

COLLIER COUNTY
Collier County Hearing Examiner



AGENDA

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

September 9, 2021

9: 00 AM

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

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

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

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

1. Pledge of Allegiance
2. Review of Agenda
3. Advertised Public Hearing
 - A. *****NOTE*** This item has been continued from the August 26, 2021 HEX Meeting.*****
PETITION NO. BDE-PL20200001106, 271 3rd Street West - Steven D. Dyson Trust - Request for a 41.8-foot boat dock extension that extends 21.8 feet from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility with two boatlifts and a boathouse with a 1.3-foot roof overhang that protrudes 43.1 feet into a waterway that is 906+/- feet wide. The subject property is located at 271 3rd Street West, which comprises Lot 1, Block F and Lot 23, Block G, Little Hickory Shores Replat, Unit No. 3, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commissioner District 2
 - B. ****NOTE** This item has been continued from the August 12, 2021 HEX Meeting**
*****PETITION NO. PDI-PL20210000379, Baumgarten PUD Founder's Square - Request for an insubstantial change to Ordinance No. 19-11, as amended, the Baumgarten Mixed Use Planned Unit Development (MPUD), Exhibit B, Section I, Mixed-Use Development Standards, by decreasing the required minimum yard setback from the Eastern Project Boundary from 50 feet to 25 feet, removing the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height, located at the southeast quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 26, Township 48 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 5**
4. Other Business
5. Public Comments
6. Adjourn

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A

Item Summary: ***NOTE*** This item has been continued from the August 26, 2021 HEX Meeting.*** PETITION NO. BDE-PL20200001106, 271 3rd Street West - Steven D. Dyson Trust - Request for a 41.8-foot boat dock extension that extends 21.8 feet from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility with two boatlifts and a boathouse with a 1.3-foot roof overhang that protrudes 43.1 feet into a waterway that is 906+/- feet wide. The subject property is located at 271 3rd Street West, which comprises Lot 1, Block F and Lot 23, Block G, Little Hickory Shores Replat, Unit No. 3, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commissioner District 2

Meeting Date: 09/09/2021

Prepared by:

Title: Operations Analyst – Planning Commission

Name: Diane Lynch

08/30/2021 2:30 PM

Submitted by:

Title: – Zoning

Name: Mike Bosi

08/30/2021 2:30 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Diane Lynch	Review Item	Skipped
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Skipped 08/30/2021 2:30 PM
Zoning	Diane Lynch	Review Item	Skipped 08/30/2021 2:30 PM
Zoning	Diane Lynch	Zoning Director Review	Skipped 08/30/2021 2:30 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	09/09/2021 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: AUGUST 26, 2021

SUBJECT: BDE-PL20200001106, 271 3RD STREET WEST – BONITA SPRINGS

PROPERTY OWNER/APPLICANT:

Steven D. Dyson Trust
271 3rd St. W
Bonita Springs, FL 34134

AGENT:

Bill Nelson / Sabrina Dobbins
Greg Orick II Marine Construction
2815 Bayview Dr.
Naples, FL 34112

REQUESTED ACTION:

The applicant is requesting a 41.8-foot boat dock extension that extends 21.8 feet from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow construction of a boat docking facility with two boatlifts and the establishment of a boathouse with a 1.3-foot roof overhang that protrudes 43.1 feet into a waterway that is 906± feet wide, for the subject property.

GEOGRAPHIC LOCATION:

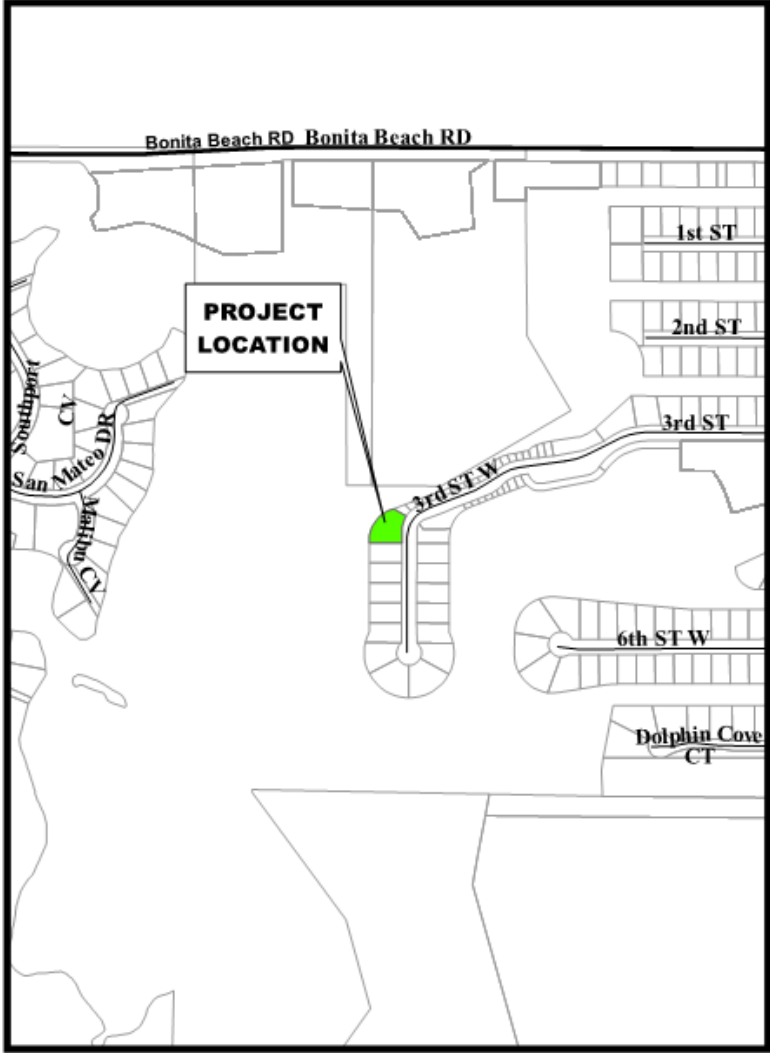
The subject property, 271 3rd Street West, is comprised of two platted lots that have been combined for development purposes. Said property is further described as Lot 1, Block F and Lot 23, Block G, Little Hickory Shores Replat, Unit No. 3, in Section 5, Township 48 South, Range 25 East, Collier County. (see location map on the following page)

PURPOSE/DESCRIPTION OF PROJECT:

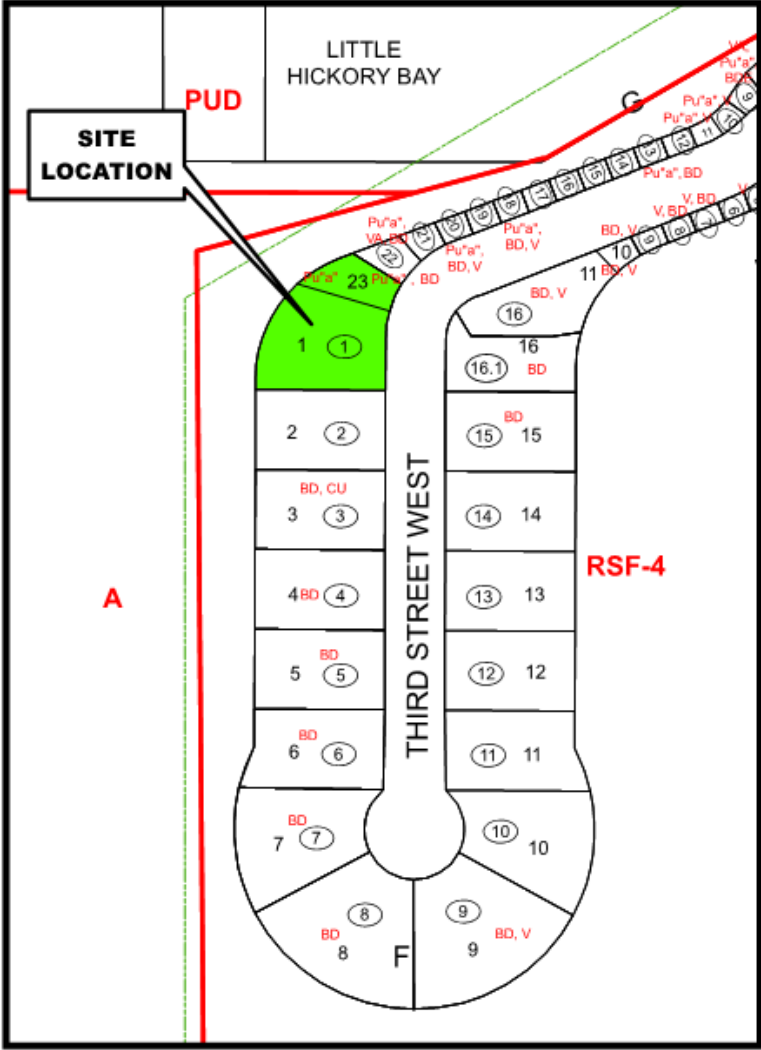
The petitioner desires to replace an existing dock with a dock facility comprising two boat slips and a boathouse for a single-family residence on the above described 0.31± acre property that is located within a Single Family Residential (RSF-4) zoning district. The docking facility will have two boat slips, one with a lift to accommodate a 30-foot vessel and the other a platform type lift for up to two personal watercraft each of 12 feet in length. The dock will protrude 41.8 feet into a waterway that is 906± feet wide, as measured from the property line which has been determined to be the most restrictive point; however, the boathouse requires an additional 1.3 feet to compensate for the roof overhang, therefore the total protrusion for this dock facility is 43.1 feet.

BDE-PL20200001106; 271 3rd Street West
August 6, 2021

Page 1 of 8



Location Map



Zoning Map

Petition Number: PL20200001106

SURROUNDING LAND USE & ZONING:

North: Boat Dock, per BZA Resolution 87-260, located within a Residential Single-Family-4 (RSF-4) zoning district

East: 3rd Street West, Right-of-Way (ROW), then a single-family dwelling located within a Residential Single-Family-4 (RSF-4) zoning district

South: Single-family dwelling, located within a Residential Single-Family-4 (RSF-4) zoning district

West: Little Hickory Bay, located within a Residential Single-Family-4 (RSF-4) zoning district



Aerial (Collier County GIS)



Aerial (Collier County Property Appraiser)

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 Little Hickory Bay. The proposed docking facility will be constructed waterward of the existing seawalled shoreline. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 5 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 a residential single-family zoning district; the proposed docking facility with boathouse will have two slips, each with a boat lift.

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 met. The petitioner has demonstrated via survey and the provided cross-section, see attachments, that water depths adjacent to the subject property are too shallow to allow for the docking of vessels absent a BDE.

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

Criterion met. The applicant states: “Proposed dock facility does not intrude into marked or charted navigable channel, thus there will be no adverse impact on navigation. The proposed dock, boathouse and lift have been designed not to impede navigation and is consistent with all the neighboring docks along the shoreline. 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. The subject BDE request is for 43.1 feet, including boathouse roof overhang, as measured from the property line. As per the attached “Overall Site Plan with Aerial” the actual waterway width is 906± feet; The overall protrusion of the proposed dock facility into the subject waterway is 4.76 percent. The proposed width between dock facilities will be 824± 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 submitted plans reveal no impediments with neighboring dock facilities.

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 and adjacent neighboring properties along this shoreline all have special conditions that require alternative dock design options, one of those conditions is the natural shoreline makes it difficult to dredge the subject property which could reduce the overall protrusion out.” Staff notes that of the seven other properties within this subdivision that have western waterfronts, six have been approved for BDEs and the 7th has an active petition.

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 shown on the drawings by the petitioner, no excessive deck area is proposed.

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. Per the applicant, the subject combined property has 180 feet of waterfrontage. One vessel of 30 feet in length and two personal watercrafts, each of 12 feet, are proposed to use this dock facility. The total combination vessel length is 54 feet; therefore, the vessels would occupy only 30 percent of the waterfront area.

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 facility will be setback from the riparian lines in accordance with the requirements of the LDC. The property located directly north is a boat dock lot without a residence. The drawing in the applicant's support material labeled *Overall Site Plan with Aerial* shows that the proposed facility will be comparable to the others along the same waterway.

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.)**

Criterion met. The submerged resources survey provided indicates that no seagrass beds exist within the footprint of the 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 individual docks behind individual residences.

In accordance with LDC Section 5.03.06.F., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a Boathouse request based on certain criteria. Boathouses, including any roofed structure built on a dock, shall be reviewed by the Hearing Examiner according to the following criteria, all of which must be met in order for the Hearing Examiner to approve the request.

Boathouse Criteria:

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

Criterion met: As per the submitted site plan, the boathouse will not exceed mandatory side yard/riparian setback requirements.

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

Criterion met. The subject BDE request is for 43.1 feet, including boathouse roof overhang, as measured from the property line. As per the attached "Overall Site Plan with Aerial" the actual waterway width is 906± feet; The overall protrusion of the proposed dock facility into the subject waterway is 4.76 percent.

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

Criterion met: The proposed height is 15 feet above the seawall.

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

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

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

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

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

Criterion met. The roofing material and color of the proposed boathouse will match that of the existing single-family residence serving as the principal structure at this location.

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

Criterion met. The boathouse is located within the required side/riparian setbacks and is consistent with other similar facilities along the subject shoreline.

With respect to the BDE review, staff analysis finds that the petition satisfies five of the five Primary Criteria and five of the six Secondary Criteria with the sixth criterion being not applicable. With respect to the Boathouse element of this project, the petition satisfies all seven of the required criteria.

CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications under review at the present time.

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-PL20200001107, to allow for the construction of the proposed dock facility, as depicted within the exhibits contained in Attachment A.

Attachments:

- A) Proposed Dock Plans
- B) Map of Site Plan Survey
- C) Public Hearing Sign Posting
- D) Applicant's Backup; application and supporting documents
- E) Hybrid Meeting Waiver

Proposed Dock Layout



**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

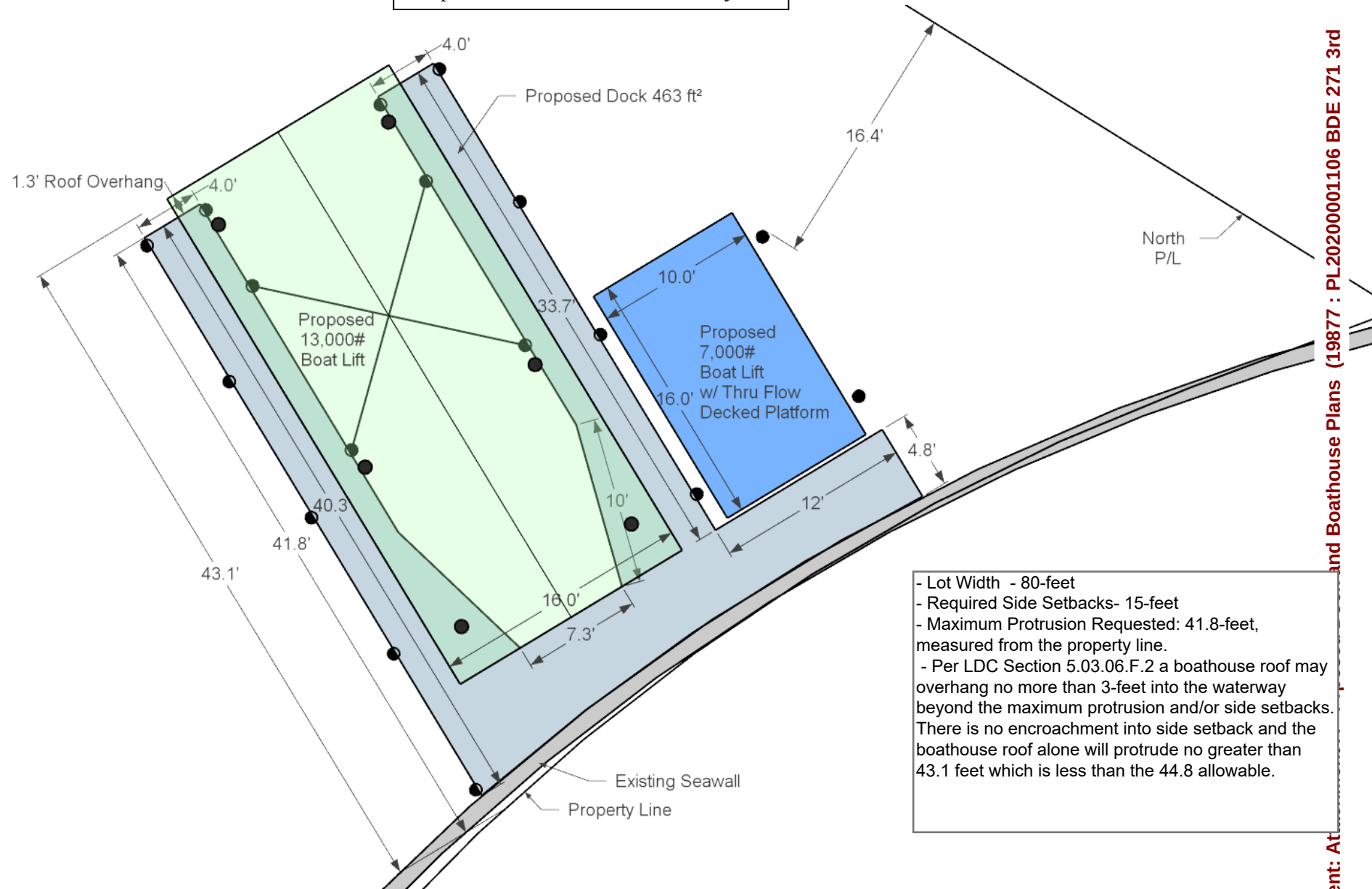
Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **10/6/2020**

Approved Signature:

Approved Date:



Proposed Boathouse and Dock Layout



**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

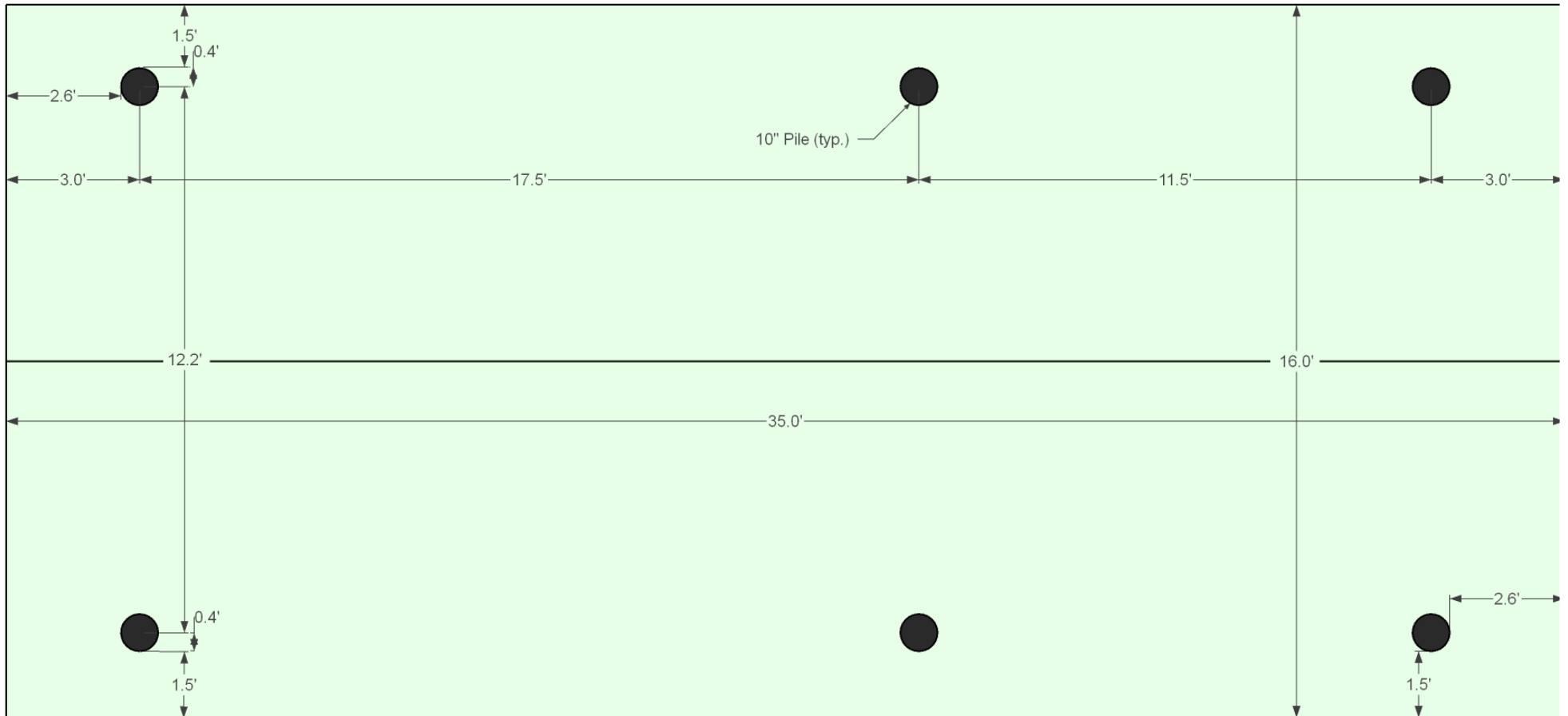
Name: **Stuart Wood**
 Address: **271 3rd St W**
Bonita Springs, FL 34134
 Date: **9/25/2020**

Approved Signature:

Approved Date:



Boathouse Layout



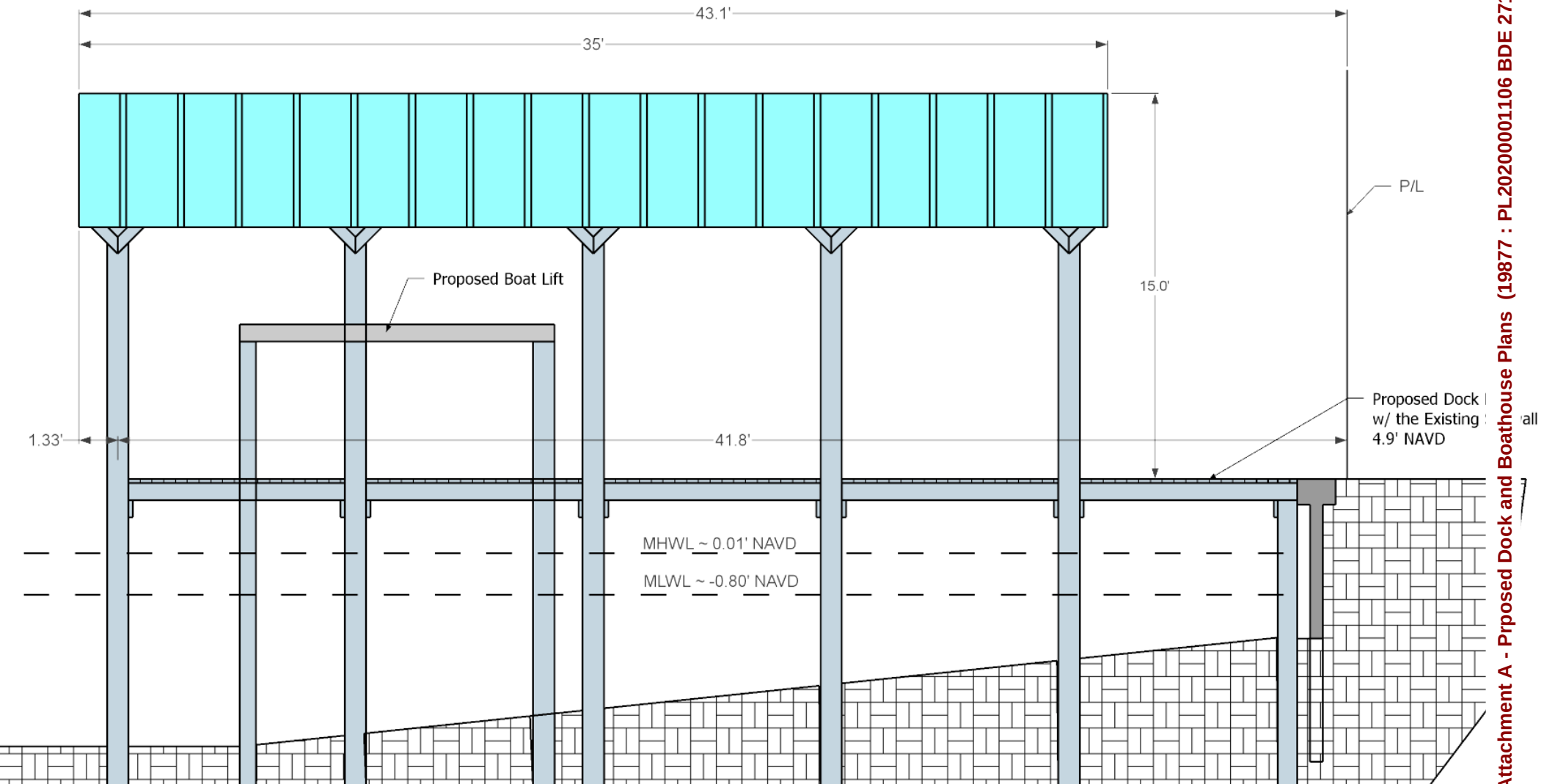
**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **9/25/2020**

Approved Signature: _____
Approved Date: _____



Dock Cross Section



**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

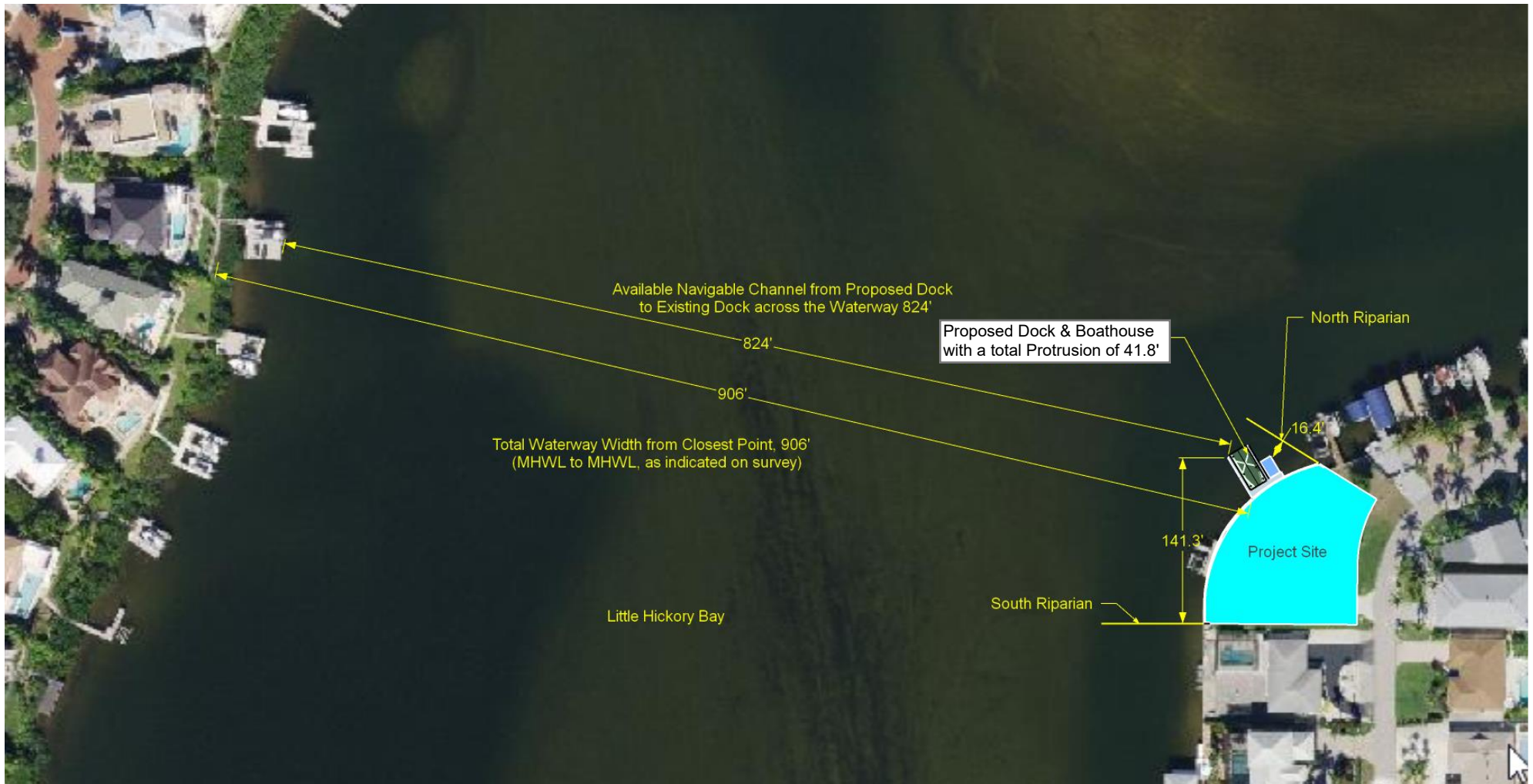
Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **10/7/2020**

Approved Signature:

Approved Date:



Overall Site Plan with Aerial



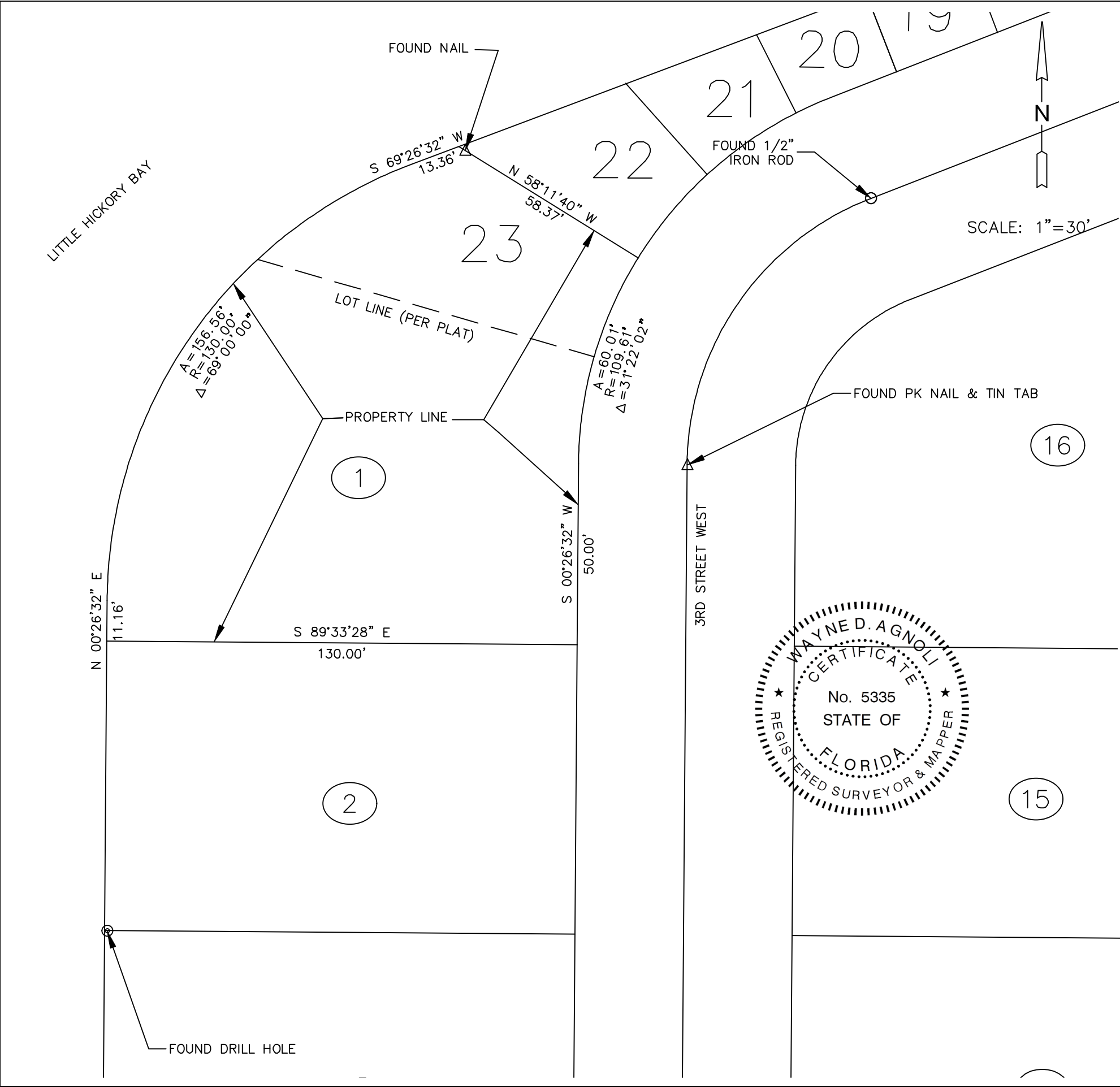
**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **9/25/2020**

Approved Signature:

Approved Date:





PREPARED FOR: PBK PROPERTIES L.L.C.
DATE OF FIELD SURVEY: JUNE 22, 2019
AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY Wayne D. Agnoli, R.S.M.
Digitally signed by Wayne D. Agnoli, R. S. M.
DN: E=agnoliw@abbinc.com, CN=Wayne D.
Agnoli, R. S. M., O="Agnoli, Barber &
Brundage, Inc.", L=Naples, S=Florida, C=US
Date: 2021.06.15 11:26:03-04'00'

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

THIS SITE PLAN SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS SITE PLAN SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

THIS SITE PLAN SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

GENERAL NOTES:

- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE SOUTH LINE OF LOT 1, BLOCK F, LITTLE HICKORY SHORES UNIT 3, SECTION 5, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING SOUTH 89° 33' 28" EAST.
- HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATIONS USING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING CORRECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
- VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).ELEVATIONS WERE ESTABLISHED USING LONG TERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENCY RECEIVER GPS (GLOBAL POSITIONING SYSTEM).

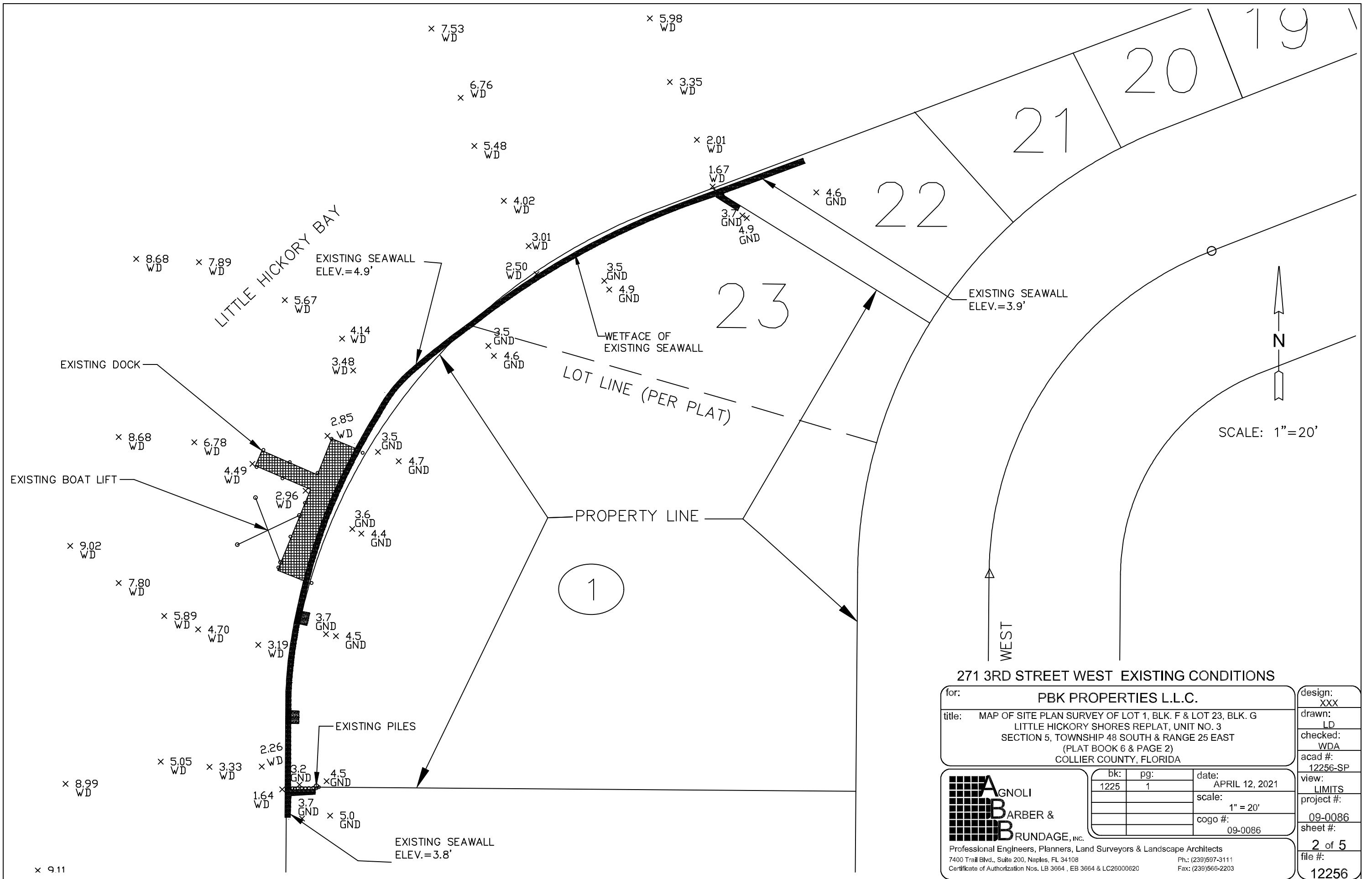
SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

271 3RD STREET WEST

for: PBK PROPERTIES L.L.C.		design: XXX
title: MAP OF SITE PLAN SURVEY OF LOT 1, BLK. F & LOT 23, BLK. G LITTLE HICKORY SHORES REPLAT, UNIT NO. 3 SECTION 5, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 6 & PAGE 2) COLLIER COUNTY, FLORIDA		drawn: LD
		checked: WDA
		acad #: 12256-SP
		view: LIMITS
		project #: 09-0086
		sheet #: 1 of 5
		file #: 12256

	bk: 1225	pg: 1	date: APRIL 12, 2021
			scale: 1" = 30'
			cogo #: 09-0086
	Professional Engineers, Planners, Land Surveyors & Landscape Architects		
	7400 Trail Blvd., Suite 200, Naples, FL 34108 Certificate of Authorization Nos. LB 3664, EB 3664 & LC26000620 Ph: (239)597-3111 Fax: (239)566-2203		

Attachment: Attachment B - Map of Site Plan Survey (19877 : PL20200001106 BDE 271 3rd Street West - Steven D. Dyson Trust)



NOTE: WATER DEPTH ELEVATIONS
WERE DETERMINED BY SUBTRACTING
MLWL(-.80) FROM BOTTOM ELEVATIONS

MHWL=0.01' NAVD88
MLWL=-0.80' NAVD88

PROPOSED 10.0' X 16.0' DECKED
PLATFORM LIFT FOR PWC

PROPOSED DOCK

LITTLE HICKORY BAY

RIPARIAN LINE

WETFACE OF SEAWALL

LOT LINE (PER PLAT)

NEW SEAWALL
CAP ELEV.=4.8'
185 L.F.

PROPERTY LINE

1

PROPERTY SHORELINE = 181'

22

23

21

20

19

18



SCALE: 1"=20'

271 3RD STREET WEST PROPOSED DOCK

for:	PBK PROPERTIES L.L.C.		
title:	MAP OF SITE PLAN SURVEY OF LOT 1, BLK. F & LOT 23, BLK. G LITTLE HICKORY SHORES REPLAT, UNIT NO. 3 SECTION 5, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 6 & PAGE 2) COLLIER COUNTY, FLORIDA		



Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108
Certificate of Authorization Nos. LB 3664, EB 3664 & LC26000620

bk:	pg:	date:
1225	1	APRIL 12, 2021
		scale:
		1" = 20'
		cogo #:
		09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12256-SP
view:	LIMITS
project #:	09-0086
sheet #:	3 of 5
file #:	12256

Attachment: Attachment B - Map of Site Plan Survey (19877 : PL20200001106 BDE 271 3rd Street West - Steven D. Dyson Trust)

NOTE: WATER DEPTH ELEVATIONS
WERE DETERMINED BY SUBTRACTING
MLWL(-.80) FROM BOTTOM ELEVATIONS

MHWL=0.01' NAVD88
MLWL=-0.80' NAVD88

PROPOSED 16.0'X35.0' BOATHOUSE

PROPOSED 10.0' X 16.0' DECKED
PLATFORM LIFT FOR PWC

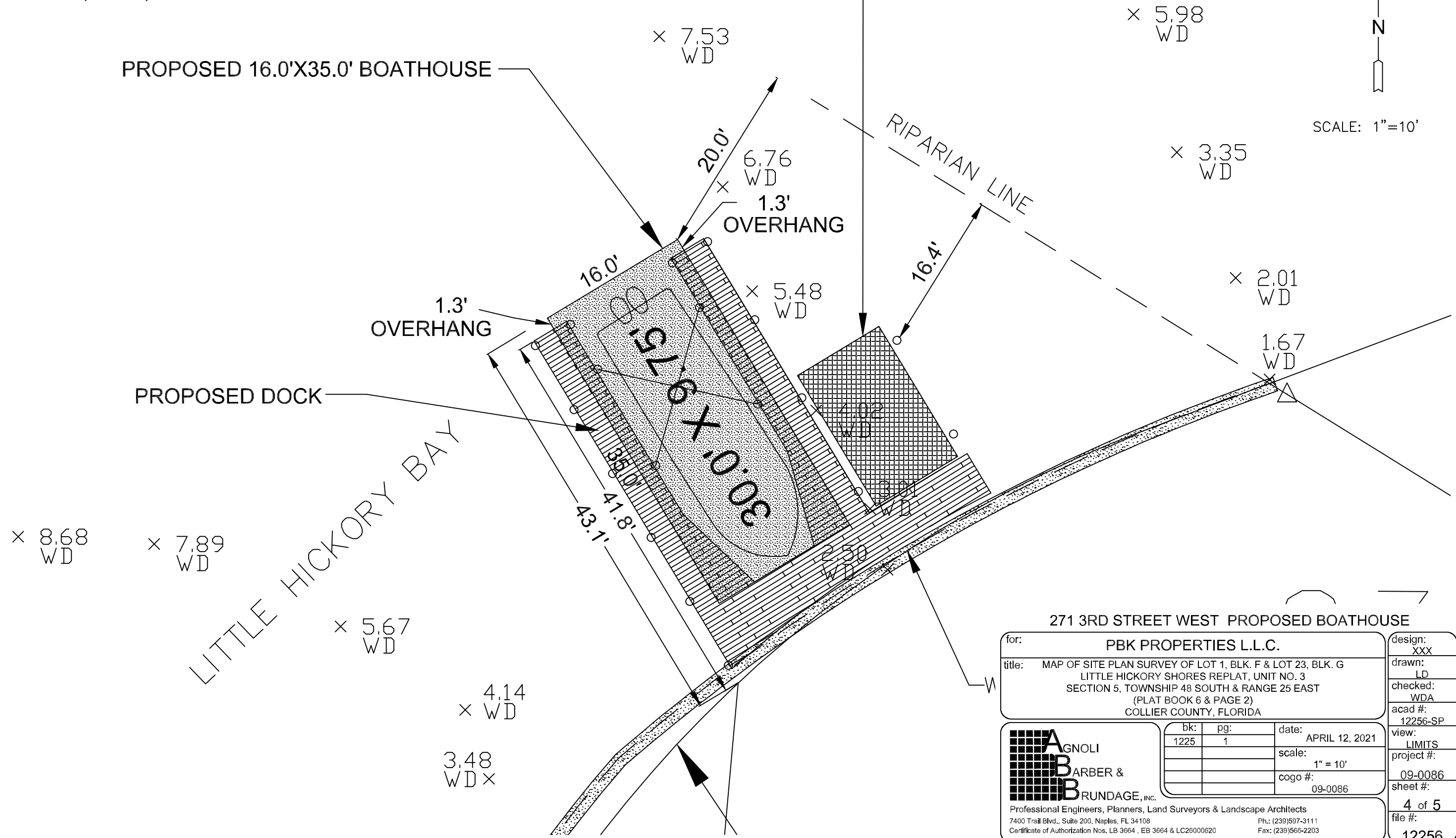
PROPOSED DOCK

LITTLE HICKORY BAY

RIPARIAN LINE



SCALE: 1"=10'



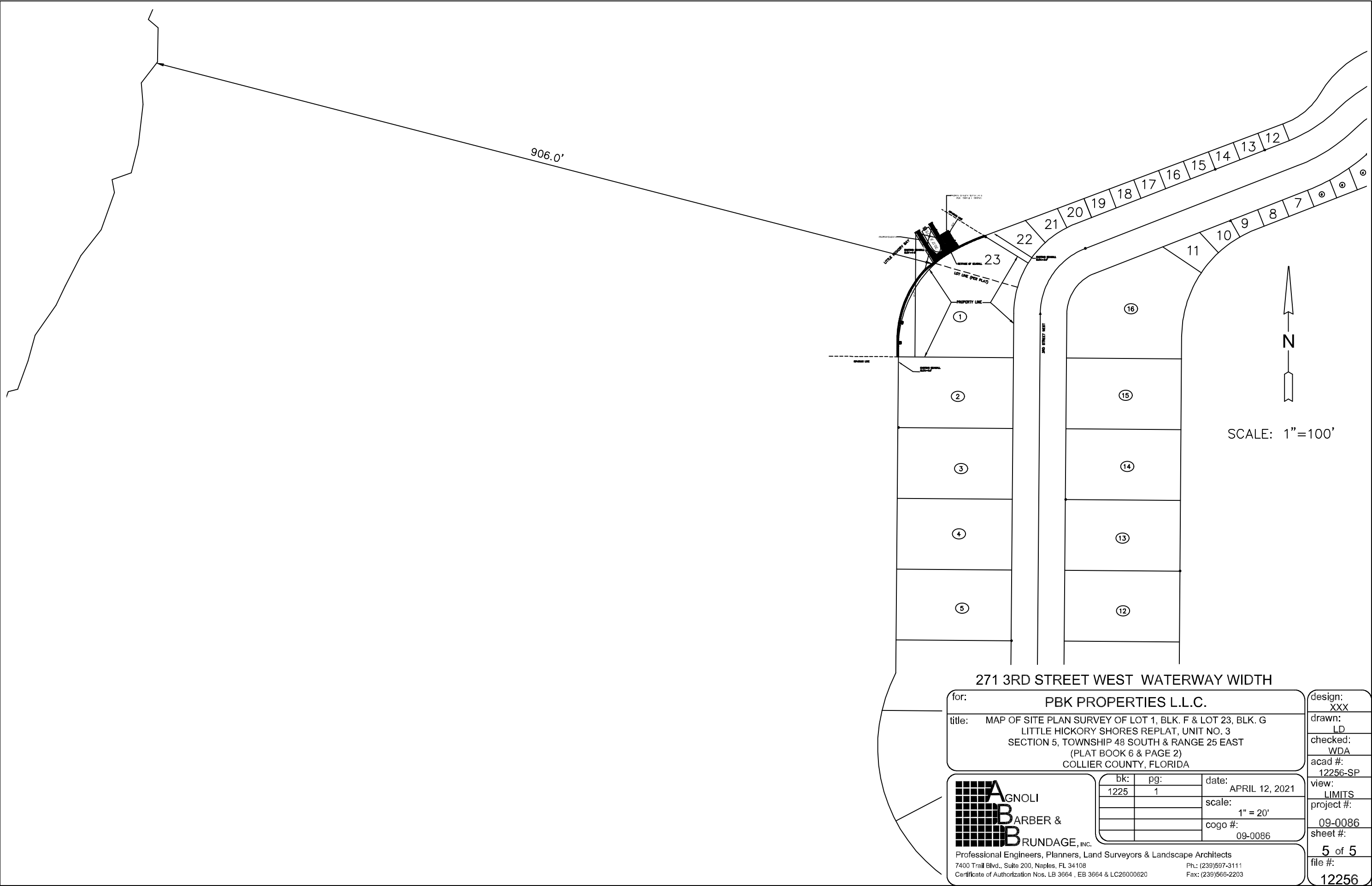
271 3RD STREET WEST PROPOSED BOATHOUSE

for: PBK PROPERTIES L.L.C.		design: XXX
title: MAP OF SITE PLAN SURVEY OF LOT 1, BLK. F & LOT 23, BLK. G LITTLE HICKORY SHORES REPLAT, UNIT NO. 3 SECTION 5, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 6 & PAGE 2) COLLIER COUNTY, FLORIDA		drawn: LD
		checked: WDA
		acad #: 12256-SP
		view: LIMITS
		project #: 09-0086
		sheet #: 4 of 5
		file #: 12256

	bk: 1225	pg: 1	date: APRIL 12, 2021
			scale: 1" = 10'
			cogo #: 09-0086
	Professional Engineers, Planners, Land Surveyors & Landscape Architects 7400 Trail Blvd., Suite 200, Naples, FL 34108 Certificate of Authorization Nos. LB 3664, EB 3664 & LC26000620		

Ph: (239)597-3111
Fax: (239)566-2203

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KellyJohn

From: John Kelly <johnkellyfl@comcast.net>
Sent: Tuesday, August 10, 2021 2:32 PM
To: KellyJohn
Subject: BDE-PL20200001106 - 271 3rd St W -Public Hearing Sign Posting
Attachments: 52A9697F-D77A-4F39-9C6D-75E08F41EF99.jpeg; 13D7A627-F2AF-4A8A-9899-3A0E52DC7726.jpeg

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

The Public Hearing Sign for this petition was posted, to the front of the subject property, by me at approximately 1:15 PM this date. Photos attached.

Respectfully,
John Kelly
Senior Planner

Attachment: Attachment C - BDE-PL20200001106 - Sign Posted (19877 : PL20200001106 BDE 271 3rd Street West - Steven D. Dyson Trust)





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): STEVEN D DYSON TRUST

Name of Applicant if different than owner: _____

Address: 271 3RD ST W City: Bonita Springs State: FL ZIP: 34134Telephone: 239-949-5588 Cell: 239-398-0301 Fax: _____E-Mail Address: permits@orickmarine.comName of Agent(s): E'Lise TozziFirm: Greg Orick II Marine Construction, IncAddress: 2815 Bayview Dr City: Naples State: FL ZIP: 34112Telephone: 239-949-5588 Cell: 239-398-0301 Fax: 239-301-2238E-Mail Address: permits@orickmarine.com**PROPERTY LOCATION**Section/Township/Range: 5 / 48 / 25 Property I.D. Number: 56000040001Subdivision: 468700-Little Hickory Shores Unit 3 Prelat Unit: 3 Lot: 1&23 Block: F(1) G(23)

Address/ General Location of Subject Property:

271 3rd St W, Bonita Springs 34134

Current Zoning and Land use of Subject Property:

RSF-4; 1-Single Family Residential



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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	1-SINGLE FAMILY RESIDENTIAL
S	RSF-4	1- SINGLE FAMILY RESIDENTIAL
E	STREET/RSF-4/EXCP BD	1-SINGLE FAMILY RESIDENTIAL
W	WATERWAY/RSF-4	LITTLE HICKORY BAY

DESCRIPTION OF PROJECT

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

We will be removing & disposing of the current dock that is in place & are requesting an approval to put in a New Dock, Boat House, with two(2) Boat Lifts on it.

This property & neighboring properties along this shoreline all have a few special conditions, This location has a total of 181.08-feet of water frontage & is zoned RSF-4

Please see attached the Narrative Statement regarding the proposed boat lift & minimal overages requested with certified documentation attached.

SITE INFORMATION

1. Waterway Width:

906 ft. Measurement from ☐ plat ☒ survey ☐ visual estimate
☐ other (specify) _____

2. Total Property Water Frontage:

181.08 ft.

3. Setbacks:

Provided: 141.3/16.4 ft.

Required: 15 ft.

4. Total Protrusion of Proposed Facility into Water:

41.8 ft.

5. Number and Length of Vessels to use Facility:

1. 30.0x9.75' ft.

2. 10.0'x4.2' ft.

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

279 3rd St W-32' w/ a Boathouse; 283 3rd St W-45' Protrusion; 287 3rd St W-36 Protrusion; 291 3rd St- 39' w/a Boathouse;

293 3rd St W- 55' Protrusion, 295 3rd ST W-53' Protrusion

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?

0.31 Acres

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8. Official Interpretations or Zoning Verifications:

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

PRIMARY CRITERIA

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

1. Whether or not the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use, and zoning of the subject property; consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical, single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)
2. Whether or not the water depth at the proposed site is so shallow that a vessel of the general length, type, and draft as that described in the petitioner's application is unable to launch or moor at mean low tide (MLT). (The petitioner's application and survey should show that the water depth is too shallow to allow launch and mooring of the vessel (s) described without an extension.)
3. Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)
4. Whether or not the proposed dock facility protrudes no more than 25 percent of the width of the waterway, and whether or not a minimum of 50 percent of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)
5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

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SECONDARY CRITERIA

1. Whether or not there are special conditions, not involving water depth, related to the subject property or waterway, which justify the proposed dimensions and location of the proposed dock facility. (There must be at least one special condition related to the property; these may include type of shoreline reinforcement, shoreline configuration, mangrove growth, or seagrass beds.)
2. Whether the proposed dock facility would allow reasonable, safe, access to the vessel for loading/unloading and routine maintenance, without the use of excessive deck area not directly related to these functions. (The facility should not use excessive deck area.)
3. For single-family dock facilities, whether or not the length of the vessel, or vessels in combination, described by the petitioner exceeds 50 percent of the subject property's linear waterfront footage. (The applicable maximum percentage should be maintained.)
4. Whether or not the proposed facility would have a major impact on the waterfront view of neighboring waterfront property owners. (The facility should not have a major impact on the view of either property owner.)
5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 I must be demonstrated.)
6. Whether or not the proposed dock facility is subject to the manatee protection requirements of LDC subsection 5.03.06 E.11. (If applicable, compliance with subsection 5.03.06.E.11 must be demonstrated.)

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Pre-Application Meeting and Final Submittal Requirement Checklist for:

- ☐ Dock Extension
☐ Boathouse

Chapter 3 B. of the Administrative Code

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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



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

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

FEE REQUIREMENTS:

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

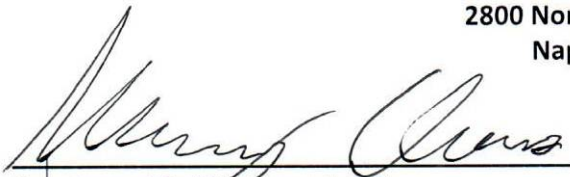
Fire Code Plans Review Fees are collected at the time of application submission and those fees are set forth by the Authority having jurisdiction. The Land Development Code requires Neighborhood Notification mailers for Applications headed to hearing, and this fee is collected prior to hearing.

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

All checks payable to: Board of County Commissioners.

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

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


Signature of Petitioner or Agent

8-5-2021
Date

May 8, 2018

Page 6 of 6



Narrative Statement

We are going to be removing and disposing of the current dock that is In place and are requesting approval to put in a new dock & boat house with two (2) Boat lifts on it. This property was combined with the adjacent lot and shows on Collier County Appraisers site as location: LITTLE HICKORY SHORES UNIT 3 REPLAT BLK F LOT 1 AND REPLAT BLK G LOT 23. I have attached ariel and plans to this document to show the combined parcels.

The subject property and neighboring properties along this shoreline all have a few special conditions that have reduced alternative dock design options. This location has 181.08 feet of water frontage and is zoned RSF-4 as marked on the plan the Arc is $156.56' + 11.16' + 13.36' = 181.08$ feet, it is a single-family residential zoned lot that per LDC 5.03.06 (h) Accessory Uses & Structures, single family uses should be no more than Z slips. The proposed boat dock has total of two (2) boat lifts, one (1) 30. 0' X 9. 75' Boat Lift that will be located inside the proposed open sided boat house, and one (1) Platform Boat lift 10.0'X4'1" that is located adjacent to the Boathouse. We are requesting for acceptance of 23.1' extension beyond the 20 foot protrusion allowable. The protrusion would be 41.8 feet for the dock, an additional 1.3' overhang for the boathouse roof bringing the total to 43.1' of total protrusions. The Boat house roofing which per guidelines will match the coloring of the roofing of the home.

2815 Bayview Dr • Naples, FL 34112

Office: (239) 949 – 5588 • Fax: (239) 301 – 2238 • E-Mail: info@orickmarine.com

www.GregOrickMarineConstruction.com

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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
STEVEN D DYSON , 271 3RD ST W	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

- g. Date subject property acquired _____

☐ Leased: Term of lease _____ years /months

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



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Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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

Agent/Owner Signature

7/30/2021

Date

Steven Dyson

Agent/Owner Name (please print)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20200001 06

I, Steven D Tyson (print name), as Trustee (title, if applicable) of STEVEN D DYSON TRUST, 271 3RD ST W (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 Greg Orick II Marine Construction 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]
Signature

7/30/2021

Date

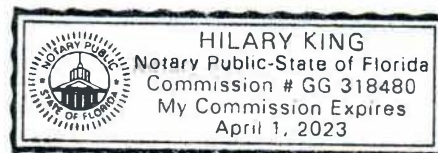
STATE OF FLORIDA
COUNTY OF COLLIER

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

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: [Signature]



Prepared by:
Matthew L. Grabinski, Esq.
COLEMAN, YOVANOVICH
& KOESTER, P.A.
4001 Tamiami Trail North
Suite #300
Naples, Florida 34103
239-435-3535

Parcel ID #: Folio 56000040001

WARRANTY DEED

THIS WARRANTY DEED, executed as of the 2nd day of April, 2021, by PBK Properties, LLC, a Tennessee limited liability company ("Grantor") to Steven D. Dyson, as Trustee of the Steven D. Dyson Trust dated March 15, 2007, with the full power and authority to protect, conserve, sell, lease, encumber, manage and/or dispose of said real property pursuant to F.S. 689.073(1), (the "Grantee"), whose mailing address is 271 3rd St. W., Bonita Spittngs, FL 34134.

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00, in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, does hereby grant, bargain and sell to the Grantee forever, all the right, title, interest, claim and demand that the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Collier, State of Florida (the "Property"):

Lot 1, Block F of REPLAT OF UNIT NO. 3 LITTLE HICKORY SHORES, according to the Plat thereof as recorded in Plat Book 6, Page 2, of the Public Records of Collier County, Florida.

and

Lot 23, Block G of REPLAT OF UNIT NO. 3 LITTLE HICKORY SHORES, according to the Plat thereof as recorded in Plat Book 6, Page 2, of the Public Records of Collier County, Florida.

TO HAVE AND TO HOLD the same unto Grantee in fee simple,

SUBJECT TO: Easements, covenants, reservations, restrictions and limitations common to the subdivision, and taxes and assessments for the year 2021 and subsequent years, which are not yet due and payable.

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

AND, GRANTOR, DOES HEREBY WARRANT the title to said Property, and will defend the same against the lawful claims of all persons whatsoever.

Signed in the presence of these witnesses: **PBK Properties, LLC, a Tennessee limited liability company**

Witness: *Patrick Kirchhofer*

Print Name: Seamus L. DeSimone

Patrick Kirchhofer, Manager

Witness: *Demetrius Jones*

Print Name: Demetrius Jones

STATE OF ILLINOIS

COUNTY OF DuPAGE

The foregoing instrument was acknowledged before me ☒ in person or ☐ by online notary on this 30th day of MARCH, 2021, by Patrick Kirchhofer, as Manager of PBK Properties, LLC, a Tennessee limited liability company, on behalf of said company, who ☐ is personally known to me or ☒ has produced DRIVERS LICENSE as identification.



Notary Public

Print Name: ANGELA R. LOPEZ

My Commission Expires: 2/11/2023

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.)

Response: The location has 180 feet of water frontage and is zoned RSF-4. The upland property is a single-family residential zoned lot that per LDC is allowed two slips. Proposed dock consists of 1 slip with a lift located inside the proposed open-sided boathouse, and one slip with a lift located adjacent to the proposed boathouse, which is appropriate for a single-family dwelling. We are requesting a 21.8 foot extension beyond the allowed 20-foot protrusion.

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.)

Response: This area of Little Hickory Bay has become extremely shallow; the water depths have become insufficient to moor a motorized vessel within their riparian rights without protruding greater than the allowed 20-feet into waterway. Water depths are too shallow for mooring at mean low tide as shown in bathymetric information on the Survey, average water depth at mean low tide is less than 3-feet.

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.)

Response: Proposed dock facility does not intrude into marked or charted navigable channel, thus there will be no adverse impact on navigation. The proposed dock, boathouse and lift have been designed not to impede navigation and is consistent with all the neighboring docks along the shoreline.

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.)

Response: Proposed dock and boathouse facility protrudes a total of 41.8 feet from property line (most restrictive), excluding the allowable 3-foot roof overhang. The overall protrusion is 4.61% of 906 feet of waterway, dock facility maintains more than 75% of navigable waterway open.

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.)

Response: Proposed dock extension with boathouse addition does not interfere with neighboring docks as shown in the aerial drawing and in fact the proposed facility is consistent with existing facilities along the shoreline.

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.)

Response: Shoreline configuration only allows a boat to be lifted from a perpendicular position relative to shoreline. The dock is proposed to allow a 30' boat into the slip, perpendicular to shoreline, thus already extending past the 20' maximum.

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.)

Response: The design of the proposed boat dock is for mooring of two recreational vessels to be maintained safely without incidence. No excessive deck area is being proposed, as shown in the site plan.

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.)

Response: Vessel LOA combined is 54 feet, (30' boat onto lift + 2 ea. 12' PWC) which is 29.3 percent of the linear water frontage of 183.8' and is less than the 50 percent applicable maximum.

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.)

Response: Proposed dock and boathouse facility will not have an impact on waterfront view of neighboring property owners and will be consistent with existing facilities along shoreline as shown in the aerial drawing. The existing dock facility and proposed boathouse meet the setback requirements and will not impact the view of the neighboring waterfront property owners.

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.)

Response: There are no sea grass beds located near proposed dock facility as shown in the results of submerged resource survey conducted by Earth Tech Environmental and provided for review.

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.)

Response: This is a single family proposed dock and boathouse, with two vessel mooring areas with lifts and is not subject to the requirements of the Manatee Protection Plan as stated in the above referenced code of 5.03.06 E.11..

Boathouse criteria under LDC Section 5.03.06(F):

- a. Minimum side setback requirement: Fifteen feet.

Response: Criterion has been met. The South side of the boathouse provides a setback of over 15 feet from the property line; the North side of the boathouse provides a setback of 20 feet from the property line.

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

Response: Criterion to be satisfied by the companion Boat Dock Extension that is part of this petition. The proposed dock facility will protrude 41.8 feet into the waterway with a 1.3-foot roof overhang.

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

Response: Criterion has been met. The proposed actual height is 15 feet from the top of the seawall.

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

Response: Criterion has been met. Only one boathouse will be built.

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

Response: Criterion has been met. All 4 sides of the proposed boathouse are engineered to be left open.

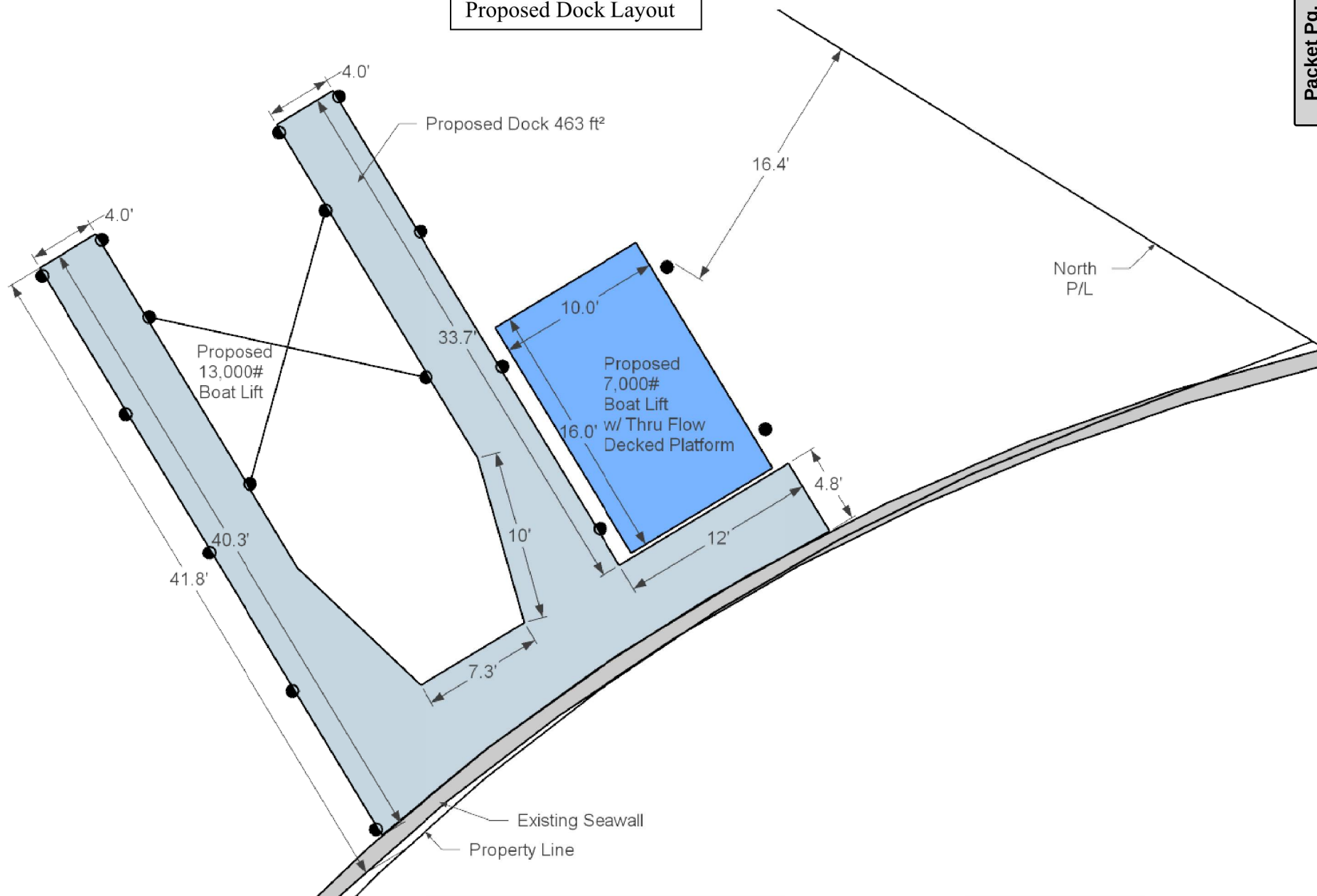
- f. Roofing material and roof color shall be the same as materials and colors used on the principal structure or may be of a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered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

Response: Criterion will be met. A single-family house is being constructed on this lot, the proposed boathouse roof will be matching the same material and color as the house.

- g. 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.

Response: Criterion has been met. The proposed boathouse addition is consistent with existing facilities along that shoreline and does not impact the view of the adjacent neighbors.

Proposed Dock Layout

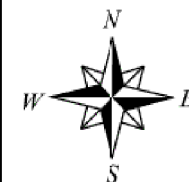


**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

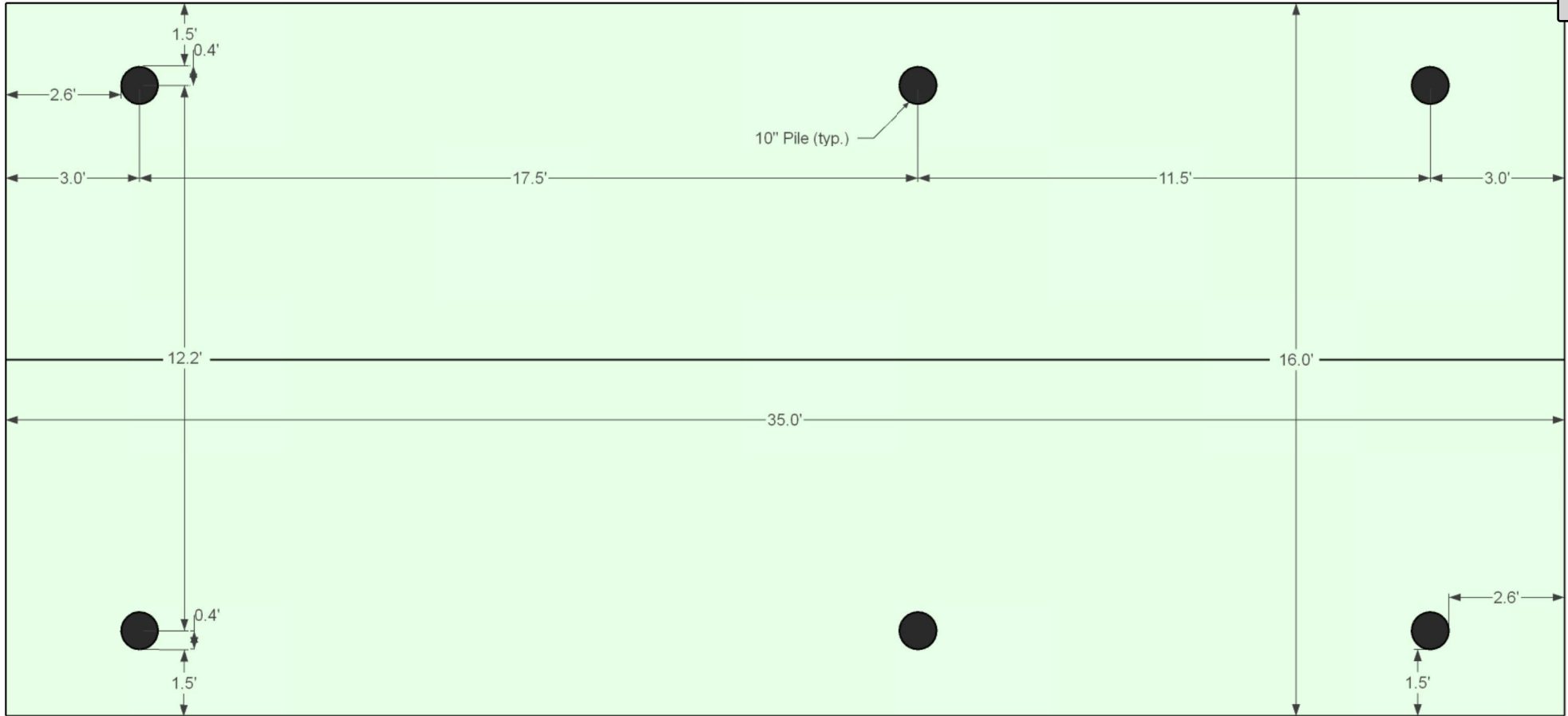
Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **10/6/2020**

Approved Signature:

Approved Date:



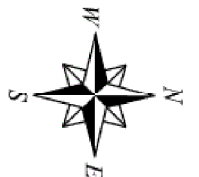
Boathouse Layout



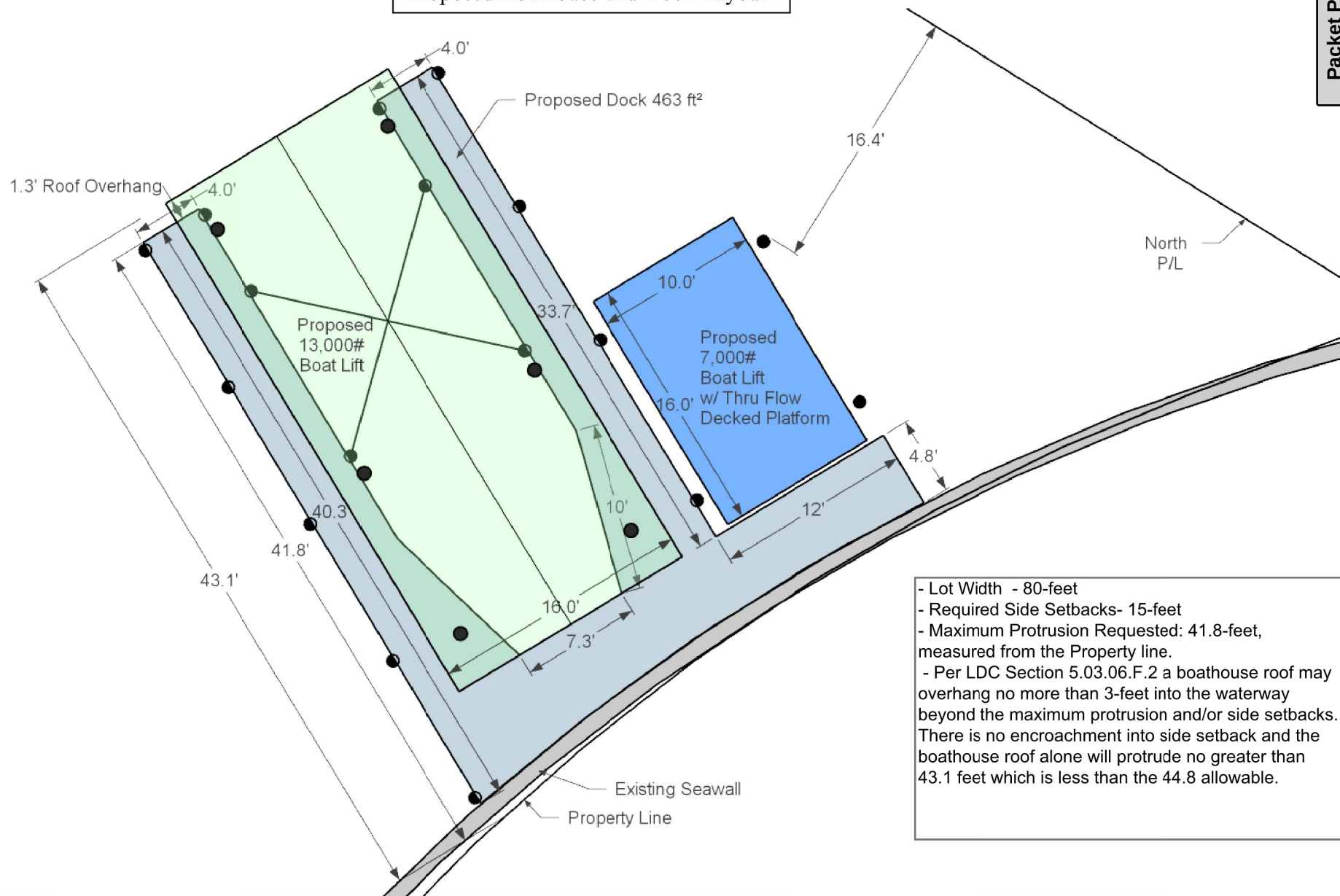
**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **9/25/2020**

Approved Signature: _____
Approved Date: _____



Proposed Boathouse and Dock Layout

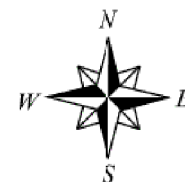


**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

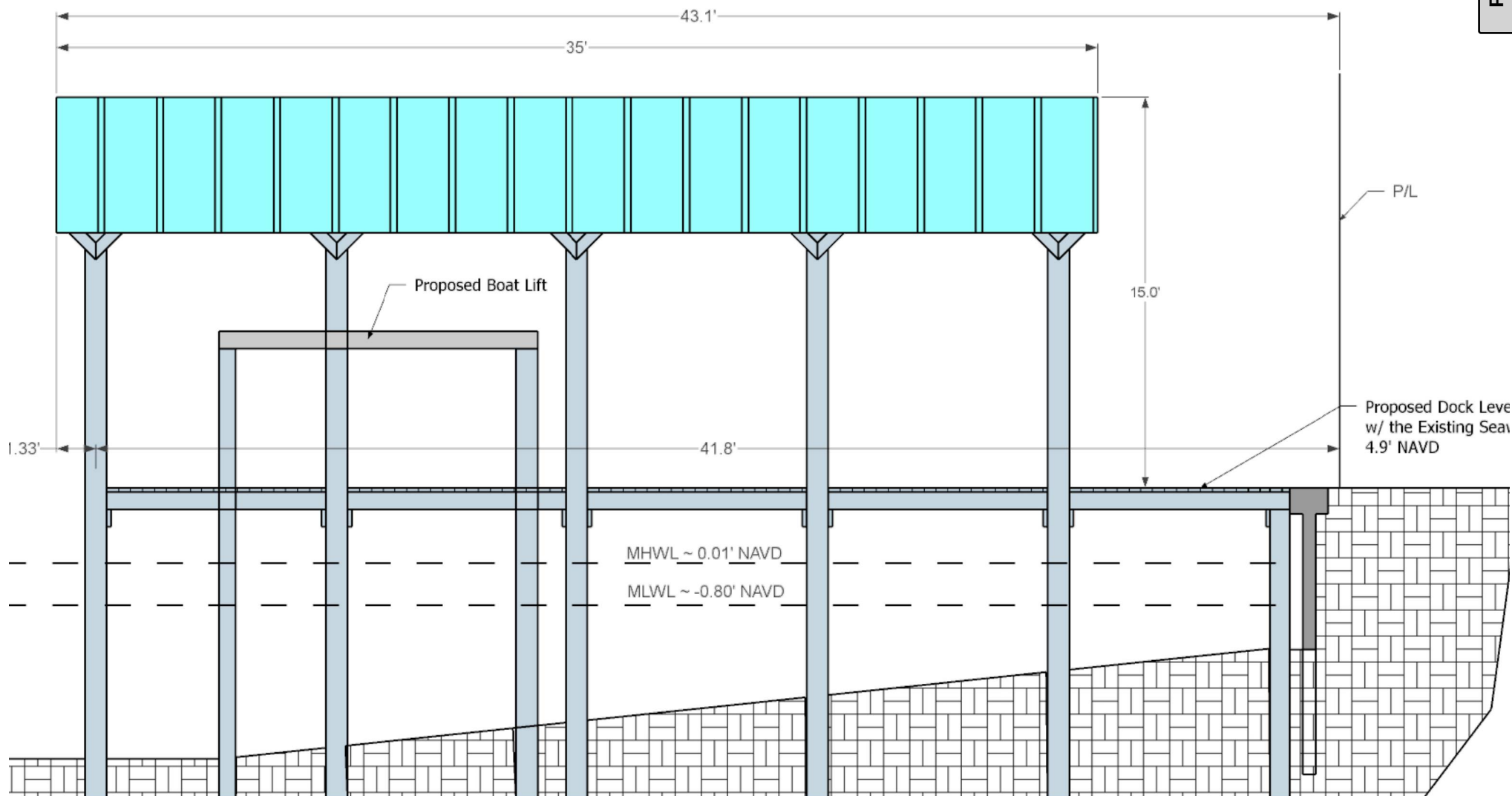
Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **9/25/2020**

Approved Signature:

Approved Date:



Dock Cross Section

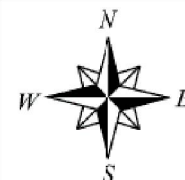


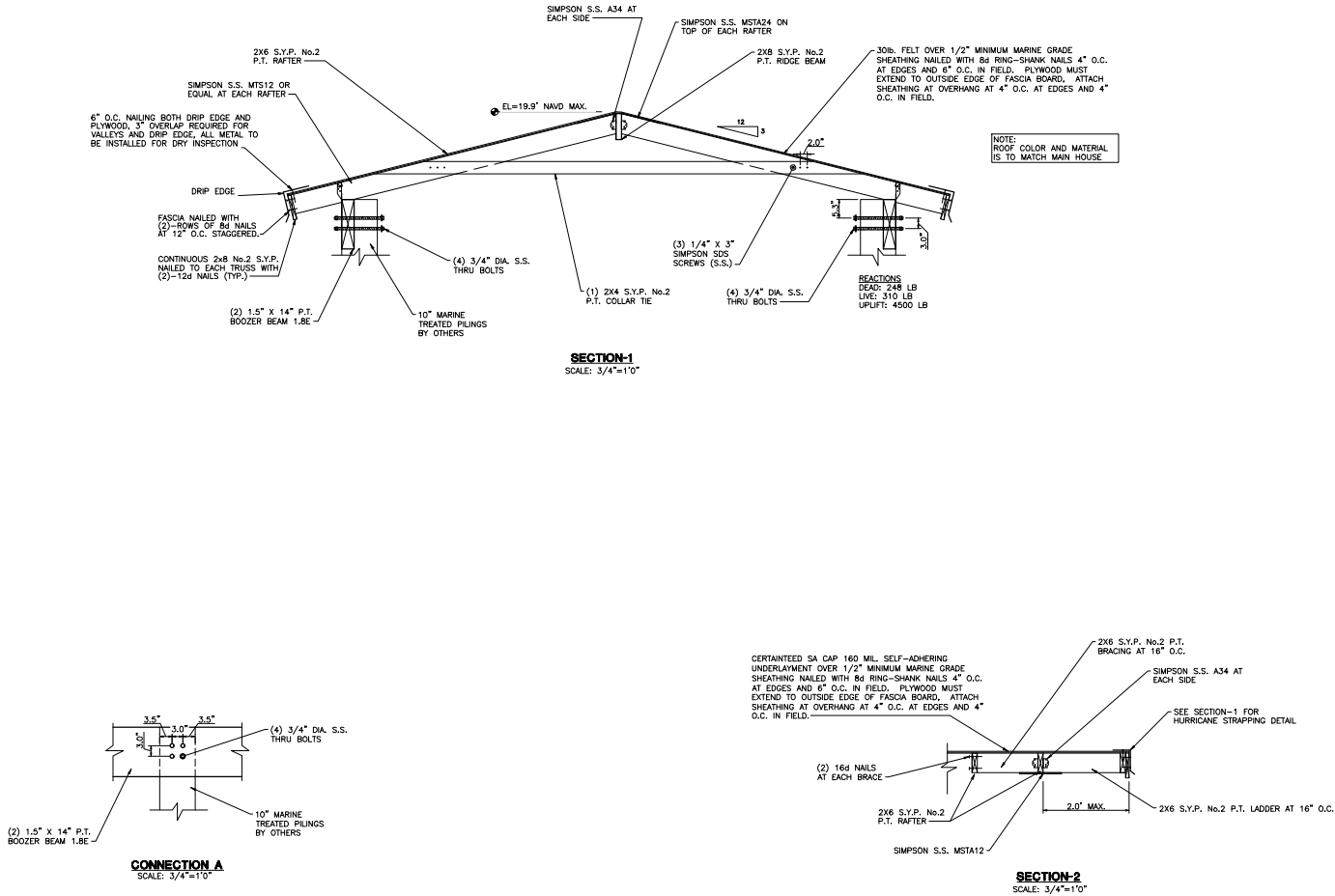
**GREG ORICK MARINE
CONSTRUCTION, INC.**
(239) 949-5588

Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **10/7/2020**

Approved Signature:

Approved Date:





REVISIONS	DATE

PROJECT:	271 3RD ST W
CITY:	GIBSON CRICK MARINE CONSTRUCTION

FOR THE CITY OF ST. LOUIS, MISSOURI, THE CITY ENGINEER HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE CITY OF ST. LOUIS, MISSOURI, ORDINANCES AND RESOLUTIONS.

DATE: 10/06/2008
SCALE: AS SHOWN
DRAWN: E.S.
REVISIONS: E.S.

SECRET NO.
S-2
TOTAL SHEETS: 2

Parcel No	56000040001	Site Address *Disclaimer	271 3RD ST W	Site City	BONITA SPRINGS	Site Zone *Note	341
-----------	-------------	-----------------------------	--------------	-----------	----------------	-----------------	-----



[Open GIS in a New Window with More Features.](#)

Overall Site Plan with Aerial



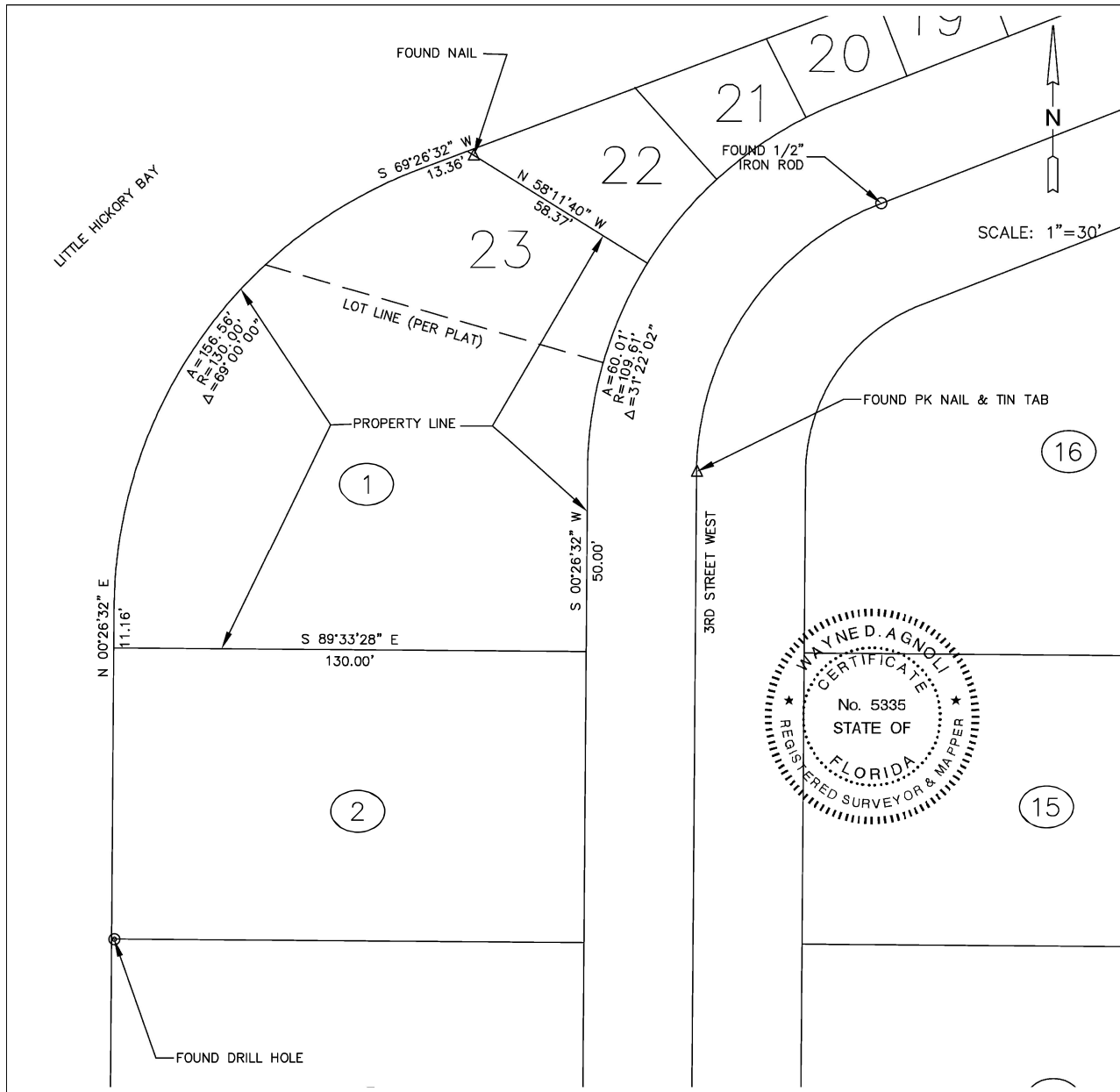
**GREG ORICK MARINE
CONSTRUCTION, INC.
(239) 949-5588**

Name: **Stuart Wood**
Address: **271 3rd St W**
Bonita Springs, FL 34134
Date: **9/25/2020**

Approved Signature:

Approved Date:





PREPARED FOR: PBK PROPERTIES L.L.C.

DATE OF FIELD SURVEY: JUNE 22, 2019

AGNOLI, BARBER & BRUNDAGE, INC.
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS AND MAPPERS

BY _____

WAYNE D. AGNOLI, R.S.M., NO. 5335 DATE _____

THIS SITE PLAN SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THIS SITE PLAN SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

THIS SITE PLAN SURVEY IS CERTIFIED AS TO THE DATE OF FIELD SURVEY, NOT THE SIGNATURE DATE.

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE SOUTH LINE OF LOT 1, BLOCK F, LITTLE HICKORY SHORES UNIT 3, SECTION 5, TOWNSHIP 48 SOUTH & RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING SOUTH 89° 33' 28" EAST.
3. HORIZONTAL COORDINATES WERE DERIVED BY GPS OBSERVATIONS USING A TRIMBLE DUAL FREQUENCY RECEIVER (MODEL R10), RECEIVING CORRECTIONS FROM TRIMBLE VRS NOW RTN (REAL TIME NETWORK)
4. VERTICAL: ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). ELEVATIONS WERE ESTABLISHED USING LONG TERM OBSERVATIONS WITH A TRIMBLE (MODEL R10) DUAL FREQUENCY RECEIVER GPS (GLOBAL POSITIONING SYSTEM).

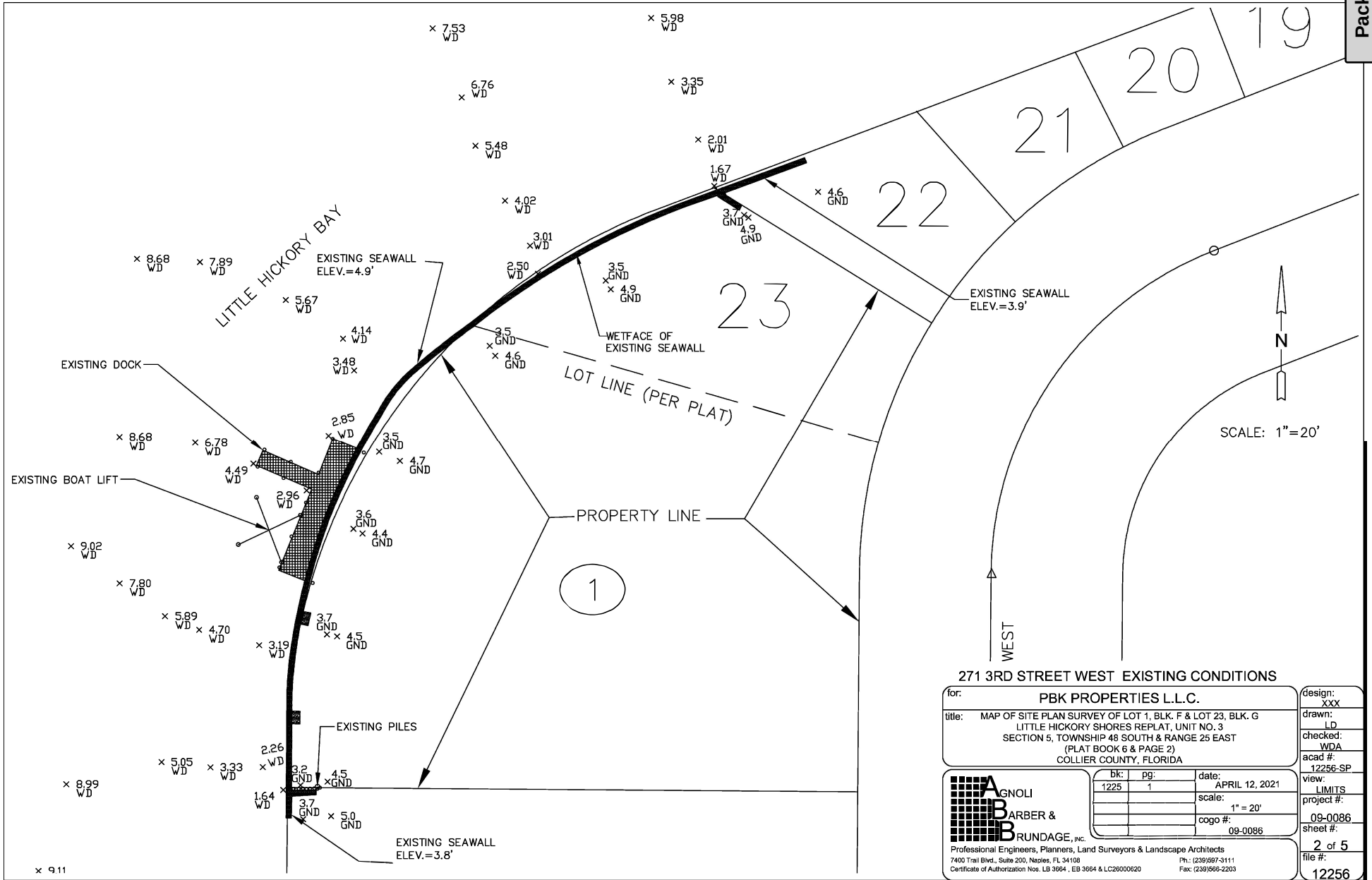
SURVEYOR'S NOTE: THE PURPOSE OF THE SURVEY IS TO LOCATE THE SEAWALL AND THE WATERWARD EXISTING CONDITIONS ONLY. NO UPLAND IMPROVEMENTS HAVE BEEN LOCATED UNDER THE SCOPE OF THIS SURVEY.

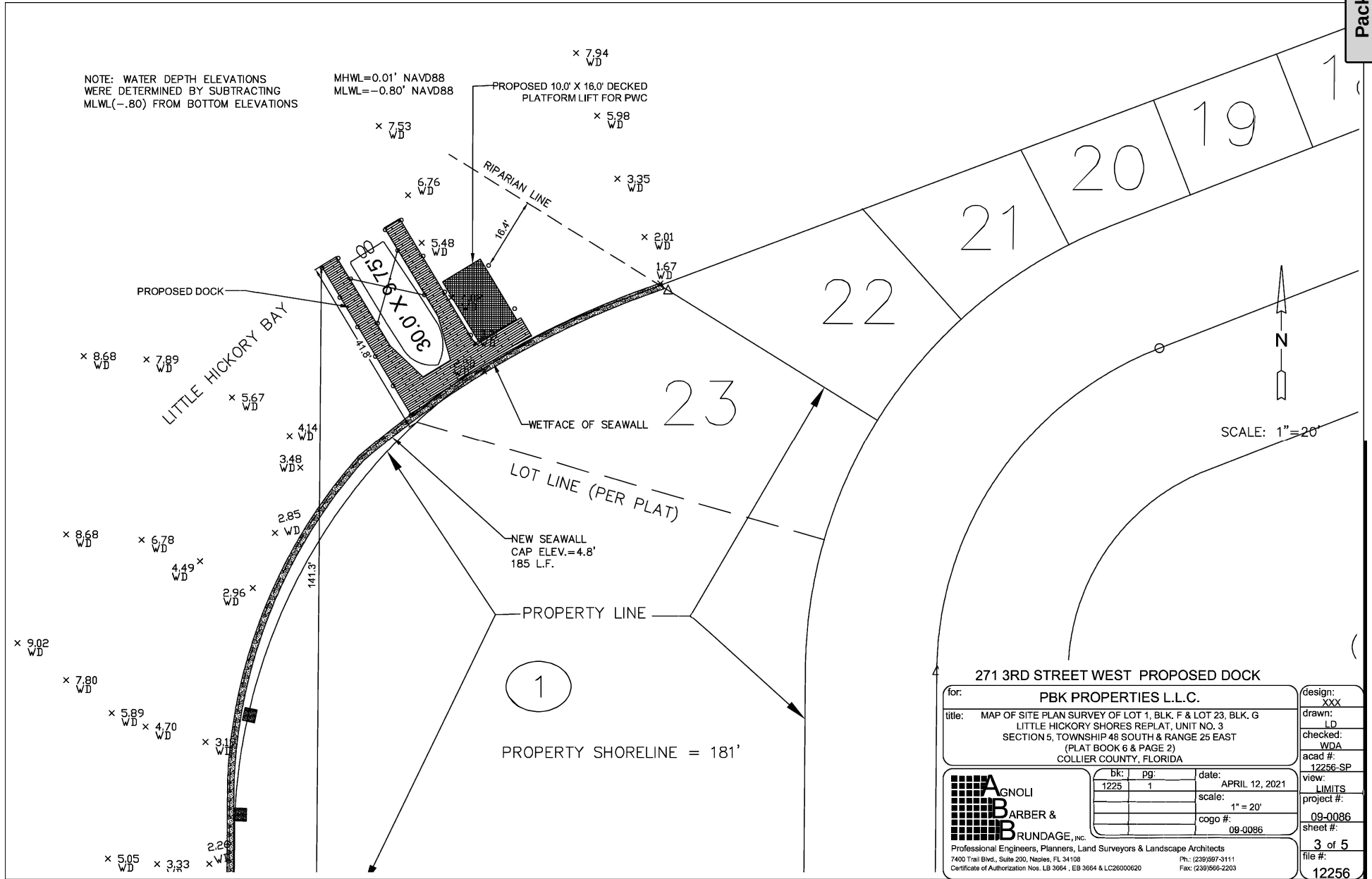
271 3RD STREET WEST

for:	PBK PROPERTIES L.L.C.			design:	xxx
title:	MAP OF SITE PLAN SURVEY OF LOT 1, BLK. F & LOT 23, BLK. G LITTLE HICKORY SHORES REPLAT, UNIT NO. 3 SECTION 5, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 6 & PAGE 2) COLLIER COUNTY, FLORIDA			drawn:	LD
				checked:	WDA
				acad #:	12256-SP
				view:	LIMITS
				project #:	09-0086
				sheet #:	1 of 5
				file #:	12256



AGNOLI
BARBER &
BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph: (239) 697-5111
Certificate of Authorization Nos. LB 3664, EB 3664 & LC260000620 Fax: (239) 696-2203





NOTE: WATER DEPTH ELEVATIONS
WERE DETERMINED BY SUBTRACTING
MLWL(-.80) FROM BOTTOM ELEVATIONS

MHWL=0.01' NAVD88
MLWL=-0.80' NAVD88

PROPOSED 16.0'X35.0' BOATHOUSE

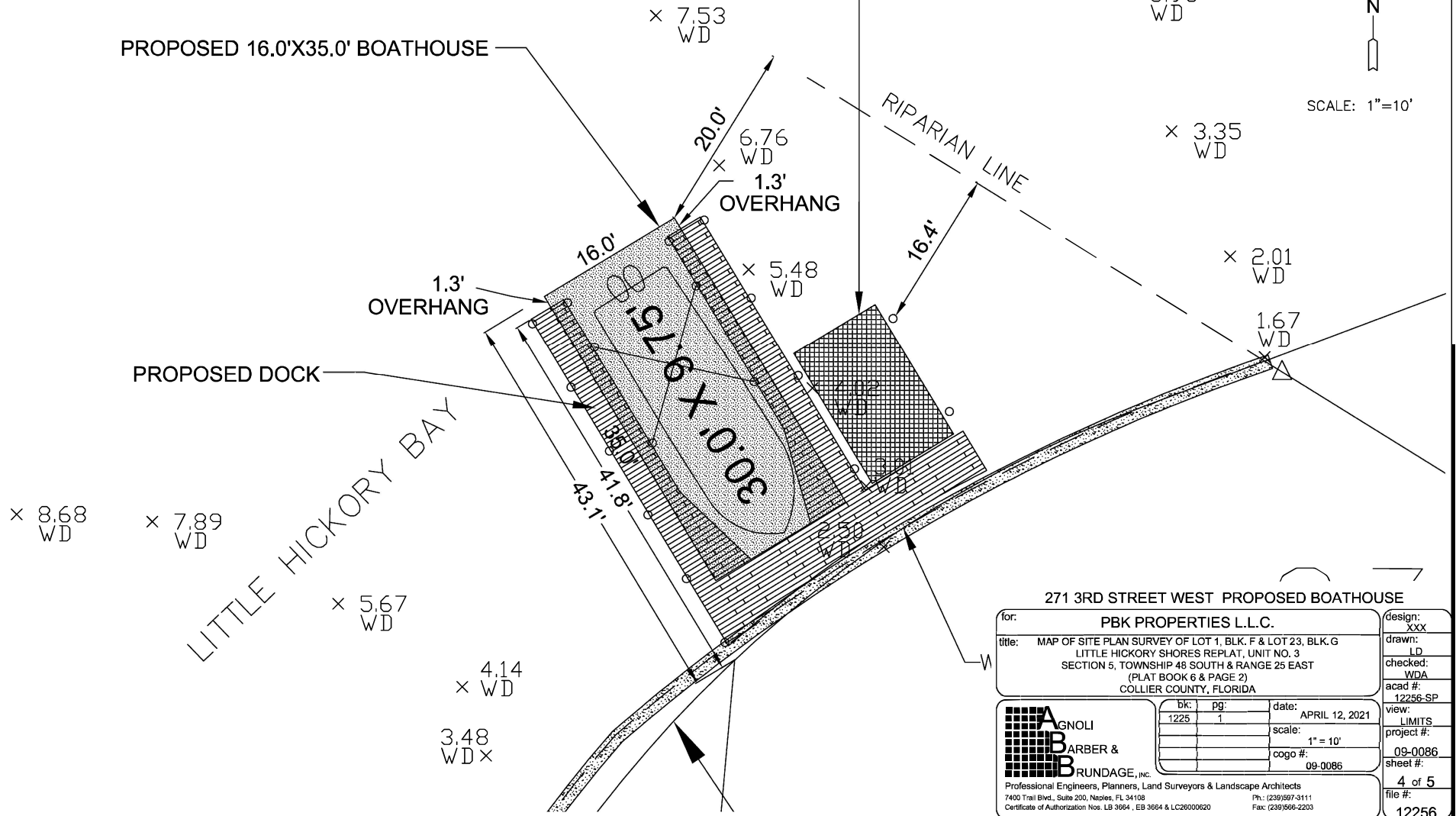
PROPOSED 10.0' X 16.0' DECKED
PLATFORM LIFT FOR PWC

PROPOSED DOCK

LITTLE HICKORY BAY

RIPARIAN LINE

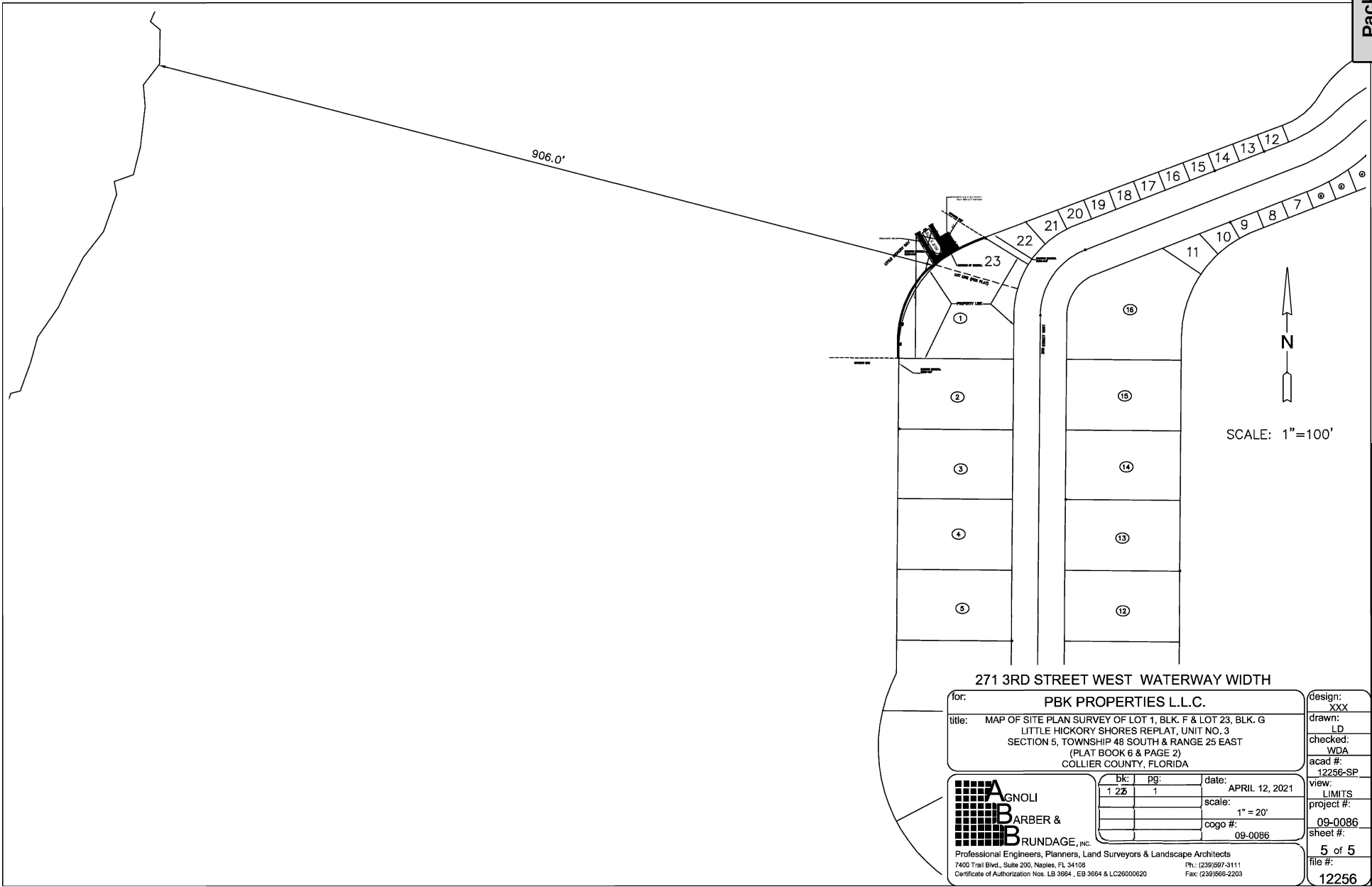
SCALE: 1"=10'



271 3RD STREET WEST PROPOSED BOATHOUSE

for: PBK PROPERTIES L.L.C.		design: xxx
title: MAP OF SITE PLAN SURVEY OF LOT 1, BLK. F & LOT 23, BLK. G LITTLE HICKORY SHORES REPLAT, UNIT NO. 3 SECTION 5, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 6 & PAGE 2) COLLIER COUNTY, FLORIDA		drawn: LD
		checked: WDA
		acad #: 12256-SP
		view: LIMITS
		project #: 09-0086
		sheet #: 4 of 5
		file #: 12256

AGNOLI BARBER & BRUNDAGE, Inc. Professional Engineers, Planners, Land Surveyors & Landscape Architects 7400 Trail Blvd., Suite 200, Naples, FL 34108 Certificate of Authorization Nos. LB 3664, EB 3664 & LC260000620	bk: 1225	pg: 1	date: APRIL 12, 2021
	scale: 1" = 10'		
	cogo #: 09-0086		





271 3rd St W

SUBMERGED RESOURCE SURVEY

COLLIER COUNTY, FLORIDA

Prepared For:



Greg Orick Marine Construction
1035 Collier Center Way, Suite 1
Naples, FL 34110

Prepared By:



Earth Tech Environmental, LLC
10600 Jolea Avenue
Bonita Springs, FL 34135
239.304.0030
www.eteflorida.com

April 17, 2020

TABLE OF CONTENTS

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LOCATION	3
SURVEY MATERIALS & METHODS	4
RESULTS/DISCUSSION.....	5
PHOTOGRAPHIC DOCUMENTATION	7
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EXHIBITS

Figure 1	Site Location Map
Figure 2	Site Vicinity Map
Figure 3	Survey Area

INTRODUCTION

The purpose of this report is to summarize Earth Tech Environmental's (ETE) evaluation of the proposed dock construction area located at 271 3rd St W (Subject Property) in Bonita Springs, Florida, for the presence of important submerged resources such as seagrass and/or hard bottom.

ETE conducted fieldwork for this Submerged Resource Survey (SRS) on April 16, 2020 for Greg Orick Marine Construction (Client). The Client is proposing to construct a new dock structure.

LOCATION

The Subject Property is located south of Bonita Beach Rd and west of US 41 in Section 5, Township 48 South, Range 25 East, in Naples, Collier County, Florida. The Subject Property is currently under development, with construction workers present working on the house and seawall at the time of the survey. See Figures 1 & 2 below for the property location.

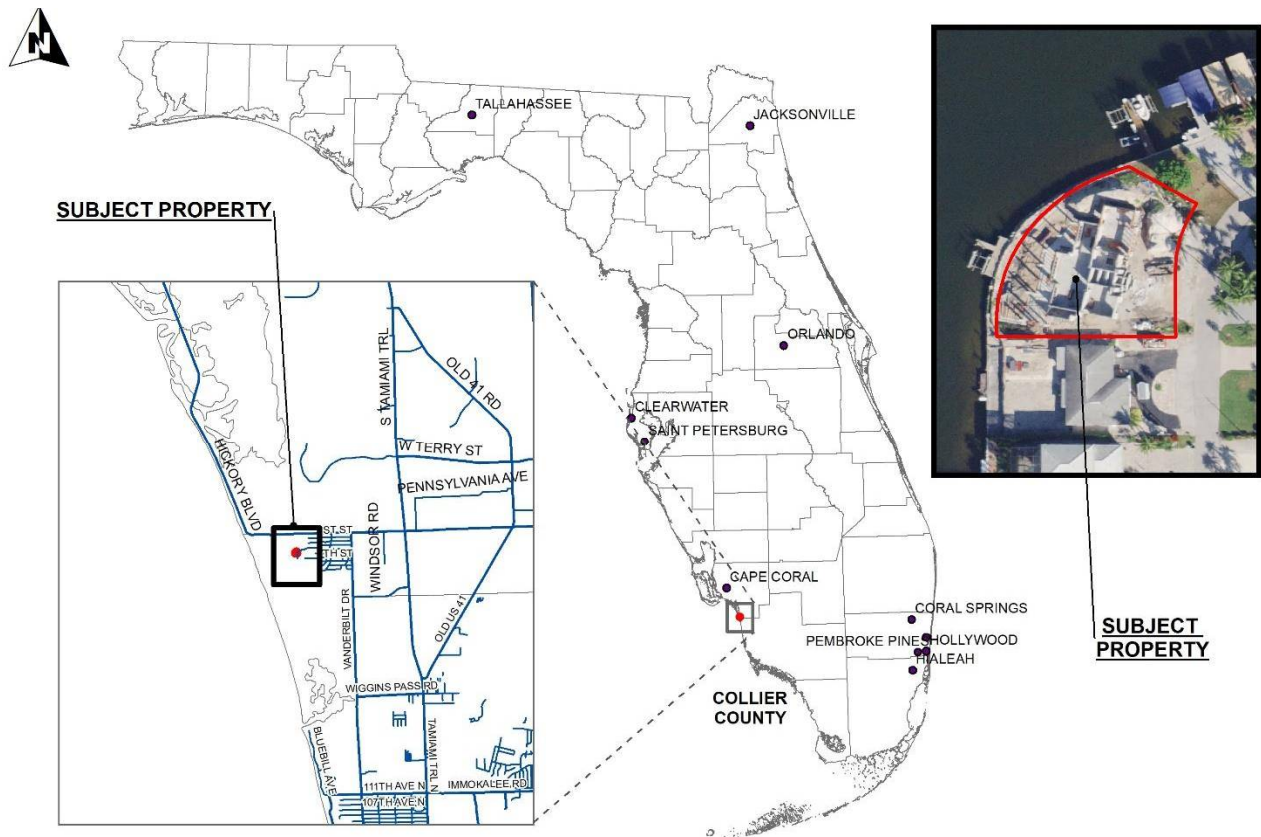


Figure 1. Site Location Map

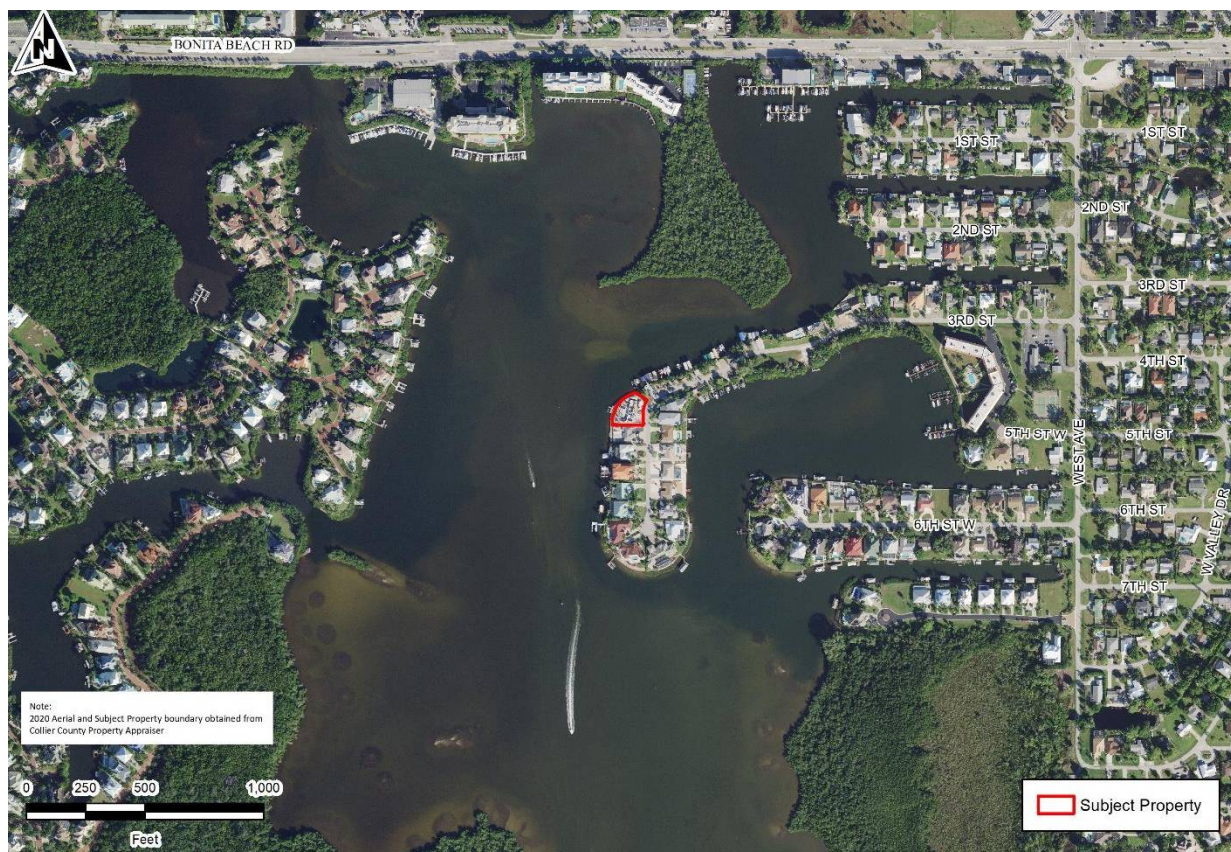


Figure 2. Site Vicinity Map

SURVEY MATERIALS & METHODS

Based on the proposed dock location, an SRS was performed to search for the presence of important submerged resources such as seagrass and/or hard bottom. The SRS included the proposed construction location as well as a 200-foot buffer radius (survey area) as per the Collier County Land Development Code (LDC) subsection 5.03.06. The SRS was conducted based on methodology outlined in three (3) publications:

- 1) "Submerged Aquatic Vegetation Survey Guidelines". US Army Corps of Engineers (ACOE). Undated.
http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/processing_steps/process_seagrass_survey.pdf
- 2) Florida Fish and Wildlife Conservation Commission (FWC) Recommended Survey Protocols for Estuarine and Marine Submerged Aquatic Vegetation (SAV) related to Permitting Applications. 12/14/2011. DRAFT. <http://myfwc.com/media/1626941/SeagrassSurveyProtocol.pdf>
- 3) Collier County, Florida – Land Development Code/Chapter 5 Supplemental Standards/Subsection 5.03.06 – Dock Facilities (May 31, 2017 – Current).
https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=COLLIER_CO_LAND_DEVELOPMENT_CODE

The survey area is shown in Figure 3. Seagrass in Southwest Florida is ephemeral in nature; therefore, seagrass abundance and density can vary throughout the year.

The SRS was conducted by two (2) Ecologists from ETE, utilizing SCUBA gear. North-south and east-west transects were completed throughout the approximate survey area. Photographs were taken to document observations.



Figure 3. Survey Area

RESULTS/DISCUSSION

The tide at the time of the survey was high and incoming. Water depth varied from approximately four (4) feet to ten (10) feet. Weather conditions during the survey were approximately 84°F with cloudy skies, light winds (SE @ 7) and intermittent light rain. Underwater visibility was approximately (2) feet. Bottom material was primarily mucky with patches of heavier sand. The majority of the surveyed area was subject to heavy siltation. The shoreline was void of vegetation and composed of concrete seawall and residential docks.

No seagrass or hardbottom areas were observed within the survey areas. Small clusters of oysters were observed on pilings, docks, and the seawall within in the survey area, and did not appear to be associated with a larger oyster bed. These clusters were predominantly found on the docks in northern part of the survey area and unassociated with the immediate construction area. Scattered macroalgae (*Caulerpa*) and

Mermaid's Wine Glass Algae (*Acetabularia*) was observed in the survey area. See Table 1 below for a full species list.

Table 1. Species Observed during Submerged Resource Survey	
Common Name	Scientific Name
Algae	
Caulerpa	<i>Caulerpa sp.</i>
Mermaids Wine Glass	<i>Acetabularia sp.</i>
Invertebrates	
Barnacle	<i>Balanus spp.</i>
Blue Crab	<i>Callinectes sapidus</i>
Eastern Oyster	<i>Crassostrea virginica</i>
Feather Duster	<i>Sabellida Sp.</i>
Ragged Sea Hare	<i>Bursatella leachii pleii</i>
Fishes	
Gray Snapper	<i>Lutjanus griseus</i>
Sheepshead	<i>Archosargus probatocephalus</i>

PHOTOGRAPHIC DOCUMENTATION

The following photographs were taken to document observations during the SRS.



Typical bottom substrate with Caulerpa and two Ragged Sea Hares



Mermaids Wine Glass and broken oyster shell substrate

REFERENCES

Collier County Property Appraiser. <http://www.collierappraiser.com>

Dawes, C.J., R.C. Phillips, and G. Morrison. 2004. Seagrass Communities of the Gulf Coast of Florida: Status and Ecology. Florida Fish and Wildlife Conservation Commission Fish and Wildlife Research Institute and the Tampa Bay Estuary Program. St. Petersburg, FL. iv + 74 pp.

Florida Fish and Wildlife Conservation Commission (FWC) Recommended Survey Protocols for Estuarine and Marine Submerged Aquatic Vegetation (SAV) related to Permitting Applications 12/14/2011 DRAFT. <http://myfwc.com/media/1626941/SeagrassSurveyProtocol.pdf>

Fonseca, M.S., W.J. Kenworthy and G.W. Thayer 1998. Guidelines for the Conservation and Restoration of Seagrasses in the United States and Adjacent Waters. NOAA Coastal Ocean Program Decision Analysis Series No. 12, NOAA Coastal Ocean Office, Silver Spring, MD. pp. 1-222.

Green, R.H. 1979. Sampling design and statistical analysis methods of environmental biologists. John. W. and Sons, Inc., New York.

Karazsia, J., 2010. A Science-based Seagrass Survey Window for Coastal Construction Project Planning in Florida. NOAA NMFS Southeast Region, Habitat Conservation Division.

Morris, L.J., L. Hall and R. Virnstein. 2001. Field Guide for Fixed Seagrass Transect Monitoring in the Indian River Lagoon. St. Johns River Water Management District.

"Submerged Aquatic Vegetation Survey Guidelines". US Army Corps of Engineers (ACOE). Undated. http://www.saj.usace.army.mil/Portals/44/docs/regulatory/sourcebook/permitting/processing_steps/process_seagrass_survey.pdf

Zieman, J.C. 1982. The Ecology of the Seagrasses of South Florida: A Community Profile. U.S.F & W.S., Office of Biological Services, Washington D.C. FWS/OBS-82/25, 158 pp. (Human Impacts p. 84-90)

Collier County, Florida – Land Development Code/Chapter 5 Supplemental Standards/Subsection 5.03.06 – Dock Facilities (May 31, 2017 – Current).
https://library.municode.com/fl/collier_county/codes/land_development_code?nodeId=COLLIER_CO_LAND_DEVELOPMENT_CODE

3.A.e

CURVE DATA				
CH. BEARING	CH. DIST.	CH. BEARING	CH. DIST.	CH. BEARING
1.00 N 81°15'10" E	88.78	34.47 34°40'00" E	171°04'00"	
1.00 N 84°22'00" E	97.79	53.54 48°05'20" E	284°02'40"	
1.00 N 89°34'40" E	52.99	78.08 34°40'00" E	194°20'20"	
1.00 N 34°38'00" E	141.77	89.35 69°00'00" E	34°30'00"	
1.00				
2.00 S 34°07'30" W	145.85	88.10 68°15'00" E	34°07'30"	
2.00 S 20°08'00" E	46.20	84.91 33°34'10" E	16°47'04"	
2.00 S 14°22'00" E	78.21	46.20 33°03'30" E	10°54'04"	
2.00 S 09°45'00" E	88.64	45.41 33°40'30" E	10°53'10"	
2.00 S 34°07'30" W	55.66	33.62 68°15'00" E	34°07'30"	
2.00				
3.00 S 34°07'30" W	122.98	74.28 68°15'00" E	34°07'30"	
3.00 S 16°51'58" E	64.91	33.53 22°54'30" E	11°52'43"	
3.00 S 14°22'00" E	112.27	58.67 33°10'30" E	16°54'12"	
3.00				

REPLAT OF UNIT No. 3 LITTLE HICKORY SHORES

A SUBDIVISION IN
G. L. 4 OF SECTION 5 AND RESUBDIVISION OF PART OF
UNIT No. 1, LITTLE HICKORY SHORES
(According to plat recorded in Plat Book 3, Page 97)
SECTION 5, T. 48 S., R. 25 E.
COLLIER COUNTY, FLORIDA
Scale: 1" = 50' January 1964

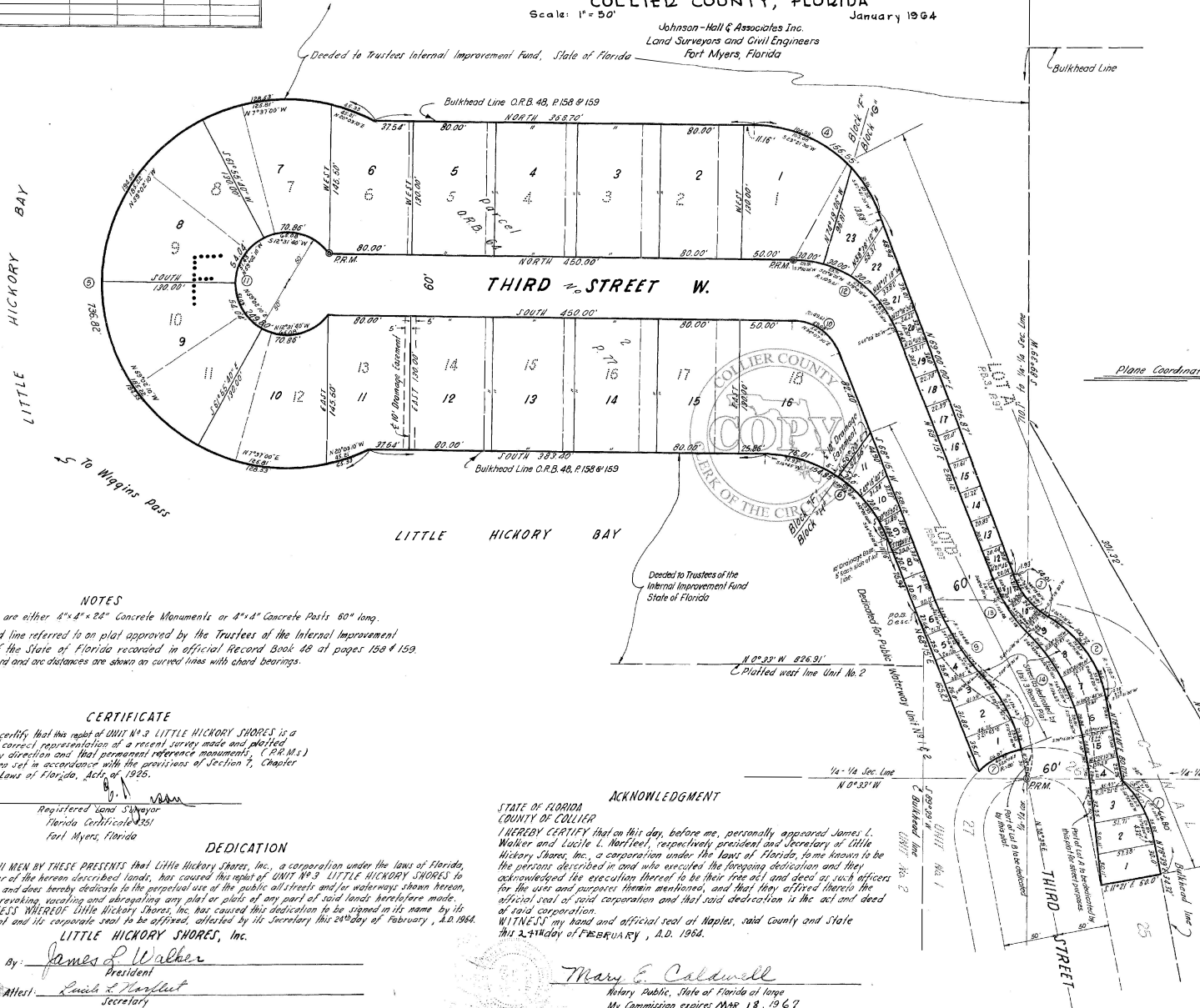
Johnson-Hall & Associates Inc.
Land Surveyors and Civil Engineers
Fort Myers, Florida

DESCRIPTION

A tract or parcel of land lying in the northwest quarter (NW 1/4) of Section 5, Township 48 South, Range 25 East in Collier County, Florida, described as follows:
All of Unit No. 3, Little Hickory Shores, according to a map or plat thereof recorded in Plat Book 3, at Page 97 of the public records of Collier County.
Also all that part of Little Hickory Bay described as follows:
From the corner common to Lots 18 and 19 on Little Hickory Bay as shown on said plat run northeasterly along the southeasterly line of said Lot 18 along the arc of a curve to the right of radius 130 feet for 18.94 feet to a point of tangency; thence run N 68°15' E along said southeasterly line of Lot 18 for 75.94 feet to the point of beginning of the herein described parcel.
From said point of beginning continue N 68°15' E for 165.27 feet to an intersection with the west line of Lot 27, Unit No. 1, Little Hickory Shores according to plat recorded in Plat Book 3 at Page 64 of said public records; thence run northeasterly and northerly along the west line of said Lot 27 to an intersection with the southerly line of said Lot 25, thence run southwesterly along the southeasterly line of said Lot 25 to the point of beginning.

RESOLUTION NO. 94-256
ADOPTING A LOT LINE ADJUSTMENT ON LOT 16, BLK. F, AND LOT 11, BLK. B A PORTION OF REPLAT OF UNIT 3, LITTLE HICKORY SHORES
RECORDED 4/15/94, OR 1935 PG 2047-2048
PLAT BOOK 3 PG 97 & PLAT BOOK 6 PG 2

RESOLUTION NO. 95-643, YACAREE
RECORDED 11/17/95, OR 2120 PG 1975-77



APPROVALS
This plat approved this 19th day of MAY, A.D. 1964 in open meeting of the Board of County Commissioners of Collier County, Florida.

Dennis E. Kelly
Chairman

Margaret J. Reed
Clerk

Approved by County Engineer as County Engineer and as County Zoning Director this 19th day of MAY, A.D. 1964.

M. J. McIsaac
County Engineer

I HEREBY CERTIFY that this replat of Unit No. 3 LITTLE HICKORY SHORES has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10276, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 10:13 PM, this 19th day of MAY, A.D. 1964 and duly recorded in Plat Book 3 on Page 2 of the public records of Collier County, Florida.

Margaret J. Scott by Mary E. Caldwell
Clerk of the Circuit Court in and for Collier County

ACKNOWLEDGMENT
STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day, before me, personally appeared James L. Walker and Lucile L. Norfield, respectively president and secretary of Little Hickory Shores, Inc., a corporation under the laws of Florida, to me known to be the persons described in and who executed the foregoing dedication and they acknowledged the execution thereof to be their free act and deed as such officers for the use and purposes therein mentioned, and that they affixed thereto the official seal of said corporation and that said dedication is the act and deed of said corporation.
WITNESS my hand and official seal at Naples, said County and State this 24th day of FEBRUARY, A.D. 1964.

Mary E. Caldwell
Notary Public, State of Florida at large
My Commission expires MAR. 18, 1967

NOTES
P.R.M.s are either 4"x4"x24" Concrete Monuments or 8"x4"x24" Concrete Posts 60" long.
Bulkhead line referred to on plat approved by the Trustees of the Internal Improvement Fund of the State of Florida recorded in official Record Book 48 at pages 158 & 159.
Both chord and arc distances are shown on curved lines with chord bearings.

CERTIFICATE
I hereby certify that this replat of UNIT No. 3 LITTLE HICKORY SHORES is a true and correct representation of a recent survey made and plotted under my direction and that permanent reference monument (P.R.M.) have been set in accordance with the provisions of Section 7, Chapter 10276, Laws of Florida, Acts of 1925.

James L. Walker
Registered Land Surveyor
Florida Certificate #1351
Fort Myers, Florida

DEDICATION
KNOW ALL MEN BY THESE PRESENTS that Little Hickory Shores, Inc., a corporation under the laws of Florida, the owner of the herein described lands, has caused this replat of UNIT No. 3 LITTLE HICKORY SHORES to be made and does hereby dedicate to the perpetual use of the public all streets and for waterways shown hereon, hereby reserving, vacating any plat or plat of any part of said lands heretofore made.
IN WITNESS WHEREOF Little Hickory Shores, Inc. has caused this dedication to be signed in its name by its president and its corporate seal to be affixed, attested by its Secretary this 24th day of February, A.D. 1964.

James L. Walker
President
Lucile L. Norfield
Secretary



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): PL20200001106

Regarding the above subject petition number(s), STEVEN D DYSON TRUST (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: Steven Dyson

Date: 7/30/2021

Signature: _____



Applicant*



Legal Counsel to Applicant

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

09/09/2021

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B

Item Summary: ****NOTE**** This item has been continued from the August 12, 2021 HEX Meeting *****PETITION NO. PDI-PL20210000379, Baumgarten PUD Founder's Square - Request for an insubstantial change to Ordinance No. 19-11, as amended, the Baumgarten Mixed Use Planned Unit Development (MPUD), Exhibit B, Section I, Mixed-Use Development Standards, by decreasing the required minimum yard setback from the Eastern Project Boundary from 50 feet to 25 feet, removing the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height, located at the southeast quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 26, Township 48 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 5**

Meeting Date: 09/09/2021

Prepared by:

Title: Operations Analyst – Planning Commission
 Name: Diane Lynch
 08/27/2021 2:32 PM

Submitted by:

Title: – Zoning
 Name: Mike Bosi
 08/27/2021 2:32 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Diane Lynch	Review Item	Skipped
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Skipped 08/27/2021 2:32 PM
Zoning	Diane Lynch	Review Item	Skipped 08/27/2021 2:32 PM
Zoning	Diane Lynch	Zoning Director Review	Skipped 08/27/2021 2:32 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	09/09/2021 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: AUGUST 12, 2021

SUBJECT: PDI-PL20210000379, Baumgarten MPUD – Founders Square Tract H-2 PDI

OWNER/APPLICANT:

BCHD Partners II, LLC
2600 Golden Gate Pkwy
Naples, FL 34103

AGENT:

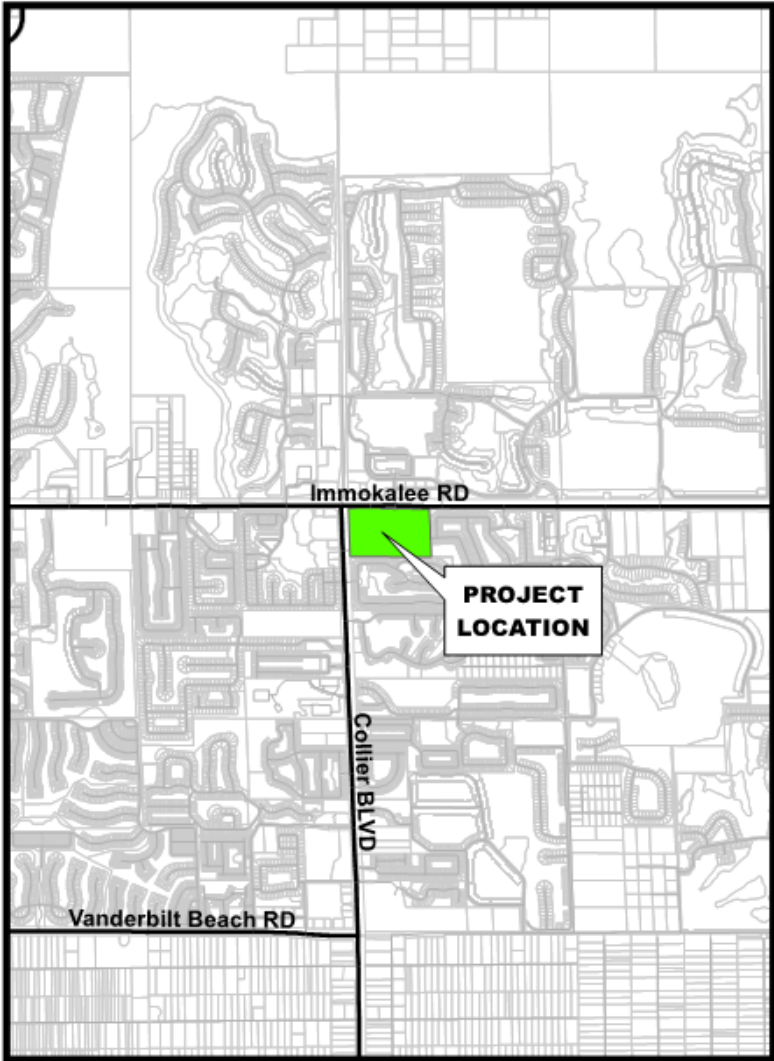
Christopher O. Scott
Peninsula Engineering
2600 Golden Gate Pkwy
Naples, FL 34103

REQUESTED ACTION:

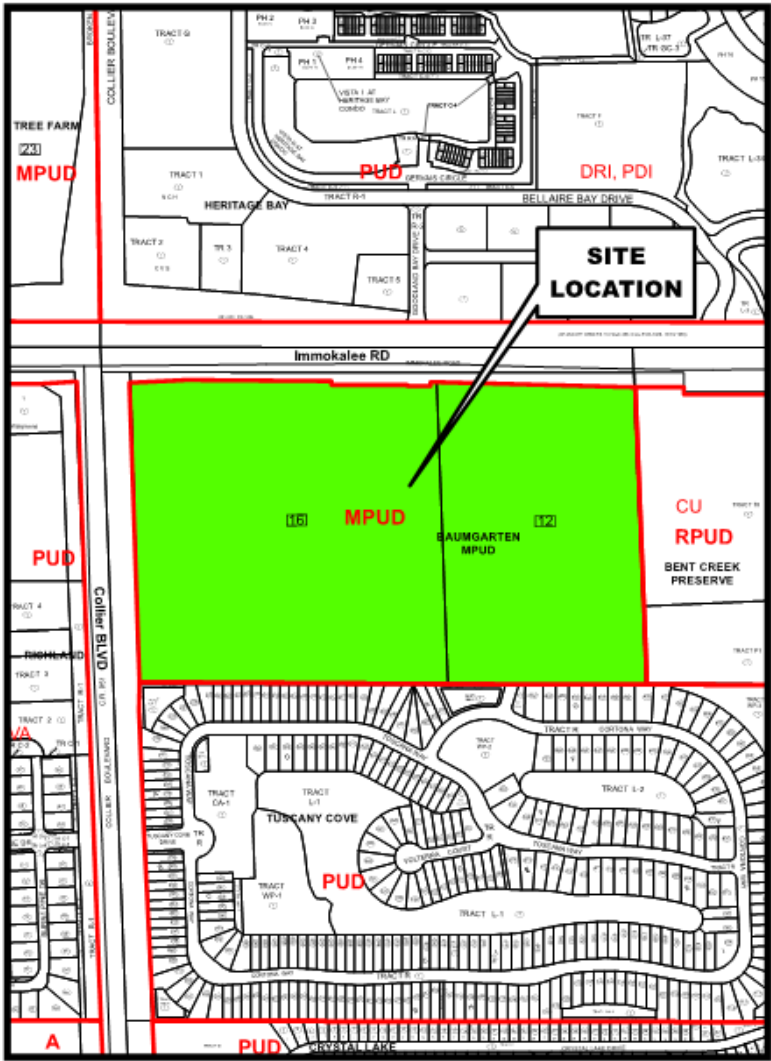
The petitioner requests that the Hearing Examiner approve an insubstantial amendment to the Baumgarten Mixed-Use Planned Unit Development (MPUD), Ordinance No. 19-11, as amended, Exhibit B, Section I, Mixed-Use Development Standards, by decreasing the required minimum yard setback from the eastern project boundary from 50 feet to 25 feet, removing the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the eastern project boundary to 35 feet zoned height and 45 feet actual height.

GEOGRAPHIC LOCATION:

The Baumgarten MPUD comprises 55.66± acres located at the southeast quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 26, Township 48 South, Range 26 East, Collier County, Florida.



Location Map



Zoning Map

Petition Number: PL20210000379



PURPOSE AND DESCRIPTION OF PROJECT:

The Baumgarten MPUD was originally approved by Ordinance No. 2019-11 to allow up to 270,000 square feet of commercial uses and 400 residential units. An Insubstantial Change, HEX 2020-15 as corrected by HEX 2020-27, was subsequently approved to add deviations for a potential facility with fuel pumps. The applicant now seeks an Insubstantial Change to amend Exhibit B, Section 1, Mixed-Use Development Standards by changing the minimum yard requirement from the eastern project boundary. Said change includes:

- Setback to the eastern project boundary reduced from 50 feet to 25 feet;
- Removal of the provision that any building exceeding 50 feet in height increase its setback to the eastern project boundary by one foot for each foot exceeding 50 feet of zoned height; and
- Limits the maximum height of principal structures within 50 feet of the eastern project boundary to 35 feet zoned height and 45 feet actual height.

This development standard is intended to only affect Tract H-2 which is a 1.01± acre commercial outparcel measuring approximately 150 feet in width. The reduced setback is intended to allow greater design flexibility for the subject outparcel.

SURROUNDING LAND USE AND ZONING:

North: Immokalee Road (Right-of-Way) then Heritage Bay MPUD-Commercial, Cameron Commons

East: Bent Creek Preserve - Residential

South: Tuscany Cove PUD - Residential

West: Collier Boulevard (Right-of-Way) then Richland PUD – Commercial, Pebblebrook Shopping Center



Collier County GIS

STAFF ANALYSIS:

The proposed 25-foot yard is consistent with the minimum yard requirements for commercial zoning districts adjacent to residential districts or uses as provided in LDC Section 4.02.01 Table 2.1. The applicant further states that the eastern boundary of Tract H-2 includes a 15-foot Type B buffer consisting of trees planted every 25 feet on center, a continuous 5-foot tall hedge, and an 8-foot concrete wall. The property to the east of Tract H-2 is located within the Bent Creek Preserve RPUD. The Phase 2B plat of the Bent Creek Preserve provides an open space tract with a 15-foot wide landscape buffer and retained native vegetation along its western boundary. The applicant contends that this open space tract, the existing buffers, 8-foot high wall and the proposed 25-foot setback provide sufficient separation between any proposed commercial building from the adjacent residential lots; staff concurs.

Comprehensive Planning: Approximately 36 acres of the subject site is identified as Urban Designation, Urban Commercial District, Mixed Use Activity Center #3; the remaining approximately 19.66 acres of the subject site is identified as Urban Designation, Mixed Use District, Urban Residential Subdistrict on the Future Land Use Map (FLUM) of the Growth Management Plan (GMP). The applicant is decreasing the building height in Tract H-2. The FLUE does not speak to height in this PUD; therefore, the project is consistent with the GMP.

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

Environmental Review: Environmental Planning staff has reviewed this petition. There are no impacts to sensitive habitat proposed by the proposed petition. This project does not require Environmental Advisory Council (EAC) review in accordance to LDC Section 2-1193 of the Collier County Codes of Laws and Ordinances. Environmental Services staff recommend **approval** of the proposed petition.

Transportation Element: Not applicable.

PLANNED UNIT DEVELOPMENT INSUBSTANTIAL CHANGE CRITERIA:

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

LDC Section 10.02.13.E.1 Criteria:**a. Is there a proposed change in the boundary of the Planned Unit Development (PUD)?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- i. **Are there any modifications to the PUD Master Plan or PUD document or amendment to a PUD ordinance which is inconsistent with the Future Land Use Element or other**

elements of the Growth Management Plan or which modification would increase the density of intensity of the permitted land uses?

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

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

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

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

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

LDC Section 10.02.13.E.2 Criteria:

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

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

DEVIATION DISCUSSION:

No deviations are being requested as part of this application.

NEIGHBORHOOD INFORMATION MEETING (NIM):

The applicant conducted a duly noticed and advertised NIM on May 19, 2021 at Saint Monica's Episcopal Church located at 7070 Immokalee Road, the meeting was simultaneously run on Zoom to allow for remote audience participation. The meeting, hosted by Chris Scott of Peninsula Engineering, was advertised to begin at 5:30 P.M. however didn't commence until 5:40 P.M. A brief overview of the development was provided which led to explanation of the purpose of the subject petition request. It was explained that the subject petition only affects one tract within the PUD, that identified as Tract H-2. Following the presentation, the floor was opened to questions from the audience. One audience member mentioned that the Bent Creek HOA has their meetings on Wednesdays and that tis meeting conflicted with that; Mr. Scott stated that he was unaware of that meeting and advised that there will be another opportunity for the public to speak at the public hearing before the Hearing Examiner, once scheduled. The meeting concluded at 6:05 P.M. with

nobody having registered to speak via Zoom. The NIM Summary and Sign-In Sheet are included within Attachment C.

CONCURRENT LAND USE APPLICATIONS:

There are no concurrent land use applications under review at the present time.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve petition PDI-PL20210000379 to amend Exhibit B, Section I, Mixed-Use Development Standards, of the Baumgarten MPUD, by decreasing the required minimum yard setback from the eastern project boundary from 50 feet to 25 feet, removing the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the eastern project boundary to 35 feet zoned height and 45 feet actual height.

Attachments:

- A. Proposed PUD Insubstantial Change Documents
- B. Findings of Fact of the original Rezone
- C. Applicant's Backup - Application and support documents
- D. Hybrid Meeting Waiver



SUPPLEMENTAL STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION-ZONING SERVICES SECTION

HEARING DATE: SEPTEMBER 9, 2021

SUBJECT: PDI-PL20210000379, BAUMGARTEN MPUD - FOUNDERS SQUARE TRACT H-2 PDI

This petition previously appeared on the August 12, 2021, HEX Agenda. Staff was notified by the applicant prior to the meeting that their sign contractor had failed to post the required Public Hearing signs in a timely manner. The applicant appeared before the Hearing Examiner on August 12, 2021 to formally request a continuance of the hearing to September 9, 2021. Given the circumstances, Staff agreed with the request for continuance. Accordingly, a continuance to September 9, 2021 was granted by the Hearing Examiner. The applicant's sign contractor posted the required Public Hearing signs on, or about, August 9, 2021 with the new hearing date being displayed on said signs. Additionally, since the original publication of the Staff Report for this petition, staff has received a letter of objection from the counsel of Bent Creek Homeowners Association, Inc. The Association is located to the east of the Founder's Square development. County staff notified the Association's counsel of the continuance immediately upon receipt of said correspondence.

The required newspaper ad for the August 12, 2021 hearing ran on July 23, 2021. As the meeting was continued to a date certain and less than 5-weeks has elapsed no additional advertising is required.

The previously submitted Staff Report remains unchanged; however, staff is adding the following Attachments:

Attachment E – Sign Posting Package; and
Attachment F – Bent Creek HOA letter of objection

EXHIBIT B

**BAUMGARTEN MPUD
DEVELOPMENT STANDARDS**

The tables below set forth the development standards for land uses within the Baumgarten MPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

I. MIXED- USE:

	PRINCIPAL USES		ACCESSORY USES	
MINIMUM LOT AREA	10, 000 Sq. Ft.		N/A	
AVERAGE LOT WIDTH	100 ft.		N/A	
MINIMUM YARDS (External)				
From Immokalee Road ROW	25 ft.		SPS	
From Collier Boulevard ROW	25 ft.		SPS	
From Eastern Project Boundary***	50 ft. <u>25 ft.</u>		15 ft.	
From Southern Project Boundary	200 ft. Minimum		200 ft. Minimum	
MINIMUM YARDS (Internal)				
Internal Drives/ ROW	10 ft.		10 ft.	
Rear	10 ft.		10 ft.	
Side	10 ft.		10 ft.	
Lakes (measured from control elevation)	25 ft.		20 ft.*	
Preserve	25 ft.		10 ft.	
MIN. DISTANCE BETWEEN STRUCTURES	1/2 the sum of building heights		10 ft.	
MAXIMUM HEIGHT***	ZONED	ACTUAL	ZONED	ACTUAL
Retail Buildings	45 ft.	65 ft.	35 ft.	45 ft.
Office Buildings and Hotel/ Motel	55 ft.	65 ft.	35 ft.	45 ft.
MINIMUM FLOOR AREA (ground floor)	1,000 sq. ft. **		N/A	
MAXIMUM GROSS COMMERCIAL AREA	270,000 sq. ft.		N/A	

- * No structure may be located closer than 20 feet to the control elevation of a lake (allowing for the required minimum 20-foot wide lake maintenance easement).
- ** Per principal structure. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall be subject to the accessory structure standards set forth in the LDC.
- *** Any building located within exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary is limited to a maximum zoned height of 35 ft. and a maximum actual height of 45 ft. No dumpster enclosure permitted within 105 feet of the eastern PUD boundary.

Note: Residential dwellings may be constructed above retail or office use.

and objectives of the GMP regarding adequate public facilities, except as may be exempt by federal regulations. This petition has been reviewed by County staff responsible for jurisdictional elements of the GMP as part of the amendment process, and those staff persons have concluded that no Level of Service will be adversely impacted with the commitments contained in the PUD Document. The concurrency review for APF is determined at the time of SDP review. The activity proposed by this amendment will have no impact on public facility adequacy in regard to utilities.

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

To be determined by the BCC during its advertised public hearing.

PUD FINDINGS:

LDC Section 10.02.13.B.5 states that "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria:"

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

The area is suitable for the proposed type and pattern of commercial and residential development. However, as discussed in the Zoning Review section of this Staff Report, staff has recommended Conditions of Approval 2 and 3 to address potential incompatibilities along the shared boundaries with residential development:

2. Any building located within 50 feet of an external residential PUD boundary shall be setback an additional 1-foot for each foot of zoned height over 50 feet.
3. When an Amenity building or use is located less than 100 feet from a residential PUD boundary, a 15-foot wide Type B landscape buffer with a 6-foot high wall shall be provided.

Transportation planning staff has reviewed the petition for compliance with the GMP and the LDC and can recommend approval subject to the Conditions of Approval outlined in the Transportation Element and the development commitments for transportation contained in Exhibit F of the PUD Document.

Water and wastewater transmission mains are readily available within the Collier Boulevard right-of-way, and there is adequate water and wastewater treatment capacity to serve the proposed PUD. The PUD Document includes commitments to provide main water stub-outs for water distribution system looping with the adjacent developments of Bent Creek Preserve to the east and Tuscany Cove to the south. These commitments will not be required if the residential tract is master metered.

4. Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for Rezones in those proposed, particularly as they may relate to

arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense.

Documents submitted with the application provided satisfactory evidence of unified control of the property. Additionally, the development will be required to gain SDP approval. These processes will ensure that appropriate stipulations for the provision of, continuing operation of, and maintenance of infrastructure will be provided by the developer.

5. *Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the GMP.*

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

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

The proposed landscaping and buffering standards are compatible with most of the adjacent uses. Staff has recommended Conditions of Approval 2 and 3 (listed under PUD Finding 1) to address potential incompatibilities along the shared boundaries with residential development.

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

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

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

Collier County has sufficient treatment capacity for water and wastewater service to the project.

The roadway infrastructure is sufficient to serve the proposed project, as noted in the Transportation Element consistency review. Operational impacts will be addressed at time of first development order (SDP or Plat), at which time a new TIS will be required to demonstrate turning movements for all site access points. Finally, the project's development must comply with all other applicable concurrency management regulations when development approvals, including but not limited to any plats and or site development plans, are sought.

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

The area has adequate supporting infrastructure, including Collier County Water-Sewer District potable water and wastewater mains, to accommodate this project.

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

This criterion essentially requires an evaluation of the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district. The petitioner is seeking three deviations related to street width, directory signs and ground signs.

Please, refer to the Deviation Discussion portion of the staff report below for a more extensive examination of the deviations.

Deviation Discussion:

The petitioner is seeking three deviations from the requirements of the LDC. The deviations are directly extracted from PUD Exhibit F. The petitioner's rationale, and staff analysis/recommendation are outlined below.

Deviation #1

"Deviation #1 seeks relief from LDC Section 6.06.01. "Street System Requirements" and "Appendix B, Typical Street Sections and Right-of-Way Design Standards." The LDC establishes a minimum 60-foot right-of-way width for local streets. This deviation proposes to instead allow for private roads within the site to be located in a 50-foot wide access easement or right-of-way, as shown on the Master Plan and in Exhibit E1, Deviation #1 Cross Section."

Petitioner's Justification: The petitioner states the following in support of the deviation:

The number of lanes and required lane width can be accommodated within the proposed 50-foot access easements or rights-of-way, and the reduction in the minimum required width will provide for a more efficient and compact development project.

Staff Analysis and Recommendation: Zoning and Land Development Review staff **recommends APPROVAL**, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety, and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation #2

"Deviation #2 seeks relief from LDC Section 5.06.04.F.3, "Directory Signs," which requires a Directory Sign to be a maximum of 20 feet in height and a maximum of 200 square feet, to instead allow the Directory Sign located at the Collier Boulevard entrance to the MPUD to be a maximum of 25 feet in height and a maximum of 250 square feet in size."

Petitioner's Justification: The petitioner states the following in support of the deviation:



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

INSUBSTANTIAL CHANGE TO A PUD (PDI)

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

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

PETITION NO
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): BCHD Partners II, LLC
Name of Applicant if different than owner: Peninsula Engineering
Address: 2600 Golden Gate Parkway City: Naples State: FL ZIP: 34103
Telephone: 239-262-2600 Cell: Fax:
E-Mail Address:

Name of Agent: Christopher O. Scott
Firm: Peninsula Engineering
Address: 2600 Golden Gate Pkwy City: Naples State: FL ZIP: 34103
Telephone: 239-262-2600 Cell: Fax:
E-Mail Address: CScott@pen-eng.com

DETAIL OF REQUEST

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



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PROPERTY INFORMATION

PUD NAME: Baumgarten MPUD **ORDINANCE NUMBER:** 2019-11
FOLIO NUMBER(S): 33155000184,33155000100,33155000126,33155000142,33155000168

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

Attach on a separate sheet, a written description of the map or text change.

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

If no, please explain: _____

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

If yes, in whose name? BCHD Partners II, LLC

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

Are any changes proposed for the area sold and/or developed? ☐ Yes ☒ No

If yes, please describe on an attached separate sheet.



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

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Pre-Application Meeting notes <i>(email waiving pre-app meeting)</i>	1	☒	☐
Project Narrative, including a detailed description of proposed changes and why amendment is necessary	1	☒	☐
Detail of request	1	☒	
Current Master Plan & 1 Reduced Copy	1	☒	
Revised Master Plan & 1 Reduced Copy	1	☒	
Revised Text and any exhibits	☐	☒	☐
PUD document with changes crossed through & underlined	☐	☒	☐
PUD document as revised with amended Title Page with Ordinance #	☐	☐	☐
Warranty Deed	☐	☒	☐
Legal Description	1		☒
Boundary survey, if boundary of original PUD is amended	☐	☐	☒
If PUD is platted, include plat book pages	☐	☒	☐
List identifying Owner & all parties of corporation	1	☒	☐
<u>Affidavit of Authorization, signed & notarized</u>	1	☒	
<u>Completed Addressing Checklist</u>	1	☒	
<u>Property Ownership Disclosure Form</u>	1	☒	
Copy of 8 1/2 in. x 11 in. graphic location map of site	1	☒	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	☐	☒	☐
*If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement.			

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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



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

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

FEE REQUIREMENTS

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

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

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

All checks payable to: Board of County Commissioners.

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

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

Agent/Owner Signature

02/18/2021

Date

Christopher O. Scott, AICP

Applicant/Owner Name (please print)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) Baumgarten PUD Insubstantial Change

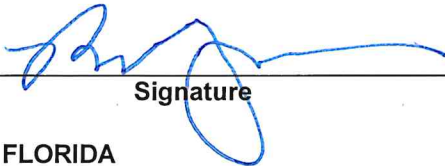
I, Brian Goguen (print name), as Manager (title, if applicable) of BCHD Partners II, LLC (company, if applicable), swear or affirm under oath, that I am the (choose one) owner ☒ applicant ☐ contract purchaser ☐ and that:

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

***Notes:**

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

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



Signature

02/10/2021

Date

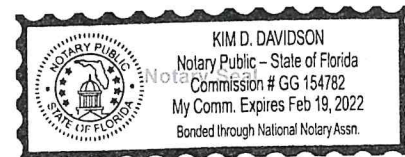
STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10 day of February, 2021, by (printed name of owner or qualifier) Brian Goguen.

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

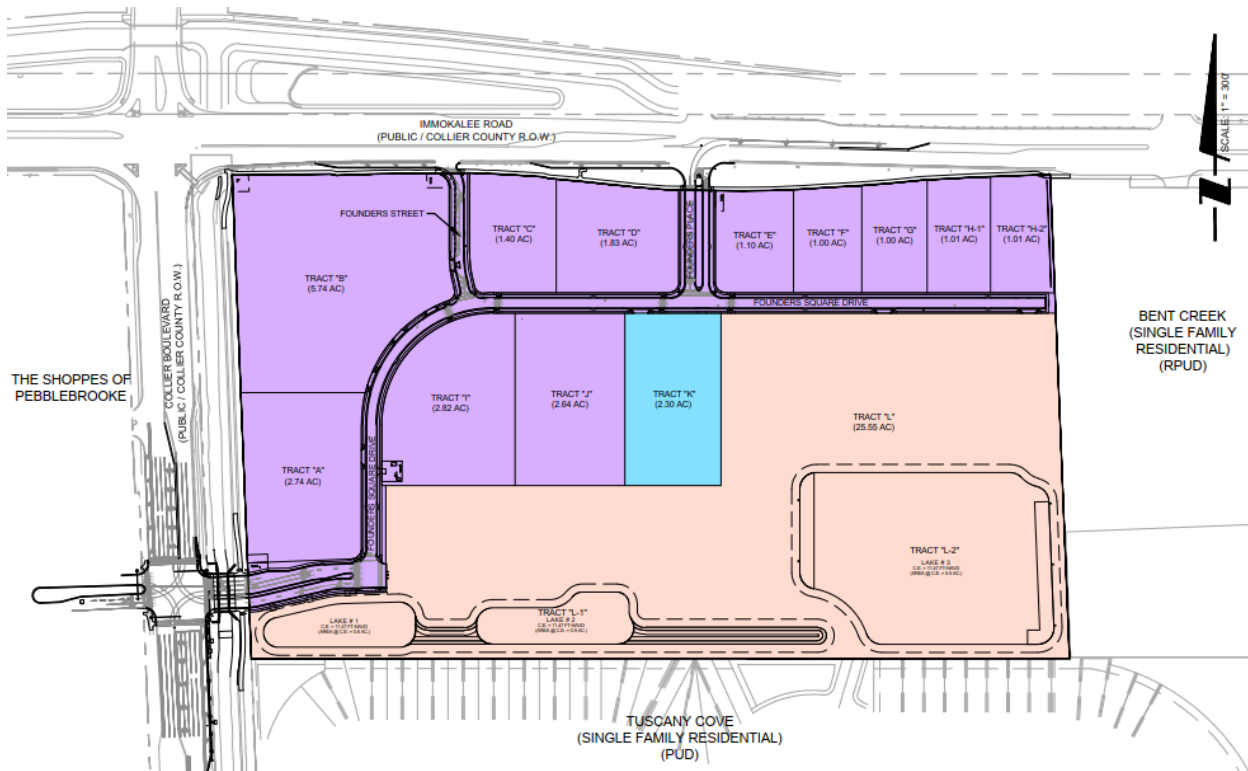
- ☒ Are personally known to me
- ☐ Has produced a current drivers license _____
- ☐ Has produced _____ as identification.

Notary Signature: _____



**BAUMGARTEN MPUD (PL)
PROPERTY OWNER LIST**

Parcel ID Number	Tract	Name and Address
33155000029	A	BCHD Partners II, LLC 2600 Golden Gate Pkwy Naples, FL 34105
33155000045	B	
33155000061	C	
33155000087	D	
33155000100	E	
33155000126	F	
33155000142	G	
33155000168	H-1	
33155000184	H-2	
33155000207	I	
33155000233	J	
33155000809	R1	
33155000249	K	Founders Square Storage, LLC 6728 Jamestown Dr Alpharetta, GA 30005
33155000265	L	DD Pelican, LLC 403 Corporate Center Dr., Suite 201 Stockbridge, GA 30281
33155000760	L-1	
33155000786	L-2	



Prepared by:

Matthew L. Grabinski, Esq.
Coleman, Yovanovich & Koester, P.A.
The Northern Trust Bank Building
4001 Tamiami Trail North, Suite 300
Naples, FL 34103
239-435-3535
File Number: 3623.104

After Recording Return to:

Collier Insurance Agency, LLC
Attn: Brad Stockham
2600 Golden Gate Parkway
Naples, FL 34105
239-262-2600

Parcel Identification No's: 001923600001 and 00192920001

[Space Above This Line For Recording Data]

Special Warranty Deed

This Indenture made this 16th day of January, 2020, between **Tree Plateau Co., Inc.**, a Delaware corporation, whose address is 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808 ("Grantor"), and **BCHD Partners II, LLC**, a Florida limited liability company, whose post office address is whose address is c/o Halstatt Fund, 2600 Golden Gate Parkway, Naples, Florida 34105 ("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 successors and assigns of entities)

Witnesseth that Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations has granted, bargained, and sold to Grantee the following described land located in Collier County, Florida, to-wit:

See Exhibit "A", attached hereto

Subject to: all restrictions, reservations, easements and matters of record as listed on Exhibit "B", attached hereto, general or special taxes and assessments for the year 2020 and subsequent years, as well as zoning ordinances of Collier County, Florida.

and 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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but against none other.

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:

Signatures appear on following page

Witnesses:

Carol Potter
Print Name: CAROL Potter

Tree Plateau Co., Inc.,
a Delaware corporation

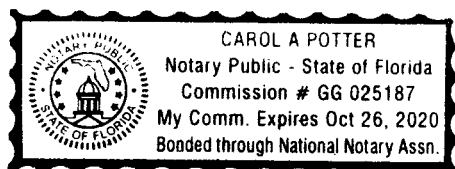
By: [Signature]
Print Name: Richard S. Talford
Its: President

Gene M. Franz
Print Name: GENE M. Franz

State of Florida
County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 15th day of January, 2020 by Richard S. Talford, as President of Tree Plateau Co., Inc., a Delaware corporation, on behalf of the corporation. He ☒ is personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



Carol A. Potter
Notary Public

Printed Name: CAROL A. Potter

Commission Expires: 10/26/20

Exhibit "A"**Legal**

All of Founders Square according to the plat thereof recorded in Plat Book 67 page 9 through 12,
Public Records of Collier County, Florida.



Exhibit "B"
Exceptions to Title

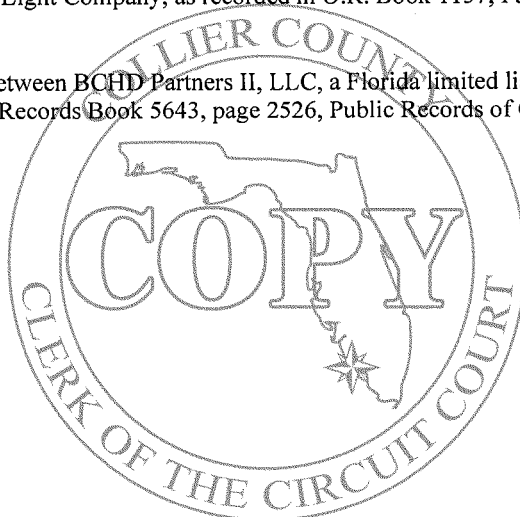
Declaration of Covenants, Conditions and Restrictions of Founders Square as recorded in Official record Book 5714 Page 2253, Public Records of Collier County, Florida.

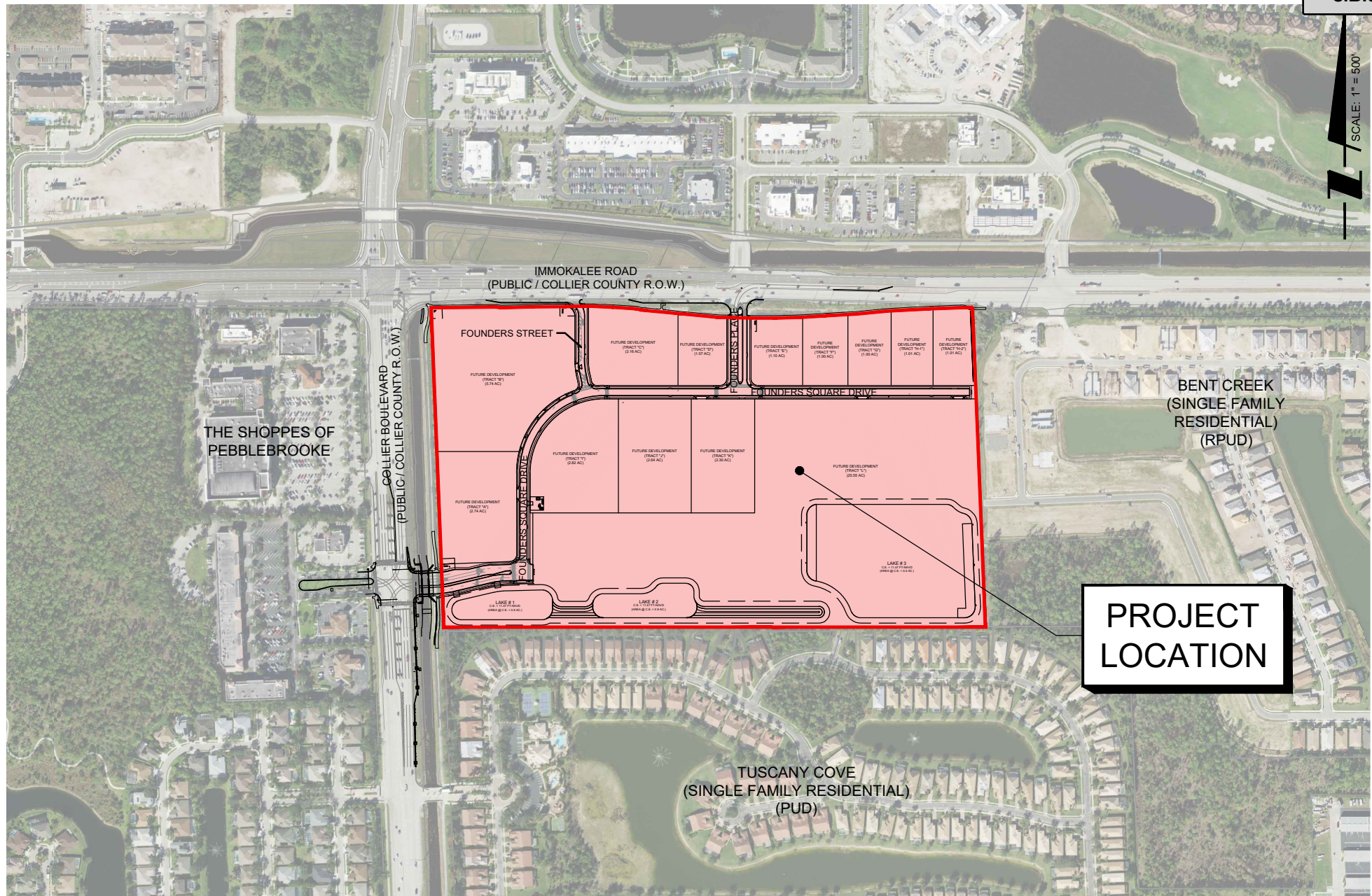
All matters contained on the plat of Founders Square as recorded in Plat Book 67, pages 9 through 12 of the public records of Collier County, Florida.

Reservations of Oil, Gas and Mineral Rights recorded in Deed Book 30, page 91 and Deed Book 37, page 51, all of the Public Records of Collier County, Florida.

Easement to Florida Power and Light Company, as recorded in O.R. Book 1157, Page 704, of the Public Records of Collier County, Florida.

Developer Agreement by and between BCHD Partners II, LLC, a Florida limited liability company and Collier County, as recorded in Official Records Book 5643, page 2526, Public Records of Collier County, Florida.





PROJECT NARRATIVE AND DETAIL OF REQUEST

BACKGROUND:

The Baumgarten MPUD is located at the southeast intersection of Immokalee Road and Collier Boulevard. The MPUD was originally approved by Ordinance 2019-11 to allow for up to 270,000 square feet of commercial uses and 400 residential units. The MPUD Master Plan includes 20-acres of Mixed Use (MU), 10-acres of Residential, and 14-acres Mixed Use or Commercial (MU/R).

In 2020, the MPUD was approved an Insubstantial Change to add deviations for potential facility with fuel pumps (HEX 2020-15 and HEX 2020-27).

A Construction Plan and Plat application (PPL, PL20190000344) was approved in December 2019 and the associated plat (Founders Square) was recorded January 8, 2020 (PB 67, PGS 9-12).

To date, the MPUD has been approved the following development orders:

- Haldeman Luxury Apartments: Site Development Plan (SDP, PL20190000132) was approved for 400-unit apartments on Tract L.
- Founders Square Medical Office Building: Site Development Plan (SDP, PL20190001346) was approved for 34,275 square feet medical office building on Tract A.
- Founders Square Storage: Site Development Plan (SDP, PL20190002076) was approved for a 109,457 square feet indoor self-storage building on Tract K.
- The Pointe at Founders Square: Site Development Plan (SDP, PL20190001486) was approved for 39,664 square feet commercial shopping center on Tract B.

REQUEST:

The Applicant is requesting an Insubstantial Change to the Baumgarten MPUD to amend Exhibit B, Section 1, Mixed-Use Development Standards by changing the minimum yard requirement from the eastern project boundary. This change is considered insubstantial as detailed below. Specifically, this change includes:

- Reduces setback to the Eastern Project Boundary from 50' to 25';
- Removes the provision that any building exceeding 50' in height shall increase its setback to the Eastern Project Boundary by one foot for each foot exceeding 50 feet of zoned height; and
- Limits the maximum height of principal structures within 50' of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height.

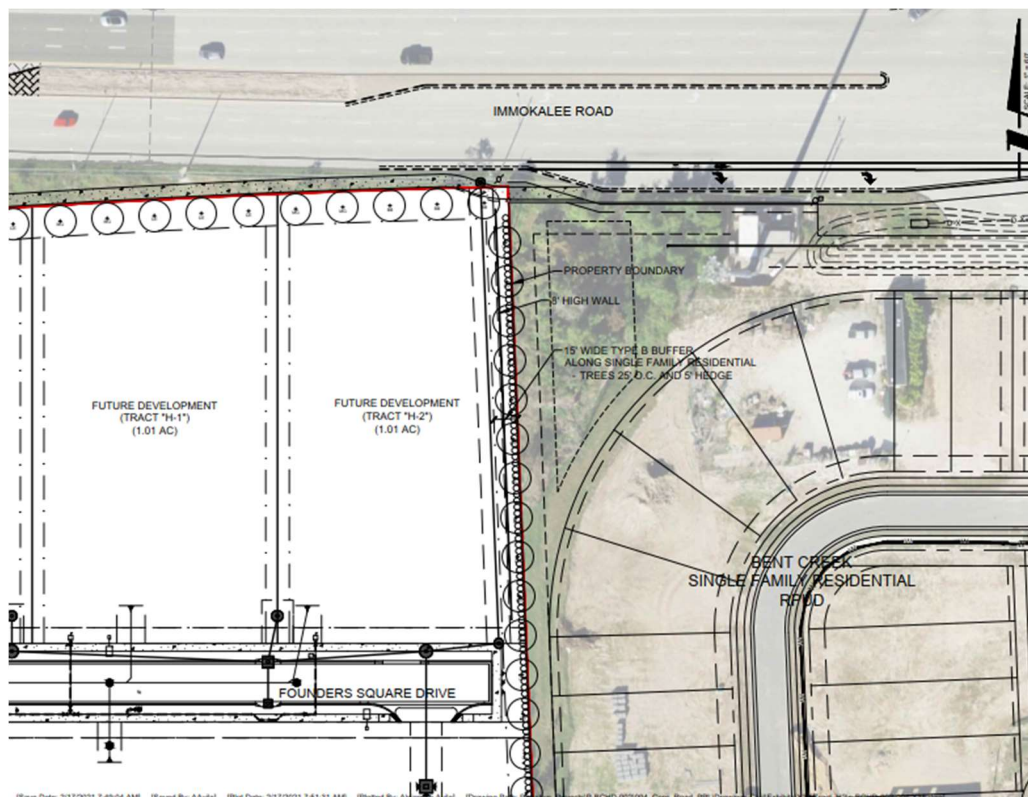
The existing development standards for the Mixed-Use portion of the PUD require a 50' minimum yard to the eastern project boundary that is shared with Bent Creek RPUD. Buildings over 50' tall are required to increase the setback an additional foot for each additional foot above 50'. This development standard only affects Tract H-2, which is a 1.01-acre commercial outparcel measuring approximately 150 feet in width. The setback reduction will provide greater design flexibility for this commercial outparcel.

The proposed 25' yard is consistent with minimum yard requirements for commercial zoning districts adjacent to residential districts or uses, as provided in LDC Section 4.02.01 Table 2.1.:

Table 2.1 - TABLE OF MINIMUM YARD REQUIREMENTS (SETBACKS) FOR BASE ZONING DISTRICTS

Zoning district	Minimum Front Yard (feet)	Minimum Side Yard (feet)		Minimum Rear Yard (feet)		Public School Requirements
		Residential	Non-residential	Residential	Non-residential	
C-1	25	25	15	25	15	x
C-2	25	25	15	25	15	x
C-3 ³	c	25	a	25	a	x
C-4 ⁴	d	25	a	25	a	x
C-5 ⁴	25	25	15	25	15	x

The eastern boundary of Tract H-2 includes a 15' Type B buffer consisting of trees planted every 25-feet on center, a continuous 5' tall hedge and an 8' concrete wall. To the east of Tract H-2 is Bent Creek Preserve RPUD. Bent Creek Preserve, Phase 2B plat provides an open space tract with a 15-foot wide landscape buffer and retained native vegetation along its western boundary. This open space tract, the existing buffers, 8' tall wall and proposed 25' setback provides sufficient separation between any proposed commercial building from the adjacent residential lots.



To further reduce potential impacts of the reduced setback, the building height for any building located within 50' of the eastern project boundary is being limited to 35-foot zoned height and 45-foot actual height. These height limitations are consistent with the existing requirements for accessory structures within the Mixed Use District, which are permitted to be located 15' from the Eastern Project Boundary.

COMPLIANCE WITH LDC SECTION 10.02.13 E.:

The request complies with the insubstantial change criteria of LDC Section 10.03.13 E.:

- E. Changes and amendments. There are three types of changes to a PUD Ordinance: Substantial, Insubstantial, and Minor.
1. Substantial changes. Any substantial change(s) to an approved PUD Ordinance shall require the review and recommendation of the Planning Commission and approval by the Board of County Commissioners as a PUD amendment prior to implementation. Applicants shall be required to submit and process a new application complete with pertinent supporting data, as set forth in the Administrative Code. For the purpose of this section, a substantial change shall be deemed to exist where:
 - a. A proposed change in the boundary of the PUD;
The request does NOT include a change in the boundary of the PUD.
 - b. A proposed increase in the total number of dwelling units or intensity of land use or height of buildings within the development;
The request does NOT increase the number of dwelling units or intensity of land use or height of buildings within the development.
 - c. A proposed decrease in preservation, conservation, recreation or **open space** areas within the **development** not to exceed 5 percent of the total acreage previously designated as such, or 5 acres in area;
The request does NOT change preservation, conservation, recreation or open space areas.
 - d. A proposed increase in the size of areas used for nonresidential uses, to include institutional, commercial and industrial land uses (excluding preservation, conservation or **open spaces**), or a proposed relocation of nonresidential land uses;
The request does NOT increase areas or relocate areas for nonresidential land uses. The changes to the Mixed-Use Development standards does not increase or relocate areas designated as Mixed-Use on the Master Concept Plan and does not increase the amount of non-residential intensity permitted in the PUD.
 - e. A substantial increase in the impacts of the **development** which may include, but are not limited to, increases in traffic generation; changes in traffic circulation; or impacts on other public facilities;
The request does NOT increase impacts of development, such as traffic generation, circulation or impacts on other public facilities.
 - f. A change that will result in land use activities that generate a higher level of vehicular traffic based upon the Trip Generation Manual published by the Institute of Transportation Engineers;
The request does NOT change land use activities and does NOT generate higher level of vehicular trips.

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

The request does NOT result in a requirement for increased stormwater retention or increased stormwater discharges.

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

The request does NOT create incompatibility with, or negatively impact, adjacent land uses.

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

The request IS consistent with the Collier County Growth Management Plan

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

The request is NOT located within a DRI.

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

The request is NOT deemed a substantial modification and may be processed as an Insubstantial Change (PDI).

EXHIBIT B

**BAUMGARTEN MPUD
DEVELOPMENT STANDARDS**

The tables below set forth the development standards for land uses within the Baumgarten MPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

I. MIXED- USE:

	PRINCIPAL USES		ACCESSORY USES	
MINIMUM LOT AREA	10, 000 Sq. Ft.		N/A	
AVERAGE LOT WIDTH	100 ft.		N/A	
MINIMUM YARDS (External)				
From Immokalee Road ROW	25 ft.		SPS	
From Collier Boulevard ROW	25 ft.		SPS	
From Eastern Project Boundary***	50 ft. <u>25 ft.</u>		15 ft.	
From Southern Project Boundary	200 ft. Minimum		200 ft. Minimum	
MINIMUM YARDS (Internal)				
Internal Drives/ ROW	10 ft.		10 ft.	
Rear	10 ft.		10 ft.	
Side	10 ft.		10 ft.	
Lakes (measured from control elevation)	25 ft.		20 ft.*	
Preserve	25 ft.		10 ft.	
MIN. DISTANCE BETWEEN STRUCTURES	1/2 the sum of building heights		10 ft.	
MAXIMUM HEIGHT***	ZONED	ACTUAL	ZONED	ACTUAL
Retail Buildings	45 ft.	65 ft.	35 ft.	45 ft.
Office Buildings and Hotel/ Motel	55 ft.	65 ft.	35 ft.	45 ft.
MINIMUM FLOOR AREA (ground floor)	1,000 sq. ft. **		N/A	
MAXIMUM GROSS COMMERCIAL AREA	270,000 sq. ft.		N/A	

* No structure may be located closer than 20 feet to the control elevation of a lake (allowing for the required minimum 20-foot wide lake maintenance easement).

** Per principal structure. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall be subject to the accessory structure standards set forth in the LDC.

*** Any building located within exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary is limited to a maximum zoned height of 35 ft. and a maximum actual height of 45 ft. No dumpster enclosure permitted within 105 feet of the eastern PUD boundary.

Note: Residential dwellings may be constructed above retail or office use.



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership



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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership
BCHD Partners II, LLC	100%
Members of BCHD Partners II, LLC: BCAM, LLC & Metro Pelican, LLC	
Members of BCAM, LLC: Barron Collier Corporation &	
Barron Collier Partnership, LLLP	
Manager of Metro Pelican, LLC: Pelican Investors, LLC	

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:

Pelican Nursery MPUD – PL20170000768

Exhibit 1 Disclosure of Interest Information List Identifying Owner(s) and All Parties of Corporation

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

Tree Plateau Co. Inc. 100%
5637 Strand Boulevard, #201
Naples, FL 34110

Name and Address % of Ownership

Richard S. Talford, Sr., President
Gene M. Pranzo, Director
Carol Potter, Secretary and Treasurer

- 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:

BCAM, LLLP 50%
2600 Golden Gate Parkway
Naples, FL 34105

Name and Address % of Ownership

<u>Barron Collier Partnership, LLLP - LP</u>	<u>99.9000%</u>
Barron Collier Management, LLC	1.0000%
Juliet C. Sproul Family Inheritance Trust	24.7500%
Barron G. Collier III Lifetime Irrevocable Trust	24.7500%
Lamar Gable Lifetime Irrevocable Trust	12.3750%
FGVLIRT – Christopher D. Villere Family	4.1250%
FGVLIRT – Mathilde V. Currence Family	4.1250%
FGVLIRT – Lamar G. Villere Family	4.1250%
Phyllis G. Alden Lifetime Irrevocable Trust	12.3750%
Donna G. Keller Lifetime Irrevocable	12.3750%

<u>Barron Collier Corporation-GP</u>	<u>0.1000%</u>
Barron Collier III, President	
Katherine G. Sproul, Vice President	
Blakeslee R. Gable, Vice President	
Brian Goguen, Vice President	
Douglas E. Baird, Vice President	
Bradley A. Boaz, Secretary/Treasurer/Registered Agent	



Pelican Nursery MPUD – PL20170000768

Exhibit 1 Disclosure of Interest Information List Identifying Owner(s) and All Parties of Corporation

Shareholders

Juliet C. Sproul Family Inheritance Trust	25.0000%
Barron Collier III	25.0000%
Lamar Gable Revocable Trust dated 8/29/08	12.5000%
Frances G. Villere	12.5000%
Phyllis G. Alden	12.5000%
Donna G. Keller Irrevocable Trust	12.5000%

METRO PELICAN, LLC	50%
15205 Collier Blvd., Suite 205	
Naples, FL 34119	

<u>Name and Address</u>	<u>% of Ownership</u>
-------------------------	-----------------------

<u>Pelican Investors</u>	<u>66.67%</u>
Daniel J. Hughes	28.110%
Thomas Londres	16.410%
Stephen Niggeman	16.410%
Paul Rumley	16.410%
Glen Marvin	7.100%
Daniel Brickner and Carylyn von Schaumburg	7.100%
Joseph & Stephanie Dougherty h/w ATBTE	3.460%
Eric Mallory	5.000%

<u>IM951, LLC</u>	<u>33.33%</u>
Initus, Inc.	36%
Timothy Schneider	18%
Fredrickson Enterprises, Inc.	18%
Bruce Douglas Olson, PA	18%
Mangione Enterprises, Inc.	10%





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

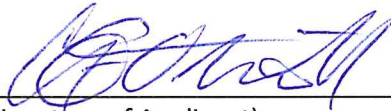
5/25/2024
Date

CHRISTOPHER SCOTT
Agent/Owner Name (please print)

AFFIDAVIT OF COMPLIANCE

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

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


 (Signature of Applicant)

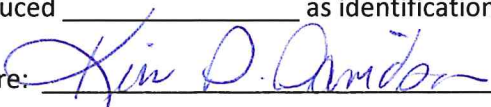
STATE OF FLORIDA
 COUNTY OF COLLIER

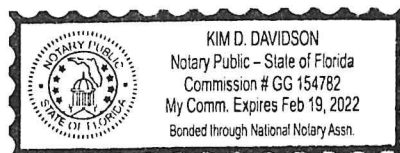
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 25th day of May, 2021, by Christopher O. Scott.

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

- ☒ Are personally known to me
☐ Has produced a current drivers license _____
☐ Has produced _____ as identification.

(Notary Seal)

Notary Signature: 



May 3, 2021

Dear Property Owner:

Please be advised that a formal Planned Unit Development Insubstantial Change (PDI) application has been submitted to Collier County for the Baumgarten MPUD, located at the southeast intersection of Immokalee Road and Collier Boulevard.

TITLE

Request for an insubstantial change to Ordinance No. 19-11, as amended, the Baumgarten Mixed Use Planned Unit Development (MPUD), Exhibit B, Section I, Mixed-Use Development Standards, by decreasing the required minimum yard setback from the Eastern Project Boundary from 50 feet to 25 feet, removing the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height, located at the southeast quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 26, Township 48 South, Range 26 East, Collier County, Florida. [PL20210000379]

In compliance with the Land Development Code, a Neighborhood Information Meeting (NIM) will be held to provide you an opportunity to become fully aware of the development intentions and give you an opportunity to comment and ask questions. The NIM will be held on Wednesday, May 19, 2021 at 5:30 pm at Saint Monica's Episcopal Church, 7070 Immokalee Road, Naples, FL 34119.

The meeting will be conducted simultaneously through Zoom. If you are not able to attend the meeting in person and wish to attend via Zoom, please email me at CScott@pen-eng.com prior to the meeting to obtain a link.

At this meeting, we will make every effort to illustrate the proposed request and answer any questions. Should you have questions prior to the meeting, please contact me.

Sincerely,

PENINSULA ENGINEERING

Christopher O. Scott

Christopher O. Scott, AICP

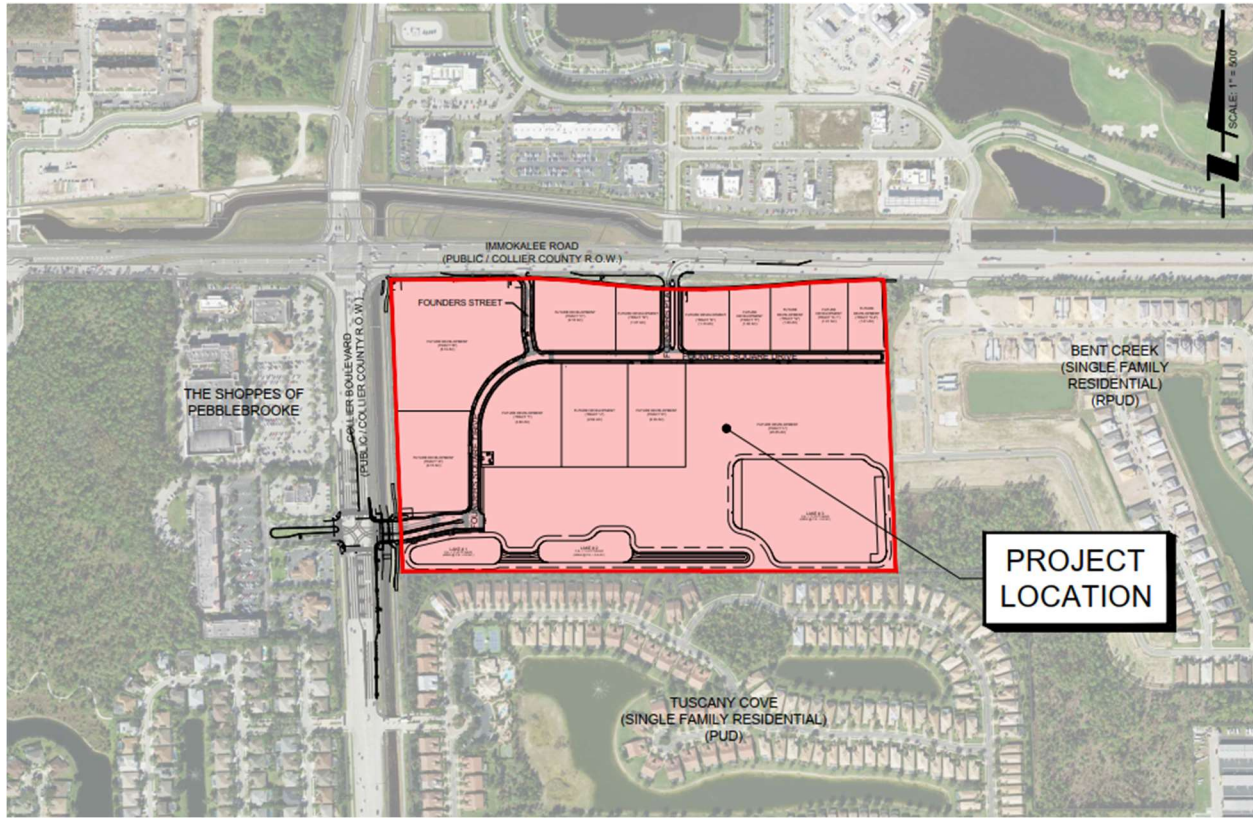
Zoning Manager

CScott@pen-eng.com

239-262-2600

Attachment: Attachment C - Hearing Package Backup (17824 : PL20210000379 PDI Baumgarten PUD Founder's Square)

PROJECT LOCATION



Timestamp
4/22/2021 13:47:28 (CDT)

City
Naples

Final Publication Date
5/4/2021 0:00:00 (CDT)

State
FL

Ad Number
GCI0637920

ZIP Code
34105

Publication
Daily News

Your Name
Michael Staley

Market
Naples

Email Address
mstaley@gannett.com

Delivery Method
Both

Number of Affidavits Needed
1

Customer Email
cscott@pen-eng.com

Customer Name
Barron Collier Co Display

Customer Address
2600 Golden Gate Parkway
Naples, Florida 34105

Account Number (If Known)
504366

Name
Chris Scott

Street
2600 Golden Gate Parkway

Naples Daily News

PART OF THE USA TODAY NETWORK

Published Daily
Naples, FL 34110

BARRON COLLIER CO DISPLAY
2600 GOLDEN GATE PARKWAY
NAPLES, FL 34105
ATTN CHRISS SCOTT

Affidavit of Publication
STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared who on oath says that they serve as **legal clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

5/4/2021

Subscribed and sworn to before on May 4th, 2021:

Tara Mondloch

Notary, State of WI, County of Brown

TARA MONDLOCH
Notary Public
State of Wisconsin

My commission expires: August 6, 2021

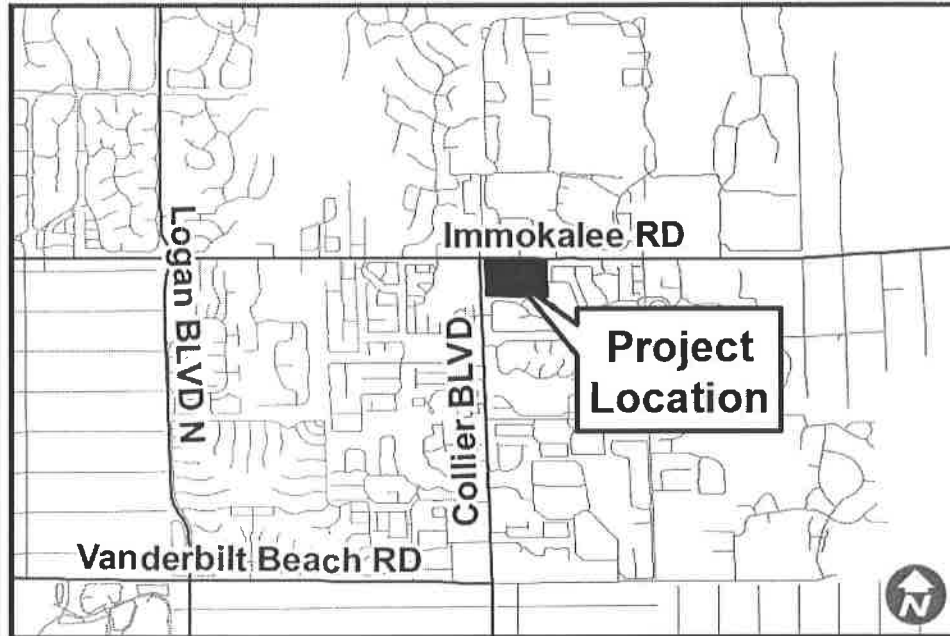
PUBLICATION COST: \$945.00
AD NO: GCI0637920
CUSTOMER NO: 504366
PO#: PUBLIC NOTICE

Attachment: Attachment C - Hearing Package Backup (17824 : PL20210000379 PDI Baumgarten PUD Founder's Square)

NEIGHBORHOOD INFORMATION MEETING

3.B.e

The public is invited to attend a neighborhood meeting held by Chris Scott of Peninsula Engineering, representing BCHD Partners II, LLC on May 19, 2021 at 5:30 pm at Saint Monica's Episcopal Church, 7070 Immokalee Road, Naples, FL 34119.



Request for an insubstantial change to Ordinance No. 19-11, as amended, the Baumgarten Mixed Use Planned Unit Development (MPUD), Exhibit B, Section I, Mixed-Use Development Standards, by decreasing the required minimum yard setback from the Eastern Project Boundary from 50 feet to 25 feet, removing the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height, located at the southeast quadrant of Immokalee Road (CR 846) and Collier Boulevard (CR 951) in Section 26, Township 48 South, Range 26 East, Collier County, Florida. [PL20210000379]

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owner/developer and Collier County staff. If you are unable to attend this meeting in person, but have questions or comments or wish to attend simultaneously through Zoom, please contact:

Chris Scott, Planning Manager
Peninsula Engineering
2600 Golden Gate Parkway, Naples, FL 34105
cscott@pen-eng.com (239) 403-2600

Attachment: Attachment C - Hearing Package Backup (17824 : PL20210000379 PDI Baumgarten PUD Founder's Square)

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

Petition: PL20210000379(PDI) | Buffer: 500' | Date: 4/1/2021 | Site Location: Baumgarten MPUD

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	LEGAL1	LEGAL2	LEGAL3	LEGAL4	FOLIO	ADDRESS
ABBOTT, ROBERT & SUSAN	10163 NW 48TH DR	79 PRIMROSE ST			CORAL SPRINGS, FL 33076--0	TUSCANY COVE	BLK F LOT 429			78532904169 U	
ADDONNETTO, MAURIZIO C	STEVEN J D'AMBROSIO	ATTN: JOANN LANE	1100 SUMMER ST #401		KATONAH, NY 10536--3105	TUSCANY COVE	BLK A LOT 237			78532901285 U	
ADVANCED ORANGESBURG LLC	STANFORD, CT 10824--0				STANFORD, CT 10824--0	HERITAGE BAY COMMONS TRACT D	REPLAT LOT 1			49660084469 U	
AGUILAR, JOHN J & JULIANN P	9103 WOODHURST DR	JESSICA ARLENE AGUILAR			NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK C LOT 586			23915011283 U	
AGUILAR, JOHN J & JULIANN P	9099 WOODHURST DR	CATHY ANN ALLEN			NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK C LOT 587			23915012306 U	
ALLEN, MILLARD TROY	9089 GLENFOREST DR				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 212			78532900781 U	
ALTMAN, SVETLANA	2119 ISLA DE PALMA CIR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK E LOT 599			23915012542 U	
ALTON, DARNELL LEE & KAREN	LINDSAY ANN AMEN				NAPLES, FL 34119--0	TUSCANY COVE	BLK K LOT 234			78532901023 U	
AMEN III, HENRY FRANCIS	3039 ELLICE WAY				NAPLES, FL 34119--1603	TUSCANY COVE	BLK F LOT 440			78532904567 U	
AMERIVEN LLC	9096 GLENFOREST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLK D LOT 332			78532903186 U	
BANDUS, MICHAEL & KARLA A	ATT CORP RE ASSE NC1 001 03 81	101 N TRYON ST			CHARLOTTE, NC 28255--1	PEBBLEBROOKE COMM PHASE IV	BLOCK D LOT 514			23915011048 U	
BANK OF AMERICA NA	% HALSTATT FUND	% HALSTATT FUND			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT C			66261901429 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT D			33155000081 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT E			33155000100 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT F			33155000126 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT G			33155000142 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT H-1			33155000168 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT H-2			33155000184 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT I			33155000207 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT J			33155000223 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT R1			33155000809 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT A			33155000029 U	
BCHD PARTNERS II LLC	% HALSTATT FUND	2600 GOLDEN GATE PKWY			NAPLES, FL 34105--0	FOUNDERS SQUARE	TRACT B			33155000045 U	
BEAVERS, REBECCA A	NELLIE M CUMMINS	14978 TOSCANA WAY			NAPLES, FL 34120--683	TUSCANY COVE	BLK D LOT 349			78532903526 U	
BELL, TYLER & ANNA	15416 CORTONA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK F LOT 438			78532904347 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DR #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE PHASE 2B	TRACT 34			23915010188 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DR #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE	TRACT 12			23915011504 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DR #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE	TRACT P1			23915001427 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DRIVE #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE PHASE 2B	TRACT 33			23915010162 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DRIVE #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE PHASE 2B	TRACT 26			23915010023 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DRIVE #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE PHASE 2B	TRACT 32			23915010146 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DRIVE #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE PHASE 2B	TRACT H-1			23915010181 U	
BEN CREEK PRESERVE HOMEOWNERS	ASSOCIATION INC	1044 CASTELLO DRIVE #206			NAPLES, FL 34103--0	BENT CREEK PRESERVE PHASE 2B	TRACT R3			23915010227 U	
BERCI, RAUL & NATALIYA	14957 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 210			78532900749 U	
BINGHAM, DANIEL J & KAREN M	15464 CORTONA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK F LOT 447			78532904525 U	
BOUTIN, GARY J & SALLY	14994 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK D LOT 352			78532900384 U	
BRANTLEY, CHRISTOPHER VINCENT	19 CANNON DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	TRACT A			23915011721 U	
BRITZ, JOSEPH C & TATIANA O	15448 CORTONA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK F LOT 443			78532904444 U	
BRUNSMAN, EDWARD ARTHUR	NORA BRUNSMAN	6420 HUNTERS ROAD			NAPLES, FL 34109--0	BENT CREEK PRESERVE PHASE 2B	BLK A LOT 545			23915011666 U	
BRUSCATO, NORA	9052 GLENFOREST DRIVE				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK D LOT 525			23915011268 U	
BUDHIRAJA, HARPREET K	3320 PILOT CIRCLE				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK D LOT 524			23915011242 U	
BUHDOZ, JOSEPH & BERTHA	14940 TOSCANA WAY				NAPLES, FL 34120--683	TUSCANY COVE	BLK D LOT 341			78532903364 U	
CAMERON PARTNERS II LLC	11586 QUAIL VILLAGE WAY				NAPLES, FL 34119--0	HERITAGE BAY COMMONS TRACT D	TRACT R			49660084427 U	
CAMERON PARTNERS LLC	11586 QUAIL VILLAGE WAY				NAPLES, FL 34119--0	CAMERON COMMONS UNIT ONE TRACT 5	REPLAT TRACT R			25118010080 U	
CAMERON PARTNERS LLC	11586 QUAIL WAY				NAPLES, FL 34117--0	CAMERON COMMONS UNIT ONE TRACT 5	BLK F LOT 441			25118010103 U	
CAMPO, THOMAS J & LOUISE M	15436 CORTONA WAY				NAPLES, FL 34120--678	TUSCANY COVE	78532904402 U			78532904402 U	
CARLOS, JOSEPH JAMES	9102 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	TRACT 1			23915011501 U	
CARUSO, PAUL & ANNA	355 THOROUGHbred LN				ROSELLE, IL 60172--1152	TUSCANY COVE	BLK A LOT 536			78532901269 U	
CHRISTODOULAKIS, KOSITIS	MARIKA CHRISTODOULAKIS	22 TIMBER RIDGE CT			VALPARAISO, IN 46385--8513	TUSCANY COVE	BLK G LOT 459			78532904761 U	
COLEMAN, SCOTT	JOSHUA KAPLAN	15417 CORTONA WAY			NAPLES, FL 34120--676	TUSCANY COVE	BLK G LOT 469			78532904965 U	
COLLIER CNTY	3299 TAMiami TRAIL EAST	% OFFICE OF COUNTY ATTORNEY SUITE 800			NAPLES, FL 34112--0	FOUNDERS SQUARE	TRACT R2			33155000825 U	
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104--0	HERITAGE BAY COMMONS TRACT R-1	R/W AS DESC IN OR 4413 PG 3834			00190041463 U	
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104--0	HERITAGE BAY COMMONS TRACT R-1				49660084265 U	
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104--0	HERITAGE BAY COMMONS TRACT R-4				49660084281 U	
COLLIER CNTY	TRANSPORTATION RIGHT-OF-WAY	2885 HORSESHOE DRIVE S			NAPLES, FL 34104--0	PEBBLEBROOKE LAKES	AND THOSE PORTIONS OF TRACT A, TRACT J, TRACT K FOR R/W AS	DESC IN OR 4333 PG 4184		49660084320 U	
COMERO, HECTOR B NIRKA	1090 6TH AVE N				NAPLES, FL 34104--4961	BENT CREEK PRESERVE PHASE 2B	THAT PORTION OF TRACT R-1 DESC	IN OR 2397 PG 2190		66262004480 U	
COSTABILE II, RICHARD L	RACHAEL C COSTABILE	9083 WOODHURST DRIVE			NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK C LOT 591			23915011022 U	
COWLEY, DONNA LEE	15456 CORTONA WAY				NAPLES, FL 34120--678	TUSCANY COVE	BLK F LOT 445			78532904486 U	
CRONIN, STEPHEN R & CLARE M	15481 CORTONA WAY				NAPLES, FL 34120--676	TUSCANY COVE	BLK G LOT 453			78532904648 U	
CROWDER, DALE	10369 WILD TURKEY AVE				BONITA SPRINGS, FL 34135--0	TUSCANY COVE	BLK G LOT 457			78532904729 U	
CUOMO, ANTHONY M & PATRICIA A	19 CANNON DR				NEWTOWN, CT 06460--1745	BLK F LOT 426				78532903943 U	
CVS 75479 FL L L C	% CVS CAREMARK CORPORATION	1 CVS DR #8927-01			WOONSOCKET, RI 02895--6146	CAMERON COMMONS UNIT ONE TRACT 2				25118010048 U	
DAIGLE, ROBERT J	14927 VOLTERRA CT				NAPLES, FL 34120--687	TUSCANY COVE	BLK D LOT 328			78532903102 U	
DD PELICAN LLC	403 CORPORATE CENTER DR	SUITE 201			STOCKBRIDGE, GA 30281--0	FOUNDERS SQUARE	TRACT L			33155000265 U	
DD PELICAN LLC	403 CORPORATE CENTER DR	SUITE 201			STOCKBRIDGE, GA 30281--0	FOUNDERS SQUARE	TRACT L-1			33155000760 U	
DD PELICAN LLC	403 CORPORATE CENTER DRIVE	SUITE 201			STOCKBRIDGE, GA 30281--0	FOUNDERS SQUARE	TRACT L-2			33155000766 U	
DEAN III, JAMES EDWARD	JANE ELLEN DEAN	15480 CORTONA WAY			NAPLES, FL 34120--678	TUSCANY COVE	BLK F LOT 451			78532904606 U	
DEJESUS, KATHY S	15477 CORTONA WAY				NAPLES, FL 34120--676	TUSCANY COVE	BLK G LOT 454			78532904664 U	
DESIANO, VINCENT	9095 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK C LOT 588			23915012322 U	
DOMINIC, AJITH K	ELIZABETH S AJITH-KUMAR	9314 GLENFOREST DR			NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK D LOT 523			23915011226 U	
DONNELLY, ROBERT C	9151 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK B LOT 585			23915011267 U	
DUENAS, GERALDINA & CARLOS	15453 CORTONA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK G LOT 460			78532904787 U	
EDWARDS, BOBBI JO	9086 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK A LOT 533			23915011420 U	
EDWARDS, LAURA	9074 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK A LOT 530			23915011365 U	
EHMANN, KLAUS & EYVOR	14901 TOSCANA WAY				NAPLES, FL 34120--682	TUSCANY COVE	BLK F LOT 419			78532903986 U	
ELAN, ILAN	3570 ENTERPRISE AVE # 100				NAPLES, FL 34104--3604	TUSCANY COVE	BLK F LOT 418			78532903943 U	
EPHPHYTES LLC	3039 ELLICE WAY				NAPLES, FL 34119--1603	BENT CREEK PRESERVE PHASE 2B	BLOCK B LOT 581			23915012186 U	
ESPINOSA, JOSUE JAMIN	ALISA ESTELLE PAVLICK	2022 LAGUNA WAY			NAPLES, FL 34109--0	BENT CREEK PRESERVE PHASE 2B	BLOCK B LOT 532			23915011404 U	
FELICIANO, WILFREDITH & NANCY	15041 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 231			78532901162 U	
FLYNN, THERESA	MICHAEL BUCCINO	15017 TOSCANA WAY			NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 225			78532901049 U	
FLORES, FEDERICO & ANGELA	121 WINFIELD STREET				STATEN ISLAND, NY 10305--0	TUSCANY COVE	BLK D LOT 336			78532903267 U	
FOUNDERS SQUARE STORAGE LLC	CHILDCARE MCFARLAND LLC	6728 JAMESTOWN DR			ALPHARETTA, GA 30005--0	FOUNDERS SQUARE	TRACT K			33155000249 U	
FRASHERI, EDRIIT	15485 CORTONA WAY				NAPLES, FL 34120--676	TUSCANY COVE	BLK G LOT 452			78532904622 U	
FRENDT, MICHAEL J & DIANA	13788 COTTAGE DRIVE				GRAND HAVEN, MI 49417--0	BENT CREEK PRESERVE PHASE 2B	BLOCK D LOT 516			23915011080 U	
GASPAR, AMAURY & LEYANIS	14063 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 209			78532900723 U	
GREEN, BONNI SUE	2209 CANARY ISLAND CV				NAPLES, FL 34119--0	TUSCANY COVE	BLK A LOT 203			78532900680 U	
GENAO, RAISA	15057 TOSCANA WAY				NAPLES, FL 34120--685	TUSCANY COVE	BLK A LOT 235			78532901243 U	
GEORGIEVA, DANIELA	BORISLAV BORISOV	14924 TOSCANA WAY			NAPLES, FL 34120--0	TUSCANY COVE	BLK D LOT 337			78532903283 U	
GONZALEZ, YOHANNA LISBETH	9106 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK A LOT 538			23915011527 U	
GRECO, FRANK & CHRISTA K	14974 TOSCANA WAY				NAPLES, FL 34120--683	TUSCANY COVE	BLK D LOT 348			78532903500 U	
GURAJAPU, JAGADISH	BARBARA J PEARL	14915 VOLTERRA COURT			NAPLES, FL 34120--0	TUSCANY COVE	BLK D LOT 331			78532903160 U	
HAHN, DAVID ADAM	JAYASREE GURAJAPU	15461 CORTONA WAY			NAPLES, FL 34120--676	TUSCANY COVE	BLK G LOT 458			78532904745 U	
HENRY, JEREMY L	9138 WOODHURST DR				NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLK A LOT 546			23915011682 U	
HIGHLEY, ROBERT & GEORGIANA	SHELLEY L COCHRAN	9091 WOODHURST DR			NAPLES, FL 34120--0	BENT CREEK PRESERVE PHASE 2B	BLOCK C LOT 589			23915012348 U	
HUGHES, SCOTT E & TAPAS S	15473 CORTONA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK G LOT 455			78532904680 U	
INLAND PROPERTIES LLC	14973 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 214			78532900620 U	
ISAACS, COLIN & SHERON	2913 86TH ST SW				NAPLES, FL 34105--0	BENT CREEK PRESERVE PHASE 2B	BLOCK A LOT 536			23915011488 U	
ISATOIG2017 LLC	15005 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 222			78532900985 U	
JACKSON, JOSHUA THOMAS	14977 TOSCANA WAY				NAPLES, FL 34120--0	TUSCANY COVE	BLK A LOT 215			78532900846 U	
JACOBS, LORRAYNE & JOHN	KELLY ANN JACKSON	15441 CORTONA WAY			NAPLES, FL 34120--0	TUSCANY COVE	BLK G LOT 463			78532904842 U	
JEPSON, CORRINE	14990 TOSCANA WAY				NAPLES, FL						

Packet Pg. 108

Attachment: Attachment C - Hearing Package Backup (17824 : PL20210000379 PDI Baumgarten PUD

**BAUMGARTEN MPUD PDI (PL20210000379)
NEIGHBORHOOD INFORMATION MEETING SUMMARY**

Wednesday, May 19, 2021

BEGIN 5:40PM

Chris Scott: Welcome everyone, my name is Chris Scott, Planner with Peninsula Engineering. This is a Neighborhood Information Meeting for the Baumgarten PUD. We're requesting an Insubstantial Change. I'm sure you are all aware of the property. It's the old Fogg's Nursery, also known as Founders Square; there is definitely a lot going on currently if you driven by recently.

Also with me today is, back at the computer, Jessica Harrelson, another planner with Peninsula. John English and Dan Waters, two of our Engineers; Dan has been the primary project Engineer for most of the Founder's Square development. And Eric Mallory with Metro Commercial is the managing entity of the development.

This meeting is being broadcast on Zoom. We did not have anyone register, so I don't believe anyone is actually attending on Zoom.

Also, I would like to point out – I forgot to mention, John Kelly is the planner with Collier County who is reviewing the petition and Ray Bellows who is the Zoning Manager for Collier County. They are here as observers, I believe and not active participants.

So I'm going to skip through these Zoom slides since we don't have anyone on Zoom and get straight to the presentation. Since we're small in size we'll keep it somewhat informal and really open it up for you guys to have questions if you have any.

This is the location for Founders Square. The lots and streets you see are the platted lots and streets. On the north side is Immokalee Road and Heritage Bay. Bent Creek Preserve is immediately to the east; Tuscany Cove is to the south and Pebblebrook shopping center is across Collier Boulevard to the west.

Just a little background. The zoning was originally approved in June of 2019. This, as I said was the old Fogg's Nursery. Being at the intersection of Immokalee Road and Collier Boulevard it was identified as an Activity Center in Collier County's Future Land Use Map. When it was rezoned...

(Unintelligible) ...

Chris: Oh, Pelican Nursery. Excuse me. Yes, the school was Fogg's Nursery. So when it was rezoned it was zoned as a Mixed Use Planned Unit Development. It was approved for up to 270,000 square feet of commercial uses and 400 residential units. And last year there was an Insubstantial Change approved for some deviations. Those deviations included some additional ground signs for some of the outparcels and some landscape deviations for potential gas station.

Attachment: Attachment C - Hearing Package Backup (17824 : PL20210000379 PDI Baumgarten PUD Founder's Square)

A little more of the project history and the actual development going on out there. This aerial shows projects that are in the planning stages or actually in construction. The development approvals to date include the Founders Square Plat which laid out the internal streets, lots, master stormwater, utilities and buffers. After that, the Haldeman Luxury Apartments Site Development Plan were approved for 400 units, shown in yellow. The medical office building, just under 34000 square feet was approved on Collier Boulevard. Storage building and the Pointe, slightly under 40,000 square feet, mostly consisting of restaurant and retail uses. The County is also currently reviewing a site plan application for a 7-Eleven gas station that includes 16 fueling stations and it is located at the main entrance from Immokalee Road.

This request..you want me to go back; were you taking a picture?

No problem....did you get a picture? OK.

This Insubstantial Change request is to reduce a setback for the Mixed Use section of the Planned Unit Development. Currently there is a setback requirement to the Eastern Boundary of the PUD of 50 feet. The request is to lower that to 25 feet. This is limited to the Mixed Use Development Section so that only affects one outparcel in the very northeast corner of the development adjacent to Bent Creek Preserve. In addition to reducing the setback, we are proposing to lower the height of the building too so you don't get a tall building. The building height currently is 50', up to 55' for office. We are lowering that to 35' if you want to be located closer than 50' to the eastern property boundary. Again, this only affects one tract in the PUD which is identified as Tract H-2. It's the one that is highlighted on the Master Concept Plan.

This is a copy of the actual table and the text that is being changed. The portion that is highlighted is shown in a strikethrough underline format. So, it shows the 50 foot setback being reduced and the 25 foot setback being added. You can see those three asterisks; there is also three asterisks to the right. That is a footnote and it is shown on the right hand of the screen. That reflects the requirement to limit the height of the building to 35 zoned height and 45 actual height if a building is going to be located within 50 feet of the PUD boundary. I'd like to point out, if you're looking at this table, the 25 foot setback is greater than the 15 foot setback that is currently allowed for accessory structures on that lot. And the zoned height that we're proposing to limit it to is consistent with the zoned and actual heights for accessory structures that are allowed on that lot.

The property is buffered from...to bent Creek Preserve. There is a 15 foot Type B buffer that includes a 5' hedge, there's an 8 foot tall wall and trees. Additionally, there's a minimum 15' Type B buffer on Bent Creek's side as well. As you move north there's an indigenous vegetation area so... At a minimum you have a 30' of open space before you get to the residential lot and as you move north that increases to about 105 feet.

I've got some cross sections that kind of illustrate the current standard. As you're looking at this cross section. To the right would be Bent Creek Preserve with a 21' tall structure, which is consistent with the buildings that have been built there. Those

buildings have been setback 16 feet from the rear of their property line, then you have their 15 foot buffer before you reach the Founder Square property. Then you have another 15 foot buffer with a wall and an additional 10 feet that is part of a utility easement. This shows a 50 foot tall building with a 50 foot setback. With the proposed changes, we would allow a 35 tall building but it would be closer at 25 feet.

This is drone footage that was done on May 5 looking at the property from the north to the southwest. You can see Bent Creek in the foreground, then the construction and the apartments going up and the commercial outparcel is height behind the Bent Creek Section and I'm going to zoom in so you can see the buffers and the wall a little bit better. That shows the separation of where that reduced setback would be.

At this point I don't have anything else. If you have questions I'm happy to answer those.

Renalte Meyer: (Audio not picked up on Zoom recording. Italicized text is a summary) *Concerns on how cross sections were measured – they should be shown to the property line, not the houses. Concerns on construction going on and who maintains the buffer. Concerned with timing of the Neighborhood Meeting in that people cannot attend because they are on their way home from work at this time. Felt that her comments don't matter because it is a done deal.*

Chris: Thank you. This is proposed language, so it is not approved. The new verbiage we're proposing is to reduce the setback and the height. The process that's involved is that we have the NIM...

Renalte: *Concerned that Wednesdays are when Bent Creek has their HOA meeting*

Chris: I was not aware of their Board meeting schedule. So this will eventually get scheduled for a public hearing with the Hearing Examiner. So we're required to have this neighborhood meeting prior before the public hearing can be scheduled. There is another opportunity for public hearing and that is where the final decision will be made by the Hearing Examiner.

In regards to the setbacks, there is a 15 foot setback before you get to their property line and there is a 10' distance before the house. So there is a total of 15 feet from the Bent Creek property line and then 25 feet on the Founders Square side.

Renalte: *(unintelligible)*

Chris: Their lanai could be within 5 feet of the rear property line. This cross section is an actual cross section based on the spot survey for that house so it is reflective of the existing conditions. Any other questions?

Dale Walters: *Concerns with workers doing work after hours and on Sundays; have filed code complaints. Was told by Commissioners and attorney for client (Rich Yovonovich) that the development would provide a wall or screening between parking and Tuscan Cove to the south. Needed to block car lights in apartment parking lot aimed at residences.*

Chris: Dan, do you have any information on that?

Dan Waters: *In regards to issues with construction, those should be addressed by the general contractor for each building project. The PUD includes a commitment for a wall on the eastern boundary adjacent to Bent Creek, which is in. There is a fence on southern boundary and I'll look into whether there is additional requirement for screening within the fence.*

Chris: I don't have a copy with me, but I do recall the PUD including something regarding the entrance to Tuscany Cove interconnection and can follow up.

Renalte: *Concerns about the number of parking spaces for apartments. Does not seem to be enough parking.*

Chris: The Site Development Plan are reviewed to ensure they meet parking requirements. Generally, for multi-family it is one parking space per unit, plus visitor parking based on the size of the unit...number of bedrooms. And then there is additional requirement for recreational facilities.

Renalte: *Is it all parking lot...doesn't look like there is enough.*

Dan: *Most of the parking is surface lot but there are some units that have separate garages.*

Chris: Any other questions, comments, concerns? Then we'll end this meeting. I appreciate you coming out and expressing your concerns. We'll get you copies of the PUD and look into if there was a wall requirement. Thank you.

END 6:05 PM.

Baumgarten PUD Insubstantial Change (PL20210000379)
Neighborhood Information Meeting Sign-In Sheet

Wednesday, May 19, 2021 5:30-6:30
St. Monica's Episcopal Church

[illegible]

FOUNDERS SQUARE

A SUBDIVISION LOCATED IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA.NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE
OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND
WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY
OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE
ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT
MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

DEDICATIONS/RESERVATIONS

STATE OF FLORIDA
COUNTY OF COLLIER

KNOWN ALL MEN BY THESE PRESENTS THAT:

TREE PLATEAU CO., INC., A DELAWARE CORPORATION, THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED THIS PLAT
ENTITLED "FOUNDERS SQUARE" TO BE MADE AND DOES HEREBY DEDICATE OR RESERVE THE FOLLOWING:

- DEDICATE TO THE FOUNDERS SQUARE UMBRELLA ASSOCIATION, INC., ITS SUCCESSORS AND OR ASSIGNS:
 - TRACT "R1" (FOUNDERS SQUARE DRIVE, FOUNDERS STREET, & FOUNDERS PLACE), AS A PRIVATE ROAD RIGHT-OF-WAY, SUBJECT TO EASEMENTS DEPICTED THEREON (R.O.W., A.E., D.E., C.U.E. & P.U.E.), WITH RESPONSIBILITY FOR MAINTENANCE.
 - TRACTS "L-1" AND "L-2" (LAKE, L.M.E., A.E. AND D.E.) WITH RESPONSIBILITY FOR MAINTENANCE.
 - ALL ACCESS EASEMENTS (A.E.) AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
 - ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
 - ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) AS DEPICTED ON THE PLAT WITH RESPONSIBILITY FOR MAINTENANCE.
 - ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE BUT SUBJECT TO RESERVATION 2C BELOW AND SUBJECT FURTHER TO THE TERMS OF THE UMBRELLA DECLARATION.
 - ALL SIGN EASEMENTS (S.E.) AS DEPICTED ON THIS PLAT WITH RESPONSIBILITY FOR MAINTENANCE, AND SUBJECT TO THE RIGHTS OF SPECIFIC OWNERS AS TO SIGNAGE LOCATED THEREIN, PURSUANT TO THE TERMS OF THE UMBRELLA DECLARATION.
- RESERVE TO TREE PLATEAU CO. INC, A FLORIDA CORPORATION, ITS SUCCESSORS AND OR ASSIGNS:
 - TRACTS "A", "B", "C", "D", "E", "F", "G", "H-1", "H-2", "I", "J", "K", & "L" AS FUTURE DEVELOPMENT SUBJECT TO EASEMENTS DEPICTED THEREON.
 - TRACT "R2", AS A FUTURE ROAD RIGHT-OF-WAY RESERVATION WITH RESPONSIBILITY FOR MAINTENANCE, UNTIL THE CONVEYANCE TO COLLIER COUNTY PURSUANT TO THE BAUMGARTEN MPUD DEVELOPER AGREEMENT (O.R. 5643, PG. 2526, THE "DEVELOPER AGREEMENT"). COLLIER COUNTY WILL ASSUME RESPONSIBILITY FOR TRACT "R2" ONCE THE WARRANTY DEED HAS BEEN CONVEYED AND ACCEPTED BY COLLIER COUNTY.
 - THE RIGHT TO GRANT TO COLLIER COUNTY AND/OR ITS DESIGNEES, A NON-EXCLUSIVE UTILITY EASEMENT ALONG THE NORTH 20 FEET OF TRACTS "B", "C", "D", "E", "F", "G", "H-1", AND "H-2" TO ACCOMMODATE FUTURE FPL TRANSMISSION AND DISTRIBUTION LINES AS SET FORTH MORE PARTICULARLY IN SECTION 5 OF THE DEVELOPER AGREEMENT.
 - TRACTS "L-1" AND "L-2" (LAKE, L.M.E., A.E. AND D.E.) WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL ACCESS EASEMENTS (A.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) AS DEPICTED ON THE PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL SIGN EASEMENTS (S.E.) AS DEPICTED ON THIS PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE, AND SUBJECT TO THE RIGHTS OF SPECIFIC OWNERS AS TO SIGNAGE LOCATED THEREIN, PURSUANT TO THE TERMS OF THE UMBRELLA DECLARATION.
- DEDICATE TO COLLIER COUNTY, ITS FRANCHISES, AND GREATER NAPLES FIRE RESCUE DISTRICT:
 - A NON-EXCLUSIVE ACCESS EASEMENT (A.E.) OVER AND ACROSS TRACTS "R1" & "R2" (FOUNDERS SQUARE DRIVE, FOUNDERS STREET, & FOUNDERS PLACE), FOR THE PURPOSE OF PERMITTING EMERGENCY AND OTHER SERVICE VEHICLES TO ACCESS THE PROPERTIES DEPICTED ON THIS PLAT, WITH NO RESPONSIBILITY FOR MAINTENANCE.
- DEDICATE TO COLLIER COUNTY WATER-SEWER DISTRICT:
 - THAT ALL COUNTY UTILITY EASEMENTS (C.U.E.) FOR POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER SYSTEM(S) OR PORTION(S) THEREOF AND INGRESS AND EGRESS RIGHTS, WHERE APPROPRIATE, ARE PROVIDED TO THE COLLIER COUNTY WATER-SEWER DISTRICT TO OPERATE AND MAINTAIN POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER UTILITY SYSTEMS OR PORTION(S) THEREOF WITHIN THE PLATTED AREA AFTER FINAL CONVEYANCE TO THE CCWSO AND, WHERE APPLICABLE, TO INSTALL THE CCWSO'S CONNECTING UTILITY FACILITIES WITHIN SUCH EASEMENT(S), WITH NO RESPONSIBILITY FOR MAINTENANCE OF THE SURFACE EASEMENT AREA;
 - APPLICABLE POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER SYSTEM(S) OR PORTION(S) THEREOF CONSTRUCTED WITHIN THIS PLATTED AREA IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THE COLLIER COUNTY UTILITIES STANDARDS AND PROCEDURES ORDINANCE (2004-31), AS AMENDED, SHALL BE CONVEYED TO THE BOARD AS THE EX-OFFICIO GOVERNING BOARD OF THE COLLIER COUNTY WATER-SEWER DISTRICT UPON ACCEPTANCE OF THE ADDITIONS, EXTENSIONS, AND/OR IMPROVEMENTS REQUIRED BY THE PLAT.
- DEDICATE TO COLLIER COUNTY:
 - ALL DRAINAGE EASEMENTS (D.E.) AS SHOWN ON THE PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL ACCESS EASEMENTS (A.E.) AS SHOWN ON THE PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) AS SHOWN ON THE PLAT WITH NO RESPONSIBILITY FOR MAINTENANCE.
 - A SIDEWALK EASEMENT WITH RESPONSIBILITY FOR MAINTENANCE OVER A PORTION OF THE NORTHEAST CORNER OF TRACT "H-2" AS MORE SPECIFICALLY DEPICTED IN DETAIL "D" ON SHEET 4 OF 4 HEREOF.
- DEDICATE A NON-EXCLUSIVE PUBLIC UTILITY EASEMENT (P.U.E.) TO ALL LICENSED OR FRANCHISED PUBLIC OR PRIVATE UTILITIES AS SHOWN ON THIS PLAT FOR PUBLIC UTILITY PURPOSES, INCLUDING CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF THEIR RESPECTIVE FACILITIES, INCLUDING CABLE TELEVISION SERVICES.

ALL PUBLIC UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

- DEDICATE TO THE OWNER OF TRACTS "A", "B", "C", "D", "E", "F", "G", "H-1", "H-2", "I", "J", "K", & "L", ITS SUCCESSORS IN TITLE
 - A NON-EXCLUSIVE ACCESS EASEMENT (A.E.) OVER AND ACROSS TRACTS "R1" & "R2" (FOUNDERS SQUARE DRIVE, FOUNDERS STREET, & FOUNDERS PLACE) FOR THE PURPOSE OF PEDESTRIAN AND VEHICULAR INGRESS, EGRESS, AND PASSAGE, WITH NO RESPONSIBILITY FOR MAINTENANCE, BUT SUBJECT TO THE TERMS OF THE UMBRELLA DECLARATION.

IN WITNESS WHEREOF, THE UNDERSIGNED OWNERS HAVE CAUSED THESE PRESENTS
TO BE SIGNED THIS 6th DAY OF December, 2019, A.D.

WITNESSES:

Madeleine Richie
PRINTED NAME
Rebecca Acox
PRINTED NAME

TREE PLATEAU CO., INC.
A DELAWARE CORPORATION

Richard S. Talford
BY: RICHARD S. TALFORD, PRESIDENT

ACKNOWLEDGMENT

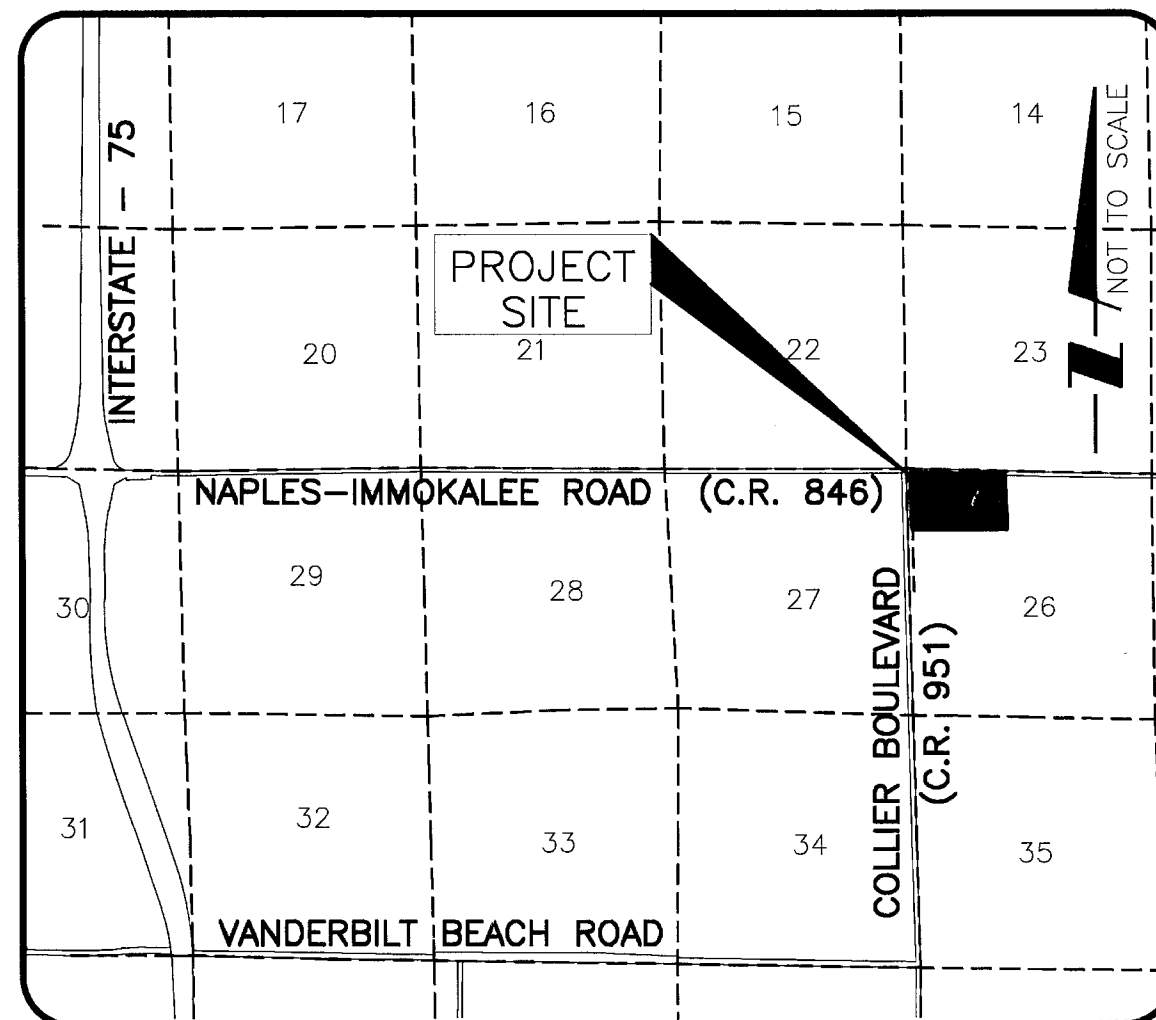
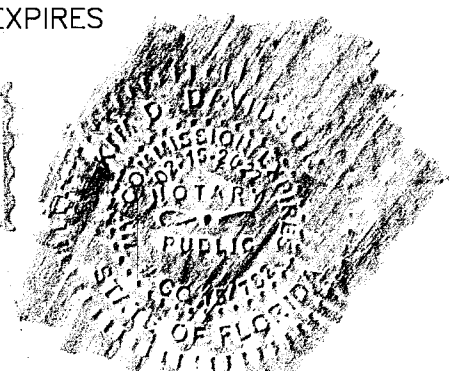
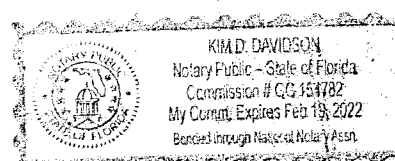
STATE OF FLORIDA
COUNTY OF COLLIER

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME
THIS 6th DAY OF December, 2019,

BY RICHARD S. TALFORD, AS PRESIDENT OF TREE PLATEAU CO., INC., A
DELAWARE CORPORATION WHO IS PERSONALLY KNOWN TO ME OR HAS
PRODUCED Florida Driver License AS IDENTIFICATION.

Kim D. Davidson
NOTARY PUBLIC - STATE OF FLORIDA (AFFIX SEAL)

Kim D. Davidson
NAME OF ACKNOWLEDGER (TYPED, PRINTED OR STAMPED)
2-19-2022 66154782
COMMISSION # 52 MY COMMISSION EXPIRES



LOCATION MAP

LEGAL DESCRIPTION
SEE SHEET 2 OF 4.

GENERAL NOTES:

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- ALL CURVES ARE CIRCULAR CURVES AND ARE TANGENTIAL UNLESS NOTED OTHERWISE IN DESCRIPTION OF LAND PLATTED.
- BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING SOUTH 89°58'37" EAST. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 2007 ADJUSTMENT.
- ☐ INDICATES PERMANENT REFERENCE MONUMENT (P.R.M.) SET IRON PIN WITH CAP STAMPED P.R.M. LB-7866.
☒ INDICATES PERMANENT REFERENCE MONUMENT (P.R.M.) FOUND 4" x 4" CONCRETE MONUMENT, NO I.D.
☒ INDICATES SET PERMANENT CONTROL POINT (P.C.P.) STAMPED P.C.P. LB-7866 AND WILL BE PLACED IN ACCORDANCE TO SECTION 177.091(8), FLORIDA STATUTES.
- ABBREVIATIONS:
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
F.P.L.E. = FLORIDA POWER & LIGHT EASEMENT
L.B.E. = LANDSCAPE BUFFER EASEMENT
L.M.E. = LAKE MAINTENANCE EASEMENT
P.B. = PLAT BOOK, P or PG = PAGE
A.E. = ACCESS EASEMENT
C.U.E. = COUNTY UTILITY EASEMENT
D.E. = DRAINAGE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
O.A. = OVERALL (TOTAL)
O.R. = OFFICIAL RECORDS BOOK
S.E. = SIGN EASEMENT
T.A.E. = TEMPORARY ACCESS EASEMENT

6. SUBJECT TO AN EASEMENT TO FLORIDA POWER AND LIGHT COMPANY, AS RECORDED IN O.R. BOOK 1157, PAGE 704, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA

7. SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF FOUNDERS SQUARE RECORDED IN O.R. BOOK 5114, PAGE 2282, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA (THE "UMBRELLA DECLARATION").

8. SUBJECT TO THE COLLIER COUNTY ZONING ORDINANCE 19-11, AS THE SAME MAY BE AMENDED FROM TIME TO TIME.

COUNTY APPROVALS

COUNTY ENGINEER
THIS PLAT APPROVED BY THE GROWTH MANAGEMENT DEPARTMENT OF
COLLIER COUNTY, FLORIDA
THIS 13th DAY OF December, 2019, A.D.

Jack Morenna, P.E.
COLLIER COUNTY, ENGINEER

COUNTY ATTORNEY
THIS PLAT APPROVED BY THE COLLIER COUNTY ATTORNEY THIS 13th DAY OF January, 2020 A.D.

Sally A. Ashkar
ASSISTANT COUNTY ATTORNEY

COUNTY SURVEYOR
THIS PLAT REVIEWED BY THE COLLIER COUNTY SURVEYOR THIS 12th DAY OF December, 2019, A.D.

Marcus L. Berman
MARCUS L. BERMAN, P.S.M. #LS5086
COLLIER COUNTY SURVEYOR

COUNTY COMMISSION APPROVAL

THIS PLAT APPROVED FOR RECORDING IN A REGULAR OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THIS 13th DAY OF December, 2019, A.D. PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF COLLIER COUNTY, FLORIDA.

Crystal K. Kinzel
ATTEST: CRYSTAL K. KINZEL
CLERK OF THE CIRCUIT COURT
& COMPTROLLER, IN & FOR
COLLIER COUNTY, FLORIDA

William L. McDaniel
WILLIAM L. MCDANIEL, JR., CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES OF THE STATE OF FLORIDA. I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 2:22 PM THIS 3rd DAY OF January, 2020 A.D. AND DULY RECORDED IN PLAT BOOK 67, PAGES 9 THROUGH 12, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

Crystal K. Kinzel
CRYSTAL K. KINZEL
CLERK OF THE CIRCUIT COURT & COMPTROLLER
IN & FOR COLLIER COUNTY, FLORIDA

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM A BOUNDARY SURVEY OF THE PROPERTY PERFORMED BY ME, OR UNDER MY SUPERVISION, AS PROVIDED IN CHAPTER 177.041 FLORIDA STATUTES AND THAT THIS PLAT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, PART 1, AS AMENDED, FLORIDA STATUTES. IT IS FURTHER CERTIFIED THAT ALL PERMANENT REFERENCE MONUMENTS WILL BE SET PRIOR TO RECORDING OF THIS PLAT AND AND THAT ALL PERMANENT CONTROL POINTS AND LOT CORNERS WILL BE SET PRIOR TO FINAL ACCEPTANCE OF THE REQUIRED IMPROVEMENTS.

STANTEC CONSULTING SERVICES INC.

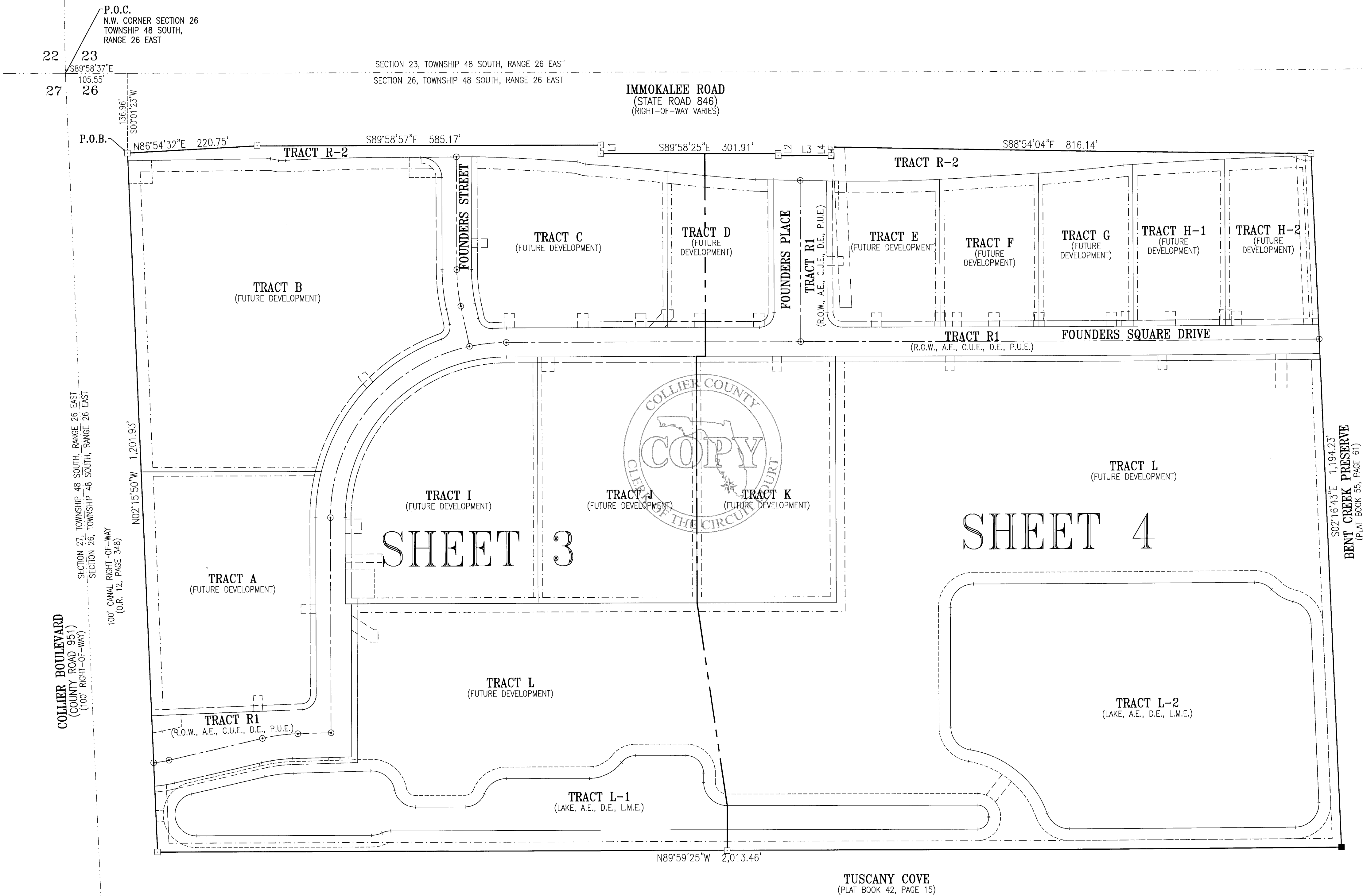
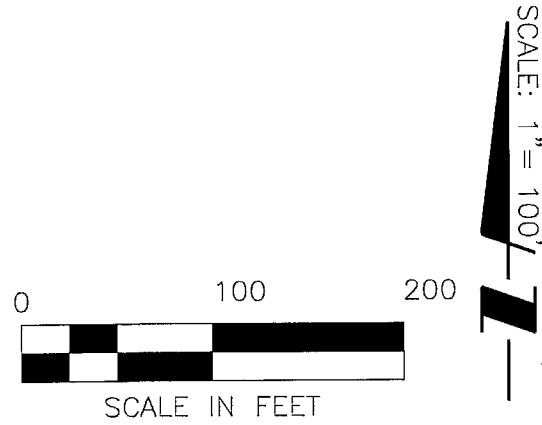
Lance T. Miller
LANCE T. MILLER P.S.M. #LS5627

MARCH 15, 2019
DATED

THIS INSTRUMENT WAS PREPARED BY
LANCE T. MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
NAPLES, COLLIER COUNTY, FLORIDA, 34108
PHONE: (239) 649-4040
CERTIFICATE OF AUTHORIZATION #LB-7866

FOUNDERS SQUARE

A SUBDIVISION LOCATED IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°01'25"W	15.00'
L2	S00°01'35"W	3.94'
L3	S89°58'25"E	89.97'
L4	N00°01'25"E	15.00'

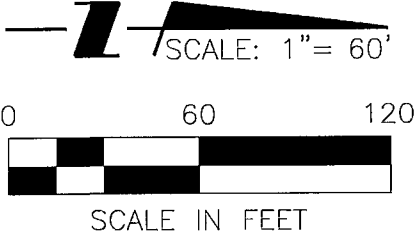
LEGAL DESCRIPTION
A TRACT OR PARCEL OF LANDS LYING IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE SOUTH 89°58'37" EAST ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 105.55 FEET;
THENCE SOUTH 00°01'23" WEST DEPARTING SAID NORTH LINE, A DISTANCE OF 136.96 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF IMMOKALEE ROAD AND THE POINT OF BEGINNING;
FROM SAID POINT OF BEGINNING, THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY IN THE FOLLOWING NINE (9) COURSES:
1. NORTH 86°54'32" EAST 220.75 FEET;
2. SOUTH 89°58'57" EAST 585.17 FEET;
3. SOUTH 00°01'25" WEST 15.00 FEET;
4. SOUTH 89°58'25" EAST 301.91 FEET;
5. SOUTH 00°01'25" WEST 3.94 FEET;
6. SOUTH 89°58'25" EAST 89.97 FEET;
7. NORTH 00°01'25" EAST 15.00 FEET;
8. SOUTH 88°54'04" EAST 22.92 FEET;
9. SOUTH 88°54'04" EAST 793.22 FEET TO AN INTERSECTION WITH THE WEST BOUNDARY LINE OF THE PLAT OF BENT CREEK PRESERVE, AS RECORDED IN PLAT BOOK 55, PAGE 61, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;
THENCE SOUTH 02°16'43" EAST DEPARTING SAID RIGHT-OF-WAY ALONG SAID WEST BOUNDARY LINE, A DISTANCE OF 1,194.23 FEET TO AN INTERSECTION WITH THE NORTH BOUNDARY LINE OF THE PLAT OF TUSCANY COVE, AS RECORDED IN PLAT BOOK 42, PAGE 15, OF SAID PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;
THENCE NORTH 89°59'25" WEST ALONG SAID NORTH LINE, A DISTANCE OF 2,013.46 FEET TO AN INTERSECTION WITH THE EAST LINE OF A 100 FOOT WIDE CANAL RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 12, PAGE 348, OF SAID PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;
THENCE NORTH 02°15'50" WEST ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 1,201.93 FEET TO THE POINT OF BEGINNING.
CONTAINING 55.66 ACRES, MORE OR LESS.

THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
NAPLES, COLLIER COUNTY, FLORIDA, 34108
PHONE: (239) 649-4040
CERTIFICATE OF AUTHORIZATION #LB-7866

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

FOUNDERS SQUARE

A SUBDIVISION LOCATED IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA.



THIS INSTRUMENT WAS PREPARED BY
LANCE T MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
NAPLES, COLLIER COUNTY, FLORIDA, 34108
PHONE: (239) 649-4040
CERTIFICATE OF AUTHORIZATION #LB-7866

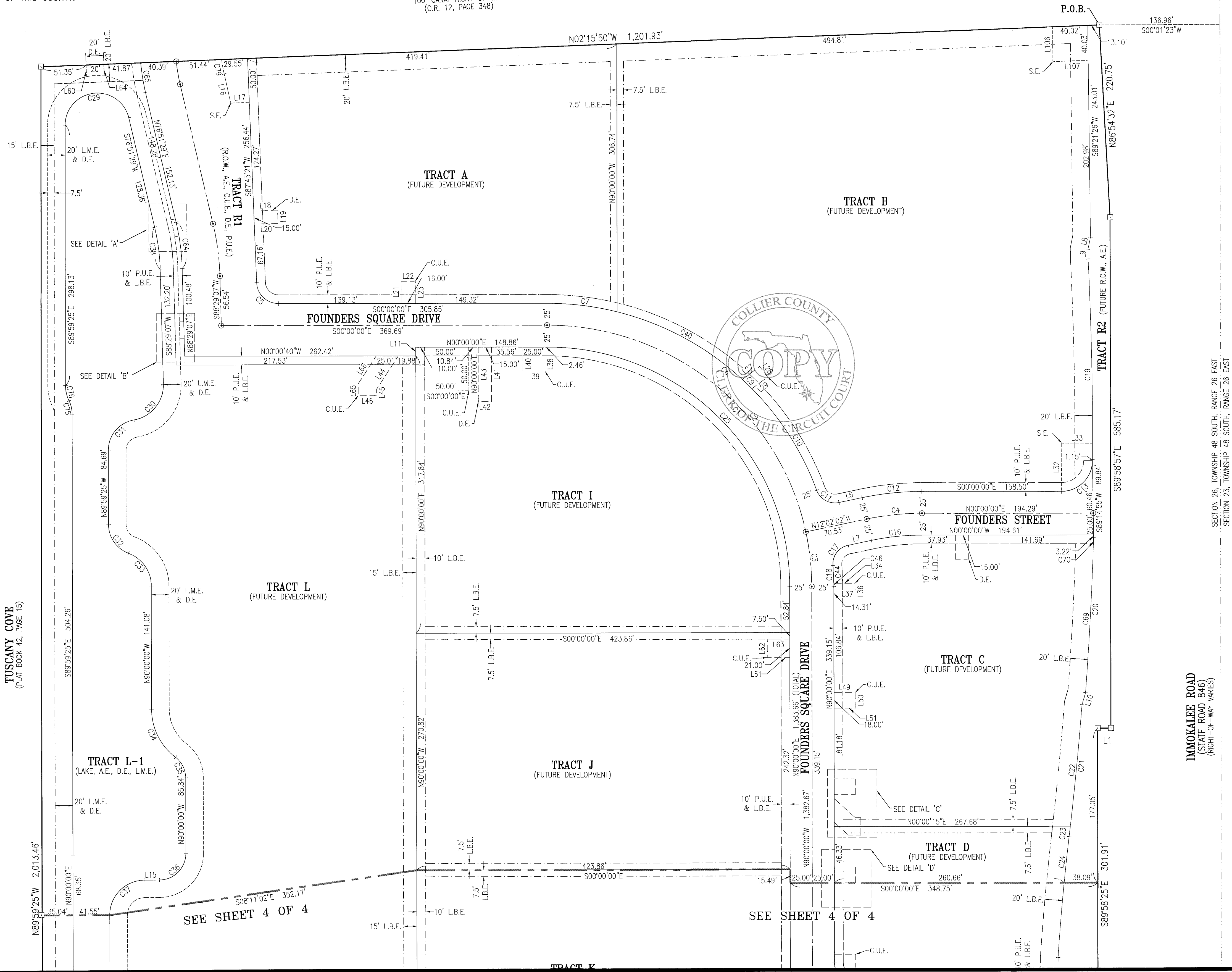
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OF THIS COUNTY.

COLLIER BOULEVARD
(COUNTY ROAD 951)
(100' RIGHT-OF-WAY)

SECTION 27, TOWNSHIP 48 SOUTH, RANGE 26 EAST
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST

100' CANAL RIGHT-OF-WAY
(O.R. 12, PAGE 348)

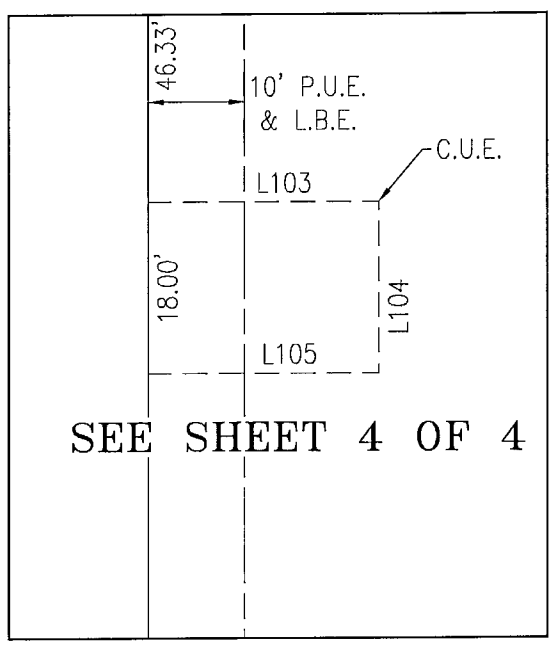
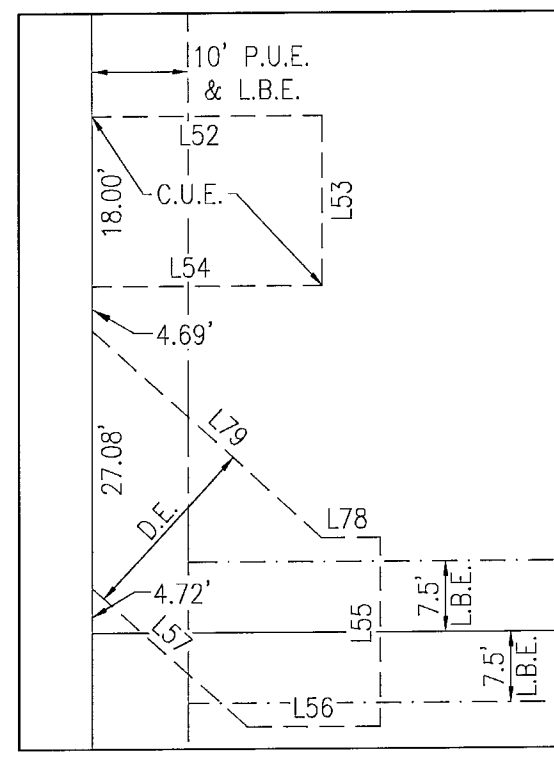
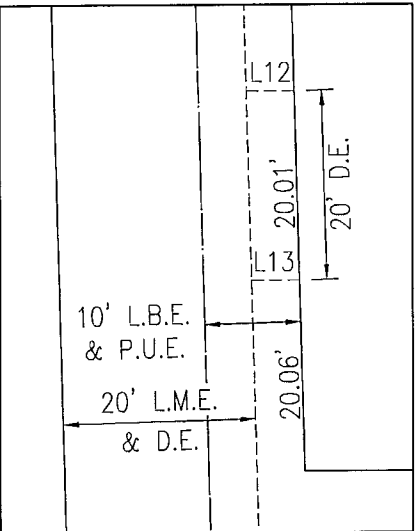
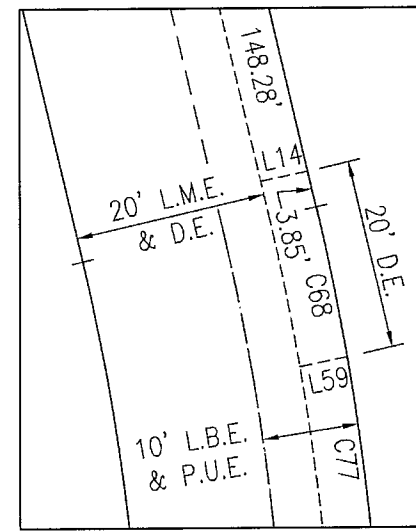
P.O.C.
N.W. CORNER SECTION 26
TOWNSHIP 48 SOUTH,
RANGE 26 EAST



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°01'25"W	15.00'
L6	S12°02'02"E	26.73'
L7	N12°02'02"W	26.73'
L8	N78°14'04"W	13.96'
L9	S89°21'26"W	11.33'
L10	N73°27'04"W	14.25'
L11	N90°00'00"W	10.00'
L12	N00°00'00"E	5.00'
L13	N00°00'00"E	5.00'
L14	S11°46'43"E	5.00'
L15	N00°00'00"E	16.47'
L17	S02°15'50"E	21.11'
L18	N02°12'38"W	27.08'
L19	N87°47'22"E	15.00'
L20	S02°12'38"E	27.08'
L21	N90°00'00"W	25.50'
L22	N00°00'00"E	16.00'
L23	N90°00'00"E	25.50'
L27	N36°44'03"W	24.63'
L28	N53°15'57"E	15.00'
L29	S36°44'03"E	22.28'
L32	S89°40'16"E	55.66'
L33	S00°19'44"W	34.79'
L34	N00°00'00"E	24.02'
L36	N90°00'00"E	18.00'
L37	S00°00'00"E	24.00'
L38	N90°00'00"E	27.50'
L39	S00°00'00"E	25.00'
L40	N90°00'00"W	27.50'
L41	N89°59'58"E	62.53'
L42	S00°00'00"E	15.00'
L43	S89°59'58"W	62.53'

LINE TABLE		
LINE	BEARING	DISTANCE
L44	S57°06'17"E	45.33'
L45	N90°00'00"E	7.40'
L46	S00°00'00"E	21.00'
L49	N00°00'00"E	24.00'
L50	N90°00'00"E	18.00'
L51	S00°00'00"E	24.00'
L52	N00°00'00"E	24.00'
L53	N90°00'00"E	18.00'
L54	S00°00'00"E	24.00'
L55	N90°00'00"E	20.00'
L56	S00°00'00"E	13.88'
L57	S42°23'45"W	21.83'
L59	S11°46'43"E	5.00'
L60	S87°44'10"W	13.21'
L61	S00°00'00"E	25.50'
L62	N90°00'00"W	21.00'
L63	N00°00'00"E	25.50'
L64	S87°44'10"W	13.21'
L65	N90°00'00"W	13.60'
L66	N57°06'17"W	37.94'
L78	N00°00'00"E	6.12'
L79	N42°23'45"E	32.33'
L80	N90°00'00"E	27.50'
L81	S00°00'00"E	15.00'
L82	S00°00'00"W	27.50'
L103	N00°00'00"E	24.00'
L104	N90°00'00"E	18.00'
L105	S00°00'00"E	24.00'
L106	N89°21'26"E	40.03'
L107	N02°15'50"W	40.02'

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	300.00'	90°00'00"	471.24'	424.26'	S45°00'00"W
C2	300.00'	77°57'58"	408.23'	377.45'	S38°58'59"W
C3	300.00'	12°02'02"	63.01'	62.89'	S83°58'59"W
C4	300.00'	12°02'02"	63.01'	62.89'	N06°01'01"W
C5	24.98'	87°50'10"	38.30'	34.66'	S43°52'41"E
C6	325.00'	70°10'54"	398.09'	373.67'	S35°05'27"W
C7	325.00'	14°10'51"	80.44'	80.23'	S07°05'25"W
C9	325.00'	2°40'37"	15.18'	15.18'	S44°20'54"W
C10	325.00'	2°42'42"	138.94'	137.89'	S57°56'03"W
C11	22.00'	82°12'56"	31.57'	28.93'	S29°04'26"E
C12	325.00'	12°02'02"	68.26'	68.13'	S06°01'01"E
C13	35.00'	90°45'05"	55.44'	49.82'	S45°22'32"W
C16	275.00'	12°02'02"	57.76'	57.65'	N06°01'01"E
C17	22.00'	82°12'56"	31.57'	28.93'	N53°08'30"E
C18	325.00'	4°14'58"	24.10'	24.10'	S87°52'31"W
C19	4056.38'	3°14'35"	229.59'	229.56'	S88°54'23"W
C20	4059.35'	2°30'23"	177.57'	177.55'	N86°57'04"W
C21	4056.38'	2°09'00"	152.21'	152.21'	N84°25'35"W
C22	4056.38'	1°58'47"	140.15'	140.14'	N84°30'42"W
C23	4056.38'	0°10'14"	12.07'	12.07'	N83°26'11"W
C24	2752.45'	1°05'44"	52.63'	52.63'	S83°08'46"E
C25	275.00'	90°00'00"	431.97'	388.91'	N45°00'00"W
C29	36.50'	166°50'55"	106.29'	72.52'	S06°33'58"E
C30	40.53'	80°38'50"	57.04'	52.45'	N50°26'02"W
C31	35.02'	81°35'57"	49.88'	45.77'	N80°33'11"E
C32	35.00'	69°18'29"	42.34'	39.80'	N55°21'20"E
C33	40.00'	69°17'54"	48.38'	45.48'	S55°21'03"W
C34	70.00'	52°01'26"	63.56'	61.40'	S63°59'17"E
C35	30.00'	52°01'26"	27.24'	26.31'	S63°59'17"W
C36	30.00'	90°00'00"	47.12'	42.43'	N45°00'00"W
C37	40.00'	90°00'00"	62.83'	56.57'	S45°00'00"E
C38	240.00'	11°37'38"	48.70'	48.62'	S82°40'18"W
C40	325.00'	28°49'44"	163.53'	161.81'	S28°35'43"W
C44	325.00'	3°35'54"	20.41'	20.41'	S87°33'00"W
C46	325.00'	0°39'03"	3.69'	3.69'	S89°40'28"W
C64	265.00'	11°37'38"	53.78'	53.68'	S82°40'18"W
C65	239.99'	8°08'57"	34.13'	34.11'	N80°55'38"E
C69	4059.35'	2°24'38"	170.78'	170.77'	N86°54'12"W
C70	4059.35'	0°05'45"	6.78'	6.78'	N88°09'23"W
C75	35.00'	25°50'31"	15.79'	15.65'	S77°05'19"W
C76	40.00'	25°50'31"	18.04'	17.89'	N77°05'19"E
C77	265.00'	8°08'04"	37.62'	37.59'	S84°25'05"W
C79	148.67'	6°26'46"	16.73'	16.72'	N80°04'53"E
C80	200.00'	7°35'12"	26.48'	26.46'	N80°39'05"E



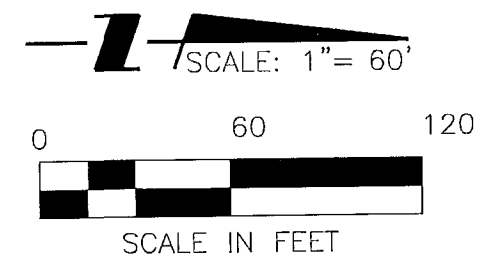
SEE SHEET 4 OF 4

TUSCANY COVE
(PLAT BOOK 42, PAGE 15)

IMMOKALEE ROAD
(STATE ROAD 846)
(RIGHT-OF-WAY VARIES)

FOUNDERS SQUARE

A SUBDIVISION LOCATED IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST,
COLLIER COUNTY, FLORIDA.



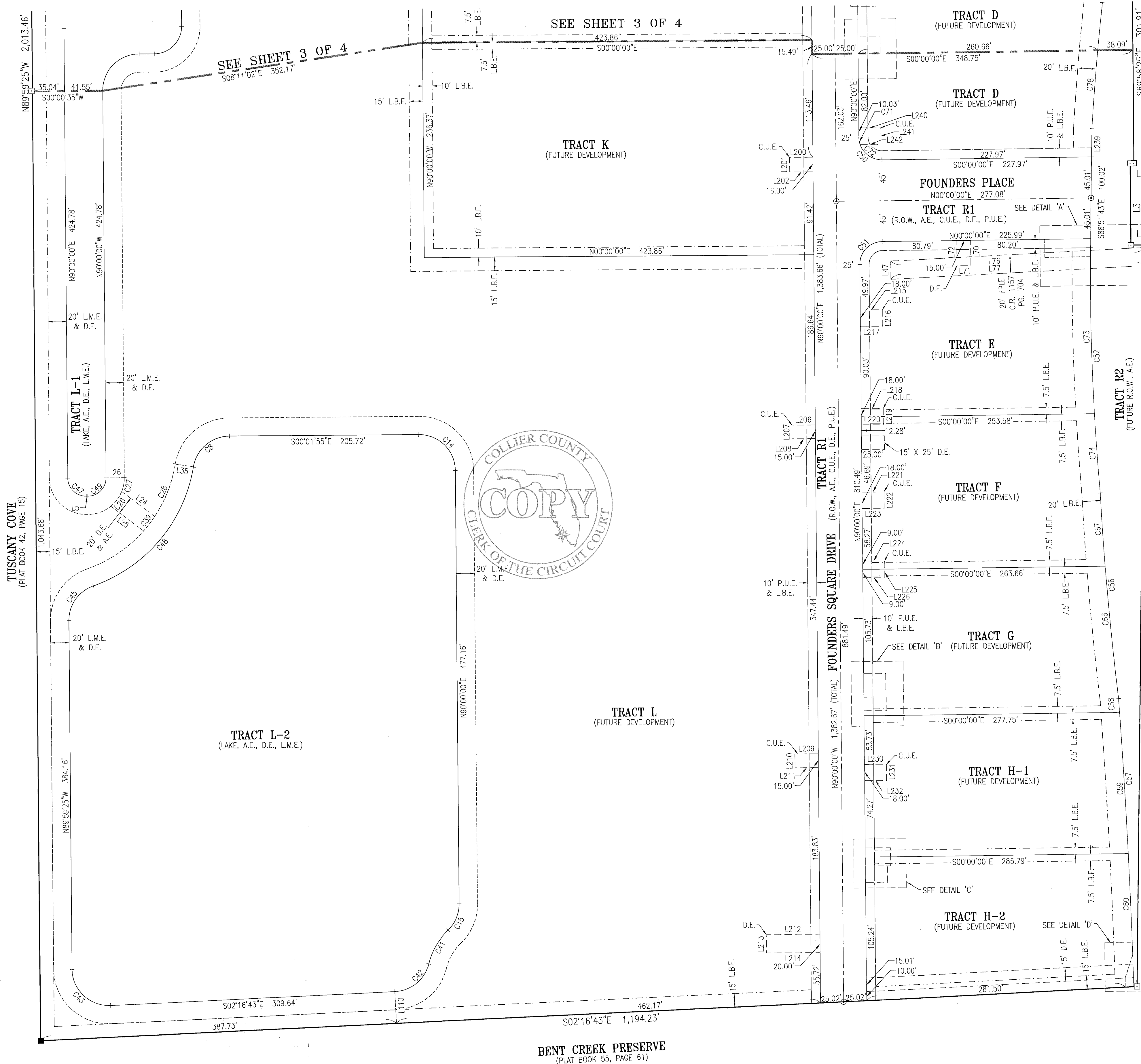
CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C8	40.00'	80°17'01"	56.05'	51.57'	S40°10'26"E
C14	40.00'	90°01'55"	62.85'	56.58'	N44°59'02"W
C15	40.00'	46°42'01"	32.60'	31.71'	S66°39'00"W
C26	40.00'	28°57'31"	20.22'	20.00'	N53°09'54"W
C27	40.00'	22°21'21"	15.61'	15.51'	N78°49'19"W
C28	147.67'	24°08'53"	62.24'	61.78'	N68°14'30"W
C39	147.67'	7°45'57"	20.02'	20.00'	N52°17'05"W
C41	75.17'	32°42'50"	42.92'	42.34'	S59°39'24"E
C42	40.00'	73°44'06"	51.48'	48.00'	N39°08'46"W
C43	40.00'	92°17'18"	64.43'	57.69'	S43°51'56"E
C45	40.00'	70°46'42"	49.41'	46.33'	N54°36'04"E
C47	20.00'	90°00'00"	31.42'	28.28'	N45°00'00"E
C48	167.67'	61°06'13"	178.81'	170.46'	S49°45'50"W
C49	20.00'	90°00'00"	31.42'	28.28'	N45°00'00"W
C50	25.00'	90°00'00"	39.27'	35.36'	S45°00'00"E
C51	25.00'	90°27'03"	39.47'	35.50'	N44°46'24"E
C52	2749.60'	5°36'58"	269.51'	269.40'	S88°16'22"W
C53	2749.60'	0°03'47"	3.02'	3.02'	S88°57'02"E
C54	2749.60'	0°08'44"	6.98'	6.98'	S89°03'17"E
C55	2749.60'	0°16'19"	13.05'	13.05'	S89°15'48"E
C56	3376.61'	3°51'44"	227.62'	227.58'	S85°32'21"W
C57	7821.19'	2°19'49"	318.08'	318.06'	S87°31'55"W
C58	7821.19'	0°06'38"	15.10'	15.10'	S86°25'20"W
C59	7821.19'	1°08'40"	156.21'	156.21'	S87°02'59"W
C60	7821.19'	0°49'05"	111.65'	111.65'	S88°01'51"W

LINE TABLE		
LINE	BEARING	DISTANCE
L2	S00°01'35"W	3.94'
L3	S89°58'25"E	89.97'
L4	N00°01'25"E	15.00'
L24	N37°42'55"E	45.09'
L25	N37°42'55"E	44.79'
L26	S00°00'00"E	20.00'
L35	S09°41'04"W	20.00'
L47	S89°58'37"E	20.02'
L48	N90°00'00"E	10.21'
L58	S71°43'05"E	26.62'
L67	N00°00'00"E	27.50'
L69	N90°00'00"E	20.00'
L70	N90°00'00"W	27.50'
L71	N00°00'00"E	15.00'
L72	N90°00'00"E	27.50'
L76	S02°16'37"E	276.29'
L77	N02°16'37"W	275.92'
L83	N00°00'00"E	25.00'
L84	N90°00'00"E	15.00'
L85	S00°00'00"E	25.00'
L110	N87°43'17"E	34.99'
L200	N00°00'00"E	25.50'
L201	S90°00'00"W	16.00'
L202	S00°00'00"E	25.50'
L206	N00°00'00"E	25.50'
L207	N90°00'00"W	15.00'

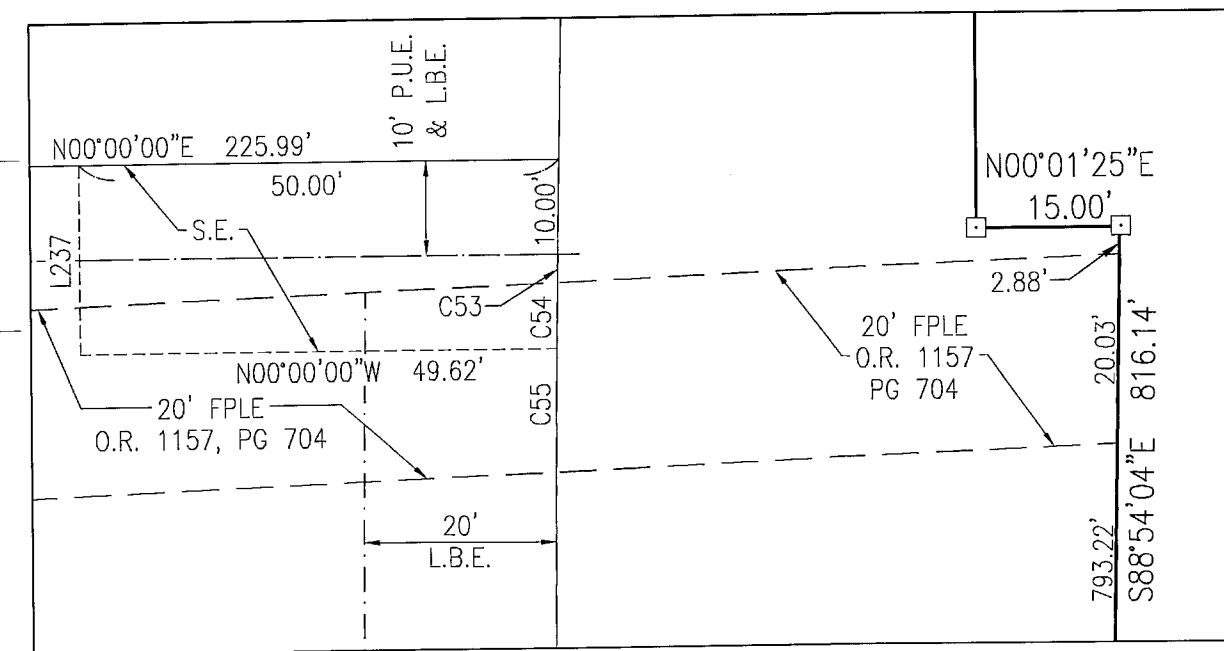
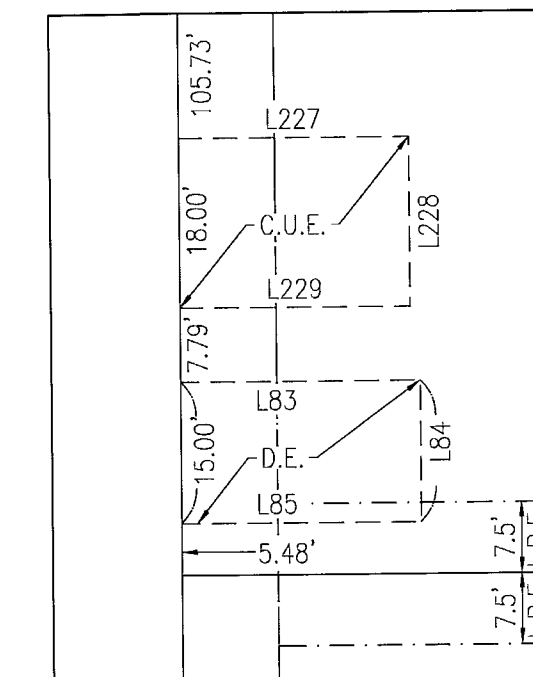
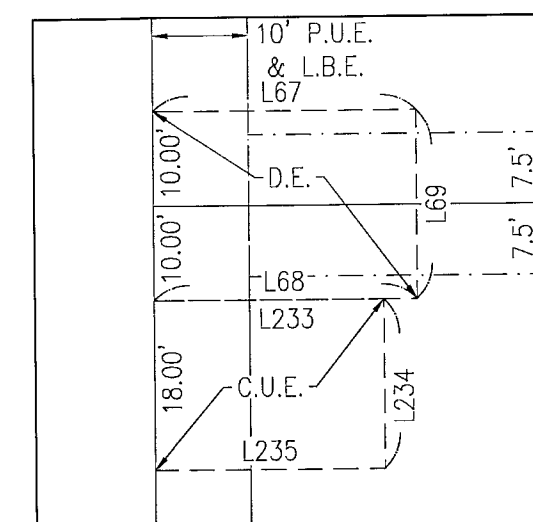
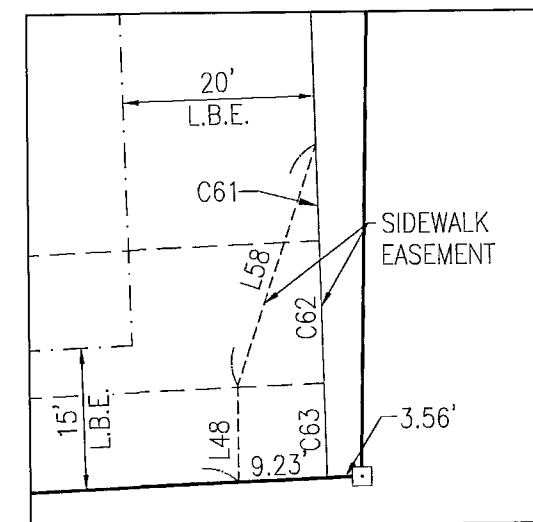
LINE TABLE		
LINE	BEARING	DISTANCE
L208	S00°00'00"E	25.50'
L209	N00°00'00"E	25.50'
L210	N90°00'00"W	15.00'
L211	S00°00'00"E	25.50'
L212	N00°00'00"E	58.50'
L213	N90°00'00"W	20.00'
L214	S00°00'00"E	58.50'
L215	N00°00'00"E	24.00'
L216	N90°00'00"E	18.00'
L217	S00°00'00"E	24.00'
L218	N00°00'00"E	24.00'
L219	N90°00'00"E	18.00'
L220	S00°00'00"E	24.00'
L221	N00°00'00"E	24.00'
L222	N90°00'00"E	18.00'
L223	S00°00'00"E	24.00'
L224	N00°00'00"E	24.00'
L225	N90°00'00"E	18.00'
L226	S00°00'00"E	24.00'
L227	N00°00'00"E	24.00'
L228	N90°00'00"E	18.00'
L229	S00°00'00"E	24.00'
L230	N00°00'00"E	24.00'
L231	N90°00'00"E	18.00'
L232	S00°00'00"E	24.00'
L233	N00°00'00"E	24.00'

THIS INSTRUMENT WAS PREPARED BY
LANCE T. MILLER, P.S.M. #LS5627
STANTEC CONSULTING SERVICES INC.
REGISTERED ENGINEERS AND LAND SURVEYORS
5801 PELICAN BAY BOULEVARD, SUITE 300
NAPLES, COLLIER COUNTY, FLORIDA, 34108
PHONE: (239) 649-4040
CERTIFICATE OF AUTHORIZATION #LB-7866

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION
OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE
SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT
MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.



CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C61	7821.19'	0°04'27"	10.12'	10.12'	S88°28'37"W
C62	7821.19'	0°06'36"	15.00'	15.00'	S88°34'08"W
C63	7821.19'	0°04'24"	10.00'	10.00'	S88°39'38"W
C66	3376.61'	2°29'11"	146.53'	146.52'	N84°51'05"E
C67	3376.61'	1°22'34"	81.09'	81.09'	N86°46'57"E
C71	25.00'	18°35'14"	8.11'	8.07'	N80°42'23"E
C72	25.00'	71°24'46"	31.16'	29.18'	N35°42'23"E
C73	2749.60'	3°18'48"	159.00'	158.98'	N88°56'38"E
C74	2749.60'	1°49'21"	87.46'	87.46'	N86°22'34"E
C78	2752.45'	1°47'34"	86.12'	86.12'	S85°17'25"E



ORDINANCE NO. 19- 11

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 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 MIXED USE PLANNED UNIT DEVELOPMENT (MPUD) ZONING DISTRICT FOR THE PROJECT TO BE KNOWN AS THE BAUMGARTEN MPUD, TO ALLOW CONSTRUCTION OF A MAXIMUM OF 400 MULTIFAMILY AND/OR TOWNHOUSE RESIDENTIAL DWELLING UNITS AND UP TO 270,000 SQUARE FEET OF COMMERCIAL LAND USES AT THE SOUTHEAST QUADRANT OF IMMOKALEE ROAD AND COLLIER BOULEVARD, IN SECTION 26, TOWNSHIP 48, RANGE 26, COLLIER COUNTY, FLORIDA, CONSISTING OF 55.66 +/- ACRES; AND BY PROVIDING AN EFFECTIVE DATE. [PL20170000768]

WHEREAS, Wayne Arnold, AICP, of Q. Grady Minor & Associates, P.A. and Richard D. Yovanovich, Esq. of Coleman, Yovanovich & Koester, P.A., representing BCHD Partners II, LLC, petitioned the Board of County Commissioners to change the zoning classification of the herein described real property.

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

SECTION ONE:

The zoning classification of the herein described real property located in Section 26, Township 48, Range 26, Collier County, Florida, is changed from a Rural Agricultural (A) Zoning District to a Mixed Use Planned Unit Development (MPUD) Zoning District for the 55.66+/- acre project to be known as the Baumgarten MPUD, to allow construction of a maximum of 400 residential dwelling units and up to 270,00 square feet of commercial land uses

in accordance with the Baumgarten MPUD Document, in accordance with Exhibits A through F attached hereto and incorporated by reference herein. The appropriate zoning atlas map or maps, as described in Ordinance Number 2004-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

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

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 11th day of June, 2019.

ATTEST:
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: *Ann J. Kinzel*
Deputy Clerk

By: *William L. McDaniel, Jr.*
William L. McDaniel, Jr., Chairman

Attest as to Chairman's
signature only.

Approved as to form and legality:

Heidi Ashton-Cicko *HAC 6-14-19*
Heidi Ashton-Cicko
Managing Assistant County Attorney

- Exhibit A: Permitted Uses
- Exhibit B: Development Standards
- Exhibit C: Master Plan
- Exhibit D: Legal Description
- Exhibit E: Requested Deviations from LDC
- Exhibit E1: Deviation #1 Cross Section
- Exhibit F: Developer Commitments

This ordinance filed with the
Secretary of State's Office the
11th day of June, 2019
and acknowledgement of that
filing received this 11th day
of June, 2019
By: *Ann J. Kinzel*
Deputy Clerk

EXHIBIT A**BAUMGARTEN MPUD
PERMITTED USES**

A maximum of 400 residential dwelling units and 270,000 square feet of gross commercial floor area shall be permitted within the MPUD. Any commercial square footage above 250,000 square feet must include indoor self-storage. The uses are subject to the trip cap identified in Exhibit F, Section 4.a of this PUD. No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

MIXED-USE:**A. Principal Uses (SIC In Parenthesis):**

1.	Accident and Health Insurance Services	(6321)
2.	Accounting, Auditing and Bookkeeping Services	(8721)
3.	Adjustment services	(7322)
4.	Advertising (consultants) agencies	(7311)
5.	Advertising, not elsewhere classified	(7319)
6.	Agricultural uses (interim until first certificate of occupancy for any permitted use)	(N/A)
7.	Architectural services	(8712)
8.	Animal Hospitals	(0742)
9.	Auto and Home Supply Stores	(5531)
10.	Automotive Washing and Polishing	(7542)
11.	Bakeries, Retail	(5461)
12.	Banks, commercial: national	(6021)
13.	Banks, commercial: not chartered	(6029)
14.	Banks, commercial: state	(6022)
15.	Banks, savings: Federal	(6035)
16.	Banks, savings: not federally chartered	(6036)
17.	Barber Shops	(7241)
18.	Beauty Shops	(7231)
19.	Book Stores	(5942)
20.	Breweries (limited to a maximum of 5,000 sq. ft.)	(2082)
21.	Business Associations	(8611)
22.	Business Consulting Services, not elsewhere classified	(8748)
23.	Camera and Photographic Supply Stores	(5946)
24.	Candy, Nut and Confectionery Stores	(5441)

25.	Carpet and Upholstery Cleaning	(7217)
26.	Civic, Social and Fraternal Associations	(8641)
27.	Clothing and Accessory Stores, Men's and Boy's	(5611)
28.	Clothing Stores, Women's	(5621)
29.	Collection Services	(7322)
30.	Commodity Contracts Brokers and Dealers	(6221)
31.	Commercial Art and Graphic Design	(7336)
32.	Commercial Photography	(7335)
33.	Commercial Economic, Sociological and Educational Research	(8732)
34.	Computer and Computer Software Stores	(5734)
35.	Computer Facilities Management Services	(7376)
36.	Computer Maintenance and Repair	(7378)
37.	Computer Processing and Data Preparation Services	(7374)
38.	Computer Programming services	(7371)
39.	Computer Rental and Leasing	(7377)
40.	Credit Reporting Services	(7323)
41.	Credit Unions, Federal	(6061)
42.	Credit Unions, State: not federally chartered	(6062)
43.	Dairy Products Stores	(5451)
44.	Data Processing Consultants	(7379)
45.	Dance Studios, Schools and Halls	(7911)
46.	Data Processing Services	(7374)
47.	Dental Laboratories	(8072)
48.	Dentist Office/Clinic	(8021)
49.	Department Stores	(5311)
50.	Direct mail advertising service	(7331)
51.	Direct Selling Establishments	(5963)
52.	Doctors - Medicine Offices and Clinics	(8011)
53.	Doctors - Osteopathy Offices and Clinics	(8031)
54.	Doctors - Chiropractors Offices and Clinics	(8041)
55.	Dog Grooming	(0752)
56.	Drapery, Curtain and Upholstery Stores	(5714)
57.	Drinking Places (Alcoholic Beverages); Bottle Clubs and Cabarets are not permitted	(5813)
58.	Drug Stores	(5912)
59.	Dwelling Units - Multi-family and Townhouse, above retail or office uses	

60.	Eating Places, no outdoor dining may be located on the easternmost MU tract adjacent to Bent Creek Preserve PUD.	(5812)
61.	Engineering services: industrial, civil, electrical, mechanical, marine and design	(8711)
62.	Executive Offices	(9111)
63.	Executive and Legislative Offices Combined	(9131)
64.	Fire, Marine and Casualty Insurance Services	(6331)
65.	Florists	(5992)
66.	Food Stores, Miscellaneous	(5411, 5499)
67.	Foreign Branches and Agencies of Banks	(6081)
68.	Foreign Trade and International Banking Institutions	(6082)
69.	Funeral home or parlor	(7261)
70.	Garment Pressing, and Agents for Dry Cleaners	(7212)
71.	Gasoline Service Stations	(5541)
72.	General Automotive Repair Shops	(7538)
73.	General Government, not elsewhere classified	(9199)
74.	General Merchandise Stores (including warehouse clubs and discount retail superstores)	(5311-5399)
75.	Gift, Novelty and Souvenir Shops	(5947)
76.	Hair weaving or Replacement Services	(7299)
77.	Hardware Store	(5251)
78.	Health practitioners - not elsewhere classified	(8049)
79.	Hobby, Toy and Games Shops	(5945)
80.	Home health care services	(8082)
81.	Home Furniture and Furnishings Stores	(5712 – 5719)
82.	Household Appliance Stores	(5722)
83.	Hospital and Medical Service Plans	(6324)
84.	Information Retrieval Services	(7375)
85.	Insurance Carriers, not elsewhere classified	(6399)
86.	Investment Advice	(6282)
87.	Jewelry Stores	(5944)
88.	Land Subdividers and Developers	(6552)
89.	Landscape architects, consulting and planning	(0781)
90.	Laundries (Coin Operated) and Dry-cleaning	(7215)
91.	Legal services	(8111)
92.	Libraries (except regional libraries)	(8231)
93.	Life Insurance	(6311)
94.	Liquor Stores	(5921)
95.	Loan brokers	(6163)

96.	Luggage and Leather Goods Stores	(5948)
97.	Lumber and Other Building Materials Dealers (including home improvement superstores)	(5211)
98.	Management Services	(8741)
99.	Management Consulting Services	(8742)
100.	Markets, Meat and Fish (Seafood) Markets	(5421)
101.	Markets, Fruit and Vegetable Markets	(5431)
102.	Medical Equipment Rental and Leasing	(7352)
103.	Medical Laboratories	(8071)
104.	Membership Organizations, not elsewhere classified	(8699)
105.	Membership Warehouse Clubs with Gas and Liquor	(No SIC)
106.	Miniwarehouse/self-storage (indoor air conditioned only)	(4225)
107.	Miscellaneous amusement and recreational services not elsewhere classified. Only judo instruction, karate instruction, moped rental, motorcycle rental, rental of bicycles, scuba and skin diving instruction are permitted	(7999)
108.	Miscellaneous Business Credit Institutions	(6159)
109.	Miscellaneous Home Furnishings Stores	(5719)
110.	Miscellaneous personal services, not elsewhere classified excluding massage parlors, steam baths, tattoo parlors and Turkish baths. Day spas are permitted.	(7299)
111.	Miscellaneous Retail Stores, not elsewhere classified	(5999)
112.	Mortgage Bankers and Loan Correspondents	(6162)
113.	Motion Picture Theaters	(7832)
114.	Musical Instrument Stores	(5736)
115.	News Dealers and Newsstands	(5994)
116.	Nondeposit Trust Facilities	(6091)
117.	Optical Goods Stores	(5995)
118.	Optometrists - offices and clinics	(8042)
119.	Paint, Glass and Wallpaper Stores	(5231)
120.	Pension, Health and Welfare Funds	(6371)
121.	Personal Credit Institutions	(6141)
122.	Photocopying and Duplicating Services	(7334)
123.	Photographic Studios, Portrait	(7221)
124.	Photofinishing Laboratories	(7384)
125.	Physical Fitness Facilities	(7991)
126.	Podiatrists - offices and clinics	(8043)
127.	Political Organizations	(8651)

128.	Professional Membership Organizations	(8621)
129.	Professional Sports Clubs and Promoters, indoor only	(7941)
130.	Public Relations Services	(8743)
131.	Radio, Television and Consumer Electronics Stores	(5731)
132.	Radio, Television and Publishers Advertising Representatives	(7313)
133.	Real Estate Agents and Managers	(6531)
134.	Record and Prerecorded Tape Stores; adult video rental or sales prohibited	(5735)
135.	Religious Organizations	(8661)
136.	Repair Shops and Related Services, not elsewhere classified	(7699)
137.	Retail Nurseries, Lawn and Garden Supply Stores	(5261)
138.	Secretarial and Court Reporting Services	(7338)
139.	Security Brokers, Dealers and Flotation Companies	(6211)
140.	Security and Commodity Exchanges	(6231)
141.	Services Allied with the Exchange of Securities or Commodities, not elsewhere classified	(6289)
142.	Sewing, Needlework and Piece Goods Stores	(5949)
143.	Shoe Repair Shops and Shoeshine Parlors	(7251)
144.	Short-Term Business Credit Institutions, except agricultural	(6153)
145.	Social Services, Individual and Family (activity centers, elderly or handicapped only; day care centers for adult and handicapped only)	(8322)
146.	Sporting Goods Stores and Bicycle Shops	(5941)
147.	Stationery Stores	(5943)
148.	Stores, Children's and Infants Wear	(5641)
149.	Stores, Family Clothing	(5651)
150.	Stores, Miscellaneous Apparel and Accessory	(5699)
151.	Stores, Shoes	(5661)
152.	Stores, Women's Accessory and Specialty	(5632)
153.	Surety Insurance	(6351)
154.	Surveying Services	(8713)
155.	Tanning Salons	(7299)
156.	Tax Return Preparation Services	(7291)
157.	Tire retreading and repair shops, tire repair only	(7534)
158.	Title Abstract Offices	(6541)
159.	Title Insurance	(6361)
160.	Tobacco Stores and Stands	(5993)
161.	Travel Agencies (no other transportation services)	(4724)

- | | | |
|------|---|--------|
| 162. | Tutoring | (8299) |
| 163. | Used Merchandise Stores (excluding pawn shops) | (5932) |
| 164. | Veterinary services for animal specialties | (0742) |
| 165. | Video Tape Rental, adult video rental or sales prohibited | (7841) |
| 166. | Watch, Clock and Jewelry Repair | (7631) |
| 167. | Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner. | |

B. Accessory Uses:

1. Uses and structures that are accessory and incidental to the permitted uses within this MPUD document.
2. Water management facilities to serve the project such as lakes.
3. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.
4. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

RESIDENTIAL:

A. Principal Uses:

1. Dwelling Units - Multi-family and Townhouse
2. Model homes / model sales or leasing offices
3. Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner.

B. Accessory Uses:

1. Accessory uses and structures customarily associated with the principal uses permitted in this MPUD, including but not limited to garages, carports, swimming pools, spas and screen enclosures.
2. Water management facilities to serve the project such as lakes.

3. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

C. Amenity Area:

1. Principal Uses:

- a. Clubhouses, community administrative facilities and recreational facilities intended to serve residents and guests, including leasing and construction offices.
- b. Any other principal use, which is comparable in nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner.

2. Accessory Uses:

- a. Accessory uses and structures customarily associated with the principal uses permitted in this MPUD, including but not limited to swimming pools and spas.
- b. Water management facilities to serve the project such as lakes.
- c. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.
- d. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

EXHIBIT B

**BAUMGARTEN MPUD
DEVELOPMENT STANDARDS**

The tables below set forth the development standards for land uses within the Baumgarten MPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

I. MIXED-USE:

	PRINCIPAL USES		ACCESSORY USES	
MINIMUM LOT AREA	10,000 Sq. Ft.		N/A	
AVERAGE LOT WIDTH	100 ft.		N/A	
MINIMUM YARDS (External)				
From Immokalee Road ROW	25 ft.		SPS	
From Collier Boulevard ROW	25 ft.		SPS	
From Eastern Project Boundary***	50 ft.		15 ft	
From Southern Project Boundary	200 ft. Minimum		200 ft. Minimum	
MINIMUM YARDS (Internal)				
Internal Drives/ROW	10 ft.		10 ft	
Rear	10 ft.		10 ft.	
Side	10 ft.		10 ft.	
Lakes (measured from control elevation)	25 ft.		20 ft.*	
Preserve	25 ft.		10 ft.	
MIN. DISTANCE BETWEEN STRUCTURES	1/2 the sum of building heights		10 Ft.	
MAXIMUM HEIGHT***	ZONED	ACTUAL	ZONED	ACTUAL
Retail Buildings	45 ft.	65 ft.	35 ft.	45 ft.
Office Buildings and Hotel/Motel	55 ft.	65 ft.	35 ft.	45 ft.
MINIMUM FLOOR AREA (ground floor)	1,000 sq. ft. **		N/A	
MAXIMUM GROSS COMMERCIAL AREA	270,000 sq. ft.		N/A	

* No structure may be located closer than 20 feet to the control elevation of a lake (allowing for the required minimum 20-foot wide lake maintenance easement).

** Per principal structure. Kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall be subject to the accessory structure standards set forth in the LDC.

*** Any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary. No dumpster enclosure permitted within 105 feet of the eastern PUD boundary.

Note: Residential dwellings may be constructed above retail or office use.

II. RESIDENTIAL:

PRINCIPAL STRUCTURE *6	TOWNHOUSE (PER UNIT)	MULTI-FAMILY	AMENITY AREA *4
Minimum Lot Area	1,440 SF	43,560 SF	N/A
Minimum Lot Width	18 feet	N/A	N/A
Minimum Lot Depth	80 feet	N/A	N/A
Minimum Front Yard Setback	20 feet *2	20 feet *2	15 feet
Minimum Side Yard Setback	0/10 feet *1	0/10 feet *1	15 feet
Minimum Rear Yard Setback	15 feet	15 feet	15 feet
Minimum Preserve Setback	25 feet	25 feet	25 feet
Minimum PUD Boundary Setback	105 feet	105 feet	105 feet *5
Maximum Building Height Zoned Actual	45 feet 50 feet	55 feet 65 feet	25 feet 35 feet
Minimum Distance Between Buildings	20 feet	20 feet	N/A
Floor Area Minimum, per unit	750 SF	684 SF	N/A
ACCESSORY STRUCTURES *6			
Minimum Front Yard Setback *2	15 feet	15 feet	10 feet
Minimum Side Yard Setback	10 feet	10 feet	10 feet
Minimum Rear Yard Setback *3	10 feet	10 feet	10 feet
Minimum Preserve Setback	10 feet	10 feet	10 feet
Minimum PUD Boundary Setback	15 feet	15 feet	15 feet*7
Minimum Distance Between Buildings	0/10 feet	0/10 feet	N/A
Maximum Height Zoned Actual	35 feet 40 feet	35 feet 40 feet	25 feet 30 feet

SPS – Same as Principal Structure

BH – Building Height (zoned height)

*1 – Minimum separation between adjacent dwelling units, if detached, shall be 10'.

*2 – Front yards shall be measured from back of curb (if curbed) or edge of pavement (if not curbed) for private streets or drives, and from ROW line for any public roadway. Single-family front entry garages shall have a 23' setback from back of sidewalk.

*3 – All landscape Buffer Easements and/or Lake Maintenance Easements shall be located within open space tracts or lake tracts and not be within a residential lot. Where a home site abuts a Landscape Buffer Easement or Lake Maintenance Easement within open space tracts or lake tracts, the accessory structure setback on the residential lot may be reduced to zero (0) feet where it abuts the easement.

*4 – When not located in a residential building within the "R" tract.

*5 – Does not apply to passive recreational uses such as trails/pathways.

*6 – Community structures such as guardhouses, gatehouses, fences, walls, columns, decorative architectural features, streetscape, passive parks and access control structures shall have no required setback, except as listed below, and are permitted throughout the "R" designated areas of the PUD; however such structures shall be located such that they do not cause vehicular stacking into the road right-of-way or create site distance issues for motorists and pedestrians.

*7 – No swimming pool or dumpster enclosure may be located within 105 feet of the southern or eastern PUD boundary.

Maximum Height for Guardhouses/Gatehouses:

Zoned: 25'

Actual: 30'

Note: nothing in this MPUD Document shall be deemed to approve a deviation from the LDC unless it is expressly stated in a list of deviations.



SITE SUMMARY

TOTAL SITE AREA: 55.66± ACRE

MIXED USE (MU)	20± AC (36%)
MIXED USE OR RESIDENTIAL (MU/R)	14± AC (25%)
RESIDENTIAL (R)	10± AC (18%)
AMENITY AREA (IN R AREA)	0.5± AC (1%)
WATER MANAGEMENT	8± AC (15%)
ROW DEDICATION AREA	1.3± AC (2%)
BUFFERS	1.86± AC (3%)

RESIDENTIAL: MAXIMUM 400 DWELLING UNITS

COMMERCIAL: MAXIMUM 270,000 S.F.

OPEN SPACE:

REQUIRED: 30%

PROVIDED: 30%

DEVIATIONS (APPLIES TO ENTIRE PROJECT, SEE EXHIBIT E)

1. STREET SYSTEM REQUIREMENTS AND APPENDIX B
2. DIRECTORY SIGNS
3. GROUND SIGNS

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. THE SITE CONTAINS NO NATIVE VEGETATION COMMUNITIES AND NO ORIGINAL NATIVE TREES REMAIN; THEREFORE NO NATIVE VEGETATION PRESERVATION IS REQUIRED.

LEGEND**GradyMinor**

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151 Business LC 26000266
 Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

BAUMGARTEN MPUD

EXHIBIT C
MASTER PLAN NOTES
REVISED 05/16/2019

SCALE:
1" = 300'
JOB CODE:
PNPUDZ
DATE:
MAY 2017
FILE NAME:
EXHC-MCP-V10
SHEET 2 OF 2

EXHIBIT D

BAUMGARTEN MPUD
LEGAL DESCRIPTION

PARCEL 1 (PARCEL NO. 00192920001):

THE NW 1/4 OF THE NW 1/4, SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LESS THE NORTH 100 FEET PREVIOUSLY CONVEYED FOR ROAD RIGHT-OF-WAY AND LESS RIGHT OF WAY DESCRIBED IN O.R. BOOK 2568, PAGE 1176 AND LESS RIGHT OF WAY DESCRIBED IN O.R. BOOK 3328, PAGE 1487, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL 2 (PARCEL NO. 00192360001):

THE WEST 60% OF THE NE 1/4 OF THE NW 1/4, SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, LESS THE NORTH 100 FEET PREVIOUSLY CONVEYED FOR ROAD RIGHT-OF-WAY AND LESS ROAD RIGHT-OF-WAY DESCRIBED IN O.R. BOOK 3328, PAGE 1487, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

THE ABOVE DESCRIBED LANDS BEING SUBJECT TO THE TERMS OF THAT BOUNDARY LINE AGREEMENT RECORDED IN OFFICIAL RECORD BOOK 2228, PAGE 1540, COLLIER COUNTY, FLORIDA, AND SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OR PARCEL OF LAND LYING IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA,
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, THENCE S.89°58'37"E. ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 105.55 FEET; THENCE S.00°01'23"W. DEPARTING SAID NORTH LINE, A DISTANCE OF 136.96 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF IMMOKALEE ROAD AND THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING, THENCE RUN ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING NINE (9) COURSES:

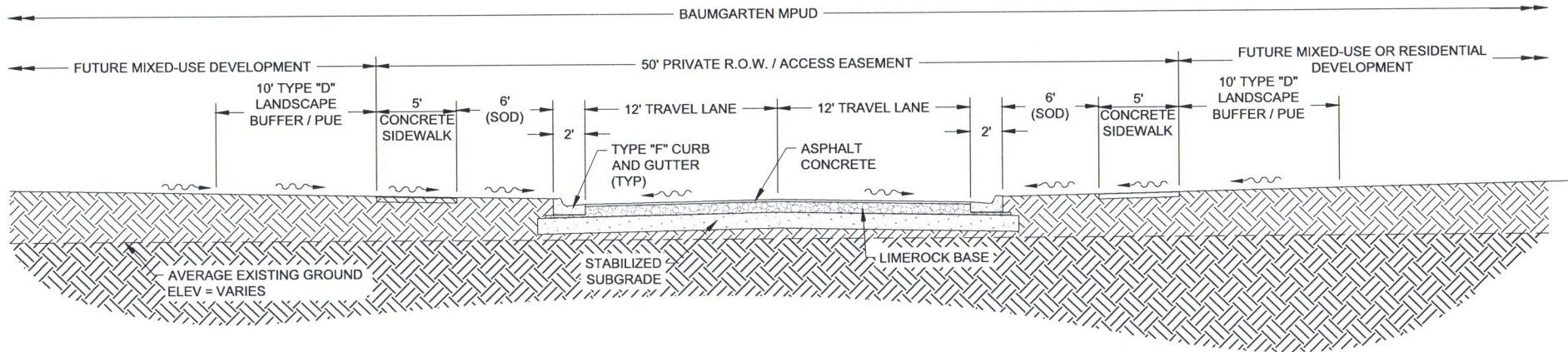
1. N.86°54'32"E., A DISTANCE OF 220.75 FEET,
2. S.89°58'57"E., A DISTANCE OF 585.17 FEET,
3. S.00°01'25"W., A DISTANCE OF 15.00 FEET,
4. S.89°58'25"E., A DISTANCE OF 301.91 FEET,
5. S.00°01'35"W., A DISTANCE OF 3.94 FEET,
6. S.89°58'25"E., A DISTANCE OF 89.97 FEET,
7. N.00°01'25"E., A DISTANCE OF 15.00 FEET,
8. S.88°54'04"E., A DISTANCE OF 22.92 FEET,
9. S.88°54'04"E., A DISTANCE OF 793.22 FEET;

TO AN INTERSECTION WITH THE WEST BOUNDARY LINE OF THE PLAT OF BENT CREEK PRESERVE, AS RECORDED IN PLAT BOOK 55, PAGE 61, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE S.02°16'43"E. DEPARTING SAID SOUTH RIGHT-OF-WAY ALONG SAID WEST BOUNDARY LINE, A DISTANCE OF 1,194.23 FEET TO AN INTERSECTION WITH THE NORTH BOUNDARY LINE OF THE PLAT OF TUSCANY COVE, AS RECORDED IN PLAT BOOK 42, PAGE 15, OF SAID PUBLIC RECORDS; THENCE N.89°59'25"W. ALONG SAID NORTH LINE, A DISTANCE OF 2,013.46 FEET TO AN INTERSECTION WITH THE EAST LINE OF A 100 FOOT WIDE CANAL RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 12, PAGE 348, OF SAID PUBLIC RECORDS; THENCE N.02°15'50"W., ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1,201.93 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 00192920001 CONTAINS 33.82 ACRES, MORE OR LESS.
PARCEL NO. 00192360001 CONTAINS 21.84 ACRES, MORE OR LESS.
TOTAL PARCEL CONTAINS 55.66 ACRES, MORE OR LESS.

EXHIBIT E**BAUMGARTEN MPUD
DEVIATIONS FROM THE LDC**

- DEVIATION 1: From LDC Section 6.06.01. – “Street System Requirements” and “Appendix B, Typical Street Sections and Right-of-Way Design Standards”. The LDC establishes a minimum 60-foot right of way width for local streets. This deviation proposes to instead allow for private roads within the site to be located in a 50-foot wide access easement or Right-of-Way, as shown on the Master Plan and in Exhibit E1, Deviation #1 Cross Section.
- DEVIATION 2: From LDC Section 5.06.04.F.3, “Directory Signs”, which requires a Directory Sign to be a maximum of 20 feet in height and a maximum of 200 square feet, to instead allow the Directory Sign located at the Collier Boulevard entrance to the MPUD to be a maximum of 25 feet in height and a maximum of 250 square feet in size.
- DEVIATION 3: From LDC Sections 5.06.04.F1 and 5.06.04.F.2, “Ground Signs”, which allows each outparcel to have a single ground sign along a public street, to instead allow outparcels and individual free standing uses within the MPUD to have one additional ground sign that is oriented to the internal private by-pass driveway (labeled as R.O.W or access easement on the Master Plan) that is provided for in the MPUD.



LEGEND



GradyMinor

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BAUMGARTEN MPUD

EXHIBIT E1
DEVIATION #1 CROSS SECTION
REVISED 03/11/2019

SCALE:
1" = 10'
JOB CODE:
PNPUDZ
DATE:
JULY 2017
FILE NAME:
EXHC-MCP-V6
SHEET 1 OF 1

EXHIBIT F

**BAUMGARTEN MPUD
DEVELOPMENT COMMITMENTS**

1. PUD MONITORING

One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is BCHD Partners II, LLC, 2600 Golden Gate Parkway, Naples, FL 34105. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

2. MISCELLANEOUS

- a. All other applicable state or federal permits must be obtained before commencement of the development.
- b. Pursuant to Section 125.022(5) F.S., Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- c. Parking lot lighting shall be dark sky compliant (flat panel, full cut off fixtures—BUG rating where $U = 0$) to avoid light spill onto adjacent properties. Fixtures within 50-ft of residential properties along the PUD boundary shall be set at no higher than a 15-ft mounting height. Otherwise the site light poles shall not exceed a 25-ft mounting height. Light levels along the PUD boundary shall be limited to no more than 0.2-ft-candles along the joint property line where adjacent to residential property (i.e. not applicable to Collier Blvd and Immokalee Rd). However light levels at

interconnections identified on the Master Plan may be standard lighting for residential development.

3. UTILITIES

- a. As part of the subdivision plat approval or SDP for the residential portion of the PUD, the owner shall provide a water main stub-out to the southern property line of the PUD, at the interconnect location shown on the PUD Master Plan, in a location determined by the owner and approved by the County. A County Utility Easement will be conveyed by owner to County at no cost to the County for the water main stub-out and shall be shown on the recorded plat or recorded by separate instrument prior to preliminary acceptance of utilities. The stub-out shall be sized to supply fire flow to the PUD under maximum day conditions, as required by Collier County Design Criteria in the Collier County Water-Sewer District Utilities Standards Manual, as adopted by Ordinance 2004-31, as amended, and as further amended by Resolution No. 2014-258, or its successor resolution. This stub-out will not be required if the residential tract is master metered.
- b. As part of the subdivision plat approval or SDP for the residential portion of the PUD, the owner shall provide a water main stub-out to the eastern property line of the PUD, at the location of the terminus of Glenforest Drive within the Bent Creek Preserve RPUD. A County Utility Easement will be conveyed by owner to County at no cost to the County for the water main stub-out and shall be shown on the recorded plat or recorded by separate instrument prior to preliminary acceptance of utilities. The stub-out shall be sized to supply fire flow to the PUD under maximum day conditions, as required by Collier County Design Criteria in the Collier County Water-Sewer District Utilities Standards Manual, as adopted by Ordinance 2004-31, as amended, and as further amended by Resolution No. 2014-258, or its successor resolution. This stub-out will not be required if the residential tract is master metered.

4. TRANSPORTATION

- a. The maximum net external trip generation for the PUD shall not exceed 1,159 two-way PM peak hour trips as a mixed-use commercial/residential project (internal capture and pass by trips deducted). The trips will be based on the applicable land use codes in the Institute of Transportation Engineers (ITE) Trip Generation Manual in effect at the time of application for Site Development Plan (SDP), or Plat and Construction Plan (PPL) approval.
- b. As a part of the first application for Site Development Plan or Plat for construction of the development an operational Transportation Impact Statement will be provided that includes the entire development (highest and best use) for review and approval by Collier County Transportation staff which will be updated/revised with each subsequent SDP or Plat application until the build-out condition is achieved.

5. SPECIAL CONDITIONS

- a. No adult orientated sales are permitted.
- b. For commercial uses, outdoor music and televisions shall be limited to the areas that are a minimum of 500 feet from the southern and eastern PUD boundaries. There will be no outdoor amplified sound between the hours of 10 p.m. and 8 a.m. weekdays and 12 a.m. and 8 a.m. on weekends. There will be no outdoor dining on the MU Tract adjacent to Bent Creek Preserve PUD.
- c. Dumpsters shall be oriented as far away from residential units as possible.
- d. Delivery bays shall not abut external residential development.
- e. Service bays related to automobile service and repair shall be located so that they do not face any external residential district within 1500 feet.
- f. All pole lighting located in Amenity Areas shall be limited to flat full cutoff shields.
- g. Residential Amenity Area – no amplified sound after 10:00 p.m. and no lighted recreational facilities, other than low illumination ground mounted light, after 10:00 p.m.
- h. Pedestrian and vehicular interconnection to Tuscany Cove shall be gated and six foot high, chain link fencing shall be extended 100 lineal feet on each side of the gated access prior to the first Certificate of Occupancy for the residential dwelling units adjacent to the southern PUD boundary.
- i. 100 lineal feet of six foot high, chain link fencing shall be installed near the southwest portion of the site as shown on the Master Plan prior to the first Certificate of Occupancy for the residential dwelling units adjacent to the southern PUD boundary.
- j. As part of the initial project site work, the developer shall install the berm and perimeter landscape buffers along the southern and eastern PUD boundaries. The southern perimeter landscape buffer shall include a 6-foot high fence with opaque slats. Within the southern landscape buffer, the developer shall provide supplemental landscape plantings meeting the type C landscape buffer canopy tree requirement where the Tuscany Cove landscape buffer has missing canopy trees. This supplement planting shall occur within the Baumgarten PUD's 15-foot wide landscape buffer.



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 17, 2019

Ms. Ann Jennejohn, Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3299 Tamiami Trail, Suite #401
Naples, Florida 34112-5324

Dear Ms. Jennejohn:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 19-11, which was filed in this office on June 17, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

Attachment: Attachment C - Hearing Package Backup (17824 : PL20210000379 PDI Baumgarten PUD Founder's Square)

HEX NO. 2020-15

HEARING EXAMINER DECISION

DATE OF HEARING.

September 24, 2020

PETITION.

PETITION NO. MPUD PL20200000048 Baumgarten MPUD - Request for an insubstantial change to the Baumgarten Planned Unit Development (PUD) by seeking deviations from LDC Sections 5.05.05 B.1., 5.05.05. D.2.a., and 5.05.05. D.2.b. "Facilities with Fuel Pumps" and LDC Sections 5.06.02.B.14, 5.06.02.B.14.a. and 5.06.02.B.14.b. "Boundary Marker Sign," LDC Section 5.06.04.F.2.b., "Outparcels-Ground Signs" and LDC Section 5.06.04. F.3., "Directory Signs" and modifying previously approved Deviation #3. The subject PUD is 55.66± acres located at the southeast quadrant of Immokalee Road and Collier Boulevard, in Section 26, Township 48 South, Range 26 East, Collier County, Florida.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The public hearing for this Petition was properly noticed and conducted in accordance with all County and state requirements.
2. The public hearing was conducted electronically and in-person in accordance with Emergency/Executive Order 2020-04.
3. The Petitioner and/or Petitioner's representative executed the Hybrid Virtual Quasi-Judicial Public Hearing Waiver related to conducting the public hearing electronically and in-person.
4. The Petitioner and/or Petitioner's representative presented the Petition, followed by County staff and then public comment.

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there is sufficient competent, substantial evidence as applied to the criteria set forth in Section 10.02.13.E.1 of the Land Development Code to approve Petition.

DECISION.

The Hearing Examiner hereby APPROVES Petition Number PDI-PL202000000048, filed by Richard D. Yovanovich, Esq. of Coleman, Yovanovich and Koester, P.A. representing D. Wayne Arnold, AICP of Q. Grady Minor and Associates, P.A., with respect to the property as described Ordinance Number 2019-11, 55.66± acres, located at the southeast quadrant of Immokalee Road and Collier Boulevard, in Section 26, Township 48, Range 26, Collier County, Florida, for the following:

- An insubstantial change to the Baumgarten Planned Unit Development (PUD) by seeking deviations from LDC Sections 5.05.05 B.1., 5.05.05. D.2.a., and 5.05.05. D.2.b. "Facilities with Fuel Pumps" and LDC Sections 5.06.02.B.14, 5.06.02.B.14.a. and 5.06.02.B.14.b. "Boundary Marker Sign," LDC Section 5.06.04.F.2.b., "Outparcels-Ground Signs" and LDC Section 5.06.04. F.3., "Directory Signs" and modifying previously approved Deviation #3.

Said changes are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – None.

LEGAL DESCRIPTION.

See Ordinance Number 2019-11, 55.66± acres, located at the southeast quadrant of Immokalee Road and Collier Boulevard, in Section 26, Township 48, Range 26, Collier County, Florida.

CONDITIONS.

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

DISCLAIMER.

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

APPEALS.

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

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

October 7, 2020

Date



Andrew Dickman, Esq., AICP
Hearing Examiner

HEX NO. 2020-27

CORRECTIVE HEARING EXAMINER DECISION

(To Correct Scrivener's Error in Hex No. 2020-15)

DATE OF HEARING.

This CORRECTIVE DECISION is approved on December 2, 2020, in order to correct a scrivener's error in HEX Decision No. 2020-15, wherein the exhibits to the decision were inadvertently not included.

PETITION.

PETITION NO. MPUD PL20200000048 Baumgarten MPUD - Request for an insubstantial change to the Baumgarten Planned Unit Development (PUD) by seeking deviations from LDC Sections 5.05.05 B.1., 5.05.05. D.2.a., and 5.05.05. D.2.b. "Facilities with Fuel Pumps" and LDC Sections 5.06.02.B.14, 5.06.02.B.14.a. and 5.06.02.B.14.b. "Boundary Marker Sign," LDC Section 5.06.04.F.2.b., "Outparcels-Ground Signs" and LDC Section 5.06.04. F.3., "Directory Signs" and modifying previously approved Deviation #3. The subject PUD is 55.66± acres located at the southeast quadrant of Immokalee Road and Collier Boulevard, in Section 26, Township 48 South, Range 26 East, Collier County, Florida.

STAFF RECOMMENDATION.

Approval with conditions.

FINDINGS.

1. The public hearing for this Petition was properly noticed and conducted in accordance with all County and state requirements.
2. The public hearing was conducted electronically and in-person in accordance with Emergency/Executive Order 2020-04.
3. The Petitioner and/or Petitioner's representative executed the Hybrid Virtual Quasi-Judicial Public Hearing Waiver related to conducting the public hearing electronically and in-person.
4. The Petitioner and/or Petitioner's representative presented the Petition, followed by County staff and then public comment.

ANALYSIS.

Based on a review of the record including the Petition, application, exhibits, the County's staff report, and hearing comments and testimony from the Petitioner and/or the Petitioner's representative(s), County staff and any given by the public, the Hearing Examiner finds that there

is sufficient competent, substantial evidence as applied to the criteria set forth in Section 10.02.13.E.1 of the Land Development Code to approve Petition.

DECISION.

The Hearing Examiner hereby APPROVES Petition Number PDI-PL202000000048, filed by Richard D. Yovanovich, Esq. of Coleman, Yovanovich and Koester, P.A. representing D. Wayne Arnold, AICP of Q. Grady Minor and Associates, P.A., with respect to the property as described Ordinance Number 2019-11, 55.66± acres, located at the southeast quadrant of Immokalee Road and Collier Boulevard, in Section 26, Township 48, Range 26, Collier County, Florida, for the following:

- An insubstantial change to the Baumgarten Planned Unit Development (PUD) by seeking deviations from LDC Sections 5.05.05 B.1., 5.05.05. D.2.a., and 5.05.05. D.2.b. "Facilities with Fuel Pumps" and LDC Sections 5.06.02.B.14, 5.06.02.B.14.a. and 5.06.02.B.14.b. "Boundary Marker Sign," LDC Section 5.06.04.F.2.b., "Outparcels-Ground Signs" and LDC Section 5.06.04. F.3., "Directory Signs" and modifying previously approved Deviation #3.

Said changes are subject to the condition(s) set forth below.

ATTACHMENTS.

Exhibit A – Baumgarten MPUD Master Plan Revised 4/1/20

Exhibit B - Baumgarten MPUD Deviations from the LDC

LEGAL DESCRIPTION.

See Ordinance Number 2019-11, 55.66± acres, located at the southeast quadrant of Immokalee Road and Collier Boulevard, in Section 26, Township 48, Range 26, Collier County, Florida.

CONDITIONS.

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

DISCLAIMER.

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

APPEALS.

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

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

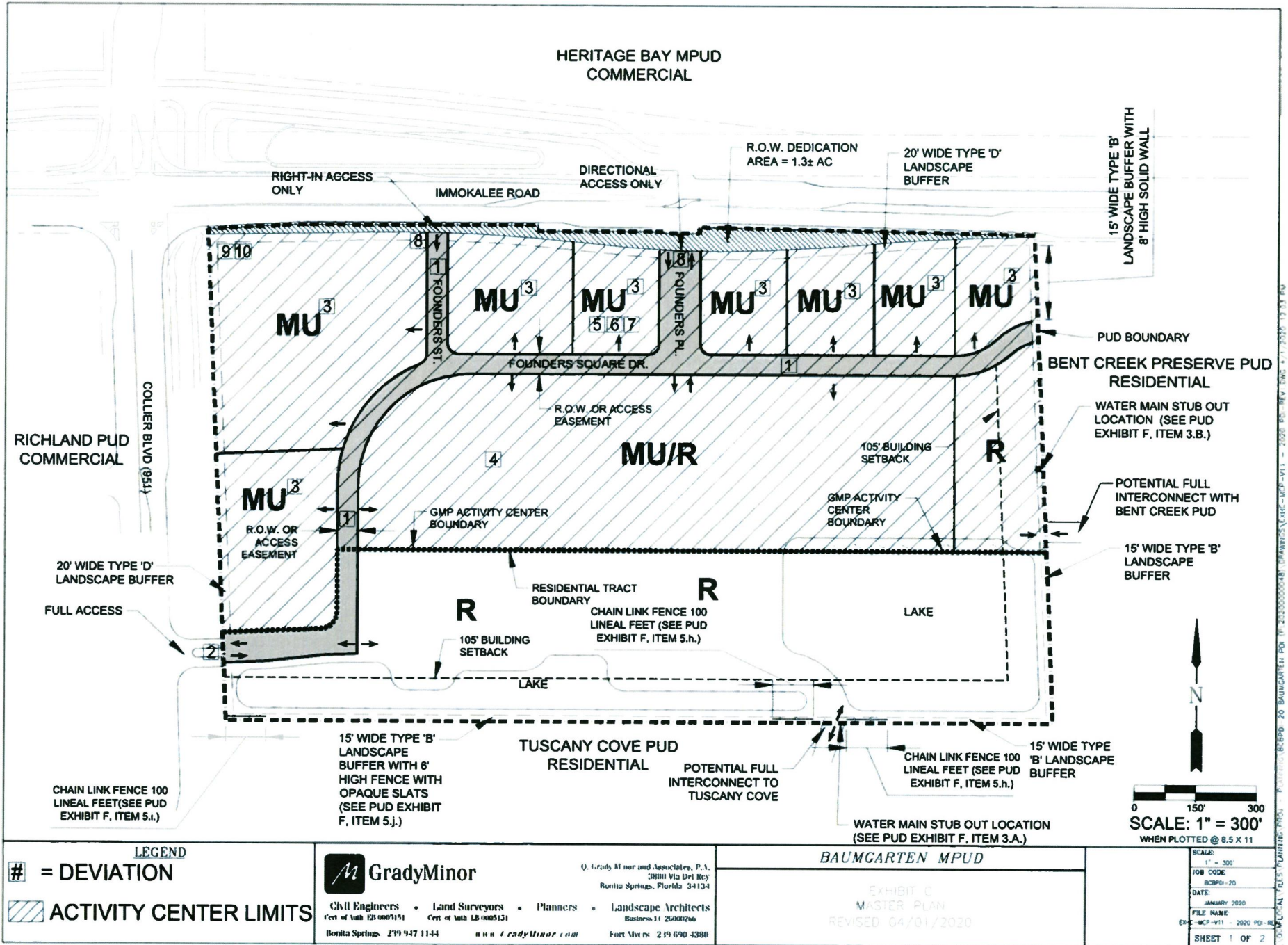
December 2, 2020

Date



Andrew Dickman, Esq., AICP
Hearing Examiner

EXHIBIT "A"



SITE SUMMARY

TOTAL SITE AREA: 55.66± ACRE

MIXED USE (MU)	20± AC (36%)
MIXED USE OR RESIDENTIAL (MU/R)	14± AC (25%)
RESIDENTIAL (R)	10± AC (18%)
AMENITY AREA (IN R AREA)	0.5± AC (1%)
WATER MANAGEMENT	8± AC (15%)
ROW DEDICATION AREA	1.3± AC (2%)
BUFFERS	1.86± AC (3%)

RESIDENTIAL: MAXIMUM 400 DWELLING UNITS

COMMERCIAL: MAXIMUM 270,000 S.F.

OPEN SPACE:

REQUIRED: 30%

PROVIDED: 30%

DEVIATIONS (APPLIES TO ENTIRE PROJECT, SEE EXHIBIT E)

1. STREET SYSTEM REQUIREMENTS AND APPENDIX B
2. DIRECTORY SIGNS
3. GROUND SIGNS
4. GROUND SIGNS
5. LANDSCAPING AND MASONRY WALL STANDARDS
6. LANDSCAPING AND MASONRY WALL STANDARDS
7. SITE DESIGN REQUIREMENTS
8. DIRECTORY SIGNS
9. BOUNDARY MARKER SIGN
10. BOUNDARY MARKER SIGN

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. THE SITE CONTAINS NO NATIVE VEGETATION COMMUNITIES AND NO ORIGINAL NATIVE TREES REMAIN; THEREFORE NO NATIVE VEGETATION PRESERVATION IS REQUIRED.

LEGEND**GradyMinor**

G. Grady Minor and Associates, P.A.
3000 Via Del Rey
Bonita Springs, Florida 34134

Civil Engineers • Land Surveyors • Planners • Landscape Architects
 Cert. of Auth. E21 0005151 Cert. of Auth. LB 0005151 Business Lic. 25000266
 Bonita Springs 239.947.1144 www.gradyminor.com Fort Myers 239.690.4380

BAUMGARTEN MPUD

EXHIBIT C
MASTER PLAN NOTES
REVISED 04/01/2020

SCALE:
N.T.S.
JOB CODE:
BCSPD-20
DATE:
JANUARY 2020
FILE NAME:
D:\BCSP-V11 - 2020 PD-R0
SHEET 2 OF 2

EXHIBIT “B”

**BAUMGARTEN MPUD
DEVIATIONS FROM THE LDC**

- DEVIATION 1: From LDC Section 6.06.01. – “Street System Requirements” and “Appendix B, Typical Street Sections and Right-of-Way Design Standards”. The LDC establishes a minimum 60-foot right of way width for local streets. This deviation proposes to instead allow for private roads within the site to be located in a 50-foot wide access easement or Right-of-Way, as shown on the Master Plan and in Exhibit E1, Deviation #1 Cross Section.
- DEVIATION 2: From LDC Section 5.06.04.F.3, “Directory Signs”, which requires a Directory Sign to be a maximum of 20 feet in height and a maximum of 200 square feet, to instead allow the Directory Sign located at the Collier Boulevard entrance to the MPUD to be a maximum of 25 feet in height and a maximum of 250 square feet in size.
- DEVIATION 3: From LDC Sections 5.06.04.F.1 ~~and 5.06.04.F.2~~, “Ground Signs”, which allows each ~~outparcel or tract~~ to have a single ground sign along a public street, to ~~instead also allow outparcels or tracts~~ and individual free standing uses abutting Collier Boulevard and Immokalee Road within the MPUD to have one additional ground sign that is oriented to the internal private by-pass driveway (labeled as R.O.W or access easement on the Master Plan) that is provided for in the MPUD. The second sign shall be limited to 6 feet in height and 40 square feet in sign area.
- DEVIATION 4: Relief from LDC Section 5.06.04.F.2.b, “Outparcels-Ground Signs”, which allows each parcel or tract to have a single ground sign along a public street, to also allow platted interior tracts, not adjacent to Immokalee Road or Collier Boulevard, to have a single ground sign along the interior right-of-way or access easement with a maximum height of 8 feet and 60 square feet in sign area.
- DEVIATION 5: Relief from from LDC Section 5.05.05.D.2.a, “Facilities with Fuel Pumps” which requires facilities with fuel pumps to be subject to the following standards where located within 250 feet of residentially zoned or residentially developed properties:
- a. Facility with fuel pumps sites shall be separated from residential property by a thirty-foot wide landscape buffer and an architecturally designed masonry wall. The masonry wall shall be eight (8) feet in height, centered within the landscape buffer, and shall use materials similar in color, pattern, and

Words underlined are additions; words ~~struck through~~ are deletions

Baumgarten MPUD Exh E-rev2.docx

May 28, 2020

texture to those utilized for the principal structure. The masonry wall shall be located on top of a berm. The berm shall be constructed and maintained at a height of three (3) feet and a maximum slope of 3:1. The berm shall be planted with ground cover.

This deviation will instead not require this MPUD to provide a wall or berm to be constructed where the facility with fuel pumps is located within 250 feet of any residential building.

Deviation #6: Relief from LDC Section 5.05.05.D.2.b, "Facilities with Fuel Pumps", which requires facilities with fuel pumps to be subject to the following standards where located within 250 feet of residentially zoned or residentially developed properties:

b. Landscaping shall be required on both sides of the masonry wall. On the residential property wall side, a hedgerow consisting of #10 shrubs, spaced three (3) feet on center, and four (4) feet high at planting and five (5) feet high within one year shall be provided. In addition, a row of canopy trees spaced thirty (30) feet on center, and ten (10) feet in height at planting are required. On the facility with fuel pumps wall side, a row of canopy trees, spaced thirty (30) feet on center, and twelve (12) feet in height at planting are required. A hedgerow consisting of #10 shrubs, spaced three (3) feet on center, and four (4) feet high at planting and five (5) feet high within one year shall be provided. Required canopy trees shall be staggered to accommodate the canopy trees on the residential property wall side.

This deviation will instead allow this MPUD to provide a 10-foot wide type 'D' landscape buffer planted with 10-foot-high canopy trees planted 20 feet on center, and a hedge 3 feet in height at installation, which shall be permanently maintained at a minimum height of three feet along the eastern and southern lot boundaries. The deviation is applicable only in the location noted on the PUD Master Plan.

Deviation #7: Relief from LDC Section 5.05.05.B.1 "Facilities with Fuel Pumps", which establishes site design standards for facilities with fuel pumps by requiring any front yard setback to be a minimum of 50 feet, to instead allow a reduction in the required front yard setback to a minimum of 30 feet.

Deviation #8: Relief from LDC Section 5.06.04.F.3, "Directory Signs", which requires Multiple-occupancy parcels or multiple parcels developed under a unified development plan, with a minimum of eight independent units, and containing 20,000 square feet or more of leasable floor area to be permitted one directory sign at one entrance on each public street, to instead allow the directory sign to be

Words underlined are additions; words ~~struck through~~ are deletions

relocated so that the directory sign is permitted at the westernmost PUD entrance along Immokalee Road. This sign shall be permitted to include tenant names for "The Pointe" which is currently under review (SDP PL20190001486).

Deviation #9: Relief from LDC Section 5.06.02.B.14, "Boundary Marker sign", which allows residential developments to have one boundary marker sign or monument structure to be located at each property corner, to instead allow a mixed-use project to have one boundary marker sign at a single corner. The boundary marker sign shall include the logo and/or project name.

Deviation #10: Relief from LDC Section 5.06.02.B.14.a. and b., "Boundary Marker sign", which requires that the maximum height is 8 feet to the uppermost portion of the boundary marker structure, and the sign face area may not exceed 24 square feet in area and may not exceed the height or length of the monument or structure upon which it is located, to instead allow the boundary marker sign or sculpture located at the intersection of Immokalee Road and Collier Boulevard to be 10 feet in height with a maximum of 40 square feet in area.

Words underlined are additions; words ~~struck through~~ are deletions

Baumgarten MPUD Exh E-rev2.docx

May 28, 2020



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): PL20210000379, Baumgarten PDI

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

Name: Christopher Scott

Date: 7/6/2021

Signature: _____



Applicant*



Legal Counsel to Applicant

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

SIGN POSTING INSTRUCTIONS

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

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

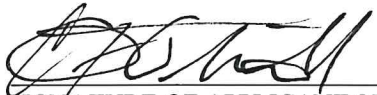
1. The sign(s) must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
2. The sign(s) must be securely affixed by nails, staples, or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure.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

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF COLLIER

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED CHRISTOPHER O. SCOTT
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 10.03.00 OF THE
COLLIER COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN PETITION NUMBER
PL20210000379:


SIGNATURE OF APPLICANT OR AGENT

2600 GOLDEN GATE PKWY
STREET OR P.O. BOX

CHRISTOPHER O. SCOTT
NAME (TYPED OR PRINTED)

NAPLES, FL 34105
CITY, STATE ZIP

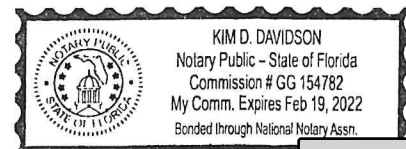
STATE OF FLORIDA
COUNTY OF COLLIER

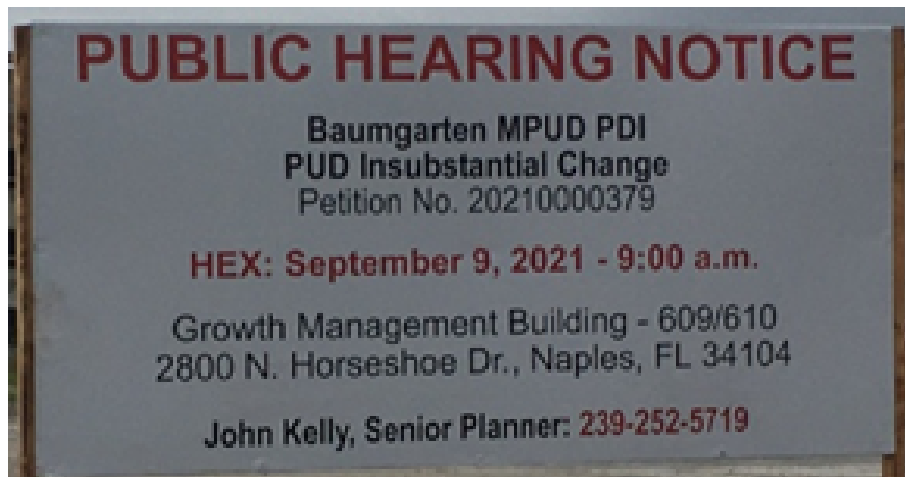
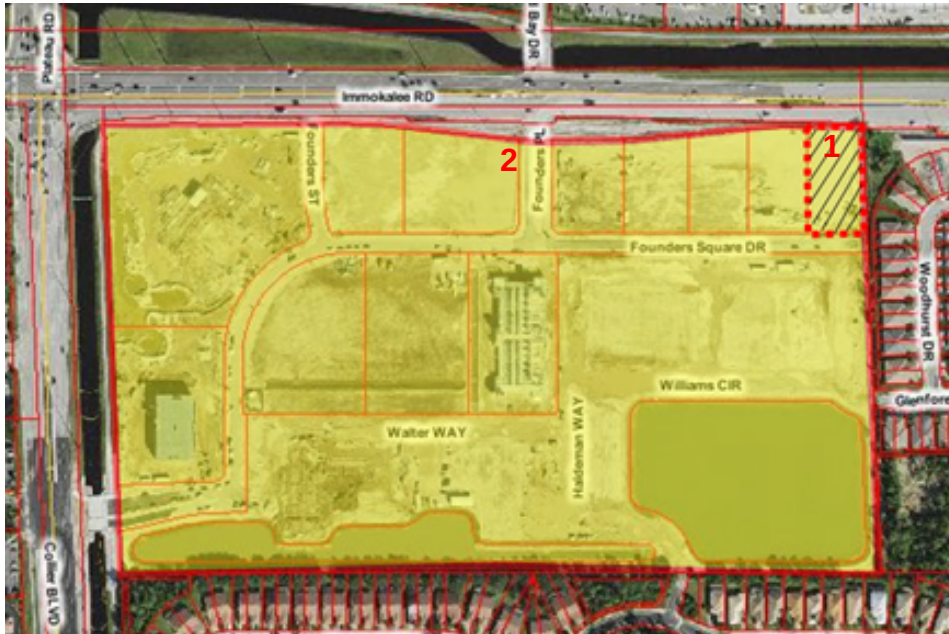
The foregoing instrument was sworn to and subscribed before me this 9th day of August, 2021, by
Christopher O. Scott, personally known to me or who produced _____ as identification
and who did/did not take an oath.


Signature of Notary Public

Kim D. Davidson
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)







GOEDE / ADAMCZYK / DEBOEST / CROSS
ATTORNEYS AND PROFESSIONAL COUNSEL

INFO@GADCLAW.COM / WWW.GADCLAW.COM

Reply To:

S. Kyla Thomson, Esq.
Goede, Adamczyk, DeBoest & Cross, PLLC
6609 Willow Park Drive, 2nd Floor
Naples, FL 34109

Phone: (239) 687-3933

Email: kthomson@gadclaw.com

August 11, 2021

Sent via Hand Delivery

Collier County Growth Management Department
c/o Collier County Hearing Examiner
2800 North Horseshoe Drive
Naples, FL 34104

**RE: Collier County Hearing Examiner Hearing – August 12, 2021
Petition No. PDI-PL20210000379, Baumgarten PUD (“Petition”)**

Dear Hearing Examiner:

Please be advised that this Firm represents Bent Creek Preserve Homeowners Association, Inc., a Florida not for profit corporation (the “Association”). The Association is located to the east of the Founder’s Square development.

It has been informed of the Petition to reduce the minimum yard setback from the Eastern Project Boundary from 50 feet to 25 feet. Please let this correspondence serve as the Association’s strong objection to the reduction of the minimum yard setback. Approving the unnecessary setback reduction would allow buildings, parking lots, and other improvements to be constructed too close to the Association’s western boundary. This would bring noise and unnecessary nuisance to the Association’s residents. The Association initially did not object to the Founder’s Square development as it believed the originally proposed and approved setback requirement was likely sufficient. However, it must strongly object to any proposed reduction of the original proposed and approved setback requirement.

This letter also serves as the Association’s strong objection to the removal of the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height. Approving the removal of the increased setback for any building exceeding 50 feet and removing the maximum height limitation of structures within 50 feet of the Eastern Project Boundary will be extremely detrimental to the Association and its residents. Depending on the height of the buildings constructed, such improvements could be too close to the Association’s western boundary. Further, any increased height over the 35 zoned height and 45 feet actual height would allow the buildings to effectively tower over the Association homes and be injurious to those homes’ property values. To that end, the

Association must strongly object to any removal of the applicable provision that any building exceeding 50 feet in height shall increase its setback by one foot for each one foot exceeding 50 feet of zoned height from the eastern PUD boundary, and limiting the maximum height of principal structures within 50 feet of the Eastern Project Boundary to 35 feet zoned height and 45 feet actual height.

The Association urges you and sincerely hopes that you will disapprove the pending request for an insubstantial change to Ordinance No 19-11. Should you have any questions, please let me know.

Very truly yours,
Goede, Adamczyk, DeBoest & Cross, PLLC

S. Kyla Thomson
S. Kyla Thomson