfront lot owners.

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

Yes. The proposed dock is reasonable while still allowing for safe access for the vessel to moor within the riparian boundaries.

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

No. Most other neighboring properties moor two vessels. This property owner is seeking the same.

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

Yes, the granting of this Variance will be harmonious with the LDC and there will be no injury to the neighborhood. In addition, two letters of support have been received from the neighbors located immediately to the north and south of the subject site. (See Attachment B.)

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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

Yes. As previously stated, the subject site is located at the end of a finger canal. Because of this, the applicant is restricted to constructing the boat dock facility within a triangular shaped footprint area.

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

Approval of this Variance will not affect or change the requirements of the Growth Management Plan.

## ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

This Variance petition was not required to go before the EAC for review and approval.

## COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney Office has reviewed the staff report VA-PL-20110001576, revised April 16, 2012. – STW

## RECOMMENDATION:

Staff recommends that the Collier County Planning Commission (CCPC) forward Petition VA-PL-20110001576, Jaffe Boat Dock Variance to the Board of Zoning Appeals (BZA) with a recommendation of approval subject to the approval of the companion boat dock extension petition BD-PL20110001573 and issuance of a Certificate of Occupancy for building permit number PRBD20120304314.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

**PREPARED BY:**

Nancy Gundlach
NANCY GUNDLACH, AICP, PRINCIPAL PLANNER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

April 4, 2012
DATE

**REVIEWED BY:**

Ray V. Bellows
RAYMOND V. BELLOWS, ZONING MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

4-12-12
DATE

William D. Lorenz Jr.
WILLIAM D. LORENZ JR., P.E., DIRECTOR
DEPARTMENT OF LAND DEVELOPMENT SERVICES

04-12-2012
DATE

**APPROVED BY:**

NICK CASALANGUIDA, ADMINISTRATOR
GROWTH MANAGEMENT DIVISION

4-17-12
DATE

Tentatively scheduled for the June 26, 2012 Board of County Commissioners Meeting

Attachment: A. Resolution
B. Warranty Deeds
C. Letters of Support



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# WARRANTY DEEDS

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

INSTR 4572091 OR 4689 PG 3007 RECORDED 6/8/2011 10:08 AM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $32,550.00 REC $18.50
CONS $4,650,000.00

Roetzel & Andress, LPA
an Ohio Legal Professional Assn.
850 Park Shore Drive, Suite 300
Naples, FL 34103-3587
(239) 649-6200
mpice@ralaw.com

Prepared by and return to:
Timothy G. Hains
Attorney at Law
Quarles & Brady LLP
1395 Panther Lane Suite 300
Naples, FL 34109-7874
239-262-5959
File Number: sms-Forbis Jaff
Will Call No.:
Doc Stamps: $32,550.00
Sales Price: $4,650,000.00
Parcel Identification No. 27530160008 & 27530880003

[Space Above This Line For Recording Data]

# Warranty Deed

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

**This Indenture** made this 6th day of June, 2011 between **Robert C. Forbis and Debra J. Forbis, husband and wife** whose post office address is **1443 Rail Head Blvd., Naples, FL 34110** of the County of **Collier**, State of **Florida**, grantor*, and **Andrew T. Jaffe and Fern B. Jaffe, husband and wife, as tenants by the entirety** whose post office address is **10091 Gulf Shore Drive, Naples, FL 34108-2023** of the County of **Collier**, State of **Florida**, grantee*,

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

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.**

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

**Grantors hereby confirm that this property has been grantors' homestead.**

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.

COPY
CLERK OF THE CIRCUIT COURT
COLLIER COUNTY

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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

Signed, sealed and delivered in our presence:

Witness Name: Angela Binstock

Witness Name: Rebecca Britzner

Witness Name: Angela Binstock

Witness Name: Rebecca Britzner

Robert C. Forbis (Seal)

Debra J. Forbis (Seal)

State of Wisconsin
County of Walworth

The foregoing instrument was acknowledged before me this 2nd day of June, 2011 by Robert C. Forbis and Debra J. Forbis, who [ ] are personally known or [X] have produced Driver License as identification.

[Notary Seal]

Notary Public

Printed Name: Shannon Herda

My Commission Expires: 9-1-2013

COLLIER COUNTY CLERK OF THE CIRCUIT COURT COPY

SHANNON HERDA NOTARY PUBLIC STATE OF WISCONSIN

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

3537841 OR: 3712 PG: 0935
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
01/10/2005 at 09:35AM DWIGHT E. BROCK, CLERK
CONS 5500000.00
REC FEE 18.50
DOC-.70 38500.00

| This instrument prepared by:<br>David L. Petersen, Esq.<br>Quarles & Brady LLP<br>1395 Panther Lane, Suite 300<br>Naples, Florida 34109 | Retn:<br>QUARLES & BRADY<br>1395 PANTHER LANE #300<br>NAPLES FL 34109 |
|---|---|

Grantee's I.D. No.: _____

Property Appraiser's
Parcel Identification No. 27530880003 / 27530160008

## WARRANTY DEED

THIS INDENTURE, made this 30th day of December, 2004, by and **KIMBERLY L. BILINSKI and DENNIS M. BILINSKI, wife and husband**, whose address is 1417 Timberwood Court, Bremen, Indiana 46506-1966 ("**GRANTOR**"), **ROBERT C. FORBIS and DEBRA J. FORBIS, husband and wife, as tenants by the entirety**, whose address is 10091 Gulf Shore Drive, Naples, Florida 34108, ("**GRANTEE**")

**WITNESSETH**, that said GRANTOR, for and in consideration of the sum of TEN ($10.00) DOLLARS, and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE'S heirs and assigns forever, the following described land situate, lying and being in Collier County, Florida, to wit:

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.**

SUBJECT to municipal ordinances and zoning codes, restrictions, easements and reservations of record, and real estate taxes for the year 2005 and all subsequent years, bearing Property Identification Numbers 27530880003 and 27530160008.

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

TO HAVE AND TO HOLD the same in fee simple. GRANTOR hereby covenants with the GRANTEE that at the time of delivery of this Warranty Deed, GRANTOR is lawfully seized in fee simple of the property described above; that GRANTOR has good right, title and lawful authority to sell and convey the subject property; and that GRANTOR fully warrants the title to the property, and will defend the same against the lawful claims of all persons whomever.

*"GRANTOR" and "GRANTEE" are used for singular and plural, as context requires.

QBNAP\449917.1



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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:

WITNESSES:

Witness #1
Print Name Below:
DAVID L. PETERSEN

KIMBERLY L. BILINSKI

Witness #2
Print Name Below:
Natalie J. Bennett

DENNIS M. BILINSKI

COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 30th day of December, 2004 by KIMBERLY L. BILINSKI and DENNIS M. BILINSKI, [ ] who are personally known to me or [✓] who have produced Indiana drivers licenses as identification.

(SEAL)

CARYN D. HAMILTON
MY COMMISSION # DD 287890
EXPIRES: April 22, 2008
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Typed or printed name of Notary

MY COMMISSION EXPIRES:



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

*** 2050934 OR: 2177 PG: 1399 ***
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
05/01/96 at 11:43AM DWIGHT B. BROCK, CLERK
DOC 738000.00
REC FEE 6.00
DOC-.70 5166.00

RETURN TO: David L. Cook, Esquire
Young, van Assenderp & Varnadoe, P.A.
801 Laurel Oak Drive, Suite 300
Naples, Florida 33963

Rets:
YOUNG VANASSENDERP ET AL
P O BOX 7987
NAPLES FL 33941

Parcel ID Number: 27530160008 & 27530880003
Grantee #1 TIN: [redacted]
Grantee #2 TIN:

# Warranty Deed

**This Indenture,** Made this 26th day of April, 1996 A.D., **Between** Mary R. Lawmaster, Trustee of the Mary Lawmaster Revocable Trust u/t/a dated 11/12/91 and individually,

of the County of COLLIER, State of Florida, **grantor,** and Kimberly L. Bilinski and Dennis M. Bilinski, wife and husband,

whose address is: 1417 Timberwood Court, Bremen, Indiana 46506

of the County of , State of Indiana, **grantees.**

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

Lot 34, Block A and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of UNIT NO. 10 CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1995.

COPY
CLERK OF THE CIRCUIT COURT

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

**In Witness Whereof,** the grantor has hereunto set her hand and seal the day and year first above written.
**Signed, sealed and delivered in our presence:**

David L. Cook
Printed Name: DAVID L. COOK

By: Mary Lawmaster (Seal)
MARY LAWMASTER, Individually and as Trustee
P.O. Address 10091 Gulfshore Drive North, NAPLES, FL 33963

Victoria L. Farey
Printed Name: VICTORIA L FAREY

**STATE OF** Florida
**COUNTY OF** COLLIER

The foregoing instrument was acknowledged before me this 25th day of April, 1996 by MARY LAWMASTER,

who is personally known to me or who has produced her U.S. driver's license as identification.

This Document Prepared By:
David L. Cook, Esq.
YOUNG, VAN ASSENDERP & VARNADOE, P.A.
801 LAUREL OAK DRIVE, SUITE 300
NAPLES, FL 33963

Victoria L. Farey
Printed Name: VICTORIA L FAREY
NOTARY PUBLIC
My Commission Expires:

VICTORIA L. FAREY
MY COMMISSION #
EXPIRES: October
Bonded Thru Notary Pub



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

01540698 DEC 13 PM 3:34 001671 000118

COLLIER COUNTY RECORDED OR BOOK PAGE

REC ___ PAID 10.00 DOC ___ INT ___ IND ___

Grantee S.S. No. 307-30-5784

Property Appraiser's Parcel Identification No.

This instrument was prepared without opinion of title by
and After Recording Return to:
Stephen E. Thompson, Esq.
Frost & Jacobs
4001 Tamiami Trail North
Suite 300
Naples, Florida 33940
(813) 261-0582

(Space above this line for recording data)

# WARRANTY DEED

THIS WARRANTY DEED, made the 6th day of December, 1991, by Mary R. Lawmaster, a married woman, whose post office address is 26700 County Road 54, Nappanee, IN 46550 ("Grantor"), to Mary R. Lawmaster, Trustee of the Mary Lawmaster Revocable Trust u/t/a Dated November 12, 1991, whose post office address is 26700 County Road 54, Nappanee, IN 46550 ("Grantee"):

(Wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in Collier County, Florida, viz:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, according to Plat thereof recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

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

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered as
to Each Grantor in the Presence of:

Witness Name: Cherylan J. Mast

MARY R. LAWMASTER

Witness Name: Mary Jo Wevrick

Received $ .60 Documentary Stamp Tax
Received $ N/A Class "C" Intangible Personal Property Tax

COLLIER COUNTY CLERK OF COURTS
BY _____ D.C.

STATE OF INDIANA )
) ss:
COUNTY OF ELKHART )

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments personally appeared MARY R. LAWMASTER, to me known to be the person(s) described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and Official Seal in the County and State last aforesaid this 6th day of December, 1991.

I am a Notary Public of the State of Indiana and my commission expires: May 19, 1993.

(SEAL)

NOTARY PUBLIC
Cherylan J. Mast

Recorded and Verified in Official Records of COLLIER COUNTY, FLORIDA JAMES C. GILES, CLERK

Stephen E. Thompson, Esq.
FROST & JACOBS
4001 Tamiami Trail North
Naples, Florida 33940 - 8703
(813) 261 - 0582

COLLIER COUNTY CLERK OF COURT COPY



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

95,000-

GULF TITLE INSURANCE AGENCY, INC.
600 FIFTH AVENUE SOUTH - SUITE 205
NAPLES, FLORIDA 33940

WARRANTY DEED
INDIVID TO INDIVID

390137

REC 625 PAGE 1874

RAMCO FORM 01

**This Warranty Deed** Made the 22 day of July A. D. 19 75 by

Milton W. Wood and June E. Wood, husband and wife

hereinafter called the grantor, to

Mary R. Lawmaster

whose post office address is 26700 County Road #54, R.R. #1, Nappanee, Ind. 46550

hereinafter called the grantee:

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

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

Lot 34, Block A. and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, According to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE 285.00

COLLIER COUNTY 5307 FLORIDA DOCUMENTARY SURTAX

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

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

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 74, and conditions and restrictions of records.

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

Signed, sealed and delivered in our presence:

Rose Marie Boyer
Vivian Bruther

Milton W. Wood
Milton W. Wood

June E. Wood
June E. Wood

STATE OF Penna.
COUNTY OF LEHIGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Milton W. Wood & June E. Wood
husband and wife

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 23 day of July A. D. 1975

CHARLES P. GILBERT
NOTARY PUBLIC
ALLENTOWN, PA., LEHIGH COUNTY
My Commission Expires July 6, 1978

This instrument prepared by: J.M. O'Hara, Pres.

Address GULF TITLE INSURANCE AGENCY, INC.
600 FIFTH AVENUE SOUTH - SUITE 205
NAPLES, FLORIDA 33940

SPACE BELOW FOR RECORDERS USE

RECORDED
OFFICIAL RECORD BOOK
COLLIER COUNTY, FLORIDA
JUL 29 10 52 AM '75
MARGARET T. SCOTT
CLERK OF CIRCUIT COURT
COLLIER COUNTY, FLORIDA

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

OR 414 PAGE 838

245188

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:
RICHARD BIVINS LANSDALE
RICHARD BIVINS LANSDALE, P.A.
194 North Tamiami Trail
NAPLES, FLORIDA 33940

# Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

This Indenture, Made this 2nd day of September 1971, Between GERTRUDE S. MATROGRANO, joined by her husband, ANTHONY J. MATROGRANO,

of the County of Collier, State of Florida, grantor*, and MILTON W. WOOD

whose post office address is 3320 Hamilton Boulevard, Allentown,

of the County of , State of Pennsylvania 18103, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of

----------Ten and No/100ths----------Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Collier County, Florida to-wit:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Resubdivision of Part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to Plat thereof as recorded in Plat Book 3, Page 18, Public Records of Collier County Florida.

SUBJECT to restrictions and easements common to the Subdivision.

Taxes for 1971 and subsequent years.

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

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

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

x Shirley A. Thomas
x David A. Lawson

x Gertrude S. Matrograno (Seal)
Gertrude S. Matrograno

x Anthony J. Matrograno (Seal)
Anthony J. Matrograno

(Seal)

(Seal)

STATE OF x New York
COUNTY OF x Dutchess

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ANTHONY J. MATROGRANO and GERTRUDE S. MATROGRANO, husband and wife,

to me known to be the person s described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this x 2nd day of x September 1971.

x Peter E. Robinson
Notary Public

My commission expires:

PETER E. ROBINSON
NOTARY PUBLIC, STATE OF N.Y. YORK
RESIDING IN DUTCHESS COUNTY
COMMISSION EXPIRES MARCH 30, 1973

(NOTARY SEAL)





Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Form 4K Florida Statutory WARRANTY DEED—Statutory Form 183893

TUTTLE LAW PRINT, INC. PUBLISHERS
Tuttle Law Print, Publishers, Reference 11

# This Indenture,

OR BK 312 PAGE 375

Made this 3rd day of April A. D. 19 69
Between ERNEST RIZZA, SR., joined by his wife, CARMEL RIZZA,

of the County of Lee in the State of Florida
parties of the first part, and GERTRUDE S. MATROSIANO

whose correct post office address is: 2341 Windward Way, Naples, Florida 33940
of the County of Collier in the State of Florida
party of the second part,

Witnesseth, that the said parties of the first part, for and in consideration of the sum of TEN AND NO/100----------($10.00)----------Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, her heirs and assigns forever, the following described land, situate, lying and being in the County of Collier, State of Florida, to wit:

DOCUMENTARY SURTAX 55.00 FLORIDA

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the map or plat thereof on file and recorded in Plat Book 3 at page 18, Public Records of Collier County, Florida.

SUBJECT to taxes for the calendar year 1969 and easements and restrictions of record, if any.

COLLIER COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX 8900 COMPTROLLER PB 19014

COLLIER COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX 5100 COMPTROLLER PB 19014

This instrument was prepared by
John W. Sheppard
1412 Jackson Street
Fort Myers, Florida

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Sandra Lee Clineus (ERSR) X Ernest Rizza Sr.

(CR) X Carmel Rizza

State of Florida,
County of Lee.

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments.

ERNEST RIZZA, SR. and CARMEL RIZZA,

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal ~~in the County and State aforesaid~~ this 15th day of April A. D. 19 69.

(NOTARY'S SEAL)

Notary Public
My Commission Expires Aug 4, 1969

Apr 23 2 05 PM '69
FILED
COLLIER COUNTY, FLORIDA

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Form 65 Florida Photostat WARRANTY DEED—Statutory Form

166840

OR 285 PAGE 191

# This Indenture,

Made this 1st day of July A. D. 19 68

Between J. STANLEY SHARP and DOROTHY B. SHARP, husband and wife

of the County of Litchfield in the State of Connecticut parties of the first part, and ERNEST RIZZA and CARMEL RIZZA, husband and wife, as an estate by the entirety, whose correct postoffice address is Atkins Street, Middletown, Connecticut 06457

of the County of Middlesex In the State of Connecticut parties of the second part,

**Witnesseth**, that the said parties of the first part, for and in consideration of the sum of TEN ($10.00)---------- Dollars, to the in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said parties of the second part, their heirs and assigns forever, the following described land, situate, lying and being in the County of Collier, State of Florida, to wit:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, in CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof recorded in Plat Book 3 at page 18 of the Public Records of Collier County, Florida, being a replat of Unit #1; SUBJECT to taxes for the calendar year 1968 and restrictions of record.

This instrument was prepared by: John W. Sheppard 1112 Jackson Street Fort Myers, Florida

COLLIER COUNTY 025816

DOCUMENTARY SURTAX 30.80

RECORDED OFFICIAL RECORD BOOK COLLIER COUNTY, FLORIDA Sep 5 1 30 PM '68 MARGARET T. SCOTT CLERK OF CIRCUIT COURT COLLIER COUNTY, FLORIDA

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Evelyn R. Kelly

Betty M. Meroth

(JSS) J. Stanley Sharp

(DBS) Dorothy B. Sharp

State of Florida CONNECTICUT
County of Fairfield } ss. Stamford

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

J. STANLEY SHARP and DOROTHY B. SHARP

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at [illegible] County and State of Florida, this 31st day of July A. D. 19 68.

(NOTARY'S SEAL)

Notary Public

My Commission Expires April 1, 1969

COLLIER COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX SEP 5 '68 8400

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA MARGARET T. SCOTT Clerk of Circuit Court

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

PRINTED BY LAWYERS' TITLE GUARANTY FUND, ORLANDO, FLORIDA

# Warranty Deed

STATUTORY

36143

9 153

HIXON & HIXON
Attorneys at Law
325 EIGHTH STREET
NAPLES, FLORIDA

This Indenture, Made this 1st day of April, A. D. 19 57, Between [illegible] Nelson white and wife, dorothy he white, husband and wife

of the county of San Diego, State of California, part ies of the first part, and

Charley Sharp and Dorothy M. Sharp, husband and wife,

whose post office address is 71 Cheltenham Street, Lido Beach, N. Y.

of the County of , in the State of New York, part ies of the second part,

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of

---

and other good and valuable considerations to them in hand paid by said part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said part ies of the second part, their heirs and assigns forever, the following described land, situate, lying and being in the County of Collier in the State of Florida, to-wit:

Case 6/7/51 Mo

[illegible]

and the said part ies of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said part ies of the first part have hereunto set their hand s and seal s the day and year first above written.

Signed, sealed and delivered in our presence:

[illegible] (Seal)

[illegible] (Seal)

(Seal)

(Seal)

STATE OF [illegible]
COUNTY OF [illegible]

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared [illegible]

to me known to be the person s described in and who executed the foregoing instrument and [illegible] acknowledged before me that he s executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this [illegible] day of [illegible], A. D. 19 [illegible]

[illegible]
Notary Public

My commission expires:

Filed this 7th day of June A. D. 19 57, at 9:30 o'clock A. M., and Recorded in Deed Book 63 on page 117.

RECORD VERIFIED. Ed Scott
Clerk Circuit Court, Collier County, Florida
By [illegible] Deputy Clerk.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

WARRANTY DEED
FROM CORPORATION

DREW'S FORM R. E. 33

Manufactured by The H. & W. B. Drew Company
Jacksonville, Florida.

23828

BOOK 40 75

# This Indenture,

*Made this* 11th *day of* May *, A. D. 19* 55 *,*

**Between** CONNERS VANDERBILT BEACH ESTATES, INC. *, a corporation existing under the laws of the State of* Florida *, having its principal place of business in the County of* Collier *and State of* Florida *, party of the first part, and* WILLIAM NELSON WHITE AND DOROTHY K. WHITE, husband and wife, as an estate by the entirety, of 850 Humbolat St., Denver, *of the County of* Denver *and State of* Colorado *, part ies of the second part.* **Witnesseth,** *That the said party of the first part, for and in consideration of the sum of* Ten Dollars and other valuable considerations ~~Dollars~~ *to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said part ies of the second part, and their heirs and assigns forever, all that certain parcel of land lying and being in the County of* Collier *and State of* Florida *, more particularly described as follows:*

Lot 34 of Block "A", Unit #1, Conners Vanderbilt Beach Estates, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Collier County, Florida, in Plat Book 3, Page 18. Also the North 50 feet of Lot 14, Block "C" of said re-subdivision, being a parcel of land approximately 30 x 50 feet lying between the East side of Gulf Shore Drive and the end of canal in Block "C".

**Together** *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:* **To Have and To Hold** *the same in fee simple forever.*

*And the said party of the first part doth covenant with the said part ies of the second part that it is lawfully seized of the said premises; that they are free of all incumbrances, and that it has good right and lawful authority to sell the same; and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.*

**In Witness Whereof,** *the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its* Vice Sec. Asst. Sec'y & Treas. *the day and year above written.*

(Corporate Seal)

Attest: W. S. Akers
Sec. Asst. Sec'y & Treas.

CONNERS VANDERBILT BEACH ESTATES, INC.
By O. B. Conners
Vice-President.

*Signed, Sealed and Delivered in Our Presence:*

W. A. Glaser

Jean V. Driggers



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# LETTER OF NO OBJECTION

**Jaffe Dock**

**Naples, FL**

I hereby state that I am the owner of the adjacent upland riparian property located to the NORTH of the proposed project at 10070 GULFSHORE DR. NAPLES FL, Jaffe residence. I understand that the subject property is proposing to construct a dock that will encroach the on required side yard setback of 10-feet. I do not object to the proposed project and agree to allow the project to be carried out.

(Original signature of adjacent owner)

8/11/2011
(Date signed)

CLIFFORD CHAFFEE
(Printed name of adjacent owner)



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Robert C. Forbis
10091 Gulfshore Dr
Naples. Fl 34108

May 19, 2011

To: Appropriate review agencies and Administrrators

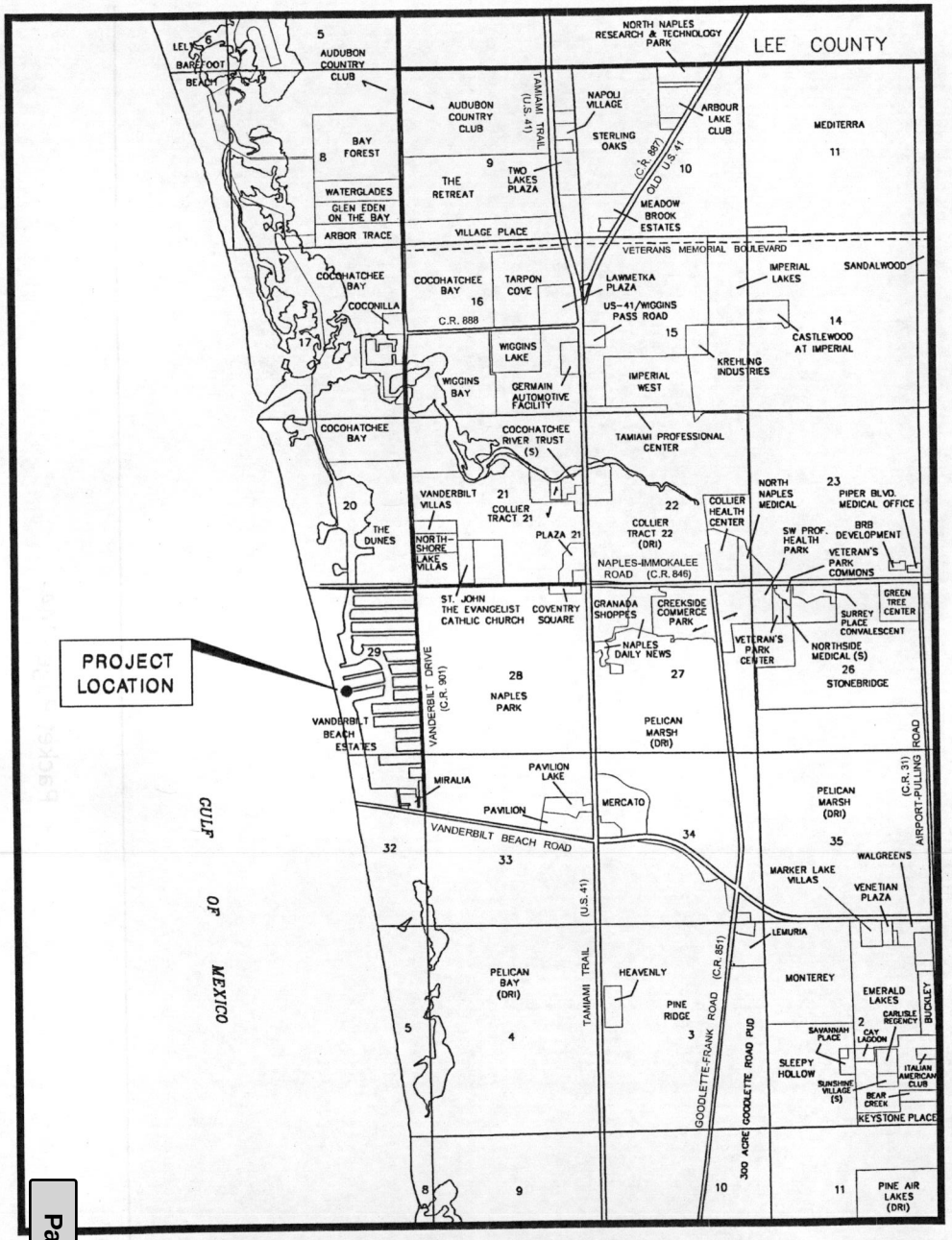
Re: Proposed dock for 10090 Gulfshore Dr.
Andrew and Fern Jaffe

This letter is to inform all parties that as the owner of the adjacent parcel, 10080 Gulfshore Drive, I have no objections to the proposed dock as per attached drawing .

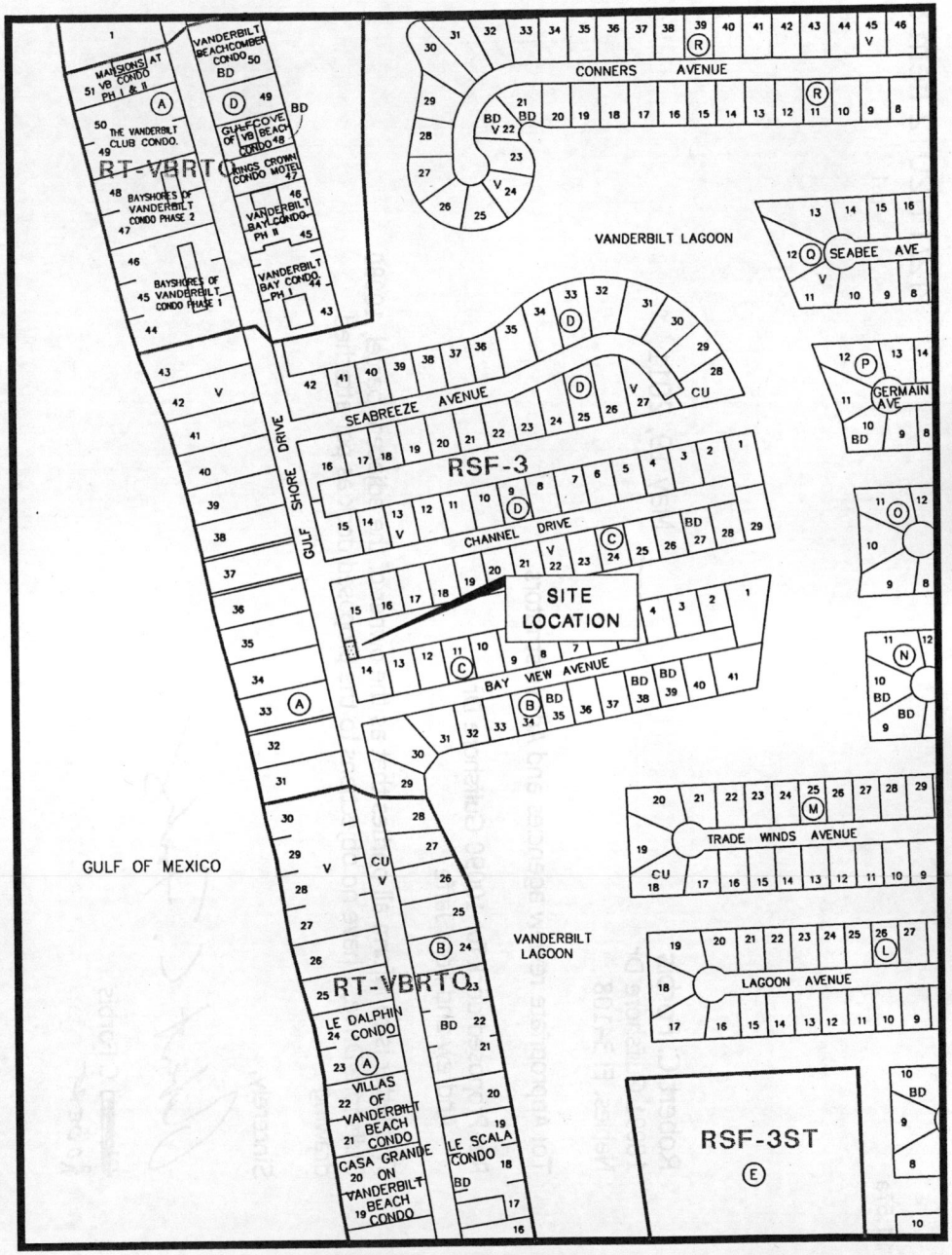
Sincerely,

~~Richard~~ C Forbis
ROBERT

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




LOCATION MAP




ZONING MAP

PETITION # VA - PL - 2011 - 1576

Attachment: Attachment D - VA-PL201100015 76 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and






**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "Marco Surveying & Mapping LLC"
- SURVEY DATED: 08-29-2011
- APPLICANT OWNED SHORELINE (APPX LF): 50
- EXISTING OVERWATER STRUCTURE ((APPX SF): 319
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 1420'
- TIDAL DATUM:
  - MLW (NAVD)= -1.31'
  - MHW (NAVD)= +0.28'
- PROPOSED OVERWATER STRUCTUR E (APPX SF): 116
- TOTAL OVERWATER STRUCTURE (APPX SF): 116
- TOTAL PROTRUSION FROM MHWL: 39'

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

# JAFFE DOCK

## PROPOSED DESIGN

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

| | | REV. | REV BY: | DATE: | CHK BY: | CHANGES: |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | 07-15-2011 | 4. | - | - | - | - |
| CREATED: | VJZ | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |
| SHEET NO.: | 04 OF 06 | 1. | - | - | - | - |

SECTION-29 TOWNSHIP-48 S RANGE-25 E



Exhibit A

P:\1139 jaffe dock\CAD\SHEETS\PERMIT-STATE\TH-1139-PRMT-SW

**RESOLUTION NO. 12-____**

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA, RELATING TO PETITION NUMBER VA-PL2011-1576, FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 5.03.06.E.7 TO PERMIT A REDUCED SIDE YARD (RIPARIAN) SETBACK FROM 7.5 FEET TO 0 FEET ON PROPERTY LOCATED AT 10091 GULF SHORE DRIVE, CONNER'S VANDERBILT BEACH ESTATES IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance No. 2004-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which is the granting of variances; and

WHEREAS, the Collier County Board of Zoning Appeals has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of a variance from Section 5.03.06.E.7 of the Land Development Code to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet as shown on the attached Exhibit "A", in the RSF-3 Zoning District for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 9.04.00 of the Zoning Regulations of said Land Development Code for the unincorporated area of Collier County; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in public meeting assembled, and the Board having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA that:

Petition Number VA-PL2011-1576 filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc. with respect to the property hereinafter described as:

> Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

be and the same hereby is approved for a variance to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet as shown on the attached Exhibit "A", in the RSF-3 Zoning District, wherein said property is located.



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

BE IT FURTHER RESOLVED that two conditions of approval apply to this variance: (1) that the parcel in question be granted its companion boat dock extension as applied for in BD-PL20110001573; and (2) that the lot containing the corresponding residence obtain a Certificate of Occupancy for building permit number PRBD20120304314.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote this _____ day of _____, 2012.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____
, Deputy Clerk

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

By: _____
FRED W. COYLE, Chairman

Approved as to form and legal sufficiency:

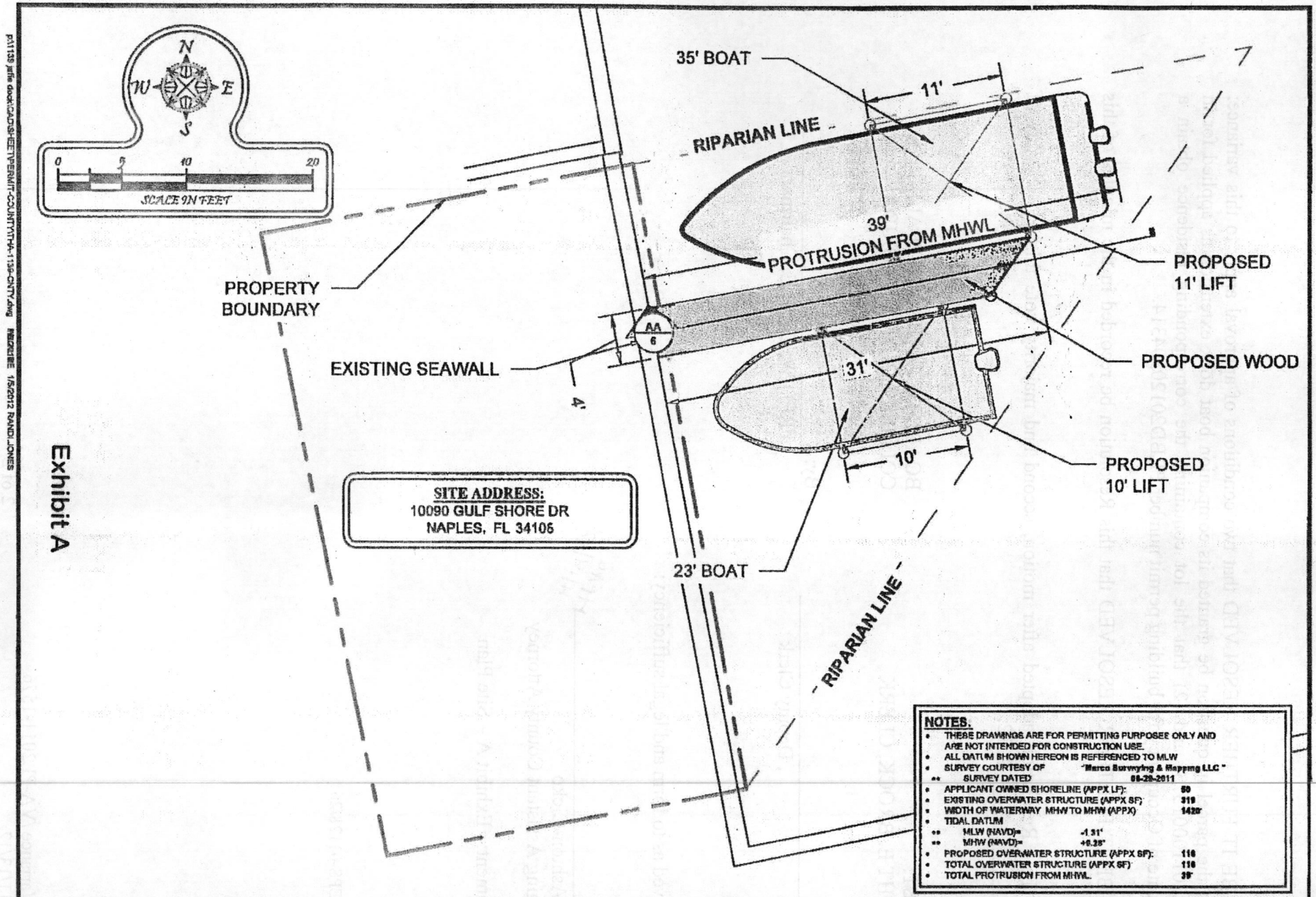
_____ HCAC 11/14/12
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Site Plan

CP\11-CPS-01128/26



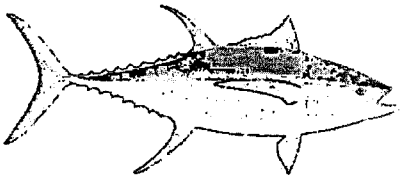
Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




p:\1139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\1139-CNTY.dwg 11/5/2012 RANDI.JONES
Packet Page -149-
Packet Pg. 57
12/11/2012 Ite
3.A.e
Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# BOAT DOCK EXTENSION APPLICATION
# JAFFE DOCK
## 10091 Gulf Shore Drive
## Naples, FL 34108

**December 2011**



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

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

COLLIER COUNTY GOVERNMENT
DEPT. OF ZONING & LAND DEVELOPMENT REVIEW
WWW.COLLIERGOV.NET

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 643-6968

# DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION APPLICATION AND SUBMITTAL INSTRUCTIONS

The following information is intended to guide you through the process of a Dock Facility Extension or Boathouse Establishment Petition, from completing the application packet to the final determination by the Collier County Planning Commission.

Prior to submittal of the attached Dock Facility Extension or Boathouse Establishment Petition application, you must attend a pre-application meeting to determine if, pursuant to Land Development Code Section 5.03.06, the option of a dock facility extension or boathouse establishment is available to you and to discuss the location, length/protrusion and configuration of the proposed boat dock facility. The pre-application fee is $500.00 (to be credited toward application fee upon submittal.)

In order to process your request, all accompanying materials must be completed and submitted with the application (SEE ATTACHED CHECKLIST). The application fee for a Dock Facility Extension or Boathouse Establishment is currently $1500.00 plus $925.00 for required legal advertising. An additional amount for property owner notifications will be billed to the applicant prior to the hearing date.

Within ten (10) days of the submission of your application, you will receive notification that your petition is being processed. Accompanying that response will be a receipt for your check and the number assigned to your petition. This petition number should be noted on all future correspondence regarding your petition.

The Department of Zoning and Land Development Review will provide for legal notification of surrounding property owners within 500 feet of the subject property and newspaper advertising (required fifteen (15) days prior to the Planning Commission Hearing date). You will be notified by mail of your hearing date and will receive a copy of the Staff Report. It is recommended, but not required, that you or your agent attend the Planning Commission meeting.

If you have any further questions or need assistance completing this application, contact Department of Zoning and Land Development Review at 403-2400.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

COLLIER COUNTY GOVERNMENT
DEPT. OF ZONING & LAND DEVELOPMENT REVIEW
WWW.COLLIERGOV.NET

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 643-6968

# DOCK FACILITY EXTENSION / BOATHOUSE PETITION

THIS PETITION IS FOR (check one): ☒ DOCK EXTENSION ☐ BOATHOUSE

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

*To be completed by staff*

## APPLICANT INFORMATION

NAME OF APPLICANT(S) ANDREW JAFFE

ADDRESS 10091 GULFSHORE DRIVE CITY NAPLES STATE FL ZIP 34108

TELEPHONE # _____ CELL # _____ FAX # _____

E-MAIL _____

NAME OF AGENT JEFF ROGERS

FIRM TURRELL, HALL & ASSOCIATES, INC.

ADDRESS 3584 EXCHANGE AVE. CITY NAPLES STATE FL ZIP 34104

TELEPHONE # 239-643-0166 CELL # 239-784-0081 FAX # 239-643-6632

E-MAIL JEFF@TURRELL-ASSOCIATES.COM

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

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

COLLIER COUNTY GOVERNMENT
DEPT. OF ZONING & LAND DEVELOPMENT REVIEW
WWW.COLLIERGOV.NET

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 643-6968

## PROPERTY LOCATION

**Address of Subject Property** 10090 Gulfshore Drive

**Section/Township/Range** 29/48/25 **Property I.D.#** 27530880003

**Subdivision** CONNERS VANDERBILT BCH EST **Unit** 1 **Lot(s)** 14 **Block(s)** C

**Current Zoning and Land use of Subject Property** NORTH 50' of Lot 14 lying West of canal. Single-family RSF-3

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| **N** | RSF-3 | Single-Family |
| **S** | RSF-3 | Single-Family |
| **E** | RSF-3 | ROW |
| **W** | RSF-3 | Vanderbilt Lagoon/Canal |

## DESCRIPTION OF PROJECT

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

The proposed plan is to remove the existing non-conforming dock and construct a 4-foot wide finger dock and two associated boatlifts. The proposed project is on a small lot that has 50-feet of shoreline that was deeded to 10091 Gulfshore Drive back in 1955. Due to the resticted shoreline length no setbacks from the property/riprian lines can be provided. The total proposed overwater structure is approximately 116 square feet and the overall protrusion will be 39-feet from the Mean High Water Line (MHWL) Dredging is not being proposed for this project.

The following must be accompanying this application:

1) A signed, sealed survey depicting mean high water (MHW) and mean low water (MLW), and relevant water depths measured at no less than 5-foot increments

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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(239) 252-2400 FAX (239) 643-6968

2) A chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank

3) A site plan to scale showing dimensions and location of existing and proposed dock structures, as well as a cross section showing the facility in relation to MHW/MLW and shoreline (bank, seawall or rip-rap revetment).

## SITE INFORMATION

**Width of waterway:** 1420 **ft.;**

**Measurement from** ☐ **plat** ☐ **survey** ☐ **visual estimate** ☒ **other (specify)** Aerial

**Total property water frontage:** 50 **ft.**

**Setbacks: provided** 0 **ft. required** 7.5 **ft.**

**Total protrusion of proposed facility into water:** 39 **ft.**

**Number and length of vessels to use facility: 1.** 23 **ft., 2.** 35 **ft., 3.** _____ **ft.**

**List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**

The two adjacent docks protrude approximately 20 feet from the MHWL into the waterway. Most existing docks within these man-made canals of Vanderbilt Lagoon proturde approximatley 20-feet into the waterway, however this dock is unique in its location on the waterway.

**Official Interpretations or Zoning Verifications:**
To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ☒ No If so, please provide copies.

The following criteria, (pursuant to Section 5.03.06 of the Land Development Code) shall be used as a guide by staff in determining its recommendation to the Collier County Planning Commission (CCPC), and by the CCPC in its decision to approve or deny a particular Dock Extension request. In order for the CCPC to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. Please provide a narrative response to the listed criteria and/or questions. Attach additional pages if necessary.

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## PRIMARY CRITERIA

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

**The surrounding upland properties are single-family lots and per the county LDC and manatee protection plan single-family lots are allowed a dock and associated boat slips. The proposed dock facilitates the mooring of two vessels and we are requesting a 19-feet extension from the allowed 20-feet. This lot is a non-buildable lot attached through deeds to the principal residence across the Gulfshore Drive.**

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

**Water depths N/A**

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

**The proposed docking facility will not have an adverse affect on navigation within the man-made canal, due to the location being in the very back of the canal. The proposed dock is contained within the riprain lines and there is no other boat traffic within this area of the man-made canal.**

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

**The proposed docking facility will protrude approximately 39- feet into the navigable waterway that is approximately 1420- feet wide. However, this measurement is not applicable but meets the requirement of less than 25%. vessels navigating this canal and others a like would not be interfered with the proposed dock being within the 25% requirement as well as the project being contained within the property riprian llines.**

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

**The proposed docking facility would not interfere with the use of any neighboring dock facilities. The proposed docking facility was coordinated with both neighboring dock owners and the design was modified to accomidate their request to ensure no interference would occur.**

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## SECONDARY CRITERIA

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

**The proposed dock and upland property are located at the end of a man-made canal and is unique due to this property previously divided from the adjacent property back in the 1950's. with only 50 linear feet of shoreline and converging riprian lines, the owner is limited to the proposed plan, therefore the shoreline configuration is the special condition.**

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

**The proposed dock would be constructed with a fixed wooden 4-feet wide finger pier. This allows for proper access for loading, unloading, and routine maintenance, while minimizing the decking area.**

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

**Yes, with the vessels the applicant is proposing to moor on site together exceed the total owned shoreline length. This criteria is not meet.**

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

**The proposed docking facility would not block any neighboring views. The view of the property owners on the north and south side will not be impacted because a dock system is existing in this location and the view is away from the dead end of the canal. Neighbors have agreed to the proposed docking facility.**

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

**The Collier County Seagrass Protection Plan was reviewed for the location of known seagrass beds. To our knowledge, there are no known seagrass beds within 200-feet of the**

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**proposed dock facility. The access to Wiggins Pass is a federally marked channel and all sea grass beds are outside of the marked channel.**

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

**N/A: The subject property is a single-family zoned lot and per the Manatee Protection Plan is allowed a dock and two associated boatlifts.**

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**I HEREBY ATTEST THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

**I UNDERSTAND THAT, IN ADDITION TO APPROVAL OF THIS DOCK EXTENSION, A BUILDING PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.**

**I UNDERSTAND THAT IF THIS DOCK EXTENSION PETITION IS APPROVED BY THE COLLIER COUNTY PLANNING COMMISSION, AN AFFECTED PROPERTY OWNER MAY FILE AN APPEAL WITHIN 14 DAYS OF THE HEARING. IF I PROCEED WITH CONSTRUCTION DURING THIS TIME, I DO SO AT MY OWN RISK.**

Jeff Rogers

Signature of Petitioner or Agent

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# BOAT DOCK FACILITY EXTENSION (BD) APPLICATION SUBMITTAL CHECKLIST

**THIS COMPLETED CHECKLIST IS TO BE SUBMITTED WITH APPLICATION PACKET IN THE EXACT ORDER LISTED BELOW W/COVER SHEETS ATTACHED TO EACH SECTION.**

**NOTE: INCOMPLETE SUMBITTALS WILL NOT BE ACCEPTED.**

| REQUIREMENTS | # OF COPIES | SUBMITTED | NOT REQUIRED |
|---|---|---|---|
| Completed Application | 19 | ☐ | ☐ |
| Owner/Agent Affidavits, signed & notarized | 1 | ☐ | ☐ |
| Addressing Checklist | 1 | ☐ | ☐ |
| Conceptual Site Plan illustrating the following:<br>a. The lot and dimensions where proposed docking facility is to be located.<br>b. All yard setbacks<br>c. Required setbacks for the dock facility<br>d. The total number and configuration of the proposed facilities, etc. (include all dimensions to scale).<br>e. The water depth where the proposed dock facility is to be located and the distance to the navigate channel. (Water depth at mean low tide should be shown at approximately every five (5) feet of length for the total length of the proposed facility.<br>f. Illustrate the land contour of the property on which the dock facility is proposed.<br>g. The dock facility should be illustrated from an aerial view, as well as side view. | 19 | ☐ | ☐ |

$ 1,500.00 Review Fee
$ 925.00 Legal Advertising Fee (estimated)

Check shall be made payable to *Board of County Commissioners*

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

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# AFFIDAVIT

*We/I, _____ being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; 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 our knowledge and belief. We/I understand 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. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted.*

*As property owner We/I further authorize _____ to act as our/my representative in any matters regarding this Petition.*

*Signature of Property Owner*

*Signature of Property Owner*

Andrew Jaffe

*Typed or Printed Name of Owner*

Fern Jaffe

*Typed or Printed Name of Owner*

*The foregoing instrument was acknowledged before me this* 26th *day of* October, 20 11, *by* ANDREW T. JAFFE *who is personally known to me or has produced _____ as identification.*

*State of Florida*

*County of Collier*

*(Signature of Notary Public - State of Florida)*

LINDA A. PARKINSON
MY COMMISSION # EE59002
EXPIRES: January 26, 2015
1-800-3-NOTARY

*(Print, Type, or Stamp Commissioned Name of Notary Public)*

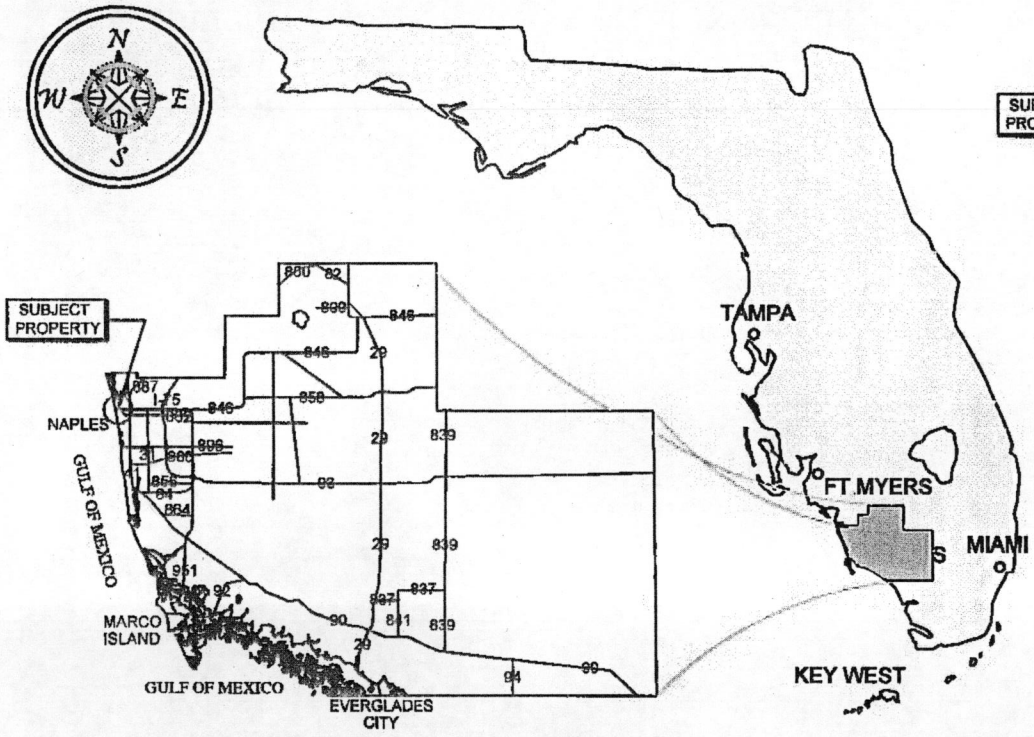
Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# ENVIRONMENTAL EXHIBITS

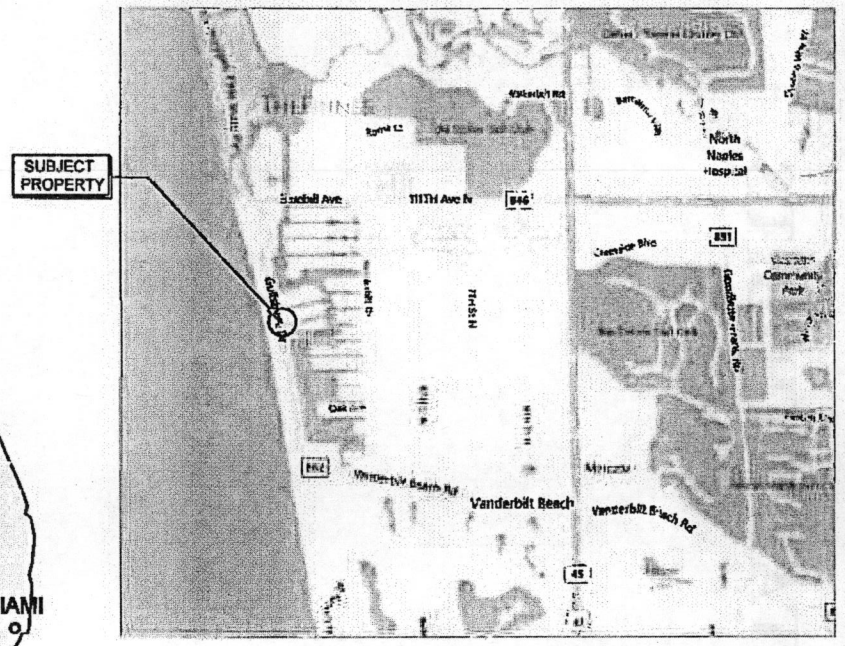
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p:\1139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\THA-139-CNTY.dwg LOCATION 1/5/2012 RANDI.JONES

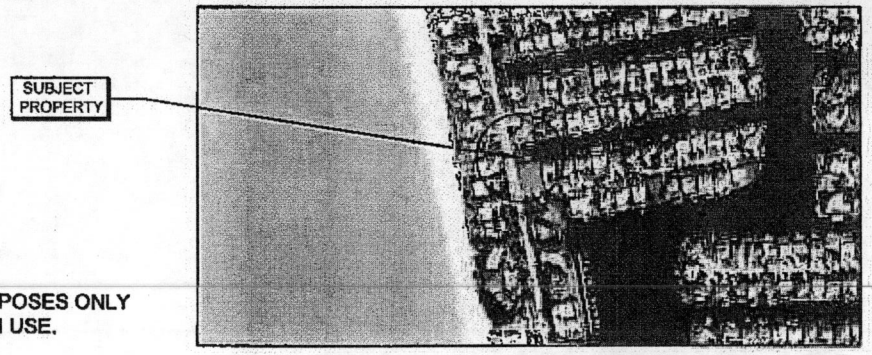
# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**
<> 10090 GULF SHORE DR
NAPLES, FL 34108

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

<> LATITUDE: N 26° 15' 48"
<> LONGITUDE: W 81° 49' 27"

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

# JAFFE DOCK

## LOCATION MAP

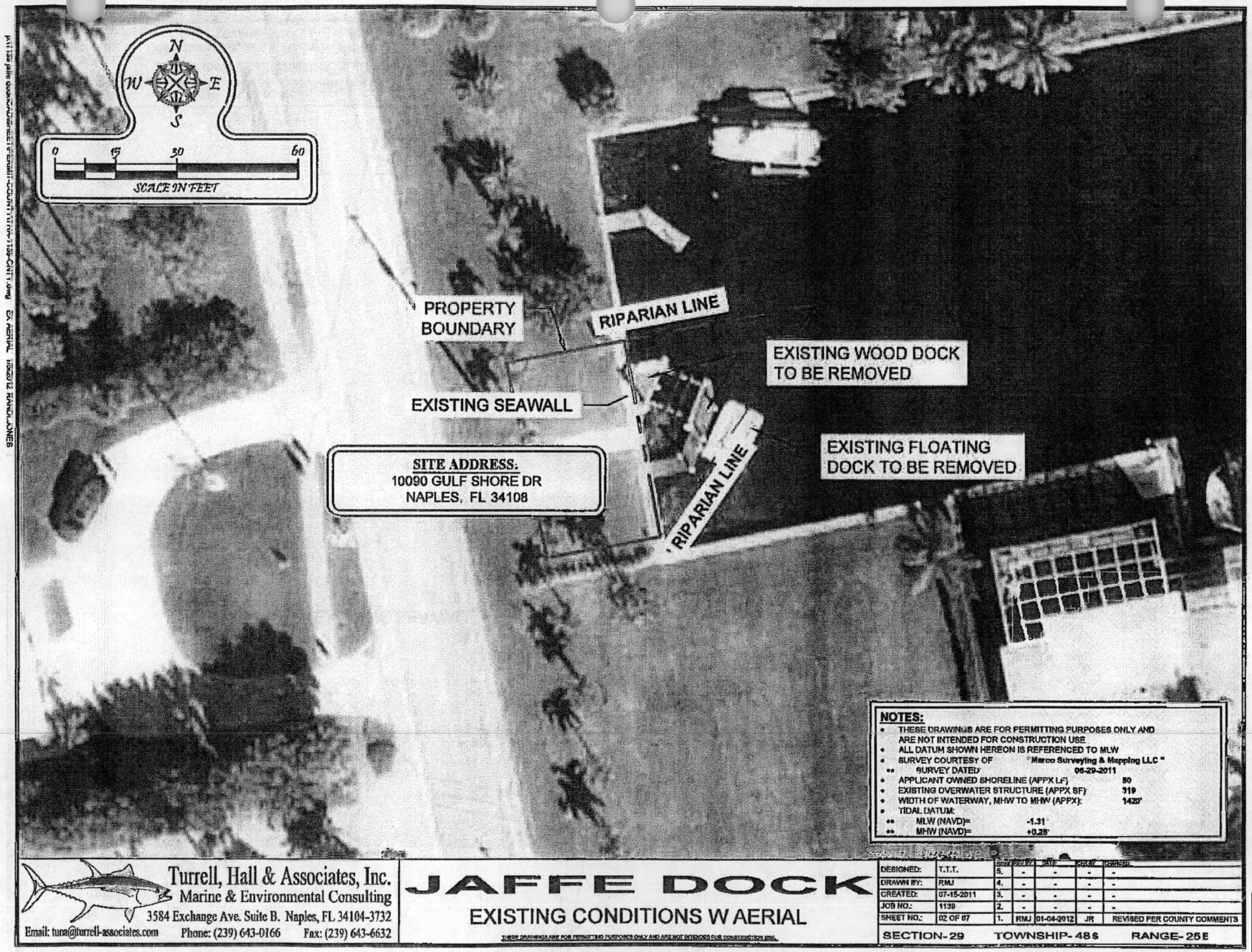
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGES: |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | RMJ | 4. | - | - | - | - |
| CREATED: | 07-15-2011 | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |
| SHEET NO.: | 01 OF 07 | 1. | RMJ | 01-04-2012 | JR | REVISED PER COUNTY COMMENTS |

SECTION- 29 TOWNSHIP- 48 S RANGE- 25 E

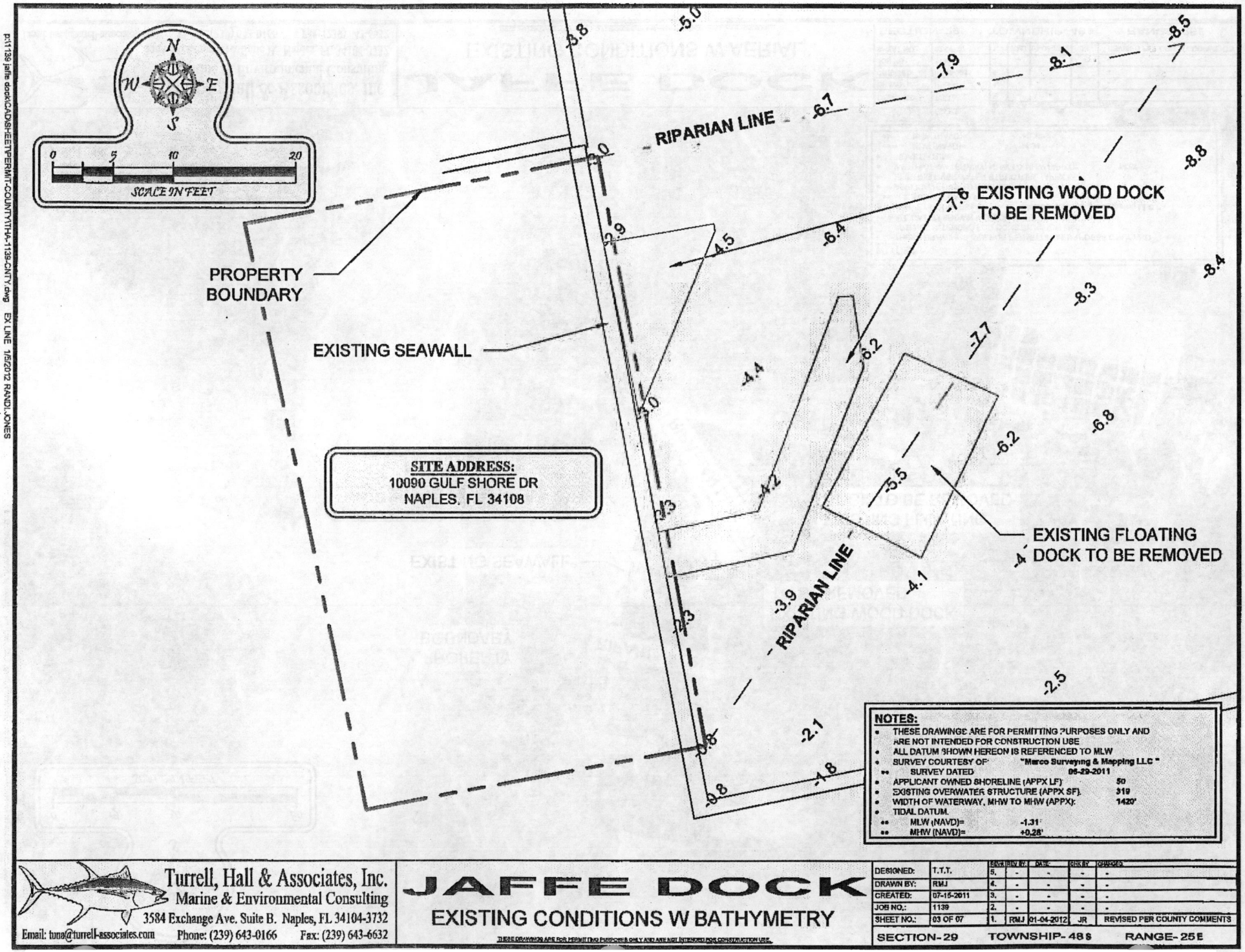


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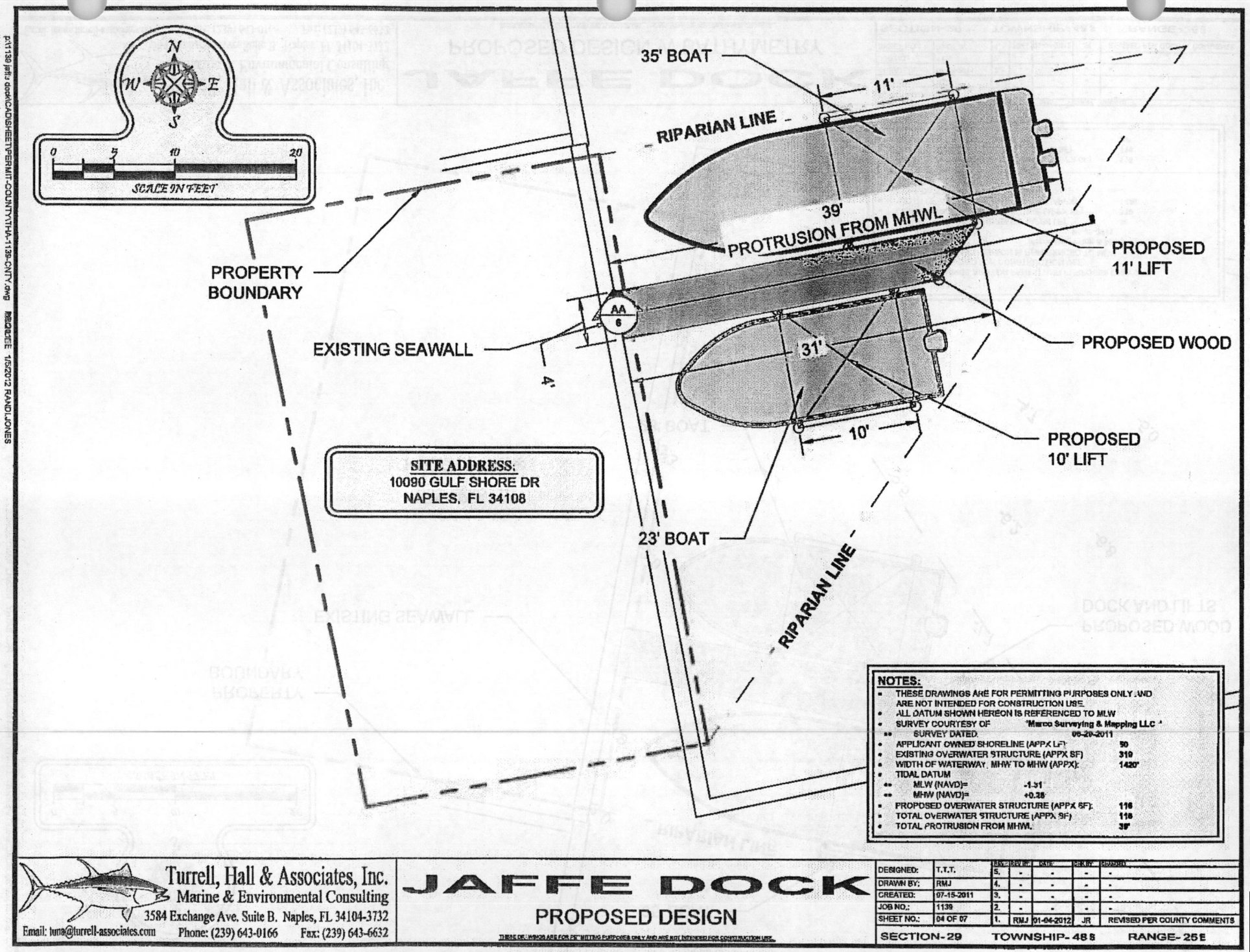




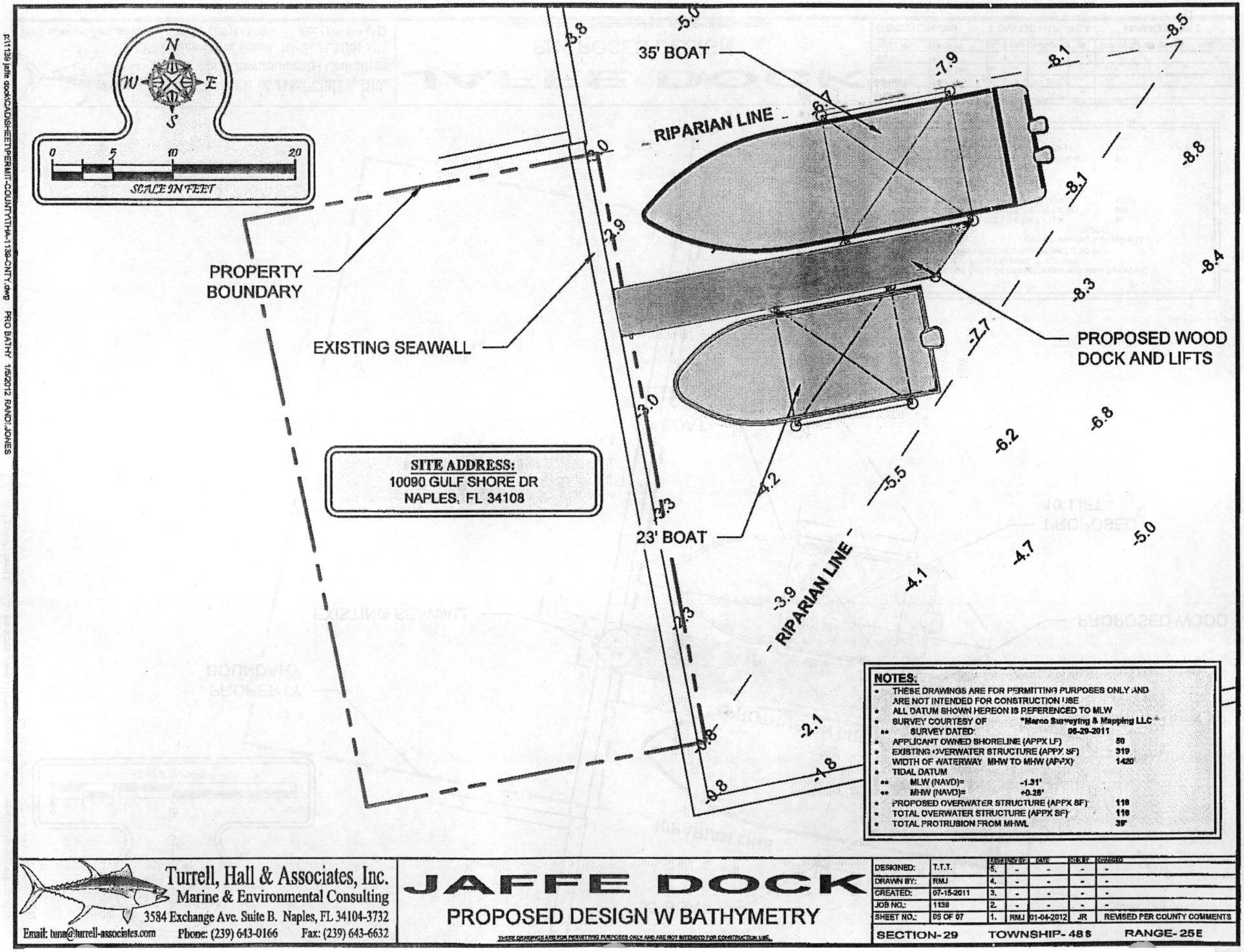

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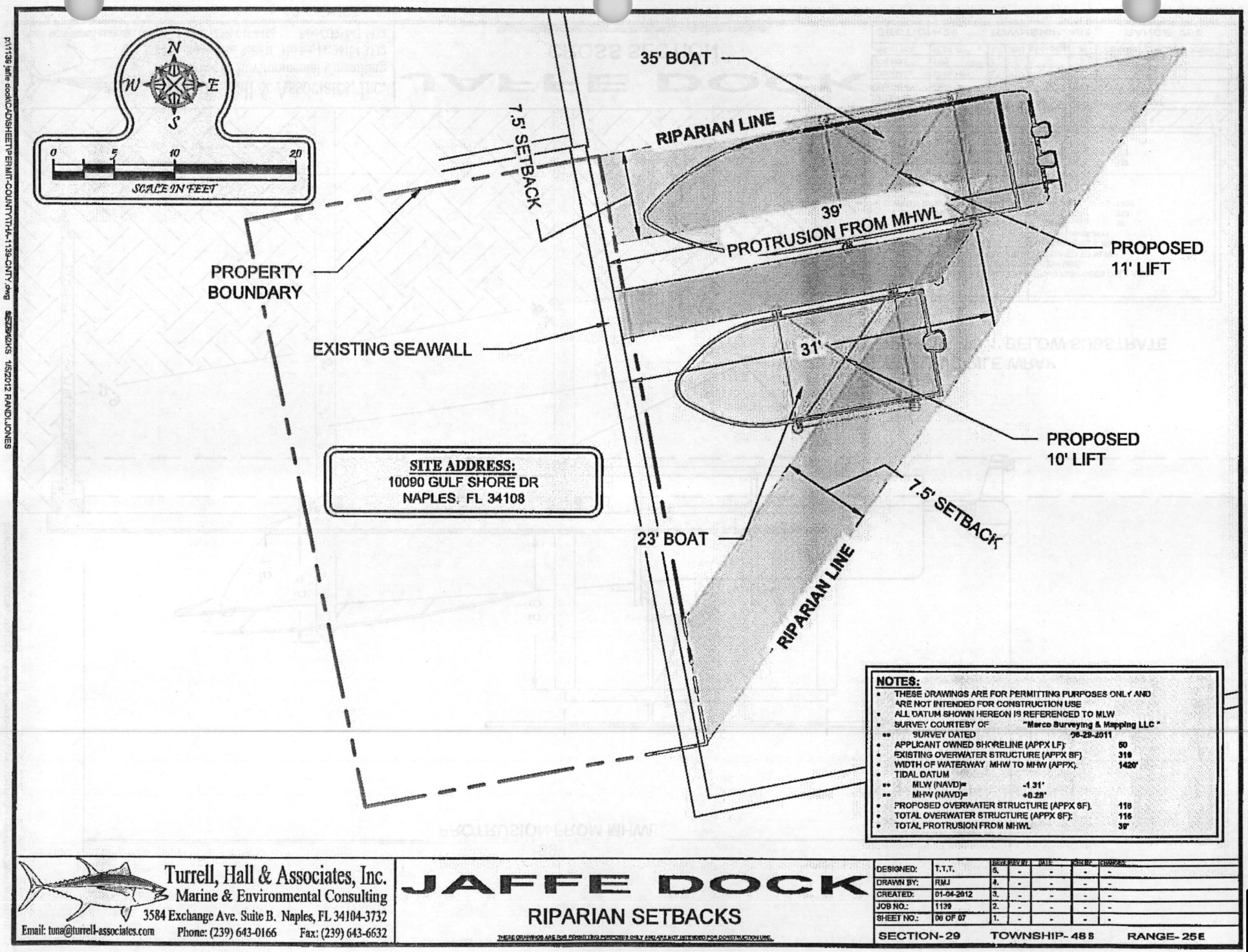

p:\1139 jaffe dock\CAD\SHEETPERMIT-COUNTY\1THA-1139-CNTY.dwg RSQUIRE 1/5/2012 RANDLJONES




p:\1139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\1PHA-1139-CNTY.dwg PRO BATHY 1/5/2012 RANDI.JONES



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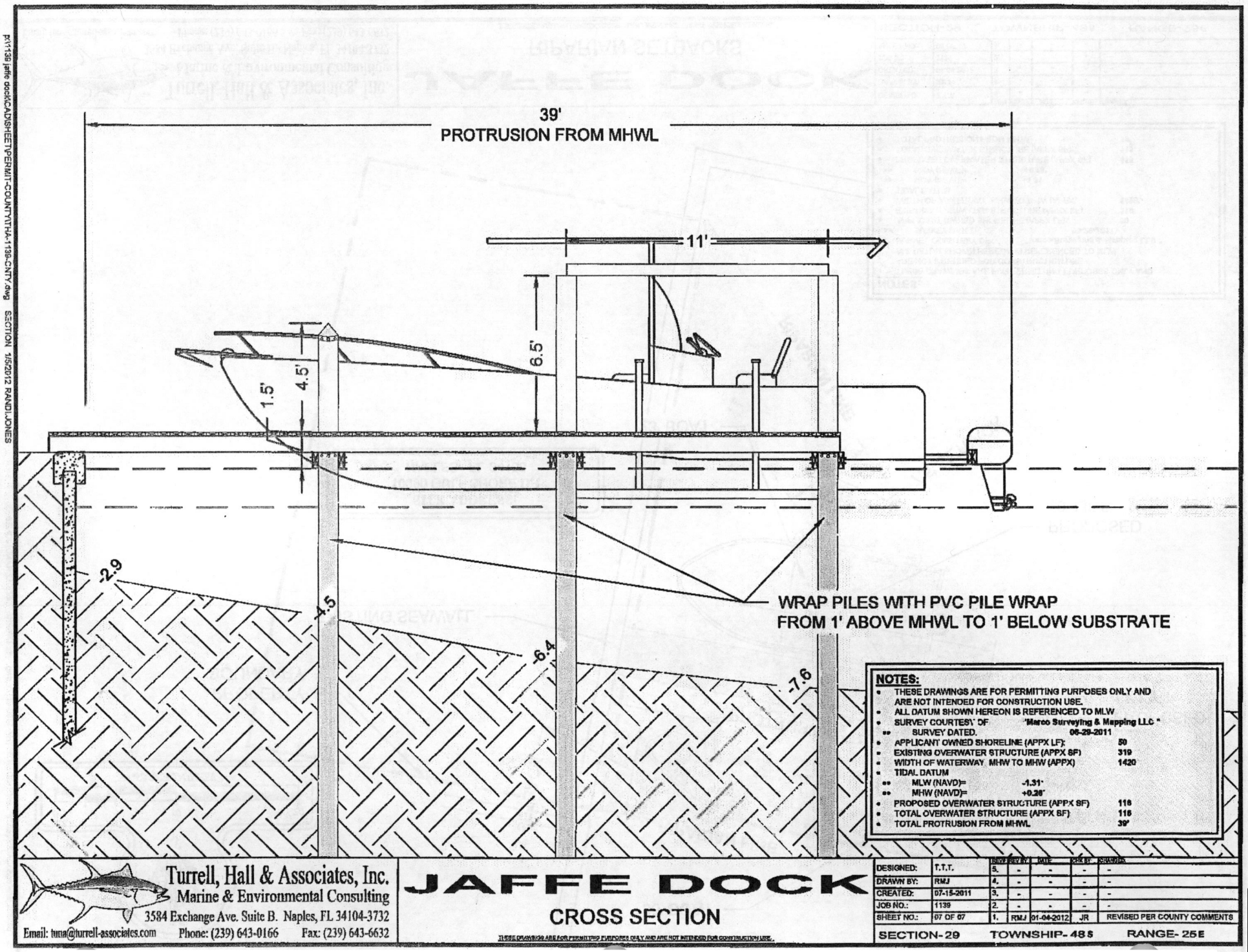



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p:\1139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\HA-1139-CNTY.dwg SECTION 1/5/2012 RANDI.JONES




**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF "Marco Surveying & Mapping LLC"
  - SURVEY DATED. 06-29-2011
- APPLICANT OWNED SHORELINE (APPX LF): 50
- EXISTING OVERWATER STRUCTURE (APPX SF) 319
- WIDTH OF WATERWAY, MHW TO MHW (APPX) 1420
- TIDAL DATUM
  - MLW (NAVD)= -1.31'
  - MHW (NAVD)= +0.28'
- PROPOSED OVERWATER STRUCTURE (APPX SF) 116
- TOTAL OVERWATER STRUCTURE (APPX SF) 116
- TOTAL PROTRUSION FROM MHWL 39'

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

# JAFFE DOCK

## CROSS SECTION

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

| | | REV # | REV BY | DATE | CHK BY | COMMENTS |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | RMJ | 4. | - | - | - | - |
| CREATED: | 07-15-2011 | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |
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SECTION- 29 TOWNSHIP- 48 S RANGE- 25 E



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# PRE-APPLCIATION NOTES
# &
# ADDRESSING CHECKLIST

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

RESIDENTIAL BOAT DOCK EXTENSION (BDE) PRE-APPLICATION MEETING NOTES
& SUBMITTAL CHECKLIST

PL# 2011.1513

Date: 9.21.11 Time: 9:00 Conference Room: C

Project Name: [redacted] BOAT DOCK

Site Address 10091 GULFSHORE DR., FOLIO 27530160008

Applicant: ANDREW SAFFO, JEFF ROGERS Phone: 643.0166 Fax: _____
ALSO TORREY HALL ASSOC.

Assigned Planner MIKE SAWYER

**Meeting Attendees:** (Attach Sign-in Sheet)

**Submittal Checklist is attached to Boat Dock Extension Application**

**Notes:**

Fire Codes: per applicant This is a single-family residence. No pre-app fee or fire review fee required. Please still route the plans & the F.C.O.

TRANS. PLANNING – N/A

Pathway – N/A

ADDRESSING: ADDRESS WILL NEED POSTED WITH 6" NUMBERS

ENG STORM. – NO COMMENT OR NEED TO REVIEW

- PROVIDE PROPERTY OWNERSHIP/STATUS RELATED TO THIS LOT/PARCEL
- NOTE NON-CONFORMING EXISTING DOCK & ALE. ALSO PROVIDE INFO REGARDING OTHER COMPARABLE DOCK FACILITIES WITHIN THE AREA (SIMILAR CANAL END LOCATIONS)

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

COMPANION WITH V.

# Pre-Application Meeting

# SIGN IN SHEET

JAFFE BOAT DOCK — PROJECT NAME

9.21.11 @ 9:00 — DATE OF MEETING

**ASSIGNED PLANNER** Mike Sawyer, **Zoning Services**

**Phone Number** 252-2926 **E-Mail Address** michaelsawyer@colliergov.net

Please Print

| NAME | COUNTY DIVISION/ DEPT or FIRM | PHONE NUMBER | E-MAIL ADDRESS |
|---|---|---|---|
| George Cascio | UBCS | 252-5543 | georgecascio@colliergov |
| PEGGY JARRELL | ADDRESSING | 252-2967 | peggyjarrell@colliergov. |
| Ricco Longo | F.C.O. | 687-5650 | rlongo@ecfco.org |
| FRED REISCHL | PLANNING | 252-4211 | FREDREISCHL@COLLIERGOV. |
| Caroline Brigham | Planning | | |
| Jeff Rogers | Turrell, Hall and Associates | 643-0166 | Jeff@Turrell-Assocs |
| Nancy Gundlach | | 252-2484 | nancygundlach@c |
| Alison Bradford | Transp. Planning | 252-6820 | AlisonBradford@colliergo |
| JOHN POSZERWINSKY | TRANSP PLANNING | 252-5890 | JohnPoszerwinsky@ |
| JACK MCKERVEY | EMS STORM | 252-2911 | JACKMCKERVEY@COLLIER |
| | | | |



Packet Page -172-
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12/11/2012 Ite
3.A.e
Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION/
PLANNING AND REGULATION

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

# ADDRESSING CHECKLIST

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

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

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

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

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

48-25-29 CONNER'S VANDERBILT BEACH ESTATE REPLAT-U BLOCK C LOT 1

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

27530880003

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

10090 GULF SHORE DRIVE

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

PROPOSED PROJECT NAME *(if applicable)*

_____

PROPOSED STREET NAMES *(if applicable)*

_____

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

SDP _____ - _____ or AR or PL # _____

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION/
PLANNING AND REGULATION

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

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

Please Check One: ☐ Checklist is to be Faxed back ☒ Personally Picked Up

APPLICANT NAME: Jeff Rogers

PHONE (239) 643-0166 FAX (239) 643-3266

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

FOR STAFF USE ONLY

FLN Number (Primary) 27530880003

Folio Number

Folio Number

Folio Number

Approved by: Peggy Jarrell Date: 9-20-11

Updated by: Date:

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

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# ADJACENT NEIGHBORS AFFIDAVITS

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# LETTER OF NO OBJECTION

**Jaffe Dock**

**Naples, FL**

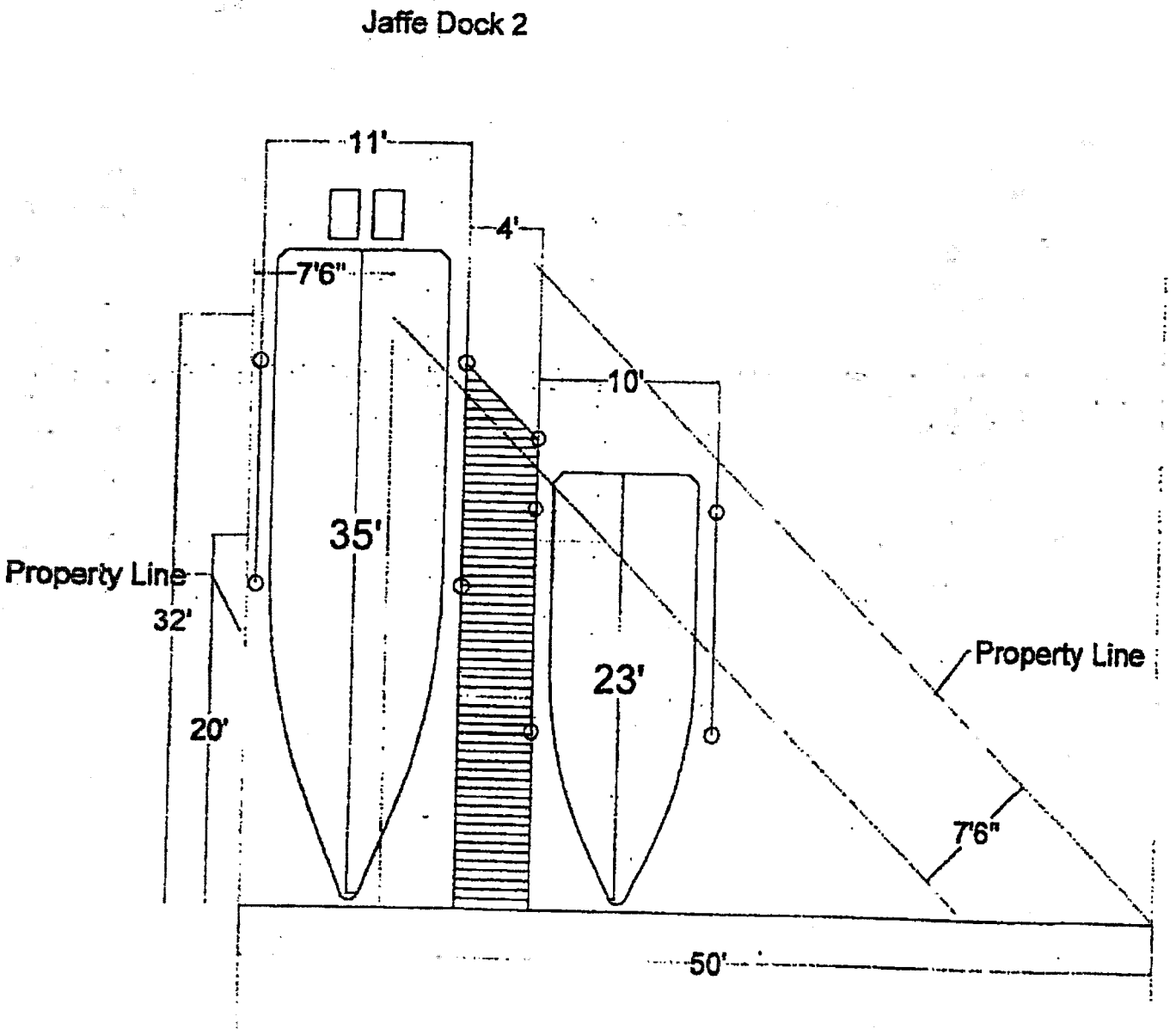
I hereby state that I am the owner of the adjacent upland riparian property located to the NORTH of the proposed project at 10090 GULFSHORE DR. NAPLES FL, Jaffe residence. I understand that the subject property is proposing to construct a dock that will encroach the on required side yard setback of 10-feet. I do not object to the proposed project and agree to allow the project to be carried out.

(Original signature of adjacent owner)

8/11/2011
(Date signed)

CLIFFORD CHAFFEE
(Printed name of adjacent owner)

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Robert C. Forbis
10091 Gulfshore Dr
Naples. Fl 34108

May 19, 2011

To: Appropriate review agencies and Administrators

Re: Proposed dock for 10090 Gulfshore Dr.
Andrew and Fern Jaffe

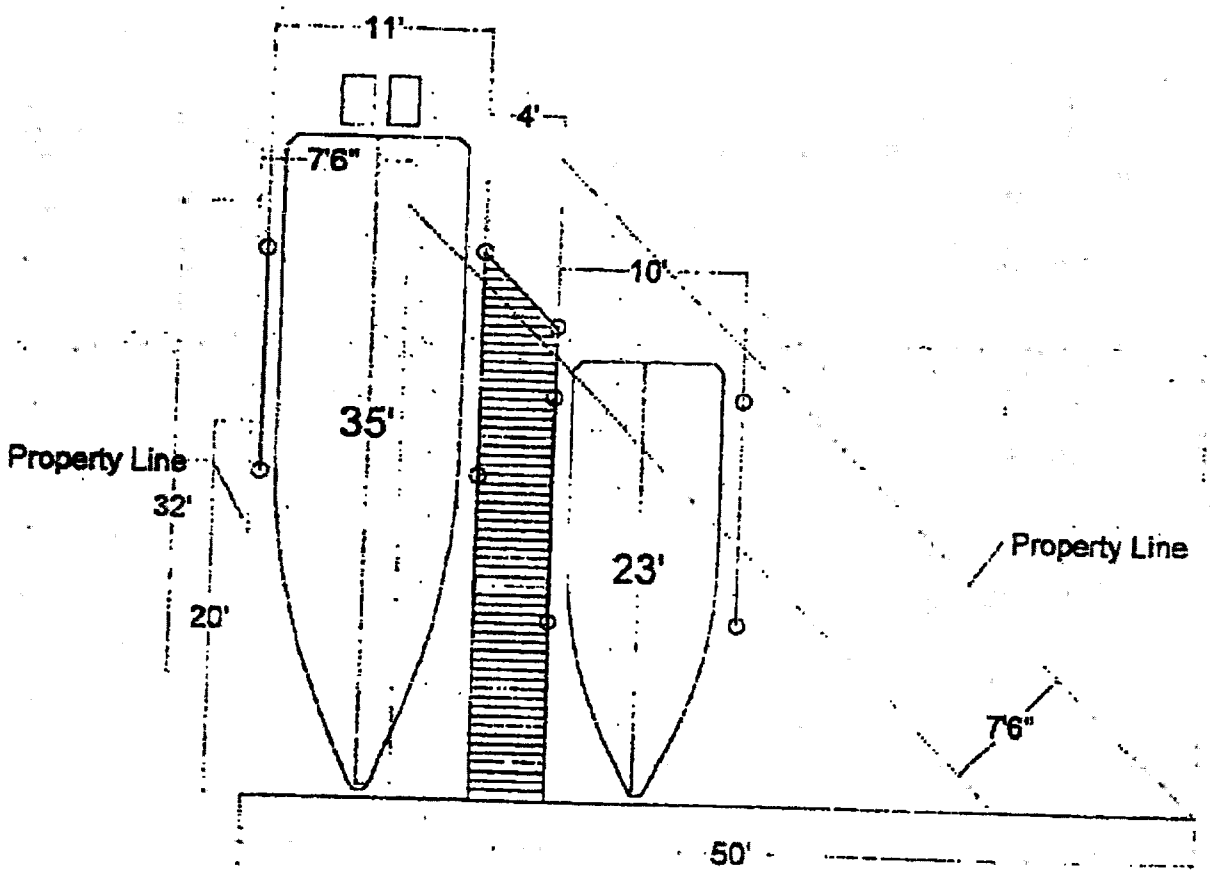
This letter is to inform all parties that as the owner of the adjacent parcel, 10080 Gulfshore Drive, I have no objections to the proposed dock as per attached drawing .

Sincerely,

Robert C. Forbis
Robert

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Jaffe Dock 2




5/19/11

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# WARRANTY DEEDS

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Roetzel & Andress, LPA
an Ohio Legal Professional Assn.
850 Park Shore Drive, Suite 300
Naples, FL 34103-3587
(239) 649-6200
mpice@ralaw.com

Prepared by and return to:
**Timothy G. Hains**
**Attorney at Law**
**Quarles & Brady LLP**
**1395 Panther Lane Suite 300**
**Naples, FL 34109-7874**
**239-262-5959**
File Number: **sms-Forbis Jaff**
Will Call No.:
Doc Stamps: $32,550.00
Sales Price: $4,650,000.00
Parcel Identification No. **27530160008 & 27530880003**

[Space Above This Line For Recording Data]

# Warranty Deed

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

**This Indenture** made this 6th day of **June, 2011** between **Robert C. Forbis and Debra J. Forbis, husband and wife** whose post office address is **1443 Rail Head Blvd., Naples, FL 34110** of the County of **Collier**, State of **Florida**, grantor*, and **Andrew T. Jaffe and Fern B. Jaffe, husband and wife, as tenants by the entirety** whose post office address is **10091 Gulf Shore Drive, Naples, FL 34108-2023** of the County of **Collier**, State of **Florida**, grantee*,

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

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.**

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

**Grantors hereby confirm that this property has been grantors' homestead.**

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.

COLLIER COUNTY
CLERK OF THE CIRCUIT COURT
COPY

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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

Signed, sealed and delivered in our presence:

Witness Name: Angela Binstock

Witness Name: Rebecca Britzner

Witness Name: Angela Binstock

Witness Name: Rebecca Britzner

Robert C. Forbis (Seal)

Debra J. Forbis (Seal)

State of Wisconsin
County of Walworth

The foregoing instrument was acknowledged before me this 2nd day of June, 2011 by Robert C. Forbis and Debra J. Forbis, who [ ] are personally known or [X] have produced DL as identification.

[Notary Seal]

Notary Public

Printed Name: Shannon Herda

My Commission Expires: 9-1-2013

COLLIER COUNTY CLERK OF THE CIRCUIT COURT COPY

SHANNON HERDA NOTARY PUBLIC STATE OF WISCONSIN



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

3537841 OR: 3712 PG: 0935
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
01/10/2005 at 09:35AM DWIGHT B. BROCK, CLERK
CONS 5500000.00
REC FEE 18.50
DOC-.70 38500.00

| This instrument prepared by:<br>David L. Petersen, Esq.<br>Quarles & Brady LLP<br>1395 Panther Lane, Suite 300<br>Naples, Florida 34109 | Retn:<br>QUARLES & BRADY<br>1395 PANTHER LANE #300<br>NAPLES FL 34109 |
|---|---|

Grantee's I.D. No.: _____

Property Appraiser's
Parcel Identification No. 27530880003 / 27530160008

**WARRANTY DEED**

THIS INDENTURE, made this 30th day of December, 2004, by and **KIMBERLY L. BILINSKI and DENNIS M. BILINSKI, wife and husband**, whose address is 1417 Timberwood Court, Bremen, Indiana 46506-1966 ("**GRANTOR**"), **ROBERT C. FORBIS and DEBRA J. FORBIS, husband and wife, as tenants by the entirety**, whose address is 10091 Gulf Shore Drive, Naples, Florida 34108, ("**GRANTEE**")

**WITNESSETH**, that said GRANTOR, for and in consideration of the sum of TEN ($10.00) DOLLARS, and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE'S heirs and assigns forever, the following described land situate, lying and being in Collier County, Florida to wit:

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.**

SUBJECT to municipal ordinances and zoning codes, restrictions, easements and reservations of record, and real estate taxes for the year 2005 and all subsequent years, bearing Property Identification Numbers 27530880003 and 27530160008.

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

TO HAVE AND TO HOLD the same in fee simple. GRANTOR hereby covenants with the GRANTEE that at the time of delivery of this Warranty Deed, GRANTOR is lawfully seized in fee simple of the property described above; that GRANTOR has good right, title and lawful authority to sell and convey the subject property; and that GRANTOR fully warrants the title to the property, and will defend the same against the lawful claims of all persons whomever.

*"GRANTOR" and "GRANTEE" are used for singular and plural, as context requires.

QBNAP\449917.1



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

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:

WITNESSES:

Witness #1
Print Name Below:
DAVID L. PETERSEN

KIMBERLY L. BILINSKI

Witness #2
Print Name Below:
Natalie J. Bennett

DENNIS M. BILINSKI

COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 30th day of December, 2004 by KIMBERLY L. BILINSKI and DENNIS M. BILINSKI, [ ] who are personally known to me or [✓] who have produced Florida Driver licenses as identification.

(SEAL)

CARYN D. HAMILTON
MY COMMISSION # DD 287890
EXPIRES: April 22, 2008
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Typed or printed name of Notary

MY COMMISSION EXPIRES:



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

*** 2050934 OR: 2177

RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
05/01/96 at 11:43AM DWIGHT B. BROCK, CLERK
DOC TAX 730000.00
REC FEE 6.00
DOC-.70 5166.00

RETURN TO: David L. Cook, Esquire
Young, van Assenderp & Varnadoe, P.A.
801 Laurel Oak Drive, Suite 300
Naples, Florida 33963

Data:
YOUNG VANASSENDERP PT AL
P O BOX 7987
NAPLES FL 33941

Parcel ID Number: 27530160008 & 27530880003
Grantee #1 TIN: [redacted]
Grantee #2 TIN:

# Warranty Deed

**This Indenture,** Made this 26th day of April, 1996 A.D., **Between** Mary R. Lawmaster, Trustee of the Mary Lawmaster Revocable Trust u/t/a dated 11/12/91 and individually,

of the County of COLLIER, State of Florida, **grantor,** and Kimberly L. Bilinski and Dennis M. Bilinski, wife and husband,

whose address is: 1417 Timberwood Court, Bremen, Indiana 46506

of the County of , State of Indiana, **grantees.**

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

Lot 34, Block A and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of UNIT NO. 4 CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1995.

CLERK OF THE CIRCUIT COURT COPY

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

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

**Signed, sealed and delivered in our presence:**

Printed Name: DAVID L. COOK

By: Mary Lawmaster (Seal)
MARY LAWMASTER, Individually and as Trustee
P.O. Address 10091 Gulfshore Drive North, NAPLES, FL 33963

Victoria L. Fahey

Printed Name: VICTORIA L FAHEY

**STATE OF** Florida
**COUNTY OF** COLLIER

The foregoing instrument was acknowledged before me this 25th day of April, 1996 by MARY LAWMASTER,

who is personally known to me or who has produced her U.S. driver's license as identification.

This Document Prepared By:
David L. Cook, Esq.
YOUNG, VAN ASSENDERP & VARNADOE, P.A.
801 LAUREL OAK DRIVE, SUITE 300
NAPLES, FL 33963

Victoria L. Fahey

Printed Name: VICTORIA L FAHEY
NOTARY PUBLIC
My Commission Expires:

VICTORIA L. FAHEY
MY COMMISSION # CC 405712
EXPIRES: October 8, 1999
Bonded Thru Ni



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

01540898 92 DEC 13 PM 3:36 001671 000119

COLLIER COUNTY RECORDED OR BOOK PAGE

REC ____ PHA ____ DOC ____ INT ____ IND ____

Grantee S.S. No. 307-30-5784

Property Appraiser's Parcel Identification No. _____

This instrument was prepared without opinion of title by and After Recording Return to:
Stephen E. Thompson, Esq.
Frost & Jacobs
4001 Tamiami Trail North
Suite 300
Naples, Florida 33940
(813) 261-0582

(Space above this line for recording data)

# WARRANTY DEED

THIS WARRANTY DEED, made the 6th day of November, 1991, by Mary R. Lawmaster, a married woman, whose post office address is 26700 County Road 54, Nappanee, IN 46550 ("Grantor"), to Mary R. Lawmaster, Trustee of the Mary Lawmaster Revocable Trust u/t/a Dated November 12, 1991, whose post office address is 26700 County Road 54, Nappanee, IN 46550 ("Grantee"):

(Wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in Collier County, Florida, viz:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, according to Plat thereof recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

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

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered as to Each Grantor in the Presence of:

Witness Name: Cherylan J. Mast

Mary R. Lawmaster
MARY R. LAWMASTER

Witness Name: Mary Jo Weyrick

Received $ .60 Documentary Stamp Tax
Received $ N/A Class "C" Intangible Personal Property Tax
COLLIER COUNTY CLERK OF COURTS
BY _____ D.C.

STATE OF INDIANA )
) ss:
COUNTY OF ELKHART )

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments personally appeared MARY R. LAWMASTER, to me known to be the person(s) described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and Official Seal in the County and State last aforesaid this 6th day of December, 1991.

I am a Notary Public of the State of Indiana and my commission expires: May 19, 1993.

(SEAL)

Cherylan J. Mast
NOTARY PUBLIC
Name: Cherylan J. Mast

Recorded and Verified in Official Records of COLLIER COUNTY, FLORIDA JAMES C. GILES, CLERK

Stephen E. Thompson, Esq. FROST & JACOBS 4001 Tamiami Trail North Naples, Florida 33940 - 8703 (813) 261 - 0582

COPY

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

95,000-

GULF TITLE INSURANCE AGENCY, INC.
600 FIFTH AVENUE SOUTH - SUITE 205
NAPLES, FLORIDA 33940

WARRANTY DEED
INDIVID TO INDIVID

390137

RAMCO FORM 01
RE 625 PAGE 1874

**This Warranty Deed** Made the 22 day of July A. D. 19 75 by

Milton W. Wood and June E. Wood, husband and wife

hereinafter called the grantor, to

Mary R. Lawmaster

whose postoffice address is 26700 County Road #54, R.R. #1, Nappanee, Ind. 46550 hereinafter called the grantee

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

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

Lot 34, Block A. and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, According to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUL 28 '75 266.00

COLLIER COUNTY 1530-7 FLORIDA JUL 28 '75 DOCUMENTARY SURTAX 104.50

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

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

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 75, and conditions and restrictions of records.

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

Signed, sealed and delivered in our presence:

Rose Marie Bryant
Virginia Brucher

Milton W. Wood
Milton W. Wood

June E. Wood
June E. Wood

STATE OF PENNSYLVANIA
COUNTY OF LEHIGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Milton W. Wood & June E. Wood
husband and wife

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this July A. D. 19 75

SHIRLEY P. GILBERT
NOTARY PUBLIC
Emmaus Boro, LEHIGH COUNTY, PA.
My Commission Expires July 6, 1978

This instrument prepared by: J.M. O'Hara, Pres.

Address GULF TITLE INSURANCE AGENCY, INC.
600 FIFTH AVENUE SOUTH - SUITE 205
NAPLES, FLORIDA 33940

SPACE BELOW FOR RECORDERS USE

RECORDED
OFFICIAL RECORD BOOK
COLLIER COUNTY, FLORIDA
Jul 29 10 52 AM '75
MARGARET T. SCOTT
CLERK OF CIRCUIT COURT
COLLIER COUNTY, FLORIDA

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

OR 414 PAGE 838

245188

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by

RICHARD BIVINS LANSDALE
RICHARD BIVINS LANSDALE, P.A.
194 North Tamiami Trail
NAPLES, FLORIDA 33940

# Warranty Deed (STATUTORY FORM — SECTION 689.02 F.S.)

**This Indenture,** Made this 2nd day of September 1971, Between

GERTRUDE S. MATROGRANO, joined by her husband, ANTHONY J. MATROGRANO,

of the County of Collier, State of Florida, grantor*, and

MILTON W. WOOD

whose post office address is 3320 Hamilton Boulevard, Allentown,

of the County of , State of Pennsylvania 18103, grantee*,

**Witnesseth,** That said grantor, for and in consideration of the sum of

----------Ten and No/100ths----------Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Collier County, Florida, to wit:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Resubdivision of Part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to Plat thereof as recorded in Plat Book 3, Page 18, Public Records of Collier County Florida.

SUBJECT to restrictions and easements common to the Subdivision.

Taxes for 1971 and subsequent years.

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

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

**In Witness Whereof,** Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

x Gertrude S. Matrograno (Seal)
Gertrude S. Matrograno

x Anthony J. Matrograno (Seal)
Anthony J. Matrograno

(Seal)

(Seal)

STATE OF New York
COUNTY OF Dutchess

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ANTHONY J. MATROGRANO and GERTRUDE S. MATROGRANO, husband and wife,

to me known to be the person s described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of September 1971.

Notary Public

My commission expires:

PETER E. ROBINSON
NOTARY PUBLIC, STATE OF NEW YORK
RESIDING IN DUTCHESS COUNTY
COMMISSION EXPIRES MARCH 30, 1973

(NOTARY SEAL)

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Form 4K Florida Photostat WARRANTY DEED—Statutory Form 183893

TUTTLE LAW PRINT, INC., P.O. BOX 2092, JACKSONVILLE, FLORIDA 32203
Tuttle Law Print, Publishers, Rutland, Vt.

# This Indenture,

OR 312 PAGE 375

Made this 3rd day of April A. D. 19 69
Between ERNEST RIZZA, SR., joined by his wife, CARMEL RIZZA,

of the County of Lee in the State of Florida
parties of the first part, and GERTRUDE S. MATRORANO

whose correct post office address is: 2341 Windward Way, Naples, Florida 33940
of the County of Collier in the State of Florida
party of the second part,

Witnesseth, that the said parties of the first part, for and in consideration of the sum of TEN AND NO/100----------($10.00)----------Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, her heirs and assigns forever, the following described land, situate, lying and being in the County of Collier, State of Florida, to wit:

DOCUMENTARY STAMP TAX 55.00 FLORIDA

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the map or plat thereof on file and recorded in Plat Book 3 at page 18, Public Records of Collier County, Florida.

SUBJECT to taxes for the calendar year 1969 and easements and restrictions of record, if any.

This instrument was prepared by
John W. Sheppard
1412 Jackson Street
Fort Myers, Florida

COLLIER COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX PAID 9900 COMPTROLLER PB 190147

COLLIER COUNTY STATE OF FLORIDA DOCUMENTARY STAMP TAX PAID 5100 COMPTROLLER PB 190147

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

(ERSr) X Ernest Rizza
(CR) X Carmel Rizza

State of Florida,
County of Lee.

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

ERNEST RIZZA, SR. and CARMEL RIZZA,

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal ~~in the County and State aforesaid~~ this 15th day of April A. D. 19 69.

(NOTARY'S SEAL)

Notary Public
My Commission Expires Aug 4, 1969

FILED
COLLIER COUNTY, FLORIDA
Dec 23 2 04 PM '69

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Form 65 Florida Statutory WARRANTY DEED—Statutory Form

166840

RE 285 PAGE 191

# This Indenture,

Made this 1st day of July A. D. 19 68

Between J. STANLEY SHARP and DOROTHY B. SHARP, husband and wife,

of the County of Litchfield in the State of Connecticut part ies of the first part, and JANET RILEY and CARROL RILEY, husband and wife, as an estate by the entirety, whose correct postoffice address is Atkins Street, Bridgetown, Connecticut 06437

of the County of Middlesex in the State of Connecticut part ies of the second part,

**Witnesseth**, that the said part ies of the first part, for and in consideration of the sum of TEN ($10.00)---------- Dollars, to them in hand paid by the said part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said part ies of the second part, their heirs and assigns forever, the following described land, situate, lying and being in the County of Collier, State of Florida, to wit:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, in CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof recorded in Plat Book 3 at page 16 of the Public Records of Collier County, Florida, being a replat of Unit #1; SUBJECT to taxes for the calendar year 1968 and restrictions of record.

This instrument was prepared by: John E. Shepard 1212 Jackson Street Fort Myers, Florida

COLLIER County 025518

FLORIDA DOCUMENTARY SURTAX 30.80

RECORDED OFFICIAL RECORD BOOK COLLIER COUNTY, FLORIDA Sep 5 1 30 PM '68 MARGARET T. SCOTT CLERK CIRCUIT COURT COLLIER COUNTY, FLORIDA

*And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.*

**In Witness Whereof**, the said parties of the first part have hereunto set their hand and seals the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Evelyn R. Kelly

Betty M. Meroth

(JSS) J. Stanley Sharp

(DBS) Dorothy B. Sharp

State of Florida CONNECTICUT } ss. Stamford
County of Fairfield

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, J. STANLEY SHARP and DOROTHY B. SHARP

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the State of Florida, this 31st day of July A. D. 19 68.

(NOTARY'S SEAL)

Notary Public

My Commission Expires: April 1, 1969

COLLIER COUNTY STATE of FLORIDA DOCUMENTARY STAMP TAX 84.00

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA MARGARET T. SCOTT Clerk of Circuit Court

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

PRINTED BY LAWYERS' TITLE GUARANTY FUND, ORLANDO, FLORIDA

# Warranty Deed

STATUTORY

36143

9 153

HIXON & HIXON
Attorneys at Law
366 EIGHTH STREET
NAPLES, FLORIDA

This Indenture, Made this 1st day of April, A. D. 19 07, Between [illegible] husband and wife of the county of [illegible], State of California, party [illegible] of the first part, and [illegible] husband and wife, whose post office address is [illegible], of the County of [illegible], in the State of New York, part [illegible] of the second part,

Witnesseth, That the said part [illegible] of the first part, for and in consideration of the sum of [illegible] Dollars, and other good and valuable considerations to [illegible] in hand paid by said part[illegible] of the second part, the receipt whereof is hereby acknowledged, has [illegible] granted, bargained and sold to the said part [illegible] of the second part, [illegible] heirs and assigns forever, the following described land, situate, lying and being in the County of [illegible] in the State of Florida, to-wit:

[illegible]

$1000

Canc 4/15/1 mlc

$100 $50

and the said part [illegible] of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said part [illegible] of the first part have hereunto set their hand [illegible] and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[illegible] (Seal)

(Seal)

(Seal)

STATE OF [illegible]
COUNTY OF [illegible]

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared [illegible] to me known to be the person described in and who executed the foregoing instrument and [illegible] acknowledged before me that [illegible] executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this [illegible] day of [illegible], A. D. 19[illegible]

[illegible]
Notary Public

My commission expires:

Filed this 7th day of June A. D. 19[illegible], at [illegible] o'clock [illegible] M., and Recorded in Deed Book [illegible] at Page [illegible]

RECORD VERIFIED, [illegible]
Clerk Circuit Court, Collier County, Florida
BY: [illegible] Deputy Clerk.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

WARRANTY DEED
FROM CORPORATION

DREW'S FORM R. E. 33

Manufactured by The H. & W. B. Drew Company
Jacksonville, Florida.

23828

BOOK 40 75

# This Indenture,

*Made this* 11th *day of* May *A. D. 19* 55

**Between** CONNERS VANDERBILT BEACH ESTATES, INC. *a corporation existing under the laws of the State of* Florida *having its principal place of business in the County of* Collier *and State of* Florida *party of the first part, and* WILLIAM NELSON WHITE AND DOROTHY K. WHITE, husband and wife, as an estate by the entirety, of 850 Humboldt St., Denver, *of the County of* Denver *and State of* Colorado *parties of the second part,* **Witnesseth,** *That the said party of the first part, for and in consideration of the sum of* Ten Dollars and other valuable considerations ~~Dollars~~ *to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said parties of the second part, and their heirs and assigns forever, all that certain parcel of land lying and being in the County of* Collier *and State of* Florida *more particularly described as follows:*

Lot 34 of Block "A", Unit #1, Conners Vanderbilt Beach Estates, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Collier County, Florida, in Plat Book 3, Page 18. Also the North 50 feet of Lot 14, Block "C" of said re-subdivision, being a parcel of land approximately 30 x 50 feet lying between the East side of Gulf Shore Drive and the end of canal in Block "C".

**Together** *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:* **To Have and To Hold** *the same in fee simple forever.*

*And the said party of the first part doth covenant with the said parties of the second part that it is lawfully seized of the said premises; that they are free of all incumbrances, and that it has good right and lawful authority to sell the same; and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.*

**In Witness Whereof,** *the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its* Sec. Asst. Sec'y & Treas. *the day and year above written.*

Corporate Seal

Attest: Asst. Sec'y & Treas.

CONNERS VANDERBILT BEACH ESTATES, INC.

By Vice-President.

*Signed, Sealed and Delivered in Our Presence:*

W. A. Glasser

Irma V. Driggers





Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# STATE & FEDERAL PERMITS

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Florida Department of Environmental Protection
South District Office
P.O. Box 2549
Fort Myers, FL 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

September 7, 2011

Andrew Jaffe
c/o Turrell Hall & Associates
3584 Exchange Avenue, Suite B
Naples FL 34104

Re: Collier County – ERP
File No. 11-0307763-001

Dear Mr. Jaffe:

Thank you for your application to remove the existing dock and floating dock and to install a 116 square foot dock and two boatlifts at 10091 Gulfshore Drive, Naples in an un-named canal, Class III Waters, Section 29, Township 48 South, Range 25 East, Collier County. This type of activity may require authorization for construction and operation of the project (regulatory authorization), unless otherwise exempt by statute or rule, authorization to use state-owned submerged lands (proprietary authorization), and federal authorization for works in waters of the United States through the State Programmatic General Permit (SPGP) program (SPGP IV-R1). Your request has been reviewed for all three authorizations.

The authorizations you have been granted are listed below. Please read each section carefully. Your project **MAY NOT** have qualified for all three authorizations. If your project did not qualify for one or more of the authorizations, then that specific section will advise you how to obtain it. You may **NOT** commence your project without all three authorizations. **If you change the project from what you submitted, the authorizations(s) granted may no longer be valid at the time of commencement of the project. Please contact the Department prior to beginning your project if you wish to make any changes.**

**REGULATORY REVIEW – VERIFIED**

Based on the information you sent to us, we have determined that **your project is exempt from the need for an Environmental Resource Permit** (ERP). You must comply with the criteria and limiting conditions in accordance with Rule **40E-4.051(3)(b)**, Florida Administrative Code (F.A.C.).

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

**PROPRIETARY REVIEW - NOT REQUIRED**

The Department of Environmental Protection has reviewed the location of the proposed project as described in the above referenced application and has determined that the project, as described, does not involve the use of sovereign submerged lands. Accordingly, no further authorization will be required from the Submerged Lands and Environmental Resources Program, designated agent to the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 253.77, F.S.

**SPGP (FEDERAL) REVIEW - APPROVED WITH MANATEE CONDITIONS AND SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS**

Your project has been reviewed for compliance with State Programmatic General Permit (SPGP IV-R1) effective July 25, 2011. Your proposed activity as outlined on the drawings submitted with your application is in compliance with SPGP IV-R1. U.S. Army Corps of Engineer (Corps) Specific conditions apply to your project (attached). **No further permitting for this activity is required by the Corps.** The authority granted under SPGP IV-R1 expires five years from the date of issuance. Your project must be completed prior to this expiration date. **This authorization is conditioned upon acceptance of and compliance with the attached General Conditions for Department of the Army General Permits (SPGP IV-R1) and/or Manatee Construction Conditions and Sea Turtle and Smalltooth Sawfish Construction Conditions.**

In the event of the transfer of ownership of the property by sale or by any other means, when the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

works authorized by Corps permits is finite, the permit itself, with its limitation, does not expire. To validate the transfer of this permit and the associated with compliance with its terms and conditions, the attached transfer of permit request must be completed and submitted to the Department at the time of transfer of ownership.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement between the U.S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act."

This notice constitutes final agency action and is subject to the provisions of Chapter 120, F.S., which **does not** apply to the SPGP IV-R1 review.

## NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

This letter acknowledges that the proposed activity is exempt from environmental resource permitting requirements under Rule 40E-4.051(3)(b), F.A.C. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions, filed by any persons other than the applicant and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

The petition must contain the information set forth above and must be filed (received by the clerk) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petitioner shall mail a copy of the petition to the applicant at the applicant's address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

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If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the exemption(s) has(have) been executed and delivered.

This letter acknowledging that the proposed activity is exempt from environmental resource permitting requirements under Rule 40E-4.051(3)(b), F.A.C., constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of the order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Mediation is not available.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at Florida Department of Environmental Protection, South District Office, 2295 Victoria Avenue, Fort Myers, FL 33901.

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Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

Thank you for applying to the Submerged Lands and Environmental Resource Program. If you have any questions, please contact Elizabeth Gillen by telephone at (239) 344-5646 or by e-mail at Elizabeth.Gillen@dep.state.fl.us. When referring to this project, please reference the file number listed above.

Sincerely,

Elizabeth Gillen
Environmental Manager
Submerged Lands and
Environmental Resource Program

EAG/mv

Enclosures:
7 drawing(s)
General Conditions for Department of the Army General Permits (SPGP IV-R1)
Standard Manatee Construction Conditions
Sea Turtle and Smalltooth Sawfish Construction Conditions

cc: Andrew Jaffe

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document, including all copies, was mailed before the close of business on Sept 7, 2011, to the above listed person(s).

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Marie Vidrine — Clerk
9-7-11 — Date

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS (SPGP IV-R1)

**General Conditions:**

1) The time limit for completing the work authorized ends five years from the date of issuance.

2) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3) If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4) If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.

5) If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further information:**

1) Limits of this authorization:
   a) This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
   b) This permit does not grant any property rights or exclusive privileges.
   c) This permit does not authorize any injury to the property or rights of others.
   d) This permit does not authorize interference with any existing or proposed Federal projects.

2) Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
   a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
   b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
   c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

## GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS (SPGP IV-R1)

d) Design or construction deficiencies associated with the permitted work.

e) Damage claims associated with any future modification, suspension, or revocation of this permit.

3) Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4) Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a) You fail to comply with the terms and conditions of this permit.

b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5) Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6) When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to Department of Environmental Protection, South District Office, P.O. Box 2549, Fort Myers, FL 33902-2549.

_____ _____

TRANSFEREE- Signature Date

_____

NAME-Printed

_____

ADDRESS

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
## 2011

**The permittee shall comply with the following conditions intended to protect manatees from direct project effects:**

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida and emailed to FWC at ImperiledSpecies@myFWC.com.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm. Questions concerning these signs can be forwarded to the email address listed above.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

# SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

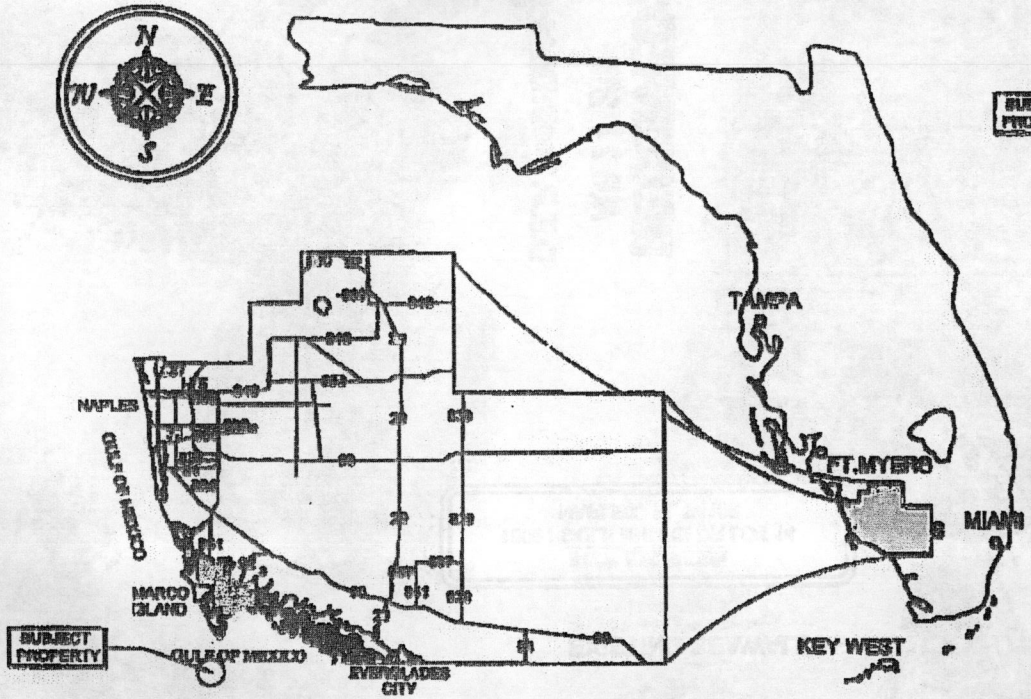
e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or small tooth sawfish is seen within a 50-foot radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

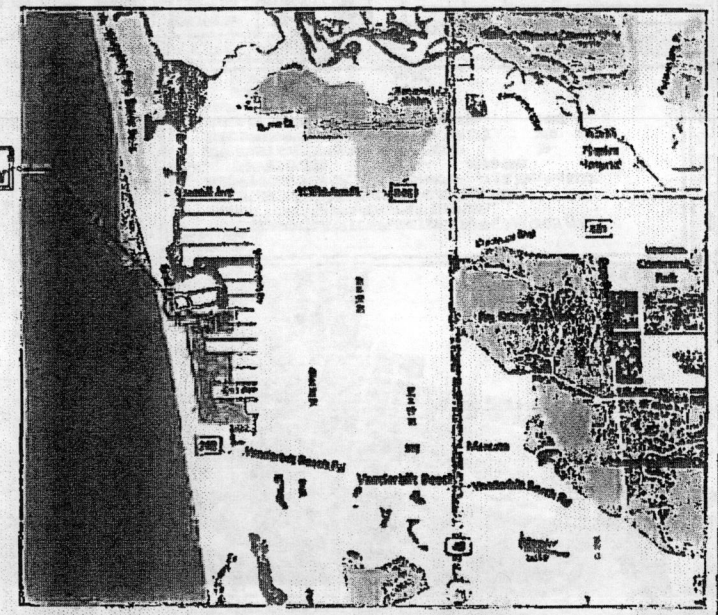
Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

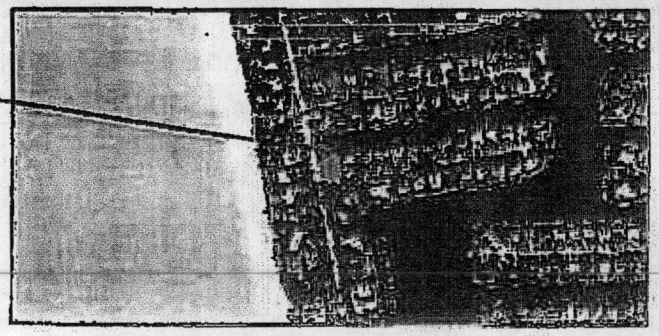
# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**
10091 GULF SHORE DR LOT 14
NAPLES, FL 34108

**NOTES:**
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- LATITUDE: N 26° 15' 48"
- LONGITUDE: W 81° 49' 27"

EXEMPT
File Number:
11-0307763-001

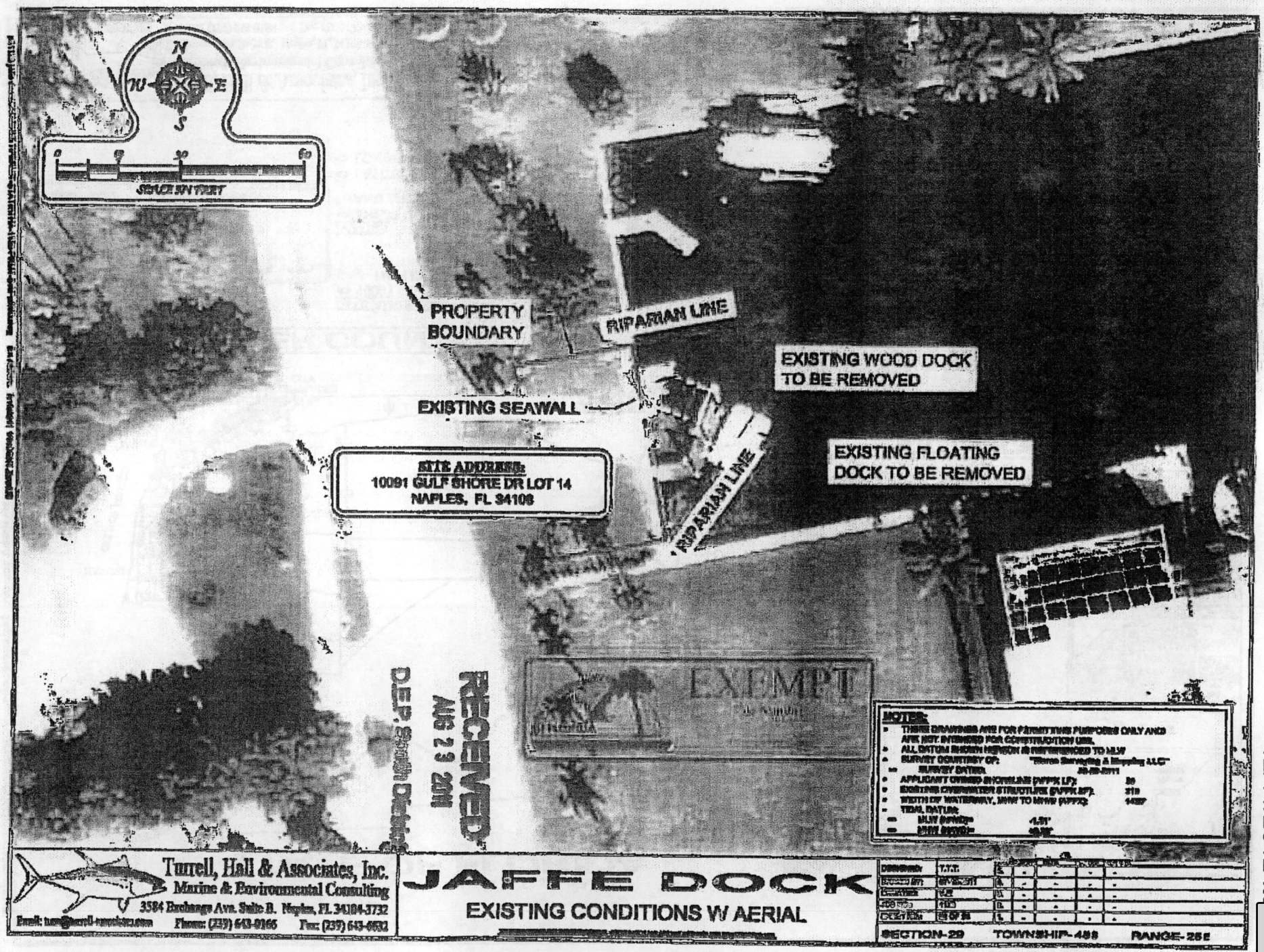
RECEIVED
AUG 2 2011
DEP Southwest District

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: [illegible] Phone: (239) 643-0166 Fax: (239) 643-0532

# JAFFE DOCK

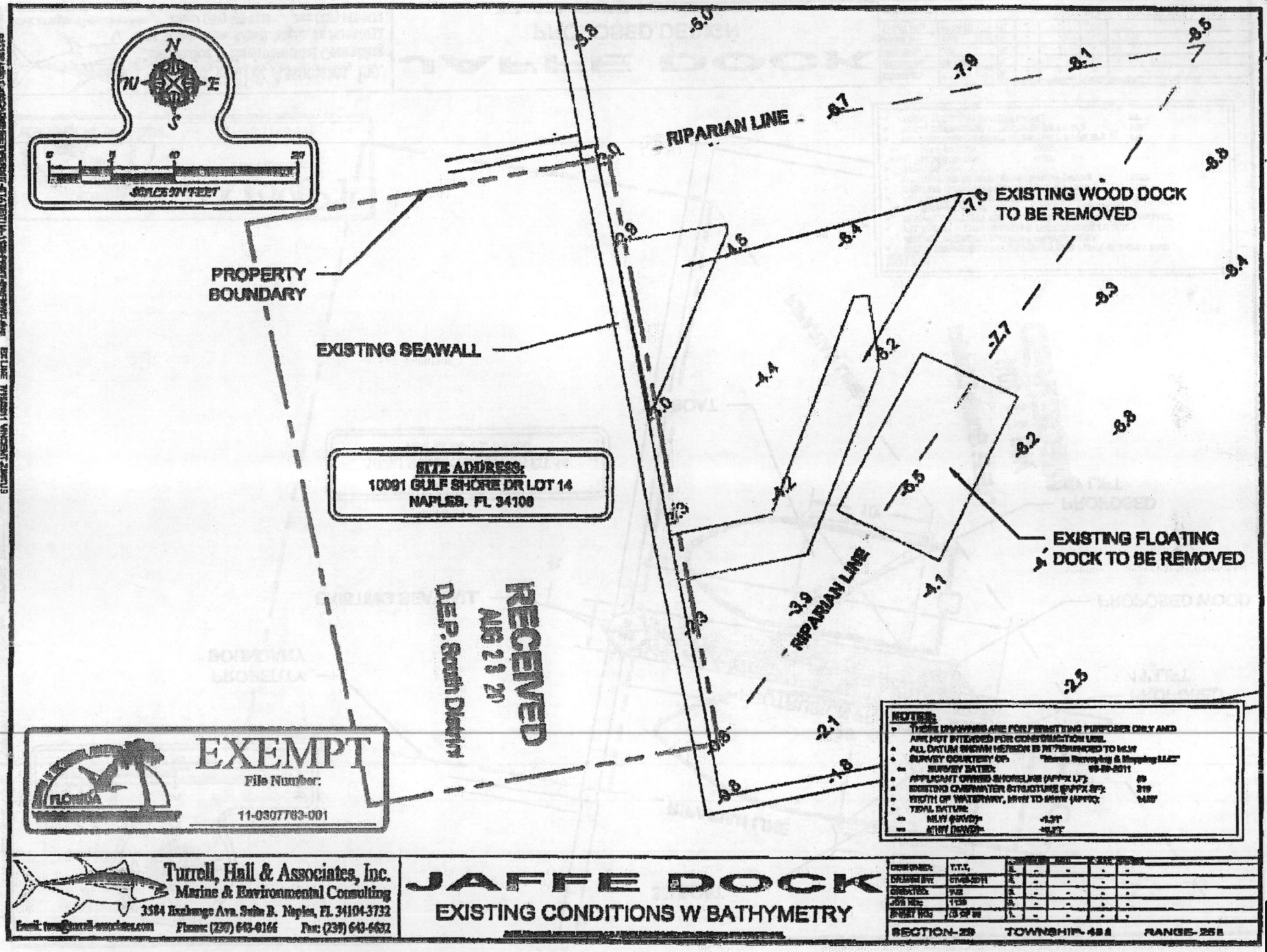
## LOCATION MAP

SECTION-29 TOWNSHIP-48S RANGE-25E



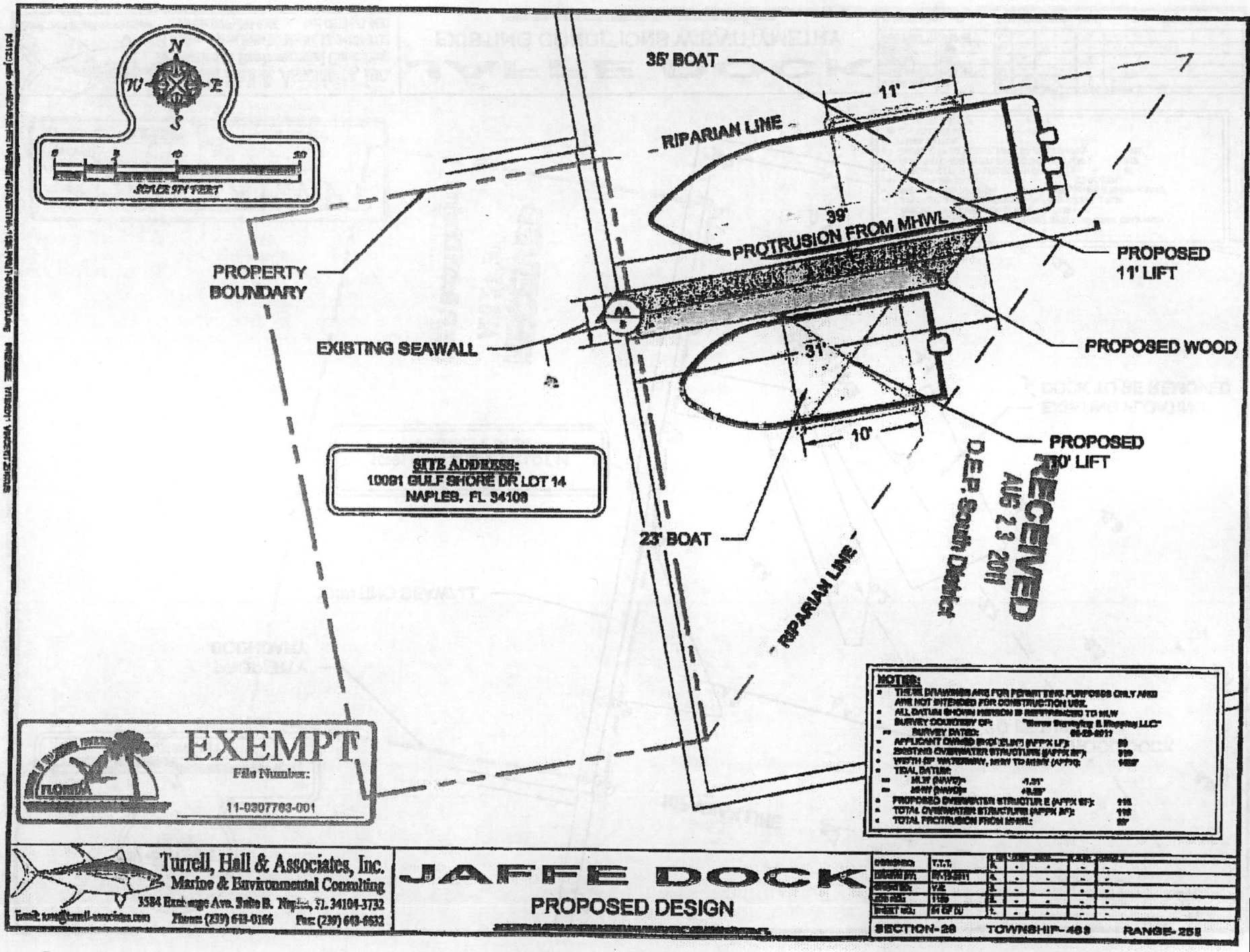



Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and



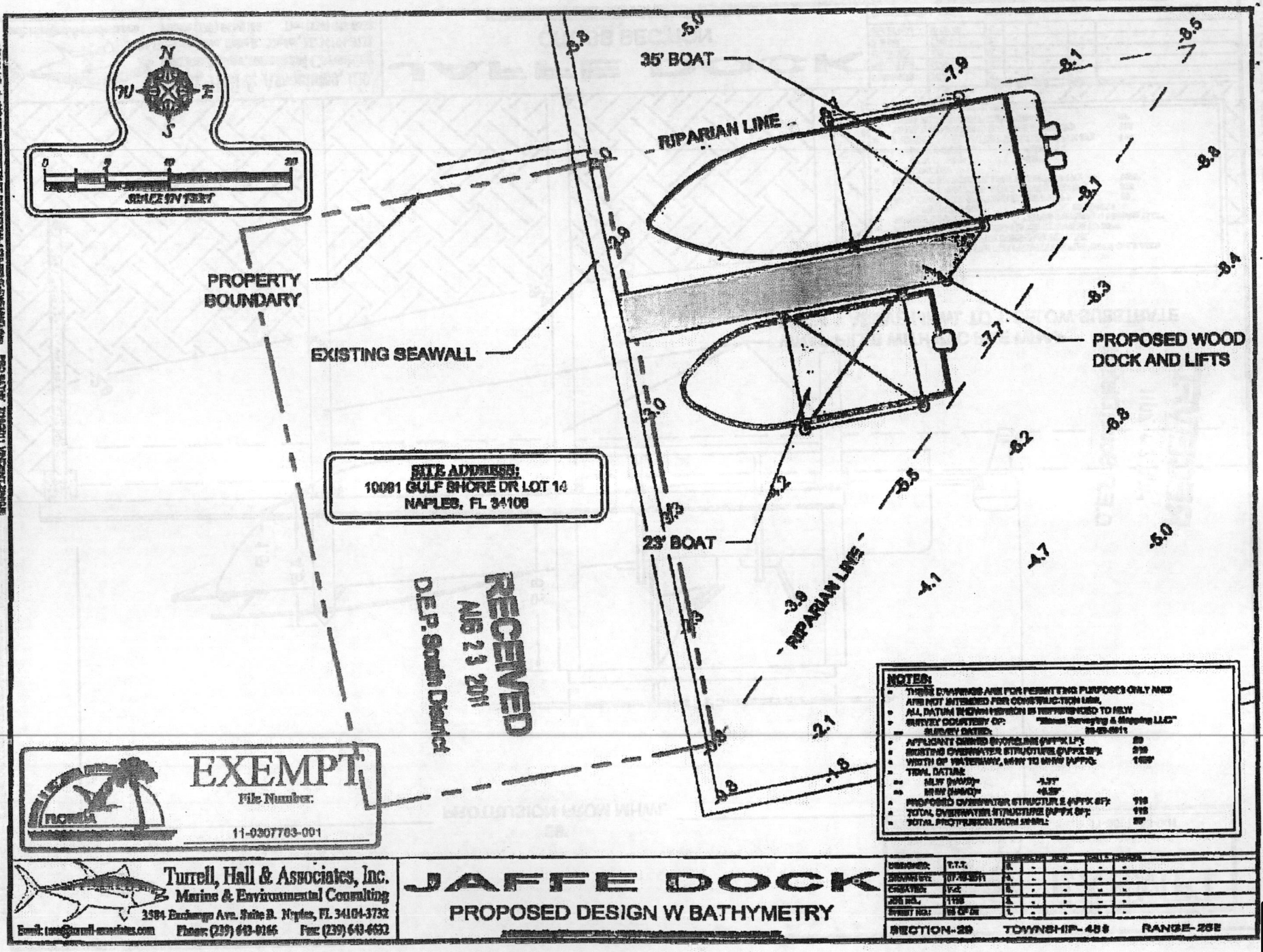


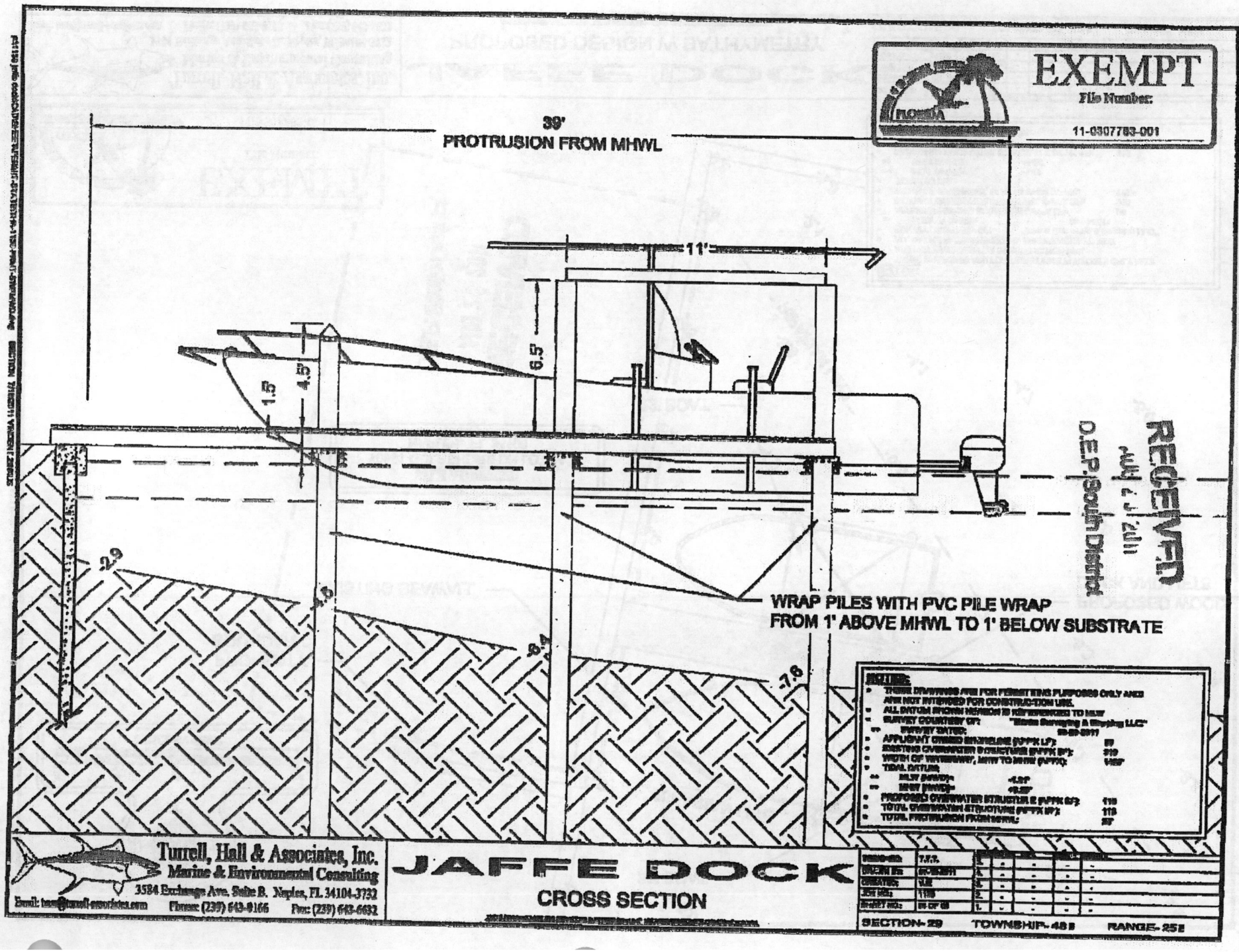

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and





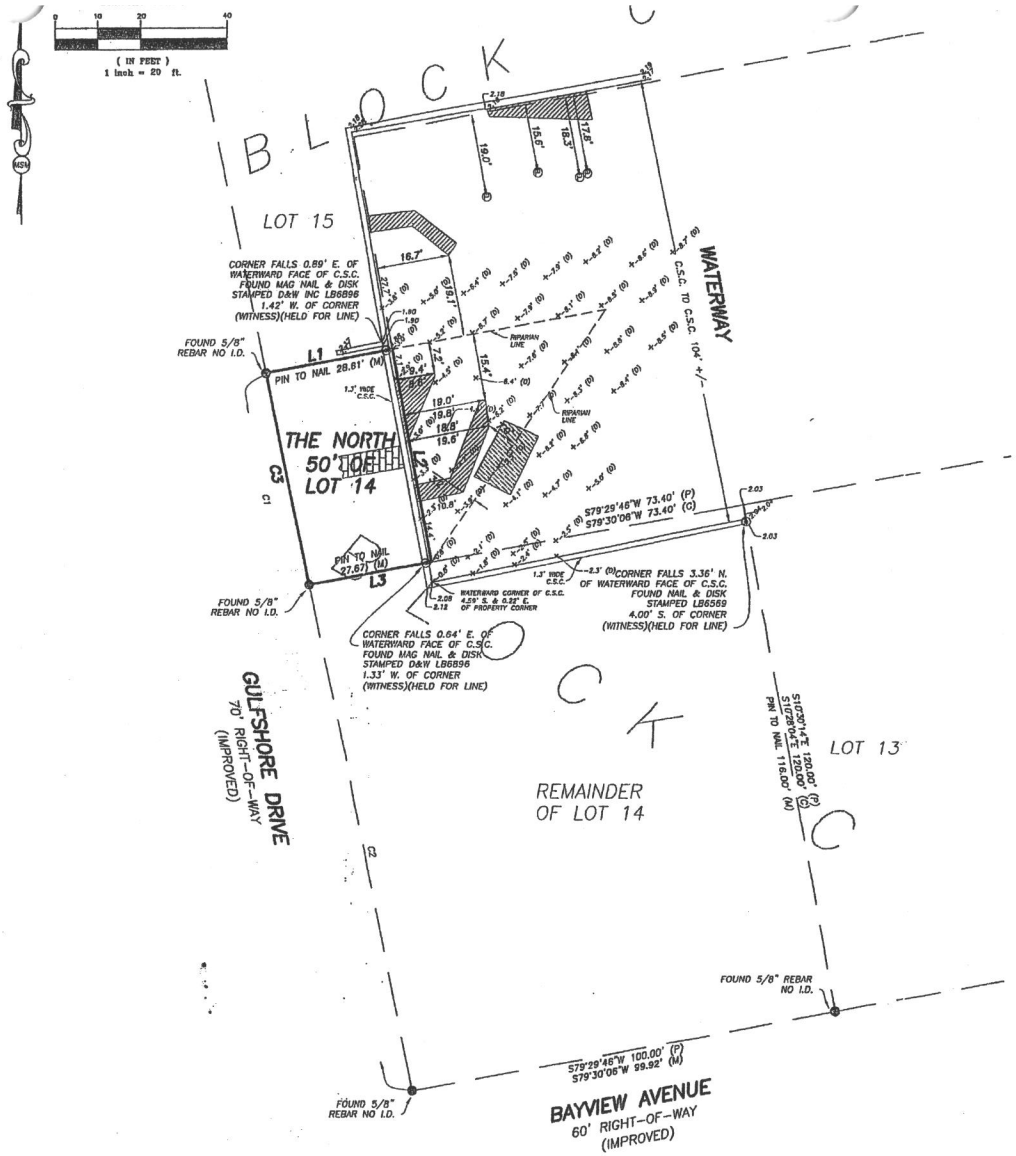

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and

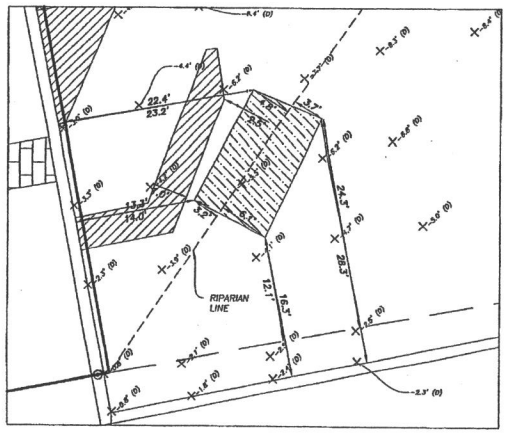

35' BOAT
RIPARIAN LINE
PROPERTY BOUNDARY
EXISTING SEAWALL
PROPOSED WOOD DOCK AND LIFTS
SITE ADDRESS:
10081 GULF SHORE DR LOT 14
NAPLES, FL 34108
23' BOAT
RIPARIAN LINE
RECEIVED
NOV 23 2011
D.E.P. South District
EXEMPT
File Number:
11-0307763-001
NOTES:
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3384 Exchange Ave. Suite B. Naples, FL 34104-3732
JAFFE DOCK
PROPOSED DESIGN W BATHYMETRY
SECTION-29
TOWNSHIP-48 S
RANGE-25E






Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




Notes:

1. Last day of field work is June 29, 2011 (date of survey).
2. Bearings shown hereon are based on the chord of the westerly line of Lot 14, Block C, of the Re-Subdivision of part of Conner's Unit No. 1, Vanderbilt Beach Estates, according to the Plat thereof, as located in State Plane coordinate system Florida East Zone, NAD 83, 1999 adjustment, being N 11°39'14" W. Rotated from Plat bearing system clockwise 01°05'04".
3. References to Mean High Water and Mean Low Water are based on NAVD 88 Datum.
4. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search. Unless otherwise indicated all easements shown hereon are based on plat.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Only above ground, visible and apparent improvements were located. Irrigation equipment was not taken into account on this survey.
7. Foundations and overhangs are not taken into account on this survey.
8. No other persons or entities other than those listed as exclusive users may rely on this survey.
9. All dimensions are in feet and decimals thereof, unless otherwise noted.
10. Subject to easements, reservations and restrictions of record.
11. Due to the dynamic nature of the seawalls and their tendency to lean either landward or seaward, nails found or set in the seawalls are only held for line along the side lot lines. Distance between front monumentation and rear monumentation is shown for reference only. Distances depicted as calculated reflect the intended depth of the lot.
12. This survey is of the lot as platted. No attempt has been made to establish a relationship to state sovereign lands as they may have existed.
13. According to the Florida Department of Environmental Protection, the property falls within "Vanderbilt Lagoon". Mean Low Water & Mean High Water values furnished by Florida Department of Environmental Protection & are relative to Tidal Station 872-5235 having a Mean High Water Elevation of 0.28 (NAVD88) and a Mean Low Water Elevation of -1.31 (NAVD88) both of which occur on the face of the seawall.
14. Ties to floating dock reflect field data collected on June 29, 2011, and are subject to change.
15. No mangroves or rip-rap were present at the time of this survey.

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L1(P) | N79°29'46"E | 30.01' |
| L1(C) | N79°22'16"E | 30.04' |
| L2(P) | S10°30'14"E | 50.00' |
| L2(C) | S10°28'04"E | 50.07' |
| L3(P) | S79°29'46"W | 29.01' |
| L3(C) | S79°23'57"W | 29.00' |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD |
| C1(P) | 31770.00' | 170.03' | 0°18'24" | N11°39'14"W | 170.03' |
| C1(M) | 31770.00' | 170.05' | 0°18'24" | N11°39'14"W | 170.05' |
| C2(P) | 31770.00' | 120.02' | 0°12'59" | N11°39'14"W | 120.02' |
| C2(M) | 31770.00' | 119.98' | 0°12'59" | N11°39'11"W | 119.98' |
| C3(P) | 31770.00' | 50.01' | 0°05'25" | N11°39'14"W | 50.01' |
| C3(M) | 31770.00' | 50.06' | 0°05'25" | N11°39'20"W | 50.06' |

SYMBOL LEGEND
- WOOD DOCK PILING
- DEPTH (RELATIVE TO MLW)
- ELEVATION (RELATIVE TO NAVD)

SURFACE LEGEND
- PAVER BRICK
- PLASTIC FLOATING DOCK
- WOOD DOCK

For the Exclusive Use Of:
Robert C. Forbis & Debra J. Forbis
Turrell, Hall & Associates

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

LEGAL DESCRIPTION
(Per O.R. 3712, Pg. 935-936):

Lot 14, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 13, Page 18, Public Records of Collier County, Florida.

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

MARCO SURVEYING & MAPPING
A LIMITED LIABILITY COMPANY
MARCO SURVEYING & MAPPING
960 NORTH COLLIER BOULEVARD
SUITE 203
MARCO ISLAND, FLORIDA 34145
(239) 389-0026
WWW.MARCOSURVEYS.COM

SPECIFIC PURPOSE SURVEY

# North 50' of Lot 14, Block C, Replat of Unit 1, Conner's Vanderbilt Estates, Collier County, Florida

| CLIENT: | Turrell, Hall & Associates | | | | |
|---|---|---|---|---|---|
| HORIZONTAL SCALE: | 1" = 20' | VERTICAL SCALE: | NA | DATE: | 7/2011 |

| CHIEF: | BOOK/PAGE | DRAFTED BY: | PROJECT NO. | WO NUMBER | DRAWING NO. |
|---|---|---|---|---|---|
| JP | 37 58-61 | LNW | P-055 | 11-237 | 3-022 |

**NOTICE OF INTENT TO CONSIDER RESOLUTIONS**

Notice is hereby given that the Board of County Commissioners, as the Board of Zoning Appeals, of Collier County will hold a public hearing on **Tuesday, December 11, 2012,** in the Boardroom, 3rd Floor, Administration Building, Collier County Government Center, 3299 Tamiami Trail East, Naples, Florida. The meeting will begin at 9:00 A.M. The titles of the proposed resolutions are as follows:

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA, RELATING TO PETITION NUMBER VA-PL2011-1576, FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 5.03.06.E.7 TO PERMIT A REDUCED SIDE YARD (RIPARIAN) SETBACK FROM 7.5 FEET TO 0 FEET ON PROPERTY LOCATED AT 10091 GULF SHORE DRIVE, CONNER'S VANDERBILT BEACH ESTATES IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA.**

**And**

**ADA-PL20120001218, JAFFE BOAT DOCK APPEAL - REPRESENTED BY R. BRUCE ANDERSON OF ROETZEL AND ANDRESS, LPA, REQUESTING AN APPEAL TO THE BOARD OF ZONING APPEALS OF A DECISION OF THE COLLIER COUNTY PLANNING COMMISSION IN DENYING PETITION BDE-PL20110001573 THAT REQUESTED A 19-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20-FOOT PROTRUSION LIMIT AS PROVIDED IN SECTION 5.03.06 OF THE LAND DEVELOPMENT CODE TO ALLOW A 39-FOOT BOAT DOCK FACILITY ACCOMMODATING 2 VESSELS ON 2 BOAT SLIPS FOR**
**PROPERTY LOCATED AT 10090 GULFSHORE DRIVE AND IS FURTHER DESCRIBED AS THE NORTH 50 FEET OF LOT 14, CONNER'S VANDERBILT BEACH ESTATES SUBDIVISION, UNIT 1; SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.**

A copy of the proposed Resolution is on file with the Clerk to the Board and is available for inspection. All interested parties are invited to attend and be heard.

**NOTE:** All Persons wishing to speak on any agenda item must register with the County Administrator prior to presentation of the agenda item to be addressed. Individual speakers will be limited to 3 minutes on any item. The selection of an individual to speak on behalf of an organization or group is encouraged. If recognized by the Chair, a spokesperson for a group or organization may be allotted 10 minutes to speak on an item.

Persons wishing to have written or graphic materials included in the Board agenda packets must submit said material a minimum of 3 weeks prior to the respective public hearing. In any case, written materials intended to be considered by the Board shall be submitted to the appropriate County staff a minimum of seven days prior to the public hearing. All material used in presentations before the Board will become a permanent part of the record.

Any person who decides to appeal a decision of the Board 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 based.

If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Facilities Management Department, located at 3335 Tamiami Trail East, Suite #101, Building W, Naples, Florida 34112, (239)252-8380; assisted listening devices for the hearing impaired are available in the County Commissioners' Office.

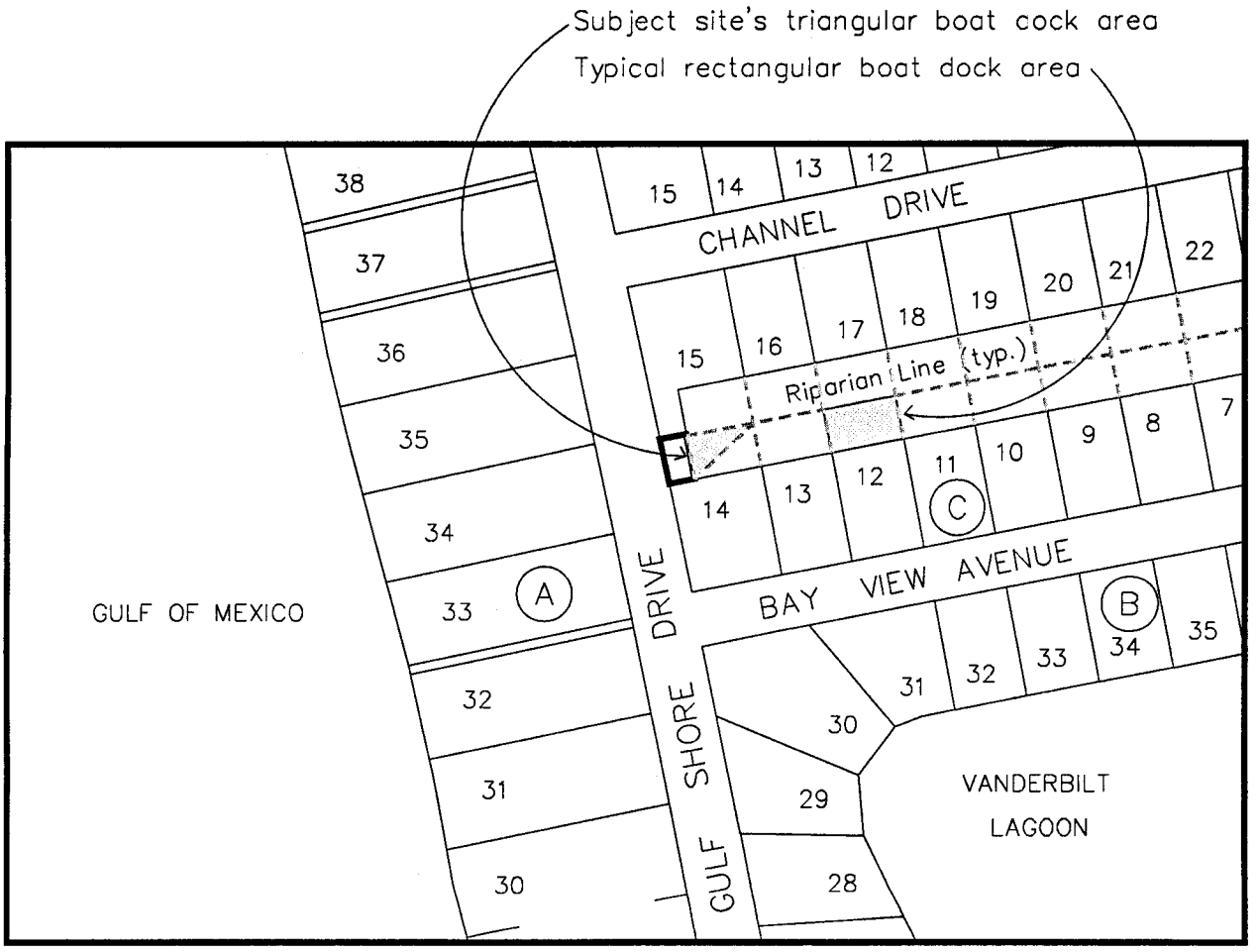
BOARD OF COUNTY COMMISSIONERS
BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

FRED W. COYLE, CHAIRMAN

DWIGHT E. BROCK, CLERK

By: Teresa Cannon, Deputy Clerk
(SEAL)
November 21, 2012 No. 1968542

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and




# Boat Dock Area Exhibit

VA–PL–2011–1576

Attachment: Attachment D - VA-PL20110001576 Executive Summary including Backup BCC 12112012 8B (20767 : PL20210002276 VA 10090 and 8.

**RESOLUTION NO. 12-266**

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA REVERSING THE DECISION OF THE COLLIER COUNTY PLANNING COMMISSION AND APPROVING BDE-PL2011-000153 THAT REQUESTED A 19-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20-FOOT LIMIT AS PROVIDED IN SECTION 5.03.06 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR A 39-FOOT BOAT DOCK FACILITY ACCOMMODATING TWO VESSELS ON TWO BOAT SLIPS FOR PROPERTY DESCRIBED AS THE NORTH 50 FEET OF LOT 14, UNIT NO. 1, CONNER'S VANDERBILT BEACH ESTATES SUBDIVISON, IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA.**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance No. 2004-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which is the granting of variances; and

WHEREAS, on May 3, 2012, the Collier County Planning Commission heard the petition and denied the boat dock extension; and

WHEREAS, R. Bruce Anderson, Esquire of Roetzel and Andress LPA, representing Andrew Jaffe, filed an appeal of the decision of the Planning Commission; and

WHEREAS, the Collier County Board of Zoning Appeals has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of a boat dock extension as provided in Section 5.03.06 of the Land Development Code to permit a 39-foot boat dock facility, as shown on the attached Exhibit "A", in the RSF-3 Zoning District for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations of the Land Development Code for the unincorporated area of Collier County; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in public meeting assembled, and the Board having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA that:

The decision of the Collier County Planning Commission is reversed and Petition Number BDE-PL2011-1573 filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc. with respect to the property hereinafter described as:



Attachment: Attachment E - Resolution 2012-266 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

8A

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

be and the same is hereby approved for a 19-foot extension of a boat dock over the maximum 20-foot limit to allow for a 39-foot boat dock facility in the RSF-3 zoning district wherein said property is located, subject to the following condition:

1. The boat dock is only allowed as an accessory use to the residence at 10091 Gulfshore Drive.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote this 12th day of December, 2012.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____, Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

By: _____
GEORGIA A HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency:

_____
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Site Plan

Item # 8A
Agenda Date 12-11-12
Date Rec'd 12-17-12
Deputy Clerk

CP\12-CPS-01186/10



Attachment: Attachment E - Resolution 2012-266 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

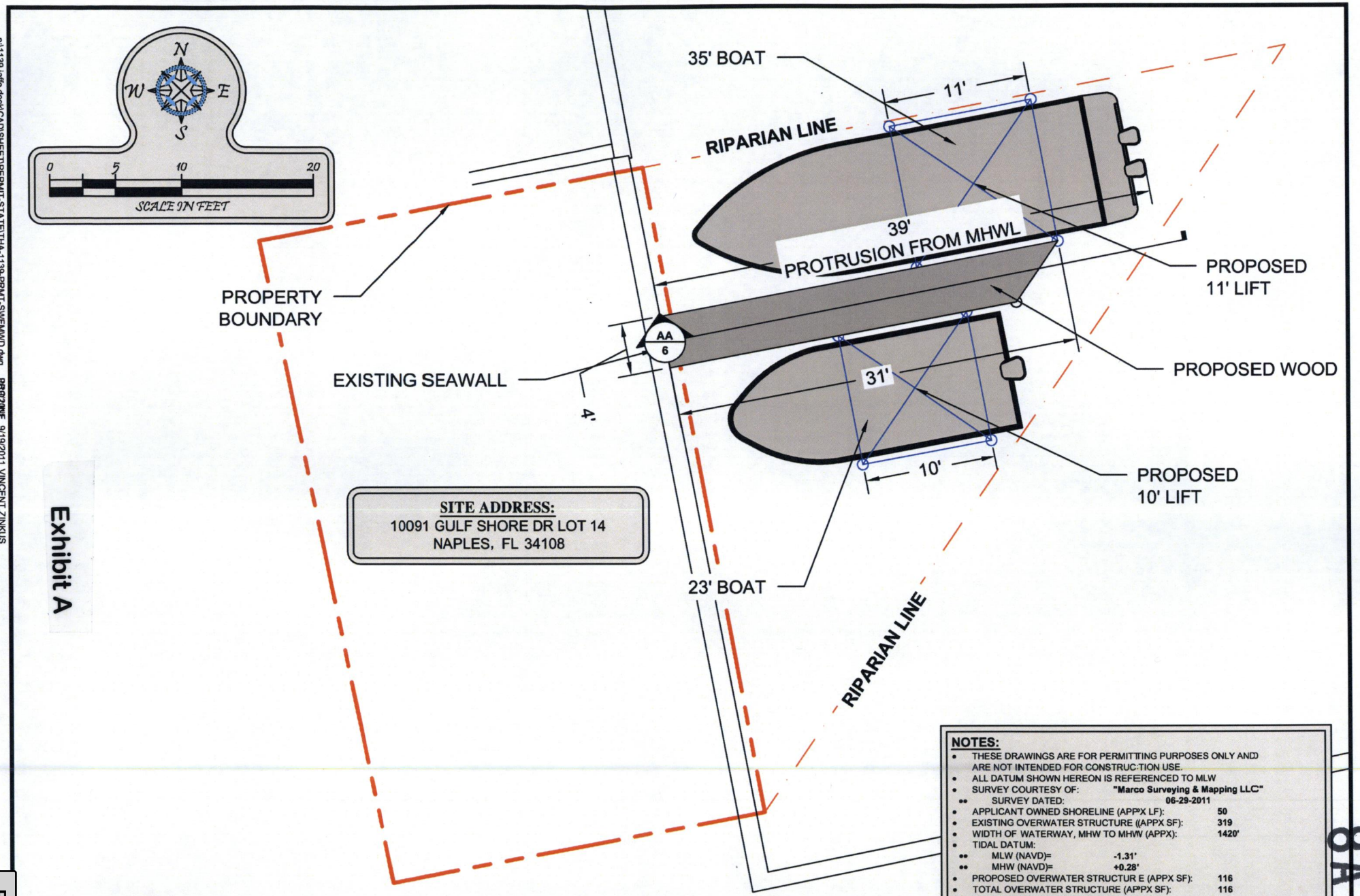



Exhibit A

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "Marco Surveying & Mapping LLC"
  - SURVEY DATED: 06-29-2011
- APPLICANT OWNED SHORELINE (APPX LF): 50
- EXISTING OVERWATER STRUCTURE ((APPX SF): 319
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 1420'
- TIDAL DATUM:
  - MLW (NAVD)= -1.31'
  - MHW (NAVD)= +0.28'
- PROPOSED OVERWATER STRUCTUR E (APPX SF): 116
- TOTAL OVERWATER STRUCTURE (APPX SF): 116
- TOTAL PROTRUSION FROM MHWL: 39'

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
2584 Exchange Ave, Suite B, Naples, FL 34104-2722
Email:

# JAFFE DOCK

PROPOSED DESIGN

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | 07-15-2011 | 4. | - | - | - | - |
| CREATED: | VJZ | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |

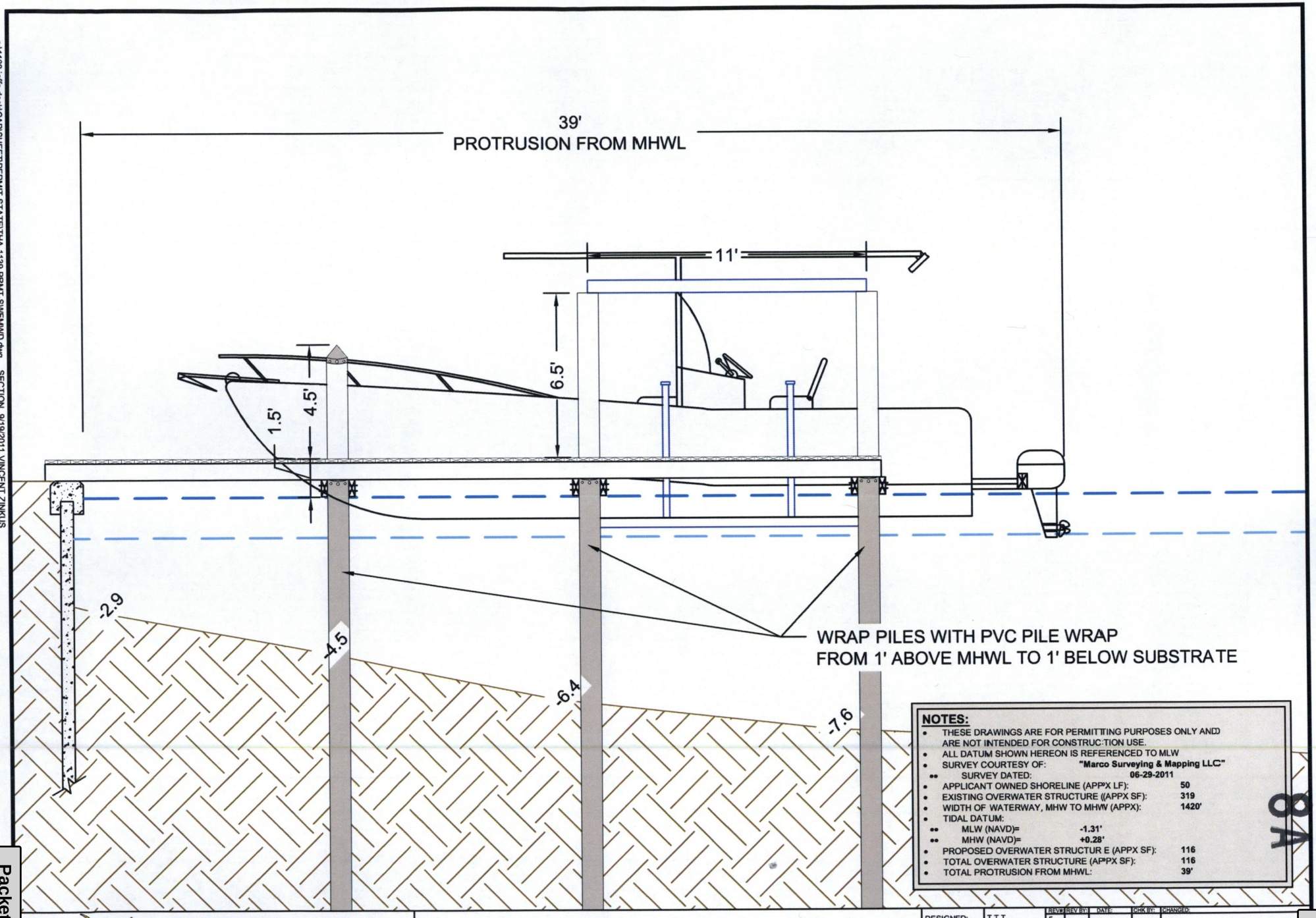
p:\1139 jaffe dock\CAD\SHEET\PERMIT-STATE\THA-1139-PRMT-SWFMWD.dwg 9/19/2011 VINCENT ZINKUS

8A

Packet Pg. 123

3.A.f

p:\1139 jaffe dock\CAD\SHEET\PERMIT-STATE\THA-1139-PRMT-SWFMWD.dwg SECTION 9/19/2011 VINCENT.ZINKUS




**NOTES:**

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  - SURVEY DATED: **06-29-2011**
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- EXISTING OVERWATER STRUCTURE ((APPX SF): **319**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1420'**
- TIDAL DATUM:
  - MLW (NAVD)= **-1.31'**
  - MHW (NAVD)= **+0.28'**
- PROPOSED OVERWATER STRUCTUR E (APPX SF): **116**
- TOTAL OVERWATER STRUCTURE (APPX SF): **116**
- TOTAL PROTRUSION FROM MHWL: **39'**

8A

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
2594 Exchange Ave, Suite B, Naples, FL 34104-3732
Email:

# JAFFE DOCK

CROSS SECTION

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | 07-15-2011 | 4. | - | - | - | - |
| CREATED: | VJZ | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |
| SHEET NO.: | 06 OF 06 | 1. | - | - | - | - |

E





Attachment: Attachment E - Resolution 2012-266 (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# TRANSCRIPT OF THE CONTINUED MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Naples, Florida, December 11-12, 2012
(Day 2)

LET IT BE REMEMBERED, that the Board of County Commissioners, in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special districts as have been created according to law and having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Georgia Hiller
Fred Coyle
Donna Fiala
Tom Henning
Tim Nance

ALSO PRESENT:
Leo Ochs, County Manager
Jeffrey A. Klatzkow, County Attorney
Crystal Kinzel, Clerk's Finance Director
Mike Sheffield, Business Operations Manager – CMO
Troy Miller, Television Operations Manager



Attachment: Attachment F - BCC Minutes 12_11-12_2012 R - Edited for Brevity (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive -

CHAIRWOMAN HILLER: Thank you.

All right. If there's no further discussion, all in -- can I have an -- a second on the amended motion?

COMMISSIONER HENNING: Yep, got it.

CHAIRWOMAN HILLER: Thank you. There being no further discussion, all in favor?

Aye.

COMMISSIONER NANCE: Aye.

COMMISSIONER HENNING: Aye.

CHAIRWOMAN HILLER: Any opposed?

COMMISSIONER COYLE: Aye.

COMMISSIONER FIALA: Aye.

CHAIRWOMAN HILLER: Okay. Motion passes 3-2 with Commissioners Fiala and Coyle dissenting.

Item #8A

RESOLUTION 2012-266: PETITION NUMBER ADA-PL20120001218 JAFFE BOAT DOCK APPEAL REPRESENTED BY R. BRUCE ANDERSON OF ROETZEL AND ANDRESS, LPA, REQUESTING AN APPEAL TO THE BOARD OF ZONING APPEALS OF A DECISION OF THE COLLIER COUNTY PLANNING COMMISSION IN DENYING PETITION BDE-PL20110001573 THAT REQUESTED A 19-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20-FOOT PROTRUSION LIMIT AS PROVIDED IN SECTION 5.03.06 OF THE LAND DEVELOPMENT CODE TO ALLOW A 39-FOOT BOAT DOCK FACILITY ACCOMMODATING 2 VESSELS ON 2 BOAT SLIPS FOR PROPERTY LOCATED AT 10090 GULFSHORE DRIVE AND IS FURTHER DESCRIBED AS THE NORTH 50 FEET OF LOT 14, CONNERS VANDERBILT BEACH ESTATES SUBDIVISION, UNIT 1; SECTION 29, TOWNSHIP 48 SOUTH,



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RANGE 25 EAST, COLLIER COUNTY, FLORIDA. THIS ITEM TO BE HEARD IN CONJUNCTION WITH ITEM #8B – ADOPTED

Item #8B

RESOLUTION 2012-265: RELATING TO PETITION NUMBER VA-PL20110001576, JAFFE VARIANCE, FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 5.03.06.E.7 TO PERMIT A REDUCED SIDE YARD (RIPARIAN) SETBACK FROM 7.5 FEET TO 0 FEET ON PROPERTY LOCATED AT 10091 GULF SHORE DRIVE, CONNER'S VANDERBILT BEACH ESTATES IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA. THIS ITEM TO BE HEARD IN CONJUNCTION WITH ITEM #8A – ADOPTED

MR. OCHS: Commissioners, I'd like to go to Items 8A and B, if we could, ma'am.

CHAIRWOMAN HILLER: Eight?

MR. OCHS: Those are your zoning board of appeal hearings. Because I don't know how many commissioners are going to be left after the lunch hour here, so --

CHAIRWOMAN HILLER: No, I agree. Thank you so much.

MR. OCHS: These are companion items, Commissioners. Item 8A requires ex parte disclosure be provided by commission members, and all participants are required to be sworn in.

It is a recommendation to approve Petition No. ADA-PL20120001218, Jaffe boat-dock appeal, represented by R. Bruce Anderson of Roetzel & Andress, LPA, requesting an appeal to the Board of Zoning Appeals of a decision of the Collier County Planning Commission and denying Petition BDE-PL20110001573 that requested a 19-foot boat-dock extension over the maximum



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20-foot protrusion limited as provided in Section 5.03.06 of the Land Development Code to allow a 39-foot boat-dock facility accommodating two vessels on two boat slips for property located at 10090 Gulfshore Drive, as further described as the north 50 feet of Lot 14, Connors Vanderbilt Beach Estates Subdivision, Unit 1, Section 29, Township 48 south, Range 25 east, Collier County, Florida.

I would also ask Mr. Klatzkow to assist me here. In terms of the companion item, Mr. Klatzkow, should we read that and hear them together or vote separately on these?

MR. KLATZKOW: I would hear them together and then vote separately.

MR. OCHS: Then, Madam Chair, if I could read B as well.

Again, this item requires ex parte disclosure and witnesses be sworn. It's a recommendation to consider a resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition No. VA-PL20110001576, Jaffe variance, for a variance for the Land Development Code Section 5.03.06.E.7 to permit a reduced side yard riparian setback from 7.5 feet to 0 feet on property located at 10091 Gulfshore Drive.

So ex parte and swearing in, please.

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

MR. OCHS: Ex parte, Madam Chair.

CHAIRWOMAN HILLER: Ex parte, Commissioner Henning?

COMMISSIONER HENNING: Planning commission's report, staff.

CHAIRWOMAN HILLER: Commissioner Nance?

COMMISSIONER NANCE: Yes. I have met with Mr. Anderson and reviewed the staff reports on both of the items, A and B.

CHAIRWOMAN HILLER: Commissioner Coyle?

COMMISSIONER COYLE: You're not going to get Commissioner Fiala?

CHAIRWOMAN HILLER: No. I'm going from the ends to the



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middle.

COMMISSIONER COYLE: Oh, I see. You've changed the procedure.

Yes, I have ex parte disclosure for A and B, which include the planning commission report, a meeting with representatives of the petitioner, emails, telephone calls, correspondence, and that's it.

CHAIRWOMAN HILLER: Commissioner Fiala?

COMMISSIONER FIALA: Yes. Excuse me. I had correspondence. I had meetings with our own staff. I also had meetings with Bruce Anderson and Tim Hall. I also met or talked with a few different planning commissioners.

CHAIRWOMAN HILLER: Thank you. I spoke to Bruce Anderson, Tim Hall, Planning Commissioner Bill Vonier, and I also spoke to staff and reviewed the backup material as presented. Go ahead.

MR. ANDERSON: Thank you. Good morning. My name is Bruce Anderson from the Roetzel and Andress law firm on behalf of Andrew Jaffe, the property owner.

Ladies and gentlemen, this is a unique lot that is depicted on the overhead projector. It's 50 feet wide at the end of a 1,400-foot canal. A lot of that size, 50 feet in width, is nonconforming, and it could not be created today under the county's laws. It is, however, a legally nonconforming lot.

That lot was created in the mid '50s, and it has been used and conveyed since that time solely for a boat dock for the gulf-front home across the street.

The lot presently has two docks, and one of those docks actually encroaches over the riparian line for the southern neighbor's property. Approval of these applications will eliminate that encroachment and will reduce the number of docks from two to one dock with two slips.

The abutting owners on both sides of this property have submitted letters of no objection, and they are the only people that will



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be affected by approval of these two applications. And we would respectfully ask you to render your approval.

I'd like to turn this over now to Tim Hall to address the criteria, if I might.

MR. HALL: Good morning. For the record, my name is Tim Hall with the firm of Turrell, Hall & Associates also representing Dr. Jaffe, who is the owner of the lot.

Bruce already talked about the unique stature of it. The county code does say that side yard setbacks for lots less than 60 feet wide is seven and a half. The petition in front of you is to reduce those setbacks to zero on the north side and to a half a foot -- six inches on the south side.

The -- in determining whether or not the variance is appropriate, the county looks at the eight criteria. And what I was going to do was just go through those criteria briefly. If you have any questions, please feel free to ask.

The first is, are there special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land structure or building involved.

We've already kind of noted that it's a unique lot. It could not be done under today's code. It's the only one in the neighborhood with its location and orientation, and the 50-foot width in conjunction with the diagonal riparian line, because of it being on the corner, limits the available area that you have to moor a vessel without a variance.

And that limitation would be -- would only allow vessels that are smaller than what are allowed and what are common everywhere else in the neighborhood. And that's a depiction of the lot. This is the actual upland lot. The riparian lines and what you see in pink is what is essentially lost because of those setbacks.

This is what is there today. As Bruce had said, the existing lot does have a little bit of encroachment.

So the setbacks that were put in place that are in place and the



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location of the lot, the orientation of the riparian rights, and the riparian lines to that lot definitely do limit the ability to place the two vessels at the site, and two vessels are what are commonly allowed everywhere else within the county except for Port of the Islands.

The second criteria is are there special conditions and circumstances which do not result from the actions of the applicant, such as preexisting conditions relative to the property, which is the subject of the variance.

As we said, the existing facility is not currently compliant with the setback requirements or the riparian lines associated with the property.

The owner did not own the property when it was separated back in the '50s, and they also did not own the property when the seven-and-a-half foot setback criteria were established in the county code, and he didn't even own the property when the existing lot was constructed. I don't have the exact day, but I know that based on aerial interpretation, that it was before 1999.

And given that the two slips have been present since before 1999, it's reasonable to assume that two slips would still be allowed on that lot going into the future.

The third criteria is will a literal interpretation of the provisions of the code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant? I think based on what we've shown you, you can see the practical difficulties; he can't continue to moor the two vessels without the variance that's being requested.

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

As I said earlier, and what is -- I won't say defined, but what is outlined in the code, a reasonable use of the land is to provide two slips, which currently exist and which is allowed other places in the



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county.

The county code under the boat-dock extension criteria says that a typical single-family use should be no more than two slips. This is a single-family use, and it currently has two slips. He's asking to continue to utilize it for two slips.

As I said, the only place that is specifically limited in the county to only one slip is Port of the Islands, and that was done as part of the Manatee Protection Plan.

The proposed design does not constitute a danger to any health, safety, or welfare standards. It improves access to the property for the boats that are proposed. It does not interfere with access or use of the adjacent properties. In fact, the adjacent properties have both given letters of no objection. And it provides safe mooring for the vessels that are proposed.

The fifth criteria asked if granting the variance requested will confer on the petitioner any special privilege that is designed in the zoning regulations to other lands, buildings, or structures in the same zoning district.

I've already explained that the zoning districting is a single-family district. The code allows for two slips, and he's asking for the two slips. The granting of the variance will allow the encroachment into the side setbacks, which is not commonly -- you know, which is outside of the scope of what's normally allowed. But doing so will allow the owner to appreciate the same privileges with respect to mooring the two vessels that are enjoyed by the rest of the neighborhood and does not impact negatively the neighbors or the neighborhoods.

The sixth criteria asked if granting the variance will be in harmony with the intent and purpose of the code and not be injurious to the neighborhood or detrimental to the public welfare.

And, I mean, I've already gone through that. It's kind of the same answer. It allows the same use that has historically occurred on the



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property since the 1950s. The vessels proposed are not out of -- they're not larger than what is commonly seen in the neighborhood, and it is not detrimental to the public welfare.

The seventh criteria asks if there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, et cetera. I don't believe that criteria is actually applicable to this property. It's a dock on a manmade canal used for navigation, and this will not interfere with the navigation within that canal. It's at the very end of it. The only people that would be navigating in that area is the owner of the property.

And the last criteria asks if granting the variance would be consistent with the Growth Management Plan. You've seen the staff report. They are recommending approval. We agree with the determinations that it is consistent with the Growth Management Plan.

So our presentation to the Planning Commission asking them for the variance, they did not believe the variance was appropriate, which is why we're in front of you today.

And, you know, that's my presentation with respect to that. I'd be willing to answer any questions, or I can go right into the BDE.

I did Item B first with the variance, because if the variance is not approved, the BDE is a moot point. It can't be approved without the variance.

CHAIRWOMAN HILLER: Commissioner Henning would like to speak.

COMMISSIONER HENNING: Tim, is this a platted lot as it is, 50-foot wide?

MR. HALL: I'll let Bruce respond to that one.

MR. ANDERSON: It was carved out of a platted lot.

COMMISSIONER HENNING: Okay. So it became nonconforming when it was carved out?

MR. ANDERSON: No. Well, it became nonconforming when



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the county changed the rules about minimum lot sizes and the inability to split a lot off in that fashion. I mean, that happened years ago. But when it was initially conveyed out, it was conforming with the county's laws.

COMMISSIONER HENNING: Oh, okay, all right.

CHAIRWOMAN HILLER: Any further questions on his first presentation?

COMMISSIONER HENNING: No.

CHAIRWOMAN HILLER: Would you like to take a vote on this at this time, in light of the fact that the second item is --

COMMISSIONER NANCE: I'd like to move the -- for approval of the variance.

CHAIRWOMAN HILLER: Do I have a second?

COMMISSIONER FIALA: Second.

CHAIRWOMAN HILLER: Motion to approve and a second of the variance as presented.

Any further discussion?

COMMISSIONER HENNING: Yes. Just the commissioner of the district's input.

CHAIRWOMAN HILLER: Well, my concern on this issue was to what extent the setbacks were more restrictive than necessary to promote the objective of public safety.

And we obviously can't have a regulation that is more than is needed, particularly in light of the fact that it's depriving this property owner of what -- this property owner should have the right to have, just like all the other properties have.

So I spoke to Mr. Hall, and I asked him whether these setbacks were more than needed to achieve the public safety objective, and he represented that, yes, that was the case, and that reducing the setbacks does not in any way adversely affect the public.

COMMISSIONER HENNING: Okay.

CHAIRWOMAN HILLER: And so that is why I accepted it,



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because I do think the regulation as applied to this property does exceed what is needed.

COMMISSIONER HENNING: Thank you.

CHAIRWOMAN HILLER: Any further discussion?

(No response.)

CHAIRWOMAN HILLER: There being no further discussion, all in favor?

COMMISSIONER COYLE: Aye.

COMMISSIONER FIALA: Aye.

CHAIRWOMAN HILLER: Aye.

COMMISSIONER NANCE: Aye.

COMMISSIONER HENNING: Aye.

CHAIRWOMAN HILLER: Any opposed?

(No response.)

CHAIRWOMAN HILLER: Motion carries unanimously.

MR. HALL: Thank you.

I'll kind of run through the same thing with the boat-dock extension. As I said before, once the Planning Commission had decided to vote against the variance request, they couldn't, therefore, approve the BDE because it was not possible to do without the variance.

So going through the boat-dock extension criteria, there are --

COMMISSIONER COYLE: Motion to approve.

COMMISSIONER FIALA: Second.

CHAIRWOMAN HILLER: Any further discussion? Commissioner Henning? Commissioner Nance?

COMMISSIONER HENNING: No.

CHAIRWOMAN HILLER: No comments by the motion maker and the second?

COMMISSIONER COYLE: Nope.

CHAIRWOMAN HILLER: That being the case, all in favor?

COMMISSIONER COYLE: Aye.



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COMMISSIONER FIALA: Aye.
CHAIRWOMAN HILLER: Aye.
COMMISSIONER NANCE: Aye.
COMMISSIONER HENNING: Aye.
CHAIRWOMAN HILLER: Any opposed?
(No response.)
CHAIRWOMAN HILLER: Motion carries unanimously.
MR. ANDERSON: Thank you very much.
MR. HALL: Thank you very much.
CHAIRWOMAN HILLER: Thank you.
We have five minutes. Can we take care of -- what is something that -- could we take care of, for example -- could we address AB?
MR. OCHS: Which item?
CHAIRWOMAN HILLER: AB, which is -- 10AB, which is the red light cameras.
MR. OCHS: Sure, if that's the pleasure of the board.
COMMISSIONER FIALA: Sheriff.

Item #10AB

TERMINATING THE RED LIGHT CAMERA CONTRACT BETWEEN COLLIER COUNTY AND ATS, EFFECTIVE FEBRUARY 28, 2013; ALL RED LIGHT CAMERAS BE DULY REMOVED FROM ALL INTERSECTIONS IN ACCORDANCE WITH THE ATS CONTRACT; AND, TO FURTHER DIRECT STAFF TO INVESTIGATE AND REPORT BACK TO THE BOARD (1) WHETHER TRAFFIC LIGHTS CAN BE RETIMED SO DRIVERS WILL ENCOUNTER FEWER RED LIGHTS, (2) WHETHER IT IS APPROPRIATE TO INCREASE THE DURATION OF THE YELLOW LIGHT BETWEEN THE GREEN AND THE RED, AND (3) WHETHER IT IS APPROPRIATE TO ADD OR INCREASE THE "CLEARANCE" PHASE TO THE



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# AGENDA

COLLIER COUNTY PLANNING COMMISSION WILL MEET AT 9:00 A.M., THURSDAY, MAY 3, 2012, IN THE BOARD OF COUNTY COMMISSIONERS MEETING ROOM, ADMINISTRATION BUILDING, COUNTY GOVERNMENT CENTER, THIRD FLOOR, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA:

NOTE: INDIVIDUAL SPEAKERS WILL BE LIMITED TO 5 MINUTES ON ANY ITEM. INDIVIDUALS SELECTED TO SPEAK ON BEHALF OF AN ORGANIZATION OR GROUP ARE ENCOURAGED AND MAY BE ALLOTTED 10 MINUTES TO SPEAK ON AN ITEM IF SO RECOGNIZED BY THE CHAIRMAN. PERSONS WISHING TO HAVE WRITTEN OR GRAPHIC MATERIALS INCLUDED IN THE CCPC AGENDA PACKETS MUST SUBMIT SAID MATERIAL A MINIMUM OF 10 DAYS PRIOR TO THE RESPECTIVE PUBLIC HEARING. IN ANY CASE, WRITTEN MATERIALS INTENDED TO BE CONSIDERED BY THE CCPC SHALL BE SUBMITTED TO THE APPROPRIATE COUNTY STAFF A MINIMUM OF SEVEN DAYS PRIOR TO THE PUBLIC HEARING. ALL MATERIAL USED IN PRESENTATIONS BEFORE THE CCPC WILL BECOME A PERMANENT PART OF THE RECORD AND WILL BE AVAILABLE FOR PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS IF APPLICABLE.

ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THE CCPC 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.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL BY SECRETARY
3. ADDENDA TO THE AGENDA
4. PLANNING COMMISSION ABSENCES
5. APPROVAL OF MINUTES: ***April 5, 2012***
6. BCC REPORT- RECAPS
7. CHAIRMAN'S REPORT
8. CONSENT AGENDA ITEMS

   A. **PUDZ-PL-2010-592**: **Cultural Arts Village at Bayshore MPUD**, Collier County Community Redevelopment Agency, represented by Banks Engineering and Pizzuti Solutions LLC, is requesting a rezone from the Neighborhood Commercial Subdistrict of the Bayshore Drive Mixed Use Overlay District of the Commercial Convenience Zoning District (C-2-BMUD-NC), and the Neighborhood Commercial Subdistrict of the Bayshore Drive Mixed Use Overlay District of the General Commercial Zoning District (C-4-BMUD-NC), and the Neighborhood Commercial Subdistrict of the Bayshore Drive Mixed Use Overlay District of the Mobile Home Zoning District (MH-BMUD-NC), to the Mixed-Use Planned Unit Development (MPUD) zoning district to be known as Cultural Arts Village at Bayshore MPUD. The 17.89± acre site is proposed to permit 48,575 square feet of commercial (retail, office and medical office) development, a 350 seat theatre, 84,000 square feet of parking garage and 40 residential units. The subject site is located **within the Bayshore Drive Mixed Use Overlay District at 4265 and 4315 Bayshore Drive** in Section 14, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: Nancy Gundlach, AICP, RLA, Principal Planner]



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9. ADVERTISED PUBLIC HEARINGS

A. **PUDZ-PL20110001519: Naples View RPUD** -- An Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance No. 2004-41, as amended, the Collier County Land Development Code, which established the comprehensive zoning regulations for the unincorporated area of Collier County, Florida by amending the appropriate zoning atlas map or maps by changing the zoning classification of the herein described real property from a Rural Agricultural (A) zoning district to a Residential Planned Unit Development (RPUD) zoning district for the project to be known as the Naples View RPUD to allow construction of a maximum of sixty-six residential dwelling units on property **located at 6900 Airport Road North** in Section 01, Township 49 South, Range 25 East, Collier County, Florida, consisting of 11+/- acres; and by providing an effective date [Coordinator: Kay Deselem, AICP, Principal Planner]

B. **BDE-PL20110001573: Jaffe Boat Dock Extension**- A Resolution of the Collier County Planning Commission relating to Petition Number BDE-PL2011-1573 for a 19 foot boat dock extension over the maximum 20 foot limit provided in Section 5.03.06 of the Collier County Land Development Code to allow for a 39 foot boat dock facility in an RSF-3 zone on property hereinafter described in Collier County, Florida. [Coordinator: Michael Sawyer, Project Manager]

C. **VA-PL2011-1576: Jaffe Variance** - A Resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition Number VA-PL2011-1576, for a variance from Land Development Code Section 5.03.06.E.5 to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet on property **located at 10091 Gulf Shore Drive, Conner's Vanderbilt Beach Estates** in Section 29, Township 48 South, Range 25 East in Collier County, Florida. [Coordinator: Nancy Gundlach, AICP, RLA, Principal Planner]

D. **SV-PL20110002805**: **Agave Grill**, A Resolution of the Board of Zoning Appeals of Collier County, Florida relating to Petition Number SV-PL20110002805 granting a variance from Section 5.06.04.F of the Land Development Code to allow two wall signs on one building consisting of an existing wall sign of 93.33 square feet on the northern building façade and a second wall sign of up to 96 square feet on the western façade of its building which building is **located at 2380 Vanderbilt Beach Road** in Section 02, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: Nancy Gundlach, AICP, RLA, Principal Planner]

E. **ST-PL-2012-0000900**: **Marco Island Executive Airport Expansion Special Treatment Permit**: requesting an After-the-Fact Special Treatment development permit for an airport taxiway and associated structures that have been constructed within a Special Treatment overlay (ST) for a project known as the Marco Island Executive Airport, located in Sections 26 and 35, Township 51 South, Range 26 East, Collier County, Florida.[Coordinators: Chris D'Arco, Environmental Specialist & Fred Reischl, AICP, Senior Planner]

10. OLD BUSINESS

A. An Ordinance of the Board of County Commissioners of Collier County, Florida, **amending ordinance number 04-41, as amended, the collier county land development code**, by amending certain sections as authorized by the Board of County Commissioners. [Coordinator: Caroline Cilek, Senior Planner]

11. NEW BUSINESS

12. PUBLIC COMMENT ITEM

13. DISCUSSION OF ADDENDA

14. ADJOURN

CCPC Agenda/Ray Bellows/jmp



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May 3, 2012

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 3, 2012

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark P. Strain
William Vonier
Brad Schiffer
Paul Midney
Melissa Ahern
Karen Homiak
Diane Ebert
Barry Klein
Phillip Brougham

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Caroline Cilek, Planning & Regulation
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School Board Representative



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CHAIRMAN STRAIN: Good morning, everyone. Welcome to the May 3rd meeting of the Collier County Planning Commission. If you'll all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Will the secretary please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Present.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda. We do have some changes today. First of all, the Agave item for the variance for the sign, which was 9D, has been requested to be continued by the applicant to 5/17/12.

Anybody have any comments? If not, is there a motion to approve that continuance?

COMMISSIONER KLEIN: So moved.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Made by Barry, seconded by Diane.

All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

The Jaffe boat dock extension and the Jaffe variance, which is 9B and C, Mr. Jaffe would like to be here for that hearing. He hadn't originally planned to be. He's in, I believe, surgery this morning, so he asked if he could hear that last today. I didn't have a problem with it, so I told him that would be okay.

Does anybody have any concern?

COMMISSIONER EBERT: Not a problem.

CHAIRMAN STRAIN: So we will hear it after 12 o'clock. And if we're still into LDC issues at the time, we'll interrupt them to come back to this.

And, Heidi, I'm assuming we'll have to continue this meeting if we finish it before we go into LDC, and then



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open the LDC up as a separate meeting, or is -- it can be part of this meeting's old business? It's listed as old business under this meeting. Is that okay to continue it with this meeting?

MS. ASHTON-CICKO: Yeah, I don't think you need to close it.

CHAIRMAN STRAIN: Okay. Then the last item, Item 9E, is the ST for the Marco Island Executive Airport. That's going to be moved to new business. As an ST permit, it didn't need to be advertised under the advertised public hearings, so it will be going to 11A.

Anything else, Ray, that you know of?

MR. BELLOWS: I have no other changes.

COMMISSIONER SCHIFFER: Mark, I have.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I'd like to add one item to new business, and that's how the CCPC is represented at the BCC meetings.

CHAIRMAN STRAIN: Okay. Planning Commission absences. Our next meeting is May 17th. Does anybody know if they're not going to be here?

(No response.)

CHAIRMAN STRAIN: Okay. Approval of minutes. We had electronically been sent the April 5th meeting minutes. Does anybody have any changes or corrections?

COMMISSIONER VONIER: I'd like my name corrected, please, the spelling.

CHAIRMAN STRAIN: Okay. And why don't you spell it for the record.

COMMISSIONER VONIER: V-o-n-i-e-r.

CHAIRMAN STRAIN: Thank you. Anything else?

(No response.)

CHAIRMAN STRAIN: If not, subject to that, is there a motion to approve?

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: By Barry. Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen.

All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Motion carries, 9-0.

BCC report, Ray?

MR. BELLOWS: Yes. At the last Board of County Commissioners' meeting, they heard the variance for Plantation Island on the summary agenda. That was approved on this summary agenda.

They also heard the variance for the Wahl boat dock extension that had the companion variance for the encroachment into the riparian setback. The Board of County Commissioners approved that by a vote of 4-1. I believe there -- found that there was some type of land-related -- or related hardship, and the dock could not be moved.

CHAIRMAN STRAIN: Okay. Anything else?

MR. BELLOWS: That was it.

CHAIRMAN STRAIN: Okay. Chairman's report. There's none.

***We'll move right into consent agenda items. The first item up, or the only item on the consent agenda is 8A, PUDZ-PL2010-592. It's the Cultural Arts Village at Bayshore MPUD. We have that in our packet. Does anybody have any concerns, questions, changes, comments?



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COMMISSIONER EBERT: Yep.
CHAIRMAN STRAIN: Go ahead, Diane.
COMMISSIONER EBERT: Mark, on the back page, Page 2 of 2, it says no monitoring report required, and yet on Page 19, the CRA is supposed to be monitoring this.
CHAIRMAN STRAIN: Right. That's a different entity than the Collier County staff who normally receives the monitoring. Is that what you're referring to?
COMMISSIONER EBERT: But they will have to send them to the county, correct?
CHAIRMAN STRAIN: Ray, how does that work?
MR. BELLOWS: I need to check into that. Maybe Nancy knows.
MS. GUNDLACH: Commissioner, are you talking about the item that the CCPC had requested -- not the CC -- the EAC, the Environmental Advisory Committee?
COMMISSIONER EBERT: No.
MS. GUNDLACH: Okay.
COMMISSIONER EBERT: I was just reading your breakdown of, you know --
MS. GUNDLACH: Okay.
COMMISSIONER EBERT: -- of this, and I noticed that it said in the back on Page 2, on the executive summary it says no monitoring report is required and that you were going to put something in the executive summary about it. But on Page 19, the managing entity, which is the CRA at this point, it says will monitor it.
CHAIRMAN STRAIN: But I think they've got to monitor it pursuant to Page 20, which says when the PUD closed out, then the managing entity is no longer responsible.
COMMISSIONER EBERT: Right.
CHAIRMAN STRAIN: So up until that point they do have to monitor it, right?
COMMISSIONER EBERT: That's correct, they do. I want to make sure, because one says no monitoring report required, and the other ones says that they will monitor.
CHAIRMAN STRAIN: But I think the requirement is up until they're closed out.
MS. GUNDLACH: Correct.
CHAIRMAN STRAIN: Which is typical.
COMMISSIONER EBERT: Yeah.
CHAIRMAN STRAIN: Okay. Anybody else have any comments or changes?
COMMISSIONER HOMIAK: It says just --
CHAIRMAN STRAIN: Go ahead.
COMMISSIONER HOMIAK: On Exhibit A --
CHAIRMAN STRAIN: Page?
COMMISSIONER HOMIAK: Page 3 of 20, No. 41, is just to change the shop -- says tattoo shop -- to parlor. So it's just one or the other.
MS. GUNDLACH: Could you speak into your microphone, please.
COMMISSIONER HOMIAK: Oh, I'm sorry. On Exhibit A, Page 3 of 20, No. 41, where it says "tattoo shop," it should say "tattoo parlor" so it's consistent with the other.
MS. GUNDLACH: You'd like for it to say tattoo parlor instead of shop?
COMMISSIONER HOMIAK: That's how it -- that's how it says -- it's listed on another --
MS. GUNDLACH: Okay.
COMMISSIONER HOMIAK: In another number here, too, as tattoo parlor, and that is how it's written in the SIC code, so --
MS. GUNDLACH: Okay. We can change that.
CHAIRMAN STRAIN: Anybody else?
(No response.)
CHAIRMAN STRAIN: Okay. Is there a motion to approve the consent-agenda item?
COMMISSIONER AHERN: So moved.
COMMISSIONER VONIER: Second.
CHAIRMAN STRAIN: Made by Melissa, seconded by Bill.
Discussion?



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(No response.)
CHAIRMAN STRAIN: All in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 9-0.
Thank you.
***Next item up is our first advertised public hearing. It's Item 9A, PUDZ-PL20110001519, the Naples View RPUD, located at 6900 Airport Road North.
All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.
(The speakers were duly sworn and indicated in the affirmative.)
CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission? I had been contacted a couple of times by Ms. Crespo trying to get together. Since I was out of town, it was -- didn't work out. So at least I had two emails from her.
Other than that, we're good to go. Whoever the presenter is.
MS. CRESPO: Good morning, Commissioners. For the record, Alexis Crespo with Waldrop Engineering representing the applicant, Naples View, LLC. Here with me today is Steve Hagenbuckle, who is the property owner and managing member of Naples View, LLC, as well as Ron Waldrop, who is the principal in charge of Waldrop Engineering and also the engineer of record for the project.
We also have David Wheeler with TR transportation who prepared the Traffic Impact Statement, which was submitted as part of this application.
The request before you today is for recommendation of approval to rezone the 11.3-acre subject property from rural agricultural to a residential planned unit development to allow for a maximum of 66 dwelling unit as well as accessory uses.
The subject property is located in the northwestern portion of Collier County south of Orange Blossom Drive and just east of Airport-Pulling Road, which is a six-laned arterial roadway.
As you can see on that aerial location map, the site does have direct access via a right-in, right-out, which is serviced by a 175-foot northbound turn lane.
The property within the urban residential subdistrict per your Future Land Use Map and is the former Wizard Lake Nursery property. They did vacate that site in 2008. And as you can see on that aerial, it has reached a state of somewhat disrepair over the years.
The existing site conditions are abandoned tree nursery as well as about a 2.5-acre stormwater management pond.
Looking at our surrounding uses, to the north we have the Naples Botanical Nursery, which is an active retail landscape operation. That property is within the Orange Blossom mixed-use subdistrict, per your Future Land Use Map, and is zoned planned unit development as part of the Long View PUD.
That PUD is sunsetted, however, did approve 143,000 square feet of commercial and office uses as well as a residential component to be integrated in a mixed-use format.
Also to the north, east, and south of the property is the Walden Oaks community, which is also zoned planned unit development. This has been built out, as it was approved in the late '80s, with a mix of residential product types ranging from single family detached to multifamily condominium products. When you look at those uses that directly abut the Naples View project, we have single-family detached units to the north, as well as their private internal right-of-way, Lone Oak Boulevard.



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To the east we have their multifamily component, which is the Barrington condo complex, and to the south is their private on-site recreational facility. And then as you move closer to Airport Road, they have a 24,000-square-foot professional office center approved as part of that PUD.

Moving west of Airport Road is the Carlisle of Naples, which is zoned agricultural and is a permitted ALF use, and to the south of that is agriculturally zoned lands within the urban residential subdistrict.

Getting into the specifics of the rezoning request before you today, the applicant is seeking approval of an infill redevelopment program with a fairly limited schedule of uses to be compatible and consistent with the surrounding development pattern. The applicant is seeking single-family detached, two-family duplex, as well as townhouse dwelling units. And to be clear, the applicant has limited the multifamily use to simply a townhouse product type to prohibit a situation where you'd have units stacked upon units, and that change was done in accordance with suggestions and recommendations from the Walden Oaks community.

The applicant is requesting a maximum of 66 units per the bonus density provisions in your Growth Management Plan, which I'll address in more detail later in the presentation.

And in addition to the residential units, the applicant is seeking the standard recreational and accessory uses, which are typical to most residential planned unit developments. They are also seeking approval of an interconnection to the future mixed-use subdistrict to the north.

This next slide depicts the proposed master -- or proposed master plan associated with the PUD. Access from Airport Road is proposed via that existing ingress/egress. There's an optional gate shown on the master concept plan, as well as the two arrows to the north depict the location of that multimodal interconnection to the mixed-use subdistrict, which would provide vehicular bicycle and pedestrian access.

The residential tracts are labeled R2 or R1. The R2 tracts are located closest to Airport Road and would allow the full gamut of proposed residential uses which are, again, single-family detached, two-family, and townhouse.

The intent there is to cluster the denser product types towards Airport Road which is, again, a six-lane arterial roadway and then transition to a lower-density product in the R1 tract, which would be limited to single-family detached and two-family.

You'll notice that the applicant is intending to preserve the on-site lake to the extent possible, as it serves as a nice amenity for future residents, also provides stormwater management on site, and provides substantial separation between the Walden Oaks amenity center and the proposed residential uses within the Naples View project.

You'll also notice several operational recreational centers noted on the PUD master plan, which were sensitively located to avoid any impacts with the Walden Oaks community and direct those uses away from their established residential areas.

The applicant has requested five deviations as outlined in your staff report. The first deviation is for a reduction in buffer width, as shown on this slide. It's for a small portion of the northern property line. The applicant is requesting a 10-foot-wide Type B buffer with the Type B plantings required by your code in lieu of a 15-foot Type B buffer; therefore, the same amount of plantings will be provided, and the opacity intended by the code will be achieved to screen those uses; however, due to the infill nature of the site as well as the relative narrowness of this property, it's certainly important to be able to create a narrow buffer in that situation and able to accommodate the rights-of-way, residential tracts, and usable open-space areas. And staff has recommended approval of the deviation as proposed.

The second deviation is to allow for larger temporary signage along the Airport-Pulling frontage. The code allows for signage of 4 square feet in area and up to 3 feet in height. The applicant is seeking 32 square feet in area and 8 feet in height. And we did work with Diana on this deviation to get it to a point where staff was comfortable with its approval.

The intent is this area is not necessarily an emerging area of the county with a lot of new residential development. That's largely occurring east of the interstate along Immokalee and down south in Lely. So in order to attract attention to the property and hopefully boost interest in the future sales, the applicant is seeking that additional signage.

The staff has conditioned this deviation to be a maximum of 28 days per year, and the applicant is in agreement with that condition.

The third deviation is a fairly typical deviation within most PUDs and certainly within most your infill PUDs where the applicant is seeking a 45-foot right-of-way for those private roads internal to the development. This slide



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shows the proposed 45-foot right-of-way cross-section.

As you can see, the applicant is proposing 10-foot-wide drive lanes, which is in accordance with the drive lane width within your LDC cross-section. Additionally, the 5-foot-wide sidewalks are also consistent with the LDC.

The applicant, again, is requesting this deviation in light of the infill nature of the product, the narrowness of the site, and the desire to maintain that non-stormwater management pond to the furthest extent possible.

And, additionally, as noted in your staff report, the narrower right-of-way widths have been proven to provide a traffic-calming effect and not negatively impact public health, safety, and welfare. And staff has recommended approval of this deviation as proposed.

Deviation 4 is to allow for a dead-end street as shown on the PUD master plan denoted by this arrow. This dead-end street is 140 feet in length. The local fire code provides that dead-end streets can be up to 150 feet in length. In order to ensure that adequate public safety is served, staff has recommended approval of the deviation as proposed as well. And this stub-out would serve between two to four units at most and, therefore, will not impact public health, safety, and welfare.

The last deviation is to provide additional wall height. The code allows for a maximum 6-foot wall in residentially zoned districts. The applicant is seeking a slight increase to that to allow for an 8-foot-tall wall or combination wall/berm. The deviation is intended to help to screen the surrounding established residential areas to ensure compatibility there and also to help to screen Airport Road which is, again, an arterial roadway, and to buffer the light and noise generated from that roadway.

Touching briefly on the environmental aspects of the site, the applicant did engage Passarella & Associates prior to submittal of the application. Passarella did perform a site visit and found that there are no listed species within the project or in the project's vicinity. They also noted that there are no listed plant species within the site.

The FLUCCS codes here are limited to exotic ornamental trees as well as the stormwater management pond on site. So there are no environmental constraints within this property. And, again, it's an ideal infill location with its limited site constraints.

Based on those various items, staff did waive the review of the Environmental Advisory Committee, which I'd like to note.

In terms of infrastructure, the applicant did secure water and sewer availability letters from Collier County Utilities, which does indicate there is adequate capacity to service the proposed density at the six units per acre through the bonus density provision.

The TR Transportation did provide a Traffic Impact Statement based on methodology agreed upon by county staff. That impact statement did note that there is adequate capacity and an adequate level of service along Airport-Pulling through the projected year of 2016.

There are also no turn lane or site intersection improvements warranted by the proposed density, and the applicant has committed to provide their proportionate fair share to improve the Orange Blossom and Airport Road intersection.

And that would -- per the commitments, that would be done 90 days within the -- within 90 days of the county's request.

Getting into the bonus density, which really is one of the central items of this request, your Growth Management Plan, through Policy 6.3, does provide provisions to provide transportation demand management criteria into a project in order to allow for increased density.

We certainly feel, due to this project's location within the urban core of Naples with adequate infrastructure and minimal site constraints, that it is an ideal location for implementation of the bonus density provisions.

As noted, we're adjacent to the Orange Blossom mixed-use district to the north, as well as the commercial component of Walden Oaks to the south.

And in order to just demonstrate your surrounding densities and intensities, we have put together the slide. Walden Oaks was originally approved for 6.32 units per acre. They did build out at less than that, at 3.2, however, did develop 24,000 square feet for commercial uses as part of that.

I've noted the intensive mixed-use district to the north. Going west of Airport Road, we had the Bear Creek PUD, which is a built-out planned development approved at 14 units per acre, and then south of that is the Arbour Walk PUD, which is built out at just under 12 units per acre. And then, lastly, we have Laguna Bay, which is just over a quarter mile south of the property, which is conventionally zoned and built out 12 units per acre.



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So, clearly, this is an area of density and intensity that warrants the proposed density being proposed through the application, and it would create a logical transition of densities from the Walden Oaks community as you get closer to the Airport Road arterial roadway.

It's important to address compatibility in any case where you're proposing an infill development where there's an established residential community near by. The applicant has worked extensively with the Walden Oaks community in addition to the requisite neighborhood information meeting that was held in January. We did meet again at their clubhouse in February, and then held a third meeting with some liaisons and HOA members at that time to work through some of their concerns.

And the main changes that stem from these meetings was the limitation on multifamily uses to ensure they were limited to the townhouse dwelling type, also the limitations on the R2 rear tract to ensure that would be limited to single-family detached and two-family and that the more dense product type would be clustered along the Airport Road frontage.

The applicant also elected to reduce the maximum zoned height down from 50 feet to 35 feet to be more compatible with their maximum heights, and we certainly feel that the proposed residential community will be complimentary and compatible with their community and would certainly be an improvement over the site conditions, which is a very dilapidated site that's very overgrown with exotic vegetation.

And just to give you a sense of the variety of product types in Walden Oaks, if you haven't been able to visit that community, just east of the Naples View project, we have there Barrington condominium use, which is done in 8-unit buildings where units are stacked upon units in a fairly dense product type.

There are single-family detached along the northern property line. This is one of those units. And we do have a gentleman here today that is one of those single-family homeowners, and I believe you'll hear from him that he's certainly supportive of the proposed rezoning and that we'll enhance his views and redevelop a site that's in desperate need of redevelopment.

And then, lastly, I'd like to point out there are the two-family, twin villa type -- product types that are being proposed through this application throughout the community.

So that community does have a variety of different product types and densities that are compatible with what is being proposed here today.

Touching on compliance with your Growth Management Plan. We are in the urban residential subdistrict. The property's in a location with the existing infrastructure to support the proposed density with limited site constraints, which is in direct compliance with this policy.

Similarly, Policy 5.3 addresses urban sprawl. This rezoning would direct new development into the county's urban core and prevent development in green-filled areas outside of your planned infrastructure.

In terms of compatibility, Policy 5.4, we've addressed this thoroughly with the community in terms of limiting the product types, reducing the zoned height, and also providing buffer yards to ensure compatibility there.

Policy 6.3 addresses the bonus density. The applicant is proposing two of the five criteria, as is required by your Growth Management Plan in the terms of a vehicular bicycle and pedestrian interconnection which will not only allow future residents to directly access goods and services within that mixed-use subdistrict but provide an opportunity to go directly to Orange Blossom and redirect some of the traffic that would normally exit the site on Airport-Pulling Road.

In compliance with the Transportation Element, the applicant has provided evidence that level of service will not be impacted upon Airport Road or surrounding roadways and that, in terms of the Conservation and Coastal Element, we are in compliance with that section of your Growth Management Plan in terms of the lack of environmental constraints on the site.

Before I conclude, I'll just touch on the staff report. Staff has indicated that this rezoning is consistent with the Growth Management Plan, that it meets the intent of the planned unit development zoning district, the proposed uses and densities are compatible with the surrounding area, and that the potential traffic impacts will be adequately mitigated by the PUD commitments as well as the interconnection and bicycle/pedestrian access. And they have recommended approval of the rezoning with the bonus density and all five deviations as conditioned.

And the applicant is in agreement with all the findings of fact in the staff report as well as their conclusions.

Therefore, to conclude, we feel the Naples View rezoning is an ideal location for infill redevelopment as a prime example of how to take advantage of the bonus density provisions in your Growth Management Plan. As



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demonstrated in the presentation, the uses and density are consistent and compatible with the surrounding development pattern and will provide a logical transition of density as you near the arterial roadway.

We have demonstrated that there is adequate public infrastructure available to service the site and that there are no environmental issues.

Based on compliance with your Land Development Code and Growth Management Plan, we would respectfully request your recommendation of approval of the request as presented.

Thank you.

CHAIRMAN STRAIN: Thank you. That's a very thorough presentation.

MS. CRESPO: Thank you.

CHAIRMAN STRAIN: Much appreciated.

Phil?

COMMISSIONER BROUGHAM: A couple clarifications, please.

MS. CRESPO: Yes, sir.

COMMISSIONER BROUGHAM: I need a bit more explanation of the proposed interconnection to Orange Blossom that's shown on your site plan. And I'm reading on Page 8. I think this may be in the staff report.

Pedestrian/bicycle and vehicular interconnection has been provided on the site plan to the north. Because the PUD to the north is sunsetted, an amendment would be required to allow additional development on that site. At that time the interconnection could be made if it remains warranted.

I guess -- who's got the ball in this case? I mean, yes, you're going to provide a potential access to the north, but that requires both parties to participate; does it not?

MS. CRESPO: Yes, sir. And the previously-approved Long View Center PUD did provide the interconnection on their original master plan approved in 2001 so, certainly, the interconnection we're proposing, as well as -- we've gone a step further and we're proposing it in a non-exclusive access agreement with that property owner.

So I believe this gives staff the authority and ability to really push forward when they come back for their PUD amendment or rezoning at that time to ensure that they have to utilize that interconnection and have it working.

COMMISSIONER BROUGHAM: So you're going to be doing your part in the future; that development to the north will be connected in?

MS. CRESPO: Yes.

COMMISSIONER BROUGHAM: I'm seeing heads shaking in the back there. Okay, thanks.

MR. BELLOWS: Yes.

COMMISSIONER BROUGHAM: One other question on Page 17 of 20 here, in my book anyway -- and references the question at the neighborhood information meeting, a question, Comment 5, there is a concern with the ability of Walden Oaks residents to make a right turn onto Airport Road to head northbound. Response is, so noted.

Could you put some background as to why that comment was made or what the issue was there?

MS. CRESPO: There is a northbound turn lane to access the Carlisle of Naples, which is directly across from the project's entrance. And I believe the concern is that future residents -- and perhaps I can go back to the aerial.

There is a concern that they will -- people exiting, future residents of Naples View, will cut across three lanes of traffic and get into the Carlisle turn lane, which many Walden Oaks residents use as a U-turn spot.

This would certainly be an illegal weaving movement, which --

COMMISSIONER BROUGHAM: You have to go in and --

MS. CRESPO: -- could be satisfied by signage and police enforcement. So that was the concern expressed there.

We did work with staff on some various options to prohibit that type of movement. And when it comes down to it, it is illegal. It will be enforced by the police.

COMMISSIONER BROUGHAM: Okay. And then the following question at the same meeting, what is the status of staff's comment to provide a hardened separator to prevent future Naples View residents from accessing the southbound turn lane in front of the property? The applicant is working on addressing the comment with staff.

MS. CRESPO: Our first comment letter requested a hardened separator be provided, which the applicant was amenable to providing; however, based upon further discussions internally with staff -- and he may want to jump in here -- but it was determined that that could potentially create greater safety issues due to the length of that turn lane



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and having -- that could create a tunnel effect and really negatively impact Walden Oaks folks trying to get in that lane.

And due to the travel speeds along Airport Road, I think the fear is that people are traveling at a quick pace, they need to get in that turn lane, and because there's a separator in place, it's going to create a lot of safety issues that could, perhaps, be better dealt with by signage. The interconnection is certainly going to help when residents of Naples View can go up to Orange Blossom, and really police enforcement to prevent illegal U-turns and erratic driving, really.

COMMISSIONER BROUGHAM: Okay, thank you. That's all I had, Mark.

CHAIRMAN STRAIN: Anybody else? Brad?

COMMISSIONER SCHIFFER: Yeah. Was the wizard, the Tree Wizard thing, was the property to the north part of that same nursery?

MS. CRESPO: No, sir. The property to the north is owned by Mr. Pulling. I believe the Tree Wizard site was owned independently of that and were never working in concert.

COMMISSIONER SCHIFFER: And the lake was never part of the stormwater for that site to the north?

MS. CRESPO: No, sir.

COMMISSIONER SCHIFFER: Okay.

MS. CRESPO: I believe that -- I believe the pond was constructed prior to water management permitting in the early '80s. It was constructed to service that site.

COMMISSIONER SCHIFFER: Okay. Have you laid out the units yet on this site?

MS. CRESPO: No, sir. We've worked on various site plans. There are interested builders in the property certainly; however, we are requesting a flexibility in the types of product types that are similar to what has been built in surrounding communities in order to provide the flexibility. This is still a very volatile market where product types are constantly changing. So we have not gotten into detailed site planning at this time.

COMMISSIONER SCHIFFER: Okay. Because I do have a little concern that if you push too much of the density up to Airport, that's not a nice place to live. Those roads are loud. You can see Walden Oaks pulled everything back.

So, I mean, I would be in favor of taking some of R1 that's up on the east side of that lake and adding that to R2, because I don't think it would be a good idea to put a lot of people on the street. And I know what you're trying to do by density blending, but, you know, the Walden Oaks is nowhere in that area either so, I mean, it would be a good place to further bring that across the street there just to keep some people off the highway.

But I'm done, thanks.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant at this time?

COMMISSIONER EBERT: Yes, I do.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Good morning.

MS. CRESPO: Good morning.

COMMISSIONER EBERT: I noticed -- so it's different owners; who has the corner piece is Mr. Pulling. This is a different owner, but you are really talking about people going to the north that can -- you're talking about Orange Blossom. How -- apparently that's going to be pretty much commercial. I assume the driveway getting in there will be at least 600 feet from the corner on Orange Blossom, on Orange Blossom Road?

CHAIRMAN STRAIN: That's up -- that would be more a responsibility of the PUD to the north, not hers, so I'm not sure she would be able to answer that question accurately, Diane.

COMMISSIONER EBERT: Well, they want to exit, she said, Orange Blossom Road, so that was a question that I had.

MS. CRESPO: I believe that property has access to Orange Blossom, which could foreseeably be utilized when it's redeveloped.

COMMISSIONER EBERT: Okay.

MS. CRESPO: And it would have to meet connection separation standards per the code.

COMMISSIONER EBERT: Okay. And then also on your plan, you say you're having sidewalks on both sides.

MS. CRESPO: Yes, ma'am.



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COMMISSIONER EBERT: On your right-of-way, is there not going to be a wall to the north of this on the property?

MS. CRESPO: There is shown as an optional wall --

COMMISSIONER EBERT: Optional fence or wall buffer?

MS. CRESPO: Yes, ma'am.

COMMISSIONER EBERT: All that's all road right up to that fence or wall; is that correct?

MS. CRESPO: Yes. Well, there's a buffer yard in between the right-of-way and the northern property line.

COMMISSIONER EBERT: Yes, I see that, but other than that, that's all roadway. Is it necessary to put the sidewalk on that side also?

MS. CRESPO: The code allows, when there's 15 units or less on a cul-de-sac, that the sidewalk is only required on one side of the roadway. So we're proposing sidewalks in accordance with the LDC. And when there is the ability to have relief for a single-loaded road or a cul-de-sac roadway, we don't believe we will exceed the 15 units on that rear tract and would likely end up with a sidewalk on one side in accordance with the LDC. We do not need a deviation, though, to achieve that site design.

COMMISSIONER EBERT: Okay. Because I really -- we have 55 on ours, so -- and only one sidewalk.

Are you saying that the pond on the property was never used for retention?

MS. CRESPO: Retention for the nursery?

COMMISSIONER EBERT: For water management.

MS. CRESPO: I believe it is a -- it is a retention pond for the former Wizard Lake Nursery site.

COMMISSIONER EBERT: Okay. Because you are saying on Deviation 3 the rationale was the proposed deviation will allow for design flexibility. The proposed project is true infill, but the site constraints, including a large stormwater management pond. Everyone has to keep their own water on their own property, so you will be using this?

MS. CRESPO: Yes, ma'am. The intent was, whereas certainly a future developer of the property, Mr. Hagenbuckle could elect to fill in some of that pond. He is proprosing to maintain it to the maximum degree in order to use it as a site amenity. Certainly, stormwater management has to be provided on site, but it could be provided in a variety of forms, and he is proposing to maintain that lake, not only for its amenity, but to separate the residential from the Walden Oaks recreational facility.

COMMISSIONER EBERT: Okay. I notice there is no preserve on this at all, and environmental said that it did not need -- because it's all exotics.

MS. CRESPO: Yes, ma'am.

COMMISSIONER EBERT: So they don't have to have their proportionate share. But when I -- reading through this, I noticed on Page -- let me see -- 18, some of your residents from Walden Oaks were concerned about the birds and everything else in there. And according to you on one side, everything is exotics or you're removing everything and yet you're saying in response to Question 15 that existing vegetation will be utilized to create the required buffers.

If it's all exotic, meaning you have to take it down, you are going to replant some of these trees and everything then?

MS. CRESPO: I believe some of the ornamentals -- these aren't necessarily -- it's not all Melaleuca or Brazilian pepper on the site. There's a lot of attractive exotic trees that may be able to be incorporated into the landscape buffers.

COMMISSIONER EBERT: Okay. All right. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I've got a couple.

Let's go to your PUD on Page 1 of 7. Under your permitted uses, you list various uses, R1 and R2. Are you intending this project or this product to be fee-simple or condominium?

MS. CRESPO: Typically, the townhome product is a fee-simple product type. It differs from the others in that it would be more than three units.

CHAIRMAN STRAIN: Well, I'm familiar with the kind of product. I just want to know how you're going to sell it off. You're going to sell it off under a fee-simple basis or as a --



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MS. CRESPO: Fee-simple, yes, sir.
CHAIRMAN STRAIN: So that means you're going to plat the tracts?
MS. CRESPO: Yes, sir.
CHAIRMAN STRAIN: So that means you're going to have to plat your recreational facilities, right?
MS. CRESPO: Yes, sir, if the developer elects to move forward with those.
CHAIRMAN STRAIN: Right. And if he wants to use -- move forward with it and he separately plats each tract for the different residential units as well as the recreational facilities if he decides to put those in, they then are principal uses on that tract. So you're only listing them under B as accessory use. So I think you'd want to be safe so that you can, in the future, put a recreational facility on a tract and have it as a principal use; otherwise, you might have a problem putting it there as an accessory use.

So I would think that under your accessory uses, where you have No. 2, you may want to consider how it's to incorporate those into your principal uses under the tracts. And I'll confirm this with staff when they come up, because I would hate to see you come in and have them say you cannot have the accessory use without a principal use on the tract, and that would be dictated by your -- whether it's fee-simple or not, so --

On Page 2 of your document, you do list the recreation in with the principal uses, so I think that's appropriate. I think you just need to follow it through on Page 1.

On your master plan, there are two questions. Up in the upper right-hand corner of the master plan you have a box. It says Type A buffer for single-family units or as allowed by LDC Type B buffer for multifamily units or as allowed by LDC.

The deviation you requested, you had a red arrow pointing to the 10-foot Type B buffer over to the west side of the parcel. You didn't have that arrow pointing on the ones on the right side.

So are you saying that the Type A buffer and the Type B buffer that you may put there will be a deviation to the LDC by the way you've worded it in that box?

MS. CRESPO: No, sir. Should residential R1 tract be developed with a single-family product type, that would be the Type A buffer.
CHAIRMAN STRAIN: Okay. So it's going to be dependent on the single-family?
MS. CRESPO: Yes.
CHAIRMAN STRAIN: On the product type and not --
MS. CRESPO: Yes, sir.
CHAIRMAN STRAIN: -- not in a deviation?
MS. CRESPO: We will meet code. We certainly did not want to request a deviation to reduce the buffer adjacent to Walden Oaks.
CHAIRMAN STRAIN: Just what I wanted to make sure.

Under your general notes, No. 5, the locations for recreation facilities are approximate in nature. Recreational facilities are not required. And I have no problem with the fact that they're optional. That's fine. But you made a statement earlier that you located them to avoid any conflicts with the neighbors. I would just want to see that language in No. 5 amended to a point where we're assured that the locations you show are the approximate locations where they'll be and that you just can't use that approximation to move it to the end of the residential tract near to Walden Oaks, only because you made that assurance previously. Do you have any problem with that?

MS. CRESPO: No, sir.
CHAIRMAN STRAIN: Okay. Then under your Exhibit F, development commitments. It's on Page -- actually Page 7. And this may be a question more of staff than you, but I'm assuming you may have written it. Under 2.7, 2.8, and 2.9, all potable water infrastructures shall be conveyed to Collier County and wastewater, and they'll all be customers of Collier County. I understand they'll all be customers. But 2.7 and 2.8, in the letter that you got from county staff, if you don't provide them with CUEs, all those internal lines are yours to maintain yet by this is a conflict because here it's saying you're going to be county. So I'm just wondering, has anybody understood how that letter applies in relationship to the requirements in this PUD?

MS. CRESPO: To be honest, no, sir. Ms. Deselem and I were given these commitments by utility staff, and we did elect to include them to appease their concerns; however, we are not sure of their origin or intent. It was simply a step we took to be found sufficient to move forward to hearing. I don't know if Mr. Martins is here.
CHAIRMAN STRAIN: Well, when the staff report comes up, I'll bring up staff, and we'll find that answer



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out to that question. That would be -- work for that.

That's all I got. Thank you very much.

MS. CRESPO: Thank you.

CHAIRMAN STRAIN: Okay. Is there a staff report now?

MS. DESELEM: Good morning. For the record, Kay Deselem, principal planner in zoning. Also here today we have someone from transportation to address any concerns you might have with transportation issues, and we also have a representative from utilities here to address your concerns about utilities, as was just mentioned.

I won't go into the staff report in detail because the applicant has made a very thorough presentation, as you noted. I will suffice to say that staff has recommended approval as shown on Page 19 with approval of Deviation 2 stipulated.

We have provided the findings of fact, both rezone and PUD findings in support of our recommendation. Other than that, if you have questions, I would be happy to address them or stand aside so other staff members can.

CHAIRMAN STRAIN: Any questions of staff?

COMMISSIONER AHERN: I just have one.

CHAIRMAN STRAIN: Go ahead, Melissa.

COMMISSIONER AHERN: Kay, what was the 28-day limit based on? Is that generally what we've given others?

MS. DESELEM: In the temporary sign requirements, there's a 45-day and a 28-day. And we figured that the -- we, being staff, decided that the 28-day should accommodated their needs rather than the 45-day.

COMMISSIONER AHERN: Okay, thanks.

CHAIRMAN STRAIN: Okay. Anybody else? Go ahead, Bill.

COMMISSIONER VONIER: Why?

MS. DESELEM: Just because it seemed that there wasn't any underlying reason to the -- to allow more time. They didn't seek more time, and we thought that the 28 days would accommodate their wishes. They didn't come back with anything asking for more, so I have to assume then that we picked the right number.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: No, you're --

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: You're going to talk about the utilities though, correct?

CHAIRMAN STRAIN: Well, I have my question about it. If you have other questions, go right ahead.

COMMISSIONER EBERT: Well, it's pretty much -- in here, the way it's written, Kay, because this already has -- right out in front of them has the Collier County Utilities, I think it was the way it was written that it said the product -- the project shall connect, you know, and then it says, should the Collier County Water District determine they don't have sufficiency. That is done ahead of time, I hope, you know, because, otherwise, they're telling -- in this, it's the explanation of this, I think, that I have a little problem with, because there are utilities there, correct?

MS. DESELEM: If I may, I'm going to defer the question to the utilities staff person.

COMMISSIONER EBERT: Okay.

MR. CROMER: For the record, Aaron Cromer, public utilities.

The generic language was created to be standard across all public planned unit developments, and there are -- there is existing capacity for water and sewer in front of this PUD as described in the letter dated September 27, 2011, I believe, from Javier Martinez.

CHAIRMAN STRAIN: Okay. Anything else, Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. Well, I have a -- stay right up there. Since you're utilities --

MR. CROMER: All right.

CHAIRMAN STRAIN: -- let me jump in.

MR. CROMER: I'm here, I'm here.

CHAIRMAN STRAIN: First of all, under -- are you familiar with Exhibit F, or do you have a copy of it in front of you, Page 6 and 7?

MR. CROMER: Yep, got it right here, yes, sir.

CHAIRMAN STRAIN: Okay. In 2.5, all utility facilities shall be designed and constructed in accordance



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with 2004-41. If that wasn't written there, does that mean they wouldn't have to construct in accordance with that ordinance?

MR. CROMER: No, it does not.

CHAIRMAN STRAIN: Then we can drop it?

MR. CROMER: What it does do is it allows us to make sure that we are checking for those processes and progress through the PUD project.

CHAIRMAN STRAIN: Well, if you --

MR. CROMER: It allows us to manage and maintain the commitments as we move forward through the PUD.

CHAIRMAN STRAIN: Well, if your staff doesn't know to do that, then you've got the wrong staff. So I can't see the redundancy needed in this document. We've stressed for many years to remove redundancy. And if you get along -- if you feel this is necessary, then we better start reinserting all of our Code of Laws and Ordinances into this document. I can't see the need for that, so --

MR. CROMER: Sure, at your request.

CHAIRMAN STRAIN: I think 2.5 needs to be struck.

And 2.6, where does that come from? I mean, did you -- do you rewrite that at every occasion? Do you decide that -- isn't the utility facilities that have to be included spelled out in 2001-31?

MR. CROMER: Generically, sir, they are; however, some SDPs are different than others, and some of this language here is designed to ensure that all the documents that are pertinent to each PUD is received in the appropriate time, and we manage and review those through the coordination of our GMD review process.

CHAIRMAN STRAIN: Okay. So when someone's looking at this particular project, if there is a utility facility there that's unique to the project, by this language you're saying it becomes included as part of the facilities, and that wouldn't be done by a normal ordinance that we have?

MR. CROMER: That is the intent.

CHAIRMAN STRAIN: Okay.

MR. CROMER: Again, your recommendation -- we can do what the board recommends. There's no problem with that. This was a consistent language that we're trying to get standard across the PUDs to ensure that we don't have to change the language many, many, many, many times between the PUDs as they come through rezones and re-permitting.

CHAIRMAN STRAIN: The best way to do that is to avoid this kind of language in the PUDs and include it in ordinances that go across the board regardless of the PUD; then you're covered. And we tried to clarify that. Ray rewrote the PUD language after we normally were getting PUDs 30 and 40 pages long, which were ridiculous.

And so all this was supposed to be streamlined to accommodate these flexibilities that you need. And if our ordinances don't do it, I suggest an easier way for your department to get that point across is to amend the ordinance, then you've got that point covered for every PUD regardless of the situation.

MR. CROMER: And we're coordinated with growth management as well to do that.

CHAIRMAN STRAIN: Ray, 2.6, did you see a particular need for it in here?

MR. BELLOWS: Yeah. I was just rereading it again, and it seems to be redundant to current codes and the procedures in place. It's -- I think I understand the intent of creating unified language, but it's already covered by current code.

CHAIRMAN STRAIN: Thank you. 2.7, all potable water infrastructure shall be conveyed to the Collier County. That conflicts with the letter that I saw your department wrote to this applicant regarding whether or not they use CUEs. If they don't use CUEs, all the internal lines are going to be theirs. They're not going to be conveyed, then, I would assume. So is that a conflict?

MR. CROMER: It's really the intent of the PUD owner/operator. If they're going to convey them to utilities, which some do, some don't, we need to be consistent with that. So we need to coordinate more closely with the owner.

CHAIRMAN STRAIN: Okay. But that doesn't help you here. Under Exhibit F, under 2.7 it's not choice. They have to. So that means you're requiring them to produce the CUEs that you previously provided as an option in your letter. I'm just trying to get to what is going to be done so the commitment either is yea or nay and we don't have a conflict between your letter and the commitment.



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MR. CROMER: So my question would be, without looking like a fool, what is the intent of the developer? Do they want to convey or not convey? Because I did not ask that question up front.

CHAIRMAN STRAIN: It's -- and they can -- why don't you come forward to the mike and --

MR. CROMER: And that can be resolved offline, and these can be adjusted.

CHAIRMAN STRAIN: Well -- but it can't be resolved offline if the document is written this way. That's why I'm trying to resolve it so that we don't have a conflict offline.

COMMISSIONER EBERT: Thank you.

MR. WALDROP: For the record, Ron Waldrop, engineer for the project.

Because we don't know where we're going with the product type, that usually dictates to us what we do with the utilities. In a single-family situation, typically we'll have the right-of-way and convey all of the utilities over to Collier County Utilities, but if we have a -- let's say, some services that are serving a recreation area, there might be the requirement that we have private utilities that serve that parcel.

So it would be something that's typically worked through during the construction plan, permitting process, whether it's an SDP or a PPL.

So I think, as far as at this level, we would want it to be an option as long as it meets the codes and the ordinances for the utility group.

CHAIRMAN STRAIN: Well, I would suggest that 2.7 and 2.8 also be removed, and they'll be worked out as you guys build the project. I don't know why you wouldn't have objected to it when it was added to the PUD for the same reason I'm objecting to it. It protects your client. And you might want to -- these kind of things don't need to be in here. They just confuse it and they muck it up as we go down the road.

So, Ray, I'm suggesting 2.7 and 2.8 come out as well. Any problem with that?

MR. BELLOWS: Typically they would be addressed at subsequent development orders as they come in, so it seems to be unnecessary to put it in the PUD document.

COMMISSIONER EBERT: But it is in the PUD document.

CHAIRMAN STRAIN: Okay, thank you. That's all I have of the utilities.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Kay, do you have any problem moving that accessory recreational facility to principal use in the various tracts to cover the concern I had?

MS. DESELEM: No, sir.

CHAIRMAN STRAIN: Okay. That's all I've got.

Anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Are there any public speakers? Anybody in the public wishing to speak in this matter? Sir, come on up, identify yourself for the record. And I believe you were sworn in earlier, if not -- okay, you were.

MR. JONATHAN: Good morning. For the record, my name is Michael Jonathan. I'm a resident of Naples since 1987 and of Walden Oaks since 1996. Walden Oaks, of course, is that residential subdivision that borders the proposed Naples View project.

I'm also the owner of Design Drafting of Naples, and we've been in the business of designing blueprints for commercial and residential products for Collier County since 2000.

CHAIRMAN STRAIN: You need to pull that mike a little closer to you. There you go. Thank you.

MR. JONATHAN: In Walden Oaks there are five homeowners' associations. I've been asked to speak on behalf of Lexington at Lone Oak, which directly borders the north side of the potential rezone project right here.

Lexington at Lone Oak is a nice community. The reason a lot of us moved there is because there's not a lot of vertical -- tall vertical structures right around our properties.

My specific property borders 324 feet of this rezone property. And a lot of us were very nervous when we heard about this new development going in because the preliminary petition called for multifamily, multistory structures. And I can tell you that Walden Oaks is adamant that we don't want 45-foot buildings right adjacent to our properties looking down into our privacy.

So I know that Commissioner, respectfully, Schiffer mentioned that the rear residential tract would be better



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for that. I can tell you that, as a whole, Walden Oaks is adamantly opposed to that. We want the lower-density single-family homes back there, and that's one reason why several meetings negotiating that with the developer and the engineer, we arrived at the building schedule the way it was.

It was a pleasant surprise for us that they were completely courteous and professional from the beginning of this project and asked us what kind -- our feeling was on the buildings, the wall that's going to be surrounding the property, the landscape buffer, and have listened to all our suggestions. So that was a very pleasant surprise, especially when they went in and revised and struck the language about the multifamily, multistory buildings. That made a lot of the residents there feel a lot better.

One of the main issues that they're concerned about right now is that turning lane when you're southbound on Airport Road. Right now there's a no U-turn there. And the sign is so far back and obscured by the landscape that nobody sees it.

So during rush hour, traffic is coming north in three lanes of traffic, we're trying to pull out, and people are going to be making U-turns trying to do the development in that property. And, of course, there's a lot of close calls there.

So one thing we wanted to ask the commission to do was ask the traffic division to look at putting a second sign, no U-turn, right by that turning lane where it can actually be seen. And that, along with some additional enforcement, will probably help a lot in easing that potential traffic accident that's just waiting to happen up there.

But we're very happy with how the planners at the county and also the developer and the engineer worked with Walden Oaks, listened to all our concerns; we'd like to thank them for that. And Lexington of Lone Oak would like to recommend that the board pass this in the affirmative. We think it will be good for the community, good for our values, certainly, to clean up that property over there which, I can tell you being in my backyard, is a real mess.

We have a lot of animals coming over; overgrowth; there's been criminal mischief back there; disrepair of the property, and to clean that up and put a nice community back there is probably the best thing that can happen.

Does the commission have any questions?

CHAIRMAN STRAIN: No, we're good. Thank you.

MR. JONATHAN: Thank you.

CHAIRMAN STRAIN: Is there anybody else that wishes to speak on this item?

(No response.)

CHAIRMAN STRAIN: John, can we bend your ear just for a minute?

MR. PODCZERWINSKY: Absolutely, yes, sir. John Podczerwinsky, transportation planning, for the record.

CHAIRMAN STRAIN: This will come back for consent on the 17th. With that return, could you give us a status on that U-turn sign that the gentleman just spoke about --

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: -- whether or not something should be done or not.

MR. PODCZERWINSKY: Yes, sir. I can give you an update on what we've already found out so far, if you'd like.

CHAIRMAN STRAIN: Sure.

MR. PODCZERWINSKY: I've checked in with our design folks over in TECM, Transportation Engineering and Construction Management Department within Growth Management Division, and we talked about -- this is northbound U-turn on Airport, correct? Yeah. The design is recommended to stay as it is today. We can put additional signage at the driveway of this site, but not really at that U-turn, additional signage that says we've -- you know, it is prohibited -- or we can find something for that signage. But the design of the median separation there and any kind of blockage in between those two lanes should not be extended.

CHAIRMAN STRAIN: No. And I think he's requesting additional signage. If you could look into that and either let us know at the consent if it's something you're going to do or not, that would be appreciated.

MR. PODCZERWINSKY: Absolutely, yes, sir.

CHAIRMAN STRAIN: Okay, thank you.

Anybody else have any questions of anybody at this stage? Is there any remarks by the applicant or rebuttal remarks or any kind?

MS. CRESPO: No, sir.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing and entertain -- well, first we'll have



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discussion. During the presentation I made notes on three stipulations, if that's the agreement with this board. I'll read them just in case they are.

First one is to add to the principal uses for the tracts, the accessory use for recreational facilities; second is to amend General Note No. 5 as was discussed during the presentation to more strictly locate the optional recreational facilities; and Number 3, remove Exhibit F, 2.5, 2.6, 2.7, and 2.8. And then, of course, accepting staff's recommendations.

Does anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER AHERN: I'll make a motion that we forward PUDZ-PL20110001519, Naples View RPUD, to the commission for approval.

CHAIRMAN STRAIN: With those stipulations?

COMMISSIONER AHERN: Absolutely.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER KLEIN: Second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion? First I want to compliment both the applicant and the Walden -- I'm not familiar enough you with your -- Waldrop Engineering. You guys did a great job in communicating and working with the neighborhood. And, Kay, thank you too. That's critical, and these discussions go a lot farther when all that's done ahead of time. So we very much appreciate that.

Call for the vote. All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Thank you very much.

Okay. The next two advertised public hearings have been continued to the last item today. That's 9B and C, the Jaffe variance and the Jaffe boat dock extension. So we're not going to hear those right now.

9D --

COMMISSIONER EBERT: I don't know if Rocky heard you.

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER EBERT: I don't know if -- is it Tim -- heard you on that.

CHAIRMAN STRAIN: I don't care if he heard me or not. I wasn't --

COMMISSIONER EBERT: He just walked in the room.

CHAIRMAN STRAIN: It doesn't matter.

Item 9D is Agave Grill. That's been continued to the 5/17 meeting.

***Item 9E has been moved to 11A, but to expedite the process today, because that was a regularly scheduled item, we can move that up and discuss it now instead of under new business, under later new business.

But I notice Chris Curry's not here, and I think he came in to be involved in this.

COMMISSIONER BROUGHAM: They're in conference, I believe, in the hall.

CHAIRMAN STRAIN: Okay. Well, you might want to ask him to step in if he's going to be involved.

Okay. With that, we will move into Item 11A, which will be new business, which was formerly 9E,



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ST-PL-2012-0000900, the Marco Island Executive Airport expansion special treatment permit.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures by Planning Commission?

I spoke to Nicole Johnson a couple times on the phone, and I think that's about it.

Okay. Anybody else?

COMMISSIONER EBERT: I also spoke with Nicole on the phone.

CHAIRMAN STRAIN: Okay. Who's making the presentation?

MR. D'ARCO: Good morning, for the record.

CHAIRMAN STRAIN: Chris?

MR. D'ARCO: Chris D'Arco with Collier County Stormwater Environmental Permitting Department.

Being brought before you this morning is an after-the-fact ST permit application for the recent improvements done at the Marco Island Executive Airport.

I'll just put this on the overhead for you. The Board of County Commissioners directed staff to bring this after-the-fact application forward to address a zoning concern that they had regarding the recent expansion, the expansion being the parallel runway that they added to the west here and the apron expansion, and that that expansion may encroach into the existing conservation special treatment overlay, which is these general lands here. In the orange here it shows where it may be encroaching.

And I say may be encroaching because staff had found previous maps from various years that show conflicting lines regarding where the ST line actually lies over the project site.

So this ST permit will be for impacts to the true ST boundary, but further analysis may show that it may not be the same boundary as is shown currently on the current zoning map. And right now on the current zoning map it shows it roughly to be -- I'll put this up here for you.

This is not a current aerial of the airport but -- basically where that red line's going through that yellow oval right there.

As far as environmental permitting for this project goes, they did obtain both DEP and U.S. Army Corps of Engineers permits, an ERP from the DEP, and a dredging fill permit from the U.S. Army Corps of Engineers that addresses both listed species and wetland impacts to the project site -- as a result of the project site.

And this airport is part of the Deltona Settlement Agreement. So in regards to land preservation, the Deltona Settlement Agreement identified lands that needed to be preserved as a result, and this map here shows the lands.

Everything in red is the development areas, sorry, and everything else in blue and black is under preservation, and you can see the airport here in the center.

So with that, staff does recommend approval of this ST -- after-the-fact ST permit application. And also, for the record, this was heard by the Environmental Advisory Council board yesterday. They also recommended approval, but they have approve -- they recommended approval with stipulations, and I'll read those stipulations into the record.

Chairman Hushon moved to recommend the Board of County Commissioners approval of the Marco Island Executive Airport Special Treatment Permit ST-PL-2012-0900 subject to the following conditions: One, the conservation easement required in No. 5 of the September 11, 2001, MOU, or memorandum of understanding, and vegetation management program required in No. 2 of the MOU are to be prepared within three months and adopted, approved within six months of the issuance of the permit;

Number 2, upon development of a draft vegetation management program, the necessary parties are to begin operating under the auspices of the proposed program.

Three, said conservation easement is to be recorded.

And, 4, all signatories or their successors, and that would include the Conservancy of Southwest Florida, the National Audubon Society, the Florida Audubon Society, the Environmental Defense Fund, IZAAK Walton League, Florida division, Florida Department of Environmental Protection, the South Florida Water Management District, the Florida Department of Community Affairs, the Deltona Corporation, and Collier County to be notified of the process for developing the vegetation management program and given an opportunity to participate in an information/agreement meeting.

And I could put those stipulations up on the overhead as well. And with that, if you have any questions, we'll



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be happy to take them at this time.

COMMISSIONER KLEIN: Paul?

COMMISSIONER MIDNEY: Number 3 said conservation easement to be recorded. What does that mean?

MR. D'ARCO: In the MOU there is a section -- there is an item in the MOU that mentions that a conservation easement was to be drafted 30 days after the MOU was signed back in 2001. It was supposed to be drafted in coordination with the Conservancy and the airport authority. And as far as we know, that was never done, so that needs to be addressed because it's a requirement of the MOU.

COMMISSIONER MIDNEY: Why does it say "recorded" instead of "done"?

MR. D'ARCO: I'm sorry.

COMMISSIONER MIDNEY: Why does it say "recorded" instead of "done"?

MR. D'ARCO: Well, you draft a -- draft a conservation easement, and then get it recorded.

COMMISSIONER MIDNEY: Oh, okay, thank you.

MR. D'ARCO: Yeah.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER EBERT: Oh, yes, I do.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: Chris?

MR. D'ARCO: Yes.

COMMISSIONER EBERT: I did kind of get a kick out of some of this. We have to have a sense of humor with this. I notice that we got the staff report for the EAC on the 25th, and I just want to know if you can deliver the Wall Street Journal to me ahead of time. I mean, that would be very good. I couldn't believe --

MR. D'ARCO: Yeah, we apologize. The timing and scheduling was certainly not standard.

COMMISSIONER EBERT: Yeah. And then the -- you said you got a permit from the DEP. When did you get that permit?

MR. D'ARCO: The DEP -- the DEP permit was issued in 2003.

COMMISSIONER EBERT: Uh-huh.

MR. D'ARCO: And I believe the Army Corps of Engineers' permit was issued in 2007. I have copies of that. I can grab that and put them on the overhead, if you'd like. And that was submitted with the SDPA, the Site Development Plan Amendment approval packet.

COMMISSIONER EBERT: Well, there are some other things. Maybe this could go to Chris. Is he also here?

Just looking at the plans of the airport -- Chris, maybe you can help me out here. With these plans that we got along with this, which were done in 2010 which were approved, in there it does show the airport boundaries. And this is -- I mean, it's definitely over the boundaries from what this is showing. Does the FAA require -- between the taxi and the runway, what does the FAA require for distance between the two; do you know?

MR. CURRY: Chris Curry, executive director of the Collier County Airport Authority, and I also have with me Bob Tweedy, who's the manager of the Marco Island Executive Airport, who may have a little more history with this project than I have, because when I arrived it was basically the same time that the SDP permit was granted.

So between Bob and I, we will try to address any questions that the board may that.

MR. TWEEDY: For the record, Robert Tweedy, airport manager, Collier County Airport Authority.

To address your question specifically, for this category of runway, the required separation between runway and taxiway, per FAA standard, is 240 feet from center line to center line. So from the center line of the runway to the center line of the taxiway, there has to be a separation distance of 240 feet minimum, which is the way it was built.

COMMISSIONER EBERT: Okay. So that is -- that's why I was wondering.

MR. TWEEDY: That's an FAA requirement.

COMMISSIONER EBERT: FAA, I understand that.

But just looking at the drawings from this, I would have thought that somebody would have looked at this to see where the airport boundary lines were. I was surprised on here just to see how much it went over. I mean, I would have thought -- does the Deltona agreement mean anything?

CHAIRMAN STRAIN: They have an amendment to Deltona agreement that allows them to go over the airport boundary, and the only part of it that was in question is the ST permit, which is what they're trying to get fixed



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by coming here today.

The Deltona agreement does cover the area in question, but they did amend it, and all the interveners of that agreement did sign the memorandum of understanding. So it doesn't matter where the boundary is in regards to that agreement, because the agreement was amended by that MOU.

COMMISSIONER EBERT: But they didn't follow parts of that MOU.

CHAIRMAN STRAIN: Well, the parts they didn't follow are the stipulations that we now have an opportunity to correct that are part of the EAC recommendations. So if we include these EAC recommendations and the stipulations will go forward, those pieces that were missed get taken care of.

MR. CURRY: That is correct. And I'm not here to make any excuse, but --

COMMISSIONER EBERT: No, you're not here --

MR. CURRY: -- over the past 10 years, you've had three executive directors and four interim directors at the airport, and so some of these steps were obviously missed over the past 10 years that we plan to certainly correct, and I'll take responsibility for that.

COMMISSIONER EBERT: It really was not, you know, for you, because you were not here at the time. It was just that, in reading through this, I noticed a lot of things were missed.

CHAIRMAN STRAIN: Anything else, Diane?

COMMISSIONER EBERT: Not at this time.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of staff at this point?

(No response.)

CHAIRMAN STRAIN: Thank you.

MR. CURRY: Thank you.

CHAIRMAN STRAIN: Are there any other reports or -- because normally we have staff, and now we're going to have staff and staff. So is there a counter staff to oversee the staff? Chris, no one's going to fight you on this, huh? I mean Chris DeMarco (sic).

Okay. Then is there any public speakers? Nicole, did you -- I thought so.

MR. BELLOWS: Yes. We have one speaker, Nicole.

CHAIRMAN STRAIN: I thought she was here for a reason.

MS. JOHNSON: Good morning. For the record, Nicole Johnson here on behalf of the Conservancy. And I think just to provide a little bit of context, I was not working specifically on the MOU at the time that it was being crafted and signed, but I was with the Conservancy, and so I do have a little bit of that historical knowledge, and I think it might provide good context for you. So if you would allow me to give just a very brief background on that.

As has been mentioned, the airport actually predates the Deltona settlement. It was Deltona's airport. And 1982, when everybody signed off on the Deltona settlement, it was essentially outside the boundaries of the settlement. It was there, and it was going to remain there.

It had a footprint that would allow for the runway which was in place, and then it anticipated some sort of taxiway being a part of the airport at some point in the future.

In the late 1990s, it came to the Conservancy's attention that the location of where that parallel taxiway could have been -- and I'll just put this visual up. The location of the parallel taxiway per what was agreed to in the Deltona settlement -- you have the runway here, this is north, this is south -- and it was going to go in this location.

And as you can maybe see, there are a lot of wetlands there. You have some deeper pockets of water. And this area was also crocodile nesting habitat. So there was a lot of concern about that parallel taxiway going in this area. And it could have gone there. There were interlocal agreements, so we all knew this could happen.

And so the Conservancy and others worked with the airport authority to say, you know what, if we could maybe move that taxiway over to the other side, you'd avoid the really highly sensitive wetlands and you'd avoid the crocodile nesting habitat. So we understand this would require impacting some of the Deltona settlement wetlands, but we think it's a better alternative.

Another concern that the Conservancy was having at that time was the proposed vegetation trimming plan at the ends of the runways, and we were concerned that too many mangroves were going to be cut too low to the ground. So there was a lot of discussion about FAA rules, safety issues, and how much really needed to be trimmed, and so that was another issue that we were working with the airport authority on at that time.

And this is a 2011 aerial that shows -- and I don't know if this picks it up or not, but you can see that there's



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an area of what looks like a lot of vegetation trimming, and this was what we wanted to talk to the airport authority about.

So these were a couple items that really began the discussions on that MOU. And by the time that the MOU was signed by Collier County -- the Conservancy had turned our information in in 1990/2000. And by the time that the Collier County Commission signed the MOU in 2001, everyone had agreed, yes, the taxiway could and should be moved, and as part of that, we would take a look at the vegetation management program for those areas at the ends of the runway so that we could find something that would meet FAA requirements, safety requirements, but that would also protect to the maximum extent possible those mangroves.

So that was one of the conditions in the MOU is that the airport authority would work with Audubon Society to find a mutually agreeable vegetation management program.

Another of the conditions was that the mitigation portions of the permits, when they were being submitted to the agencies, would be submitted to the other signatories, and we could comment on those.

And the third thing was to have the conservation easement in place, and that conservation easement was intended to cover this area here, where the taxiway was originally proposed, and we wanted that mainly to provide assurance that there wouldn't be another runway or another parallel taxiway. So we had those requirements in place and part of the MOU.

And what happens so often is that an MOU is signed and then filed away, and by the time that things start rolling, you have turnover in staffs, and so it just didn't happen. And, you know, I don't think there's any blame to be assigned on this. We just want to get this done.

So it has been unearthed, and these issues have been brought up. And I've talked with Bob and Chris, and we're going to be moving forward, hopefully -- well, absolutely with a meeting before this goes to the BCC, and we hope in the very near future to have these issues resolved.

But we're comfortable with the commitments made by the airport authority that this will be resolved, and I thought it would be good for -- to give you that history of how we got to where we are.

Are there any questions?

CHAIRMAN STRAIN: Okay. I've got one Nicole, one of the EAC rentals, No. 2 upon development of a draft vegetation management program, the necessary parties are to begin operating under the auspices of the proposed program. Why is that being insisted upon on a draft? Only because drafts are risky. If they have to go through further approvals, we wouldn't require that, or wouldn't expect that of the private sector. So why are we demanding it of the public sector?

MS. JOHNSON: I'm not sure. That wasn't a suggestion that the Conservancy made. I'm not sure that legally the airport authority could do that because it has to be approved by FAA and FDOT. So I'm not sure they could implement a draft program that was not approved by those other agencies.

CHAIRMAN STRAIN: Okay. I appreciate that. Thank you. I didn't know who -- so that will be a correction we make in whatever stipulations go forward.

Okay, thank you.

MS. JOHNSON: Thank you.

CHAIRMAN STRAIN: Anybody else in the public wishing to speak on this item? Brad.

MR. CORNELL: Good morning. I'm Brad Cornell, and I'm here on behalf of National Audubon Society and Florida Audubon Society, the two of the other Deltona settlement signatories, and I do appreciate Nicole sharing the background and history of this. It's hard to keep track as the years go by. And I was not participating in the MOU. Although I was here, and I was a volunteer with Audubon then, that escaped my -- the detail of my scrutiny. So Nicole's history is really important.

It's also really important to facilitate communication, permitting, and discussion of any land-use changes or impacts that are going to affect Deltona settlement preserves. Audubon did not receive any notice about this other than the public notices, which I didn't realize had so much significance relative to undone commitments from the MOU.

So in the future -- this is not my idea -- I think it's a good one, though -- it would make a great deal of sense if Collier County adopted a Deltona settlement overlay to alert staff and the public that these sorts of issues are going to be relevant to whatever your discussion is, because this happens with City of Marco Island, it happens with Collier County and, you know, we shouldn't be relying on Nicole or folks from the past, like Charles Lee, who's, you know,



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probably going to retire sometime, and then we'll have lost the institutional memory of what all this stuff meant and who's going to be tracking it. So that would be an important suggestion.

And I'll just note that I'm looking forward to sitting down and meeting with staff and other signatories, the Conservancy to resolve the stipulations that the EAC has proposed. Thanks.

CHAIRMAN STRAIN: Thank you.

Ray, as a follow-up to the comment that Brad just made concerning the Deltona settlement and as an overlay, could you look into, between now and the next meeting, and find out if the settlement agreement is referenced in the zoning atlas as one of the sub-numbers. Do you know what I mean? When you have a ConST and then up at the top there's a little red number that tells you to look for something down below.

Because if it isn't, that would all -- that's all that would probably need to be done to make sure everybody's aware of the additional documents that are really pertinent to this area, if that's possible to do.

MR. BELLOWS: Yes. We have actually discussed this with staff maybe six months ago, and we have other settlement agreements. And we worked this out with the County Attorney's Office, because there are other settlement agreements that could apply. So we've updated our applications to note when you're dealing with a project in a certain location and there's a settlement agreement involved; however, it's not shown on the zoning map, and I think that is a great idea that we should maybe reference that, and I believe we had some preliminary discussions with our graphics folks to do that.

CHAIRMAN STRAIN: Could you, at some point, confer with the County Attorney's Office to make sure, first of all, it's legal to do that, and that if it's possible to do it and how it could get expedited if staff agrees it's something that should be done. I think any clarity like that helps avoid mistakes.

MR. BELLOWS: Definitely.

CHAIRMAN STRAIN: So thank you.

Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Are there any members of the public that further wish to speak? I think everybody's done.

Is there any other presentation?

(No response.)

CHAIRMAN STRAIN: We're covered. The only question I have -- and I've been through the documentation -- on Page 3 of the staff report, I'd like to request that the second and third sentence be dropped from A, Future Land Use Element, and that you begin the fourth sentence, drop the word "also" and use a capital A. The reason for that is -- and both of them pertain to zoning matters that are not part, really, of this ST application.

So I'd rather not muck waters up with that if staff doesn't have any objection. It would be from the word "allowable uses" down to the word "also."

MR. BELLOWS: Staff does not object to that change.

CHAIRMAN STRAIN: Okay. I just think that cleans it up.

Any other comments, suggestions by anybody?

(No response.)

CHAIRMAN STRAIN: If not, we'll close the public hearing and entertain a motion, or discussion and then a motion, if need be. Either way. Does anybody have any discussion?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion?

COMMISSIONER SCHIFFER: I'll make one.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: I move we forward ST-PL-2012-900, the Marco Island Executive Airport Special Treatment, with a recommendation of approval.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER EBERT: I'll second.

COMMISSIONER SCHIFFER: Including the EAC's stipulation, sorry.

CHAIRMAN STRAIN: Okay. Including the EAC stipulations with the exception of No. 2?

COMMISSIONER SCHIFFER: Yes.



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CHAIRMAN STRAIN: And, Diane, do you accept that?
COMMISSIONER EBERT: I accept that.
CHAIRMAN STRAIN: Okay. Motion's made and seconded.
Discussion? Just from my comment, I am certainly going to support the ST application. I'm glad it's finally come through and it's cleaned up. I do not support the references to the zoning that I've asked to have eliminated from the executive summary. Staff's going to do that. So with that, I have no further problem.
All those in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 9-0.
Thank you.
Before I move on to the next item, which will be the old business, our Land Development Code amendments, we'll take a break until, oh, 10:40 -- no, 10:35 -- 10:35. I was adding wrong, 10:35. Let's get back at 10:35, okay.
(A brief recess was had.)
CHAIRMAN STRAIN: Okay. Welcome back from break. We're going to switch gears here, and we're going to go from advertised public hearings into the continuation of the LDC amendments that we started several meetings ago, and basically they're going to be heard at the end of every regular meeting until they're done.
To accommodate the applicant of the Jaffe boat dock variance and extension, that still has not been heard yet today. We're going to hear that after 12 o'clock, if this takes that long. If not, we'll hear it directly after the remaining business that we have.
Okay. Caroline, it's all yours.
MS. CILEK: Great. Caroline Cilek, for the record, and we are here to first review a tabled amendment that was first looked at on February -- or excuse me -- April 13th, and that is 3.05.02(G) 1 through 7, and a new draft was provided to you with corrections and comments from our first review.
And Steve Lenberger will be presenting that amendment.
CHAIRMAN STRAIN: Good morning, Steve.
MR. LENBERGER: Good morning. For the record, Stephen Lenberger, Land Development Services Department.
This amendment here, which I'll call the clearing and filling amendment, we brought to you last time, and you had asked that I take a look at stockpiles, which are addressed on Page 7 of the amendment. If you'll turn to Page 7. And you asked to take a look at stockpiles as far as different types of ways of stabilizing it and also to look at stockpiles in more rural areas and really thinking about whether we need to require stabilization for these more remote-type stockpiles.
So what I did is I spoke with Jack McKenna, the county engineer. And after I spoke to Jack, I drafted some language. I believe it's highlighted in your text. And I sent it to stakeholders, and I copied you-all on that, so you can see I coordinated with them. And, basically, what I have here is what's proposed.
If you have any questions, I'll be more than glad to address them.
CHAIRMAN STRAIN: Okay. Are there questions? And we're on 3.05.02(G) 1 through 7 basically. Anybody have any questions with the new language or any language at all?
Steve, you may have a winner here. This is too easy.
COMMISSIONER EBERT: It mainly comes to light when we're working with a development.
CHAIRMAN STRAIN: Well, I like the addition of C. I think C was a very practical entry into the program.



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So -- okay. Then if there's no other -- if there's no questions or concerns, is there a motion?

COMMISSIONER SCHIFFER: I move we forward with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER VONIER: Second.

CHAIRMAN STRAIN: Motion made by Brad, seconded by Bill.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: (Absent.)

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries, and let the record note Melissa Ahern's not here at the moment, so it will be 8-0.

Next item.

MS. CILEK: Excellent. The next LDC amendment to review was also tabled and brought back with changes, and that is 4.05.02, design standards, and 4.05.04, parking space reqs.

And you'll see that I have done two things. Highlighted in yellow are the changes that were made following the review on the 13th, and then there's also some questions regarding where 4.05.04(D) was being relocated within the proposed Section B, and I just highlighted that in red for you to see. And I know Brad had some comments on reorganization, so if that looks okay to you --

COMMISSIONER SCHIFFER: Not quite. I think when you look at it, number one is, obviously, our standard, and I would take the driveways thing out. But let me do one other thing. First is "a" should probably be what you have as "i," because all of a sudden you start talking about grass, compacted spaces, and then the "i" is actually telling you that you can use grass parking in lieu of the above.

So I would make "i" be "a," and your "a" there be "i," if you want. And I do think that the driveways should be under the grass parking because, obviously, they'll be paved if they're above. Unless your thought is that if somebody had a driveway or had a crushed stone, that you would have the driveway itself always paved.

MS. CILEK: Yes, we did want to keep that driveways and handicap spaces shall be paved for all parking lots in the overarching umbrella component.

COMMISSIONER SCHIFFER: Okay. Then maybe put it in both places, because you're going to treat grass parking as an exception to the one above, so just make sure that your intention there is always to have the driveway and the thing paved.

MS. CILEK: Okay.

COMMISSIONER SCHIFFER: And that's it. So I'd kind of like -- just kind of reshuffle it again.

MS. CILEK: Yep. We'll scoot up little "a," 1A up to 1, and then just push everything up one.

CHAIRMAN STRAIN: You're actually just going to switch little "a" and "i."

COMMISSIONER VONIER: "a" and "i."

MS. CILEK: Okay.

CHAIRMAN STRAIN: I think that works. Anybody have any problem with it?

(No response.)

CHAIRMAN STRAIN: Any other comments?

(No response.)

CHAIRMAN STRAIN: I know this is existing language, but I've just got to ask the question now because



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we have an opportunity to maybe fix it if it needs to be. What is a durable grass cover? I mean --

MS. CILEK: Very good question.

CHAIRMAN STRAIN: Right. And if -- what's durable to you may not be durable to somebody else. So how do we know if they're putting down a durable grass cover?

MS. CILEK: I'm going to leave that to an expert, and we have Alison here from the engineering department. And if she'd like to speak on that, she's welcome to.

CHAIRMAN STRAIN: As she's trying to slide down in her seat so -- oh, no.

MS. BRADFORD: Alison Bradford. Well, transportation planning, but I'm actually covering for Jack McKenna right now.

Actually with the durable cover, it's something that can basically handle with -- I guess with the language and all was basically to be able to accept with the cars driving over top of it not, you know, with the dust covering and the grass.

CHAIRMAN STRAIN: Well, this is durable grass cover.

MS. BRADFORD: Okay.

CHAIRMAN STRAIN: That's defining grass.

MS. BRADFORD: Yeah.

CHAIRMAN STRAIN: So which grass is durable?

MS. BRADFORD: Well, basically, like, not dead grass. I mean, because when you have a lot of traffic over top of it, the grass is, basically, going to be dead and not, basically, support, you know, for the cover.

CHAIRMAN STRAIN: Okay. Boy, are you on the spot today, huh? I'm just concerned that if someone reads this and they're saying that they've got to have a durable grass cover, why don't we just say with a grass cover that must be maintained in a living condition --

MS. CILEK: A maintained grass cover.

CHAIRMAN STRAIN: -- or something like that, then you know what it means. Is that --

MS. BRADFORD: Yeah, I think that's the basic intent. It's just something to say that it's holding up, it's not dead grass that it, you know, can't become dusty. Yeah.

COMMISSIONER EBERT: Maintained?

CHAIRMAN STRAIN: That must be maintained in a livable condition or some language that, Caroline, you can feel is appropriate.

MS. CILEK: Sure, use "maintain."

CHAIRMAN STRAIN: But that defines what we're trying to say "durable" is when you drop the word "durable," because I'm not sure what that means. I mean, Astro Turf is durable grass cover, so --

MS. BRADFORD: Yeah, I mean --

COMMISSIONER EBERT: Tart (sic) and turf.

MS. CILEK: All right. We will work to craft some language regarding "maintained."

CHAIRMAN STRAIN: Thank you.

COMMISSIONER SCHIFFER: Mark, on that point, I think the importance of the word there is that if it is ruts and mud, that that grass isn't durable. So there are some grasses that will stand up, some that won't.

MS. CILEK: That's true.

COMMISSIONER SCHIFFER: So I think the purpose of it is more for enforcement than it is design.

CHAIRMAN STRAIN: Right. I think to fix it would be a good thing. Even though it's not changed language, why don't we just fix it while we've got it up here to deal with.

MS. BRADFORD: Maybe like properly maintained? I mean, it's, you know, in between. That's just --

COMMISSIONER SCHIFFER: I like the word "durable" so it's not a bunch of ruts like some grass. So maybe durable and maintained.

MS. CILEK: I think that would work.

COMMISSIONER SCHIFFER: And if it's failing, you have those words to rely on.

CHAIRMAN STRAIN: Yeah. But, I mean, what if you put Floratam out there. Is that durable?

COMMISSIONER SCHIFFER: I don't know what that is, but --

CHAIRMAN STRAIN: Oh, okay. I mean, there's all -- that's just a form of grass. It's what most of the yards are.



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COMMISSIONER SCHIFFER: Right. And you'll learn that some grasses won't work and some grasses will. Some grasses need, you know, stabilizers within them; some don't.

MS. BRADFORD: Yeah. And I think it's going to be all kind of dependent in the use and, you know, how often it is being used, basically.

COMMISSIONER SCHIFFER: Right, right.

CHAIRMAN STRAIN: Caroline, if you work something into this to get the intent of the word "durable," that would be very helpful.

MS. CILEK: You bet.

CHAIRMAN STRAIN: Okay. So we're going to have to bring that one back at some point for further discussion. Thank you. Appreciate -- you can sit up straight in your seat now.

Number 3 is definition of usable open space, and it's 1.08.02. Is that the next one, I assume? I'm going in order.

MS. CILEK: Yep. And the new language is on Page 3. And following conversations with Heidi, we modified it a bit from your original version, just the three definitions, and we adjusted the numbering and language on Page 4 as well.

CHAIRMAN STRAIN: Anybody have any questions or concerns about the revision --

MS. CILEK: I'll give a little history, if needed, too.

COMMISSIONER SCHIFFER: I have one question, and that's the elimination of some of these things. Why are we crossing out beach frontage not being allowed?

MS. CILEK: That's a good question. What we did with the open space usable definition was to do a hybrid of an existing usable open space definition in the rural fringe and modified it a little bit for clarity. So we wanted to use a definition that was consistent with the GMP, and that's where we found it. And then we sort of made it a little bit more clear. We removed some language that didn't make sense regarding public streets.

COMMISSIONER SCHIFFER: Well, I mean, if you're modeling the public fringe, I can see why beachfront disappeared, but why can't we keep that in there? What's wrong with people counting their beachfront property as part of their open space?

MS. CILEK: We really haven't -- we just worked with this definition. I haven't really thought about the removal of certain aspects of it, of certain parts of it. The floodplains is also being removed.

COMMISSIONER SCHIFFER: A residential development with a 60 percent requirement, you know, that would take a big -- I mean, take Moraya Bay, you would kill Moraya Bay because that's beach frontage. I mean, most of that back of that building is beach frontage.

MS. CILEK: Yeah. I can't speak to individual PUDs, but I know this amendment is trying to include the required yard setbacks as -- counted as open space, which the current LDC definition does not do.

COMMISSIONER SCHIFFER: I think what this word would do is that when I'm trying to get 60 percent open space, this is the open space I'd be trying to get. Is that right, or would I be --

MS. CILEK: Yep. The definition outlines what can be included as usable open space. If your recommendation is to include beach frontage, that's just fine.

CHAIRMAN STRAIN: But isn't it already included by the fact it's part of usable open space? You're saying it's being excluded from here forward.

COMMISSIONER SCHIFFER: Well, she's striking it out.

MS. CILEK: In this definition, yes.

COMMISSIONER SCHIFFER: And I don't know why -- I mean, I don't know why a lagoon, a floodplain -- I mean, we don't have a lot of floodplains, but why would that be taken out? That's pretty common --

MS. CILEK: Well, I think you make a really valid point of that. You know, we did want to work with a definition that already existed within the GMP, but that was particular to the rural fringe which doesn't have some of these elements.

So if you want to make the recommendation to include the beachfront and lagoons and floodplains, that's just fine, because this is the whole county we're looking at. So it's actually good insight.

COMMISSIONER SCHIFFER: Tennis courts. I mean, why can't that amenity -- I mean, it's -- I would not exclude anything that's in there, and I think adding a lake makes sense.

MS. CILEK: Okay. That's just fine.



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COMMISSIONER SCHIFFER: I think the only thing I like -- anyway, the exclusionary part of it, I don't like any of -- you taking anything out and feel free to add, you know.

MS. CILEK: You make a valid point in the fact that this was looking at an area that doesn't have coastal area. So in most of -- and lots of the county does have a coastal area, and you would include that.

CHAIRMAN STRAIN: Well, and instead of changing the definition to exclude what was there before so that we include yards, why don't you just keep what was there before and add yards?

MS. CILEK: And that's what I think the recommendation should be, yeah, I agree.

CHAIRMAN STRAIN: I think that kind of gets to where Brad's trying to go. Does it, Brad?

COMMISSIONER SCHIFFER: Yes, it does.

MS. CILEK: Yes, I think so.

CHAIRMAN STRAIN: Okay. That will be another rewrite?

MS. CILEK: Sure. Anything else regarding the other provisions?

CHAIRMAN STRAIN: Anybody have any other issues on 1.08.02?

COMMISSIONER SCHIFFER: Hold on. Where -- why are you crossing out G1 entirely?

MS. CILEK: I'm sorry. I can't hear you.

COMMISSIONER SCHIFFER: G1, why is it being crossed out?

MS. CILEK: Because in the header we describe that having definitions within the LDC and other locations isn't the best way to guide people to using the correct definition. So what we want to do is just have one place for the defined usable open space as well as the other types of open space and leave just the regulation in G, which is guiding the site design standards. So G1 is removed so that people use the definition in the definitions section.

COMMISSIONER SCHIFFER: Okay.

MS. CILEK: And not to have different definitions all throughout the code.

COMMISSIONER SCHIFFER: And it's essentially covered in the prior paragraph that we talked about?

MS. CILEK: (Nods head.)

COMMISSIONER SCHIFFER: Okay.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, thank you.

MS. CILEK: Great.

CHAIRMAN STRAIN: We'll move on to the next one. That's 3.05.07(H)(1)(E).

MS. CILEK: Yes. Preservation standards, and that one will be presented by Steve Lenberger as well.

MR. LENBERGER: For the record, Steve Lenberger, development services.

There's two amendments here that were -- came about with the recommendations from the Collier Building Industry Association, CBIA. The county manager had approached CBIA and asked them if they wanted to propose LDC amendments to make the LDC more efficient, you know, streamline the development process, and allow for flexibility without sacrificing quality of development.

And CBIA organized professionals from different disciplines to propose amendments. And amendments were posed, worked through staff, and some staff agreed upon and others were dropped. But the ones staff agreed upon have now been staff sponsored, so we are in agreement with the amendments that are going forward by CBIA.

The first one would be the archaeologic amendment. This amendment is to allow historical and archaeological sites that count towards the minimum native vegetation and retention requirement for the county. There, I guess, have been different interpretations of whether it should be allowed in the future -- I mean, should be allowed by past management, so I know it has, in my time here with the county, been counted towards minimum preservation requirements, and I know some past management have not allowed it.

But it's interesting, as we researched this we noticed the conservation and coastal management element, and Fred Reischl was very helpful in doing research on this initially. In Policy 11.1.2, Subsection E, it says, conservation of such historic archaeological sites shall qualify for any open space requirements mandated by development regulations. So that would include preservation of native vegetation or retention of native vegetation.

So this amendment is to allow for that to count towards the retention of native vegetation. And in doing so we had to address whether these sites were previously cleared, partially cleared, or were excavated for one reason or



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another to take a look scientifically at the archaeological artifacts that may be contained within.

So what I did is I added criteria under the creative preserve section of the Land Development Code. And on Page 3 of the amendment, I added that archaeological historical sites, where such sites are authorized by the BCC as part of a PUD rezone, are by subsequent development order approved by the Collier County Historical Archaeological Preservation Board to be planted with native vegetation in accordance with the criteria herein.

And this is under criteria which creative preserves would be allowed. And if you turn to Page 5, what we did is we added similar language indicating that these areas could be revegetated with native vegetation similar to or compatible with the vegetation, the native vegetation, in the preserve or archaeological site, and the revegetation would be with one-gallon ground covers.

This is trying to acknowledge the sensitivity of these archaeological sites. You don't want to really disturb the soil. So ground covers would be appropriate in those instances.

MS. ASHTON-CICKO: I do have an issue with this one about the Historical Advisory Board delegation. You know, it could either be archaeological site, you know, identified by the state or it could be by the county, but I'm not sure about delegating that to HAPB.

CHAIRMAN STRAIN: So you're suggesting in that fourth line down where it says, "or by subsequent development order approved by the HAPB" be struck?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. Steve, do you have any concerns, since you wrote this?

MR. LENBERGER: No concerns.

MS. ASHTON-CICKO: And that occurs in two places, I believe.

COMMISSIONER KLEIN: Both -- wherever that occurs.

MR. LENBERGER: That's fine.

CHAIRMAN STRAIN: The end of that paragraph also has "or the HABP," so we'd strike that there as well.

MR. LENBERGER: Yeah, three places I see it.

CHAIRMAN STRAIN: That it would be, yeah.

Anybody else have any questions? Paul?

COMMISSIONER MIDNEY: Would that preclude grass when yo talk about native vegetation?

MR. LENBERGER: If it was counted -- if the archaeological site was used towards the minimum native vegetation retention requirement, it would exclude non-native grasses, yes, but it would allow native grasses, absolutely.

COMMISSIONER MIDNEY: Okay. And what do you mean by one-gallon containers? What kind of plants are you talking about?

MR. LENBERGER: Oh, ground covers, and ground covers are typically one-gallon container or smaller. They are liners depending on the nature of the type of restoration. The idea is not to disturb the soil too deep. One-gallon plant would be, perhaps, about six inches deep, and that's normally the soil level. You start getting below that, you would start doing more disturbance of archaeological sites. You don't want to do that.

COMMISSIONER MIDNEY: I was just unfamiliar about native versus non-native grasses. I --

MR. LENBERGER: There are a variety of native grasses so, yes, they would be allowed.

COMMISSIONER MIDNEY: Thank you.

MR. LENBERGER: You're welcome.

CHAIRMAN STRAIN: Anybody else? Steve, your -- on Page 5, your first sentence, I'm trying to understand how it would occur. Where it says, where sites are counted towards the minimum native vegetation retention requirement and where such sites have no native vegetation, that part I understand, but then it says, or are authorized to be cleared and excavated by the BCC as part of a PUD rezone.

So an applicant would come in with a PUD, he would have to show how much native vegetation he has and make up for whatever he doesn't have by replanting or any other means. Why would he ask to have it excavated then if he was going to use it for native vegetation?

MR. LENBERGER: That's a good point. Excavation -- what would initiate an excavation, I'm not sure. I did receive some correspondence and I had communicated with the state preservation board, and they don't get involved in determining whether a site's excavated or not, so I was kind of surprised at that. I know some sites are, and they are often done as part of permitting with the state, particularly if the site's going to be impacted by development.



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But I wanted to allow, for whatever reason in the future, perhaps a site might be desired to be excavated and allow for revegetation.

And maybe that wouldn't be determined at the PUD level by the BCC, but maybe modifying the language, now that I'm thinking about it a little bit more, to allow for excavations if for some reason it would be desirable to unearth some of the artifacts or take a look at them. But other than having the BCC approve that, I'm not sure quite what to do as far as your questions there.

CHAIRMAN STRAIN: Well, where the word -- after the bold "native vegetation," the second one, and it starts with the word or are authorized to be cleared and excavated by the BCC as part of a PUD. Why don't we just drop that? The whole thing would read better, and it would stop the confusion as to why they would allow you to excavate an archaeological site to begin with, especially if you now wanted to come in and replant it with native vegetation. You wouldn't do that after you got your zoning. You'd do it as part of the zoning process, and you'd have to recognize the archaeological site at that point, too. So what is the need for that last part of that sentence?

MR. LENBERGER: Okay. So you're --

CHAIRMAN STRAIN: See where it says, or are authorized to be cleared and excavated by the BCC as part of a rezone process?

MR. LENBERGER: Right.

CHAIRMAN STRAIN: Rezone, just drop that. And then continues -- then you've got your first three lines, and then it drops down to the -- whereafter the reference to the HAPB, then it says these sites shall be revegetated. Wouldn't that make it cleaner?

MR. LENBERGER: Well, I think you'd have to have, where there's no native veg -- third line -- well, it's Line 25, where such sites have no native vegetation or are authorized to be cleared and excavated, at least you'd have to acknowledge that they could be cleared and excavated in the future.

CHAIRMAN STRAIN: But how could they be if they're archaeological or historic sites?

MR. LENBERGER: Well, there could be – I know they are -- normally when a site is developed, and if that site's going to be impacted, they are excavated and looked at. But there are, perhaps, scientific studies maybe in the future where they might want to take a look at these sites. After all, you're preserving them. So we need to at least allow some flexibility for them to be looked at in the future and possibly excavated, so -- but the excavation, I had cleared -- authorized to be cleared and excavated by the BCC as part of a PUD rezone. And that's a good point. You would not necessarily know that right up front, but it could happen in the future, and --

CHAIRMAN STRAIN: Well, I mean, I guess it doesn't hurt. It just seemed -- it just makes it more confusing. But if you feel it's necessary, I'll go with your judgment. You've done a lot more of this than I have. So -- anybody else have any issues?

COMMISSIONER EBERT: Not on that particular one.

CHAIRMAN STRAIN: Okay. Well, then I think this is --

MS. ASHTON-CICKO: Can I just ask for a clarification on that one? So what Steve is saying, it would be where such sites have no native vegetation or the native vegetation is authorized to be -- so you'd probably have to insert a word, right?

MR. LENBERGER: Or are authorized to be cleared and excavated by the BCC as part of a PUD rezone or subsequent development order, maybe something like that where -- because you may -- might not necessarily force an applicant to do a PUD rezone, but maybe another type of authorization to the board.

So where such sites have no native vegetation or are authorized to be cleared and excavated by the BCC as part of a PUD rezone or subsequent development order, period.

CHAIRMAN STRAIN: Then you'd start on a couple lines down and capitalize the word "these"?

MS. ASHTON-CICKO: I would take out "or by subsequent development order," because I don't know what you're talking about, but I would also insert the words "the native vegetation is authorized to be cleared and excavated by the BCC as part of a rezone."

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: So it would read, where such sites have no native vegetation or the native vegetation is authorized to be cleared and excavated by the BCC as part of the PUD rezone.

MS. ASHTON-CICKO: Period.

CHAIRMAN STRAIN: Then either semicolon or whatever, then it would go on, these sites shall be



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revegetated with native vegetation, and then it goes on from there, right.

MS. ASHTON-CICKO: Yep.

CHAIRMAN STRAIN: Okay. Does that work, Steve?

MR. LENBERGER: That looks like it would work.

CHAIRMAN STRAIN: Does that work -- anybody on the commission got any concerns?

(No response.)

CHAIRMAN STRAIN: So basically we're making that change in the paragraph, we'll be dropping the last three words, "or the HAPB," since we dropped the reference earlier.

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: And on Page 3 we would drop the similar reference to the HAPB in the development order on that page as well. So on Page 3 it would be after the word "PUD rezone," or by subsequent development order be dropped along with all the references to the HAPB up until the word "to," is that what we're -- so we're all on the same page?

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: Okay. For those that -- the changes needed to this document, does anybody see a need for it to come back again?

(No response.)

CHAIRMAN STRAIN: I think staff's got the changes clear. They're not that -- they're not flexible. They're just pretty straightforward.

With those changes, is there a motion regarding this one, 3.05.07(H)(1)(E)?

COMMISSIONER HOMIAK: I'll make a motion to approve.

CHAIRMAN STRAIN: Made by Ms. Homiak, seconded by?

COMMISSIONER AHERN: I'll second it.

CHAIRMAN STRAIN: By Melissa.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Okay. Next one is a new draft of the preservation standards, exotic removal, 3.05.07(F)(4)(D).

MS. CILEK: Correct. And there was just one minor change in the labeling of this one, and it's highlighted in yellow in your new draft. And there will be several speakers on this one as well.

COMMISSIONER EBERT: Yes.

MS. CILEK: Okay. Thank you.

CHAIRMAN STRAIN: Anybody have any questions at this point before the speakers?

(No response.)

CHAIRMAN STRAIN: Steve, did you want to make any presentation or comment? Did this one come up last Wednesday?

MS. CILEK: No.

MR. LENBERGER: This is the -- no, the exotic vegetation, no.

CHAIRMAN STRAIN: Okay.



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MR. LENBERGER: Did you want to hear from public speakers first?

CHAIRMAN STRAIN: Sure. Those members of the public wishing to speak, you want to just come on up one at a time, either podium. Don't be shy. Well, most of you aren't. They're old hands at this.

MR. WOODRUFF: Good morning.

CHAIRMAN STRAIN: Good morning.

MR. WOODRUFF: For the record, Andy Woodruff here on -- just in support of staff's recommendation, on behalf of CBIA as well.

I'd like to address a couple parts of the Growth Management Plan that I believe are inconsistent with this section of the Land Development Code.

The first -- the first is the Future Land Use Element rural fringe mixed-use district, Page 75, Section C, sending lands, subpart F, any sending lands from which TDR credits have been severed may also be utilized for mitigation programs and associated mitigation activities and uses in conjunction with any county, state, or federal permitting.

I believe the LDC language directly conflicts with this language and that the land development rights of the property owners in the rural fringe, those rights have been stripped for their ability to mitigate consistent with state and federal policies.

CHAIRMAN STRAIN: And you're saying that because in their rural fringe area, the exotic removal is excluded from being used as mitigation credits where it is used as mitigation credits in other parts of the county?

MR. WOODRUFF: That's correct.

CHAIRMAN STRAIN: Okay. I just wanted to make it clear since I thought this was heard on the 25th, but if it wasn't, I need to make sure everybody knows what we're talking about, so --

COMMISSIONER EBERT: This was not heard on it.

CHAIRMAN STRAIN: No. For some reason, I thought --

MS. CILEK: For the record, this was not heard. This is the first time this is coming to the Planning Commission.

CHAIRMAN STRAIN: Right. I understand now. Okay.

MR. WOODRUFF: The second goal that I believe is inconsistent with the Land Development Code is Goal 65 of the Coast Conservation Management Element, and this is Part 6, mitigation required for direct impacts to wetlands in order to result in no net loss of wetland functions. And there's three basic mitigation requirements that need to be met before the county can require mitigation exceeding that of the jurisdictional agencies.

The first is no net loss of wetland functions, the second is no net loss of storage or conveyance volume resulting from direct impacts to wetlands, and the third is a placement of a conservation easement over land and a plan for initial exotic removal and exotic plant maintenance.

So if you can demonstrate compliance with those three parts of the code in Subpart 4 here hyphenated in yellow, if agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.

I believe this is where the Land Development Code exceeds that of the jurisdictional agencies regardless of Parts 1, 2, and 3 are being met by the property owner.

Additionally, on top of the fact that the rural fringe has been divided into sending, neutral, and receiving lands, additional density restrictions have been imposed on those landowners and preservation requirements have been imposed on those landowners.

There's also additional restrictions that are specific to the rural fringe that I'd like to point out. The first is a requirement to preserve wetlands occupied by listed species regardless if this exceeds the native vegetation preserve requirement.

The second is a requirement to preserve wetlands acting as a corridor for wildlife regardless, again, if this exceeds the native vegetation preserve requirement.

And the third is a requirement to preserve wetlands acting as flowways regardless if this exceeds the native vegetation preserve requirement.

So by adding all of these restrictions to rural fringe, designating these additional preserve restrictions, the county's all but mandated that mitigation for state and federal permits is going to be done on site through preservation and enhancement of wetlands, and by disallowing the use of exotic removal to count as mitigation on those lands, I



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think, puts rural fringe mixed-use landowners in a real bind.

CHAIRMAN STRAIN: Before you leave, do you know when -- was this rule put in place with the original rural fringe process when it was developed in around 2000 or so?

MR. WOODRUFF: 2004 they're telling me. I'm not that familiar with when this language was actually put in place.

CHAIRMAN STRAIN: Okay. Well, I'll wait for staff to talk about it then. Thank you.

Are there any other public speakers on this matter?

MR. LAYMAN: For the record, my name is Bruce Layman. I work as a senior ecologist with Stantec locally, and I'm here in support of staff's LDC amendment this morning.

What I'd like to do is run you through why I believe --

CHAIRMAN STRAIN: Bruce, you said you're in support of staff's LDC amendment?

MR. LAYMAN: Yes. I'm here to support their amendment, yes.

CHAIRMAN STRAIN: Okay.

MR. LAYMAN: What I'd like to do is run through why I believe the LDC as it's written is in direct conflict with the Growth Management Plan policies.

In short, Growth Management Plan Policy 6.2.5 requires that wetland impacts within the rural fringe be mitigated and that that mitigation result in no net loss of wetland function. This basically means that your mitigation function needs to be equal to or greater than the function of the wetland that's being impacted.

The GMP further identifies the need for you to use one of two functional -- wetland functional assessment methodologies in quantifying what those functions are. They go by the acronym UMAM and WRAP. Both of these analyses include exotic vegetation coverage as a scoring parameter in determining and quantifying what that functional value is.

In fact, three out of six of the parameters used in the WRAP analysis include exotic vegetation as part of the scoring mechanism, and two out of three of the parameters in the UMAM analysis also include exotic vegetation as part of the scoring mechanism in that methodology as well.

So in following the directive of the GMP that we need to quantify the loss of function that may come from a wetland impact and balance it with a gain in function resulting from mitigation, if exotic vegetation removal results in the gain in wetland function, which is obligatory based on going through the UMAM and WRAP methodologies, then it would represent mitigation, and this is where it directly conflicts with the LDC that says -- what does it say -- oh, I lost it. Dang it.

CHAIRMAN STRAIN: Those are called senior moments. I have quite a few.

MR. LAYMAN: Yes, I'm getting up there, sorry. Oh, exotic removal will not constitute mitigation. It's in direct conflict with that, because if you remove exotics from a mitigation area, it increases the gain and functional value, and it is, in fact, mitigation. So that -- because of that conflict, I'm fully supportive of the current LDC amendment as it's proposed.

COMMISSIONER KLEIN: Thank you.

MR. LAYMAN: And I'm happy to answer any questions if you have any.

CHAIRMAN STRAIN: Time frames -- I saw you trying to relay time frames. So you -- 2004, this was initiated with the initial rural fringe policies, or was it added and changed later on after the policies first came up to play?

MR. LAYMAN: It was adopted by the Board of County Commissioners in February of '04. So it had been going through the process up through the end of '03, and it was adopted in '04. I can't answer specifically whether the rural fringe amendments were adopted in '04. Maybe staff may know that directly, but --

CHAIRMAN STRAIN: And I intended to query staff about it as well, because I'm -- I like to know -- consistency is always an important factor in our code, and if we have something that's inconsistent, I would assume it was done with good reason, and I'm trying to understand the reason based on, especially, the things that you have said so far.

MR. LENBERGER: Stephen Lenberger, for the record.

The rural fringe amendments, according to the CCME section I have in front of me, the ordinance was approved in -- it was Ordinance No. 2002-32, which was adopted in June 19, 2002. But due to a challenge, it didn't go into effect until July 22, 2003.



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CHAIRMAN STRAIN: Was the initial language devised for the rural fringe inclusive of this exotic removal mitigation issue or not? Was it something that was changed later on after the initial rural fringe district was established?

MR. LENBERGER: I don't believe the -- for the exotic removal, not counting -- I do not believe it's in the -- no, it's not in the GMP. I know it's not. So it's in the Land Development Code.

CHAIRMAN STRAIN: Right. But was it -- okay. But did it come about as a change from the initial rural fringe codes? When we established rural fringe based on the governor's order and all that, there was initial codes established. Was this one that was changed later on or no?

MR. LENBERGER: You're talking initial code, what do you mean? You're talking --

CHAIRMAN STRAIN: When we established the rural fringe criteria in the LDC, the first time we did it.

MR. LENBERGER: After the GMP was adopted?

CHAIRMAN STRAIN: Right.

MR. LENBERGER: Was this a restriction put in right away, is that what you're saying?

CHAIRMAN STRAIN: Yes. I'm sorry I'm not articulating it well. That's what I'm trying to get at.

MR. LENBERGER: I don't know for sure.

MR. MULHERE: I think it was. I mean, I could --

CHAIRMAN STRAIN: So it was part of the process from day one, and that's why I'm trying to understand how it got there.

MR. LENBERGER: I wasn't involved with the rural fringe, but Bob --

CHAIRMAN STRAIN: But he probably was.

MR. LENBERGER: -- probably, who knows.

CHAIRMAN STRAIN: He's been around way too long.

MR. MULHERE: For the record, Bob Mulhere. I was going to speak anyway, but just to answer your question. And the process was pretty lengthy. We went through the GMP amendments, of course, first to adopt the rural fringe mixed-use district. After the county adopted the GMP amendments to establish the district -- and those were very, very detailed. If you've looked at those in the GMP, they're extremely specific. They're almost code language.

There was no language about prohibiting exotic removal for mitigation in the permitting process and contained in those GMP amendments.

The research that we've done collectively indicates that this occurred after the Planning Commission but before the board adoption of subsequent Land Development Code amendments that would then implement the GMP policies.

In most cases that was the exact same language, because the GMP language was so detailed that the LDC language mirrored the GMP language. But somewhere in the process this was introduced. We've looked at the actual minutes and found that it occurred somewhere after the Planning Commission, before the final BCC hearing.

I think Mr. Cornell, who probably will speak on this issue, raised the issue, and the board included this prohibition in the LDC amendments.

CHAIRMAN STRAIN: Okay. So the Planning Commission heard this back before any of our --

MR. MULHERE: 2004.

CHAIRMAN STRAIN: Okay. The Planning Commission heard this, and at the time we heard it, there was no Item D? It wasn't there.

MR. MULHERE: That's what our research indicates, yes.

CHAIRMAN STRAIN: So it leaves this board, it goes to the BCC, and during the BCC process, D gets added; that's kind of what you're saying?

MR. MULHERE: That's correct.

CHAIRMAN STRAIN: Okay. Well, I mean, I know we've got other speakers, but right away I'm concerned as to how that happened without this board being the designated LPA for Collier County.

MR. MULHERE: Well, I mean, I guess the BCC does make changes to your recommendations, so that could happen. There were actually four hearings.

CHAIRMAN STRAIN: This isn't a change to a recommendation. This is a new element --

MR. MULHERE: I know.



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CHAIRMAN STRAIN: -- that would have required stakeholder involvement, because it does have a rather grave impact on any property owners out there who are having to mitigate.

MR. MULHERE: Well -- and here's my concern representing property owners that have significant holdings in the rural fringe mixed-use district but also as part of the team that put that together, those property owners, particularly in sending lands, received a significant change in their allowable development rights. The density went from one per five to one per 40. Their preservation went to either 80 or 90 percent in sending lands. And we went through this whole process. And now, in addition, they're being treated differently in terms of the mitigation process than other landowners throughout the rest of the county. Having said that, the EAC had suggested when they discussed this matter most recently that perhaps there could be a limit in the amount of mitigation that you achieve through exotic removal, which really doesn't work very well; because every project is different, and exotics in every project is different, the percentage of exotics.

And also the EAC had suggested maybe we ought to be involved in the permitting process as a county, and maybe that's something that should be looked at. And that issue as a policy matter has come up at least 10 times since I've been working in the county, and the county has never supported creating a separate wetland permitting process when we already have several jurisdictional agencies involved in that process, including DEP, South Florida Water Management District, and the Corps of Engineers. It would be significant.

If that's something this county wants to consider, that should be done holistically through a very public process so that landowners can have an opportunity to weigh in on that as well as environmental groups and other stakeholders.

My position is that this -- I support staff's position. There's really no business having a prohibition on using exotic vegetation as part of the mitigation when it's part and parcel of the UMAM process.

I did speak a little bit with Tim Hall before the meeting. I don't know if he's registered, but I think he does want to speak on this. The reason I had Tim -- I asked Tim and Bruce, and -- these folks actually work in the permitting process all the time. I don't do that. I don't know the nuances of it. I'm not involved directly in that wetland permitting process. They are, and they have suggested that there are significant unintended consequences that we don't want to experience associated with this. That's why staff supports it.

So I would suggest it be removed or that you at least make that recommendation. If this wants to be looked at holistically, moving down the road we look at differently how we want to treat the process of permitting and having greater restrictions -- we already have some, and it relates to wetland, you know, no net loss in wetlands. And by doing this, we make it harder to actually achieve that goal.

So, thank you.

CHAIRMAN STRAIN: Thank you, Bob.

Brad, did you want to speak?

MR. CORNELL: Yeah, thank you. I'm Brad Cornell, and I'm here on behalf of Collier County Audubon Society and Audubon of Florida, which owns Corkscrew Swamp Sanctuary.

This has been an issue of concern to me for many years, and not just me alone. The science staff at Corkscrew Swamp Sanctuary, most particularly Ed Carlson and Jason Lauritsen, have done a lot of research and a lot of analysis of wetland permitting and protection programs in the State of Florida and right here in Southwest Florida because it's near and dear to our hearts. It's the lifeblood of supporting the wood stork rookery at Corkscrew Swamp Sanctuary.

That research and analysis has shown that there's significant wetland losses due to exotics clearing through the permitting process. And what the issue is before us on this policy -- and I oppose the deletion of this Subparagraph D. The issue is, let's be honest about what no net loss of wetland functions really is. We have to be honest about how this permitting process works.

Exotics clearing cannot compensate for direct wetland destruction because clearing exotics is not the same -- does not provide a wetland with the same functions that the destroyed wetland now has lost.

Now, for example, wet prairies; these are a seasonal shallow wetland type. We have lost over 80 percent of the wet prairies in the core foraging area around Corkscrew Swamp Sanctuary. These are the areas that are absolutely vital to the survival and nesting success of endangered wood storks. We've lost over 80 percent of -- 82 percent to be exact.

And those wet prairies provide fish and forage for wood storks and wading birds early in the dry season.



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That's when nesting is initiated. That triggers nesting initiation in wood storks. That's the biological life history of wood storks. You lose those wet -- those wet prairies, and you lose that early nesting in the wood storks. And, in fact, you may lose nesting entirely. We haven't had any nesting in five of the last six years at Corkscrew Swamp Sanctuary, the biggest rookery in the entire range in the United States, and no nesting in five of the last six years. So this is a problem.

We have demonstrated through our research that we are losing currently, through the permitting process, short hydroperiods, short shallow seasonal wetlands in Southwest Florida.

And my example is to say that if you destroy a hundred acres of wet prairie, there is no amount of exotics clearing that's going to put fish -- those fish back in the forage pool for wood storks. Exotic clearing does help, but it does not replace those fish-growing functions that were lost.

The state allows exotics clearing to count as mitigation, that's true, but not if there are net losses to the types of wetlands destroyed. In other words, if you're destroying wet prairies and your mitigation plan doesn't replace those wet prairie functions, that's not legal. That's not permissible.

Audubon research and analysis has demonstrated that state wetland permitting frequently results in net losses to specific wetland functions; therefore, Collier County is very wise to move -- to more vigorously protect its own wetlands.

Why should we be deferring to state permitting when this is a very specific well-documented identified issue for our wetlands? This would not require an additional program or additional staffing and could be implemented using an Excel tracking tool that has been developed by Audubon science staff.

We're using it right now in analyzing permits that the South Florida Water Management and DEP are examining. We've done a study of 17 -- we've looked at hundreds of ERP permits since the UMAM program has started in 2004, and we have done a comprehensive study of the largest ones of those in Southwest Florida, 17 of them, that demonstrates this problem, and I can share that with you-all if you're interested, and I can share it -- I have shared it with staff.

I want to note also that in the Conservation and Coastal Management Element, Policy 6.1.4 already requires exotics removal on all development proposed properties. So this is already a requirement of county regulations. It doesn't count as mitigation in that policy.

Our conclusion is, again, that our research and analysis has demonstrated state permitting frequently results in significant losses to shallow seasonal wetlands, like wet prairies, due to the heavy reliance of most mitigation plans on exotics removal; therefore, Collier County needs this prohibition of exotics clearing as mitigation to achieve true no net loss of wetland functions. This is not in conflict with any other Collier County Growth Management Plan or LDC policy.

Thank you.

CHAIRMAN STRAIN: Paul? Brad, wait a minute.

COMMISSIONER MIDNEY: When we're talking about clearing the exotics, are we talking about exotics within wetlands or if it's a development that the upland part is where the exotics are? If you cleared the exotics from the upland, does that allow you to take some of the wetland away? I'm not clear what's involved.

MR. CORNELL: Under the basis of review for the South Florida Water Management District under their ERP, environmental resource permitting program, both enhancement or exotics clearing and upland preservation and exotics clearing from uplands count as mitigation; however, it does not authorize net losses in specific functions in the wetlands. So you still have -- the balance of the equation still has to come out at least even or favorable to the full suite of wetland functions that are being destroyed, but it does allow that.

COMMISSIONER MIDNEY: But if we approve this ordinance, or whatever it is, if you remove exotics from the uplands, does that give you permission to take an equivalent amount of wetlands?

MR. CORNELL: I don't read the law to allow that. The law does allow exotics clearing on uplands to count as mitigation for wetland destruction. We believe that should only be applied very sparingly.

If you look at wetland permitting plans in most permits, they heavily rely on exotics clearing on both uplands and wetlands.

COMMISSIONER MIDNEY: Because I wouldn't be opposed to letting exotics clearing count towards mitigation on uplands, but I wouldn't want that to allow them to take an equivalent amount of wetlands away.

MR. CORNELL: It's -- they don't do it in terms of acreage. So when you say "an equivalent amount," Paul,



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what we're really talking about, an equivalent amount of functional units. That's the way they calculate it. Not in acreage, but in functional units. And so it does allow them to destroy wetlands by preserving and taking off the exotics of uplands. It does. That's what they've been doing, and that's part of the problem that we've identified.

COMMISSIONER MIDNEY: But if they're removing exotics from the wetlands, that would improve the wetlands.

MR. CORNELL: It improves them, but it does not replace all the functions of an "entirely destroyed." If you fill in a wetland, like a wet prairie, taking off exotics from another wetland does help. That does replace some functions, but it does not replace the fish-growing functions or the natural water storage capacity of the wetland you lost.

COMMISSIONER MIDNEY: But if you remove exotics from a wetland, it's -- that would go back to being a better wetland, wouldn't it? It would still be --

MR. CORNELL: It gives you some lift.

COMMISSIONER MIDNEY: -- a wetland. It would be replaced with native vegetation, right?

MR. CORNELL: Yes, it would. So you get some value. There is some lift. But what I'm saying is that if you destroy, entirely destroy a wetland, not only the vegetation but the wetland itself, it no longer holds water and no longer recharges aquifers. It doesn't grow any fish anymore, and it doesn't have any native plants. You've lost that entirely.

Okay. Now you're going to go to an impacted wetland that already exists someplace else but it has, let's say, Melaleuca on it. Okay. You're going to take the Melaleuca out. Yes, that's a help, but that wetland already had water. It was already restoring -- I mean recharging aquifers, already growing fish. You haven't added those functions. Do you understand what I'm saying? You're not replacing all the functions of the destroyed wetland. You're only replacing some of them with the exotics clearing.

That's the myth. That's where we're losing functions in that no-net-loss requirement. That's how Audubon -- and it's a cumulative effect. This is happening on almost all permits.

COMMISSIONER MIDNEY: So if that's the case, how would you change the proposed LDC amendment request?

MR. CORNELL: I would not delete the policy. I would keep Policy D, don't delete it. That's my recommendation to you; leave it as it is. We've had it since 2004. It's an important policy. If you really want my opinion, I think we ought to apply it across the county in every district, not just in the rural fringe mixed-use district.

And that may -- maybe that should require a larger discussion amongst the EAC, the Development Services Advisory Committee, and the Planning Commission to bring forward such a plan. I think that would be in Collier County's interest.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Brad?

MR. CORNELL: Yeah.

CHAIRMAN STRAIN: Then you concur that this policy is not used anywhere else in Collier County except in the rural fringe?

MR. CORNELL: Actually, if you look at the LDC the way it's written, that policy applies countywide. That's a mistake, the way it's written. It should only apply to the rural fringe mixed-use district. And if you read policies that are countywide and apply to the rural fringe mixed-use district in the Growth Management Plan, under 6.2.5 you'll see that the no net loss justifies having the -- with the understanding of the research and analysis Audubon has done, justifies that prohibition of exotics clearing mitigation.

CHAIRMAN STRAIN: With your experience and knowledge of Collier County as of today, do you know of any other part of the county where this is enforced?

MR. CORNELL: It is not in any other part.

CHAIRMAN STRAIN: Okay. That answers my questions. RLSA. Is it enforced in the RLSA?

MR. CORNELL: It's enforced near the RLSA in a wetland strand that is on the south side of Immokalee. If you look at the aerials of Immokalee, you'll see a very significant wetland slough that goes into Lake Trafford. That's in the urban Immokalee area. That's technically not in the Rural Land Stewardship Area, but it is in that eastern part of the county, not in the rural fringe mixed-use district. That also enforces those same policies.



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CHAIRMAN STRAIN: So is this policy in use in the Rural Land Stewardship Area?
MR. CORNELL: Not in the Rural Land Stewardship Area; right next to it.
CHAIRMAN STRAIN: That was my question. So the answer is no?
MR. CORNELL: No, no, it isn't. I think it should be countywide.
CHAIRMAN STRAIN: Did you support the RLSA?
MR. CORNELL: Yes.
CHAIRMAN STRAIN: Okay. Do you know how this got inserted between the Planning Commission's hearing when this came up back in whatever year it was, 2003 or '4 --
MR. CORNELL: My recollection --
CHAIRMAN STRAIN: -- until the time it got to the BCC?
MR. CORNELL: My recollection is very foggy on that. I'd have to go read minutes. But I do recall this being a suggestion of mine. I've been talking about this issue for a long time.
CHAIRMAN STRAIN: And did you make this suggestion to the Planning Commission at that time?
MR. CORNELL: I don't recall. I may not have, but it is something that is part of the no-net-loss requirement that we have countywide. And as we have learned more through Audubon research -- and I will note that our research has been, up until 2011, I personally have learned much more about the problems we have with wetland permitting through the state's permitting program. So I'm even more convinced that we need this prohibition of exotics clearing as mitigation.
CHAIRMAN STRAIN: Thank you.
MR. CORNELL: Sure.
COMMISSIONER SCHIFFER: Mark, I have a question.
CHAIRMAN STRAIN: Go ahead, Brad.
COMMISSIONER SCHIFFER: Brad, just to make sure I understand, I mean, the exotics are going to be removed from the wetland anyway, correct?
MR. CORNELL: Right. The county requires that anyway.
COMMISSIONER SCHIFFER: So isn't the problem with this -- I mean, you don't want them to count that towards mitigation.
MR. CORNELL: That's correct.
COMMISSIONER SCHIFFER: But isn't the problem with this thing is -- could you put some conditions where it would matter? In other words, should we keep it in, add the word "unless," and they do something after unless that would --
MR. CORNELL: I can imagine a way to refine this policy. For instance, one refinement might be to allow exotics clearing to count only as compensation for secondary impacts. In other words, not direct destruction of wetlands --
COMMISSIONER SCHIFFER: Okay.
MR. CORNELL: -- but for, you know, hydrologic impacts off site. You know, you're draining a development site, and off site you're going to be lowering the water table, and that destroys or harms wetlands off site. So that might be a reasonable refinement.
But as it stands now, I think we don't have that option to refine it. That might be a further conversation.
COMMISSIONER SCHIFFER: Well -- I mean, because the sad thing is you're going to walk away from this damaged wetland. So the best thing to do is bring them back on with some reward to count that toward mitigation that would work. And maybe it is working in the uplands. Maybe it is -- I mean, something, I think, could be done to allow them to count it if they brought it back to a certain standard, or the thing you said -- and I don't know this area like you do -- that there are other things you could give them for that.
MR. CORNELL: It's -- I'm not denying that exotics clearing has value. What I'm pointing out is it doesn't have as much value as is being ascribed by the permitting agencies, and that is to our disadvantage. We're losing wetlands, and we've documented it. Our research has clearly documented big losses, cumulatively.
So I'm much more -- I'm cautioning you to err on the side of being conservative in this wetland arena and protect the wetlands better than the state does.
COMMISSIONER SCHIFFER: Okay.
MR. CORNELL: That's -- I think that's the bottom line.



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COMMISSIONER SCHIFFER: What I'm trying to do is find something in between, but it looks like --

MR. CORNELL: There is some in-between area. We'd have to sit down and work that out. And one area could be on secondary impacts, as mitigation on secondary impacts.

COMMISSIONER SCHIFFER: Thank you, Brad.

MR. CORNELL: Sure.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you.

MR. CORNELL: Sure.

CHAIRMAN STRAIN: Next speaker, please.

MR. HALL: For the record, Tim Hall with Turrell Hall & Associates. And I apologize, I wasn't anticipating speaking on this, but after hearing the comments and talking to Bob, I thought I would.

I've had a little bit of controversy related to this particular LDC amendment with staff for about six or seven years, and the reason is, my opinion, it's contrary actually to the state statutes.

And if you'll permit me to read one of them, Florida Statute 373.414, Paragraph 18. And it says, the department in each water management district responsible for implementation of the environmental resource permitting program shall develop a uniform mitigation assessment method for wetlands and other surface waters.

The rules shall provide an exclusive and consistent process for determining the amount of mitigation required to offset impacts to wetlands and other surface waters and, once affected -- effective shall supersede all rules, ordinances, and variance procedures from ordinances that determine the amount of mitigation needed to offset such impacts.

Once the department adopts the uniform mitigation assessment method by rule, the methods shall be binding on the department, the water management districts, local governments and any other governmental agencies and shall be the sole means to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits.

It goes on a little bit after that, but the gist of it is, from my standpoint, when the state adopted UMAM, that became the sole means to assess mitigation. So by the county putting that language into their code, they basically superseded that state statute, and I don't believe they're allowed to do so.

CHAIRMAN STRAIN: Has that position been expanded into some kind of challenge to the local ordinances to a point where we have some case law that might refer to it?

MR. HALL: Not that I'm aware of.

CHAIRMAN STRAIN: Okay. Heidi, are you familiar with those sections of statutes he's reading from as how they may apply?

MS. ASHTON-CICKO: No, not that particular statute. I mean, he's just read a paragraph, so I'd have to go read the whole statute and section that it pertains to.

CHAIRMAN STRAIN: By the next time this comes back to us -- because I don't believe it's going to be resolved today -- would you be able to get familiar with it?

MS. ASHTON-CICKO: Sure.

CHAIRMAN STRAIN: Okay. Thank you.

Thank you, Tim.

Anybody else? Jeremy.

MR. FRANTZ: Hi. For the record, Jeremy Frantz on behalf of the Conservancy of Southwest Florida.

And Brad touched on a couple of the things that I wanted to speak to you about, in particular the applicability of this -- these wetland protection measures to other parts of the county.

It does apply or it is intended to apply to the Lake Trafford Camp/Keais Strand area. And if you go back to the GMP policies for that -- for that system, it is clearly stated that the wetland systems, which -- that those are wetland systems which require greater protection measures.

So I think that while these provisions are different than other areas of the county, we have identified these areas as requiring more protective measures.

Additionally, the -- there's been another concern throughout the process about the cost to developers. And I just wanted to, you know, bring up the issue of the cost to the public also.



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Yesterday Jerry Kurtz made presentations to -- or a presentation to the EAC about stormwater improvement projects. The top four priorities of those projects that came out of the Water Management Plan are all in or around or affecting the rural fringe mixed-use district in the North Belle Meade area.

These projects are extremely expensive, millions of dollars, and they're going to be -- those costs are going to be borne by the public over many, many years. I think if there's any place in the county that deserves greater protection, these are the areas that we need to be looking at.

Additionally, in Objective 6.2 of the GMP, it states that the county's wetland protection policies and strategies shall be coordinated with the Watershed Management Plan, and based on the fact that the rural fringe is one of the areas identified based on those projects and some of the research that came out of that plan, we've identified that removing these greater protection measures, I believe, would be out of line with the Watershed Management Plan.

I think that about covers everything. I think that Brad touched on some of those issues. So just to be clear, we obviously do not support removing the policy. Thank you.

CHAIRMAN STRAIN: Thank you.

Are there any other speakers on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Steve, could you come up and address a few concerns that have come out about the -- from the discussion.

This is limited to the rural fringe. I think we've -- and you agree with that?

MR. LENBERGER: Yes, it is limited to the fringe.

CHAIRMAN STRAIN: Okay. I heard Brad indicate that he felt it was more broadly applied or could -- should be -- is written in a manner that it was more broadly applied to Collier County; do you agree with that?

MR. LENBERGER: Let me back up a minute. There is an error in the LDC on the way the lettering and numbering is.

The language pertains in the GMP to the rural fringe mixed-use district. It's very specific, and most of that language is carried word for word in the LDC, but there is a misnumbering, which --

COMMISSIONER KLEIN: Could you speak a little bit louder.

COMMISSIONER EBERT: Yeah, we can't hear you.

MR. LENBERGER: I'm sorry. Can you hear me now? I apologize. There is a misnumbering in the code. And I can show you, actually, because I --

CHAIRMAN STRAIN: Well, I -- what I --

MR. LENBERGER: So, anyway, the way the code reads, it would imply that it applies countywide, but --

CHAIRMAN STRAIN: The intention --

MR. LENBERGER: -- there is an error in the LDC that needs to be corrected.

CHAIRMAN STRAIN: Is that being corrected with this amendment?

MR. LENBERGER: No, it's not. I did not bring it up. It was brought to my attention, but I could add that to this amendment, if you'd like.

CHAIRMAN STRAIN: I think it would be wise, however this is going to get cleaned up, it get cleaned up comprehensively. So, yes, I think it would be a good thing to add.

Does this Item D that's being removed or that's being suggested to be removed, does its presence there have an impact on property owners?

MR. LENBERGER: Yes, it does.

CHAIRMAN STRAIN: In what way?

MR. LENBERGER: Well, it would be the cost of developing a property. It was brought out, but UMAM's scores in assessing wetland functionality and removal of exotics counts as a significant portion of mitigation.

And staff looked at this, and we would have to analyze UMAM scores with exotic removal counted as lift, as it was mentioned earlier, and also UMAM scores without lift and look at comparisons.

We haven't, as staff, worked out details on how that analysis will be done, but we would have to start with two sets of UMAM scores and require additional mitigation if exotic removal is counted during project permitting with the Water Management District.

CHAIRMAN STRAIN: Heidi, I think we've heard enough results that this has an impact on property owners which are stakeholders in regards to this particular LDC amendment.



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My concern is not right now about whether it should be in or out but how it got there in the first place.

The Planning Commission is a required element of the process for LDC amendments and the LDC language before it goes to the Board of County Commissioners, and I know the board can make changes. But is there anything that addresses the extend of the changes they can make before it should go back for rereview by the Planning Commission?

Because this particular item is unique, apparently, now to Collier County to this one area of property, and was added after the Planning Commission discussion. And I've heard no testimony to say it was even brought up to the Planning Commission. And at the time it was added, obviously, the stakeholders may not have had the opportunity to weigh in on it because it may not have been understood to be to the level of understanding it is today in regards to cost to a property owner.

Is there any criteria that you know of that requires those kind of changes when they're that substantial to come back to the Planning Commission for review?

MS. ASHTON-CICKO: I'm not aware of any county policies or any case law that directs the extent of the changes that can be made by the board.

CHAIRMAN STRAIN: Okay. Does staff have any knowledge as to how this came about to be? I mean, you heard some testimony today. Can you find -- do you have confirmation of that? Do you have any minutes of meeting that you've reviewed that show how this got introduced?

MR. LENBERGER: I don't. I wasn't involved with the process, and there was a lot of meetings for the LDC amendments and for the GMP. It would be quite an undertaking. I would have to look to staff that was here, and even then, you know, their recollection may not be the best on the history on -- Bill Lorenz may want to add to that.

CHAIRMAN STRAIN: Hi, Bill. It's been tossed to you. You're crawling down in your seat now.

MR. LORENZ: Unfortunately, like Bob, I was around at the time.

The general recollection is kind of the way Bob phrased it, and Brad as well. I kind of remember Brad making a presentation to the board, and then that's when it got into the -- into the code as a change at the board level. But that's my -- that's just a general recollection that I had.

COMMISSIONER EBERT: Can you get minutes?

CHAIRMAN STRAIN: Okay, thank you.

Anybody have any other questions on this particular one?

COMMISSIONER SCHIFFER: It's coming back, right?

CHAIRMAN STRAIN: Well, I think it needs to come back, but it needs to come back with some research on that Florida statute, which is 373.414(18). I'd like to -- confirmation, too, on whether or not a substantial change that impacts property owners to this level should have come back to the Planning Commission for review.

And I certainly would like to find out if staff can find any -- and I don't mean -- I know you said it could be an exhaustive review, I'm not asking you to do that. But if there's some way you can pinpoint how this actually happened -- because if this was just slipped in between the boards, I'm very uncomfortable leaving it in.

And I'm just telling you that straight up, because consistency is important in this county in our codes, and if there's not a good reason for this to be here, one that couldn't have been aired properly in the public, I'm very concerned then how it got here.

So I want to understand how it got here to the best we can. And for that reason, I would suggest it come back to us for further discussion. Is that in concurrence with everybody on this panel?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: And another thing I wouldn't mind seeing is keep in D but add the word "unless" after it, and then figure out what could happen that would cause you to still be able to constitute mitigation.

MR. LENBERGER: I'm sorry. I'm having a very difficult time hearing you.

COMMISSIONER SCHIFFER: What it is is keep in D, don't scratch it out, add the word "unless." In other words, what it's saying is you can't count it towards mitigation, and I'm getting to "unless," and see if you can think of something to do that would allow that to still count for mitigation.

MR. LENBERGER: You know --

CHAIRMAN STRAIN: And if you can't do it by the 17th, I think that's fine; we can just keep it moving until you get to it. But this one has a bigger impact than I think was led to believe at the time it was just added. And I



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think we need to understand those impacts, especially to the property owners, before we get too far.

MR. LENBERGER: Well, I could -- well, I could post Brad's question to stakeholders.

CHAIRMAN STRAIN: I think you should.

MR. LENBERGER: And I can report back about the comments I get. That would probably be the best way.

CHAIRMAN STRAIN: Absolutely. Okay. Okay.

MR. MULHERE: One thing.

CHAIRMAN STRAIN: Go ahead, Bob.

MR. MULHERE: Thank you. I appreciate that.

I just think with respect to that, that's kind of somewhat what the EAC suggested as well, at least certain members of the EAC. There's only five members there. That, in my view -- I mean, I don't think anyone objects if you want to propose a certain public policy thing that's going to apply countywide. Let's have the public-policy debate, let's invite the stakeholders and, as you suggested, Mr. Chairman, let's have a process.

But I don't know that you're going to get the kind of involvement that you want by just changing Paragraph D right now to say less -- unless the following exists. It really needs to be -- it's a significant issue, it really is, and it needs to be debated with all of the affected property owners and everybody else involved.

CHAIRMAN STRAIN: And there was nothing indicated by this board as a whole that we're buying off on that. Brad just asked the question. And as a board member, he has an absolute right to ask that question and see what kind of information he can get from staff, and that's all we're doing. It's a research exercise at this point.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: So -- and I think it's a very -- this one's a very troubling one more from an aspect from me as to how it got here and why is it inconsistent with the rest of our codes. And I certainly will be looking to that as part of the decision process as it comes back to us.

Steve, did you have anything else you wanted to add, or are we done with this one?

MR. LENBERGER: I think we're done.

CHAIRMAN STRAIN: Good. Let's move on to -- we're at No. 6, 5.05.08, architectural and site design standards.

MS. VALERA: Good morning. Carolina Valera, principal planner with the comprehensive section. I also do review for compliance with architectural standards of the Land Development Code.

In your packets you have two amendments, a couple of amendments to the architectural standards. And today I will also be presenting an amendment that was recommended by the Development Services Advisory Council, DSAC, and a suggestion from them as well for your consideration.

In your packets you have two amendments. One has to do with how building facades -- how building elevations look, and it's what they call the code -- the code calls primary facades requirements.

Buildings that front or are along a private or a public street are required to meet certain features for facades. And the code has five options, from which two needs to be selected in order to meet those primary facade requirements.

Now, the facades that do not front streets do not need to meet those requirements except if you are within a shopping center or unified development plan. Buildings that are within shopping centers or unified development plans, every facade, every elevation needs to meet primary facade requirements.

Now, the primary facade requirements that are in the code -- as I said, there are a set of options, and there are five. For shopping centers they have two additional ones. But the five options that most buildings have are features that you typically encounter on the front of a facade, a percentage of window, a covered entry with a percentage of window, a covered walkway, tower.

As I said, there's a series of features. A porte cochere is another option -- series of features that you typically encounter in the front of a building.

Now, buildings that are within shopping centers, as I said, are also required to meet two of these five requirements in every facade. And what we've found through the years is that those buildings have -- are having a hard time meeting primary facades requirements in every elevation of the building.

So the amendment is to allow buildings that are within shopping centers or unified development plans not to have to meet one of the facades, one of the elevations, not to have to meet the primary facade elevation. They still have to meet the rest of the requirements. And, you know, the architectural standards do not allow things like, you



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know, blank walls or -- you know, there's other features that the facades will have to meet, but the amendment, what -- the intent of the amendment is to exempt one of the elevations within a shopping center that does not front the exterior of the development to not have to meet the primary facade requirements, so that's one of the amendments.

And I can stop there and discuss it if you want, or I can go to the next one.

COMMISSIONER SCHIFFER: One at a time.

MS. VALERA: One at a time.

CHAIRMAN STRAIN: Yeah. Go ahead.

COMMISSIONER SCHIFFER: There was a group of architects that worked on the architectural standards.

MS. VALERA: Yes.

COMMISSIONER SCHIFFER: This was a topic that we discussed at length. And if you look at D, what we've done is we've added two additional primary facade requirements only available to outparcels.

MS. VALERA: That is correct.

COMMISSIONER SCHIFFER: And what they intend to do is to block and to prevent exactly what you want to allow, which is the back-of-building concept. So there have been some -- I mean, a great example is pay way, which is used as to put a courtyard. And if you read D, it makes sense, (D)(I), to totally block the utility side of the building, which a building in a shopping center is visible on all four sides. Some cases, all four sides are visible from streets in a corner shopping center.

So this is not a new topic. The thing that has to be done is you have the option of choosing additional options here for the ease of building the utility side of a building, a place to put your dumpsters, a place to put your power, all that stuff that's normally on the wall of the building.

So to invent something -- which this is the only place secondary facade would exist. To invent a concept of secondary facade is really inventing a concept of having a backup building, which is what you do not want in a shopping center in a free-standing building.

MS. VALERA: And I agree with you. There's two other options for those buildings that are within a shopping center, and you have them right there in your packet, is Roman Numeral I and II under D. And I tell you, the option of the courtyard, except for just that development that you've mentioned, it's never been used except for that one.

And what we have is that every other building, every other option -- every other development that we have approved uses, the Number II, Roman numeral, which is the trellis.

And so what we have now in the county is a lot of buildings within shopping centers with a lot of trellises with climbing plants, which is okay. I mean, it is definitely an option that is in the code, but I guess my concern is that it is the only option for buildings that are within a shopping center.

COMMISSIONER SCHIFFER: And, again, we all considered that, and nobody wanted -- what you're actually giving as your reason to consider a -- and you quote it, back of building. Nobody felt a back of building is something that should be built in the town and came up with ways to design around it that would not be difficult for someone building a building.

Essentially, their dumpsters are in containers anyways. In these areas -- and I've seen more than one. This does address it. And I would not want to drop the requirement and then start driving around the back of buildings and finding, you know, power systems exposed but, you know, the can wars (sic) for a restaurant, all that outside.

MS. VALERA: I don't believe the code will allow to have all those elements exposed, because the code still will require that, you know, equipment, et cetera, be concealed from view.

COMMISSIONER SCHIFFER: Well, you know, drive down Wiggins Pass, 41 and, you know, count the electrical disconnects in plain view.

MS. VALERA: And, I'm sorry, I cannot hear you well.

COMMISSIONER SCHIFFER: I said, if you go down on Wiggins Pass and 41, the building there, the disconnects are facing the Main Street, I mean.

MS. VALERA: Yes, yes. And I think the intent of this amendment is to allow one facade not to meet primary facade requirement, but that facade cannot be on the exterior of the building, meaning if that facade was facing Wiggins Pass or 41, it could not be a secondary facade. At least that was the intent of the amendment.

COMMISSIONER SCHIFFER: But it is visible from the parking and everything within the shopping center?



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MS. VALERA: Yes, it would be; it would be, yes.

COMMISSIONER SCHIFFER: I mean, I'm not a fan of this because I think that there are options in the code now that can cover the intent of making the, quote, backside of a building not very expensive.

MS. VALERA: As I said, I bring it for discussion because it's been very difficult for developers out there to meet the code. So, again, I'm just bringing it for discussion.

CHAIRMAN STRAIN: Okay. Anybody else?

Carolina, Brad had mentioned that there was an architectural committee that worked on these.

MS. VALERA: Yes, oh, yes.

CHAIRMAN STRAIN: Were they consulted with regard to these change?

MS. VALERA: No, they were not.

CHAIRMAN STRAIN: Then why don't you just take these to them and come back to us after that's done?

MS. VALERA: Okay.

CHAIRMAN STRAIN: That would be a smart move, since they were the original committee.

MS. VALERA: Yes.

CHAIRMAN STRAIN: And I would love to hear their input. What's fair is fair, and that would be the fair way to approach it.

MS. VALERA: All right.

COMMISSIONER SCHIFFER: And that is good, Mark. And it was a topic of conversation for a long time.

MS. VALERA: Yes, it was.

COMMISSIONER SCHIFFER: And these were methods so that it would not be a burden on developers.

MS. VALERA: Yes, it was.

COMMISSIONER SCHIFFER: So if they can't meet it, you know, you can tell us -- give us examples of why they couldn't meet it. Not now, at that meeting.

MS. VALERA: Okay.

CHAIRMAN STRAIN: Okay. And you had a second part you wanted to discuss?

MS. VALERA: Yes, a second portion of this proposal is to -- it has to do with projects that are allowed to request deviations from the architectural standards. The code presently allows certain projects, especially those that are non-retail type of businesses, you know, the churches, schools, et cetera, to request a deviation, and it's an administrative process, to present alternative designs that meet the intent of the code, except that the code does not allow projects that are within PUDs to request deviations.

And so, as I said, those projects that will normally be allowed to request deviation, if they are within a PUD, they are not allowed.

And as you know, because, you know, it's in front of you all the time, when someone comes for a request for planned unit development, they are requesting, you know, the zoning. They're not -- there's some details. And I know you get into a lot of the details of the project, but the level of details that are in the architectural standards are not there yet at the PUD rezone stage.

And so when they come for the Site Development Plan and they do have all the details of the buildings that they want to impose, they encounter themselves at times with, you know, a hard time having to meet the requirements, and they are not able to go through the deviation process which, as I said, is allowed for any other building in the county to request.

COMMISSIONER SCHIFFER: Just a point of order. Is that something we have in our packets?

CHAIRMAN STRAIN: It's on Page 3.

MS. VALERA: Yes. It should -- it's Page 3.

CHAIRMAN STRAIN: It's on Page 3, 4A, Roman Numeral VI(A).

COMMISSIONER SCHIFFER: Got it.

CHAIRMAN STRAIN: And I think I'm of the same position, just take it to the committee. Let them come back with it and see if it sounds reasonable. I'd like to hear what they've got to say on it, since they're the ones that initiated this in the first place.

MS. VALERA: Okay. Then let me present to you next recommendation --

CHAIRMAN STRAIN: Is that okay? Well, before you go too far -- that was just my opinion. Is that okay with everybody here?



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COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. We're good.

MS. VALERA: Caroline's going to help me pull this recommendation up. So you should have it now in your screens. The Development Services Advisory Council --

CHAIRMAN STRAIN: We don't have it on our screen.

MS. CILEK: Hold on one second. There we go.

MS. VALERA: The Development Services Advisory Council, DSAC, is recommending that we also amend another portion of the architectural standards that has to do with the spandrel panels. And basically what the amendment will allow is to allow spandrel panels to count as percentage of glazing, and I kind of suspect what you're going to tell me now.

CHAIRMAN STRAIN: Yeah, I can -- unless somebody else has an objection, why are we the first -- we should not be looking at this until the committee that initiated these architectural standards had a chance to opine on it. That's absolutely fair.

MS. VALERA: Right. Well, let me let -- tell you what the other portion of the DSAC recommendation was, and it was to take to the Board of County Commissioners, you know, with your recommendation to present the -- an idea to go back and assess the architectural standards of the Land Development Code through a committee.

CHAIRMAN STRAIN: I mean, we had -- if the committee can reconvene and start working on this, I think that's great. If the times change and we need to change the codes, we should be doing it. So I think that's a great thing, not a bad thing, but at least they get to see it and --

MS. VALERA: And the staff is in agreement with that.

CHAIRMAN STRAIN: -- we don't try to supersede their recommendations. I have great respect for the professionalism of the architects. And if they've got some good criteria that we need to know about, by God, they should be telling us.

COMMISSIONER SCHIFFER: And, by the way, this is a disaster. I mean, what this part of the code said is that you can't have fake windows but, obviously, it addresses the fact that in curtain wall design, the high-rise curtain wall, there is portions of that curtain wall that are spandrel, and those are allowed. Those are not considered fake windows.

MS. VALERA: Correct.

COMMISSIONER SCHIFFER: This is saying you can do fake windows, which means you're going to have these fake little black windows all over the place counting as the window area of a building, which is precisely what that committee did not want to have happen. You'll have these fake little windows on roofs. I mean, that's not what Collier County's based on.

So we were saying you get credit for windows if it's a window, not some little decorative plaque on the side of a building.

CHAIRMAN STRAIN: So I think we're all in agreement, then, it should go to the committee? And, Caroline, if these need to have a more general rewrite and consideration, and the committee is willing to take that on, you may consider not moving forward with these until the committee has the time to do it adequately and come back to us with a different cycle of LDC amendments, if that's what's required. I would rather see it done right than put through in kind of an incomplete process.

MS. VALERA: Well, Mr. Chairman, I would like to take your recommendation to the Board of County Commissioners, because it will mean time, you know, from staff. And, you know, to put together this committee, we will need the direction from the board.

CHAIRMAN STRAIN: I mean, whatever process you've got to go through, I think that's the more correct way to do it. I applaud the fact that the private sector and CBIA and others are starting to opine on some of these codes, because most of the time nobody even knows they're going through, so we'll get a better product. But at the same time, I think we've got to respect the process that was there to initiate it. And that's all I'm suggesting we do. I think everybody on this panel is probably in agreement with that. Thank you.

MS. CILEK: Great. We will do that. Thank you for your recommendation.

MS. VALERA: Thank you.

CHAIRMAN STRAIN: This -- do we still have No. 7, the certificates of public adequate facilities? Is that on for today?



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MS. CILEK: Yes, it is, and I believe it can be discussed in a couple minutes. So if Amy would like to present that.

COMMISSIONER KLEIN: Is there a lunch break today?

CHAIRMAN STRAIN: Yeah. We're going to take lunch after this. I'm trying to get through the LDC amendments so staff doesn't have to sit here.

MS. CILEK: This will be the last one, and it's in your binder, No. 10.02.07(C) 1 through 2.

CHAIRMAN STRAIN: Okay. Hi, Amy. How are you? We don't normally get to see you here.

MS. PATTERSON: Amy Patterson, for the record.

This is a Board of County Commissioners directed amendment. It is simply removing the specific payment requirements from the Land Development Code and putting in a reference to the consolidated impact fee ordinance, which is Chapter 74 of the Code of Laws and Ordinances.

The other provisions related to the certificate of adequate public facilities program remain, but what's happening is as the board adjusts the payment requirements for a certificate of adequate public facilities, it's been reduced from 50 percent to five payments of 20 percent, now to 33 percent. Every single time triggers a Land Development Code change.

And the provisions are already contained in the consolidated impact fee ordinance, so we're going to -- this move proposes -- or this amendment proposes to just eliminate those provisions specific to payment amounts.

CHAIRMAN STRAIN: Okay. Is there any discussion?

COMMISSIONER SCHIFFER: I move we forward with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER AHERN: Second.

CHAIRMAN STRAIN: Made by Commissioner Schiffer, second by Commissioner Ahern.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: (Absent.)

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0. I'm not sure what happened to Ms. Ebert, but she's not here for this one.

MS. PATTERSON: Thank you.

COMMISSIONER SCHIFFER: Mark, I have a question. We -- in our packet we also got 10.2.13. Is that for a lay hearing agenda?

CHAIRMAN STRAIN: That's for a future date.

MS. CILEK: Yep. On the memo with that packet you got at the CCPC meeting last week, it said that will be reviewed on the 17th of this month.

COMMISSIONER SCHIFFER: Got it.

CHAIRMAN STRAIN: Okay. With that, we have two public hearings to hear and one item of new business, and we'll take a lunch break and come back at 10 after 1, and we'll resume at that time with the two public hearings on the Jaffe boat dock extension and variance. Ten after one.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Good afternoon, everyone. Welcome back from the lunch break.

When we left off, the Planning Commission had two advertised public hearings left that we postponed till as



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late today as possible, which will be now.

***The first one is -- well, they're both going to be heard -- they're both on the same topic, so we're going to discuss them jointly and vote on them separately. When we do vote, we'll vote for the variance first and the boat dock extension second.

I'll read off what they are. The variance application is VA-PL-2011-1576, the Jaffe variance, located at 191 Gulf Shore Drive, Connors Vanderbilt Beach Estates. The second one is boat dock extension BDE-PL20110001573. Again, it's the Jaffe boat dock extension at the same address.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission.

COMMISSIONER SCHIFFER: None.

CHAIRMAN STRAIN: There are none.

Okay. It's all yours.

MR. ROGERS: First off I want to -- good afternoon, Commissioners. And I want to thank you for accommodating our schedule. The applicant, the petitioner, Andrew Jaffe, is in surgery this morning. We were hoping he'd be out by lunchtime, but I guess he's not out as of yet, so he will not be here. So I apologize for that.

For the record, my name is Jeff Rogers. I'm with Turrell Hall & Associates representing the petitioner, Andrew Jaffe.

And as the commissioner said, we are here requesting a boat dock extension and a variance from the required setbacks.

As you can see here on the overhead, the property is located in North Naples off Gulf Shore Drive, and it has an adjacent -- well, across the street a boat dock lot that has been deeded to this property.

And the history of that takes us back, way back to 1955 when this original -- this property was deeded as a boat dock lot during the process and was deeded to the property that Mr. Jaffe purchased at 191 Gulf Shore Drive. And since 1955, this property has gone through numerous exchanges of ownership. I believe it was -- I counted 10 different warranty deeds that had been issued for this particular subject property.

The petitioner purchased a property basically a year ago back in June 6th of 2011 from the neighbor, Mr. Forbis, to the south of the boat dock lot. Like I said, back in 2011.

And since then, Mr. Jaffe has purchased a street (sic) across the way on the beach and is currently remodeling/rebuilding the existing dock -- or the existing house, and it is going to be his full-time residence.

Move forward. The petition in front of you guys today is for the dock off the subject property. As I said, it's small boat dock lot only and, therefore, is deeded to have boat dock access for two vessels. The difference of this particular property is it's located at the end of a canal, as you can see on the overhead, and has less linear footage of shoreline. Those are basically the two hardships on this one.

The dock proposed -- well, the project proposed is to move the existing dock, which I'll show you is right here. I'll move it over. There you go. The subject property outlined in the red border is currently as the property sits minus the vessels. The vessels have been removed, but as you can see here on the overhead, the unique situation of this property. Luckily there is a history paper trail that we have to follow in order to determine how this came to be.

We're requesting a 19-foot boat dock extension. We're going to remove the existing dock and boat lifts and construct a finger dock that is only 116 square feet and is going to accommodate two vessels.

And as you can see on this overhead here -- I'll show you the proposed design here in a minute. The existing dock, as it sit, was -- is within the riparian rights of the property. You can't really see it very well, but the riparian lines are shown. They're labeled, obviously, but there is a dashed line, red dashed line indicating the actual location of the riparian lines.

And as it sits, the little white structure that's on the south end of that dock, southeast side of that dock, is over the riparian line. So as it currently was built or constructed or used, it was not in compliance with setbacks and/or within its riparian rights.

Now, what we've done is we're proposing to remove it, as I said, and we're proposing a 4-foot-wide dock as shown here. So we're basically taking -- removing out the dock and proposing a 4-foot-wide finger dock protruding straight out into the waterway.

As -- let me touch base on the uniqueness of this. The waterway from -- measured from our frontage, linear



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frontage of shoreline, is 1,420 feet wide. Granted, we know this is at the end of the canal, so that's not the typical situation on this waterway. Typically the waterway's 100 feet wide. Due to the location of this one, the width is 1,420 feet.

We are proposing a 35-foot protrusion, like I've said before. And due to the, you know, remote -- or due to the uniqueness of this property, there's really no dock design that you could do that would accommodate two vessels, which is allowed here per the LDC rules. This is zoned a single-family lot and, therefore, is allowed two vessels to be moored up on there.

This is -- we've worked with it. We worked the design, Tim Hall and I, as well as the customer worked on the design, and based off what -- his wishes and his current vessels, this is what we came up with that would accommodate his use as well as be within the riparian rights of his property.

With that being said, we are requesting a variance from the required setbacks from those riparian lines. The typical setback requirement is seven-and-a-half feet. Now, looking at this, I've got a drawing here that shows that seven-and-a-half foot setback, and you'll see with this picture that it would be very hard to -- virtually impossible to accommodate two vessels of any typical size within those required setbacks.

As shown here on the overhead, the orange-reddish color indicates the seven-and-a-half foot setback area. The white area inside shows what would be the remaining buildable area that we would have to work with.

One could argue that you could turn the dock and accommodate one vessel possibly. It would be a smaller vessel, but the applicant owns these two boats and, therefore, we have to design something to accommodate those vessels that he currently owns. And during the process of the purchase of this property from the adjacent neighbor to the south, Mr. Forbis, it was negotiated at the sale that he was purchasing these -- this property for the purpose of installing this dock and this particular dock design.

Now, we do have a -- do have affidavits signed by both adjacent neighbors, one to the north and one to the south. Mr. Forbis has written a letter of no objection, but then come this week he wrote a letter of objection to us, to our surprise and, of course, to the petitioner's surprise.

When Nancy Gundlach of Collier County brought that to our attention, I immediately called the petitioner, Andrew Jaffe, to discuss the issue. He was just as surprised as we were. And, basically, since then we've contacted Mr. Forbis. I've reached out to him, and we have a paper trail of all the emails back and forth.

And since Mr. Jaffe (sic) did sign an affidavit or letter of no objection stating he does not object to this design -- and we have not changed that design -- he has retracted his letter of objection. And I can show you that in email. I don't have it printed out. I've forwarded it to Ray and I've forwarded it to Nancy for their review. So staff has seen that email that came this morning. They can vouch for that.

With all that being said, really, what we're here for today is requesting a 19-foot boat dock extension from the allowed 20 for an overall 39 feet into a water -- water body that is approximately 1,420 feet wide. That's very -- we can argue that.

With that being said, we're also asking for a variance for zero setbacks from the -- from the retired seven-and-a-half-foot setbacks. As I said, you know, there's really no other design that could work, and I open the floor to questions, if the commissioners have any.

CHAIRMAN STRAIN: Okay. Let's go Phil and then Brad.

COMMISSIONER BROUGHAM: Okay. I have a number of questions.

CHAIRMAN STRAIN: And by the way, we're taking both the variance and the boat dock extension simultaneously, so ask from both packages, if you'd like.

COMMISSIONER BROUGHAM: Now, the property in question here, that the dock -- proposed dock -- or the existing dock is attached to is a boat dock lot. Is that defined differently in the LDC than what's referenced in your application here as a single-family home which has certain rights associated with it with respect to the number of slips?

MR. ROGERS: Yes, sir. The difference between this boat dock lot -- we're calling it a boat dock lot. It's not your typical boat dock lot in regards to Collier County normal boat dock lots. There's only a few areas that actually have boat dock lots, and one of them being -- the main one that I can recall is up off Little Hickory on the north end of -- on the south side of Bonita Beach Road, off Third Street.

And those docks -- those boat dock lots are allowed to have zero setbacks. They're basically plotted boat dock lots, and you're allowed to maximize your water foot frontage of that property.



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CHAIRMAN STRAIN: Well -- and I know Ray's about to interrupt, and so am I. Phil, you hit on a question that is really pertinent. Can you show us any document that you have that calls this a boat dock lot?

MR. ROGERS: No.

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER BROUGHAM: Okay. That takes care of one.

MR. BELLOWS: And for the record, Ray Bellows. I'd just like to add that a boat dock lot in Collier County was approved -- is approved through a conditional use as the ones on the Vanderbilt area.

COMMISSIONER SCHIFFER: Right.

MR. BELLOWS: This has no conditional use or anything other than it has historically been used that way since 1955, I believe.

CHAIRMAN STRAIN: But does a property owner selling off a piece of his land constitute a legal use without going through the right process?

COMMISSIONER SCHIFFER: No.

MR. BELLOWS: As far as I know, it would not unless it preexisted the LDC. In '55 I think it probably did. It looks that way to me.

CHAIRMAN STRAIN: Okay. But in '55 this still was not called a boat dock lot.

MR. BELLOWS: No.

CHAIRMAN STRAIN: This was simply the north 50 feet of Parcel 14. And what Phil has hit upon was one of the biggest flaws I found in your argument. And when you said that this morning, you kept referring to it as a boat dock lot. I don't know how you got there. So I think that the record doesn't support it being called that. You can call it whatever you want, but I don't think a boat dock lot, as defined, is one that fits this lot.

So, go ahead, Phil. I'm sorry to interrupt.

COMMISSIONER BROUGHAM: No, that's okay. That's where I'm having some issues. Your variance is, I think, predicated -- my words, not yours -- on the fact that the Jaffe residence across the street is entitled to have two slips associated with a dock coming out of that piece of ground across the street at the end of the canal. Is that -- those are my words, not yours, right?

MR. ROGERS: Yes.

COMMISSIONER BROUGHAM: I don't understand that connection. To me that's a pretty long reach. If Mr. -- my example, if Mr. Forbis had decided to sell Phil Brougham that 50 foot of land at the end of that canal and I live in Fiddler's Creek, how many slips would I be allowed to put on that dock by code?

MR. ROGERS: Two.

COMMISSIONER SCHIFFER: No.

MR. ROGERS: Two vessels. No?

COMMISSIONER BROUGHAM: Whoops.

COMMISSIONER SCHIFFER: And, Mark, excuse me for butting in, but I think this issue has to be resolved before we go on.

CHAIRMAN STRAIN: I agree. And, Phil, you've got right to the point. And, I mean, that's the biggest issue with this whole thing. Brad, you're 100 percent right.

COMMISSIONER SCHIFFER: I mean, I have -- this is a subdivision. You cannot sell off your backyard in a subdivision and then give it the rights of a lot.

This is still part of Lot 14. I mean, the subdivision's been amended but never to isolate this piece of property. So, yes, it could be described; anything you can describe, you can sell. Look at Wall Street.

But -- but this could be described, but it doesn't have the rights. In other words, you're finding a riparian land coming off of a description of a piece of property in Mr. Forbis' backyard. I mean, right now Mr. Forbis and this other guy are partners on Lot 14, but it's not an individual lot. And it can't, any time, be expected to get the rights of a lot. It's a nonconforming lot even.

MR. ROGERS: I can't argue with you on that. We are just following what has historically been done here.

CHAIRMAN STRAIN: Ray, did want to -- can you help out?

MR. BELLOWS: Yeah. The reason I supported the petition or signed off on it was my understanding that this isn't a free-standing lot, that it was, in fact, deeded to the lot across the street, and it's now part of that property.



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So, therefore, it's not a free-standing nonconforming lot, because it would be deemed an unbuildable lot because it doesn't meet the minimum lot area.

MS. ASHTON-CICKO: Yeah. I don't believe -- I haven't reviewed all the chain of title. This is not my particular project. But, generally, when you have a platted roadway, the property owner owns to the center line of the road. So since he owns parcels on either side of the road, he owns one parcel that's severed by an easement for a road. So it seems to me it's RSF3, and you're entitled to boats.

COMMISSIONER SCHIFFER: But, Heidi, this is platted subdivision. You can't go within a subdivision and start describing little pieces of land and have it have the rights of the lot. This is a part of Lot 14. He's never called it part of Lot 34 on the block across the way.

MS. ASHTON-CICKO: Well, this one's -- well, that's because that's how you would describe the legal. But this one is unique in that it -- this has enjoyed this particular configuration since 1955. It's not like somebody now could go and create one of these.

COMMISSIONER SCHIFFER: Then why -- when the subdivision was revised in, like, mid '60s, why wasn't that lot shown?

MS. ASHTON-CICKO: I can't answer that question. And, again, I don't have the benefit of looking at the file. I'm just looking at the documents.

COMMISSIONER SCHIFFER: I mean, a subdivision is a method in which you organize land, you plat it, and you can't then start to describe things by legal description. I mean, it's a subdivision. And that would mean that this little area could have four boats in that area, so this is a way to circumvent the rights of the landowners by cutting out pieces of their backyard and selling it and getting the rights of two boats per piece. I mean, makes no sense.

MR. BELLOWS: One other point. Any property owner can sell off a portion of their property to an adjacent property owner as long as they don't result in a nonconforming situation on their own.

Now, if the lot where this appendage came off of is still conforming, he can sell that off. But it can't be a buildable lot if it's not attached to something else that makes it conforming in some other way.

So if it was deeded to the Jaffe residence across the street and is part of that larger lot, then it is conforming in that regard, and they have some rights to the dockage.

COMMISSIONER SCHIFFER: But this is a plat. That roadway --

MR. BELLOWS: You can sell off a portion of a platted lot --

COMMISSIONER SCHIFFER: No. Gulf Drive -- Gulf Drive --

MR. BELLOWS: -- without replatting.

COMMISSIONER SCHIFFER: -- is not -- the people do not own to the center of a road on this platted situation. This is not out in the Estates. This is a subdivision. The subdivision has roadways, right-of-ways platted. So what you're saying is that they can own the land in the -- they don't own the land in the roadway. It's certainly not on the plat. It's not part of their legal description.

CHAIRMAN STRAIN: But there is the way --

MS. ASHTON-CICKO: Well, I've written opinions since the '90s that generally they do own to the middle of the road.

COMMISSIONER SCHIFFER: Right.

MS. ASHTON-CICKO: And they're encumbered by an easement unless it expressly states that it's fee-simple. Again, I haven't reviewed this subdivision plat.

COMMISSIONER SCHIFFER: I mean, look at the plat. Here it is.

MS. ASHTON-CICKO: But those are the general principles. Okay.

COMMISSIONER SCHIFFER: That's a road that --

CHAIRMAN STRAIN: Okay. But there is a way that we might be able to find out a little bit closer if this is a combined lot. The tax assessor's office does let you combine lots. Has this lot been joined with the lot across the street? Because if it isn't, then they're two separate lots.

MR. ROGERS: To my knowledge, no, it has not.

COMMISSIONER BROUGHAM: Couple more --

CHAIRMAN STRAIN: Well, why wouldn't they have done that? Go ahead, Phil. Sorry.

COMMISSIONER BROUGHAM: Just a couple more points that I want to pick at on this application, and then get back to the more central issue, I think.



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Supposedly, there's a 35-foot-long boat dock for the neighbor to the north of the subject site. Is that that little dock that I see in the other 50-foot lot? Is that north?

MR. ROGERS: Where are you talking about exactly?

COMMISSIONER BROUGHAM: I'm looking at -- look what's on the visualizer. That -- to me that's what I'm looking at.

MR. ROGERS: Oh, yeah. That --

COMMISSIONER BROUGHAM: That's a 35-foot lot that's sticking out of that other 50 -- I'll say 50 feet.

CHAIRMAN STRAIN: Well, do you know if that other one to the north was sold off, Phil? So you're saying it's a 50-foot lot to the north, but isn't that still connected?

MR. ROGERS: It's part of -- it's connected to the --

CHAIRMAN STRAIN: Yeah, so that's why it's not a 50-foot lot.

MR. ROGERS: Right.

COMMISSIONER BROUGHAM: Well, my question is more, that's a 35-foot dock?

MR. ROGERS: Uh-huh. Oh, I -- I don't know. I didn't measure that dock. I would guess -- no, it's probably 20, 25.

COMMISSIONER BROUGHAM: Okay. It was stated in my document that immediately to the north has an existing approximately 35-foot-long boat dock. I guess that can't be verified.

And can you speak to the hardship issue here, which is, I think, one of the central arguments?

MR. ROGERS: The hardship here is the uniqueness and the history of it. The uniqueness in regards to its location and it being a separate parcel or looked at as a separate parcel and also, then, the riparian lines coming out of the corners or -- there's a couple hardships here.

COMMISSIONER BROUGHAM: To your knowledge, when Mr. Jaffe purchased this particular piece of property, was he aware of the riparian property lines and the uniqueness of this?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: So he bought into the hardship?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: So hardship is not something that's new?

MR. ROGERS: No. But when he was closing in the closing process, he had both neighbors at that time sign off on the proposed dock design that he's now proposing here. In order to -- to let -- inform them that that's what he's -- his intentions are, of building this dock, and that's why we have two letters of no objection from them signing off on the proposed dock.

CHAIRMAN STRAIN: I wish making things legal was that simple.

COMMISSIONER BROUGHAM: Is it appropriate if I ask one clarification to the staff report as well?

CHAIRMAN STRAIN: Sure. Everything, go right on through it, yeah.

COMMISSIONER BROUGHAM: Under recommendation, Ray or --

MR. BELLOWS: Of the variance or the boat dock?

COMMISSIONER BROUGHAM: On the variance -- you say your recommendation of approved -- subject to the approval of the companion boat dock extension petition, blah-blah-blah-blah, and issuance of a certificate of occupancy for building permit number, whatever, ending in 4314, what is that -- how does a building permit come into this equation?

MR. BELLOWS: The Land Development Code requires that you cannot have an accessory use such as a dock without a principle structure or principle use. In this case the principle use is the dwelling. And since they've destroyed, or are rehabbing the original by removing it -- right now, my understanding, the site's vacant.

COMMISSIONER BROUGHAM: Okay.

MR. BELLOWS: So we just want to make sure they don't do the dock without the dwelling.

COMMISSIONER BROUGHAM: I couldn't make the link. That's all I had right now.

CHAIRMAN STRAIN: Anybody else? Brad, did you --

COMMISSIONER SCHIFFER: Yeah, let me continue on. And I -- you know, Heidi, give me a binary answer, yes or no, is that that is a legally described lot such that we can figure riparian rights off of it and they can build -- you know, it's part of Lot 14, but you're saying once they describe it and sell it and, you know -- you know, it does go back. I think Eve sold it to Adam to start this.



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It does go back, but the point is, that how can you, just by describing things, create a lot? And the reason that's an important question, there's probably about 10 other ones like this. And before everybody in Connors come running in here and selling off the lots and duplicating, you know, the boats in the backyard -- so you're 100 percent sure that this is a lot, and they can figure riparian rights off of the property lines accordingly?

MS. ASHTON-CICKO: Based on the fact that it's been in existence since the 1950s, 1955, yes. I don't think that people can start selling off parts of their lots and create new lots and then entitle additional boat docks. I don't think you can do that. But in this case because it was an existing dock and it's been sold for, you know, how many years now, as one lot, then, yes, I do think he's got riparian rights.

COMMISSIONER SCHIFFER: Then why is it being picked up in the replats and everything? I mean, this Connors Point's (sic) been replatted since then. I mean, why did they not start to show this as a legal piece of property? I mean, to me I --

MS. ASHTON-CICKO: I don't think it's not a legal piece of property, so -- and I think -- you know, I think he's got rights that if we take them away the county will have some significant exposure.

COMMISSIONER SCHIFFER: Okay. And Mr. Forbis, who's his partner on Lot 14, he has the ability to put in two more boats. Because the lot -- per lot, you're only allowed two boats. So what we're saying right now is per lot or per description, you're allowed as many boats -- two times how many descriptions you can get on your property. I mean --

MS. ASHTON-CICKO: Well, I think there's criteria you have to look at when you have a boat dock extension.

COMMISSIONER SCHIFFER: Okay. I mean, I'll -- the attorney says it's a legal lot that, yes, those are the riparian lines that are appropriate, then we'll go there. But the danger is everybody now in Connors can run in and sell that little nip on the back of the canal.

CHAIRMAN STRAIN: No. I think she qualified her statement by the fact it was a legal lot because it was created back in the 1950s, but it couldn't be done the same way today.

MR. BELLOWS: Yeah, current codes would prohibit that now.

CHAIRMAN STRAIN: That's the difference, I think.

COMMISSIONER SCHIFFER: Okay. I'll ask some questions later on the boat dock part.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: The boat dock that exists, aside from that floating dock, which is not legal --

COMMISSIONER SCHIFFER: Right.

COMMISSIONER VONIER: -- it meets all of Collier County's criterion?

MR. ROGERS: No. The dock -- no, it does not.

COMMISSIONER VONIER: It does not?

MR. ROGERS: No.

COMMISSIONER VONIER: The existing dock does not?

MR. ROGERS: No, it's not providing -- the vessel on the dock, which is part of the dock, is not providing the required setbacks.

COMMISSIONER VONIER: Okay. Second question. The adjacent lot, 14, has 75 feet of frontage and this has 50. So looking at 75 feet and his ability to put in two boats, I think it's going to get pretty tight.

MR. ROGERS: Yes, sir, it is, but you could definitely design something that would accommodate the property owner to the south's wishes and get two vessels in there. It's not a perfect situation; that's why this is so difficult to get this approved, but historically this is what's been done and, you know, we'd have to reverse what's been done. I mean, not -- you know, I definitely know we could fit something in there.

And as the dock sits, go back to your other question, that is out past the 20 feet so -- and it does not have a DBE approval as well. So as that dock sits, it's encroaching on the setbacks as well as it's past the 20 foot.

We're trying to make a wrong a right the best way we can.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: I have a question. I notice another boat. Does that belong to Lot 13?

MR. ROGERS: No. It -- are you talking about this here?

COMMISSIONER EBERT: Yes.

MR. ROGERS: I believe, by the looks of the -- if you look and see in the water, the turbidity screen that's



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floating there, I believe that's a barge that just happened to be at that place doing some sort of -- I don't know, some sort of work.

COMMISSIONER EBERT: Okay. Now, this is not a clear picture, so I'm thinking, all right, he's got this, and if Lot 14 -- there's no home on Lot 14, I take it?

MR. ROGERS: Correct.

COMMISSIONER EBERT: And -- but you feel that they can go out and put in two boats out there also?

MR. ROGERS: Yes, ma'am. It would be considerably tight, but they could definitely work something out.

COMMISSIONER EBERT: Okay. And the one across -- on the northern portion there is also a dock there. Does that belong to the other residents across the street next to Mr. Jaffe?

MR. ROGERS: No, ma'am. That property is owned by the residents of the one to the north of us. He owns that whole L of the seawall.

COMMISSIONER EBERT: Okay. He owns the whole L. Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: In your opening statement you said that this lot is zoned single-family. Do you still stand by that statement?

MR. ROGERS: Right now I'm unsure, but -- yes, sir, I believe -- that is my understanding.

CHAIRMAN STRAIN: Ray, do you consider this 50-by-30-foot square lot a single-family lot?

MR. BELLOWS: It's my understanding that that lot was deeded to the Jaffe residence lot across the way, so together it conforms a single-family lot.

CHAIRMAN STRAIN: It's not combined in the tax assessor map, so -- they've not combined them --

MR. BELLOWS: Yeah, I think I go back to what Heidi was saying is it was done back in the '50s as deeded to the Jaffe residence lot. And then, because it's not a free-standing lot in and of itself -- and I would agree with you, if it was created as a free-standing lot on its own, that it's an unbuildable lot. But since -- my understanding of the way it was explained to me is that it was deeded to the Jaffe residence lot and, therefore, is a conforming lot of record which has rights to have the dock, even though it -- even though the street crosses over.

CHAIRMAN STRAIN: During the preapp, staff said -- I guess it was -- Mike Sawyer, apparently, was talking to somebody from your organization, maybe you, Jeff --

MR. ROGERS: Yep.

CHAIRMAN STRAIN: -- note, nonconforming existing dock and -- I'm not sure what the next word -- also provide info regarding other comparable dock facilities within the area, single, canal, and locations. Did you do that?

MR. ROGERS: There are none.

CHAIRMAN STRAIN: There are none.

MR. ROGERS: That I could find on Gulf Shore Drive, that mimic this one.

CHAIRMAN STRAIN: Okay.

MR. ROGERS: At least on the three canals or the two canals north of us. Those western portions of those properties were not -- they're a part of the single-family residences.

CHAIRMAN STRAIN: I played around with your buildable area, and you can fit a boat in that buildable area with a dock without protruding on the setbacks. You can do it if you don't want an oversized boat. The fact that this guy has two boats and he wants to fit them in there is a hardship that he created, and self-created hardships aren't reasons to provide variances.

I -- and I especially am concerned that when you put a 35-foot boat in there and you've got a 100-foot lot that has 30 of it taken away, is down to 70, and of the 70, over half of it's being blocked by a boat, I don't see how that's fair to the adjoining property owner.

And by the way, that's nothing to do with Mr. Forbis or his letter, because I had that conclusion before he wrote his letter. I don't particularly like his style in his letter, so it didn't -- I didn't pay much heed to it. But, the point is, it does block that property substantially when you can actually fit a boat and a dock in there, maybe 20- or 25-foot-long boat, but I don't -- so I don't buy into the hardship fact. I'm having a hard time. And then why is it a hardship in this county if you can't have two boats? I mean, I don't get it.

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: I mean --



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COMMISSIONER EBERT: It's not a hardship.

CHAIRMAN STRAIN: -- it's ludicrous to think that everybody is entitled to two boats. What the code says, you may -- you may ask for two boats. Doesn't mean you're going to -- it's a hardship if you can't have the two.

MR. ROGERS: Right.

CHAIRMAN STRAIN: So I'm having a real hard time with your variance.

I think a boat dock extension would be warranted if it was within the setbacks, provided your dock configuration was different, but you've got a dock configuration that doesn't work in front of us today.

So I have a problem with both of your applications today on that basis. And I'm just letting you know, I haven't found a way around it yet. And if we start deciding hardships are because you can't have two boats, that's a -- that's a strange trail to get going down. Anyway.

MR. ROGERS: I didn't mean to interrupt you, sorry.

CHAIRMAN STRAIN: No, that's fine.

MR. ROGERS: In my mind, you know, the biggest hardship here is the fact that the riparian lines are very restrictive, and that's just due to the uniqueness of the location of the property and, you know, that goes back to the 1955s when this was originally established.

So it -- you can fit a vessel in there, you know, like you said, as shown here, but, you know, that's the area that you have to work with that Mark was talking about. And I can't argue that we couldn't fit a boat in there, but the petitioner came to us with the vessels in his ownership, and he thought he was doing the right thing at the closing in crossing the bridge, so to speak, with the neighbors at that time in making sure that they were okay with the proposed dock and vessels that were going to be stored there, and at that time they signed off on it.

Can't speak for Mr. Forbis in his confusion, but he's come back to say as long as it matches what he signed originally, he's okay with it.

CHAIRMAN STRAIN: And, again, even -- the neighbors don't dictate the codes and laws here, and for them to decide it's okay, that doesn't mean it's okay. You've still got to meet the --

MR. ROGERS: Understood.

CHAIRMAN STRAIN: -- thresholds of our rules, and I just don't see how you've done it -- so anyway. Go ahead.

COMMISSIONER SCHIFFER: Yeah, you know what I'd kind of like to see here is if he and Mr. Forbis get together and let them design how they want to put these boats in here. Because when you look at -- you're saying it's a nonconforming thing on the 45, but that's about the only thing that makes sense so far because it looks like a boat dock place where both of them could use it.

It may be, you know, going down the riparian line -- which I don't even yet believe with the riparian line, but that might catch up later.

But, you know, let them sit down and design the backyard here, because this is definitely, to me, one lot. The fact that you've found a way to get four boats on it instead of two is -- we'll let it go as clever. But I do think that it has to work for everybody, and he can't ignore the Lot 14, which it still is a part of. It's always been described as a part of it.

No one ever, you know, attached it across the street. They sold them together. They deeded them together, but they never joined them together.

So I really -- it would be difficult for me to even really give a good opinion on this unless you work something out with Mr. Forbis and showed how you're going to put four boats there, then we can start worrying about what the other neighbors are going to think, because there are people across the canal, people who have to look at this, and maybe they don't want four boats in there.

So let's get -- if we have to have four, let's make the four work together. The way you're doing it now, you're blocking his ability to come out, too.

MR. ROGERS: Well, we're coming out as one, one property owner, and we're -- you know, we took the approach where we're worrying about him and trying to accommodate the best we can for Mr. Forbis. I understand it's not a good situation no matter what -- no matter what we do here in regards to dock design and slip layout.

You know, state and federally it would be difficult for Mr. Jaffe to get a permit that authorized his vessel and/or dock to cross over his riparian lines. You know, that's at the state and federal level. That's something that we could work out, potentially.



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COMMISSIONER SCHIFFER: But look at -- the original design has these boats on 45. So, essentially, they pull away from their docks and they go into the center of the channel. They don't cut across, you know, the backyard or the dock area of Mr. Forbis. Those boats look like they've been designed -- and you're right, there's nothing perfect there, but you're not coming in with that. That big boat can pull out into the center of the channel and not block the Forbis site.

MR. HALL: Sorry. For the record, Tim Hall with Turrell Hall & Associates, and I think I understand the concerns that the Planning Commission has been expressing.

In terms of the riparian lines, did you say you had a question or you were confused about how those related to each other or --

COMMISSIONER SCHIFFER: Well, here's -- I mean, the one that's obviously going east/west is a riparian -- is a property line with a riparian. Somebody did a legal description defining a piece of property -- and now I'm starting to think this is actually competing with Wall Street in cleverness. But they defined a piece of property, and now we're -- you know, they just defined something out of an existing lot, and now we're giving it riparian rights.

MR. HALL: Well, I mean, it's a deeded lot. It's been through 10 or 11 different transitions.

COMMISSIONER SCHIFFER: It's not a lot. You can't use the word "lot," because it's not. It's never been a lot.

MR. HALL: Okay. It's a deeded piece of property.

COMMISSIONER SCHIFFER: It's been legally -- it's been legally --

MR. HALL: It's a property that has specific ownership, okay. There's a gentleman that has a defined area that he owns.

COMMISSIONER SCHIFFER: It's been legally defined, and somebody in Iceland might have bought it. But go ahead.

MR. HALL: Okay. Well, that -- because that property is on the water, there are riparian rights associated with it, which -- and riparian rights are basically, if you own property on the water, you have the right to access that property from the water. And there are -- the ways that they define those riparian lines, generally, they start at the mean-high water line or where the water meets the shore.

COMMISSIONER SCHIFFER: I know how they define it. If -- my problem isn't with the riparian line. My problem is, does it have the rights for riparian line. And we can move off of that.

MR. HALL: No, I mean if it's --

COMMISSIONER SCHIFFER: If Heidi says it does, it does, so --

MR. HALL: And in terms of interfering with the riparian rights or the riparian lines of the owner to the south, you know, this design doesn't. If you look at how those lines -- if you look at how they line up, I mean, where the edge of the property -- the property to the south here and this property where they adjoin, that riparian line would come off a 45-degree angle to the center of the waterway.

COMMISSIONER SCHIFFER: If we're allowed a riparian line, that's the one you'd be allowed.

MR. HALL: Right.

COMMISSIONER SCHIFFER: I'm with you there.

MR. HALL: Okay. All right.

COMMISSIONER SCHIFFER: But the point is, too, is that since everyone's known about this lot and everybody's known about riparian lines and everybody's known about setbacks, what is the hardship then other than they can't, you know, take overadvantage of it? I mean, this is a very small lot so, obviously, shouldn't they be entitled to a very small boat? What would make them think that they should have the rights of somebody -- you know, a 39-foot boat, let's say 40, that's an 80-foot-wide lot.

MR. HALL: If you look at the boat that's there now on the aerials, that's a 32-foot boat.

COMMISSIONER SCHIFFER: Right.

MR. HALL: But it's not there legally. It's there -- well, I mean, I guess it is there. It's grandfathered in, but it doesn't meet the setback or boat dock extension criteria that the county has in place now.

So if he wants to upgrade that dock or change it, he has to become compliant with what the codes are now, which is what we're trying to do. And in taking that, what was a -- the 35-foot boat and doing the design, it was to move it as far away from that property to the south as possible.

COMMISSIONER SCHIFFER: I mean, if this guy wanted a variance to build what's there, he'd have a



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friend in me. But what he's trying to do, the way he's trying to aim it down the channel and, essentially, make it difficult for the other lot and, essentially, put it in full view of the other lot, I'm not with that yet.

Thank you, Mark.

CHAIRMAN STRAIN: Okay. Anything else? Phil?

COMMISSIONER BROUGHAM: Just one more question; might be rhetorical.

What if -- well, I -- what if he did nothing? In other words, you say this is nonconforming and a boat that's currently -- I assume is currently docked there is not, quote-unquote, legal; it's grandfathered in, I guess.

But if this petition were denied and it was not appealed and ultimately approved, what harm is there then? I mean, how is this gentleman harmed? What would he have to do? He could keep his boat. He could keep the dock as legal nonconforming; is that correct?

MR. BELLOWS: Correct.

COMMISSIONER BROUGHAM: No harm, no foul.

MR. BELLOWS: Yeah. The existing situation can continue into the future.

COMMISSIONER BROUGHAM: Can or can't?

MR. BELLOWS: Can, C-a-n.

COMMISSIONER BROUGHAM: Okay, thanks.

COMMISSIONER SCHIFFER: Well, Ray, let me question.

MR. HALL: Except for he loses the -- just to keep this right now, he then is limited to the one boat instead of the two that are there now.

COMMISSIONER BROUGHAM: Okay. I understand that.

COMMISSIONER SCHIFFER: But, Ray, he's built boat lifts and stuff. I mean, he didn't have a boat lift in 1955. I mean, when they installed that boat lift, Elvis Presley wasn't on the radio.

MR. BELLOWS: I don't know of any code violations on this site, but there very may well be. But my understanding is it's preexisting dock, and the boat is there. I don't know how long that boat's been there, but I'm sure they've had many numerous boats over the years.

COMMISSIONER SCHIFFER: And it's designed in a courteous position where it will pull out and not, you know, block the other people around them.

MR. BELLOWS: I agree. It's --

MR. HALL: Well, I think I might disagree with you a little bit. Just if you look -- if you look at the -- can we blow that out some?

This boat currently has to back into this because of the way the lift is situated and all. So to come in and out he's actually -- if this owner brought another boat in which is, you know, permitted there and has this boat here, then to get in and out of that, he's got to work around both of these in reverse to get in and out of that slip as it exists now, whereas, with what we have proposed, none of these adjoining owners are affected at all, and it makes it easier to get that boat in and out of that lot without having those -- you know, without having to come in in reverse and go around those lots -- those docks that are already there now.

COMMISSIONER SCHIFFER: But, actually, you've pointed out a hardship. Your boat might -- if you come perpendicular to that wall and you're within that setback, you're going to make -- that boat's got to work around the tip of you. You're much further out than you'd be --

MR. HALL: No. The way this one can come in and out into the corner, the way we have the boat sitting right now, he's not affected by it at all.

COMMISSIONER SCHIFFER: We could discuss it. I mean, you're going to be sticking out towards the apex of that triangle. So anyway. Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Tim and Jeff. Staff report?

COMMISSIONER BROUGHAM: Come on up, Mike.

COMMISSIONER EBERT: You've got it, Mike.

MR. SAWYER: Good afternoon. For the record, Mike Sawyer with planning services.

I actually worked on the boat dock extension for Jaffe. Nancy, my colleague, did the variance for this request.



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On the boat dock extension, you've got a staff report originally dated April 6th, revised April 11th and the 13th. As you can see, basically, what we found as staff is that they're meeting four of the five primary and four of the six secondary, with one of the secondary being nonapplicable.

If you have questions, I'll be happy to answer what I can.

CHAIRMAN STRAIN: Anybody?

COMMISSIONER SCHIFFER: I'll play.

CHAIRMAN STRAIN: You'll play, huh?

COMMISSIONER SCHIFFER: Primary Criteria 1, you know, the intent there is to keep it an appropriate number, kind of says for single-family use, two boats is good, right?

MR. SAWYER: Correct.

COMMISSIONER SCHIFFER: So you're still claiming that these two boats belong to the house across the street?

MR. SAWYER: Since '55, correct.

COMMISSIONER SCHIFFER: Well -- okay. I mean, the lots have never been joined. To say it's on the same lot, that isn't true. Even in the descriptions it says "and," and then describes this guy's backyard. But anyway.

MR. SAWYER: Well, just to clarify one possible point, that in '55, this -- you know, certainly, the boat dock extension process certainly wasn't in the code at that time either. A minor point.

COMMISSIONER SCHIFFER: Right. I mean, to me I think there's only two boats allowed on Lot 14. Even though somebody else owns part of Lot 14, that's just creative.

Let me see if there's any other ones. They're claiming this, you know, the -- and because they measure perpendicular, they measured all the way across into Ohio, I think, to come up with the 1,400 feet. Do you believe that's the width of the waterway?

MR. SAWYER: As I tried to point out in the staff report, in black-and-white terms, that's what the criteria says; however, in this particular case, it's very hard to make that argument, quite honestly, and that's why in the staff report I tried to go back to what the actual intent is as far as navigability, and that's how we found that it actually, you know, met that navigation. Whether this configuration is used or the existing one is is not going to affect navigation because you don't have anything -- any navigation going further west.

COMMISSIONER SCHIFFER: No, obviously.

MR. SAWYER: Obviously.

COMMISSIONER SCHIFFER: Or this boat will stop them if they try.

MR. SAWYER: Exactly.

COMMISSIONER SCHIFFER: Number 5, is the -- will it interfere with the neighboring docks. When you look at that, do you look at it in terms of what's built now or what could be built later? And the intent of the question is, did you give Lot 14 the ability -- I mean, did you figure out what's going to happen on 14, what they can do to see if this is, in fact, especially with the variance, you know, interfering with their rights?

MR. SAWYER: We did. Quite honestly, Lot 14, whether they come in now or later, are still going to have to go off of the riparian lines that you see on the screen right now. They're going to have to -- whatever configuration of dock they propose, whether they need an extension or not, are still going to have to go off of that 45-degree riparian line that you see, because they don't have rights to that lot.

COMMISSIONER SCHIFFER: Right. But, remember, they're asking for a variance here, and that variance will make that more difficult for them, correct?

MR. SAWYER: To an extent, yes.

COMMISSIONER SCHIFFER: Yeah. Hold on. There may be another. No, that's good. Thanks, Mike.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: Yeah. I'm reminded of the Isles of Capri case that we just reviewed a couple of weeks ago, and those conditions were not nearly as severe as these, and we did not allow one of the docks -- or one of the lifts to be -- to encroach on a riparian right. So this is a much worse condition in my estimation than the one we voted out in Isles of Capri.

And, for the record, I looked at that as 100-foot-wide waterway. I didn't buy your 1,400 feet.

CHAIRMAN STRAIN: Okay. Anybody else? Phil?

COMMISSIONER BROUGHAM: No.



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CHAIRMAN STRAIN: No, okay.
Mike, you did the boat dock extension?
MR. SAWYER: Correct.
CHAIRMAN STRAIN: Let's see if I had anything left. No. So I only have a couple of questions on the variance. Thank you.
MR. SAWYER: Thank you.
MS. GUNDLACH: Good afternoon, Commissioners. For the record, I'm Nancy Gundlach, principal planner with the Department of Land Development Services.
And staff is recommending approval of the variance, of course subject to the approval of the boat dock extension and also the certificate of occupancy for the new house that's being built across the street.
And it would be my pleasure to answer any questions you might have this afternoon.
CHAIRMAN STRAIN: Anybody have any questions on the variance from Nancy?
(No response.)
CHAIRMAN STRAIN: Nancy, a couple cleanup questions maybe. Page 5, did you do the aerial?
MS. GUNDLACH: Yes, I did the aerial.
CHAIRMAN STRAIN: Could you -- if this is appealed, or wherever it goes, you reference that lot as a boat dock lot. We now know that's improper. Could you just make that correction?
MS. GUNDLACH: Okay. Yes.
CHAIRMAN STRAIN: Okay. Under your variance criteria on Page 6, No. E, the question was, will the granting of the variance confer on the applicant any special privilege that is denied by the zoning regulations to other lands, buildings, or structures in the same zoning district. Your answer was no. And then afterwards it says, most other neighboring properties moor two vessels.
Did you rely upon any kind of data, survey, or statistical information submitted to you to come to that conclusion?
COMMISSIONER EBERT: No.
MS. GUNDLACH: No.
CHAIRMAN STRAIN: Okay. So --
MS. GUNDLACH: I had to think about that for a minute.
CHAIRMAN STRAIN: So our record -- we don't have anything for the record to support that conclusion? That was just something you wrote in there?
MS. GUNDLACH: Actually, it's based on the application.
CHAIRMAN STRAIN: But you were not given any supporting data to validate that conclusion, were you?
MS. GUNDLACH: No.
CHAIRMAN STRAIN: Okay. That's what I was getting at. I just wanted to make sure --
MS. GUNDLACH: Okay.
CHAIRMAN STRAIN: -- if we have data here that we're relying upon, it's accurate. And under a variance, I wanted to especially check that. So that's all I had.
Anybody else have any questions of staff?
(No response.)
CHAIRMAN STRAIN: Thank you, Nancy.
MS. GUNDLACH: You're welcome.
CHAIRMAN STRAIN: Are there public speakers, Ray?
MR. BELLOWS: No one has registered.
CHAIRMAN STRAIN: Does anybody in the public wish to speak?
(No response.)
CHAIRMAN STRAIN: Okay. Is there any rebuttal wanted by the applicant?
(No response.)
CHAIRMAN STRAIN: You guys got any more you want to say before we close the public hearing?
MR. HALL: No, sir.
CHAIRMAN STRAIN: Let the record state that, rather than shaking his head, he actually said no off record.
Okay. With that, we'll close the public hearing, and we'll entertain a motion first on the variance.



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COMMISSIONER BROUGHAM: Motion to deny.
CHAIRMAN STRAIN: There's been a motion made to --
COMMISSIONER VONIER: Second.
CHAIRMAN STRAIN: -- deny, second -- by Mr. Brougham, seconded by Mr. Vonier.
Discussion? I'm going to support the denial for the following reasons: The -- I believe the hard -- first of all, under variance criteria, I don't agree that they've met the criteria of Elements B, C, D, E, and F. Most of that has to do with the fact that the hardship is based upon needing two vessels. I can't see where that occurs, and also the impact on the neighboring property. But those are my reasons for denying this variance.
Anybody else have any questions, comments?
(No response.)
CHAIRMAN STRAIN: If not, all those in favor of the motion, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Okay. Motion carries, 8-1.
***Boat dock extension. Does anybody have any comments on the boat dock extension?
(No response.)
CHAIRMAN STRAIN: Is there a motion?
COMMISSIONER BROUGHAM: Well, I will move to deny the boat dock extension, BDE-20110001573.
COMMISSIONER VONIER: Second.
COMMISSIONER KLEIN: (Raises hand.)
CHAIRMAN STRAIN: Is there a second? Motion made by Mr. Brougham, seconded by Mr. Vonier.
Discussion? I'm going to be supporting the motion. I believe that they did not meet Primary Criteria No. 1 or No. 2, and they do not meet Secondary Criteria No. 1, 3, and 4.
COMMISSIONER VONIER: I agree.
CHAIRMAN STRAIN: Anybody else?
COMMISSIONER SCHIFFER: I'll be supporting the motion but adding Criteria No. Primary 5 and Primary 4.
CHAIRMAN STRAIN: Is that in addition to the ones I have suggested?
COMMISSIONER SCHIFFER: Yes, yes.
CHAIRMAN STRAIN: Okay. Anybody else?
(No response.)
CHAIRMAN STRAIN: All those in favor of the motion to deny, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Motion carries 8-1.



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Thank you, all. Appreciate your time.

We're done with our advertised public hearings.

***Next item up is a new business item, and it's 11B, suggested -- by -- Brad asked for it earlier today concerning the CCPC representation at the BCC meeting.

COMMISSIONER SCHIFFER: And this is actually the right roomful of people. At the Wahl presentation -- the concern I have is I don't want to second guess the BCC's judgment. That's made. That's locked. The question I have is how does our work -- I mena, we work hard on these things. How is that presented to the BCC?

At the Wahl hearing, the applicant, who's standing right where he was, stated that the application was solely about safe access to the boat, okay, and repeated that. I mean, I don't agree with that, but that's what -- he's allowed to say what he wants.

Nancy got up and said, staff doesn't approve -- or votes for approval. Do you have any questions? And it wasn't until midway in the hearing that the attorney actually stated, wait a minute. This is just about a boat lift, and a boat lift doesn't provide safe access.

So how do we spend time like we just did, how is that supposed to be presented to the commission?

MR. BELLOWS: The executive summary prepared for the Board of County Commissioners or the Board of Zoning Appeals in a case of variance and conditional uses always outlines the CCPC vote and the reasons for the vote. And it's very important, like you did on this petition, to outline the criteria and the reasons for recommending denial. That information is placed in the executive summary for the board to hear.

Now, if staff -- after going through the CCPC hearing and the information presented during that CCPC hearing, if we decided that information or new information presented is enough to change our recommendation, say we were -- either support or -- whatever our recommendation was different from the Planning Commission's, but as a result of the hearing, we are now in agreement, we will note that in the executive summary that staff is changing their vote for a recommendation that was presented to the Planning Commission and are now siding with the Planning Commission based on that information presented.

However, if we still feel that our recommendation is correct or we think that it should be presented as our recommendation to continue forward, we will note both, that staff disagrees with the CCPC. So that both information there -- so the Board of County Commissioners gets both recommendations when they're different.

COMMISSIONER SCHIFFER: But you see the problem. The staff of the Planning Commission is you guys, and you're the ones saying we want to approve this thing, which you're allowed, but you're also the ones that are supposed to be presenting our point.

I mean, so what I'd like to see -- and, Heidi, it would be great if -- and, Steve, if it's a legal thing, if the legal department is kind of watching the hearing to make sure. And, again, like I said, it was Jeff well into the hearing that finally said, wait, wait, this is only about a boat lift.

And I think that statements -- for example, the boat lift didn't -- doesn't have anything to do with safe access to a dock. So if someone's saying this is about safe access to a dock, somebody somewhere has got to say, wait a minute, wait a minute. It's about a boat lift. The boat will be down in the exact same position it would be with or without the lift. So, you know -- go ahead, Phil, you wanted --

COMMISSIONER BROUGHAM: No, no. When it's my turn. But I just want to join in with you, Brad. I watched the BCC meeting, and I was almost beating on the TV because I felt that the fullness of the discussion that this commission had concerning those two requests was not at all presented either in black and white or verbally by the staff. And I'm new at this game. But I guess I could come up and register as a public speaker, but I don't feel appropriate doing that.

I would just like to see some way that no matter what the recommendation of staff is, to approve or deny, that we have more forthcoming -- or more substance to the discussion or the debate and the conclusions and --

COMMISSIONER KLEIN: Rationale.

COMMISSIONER BROUGHAM: Good point -- rationale that this commission put into their recommendation. Because I feel if the commissioners, A, didn't read the executive summary -- I'm not accusing that -- or didn't ask the right questions, then our discussion in substance wouldn't have been presented or was not presented. And I felt the same as you, Brad. I just felt disenfranchised for all the time we put into those.

COMMISSIONER SCHIFFER: And we can't expect one of us to run down to these meetings. We give enough to do this job. The problem is we work hard. We worked an hour or so on this one, and to have that thrown



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out in the presentation by two parties that really aren't interested in what we came up with in our hour anyway because it goes against what they want, I do think something should be done. I would love to see the county attorney kind of watch a hearing like that and be the one to say, wait a minute. That's -- you know, I want -- you know, the commission to know the Planning Commission was against it. It is not a question of safe access to the boat. The boat would always be allowed at the dock. The question is whether we can lift it in the air after you're using it.

And, you know, someone's got to speak for our voice, or let's just quit screwing around on these things. I mean, we are going to take them up, but it is disrespectful that we waste our time from our businesses and our resources and then have it blown off like it's a flippant opinion.

CHAIRMAN STRAIN: Well, let me comment on a couple of things. First of all, I have no reason to doubt on this executive summary that was presented on the Wahl docks -- I didn't -- I haven't read it, but I'm assuming staff articulated our position as they stated they have. So we've got to rely on that as an unbiased way to present our case, because that's why we have a consent agenda and the other agendas we have.

So assuming that was done correctly, for anyone, whether it be a member of this board to go there and try to represent this board or for the county attorney to speak on behalf of this board or Ray to speak on behalf of the board, all they can do is tell what's on record. If the BCC had watched us, which they probably don't, but had read the executive summary, I think they would get the gist of it.

To request staff to state our position without -- I'm not sure I'd be as comfortable with that, because they're going to state the majority position, which may be contrary. And your position right now, by the way, is not why I voted no on the Wahl docks. I voted no on that Wahl dock side not because of the lift and the height of it and all that, but because there was no hardship shown for the variance.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: So I don't even match what you just said, so how could we get that straight at the BCC level?

COMMISSIONER SCHIFFER: No, but that proves the point that one of us can't go down --

CHAIRMAN STRAIN: Well, and I --

COMMISSIONER SCHIFFER: -- because we would never -- you know, and that's not fair to us and that's also the fact that we don't always speak in a unified voice. I think maybe one thing to do, Ray, could we see the executive summary that you're going to present with the consent agenda so we could critique that to make sure that that's covering what we're concerned about?

And, like I said, it was really the county attorney who finally had to step in and get the thing a little bit back on track with the boat-lift issue.

CHAIRMAN STRAIN: But the executive summaries are made the week prior. How could we chime in on them? It wouldn't do any good.

COMMISSIONER HOMIAK: But they read -- I know that some of the commissioners read our minutes. They read the transcripts of the meetings before -- that was --

COMMISSIONER SCHIFFER: Well, we -- how could they -- I mean, we don't get them.

COMMISSIONER HOMIAK: That was read before they voted on that by many of them.

COMMISSIONER SCHIFFER: I mean, we haven't -- the transcripts aren't ready that fast.

MR. BELLOWS: The best way to accurately reflect the varying opinions of the Planning --

COMMISSIONER HOMIAK: The video's right here.

MR. BELLOWS: -- Commission would be to provide the minutes. And on the bigger cases, such as the Lost Grove Mine, we do include the minutes of the Planning Commission, because there's no way you're going to summarize that in an executive summary to the board.

On a thing like the Wahl variance, staff did put in the staff -- Planning Commission recommendation, the recommendation of denial and the reasons for it. That's -- you know, like Mark had indicated, not everyone on the Planning Commission has the same opinion about a petition, and we would have to basically include the minutes to accurately reflect everyone's opinion to fully convey that to the Board of County Commissioners. And I don't have any problem attaching minutes if that's so -- the desire of the commission.

COMMISSIONER SCHIFFER: But you can't expect the commissioners to read an hour hearing.

MR. BELLOWS: And timing-wise of getting things into the agenda packet for the board, I don't think there would be time to get each one of you to respond and say it's accurately reflecting your concerns.



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CHAIRMAN STRAIN: And I don't think our response off record substantiated as a policy of this board, so I think that would be a very difficult thing for you to change --

MR. BELLOWS: I think so, too.

CHAIRMAN STRAIN: -- based on someone's individual comment.

MR. BELLOWS: I think the only way to really -- to help your concern is -- because we do our best to try to reflect the Planning Commission vote in our executive summary. There's nothing gained by us trying to hide something or change the direction of the Planning Commission vote. We want to express to the board your findings as accurately as possible. And if doing so requires the minutes to be provided, we will do that.

COMMISSIONER SCHIFFER: Then in your staff presentation, make it part of your presentation. Don't just say, staff is in favor of this. Any questions? Sit there and say the Planning Commission -- and then use those -- executive summary to go over those points.

MR. BELLOWS: Well, that is a good point, and I will stress that with staff --

COMMISSIONER SCHIFFER: I mean, don't just blow us off.

MR. BELLOWS: -- in the future that when they are presenting the -- when they're asked to give staff comment on their executive summary that they make sure that they reference the CCPC vote.

COMMISSIONER SCHIFFER: You know, today covering the consent on the cultural arts, there's a nice thing presented. Nancy prepared it. Given a rundown of what our concerns were -- now, she was doing it in more checklist, I think, to show that it was in the packet, so that means that the best time for you to really think of what it is we're up to on that hearing is right away. So why can't you, within two weeks, have that -- it could be outlined. It could be what your executive summary's going to be -- to make sure that we're all on the same page with the points.

CHAIRMAN STRAIN: But I think consent does that, Brad. I think if we get the consent -- now you want not only a consent approval, but a draft executive summary approval?

COMMISSIONER SCHIFFER: I would like -- for the draft of the -- what they're going to say. I mean, the final executive summary, when they put it together is only about a -- two paragraphs anyway. It's not like a lot of written work. Go ahead. You obviously want to say --

COMMISSIONER EBERT: Ray, I have a --

MR. BELLOWS: There's a couple points I'd like to make. One is, if a petition is recommended for denial, then there's nothing to bring back to the Planning Commission on consent, because the resolution that was attached at our ordinance is not being forwarded with a recommendation from the Planning Commission. So there's nothing to bring back for you to verify.

In regards to an executive summary, they're working on four or five different projects at the same time, responding to other -- so not everyone can be able to get an executive summary comment, because they have to run it by me, Bill Lorenz, Nick Casalanguida before it's ready to be presented to the public eye, so to speak. I don't think the timing would ever work for an executive summary with the short time frames that we have.

COMMISSIONER SCHIFFER: Something like this cover letter today could not be done then?

MR. BELLOWS: Well, we could do a check list, certainly, or general outline.

CHAIRMAN STRAIN: Why don't you consider what Brad's asking for denials. When we've denied something, maybe put together a check list from staff as to why we denied it that you would eventually use for part of your executive summary. That's very minimal because we don't often deny things completely.

So where there's a denial and you wouldn't normally have a consent, well, at least just summarize our denial points so that we know going forward on a denial that could be controversial, our points are made as well as we expected them to, because that's normally what we check on a consent. Does that -- would that be a happy medium to get to a point where we could kind of test it out, see how it works?

MR. BELLOWS: That seems like a reasonable -- because we do need to reflect in our executive summaries the reasons for denial, and we want to make sure we get that right. And many times staff have to pull the minutes, go over the minutes, make sure what they have in their notes jives with the minutes before they finish the executive summary.

So as part of that process of verifying everything that's stated -- because, you know, when you go three or four hours on a petition, there's a lot of comments to weed through to make sure that we're accurately reflecting it.

That's why it's important when you make your motion, like you did just now, to cite all those reasons why you are not supporting it. A lot of times it's not very clear the reasons why you're denying something, so it's hard to



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reflect that accurately in an executive summary.

COMMISSIONER SCHIFFER: Mark, Ray does mention a point that I noticed in the past that is a problem. If we do deny things -- because we're pretty good at running up stipulations, summarizing them. You are, Mark, at the end --

MR. BELLOWS: Yes.

COMMISSIONER SCHIFFER: -- so we know where we are. If it votes down, I honestly think we still should forward those stipulations almost at -- because if the commission overturns us, they don't get the stipulations then. In other words, we should almost have a clause that if you -- you know, we recommend disapproval, but if you were to approve, and then list things we would want, so maybe we should have a consent.

CHAIRMAN STRAIN: Well, the only problem is when you do it that way, it acts as an incentive to approve.

COMMISSIONER SCHIFFER: It does.

CHAIRMAN STRAIN: And then they say, well, the Planning Commission, if we did this, they probably wouldn't have a big problem with it because they said they wouldn't.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: I don't want to go there because I think that opens another door we don't even want to test, because we have some strong opinions on some of these things.

COMMISSIONER SCHIFFER: Right. But we do lose some good ideas if they were to approve it, and sometimes they approve stuff that we deny.

COMMISSIONER KLEIN: But in that case, if staff does a -- like, a consent but just basically a rundown of reasons for denial for motions that we do deny, maybe that will take care of it. And we've got to try that at least, Brad, and see if that clears up the problem.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: And I think just bringing it up for discussion helps emphasize the issue, too, so --

MR. BELLOWS: I think it's a good idea. There's nothing that would make me more uncomfortable if we're presenting something to the board that isn't reflective of your condition and -- or -- and motion. And it's not the intent of staff to confuse the issue. We want to be as clear as possible.

So I think this is a good solution. And I think I'll work with staff and the attorney's office to come up with kind of like a consent agenda item for denial outlining the specific criteria in the code that you're referencing that's led to the motion of denial.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Ray, I have a question. These only come to the BCC if they are denied through the CCPC, or they just come on consent agenda; is that how it goes?

MR. BELLOWS: The way it works is if, like a variance petition or conditional use, the approving authority is the Board of Zoning Appeals. Our PUD rezone is the Board of County Commissioners. A boat dock extension is approved by the Planning Commission.

Now, if a variance or conditional use is acted upon by the Planning Commission and the recommendation is for denial, that executive summary also includes the resolution. In case the board approves it, the resolution will be there with conditions.

Now, if the Planning Commission has recommended denial, you don't have conditions that you're forwarding over to them, but you have conditions or reasons why you've denied it, and that is included in the executive summary, why did the Planning Commission recommend denial.

COMMISSIONER EBERT: Okay. The other question, because they had opposition for the Wahl dock -- and you had quite a few people here.

MR. BELLOWS: Yeah, and that lady spoke during the board hearing.

COMMISSIONER EBERT: Yes, yes. Oh, she did?

MR. BELLOWS: Yes.

COMMISSIONER EBERT: I was going to ask you, did the neighbors come and speak, okay. Because sometimes people don't even know that it's going to go to them.

MR. BELLOWS: Yeah. They've been coordinating with staff, and they were informed of the meeting, and they did show up.



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COMMISSIONER EBERT: Okay, thank you. That's what I wanted to know.
CHAIRMAN STRAIN: Okay. Anything else? Brad?
COMMISSIONER SCHIFFER: Well, just -- but remember, the thing was, without the variance they wouldn't have safe access to the boat.
So what I'm kind of looking for is -- and I don't agree with that. And maybe -- he and I could argue forever -- is that somebody -- the Planning Commission never considered safe access to the boat as anything in that application. So somebody somewhere has to say, wait a minute, it's not about safe access. It's about a boat lift, you know, and make sure the commission's clear on that. That's what I don't -- we're walking away from this conversation without that probably happening.
MR. BELLOWS: No, I understand what you're trying to say, but --
CHAIRMAN STRAIN: Well -- and actually --
MR. BELLOWS: -- I believe the applicant has the right to express their reasons for it.
COMMISSIONER SCHIFFER: He does. I didn't say shoot him. I said, when he's done, talk about it.
MR. BELLOWS: Yeah.
COMMISSIONER SCHIFFER: Don't drop them in the middle of the presentation. Enough said.
CHAIRMAN STRAIN: Okay. Well, I think we've wrapped this one up.
MR. BELLOWS: I think it's a great idea and --
CHAIRMAN STRAIN: The point's been made.
MR. BELLOWS: -- I will -- for the next meeting I'll try to draw up something similar in this vein for you to look at on a consent item.
CHAIRMAN STRAIN: Thank you, Ray. Much appreciated. It works.
Public comments, items, anything else? Looks like we're about done. I do want to thank Karah Lewis for the brownies brought in by her mother, Terri.
K.D., thanks for the movies today and, records, thank you for the coffee. We appreciate it all.
And with that, I'll look for a motion to adjourn.
MS. ASHTON-CICKO: Mr. Strain?
CHAIRMAN STRAIN: Yes.
MS. ASHTON-CICKO: Can we -- we may have already done it, but can we officially continue the LDC hearings to the May 17th hearing?
CHAIRMAN STRAIN: Sure. Let's have a motion to continue to May 17th for the LDC amendments.
COMMISSIONER SCHIFFER: So moved.
COMMISSIONER AHERN: Second.
CHAIRMAN STRAIN: Made by Brad, seconded by Melissa.
All in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 9-0.
Now, whoa, whoa, whoa, adjourned, motion to adjourn?
COMMISSIONER AHERN: So moved.
By Melissa. Seconded by --
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: -- Karen.



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All in favor?
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: We're out of here.

*******

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:20 p.m.

COLLIER COUNTY PLANNING COMMISSION

MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 6-7-12, as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.



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Collier County

# STAFF CONFIRMATION OF CONSISTENCY
# RESOLUTION: BDE-PL20110001573

## REQUEST FOR ADMINISTRATOR SIGNATURE

**TO:** GROWTH MANAGEMENT DIVISION, PLANNING AND REGULATION
NICK CASALANGUIDA, ADMINISTRATOR

**FROM:** DEPARTMENT OF LAND DEVELOPMENT SERVICES
MIKE SAWYER, PROJECT MANAGER

**SUBJECT:** RESOLUTION FOR: BDE-PL20110001573,
JAFFE BOAT DOCK EXTENSION
(COMPANION ITEM: VA-PL20110001576)

---

**REQUESTED ACTION:**

The above noted petition has been denied by the Collier County Planning Commission (CCPC) and the Collier County Attorney's Office has prepared and signed the attached resolution which has been checked by our office to confirm consistency with the CCPC denial. Staff is requesting that the Growth Management Division Administrator sign the attached resolution.

**PREPARED BY:**

MICHAEL SAWYER, PROJECT MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

5.18.12
DATE

**REVIEWED BY:**

RAYMOND V. BELLOWS, ZONING MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

5-18-12
DATE



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# CCPC RESOLUTION NO. 12-05

**A RESOLUTION DENYING PETITION NUMBER BDE-PL2011-1573 FOR A 19 FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20 FOOT LIMIT PROVIDED IN SECTION 5.03.06 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR A 39 FOOT BOAT DOCK FACILITY IN AN RSF-3 ZONE ON PROPERTY HEREINAFTER DESCRIBED IN COLLIER COUNTY, FLORIDA.**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance 04-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which are provisions for granting extensions for boat docks; and

WHEREAS, the Collier County Planning Commission (CCPC), being duly appointed, has held a properly noticed public hearing and has considered the advisability of a 19 foot extension over the maximum 20 foot limit provided in LDC Section 5.03.06 to allow for a 39 foot boat dock facility in an RSF-3 zone for the property hereinafter described; and

WHEREAS, the CCPC has found as a matter of fact that satisfactory provision and arrangement have not been made concerning all applicable matters required by LDC Section 5.03.06; and

WHEREAS, all interested parties have been given the opportunity to be heard by this Commission in public meeting assembled, and the Commission having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE COLLIER COUNTY PLANNING COMMISSION OF COLLIER COUNTY, FLORIDA, that:

Petition Number BDE-PL2011-1573, filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc., with respect to the property hereinafter described as:

> Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

be and the same is hereby DENIED in accordance with the provisions of the public hearing held before the CCPC on May 3, 2012.



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BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Commission and filed with the County Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 17th day of May, 2012.

ATTEST:

Nick Casalanguida, Administrator
Growth Management Division

COLLIER COUNTY PLANNING COMMISSION
COLLIER COUNTY, FLORIDA

Mark P. Strain, Chairman

Approved as to form
and legal sufficiency:

Steven T. Williams
Assistant County Attorney

11-CPS-01127/13

Attachment: Attachment G - CCPC Minutes 05_03_2012 R_ (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

VA-PL20210002276
10091 Gulf Shore Dr



# HEARING PACKAGE CHECKLIST

## A. Backup provided by the County Planner

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

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

## B. Backup provided by Applicant:

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

- ✓ Application, to include but not limited to the following:
  - ✓ Narrative of request
  - ✓ Property Information
  - ✓ Property Ownership Disclosure Form
  - ✓ Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.
- ✓ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- ✓ Affidavit of ~~Unified Control~~ AUTHORIZATION x2
- ____ Affidavit of Representation
- ✓ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- ✓ NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
  - ~~✓ Include 3~~ thumbnail drives of video and/or audio AGENT LETTER INFO
    - AFFIDAVIT
    - LETTER
    - MAILING LIST
- ____ Traffic Impact Study (TIS)
- ____ Environmental Data
- ____ Historical/Archeological Survey or Waiver
- ____ Utility Letter
- ✓ ~~Deviation~~ Justifications

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

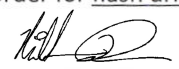
✓ Boundary Survey

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

___ Submerged Resource Surveys may be included here if required.

✓ **flash drive with *only one* pdf file for all documents**

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



Signature of Agent Representative

11/22/2021

Date

Nicholas Pearson

Printed Name of Signing Agent Representative

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# JAFFE DOCK
## 10091 GULF SHORE DR.
## NAPLES, FL 34108

## SIDE SETBACK VARIANCE PETITION
## PL20210002276
## NOVEMBER 2021

PREPARED BY:

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Variance Application

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# VARIANCE PETITION APPLICATION

## *Variance from Setbacks Required for a Particular Zoning District*

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

**PROJECT NUMBER**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

## APPLICANT CONTACT INFORMATION

**Name of Property Owner(s):** Andrew & Fern Jaffe

**Name of Applicant if different than owner:** _____

**Address:** 10091 Gulf Shore Dr. **City:** Naples **State:** FL **ZIP:** 34108

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

**E-Mail Address:** _____

**Name of Agent:** Nick Pearson

**Firm:** Turrell, Hall & Associates, Inc.

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

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

**E-Mail Address:** Nick@THAnaples.com

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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## PROPERTY INFORMATION

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

**Property I.D. Number:** 27530160008 **Section/Township/Range:** 29 / 48 S / 25 E

**Subdivision:** CONNERS VANDERBILT BCH #1 REPL REPLAT PART OF UNIT 1 **Unit:** 1 **Lot:** 34 **Block:** A

**Metes & Bounds Description:** _____ **Total Acreage:** _____

**Address/ General Location of Subject Property:** 10091 Gulf Shore Dr.

Property spans both sides of Gulf Shore Dr. apprx. 0.65 miles north of Vaderbilt Beach Rd.

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| **N** | RSF-3 | Single-family residential |
| **S** | RSF-3 | Single-family residential |
| **E** | RSF-3 | Single-family residential |
| **W** | RSF-3 | Single-family residential |

**Minimum Yard Requirements for Subject Property:**

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

**Side:** 7.5' **Waterfront Lot:** Yes ■ No ☐

**Rear:** _____

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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## ASSOCIATIONS

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

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

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

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

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

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

## NATURE OF PETITION

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

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

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

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

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

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

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

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

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

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

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

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

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

☐ Yes ■ No If yes, please provide copies.

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

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

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

### ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

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

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

## FEE REQUIREMENTS

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

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

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

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

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

Applicant Signature

9/17/21
Date

Nick Pearson
Printed Name

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

Jaffe Setback Variance Petition
August 25, 2021
Nature of Petition

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

The existing property at 10091 Gulf Shore Dr, owned by Andrew and Fern Jaffe since June of 2011, is a non-conventional style of lot that consists of 2 distinct parcels of land on either side of Gulf Shore Dr. The larger parcel, found on the west side of Gulf Shore Dr, and fronting the beach, is an approximately 100′ x 287′ rectangle that contains the Jaffe's primary residence, which was completed in May of 2014. Directly across Gulf Shore Dr. is a second smaller rectangular parcel that is approximately 30′ x 50′. The smaller parcel does not contain any structures within its boundaries except for a pavered walkway and patio area. Attached to the smaller parcel is an approximately 4′ x 31′ finger pier which protrudes into the adjacent 100′-wide man-made canal. The pier currently has 2 boatlifts, which are utilized to permanently moor the applicant's private vessels. These structures exceed the normally allowed protrusion of 20′/25%-the-width-of-waterway and the normally required 7.5′ side setbacks. Specifically, the existing structure with moored vessels was authorized to protrude 39′ from the MHWL into the existing waterway per BDE-PL20110001573 with a 0′ side setback from both riparian lines per VA-PL20110001576 on December 12th, 2012. The structures appear to have been given a CO in March of 2014 under Permit #PRBD20130203670.

We propose to re-configure the existing docking facility with a new finger pier and 2 boatlifts to replace the existing structure. The new docking facility and lifts with vessels would protrude 45′ into the waterway from the MHWL/property line (6′ further than the existing structure/vessels), which both occur at the same location and would both be considered the most restrictive point. Therefore, the proposed facility would require a 25′ protrusion variance beyond the normally allowed 20′ of protrusion. The facility would also require side setbacks on both sides to be reduced from 7.5′ to 0′, just as the existing structure requires. All structures proposed would still be located within the applicant's riparian lines and have been designed so as to not affect the ingress or egress from neighboring docks. Total over-water structure would amount to approximately 288 square feet of decking. Additionally, the dimensions proposed will largely align with the existing structure, which has existed in its current location for close to 10 years.

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

The only alterations proposed under Section 9.04.02 include construction of a private, recreational boat dock with 2 boatlifts. No dredging, filling, or otherwise movement of earth is proposed as part of this project.

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

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

The parcel on which the proposed project is to be built is an irregularly sized plot of land (at just 30′ x 50′) where the shoreline is 50′ in length. The parcel is also found at the end-corner of a man-made canal. Being at the corner of the canal, the riparian line dividing the applicant's and the south neighbor's riparian area is fairly restrictive for the applicant's riparian area as it tapers at an angle through each property's riparian area. The limited amount of shoreline combined with the south riparian line all but requires a side setback variance if the parcel is to be utilized. This variance would allow the property owner to make reasonable use of the waterway and docking facility for mooring and other water-based recreational activities while also maintaining the ability to safely ingress and egress by any of the applicant's vessels.

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

As stated above, due to the limited amount of shoreline associated with the parcel and the south riparian line, marine construction of any kind within the applicant's riparian area would be difficult to accomplish without a side setback variance. Furthermore, docks of similar dimensions have been previously approved and permitted on both the north and south neighboring lots.

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

Yes, denial of a side setback variance for this property would severely limit the usable riparian space associated with the site.

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

The applicant is proposing to only utilize the space within his riparian area. Furthermore, this property was previously issued a 0′ side setback variance (for a different dock design). Therefore, it is our opinion that another side setback variance of 0′ is reasonable for the circumstances, especially when the proposed facility will only protrude 6′ further than the existing structure.

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

No, the variance requested is for a dock associated with a single-family residence that will be utilized for recreational purposes only. Nearly all of the surrounding lots already contain larger docks used for the same recreational purpose. Therefore, granting this variance will not confer any special privilege to the applicant, but will allow the applicant to make reasonable use of an unusually sized and located parcel of land.

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

The dock facility code as outlined in Chapter 5.03.06A. states that:

> "Docks and the like are primarily intended to adequately secure moored vessels and provide safe access for routine maintenance and use, while minimally impacting navigation within any adjacent navigable channel, the use of the waterway, the use of neighboring docks, the native marine habitat, manatees, and the view of the waterway by the neighboring property owners."

The dock design proposed under this variance petition has been specifically configured in such a way so as to adequately provide safe access to the applicant's vessels while simultaneously avoiding negatively affecting navigation or public use within the adjacent canal. In addition, docks are a permitted accessory use in the underlying zoning district, and the applicant therefore has riparian rights to use of the canal. The end of the canal is also currently built out with 6 boatlifts between the 3 properties that have riparian access at the end of the canal. Therefore, we do not believe the proposed project will significantly change views from the existing structures.

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

The areas which the proposed structures would cover per this variance petition consist of the surface waters of a man-made waterway that was originally dredged from uplands. Construction within the side setbacks as proposed will have no effect on any natural preserves, lakes, golf courses, etc. Additionally, the proposed project has already received state and federal approval from the Florida Department of Environmental Protection.

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

Yes, besides the dock's side setbacks and protrusions, all other design criteria will be met. Granting of a side setback variance in this instance will therefore be consistent with the Growth Management Plan.

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

To our knowledge, an official interpretation or zoning verification has not been rendered on this property within the last year.

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Property Information

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Collier County Property Appraiser
# Property Summary

| Parcel No | 27530160008 | Site Address *Disclaimer | 10091 GULF SHORE DR | Site City | NAPLES | Site Zone *Note | 34108 |
|---|---|---|---|---|---|---|---|

| Name / Address | JAFFE, ANDREW T=& FERN B |
|---|---|
| | 10091 GULF SHORE DR |
| | |
| | |
| | |
| City | NAPLES |

| State | FL | Zip | 34108-2023 |
|---|---|---|---|

| Map No. | Strap No. | Section | Township | Range | Acres *Estimated |
|---|---|---|---|---|---|
| 3A29 | 233500 A 343A29 | 29 | 48 | 25 | 0.65 |

| Legal | CONNER'S VANDERBILT BCH EST REPLAT PART OF UNIT 1 BLK A LOT 34 AND PART OF UNIT 1, BLK C, DESC AS N 50FT LOT 14 LYING W OF CANAL |
|---|---|

| Millage Area | 164 | Millage Rates *Calculations | | |
|---|---|---|---|---|
| Sub./Condo | 233500 - CONNERS VANDERBILT BCH #1 REPL REPLAT PART OF UNIT 1 | School | Other | Total |
| Use Code | 1 - SINGLE FAMILY RESIDENTIAL | 5.016 | 6.2924 | 11.308 |

## Latest Sales History

(Not all Sales are listed due to Confidentiality)

| Date | Book-Page | Amount |
|---|---|---|
| 06/06/11 | 4689-3007 | $ 4,650,000 |
| 12/30/04 | 3712-935 | $ 5,500,000 |
| 05/01/96 | 2177-1399 | $ 738,000 |
| 12/01/91 | 1671-118 | $ 0 |
| 07/01/75 | 625-1874 | $ 0 |

## 2020 Certified Tax Roll

(Subject to Change)

| | | |
|---|---|---|
| | Land Value | $ 9,034 0 |
| (+) | Improved Value | $ 6,381 6 |
| (=) | Market Value | $ 15,415 6 |
| (-) | Save our Home | $ 5,289 6 |
| (=) | Assessed Value | $ 10,126 0 |
| (-) | Homestead | $ 25 0 |
| (=) | School Taxable Value | $ 10,101 0 |
| (-) | Additional Homestead | $ 25 0 |
| (=) | Taxable Value | $ 10,076 0 |

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Collier County Property Appraiser
# Property Detail

| Parcel No | 27530160008 | Site Address *Disclaimer | 10091 GULF SHORE DR | Site City | NAPLES | Site Zone *Note | 34108 |
|---|---|---|---|---|---|---|---|

| Name / Address | JAFFE, ANDREW T=& FERN B |
|---|---|
| | 10091 GULF SHORE DR |
| | |
| | |
| | |

| City | NAPLES | State | FL | Zip | 34108-2023 |
|---|---|---|---|---|---|

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

| Tax Yr | Issuer | Permit # | CO Date | Tmp CO | Final Bldg | Type |
|---|---|---|---|---|---|---|
| 1976 | COUNTY | 75-1811 | 12/15/76 | | | |
| 2013 | COUNTY | PRBD20120203027 | 06/15/12 | | | DEMOLITION |
| 2015 | COUNTY | PRBD20120304314 | 05/02/14 | | | RESIDENCE |
| 2015 | COUNTY | PRBD20121021203 | 05/02/14 | | | POOL |
| 2015 | COUNTY | PRBD20130203670 | 03/03/14 | | | DOCK |

## Land

| # | Calc Code | Units |
|---|---|---|
| 10 | RESIDENTIAL FF | 100 |
| 20 | RESIDENTIAL FF | 50 |
| 30 | ACREAGE | 0.68 |

## Building/Extra Features

| # | Year Built | Description | Area | A Ar |
|---|---|---|---|---|
| 10 | 2014 | RESIDENTIAL | 5192 | 12 |
| 20 | 2014 | SWIMMING POOL | 420 | 4 |
| 30 | 2014 | SPA | 38 | 3 |
| 40 | 2014 | TILE DECK | 686 | 6 |
| 50 | 2013 | WOOD DOCK | 198 | 1 |
| 60 | 2009 | SEAWALL | 50 | 5 |

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

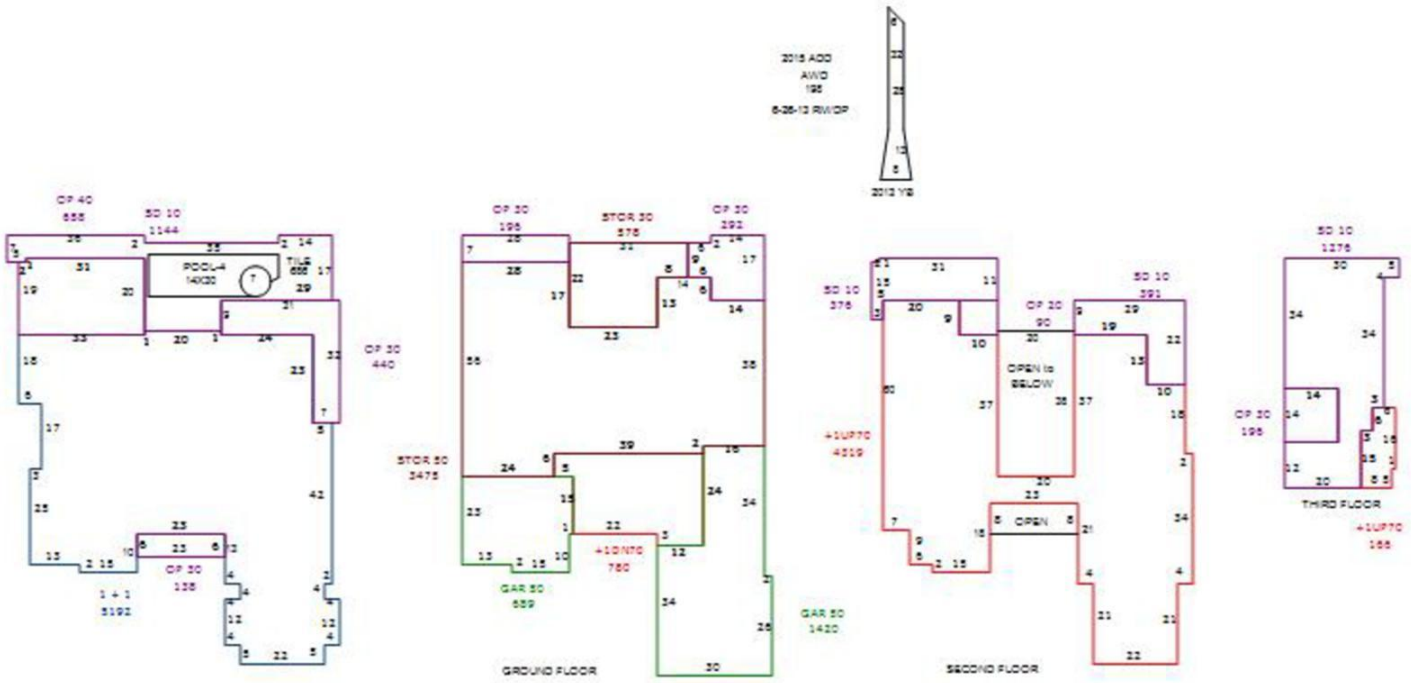
# Collier County Property Appraiser
# Property Aerial

| Parcel No | 27530160008 | Site Address *Disclaimer | 10091 GULF SHORE DR | Site City | NAPLES | Site Zone *Note | 34108 |
|---|---|---|---|---|---|---|---|




Open GIS in a New Window with More Features.

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)




Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Property Deed

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

INSTR 4572091 OR 4689 PG 3007 RECORDED 6/8/2011 10:08 AM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $32,550.00 REC $18.50
CONS $4,650,000.00



Roetzel & Andress, LPA
an Ohio Legal Professional Assn.
850 Park Shore Drive, Suite 300
Naples, FL 34103-3587
(239) 649-6200
mprice@ralaw.com

Prepared by and Return to:
**Timothy G. Hains**
**Attorney at Law**
**Quarles & Brady LLP**
**1395 Panther Lane Suite 300**
**Naples, FL 34109-7874**
**239-262-5959**
File Number: **sms-Forbis Jaff**
Will Call No.:
Doc Stamps: $32,550.00
Sales Price: $4,650,000.00
Parcel Identification No. **27530160008 & 27530880003**

[Space Above This Line For Recording Data]

# Warranty Deed

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

**This Indenture** made this 6th day of **June, 2011** between **Robert C. Forbis and Debra J. Forbis, husband and wife** whose post office address is **1443 Rail Head Blvd., Naples, FL 34110** of the County of **Collier**, State of **Florida**, grantor*, and **Andrew T. Jaffe and Fern B. Jaffe, husband and wife, as tenants by the entirety** whose post office address is **10091 Gulf Shore Drive, Naples, FL 34108-2023** of the County of **Collier**, State of **Florida**, grantee*,

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

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.**

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

**Grantors hereby confirm that this property has been grantors' homestead.**

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.

NOT A CERTIFIED COPY

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

3.A.i



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

Signed, sealed and delivered in our presence:

Witness Name: Angela Binstock

Witness Name: Renee Britzner

Witness Name: Angela Binstock

Witness Name: Renee Britzner

Robert C. Forbis (Seal)

Debra J. Forbis (Seal)

State of Wisconsin
County of Walworth

The foregoing instrument was acknowledged before me this 3rd day of June, 2011 by Robert C. Forbis and Debra J. Forbis, who [ ] are personally known or [X] have produced Driver License as identification.

[Notary Seal]

Notary Public

Printed Name: Shannon Herda

My Commission Expires: 9-1-2013

SHANNON HERDA NOTARY PUBLIC STATE OF WISCONSIN

NOT A CERTIFIED COPY

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)



DoubleTime®

# Addressing Checklist

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# ADDRESSING CHECKLIST

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

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

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

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

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

CONNER'S VANDERBILT BCH EST REPLAT PART OF UNIT 1 BLK A LOT 34 AND PART C

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

27530160008

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

10091 GULF SHORE DR

- **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)*

Andrew Jaffe cut-in slip, dock, and boathouse

PROPOSED PROJECT NAME *(if applicable)*

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

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

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

**FOR STAFF USE ONLY**

**Folio Number** 27530160008

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Folio Number** _____

**Approved by:** Thila D. **Date:** 12/15/2020

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

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Property Ownership Disclosure Form

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

## PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

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

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

| Name and Address | % of Ownership |
|---|---|
| Andrew and Fern Jaffe | 100 |
| | |
| | |
| | |
| | |

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

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

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

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



Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

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

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

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

**Date of Contract:** _____

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

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

g. Date subject property acquired 6/6/2011

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

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

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

**Date of option: _____**

**Date option terminates: _____**, or

**Anticipated closing date: _____**

## AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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



_____ 9/17/2021

Agent/Owner Signature Date

Nick Pearson
_____

Agent/Owner Name (please print)

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Affidavit of Representation

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** BDE-PL20200002573 and VA-PL20210002276

I, Andrew Jaffe (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) 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 Turrell, Hall & Associates, Inc. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:*

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

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

_____ **Signature**

4/22/2021 **Date**

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

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 22 day of April, 20 21, by (printed name of owner or qualifier) Andrew Jaffe.

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

[ ] Are personally known to me

[✓] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Jordan Lee Rice

Notary Seal

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

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** BDE-PL20200002573 and VA-PL20210002276

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

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

*Notes:*

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."*
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- *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.**

Fern Jaffe
**Signature**

9-13-21
**Date**

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

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

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

[ ] Are personally known to me

[ ] Has produced a current drivers license _____

[✔] Has produced Florida DL as identification.

Notary Signature: Jill Ann DeAngelo

JILL ANN DEANGELO
NOTARY PUBLIC
My Comm. Expires Oct. 2, 2022
Comm. # GG 26116
STATE OF FLORIDA

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



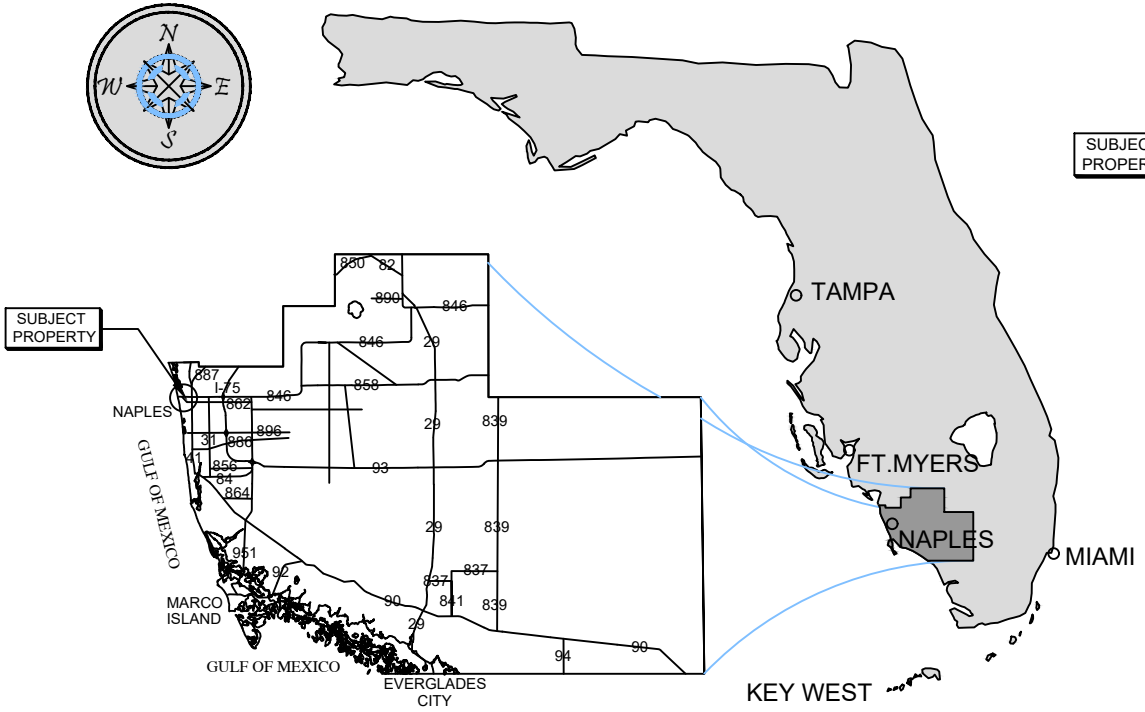
Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Variance Drawings / Exhibits

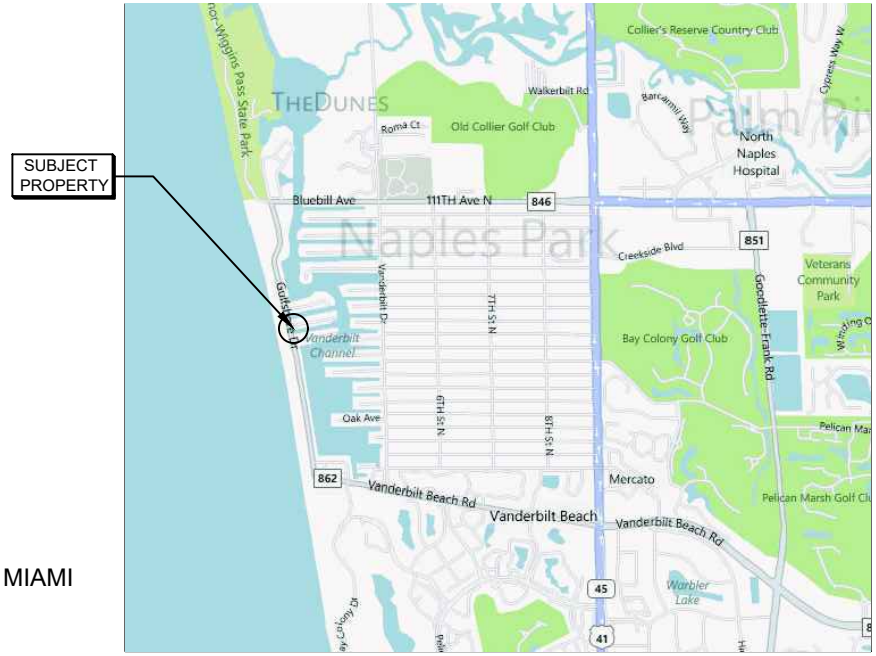
Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg LOCATION MAP 5/19/2021

# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 10091 GULF SHORE DR
NAPLES, FL 34108

<> LATITUDE: N 26.263339
<> LONGITUDE: W -81.824228

**NOTES:**

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

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

# 10091 GULF SHORE DR

## LOCATION MAP

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

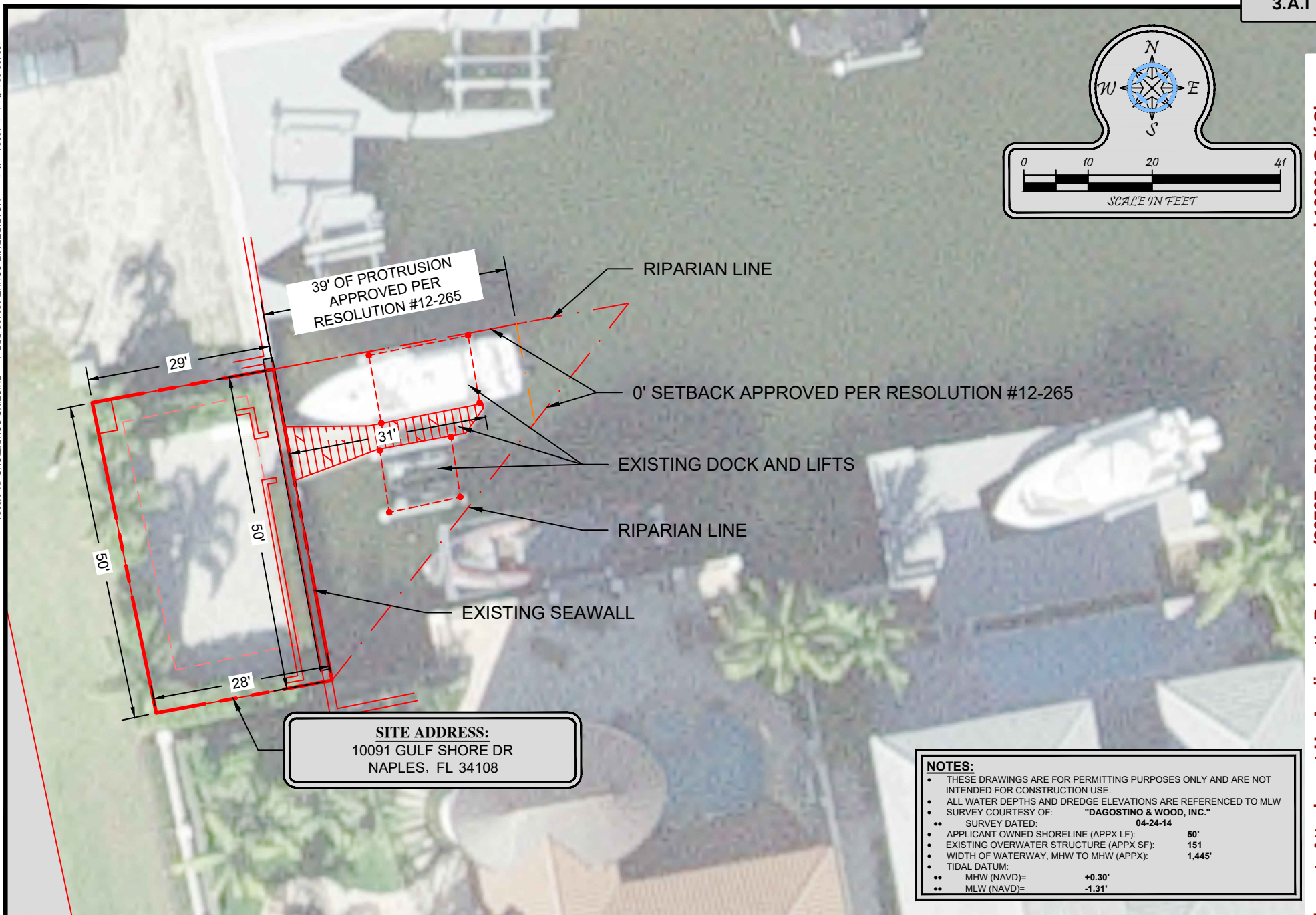
| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 01 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg EXISTING CONDITIONS 5/19/2021

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore




**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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

# 10091 GULF SHORE DR

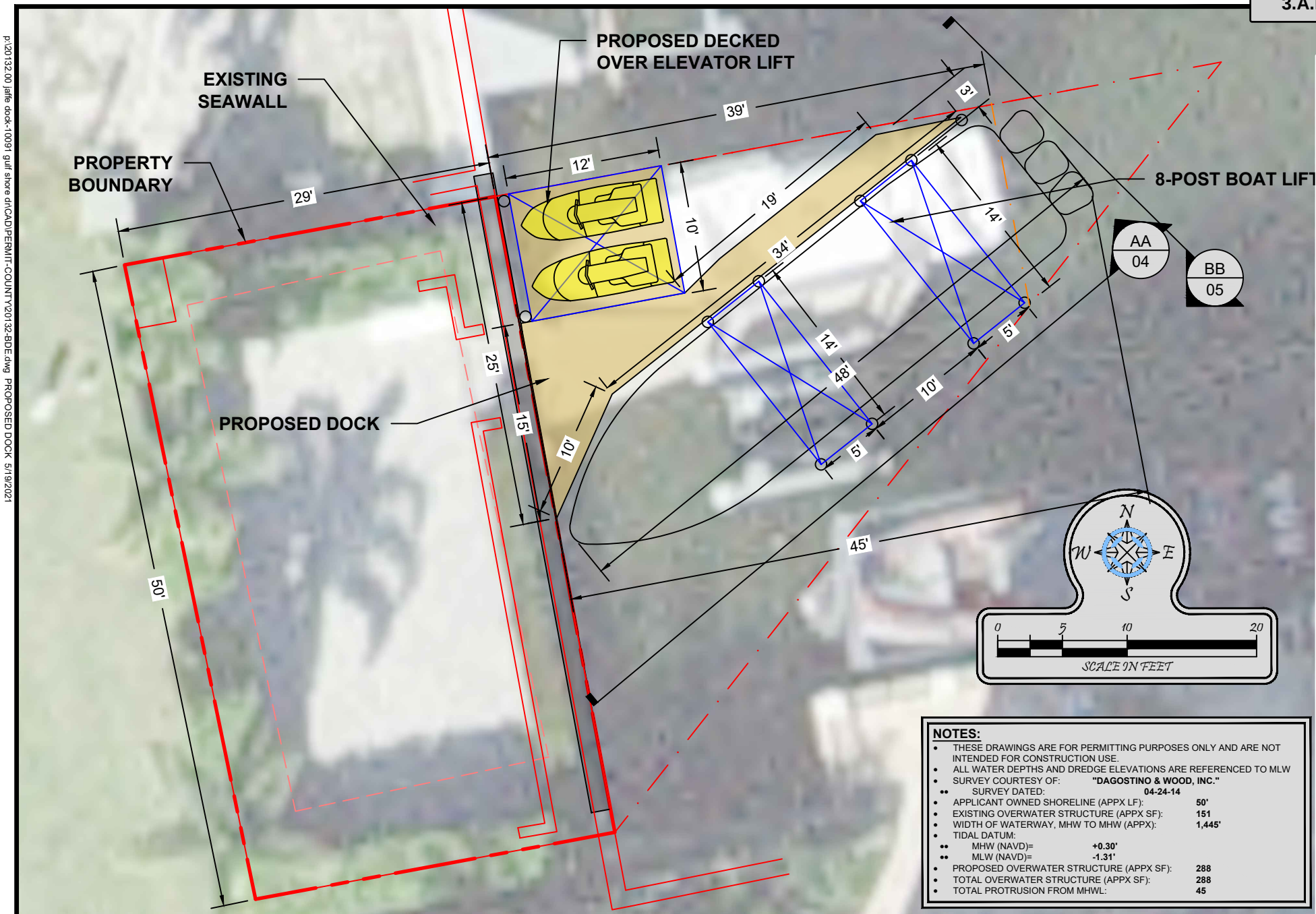
## EXISTING CONDITIONS

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

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 02 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg PROPOSED DOCK 5/19/2021




**NOTES:**

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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

# 10091 GULF SHORE DR

## PROPOSED DOCK

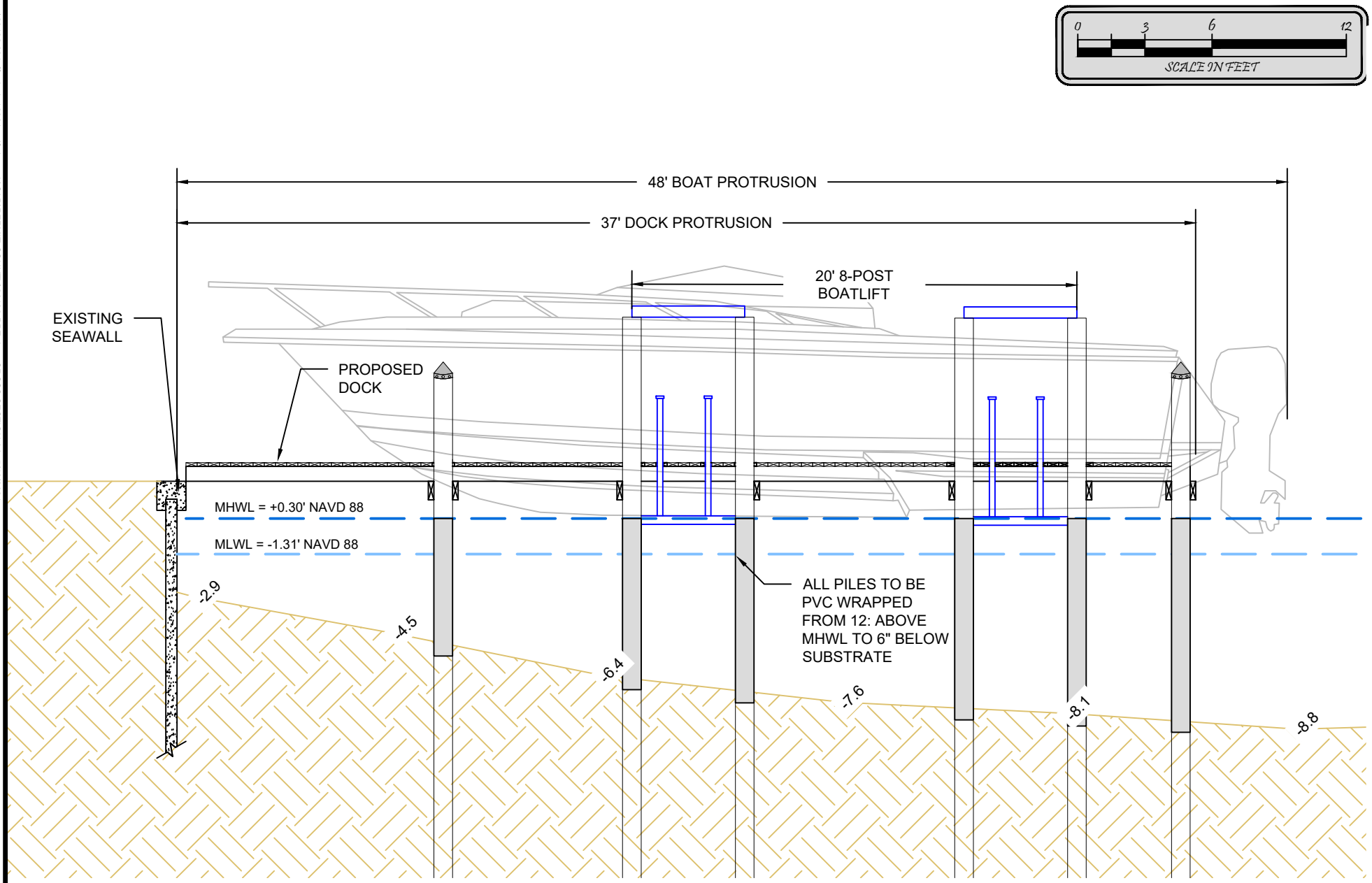
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 03 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore

p:\20132.00 ialfe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg CROSS SECTION AA 5/19/2021




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

# 10091 GULF SHORE DR

## CROSS SECTION AA

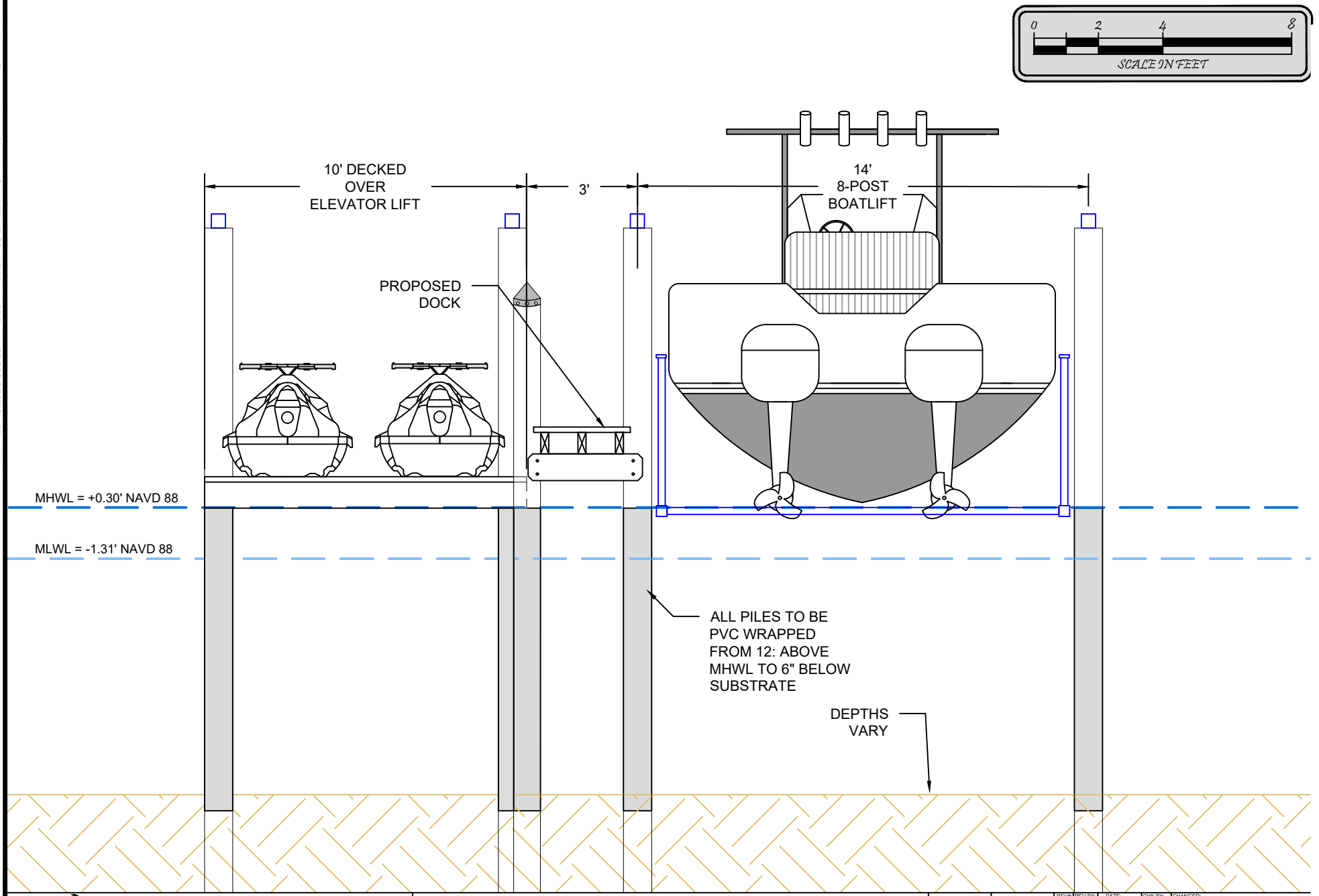
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 04 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg CROSS SECTION BB 5/19/2021




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

# 10091 GULF SHORE DR

## CROSS SECTION BB

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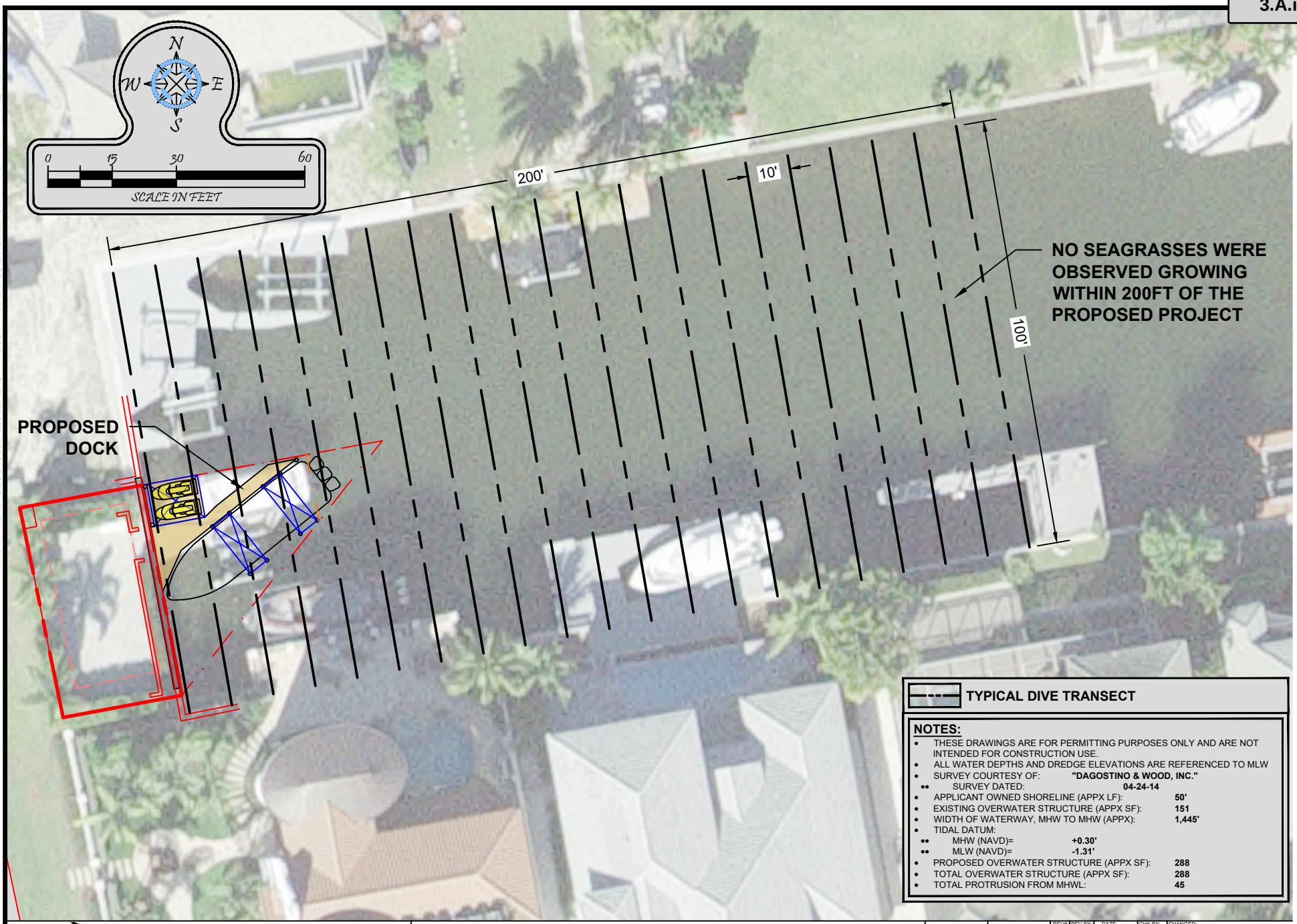
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|---|---|---|---|---|---|---|
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SECTION-29 TOWNSHIP-48S

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p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg SUBMERGED RESOURCE SURVEY 5/19/2021




TYPICAL DIVE TRANSECT

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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# 10091 GULF SHORE DR

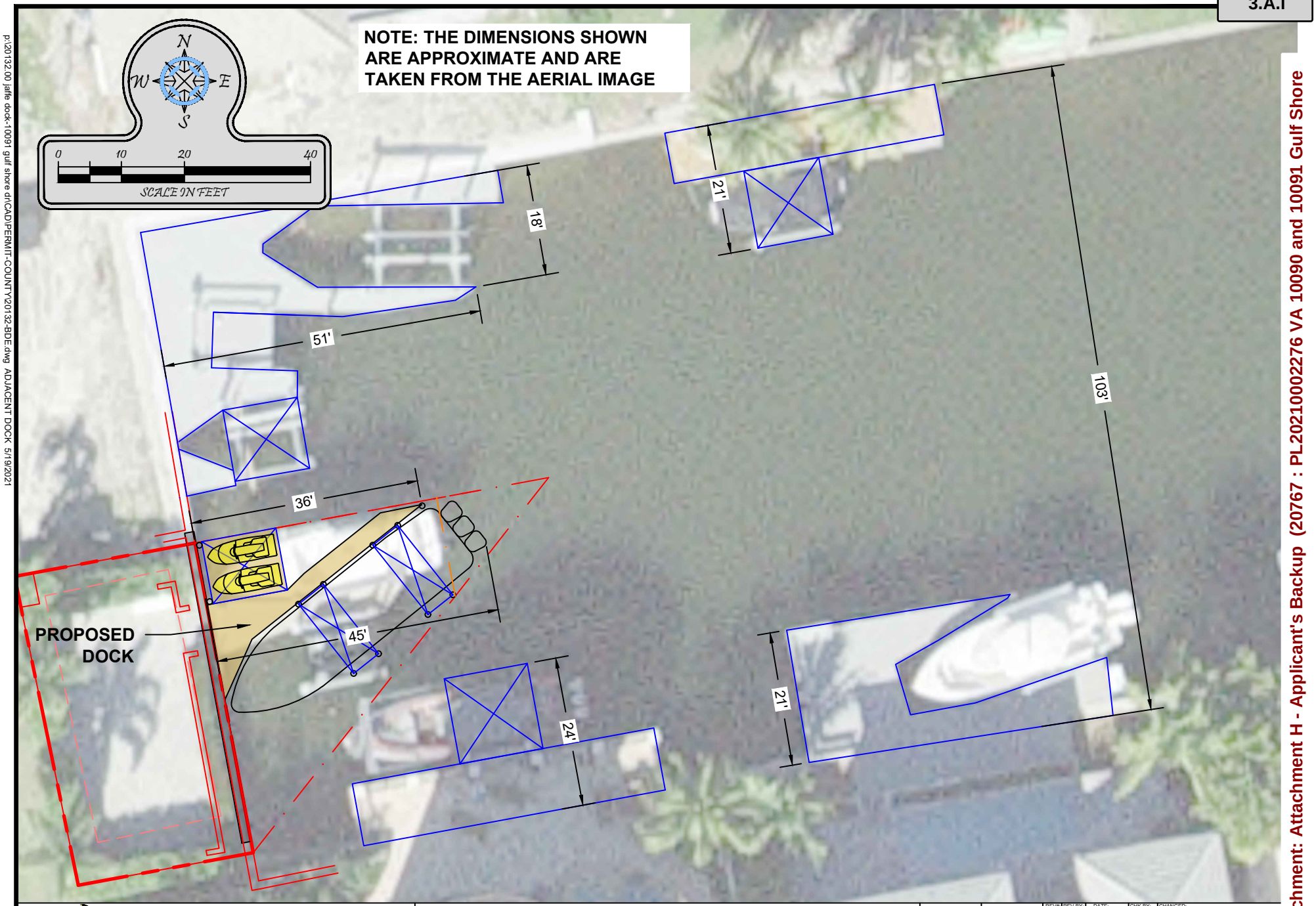
## SUBMERGED RESOURCE SURVEY

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

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 06 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg ADJACENT DOCK 5/19/2021




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

# 10091 GULF SHORE DR

## ADJACENT DOCK

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| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 07 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore

# NIM Information

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# AFFIDAVIT OF COMPLIANCE

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

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

(Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 29 day of November, 2021 by Nick Pearson, who is personally known to me or who has produced _____ as identification.

Jordan Lee Rice
(Signature of Notary Public)

Jordan Lee Rice
Printed Name of Notary

(Notary Seal)

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

**Letter of Notification of Variance**
to Property Owners and Associations within 150 feet

November 18, 2021

Dr. Andrew Jaffe
10091 Gulf Shore Dr.
Naples, FL 34108

Dear Property Owner:

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

**10091 Gulf Shore Drive, further described as the North 50 feet of Lot 14, Block C, Re-Subdivision of Part of Unit No. 1, Conner's Vanderbilt Estates, in Section 29, Township 48 South, Range 25 East, Collier County, Florida.**

It is our intent to ask the County to allow us a variance from Land Development Code Section 5.03.06.E.6 to reduce the required side yard riparian setback of 7.5 feet to 0 feet for a dock facility on a lot with less than 60 feet of water frontage on the aforementioned property. You are encouraged to contact the sender of this letter in the event you would like additional explanation or further information. In any event, please be advised that we are interested in assuring you that our request should not adversely affect your property interest.

Sincerely,

Dr. Andrew Jaffe
10091 Gulf Shore Dr.
Naples, FL 34108
239-293-3500

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

| NAME1 | NAME2 | NAME3 | NAME4 | NAME5 | NAME6 | FOLIO | ADDRESSTYPE |
|---|---|---|---|---|---|---|---|
| BURNS, NANCY C | 10173 GULF SHORE DR | | | | NAPLES, FL 34108---2025 | 27530240009 | U |
| DUNN, JOLAINE M | BOBBI JO DUNN-MENDEZ | 108 CHANNEL DR | | | NAPLES, FL 34108---2142 | 27482720004 | U |
| JAFFE, ANDREW T & FERN B | 10091 GULF SHORE DR | | | | NAPLES, FL 34108---2023 | 27530160008 | U |
| KARGMAN, JAMES B | DELORES HEIDI BREM-KARGMAN | 2605 ESTRELLA CT | | | NAPLES, FL 34109---0 | 27530200007 | U |
| L W & S W BAIERL REV TRUST | 5 LITTLE MEADOW RD | | | | WEXFORD, PA 15090---0 | 27530920002 | U |
| LONGWELL, ROB | PAMELA GIBSON LONGWELL | 13910 FACTORY LANE | | | LOUISVILLE, KY 40245---0 | 27530120006 | U |
| MONAGHAN TR, MARJORIE E | MARJORIE E MONAGHAN TRUST | UTD 12/29/1975 | PO BOX 702576 | | PLYMOUTH, MI 48170---983 | 27530080007 | U |
| SHERYL CERKLESKI DECL OF TRUST | 103 BAYVIEW AVE | | | | NAPLES, FL 34108---0 | 27482640003 | U |
| SMALL, JON | JENNIFER LENEL SMALL | 10080 GULF SHORE DR | | | NAPLES, FL 34110---0 | 27530840001 | U |

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore

Étiquette de format 25 mm x 67 mm compatible avec Avery ®5160/8160
label size 1" x 2 5/8" compatible with Avery ®5160/8160

BURNS, NANCY C
10173 GULF SHORE DR
NAPLES, FL 34108---2025

DUNN, JOLAINE M
BOBBI JO DUNN-MENDEZ
108 CHANNEL DR
NAPLES, FL 34108---2142

JAFFE, ANDREW T & FERN B
10091 GULF SHORE DR
NAPLES, FL 34108---2023

KARGMAN, JAMES B
DELORES HEIDI BREM-KARGMAN
2605 ESTRELLA CT
NAPLES, FL 34109---0

L W & S W BAIERL REV TRUST
5 LITTLE MEADOW RD
WEXFORD, PA 15090---0

LONGWELL, ROB
PAMELA GIBSON LONGWELL
13910 FACTORY LANE
LOUISVILLE, KY 40245---0

MONAGHAN TR, MARJORIE E
MARJORIE E MONAGHAN TRUST
UTD 12/29/1975
PO BOX 702576
PLYMOUTH, MI 48170---983

SHERYL CERKLESKI DECL OF TRUST
103 BAYVIEW AVE
NAPLES, FL 34108---0

SMALL, JON
JENNIFER LENEL SMALL
10080 GULF SHORE DR
NAPLES, FL 34110---0

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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

# Pre-Application Meeting Notes

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

**From:** KellyJohn
**To:** Nick Pearson
**Cc:** GMD Client Services; BellowsRay
**Subject:** BDE-PL20200002573 - 10091 Gulf Shore Dr - Companion Variance Required
**Date:** Wednesday, July 21, 2021 3:16:12 PM
**Attachments:** 10091 Gulf Shore Dr - VA Notes.pdf

Good afternoon Nick,

As we discussed at this mornings post-review meeting a companion Variance is required for the subject BDE petition. The Zoning Manager has waived the requirement for a Pre-Application meeting. For that reason I have compiled a set of notes for you as well as completed the application submittal checklist; see attached. As I understand it, you are able to create the Variance process yourself using the Cityview Portal and both this e-mail and the attached file should be submitted in lieu of Pre-Application Meeting materials. Please feel free to contact me in the event you run into difficulties.

With respect to the issue pertaining to the Affidavit of Authorization. I have discussed the issue with Derek Perry of the County Attorney's Office. He is of the opinion that either both parties must sign a single document or that each party may submit individual documents; whichever the case, both parties must authorize the project. Feel free to reach out to Derek at (239)252-8066 for additional information.

Respectfully,
*John Kelly*
Senior Planner

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

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

Collier County
*Growth Management Department*

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

## Meeting Notes

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

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

ZONING NOTES –

- COMPANION TO BDE. PL20200002573
- PRE-APPLICATION MEETING WAIVED BY PLANNER
- ZONING MANAGER HAS OPINED THAT PREVIOUSLY APPROVED VARIANCE AS THIS LOCATION WAS DOCK SPECIFIC AND CHANGES TO CONFIGURATION OF SAID DOCK REQUIRE A NEW VARIANCE BE APPLIED FOR AND APPROVED
- SEE ATTACHED MEETING NOTES
- APPLICATION W/ CHECKLIST ATTACHED

10091 GULF SHORE DR
FOLIO: 27530160008

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

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



Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

**Pre-Application Meeting Notes**
**GMD - Zoning Services**

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

**VARIANCE**

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

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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# VARIANCE PETITION APPLICATION

## *Variance from Setbacks Required for a Particular Zoning District*

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

| | |
|---|---|
| PROJECT NUMBER<br>PROJECT NAME<br>DATE PROCESSED | *To be completed by staff* |

## APPLICANT CONTACT INFORMATION

Name of Property Owner(s): _____

Name of Applicant if different than owner: _____

Address: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Cell: _____ Fax: _____

E-Mail Address: _____

Name of Agent: _____

Firm: _____

Address: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Cell: _____ Fax: _____

E-Mail Address: _____

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

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## PROPERTY INFORMATION

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

**Property I.D. Number:** _____ **Section/Township/Range:** _____/_____/_____

**Subdivision:** _____ **Unit:** _____ **Lot:** _____ **Block:** _____

**Metes & Bounds Description:** _____ **Total Acreage:** _____

**Address/ General Location of Subject Property:** _____

_____

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| N | | |
| S | | |
| E | | |
| W | | |

**Minimum Yard Requirements for Subject Property:**

**Front:** _____ **Corner Lot:** Yes ☐ No ☐

**Side:** _____ **Waterfront Lot:** Yes ☐ No ☐

**Rear:** _____

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

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## ASSOCIATIONS

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

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

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

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

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

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

## NATURE OF PETITION

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

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

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

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

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

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

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

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

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

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

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

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

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

☐ Yes ☐ No If yes, please provide copies.

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

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

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

### ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

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

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

## FEE REQUIREMENTS

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

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

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

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

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

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

_____ _____
Applicant Signature Date

_____
Printed Name

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# Professional Survey

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

# MAP OF AS-BUILT SURVEY
# OF LOT 34, BLOCK A, AND THE NORTH 50' OF LOT 14, BLOCK C, RE-SUBDIVISION OF PART OF UNIT NO. 1, CONNER'S VANDERBILT BEACH ESTATES, LYING IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | DELTA (M) | RADIUS (M) | ARC (M) | CHORD BEARING (M) | CHORD (M) |
| C1 | 0°10'51" | 31700.00' | 100.00' | N12°11'35"W | 100.00' |
| C2 | 0°10'32" | 31700.00' | 100.15' | N11°58'23"W | 100.15' |
| C3 | 0°10'50" | 31700.00' | 99.85' | N11°52'17"W | 99.85' |
| C4 | 0°10'52" | 31700.00' | 100.22' | N11°38'41"W | 100.22' |
| C5 | 0°13'01" | 31700.00' | 120.00' | N11°38'39"W | 120.00' |
| C6 | 0°05'26" | 31700.00' | 50.04' | N11°39'40"W | 50.04' |
| | | | | | |
| CURVE | DELTA (P) | RADIUS (P) | ARC (P) | CHORD BEARING (P) | CHORD (P) |
| C1 | 0°10'51" | 31700.00' | 100.00' | N12°28'06"W | 100.00' |
| C2 | 0°10'51" | 31700.00' | 100.00' | N12°17'10"W | 100.00' |
| C3 | 0°10'51" | 31700.00' | 100.00' | N12°06'26"W | 100.00' |
| C4 | 0°10'51" | 31700.00' | 100.00' | N11°55'26"W | 100.00' |
| C5 | 0°12'59" | 31770.00' | 120.02' | N11°58'17"W | 120.02' |
| C6 | 0°05'25" | 31770.00' | 50.01' | N12°07'29"W | 50.01' |

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING (M) | DISTANCE (M) |
| L1 | N79°31'04"E | 29.12' |
| L2 | S10°38'49"E | 50.00' |
| L3 | S79°27'29"W | 28.23' |
| | | |
| LINE | BEARING (P) | DISTANCE (P) |
| L1 | N79°07'31"E | 30.01' |
| L2 | S10°52'00"E | 50.00' |
| L3 | S79°08'00"W | 28.91' |

## LEGEND

- ▲ = SET PK NAIL AND DISK – "D&W LB 6896"
- ◬ = FOUND PK NAIL AND DISK – "D&W LB 6896"
- ◭ = FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES BRASS DISK
- ● = FOUND 5/8" REBAR – NO IDENTIFICATION
- ⊙ = FOUND 5/8" REBAR AND CAP – "LB 6569"
- ⊗ = RECOVERED OR SET 5/8" REBAR AND CAP – "D&W LB 6896"
- ■ = FOUND 4" X 4" CONCRETE MONUMENT WITH 1/8" REBAR
- (C) = CALCULATED DATA
- (M) = FIELD MEASURED DATA
- (P) = RECORD PLAT DATA

## LEGAL DESCRIPTION

LOT 34, BLOCK A, RE-SUBDIVISION OF PART OF CONNER'S VANDERBILT BEACH ESTATES UNIT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, AT PAGE 18, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.
AND
THE NORTH 50 FEET OF LOT 14, BLOCK C, RE-SUBDIVISION OF PART OF CONNER'S VANDERBILT BEACH ESTATES UNIT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, AT PAGE 18, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

## SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983, 1996 ADJUSTMENT (NAD83/96) FLORIDA EAST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN U. S. SURVEY FEET. COORDINATES SHOWN ARE GRID COORDINATES. DATUM BASED UPON CORS ADJUSTMENT (NAD83/96) FLORIDA EAST ZONE, AS MEASURED WITH THE COLLIER COUNTY RTK GPS SPIDER 2.0 NETWORK, USING BASE STATION "ORANGE BLOSSOM".

2. NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.

3. THIS STRUCTURE LIES IN FLOOD ZONE "VE" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL 12021C0189H, DATED MAY 16, 2012, WITH A BASE FLOOD ELEVATION OF 13 FEET NORTH AMERICAN DATUM OF 1988 (NAVD 1988).

4. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION PROVIDED, NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE OTHER SETBACKS AND/OR EASEMENTS NOT KNOWN TO THIS SURVEYOR.

5. THE 1989 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN COASTAL SETBACK LINE BOOK 1, PAGES 26–36, AND FILED IN OFFICIAL RECORDS BOOK 1452, PAGES 258–275 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA ON JUNE 29, 1989.

6. THE 1974 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN COASTAL SETBACK LINE BOOK 1, PAGES 13–25, DATED FEBRUARY 1979.

7. THE STREET ADDRESS IS:
10091 GULF SHORE DRIVE
NAPLES, FLORIDA 34108

8. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). ELEVATIONS ARE BASED UPON BENCHMARK "2604" HAVING A RECORD ELEVATION OF 25.45' NAVD 1988, AS GIVEN IN THE NATIONAL GEODETIC SURVEY CONTROL POINT DATABASE.

9. MEAN HIGH WATER ELEVATION 0.3', NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988), BASED ON EXTENSION OF TIDAL DATUM FROM TIDE INTERPOLATION POINT NUMBER 100239.

10. IN THIS AREA THE NORTH AMERICAN VERTICAL DATUM OF 1988, (NAVD 1988), IS 1.24' LOWER THAN THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, (NGVD 1929).

11. ZONING FOR THIS PARCEL IS RSF–3, SINGLE FAMILY.

12. BUILDING SET BACKS FOR RSF–3 ZONING ARE:
MINIMUM FRONT YARD – 30'
MINIMUM SIDE YARD WATERFRONT – 10'
MINIMUM REAR YARD – 25'

13. BUILDING SET BACKS NEED TO BE VERIFIED WITH THE PROPER PERMITTING OFFICIALS PRIOR TO ANY DESIGN OR CONSTRUCTION.




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DAVID S. DAGOSTINO License Number 5762 STATE OF FLORIDA Professional Surveyor and Mapper

COASTAL CONSTRUCTION CONTROL LINE RECORDED JUNE 29, 1989 SEE SURVEYOR'S NOTE #5

COASTAL CONSTRUCTION CONTROL LINE APPROVED SEPTEMBER 18, 1974 SEE SURVEYOR'S NOTE #6, AND 2010 GENERAL PERMIT LINE FLORIDA ADMINISTRATIVE CODE 62B-34.610 EFFECTIVE DATE OF APRIL 7, 2010

REVISED – ADDED RIPARIAN LINES – DSD – 05/12/21

JOB NO: 08–042
SHEET NO: 1

CERTIFIED TO:
ANDREW T. JAFFE AND FERN B. JAFFE, HUSBAND AND WIFE
MORGAN STANLEY PRIVATE BANK, NATIONAL ASSOCIATION,
ROETZEL & ANDRESS, A LEGAL PROFESSIONAL ASSOCIATION
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
610 18th Avenue N.E. Naples, FL 34120
Phone: (239) 352-6085 Fax: (239) 352-6085

DRAWN BY: MWW
CHECKED BY: DSD
FIELD BOOK: 67/18

COMPUTER FILE: 11036 04-23-14
SURVEY DATE: APRIL 24, 2014
SIGNATURE DATE: 05/12/21

DRAWING SCALE: 1 INCH = 20 FEET
REVISION DATE: 05/12/21
REVISED BY: DSD

DAVID S. DAGOSTINO, PSM
Professional Surveyor & Mapper Fla. License No. 5762

This map prepared by:

CERTIFICATE OF AUTHORIZATION NO. LB 6896
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Attachment: Attachment H - Applicant's Backup (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): PL20210002276 and PL20200002573

Regarding the above subject petition number(s), Andrew and Fern Jaffe (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: Andrew and Fern Jaffe Date: 11/29/21

Signature: DocuSigned by: C6B9C414517C464... DocuSigned by: AEB7B3404840408...

☑ 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 I - HEX hybrid meeting waiver (20767 : PL20210002276 VA 10090 and 10091 Gulf Shore Drive - Jaffe Dock)

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

**Item Number:** 3.B
**Item Summary:** PETITION NO. BDE-PL20200002573 - 10090 &10091 Gulf Shore Dr. - Request for a 25-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility protruding a total of 45 feet into a waterway that is 100± feet wide, pursuant to LDC Section 5.03.06. The subject property is located adjacent to 10091 Gulf Shore Drive, further described as the North 50 feet of Lot 14, Block C, Re-Subdivision of Part of Unit No. 1, Conner's Vanderbilt Estates, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

**Meeting Date:** 12/23/2021

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**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
12/06/2021 6:09 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
12/06/2021 6:09 PM

---

**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | | Review Item | Completed |
| Zoning | Diane Lynch | Review Item | Skipped | 12/06/2021 9:00 PM |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 12/06/2021 9:00 PM |
| Zoning | Ray Bellows | Review Item | Completed | 12/07/2021 3:04 PM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 12/07/2021 3:15 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 12/23/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

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

**HEARING DATE:** DECEMBER 23, 2021

**SUBJECT:** BDE-PL20200002573, 10090 and 10091 GULF SHORE DRIVE DOCK, COMPANION TO VA-PL20210002276

---

**PROPERTY OWNER/APPLICANT:**

Andrew T. and Fern B. Jaffe
10091 Gulf Shore Drive
Naples, FL 34108

**AGENT:**

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

**REQUESTED ACTION:**

The petitioner requests a 25-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for waterways greater than 100 feet in width, for a total protrusion of 45 feet into a waterway that is 100± feet wide, for the benefit of the subject property.

**GEOGRAPHIC LOCATION:**

The subject parcel is located at 10090 Gulf Shore Drive and is further described as the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, in Section 29, Township 48 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

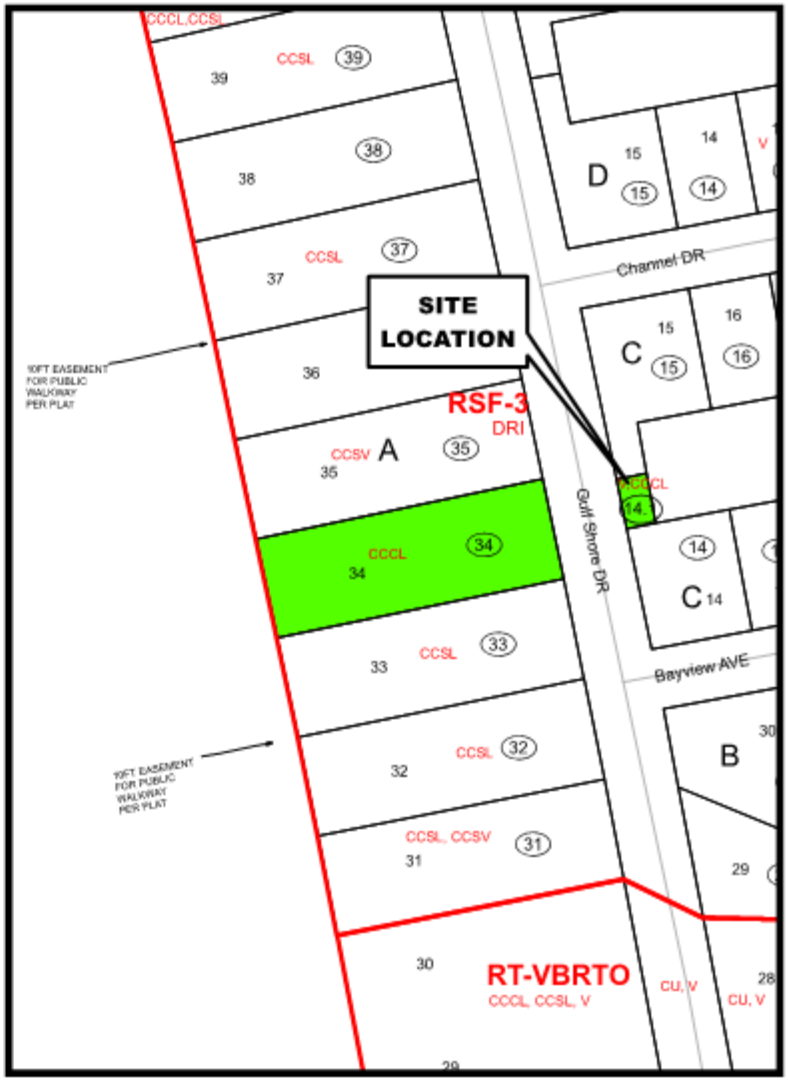
**PURPOSE/DESCRIPTION OF PROJECT:**

The subject parcel, 10090 Gulf Shore Drive, measures 30 feet by 50 feet and is joined by means of deed to 10091 Gulf Shore Drive, a single-family residence, located adjacent to and across the road. The combined parcels have historically been treated by the County as a single combined property, bisected by Gulf Shore Drive, with the subject parcel serving to support a residential boat dock facility. The petitioner now desires to reconfigure the existing dock facility that required a (Continued on Page 3)

Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)




Location Map




Zoning Map

Petition Number: PL20200002573



Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

PURPOSE/DESCRIPTION OF PROJECT (Continued from Page 1):

similar Boat Dock Extension, BDE-PL20110001573, and companion Variance, VA-PL20110001576. The position of Hearing Examiner had not yet been established in 2011 at which time the Collier County Planning Commission (CCPC) had approval for BDEs and acted as an advisory board to the Board of County Commissioners (BCC) for VAs. After hearing said projects as companion the CCPC voted to deny the BDE and to recommend denial of the VA to the BCC acting as the Board of Zoning Appeals (BZA). The applicant proceeded to submit a formal request for Administrative Appeal, ADA-PL20110001573, of the BDE which was subsequently heard by the BZA as a companion item to the VA. Ultimately, the BZA approved both the VA and ADA which reduced the side/riparian setbacks to 0 feet and provided for a total dock facility protrusion of 39 feet; refer to Attachments C, D, E and F. A new BDE and VA are required as the existing dock facility is being reconfigured to accommodate a larger 48-foot vessel and a second lift for kayaks and/or up to two personal watercraft; see Attachment A, Proposed Dock. The subject parcel has 50 feet of water frontage for which the LDC requires 7.5-foot side/riparian setbacks and is located at the end of a 104±-foot wide man-made canal for which the LDC allows a 20-foot protrusion. Plans reveal the dock and vessel combination will protrude 45 feet into the waterway as measured from the seawall/MHWL, which is the most restrictive point of measure.

Staff notes that the subject parcel is a pre-existing non-conforming lot of record deeded to the residence at 10091 Gulf Shore Drive in 1955; see deeds provided within Attachment C. It has further been established that a boat dock was constructed on this parcel in the 1950's and the use has continued to exist since. The LDC states that single-family residential dock facilities should be limited to two slips, the applicant requests the same. Staff is of the belief that the BZA's approval of Resolutions 12-265 (the VA) and 12-266 (the ADA for the BDE) serve to quiet any land use issues pertaining to the existence of a residential boat dock facility serving the single-family residence located at 10091 Gulf Shore Drive which is further located within a Residential Single-Family-3 (RSF-3) Zoning District; the subject parcel has 50 feet of water frontage.

Section 1.08.02, Definitions, provides the following:

> *Lot of Record* is defined, in part, as: "…a lot, parcel, or the least fractional unit of land or water under common ownership which has limited fixed boundaries, for which an agreement for deed or deed was recorded prior to October 14, 1974, if within the Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District."
>
> *Nonconforming*: "Refers to uses, buildings, lots, or structures that are in existence at the time of adoption of this Code or and Amendment(s), which were in compliance with applicable laws at the time of establishment of construction, but which do not comply with regulations and requirements of this LDC.
>
> *Nonconforming Lot of Record* is defined, in part, as: Any lawful lot or parcel which was recorded, or for which an agreement for deed or deed was recorded prior to October 14, 1974, if within the former Coastal Area Planning District, and January 5, 1982, if within the former Immokalee Area Planning District, which lot or parcel does not meet the minimum width or lot area requirements as a result of passage of this Code shall be considered as a legal nonconforming lot and shall be eligible for the issuance of a building permit provided all other requirements of this Code and the Florida Statutes are met.

Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

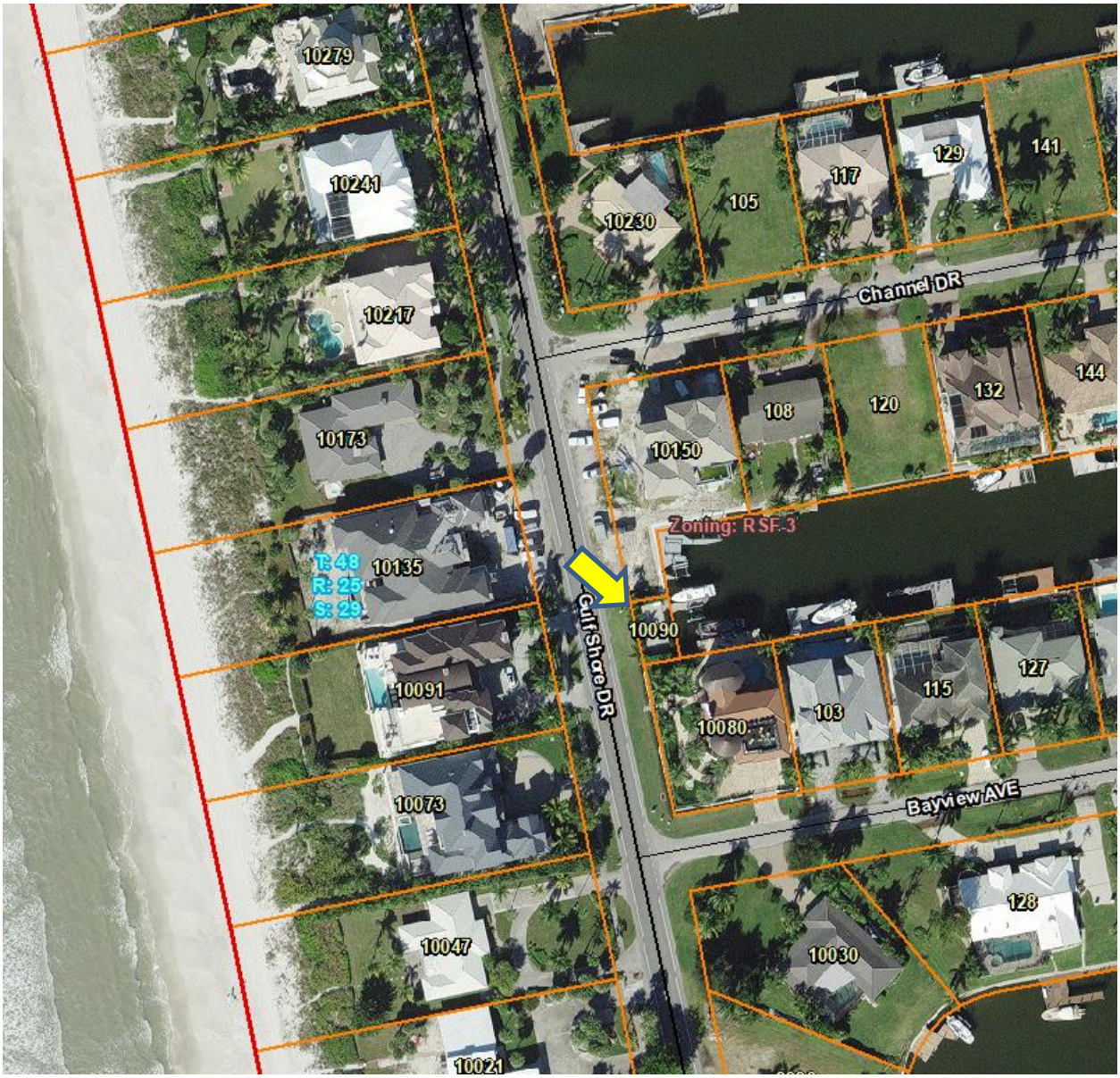
## SURROUNDING LAND USE & ZONING:

North: Single-family residence within a Residential Single-Family-3 (RSF-3) Zoning District

South: Single-family residence within a Residential Single-Family-3 (RSF-3) Zoning District

East: Vanderbilt Lagoon Canal

West: Single-family residence within a Residential Single-Family-3 (RSF-3) Zoning District




**Collier County GIS**

Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

**ENVIRONMENTAL EVALUATION:**

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located adjacent to a man-made canal. The proposed docking facilities will be constructed waterward of the existing seawalled shoreline. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 6 of 7 provides an aerial with a note stating that no seagrasses were observed within 200 feet. This project does not require an Environmental Advisory Council Board (EAC) review, because this project did not meet the EAC scope of land development project reviews as identified in Chapter 2, Article VIII, Division 23, Section 2-1193 of the Collier County Code of Laws and Ordinances.

**STAFF ANALYSIS:**

In accordance with LDC Section 5.03.06.H., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a dock facility extension request based on certain criteria. In order for the Hearing Examiner to approve this request, at least four of the five primary criteria and four of the six secondary criteria must be met:

**Primary Criteria:**

1. **Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

   Criterion met. The subject property is improved with a single-family residence, allowing for up to two boat slips. The proposed project consists of replacing the existing dock facility with a two-lift docking facility; one lift is to accommodate a 48-foot vessel and the other will be decked-over to be used for kayaks and/or up to two personal watercraft.

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

   Criterion not met. Water depth is not the driving factor for this petition. The applicant is seeking the subject BDE to accommodate a 48-foot vessel which required the existing dock facility to be reconfigured.

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

Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

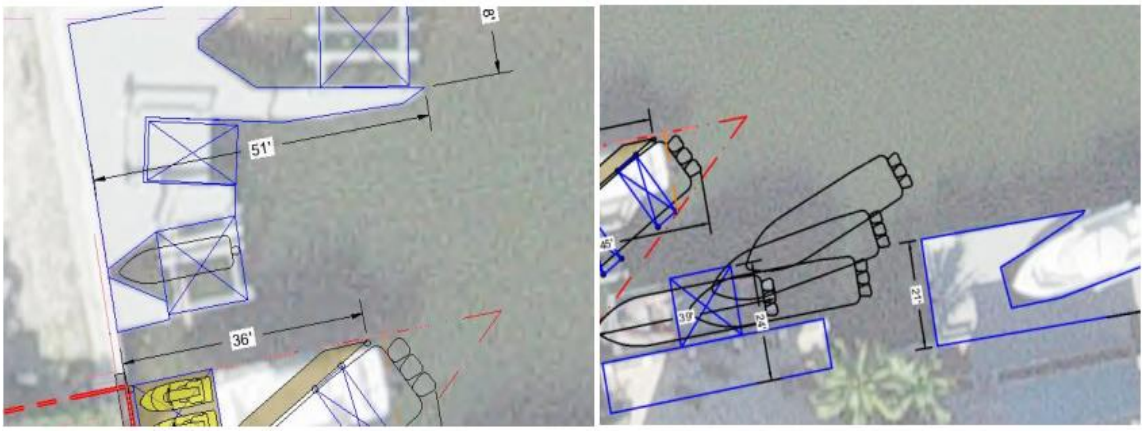
Criterion met. The proposed dock facility is located at the end of a canal and is not located within any marked or charted navigable channel. The applicant further states that the proposed dock has been designed to not restrict the waterway any further than the existing facilities. Staff concurs.

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

Criterion met. As noted within the project purpose/description, this dock facility is located on a unique parcel with only 50 feet of water frontage located at the terminal end of a man-made canal. The applicability of this criteria is challenging as the parcel is located on a canal measuring 104± feet in width; however, the opposite shoreline is 1,400± feet to the east. Typically, the protrusion measurement for this criterion is taken to wither the MHWL or, when applicable, to a dock facility on the opposite shore. The only reference as to how to determine width is located within LDC Section 5.03.06.C.2.a which is not applicable; it indicates width is measured to the property directly across the waterway. Additionally, the proposed dock facility will be within the allocated riparian area. It is Staff's opinion the proposed dock facility satisfies the intent of this criterion as the proposed dock facility protrudes less than 25 percent of 1,400± feet.

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

Criterion met. The applicant states: The property on which the proposed docking facility will be located has already been granted a 0' side setback variance under Resolution 12-265. The main difference in this proposal, as opposed to the approved design, is that the portion of the proposal that abuts the riparian line will be slightly further into the waterway (not closer to or over the riparian line). Therefore, the proposed dock will not infringe upon the side setbacks any more than has already been approved. Furthermore, it will be located entirely within the riparian area of the owner's property. Being at the end of the canal, the additional 9' of protrusion should not affect any neighboring property owners. A depiction of the ingress/egress areas for both neighbors can be seen below." Staff concurs.




**Turrell, Hall and Associates**



Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

**Secondary Criteria:**

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

   Criterion met. As noted above the proposed dock facility is located at the western end of a man-made canal and has a total shoreline of 50 linear feet. Additionally, the converging riparian lines associated with this parcel reduce the configuration and design options of this dock facility. Therefore, the limited shoreline and associated riparian lines are the special conditions related to this request.

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

   Criterion met. The proposed dock facility will cover only 288 square feet of overwater structure and the finger pier portion has been minimized to 3 feet in width. The proposed deck area is the minimum needed to support reasonable and safe access to vessels for loading/unloading and routine maintenance.

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

   Criterion not met. The subject dock facility has been designed to accommodate one 48-foot vessel and two personal watercraft each of 12 feet; the combined vessel total is 72 feet which exceeds 50 percent of the applicant's total shoreline (50 feet).

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

   Criterion met. The proposed dock has been designed within the designated riparian lines and is located at the end of a canal; properties to the west are across Gulf Shore Drive. As the end of the canal already has two other dock facilities there should not be any impact to existing views.

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

Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

Criterion met. The submerged resources survey provided indicates that no seagrass beds exists within 200-feet of the proposed dock. No seagrass beds will be impacted by the proposed dock facility.

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

Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Staff analysis finds this request complies with four of the five of the primary criteria. With respect to the six secondary criteria, one of the criteria is found to be not applicable, the request meets four of the remaining five secondary criteria.

**CONCURRENT LAND USE APPLICATIONS:**

Companion Petition No. VA-PL20210002276 for dock side/riparian setback reduction.

**APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:**

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

**STAFF RECOMMENDATION:**

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20200002573, to allow for the construction of the proposed dock facility as depicted within the plans contained in Attachment A, subject to the following stipulation:

1. Subject to the approval of companion petition VA-PL20210002276.

Attachments:

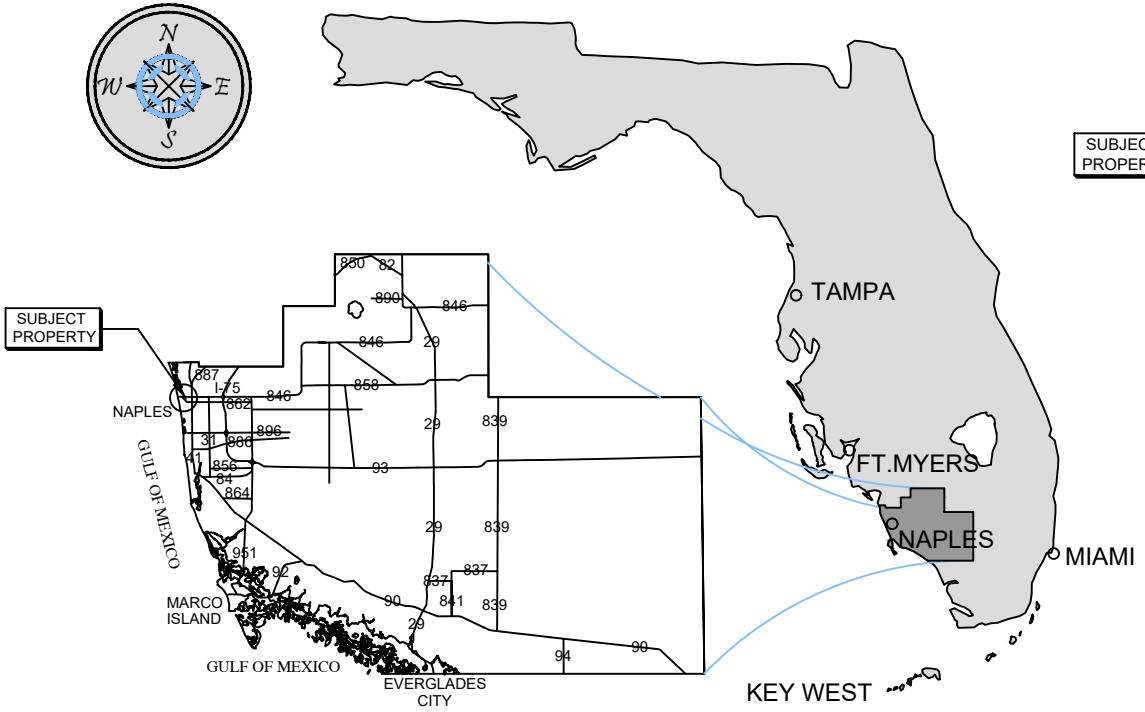
A) Proposed Site and Dock Plans
B) Public Hearing Sign Posting
C) Resolution 2012-266
D) ADA-PL20110001573 – Executive Summary and Backup
E) BCC Minutes 12_11-12_2012 R – Edited for Brevity
F) CCPC Minutes 05_03_2012 R
G) Applicant's Backup, application and supporting documents
H) Hybrid Meeting Waiver



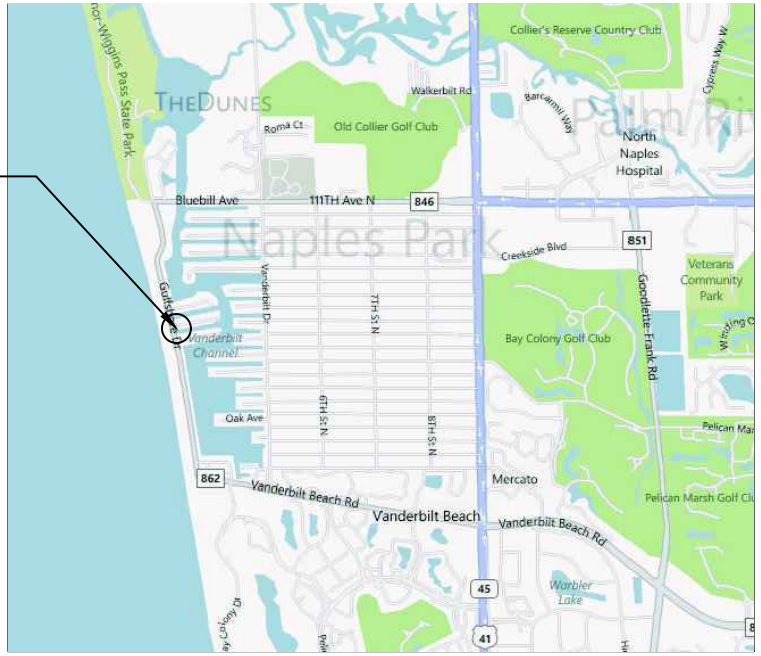
Attachment: Staff Report 12032021 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg LOCATION MAP 5/19/2021

# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 10091 GULF SHORE DR
NAPLES, FL 34108

<> LATITUDE: N 26.263339
<> LONGITUDE: W -81.824228

**NOTES:**

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

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

# 10091 GULF SHORE DR

## LOCATION MAP

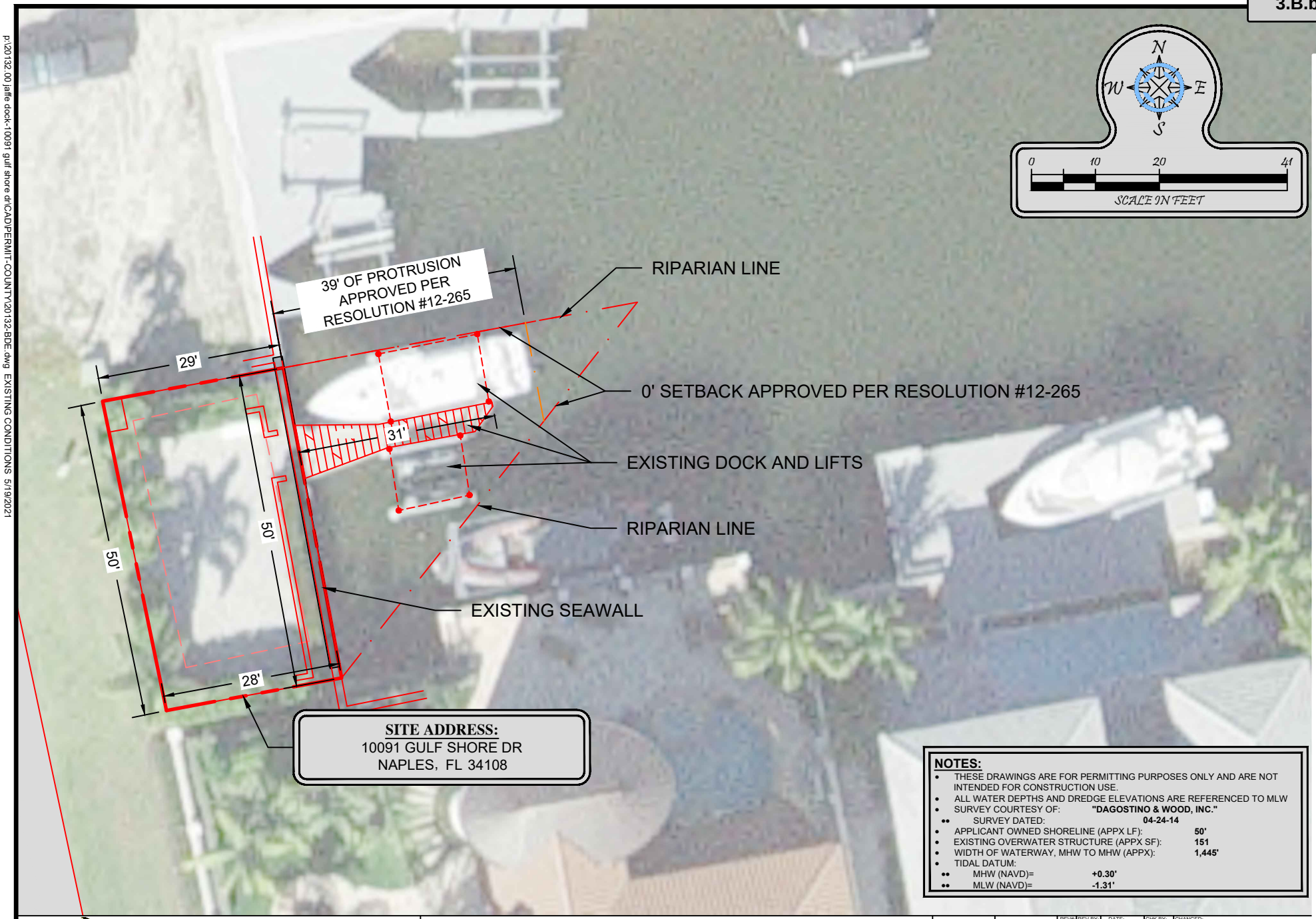
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 01 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg EXISTING CONDITIONS 5/19/2021




**NOTES:**

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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# 10091 GULF SHORE DR

## EXISTING CONDITIONS

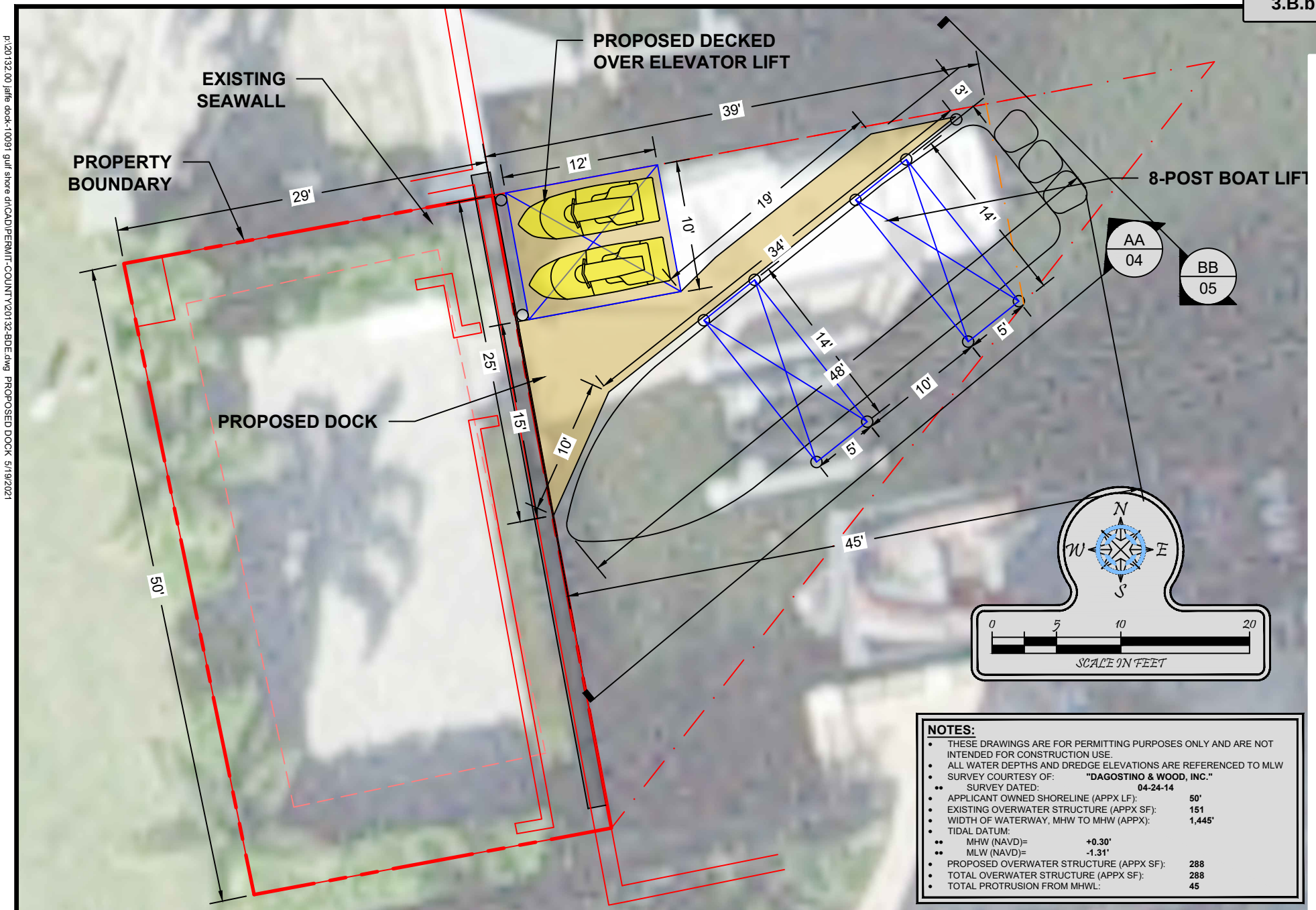
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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
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| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 02 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg PROPOSED DOCK 5/19/2021




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- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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# 10091 GULF SHORE DR

## PROPOSED DOCK

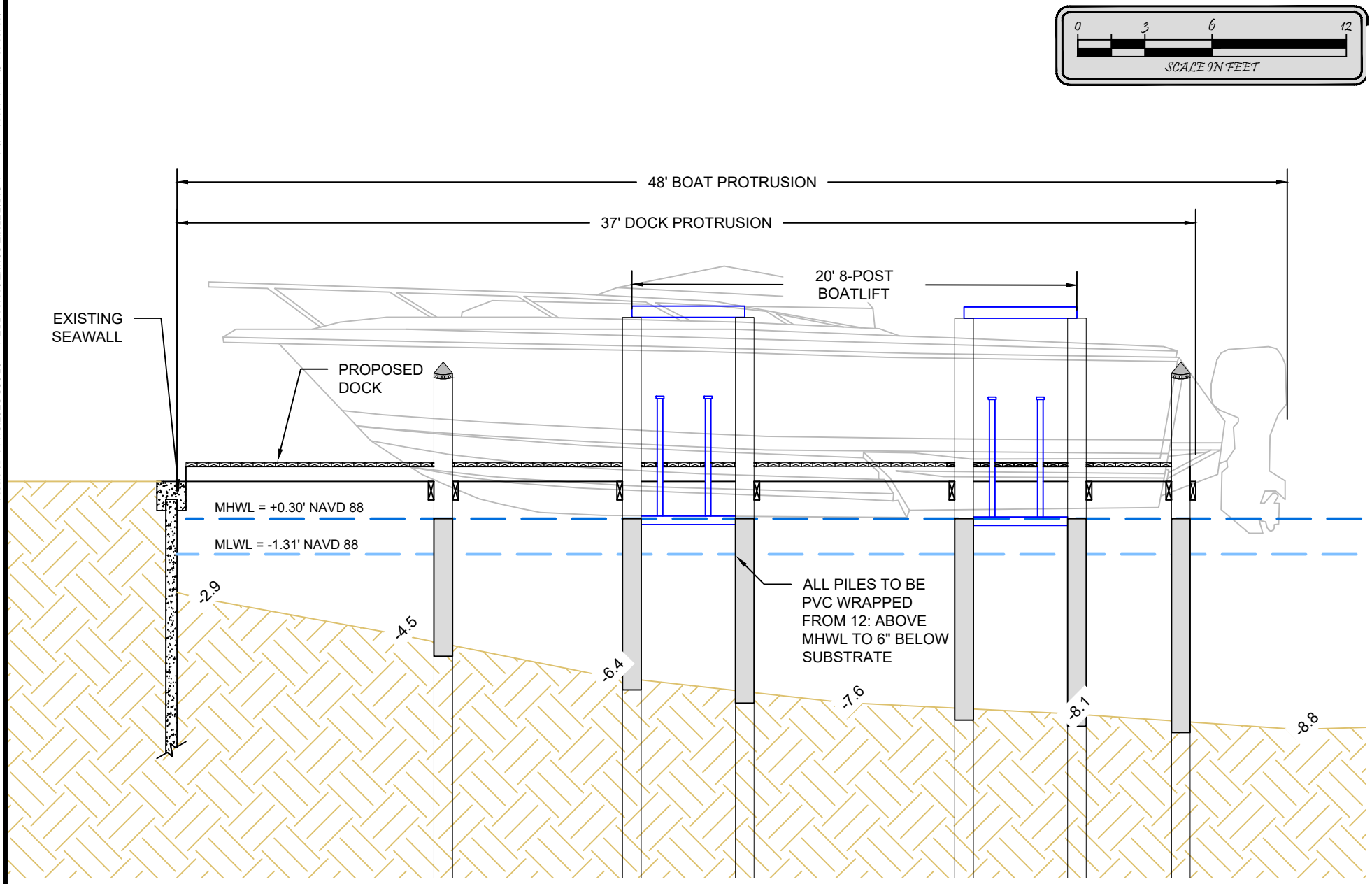
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| SHEET NO.: | 03 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

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

# 10091 GULF SHORE DR

## CROSS SECTION AA

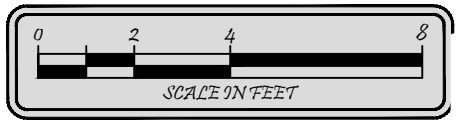
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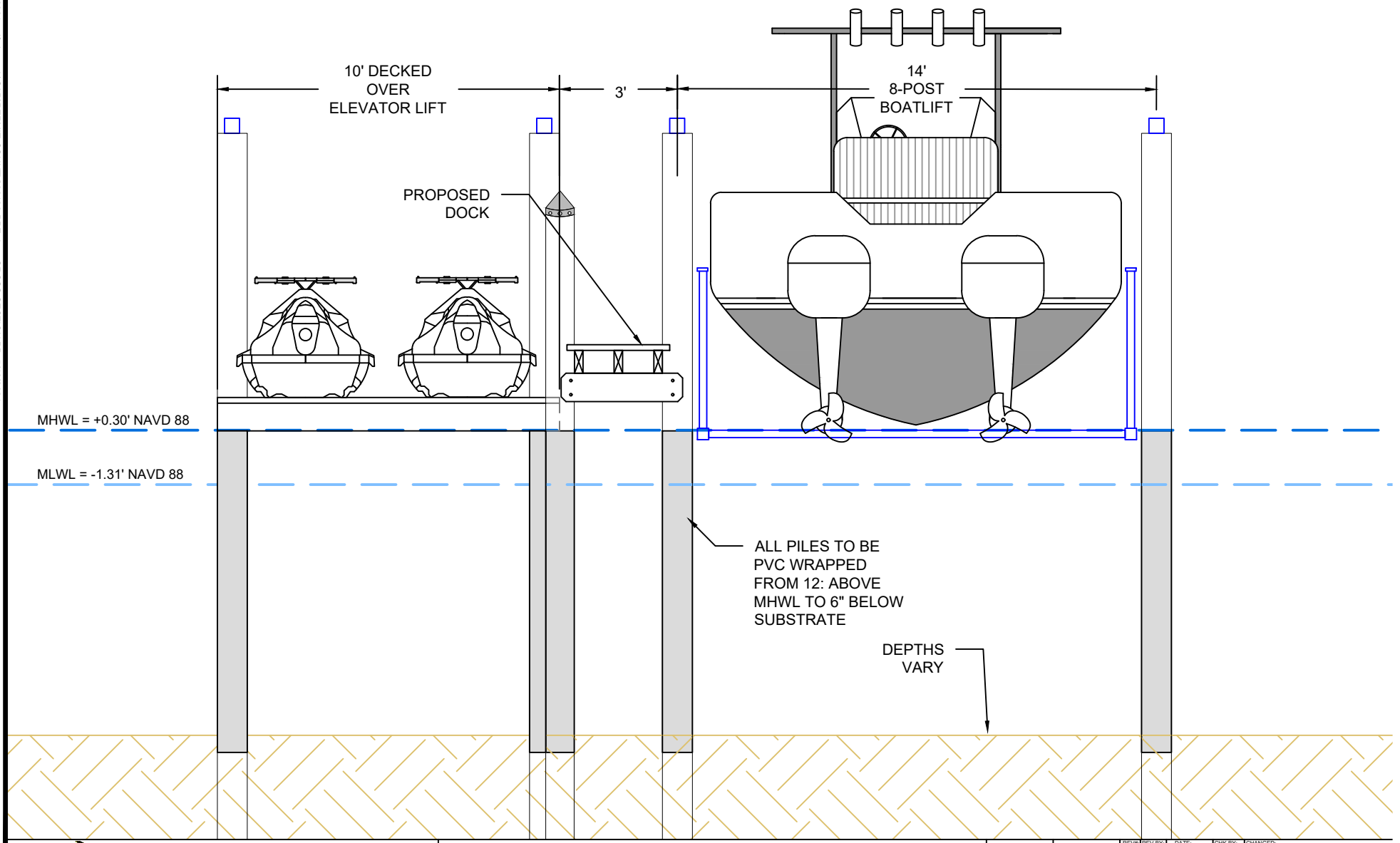
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| SHEET NO.: | 04 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

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# 10091 GULF SHORE DR

## CROSS SECTION BB

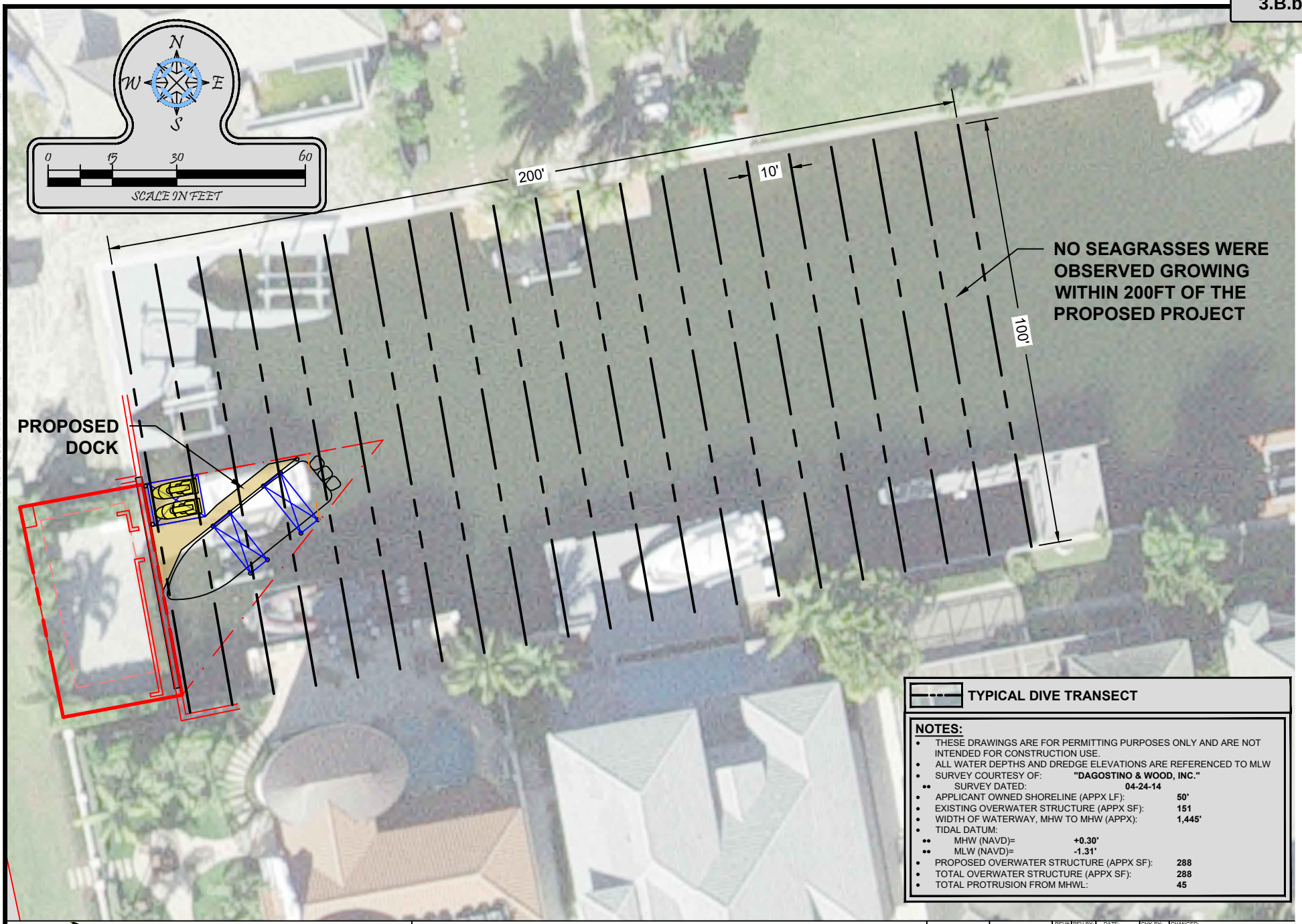
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| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 05 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg SUBMERGED RESOURCE SURVEY 5/19/2021




**TYPICAL DIVE TRANSECT**

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
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Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

# 10091 GULF SHORE DR

## SUBMERGED RESOURCE SURVEY

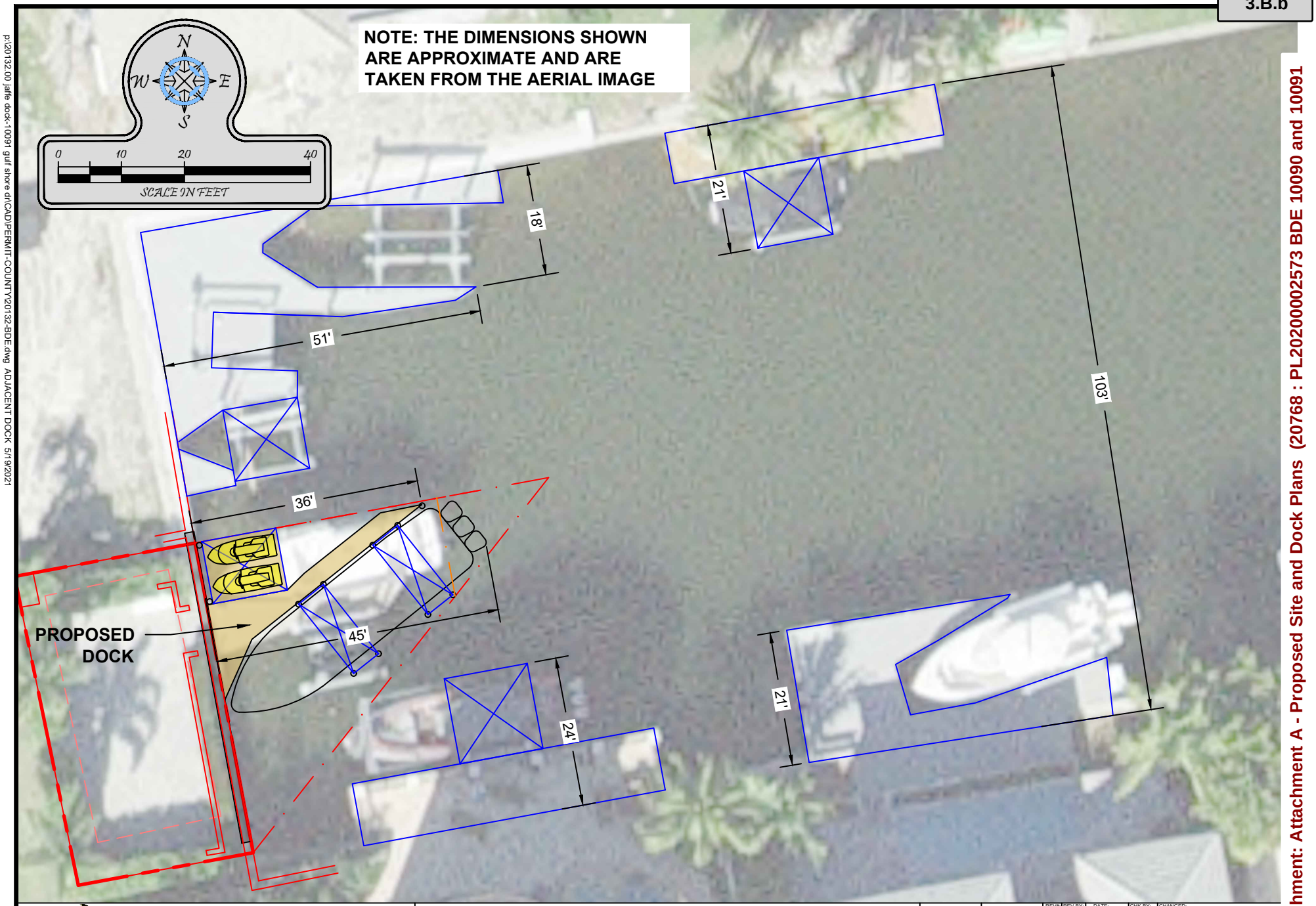
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SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg ADJACENT DOCK 5/19/2021




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

# 10091 GULF SHORE DR

## ADJACENT DOCK

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

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
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| DESIGNED: | NP | 1. | - | - | - | - |
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| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 07 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment A - Proposed Site and Dock Plans (20768 : PL20200002573 BDE 10090 and 10091

## KellyJohn

**From:** KellyJohn
**Sent:** Tuesday, December 07, 2021 5:22 PM
**To:** KellyJohn
**Subject:** VA-PL20210002276 and BDE-PL20200002573 - Public Hearing Sign Posting for HEX on 12-23-2021
**Attachments:** 872F8649-EBCB-48CB-B9A9-F250845BB54F.jpeg; 1B7D830A-6715-4562-87F3-8882151B859A.jpeg; D2321224-5A4C-4A2A-B33B-31ED48B68C9A.jpeg

To satisfy the Public Hearing sign posting requirement for projects of this type, a public hearing sign was posted to the front of 10090 Gulf Shore Drive at approximately 1:15 P.M. this date as evidenced by the attached photographs.

Respectfully,
*John Kelly*
Senior Planner

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

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

Collier County
*Growth Management Department*

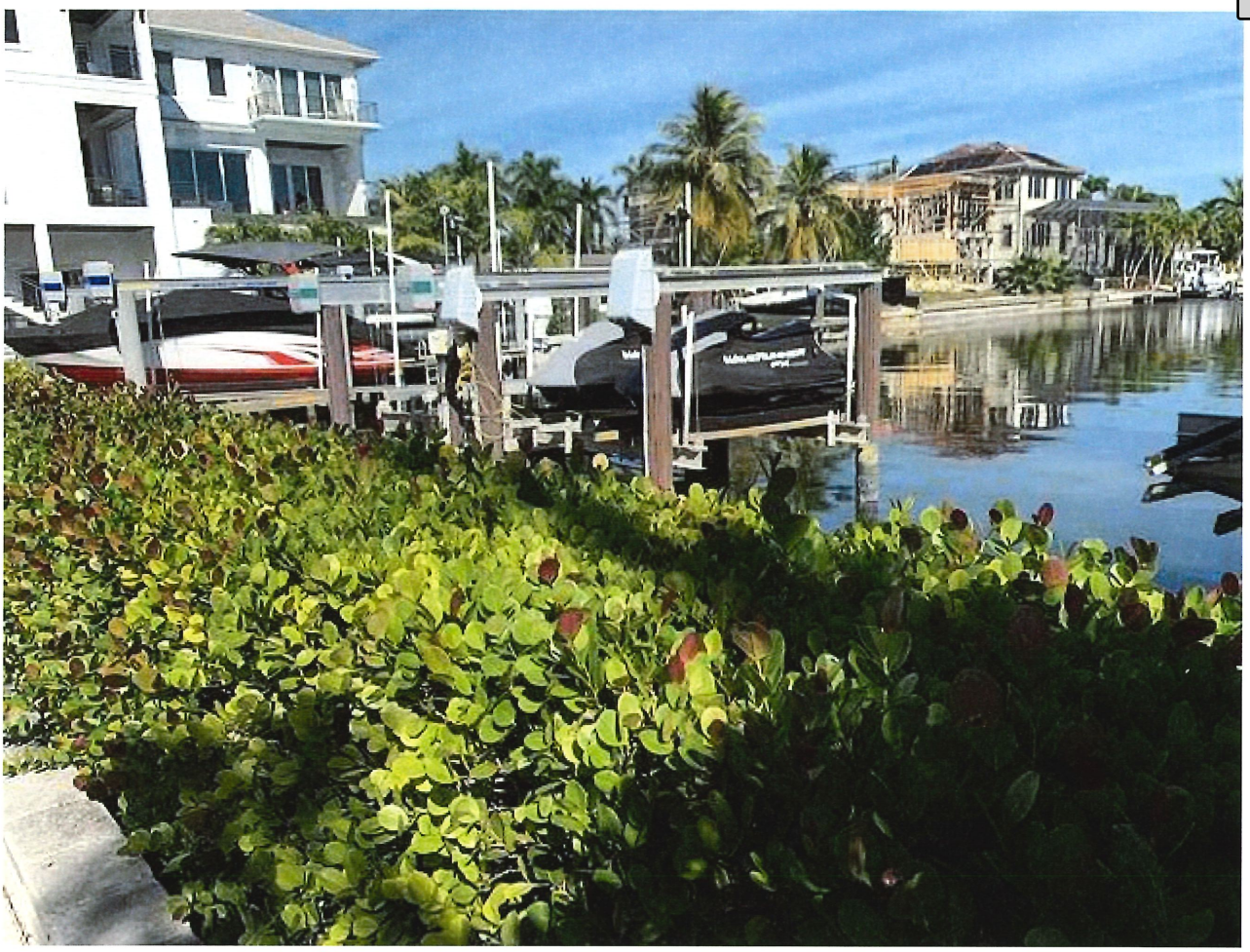
Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Posting - VA-PL20210002276 and BDE-PL20200002573 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore






Attachment: Attachment B - Posting - VA-PL20210002276 and BDE-PL20200002573 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore



Attachment: Attachment B - Posting - VA-PL20210002276 and BDE-PL20200002573 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore

**RESOLUTION NO. 12-266**

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA REVERSING THE DECISION OF THE COLLIER COUNTY PLANNING COMMISSION AND APPROVING BDE-PL2011-000153 THAT REQUESTED A 19-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20-FOOT LIMIT AS PROVIDED IN SECTION 5.03.06 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR A 39-FOOT BOAT DOCK FACILITY ACCOMMODATING TWO VESSELS ON TWO BOAT SLIPS FOR PROPERTY DESCRIBED AS THE NORTH 50 FEET OF LOT 14, UNIT NO. 1, CONNER'S VANDERBILT BEACH ESTATES SUBDIVISON, IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA.**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance No. 2004-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which is the granting of variances; and

WHEREAS, on May 3, 2012, the Collier County Planning Commission heard the petition and denied the boat dock extension; and

WHEREAS, R. Bruce Anderson, Esquire of Roetzel and Andress LPA, representing Andrew Jaffe, filed an appeal of the decision of the Planning Commission; and

WHEREAS, the Collier County Board of Zoning Appeals has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of a boat dock extension as provided in Section 5.03.06 of the Land Development Code to permit a 39-foot boat dock facility, as shown on the attached Exhibit "A", in the RSF-3 Zoning District for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations of the Land Development Code for the unincorporated area of Collier County; and

WHEREAS, all interested parties have been given opportunity to be heard by this Board in public meeting assembled, and the Board having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA that:

The decision of the Collier County Planning Commission is reversed and Petition Number BDE-PL2011-1573 filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc. with respect to the property hereinafter described as:



Attachment: Attachment C - Resolution 2012-266 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

8A

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

be and the same is hereby approved for a 19-foot extension of a boat dock over the maximum 20-foot limit to allow for a 39-foot boat dock facility in the RSF-3 zoning district wherein said property is located, subject to the following condition:

1. The boat dock is only allowed as an accessory use to the residence at 10091 Gulfshore Drive.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Board.

This Resolution adopted after motion, second and majority vote this 12th day of December, 2012.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____ Deputy Clerk

Attest as to Chairman's signature only.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

By: _____
GEORGIA A HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency:

_____
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A – Site Plan

Item # 8A
Agenda Date 12-11-12
Date Rec'd 12-17-12
Deputy Clerk

CP\12-CPS-01186/10



Attachment: Attachment C - Resolution 2012-266 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

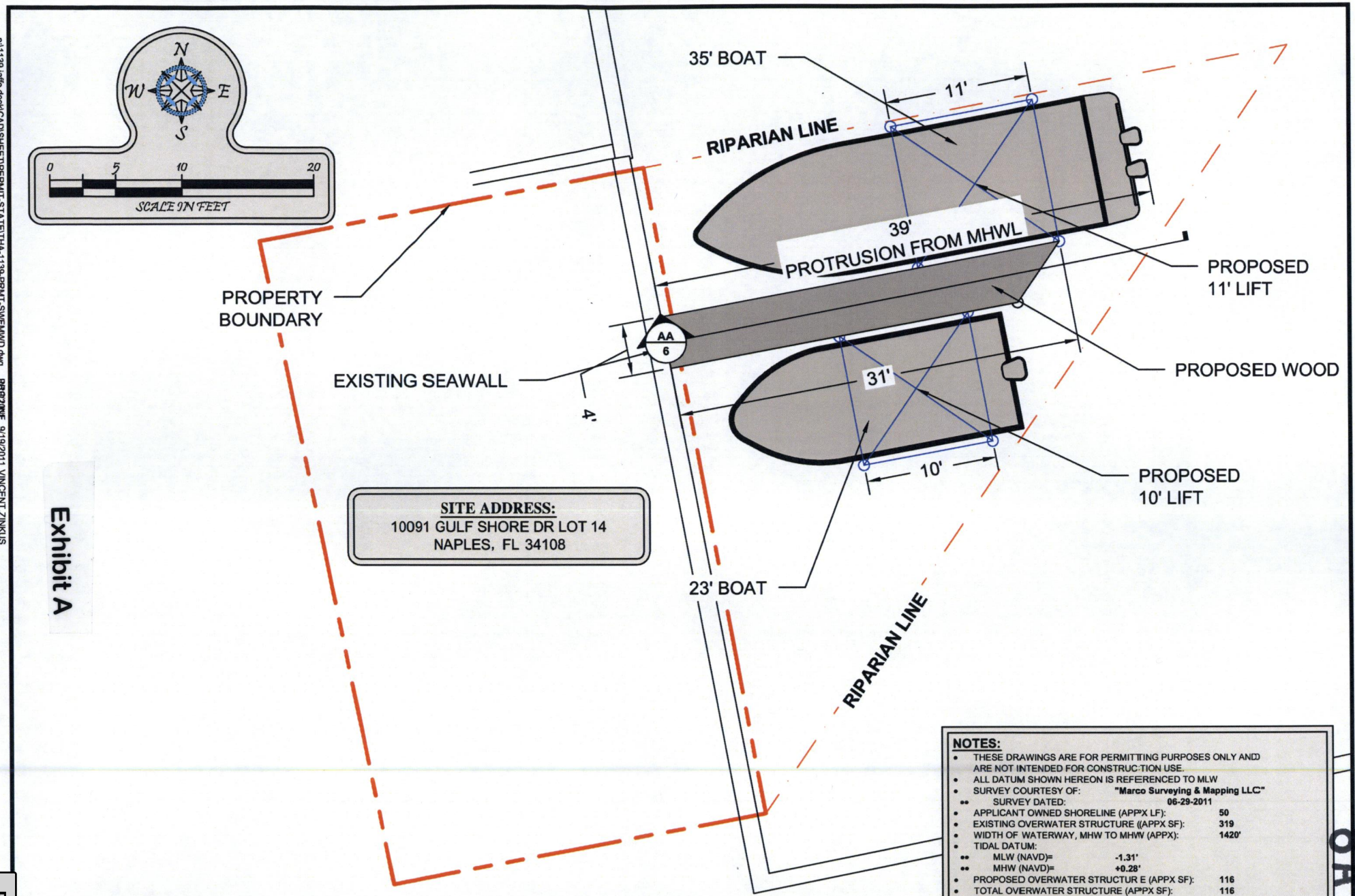



Exhibit A

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "Marco Surveying & Mapping LLC"
  - SURVEY DATED: 06-29-2011
- APPLICANT OWNED SHORELINE (APPX LF): 50
- EXISTING OVERWATER STRUCTURE ((APPX SF): 319
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 1420'
- TIDAL DATUM:
  - MLW (NAVD)= -1.31'
  - MHW (NAVD)= +0.28'
- PROPOSED OVERWATER STRUCTUR E (APPX SF): 116
- TOTAL OVERWATER STRUCTURE (APPX SF): 116
- TOTAL PROTRUSION FROM MHWL: 39'

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
2584 Exchange Ave, Suite B, Naples, FL 34104-2722
Email:

# JAFFE DOCK

PROPOSED DESIGN

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | 07-15-2011 | 4. | - | - | - | - |
| CREATED: | VJZ | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |

8A

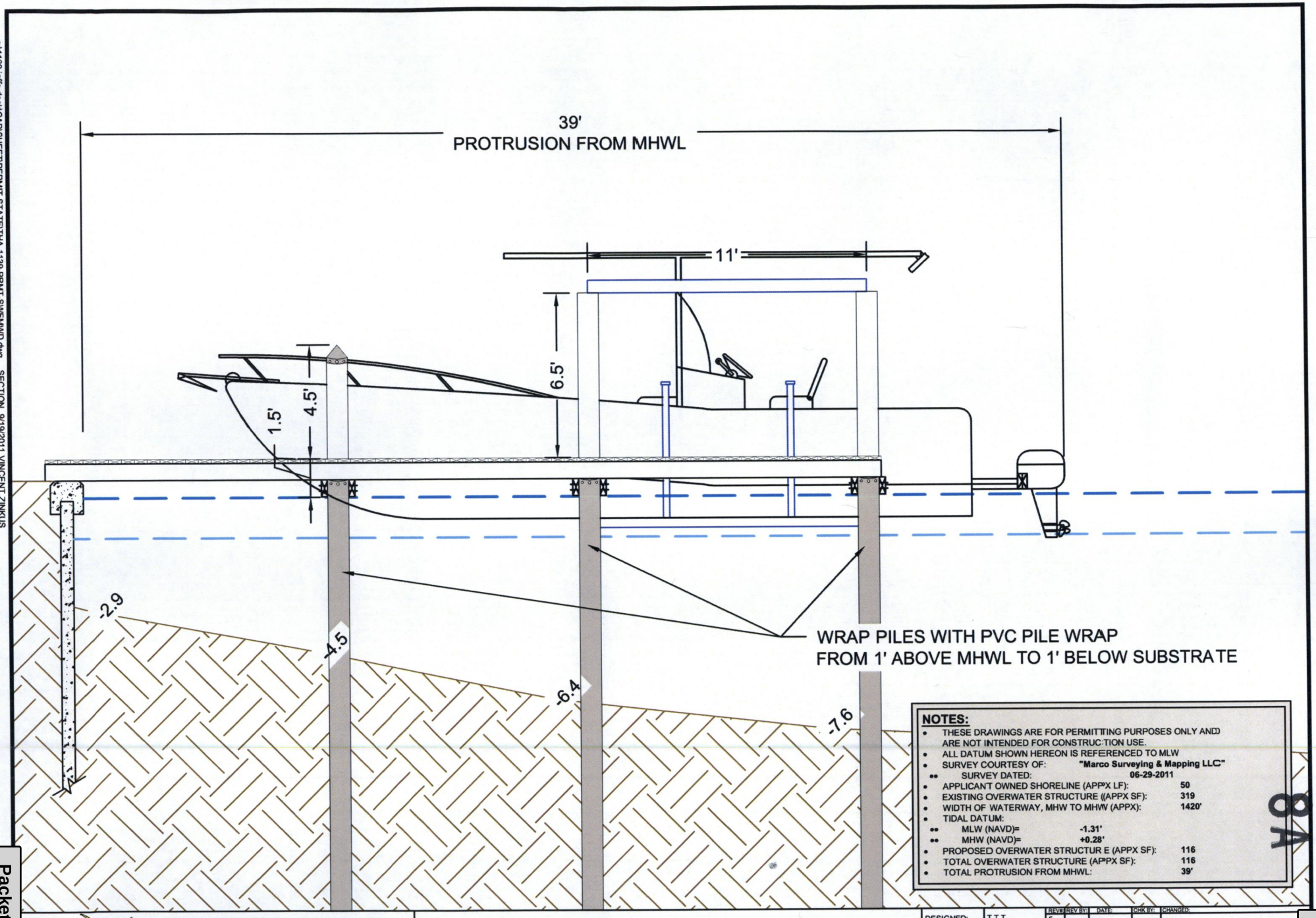
p:\1139 jaffe dock\CAD\SHEET\PERMIT-STATE\THA-1139-PRMT-SWFMWD.dwg 9/19/2011 VINCENT ZINKUS

Packet Pg. 284

3.B.d

Attachment: Attachment C - Resolution 2012-266 (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

p:\1139 jaffe dock\CAD\SHEET\PERMIT-STATE\THA-1139-PRMT-SWFMWD.dwg SECTION 9/19/2011 VINCENT.ZINKUS




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- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1420'**
- TIDAL DATUM:
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  - MHW (NAVD)= **+0.28'**
- PROPOSED OVERWATER STRUCTUR E (APPX SF): **116**
- TOTAL OVERWATER STRUCTURE (APPX SF): **116**
- TOTAL PROTRUSION FROM MHWL: **39'**

8A

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
2594 Exchange Ave, Suite B, Naples, FL 34104-3732
Email:

# JAFFE DOCK

CROSS SECTION

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | 5. | - | - | - | - |
| DRAWN BY: | 07-15-2011 | 4. | - | - | - | - |
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| SHEET NO.: | 06 OF 06 | 1. | - | - | - | - |

E

# EXECUTIVE SUMMARY

**Recommendation to approved petition number ADA-PL20120001218 Jaffe Boat Dock Appeal represented by R. Bruce Anderson of Roetzel and Andress, LPA, requesting an appeal to the Board of Zoning Appeals of a decision of the Collier County Planning Commission in denying Petition BDE-PL20110001573 that requested a 19-foot boat dock extension over the maximum 20-foot protrusion limit as provided in Section 5.03.06 of the Land Development Code to allow a 39-foot boat dock facility accommodating 2 vessels on 2 boat slips for property located at 10090 Gulfshore Drive and is further described as the North 50 feet of Lot 14, Conners Vanderbilt Beach Estates Subdivision, Unit 1; Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Companion item to: VA-PL20110001576, Jaffe Variance]**

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**OBJECTIVE:** The petitioner has filed an appeal to the decision of the Collier County Planning Commission (CCPC) to deny the petitioner's boat dock extension request which occurred at the properly noticed public hearing on May 3, 2012. Upon hearing of a requested appeal, the Board of Zoning Appeals (BZA) may affirm, affirm with conditions, reverse or reverse with conditions the action of the Planning Commission.

**CONSIDERATIONS:** Applicant is appealing the CCPC's denial of their request for a 19-foot boat dock extension over the maximum 20-foot protrusion limit as provided in Section 5.03.06 of the Land Development Code to allow a 39-foot boat dock facility accommodating 2 boat slips for the property described as the North 50 feet of Lot 14, Conners Vanderbilt Beach Estates Subdivision, Unit 1; Section 29, Township 48 South, Range 25 East, Collier County, Florida. This parcel is a small non-conforming boat dock lot that has 50 feet of shoreline that was deeded to the residence located across the street at 10091 Gulfshore Drive in 1955. A boat dock was constructed in the 1950's and continued to exist in this location for the benefit of the residence until the present date. The proposed dock facility includes the removal of the existing dock to allow the replacement facility outlined above. The applicant has submitted warranty deeds as part of the application which are included as part of the appeal application (exhibit 3) of this executive summary. The petitioners brought forward a petition for a boat dock extension to the CCPC, who has final approving authority for boat dock extensions. The boat dock facility was proposed to protrude a total of 39 feet from the Mean High Water Line (MHWL) to allow the mooring of two vessels. The CCPC staff report is also attached as part of the appeal application (exhibit 3) of this executive summary.

**CCPC Action:** At the May 3, 2012 CCPC hearing for this petition after discussion and consideration by the Commissioners there was a motion made for denial by Commissioner Brougham, seconded by Commissioner Klein. The motion of denial carried at 8-1. A copy of the transcript of this portion of the CCPC hearing is included as exhibit 1 of this executive summary. The Commissions found that the petition did not meet primary criteria 1, 2, and 5; further it found that it did not meet secondary criteria 1, 3, and 4.



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**Staff Evaluation:** Staff is still recommending approval of the boat dock extension as proposed based on the reasons outlined in the staff report for the original Boat Dock Extension request (see attachment 3, appeal application).

The parcel where the proposed boat dock is located is a pre-existing non-conforming lot deeded to the residence at 10091 Gulfshore Drive in 1955 (see "deeds", attachment 3, appeal application).

The lot configuration and associated riparian lines place limits on the layout of the dock facility to accommodate the mooring of two vessels and requires the companion Variance. Other neighboring properties moor two vessels and this property owner is requesting the same.

As noted in the original Boat Dock application the proposed dock allows safe access for the vessels to moor within the riparian boundaries. In addition, a boat dock was constructed in the 1950's and continued to exist in this location for the benefit of the residence until the present date.

The applicant provided two letters of no objection from the adjacent property owners (see attachment 3, appeal application).

**FISCAL IMPACT:** The Appeal request by and of itself will have no fiscal impact on Collier County.

**GROWTH MANAGEMENT PLAN (GMP) IMPACT:** There is no Growth Management Plan impact. It is anticipated that approval or denial of this appeal will not affect the Growth Management Plan.

**LEGAL CONSIDERATIONS**: The Board sitting as the Board of Zoning Appeals hears appeals of final actions taken by the Planning Commission in accordance with the LDC, Florida Statutes and Chapter 67-1246, Laws of Florida, as amended.

Section 5.03.06.H of the LDC outlines the criteria to be considered for a boat dock extension petition. In order to approve a boat dock extension, at least four out of five of the primary criteria and at least four of the six secondary criteria must be met.

***Primary Criteria***

1. Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)
2. Whether the water depth at the proposed site is so shallow that a vessel of the general length, type and draft as that described in the petitioner's application is unable to launch



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or moor at mean low tide (MLT). (The petitioner's application and survey should establish that the water depth is too shallow to allow launching and mooring of the vessel(s) described without an extension.)

3. Whether the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)
4. Whether the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether a minimum of 50 percent of the waterway width between dock facilities on either side is maintained for navigability. (The facility should maintain the required percentages.)
5. Whether the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

***Secondary Criteria***

1. Whether there are special conditions not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)
2. Whether the proposed dock facility would allow reasonable, safe access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)
3. For single-family dock facilities, whether the length of the vessel, or vessels in combination, described by the petitioner, exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)
4. Whether the proposed facility would have a major impact on the waterfront view of neighboring property owners. (The facility should not have a major impact on the view of a neighboring property owner.)
5. Whether seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with subsection 5.03.06(I) of the LDC must be demonstrated.)
6. Whether the proposed dock facility is subject to the manatee protection requirements of subsection 5.03.06(E)(11) of this Code. (If applicable, compliance with section 5.03.06(E)(11) must be demonstrated.)

It is the opinion of the County Attorney that the BZA shall hold a de novo hearing. Based upon its review of the record of the CCPC hearing, and the testimony and other materials presented as part of the hearing on the appeal, the BZA may affirm, affirm with conditions, reverse or reverse with conditions the actions of the CCPC. A majority vote is needed for approval. (HFAC)

**COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:** The CCPC does not hear appeal request; that is only a function of the Board of Zoning Adjustment and Appeals.



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**RECOMMENDATION:** Staff recommends that the Board of Zoning Appeals reverse with conditions the action of the Planning Commission's denial of BDE-PL20110001573 thereby granting the boat dock extension subject to the following conditions:

1. The BZA adopts a resolution reflecting the Board's decision.
2. The boat dock is only allowed as an accessory use to the residence at 10091 Gulfshore Drive.

**PREPARED BY:** Michael Sawyer, Project Manager, Department of Planning and Zoning Growth Management Division, Planning and Regulation

**REVIEWED BY:** Michael Bosi, AICP, Interim Director, Department of Planning and Zoning Growth Management Division, Planning and Regulation

Attachments: 1) Minutes of CCPC hearing 2) Location Map 3) Appeal Application

Resolution to be prepared after BZA meeting and discussion.

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# COLLIER COUNTY

## Board of County Commissioners

**Item Number:** 8.A.

**Item Summary:** This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in.Recommendation to approve petition number ADA-PL20120001218 Jaffe Boat Dock Appeal represented by R. Bruce Anderson of Roetzel and Andress, LPA, requesting an appeal to the Board of Zoning Appeals of a decision of the Collier County Planning Commission in denying Petition BDE-PL20110001573 that requested a 19-foot boat dock extension over the maximum 20-foot protrusion limit as provided in Section 5.03.06 of the Land Development Code to allow a 39-foot boat dock facility accommodating 2 vessels on 2 boat slips for property located at 10090 Gulfshore Drive and is further described as the North 50 feet of Lot 14, Conners Vanderbilt Beach Estates Subdivision, Unit 1; Section 29, Township 48 South, Range 25 East, Collier County, Florida. [Companion item to: VA-PL20110001576, Jaffe Variance]

**Meeting Date:** 12/11/2012

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**Prepared By**

Name: SawyerMichael
Title: Project Manager,Engineering & Environmental Servic
11/15/2012 4:14:19 PM

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**Approved By**

Name: PuigJudy
Title: Operations Analyst, GMD P&R
Date: 11/16/2012 2:40:51 PM

Name: BellowsRay
Title: Manager - Planning, Comprehensive Planning
Date: 11/16/2012 5:38:42 PM

Name: BosiMichael
Title: Manager - Planning,Comprehensive Planning
Date: 11/19/2012 3:08:21 PM

Name: AshtonHeidi
Title: Section Chief/Land Use-Transportation,County Attor

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Date: 11/20/2012 4:46:40 PM

Name: PuigJudy
Title: Operations Analyst, GMD P&R
Date: 11/28/2012 4:15:46 PM

Name: AshtonHeidi
Title: Section Chief/Land Use-Transportation,County Attor
Date: 12/3/2012 9:03:29 AM

Name: FinnEd
Title: Senior Budget Analyst, OMB
Date: 12/3/2012 3:16:56 PM

Name: KlatzkowJeff
Title: County Attorney
Date: 12/4/2012 8:54:42 AM

Name: OchsLeo
Title: County Manager
Date: 12/4/2012 11:25:30 AM

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Attachment 1

May 3, 2012

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 3, 2012

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark P. Strain
William Vonier
Brad Schiffer
Paul Midney
Melissa Ahern
Karen Homiak
Diane Ebert
Barry Klein
Phillip Brougham

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Caroline Cilek, Planning & Regulation
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School Board Representative





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late today as possible, which will be now.

***The first one is -- well, they're both going to be heard -- they're both on the same topic, so we're going to discuss them jointly and vote on them separately. When we do vote, we'll vote for the variance first and the boat dock extension second.

I'll read off what they are. The variance application is VA-PL-2011-1576, the Jaffe variance, located at 191 Gulf Shore Drive, Connors Vanderbilt Beach Estates. The second one is boat dock extension BDE-PL20110001573. Again, it's the Jaffe boat dock extension at the same address.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission.

COMMISSIONER SCHIFFER: None.

CHAIRMAN STRAIN: There are none.

Okay. It's all yours.

MR. ROGERS: First off I want to -- good afternoon, Commissioners. And I want to thank you for accommodating our schedule. The applicant, the petitioner, Andrew Jaffe, is in surgery this morning. We were hoping he'd be out by lunchtime, but I guess he's not out as of yet, so he will not be here. So I apologize for that.

For the record, my name is Jeff Rogers. I'm with Turrell Hall & Associates representing the petitioner, Andrew Jaffe.

And as the commissioner said, we are here requesting a boat dock extension and a variance from the required setbacks.

As you can see here on the overhead, the property is located in North Naples off Gulf Shore Drive, and it has an adjacent -- well, across the street a boat dock lot that has been deeded to this property.

And the history of that takes us back, way back to 1955 when this original -- this property was deeded as a boat dock lot during the process and was deeded to the property that Mr. Jaffe purchased at 191 Gulf Shore Drive. And since 1955, this property has gone through numerous exchanges of ownership. I believe it was -- I counted 10 different warranty deeds that had been issued for this particular subject property.

The petitioner purchased a property basically a year ago back in June 6th of 2011 from the neighbor, Mr. Forbis, to the south of the boat dock lot. Like I said, back in 2011.

And since then, Mr. Jaffe has purchased a street (sic) across the way on the beach and is currently remodeling/rebuilding the existing dock -- or the existing house, and it is going to be his full-time residence.

Move forward. The petition in front of you guys today is for the dock off the subject property. As I said, it's small boat dock lot only and, therefore, is deeded to have boat dock access for two vessels. The difference of this particular property is it's located at the end of a canal, as you can see on the overhead, and has less linear footage of shoreline. Those are basically the two hardships on this one.

The dock proposed -- well, the project proposed is to move the existing dock, which I'll show you is right here. I'll move it over. There you go. The subject property outlined in the red border is currently as the property sits minus the vessels. The vessels have been removed, but as you can see here on the overhead, the unique situation of this property. Luckily there is a history paper trail that we have to follow in order to determine how this came to be.

We're requesting a 19-foot boat dock extension. We're going to remove the existing dock and boat lifts and construct a finger dock that is only 116 square feet and is going to accommodate two vessels.

And as you can see on this overhead here -- I'll show you the proposed design here in a minute. The existing dock, as it sit, was -- is within the riparian rights of the property. You can't really see it very well, but the riparian lines are shown. They're labeled, obviously, but there is a dashed line, red dashed line indicating the actual location of the riparian lines.

And as it sits, the little white structure that's on the south end of that dock, southeast side of that dock, is over the riparian line. So as it currently was built or constructed or used, it was not in compliance with setbacks and/or within its riparian rights.

Now, what we've done is we're proposing to remove it, as I said, and we're proposing a 4-foot-wide dock as shown here. So we're basically taking -- removing out the dock and proposing a 4-foot-wide finger dock protruding straight out into the waterway.

As -- let me touch base on the uniqueness of this. The waterway from -- measured from our frontage, linear



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frontage of shoreline, is 1,420 feet wide. Granted, we know this is at the end of the canal, so that's not the typical situation on this waterway. Typically the waterway's 100 feet wide. Due to the location of this one, the width is 1,420 feet.

We are proposing a 35-foot protrusion, like I've said before. And due to the, you know, remote -- or due to the uniqueness of this property, there's really no dock design that you could do that would accommodate two vessels, which is allowed here per the LDC rules. This is zoned a single-family lot and, therefore, is allowed two vessels to be moored up on there.

This is -- we've worked with it. We worked the design, Tim Hall and I, as well as the customer worked on the design, and based off what -- his wishes and his current vessels, this is what we came up with that would accommodate his use as well as be within the riparian rights of his property.

With that being said, we are requesting a variance from the required setbacks from those riparian lines. The typical setback requirement is seven-and-a-half feet. Now, looking at this, I've got a drawing here that shows that seven-and-a-half foot setback, and you'll see with this picture that it would be very hard to -- virtually impossible to accommodate two vessels of any typical size within those required setbacks.

As shown here on the overhead, the orange-reddish color indicates the seven-and-a-half foot setback area. The white area inside shows what would be the remaining buildable area that we would have to work with.

One could argue that you could turn the dock and accommodate one vessel possibly. It would be a smaller vessel, but the applicant owns these two boats and, therefore, we have to design something to accommodate those vessels that he currently owns. And during the process of the purchase of this property from the adjacent neighbor to the south, Mr. Forbis, it was negotiated at the sale that he was purchasing these -- this property for the purpose of installing this dock and this particular dock design.

Now, we do have a -- do have affidavits signed by both adjacent neighbors, one to the north and one to the south. Mr. Forbis has written a letter of no objection, but then come this week he wrote a letter of objection to us, to our surprise and, of course, to the petitioner's surprise.

When Nancy Gundlach of Collier County brought that to our attention, I immediately called the petitioner, Andrew Jaffe, to discuss the issue. He was just as surprised as we were. And, basically, since then we've contacted Mr. Forbis. I've reached out to him, and we have a paper trail of all the emails back and forth.

And since Mr. Jaffe (sic) did sign an affidavit or letter of no objection stating he does not object to this design -- and we have not changed that design -- he has retracted his letter of objection. And I can show you that in email. I don't have it printed out. I've forwarded it to Ray and I've forwarded it to Nancy for their review. So staff has seen that email that came this morning. They can vouch for that.

With all that being said, really, what we're here for today is requesting a 19-foot boat dock extension from the allowed 20 for an overall 39 feet into a water -- water body that is approximately 1,420 feet wide. That's very -- we can argue that.

With that being said, we're also asking for a variance for zero setbacks from the -- from the retired seven-and-a-half-foot setbacks. As I said, you know, there's really no other design that could work, and I open the floor to questions, if the commissioners have any.

CHAIRMAN STRAIN: Okay. Let's go Phil and then Brad.

COMMISSIONER BROUGHAM: Okay. I have a number of questions.

CHAIRMAN STRAIN: And by the way, we're taking both the variance and the boat dock extension simultaneously, so ask from both packages, if you'd like.

COMMISSIONER BROUGHAM: Now, the property in question here, that the dock -- proposed dock -- or the existing dock is attached to is a boat dock lot. Is that defined differently in the LDC than what's referenced in your application here as a single-family home which has certain rights associated with it with respect to the number of slips?

MR. ROGERS: Yes, sir. The difference between this boat dock lot -- we're calling it a boat dock lot. It's not your typical boat dock lot in regards to Collier County normal boat dock lots. There's only a few areas that actually have boat dock lots, and one of them being -- the main one that I can recall is up off Little Hickory on the north end of -- on the south side of Bonita Beach Road, off Third Street.

And those docks -- those boat dock lots are allowed to have zero setbacks. They're basically plotted boat dock lots, and you're allowed to maximize your water foot frontage of that property.







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CHAIRMAN STRAIN: Well -- and I know Ray's about to interrupt, and so am I. Phil, you hit on a question that is really pertinent. Can you show us any document that you have that calls this a boat dock lot?

MR. ROGERS: No.

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER BROUGHAM: Okay. That takes care of one.

MR. BELLOWS: And for the record, Ray Bellows. I'd just like to add that a boat dock lot in Collier County was approved -- is approved through a conditional use as the ones on the Vanderbilt area.

COMMISSIONER SCHIFFER: Right.

MR. BELLOWS: This has no conditional use or anything other than it has historically been used that way since 1955, I believe.

CHAIRMAN STRAIN: But does a property owner selling off a piece of his land constitute a legal use without going through the right process?

COMMISSIONER SCHIFFER: No.

MR. BELLOWS: As far as I know, it would not unless it preexisted the LDC. In '55 I think it probably did. It looks that way to me.

CHAIRMAN STRAIN: Okay. But in '55 this still was not called a boat dock lot.

MR. BELLOWS: No.

CHAIRMAN STRAIN: This was simply the north 50 feet of Parcel 14. And what Phil has hit upon was one of the biggest flaws I found in your argument. And when you said that this morning, you kept referring to it as a boat dock lot. I don't know how you got there. So I think that the record doesn't support it being called that. You can call it whatever you want, but I don't think a boat dock lot, as defined, is one that fits this lot.

So, go ahead, Phil. I'm sorry to interrupt.

COMMISSIONER BROUGHAM: No, that's okay. That's where I'm having some issues. Your variance is, I think, predicated -- my words, not yours -- on the fact that the Jaffe residence across the street is entitled to have two slips associated with a dock coming out of that piece of ground across the street at the end of the canal. Is that -- those are my words, not yours, right?

MR. ROGERS: Yes.

COMMISSIONER BROUGHAM: I don't understand that connection. To me that's a pretty long reach. If Mr. -- my example, if Mr. Forbis had decided to sell Phil Brougham that 50 foot of land at the end of that canal and I live in Fiddler's Creek, how many slips would I be allowed to put on that dock by code?

MR. ROGERS: Two.

COMMISSIONER SCHIFFER: No.

MR. ROGERS: Two vessels. No?

COMMISSIONER BROUGHAM: Whoops.

COMMISSIONER SCHIFFER: And, Mark, excuse me for butting in, but I think this issue has to be resolved before we go on.

CHAIRMAN STRAIN: I agree. And, Phil, you've got right to the point. And, I mean, that's the biggest issue with this whole thing. Brad, you're 100 percent right.

COMMISSIONER SCHIFFER: I mean, I have -- this is a subdivision. You cannot sell off your backyard in a subdivision and then give it the rights of a lot.

This is still part of Lot 14. I mean, the subdivision's been amended but never to isolate this piece of property. So, yes, it could be described; anything you can describe, you can sell. Look at Wall Street.

But -- but this could be described, but it doesn't have the rights. In other words, you're finding a riparian land coming off of a description of a piece of property in Mr. Forbis' backyard. I mean, right now Mr. Forbis and this other guy are partners on Lot 14, but it's not an individual lot. And it can't, any time, be expected to get the rights of a lot. It's a nonconforming lot even.

MR. ROGERS: I can't argue with you on that. We are just following what has historically been done here.

CHAIRMAN STRAIN: Ray, did want to -- can you help out?

MR. BELLOWS: Yeah. The reason I supported the petition or signed off on it was my understanding that this isn't a free-standing lot, that it was, in fact, deeded to the lot across the street, and it's now part of that property.



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So, therefore, it's not a free-standing nonconforming lot, because it would be deemed an unbuildable lot because it doesn't meet the minimum lot area.

MS. ASHTON-CICKO: Yeah. I don't believe -- I haven't reviewed all the chain of title. This is not my particular project. But, generally, when you have a platted roadway, the property owner owns to the center line of the road. So since he owns parcels on either side of the road, he owns one parcel that's severed by an easement for a road. So it seems to me it's RSF3, and you're entitled to boats.

COMMISSIONER SCHIFFER: But, Heidi, this is platted subdivision. You can't go within a subdivision and start describing little pieces of land and have it have the rights of the lot. This is a part of Lot 14. He's never called it part of Lot 34 on the block across the way.

MS. ASHTON-CICKO: Well, this one's -- well, that's because that's how you would describe the legal. But this one is unique in that it -- this has enjoyed this particular configuration since 1955. It's not like somebody now could go and create one of these.

COMMISSIONER SCHIFFER: Then why -- when the subdivision was revised in, like, mid '60s, why wasn't that lot shown?

MS. ASHTON-CICKO: I can't answer that question. And, again, I don't have the benefit of looking at the file. I'm just looking at the documents.

COMMISSIONER SCHIFFER: I mean, a subdivision is a method in which you organize land, you plat it, and you can't then start to describe things by legal description. I mean, it's a subdivision. And that would mean that this little area could have four boats in that area, so this is a way to circumvent the rights of the landowners by cutting out pieces of their backyard and selling it and getting the rights of two boats per piece. I mean, makes no sense.

MR. BELLOWS: One other point. Any property owner can sell off a portion of their property to an adjacent property owner as long as they don't result in a nonconforming situation on their own.

Now, if the lot where this appendage came off of is still conforming, he can sell that off. But it can't be a buildable lot if it's not attached to something else that makes it conforming in some other way.

So if it was deeded to the Jaffe residence across the street and is part of that larger lot, then it is conforming in that regard, and they have some rights to the dockage.

COMMISSIONER SCHIFFER: But this is a plat. That roadway --

MR. BELLOWS: You can sell off a portion of a platted lot --

COMMISSIONER SCHIFFER: No. Gulf Drive -- Gulf Drive --

MR. BELLOWS: -- without replatting.

COMMISSIONER SCHIFFER: -- is not -- the people do not own to the center of a road on this platted situation. This is not out in the Estates. This is a subdivision. The subdivision has roadways, right-of-ways platted. So what you're saying is that they can own the land in the -- they don't own the land in the roadway. It's certainly not on the plat. It's not part of their legal description.

CHAIRMAN STRAIN: But there is the way --

MS. ASHTON-CICKO: Well, I've written opinions since the '90s that generally they do own to the middle of the road.

COMMISSIONER SCHIFFER: Right.

MS. ASHTON-CICKO: And they're encumbered by an easement unless it expressly states that it's fee-simple. Again, I haven't reviewed this subdivision plat.

COMMISSIONER SCHIFFER: I mean, look at the plat. Here it is.

MS. ASHTON-CICKO: But those are the general principles. Okay.

COMMISSIONER SCHIFFER: That's a road that --

CHAIRMAN STRAIN: Okay. But there is a way that we might be able to find out a little bit closer if this is a combined lot. The tax assessor's office does let you combine lots. Has this lot been joined with the lot across the street? Because if it isn't, then they're two separate lots.

MR. ROGERS: To my knowledge, no, it has not.

COMMISSIONER BROUGHAM: Couple more --

CHAIRMAN STRAIN: Well, why wouldn't they have done that? Go ahead, Phil. Sorry.

COMMISSIONER BROUGHAM: Just a couple more points that I want to pick at on this application, and then get back to the more central issue, I think.



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Supposedly, there's a 35-foot-long boat dock for the neighbor to the north of the subject site. Is that that little dock that I see in the other 50-foot lot? Is that north?

MR. ROGERS: Where are you talking about exactly?

COMMISSIONER BROUGHAM: I'm looking at -- look what's on the visualizer. That -- to me that's what I'm looking at.

MR. ROGERS: Oh, yeah. That --

COMMISSIONER BROUGHAM: That's a 35-foot lot that's sticking out of that other 50 -- I'll say 50 feet.

CHAIRMAN STRAIN: Well, do you know if that other one to the north was sold off, Phil? So you're saying it's a 50-foot lot to the north, but isn't that still connected?

MR. ROGERS: It's part of -- it's connected to the --

CHAIRMAN STRAIN: Yeah, so that's why it's not a 50-foot lot.

MR. ROGERS: Right.

COMMISSIONER BROUGHAM: Well, my question is more, that's a 35-foot dock?

MR. ROGERS: Uh-huh. Oh, I -- I don't know. I didn't measure that dock. I would guess -- no, it's probably 20, 25.

COMMISSIONER BROUGHAM: Okay. It was stated in my document that immediately to the north has an existing approximately 35-foot-long boat dock. I guess that can't be verified.

And can you speak to the hardship issue here, which is, I think, one of the central arguments?

MR. ROGERS: The hardship here is the uniqueness and the history of it. The uniqueness in regards to its location and it being a separate parcel or looked at as a separate parcel and also, then, the riparian lines coming out of the corners or -- there's a couple hardships here.

COMMISSIONER BROUGHAM: To your knowledge, when Mr. Jaffe purchased this particular piece of property, was he aware of the riparian property lines and the uniqueness of this?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: So he bought into the hardship?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: So hardship is not something that's new?

MR. ROGERS: No. But when he was closing in the closing process, he had both neighbors at that time sign off on the proposed dock design that he's now proposing here. In order to -- to let -- inform them that that's what he's -- his intentions are, of building this dock, and that's why we have two letters of no objection from them signing off on the proposed dock.

CHAIRMAN STRAIN: I wish making things legal was that simple.

COMMISSIONER BROUGHAM: Is it appropriate if I ask one clarification to the staff report as well?

CHAIRMAN STRAIN: Sure. Everything, go right on through it, yeah.

COMMISSIONER BROUGHAM: Under recommendation, Ray or --

MR. BELLOWS: Of the variance or the boat dock?

COMMISSIONER BROUGHAM: On the variance -- you say your recommendation of approved -- subject to the approval of the companion boat dock extension petition, blah-blah-blah-blah, and issuance of a certificate of occupancy for building permit number, whatever, ending in 4314, what is that -- how does a building permit come into this equation?

MR. BELLOWS: The Land Development Code requires that you cannot have an accessory use such as a dock without a principle structure or principle use. In this case the principle use is the dwelling. And since they've destroyed, or are rehabbing the original by removing it -- right now, my understanding, the site's vacant.

COMMISSIONER BROUGHAM: Okay.

MR. BELLOWS: So we just want to make sure they don't do the dock without the dwelling.

COMMISSIONER BROUGHAM: I couldn't make the link. That's all I had right now.

CHAIRMAN STRAIN: Anybody else? Brad, did you --

COMMISSIONER SCHIFFER: Yeah, let me continue on. And I -- you know, Heidi, give me a binary answer, yes or no, is that that is a legally described lot such that we can figure riparian rights off of it and they can build -- you know, it's part of Lot 14, but you're saying once they describe it and sell it and, you know -- you know, it does go back. I think Eve sold it to Adam to start this.





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It does go back, but the point is, that how can you, just by describing things, create a lot? And the reason that's an important question, there's probably about 10 other ones like this. And before everybody in Connors come running in here and selling off the lots and duplicating, you know, the boats in the backyard -- so you're 100 percent sure that this is a lot, and they can figure riparian rights off of the property lines accordingly?

MS. ASHTON-CICKO: Based on the fact that it's been in existence since the 1950s, 1955, yes. I don't think that people can start selling off parts of their lots and create new lots and then entitle additional boat docks. I don't think you can do that. But in this case because it was an existing dock and it's been sold for, you know, how many years now, as one lot, then, yes, I do think he's got riparian rights.

COMMISSIONER SCHIFFER: Then why is it being picked up in the replats and everything? I mean, this Connors Point's (sic) been replatted since then. I mean, why did they not start to show this as a legal piece of property? I mean, to me I --

MS. ASHTON-CICKO: I don't think it's not a legal piece of property, so -- and I think -- you know, I think he's got rights that if we take them away the county will have some significant exposure.

COMMISSIONER SCHIFFER: Okay. And Mr. Forbis, who's his partner on Lot 14, he has the ability to put in two more boats. Because the lot -- per lot, you're only allowed two boats. So what we're saying right now is per lot or per description, you're allowed as many boats -- two times how many descriptions you can get on your property. I mean --

MS. ASHTON-CICKO: Well, I think there's criteria you have to look at when you have a boat dock extension.

COMMISSIONER SCHIFFER: Okay. I mean, I'll -- the attorney says it's a legal lot that, yes, those are the riparian lines that are appropriate, then we'll go there. But the danger is everybody now in Connors can run in and sell that little nip on the back of the canal.

CHAIRMAN STRAIN: No. I think she qualified her statement by the fact it was a legal lot because it was created back in the 1950s, but it couldn't be done the same way today.

MR. BELLOWS: Yeah, current codes would prohibit that now.

CHAIRMAN STRAIN: That's the difference, I think.

COMMISSIONER SCHIFFER: Okay. I'll ask some questions later on the boat dock part.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: The boat dock that exists, aside from that floating dock, which is not legal --

COMMISSIONER SCHIFFER: Right.

COMMISSIONER VONIER: -- it meets all of Collier County's criterion?

MR. ROGERS: No. The dock -- no, it does not.

COMMISSIONER VONIER: It does not?

MR. ROGERS: No.

COMMISSIONER VONIER: The existing dock does not?

MR. ROGERS: No, it's not providing -- the vessel on the dock, which is part of the dock, is not providing the required setbacks.

COMMISSIONER VONIER: Okay. Second question. The adjacent lot, 14, has 75 feet of frontage and this has 50. So looking at 75 feet and his ability to put in two boats, I think it's going to get pretty tight.

MR. ROGERS: Yes, sir, it is, but you could definitely design something that would accommodate the property owner to the south's wishes and get two vessels in there. It's not a perfect situation; that's why this is so difficult to get this approved, but historically this is what's been done and, you know, we'd have to reverse what's been done. I mean, not -- you know, I definitely know we could fit something in there.

And as the dock sits, go back to your other question, that is out past the 20 feet so -- and it does not have a DBE approval as well. So as that dock sits, it's encroaching on the setbacks as well as it's past the 20 foot.

We're trying to make a wrong a right the best way we can.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: I have a question. I notice another boat. Does that belong to Lot 13?

MR. ROGERS: No. It -- are you talking about this here?

COMMISSIONER EBERT: Yes.

MR. ROGERS: I believe, by the looks of the -- if you look and see in the water, the turbidity screen that's



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floating there, I believe that's a barge that just happened to be at that place doing some sort of -- I don't know, some sort of work.

COMMISSIONER EBERT: Okay. Now, this is not a clear picture, so I'm thinking, all right, he's got this, and if Lot 14 -- there's no home on Lot 14, I take it?

MR. ROGERS: Correct.

COMMISSIONER EBERT: And -- but you feel that they can go out and put in two boats out there also?

MR. ROGERS: Yes, ma'am. It would be considerably tight, but they could definitely work something out.

COMMISSIONER EBERT: Okay. And the one across -- on the northern portion there is also a dock there. Does that belong to the other residents across the street next to Mr. Jaffe?

MR. ROGERS: No, ma'am. That property is owned by the residents of the one to the north of us. He owns that whole L of the seawall.

COMMISSIONER EBERT: Okay. He owns the whole L. Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: In your opening statement you said that this lot is zoned single-family. Do you still stand by that statement?

MR. ROGERS: Right now I'm unsure, but -- yes, sir, I believe -- that is my understanding.

CHAIRMAN STRAIN: Ray, do you consider this 50-by-30-foot square lot a single-family lot?

MR. BELLOWS: It's my understanding that that lot was deeded to the Jaffe residence lot across the way, so together it conforms a single-family lot.

CHAIRMAN STRAIN: It's not combined in the tax assessor map, so -- they've not combined them --

MR. BELLOWS: Yeah, I think I go back to what Heidi was saying is it was done back in the '50s as deeded to the Jaffe residence lot. And then, because it's not a free-standing lot in and of itself -- and I would agree with you, if it was created as a free-standing lot on its own, that it's an unbuildable lot. But since -- my understanding of the way it was explained to me is that it was deeded to the Jaffe residence lot and, therefore, is a conforming lot of record which has rights to have the dock, even though it -- even though the street crosses over.

CHAIRMAN STRAIN: During the preapp, staff said -- I guess it was -- Mike Sawyer, apparently, was talking to somebody from your organization, maybe you, Jeff --

MR. ROGERS: Yep.

CHAIRMAN STRAIN: -- note, nonconforming existing dock and -- I'm not sure what the next word -- also provide info regarding other comparable dock facilities within the area, single, canal, and locations. Did you do that?

MR. ROGERS: There are none.

CHAIRMAN STRAIN: There are none.

MR. ROGERS: That I could find on Gulf Shore Drive, that mimic this one.

CHAIRMAN STRAIN: Okay.

MR. ROGERS: At least on the three canals or the two canals north of us. Those western portions of those properties were not -- they're a part of the single-family residences.

CHAIRMAN STRAIN: I played around with your buildable area, and you can fit a boat in that buildable area with a dock without protruding on the setbacks. You can do it if you don't want an oversized boat. The fact that this guy has two boats and he wants to fit them in there is a hardship that he created, and self-created hardships aren't reasons to provide variances.

I -- and I especially am concerned that when you put a 35-foot boat in there and you've got a 100-foot lot that has 30 of it taken away, is down to 70, and of the 70, over half of it's being blocked by a boat, I don't see how that's fair to the adjoining property owner.

And by the way, that's nothing to do with Mr. Forbis or his letter, because I had that conclusion before he wrote his letter. I don't particularly like his style in his letter, so it didn't -- I didn't pay much heed to it. But, the point is, it does block that property substantially when you can actually fit a boat and a dock in there, maybe 20- or 25-foot-long boat, but I don't -- so I don't buy into the hardship fact. I'm having a hard time. And then why is it a hardship in this county if you can't have two boats? I mean, I don't get it.

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: I mean --



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COMMISSIONER EBERT: It's not a hardship.

CHAIRMAN STRAIN: -- it's ludicrous to think that everybody is entitled to two boats. What the code says, you may -- you may ask for two boats. Doesn't mean you're going to -- it's a hardship if you can't have the two.

MR. ROGERS: Right.

CHAIRMAN STRAIN: So I'm having a real hard time with your variance.

I think a boat dock extension would be warranted if it was within the setbacks, provided your dock configuration was different, but you've got a dock configuration that doesn't work in front of us today.

So I have a problem with both of your applications today on that basis. And I'm just letting you know, I haven't found a way around it yet. And if we start deciding hardships are because you can't have two boats, that's a -- that's a strange trail to get going down. Anyway.

MR. ROGERS: I didn't mean to interrupt you, sorry.

CHAIRMAN STRAIN: No, that's fine.

MR. ROGERS: In my mind, you know, the biggest hardship here is the fact that the riparian lines are very restrictive, and that's just due to the uniqueness of the location of the property and, you know, that goes back to the 1955s when this was originally established.

So it -- you can fit a vessel in there, you know, like you said, as shown here, but, you know, that's the area that you have to work with that Mark was talking about. And I can't argue that we couldn't fit a boat in there, but the petitioner came to us with the vessels in his ownership, and he thought he was doing the right thing at the closing in crossing the bridge, so to speak, with the neighbors at that time in making sure that they were okay with the proposed dock and vessels that were going to be stored there, and at that time they signed off on it.

Can't speak for Mr. Forbis in his confusion, but he's come back to say as long as it matches what he signed originally, he's okay with it.

CHAIRMAN STRAIN: And, again, even -- the neighbors don't dictate the codes and laws here, and for them to decide it's okay, that doesn't mean it's okay. You've still got to meet the --

MR. ROGERS: Understood.

CHAIRMAN STRAIN: -- thresholds of our rules, and I just don't see how you've done it -- so anyway. Go ahead.

COMMISSIONER SCHIFFER: Yeah, you know what I'd kind of like to see here is if he and Mr. Forbis get together and let them design how they want to put these boats in here. Because when you look at -- you're saying it's a nonconforming thing on the 45, but that's about the only thing that makes sense so far because it looks like a boat dock place where both of them could use it.

It may be, you know, going down the riparian line -- which I don't even yet believe with the riparian line, but that might catch up later.

But, you know, let them sit down and design the backyard here, because this is definitely, to me, one lot. The fact that you've found a way to get four boats on it instead of two is -- we'll let it go as clever. But I do think that it has to work for everybody, and he can't ignore the Lot 14, which it still is a part of. It's always been described as a part of it.

No one ever, you know, attached it across the street. They sold them together. They deeded them together, but they never joined them together.

So I really -- it would be difficult for me to even really give a good opinion on this unless you work something out with Mr. Forbis and showed how you're going to put four boats there, then we can start worrying about what the other neighbors are going to think, because there are people across the canal, people who have to look at this, and maybe they don't want four boats in there.

So let's get -- if we have to have four, let's make the four work together. The way you're doing it now, you're blocking his ability to come out, too.

MR. ROGERS: Well, we're coming out as one, one property owner, and we're -- you know, we took the approach where we're worrying about him and trying to accommodate the best we can for Mr. Forbis. I understand it's not a good situation no matter what -- no matter what we do here in regards to dock design and slip layout.

You know, state and federally it would be difficult for Mr. Jaffe to get a permit that authorized his vessel and/or dock to cross over his riparian lines. You know, that's at the state and federal level. That's something that we could work out, potentially.



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COMMISSIONER SCHIFFER: But look at -- the original design has these boats on 45. So, essentially, they pull away from their docks and they go into the center of the channel. They don't cut across, you know, the backyard or the dock area of Mr. Forbis. Those boats look like they've been designed -- and you're right, there's nothing perfect there, but you're not coming in with that. That big boat can pull out into the center of the channel and not block the Forbis site.

MR. HALL: Sorry. For the record, Tim Hall with Turrell Hall & Associates, and I think I understand the concerns that the Planning Commission has been expressing.

In terms of the riparian lines, did you say you had a question or you were confused about how those related to each other or --

COMMISSIONER SCHIFFER: Well, here's -- I mean, the one that's obviously going east/west is a riparian -- is a property line with a riparian. Somebody did a legal description defining a piece of property -- and now I'm starting to think this is actually competing with Wall Street in cleverness. But they defined a piece of property, and now we're -- you know, they just defined something out of an existing lot, and now we're giving it riparian rights.

MR. HALL: Well, I mean, it's a deeded lot. It's been through 10 or 11 different transitions.

COMMISSIONER SCHIFFER: It's not a lot. You can't use the word "lot," because it's not. It's never been a lot.

MR. HALL: Okay. It's a deeded piece of property.

COMMISSIONER SCHIFFER: It's been legally -- it's been legally --

MR. HALL: It's a property that has specific ownership, okay. There's a gentleman that has a defined area that he owns.

COMMISSIONER SCHIFFER: It's been legally defined, and somebody in Iceland might have bought it. But go ahead.

MR. HALL: Okay. Well, that -- because that property is on the water, there are riparian rights associated with it, which -- and riparian rights are basically, if you own property on the water, you have the right to access that property from the water. And there are -- the ways that they define those riparian lines, generally, they start at the mean-high water line or where the water meets the shore.

COMMISSIONER SCHIFFER: I know how they define it. If -- my problem isn't with the riparian line. My problem is, does it have the rights for riparian line. And we can move off of that.

MR. HALL: No, I mean if it's --

COMMISSIONER SCHIFFER: If Heidi says it does, it does, so --

MR. HALL: And in terms of interfering with the riparian rights or the riparian lines of the owner to the south, you know, this design doesn't. If you look at how those lines -- if you look at how they line up, I mean, where the edge of the property -- the property to the south here and this property where they adjoin, that riparian line would come off a 45-degree angle to the center of the waterway.

COMMISSIONER SCHIFFER: If we're allowed a riparian line, that's the one you'd be allowed.

MR. HALL: Right.

COMMISSIONER SCHIFFER: I'm with you there.

MR. HALL: Okay. All right.

COMMISSIONER SCHIFFER: But the point is, too, is that since everyone's known about this lot and everybody's known about riparian lines and everybody's known about setbacks, what is the hardship then other than they can't, you know, take overadvantage of it? I mean, this is a very small lot so, obviously, shouldn't they be entitled to a very small boat? What would make them think that they should have the rights of somebody -- you know, a 39-foot boat, let's say 40, that's an 80-foot-wide lot.

MR. HALL: If you look at the boat that's there now on the aerials, that's a 32-foot boat.

COMMISSIONER SCHIFFER: Right.

MR. HALL: But it's not there legally. It's there -- well, I mean, I guess it is there. It's grandfathered in, but it doesn't meet the setback or boat dock extension criteria that the county has in place now.

So if he wants to upgrade that dock or change it, he has to become compliant with what the codes are now, which is what we're trying to do. And in taking that, what was a -- the 35-foot boat and doing the design, it was to move it as far away from that property to the south as possible.

COMMISSIONER SCHIFFER: I mean, if this guy wanted a variance to build what's there, he'd have a



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friend in me. But what he's trying to do, the way he's trying to aim it down the channel and, essentially, make it difficult for the other lot and, essentially, put it in full view of the other lot, I'm not with that yet.

Thank you, Mark.

CHAIRMAN STRAIN: Okay. Anything else? Phil?

COMMISSIONER BROUGHAM: Just one more question; might be rhetorical.

What if -- well, I -- what if he did nothing? In other words, you say this is nonconforming and a boat that's currently -- I assume is currently docked there is not, quote-unquote, legal; it's grandfathered in, I guess.

But if this petition were denied and it was not appealed and ultimately approved, what harm is there then? I mean, how is this gentleman harmed? What would he have to do? He could keep his boat. He could keep the dock as legal nonconforming; is that correct?

MR. BELLOWS: Correct.

COMMISSIONER BROUGHAM: No harm, no foul.

MR. BELLOWS: Yeah. The existing situation can continue into the future.

COMMISSIONER BROUGHAM: Can or can't?

MR. BELLOWS: Can, C-a-n.

COMMISSIONER BROUGHAM: Okay, thanks.

COMMISSIONER SCHIFFER: Well, Ray, let me question.

MR. HALL: Except for he loses the -- just to keep this right now, he then is limited to the one boat instead of the two that are there now.

COMMISSIONER BROUGHAM: Okay. I understand that.

COMMISSIONER SCHIFFER: But, Ray, he's built boat lifts and stuff. I mean, he didn't have a boat lift in 1955. I mean, when they installed that boat lift, Elvis Presley wasn't on the radio.

MR. BELLOWS: I don't know of any code violations on this site, but there very may well be. But my understanding is it's preexisting dock, and the boat is there. I don't know how long that boat's been there, but I'm sure they've had many numerous boats over the years.

COMMISSIONER SCHIFFER: And it's designed in a courteous position where it will pull out and not, you know, block the other people around them.

MR. BELLOWS: I agree. It's --

MR. HALL: Well, I think I might disagree with you a little bit. Just if you look -- if you look at the -- can we blow that out some?

This boat currently has to back into this because of the way the lift is situated and all. So to come in and out he's actually -- if this owner brought another boat in which is, you know, permitted there and has this boat here, then to get in and out of that, he's got to work around both of these in reverse to get in and out of that slip as it exists now, whereas, with what we have proposed, none of these adjoining owners are affected at all, and it makes it easier to get that boat in and out of that lot without having those -- you know, without having to come in in reverse and go around those lots -- those docks that are already there now.

COMMISSIONER SCHIFFER: But, actually, you've pointed out a hardship. Your boat might -- if you come perpendicular to that wall and you're within that setback, you're going to make -- that boat's got to work around the tip of you. You're much further out than you'd be --

MR. HALL: No. The way this one can come in and out into the corner, the way we have the boat sitting right now, he's not affected by it at all.

COMMISSIONER SCHIFFER: We could discuss it. I mean, you're going to be sticking out towards the apex of that triangle. So anyway. Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Tim and Jeff. Staff report?

COMMISSIONER BROUGHAM: Come on up, Mike.

COMMISSIONER EBERT: You've got it, Mike.

MR. SAWYER: Good afternoon. For the record, Mike Sawyer with planning services.

I actually worked on the boat dock extension for Jaffe. Nancy, my colleague, did the variance for this request.



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On the boat dock extension, you've got a staff report originally dated April 6th, revised April 11th and the 13th. As you can see, basically, what we found as staff is that they're meeting four of the five primary and four of the six secondary, with one of the secondary being nonapplicable.

If you have questions, I'll be happy to answer what I can.

CHAIRMAN STRAIN: Anybody?

COMMISSIONER SCHIFFER: I'll play.

CHAIRMAN STRAIN: You'll play, huh?

COMMISSIONER SCHIFFER: Primary Criteria 1, you know, the intent there is to keep it an appropriate number, kind of says for single-family use, two boats is good, right?

MR. SAWYER: Correct.

COMMISSIONER SCHIFFER: So you're still claiming that these two boats belong to the house across the street?

MR. SAWYER: Since '55, correct.

COMMISSIONER SCHIFFER: Well -- okay. I mean, the lots have never been joined. To say it's on the same lot, that isn't true. Even in the descriptions it says "and," and then describes this guy's backyard. But anyway.

MR. SAWYER: Well, just to clarify one possible point, that in '55, this -- you know, certainly, the boat dock extension process certainly wasn't in the code at that time either. A minor point.

COMMISSIONER SCHIFFER: Right. I mean, to me I think there's only two boats allowed on Lot 14. Even though somebody else owns part of Lot 14, that's just creative.

Let me see if there's any other ones. They're claiming this, you know, the -- and because they measure perpendicular, they measured all the way across into Ohio, I think, to come up with the 1,400 feet. Do you believe that's the width of the waterway?

MR. SAWYER: As I tried to point out in the staff report, in black-and-white terms, that's what the criteria says; however, in this particular case, it's very hard to make that argument, quite honestly, and that's why in the staff report I tried to go back to what the actual intent is as far as navigability, and that's how we found that it actually, you know, met that navigation. Whether this configuration is used or the existing one is is not going to affect navigation because you don't have anything -- any navigation going further west.

COMMISSIONER SCHIFFER: No, obviously.

MR. SAWYER: Obviously.

COMMISSIONER SCHIFFER: Or this boat will stop them if they try.

MR. SAWYER: Exactly.

COMMISSIONER SCHIFFER: Number 5, is the -- will it interfere with the neighboring docks. When you look at that, do you look at it in terms of what's built now or what could be built later? And the intent of the question is, did you give Lot 14 the ability -- I mean, did you figure out what's going to happen on 14, what they can do to see if this is, in fact, especially with the variance, you know, interfering with their rights?

MR. SAWYER: We did. Quite honestly, Lot 14, whether they come in now or later, are still going to have to go off of the riparian lines that you see on the screen right now. They're going to have to -- whatever configuration of dock they propose, whether they need an extension or not, are still going to have to go off of that 45-degree riparian line that you see, because they don't have rights to that lot.

COMMISSIONER SCHIFFER: Right. But, remember, they're asking for a variance here, and that variance will make that more difficult for them, correct?

MR. SAWYER: To an extent, yes.

COMMISSIONER SCHIFFER: Yeah. Hold on. There may be another. No, that's good. Thanks, Mike.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: Yeah. I'm reminded of the Isles of Capri case that we just reviewed a couple of weeks ago, and those conditions were not nearly as severe as these, and we did not allow one of the docks -- or one of the lifts to be -- to encroach on a riparian right. So this is a much worse condition in my estimation than the one we voted out in Isles of Capri.

And, for the record, I looked at that as 100-foot-wide waterway. I didn't buy your 1,400 feet.

CHAIRMAN STRAIN: Okay. Anybody else? Phil?

COMMISSIONER BROUGHAM: No.



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CHAIRMAN STRAIN: No, okay.
Mike, you did the boat dock extension?
MR. SAWYER: Correct.
CHAIRMAN STRAIN: Let's see if I had anything left. No. So I only have a couple of questions on the variance. Thank you.
MR. SAWYER: Thank you.
MS. GUNDLACH: Good afternoon, Commissioners. For the record, I'm Nancy Gundlach, principal planner with the Department of Land Development Services.
And staff is recommending approval of the variance, of course subject to the approval of the boat dock extension and also the certificate of occupancy for the new house that's being built across the street.
And it would be my pleasure to answer any questions you might have this afternoon.
CHAIRMAN STRAIN: Anybody have any questions on the variance from Nancy?
(No response.)
CHAIRMAN STRAIN: Nancy, a couple cleanup questions maybe. Page 5, did you do the aerial?
MS. GUNDLACH: Yes, I did the aerial.
CHAIRMAN STRAIN: Could you -- if this is appealed, or wherever it goes, you reference that lot as a boat dock lot. We now know that's improper. Could you just make that correction?
MS. GUNDLACH: Okay. Yes.
CHAIRMAN STRAIN: Okay. Under your variance criteria on Page 6, No. E, the question was, will the granting of the variance confer on the applicant any special privilege that is denied by the zoning regulations to other lands, buildings, or structures in the same zoning district. Your answer was no. And then afterwards it says, most other neighboring properties moor two vessels.
Did you rely upon any kind of data, survey, or statistical information submitted to you to come to that conclusion?
COMMISSIONER EBERT: No.
MS. GUNDLACH: No.
CHAIRMAN STRAIN: Okay. So –
MS. GUNDLACH: I had to think about that for a minute.
CHAIRMAN STRAIN: So our record -- we don't have anything for the record to support that conclusion? That was just something you wrote in there?
MS. GUNDLACH: Actually, it's based on the application.
CHAIRMAN STRAIN: But you were not given any supporting data to validate that conclusion, were you?
MS. GUNDLACH: No.
CHAIRMAN STRAIN: Okay. That's what I was getting at. I just wanted to make sure –
MS. GUNDLACH: Okay.
CHAIRMAN STRAIN: -- if we have data here that we're relying upon, it's accurate. And under a variance, I wanted to especially check that. So that's all I had.
Anybody else have any questions of staff?
(No response.)
CHAIRMAN STRAIN: Thank you, Nancy.
MS. GUNDLACH: You're welcome.
CHAIRMAN STRAIN: Are there public speakers, Ray?
MR. BELLOWS: No one has registered.
CHAIRMAN STRAIN: Does anybody in the public wish to speak?
(No response.)
CHAIRMAN STRAIN: Okay. Is there any rebuttal wanted by the applicant?
(No response.)
CHAIRMAN STRAIN: You guys got any more you want to say before we close the public hearing?
MR. HALL: No, sir.
CHAIRMAN STRAIN: Let the record state that, rather than shaking his head, he actually said no off record. Okay. With that, we'll close the public hearing, and we'll entertain a motion first on the variance.

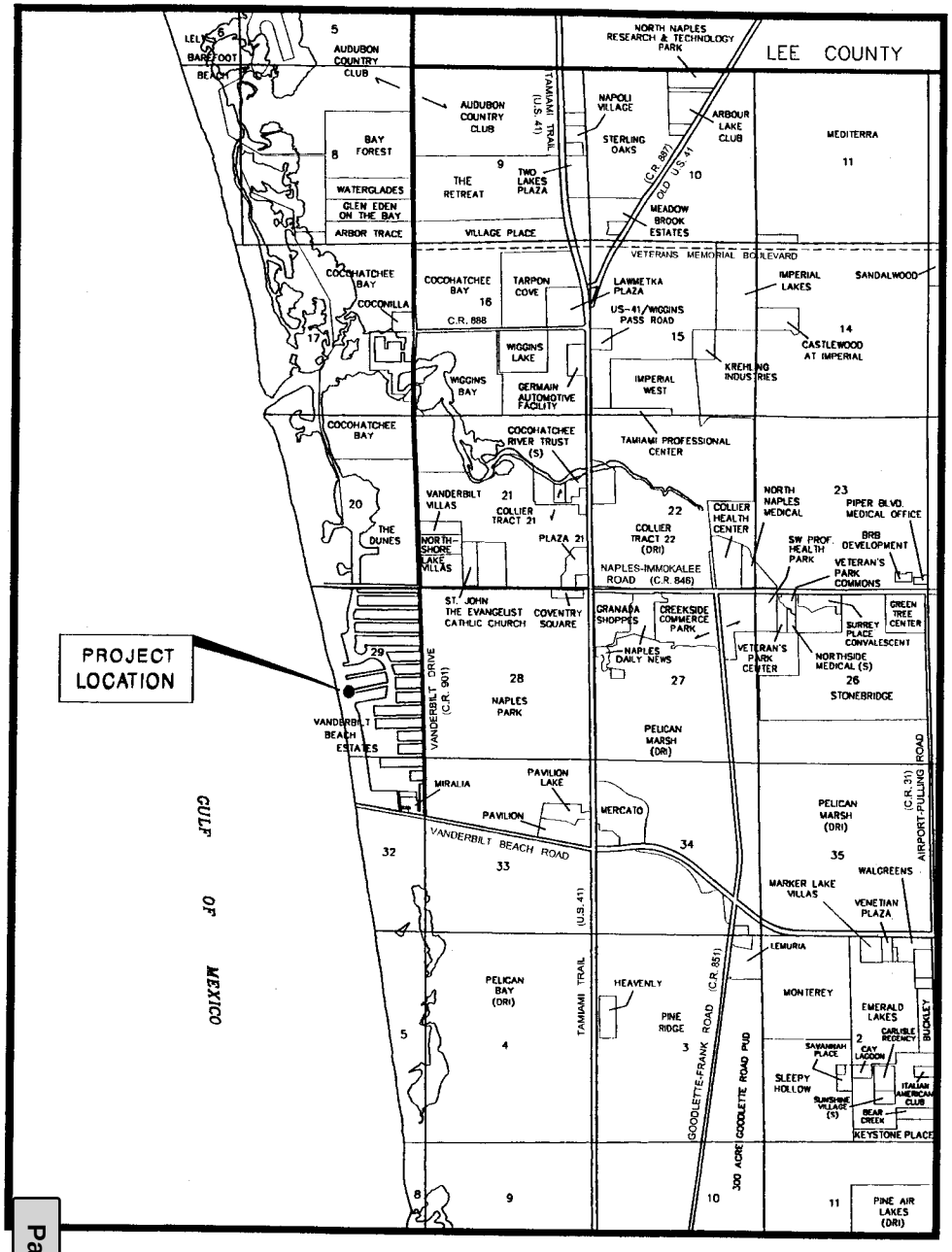


Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

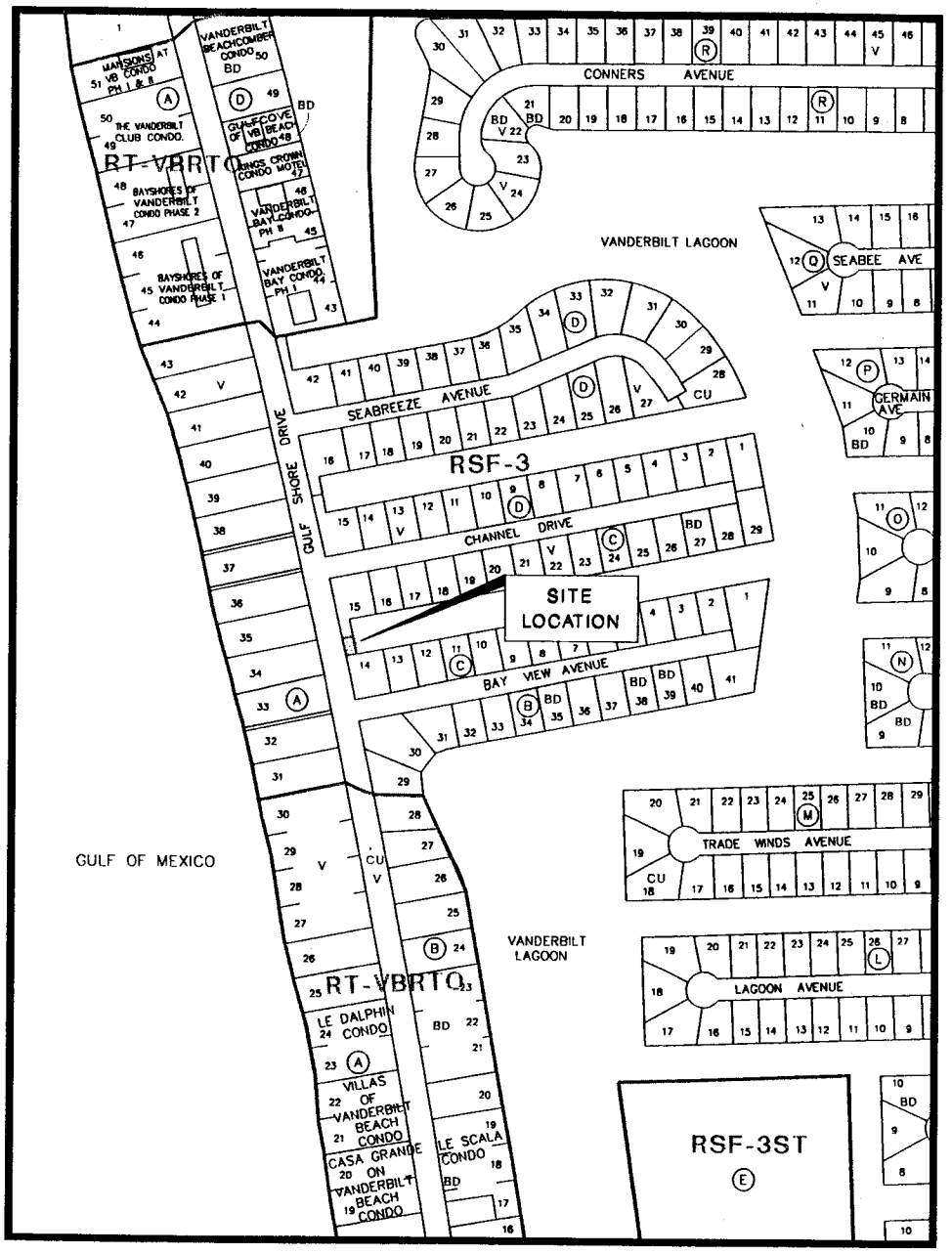
COMMISSIONER BROUGHAM: Motion to deny.
CHAIRMAN STRAIN: There's been a motion made to --
COMMISSIONER VONIER: Second.
CHAIRMAN STRAIN: -- deny, second -- by Mr. Brougham, seconded by Mr. Vonier.
Discussion? I'm going to support the denial for the following reasons: The -- I believe the hard -- first of all, under variance criteria, I don't agree that they've met the criteria of Elements B, C, D, E, and F. Most of that has to do with the fact that the hardship is based upon needing two vessels. I can't see where that occurs, and also the impact on the neighboring property. But those are my reasons for denying this variance.
Anybody else have any questions, comments?
(No response.)
CHAIRMAN STRAIN: If not, all those in favor of the motion, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Okay. Motion carries, 8-1.
***Boat dock extension. Does anybody have any comments on the boat dock extension?
(No response.)
CHAIRMAN STRAIN: Is there a motion?
COMMISSIONER BROUGHAM: Well, I will move to deny the boat dock extension, BDE-20110001573.
COMMISSIONER VONIER: Second.
COMMISSIONER KLEIN: (Raises hand.)
CHAIRMAN STRAIN: Is there a second? Motion made by Mr. Brougham, seconded by Mr. Vonier.
Discussion? I'm going to be supporting the motion. I believe that they did not meet Primary Criteria No. 1 or No. 2, and they do not meet Secondary Criteria No. 1, 3, and 4.
COMMISSIONER VONIER: I agree.
CHAIRMAN STRAIN: Anybody else?
COMMISSIONER SCHIFFER: I'll be supporting the motion but adding Criteria No. Primary 5 and Primary 4.
CHAIRMAN STRAIN: Is that in addition to the ones I have suggested?
COMMISSIONER SCHIFFER: Yes, yes.
CHAIRMAN STRAIN: Okay. Anybody else?
(No response.)
CHAIRMAN STRAIN: All those in favor of the motion to deny, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Motion carries 8-1.



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090




LOCATION MAP




ZONING MAP

PETITION # ADA - PL - 2012 - 1218





Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION/
PLANNING AND REGULATION

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-6358
www.colliergov.net

# APPEAL OF ADMINISTRATIVE DECISION OF ADMINISTRATIVE OFFICIAL
## Section 250-58

**Sec. 250-58. Appeal from decision of administrative official.**

(a) Appeals to a board of zoning appeals or the governing body, as the case may be, may be taken by any person aggrieved or by any officer, department, board, or bureau of the governing body or bodies in the area affected by the decision, determination or requirement made by the administrative official. Such appeals shall be taken within 30 days by filing with the administrative official a written notice specifying the grounds thereof. The administrative official shall forthwith transmit to the board all papers, documents, and maps constituting the record of the action from which an appeal is taken.

Due public notice of the hearing on the appeal shall be given. Upon the hearing, any party may appear in person or by attorney. A decision shall be reached by the appellate body within 30 days of the hearing; otherwise, the action appealed from shall be deemed affirmed.

**An affected property owner** is defined as an owner of property located within 300 feet of the property lines of the land for which the interpretation is effective.

**An aggrieved or affected party** is defined as any person or group of persons which will suffer an adverse effect to an interest protected or furthered by the Collier County Growth Management Plan, Land Development Code, or Building Code(s). The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

A request for appeal shall be filed in writing. Such request shall state the basis for the appeal and shall include any pertinent information, exhibits and other backup information in support of the appeal. In accordance with Resolution No. 2007-160, the fee for the application and processing of an appeal is $1,000.00 and shall be paid by the applicant at the time the request is submitted.

The Board of Zoning Appeals shall hold an advertised public hearing on the appeal and shall consider the administrative decision and any public testimony in light of the growth management plan, the future land use map, the Land Development Code or the official zoning atlas. The Board of Zoning Appeals shall adopt the County official's administrative decision, with or without modifications or conditions, or reject the administrative decision. The Board of Zoning Appeals shall not be authorized to modify or reject the County official's administrative decision unless such Board finds that the decision is not supported by substantial competent evidence or that the decision is contrary to the growth management plan, the future land use map, the Land Development Code or the official zoning atlas.

**Requests for Appeal of Administrative Decision should be addressed to:**

Growth Management Division/Planning and Regulation
Attn: Business Center
2800 North Horseshoe Drive
Naples, Florida 34104

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION/
PLANNING AND REGULATION

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-6358
www.colliergov.net

# APPEAL OF ADMINISTRATIVE DECISION OF ADMINISTRATIVE OFFICIAL
Section 250-58

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

ADA-PL20120001218 REV: 1
JAFFE BOAT DOCK
DATE: 5/30/12
DUE: 6/13/12

## APPLICANT INFORMATION

NAME OF OWNER Andrew Jaffe
ADDRESS 10091 Gulfshore Dr. CITY Naples STATE FL ZIP 34108
TELEPHONE # _____ CELL # _____ FAX # _____
E-MAIL ADDRESS _____

NAME OF AGENT/APPLICANT R. Bruce Anderson, Esq.
FIRM Roetzel & Andress, LPA
ADDRESS 850 Park Shore Drive CITY Naples STATE FL ZIP 34103
TELEPHONE # 239 649-6200 CELL # 239 649-2708 FAX # 239 561-3659
E-MAIL ADDRESS banderson@ralaw.com

## REQUEST DETAIL

Appeal of Application No. AR/PL- BDE-PL 20110001573
*(Please reference the application number that is being appealed)*

**Attach a statement for the basis of the appeal including any pertinent information, exhibits and other backup information in support of the appeal.**

**Submit required application fee in the amount of $1,000.00 made payable to the *Board of County Commissioners*.**

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Basis of Appeal

BDE-PL 20110001573

There was no evidence submitted to the Collier County Planning Commission "CCPC" to support a denial. Applicant's agent Turrell, Hall & Associates provided unrebutted evidence that the property owner met the criteria for approval of the boat dock extension. County planning staff also provided unrebutted evidence that they found that the application met the criteria for approval and recommended approval. No one from the public objected to the application and in fact, the owners on each side of the subject property submitted letters of no objection. The review and approval process for a boat dock extension is a quasi-judicial matter, where once the applicant demonstrates that he meets the criteria for approval, the burden of proof shifts to those objecting to the application to demonstrate that the applicant does not meet the criteria for approval. In this case there was no one objecting to the CCPC and there was no evidence presented to the CCPC that the criteria was not met.

Very simply, there was a complete lack of any evidence to support the CCPC action. All evidence presented at the hearing was that the applicant met the criteria for approval. All of the documents which were in the CCPC agenda materials for this application are attached as exhibits in support of this appeal. Also attached hereto is a denial resolution issued by the CCPC.

6326753_1

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

## APPEAL OF ADMINISTRATIVE DECISION OF ADMINISTRATIVE OFFICIAL

APPEAL OF APPLICATION NO. AR/PL BDE-PL 20110001573 w/ Attachment – Basis of Appeal

1. Staff Report (May 3, 2012)
2. Application – Boat Dock Extension Application Jaffe Dock
3. CCPC Resolution No. 12-05 (Denial)

6327930_1

ADA-PL20120001218 REV: 1
JAFFE BOAT DOCK
DATE: 5/30/12
DUE: 6/13/12

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

AGENDA ITEM 9-B

ADA-PL20120001218 REV: 1
JAFFE BOAT DOCK
DATE: 5/30/12
DUE: 6/13/12

Collier County

# STAFF REPORT

**TO:** COLLIER COUNTY PLANNING COMMISSION

**FROM:** DEPARTMENT OF LAND DEVELOPMENT SERVICES
GROWTH MANAGEMENT DIVISION, PLANNING AND REGULATION

**HEARING DATE:** MAY 3, 2012

**SUBJECT:** BDE-PL20110001573, JAFFE BOAT DOCK EXTENSION
(COMPANION ITEM: VA-PL20110001576)

---

## PROPERTY OWNER/AGENT:

Owner: Andrew Jaffe,
10091 Gulfshore Drive
Naples, Fl 34108

Agent: Jeff Rogers,
Turrell, Hall and Associates
3584 Exchange Avenue
Naples, Fl 34104

## REQUESTED ACTION:

The petitioner is requesting a 19-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, which will allow construction of a boat docking facility at the end of a man-made canal protruding a total of 39 feet into a waterway that is 1,420 feet long.

## GEOGRAPHIC LOCATION:

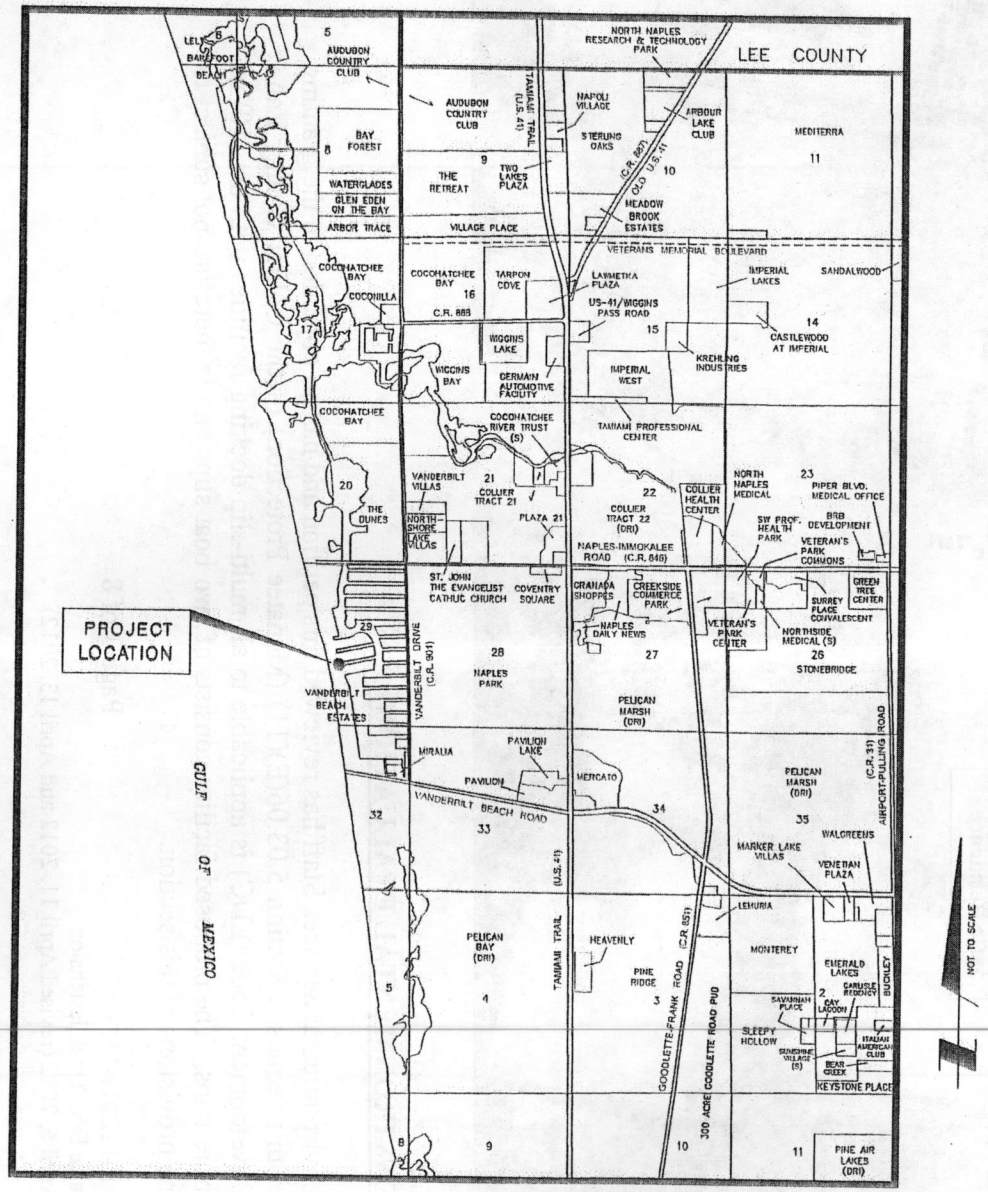
The subject site is located at 10090 Gulfshore Drive and is further described as the North 50 feet of Lot 14, Conners Vanderbilt Beach Estates Subdivision, Unit 1; Section 29, Township 48 South, Range 25 East, Collier County, Florida, Folio number 27530880003. *(see location map on the following page)*

## PURPOSE/DESCRIPTION OF PROJECT:

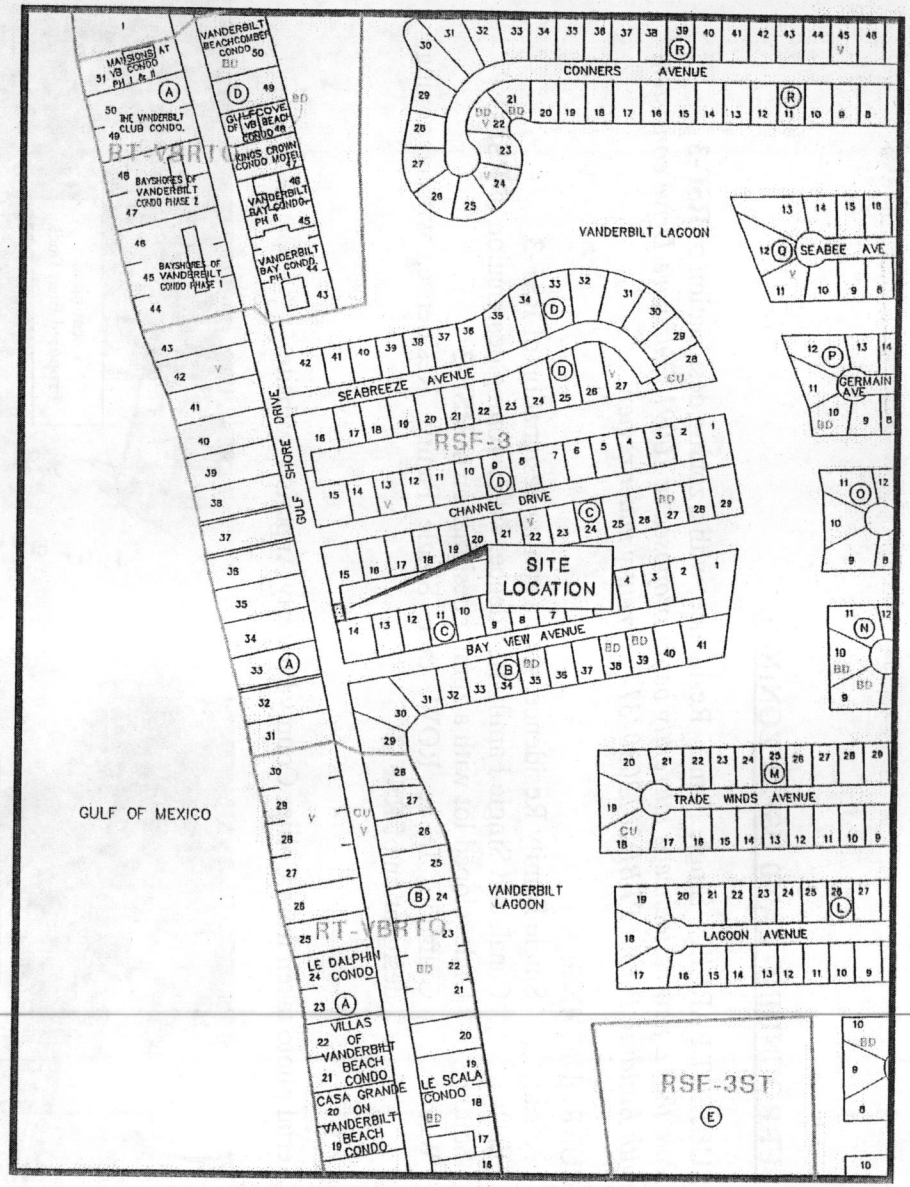
The purpose of the project is to remove an existing dock and to construct a 4 foot wide finger dock that will service 2 boat lifts and vessels. The proposed dock facility is located on a small boat dock lot that has 50-feet of shoreline that was deeded to the residence located across the street at 10091 Gulfshore Drive in 1955 (see Attachment C Warranty Deeds submitted by applicant). The total proposed overwater structure is approximately 116 square feet with a total protrusion of 39-feet from the Mean High Water Line (MHWL). The proposed dock requires a 19 foot boat dock extension and a companion variance petition VA-PL20110001576 due to the proposed intrusion into required riparian line setbacks. There is no dredging proposed for this project.



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090




LOCATION MAP




ZONING MAP

PETITION # BD - PL - 2011 - 1573



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

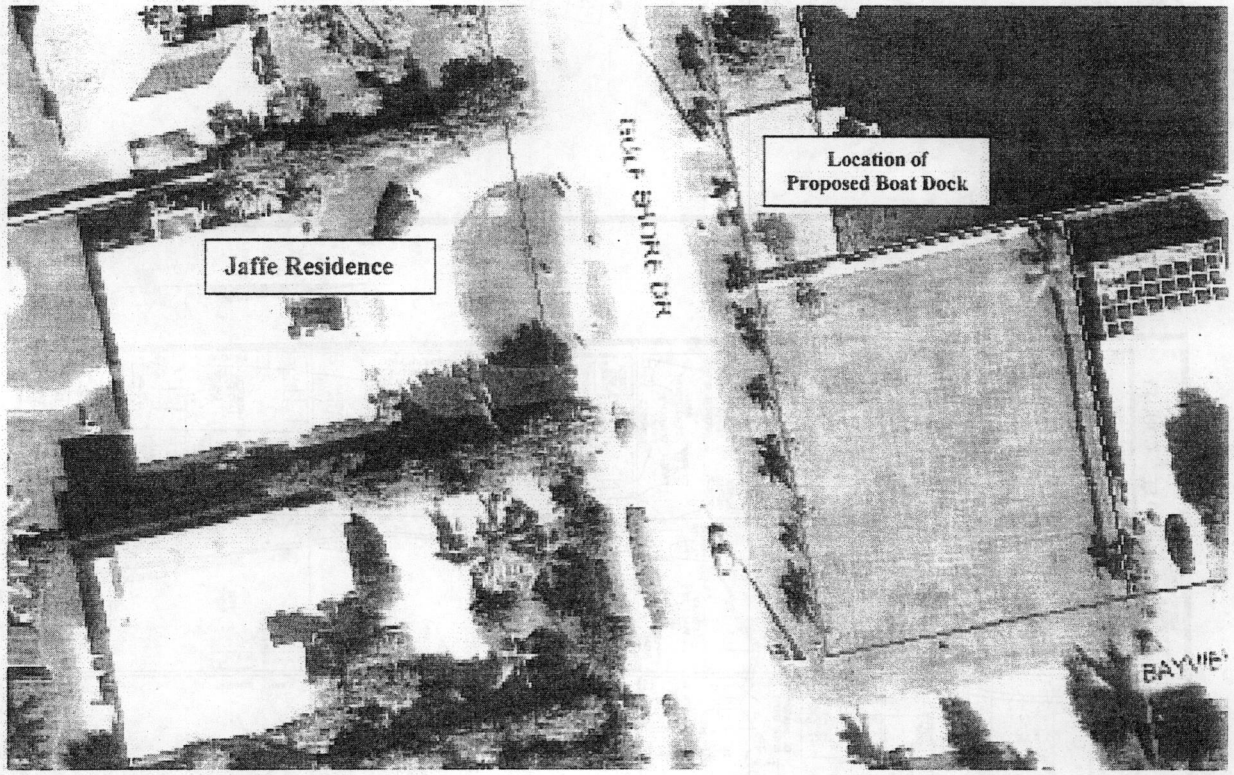
## SURROUNDING LAND USE & ZONING:

SUBJECT PARCEL: Single Family Residence, with a zoning designation of **RSF-3**
*Note that a new residence is currently being proposed at 10091 Gulfshore Drive consistent with Building Permit PRBD20120304314 currently under review.*

SURROUNDING:

| | |
|---|---|
| North: | Single Family Residence, with a zoning designation of **RSF-3** |
| East: | Canal, and Single Family Residence, with a zoning designation of **RSF-3** |
| South: | Undeveloped lot with a zoning designation of **RSF-3** |
| West: | Gulfshore Drive ROW, then Single Family Residence, with a zoning designation of **RSF-3** |

Aerial photo taken from Collier County Property Appraiser website.




## ENVIRONMENTAL EVALUATION:

Environmental Services Staff has reviewed this petition and has no objection to the granting of this request. Section 5.03.06(E)(11) (Manatee Protection) of the Collier County Land Development Code (LDC) is applicable to all multi-slip docking facilities with ten (10) or more slips. The proposed facility consists of two boat slips and is therefore not subject to the provisions of this section.



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

**STAFF COMMENTS:**

The Collier County Planning Commission (CCPC) shall approve, approve with conditions, or deny, a dock facility extension request based on the following criteria. In order for the CCPC to approve this request, it must be determined that at least four of the five primary criteria and four of the six secondary criteria have been met.

Staff has reviewed this petition in accordance with Section 5.03.06 and finds the following:

Primary Criteria

1. **Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

   Criterion met. The proposed dock facility consists of the removal of an existing dock and the construction of a finger dock servicing two boat slips, which is consistent with the allowable 2-slip provisions.

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

   Criterion not met. According to the petitioner's application the water depth for the dock facility are adequate, therefore this criterion is not met.

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

   Criterion met. According to the information submitted by the petitioner, the proposed facility will not adversely impact navigation within the man-made canal because the proposed facility is located at the western most end of the canal that prevents through boat traffic. Additionally the applicant indicates that there is limited boat traffic within this area of the canal and that the proposed dock is contained within the riparian lines however it does require the companion variance noted above due to riparian line encroachments.

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

   Criterion met. As noted in the project purpose/description above this dock facility is located on a small lot that has 50-feet of shoreline that was deeded to the residence at 10091 Gulfshore Drive in 1955. The open waterway in front of the proposed dock is approximately 1,420 feet and this dock facility meets the literal application of this criteria by being less than 25 percent of that distance. The applicability of this criteria however is challenging as the proposed dock facility is located at the end of the man-made canal. However, this location insures that no water vessel traffic will occur westward of this location. The proposed dock configuration is within the riparian lines and the adjacent property owners have provided letters of no objection to this proposed dock facility. For these reasons staff's opinion is that the proposed dock facility meets the intent of this criterion as navigability will be maintained.

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

   Criterion met. According to the drawings submitted and noted by the petitioner, the proposed facility has been designed so that it does not interfere with adjacent neighboring docks or access. Further the applicant has included letters of no objection from both adjacent neighbors as part of the application (see attachment B Application).

Secondary Criteria

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

   Criterion met. As noted above the proposed dock facility is located at the western most end of the man-made canal and has a total shoreline of 50 linear feet. Additionally the converging riparian lines associated with this parcel reduce the configuration and design options of this dock facility. Therefore the limited shoreline and associated riparian lines are the special conditions related to this request.

2. **Whether the proposed dock facility would allow reasonable, safe access to the vessel for loading/unloading and routine maintenance, without the use of**



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

**excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)**

Criterion met. The proposed dock facility includes a 4-foot wide finger pier allowing access and service to the two proposed vessels. This configuration minimizes the decking area.

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

   Criterion not met. The subject property contains a linear waterfront that is 50 feet in length according to the application. The total length of the proposed vessels is 58 feet which is more than 50 percent of the waterfront footage.

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

   Criterion met. The information provided indicates that the proposed facility will not directly change the views of adjacent parcels as the proposed dock facility is within the riparian lines of the subject site. Further the application includes letters of no objection from the adjacent neighbors.

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

   Criterion met. According to the information submitted by the petitioner, no seagrass beds are known to be located within 200 feet of the proposed dock facility or within this portion of the waterway. Therefore, there will be no impact to seagrass beds.

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

   Criterion not applicable. The proposed facility consists of **two** boat slips and is therefore not subject to the provisions of this section.

Staff analysis indicates that the request meets four of the five primary criteria. With regard to the six secondary criteria one of the criteria is found to be not applicable, the request meets four of the remaining five secondary criteria.



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

## APPEAL OF BOAT DOCK EXTENSION TO BOARD OF ZONING APPEALS:

As to any boat dock extension petition upon which the CCPC takes action, an aggrieved petitioner, or adversely affected property owner, may appeal such final action to the Board of Zoning Appeals. Such appeal shall be filed with the Growth Management Division Administrator within 30 days of the action by the CCPC. In the event that the petition has been approved by the CCPC, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period.

## COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney Office has reviewed the staff report for BD-PL20110001409, dated April 6, 2012.

## STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the CCPC approve Petition **BD-PL20110001573** subject to the following stipulation:

1. Subject to the Collier County Board of Zoning Appeals (BZA) approving companion petition VA-PL20110001576.

Attachments: A. Resolution
B. Application
C. Warranty Deeds provided by applicant



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

**PREPARED BY:**

MICHAEL SAWYER, PROJECT MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

4.6.2012
DATE

**REVIEWED BY:**

RAYMOND V. BELLOWS, ZONING MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

4-10-12
DATE

WILLIAM D. LORENZ JR., P.E., DIRECTOR
DEPARTMENT OF LAND DEVELOPMENT SERVICES

04-12-2012
DATE

**APPROVED BY:**

NICK CASALANGUIDA, ADMINISTRATOR
GROWTH MANAGEMENT DIVISION

4-17-12
DATE

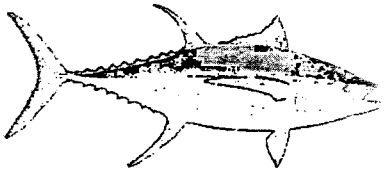


Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# BOAT DOCK EXTENSION APPLICATION
# JAFFE DOCK
## 10091 Gulf Shore Drive
## Naples, FL 34108

ADA-PL20120001218 REV: 1
JAFFE BOAT DOCK
DATE: 5/30/12
DUE: 6/13/12

**December 2011**



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

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Exhibit "2"

COLLIER COUNTY GOVERNMENT
DEPT. OF ZONING & LAND DEVELOPMENT REVIEW
WWW.COLLIERGOV.NET

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 643-6968

# DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION APPLICATION AND SUBMITTAL INSTRUCTIONS

The following information is intended to guide you through the process of a Dock Facility Extension or Boathouse Establishment Petition, from completing the application packet to the final determination by the Collier County Planning Commission.

Prior to submittal of the attached Dock Facility Extension or Boathouse Establishment Petition application, you must attend a pre-application meeting to determine if, pursuant to Land Development Code Section 5.03.06, the option of a dock facility extension or boathouse establishment is available to you and to discuss the location, length/protrusion and configuration of the proposed boat dock facility. The pre-application fee is $500.00 (to be credited toward application fee upon submittal.)

In order to process your request, all accompanying materials must be completed and submitted with the application (SEE ATTACHED CHECKLIST). The application fee for a Dock Facility Extension or Boathouse Establishment is currently $1500.00 plus $925.00 for required legal advertising. An additional amount for property owner notifications will be billed to the applicant prior to the hearing date.

Within ten (10) days of the submission of your application, you will receive notification that your petition is being processed. Accompanying that response will be a receipt for your check and the number assigned to your petition. This petition number should be noted on all future correspondence regarding your petition.

The Department of Zoning and Land Development Review will provide for legal notification of surrounding property owners within 500 feet of the subject property and newspaper advertising (required fifteen (15) days prior to the Planning Commission Hearing date). You will be notified by mail of your hearing date and will receive a copy of the Staff Report. It is recommended, but not required, that you or your agent attend the Planning Commission meeting.

If you have any further questions or need assistance completing this application, contact Department of Zoning and Land Development Review at 403-2400.

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Collier County

COLLIER COUNTY GOVERNMENT
DEPT. OF ZONING & LAND DEVELOPMENT REVIEW
WWW.COLLIERGOV.NET

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 643-6968

# DOCK FACILITY EXTENSION / BOATHOUSE PETITION

**THIS PETITION IS FOR (check one):** ☒ **DOCK EXTENSION** ☐ **BOATHOUSE**

**PROJECT NUMBER** ADA-PL20120001218 REV: 1
**PROJECT NAME** JAFFE BOAT DOCK
**DATE PROCESSED** DATE: 5/30/12
DUE: 6/13/12

## APPLICANT INFORMATION

**NAME OF APPLICANT(S)** ANDREW JAFFE

**ADDRESS** 10091 GULFSHORE DRIVE **CITY** NAPLES **STATE** FL **ZIP** 34108

**TELEPHONE #** _____ **CELL #** _____ **FAX #** _____

**E-MAIL** _____

**NAME OF AGENT** JEFF ROGERS

**FIRM** TURRELL, HALL & ASSOCIATES, INC.

**ADDRESS** 3584 EXCHANGE AVE. **CITY** NAPLES **STATE** FL **ZIP** 34104

**TELEPHONE #** 239-643-0166 **CELL #** 239-784-0081 **FAX #** 239-643-6632

**E-MAIL** JEFF@TURRELL-ASSOCIATES.COM

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

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Collier County

COLLIER COUNTY GOVERNMENT
DEPT. OF ZONING & LAND DEVELOPMENT REVIEW
WWW.COLLIERGOV.NET

2800 NORTH HORSESHOE DRIVE
NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 643-6968

## PROPERTY LOCATION

**Address of Subject Property** 10090 Gulfshore Drive

**Section/Township/Range** 29/48/25 **Property I.D.#** 27530880003

**Subdivision** CONNERS VANDERBILT BCH EST **Unit** 1 **Lot(s)** 14 **Block(s)** C

**Current Zoning and Land use of Subject Property** NORTH 50' of Lot 14 lying West of canal. Single-family RSF-3

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| N | RSF-3 | Single-Family |
| S | RSF-3 | Single-Family |
| E | RSF-3 | ROW |
| W | RSF-3 | Vanderbilt Lagoon/Canal |

## DESCRIPTION OF PROJECT

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

The proposed plan is to remove the existing non-conforming dock and construct a 4-foot wide finger dock and two associated boatlifts. The proposed project is on a small lot that has 50-feet of shoreline that was deeded to 10091 Gulfshore Drive back in 1955. Due to the resticted shoreline length no setbacks from the property/riprian lines can be provided. The total proposed overwater structure is approximately 116 square feet and the overall protrusion will be 39-feet from the Mean High Water Line (MHWL) Dredging is not being proposed for this project.

The following must be accompanying this application:

1) A signed, sealed survey depicting mean high water (MHW) and mean low water (MLW), and relevant water depths measured at no less than 5-foot increments

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2) A chart, drawn to scale, of the waterway at the site, depicting the waterway width, the proximity of the proposed facility to any adjacent navigable channel, the proximity of the proposed facility to docks, if any, on the adjacent lots, and the unobstructed waterway between the proposed facility and the opposite bank or any dock facility on the opposite bank

3) A site plan to scale showing dimensions and location of existing and proposed dock structures, as well as a cross section showing the facility in relation to MHW/MLW and shoreline (bank, seawall or rip-rap revetment).

## SITE INFORMATION

**Width of waterway:** 1420 **ft.;**

**Measurement from** ☐ **plat** ☐ **survey** ☐ **visual estimate** ☒ **other (specify)** Aerial

**Total property water frontage:** 50 **ft.**

**Setbacks: provided** 0 **ft. required** 7.5 **ft.**

**Total protrusion of proposed facility into water:** 39 **ft.**

**Number and length of vessels to use facility:** 1. 23 **ft.,** 2. 35 **ft.,** 3. _____ **ft.**

**List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**

The two adjacent docks protrude approximately 20 feet from the MHWL into the waterway. Most existing docks within these man-made canals of Vanderbilt Lagoon proturde approximatley 20-feet into the waterway, however this dock is unique in its location on the waterway.

**Official Interpretations or Zoning Verifications:**
To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year? ☐ Yes ☒ No If so, please provide copies.

The following criteria, (pursuant to Section 5.03.06 of the Land Development Code) shall be used as a guide by staff in determining its recommendation to the Collier County Planning Commission (CCPC), and by the CCPC in its decision to approve or deny a particular Dock Extension request. In order for the CCPC to approve the request, it must be determined that at least 4 of the 5 primary criteria, and at least 4 of the 6 secondary criteria, must be met. Please provide a narrative response to the listed criteria and/or questions. Attach additional pages if necessary.

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## PRIMARY CRITERIA

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

**The surrounding upland properties are single-family lots and per the county LDC and manatee protection plan single-family lots are allowed a dock and associated boat slips. The proposed dock facilitates the mooring of two vessels and we are requesting a 19-feet extension from the allowed 20-feet. This lot is a non-buildable lot attached through deeds to the principal residence across the Gulfshore Drive.**

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

**Water depths N/A**

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

**The proposed docking facility will not have an adverse affect on navigation within the man-made canal, due to the location being in the very back of the canal. The proposed dock is contained within the riprain lines and there is no other boat traffic within this area of the man-made canal.**

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

**The proposed docking facility will protrude approximately 39- feet into the navigable waterway that is approximately 1420- feet wide. However, this measurement is not applicable but meets the requirement of less than 25%. vessels navigating this canal and others a like would not be interfered with the proposed dock being within the 25% requirement as well as the project being contained within the property riprian llines.**

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

**The proposed docking facility would not interfere with the use of any neighboring dock facilities. The proposed docking facility was coordinated with both neighboring dock owners and the design was modified to accomidate their request to ensure no interference would occur.**

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## SECONDARY CRITERIA

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

**The proposed dock and upland property are located at the end of a man-made canal and is unique due to this property previously divided from the adjacent property back in the 1950's. with only 50 linear feet of shoreline and converging riprian lines, the owner is limited to the proposed plan, therefore the shoreline configuration is the special condition.**

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

**The proposed dock would be constructed with a fixed wooden 4-feet wide finger pier. This allows for proper access for loading, unloading, and routine maintenance, while minimizing the decking area.**

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

**Yes, with the vessels the applicant is proposing to moor on site together exceed the total owned shoreline length. This criteria is not meet.**

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

**The proposed docking facility would not block any neighboring views. The view of the property owners on the north and south side will not be impacted because a dock system is existing in this location and the view is away from the dead end of the canal. Neighbors have agreed to the proposed docking facility.**

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

**The Collier County Seagrass Protection Plan was reviewed for the location of known seagrass beds. To our knowledge, there are no known seagrass beds within 200-feet of the**

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**proposed dock facility. The access to Wiggins Pass is a federally marked channel and all sea grass beds are outside of the marked channel.**

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

**N/A: The subject property is a single-family zoned lot and per the Manatee Protection Plan is allowed a dock and two associated boatlifts.**

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I HEREBY ATTEST THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

I UNDERSTAND THAT, IN ADDITION TO APPROVAL OF THIS DOCK EXTENSION, A BUILDING PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

I UNDERSTAND THAT IF THIS DOCK EXTENSION PETITION IS APPROVED BY THE COLLIER COUNTY PLANNING COMMISSION, AN AFFECTED PROPERTY OWNER MAY FILE AN APPEAL WITHIN 14 DAYS OF THE HEARING. IF I PROCEED WITH CONSTRUCTION DURING THIS TIME, I DO SO AT MY OWN RISK.

Jeff Rogers

Signature of Petitioner or Agent

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# BOAT DOCK FACILITY EXTENSION (BD) APPLICATION SUBMITTAL CHECKLIST

**THIS COMPLETED CHECKLIST IS TO BE SUBMITTED WITH APPLICATION PACKET IN THE EXACT ORDER LISTED BELOW W/COVER SHEETS ATTACHED TO EACH SECTION.**

**NOTE: INCOMPLETE SUMBITTALS WILL NOT BE ACCEPTED.**

| REQUIREMENTS | # OF COPIES | SUBMITTED | NOT REQUIRED |
|---|---|---|---|
| Completed Application | 19 | ☐ | ☐ |
| Owner/Agent Affidavits, signed & notarized | 1 | ☐ | ☐ |
| Addressing Checklist | 1 | ☐ | ☐ |
| Conceptual Site Plan illustrating the following:<br>a. The lot and dimensions where proposed docking facility is to be located.<br>b. All yard setbacks<br>c. Required setbacks for the dock facility<br>d. The total number and configuration of the proposed facilities, etc. (include all dimensions to scale).<br>e. The water depth where the proposed dock facility is to be located and the distance to the navigate channel. (Water depth at mean low tide should be shown at approximately every five (5) feet of length for the total length of the proposed facility.<br>f. Illustrate the land contour of the property on which the dock facility is proposed.<br>g. The dock facility should be illustrated from an aerial view, as well as side view. | 19 | ☐ | ☐ |

$ 1,500.00 Review Fee
$ 925.00 Legal Advertising Fee (estimated)

Check shall be made payable to *Board of County Commissioners*

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

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# AFFIDAVIT

*We/I, _____ being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; 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 our knowledge and belief. We/I understand 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. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted.*

*As property owner We/I further authorize _____ to act as our/my representative in any matters regarding this Petition.*

*Signature of Property Owner*

*Signature of Property Owner*

Andrew Jaffe

*Typed or Printed Name of Owner*

Fern Jaffe

*Typed or Printed Name of Owner*

*The foregoing instrument was acknowledged before me this* 26th *day of* October, 20 11, *by* ANDREW T. JAFFE *who* (is personally known to me) *or has produced* _____ *as identification.*

*State of Florida*

*County of Collier*

*(Signature of Notary Public - State of Florida)*

LINDA A. PARKINSON
MY COMMISSION # EE59002
EXPIRES: January 26, 2015

*(Print, Type, or Stamp Commissioned Name of Notary Public)*

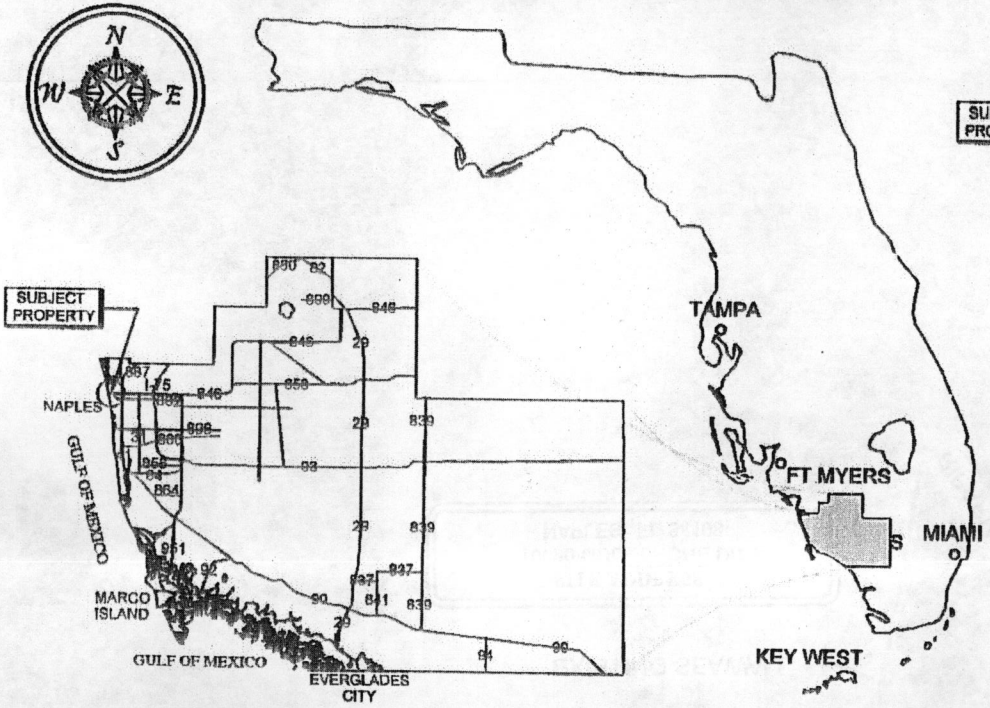
Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# ENVIRONMENTAL EXHIBITS

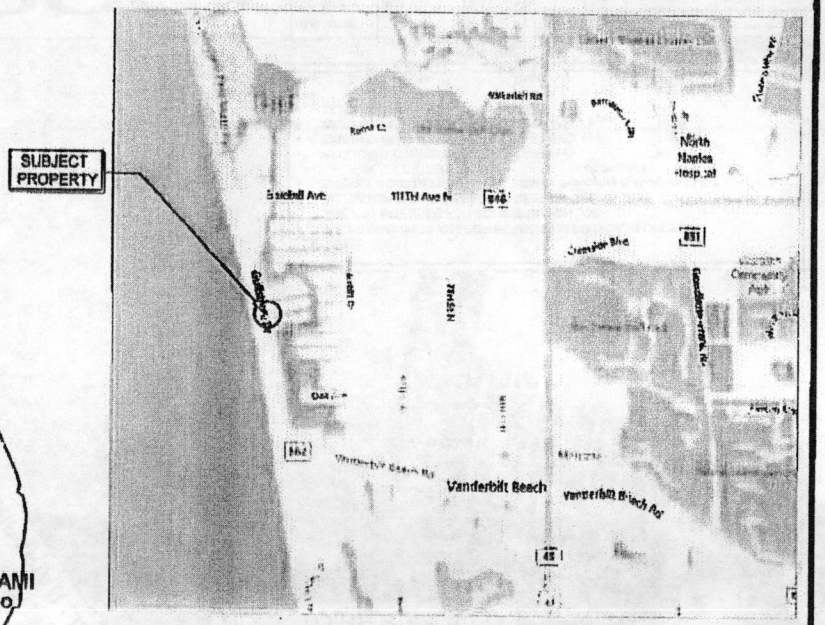
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p11139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\TH4-1139-CNTY.dwg LOCATION 1/5/2012 RANDI.JONES

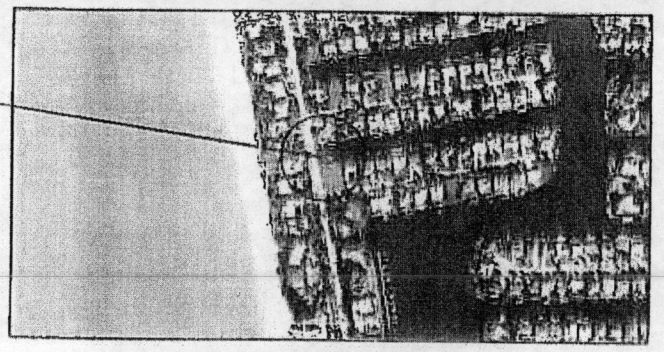
# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**
<> 10090 GULF SHORE DR
NAPLES, FL 34108

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

<> LATITUDE: N 26° 15' 48"
<> LONGITUDE: W 81° 49' 27"

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

# JAFFE DOCK

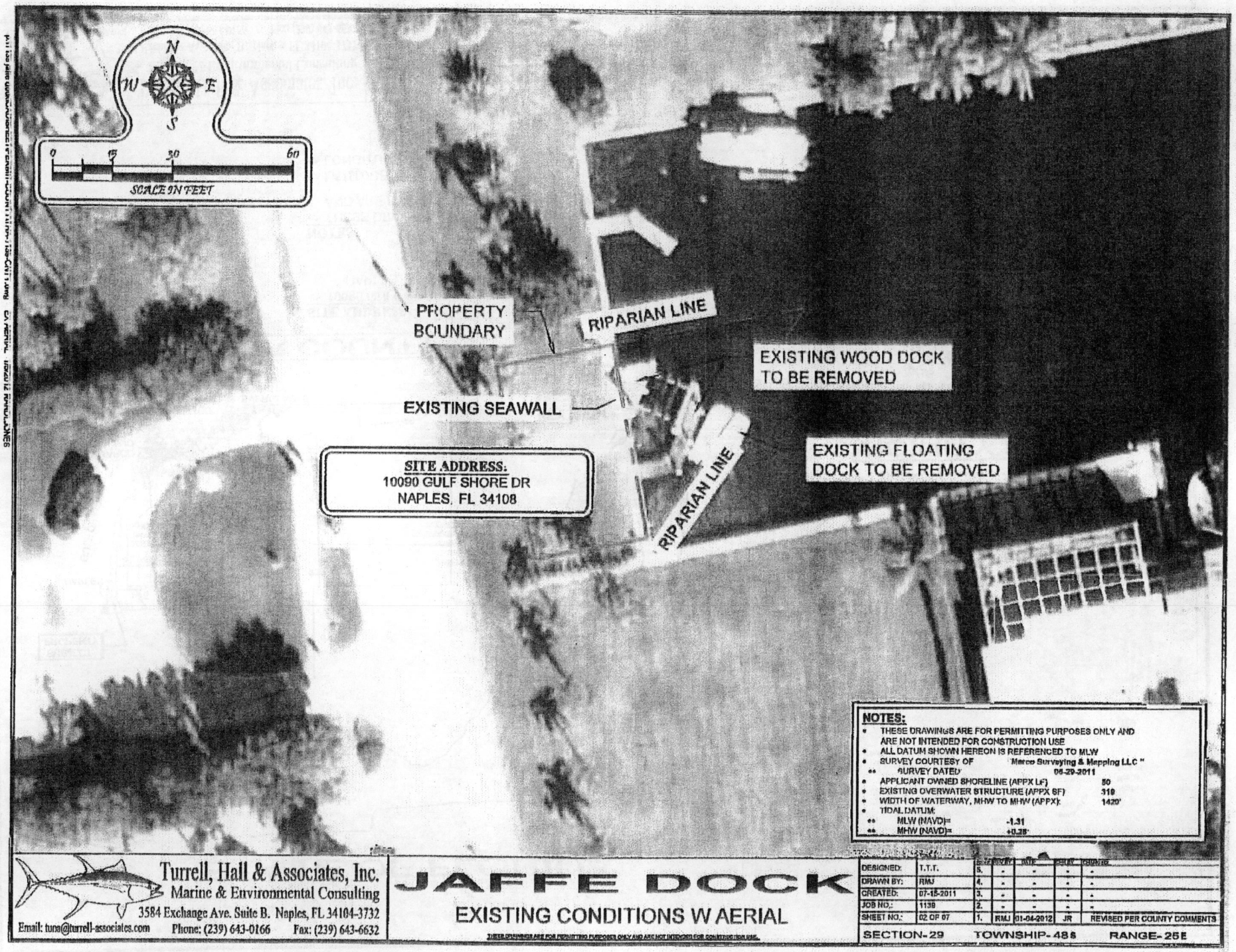
## LOCATION MAP

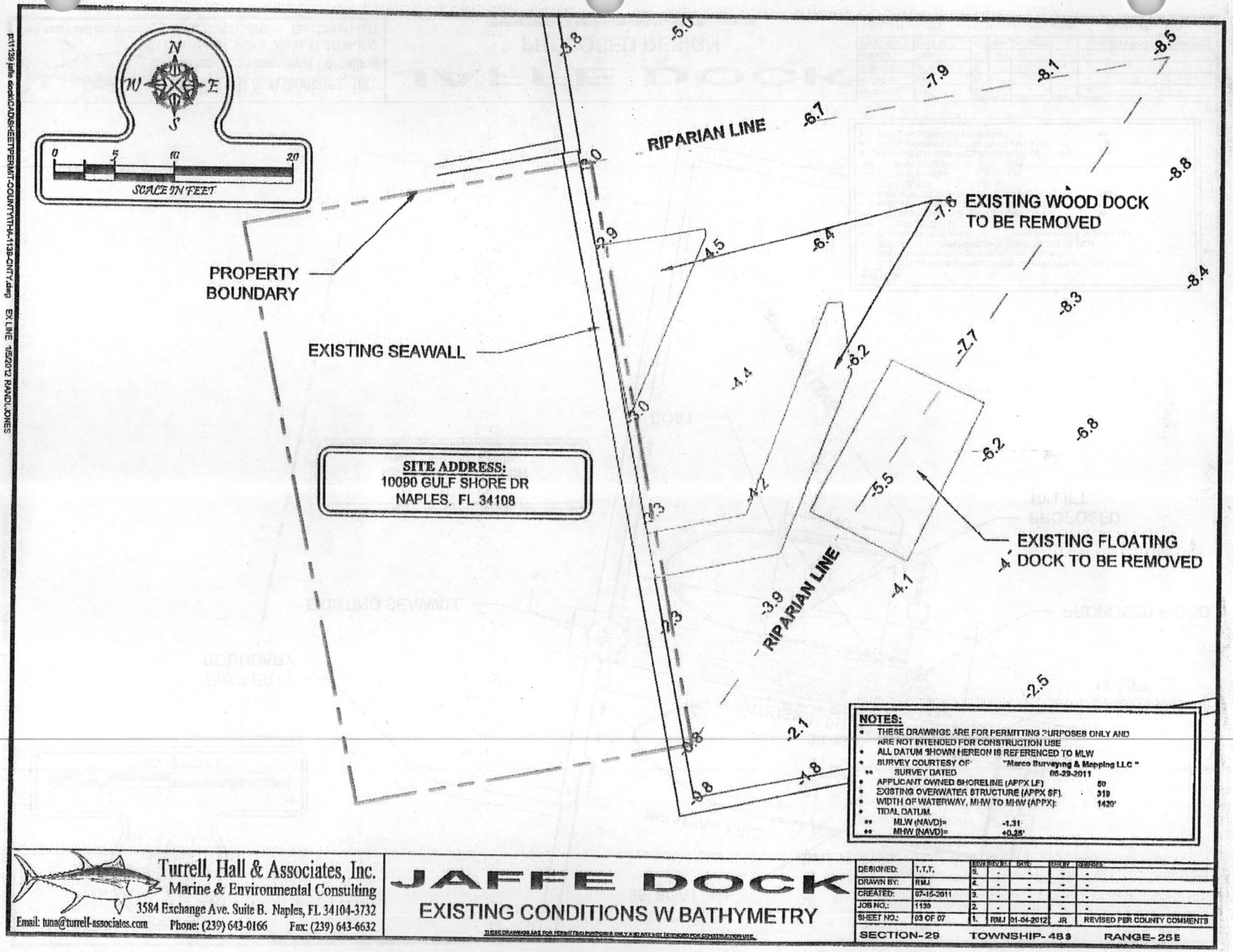
| | | | | | | |
|---|---|---|---|---|---|---|
| DESIGNED: | T.T.T. | NO. | BY | DATE | CHK BY | COMMENTS |
| DRAWN BY: | RMJ | 4. | - | - | - | - |
| CREATED: | 07-15-2011 | 3. | - | - | - | - |
| JOB NO.: | 1139 | 2. | - | - | - | - |
| SHEET NO.: | 01 OF 07 | 1. | RMJ | 01-04-2012 | JR | REVISED PER COUNTY COMMENTS |

SECTION- 29 TOWNSHIP- 48S RANGE- 25E



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090


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SCALE IN FEET
PROPERTY BOUNDARY
RIPARIAN LINE
EXISTING WOOD DOCK TO BE REMOVED
EXISTING SEAWALL
EXISTING FLOATING DOCK TO BE REMOVED
RIPARIAN LINE
SITE ADDRESS:
10090 GULF SHORE DR
NAPLES, FL 34108
NOTES:
• THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE
• ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
• SURVEY COURTESY OF "Marco Surveying & Mapping LLC"
•• SURVEY DATED 06-29-2011
• APPLICANT OWNED SHORELINE (APPX LF) 50
• EXISTING OVERWATER STRUCTURE (APPX SF) 319
• WIDTH OF WATERWAY, MHW TO MHW (APPX): 1420'
• TIDAL DATUM:
•• MLW (NAVD)= -1.31
•• MHW (NAVD)= +0.28'
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632
JAFFE DOCK
EXISTING CONDITIONS W AERIAL
DESIGNED: T.T.T.
DRAWN BY: RMJ
CREATED: 07-15-2011
JOB NO.: 1139
SHEET NO.: 02 OF 07
NO. BY DATE CHK COMMENTS
1. RMJ 01-04-2012 JR REVISED PER COUNTY COMMENTS
SECTION-29 TOWNSHIP-48S RANGE-25E




**NOTES:**

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "Marco Surveying & Mapping LLC"
  - SURVEY DATED: 06-29-2011
- APPLICANT OWNED SHORELINE (APPX LF): 60
- EXISTING OVERWATER STRUCTURE (APPX SF): 319
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 1420'
- TIDAL DATUM:
  - MLW (NAVD)= -1.31'
  - MHW (NAVD)= +0.28'


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


# JAFFE DOCK

## EXISTING CONDITIONS W BATHYMETRY

| | |
|---|---|
| DESIGNED: | T.T.T. |
| DRAWN BY: | RMJ |
| CREATED: | 07-15-2011 |
| JOB NO.: | 1139 |
| SHEET NO.: | 03 OF 07 |

| REV. | BY | DATE | CHK'D | REVISED |
|---|---|---|---|---|
| 5. | - | - | - | - |
| 4. | - | - | - | - |
| 3. | - | - | - | - |
| 2. | - | - | - | - |
| 1. | RMJ | 01-04-2012 | JR | REVISED PER COUNTY COMMENTS |

SECTION- 29 TOWNSHIP- 48 S RANGE- 25 E


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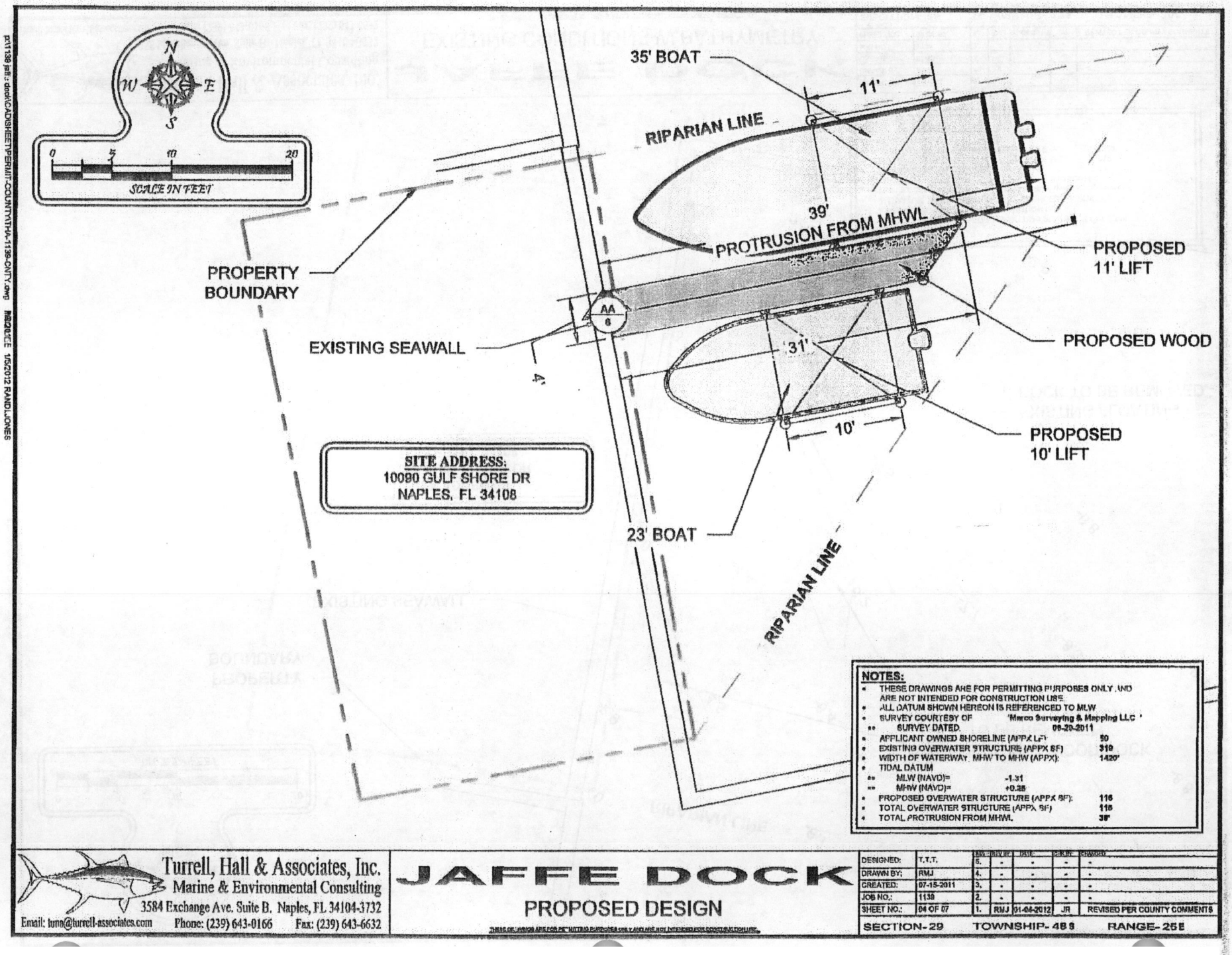


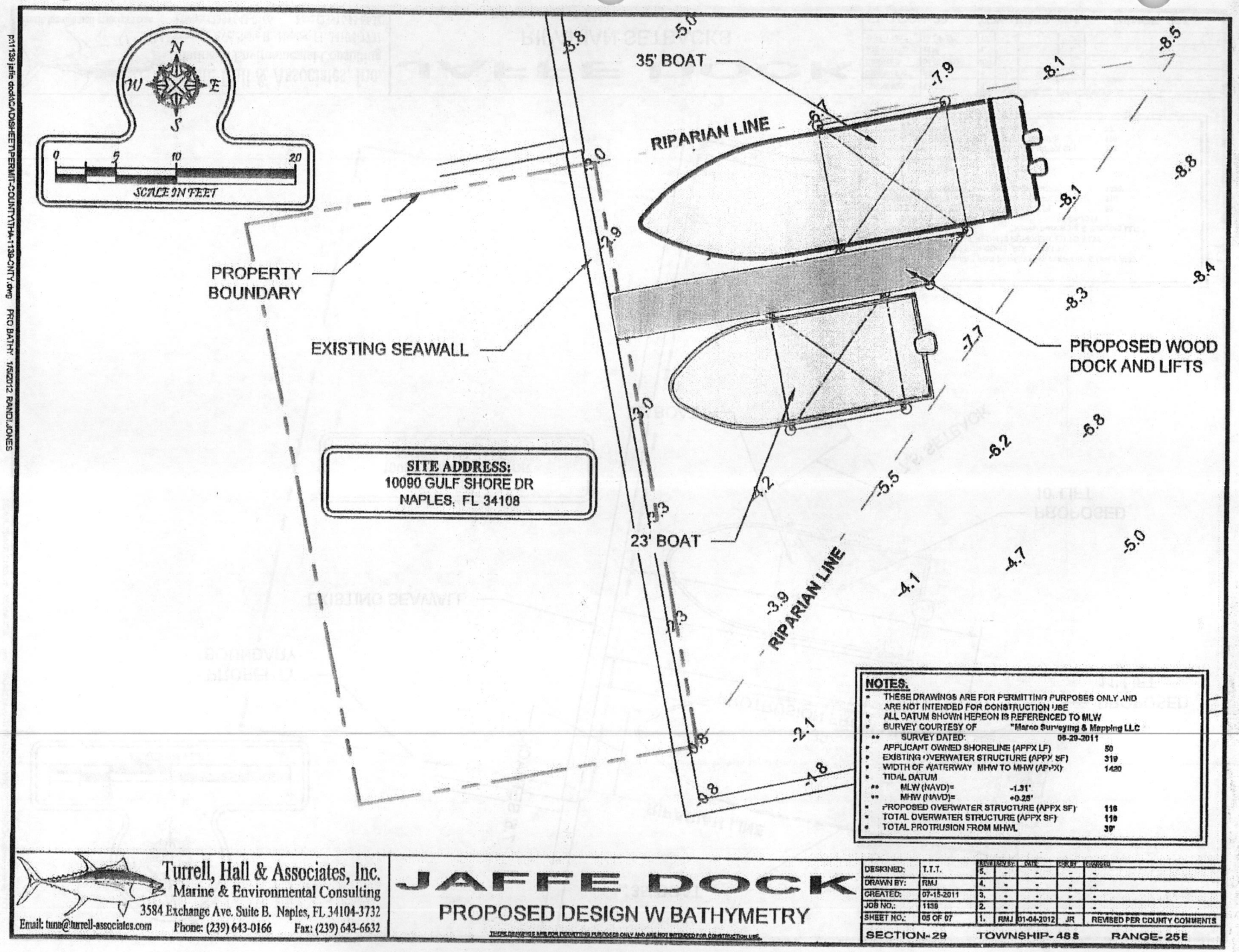
p:\1139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\1TH-1139-CNTY.dwg EX LINE 1/5/2012 RANDI.JONES



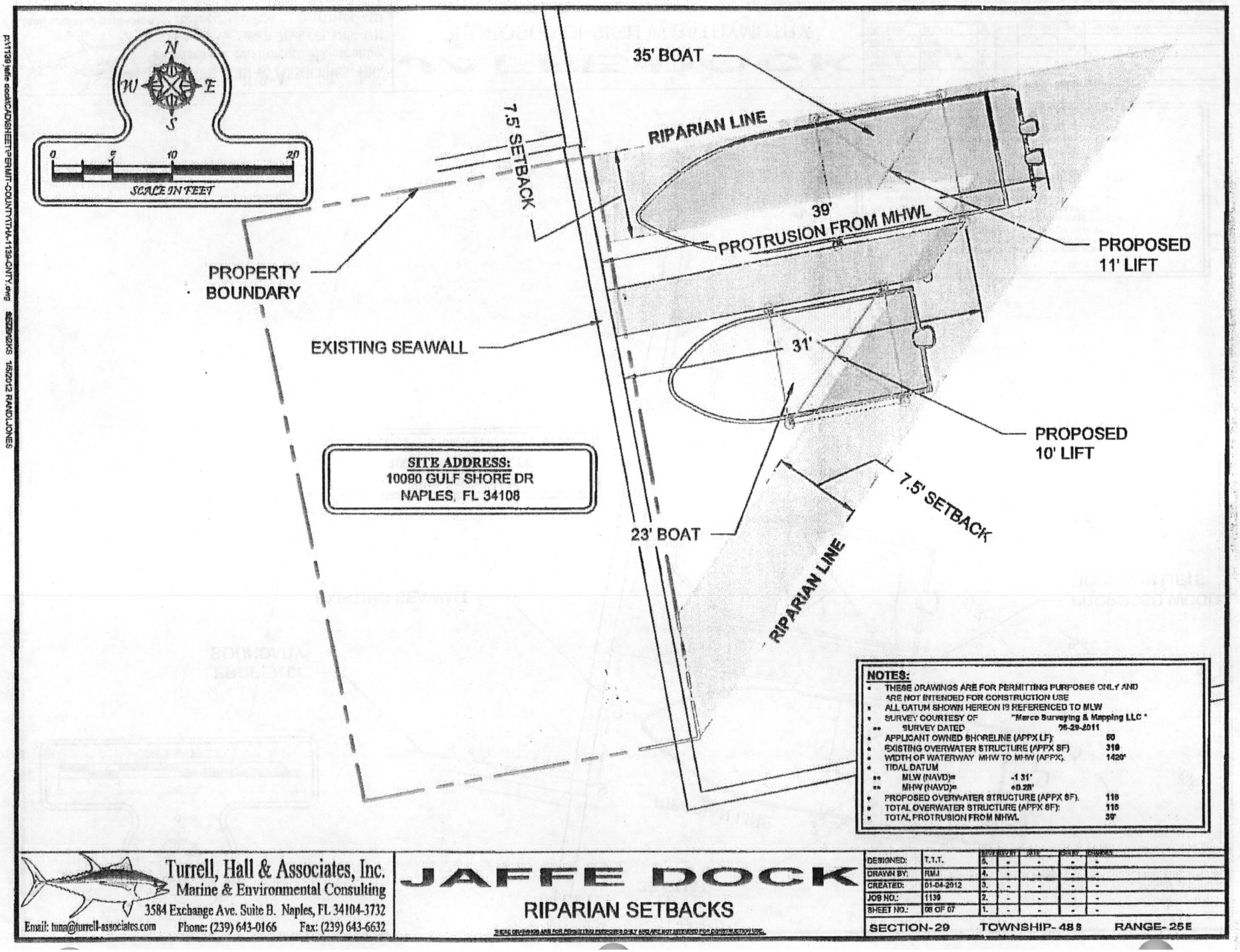


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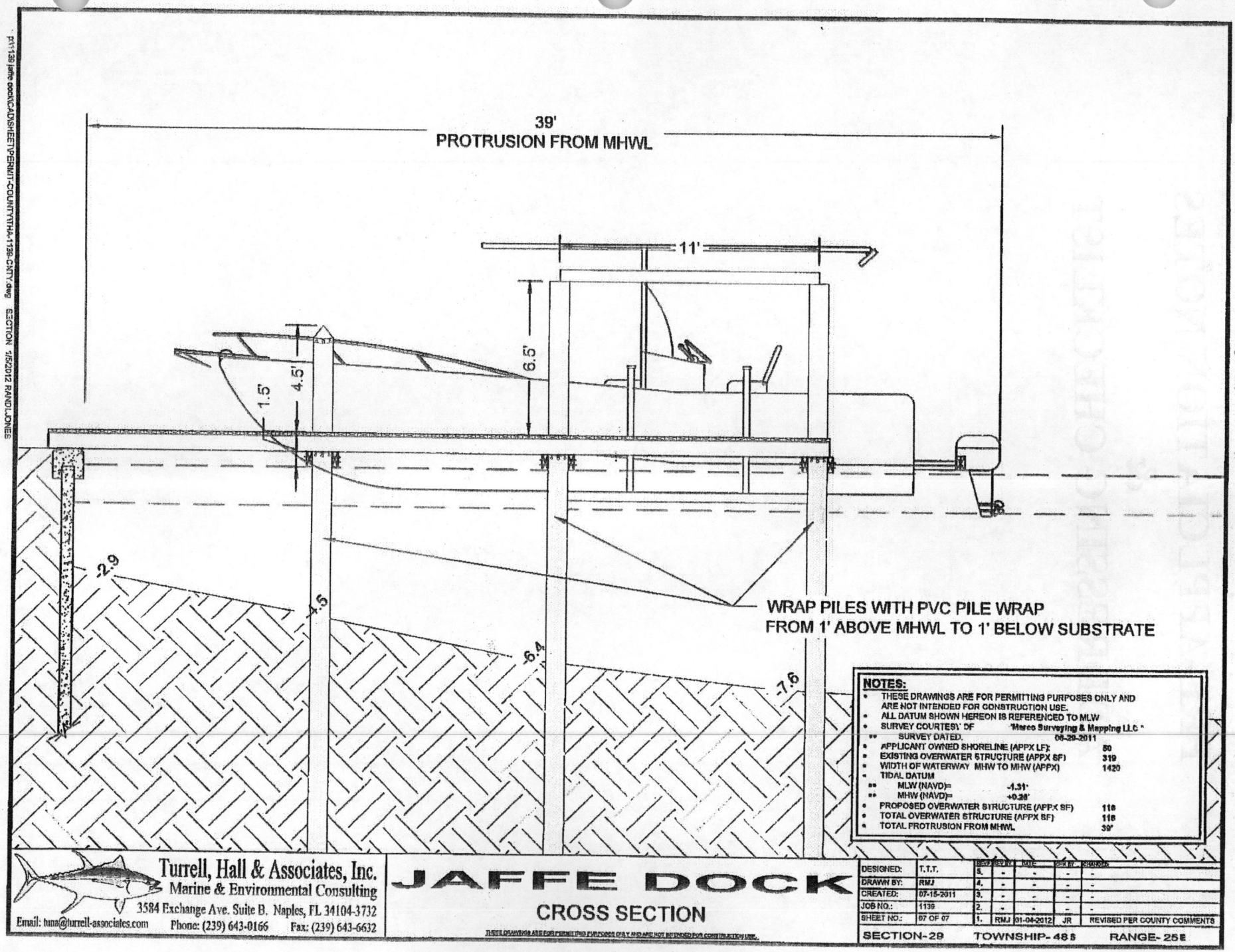

N
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SCALE IN FEET
35' BOAT
11'
RIPARIAN LINE
39'
PROTRUSION FROM MHWL
PROPOSED
11' LIFT
PROPERTY
BOUNDARY
EXISTING SEAWALL
4'
31'
PROPOSED WOOD
10'
PROPOSED
10' LIFT
SITE ADDRESS:
10090 GULF SHORE DR
NAPLES, FL 34108
23' BOAT
RIPARIAN LINE
NOTES:
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ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
SURVEY COURTESY OF 'Marco Surveying & Mapping LLC'
SURVEY DATED: 09-20-2011
APPLICANT OWNED SHORELINE (APPX LF): 50
EXISTING OVERWATER STRUCTURE (APPX SF): 319
WIDTH OF WATERWAY: MHW TO MHW (APPX): 1420'
TIDAL DATUM
MLW (NAVD)= -1.31
MHW (NAVD)= +0.35
PROPOSED OVERWATER STRUCTURE (APPX SF): 116
TOTAL OVERWATER STRUCTURE (APPX SF): 116
TOTAL PROTRUSION FROM MHWL: 39'
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632
JAFFE DOCK
PROPOSED DESIGN
DESIGNED: T.T.T.
DRAWN BY: RMJ
CREATED: 07-15-2011
JOB NO.: 1139
SHEET NO.: 04 OF 07
NO. REV BY DATE CHK BY REMARKS
5. - - - -
4. - - - -
3. - - - -
2. - - - -
1. RMJ 01-04-2012 JR REVISED PER COUNTY COMMENTS
SECTION- 29 TOWNSHIP- 48 S RANGE- 25 E




p:\1139 jaffe dock\CAD\SHEETS\PERMIT-COUNTY\THA-1139-CNTY.dwg RIG BATHY 1/5/2012 RANDI JONES




p:\1139\jaffe dock\CAD\SHEET\PERMIT-COUNTY\TH-1139-CNTY.dwg 1/5/2012 RANDI.JONES




p:\1139 jaffe dock\CAD\SHEET\PERMIT-COUNTY\HA-1139-CNTY.dwg SECTION 1/5/2012 RANDI JONES



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# PRE-APPLCIATION NOTES
# &
# ADDRESSING CHECKLIST

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# RESIDENTIAL BOAT DOCK EXTENSION (BDE) PRE-APPLICATION MEETING NOTES & SUBMITTAL CHECKLIST

PL# 2011.1573

Date: 9.21.11 Time: 9:00 Conference Room: C

Project Name: [redacted] BOAT DOCK

Site Address 10091 GULFSHORE DR., FOLIO 27530160008

Applicant: ANDREW JAFFE, JEFF ROKER Phone: 643.0166 Fax:

Assigned Planner MIKE SAWYER

**Meeting Attendees:** (Attach Sign-in Sheet)

**Submittal Checklist is attached to Boat Dock Extension Application**

**Notes:**

Fire Codes: per applicant This is a single-family residence. No pre-app fee or fire review fee required. Please still route the plans & The F.C.O.

TRANS. PLANNING – N/A

Pathway – N/A

ADDRESSING: ADDRESS WILL NEED POSTED WITH 6" NUMBERS

ENV. STORM. – NO COMMENT OR NEED TO REVIEW

- PROVIDE PROPERTY OWNERSHIP/STATUS RELATED TO THIS LOT/PARCEL.
- NOTE NON-CONFORMING EXISTING DOCK & ALE. ALSO PROVIDE INFO REGARDING OTHER COMPARABLE DOCK FACILITIES WITHIN THE AREA (SIMILAR CANAL END LOCATIONS).

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

COMPANION WITH V.A.

# Pre-Application Meeting

# SIGN IN SHEET

JAFFE BOAT DOCK — PROJECT NAME

9.21.11 @ 9:00 — DATE OF MEETING

**ASSIGNED PLANNER** Mike Sawyer, **Zoning Services**

**Phone Number** 252-2926 **E-Mail Address** michaelsawyer@colliergov.net

Please Print

| NAME | COUNTY DIVISION/ DEPT or FIRM | PHONE NUMBER | E-MAIL ADDRESS |
|---|---|---|---|
| George Cascio | UBCS | 252-5543 | georgecascio@colliergov.net |
| PEGGY JARRELL | ADDRESSING | 252-2967 | peggyjarrell@colliergov.r |
| Ricco Longo | F.C.C. | 687-5650 | rlongo@ecfco.org |
| FRED REISCHL | PLANNING | 252-4211 | FREDREISCHL@COLLIERGOV.N |
| Caroline Brigham | Planning | | |
| Jeff Rogers | Turrell, Hall and Associates | 643-0166 | Jeff@Turrell-Assocnts |
| Nancy Gundlach | | 252-2484 | nancygundlach@colliergov.n |
| Alison Bradford | Transp. Planning | 252-6820 | AlisonBradford@colliergov.n |
| JOHN POSZEREWSKY | TRANSP PLANNING | 252-5890 | JohnPoszerewsky@colliergov.n |
| JACK MCKERVEY | EVG STORM | 252-2911 | JACKMCKERVEY@COLLIERGOV.N |
| | | | |



Packet Page -74-
Packet Pg. 341
12/11/2012 Item
3.B.e
Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION/
PLANNING AND REGULATION

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

# ADDRESSING CHECKLIST

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

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

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

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

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

48-25-29 CONNER'S VANDERBILT BEACH ESTATE REPLAT-UN BLOCK C LOT 14

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

27530980003

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

10090 GULF SHORE DRIVE

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

PROPOSED PROJECT NAME *(if applicable)*

_____

PROPOSED STREET NAMES *(if applicable)*

_____

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

SDP _____ - _____ or AR or PL # _____

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DIVISION/
PLANNING AND REGULATION

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

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

Please Check One: ☐ Checklist is to be Faxed back ☒ Personally Picked Up

APPLICANT NAME: Jeff Rogers

PHONE (239) 643-0166 FAX (239) 643-3266

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

**FOR STAFF USE ONLY**

FLN Number (Primary) 27530880003

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: Peggy Jarrell Date: 9-20-11

Updated by: _____ Date: _____

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

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# ADJACENT NEIGHBORS AFFIDAVITS

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# LETTER OF NO OBJECTION

**Jaffe Dock**

**Naples, FL**

I hereby state that I am the owner of the adjacent upland riparian property located to the NORTH of the proposed project at 1007D GULFSHORE DR. NAPLES FL, Jaffe residence. I understand that the subject property is proposing to construct a dock that will encroach the on required side yard setback of 10-feet. I do not object to the proposed project and agree to allow the project to be carried out.

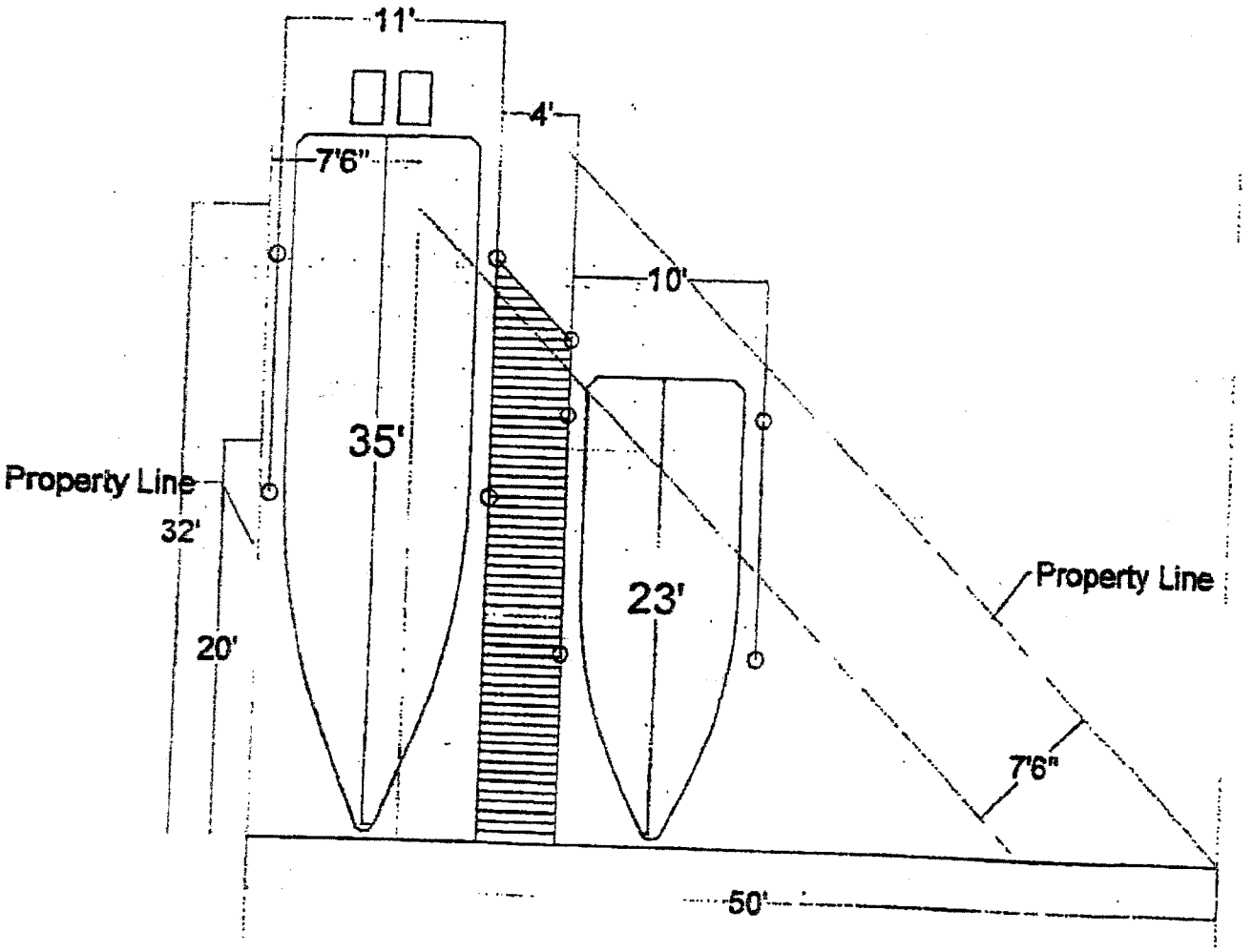
(Original signature of adjacent owner)

8/11/2011
(Date signed)

CLIFFORD CHAFFEE
(Printed name of adjacent owner)

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Jaffe Dock 2




Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Robert C. Forbis
10091 Gulfshore Dr
Naples. Fl 34108

May 19, 2011

To: Appropriate review agencies and Administrrators

Re: Proposed dock for 10090 Gulfshore Dr.
Andrew and Fern Jaffe

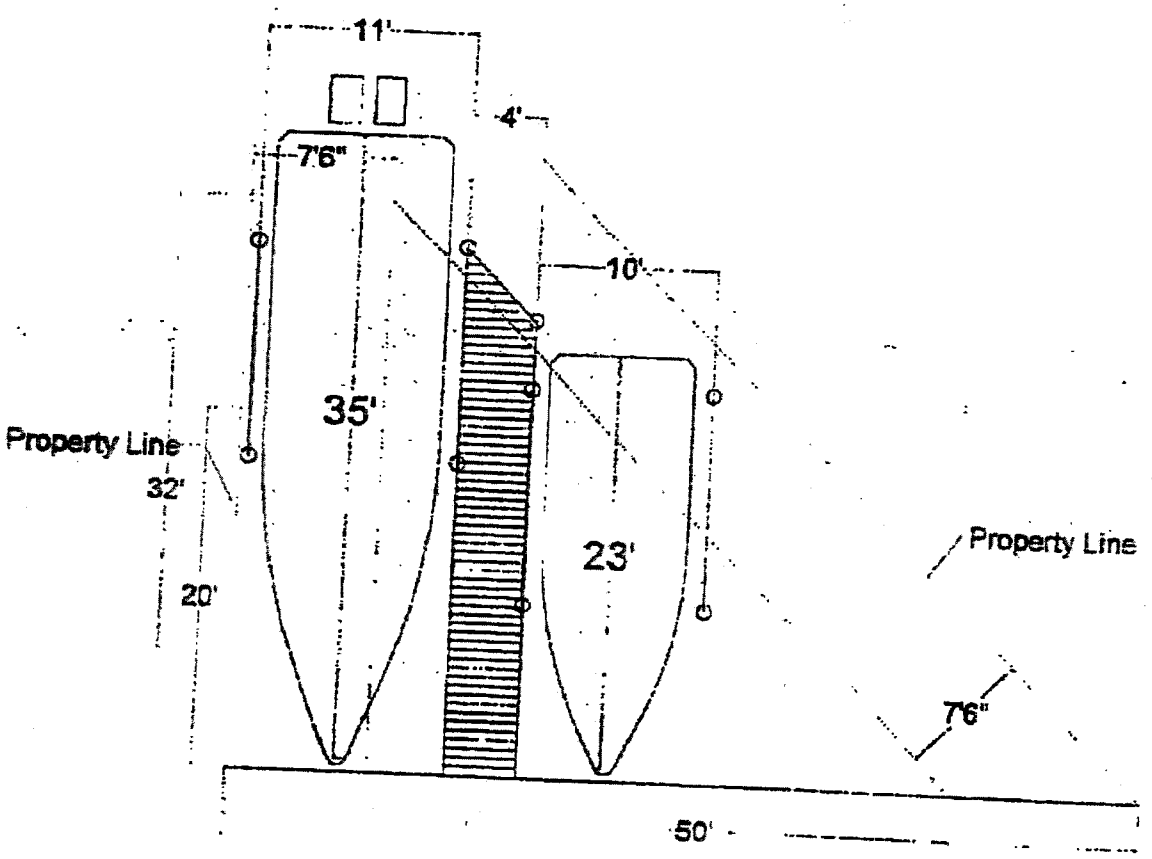
This letter is to inform all parties that as the owner of the adjacent parcel, 10080 Gulfshore Drive, I have no objections to the proposed dock as per attached drawing .

Sincerely,

Robert C. Forbis
Robert

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Jaffe Dock 2




5/19/11

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# WARRANTY DEEDS

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

INSTR 4572091 OR 4689 PG 3007 RECORDED 6/8/2011 10:08 AM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $32,550.00 REC $18.50
CONS $4,650,000.00

Roetzel & Andress, LPA
an Ohio Legal Professional Assn.
850 Park Shore Drive, Suite 300
Naples, FL 34103-3587
(239) 649-6200
notice@ralaw.com

(3)

Prepared by and return to:
Timothy G. Hains
Attorney at Law
Quarles & Brady LLP
1395 Panther Lane Suite 300
Naples, FL 34109-7874
239-262-5959
File Number: sms-Forbis Jaff
Will Call No.:
Doc Stamps: $32,550.00
Sales Price: $4,650,000.00
Parcel Identification No. 27530160008 & 27530880003

[Space Above This Line For Recording Data]

# Warranty Deed

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

**This Indenture** made this 6th day of June, 2011 between Robert C. Forbis and Debra J. Forbis, husband and wife whose post office address is 1443 Rail Head Blvd., Naples, FL 34110 of the County of Collier, State of Florida, grantor*, and Andrew T. Jaffe and Fern B. Jaffe, husband and wife, as tenants by the entirety whose post office address is 10091 Gulf Shore Drive, Naples, FL 34108-2023 of the County of Collier, State of Florida, grantee*,

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

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.

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

Grantors hereby confirm that this property has been grantors' homestead.

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.

CLERK OF THE CIRCUIT COURT

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

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

Signed, sealed and delivered in our presence:

Witness Name: Angela Binstock

Witness Name: Rebecca Gritzner

Witness Name: Angela Binstock

Witness Name: Rebecca Gritzner

Robert C. Forbis (Seal)

Debra J. Forbis (Seal)

State of Wisconsin
County of Walworth

The foregoing instrument was acknowledged before me this 2nd day of June, 2011 by Robert C. Forbis and Debra J. Forbis, who [ ] are personally known or [X] have produced FL Driver's License as identification.

[Notary Seal]

Notary Public

Printed Name: Shannon Herda

My Commission Expires: 9-1-2013

COLLIER COUNTY CLERK OF CIRCUIT COURT

SHANNON HERDA NOTARY PUBLIC STATE OF WISCONSIN









Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

3)

3537841 OR: 3712 PG: 0935
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
01/10/2005 at 09:35AM DWIGHT E. BROCK, CLERK
COMS 5500000.00
REC FEE 18.50
DOC-.70 38500.00

This instrument prepared by:
David L. Petersen, Esq.
Quarles & Brady LLP
1395 Panther Lane, Suite 300
Naples, Florida 34109

Retn:
QUARLES & BRADY
1395 PANTHER LANE #300
NAPLES FL 34109

Grantee's I.D. No.: _____

Property Appraiser's
Parcel Identification No. 27530880003 / 27530160008

**WARRANTY DEED**

THIS INDENTURE, made this 30th day of December, 2004, by and **KIMBERLY L. BILINSKI and DENNIS M. BILINSKI, wife and husband**, whose address is 1417 Timberwood Court, Bremen, Indiana 46506-1966 ("GRANTOR"), **ROBERT C. FORBIS and DEBRA J. FORBIS, husband and wife, as tenants by the entirety**, whose address is 10091 Gulf Shore Drive, Naples, Florida 34108, ("GRANTEE")

**WITNESSETH**, that said GRANTOR, for and in consideration of the sum of TEN ($10.00) DOLLARS, and other good and valuable consideration to said GRANTOR in hand paid by said GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said GRANTEE, and GRANTEE'S heirs and assigns forever, the following described land situate, lying and being in Collier County, Florida, to wit:

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.**

SUBJECT to municipal ordinances and zoning codes, restrictions, easements and reservations of record, and real estate taxes for the year 2005 and all subsequent years, bearing Property Identification Numbers 27530880003 and 27530160008.

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

TO HAVE AND TO HOLD the same in fee simple. GRANTOR hereby covenants with the GRANTEE that at the time of delivery of this Warranty Deed, GRANTOR is lawfully seized in fee simple of the property described above; that GRANTOR has good right, title and lawful authority to sell and convey the subject property; and that GRANTOR fully warrants the title to the property, and will defend the same against the lawful claims of all persons whomever.

*"GRANTOR" and "GRANTEE" are used for singular and plural, as context requires.

QBNAP\449917.1

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

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:

WITNESSES:

Witness #1
Print Name Below:
DAVID L. PETERSEN

KIMBERLY L. BILINSKI

Witness #2
Print Name Below:
Natalie J. Bennett

DENNIS M. BILINSKI

COLLIER COUNTY
COPY
CLERK OF THE CIRCUIT COURT

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 30th day of December, 2004 by KIMBERLY L. BILINSKI and DENNIS M. BILINSKI, [ ] who are personally known to me or [✓] who have produced Florida Driver's licenses as identification.

(SEAL)

CARYN D. HAMILTON
MY COMMISSION # DD 267890
EXPIRES: April 22, 2008
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Typed or printed name of Notary

MY COMMISSION EXPIRES:



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

*** 2050934 OR: 2177 PG: 1399 ***

RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
05/01/96 at 11:[illegible] DWIGHT E. BROCK, CLERK
DOC 730000.00
INT FEE 0.00
REC-.75 5166.00

Date:
TOTAL PAGES 7987
P O BOX 7987
NAPLES FL 33941

RETURN TO: David L. Cook, Esquire
Young, van Assenderp & Varnadoe, P.A.
801 Laurel Oak Drive, Suite 300
Naples, Florida 33963

Parcel ID Number: 27530160008 & 27530880003
Grantee #1 TIN: [redacted]
Grantee #2 TIN:

# Warranty Deed

**This Indenture,** Made this 26th day of April, 1996 A.D. **Between** Mary R. Lawmaster, Trustee of the Mary Lawmaster Revocable Trust u/t/a dated 11/12/91 and individually,

of the County of COLLIER, State of Florida, **grantor,** and Kimberly L. Bilinski and Dennis M. Bilinski, wife and husband,

whose address is: 1417 Timberwood Court, Bremen, Indiana 46506

of the County of , State of Indiana, **grantees.**

$169,900

**Witnesseth** that the GRANTOR, for and in consideration of the sum of - - -

01540890 92 DEC 13 PM 3:36 091671 000111

COLLIER COUNTY RECORDED OR BOOK PAGE

Grantee SS. No. 207-30-3784

Property Appraiser's Parcel Identification No.

This instrument was prepared without opinion of title by and After Recording Return to:
Stephen E. Thompson, Esq.
Frost & Jacobs
4001 Tacoma Trail North
Suite 300
Naples, Florida 33940
(813) 261-6582

(Space above this line for recording data)

# WARRANTY DEED

THIS WARRANTY DEED, made the 6th day of December, 1991, by Mary R. Lawmaster, a married woman, whose post office address is 26700 County Road 54, Nappanee, IN 46550 ("Grantor"), to Mary R. Lawmaster, Trustee of the Mary Lawmaster Revocable Trust u/t/a Dated November 12, 1991, whose post office address is 26700 County Road 54, Nappanee, IN 46550 ("Grantee"):

(Wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situated in Collier County, Florida, viz:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, according to Plat thereof recorded in Plat Book 3, Page 15, of the Public Records of Collier County, Florida.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

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

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered as to Each Grantor in the Presence of:

Witness Name: Cherylan J. Mast

MARY R. LAWMASTER

Witness Name: Mary Jo Weyrick

Received $ .60 Documentary Stamp Tax
Received $ n/a Class "C" Intangible Personal Property Tax
COLLIER COUNTY CLERK OF COURTS
BY D.C.

STATE OF INDIANA )
) ss:
COUNTY OF ELKHART )

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments personally appeared MARY R. LAWMASTER, to me known to be the person(s) described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and Official Seal in the County and State last aforesaid this 6th day of December, 1991.

I am a Notary Public of the State of Indiana and my commission expires: May 19, 1993.

(SEAL)

NOTARY PUBLIC
Name: Cherylan J. Mast

Recorded and Verified in Official Records of COLLIER COUNTY, FLORIDA JAMES C. GILES, CLERK

Stephen E. Thompson, Esq. FROST & JACOBS 4001 Tacoma Trail North Naples, Florida 33940 - 8703 (813) 261 - 6582

COPY

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

95,000-

GULF TITLE INSURANCE AGENCY, INC.
600 FIFTH AVENUE SOUTH - SUITE 205
NAPLES, FLORIDA 33940

WARRANTY DEED
INDIVID TO INDIVID

390137

RAMCO FORM 01

OR 625 PAGE 1874

**This Warranty Deed** Made the 22 day of July A. D. 19 75 by

Milton W. Wood and June E. Wood, husband and wife

hereinafter called the grantor, to

Mary R. Lawmaster

whose postoffice address is 26700 County Road #54, R.R. #1, Nappanee, Ind. 46550 hereinafter called the grantee:

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

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

Lot 34, Block A. and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, Conner's Vanderbilt Beach Estates, According to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.

STATE OF FLORIDA DOCUMENTARY STAMP TAX DEPT. OF REVENUE JUL 1975 266.00

COLLIER COUNTY 5107 FLORIDA DEPT. OF REVENUE JUL 1975 DOCUMENTARY SURTAX 104.50

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

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

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 75, and conditions and restrictions of records.

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

Signed, sealed and delivered in our presence:

Rose Marie Bayer
Virginia Bruchon

Milton W. Wood
Milton W. Wood
June E. Wood
June E. Wood

STATE OF Penna
COUNTY OF Lehigh

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Milton W. Wood & June E. Wood
husband and wife

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of July A. D. 19 75

Kathleen B. Gilbert
Notary Public
Allentown, Pa. Lehigh County
My Commission Expires July 6, 1978

This instrument prepared by: J.M. O'Hara, Pres.

Address: GULF TITLE INSURANCE AGENCY, INC.
600 FIFTH AVENUE SOUTH - SUITE 205
NAPLES, FLORIDA 33940

SPACE BELOW FOR RECORDERS USE

RECORDED IN OFFICIAL RECORD BOOK COLLIER COUNTY, FLORIDA
Jul 29 10 52 AM '75
MARGARET T. SCOTT
CLERK OF CIRCUIT COURT
COLLIER COUNTY, FLORIDA

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA
MARGARET T. SCOTT
Clerk of Circuit Court

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

O.R. 414 PAGE 838

245188

Printed by Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by
RICHARD BIVINS LANSDALE
RICHARD BIVINS LANSDALE, P.A.
196 North Tamiami Trail
NAPLES, FLORIDA 33940

# Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

**This Indenture,** Made this 2nd day of September 1971, Between GERTRUDE S. MATROGRANO, joined by her husband, ANTHONY J. MATROGRANO, of the County of Collier, State of Florida grantor*, and MILTON W. WOOD whose post office address is 3320 Hamilton Boulevard, Allentown, of the County of , State of Pennsylvania 18103 grantee*,

**Witnesseth,** That said grantor, for and in consideration of the sum of ----------Ten and No/100ths----------Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Collier County, Florida, to wit:

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Resubdivision of Part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to Plat thereof as recorded in Plat Book 3, Page 18, Public Records of Collier County Florida.

SUBJECT to restrictions and easements common to the Subdivision.

Taxes for 1971 and subsequent years.

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

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

**In Witness Whereof,** Grantor has hereunto set grantor's hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

Gertrude S. Matrograno (Seal)

Anthony J. Matrograno (Seal)

(Seal)

(Seal)

STATE OF New York
COUNTY OF Dutchess

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared ANTHONY J. MATROGRANO and GERTRUDE S. MATROGRANO, husband and wife,

to me known to be the person s described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of September 19 71.

Notary Public

My commission expires:

PETER E. ROBINSON
NOTARY PUBLIC, STATE OF N.Y. YORK
RESIDING IN DUTCHESS COUNTY
COMMISSION EXPIRES MARCH 30, 1973

(NOTARY SEAL)

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Form 45 Florida Published WARRANTY DEED—Statutory Form 183893

# This Indenture,

OR 312 PAGE 375

Made this 3rd day of April A. D. 19 69

Between ERNEST RIZZA, SR., joined by his wife, CARMEL RIZZA,

of the County of Lee in the State of Florida parties of the first part, and GERTRUDE S. MATROBIANO

whose correct post office address is: 2341 Windward Way, Naples, Florida 33940 of the County of Collier in the State of Florida party of the second part,

**Witnesseth**, that the said parties of the first part, for and in consideration of the sum of TEN AND NO/100----------($10.00)----------Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said party of the second part, her heirs and assigns forever, the following described land, situate, lying and being in the County of Collier, State of Florida, to wit:

DOCUMENTARY STAMP TAX $5.00 FLORIDA

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the map or plat thereof on file and recorded in Plat Book 3 at page 18, Public Records of Collier County, Florida.

SUBJECT to taxes for the calendar year 1969 and easements and restrictions of record, if any.

COLLIER COUNTY STATE of FLORIDA DOCUMENTARY STAMP TAX 9900

COLLIER COUNTY STATE of FLORIDA DOCUMENTARY STAMP TAX 5100

This instrument was prepared by John W. Sheppard 2032 Jackson Street Fort Myers, Florida

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**In Witness Whereof**, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Sandra Lee Almeida

(ERSEAL) X Ernest Rizza Sr.

(CR) X Carmel Rizza

**State of Florida,**
County of Lee

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

ERNEST RIZZA, SR. and CARMEL RIZZA,

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State of Florida, this 15th day of April, A. D. 19 69.

(NOTARY'S SEAL)

Notary Public

My Commission Expires Aug 4, 1969

Dec 23 2 05 PM '69

Recorded in Official Records Book of COLLIER COUNTY, FLORIDA MARGARET T. SCOTT Clerk of Circuit Court





Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# This Indenture,

Made this [illegible] day of [illegible] A. D. 19 68

Between J. STANLEY SHARP and DOROTHY B. SHARP, husband and wife,

of the County of Litchfield in the State of Connecticut parties of the first part, and JANET RUTH and CARROL RUTH, husband and wife, as an estate by the entirety, whose current postoffice address is Atkins Street, Bridgetown, Connecticut 06437

of the County of Middlesex in the State of Connecticut parties of the second part,

**Witnesseth**, that the said parties of the first part, for and in consideration of the sum of TEN ($10.00)---------- Dollars, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said parties of the second part, their heirs and assigns forever, the following described land, situate, lying and being in the County of Collier, State of Florida, to wit:

Lot 34, Block A, and the North 30 feet of Lot 14, Block C, in CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof recorded in Plat Book 3 at page 10 of the Public Records of Collier County, Florida, being a replat of Unit #1; SUBJECT to taxes for the calendar year 1968 and restrictions of record.

This instrument was prepared by: John E. Shepard, 1313 Jackson Street, Fort Myers, Florida

COLLIER COUNTY 025816 FLORIDA DOCUMENTARY SURTAX 30.80

RECORDED OFFICIAL RECORD BOOK COLLIER COUNTY, FLORIDA Sep 5 1 32 PM '68 CLERK CIRCUIT COURT COLLIER COUNTY

And the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**In Witness Whereof**, the said parties of the first part have hereunto set their hand and seals the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Evelyn R. Kelly

Betty M. Meroth

(SEAL) J. Stanley Sharp

(SEAL) Dorothy B. Sharp

State of Florida, CONNECTICUT } ss. Stamford
County of Fairfield

I HEREBY CERTIFY, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

J. STANLEY SHARP and DOROTHY B. SHARP

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal in the County and State of Florida, this 31st day of July, A. D. 19 68.

(NOTARY'S SEAL)

Nancy Public

My Commission Expires April 1, 1969

COLLIER COUNTY STATE of FLORIDA DOCUMENTARY STAMP TAX 84.00

Recorded in Official Records of COLLIER COUNTY, FLORIDA MARGARET T. SCOTT Clerk of Circuit Court

PRINTED BY LAWYERS TITLE GUARANTY FUND, ORLANDO, FLORIDA

# Warranty Deed

STATUTORY

36143

9 153

HIXON & HIXON
Attorneys at Law
845 NINTH STREET
NAPLES, FLORIDA

This Indenture, Made this 1st day of April, A. D. 19 87, Between

of the county of Los Angeles, State of California, part ies of the first part, and

whose post office address is 50 Charlesman Street, Lido Beach, N. Y.
of the County of , in the State of New York, part ies of the second part,

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of

and other good and valuable considerations to them in hand paid by said part ies of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said part ies of the second part, their heirs and assigns forever, the following described land, situate, lying and being in the County of Collier in the State of Florida, to-wit:

Dollars,

Case 6/15/87 mc

and the said part ies of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said part ies of the first part have hereunto set their hand s and seal s the day and year first above written.

Signed, sealed and delivered in our presence:

(Seal)

(Seal)

(Seal)

STATE OF
COUNTY OF

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this day of , A. D. 19

Notary Public

My commission expires:

Filed this 7th day of June, A. D. 19 87, at 2:51 o'clock P. M., and Recorded in Deed Book 0 12 at Page 117

RECORD VERIFIED, [illegible]
Clerk Circuit Court, Collier County, Florida
By: [illegible] Deputy Clerk.

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

WARRANTY DEED
FROM CORPORATION

DREW'S FORM R. E. 33

Manufactured by The R. & W. B. Drew Company
Jacksonville, Florida.

23828

BOOK 40 75

# This Indenture,

*Made this* 11th *day of* May *A. D. 19* 55

**Between** CONNERS VANDERBILT BEACH ESTATES, INC. *, a corporation existing under the laws of the State of* Florida *, having its principal place of business in the County of* Collier *and State of* Florida *party of the first part, and* WILLIAM NELSON WHITE AND DOROTHY K. WHITE, husband and wife, as an estate by the entirety, of 850 Humboldt St., Denver, *of the County of* Denver *and State of* Colorado *part ies of the second part,* **Witnesseth,** *That the said party of the first part, for and in consideration of the sum of* Ten Dollars and other valuable considerations ~~Dollars~~ *to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm unto the said part ies of the second part, and* their *heirs and assigns forever, all that certain parcel of land lying and being in the County of* Collier *and State of* Florida *more particularly described as follows:*

Lot 34 of Block "A", Unit #1, Conners Vanderbilt Beach Estates, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Collier County, Florida, in Plat Book 3, Page 18. Also the North 50 feet of Lot 14, Block "C" of said re-subdivision, being a parcel of land approximately 30 x 50 feet lying between the East side of Gulf Shore Drive and the end of canal in Block "C".

**Together** *with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:* **To Have and To Hold** *the same in fee simple forever.*

*And the said party of the first part doth covenant with the said parties of the second part that it is lawfully seized of the said premises; that they are free of all incumbrances, and that it has good right and lawful authority to sell the same; and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.*

**In Witness Whereof,** *the said party of the first part has caused these presents to be signed in its name by its President, and its corporate seal to be affixed, attested by its* Sec. Asst. Sec'y & Treas. *the day and year above written.*

(CORPORATE SEAL)

Attest: Asst. Sec'y & Treas.

CONNERS VANDERBILT BEACH ESTATES, INC.

By _____
Vice-President.

*Signed, Sealed and Delivered in Our Presence:*

_____

_____



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# STATE & FEDERAL PERMITS

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Florida Department of Environmental Protection
South District Office
P.O. Box 2549
Fort Myers, FL 33902-2549

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

September 7, 2011

Andrew Jaffe
c/o Turrell Hall & Associates
3584 Exchange Avenue, Suite B
Naples FL 34104

Re: Collier County – ERP
File No. 11-0307763-001

Dear Mr. Jaffe:

Thank you for your application to remove the existing dock and floating dock and to install a 116 square foot dock and two boatlifts at 10091 Gulfshore Drive, Naples in an un-named canal, Class III Waters, Section 29, Township 48 South, Range 25 East, Collier County. This type of activity may require authorization for construction and operation of the project (regulatory authorization), unless otherwise exempt by statute or rule, authorization to use state-owned submerged lands (proprietary authorization), and federal authorization for works in waters of the United States through the State Programmatic General Permit (SPGP) program (SPGP IV-R1). Your request has been reviewed for all three authorizations.

The authorizations you have been granted are listed below. Please read each section carefully. Your project **MAY NOT** have qualified for all three authorizations. If your project did not qualify for one or more of the authorizations, then that specific section will advise you how to obtain it. You may **NOT** commence your project without all three authorizations. **If you change the project from what you submitted, the authorizations(s) granted may no longer be valid at the time of commencement of the project. Please contact the Department prior to beginning your project if you wish to make any changes.**

**REGULATORY REVIEW – VERIFIED**

Based on the information you sent to us, we have determined that **your project is exempt from the need for an Environmental Resource Permit** (ERP). You must comply with the criteria and limiting conditions in accordance with Rule **40E-4.051(3)(b)**, Florida Administrative Code (F.A.C.).

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification will expire after one year, and will not be valid at any other time if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. However, the activity may still be conducted without further notification to or verification from the Department after the one-year expiration of this verification, provided: 1) the project design does not change; 2) site conditions do not materially change; and 3) there are no changes to the statutes or rules governing the exempt activity. In the event you need to re-verify the exempt status for the activity after the one-year expiration of this verification, a new application and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

PROPRIETARY REVIEW – NOT REQUIRED

The Department of Environmental Protection has reviewed the location of the proposed project as described in the above referenced application and has determined that the project, as described, does not involve the use of sovereign submerged lands. Accordingly, no further authorization will be required from the Submerged Lands and Environmental Resources Program, designated agent to the Board of Trustees of the Internal Improvement Trust Fund, pursuant to Section 253.77, F.S.

**SPGP (FEDERAL) REVIEW – APPROVED WITH MANATEE CONDITIONS AND SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS**

Your project has been reviewed for compliance with State Programmatic General Permit (SPGP IV-R1) effective July 25, 2011. Your proposed activity as outlined on the drawings submitted with your application is in compliance with SPGP IV-R1. U.S. Army Corps of Engineer (Corps) Specific conditions apply to your project (attached). **No further permitting for this activity is required by the Corps.** The authority granted under SPGP IV-R1 expires five years from the date of issuance. Your project must be completed prior to this expiration date. **This authorization is conditioned upon acceptance of and compliance with the attached General Conditions for Department of the Army General Permits (SPGP IV-R1) and/or Manatee Construction Conditions and Sea Turtle and Smalltooth Sawfish Construction Conditions.**

In the event of the transfer of ownership of the property by sale or by any other means, when the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

works authorized by Corps permits is finite, the permit itself, with its limitation, does not expire. To validate the transfer of this permit and the associated with compliance with its terms and conditions, the attached transfer of permit request must be completed and submitted to the Department at the time of transfer of ownership.

Authority for review – an agreement with the U.S. Army Corps of Engineers entitled "Coordination Agreement between the U.S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act."

This notice constitutes final agency action and is subject to the provisions of Chapter 120, F.S., which **does not** apply to the SPGP IV-R1 review.

## NOTICE OF RIGHTS OF SUBSTANTIALLY AFFECTED PERSONS

This letter acknowledges that the proposed activity is exempt from environmental resource permitting requirements under Rule 40E-4.051(3)(b), F.A.C. This determination is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this determination automatically becomes only proposed agency action subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions, filed by any persons other than the applicant and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an

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explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

The petition must contain the information set forth above and must be filed (received by the clerk) in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. The petitioner shall mail a copy of the petition to the applicant at the applicant's address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing or pursue mediation as provided below within the appropriate time period shall constitute a waiver of those rights.

Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

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If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the exemption(s) has(have) been executed and delivered.

This letter acknowledging that the proposed activity is exempt from environmental resource permitting requirements under Rule 40E-4.051(3)(b), F.A.C., constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department. The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of the order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when the order is filed with the Clerk of the Department.

Mediation is not available.

Complete copies of all documents relating to this determination of exemption are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at Florida Department of Environmental Protection, South District Office, 2295 Victoria Avenue, Fort Myers, FL 33901.

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Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

Thank you for applying to the Submerged Lands and Environmental Resource Program. If you have any questions, please contact Elizabeth Gillen by telephone at (239) 344-5646 or by e-mail at Elizabeth.Gillen@dep.state.fl.us When referring to this project, please reference the file number listed above.

Sincerely,

Elizabeth Gillen
Environmental Manager
Submerged Lands and
Environmental Resource Program

EAG/mv

Enclosures:
7 drawing(s)
General Conditions for Department of the Army General Permits (SPGP IV-R1)
Standard Manatee Construction Conditions
Sea Turtle and Smalltooth Sawfish Construction Conditions

cc: Andrew Jaffe

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document, including all copies, was mailed before the close of business on Sept 7, 2011 to the above listed person(s).

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Marie Vidrine
Clerk

9-7-11
Date

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS (SPGP IV-R1)

**General Conditions:**

1) The time limit for completing the work authorized ends five years from the date of issuance.

2) You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3) If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4) If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided below and forward a copy of the permit to this office to validate the transfer of this authorization.

5) If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.

6) You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further information:**

1) Limits of this authorization:
   a) This permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
   b) This permit does not grant any property rights or exclusive privileges.
   c) This permit does not authorize any injury to the property or rights of others.
   d) This permit does not authorize interference with any existing or proposed Federal projects.

2) Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
   a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
   b) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
   c) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

## GENERAL CONDITIONS FOR DEPARTMENT OF THE ARMY GENERAL PERMITS (SPGP IV-R1)

d) Design or construction deficiencies associated with the permitted work.

e) Damage claims associated with any future modification, suspension, or revocation of this permit.

3) Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4) Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a) You fail to comply with the terms and conditions of this permit.

b) The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).

c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.

5) Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6) When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to Department of Environmental Protection, South District Office, P.O. Box 2549, Fort Myers, FL 33902-2549.

_____ _____

TRANSFEREE- Signature Date

_____

NAME-Printed

_____

ADDRESS

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# STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida and emailed to FWC at ImperiledSpecies@myFWC.com

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at http://myfwc.com/WILDLIFEHABITATS/manatee_sign_vendors.htm Questions concerning these signs can be forwarded to the email address listed above.

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.

b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.

c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.

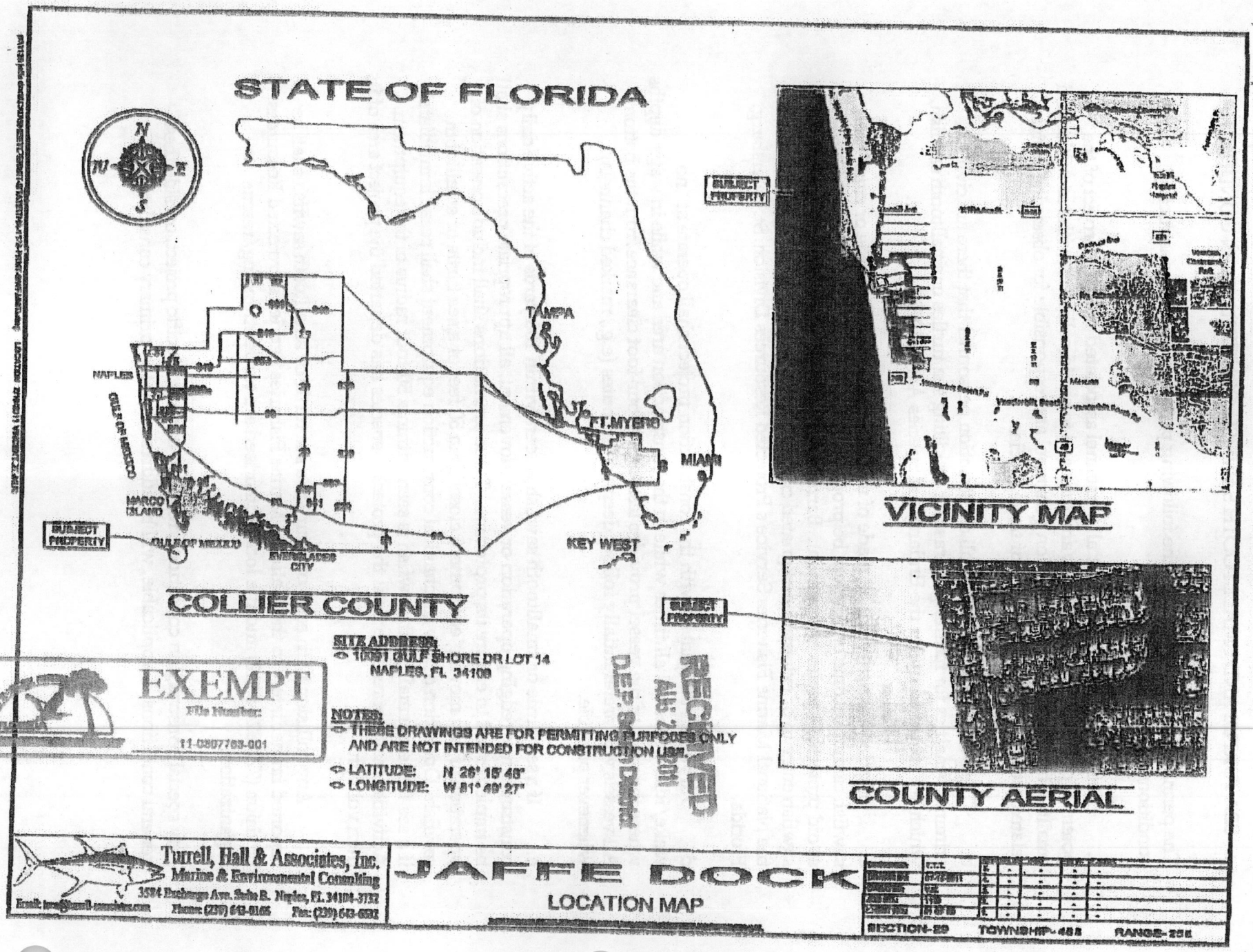
d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.

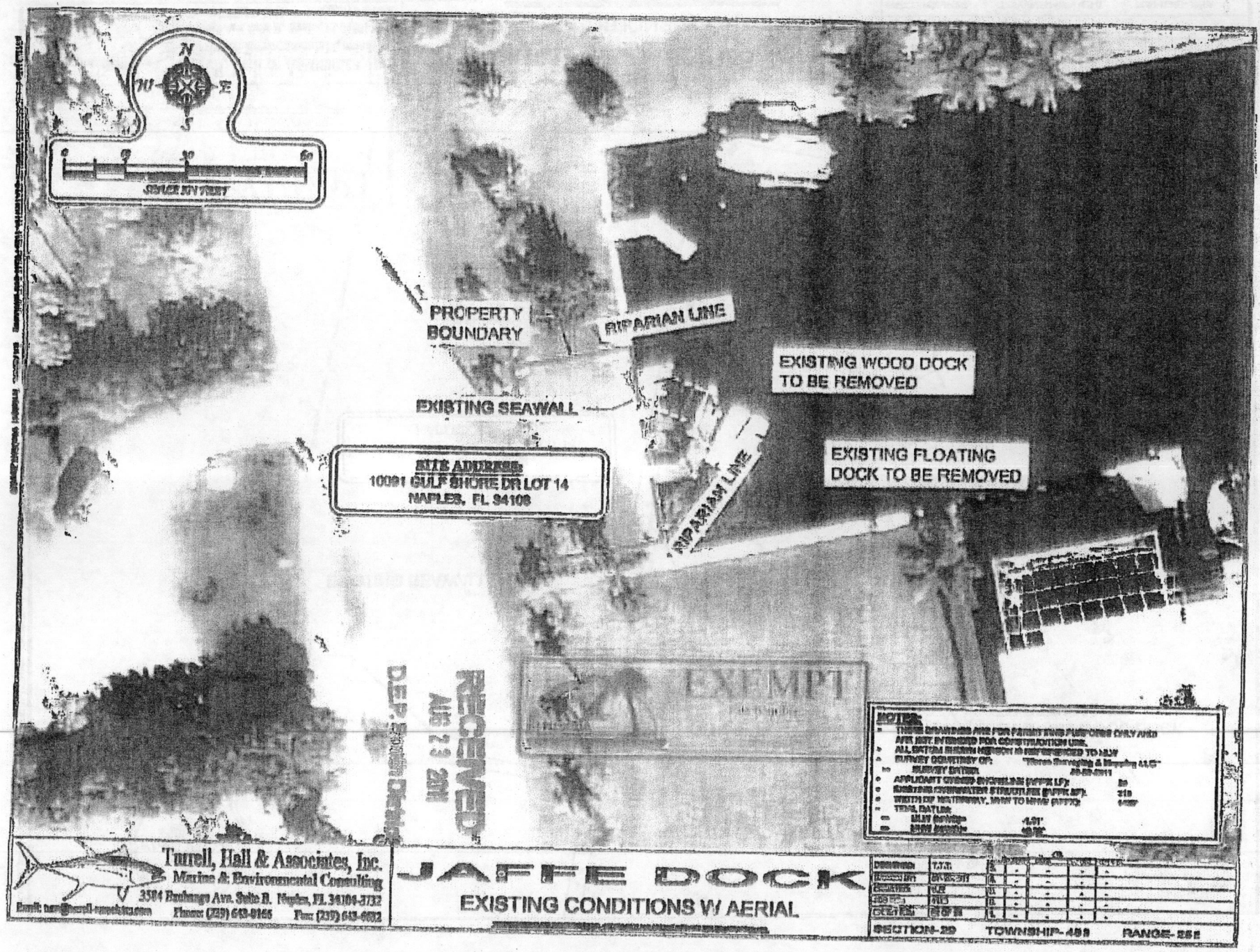
e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or small tooth sawfish is seen within a 50-foot radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.

f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.

Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

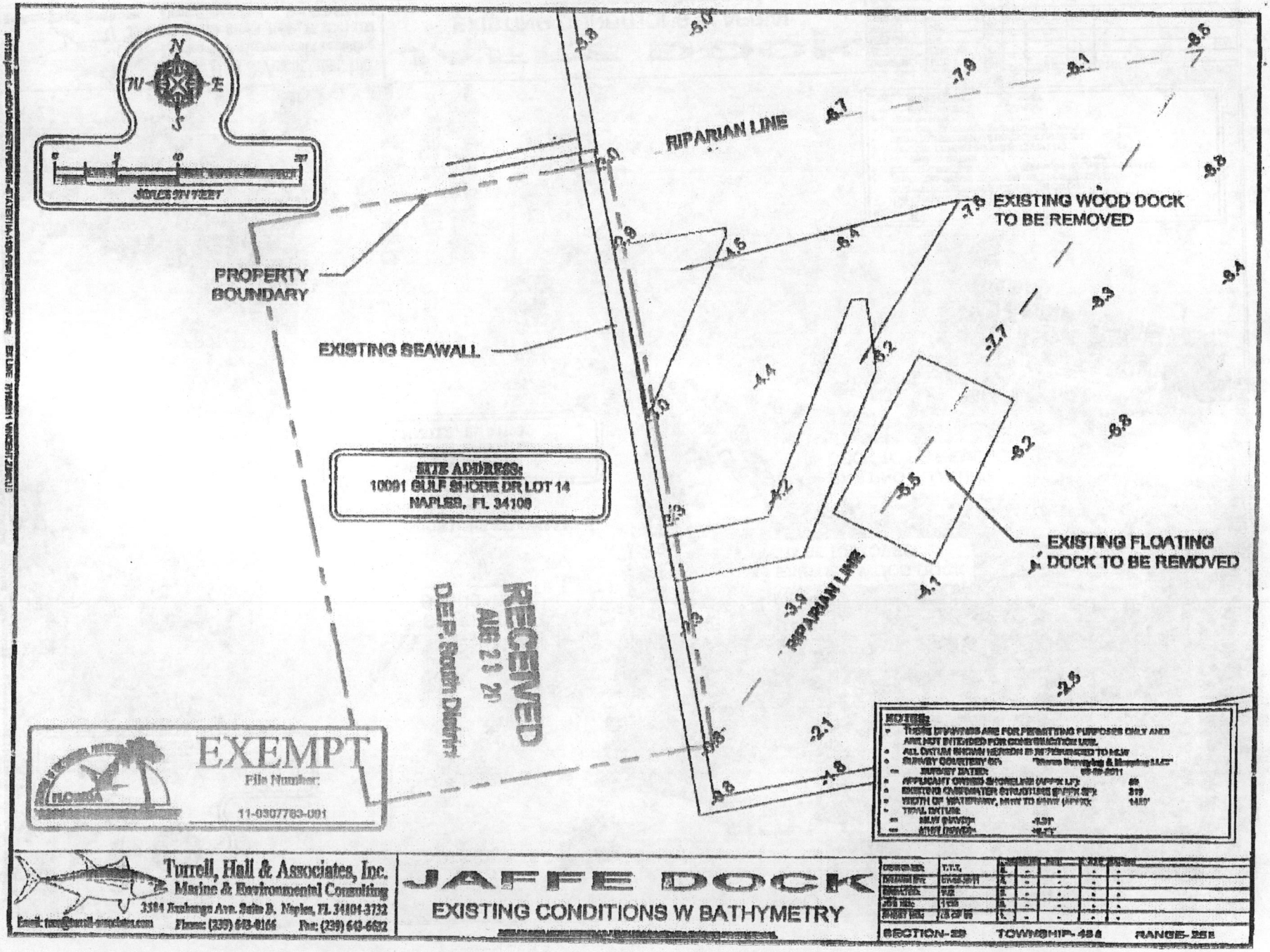
Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090


STATE OF FLORIDA
N
W
E
S
TAMPA
NAPLES
GULF OF MEXICO
FT.MYERS
MIAMI
MARCO ISLAND
EVERGLADES CITY
KEY WEST
SUBJECT PROPERTY
COLLIER COUNTY
SUBJECT PROPERTY
VICINITY MAP
SUBJECT PROPERTY
COUNTY AERIAL
SITE ADDRESS:
10951 GULF SHORE DR LOT 14
NAPLES, FL 34108
EXEMPT
File Number:
11-0307783-001
NOTES:
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.
LATITUDE: N 26° 15' 48"
LONGITUDE: W 81° 49' 27"
RECEIVED
DEP Reg. District
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tra@turrell-associates.com
Phone: (239) 643-0166
Fax: (239) 643-6532
JAFFE DOCK
LOCATION MAP
SECTION-29
TOWNSHIP-48S
RANGE-25E



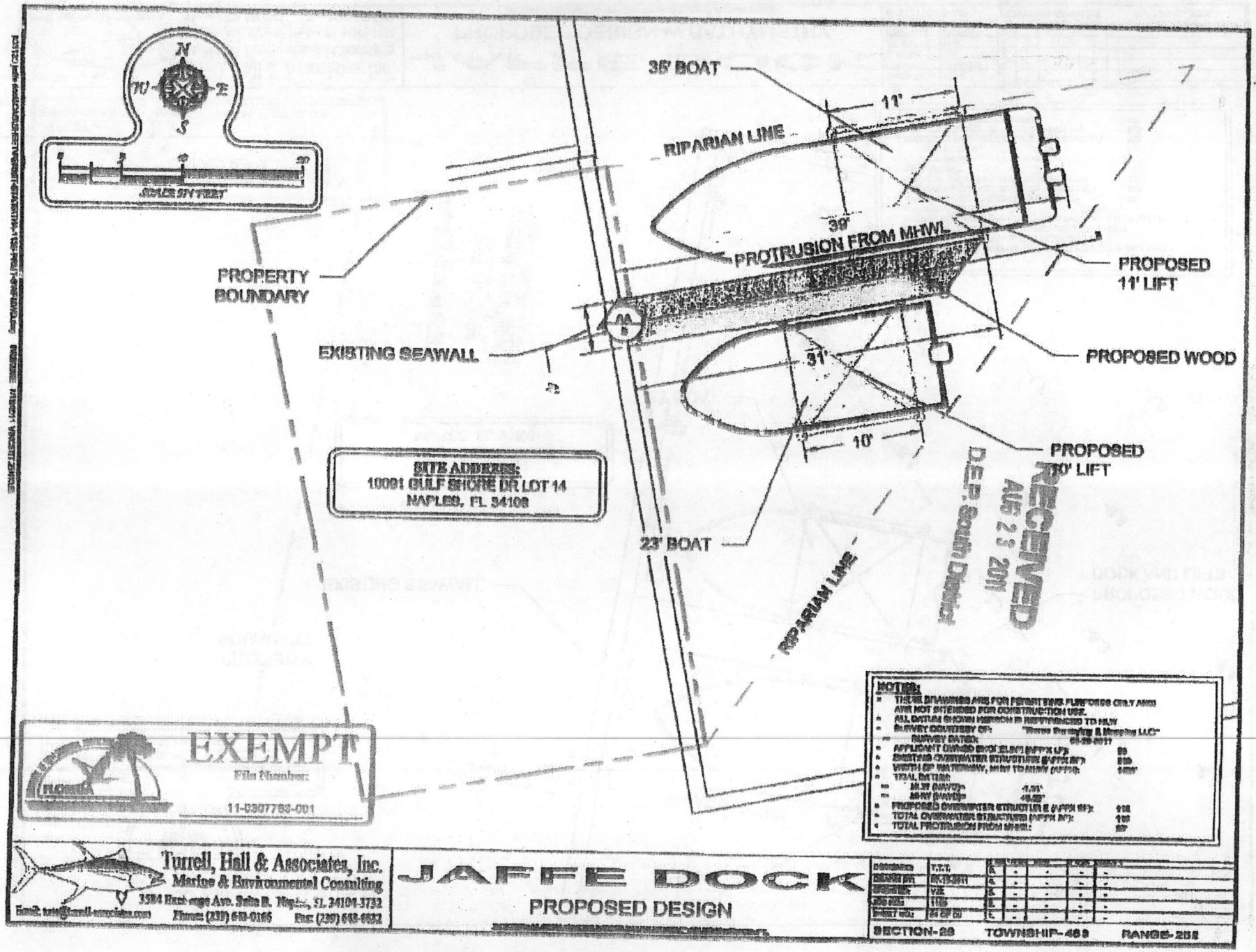


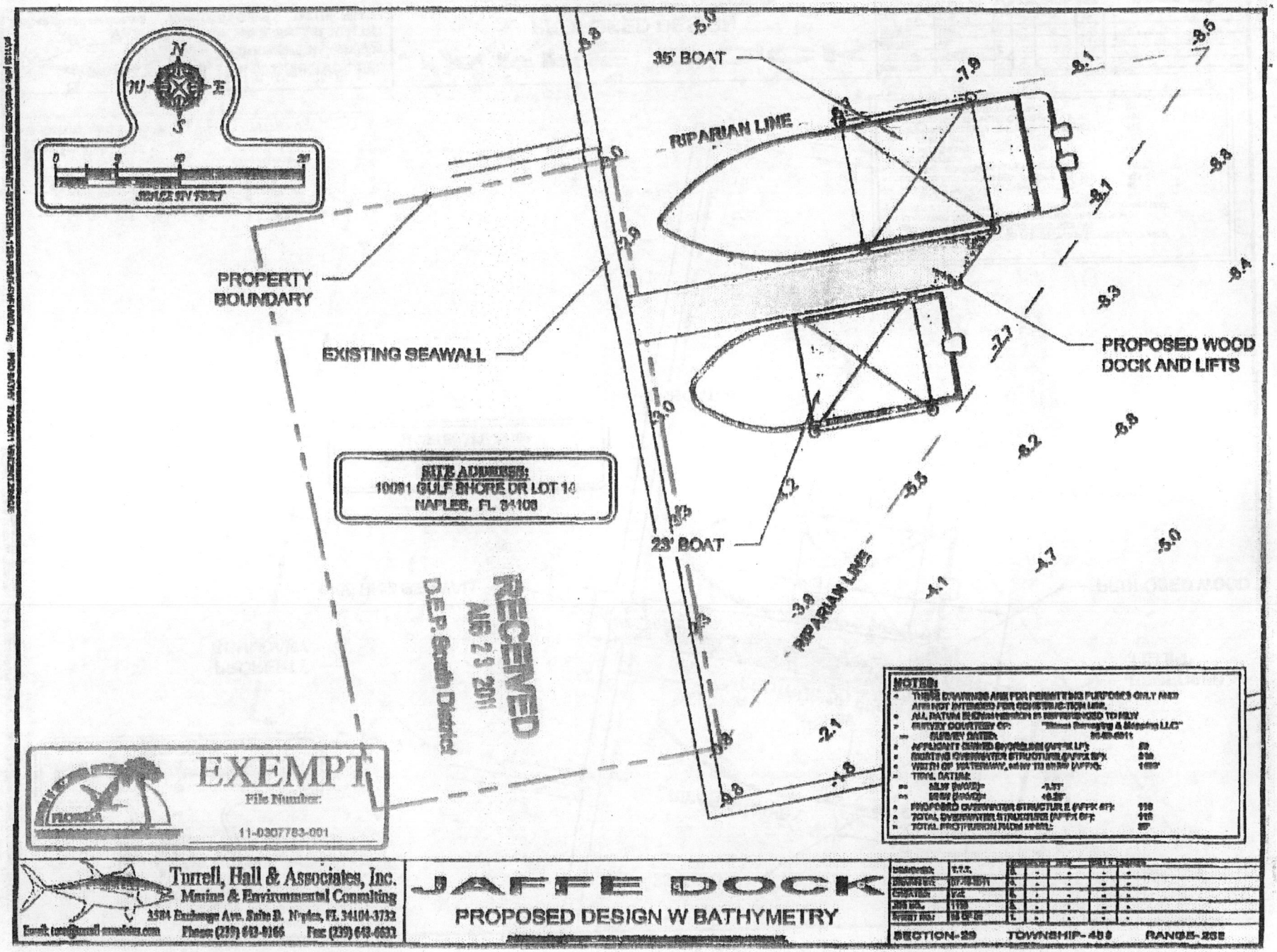

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090





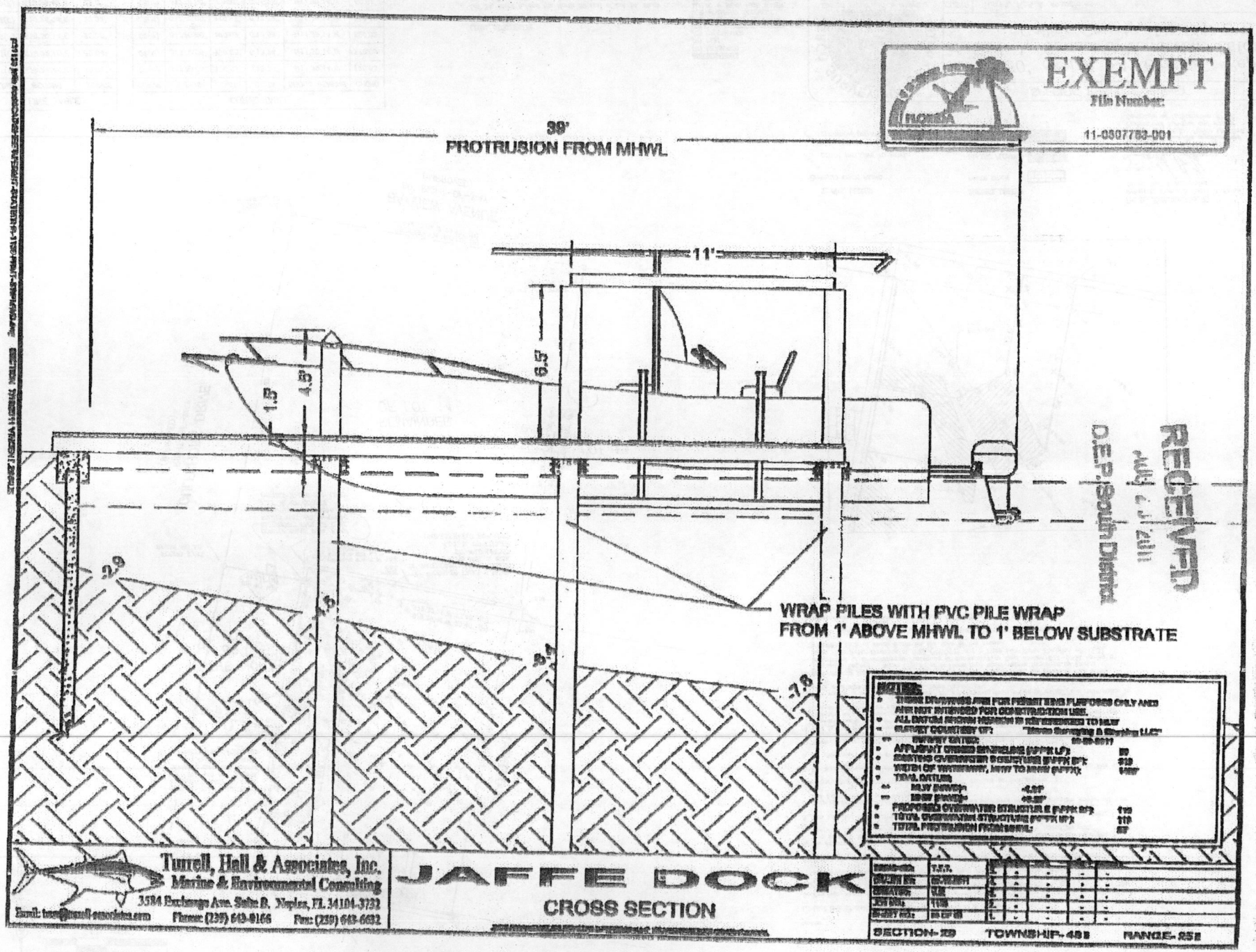

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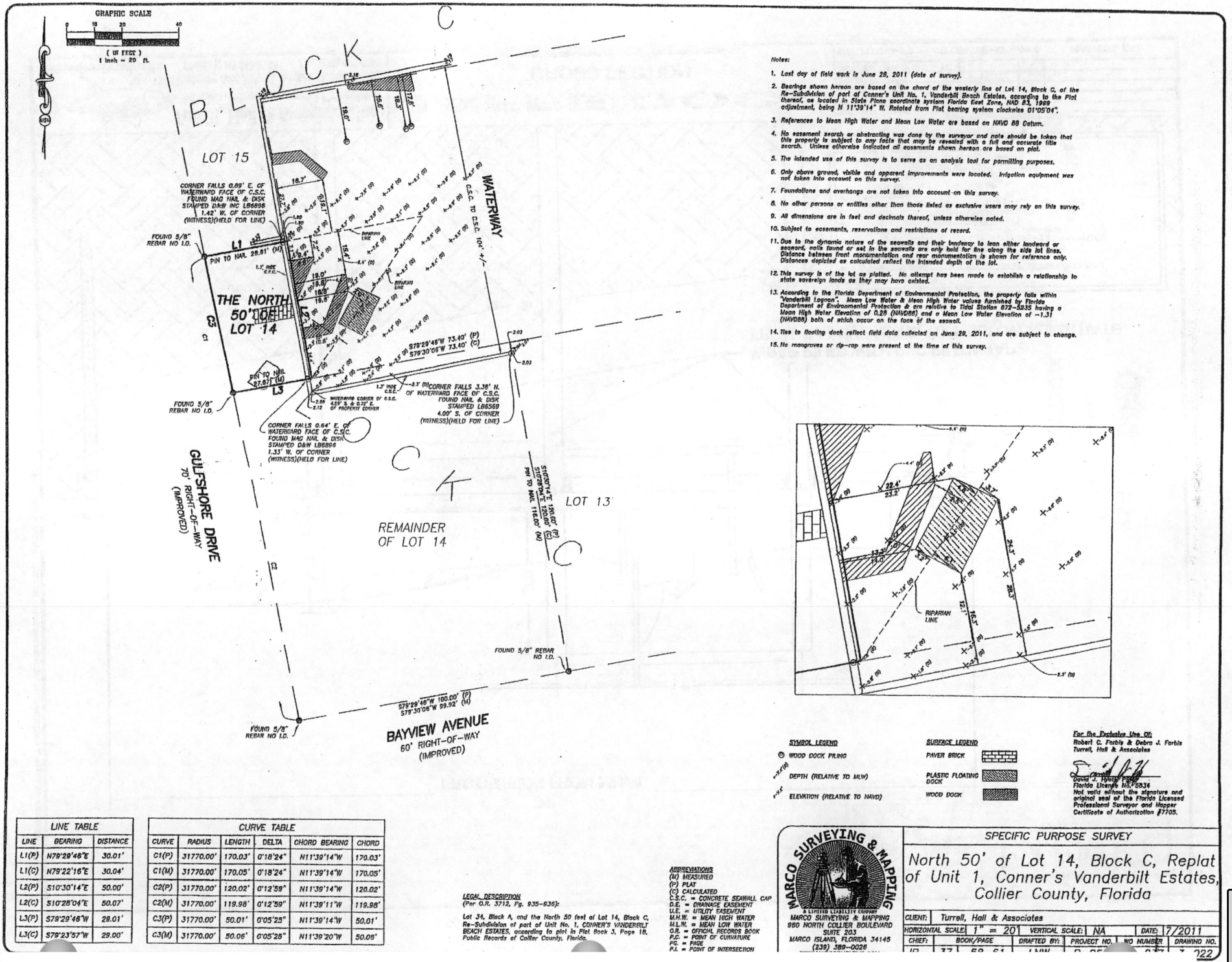

35' BOAT
11'
RIPARIAN LINE
39'
PROTRUSION FROM MHWL
PROPERTY BOUNDARY
PROPOSED 11' LIFT
EXISTING SEAWALL
PROPOSED WOOD
31'
10'
PROPOSED 10' LIFT
SITE ADDRESS:
10091 GULF SHORE DR LOT 14
NAPLES, FL 34108
23' BOAT
RIPARIAN LINE
RECEIVED
AUG 23 2011
DEP South District
EXEMPT
File Number:
11-0307763-001
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
JAFFE DOCK
PROPOSED DESIGN
SECTION-28
TOWNSHIP-48S
RANGE-25E






Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090


EXEMPT
File Number:
11-0307783-001
39'
PROTRUSION FROM MHWL
11'
9.5'
4.5'
1.5
2.9
3.7
7.8
WRAP PILES WITH PVC PILE WRAP
FROM 1' ABOVE MHWL TO 1' BELOW SUBSTRATE
RECEIVED
D.E.P. South District
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B, Naples, FL 34104-3732
Email: tran@turrell-associates.com Phone: (239) 649-9166 Fax: (239) 643-6632
JAFFE DOCK
CROSS SECTION
SECTION-29 TOWNSHIP-48S RANGE-25E




Notes:

1. Last day of field work is June 28, 2011 (date of survey).
2. Bearings shown hereon are based on the chord of the westerly line of Lot 14, Block C, of the Re-Subdivision of part of Conner's Unit No. 1, Vanderbilt Beach Estates, according to the Plat thereof, as located in State Plane coordinate system Florida East Zone, NAD 83, 1999 adjustment, being N 11°39'14" W. Rotated from Plat bearing system clockwise 01°05'04".
3. References to Mean High Water and Mean Low Water are based on NAVD 88 Datum.
4. No easement search or abstracting was done by the surveyor and note should be taken that this property is subject to any facts that may be revealed with a full and accurate title search. Unless otherwise indicated all easements shown hereon are based on plat.
5. The intended use of this survey is to serve as an analysis tool for permitting purposes.
6. Only above ground, visible and apparent improvements were located. Irrigation equipment was not taken into account on this survey.
7. Foundations and overhangs are not taken into account on this survey.
8. No other persons or entities other than those listed as exclusive users may rely on this survey.
9. All dimensions are in feet and decimals thereof, unless otherwise noted.
10. Subject to easements, reservations and restrictions of record.
11. Due to the dynamic nature of the seawalls and their tendency to lean either landward or seaward, ratio found or set in the seawalls are only held for line along the side lot lines. Distance between front monumentation and rear monumentation is shown for reference only. Distances depicted as calculated reflect the intended depth of the lot.
12. This survey is of the lot as platted. No attempt has been made to establish a relationship to state sovereign lands as they may have existed.
13. According to the Florida Department of Environmental Protection, the property falls within "Vanderbilt Lagoon". Mean Low Water & Mean High Water values furnished by Florida Department of Environmental Protection & are relative to Tidal Station 872-5235 having a Mean High Water Elevation of 0.28 (NAVD88) and a Mean Low Water Elevation of -1.31 (NAVD88) both of which occur on the face of the seawall.
14. Ties to floating dock reflect field data collected on June 28, 2011, and are subject to change.
15. No mangroves or rip-rap were present at the time of this survey.

SYMBOL LEGEND

- WOOD DOCK PILING
- DEPTH (RELATIVE TO MLW)
- ELEVATION (RELATIVE TO NAVD)

SURFACE LEGEND

- PAVER BRICK
- PLASTIC FLOATING DOCK
- WOOD DOCK

For the Exclusive Use Of:
Robert C. Forbis & Debra J. Forbis
Turrell, Hall & Associates

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

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L1(P) | N79°29'48"E | 30.01' |
| L1(C) | N79°22'15"E | 30.04' |
| L2(P) | S10°30'14"E | 50.00' |
| L2(C) | S10°28'04"E | 50.07' |
| L3(P) | S79°29'48"W | 29.01' |
| L3(C) | S79°23'57"W | 29.00' |

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD |
| C1(P) | 31770.00' | 170.03' | 0°18'24" | N11°39'14"W | 170.03' |
| C1(M) | 31770.00' | 170.05' | 0°18'24" | N11°39'14"W | 170.05' |
| C2(P) | 31770.00' | 120.02' | 0°12'59" | N11°39'14"W | 120.02' |
| C2(M) | 31770.00' | 119.98' | 0°12'59" | N11°39'11"W | 119.98' |
| C3(P) | 31770.00' | 50.01' | 0°05'25" | N11°39'14"W | 50.01' |
| C3(M) | 31770.00' | 50.06' | 0°05'25" | N11°39'20"W | 50.06' |

LEGAL DESCRIPTION
(Per O.R. 3712, Pg. 935-936):

Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-Subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to plat in Plat Book 3, Page 18, Public Records of Collier County, Florida.

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

MARCO SURVEYING & MAPPING
A LIMITED LIABILITY COMPANY
MARCO SURVEYING & MAPPING
950 NORTH COLLIER BOULEVARD
SUITE 203
MARCO ISLAND, FLORIDA 34145
(239) 389-0026

SPECIFIC PURPOSE SURVEY

North 50' of Lot 14, Block C, Replat of Unit 1, Conner's Vanderbilt Estates, Collier County, Florida

| CLIENT: | Turrell, Hall & Associates | | | | |
|---|---|---|---|---|---|
| HORIZONTAL SCALE: | 1" = 20' | VERTICAL SCALE: | NA | DATE: | 7/2011 |
| CHIEF: | BOOK/PAGE | DRAFTED BY: | PROJECT NO. | WO NUMBER | DRAWING NO. |
| JD | 37 | 58-61 | MW | 0-05 | 7-222 |

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

**CCPC RESOLUTION NO. 12-05**

**A RESOLUTION DENYING PETITION NUMBER BDE-PL2011-1573 FOR A 19 FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20 FOOT LIMIT PROVIDED IN SECTION 5.03.06 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR A 39 FOOT BOAT DOCK FACILITY IN AN RSF-3 ZONE ON PROPERTY HEREINAFTER DESCRIBED IN COLLIER COUNTY, FLORIDA.**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance 04-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which are provisions for granting extensions for boat docks; and

WHEREAS, the Collier County Planning Commission (CCPC), being duly appointed, has held a properly noticed public hearing and has considered the advisability of a 19 foot extension over the maximum 20 foot limit provided in LDC Section 5.03.06 to allow for a 39 foot boat dock facility in an RSF-3 zone for the property hereinafter described; and

WHEREAS, the CCPC has found as a matter of fact that satisfactory provision and arrangement have not been made concerning all applicable matters required by LDC Section 5.03.06; and

WHEREAS, all interested parties have been given the opportunity to be heard by this Commission in public meeting assembled, and the Commission having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE COLLIER COUNTY PLANNING COMMISSION OF COLLIER COUNTY, FLORIDA, that:

Petition Number BDE-PL2011-1573, filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc., with respect to the property hereinafter described as:

> Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

be and the same is hereby DENIED in accordance with the provisions of the public hearing held before the CCPC on May 3, 2012.

BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Commission and filed with the County Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 17th day of May, 2012.

ATTEST:

Nick Casalanguida, Administrator
Growth Management Division

COLLIER COUNTY PLANNING COMMISSION
COLLIER COUNTY, FLORIDA

Mark P. Strain, Chairman

Approved as to form
and legal sufficiency:

Steven T. Williams
Assistant County Attorney

11-CPS-01127/13



Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

**NOTICE OF INTENT TO CONSIDER RESOLUTIONS**

Notice is hereby given that the Board of County Commissioners, as the Board of Zoning Appeals, of Collier County will hold a public hearing on **Tuesday, December 11, 2012**, in the Boardroom, 3rd Floor, Administration Building, Collier County Government Center, 3299 Tamiami Trail East, Naples, Florida. The meeting will begin at 9:00 A.M. The titles of the proposed resolutions are as follows:

**A RESOLUTION OF THE BOARD OF ZONING APPEALS OF COLLIER COUNTY, FLORIDA, RELATING TO PETITION NUMBER VA-PL2011-1576, FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 5.03.06.E.7 TO PERMIT A REDUCED SIDE YARD (RIPARIAN) SETBACK FROM 7.5 FEET TO 0 FEET ON PROPERTY LOCATED AT 10091 GULF SHORE DRIVE, CONNER'S VANDERBILT BEACH ESTATES IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA.**

**And**

**ADA-PL20120001218, JAFFE BOAT DOCK APPEAL - REPRESENTED BY R. BRUCE ANDERSON OF ROETZEL AND ANDRESS, LPA, REQUESTING AN APPEAL TO THE BOARD OF ZONING APPEALS OF A DECISION OF THE COLLIER COUNTY PLANNING COMMISSION IN DENYING PETITION BDE-PL20110001573 THAT REQUESTED A 19-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20-FOOT PROTRUSION LIMIT AS PROVIDED IN SECTION 5.03.06 OF THE LAND DEVELOPMENT CODE TO ALLOW A 39-FOOT BOAT DOCK FACILITY ACCOMMODATING 2 VESSELS ON 2 BOAT SLIPS FOR**
**PROPERTY LOCATED AT 10090 GULFSHORE DRIVE AND IS FURTHER DESCRIBED AS THE NORTH 50 FEET OF LOT 14, CONNER'S VANDERBILT BEACH ESTATES SUBDIVISION, UNIT 1; SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.**

A copy of the proposed Resolution is on file with the Clerk to the Board and is available for inspection. All interested parties are invited to attend and be heard.

**NOTE**: All Persons wishing to speak on any agenda item must register with the County Administrator prior to presentation of the agenda item to be addressed. Individual speakers will be limited to 3 minutes on any item. The selection of an individual to speak on behalf of an organization or group is encouraged. If recognized by the Chair, a spokesperson for a group or organization may be allotted 10 minutes to speak on an item.

Persons wishing to have written or graphic materials included in the Board agenda packets must submit said material a minimum of 3 weeks prior to the respective public hearing. In any case, written materials intended to be considered by the Board shall be submitted to the appropriate County staff a minimum of seven days prior to the public hearing. All material used in presentations before the Board will become a permanent part of the record.

Any person who decides to appeal a decision of the Board 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 based.

If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Facilities Management Department, located at 3335 Tamiami Trail East, Suite #101, Building W, Naples, Florida 34112, (239)252-8380; assisted listening devices for the hearing impaired are available in the County Commissioners' Office.

BOARD OF COUNTY COMMISSIONERS
BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

FRED W. COYLE, CHAIRMAN

DWIGHT E. BROCK, CLERK

By: Teresa Cannon, Deputy Clerk
(SEAL)
November 21, 2012

No. 1968542

Attachment: Attachment D - ADA-PL20110001573 Executive Summary including Backup BCC 12112012 8A (20768 : PL20200002573 BDE 10090

# TRANSCRIPT OF THE CONTINUED MEETING OF THE BOARD OF COUNTY COMMISSIONERS
Naples, Florida, December 11-12, 2012
(Day 2)

LET IT BE REMEMBERED, that the Board of County Commissioners, in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special districts as have been created according to law and having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Georgia Hiller
Fred Coyle
Donna Fiala
Tom Henning
Tim Nance

ALSO PRESENT:
Leo Ochs, County Manager
Jeffrey A. Klatzkow, County Attorney
Crystal Kinzel, Clerk's Finance Director
Mike Sheffield, Business Operations Manager – CMO
Troy Miller, Television Operations Manager



Attachment: Attachment E - BCC Minutes 12_11-12_2012 R - Edited for Brevity (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive

CHAIRWOMAN HILLER: Thank you.

All right. If there's no further discussion, all in -- can I have an -- a second on the amended motion?

COMMISSIONER HENNING: Yep, got it.

CHAIRWOMAN HILLER: Thank you. There being no further discussion, all in favor?

Aye.

COMMISSIONER NANCE: Aye.

COMMISSIONER HENNING: Aye.

CHAIRWOMAN HILLER: Any opposed?

COMMISSIONER COYLE: Aye.

COMMISSIONER FIALA: Aye.

CHAIRWOMAN HILLER: Okay. Motion passes 3-2 with Commissioners Fiala and Coyle dissenting.

Item #8A

RESOLUTION 2012-266: PETITION NUMBER ADA-PL20120001218 JAFFE BOAT DOCK APPEAL REPRESENTED BY R. BRUCE ANDERSON OF ROETZEL AND ANDRESS, LPA, REQUESTING AN APPEAL TO THE BOARD OF ZONING APPEALS OF A DECISION OF THE COLLIER COUNTY PLANNING COMMISSION IN DENYING PETITION BDE-PL20110001573 THAT REQUESTED A 19-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20-FOOT PROTRUSION LIMIT AS PROVIDED IN SECTION 5.03.06 OF THE LAND DEVELOPMENT CODE TO ALLOW A 39-FOOT BOAT DOCK FACILITY ACCOMMODATING 2 VESSELS ON 2 BOAT SLIPS FOR PROPERTY LOCATED AT 10090 GULFSHORE DRIVE AND IS FURTHER DESCRIBED AS THE NORTH 50 FEET OF LOT 14, CONNERS VANDERBILT BEACH ESTATES SUBDIVISION, UNIT 1; SECTION 29, TOWNSHIP 48 SOUTH,



Attachment: Attachment E - BCC Minutes 12_11-12_2012 R - Edited for Brevity (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive

RANGE 25 EAST, COLLIER COUNTY, FLORIDA. THIS ITEM TO BE HEARD IN CONJUNCTION WITH ITEM #8B – ADOPTED

Item #8B

RESOLUTION 2012-265: RELATING TO PETITION NUMBER VA-PL20110001576, JAFFE VARIANCE, FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 5.03.06.E.7 TO PERMIT A REDUCED SIDE YARD (RIPARIAN) SETBACK FROM 7.5 FEET TO 0 FEET ON PROPERTY LOCATED AT 10091 GULF SHORE DRIVE, CONNER'S VANDERBILT BEACH ESTATES IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST IN COLLIER COUNTY, FLORIDA. THIS ITEM TO BE HEARD IN CONJUNCTION WITH ITEM #8A – ADOPTED

MR. OCHS: Commissioners, I'd like to go to Items 8A and B, if we could, ma'am.

CHAIRWOMAN HILLER: Eight?

MR. OCHS: Those are your zoning board of appeal hearings. Because I don't know how many commissioners are going to be left after the lunch hour here, so --

CHAIRWOMAN HILLER: No, I agree. Thank you so much.

MR. OCHS: These are companion items, Commissioners. Item 8A requires ex parte disclosure be provided by commission members, and all participants are required to be sworn in.

It is a recommendation to approve Petition No. ADA-PL20120001218, Jaffe boat-dock appeal, represented by R. Bruce Anderson of Roetzel & Andress, LPA, requesting an appeal to the Board of Zoning Appeals of a decision of the Collier County Planning Commission and denying Petition BDE-PL20110001573 that requested a 19-foot boat-dock extension over the maximum



Attachment: Attachment E - BCC Minutes 12_11-12_2012 R - Edited for Brevity (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive

20-foot protrusion limited as provided in Section 5.03.06 of the Land Development Code to allow a 39-foot boat-dock facility accommodating two vessels on two boat slips for property located at 10090 Gulfshore Drive, as further described as the north 50 feet of Lot 14, Connors Vanderbilt Beach Estates Subdivision, Unit 1, Section 29, Township 48 south, Range 25 east, Collier County, Florida.

I would also ask Mr. Klatzkow to assist me here. In terms of the companion item, Mr. Klatzkow, should we read that and hear them together or vote separately on these?

MR. KLATZKOW: I would hear them together and then vote separately.

MR. OCHS: Then, Madam Chair, if I could read B as well.

Again, this item requires ex parte disclosure and witnesses be sworn. It's a recommendation to consider a resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition No. VA-PL20110001576, Jaffe variance, for a variance for the Land Development Code Section 5.03.06.E.7 to permit a reduced side yard riparian setback from 7.5 feet to 0 feet on property located at 10091 Gulfshore Drive.

So ex parte and swearing in, please.

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

MR. OCHS: Ex parte, Madam Chair.

CHAIRWOMAN HILLER: Ex parte, Commissioner Henning?

COMMISSIONER HENNING: Planning commission's report, staff.

CHAIRWOMAN HILLER: Commissioner Nance?

COMMISSIONER NANCE: Yes. I have met with Mr. Anderson and reviewed the staff reports on both of the items, A and B.

CHAIRWOMAN HILLER: Commissioner Coyle?

COMMISSIONER COYLE: You're not going to get Commissioner Fiala?

CHAIRWOMAN HILLER: No. I'm going from the ends to the



Attachment: Attachment E - BCC Minutes 12_11-12_2012 R - Edited for Brevity (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive

middle.

COMMISSIONER COYLE: Oh, I see. You've changed the procedure.

Yes, I have ex parte disclosure for A and B, which include the planning commission report, a meeting with representatives of the petitioner, emails, telephone calls, correspondence, and that's it.

CHAIRWOMAN HILLER: Commissioner Fiala?

COMMISSIONER FIALA: Yes. Excuse me. I had correspondence. I had meetings with our own staff. I also had meetings with Bruce Anderson and Tim Hall. I also met or talked with a few different planning commissioners.

CHAIRWOMAN HILLER: Thank you. I spoke to Bruce Anderson, Tim Hall, Planning Commissioner Bill Vonier, and I also spoke to staff and reviewed the backup material as presented. Go ahead.

MR. ANDERSON: Thank you. Good morning. My name is Bruce Anderson from the Roetzel and Andress law firm on behalf of Andrew Jaffe, the property owner.

Ladies and gentlemen, this is a unique lot that is depicted on the overhead projector. It's 50 feet wide at the end of a 1,400-foot canal. A lot of that size, 50 feet in width, is nonconforming, and it could not be created today under the county's laws. It is, however, a legally nonconforming lot.

That lot was created in the mid '50s, and it has been used and conveyed since that time solely for a boat dock for the gulf-front home across the street.

The lot presently has two docks, and one of those docks actually encroaches over the riparian line for the southern neighbor's property. Approval of these applications will eliminate that encroachment and will reduce the number of docks from two to one dock with two slips.

The abutting owners on both sides of this property have submitted letters of no objection, and they are the only people that will



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be affected by approval of these two applications. And we would respectfully ask you to render your approval.

I'd like to turn this over now to Tim Hall to address the criteria, if I might.

MR. HALL: Good morning. For the record, my name is Tim Hall with the firm of Turrell, Hall & Associates also representing Dr. Jaffe, who is the owner of the lot.

Bruce already talked about the unique stature of it. The county code does say that side yard setbacks for lots less than 60 feet wide is seven and a half. The petition in front of you is to reduce those setbacks to zero on the north side and to a half a foot -- six inches on the south side.

The -- in determining whether or not the variance is appropriate, the county looks at the eight criteria. And what I was going to do was just go through those criteria briefly. If you have any questions, please feel free to ask.

The first is, are there special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land structure or building involved.

We've already kind of noted that it's a unique lot. It could not be done under today's code. It's the only one in the neighborhood with its location and orientation, and the 50-foot width in conjunction with the diagonal riparian line, because of it being on the corner, limits the available area that you have to moor a vessel without a variance.

And that limitation would be -- would only allow vessels that are smaller than what are allowed and what are common everywhere else in the neighborhood. And that's a depiction of the lot. This is the actual upland lot. The riparian lines and what you see in pink is what is essentially lost because of those setbacks.

This is what is there today. As Bruce had said, the existing lot does have a little bit of encroachment.

So the setbacks that were put in place that are in place and the



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location of the lot, the orientation of the riparian rights, and the riparian lines to that lot definitely do limit the ability to place the two vessels at the site, and two vessels are what are commonly allowed everywhere else within the county except for Port of the Islands.

The second criteria is are there special conditions and circumstances which do not result from the actions of the applicant, such as preexisting conditions relative to the property, which is the subject of the variance.

As we said, the existing facility is not currently compliant with the setback requirements or the riparian lines associated with the property.

The owner did not own the property when it was separated back in the '50s, and they also did not own the property when the seven-and-a-half foot setback criteria were established in the county code, and he didn't even own the property when the existing lot was constructed. I don't have the exact day, but I know that based on aerial interpretation, that it was before 1999.

And given that the two slips have been present since before 1999, it's reasonable to assume that two slips would still be allowed on that lot going into the future.

The third criteria is will a literal interpretation of the provisions of the code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant? I think based on what we've shown you, you can see the practical difficulties; he can't continue to moor the two vessels without the variance that's being requested.

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

As I said earlier, and what is -- I won't say defined, but what is outlined in the code, a reasonable use of the land is to provide two slips, which currently exist and which is allowed other places in the



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county.

The county code under the boat-dock extension criteria says that a typical single-family use should be no more than two slips. This is a single-family use, and it currently has two slips. He's asking to continue to utilize it for two slips.

As I said, the only place that is specifically limited in the county to only one slip is Port of the Islands, and that was done as part of the Manatee Protection Plan.

The proposed design does not constitute a danger to any health, safety, or welfare standards. It improves access to the property for the boats that are proposed. It does not interfere with access or use of the adjacent properties. In fact, the adjacent properties have both given letters of no objection. And it provides safe mooring for the vessels that are proposed.

The fifth criteria asked if granting the variance requested will confer on the petitioner any special privilege that is designed in the zoning regulations to other lands, buildings, or structures in the same zoning district.

I've already explained that the zoning districting is a single-family district. The code allows for two slips, and he's asking for the two slips. The granting of the variance will allow the encroachment into the side setbacks, which is not commonly -- you know, which is outside of the scope of what's normally allowed. But doing so will allow the owner to appreciate the same privileges with respect to mooring the two vessels that are enjoyed by the rest of the neighborhood and does not impact negatively the neighbors or the neighborhoods.

The sixth criteria asked if granting the variance will be in harmony with the intent and purpose of the code and not be injurious to the neighborhood or detrimental to the public welfare.

And, I mean, I've already gone through that. It's kind of the same answer. It allows the same use that has historically occurred on the

property since the 1950s. The vessels proposed are not out of -- they're not larger than what is commonly seen in the neighborhood, and it is not detrimental to the public welfare.

The seventh criteria asks if there are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, et cetera. I don't believe that criteria is actually applicable to this property. It's a dock on a manmade canal used for navigation, and this will not interfere with the navigation within that canal. It's at the very end of it. The only people that would be navigating in that area is the owner of the property.

And the last criteria asks if granting the variance would be consistent with the Growth Management Plan. You've seen the staff report. They are recommending approval. We agree with the determinations that it is consistent with the Growth Management Plan.

So our presentation to the Planning Commission asking them for the variance, they did not believe the variance was appropriate, which is why we're in front of you today.

And, you know, that's my presentation with respect to that. I'd be willing to answer any questions, or I can go right into the BDE.

I did Item B first with the variance, because if the variance is not approved, the BDE is a moot point. It can't be approved without the variance.

CHAIRWOMAN HILLER: Commissioner Henning would like to speak.

COMMISSIONER HENNING: Tim, is this a platted lot as it is, 50-foot wide?

MR. HALL: I'll let Bruce respond to that one.

MR. ANDERSON: It was carved out of a platted lot.

COMMISSIONER HENNING: Okay. So it became nonconforming when it was carved out?

MR. ANDERSON: No. Well, it became nonconforming when



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the county changed the rules about minimum lot sizes and the inability to split a lot off in that fashion. I mean, that happened years ago. But when it was initially conveyed out, it was conforming with the county's laws.

COMMISSIONER HENNING: Oh, okay, all right.

CHAIRWOMAN HILLER: Any further questions on his first presentation?

COMMISSIONER HENNING: No.

CHAIRWOMAN HILLER: Would you like to take a vote on this at this time, in light of the fact that the second item is --

COMMISSIONER NANCE: I'd like to move the -- for approval of the variance.

CHAIRWOMAN HILLER: Do I have a second?

COMMISSIONER FIALA: Second.

CHAIRWOMAN HILLER: Motion to approve and a second of the variance as presented.

Any further discussion?

COMMISSIONER HENNING: Yes. Just the commissioner of the district's input.

CHAIRWOMAN HILLER: Well, my concern on this issue was to what extent the setbacks were more restrictive than necessary to promote the objective of public safety.

And we obviously can't have a regulation that is more than is needed, particularly in light of the fact that it's depriving this property owner of what -- this property owner should have the right to have, just like all the other properties have.

So I spoke to Mr. Hall, and I asked him whether these setbacks were more than needed to achieve the public safety objective, and he represented that, yes, that was the case, and that reducing the setbacks does not in any way adversely affect the public.

COMMISSIONER HENNING: Okay.

CHAIRWOMAN HILLER: And so that is why I accepted it,



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because I do think the regulation as applied to this property does exceed what is needed.

COMMISSIONER HENNING: Thank you.

CHAIRWOMAN HILLER: Any further discussion?

(No response.)

CHAIRWOMAN HILLER: There being no further discussion, all in favor?

COMMISSIONER COYLE: Aye.

COMMISSIONER FIALA: Aye.

CHAIRWOMAN HILLER: Aye.

COMMISSIONER NANCE: Aye.

COMMISSIONER HENNING: Aye.

CHAIRWOMAN HILLER: Any opposed?

(No response.)

CHAIRWOMAN HILLER: Motion carries unanimously.

MR. HALL: Thank you.

I'll kind of run through the same thing with the boat-dock extension. As I said before, once the Planning Commission had decided to vote against the variance request, they couldn't, therefore, approve the BDE because it was not possible to do without the variance.

So going through the boat-dock extension criteria, there are --

COMMISSIONER COYLE: Motion to approve.

COMMISSIONER FIALA: Second.

CHAIRWOMAN HILLER: Any further discussion? Commissioner Henning? Commissioner Nance?

COMMISSIONER HENNING: No.

CHAIRWOMAN HILLER: No comments by the motion maker and the second?

COMMISSIONER COYLE: Nope.

CHAIRWOMAN HILLER: That being the case, all in favor?

COMMISSIONER COYLE: Aye.



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COMMISSIONER FIALA: Aye.
CHAIRWOMAN HILLER: Aye.
COMMISSIONER NANCE: Aye.
COMMISSIONER HENNING: Aye.
CHAIRWOMAN HILLER: Any opposed?
(No response.)
CHAIRWOMAN HILLER: Motion carries unanimously.
MR. ANDERSON: Thank you very much.
MR. HALL: Thank you very much.
CHAIRWOMAN HILLER: Thank you.
We have five minutes. Can we take care of -- what is something that -- could we take care of, for example -- could we address AB?
MR. OCHS: Which item?
CHAIRWOMAN HILLER: AB, which is -- 10AB, which is the red light cameras.
MR. OCHS: Sure, if that's the pleasure of the board.
COMMISSIONER FIALA: Sheriff.

Item #10AB

TERMINATING THE RED LIGHT CAMERA CONTRACT BETWEEN COLLIER COUNTY AND ATS, EFFECTIVE FEBRUARY 28, 2013; ALL RED LIGHT CAMERAS BE DULY REMOVED FROM ALL INTERSECTIONS IN ACCORDANCE WITH THE ATS CONTRACT; AND, TO FURTHER DIRECT STAFF TO INVESTIGATE AND REPORT BACK TO THE BOARD (1) WHETHER TRAFFIC LIGHTS CAN BE RETIMED SO DRIVERS WILL ENCOUNTER FEWER RED LIGHTS, (2) WHETHER IT IS APPROPRIATE TO INCREASE THE DURATION OF THE YELLOW LIGHT BETWEEN THE GREEN AND THE RED, AND (3) WHETHER IT IS APPROPRIATE TO ADD OR INCREASE THE "CLEARANCE" PHASE TO THE



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# AGENDA

COLLIER COUNTY PLANNING COMMISSION WILL MEET AT 9:00 A.M., THURSDAY, MAY 3, 2012, IN THE BOARD OF COUNTY COMMISSIONERS MEETING ROOM, ADMINISTRATION BUILDING, COUNTY GOVERNMENT CENTER, THIRD FLOOR, 3299 TAMIAMI TRAIL EAST, NAPLES, FLORIDA:

NOTE: INDIVIDUAL SPEAKERS WILL BE LIMITED TO 5 MINUTES ON ANY ITEM. INDIVIDUALS SELECTED TO SPEAK ON BEHALF OF AN ORGANIZATION OR GROUP ARE ENCOURAGED AND MAY BE ALLOTTED 10 MINUTES TO SPEAK ON AN ITEM IF SO RECOGNIZED BY THE CHAIRMAN. PERSONS WISHING TO HAVE WRITTEN OR GRAPHIC MATERIALS INCLUDED IN THE CCPC AGENDA PACKETS MUST SUBMIT SAID MATERIAL A MINIMUM OF 10 DAYS PRIOR TO THE RESPECTIVE PUBLIC HEARING. IN ANY CASE, WRITTEN MATERIALS INTENDED TO BE CONSIDERED BY THE CCPC SHALL BE SUBMITTED TO THE APPROPRIATE COUNTY STAFF A MINIMUM OF SEVEN DAYS PRIOR TO THE PUBLIC HEARING. ALL MATERIAL USED IN PRESENTATIONS BEFORE THE CCPC WILL BECOME A PERMANENT PART OF THE RECORD AND WILL BE AVAILABLE FOR PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS IF APPLICABLE.

ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THE CCPC 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.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL BY SECRETARY
3. ADDENDA TO THE AGENDA
4. PLANNING COMMISSION ABSENCES
5. APPROVAL OF MINUTES: ***April 5, 2012***
6. BCC REPORT- RECAPS
7. CHAIRMAN'S REPORT
8. CONSENT AGENDA ITEMS

   A. **PUDZ-PL-2010-592**: **Cultural Arts Village at Bayshore MPUD**, Collier County Community Redevelopment Agency, represented by Banks Engineering and Pizzuti Solutions LLC, is requesting a rezone from the Neighborhood Commercial Subdistrict of the Bayshore Drive Mixed Use Overlay District of the Commercial Convenience Zoning District (C-2-BMUD-NC), and the Neighborhood Commercial Subdistrict of the Bayshore Drive Mixed Use Overlay District of the General Commercial Zoning District (C-4-BMUD-NC), and the Neighborhood Commercial Subdistrict of the Bayshore Drive Mixed Use Overlay District of the Mobile Home Zoning District (MH-BMUD-NC), to the Mixed-Use Planned Unit Development (MPUD) zoning district to be known as Cultural Arts Village at Bayshore MPUD. The 17.89± acre site is proposed to permit 48,575 square feet of commercial (retail, office and medical office) development, a 350 seat theatre, 84,000 square feet of parking garage and 40 residential units. The subject site is located **within the Bayshore Drive Mixed Use Overlay District at 4265 and 4315 Bayshore Drive** in Section 14, Township 50 South, Range 25 East, Collier County, Florida. [Coordinator: Nancy Gundlach, AICP, RLA, Principal Planner]



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9. ADVERTISED PUBLIC HEARINGS

A. **PUDZ-PL20110001519: Naples View RPUD** -- An Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance No. 2004-41, as amended, the Collier County Land Development Code, which established the comprehensive zoning regulations for the unincorporated area of Collier County, Florida by amending the appropriate zoning atlas map or maps by changing the zoning classification of the herein described real property from a Rural Agricultural (A) zoning district to a Residential Planned Unit Development (RPUD) zoning district for the project to be known as the Naples View RPUD to allow construction of a maximum of sixty-six residential dwelling units on property **located at 6900 Airport Road North** in Section 01, Township 49 South, Range 25 East, Collier County, Florida, consisting of 11+/- acres; and by providing an effective date [Coordinator: Kay Deselem, AICP, Principal Planner]

B. **BDE-PL20110001573: Jaffe Boat Dock Extension**- A Resolution of the Collier County Planning Commission relating to Petition Number BDE-PL2011-1573 for a 19 foot boat dock extension over the maximum 20 foot limit provided in Section 5.03.06 of the Collier County Land Development Code to allow for a 39 foot boat dock facility in an RSF-3 zone on property hereinafter described in Collier County, Florida. [Coordinator: Michael Sawyer, Project Manager]

C. **VA-PL2011-1576: Jaffe Variance** - A Resolution of the Board of Zoning Appeals of Collier County, Florida, relating to Petition Number VA-PL2011-1576, for a variance from Land Development Code Section 5.03.06.E.5 to permit a reduced side yard (riparian) setback from 7.5 feet to 0 feet on property **located at 10091 Gulf Shore Drive, Conner's Vanderbilt Beach Estates** in Section 29, Township 48 South, Range 25 East in Collier County, Florida. [Coordinator: Nancy Gundlach, AICP, RLA, Principal Planner]

D. **SV-PL20110002805**: **Agave Grill**, A Resolution of the Board of Zoning Appeals of Collier County, Florida relating to Petition Number SV-PL20110002805 granting a variance from Section 5.06.04.F of the Land Development Code to allow two wall signs on one building consisting of an existing wall sign of 93.33 square feet on the northern building façade and a second wall sign of up to 96 square feet on the western façade of its building which building is **located at 2380 Vanderbilt Beach Road** in Section 02, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: Nancy Gundlach, AICP, RLA, Principal Planner]

E. **ST-PL-2012-0000900**: **Marco Island Executive Airport Expansion Special Treatment Permit**: requesting an After-the-Fact Special Treatment development permit for an airport taxiway and associated structures that have been constructed within a Special Treatment overlay (ST) for a project known as the Marco Island Executive Airport, located in Sections 26 and 35, Township 51 South, Range 26 East, Collier County, Florida.[Coordinators: Chris D'Arco, Environmental Specialist & Fred Reischl, AICP, Senior Planner]

10. OLD BUSINESS

A. An Ordinance of the Board of County Commissioners of Collier County, Florida, **amending ordinance number 04-41, as amended, the collier county land development code**, by amending certain sections as authorized by the Board of County Commissioners. [Coordinator: Caroline Cilek, Senior Planner]

11. NEW BUSINESS

12. PUBLIC COMMENT ITEM

13. DISCUSSION OF ADDENDA

14. ADJOURN

CCPC Agenda/Ray Bellows/jmp



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May 3, 2012

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, May 3, 2012

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Mark P. Strain
William Vonier
Brad Schiffer
Paul Midney
Melissa Ahern
Karen Homiak
Diane Ebert
Barry Klein
Phillip Brougham

ALSO PRESENT:

Raymond V. Bellows, Zoning Manager
Caroline Cilek, Planning & Regulation
Heidi Ashton-Cicko, County Attorney's Office
Tom Eastman, School Board Representative



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CHAIRMAN STRAIN: Good morning, everyone. Welcome to the May 3rd meeting of the Collier County Planning Commission. If you'll all please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN STRAIN: Okay. Will the secretary please do the roll call.

COMMISSIONER HOMIAK: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER HOMIAK: Mr. Vonier?

COMMISSIONER VONIER: Here.

COMMISSIONER HOMIAK: Mr. Schiffer?

COMMISSIONER SCHIFFER: Here.

COMMISSIONER HOMIAK: Mr. Midney?

COMMISSIONER MIDNEY: Here.

COMMISSIONER HOMIAK: Ms. Ahern?

COMMISSIONER AHERN: Here.

COMMISSIONER HOMIAK: Mr. Strain?

CHAIRMAN STRAIN: Here.

COMMISSIONER HOMIAK: Ms. Homiak is here.

Ms. Ebert?

COMMISSIONER EBERT: Present.

COMMISSIONER HOMIAK: Mr. Klein?

COMMISSIONER KLEIN: Here.

COMMISSIONER HOMIAK: And Mr. Brougham?

COMMISSIONER BROUGHAM: Present.

CHAIRMAN STRAIN: Thank you.

Addenda to the agenda. We do have some changes today. First of all, the Agave item for the variance for the sign, which was 9D, has been requested to be continued by the applicant to 5/17/12.

Anybody have any comments? If not, is there a motion to approve that continuance?

COMMISSIONER KLEIN: So moved.

COMMISSIONER EBERT: I'll second.

CHAIRMAN STRAIN: Made by Barry, seconded by Diane.

All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

The Jaffe boat dock extension and the Jaffe variance, which is 9B and C, Mr. Jaffe would like to be here for that hearing. He hadn't originally planned to be. He's in, I believe, surgery this morning, so he asked if he could hear that last today. I didn't have a problem with it, so I told him that would be okay.

Does anybody have any concern?

COMMISSIONER EBERT: Not a problem.

CHAIRMAN STRAIN: So we will hear it after 12 o'clock. And if we're still into LDC issues at the time, we'll interrupt them to come back to this.

And, Heidi, I'm assuming we'll have to continue this meeting if we finish it before we go into LDC, and then



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open the LDC up as a separate meeting, or is -- it can be part of this meeting's old business? It's listed as old business under this meeting. Is that okay to continue it with this meeting?

MS. ASHTON-CICKO: Yeah, I don't think you need to close it.

CHAIRMAN STRAIN: Okay. Then the last item, Item 9E, is the ST for the Marco Island Executive Airport. That's going to be moved to new business. As an ST permit, it didn't need to be advertised under the advertised public hearings, so it will be going to 11A.

Anything else, Ray, that you know of?

MR. BELLOWS: I have no other changes.

COMMISSIONER SCHIFFER: Mark, I have.

CHAIRMAN STRAIN: Go ahead, Brad.

COMMISSIONER SCHIFFER: I'd like to add one item to new business, and that's how the CCPC is represented at the BCC meetings.

CHAIRMAN STRAIN: Okay. Planning Commission absences. Our next meeting is May 17th. Does anybody know if they're not going to be here?

(No response.)

CHAIRMAN STRAIN: Okay. Approval of minutes. We had electronically been sent the April 5th meeting minutes. Does anybody have any changes or corrections?

COMMISSIONER VONIER: I'd like my name corrected, please, the spelling.

CHAIRMAN STRAIN: Okay. And why don't you spell it for the record.

COMMISSIONER VONIER: V-o-n-i-e-r.

CHAIRMAN STRAIN: Thank you. Anything else?

(No response.)

CHAIRMAN STRAIN: If not, subject to that, is there a motion to approve?

COMMISSIONER KLEIN: (Raises hand.)

CHAIRMAN STRAIN: By Barry. Seconded by?

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Karen.

All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Motion carries, 9-0.

BCC report, Ray?

MR. BELLOWS: Yes. At the last Board of County Commissioners' meeting, they heard the variance for Plantation Island on the summary agenda. That was approved on this summary agenda.

They also heard the variance for the Wahl boat dock extension that had the companion variance for the encroachment into the riparian setback. The Board of County Commissioners approved that by a vote of 4-1. I believe there -- found that there was some type of land-related -- or related hardship, and the dock could not be moved.

CHAIRMAN STRAIN: Okay. Anything else?

MR. BELLOWS: That was it.

CHAIRMAN STRAIN: Okay. Chairman's report. There's none.

***We'll move right into consent agenda items. The first item up, or the only item on the consent agenda is 8A, PUDZ-PL2010-592. It's the Cultural Arts Village at Bayshore MPUD. We have that in our packet. Does anybody have any concerns, questions, changes, comments?



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COMMISSIONER EBERT: Yep.
CHAIRMAN STRAIN: Go ahead, Diane.
COMMISSIONER EBERT: Mark, on the back page, Page 2 of 2, it says no monitoring report required, and yet on Page 19, the CRA is supposed to be monitoring this.
CHAIRMAN STRAIN: Right. That's a different entity than the Collier County staff who normally receives the monitoring. Is that what you're referring to?
COMMISSIONER EBERT: But they will have to send them to the county, correct?
CHAIRMAN STRAIN: Ray, how does that work?
MR. BELLOWS: I need to check into that. Maybe Nancy knows.
MS. GUNDLACH: Commissioner, are you talking about the item that the CCPC had requested -- not the CC -- the EAC, the Environmental Advisory Committee?
COMMISSIONER EBERT: No.
MS. GUNDLACH: Okay.
COMMISSIONER EBERT: I was just reading your breakdown of, you know --
MS. GUNDLACH: Okay.
COMMISSIONER EBERT: -- of this, and I noticed that it said in the back on Page 2, on the executive summary it says no monitoring report is required and that you were going to put something in the executive summary about it. But on Page 19, the managing entity, which is the CRA at this point, it says will monitor it.
CHAIRMAN STRAIN: But I think they've got to monitor it pursuant to Page 20, which says when the PUD closed out, then the managing entity is no longer responsible.
COMMISSIONER EBERT: Right.
CHAIRMAN STRAIN: So up until that point they do have to monitor it, right?
COMMISSIONER EBERT: That's correct, they do. I want to make sure, because one says no monitoring report required, and the other ones says that they will monitor.
CHAIRMAN STRAIN: But I think the requirement is up until they're closed out.
MS. GUNDLACH: Correct.
CHAIRMAN STRAIN: Which is typical.
COMMISSIONER EBERT: Yeah.
CHAIRMAN STRAIN: Okay. Anybody else have any comments or changes?
COMMISSIONER HOMIAK: It says just --
CHAIRMAN STRAIN: Go ahead.
COMMISSIONER HOMIAK: On Exhibit A --
CHAIRMAN STRAIN: Page?
COMMISSIONER HOMIAK: Page 3 of 20, No. 41, is just to change the shop -- says tattoo shop -- to parlor. So it's just one or the other.
MS. GUNDLACH: Could you speak into your microphone, please.
COMMISSIONER HOMIAK: Oh, I'm sorry. On Exhibit A, Page 3 of 20, No. 41, where it says "tattoo shop," it should say "tattoo parlor" so it's consistent with the other.
MS. GUNDLACH: You'd like for it to say tattoo parlor instead of shop?
COMMISSIONER HOMIAK: That's how it -- that's how it says -- it's listed on another --
MS. GUNDLACH: Okay.
COMMISSIONER HOMIAK: In another number here, too, as tattoo parlor, and that is how it's written in the SIC code, so --
MS. GUNDLACH: Okay. We can change that.
CHAIRMAN STRAIN: Anybody else?
(No response.)
CHAIRMAN STRAIN: Okay. Is there a motion to approve the consent-agenda item?
COMMISSIONER AHERN: So moved.
COMMISSIONER VONIER: Second.
CHAIRMAN STRAIN: Made by Melissa, seconded by Bill.
Discussion?



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(No response.)
CHAIRMAN STRAIN: All in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 9-0.
Thank you.
***Next item up is our first advertised public hearing. It's Item 9A, PUDZ-PL20110001519, the Naples View RPUD, located at 6900 Airport Road North.
All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.
(The speakers were duly sworn and indicated in the affirmative.)
CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission? I had been contacted a couple of times by Ms. Crespo trying to get together. Since I was out of town, it was -- didn't work out. So at least I had two emails from her.
Other than that, we're good to go. Whoever the presenter is.
MS. CRESPO: Good morning, Commissioners. For the record, Alexis Crespo with Waldrop Engineering representing the applicant, Naples View, LLC. Here with me today is Steve Hagenbuckle, who is the property owner and managing member of Naples View, LLC, as well as Ron Waldrop, who is the principal in charge of Waldrop Engineering and also the engineer of record for the project.
We also have David Wheeler with TR transportation who prepared the Traffic Impact Statement, which was submitted as part of this application.
The request before you today is for recommendation of approval to rezone the 11.3-acre subject property from rural agricultural to a residential planned unit development to allow for a maximum of 66 dwelling unit as well as accessory uses.
The subject property is located in the northwestern portion of Collier County south of Orange Blossom Drive and just east of Airport-Pulling Road, which is a six-laned arterial roadway.
As you can see on that aerial location map, the site does have direct access via a right-in, right-out, which is serviced by a 175-foot northbound turn lane.
The property within the urban residential subdistrict per your Future Land Use Map and is the former Wizard Lake Nursery property. They did vacate that site in 2008. And as you can see on that aerial, it has reached a state of somewhat disrepair over the years.
The existing site conditions are abandoned tree nursery as well as about a 2.5-acre stormwater management pond.
Looking at our surrounding uses, to the north we have the Naples Botanical Nursery, which is an active retail landscape operation. That property is within the Orange Blossom mixed-use subdistrict, per your Future Land Use Map, and is zoned planned unit development as part of the Long View PUD.
That PUD is sunsetted, however, did approve 143,000 square feet of commercial and office uses as well as a residential component to be integrated in a mixed-use format.
Also to the north, east, and south of the property is the Walden Oaks community, which is also zoned planned unit development. This has been built out, as it was approved in the late '80s, with a mix of residential product types ranging from single family detached to multifamily condominium products. When you look at those uses that directly abut the Naples View project, we have single-family detached units to the north, as well as their private internal right-of-way, Lone Oak Boulevard.



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To the east we have their multifamily component, which is the Barrington condo complex, and to the south is their private on-site recreational facility. And then as you move closer to Airport Road, they have a 24,000-square-foot professional office center approved as part of that PUD.

Moving west of Airport Road is the Carlisle of Naples, which is zoned agricultural and is a permitted ALF use, and to the south of that is agriculturally zoned lands within the urban residential subdistrict.

Getting into the specifics of the rezoning request before you today, the applicant is seeking approval of an infill redevelopment program with a fairly limited schedule of uses to be compatible and consistent with the surrounding development pattern. The applicant is seeking single-family detached, two-family duplex, as well as townhouse dwelling units. And to be clear, the applicant has limited the multifamily use to simply a townhouse product type to prohibit a situation where you'd have units stacked upon units, and that change was done in accordance with suggestions and recommendations from the Walden Oaks community.

The applicant is requesting a maximum of 66 units per the bonus density provisions in your Growth Management Plan, which I'll address in more detail later in the presentation.

And in addition to the residential units, the applicant is seeking the standard recreational and accessory uses, which are typical to most residential planned unit developments. They are also seeking approval of an interconnection to the future mixed-use subdistrict to the north.

This next slide depicts the proposed master -- or proposed master plan associated with the PUD. Access from Airport Road is proposed via that existing ingress/egress. There's an optional gate shown on the master concept plan, as well as the two arrows to the north depict the location of that multimodal interconnection to the mixed-use subdistrict, which would provide vehicular bicycle and pedestrian access.

The residential tracts are labeled R2 or R1. The R2 tracts are located closest to Airport Road and would allow the full gamut of proposed residential uses which are, again, single-family detached, two-family, and townhouse.

The intent there is to cluster the denser product types towards Airport Road which is, again, a six-lane arterial roadway and then transition to a lower-density product in the R1 tract, which would be limited to single-family detached and two-family.

You'll notice that the applicant is intending to preserve the on-site lake to the extent possible, as it serves as a nice amenity for future residents, also provides stormwater management on site, and provides substantial separation between the Walden Oaks amenity center and the proposed residential uses within the Naples View project.

You'll also notice several operational recreational centers noted on the PUD master plan, which were sensitively located to avoid any impacts with the Walden Oaks community and direct those uses away from their established residential areas.

The applicant has requested five deviations as outlined in your staff report. The first deviation is for a reduction in buffer width, as shown on this slide. It's for a small portion of the northern property line. The applicant is requesting a 10-foot-wide Type B buffer with the Type B plantings required by your code in lieu of a 15-foot Type B buffer; therefore, the same amount of plantings will be provided, and the opacity intended by the code will be achieved to screen those uses; however, due to the infill nature of the site as well as the relative narrowness of this property, it's certainly important to be able to create a narrow buffer in that situation and able to accommodate the rights-of-way, residential tracts, and usable open-space areas. And staff has recommended approval of the deviation as proposed.

The second deviation is to allow for larger temporary signage along the Airport-Pulling frontage. The code allows for signage of 4 square feet in area and up to 3 feet in height. The applicant is seeking 32 square feet in area and 8 feet in height. And we did work with Diana on this deviation to get it to a point where staff was comfortable with its approval.

The intent is this area is not necessarily an emerging area of the county with a lot of new residential development. That's largely occurring east of the interstate along Immokalee and down south in Lely. So in order to attract attention to the property and hopefully boost interest in the future sales, the applicant is seeking that additional signage.

The staff has conditioned this deviation to be a maximum of 28 days per year, and the applicant is in agreement with that condition.

The third deviation is a fairly typical deviation within most PUDs and certainly within most your infill PUDs where the applicant is seeking a 45-foot right-of-way for those private roads internal to the development. This slide



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shows the proposed 45-foot right-of-way cross-section.

As you can see, the applicant is proposing 10-foot-wide drive lanes, which is in accordance with the drive lane width within your LDC cross-section. Additionally, the 5-foot-wide sidewalks are also consistent with the LDC.

The applicant, again, is requesting this deviation in light of the infill nature of the product, the narrowness of the site, and the desire to maintain that non-stormwater management pond to the furthest extent possible.

And, additionally, as noted in your staff report, the narrower right-of-way widths have been proven to provide a traffic-calming effect and not negatively impact public health, safety, and welfare. And staff has recommended approval of this deviation as proposed.

Deviation 4 is to allow for a dead-end street as shown on the PUD master plan denoted by this arrow. This dead-end street is 140 feet in length. The local fire code provides that dead-end streets can be up to 150 feet in length. In order to ensure that adequate public safety is served, staff has recommended approval of the deviation as proposed as well. And this stub-out would serve between two to four units at most and, therefore, will not impact public health, safety, and welfare.

The last deviation is to provide additional wall height. The code allows for a maximum 6-foot wall in residentially zoned districts. The applicant is seeking a slight increase to that to allow for an 8-foot-tall wall or combination wall/berm. The deviation is intended to help to screen the surrounding established residential areas to ensure compatibility there and also to help to screen Airport Road which is, again, an arterial roadway, and to buffer the light and noise generated from that roadway.

Touching briefly on the environmental aspects of the site, the applicant did engage Passarella & Associates prior to submittal of the application. Passarella did perform a site visit and found that there are no listed species within the project or in the project's vicinity. They also noted that there are no listed plant species within the site.

The FLUCCS codes here are limited to exotic ornamental trees as well as the stormwater management pond on site. So there are no environmental constraints within this property. And, again, it's an ideal infill location with its limited site constraints.

Based on those various items, staff did waive the review of the Environmental Advisory Committee, which I'd like to note.

In terms of infrastructure, the applicant did secure water and sewer availability letters from Collier County Utilities, which does indicate there is adequate capacity to service the proposed density at the six units per acre through the bonus density provision.

The TR Transportation did provide a Traffic Impact Statement based on methodology agreed upon by county staff. That impact statement did note that there is adequate capacity and an adequate level of service along Airport-Pulling through the projected year of 2016.

There are also no turn lane or site intersection improvements warranted by the proposed density, and the applicant has committed to provide their proportionate fair share to improve the Orange Blossom and Airport Road intersection.

And that would -- per the commitments, that would be done 90 days within the -- within 90 days of the county's request.

Getting into the bonus density, which really is one of the central items of this request, your Growth Management Plan, through Policy 6.3, does provide provisions to provide transportation demand management criteria into a project in order to allow for increased density.

We certainly feel, due to this project's location within the urban core of Naples with adequate infrastructure and minimal site constraints, that it is an ideal location for implementation of the bonus density provisions.

As noted, we're adjacent to the Orange Blossom mixed-use district to the north, as well as the commercial component of Walden Oaks to the south.

And in order to just demonstrate your surrounding densities and intensities, we have put together the slide. Walden Oaks was originally approved for 6.32 units per acre. They did build out at less than that, at 3.2, however, did develop 24,000 square feet for commercial uses as part of that.

I've noted the intensive mixed-use district to the north. Going west of Airport Road, we had the Bear Creek PUD, which is a built-out planned development approved at 14 units per acre, and then south of that is the Arbour Walk PUD, which is built out at just under 12 units per acre. And then, lastly, we have Laguna Bay, which is just over a quarter mile south of the property, which is conventionally zoned and built out 12 units per acre.



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So, clearly, this is an area of density and intensity that warrants the proposed density being proposed through the application, and it would create a logical transition of densities from the Walden Oaks community as you get closer to the Airport Road arterial roadway.

It's important to address compatibility in any case where you're proposing an infill development where there's an established residential community near by. The applicant has worked extensively with the Walden Oaks community in addition to the requisite neighborhood information meeting that was held in January. We did meet again at their clubhouse in February, and then held a third meeting with some liaisons and HOA members at that time to work through some of their concerns.

And the main changes that stem from these meetings was the limitation on multifamily uses to ensure they were limited to the townhouse dwelling type, also the limitations on the R2 rear tract to ensure that would be limited to single-family detached and two-family and that the more dense product type would be clustered along the Airport Road frontage.

The applicant also elected to reduce the maximum zoned height down from 50 feet to 35 feet to be more compatible with their maximum heights, and we certainly feel that the proposed residential community will be complimentary and compatible with their community and would certainly be an improvement over the site conditions, which is a very dilapidated site that's very overgrown with exotic vegetation.

And just to give you a sense of the variety of product types in Walden Oaks, if you haven't been able to visit that community, just east of the Naples View project, we have there Barrington condominium use, which is done in 8-unit buildings where units are stacked upon units in a fairly dense product type.

There are single-family detached along the northern property line. This is one of those units. And we do have a gentleman here today that is one of those single-family homeowners, and I believe you'll hear from him that he's certainly supportive of the proposed rezoning and that we'll enhance his views and redevelop a site that's in desperate need of redevelopment.

And then, lastly, I'd like to point out there are the two-family, twin villa type -- product types that are being proposed through this application throughout the community.

So that community does have a variety of different product types and densities that are compatible with what is being proposed here today.

Touching on compliance with your Growth Management Plan. We are in the urban residential subdistrict. The property's in a location with the existing infrastructure to support the proposed density with limited site constraints, which is in direct compliance with this policy.

Similarly, Policy 5.3 addresses urban sprawl. This rezoning would direct new development into the county's urban core and prevent development in green-filled areas outside of your planned infrastructure.

In terms of compatibility, Policy 5.4, we've addressed this thoroughly with the community in terms of limiting the product types, reducing the zoned height, and also providing buffer yards to ensure compatibility there.

Policy 6.3 addresses the bonus density. The applicant is proposing two of the five criteria, as is required by your Growth Management Plan in the terms of a vehicular bicycle and pedestrian interconnection which will not only allow future residents to directly access goods and services within that mixed-use subdistrict but provide an opportunity to go directly to Orange Blossom and redirect some of the traffic that would normally exit the site on Airport-Pulling Road.

In compliance with the Transportation Element, the applicant has provided evidence that level of service will not be impacted upon Airport Road or surrounding roadways and that, in terms of the Conservation and Coastal Element, we are in compliance with that section of your Growth Management Plan in terms of the lack of environmental constraints on the site.

Before I conclude, I'll just touch on the staff report. Staff has indicated that this rezoning is consistent with the Growth Management Plan, that it meets the intent of the planned unit development zoning district, the proposed uses and densities are compatible with the surrounding area, and that the potential traffic impacts will be adequately mitigated by the PUD commitments as well as the interconnection and bicycle/pedestrian access. And they have recommended approval of the rezoning with the bonus density and all five deviations as conditioned.

And the applicant is in agreement with all the findings of fact in the staff report as well as their conclusions.

Therefore, to conclude, we feel the Naples View rezoning is an ideal location for infill redevelopment as a prime example of how to take advantage of the bonus density provisions in your Growth Management Plan. As



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demonstrated in the presentation, the uses and density are consistent and compatible with the surrounding development pattern and will provide a logical transition of density as you near the arterial roadway.

We have demonstrated that there is adequate public infrastructure available to service the site and that there are no environmental issues.

Based on compliance with your Land Development Code and Growth Management Plan, we would respectfully request your recommendation of approval of the request as presented.

Thank you.

CHAIRMAN STRAIN: Thank you. That's a very thorough presentation.

MS. CRESPO: Thank you.

CHAIRMAN STRAIN: Much appreciated.

Phil?

COMMISSIONER BROUGHAM: A couple clarifications, please.

MS. CRESPO: Yes, sir.

COMMISSIONER BROUGHAM: I need a bit more explanation of the proposed interconnection to Orange Blossom that's shown on your site plan. And I'm reading on Page 8. I think this may be in the staff report.

Pedestrian/bicycle and vehicular interconnection has been provided on the site plan to the north. Because the PUD to the north is sunsetted, an amendment would be required to allow additional development on that site. At that time the interconnection could be made if it remains warranted.

I guess -- who's got the ball in this case? I mean, yes, you're going to provide a potential access to the north, but that requires both parties to participate; does it not?

MS. CRESPO: Yes, sir. And the previously-approved Long View Center PUD did provide the interconnection on their original master plan approved in 2001 so, certainly, the interconnection we're proposing, as well as -- we've gone a step further and we're proposing it in a non-exclusive access agreement with that property owner.

So I believe this gives staff the authority and ability to really push forward when they come back for their PUD amendment or rezoning at that time to ensure that they have to utilize that interconnection and have it working.

COMMISSIONER BROUGHAM: So you're going to be doing your part in the future; that development to the north will be connected in?

MS. CRESPO: Yes.

COMMISSIONER BROUGHAM: I'm seeing heads shaking in the back there. Okay, thanks.

MR. BELLOWS: Yes.

COMMISSIONER BROUGHAM: One other question on Page 17 of 20 here, in my book anyway -- and references the question at the neighborhood information meeting, a question, Comment 5, there is a concern with the ability of Walden Oaks residents to make a right turn onto Airport Road to head northbound. Response is, so noted.

Could you put some background as to why that comment was made or what the issue was there?

MS. CRESPO: There is a northbound turn lane to access the Carlisle of Naples, which is directly across from the project's entrance. And I believe the concern is that future residents -- and perhaps I can go back to the aerial.

There is a concern that they will -- people exiting, future residents of Naples View, will cut across three lanes of traffic and get into the Carlisle turn lane, which many Walden Oaks residents use as a U-turn spot.

This would certainly be an illegal weaving movement, which --

COMMISSIONER BROUGHAM: You have to go in and --

MS. CRESPO: -- could be satisfied by signage and police enforcement. So that was the concern expressed there.

We did work with staff on some various options to prohibit that type of movement. And when it comes down to it, it is illegal. It will be enforced by the police.

COMMISSIONER BROUGHAM: Okay. And then the following question at the same meeting, what is the status of staff's comment to provide a hardened separator to prevent future Naples View residents from accessing the southbound turn lane in front of the property? The applicant is working on addressing the comment with staff.

MS. CRESPO: Our first comment letter requested a hardened separator be provided, which the applicant was amenable to providing; however, based upon further discussions internally with staff -- and he may want to jump in here -- but it was determined that that could potentially create greater safety issues due to the length of that turn lane



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and having -- that could create a tunnel effect and really negatively impact Walden Oaks folks trying to get in that lane.

And due to the travel speeds along Airport Road, I think the fear is that people are traveling at a quick pace, they need to get in that turn lane, and because there's a separator in place, it's going to create a lot of safety issues that could, perhaps, be better dealt with by signage. The interconnection is certainly going to help when residents of Naples View can go up to Orange Blossom, and really police enforcement to prevent illegal U-turns and erratic driving, really.

COMMISSIONER BROUGHAM: Okay, thank you. That's all I had, Mark.

CHAIRMAN STRAIN: Anybody else? Brad?

COMMISSIONER SCHIFFER: Yeah. Was the wizard, the Tree Wizard thing, was the property to the north part of that same nursery?

MS. CRESPO: No, sir. The property to the north is owned by Mr. Pulling. I believe the Tree Wizard site was owned independently of that and were never working in concert.

COMMISSIONER SCHIFFER: And the lake was never part of the stormwater for that site to the north?

MS. CRESPO: No, sir.

COMMISSIONER SCHIFFER: Okay.

MS. CRESPO: I believe that -- I believe the pond was constructed prior to water management permitting in the early '80s. It was constructed to service that site.

COMMISSIONER SCHIFFER: Okay. Have you laid out the units yet on this site?

MS. CRESPO: No, sir. We've worked on various site plans. There are interested builders in the property certainly; however, we are requesting a flexibility in the types of product types that are similar to what has been built in surrounding communities in order to provide the flexibility. This is still a very volatile market where product types are constantly changing. So we have not gotten into detailed site planning at this time.

COMMISSIONER SCHIFFER: Okay. Because I do have a little concern that if you push too much of the density up to Airport, that's not a nice place to live. Those roads are loud. You can see Walden Oaks pulled everything back.

So, I mean, I would be in favor of taking some of R1 that's up on the east side of that lake and adding that to R2, because I don't think it would be a good idea to put a lot of people on the street. And I know what you're trying to do by density blending, but, you know, the Walden Oaks is nowhere in that area either so, I mean, it would be a good place to further bring that across the street there just to keep some people off the highway.

But I'm done, thanks.

CHAIRMAN STRAIN: Anybody else have any questions of the applicant at this time?

COMMISSIONER EBERT: Yes, I do.

CHAIRMAN STRAIN: Okay.

COMMISSIONER EBERT: Good morning.

MS. CRESPO: Good morning.

COMMISSIONER EBERT: I noticed -- so it's different owners; who has the corner piece is Mr. Pulling. This is a different owner, but you are really talking about people going to the north that can -- you're talking about Orange Blossom. How -- apparently that's going to be pretty much commercial. I assume the driveway getting in there will be at least 600 feet from the corner on Orange Blossom, on Orange Blossom Road?

CHAIRMAN STRAIN: That's up -- that would be more a responsibility of the PUD to the north, not hers, so I'm not sure she would be able to answer that question accurately, Diane.

COMMISSIONER EBERT: Well, they want to exit, she said, Orange Blossom Road, so that was a question that I had.

MS. CRESPO: I believe that property has access to Orange Blossom, which could foreseeably be utilized when it's redeveloped.

COMMISSIONER EBERT: Okay.

MS. CRESPO: And it would have to meet connection separation standards per the code.

COMMISSIONER EBERT: Okay. And then also on your plan, you say you're having sidewalks on both sides.

MS. CRESPO: Yes, ma'am.



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COMMISSIONER EBERT: On your right-of-way, is there not going to be a wall to the north of this on the property?

MS. CRESPO: There is shown as an optional wall --

COMMISSIONER EBERT: Optional fence or wall buffer?

MS. CRESPO: Yes, ma'am.

COMMISSIONER EBERT: All that's all road right up to that fence or wall; is that correct?

MS. CRESPO: Yes. Well, there's a buffer yard in between the right-of-way and the northern property line.

COMMISSIONER EBERT: Yes, I see that, but other than that, that's all roadway. Is it necessary to put the sidewalk on that side also?

MS. CRESPO: The code allows, when there's 15 units or less on a cul-de-sac, that the sidewalk is only required on one side of the roadway. So we're proposing sidewalks in accordance with the LDC. And when there is the ability to have relief for a single-loaded road or a cul-de-sac roadway, we don't believe we will exceed the 15 units on that rear tract and would likely end up with a sidewalk on one side in accordance with the LDC. We do not need a deviation, though, to achieve that site design.

COMMISSIONER EBERT: Okay. Because I really -- we have 55 on ours, so -- and only one sidewalk.

Are you saying that the pond on the property was never used for retention?

MS. CRESPO: Retention for the nursery?

COMMISSIONER EBERT: For water management.

MS. CRESPO: I believe it is a -- it is a retention pond for the former Wizard Lake Nursery site.

COMMISSIONER EBERT: Okay. Because you are saying on Deviation 3 the rationale was the proposed deviation will allow for design flexibility. The proposed project is true infill, but the site constraints, including a large stormwater management pond. Everyone has to keep their own water on their own property, so you will be using this?

MS. CRESPO: Yes, ma'am. The intent was, whereas certainly a future developer of the property, Mr. Hagenbuckle could elect to fill in some of that pond. He is proprosing to maintain it to the maximum degree in order to use it as a site amenity. Certainly, stormwater management has to be provided on site, but it could be provided in a variety of forms, and he is proposing to maintain that lake, not only for its amenity, but to separate the residential from the Walden Oaks recreational facility.

COMMISSIONER EBERT: Okay. I notice there is no preserve on this at all, and environmental said that it did not need -- because it's all exotics.

MS. CRESPO: Yes, ma'am.

COMMISSIONER EBERT: So they don't have to have their proportionate share. But when I -- reading through this, I noticed on Page -- let me see -- 18, some of your residents from Walden Oaks were concerned about the birds and everything else in there. And according to you on one side, everything is exotics or you're removing everything and yet you're saying in response to Question 15 that existing vegetation will be utilized to create the required buffers.

If it's all exotic, meaning you have to take it down, you are going to replant some of these trees and everything then?

MS. CRESPO: I believe some of the ornamentals -- these aren't necessarily -- it's not all Melaleuca or Brazilian pepper on the site. There's a lot of attractive exotic trees that may be able to be incorporated into the landscape buffers.

COMMISSIONER EBERT: Okay. All right. Thank you.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: I've got a couple.

Let's go to your PUD on Page 1 of 7. Under your permitted uses, you list various uses, R1 and R2. Are you intending this project or this product to be fee-simple or condominium?

MS. CRESPO: Typically, the townhome product is a fee-simple product type. It differs from the others in that it would be more than three units.

CHAIRMAN STRAIN: Well, I'm familiar with the kind of product. I just want to know how you're going to sell it off. You're going to sell it off under a fee-simple basis or as a --



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MS. CRESPO: Fee-simple, yes, sir.
CHAIRMAN STRAIN: So that means you're going to plat the tracts?
MS. CRESPO: Yes, sir.
CHAIRMAN STRAIN: So that means you're going to have to plat your recreational facilities, right?
MS. CRESPO: Yes, sir, if the developer elects to move forward with those.
CHAIRMAN STRAIN: Right. And if he wants to use -- move forward with it and he separately plats each tract for the different residential units as well as the recreational facilities if he decides to put those in, they then are principal uses on that tract. So you're only listing them under B as accessory use. So I think you'd want to be safe so that you can, in the future, put a recreational facility on a tract and have it as a principal use; otherwise, you might have a problem putting it there as an accessory use.

So I would think that under your accessory uses, where you have No. 2, you may want to consider how it's to incorporate those into your principal uses under the tracts. And I'll confirm this with staff when they come up, because I would hate to see you come in and have them say you cannot have the accessory use without a principal use on the tract, and that would be dictated by your -- whether it's fee-simple or not, so --

On Page 2 of your document, you do list the recreation in with the principal uses, so I think that's appropriate. I think you just need to follow it through on Page 1.

On your master plan, there are two questions. Up in the upper right-hand corner of the master plan you have a box. It says Type A buffer for single-family units or as allowed by LDC Type B buffer for multifamily units or as allowed by LDC.

The deviation you requested, you had a red arrow pointing to the 10-foot Type B buffer over to the west side of the parcel. You didn't have that arrow pointing on the ones on the right side.

So are you saying that the Type A buffer and the Type B buffer that you may put there will be a deviation to the LDC by the way you've worded it in that box?

MS. CRESPO: No, sir. Should residential R1 tract be developed with a single-family product type, that would be the Type A buffer.
CHAIRMAN STRAIN: Okay. So it's going to be dependent on the single-family?
MS. CRESPO: Yes.
CHAIRMAN STRAIN: On the product type and not --
MS. CRESPO: Yes, sir.
CHAIRMAN STRAIN: -- not in a deviation?
MS. CRESPO: We will meet code. We certainly did not want to request a deviation to reduce the buffer adjacent to Walden Oaks.
CHAIRMAN STRAIN: Just what I wanted to make sure.

Under your general notes, No. 5, the locations for recreation facilities are approximate in nature. Recreational facilities are not required. And I have no problem with the fact that they're optional. That's fine. But you made a statement earlier that you located them to avoid any conflicts with the neighbors. I would just want to see that language in No. 5 amended to a point where we're assured that the locations you show are the approximate locations where they'll be and that you just can't use that approximation to move it to the end of the residential tract near to Walden Oaks, only because you made that assurance previously. Do you have any problem with that?

MS. CRESPO: No, sir.
CHAIRMAN STRAIN: Okay. Then under your Exhibit F, development commitments. It's on Page -- actually Page 7. And this may be a question more of staff than you, but I'm assuming you may have written it. Under 2.7, 2.8, and 2.9, all potable water infrastructures shall be conveyed to Collier County and wastewater, and they'll all be customers of Collier County. I understand they'll all be customers. But 2.7 and 2.8, in the letter that you got from county staff, if you don't provide them with CUEs, all those internal lines are yours to maintain yet by this is a conflict because here it's saying you're going to be county. So I'm just wondering, has anybody understood how that letter applies in relationship to the requirements in this PUD?

MS. CRESPO: To be honest, no, sir. Ms. Deselem and I were given these commitments by utility staff, and we did elect to include them to appease their concerns; however, we are not sure of their origin or intent. It was simply a step we took to be found sufficient to move forward to hearing. I don't know if Mr. Martins is here.
CHAIRMAN STRAIN: Well, when the staff report comes up, I'll bring up staff, and we'll find that answer



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out to that question. That would be -- work for that.

That's all I got. Thank you very much.

MS. CRESPO: Thank you.

CHAIRMAN STRAIN: Okay. Is there a staff report now?

MS. DESELEM: Good morning. For the record, Kay Deselem, principal planner in zoning. Also here today we have someone from transportation to address any concerns you might have with transportation issues, and we also have a representative from utilities here to address your concerns about utilities, as was just mentioned.

I won't go into the staff report in detail because the applicant has made a very thorough presentation, as you noted. I will suffice to say that staff has recommended approval as shown on Page 19 with approval of Deviation 2 stipulated.

We have provided the findings of fact, both rezone and PUD findings in support of our recommendation. Other than that, if you have questions, I would be happy to address them or stand aside so other staff members can.

CHAIRMAN STRAIN: Any questions of staff?

COMMISSIONER AHERN: I just have one.

CHAIRMAN STRAIN: Go ahead, Melissa.

COMMISSIONER AHERN: Kay, what was the 28-day limit based on? Is that generally what we've given others?

MS. DESELEM: In the temporary sign requirements, there's a 45-day and a 28-day. And we figured that the -- we, being staff, decided that the 28-day should accommodated their needs rather than the 45-day.

COMMISSIONER AHERN: Okay, thanks.

CHAIRMAN STRAIN: Okay. Anybody else? Go ahead, Bill.

COMMISSIONER VONIER: Why?

MS. DESELEM: Just because it seemed that there wasn't any underlying reason to the -- to allow more time. They didn't seek more time, and we thought that the 28 days would accommodate their wishes. They didn't come back with anything asking for more, so I have to assume then that we picked the right number.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: No, you're --

CHAIRMAN STRAIN: Go ahead, Diane.

COMMISSIONER EBERT: You're going to talk about the utilities though, correct?

CHAIRMAN STRAIN: Well, I have my question about it. If you have other questions, go right ahead.

COMMISSIONER EBERT: Well, it's pretty much -- in here, the way it's written, Kay, because this already has -- right out in front of them has the Collier County Utilities, I think it was the way it was written that it said the product -- the project shall connect, you know, and then it says, should the Collier County Water District determine they don't have sufficiency. That is done ahead of time, I hope, you know, because, otherwise, they're telling -- in this, it's the explanation of this, I think, that I have a little problem with, because there are utilities there, correct?

MS. DESELEM: If I may, I'm going to defer the question to the utilities staff person.

COMMISSIONER EBERT: Okay.

MR. CROMER: For the record, Aaron Cromer, public utilities.

The generic language was created to be standard across all public planned unit developments, and there are -- there is existing capacity for water and sewer in front of this PUD as described in the letter dated September 27, 2011, I believe, from Javier Martinez.

CHAIRMAN STRAIN: Okay. Anything else, Diane?

COMMISSIONER EBERT: No.

CHAIRMAN STRAIN: Okay. Well, I have a -- stay right up there. Since you're utilities --

MR. CROMER: All right.

CHAIRMAN STRAIN: -- let me jump in.

MR. CROMER: I'm here, I'm here.

CHAIRMAN STRAIN: First of all, under -- are you familiar with Exhibit F, or do you have a copy of it in front of you, Page 6 and 7?

MR. CROMER: Yep, got it right here, yes, sir.

CHAIRMAN STRAIN: Okay. In 2.5, all utility facilities shall be designed and constructed in accordance



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with 2004-41. If that wasn't written there, does that mean they wouldn't have to construct in accordance with that ordinance?

MR. CROMER: No, it does not.

CHAIRMAN STRAIN: Then we can drop it?

MR. CROMER: What it does do is it allows us to make sure that we are checking for those processes and progress through the PUD project.

CHAIRMAN STRAIN: Well, if you --

MR. CROMER: It allows us to manage and maintain the commitments as we move forward through the PUD.

CHAIRMAN STRAIN: Well, if your staff doesn't know to do that, then you've got the wrong staff. So I can't see the redundancy needed in this document. We've stressed for many years to remove redundancy. And if you get along -- if you feel this is necessary, then we better start reinserting all of our Code of Laws and Ordinances into this document. I can't see the need for that, so --

MR. CROMER: Sure, at your request.

CHAIRMAN STRAIN: I think 2.5 needs to be struck.

And 2.6, where does that come from? I mean, did you -- do you rewrite that at every occasion? Do you decide that -- isn't the utility facilities that have to be included spelled out in 2001-31?

MR. CROMER: Generically, sir, they are; however, some SDPs are different than others, and some of this language here is designed to ensure that all the documents that are pertinent to each PUD is received in the appropriate time, and we manage and review those through the coordination of our GMD review process.

CHAIRMAN STRAIN: Okay. So when someone's looking at this particular project, if there is a utility facility there that's unique to the project, by this language you're saying it becomes included as part of the facilities, and that wouldn't be done by a normal ordinance that we have?

MR. CROMER: That is the intent.

CHAIRMAN STRAIN: Okay.

MR. CROMER: Again, your recommendation -- we can do what the board recommends. There's no problem with that. This was a consistent language that we're trying to get standard across the PUDs to ensure that we don't have to change the language many, many, many, many times between the PUDs as they come through rezones and re-permitting.

CHAIRMAN STRAIN: The best way to do that is to avoid this kind of language in the PUDs and include it in ordinances that go across the board regardless of the PUD; then you're covered. And we tried to clarify that. Ray rewrote the PUD language after we normally were getting PUDs 30 and 40 pages long, which were ridiculous.

And so all this was supposed to be streamlined to accommodate these flexibilities that you need. And if our ordinances don't do it, I suggest an easier way for your department to get that point across is to amend the ordinance, then you've got that point covered for every PUD regardless of the situation.

MR. CROMER: And we're coordinated with growth management as well to do that.

CHAIRMAN STRAIN: Ray, 2.6, did you see a particular need for it in here?

MR. BELLOWS: Yeah. I was just rereading it again, and it seems to be redundant to current codes and the procedures in place. It's -- I think I understand the intent of creating unified language, but it's already covered by current code.

CHAIRMAN STRAIN: Thank you. 2.7, all potable water infrastructure shall be conveyed to the Collier County. That conflicts with the letter that I saw your department wrote to this applicant regarding whether or not they use CUEs. If they don't use CUEs, all the internal lines are going to be theirs. They're not going to be conveyed, then, I would assume. So is that a conflict?

MR. CROMER: It's really the intent of the PUD owner/operator. If they're going to convey them to utilities, which some do, some don't, we need to be consistent with that. So we need to coordinate more closely with the owner.

CHAIRMAN STRAIN: Okay. But that doesn't help you here. Under Exhibit F, under 2.7 it's not choice. They have to. So that means you're requiring them to produce the CUEs that you previously provided as an option in your letter. I'm just trying to get to what is going to be done so the commitment either is yea or nay and we don't have a conflict between your letter and the commitment.



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MR. CROMER: So my question would be, without looking like a fool, what is the intent of the developer? Do they want to convey or not convey? Because I did not ask that question up front.

CHAIRMAN STRAIN: It's -- and they can -- why don't you come forward to the mike and --

MR. CROMER: And that can be resolved offline, and these can be adjusted.

CHAIRMAN STRAIN: Well -- but it can't be resolved offline if the document is written this way. That's why I'm trying to resolve it so that we don't have a conflict offline.

COMMISSIONER EBERT: Thank you.

MR. WALDROP: For the record, Ron Waldrop, engineer for the project.

Because we don't know where we're going with the product type, that usually dictates to us what we do with the utilities. In a single-family situation, typically we'll have the right-of-way and convey all of the utilities over to Collier County Utilities, but if we have a -- let's say, some services that are serving a recreation area, there might be the requirement that we have private utilities that serve that parcel.

So it would be something that's typically worked through during the construction plan, permitting process, whether it's an SDP or a PPL.

So I think, as far as at this level, we would want it to be an option as long as it meets the codes and the ordinances for the utility group.

CHAIRMAN STRAIN: Well, I would suggest that 2.7 and 2.8 also be removed, and they'll be worked out as you guys build the project. I don't know why you wouldn't have objected to it when it was added to the PUD for the same reason I'm objecting to it. It protects your client. And you might want to -- these kind of things don't need to be in here. They just confuse it and they muck it up as we go down the road.

So, Ray, I'm suggesting 2.7 and 2.8 come out as well. Any problem with that?

MR. BELLOWS: Typically they would be addressed at subsequent development orders as they come in, so it seems to be unnecessary to put it in the PUD document.

COMMISSIONER EBERT: But it is in the PUD document.

CHAIRMAN STRAIN: Okay, thank you. That's all I have of the utilities.

Anybody else?

(No response.)

CHAIRMAN STRAIN: Kay, do you have any problem moving that accessory recreational facility to principal use in the various tracts to cover the concern I had?

MS. DESELEM: No, sir.

CHAIRMAN STRAIN: Okay. That's all I've got.

Anybody else have anything?

(No response.)

CHAIRMAN STRAIN: Are there any public speakers? Anybody in the public wishing to speak in this matter? Sir, come on up, identify yourself for the record. And I believe you were sworn in earlier, if not -- okay, you were.

MR. JONATHAN: Good morning. For the record, my name is Michael Jonathan. I'm a resident of Naples since 1987 and of Walden Oaks since 1996. Walden Oaks, of course, is that residential subdivision that borders the proposed Naples View project.

I'm also the owner of Design Drafting of Naples, and we've been in the business of designing blueprints for commercial and residential products for Collier County since 2000.

CHAIRMAN STRAIN: You need to pull that mike a little closer to you. There you go. Thank you.

MR. JONATHAN: In Walden Oaks there are five homeowners' associations. I've been asked to speak on behalf of Lexington at Lone Oak, which directly borders the north side of the potential rezone project right here.

Lexington at Lone Oak is a nice community. The reason a lot of us moved there is because there's not a lot of vertical -- tall vertical structures right around our properties.

My specific property borders 324 feet of this rezone property. And a lot of us were very nervous when we heard about this new development going in because the preliminary petition called for multifamily, multistory structures. And I can tell you that Walden Oaks is adamant that we don't want 45-foot buildings right adjacent to our properties looking down into our privacy.

So I know that Commissioner, respectfully, Schiffer mentioned that the rear residential tract would be better



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for that. I can tell you that, as a whole, Walden Oaks is adamantly opposed to that. We want the lower-density single-family homes back there, and that's one reason why several meetings negotiating that with the developer and the engineer, we arrived at the building schedule the way it was.

It was a pleasant surprise for us that they were completely courteous and professional from the beginning of this project and asked us what kind -- our feeling was on the buildings, the wall that's going to be surrounding the property, the landscape buffer, and have listened to all our suggestions. So that was a very pleasant surprise, especially when they went in and revised and struck the language about the multifamily, multistory buildings. That made a lot of the residents there feel a lot better.

One of the main issues that they're concerned about right now is that turning lane when you're southbound on Airport Road. Right now there's a no U-turn there. And the sign is so far back and obscured by the landscape that nobody sees it.

So during rush hour, traffic is coming north in three lanes of traffic, we're trying to pull out, and people are going to be making U-turns trying to do the development in that property. And, of course, there's a lot of close calls there.

So one thing we wanted to ask the commission to do was ask the traffic division to look at putting a second sign, no U-turn, right by that turning lane where it can actually be seen. And that, along with some additional enforcement, will probably help a lot in easing that potential traffic accident that's just waiting to happen up there.

But we're very happy with how the planners at the county and also the developer and the engineer worked with Walden Oaks, listened to all our concerns; we'd like to thank them for that. And Lexington of Lone Oak would like to recommend that the board pass this in the affirmative. We think it will be good for the community, good for our values, certainly, to clean up that property over there which, I can tell you being in my backyard, is a real mess.

We have a lot of animals coming over; overgrowth; there's been criminal mischief back there; disrepair of the property, and to clean that up and put a nice community back there is probably the best thing that can happen.

Does the commission have any questions?

CHAIRMAN STRAIN: No, we're good. Thank you.

MR. JONATHAN: Thank you.

CHAIRMAN STRAIN: Is there anybody else that wishes to speak on this item?

(No response.)

CHAIRMAN STRAIN: John, can we bend your ear just for a minute?

MR. PODCZERWINSKY: Absolutely, yes, sir. John Podczerwinsky, transportation planning, for the record.

CHAIRMAN STRAIN: This will come back for consent on the 17th. With that return, could you give us a status on that U-turn sign that the gentleman just spoke about --

MR. PODCZERWINSKY: Yes.

CHAIRMAN STRAIN: -- whether or not something should be done or not.

MR. PODCZERWINSKY: Yes, sir. I can give you an update on what we've already found out so far, if you'd like.

CHAIRMAN STRAIN: Sure.

MR. PODCZERWINSKY: I've checked in with our design folks over in TECM, Transportation Engineering and Construction Management Department within Growth Management Division, and we talked about -- this is northbound U-turn on Airport, correct? Yeah. The design is recommended to stay as it is today. We can put additional signage at the driveway of this site, but not really at that U-turn, additional signage that says we've -- you know, it is prohibited -- or we can find something for that signage. But the design of the median separation there and any kind of blockage in between those two lanes should not be extended.

CHAIRMAN STRAIN: No. And I think he's requesting additional signage. If you could look into that and either let us know at the consent if it's something you're going to do or not, that would be appreciated.

MR. PODCZERWINSKY: Absolutely, yes, sir.

CHAIRMAN STRAIN: Okay, thank you.

Anybody else have any questions of anybody at this stage? Is there any remarks by the applicant or rebuttal remarks or any kind?

MS. CRESPO: No, sir.

CHAIRMAN STRAIN: Okay. With that, we'll close the public hearing and entertain -- well, first we'll have



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discussion. During the presentation I made notes on three stipulations, if that's the agreement with this board. I'll read them just in case they are.

First one is to add to the principal uses for the tracts, the accessory use for recreational facilities; second is to amend General Note No. 5 as was discussed during the presentation to more strictly locate the optional recreational facilities; and Number 3, remove Exhibit F, 2.5, 2.6, 2.7, and 2.8. And then, of course, accepting staff's recommendations.

Does anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Is there a motion?

COMMISSIONER AHERN: I'll make a motion that we forward PUDZ-PL20110001519, Naples View RPUD, to the commission for approval.

CHAIRMAN STRAIN: With those stipulations?

COMMISSIONER AHERN: Absolutely.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER KLEIN: Second.

COMMISSIONER HOMIAK: Second.

CHAIRMAN STRAIN: Seconded by Karen.

Discussion? First I want to compliment both the applicant and the Walden -- I'm not familiar enough you with your -- Waldrop Engineering. You guys did a great job in communicating and working with the neighborhood. And, Kay, thank you too. That's critical, and these discussions go a lot farther when all that's done ahead of time. So we very much appreciate that.

Call for the vote. All those in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Thank you very much.

Okay. The next two advertised public hearings have been continued to the last item today. That's 9B and C, the Jaffe variance and the Jaffe boat dock extension. So we're not going to hear those right now.

9D --

COMMISSIONER EBERT: I don't know if Rocky heard you.

CHAIRMAN STRAIN: Pardon me?

COMMISSIONER EBERT: I don't know if -- is it Tim -- heard you on that.

CHAIRMAN STRAIN: I don't care if he heard me or not. I wasn't --

COMMISSIONER EBERT: He just walked in the room.

CHAIRMAN STRAIN: It doesn't matter.

Item 9D is Agave Grill. That's been continued to the 5/17 meeting.

***Item 9E has been moved to 11A, but to expedite the process today, because that was a regularly scheduled item, we can move that up and discuss it now instead of under new business, under later new business.

But I notice Chris Curry's not here, and I think he came in to be involved in this.

COMMISSIONER BROUGHAM: They're in conference, I believe, in the hall.

CHAIRMAN STRAIN: Okay. Well, you might want to ask him to step in if he's going to be involved.

Okay. With that, we will move into Item 11A, which will be new business, which was formerly 9E,



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ST-PL-2012-0000900, the Marco Island Executive Airport expansion special treatment permit.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures by Planning Commission?

I spoke to Nicole Johnson a couple times on the phone, and I think that's about it.

Okay. Anybody else?

COMMISSIONER EBERT: I also spoke with Nicole on the phone.

CHAIRMAN STRAIN: Okay. Who's making the presentation?

MR. D'ARCO: Good morning, for the record.

CHAIRMAN STRAIN: Chris?

MR. D'ARCO: Chris D'Arco with Collier County Stormwater Environmental Permitting Department.

Being brought before you this morning is an after-the-fact ST permit application for the recent improvements done at the Marco Island Executive Airport.

I'll just put this on the overhead for you. The Board of County Commissioners directed staff to bring this after-the-fact application forward to address a zoning concern that they had regarding the recent expansion, the expansion being the parallel runway that they added to the west here and the apron expansion, and that that expansion may encroach into the existing conservation special treatment overlay, which is these general lands here. In the orange here it shows where it may be encroaching.

And I say may be encroaching because staff had found previous maps from various years that show conflicting lines regarding where the ST line actually lies over the project site.

So this ST permit will be for impacts to the true ST boundary, but further analysis may show that it may not be the same boundary as is shown currently on the current zoning map. And right now on the current zoning map it shows it roughly to be -- I'll put this up here for you.

This is not a current aerial of the airport but -- basically where that red line's going through that yellow oval right there.

As far as environmental permitting for this project goes, they did obtain both DEP and U.S. Army Corps of Engineers permits, an ERP from the DEP, and a dredging fill permit from the U.S. Army Corps of Engineers that addresses both listed species and wetland impacts to the project site -- as a result of the project site.

And this airport is part of the Deltona Settlement Agreement. So in regards to land preservation, the Deltona Settlement Agreement identified lands that needed to be preserved as a result, and this map here shows the lands.

Everything in red is the development areas, sorry, and everything else in blue and black is under preservation, and you can see the airport here in the center.

So with that, staff does recommend approval of this ST -- after-the-fact ST permit application. And also, for the record, this was heard by the Environmental Advisory Council board yesterday. They also recommended approval, but they have approve -- they recommended approval with stipulations, and I'll read those stipulations into the record.

Chairman Hushon moved to recommend the Board of County Commissioners approval of the Marco Island Executive Airport Special Treatment Permit ST-PL-2012-0900 subject to the following conditions: One, the conservation easement required in No. 5 of the September 11, 2001, MOU, or memorandum of understanding, and vegetation management program required in No. 2 of the MOU are to be prepared within three months and adopted, approved within six months of the issuance of the permit;

Number 2, upon development of a draft vegetation management program, the necessary parties are to begin operating under the auspices of the proposed program.

Three, said conservation easement is to be recorded.

And, 4, all signatories or their successors, and that would include the Conservancy of Southwest Florida, the National Audubon Society, the Florida Audubon Society, the Environmental Defense Fund, IZAAK Walton League, Florida division, Florida Department of Environmental Protection, the South Florida Water Management District, the Florida Department of Community Affairs, the Deltona Corporation, and Collier County to be notified of the process for developing the vegetation management program and given an opportunity to participate in an information/agreement meeting.

And I could put those stipulations up on the overhead as well. And with that, if you have any questions, we'll



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be happy to take them at this time.

COMMISSIONER KLEIN: Paul?

COMMISSIONER MIDNEY: Number 3 said conservation easement to be recorded. What does that mean?

MR. D'ARCO: In the MOU there is a section -- there is an item in the MOU that mentions that a conservation easement was to be drafted 30 days after the MOU was signed back in 2001. It was supposed to be drafted in coordination with the Conservancy and the airport authority. And as far as we know, that was never done, so that needs to be addressed because it's a requirement of the MOU.

COMMISSIONER MIDNEY: Why does it say "recorded" instead of "done"?

MR. D'ARCO: I'm sorry.

COMMISSIONER MIDNEY: Why does it say "recorded" instead of "done"?

MR. D'ARCO: Well, you draft a -- draft a conservation easement, and then get it recorded.

COMMISSIONER MIDNEY: Oh, okay, thank you.

MR. D'ARCO: Yeah.

CHAIRMAN STRAIN: Anybody else have any questions?

COMMISSIONER EBERT: Oh, yes, I do.

CHAIRMAN STRAIN: Diane.

COMMISSIONER EBERT: Chris?

MR. D'ARCO: Yes.

COMMISSIONER EBERT: I did kind of get a kick out of some of this. We have to have a sense of humor with this. I notice that we got the staff report for the EAC on the 25th, and I just want to know if you can deliver the Wall Street Journal to me ahead of time. I mean, that would be very good. I couldn't believe --

MR. D'ARCO: Yeah, we apologize. The timing and scheduling was certainly not standard.

COMMISSIONER EBERT: Yeah. And then the -- you said you got a permit from the DEP. When did you get that permit?

MR. D'ARCO: The DEP -- the DEP permit was issued in 2003.

COMMISSIONER EBERT: Uh-huh.

MR. D'ARCO: And I believe the Army Corps of Engineers' permit was issued in 2007. I have copies of that. I can grab that and put them on the overhead, if you'd like. And that was submitted with the SDPA, the Site Development Plan Amendment approval packet.

COMMISSIONER EBERT: Well, there are some other things. Maybe this could go to Chris. Is he also here?

Just looking at the plans of the airport -- Chris, maybe you can help me out here. With these plans that we got along with this, which were done in 2010 which were approved, in there it does show the airport boundaries. And this is -- I mean, it's definitely over the boundaries from what this is showing. Does the FAA require -- between the taxi and the runway, what does the FAA require for distance between the two; do you know?

MR. CURRY: Chris Curry, executive director of the Collier County Airport Authority, and I also have with me Bob Tweedy, who's the manager of the Marco Island Executive Airport, who may have a little more history with this project than I have, because when I arrived it was basically the same time that the SDP permit was granted.

So between Bob and I, we will try to address any questions that the board may that.

MR. TWEEDY: For the record, Robert Tweedy, airport manager, Collier County Airport Authority.

To address your question specifically, for this category of runway, the required separation between runway and taxiway, per FAA standard, is 240 feet from center line to center line. So from the center line of the runway to the center line of the taxiway, there has to be a separation distance of 240 feet minimum, which is the way it was built.

COMMISSIONER EBERT: Okay. So that is -- that's why I was wondering.

MR. TWEEDY: That's an FAA requirement.

COMMISSIONER EBERT: FAA, I understand that.

But just looking at the drawings from this, I would have thought that somebody would have looked at this to see where the airport boundary lines were. I was surprised on here just to see how much it went over. I mean, I would have thought -- does the Deltona agreement mean anything?

CHAIRMAN STRAIN: They have an amendment to Deltona agreement that allows them to go over the airport boundary, and the only part of it that was in question is the ST permit, which is what they're trying to get fixed



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by coming here today.

The Deltona agreement does cover the area in question, but they did amend it, and all the interveners of that agreement did sign the memorandum of understanding. So it doesn't matter where the boundary is in regards to that agreement, because the agreement was amended by that MOU.

COMMISSIONER EBERT: But they didn't follow parts of that MOU.

CHAIRMAN STRAIN: Well, the parts they didn't follow are the stipulations that we now have an opportunity to correct that are part of the EAC recommendations. So if we include these EAC recommendations and the stipulations will go forward, those pieces that were missed get taken care of.

MR. CURRY: That is correct. And I'm not here to make any excuse, but --

COMMISSIONER EBERT: No, you're not here --

MR. CURRY: -- over the past 10 years, you've had three executive directors and four interim directors at the airport, and so some of these steps were obviously missed over the past 10 years that we plan to certainly correct, and I'll take responsibility for that.

COMMISSIONER EBERT: It really was not, you know, for you, because you were not here at the time. It was just that, in reading through this, I noticed a lot of things were missed.

CHAIRMAN STRAIN: Anything else, Diane?

COMMISSIONER EBERT: Not at this time.

CHAIRMAN STRAIN: Okay. Anybody else have any questions of staff at this point?

(No response.)

CHAIRMAN STRAIN: Thank you.

MR. CURRY: Thank you.

CHAIRMAN STRAIN: Are there any other reports or -- because normally we have staff, and now we're going to have staff and staff. So is there a counter staff to oversee the staff? Chris, no one's going to fight you on this, huh? I mean Chris DeMarco (sic).

Okay. Then is there any public speakers? Nicole, did you -- I thought so.

MR. BELLOWS: Yes. We have one speaker, Nicole.

CHAIRMAN STRAIN: I thought she was here for a reason.

MS. JOHNSON: Good morning. For the record, Nicole Johnson here on behalf of the Conservancy. And I think just to provide a little bit of context, I was not working specifically on the MOU at the time that it was being crafted and signed, but I was with the Conservancy, and so I do have a little bit of that historical knowledge, and I think it might provide good context for you. So if you would allow me to give just a very brief background on that.

As has been mentioned, the airport actually predates the Deltona settlement. It was Deltona's airport. And 1982, when everybody signed off on the Deltona settlement, it was essentially outside the boundaries of the settlement. It was there, and it was going to remain there.

It had a footprint that would allow for the runway which was in place, and then it anticipated some sort of taxiway being a part of the airport at some point in the future.

In the late 1990s, it came to the Conservancy's attention that the location of where that parallel taxiway could have been -- and I'll just put this visual up. The location of the parallel taxiway per what was agreed to in the Deltona settlement -- you have the runway here, this is north, this is south -- and it was going to go in this location.

And as you can maybe see, there are a lot of wetlands there. You have some deeper pockets of water. And this area was also crocodile nesting habitat. So there was a lot of concern about that parallel taxiway going in this area. And it could have gone there. There were interlocal agreements, so we all knew this could happen.

And so the Conservancy and others worked with the airport authority to say, you know what, if we could maybe move that taxiway over to the other side, you'd avoid the really highly sensitive wetlands and you'd avoid the crocodile nesting habitat. So we understand this would require impacting some of the Deltona settlement wetlands, but we think it's a better alternative.

Another concern that the Conservancy was having at that time was the proposed vegetation trimming plan at the ends of the runways, and we were concerned that too many mangroves were going to be cut too low to the ground. So there was a lot of discussion about FAA rules, safety issues, and how much really needed to be trimmed, and so that was another issue that we were working with the airport authority on at that time.

And this is a 2011 aerial that shows -- and I don't know if this picks it up or not, but you can see that there's



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an area of what looks like a lot of vegetation trimming, and this was what we wanted to talk to the airport authority about.

So these were a couple items that really began the discussions on that MOU. And by the time that the MOU was signed by Collier County -- the Conservancy had turned our information in in 1990/2000. And by the time that the Collier County Commission signed the MOU in 2001, everyone had agreed, yes, the taxiway could and should be moved, and as part of that, we would take a look at the vegetation management program for those areas at the ends of the runway so that we could find something that would meet FAA requirements, safety requirements, but that would also protect to the maximum extent possible those mangroves.

So that was one of the conditions in the MOU is that the airport authority would work with Audubon Society to find a mutually agreeable vegetation management program.

Another of the conditions was that the mitigation portions of the permits, when they were being submitted to the agencies, would be submitted to the other signatories, and we could comment on those.

And the third thing was to have the conservation easement in place, and that conservation easement was intended to cover this area here, where the taxiway was originally proposed, and we wanted that mainly to provide assurance that there wouldn't be another runway or another parallel taxiway. So we had those requirements in place and part of the MOU.

And what happens so often is that an MOU is signed and then filed away, and by the time that things start rolling, you have turnover in staffs, and so it just didn't happen. And, you know, I don't think there's any blame to be assigned on this. We just want to get this done.

So it has been unearthed, and these issues have been brought up. And I've talked with Bob and Chris, and we're going to be moving forward, hopefully -- well, absolutely with a meeting before this goes to the BCC, and we hope in the very near future to have these issues resolved.

But we're comfortable with the commitments made by the airport authority that this will be resolved, and I thought it would be good for -- to give you that history of how we got to where we are.

Are there any questions?

CHAIRMAN STRAIN: Okay. I've got one Nicole, one of the EAC rentals, No. 2 upon development of a draft vegetation management program, the necessary parties are to begin operating under the auspices of the proposed program. Why is that being insisted upon on a draft? Only because drafts are risky. If they have to go through further approvals, we wouldn't require that, or wouldn't expect that of the private sector. So why are we demanding it of the public sector?

MS. JOHNSON: I'm not sure. That wasn't a suggestion that the Conservancy made. I'm not sure that legally the airport authority could do that because it has to be approved by FAA and FDOT. So I'm not sure they could implement a draft program that was not approved by those other agencies.

CHAIRMAN STRAIN: Okay. I appreciate that. Thank you. I didn't know who -- so that will be a correction we make in whatever stipulations go forward.

Okay, thank you.

MS. JOHNSON: Thank you.

CHAIRMAN STRAIN: Anybody else in the public wishing to speak on this item? Brad.

MR. CORNELL: Good morning. I'm Brad Cornell, and I'm here on behalf of National Audubon Society and Florida Audubon Society, the two of the other Deltona settlement signatories, and I do appreciate Nicole sharing the background and history of this. It's hard to keep track as the years go by. And I was not participating in the MOU. Although I was here, and I was a volunteer with Audubon then, that escaped my -- the detail of my scrutiny. So Nicole's history is really important.

It's also really important to facilitate communication, permitting, and discussion of any land-use changes or impacts that are going to affect Deltona settlement preserves. Audubon did not receive any notice about this other than the public notices, which I didn't realize had so much significance relative to undone commitments from the MOU.

So in the future -- this is not my idea -- I think it's a good one, though -- it would make a great deal of sense if Collier County adopted a Deltona settlement overlay to alert staff and the public that these sorts of issues are going to be relevant to whatever your discussion is, because this happens with City of Marco Island, it happens with Collier County and, you know, we shouldn't be relying on Nicole or folks from the past, like Charles Lee, who's, you know,



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probably going to retire sometime, and then we'll have lost the institutional memory of what all this stuff meant and who's going to be tracking it. So that would be an important suggestion.

And I'll just note that I'm looking forward to sitting down and meeting with staff and other signatories, the Conservancy to resolve the stipulations that the EAC has proposed. Thanks.

CHAIRMAN STRAIN: Thank you.

Ray, as a follow-up to the comment that Brad just made concerning the Deltona settlement and as an overlay, could you look into, between now and the next meeting, and find out if the settlement agreement is referenced in the zoning atlas as one of the sub-numbers. Do you know what I mean? When you have a ConST and then up at the top there's a little red number that tells you to look for something down below.

Because if it isn't, that would all -- that's all that would probably need to be done to make sure everybody's aware of the additional documents that are really pertinent to this area, if that's possible to do.

MR. BELLOWS: Yes. We have actually discussed this with staff maybe six months ago, and we have other settlement agreements. And we worked this out with the County Attorney's Office, because there are other settlement agreements that could apply. So we've updated our applications to note when you're dealing with a project in a certain location and there's a settlement agreement involved; however, it's not shown on the zoning map, and I think that is a great idea that we should maybe reference that, and I believe we had some preliminary discussions with our graphics folks to do that.

CHAIRMAN STRAIN: Could you, at some point, confer with the County Attorney's Office to make sure, first of all, it's legal to do that, and that if it's possible to do it and how it could get expedited if staff agrees it's something that should be done. I think any clarity like that helps avoid mistakes.

MR. BELLOWS: Definitely.

CHAIRMAN STRAIN: So thank you.

Anybody else have any comments?

(No response.)

CHAIRMAN STRAIN: Are there any members of the public that further wish to speak? I think everybody's done.

Is there any other presentation?

(No response.)

CHAIRMAN STRAIN: We're covered. The only question I have -- and I've been through the documentation -- on Page 3 of the staff report, I'd like to request that the second and third sentence be dropped from A, Future Land Use Element, and that you begin the fourth sentence, drop the word "also" and use a capital A. The reason for that is -- and both of them pertain to zoning matters that are not part, really, of this ST application.

So I'd rather not muck waters up with that if staff doesn't have any objection. It would be from the word "allowable uses" down to the word "also."

MR. BELLOWS: Staff does not object to that change.

CHAIRMAN STRAIN: Okay. I just think that cleans it up.

Any other comments, suggestions by anybody?

(No response.)

CHAIRMAN STRAIN: If not, we'll close the public hearing and entertain a motion, or discussion and then a motion, if need be. Either way. Does anybody have any discussion?

(No response.)

CHAIRMAN STRAIN: If not, is there a motion?

COMMISSIONER SCHIFFER: I'll make one.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: I move we forward ST-PL-2012-900, the Marco Island Executive Airport Special Treatment, with a recommendation of approval.

CHAIRMAN STRAIN: Okay. Is there a second?

COMMISSIONER EBERT: I'll second.

COMMISSIONER SCHIFFER: Including the EAC's stipulation, sorry.

CHAIRMAN STRAIN: Okay. Including the EAC stipulations with the exception of No. 2?

COMMISSIONER SCHIFFER: Yes.



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CHAIRMAN STRAIN: And, Diane, do you accept that?
COMMISSIONER EBERT: I accept that.
CHAIRMAN STRAIN: Okay. Motion's made and seconded.
Discussion? Just from my comment, I am certainly going to support the ST application. I'm glad it's finally come through and it's cleaned up. I do not support the references to the zoning that I've asked to have eliminated from the executive summary. Staff's going to do that. So with that, I have no further problem.
All those in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 9-0.
Thank you.
Before I move on to the next item, which will be the old business, our Land Development Code amendments, we'll take a break until, oh, 10:40 -- no, 10:35 -- 10:35. I was adding wrong, 10:35. Let's get back at 10:35, okay.
(A brief recess was had.)
CHAIRMAN STRAIN: Okay. Welcome back from break. We're going to switch gears here, and we're going to go from advertised public hearings into the continuation of the LDC amendments that we started several meetings ago, and basically they're going to be heard at the end of every regular meeting until they're done.
To accommodate the applicant of the Jaffe boat dock variance and extension, that still has not been heard yet today. We're going to hear that after 12 o'clock, if this takes that long. If not, we'll hear it directly after the remaining business that we have.
Okay. Caroline, it's all yours.
MS. CILEK: Great. Caroline Cilek, for the record, and we are here to first review a tabled amendment that was first looked at on February -- or excuse me -- April 13th, and that is 3.05.02(G) 1 through 7, and a new draft was provided to you with corrections and comments from our first review.
And Steve Lenberger will be presenting that amendment.
CHAIRMAN STRAIN: Good morning, Steve.
MR. LENBERGER: Good morning. For the record, Stephen Lenberger, Land Development Services Department.
This amendment here, which I'll call the clearing and filling amendment, we brought to you last time, and you had asked that I take a look at stockpiles, which are addressed on Page 7 of the amendment. If you'll turn to Page 7. And you asked to take a look at stockpiles as far as different types of ways of stabilizing it and also to look at stockpiles in more rural areas and really thinking about whether we need to require stabilization for these more remote-type stockpiles.
So what I did is I spoke with Jack McKenna, the county engineer. And after I spoke to Jack, I drafted some language. I believe it's highlighted in your text. And I sent it to stakeholders, and I copied you-all on that, so you can see I coordinated with them. And, basically, what I have here is what's proposed.
If you have any questions, I'll be more than glad to address them.
CHAIRMAN STRAIN: Okay. Are there questions? And we're on 3.05.02(G) 1 through 7 basically. Anybody have any questions with the new language or any language at all?
Steve, you may have a winner here. This is too easy.
COMMISSIONER EBERT: It mainly comes to light when we're working with a development.
CHAIRMAN STRAIN: Well, I like the addition of C. I think C was a very practical entry into the program.



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So -- okay. Then if there's no other -- if there's no questions or concerns, is there a motion?

COMMISSIONER SCHIFFER: I move we forward with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER VONIER: Second.

CHAIRMAN STRAIN: Motion made by Brad, seconded by Bill.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: (Absent.)

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries, and let the record note Melissa Ahern's not here at the moment, so it will be 8-0.

Next item.

MS. CILEK: Excellent. The next LDC amendment to review was also tabled and brought back with changes, and that is 4.05.02, design standards, and 4.05.04, parking space reqs.

And you'll see that I have done two things. Highlighted in yellow are the changes that were made following the review on the 13th, and then there's also some questions regarding where 4.05.04(D) was being relocated within the proposed Section B, and I just highlighted that in red for you to see. And I know Brad had some comments on reorganization, so if that looks okay to you --

COMMISSIONER SCHIFFER: Not quite. I think when you look at it, number one is, obviously, our standard, and I would take the driveways thing out. But let me do one other thing. First is "a" should probably be what you have as "i," because all of a sudden you start talking about grass, compacted spaces, and then the "i" is actually telling you that you can use grass parking in lieu of the above.

So I would make "i" be "a," and your "a" there be "i," if you want. And I do think that the driveways should be under the grass parking because, obviously, they'll be paved if they're above. Unless your thought is that if somebody had a driveway or had a crushed stone, that you would have the driveway itself always paved.

MS. CILEK: Yes, we did want to keep that driveways and handicap spaces shall be paved for all parking lots in the overarching umbrella component.

COMMISSIONER SCHIFFER: Okay. Then maybe put it in both places, because you're going to treat grass parking as an exception to the one above, so just make sure that your intention there is always to have the driveway and the thing paved.

MS. CILEK: Okay.

COMMISSIONER SCHIFFER: And that's it. So I'd kind of like -- just kind of reshuffle it again.

MS. CILEK: Yep. We'll scoot up little "a," 1A up to 1, and then just push everything up one.

CHAIRMAN STRAIN: You're actually just going to switch little "a" and "i."

COMMISSIONER VONIER: "a" and "i."

MS. CILEK: Okay.

CHAIRMAN STRAIN: I think that works. Anybody have any problem with it?

(No response.)

CHAIRMAN STRAIN: Any other comments?

(No response.)

CHAIRMAN STRAIN: I know this is existing language, but I've just got to ask the question now because



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we have an opportunity to maybe fix it if it needs to be. What is a durable grass cover? I mean --

MS. CILEK: Very good question.

CHAIRMAN STRAIN: Right. And if -- what's durable to you may not be durable to somebody else. So how do we know if they're putting down a durable grass cover?

MS. CILEK: I'm going to leave that to an expert, and we have Alison here from the engineering department. And if she'd like to speak on that, she's welcome to.

CHAIRMAN STRAIN: As she's trying to slide down in her seat so -- oh, no.

MS. BRADFORD: Alison Bradford. Well, transportation planning, but I'm actually covering for Jack McKenna right now.

Actually with the durable cover, it's something that can basically handle with -- I guess with the language and all was basically to be able to accept with the cars driving over top of it not, you know, with the dust covering and the grass.

CHAIRMAN STRAIN: Well, this is durable grass cover.

MS. BRADFORD: Okay.

CHAIRMAN STRAIN: That's defining grass.

MS. BRADFORD: Yeah.

CHAIRMAN STRAIN: So which grass is durable?

MS. BRADFORD: Well, basically, like, not dead grass. I mean, because when you have a lot of traffic over top of it, the grass is, basically, going to be dead and not, basically, support, you know, for the cover.

CHAIRMAN STRAIN: Okay. Boy, are you on the spot today, huh? I'm just concerned that if someone reads this and they're saying that they've got to have a durable grass cover, why don't we just say with a grass cover that must be maintained in a living condition --

MS. CILEK: A maintained grass cover.

CHAIRMAN STRAIN: -- or something like that, then you know what it means. Is that --

MS. BRADFORD: Yeah, I think that's the basic intent. It's just something to say that it's holding up, it's not dead grass that it, you know, can't become dusty. Yeah.

COMMISSIONER EBERT: Maintained?

CHAIRMAN STRAIN: That must be maintained in a livable condition or some language that, Caroline, you can feel is appropriate.

MS. CILEK: Sure, use "maintain."

CHAIRMAN STRAIN: But that defines what we're trying to say "durable" is when you drop the word "durable," because I'm not sure what that means. I mean, Astro Turf is durable grass cover, so --

MS. BRADFORD: Yeah, I mean --

COMMISSIONER EBERT: Tart (sic) and turf.

MS. CILEK: All right. We will work to craft some language regarding "maintained."

CHAIRMAN STRAIN: Thank you.

COMMISSIONER SCHIFFER: Mark, on that point, I think the importance of the word there is that if it is ruts and mud, that that grass isn't durable. So there are some grasses that will stand up, some that won't.

MS. CILEK: That's true.

COMMISSIONER SCHIFFER: So I think the purpose of it is more for enforcement than it is design.

CHAIRMAN STRAIN: Right. I think to fix it would be a good thing. Even though it's not changed language, why don't we just fix it while we've got it up here to deal with.

MS. BRADFORD: Maybe like properly maintained? I mean, it's, you know, in between. That's just --

COMMISSIONER SCHIFFER: I like the word "durable" so it's not a bunch of ruts like some grass. So maybe durable and maintained.

MS. CILEK: I think that would work.

COMMISSIONER SCHIFFER: And if it's failing, you have those words to rely on.

CHAIRMAN STRAIN: Yeah. But, I mean, what if you put Floratam out there. Is that durable?

COMMISSIONER SCHIFFER: I don't know what that is, but --

CHAIRMAN STRAIN: Oh, okay. I mean, there's all -- that's just a form of grass. It's what most of the yards are.



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COMMISSIONER SCHIFFER: Right. And you'll learn that some grasses won't work and some grasses will. Some grasses need, you know, stabilizers within them; some don't.

MS. BRADFORD: Yeah. And I think it's going to be all kind of dependent in the use and, you know, how often it is being used, basically.

COMMISSIONER SCHIFFER: Right, right.

CHAIRMAN STRAIN: Caroline, if you work something into this to get the intent of the word "durable," that would be very helpful.

MS. CILEK: You bet.

CHAIRMAN STRAIN: Okay. So we're going to have to bring that one back at some point for further discussion. Thank you. Appreciate -- you can sit up straight in your seat now.

Number 3 is definition of usable open space, and it's 1.08.02. Is that the next one, I assume? I'm going in order.

MS. CILEK: Yep. And the new language is on Page 3. And following conversations with Heidi, we modified it a bit from your original version, just the three definitions, and we adjusted the numbering and language on Page 4 as well.

CHAIRMAN STRAIN: Anybody have any questions or concerns about the revision --

MS. CILEK: I'll give a little history, if needed, too.

COMMISSIONER SCHIFFER: I have one question, and that's the elimination of some of these things. Why are we crossing out beach frontage not being allowed?

MS. CILEK: That's a good question. What we did with the open space usable definition was to do a hybrid of an existing usable open space definition in the rural fringe and modified it a little bit for clarity. So we wanted to use a definition that was consistent with the GMP, and that's where we found it. And then we sort of made it a little bit more clear. We removed some language that didn't make sense regarding public streets.

COMMISSIONER SCHIFFER: Well, I mean, if you're modeling the public fringe, I can see why beachfront disappeared, but why can't we keep that in there? What's wrong with people counting their beachfront property as part of their open space?

MS. CILEK: We really haven't -- we just worked with this definition. I haven't really thought about the removal of certain aspects of it, of certain parts of it. The floodplains is also being removed.

COMMISSIONER SCHIFFER: A residential development with a 60 percent requirement, you know, that would take a big -- I mean, take Moraya Bay, you would kill Moraya Bay because that's beach frontage. I mean, most of that back of that building is beach frontage.

MS. CILEK: Yeah. I can't speak to individual PUDs, but I know this amendment is trying to include the required yard setbacks as -- counted as open space, which the current LDC definition does not do.

COMMISSIONER SCHIFFER: I think what this word would do is that when I'm trying to get 60 percent open space, this is the open space I'd be trying to get. Is that right, or would I be --

MS. CILEK: Yep. The definition outlines what can be included as usable open space. If your recommendation is to include beach frontage, that's just fine.

CHAIRMAN STRAIN: But isn't it already included by the fact it's part of usable open space? You're saying it's being excluded from here forward.

COMMISSIONER SCHIFFER: Well, she's striking it out.

MS. CILEK: In this definition, yes.

COMMISSIONER SCHIFFER: And I don't know why -- I mean, I don't know why a lagoon, a floodplain -- I mean, we don't have a lot of floodplains, but why would that be taken out? That's pretty common --

MS. CILEK: Well, I think you make a really valid point of that. You know, we did want to work with a definition that already existed within the GMP, but that was particular to the rural fringe which doesn't have some of these elements.

So if you want to make the recommendation to include the beachfront and lagoons and floodplains, that's just fine, because this is the whole county we're looking at. So it's actually good insight.

COMMISSIONER SCHIFFER: Tennis courts. I mean, why can't that amenity -- I mean, it's -- I would not exclude anything that's in there, and I think adding a lake makes sense.

MS. CILEK: Okay. That's just fine.



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COMMISSIONER SCHIFFER: I think the only thing I like -- anyway, the exclusionary part of it, I don't like any of -- you taking anything out and feel free to add, you know.

MS. CILEK: You make a valid point in the fact that this was looking at an area that doesn't have coastal area. So in most of -- and lots of the county does have a coastal area, and you would include that.

CHAIRMAN STRAIN: Well, and instead of changing the definition to exclude what was there before so that we include yards, why don't you just keep what was there before and add yards?

MS. CILEK: And that's what I think the recommendation should be, yeah, I agree.

CHAIRMAN STRAIN: I think that kind of gets to where Brad's trying to go. Does it, Brad?

COMMISSIONER SCHIFFER: Yes, it does.

MS. CILEK: Yes, I think so.

CHAIRMAN STRAIN: Okay. That will be another rewrite?

MS. CILEK: Sure. Anything else regarding the other provisions?

CHAIRMAN STRAIN: Anybody have any other issues on 1.08.02?

COMMISSIONER SCHIFFER: Hold on. Where -- why are you crossing out G1 entirely?

MS. CILEK: I'm sorry. I can't hear you.

COMMISSIONER SCHIFFER: G1, why is it being crossed out?

MS. CILEK: Because in the header we describe that having definitions within the LDC and other locations isn't the best way to guide people to using the correct definition. So what we want to do is just have one place for the defined usable open space as well as the other types of open space and leave just the regulation in G, which is guiding the site design standards. So G1 is removed so that people use the definition in the definitions section.

COMMISSIONER SCHIFFER: Okay.

MS. CILEK: And not to have different definitions all throughout the code.

COMMISSIONER SCHIFFER: And it's essentially covered in the prior paragraph that we talked about?

MS. CILEK: (Nods head.)

COMMISSIONER SCHIFFER: Okay.

MS. CILEK: Correct.

CHAIRMAN STRAIN: Okay. Anybody else?

(No response.)

CHAIRMAN STRAIN: Okay, thank you.

MS. CILEK: Great.

CHAIRMAN STRAIN: We'll move on to the next one. That's 3.05.07(H)(1)(E).

MS. CILEK: Yes. Preservation standards, and that one will be presented by Steve Lenberger as well.

MR. LENBERGER: For the record, Steve Lenberger, development services.

There's two amendments here that were -- came about with the recommendations from the Collier Building Industry Association, CBIA. The county manager had approached CBIA and asked them if they wanted to propose LDC amendments to make the LDC more efficient, you know, streamline the development process, and allow for flexibility without sacrificing quality of development.

And CBIA organized professionals from different disciplines to propose amendments. And amendments were posed, worked through staff, and some staff agreed upon and others were dropped. But the ones staff agreed upon have now been staff sponsored, so we are in agreement with the amendments that are going forward by CBIA.

The first one would be the archaeologic amendment. This amendment is to allow historical and archaeological sites that count towards the minimum native vegetation and retention requirement for the county. There, I guess, have been different interpretations of whether it should be allowed in the future -- I mean, should be allowed by past management, so I know it has, in my time here with the county, been counted towards minimum preservation requirements, and I know some past management have not allowed it.

But it's interesting, as we researched this we noticed the conservation and coastal management element, and Fred Reischl was very helpful in doing research on this initially. In Policy 11.1.2, Subsection E, it says, conservation of such historic archaeological sites shall qualify for any open space requirements mandated by development regulations. So that would include preservation of native vegetation or retention of native vegetation.

So this amendment is to allow for that to count towards the retention of native vegetation. And in doing so we had to address whether these sites were previously cleared, partially cleared, or were excavated for one reason or



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another to take a look scientifically at the archaeological artifacts that may be contained within.

So what I did is I added criteria under the creative preserve section of the Land Development Code. And on Page 3 of the amendment, I added that archaeological historical sites, where such sites are authorized by the BCC as part of a PUD rezone, are by subsequent development order approved by the Collier County Historical Archaeological Preservation Board to be planted with native vegetation in accordance with the criteria herein.

And this is under criteria which creative preserves would be allowed. And if you turn to Page 5, what we did is we added similar language indicating that these areas could be revegetated with native vegetation similar to or compatible with the vegetation, the native vegetation, in the preserve or archaeological site, and the revegetation would be with one-gallon ground covers.

This is trying to acknowledge the sensitivity of these archaeological sites. You don't want to really disturb the soil. So ground covers would be appropriate in those instances.

MS. ASHTON-CICKO: I do have an issue with this one about the Historical Advisory Board delegation. You know, it could either be archaeological site, you know, identified by the state or it could be by the county, but I'm not sure about delegating that to HAPB.

CHAIRMAN STRAIN: So you're suggesting in that fourth line down where it says, "or by subsequent development order approved by the HAPB" be struck?

MS. ASHTON-CICKO: Yes.

CHAIRMAN STRAIN: Okay. Steve, do you have any concerns, since you wrote this?

MR. LENBERGER: No concerns.

MS. ASHTON-CICKO: And that occurs in two places, I believe.

COMMISSIONER KLEIN: Both -- wherever that occurs.

MR. LENBERGER: That's fine.

CHAIRMAN STRAIN: The end of that paragraph also has "or the HABP," so we'd strike that there as well.

MR. LENBERGER: Yeah, three places I see it.

CHAIRMAN STRAIN: That it would be, yeah.

Anybody else have any questions? Paul?

COMMISSIONER MIDNEY: Would that preclude grass when yo talk about native vegetation?

MR. LENBERGER: If it was counted -- if the archaeological site was used towards the minimum native vegetation retention requirement, it would exclude non-native grasses, yes, but it would allow native grasses, absolutely.

COMMISSIONER MIDNEY: Okay. And what do you mean by one-gallon containers? What kind of plants are you talking about?

MR. LENBERGER: Oh, ground covers, and ground covers are typically one-gallon container or smaller. They are liners depending on the nature of the type of restoration. The idea is not to disturb the soil too deep. One-gallon plant would be, perhaps, about six inches deep, and that's normally the soil level. You start getting below that, you would start doing more disturbance of archaeological sites. You don't want to do that.

COMMISSIONER MIDNEY: I was just unfamiliar about native versus non-native grasses. I --

MR. LENBERGER: There are a variety of native grasses so, yes, they would be allowed.

COMMISSIONER MIDNEY: Thank you.

MR. LENBERGER: You're welcome.

CHAIRMAN STRAIN: Anybody else? Steve, your -- on Page 5, your first sentence, I'm trying to understand how it would occur. Where it says, where sites are counted towards the minimum native vegetation retention requirement and where such sites have no native vegetation, that part I understand, but then it says, or are authorized to be cleared and excavated by the BCC as part of a PUD rezone.

So an applicant would come in with a PUD, he would have to show how much native vegetation he has and make up for whatever he doesn't have by replanting or any other means. Why would he ask to have it excavated then if he was going to use it for native vegetation?

MR. LENBERGER: That's a good point. Excavation -- what would initiate an excavation, I'm not sure. I did receive some correspondence and I had communicated with the state preservation board, and they don't get involved in determining whether a site's excavated or not, so I was kind of surprised at that. I know some sites are, and they are often done as part of permitting with the state, particularly if the site's going to be impacted by development.



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But I wanted to allow, for whatever reason in the future, perhaps a site might be desired to be excavated and allow for revegetation.

And maybe that wouldn't be determined at the PUD level by the BCC, but maybe modifying the language, now that I'm thinking about it a little bit more, to allow for excavations if for some reason it would be desirable to unearth some of the artifacts or take a look at them. But other than having the BCC approve that, I'm not sure quite what to do as far as your questions there.

CHAIRMAN STRAIN: Well, where the word -- after the bold "native vegetation," the second one, and it starts with the word or are authorized to be cleared and excavated by the BCC as part of a PUD. Why don't we just drop that? The whole thing would read better, and it would stop the confusion as to why they would allow you to excavate an archaeological site to begin with, especially if you now wanted to come in and replant it with native vegetation. You wouldn't do that after you got your zoning. You'd do it as part of the zoning process, and you'd have to recognize the archaeological site at that point, too. So what is the need for that last part of that sentence?

MR. LENBERGER: Okay. So you're --

CHAIRMAN STRAIN: See where it says, or are authorized to be cleared and excavated by the BCC as part of a rezone process?

MR. LENBERGER: Right.

CHAIRMAN STRAIN: Rezone, just drop that. And then continues -- then you've got your first three lines, and then it drops down to the -- whereafter the reference to the HAPB, then it says these sites shall be revegetated. Wouldn't that make it cleaner?

MR. LENBERGER: Well, I think you'd have to have, where there's no native veg -- third line -- well, it's Line 25, where such sites have no native vegetation or are authorized to be cleared and excavated, at least you'd have to acknowledge that they could be cleared and excavated in the future.

CHAIRMAN STRAIN: But how could they be if they're archaeological or historic sites?

MR. LENBERGER: Well, there could be – I know they are -- normally when a site is developed, and if that site's going to be impacted, they are excavated and looked at. But there are, perhaps, scientific studies maybe in the future where they might want to take a look at these sites. After all, you're preserving them. So we need to at least allow some flexibility for them to be looked at in the future and possibly excavated, so -- but the excavation, I had cleared -- authorized to be cleared and excavated by the BCC as part of a PUD rezone. And that's a good point. You would not necessarily know that right up front, but it could happen in the future, and --

CHAIRMAN STRAIN: Well, I mean, I guess it doesn't hurt. It just seemed -- it just makes it more confusing. But if you feel it's necessary, I'll go with your judgment. You've done a lot more of this than I have. So -- anybody else have any issues?

COMMISSIONER EBERT: Not on that particular one.

CHAIRMAN STRAIN: Okay. Well, then I think this is --

MS. ASHTON-CICKO: Can I just ask for a clarification on that one? So what Steve is saying, it would be where such sites have no native vegetation or the native vegetation is authorized to be -- so you'd probably have to insert a word, right?

MR. LENBERGER: Or are authorized to be cleared and excavated by the BCC as part of a PUD rezone or subsequent development order, maybe something like that where -- because you may -- might not necessarily force an applicant to do a PUD rezone, but maybe another type of authorization to the board.

So where such sites have no native vegetation or are authorized to be cleared and excavated by the BCC as part of a PUD rezone or subsequent development order, period.

CHAIRMAN STRAIN: Then you'd start on a couple lines down and capitalize the word "these"?

MS. ASHTON-CICKO: I would take out "or by subsequent development order," because I don't know what you're talking about, but I would also insert the words "the native vegetation is authorized to be cleared and excavated by the BCC as part of a rezone."

MR. LENBERGER: Okay.

CHAIRMAN STRAIN: So it would read, where such sites have no native vegetation or the native vegetation is authorized to be cleared and excavated by the BCC as part of the PUD rezone.

MS. ASHTON-CICKO: Period.

CHAIRMAN STRAIN: Then either semicolon or whatever, then it would go on, these sites shall be



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revegetated with native vegetation, and then it goes on from there, right.

MS. ASHTON-CICKO: Yep.

CHAIRMAN STRAIN: Okay. Does that work, Steve?

MR. LENBERGER: That looks like it would work.

CHAIRMAN STRAIN: Does that work -- anybody on the commission got any concerns?

(No response.)

CHAIRMAN STRAIN: So basically we're making that change in the paragraph, we'll be dropping the last three words, "or the HAPB," since we dropped the reference earlier.

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: And on Page 3 we would drop the similar reference to the HAPB in the development order on that page as well. So on Page 3 it would be after the word "PUD rezone," or by subsequent development order be dropped along with all the references to the HAPB up until the word "to," is that what we're -- so we're all on the same page?

MR. LENBERGER: Yes.

CHAIRMAN STRAIN: Okay. For those that -- the changes needed to this document, does anybody see a need for it to come back again?

(No response.)

CHAIRMAN STRAIN: I think staff's got the changes clear. They're not that -- they're not flexible. They're just pretty straightforward.

With those changes, is there a motion regarding this one, 3.05.07(H)(1)(E)?

COMMISSIONER HOMIAK: I'll make a motion to approve.

CHAIRMAN STRAIN: Made by Ms. Homiak, seconded by?

COMMISSIONER AHERN: I'll second it.

CHAIRMAN STRAIN: By Melissa.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 9-0.

Okay. Next one is a new draft of the preservation standards, exotic removal, 3.05.07(F)(4)(D).

MS. CILEK: Correct. And there was just one minor change in the labeling of this one, and it's highlighted in yellow in your new draft. And there will be several speakers on this one as well.

COMMISSIONER EBERT: Yes.

MS. CILEK: Okay. Thank you.

CHAIRMAN STRAIN: Anybody have any questions at this point before the speakers?

(No response.)

CHAIRMAN STRAIN: Steve, did you want to make any presentation or comment? Did this one come up last Wednesday?

MS. CILEK: No.

MR. LENBERGER: This is the -- no, the exotic vegetation, no.

CHAIRMAN STRAIN: Okay.



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MR. LENBERGER: Did you want to hear from public speakers first?

CHAIRMAN STRAIN: Sure. Those members of the public wishing to speak, you want to just come on up one at a time, either podium. Don't be shy. Well, most of you aren't. They're old hands at this.

MR. WOODRUFF: Good morning.

CHAIRMAN STRAIN: Good morning.

MR. WOODRUFF: For the record, Andy Woodruff here on -- just in support of staff's recommendation, on behalf of CBIA as well.

I'd like to address a couple parts of the Growth Management Plan that I believe are inconsistent with this section of the Land Development Code.

The first -- the first is the Future Land Use Element rural fringe mixed-use district, Page 75, Section C, sending lands, subpart F, any sending lands from which TDR credits have been severed may also be utilized for mitigation programs and associated mitigation activities and uses in conjunction with any county, state, or federal permitting.

I believe the LDC language directly conflicts with this language and that the land development rights of the property owners in the rural fringe, those rights have been stripped for their ability to mitigate consistent with state and federal policies.

CHAIRMAN STRAIN: And you're saying that because in their rural fringe area, the exotic removal is excluded from being used as mitigation credits where it is used as mitigation credits in other parts of the county?

MR. WOODRUFF: That's correct.

CHAIRMAN STRAIN: Okay. I just wanted to make it clear since I thought this was heard on the 25th, but if it wasn't, I need to make sure everybody knows what we're talking about, so --

COMMISSIONER EBERT: This was not heard on it.

CHAIRMAN STRAIN: No. For some reason, I thought --

MS. CILEK: For the record, this was not heard. This is the first time this is coming to the Planning Commission.

CHAIRMAN STRAIN: Right. I understand now. Okay.

MR. WOODRUFF: The second goal that I believe is inconsistent with the Land Development Code is Goal 65 of the Coast Conservation Management Element, and this is Part 6, mitigation required for direct impacts to wetlands in order to result in no net loss of wetland functions. And there's three basic mitigation requirements that need to be met before the county can require mitigation exceeding that of the jurisdictional agencies.

The first is no net loss of wetland functions, the second is no net loss of storage or conveyance volume resulting from direct impacts to wetlands, and the third is a placement of a conservation easement over land and a plan for initial exotic removal and exotic plant maintenance.

So if you can demonstrate compliance with those three parts of the code in Subpart 4 here hyphenated in yellow, if agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.

I believe this is where the Land Development Code exceeds that of the jurisdictional agencies regardless of Parts 1, 2, and 3 are being met by the property owner.

Additionally, on top of the fact that the rural fringe has been divided into sending, neutral, and receiving lands, additional density restrictions have been imposed on those landowners and preservation requirements have been imposed on those landowners.

There's also additional restrictions that are specific to the rural fringe that I'd like to point out. The first is a requirement to preserve wetlands occupied by listed species regardless if this exceeds the native vegetation preserve requirement.

The second is a requirement to preserve wetlands acting as a corridor for wildlife regardless, again, if this exceeds the native vegetation preserve requirement.

And the third is a requirement to preserve wetlands acting as flowways regardless if this exceeds the native vegetation preserve requirement.

So by adding all of these restrictions to rural fringe, designating these additional preserve restrictions, the county's all but mandated that mitigation for state and federal permits is going to be done on site through preservation and enhancement of wetlands, and by disallowing the use of exotic removal to count as mitigation on those lands, I



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think, puts rural fringe mixed-use landowners in a real bind.

CHAIRMAN STRAIN: Before you leave, do you know when -- was this rule put in place with the original rural fringe process when it was developed in around 2000 or so?

MR. WOODRUFF: 2004 they're telling me. I'm not that familiar with when this language was actually put in place.

CHAIRMAN STRAIN: Okay. Well, I'll wait for staff to talk about it then. Thank you.

Are there any other public speakers on this matter?

MR. LAYMAN: For the record, my name is Bruce Layman. I work as a senior ecologist with Stantec locally, and I'm here in support of staff's LDC amendment this morning.

What I'd like to do is run you through why I believe --

CHAIRMAN STRAIN: Bruce, you said you're in support of staff's LDC amendment?

MR. LAYMAN: Yes. I'm here to support their amendment, yes.

CHAIRMAN STRAIN: Okay.

MR. LAYMAN: What I'd like to do is run through why I believe the LDC as it's written is in direct conflict with the Growth Management Plan policies.

In short, Growth Management Plan Policy 6.2.5 requires that wetland impacts within the rural fringe be mitigated and that that mitigation result in no net loss of wetland function. This basically means that your mitigation function needs to be equal to or greater than the function of the wetland that's being impacted.

The GMP further identifies the need for you to use one of two functional -- wetland functional assessment methodologies in quantifying what those functions are. They go by the acronym UMAM and WRAP. Both of these analyses include exotic vegetation coverage as a scoring parameter in determining and quantifying what that functional value is.

In fact, three out of six of the parameters used in the WRAP analysis include exotic vegetation as part of the scoring mechanism, and two out of three of the parameters in the UMAM analysis also include exotic vegetation as part of the scoring mechanism in that methodology as well.

So in following the directive of the GMP that we need to quantify the loss of function that may come from a wetland impact and balance it with a gain in function resulting from mitigation, if exotic vegetation removal results in the gain in wetland function, which is obligatory based on going through the UMAM and WRAP methodologies, then it would represent mitigation, and this is where it directly conflicts with the LDC that says -- what does it say -- oh, I lost it. Dang it.

CHAIRMAN STRAIN: Those are called senior moments. I have quite a few.

MR. LAYMAN: Yes, I'm getting up there, sorry. Oh, exotic removal will not constitute mitigation. It's in direct conflict with that, because if you remove exotics from a mitigation area, it increases the gain and functional value, and it is, in fact, mitigation. So that -- because of that conflict, I'm fully supportive of the current LDC amendment as it's proposed.

COMMISSIONER KLEIN: Thank you.

MR. LAYMAN: And I'm happy to answer any questions if you have any.

CHAIRMAN STRAIN: Time frames -- I saw you trying to relay time frames. So you -- 2004, this was initiated with the initial rural fringe policies, or was it added and changed later on after the policies first came up to play?

MR. LAYMAN: It was adopted by the Board of County Commissioners in February of '04. So it had been going through the process up through the end of '03, and it was adopted in '04. I can't answer specifically whether the rural fringe amendments were adopted in '04. Maybe staff may know that directly, but --

CHAIRMAN STRAIN: And I intended to query staff about it as well, because I'm -- I like to know -- consistency is always an important factor in our code, and if we have something that's inconsistent, I would assume it was done with good reason, and I'm trying to understand the reason based on, especially, the things that you have said so far.

MR. LENBERGER: Stephen Lenberger, for the record.

The rural fringe amendments, according to the CCME section I have in front of me, the ordinance was approved in -- it was Ordinance No. 2002-32, which was adopted in June 19, 2002. But due to a challenge, it didn't go into effect until July 22, 2003.



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CHAIRMAN STRAIN: Was the initial language devised for the rural fringe inclusive of this exotic removal mitigation issue or not? Was it something that was changed later on after the initial rural fringe district was established?

MR. LENBERGER: I don't believe the -- for the exotic removal, not counting -- I do not believe it's in the -- no, it's not in the GMP. I know it's not. So it's in the Land Development Code.

CHAIRMAN STRAIN: Right. But was it -- okay. But did it come about as a change from the initial rural fringe codes? When we established rural fringe based on the governor's order and all that, there was initial codes established. Was this one that was changed later on or no?

MR. LENBERGER: You're talking initial code, what do you mean? You're talking --

CHAIRMAN STRAIN: When we established the rural fringe criteria in the LDC, the first time we did it.

MR. LENBERGER: After the GMP was adopted?

CHAIRMAN STRAIN: Right.

MR. LENBERGER: Was this a restriction put in right away, is that what you're saying?

CHAIRMAN STRAIN: Yes. I'm sorry I'm not articulating it well. That's what I'm trying to get at.

MR. LENBERGER: I don't know for sure.

MR. MULHERE: I think it was. I mean, I could --

CHAIRMAN STRAIN: So it was part of the process from day one, and that's why I'm trying to understand how it got there.

MR. LENBERGER: I wasn't involved with the rural fringe, but Bob --

CHAIRMAN STRAIN: But he probably was.

MR. LENBERGER: -- probably, who knows.

CHAIRMAN STRAIN: He's been around way too long.

MR. MULHERE: For the record, Bob Mulhere. I was going to speak anyway, but just to answer your question. And the process was pretty lengthy. We went through the GMP amendments, of course, first to adopt the rural fringe mixed-use district. After the county adopted the GMP amendments to establish the district -- and those were very, very detailed. If you've looked at those in the GMP, they're extremely specific. They're almost code language.

There was no language about prohibiting exotic removal for mitigation in the permitting process and contained in those GMP amendments.

The research that we've done collectively indicates that this occurred after the Planning Commission but before the board adoption of subsequent Land Development Code amendments that would then implement the GMP policies.

In most cases that was the exact same language, because the GMP language was so detailed that the LDC language mirrored the GMP language. But somewhere in the process this was introduced. We've looked at the actual minutes and found that it occurred somewhere after the Planning Commission, before the final BCC hearing.

I think Mr. Cornell, who probably will speak on this issue, raised the issue, and the board included this prohibition in the LDC amendments.

CHAIRMAN STRAIN: Okay. So the Planning Commission heard this back before any of our --

MR. MULHERE: 2004.

CHAIRMAN STRAIN: Okay. The Planning Commission heard this, and at the time we heard it, there was no Item D? It wasn't there.

MR. MULHERE: That's what our research indicates, yes.

CHAIRMAN STRAIN: So it leaves this board, it goes to the BCC, and during the BCC process, D gets added; that's kind of what you're saying?

MR. MULHERE: That's correct.

CHAIRMAN STRAIN: Okay. Well, I mean, I know we've got other speakers, but right away I'm concerned as to how that happened without this board being the designated LPA for Collier County.

MR. MULHERE: Well, I mean, I guess the BCC does make changes to your recommendations, so that could happen. There were actually four hearings.

CHAIRMAN STRAIN: This isn't a change to a recommendation. This is a new element --

MR. MULHERE: I know.



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CHAIRMAN STRAIN: -- that would have required stakeholder involvement, because it does have a rather grave impact on any property owners out there who are having to mitigate.

MR. MULHERE: Well -- and here's my concern representing property owners that have significant holdings in the rural fringe mixed-use district but also as part of the team that put that together, those property owners, particularly in sending lands, received a significant change in their allowable development rights. The density went from one per five to one per 40. Their preservation went to either 80 or 90 percent in sending lands. And we went through this whole process. And now, in addition, they're being treated differently in terms of the mitigation process than other landowners throughout the rest of the county. Having said that, the EAC had suggested when they discussed this matter most recently that perhaps there could be a limit in the amount of mitigation that you achieve through exotic removal, which really doesn't work very well; because every project is different, and exotics in every project is different, the percentage of exotics.

And also the EAC had suggested maybe we ought to be involved in the permitting process as a county, and maybe that's something that should be looked at. And that issue as a policy matter has come up at least 10 times since I've been working in the county, and the county has never supported creating a separate wetland permitting process when we already have several jurisdictional agencies involved in that process, including DEP, South Florida Water Management District, and the Corps of Engineers. It would be significant.

If that's something this county wants to consider, that should be done holistically through a very public process so that landowners can have an opportunity to weigh in on that as well as environmental groups and other stakeholders.

My position is that this -- I support staff's position. There's really no business having a prohibition on using exotic vegetation as part of the mitigation when it's part and parcel of the UMAM process.

I did speak a little bit with Tim Hall before the meeting. I don't know if he's registered, but I think he does want to speak on this. The reason I had Tim -- I asked Tim and Bruce, and -- these folks actually work in the permitting process all the time. I don't do that. I don't know the nuances of it. I'm not involved directly in that wetland permitting process. They are, and they have suggested that there are significant unintended consequences that we don't want to experience associated with this. That's why staff supports it.

So I would suggest it be removed or that you at least make that recommendation. If this wants to be looked at holistically, moving down the road we look at differently how we want to treat the process of permitting and having greater restrictions -- we already have some, and it relates to wetland, you know, no net loss in wetlands. And by doing this, we make it harder to actually achieve that goal.

So, thank you.

CHAIRMAN STRAIN: Thank you, Bob.

Brad, did you want to speak?

MR. CORNELL: Yeah, thank you. I'm Brad Cornell, and I'm here on behalf of Collier County Audubon Society and Audubon of Florida, which owns Corkscrew Swamp Sanctuary.

This has been an issue of concern to me for many years, and not just me alone. The science staff at Corkscrew Swamp Sanctuary, most particularly Ed Carlson and Jason Lauritsen, have done a lot of research and a lot of analysis of wetland permitting and protection programs in the State of Florida and right here in Southwest Florida because it's near and dear to our hearts. It's the lifeblood of supporting the wood stork rookery at Corkscrew Swamp Sanctuary.

That research and analysis has shown that there's significant wetland losses due to exotics clearing through the permitting process. And what the issue is before us on this policy -- and I oppose the deletion of this Subparagraph D. The issue is, let's be honest about what no net loss of wetland functions really is. We have to be honest about how this permitting process works.

Exotics clearing cannot compensate for direct wetland destruction because clearing exotics is not the same -- does not provide a wetland with the same functions that the destroyed wetland now has lost.

Now, for example, wet prairies; these are a seasonal shallow wetland type. We have lost over 80 percent of the wet prairies in the core foraging area around Corkscrew Swamp Sanctuary. These are the areas that are absolutely vital to the survival and nesting success of endangered wood storks. We've lost over 80 percent of -- 82 percent to be exact.

And those wet prairies provide fish and forage for wood storks and wading birds early in the dry season.



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That's when nesting is initiated. That triggers nesting initiation in wood storks. That's the biological life history of wood storks. You lose those wet -- those wet prairies, and you lose that early nesting in the wood storks. And, in fact, you may lose nesting entirely. We haven't had any nesting in five of the last six years at Corkscrew Swamp Sanctuary, the biggest rookery in the entire range in the United States, and no nesting in five of the last six years. So this is a problem.

We have demonstrated through our research that we are losing currently, through the permitting process, short hydroperiods, short shallow seasonal wetlands in Southwest Florida.

And my example is to say that if you destroy a hundred acres of wet prairie, there is no amount of exotics clearing that's going to put fish -- those fish back in the forage pool for wood storks. Exotic clearing does help, but it does not replace those fish-growing functions that were lost.

The state allows exotics clearing to count as mitigation, that's true, but not if there are net losses to the types of wetlands destroyed. In other words, if you're destroying wet prairies and your mitigation plan doesn't replace those wet prairie functions, that's not legal. That's not permissible.

Audubon research and analysis has demonstrated that state wetland permitting frequently results in net losses to specific wetland functions; therefore, Collier County is very wise to move -- to more vigorously protect its own wetlands.

Why should we be deferring to state permitting when this is a very specific well-documented identified issue for our wetlands? This would not require an additional program or additional staffing and could be implemented using an Excel tracking tool that has been developed by Audubon science staff.

We're using it right now in analyzing permits that the South Florida Water Management and DEP are examining. We've done a study of 17 -- we've looked at hundreds of ERP permits since the UMAM program has started in 2004, and we have done a comprehensive study of the largest ones of those in Southwest Florida, 17 of them, that demonstrates this problem, and I can share that with you-all if you're interested, and I can share it -- I have shared it with staff.

I want to note also that in the Conservation and Coastal Management Element, Policy 6.1.4 already requires exotics removal on all development proposed properties. So this is already a requirement of county regulations. It doesn't count as mitigation in that policy.

Our conclusion is, again, that our research and analysis has demonstrated state permitting frequently results in significant losses to shallow seasonal wetlands, like wet prairies, due to the heavy reliance of most mitigation plans on exotics removal; therefore, Collier County needs this prohibition of exotics clearing as mitigation to achieve true no net loss of wetland functions. This is not in conflict with any other Collier County Growth Management Plan or LDC policy.

Thank you.

CHAIRMAN STRAIN: Paul? Brad, wait a minute.

COMMISSIONER MIDNEY: When we're talking about clearing the exotics, are we talking about exotics within wetlands or if it's a development that the upland part is where the exotics are? If you cleared the exotics from the upland, does that allow you to take some of the wetland away? I'm not clear what's involved.

MR. CORNELL: Under the basis of review for the South Florida Water Management District under their ERP, environmental resource permitting program, both enhancement or exotics clearing and upland preservation and exotics clearing from uplands count as mitigation; however, it does not authorize net losses in specific functions in the wetlands. So you still have -- the balance of the equation still has to come out at least even or favorable to the full suite of wetland functions that are being destroyed, but it does allow that.

COMMISSIONER MIDNEY: But if we approve this ordinance, or whatever it is, if you remove exotics from the uplands, does that give you permission to take an equivalent amount of wetlands?

MR. CORNELL: I don't read the law to allow that. The law does allow exotics clearing on uplands to count as mitigation for wetland destruction. We believe that should only be applied very sparingly.

If you look at wetland permitting plans in most permits, they heavily rely on exotics clearing on both uplands and wetlands.

COMMISSIONER MIDNEY: Because I wouldn't be opposed to letting exotics clearing count towards mitigation on uplands, but I wouldn't want that to allow them to take an equivalent amount of wetlands away.

MR. CORNELL: It's -- they don't do it in terms of acreage. So when you say "an equivalent amount," Paul,



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what we're really talking about, an equivalent amount of functional units. That's the way they calculate it. Not in acreage, but in functional units. And so it does allow them to destroy wetlands by preserving and taking off the exotics of uplands. It does. That's what they've been doing, and that's part of the problem that we've identified.

COMMISSIONER MIDNEY: But if they're removing exotics from the wetlands, that would improve the wetlands.

MR. CORNELL: It improves them, but it does not replace all the functions of an "entirely destroyed." If you fill in a wetland, like a wet prairie, taking off exotics from another wetland does help. That does replace some functions, but it does not replace the fish-growing functions or the natural water storage capacity of the wetland you lost.

COMMISSIONER MIDNEY: But if you remove exotics from a wetland, it's -- that would go back to being a better wetland, wouldn't it? It would still be --

MR. CORNELL: It gives you some lift.

COMMISSIONER MIDNEY: -- a wetland. It would be replaced with native vegetation, right?

MR. CORNELL: Yes, it would. So you get some value. There is some lift. But what I'm saying is that if you destroy, entirely destroy a wetland, not only the vegetation but the wetland itself, it no longer holds water and no longer recharges aquifers. It doesn't grow any fish anymore, and it doesn't have any native plants. You've lost that entirely.

Okay. Now you're going to go to an impacted wetland that already exists someplace else but it has, let's say, Melaleuca on it. Okay. You're going to take the Melaleuca out. Yes, that's a help, but that wetland already had water. It was already restoring -- I mean recharging aquifers, already growing fish. You haven't added those functions. Do you understand what I'm saying? You're not replacing all the functions of the destroyed wetland. You're only replacing some of them with the exotics clearing.

That's the myth. That's where we're losing functions in that no-net-loss requirement. That's how Audubon -- and it's a cumulative effect. This is happening on almost all permits.

COMMISSIONER MIDNEY: So if that's the case, how would you change the proposed LDC amendment request?

MR. CORNELL: I would not delete the policy. I would keep Policy D, don't delete it. That's my recommendation to you; leave it as it is. We've had it since 2004. It's an important policy. If you really want my opinion, I think we ought to apply it across the county in every district, not just in the rural fringe mixed-use district.

And that may -- maybe that should require a larger discussion amongst the EAC, the Development Services Advisory Committee, and the Planning Commission to bring forward such a plan. I think that would be in Collier County's interest.

CHAIRMAN STRAIN: Anything else?

(No response.)

CHAIRMAN STRAIN: Brad?

MR. CORNELL: Yeah.

CHAIRMAN STRAIN: Then you concur that this policy is not used anywhere else in Collier County except in the rural fringe?

MR. CORNELL: Actually, if you look at the LDC the way it's written, that policy applies countywide. That's a mistake, the way it's written. It should only apply to the rural fringe mixed-use district. And if you read policies that are countywide and apply to the rural fringe mixed-use district in the Growth Management Plan, under 6.2.5 you'll see that the no net loss justifies having the -- with the understanding of the research and analysis Audubon has done, justifies that prohibition of exotics clearing mitigation.

CHAIRMAN STRAIN: With your experience and knowledge of Collier County as of today, do you know of any other part of the county where this is enforced?

MR. CORNELL: It is not in any other part.

CHAIRMAN STRAIN: Okay. That answers my questions. RLSA. Is it enforced in the RLSA?

MR. CORNELL: It's enforced near the RLSA in a wetland strand that is on the south side of Immokalee. If you look at the aerials of Immokalee, you'll see a very significant wetland slough that goes into Lake Trafford. That's in the urban Immokalee area. That's technically not in the Rural Land Stewardship Area, but it is in that eastern part of the county, not in the rural fringe mixed-use district. That also enforces those same policies.



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CHAIRMAN STRAIN: So is this policy in use in the Rural Land Stewardship Area?
MR. CORNELL: Not in the Rural Land Stewardship Area; right next to it.
CHAIRMAN STRAIN: That was my question. So the answer is no?
MR. CORNELL: No, no, it isn't. I think it should be countywide.
CHAIRMAN STRAIN: Did you support the RLSA?
MR. CORNELL: Yes.
CHAIRMAN STRAIN: Okay. Do you know how this got inserted between the Planning Commission's hearing when this came up back in whatever year it was, 2003 or '4 --
MR. CORNELL: My recollection --
CHAIRMAN STRAIN: -- until the time it got to the BCC?
MR. CORNELL: My recollection is very foggy on that. I'd have to go read minutes. But I do recall this being a suggestion of mine. I've been talking about this issue for a long time.
CHAIRMAN STRAIN: And did you make this suggestion to the Planning Commission at that time?
MR. CORNELL: I don't recall. I may not have, but it is something that is part of the no-net-loss requirement that we have countywide. And as we have learned more through Audubon research -- and I will note that our research has been, up until 2011, I personally have learned much more about the problems we have with wetland permitting through the state's permitting program. So I'm even more convinced that we need this prohibition of exotics clearing as mitigation.
CHAIRMAN STRAIN: Thank you.
MR. CORNELL: Sure.
COMMISSIONER SCHIFFER: Mark, I have a question.
CHAIRMAN STRAIN: Go ahead, Brad.
COMMISSIONER SCHIFFER: Brad, just to make sure I understand, I mean, the exotics are going to be removed from the wetland anyway, correct?
MR. CORNELL: Right. The county requires that anyway.
COMMISSIONER SCHIFFER: So isn't the problem with this -- I mean, you don't want them to count that towards mitigation.
MR. CORNELL: That's correct.
COMMISSIONER SCHIFFER: But isn't the problem with this thing is -- could you put some conditions where it would matter? In other words, should we keep it in, add the word "unless," and they do something after unless that would --
MR. CORNELL: I can imagine a way to refine this policy. For instance, one refinement might be to allow exotics clearing to count only as compensation for secondary impacts. In other words, not direct destruction of wetlands --
COMMISSIONER SCHIFFER: Okay.
MR. CORNELL: -- but for, you know, hydrologic impacts off site. You know, you're draining a development site, and off site you're going to be lowering the water table, and that destroys or harms wetlands off site. So that might be a reasonable refinement.
But as it stands now, I think we don't have that option to refine it. That might be a further conversation.
COMMISSIONER SCHIFFER: Well -- I mean, because the sad thing is you're going to walk away from this damaged wetland. So the best thing to do is bring them back on with some reward to count that toward mitigation that would work. And maybe it is working in the uplands. Maybe it is -- I mean, something, I think, could be done to allow them to count it if they brought it back to a certain standard, or the thing you said -- and I don't know this area like you do -- that there are other things you could give them for that.
MR. CORNELL: It's -- I'm not denying that exotics clearing has value. What I'm pointing out is it doesn't have as much value as is being ascribed by the permitting agencies, and that is to our disadvantage. We're losing wetlands, and we've documented it. Our research has clearly documented big losses, cumulatively.
So I'm much more -- I'm cautioning you to err on the side of being conservative in this wetland arena and protect the wetlands better than the state does.
COMMISSIONER SCHIFFER: Okay.
MR. CORNELL: That's -- I think that's the bottom line.



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COMMISSIONER SCHIFFER: What I'm trying to do is find something in between, but it looks like --

MR. CORNELL: There is some in-between area. We'd have to sit down and work that out. And one area could be on secondary impacts, as mitigation on secondary impacts.

COMMISSIONER SCHIFFER: Thank you, Brad.

MR. CORNELL: Sure.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you.

MR. CORNELL: Sure.

CHAIRMAN STRAIN: Next speaker, please.

MR. HALL: For the record, Tim Hall with Turrell Hall & Associates. And I apologize, I wasn't anticipating speaking on this, but after hearing the comments and talking to Bob, I thought I would.

I've had a little bit of controversy related to this particular LDC amendment with staff for about six or seven years, and the reason is, my opinion, it's contrary actually to the state statutes.

And if you'll permit me to read one of them, Florida Statute 373.414, Paragraph 18. And it says, the department in each water management district responsible for implementation of the environmental resource permitting program shall develop a uniform mitigation assessment method for wetlands and other surface waters.

The rules shall provide an exclusive and consistent process for determining the amount of mitigation required to offset impacts to wetlands and other surface waters and, once affected -- effective shall supersede all rules, ordinances, and variance procedures from ordinances that determine the amount of mitigation needed to offset such impacts.

Once the department adopts the uniform mitigation assessment method by rule, the methods shall be binding on the department, the water management districts, local governments and any other governmental agencies and shall be the sole means to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits.

It goes on a little bit after that, but the gist of it is, from my standpoint, when the state adopted UMAM, that became the sole means to assess mitigation. So by the county putting that language into their code, they basically superseded that state statute, and I don't believe they're allowed to do so.

CHAIRMAN STRAIN: Has that position been expanded into some kind of challenge to the local ordinances to a point where we have some case law that might refer to it?

MR. HALL: Not that I'm aware of.

CHAIRMAN STRAIN: Okay. Heidi, are you familiar with those sections of statutes he's reading from as how they may apply?

MS. ASHTON-CICKO: No, not that particular statute. I mean, he's just read a paragraph, so I'd have to go read the whole statute and section that it pertains to.

CHAIRMAN STRAIN: By the next time this comes back to us -- because I don't believe it's going to be resolved today -- would you be able to get familiar with it?

MS. ASHTON-CICKO: Sure.

CHAIRMAN STRAIN: Okay. Thank you.

Thank you, Tim.

Anybody else? Jeremy.

MR. FRANTZ: Hi. For the record, Jeremy Frantz on behalf of the Conservancy of Southwest Florida.

And Brad touched on a couple of the things that I wanted to speak to you about, in particular the applicability of this -- these wetland protection measures to other parts of the county.

It does apply or it is intended to apply to the Lake Trafford Camp/Keais Strand area. And if you go back to the GMP policies for that -- for that system, it is clearly stated that the wetland systems, which -- that those are wetland systems which require greater protection measures.

So I think that while these provisions are different than other areas of the county, we have identified these areas as requiring more protective measures.

Additionally, the -- there's been another concern throughout the process about the cost to developers. And I just wanted to, you know, bring up the issue of the cost to the public also.



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Yesterday Jerry Kurtz made presentations to -- or a presentation to the EAC about stormwater improvement projects. The top four priorities of those projects that came out of the Water Management Plan are all in or around or affecting the rural fringe mixed-use district in the North Belle Meade area.

These projects are extremely expensive, millions of dollars, and they're going to be -- those costs are going to be borne by the public over many, many years. I think if there's any place in the county that deserves greater protection, these are the areas that we need to be looking at.

Additionally, in Objective 6.2 of the GMP, it states that the county's wetland protection policies and strategies shall be coordinated with the Watershed Management Plan, and based on the fact that the rural fringe is one of the areas identified based on those projects and some of the research that came out of that plan, we've identified that removing these greater protection measures, I believe, would be out of line with the Watershed Management Plan.

I think that about covers everything. I think that Brad touched on some of those issues. So just to be clear, we obviously do not support removing the policy. Thank you.

CHAIRMAN STRAIN: Thank you.

Are there any other speakers on this item?

(No response.)

CHAIRMAN STRAIN: Okay. Steve, could you come up and address a few concerns that have come out about the -- from the discussion.

This is limited to the rural fringe. I think we've -- and you agree with that?

MR. LENBERGER: Yes, it is limited to the fringe.

CHAIRMAN STRAIN: Okay. I heard Brad indicate that he felt it was more broadly applied or could -- should be -- is written in a manner that it was more broadly applied to Collier County; do you agree with that?

MR. LENBERGER: Let me back up a minute. There is an error in the LDC on the way the lettering and numbering is.

The language pertains in the GMP to the rural fringe mixed-use district. It's very specific, and most of that language is carried word for word in the LDC, but there is a misnumbering, which --

COMMISSIONER KLEIN: Could you speak a little bit louder.

COMMISSIONER EBERT: Yeah, we can't hear you.

MR. LENBERGER: I'm sorry. Can you hear me now? I apologize. There is a misnumbering in the code. And I can show you, actually, because I --

CHAIRMAN STRAIN: Well, I -- what I --

MR. LENBERGER: So, anyway, the way the code reads, it would imply that it applies countywide, but --

CHAIRMAN STRAIN: The intention --

MR. LENBERGER: -- there is an error in the LDC that needs to be corrected.

CHAIRMAN STRAIN: Is that being corrected with this amendment?

MR. LENBERGER: No, it's not. I did not bring it up. It was brought to my attention, but I could add that to this amendment, if you'd like.

CHAIRMAN STRAIN: I think it would be wise, however this is going to get cleaned up, it get cleaned up comprehensively. So, yes, I think it would be a good thing to add.

Does this Item D that's being removed or that's being suggested to be removed, does its presence there have an impact on property owners?

MR. LENBERGER: Yes, it does.

CHAIRMAN STRAIN: In what way?

MR. LENBERGER: Well, it would be the cost of developing a property. It was brought out, but UMAM's scores in assessing wetland functionality and removal of exotics counts as a significant portion of mitigation.

And staff looked at this, and we would have to analyze UMAM scores with exotic removal counted as lift, as it was mentioned earlier, and also UMAM scores without lift and look at comparisons.

We haven't, as staff, worked out details on how that analysis will be done, but we would have to start with two sets of UMAM scores and require additional mitigation if exotic removal is counted during project permitting with the Water Management District.

CHAIRMAN STRAIN: Heidi, I think we've heard enough results that this has an impact on property owners which are stakeholders in regards to this particular LDC amendment.



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My concern is not right now about whether it should be in or out but how it got there in the first place.

The Planning Commission is a required element of the process for LDC amendments and the LDC language before it goes to the Board of County Commissioners, and I know the board can make changes. But is there anything that addresses the extend of the changes they can make before it should go back for rereview by the Planning Commission?

Because this particular item is unique, apparently, now to Collier County to this one area of property, and was added after the Planning Commission discussion. And I've heard no testimony to say it was even brought up to the Planning Commission. And at the time it was added, obviously, the stakeholders may not have had the opportunity to weigh in on it because it may not have been understood to be to the level of understanding it is today in regards to cost to a property owner.

Is there any criteria that you know of that requires those kind of changes when they're that substantial to come back to the Planning Commission for review?

MS. ASHTON-CICKO: I'm not aware of any county policies or any case law that directs the extent of the changes that can be made by the board.

CHAIRMAN STRAIN: Okay. Does staff have any knowledge as to how this came about to be? I mean, you heard some testimony today. Can you find -- do you have confirmation of that? Do you have any minutes of meeting that you've reviewed that show how this got introduced?

MR. LENBERGER: I don't. I wasn't involved with the process, and there was a lot of meetings for the LDC amendments and for the GMP. It would be quite an undertaking. I would have to look to staff that was here, and even then, you know, their recollection may not be the best on the history on -- Bill Lorenz may want to add to that.

CHAIRMAN STRAIN: Hi, Bill. It's been tossed to you. You're crawling down in your seat now.

MR. LORENZ: Unfortunately, like Bob, I was around at the time.

The general recollection is kind of the way Bob phrased it, and Brad as well. I kind of remember Brad making a presentation to the board, and then that's when it got into the -- into the code as a change at the board level. But that's my -- that's just a general recollection that I had.

COMMISSIONER EBERT: Can you get minutes?

CHAIRMAN STRAIN: Okay, thank you.

Anybody have any other questions on this particular one?

COMMISSIONER SCHIFFER: It's coming back, right?

CHAIRMAN STRAIN: Well, I think it needs to come back, but it needs to come back with some research on that Florida statute, which is 373.414(18). I'd like to -- confirmation, too, on whether or not a substantial change that impacts property owners to this level should have come back to the Planning Commission for review.

And I certainly would like to find out if staff can find any -- and I don't mean -- I know you said it could be an exhaustive review, I'm not asking you to do that. But if there's some way you can pinpoint how this actually happened -- because if this was just slipped in between the boards, I'm very uncomfortable leaving it in.

And I'm just telling you that straight up, because consistency is important in this county in our codes, and if there's not a good reason for this to be here, one that couldn't have been aired properly in the public, I'm very concerned then how it got here.

So I want to understand how it got here to the best we can. And for that reason, I would suggest it come back to us for further discussion. Is that in concurrence with everybody on this panel?

COMMISSIONER EBERT: Yes.

CHAIRMAN STRAIN: Brad?

COMMISSIONER SCHIFFER: And another thing I wouldn't mind seeing is keep in D but add the word "unless" after it, and then figure out what could happen that would cause you to still be able to constitute mitigation.

MR. LENBERGER: I'm sorry. I'm having a very difficult time hearing you.

COMMISSIONER SCHIFFER: What it is is keep in D, don't scratch it out, add the word "unless." In other words, what it's saying is you can't count it towards mitigation, and I'm getting to "unless," and see if you can think of something to do that would allow that to still count for mitigation.

MR. LENBERGER: You know --

CHAIRMAN STRAIN: And if you can't do it by the 17th, I think that's fine; we can just keep it moving until you get to it. But this one has a bigger impact than I think was led to believe at the time it was just added. And I



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think we need to understand those impacts, especially to the property owners, before we get too far.

MR. LENBERGER: Well, I could -- well, I could post Brad's question to stakeholders.

CHAIRMAN STRAIN: I think you should.

MR. LENBERGER: And I can report back about the comments I get. That would probably be the best way.

CHAIRMAN STRAIN: Absolutely. Okay. Okay.

MR. MULHERE: One thing.

CHAIRMAN STRAIN: Go ahead, Bob.

MR. MULHERE: Thank you. I appreciate that.

I just think with respect to that, that's kind of somewhat what the EAC suggested as well, at least certain members of the EAC. There's only five members there. That, in my view -- I mean, I don't think anyone objects if you want to propose a certain public policy thing that's going to apply countywide. Let's have the public-policy debate, let's invite the stakeholders and, as you suggested, Mr. Chairman, let's have a process.

But I don't know that you're going to get the kind of involvement that you want by just changing Paragraph D right now to say less -- unless the following exists. It really needs to be -- it's a significant issue, it really is, and it needs to be debated with all of the affected property owners and everybody else involved.

CHAIRMAN STRAIN: And there was nothing indicated by this board as a whole that we're buying off on that. Brad just asked the question. And as a board member, he has an absolute right to ask that question and see what kind of information he can get from staff, and that's all we're doing. It's a research exercise at this point.

MR. MULHERE: Thank you.

CHAIRMAN STRAIN: So -- and I think it's a very -- this one's a very troubling one more from an aspect from me as to how it got here and why is it inconsistent with the rest of our codes. And I certainly will be looking to that as part of the decision process as it comes back to us.

Steve, did you have anything else you wanted to add, or are we done with this one?

MR. LENBERGER: I think we're done.

CHAIRMAN STRAIN: Good. Let's move on to -- we're at No. 6, 5.05.08, architectural and site design standards.

MS. VALERA: Good morning. Carolina Valera, principal planner with the comprehensive section. I also do review for compliance with architectural standards of the Land Development Code.

In your packets you have two amendments, a couple of amendments to the architectural standards. And today I will also be presenting an amendment that was recommended by the Development Services Advisory Council, DSAC, and a suggestion from them as well for your consideration.

In your packets you have two amendments. One has to do with how building facades -- how building elevations look, and it's what they call the code -- the code calls primary facades requirements.

Buildings that front or are along a private or a public street are required to meet certain features for facades. And the code has five options, from which two needs to be selected in order to meet those primary facade requirements.

Now, the facades that do not front streets do not need to meet those requirements except if you are within a shopping center or unified development plan. Buildings that are within shopping centers or unified development plans, every facade, every elevation needs to meet primary facade requirements.

Now, the primary facade requirements that are in the code -- as I said, there are a set of options, and there are five. For shopping centers they have two additional ones. But the five options that most buildings have are features that you typically encounter on the front of a facade, a percentage of window, a covered entry with a percentage of window, a covered walkway, tower.

As I said, there's a series of features. A porte cochere is another option -- series of features that you typically encounter in the front of a building.

Now, buildings that are within shopping centers, as I said, are also required to meet two of these five requirements in every facade. And what we've found through the years is that those buildings have -- are having a hard time meeting primary facades requirements in every elevation of the building.

So the amendment is to allow buildings that are within shopping centers or unified development plans not to have to meet one of the facades, one of the elevations, not to have to meet the primary facade elevation. They still have to meet the rest of the requirements. And, you know, the architectural standards do not allow things like, you



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know, blank walls or -- you know, there's other features that the facades will have to meet, but the amendment, what -- the intent of the amendment is to exempt one of the elevations within a shopping center that does not front the exterior of the development to not have to meet the primary facade requirements, so that's one of the amendments.

And I can stop there and discuss it if you want, or I can go to the next one.

COMMISSIONER SCHIFFER: One at a time.

MS. VALERA: One at a time.

CHAIRMAN STRAIN: Yeah. Go ahead.

COMMISSIONER SCHIFFER: There was a group of architects that worked on the architectural standards.

MS. VALERA: Yes.

COMMISSIONER SCHIFFER: This was a topic that we discussed at length. And if you look at D, what we've done is we've added two additional primary facade requirements only available to outparcels.

MS. VALERA: That is correct.

COMMISSIONER SCHIFFER: And what they intend to do is to block and to prevent exactly what you want to allow, which is the back-of-building concept. So there have been some -- I mean, a great example is pay way, which is used as to put a courtyard. And if you read D, it makes sense, (D)(I), to totally block the utility side of the building, which a building in a shopping center is visible on all four sides. Some cases, all four sides are visible from streets in a corner shopping center.

So this is not a new topic. The thing that has to be done is you have the option of choosing additional options here for the ease of building the utility side of a building, a place to put your dumpsters, a place to put your power, all that stuff that's normally on the wall of the building.

So to invent something -- which this is the only place secondary facade would exist. To invent a concept of secondary facade is really inventing a concept of having a backup building, which is what you do not want in a shopping center in a free-standing building.

MS. VALERA: And I agree with you. There's two other options for those buildings that are within a shopping center, and you have them right there in your packet, is Roman Numeral I and II under D. And I tell you, the option of the courtyard, except for just that development that you've mentioned, it's never been used except for that one.

And what we have is that every other building, every other option -- every other development that we have approved uses, the Number II, Roman numeral, which is the trellis.

And so what we have now in the county is a lot of buildings within shopping centers with a lot of trellises with climbing plants, which is okay. I mean, it is definitely an option that is in the code, but I guess my concern is that it is the only option for buildings that are within a shopping center.

COMMISSIONER SCHIFFER: And, again, we all considered that, and nobody wanted -- what you're actually giving as your reason to consider a -- and you quote it, back of building. Nobody felt a back of building is something that should be built in the town and came up with ways to design around it that would not be difficult for someone building a building.

Essentially, their dumpsters are in containers anyways. In these areas -- and I've seen more than one. This does address it. And I would not want to drop the requirement and then start driving around the back of buildings and finding, you know, power systems exposed but, you know, the can wars (sic) for a restaurant, all that outside.

MS. VALERA: I don't believe the code will allow to have all those elements exposed, because the code still will require that, you know, equipment, et cetera, be concealed from view.

COMMISSIONER SCHIFFER: Well, you know, drive down Wiggins Pass, 41 and, you know, count the electrical disconnects in plain view.

MS. VALERA: And, I'm sorry, I cannot hear you well.

COMMISSIONER SCHIFFER: I said, if you go down on Wiggins Pass and 41, the building there, the disconnects are facing the Main Street, I mean.

MS. VALERA: Yes, yes. And I think the intent of this amendment is to allow one facade not to meet primary facade requirement, but that facade cannot be on the exterior of the building, meaning if that facade was facing Wiggins Pass or 41, it could not be a secondary facade. At least that was the intent of the amendment.

COMMISSIONER SCHIFFER: But it is visible from the parking and everything within the shopping center?



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MS. VALERA: Yes, it would be; it would be, yes.

COMMISSIONER SCHIFFER: I mean, I'm not a fan of this because I think that there are options in the code now that can cover the intent of making the, quote, backside of a building not very expensive.

MS. VALERA: As I said, I bring it for discussion because it's been very difficult for developers out there to meet the code. So, again, I'm just bringing it for discussion.

CHAIRMAN STRAIN: Okay. Anybody else?

Carolina, Brad had mentioned that there was an architectural committee that worked on these.

MS. VALERA: Yes, oh, yes.

CHAIRMAN STRAIN: Were they consulted with regard to these change?

MS. VALERA: No, they were not.

CHAIRMAN STRAIN: Then why don't you just take these to them and come back to us after that's done?

MS. VALERA: Okay.

CHAIRMAN STRAIN: That would be a smart move, since they were the original committee.

MS. VALERA: Yes.

CHAIRMAN STRAIN: And I would love to hear their input. What's fair is fair, and that would be the fair way to approach it.

MS. VALERA: All right.

COMMISSIONER SCHIFFER: And that is good, Mark. And it was a topic of conversation for a long time.

MS. VALERA: Yes, it was.

COMMISSIONER SCHIFFER: And these were methods so that it would not be a burden on developers.

MS. VALERA: Yes, it was.

COMMISSIONER SCHIFFER: So if they can't meet it, you know, you can tell us -- give us examples of why they couldn't meet it. Not now, at that meeting.

MS. VALERA: Okay.

CHAIRMAN STRAIN: Okay. And you had a second part you wanted to discuss?

MS. VALERA: Yes, a second portion of this proposal is to -- it has to do with projects that are allowed to request deviations from the architectural standards. The code presently allows certain projects, especially those that are non-retail type of businesses, you know, the churches, schools, et cetera, to request a deviation, and it's an administrative process, to present alternative designs that meet the intent of the code, except that the code does not allow projects that are within PUDs to request deviations.

And so, as I said, those projects that will normally be allowed to request deviation, if they are within a PUD, they are not allowed.

And as you know, because, you know, it's in front of you all the time, when someone comes for a request for planned unit development, they are requesting, you know, the zoning. They're not -- there's some details. And I know you get into a lot of the details of the project, but the level of details that are in the architectural standards are not there yet at the PUD rezone stage.

And so when they come for the Site Development Plan and they do have all the details of the buildings that they want to impose, they encounter themselves at times with, you know, a hard time having to meet the requirements, and they are not able to go through the deviation process which, as I said, is allowed for any other building in the county to request.

COMMISSIONER SCHIFFER: Just a point of order. Is that something we have in our packets?

CHAIRMAN STRAIN: It's on Page 3.

MS. VALERA: Yes. It should -- it's Page 3.

CHAIRMAN STRAIN: It's on Page 3, 4A, Roman Numeral VI(A).

COMMISSIONER SCHIFFER: Got it.

CHAIRMAN STRAIN: And I think I'm of the same position, just take it to the committee. Let them come back with it and see if it sounds reasonable. I'd like to hear what they've got to say on it, since they're the ones that initiated this in the first place.

MS. VALERA: Okay. Then let me present to you next recommendation --

CHAIRMAN STRAIN: Is that okay? Well, before you go too far -- that was just my opinion. Is that okay with everybody here?



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COMMISSIONER HOMIAK: Yes.

CHAIRMAN STRAIN: Okay. We're good.

MS. VALERA: Caroline's going to help me pull this recommendation up. So you should have it now in your screens. The Development Services Advisory Council --

CHAIRMAN STRAIN: We don't have it on our screen.

MS. CILEK: Hold on one second. There we go.

MS. VALERA: The Development Services Advisory Council, DSAC, is recommending that we also amend another portion of the architectural standards that has to do with the spandrel panels. And basically what the amendment will allow is to allow spandrel panels to count as percentage of glazing, and I kind of suspect what you're going to tell me now.

CHAIRMAN STRAIN: Yeah, I can -- unless somebody else has an objection, why are we the first -- we should not be looking at this until the committee that initiated these architectural standards had a chance to opine on it. That's absolutely fair.

MS. VALERA: Right. Well, let me let -- tell you what the other portion of the DSAC recommendation was, and it was to take to the Board of County Commissioners, you know, with your recommendation to present the -- an idea to go back and assess the architectural standards of the Land Development Code through a committee.

CHAIRMAN STRAIN: I mean, we had -- if the committee can reconvene and start working on this, I think that's great. If the times change and we need to change the codes, we should be doing it. So I think that's a great thing, not a bad thing, but at least they get to see it and --

MS. VALERA: And the staff is in agreement with that.

CHAIRMAN STRAIN: -- we don't try to supersede their recommendations. I have great respect for the professionalism of the architects. And if they've got some good criteria that we need to know about, by God, they should be telling us.

COMMISSIONER SCHIFFER: And, by the way, this is a disaster. I mean, what this part of the code said is that you can't have fake windows but, obviously, it addresses the fact that in curtain wall design, the high-rise curtain wall, there is portions of that curtain wall that are spandrel, and those are allowed. Those are not considered fake windows.

MS. VALERA: Correct.

COMMISSIONER SCHIFFER: This is saying you can do fake windows, which means you're going to have these fake little black windows all over the place counting as the window area of a building, which is precisely what that committee did not want to have happen. You'll have these fake little windows on roofs. I mean, that's not what Collier County's based on.

So we were saying you get credit for windows if it's a window, not some little decorative plaque on the side of a building.

CHAIRMAN STRAIN: So I think we're all in agreement, then, it should go to the committee? And, Caroline, if these need to have a more general rewrite and consideration, and the committee is willing to take that on, you may consider not moving forward with these until the committee has the time to do it adequately and come back to us with a different cycle of LDC amendments, if that's what's required. I would rather see it done right than put through in kind of an incomplete process.

MS. VALERA: Well, Mr. Chairman, I would like to take your recommendation to the Board of County Commissioners, because it will mean time, you know, from staff. And, you know, to put together this committee, we will need the direction from the board.

CHAIRMAN STRAIN: I mean, whatever process you've got to go through, I think that's the more correct way to do it. I applaud the fact that the private sector and CBIA and others are starting to opine on some of these codes, because most of the time nobody even knows they're going through, so we'll get a better product. But at the same time, I think we've got to respect the process that was there to initiate it. And that's all I'm suggesting we do. I think everybody on this panel is probably in agreement with that. Thank you.

MS. CILEK: Great. We will do that. Thank you for your recommendation.

MS. VALERA: Thank you.

CHAIRMAN STRAIN: This -- do we still have No. 7, the certificates of public adequate facilities? Is that on for today?



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MS. CILEK: Yes, it is, and I believe it can be discussed in a couple minutes. So if Amy would like to present that.

COMMISSIONER KLEIN: Is there a lunch break today?

CHAIRMAN STRAIN: Yeah. We're going to take lunch after this. I'm trying to get through the LDC amendments so staff doesn't have to sit here.

MS. CILEK: This will be the last one, and it's in your binder, No. 10.02.07(C) 1 through 2.

CHAIRMAN STRAIN: Okay. Hi, Amy. How are you? We don't normally get to see you here.

MS. PATTERSON: Amy Patterson, for the record.

This is a Board of County Commissioners directed amendment. It is simply removing the specific payment requirements from the Land Development Code and putting in a reference to the consolidated impact fee ordinance, which is Chapter 74 of the Code of Laws and Ordinances.

The other provisions related to the certificate of adequate public facilities program remain, but what's happening is as the board adjusts the payment requirements for a certificate of adequate public facilities, it's been reduced from 50 percent to five payments of 20 percent, now to 33 percent. Every single time triggers a Land Development Code change.

And the provisions are already contained in the consolidated impact fee ordinance, so we're going to -- this move proposes -- or this amendment proposes to just eliminate those provisions specific to payment amounts.

CHAIRMAN STRAIN: Okay. Is there any discussion?

COMMISSIONER SCHIFFER: I move we forward with a recommendation of approval.

CHAIRMAN STRAIN: Is there a second?

COMMISSIONER AHERN: Second.

CHAIRMAN STRAIN: Made by Commissioner Schiffer, second by Commissioner Ahern.

Discussion?

(No response.)

CHAIRMAN STRAIN: All in favor, signify by saying aye.

COMMISSIONER VONIER: Aye.

COMMISSIONER SCHIFFER: Aye.

COMMISSIONER MIDNEY: Aye.

COMMISSIONER AHERN: Aye.

CHAIRMAN STRAIN: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER EBERT: (Absent.)

COMMISSIONER KLEIN: Aye.

COMMISSIONER BROUGHAM: Aye.

CHAIRMAN STRAIN: Anybody opposed?

(No response.)

CHAIRMAN STRAIN: Motion carries 8-0. I'm not sure what happened to Ms. Ebert, but she's not here for this one.

MS. PATTERSON: Thank you.

COMMISSIONER SCHIFFER: Mark, I have a question. We -- in our packet we also got 10.2.13. Is that for a lay hearing agenda?

CHAIRMAN STRAIN: That's for a future date.

MS. CILEK: Yep. On the memo with that packet you got at the CCPC meeting last week, it said that will be reviewed on the 17th of this month.

COMMISSIONER SCHIFFER: Got it.

CHAIRMAN STRAIN: Okay. With that, we have two public hearings to hear and one item of new business, and we'll take a lunch break and come back at 10 after 1, and we'll resume at that time with the two public hearings on the Jaffe boat dock extension and variance. Ten after one.

(A luncheon recess was had.)

CHAIRMAN STRAIN: Good afternoon, everyone. Welcome back from the lunch break.

When we left off, the Planning Commission had two advertised public hearings left that we postponed till as



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late today as possible, which will be now.

***The first one is -- well, they're both going to be heard -- they're both on the same topic, so we're going to discuss them jointly and vote on them separately. When we do vote, we'll vote for the variance first and the boat dock extension second.

I'll read off what they are. The variance application is VA-PL-2011-1576, the Jaffe variance, located at 191 Gulf Shore Drive, Connors Vanderbilt Beach Estates. The second one is boat dock extension BDE-PL20110001573. Again, it's the Jaffe boat dock extension at the same address.

All those wishing to testify on behalf of this item, please rise to be sworn in by the court reporter.

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

CHAIRMAN STRAIN: Disclosures on the part of the Planning Commission.

COMMISSIONER SCHIFFER: None.

CHAIRMAN STRAIN: There are none.

Okay. It's all yours.

MR. ROGERS: First off I want to -- good afternoon, Commissioners. And I want to thank you for accommodating our schedule. The applicant, the petitioner, Andrew Jaffe, is in surgery this morning. We were hoping he'd be out by lunchtime, but I guess he's not out as of yet, so he will not be here. So I apologize for that.

For the record, my name is Jeff Rogers. I'm with Turrell Hall & Associates representing the petitioner, Andrew Jaffe.

And as the commissioner said, we are here requesting a boat dock extension and a variance from the required setbacks.

As you can see here on the overhead, the property is located in North Naples off Gulf Shore Drive, and it has an adjacent -- well, across the street a boat dock lot that has been deeded to this property.

And the history of that takes us back, way back to 1955 when this original -- this property was deeded as a boat dock lot during the process and was deeded to the property that Mr. Jaffe purchased at 191 Gulf Shore Drive. And since 1955, this property has gone through numerous exchanges of ownership. I believe it was -- I counted 10 different warranty deeds that had been issued for this particular subject property.

The petitioner purchased a property basically a year ago back in June 6th of 2011 from the neighbor, Mr. Forbis, to the south of the boat dock lot. Like I said, back in 2011.

And since then, Mr. Jaffe has purchased a street (sic) across the way on the beach and is currently remodeling/rebuilding the existing dock -- or the existing house, and it is going to be his full-time residence.

Move forward. The petition in front of you guys today is for the dock off the subject property. As I said, it's small boat dock lot only and, therefore, is deeded to have boat dock access for two vessels. The difference of this particular property is it's located at the end of a canal, as you can see on the overhead, and has less linear footage of shoreline. Those are basically the two hardships on this one.

The dock proposed -- well, the project proposed is to move the existing dock, which I'll show you is right here. I'll move it over. There you go. The subject property outlined in the red border is currently as the property sits minus the vessels. The vessels have been removed, but as you can see here on the overhead, the unique situation of this property. Luckily there is a history paper trail that we have to follow in order to determine how this came to be.

We're requesting a 19-foot boat dock extension. We're going to remove the existing dock and boat lifts and construct a finger dock that is only 116 square feet and is going to accommodate two vessels.

And as you can see on this overhead here -- I'll show you the proposed design here in a minute. The existing dock, as it sit, was -- is within the riparian rights of the property. You can't really see it very well, but the riparian lines are shown. They're labeled, obviously, but there is a dashed line, red dashed line indicating the actual location of the riparian lines.

And as it sits, the little white structure that's on the south end of that dock, southeast side of that dock, is over the riparian line. So as it currently was built or constructed or used, it was not in compliance with setbacks and/or within its riparian rights.

Now, what we've done is we're proposing to remove it, as I said, and we're proposing a 4-foot-wide dock as shown here. So we're basically taking -- removing out the dock and proposing a 4-foot-wide finger dock protruding straight out into the waterway.

As -- let me touch base on the uniqueness of this. The waterway from -- measured from our frontage, linear



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frontage of shoreline, is 1,420 feet wide. Granted, we know this is at the end of the canal, so that's not the typical situation on this waterway. Typically the waterway's 100 feet wide. Due to the location of this one, the width is 1,420 feet.

We are proposing a 35-foot protrusion, like I've said before. And due to the, you know, remote -- or due to the uniqueness of this property, there's really no dock design that you could do that would accommodate two vessels, which is allowed here per the LDC rules. This is zoned a single-family lot and, therefore, is allowed two vessels to be moored up on there.

This is -- we've worked with it. We worked the design, Tim Hall and I, as well as the customer worked on the design, and based off what -- his wishes and his current vessels, this is what we came up with that would accommodate his use as well as be within the riparian rights of his property.

With that being said, we are requesting a variance from the required setbacks from those riparian lines. The typical setback requirement is seven-and-a-half feet. Now, looking at this, I've got a drawing here that shows that seven-and-a-half foot setback, and you'll see with this picture that it would be very hard to -- virtually impossible to accommodate two vessels of any typical size within those required setbacks.

As shown here on the overhead, the orange-reddish color indicates the seven-and-a-half foot setback area. The white area inside shows what would be the remaining buildable area that we would have to work with.

One could argue that you could turn the dock and accommodate one vessel possibly. It would be a smaller vessel, but the applicant owns these two boats and, therefore, we have to design something to accommodate those vessels that he currently owns. And during the process of the purchase of this property from the adjacent neighbor to the south, Mr. Forbis, it was negotiated at the sale that he was purchasing these -- this property for the purpose of installing this dock and this particular dock design.

Now, we do have a -- do have affidavits signed by both adjacent neighbors, one to the north and one to the south. Mr. Forbis has written a letter of no objection, but then come this week he wrote a letter of objection to us, to our surprise and, of course, to the petitioner's surprise.

When Nancy Gundlach of Collier County brought that to our attention, I immediately called the petitioner, Andrew Jaffe, to discuss the issue. He was just as surprised as we were. And, basically, since then we've contacted Mr. Forbis. I've reached out to him, and we have a paper trail of all the emails back and forth.

And since Mr. Jaffe (sic) did sign an affidavit or letter of no objection stating he does not object to this design -- and we have not changed that design -- he has retracted his letter of objection. And I can show you that in email. I don't have it printed out. I've forwarded it to Ray and I've forwarded it to Nancy for their review. So staff has seen that email that came this morning. They can vouch for that.

With all that being said, really, what we're here for today is requesting a 19-foot boat dock extension from the allowed 20 for an overall 39 feet into a water -- water body that is approximately 1,420 feet wide. That's very -- we can argue that.

With that being said, we're also asking for a variance for zero setbacks from the -- from the retired seven-and-a-half-foot setbacks. As I said, you know, there's really no other design that could work, and I open the floor to questions, if the commissioners have any.

CHAIRMAN STRAIN: Okay. Let's go Phil and then Brad.

COMMISSIONER BROUGHAM: Okay. I have a number of questions.

CHAIRMAN STRAIN: And by the way, we're taking both the variance and the boat dock extension simultaneously, so ask from both packages, if you'd like.

COMMISSIONER BROUGHAM: Now, the property in question here, that the dock -- proposed dock -- or the existing dock is attached to is a boat dock lot. Is that defined differently in the LDC than what's referenced in your application here as a single-family home which has certain rights associated with it with respect to the number of slips?

MR. ROGERS: Yes, sir. The difference between this boat dock lot -- we're calling it a boat dock lot. It's not your typical boat dock lot in regards to Collier County normal boat dock lots. There's only a few areas that actually have boat dock lots, and one of them being -- the main one that I can recall is up off Little Hickory on the north end of -- on the south side of Bonita Beach Road, off Third Street.

And those docks -- those boat dock lots are allowed to have zero setbacks. They're basically plotted boat dock lots, and you're allowed to maximize your water foot frontage of that property.



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CHAIRMAN STRAIN: Well -- and I know Ray's about to interrupt, and so am I. Phil, you hit on a question that is really pertinent. Can you show us any document that you have that calls this a boat dock lot?

MR. ROGERS: No.

COMMISSIONER SCHIFFER: No.

CHAIRMAN STRAIN: Thank you.

COMMISSIONER BROUGHAM: Okay. That takes care of one.

MR. BELLOWS: And for the record, Ray Bellows. I'd just like to add that a boat dock lot in Collier County was approved -- is approved through a conditional use as the ones on the Vanderbilt area.

COMMISSIONER SCHIFFER: Right.

MR. BELLOWS: This has no conditional use or anything other than it has historically been used that way since 1955, I believe.

CHAIRMAN STRAIN: But does a property owner selling off a piece of his land constitute a legal use without going through the right process?

COMMISSIONER SCHIFFER: No.

MR. BELLOWS: As far as I know, it would not unless it preexisted the LDC. In '55 I think it probably did. It looks that way to me.

CHAIRMAN STRAIN: Okay. But in '55 this still was not called a boat dock lot.

MR. BELLOWS: No.

CHAIRMAN STRAIN: This was simply the north 50 feet of Parcel 14. And what Phil has hit upon was one of the biggest flaws I found in your argument. And when you said that this morning, you kept referring to it as a boat dock lot. I don't know how you got there. So I think that the record doesn't support it being called that. You can call it whatever you want, but I don't think a boat dock lot, as defined, is one that fits this lot.

So, go ahead, Phil. I'm sorry to interrupt.

COMMISSIONER BROUGHAM: No, that's okay. That's where I'm having some issues. Your variance is, I think, predicated -- my words, not yours -- on the fact that the Jaffe residence across the street is entitled to have two slips associated with a dock coming out of that piece of ground across the street at the end of the canal. Is that -- those are my words, not yours, right?

MR. ROGERS: Yes.

COMMISSIONER BROUGHAM: I don't understand that connection. To me that's a pretty long reach. If Mr. -- my example, if Mr. Forbis had decided to sell Phil Brougham that 50 foot of land at the end of that canal and I live in Fiddler's Creek, how many slips would I be allowed to put on that dock by code?

MR. ROGERS: Two.

COMMISSIONER SCHIFFER: No.

MR. ROGERS: Two vessels. No?

COMMISSIONER BROUGHAM: Whoops.

COMMISSIONER SCHIFFER: And, Mark, excuse me for butting in, but I think this issue has to be resolved before we go on.

CHAIRMAN STRAIN: I agree. And, Phil, you've got right to the point. And, I mean, that's the biggest issue with this whole thing. Brad, you're 100 percent right.

COMMISSIONER SCHIFFER: I mean, I have -- this is a subdivision. You cannot sell off your backyard in a subdivision and then give it the rights of a lot.

This is still part of Lot 14. I mean, the subdivision's been amended but never to isolate this piece of property. So, yes, it could be described; anything you can describe, you can sell. Look at Wall Street.

But -- but this could be described, but it doesn't have the rights. In other words, you're finding a riparian land coming off of a description of a piece of property in Mr. Forbis' backyard. I mean, right now Mr. Forbis and this other guy are partners on Lot 14, but it's not an individual lot. And it can't, any time, be expected to get the rights of a lot. It's a nonconforming lot even.

MR. ROGERS: I can't argue with you on that. We are just following what has historically been done here.

CHAIRMAN STRAIN: Ray, did want to -- can you help out?

MR. BELLOWS: Yeah. The reason I supported the petition or signed off on it was my understanding that this isn't a free-standing lot, that it was, in fact, deeded to the lot across the street, and it's now part of that property.



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So, therefore, it's not a free-standing nonconforming lot, because it would be deemed an unbuildable lot because it doesn't meet the minimum lot area.

MS. ASHTON-CICKO: Yeah. I don't believe -- I haven't reviewed all the chain of title. This is not my particular project. But, generally, when you have a platted roadway, the property owner owns to the center line of the road. So since he owns parcels on either side of the road, he owns one parcel that's severed by an easement for a road. So it seems to me it's RSF3, and you're entitled to boats.

COMMISSIONER SCHIFFER: But, Heidi, this is platted subdivision. You can't go within a subdivision and start describing little pieces of land and have it have the rights of the lot. This is a part of Lot 14. He's never called it part of Lot 34 on the block across the way.

MS. ASHTON-CICKO: Well, this one's -- well, that's because that's how you would describe the legal. But this one is unique in that it -- this has enjoyed this particular configuration since 1955. It's not like somebody now could go and create one of these.

COMMISSIONER SCHIFFER: Then why -- when the subdivision was revised in, like, mid '60s, why wasn't that lot shown?

MS. ASHTON-CICKO: I can't answer that question. And, again, I don't have the benefit of looking at the file. I'm just looking at the documents.

COMMISSIONER SCHIFFER: I mean, a subdivision is a method in which you organize land, you plat it, and you can't then start to describe things by legal description. I mean, it's a subdivision. And that would mean that this little area could have four boats in that area, so this is a way to circumvent the rights of the landowners by cutting out pieces of their backyard and selling it and getting the rights of two boats per piece. I mean, makes no sense.

MR. BELLOWS: One other point. Any property owner can sell off a portion of their property to an adjacent property owner as long as they don't result in a nonconforming situation on their own.

Now, if the lot where this appendage came off of is still conforming, he can sell that off. But it can't be a buildable lot if it's not attached to something else that makes it conforming in some other way.

So if it was deeded to the Jaffe residence across the street and is part of that larger lot, then it is conforming in that regard, and they have some rights to the dockage.

COMMISSIONER SCHIFFER: But this is a plat. That roadway --

MR. BELLOWS: You can sell off a portion of a platted lot --

COMMISSIONER SCHIFFER: No. Gulf Drive -- Gulf Drive --

MR. BELLOWS: -- without replatting.

COMMISSIONER SCHIFFER: -- is not -- the people do not own to the center of a road on this platted situation. This is not out in the Estates. This is a subdivision. The subdivision has roadways, right-of-ways platted. So what you're saying is that they can own the land in the -- they don't own the land in the roadway. It's certainly not on the plat. It's not part of their legal description.

CHAIRMAN STRAIN: But there is the way --

MS. ASHTON-CICKO: Well, I've written opinions since the '90s that generally they do own to the middle of the road.

COMMISSIONER SCHIFFER: Right.

MS. ASHTON-CICKO: And they're encumbered by an easement unless it expressly states that it's fee-simple. Again, I haven't reviewed this subdivision plat.

COMMISSIONER SCHIFFER: I mean, look at the plat. Here it is.

MS. ASHTON-CICKO: But those are the general principles. Okay.

COMMISSIONER SCHIFFER: That's a road that --

CHAIRMAN STRAIN: Okay. But there is a way that we might be able to find out a little bit closer if this is a combined lot. The tax assessor's office does let you combine lots. Has this lot been joined with the lot across the street? Because if it isn't, then they're two separate lots.

MR. ROGERS: To my knowledge, no, it has not.

COMMISSIONER BROUGHAM: Couple more --

CHAIRMAN STRAIN: Well, why wouldn't they have done that? Go ahead, Phil. Sorry.

COMMISSIONER BROUGHAM: Just a couple more points that I want to pick at on this application, and then get back to the more central issue, I think.



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Supposedly, there's a 35-foot-long boat dock for the neighbor to the north of the subject site. Is that that little dock that I see in the other 50-foot lot? Is that north?

MR. ROGERS: Where are you talking about exactly?

COMMISSIONER BROUGHAM: I'm looking at -- look what's on the visualizer. That -- to me that's what I'm looking at.

MR. ROGERS: Oh, yeah. That --

COMMISSIONER BROUGHAM: That's a 35-foot lot that's sticking out of that other 50 -- I'll say 50 feet.

CHAIRMAN STRAIN: Well, do you know if that other one to the north was sold off, Phil? So you're saying it's a 50-foot lot to the north, but isn't that still connected?

MR. ROGERS: It's part of -- it's connected to the --

CHAIRMAN STRAIN: Yeah, so that's why it's not a 50-foot lot.

MR. ROGERS: Right.

COMMISSIONER BROUGHAM: Well, my question is more, that's a 35-foot dock?

MR. ROGERS: Uh-huh. Oh, I -- I don't know. I didn't measure that dock. I would guess -- no, it's probably 20, 25.

COMMISSIONER BROUGHAM: Okay. It was stated in my document that immediately to the north has an existing approximately 35-foot-long boat dock. I guess that can't be verified.

And can you speak to the hardship issue here, which is, I think, one of the central arguments?

MR. ROGERS: The hardship here is the uniqueness and the history of it. The uniqueness in regards to its location and it being a separate parcel or looked at as a separate parcel and also, then, the riparian lines coming out of the corners or -- there's a couple hardships here.

COMMISSIONER BROUGHAM: To your knowledge, when Mr. Jaffe purchased this particular piece of property, was he aware of the riparian property lines and the uniqueness of this?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: So he bought into the hardship?

MR. ROGERS: Yes, sir.

COMMISSIONER BROUGHAM: So hardship is not something that's new?

MR. ROGERS: No. But when he was closing in the closing process, he had both neighbors at that time sign off on the proposed dock design that he's now proposing here. In order to -- to let -- inform them that that's what he's -- his intentions are, of building this dock, and that's why we have two letters of no objection from them signing off on the proposed dock.

CHAIRMAN STRAIN: I wish making things legal was that simple.

COMMISSIONER BROUGHAM: Is it appropriate if I ask one clarification to the staff report as well?

CHAIRMAN STRAIN: Sure. Everything, go right on through it, yeah.

COMMISSIONER BROUGHAM: Under recommendation, Ray or --

MR. BELLOWS: Of the variance or the boat dock?

COMMISSIONER BROUGHAM: On the variance -- you say your recommendation of approved -- subject to the approval of the companion boat dock extension petition, blah-blah-blah-blah, and issuance of a certificate of occupancy for building permit number, whatever, ending in 4314, what is that -- how does a building permit come into this equation?

MR. BELLOWS: The Land Development Code requires that you cannot have an accessory use such as a dock without a principle structure or principle use. In this case the principle use is the dwelling. And since they've destroyed, or are rehabbing the original by removing it -- right now, my understanding, the site's vacant.

COMMISSIONER BROUGHAM: Okay.

MR. BELLOWS: So we just want to make sure they don't do the dock without the dwelling.

COMMISSIONER BROUGHAM: I couldn't make the link. That's all I had right now.

CHAIRMAN STRAIN: Anybody else? Brad, did you --

COMMISSIONER SCHIFFER: Yeah, let me continue on. And I -- you know, Heidi, give me a binary answer, yes or no, is that that is a legally described lot such that we can figure riparian rights off of it and they can build -- you know, it's part of Lot 14, but you're saying once they describe it and sell it and, you know -- you know, it does go back. I think Eve sold it to Adam to start this.



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It does go back, but the point is, that how can you, just by describing things, create a lot? And the reason that's an important question, there's probably about 10 other ones like this. And before everybody in Connors come running in here and selling off the lots and duplicating, you know, the boats in the backyard -- so you're 100 percent sure that this is a lot, and they can figure riparian rights off of the property lines accordingly?

MS. ASHTON-CICKO: Based on the fact that it's been in existence since the 1950s, 1955, yes. I don't think that people can start selling off parts of their lots and create new lots and then entitle additional boat docks. I don't think you can do that. But in this case because it was an existing dock and it's been sold for, you know, how many years now, as one lot, then, yes, I do think he's got riparian rights.

COMMISSIONER SCHIFFER: Then why is it being picked up in the replats and everything? I mean, this Connors Point's (sic) been replatted since then. I mean, why did they not start to show this as a legal piece of property? I mean, to me I --

MS. ASHTON-CICKO: I don't think it's not a legal piece of property, so -- and I think -- you know, I think he's got rights that if we take them away the county will have some significant exposure.

COMMISSIONER SCHIFFER: Okay. And Mr. Forbis, who's his partner on Lot 14, he has the ability to put in two more boats. Because the lot -- per lot, you're only allowed two boats. So what we're saying right now is per lot or per description, you're allowed as many boats -- two times how many descriptions you can get on your property. I mean --

MS. ASHTON-CICKO: Well, I think there's criteria you have to look at when you have a boat dock extension.

COMMISSIONER SCHIFFER: Okay. I mean, I'll -- the attorney says it's a legal lot that, yes, those are the riparian lines that are appropriate, then we'll go there. But the danger is everybody now in Connors can run in and sell that little nip on the back of the canal.

CHAIRMAN STRAIN: No. I think she qualified her statement by the fact it was a legal lot because it was created back in the 1950s, but it couldn't be done the same way today.

MR. BELLOWS: Yeah, current codes would prohibit that now.

CHAIRMAN STRAIN: That's the difference, I think.

COMMISSIONER SCHIFFER: Okay. I'll ask some questions later on the boat dock part.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: The boat dock that exists, aside from that floating dock, which is not legal --

COMMISSIONER SCHIFFER: Right.

COMMISSIONER VONIER: -- it meets all of Collier County's criterion?

MR. ROGERS: No. The dock -- no, it does not.

COMMISSIONER VONIER: It does not?

MR. ROGERS: No.

COMMISSIONER VONIER: The existing dock does not?

MR. ROGERS: No, it's not providing -- the vessel on the dock, which is part of the dock, is not providing the required setbacks.

COMMISSIONER VONIER: Okay. Second question. The adjacent lot, 14, has 75 feet of frontage and this has 50. So looking at 75 feet and his ability to put in two boats, I think it's going to get pretty tight.

MR. ROGERS: Yes, sir, it is, but you could definitely design something that would accommodate the property owner to the south's wishes and get two vessels in there. It's not a perfect situation; that's why this is so difficult to get this approved, but historically this is what's been done and, you know, we'd have to reverse what's been done. I mean, not -- you know, I definitely know we could fit something in there.

And as the dock sits, go back to your other question, that is out past the 20 feet so -- and it does not have a DBE approval as well. So as that dock sits, it's encroaching on the setbacks as well as it's past the 20 foot.

We're trying to make a wrong a right the best way we can.

CHAIRMAN STRAIN: Anybody else?

COMMISSIONER EBERT: I have a question. I notice another boat. Does that belong to Lot 13?

MR. ROGERS: No. It -- are you talking about this here?

COMMISSIONER EBERT: Yes.

MR. ROGERS: I believe, by the looks of the -- if you look and see in the water, the turbidity screen that's



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floating there, I believe that's a barge that just happened to be at that place doing some sort of -- I don't know, some sort of work.

COMMISSIONER EBERT: Okay. Now, this is not a clear picture, so I'm thinking, all right, he's got this, and if Lot 14 -- there's no home on Lot 14, I take it?

MR. ROGERS: Correct.

COMMISSIONER EBERT: And -- but you feel that they can go out and put in two boats out there also?

MR. ROGERS: Yes, ma'am. It would be considerably tight, but they could definitely work something out.

COMMISSIONER EBERT: Okay. And the one across -- on the northern portion there is also a dock there. Does that belong to the other residents across the street next to Mr. Jaffe?

MR. ROGERS: No, ma'am. That property is owned by the residents of the one to the north of us. He owns that whole L of the seawall.

COMMISSIONER EBERT: Okay. He owns the whole L. Okay, thank you.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: In your opening statement you said that this lot is zoned single-family. Do you still stand by that statement?

MR. ROGERS: Right now I'm unsure, but -- yes, sir, I believe -- that is my understanding.

CHAIRMAN STRAIN: Ray, do you consider this 50-by-30-foot square lot a single-family lot?

MR. BELLOWS: It's my understanding that that lot was deeded to the Jaffe residence lot across the way, so together it conforms a single-family lot.

CHAIRMAN STRAIN: It's not combined in the tax assessor map, so -- they've not combined them --

MR. BELLOWS: Yeah, I think I go back to what Heidi was saying is it was done back in the '50s as deeded to the Jaffe residence lot. And then, because it's not a free-standing lot in and of itself -- and I would agree with you, if it was created as a free-standing lot on its own, that it's an unbuildable lot. But since -- my understanding of the way it was explained to me is that it was deeded to the Jaffe residence lot and, therefore, is a conforming lot of record which has rights to have the dock, even though it -- even though the street crosses over.

CHAIRMAN STRAIN: During the preapp, staff said -- I guess it was -- Mike Sawyer, apparently, was talking to somebody from your organization, maybe you, Jeff --

MR. ROGERS: Yep.

CHAIRMAN STRAIN: -- note, nonconforming existing dock and -- I'm not sure what the next word -- also provide info regarding other comparable dock facilities within the area, single, canal, and locations. Did you do that?

MR. ROGERS: There are none.

CHAIRMAN STRAIN: There are none.

MR. ROGERS: That I could find on Gulf Shore Drive, that mimic this one.

CHAIRMAN STRAIN: Okay.

MR. ROGERS: At least on the three canals or the two canals north of us. Those western portions of those properties were not -- they're a part of the single-family residences.

CHAIRMAN STRAIN: I played around with your buildable area, and you can fit a boat in that buildable area with a dock without protruding on the setbacks. You can do it if you don't want an oversized boat. The fact that this guy has two boats and he wants to fit them in there is a hardship that he created, and self-created hardships aren't reasons to provide variances.

I -- and I especially am concerned that when you put a 35-foot boat in there and you've got a 100-foot lot that has 30 of it taken away, is down to 70, and of the 70, over half of it's being blocked by a boat, I don't see how that's fair to the adjoining property owner.

And by the way, that's nothing to do with Mr. Forbis or his letter, because I had that conclusion before he wrote his letter. I don't particularly like his style in his letter, so it didn't -- I didn't pay much heed to it. But, the point is, it does block that property substantially when you can actually fit a boat and a dock in there, maybe 20- or 25-foot-long boat, but I don't -- so I don't buy into the hardship fact. I'm having a hard time. And then why is it a hardship in this county if you can't have two boats? I mean, I don't get it.

COMMISSIONER EBERT: Yeah.

CHAIRMAN STRAIN: I mean --



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COMMISSIONER EBERT: It's not a hardship.

CHAIRMAN STRAIN: -- it's ludicrous to think that everybody is entitled to two boats. What the code says, you may -- you may ask for two boats. Doesn't mean you're going to -- it's a hardship if you can't have the two.

MR. ROGERS: Right.

CHAIRMAN STRAIN: So I'm having a real hard time with your variance.

I think a boat dock extension would be warranted if it was within the setbacks, provided your dock configuration was different, but you've got a dock configuration that doesn't work in front of us today.

So I have a problem with both of your applications today on that basis. And I'm just letting you know, I haven't found a way around it yet. And if we start deciding hardships are because you can't have two boats, that's a -- that's a strange trail to get going down. Anyway.

MR. ROGERS: I didn't mean to interrupt you, sorry.

CHAIRMAN STRAIN: No, that's fine.

MR. ROGERS: In my mind, you know, the biggest hardship here is the fact that the riparian lines are very restrictive, and that's just due to the uniqueness of the location of the property and, you know, that goes back to the 1955s when this was originally established.

So it -- you can fit a vessel in there, you know, like you said, as shown here, but, you know, that's the area that you have to work with that Mark was talking about. And I can't argue that we couldn't fit a boat in there, but the petitioner came to us with the vessels in his ownership, and he thought he was doing the right thing at the closing in crossing the bridge, so to speak, with the neighbors at that time in making sure that they were okay with the proposed dock and vessels that were going to be stored there, and at that time they signed off on it.

Can't speak for Mr. Forbis in his confusion, but he's come back to say as long as it matches what he signed originally, he's okay with it.

CHAIRMAN STRAIN: And, again, even -- the neighbors don't dictate the codes and laws here, and for them to decide it's okay, that doesn't mean it's okay. You've still got to meet the --

MR. ROGERS: Understood.

CHAIRMAN STRAIN: -- thresholds of our rules, and I just don't see how you've done it -- so anyway. Go ahead.

COMMISSIONER SCHIFFER: Yeah, you know what I'd kind of like to see here is if he and Mr. Forbis get together and let them design how they want to put these boats in here. Because when you look at -- you're saying it's a nonconforming thing on the 45, but that's about the only thing that makes sense so far because it looks like a boat dock place where both of them could use it.

It may be, you know, going down the riparian line -- which I don't even yet believe with the riparian line, but that might catch up later.

But, you know, let them sit down and design the backyard here, because this is definitely, to me, one lot. The fact that you've found a way to get four boats on it instead of two is -- we'll let it go as clever. But I do think that it has to work for everybody, and he can't ignore the Lot 14, which it still is a part of. It's always been described as a part of it.

No one ever, you know, attached it across the street. They sold them together. They deeded them together, but they never joined them together.

So I really -- it would be difficult for me to even really give a good opinion on this unless you work something out with Mr. Forbis and showed how you're going to put four boats there, then we can start worrying about what the other neighbors are going to think, because there are people across the canal, people who have to look at this, and maybe they don't want four boats in there.

So let's get -- if we have to have four, let's make the four work together. The way you're doing it now, you're blocking his ability to come out, too.

MR. ROGERS: Well, we're coming out as one, one property owner, and we're -- you know, we took the approach where we're worrying about him and trying to accommodate the best we can for Mr. Forbis. I understand it's not a good situation no matter what -- no matter what we do here in regards to dock design and slip layout.

You know, state and federally it would be difficult for Mr. Jaffe to get a permit that authorized his vessel and/or dock to cross over his riparian lines. You know, that's at the state and federal level. That's something that we could work out, potentially.



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COMMISSIONER SCHIFFER: But look at -- the original design has these boats on 45. So, essentially, they pull away from their docks and they go into the center of the channel. They don't cut across, you know, the backyard or the dock area of Mr. Forbis. Those boats look like they've been designed -- and you're right, there's nothing perfect there, but you're not coming in with that. That big boat can pull out into the center of the channel and not block the Forbis site.

MR. HALL: Sorry. For the record, Tim Hall with Turrell Hall & Associates, and I think I understand the concerns that the Planning Commission has been expressing.

In terms of the riparian lines, did you say you had a question or you were confused about how those related to each other or --

COMMISSIONER SCHIFFER: Well, here's -- I mean, the one that's obviously going east/west is a riparian -- is a property line with a riparian. Somebody did a legal description defining a piece of property -- and now I'm starting to think this is actually competing with Wall Street in cleverness. But they defined a piece of property, and now we're -- you know, they just defined something out of an existing lot, and now we're giving it riparian rights.

MR. HALL: Well, I mean, it's a deeded lot. It's been through 10 or 11 different transitions.

COMMISSIONER SCHIFFER: It's not a lot. You can't use the word "lot," because it's not. It's never been a lot.

MR. HALL: Okay. It's a deeded piece of property.

COMMISSIONER SCHIFFER: It's been legally -- it's been legally --

MR. HALL: It's a property that has specific ownership, okay. There's a gentleman that has a defined area that he owns.

COMMISSIONER SCHIFFER: It's been legally defined, and somebody in Iceland might have bought it. But go ahead.

MR. HALL: Okay. Well, that -- because that property is on the water, there are riparian rights associated with it, which -- and riparian rights are basically, if you own property on the water, you have the right to access that property from the water. And there are -- the ways that they define those riparian lines, generally, they start at the mean-high water line or where the water meets the shore.

COMMISSIONER SCHIFFER: I know how they define it. If -- my problem isn't with the riparian line. My problem is, does it have the rights for riparian line. And we can move off of that.

MR. HALL: No, I mean if it's --

COMMISSIONER SCHIFFER: If Heidi says it does, it does, so --

MR. HALL: And in terms of interfering with the riparian rights or the riparian lines of the owner to the south, you know, this design doesn't. If you look at how those lines -- if you look at how they line up, I mean, where the edge of the property -- the property to the south here and this property where they adjoin, that riparian line would come off a 45-degree angle to the center of the waterway.

COMMISSIONER SCHIFFER: If we're allowed a riparian line, that's the one you'd be allowed.

MR. HALL: Right.

COMMISSIONER SCHIFFER: I'm with you there.

MR. HALL: Okay. All right.

COMMISSIONER SCHIFFER: But the point is, too, is that since everyone's known about this lot and everybody's known about riparian lines and everybody's known about setbacks, what is the hardship then other than they can't, you know, take overadvantage of it? I mean, this is a very small lot so, obviously, shouldn't they be entitled to a very small boat? What would make them think that they should have the rights of somebody -- you know, a 39-foot boat, let's say 40, that's an 80-foot-wide lot.

MR. HALL: If you look at the boat that's there now on the aerials, that's a 32-foot boat.

COMMISSIONER SCHIFFER: Right.

MR. HALL: But it's not there legally. It's there -- well, I mean, I guess it is there. It's grandfathered in, but it doesn't meet the setback or boat dock extension criteria that the county has in place now.

So if he wants to upgrade that dock or change it, he has to become compliant with what the codes are now, which is what we're trying to do. And in taking that, what was a -- the 35-foot boat and doing the design, it was to move it as far away from that property to the south as possible.

COMMISSIONER SCHIFFER: I mean, if this guy wanted a variance to build what's there, he'd have a



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friend in me. But what he's trying to do, the way he's trying to aim it down the channel and, essentially, make it difficult for the other lot and, essentially, put it in full view of the other lot, I'm not with that yet.

Thank you, Mark.

CHAIRMAN STRAIN: Okay. Anything else? Phil?

COMMISSIONER BROUGHAM: Just one more question; might be rhetorical.

What if -- well, I -- what if he did nothing? In other words, you say this is nonconforming and a boat that's currently -- I assume is currently docked there is not, quote-unquote, legal; it's grandfathered in, I guess.

But if this petition were denied and it was not appealed and ultimately approved, what harm is there then? I mean, how is this gentleman harmed? What would he have to do? He could keep his boat. He could keep the dock as legal nonconforming; is that correct?

MR. BELLOWS: Correct.

COMMISSIONER BROUGHAM: No harm, no foul.

MR. BELLOWS: Yeah. The existing situation can continue into the future.

COMMISSIONER BROUGHAM: Can or can't?

MR. BELLOWS: Can, C-a-n.

COMMISSIONER BROUGHAM: Okay, thanks.

COMMISSIONER SCHIFFER: Well, Ray, let me question.

MR. HALL: Except for he loses the -- just to keep this right now, he then is limited to the one boat instead of the two that are there now.

COMMISSIONER BROUGHAM: Okay. I understand that.

COMMISSIONER SCHIFFER: But, Ray, he's built boat lifts and stuff. I mean, he didn't have a boat lift in 1955. I mean, when they installed that boat lift, Elvis Presley wasn't on the radio.

MR. BELLOWS: I don't know of any code violations on this site, but there very may well be. But my understanding is it's preexisting dock, and the boat is there. I don't know how long that boat's been there, but I'm sure they've had many numerous boats over the years.

COMMISSIONER SCHIFFER: And it's designed in a courteous position where it will pull out and not, you know, block the other people around them.

MR. BELLOWS: I agree. It's --

MR. HALL: Well, I think I might disagree with you a little bit. Just if you look -- if you look at the -- can we blow that out some?

This boat currently has to back into this because of the way the lift is situated and all. So to come in and out he's actually -- if this owner brought another boat in which is, you know, permitted there and has this boat here, then to get in and out of that, he's got to work around both of these in reverse to get in and out of that slip as it exists now, whereas, with what we have proposed, none of these adjoining owners are affected at all, and it makes it easier to get that boat in and out of that lot without having those -- you know, without having to come in in reverse and go around those lots -- those docks that are already there now.

COMMISSIONER SCHIFFER: But, actually, you've pointed out a hardship. Your boat might -- if you come perpendicular to that wall and you're within that setback, you're going to make -- that boat's got to work around the tip of you. You're much further out than you'd be --

MR. HALL: No. The way this one can come in and out into the corner, the way we have the boat sitting right now, he's not affected by it at all.

COMMISSIONER SCHIFFER: We could discuss it. I mean, you're going to be sticking out towards the apex of that triangle. So anyway. Okay.

CHAIRMAN STRAIN: Anybody else?

(No response.)

CHAIRMAN STRAIN: Thank you, Tim and Jeff. Staff report?

COMMISSIONER BROUGHAM: Come on up, Mike.

COMMISSIONER EBERT: You've got it, Mike.

MR. SAWYER: Good afternoon. For the record, Mike Sawyer with planning services.

I actually worked on the boat dock extension for Jaffe. Nancy, my colleague, did the variance for this request.



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On the boat dock extension, you've got a staff report originally dated April 6th, revised April 11th and the 13th. As you can see, basically, what we found as staff is that they're meeting four of the five primary and four of the six secondary, with one of the secondary being nonapplicable.

If you have questions, I'll be happy to answer what I can.

CHAIRMAN STRAIN: Anybody?

COMMISSIONER SCHIFFER: I'll play.

CHAIRMAN STRAIN: You'll play, huh?

COMMISSIONER SCHIFFER: Primary Criteria 1, you know, the intent there is to keep it an appropriate number, kind of says for single-family use, two boats is good, right?

MR. SAWYER: Correct.

COMMISSIONER SCHIFFER: So you're still claiming that these two boats belong to the house across the street?

MR. SAWYER: Since '55, correct.

COMMISSIONER SCHIFFER: Well -- okay. I mean, the lots have never been joined. To say it's on the same lot, that isn't true. Even in the descriptions it says "and," and then describes this guy's backyard. But anyway.

MR. SAWYER: Well, just to clarify one possible point, that in '55, this -- you know, certainly, the boat dock extension process certainly wasn't in the code at that time either. A minor point.

COMMISSIONER SCHIFFER: Right. I mean, to me I think there's only two boats allowed on Lot 14. Even though somebody else owns part of Lot 14, that's just creative.

Let me see if there's any other ones. They're claiming this, you know, the -- and because they measure perpendicular, they measured all the way across into Ohio, I think, to come up with the 1,400 feet. Do you believe that's the width of the waterway?

MR. SAWYER: As I tried to point out in the staff report, in black-and-white terms, that's what the criteria says; however, in this particular case, it's very hard to make that argument, quite honestly, and that's why in the staff report I tried to go back to what the actual intent is as far as navigability, and that's how we found that it actually, you know, met that navigation. Whether this configuration is used or the existing one is is not going to affect navigation because you don't have anything -- any navigation going further west.

COMMISSIONER SCHIFFER: No, obviously.

MR. SAWYER: Obviously.

COMMISSIONER SCHIFFER: Or this boat will stop them if they try.

MR. SAWYER: Exactly.

COMMISSIONER SCHIFFER: Number 5, is the -- will it interfere with the neighboring docks. When you look at that, do you look at it in terms of what's built now or what could be built later? And the intent of the question is, did you give Lot 14 the ability -- I mean, did you figure out what's going to happen on 14, what they can do to see if this is, in fact, especially with the variance, you know, interfering with their rights?

MR. SAWYER: We did. Quite honestly, Lot 14, whether they come in now or later, are still going to have to go off of the riparian lines that you see on the screen right now. They're going to have to -- whatever configuration of dock they propose, whether they need an extension or not, are still going to have to go off of that 45-degree riparian line that you see, because they don't have rights to that lot.

COMMISSIONER SCHIFFER: Right. But, remember, they're asking for a variance here, and that variance will make that more difficult for them, correct?

MR. SAWYER: To an extent, yes.

COMMISSIONER SCHIFFER: Yeah. Hold on. There may be another. No, that's good. Thanks, Mike.

CHAIRMAN STRAIN: Okay. Bill?

COMMISSIONER VONIER: Yeah. I'm reminded of the Isles of Capri case that we just reviewed a couple of weeks ago, and those conditions were not nearly as severe as these, and we did not allow one of the docks -- or one of the lifts to be -- to encroach on a riparian right. So this is a much worse condition in my estimation than the one we voted out in Isles of Capri.

And, for the record, I looked at that as 100-foot-wide waterway. I didn't buy your 1,400 feet.

CHAIRMAN STRAIN: Okay. Anybody else? Phil?

COMMISSIONER BROUGHAM: No.



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CHAIRMAN STRAIN: No, okay.
Mike, you did the boat dock extension?
MR. SAWYER: Correct.
CHAIRMAN STRAIN: Let's see if I had anything left. No. So I only have a couple of questions on the variance. Thank you.
MR. SAWYER: Thank you.
MS. GUNDLACH: Good afternoon, Commissioners. For the record, I'm Nancy Gundlach, principal planner with the Department of Land Development Services.
And staff is recommending approval of the variance, of course subject to the approval of the boat dock extension and also the certificate of occupancy for the new house that's being built across the street.
And it would be my pleasure to answer any questions you might have this afternoon.
CHAIRMAN STRAIN: Anybody have any questions on the variance from Nancy?
(No response.)
CHAIRMAN STRAIN: Nancy, a couple cleanup questions maybe. Page 5, did you do the aerial?
MS. GUNDLACH: Yes, I did the aerial.
CHAIRMAN STRAIN: Could you -- if this is appealed, or wherever it goes, you reference that lot as a boat dock lot. We now know that's improper. Could you just make that correction?
MS. GUNDLACH: Okay. Yes.
CHAIRMAN STRAIN: Okay. Under your variance criteria on Page 6, No. E, the question was, will the granting of the variance confer on the applicant any special privilege that is denied by the zoning regulations to other lands, buildings, or structures in the same zoning district. Your answer was no. And then afterwards it says, most other neighboring properties moor two vessels.
Did you rely upon any kind of data, survey, or statistical information submitted to you to come to that conclusion?
COMMISSIONER EBERT: No.
MS. GUNDLACH: No.
CHAIRMAN STRAIN: Okay. So --
MS. GUNDLACH: I had to think about that for a minute.
CHAIRMAN STRAIN: So our record -- we don't have anything for the record to support that conclusion? That was just something you wrote in there?
MS. GUNDLACH: Actually, it's based on the application.
CHAIRMAN STRAIN: But you were not given any supporting data to validate that conclusion, were you?
MS. GUNDLACH: No.
CHAIRMAN STRAIN: Okay. That's what I was getting at. I just wanted to make sure --
MS. GUNDLACH: Okay.
CHAIRMAN STRAIN: -- if we have data here that we're relying upon, it's accurate. And under a variance, I wanted to especially check that. So that's all I had.
Anybody else have any questions of staff?
(No response.)
CHAIRMAN STRAIN: Thank you, Nancy.
MS. GUNDLACH: You're welcome.
CHAIRMAN STRAIN: Are there public speakers, Ray?
MR. BELLOWS: No one has registered.
CHAIRMAN STRAIN: Does anybody in the public wish to speak?
(No response.)
CHAIRMAN STRAIN: Okay. Is there any rebuttal wanted by the applicant?
(No response.)
CHAIRMAN STRAIN: You guys got any more you want to say before we close the public hearing?
MR. HALL: No, sir.
CHAIRMAN STRAIN: Let the record state that, rather than shaking his head, he actually said no off record.
Okay. With that, we'll close the public hearing, and we'll entertain a motion first on the variance.



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COMMISSIONER BROUGHAM: Motion to deny.
CHAIRMAN STRAIN: There's been a motion made to --
COMMISSIONER VONIER: Second.
CHAIRMAN STRAIN: -- deny, second -- by Mr. Brougham, seconded by Mr. Vonier.
Discussion? I'm going to support the denial for the following reasons: The -- I believe the hard -- first of all, under variance criteria, I don't agree that they've met the criteria of Elements B, C, D, E, and F. Most of that has to do with the fact that the hardship is based upon needing two vessels. I can't see where that occurs, and also the impact on the neighboring property. But those are my reasons for denying this variance.
Anybody else have any questions, comments?
(No response.)
CHAIRMAN STRAIN: If not, all those in favor of the motion, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Okay. Motion carries, 8-1.
***Boat dock extension. Does anybody have any comments on the boat dock extension?
(No response.)
CHAIRMAN STRAIN: Is there a motion?
COMMISSIONER BROUGHAM: Well, I will move to deny the boat dock extension, BDE-20110001573.
COMMISSIONER VONIER: Second.
COMMISSIONER KLEIN: (Raises hand.)
CHAIRMAN STRAIN: Is there a second? Motion made by Mr. Brougham, seconded by Mr. Vonier.
Discussion? I'm going to be supporting the motion. I believe that they did not meet Primary Criteria No. 1 or No. 2, and they do not meet Secondary Criteria No. 1, 3, and 4.
COMMISSIONER VONIER: I agree.
CHAIRMAN STRAIN: Anybody else?
COMMISSIONER SCHIFFER: I'll be supporting the motion but adding Criteria No. Primary 5 and Primary 4.
CHAIRMAN STRAIN: Is that in addition to the ones I have suggested?
COMMISSIONER SCHIFFER: Yes, yes.
CHAIRMAN STRAIN: Okay. Anybody else?
(No response.)
CHAIRMAN STRAIN: All those in favor of the motion to deny, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
COMMISSIONER HOMIAK: Aye.
CHAIRMAN STRAIN: Motion carries 8-1.



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Thank you, all. Appreciate your time.

We're done with our advertised public hearings.

***Next item up is a new business item, and it's 11B, suggested -- by -- Brad asked for it earlier today concerning the CCPC representation at the BCC meeting.

COMMISSIONER SCHIFFER: And this is actually the right roomful of people. At the Wahl presentation -- the concern I have is I don't want to second guess the BCC's judgment. That's made. That's locked. The question I have is how does our work -- I mena, we work hard on these things. How is that presented to the BCC?

At the Wahl hearing, the applicant, who's standing right where he was, stated that the application was solely about safe access to the boat, okay, and repeated that. I mean, I don't agree with that, but that's what -- he's allowed to say what he wants.

Nancy got up and said, staff doesn't approve -- or votes for approval. Do you have any questions? And it wasn't until midway in the hearing that the attorney actually stated, wait a minute. This is just about a boat lift, and a boat lift doesn't provide safe access.

So how do we spend time like we just did, how is that supposed to be presented to the commission?

MR. BELLOWS: The executive summary prepared for the Board of County Commissioners or the Board of Zoning Appeals in a case of variance and conditional uses always outlines the CCPC vote and the reasons for the vote. And it's very important, like you did on this petition, to outline the criteria and the reasons for recommending denial. That information is placed in the executive summary for the board to hear.

Now, if staff -- after going through the CCPC hearing and the information presented during that CCPC hearing, if we decided that information or new information presented is enough to change our recommendation, say we were -- either support or -- whatever our recommendation was different from the Planning Commission's, but as a result of the hearing, we are now in agreement, we will note that in the executive summary that staff is changing their vote for a recommendation that was presented to the Planning Commission and are now siding with the Planning Commission based on that information presented.

However, if we still feel that our recommendation is correct or we think that it should be presented as our recommendation to continue forward, we will note both, that staff disagrees with the CCPC. So that both information there -- so the Board of County Commissioners gets both recommendations when they're different.

COMMISSIONER SCHIFFER: But you see the problem. The staff of the Planning Commission is you guys, and you're the ones saying we want to approve this thing, which you're allowed, but you're also the ones that are supposed to be presenting our point.

I mean, so what I'd like to see -- and, Heidi, it would be great if -- and, Steve, if it's a legal thing, if the legal department is kind of watching the hearing to make sure. And, again, like I said, it was Jeff well into the hearing that finally said, wait, wait, this is only about a boat lift.

And I think that statements -- for example, the boat lift didn't -- doesn't have anything to do with safe access to a dock. So if someone's saying this is about safe access to a dock, somebody somewhere has got to say, wait a minute, wait a minute. It's about a boat lift. The boat will be down in the exact same position it would be with or without the lift. So, you know -- go ahead, Phil, you wanted --

COMMISSIONER BROUGHAM: No, no. When it's my turn. But I just want to join in with you, Brad. I watched the BCC meeting, and I was almost beating on the TV because I felt that the fullness of the discussion that this commission had concerning those two requests was not at all presented either in black and white or verbally by the staff. And I'm new at this game. But I guess I could come up and register as a public speaker, but I don't feel appropriate doing that.

I would just like to see some way that no matter what the recommendation of staff is, to approve or deny, that we have more forthcoming -- or more substance to the discussion or the debate and the conclusions and --

COMMISSIONER KLEIN: Rationale.

COMMISSIONER BROUGHAM: Good point -- rationale that this commission put into their recommendation. Because I feel if the commissioners, A, didn't read the executive summary -- I'm not accusing that -- or didn't ask the right questions, then our discussion in substance wouldn't have been presented or was not presented. And I felt the same as you, Brad. I just felt disenfranchised for all the time we put into those.

COMMISSIONER SCHIFFER: And we can't expect one of us to run down to these meetings. We give enough to do this job. The problem is we work hard. We worked an hour or so on this one, and to have that thrown



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out in the presentation by two parties that really aren't interested in what we came up with in our hour anyway because it goes against what they want, I do think something should be done. I would love to see the county attorney kind of watch a hearing like that and be the one to say, wait a minute. That's -- you know, I want -- you know, the commission to know the Planning Commission was against it. It is not a question of safe access to the boat. The boat would always be allowed at the dock. The question is whether we can lift it in the air after you're using it.

And, you know, someone's got to speak for our voice, or let's just quit screwing around on these things. I mean, we are going to take them up, but it is disrespectful that we waste our time from our businesses and our resources and then have it blown off like it's a flippant opinion.

CHAIRMAN STRAIN: Well, let me comment on a couple of things. First of all, I have no reason to doubt on this executive summary that was presented on the Wahl docks -- I didn't -- I haven't read it, but I'm assuming staff articulated our position as they stated they have. So we've got to rely on that as an unbiased way to present our case, because that's why we have a consent agenda and the other agendas we have.

So assuming that was done correctly, for anyone, whether it be a member of this board to go there and try to represent this board or for the county attorney to speak on behalf of this board or Ray to speak on behalf of the board, all they can do is tell what's on record. If the BCC had watched us, which they probably don't, but had read the executive summary, I think they would get the gist of it.

To request staff to state our position without -- I'm not sure I'd be as comfortable with that, because they're going to state the majority position, which may be contrary. And your position right now, by the way, is not why I voted no on the Wahl docks. I voted no on that Wahl dock side not because of the lift and the height of it and all that, but because there was no hardship shown for the variance.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: So I don't even match what you just said, so how could we get that straight at the BCC level?

COMMISSIONER SCHIFFER: No, but that proves the point that one of us can't go down --

CHAIRMAN STRAIN: Well, and I --

COMMISSIONER SCHIFFER: -- because we would never -- you know, and that's not fair to us and that's also the fact that we don't always speak in a unified voice. I think maybe one thing to do, Ray, could we see the executive summary that you're going to present with the consent agenda so we could critique that to make sure that that's covering what we're concerned about?

And, like I said, it was really the county attorney who finally had to step in and get the thing a little bit back on track with the boat-lift issue.

CHAIRMAN STRAIN: But the executive summaries are made the week prior. How could we chime in on them? It wouldn't do any good.

COMMISSIONER HOMIAK: But they read -- I know that some of the commissioners read our minutes. They read the transcripts of the meetings before -- that was --

COMMISSIONER SCHIFFER: Well, we -- how could they -- I mean, we don't get them.

COMMISSIONER HOMIAK: That was read before they voted on that by many of them.

COMMISSIONER SCHIFFER: I mean, we haven't -- the transcripts aren't ready that fast.

MR. BELLOWS: The best way to accurately reflect the varying opinions of the Planning --

COMMISSIONER HOMIAK: The video's right here.

MR. BELLOWS: -- Commission would be to provide the minutes. And on the bigger cases, such as the Lost Grove Mine, we do include the minutes of the Planning Commission, because there's no way you're going to summarize that in an executive summary to the board.

On a thing like the Wahl variance, staff did put in the staff -- Planning Commission recommendation, the recommendation of denial and the reasons for it. That's -- you know, like Mark had indicated, not everyone on the Planning Commission has the same opinion about a petition, and we would have to basically include the minutes to accurately reflect everyone's opinion to fully convey that to the Board of County Commissioners. And I don't have any problem attaching minutes if that's so -- the desire of the commission.

COMMISSIONER SCHIFFER: But you can't expect the commissioners to read an hour hearing.

MR. BELLOWS: And timing-wise of getting things into the agenda packet for the board, I don't think there would be time to get each one of you to respond and say it's accurately reflecting your concerns.



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CHAIRMAN STRAIN: And I don't think our response off record substantiated as a policy of this board, so I think that would be a very difficult thing for you to change --

MR. BELLOWS: I think so, too.

CHAIRMAN STRAIN: -- based on someone's individual comment.

MR. BELLOWS: I think the only way to really -- to help your concern is -- because we do our best to try to reflect the Planning Commission vote in our executive summary. There's nothing gained by us trying to hide something or change the direction of the Planning Commission vote. We want to express to the board your findings as accurately as possible. And if doing so requires the minutes to be provided, we will do that.

COMMISSIONER SCHIFFER: Then in your staff presentation, make it part of your presentation. Don't just say, staff is in favor of this. Any questions? Sit there and say the Planning Commission -- and then use those -- executive summary to go over those points.

MR. BELLOWS: Well, that is a good point, and I will stress that with staff --

COMMISSIONER SCHIFFER: I mean, don't just blow us off.

MR. BELLOWS: -- in the future that when they are presenting the -- when they're asked to give staff comment on their executive summary that they make sure that they reference the CCPC vote.

COMMISSIONER SCHIFFER: You know, today covering the consent on the cultural arts, there's a nice thing presented. Nancy prepared it. Given a rundown of what our concerns were -- now, she was doing it in more checklist, I think, to show that it was in the packet, so that means that the best time for you to really think of what it is we're up to on that hearing is right away. So why can't you, within two weeks, have that -- it could be outlined. It could be what your executive summary's going to be -- to make sure that we're all on the same page with the points.

CHAIRMAN STRAIN: But I think consent does that, Brad. I think if we get the consent -- now you want not only a consent approval, but a draft executive summary approval?

COMMISSIONER SCHIFFER: I would like -- for the draft of the -- what they're going to say. I mean, the final executive summary, when they put it together is only about a -- two paragraphs anyway. It's not like a lot of written work. Go ahead. You obviously want to say --

COMMISSIONER EBERT: Ray, I have a --

MR. BELLOWS: There's a couple points I'd like to make. One is, if a petition is recommended for denial, then there's nothing to bring back to the Planning Commission on consent, because the resolution that was attached at our ordinance is not being forwarded with a recommendation from the Planning Commission. So there's nothing to bring back for you to verify.

In regards to an executive summary, they're working on four or five different projects at the same time, responding to other -- so not everyone can be able to get an executive summary comment, because they have to run it by me, Bill Lorenz, Nick Casalanguida before it's ready to be presented to the public eye, so to speak. I don't think the timing would ever work for an executive summary with the short time frames that we have.

COMMISSIONER SCHIFFER: Something like this cover letter today could not be done then?

MR. BELLOWS: Well, we could do a check list, certainly, or general outline.

CHAIRMAN STRAIN: Why don't you consider what Brad's asking for denials. When we've denied something, maybe put together a check list from staff as to why we denied it that you would eventually use for part of your executive summary. That's very minimal because we don't often deny things completely.

So where there's a denial and you wouldn't normally have a consent, well, at least just summarize our denial points so that we know going forward on a denial that could be controversial, our points are made as well as we expected them to, because that's normally what we check on a consent. Does that -- would that be a happy medium to get to a point where we could kind of test it out, see how it works?

MR. BELLOWS: That seems like a reasonable -- because we do need to reflect in our executive summaries the reasons for denial, and we want to make sure we get that right. And many times staff have to pull the minutes, go over the minutes, make sure what they have in their notes jives with the minutes before they finish the executive summary.

So as part of that process of verifying everything that's stated -- because, you know, when you go three or four hours on a petition, there's a lot of comments to weed through to make sure that we're accurately reflecting it.

That's why it's important when you make your motion, like you did just now, to cite all those reasons why you are not supporting it. A lot of times it's not very clear the reasons why you're denying something, so it's hard to



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reflect that accurately in an executive summary.

COMMISSIONER SCHIFFER: Mark, Ray does mention a point that I noticed in the past that is a problem. If we do deny things -- because we're pretty good at running up stipulations, summarizing them. You are, Mark, at the end --

MR. BELLOWS: Yes.

COMMISSIONER SCHIFFER: -- so we know where we are. If it votes down, I honestly think we still should forward those stipulations almost at -- because if the commission overturns us, they don't get the stipulations then. In other words, we should almost have a clause that if you -- you know, we recommend disapproval, but if you were to approve, and then list things we would want, so maybe we should have a consent.

CHAIRMAN STRAIN: Well, the only problem is when you do it that way, it acts as an incentive to approve.

COMMISSIONER SCHIFFER: It does.

CHAIRMAN STRAIN: And then they say, well, the Planning Commission, if we did this, they probably wouldn't have a big problem with it because they said they wouldn't.

COMMISSIONER SCHIFFER: Right.

CHAIRMAN STRAIN: I don't want to go there because I think that opens another door we don't even want to test, because we have some strong opinions on some of these things.

COMMISSIONER SCHIFFER: Right. But we do lose some good ideas if they were to approve it, and sometimes they approve stuff that we deny.

COMMISSIONER KLEIN: But in that case, if staff does a -- like, a consent but just basically a rundown of reasons for denial for motions that we do deny, maybe that will take care of it. And we've got to try that at least, Brad, and see if that clears up the problem.

COMMISSIONER SCHIFFER: Okay.

CHAIRMAN STRAIN: And I think just bringing it up for discussion helps emphasize the issue, too, so --

MR. BELLOWS: I think it's a good idea. There's nothing that would make me more uncomfortable if we're presenting something to the board that isn't reflective of your condition and -- or -- and motion. And it's not the intent of staff to confuse the issue. We want to be as clear as possible.

So I think this is a good solution. And I think I'll work with staff and the attorney's office to come up with kind of like a consent agenda item for denial outlining the specific criteria in the code that you're referencing that's led to the motion of denial.

CHAIRMAN STRAIN: Okay. Diane?

COMMISSIONER EBERT: Ray, I have a question. These only come to the BCC if they are denied through the CCPC, or they just come on consent agenda; is that how it goes?

MR. BELLOWS: The way it works is if, like a variance petition or conditional use, the approving authority is the Board of Zoning Appeals. Our PUD rezone is the Board of County Commissioners. A boat dock extension is approved by the Planning Commission.

Now, if a variance or conditional use is acted upon by the Planning Commission and the recommendation is for denial, that executive summary also includes the resolution. In case the board approves it, the resolution will be there with conditions.

Now, if the Planning Commission has recommended denial, you don't have conditions that you're forwarding over to them, but you have conditions or reasons why you've denied it, and that is included in the executive summary, why did the Planning Commission recommend denial.

COMMISSIONER EBERT: Okay. The other question, because they had opposition for the Wahl dock -- and you had quite a few people here.

MR. BELLOWS: Yeah, and that lady spoke during the board hearing.

COMMISSIONER EBERT: Yes, yes. Oh, she did?

MR. BELLOWS: Yes.

COMMISSIONER EBERT: I was going to ask you, did the neighbors come and speak, okay. Because sometimes people don't even know that it's going to go to them.

MR. BELLOWS: Yeah. They've been coordinating with staff, and they were informed of the meeting, and they did show up.



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COMMISSIONER EBERT: Okay, thank you. That's what I wanted to know.
CHAIRMAN STRAIN: Okay. Anything else? Brad?
COMMISSIONER SCHIFFER: Well, just -- but remember, the thing was, without the variance they wouldn't have safe access to the boat.
So what I'm kind of looking for is -- and I don't agree with that. And maybe -- he and I could argue forever -- is that somebody -- the Planning Commission never considered safe access to the boat as anything in that application. So somebody somewhere has to say, wait a minute, it's not about safe access. It's about a boat lift, you know, and make sure the commission's clear on that. That's what I don't -- we're walking away from this conversation without that probably happening.
MR. BELLOWS: No, I understand what you're trying to say, but --
CHAIRMAN STRAIN: Well -- and actually --
MR. BELLOWS: -- I believe the applicant has the right to express their reasons for it.
COMMISSIONER SCHIFFER: He does. I didn't say shoot him. I said, when he's done, talk about it.
MR. BELLOWS: Yeah.
COMMISSIONER SCHIFFER: Don't drop them in the middle of the presentation. Enough said.
CHAIRMAN STRAIN: Okay. Well, I think we've wrapped this one up.
MR. BELLOWS: I think it's a great idea and --
CHAIRMAN STRAIN: The point's been made.
MR. BELLOWS: -- I will -- for the next meeting I'll try to draw up something similar in this vein for you to look at on a consent item.
CHAIRMAN STRAIN: Thank you, Ray. Much appreciated. It works.
Public comments, items, anything else? Looks like we're about done. I do want to thank Karah Lewis for the brownies brought in by her mother, Terri.
K.D., thanks for the movies today and, records, thank you for the coffee. We appreciate it all.
And with that, I'll look for a motion to adjourn.
MS. ASHTON-CICKO: Mr. Strain?
CHAIRMAN STRAIN: Yes.
MS. ASHTON-CICKO: Can we -- we may have already done it, but can we officially continue the LDC hearings to the May 17th hearing?
CHAIRMAN STRAIN: Sure. Let's have a motion to continue to May 17th for the LDC amendments.
COMMISSIONER SCHIFFER: So moved.
COMMISSIONER AHERN: Second.
CHAIRMAN STRAIN: Made by Brad, seconded by Melissa.
All in favor, signify by saying aye.
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: Motion carries 9-0.
Now, whoa, whoa, whoa, adjourned, motion to adjourn?
COMMISSIONER AHERN: So moved.
By Melissa. Seconded by --
COMMISSIONER HOMIAK: Second.
CHAIRMAN STRAIN: -- Karen.



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All in favor?
COMMISSIONER VONIER: Aye.
COMMISSIONER SCHIFFER: Aye.
COMMISSIONER MIDNEY: Aye.
COMMISSIONER AHERN: Aye.
CHAIRMAN STRAIN: Aye.
COMMISSIONER HOMIAK: Aye.
COMMISSIONER EBERT: Aye.
COMMISSIONER KLEIN: Aye.
COMMISSIONER BROUGHAM: Aye.
CHAIRMAN STRAIN: Anybody opposed?
(No response.)
CHAIRMAN STRAIN: We're out of here.

*******

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 2:20 p.m.

COLLIER COUNTY PLANNING COMMISSION

MARK STRAIN, CHAIRMAN

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on 6-7-12, as presented ✓ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT REPORTING SERVICE, INC.,
BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.



Attachment: Attachment F - CCPC Minutes 05_03_2012 R_ (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

Collier County

# STAFF CONFIRMATION OF CONSISTENCY
# RESOLUTION: BDE-PL20110001573

## REQUEST FOR ADMINISTRATOR SIGNATURE

**TO:** GROWTH MANAGEMENT DIVISION, PLANNING AND REGULATION
NICK CASALANGUIDA, ADMINISTRATOR

**FROM:** DEPARTMENT OF LAND DEVELOPMENT SERVICES
MIKE SAWYER, PROJECT MANAGER

**SUBJECT:** RESOLUTION FOR: BDE-PL20110001573,
JAFFE BOAT DOCK EXTENSION
(COMPANION ITEM: VA-PL20110001576)

---

**REQUESTED ACTION:**

The above noted petition has been denied by the Collier County Planning Commission (CCPC) and the Collier County Attorney's Office has prepared and signed the attached resolution which has been checked by our office to confirm consistency with the CCPC denial. Staff is requesting that the Growth Management Division Administrator sign the attached resolution.

**PREPARED BY:**

MICHAEL SAWYER, PROJECT MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

5.18.12
DATE

**REVIEWED BY:**

RAYMOND V. BELLOWS, ZONING MANAGER
DEPARTMENT OF LAND DEVELOPMENT SERVICES

5-18-12
DATE



Attachment: Attachment F - CCPC Minutes 05_03_2012 R_ (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

**CCPC RESOLUTION NO. 12-05**

**A RESOLUTION DENYING PETITION NUMBER BDE-PL2011-1573 FOR A 19 FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM 20 FOOT LIMIT PROVIDED IN SECTION 5.03.06 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR A 39 FOOT BOAT DOCK FACILITY IN AN RSF-3 ZONE ON PROPERTY HEREINAFTER DESCRIBED IN COLLIER COUNTY, FLORIDA.**

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the County pursuant thereto has adopted a Land Development Code (LDC) (Ordinance 04-41, as amended) which establishes regulations for the zoning of particular geographic divisions of the County, among which are provisions for granting extensions for boat docks; and

WHEREAS, the Collier County Planning Commission (CCPC), being duly appointed, has held a properly noticed public hearing and has considered the advisability of a 19 foot extension over the maximum 20 foot limit provided in LDC Section 5.03.06 to allow for a 39 foot boat dock facility in an RSF-3 zone for the property hereinafter described; and

WHEREAS, the CCPC has found as a matter of fact that satisfactory provision and arrangement have not been made concerning all applicable matters required by LDC Section 5.03.06; and

WHEREAS, all interested parties have been given the opportunity to be heard by this Commission in public meeting assembled, and the Commission having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE COLLIER COUNTY PLANNING COMMISSION OF COLLIER COUNTY, FLORIDA, that:

Petition Number BDE-PL2011-1573, filed on behalf of Andrew Jaffe by Jeff Rogers of Turrell, Hall and Associates, Inc., with respect to the property hereinafter described as:

> Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book No. 3, Page 18, of the Public Records of Collier County, Florida (Folio No. 27530160008)

be and the same is hereby DENIED in accordance with the provisions of the public hearing held before the CCPC on May 3, 2012.



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BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Commission and filed with the County Clerk's Office.

This Resolution adopted after motion, second and majority vote.

Done this 17th day of May, 2012.

ATTEST:

Nick Casalanguida, Administrator
Growth Management Division

COLLIER COUNTY PLANNING COMMISSION
COLLIER COUNTY, FLORIDA

Mark P. Strain, Chairman

Approved as to form
and legal sufficiency:

Steven T. Williams
Assistant County Attorney

11-CPS-01127/13

Attachment: Attachment F - CCPC Minutes 05_03_2012 R_ (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

BDE-PL20200002573
10091 GULD SHORE DR

# HEARING PACKAGE CHECKLIST

## A. Backup provided by the County Planner

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

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

## B. Backup provided by Applicant:

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

- ✓ Application, to include but not limited to the following:
  - ✓ Narrative of request
  - ✓ Property Information
  - ✓ Property Ownership Disclosure Form
  - ✓ Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.
- ____ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- ✓ Affidavit of ~~Unified Control~~ AUTHORIZATION x2
- ____ Affidavit of Representation
- ✓ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- ____ NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
  - ✓ Include 3 thumbnail drives of video and/or audio
- ____ Traffic Impact Study (TIS)
- ____ Environmental Data
- ____ Historical/Archeological Survey or Waiver
- ____ Utility Letter
- ✓ ~~Deviation~~ Justifications

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

✓ Boundary Survey

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

✓ Submerged Resource Surveys may be included here if required.

✓ **flash drive with *only one* pdf file for all documents**

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



Signature of Agent Representative

11/22/2021

Date

Nicholas Pearson

Printed Name of Signing Agent Representative

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# JAFFE DOCK
## 10091 GULF SHORE DR.
## NAPLES, FL 34108

## BDE APPLICATION
## PL20200002573
## MAY 2021

PREPARED BY:

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# BDE Application

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

**THIS PETITION IS FOR (check one):** ■ **DOCK EXTENSION** ■ **BOATHOUSE**

**PROJECT NUMBER**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

## APPLICANT INFORMATION

**Name of Property Owner(s):** Andrew & Fern Jaffe

**Name of Applicant if different than owner:** _____

**Address:** 10091 GULF SHORE DR **City:** Naples **State:** FL **ZIP:** 34108

**Telephone:** (239) 293-3500 **Cell:** _____ **Fax:** _____

**E-Mail Address:** andrewjaffe@hotmail.com

**Name of Agent(s):** Nick Pearson

**Firm:** Turrell, Hall & Associates, Inc.

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

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

**E-Mail Address:** Nick@THAnaples.com

## PROPERTY LOCATION

**Section/Township/Range:** 29 / 48 S / 25 E **Property I.D. Number:** 27530160008

**Subdivision:** CONNERS VANDERBILT BCH #1 REPL REPLAT PART OF UNIT 1 **Unit:** 1 **Lot:** 14 **Block:** C

**Address/ General Location of Subject Property:**
10091 GULF SHORE DR

**Current Zoning and Land use of Subject Property:**
Zoning: RSF-3; Use: Residential, single-family

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| N | RSF-3 | Private, single-family residential |
| S | RSF-3 | Private, single-family residential |
| E | RSF-3 | Private, single-family residential |
| W | RSF-3 | Private, single-family residential |

## DESCRIPTION OF PROJECT

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

Construction of dock with 2 boat lifts, designed to moor a 48' vessel and jet skis.

## SITE INFORMATION

1. **Waterway Width:**
   104 ft. Measurement from ☐ plat ■ survey ☐ visual estimate
   ☐ other (specify) _____
2. **Total Property Water Frontage:**
   50 ft.
3. **Setbacks:**
   Provided: 0 ft.
   Required: 0 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   45 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 48 ft.
   2. 12 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   The neighboring dock to the north protrudes approximately 20' into the waterway
   The neighboring dock to the south protrudes approximately 20' into the waterway
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.65 Acres



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**8. Official Interpretations or Zoning Verifications:**

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

## PRIMARY CRITERIA

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

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

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

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

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

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

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## SECONDARY CRITERIA

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

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

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

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

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

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

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

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

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

**Pre-Application Meeting and Final Submittal Requirement Checklist for:**
☐ Dock Extension
☐ Boathouse Establishment
Chapter 3 B. of the Administrative Code

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

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

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



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- 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.

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

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

**FEE REQUIREMENTS:**

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

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

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

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

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

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



6/4/21

**Signature of Petitioner or Agent** **Date**



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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

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

Jaffe Boat Dock Extension (BDE) Petition
October 12, 2021
Narrative Description of Project

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

The existing property at 10091 Gulf Shore Dr, owned by Andrew and Fern Jaffe since June of 2011, is a non-conventional style of lot that consists of 2 distinct parcels of land on either side of Gulf Shore Dr. The larger parcel, found on the west side of Gulf Shore Dr, and fronting the beach, is an approximately 100′ x 287′ rectangle that contains the Jaffe's primary residence, which was completed in May of 2014. Directly across Gulf Shore Dr. is a second smaller rectangular parcel that is approximately 30′ x 50′. The smaller parcel does not contain any structures within its boundaries except for a paver walkway and patio area. Attached to the smaller parcel is an approximately 4′ x 31′ finger pier which protrudes into the adjacent 100′-wide man-made canal. The pier currently has 2 boatlifts, which are utilized to permanently moor the applicant's private vessels. These structures exceed the normally allowed protrusion of 20′/25%-the-width-of-waterway and the normally required 7.5′ side setbacks. Specifically, the existing structure with moored vessels was authorized to protrude 39′ from the MHWL into the existing waterway per BDE-PL20110001573 with a 0′ side setback from both riparian lines per VA-PL20110001576 on December 12th, 2012. The structures appear to have been given a CO in March of 2014 under Permit #PRBD20130203670.

We propose to re-configure the existing docking facility with a new finger pier and 2 boatlifts to replace the existing structure. The new docking facility and lifts with vessels would protrude 45′ into the waterway from the MHWL/property line (6′ further than the existing structure/vessels), which both occur at the same location and would both be considered the most restrictive point. Therefore, the proposed facility would require a 25′ protrusion variance beyond the normally allowed 20′ of protrusion. The facility would also require side setbacks on both sides to be reduced from 7.5′ to 0′, just as the existing structure requires. All structures proposed would still be located within the applicant's riparian lines and have been designed so as to not affect the ingress or egress from neighboring docks. Total over-water structure would amount to approximately 288 square feet of decking. Additionally, the dimensions proposed will largely align with the existing structure, which has existed in its current location for close to 10 years.

Because the parcel is also found at the end-corner of a man-made canal the riparian line dividing the applicant's and the south neighbor's riparian area is very restrictive as it tapers at an angle through each property's riparian area. The limited amount of shoreline, the south riparian line, and surrounding docks all make use of the riparian area for this parcel very difficult under the standard L.D.C. code. We acknowledge that the existing facility already allows for more than the typical code permits, but the applicant's new vessel will require modifications to the facility in order to be properly moored at the subject property.

Considering the design, we believe that this BDE would allow the property owner to make reasonable use of the waterway and docking facility for mooring and other water-based recreational activities while also maintaining the ability to safely ingress and egress by any of the applicant's vessels.

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## PRIMARY CRITERIA

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

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

   **The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the Collier County LDC. The proposed project consists of replacing the existing dock with a 2-lift docking facility. One lift will be used for a 48-foot vessel and the second lift will be utilized by jet skis and/or kayaks. This criteria is therefore met.**

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

   **See attached drawings illustrating the existing docking facility, proposed docking facility, and water depths within the surrounding canal. Existing water depths are adequate for the larger vessel as well as a jet ski or kaya to ingress and egress at MLT. This criteria is therefore not met.**

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

   **The proposed docking facility is not located within a marked channel. Furthermore, the proposed dock has been designed so as to not restrict the waterway any further than the existing facilities. This criteria is therefore met.**

4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not a minimum of 50 percent of the waterway width

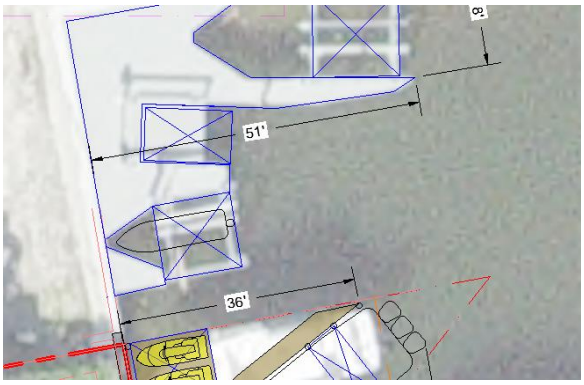
Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

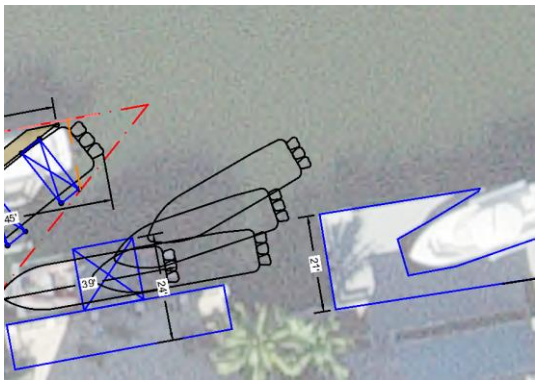
between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)

**The proposed dock facility is located at the terminal end of a man-made canal. Technically speaking, this means the opposite side of the waterway is the opposite side of the bay, which is 1,400 feet away. The proposed dock and vessel do not exceed 25% the width of waterway in this instance. This criteria is therefore met.**

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

**The property on which the proposed docking facility will be located has already been granted a 0' side setback variance under Resolution 12-265. The main difference in this proposal, as opposed to the approved design, is that the portion of the proposal that abuts the riparian line will be slightly further into the waterway (not closer to or over the riparian line). Therefore, the proposed dock will not infringe upon the side setbacks any more than has already been approved. Furthermore, it will be located entirely within the riparian area of the owner's property. Being at the end of the canal, the additional 9' of protrusion should not affect any neighboring property owners. A depiction of the ingress/egress areas for both neighbors can be seen below. This criteria is therefore met.**




**As can bee seen above, the proposed dock facility meets 4 of the 5 primary criteria, and therefore should qualify for gaining staff approval.**

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

## SECONDARY CRITERIA

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

   **The subject property is restricted substantially by the angle of the southern riparian line. For this reason alone, a BDE is required. This criteria is therefore met.**

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

   **The proposed docking facility will cover only 288 square feet of over water structure, which is small enough to qualify the dock as being exempt from needing a permit from the state (the Florida Department of Environmental Protection). The process of acquiring verification of exempt status and federal authorization have been started already and are expected to conclude before the hearing occurs. This criteria is therefore met.**

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

   **The length of vessels together collectively equal 72' (48' + 12' + 12'), which is more than 50% of the applicant's total shoreline (50'). This criteria is therefore not met.**

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

   **The proposed docking facility is located entirely within the riparian area of the property owner and will not block the views of surrounding properties. Furthermore, a number of vessels already exist within the terminal end of the canal. The addition of a larger boat per this petition would only result in blocking views of these other vessels. This criteria is therefore met.**

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

   **There are no seagrass beds present on the property nor the neighboring properties within 200' of the proposed dock location. This criteria is therefore met/satisfied.**

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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

   **The proposed work is for a single-family dock facility. The Collier County Manatee Protection Plan does not restrict single-family docks, except for those within the sea walled basin of Port of the Islands. This dock is not within Port of the Islands, and so therefore complies with the Manatee Protection Plan. This criteria is therefore met.**

**As can be seen above, the proposed dock facility meets 5 of the 6 secondary criteria, and therefore should qualify for gaining staff approval.**

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# Property Information

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Collier County Property Appraiser
# Property Summary

| Parcel No | 27530160008 | Site Address *Disclaimer | 10091 GULF SHORE DR | Site City | NAPLES | Site Zone *Note | 34108 |
|---|---|---|---|---|---|---|---|

| Name / Address | JAFFE, ANDREW T=& FERN B |
|---|---|
| | 10091 GULF SHORE DR |
| City | NAPLES |

| State | FL | Zip | 34108-2023 |
|---|---|---|---|

| Map No. | Strap No. | Section | Township | Range | Acres *Estimated |
|---|---|---|---|---|---|
| 3A29 | 233500 A 343A29 | 29 | 48 | 25 | 0.65 |

| Legal | CONNER'S VANDERBILT BCH EST REPLAT PART OF UNIT 1 BLK A LOT 34 AND PART OF UNIT 1, BLK C, DESC AS N 50FT LOT 14 LYING W OF CANAL |
|---|---|

| Millage Area | 164 | Millage Rates *Calculations | | |
|---|---|---|---|---|
| Sub./Condo | 233500 - CONNERS VANDERBILT BCH #1 REPL REPLAT PART OF UNIT 1 | School | Other | Total |
| Use Code | 1 - SINGLE FAMILY RESIDENTIAL | 5.016 | 6.2924 | 11.308 |

## Latest Sales History

(Not all Sales are listed due to Confidentiality)

| Date | Book-Page | Amount |
|---|---|---|
| 06/06/11 | 4689-3007 | $ 4,650,000 |
| 12/30/04 | 3712-935 | $ 5,500,000 |
| 05/01/96 | 2177-1399 | $ 738,000 |
| 12/01/91 | 1671-118 | $ 0 |
| 07/01/75 | 625-1874 | $ 0 |

## 2020 Certified Tax Roll

(Subject to Change)

| | | |
|---|---|---|
| | Land Value | $ 9,034 0 |
| (+) | Improved Value | $ 6,381 6 |
| (=) | Market Value | $ 15,415 6 |
| (-) | Save our Home | $ 5,289 6 |
| (=) | Assessed Value | $ 10,126 0 |
| (-) | Homestead | $ 25 0 |
| (=) | School Taxable Value | $ 10,101 0 |
| (-) | Additional Homestead | $ 25 0 |
| (=) | Taxable Value | $ 10,076 0 |

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

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# Collier County Property Appraiser
# Property Detail

| Parcel No | 27530160008 | Site Address *Disclaimer | 10091 GULF SHORE DR | Site City | NAPLES | Site Zone *Note | 341[illegible] |
|---|---|---|---|---|---|---|---|

| Name / Address | JAFFE, ANDREW T=& FERN B |
|---|---|
| | 10091 GULF SHORE DR |

| City | NAPLES | State | FL | Zip | 34108-2023 |
|---|---|---|---|---|---|

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

| Tax Yr | Issuer | Permit # | CO Date | Tmp CO | Final Bldg | Type |
|---|---|---|---|---|---|---|
| 1976 | COUNTY | 75-1811 | 12/15/76 | | | |
| 2013 | COUNTY | PRBD20120203027 | 06/15/12 | | | DEMOLITION |
| 2015 | COUNTY | PRBD20120304314 | 05/02/14 | | | RESIDENCE |
| 2015 | COUNTY | PRBD20121021203 | 05/02/14 | | | POOL |
| 2015 | COUNTY | PRBD20130203670 | 03/03/14 | | | DOCK |

## Land

| # | Calc Code | Units |
|---|---|---|
| 10 | RESIDENTIAL FF | 100 |
| 20 | RESIDENTIAL FF | 50 |
| 30 | ACREAGE | 0.68 |

## Building/Extra Features

| # | Year Built | Description | Area | A Ar |
|---|---|---|---|---|
| 10 | 2014 | RESIDENTIAL | 5192 | 12[illegible] |
| 20 | 2014 | SWIMMING POOL | 420 | 4[illegible] |
| 30 | 2014 | SPA | 38 | 3 |
| 40 | 2014 | TILE DECK | 686 | 6[illegible] |
| 50 | 2013 | WOOD DOCK | 198 | 1[illegible] |
| 60 | 2009 | SEAWALL | 50 | 5 |

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

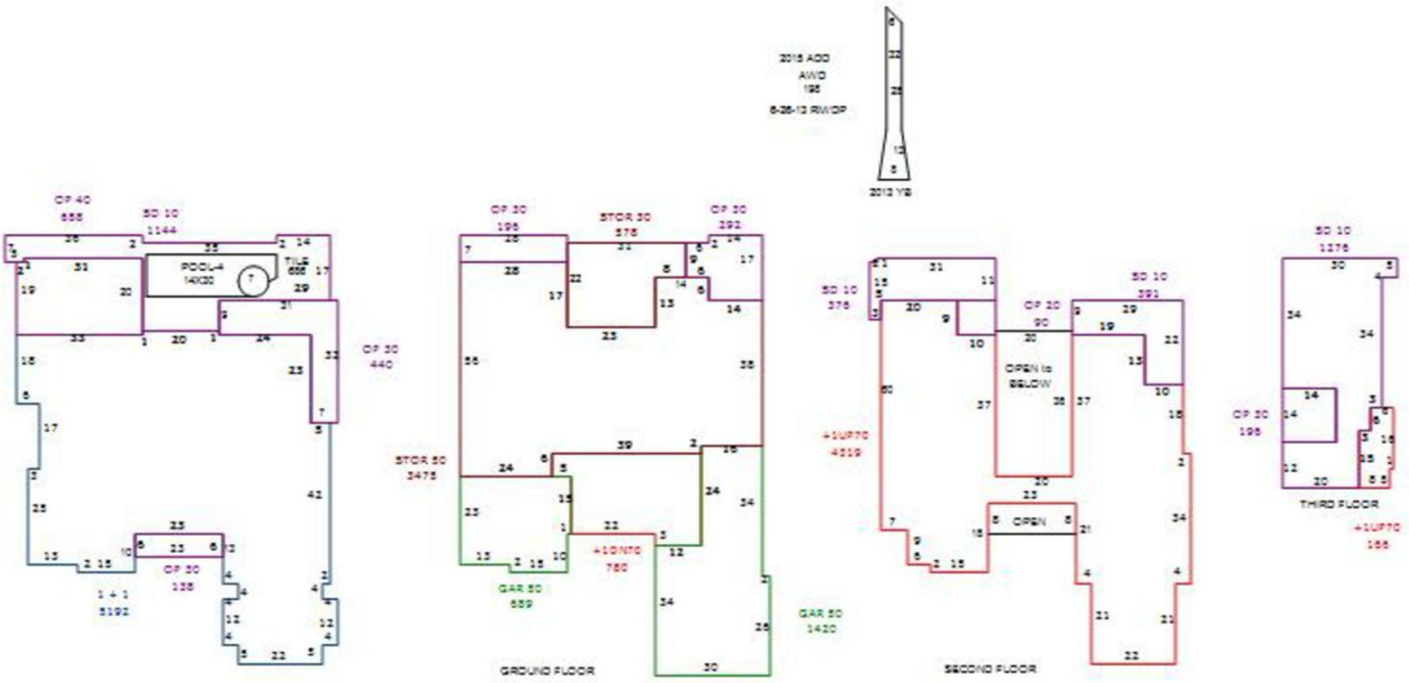
# Collier County Property Appraiser
# Property Aerial

| Parcel No | 27530160008 | Site Address *Disclaimer | 10091 GULF SHORE DR | Site City | NAPLES | Site Zone *Note | 34108 |
|---|---|---|---|---|---|---|---|




Open GIS in a New Window with More Features.

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Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Property Ownership Disclosure Form

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

## PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

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

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

| Name and Address | % of Ownership |
|---|---|
| Andrew and Fern Jaffe | 100 |
| | |
| | |
| | |
| | |

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

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

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

| Name and Address | % of Ownership |
|---|---|
| | |
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d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

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

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

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

**Date of Contract:** _____

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

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

g. Date subject property acquired 6/6/2011

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

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

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

**Date of option: _____**

**Date option terminates: _____**, or

**Anticipated closing date: _____**

## AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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



Agent/Owner Signature

5/21/2021
Date

Nick Pearson
Agent/Owner Name (please print)



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Property Deed

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

INSTR 4572091 OR 4689 PG 3007 RECORDED 6/8/2011 10:08 AM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $32,550.00 REC $18.50
CONS $4,650,000.00



Roetzel & Andress, LPA
an Ohio Legal Professional Assn.
850 Park Shore Drive, Suite 300
Naples, FL 34103-3587
(239) 649-6200
mprice@ralaw.com

Prepared by and return to:
**Timothy G. Hains**
**Attorney at Law**
**Quarles & Brady LLP**
**1395 Panther Lane Suite 300**
**Naples, FL 34109-7874**
**239-262-5959**
File Number: **sms-Forbis Jaff**
Will Call No.:
Doc Stamps: $32,550.00
Sales Price: $4,650,000.00
Parcel Identification No. **27530160008 & 27530880003**

[Space Above This Line For Recording Data]

# Warranty Deed

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

**This Indenture** made this 6th day of **June, 2011** between **Robert C. Forbis and Debra J. Forbis, husband and wife** whose post office address is **1443 Rail Head Blvd., Naples, FL 34110** of the County of **Collier**, State of **Florida**, grantor*, and **Andrew T. Jaffe and Fern B. Jaffe, husband and wife, as tenants by the entirety** whose post office address is **10091 Gulf Shore Drive, Naples, FL 34108-2023** of the County of **Collier**, State of **Florida**, grantee*,

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

**Lot 34, Block A, and the North 50 feet of Lot 14, Block C, Re-subdivision of part of Unit No. 1, CONNER'S VANDERBILT BEACH ESTATES, according to the plat thereof as recorded in Plat Book 3, Page 18, of the Public Records of Collier County, Florida.**

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

**Grantors hereby confirm that this property has been grantors' homestead.**

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.

NOT A CERTIFIED COPY

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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

Signed, sealed and delivered in our presence:

Witness Name: Angela Binstock

Witness Name: Renee Britzner

Witness Name: Angela Binstock

Witness Name: Renee Britzner

Robert C. Forbis (Seal)

Debra J. Forbis (Seal)

State of Wisconsin
County of Walworth

The foregoing instrument was acknowledged before me this 3rd day of June, 2011 by Robert C. Forbis and Debra J. Forbis, who [ ] are personally known or [X] have produced DL Driver License as identification.

[Notary Seal]

Notary Public

Printed Name: Shannon Herda

My Commission Expires: 9-1-2013

SHANNON HERDA NOTARY PUBLIC STATE OF WISCONSIN

NOT A CERTIFIED COPY

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# Pre-Application Meeting Notes

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# Pre-Application Meeting Notes

**Petition Type:** Boat Dock Extension(BDE)
**Date and Time:** Wednesday 1/6/2021 1:00PM

**Assigned Planner:** John Kelly

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

## Project Information

**Project Name:** 10091 Gulf Shore Drive (BDE)

**PL #:** 20200002573

**Property ID #:** 27530160008 **Current Zoning:** RSF-3

**Project Address:** 10091Gulf Shore Drive, Naples **City:** _____ **State:** FL **Zip:** 34108

**Applicant:** Nick Pearson - Turrell,Hall&Associates, Inc.

**Agent Name:** Nick Pearson **Phone:** _____

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

**Property Owner:** Andrew T. Jaffe & Fern B. Jaffe

---

**Please provide the following, if applicable:**

i. **Total Acreage:** .69

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

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

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

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

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

_____

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## Meeting Notes

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

**Note – link is https://www.colliergov.net/Home/ShowDocument?id=75093.**

John Kelly

ZONING –

- SURVEY AND SITE PLAN MUST CLEARLY DEMONSTRATE THE AMOUNT OF WATER FRONTAGE FOR PURPOSE OF DETERMINING REQUIRED SIDE YARD / RIPARIAN SETBACK; <60' = 7.5, >60' = 15'
- SITE PLAN TO DEMONSTRATE PROTRUSION USING THE MOST RESTRICTIVE POINT AS IDENTIFIED WITHIN LDC SECTION 5.03.06.C.1
- A BOAT DOCK EXTENSION (BDE) IS FOR THE DOCK FACILITY WHICH INCLUDES ANY VESSELS TO BE DOCKED/MOORED AT SAID DOCK FACILITY
- IF WATER DEPTH IS USED AS JUSTIFICATION, MUST PROVIDE AN EXHIBIT TO DEMONSTRATE THE VESSEL AND DRAFT AT MLT.
- PLEASE PROVIDE A PERSUASIVE RESPONSE TO EACH OF THE PRIMARY AND SECONDARY CRITERIA LISTED WITHIN LDC SECTION 5.03.06.H NOTING IF EACH IS SATISFIED OR NOT
- ALL DOCUMENTS MUST BE LEGIBLE WHEN REDUCED TO 8.5 X 11
- PLEASE ESTABLISH WITH COUNTY AGENCY HOW FAR ANY CUT-IN MUST BE FROM ROAD RIGHT-OF-WAY

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

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



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## Meeting Notes

TRANSPORTATION - MIKE SAWYER - SEE EMAIL ATTACHED PG. 3.A

ENVIRONMENTAL - JAIME COOK - SEE EMAIL ATTACHED PG. 3.B.

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

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



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**ThomasClarkeVEN**

**From:** SawyerMichael
**Sent:** Friday, January 22, 2021 3:41 PM
**To:** ThomasClarkeVEN
**Cc:** KellyJohn; BellowsRay
**Subject:** Jaffe BDE pre app this afternoon

Please include the following notes for Transportation

Discuss the proposed cut-in boat slip with Road and Bridge, Albert English Albert.English@colliercountyfl.gov and Joe Frantz FrantzJoseph <Joseph.Frantz@colliercountyfl.gov, provide written confirmation of discussion-meeting.

You'll also need to cover Codes of Ordinances, Section 22-112 (water body setbacks from ROW); and LDC Section 5.03.06.

We will forward additional information when/if available.

**Michael Sawyer**
Principal Planner
Growth Management Department
Transportation Planning
2685 South Horseshoe Drive, Suite 103
Naples, Florida 34104
239-252-2926
michael.sawyer@colliercountyfl.gov

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

**ThomasClarkeVEN**

**From:** CookJaime
**Sent:** Wednesday, January 20, 2021 3:11 PM
**To:** ThomasClarkeVEN
**Subject:** Pre-App Notes for Promenade at Boat Yard RZ

Hi Thomas,

For the pre-app for Promenade at Boat Yard rezone, Enironmental will need the following:

- Historical aerials / permit numbers for clearing of property
- Will need to comply with MPP since they are adding boat storage) – comply with water depth, native marine habitat (seagrasses, mangroves), and manatee use.

If you have any questions, please let me know.

Respectfully,

Jaime Cook
Principal Environmental Specialist

Collier County
*Development Review Division*
*Exceeding Expectations, Every Day!*

*NOTE: Email Address Has Changed*

2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239.252.6290

How are we doing? Please CLICK HERE to fill out a Customer Survey.
***We appreciate your Feedback!***

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

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

# Pre-Application Meeting Sign-In Sheet

PL# 20200002573

**Collier County Contact Information:**

| Name | Review Discipline | Phone | Email |
|---|---|---|---|
| ☐ Claudine Auclair | GMD Operations and Regulatory Management | 252-5887 | claudine.auclair@colliercountyfl.gov |
| ☐ Steve Baluch | Transportation Planning | 252-2361 | stephen.baluch@colliercountyfl.gov |
| ☑ Ray Bellows | Zoning, Planning Manager | 252-2463 | raymond.bellows@colliercountyfl.gov |
| ☐ Laurie Beard | PUD Monitoring | 252-5782 | laurie.beard@colliercountyfl.gov |
| ☐ Craig Brown | Environmental Specialist | 252-2548 | craig.brown@colliercountyfl.gov |
| ☐ Alexandra Casanova | Operations Coordinator | 252-2658 | Alexandra.casanova@colliercountyfl.gov |
| ☐ Heidi Ashton Cicko | Managing Asst. County Attorney | 252-8773 | heidi.ashton@colliercountyfl.gov |
| ☑ Thomas Clarke | Zoning Operations Coordinator | 252-2584 | thomas.clarke@colliercountyfl.gov |
| ☑ Jamie Cook | Prin. Environmental Specialist | 252-6290 | Jaime.cook@colliercountyfl.gov |
| ☐ Eric Fey, P.E. | Utility Planning | 252-1037 | eric.fey@colliercountyfl.gov |
| ☐ Tim Finn, AICP | Zoning Principal Planner | 252-4312 | timothy.finn@colliercountyfl.gov |
| ☐ Sue Faulkner | Comprehensive Planning | 252-5715 | sue.faulkner@colliercountyfl.gov |
| ☐ Jeremy Frantz | LDC Manager | 252-2305 | Jeremy.Frantz@colliercountyfl.gov |
| ☐ Michael Gibbons | Structural/Residential Plan Review | 252-2426 | michael.gibbons@colliercountyfl.gov |
| ☐ Storm Gewirtz, P.E. | Engineering Stormwater | 252-2434 | storm.gewirtz@colliercountyfl.gov |
| ☐ Cormac Giblin, AICP | Zoning Principal Planner | 252-5095 | Cormac.giblin@colliercountyfl.gov |
| ☐ Nancy Gundlach, AICP | Zoning Principal Planner | 252-2484 | nancy.gundlach@colliercountyfl.gov |
| ☐ Richard Henderlong, MPA | Zoning Principal Planner | 252-2464 | richard.henderlong@colliercountyfl.gov |
| ☐ John Houldsworth | Engineering Subdivision | 252-5757 | john.houldsworth@colliercountyfl.gov |
| ☐ Alicia Humphries | Right-Of-Way Permitting | 252-2326 | alicia.humphries@colliercountyfl.gov |
| ☐ Anita Jenkins | Planning & Zoning Director | 252-5095 | Anita.jenkins@colliercountyfl.gov |
| ☐ John Kelly | Zoning Senior Planner | 252-5719 | john.kelly@colliercountyfl.gov |
| ☐ Parker Klopf | Zoning Senior Planner | 252-2471 | Parker.klopf@colliercountyfl.gov |
| ☐ Diane Lynch | Operations Analyst | 252-8243 | diane.lynch@colliercountyfl.gov |
| ☐ Thomas Mastroberto | Greater Naples Fire | 252-7348 | thomas.mastroberto@colliercountyfl.gov |
| ☐ Jack McKenna, P.E. | Engineering Services | 252-2911 | jack.mckenna@colliercountyfl.gov |
| ☐ Matt McLean, P.E. | Development Review Director | 252-8279 | matthew.mclean@colliercountyfl.gov |
| ☐ Michele Mosca, AICP | Capital Project Planning | 252-2466 | michele.mosca@colliercountyfl.gov |
| ☐ Annis Moxam | Addressing | 252-5519 | annis.moxam@colliercountyfl.gov |



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(239) 252-2400

| | | | | |
|---|---|---|---|---|
| ☐ | Jack McKenna, P.E. | Engineering Services | 252-2911 | jack.mckenna@colliercountyfl.gov |
| ☐ | Matt McLean, P.E. | Development Review Director | 252-8279 | matthew.mclean@colliercountyfl.gov |
| ☐ | Michele Mosca, AICP | Capital Project Planning | 252-2466 | michele.mosca@colliercountyfl.gov |
| ☐ | Annis Moxam | Addressing | 252-5519 | annis.moxam@colliercountyfl.gov |
| ☐ | Richard Orth | Stormwater Planning | 252-5092 | richard.orth@colliercountyfl.gov |
| ☐ | Brandy Otero | Transit | 252-5859 | brandy.otero@colliercountyfl.gov |
| ☐ | Brandi Pollard | Utility Impact fees | 252-6237 | brandi.pollard@colliercountyfl.gov |
| ☐ | Todd Riggall | North Collier Fire | 597-9227 | triggall@northcollierfire.com |
| ☐ | Brett Rosenblum, P.E. | Development Review Principal Project Manager | 252-2905 | brett.rosenblum@colliercountyfl.gov |
| ☐ | James Sabo, AICP | Zoning Principal Planner | 252-2708 | james.sabo@colliergo.net |
| ☑ | Michael Sawyer | Transportation Planning | 252-2926 | michael.sawyer@colliercountyfl.gov |
| ☐ | Corby Schmidt, AICP | Comprehensive Planning | 252-2944 | corby.schmidt@colliercountyfl.gov |
| ☐ | Chris Scott, AICP | Development Review - Zoning | 252-2460 | chris.scott@colliercountyfl.gov |
| ☐ | Linda Simmons | North Collier Fire | 252-2311 | Linda.Simmons@colliercountyfl.gov |
| ☐ | Peter Shawinsky | Architectural Review | 252-8523 | peter.shawinsky@colliercountyfl.gov |
| ☐ | Camden Smith | Zoning Operations Manager | 252-1042 | camden.smith@colliercountyfl.gov |
| ☐ | Mark Strain | Hearing Examiner/CCPC | 252-4446 | mark.strain@colliercountyfl.gov |
| ☐ | Mark Templeton | Landscape Review | 252-2475 | mark.templeton@colliercountyfl.gov |
| ☐ | Jessica Velasco | Zoning Division Operations | 252-2584 | jessica.velasco@colliercountyfl.gov |
| ☐ | Jon Walsh, P.E. | Building Review | 252-2962 | jonathan.walsh@colliercountyfl.gov |
| ☐ | David Weeks, AICP | Comprehensive Planning Future Land Use Consistency | 252-2306 | david.weeks@colliercountyfl.gov |
| ☐ | Kirsten Wilkie | Environmental Review Manager | 252-5518 | kirsten.wilkie@colliercountyfl.gov |
| ☐ | Christine Willoughby | Development Review - Zoning | 252-5748 | christine.willoughby@colliercountyfl.gov |
| ☐ | Daniel Zunzunegui | North Collier Fire | 252-2310 | Daniel.Zunzunegui@colliercountyfl.gov |

Derek ~~Kirk~~ Perry

**Additional Attendee Contact Information:**

| Name | Representing | Phone | Email |
|---|---|---|---|
| Nick Pearson | Turnell Hall | 643-0166 | NICK@THANAPLES.COM |
| Tisch Michael | | | |
| Conmac | | | |
| | | | |
| | | | |
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Collier County
Growth Management Department
Zoning Division

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

**Jaffe (BDE) - PL20200002573** **PRE-APP INFO** **John Kelly**

10091 Gulf Shore Drive

Assigned Ops Staff: Thomas Clarke
Jeremy Frantz-Ops Staff)

**STAFF FORM FOR SUPPLEMENTAL PRE-APPLICATION MEETING INFORMATION**

- **Name and Number of who submitted pre-app request**
  **Nick Pearson**
  **(239) 643-0166**
- **Agent to list for PL#**
  **Nick Pearson**
- **Owner of property (all owners for all parcels)**
  **Andrew Jaffe**
  **Fern Jaffe**
- **Confirm Purpose of Pre-App: (Rezone, etc.)**
  **Boat Dock Extension and Side-Setback Variance**
- **Please include any Surveys, Drawings or Plans for the petition:**
  **See attached**
- **Details about Project:**

**REQUIRED Supplemental Information provided by:**
**Name: Nick Pearson**
**Title: Project Manager**
**Email: Nick@THAnaples.com**
**Phone: (239) 643-0166**

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

Created April 5, 2017

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



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

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

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

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

| Name and Address | % of Ownership |
|---|---|
| | |
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d. If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners:

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

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

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

**Date of Contract:** _____

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

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

g. Date subject property acquired _____

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

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



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

**Date of option:** _____

**Date option terminates:** _____, or

**Anticipated closing date:** _____

## AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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

_____ _____
Agent/Owner Signature Date

_____
Agent/Owner Name (please print)



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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

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

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

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

**Pre-Application Meeting and Final Submittal Requirement Checklist for:**
☐ Dock Extension
☐ Boathouse Establishment
Chapter 3 B. of the Administrative Code

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

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

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



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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

- 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.

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

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

**FEE REQUIREMENTS:**

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

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

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

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

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

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

_____ _____

**Signature of Petitioner or Agent** **Date**



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Addressing Checklist

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

# ADDRESSING CHECKLIST

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

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

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

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

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

CONNER'S VANDERBILT BCH EST REPLAT PART OF UNIT 1 BLK A LOT 34 AND PART C

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

27530160008

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

10091 GULF SHORE DR

- **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)*

Andrew Jaffe cut-in slip, dock, and boathouse

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

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

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

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

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

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

**FOR STAFF USE ONLY**

**Folio Number** 27530160008

**Folio Number**

**Folio Number**

**Folio Number**

**Folio Number**

**Folio Number**

**Approved by:** Thila D. **Date:** 12/15/2020

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

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Affidavit of Representation

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20210002276 and PL20200002573

I, Andrew Jaffe (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) 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 Turrell, Hall & Associates, Inc. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:*

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

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

_____ **Signature**

4/22/2021 **Date**

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

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 22 day of April, 20 21, by (printed name of owner or qualifier) Andrew Jaffe.

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

[ ] Are personally known to me

[✓] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

Notary Signature: Jordan Lee Rice

Notary Seal:

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

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** BDE-PL20200002573 and VA-PL20210002276

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

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

*Notes:*

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

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

Fern Jaffe
**Signature**

9-13-21
**Date**

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

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

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

[ ] Are personally known to me

[ ] Has produced a current drivers license _____

[✔] Has produced Florida DL as identification.

Notary Signature: Jill Ann DeAngelo

JILL ANN DEANGELO
NOTARY PUBLIC
My Comm. Expires Oct. 2, 2022
Comm. # GG 26116
STATE OF FLORIDA

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



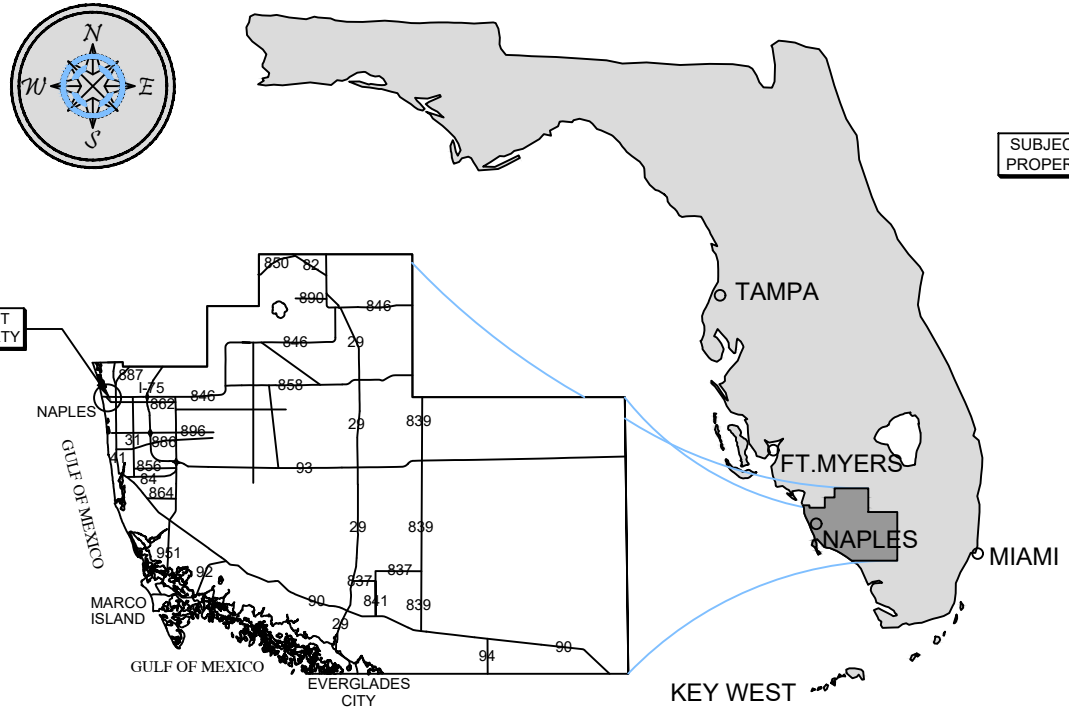
Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# BDE Drawings / Exhibits

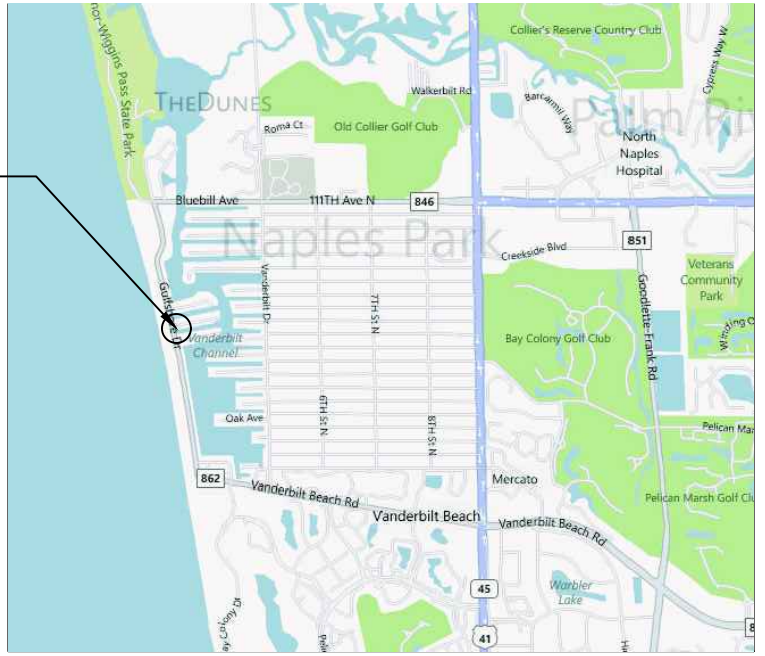
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p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg LOCATION MAP 5/19/2021

# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 10091 GULF SHORE DR
NAPLES, FL 34108

<> LATITUDE: N 26.263339
<> LONGITUDE: W -81.824228

**NOTES:**

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

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

# 10091 GULF SHORE DR

## LOCATION MAP

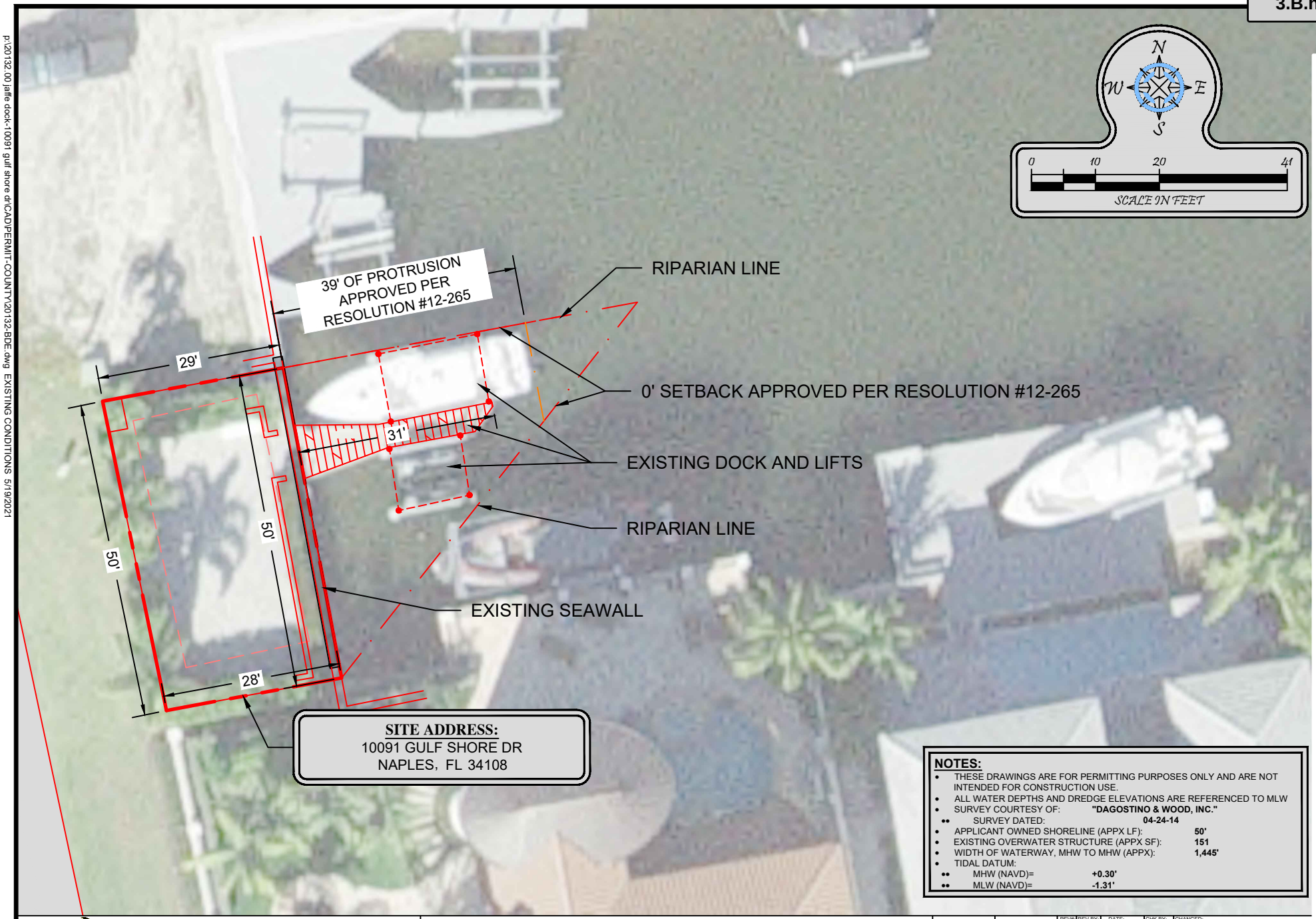
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 01 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg EXISTING CONDITIONS 5/19/2021




**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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

# 10091 GULF SHORE DR

## EXISTING CONDITIONS

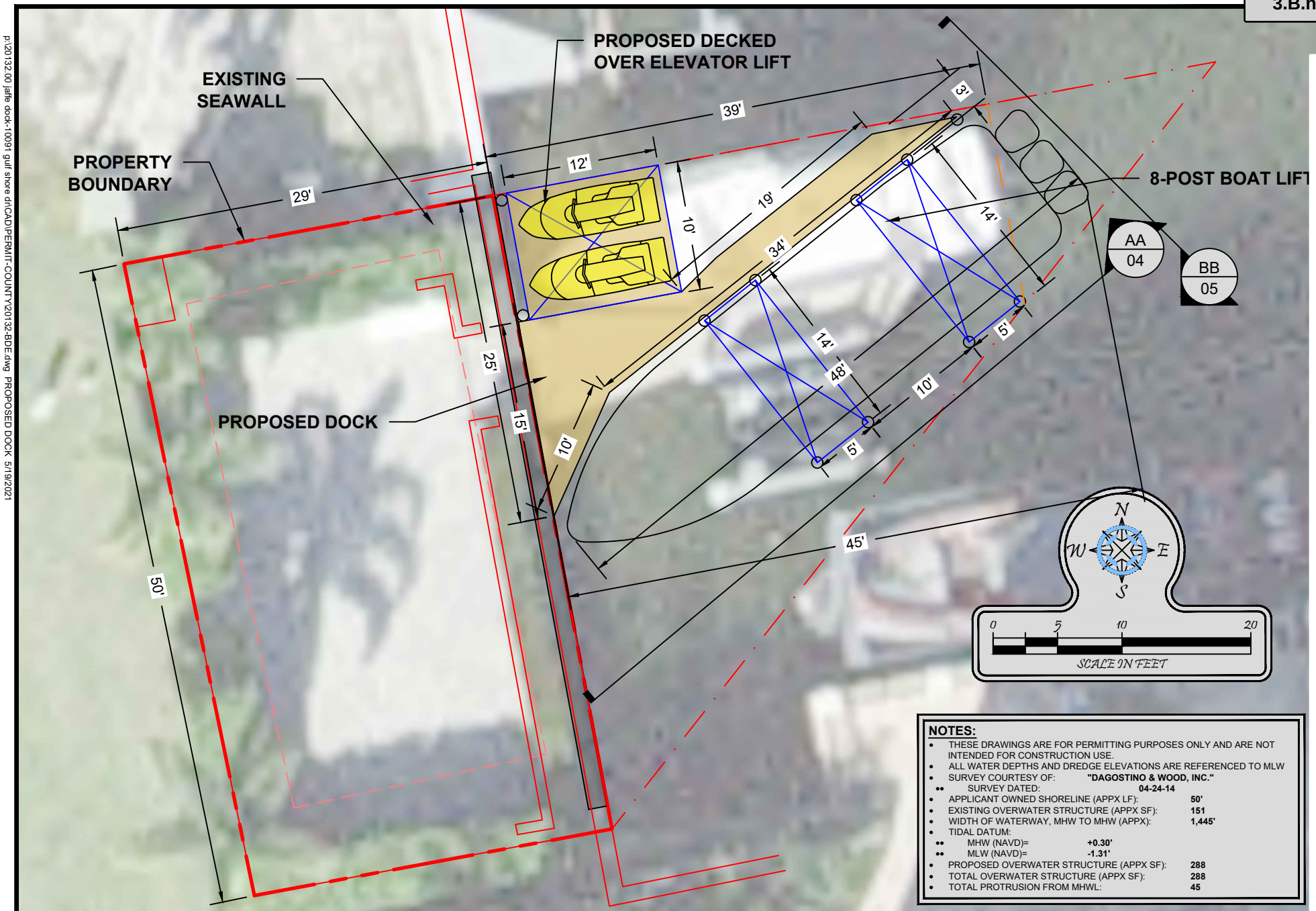
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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 02 OF 07 | 5. | - | - | - | - |

SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg PROPOSED DOCK 5/19/2021




**NOTES:**

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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

# 10091 GULF SHORE DR

## PROPOSED DOCK

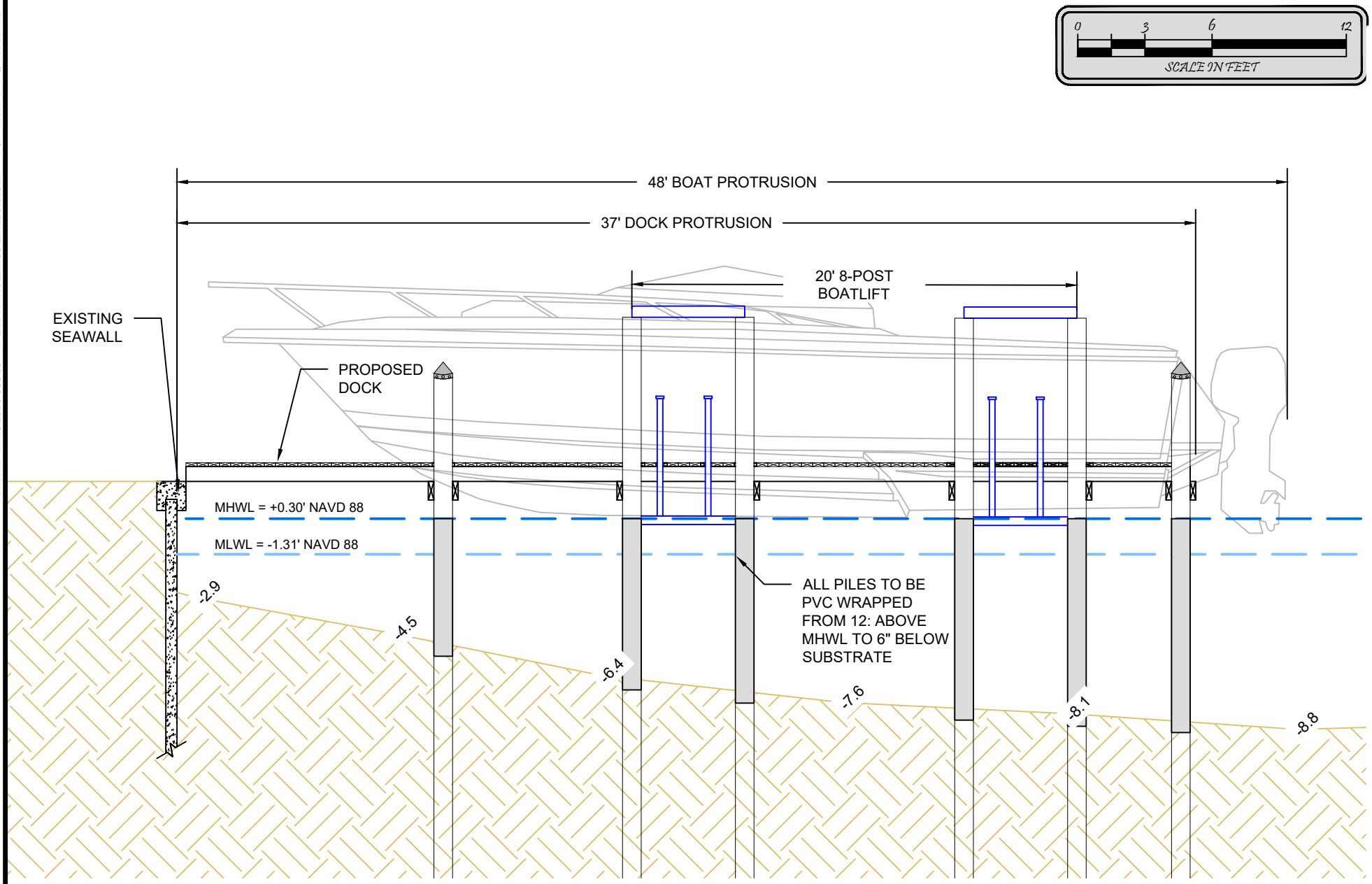
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| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 03 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

p:\20132.00 laffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg CROSS SECTION AA 5/19/2021




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# 10091 GULF SHORE DR

## CROSS SECTION AA

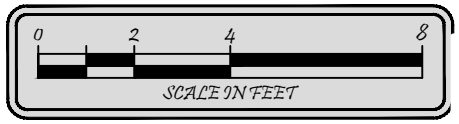
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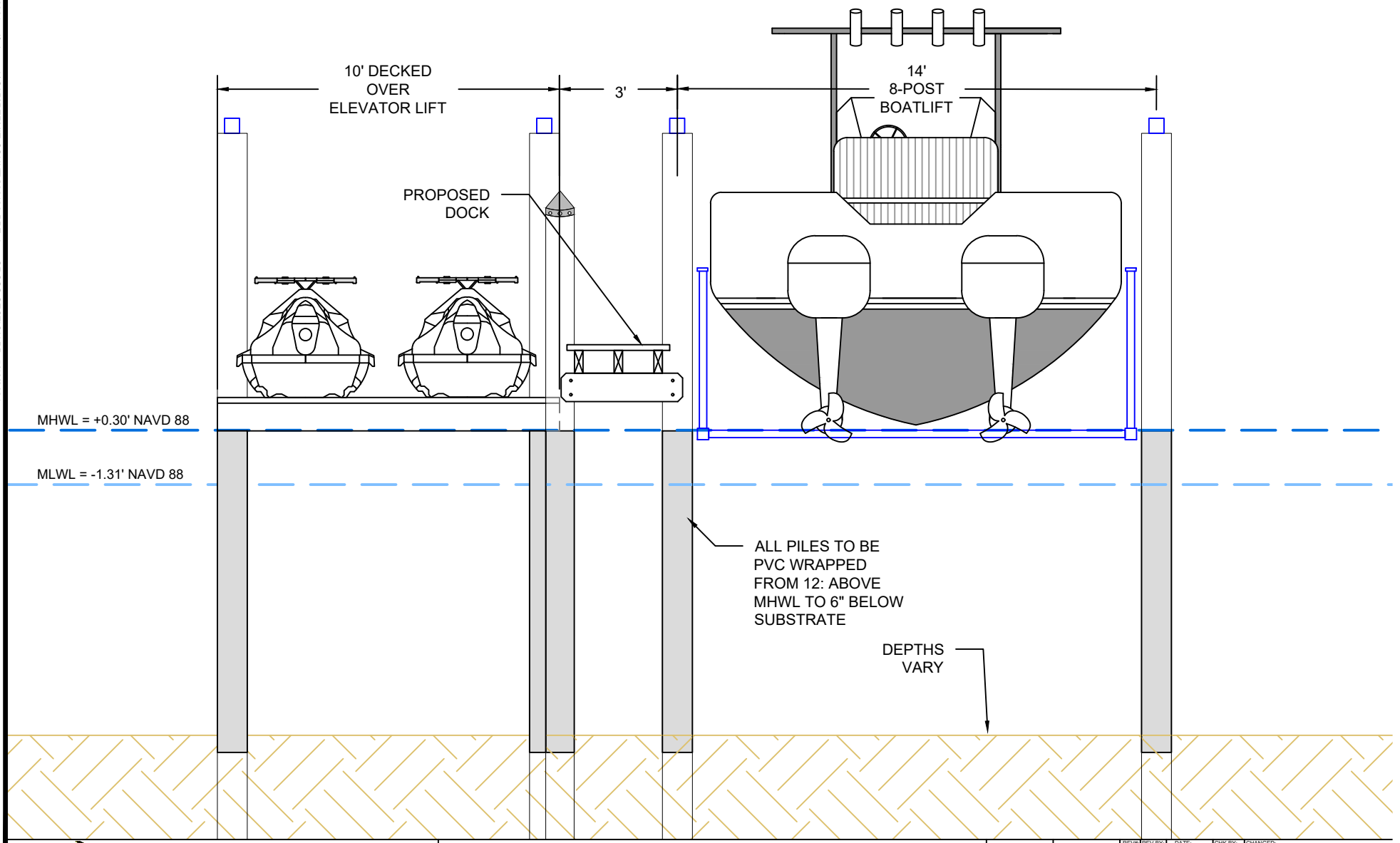
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SECTION-29 TOWNSHIP-48S

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p:\20132.00 laffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg CROSS SECTION BB 5/19/2021




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

# 10091 GULF SHORE DR

## CROSS SECTION BB

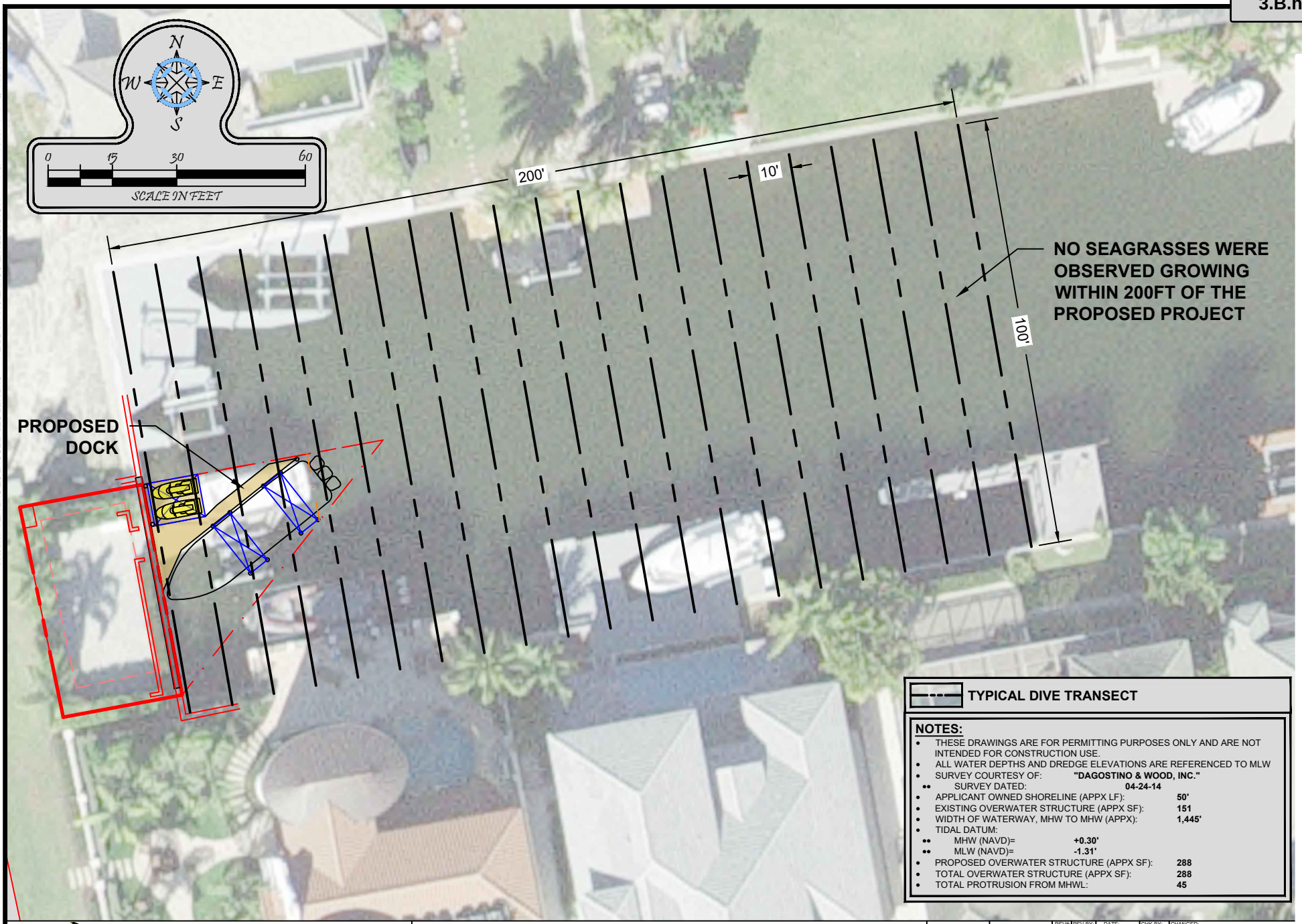
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| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
| SHEET NO.: | 05 OF 07 | 5. | - | - | - | - |

SECTION-29 TOWNSHIP-48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg SUBMERGED RESOURCE SURVEY 5/19/2021




TYPICAL DIVE TRANSECT

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"DAGOSTINO & WOOD, INC."**
  - SURVEY DATED: **04-24-14**
- APPLICANT OWNED SHORELINE (APPX LF): **50'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL PROTRUSION FROM MHWL: **45**

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

# 10091 GULF SHORE DR

## SUBMERGED RESOURCE SURVEY

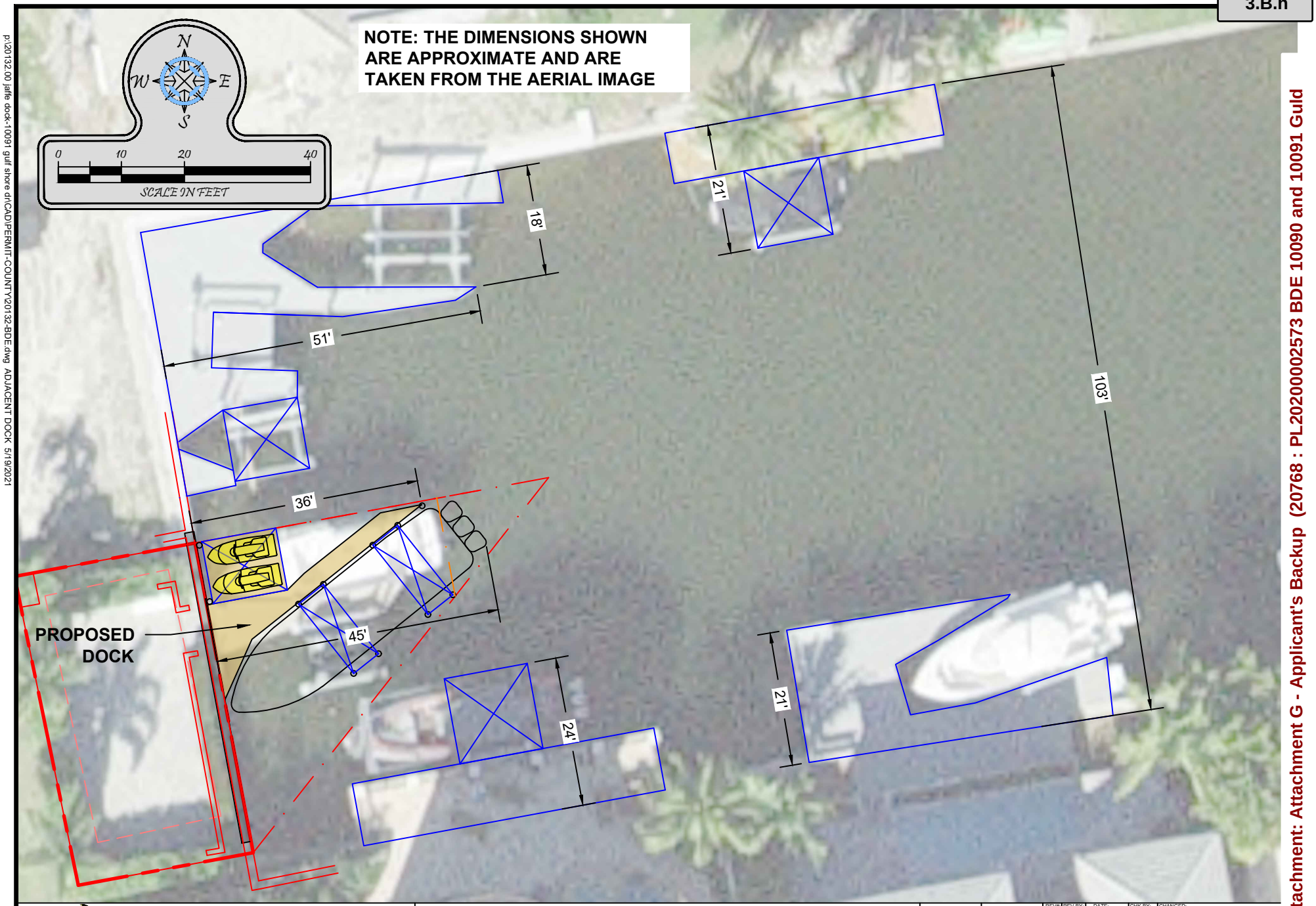
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | NP | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 05-19-21 | 3. | - | - | - | - |
| JOB NO.: | 20132.00 | 4. | - | - | - | - |
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SECTION-29 TOWNSHIP-48S

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p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg ADJACENT DOCK 5/19/2021




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

# 10091 GULF SHORE DR

## ADJACENT DOCK

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

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SECTION-29 TOWNSHIP-48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

# Environmental Data

**(See Submerged Resource Survey)**

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Professional Survey

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# MAP OF AS-BUILT SURVEY
# OF LOT 34, BLOCK A, AND THE NORTH 50' OF LOT 14, BLOCK C, RE-SUBDIVISION OF PART OF UNIT NO. 1, CONNER'S VANDERBILT BEACH ESTATES, LYING IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA

| CURVE TABLE | | | | | |
|---|---|---|---|---|---|
| CURVE | DELTA (M) | RADIUS (M) | ARC (M) | CHORD BEARING (M) | CHORD (M) |
| C1 | 0°10'51" | 31700.00' | 100.00' | N12°11'35"W | 100.00' |
| C2 | 0°10'32" | 31700.00' | 100.15' | N11°58'23"W | 100.15' |
| C3 | 0°10'50" | 31700.00' | 99.85' | N11°52'17"W | 99.85' |
| C4 | 0°10'52" | 31700.00' | 100.22' | N11°38'41"W | 100.22' |
| C5 | 0°13'01" | 31700.00' | 120.00' | N11°38'39"W | 120.00' |
| C6 | 0°05'26" | 31700.00' | 50.04' | N11°39'40"W | 50.04' |
| | | | | | |
| CURVE | DELTA (P) | RADIUS (P) | ARC (P) | CHORD BEARING (P) | CHORD (P) |
| C1 | 0°10'51" | 31700.00' | 100.00' | N12°28'06"W | 100.00' |
| C2 | 0°10'51" | 31700.00' | 100.00' | N12°17'10"W | 100.00' |
| C3 | 0°10'51" | 31700.00' | 100.00' | N12°06'26"W | 100.00' |
| C4 | 0°10'51" | 31700.00' | 100.00' | N11°55'26"W | 100.00' |
| C5 | 0°12'59" | 31770.00' | 120.02' | N11°58'17"W | 120.02' |
| C6 | 0°05'25" | 31770.00' | 50.01' | N12°07'29"W | 50.01' |

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING (M) | DISTANCE (M) |
| L1 | N79°31'04"E | 29.12' |
| L2 | S10°38'49"E | 50.00' |
| L3 | S79°27'29"W | 28.23' |
| | | |
| LINE | BEARING (P) | DISTANCE (P) |
| L1 | N79°07'31"E | 30.01' |
| L2 | S10°52'00"E | 50.00' |
| L3 | S79°08'00"W | 28.91' |

## LEGEND

- ▲ = SET PK NAIL AND DISK – "D&W LB 6896"
- ◬ = FOUND PK NAIL AND DISK – "D&W LB 6896"
- ◭ = FOUND FLORIDA DEPARTMENT OF NATURAL RESOURCES BRASS DISK
- ● = FOUND 5/8" REBAR – NO IDENTIFICATION
- ⊙ = FOUND 5/8" REBAR AND CAP – "LB 6569"
- ⊗ = RECOVERED OR SET 5/8" REBAR AND CAP – "D&W LB 6896"
- ■ = FOUND 4" X 4" CONCRETE MONUMENT WITH 1/8" REBAR
- (C) = CALCULATED DATA
- (M) = FIELD MEASURED DATA
- (P) = RECORD PLAT DATA

## LEGAL DESCRIPTION

LOT 34, BLOCK A, RE-SUBDIVISION OF PART OF CONNER'S VANDERBILT BEACH ESTATES UNIT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, AT PAGE 18, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.
AND
THE NORTH 50 FEET OF LOT 14, BLOCK C, RE-SUBDIVISION OF PART OF CONNER'S VANDERBILT BEACH ESTATES UNIT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, AT PAGE 18, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

## SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE GRID BEARINGS BASED UPON THE NORTH AMERICAN DATUM OF 1983, 1996 ADJUSTMENT (NAD83/96) FLORIDA EAST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN U. S. SURVEY FEET. COORDINATES SHOWN ARE GRID COORDINATES. DATUM BASED UPON CORS ADJUSTMENT (NAD83/96) FLORIDA EAST ZONE, AS MEASURED WITH THE COLLIER COUNTY RTK GPS SPIDER 2.0 NETWORK, USING BASE STATION "ORANGE BLOSSOM".

2. NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNDER THE SCOPE OF THIS SURVEY.

3. THIS STRUCTURE LIES IN FLOOD ZONE "VE" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP PANEL 12021C0189H, DATED MAY 16, 2012, WITH A BASE FLOOD ELEVATION OF 13 FEET NORTH AMERICAN DATUM OF 1988 (NAVD 1988).

4. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON THE RECORD PLAT AND LEGAL DESCRIPTION PROVIDED, NO SEARCH OF THE PUBLIC RECORD WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE OTHER SETBACKS AND/OR EASEMENTS NOT KNOWN TO THIS SURVEYOR.

5. THE 1989 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN COASTAL SETBACK LINE BOOK 1, PAGES 26–36, AND FILED IN OFFICIAL RECORDS BOOK 1452, PAGES 258–275 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA ON JUNE 29, 1989.

6. THE 1974 COASTAL CONSTRUCTION CONTROL LINE SHOWN HEREON IS AS RECORDED IN COASTAL SETBACK LINE BOOK 1, PAGES 13–25, DATED FEBRUARY 1979.

7. THE STREET ADDRESS IS:
10091 GULF SHORE DRIVE
NAPLES, FLORIDA 34108

8. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). ELEVATIONS ARE BASED UPON BENCHMARK "2604" HAVING A RECORD ELEVATION OF 25.45' NAVD 1988, AS GIVEN IN THE NATIONAL GEODETIC SURVEY CONTROL POINT DATABASE.

9. MEAN HIGH WATER ELEVATION 0.3', NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988), BASED ON EXTENSION OF TIDAL DATUM FROM TIDE INTERPOLATION POINT NUMBER 100239.

10. IN THIS AREA THE NORTH AMERICAN VERTICAL DATUM OF 1988, (NAVD 1988), IS 1.24' LOWER THAN THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, (NGVD 1929).

11. ZONING FOR THIS PARCEL IS RSF-3, SINGLE FAMILY.

12. BUILDING SET BACKS FOR RSF-3 ZONING ARE:
MINIMUM FRONT YARD – 30'
MINIMUM SIDE YARD WATERFRONT – 10'
MINIMUM REAR YARD – 25'

13. BUILDING SET BACKS NEED TO BE VERIFIED WITH THE PROPER PERMITTING OFFICIALS PRIOR TO ANY DESIGN OR CONSTRUCTION.




REVISED – ADDED RIPARIAN LINES – DSD – 05/12/21

CERTIFIED TO:
ANDREW T. JAFFE AND FERN B. JAFFE, HUSBAND AND WIFE
MORGAN STANLEY PRIVATE BANK, NATIONAL ASSOCIATION,
ROETZEL & ANDRESS, A LEGAL PROFESSIONAL ASSOCIATION
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

JOB NO.: 08–042
SHEET NO.: 1

DRAWN BY: MWW
CHECKED BY: DSD
FIELD BOOK: 67/18

D&W DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
610 18th Avenue N.E. Naples, FL 34120
Phone: (239) 352-6085 Fax: (239) 352-6085

COMPUTER FILE: 11036 04-23-14
SURVEY DATE: APRIL 24, 2014
SIGNATURE DATE: 05/12/21

DRAWING SCALE: 1 INCH = 20 FEET
REVISION DATE: 05/12/21
REVISED BY: DSD

DAVID S. DAGOSTINO, PSM
Professional Surveyor & Mapper Fla. License No. 5762

This map prepared by:
CERTIFICATE OF AUTHORIZATION NO. LB 6896
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Submerged Resource Survey

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 10091 GULF SHORE DR.
# NAPLES, FL 34108
# FOLIO #27530160008

## SUBMERGED RESOURCE SURVEY REPORT
## MAY 2021

PREPARED BY:

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# Table of Contents

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 1 Introduction

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 10091 Gulf Shore Dr. in Naples, FL 34108 and that can be identified by folio #27530160008. This survey will provide planning assistance to both the property owner and regulating agencies during any review processes for the proposed project, which consists of constructing a private, recreational single-family docking facility with 2 boatlifts.

The subject property consists of a 0.65-acre portion of land with 2 non-adjoining parcels. Each parcel is located approximately 0.66 miles North of Vanderbilt Beach Rd. on either side of Gulfshore Dr. The larger parcel on the west side of the beach side of Gulf shore Dr. currently contains a single-family residence. The east, or canal side of the parcel contains no upland structures except for a docking facility with 2 boatlifts. Nearly all surrounding lots contain additional docking facilities (with boatlifts) similar in size.

The SRS was conducted on May 7th 2021 at approximately 9:00 a.m. Site conditions consisted of clear, sunny skies and 5 to 10 mph winds out of the east. Water clarity was poor, allowing for submerged visibility of roughly only 12 inches on average. The ambient air temperature was approximately 80 degrees Fahrenheit and ambient water temperature was approximately 75 degrees Fahrenheit. Low tide occurred prior to the site visit at 5:20 a.m. and reached approximately 0.4 ft. above the mean low water mark. High tide occurred following the site visit at 11:30 a.m. and reached 2.0 ft. above the mean low water mark.



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 2 Objective

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

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 3 Methodology

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

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

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

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

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 4 Results

The substrate found within the surveyed area consists of a silty muck material. The substrate appeared consistent throughout the project site to the limits of the survey area. Additionally, depths increased gradually with distance from the shoreline to the center of the canal. The shoreline at the project site and neighboring properties consists of vertical seawall.

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

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

| **Common Name** | **Scientific Name** |
|---|---|
| Common Bottlenose dolphin | *Tursiops truncatus* |
| Atlantic sheepshead | *Archosargus probatocephalus* |
| Eastern oyster | *Crassostrea virginica* |
| Common barnacle | *Balanus spp.* |
| Caulerpa | *Caulerpa spp.* |

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 5 Conclusion

The submerged resource survey was conducted and completed throughout a 200-foot radius surrounding the project site and yielded no results besides the oysters present on the dock piles. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project.

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

# 6 Photos



Photo 1: Existing docking facility on site.



Photo 2: South neighbor's docking facility.



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)




Photo 3: north neighbor's dock adjacent to the subject property's existing dock.



Photo 4: Typical view of substrate at project site.



Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)



Photo 5: Oysters and barnacles recruited on dock pile on site.



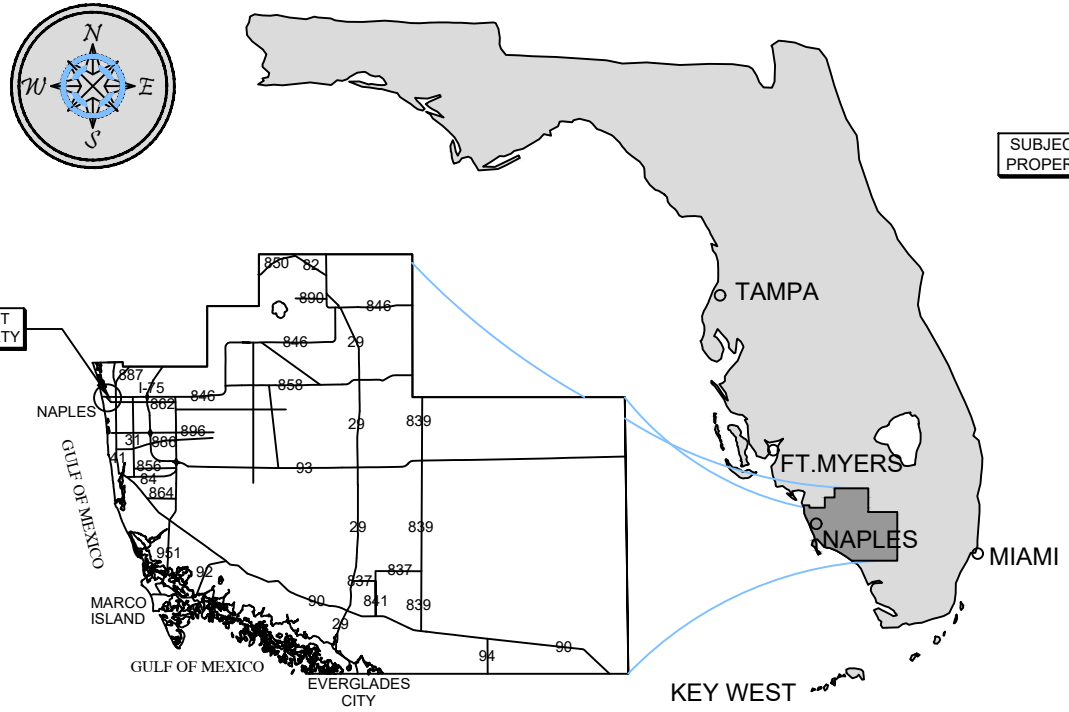
Photo 6: Typical view of bottomlands found on site.



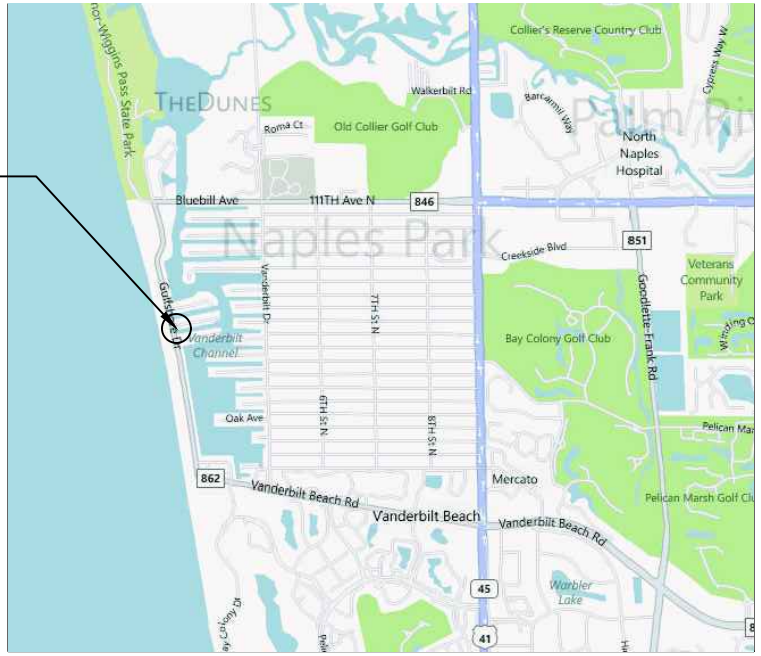
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p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg LOCATION MAP 5/19/2021

# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**

<> 10091 GULF SHORE DR
NAPLES, FL 34108

<> LATITUDE: N 26.263339
<> LONGITUDE: W -81.824228

**NOTES:**

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

# 10091 GULF SHORE DR

## LOCATION MAP

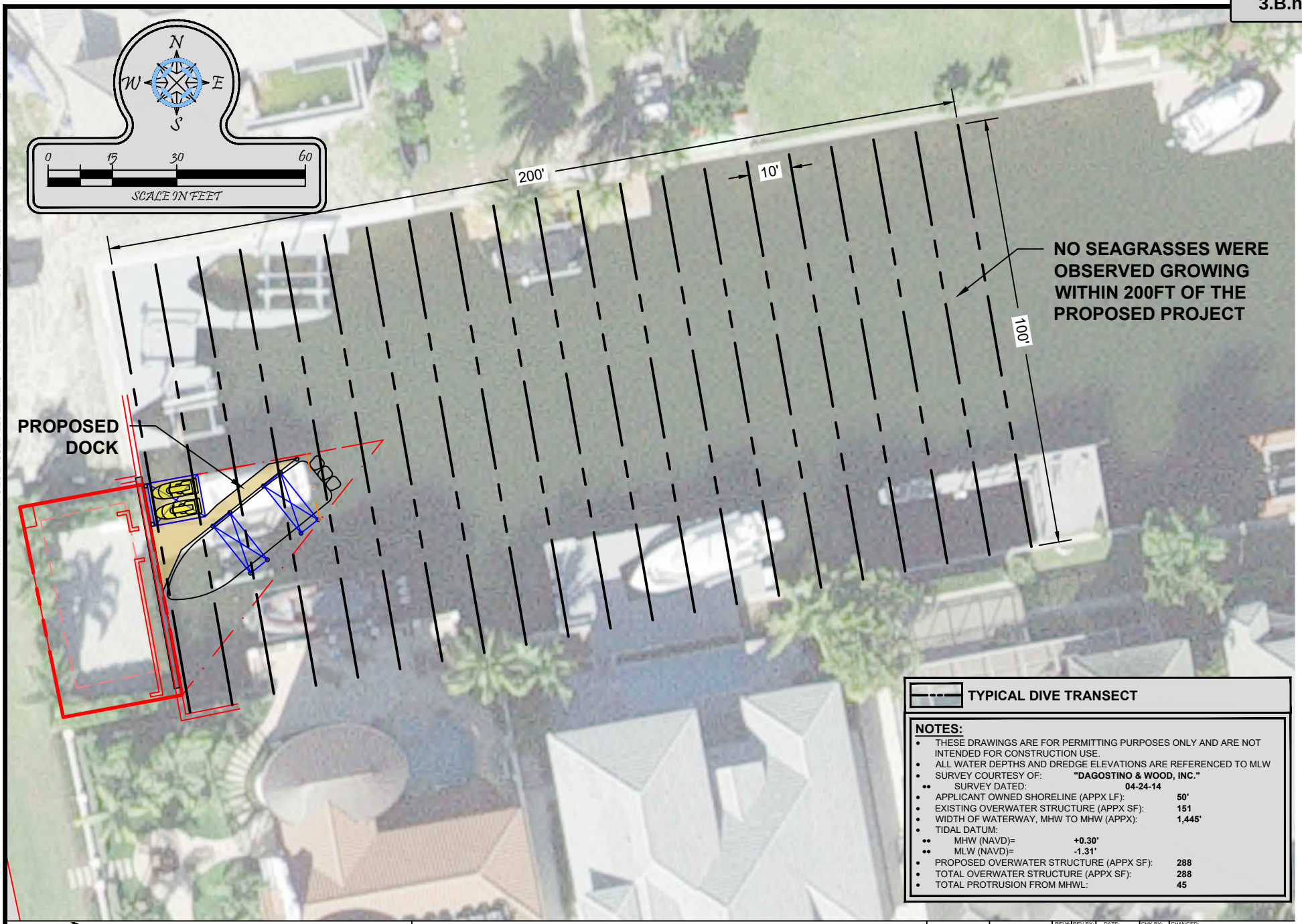
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SECTION- 29 TOWNSHIP- 48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

p:\20132.00 jaffe dock-10091 gulf shore dr\CAD\PERMIT-COUNTY\20132-BDE.dwg SUBMERGED RESOURCE SURVEY 5/19/2021




TYPICAL DIVE TRANSECT

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  - SURVEY DATED: **04-24-14**
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- EXISTING OVERWATER STRUCTURE (APPX SF): **151**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,445'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **288**
- TOTAL OVERWATER STRUCTURE (APPX SF): **288**
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Turrell, Hall & Associates, Inc.
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3584 Exchange Ave. Naples, FL 34104-3732
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# 10091 GULF SHORE DR

## SUBMERGED RESOURCE SURVEY

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SECTION-29 TOWNSHIP-48S

Attachment: Attachment G - Applicant's Backup (20768 : PL20200002573 BDE 10090 and 10091 Guld

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): PL20210002276 and PL20200002573

Regarding the above subject petition number(s), Andrew and Fern Jaffe (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: Andrew and Fern Jaffe Date: 11/29/21

Signature: DocuSigned by: C6B9C414517C464... DocuSigned by: AEB7B3404640408...

☑ 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 H - HEX hybrid meeting waiver (20768 : PL20200002573 BDE 10090 and 10091 Guld Shore Drive - Jaffe Dock)

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

**Item Number:** 3.C
**Item Summary:** PETITION NO. BDE-PL20190000673 -164 Tahiti Circle - Request for a 6.8-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width to allow a boat docking facility protruding a total of 26.8 feet into a waterway that is 1,890± feet wide, pursuant to Section 5.03.06 of the Land Development Code, for the benefit of property located at 164 Tahiti Circle, also described as Lot 150 of Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 1

**Meeting Date:** 12/23/2021

---

**Prepared by:**
Title: Planner – Zoning
Name: John Kelly
12/06/2021 6:17 PM

**Submitted by:**
Title: – Zoning
Name: Mike Bosi
12/06/2021 6:17 PM

---

**Approved By:**

Review:

| | | | | |
|---|---|---|---|---|
| Growth Management Operations & Regulatory Management | Kenneth Kovensky | | Review Item | Completed |
| Hearing Examiner (GMD Approvers) | Diane Lynch | Review Item | Completed | 12/06/2021 8:58 PM |
| Zoning | Ray Bellows | Review Item | Completed | 12/07/2021 1:42 PM |
| Zoning | Mike Bosi | Zoning Director Review | Completed | 12/07/2021 1:49 PM |
| Hearing Examiner | Andrew Dickman | Meeting Pending | 12/23/2021 9:00 AM | |

# STAFF REPORT

**TO:** COLLIER COUNTY HEARING EXAMINER

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

**HEARING DATE:** DECEMBER 23, 2021

**SUBJECT:** BDE-PL20190000673, 164 TAHITI CIRCLE – MOSES DOCK

---

**PROPERTY OWNER/APPLICANT:**

Robert Glyn and Amy Taylor Moses
164 Tahiti Circle
Naples, FL 34113

**AGENT:**

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

**REQUESTED ACTION:**

The petitioner requests a 6.8-foot boat dock extension over the maximum permitted protrusion of 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code (LDC) for waterways greater than 100 feet in width, for a total protrusion of 26.8 feet into a waterway that is 1,890± feet wide, for the benefit of the subject property.

**GEOGRAPHIC LOCATION:**

The subject property is located at 164 Tahiti Circle, further described as Lot 150, Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East. Collier County, Florida. *(See location map on the following page)*

**PURPOSE/DESCRIPTION OF PROJECT:**

The subject property is located within a Residential-Single Family – 4 (RSF-4) zoning district and supports a single-family dwelling and is further located adjacent to a portion of Johnson Bay that lies within the Rookery Bay Aquatic Preserve boundary. The existing dock facility was damaged during Hurricane Irma and was rebuilt per Building Permit No. PRBD20180104718, issued on February 22, 2018. Said permit could not be finaled as a spot survey indicated the re-built dock exceeded the 20-foot allowable protrusion; at which time
(Continued on Page 3)



Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

Location Map




Zoning Map

Petition Number: PL20190000673



Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

PURPOSE/DESCRIPTION OF PROJECT, Continued from Page 1

the County's BDE process was engaged. During that process it was further determined by the State's Department of Environmental Protection (DEP) that the dock was not grandfathered and was non-compliant with their aquatic preserve rules, therefore, the applicant needed to work with DEP to come up with a new dock design/footprint that satisfies the aquatic preserve rules.

The proposed project consists of removing the existing docking facility to then construct a new fixed dock that satisfies the DEP aquatic preserve rules. The proposed dock has been minimized to allow safe access to a single boat lift and to provide a small area for recreational activities such as kayaking and fishing. As proposed, the new dock will protrude 26.8 feet from the property line which has been determined to be the most restrictive point for said measure, per LDC Section 5.03.06.C.1; therefore, a 6.8-foot BDE is required. The waterway at this location is approximately 1,890 feet wide. The subject property has 85 feet of shoreline which requires 15-foot side/riparian setbacks that will be satisfied.

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Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

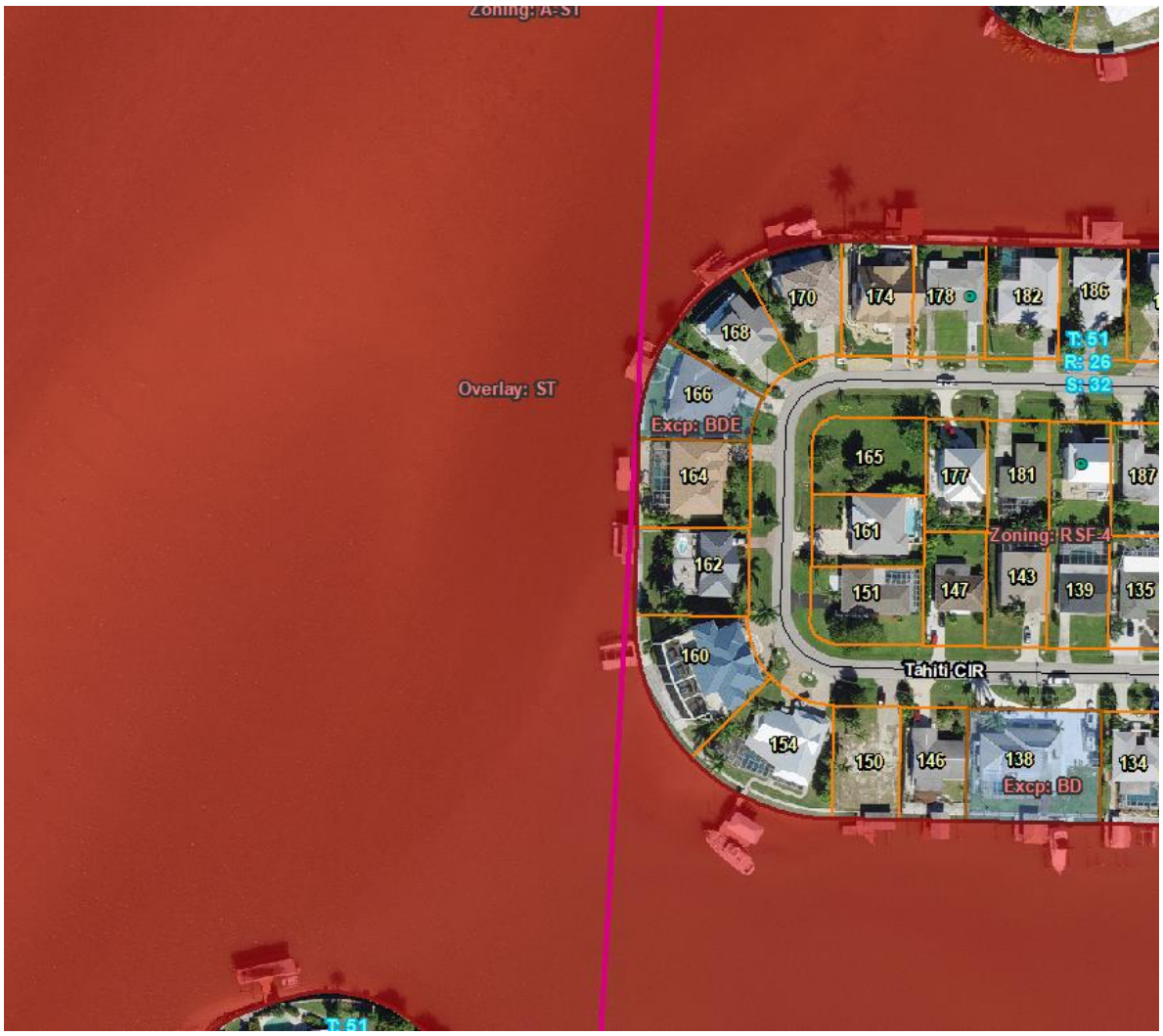
**SURROUNDING LAND USE & ZONING:**

North: Single-family dwelling, Residential Single-Family-4 District (RSF-4)

East: Tahiti Circle Right-of-Way, then improved/unimproved Residential Single-Family-4 District (RSF-4)

South: Single-family dwelling, Residential Single-Family-4 District (RSF-4)

West: Johnson Bay, Rural-Agricultural District within a Special Treatment Overlay (A-ST)




***Aerial – Collier County GIS***

Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

## ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located adjacent to an ST overlay zone (Johnson Bay), which will require an ST-permit for the proposed docking facilities prior to issuance of the building permits. The proposed docking facilities will be constructed waterward of the existing seawalled shoreline. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 8 of 9 provides an aerial with a note stating that no seagrasses were observed within 200 feet.

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

## STAFF ANALYSIS:

In accordance with LDC Section 5.03.06.H., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a dock facility extension request based on certain criteria. In order for the Hearing Examiner to approve this request, at least four of the five primary criteria and four of the six secondary criteria must be met:

**Primary Criteria:**

1. **Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

   **Criterion met**. The subject property is located within an RSF-4 zoning district and supports a single-family dwelling for which the LDC allows two boat slips. The proposed project consists of authorizing one boat lift to accommodate a 30-foot vessel.

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

Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

**Criterion met**. The applicant states: "The reason for this BDE request is based on the location of the plotted property line which is located on the landward side of the seawall and the existing riprap along the seawall restricts where the boatlift can be installed. Due to these on-site conditions any proposed dock and boatlift would require a BDE to avoid the riprap and allow the boatlift to function properly. As proposed the dock will only protrude 26.8 feet from the most restrictive point and therefore a BDE is requested." Staff concurs.

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

**Criterion met**. The proposed dock facility does not protrude into any marked or charted navigable channel and will not impede vessel traffic any more than any existing dock along the subject shoreline.

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

**Criterion met**. The approximate waterway width is 1,890-feet wide. The requested total dock protrusion is 26.8-feet which is under 2% of the width of the waterway.

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

**Criterion met**. The new dock facility will satisfy side and riparian setback requirements and is consistent with neighboring docks along the subject shoreline.

**Secondary Criteria:**

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

**Criterion met**. The applicant states: "The subject property shoreline consists of a concrete seawall with riprap along the entire length. Due to the riprap the dock and associated boatlift cannot be constructed along the shoreline requiring them to be pushed out into the waterway. Additionally, this waterway Johnson Bay is within the Rookery Bay Aquatic Preserve which requires the applicant to follow the aquatic preserve guidelines which are more restrictive on design options and location." Staff

Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

concurs and further notes that the property line, the most restrictive point for measurement of protrusion, is located landward of the seawall.

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

   **Criterion met**. As per the applicant, the proposed dock facility consists of 316 square feet of decking. The dock will provide adequate deck area for safe access to the vessel and will also provide deck area for recreational activities like fishing, kayaking, and paddle boarding. Staff concurs.

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

   **Criterion met**. The proposed dock facility has been designed to moor a single 30-foot vessel. The total shoreline at this location is 85 feet; therefore, the vessel will account for only 35.29 percent of the shoreline.

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

   **Criterion met**. The subject dock and lift will satisfy the required yard and riparian setbacks, as designed no new impacts to neighboring property views of the waterway will result.

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

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

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

   **Criterion is not applicable**. Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

Staff analysis finds this request complies with four of the five of the primary criteria. With respect to the six secondary criteria, one of the criteria is found to be not applicable, the request meets four of the remaining five secondary criteria.

**APPEAL OF BOAT DOCK EXTENSION TO BOARD OF ZONING APPEALS:**

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

**STAFF RECOMMENDATION:**

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20190000673, to allow for the construction of the proposed dock facility as depicted within the plans contained in Attachment A.

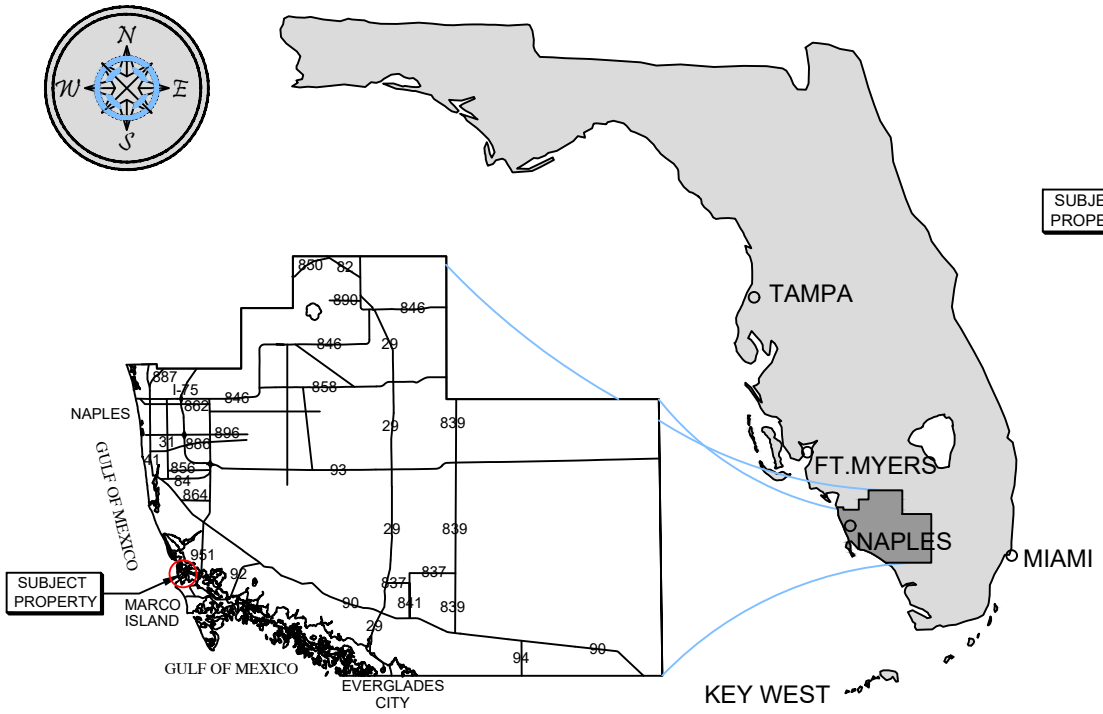
Attachments:

A) Proposed Site and Dock Plans
B) Public Hearing Sign Posting
C) Applicant's Backup
D) HEX Hybrid Meeting Waiver

Attachment: Staff Report 12062021 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**
<> 164 TAHITI CIRCLE
NAPLES, FL 34113

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

<> LATITUDE: N 26.981202
<> LONGITUDE: W 81.733451

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

# 164 TAHITI CIRCLE

## LOCATION MAP

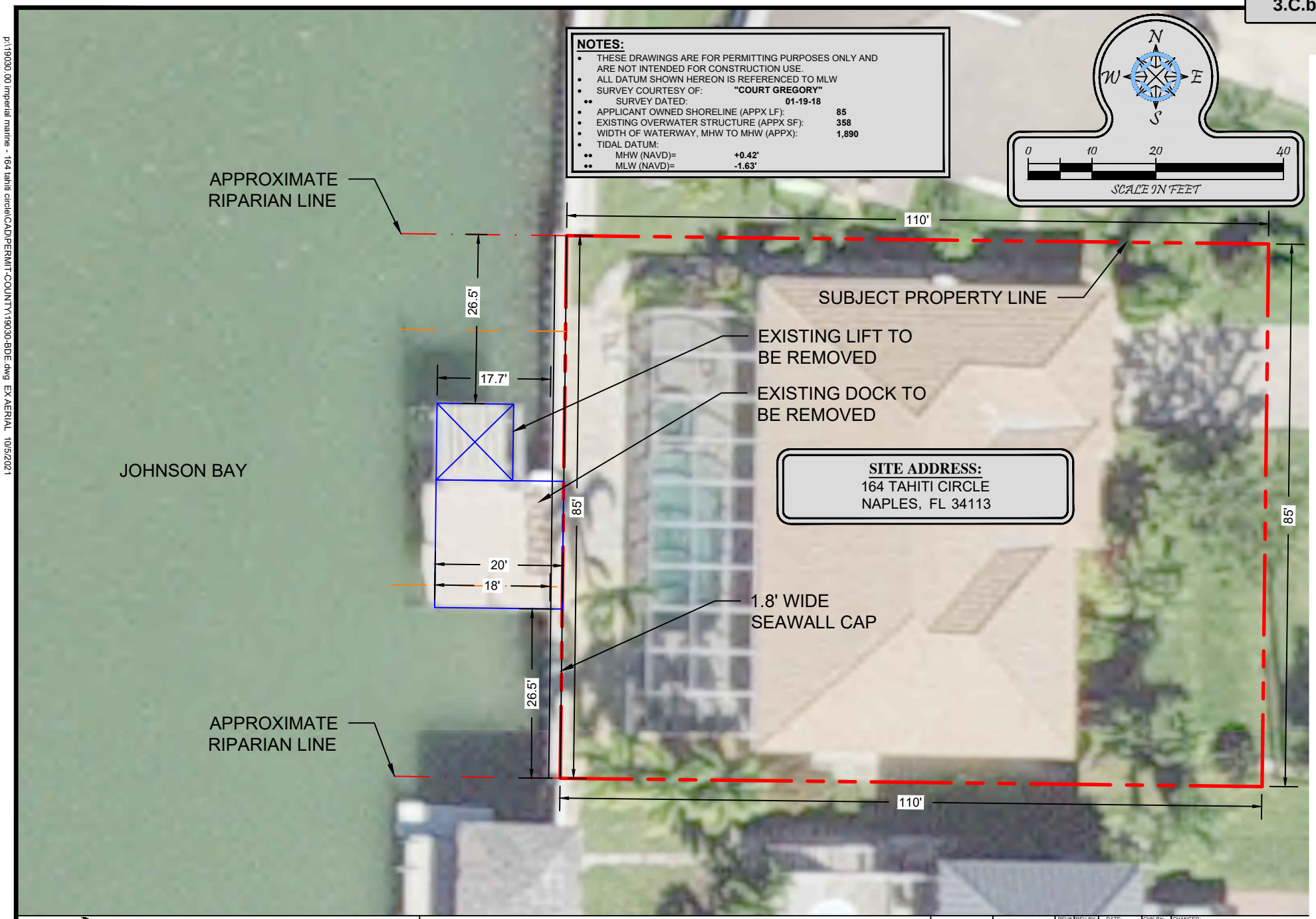
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SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

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# 164 TAHITI CIRCLE

## EXISTING AERIAL

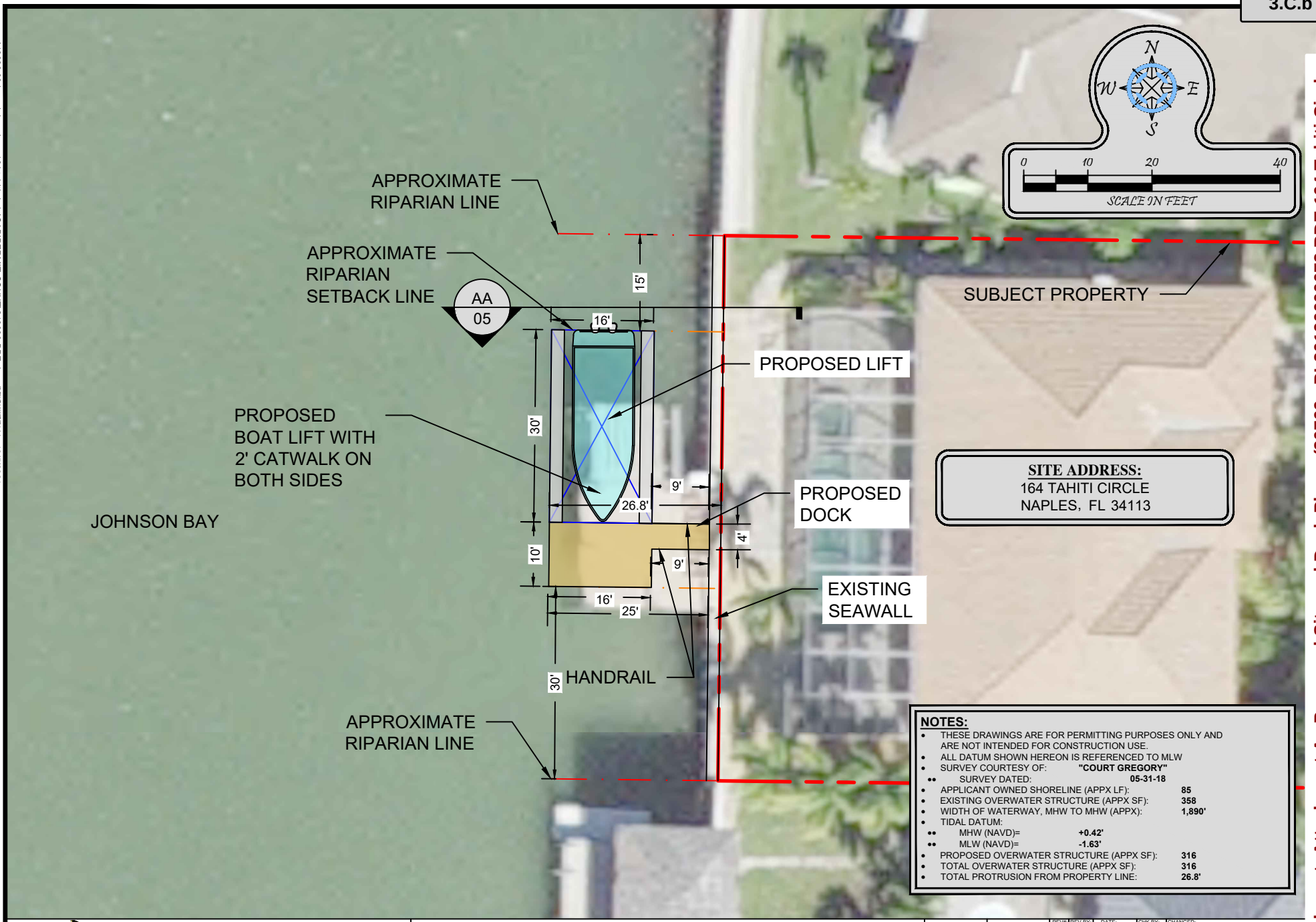
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SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

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**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY"**
  - SURVEY DATED: **05-31-18**
- APPLICANT OWNED SHORELINE (APPX LF): **85**
- EXISTING OVERWATER STRUCTURE (APPX SF): **358**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,890'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **316**
- TOTAL OVERWATER STRUCTURE (APPX SF): **316**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26.8'**

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

# 164 TAHITI CIRCLE

## PROPOSED AERIAL

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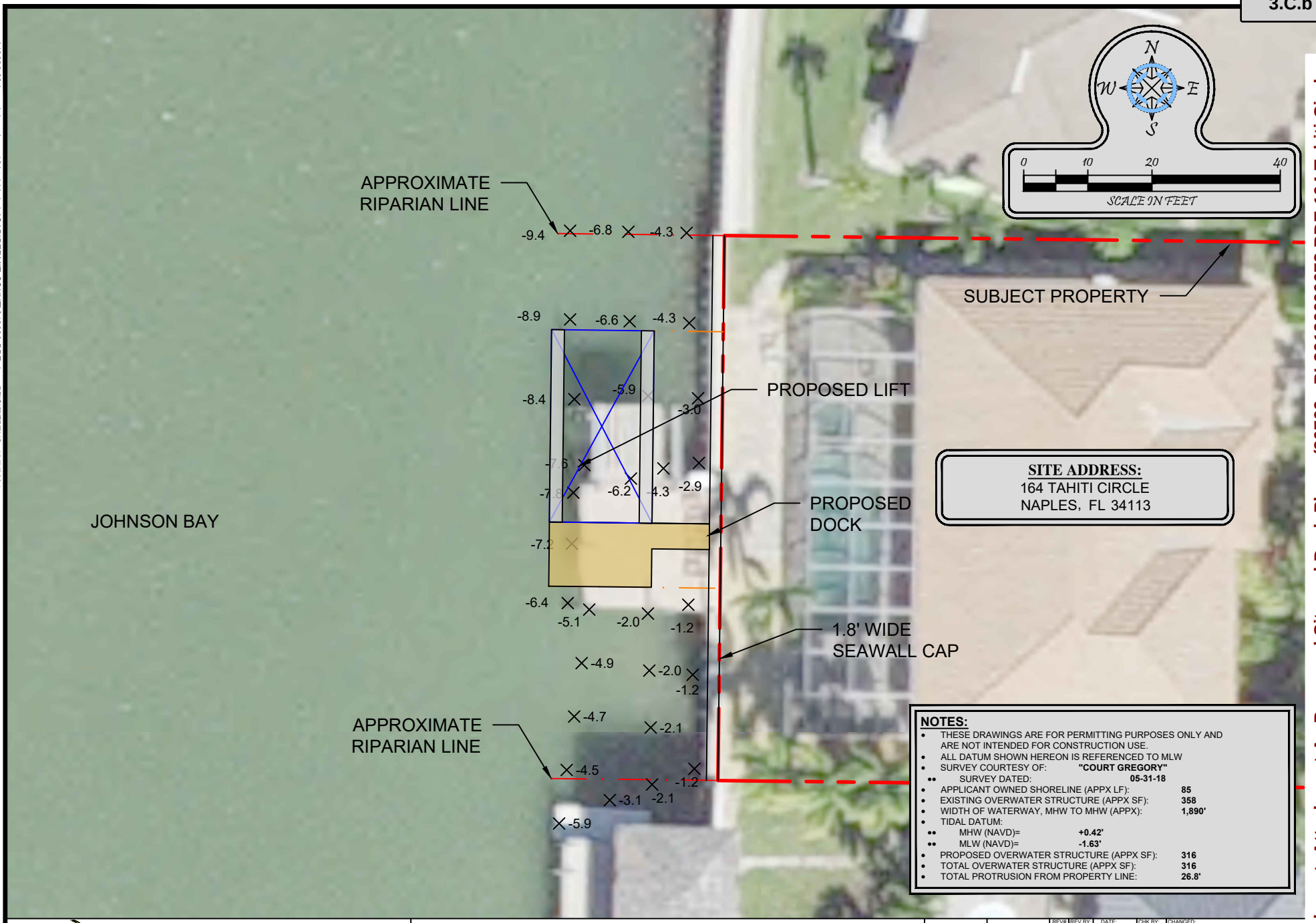
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SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

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Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle




**SITE ADDRESS:**
164 TAHITI CIRCLE
NAPLES, FL 34113

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- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
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- TOTAL OVERWATER STRUCTURE (APPX SF): **316**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26.8'**

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# 164 TAHITI CIRCLE

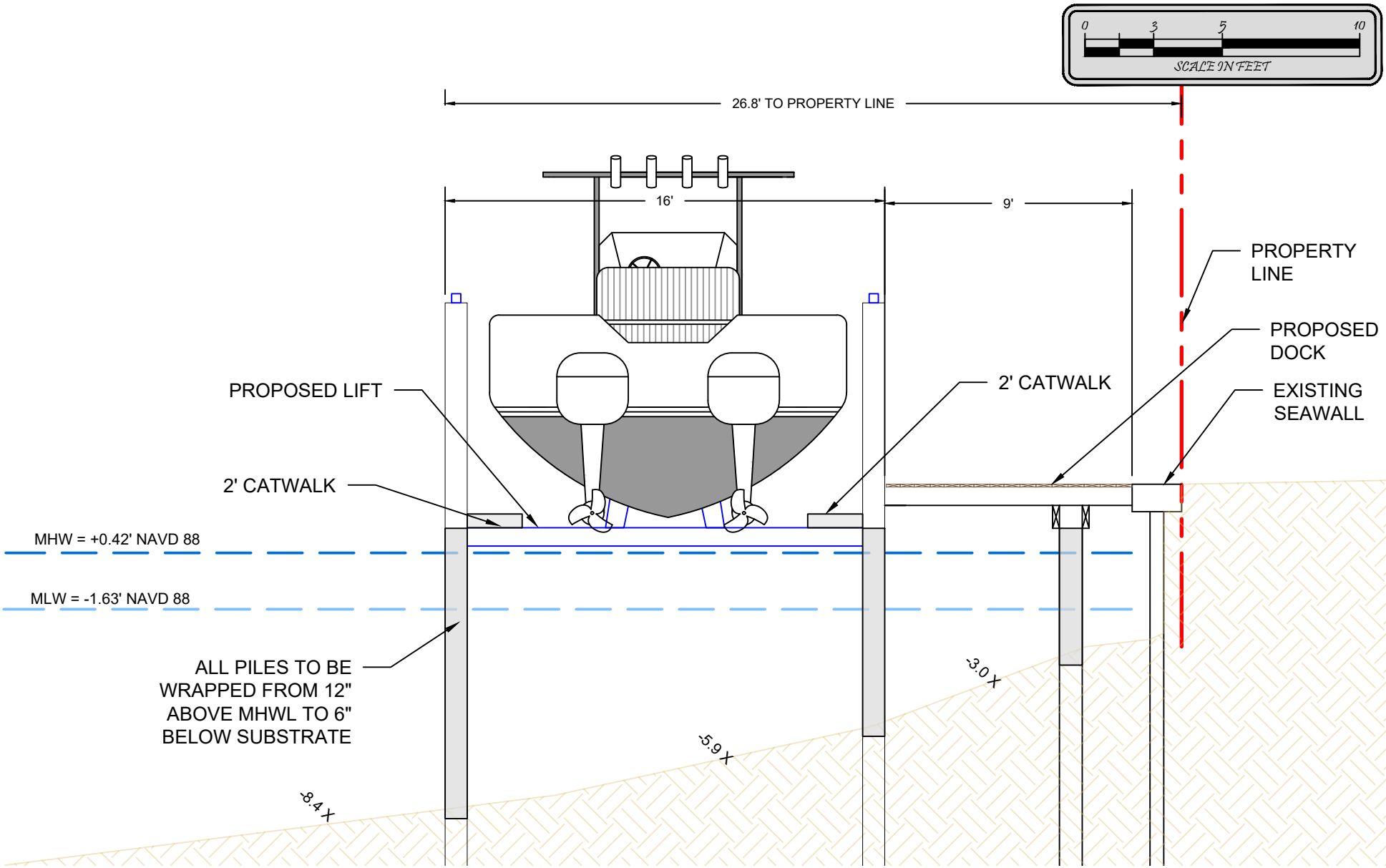
## PROPOSED DOCK WITH DEPTHS

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

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SECTION- 32 TOWNSHIP- 51 S

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# 164 TAHITI CIRCLE

## CROSS SECTION AA

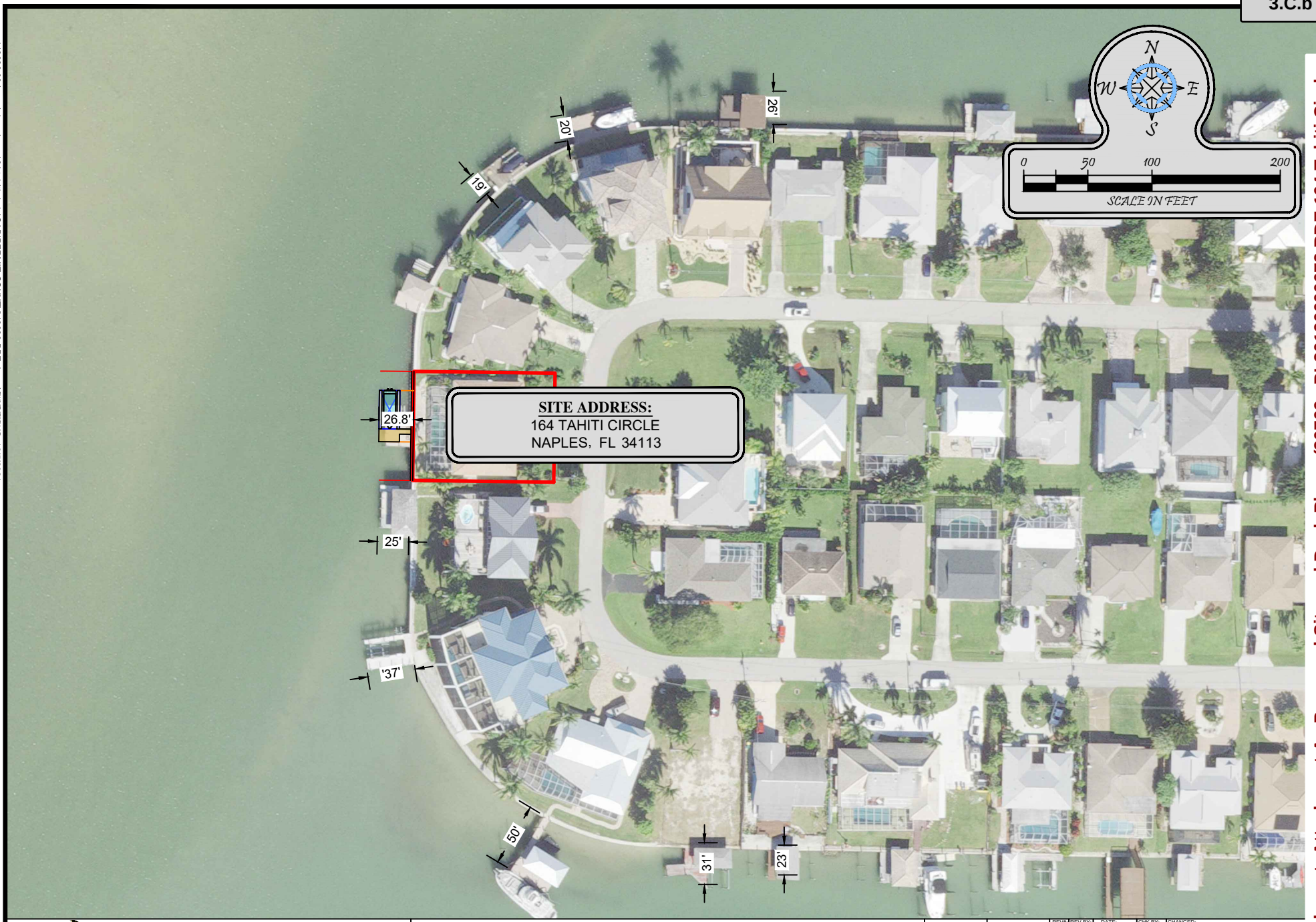
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SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

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# 164 TAHITI CIRCLE

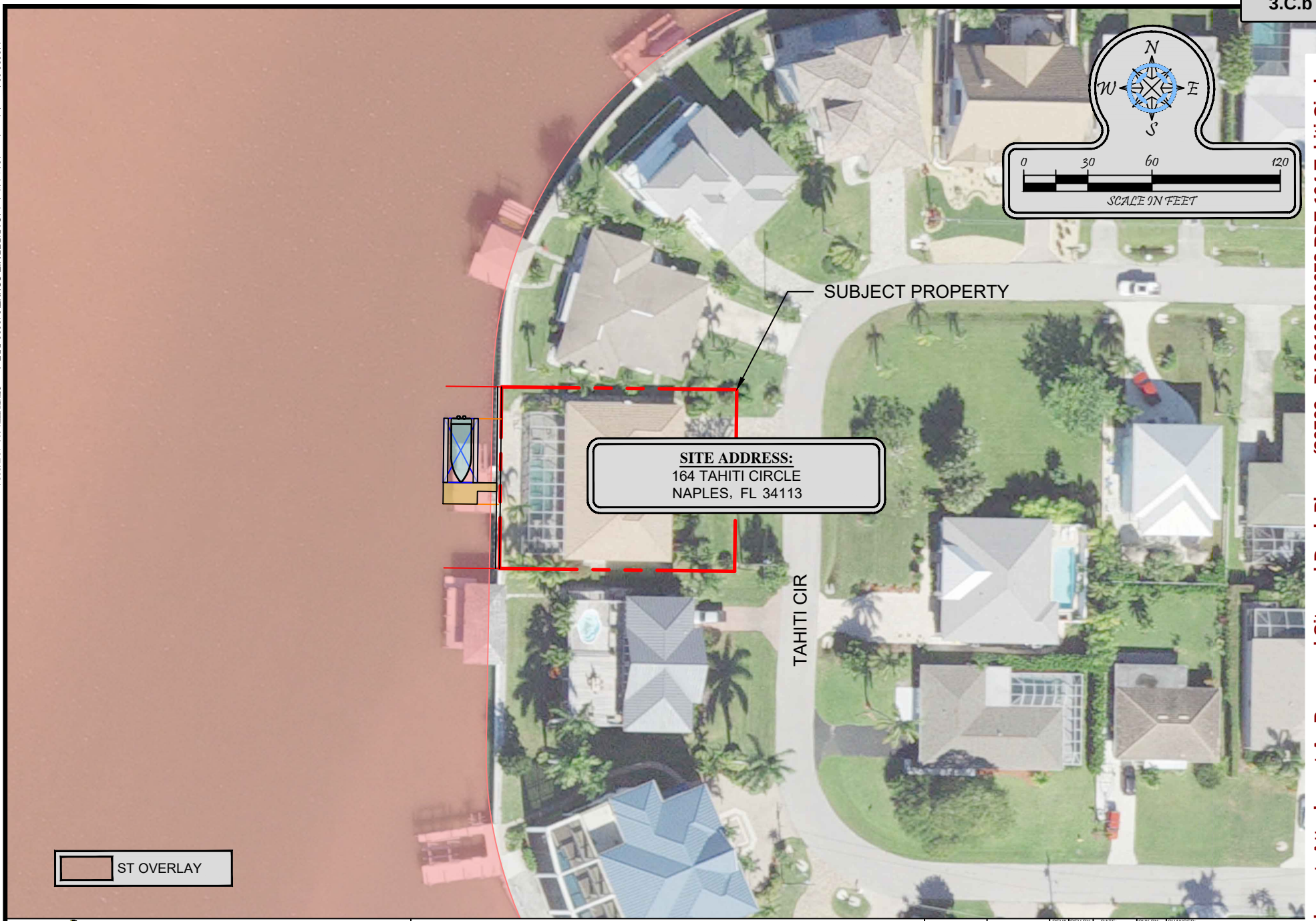
## ADJACENT DOCKS

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SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle




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3584 Exchange Ave. Naples, FL 34104-3732
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# 164 TAHITI CIRCLE

## ST OVERLAY MAP

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SECTION- 32 TOWNSHIP- 51 S

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Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

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# 164 TAHITI CIRCLE

## SUBMERGED RESOURCE SURVEY

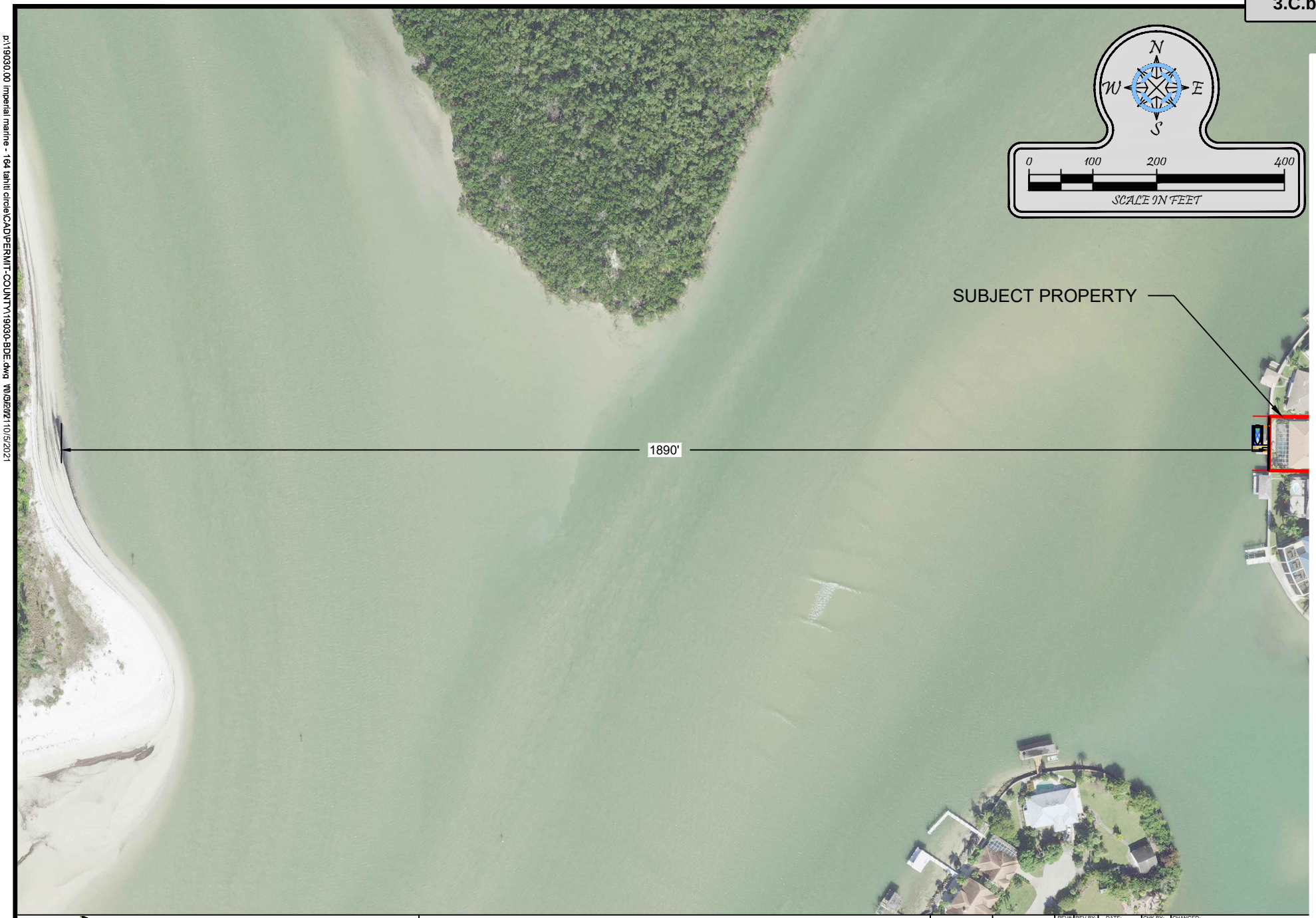
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SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

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# 164 TAHITI CIRCLE

## WIDTH OF WATERWAY

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

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment A - Proposed Site and Dock Plans (20769 : PL20190000673 BDE 164 Tahiti Circle

## KellyJohn

**From:** KellyJohn
**Sent:** Tuesday, December 07, 2021 5:37 PM
**To:** KellyJohn
**Subject:** BDE-PL20190000673 - - Public Hearing Sign Posting for HEX on 12-23-2021
**Attachments:** 8638E4E0-8113-46DF-AAA2-FBEC551C9848.jpeg; 0DDA3012-4EF3-4D34-AEC6-8E05783DF8B6.jpeg; 732FBA33-0ECA-4423-A93A-ED06C7EA035D.jpeg; BA648955-F5BD-4000-AF5B-95050DA2BADA.jpeg; F5FC9127-DF6F-4E12-9950-43EA0C66ADCE.jpeg

To satisfy the Public Hearing sign posting requirement for projects of this type, a public hearing sign was posted to the front of 164 Tahiti Circle at approximately 2:10 P.M. this date as evidenced by the attached photographs.

Respectfully,
*John Kelly*
Senior Planner

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

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

Collier County
***Growth Management Department***

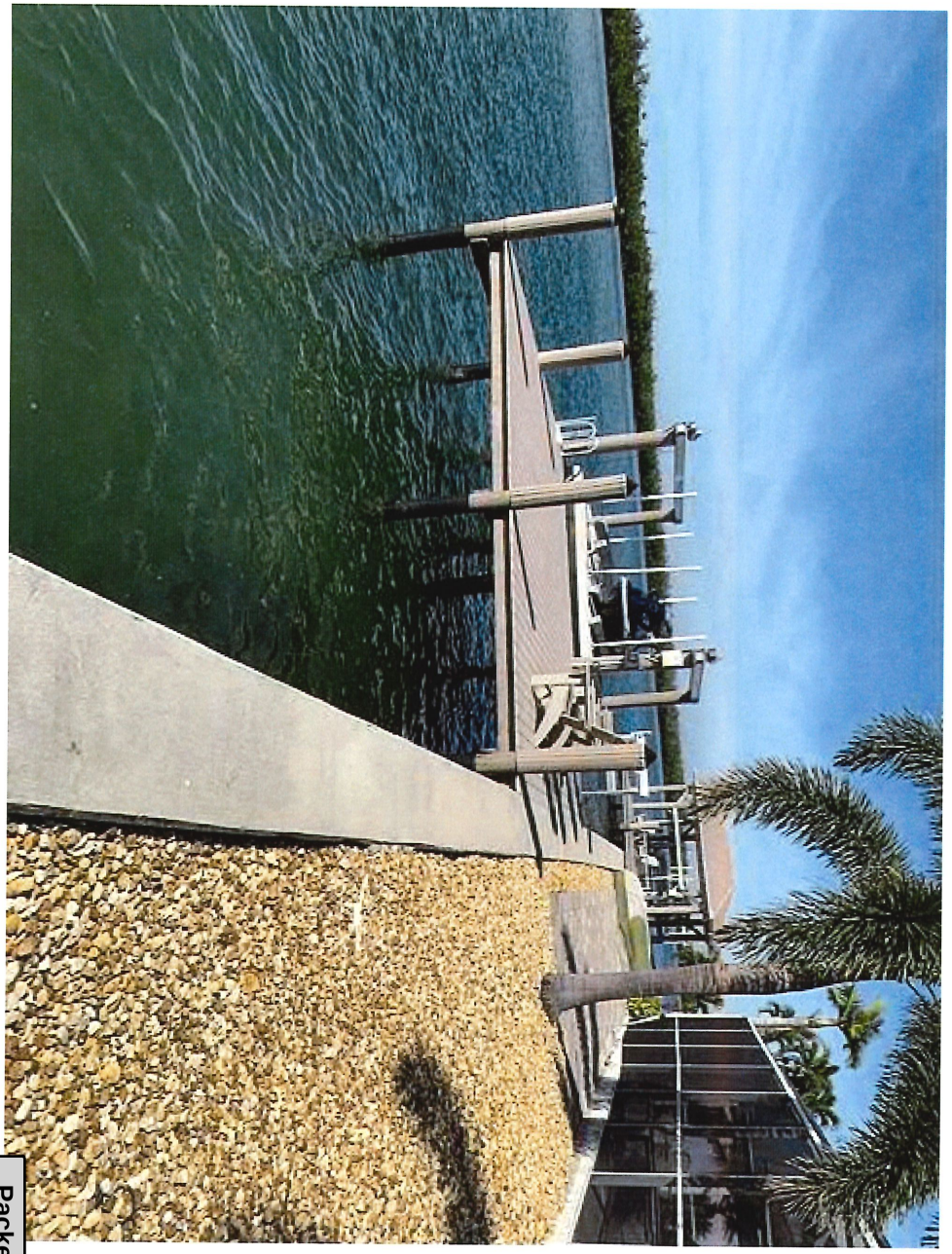
Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by telephone or in writing.

Attachment: Attachment B - Posting BDE-PL20190000673 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

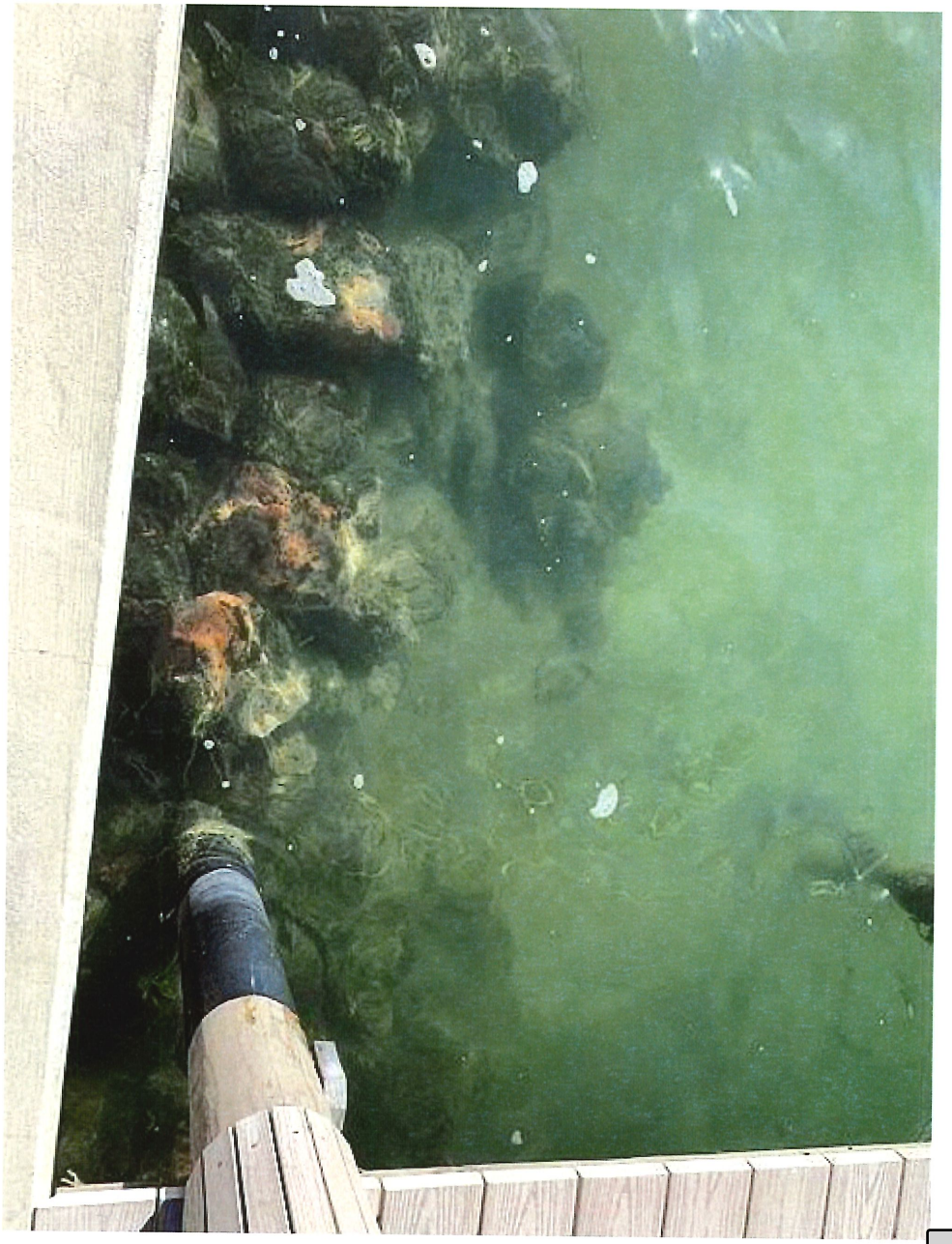





Attachment: Attachment B - Posting BDE-PL20190000673 (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)







BDE- PL 20190000673
164 TAHITI



## HEARING PACKAGE CHECKLIST

### A. Backup provided by the County Planner

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

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

### B. Backup provided by Applicant:

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

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

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

✓ Boundary Survey

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

✓ Submerged Resource Surveys may be included here if required.

✓ **flash drive with *only one* pdf file for all documents**

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

Jeff Rogers — 11/30/2021

Signature of Agent Representative — Date

Jeff Rogers

Printed Name of Signing Agent Representative

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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

# DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

THIS PETITION IS FOR (check one): ☒ DOCK EXTENSION ☐ BOATHOUSE

**PROJECT NUMBER**
**PROJECT NAME**
**DATE PROCESSED**

*To be completed by staff*

## APPLICANT INFORMATION

**Name of Property Owner(s):** Robert & Amy Moses

**Name of Applicant if different than owner:** _____

**Address:** 164 Tahiti Circle **City:** Naples **State:** FL **ZIP:** 34113

**Telephone:** _____ **Cell:** 239-734-9902 **Fax:** _____

**E-Mail Address:** rmosesrgm@gmail.com & amosesfl@gmail.com

**Name of Agent(s):** Jeff Rogers

**Firm:** Turrell, Hall & Associates, Inc.

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

**Telephone:** 239-643-0166 **Cell:** 239-784-0081 **Fax:** 239-643-6632

**E-Mail Address:** Jeff@thanaples.com

## PROPERTY LOCATION

**Section/Township/Range:** 32 / 51 / 26 **Property I.D. Number:** 52390640005

**Subdivision:** 426700 - Isles of Capri **Unit:** 2 **Lot:** 150 **Block:** _____

**Address/ General Location of Subject Property:**
164 Tahiti Circle

**Current Zoning and Land use of Subject Property:**
Residential Single-family



Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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

## ADJACENT ZONING AND LAND USE

| | Zoning | Land Use |
|---|---|---|
| N | RSF-4 | Residential Single-family |
| S | RSF-4 | Residential Single-family |
| E | RSF-4 | Residential Single-family |
| W | A-ST | Capri Pass/Johnson Bay |

## DESCRIPTION OF PROJECT

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

## SITE INFORMATION

1. **Waterway Width:**
   1,890 ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ■ other (specify) aerial
2. **Total Property Water Frontage:**
   85 ft.
3. **Setbacks:**
   Provided: 15 & 30 ft.
   Required: 15 & 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   26.8 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 30 ft.
   2. _____ ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   All the adjacent neighboring docks protrude 19-feet to 50-feet out into the same waterway.
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.21 Acres



Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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**8. Official Interpretations or Zoning Verifications:**

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

## PRIMARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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## SECONDARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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## Pre-Application Meeting and Final Submittal Requirement Checklist for:

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

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

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

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

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

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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

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

**FEE REQUIREMENTS:**

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

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

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

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

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

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

Jeff Bogan
Signature of Petitioner or Agent

10.11.21
Date

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

## PRIMARY CRITERIA

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

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

   **The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the CC-LDC. The proposed project consists of one boatlift for a 30-foot vessel. The proposed dock will extend out 26.8-feet from the plotted property line which is 6.8-feet of protrusion from the allowed 20-feet.**

   **Criterion Met**

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

   **The reason for this BDE request is based on the location of the plotted property line which is located on the landward side of the seawall and the existing riprap along the seawall restricts where the boatlift can be installed. Due to these on-site conditions any proposed dock and boatlift would require a BDE to avoid the riprap and allow the boatlift to function properly. As proposed the dock will only protrude 26.8-feet from the most restrictive point and therefore a BDE is requested.**

   **Criterion Met**

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

   **The proposed docking facility is consistent with the other docks along the subject shoreline and there overall protrusion out into the subject waterway. As proposed**

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

**the dock and boatlift will not impact navigation as the adjacent neighboring docks extend out past what the applicant is requesting within this BDE. Additionally, the dock does not extend out into a marked navigational channel.**

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

   **The approximate waterway width is 1,890-feet wide. The proposed dock protrusion is 26.8-feet which is under 2% width of the waterway.**

   **Criterion Met**

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

   **The proposed docking facility is consistent with the adjacent neighboring docks along the subject shoreline. There is also an existing dock and boatlift on-site which we are proposing to modify therefore the views into the subject waterway will not change.**

   **Criterion Met**

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

## SECONDARY CRITERIA

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

   **The subject property shoreline consists of a concrete seawall with riprap along the entire length. Due to the riprap the dock and associated boatlift cannot be construct along the shoreline requiring them to be pushed out into the waterway. Additionally, this waterway Johnson Bay is within the Rookery Bay Aquatic Preserve which requires the applicant to follow the aquatic preserve dock guidelines which are more restrictive on design options and location.**

   **Criterion Met**

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

   **The proposed docking facility consist of 316 square feet of decking. As proposed the dock will provide adequate deck area for safe access to the vessel and as well as still provide deck area for recreational activities like fishing, kayaking, and paddle boarding.**

   **Criterion Met**

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

   **The existing docking facility has been designed to moor one vessel 30-feet in length. The total boat length proposed to be stored on the subject dock is approximately 30-feet. The total shoreline length is 85-feet therefore this criterion is met**

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

   **As proposed the dock has been designed within the designated setbacks and is consistent with others on this waterway. Therefore, no new impacts to neighboring property views of the waterway will result from the proposed project.**

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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

   **There are no seagrass beds present on the property nor the neighboring properties within 200' of the existing dock structure.**

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

   **The proposed work is a single-family dock facility and therefore not subject to Manatee Protection Requirements**

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

Narrative Description: The proposed Boat Dock Extension request is for a single-family dock located at 164 Tahiti Circle on Isles of Capri and the proposed dock would be within Johnson Bay. This section of Johnson Bay is state lands and lies with the Rookery Bay Aquatic Preserve boundary. The existing dock was damaged during Hurricane Irma and was rebuilt in the same footprint which was authorized by Collier County. The issue was the dock was not grandfathered with DEP (State) and did not meet the aquatic preserve rules which are more restrictive regarding over-water structure and total square footage, therefore, the applicant had to work with DEP to come up with a new dock design/footprint that meet the aquatic preserve rules.

The proposed project consists of removing the existing docking facility to then construct a new fixed dock that meets the DEP aquatic preserve rules. The overall proposed dock has been fully minimized possible to still provide enough deck are for safe access and still provide area for recreational activities like fishing or kayaking off the proposed structure. The design is also consistent regarding the overall protrusion with the other previously approved docks along the same subject shoreline. As proposed the dock will protrude approximately 26.8-feet from the property line and therefore we are requesting a 6.8-foot extension from the allowed 20-feet. The subject waterway is approximately 1,890-feet wide and as proposed the dock will protrude approximately 2% into the subject waterway. The required side yard setbacks are 15-feet and as proposed the dock will provide the required setbacks.

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

Collier County

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# PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

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

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

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

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

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

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

| Name and Address | % of Ownership |
|---|---|
| Robert Glyn Moses 164 Tahiti Circle | 50 |
| Amy Taylor Moses 164 Tahiti Circle | 50 |
| | |
| | |
| | |



Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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

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

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

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

**Date of Contract:** _____

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

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

g. Date subject property acquired _____

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

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



Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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**Date of option:** _____

**Date option terminates:** _____, or

**Anticipated closing date:** _____

## AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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



Agent/Owner Signature

4/21/19
Date

Robert G. Moses
Agent/Owner Name (please print)



Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

# AFFIDAVIT OF AUTHORIZATION

**FOR PETITION NUMBERS(S)** PL20190000673

I, Robert Glyn Moses & Amy Taylor Moses (print name), as Owner (title, if applicable) of 164 Tahiti Circle (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

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

*Notes:*

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

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

Amy T. Moses Trustee — **Signature**

9/19/19 — **Date**

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

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 9/19/2019 (date) by Robert Glyn Moses & Amy Taylor Moses (name of person providing oath or affirmation), as owners who is personally known to me or who has produced N/A (type of identification) as identification.

**STAMP/SEAL**

Notary Public State of Florida
Bernice M Clark
My Commission FF 962688
Expires 02/18/2020

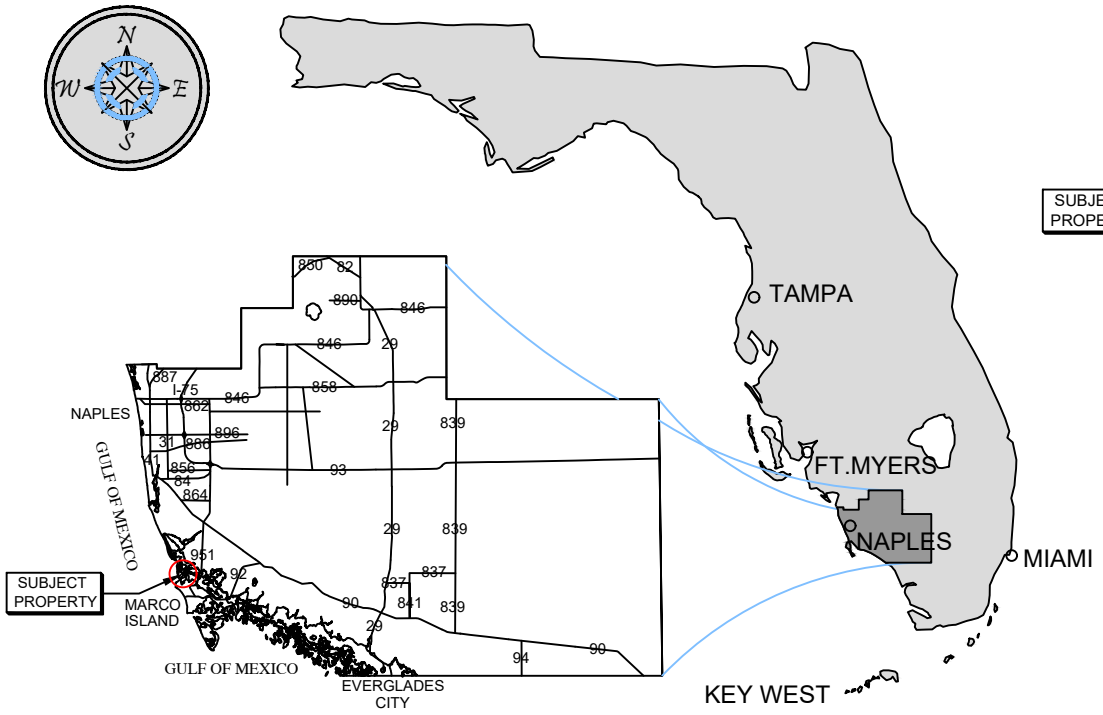
**Signature of Notary Public**

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

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

p:\19030.00 imperial marina - 164 tahiti circle\CAD\PERMIT-COUNTY\19030-BDE.dwg LOCATION 10/5/2021

# STATE OF FLORIDA




## COLLIER COUNTY




## VICINITY MAP




## COUNTY AERIAL

**SITE ADDRESS:**
<> 164 TAHITI CIRCLE
NAPLES, FL 34113

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

<> LATITUDE: N 26.981202
<> LONGITUDE: W 81.733451

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

# 164 TAHITI CIRCLE

## LOCATION MAP

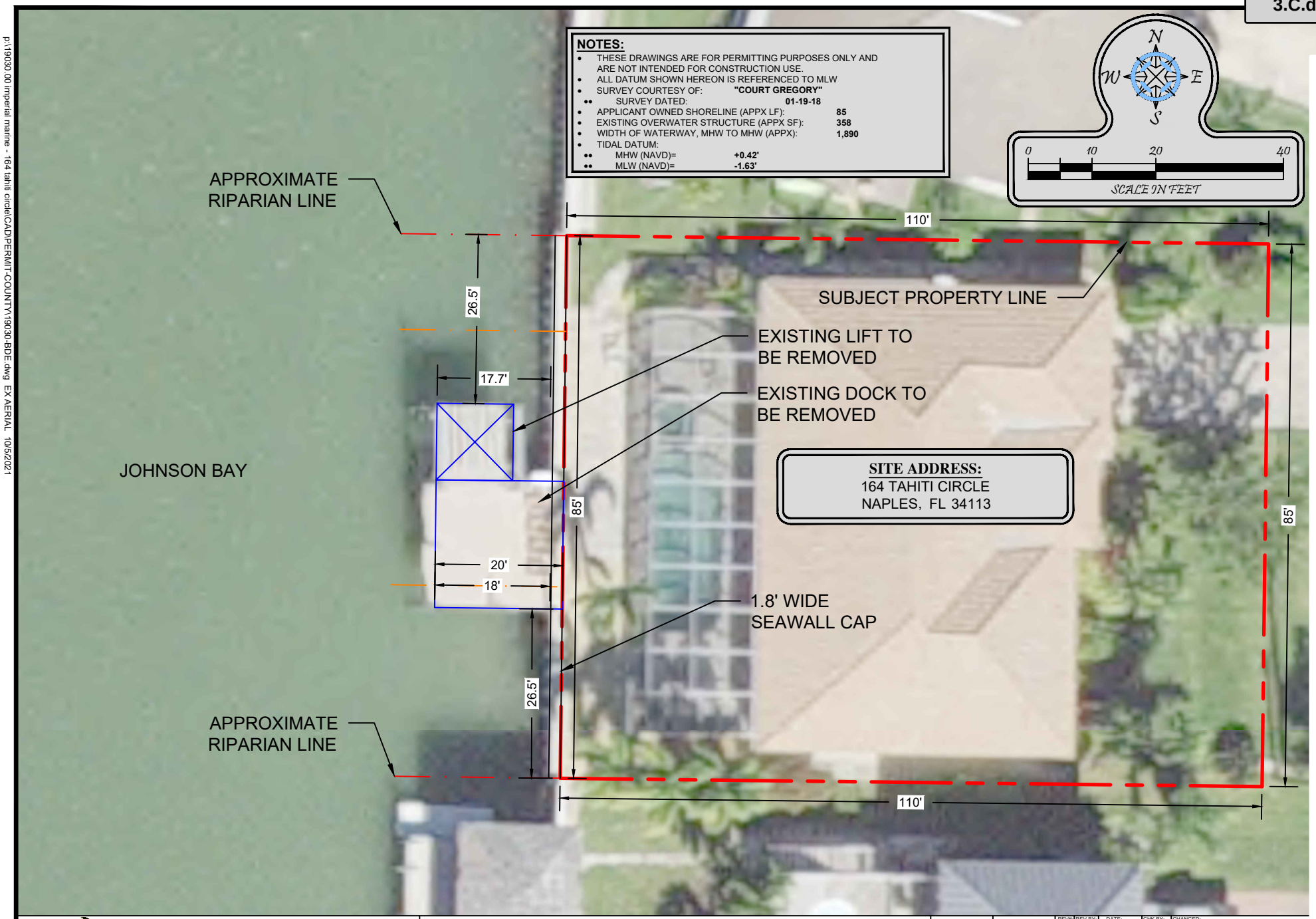
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 01 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

p:\19030.00 imperial marine - 164 tahiti circle\CAD\PERMIT-COUNTY\19030-BDE.dwg EX AERIAL 10/5/2021




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# 164 TAHITI CIRCLE

## EXISTING AERIAL

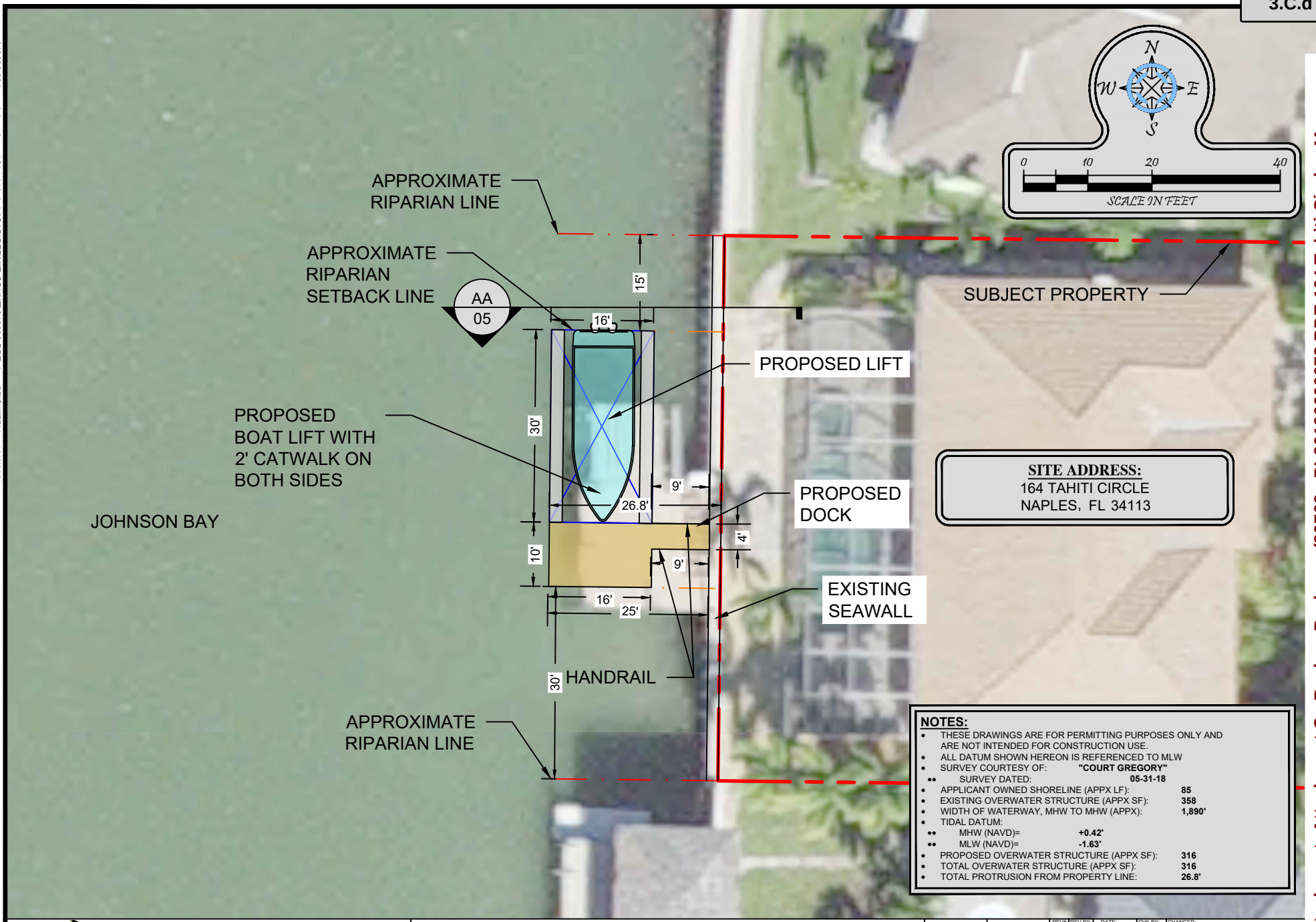
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV#: | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 02 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

p:\19030.00 imperial marine - 164 tahiti circle\CAD\PERMIT-COUNTY\19030-BDE.dwg RMJ 10/5/2021 PROPOSED AERIAL




**SITE ADDRESS:**
164 TAHITI CIRCLE
NAPLES, FL 34113

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY"**
  - SURVEY DATED: **05-31-18**
- APPLICANT OWNED SHORELINE (APPX LF): **85**
- EXISTING OVERWATER STRUCTURE (APPX SF): **358**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **1,890'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.42'**
  - MLW (NAVD)= **-1.63'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **316**
- TOTAL OVERWATER STRUCTURE (APPX SF): **316**
- TOTAL PROTRUSION FROM PROPERTY LINE: **26.8'**

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# 164 TAHITI CIRCLE

## PROPOSED AERIAL

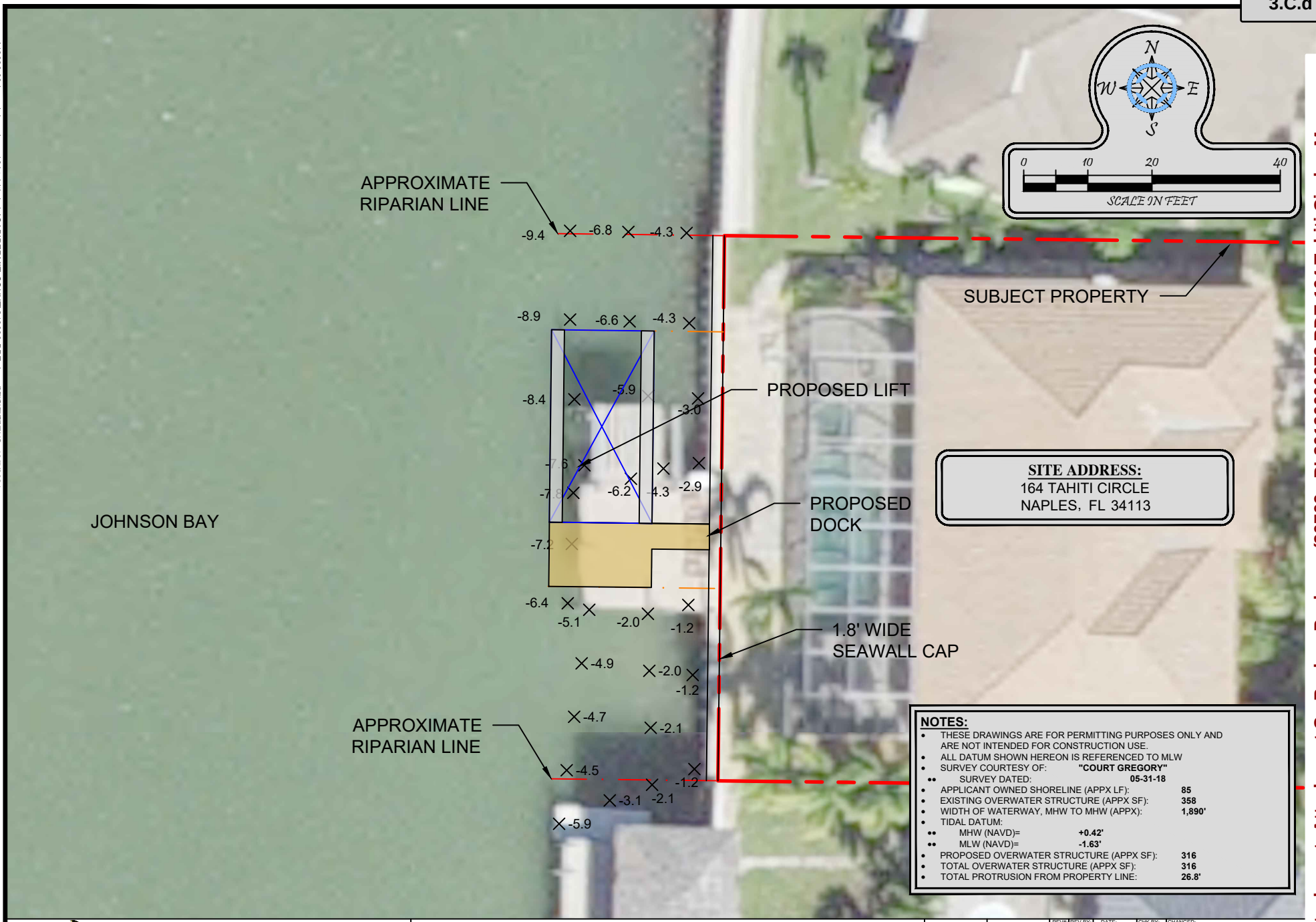
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
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| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 03 OF 09 | 5. | - | - | - | - |

SECTION-32 TOWNSHIP-51S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

p:\19030.00 imperial marine - 164 tahiti circle\CAD\PERMIT-COUNTY\19030-BDE.dwg mjones 10/5/2021




**SITE ADDRESS:**
164 TAHITI CIRCLE
NAPLES, FL 34113

**NOTES:**

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY"**
  - SURVEY DATED: **05-31-18**
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# 164 TAHITI CIRCLE

## PROPOSED DOCK WITH DEPTHS

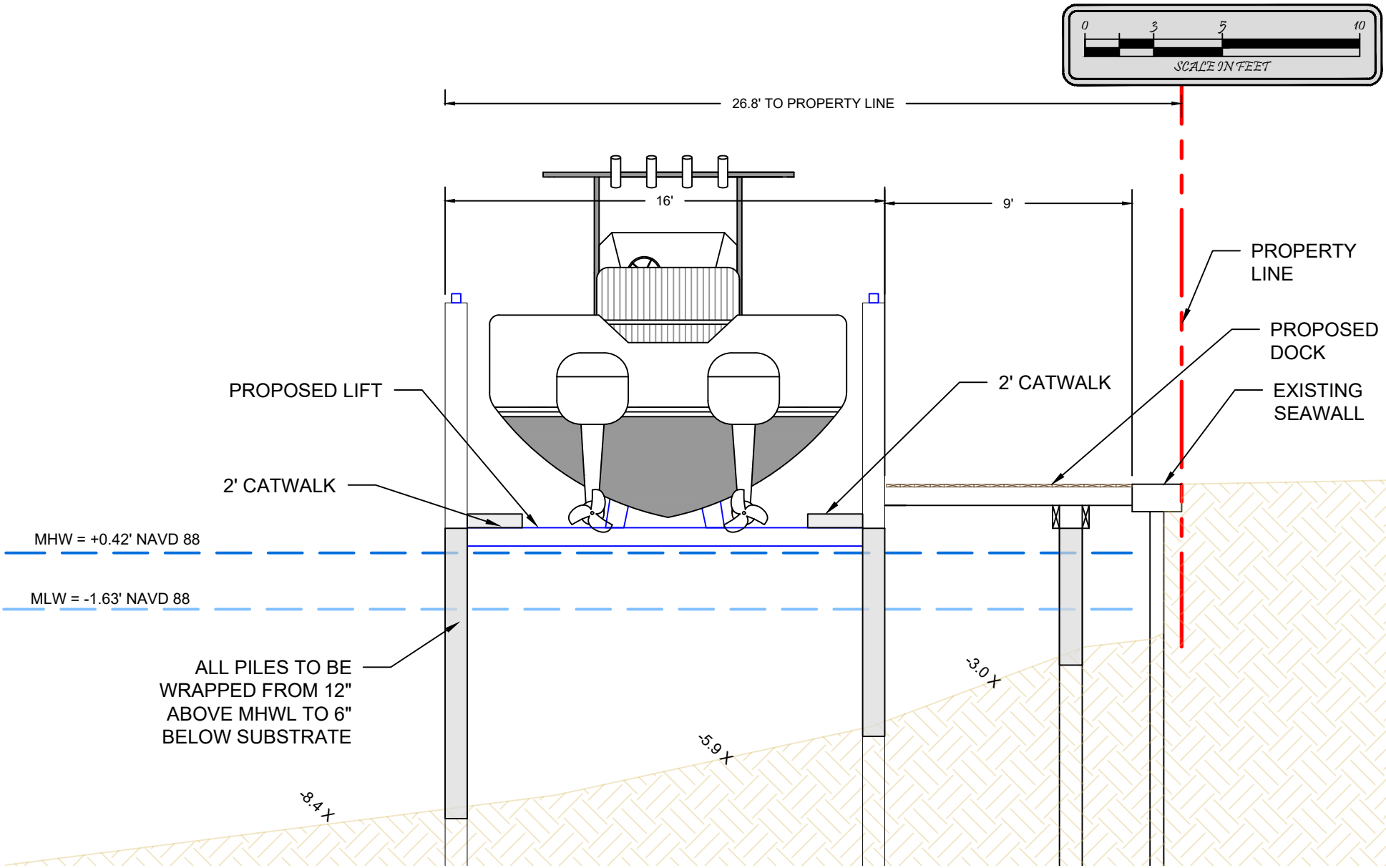
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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
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| DESIGNED: | JR | 1. | - | - | - | - |
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| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 04 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

p:\19030.00 imperial marine - 164 tahiti circle\CAD\PERMIT-COUNTY\19030-BDE.dwg SECTION 10/5/2021




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# 164 TAHITI CIRCLE

## CROSS SECTION AA

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| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 05 OF 09 | 5. | - | - | - | - |

SECTION-32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

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# 164 TAHITI CIRCLE

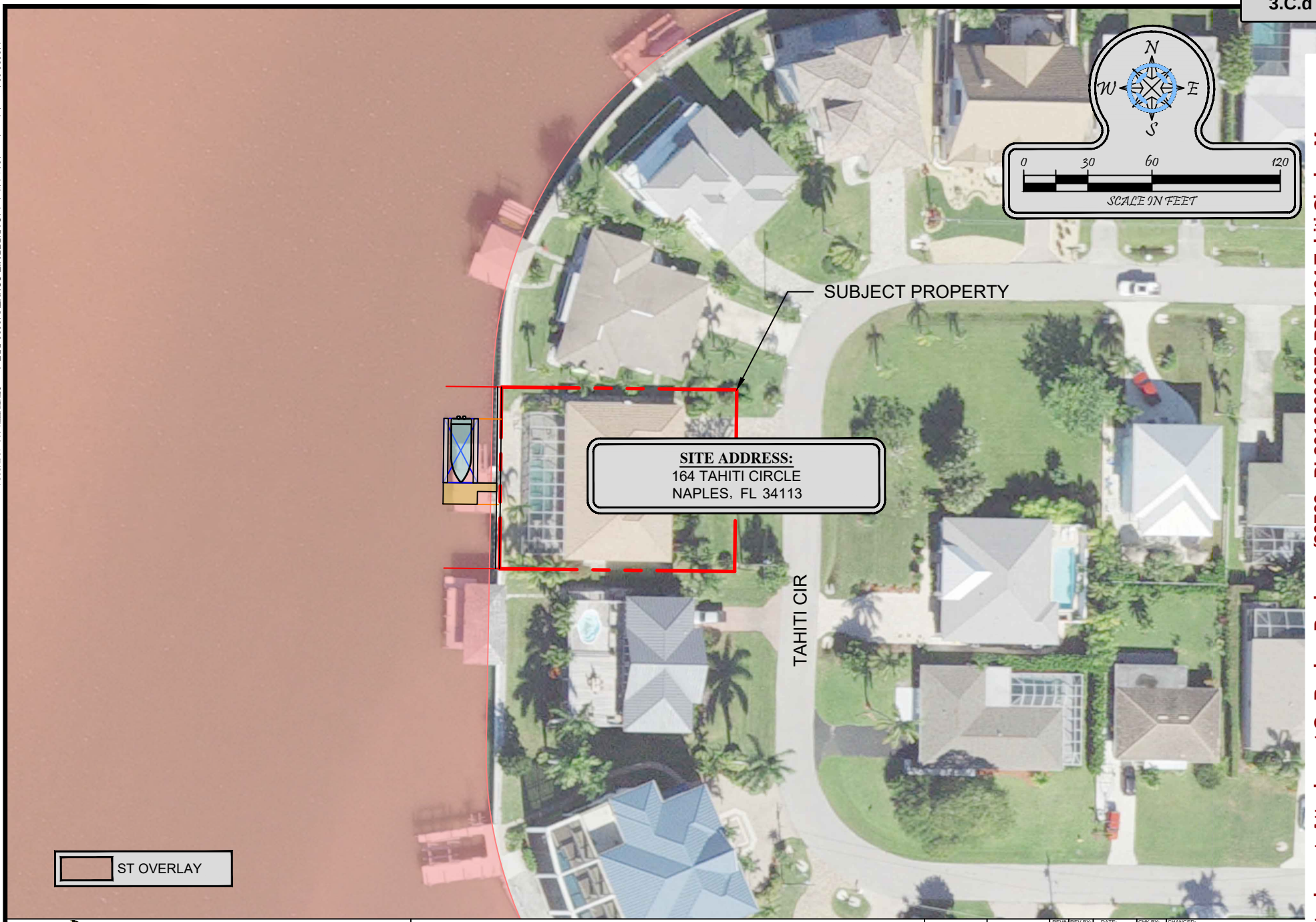
## ADJACENT DOCKS

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

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 06 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses




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# 164 TAHITI CIRCLE

## ST OVERLAY MAP

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

| | | REV# | REV BY: | DATE: | CHK BY: | CHANGED: |
|---|---|---|---|---|---|---|
| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 07 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

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Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

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

# 164 TAHITI CIRCLE

## SUBMERGED RESOURCE SURVEY

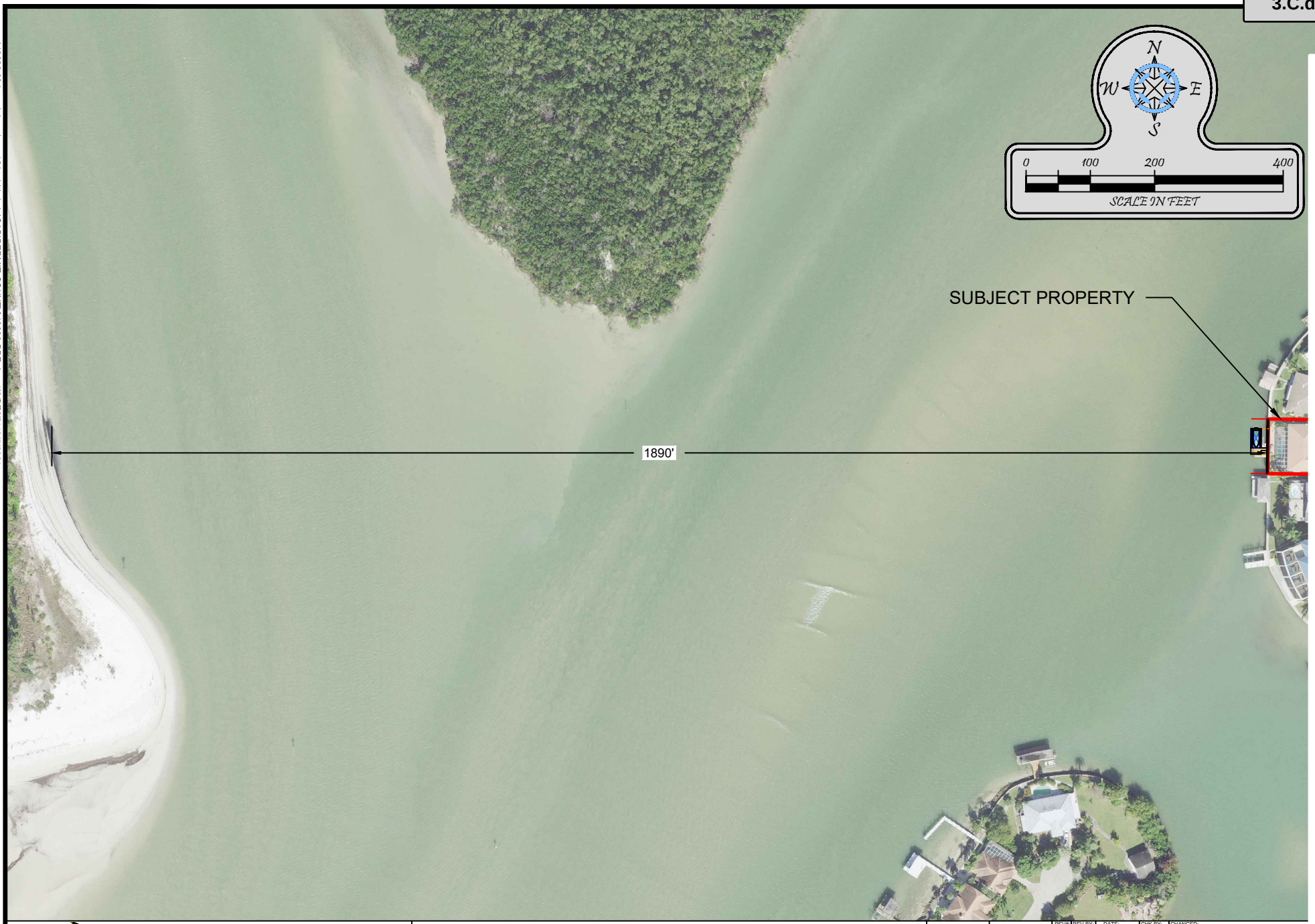
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| DESIGNED: | JR | 1. | - | - | - | - |
| DRAWN BY: | RMJ | 2. | - | - | - | - |
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| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 08 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

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

# 164 TAHITI CIRCLE

## WIDTH OF WATERWAY

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

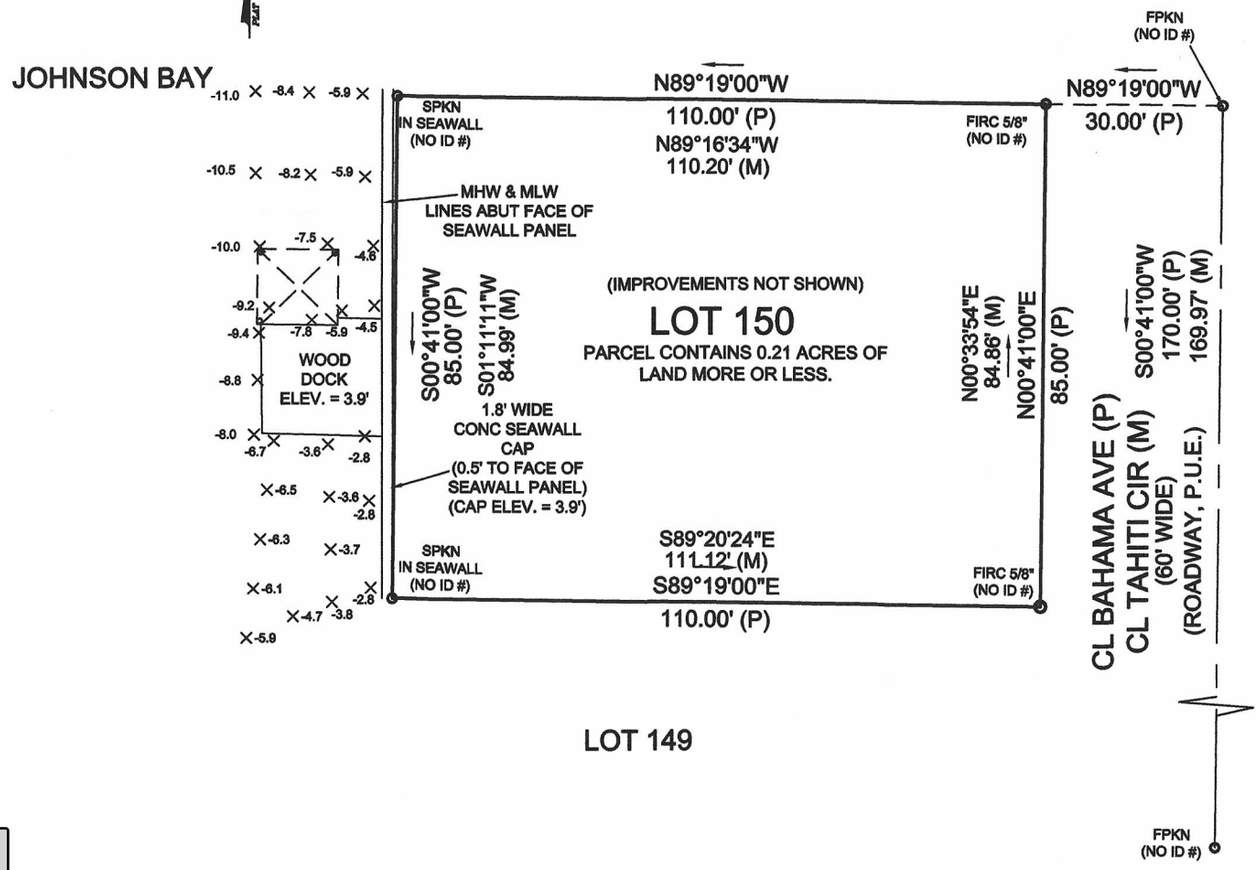
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| CREATED: | 10-05-21 | 3. | - | - | - | - |
| JOB NO.: | 19030 | 4. | - | - | - | - |
| SHEET NO.: | 09 OF 09 | 5. | - | - | - | - |

SECTION- 32 TOWNSHIP- 51 S

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses

SCALE 1" = 30'

SPOT ELEVATIONS SHOWN ARE BASED UPON NAVD '88
BOUNDARY INFORMATION FURNISHED BY CLIENT.




NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF TAHITI ST (P) AS SHOWN IN PLAT BOOK 3 PAGE 46 OF COLLIER COUNTY, BEING NORTH 00° 41' 00" EAST.

2.IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.

3.SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF- WAY OF RECORD.

4.DATE OF FIELD SURVEY MAY 31, 2018.

5.THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

6.SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS, UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

7.ELEVATIONS SHOWN ARE BASED ON N.A.V.D. DATUM OF 1988. DESCRIPTION OF BENCHMARK IS AS FOLLOWS: FPKND IN GUTTER BETWEEN RES #S 164/166 TAHITI CIR ELEV. = 3.36'

8.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE " " AS INDICATED ON FEMA FLOOD ZONE MAP PANEL NO N/A
DATED: BASE ELEVATION DETERMINED AT N/A

9.NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

10. THE PURPOSE OF THIS SURVEY IS TO SHOW THE PROPOSED DOCK LOCATION WITH RESPECT TO THE PLATTED SUBJECT PROPOSERTY PROPERTY LINES ARE SHOWN AS PLAT.

LEGEND

- = FOUND (") IRON ROD ( SURVEYOR ID #) (FIR)
- = SET 1/2" IRON ROD (PSM #6004)(SIRC)
- = SET 4" X 4" CONCRETE MONUMENT (PSM #6004)(SCM)
- = FOUND CONCRETE MONUMENT (SURVEYOR ID #)(FCM)
- = BENCHMARK (FOUND OR SET) R/W = RIGHT OF WAY(R.O.W.)
- = FOUND NAIL OR PK NAIL AND DISC ( SURVEYOR ID #) (FIR)
- = SET PK NAIL AND DISC (PSM #6004) (SPKN&D) FD. = FOUND

FN&TT = FOUND NAIL AND TIN TAB BM = BENCHMARK
P.C.P. = PERMANENT CONTROL POINT (#)
P.R.M. = PERMANENT REFERENCE MONUMENT (#)
CBS=CONCRETE BLOCK & STUCCO FF = FINISHED FLOOR
(PG) = PAGE CATV=CABLE TV CMP = CORRUGATED METAL PIPE
(M) = FIELD MEASUREMENT U.T.S.= UNITED TELEPHONE RISER
(P) OR (D) = PLAT OR RECORDED(DEED) MEASUREMENT
(C) = CALCULATED MEASUREMENT CONC = CONCRETE
(PB) = PLAT BOOK LME = LAKE MAINTENANCE EASEMENT
R.C.P. = REINFORCED CONCRETE PIPE PROP = PROPERTY
C.L.= CENTERLINE T.O.B. = TOP OF BANK UE = UTILITY EASEMENT
DE = DRAINAGE EASEMENT CUE = COUNTY (U.E.)

# MAP OF ASBUILT SURVEY

(DOCK IMPROVEMENT ONLY)

## LOT 150

OF

## ISLES OF CAPRI NO. 2

AS RECORDED IN
PLAT BOOK 3 PAGE(S) 46
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

164 TAHITI CIRCLE

THIS SURVEY IS PREPARED FOR:
TURRELL, HALL & ASSOCIATES

CERTIFICATION:
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

SIGNED_____
COURT H. GREGORY PSM #6004
DATE 10/07/2019
DATE OF FIELD SURVEY 05-31-2018

ADDED WATER DEPTH ELEVATIONS
DATE OF REVISION 10-03-2019

PSM # 6004
LB # 7112


C.G.S.
Court Gregory Surveying, Inc.
761 Teton Court
Naples, Florida 34104
(239)643-7845 office
cgs6004@comcast.net
(239)272-3707 cell


Date 10/07/2019
Job # EN40153M2
Fb MI-37 Pg 78




Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

# ROBERT & AMY MOSES DOCK
# 164 TAHITI CIRCLE
# NAPLES, FL 34113

## SUBMERGED RESOURCE SURVEY

**APRIL 12, 2019**

**PREPARED BY:**



**TURRELL, HALL & ASSOCIATES, INC**
**3584 EXCHANGE AVENUE, STE B**
**NAPLES, FL 34104**

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

## 1.0 INTRODUCTION

The Moses residence is located at 164 Tahiti Circle and can be identified by parcel #52390640005. The property is bound to the North and South by single family residences, to the East by Tahiti Circle, and to the West by Capri Pass/Johnson Bay. The property is located at Section 32, Township 51, and Range 26. The landward portion of the property currently contains a single family residence. The seaward portion of the property contains a privately owned dock that extends into state owned submerged land.

Turrell, Hall & Associates was contracted to provide environmental permitting services pertaining to the proposed dock addition, which includes completion of a Submerged Resource Survey (SRS). This survey will provide planning and assistance to both the owner(s) and government agencies reviewing the proposed project. The existing docking facility was rebuilt after Hurricane Irma with one boatlift for two PWC. The existing dock will not be altered in any other way.

The SRS survey was conducted on April 12th, 2019. Sea surface conditions consisted of mostly sunny skies, light winds out of the southeast, and an air temperature of 87° F. The tide was at mid-level upon arrival to the site, allowing for observance of some of the bottom lands from the dock. However, winds, tidal currents, and boat activity both contributed to choppy waves in the pass and high turbidity in the water column, causing reduced visibility. High tide at the project site occurred at 9:01 A.M. (2.0 ft.) and low tide occurred at 1:04 P.M. (1.5 ft.). The water temperature was 84° F.

## 2.0 OBJECTIVE

The objective of the submerged resource survey was to identify and locate any existing submerged resources within 200' of the proposed project. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so would assist in reconfiguring the proposed dock in order to minimize any impacts. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit in order to verify the location of any submerged resources.

- Turrell, Hall & Associates personnel identified submerged resources at the site (or the lack there of), estimated the percent coverage, and delineated the approximate limits of any submerged resources observed.

- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

## 3.0 METHODOLOGY

Turrell, Hall & Associates biologists intentionally designed the methodology of the Submerged Resource Survey to cover the entire property shoreline for the proposed dock installation. The components for this survey included:

- Review of aerial photography of survey area
- Establish survey transects lines overlaid onto aerials
- Physically swim transects, GPS locate limits of submerged resources, and determine approximate percent of coverage
- Document and photograph all findings

The survey area was evaluated systematically by following the established transects, spaced approximately 10-feet apart as shown on the attached exhibit. The existing and surrounding docks provided reference points for easily identifiable land markers such as dock pilings which assisted in maintaining position within each transect.

## 4.0 RESULTS

The substrate found within the surveyed area consists of 1 distinct classification: silt sand with shell debris. This substrate was found throughout the entire surveyed area. The shoreline consists of rip-rap rocks placed in front of a seawall which supports a variety of fish as well as sessile and motile invertebrates such as barnacles and mud crabs. Some of the rip-rap rocks carried historic fragments or remains of oysters, but no live individuals were observed. Algae was observed covering parts of the submerged rip-rap but was not observed in the underlying substrate. The majority of the project site was devoid of vegetative growth, presumably because of a combination of high wave action and volatile tidal currents. Such conditions also create highly turbid waters, reducing penetration of the water column by sunlight. A list of observed species can be seen below in Table 1.

Table 1 – Observed fish species

| **Common Name** | **Scientific Name** |
|---|---|
| Striped Mullet | *Mugil cephalus* |
| Sheepshead | *Archosargus probatocephalus* |
| Crevalle Jack | *Caranx hippos* |
| Gray Snapper | *Lutjanus grisens* |
| Barnacle | *Amphibalanus spp.* |
| Mud Crab | *Panopius* herbstii |



Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

## 5.0 CONCLUSIONS

The submerged resource survey conducted at the project site yielded few findings at best. Barnacles, mud crabs, and historic indicators of oysters could be seen on the rip-rap and pilings. Algae was observed on parts of the rip-rap, but nowhere else around the project site. Seagrasses were not observed anywhere near the project site. All fish species were observed swimming in and around the existing docking facility.

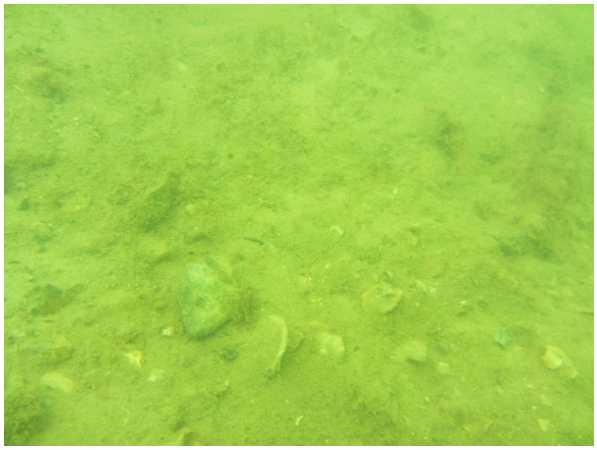
Negative impacts to submerged resources are not expected with the proposed project.



SEAWALL SHORELINE & EXISTING DOCK



SILT, SAND WITH SHELL DEBRIS IN SEDIMENT



Typical Bottom Sediment

Attachment: Attachment C - Backup Package (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliercountyfl.gov

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

# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): BDE - PL20190000673

Regarding the above subject petition number(s), Amy Moses (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: Amy Moses Date: 11/29/21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment D - Hybrid Meeting Waivers (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)

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# Hybrid Virtual Quasi-Judicial Public Hearing Waiver

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

For Petition Number(s): BDE - PL20190000673

Regarding the above subject petition number(s), Robert Moses (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: ROBERT MOSES Date: 11/29/21

Signature:

☑ Applicant*

☐ Legal Counsel to Applicant

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

Attachment: Attachment D - Hybrid Meeting Waivers (20769 : PL20190000673 BDE 164 Tahiti Circle - Moses Dock)