

COLLIER COUNTY
Collier County Hearing Examiner



AGENDA

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

August 22, 2024

1: 00 PM

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 Ailyn.Padron@CollierCountyFL.gov 10 days prior to the Hearing. All materials used during presentation at the hearing will become a permanent part of the record.

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

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

1. **Pledge of Allegiance**
2. **Review of Agenda**
3. **Advertised Public Hearing**
 - A. **Petition No. PCUD-PL20230018178 – L&W Supply at 4720 Radio Road – Request for a determination that the proposed use of a hybrid wholesale and retail lumber and building material dealer is comparable in nature to other permitted uses in the Heavy Commercial (C-5) zoning district described as lumber and other building materials dealers (SIC 5211). The subject property is located at 4720 Radio Road, Naples, FL 34104, also known as C M G Plat Lot 2, in Section 1, Township 50 South, Range 25 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 4**
 - B. **Petition No. PL20240000927 VA – 2441 Maretee Drive – Request for a variance from Land Development Code Section 2.03.08.A.2.a.(4)(a).iii, to reduce the required Agricultural RFMUO-Receiving side setback from 30 feet to 12.8 feet on the east property line and to reduce the rear setback from 50 feet to 28.1 feet on the northern property line for the two existing accessory storage buildings on approximately 7.94 acres located at ±2,000 feet north of US-41 and ±850 feet east of Greenway Road at 2441 Maretee Drive, Naples, FL, 34114 in Section 7, Township 51 South, Range 27 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 1**
 - C. **Petition No. BD-PL20230017548 –156 Pago Pago Drive West - Request for a 29-foot boat dock extension, over the maximum 20 feet allowed by Section 5.03.06.E.1 of the Collier County Land Development Code for waterways 100 feet or greater in width, to construct a new dock facility that will protrude a total of 49 feet into a waterway that is 278± feet wide for the benefit of property located at 156 Pago Pago Drive West, also known as Lot 187, Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 1**
 - D. **Petition No. NUA-PL20240006168 –271 Southbay Drive - Request for a minor alteration/reconstruction of an existing residential dock facility with 44 boat slips located within a Commercial Intermediate (C-3) Zoning District, which facility is a nonconforming use pursuant to Land Development Code (LDC) Section 9.03.03.B.2.a resulting in a zero-foot setback along the southeast side/riparian side and a five-foot setback along the northwest side/riparian line instead of the required side yard/riparian setback of 15-feet as provided for in LDC Section 5.03.06.E.5 for dock facilities on lots with water frontage of 60-feet or greater, for property located at 271 Southbay Drive, within Barefoot Pelican, A Waterfront Condominium, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. (Companion Item BD - PL20220005339) [Coordinator: John Kelly, Planner III] Commissioner District 2**
 - E. **Petition No. BD-PL20220005339 – 271 Southbay Drive - Request for a 51-foot boat dock extension over the maximum permitted protrusion of 20-feet for a total protrusion of 71-feet into a waterway greater than 100-feet in width pursuant to Land Development Code Section 5.03.06.E.1 to allow for minor alteration/reconstruction of a private multi-family boat docking facility with 44 slips abutting a bay that is 748-feet wide to the north and a canal that is 100-feet wide to the east. The subject property is located at 271 Southbay Drive in Section 32, Township 48 South, Range 25 East, Collier County, Florida.(Companion Item NUA - PL20240006168) [Coordinator: John Kelly, Planner III] Commissioner District 2**

4. **Other Business**
5. **Public Comments**
6. **Adjourn**

08/22/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A**Doc ID:** 29474

Item Summary: Petition No. PCUD-PL20230018178 – L&W Supply at 4720 Radio Road – Request for a determination that the proposed use of a hybrid wholesale and retail lumber and building material dealer is comparable in nature to other permitted uses in the Heavy Commercial (C-5) zoning district described as lumber and other building materials dealers (SIC 5211). The subject property is located at 4720 Radio Road, Naples, FL 34104, also known as C M G Plat Lot 2, in Section 1, Township 50 South, Range 25 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 4

Meeting Date: 08/22/2024**Prepared by:**

Title: Principal Planner – Zoning

Name: Sean Sammon

07/22/2024 6:51 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

07/22/2024 6:51 PM

Approved By:

Review:

Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	08/01/2024 12:54 PM
Transportation Management Operations Support		Evelyn Trimino	GMCCD Reviewer	Completed 08/05/2024 10:22 AM
Zoning	Ray Bellows	Review Item	Completed	08/05/2024 1:26 PM
Zoning	Mike Bosi	Division Director	Completed	08/07/2024 7:44 AM
Hearing Examiner	Andrew Dickman	Meeting Pending		08/22/2024 1:00 PM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: AUGUST 22, 2024

SUBJECT: L&W SUPPLY AT 4720 RADIO ROAD, COMPARABLE USE
DETERMINATION (PCUD), PCUD-PL20230018178

PROPERTY OWNER/AGENT:

Applicant/Owner:

Sandal Real Estate Holdings, LLC
4720 Radio Road
Naples, FL 34104

Agent:

Mr. Zachary Lombardo, Esquire
Woodward, Pires & Lombardo, PA
3200 Tamiami Trail North, Suite 200
Naples, FL 34103

REQUESTED ACTION:

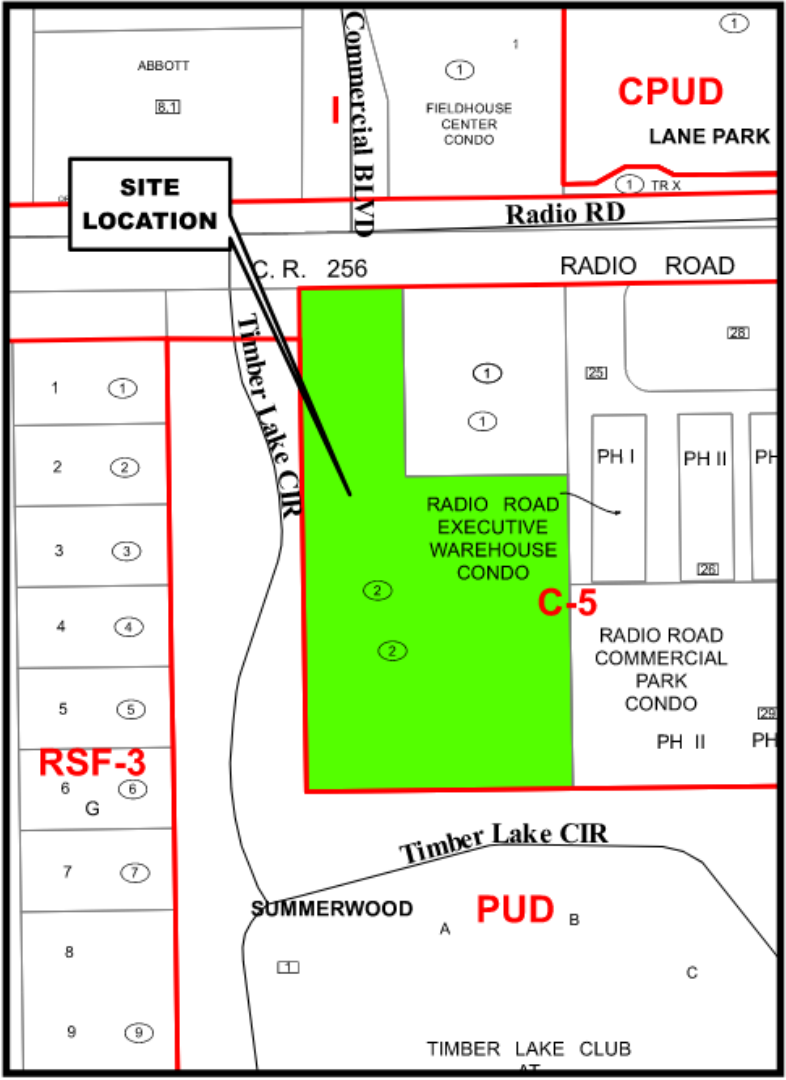
Request for a determination that the proposed use of a hybrid wholesale and retail lumber and building material dealer is comparable in nature to other permitted uses in the Heavy Commercial (C-5) zoning district described as lumber and other building materials dealers (SIC 5211).

GEOGRAPHIC LOCATION:

The subject use will be housed at the subject 3.53+/- acre property located at 4720 Radio Road, Naples, FL 34104, which is located on the south side of the intersection of Commercial Boulevard and Radio Road in Section 1, Township 50 South, Range 25 East, Collier County, Florida.



Location Map



Zoning Map

Petition Number: PL20230018178

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the subject property. The subject property has a zoning designation of Heavy Commercial, C-5:

- North:** Developed commercial with a zoning designation of C-5, and Radio Road, a 4-lane divided minor arterial road, and then developed industrial with a zoning designation of I.
- East:** Developed commercial with a zoning designation of C-5
- South:** Developed multi-family residential with a zoning designation of Summerwood Residential Planned Unit Development (RPUD)
- West:** Developed multi-family residential with a zoning designation of Summerwood Residential Planned Unit Development (RPUD)



Aerial Map – Collier County Property Appraiser

PURPOSE AND DESCRIPTION OF PROJECT:

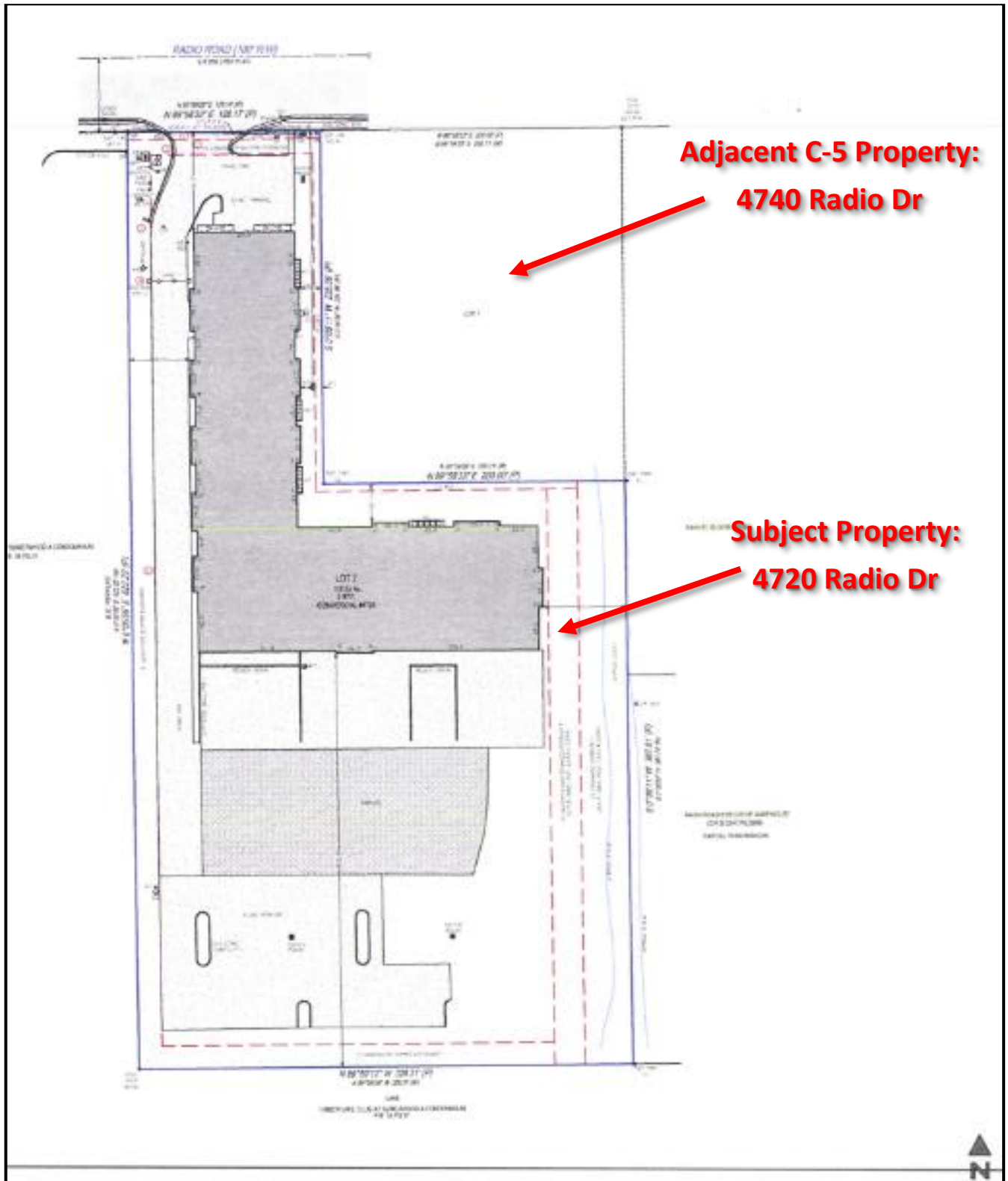
The applicant is seeking confirmation that the proposed use to operate as a “wholesale distributor” of building supplies and materials in combination with permitted outside storage is comparable to permitted uses for the Heavy Commercial (C-5) zoning district. More specifically, the applicant identified the proposed use as a “hybrid wholesale/retail lumber and building material dealer”. According to the applicant, L&W Supply distributes building materials such as gypsum wallboard, steel studs, ceiling tiles, joint treatments, stucco, and building insulation. These products are sold to professional contractors, home builders, and remodelers. How this differs from retailers is primarily because the quantities sold are larger in comparison and are usually delivered to job sites by way of L&W trucks.

The subject property is located at 4720 Radio Road, also known as CMG Plat Lot 2, on folio number 25111001024, consisting of approximately 3.53 acres. The subject property is also located within the Heavy Commercial, C-5, zoning district, which according to LDC Sec. 2.03.03.E. “allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business.”. The proposed use that the applicant requests is compared to the permitted use in LDC Sec. 2.03.03.E.1.a.100. of “Lumber and other building materials dealers” under SIC code 5211.

There was a Zoning Verification Letter, PL20230013774, distributed on September 7, 2023, that provided a determination of this type of use as permitted in the C-5 zoning district. According to the LDC Sec. 2.03.03.E.1.a.120, it further provided more information regarding outside storage yards permitted in the C-5 zoning district with the following conditions:

“...provided that the yard is located no closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, pursuant to section 4.02.12. This provision shall not be construed to allow, as permitted or accessory use, wrecking yards, junkyards, or yards used in whole or part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.”

The comparable use is necessary for the proposed use since it is not included in the establishments listed under SIC 5211 because it is not known as retail in trade. The proposed use is not specifically listed in the LDC list of permitted uses and is comparable to the uses included in SIC 5211. This proposed use sells to both retail and wholesale buyers and, therefore, is not exclusive to only wholesale distribution.



Subject Property Survey from December 29, 2023 (Source: Exacta Land Surveyors, LLC)

STAFF ANALYSIS:

The subject property has a Future Land Use Designation of Urban Residential Subdistrict in the Future Land Use Element (FLUE). The purpose of this Subdistrict is to provide for higher densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated. This Subdistrict comprises approximately 93,000 acres and 80% of the Urban Mixed-Use District. Maximum eligible residential density shall be determined through the Density Rating System but shall not exceed 16 dwelling units per acre except in accordance with the Transfer of Development Rights Section of the Land Development Code.

Regarding its current zoning designation, according to the LDC Sec. 2.03.03.E, the Heavy Commercial (C-5) zoning district is defined as including uses provided in the C-4 zoning district; C-5 allows more uses that are intensive commercially and most services that typically utilize outdoor space as the business is conducted. Furthermore, the C-5 district *“permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the building material for which they specialize. Outdoor storage yards are permitted with the requirement that such yards are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the locational criteria for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.”* The proposed use will be a hybrid combination of both a permitted use in the C-5 zoning district, under SIC Code 5211 but will also include wholesale distribution for the ultimate identification as a “hybrid wholesale/retail lumber and building material dealer”. Because this will serve both contractors and the public as its customers, this use is comparable and compatible with the existing uses allowed in the C-5 zoning district.

Per LDC §10.02.06 K, a Comparable Use Determination (CUD) determines whether a specified use is consistent and comparable in nature with the list of permitted uses and the purpose and intent statement of the specified zoning district, overlay, or PUD. After staff evaluates the criteria in LDC §10.02.06 K.2, the results are presented at a public hearing for the purposes of approval, approval with conditions, or denial.

LDC §10.02.06 K.2. Criteria listed in bold with the applicant’s response in regular font and staff analysis in italics.

A. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

Applicant Response: The proposed use is a lumber and building material dealer that is both wholesale and retail, a “hybrid wholesale/retail lumber and building material dealer.” This is comparable to the following C-5 permitted use:

- Lumber and other building materials dealers (5211).

The description in the 1987 Standard Industrial Classification (SIC) System for the above is:

Establishments engaged in selling primarily lumber, or lumber and a general line of building materials, to the general public. While these establishments may sell primarily to construction contractors, they are known as retail in the trade. The lumber they sell may include rough and dressed lumber, flooring, molding, doors, sashes, frames, and other millwork. The building materials may include roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel, and other building materials and supplies. Hardware is often an important line sold by retail lumber and building materials dealers. Establishments that do not sell to the general public and those that are known in the trade as wholesale are classified in Wholesale Trade, Industry Group 503.

- Brick and tile dealers-retail
- Building materials dealers-retail
- Buildings, prefabricated-retail
- Cabinets, kitchen: to be installed-retail
- Concrete and cinder block dealers-retail
- Doors-retail
- Fencing dealers-retail
- Flooring, wood-retail
- Garage doors-retail
- Insulation material, building-retail
- Lime and plaster dealers-retail
- Lumber and building materials dealers-retail
- Lumber and planning mill product dealers-retail
- Millwork and lumber dealers-retail
- Paneling-retail
- Roofing material dealers-retail
- Sand and gravel dealers-retail
- Storm windows and sash, wood or metal-retail
- Structural clay products-retail
- Wallboard (composition) dealers-retail

The NAICS explains retail as it pertains to lumber and building material dealers as follows: For the most part, establishments engaged in retail trade sell merchandise to the general public for personal or household consumption. Exceptions to this general rule are lumber yards, paint, glass, and wallpaper stores, typewriter stores, stationery stores, and gasoline service stations, which sell to both the general public for personal or household consumption and to businesses. These types of stores are classified in Retail Trade even if a higher proportion of their sales is made to other than individuals for personal or household consumption. However, establishments that sell these products only to institutional or industrial users and to other wholesalers and establishments that sell similar merchandise for use exclusively by business establishments are classified in Wholesale Trade. (Source: <https://www.naics.com/sic-codes-counts-division/?div=G#sicdivdescr>)

The proposed use is hybrid wholesale and retail lumber and other building materials dealers. It does not sell only to business establishments.

To support this, L&W will provide testimony regarding this use. Unlike a true wholesale operation, the buyers at this L&W can be members of the public as opposed to just businesses. Regarding L&W, this is unique for this proposed location and surrounding locations specifically because of hurricanes. In hurricane season, as will be testified to by an L&W representative, L&W locations along the Florida Gulf Coast sell a higher volume of lumber and building material to the general public. To accommodate this unique feature, this L&W location will be open to the general public year-round. This is distinct from other L&W locations outside the Florida Gulf Coast. Because this is a geographically specific feature, L&W remains not known as retail in the trade, and as a result as to this specific location, the proposed use is unique and specifically comparable to the use “Lumber and other building materials dealers (5211)”, and it remains without use elsewhere in the LDC as the proposed use does not sell only to institutional or industrial users.

The criteria below are comparable based on the above and the enclosed statement.

Staff Response: The Zoning Verification Letter, issued on September 7, 2023, staff determined that the proposed land use classified under SIC 5211, Lumber and Other Building Materials Dealers, is a permitted use in the C-5 Zoning District, according to LDC Sec. 2.03.03.E.1.a.100. The proposed use for this CUD is a “hybrid wholesale and retail lumber and building material dealer.” Typically, wholesale lumber under SIC 5031 are located in the Business Park District in the Industrial Zoning District. Because the proposed use on the subject property will be a hybrid wholesale and retail, buyers will be from the public, businesses, institutional, and industrial. Therefore, staff believes this proposed use in the subject property adds wholesale to the permitted use of SIC 5211 and is comparable and similar to the permitted use of Lumber and other building materials dealers.

i. Operating Hours:

Application Response: Comparable businesses in this category are (based on SEC filings) Floor and Décor, Home Depot, and Lowe’s. These companies have the following operating hours in Collier County:

Floor and Décor:

- Monday – Friday: 6am to 7pm
- Saturday: 8am to 7pm
- Sunday: 10am to 6pm

Home Depot

- Monday –Saturday: 6am to 10pm
- Sundays: 8am to 8pm

Lowe’s

- Monday – Saturday: 6am to 9pm

- Sundays: 8am to 8pm

L&W will have the following hours:

- Monday – Friday: 6:00am to 4:30pm
- Saturday: 6:00am to 3:00pm
- Sunday: Closed

L&W has less intense hours than other comparable uses.

Staff Response: These operating hours are consistent with the proposed use being offered. These proposed hours are comparable and consistent with other uses allowed in the C-5 Zoning District since other uses have an opening and closing time between 6 a.m. and 10 p.m. and some various times on the weekends. The L&W will have less intense hours since it will have a similar opening but will close earlier on weekdays and will not be open on weekends.

ii. Traffic Volume Generated/Attracted:

Application Response: The ITE code for this use is 812 Building Materials and Lumber Store. The explanatory text for that ITE code is:

A building materials and lumber store is a free-standing building that sells hardware, building materials, and lumber. The lumber may be stored in the main building, yard, or storage shed. The buildings contained in this land use have less than 30,000 square feet (sq. ft.) gross floor area (GFA). Hardware/paint store (Land Use 816) and home improvement superstore (Land Use 862) are related uses.

This code does not differentiate between retail and wholesale or between either and hybrid establishments. Thus, per the ITE, the traffic for this use has the same volume as the permitted use.

Staff Response: Staff supports the similar traffic volume generated by the proposed use of the hybrid lumber retail, wholesale, and building materials. The proposed use is consistent and comparable with other allowed uses in the C-5 zoning district and won't generate a substantial increase in traffic volume.

iii. Type of vehicles associated with the use:

Application Response: As the permitted use states, it sells “primarily” to construction contractors, and as the proposed use does as well, the type of vehicles associated with the proposed use is indistinguishable from the permitted use. Additionally, the ITE makes no distinction between vehicle types for retail, wholesale, or hybrid retail/wholesale.

Staff Response: The vehicles to be used in association with the proposed use have minimal impact on the existing transportation facilities located at the subject property. The parking provided may be sufficient for the proposed use since it will not add additional trips to what is already provided

for the existing site. Staff supports the type of vehicles that will utilize the subject property since there is no drastic change or difference for vehicle types that will use retail or wholesale lumber and building materials.

iv. Number and type of required parking spaces:

Application Response: The requirement for lumber and building supplies is:

Building supplies/lumberyard	(Only for retail sales where the supplies are primarily stored outside), 1 per 275 square feet of inside retail/office area plus 1 per 1,500 square feet of enclosed or roofed storage structures.
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No distinction is made between retail and wholesale. Thus, the parking requirements are the same.

Staff Response: Staff supports and determines this use is sufficient pursuant to LDC Sec. 2.03.03.E.1.a.120. Outdoor Storage Yards and is also sufficient pursuant to LDC Sec. 4.02.12.A. meeting the parking design standards for outdoor storage of lumber and building supplies.

v. Business practices and activities:

Application Response: Specifically, because the SIC code for lumber yards contemplates contractor purchases, even a majority of contractor purchases, the business practices of the two uses are indistinguishable because, in the proposed use, members of the general public can purchase.

Staff Response: Staff supports and determines this is sufficient for the proposed use since there is no exclusion for customers since contractors and the public are able to make purchases.

B. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

Application Response: The current zoning is C-5, this contains many intense uses that create significant noise, glare, and odor effects. For example:

Automotive repair services (7532 — 7539); Automotive services (7549); Concrete work (1771); Crematories (7261); Hardware stores (5251); Hospitals (8062—8069); and Welding repair (7692).

Beyond the above intense uses, the use is, from a noise, glare, and odor effects standpoint, indistinguishable from the permitted use: Lumber and other building materials dealers (5211).

Staff Response: This is consistent with the proposed use on the subject property. The original structure was permitted under permit #199906-0885 and constructed in 2000. Since then, there has been only one code enforcement issue regarding a noise complaint on November 16, 2009,

and it was resolved within a week. There will be no anticipated negative effects of noise, glare, or odor.

- C. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.**

Application Response: For the same reason Lumber and other building materials dealers (5211) is consistent with the GMP, this proposed use is also consistent with the GMP.

Staff Response: The proposed use is consistent with the GMP because it is located within the Urban Residential Subdistrict and thus it is consistent with the FLUE.

- D. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.**

Application Response: For the same reason Lumber and other building materials dealers (5211) is compatible and consistent with other permitted uses in the zoning district, this proposed use is also compatible and consistent with other permitted uses in the zoning district.

Staff Response: Staff supports and determines this sufficient, since the SIC Code 5211 is a permitted use in the C-5 Zoning District, the proposed use is adding wholesale to the permitted use, which is typically permitted in the Business Park of the Industrial Zoning District. Therefore, the proposed use is compatible with the other uses in the zoning district.

- E. The proposed use shall be compatible with the surrounding neighborhood.**

Application Response: The proposed use is compatible with the surrounding neighborhood. Specifically, there are retail sellers with indistinguishable intensity nearby, and across Radio Road is an industrial park.

Staff Response: Staff supports and determines this sufficient, since the SIC Code 5211 is a permitted use in the C-5 Zoning District. The proposed use will be open to the public and contractors since wholesale and retail will be utilized together at the same site. The adjacent properties are the Summerwood PUD to the west and to the south, other C-5 zoned uses to the east, an arterial in Radio Road to the north, and across Radio Road is an Industrial Zoning District. Therefore, the proposed use is compatible with the surrounding neighborhood.

- F. Any additional relevant information may be required by the County Manager or designee.**

Application Response: N/A.

Staff Response: Staff supports this proposed use of a hybrid wholesale/retail lumber and building material dealer, primarily since the retail aspect is a permitted use and the included wholesale

aspect is the reason for the comparable use, and this will be frequented by both contractors and the public for business.

PUBLIC NOTICE:

Per the LDC and Administrative Code, a Neighborhood Information Meeting (NIM), posting of a sign on the subject property, and mailing to surrounding property owners are not required. The only notice required is a newspaper advertisement for the Hearing Examiner public meeting (Administrative Code, Chapter 3L, and LDC §10.03.06. O), which was posted in the Naples Daily News on Friday, August 2, 2024.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that the proposed use of a hybrid wholesale and retail lumber and building material dealer is comparable in nature to other permitted uses in the Heavy Commercial (C-5) zoning district described as lumber and other building materials dealers (SIC 5211) to be located at 4720 Radio Road, Naples, FL 34104, with the following conditions:

1. The approval of this PCUD is made at this specific location, 4720 Radio Road, Naples, FL 34104, and shall not be construed to mean the use is entitled in a different location.
2. The operating hours will be as follows: Monday through Friday from 6:00 a.m. to 4:30 p.m., Saturdays from 6:00 a.m. to 3:00 p.m., and closed on Sundays.

ATTACHMENTS:

Attachment A: Backup Package

Attachment B: Zoning Letter PL20230013774

Attachment C: Legal Ad

HEARING PACKAGE CHECKLIST Return this form with printed materials**A. Backup provided by the County Planner**

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

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

B. Backup provided by Applicant:

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

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

Attachment: ATTACHMENT A - Backup Package (29474 : PL20230018178 - L&W Supply at 4720 Radio Road (PCUD))

N/A Boundary Survey

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

N/A Submerged Resource Surveys may be included here if required.

N/A **CD with *only one* pdf file for all documents in the same order as the packets are put together. They must be in the same order.**

I understand that by submitting the above materials, it is the agent’s/applicant’s responsibility to ensure all materials are in the same order for all copies of backup materials to provide to the Hex/CCPC and the CD must contain the documents in one pdf file (not multiple files) in the same order as the printed materials. It is the agent’s responsibility to ensure no documentation is left out.

/s/ Zachary W. Lombardo

Signature of Agent Representative

7/19/2024

Date

Zachary W. Lombardo, Esq.

Printed Name of Signing Agent Representative

Attachment: ATTACHMENT A - Backup Package (29474 : PL20230018178 - L&W Supply at 4720 Radio Road (PCUD))



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

Comparable Use Determination
Land Development Code section 10.02.06 K
Chapter 3 L of the Administrative Code

☐

PUD Zoning District

☒

Standard Zoning District ZWL

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): SANDAL REAL ESTATE HOLDINGS LLC

Name of Applicant if different than owner: SANDAL REAL ESTATE HOLDINGS LLC

Address: C/O Agent City: State: ZIP:

Telephone: C/O Agent Cell:

E-Mail Address: C/O Agent

Name of Agent: ZACHARY W. LOMBARDO, ESQ.

Firm: WOODWARD, PIRES & LOMBARDO, P.A.

Address: 3200 Tamiami Trail N. Ste. 200 City: Naples State: FL ZIP: 34103

Telephone: (239) 649-6555 Cell:

E-Mail Address: zlombardo@wpl-legal.com; kchylinski@wpl-legal.com

PROPERTY INFORMATION

Site Address: 4720 RADIO RD Folio Number: 25111001025

Property Owners Name: SANDAL REAL ESTATE HOLDINGS LLC

Attachment: ATTACHMENT A - Backup Package (29474 : PL20230018178 - L&W Supply at 4720 Radio Road (PCUD))



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

DETERMINATION REQUEST

The determination request and justification for the use must be done by a certified land use planner or a land use attorney. Provide the completed request on a separate attached sheet. Please be very specific and include the SIC Code, if known. The request should adhere to the following format:

"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of hybrid wholesale/retail lumber and building material dealer is comparable and compatible with the permitted uses in the PUD or in the C-5 Straight Zoning District."

See attached Determination request and the justification for the use.

ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the [Civic Associations and Communities page](#) on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner / Civic Association: BRIARWOOD PROPERTY OWNERS ASSOCIATION, INC.

Mailing Address: C/O Anchor Associates, 2340 Stanford C **City:** Naples **State:** FL **ZIP:** 34112

Name of Homeowner / Civic Association: Fox Club Condo Association

Mailing Address: 215 Fox Glen Drive **City:** Naples **State:** FL **ZIP:** 34104

Name of Homeowner / Civic Association: Foxfire Community Association of Collier County

Mailing Address: 1030 Kings Way **City:** Naples **State:** FL **ZIP:** 34104

Name of Homeowner / Civic Association: Dover Parc Condominium Association

Mailing Address: 379 Dover Place Apt. 601 **City:** Naples **State:** FL **ZIP:** 34104

Name of Homeowner / Civic Association: _____

Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____



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SUBMITTAL REQUIREMENTS CHECKLIST

See Chapter 3 G.6 of the Administrative Code for submittal requirements. The following items are to be submitted with the application packet. **Incomplete submittals will not be accepted or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application	☒	
Affidavit of Authorization	☒	
Completed Addressing Checklist	☒	
Property Ownership Disclosure Form	☒	
Determination request and the justification for the use	☒	
PUD Ordinance and Development Commitment information	☐	☐

FEE REQUIREMENTS

- ☒ **Pre-Application Meeting fee \$500.00**
- ☒ **Comparable Use Determination Application fee: \$1,000.00**
- ☒ **Estimated Legal Advertising fee: \$1,125.00**
- ☒ **If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after hearing date. (Variable)**

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be assessed at 20% of the original fee.*

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

Growth Management Community Development Department | GMD Portal:
<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov

/s/ Zachary W. Lombardo, Esq.

Applicant Signature

Zachary W. Lombardo, Esq.

Printed Name

5/16/2024

Date

Determination Request and the Justification of the Use/Comparable Use and Factors

This request should be granted as all requirements have been met, specifically:

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:

The proposed use is a lumber and building material dealer that is both wholesale and retail, a “hybrid wholesale/retail lumber and building material dealer”. This is comparable to the following C-5 permitted use:

- Lumber and other building materials dealers (5211).

The description is in the SIC (1987) for the above is:

Establishments engaged in selling primarily lumber, or lumber and a general line of building materials, to the general public. While these establishments may sell primarily to construction contractors, they are known as retail in the trade. The lumber which they sell may include rough and dressed lumber, flooring, molding, doors, sashes, frames, and other millwork. The building materials may include roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel, and other building materials and supplies. Hardware is often an important line sold by retail lumber and building materials dealers. Establishments which do not sell to the general public and those which are known in the trade as wholesale are classified in Wholesale Trade, Industry Group 503.

- Brick and tile dealers-retail
- Building materials dealers-retail
- Buildings, prefabricated-retail
- Cabinets, kitchen: to be installed-retail
- Concrete and cinder block dealers-retail
- Doors-retail
- Fencing dealers-retail
- Flooring, wood-retail
- Garage doors-retail
- Insulation material, building-retail
- Lime and plaster dealers-retail
- Lumber and building materials dealers-retail
- Lumber and planing mill product dealers-retail
- Millwork and lumber dealers-retail
- Paneling-retail
- Roofing material dealers-retail
- Sand and gravel dealers-retail
- Storm windows and sash, wood or metal-retail
- Structural clay products-retail
- Wallboard (composition) dealers-retail

The proposed use, however, is not the above as it is not known as retail in the trade.

The proposed use, however, is not otherwise in the Land Development Code and is comparable to the above. The proposed use sells to both retail and wholesale buyers. This makes the proposed use distinct from any use that is exclusively wholesale.

The NAICS explains retail as it pertains to lumber and building material dealers as follows:

For the most part, establishments engaged in retail trade sell merchandise to the general public for personal or household consumption. Exceptions to this general rule are lumber yards; paint, glass, and wallpaper stores; typewriter stores; stationery stores; and gasoline service stations which sell to both the general public for personal or household consumption and to businesses. These types of stores are classified in Retail Trade even if a higher proportion of their sales is made to other than individuals for personal or household consumption.

However, establishments that sell these products only to institutional or industrial users and to other wholesalers and establishments that sell similar merchandise for use exclusively by business establishments are classified in Wholesale Trade.

Source: <https://www.naics.com/sic-codes-counts-division/?div=G#sicdivdescr>

The proposed use is hybrid wholesale and retail lumber and other building materials dealers. It does not sell only to business establishments.

To support this, L&W will provide testimony regarding this use. Unlike a true wholesale operation, the buyers at this L&W can be members of the public as opposed to just businesses. Regarding L&W, this is unique for this proposed location and surrounding locations specifically because of hurricanes. In hurricane season, as will be testified to by an L&W representative, L&W locations along the Florida gulf coast sell a higher volume of lumber and building material to the general public. To accommodate this unique feature, this L&W location will be open to the general public year round. This is distinct from even other L&W locations outside of the Florida gulf coast. Because this is a geographically specific feature, L&W remains not known as retail in the trade, and as a result as to this specific location, the proposed use is unique and specifically comparable to the use "Lumber and other building materials dealers (5211)" and it remains without use elsewhere in the LDC as the proposed use does not sell only to institutional or industrial users.

Based on the above, the below, and the enclosed statement, following criteria are comparable.

i. Operating hours;

Comparable businesses in this category are (based on SEC filings):

- Floor and Décor
- Home Depot
- Lowe's

These companies have the following operating hours in Collier County:

Floor and Décor

- 6am to 7pm
- 8am to 7pm Saturday
- 10am to 6pm Sunday

Home Depot

- 6am to 10pm
- 8am to 8pm Sundays

Lowe's

- 6am to 9pm
- 8am to 8pm Sundays

L&W will have the following hours:

- 6:30am to 4:30pm
- Closed Saturday and Sunday

L&W has less intense hours than other comparable uses.

ii. Traffic volume generated/attracted;

The ITE code for this use is: 812 Building Materials and Lumber Store. The explanatory text for that ITE code is:

A building materials and lumber store is a free-standing building that sells hardware, building materials and lumber. The lumber may be stored in the main building, yard, or storage shed. The buildings contained in this land use have less than 30,000 square feet (sq. ft.) gross floor area (GFA). Hardware/paint store (Land Use 816) and home improvement superstore (Land Use 862) are related uses.

This code makes no differentiation between retail and wholesale, or between either and hybrid establishments. Thus, the traffic for this use has the same volume, per the ITE as the permitted use.

iii. Type of vehicles associated with the use;

As the permitted use states it sells “primarily” to construction contractors and as the proposed use does as well, the type of vehicles associated with the proposed use are indistinguishable from the permitted use. Additionally, the ITE makes no distinction between vehicle types for retail, wholesale, or hybrid retail/wholesale.

iv. Number and type of required parking spaces; and

The requirement for lumber and building supplies is:

Building supplies/lumberyard	(Only for retail sales where the supplies are primarily stored outside), 1 per 275 square feet of inside retail/office area plus 1 per 1,500 square feet of enclosed or roofed storage structures.
------------------------------	--

No distinction is made between retail and wholesale. Thus, the parking requirements are the same.

v. Business practices and activities.

Specifically because the SIC code for lumber yards contemplates contractor purchases, even, a majority of contractor purchases, the business practices of the two uses are indistinguishable because in the proposed use members of the general public can purchase.

b. The effect of the proposed use would have on neighboring properties in relation to the noise, glare, or odor effects shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD.

The current zoning is C-5, this contains many intense uses that create significant noise, glare, and odor effects. For example:

Automotive repair services (7532 — 7539); Automotive services (7549); Concrete work (1771); Crematories (7261); Hardware stores (5251); Hospitals (8062—8069); and Welding repair (7692).

Beyond the above intense uses, the use is, from a noise, glare, and odor effects standpoint, indistinguishable from the permitted use: Lumber and other building materials dealers (5211).

c. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use, and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.

For the same reason Lumber and other building materials dealers (5211) is consistent with the GMP, this proposed use is also consistent with the GMP.

d. The proposed use shall be compatible and consistent with the other permitted uses in the zoning district, overlay, or PUD.

For the same reason Lumber and other building materials dealers (5211) is compatible and consistent with other permitted uses in the zoning district, this proposed use is also compatible and consistent with other permitted uses in the zoning district.

e. The proposed use shall be compatible with the surrounding neighborhood.

The proposed use is compatible with the surrounding neighborhood. Specifically, there are retail sellers with indistinguishable intensity nearby and across Radio Road is an industrial park.

f. Any additional relevant information as may be required by County Manager or Designee.

N/A

From: [Sean Sammon](#)
To: [Zach Lombardo](#)
Cc: [Kaitlin Chylinski](#)
Subject: RE: PL20230018718 - L&W Supply at 4720 Radio Road (PCUD) - August 22, 2024 HEX Information TIME CHANGE TO 1:00 PM
Date: Monday, July 15, 2024 9:52:55 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[CountyLogo-FullColor_948165c4-9665-41b4-9162-fbb16abff557.png](#)
[Facebook_0522f546-5e75-4698-95f9-f15590a3defe.png](#)
[Instagram_a8da4774-4b5b-4ad1-8d23-20e69b3b605d.png](#)
[X-Twitter_8d678efc-bd14-44ce-97cf-7fbab1003b00.png](#)
[Youtube_0078f7f1-7789-4afd-a015-50689fe1f99b.png](#)
[311IconforSignature_87c558eb-83f5-449b-87c1-3cc5ac8b0859.png](#)

Good morning Zach,

I confirmed this with Zoning Services Manager, Ray Bellows, this change is sufficient and comparable with the uses allowed in C-5. I will edit this change in the staff report in the evaluation and condition sections.

Let me know if you have any other questions, otherwise, please get the backup package to me when you complete it, no later than June 29th, thank you.

Sean Sammon
 Planner III
 Zoning

Office: [239-252-8422](tel:239-252-8422)



2800 N. Horseshoe Drive
 Naples, FL 34104
Sean.Sammon@colliercountyfl.gov

From: Zach Lombardo <zlombardo@wpl-legal.com>
Sent: Monday, July 15, 2024 8:47 AM
To: Sean Sammon <Sean.Sammon@colliercountyfl.gov>
Cc: Kaitlin Chylinski <kchylinski@wpl-legal.com>
Subject: RE: PL20230018718 - L&W Supply at 4720 Radio Road (PCUD) - August 22, 2024 HEX Information TIME CHANGE TO 1:00 PM

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.

Sean,

After review, my client would like to adjust the hours to

M-F - 6am - 4:30pm
 Sat - 6am - 3pm

This is less than the comparable businesses provided.

Can this be adjusted in the staff report and in the recommended conditions?

– Zachary W. Lombardo, Esq.

From: Sean Sammon <Sean.Sammon@colliercountyfl.gov>
Sent: Friday, July 12, 2024 10:30 AM
To: Zach Lombardo <zlombardo@wpl-legal.com>
Cc: Kaitlin Chylinski <kchylinski@wpl-legal.com>

Attachment: ATTACHMENT A - Backup Package (29474 : PL20230018718 - L&W Supply at 4720 Radio Road (PCUD))

Subject: RE: PL20230018718 - L&W Supply at 4720 Radio Road (PCUD) - August 22, 2024 HEX Information TIME CHANGE TO 1:00 PM

Good morning Zach,

This is just a courtesy reminder that the backup package will be due in a little more than a couple weeks. I've finished the draft for the staff report, attached to the email. You're more than welcome to review it, if you see any necessary corrections, please know that this needs to be uploaded for staff review no later than on the same day the backup package is due, Monday, July 29th.

Please let me know if you have any questions, have a great day and weekend!

Sean Sammon
Planner III
Zoning

Office: [239-252-8422](tel:239-252-8422)

2800 N. Horseshoe Drive
Naples, FL 34104
Sean.Sammon@colliercountyfl.gov



From: Sean Sammon <Sean.Sammon@colliercountyfl.gov>
Sent: Friday, June 28, 2024 10:20 AM
To: Zach Lombardo <zlombardo@wpl-legal.com>
Cc: Kaitlin Chylinski <kchylinski@wpl-legal.com>; Ailyn Padron <Ailyn.Padron@colliercountyfl.gov>
Subject: RE: PL20230018718 - L&W Supply at 4720 Radio Road (PCUD) - August 22, 2024 HEX Information TIME CHANGE TO 1:00 PM

Good morning Zach,

Just an FYI, beginning in August, all HEX Hearings will begin at 1pm, this includes your item scheduled for the HEX on August 22nd. I updated the timeline just so you have it in writing, hopefully there is no scheduling conflicts. Please let me know if you have any questions, have a great weekend.

Sean Sammon
Planner III
Zoning

Office: [239-252-8422](tel:239-252-8422)

2800 N. Horseshoe Drive
Naples, FL 34104
Sean.Sammon@colliercountyfl.gov



From: Sean Sammon <Sean.Sammon@colliercountyfl.gov>
Sent: Wednesday, June 12, 2024 9:12 AM
To: Zach Lombardo <zlombardo@wpl-legal.com>
Cc: Kaitlin Chylinski <kchylinski@wpl-legal.com>; Ailyn Padron <Ailyn.Padron@colliercountyfl.gov>
Subject: PL20230018718 - L&W Supply at 4720 Radio Road (PCUD) - August 22, 2024 HEX Information

Good morning Zach,

The CAO has edited and approved the Title for the August 22nd HEX. Here's the next steps for you to complete prior to the HEX Hearing on Thursday, August 22nd at 9:00 am. Attached are the checklist for the Backup Package for the staff report and the requirements timeline.

Attachment: ATTACHMENT A - Backup Package (29474 : PL20230018718 - L&W Supply at 4720 Radio Road (PCUD))

For the Checklist, please complete it with the final corrected submittal requirements you have one for your PCUD application, order it according to the checklist. Check the items you have, and that you don't, since not all forms may apply for this, just mark "N/A". When you have it all ordered, please make a PDF and email to me, I can always review what you have before it's finalized. When it's complete and final, please sign the checklist page and date it. This package needs to get back to me, according to the timeline, **no later than Monday July 29th**.

Follow the Hearing Requirements Timeline as this includes all the deadlines for you. The most important one is the Advertising Deadline, this will be coordinated by us, once we have the advertising from the Naples Daily News, Ailyn Padron (Ailyn.Padron@colliercountyfl.gov) will send it to both you and me, **and we both need to respond by email back to her that it is approved**, barring any necessary edits, prior to the deadline date or during the week, whenever it comes in, in order for it to be distributed.

Lastly, if you plan to make a brief presentation, PowerPoint/slideshow/etc., please submit it to Ailyn and me no later than the day before the HEX Hearing, August 21st. Let me know if you have any questions, have a great day!

Sean Sammon
Planner III
Zoning

Office: [239-252-8422](tel:239-252-8422)

2800 N. Horseshoe Drive
Naples, FL 34104
Sean.Sammon@colliercountyfl.gov



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



ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

25111001025

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

C M G PLAT LOT 2

STREET ADDRESS(ES) where applicable, if already assigned.

4720 RADIO RD.

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Address@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

PROPOSED PROJECT NAME

4720 RADIO RD COMPARABLE USE DETERMINATION

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]

PREPARED BY/RETURN TO: S.Steele

American Home Title of Tampa Bay, Inc.

6703 North Himes Avenue

Tampa, Florida 33614

FILE NO.: AHT110005

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED Made this 06/13/11

by: NFPS, Inc., a Delaware corporation whose mailing address is: 301 S. Tryon Street
Charlotte, NC 28288 hereafter called the Grantor, to Sandal Real Estate Holdings LLC, a
Florida Limited Liability Company, whose mailing address is: 732 Willowhead Drive Naples,
FL 34103, hereinafter called the Grantee:

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

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 (TEN)
Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these
presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the
grantee, all that certain land situate in Collier County, Florida, more particularly described as
follows;

Lot 2, C.M.G. Plat, according to the map or plat thereof as recorded in Plat Book 31,
Page 32, of the Public Records of Collier County, Florida.

Parcel Number: 25111001025

TOGETHER with all tenements, hereditaments, and appurtenances thereto
belonging or in any wise appertaining.

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

AND the grantor hereby covenants with said grantee that it is lawfully seized of said
land in fee simple; that it has good right and lawful authority to sell and convey said land.;
that it hereby specially 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.

IN WITNESS WHEREOF the grantor has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year above first written.

Name: E.A. Graves NFPS, Inc., a Delaware corporation

Name: Steve Peacock

BY: [Signature]

Title: Asst. Vice President

STATE OF: Florida

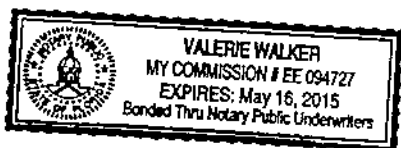
COUNTY OF: Duval

The foregoing instrument was acknowledged before me this 06/13/11 by Terri Blay as AVP of NFPS, Inc., a Delaware Corporation, who is personally known to me or who has produced as identification.

WITNESS my signature and official seal.

My Commission Expires:

Valerie Walker
NOTARY PUBLIC-State of: Florida



**SECRETARY'S CERTIFICATE
NFPS, INC.**

I, Brenda S. Bradley, Assistant Secretary of NFPS, Inc. (the "Corporation"), hereby certify that the following resolution was duly adopted at a meeting of the Board of Directors of the corporation on December 31, 2010, and that the same is reflected in its corporate records:

Resolution Regarding Officer Authority and Execution of Documents

RESOLVED, that the President and any Vice President (however designated), Managing Director, Director, Associate or persons holding other such equivalent titles with the Corporation, or any one of said officers, together with the Secretary or any Assistant Secretary of the Corporation, if required, be and they are hereby fully authorized to sign, execute, acknowledge, verify, deliver or accept on behalf of and in the name of the Corporation, all agreements, indentures, mortgages, deeds, conveyances, transfers, certificates, declarations, receipts, discharges, releases, satisfactions, settlements, undertakings, petitions, schedules, accounts, affidavits, bonds, proxies, and other instruments or documents (collectively, hereinafter referred to as "Documents") that may arise in connection with or relate to the conduct of the business of the Corporation; provided, however, that where required, any Document shall be attested by one of said officers other than the officer executing such Document; and provided, further, that any Document may also be executed, acknowledged, verified, delivered, or accepted on behalf of the Corporation in such other manner and by such other officers as the Board or other governing body of the Corporation may from time to time direct; and provided, further, that the provisions of this resolution are supplementary to any pertinent provisions of the Corporation's governing documents. Except as may otherwise be required by law, any such Documents executed and delivered as aforesaid shall be binding on the Corporation and shall be deemed to be authorized by the board or other governing body. The President and any Vice President, (however designated), Managing Director, Director, Associate or persons holding other such equivalent titles shall have, by virtue of their office, the authority from time to time to act as an Assistant Secretary of the Corporation, and to such extent, said officers are appointed to the office of Assistant Secretary;

RESOLVED FURTHER, that to the extent necessary, desirable or convenient in connection with the execution and delivery of any Document that may arise in connection with or relate to the conduct of the business of the Corporation, a duly elected Managing Director of the Corporation may execute and deliver a Document as a Senior Vice President of the Corporation, a duly elected Director of the Corporation may execute a Document as a Vice President of the Corporation, and a duly elected Associate of the Corporation may execute a Document as an Assistant Vice President of the Corporation; and

RESOLVED FURTHER, that any and all actions heretofore or hereafter taken or caused to be taken by the appropriate officers of the Corporation within the terms of the foregoing resolutions be, and the same hereby are, approved, ratified, and confirmed.

I FURTHER CERTIFY that the following individual is a duly elected officer of the Corporation, holding the title set forth opposite her name:

Terri K. Blay

Assistant Vice President

IN WITNESS WHEREOF, I have set my hand and the corporate seal of the Corporation this 10th day of June, 2011.



Brenda S. Bradley
Brenda S. Bradley
Assistant Secretary
NFPS, Inc.

Attachment: ATTACHMENT A - Backup Package (29474 : PL20230018178 - L&W Supply at 4720 Radio Road (PCUD))



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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
Sandal Real Estate Holdings, LLC, a Florida Limited Liability Company (Manager Managed)	
Jennifer A. Ferris Trust U/T/D/ 12/22/10 sole Member of Sandal Real Estate Holdings, LLC	100%
Jennifer A. Ferris and Ronald M. Ferris as co-trustees of the Jennifer A. Ferris Trust U/T/D/ 12/22/10 (Grantor Trust)	

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

Name and Address	% of Ownership



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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

- g. Date subject property acquired 06/13/2011

☐ Leased: Term of lease _____ years /months

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



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 Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
 www.colliercountyfl.gov

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.

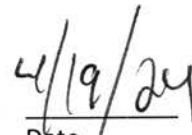
As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

***The completed application, all required submittal materials, and fees shall be submitted to:**
 Growth Management Community Development Department | GMD Portal:
<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov



 Agent/Owner Signature



 Date

Ronald M. Ferris, Manager

 Agent/Owner Name (please print)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230018178

I, Jennifer A. Ferris (print name), as Co-Trustee (title, if applicable) of the Jennifer A. Ferris Trust U/T/D 12/22/10, sole Member of SANDAL REAL ESTATE HOLDINGS, LLC (company, if applicable), swear or affirm under oath, that I am the (choose one) owner ☒ applicant ☐ contract purchaser ☐ and that:

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

***Notes:**

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

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

Jennifer A. Ferris
Signature

5/14/24
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 14th day of May, 2024, by (printed name of owner or qualifier) Jennifer A. Ferris.

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: K. Russetto





September 7, 2023

Robert Maschue
5841 Corporate Way, Suite 102
West Palm Beach, FL 33407

ZLTR- PL20230013774; Zoning Verification Letter for the property located at 4720 Radio Rd AKA CMG Plat Lot 2 of unincorporated Collier County, Florida. Property ID/Folio Number(s): 25111001025 comprising of +/- 3.53 acres.

This letter supersedes the letter issued on August 31st, 2023.

Robert Maschue,

This letter is in response to a Zoning Verification Letter (ZLTR) Application submitted on or about August 7th, 2023. The applicant has requested verification that the property allows for wholesale building products distribution with outside grounds storage.

Zoning:

The current official zoning atlas, an element of the Collier County Land Development Code (LDC), Ordinance 04-41, as amended, reveals the subject property is located within the Commercial-5 (C-5) District.

Determination:

Permitted uses are established by LDC Section 2.04.00, and application of the Standard Industrial Classification (SIC) of a given business type and/or function. The proposed land use is classified as 5211: Lumber and Other Building Materials Dealers. SIC 5211 is a permitted use in the C-5 District.

Outdoor storage yards are permitted in the C-5 District under the following conditions: provided that the yard is located no closer than twenty-five (25) feet to any public street and that such yard shall be completely enclosed, except for necessary ingress and egress, pursuant to section 4.02.12. This provision shall not be construed to allow, as permitted or accessory use, wrecking yards, junkyards, or yards used in whole or part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive vehicle parts.

The information presented in this verification letter is based on the Collier County LDC and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these documents could affect the validity of this verification letter. It is also possible that development of the subject property could be affected by other issues not addressed in this letter, such as, but not limited to, concurrency related to the provision of adequate public facilities, environmental impact, and other requirements of the Collier County LDC or related ordinances.

This letter represents a determination of Zoning Services Section staff. Should you disagree with this determination, you may request an Official Interpretation by the Zoning Director of the provisions of the Land Development Code pursuant to Sections 1.06.01.A and 10.02.02.F.1 of that Code. The fee for an Official Interpretation is identified in the most recent GMD Fee Schedule Resolution as approved by the Board of County Commissioners. To obtain copies of any document referenced herein, please contact the GMD Records Section



at (239)252-5730. The LDC may be viewed online at www.municode.com / Municode Library / Florida / Collier County. Validated Ordinances may be viewed online via the Clerk of Court's website, www.collierclerk.com / Records Search / BMR Records / Boards, Minutes, Records / BMR Validated Ordinances.

Disclaimer: Issuance of a development permit by the County does not 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. All other applicable state or federal permits must be obtained before commencement of the development.

Should you require additional information, please do not hesitate to call my office at (239) 252-5759.

Researched and prepared by:



Digitally signed by KisnerSarah
Date: 2023.09.07 16:26:52
-04'00'

Sarah Kisner, Planner
Zoning Services Section

Reviewed by:



Digitally signed by bellows_r
Date: 2023.09.07 16:16:31
-04'00'

Raymond Bellows, Zoning Manager
Zoning Services Section



Collier County Property Appraiser Property Summary

Parcel No	25111001025	Site Address *Disclaimer	4720 RADIO RD	Site City	NAPLES	Site Zone *Note	34104
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Name / Address	SANDAL REAL ESTATE HLDNG LLC					
	4720 RADIO RD					
City	NAPLES	State	FL	Zip	34104-4128	

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
5A01	204900 25A01	1	50	25	3.53

Legal	C M G PLAT LOT 2
--------------	-------------------------

Millage Area ⓘ	271	Millage Rates ⓘ *Calculations		
Sub./Condo	204900 - C M G PLAT	School	Other	Total
Use Code ⓘ	48 - WAREHOUSING, DISTRIBUTION TERMINALS, TRU	4.292	6.4876	10.7796

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
06/13/11	4692-796	\$ 1,850,000
07/20/10	4591-3215	\$ 100
04/24/02	3024-1332	\$ 4,100,000
12/17/99	2622-1887	\$ 914,000
01/26/99	2505-2079	\$ 535,200
01/26/99	2505-2077	\$ 330,000

2023 Preliminary Tax Roll

(Subject to Change)

Land Value	\$ 2,294,325
(+) Improved Value	\$ 2,763,608
(=) Market Value	\$ 5,057,933
(-) 10% Non-Homestead Cap	\$ 157,727
(=) Assessed Value	\$ 4,900,206
(=) School Taxable Value	\$ 5,057,933
(=) Taxable Value	\$ 4,900,206

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

Attachment: ATTACHMENT B - Zoning Letter PL20230013774 (29474 : PL20230018178 - L&W Supply at 4720 Radio Road (PCUD))

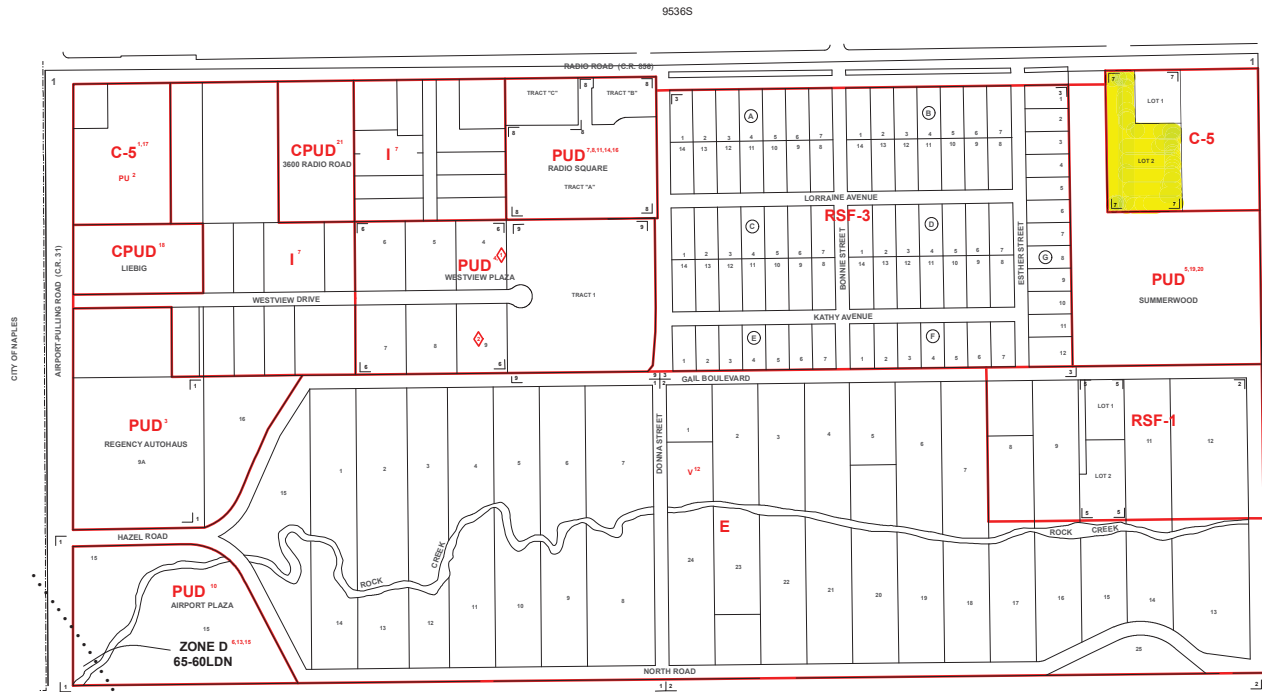
Collier County Property Appraiser
Property Aerial

Parcel No	25111001025	Site Address <u>*Disclaimer</u>	4720 RADIO RD	Site City	NAPLES	Site Zone <u>*Note</u>	34104
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[Open GIS in a New Window with More Features.](#)

Attachment: ATTACHMENT B - Zoning Letter PL20230013774 (29474 : PL20230018178 - L&W Supply at 4720 Radio Road (PCUD))



..... INDICATES AIRPORT NOISE BOUNDARY
- - - - - INDICATES CITY LIMITS
ALL PROPERTY SHOWN ON THIS MAP IS WITHIN AIRPORT OVERLAY
(REFER TO APPENDIX D OF THE LDC)

SUBDIVISION INDEX			
NO.	NAME	P.B.	Pg.
1	COCONUT CREEK UNIT 1	1	108
2	COCONUT CREEK UNIT 2	3	41
3	COCONUT CREEK UNIT 3	3	48
4	WESTVIEW PLAZA	13	10
5	SAL. BOWLING EXTENSION	23	47
6	WESTVIEW PLAZA REPLAT	31	32
7	C.M.G. PLAT	38	18-19
8	NAPLES BEACH LODGE 28810	38	18-19
9	WESTVIEW COMMERCE PARK	38	18-19

ZONING NOTES			
1	232-28	R-27-20C	95-17
2	232-28	R-27-20C	95-17
3	232-28	R-27-20C	95-17
4	232-28	R-27-20C	95-17
5	232-28	R-27-20C	95-17
6	232-28	R-27-20C	95-17
7	232-28	R-27-20C	95-17
8	232-28	R-27-20C	95-17
9	232-28	R-27-20C	95-17
10	232-28	R-27-20C	95-17
11	232-28	R-27-20C	95-17
12	232-28	R-27-20C	95-17
13	232-28	R-27-20C	95-17
14	232-28	R-27-20C	95-17
15	232-28	R-27-20C	95-17
16	232-28	R-27-20C	95-17
17	232-28	R-27-20C	95-17
18	232-28	R-27-20C	95-17
19	232-28	R-27-20C	95-17
20	232-28	R-27-20C	95-17
21	232-28	R-27-20C	95-17

THIS IS TO CERTIFY THAT THIS IS A PAGE OF THE
OFFICIAL ZONING ATLAS REFERRED TO AND ADOPTED
BY REFERENCE BY ORDINANCE NO. 04-41 OF THE
COUNTY OF COLLIER, FLORIDA, ADOPTED JUNE 22, 2004,
AS AMENDED BY THE ZONING NOTES AND SUBDIVISION
INDEX REFERENCED HEREON.

BY _____ CHAIRMAN

ATTEST _____ CLERK

COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 50S RING 25E SEC(S) 01 NO 1/2	
SCALE	MAP NUMBER: 0501N

8. Communication towers above specified height, subject to section 5.05.09.
9. Dealers not elsewhere classified (5599 outdoor display permitted, excluding Aircraft dealers-retail).
10. Fire protection (9224).
11. Fishing, hunting and trapping (0912—0919).
12. Fuel dealers (5983—5989).
13. Homeless shelters.
14. **Hotels** and **motels** (7011, 7021, 7041 when located outside an activity center).
15. Kiosks.
16. Legal counsel and prosecution (9222).
17. Local and suburban transit (groups 4111—4121, bus stop and van pool stop only).
18. Motion picture theaters, drive-in (7833).
19. Permitted use with less than 700 square feet of gross **floor area** in the principal structure.
20. Police Protection (9221).
21. Public order and safety (9229).
22. Recreational vehicle dealers (5561).
23. Soup kitchens.
24. Motor freight transportation and warehousing (4225, air conditioned and mini-and self storage warehousing only).
25. Veterinary services (0741 and 0742, with outside **kenneling**).

E. Heavy Commercial District (C-5). In addition to the uses provided in the C-4 zoning district, the heavy commercial district (C-5) allows a range of more intensive commercial uses and services which are generally those uses that tend to utilize outdoor space in the conduct of the business. The C-5 district permits heavy commercial services such as full-service automotive repair, and establishments primarily engaged in construction and specialized trade activities such as contractor offices, plumbing, heating and air conditioning services, and similar uses that typically have a need to store construction associated equipment and supplies within an enclosed structure or have showrooms displaying the **building** material for which they specialize. Outdoor storage **yards** are permitted with the requirement that such **yards** are completely enclosed or opaquely screened. The C-5 district is permitted in accordance with the **locational criteria** for uses and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP.

1.

The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are permissible by right, or as **accessory** or **conditional uses** within the heavy commercial district (C-5).

a. ***Permitted uses.***

1. Accounting (8721).
2. Adjustment and collection services (7322).
3. Advertising agencies (7311).
4. Advertising - miscellaneous (7319).
5. Agricultural services (0783).
6. **Ancillary plants.**
7. Amusement and recreation services, indoor (7999).
8. Amusement and recreation services, outdoor (7999 - fishing piers and lakes operation, houseboat rental, pleasure boat rental, operation of party fishing boats, canoe rental only).
9. Animal specialty services, except veterinary (0752, excluding outside **kenneling**).
10. Apparel and accessory stores (5611-5699).
11. Architectural services (8712).
12. Armature rewinding shops (7694).
13. Auctioneering/auction houses (groups 7389, 5999).
14. Auditing (8721).
15. Auto and home supply stores (5531).
16. Automobile Parking. (7521).
17. Automotive dealers, not elsewhere classified (5599).
18. Automotive repair services (7532 — 7539).
19. Automotive services (7549).
20. Banks, credit Unions and trusts (6011-6099).
21. Barber shops (7241, except for barber schools).
22. Beauty shops (7231, except for beauty schools).
23. Boat dealers (5551).
24. Bookkeeping services (8721).
25. Bowling centers, indoor (7933).
26. Building cleaning and maintenance services (7349).
27. Building construction—General contractors and operative builders (1521—1542).

28. Business associations (8611).
29. Business consulting services (8748).
30. Business credit institutions (6153-6159).
31. Business services (7389-contractors' disbursement, directories-telephone, recording studios, swimming pool cleaning, and textile designers only).
32. Cable and other pay television services (4841) including communications towers up to specified height, subject to section 5.05.09.
33. Carpentry and floor work contractors (1751—1752).
34. Carpet and Upholstery cleaning (7217).
35. Carwashes (7542), provided that carwashes abutting residential zoning districts shall be subject to section 5.05.11 of this Code.
36. **Churches.**
37. Civic, social and fraternal associations (8641).
38. Coin-operated laundries and dry cleaning (7215).
39. Coin operated amusement devices, indoor (7993).
40. Commercial art and graphic design (7336).
41. Commercial photography (7335).
42. Commercial printing (2752, excluding newspapers).
43. Computer programming, data processing and other services (7371—7379).
44. Computer and computer software stores (5734).
45. Concrete work (1771).
46. Courts (9211).
47. Credit reporting services (7323).
48. Crematories (7261).
49. Dance studios, schools and halls, indoor (7911).
50. Department stores (5311).
51. Detective, guard and armored car service (7381, except armored car and dog rental).
52. Direct mail advertising services (7331).
53. Disinfecting and pest control services (7342).
54. Drycleaning plants (7216, nonindustrial drycleaning only).
55. Drug stores (5912).
- 56.

Eating and drinking establishments (5812 and 5813) excluding bottle clubs. All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01.

57. **Educational plants** and public schools subject to LDC section 5.05.14.
58. Educational services (8221 and 8222).
59. Electrical and electronic repair shops (7622—7629).
60. Electrical contractors (1731).
61. Engineering services (8711).
62. Equipment rental and leasing (7359).
63. **Essential services**, subject to section 2.01.03.
64. Facilities support management services (8744).
65. Federal and federally-sponsored credit agencies (6111).
66. Fire protection (9224).
67. Fishing, commercial (0912—0919).
68. Food stores (groups 5411—5499).
69. Funeral services (7261).
70. Garment pressing, and agents for laundries and drycleaners (7212).
71. Gasoline service stations (5541), with services and repairs as described in section 5.05.05.
72. General merchandise stores (5331—5399).
73. Glass and glazing work (1793).
74. Glass stores (5231).
75. Golf courses, public (7992).
76. Group care facilities (category I and II, except for homeless shelters); care units, except for homeless shelters; nursing homes; assisted living facilities pursuant to § 429.02 F.S. and ch. 59A-36 F.A.C.; and continuing care retirement communities pursuant to ch. 651 F.S. and ch. 69O-193 F.A.C.; all subject to LDC section 5.05.04.
77. Hardware stores (5251).
78. Health services, offices and clinics (8011—8049).
79. Health and allied services, miscellaneous (8092—8099).
80. Heating and air-conditioning contractors (1711).
81. Heavy construction equipment rental and leasing (7353).
82. Home furniture and furnishings stores (5712—5719).

83. Home health care services (8082).
84. Hospitals (8062—8069).
85. Hotels and motels (7011, 7021 and 7041) when located within an activity center.
86. Household appliance stores (5722).
87. Installation or erection of building equipment contractors (1796).
88. Insurance carriers, agents and brokers (6311—6399, 6411).
89. Labor unions (8631).
90. Landscape architects, consulting and planning (0781).
91. Laundries and drycleaning, coin operated — self service (7215).
92. Laundries, family and commercial (7211).
93. Laundry and garment services, miscellaneous (7219).
94. Legal counsel and prosecution (9222).
95. Legal services (8111).
96. Libraries (8231).
97. Loan brokers (6163).
98. Local and suburban transit (4111).
99. Local passenger transportation (4119).
- 100. Lumber and other building materials dealers (5211).**
101. Management services (8741, 8742).
102. Marinas (4493 and 4499 - except canal operation, cargo salvaging, ship dismantling, lighterage, marine salvaging, marine wrecking, and steamship leasing), subject to section 5.05.02.
103. Masonry, stonework, tile setting and plastering contractors (1741—1743).
104. Medical and dental laboratories (8071 and 8072).
105. Medical equipment rental and leasing (7352).
106. Membership organizations, miscellaneous (8699).
107. Membership sports and recreation clubs, indoor (7997).
108. Mobile home dealers (5271).
109. Mortgage bankers and loan correspondents (6162).
110. Motion picture theaters (7832).
111. Motor freight transportation and warehousing (4225, mini- and self-storage warehousing only).
112. Motor vehicle dealers, new and used (5511, 5521).

113. Motorcycle dealers (5571).
114. Museums and art galleries (8412).
115. Musical instrument stores (5736).
116. Newspapers: Publishing, or publishing and printing (2711).
117. News syndicates (7383).
118. Nursing and professional care facilities (8051—8059).
119. Outdoor advertising services (7312).
120. **Outdoor storage yards**, provided that the **yard** is located no closer than twenty-five (25) feet to any public **street** and that such **yard** shall be completely enclosed, except for necessary ingress and egress, pursuant to section 4.02.12. This provision shall not be construed to allow, as permitted or **accessory** use, wrecking **yards**, junkyards, or **yards** used in whole or part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or secondhand **building** materials, junk automotive vehicles, or secondhand automotive vehicle parts.
121. Paint stores (5231).
122. Painting and paper hanging (1721).
123. Passenger car leasing (7515).
124. Passenger car rental (7514).
125. Passenger transportation arrangement (4729).
126. Periodicals: Publishing or publishing and printing (2721).
127. Personal credit institutions (6141).
128. Personal services, miscellaneous (7299).
129. Personnel supply services (7361 and 7363).
130. Photocopying and duplicating services (7334).
131. Photofinishing laboratories (7384).
132. Photographic studios, portrait (7221).
133. Physical fitness facilities (7991).
134. Plumbing contractors (1711).
135. Police protection (9221).
136. Political organizations (8651).
137. Professional membership organizations (8621).
138. Professional sports clubs and promoters, indoor (7941).
- 139.

Public administration (groups 9111—9199, 9229, 9311, 9411—9451, 9511—9532, 9611—9661).

140. Public or private parks and playgrounds.
141. Public order and safety (9229).
142. Public relations services (8743).
143. Radio, television and consumer electronics stores (5731).
144. Radio, television and publishers advertising representatives (7313).
145. Radio and television broadcasting stations (4832 and 4833).
146. Real Estate (6512, 6531—6552).
147. Record and prerecorded tape stores (5735).
148. Recreational vehicle dealers (5561).
149. Religious organizations (8661).
150. Repair shops and services, not elsewhere classified (7699).
151. Research, development and testing services (8731—8734).
152. Retail - miscellaneous (5921—5963, 5992—5999).
153. Retail nurseries, lawn and garden supply stores (5261).
154. Reupholstery and furniture repair (7641).
155. Roofing, siding and sheet metal work contractors (1761).
156. Secretarial and court reporting services (7338).
157. Security and commodity brokers, dealer, exchanges and services (6211—6289).
158. Security systems services (7382).
159. Shoe repair shops and shoeshine parlors (7251).
160. Social services, individual and family (8322—8399, except homeless shelters and soup kitchens).
161. Special trade contractors, not elsewhere classified (1799).
162. Structural steel erection contractors (1791).
163. Surveying services (8713).
164. Tax return preparation services (7291).
165. Taxicabs (4121).
166. Telegraph and other message communications (4822) including communications towers up to specified height, subject to LDC section 5.05.09.
167. Telephone communications (4812 and 4813) including communications towers up to specified height, subject to LDC section 5.05.09.
- 168.

Theatrical producers and miscellaneous theatrical services, indoor (7922—7929, including bands, orchestras and entertainers; except motion picture).

169. Tour operators (4725).
170. Travel agencies (4724).
171. Truck rental and leasing, without drivers (7513).
172. United State Postal Service (4311, except major distribution center).
173. Utility trailer and recreational vehicle rental (7519).
174. Veterinary services (0741 and 0742, excluding outside **kenneling**).
175. Videotape rental (7841).
176. Vocational schools (8243—8299).
177. Wallpaper stores (5231).
178. Watch, clock and jewelry repair (7631).
179. Water well drilling (1781).
180. Welding repair (7692).
181. Any use which was permissible under the prior General Retail Commercial (GRC) zoning district, as identified by Zoning Ordinance adopted October 8, 1974, and which was lawfully existing prior to the adoption of this Code.
182. Any other commercial use or professional services which is comparable in nature with the foregoing uses including those that exclusively serve the administrative as opposed to the operational functions of a business and are purely associated with activities conducted in an office.
183. Any other heavy commercial use which is comparable in nature with the list of permitted uses and consistent with the purpose and intent statement of the district, as determined by the Hearing Examiner or CCPC, pursuant to LDC section 10.02.06 K.

b. ***Accessory Uses.***

1. Uses and structures that are accessory and incidental to the uses permitted as of right in the C-5 district.
2. Detached caretaker's residence, subject to section 5.03.05.
3. Temporary display of merchandise during business hours, provided it does not adversely affect pedestrian or vehicular traffic or public health or safety. Merchandise storage and display is prohibited within any front yard; allowed within the side and rear **yards of lots**.

c.

Conditional uses. The following uses are permissible as **conditional uses** in the heavy commercial district (C-5), subject to the standards and procedures established in LDC section 10.08.00.

1. Animal specialty services, except veterinary (0752, with outdoor **kenneling**).
2. Amusement and recreation services, outdoor (7948, 7992, 7996, 7999).
3. Bottle clubs. (All establishments engaged in the retail sale of alcoholic beverages for on-premise consumption are subject to the locational requirements of section 5.05.01.)
4. Child day care services (8351), provided:
 - i. All areas and surfaces readily accessible to children shall be free of toxic substances and hazardous materials. This shall include all **adjacent** and **abutting** properties lying within 500 feet of the child care center's nearest property line.
 - a) For purposes of this subsection, the following definitions shall apply:
 - i) Hazardous materials. A material that has any of the following properties: ignitable, corrosive, reactive and/or toxic.
 - ii) Toxic substances. A substance which is, or is suspected to be, carcinogenic, mutagenic, teratogenic, or toxic to human beings.
 - ii. It shall not be located within 500 feet of the nearest property line of land uses encompassing wholesale storage of gasoline, liquefied petroleum, gas, oil, or other flammable liquids or gases.
 - iii. It shall not be located on the same **street** customarily utilized by construction truck traffic from asphalt plants and excavation quarries.
 - iv. It shall have a minimum **lot** area of 20,000 square feet and a minimum **lot** width of 100 feet.
 - v. It shall provide a minimum **usable open space** of not less than thirty (30) percent of the total square footage of the lot area.
 - vi. It shall provide that all **open spaces** to be used by children will be bounded by a fence of not less than five (5) feet in height, to be constructed of wood, masonry or other approved material.
 - vii. It shall provide a landscape buffer in accordance with section 4.06.00.
 - viii. It shall comply with the State of Florida Department of Health and Rehabilitative Services Child Day Care Standards, Florida Administrative Code.
 - ix. Where a **child care center** is proposed in conjunction with, and on the same **parcel** as, a facility which is a permitted use, the requirements set forth in subparagraphs i through viii above, with the exceptions of subsections iv. and v.,

shall be used to provide the protections to children using the **child care center** intended by this section consistent with the **development** of the proposed permitted use.

5. Communications (4812—4841) with communications towers that exceed specified height, subject to section 5.05.09.
6. Farm product raw materials (5153—5159).
7. Fuel dealers (5983—5989).
8. Homeless shelters.
9. Hotels and motels (7011, 7021, 7041 when located outside an activity center.)
10. Correctional institutions (group 9223).
11. Kiosks.
12. Local and suburban passenger transportation (4131—4173).
13. Motion picture theaters, drive-in (7833).
14. Permitted uses with less than 700 square feet of gross floor area in the principal structure.
15. Soup kitchens.
16. Transfer stations (4212, local refuse collection and transportation only).
17. Packing Services (4783).
18. Veterinary services (0741 & 0742, with outdoor **kenneling**).

F. Travel Trailer-Recreational Vehicle Campground District (TTRVC).

1. Purpose and intent. The provisions of this district are intended to apply to trailer **lots** for travel trailers, park model travel trailers and **recreational vehicles**, not exceeding 500 square feet in gross **floor area**. Such trailer lots are intended to accommodate travel trailers, model travel trailers, pickup coaches, motor homes, and other vehicular accommodations which are suitable for temporary habitation, used for travel, vacation, and recreational purposes. Campsites are intended to accommodate temporary residency while camping, vacationing or recreating, TTRVC vehicles may be permanently located on a **lot**; however, no person or persons may occupy said vehicles as permanent places of residence.
2. The following uses are permissible by right, or as **accessory** or **conditional uses** within the travel trailer-recreational vehicle campground district (TTRVC).
 - a. *Permitted uses.*
 1. Travel trailers, park model travel trailers, pickup coaches, motor homes and other **recreational vehicles**.
 - b. *Accessory Uses.*
 - 1.



Occupational Safety and Health Administration

[SIC Search](#)

Description for 5211: Lumber and Other Building Materials Dealers

Division G: Retail Trade | Major Group 52: Building Materials, Hardware, Garden Supply, And Mobile Home Dealers | Industry Group 521: Lumber And Other Building Materials Dealers

5211 Lumber and Other Building Materials Dealers

Establishments engaged in selling primarily lumber, or lumber and a general line of building materials, to the general public. While these establishments may sell primarily to construction contractors, they are known as retail in the trade. The lumber which they sell may include rough and dressed lumber, flooring, molding, doors, sashes, frames, and other millwork. The building materials may include roofing, siding, shingles, wallboard, paint, brick, tile, cement, sand, gravel, and other building materials and supplies. Hardware is often an important line sold by retail lumber and building materials dealers. Establishments which do not sell to the general public and those which are known in the trade as wholesale are classified in Wholesale Trade, Industry Group 503.

- Brick and tile dealers-retail
- Building materials dealers-retail
- Buildings, prefabricated-retail
- Cabinets, kitchen: to be installed-retail
- Concrete and cinder block dealers-retail
- Doors-retail
- Fencing dealers-retail
- Flooring, wood-retail
- Garage doors-retail
- Insulation material, building-retail
- Lime and plaster dealers-retail
- Lumber and building materials dealers-retail

- Lumber and planing mill product dealers-retail
- Millwork and lumber dealers-retail
- Paneling-retail
- Roofing material dealers-retail
- Sand and gravel dealers-retail
- Storm windows and sash, wood or metal-retail
- Structural clay products-retail
- Wallboard (composition) dealers-retail

OSHA	Standards	Enforcement	Topics	Media Center	Contact Us
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U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
☎ 1-800-321-OSHA
1-800-321-6742
www.osha.gov

FEDERAL GOVERNMENT+ OCCUPATIONAL SAFETY & HEALTH+

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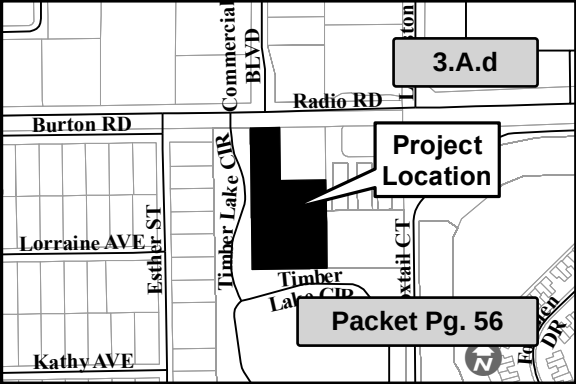
Plug-ins Used on DOL.gov

Accessibility Statement

Connect With OSHA



Site Map | Important Website Notices | Privacy & Security Statement



3.A.d

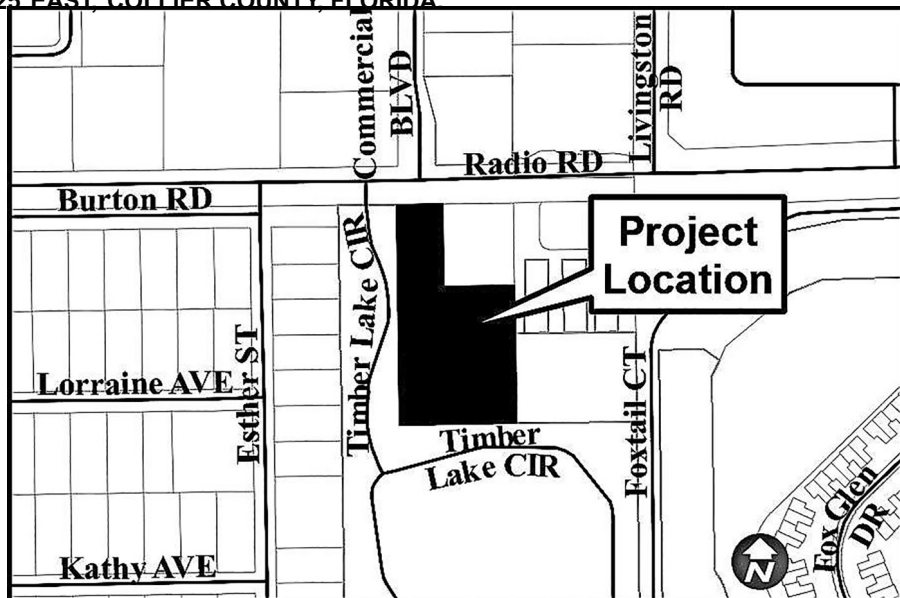
Project
Location

Packet Pg. 56

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the **Collier County Hearing Examiner (HEX) at 1:00 P.M., August 22, 2024**, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples, FL 34104, to consider:

PETITION NO. PCUD-PL20230018178 – L&W SUPPLY AT 4720 RADIO ROAD – REQUEST FOR A DETERMINATION THAT THE PROPOSED USE OF A HYBRID WHOLESALE AND RETAIL LUMBER AND BUILDING MATERIAL DEALER IS COMPARABLE IN NATURE TO OTHER PERMITTED USES IN THE HEAVY COMMERCIAL (C-5) ZONING DISTRICT DESCRIBED AS LUMBER AND OTHER BUILDING MATERIALS DEALERS (SIC 5211). THE SUBJECT PROPERTY IS LOCATED AT 4720 RADIO ROAD, NAPLES, FL 34104, ALSO KNOWN AS C M G PLAT LOT 2, IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

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

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Ray Bellows at 252-2463 or email to Ray.Bellows@colliercountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

Packet Pg. 57

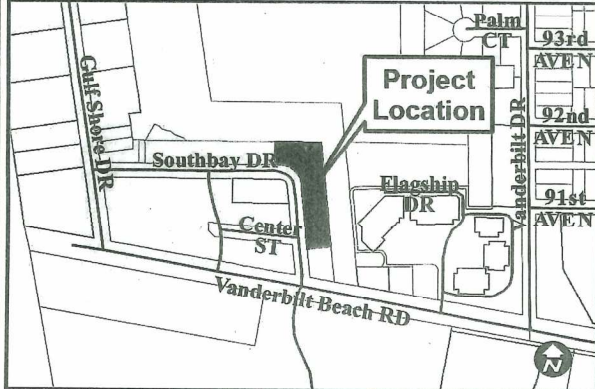
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 1:00 P.M., August 22, 2024, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples, FL 34104, to consider:

PETITION NO. NUA-PL20240006168 - REQUEST FOR A MINOR ALTERATION/RECONSTRUCTION OF AN EXISTING RESIDENTIAL DOCK FACILITY WITH 44 BOAT SLIPS LOCATED WITHIN A COMMERCIAL INTERMEDIATE (C-3) ZONING DISTRICT, WHICH FACILITY IS A NONCONFORMING USE PURSUANT TO LAND DEVELOPMENT CODE (LDC) SECTION 9.03.03.B.2.a RESULTING IN A ZERO-FOOT SETBACK ALONG THE SOUTHEAST SIDE/RIPARIAN SIDE AND A FIVE-FOOT SETBACK ALONG THE NORTHWEST SIDE/RIPARIAN LINE INSTEAD OF THE REQUIRED SIDE YARD/RIPARIAN SETBACK OF 15- FEET AS PROVIDED FOR IN LDC SECTION 5.03.06.E.5 FOR DOCK FACILITIES ON LOTS WITH WATER FRONTAGE OF 80- FEET OR GREATER, FOR PROPERTY LOCATED AT 271 SOUTHBAY DRIVE, WITHIN BAREFOOT PELICAN, A WATERFRONT CONDOMINIUM, IN SECTION 29, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

AND

PETITION NO. BD-PL20220005339 - REQUEST FOR A 51-FOOT BOAT DOCK EXTENSION OVER THE MAXIMUM PERMITTED PROTRUSION OF 20- FEET FOR A TOTAL PROTRUSION OF 71- FEET INTO A WATERWAY GREATER THAN 100- FEET IN WIDTH PURSUANT TO LAND DEVELOPMENT CODE SECTION 5.03.06.E.1 TO ALLOW FOR MINOR ALTERATION/RECONSTRUCTION OF A PRIVATE MULTI-FAMILY BOAT DOCKING FACILITY WITH 44 SLIPS ABUTTING A BAY THAT IS 748- FEET WIDE TO THE NORTH AND A CANAL THAT IS 100- FEET WIDE TO THE EAST. THE SUBJECT PROPERTY IS LOCATED AT 271 SOUTHBAY DRIVE IN SECTION 32, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

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If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252-2400, at least two (2) days prior to the meeting.

Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

NO-39939417

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 1:00 P.M., August 22, 2024, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples, FL 34104, to consider:

PETITION NO. PCUD-PL20230018178 - L&W SUPPLY AT 4720 RADIO ROAD - REQUEST FOR A DETERMINATION THAT THE PROPOSED USE OF A HYBRID WHOLESALE AND RETAIL LUMBER AND BUILDING MATERIAL DEALER IS COMPARABLE IN NATURE TO OTHER PERMITTED USES IN THE HEAVY COMMERCIAL (C-5) ZONING DISTRICT DESCRIBED AS LUMBER AND OTHER BUILDING MATERIALS DEALERS (SIC 5211). THE SUBJECT PROPERTY IS LOCATED AT 4720 RADIO ROAD, NAPLES, FL 34104, ALSO KNOWN AS C M G PLAT LOT 2, IN SECTION 1, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

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If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252-2400, at least two (2) days prior to the meeting.

Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

NO-39939389

08/22/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B**Doc ID:** 29496

Item Summary: Petition No. PL20240000927 VA – 2441 Maretee Drive – Request for a variance from Land Development Code Section 2.03.08.A.2.a.(4)(a).iii, to reduce the required Agricultural RFMUO-Receiving side setback from 30 feet to 12.8 feet on the east property line and to reduce the rear setback from 50 feet to 28.1 feet on the northern property line for the two existing accessory storage buildings on approximately 7.94 acres located at ±2,000 feet north of US-41 and ±850 feet east of Greenway Road at 2441 Maretee Drive, Naples, FL, 34114 in Section 7, Township 51 South, Range 27 East, Collier County, Florida. [Sean Sammon, Planner III] Commissioner District 1

Meeting Date: 08/22/2024**Prepared by:**

Title: Principal Planner – Zoning

Name: Sean Sammon

08/08/2024 12:27 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

08/08/2024 12:27 PM

Approved By:**Review:**

Hearing Examiner (GMD Approvers)	David Merino	Review Item	Completed	08/12/2024 2:21 PM
Transportation Management Operations Support		Evelyn Trimino	GMCCDD Reviewer	Completed 08/13/2024 3:31 PM
Zoning	Ray Bellows	Review Item	Completed	08/14/2024 1:22 PM
Zoning	Mike Bosi	Division Director	Completed	08/14/2024 3:24 PM
Hearing Examiner	Andrew Dickman	Meeting Pending		08/22/2024 1:00 PM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: AUGUST 22, 2024

SUBJECT: PETITION VA-PL20240000927; 2441 MARETEE DRIVE

PROPERTY OWNER/AGENT:

Applicant/Owner:

Brightview Landscape Services, Inc.
Real Estate Department
980 Jolly Road, Ste #300
Blue Bell, PA 19422

Agent:

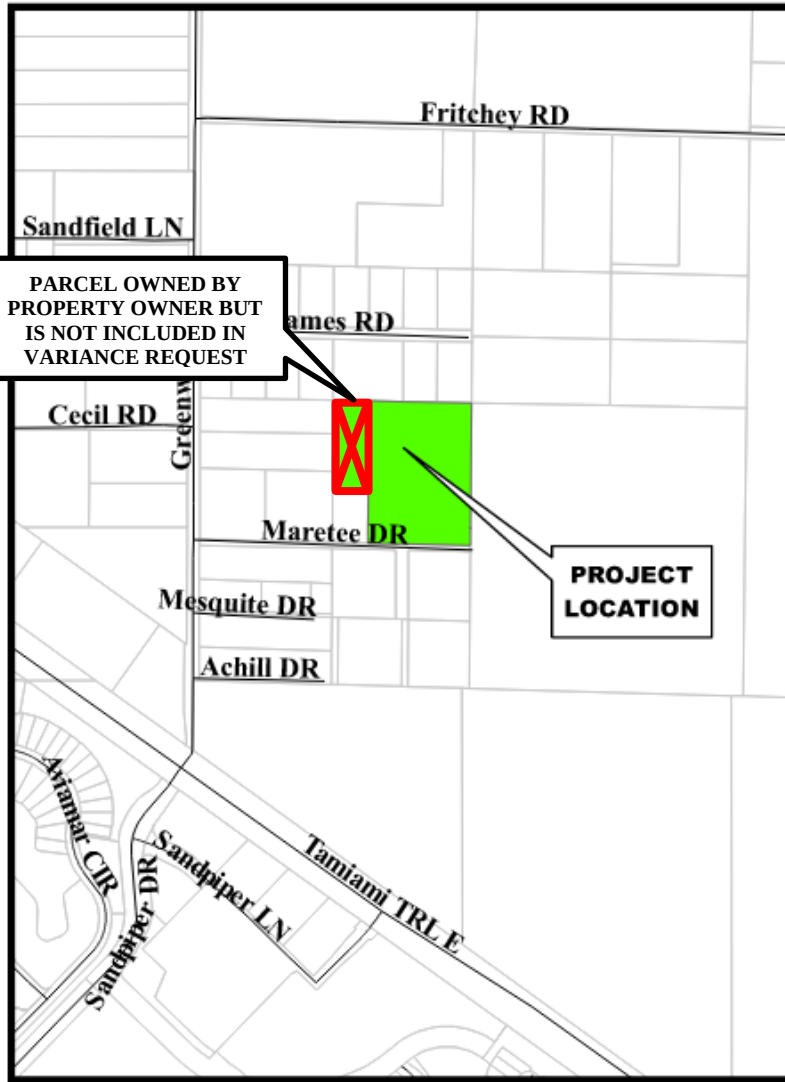
Richard DuBois
RDA Consulting Engineers
791 10th Street, Ste. #302
Naples, FL 34102

REQUESTED ACTION:

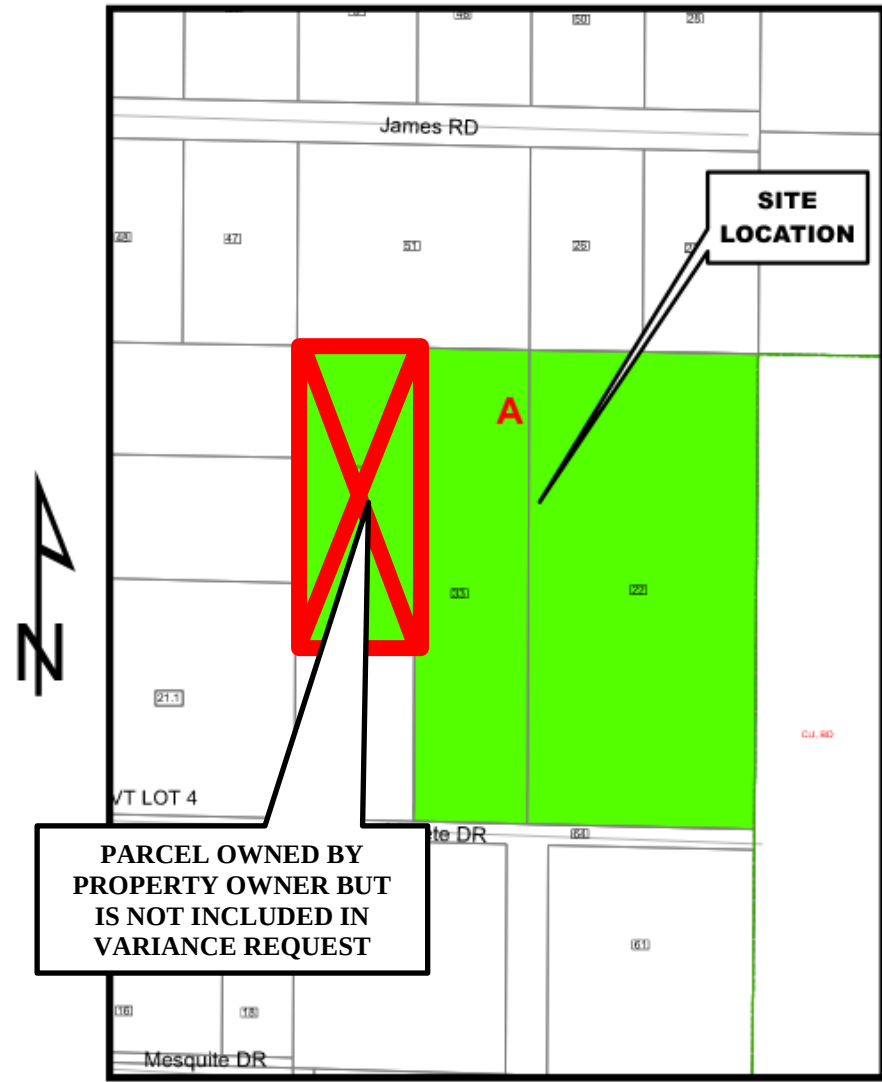
To have the Collier County Hearing Examiner (HEX) consider a variance request from Land Development Code (LDC) Section 2.03.08.A.2.a.(4)(a)iii, to reduce the required Agricultural RFMUO-Receiving side setback from 30 feet to 12.8 feet on the east property line and to reduce the rear setback from 50 feet to 28.1 feet on the northern property line for the two existing accessory storage buildings.

GEOGRAPHIC LOCATION:

The subject property is a $\pm$ 7.94 acres parcel, known as Parcel ID #00749520003, located at $\pm$ 2,000 feet north of US-41 and $\pm$ 850 feet east of Greenway Road at 2441 Maretee Drive, Naples, FL, 34114 in Section 7, Township 51 South, Range 27 East, Collier County, Florida (*See location map on page 2*).



Location Map



Zoning Map

SITE LOCATION MAP

Petition Number: PL20240000927

PURPOSE/DESCRIPTION OF PROJECT:

The property is a ±7.94-acres legal conforming lot located in the Agricultural (A) zoning district and within the Rural Fringe Mixed-Use Overlay (RFMUO) in the Receiving lands, subject to the design standards located in LDC Sec. 2.03.08.A.2.a(4)(a) iii. The applicant requests to reduce the required Agricultural RFMUO-Receiving side setback by approximately 17.2 feet from 30 feet to 12.8 feet on the east property line and to reduce the rear setback by approximately 21.9 feet from 50 feet to 28.1 feet on the northern property line for the two existing accessory storage buildings. The subject property is currently developed and located at 2441 Maretee Drive, Naples, FL 34114. (See Attachment B, Conceptual Site Plan).

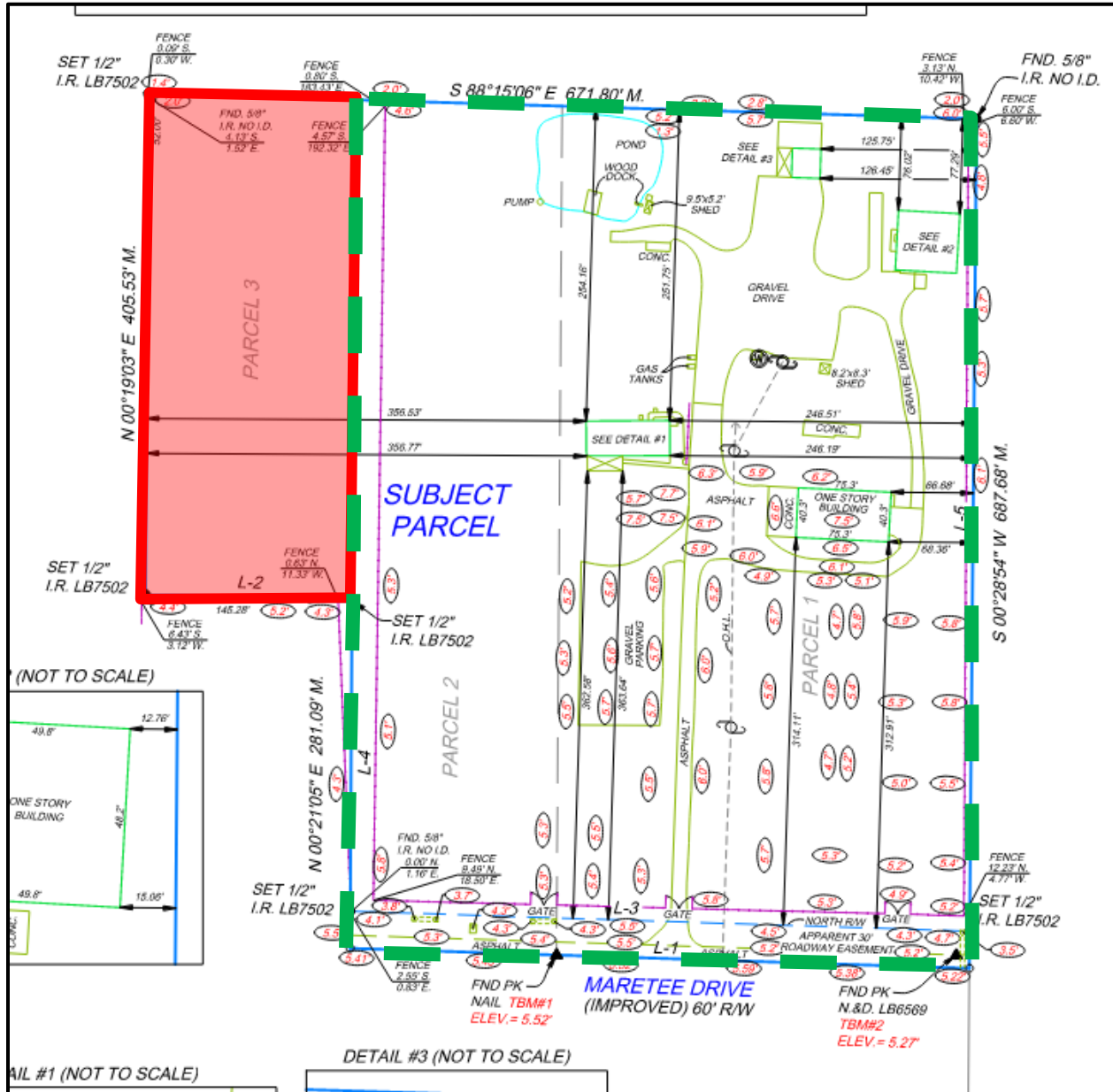
Historically, the current owner purchased the property on December 20, 2018, due to the existing buildings on site being used for their landscape maintenance business. The principal structure, which is now an agricultural contractor office, was permitted under permit number 72-1687 as a single-family residence with a Certificate of Occupancy date of March 13, 1974. The two accessory storage buildings subject to the variance request are a 2,400-square-foot building built in 1988 and an 851-square-foot building built in 1980. According to the Collier County Property Appraiser, both were constructed and have been in use for at least 30 years by the time of purchase. Due to the existing encroachments of the accessory structures, the current owner was unaware that the buildings were not compliant with the code and has used the buildings for on-site storage since the property was purchased. This code non-compliance was recently discovered during the process of a Site Improvement Plan (SIP) application, PL20230002117, being completed concurrently with this variance application.

The current owner of the subject property has demonstrated the need for a variance for the requested setbacks based on the following reasons:

- The owner purchased this property at the end of 2018, and the encroachment of these structures is due to no fault of the owner.
- The encroaching structures were built over 35 years ago and have been in use with no recorded complaints from any adjacent property owners.
- The location of the existing structures poses no danger to public health, safety, or welfare for the adjacent neighbors and surrounding community.
- To bring the subject property up to code would bring undue hardship as the structures exist and have been in use.
- These buildings would not survive being relocated elsewhere on site.
- As part of the site improvements for the SIP application, the owner is proposing a 10' Type 'A' Landscape buffer to the North and a 15' Type 'B' Landscape Buffer to the East, which will have several trees and shrubs to help screen the existing buildings from the adjacent properties.

Staff recognizes the need for a variance for the accessory structures on the subject property. According to the survey below, based on Site Planning Staff's comments (See Attachment E, Site Planning Staff Email), it was confirmed that this variance would apply only to Parcel ID # 00749520003 and not the adjacent Parcel ID # to the west, 00748840001, also known as parcel 3

on the survey. However, both Parcel IDs are included in the concurrent SIP. The subject property for this variance request will only include Parcel ID # 00749520003, correlating to parcels 1 and 2 outlined in a green dashed line in the survey below. Further staff analysis in response to the variance criteria is included below in the Zoning Division Analysis section.



Subject Property Survey – The green dashed line is the boundary of the Variance petition, the red shade is the parcel not included with the variance request but included with the SIP; Source: Benchmark Land Services, Inc.

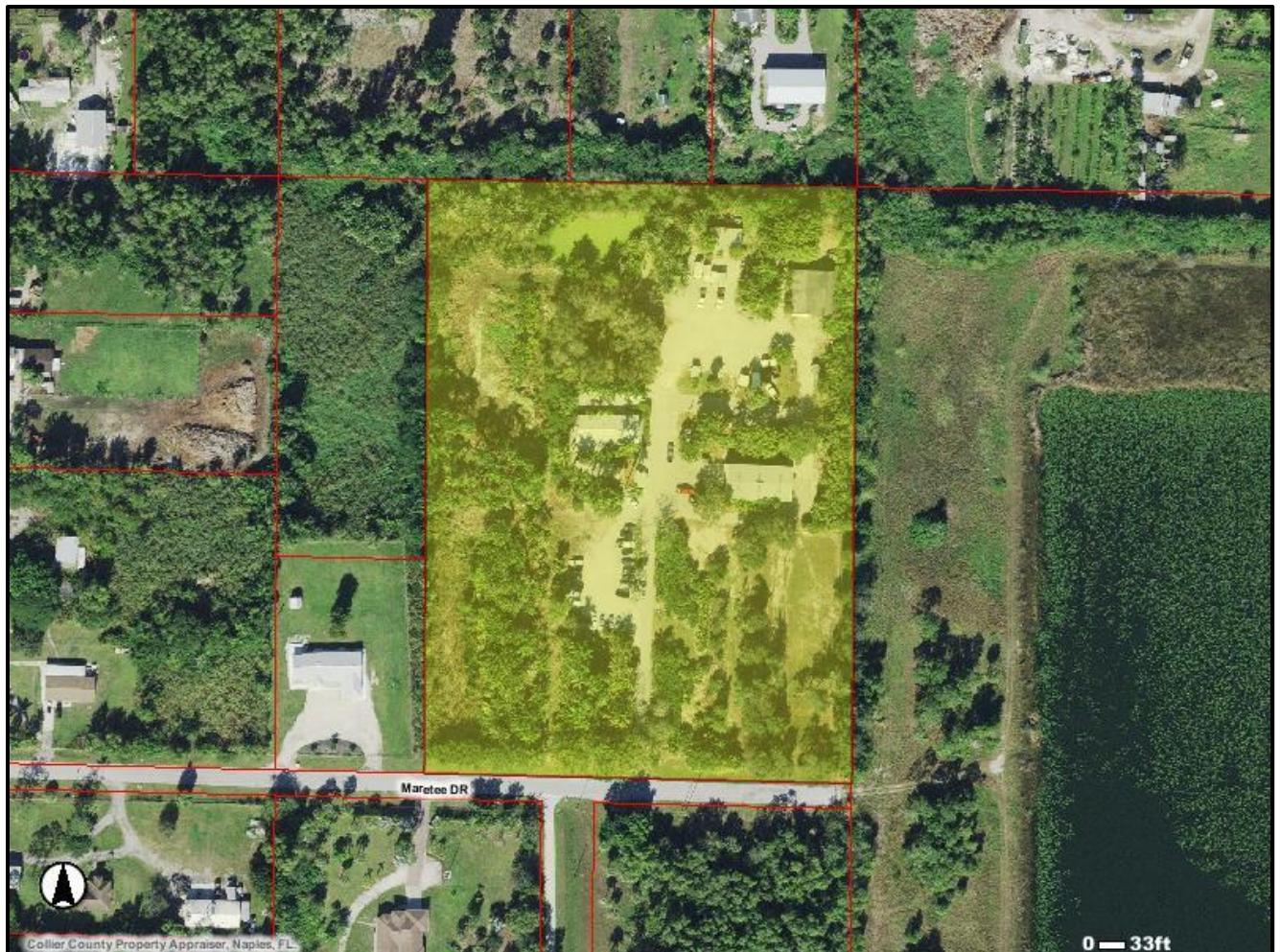
SURROUNDING LAND USE AND ZONING:

North: Mix of developed single-family residential & vacant with a zoning designation of Rural Agricultural (A) - Rural Fringe Mixed-Use Overlay (RFMUO) - Receiving.

East: Existing lake for a quarry with a zoning designation of Rural Agricultural (A) - Rural Fringe Mixed-Use Overlay (RFMUO) - Receiving.

South: Private Right-of-Way and a mix of developed single-family residential & vacant; Maretee DR (R.O.W.) and with a zoning designation of Rural Agricultural (A) - Rural Fringe Mixed-Use Overlay (RFMUO) - Receiving.

West: Mix of developed single-family residential & vacant with a zoning designation of Rural Agricultural (A) - Rural Fringe Mixed-Use Overlay (RFMUO) - Receiving.



Aerial Map – Collier County Property Appraiser

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is in the Agricultural/Rural Designation (AG) and the Rural Fringe–Receiving (RFR) land use classifications on the County’s Future Land Use Map (FLUM). The Agricultural/Rural Land Use Designation is for those areas that are remote from the existing development pattern, lack public facilities and services, are environmentally sensitive, or are in agricultural production. Urbanization is not promoted. Therefore, most allowable land uses are of low intensity in an effort to maintain and promote the rural character of these lands. Receiving Lands are those lands within the Rural Fringe Mixed Use District that have been identified as being most appropriate for development and to which residential development units may be transferred from areas designated as Sending Lands. Based on the evaluation of available data, these lands have a lesser degree of environmental or listed species habitat value than areas designated as Sending and generally have been disturbed through development or previous or existing agricultural operations. Various incentives are employed to direct development into Receiving Lands and away from Sending Lands, thereby maximizing native vegetation and habitat preservation and restoration. As stated, the applicant seeks a Variance for two existing accessory storage buildings for an Agricultural RFMUO-Receiving property, which is an authorized land use. The Growth Management Plan (GMP) does not address individual variance requests related to land use, however, the current use of the property is consistent with the GMP.

ZONING DIVISION ANALYSIS:

The decision to grant a variance is based on the criteria in LDC Section 9.04.03. Staff have analyzed this petition relative to these provisions and offer the following responses:

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

There are no special conditions or circumstances existing which are peculiar to the location size and characteristics of either the land, structure or building involved. However, the structures that are encroaching into the setbacks have existed on the subject property for 35 years.

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

There is a special condition that is not the result of the action of the applicant. The buildings encroaching on the setback were constructed 35 years ago under a previous owner. The current owner inherited these structures as is.

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

A literal interpretation of the provisions of Sec. 2.03.08.A.2.a.(4)(a).iii would cause the client unnecessary and undue hardship due to the condition and age of the structures since they

could not be moved and would have to be demolished.

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

The required variance is the minimum variance specified since these are existing structures. There will be no additional encroachment on what already exists, and it is anticipated to have no effect on the standards of health, safety, or welfare.

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

Granting this variance will not confer a special privilege. The variance being sought is in line with intent of the code to provide a property owner with the ability to avoid unnecessary and undue hardship due to special circumstances, such as the actions of a previous owner.

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

Granting this variance will be in line with the intent of LDC section 9.04.00, as allowing it would prevent unnecessary and undue hardship on the property owner while having no measurable impact on the public interest, safety, or welfare.

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

There are no natural conditions or physically induced conditions that would ameliorate the goals and objectives of the regulation.

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

Granting this regulation would be consistent with the GMP as per the zoning verification letter. The Rural Fringe Mixed Use Overlay allows the landscape maintenance contractor business.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

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

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner **approve** variance petition VA—PL20240000927 to reduce the required Agricultural RFMUO-Receiving side setback from 30 feet to 12.8 feet on the east property line and the rear setback from 50 feet to 28.1 feet on the northern property line for the two existing accessory storage buildings and the single-family residence, as depicted within Attachment B.

Attachments:

Attachment A: Backup Package
Attachment B: Conceptual Site Plan
Attachment C: Legal Ad and HEX Sign Posting
Attachment D: Permit #72-1687
Attachment E: Site Planning Staff Email

HEARING PACKAGE CHECKLIST Return this form with printed materials**A. Backup provided by the County Planner**

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

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

B. Backup provided by Applicant:

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

- ☒ Application, to include but not limited to the following:
 - ☒ Narrative of request
 - ☒ Property Information
 - ☒ Property Ownership Disclosure Form
 - N/A Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.
- N/A Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form) - *None Additional*
- N/A Affidavit of Unified Control
- ☒ Affidavit of Representation
- ☒ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- N/A NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
 - ☒ Include 3 thumbnail drives of video and/or audio
- N/A Traffic Impact Study (TIS)
- N/A Environmental Data
- ☒ Historical/Archeological Survey or Waiver
- N/A Utility Letter
- N/A Deviation Justifications

- ☒ Boundary Survey
- ☒ Other documents, as needed, on a case-by-case basis such as relevant prior Ordinances, Conditional Uses, historical documents, any "private or legal" agreements affecting the PUD etc.
- N/A Submerged Resource Surveys may be included here if required.
- ☒ CD with only one pdf file for all documents in the same order as the packets are put together. They must be in the same order.

I understand that by submitting the above materials, it is the agent's/applicant's responsibility to ensure all materials are in the same order for all copies of backup materials to provide to the Hex/CCPC and the CD must contain the documents in one pdf file (not multiple files) in the same order as the printed materials. It is the agent's responsibility to ensure no documentation is left out.

RJ DB
Signature of Agent Representative

7/26/2024
Date

Richard DeBois
Printed Name of Signing Agent Representative

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District
LDC section 9.04.00 & Code of Laws section 2-83 – 2-90
Chapter 3 J. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Brightview Landscape Services INC., % Real Estate Dept.

Name of Applicant if different than owner: _____

Address: 980 Jolly RD #300 City: Blue Bell State: PA ZIP: 19422

Telephone: (818)737-2742 Cell: _____ Fax: _____

E-Mail Address: Laura.Brown@brightview.com

Name of Agent: Richard DuBois

Firm: RDA Consulting Engineers, LLC

Address: 791 10th St. Suite #302 City: Naples State: FL ZIP: 34102

Telephone: (239)649-1551 Cell: _____ Fax: (239)649-7112

E-Mail Address: RichardDuBois@rdafl.com

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

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PROPERTY INFORMATION

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

Property I.D. Number: 00749520003 Section/Township/Range: 7/51s/27e

Subdivision: _____ Unit: _____ Lot: _____ Block: _____

Metes & Bounds Description: SEE ATTACHED Total Acreage: 9.16

Address/ General Location of Subject Property: 2441 Maretee Drive, Naples, FL 34114
Approximately 1082 feet east of the Intersection of Maretee Drive and Greenway Road.

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	Agricultural	Residential Lot and Vacant Lot
S	Maretee Drive Private ROW, and Agricultural	Private ROW, and Residential Lot
E	Agricultural, 10-23-20 VA-PL20200000244 HEX 20-18	Vacant Lot
W	Agricultural	Residential Lot and Vacant Lot

Minimum Yard Requirements for Subject Property:

Front: 50' Corner Lot: Yes ☐ No ☒
Side: 30' Waterfront Lot: Yes ☐ No ☒
Rear: 50'

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



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ASSOCIATIONS

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

Name of Homeowner Association: Westwinds Condo Estates Association.

Mailing Address: 301 Joseph Lane **City:** Naples **State:** FL **ZIP:** 34114

Name of Homeowner Association: Imperial Wilderness Condominium Association Office

Mailing Address: 14100 East Tamiami Trail Trail **City:** Naples **State:** FL **ZIP:** 34114

Name of Homeowner Association: _____

Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____

Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner Association: _____

Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

NATURE OF PETITION

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

1. A detailed explanation of the request including what structures are existing and what is proposed; the amount of encroachment proposed using numbers, i.e. reduce front setback from 25 ft. to 18 ft.; when property owner purchased property; when existing principal structure was built (include building permit number(s) if possible); why encroachment is necessary; how existing encroachment came to be; etc.
2. For projects authorized under LDC Section 9.04.02, provide a detailed description of site alterations, including any dredging and filling.
3. Pursuant to LDC section 9.04.00, staff shall be guided in their recommendation to the Hearing Examiner, and the Hearing Examiner shall be guided in the determination to approve or deny a variance petition by the criteria (a-h) listed below. Please address the following criteria:
 - a) Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure, or building involved.



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- b) Are there special conditions and circumstances which do not result from the action of the applicant such as pre-existing conditions relative to the property which is the subject of the variance request.
 - c) Will a literal interpretation of the provisions of this zoning code work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.
 - d) Will the variance, if granted, be the minimum variance that will make possible the reasonable use of the land, building or structure and which promote standards of health, safety or welfare.
 - e) Will granting the variance requested confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.
 - f) Will granting the variance be in harmony with the intent and purpose of this zoning code, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - g) Are there natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation such as natural preserves, lakes, golf course, etc.
 - h) Will granting the variance be consistent with the Growth Management Plan?
4. Official Interpretations or Zoning Verifications: To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

☐ Yes ☒ No If yes, please provide copies.

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



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

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

FEE REQUIREMENTS

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

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

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

All checks payable to: Board of County Commissioners.

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

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

Michael Dozier

Applicant Signature
Michael Dozier, Division President

Printed Name

1/17/2024

Date

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))

This Instrument Was Prepared By:

Jose L. Baloyra, Esq.
BALOYRA LAW
SUNTRUST PLAZA
201 ALHAMBRA CIRCLE, SUITE 601
CORAL GABLES, FLORIDA 33134

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **ZAID BROTHERS LLC**, a Florida limited liability company, whose address is C/O Jose L. Baloyra, Esq., 201 Alhambra Circle, Suite 601, Coral Gables, Florida 33134 (herein "Grantor"), for and in consideration of the sum of Ten Dollars and other good and valuable considerations, the receipt, adequacy and sufficiency of which is hereby acknowledged, does hereby bargain, sell, remise, confirm, convey and grant unto **BRIGHTVIEW LANDSCAPE SERVICES, INC.**, a Florida corporation (herein "Grantee"), whose address is 24151 Ventura Boulevard, Calabasas, CA 91302, and Grantee's successors and/or assigns, forever, the following described real property located in Collier County, Florida (the "Property"):

PARCEL 1: THE EAST 1/2 OF THE NORTH 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 7, TOWNSHIP 51 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL 2: THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, SECTION 7, TOWNSHIP 51 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

PARCEL 3: WEST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, LESS THE SOUTH 281 FEET: PLUS THE WEST 30 FEET, OF THE SOUTHWEST 1/4, OF THE SOUTH 1/2, EAST 1/2, OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 SECTION 7, TOWNSHIP 51 SOUTH, RANGE 27 EAST, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

Subject to those certain matters all as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference ("Permitted Exceptions").

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions and right of homestead, in fee simple forever. And Grantor covenants that Grantor is well seized of an indefeasible estate in fee simple in said property and has a good right to convey the same; that it is free of lien or encumbrances, and that Grantor, Grantor's heirs, executors, administrators, successors and assigns, will forever warrant and defend title to the above-described property against the lawful claims of all persons whomsoever claiming through Grantor, but not otherwise, subject only to the Permitted Exceptions set forth herein.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 20
day of December, 2018.

Signed, sealed and delivered in
our presence:

Carmen N. Rolon
Print Name: Carmen N. Rolon

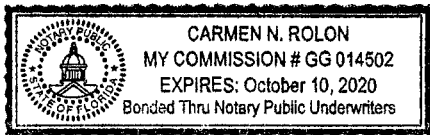
Ana Gonzalez
Print Name: Ana Gonzalez

STATE OF FLORIDA

) SS:

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 20th day of December 2018 by **Jose L. Baloyra, as Authorized Representative of Zaid Brothers LLC, a Florida limited liability company**, who is personally known to me or who have produced driver's licenses as identification and who did take an oath.



**ZAID BROTHERS LLC, a Florida
limited liability company**

By: [Signature]
Name: Jose L. Baloyra
Title: Authorized Representative

Carmen N. Rolon
NOTARY PUBLIC

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))

EXHIBIT "A"

1. Utility Easement to Collier County recorded in Official Records Book 1335, at Page 56 of the Public Records of Collier County, Florida.
2. Resolution of the Board of County Commissioners recorded September 14, 2018 in Official Records Book 5532, at Page 3781 of the Public Records of Collier County, Florida.

NOT A CERTIFIED COPY

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



Friday, May 17, 2024

Collier County Growth Management Department
2800 Horseshoe Dr N
Naples, FL 34104

**Re: 2441 Maretee Drive – Variance from Setbacks Required for a Particular Zoning District
Project Narrative & Review Criteria**

To Whom it May Concern,

We are seeking a variance from the setbacks required for RFMUO per LDC Sec. 2.03.08.A.2.a.(4)(a).iii for two existing accessory storage buildings located at 2441 Maretee Drive in Naples Florida. We are seeking two setback variations for the eastern side setback and the northern rear setback. More specifically we are seeking to reduce the east side setback from 30' to 12.79' (approximately a 17.2' reduction) and to reduce the north rear setback from 50' to 28.07' (approximately a 21.9' reduction). When the current owner purchased the property on 12/20/2018 the accessory structures (Built in 1988 & 1980, Per the Collier County Property Appraiser) had already been constructed and have been in use for at least 30 years at the time of purchase. The current owner bought the property partially due to the existing buildings onsite for their Landscape Maintenance Business. The current owner was not informed that the buildings were not compliant with the code and has used the buildings for on-site storage since the property was purchased. In fact, this code non-compliance was first determined during the process of a Site Improvement Plan (SIP) application to Collier County being completed concurrently to this variance application.

We believe the current property-owner demonstrates the need for a variance for the requested setbacks based on the following reasons. The encroaching structures were built over 35 years ago and have been in use with no known complaints from adjacent property owners. The location of the existing structures poses no danger to public health, safety, or welfare. To bring the property up to code would bring undue hardship as the structures exist and are already in use. In addition, these buildings would not survive being relocated elsewhere on site. Finally, as part of the site improvements for the SIP application we are proposing a 10' Type 'A' Landscape buffer to the North, and a 15' Type 'B' Landscape Buffer to the East which will have several trees and shrubs to help screen the existing buildings from the adjacent properties.

Responses to the Review Criteria specified within LDC Sec. 9.04.03:

- a) There are no special conditions or circumstances existing which are peculiar to the location size and characteristics of either the land, structure or building involved.
- b) There is a special condition that is not the result of the action of the applicant. The buildings encroaching on the setback were constructed 35 years ago under a previous owner.
- c) A literal interpretation of the provisions of Sec. 2.03.08.A.2.a.(4)(a).iii would cause the client unnecessary and undue hardship as due to the condition and age of the structures they could not be moved and would have to be torn down.
- d) There variance required is greater than the minimum variance specified but is anticipated to have no affect on the standards of health, safety, or welfare.
- e) Granting this variance will not confer a special privilege. The variance being sought is inline with intent of the code to provide a property owner with the ability to avoid unnecessary and undue hardship due to special circumstances such as the actions of a previous owner.

791 10th Street S., Suite 302, Naples, FL 34102 • (O) 239-649-1551 • (F) 239-649-7112
info@rdafl.com • www.rdafl.com

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))

- f) Granting this variance will be in line with intent of LDC section 9.04.00 as allowing it would prevent unnecessary and undue hardship onto the property owner while have no measurable impact on the public interest, safety, or welfare.
- g) There are no natural conditions or physically induced conditions that would ameliorate the goals and objectives of the regulation.
- h) Granting this regulation would be in consistent with the GMP as the per zoning verification letter the landscape maintenance contractor business is allowed with the Rural Fringe Mixed Use Overlay.

Please review the enclosed information for your approval. If you have any questions or need additional information, please contact our office.

Sincerely,



Richard Dubois, P.E.
Project Manager



Feedback

Collier County Property Appraiser



Print

New Search

Tax Bills

Change of Address

Tax Estimator

Home Page

About Abe Skinner

Property Valuation

GIS Maps

Property Search

Data Downloads

Tax Estimator

Exemptions

TPP

Mobile Home

Income

Agricultural

More Information

Contact Us

Forms

Links

Property Summary

Property Detail

Aerial

Sketches

Trim Notices

Parcel ID	00749520003	Site Address <u>*Disclaimer</u>	2441 MARETEE DR		Site City	NAPLES	Site Zone <u>*Note</u>	34114
-----------	-------------	------------------------------------	-----------------	--	-----------	--------	---------------------------	-------

Name / Address	BRIGHTVIEW LANDSCAPE SERVICES INC % REAL ESTATE DEPT 980 JOLLY RD #300				
City	BLUE BELL	State	PA	Zip	19422

Map No.	Strap No.	Section	Township	Range	Acres <u>*Estimated</u>
6C07	000100 022 06C07	7	51	27	7.94

Legal	7 51 27 E1/2 OF N1/2 OF E1/2 OF SW1/4 OF SW1/4 & E1/2 OF W1/2 OF NE1/4 OF SW1/4 OF SW1/4 7 51 27
-------	--

Millage Area ①	223	Millage Rates ① <u>*Calculations</u>		
Sub./Condo	100 - ACREAGE HEADER	School	Other	Total
Use Code ①	69 - ORNAMENTALS, MISC AGRICULTURAL	4.292	6.0197	10.3117

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
12/20/18	5584-2056	\$ 1,950,000
10/24/18	5566-1416	\$ 615,000
07/28/15	5179-265	\$ 0
02/08/95	2028-2056	\$ 135,000
12/01/89	1495-189	\$ 85,000
11/01/87	1306-306	\$ 70,900
06/01/84	1087-197	\$ 0

2023 Certified Tax Roll

(Subject to Change)

Land Value	\$ 250,000
(+) Improved Value	\$ 348,175
(=) Market Value	\$ 598,175
(-) 10% Non-Homestead Cap	\$ 8,468
(-) Agriculture	\$ 95,280
(=) Assessed Value	\$ 494,427
(=) School Taxable Value	\$ 502,895
(=) Taxable Value	\$ 494,427
Ad Valorem Taxes	\$ 5,134.72
(+) Non Ad Valorem Taxes	\$ 498.58



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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
BrightView Companies, LLC - 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	100%
Michael Dozier, Chief Executive Officer and President - 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Robert Tyler, Treasurer - 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Jonathan Gottsegen, Secretary - 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Tomas Kuehn, Assistant Secretary - 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%

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

Name and Address	% of Ownership



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2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

- 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 12/24/20

☐ Leased: Term of lease _____ years /months

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

Continued - Property Ownership Disclosure Form, b.

Name and Address	% of Ownership
Susan DeSantis, Assistant Secretary – 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Anthony Riegel, Assistant Treasurer – 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Brian Jackson, Assistant Treasurer – 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Amanda Heffner, Assistant Treasurer – 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Dale Asplund, Director – 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%
Michael Dozier, Director - 980 Jolly Road, Ste. 300, Blue Bell, PA 19422	0%



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 2800 North Horseshoe Drive, Naples, Florida 34104
 Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
 www.colliercountyfl.gov

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 Community Development Department | GMD Portal:
<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov



 Agent/Owner Signature

10/18/23

 Date

Michael Dozier, CEO & President

 Agent/Owner Name (please print)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Michael Dozier (print name), as Division President (title, if applicable) of BrightView Landscape Services, Inc., a Florida corporation (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 Richard DuBois & RDA Consulting Engineers LLC to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:

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

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

Michael Dozier
Signature

1/17/2024
Date

STATE OF FLORIDA
COUNTY OF COLLIER

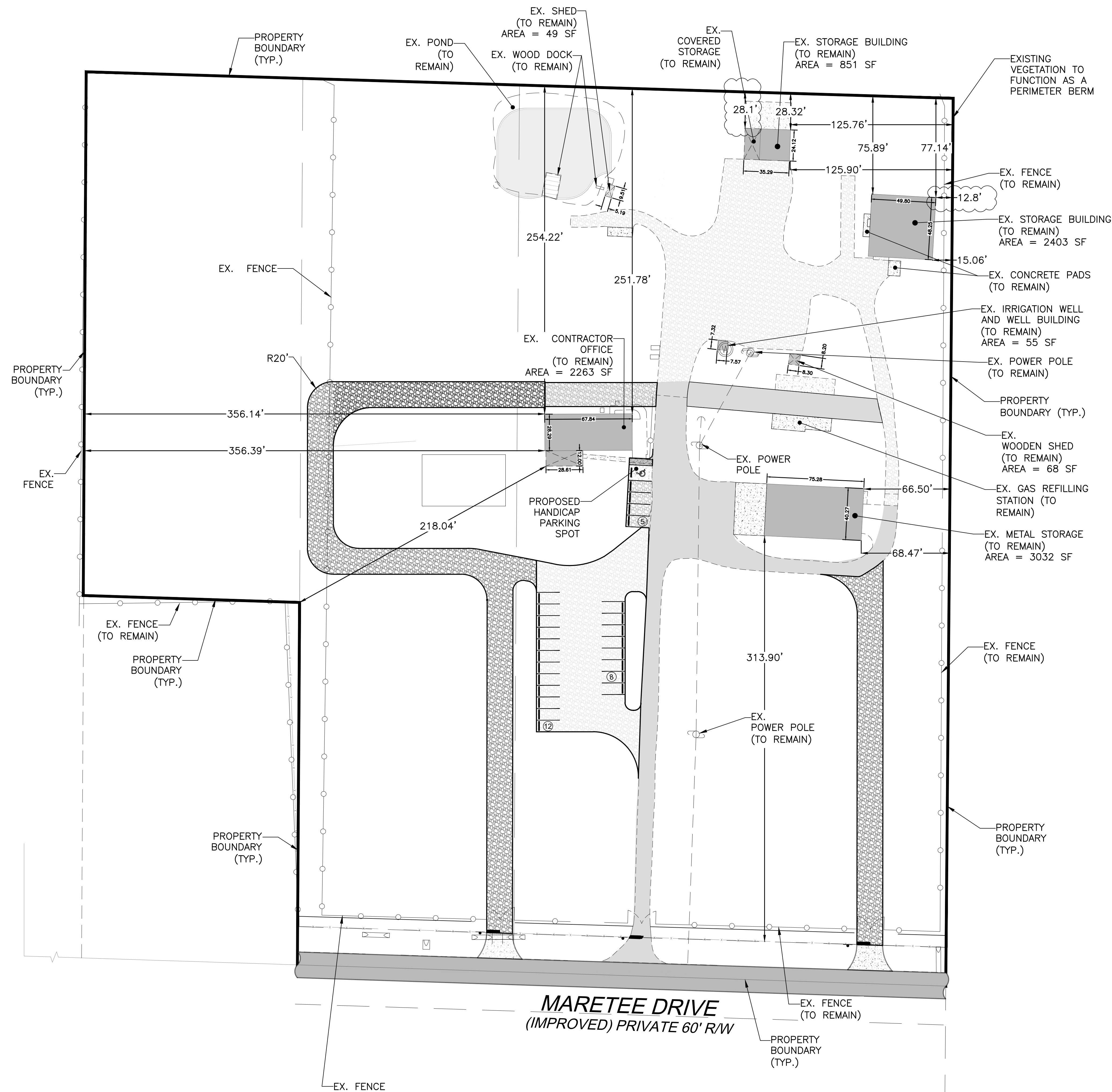
The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization this 17th day of January, 2024, by (printed name of owner or qualifier) _____.

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

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

Notary Signature: Kimberly Cao





ADJACENT ZONING AND LAND USE		
	ZONING	LAND USE
N	A-RFMDU-RECEIVING	RESIDENTIAL, VACANT LOT
S	A-RFMDU-RECEIVING	MARETEE DR R O W, RESIDENTIAL
E	A-RFMDU-RECEIVING	VACANT LOT
W	A-RFMDU-RECEIVING	RESIDENTIAL, VACANT LOT
SW	A-RFMDU-RECEIVING	RESIDENTIAL

SITE DEVELOPMENT REGULATIONS		
DEVELOPMENT STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT WIDTH (FT)	165	167.50
MIN. LOT AREA (SF)	217,800	398,396
MAX. BUILDING COVERAGE	NONE	2.19% (EXISTING)
MAX. BUILDING HEIGHT (FT)	35	<35.0' (EXISTING)
REAR STREET SETBACK (NORTH) (FT)	50	28.01 (EXISTING)
SIDE STREET SETBACK (EAST) (FT)	30	12.2 (EXISTING)
SIDE STREET SETBACK (WEST) (FT)	30	356.45 (EXISTING)
FRONT STREET SETBACK (SOUTH) (FT)	50	313.90 (EXISTING)
NORTH LANDSCAPE BUFFER (COMMERCIAL TO RESIDENTIAL)	15' TYPE B BUFFER	15' TYPE B BUFFER
EAST LANDSCAPE BUFFER (COMMERCIAL TO VACANT)	10' TYPE A BUFFER	10' TYPE A BUFFER
SOUTH LANDSCAPE BUFFER (COMMERCIAL TO MARTEEE DR ROW TO RESIDENTIAL)	15' TYPE D BUFFER	15' TYPE D BUFFER
WEST LANDSCAPE BUFFER (COMMERCIAL TO RESIDENTIAL)	15' TYPE B BUFFER	15' TYPE B BUFFER
SOUTHWEST LANDSCAPE BUFFER (COMMERCIAL TO RESIDENTIAL)	15' TYPE B BUFFER	15' TYPE B BUFFER

NOTES

1. REQUIRED FRONT, SIDE AND REAR STREET SETBACKS PROPOSED PER LDC SECTION 2.03.08 & 2.a.(4)(a) iii

CURRENT PARKING SUMMARY				
BUILDING USE	DESCRIPTION	MINIMUM REQUIRED SPACES	SPACES REQUIRED	SPACES PROVIDED
OFFICE (CONTRACTOR'S)	TOTAL OFFICE AREA = 2,263 SF TOTAL ROOFED STORAGE AREA = 6,458 SF # OF COMPANY VEHICLES STORED OVERNIGHT = 10 WORK TRUCKS	1 PER 300 SQUARE FEET OF OFFICE AREA 1 PER 1,000 SF OF STORAGE AREA 1 PER EACH COMPANY VEHICLE THAT WILL BE PARKED OVERNIGHT	= 2,263(1/300) + 6,458(1/1000) + 10(1) 24.00 = 24 SPACES	25 PARKING SPACES
TOTAL			24	25 (INCLUDING 1 HANDICAP SPOT)

NOTES

1. PARKING SPACE REQUIREMENTS PER 4.05.04.G.TABLE.17 & Ord. No. 05-27, § (3.S; Ord. No. 10-23, § 3.X; Ord. No. 12-38, § 3.N; Ord. No. 13-56, § 3.L; Ord. No. 16-22, § 3.G; Ord. No. 18-32, 3.B)

EXISTING LAND USE SUMMARY			
CATEGORY	SQUARE FOOTAGE (SF)	ACREAGE (AC)	PERCENTAGE (%)
BUILDING ROOF	8,721	0.20	2.16%
PAVEMENT/CONCRETE	18,212	0.42	10.06%
STABILIZED GRAVEL DRIVES AND PARKING AREA	28,440	0.65	9.12%
EXISTING POND	7,243	0.17	1.81%
GREEN SPACE	336,549	7.08	77.27%
TOTAL IMPERVIOUS AREA	62,616	1.44	22.73%
TOTAL PERVIOUS AREA	336,549	7.08	77.27%
TOTAL SITE AREA	399,165	9.16	100.00%

PROPOSED LAND USE SUMMARY			
CATEGORY	SQUARE FOOTAGE (SF)	ACREAGE (AC)	PERCENTAGE (%)
BUILDING ROOF	8,721	0.20	2.16%
PAVEMENT/CONCRETE	18,518	0.43	10.14%
STABILIZED GRAVEL DRIVES AND PARKING AREA	51,038	1.17	14.33%
EXISTING POND	7,243	0.17	1.81%
GREEN SPACE	313,645	6.59	69.97%
TOTAL IMPERVIOUS AREA	85,520	1.96	28.44%
TOTAL PERVIOUS AREA	313,645	6.59	71.56%
TOTAL SITE AREA	399,165	9.16	100.00%

EXOTIC VEGETATION REMOVAL NOTE	
1.	ALL PROHIBITED EXOTIC VEGETATION SHALL BE REMOVED FROM THE SITE AND IT SHALL BE MAINTAINED FREE OF EXOTICS IN PERPETUITY.

NOTES

1. REQUIREMENT FOR REMOVAL OF PROHIBITED EXOTIC VEGETATION PER 3.05.08 & Ord. No. 05-27, § 3.1 (3.N ; Ord. No. 08-63, § 3.1 ; Ord. No. 15-44, § 3.D)

GRAVEL DRIVE AISLE MAINTENANCE	
1.	SHOULDERS OF THE GRAVEL DRIVE AISLE WILL BE SODDED TO PREVENT EROSION OF THE DRIVE AISLE.
2.	DISTRESSED AREAS OF THE GRAVEL DRIVE AISLES WILL BE REGRAVELED AS NECESSARY TO MAINTAIN DRIVE AISLE.

VARIANCE SUMMARY TABLE			
STRUCTURE	REQUIRED SETBACK	ACTUAL SETBACK	VARIANCE REQUESTED
NORTH EXISTING STORAGE BUILDING	50' FROM THE NORTH PROPERTY LINE	28.1' FROM THE NORTH PROPERTY LINE	21.90' FROM THE NORTH PROPERTY LINE
NORTHEAST EXISTING STORAGE BUILDING	30' FROM THE EAST PROPERTY LINE	12.8' FROM THE EAST PROPERTY LINE	17.2' FROM THE EAST PROPERTY LINE

SEC. 2.03.08.A.2.a.(4) (a).ii

[illegible]

PREPARED FOR:

BRIGHTVIEW LANDSCAPE SERVICES, INC.
2441 MARETEE DRIVE, NAPLES, FL 34114

DATUM NOTE:
ALL ELEVATIONS REFERENCE NAVD88 VERTICAL DATUM

PROJECT NAME
**2441 MARETEE DRIVE
NAPLES, FL 34114**

CONSULTANT

 **RDA CONSULTING**

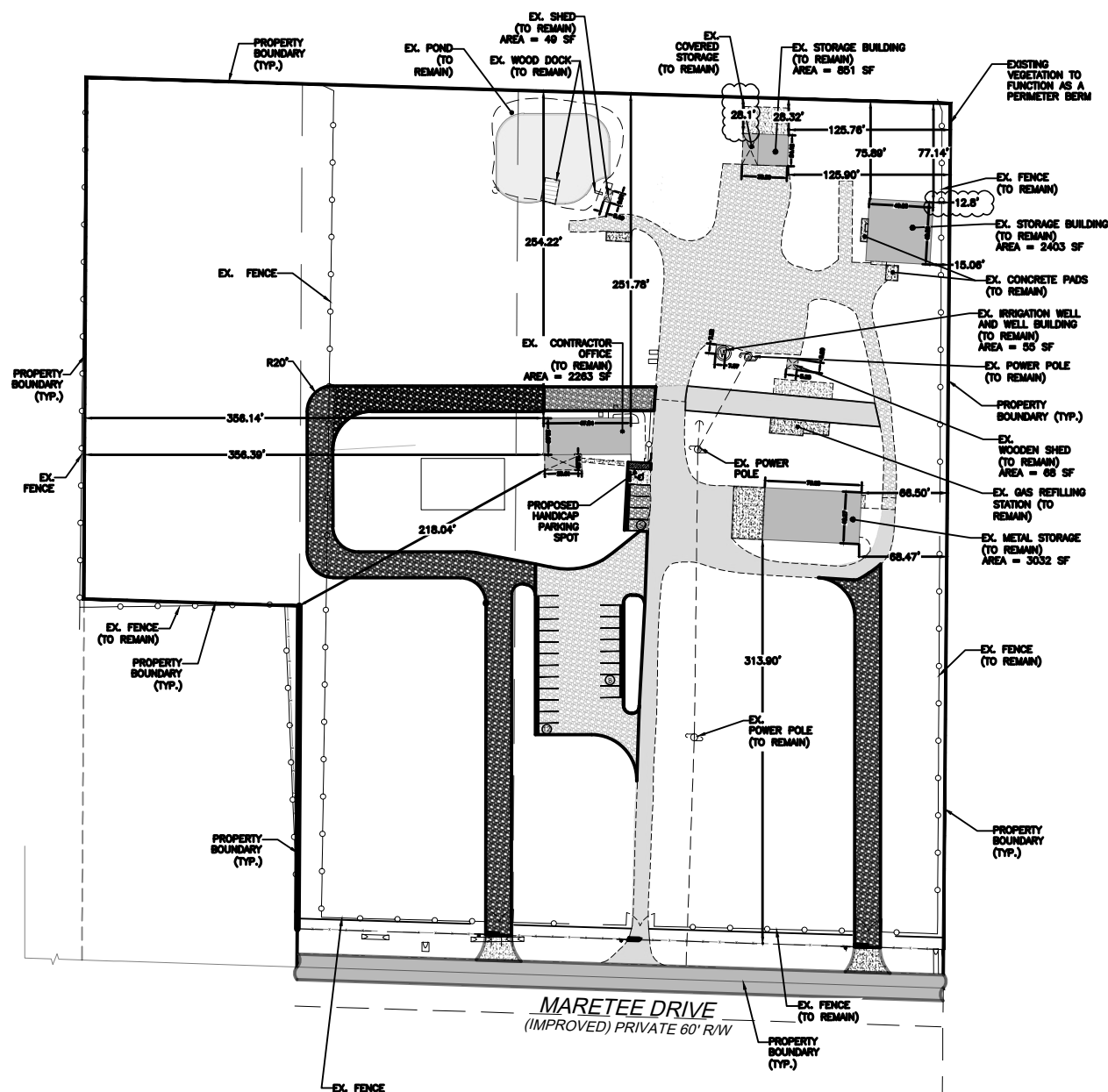
RDA CONSULTING ENGINEERS
 791 10TH STREET SOUTH, SUITE 302
 NAPLES, FL 34102
 PHONE: (239) 649-1551
 FAX: (239) 649-7112
 WWW.RDAFL.COM

ENGINEER'S STAMP

RICHARD B. DUBOIS, P.E.
FL. LICENSE NO. 93674

CONCEPTUAL SITE PLAN

DESIGNED BY: R.G.	DRAWN BY: R.B.	PROJECT No. RDA221258
CHECKED BY: R.D.	DATE: 01/12/2023	SHEET No. 01 OF 01



ADJACENT ZONING AND LAND USE		
	ZONING	LAND USE
N	ARFMO-RECEIVING	RESIDENTIAL, VACANT LOT
S	ARFMO-RECEIVING	MARETTE DR R.O.W., RESIDENTIAL
E	ARFMO-RECEIVING	VACANT LOT
W	ARFMO-RECEIVING	RESIDENTIAL, VACANT LOT
SW	ARFMO-RECEIVING	RESIDENTIAL

SITE DEVELOPMENT REGULATIONS		
DEVELOPMENT STANDARDS	REQUIRED	PROVIDED
MINIMUM LOT WIDTH (FT)	165	167.80
MIN LOT AREA (FT ²)	217,000	396,230
MAX. BUILDING COVERAGE	NONE	5.10% (EXIST)
MAX. BUILDING HEIGHT (FT)	35	35.0' (EXIST)
REAR STREET SETBACK (NORTH) (FT)	80	<28.0' (EXIST)
SIDE STREET SETBACK (EAST) (FT)	30	12.3' (EXIST)
SIDE STREET SETBACK (WEST) (FT)	30	396.4' (EXIST)
FRONT STREET SETBACK (SOUTH) (FT)	80	31.50' (EXIST)
NORTH LANDSCAPE BUFFER (COMMERCIAL TO RESIDENTIAL)	10' TYPE B BUFFER	10' TYPE B BUFFER
EAST LANDSCAPE BUFFER (COMMERCIAL TO UNCHURCH)	10' TYPE A BUFFER	10' TYPE A BUFFER
SOUTH LANDSCAPE BUFFER (COMMERCIAL TO MARSH & HIGH WATERS)	15' TYPE D BUFFER	16' TYPE D BUFFER
WEST LANDSCAPE BUFFER (COMMERCIAL TO RESIDENTIAL)	15' TYPE B BUFFER	10' TYPE B BUFFER
SOUTHWEST LANDSCAPE BUFFER (COMMERCIAL TO RESIDENTIAL)	15' TYPE B BUFFER	10' TYPE B BUFFER

NOTES

2.03 (B.2.2.4) (9.16)

CURRENT PARKING SUMMARY				
BUILDING USE	DESCRIPTION	MINIMUM REQUIRED SPACES	SPACES REQUIRED	SPACES PROVIDED
OFFICE (CONTRACTOR'S)	TOTAL OFFICE AREA = 2,863 SF TOTAL OFFICE STORING AREA = 4,588 SF # OF COMPANY VEHICLES OVERNIGHT = 10 WORK TRUCKS	1 PER 300 SQUARE FEET OF OFFICE AREA 1 PER 100 SQUARE FEET OF STORING AREA 1 PER 100 SQUARE FEET OF STORING AREA WILL BE PARKED OVERNIGHT	= 2,863 / (300) + 4,588 / (100) + 24.00 = 24 SPACES	25 PARKING SPACES
	TOTAL		24	25 (INCLUDING HANDICAP SP)

NOTES

EXISTING LAND USE SUMMARY			
CATEGORY	SQUARE FOOTAGE (SF)	ACREAGE (AC)	PERCENTAGE
BUILDING ROOF	8,721	0.20	2.18%
PAVEMENT/CONCRETE	18,212	0.42	10.08%
STABILIZED DRIVEW, DRIVES AND PARKING AREA	28,440	0.65	9.12%
EXISTING POND	7,243	0.17	1.81%
GREEN SPACE	338,549	7.58	87.27%
TOTAL IMPERVIOUS AREA	61,816	1.44	22.33%
TOTAL PERVIOUS AREA	338,549	7.58	87.27%
TOTAL SITE AREA	398,365	9.18	100.00%

PROPOSED LAND USE SUMMARY			
CATEGORY	SQUARE FOOTAGE (SF)	ACREAGE (AC)	PERCENTAGE (%)
BUILDING ROOF	8,721	0.20	2.16%
PAVEMENT/CONCRETE	18,518	0.43	10.14%
STABILIZED GRAVEL DRIVES AND PARKING AREA	51,038	1.17	14.33%
EXISTING POND	7,243	0.17	1.81%
GREEN SPACE	313,845	6.59	69.97%
TOTAL IMPERVIOUS AREA	85,520	1.96	28.44%
TOTAL PAVEMENT AREA	313,845	6.59	71.56%
TOTAL SITE AREA	389,185	8.18	100.00%

EXOTIC VEGETATION REMOVAL NOTE

1. ALL PROHIBITED EXOTIC VEGETATION SHALL BE REMOVED FROM THE SITE AND IT SHALL BE MAINTAINED FREE OF EXOTICS IN PERPETUITY.
- NOTES:**
1. REQUIREMENT FOR REMOVAL OF PROHIBITED EXOTIC VEGETATION PER: 3.05.08 & Ord. No. 05-27, § 3.3(N); Ord. No. 08-63, § 3.1; Ord. No. 15-44, § 3.D)

GRAVEL DRIVE AISLE MAINTENANCE

1. SHOULDERS OF THE GRAVEL DRIVE AISLE WILL BE SODED TO PREVENT EROSION OF THE DRIVE AISLE.
2. DISTRESSED AREAS OF THE GRAVEL DRIVE AISLES WILL BE REGRAVELED AS NECESSARY TO

STRUCTURE	REQUIRED SETBACK	ACTUAL SETBACK	VARIANCE REQUESTED
NORTH EXISTING STORAGE BUILDING	50' FROM THE NORTH PROPERTY LINE	35.1' FROM THE NORTH PROPERTY LINE	14.90' FROM THE NORTH PROPERTY LINE
NORTHEAST EXISTING STORAGE BUILDING	30' FROM THE EAST PROPERTY LINE	12.3' FROM THE EAST PROPERTY LINE	17.7' FROM THE EAST PROPERTY LINE

SEC. 203 (b) & 204 (a) (1)

[illegible]

PREPARED FOR:
BRIGHTVIEW LANDSCAPE SERVICES, INC.
2441 MARETEE DRIVE, NAPLES, FL 34114

DATUM NOTE:
ALL ELEVATIONS REFERENCE NAVD83 VERTICAL DATUM

PROJECT NAME 2000 INDIAN RIVER
00746, FL 32914

ENGINEER'S STAMP

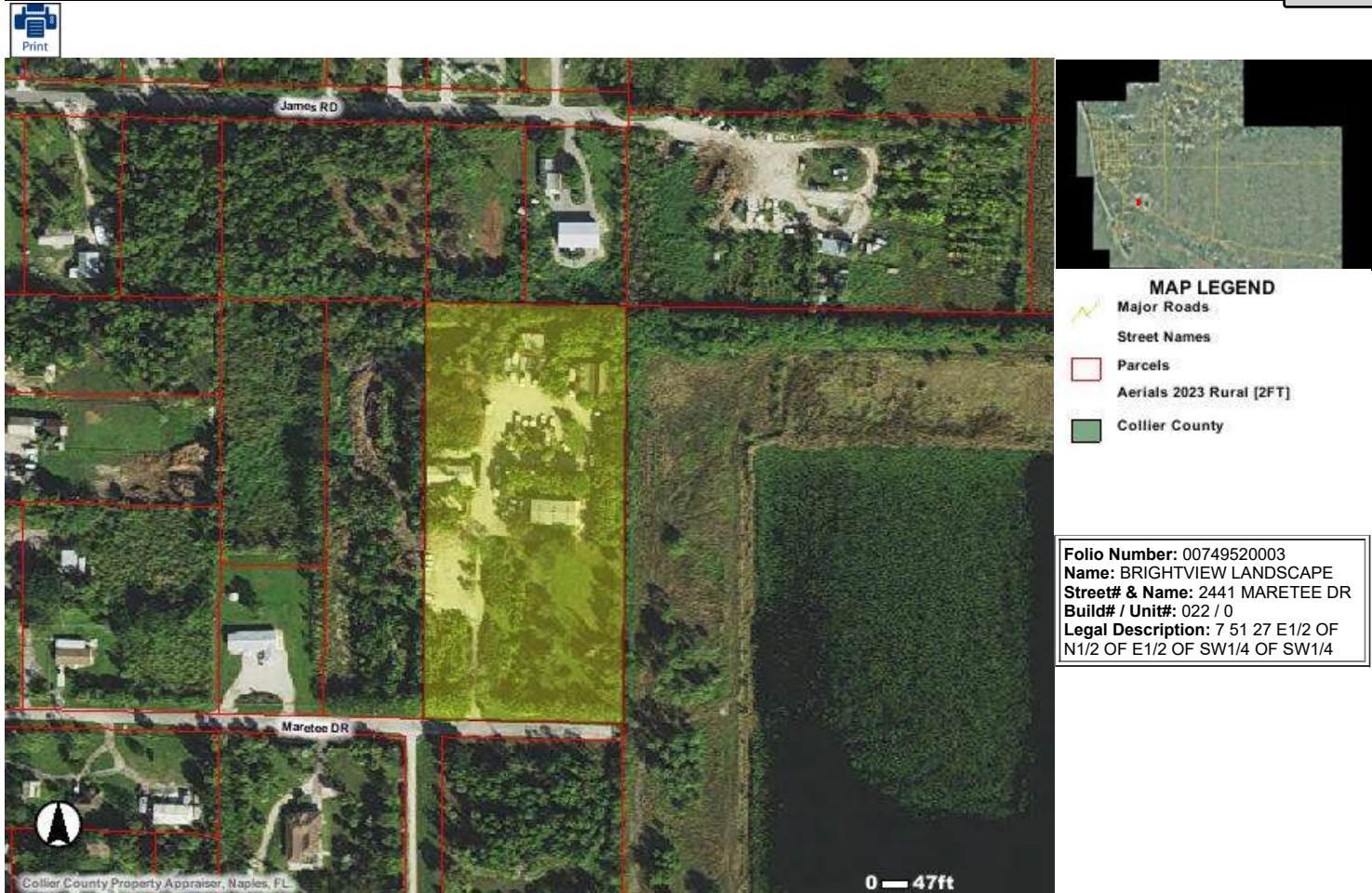
	CONCEPTUAL SITE PLAN
--	----------------------

DESIGNED BY: R.G.	DRAWN BY: R.B.	PROJECT No. RDA22125
CHECKED BY: R.D.	DATE: 01/12/2023	SHEET No. 01 OF 0

LOCATION MAP



Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



2004. Collier County Property Appraiser. While the Collier County Property Appraiser is committed to providing the most accurate and up-to-date information, no warranties expressed or implied are provided for the data herein, its use, or its interpretation.

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

January 10, 2024



Thomas Ryan Grant, E.I.
Junior Civil Engineer | RDA Consulting Engineers
d/b/a/ American Structural Engineering

P: 239-649-1551 F: 239-649-7112

RyanGrant@rdafl.com

In response to your inquiry of January 10, 2024, the Florida Master Site File lists no cultural resources recorded at the following address:

2441 Maretee Drive, Naples, FL 34114; parcel Numbers are: 00749520003, 00749960003, and 00748840001.

When interpreting the results of this search, please consider the following information:

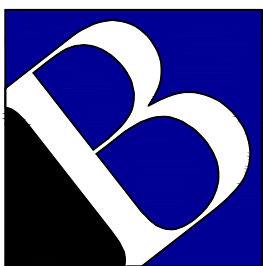
- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, State and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Kind Regards,

Eman M. Vovsi
 Data Base Analyst
 Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



BENCHMARK LAND SERVICES, INC.

1807 J. & C. Boulevard
Naples, Florida 34109
L.B. # 7502

Tel. 239-591-0778
Fax. 239-591-1195
www.benchmarklandservices.com

SKETCH OF BOUNDARY SURVEY

SURVEY #20704

Property Address:

2441 Maretee Drive
Naples, FL 34114

Certified To:

BrightView Landscape Services, Inc.

Flood Zone Information:

Community Number: 120067
Panel: 0620 Suffix: H
Effective Date: 05/16/2012
Flood Zone: AE BFE: 7' N.A.V.D. 1988

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

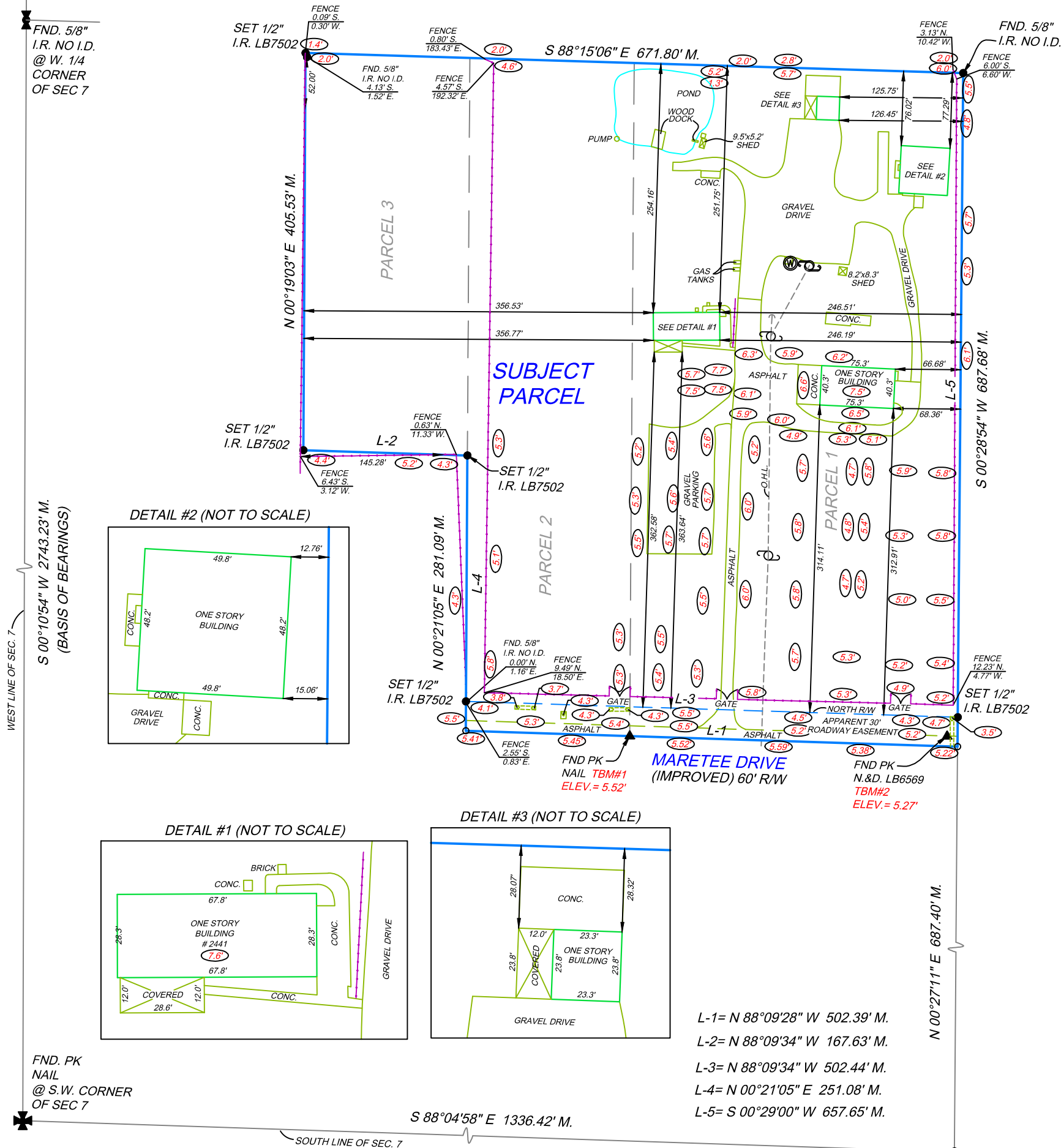
Legal Description As Furnished:

Parcel 1: The East 1/2 of the North 1/2 of the East 1/2 of the Southwest 1/4 of the Southwest 1/4, Section 7, Township 51 South, Range 27 East, Public Records of Collier County, Florida.

Parcel 2: The East 1/2 of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4, Section 7, Township 51 South, Range 27 East, Public Records of Collier County, Florida.

Parcel 3: West 1/2 of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 less the South 281 feet: Plus the West 30 feet, of the Southwest 1/4, of the South 1/2, East 1/2, of the Southwest 1/4 of the Southwest 1/4 Section 7, Township 51 South, Range 27 East, Public Records of Collier County, Florida.

DATE OF SURVEY	DRAWN BY
08/22/2019	E.S.
COMPLETION DATE:	CHECKED BY
08/27/2019	K.S.
UPDATE SURVEY: 03/17/2023	
AMENDED SURVEY: 05/03/2023	



- LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
- THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
- ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
- PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
- WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (2)(d)4 OF THE FLORIDA ADMINISTRATIVE CODE.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION.
- ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

B.R. BEARING REFERENCE	I.P. IRON PIPE	P.I. POINT OF INTERSECTION
C. CALCULATED	A.E. ACCESS EASEMENT	P.L.S. PROFESSIONAL LAND SURVEYOR
CATV. CABLE TV RISER	B.D. BRASS DISC	P.T. POINT OF TANGENCY
C.U.E. COUNTY UTILITY ESMT.	I.E. INGRESS / EGRESS EASEMENT	P.O.B. POINT OF BEGINNING
D.E. DRAINAGE EASEMENT	L.C.U.E. LEE COUNTY UTILITY EASEMENT	PROP. PROPOSED
D.H. DRILL HOLE	M. FIELD MEASURED	P.R.C. POINT OF REVERSE CURVATURE
ELEC. ELECTRIC BOX	M.E. LAKE MAINTENANCE EASEMENT	P.R.M. PERMANENT REFERENCE MONUMENT
ENCL. ENCLOSURE	N & D. NAIL & DISK	P.U.E. PUBLIC UTILITY EASEMENT
E.O.W. EDGE OF WATER	O.H.L. OVERHEAD LINE	R.W. RIGHT OF WAY
F.F. FINISHED FLOOR	P. PLAT	Q.U.E. ORANGE TREE UTIL. ESMT. UTIL. ESMT.
FND. FOUND	P.C. POINT OF CURVATURE	T.B.M. TEMPORARY BENCH MARK
I.D. IDENTIFICATION	P.C.C. POINT OF COMPOUND CURVATURE	TEL. TELEPHONE FACILITIES
I.R. IRON ROD	P.C.P. PERMANENT CONTROL POINT	T.O.B. TOP OF BANK
	PK. PARKER-KALON NAIL	

U.E. UTILITY EASEMENT	W.M. WATER METER
R. RADIAL	N.R. NON-RADIAL
C.V.G. CONC VALLEY GUTTER	C.B. CATCH BASIN
S.D. STORM DRAIN	C.M. CONCRETE MONUMENT
C/O. CLEAN OUT	

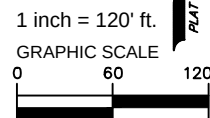
POINTS OF INTEREST:

1.) THE LAST HALF OF THE LEGAL DESCRIPTION FOR PARCEL 3, AS FOUND IN O.R. BOOK 5584, PAGE 2056, PUBLIC RECORDS OF COLLIER COUNTY, IS NOT CONTIGUOUS TO THE REST OF THE DESCRIPTIONS.

I hereby certify that A Survey of the hereon described property was made under my direction per Standards of Practice as per Chapter 5J-17.053, F.A.C. & pursuant to section 472.027, Florida Statutes.

KENNETH SARRIO
Professional Surveyor & Mapper
PSM No. 6348 State of Florida

EXISTING ELEVATION	MITERED END SECTION	W.W. E.P. EDGE OF PAVEMENT
PROPOSED ELEVATION	CULVERT	WATER VALVE
I.R. IRON ROD	FENCE	POWER POLE
CONCRETE MONUMENT	NAIL	WELL
CATCH BASIN	CONC. CONCRETE	EXISTING FIRE HYDRANT
	N/A NOT APPLICABLE	



AFFIDAVIT OF COMPLIANCE

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

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



 (Signature of Applicant)

State of Florida
County of Collier

The foregoing Affidavit of compliance was acknowledged before me this 10th day of June, 2024 by Richard DuBois, who is personally known to me or who has produced _____ as identification.



 (Signature of Notary Public)

Stephanie Thomas

 Printed Name of Notary



(Notary Seal)

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))

Collier County
Growth Management Department
Zoning Services Section

November 27, 2018

Laura Brown – Senior Director of Real Estate
Brightview Landscape Services, Inc.
24151 Ventura Boulevard
Calabasas, CA 91302

Re: ZLTR-PL20180003191; Zoning Verification Letter for the property located at 2441 Marete Drive, in Section 7, Township 51 South, Range 27 East, of unincorporated Collier County, Florida. Property IDs/Folio Numbers: 00749520003, 0074996003, 00748840001.

Dear Ms. Brown:

This letter is in response to a Zoning Verification Letter (ZLTR) Application that you submitted on or about October 19, 2018, in which you request a Zoning Verification Letter that provides confirmation that the proposed uses by Brightview Landscape Service, Inc. at the subject property are permitted by right. A narrative letter submitted with the application outlines the proposed uses on the property. Whereas the subject properties are located within an unincorporated portion of Collier County, The Zoning Services Section of the County's Zoning Division herewith provides the following information.

The subject property is located within the Agricultural / Rural Designation, Rural Fringe Mixed Use District – Receiving Lands area as identified on the Future Land Use Map (FLUM) and described within the Future Land Use Element (FLUE) of the Collier County Growth Management Plan (GMP). The ordinance regulating the zoning and use of the subject property is the Collier County Land Development Code (LDC), Ordinance 04-41 as amended; the LDC implements the goals, policies, and objectives of the County's Growth Management Plan. The current Official Zoning Atlas, an element of the LDC, reveals the subject property has a zoning designation of Rural Agricultural District (A); additionally, it is within the Rural Fringe Mixed Use Overlay (RFMUO) - Receiving Lands.

Allowable uses for properties within the RFMU Receiving Lands that are not within a rural village are contained within LDC Section 2.03.08.A.2.a.(3).

The business in question as described in your letter will continue the existing nursery component that exists on the property to date. The additional primary component of the business being proposed is a landscape maintenance contractor business handling every aspect of landscape care for a wide range of customers from resorts, retail centers, corporate campuses, public spaces, and homeowner's associations. The landscape maintenance service aspect of the business is to include a contractor's branch office, shop, warehouse and outdoor storage of landscape materials, trucks, trailers, and landscape equipment.

LDC Section 2.03.08.A.2.a.(3) lists "*Agricultural activities, including, but not limited to: Crop raising; horticulture; fruit and nut production; forestry; groves; nurseries; ranching; beekeeping; poultry and egg production; milk production; livestock raising, and aquaculture for native species subject to the State of Florida Fish and Wildlife Conservation Commission permits...*" as a permitted use as of right.

Therefore, the existing use of a nursery is a permitted use by right.



As per the attached zoning verification letter dated January 6, 2006, attached, it has been determined that a landscape maintenance services falling under the Standard Industrial Manual Industry Group 078 (Landscape and Horticultural Services) horticultural advisory services; lawn care, fertilizing, mowing, mulching, seeding and spraying; turn installation; insect control for crops; and ornamental bush and tree planting, pruning, spraying, removal and surgery. Any use, or combination of uses, within these categories, are permitted principal uses within the RMFUO- Receiving Lands/A zoning designations.

The use of a landscape maintenance contractor's branch office; a warehouse to store landscape maintenance equipment and a small amount of fertilizer stored on pallets; the outdoor storage of landscape materials, trucks, trailers and landscape material; a shop to perform light equipment maintenance such as oil, filter and blade changes; and the storage of landscape materials such as herbicides and pesticides in chemically sheds specifically used for the storage of hazardous materials are typical accessory uses to the landscape and horticulture maintenance services as outlined above and therefore would be permitted at the subject property.

The proposed business outlined in the letter would be subject to the approval of all necessary site development requirements, permits, and occupational licenses.

The information presented in this verification letter is based on the Collier County LDC and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these documents could affect the validity of this verification letter. It is also possible that development of the subject property could be affected by other issues not addressed in this letter, such as, but not limited to, concurrency related to the provision of adequate public facilities, environmental impact, and other requirements of the Collier County LDC or related ordinances.

This letter represents a determination of Zoning Services Section staff. Should you disagree with this determination, you may request an Official Interpretation by the Zoning Director of the provisions of the Land Development Code pursuant to Sections 1.06.01.A and 10.02.02.F.1 of that Code. The fee for an Official Interpretation is identified in the most recent GMD Fee Schedule Resolution as approved by the Board of County Commissioners. To obtain copies of any document referenced herein, please contact Mr. David Merino with the GMD Records Section at (239)252-2386. The LDC may be viewed online at www.municode.com / Municode Library / Florida / Collier County. Validated Ordinances may be viewed online via the Clerk of Court's website, www.collierclerk.com / Records Search / BMR Records / Boards, Minutes, Records / BMR Validated Ordinances.

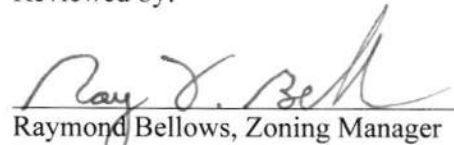
Disclaimer: Issuance of a development permit by the County does not create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. All other applicable state or federal permits must be obtained before commencement of the development.

Should you require additional information, please do not hesitate to call my office at (239) 252-2733.

Researched and prepared by:

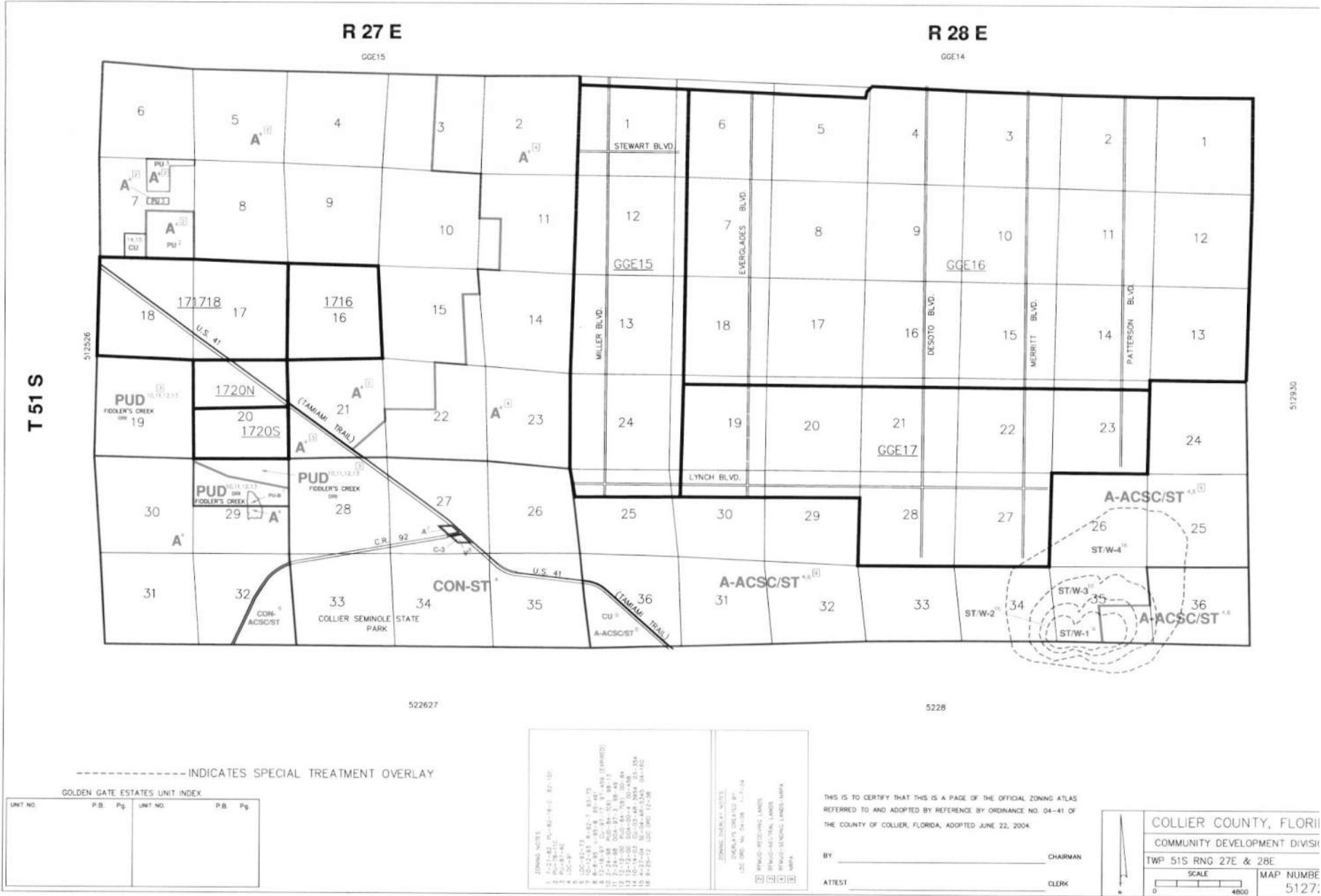

Josephine Medina, Senior Planner
Zoning Services Section

Reviewed by:


Raymond Bellows, Zoning Manager
Zoning Services Section

Attachments

CC: GMD – Addressing



Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))

24151 Ventura Boulevard
 Calabasas, CA 91302
 T. 818 737 2633
www.brightview.com



Via Email:

October 11, 2018

Collier County
Zoning Division
2800 North Horseshoe Drive
Naples, FL 34104

Re: Proposed Use for Buyer/Tenant, BrightView Landscape Services, Inc.
 2441 Marete Drive, Naples, FL 34114; Parcel IDs: 00748840001, 00749960003, 00749520003;
 +/- 9 acres; Zoning A – Rural Agricultural (the "Property")

To Whom It May Concern:

BrightView Landscape Services, Inc. ("BrightView") is the largest national commercial landscape maintenance contractor that handles every aspect of landscape care for a wide range of customers from resorts and retail centers to corporate campuses, public spaces and homeowner's associations. Fiddler's Creek is one of the major master planned communities that BrightView maintains in the Naples area. You can learn more about our company by visiting our website at www.brightview.com.

BrightView would like to confirm the zoning of the Property and that BrightView's use listed below is allowed by right under the current zoning established by Collier County.

BrightView's intended use as a prospective buyer/owner/occupant of the above-referenced Property is for a local landscape maintenance contractor's branch office, shop, warehouse and outdoor storage of landscape materials, trucks, trailers and landscape equipment, as well as a nursery component. The hours of our operation will be 6:30am to 5:30pm, Monday through Friday. We will have approximately five (5) full time employees that will work out of the office each day, and will have approximately forty (40) field employees that will be dispatched to homeowner association jobsites throughout the city each day. BrightView will dispatch its crews to jobsites at 6:45am, and the crews will not return to the Property until 3:30pm to park, store equipment, and return home.

There will be approximately a minimum of fifteen (15) trucks that will be parked on the Property that will consist of Ford F150s, F250s, and a few F450s. Our landscape maintenance equipment (i.e. mowers, blowers, etc.) will be stored in the existing warehouse building on the Property. The landscape materials such as herbicides and pesticides will be stored in chemical sheds specifically used for the storage of hazardous materials. Although we typically subcontract our fertilizer, there may be small amounts of fertilizer that will be stored on pallets inside the warehouse at any given time. In addition, we will continue with the existing nursery component that exists today on the Property. BrightView will perform



light equipment maintenance in the shop on the Property such as oil, filter, and blade changes. Any and all hazardous materials will be stored and disposed of properly.

If you should have any questions or require additional information about our proposed use, please do not hesitate to contact me at (818) 737-2633.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura B".

Laura D. Brown
Senior Director of Real Estate

LDB/

cc: Charles Gonzales, SVP
Mark Cruzan, VPGM
Michael Price, Land Division Director, Land Qwest

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



COLLIER COUNTY GOVERNMENT

Community Development and Environmental Services Division

Department of Zoning and Land Development Review
2800 North Horseshoe Drive • Naples, Florida 34104

Department of Zoning and Land Development Review

6 January 2006

Mr. Tom Freeman
TruGreen Landcare
14335 Collier Blvd.
Naples, FL 34119

Re: Zoning Verification Letter ZLTR-2005-AR-8920, regarding property located at 11361 Riggs Road, Folio number 00763280109, in Section 17, Township 51 South, Range 27 East, Collier County, Florida

Dear Mr. Freeman:

In your letter dated 22 December 2005, which we received on 29 December 2005, you ask if your business providing landscape maintenance services would be permitted on the subject property. The subject property is zoned Rural Agricultural (A). The property is located within the Rural Fringe Mixed Use District – Receiving Lands, according to the Future Land Use Map of the Growth Management Plan, and a landscape maintenance business is not prohibited in the Rural Fringe Mixed Use District. The proposed business, as described in your letter, would be permitted on the property, subject to the approval of all necessary development orders, permits and occupational licenses, with the qualifications and exceptions noted below.

The business in question, as described in your letter, is that of landscape maintenance, and provides the following services: turf mowing, turf edging, shrub and small tree pruning, mulching, weeding, horticultural management, irrigation maintenance, plant installation, and fertilization. The Standard Industrial Classification Manual identifies the following services, among others, under Industry Group 078 (Landscape and Horticultural Services): horticultural advisory services; lawn care, fertilizing, mowing, mulching, seeding and spraying; turf installation; insect control for crops; and ornamental bush and tree planting, pruning, spraying, removal and surgery. Any use, or combination of uses, within these categories is permitted in Agricultural zoning. Assuming that the irrigation maintenance you describe is the maintenance of lawn sprinklers and not crop irrigation systems, this use falls within Industry Group 171 (Plumbing, Heating and Air-conditioning). As an Industrial use, this would *not* be permitted as a *principal* use on the property, but *would* be permitted as an *accessory* use to a landscape maintenance business on the property.

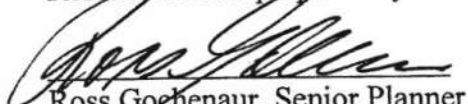


You also indicate that your business provides pest control services, which are "performed by another TruGreen provider." Pest control for lawns and agricultural production would be considered a permitted use on the property under Group 078. Pest control for structures is identified under Group 734 (Services to Dwellings and Other Buildings), and would *not* be permitted either as a principal or an accessory use on the property. An occupational license for residential pest control could not be approved for this property.

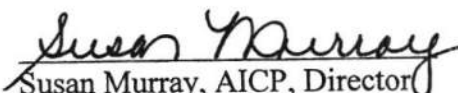
Please be advised that this verification is based on the Collier County Land Development Code and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these could affect the validity of this verification.

Should you require further information please do not hesitate to call me at (239) 213-2911.

Researched and prepared by:


Ross Gochenaur, Senior Planner
Department of Zoning & Land
Development Review

Reviewed by:


Susan Murray, AICP, Director
Department of Zoning & Land
Development Review

Cc: Correspondence file

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))

OSHAEnglish | Spanish

Find it in OSHA

Q

A TO Z INDEX

ABOUT OSHAWORKERSEMPLOYERSREGULATIONSENFORCEMENTTOPICSNEWS & PUBLICATIONSDATATRAINING

Description for 0782: Lawn and Garden Services

Division A: Agriculture, Forestry, And Fishing | Major Group 07: Agricultural Services

Industry Group 078: Landscape And Horticultural Services

0782 Lawn and Garden Services

Establishments primarily engaged in performing a variety of lawn and garden services. Establishments primarily engaged in the installation of artificial turf are classified in Construction, Industry 1799.

Bermuda sprigging services

Cemetery upkeep, independent

Garden maintenance

Garden planting

Lawn care

Lawn fertilizing services

Lawn mowing services

Lawn mulching services

Lawn seeding services

Lawn spraying services

Lawn sprigging services

Mowing highway center strips and edges

Seeding highway strips

Sod laying

Turf installation, except artificial

SIC Search

Division Structure

Major Group Structure

UNITED STATES

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

200 Constitution Ave NW

Washington, DC 20210

📞 800-321-6742 (OSHA)

TTY

www.OSHA.gov

FEDERAL GOVERNMENT

White House

Disaster Recovery Assistance

USA.gov

No Fear Act Data

U.S. Office of Special Counsel

OCCUPATIONAL SAFETY AND HEALTH

Frequently Asked Questions

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A TO Z INDEX

ABOUT OSHA WORKERS EMPLOYERS REGULATIONS ENFORCEMENT TOPICS NEWS & PUBLICATIONS DATA TRAINING

DESCRIPTION FOR 0781: LANDSCAPE COUNSELING AND PLANNING

Division A: Agriculture, Forestry, And Fishing | Major Group 07: Agricultural Services

Industry Group 078: Landscape And Horticultural Services

- 0781 Landscape Counseling and Planning
- Establishments primarily engaged in landscape planning and in performing landscape, architectural and counseling services.
- Garden planning
 - Horticultural advisory or counseling services
 - Landscape architects
 - Landscape counseling
 - Landscape planning

SIC Search

Division Structure

Major Group Structure

UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

White House
Disaster Recovery Assistance
USA.gov
No Fear Act Data
U.S. Office of Special Counsel

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Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



OSHA English | Spanish

Find it in OSHA



A TO Z INDEX

ABOUT OSHA ▾ **WORKERS** ▾ **EMPLOYERS** ▾ **REGULATIONS** ▾ **ENFORCEMENT** ▾ **TOPICS** ▾ **NEWS & PUBLICATIONS** ▾ **DATA** ▾ **TRAINING** ▾

Description for 0783: Ornamental Shrub and Tree Services

Division A: Agriculture, Forestry, And Fishing | Major Group 07: Agricultural Services

Industry Group 078: Landscape And Horticultural Services

0783 Ornamental Shrub and Tree Services

Establishments primarily engaged in performing a variety of ornamental shrub and tree services. Establishments primarily engaged in forestry services are classified in Major Group 08. Establishments primarily engaged in general lawn and garden planting and maintenance are classified in Industry 0782, and those primarily engaged in performing shrub and tree services for farm crops are classified in Industry 0721.

- Arborist services
- Ornamental bush planting, pruning, bracing, spraying, removal, and
- Ornamental tree planting, pruning, bracing, spraying, removal, and
- Tree trimming for public utility lines
- Trees, ornamental: planting, pruning, bracing, spraying, removal, and
- Utility line tree trimming services

[SIC Search](#)

[Division Structure](#)

[Major Group Structure](#)

UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

White House
Disaster Recovery Assistance
USA.gov
No Fear Act Data
U.S. Office of Special Counsel

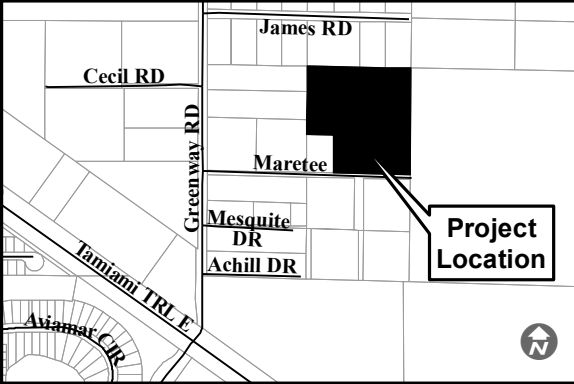
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Frequently Asked Questions
A - Z Index
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Accessibility Statement

Attachment: Attachment A - Backup Package (29496 : PL20240000927 - 2441 Maretee Drive (VA))



James RD

Cecil RD

Greenway RD

Maretee

**Mesquite
DR**

Achill DR

Tamiami TRL E

Aviamar CIR

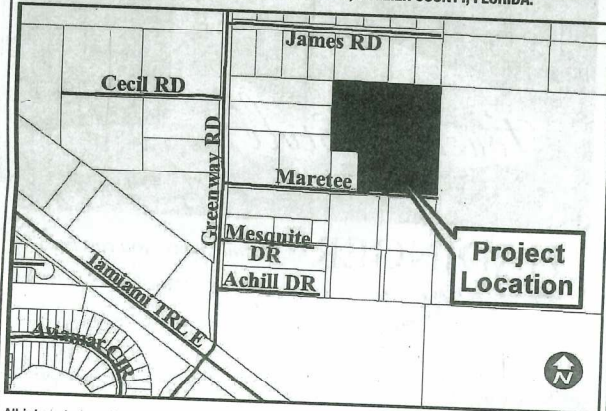
**Project
Location**



NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 1:00 P.M., August 22, 2024, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples, FL 34104, to consider:

PETITION NO. PL20240000927 VA - REQUEST FOR A VARIANCE FROM LAND DEVELOPMENT CODE SECTION 2.03.08.A.2.a.(4)(a).iii, TO REDUCE THE REQUIRED AGRICULTURAL RFMUO-RECEIVING SIDE SETBACK FROM 30 FEET TO 12.8 FEET ON THE EAST PROPERTY LINE AND TO REDUCE THE REAR SETBACK FROM 50 FEET TO 28.1 FEET ON THE NORTHERN PROPERTY LINE FOR THE TWO EXISTING ACCESSORY STORAGE BUILDINGS ON APPROXIMATELY 7.94 ACRES LOCATED AT ±2,000 FEET NORTH OF US-41 AND ±850 FEET EAST OF GREENWAY ROAD AT 2441 MARETEE DRIVE, NAPLES, FL, 34114 IN SECTION 7, TOWNSHIP 51 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

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

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Ray Bellows at 252-2463 or email to Ray.Bellows@colliercountyfl.gov.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252-2400, at least two (2) days prior to the meeting.

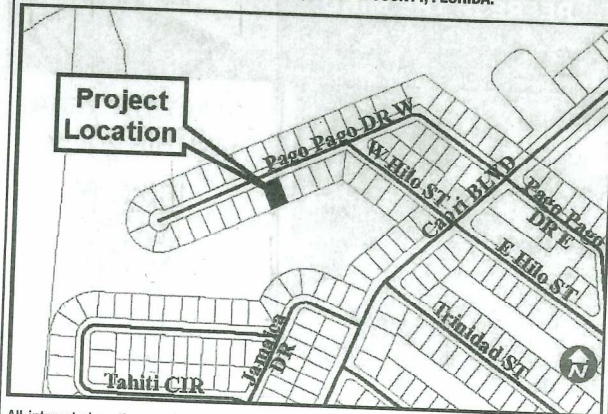
Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

NO-39938573

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 1:00 P.M., August 22, 2024, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples, FL 34104, to consider:

PETITION NO. BD-PL20230017548 - REQUEST FOR A 29-FOOT BOAT DOCK EXTENSION, OVER THE MAXIMUM 20 FEET ALLOWED BY SECTION 5.03.06.E.1 OF THE COLLIER COUNTY LAND DEVELOPMENT CODE FOR WATERWAYS 100 FEET OR GREATER IN WIDTH, TO CONSTRUCT A NEW DOCK FACILITY THAT WILL PROTRUDE A TOTAL OF 49 FEET INTO A WATERWAY THAT IS 278± FEET WIDE FOR THE BENEFIT OF PROPERTY LOCATED AT 156 PAGO PAGO DRIVE WEST, ALSO KNOWN AS LOT 187, ISLES OF CAPRI NO. 2, IN SECTION 32, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record.

Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104.

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

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Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

NO-39938536

PUBLIC HEARING NOTICE

**2441 Maretee Drive
Variance (VA)**

Petition No. 20240000927

HEX: August 22, 2024 - 1:00 p.m.

**Growth Management Building
2800 N. Horseshoe Dr., Naples, FL 34104**

Planner: Sean Sammon 239-252-8422

Attachment: Attachment C - Legal Ad and HEX Sign Photos (29496 :

PUBLIC HEARING NOTICE

2441 Maretee Drive

Variance (VA)

Petition No. 20240000927

HEX: August 22, 2024 - 1:00 p.m.

Growth Management Building

2800 N. Horseshoe Dr., Naples, FL 34104

Planner: Sean Sammon 239-252-8422

Attachment: Attachment C - Legal Ad and HEX Sign Photos (29496 :

APPLICATION FOR BUILDING PERMIT COLLIER COUNTY, FLORIDA

Permit Number 72-1687 Date 2-27-72
 Name of Owner James Linzey Contractor Phone _____
 Job Address Greenway Road
 Architect _____ Electrical Contractor _____
 Address _____ Address _____
 Contractor Shofer - Morgan Plumbing Contractor _____
 Address _____ Address _____

LEGAL DESC: Lot _____ Block _____ Unit _____ Subdivision _____
 If no record plat, metes & bounds: E $\frac{1}{2}$ of N $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 7, Twp 51,
Rge 27

Permit to (Build-Alter-Repair-Move) C.B.S. Bldg.
 BUILDING Size 42 x 28 Height 12 No. of Stories 1
 A copy of the approved plans and specifications shall be kept at the building site during construction.

Zoning A-1 Building or Structure will face S
 Use Residence
252 feet from East line
400 feet from South line
30 feet from West line
232 feet from North line

Floor Space	<u>1344</u>	Sq. Feet
Utility		Sq. Feet
Porch		Sq. Feet
Car Porte		Sq. Feet
Other		Sq. Feet
Total	<u>1344</u>	Sq. Feet
Estimated Cost \$	<u>19,440.00</u>	
Building Permit \$	<u>42.00</u>	
Electrical Permit \$	<u>10.25</u>	
Plumbing Permit \$	<u>2.00</u>	
Septic Tank \$	<u>120</u>	
Total \$	<u>19,514.25</u>	

PLOT PLAN

DRAINAGE NOT APPROVED BY
 DRAINAGE AUTHORITY IS SUBJECT
 TO FLOODING THEREFOR DOES NOT MEET
 REQUIREMENTS CHAPTER 100A-1, F.A.C.

APPROVAL IS GIVEN TO THIS PROJECT
 ON THE BASIS OF REPRESENTATIONS TO
 AND DATA SUBMITTED THIS APPT.

Central Sewer Name _____ Yes
 Central Water Name _____ Yes
 Well Permit No. _____
 Septic Tank _____ Gallons
 Drainfield _____ Sq. Ft.
 Septic Tank No. _____
 Plumbing Stub _____ Inches below
 Finish Floor Grade.
 Sanitarian _____

The above application has been examined and is hereby subject to the payment of
 \$ 19,514.25 by check, as provided by the Collier County Building Code.

Payment Received: _____ Building Official

This permit expires if work is not started within 6 months from date issued. Permit void if zoning classification is violated. This use must not change to any other use without a new permit from the Zoning Director. Fee will be doubled if work is started without a permit.

23-73 3-14-74 7-51-27
INSPECTION RECORD CARD

PER. # 72-1687

DATE: 7-7-72

New owner

NAME: James Linzey Robert Timmerson (774-6658)

CONTRACTOR: Driveway

F.T. in 8/10/72

ADDRESS: Greenway Road

LEGAL DESC.: See back of Card

JOB DESC.: Build C.B.S. Residence \$13,440.00

FOOTING: _____

R. PLUMBING: _____

FL SLAB: _____

TUB - SC7: 3-1-73

TIE BEAM: 9-12-72

R. ELECTRICAL: 3-1-73

R. FRAMING: 3-1-73

FINAL: 1-17-75

FINAL BLDG.: _____

2-3-75

1-20-75

$E\frac{1}{2}$ of $N\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$ Sec. 7, Twp 51,
Rge 27

~~76-11-100~~

91
PD

73
-Twp
-Loc.

Ryan Grant

From: David Anthony <David.Anthony@colliercountyfl.gov>
Sent: Thursday, April 18, 2024 1:43 PM
To: Ryan Grant
Cc: Richard DuBois
Subject: RE: PL20240000927 - 2441 Maretee Drive - Variance

Then that would probably be a sufficient comment response.

Respectfully,

David Anthony
 Site Plans Reviewer



NOTE: Email Address Has Changed

2800 North Horseshoe Drive, Naples Florida 34104
 Phone: 239-252-2497

How are we doing? Please [CLICK HERE](#) to fill out a Customer Survey.
We appreciate your Feedback!

From: Ryan Grant <RyanGrant@rdafl.com>
Sent: Thursday, April 18, 2024 1:41 PM
To: David Anthony <David.Anthony@colliercountyfl.gov>
Cc: Richard DuBois <RichardDuBois@rdafl.com>
Subject: RE: PL20240000927 - 2441 Maretee Drive - Variance

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.

Yes, our client owns that parcel as well and it is apart of the site plan but not part of this variance application. Too make a long story short we were in the middle of an SIP application when it was discovered the storage buildings were encroaching on the setback and we were advised to make a variance application if our client wanted to keep them. So, we took our site plan from the SIP application and used it for the Variance Application. However, our SIP had all the parcels on it, and we were informed that it needed to be included in the application since it was shown. The other parcel is not included in this request.

Thomas Ryan Grant, E.I.
 Junior Civil Engineer | RDA Consulting Engineers



d/b/a/ American Structural Engineering

P: 239-649-1551 F: 239-649-7112

RyanGrant@rdafl.com

791 10th St S., Suite 302

Naples, FL 34102

www.rdafl.com

Confidentially Notice: This email transmission (and/or the attachments accompanying it) is confidential and may contain copyrighted material of RDA Consulting Engineers, LLC. It is intended for the recipient only and may not be used by any other person(s) without the approval of RDA Consulting Engineers, LLC. If you are not the intended recipient, please notify the sender and delete all copies of this message. Thank you.

From: David Anthony <David.Anthony@colliercountyfl.gov>
Sent: Thursday, April 18, 2024 1:21 PM
To: Ryan Grant <RyanGrant@rdafl.com>
Cc: Richard DuBois <RichardDuBois@rdafl.com>
Subject: RE: PL20240000927 - 2441 Maretee Drive - Variance

Ok, I talked with Sean and it seems they had a question about the parcel to the west. I guess your client owns that parcel as well and so Sean wanted to know if you were including it in your Variance request or whether it had nothing to do with it.

Attachment: Attachment E - Site Planning Staff Email (29496 : PL20240000927 - 2441 Maretee Drive (VA))



Respectfully,

David Anthony
Site Plans Reviewer



Development Review Division
Exceeding Expectations, Every Day!

NOTE: Email Address Has Changed

Attachment: Attachment E - Site Planning Staff Email (29496 : PL20240000927 - 2441 Maretee Drive (VA))

2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239-252-2497

How are we doing? Please [CLICK HERE](#) to fill out a Customer Survey.
We appreciate your Feedback!

From: Ryan Grant <RyanGrant@rdafl.com>
Sent: Thursday, April 18, 2024 12:27 PM
To: David Anthony <David.Anthony@colliercountyfl.gov>
Cc: Richard DuBois <RichardDuBois@rdafl.com>
Subject: RE: PL20240000927 - 2441 Maretee Drive - Variance

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

I am not involved in the 2589 Terrace Ave project. The comment was from Sean Sammon. Please see the attached comment letter. Thank you



Thomas Ryan Grant, E.I.

Junior Civil Engineer | RDA Consulting Engineers
d/b/a/ American Structural Engineering

P: 239-649-1551 F: 239-649-7112

RyanGrant@rdafl.com

791 10th St S., Suite 302
Naples, FL 34102

www.rdafl.com

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From: David Anthony <David.Anthony@colliercountyfl.gov>
Sent: Thursday, April 18, 2024 12:25 PM
To: Ryan Grant <RyanGrant@rdafl.com>
Cc: Richard DuBois <RichardDuBois@rdafl.com>
Subject: RE: PL20240000927 - 2441 Maretee Drive - Variance

Are you sure it was in regards to this property? I'm not involved in the Variance process but I had gotten an email from Mr. DuBois yesterday regarding the property at 2589 Terrace Ave. Do you know who had told you to coordinate with me about this variance?

Respectfully,

David Anthony
Site Plans Reviewer

Attachment: Attachment E - Site Planning Staff Email (29496 : PL20240000927 - 2441 Maretee Drive (VA))



Development Review Division
Exceeding Expectations, Every Day!

NOTE: Email Address Has Changed

2800 North Horseshoe Drive, Naples Florida 34104
Phone: 239-252-2497

How are we doing? Please [CLICK HERE](#) to fill out a Customer Survey.
We appreciate your Feedback!

From: Ryan Grant <RyanGrant@rdafl.com>
Sent: Thursday, April 18, 2024 9:19 AM
To: David Anthony <David.Anthony@colliercountyfl.gov>
Cc: Richard DuBois <RichardDuBois@rdafl.com>
Subject: PL20240000927 - 2441 Maretee Drive - Variance

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

Good Morning David,

My name is Ryan Grant and I work at RDA Consulting Engineers. We are currently submitting a variance petition (PL20240000927) for our project at 2441 Maretee Drive and were advised to coordinate with you on a concern. The concern is "Does the Subject property include the west parcel, 0748840001?". Our client owns and operates two (formerly three) neighboring properties and as part of the variance application we were initially advised to include all the properties even though we were seeking the variance for one property. Could you please advise if we need to include the west parcel (7488001) as part of the subject property for this variance. I have attached for your reference the conceptual site plan, review comments, and screenshot from the property appraiser for your review. Please let me know if you need anything else. Thank you,

Parcel 00749520003 (seeking the variance for two structures on this property)

Attachment: Attachment E - Site Planning Staff Email (29496 : PL20240000927 - 2441 Maretee Drive (VA))



Parcel 748840001 (the parcel we need advice on)



Thomas Ryan Grant, E.I.

Junior Civil Engineer | RDA Consulting Engineers
d/b/a/ American Structural Engineering

P: 239-649-1551 F: 239-649-7112

RyanGrant@rdafl.com

791 10th St S., Suite 302
Naples, FL 34102

www.rdafl.com

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Attachment: Attachment E - Site Planning Staff Email (29496 : PL20240000927 - 2441 Maretee Drive (VA))

08/22/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C**Doc ID:** 29646

Item Summary: Petition No. BD-PL20230017548 –156 Pago Pago Drive West - Request for a 29-foot boat dock extension, over the maximum 20 feet allowed by Section 5.03.06.E.1 of the Collier County Land Development Code for waterways 100 feet or greater in width, to construct a new dock facility that will protrude a total of 49 feet into a waterway that is 278± feet wide for the benefit of property located at 156 Pago Pago Drive West, also known as Lot 187, Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commissioner District 1

Meeting Date: 08/22/2024**Prepared by:**

Title: Planner – Zoning

Name: John Kelly

08/09/2024 12:10 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

08/09/2024 12:10 PM

Approved By:

Review:

Transportation Management Operations Support	Evelyn Trimino	GMCCDD Reviewer	Completed
		08/13/2024 3:31 PM	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed 08/15/2024 11:45 AM
Zoning	David Merino	Review Item	Skipped 08/15/2024 12:07 PM
Zoning	David Merino	Division Director	Skipped 08/15/2024 12:07 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/22/2024 1:00 PM

Collier County
STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: AUGUST 22, 2024

SUBJECT: BD-PL20230017548, 156 PAGO PAGO DRIVE WEST DOCK FACILITY

PROPERTY OWNER/APPLICANT:

Southbound LLC
7740 Cary St. NE
Rockford, MI 49341

AGENT:

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

REQUESTED ACTION:

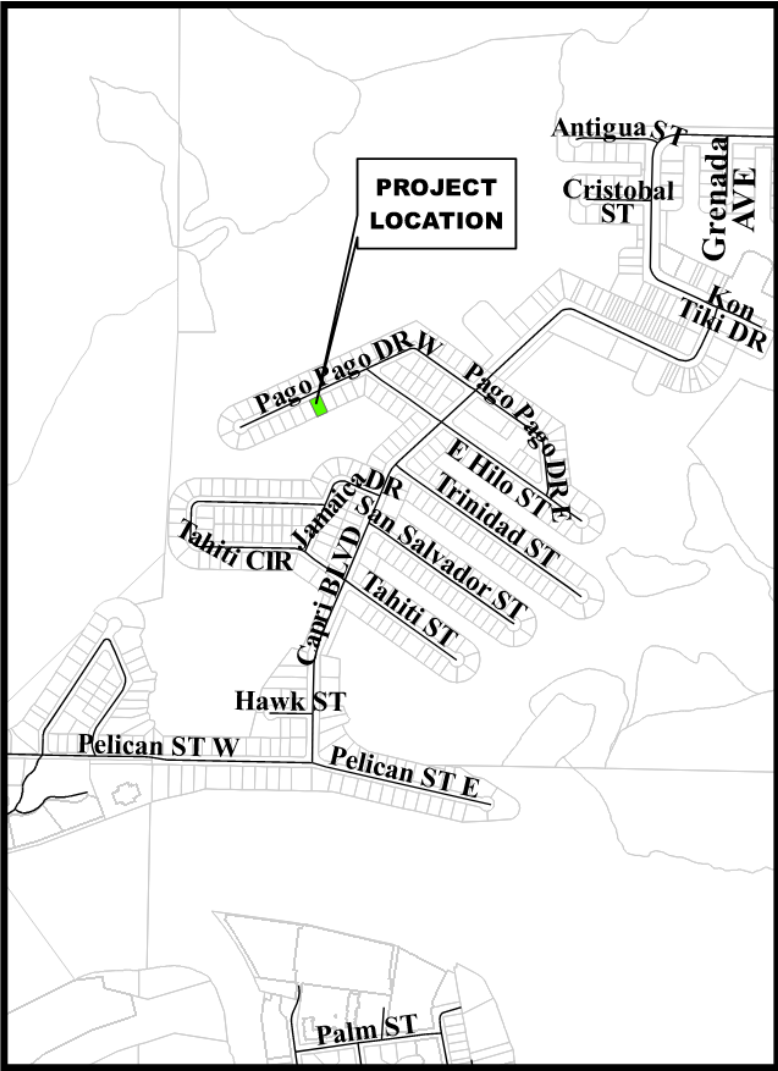
The petitioner requests a 29-foot boat dock extension, over the maximum 20 feet allowed by Section 5.03.06.E.1 of the Collier County Land Development Code (LDC) for waterways 100 feet or greater in width, to construct a new dock facility that will protrude a total of 49 feet into a waterway that is 278± feet wide, for the benefit of the subject property.

GEOGRAPHIC LOCATION:

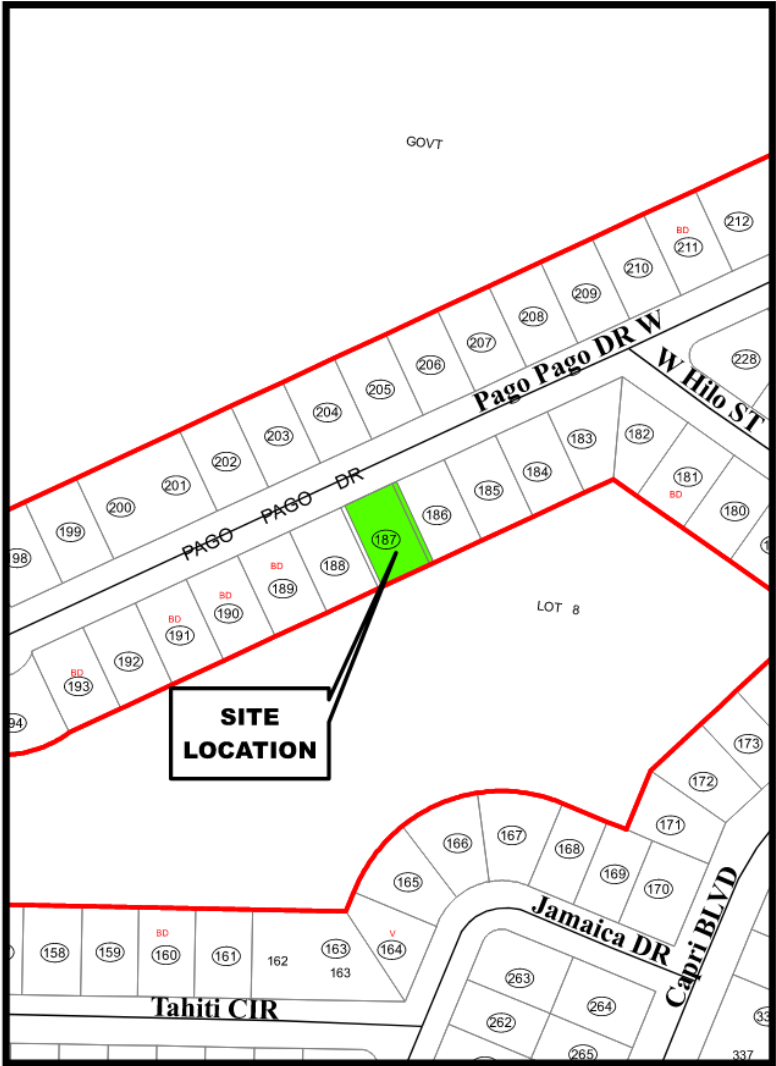
The subject property is located at 156 Pago Pago Drive West, also known as Lot 187, Isles of Capri No. 2, in Section 32, Township 51 South, Range 26 East, Collier County, Florida. *(See location map on the following page)*

PURPOSE/DESCRIPTION OF PROJECT:

The subject 0.18-acre property is located within a Residential-Single Family – 4 (RSF-4) zoning district and supports a single-family dwelling adjacent to Snook Bay. The petitioner desires to remove the existing dock and boathouse and then construct a new residential dock facility with two slips, each with a boatlift: one for a 45-foot vessel and the other for a 28-foot vessel. The property has an existing concrete seawall with approximately 70 feet of shoreline, with the property line on the landward side of the seawall/Mean High Water Line (MHWL). The subject dock facility requires 15-foot side/riparian setbacks and will protrude approximately 49 feet from the property line into a portion of the waterway that is approximately 278 feet wide.



Location Map



Zoning Map

Petition Number: PL20230017548

SURROUNDING LAND USE & ZONING:

North: Pago Pago Drive West (Right-of-Way), then a single-family dwelling located within a Residential Single-Family-4 (RSF-4) zoning district

East: Single-family dwelling, Residential Single-Family-4 (RSF-4) zoning district

South: Marlin Bay, Rural-Agricultural zoning district with a Special Treatment Overlay (A-ST) then a single-family dwelling located within a Residential Single-Family-4 (RSF-4) zoning district

West: Single-family dwelling, Residential Single-Family-4 (RSF-4) zoning district



Aerial – Collier County GIS



Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located adjacent to an ST overlay zone (Snook Bay), which will require an ST-permit for the proposed docking facilities prior to the issuance of any building permits. The proposed docking facilities will be constructed waterward of the existing seawalled shoreline. The submerged resources survey provided by the applicant found no submerged resources in the area Exhibit sheet page 8 of 11 provides an aerial with a note stating that no seagrasses were observed within 200 feet.

STAFF ANALYSIS:

Primary Criteria:

- BD-PL20230017548 – 156 Pago Pago Dr W
July 30, 2024

property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)

Criterion met. The subject property is located within an RSF-4 zoning district and supports a single-family dwelling for which the LDC allows two boat slips. The proposed project consists of removing the existing dock and boathouse to allow for a new residential docking facility with two slips, each with a boatlift; one for a 45-foot vessel and the other being a 28-foot vessel.

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

Criterion not met. The applicant's agent states: "The boat dock extension is necessary to accommodate the owners' vessels as the existing on-site water depths are too shallow to allow the owner's vessels to be moored within the allowed 20 feet. The large vessel is advertised as having a 3-foot draft, and then with the boatlift's support beams being at least 12 inches, the overall depth of the water needed to float the vessel on and off the boatlift is at least 4 feet. Based on the owner's vessel and existing on-site water depths, the BDE is needed to reach sufficient depths, as shown in the attached BDE exhibits." Zoning staff concurs.

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

Criterion met. There is no marked channel within this Bay; therefore, the entire waterway provides safe navigation between the docking facilities, and no new impacts to any navigation will result from the proposed project. As proposed, the dock and boatlifts will not impact navigation within the subject waterway, nor will they alter the existing ingress/egress to both adjacent neighboring docks and the associated slips.

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

Criterion met. The approximate waterway width is 278 feet. The requested total dock protrusion is 49-feet which is less than 18% of the width of the waterway. The clear distance between dock facilities is 225 feet or 80.94% of the waterway; therefore, more than 50 percent of the waterway is open for navigation.

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

Criterion met. The applicant's agent states: "The proposed docking facility design is consistent with the other neighboring docks on this bay, which also accommodates larger vessels. The subject property and proposed dock are all within a boating community which most neighboring properties have similar docking facilities. As proposed, the dock will be within the allowed buildable area by providing the required setbacks, and therefore, the views into the subject waterway by the adjacent property owners will not be impacted nor their access to their docks." Zoning staff concurs that the new dock facility will satisfy side setbacks and that the existing boathouse will be removed.

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's agent states: "The subject property shoreline consists of a concrete seawall, an existing docking facility, and an associated boathouse. The one special existing on-site condition taken into consideration when designing the proposed dock is the fact that each adjacent neighboring property also has docks which limited our options to have a more shore parallel dock layout. A slightly angled slip was also considered but it was determined to propose going perpendicular as currently proposed in order to keep the ingress/egress to the slips within the subject property's riparian lines. Additionally, the subject waterway width does allow the proposed dock to protrude out as far as it is being proposed without any impacts to navigation or adjacent neighboring dock ingress/egress." Staff concurs.

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

Criterion met. The applicant's agent states: "The proposed docking facility has been fully minimized to the fullest extent possible and still provides deck area for routine maintenance, safe access as well as recreational activities like fishing plus storage for these activities the dock provides. The total over-water square footage is 1,478 square feet." Staff concurs.

3. **For single-family dock facilities, whether the length of the vessel or vessels in combination described by the petitioner exceeds 50 percent of the subject property's**

linear waterfront footage. (The applicable maximum percentage should be maintained.)

Criterion not met. The proposed dock facility has been designed to moor a 45-foot vessel and a 28-foot vessel for a combined total of 73 feet. The total shoreline at this location is 70 feet; therefore, the vessels will exceed 50 percent.

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

Criterion met. The applicant's agent states: "The existing on-site conditions consist of a grandfathered docking facility with a boathouse, so both adjacent neighboring property owners are used to having a dock along the subject property shoreline. As proposed, the dock has been designed within the designated setbacks and is consistent with the other existing boat docks within the subject waterway, which are perpendicular to the shoreline in order to remain within the riparian area. Both adjacent properties have docking facilities as well, and it's our opinion that there are no new impacts to either adjacent property owner. Additionally, this is a boating community; therefore, docks are all part of the overall atmosphere in the community." Absent evidence to the contrary, Zoning staff concurs.

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

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

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

Criterion is not applicable. Criterion is not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to single-family dock facilities except for those within the seawalled basin of Port of the Islands; the subject property is not located within Port of the Islands.

Staff analysis finds this request complies with five of the five primary criteria. With respect to the six secondary criteria, one of the criteria is found to be not applicable; the request meets four of the remaining five secondary criteria.

CONCURRENT LAND USE APPLICATIONS:

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

APPEAL OF BOAT DOCK EXTENSION:

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner. An aggrieved non-party may appeal a decision of the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceed 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 BD-PL20230017548, to allow for the construction of the proposed dock facility as depicted within the plans contained in Attachment A.

Attachments:

- A) Proposed Site and Dock Plans
- B) Specific Purpose Survey
- C) Applicant's Backup; Application and Supporting Documents
- D) Public Hearing Sign Posting

BOATHOUSE ESTABLISHMENT PETITION OR BOAT DOCK FACILITY EXTENSION

Land Development Code Section 5.03.06
Chapter 3 B.1 or B.2 of the Administrative Code

THIS PETITION IS FOR (check one or both, if applicable): ☒ BOATHOUSE ☐ DOCK EXTENSION

APPLICANT INFORMATION

Name of Property Owner(s): Southbound, LLC

Name of Applicant if different than owner: _____

Address: 7740 Cary Street NE City: Rockford State: MI ZIP: 49341

Telephone: _____ Cell: 616-822-3139

E-Mail Address: mvangessel@rockfordconstruction.com

Name of Agent: Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-643-0166 Cell: 239-784-0081

E-Mail Address: Jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 32 / 51S / 26E Property ID Number: 52392120002

Subdivision: Isles of Capri

Unit: 2 Block: _____ Lot: 187

Address/ General Location of Subject Property:
156 Pago Pago Drive Naples, FL 34113

Current Zoning and Land Use of Subject Property:
RSF-4 Residential Single-family

**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	Pago Pago Drive
S	A-ST	Snook Bay
E	RSF-4	Residential Single-family
W	RSF-4	Residential Single-family

DESCRIPTION OF PROJECT

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

See attached

SITE INFORMATION

- Water Width:** 278 ft. Measurement from: ☐ plat ☐ survey ☒ visual estimate
other(specify): _____
- Total Property Water Frontage:**
70 ft.
- Setbacks:** Provided: 15 & 15 ft.
Required: 15 & 15 ft.
- Total Protrusion of Proposed Facility into Water:**
49 ft.
- Number and Lengths of Vessels to Use Facility:**
1. 45 ft. 2. 28 ft. 3. _____ ft. 4. _____ ft.
- If applicable, the distance between dock facilities per the Land Development Code section 5.03.06 H.1.d.**
n/a ft.
- List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**

Numerous other docks on the subject waterway. The following listed addresses have all been granted previous BDE's 168, 164 & 160 Pago Pago Drive / 192 & 178 Tahiti

1. Signs are required to be posted for all petitions. On properties that are one (1) acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?

0.18 Acres

2. 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 a copy.)

DOCK EXTENSION 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.

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

DOCK EXTENSION 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 J 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.)

BOATHOUSE CRITERIA

The following criteria, pursuant to LDC section 5.03.06 F, shall be used as a guide by staff in determining its recommendation to the decision maker. The decision maker will utilize the following criteria as a guide in the decision to approve or deny a particular Boathouse request. In order for the request to be approved, all of the criteria must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Minimum side setback requirement: Fifteen feet.
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.
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.
4. Maximum number of boathouses and covered structures per site: One.
5. All boathouses and covered structures shall be completely open on all 4 sides.
6. Roofing material and roof color shall be the same as materials and colors used on principal structure or may be a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.
7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.

ASSOCIATIONS

Complete the following for all registered Homeowner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the [Civic Associations and Communities page](#) on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

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 or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☒	☐
Property Ownership Disclosure Form	☒	☐
Affidavit of Authorization , signed and notarized	☒	☐
Completed Addressing Checklist	☒	☐
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. • Roof Structure on Dock	☒	☐
Signed and sealed survey	☒	☐
Chart of site waterway	☐	☐

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.

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

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review:
☐	Addressing:	☐	Parks and Recreation:
☐	City of Naples Planning Director:	☐	School District (Residential Components):
☐	Conservancy of SWFL:	☐	Other:
☐	Emergency Management:	☐	Other:

FEE REQUIREMENTS:

- ☒ **Boat Dock Extension / Boathouse Petition fee: \$1,500.00**
- ☒ **Pre-Application Meeting fee \$500.00**
- ☒ **Estimated Legal Advertising fee for the Office of the Hearing Examiner: \$1,125.00**
- ☒ **If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after Hearing Examiner hearing date. (Variable)**

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be assessed at 20% of the original fee.*

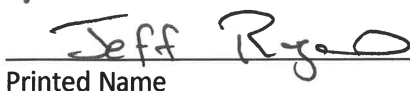
***The completed application, all required submittal materials, and fees shall be submitted to:**

Growth Management Community Development Department | GMCD Public Portal:

<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov


Signature of Petitioner or Agent


Printed Name


Date

LOT 187

OF
ISLES OF CAPRI NO. 2

AS RECORDED IN
PLAT BOOK 3 PAGE(S) 46
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

156 PAGO PAGO DRIVE WEST

THIS SURVEY IS PREPARED FOR:
TURRELL, HALL & ASSOCIATES

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER A
DIRECTION AND THAT IT MEETS THE STANDARDS C
PRACTICE SET FORTH BY THE BOARD OF PROFESS
LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-1
FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SE
472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMEN
FREEDOM OF ENCUMBRANCES.

Digitally signed by
Court Gregory
DN: cn=Court
Gregory, o=Court
Gregory Surveying
Inc, ou,
email=cgs6004@com
cast.net, c=US
Date: 2024.05.20
07:11:12 -04'00'

SIGNED 
COURT H. GREGORY PSM #6004
DATE 05/20/2024
DATE OF FIELD SURVEY 11-01-2022

PSM # 6004
LB # 7112

C.G.S.

Court Gregory Surveying,
761 Teton Court
Naples, Florida 34104

(239)643-7845 office Date 05/20/2022
cgs6004@comcast.net Job # EN40248
(239)272-3707 cell Fb EN4-47 Pg

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED
ON THE CENTERLINE OF PAGO PAGO DR
AS SHOWN IN PLAT BOOK 3 PAGE 46
OF COLLIER COUNTY, BEING NORTH 64° 41' 00" EAST.
2. IMPROVEMENTS OTHER THAN THOSE SHOWN
ARE NOT A PART OF THIS SURVEY.
3. SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION
REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND
RIGHTS-OF-WAY OF RECORD.
4. DATE OF FIELD SURVEY NOVEMBER 1, 2022.
5. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE
AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR
AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS
OR REPORTS BY OTHER THAN THE SIGNING PARTY OR
PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT
OF THE SIGNING PARTY OR PARTIES.
6. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE
NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT
IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND
OR OVERHEAD CONTAINERS, UTILITIES OR FACILITIES THAT
MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
7. ELEVATIONS SHOWN ARE BASED ON N.A.V.D. DATUM OF 1988.
DESCRIPTION OF BENCHMARK IS AS FOLLOWS: SPKND #6004
BETWEEN RESIDENCE #S 153/157
ELEV. = 3.22'
8. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING
SHORELINE CONDITIONS & BATHYMETRIC SURVEY WITH RESPECT
TO THE PLATTED PROPERTY LINES
9. NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY
HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED
BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS,
EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR
UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY.
NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE
SURVEYOR.

REVISIONS

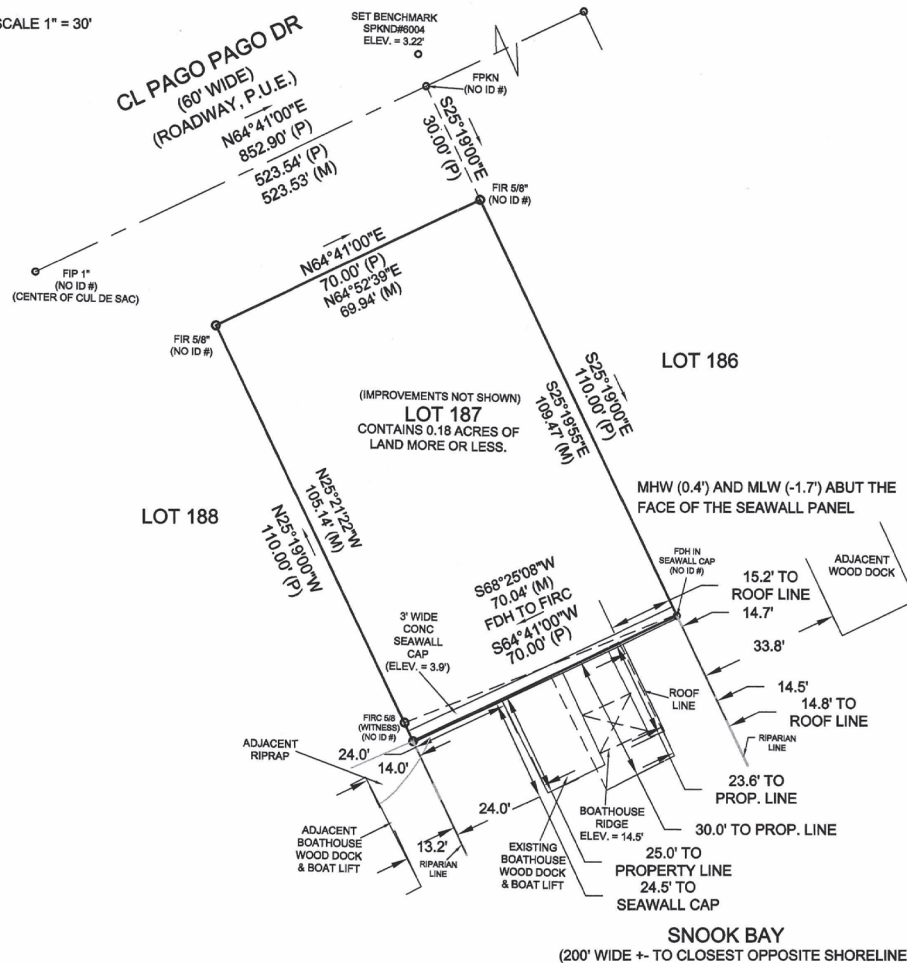
ADDED BAY WIDTH
DATE OF REVISION 05-20-2024

LEGEND

- = FOUND (") IRON ROD (SURVEYOR ID #) (FIR)
- = SET 1/2" IRON ROD (PSM #6004)(SIRC)
- = SET 4" X 4" CONCRETE MONUMENT (PSM #6004)(SCM)
- = FOUND CONCRETE MONUMENT (SURVEYOR ID #)(FCM)
- ⊕ = BENCHMARK (FOUND OR SET) R/W = RIGHT OF WAY(R.O.W.)
- = FOUND NAIL OR PK NAIL AND DISC (SURVEYOR ID #) (FPKN)
- = SET PK NAIL AND DISC (PSM #6004) (SPKN&D) FD = FOUND
FN&TT = FOUND NAIL AND TIN TAB BM = BENCHMARK
(M) = FIELD MEASUREMENT (C) = CALCULATED MEASUREMENT
P.C.P. = PERMANENT CONTROL POINT (P) C.L. = CENTERLINE
P.R.M. = PERMANENT REFERENCE MONUMENT (P) (PG) = PAGE
(P) OR (D) = PLAT OR RECORDED(DEED) MEASUREMENT
(PB) = PLAT BOOK PL EXT = PROPERTY LINE EXTENDED
CMP = CORRUGATED METAL PIPE CATV=CABLE TV
FF = FINISHED FLOOR U.T.S.= UNITED TELEPHONE RISER
W = WELL CONC = CONCRETE CB = CATCH BASIN OR INLET
WV = WATER/GATE VALVE R.C.P. = REINFORCED CONCRETE PIPE
- ⊙ = SANITARY SEWER PROP = PROPERTY X = SPOT ELEVATION
- TOB = TOP OF BANK TOS = TOP OF SLOPE EOW = EDGE OF WATER
- BOS = BOTTOM OF BANK BOS = BOTTOM OF SLOPE EO = EDGE OF
- CB = CONCRETE BLOCK & STUCCO VG = VALLEY GUTTER
- ELEC. = ELECTRIC TRANS = TRANSFORMER JAC = JACUZZI
- DE = DRAINAGE EASEMENT SWE = SIDEWALK EASEMENT
- LBE = LANDSCAPE BUFFER EASEMENT IE = IRRIG. EASEMENT
- PUE = PUBLIC UTILITY EASEMENT UE = UTILITY EASEMENT
- LMA(E) = LAKE MAINTENANCE ACCESS EASEMENT
- LME = LAKE MAINTENANCE EASEMENT A.E. = ACCESS EASEMENT
- CUE = COUNTY (U.E.)

BOUNDARY INFORMATION FURNISHED BY CLIENT
DOCK DIMENSIONS SHOWN ARE FROM THE PLATTED
PROPERTY LINE (MOST RESTRICTIVE

SCALE 1" = 30'



NOTES:

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5. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS, UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
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REVISIONS

LEGEND

- = FOUND (F) IRON ROD (SURVEYOR ID #) (FIR)
- = SET 1/2" IRON ROD (PSM #6004)(SIRC)
- = SET 4" X 4" CONCRETE MONUMENT (PSM #6004)(SCM)
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- T.O.B. = TOP OF BANK T.O.S. = TOP OF SLOPE E.O.W. = EDGE OF WATER
- B.O.S. = BOTTOM OF BANK B.O.S. = BOTTOM OF SLOPE E.O. = EDGE OF
- CBS = CONCRETE BLOCK & STUCCO VG = VALLEY GUTTER
- ELEC. = ELECTRIC TRANS = TRANSFORMER JAC = JACUZZI
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- PUE = PUBLIC UTILITY EASEMENT UE = UTILITY EASEMENT
- LMA(E) = LAKE MAINTENANCE ACCESS EASEMENT
- LME = LAKE MAINTENANCE EASEMENT A.E. = ACCESS EASEMENT
- CUE = COUNTY (U.E.)

MAP OF SPECIFIC PURPOSE

3.C.c

LOT 187

OF ISLES OF CAPRI NO. 2

AS RECORDED IN PLAT BOOK 3 PAGE(S) 46 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA

156 PAGO PAGO DRIVE WEST

THIS SURVEY IS PREPARED FOR: TURRELL, HALL & ASSOCIATES

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-11, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SE 472.027, FLORIDA STATUTES. NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT FREEDOM OF ENCUMBRANCES.

Digitally signed by Court Gregory
DN: cn=Court Gregory, o=Court Gregory Surveying Inc, ou, email=cgs6004@comcast.net, c=US
Date: 2024.05.20 07:11:57 -04'00'

SIGNED: COURT H. GREGORY PSM #6004
DATE: 05/20/2024
DATE OF FIELD SURVEY: 11-01-2022

PSM # 6004
LB # 7112

C.G.S.

Court Gregory Surveying,
761 Teton Court
Naples, Florida 34104

(239)643-7845 office Date 05/20/2024
cgs6004@comcast.net Job # EN402481
(239)272-3707 cell Fb EN4-47 Pg

LOT 186

SCALE 1" = 20'

MHW (0.4') AND MLW (-1.7') ABOUT THE FACE OF THE SEAWALL PANEL

S68°25'08"W
70.04' (M)
FDH TO FIR
S64°41'00"W
70.00' (P)

SNOOK BAY

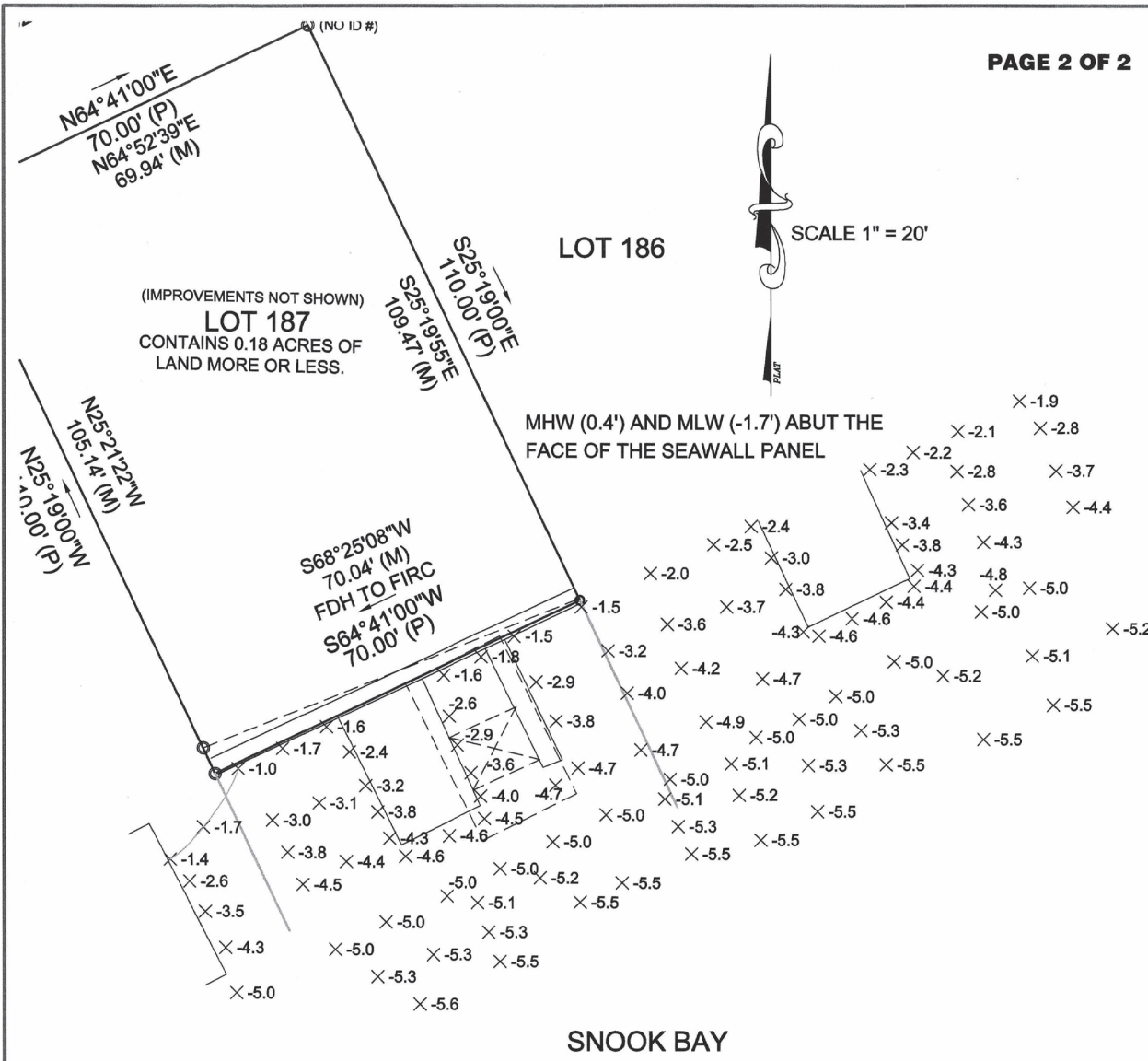
X = DENOTES SPOT ELEVATION ADJUSTED TO MLW (-1.7')

(IMPROVEMENTS NOT SHOWN)
LOT 187
CONTAINS 0.18 ACRES OF
LAND MORE OR LESS.

N64°41'00"E
70.00' (P)
N64°52'39"E
69.94' (M)

N25°21'22"W
105.14' (M)
N25°19'00"W
110.00' (P)

S25°19'00"E
110.00' (P)
S25°19'55"E
109.47' (M)



HEARING PACKAGE CHECKLIST**A. Backup provided by the County Planner**

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

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

B. Backup provided by Applicant:

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

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

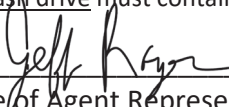
☒ Boundary Survey

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

☒ Submerged Resource Surveys may be included here if required.

☒ **flash drive with *only one* pdf file for all documents OR e-mailed .pdf file**

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



Signature of Agent Representative

7/17/2024

Date

Jeff Rogers
Printed Name of Signing Agent Representative

Attachment: Attachment C - Applicant's Backup; Application and Supporting Documents (29646 : PL20230017548 BD 156 Pago Pago Drive

BOATHOUSE ESTABLISHMENT PETITION OR BOAT DOCK FACILITY EXTENSION

Land Development Code Section 5.03.06
Chapter 3 B.1 or B.2 of the Administrative Code

THIS PETITION IS FOR (check one or both, if applicable): ☒ BOATHOUSE ☐ DOCK EXTENSION

APPLICANT INFORMATION

Name of Property Owner(s): Southbound, L LC

Name of Applicant if different than owner: _____

Address: 7740 Cary Street NE City: Rockford State: MI ZIP: 49341

Telephone: _____ Cell: 616-822-3139

E-Mail Address: mvangessel@rockfordconstruction.com

Name of Agent: Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-643-0166 Cell: 239-784-0081

E-Mail Address: Jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 32 / 51S / 26E Property ID Number: 52392120002

Subdivision: Isles of Capri

Unit: 2 Block: _____ Lot: 1 87

Address/ General Location of Subject Property:
156 Pago Pago Drive Naples, FL 34113

Current Zoning and Land Use of Subject Property:
RSF-4 Residential Single-family

**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	Pago Pago Drive
S	A-ST	Snook Bay
E	RSF-4	Residential Single-family
W	RSF-4	Residential Single-family

DESCRIPTION OF PROJECT

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

See attached

SITE INFORMATION

- Water Width:** 278 ft. Measurement from: ☐ plat ☐ survey ☒ visual estimate
other(specify): _____
- Total Property Water Frontage:**
70 ft.
- Setbacks:** Provided: 15 & 15 ft.
Required: 15 & 15 ft.
- Total Protrusion of Proposed Facility into Water:**
49 ft.
- Number and Lengths of Vessels to Use Facility:**
1. 45 ft. 2. 28 ft. 3. _____ ft. 4. _____ ft.
- If applicable, the distance between dock facilities per the Land Development Code section 5.03.06 H.1.d.**
n/a ft.
- List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**

Numerous other docks on the subject waterway. The following listed addresses have all been granted previous BDE's 168, 164 & 160 Pago Pago Drive / 192 & 178 Tahiti

1. Signs are required to be posted for all petitions. On properties that are one (1) acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?

0.18 Acres

2. 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 a copy.)

DOCK EXTENSION 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.

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

DOCK EXTENSION 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 J 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.)

BOATHOUSE CRITERIA

The following criteria, pursuant to LDC section 5.03.06 F, shall be used as a guide by staff in determining its recommendation to the decision maker. The decision maker will utilize the following criteria as a guide in the decision to approve or deny a particular Boathouse request. In order for the request to be approved, all of the criteria must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Minimum side setback requirement: Fifteen feet.
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.
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.
4. Maximum number of boathouses and covered structures per site: One.
5. All boathouses and covered structures shall be completely open on all 4 sides.
6. Roofing material and roof color shall be the same as materials and colors used on principal structure or may be a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.
7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.

ASSOCIATIONS

Complete the following for all registered Homeowner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the [Civic Associations and Communities page](#) on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner/Civic Association: _____

Mailing Address: _____ City: _____ State: _____ ZIP: _____

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 or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☒	☐
Property Ownership Disclosure Form	☒	☐
Affidavit of Authorization , signed and notarized	☒	☐
Completed Addressing Checklist	☒	☐
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. • Roof Structure on Dock	☒	☐
Signed and sealed survey	☒	☐
Chart of site waterway	☐	☐

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.

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

☐	Bayshore/Gateway Triangle Redevelopment: Executive Director	☐	Historical Review:
☐	Addressing:	☐	Parks and Recreation:
☐	City of Naples Planning Director:	☐	School District (Residential Components):
☐	Conservancy of SWFL:	☐	Other:
☐	Emergency Management:	☐	Other:

FEE REQUIREMENTS:

- ☒ Boat Dock Extension / Boathouse Petition fee: \$1,500.00
- ☒ Pre-Application Meeting fee \$500.00
- ☒ Estimated Legal Advertising fee for the Office of the Hearing Examiner: \$1,125.00
- ☒ If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after Hearing Examiner hearing date. (Variable)

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be assessed at 20% of the original fee.

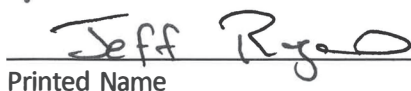
***The completed application, all required submittal materials, and fees shall be submitted to:**

Growth Management Community Development Department | GMCD Public Portal:

<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov


Signature of Petitioner or Agent


Printed Name


Date

Narrative Description: The proposed Boat Dock Extension request is to remove the existing dock and associated boathouse to then construct a new single-family docking facility with two boatlifts and a new boatlift canopy cover for the larger slip located at 156 Pago Pago Drive on Isles of Capri. The subject waterway is considered Snook Bay just off Johnson Bay along the north side of Isles of Capri. This section of Snook Bay is not considered state lands and therefore is within the area that was man-altered back in the 1950's & 1960's. The subject property has an existing concrete seawall with approximately 70-feet of shoreline with the property line just on the landward side of the seawall/MHWL which would be considered the most restrictive point. Additionally, based on linear footage of shoreline the project would have to provide 15-foot setbacks from each property riparian line.

The proposed dock will require a BDE to accommodate the applicant's 45-foot LOA vessel as well as a 28-foot vessel both of which will be moored on boatlifts at the proposed docking facility. The proposed dock will protrude approximately 49-feet from the property line and therefore we are requesting a 29-foot extension over the allowed 20-feet. The subject waterway is approximately 278-feet wide and as proposed the dock and boat lift would protrude just under 18% into the subject waterway. The subject waterway is an unmarked waterway and completely open to navigation therefore no impacts to navigation within the area will result from the proposed dock.

The proposed dock will provide the required side yard setback being 15-feet from both riparian lines as required for lots with 60-feet of shoreline or greater. There are no impacts to any submerged resources, the decking area has been minimized and still provides sufficient surface area for recreational activities, routine maintenance, and associated storage. Additionally, the proposed dock design and overall protrusion is consistent with the other previously approved docking facilities on the subject waterway as there are not many dock designs that work within the allowed buildable area.



ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

52392120002

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

ISLES OF CAPRI NO 2 LOT 187 OR 1640 PG 1562

STREET ADDRESS(ES) where applicable, if already assigned.

156 Pago Pago Dr. W. Naples, FL 34113

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Address@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

156 Pago Pago

PROPOSED PROJECT NAME

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]



MAP LEGEND

-  Major Roads
-  Street Names
-  Parcels
-  Aerials 2023 Urban [6IN]
-  Aerials 2023 Rural [2FT]
-  Collier County

Folio Number: 52392120002
Name: SOUTHBOUND LLC
Street# & Name: 156 PAGO PAGO DR W
Build# / Unit#: / 187
Legal Description: ISLES OF CAPRI
 NO 2 LOT 187 OR 1640 PG 1562

PRIMARY CRITERIA

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

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

The subject property is zoned for a single-family residential unit which warrants no more than 2 slips per the CC-LDC. The proposed docking facility consists of installing two boatlifts one to accommodate a 45-foot LOA vessel and the other is a decked over boatlift for a 28-foot vessel. The proposed dock will extend out 49-feet from the plated property line which is 29-feet of protrusion past the allowed 20-feet, therefore we are requesting for a 29-foot extension. Additionally, the proposed dock will provide the required 15-foot setbacks from both riparian lines and therefore will not interfere with the adjacent properties as the vessel's ingress/egress the proposed boatlifts.

Criterion Met

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

The boat dock extension is necessary to accommodate the owners' vessels as the existing on-site water depths are too shallow to allow the owner's vessels to be moored within the allowed 20-feet. The large vessel is advertised as having a 3-foot draft and then with the boatlift's support beams being at least 12-inches the overall depth of water needed to float the vessel on and off the boatlift is at least 4-feet. Based on the owner's vessel and existing on-site water depths the BDE is needed to reach sufficient depths as shown on the attached BDE exhibits.

Criterion Met

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

The proposed docking facility design is consistent with a few other docks along the subject and adjacent waterways as well as the overall protrusion out into the subject waterway. As proposed the dock and boatlifts will not impact navigation within the subject waterway nor will it alter the existing ingress/egress to both adjacent neighboring docks and the associated slips. There is no marked channel within this Bay therefore the entire waterway provides safe navigation between the docking facilities and no new impacts to any navigation will result from the proposed project.

Criterion Met

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

The approximate waterway width is 278-feet wide. The proposed dock protrusion is 49-feet which is under 18% width of the waterway.

Criterion Met

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

The proposed docking facility design is consistent with the other neighboring docks on this bay which also accommodate larger vessels. The subject property and proposed dock are all within a boating community which most neighboring properties have similar docking facilities. As proposed the dock will be within the allowed buildable area by providing the required setbacks and therefore the views into the subject waterway by the adjacent property owners will not be impacted nor their access to their docks.

Criterion Met

SECONDARY CRITERIA

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

The subject property shoreline consists of a concrete seawall, an existing docking facility, and associated boathouse. The one special existing on-site condition taken into consideration when designing the proposed dock is the fact that each adjacent neighboring property also has docks which limited our options to have a more shore parallel dock layout. A slight angled slip was also considered but it was determined to propose going perpendicular as currently proposed in order to keep the ingress/egress to the slips within the subject property's riparian area. As proposed the vessels will not need to cross the shared riparian lines. Additionally, the subject waterway width does allow the proposed dock to protrude out as far as its being proposed without any impacts to navigation or adjacent neighboring dock ingress/egress.

Criterion Met

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

The proposed docking facility has been minimized to the fullest extent possible and still provide deck area for routine maintenance, safe access as well as recreational activities like fishing plus storage for these activities the dock provides. The total over-water square footage is 1,478 square feet.

Criterion Met

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

The existing docking facility has been designed to moor two vessels, one being approximately 45-feet in length and the other being up to a 28-foot vessel. The subject property's shoreline length is approximately 70-feet and therefore this criterion is NOT met.

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

The existing on-site conditions consist of a grandfathered docking facility with a boathouse, so both adjacent neighboring property owners are used to having a dock along the subject property shoreline. As proposed the dock has been designed within the designated setbacks and is consistent with the other existing boat docks within the subject waterway which are perpendicular to the shoreline in order remain within the riparian area. Both adjacent properties have docking facilities as well and it's our opinion that there are no new impacts to either adjacent property owner. Additionally, this is a boating community therefore docks are all part of the overall atmosphere in this community.

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

There are no seagrass beds present on the property nor the neighboring properties within 200' of the existing dock structure.

Criterion Met

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

The proposed work is a single-family dock facility and therefore not subject to Manatee Protection Requirements.

N/A



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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
Southbound LLC / Gayle VanGessel	100
7740 Cary St NE	
Rockford, MI 49341	

- 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



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

- 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:



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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 Community Development Department | GMD Portal:

<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov



Agent/Owner Signature

3/25/2024

Date

Jeff Rogers

Agent/Owner Name (please print)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL 20 23 0017548

I, Gayle A. VanGessel (print name), as Managing Member (title, if applicable) of Southbound, 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 Turrell, Hall & Associates, Inc. to act as our/my representative in any matters regarding this petition including 1 through 2 above.

*Notes:

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

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

Gayle A. VanGessel
Signature

5/20/2024
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 20th day of May, 2024, by (printed name of owner or qualifier) Gayle A. VanGessel

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: Christine A VanBergen

CHRISTINE A. VANBERGEN
Notary Public, State of Michigan
County of Kent
My Commission Expires 7-13-26
Acting in the County of Kent

OPERATING AGREEMENT

OF

SOUTHBOUND, LLC

THIS OPERATING AGREEMENT, dated as of March 11, 2022 (“**Agreement**”), is made by Gayle A. VanGessel, as Trustee of the Gayle A. VanGessel Trust dated June 6, 1995, as amended (“**Member**”) as follows:

1. **Formation; Name; Purpose.** Southbound, LLC (“**Company**”) has been formed pursuant to the provisions of the Michigan Limited Liability Company Act (as amended from time to time, “**Act**”) by the signing and filing of the Company’s Articles of Organization (as amended from time to time, “**Articles**”) with the Director of the Michigan Department of Energy, Labor & Economic Growth (“**Department**”). The name and purpose of the Company shall be as stated in the Articles.

2. **Offices.** The principal office and any additional office of the Company shall be at any place or places inside or outside of Michigan as the Member may designate from time to time. The initial registered office of the Company and the Company’s resident agent are as stated in the Articles and may be changed pursuant to the Act.

3. **Member.** The Company was formed as a limited liability company with one member. The address of the Member is set forth on the last page of this Agreement.

4. **Management of Company.** The Member shall appoint (and may remove at any time for any or no reason) one or more managers (“**Managers**”) to manage the business of the Company, and the Managers shall have all powers necessary or advisable to carry out the business of the Company, except as otherwise limited by this Agreement. The Managers may appoint, employ, or otherwise contract with any persons for the transaction of the business of the Company or the performance of services for or on behalf of the Company, and the Managers may delegate to any person (who may be designated an officer of the Company) any authority to act on behalf of the Company as the Managers may from time to time deem appropriate. Gayle A. VanGessel and Michael R. VanGessel are hereby appointed the initial Managers of the Company and each Manager is authorized to individually manage the business of the Company and bind the Company under this Agreement.

5. **Capital Contributions; Accounting.**

(a) In exchange for the Member’s interest, the Member has made contributions to the capital of the Company as reflected on the Company’s books. The Member shall have no obligation to make any further capital contributions to the Company. Any additional capital contributions must be so designated in writing by the Member and the Company. Any funds contributed to or advances made on behalf of the Company by the Member that are not designated as capital

contributions shall be loans payable by the Company to the Member on demand together with interest at the prime rate from the date of the contribution or advance until repaid in full. The Member shall not be paid interest on any capital contribution.

(b) The operations of the Company shall be treated for federal tax purposes as the operations of the Member.

(c) The fiscal year of the Company shall be the fiscal year of the Member. The books and records of the Company shall be maintained in accordance with good accounting practices.

(d) Real and personal property owned by the Company shall be held and conveyed in the Company's name. Funds of the Company shall be deposited in the name of the Company with the financial institutions and in the accounts determined by the Member, subject to authorized signatures that the Member may determine.

6. Withdrawal and Dissolution.

(a) The Member shall have the right to withdraw from the Company upon any terms and conditions agreed to between the Member and the Company. The Member may evidence withdrawal from the Company only by filing a certificate of dissolution with the Department.

(b) The Company shall be dissolved and the Company's affairs wound up upon the first of the following to occur:

(i) Automatically, at the time, if any, specified in the Articles;

(ii) Upon the happening of an event specified in the Articles or this Agreement;

(iii) Upon the election of the Member or by the withdrawal of the Member in accordance with the terms and conditions agreed to by the Member and the Company; or

(iv) Automatically, upon the entry of a decree of judicial dissolution.

Upon the dissolution and commencement of winding up of the Company under subparagraphs (ii) or (iii) above, a certificate of dissolution shall be signed as provided in the Act and filed with the Department.

(c) Upon the winding up of the Company, the assets shall be distributed as provided in the Act.

7. **Distributions.** Distributions of cash or other assets of the Company shall be made at any times and in any amounts as the Member may determine; *provided, however*, that a distribution shall not be made if the Company would not be able to pay the Company's debts as they become due in the usual course of business, or the Company's total assets would be less than the sum of the Company's total liabilities, except as permitted by the Act.

8. **Limitation on Liability.** Neither the Member nor any of the Managers are liable for the acts, debts, or obligations of the Company.

9. **Indemnification.** The monetary liability of the Member and Managers for breach of any duty established under Section 404 of the Act is limited to the fullest extent permitted by the Act. The Company and its Member shall indemnify and hold harmless the Member and each Manager from and against any and all losses, expenses, claims, and demands sustained by reason of any acts or omissions or alleged acts or omissions of the Member or Managers, including judgments, settlements, penalties, fines, or expenses (including actual attorneys' fees) incurred in a proceeding to which the Member or any Manager is a party or threatened to be made a party because the person or entity is or was a member or manager to the fullest extent permitted by law or contract and not subject to any restriction by this Agreement. The Company shall purchase and maintain insurance on behalf of a Manager against any liability or expense, including any potential claims, asserted against or incurred by the Manager whether or not the Company may indemnify the Manager.

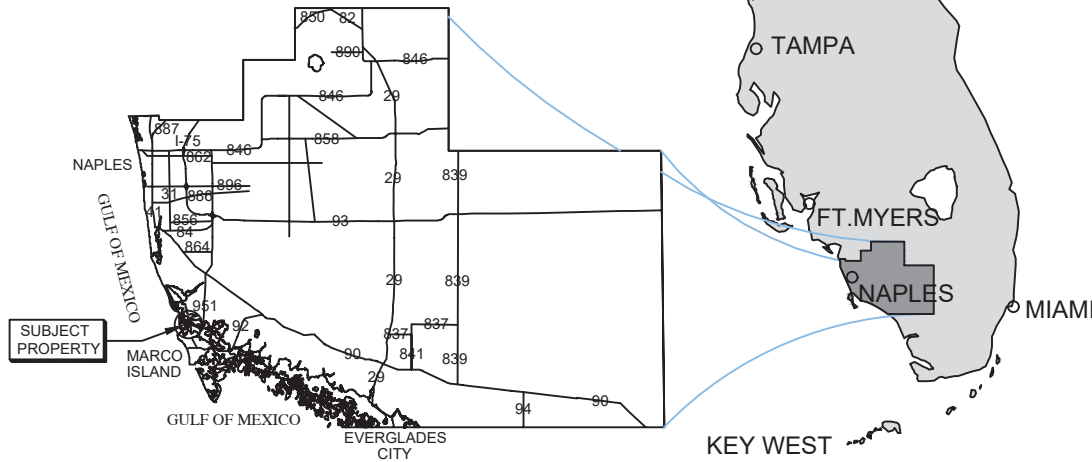
10. **Amendment.** This Agreement may be amended only in writing signed by the Member specifically stating that this Agreement is amended.

The Member has signed this Operating Agreement as of the date stated at the beginning of this document.

By 
Gayle A. VanGessel as Trustee of Gayle
A. VanGessel Trust dated June 6, 1995,
as amended Member

Member's Address:
7740 Cary Street SE
Rockford, MI 49341

STATE OF FLORIDA



COLLIER COUNTY

SITE ADDRESS:

<> 156 PAGO PAGO DR
NAPLES, FL 34113

<> LATITUDE: N 25.983078
<> LONGITUDE: W -81.730870

NOTES:

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

SUBJECT
PROPERTY



COUNTY AERIAL



VICINITY MAP



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732

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

156 PAGO PAGO LOCATION MAP

RY NO. 5875

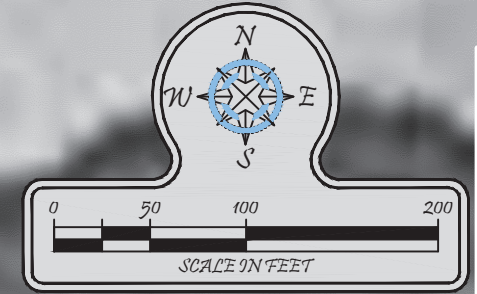
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	01 OF 11	4.	-	-	-	-
		5.	-	-	-	-

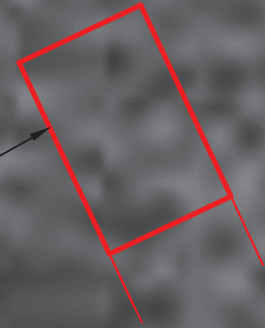
SECTION- 32 TOWNSHIP- 51 S

Packet Pg. 160

P:\22150-00 - 152 & 156 PAGO PAGO dr W/CAD/PERMIT-COUNTY\22150-156_PAGOPAGO-BDE.dwg 1952 AERIAL 5/28/2024



PROPERTY LINE



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

156 PAGO

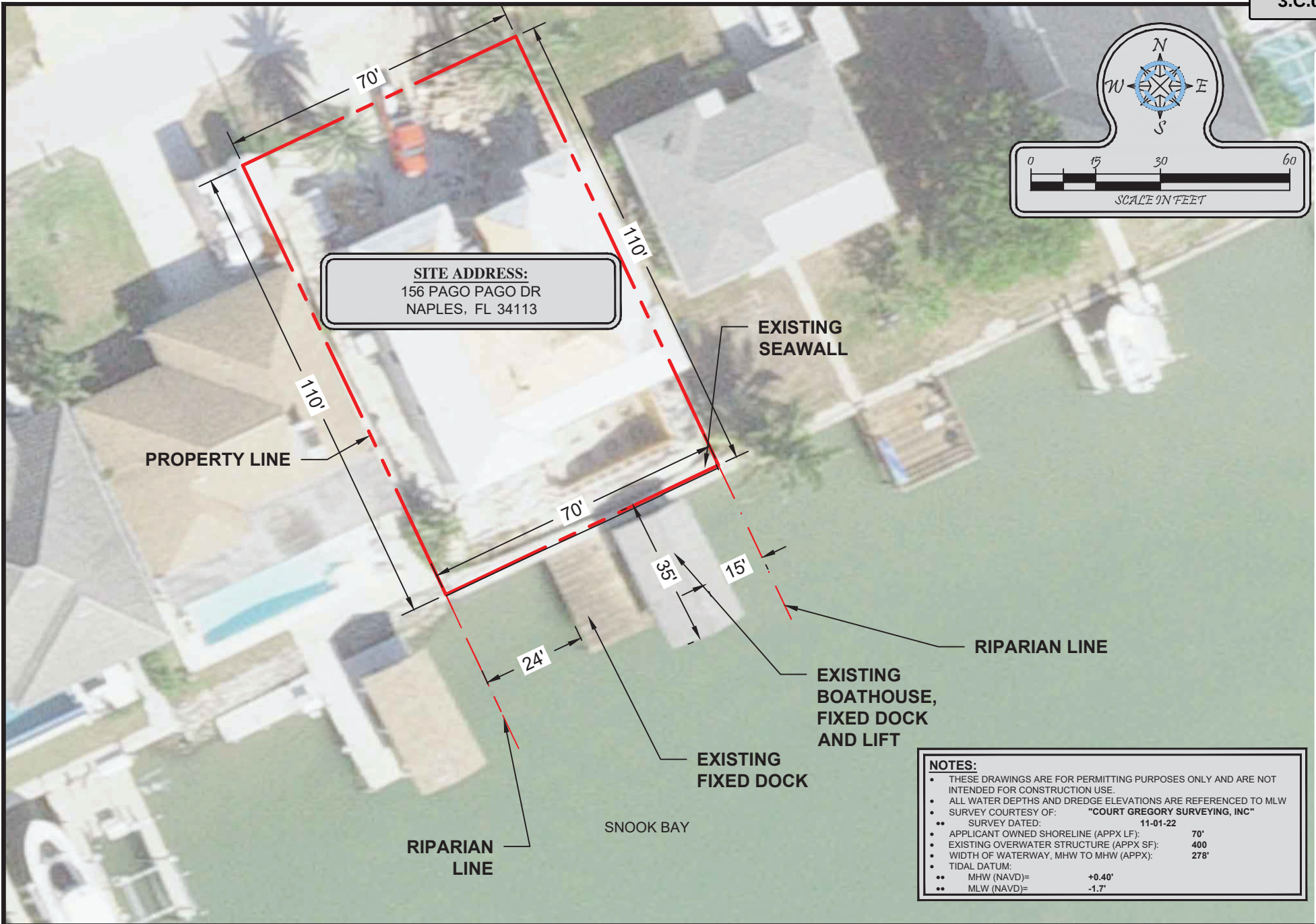
1952 AERIAL

RY NO. 5875

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	02 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Naples, FL 34104-3732

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

156 PAGO PAGO

EXISTING CONDITIONS WITH DIMENSIONS

RY NO. 5875

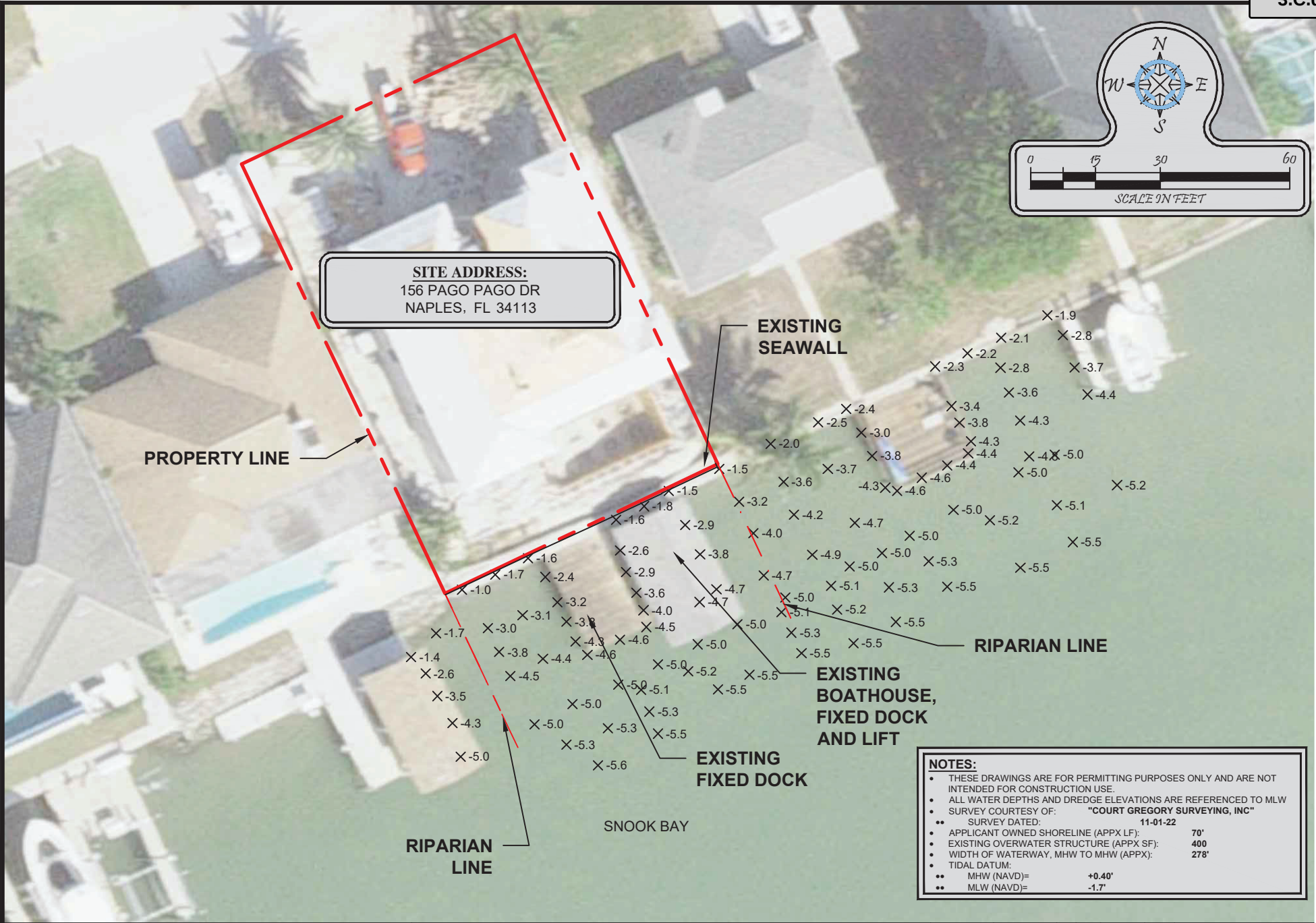
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DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	03 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Packet Pg. 162

P:\22150-00 - 152 & 156 pago pago dr w\CAD\PERMIT-COUNTY\22150-156_PAGOPAGO-BDE.dwg EXISTING CONDITIONS WITH DEPTHS 5/28/2024



Attachment: Attachment C - Applicant's Backup; Application and Supporting Documents (29646 :



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

156 PAGO PAGO

EXISTING CONDITIONS WITH DEPTHS

RY NO. 5875

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

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DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	04 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Packet Pg. 163

Attachment: Attachment C - Applicant's Backup; Application and Supporting Documents (29646 :

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

SITE ADDRESS:
156 PAGO PAGO DR
NAPLES, FL 34113

PROPERTY LINE

PROPOSED
SEAWALL
PER A
DIFFERENT
PERMIT

PROPOSED
14'X20'
BOAT LIFT

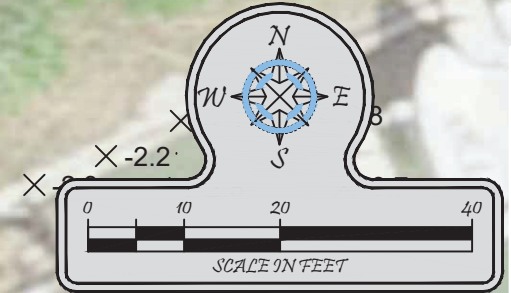
RIPARIAN
LINE

PROPOSED
FIXED DOCK

PROPOSED
16'X16'
BOAT LIFT

RIPARIAN LINE

SNOOK BAY



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING, INC"
- SURVEY DATED: 11-01-22
- APPLICANT OWNED SHORELINE (APPX LF): 70'
- EXISTING OVERWATER STRUCTURE (APPX SF): 400
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 278'
- TIDAL DATUM:
 - MHW (NAVD)= +0.40'
 - MLW (NAVD)= -1.7'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 1,478
- TOTAL OVERWATER STRUCTURE (APPX SF): 1,478
- TOTAL PROTRUSION FROM PROPERTY LINE: 49'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732

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

156 PAGO PAGO

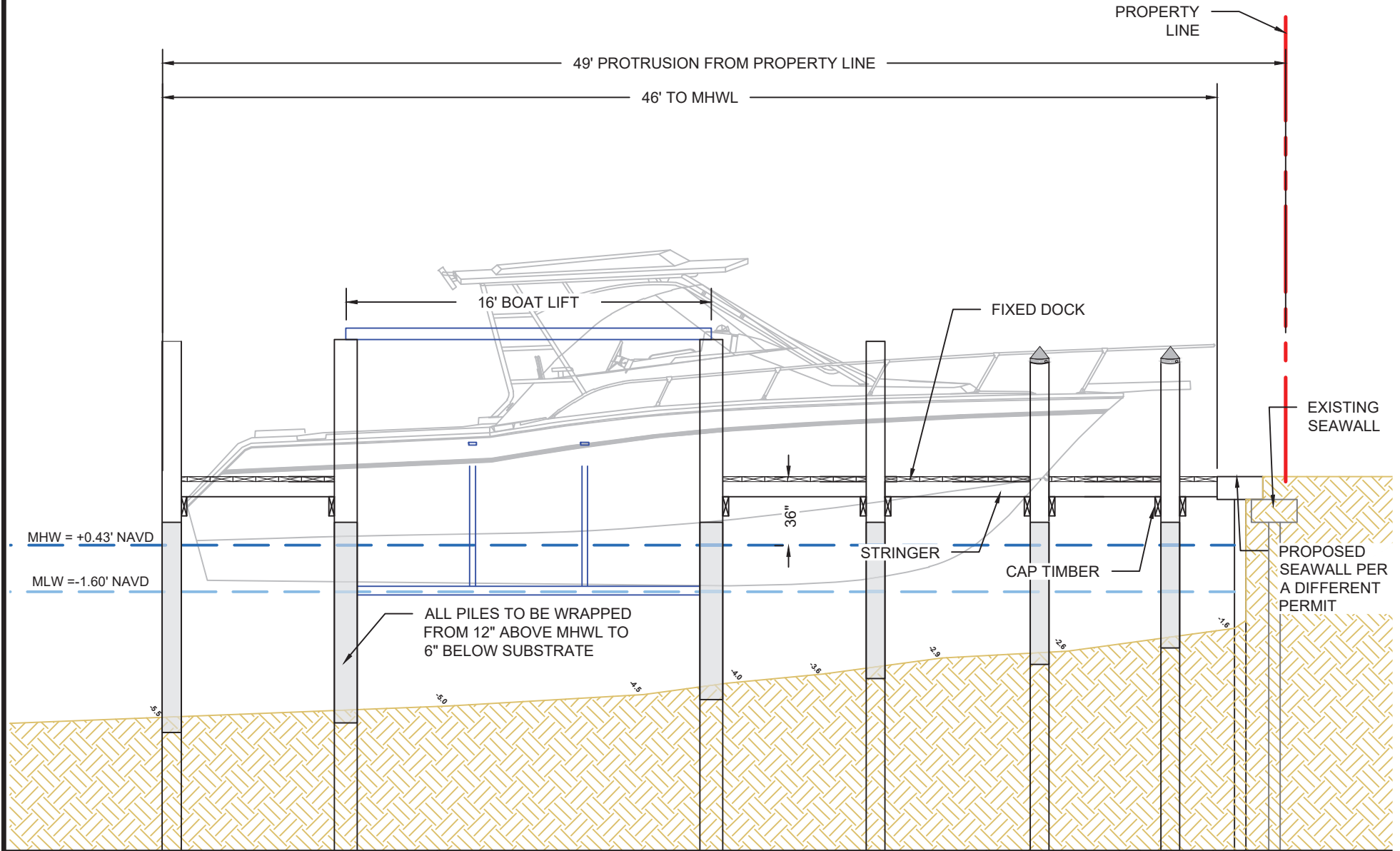
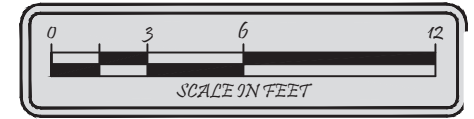
DOCK PLAN - DEPTHS

RY NO. 5875

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
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CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	06 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S



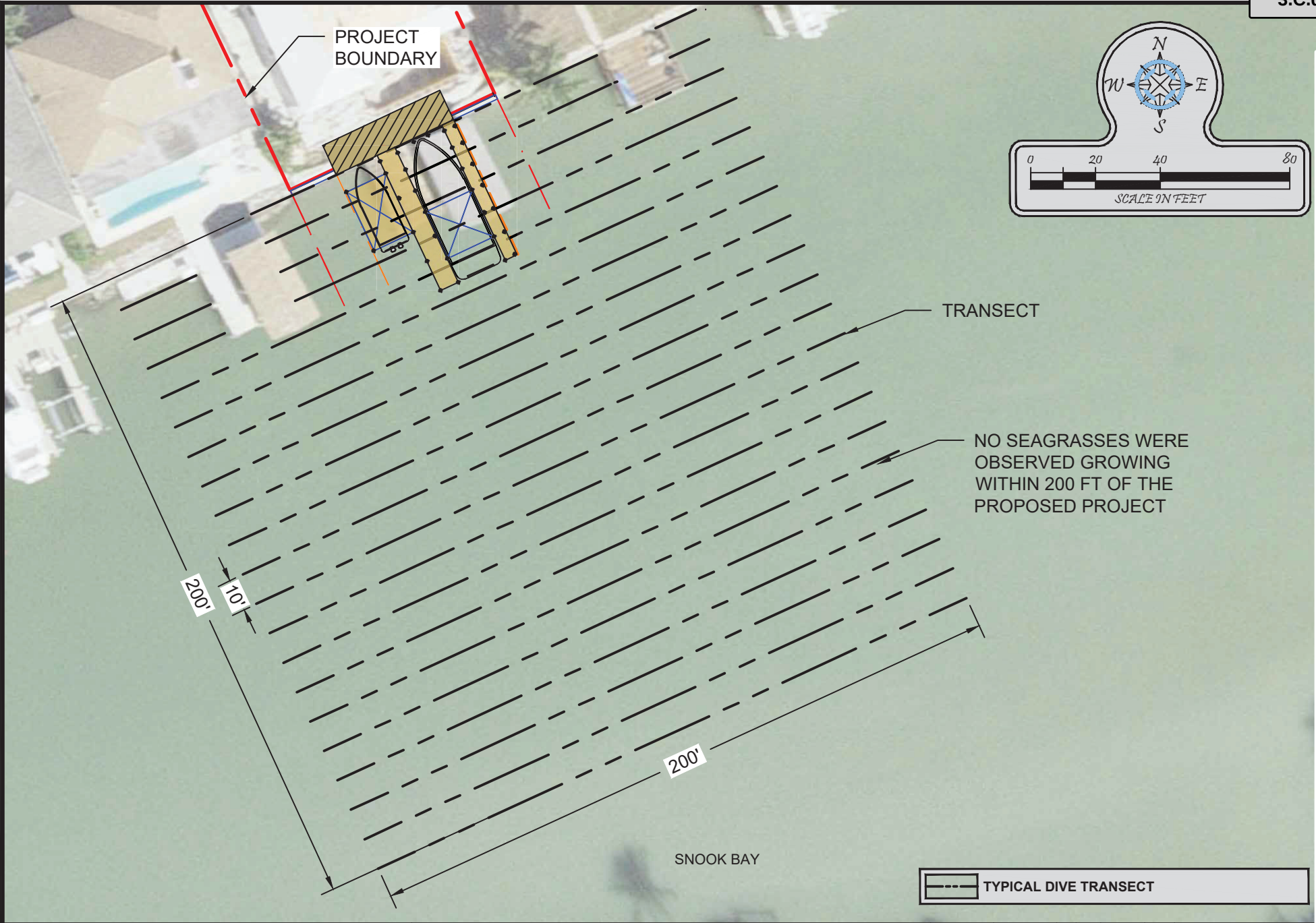
 **Turrell, Hall & Associates, Inc.**
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

156 PAGO
CROSS SECTION

DESIGNED:	JR	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	07 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

P:\22150-00 - 156 & 156 pago pago dr w\CAD\PERMIT-COUNTY\22150-156_PAGO\BDE.dwg SUBMERGED RESOURCE SURVEY 5/28/2024



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

156 PAGO

SUBMERGED RESOURCE SURVEY

RY NO. 5875

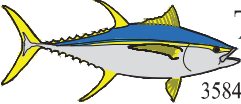
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	08 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

P:\22150-00 - 152 & 156 PAGO PAGO DR WICAD\PERMIT-COUNTY\22150-156_PAGOPAGO-BDE.dwg ADJACENT DOCKS 5/28/2024



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

156 PAGO
ADJACENT DOCKS

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	09 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

P:\22150-00 - 152 & 156 pago pago dr w\CAD\PERMIT-COUNTY\22150-156_PAGO-PAGO-BDE.dwg ST OVERLAY 5/28/2024



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 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732
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156 PAGO

ST OVERLAY

RY NO. 5875

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	10 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

P:\22150.00 - 156 & 156 PAGO PAGO DR W/CAID/PERMIT-COUNTY\22150-156 PAGO PAGO BDE.dwg WIDTH OF WATERWAY 5/28/2024



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

156 PAGO

WIDTH OF WATERWAY

RY NO. 5875

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-28-24	2.	-	-	-	-
JOB NO.:	22150	3.	-	-	-	-
SHEET NO.:	11 OF 11	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 51 S

Packet Pg. 170

PAGE 1 OF 2

MAP OF SPECIFIC PURPOSE SURVEY LOT 187

OF
ISLES OF CAPRI NO. 2

AS RECORDED IN
PLAT BOOK 3 PAGE(S) 46
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

156 PAGO PAGO DRIVE WEST

THIS SURVEY IS PREPARED FOR:
TURRELL, HALL & ASSOCIATES

CERTIFICATION:
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY
DIRECTION AND THAT IT MEETS THE STANDARDS OF
PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL
LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17,
FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION
472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR
FREEDOM OF ENCUMBRANCES.

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF PAGO PAGO DR AS SHOWN IN PLAT BOOK 3 PAGE 46 OF COLLIER COUNTY, BEING NORTH 64D 41' 00" EAST.
2. IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.
3. SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF-WAY OF RECORD.
4. DATE OF FIELD SURVEY NOVEMBER 1, 2022.
5. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS, UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
7. ELEVATIONS SHOWN ARE BASED ON N.A.V.D. DATUM OF 1988. DESCRIPTION OF BENCHMARK IS AS FOLLOWS: SPKND #6004 BETWEEN RESIDENCE #S 1531/57 ELEV. = 3.22'
8. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SHORELINE CONDITIONS & BATHYMETRIC SURVEY WITH RESPECT TO THE PLATTED PROPERTY LINES
9. NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

REVISIONS

ADDED BAY WIDTH
DATE OF REVISION 05-20-2024

LEGEND

- = FOUND (F) IRON ROD (SURVEYOR ID #) (FIR)
- ⊙ = SET 1/2" IRON ROD (PSM #6004) (SIRC)
- = SET 4" X 4" CONCRETE MONUMENT (PSM #6004) (SCM)
- = FOUND CONCRETE MONUMENT (SURVEYOR ID #) (FCM)
- ⊕ = BENCHMARK (FOUND OR SET) R/W = RIGHT OF WAY (R.O.W.)
- = FOUND NAIL OR PK NAIL AND DISC (SURVEYOR ID #) (FPKN)
- ⊙ = SET PK NAIL AND DISC (PSM #6004) (SPKND) FD = FOUND FN&TT = FOUND NAIL AND TIN TAB BM = BENCHMARK
- (M) = FIELD MEASUREMENT (C) = CALCULATED MEASUREMENT
- P.C.P. = PERMANENT CONTROL POINT (P) C.L. = CENTERLINE
- P.R.M. = PERMANENT REFERENCE MONUMENT (P) (PG) = PAGE
- (P) OR (D) = PLAT OR RECORDED (DEED) MEASUREMENT
- (PB) = PLAT BOOK PL EXT = PROPERTY LINE EXTENDED
- CMP = CORRUGATED METAL PIPE CATV = CABLE TV
- FF = FINISHED FLOOR U.T.S. = UNITED TELEPHONE RISER
- ⊕ = WELL CONC = CONCRETE CB = CATCH BASIN OR INLET
- WV = WATER/GATE VALVE R.C.P. = REINFORCED CONCRETE PIPE
- ⊕ = SANITARY SEWER PROP = PROPERTY X = SPOT ELEVATION
- TOB = TOP OF BANK TOS = TOP OF SLOPE EOW = EDGE OF WATER
- BOS = BOTTOM OF BANK BOS = BOTTOM OF SLOPE EO = EDGE OF
- CBS = CONCRETE BLOCK & STUCCO VG = VALLEY GUTTER
- ELEC. = ELECTRIC TRANS = TRANSFORMER JAC = JACUZZI
- DE = DRAINAGE EASEMENT SWE = SIDEWALK EASEMENT
- LBE = LANDSCAPE BUFFER EASEMENT IE = IRRIG. EASEMENT
- PUE = PUBLIC UTILITY EASEMENT UE = UTILITY EASEMENT
- LMA(E) = LAKE MAINTENANCE ACCESS EASEMENT
- LME = LAKE MAINTENANCE EASEMENT A.E. = ACCESS EASEMENT
- CUE = COUNTY (U.E.)

PSM # 6004
LB # 7112

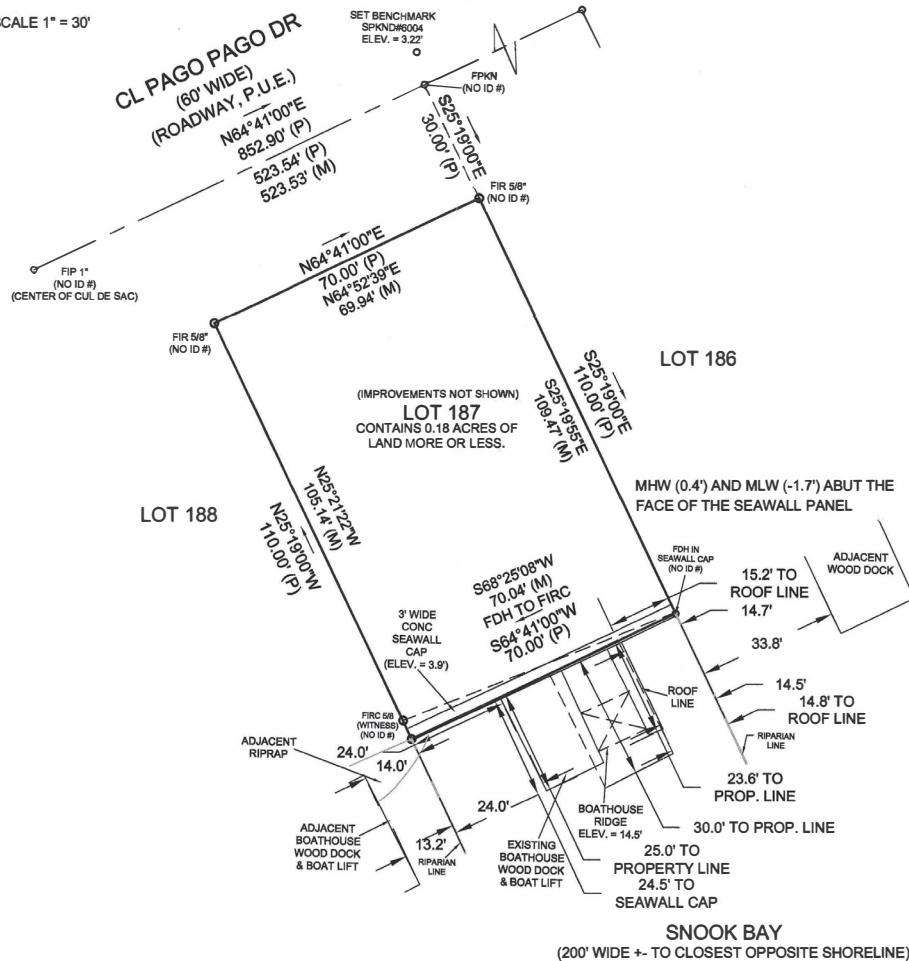
C.G.S.

Court Gregory Surveying, Inc.
761 Teton Court
Naples, Florida 34104

(239)643-7845 office Date 05/20/2024
cgs6004@comcast.net Job # EN40248Mr1
(239)272-3707 cell Fb EN4-47 Pg 42

BOUNDARY INFORMATION FURNISHED BY CLIENT
DOCK DIMENSIONS SHOWN ARE FROM THE PLATTED
PROPERTY LINE (MOST RESTRICTIVE)

SCALE 1" = 30'



PAGE 2 OF 2

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF PAGO PAGO DR AS SHOWN IN PLAT BOOK 3 PAGE 49 OF COLLIER COUNTY, BEING NORTH 64° 00' EAST.
2. IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.
3. SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF-WAY OF RECORD.
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REVISIONS

LEGEND

- = FOUND (F) IRON ROD (SURVEYOR ID #) (FIR)
- ⊙ = SET 1/2" IRON ROD (PSM #6004)(SIRC)
- = SET 4" X 4" CONCRETE MONUMENT (PSM #6004)(SCM)
- = FOUND CONCRETE MONUMENT (SURVEYOR ID #)(FCM)
- ⊕ = BENCHMARK (FOUND OR SET) RAW = RIGHT OF WAY (R.O.W.)
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- ⊕ = WATER/GATE VALVE R.C.P. = REINFORCED CONCRETE PIPE
- ⊕ = SANITARY SEWER PROP = PROPERTY X = SPOT ELEVATION
- T.O.B. = TOP OF BANK T.O.S. = TOP OF SLOPE E.O.W. = EDGE OF WATER
- B.O.S. = BOTTOM OF BANK B.O.S. = BOTTOM OF SLOPE E.O. = EDGE OF
- CBS = CONCRETE BLOCK & STUCCO VG = VALLEY GUTTER
- ELEC. = ELECTRIC TRANS = TRANSFORMER JAC = JACUZZI
- DE = DRAINAGE EASEMENT SWE = SIDEWALK EASEMENT
- LBE = LANDSCAPE BUFFER EASEMENT IE = IRRIG. EASEMENT
- PUE = PUBLIC UTILITY EASEMENT UE = UTILITY EASEMENT
- LMA(E) = LAKE MAINTENANCE ACCESS EASEMENT
- LME = LAKE MAINTENANCE EASEMENT A.E. = ACCESS EASEMENT
- CUE = COUNTY (U.E.)

MAP OF SPECIFIC PURPOSE SURVEY LOT 187

OF
ISLES OF CAPRI NO. 2

AS RECORDED IN
PLAT BOOK 3 PAGE(S) 46
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

156 PAGO PAGO DRIVE WEST

THIS SURVEY IS PREPARED FOR:
TURRELL, HALL & ASSOCIATES

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.

SIGNED _____
COURT H. GREGORY PSM #6004
DATE _____
DATE OF FIELD SURVEY 11-01-2022

PSM # 6004
LB # 7112

C.G.S.

Court Gregory Surveying, Inc.
761 Teton Court
Naples, Florida 34104

(239)643-7845 office Date 05/20/2024
cgs6004@comcast.net Job # EN40248Mr1
(239)272-3707 cell Fb EN4-47 Pg 42



SCALE 1" = 20'

LOT 186

(IMPROVEMENTS NOT SHOWN)
LOT 187
CONTAINS 0.18 ACRES OF
LAND MORE OR LESS.

MHW (0.4') AND MLW (-1.7') ABOUT THE
FACE OF THE SEAWALL PANEL

S68°25'08"W
70.04' (M)
FDH TO FIR
S64°41'00"W
70.00' (P)

SNOOK BAY

X = DENOTES SPOT ELEVATION ADJUSTED TO MLW (-1.7')

156 PAGO PAGO DRIVE WEST NAPLES, FL 34113

SUBMERGED RESOURCE SURVEY REPORT MARCH 2024

PREPARED BY:

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

Table of Contents

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

1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property 156 Pago Pago Drive West., in Naples, Florida 34113. The subject property can be further identified by folio number 52392120002 and is located in Section 32, Township 51 South, Range 26 East, in Collier County.

The property totals approximately 0.18 acre in size. The surface waters of the property connect to Johnson Bay which connects to the Gulf of Mexico. The project area consists of single-family residence, seawall, dock, and boat house. The existing dock and boat house extend approximately 49 feet into the waterway.

The SRS was conducted on March 19, 2024, between approximately 12:40 p.m. and 1:15 p.m. Site conditions consisted of clear skies and a slight breeze. Water clarity was poor and allowed approximately 6 - 12 inches of visibility. The ambient air temperature was approximately 77 degrees Fahrenheit and wind speeds averaged 9 miles per hour from the west. The average water temperature was approximately 77 degrees Fahrenheit. High tide occurred prior to the site inspection at approximately 12:15 p.m., reaching 2.0 feet above the mean low water mark. Low tide occurred after the site inspection at approximately 3:53 p.m. and reached approximately 1.50 feet above the mean low water mark.

2 OBJECTIVE

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

- A series of underwater transects is traversed within and adjacent to the project site in order to investigate for the presence of any submerged resources.
- Located submerged resources within the survey area will be identified, located as accurately as possible, and an estimate of the percent coverage of any resources found will be made.
- The approximate limits of any submerged resources observed will be delineated via a handheld GPS device from the surface over the submerged resources.

3 METHODOLOGY

THA biologists intentionally designed the methodology of the SRS to cover not only the entire property shoreline and footprint for the proposed dock installation but also the adjacent areas within 200 feet of the proposed project. The components utilized for this survey included:

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

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

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

4 RESULTS

The substrate observed within the surveyed area consisted of silty muck material with occasional mollusk shells and leaf litter present along the seafloor.

Eastern oyster (*Crassostrea virginica*) and barnacles (*Balanus* sp.) were observed along the existing pilings; however, no other resources are present within the vicinity of the project site.

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

Common Name	Scientific Name
Mollusks	
Eastern oyster	<i>Crassostrea virginica</i>
Barnacle	<i>Balanus</i> sp.

5 CONCLUSION

The submerged resource survey was conducted along the subject property's shoreline and continued approximately 200 feet into the waterway. An existing dock and boat house are present and protrude approximately 49 feet into the waterway. Oysters and barnacles are present on the existing pilings. No other resources were observed during the survey. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project.

6 PHOTOS



Figure 1: View of the existing dock and boat house facing northeast.



Figure 2: View of barnacles observed on the existing pilings.



Figure 3: View of silty muck substrate material present onsite.



08/22/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.D**Doc ID:** 29647

Item Summary: Petition No. NUA-PL20240006168 –271 Southbay Drive - Request for a minor alteration/reconstruction of an existing residential dock facility with 44 boat slips located within a Commercial Intermediate (C-3) Zoning District, which facility is a nonconforming use pursuant to Land Development Code (LDC) Section 9.03.03.B.2.a resulting in a zero-foot setback along the southeast side/riparian side and a five-foot setback along the northwest side/riparian line instead of the required side yard/riparian setback of 15-feet as provided for in LDC Section 5.03.06.E.5 for dock facilities on lots with water frontage of 60-feet or greater, for property located at 271 Southbay Drive, within Barefoot Pelican, A Waterfront Condominium, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. (Companion Item BD - PL20220005339) [Coordinator: John Kelly, Planner III] Commissioner District 2

Meeting Date: 08/22/2024**Prepared by:**

Title: Planner – Zoning

Name: John Kelly

08/09/2024 12:11 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

08/09/2024 12:11 PM

Approved By:**Review:**

Transportation Management Operations Support	Evelyn Trimino	GMCCDD Reviewer	Completed
		08/13/2024 3:30 PM	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed 08/15/2024 11:45 AM
Zoning	David Merino	Review Item	Skipped 08/15/2024 12:08 PM
Zoning	David Merino	Division Director	Skipped 08/15/2024 12:08 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/22/2024 1:00 PM

Collier County
STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: AUGUST 22, 2024

SUBJECT: NUA-PL20240006168, BAREFOOT PELICAN CONDOMINIUMS,
271 SOUTHBAY DRIVE – COMPANION TO BD-PL20220005339

PROPERTY OWNER/APPLICANT:

Barefoot Pelican Condominium Association, Inc.
271 Southbay Dr.
Naples, FL 34108

AGENTS:

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

and

Kathleen O. Berkey, AICP
Becker & Poliakoff
12140 Carissa Commerce Ct., Suite 200
Fort Myers, FL 33966

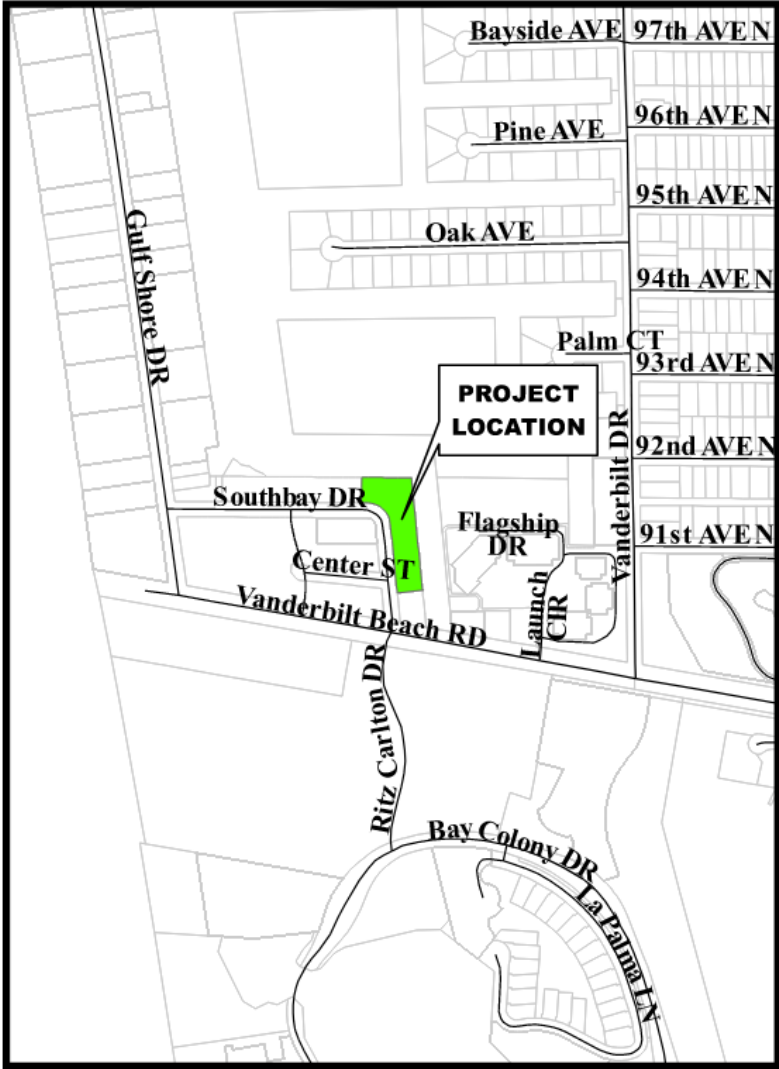
REQUESTED ACTION:

The petitioner requests approval for a minor alteration/reconstruction of an existing residential dock facility with 44 boat slips located within a Commercial Intermediate (C-3) Zoning District, which facility is a nonconforming use pursuant to Land Development Code (LDC) Section 9.03.03.B.2.a resulting in a zero-foot setback along the southeast side/riparian side and a five-foot setback along the northwest side/riparian line instead of the required side yard/riparian setback of 15-feet as provided for in LDC Section 5.03.06.E.5 for dock facilities on lots with water frontage of 60-feet or greater.

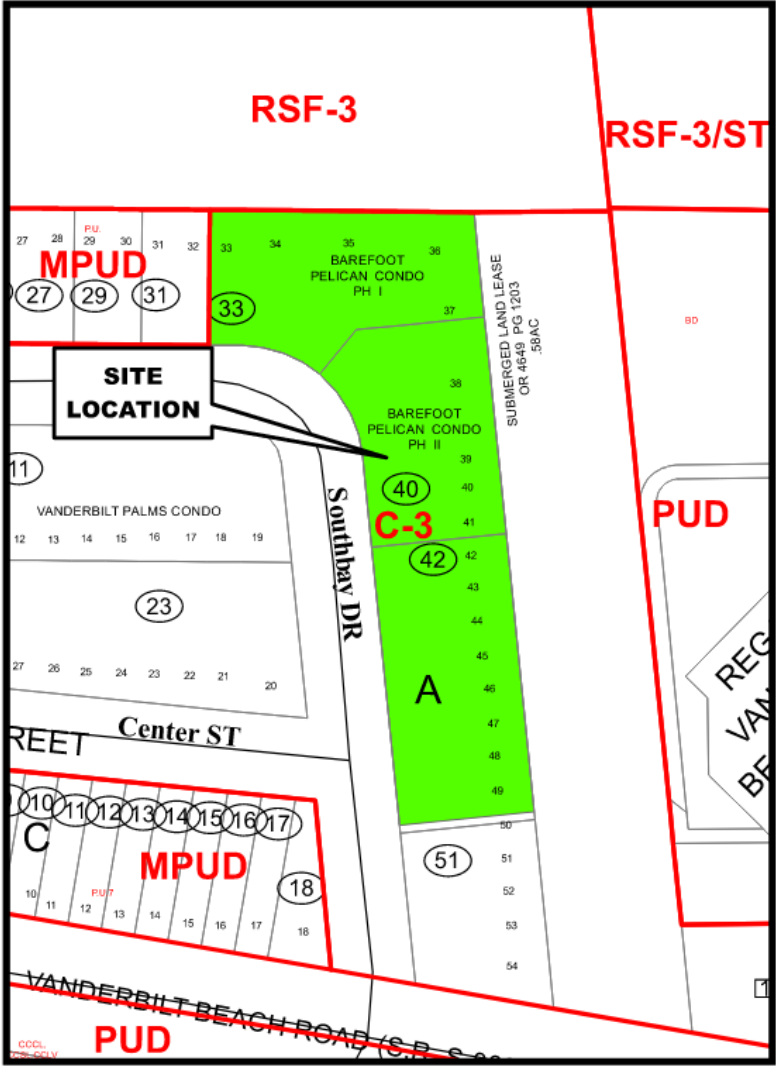
GEOGRAPHIC LOCATION:

The subject 1.3-acre property is located at 271 Southbay Drive, within Barefoot Pelican, A Waterfront Condominium, in Section 29, Township 48 South, Range 25 East, Collier County,

Florida. See Attachment A for a complete legal description. (See location map on the following page)



Location Map



Zoning Map

Petition Number: PL20240006168

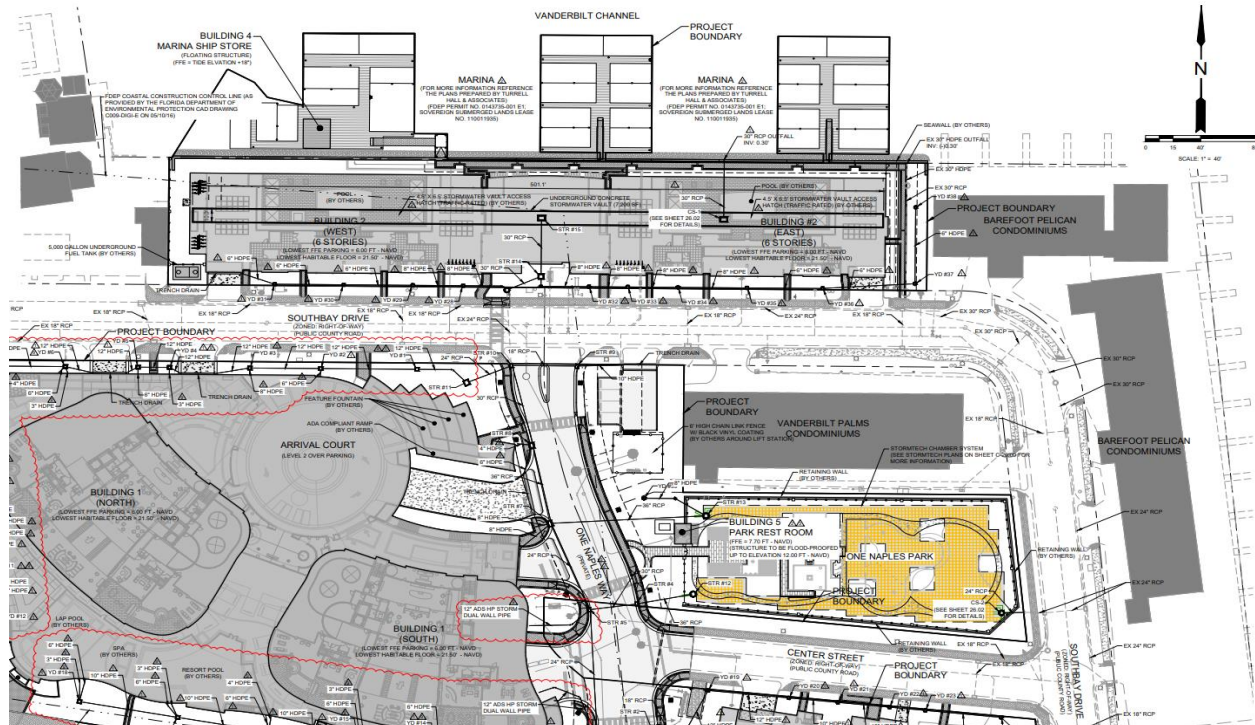
SURROUNDING LAND USE & ZONING:

North: Vanderbilt Lagoon waterway

East: Canal then Regatta at Vanderbilt Beach (210 dwelling units and dock facility) within the Miralia Planned Unit Development (PUD)

South: Office Building within a Commercial Intermediate (C-3) Zoning District.

West: One Naples Dock facility and Apartment Buildings 2 (40 dwelling units) within the One Naples Mixed Use Planned Unit Development (MPUD), Southbay Drive (Right-of-Way), then Vanderbilt Palms Condominiums (28 dwelling units) and One Naples Apartment Building 3 (20 dwelling units) within a Commercial Intermediate (C-3) Zoning District. (see below)



One Naples - PL20240003462 Sheet C-20.00



Aerial – Collier County Property Appraiser



Aerial – Collier County GIS

NUA-PL20240006168 – Barefoot Pelican Dock Facility
August 7, 2024

Page 4 of 8

PURPOSE/DESCRIPTION OF PROJECT:

The primary use of the subject 1.3-acre property is a multiple-family condominium with 60 dwelling units, which has an accessory pool, spa, and boat dock facility with 44 slips; said uses and structures are legally nonconforming as they presently exist within a Commercial Intermediate (C-3) Zoning District. Research reveals the condominium property was originally within a C-1 zoning district; the concrete seawall and wood dock were referenced as far back as May 5, 1965; the current development was constructed in 1984, as per Collier County Property Appraiser 's records. As per the applicant, these improvements have not materially changed over the years. Zoning staff has further found that the subject property is depicted as being "improved" within the existing Zoning Consistent by Policy Maps, FLUE 9. Objective 1, Policy 5.11 states: "Former Policy 3.1.k of the Future Land Use Element provided for the establishment of a Zoning Reevaluation Program to evaluate properties whose zoning did not conform with the Future Land Use Designation Description Section of the Future Land Use Element. This program was implemented through the Zoning Reevaluation Ordinance No. 90-23. Where such properties were determined, through the implementation of that Ordinance, to be "improved property," as defined in that Ordinance, the zoning on said properties shall be consistent with the Future Land Use Element, and those properties have been identified on the Future Land Use Map Series as Properties Consistent by Policy." The petitioner is seeking an NUA concurrently with a BD and SDPI, and it is intended to commemorate proposed de minimis alterations to the legally nonconforming uses and structures, specifically, seawall improvements, reconfiguration of the accessory boat dock facility, and reconfiguration of the existing pool and spa. The square footage over water for the boat dock facility is being reduced from 3,792 sf to 3,064 sf, as detailed within the pending BD/SDPI applications. The proposed boat dock facility has been approved by the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers (USACE). The pilings exist, and the applicant is not expanding beyond those, and its request if approved, will not result in an impediment to navigation. The proposed pool and spa reorientation increase setbacks on the East and North sides of the condominium property as compared to the original pool and spa design.

As for the boat docks, as they are over sovereign submerged lands it has been determined that no one individual owns the bottom lands that their designated slip is built over. The Condominium Association is the authorized entity to act on behalf of the individual slip holders which are not individually owned but rather are assigned to specific units. The existing docking facility currently has a submerged land lease (SLL) with the DEP which has been updated to now include the currently proposed docking facility. The DEP permit has been issued with the proposed docks, seawall, and dredge.

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The proposed project property is in the Urban Designation, Urban Mixed Use District, Urban Residential Subdistrict on the Future Land Use Map. Additionally, the property is within the boundary of the Coastal High Hazard Area. In accordance with the Future Land Use Element of the Growth Management Plan, current land uses that are legally nonconforming are not subject to consistency determination because they existed prior to the adoption of the current Growth Management Plan for Collier County.

STAFF ANALYSIS:

The decision to grant an NUA is based on the criteria in LDC Section 9.03.03.B.5.a through f. (in bold font below). Staff has analyzed this petition relative to these provisions and offers the following responses:

- a. **The alteration, expansion, or replacement will not increase the density of the parcel or lot on which the nonconforming single-family dwelling, duplex, or mobile home is located.**

The existing land use is a waterfront multiple-family residential condominium project with 60 dwelling units, an accessory pool and spa, and an accessory private boat docking facility with 44 boat slips that was constructed in 1984 per Collier County Property Appraiser's records. The proposed project consists of the following: 1) replacing the existing seawall along 625 linear feet of shoreline on Vanderbilt Lagoon; 2) modernizing and reconfiguring the existing docks to accommodate full-length finger piers and installing 44 boatlifts; and 3) reconfiguring the existing pool and spa within the same general areas they currently exist but in a manner that will increase the setback from the East and North sides of the Condominium Property. Said alterations will not increase the density of the parcel on which the existing multiple-family condominium project is located.

- b. **The alteration, expansion, or replacement will not exceed the building height requirements of the district most closely associated with the subject nonconforming use.**

The proposed project is to modernize the existing private residential dock facility, shoreline, and upland pool with a spa; said project will not result in any height increases.

- c. **The alteration, expansion, or replacement will not further encroach upon any nonconforming setback.**

The proposed modernization of the private residential dock facility and shoreline will maintain the existing setbacks: 0 feet from the southeast riparian line and 5 feet from the northwest riparian line. As for the reconfigured pool and spa, setbacks will be increased on the east and north sides of the Condominium Property. No further encroachments are proposed.

- d. **The alteration, expansion, or replacement will not decrease or further decrease the existing parking areas for the structure.**

None of the proposed improvements are located within required parking areas, and there is no change in the number of dwelling units or boat slips; therefore, there will be no increased demand for parking.

- e. **The alteration, expansion, or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future development of the surrounding properties; and**

This petition is unlikely to damage the character or quality of the C-3 zoning district within which the subject development has existed for over three decades.

- f. **Such alteration, expansion, or replacement will not present a threat to the health, safety, or welfare of the community or its residents.**

Neither the subject nonconforming setbacks nor protrusion will present a threat to the health, safety, or welfare of the community or its residents and patrons of neighboring establishments.

NEIGHBORHOOD INFORMATION MEETING (NIM):

A NIM is not required for a Nonconforming Use Alteration.

CONCURRENT LAND USE APPLICATIONS:

- **BD-PL20220005339** to allow the subject private multiple-family residential dock facility to protrude up to 71 feet into a waterway greater than 100 feet in width; and
- **SDPI-PL20230012727** an Insubstantial change to SDP-81-4295 to allow for the replacement of the seawall, the relocation and reconfiguration of the pool and spa, as well as dock facility improvements subsequent to the approval of this NUA.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition NUA-PL20240006168 to allow for the minor alteration/reconstruction of an existing nonconforming private multiple-family residential dock facility with 44 boat slips resulting in a zero-foot setback along the southeast side/riparian line and a five-foot setback along the northwest side/riparian line instead of the required 15-foot side/riparian setback required for dock facilities on lots with water frontage of 60 feet or greater, together with seawall, pool, and spa improvements as depicted within Attachments B, C and D subject to the approval of the companion BD petition. Should BD-PL20220005339 not be approved, this NUA will only allow for the depicted seawall and pool/spa improvements.

Attachments:

- A. Complete Legal Description
- B. Proposed Site and Dock Plans
- C. Pool and Spa Plan
- D. SDPI-PL20230012727, Site Plan – pending approval of NUA and BD
- E. Map of Specific Purpose Survey
- F. Plat – PB3_PG16
- G. Map FLUE-9
- H. Applicant's Backup; Application, Supporting Documents, and Sign Posting

Legal Description

BAREFOOT PELICAN, A WATERFRONT CONDOMINIUM, a Condominium according to the Declaration of Condominium thereof recorded in Official Records Book 1069, page 1837, and as amended and restated in Official Records Book 5489, page 1753, of the Public Records of Collier County, Florida, and all amendments thereto, together with its undivided share in common elements.

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration. (Emphasis added.)

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

Property Identification Nos.

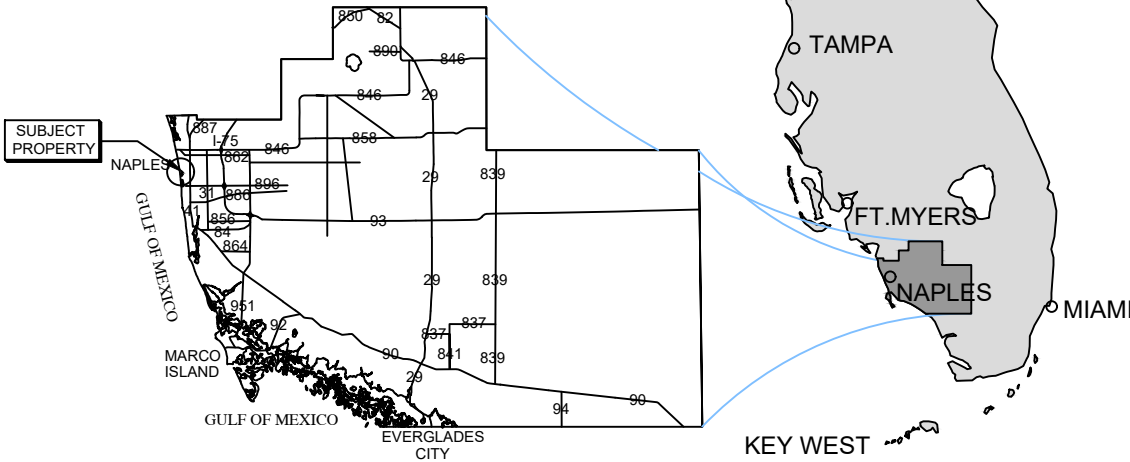
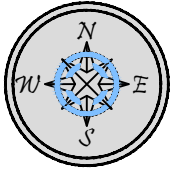
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2. ~~79120720000~~ - Parcels deleted - now combined with 79120680001
3. ~~79120760002~~
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5. 22920800041 (Boat Slip 2)
6. 22920800067 (Boat Slip 3)
7. 22920800083 (Boat Slip 4)
8. 22920800106 (Boat Slip 5)
9. 22920800122 (Boat Slip 6)
10. 22920800148 (Boat Slip 7)
11. 22920800164 (Boat Slip 8)
12. 22920800180 (Boat Slip 9)
13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)¹
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
18. 22920800300 (Boat Slip 16)
19. 22920800326 (Boat Slip 17)
20. 22920800342 (Boat Slip 18)
21. 22920800368 (Boat Slip 19)
22. 22920800384 (Boat Slip 20)
23. 22920800407 (Boat Slip 21)
24. 22920800423 (Boat Slip 22)
25. 22920800449 (Boat Slip 23)

¹ Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

26. 22920800465 (Boat Slip 24)
27. 22920800481 (Boat Slip 25)
28. 22920800504 (Boat Slip 26)
29. 22920800520 (Boat Slip 27)
30. 22920800546 (Boat Slip 28)
31. 22920800562 (Boat Slip 29)
32. 22920800588 (Boat Slip 30)
33. 22920800601 (Boat Slip 31)
34. 22920800627 (Boat Slip 32)
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44. 22920800821 (Boat Slip 42)
45. 22920800847 (Boat Slip 43)
46. 22920800863 (Boat Slip 44)

P:\0308.05 Barefoot Pelican Dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg LOCATION MAP 1/17/2024

STATE OF FLORIDA



COLLIER COUNTY

SITE ADDRESS:

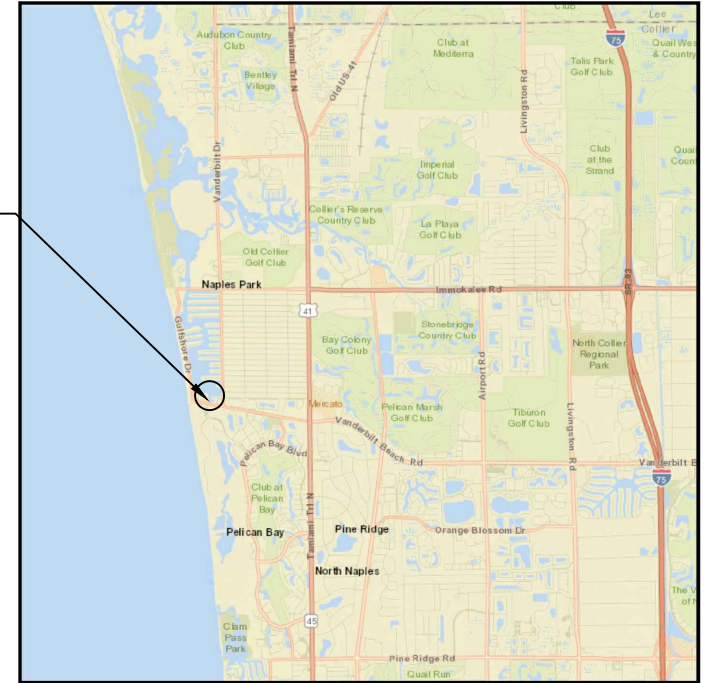
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NOTES:

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

SUBJECT
PROPERTY

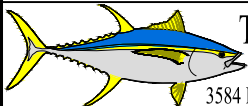


VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

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Fax: (239) 643-6632

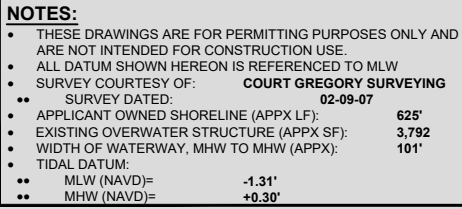
BAREFOOT PELICAN LOCATION MAP

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

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JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	01 OF 09	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S



	SLIP SIZES
SLIP #	LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
	25.5' X 11.8'
26	25.0' X 12.8'
27	25.0' X 11.4'
28	25.0' X 11.8'
29	25.0' X 12.0'
30	25.0' X 11.0'
31	25.0' X 12.3'
32	25.0' X 11.6'
33	25.0' X 13.2'
34	25.0' X 12.3'
35	25.0' X 11.6'
36	25.0' X 12.4'
37	25.0' X 12.7'
38	25.0' X 12.8'
39	25.0' X 12.1'
40	25.0' X 11.8'
41	25.0' X 12.4'
42	25.0' X 12.3'
43	25.0' X 11.8'
44	25.0' X 9.6'



BAREFOOT PELICAN

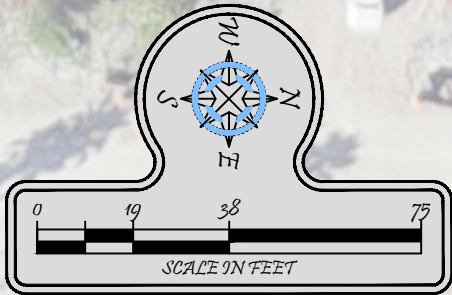
EXISTING CONDITIONS

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

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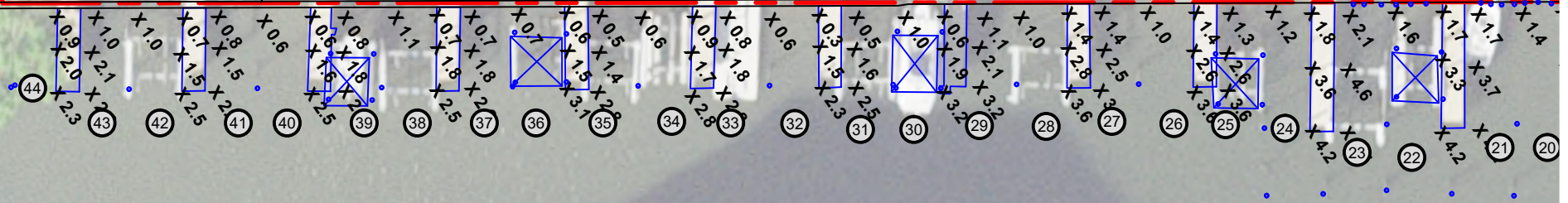
SECTION-32	TOWNSHIP-48S
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P:\0308.05 Barefoot Pelican Dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg EXISTING CONDITIONS SOUTH-DEPTHS 1/17/2024



PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **101'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



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BAREFOOT PELICAN

EXISTING CONDITIONS SOUTH-DEPTHS

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
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SHEET NO.:	03 OF 09	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING POOL
AND SPA

- | NOTES: | | |
|---------------|--|--------------------------------|
| • | THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE. | |
| • | ALL DATUM SHOWN HEREON IS REFERENCED TO MLW | |
| • | SURVEY COURTESY OF: | COURT GREGORY SURVEYING |
| •• | SURVEY DATED: | 02-09-07 |
| • | APPLICANT OWNED SHORELINE (APPX LF): | 625' |
| • | EXISTING OVERWATER STRUCTURE (APPX SF): | 3,792 |
| • | WIDTH OF WATERWAY, MHW TO MHW (APPX): | 101' |
| • | TIDAL DATUM: | |
| •• | MLW (NAVD)= | -1.31' |
| •• | MHW (NAVD)= | +0.30' |



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Marine & Environmental Consulting
84 Exchange Ave. Suite B. Naples, FL 34104-3732
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BAREFOOT PELICAN

EXISTING CONDITIONS NORTH-DEPTHS

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

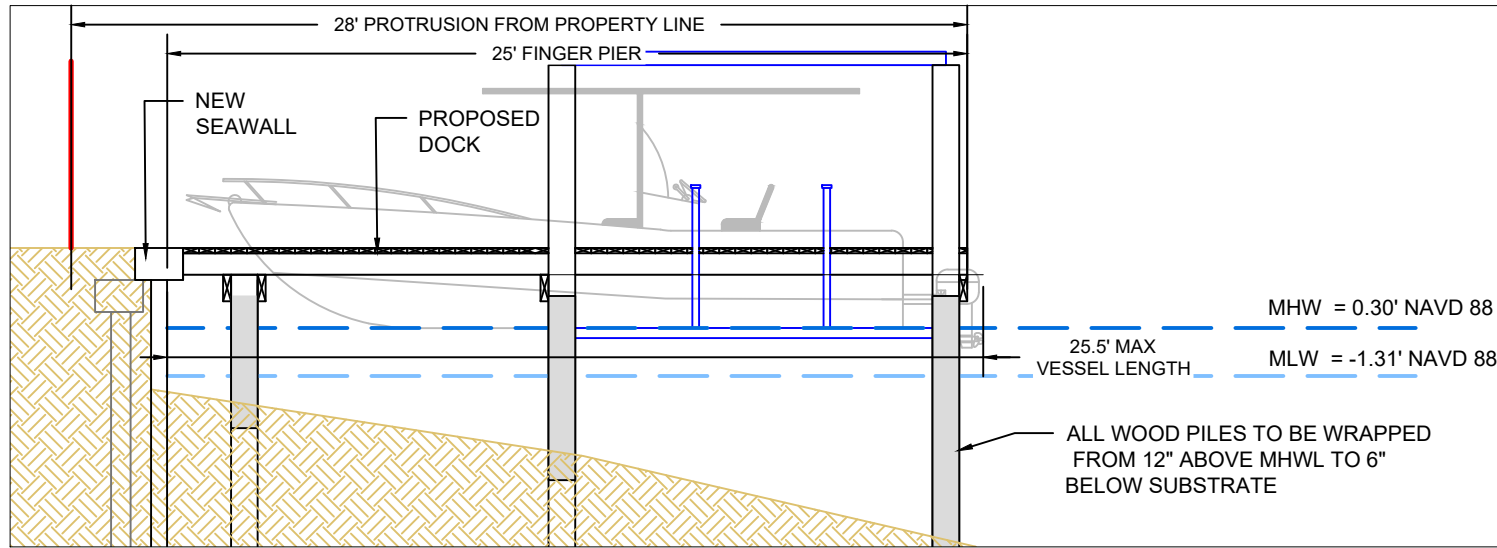
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SHEET NO.:	04 OF 09	5. -	-	-	-

SECTION-32	TOWNSHIP- 48 S
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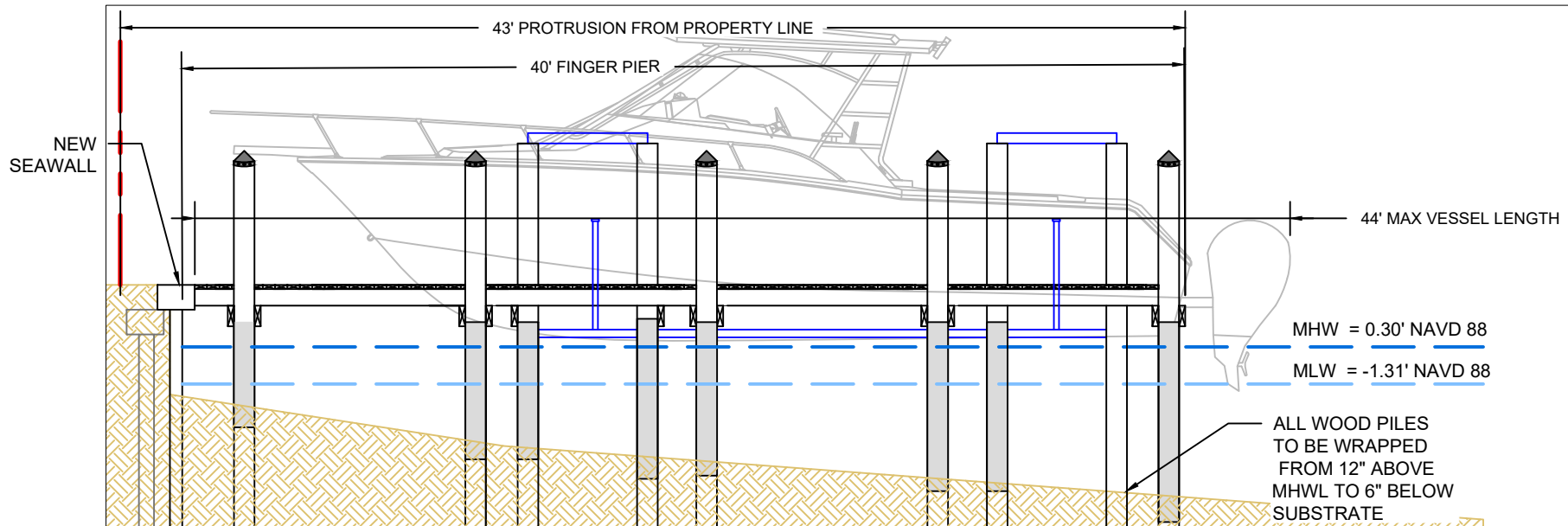
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE

SECTION-32 TOWNSHIP-48S



TYPICAL 30' DOCK CROSS SECTION AA

SCALE: 1" = 6'



TYPICAL CROSS SECTION BB

SCALE: 1" = 6'



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BAREFOOT PELICAN

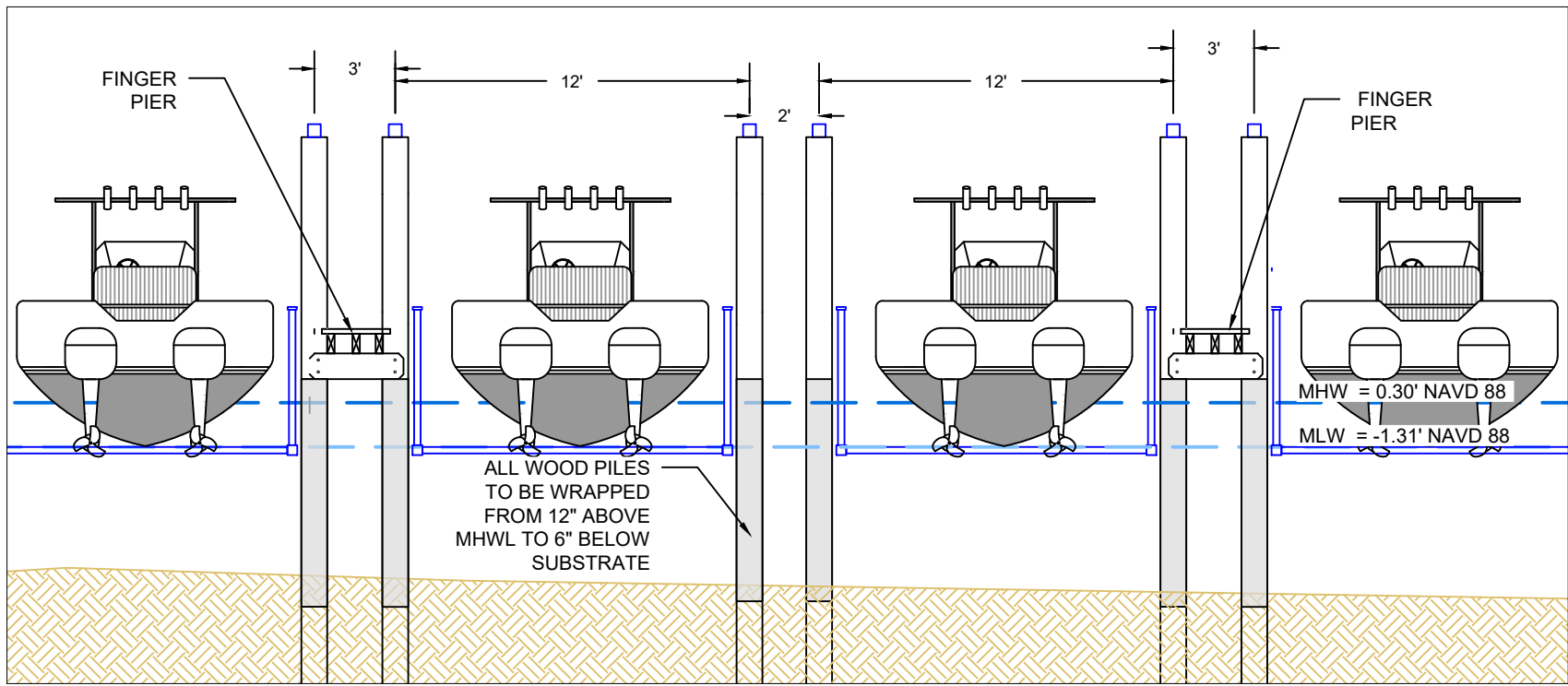
TYPICAL CROSS SECTION

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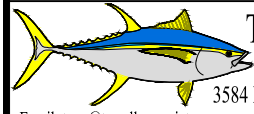
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SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 Barefoot Pelican Dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg TYPICAL CROSS SECTION 2 1/17/2024



TYPICAL CROSS SECTION CC
SCALE: 1" = 6'



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BAREFOOT PELICAN

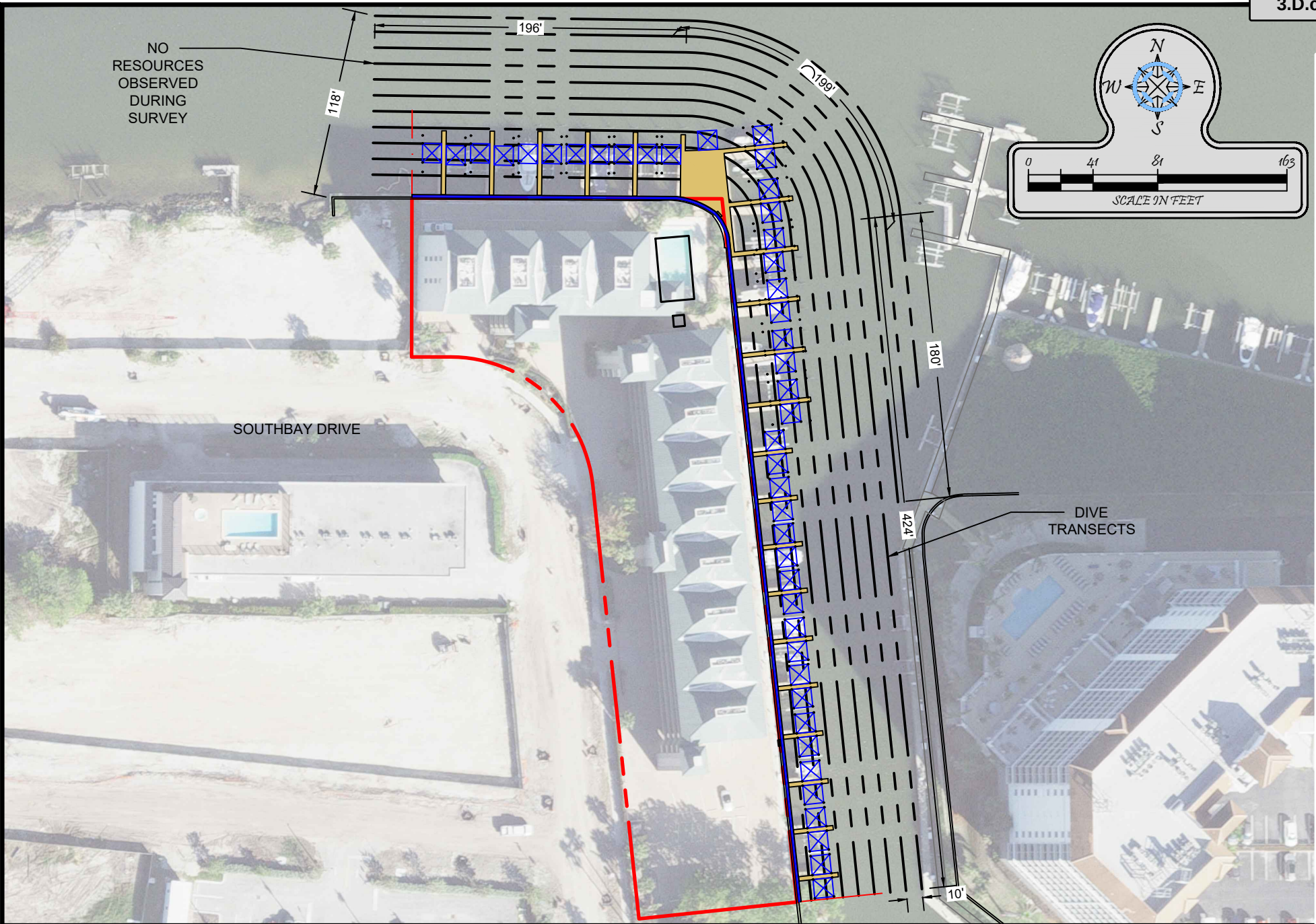
TYPICAL CROSS SECTION 2

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

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SHEET NO.:	07 OF 09	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0038.05 Barefoot Pelican Dock\CAD\PERMIT-COUNTY\0038.05-COUNTY.dwg SUBMERGED RESOURCE SURVEY TRANSECT MAP 1/17/2024



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

BAREFOOT PELICAN

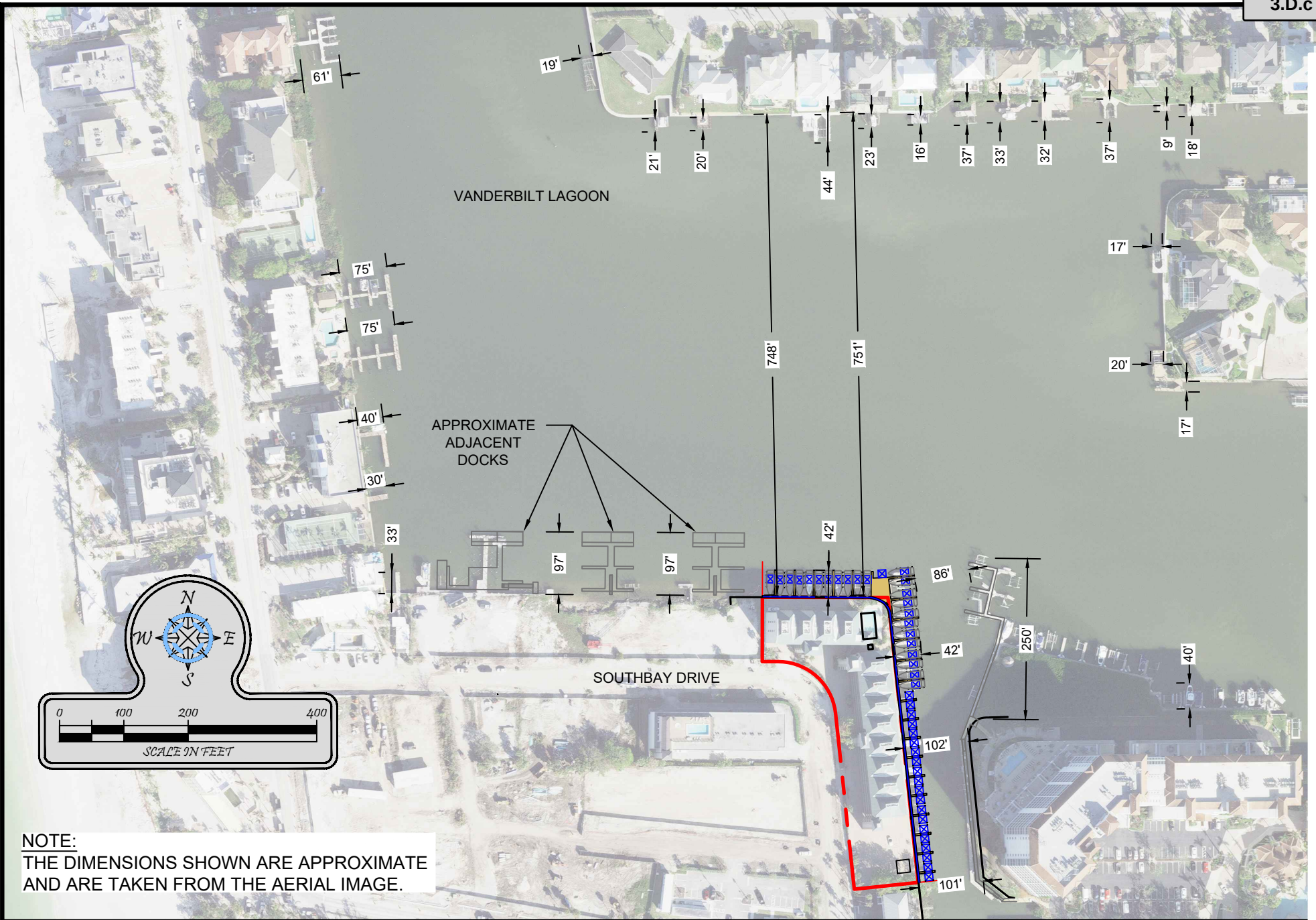
SUBMERGED RESOURCE SURVEY TRANSECT MAP

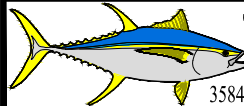
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JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	08 OF 09	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

P:\0038.05 Barefoot Pelican Docks\CAD\PERMIT-COUNTY\0038.05-COUNTY.dwg ADJACENT DOCKS & WIDTH OF WATERWAY 1/17/2024



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

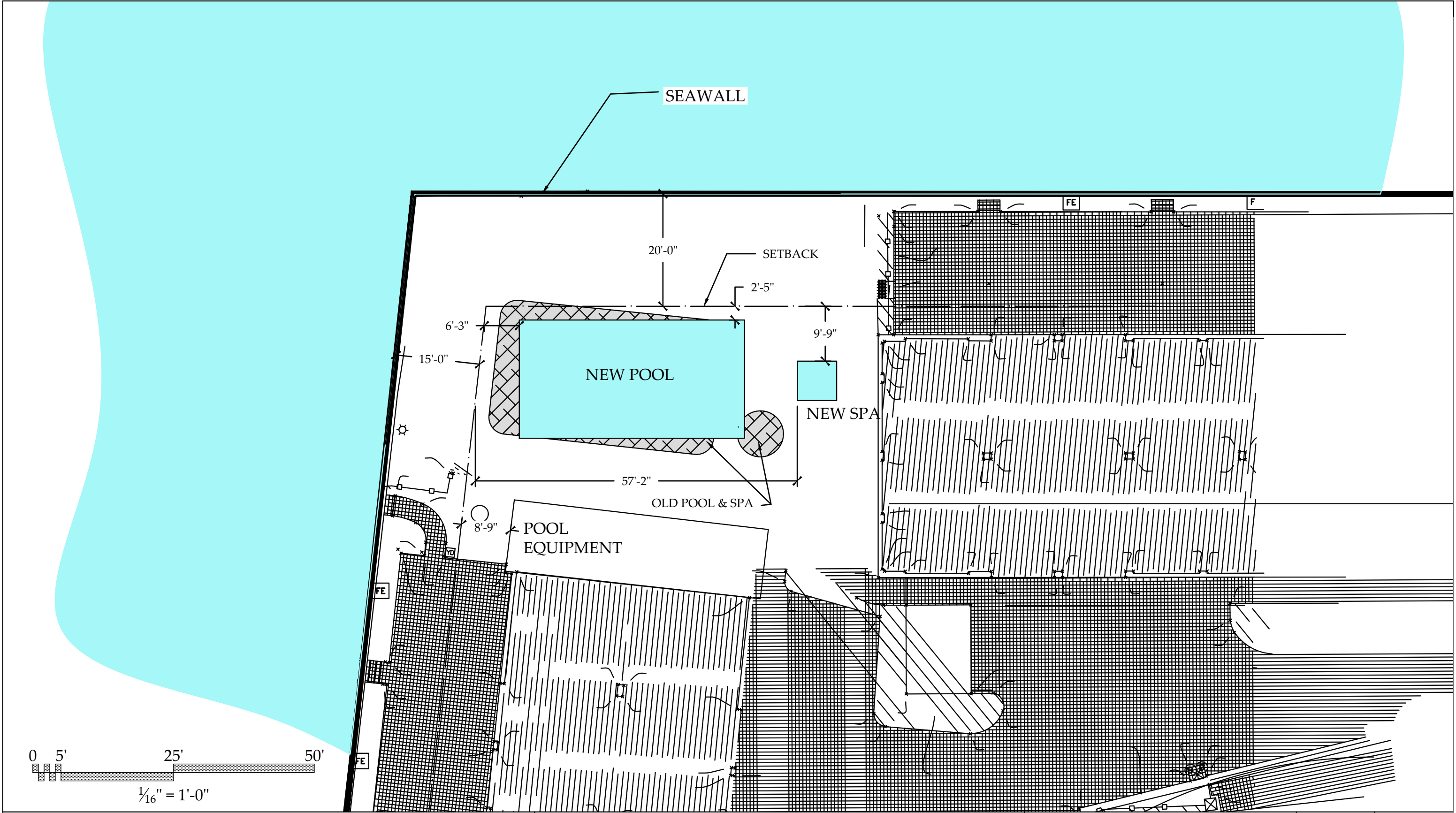
BAREFOOT PELICAN

ADJACENT DOCKS & WIDTH OF WATERWAY

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

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SHEET NO.:	09 OF 09	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S



UNIQUE AQUATIC DESIGN INC.
COA# 32440
2014 WEST BEAVER ST.
JACKSONVILLE FL, 32209
PH. (904) 647-2026
MAIL@UAD-ENG.NET

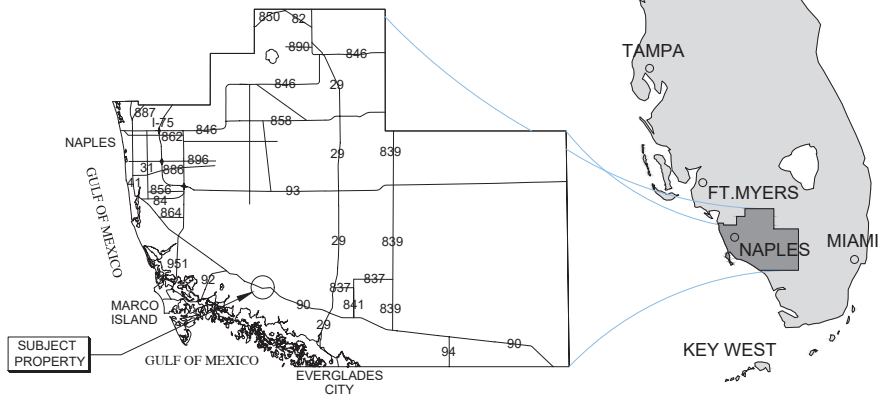
PROJECT NAME

BARE FOOT PELICAN

POOL SET BACK

DRAWN BY	T.C.
SCALE	1/16" = 1'-0"
DATE	1-18-24
SHEET	1 OF 1

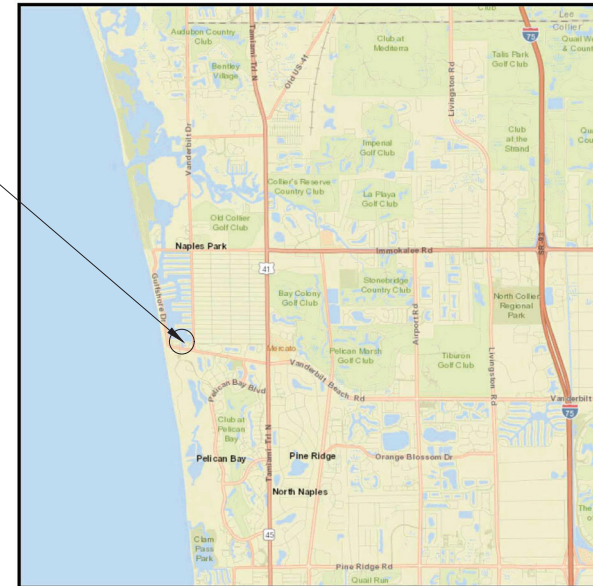
STATE OF FLORIDA



COLLIER COUNTY

Legal Description: XX

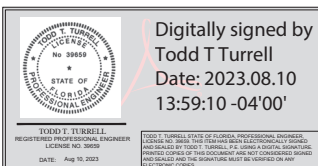
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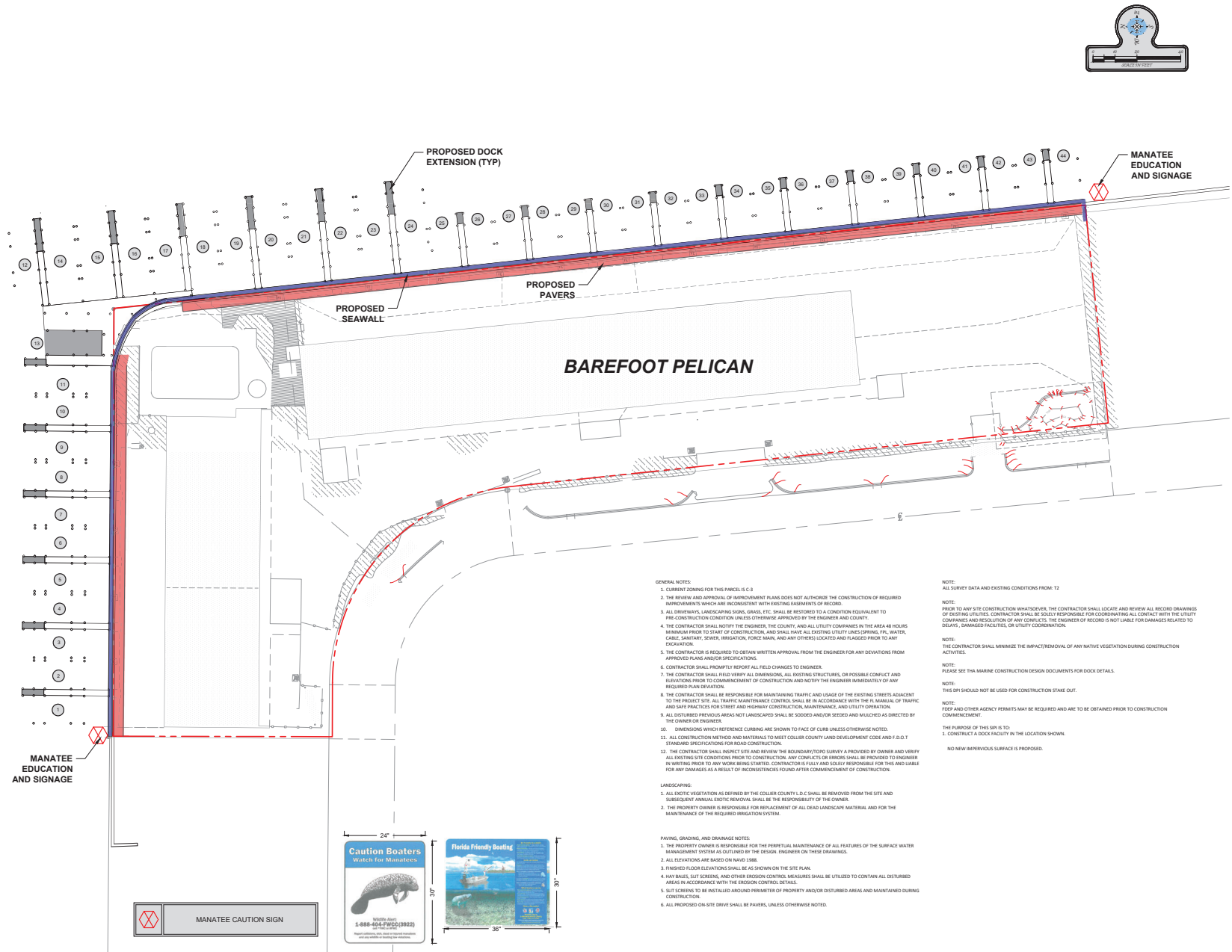


VICINITY MAP



COUNTY AERIAL





GENERAL NOTES:

1. CURRENT ZONING FOR THIS PARCEL IS C-3.
2. THE REVIEW AND APPROVAL OF IMPROVEMENT PLANS DOES NOT AUTHORIZE THE CONSTRUCTION OF REQUIRED IMPROVEMENTS WHICH ARE INCONGRUENT WITH EXISTING EASEMENTS OF RECORD.
3. ALL DRIVEWAYS, LANDSCAPING, SIGNS, GRASS, ETC. SHALL BE RESTORED TO A CONDITION EQUIVALENT TO PRE-CONSTRUCTION CONDITION UNLESS OTHERWISE APPROVED BY THE ENGINEER AND COUNTY.
4. THE CONTRACTOR SHALL NOTIFY THE ENGINEER, THE COUNTY, AND ALL UTILITY COMPANIES IN THE AREA 48 HOURS MINIMUM PRIOR TO START OF CONSTRUCTION, AND SHALL SHAVE ALL EXISTING UTILITY LINES (SPRING, P/L, WATER, GAS, SANITARY, SEWER, IRRIGATION, FORCE MAIN, AND ANY OTHERS) LOCATED AND FLAGGED PRIOR TO ANY EXCAVATION.
5. THE CONTRACTOR IS REQUIRED TO OBTAIN WRITTEN APPROVAL FROM THE ENGINEER FOR ANY DEVIATIONS FROM APPROVED PLANS AND/OR SPECIFICATIONS.
6. CONTRACTOR SHALL PROMPTLY REPORT ALL FIELD CHANGES TO ENGINEER.
7. THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, ALL EXISTING STRUCTURES, OR POSSIBLE CONFLICT AND ELEVATIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION AND NOTIFY THE ENGINEER IMMEDIATELY OF ANY REQUIRED PLAN DEVIATION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC AND USAGE OF THE EXISTING STREETS ADJACENT TO THE PROJECT SITE. ALL TRAFFIC MAINTENANCE CONTROL SHALL BE IN ACCORDANCE WITH THE FL MANUAL OF TRAFFIC AND SAFE PRACTICES FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE, AND UTILITY OPERATION.
9. ALL DISTURBED PREVIOUS AREAS NOT LANDSCAPED SHALL BE SOLOD AND/OR SEEDD AND MULCHED AS DIRECTED BY THE OWNER OR ENGINEER.
10. DIMENSIONS WHICH REFERENCE CURBING ARE SHOWN TO FACE OF CURB UNLESS OTHERWISE NOTED.
11. ALL CONSTRUCTION METHOD AND MATERIALS TO MEET COLLIER COUNTY LAND DEVELOPMENT CODE AND F.D.O.T. STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION.
12. THE CONTRACTOR SHALL INSPECT SITE AND REVIEW THE BOUNDARY/TOPO SURVEY A PROVIDED BY OWNER AND VERIFY ALL EXISTING SITE CONDITIONS PRIOR TO CONSTRUCTION. ANY CONFLICTS OR ERRORS SHALL BE PROVIDED TO ENGINEER IN WRITING PRIOR TO ANY WORK BEING STARTED. CONTRACTOR IS FULLY AND SOLELY RESPONSIBLE FOR THIS AND LIABLE FOR ANY DAMAGES AS A RESULT OF INCONSIDERENCES FOUND AFTER COMMENCEMENT OF CONSTRUCTION.

LANDSCAPING:

1. ALL EXISTING VEGETATION AS DEFINED BY THE COLLIER COUNTY I.D.C. SHALL BE REMOVED FROM THE SITE AND SUBSEQUENT ANNUAL EXOTIC REMOVAL SHALL BE THE RESPONSIBILITY OF THE OWNER.
2. THE PROPERTY OWNER IS RESPONSIBLE FOR REPLACEMENT OF ALL DEAD LANDSCAPE MATERIAL, AND FOR THE MAINTENANCE OF THE REQUIRED IRRIGATION SYSTEM.

PAVING, GRADING, AND DRAINAGE NOTES:

1. THE PROPERTY OWNER IS RESPONSIBLE FOR THE PERPETUAL MAINTENANCE OF ALL FEATURES OF THE SURFACE WATER MANAGEMENT SYSTEM AS OUTLINED BY THE DESIGN ENGINEER ON THESE DRAWINGS.
2. ALL ELEVATIONS ARE BASED ON NAVD 1988.
3. FINISHED FLOOR ELEVATIONS SHALL BE AS SHOWN ON THE SITE PLAN.
4. HAY BALS, SUE SCREENS, AND OTHER EROSION CONTROL MEASURES SHALL BE UTILIZED TO CONTAIN ALL DISTURBED AREAS IN ACCORDANCE WITH THE EROSION CONTROL DETAILS.
5. SUE SCREENS TO BE INSTALLED AROUND PERIMETER OF PROPERTY AND/OR DISTURBED AREAS AND MAINTAINED DURING CONSTRUCTION.
6. ALL PROPOSED ON-SITE DRIVE SHALL BE PAVERS, UNLESS OTHERWISE NOTED.

NOTE:

ALL SURVEY DATA AND EXISTING CONDITIONS FROM T2

NOTE:

PRIOR TO ANY SITE CONSTRUCTION WHATSOEVER, THE CONTRACTOR SHALL LOCATE AND REVIEW ALL RECORD DRAWINGS OF EXISTING UTILITIES. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR COORDINATING ALL CONTACT WITH THE UTILITY COMPANIES AND RESOLUTION OF ANY CONFLICTS. THE ENGINEER OF RECORD IS NOT LIABLE FOR DAMAGES RELATED TO DEATHS, DAMAGED FACILITIES, OR UTILITY COORDINATION.

NOTE:

THE CONTRACTOR SHALL MINIMIZE THE IMPACT/REMOVAL OF ANY NATIVE VEGETATION DURING CONSTRUCTION ACTIVITIES.

NOTE:

PLEASE SEE THE MARINE CONSTRUCTION DESIGN DOCUMENTS FOR DOCK DETAILS.

NOTE:

THIS DPI SHOULD NOT BE USED FOR CONSTRUCTION STAKE OUT.

NOTE:

FIRM AND OTHER AGENCY PERMITS MAY BE REQUIRED AND ARE TO BE OBTAINED PRIOR TO CONSTRUCTION COMMENCEMENT.

THE PURPOSE OF THIS SPI IS TO:

1. CONSTRUCT A DOCK FACILITY IN THE LOCATION SHOWN.

NO NEW IMPERVIOUS SURFACE IS PROPOSED.

301 BURGESS CAY, NAPLES, FL 34101

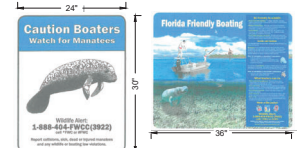
BAREFOOT PELICAN

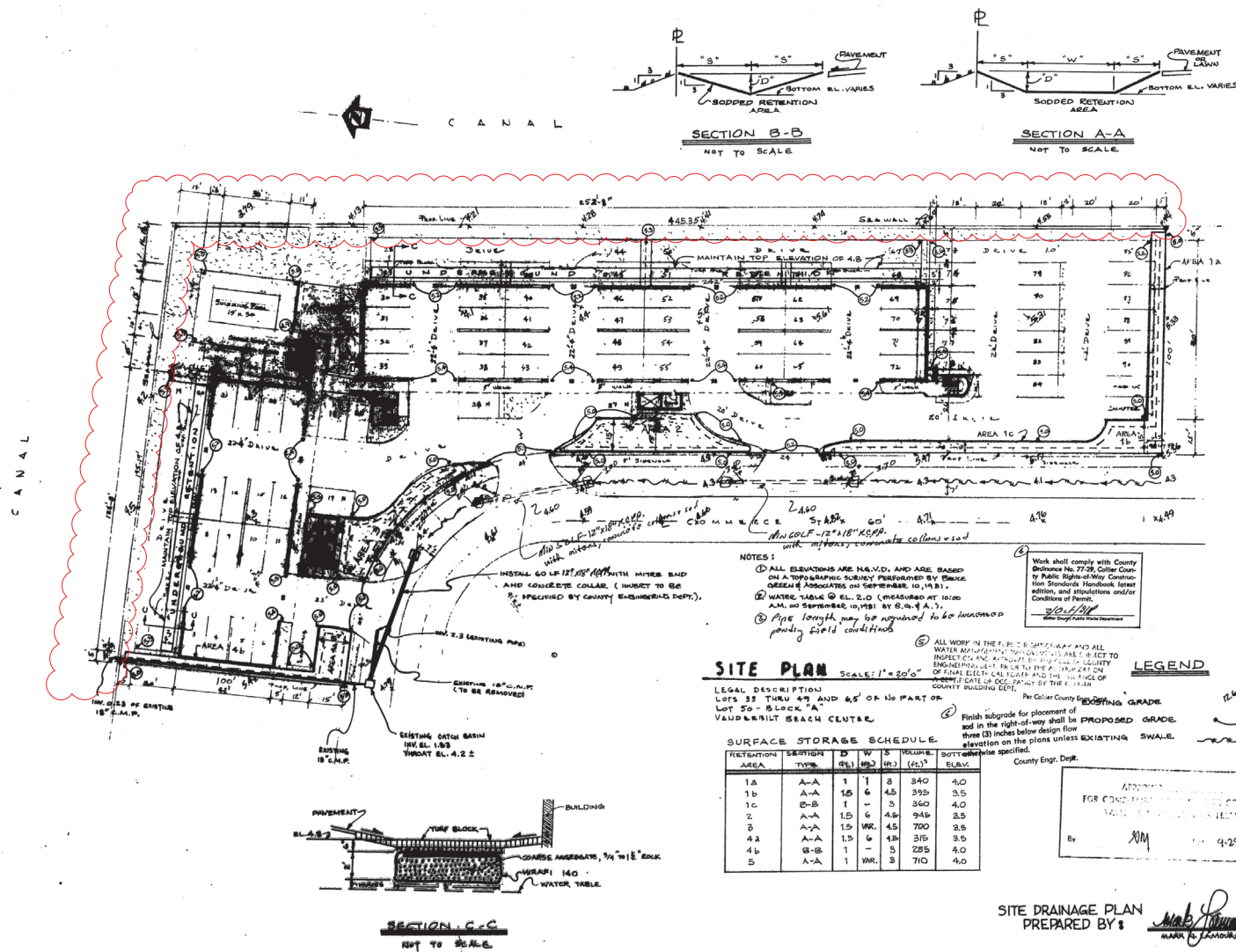
PROPOSED DESIGN

TURRELL HALL & ASSOCIATES, INC.
Marine & Coastal Consulting
Naples, FL 34104-7732
3584 Exchange Ave., Suite B
Tel: (239) 643-6632
Fax: (239) 643-6632
email: thall@thallnaples.com

REVISION	DATE	CHANGED

OWNER	RMJ	DESIGNED BY	THH
PROJECT	0038.05	DATE	07-27-23
SCALE	N/A	SCALE	02
LAYOUT	PROPOSED DESIGN	LAYOUT	02





NOTE: THIS SHEET IS REFERENCED FROM THE MOST RECENT SDP SET AND IS ONLY INCLUDED IN THIS DRAWING SET TO SHOW WHERE THE PROPOSED CHANGES WILL OCCUR. FOR ALL APPLICABLE DETAILS, DESIGNS, ETC. PLEASE REFER TO COUNTY RECORDS AND THE APPLICABLE EOR.

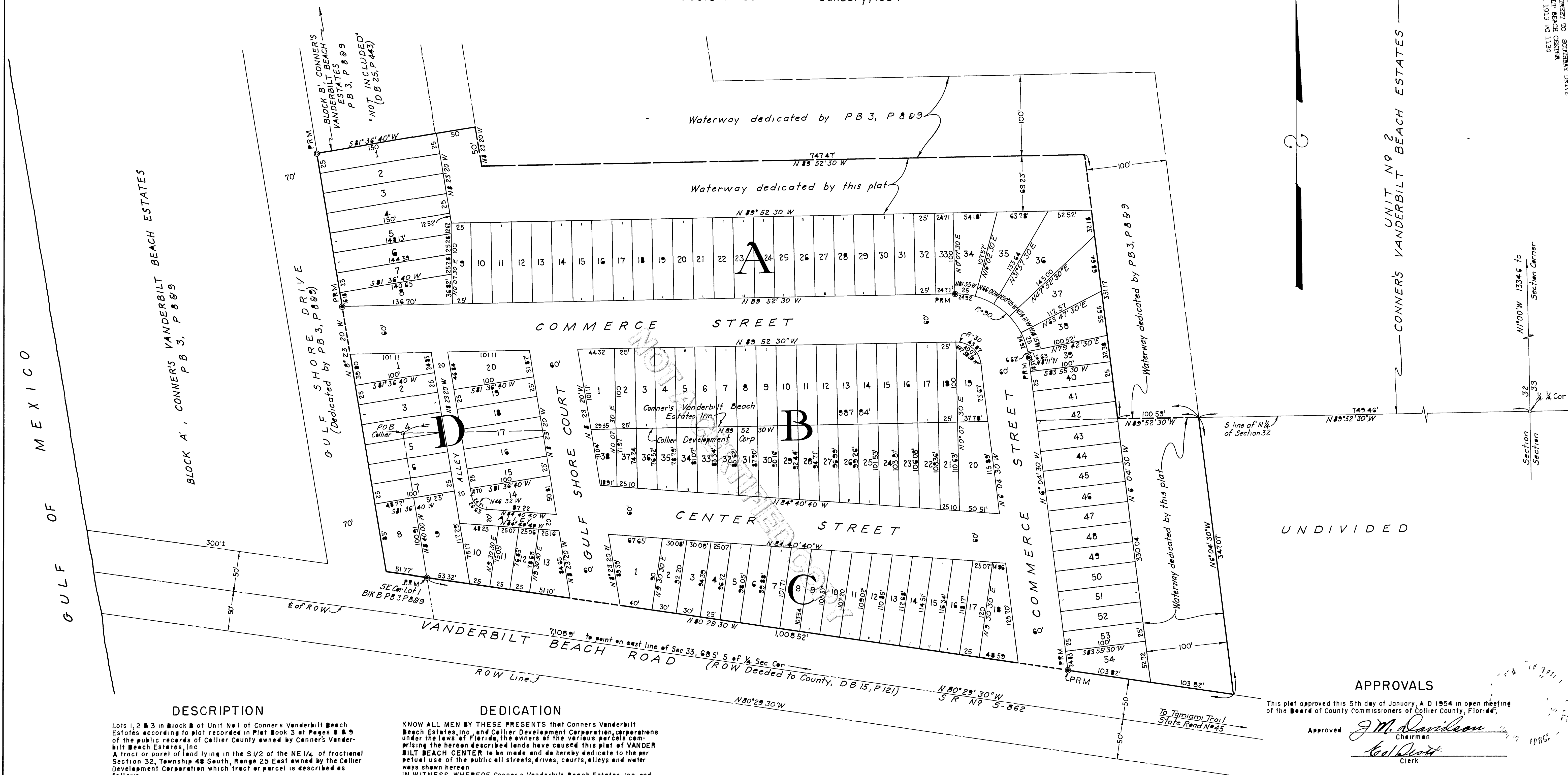


VANDERBILT BEACH CENTER

A SUBDIVISION IN
SECTION 32, T48S, R25E
Scale 1"=60'
January, 1954

Resolution No. 2021-47
Vacate County & Public Interest in Gulf Shere Court
201 Alley in Bk. D. & Part of Center St
Recorded 03/15/2021 OR 5808 PG 680-686
Plat Book 3 Page 16

RESOLUTION NO. 94-61
REPEALING ORDINANCE 94-61
LOCATED IN VANDERBILT BEACH CENTER
RECORDED 2/10/94, OR 1913 PG 1134
PLAT BOOK 3 PG 16



DESCRIPTION

Lots 1, 2 & 3 in Block B of Unit No. 1 of Conner's Vanderbilt Beach Estates according to plat recorded in Plat Book 3 at Pages 8 & 9 of the public records of Collier County owned by Conner's Vanderbilt Beach Estates, Inc.
A tract or parcel of land lying in the S/2 of the NE 1/4 of fractional Section 32, Township 48 South, Range 25 East owned by the Collier Development Corporation which tract or parcel is described as follows:
Beginning at the northeast corner of said Lot 1, Block B of Conner's Vanderbilt Beach Estates run easterly along the north line of said S/2 of the NE 1/4 for 987.84' thence run southeasterly to a point on the north line of the County Road (now State Road No. S-862) right-of-way conveyed by deed recorded in Deed Book 15 at Page 121 of the public records of Collier County which point is 1,008.52' south easterly along said right-of-way line from the southeast corner of said Lot 1, Block B, thence run northwesterly for 1,008.52' along said right-of-way line to said southeast corner, thence run north westerly along the east line of said Lot 1 for 182.36' to the point of beginning.

NOTES

PRM's are 4"x4"x24" or larger Concrete Monuments.
Both chord and arc distances are shown on curved lines with chord bearing.
Bearings are true from traverse ties to true bearing by S.R.D. on E. Tamiami Trail.
Bearings are on basis adjusted traverses on Naples Park Plats and Unit No. 2 CONNER'S VANDERBILT BEACH ESTATES which differ from those on Unit No. 1 of C.V.B. Est. by 0°01'10" ±.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Conner's Vanderbilt Beach Estates, Inc. and Collier Development Corporation, corporations under the laws of Florida, the owners of the various parcels comprising the hereon described lands have caused this plat of VANDERBILT BEACH CENTER to be made and do hereby dedicate to the perpetual use of the public all streets, drives, courts, alleys and water ways shown hereon.
IN WITNESS WHEREOF Conner's Vanderbilt Beach Estates, Inc. and Collier Development Corporation have each caused this dedication to be signed in its name by its vice president and its corporate seal to be affixed, attested by its Assistant Secretary this 5th day of January, A.D. 1954.

CONNER'S VANDERBILT BEACH ESTATES

By Barren Collier, Jr.
Vice President
Attest Don S. Akers
Assistant Secretary

COLLIER DEVELOPMENT CORPORATION

By Barren Collier, Jr.
Vice President
Attest Paul Cooke
Assistant Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me personally appeared Barren Collier, Jr. and Paul Cooke, respectively Vice President and Assistant Secretary of the Collier Development Corporation, 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 uses 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 5th day of January, A.D. 1954.

Beatrice Wiggins
Notary Public, State of Florida at Large
My Commission expires Feb. 9, 1955

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me personally appeared C. B. Conner and Don S. Akers respectively Vice-President and Assistant Secretary of Conner's Vanderbilt Beach Estates, 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 uses 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 5th day of January, A.D. 1954.

Robert J. Benson
Notary Public, State of Florida at Large
My Commission expires March 18, 1955

APPROVALS

This plat approved this 5th day of January, A.D. 1954 in open meeting of the Board of County Commissioners of Collier County, Florida.

Approved J. M. Davidson
Chairman
Ed Scott
Clerk

I HEREBY CERTIFY that this plat of VANDERBILT BEACH CENTER has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 3 P.M. this 2nd day of February, A.D. 1954 and duly recorded in Plat Book 3, on Page 16 of the public records of Collier County, Florida.

Ed Scott
Clerk of Circuit Court in and for Collier County

I hereby certify that this plat of VANDERBILT BEACH CENTER is a true and correct representation of a recent survey made and plotted under my direction and that permanent reference monuments (PRM's) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

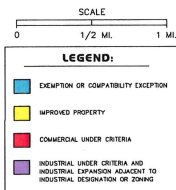
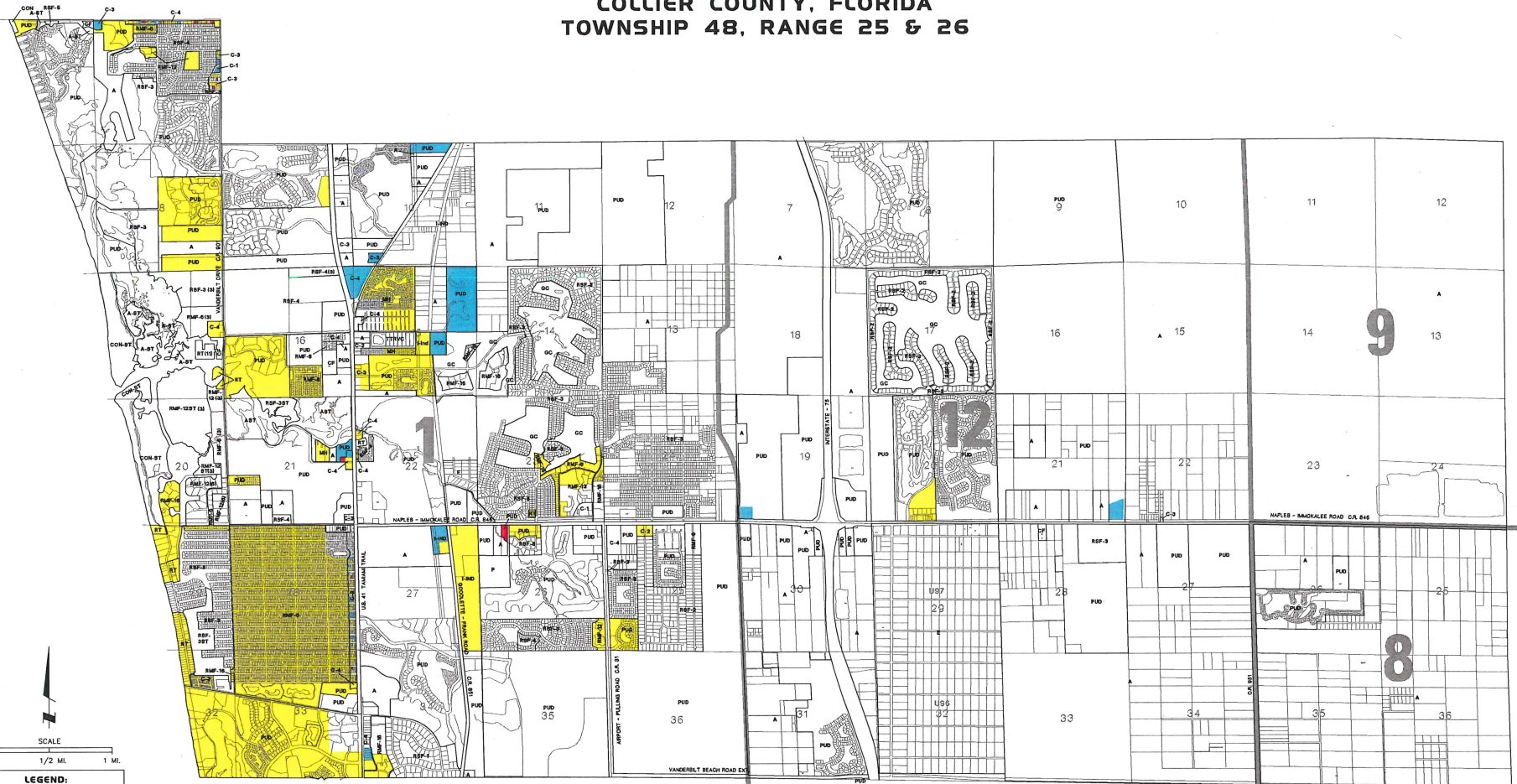
Paul J. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Ft. Myers, Florida

R 25 E

R 26 E

MAP FLUE-9

EXISTING ZONING CONSISTENT WITH FLUE BY POLICY 5.11, 5.12, 5.13, 5.14
COLLIER COUNTY, FLORIDA
TOWNSHIP 48, RANGE 25 & 26



AMENDED - JANUARY 25, 2007
Ord. No. 2007-18
AMENDED - JUNE 13, 2017
Ord. No. 2017-22

PREPARED BY: GRAPHICS AND TECHNICAL SUPPORT SECTION
FOR THE COMPREHENSIVE PLANNING SECTION, COLLIER COUNTY
COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION
DATE: 4/2008 FILE: EX-6-11-2008.DWG

R 25 E

R 26 E

HEARING PACKAGE CHECKLIST**A. Backup provided by the County Planner**

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

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

B. Backup provided by Applicant:

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

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

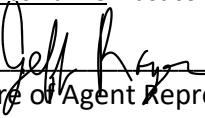
☒ Boundary Survey

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

☒ Submerged Resource Surveys may be included here if required.

☒ **flash drive with *only one* pdf file for all documents OR e-mailed .pdf file**

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



Signature of Agent Representative

7/16/2024

Date

Jeff Rogers

Printed Name of Signing Agent Representative



ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

79120680001, ~~79120720000~~, ~~79120760002~~, see attached
Parcels now combined with 79120680001

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

See attached

STREET ADDRESS(ES) where applicable, if already assigned.

271 Southbay Dr. Naples, FL 34108

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Address@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

Barefoot Pelican

PROPOSED PROJECT NAME

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]



MAP LEGEND

-  Major Roads
-  Street Names
-  Parcels
-  Aerials 2023 Urban [6IN]
-  Aerials 2023 Rural [2FT]
-  Collier County

Folio Number: 22920280001
 Name: HELEN V GRAVES REV TRUST
 Street# & Name: 271 SOUTHBAY DR
 Build# / Unit# / 132
 Legal Description: BAREFOOT PELICAN CONDOMINIUM UNIT 132

Collier County Property Appraiser, Naples, FL

0 — 37ft

Legal Description

BAREFOOT PELICAN, A WATERFRONT CONDOMINIUM, a Condominium according to the Declaration of Condominium thereof recorded in Official Records Book 1069, page 1837, and as amended and restated in Official Records Book 5489, page 1753, of the Public Records of Collier County, Florida, and all amendments thereto, together with its undivided share in common elements.

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration. (Emphasis added.)

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

Property Identification Nos.

1. 79120680001
2. ~~79120720000~~ - Parcels deleted - now combined with 79120680001
3. ~~79120760002~~
4. 22920800025 (Boat Slip 1)
5. 22920800041 (Boat Slip 2)
6. 22920800067 (Boat Slip 3)
7. 22920800083 (Boat Slip 4)
8. 22920800106 (Boat Slip 5)
9. 22920800122 (Boat Slip 6)
10. 22920800148 (Boat Slip 7)
11. 22920800164 (Boat Slip 8)
12. 22920800180 (Boat Slip 9)
13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)¹
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
18. 22920800300 (Boat Slip 16)
19. 22920800326 (Boat Slip 17)
20. 22920800342 (Boat Slip 18)
21. 22920800368 (Boat Slip 19)
22. 22920800384 (Boat Slip 20)
23. 22920800407 (Boat Slip 21)
24. 22920800423 (Boat Slip 22)
25. 22920800449 (Boat Slip 23)

¹ Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

26. 22920800465 (Boat Slip 24)
27. 22920800481 (Boat Slip 25)
28. 22920800504 (Boat Slip 26)
29. 22920800520 (Boat Slip 27)
30. 22920800546 (Boat Slip 28)
31. 22920800562 (Boat Slip 29)
32. 22920800588 (Boat Slip 30)
33. 22920800601 (Boat Slip 31)
34. 22920800627 (Boat Slip 32)
35. 22920800643 (Boat Slip 33)
36. 22920800669 (Boat Slip 34)
37. 22920800685 (Boat Slip 35)
38. 22920800708 (Boat Slip 36)
39. 22920800724 (Boat Slip 37)
40. 22920800740 (Boat Slip 38)
41. 22920800766 (Boat Slip 39)
42. 22920800782 (Boat Slip 40)
43. 22920800805 (Boat Slip 41)
44. 22920800821 (Boat Slip 42)
45. 22920800847 (Boat Slip 43)
46. 22920800863 (Boat Slip 44)

From: [Ray Bellows](#)
To: [Jeff Rogers](#); [John Kelly](#)
Cc: [Caitlin Eucker](#)
Subject: RE: Correspondence from Growth Management Division - Incomplete Submittal Letter (INC) (PL20240004983)
Date: Thursday, April 25, 2024 6:07:59 PM
Attachments: [image001.png](#)
[oledata.mso](#)
[X-logo-black-32x32_c19684b4-b806-4f68-82de-c15698629dfa.png](#)

Hi Jeff,

I have approved the requested waiver from the preapplication meeting requirement for the subject NUA application.

Respectfully,

Ray

Zoning Division - Zoning Services Section
 Growth Management Department
 Telephone: 239.252.2463; Fax: 239.252.6350



Ray Bellows
 Manager - Planning
 Zoning



Ray.Bellows@colliercountyfl.gov

From: Jeff Rogers <Jeff@thanaples.com>
Sent: Thursday, April 25, 2024 2:07 PM
To: John Kelly <John.Kelly@colliercountyfl.gov>; Ray Bellows <Ray.Bellows@colliercountyfl.gov>
Cc: Caitlin Eucker <Caitlin@thanaples.com>
Subject: FW: Correspondence from Growth Management Division - Incomplete Submittal Letter (INC) (PL20240004983)

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

John or Ray, per the attached incomplete submittal letter is there anyway one of you could over rule the Pre-application requirement for the NUA submittal. The only reason we submitted the NUA was based off your direction per your review of the original BDE and side yard setback variance. Any help would be greatly appreciated, thanks.

Regards,

Jeff Rogers

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

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, WORK PRODUCT AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT (OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT), YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONING US (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE AT OUR EXPENSE.

From: Caitlin Eucker <Caitlin@thanaples.com>

Attachment: Attachment H - NUA PL20240006168 Backup Package Rev1 (29647 : PL20240006168 NUA Barefoot Pelican Condominiums 271

Sent: Thursday, April 25, 2024 1:58 PM

To: Jeff Rogers <Jeff@thanaples.com>

Subject: FW: Correspondence from Growth Management Division - Incomplete Submittal Letter (INC) (PL20240004983)

Barefoot Pelican NUA

From: Tuna THA <Tuna@thanaples.com>

Sent: Wednesday, April 24, 2024 2:50 PM

To: Caitlin Eucker <Caitlin@thanaples.com>

Subject: Fw: Correspondence from Growth Management Division - Incomplete Submittal Letter (INC) (PL20240004983)

From: CityViewDoNotReply@CollierCountyFL.Gov <CityViewDoNotReply@CollierCountyFL.Gov>

Sent: Wednesday, April 24, 2024 2:43 PM

To: Tuna THA <Tuna@thanaples.com>

Subject: Correspondence from Growth Management Division - Incomplete Submittal Letter (INC) (PL20240004983)

PDF attached to email.

This email was sent from Collier County, FL - 2023.2.5.

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

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL2020005339 and PL 202000618

I, Richard Kaufmann (print name), as Vice President (title, if applicable) of Barefoot Pelican Condominium Association, Inc. (company, if applicable), swear or affirm under oath, that I am the (choose one) owner ☒ applicant ☐ contract purchaser ☐ and that:

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

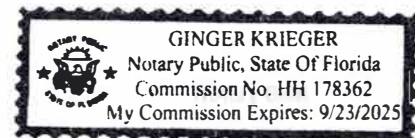
8/8/24
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of August, 2024, by (printed name of owner or qualifier) _____

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

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



Notary Signature: [Signature]



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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
Barefoot Pelican Condominium Association, Inc.	100

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

Name and Address	% of Ownership



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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 Community Development Department | GMD Portal:

<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov

Agent/Owner Signature

12/14/2023

Date

Jeff Rogers

Agent/Owner Name (please print)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

[Previous On List](#) [Next On List](#) [Return to List](#)

barefoot pelican

Search

[Events](#) **No Name History**

Detail by Entity Name

Florida Not For Profit Corporation
BAREFOOT PELICAN CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number	N01360
FEI/EIN Number	59-2383606
Date Filed	02/09/1984
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	05/08/2000
Event Effective Date	NONE

Principal Address

271 SOUTHBAY DR
NAPLES, FL 34108

Changed: 04/30/1998

Mailing Address

DAVIS & ASSOCIATES CPAs
28901 Trails Edge Blvd.
Ste 205
Bonita Springs, FL 34134

Changed: 04/09/2024

Registered Agent Name & Address

Hensley, Stephanie

Attachment: Attachment H - NUA PL20240006168 Backup Package Rev1 (29647 : PL20240006168 NUA Barefoot Pelican Condominiums 271

Davis & Associates CPAs
28901 Trails Edge Blvd.
Ste. 205
Bonita Springs, FL 34134

Name Changed: 04/09/2024

Address Changed: 04/09/2024

Officer/Director Detail

Name & Address

Title Director

WOOLLEY, KAY
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita SPrings, FL 34134

Title VP

KAUFMANN, RICK
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita SPrings, FL 34134

Title President

Neff, Howard
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita Springs, FL 34134

Title Secretary

Seely, Matthew
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita Springs, FL 34134

Title Treasurer

Damman, Warren
Davis & Associates CPAs
28901 Trails Edge Blvd

Attachment: Attachment H - NUA PL202400006168 Backup Package Rev1 (29647 : PL202400006168 NUA Barefoot Pelican Condominiums 271

Ste 201
Bonita Springs, FL 34134

Annual Reports

Report Year	Filed Date
2022	04/04/2022
2023	05/23/2023
2024	04/09/2024

Document Images

04/09/2024 -- ANNUAL REPORT	View image in PDF format
05/23/2023 -- ANNUAL REPORT	View image in PDF format
04/04/2022 -- ANNUAL REPORT	View image in PDF format
03/31/2021 -- ANNUAL REPORT	View image in PDF format
04/21/2020 -- ANNUAL REPORT	View image in PDF format
03/28/2019 -- ANNUAL REPORT	View image in PDF format
04/09/2018 -- ANNUAL REPORT	View image in PDF format
04/04/2017 -- ANNUAL REPORT	View image in PDF format
04/13/2016 -- ANNUAL REPORT	View image in PDF format
04/09/2015 -- ANNUAL REPORT	View image in PDF format
04/18/2014 -- ANNUAL REPORT	View image in PDF format
04/05/2013 -- ANNUAL REPORT	View image in PDF format
04/11/2012 -- ANNUAL REPORT	View image in PDF format
03/30/2012 -- ANNUAL REPORT	View image in PDF format
03/27/2012 -- ANNUAL REPORT	View image in PDF format
04/20/2011 -- ANNUAL REPORT	View image in PDF format
04/01/2010 -- ANNUAL REPORT	View image in PDF format
04/15/2009 -- ANNUAL REPORT	View image in PDF format
04/28/2008 -- ANNUAL REPORT	View image in PDF format
04/23/2007 -- ANNUAL REPORT	View image in PDF format
05/01/2006 -- ANNUAL REPORT	View image in PDF format
04/22/2005 -- ANNUAL REPORT	View image in PDF format
04/29/2004 -- ANNUAL REPORT	View image in PDF format
04/25/2003 -- ANNUAL REPORT	View image in PDF format
04/24/2002 -- ANNUAL REPORT	View image in PDF format
03/28/2001 -- ANNUAL REPORT	View image in PDF format
05/08/2000 -- Amendment	View image in PDF format
04/23/2000 -- ANNUAL REPORT	View image in PDF format

05/04/1999 -- ANNUAL REPORT	View image in PDF format
04/30/1998 -- ANNUAL REPORT	View image in PDF format
04/08/1997 -- ANNUAL REPORT	View image in PDF format
04/15/1996 -- ANNUAL REPORT	View image in PDF format
04/13/1995 -- ANNUAL REPORT	View image in PDF format

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[Events](#)**No Name History**



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NON-CONFORMING USE ALTERATION (NUA) PETITION

Land Development Code section 9.03.03 B
Chapter 6 H of The Administrative Code

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Barefoot Pelican Condominium Association, Inc.

Name of Applicant if different than owner: _____

Address: 271 Southbay Dr. City: Naples State: FL ZIP: 34108

Telephone: _____ Cell: _____

E-Mail Address: owner@barefootpelicannaples.com

Name of Agent: Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-643-0166 Cell: _____

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

Additional Agent: Kathleen O. Berkey, Esq., Becker & Poliakoff, kberkey@beckerlawyers.com and 239-628-4919

If Property is under contract to be sold:

Name of Property Buyer(s): _____

Name of Applicant if different than buyer: _____

Address: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Cell: _____

E-Mail Address: _____

Name of Agent: _____

Firm: _____

Address: _____ City: _____ State: _____ ZIP: _____

Telephone: _____ Cell: _____

E-Mail Address: _____



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PROPERTY INFORMATION

Section/Township/Range: 29 / 48 / 25

Lot: Block: Subdivision: Barefoot Pelican Condominium

Metes & Bounds Description:

Plat Book: Page #: Property I.D. Number: 79120680001

Size of Property: ft. x ft. = Total Sq. Ft. Acres: 1.3

Address/ General Location of Subject Property: 271 Southbay Dr. Naples, FL 34108

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	RSF-3	Vanderbilt Lagoon
S	C-3	Commercial
E	C-3	Southbay Dr.
W	MPUD	Mixed Use

EVALUATION CRITERIA

Pursuant to LDC section 9.03.03 B, staff's analysis and recommendation to the Office of the Hearing Examiner shall be based upon consideration of the applicable criteria noted below. On a separate sheet attached to the application, provide a narrative statement describing the Nonconforming Use Alteration with specific reference to the criteria noted below. Include any backup materials and documentation in support of the request.

1. The alteration, expansion, or replacement will no increase the density of the parcel or lot on which the nonconforming single-family dwelling, duplex, or mobile home is located;
2. The alteration, expansion, or replacement will not exceed the building height requirements of the district most closely associated with the subject nonconforming use;
3. The alteration, expansion, or replacement will not further encroach upon any nonconforming setback;
4. The alteration, expansion, or replacement will not will not decrease or further decrease the existing parking areas for the structure;
5. The alteration, expansion, or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future development of the surrounding properties; and
6. The alteration, expansion, or replacement will not present a threat to the health, safety, or welfare of the community or its residents.



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ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the [Civic Associations and Communities page](#) on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner / Civic Association: Vanderbilt Beach Motel Condo

Mailing Address: 9256 Gulf Shore Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: The Watermark Condominium

Mailing Address: 9380 Gulf Shore Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Vanderbilt Beach & Harbor Club

Mailing Address: 9362 Gulf Shore Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Regatta Landings

Mailing Address: 406 Flagship Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Chateau Vanderbilt

Mailing Address: 9101 Vanderbilt Dr. **City:** Naples **State:** FL **ZIP:** 34108

Pre-Application Meeting and Final Submittal Requirement Checklist for: Non-Conforming Use Alteration

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 or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application	☒	
Completed Addressing Checklist	☒	
Affidavit of Authorization , signed and notarized	☒	
Property Owner Disclosure Form	☒	
Pre-Application meeting notes/minutes	☐	☐
Aerial Photograph	☐	☐
Site Plan drawn to scale	☐	☐
Narrative statement covering the nature of petition	☐	☐
Proof of ownership or interest in property, deed or contract to purchase	☐	☐
Electronic Copies of all documents and plans	☒	



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ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- The applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

FEE REQUIREMENTS

- ☒ **Non-conforming Use Alteration Petition: \$1,500.00**
- ☒ **Estimated Legal Advertising fee: \$1,125.00**
- ☐ **If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after hearing date (Variable)**
- ☒ **Fire Planning Review Fee: \$100.00**

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

*As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be assessed at 20% of the original fee.*

***The completed application, all required submittal materials, and fees shall be submitted to:**
Growth Management Community Development Department | GMD Portal:
<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov

Signature of Petitioner or Agent

2/21/2024

Date

Jeff Rogers

Printed named of signing party

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration. (Emphasis added.)

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

Property Identification Nos.

1. 79120680001
2. 79120720000
3. 79120760002
4. 22920800025 (Boat Slip 1)
5. 22920800041 (Boat Slip 2)
6. 22920800067 (Boat Slip 3)
7. 22920800083 (Boat Slip 4)
8. 22920800106 (Boat Slip 5)
9. 22920800122 (Boat Slip 6)
10. 22920800148 (Boat Slip 7)
11. 22920800164 (Boat Slip 8)
12. 22920800180 (Boat Slip 9)
13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)¹
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
18. 22920800300 (Boat Slip 16)
19. 22920800326 (Boat Slip 17)
20. 22920800342 (Boat Slip 18)
21. 22920800368 (Boat Slip 19)
22. 22920800384 (Boat Slip 20)
23. 22920800407 (Boat Slip 21)
24. 22920800423 (Boat Slip 22)
25. 22920800449 (Boat Slip 23)

¹ Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

26. 22920800465 (Boat Slip 24)
27. 22920800481 (Boat Slip 25)
28. 22920800504 (Boat Slip 26)
29. 22920800520 (Boat Slip 27)
30. 22920800546 (Boat Slip 28)
31. 22920800562 (Boat Slip 29)
32. 22920800588 (Boat Slip 30)
33. 22920800601 (Boat Slip 31)
34. 22920800627 (Boat Slip 32)
35. 22920800643 (Boat Slip 33)
36. 22920800669 (Boat Slip 34)
37. 22920800685 (Boat Slip 35)
38. 22920800708 (Boat Slip 36)
39. 22920800724 (Boat Slip 37)
40. 22920800740 (Boat Slip 38)
41. 22920800766 (Boat Slip 39)
42. 22920800782 (Boat Slip 40)
43. 22920800805 (Boat Slip 41)
44. 22920800821 (Boat Slip 42)
45. 22920800847 (Boat Slip 43)
46. 22920800863 (Boat Slip 44)

Kathleen "Katie" O. Berkey, AICP
 Shareholder and Certified Land Planner
 Board Certified Attorney, City, County, and
 Local Government Law
 Phone: 239.628.4919 Fax: 239.433.5933
 KBerkey@beckerlawyers.com

Becker

Becker & Poliakoff
 Six Mile Corporate Park
 12140 Carissa Commerce Court, Suite 200
 Fort Myers, Florida 33966

Northern Trust Building
 4001 Tamiami Trail North, Suite 270
 Naples, Florida 34103

April 10, 2024

ELECTRONIC TRANSMISSION VIA CITY VIEW ONLY

John Kelly, Planner III
 Growth Management
 Collier County

Re: Barefoot Pelican Condominium Association, Inc. / Application for a Non-Conforming Use Alteration ("NUA")

Dear Mr. Kelly:

As you are already aware, my Firm represents Barefoot Pelican Condominium Association, Inc. (the "Applicant"), a condominium association located at 271 Southbay Dr., Naples, FL 34108 (the "Condominium Property") in unincorporated Collier County. Consistent with the direction received as part of the joint meeting with County staff and the Applicant on November 20, 2023, of which you were a part, please accept this as a request to convert the pending variance application for a side yard setback (Case No. PL20220005909) to a Non-Conforming Use Alteration ("NUA") application. This NUA application will remain as a companion application to the pending Boat Dock Extension ("BDE," Case No. PL20220005339) and to the pending Insubstantial Change to a Site Development Plan ("SDPI," Case No. PL20230012727). Additionally, the comments received from staff pertaining to their review of our Variance Application are consistent with the BDE comments; therefore, all responses to address staff comments pertaining to the variance are now within the BDE response letter.

By way of background, and as discussed during our joint meeting on November 20, 2023, the primary multi-family use with an accessory pool, spa, and marina are legally non-conforming uses and structures in the C-3 zoning and the County's contemporary Land Development Code. As we understand from the readily available historical permitting records on file with the County, the Condominium Property was originally zoned C-1, and the concrete sea wall and wood dock were referenced as far back as May 5, 1965. The current multi-family residential development with 60 dwelling units, sea wall, accessory pool and spa, and accessory private marina with 44 boat slips was constructed ±1984 per the Collier County Property Appraiser's records. These improvements have not materially changed over the years.

The NUA sought by the Applicant, concurrently with the pending BDE and SDPI, is intended to commemorate proposed, de minimis alterations to the legally non-conforming uses and structures – specifically, the proposed sea wall improvements, the proposed reconfiguration of the existing accessory marina, and a reconfiguration of the existing accessory pool and spa. As discussed in our joint meeting: (1) the square footage over water for the marina reconfiguration is being reduced from 3,792 sf to 3,064 sf, as already detailed in the pending BDE/SDPI applications; (2) the proposed marina reconfiguration has already been approved by the Florida Department of Environmental Protection (“FDEP”¹) and the United States Army Corps of Engineers (“USACE”²); (3) the pilings are existing and the Applicant is not expanding beyond those and its request, if approved, will not result in an impediment to navigation; and (4) the proposed pool and spa reorientation increases setbacks on the East and North sides of the Condominium Property as compared to the original pool and spa design.

Enclosed, please find the following NUA submittal requirements:

- NUA Application Form;
- Completed Addressing Checklist;
- Affidavit of Authorization Form;
- Property Owner Disclosure Form;
- Evaluation Criteria Narrative;
- Proof of Ownership or Interest in the Subject Property (as detailed in the response to the BDE corrective comments); and
- Electronic Copies of all Documents and Plans.

Please advise if: (1) there are application fees that are to be credited back to the Applicant in light of this conversion or if any additional application fees and/or fire planning review fees are due to process this request; and (2) the case number will remain PL20220005909 (VAR) or if the NUA will be assigned a new case number.

¹ Please be advised that Florida of Department of Environmental Regulation previously approved the marina in its current configuration on February 8, 1984 (File No. 110734063).

² Please be advised that USACE previously approved the marina in its current configuration on October 4, 1983 (File No. 11-73406-5E).

Collier County Growth Management
April 10, 2024
Page 3

Thank you, and we look forward to working with you.

Very truly yours,



Kathleen O. Berkey
For the Firm

KOB/sf

Enclosures

cc: Board of Directors, Barefoot Pelican Condominium Association, Inc.
Kevin L. Edwards, Esquire, Becker & Poliakoff
Jeff Rogers, Turrell, Hall & Associates, Inc.

Supplemental Information

Upon further review it was determined that since the subject docks are over sovereign submerged lands (state lands) no one individual owns the bottoms lands their designated slip is built over. Based off this the Condominium Association is the authorized entity to be the applicant representing all 44 slips associated with Barefoot Pelican. The Barefoot Pelican Condominium Association is the applicant.

The Barefoot Pelican Condominium Association has the authority and is the appropriate entity to act on behalf of the individual slip holders. The Association is the entity the State has authorized as the permittee and fully responsible for the facility.

The provided folio numbers cover the common areas for the Barefoot Pelican Condominium Association. The docks should be included in these areas as they are not individually owned but assigned to a specific unit.

Barefoot Pelican Condominium Association, Inc. (the "Applicant") has the authority to act on behalf of the individual boat lot owners and to execute the County's required Affidavit of Authorization form. The Applicant's members voted in favor of the proposed boat dock, sea wall, pool, and spa alterations that are subject to this request at a duly noticed meeting on March 28, 2024. Enclosed please find the Affidavit of Notice for this membership meeting, which reflects an affirmative vote of 83.3% of the members in compliance with State law as to condominium associations.

To further support the Applicant's authority to act on behalf of the individual boat lot owners and to file these applications, Article IV, Section 1 of Amended and Restated Declaration of Condominium of Barefoot Pelican, a Waterfront Condominium (the "Declaration"), provides that the Condominium was created in two phases. The first phase consisted of twenty (20) Residential Units located in one (1) building, and sixteen (16) Boat Lot Units as designated on the plot plan (Exhibit 2 to the Declaration). The second phase consisted of forty (40) Residential Units located in one building and twenty-eight (28) Boat Lot Units as designated on the plot plan (Exhibit 2 to the Declaration). Thus, there are a total of forty-four (44) Boat Lot Units, one (1) of which is for common use and which is not privately assigned to a particular upland condominium unit owner. Each Boat Lot Unit includes only the two-dimensional plane covering the surface of the lands (water) as described in Exhibit 2 and does not include any rights in and to the air space immediately above the surface of the Unit (water). Further, this Article provides that Boat Lot Unit Owners cannot excavate, improve, or alter their Boat Lot Unit without the prior written approval of the Board.

1 Recorded at Official Record Book 5489 at Page 1753 et seq. in the Collier County Public Records on March 21, 2018, and as subsequently amended and recorded in Official Record Book 5915 at Page 1903 et seq. in the Collier County Public Records on March 26, 2021.

In addition, Article IV, Section 3 of the Declaration provides as follows:

Sovereignty Submerged Lands Lease. The Association is a party to that certain Sovereignty Submerged Lands Lease No. 110020855 with the Board of Trustees of the Internal Improvement

Trust Fund of the State of Florida, for a period of five years from January 18, 2001 until January 18, 2006 ("Sovereignty Submerged Lands Lease"), including renewals and amendments thereof. The Sovereignty Submerged Lands Lease is recorded in the Public Records of Collier County, Florida in Official Records Book 2846 at Pages 1128 through 1138. The Association is bound by each term and provision of such Lease. In addition, the Association is obligated to protect and maintain the water quality standard within the docking facility that is located upon the lands subject to such Sovereignty Submerged Lands Lease in accordance with the Marina Operations and Management Plan dated December 6, 2006 (the "Plan") as such Plan may be amended from time to time. (Emphasis added.)

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration.

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

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3. 79120760002
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12. 22920800180 (Boat Slip 9)

13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)1
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
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36. 22920800669 (Boat Slip 34)
37. 22920800685 (Boat Slip 35)
38. 22920800708 (Boat Slip 36)
39. 22920800724 (Boat Slip 37)
40. 22920800740 (Boat Slip 38)

- 41. 22920800766 (Boat Slip 39)
- 42. 22920800782 (Boat Slip 40)
- 43. 22920800805 (Boat Slip 41)
- 44. 22920800821 (Boat Slip 42)
- 45. 22920800847 (Boat Slip 43)
- 46. 22920800863 (Boat Slip 44)

1 Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

Please see attached copy of the Plat Map for this area where a dedicated waterway is clearly labeled being 100-feet wide which also extends to the northern side of the subject property. The north side waterway is much wider than the plat map indicates as the waterway measured from an aerial in GIS is approximately 751-feet wide.

The existing docking facility currently has a submerged land lease (SLL) with DEP which has been updated to now include the currently proposed docking facility. The DEP permit has been issued with the proposed docks, seawall, & dredge.

The Sovereignty Submerged Land Lease No. 110020855 was entered into between the Applicant and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board"). The Board owns the sovereignty submerged lands and the water located below the historic mean high water line adjacent to the Applicant's upland real property at 271 Southbay Drive. For the Applicant to build a private, residential multi-slip docking facility on the Board's sovereignty submerged lands adjacent to the Applicant's upland Condominium Property, the Sovereignty Submerged Lands Land Lease is required. The Sovereignty Submerged Lands Lease is recorded in the Public Records of Collier County in Official Records Book 2846 at Pages 1128 through 1138.

**AFFIDAVIT OF MAILING, E-MAILING, OR DELIVERING AND POSTING OF
NOTICE TO UNIT OWNERS**

BAREFOOT PELICAN CONDOMINIUM ASSOCIATION, INC.

I, the undersigned, President of the Association whose name appears at the bottom of this affidavit do hereby swear and affirm that the notice of the Special Members' meeting to be held **Thursday, March 28, 2024, at 4:00 P.M.**, together with proxies, online voting instructions, and supporting material regarding the vote on the pool, spa, and boat dock alterations, were timely mailed, by First Class Mail, sent by electronic mail (to Unit Owners who have consented to same), or hand-delivered in accordance with Section 718.112, Florida Statutes. The notice (copy attached) was mailed or delivered on March 14th, 2024, 2024 to each Unit Owner at the physical or electronic address last furnished to the Association, as such address appears on the books of the Association. The notice was also posted on March 14th, 2024, 2024 in a conspicuous place on the Condominium Property.

The President swears and affirms that of the total 60 Unit Owners (or 23³ percent (%)) of the total Unit Owners authorized the Board of Directors to alter the existing pool, spa, and boat docks in a manner and location as depicted in the in the plans submitted to the County in the pending Boat Dock Extension Case No. PL20220005339, Variance Case No. PL20220005909,¹ and Insubstantial Change to a Site Development Plan Case No. PL20230012727.

Sworn this 28 day of MARCH 2024.

**BAREFOOT PELICAN CONDOMINIUM
ASSOCIATION, INC.**

BY: Howard Neff, Jr.

Howard Neff, Jr., President

STATE OF Florida:

COUNTY OF Collier:



Lucia Anreus
Comm.: HH 463261
Expires: Nov. 12, 2027
Notary Public - State of Florida

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization this 28 day of March 2024, by Howard Neff, Jr., as President of Barefoot Pelican Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He is ☐ personally known to me or ☒ has produced DL - Driver License (type of identification) as identification.

[Signature]
Notary Public

Printed Name: Lucia Anreus

My commission expires:

November 12, 2027

¹ To be converted to a Non-Conforming Use Alteration ("NUA") application

IN person - 17 + 26 2004 + 3 party

3.D.i

Unit	Owner First Name	Owner Last Name	Sign In	In person	Zoom
121	Kim	Braham Moody			
122	Matthew	Hawks	Patricia Hiltner	✓	
123	Jim	Moutzalias			✓
124	Carlos	Valdes			✓
125	John	Hughes			✓
131	Clayton	Knotts			
132	Sue	Graves	Sue Graves	✓	
133	Matt	Seely			✓
134	Warren	Damman	Warren Damman	✓	
135	Garnet	Engle			✓
141	Kathy	Conley			
142	Mariana ^m	Cowie	Mariana Cowie	✓	
143	Laura	Weir			✓
144	Jeff	Hiltbrand			✓
145	Ted	Ward			✓
151	Alfonso	Delligatti			✓
152	Maria	Tsakos			✓
153	Robert	Condeluci			
154	Bernice	Valdivia			
155	Rita	Nappi			
220	David	Poole			✓
221	Lisa	Damman			✓
222	Howard	Neff		✓	
223	Robert	Theard	Robert Theard	✓	

P 44

Party

Party

224	Patrick	Woolley	Kay Woolley	✓	
225	Sally	Hughes			✓
226	Stacia	Hahn			✓
227	Tom	Kennedy			✓
228	Kevin	Pauza			
229	Brian	Taffe			✓
230	Angeline	McCroskey			✓
231	Richard	Kaufmann			✓
232	Roxanne	Flaska	Roxanne	✓	✓
233	Carl	Djusberg			✓
234	Richard	Vaz			
235	Scott	Sewell			
236	Ann	Smallwood	Ann Smallwood	✓	✓
237	Janine	Albert			
238	John Diane	Smith Gravel	Diane Gravel	✓	
239	Charles	Follrod			
240	Eugene	Thomas	Tom Thomas	✓	
241	Linda	Torni	Linda Torni	✓	
242	Grant	Morse			✓
243	Sharon	Bruno			✓
244	Richard	Brockhaus			✓
245	Tina	Seely			✓
246	Jeffery	Kleeman	Janie Kleeman	✓	
247	Lynda	Grippi			
248	Alison	Miller			
249	David	Matter			
250	Louis	Ferrari	Bob Ferrari	✓	

Proxy

Proxy

251	Jennifer	Stark	<i>Jennifer Stark</i>	✓	
252	Marina	Perlov			
253	Dennis	Magner			✓
254	Louis	Ferrari	<i>Cathy Jane Ferreri</i>	✓	
255	Mark	Lindsey			
256	Brian	Maloney			
257	Kathleen	Hein-Hanson			
258	Leonard	Frederico	<i>Paula Frederico</i>	✓	
259	Alfonso	Delligatti			✓

Meeting Date -



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Barefoot Pelican Condo Assoc – Kimberly Braham-Moody
4985 Tamiami Trail E
Naples, FL 34113

Dock Reconfiguration and Dredge

Authorized Agent:

Turrell, Hall & Associates, Inc. - Nick Pearson
3584 Exchange Ave.
Naples, FL 34110
Nick@THANaples.com

Environmental Resource Permit State-owned Submerged Lands Authorization – Granted Pending Document Execution

U.S. Army Corps of Engineers Authorization – Separate Corps Authorization Required

Permit No.: 0124437-004 EI
Lease No.: 110020855

Permit Issuance Date: October 05, 2023
Permit Construction Phase Expiration Date: October 05, 2028

Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization

Permittee: Barefoot Pelican Condo Assoc – Kimberly Braham-Moody

Permit No: 0124437-004 EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 271 Southbay Dr, Naples, FL 34108, in Section 29, Township 48, Range 25, in Collier County. The spoil disposal site is located at Bonita Grand Landfill, 25501 Bonita Grand Dr, Bonita Springs, FL 34135.

PROJECT DESCRIPTION

The permittee is authorized to reconfigure the existing docking facility from 3,792 square feet overwater surface area to 3,064 square feet overwater surface area with no change in the number of slips (44), and to dredge a 13,160 square foot area within the lease boundary to a depth no greater than -4 mean low water, removing 715 cubic yards of spoil material in Vanderbilt Channel, Class II Waters. Those activities include the modification of the existing sovereign submerged land lease from a 25,228 square foot area to a 24,960 square foot area. All spoil material will be staged temporarily on uplands before it is trucked to its final spoil disposal location. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Dock Reconfiguration and Dredge

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activities qualify for and require a lease modification, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease modification will be sent to the grantee by the Department's Division of State Lands for execution. The Department intends to issue the lease modification, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in this permit. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

Permittee: Barefoot Pelican Condo Assoc – Kimberly Braham-Moody Permit Expiration: October 05, 2028

Permit No: 0124437-004 EI

Page 2 of 12

Attachment: Attachment H - NUA PL20240006168 Backup Package Rev1 (29647 : PL20240006168 NUA Barefoot Pelican Condominiums 271

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

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

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply

with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP_Compliance@dep.state.fl.us. All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. This includes floating or pilings in surface waters. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.
3. A floating turbidity curtain shall be installed around the construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the dock.
4. All CCA-treated pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high-water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.
5. Dredging shall be limited to day light; no dredging activities are authorized to be conducted at night.
6. The dredging will include removing approximately 13,160 sq ft. of sediment, to a depth no greater than -4 mean low water, resulting in 715 cubic yards of dredged material. The dredged material will be mechanically excavated from a barge and offloaded directly onto the appropriately contained upland spoil disposal location as shown on sheet 6 of 9. After drying, the material will be trucked to its final spoil disposal site located at 25501 Bonita Grand Dr, Bonita Springs, FL 34135.

7. The authorized spoil dewatering/disposal area shall be restored to pre-construction conditions as depicted on Sheets 2 - 5 of 9 within 15 days of the completion of dredge/dewatering activities.

SPECIFIC CONDITIONS LISTED SPECIES

8. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC MANATEE PROTECTION CONDITIONS

9. The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.
10. The total number of boats, inclusive of all mooring and upland storage, shall be limited to forty-four (44) slips.
11. Due to the project’s location in a narrow waterway, at least one observer shall be present onsite and dedicated to watching for manatees during all in-water operations. Observers must have prior on-the-job experience observing for manatees during previous in-water work. In-water work must not be performed after dusk or before dawn, when the possibility of spotting manatees is negligible.
12. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.
13. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

14. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
15. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
16. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
17. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
18. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the

Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- 8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- 9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- 10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- 11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- 12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- 13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- 14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such

discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's

representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jennifer Carpenter
District Director
South District Office

Attachments:

9 project drawing(s)

'Post Issuance' forms: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil

Tim Hall Tim@thanaples.com

Collier County Property Appraiser, dlindberg@collierappraiser.com

FILING AND ACKNOWLEDGMENT

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



Clerk

October 5, 2023

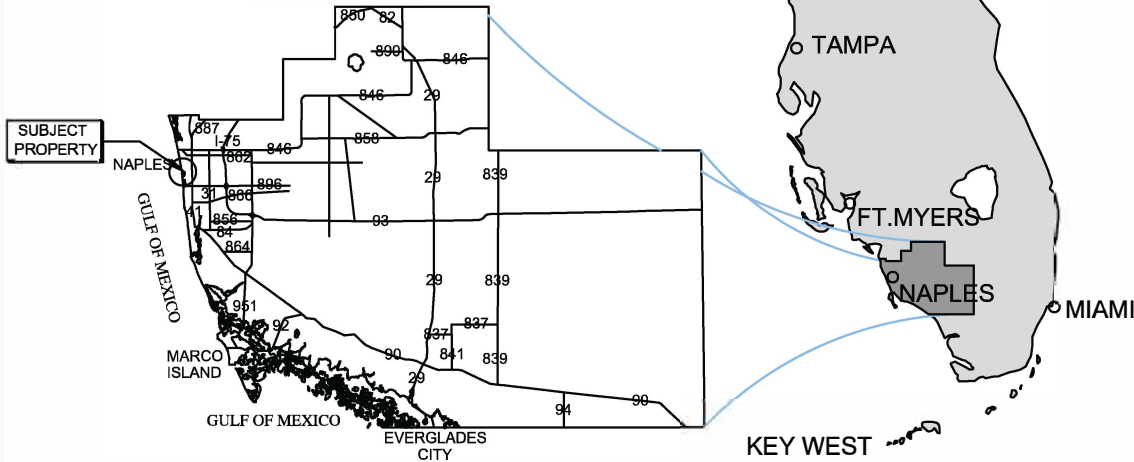
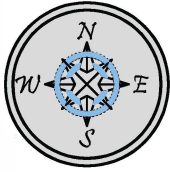
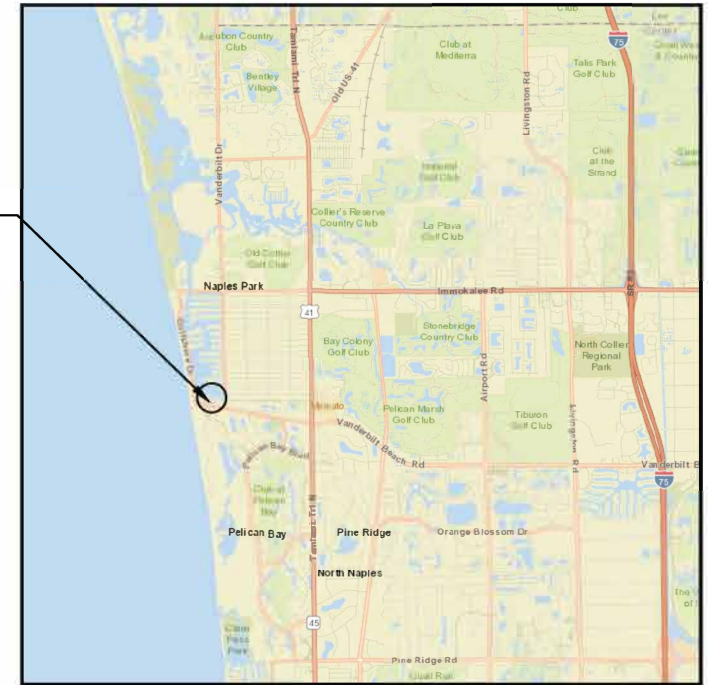
Date

Permittee: Barefoot Pelican Condo Assoc – Kimberly Braham-Moody Permit Expiration: October 05, 2028

Permit No: 0124437-004 EI

Page 12 of 12

STATE OF FLORIDA

COLLIER COUNTYVICINITY MAPSITE ADDRESS:

<> 271 SOUTHBAY DR
NAPLES, FL 34108

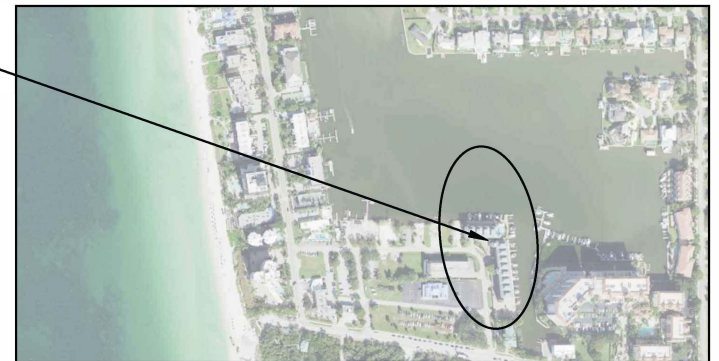
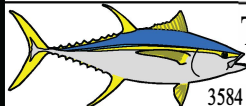
<> LATITUDE: N 26.254384
<> LONGITUDE: W -81.819137

NOTES:

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



SUBJECT PROPERTY

COUNTY AERIAL

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN

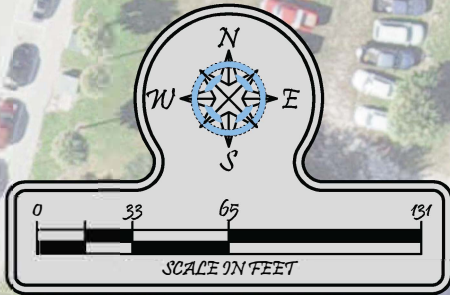
LOCATION MAP

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

DESIGNED:	JWM	DATE	10-31-22	BY	RMJ	DATE	10-31-22
DRAWN BY:	RMJ	DATE	10-31-22	BY	RMJ	DATE	10-31-22
CREATED:	10-31-22	DATE	10-31-22	BY	RMJ	DATE	10-31-22
JOB NO.:	0038.05	DATE	10-31-22	BY	RMJ	DATE	10-31-22
SHEET NO.:	01 OF 08	DATE	10-31-22	BY	RMJ	DATE	10-31-22

SECTION- 32 TOWNSHIP- 48 S

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SLIP #	SLIP SIZES LENGTH X WIDTH
1	44.5' X 10.3'
2	44.4' X 12.1'
3	44.4' X 12.7'
4	44.6' X 12.6'
5	44.6' X 12.4'
6	44.5' X 12.5'
7	44.5' X 12.2'
8	44.6' X 12.6'
9	44.6' X 12.2'
10	44.5' X 12.6'
11	44.5' X 12.2'
12	38.9' X 10.9'
13	40.5' X 15.8'
14	39.9' X 14.4'
15	39.9' X 16.3'
16	40.3' X 12.6'
17	40.3' X 14.6'
18	45.1' X 12.4'
19	45.1' X 12.4'
20	45.8' X 11.3'
21	45.8' X 12.3'
22	45.0' X 12.8'

SLIP #	SLIP SIZES LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
26	25.5' X 11.8'
27	25.0' X 12.8'
28	25.0' X 11.4'
29	25.0' X 11.8'
30	25.0' X 12.0'
31	25.0' X 11.0'
32	25.0' X 12.3'
33	25.0' X 11.6'
34	25.0' X 13.2'
35	25.0' X 12.3'
36	25.0' X 11.6'
37	25.0' X 12.4'
38	25.0' X 12.7'
39	25.0' X 12.8'
40	25.0' X 12.1'
41	25.0' X 11.8'
42	25.0' X 12.4'
43	25.0' X 12.3'
44	25.0' X 11.8'
45	25.0' X 9.6'

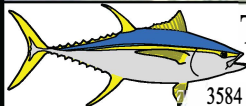


PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



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Marine & Environmental Consulting
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Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN

EXISTING CONDITIONS

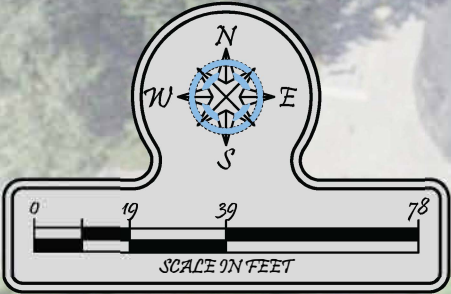
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JWM	DATE:	DATE:	DATE:	DATE:
DRAWN BY:	RMJ	DATE:	DATE:	DATE:	DATE:
CREATED:	10-31-22	DATE:	DATE:	DATE:	DATE:
JOB NO.:	0038.05	DATE:	DATE:	DATE:	DATE:
SHEET NO.:	02 OF 08	DATE:	DATE:	DATE:	DATE:

SECTION- 32 TOWNSHIP- 48 S

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P:\10038.05 Barefoot Pelican Backup\CAD\PERMIT-STATE\10038.05.dwg BXG090803 DEPTHS SOUTH 8/7/2023



Florida Department of
Environmental Protection

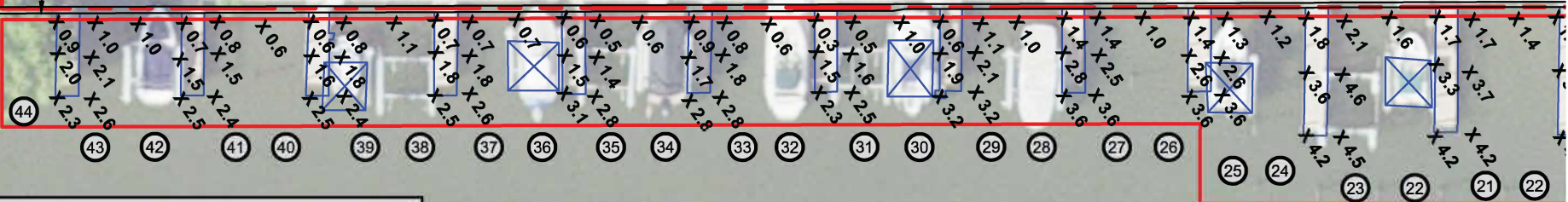
Permit Number
0124437-004 EI

South District
Fort Myers

PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING
SEAWALL



NOTES:

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- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
 - ** MLW (NAVD)= **-1.31'**
 - ** MHW (NAVD)= **+0.30'**



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

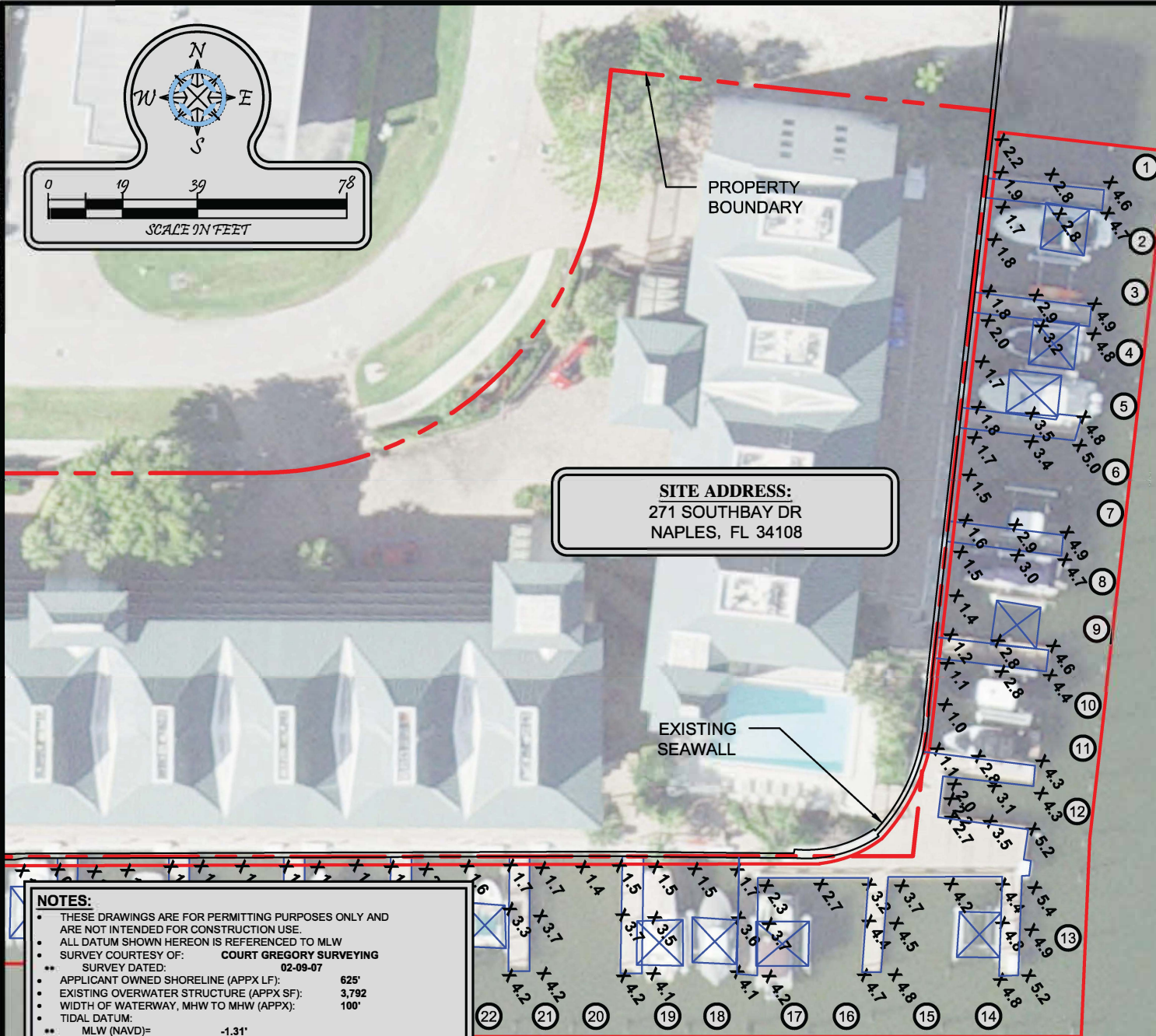
BAREFOOT PELICAN

WATER DEPTHS

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

DESIGNED:	JWM	DESIGNED BY:	DATE:	DATE:	DATE:
DRAWN BY:	RMJ	DRAWN BY:	DATE:	DATE:	DATE:
CREATED:	10-31-22	CREATED:	DATE:	DATE:	DATE:
JOB NO.:	0038.05	JOB NO.:	DATE:	DATE:	DATE:
SHEET NO.:	03 OF 08	SHEET NO.:	DATE:	DATE:	DATE:

SECTION- 32 TOWNSHIP- 48 S



- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- SURVEY OWNED: **SHORELINE (APPX F)** **625'**
- EXISTING OVERWATER STRUCTURE (APPX F): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **+1.31'**
- MHW (NAVD)= **+0.30'**



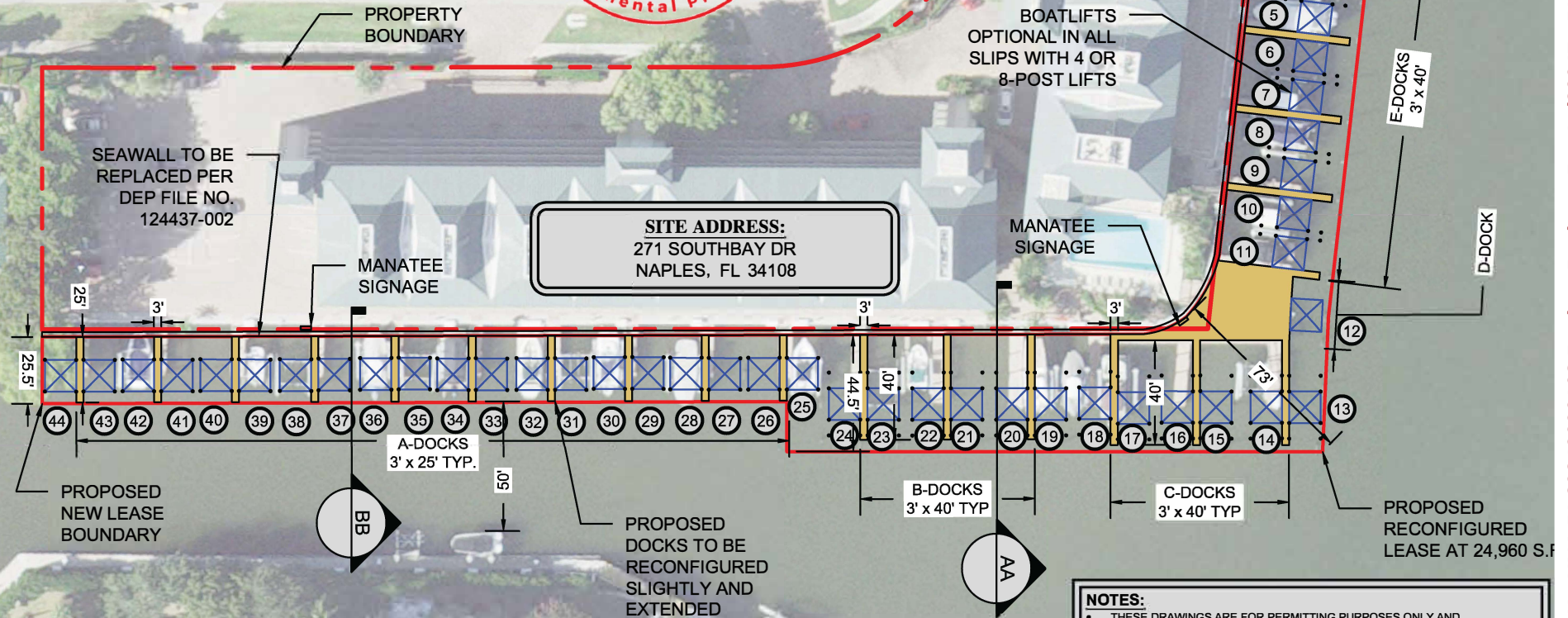
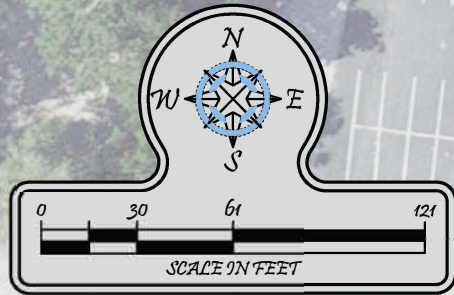
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN

WATER DEPTHS

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

DESIGNED:	JWM	REVIEWED BY:	DATE:	CHECK BY:	CHANGED:
		1.	-	-	-
DRAWN BY:	RMJ	2.	-	-	-
CREATED:	10-31-22	3.	-	-	-
JOB NO.:	0038.05	4.	-	-	-
SHEET NO.:	04 OF 08	5.	-	-	-
SECTION- 32		TOWNSHIP- 48 S			

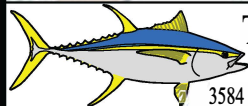


PILE COUNT		
TYPE	SIZE	QUANTITY
WOOD DOCK & MOORING PILE	10"	246
WOOD LIFT PILE	10"	132

LIFTS TO BE REPLACED,
N.T.E. 32,000 LB

NOTES:

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- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 02-09-07
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100'
- TIDAL DATUM:
- MLW (NAVD) = -1.31"
- MHW (NAVD) = +0.30"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 73'



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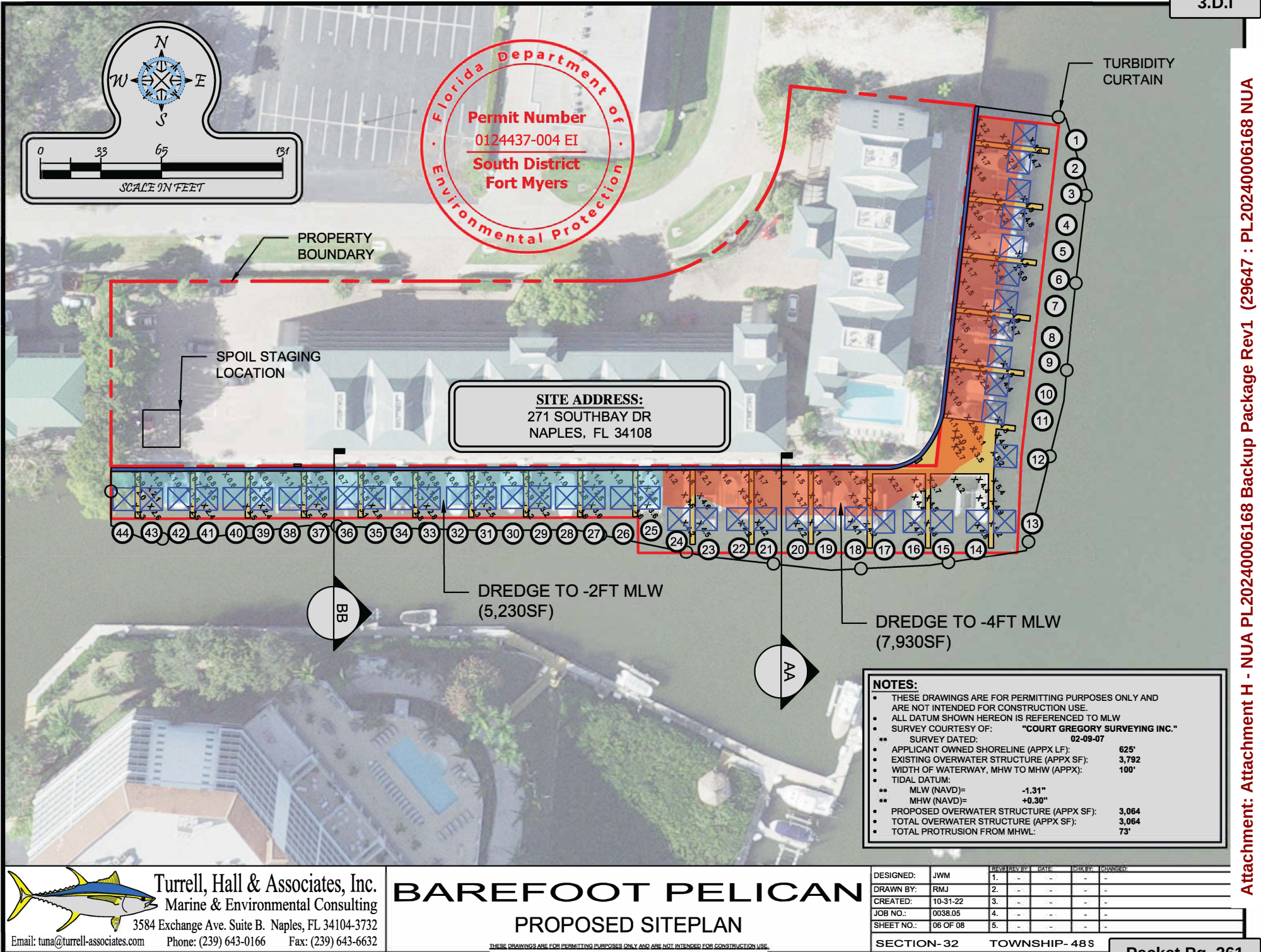
BAREFOOT PELICAN PROPOSED SITEPLAN

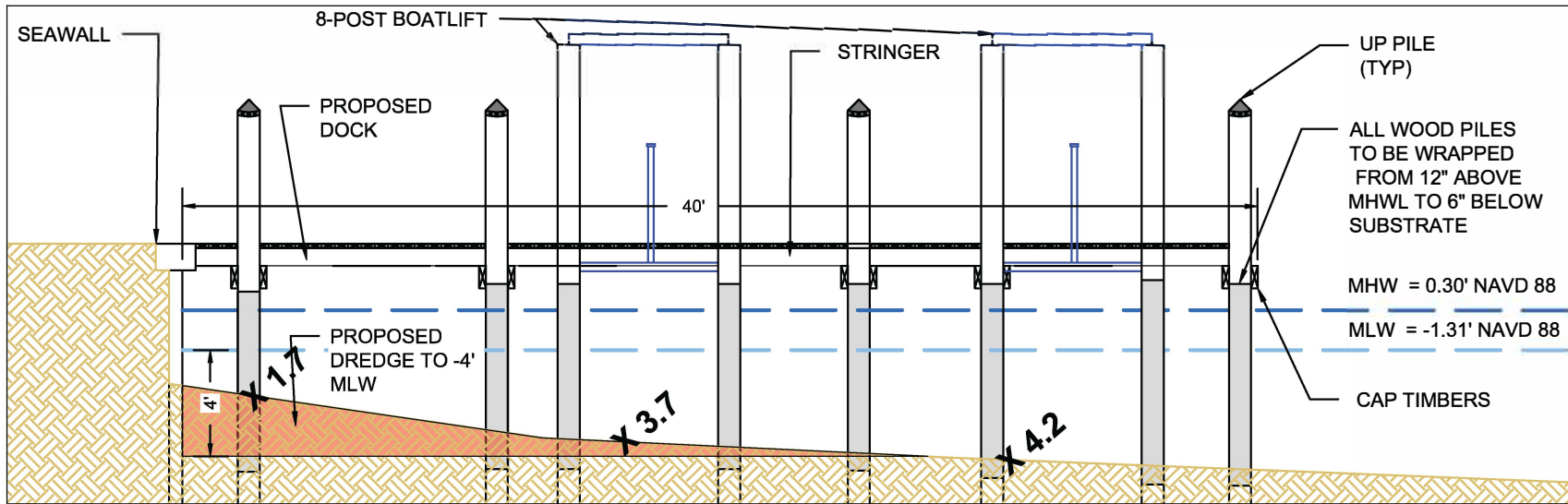
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JWM	DRAWN BY:	RMJ	CREATED:	10-31-22	JOB NO.:	0038.05	SHEET NO.:	05 OF 08
1.	-	2.	-	3.	-	4.	-	5.	-
6.	-	7.	-	8.	-	9.	-	10.	-
11.	-	12.	-	13.	-	14.	-	15.	-

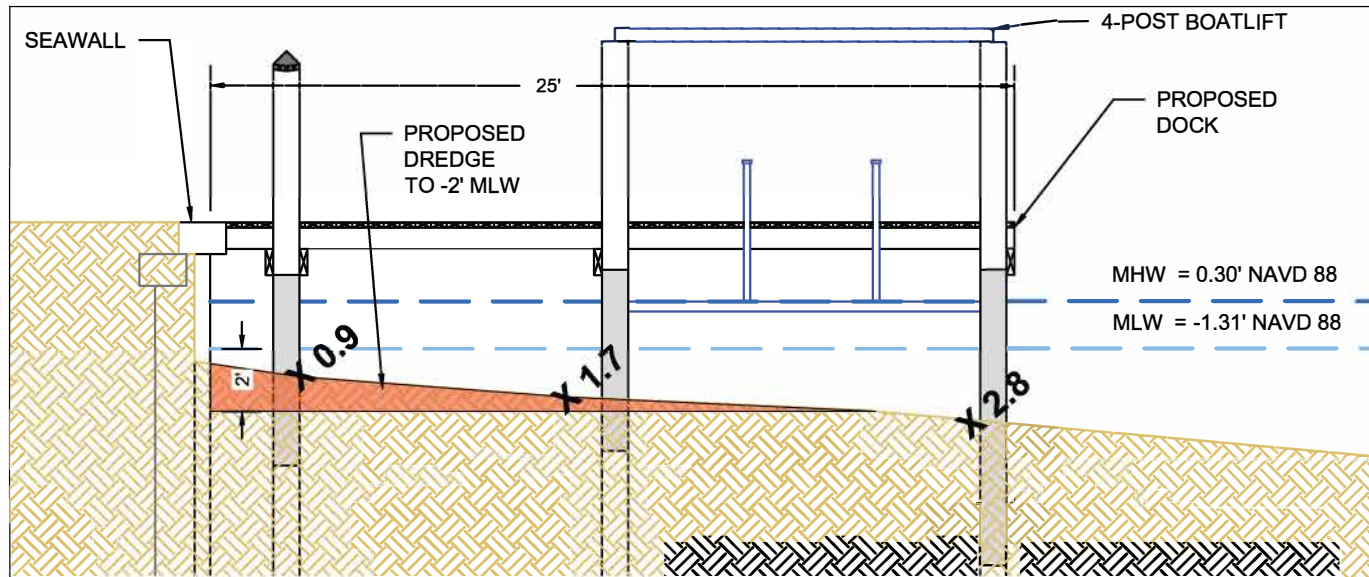
SECTION- 32 TOWNSHIP- 48 S

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TYPICAL 30' DOCK CROSS SECTION AA
SCALE: 1" = 6'



TYPICAL 20' DOCK CROSS SECTION BB
SCALE: 1" = 6'



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Marine & Environmental Consulting
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Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN TYPICAL CROSS SECTION

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

DESIGNED:	JWM	REVIEWED BY:	DATE:	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	-	-	-
CREATED:	10-31-22	2.	-	-	-
JOB NO.:	0038.05	3.	-	-	-
SHEET NO.:	07 OF 08	4.	-	-	-
		5.	-	-	-
SECTION- 32		TOWNSHIP- 48 S			

NOTES:

NO SPOIL RUNOFF INTO STATE WATERS

BOTH ENDS OF THE TURBIDITY CURTAIN SHOULD EXTEND FROM THE SHORELINE OUT TO THE WORK AREA FROM THE TOP TO THE BOTTOM OF THE WATER COLUMN. PLACE THE APPROPRIATE # OF ANCHORS TO HOLD THE CURTAIN IN PLACE BASED ON THE VELOCITY OF THE WATERBODY AT THE TIME OF CONSTRUCTION AND ALLOW ENOUGH SLACK FOR BOTH FLOOD AND EBB CONDITIONS.

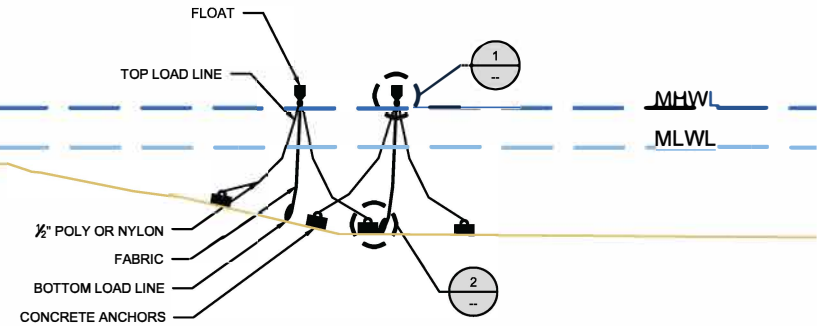
THE BARGE WILL BE WITHIN THE CONSTRUCTION AREA SURROUNDED BY THE TURBIDITY CURTAIN.

CURTAIN WILL REMAIN IN PLACE UNTIL TURBIDITY LEVELS ARE NORMAL. SPOIL TO BE OFFLOADED DIRECTLY TO TRUCK. SPOIL WILL BE MOVED TO PERMANENT SPOIL FIELD VIA FRONT END LOADER.

TYPICAL TURBIDITY DRAWING DETAIL

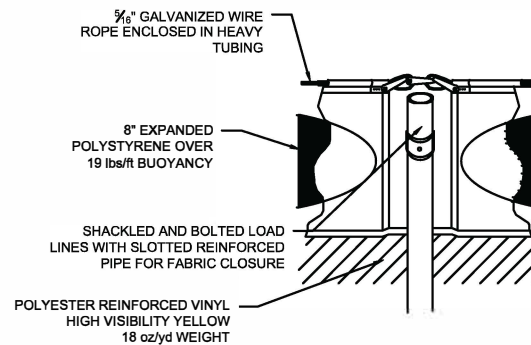
Scale: 1" = 10'

TURBIDITY CURTAIN
TO ENCLOSE ALL
DREDGING ACTIVITIES.



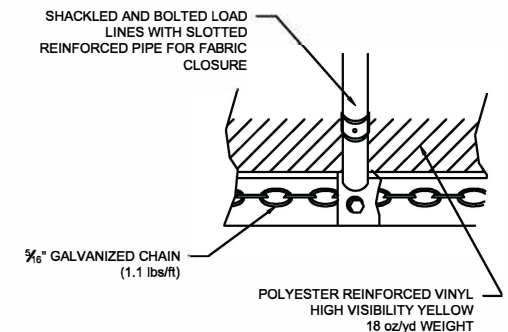
1 DETAIL 1

N.T.S



2 DETAIL 2

N.T.S



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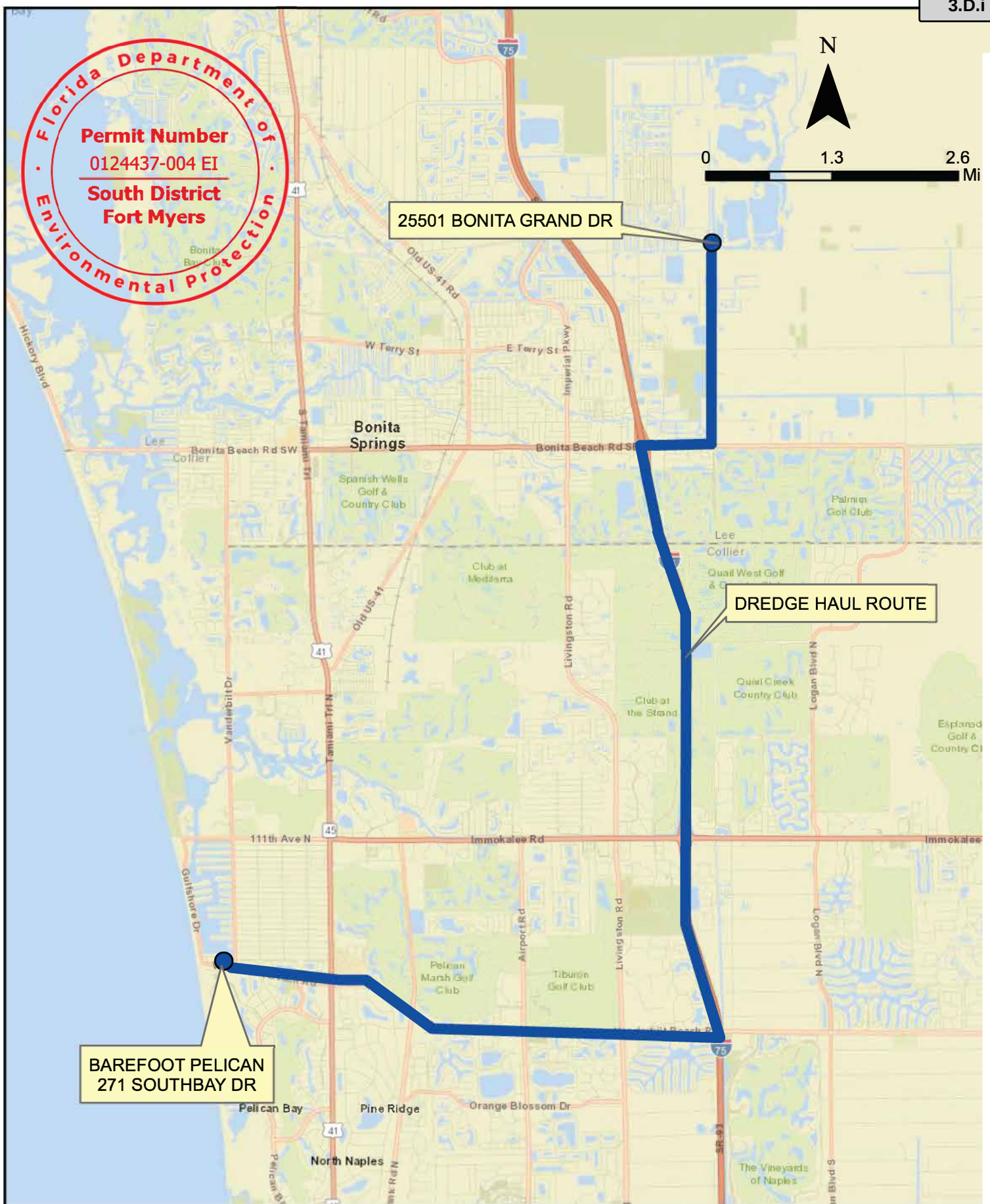
BAREFOOT PELICAN TURBIDITY DETAILS

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

DESIGNED:	JWM	REVIEWED BY:	DATE:	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	-	-	-
CREATED:	10-31-22	2.	-	-	-
JOB NO.:	0038.05	3.	-	-	-
SHEET NO.:	08 OF 08	4.	-	-	-
		5.	-	-	-

SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 263



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3484 Exchange Ave. Suite B, Naples, FL 34104-3732

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

BAREFOOT PELICAN DREDGE HAUL MAP

DRAWN BY:	RMJ	REVISION:	SCALE: 1"=1.3 mi
CREATED:	04-24-23	N/A	FILE PATH:
JOB NO.:	0038.05	N/A	P:\0038.05 Barefoot Pelican Doc
SHEET:	01 OF 01	N/A	GIS\0038.05_Haul_Spoil_Map.mxd



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
FORT MYERS PERMITS SECTION
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS FLORIDA 33919

February 2, 2024

Regulatory Division
West Permits Branch
Fort Myers Permit Section
SAJ-1983-01875 (NWP-MRS)

Kimberly Braham-Moody
Barefoot Pelican Condominium Association, Inc.
4985 Tamiami Trail. E
Naples, Florida 34113
Via Email: Owner@barefootpelicannaples.com

Dear Ms. Braham-Moody:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Jacksonville District, Fort Myers Field Office on April 7, 2023 for a Department of the Army Nationwide permit (NWP) verification. This project has been assigned the file number SAJ-1983-01875 and is known as Barefoot Pelican Condominium Marina Modification and Maintenance Dredge. This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would include the reconfiguration of the existing docking facility from 3,792 square feet overwater surface area to 3,064 square feet overwater surface area with no change in the number of slips (44), and to mechanical maintenance dredging of an 13,160 square-foot segment of Vanderbilt Channel to a maximum of -4.0 feet mean low water, removing approximately 715 cubic yards of material. Mechanical dredging is proposed from the adjacent uplands or barge. The use of floating turbidity curtains around the dredge area will minimize sedimentation within the waterway. All dredge spoil will be disposed of at an offsite, upland area located at 25501 Bonita Grande Drive, Bonita Springs, Florida. The project/review area is located in Vanderbilt Channel; at 271 Southbay Drive, within Section 32, Township 048S, Range 025E; at Latitude 26.254680 and Longitude - 81.819837; in Naples, Collier County, Florida.

We have determined that the proposed work is authorized by Nationwide Permit (NWP) 28 (Modifications of Existing Marinas) and NWP 35 (Maintenance Dredging of Existing Basins) pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The proposed work must be accomplished in strict accordance with the general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans. If the extent of the project area and/or nature of the authorized impacts to waters are

modified, a revised PCN must be submitted to this office for written approval before work is initiated. Any violation of permit conditions or deviation from your submitted plans may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless prior to this date the subject NWP(s) is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of this NWP. If you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Project Specific Special Conditions:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
 - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
 - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-1983-01875 (NWP–MRS), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed “Commencement Notification” Form.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached “Self-Certification Statement of Compliance” form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
4. **Manatee Conditions:** The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011”. The most recent version of the Manatee Conditions must be utilized.
5. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or

adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

6. **Dredged Material Disposal:** The Permittee shall place all dredged material in a self-contained, upland disposal site as detailed in the project plans. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.
7. **Jacksonville District Programmatic Biological Opinion (JAXBO):** Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This NWP verification does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Michael Strange, Biologist, Project Manager of the Fort Myers Field Office at (239) 922-3895, by mail at the above address, or by email at Michael.R.Strange@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

STRANGE.MI
CHAEEL.ROBE
RT.161238939
6

Digitally signed by
STRANGE.MICHAEL.
ROBERT.1612389396
Date: 2024.02.02
16:26:55 -05'00'

Michael Strange
Biologist, Project Manager

Enclosures

General Conditions (33 CFR Part 320-330)
Commencement Notice Form
Compliance Certification Form
Department of the Army Permit Transfer Request
Standard Manatee Conditions for In-Water Work
Permit Drawings

Cc (w/enclosures)

Timothy Hall, Turrell, Hall & Associates, Inc (via Tim@THAnaples.com)
Jeff Rogers, Turrell, Hall & Associates, Inc (via Jeff@THAnaples.com)

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on **March 14, 2026.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort of if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Commencement Notification Form

Action ID Number: SAJ-1983-01875

County: Collier

Permittee: Barefoot Pelican Condominium Association, Inc., Kimberly Braham-Moody

Project Name: Barefoot Pelican Condominium Marina Modification and Maintenance Dredge

Date Verification Issued: 2/2/2024

Project Manager: Michael Strange

Within 10 days of commencing the activity authorized by this permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS

Jacksonville District

Enforcement Section

P.O. Box 4970

Jacksonville, FL 32232-0019

or

saj-rd-enforcement@usace.army.mil (preferred)

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

Construction Start Date: _____

Signature of Permittee

Date

Compliance Certification Form

Action ID Number: SAJ-1983-01875

County: Collier

Permittee: Barefoot Pelican Condominium Association, Inc., Kimberly Braham-Moody

Project Name: Barefoot Pelican Condominium Marina Modification and Maintenance Dredge

Date Verification Issued: 2/2/2024

Project Manager: Michael Strange

Within 60 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS

Jacksonville District

Enforcement Section

P.O. Box 4970

Jacksonville, FL 32232-0019

or

saj-rd-enforcement@usace.army.mil (preferred)

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work, and mitigation (if applicable), authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit including any general or specific conditions.

Date Authorized Work Started: _____ **Completed:** _____

Describe any deviations from permit (attach drawing(s) depicting the deviations):

***Note: The description of any deviations on this form does not constitute approval by the Corps.**

Signature of Permittee

Date

REQUEST PERMIT TRANSFER: PERMIT NUMBER: SAJ-1983-01875 (NWP-MRS)

When the structures or work verified by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the present permittee and the transferee should sign and date below. This document must then be provided to the U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 4970, Jacksonville, Florida 32232-0019.

(TRANSFEREE SIGNATURE)

(DATE)

(Name - Printed)

Lot/Block of site

(Street Address)

(City, State, and Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

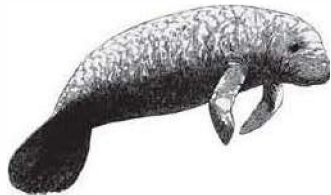
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

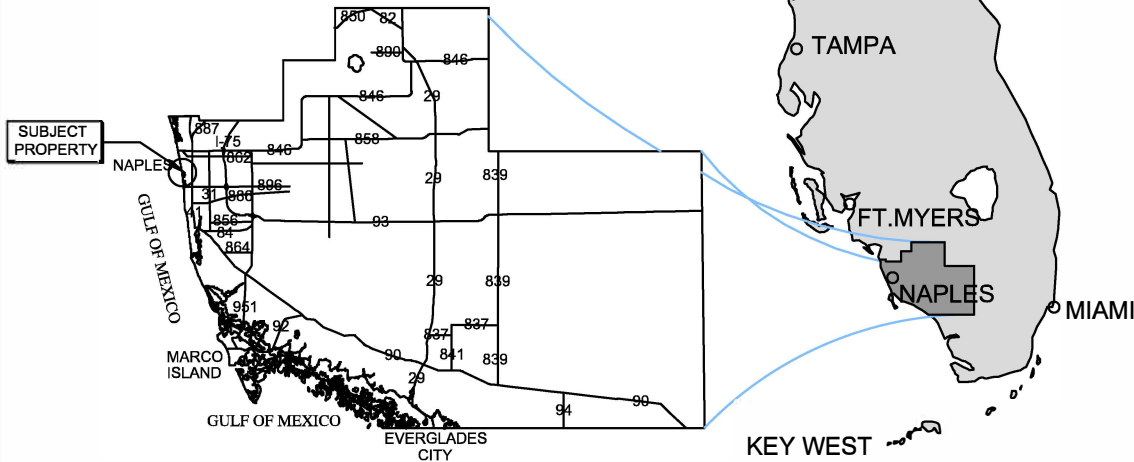
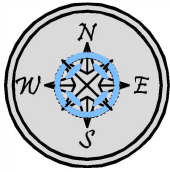


Wildlife Alert:

888-404-FWCC (3922)

cell *FWC or #FWC

STATE OF FLORIDA

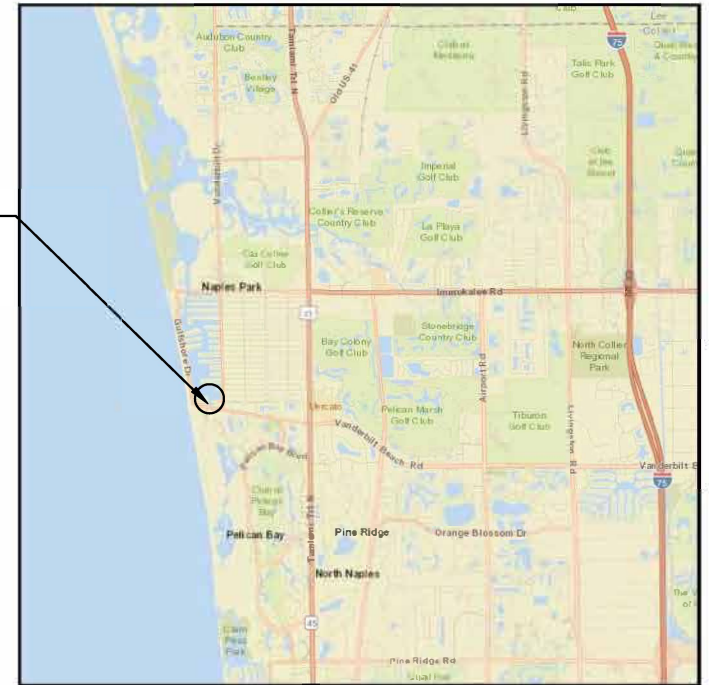
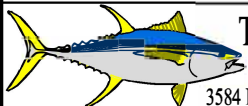
COLLIER COUNTY**SITE ADDRESS:**

<> 271 SOUTHBAY DR
NAPLES, FL 34108

<> LATITUDE: N 26.254384
<> LONGITUDE: W -81.819137

NOTES:

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

SUBJECT
PROPERTYVICINITY MAPSUBJECT
PROPERTYCOUNTY AERIAL

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN

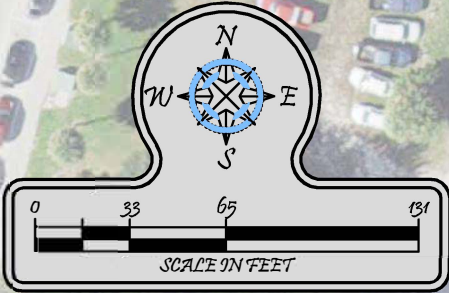
LOCATION MAP

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

DESIGNED:	JR	DATE:	12-20-23	CHANGED:	
DRAWN BY:	JJH	DATE:	12-20-23	CHANGED:	
CREATED:	12-20-23	DATE:	12-20-23	CHANGED:	
JOB NO.:	0038.05	DATE:	12-20-23	CHANGED:	
SHEET NO.:	01 OF 08	DATE:	12-20-23	CHANGED:	

SECTION- 32 TOWNSHIP- 48 S

P:\0038.05 barefoot pelican dock\CAD\PERMIT - FEDERAL\0038.05 FED.dwg EXISTING CONDITIONS 12/20/2023



SLIP #	SLIP SIZES LENGTH X WIDTH
1	44.5' X 10.3'
2	44.4' X 12.1'
3	44.4' X 12.7'
4	44.6' X 12.6'
5	44.6' X 12.4'
6	44.5' X 12.5'
7	44.5' X 12.2'
8	44.6' X 12.6'
9	44.6' X 12.2'
10	44.5' X 12.6'
11	44.5' X 12.2'
12	38.9' X 10.9'
13	40.5' X 15.8'
14	39.9' X 14.4'
15	39.9' X 16.3'
16	40.3' X 12.6'
17	40.3' X 14.6'
18	45.1' X 12.4'
19	45.1' X 12.4'
20	45.8' X 11.3'
21	45.8' X 12.3'
22	45.0' X 12.8'

SLIP #	SLIP SIZES LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
26	25.5' X 11.8'
27	25.0' X 12.8'
28	25.0' X 11.4'
29	25.0' X 11.8'
30	25.0' X 12.0'
31	25.0' X 11.0'
32	25.0' X 12.3'
33	25.0' X 11.6'
34	25.0' X 13.2'
35	25.0' X 12.3'
36	25.0' X 11.6'
37	25.0' X 12.4'
38	25.0' X 12.7'
39	25.0' X 12.8'
40	25.0' X 12.1'
41	25.0' X 11.8'
42	25.0' X 12.4'
43	25.0' X 12.3'
44	25.0' X 11.8'
45	25.0' X 9.6'

PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

BAREFOOT PELICAN **EXISTING CONDITIONS**

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

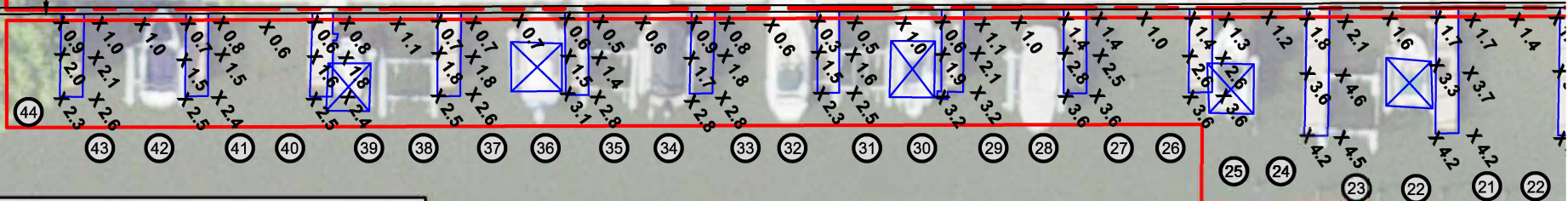
DESIGNED:	JR	DRAWN BY:	JJH	CREATED:	12-20-23	JOB NO.:	0038.05	SHEET NO.:	02 OF 08
REVIEWED BY:		DATE:		INCH BY:		APPROVED:			
1.	-	-	-	-	-	-	-	-	-
2.	-	-	-	-	-	-	-	-	-
3.	-	-	-	-	-	-	-	-	-
4.	-	-	-	-	-	-	-	-	-
5.	-	-	-	-	-	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING
SEAWALL



- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREY SURVEYING**
- ** SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- ** MLW (NAVD)= **-1.31'**
- ** MHW (NAVD)= **+0.30'**



BAREFOOT PELICAN

EXISTING DEPTHS SOUTH

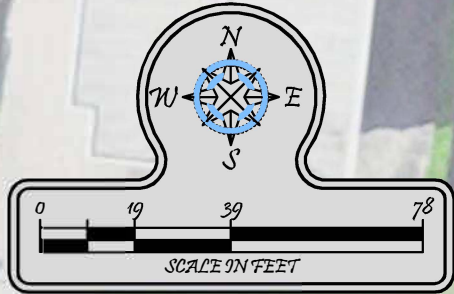
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

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

		REVIEW BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-
DRAWN BY:	JJH	2.	-	-	-
CREATED:	12-20-23	3.	-	-	-
JOB NO.:	0038.05	4.	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 barefoot pelican dock\CAD\PERMIT - FEDERAL\0038.05-FED.dwg EXISTING DEPTHS NORTH 12/20/2023



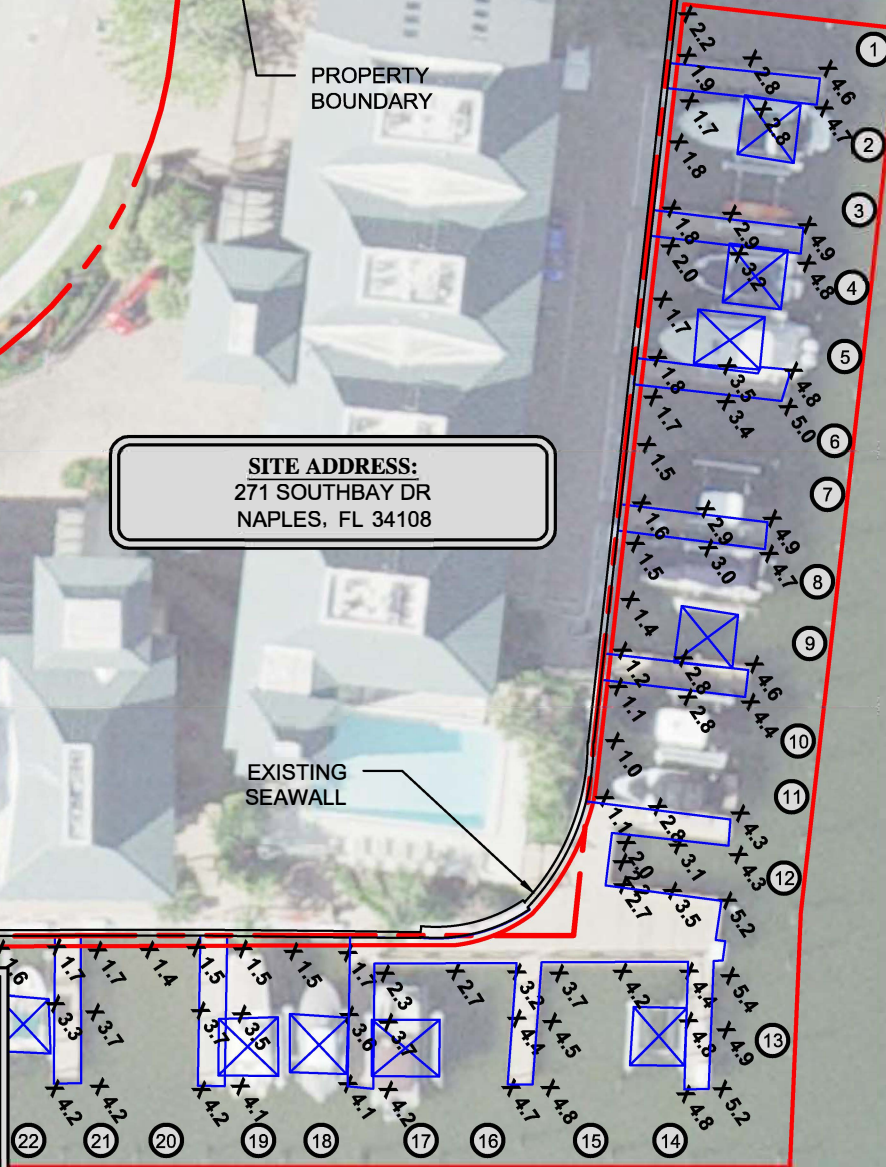
PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING
SEAWALL

NOTES:

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



BAREFOOT PELICAN
EXISTING DEPTHS NORTH

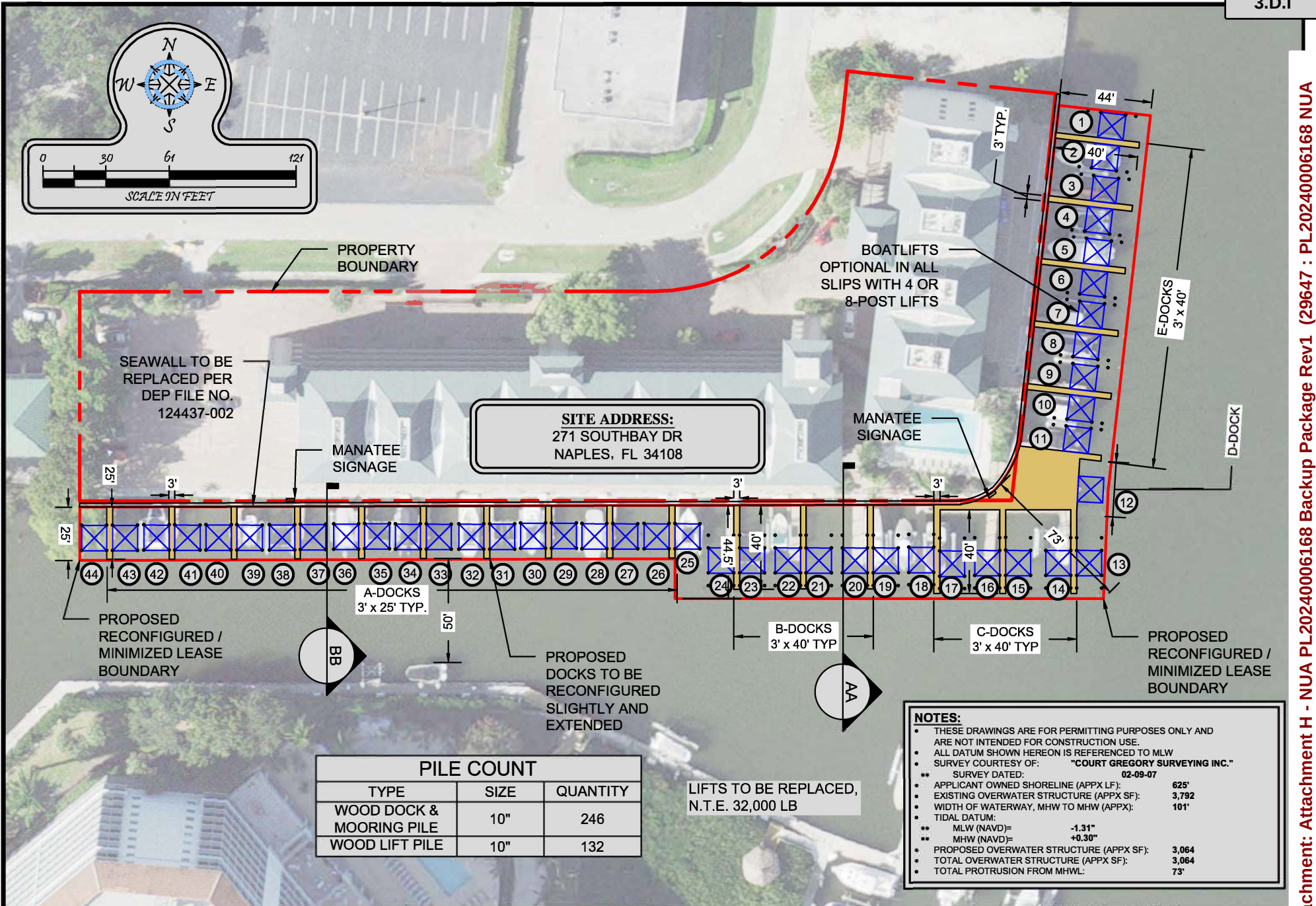


Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

DESIGNED:	JR	REVIEWED BY:		DATE:		INCH BY:		APPROVED:	
DRAWN BY:	JJH	1.	-	-	-	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-	-	-	-
SHEET NO.:	04 OF 08	4.	-	-	-	-	-	-	-
		5.	-	-	-	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



Attachment: Attachment H - NUA PL20240006168 Backup Package Rev1 (29647 : PL20240006168 NUA



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Marine & Environmental Consulting
84 Exchange Ave. Suite B. Naples, FL 34104-3732

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

BAREFOOT PELICAN

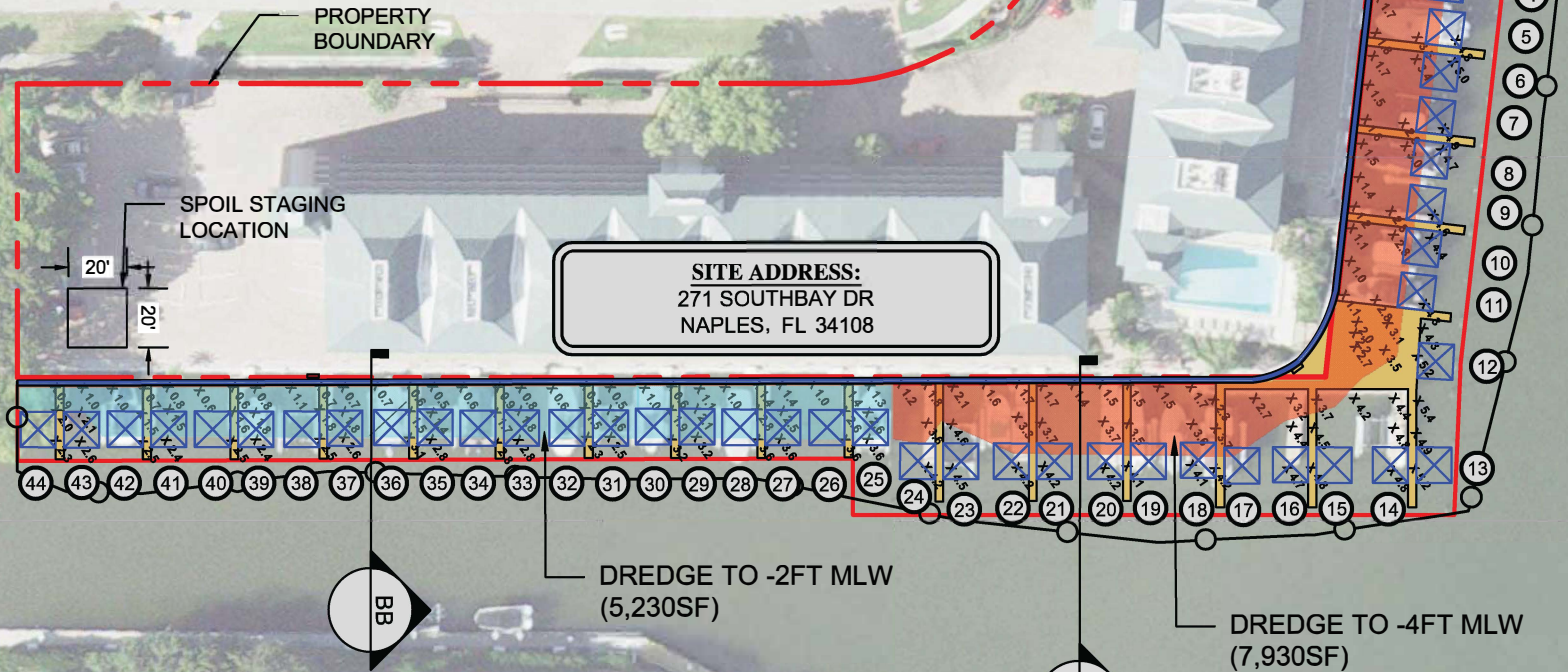
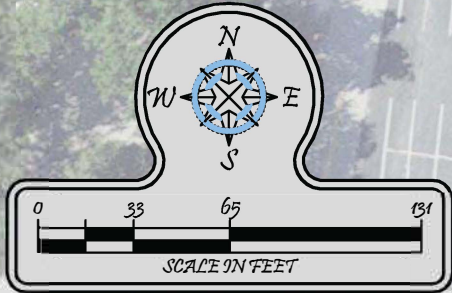
PROPOSED DOCKS

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

		REV	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	JJH	2.	-	-	-	-
CREATED:	12-20-23	3.	-	-	-	-
JOB NO.:	0038.05	4.	-	-	-	-
SHEET NO.:	05 OF 08	5.	-	-	-	-

SECTION- 32	TOWNSHIP- 48 S
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Packet Pg. 279

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 02-09-07
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 101'
- TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 73'



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Marine & Environmental Consulting

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Fax: (239) 643-6632

BAREFOOT PELICAN

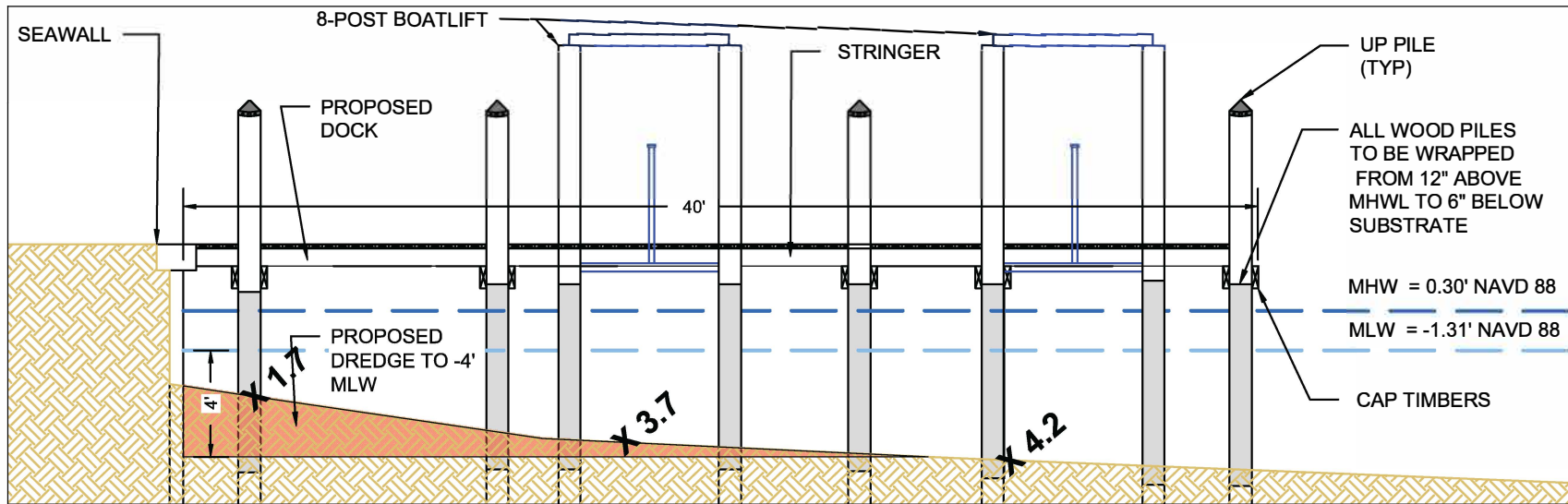
PROPOSED DREDGING

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

DESIGNED:	JR	REVIEWED BY:	DATE:	CHK BY:	APPROVED:
DRAWN BY:	JJH	1.	-	-	-
CREATED:	12-20-23	2.	-	-	-
JOB NO.:	0038.05	3.	-	-	-
SHEET NO.:	06 OF 08	4.	-	-	-
		5.	-	-	-

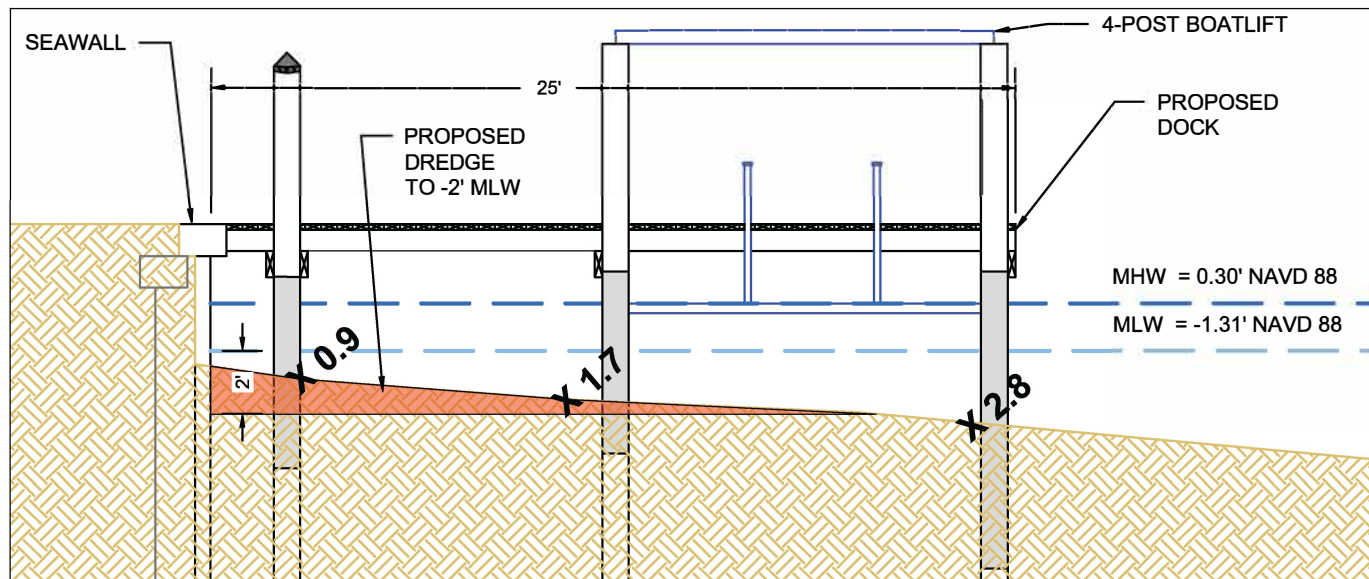
SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 280



TYPICAL 30' DOCK CROSS SECTION AA

SCALE: 1" = 6'



TYPICAL 20' DOCK CROSS SECTION BB

SCALE: 1" = 6'



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BAREFOOT PELICAN

TYPICAL CROSS SECTION

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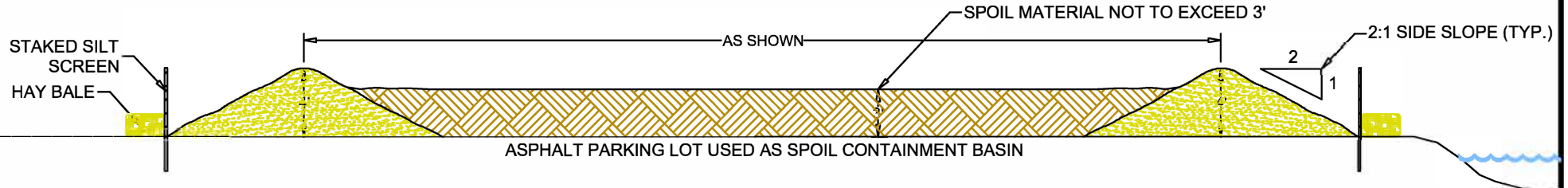
DESIGNED:	JR	REVIEWED BY:	1.	-	-	-	-
DRAWN BY:	JJH	DATE:	2.	-	-	-	-
CREATED:	12-20-23	CHK BY:	3.	-	-	-	-
JOB NO.:	0038.05	CHANGES:	4.	-	-	-	-
SHEET NO.:	07 OF 08		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

CROSS SECTION A-A'

N.T.S.



NOTES:

NO SPOIL RUNOFF INTO STATE WATERS

BOTH ENDS OF THE TURBIDITY CURTAIN SHOULD EXTEND FROM THE SHORELINE O COLUMN. PLACE THE APPROPRIATE # OF ANCHORS TO HOLD THE CURTAIN IN PLACE BASED ON THE VELOCITY OF THE WATERBODY AT THE TIME OF CONSTRUCTION AND ALLOW ENOUGH SLACK FOR BOTH FLOOD AND EBB CONDITIONS.

THE BARGE WILL BE WITHIN THE CONSTRUCTION AREA SURROUNDED BY THE TURBIDITY CURTAIN. TURBIDITY (NTU) WILL BE MONITORED TWICE DAILY, AT LEAST 4 HRS APART DURING ANY IN WATER WORK AT THE SITE. TURBIDITY STATIONS WILL BE LOCATED AT THE WATER'S SURFACE AND 1' ABOVE THE BOTTOM WITHIN THE CONSTRUCTION AREA, WITHIN ANY VISIBLE TURBIDITY PLUMES AND AT LEAST 150' DOWN CURRENT FROM THE WORK AREA. A BACKGROUND STATION WILL BE LOCATED AT LEAST 100 YARDS UP-CURRENT OR AGAINST THE TIDE FROM THE SAMPLES WITHIN THE CONSTRUCTION AREA AT THE WATER'S SURFACE AND 1' FROM THE BOTTOM.

ALL TURBIDITY DATA SHALL BE DOCUMENTED AND SUBMITTED TO DEP.

IF TURBIDITY LEVELS IN THE CONSTRUCTION AREA ARE 29 NTU'S GREATER THAN THOSE OF THE BACKGROUND STATION, ALL WORK MUST BE STOPPED AND DEP NOTIFIED.

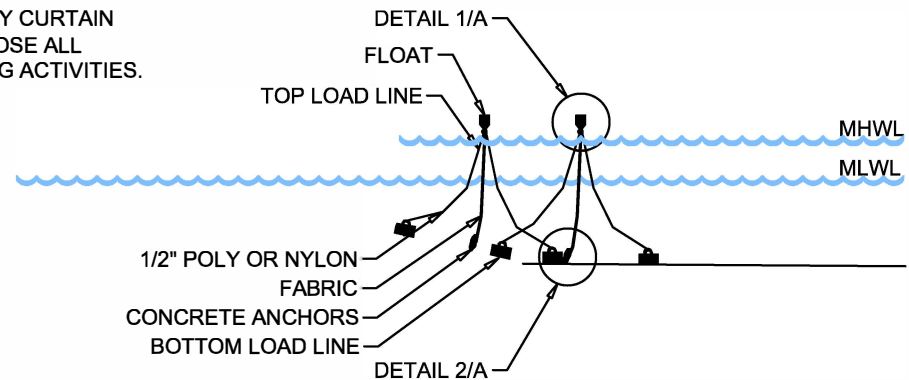
DEP STAFF WILL NOTIFY WHEN WORK MAY CONTINUE.

CURTAIN WILL REMAIN IN PLACE UNTIL TURBIDITY LEVELS ARE NORMAL. SPOIL TO BE OFFLOADED FROM BARGE TO TEMPORARY HOLDING AREA VIA BARGE MOUNTED BACKHOE. SPOIL WILL BE MOVED TO PERMANENT SPOIL FIELD VIA UT TO THE WORK AREA FROM THE TOP TO THE BOTTOM OF THE WATERFRONT END LOADER.

TYPICAL TURBIDITY CURTAIN DETAIL

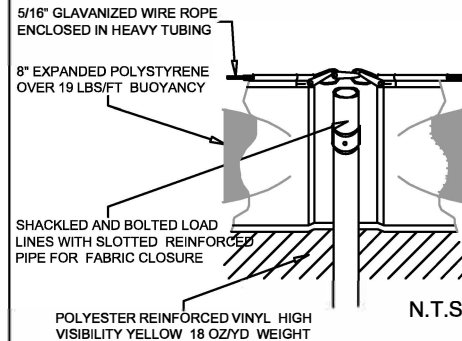
N.T.S.

TURBIDITY CURTAIN
TO ENCLOSE ALL
DREDGING ACTIVITIES.



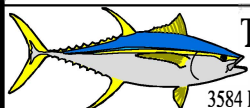
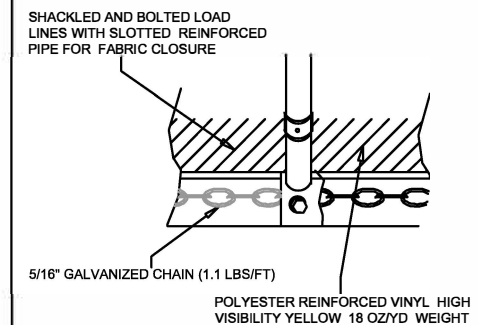
DETAIL 1/A

N.T.S.



DETAIL 2/A

N.T.S.



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

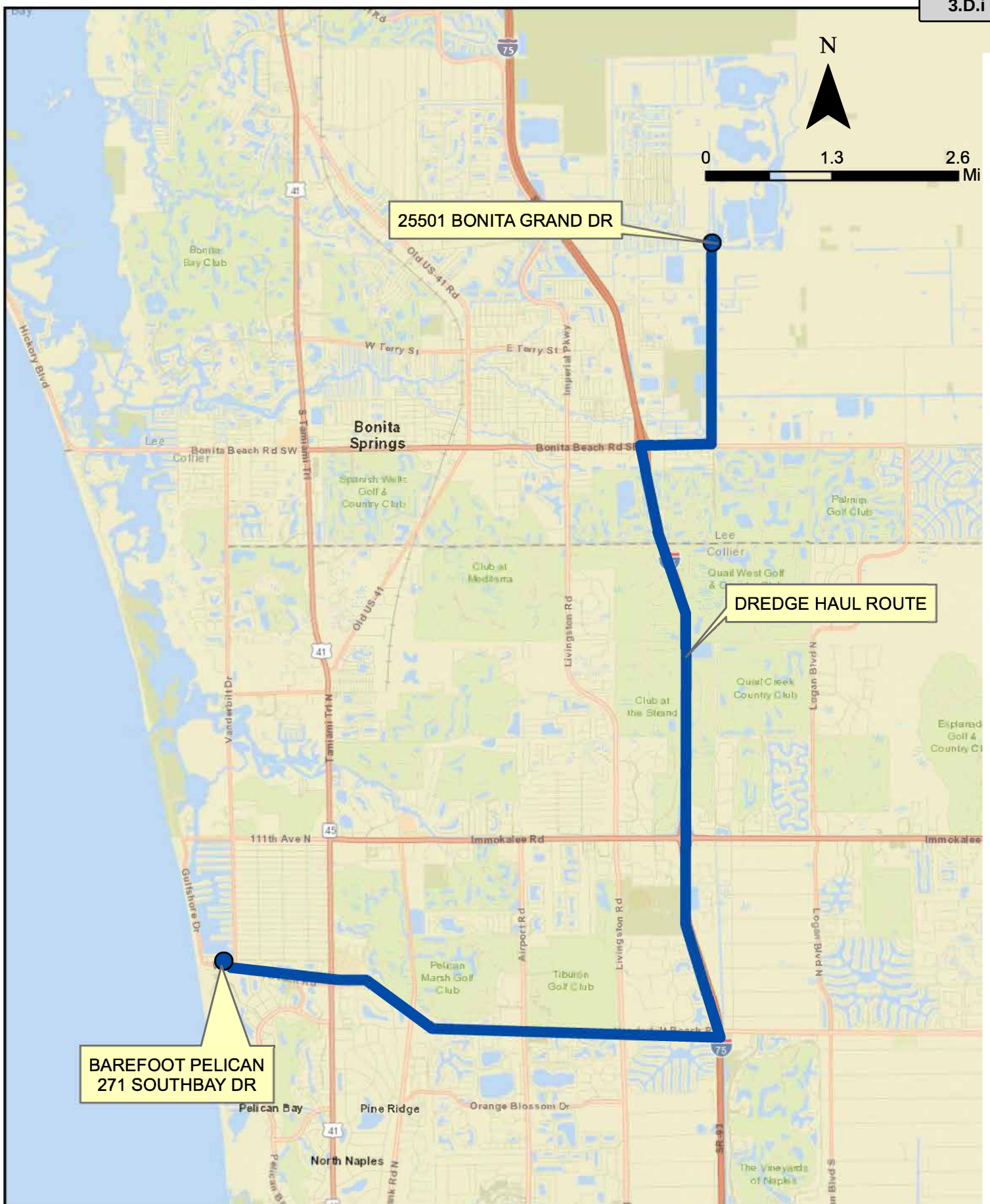
BAREFOOT PELICAN SPOIL AND TURBIDITY DETAILS

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

DESIGNED:	JR	CHECKED BY:		DATE:		CHK BY:		CHANGED:	
DRAWN BY:	JJH	1.	-	-	-	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-	-	-	-
SHEET NO.:	08 OF 08	4.	-	-	-	-	-	-	-
		5.	-	-	-	-	-	-	-

SECTION-32 TOWNSHIP- 25S RANGE- 48E

Packet Pg. 282



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3484 Exchange Ave. Suite B, Naples, FL 34104-3732

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

BAREFOOT PELICAN DREDGE HAUL MAP

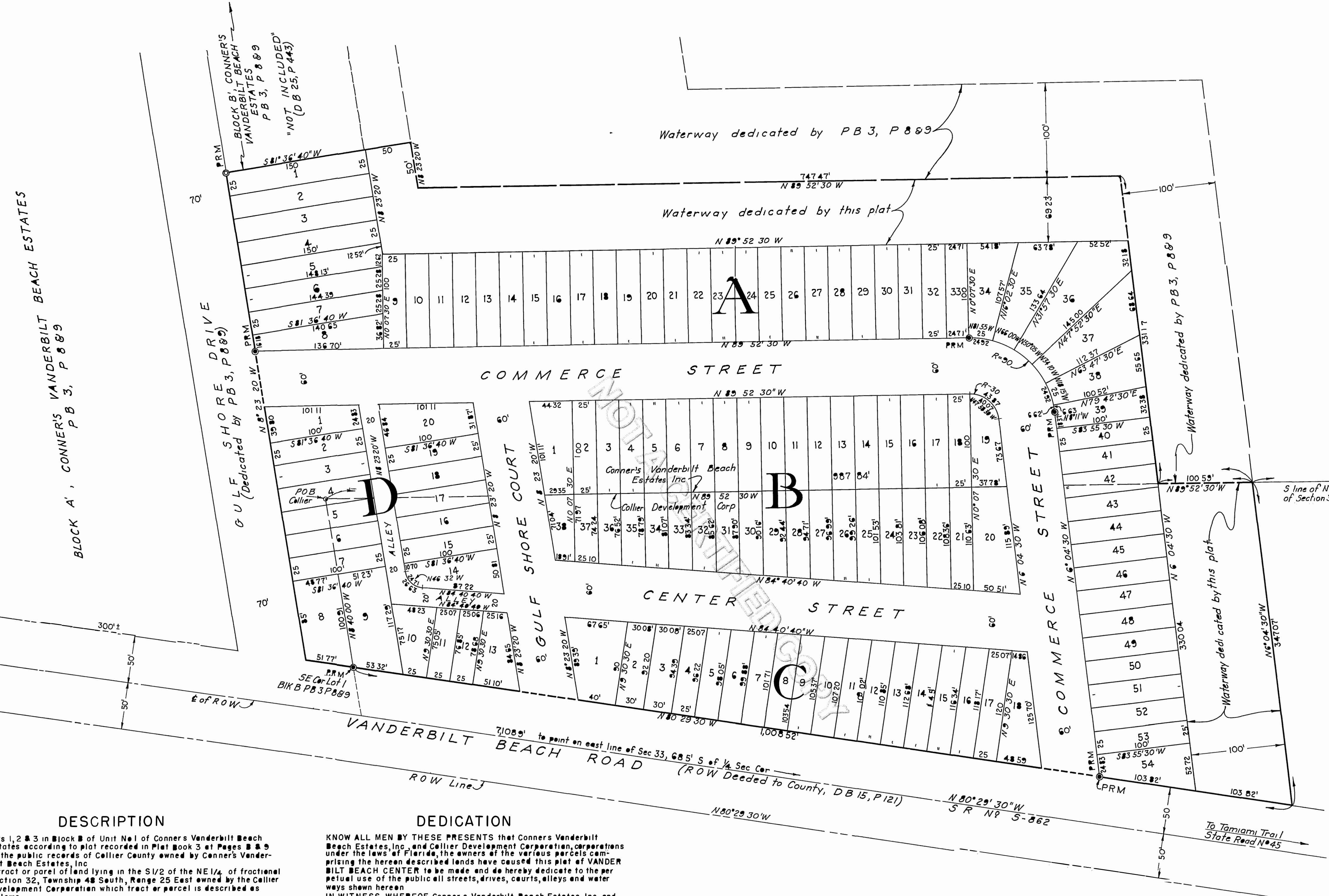
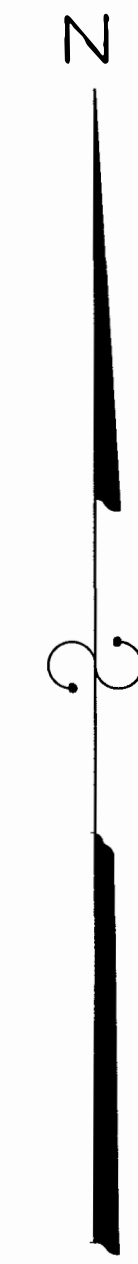
DRAWN BY:	RMJ	REVISION:	SCALE: 1"=1.3 mi
CREATED:	04-24-23	N/A	FILE PATH:
JOB NO.:	0038.05	N/A	P:\0038.05 Barefoot Pelican.docx
SHEET:	01 OF 01	N/A	GIS\0038.05_Haul_Spoil_Map.mxd

Resolution No. 2021-47
Vacate County & Public Interest in Gulf Shore Court
2017 Alley in Bk. D & Part of Center St.
Recorded 03/15/2021 OR 5808 PG 680-686
Plat Book 3 Page 16

RESOLUTION NO. 94-61
RESOLVED: COMMENCE STREET TO SOUTHWEST CORNER
LOCATED IN VANDERBILT BEACH
RECORDED 2/10/94, OR 1513 PG 1134
PLAT BOOK 3 PG 16

VANDERBILT BEACH CENTER

A SUBDIVISION IN
SECTION 32, T48S, R25E
Scale 1" = 60' January, 1954



DESCRIPTION

Lots 1, 2 & 3 in Block B of Unit No. 1 of Connors Vanderbilt Beach Estates according to plat recorded in Plat Book 3 at Pages 8 & 9 of the public records of Collier County owned by Connors Vanderbilt Beach Estates, Inc.
A tract or parcel of land lying in the S1/2 of the NE1/4 of fractional Section 32, Township 48 South, Range 25 East owned by the Collier Development Corporation which tract or parcel is described as follows:
Beginning at the northeast corner of said Lot 1, Block B of Connors Vanderbilt Beach Estates run easterly along the north line of said S1/2 of the NE1/4 for 987.84' thence run southeasterly to a point on the north line of the County Road (now State Road No. S-862) right-of-way conveyed by deed recorded in Deed Book 15 at Page 121 of the public records of Collier County which point is 1,008.52' south easterly along said right-of-way line from the southeast corner of said Lot 1, Block B, thence run northwesterly for 1,008.52' along said right-of-way line to said southeast corner, thence run north westerly along the east line of said Lot 1 for 182.36' to the point of beginning.

NOTES

PRM's are 4"x4"x24" or larger Concrete Monuments.
Both chord and arc distances are shown on curved lines with chord bearing.
Bearings are true from traverse ties to true bearing by S.R.D. on 6' Tamiami Trail.
Bearings are on basis adjusted traverses on Naples Park Plats and Unit No. 2 CONNERS VANDERBILT BEACH ESTATES which differ from those on Unit No. 1 of C.V.B. Est. by 0°01'10" = 1" = 1"

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Connors Vanderbilt Beach Estates, Inc., and Collier Development Corporation, corporations under the laws of Florida, the owners of the various parcels comprising the herein described lands have caused this plat of VANDERBILT BEACH CENTER to be made and do hereby dedicate to the perpetual use of the public all streets, drives, courts, alleys and water ways shown herein.
IN WITNESS WHEREOF Connors Vanderbilt Beach Estates, Inc. and Collier Development Corporation have each caused this dedication to be signed in its name by its vice president and its corporate seal to be affixed, attested by its Assistant Secretary this 5th day of January, A.D. 1954.

CONNERS VANDERBILT BEACH ESTATES

By [Signature]
Vice President
Attest [Signature]
Assistant Secretary

COLLIER DEVELOPMENT CORPORATION

By [Signature]
Vice President
Attest [Signature]
Assistant Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day before me personally appeared Barren Collier, Jr. and Paul Cooke respectively Vice President and Assistant Secretary of the Collier Development Corporation, 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 uses 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 5th day of January, A.D. 1954.

Beatrice Wiggins
Notary Public, State of Florida at Large
My Commission expires Feb. 3, 1955

STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day before me personally appeared C. B. Conner and Don S. Akers respectively Vice President and Assistant Secretary of Connors Vanderbilt Beach Estates, 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 uses 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 5th day of January, A.D. 1954.

Robert J. Benson
Notary Public, State of Florida at Large
My Commission expires March 18, 1955

APPROVALS

This plat approved this 5th day of January, A.D. 1954 in open meeting of the Board of County Commissioners of Collier County, Florida:

Approved [Signature] Chairman
[Signature] Clerk

I HEREBY CERTIFY that this plat of VANDERBILT BEACH CENTER has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 3 P.M. this 2nd day of February, A.D. 1954 and duly recorded in Plat Book 3, on Page 16 of the public records of Collier County, Florida.

[Signature]
Clerk of Circuit Court in and for Collier County, Florida

I hereby certify that this plat of VANDERBILT BEACH CENTER is a true and correct representation of a recent survey made and plotted under my direction and that permanent reference monuments (PRM's) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

[Signature]
Reg. Land Surveyor, Fla. Cert. No. 351
Ft. Myers, Florida

Evaluation Criteria:

1. The alteration, expansion, or replacement will not increase the density of the parcel or lot on which the nonconforming single-family dwelling, duplex, or mobile home is located.

The current land use is a multi-family (condominium) residential development with 60 dwelling units, an accessory pool and spa, and an accessory private marina with 44 boat slips, which were constructed in ±1984 per the Collier County Property Appraiser's records. The proposed project consists of: (a) replacing the existing seawall along 625 linear feet of shoreline on Vanderbilt Lagoon; (b) modernizing and reconfiguring the existing docks to accommodate full length finger piers and install 44 boatlifts; and (3) to reconfigure the existing pool and spa within the same general area as they exist currently, but in a manner that will increase the setback from the East and North sides of the Condominium Property.

These structures are legally non-conforming and exist on subject property today. The proposed alterations will not increase the density or alter the existing land uses of the subject property. The applicant just wants to modernize its facilities with approval from Collier County.

2. The alteration, expansion, or replacement will not exceed the building height requirements of the district most closely associated with the subject nonconforming use;

The proposed project is to modernize the existing docks, shoreline, and upland pool/spa layout. The proposed project will not result in any height increases.

3. The alteration, expansion, or replacement will not further encroach upon any nonconforming setback;

The proposed modernization of the docks and shoreline will maintain the existing setbacks being 0-feet on the SE riparian line and 5-feet from the NW riparian line. As to the proposed reconfigured pool and spa, setbacks will be increased on the East and North sides of the Condominium Property. No further encroachments are proposed.

4. The alteration, expansion, or replacement will not decrease or further decrease the existing parking areas for the structure;

No, there will not be a decrease in parking areas as a result of the proposed project.

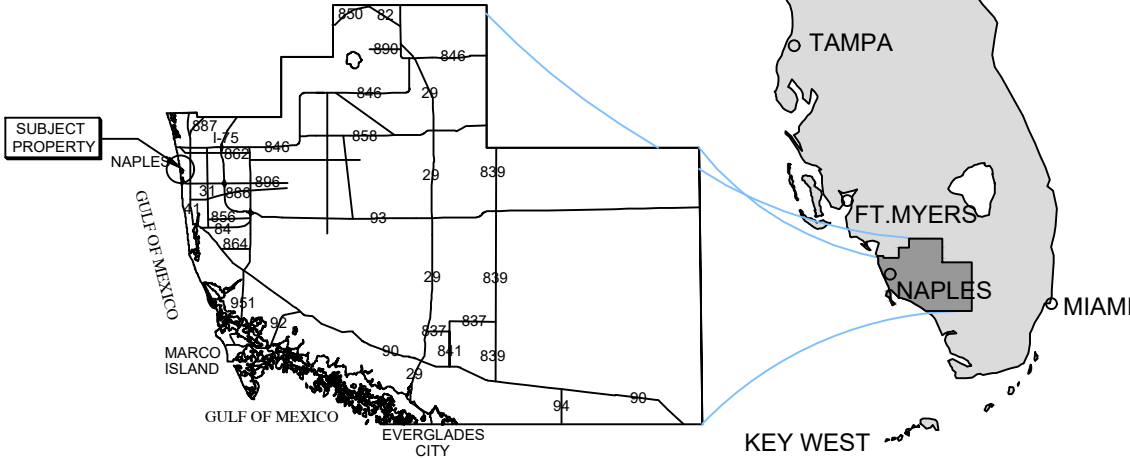
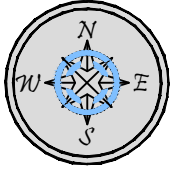
5. The alteration, expansion, or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future development of the surrounding properties; and

6. The alteration, expansion, or replacement will not present a threat to the health, safety, or welfare of the community or its residents.

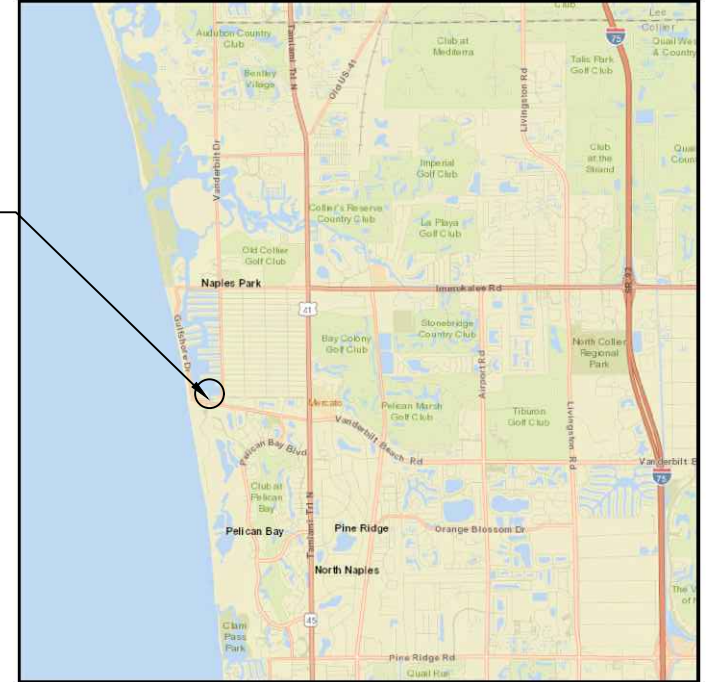
No, the proposed project consists of modernizing the existing shoreline and docking facility which has been in place since at least 1984, will not damage the character of quality of the neighborhood or hinder the future development of surrounding properties, nor present a

threat to the health, safety, or welfare of the public. The proposed square footage over water for the marina reconfiguration is being reduced from 3,792 sf to 3,064 sf, as already detailed in the pending BDE/SDPI applications. The proposed marina reconfiguration has already been approved by the Florida Department of Environmental Protection ("FDEP"), and the corresponding federal approval from the United States Army Corps of Engineers ("USACE") is forthcoming. The pilings are existing and the Applicant is not expanding beyond those and its request, if approved, will not result in an impediment to navigation. The proposed pool and spa reorientation increases setbacks on the East and North sides of the Condominium Property, as compared to the original pool and spa design.

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

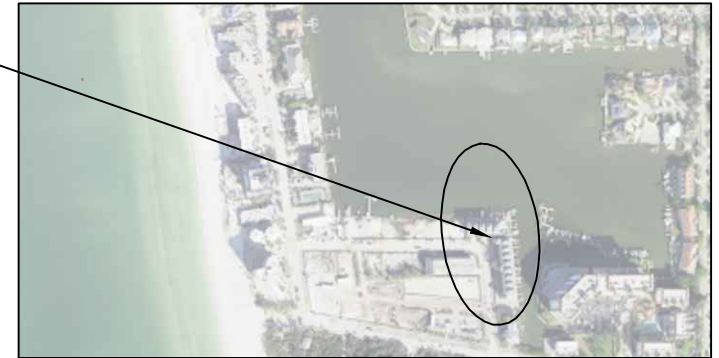
<> 271 SOUTHBAY DR
NAPLES, FL 34108

<> LATITUDE: N 26.254384
<> LONGITUDE: W -81.819137

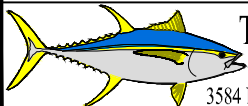
NOTES:

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

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

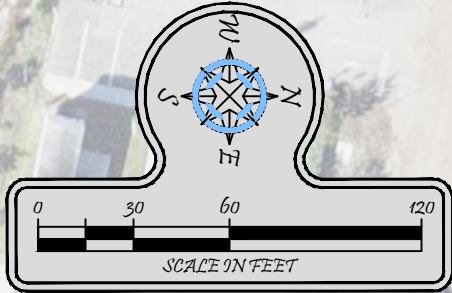
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN LOCATION MAP

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

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ALL SHEETS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ALL SHEETS
JOB NO.:	0038.05	3.	RMJ	04-10-24	JR	SHEETS 02 & 07
SHEET NO.:	01 OF 14	4.	-	-	-	-
		5.	-	-	-	-

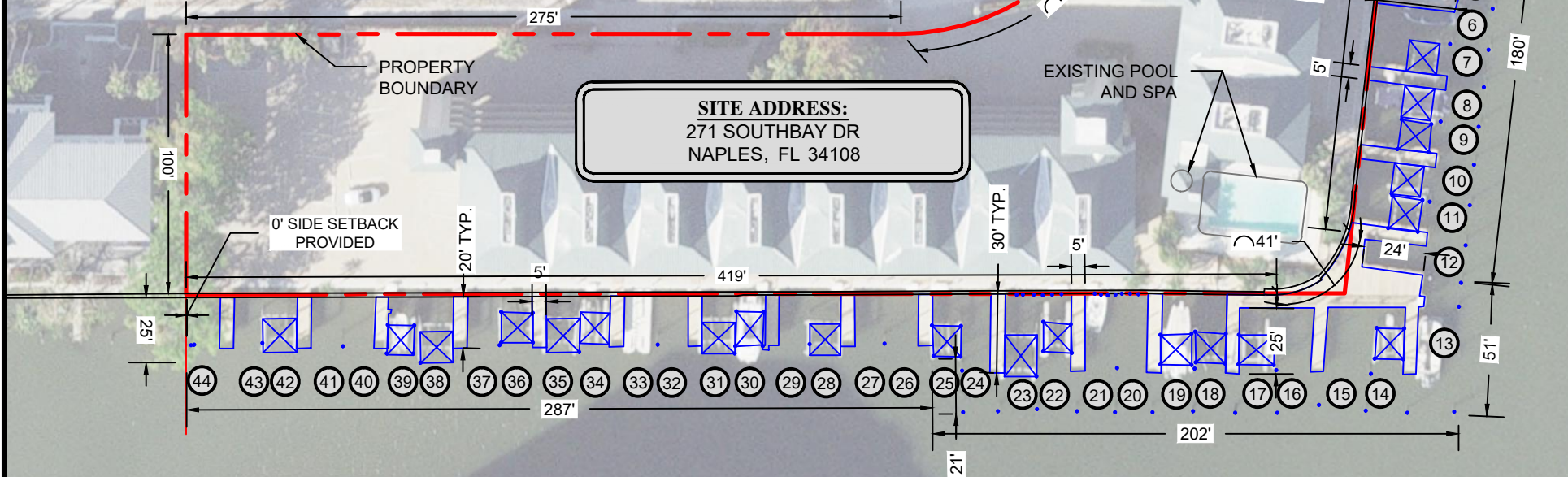
SECTION- 32 TOWNSHIP- 48 S

**NOTES:**

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
- MLW (NAVD)= -1.31"
- MHW (NAVD)= +0.30"

SLIP #	SLIP SIZES LENGTH X WIDTH
1	44.5' X 10.3'
2	44.4' X 12.1'
3	44.4' X 12.7'
4	44.6' X 12.6'
5	44.6' X 12.4'
6	44.5' X 12.5'
7	44.5' X 12.2'
8	44.6' X 12.6'
9	44.6' X 12.2'
10	44.5' X 12.6'
11	44.5' X 12.2'
12	38.9' X 10.9'
13	40.5' X 15.8'
	"GUEST SLIP"
14	39.9' X 14.4'
15	39.9' X 16.3'
16	40.3' X 12.6'
17	40.3' X 14.6'
18	45.1' X 12.4'
19	45.1' X 12.4'
20	45.8' X 11.3'
21	45.8' X 12.3'
22	45.0' X 12.8'

SLIP #	SLIP SIZES LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
	25.5' X 11.8'
26	25.0' X 12.8'
27	25.0' X 11.4'
28	25.0' X 11.8'
29	25.0' X 12.0'
30	25.0' X 11.0'
31	25.0' X 12.3'
32	25.0' X 11.6'
33	25.0' X 13.2'
34	25.0' X 12.3'
35	25.0' X 11.6'
36	25.0' X 12.4'
37	25.0' X 12.7'
38	25.0' X 12.8'
39	25.0' X 12.1'
40	25.0' X 11.8'
41	25.0' X 12.4'
42	25.0' X 12.3'
43	25.0' X 11.8'
44	25.0' X 9.6'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN

EXISTING CONDITIONS WITH SLIP MATRIX

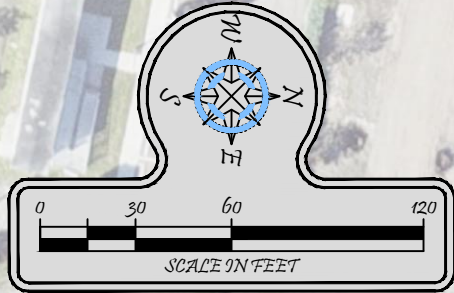
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADJUSTED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADJUSTED DIMENSIONS
JOB NO.:	0038.05	3.	RMJ	04-10-24	JR	REV SLIP MATRIX
SHEET NO.:	02 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

Packet Pg. 288



NOTES:

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- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
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- APPLICANT OWNED SHORELINE (APPX LF): 625'
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- TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

PROPERTY
BOUNDARY

EXISTING POOL
AND SPA

WIDTH OF
WATERWAY

750'

752'

100.4'

56'

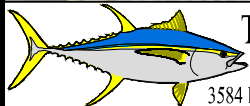
102.8'

71'

46'

69'

73'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN

EXISTING CONDITIONS - WIDTH OF WATERWAY

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

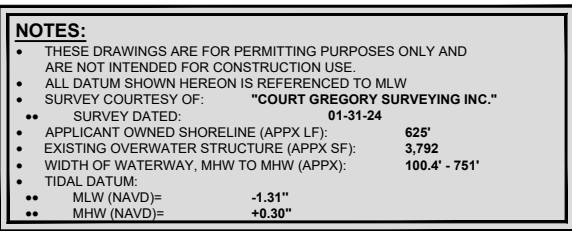
DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	03 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

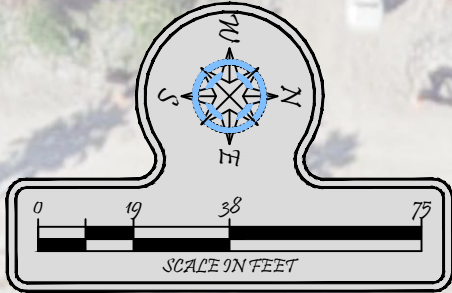
Packet Pg. 289

3.D.i



DESIGNED:	JR	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	04 OF 14	4.	-	-	-	-
SECTION- 32		TOWNSHIP- 48 S				

P:\0308.05 Barefoot Pelican.docx\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg EXISTING CONDITIONS SOUTH-DEPTHS 4/10/2024



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 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"

PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

RIPARIAN LINE

Attachment: Attachment H - NUA PL20240006168 Backup Package Rev1 (29647 : PL20240006168 NUA



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Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

BAREFOOT PELICAN

EXISTING CONDITIONS SOUTH-DEPTHS

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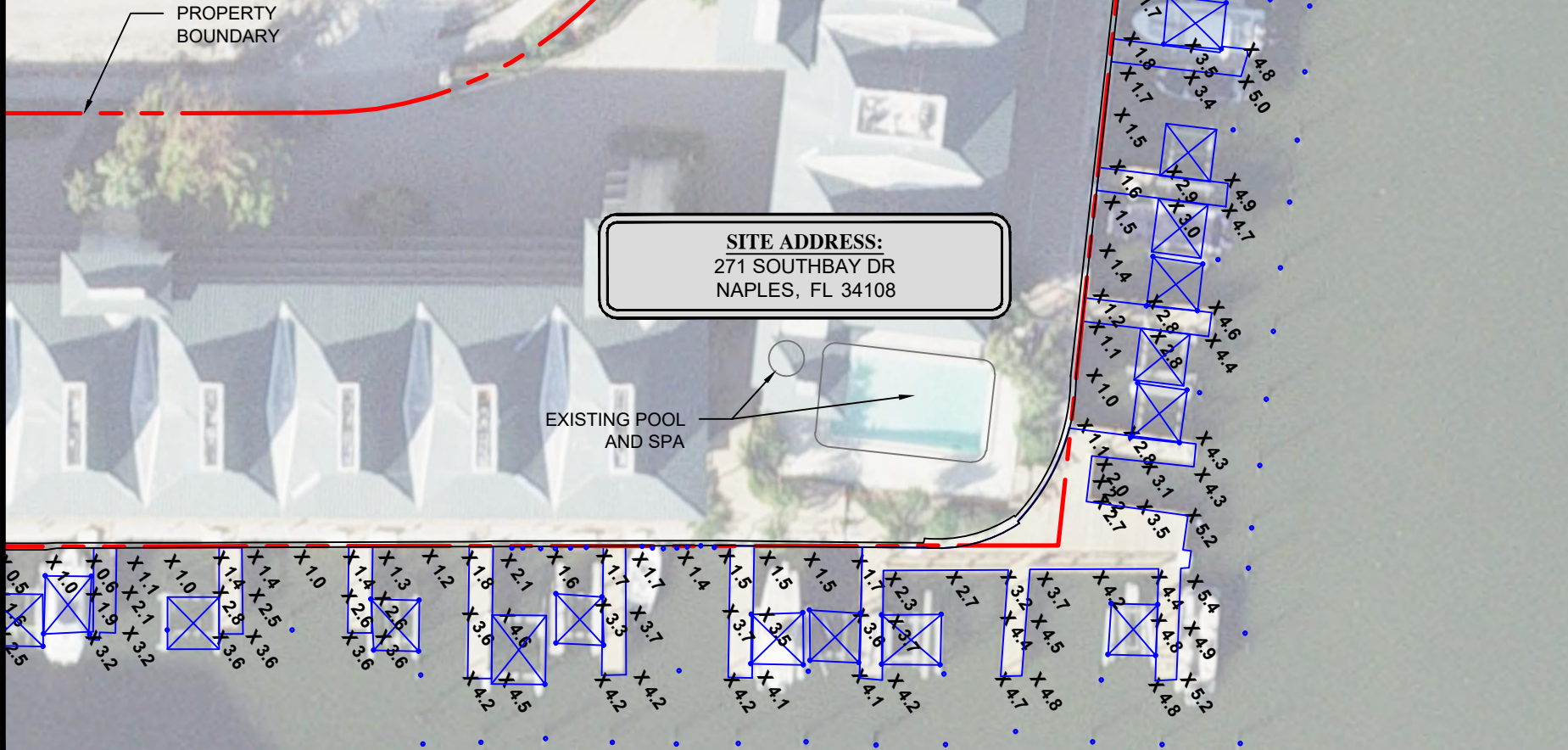
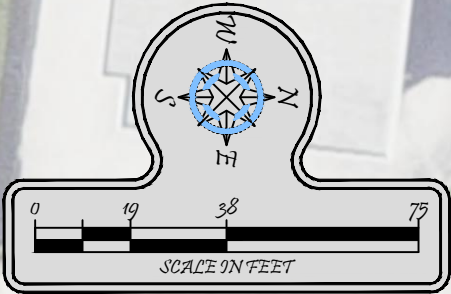
DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGES:
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	REVISED TITLE
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED SLIP NUMBERS, ADDED LABEL
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	05 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 Barefoot Pelican.dwg PL20240006168 Backup Package Rev1 4/10/2024

NOTES:

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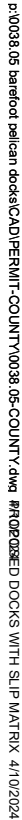
Turrell, Hall & Associates, Inc.
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3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN EXISTING CONDITIONS NORTH-DEPTHS

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

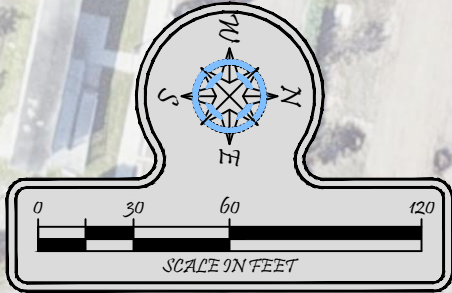
DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	REVISED TITLE
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED SLIP NUMBERS, ADDED LABEL
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	06 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



		REV#	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	NP	1.	RMJ	02-08-24	JR	REVISED DIMENSIONS
DRAWN BY:	RMJ	2.	RMJ	04-10-24	JR	REV. SLIPS AND MATRIX
CREATED:	05-24-23	3.	-	-	-	-
JOB NO.:	0038.05	4.	-	-	-	-
SHEET NO.:	07 OF 14	5.	-	-	-	-

P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg, PLOTTED DOCS - WIDTH OF WATERWAY 4/10/2024



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 71'

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

PROPERTY
BOUNDARY

EXISTING POOL
AND SPA

WIDTH OF
WATERWAY

3.D.i

WIDTH OF
WATERWAY

748'

750'

71'

100.4'

49'

102.8'

76'

71'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN PROPOSED DOCKS - WIDTH OF WATERWAY

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
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SHEET NO.:	08 OF 14	4.	-	-	-	-
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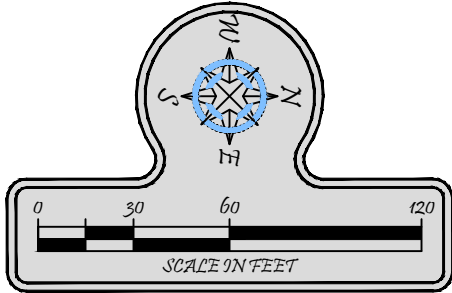
SECTION- 32

TOWNSHIP- 48 S

Packet Pg. 294

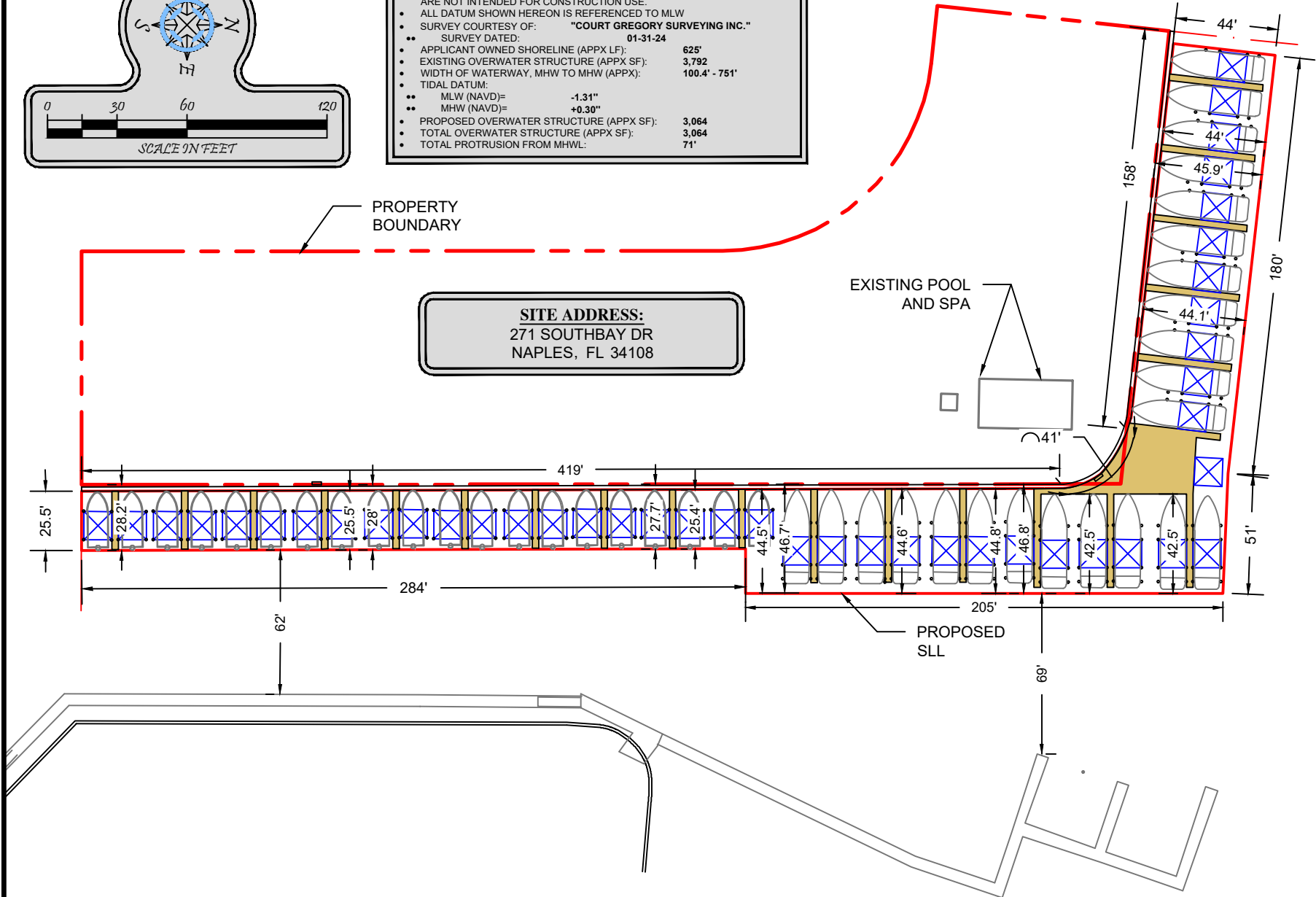
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P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308-05-COUNTY.dwg P:\0308.05 DOCKS WITH SLL 4/10/2024



NOTES:

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
- MLW (NAVD)= -1.31"
- MHW (NAVD)= +0.30"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 71'



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BAREFOOT PELICAN **PROPOSED DOCKS WITH SLL**

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

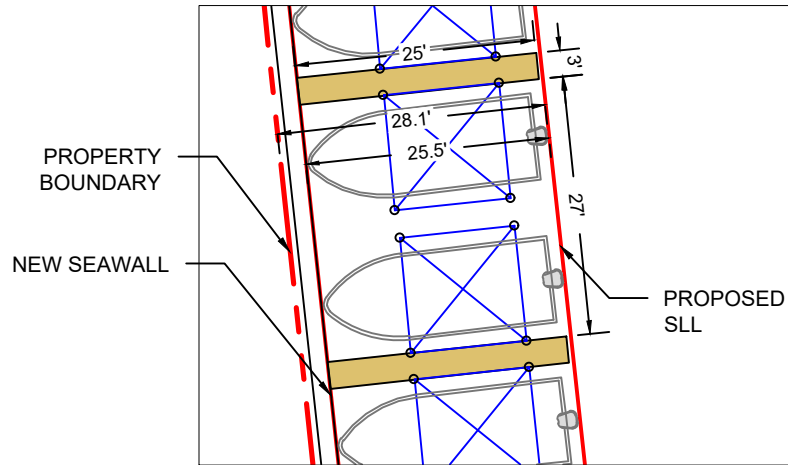
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SECTION- 32

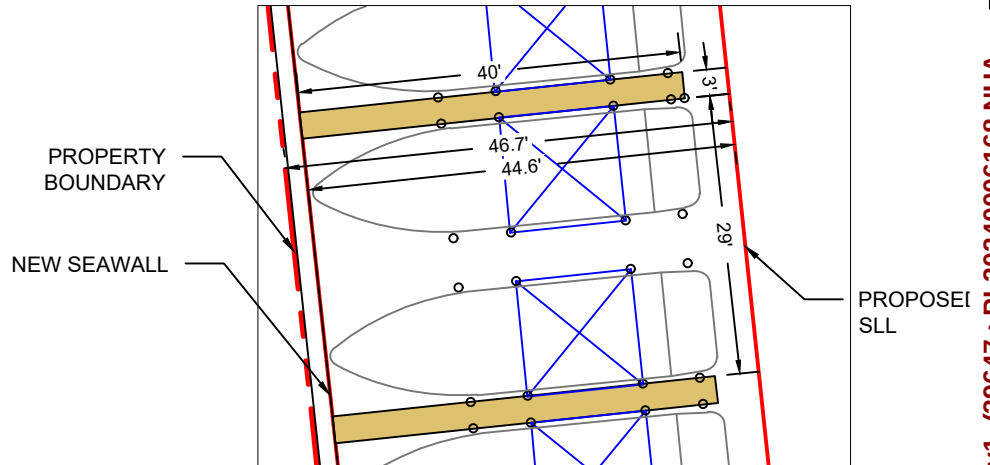
TOWNSHIP- 48 S

Packet Pg. 295

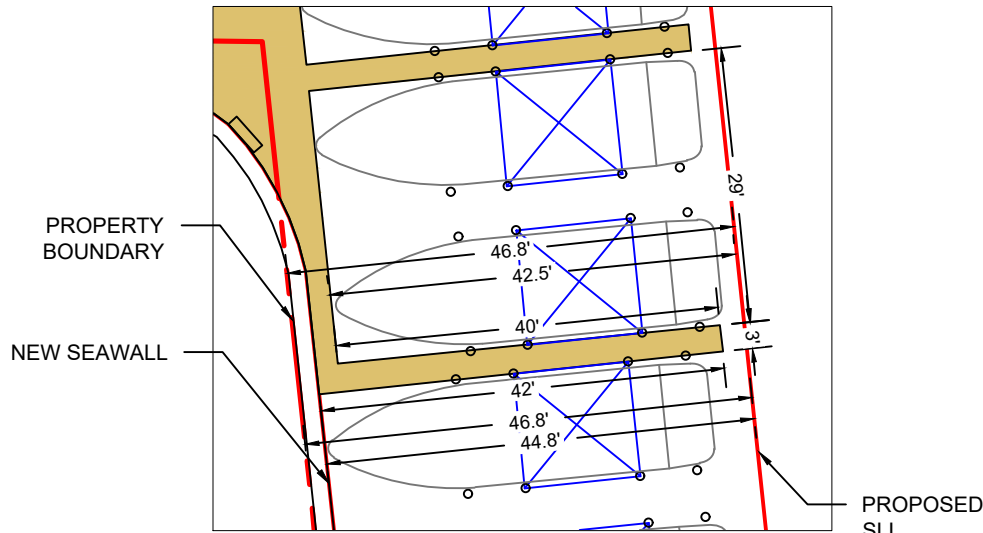
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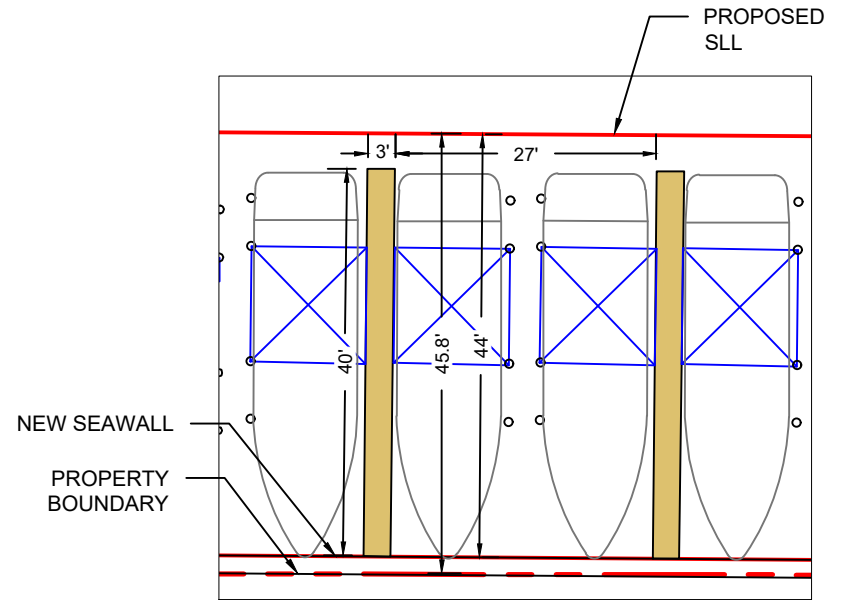
A-DOCKS DETAIL
SCALE: 1" = 20'



B-DOCKS DETAIL
SCALE: 1" = 20'



C-DOCKS DETAIL
SCALE: 1" = 20'



E-DOCKS DETAIL
SCALE: 1" = 20'



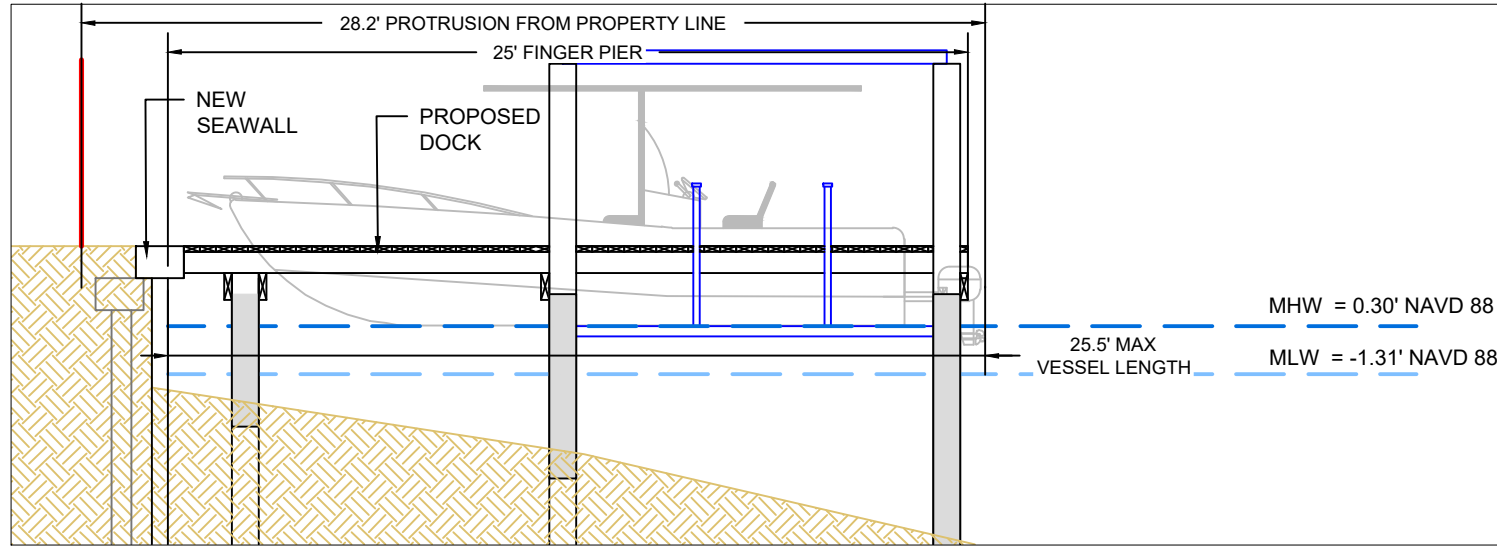
Turrell, Hall & Associates, Inc.
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3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN **PROPOSED DOCKS DETAILS**

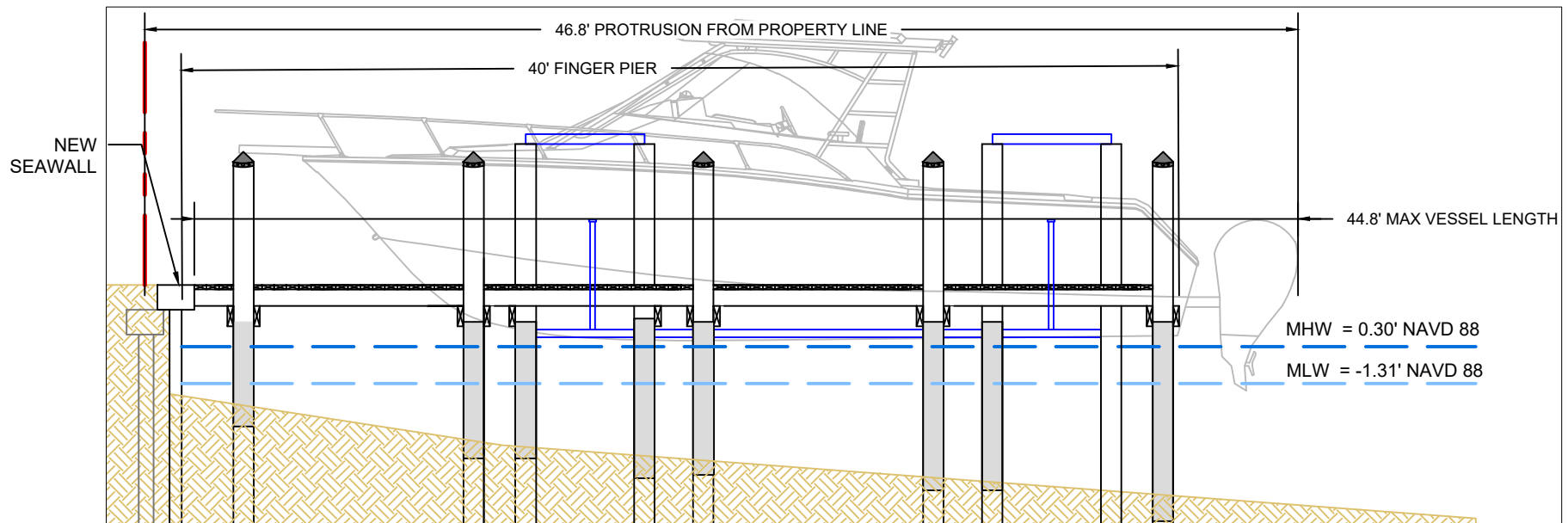
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JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	10 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



TYPICAL CROSS SECTION AA
SCALE: 1" = 6'



TYPICAL CROSS SECTION BB
SCALE: 1" = 6'



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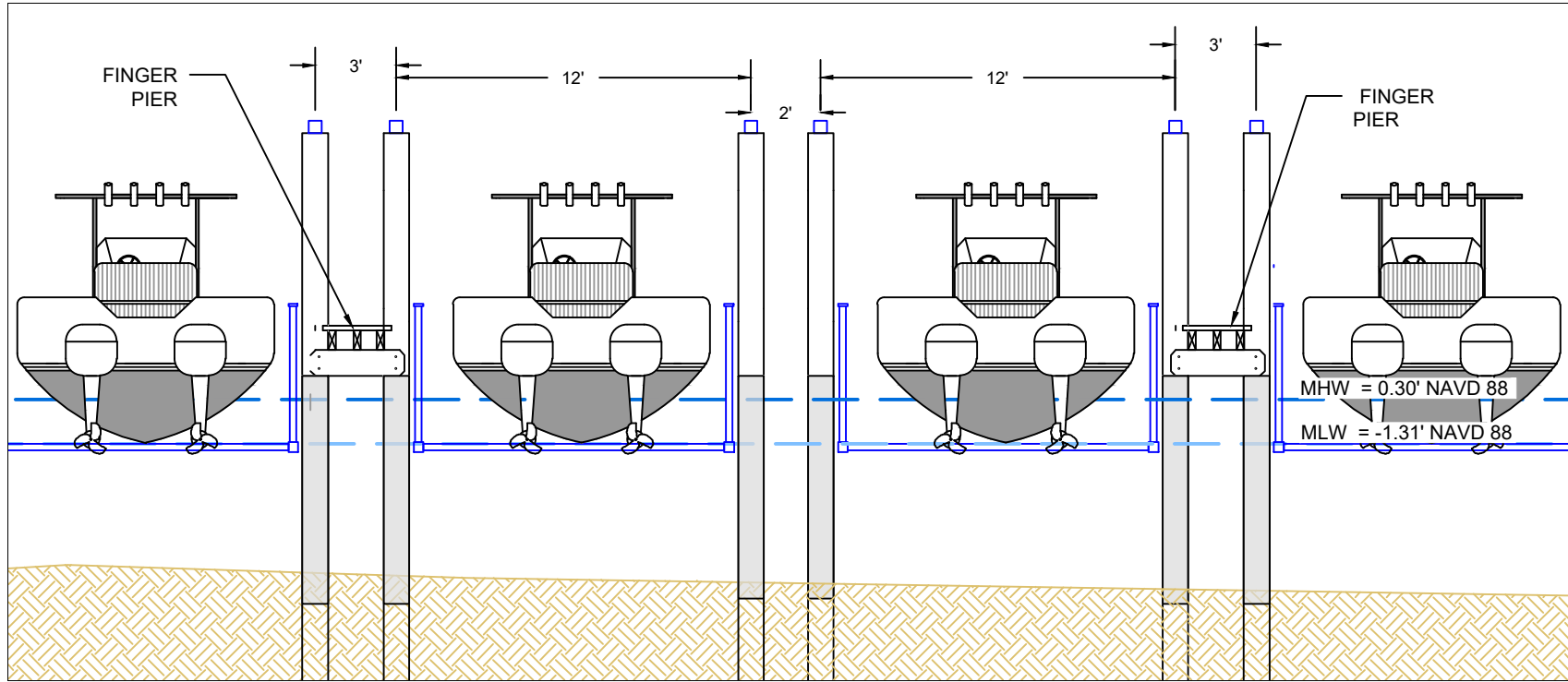
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN **TYPICAL CROSS SECTION**

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADDED PROTRUSION DIM
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADJUSTED DIMENSIONS
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	11 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



TYPICAL CROSS SECTION CC

SCALE: 1" = 6'



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BAREFOOT PELICAN

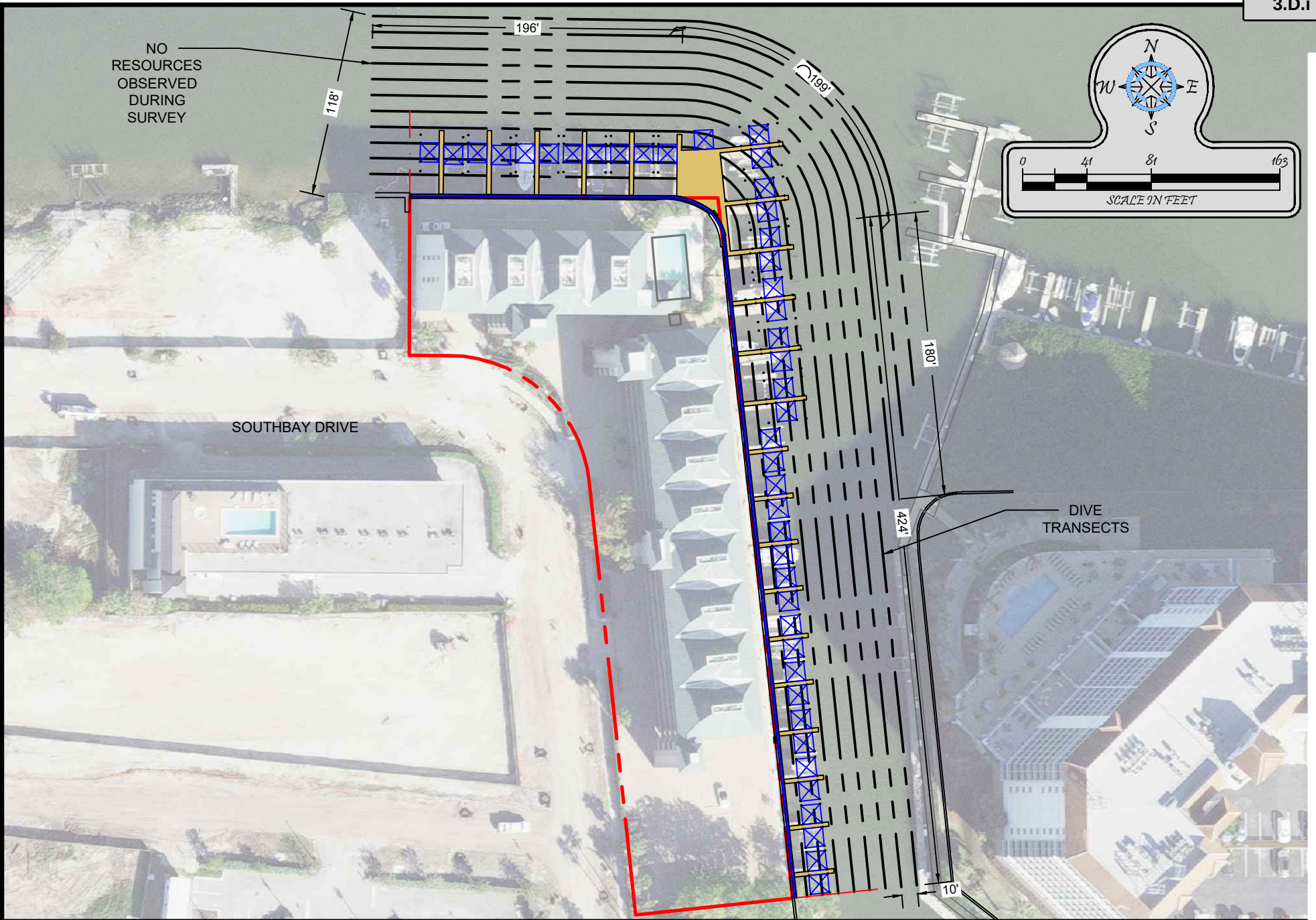
TYPICAL CROSS SECTION 2

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

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DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	MOVED LIFTS TO MLW
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED NOTE
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	12 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

D:\0038.05 Barefoot Pelican.dwg CAD PERMIT COUNTY\0038.05-COUNTY.dwg SUBMERGED RESOURCE SURVEY TRANSECT MAP 4/10/2024



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

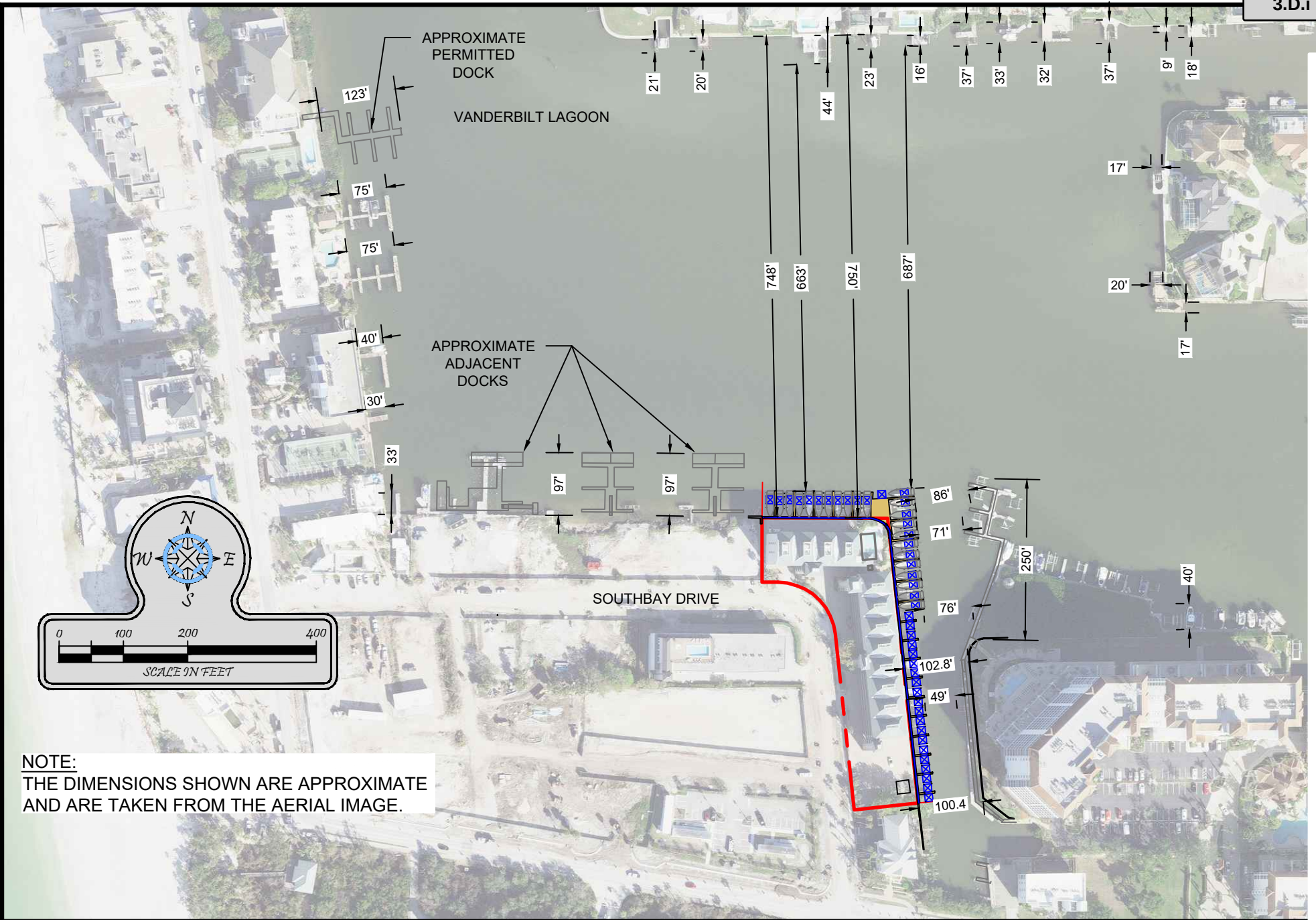
BAREFOOT PELICAN **SUBMERGED RESOURCE SURVEY TRANSECT MAP**

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

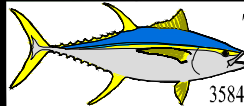
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DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	REVISED TITLE
CREATED:	05-24-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	13 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

p:\0038.05 barefoot pelican docks\CAD\PERMIT-COUNTY\0038-05-COUNTY.dwg ADJACENT DOCKS & WIDTH OF WATERWAY 4/10/2024



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE
AND ARE TAKEN FROM THE AERIAL IMAGE.



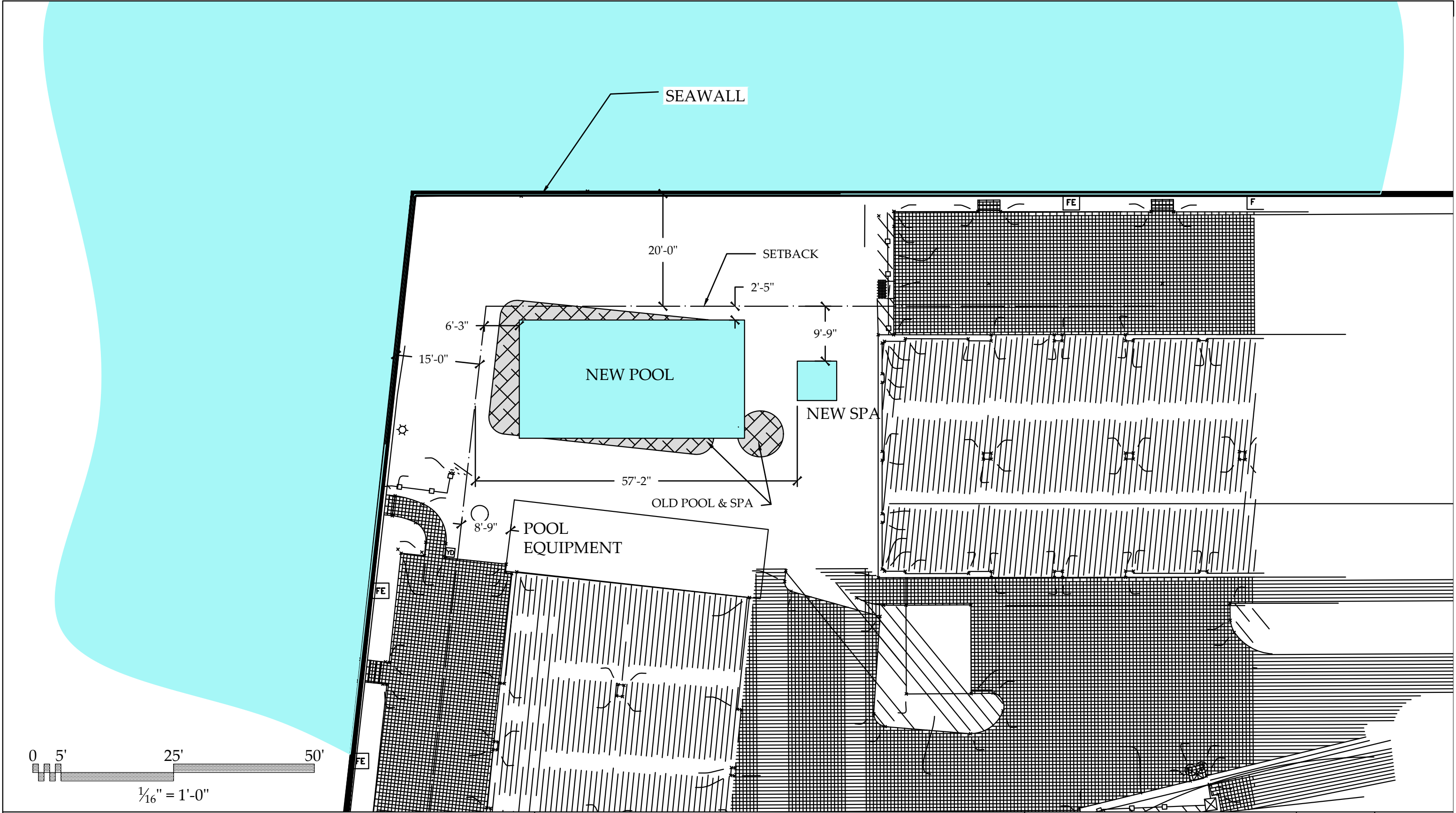
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN ADJACENT DOCKS & WIDTH OF WATERWAY

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADDED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADDED DIMENSIONS
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	14 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



UNIQUE AQUATIC DESIGN INC.
COA# 32440
2014 WEST BEAVER ST.
JACKSONVILLE FL, 32209
PH. (904) 647-2026
MAIL@UAD-ENG.NET

PROJECT NAME

BARE FOOT PELICAN

POOL SET BACK

DRAWN BY	T.C.
SCALE	1/16" = 1'-0"
DATE	1-18-24
SHEET	1 OF 1

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CURVE	LENGTH	RADIUS	CH BEAR	CH	DEL
C1	87.76	60.00	N47°58'26"W	80.14	83°48'21"
C2	131.64	90.00	N47°58'26"W	120.22	83°48'21"
C3	41.62	25.91	N46°13'36"W	37.29	92°02'33"

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE SURVEY OF THE SEVERAL LOTS OF LAND AS SHOWN IN CONDOMINIUM BOOK 3 PAGE 16 OF COLLIER COUNTY, BEING NORTH 09° 04' 30" WEST 100' 00" WIDE, BEING THE SAME AS SHOWN ARE NOT A PART OF THIS SURVEY.

3. SAID DESCRIBED LAND IS SUBJECT TO ALL SUBJUNCTION AND EASEMENTS, RESTRICTIONS, ZONING AND RIGHTS-OF-WAY OF RECORD.

4. DATE OF FIELD SURVEY JANUARY 31, 2024

5. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND SEAL OF THE SURVEYOR AND THE SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR ANY PART THEREOF BY ANY OTHER PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

6. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OBSTRUCTIONS OR CONDITIONS THAT COULD BE AFFECTED BY ANY USE OR DEVELOPMENT OF THIS PROPERTY.

7. ELEVATIONS SHOWN ARE BASED ON N.A.D. DATUM OF 1983. THE ELEVATION OF THE BENCHMARK (BM) IS 128.56 FEET (PENALTY) AT CURVE IN ROAD NORTH ELEVATION = +38.26

8. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SURVEYED LOTS AND THE UNLAWFULLY PLATTED PROPERTY LINES OF THE SUBJECT PROPERTY.

9. NO TRUE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY IS MADE BY THIS SURVEYOR. THE SURVEYOR IS NOT BOUND BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, ETC. OF RECORD (KNOWN OR UNKNOWN OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR.

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SEC 472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENT FREEDOM OF ENCUMBRANCES.

SIGNED _____
COURT H. GREGORY PSM #6004
DATE 02/01/2024
DATE OF FIELD SURVEY 01-31-2024

LEGEND

Q = FOUNDT (?) IRON ROD (SURVEYOR ID) # (R)
 S = SET 1/2" IRON ROD (PSM #6000) BUSH CATV-CABLE TV
 F = F 1/4" CONCRETE FOUNDT (SURVEYOR ID) # (F)
 M = FOUND MOUND (SURVEYOR ID) # (M)
 C = FOUND CONCRETE MOUND (SURVEYOR ID) # (C)
 B = BENCHMARK (FOUND OR SET) R/W = RIGHT OF WAY/R.O.C.
 F = FOUND NAIL OR PK NAIL AND DISC (SURVEYOR ID) # (F)
 S = SET PK NAIL AND DISC (PSM #6000) (SPK/MD) FD = FOUND MOUNTED FOUND NAIL AND DISC (PSM #6000) (SPK/MD) FD
 (W) FIELD MEASUREMENT C = CALCULATED MEASUREMENT
 P.C.P. = PERMANENT CONTROL POINT (P.C.P. = CENTERLINE
 POINT (P) OR D = PLANT OR RECORDED/DRAWN MEASUREMENT
 L.P.C. = LINE POINT (L.P.C. = CENTERLINE POINT (P) OR D)
 CMP = CORRUGATED METAL PIPE
 U = FINISHED FLOOR U.T.S = UNITED TELEPHONE RISER
 C.C. = CONCRETE CURB C.C. = CONCRETE CURB
 W = WATERGATE VALVE R.C.P. = REINFORCED CONCRETE PIPES
 S = SANITARY SEWER PROP. - PROPERTY X = SPOT ELEVATION
 T = TOP OF BANK TOS = TOP OF SLOPE EDGE = EDGE OF WATER
 B = BENCH MARK B = BENCH MARK
 C = CISE-CONCRETE CURB & STUCCO V.V. = VALLEY GUTTER
 ELEC = ELECTRIC TRANSFORMER JAC = JACOZZI
 JAC = JACOZZI JAC = JACOZZI
 LSC = LANDSCAPE BUFFER EASEMENT I.E. = IRIG. EASEMENT
 PUB = PUBLIC UTILITY EASEMENT U.E. = UTILITY EASEMENT
 L.M. = LAKE MAINTENANCE EASEMENT L.E. = LAKE MAINTENANCE EASEMENT
 L.M. = LAKE MAINTENANCE EASEMENT A.E. = ACCESS EASEMENT
 N.M. = APPROXIMATE MEASUREMENT

(239)643-7845 office Date 02/01/2024
cgs6004@comcast.net Job # VB20074Mz
(239)272-3707 cell Fb VB-5 Pg 60

**THE BAREFOOT PELICAN CONDOMINIUM
271 SOUTH BAY DR.
NAPLES, FL 34108**

**SUBMERGED RESOURCE SURVEY REPORT
OCTOBER 2021**

PREPARED BY:

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

Table of Contents

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

1 Introduction

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at the Barefoot Pelican Condominium, at 271 Southbay Dr. in Naples, FL 34108. This survey will provide planning assistance to both the property owners and regulating agencies during any review processes for the proposed project, which consists of reconfiguring the docks on site with a like number of slips.

The subject property consists of 1.3 acres of uplands that can be found at the southern end of Vanderbilt lagoon, approximately 0.2 miles east of Vanderbilt beach. The parcel's uplands have been developed with a 60-unit condominium that was originally built in 1984. The property has approximately 625 linear feet of seawall shoreline and a 44-slip dock facility. The property is neighbored to the west by a multi-family residential property that is currently in development and to the south by a commercially-zoned property that is currently occupied by a real-estate brokerage office. The property is neighbored to the east and north open waterways (Vanderbilt lagoon). Many of the surrounding lots contain docking facilities and boatlifts similar to that which is proposed.

The SRS was conducted on October 4th, 2021 between approximately 3:00 and 5:00 p.m. Site conditions consisted of mostly clear skies. Water clarity was poor to fair for the area, allowing for submerged visibility of roughly 3 feet. The ambient air temperature was approximately 86 to 89 degrees Fahrenheit and wind speeds averaged 5 mph out of the north east. The average ambient water temperature was approximately 79 degrees Fahrenheit. High tide occurred prior to the site visit at approximately 12:16 p.m. and reached approximately 3.3 ft. above the mean low water mark. Low tide occurred following the site visit at approximately 6:54 p.m., reaching approximately 0.3 feet above the mean low water mark.

2 Objective

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

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

3 Methodology

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

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

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

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

4 Results

The substrate found within the surveyed area consists of silty mud with occasional shell debris. The substrate appeared consistent throughout the project site to the limits of the survey area. Depths increased gradually with distance from approximately 3 feet at the seawall to 7 feet at the limits of the survey area.

No mangroves or other natural shoreline are present at the project site. During the submerged portion of the survey, no seagrasses, oysters (besides scattered oyster debris found on the seawall, dock piles, and substrate), or other resources were observed in any capacity. Accordingly, no impacts to submerged resources are expected to occur as a result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

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

Common Name	Scientific Name
Atlantic sheepshead	<i>Archosargus probatocephalus</i>
Mangrove snapper	<i>Lutjanus griseus</i>
Eastern oyster	<i>Crassostrea virginica</i>
Common barnacle	<i>Balanus spp.</i>
Crowned conch	<i>Melongena corona</i>

5 Conclusion

The submerged resource survey was conducted and completed throughout the project site and the surrounding area and yielded no results besides oysters present on the existing seawall and dock piles. No mangroves, seagrasses or other resources were otherwise observed anywhere within the vicinity of the project site. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project.

6 Photos



Photo 1: View of seawall, docks, and waterway looking northeast.



Photo 2: View docks looking north across the main portion of Vanderbilt Lagoon.

The Barefoot Pelican Condominium
Submerged Resource Survey
October 2021



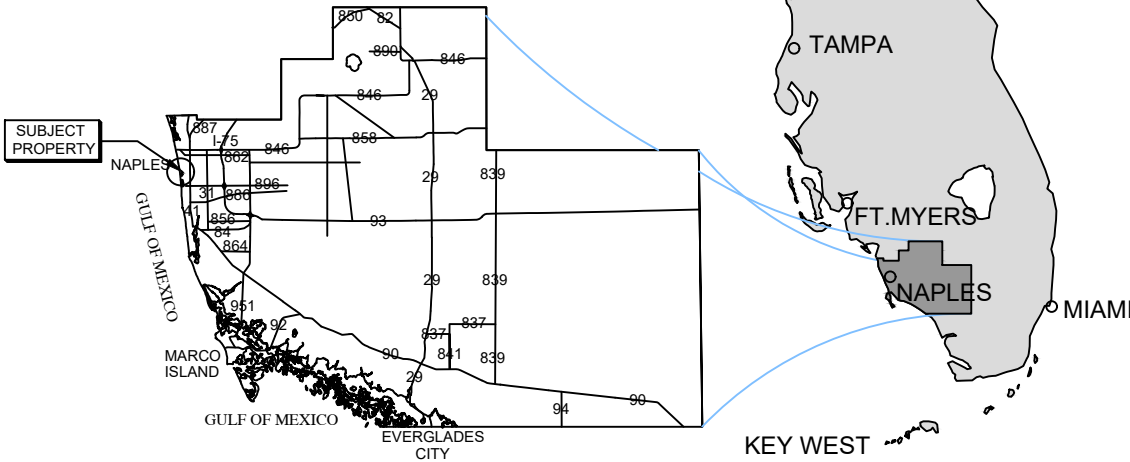
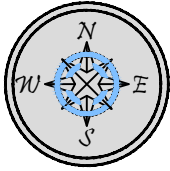
Photo 3: Typical view of submerged bottomlands found at the project site.



Photo 4: Typical consistency of sediments found at the project site.

P:\0308.05 Barefoot Pelican Docks\CAD\PERMIT-STATE\0308.05.dwg LOCATION MAP 4/26/2023

STATE OF FLORIDA



COLLIER COUNTY

SITE ADDRESS:

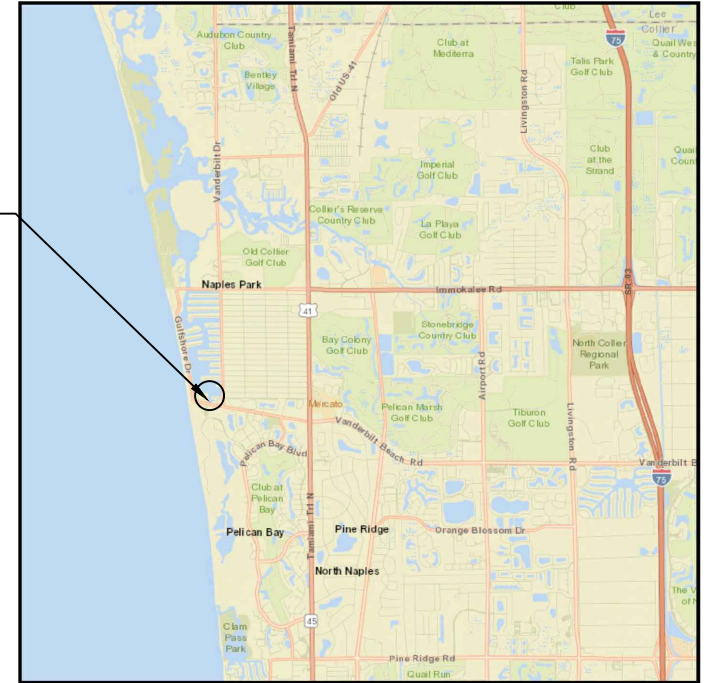
<> 271 SOUTHBAY DR
NAPLES, FL 34108

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<> LONGITUDE: W -81.819137

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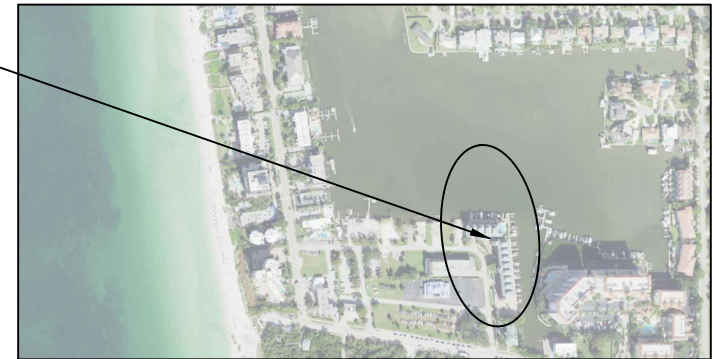
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.

SUBJECT
PROPERTY

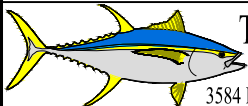


VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN LOCATION MAP

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DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-4-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	01 OF 02	4.	-	-	-	-
		5.	-	-	-	-

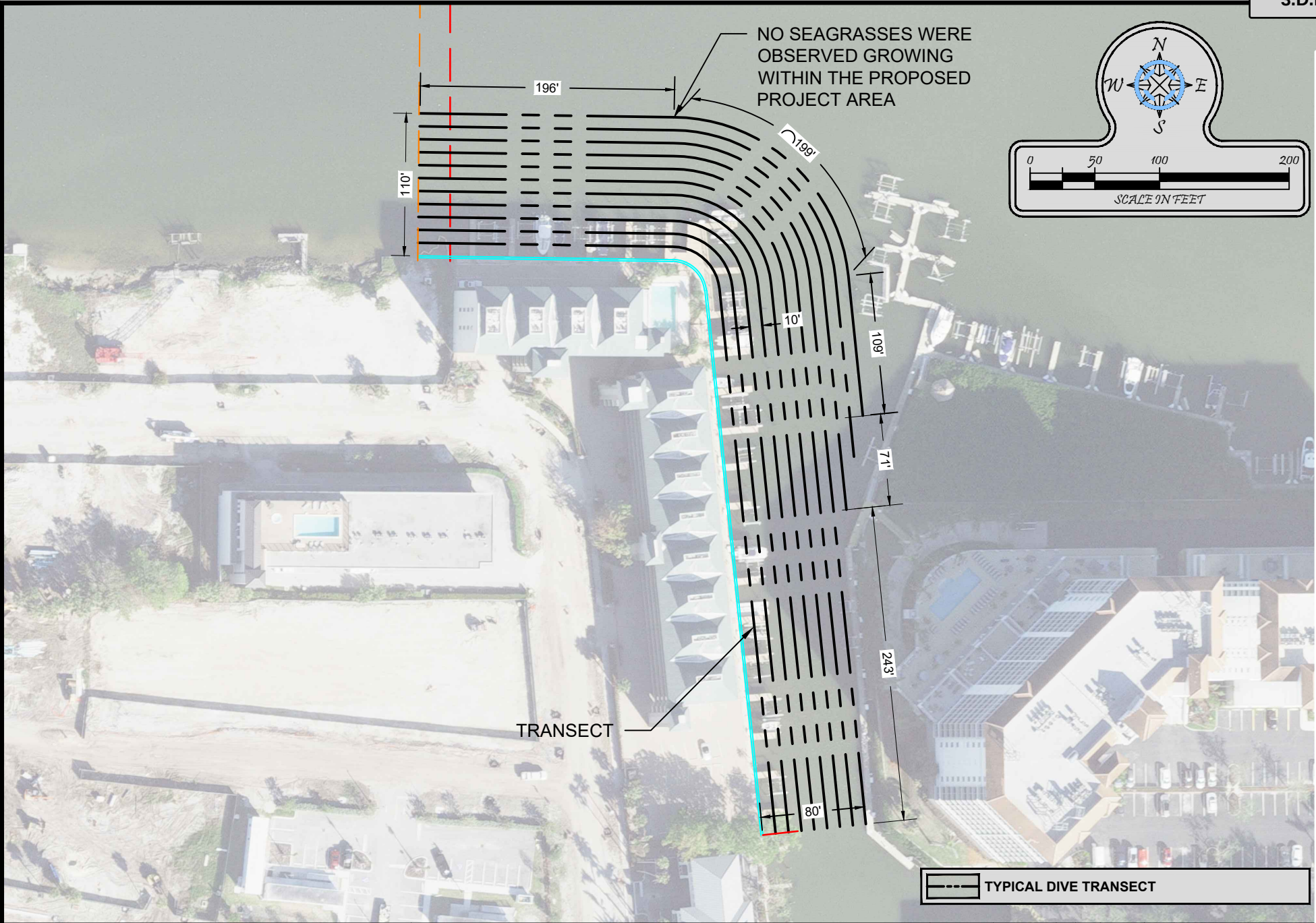
SECTION- 32

TOWNSHIP- 48 S

Packet Pg. 312

Attachment: Attachment H - NUA PL20240006168 Backup Package Rev1 (29647 : PL20240006168 NUA

P:\0038.05 Barefoot Pelican Dock\CAD\EXHIBIT\0038.05-SRS.dwg SUMMERGED RESOURCE SURVEY 7/13/2023



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN **SUBMERGED RESOURCE SURVEY**

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-24-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	05 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

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 Jeff Rogers
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

PL2024 0006168 AND PL2022 0005339

Jeff Rogers
SIGNATURE OF APPLICANT OR AGENT

3584 Exchange Ave
STREET OR P.O. BOX

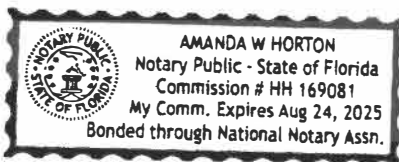
Jeff Rogers
NAME (TYPED OR PRINTED)

Naples FL 34104
CITY, STATE ZIP

#

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to and subscribed before me this 7 day of August, 2024, by
Jeff Rogers, personally known to me or who produced _____ as identification
and who did/did not take an oath.



Amanda W Horton
Signature of Notary Public

AMANDA W HORTON
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

PUBLIC HEARING NOTICE

NONCONFORMING USE ALTERATION

Petition No. PL20240006168

AND

BOAT DOCK EXTENSION

Petition No. PL20220005339

HEX: August 22, 2024 - 1:00 p.m.

Growth Management Community Development Building
2800 North Horseshoe Drive, 609/610

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

PUBLIC HEARING NOTICE
NONCONFORMING USE ALTERATION
Petition No. PL20240006168
AND
BOAT DOCK EXTENSION
Petition No. PL20220005339
HEX: August 22, 2024 - 1:00 p.m.
Growth Management Community Development Building
2800 North Horseshoe Drive, 609/610
John Kelly, Planner III, 239-252-5719

08/22/2024

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.E**Doc ID:** 29648

Item Summary: Petition No. BD-PL20220005339 – 271 Southbay Drive - Request for a 51-foot boat dock extension over the maximum permitted protrusion of 20-feet for a total protrusion of 71-feet into a waterway greater than 100-feet in width pursuant to Land Development Code Section 5.03.06.E.1 to allow for minor alteration/reconstruction of a private multi-family boat docking facility with 44 slips abutting a bay that is 748-feet wide to the north and a canal that is 100-feet wide to the east. The subject property is located at 271 Southbay Drive in Section 32, Township 48 South, Range 25 East, Collier County, Florida.(Companion Item NUA - PL20240006168) [Coordinator: John Kelly, Planner III] Commissioner District 2

Meeting Date: 08/22/2024**Prepared by:**

Title: Planner – Zoning

Name: John Kelly

08/09/2024 12:11 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

08/09/2024 12:11 PM

Approved By:**Review:**

Transportation Management Operations Support	Evelyn Trimino	GMCD Reviewer	Completed
		08/13/2024 3:31 PM	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed 08/15/2024 11:45 AM
Zoning	David Merino	Review Item	Skipped 08/15/2024 12:08 PM
Zoning	David Merino	Division Director	Skipped 08/15/2024 12:08 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/22/2024 1:00 PM

Collier County
STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: AUGUST 22, 2024

SUBJECT: BD-PL20220005339; BAREFOOT PELICAN DOCK FACILITY,
271 SOUTHBAY DRIVE – COMPANION TO NUA-PL20240006168

PROPERTY OWNER/APPLICANT:

Barefoot Pelican Condominium Association, Inc.
271 Southbay Dr.
Naples, FL 34108

AGENTS:

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

and

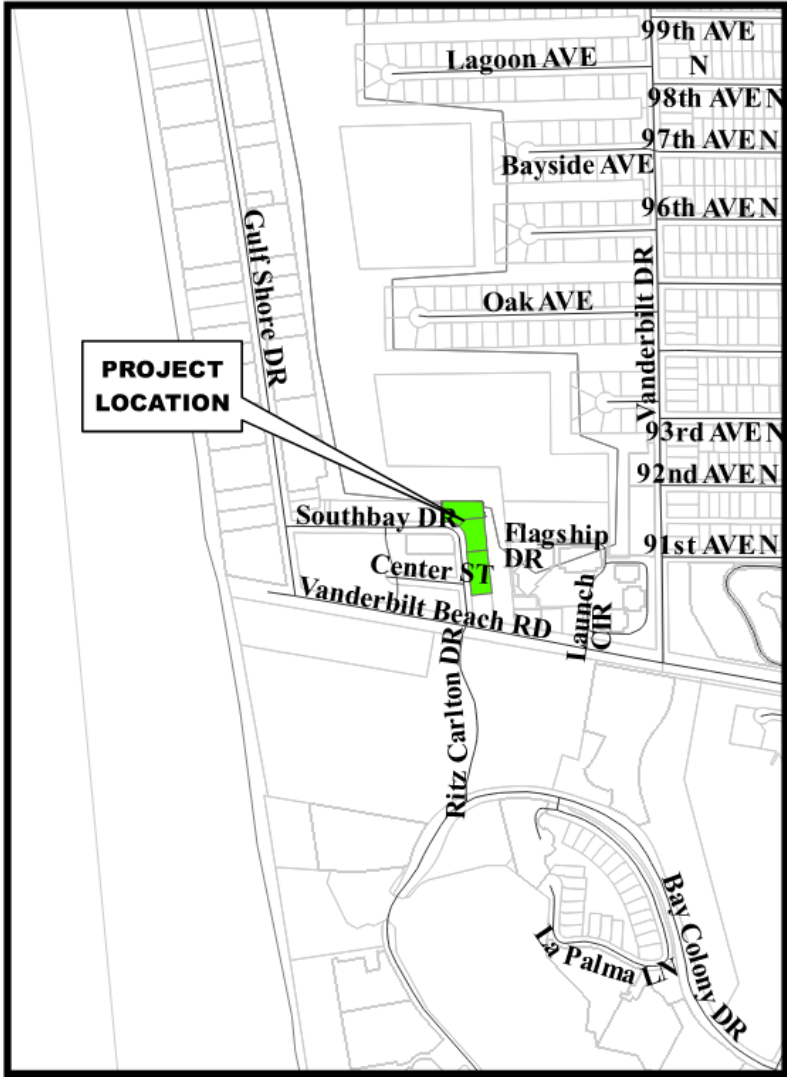
Kathleen O. Berkey, AICP
Becker & Poliakoff
12140 Carissa Commerce Ct., Suite 200
Fort Myers, FL 33966

REQUESTED ACTION:

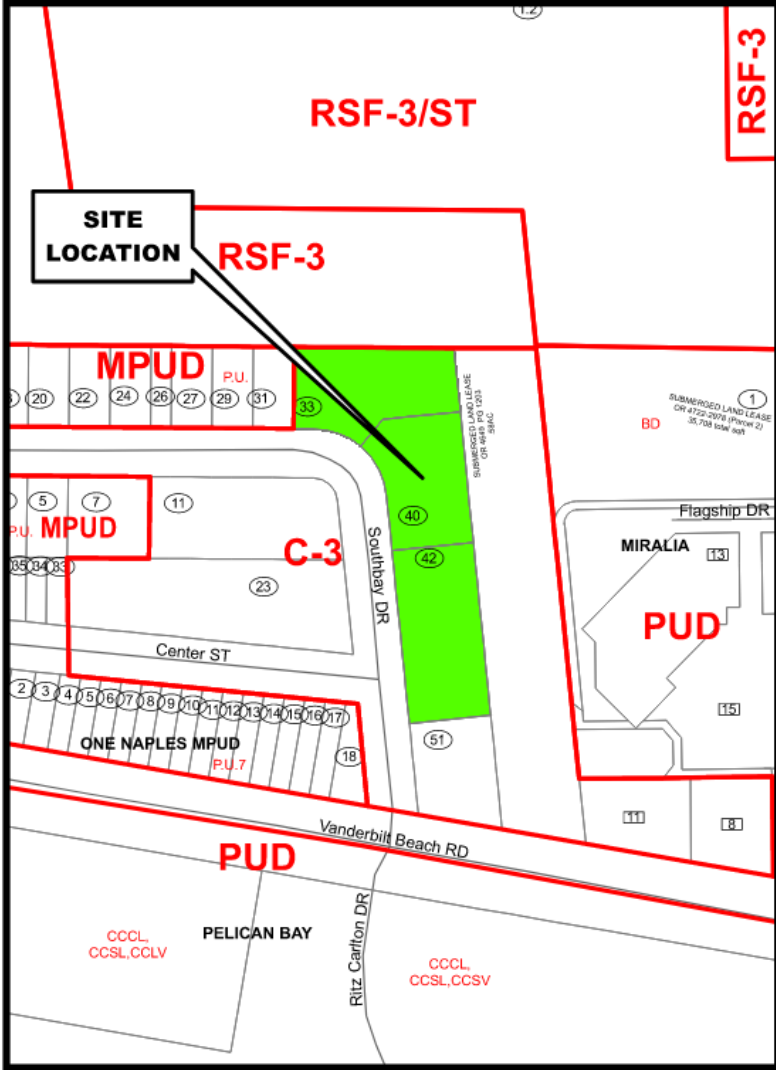
The petitioner requests a 51-foot boat dock extension from the maximum permitted protrusion of 20 feet for a total protrusion of 71 feet into a waterway greater than 100 feet in width pursuant to Land Development Code (LDC) Section 5.03.06.E.1 to allow for minor alteration/reconstruction of a private multi-family boat docking facility with 44 slips abutting a bay that is 748 feet wide to the north and a canal that is 100-feet wide to the east.

GEOGRAPHIC LOCATION:

The subject 1.3-acre property is located at 271 Southbay Drive, within Barefoot Pelican, A Waterfront Condominium, in Section 29, Township 48 South, Range 25 East, Collier County, Florida. See Attachment A for a complete legal description. *(See location map on the following page)*



Location Map



Zoning Map

Petition Number: PL20220005339

SURROUNDING LAND USE & ZONING:

North: Vanderbilt Lagoon waterway

East: Canal then Regatta at Vanderbilt Beach (210 dwelling units and dock facility) within the Miralia Planned Unit Development (PUD)

South: Office Building within a Commercial Intermediate (C-3) Zoning District.

West: One Naples Dock facility and Apartment Buildings 2 (40 dwelling units) within the One Naples Mixed Use Planned Unit Development (MPUD), Southbay Drive (Right-of-Way), then Vanderbilt Palms Condominiums (28 dwelling units) and One Naples Apartment Building 3 (20 dwelling units) within a Commercial Intermediate (C-3) Zoning District. (see below)



Aerial – Collier County Property Appraiser



Collier County GIS

PURPOSE/DESCRIPTION OF PROJECT:

The principal use of the subject property, Folio No. 79120680001, is a multiple-family condominium with 60 dwelling units and a private residential docking facility with 44 slips; said uses are nonconforming as they presently exist within a Commercial Intermediate (C-3) Zoning District and are the subject of a companion Nonconforming Use Alteration petition. The subject property and the existing docking facility were damaged by Hurricane Ian; therefore, the petitioner desires to replace and modernize the docking facility while remaining within the confines of an existing submerged land lease. The scope of the project includes installing a new seawall approximately 18 inches in front of the existing seawall/mean high water line (MHWL) and rebuilding full-length finger piers ranging from 25 feet to 40 feet in length. The existing dock facility protrusion is approximately 73 feet to the outermost pilings.

The proposed dock facility's overall greatest protrusion is approximately 71 feet measured from the most restrictive point, the platted property line. The applicant is therefore requesting a 51-foot boat dock extension from the allowed 20 feet, which is consistent with the existing dock facility. The property abuts two portions of a man-altered waterway known as Vanderbilt Lagoon; the waterway is approximately 100.4 feet wide on the canal side and 751 feet wide on the bay. As such, the proposed finger docks and vessels on the canal side will occupy up to 25.4% of the waterway and 5.4% of the waterway width on the bay side.

Additionally, the existing dock facility encroaches into the required side yard setback of 15 feet for properties with shorelines greater than 60 feet in length. As proposed, the modernized facility will maintain the existing zero-foot setback from the southeast riparian line and a five-foot setback from the northwest riparian line; said setbacks are the subject of the companion NUA, which must

be approved for this project to move forward as proposed. The new dock facility is also subject to Site Development Plan (SDP) review through an Insubstantial Change to SDP-81-4295; SDPI-PL20230012727.

The subject private multiple-family residential dock facility is comprised of 44 slips having been constructed over sovereign submerged lands, it has been determined that no one individual owns the bottom lands that their designated slip is built over. The Condominium Association is the entity authorized to act on behalf of individual slip holders who are not individually owned but rather assigned to specific units. The existing docking facility currently has a submerged land lease (SLL) with the DEP, which has been updated to include the currently proposed docking facility. The DEP permit has been issued with the proposed docks, seawall, and dredge.

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located next to the Vanderbilt Lagoon. The 44 proposed Boat Slips will be constructed waterward of the existing seawall. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility.

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 private multiple-family residential dock facility comprises 44 individual slips that serve a residential condominium with 60 dwelling units; as such, not all dwelling units have a boat slip, and none exceed the one-slip limit.

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 applicant's agent states: "The proposed boat dock project is to modernize the existing docking facility by extending the existing finger piers with new boat lifts that will extend out to sufficient water depths. As proposed, the overall existing slip sizes will not change. The proposal is simply to construct new full-length finger piers, which will then allow proper perpendicular mooring, keeping the deepest drafting part of the boats out in deeper water." Staff concurs.

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

Criterion met. The applicant's agent states: "There is no marked channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project. Additionally, the proposed dock layout is all within the existing submerged land lease boundary; therefore, both the DEP and USACE have agreed there will not be any significant impacts to the subject waterways and associated navigation within the waterway." Staff concurs.

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

Criterion met as to the bayside of the subject property, not met as to the canal side towards the terminus end. The applicant's agent states: "The approximate waterway width is 100.4 feet along the canal side and 751 feet wide out on the bay/lagoon side of the property. The proposed dock protrusion where the waterway is approximately 100.4 feet wide is 25.5 feet in length overall (LOIA); therefore, the vessels would be approximately 25.4% of the width of the waterway but still within the existing submerged land lease boundary. The remaining slips are larger, up to 44.5 feet LOA, due to waterway width increases.

This project site has water frontage both on a bay and a canal. Within the bay, the 25% and 50% limitations will be maintained. Per the plat, the canal is 100 feet in width. The docks with vessels at this point would extend to 25.5 feet, which is beyond 25% of the width of the waterway (25.4%). Furthermore, the remaining navigable waterfront, when considering the docks and potentially moored vessels on the opposite side of the waterway, would not leave 50% of the waterway open. Rather, we estimate that approximately 40 feet of width would remain for public navigation, which is adequate in our professional opinion. Additionally, the area outside the allowed 25% is located towards the terminus end of the

canal, and the amount of navigation within this canal is minimal and would mostly consist of local traffic ingress/egress to their property.” Staff concurs.

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

Criterion met. The applicant’s agent states: “The proposed docking facility is consistent with the existing docking facility currently on-site. As proposed, the dock will maintain the existing conditions and associated access. The requested extension and encroachment into the side yard setbacks is consistent with how the facility is currently utilized and has been since it was originally constructed.” Staff concurs as the existing and proposed facilities are substantially similar.

Secondary Criteria:

1. **Whether there are special conditions not involving water depth related to the subject property or waterway that 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’s agent states: “The subject property special conditions consist of the legally nonconforming existing dock configuration, the associated submerged land lease (SLL), and linear footage of the shoreline. As proposed, the SLL is the existing approved boundary with DEP, which allows the Applicant to work within, but not to increase, the overall boundary size/area. This factor limited the Applicant’s dock design options to replace what exists but would allow for the modernization of the dock layout as well as the installation of a new seawall approximately 18 inches in front of the existing one. These design changes will accommodate larger vessels with full-length finger piers, all to be contained within the existing SLL boundary area.

The surrounding waterway width does allow for the Applicant to maintain the overall protrusion request and the fact that these docks are pre-existing, not proposing an increase to the overall protrusion will maintain the current use for the surrounding properties.” Staff concurs.

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

Criterion met. The applicant’s agent states: “The proposed docking facility has been fully minimized, reducing the overall overwater square footage from 3,792 square feet to 3,064 square feet and still provides sufficient deck area for routine maintenance and safe access.” Staff concurs that there is no excessive decking.

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 is not applicable. This petition is for a private multi-family boat docking facility.

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

Criterion met. The applicant's agent states: "As proposed, the dock facility has been designed to be consistent with the existing docking facility that is currently there and has been since 1984. There are no new impacts to either adjacent property owner as their views will not change." Staff concurs.

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 applicant's agent states: "There are no seagrass beds present on the property nor the neighboring properties within 200 feet of the existing dock structure." Given the information provided within the provided Submerged Resources Survey, staff concurs.

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 met. The applicant's agent states: "The proposed work is a multi-family dock facility and subject to Manatee Protection Plan (MPP) requirements. As designed, the docking facility is consistent with the MPP." Staff concurs.

Staff analysis finds this request complies with four of the five Primary Criteria and five of the six Secondary Criteria with criterion number 3 being not applicable.

CONCURRENT LAND USE APPLICATIONS:

- **NUA-PL20240006168** to allow for the minor alteration/reconstruction of the existing nonconforming docking facility with 44 slips as well as to reduce the side/riparian setbacks to zero feet along the southeast riparian line and to five feet along the northwest riparian line. Additional work includes replacing the existing seawall and relocating the existing pool and spa.
- **SDPI-PL20230012727**, an Insubstantial change to SDP-81-4295 to allow for the replacement of the seawall, the relocation and reconfiguration of the pool and spa, as well as dock facility improvements subsequent to the approval of this NUA.

APPEAL OF BOAT DOCK EXTENSION:

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner. An aggrieved non-party may appeal a decision of the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceed 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 **BD-PL20220005339** in accordance with the plans contained within Attachment A, most specifically that identified as sheet 06 of 10 (Proposed Dock), subject to the following conditions:

1. Approval is predicated upon the approval of the companion Nonconforming Use Alteration petition, NUA-PL20240006168, by the Hearing Examiner; absent such approval, this BD is void.
2. This dock facility is private in nature and shall not be used for rental or commercial purposes.

Attachments:

- A. Complete Legal Description
- B. Proposed Site and Dock Plans
- C. Map of Specific Purpose Survey
- D. Plat – PB3_PG16
- E. Applicant's Backup; Application, Narrative, Authorizations, etc.

Legal Description

BAREFOOT PELICAN, A WATERFRONT CONDOMINIUM, a Condominium according to the Declaration of Condominium thereof recorded in Official Records Book 1069, page 1837, and as amended and restated in Official Records Book 5489, page 1753, of the Public Records of Collier County, Florida, and all amendments thereto, together with its undivided share in common elements.

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration. (Emphasis added.)

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

Property Identification Nos.

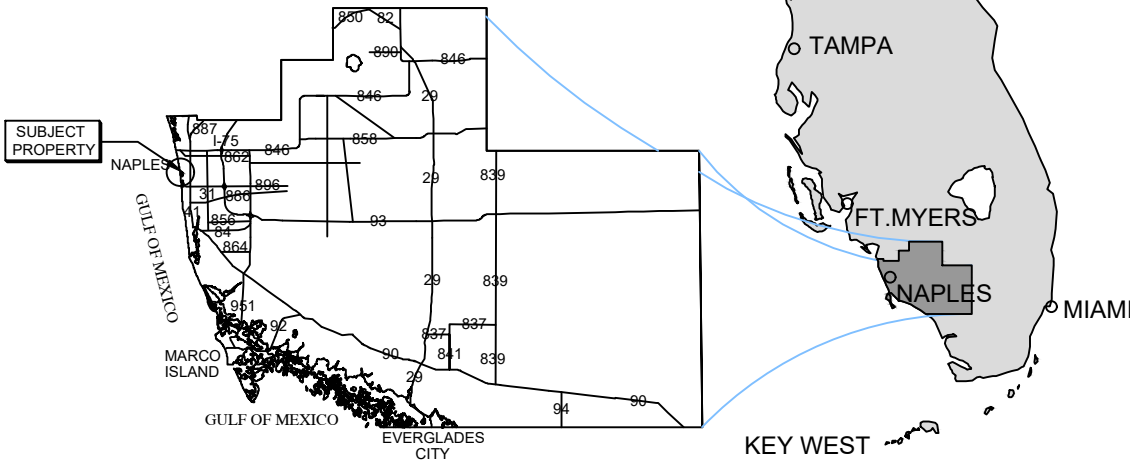
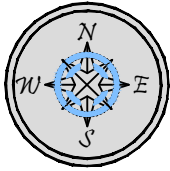
1. 79120680001
2. ~~79120720000~~ - Parcels deleted - now combined with 79120680001
3. ~~79120760002~~
4. 22920800025 (Boat Slip 1)
5. 22920800041 (Boat Slip 2)
6. 22920800067 (Boat Slip 3)
7. 22920800083 (Boat Slip 4)
8. 22920800106 (Boat Slip 5)
9. 22920800122 (Boat Slip 6)
10. 22920800148 (Boat Slip 7)
11. 22920800164 (Boat Slip 8)
12. 22920800180 (Boat Slip 9)
13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)¹
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
18. 22920800300 (Boat Slip 16)
19. 22920800326 (Boat Slip 17)
20. 22920800342 (Boat Slip 18)
21. 22920800368 (Boat Slip 19)
22. 22920800384 (Boat Slip 20)
23. 22920800407 (Boat Slip 21)
24. 22920800423 (Boat Slip 22)
25. 22920800449 (Boat Slip 23)

¹ Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

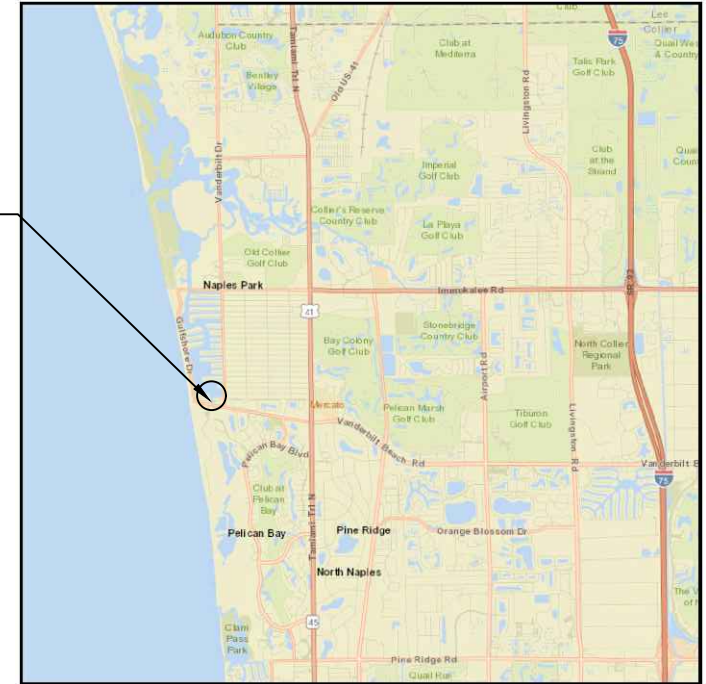
26. 22920800465 (Boat Slip 24)
27. 22920800481 (Boat Slip 25)
28. 22920800504 (Boat Slip 26)
29. 22920800520 (Boat Slip 27)
30. 22920800546 (Boat Slip 28)
31. 22920800562 (Boat Slip 29)
32. 22920800588 (Boat Slip 30)
33. 22920800601 (Boat Slip 31)
34. 22920800627 (Boat Slip 32)
35. 22920800643 (Boat Slip 33)
36. 22920800669 (Boat Slip 34)
37. 22920800685 (Boat Slip 35)
38. 22920800708 (Boat Slip 36)
39. 22920800724 (Boat Slip 37)
40. 22920800740 (Boat Slip 38)
41. 22920800766 (Boat Slip 39)
42. 22920800782 (Boat Slip 40)
43. 22920800805 (Boat Slip 41)
44. 22920800821 (Boat Slip 42)
45. 22920800847 (Boat Slip 43)
46. 22920800863 (Boat Slip 44)

p:\0308.05 barefoot pelican dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg LOCATION MAP 4/10/2024

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

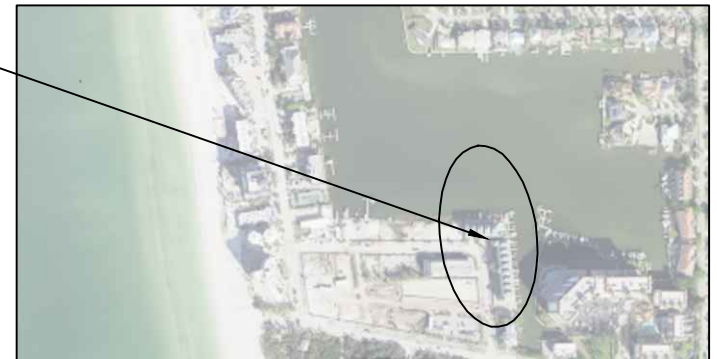
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NAPLES, FL 34108

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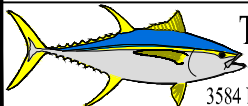
NOTES:

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

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN LOCATION MAP

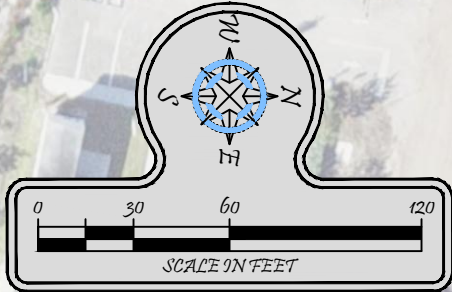
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ALL SHEETS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ALL SHEETS
JOB NO.:	0038.05	3.	RMJ	04-10-24	JR	SHEETS 02 & 07
SHEET NO.:	01 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

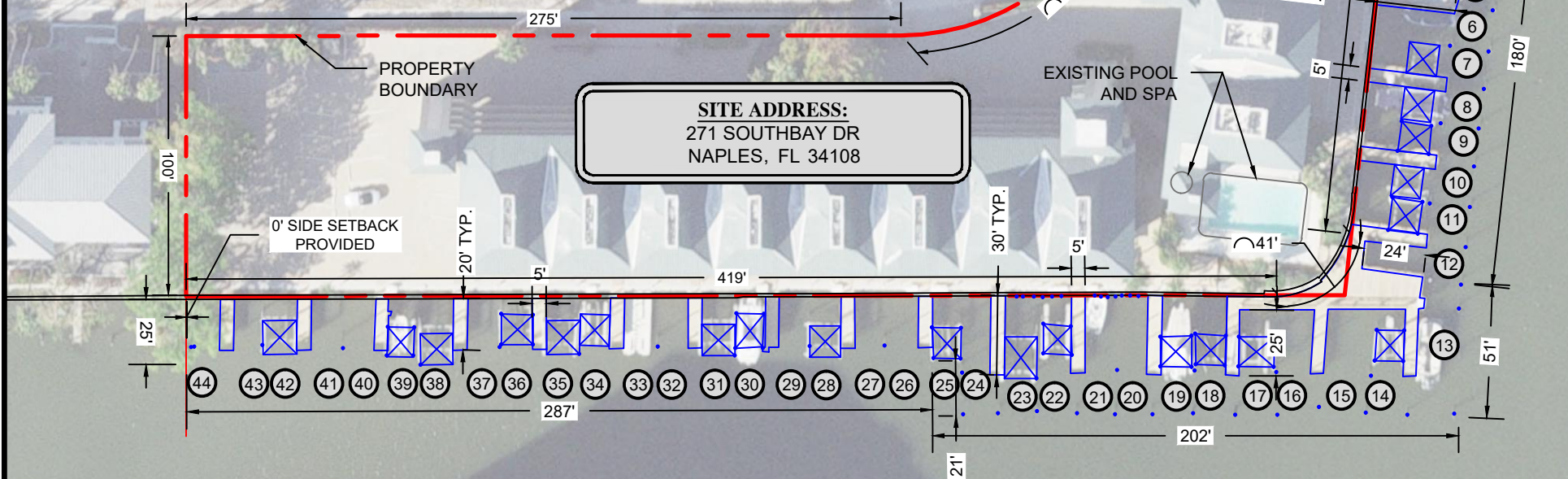
Packet Pg. 330

**NOTES:**

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
- MLW (NAVD)= -1.31"
- MHW (NAVD)= +0.30"

SLIP #	SLIP SIZES LENGTH X WIDTH
1	44.5' X 10.3'
2	44.4' X 12.1'
3	44.4' X 12.7'
4	44.6' X 12.6'
5	44.6' X 12.4'
6	44.5' X 12.5'
7	44.5' X 12.2'
8	44.6' X 12.6'
9	44.6' X 12.2'
10	44.5' X 12.6'
11	44.5' X 12.2'
12	38.9' X 10.9'
13	40.5' X 15.8'
	"GUEST SLIP"
14	39.9' X 14.4'
15	39.9' X 16.3'
16	40.3' X 12.6'
17	40.3' X 14.6'
18	45.1' X 12.4'
19	45.1' X 12.4'
20	45.8' X 11.3'
21	45.8' X 12.3'
22	45.0' X 12.8'

SLIP #	SLIP SIZES LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
	25.5' X 11.8'
26	25.0' X 12.8'
27	25.0' X 11.4'
28	25.0' X 11.8'
29	25.0' X 12.0'
30	25.0' X 11.0'
31	25.0' X 12.3'
32	25.0' X 11.6'
33	25.0' X 13.2'
34	25.0' X 12.3'
35	25.0' X 11.6'
36	25.0' X 12.4'
37	25.0' X 12.7'
38	25.0' X 12.8'
39	25.0' X 12.1'
40	25.0' X 11.8'
41	25.0' X 12.4'
42	25.0' X 12.3'
43	25.0' X 11.8'
44	25.0' X 9.6'



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BAREFOOT PELICAN

EXISTING CONDITIONS WITH SLIP MATRIX

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

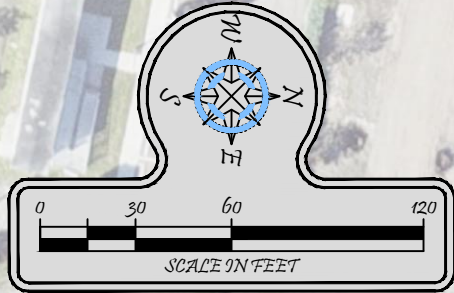
DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADJUSTED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADJUSTED DIMENSIONS
JOB NO.:	0038.05	3.	RMJ	04-10-24	JR	REV SLIP MATRIX
SHEET NO.:	02 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

Packet Pg. 331

P:\0308.05 barefoot pelican dock\CADD\PERMIT-COUNTY\0308.05-COUNTY.dwg EXISTING CONDITIONS - WIDTH OF WATERWAY 4/10/2024



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

PROPERTY
BOUNDARY

EXISTING POOL
AND SPA

WIDTH OF
WATERWAY

3.E.c

WIDTH OF
WATERWAY

750'

752'

100.4'

56'

102.8'

71'

46'

69'

73'



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Marine & Environmental Consulting

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Fax: (239) 643-6632

BAREFOOT PELICAN

EXISTING CONDITIONS - WIDTH OF WATERWAY

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	03 OF 14	4.	-	-	-	-
		5.	-	-	-	-

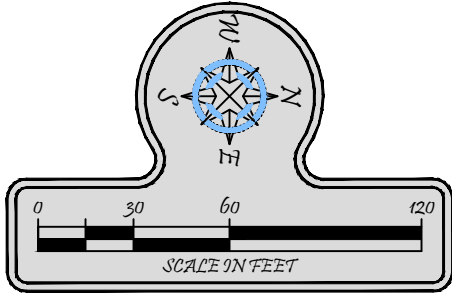
SECTION- 32

TOWNSHIP- 48 S

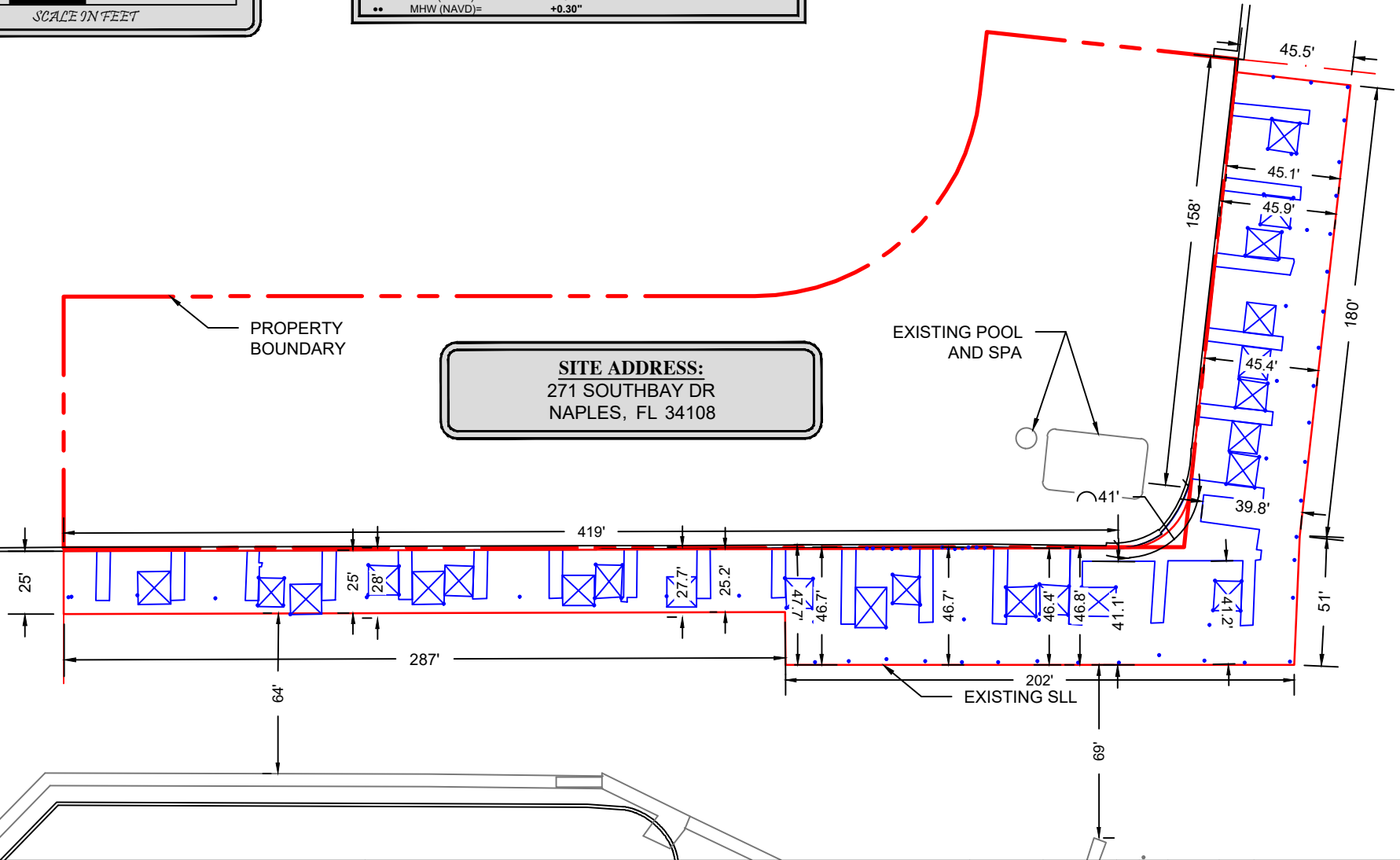
Packet Pg. 332

Attachment: Attachment B - Proposed Site and Dock Plans (29648 : PL20220005339 BD Barefoot Pelican

P:\0308.05 Barefoot Pelican.dwg PL20220005339 BD Barefoot Pelican 4/10/2024



- NOTES:**
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 - ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
 - SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"



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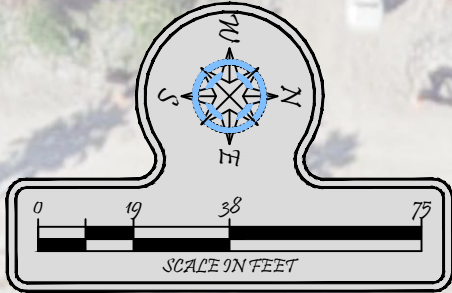
BAREFOOT PELICAN EXISTING CONDITIONS WITH SLL

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

DESIGNED:	JR	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	04 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg, EXISTING CONDITIONS SOUTH-DEPTHS 4/10/2024

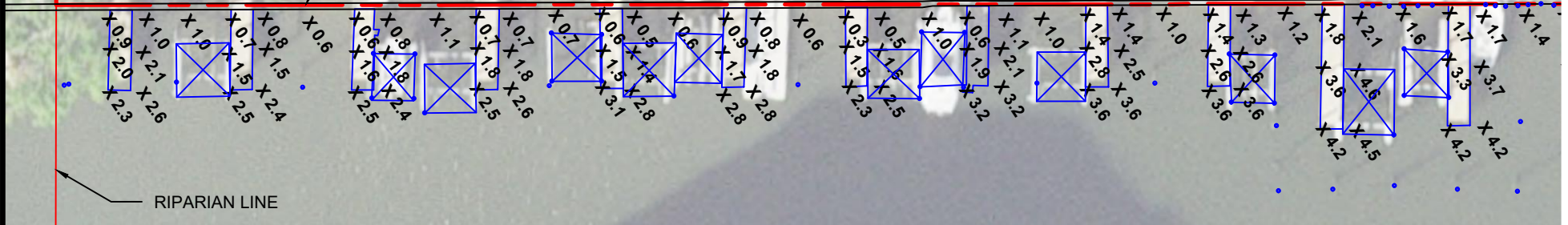


- NOTES:**
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 - ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
 - SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"

PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

RIPARIAN LINE



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BAREFOOT PELICAN

EXISTING CONDITIONS SOUTH-DEPTHS

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

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGES:
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	REVISED TITLE
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED SLIP NUMBERS, ADDED LABEL
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	05 OF 14	4.	-	-	-	-
		5.	-	-	-	-

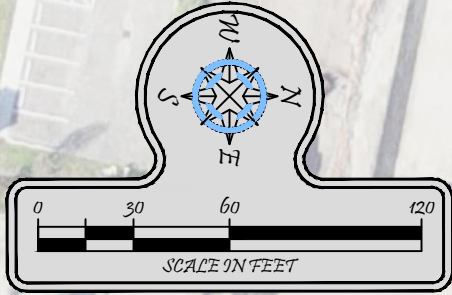
SECTION- 32 TOWNSHIP- 48 S



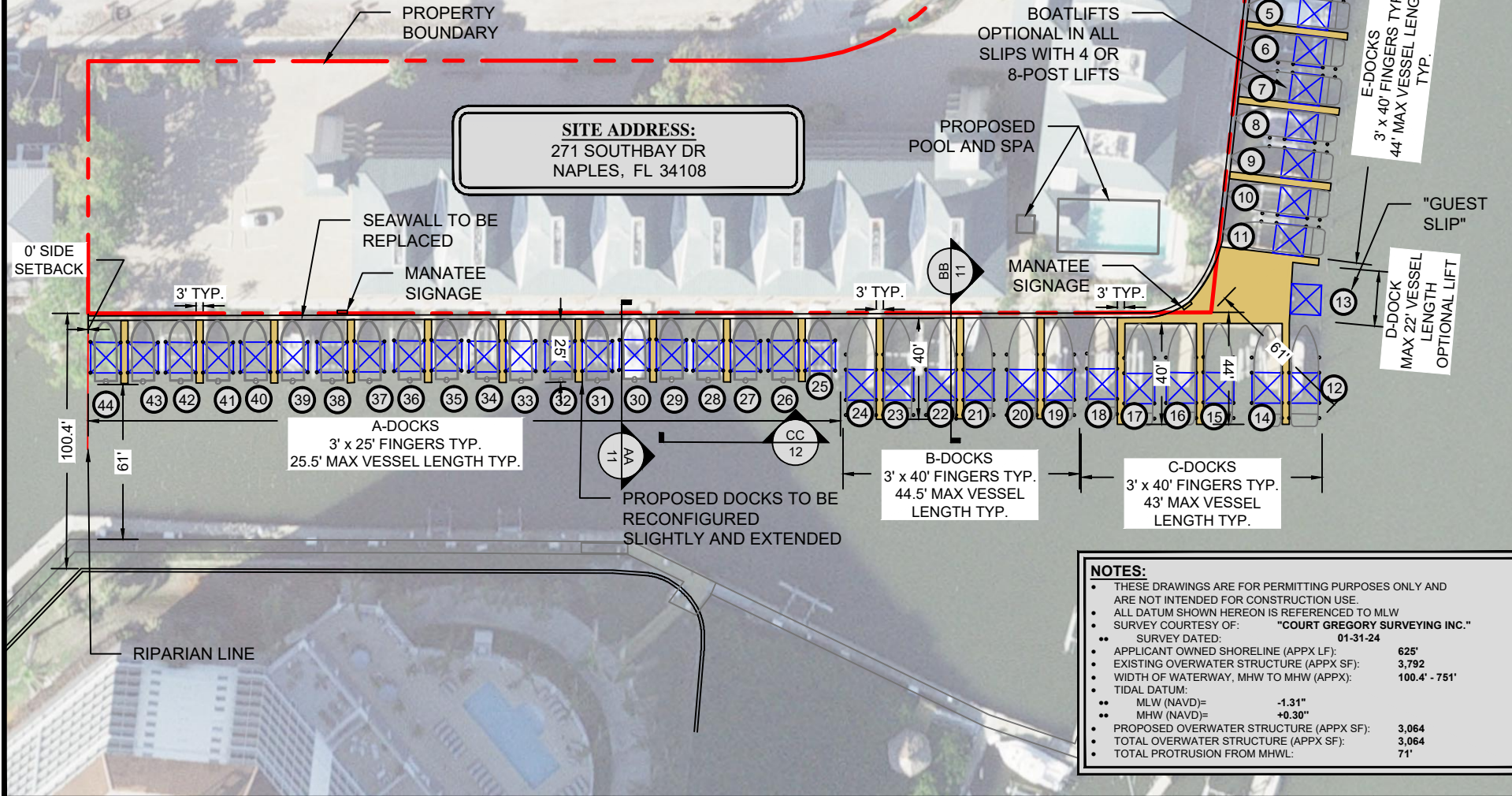
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE

SECTION-32 TOWNSHIP-48S

P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308-05-COUNTY.dwg, P:\0308.05 DOCKS WITH SLIP MATRIX 4/10/2024



SLIP LABEL	SLIP SIZES	
	SLIP #	LENGTHS
E	1 - 11	44'
D	13	22' "GUEST SLIP"
C	12, 14-18	43'
B	19-24	44.5'
A	25-44	25'



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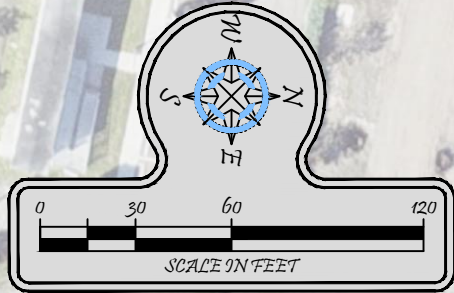
BAREFOOT PELICAN **PROPOSED DOCKS WITH SLIP MATRIX**

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

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGES:
DRAWN BY:	RMJ	1.	RMJ	02-08-24	JR	REVISED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	04-10-24	JR	REV. SLIPS AND MATRIX
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	07 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 barefoot pelican dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg, PLOTTED DOCS - WIDTH OF WATERWAY 4/10/2024



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
- MLW (NAVD)= -1.31"
- MHW (NAVD)= +0.30"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 71'

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

PROPERTY
BOUNDARY

EXISTING POOL
AND SPA

WIDTH OF
WATERWAY

3.E.c

WIDTH OF
WATERWAY

748'

750'

71'

100.4'

49'

102.8'

76'

71'



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BAREFOOT PELICAN PROPOSED DOCKS - WIDTH OF WATERWAY

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

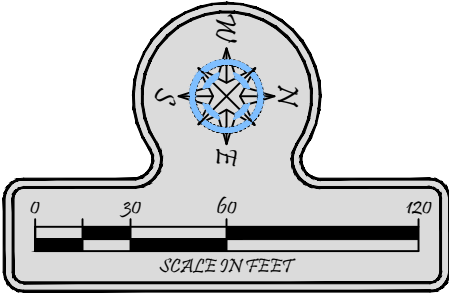
DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	08 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

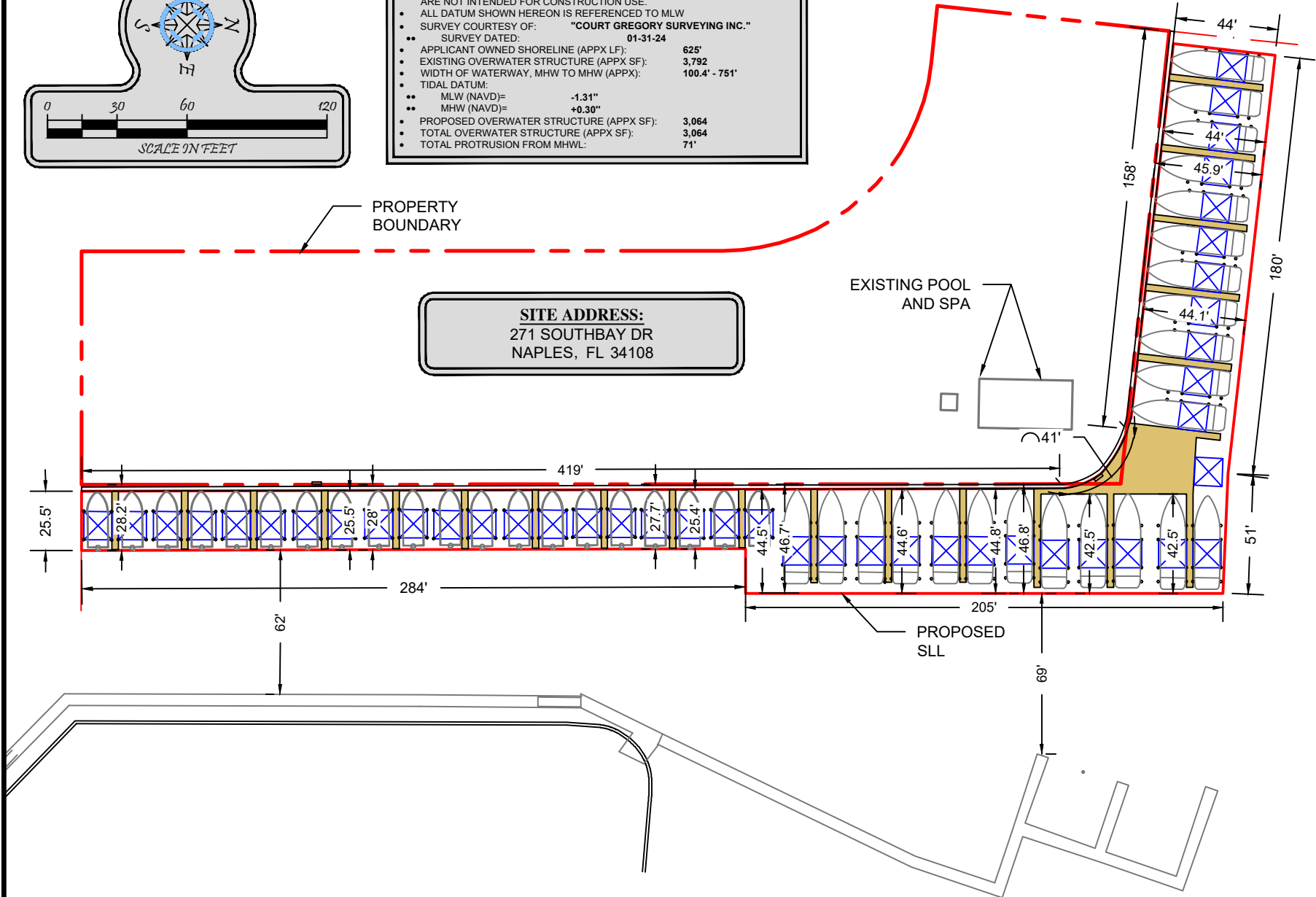
Packet Pg. 337

Attachment: Attachment B - Proposed Site and Dock Plans (29648 : PL20220005339 BD Barefoot Pelican

P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308-05-COUNTY.dwg P:\0308.05 DOCKS WITH SLL 4/10/2024



- NOTES:**
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 - ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
 - SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"
 - PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
 - TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
 - TOTAL PROTRUSION FROM MHWL: 71'



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BAREFOOT PELICAN **PROPOSED DOCKS WITH SLL**

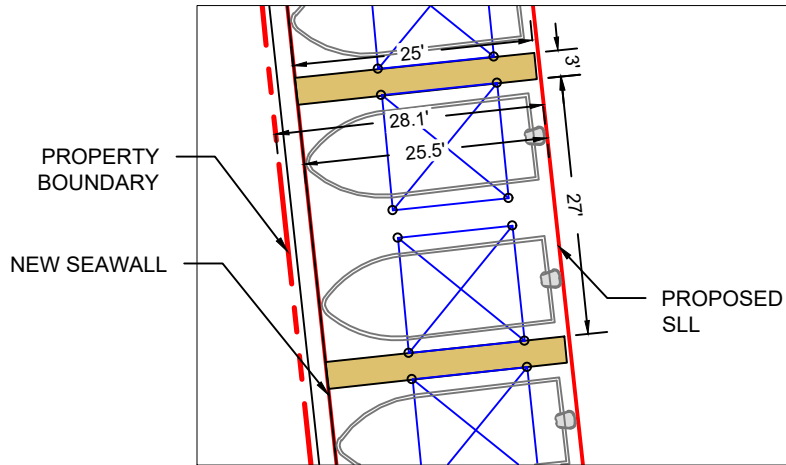
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	09 OF 14	4.	-	-	-	-
		5.	-	-	-	-

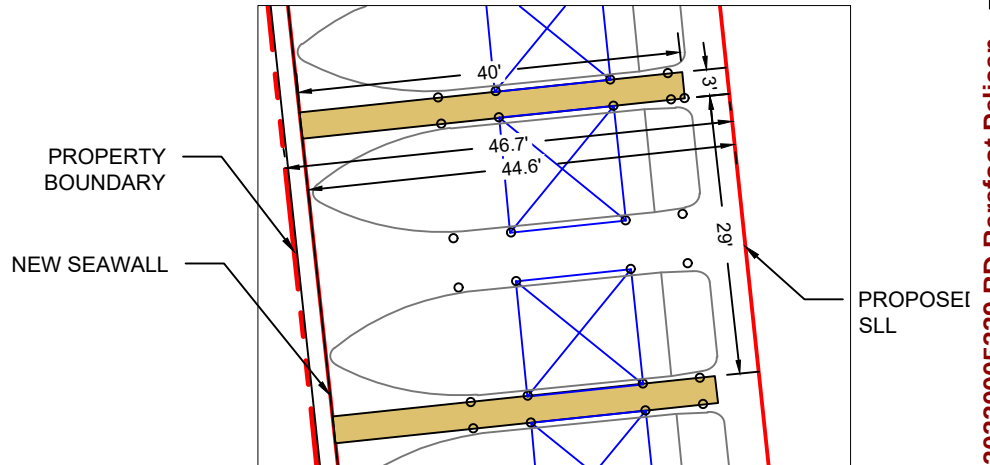
SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 338

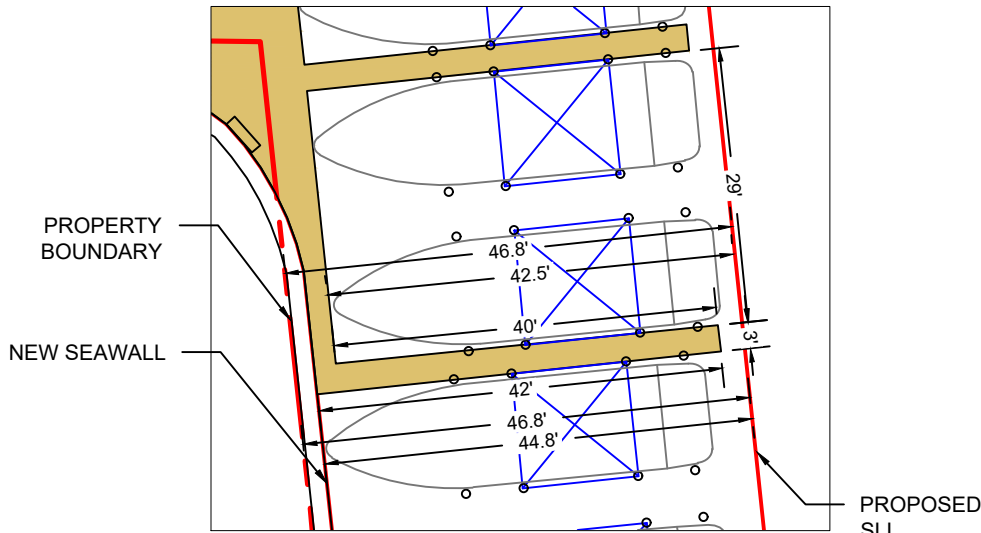
P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg, P:\0308.05 DOCKS DETAILS 4/10/2024



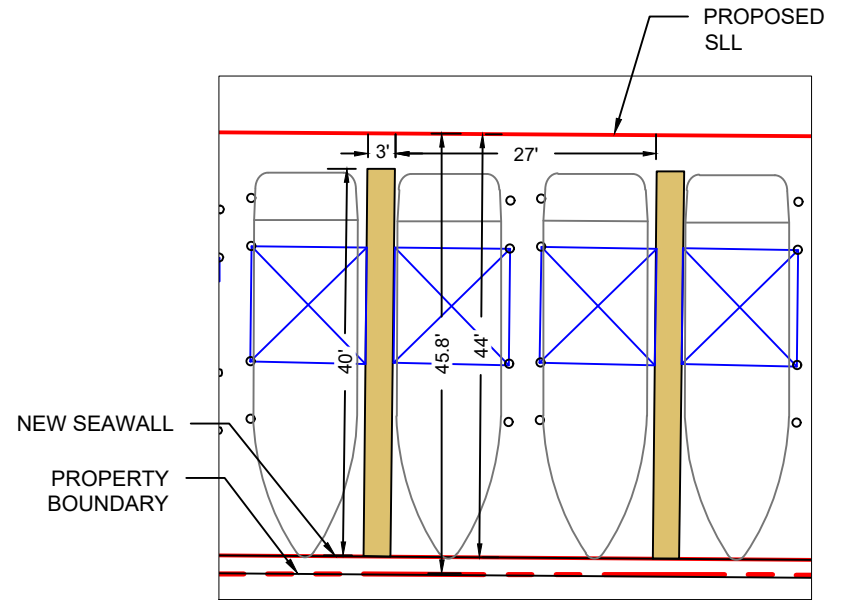
A-DOCKS DETAIL
SCALE: 1" = 20'



B-DOCKS DETAIL
SCALE: 1" = 20'



C-DOCKS DETAIL
SCALE: 1" = 20'



E-DOCKS DETAIL
SCALE: 1" = 20'



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BAREFOOT PELICAN

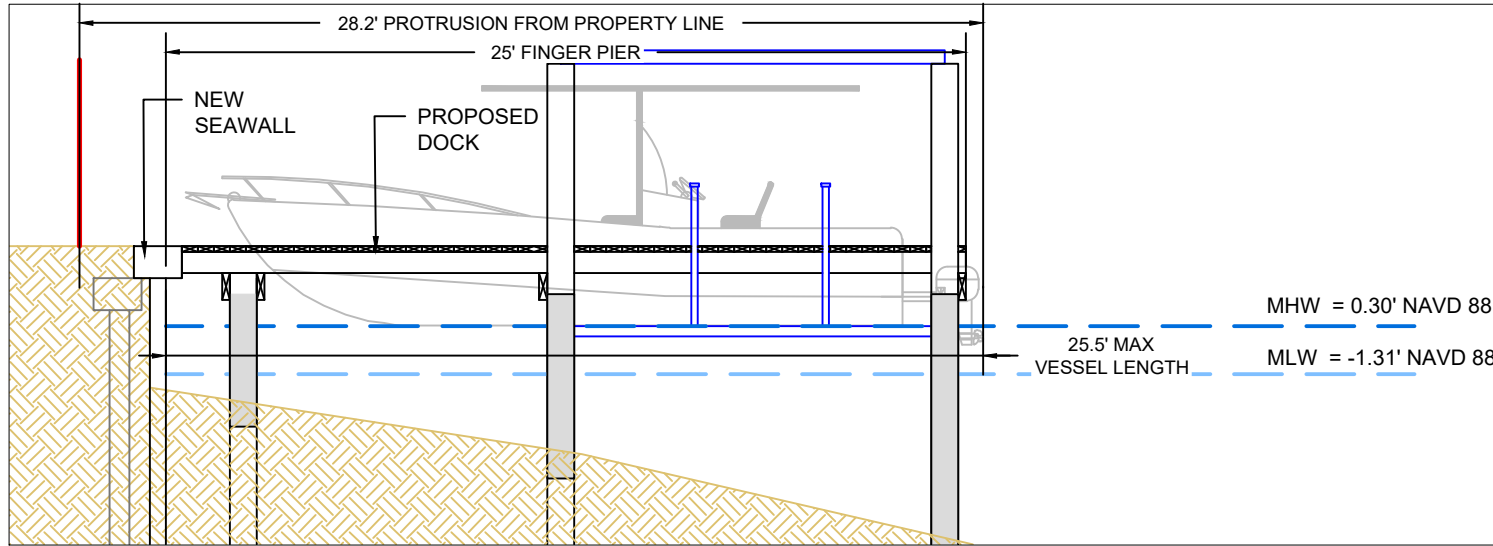
PROPOSED DOCKS DETAILS

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

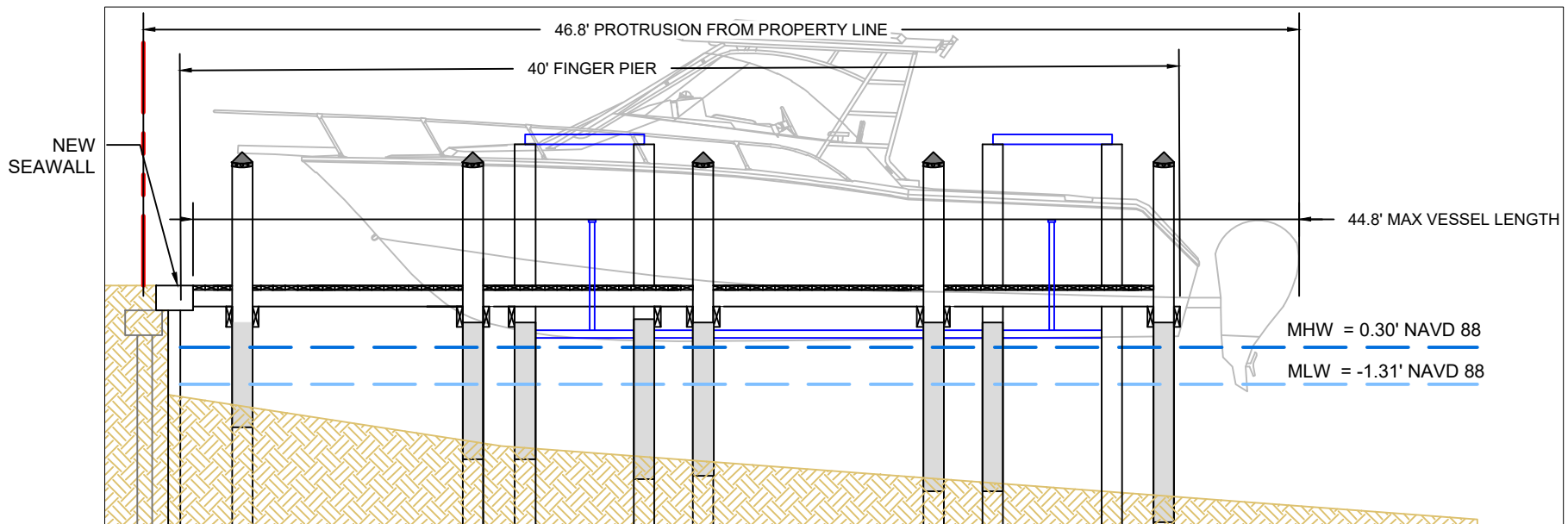
DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	10 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S



TYPICAL CROSS SECTION AA
SCALE: 1" = 6'



TYPICAL CROSS SECTION BB
SCALE: 1" = 6'



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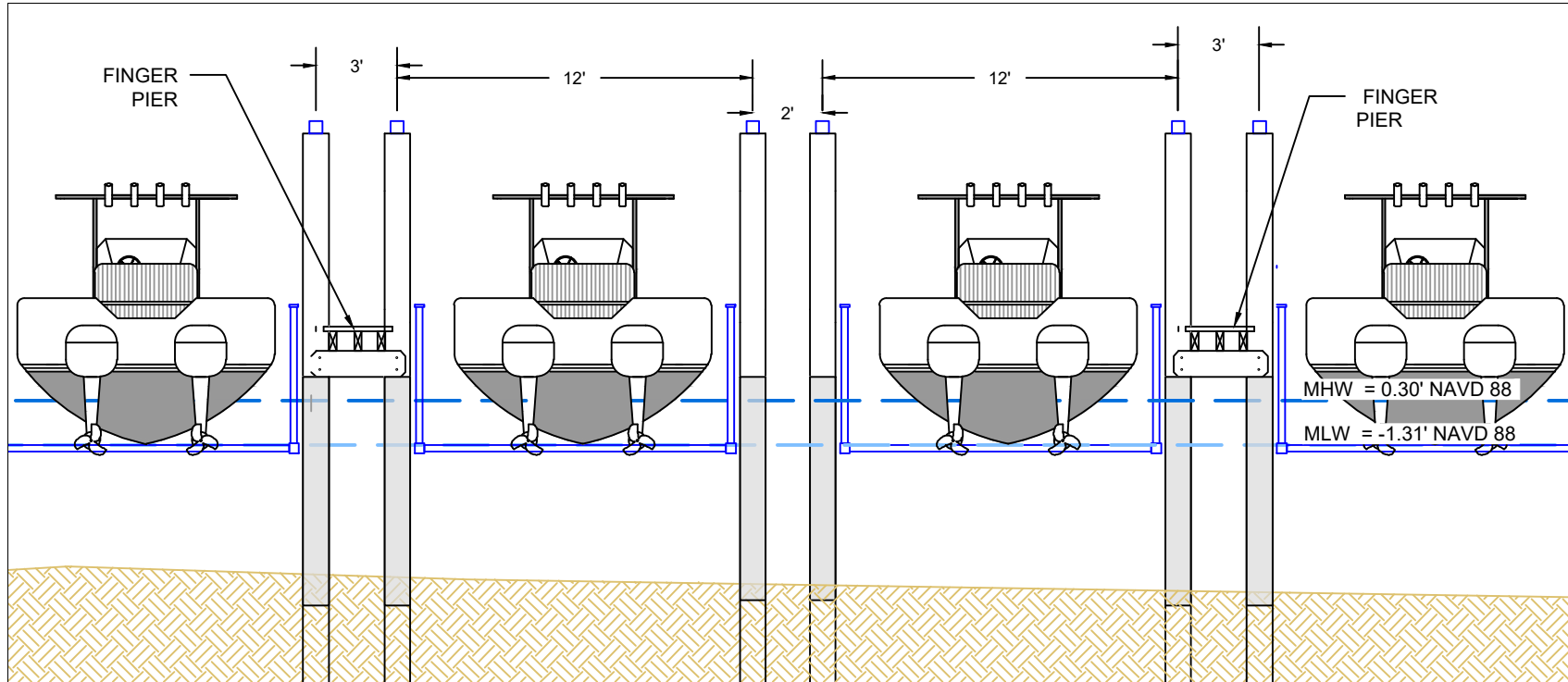
BAREFOOT PELICAN

TYPICAL CROSS SECTION

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADDED PROTRUSION DIM
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADJUSTED DIMENSIONS
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	11 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



TYPICAL CROSS SECTION CC

SCALE: 1" = 6'



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BAREFOOT PELICAN

TYPICAL CROSS SECTION 2

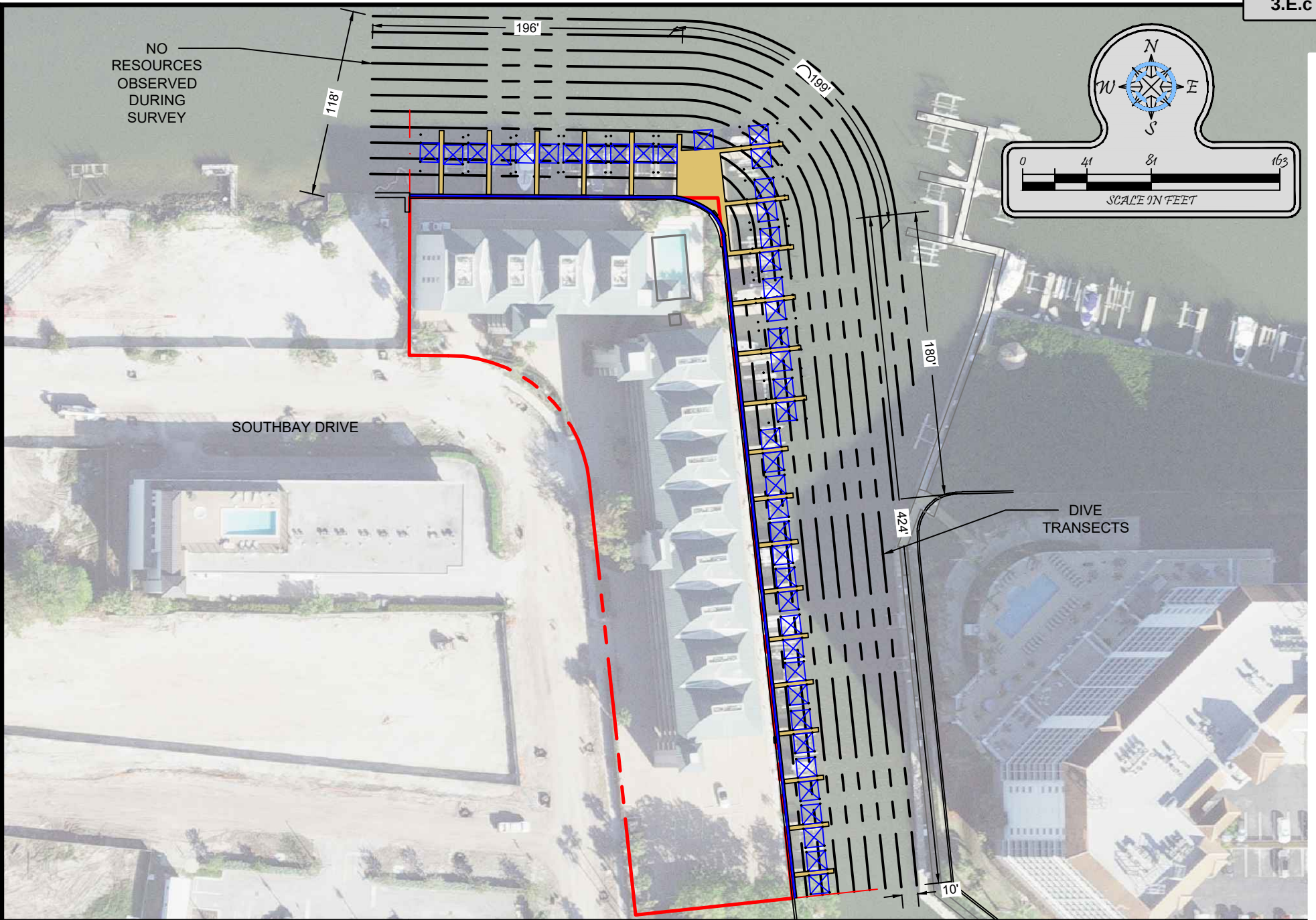
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	MOVED LIFTS TO MLW
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED NOTE
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	12 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48S

D:\0038.05 Barefoot Pelican.dwg CAD PERMIT COUNTY\0038.05-COUNTY.dwg SUBMERGED RESOURCE SURVEY TRANSECT MAP 4/10/2024



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

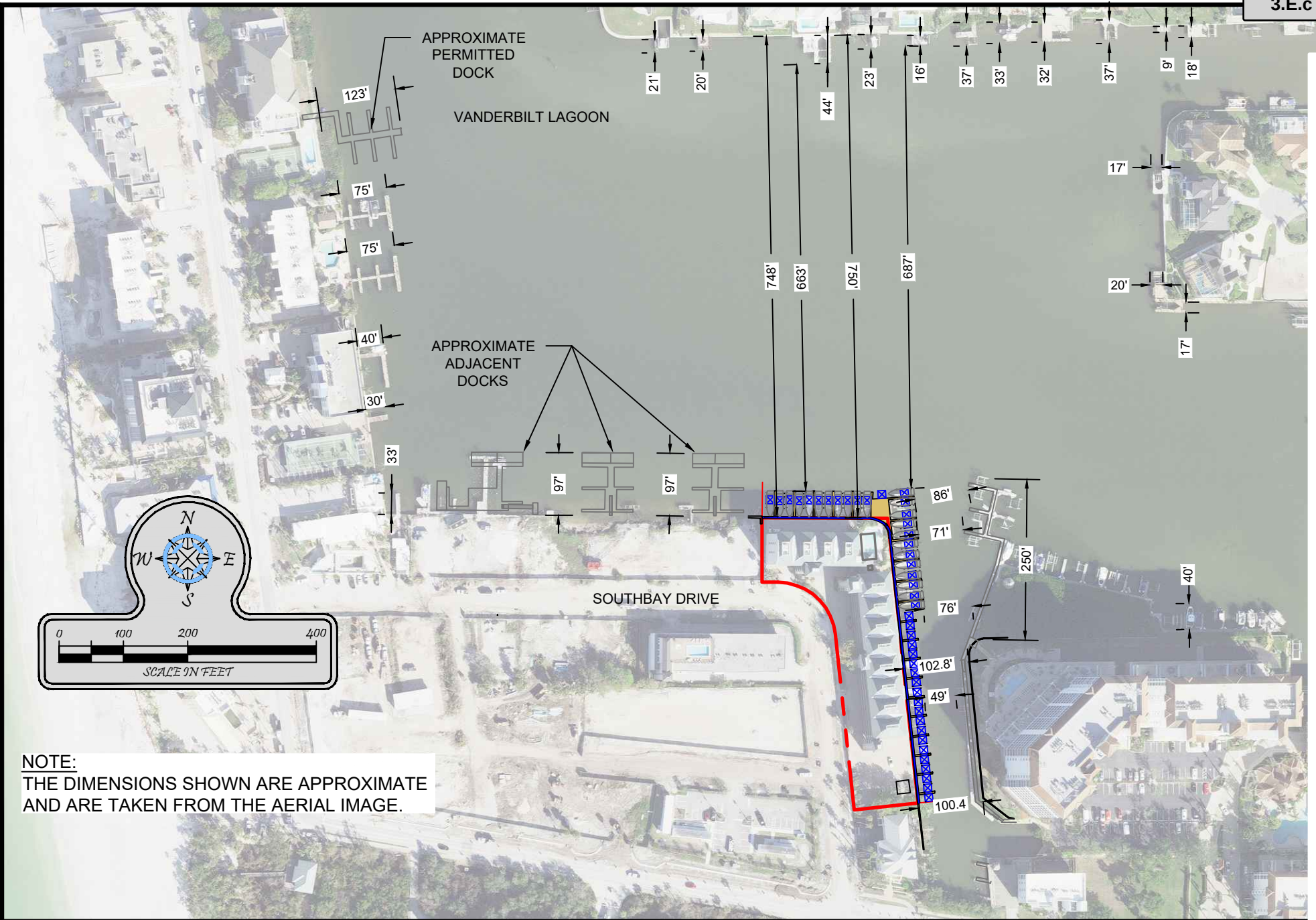
BAREFOOT PELICAN **SUBMERGED RESOURCE SURVEY TRANSECT MAP**

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

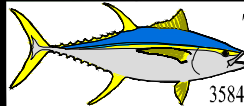
DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	REVISED TITLE
CREATED:	05-24-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	13 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

p:\0038.05 barefoot pelican docks\CAD\PERMIT-COUNTY\0038.05-COUNTY.dwg ADJACENT DOCKS & WIDTH OF WATERWAY 4/10/2024



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE
AND ARE TAKEN FROM THE AERIAL IMAGE.



Turrell, Hall & Associates, Inc.
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BAREFOOT PELICAN

ADJACENT DOCKS & WIDTH OF WATERWAY

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

DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADDED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADDED DIMENSIONS
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	14 OF 14	4.	-	-	-	-
		5.	-	-	-	-

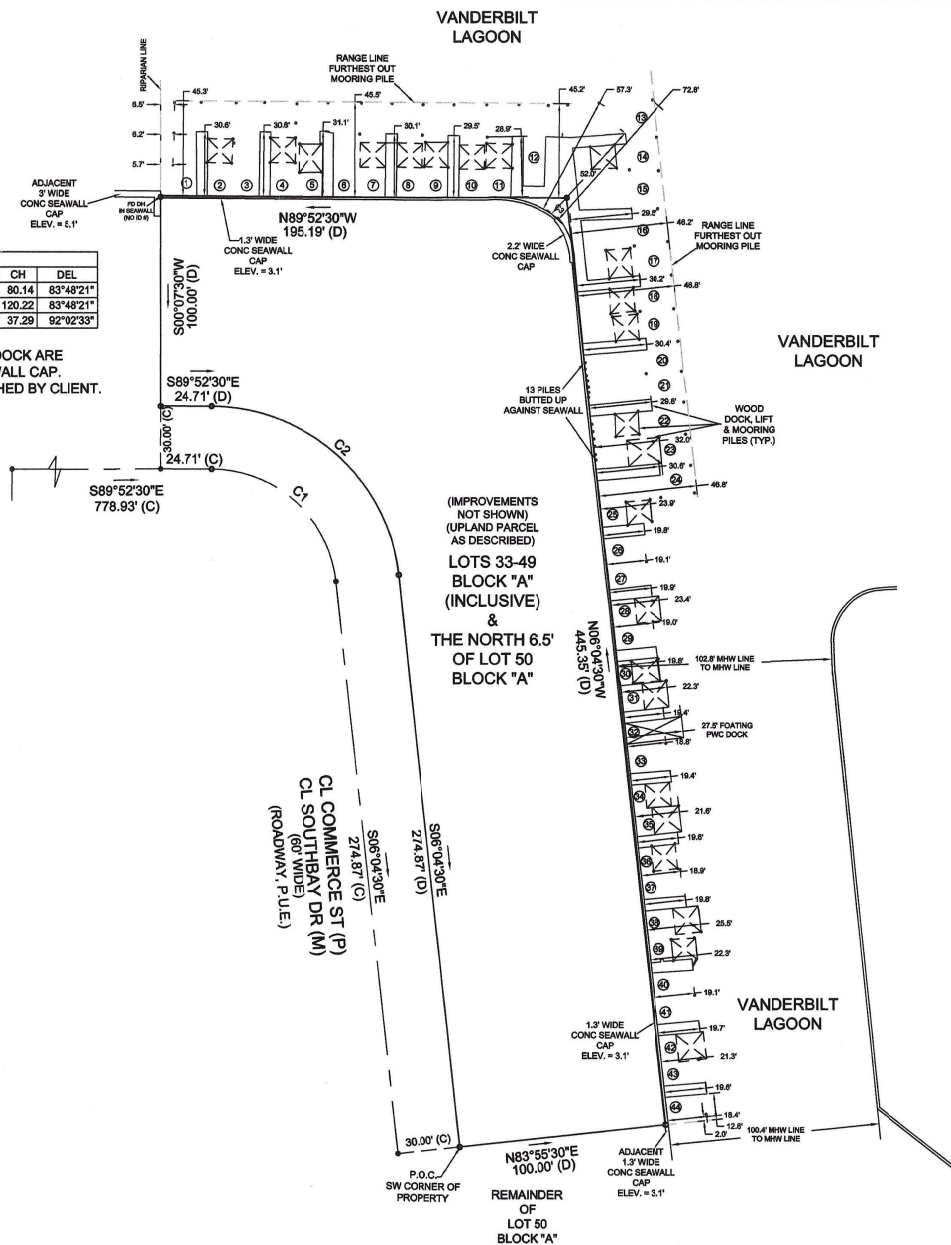
SECTION- 32 TOWNSHIP- 48 S



SCALE 1"= 60'

CURVE TABLE					
CURVE	LENGTH	RADIUS	CH BEAR	CH	DEL
C1	87.76	60.00	N47°58'26"W	80.14	83°48'21"
C2	131.64	90.00	N47°58'26"W	120.22	83°48'21"
C3	41.62	25.91	N46°13'36"W	37.29	92°02'33"

NOTE: DIMENSIONS TO THE DOCK ARE
MEASURED FROM THE SEAWALL CAP.
BOUNDARY INFORMATION FURNISHED BY CLIENT.



NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF COMMERCE ST. (P) AS SHOWN IN CONDOMINIUM BOOK 3 PAGE 16 OF COLLIER COUNTY, BEING NORTH 06° 04' 30" WEST.
2. IMPROVEMENTS OTHER THAN THOSE SHOWN ARE NOT A PART OF THIS SURVEY.
3. SAID DESCRIBED LAND IS SUBJECT TO ALL SUBDIVISION REGULATIONS, RESERVATIONS, RESTRICTIONS, ZONING AND RIGHTS-OF-WAY OF RECORD.
4. DATE OF FIELD SURVEY JANUARY 31, 2024.
5. THIS SURVEY MAP IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS, UTILITIES OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
7. ELEVATIONS SHOWN ARE BASED ON N.A. V.D. DATUM OF 1988. DESCRIPTION OF BENCHMARK IS AS FOLLOWS: SET BM ON SET PINALITY AT CURVE IN ROAD NORTH EDGE ELEV. = 3.39.
8. THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING DOCK STRUCTURES WITH RESPECT TO THE PLATTED PROPERTY LINES OF THE SUBJECT PROPERTY.
9. NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

REVISIONS

LEGEND

- = FOUND (?) IRON ROD (SURVEYOR ID #) (FIR)
- ⊙ = SET 1/2" IRON ROD (PSM #6004) (SIRC) CATV=CABLE TV
- = SET 4" X 4" CONCRETE MONUMENT (PSM #6004) (SCM)
- = FOUND CONCRETE MONUMENT (SURVEYOR ID #) (FCM)
- ⊕ = BENCHMARK (FOUND OR SET) RW = RIGHT OF WAY (R.O.W.)
- ⊙ = FOUND NAIL OR PK NAIL AND DISC (SURVEYOR ID #) (FPKN)
- ⊙ = SET PK NAIL AND DISC (PSM #6004) (SPKNAID) FD = FOUND FNAIT = FOUND NAIL AND TIN TAB BM = BENCHMARK
- (M) = FIELD MEASUREMENT (C) = CALCULATED MEASUREMENT
- P.C.P. = PERMANENT CONTROL POINT (P.C.L) = CENTERLINE
- P.R.M. = PERMANENT REFERENCE MONUMENT (P) (PG) = PAGE
- (P) OR (D) = PLAT OR RECORDED (DEED) MEASUREMENT
- (PS) = PLAT BOOK, PL EXT = PROPERTY LINE EXTENDED
- CMP = CORRUGATED METAL PIPE
- ⊕ = FINISHED FLOOR U.T.S. = UNITED TELEPHONE RISER
- ⊕ = WELL CONC = CONCRETE CB = CATCH BASIN OR INLET
- ⊕ = WATERGATE VALVE R.C.P. = REINFORCED CONCRETE PIPE
- ⊕ = SANITARY SEWER PROP = PROPERTY X = SPOT ELEVATION
- TOS = TOP OF BANK TOS = TOP OF SLOPE EOW = EDGE OF WATER
- BOS = BOTTOM OF BANK BOS = BOTTOM OF SLOPE EO = EDGE OF
- CRS=CONCRETE BLOCK & STUCCO VG = VALLEY GUTTER
- ELEG. = ELECTRIC TRANS = TRANSFORMER JAC = JACUZZI
- DE = DRAINAGE EASEMENT SWE = SIDEWALK EASEMENT
- USE = LANDSCAPE BUFFER EASEMENT IE = IRRIG. EASEMENT
- PUE = PUBLIC UTILITY EASEMENT UE = UTILITY EASEMENT
- LM&E = LAKE MAINTENANCE ACCESS EASEMENT
- LME = LAKE MAINTENANCE EASEMENT A.E. = ACCESS EASEMENT
- MHWMLW = APPROXIMATE MEAN HIGH/LOW WATER

MAP OF SPECIFIC PURPOSE SURVEY (EXISTING DOCK IMPROVEMENTS) OF BAREFOOT PELICAN CONDOMINIUM

AS RECORDED IN
CONDOMINIUM BOOK 24 PAGE(S) 35
AND DESCRIBED IN O.R. BOOK 821 PAGE 106
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA
271 SOUTHBAY DRIVE

CERTIFY TO:
TURRELL, HALL & ASSOCIATES

CERTIFICATION:
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY
DIRECTION AND THAT IT MEETS THE STANDARDS OF
PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL
LAND SURVEYORS AND MAPPERS IN CHAPTER SJ-17,
FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION
472.027, FLORIDA STATUTES.
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR
FREEDOM OF ENCUMBRANCES.

Digitally signed
by Court Gregory
DN: cn=Court
Gregory, o=Court
Gregory
Surveying Inc, ou,
email=cgs6004@comcast.net, c=US
Date: 2024.02.04
12:50:37 -05'00'

SIGNED

COURT H. GREGORY PSM #6004
DATE 02/01/2024
DATE OF FIELD SURVEY 01-31-2024

PSM # 6004
LB # 7112

C.G.S.

Court Gregory Surveying, Inc.
761 Teton Court
Naples, Florida 34104

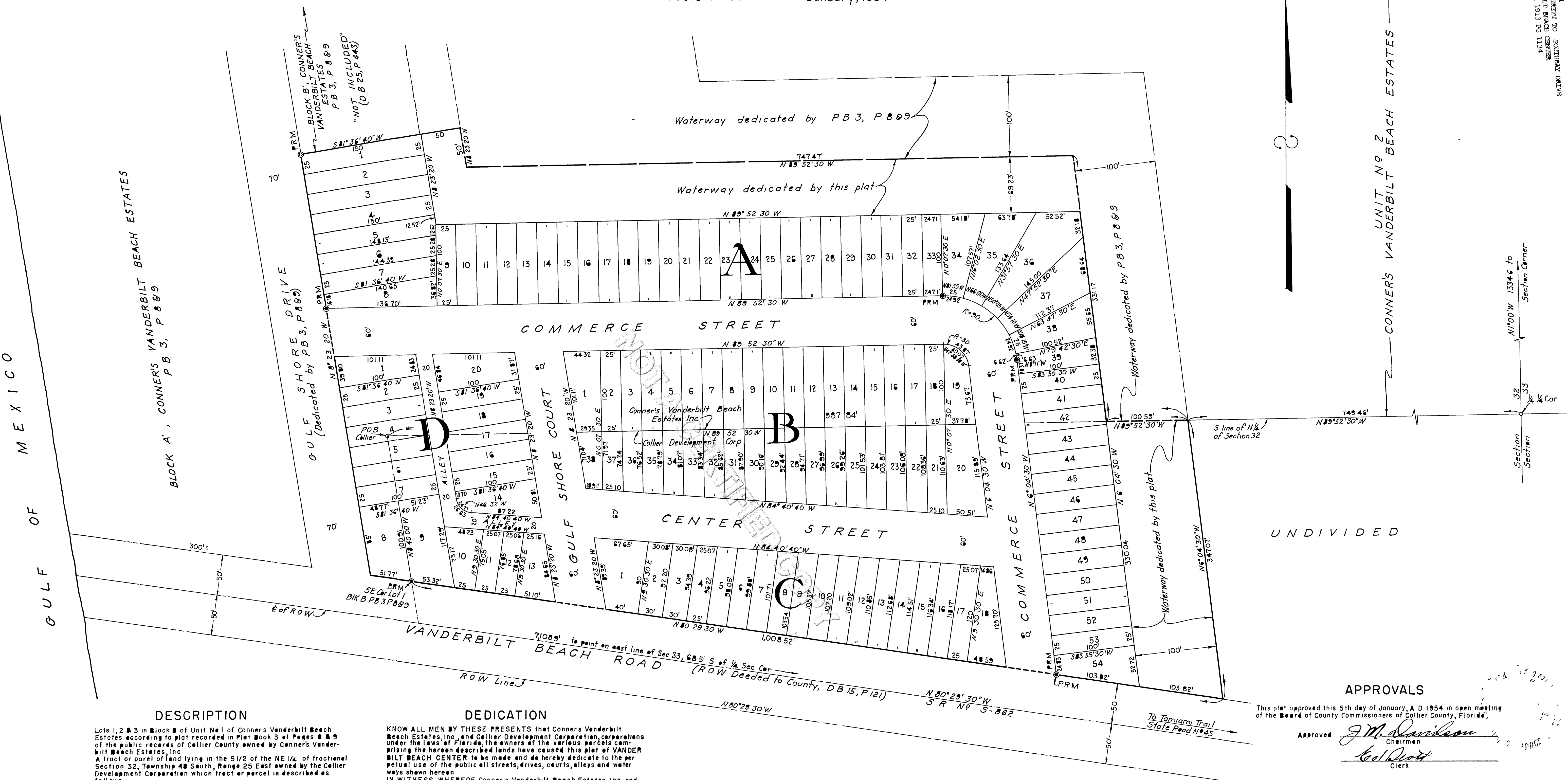
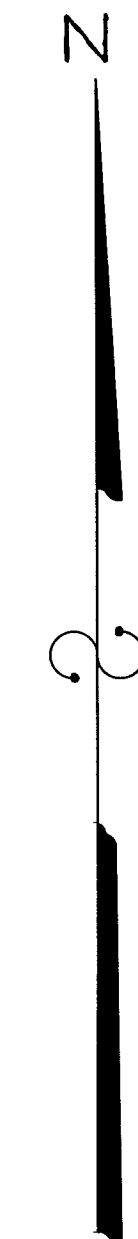
(239)643-7845 office Date 02/01/2024
cgs6004@comcast.net Job # VB20074M2024
(239)272-3707 cell Fb VB-5 Pg 60

Resolution No. 2021-47
Vacate County & Public Interest in Gulf Shore Court
2018 Alley in Bk. D & Part of Center St
Recorded 03/15/2021 OR 5808 PG 680-686
Plat Book 3 Page 16

RESOLUTION NO. 94-61
SOUTHEAST DUTY
REMARKING COMMENCE STREET TO
CENTER
LOCATED IN VANDERBILT BEACH
SECTION 32, T48S, R25E
RECORDED 2/10/94, OR 1913 PG 1134
PLAT BOOK 3 PG 16

VANDERBILT BEACH CENTER

A SUBDIVISION IN
SECTION 32, T48S, R25E
Scale 1"=60' January, 1954



DESCRIPTION

Lots 1, 2 & 3 in Block B of Unit No. 1 of Conner's Vanderbilt Beach Estates according to plat recorded in Plat Book 3 at Pages 8 & 9 of the public records of Collier County owned by Conner's Vanderbilt Beach Estates, Inc.
A tract or parcel of land lying in the S/2 of the NE 1/4 of fractional Section 32, Township 48 South, Range 25 East owned by the Collier Development Corporation which tract or parcel is described as follows:
Beginning at the northeast corner of said Lot 1, Block B of Conner's Vanderbilt Beach Estates run easterly along the north line of said S/2 of the NE 1/4 for 987.84' thence run southeasterly to a point on the north line of the County Road (now State Road No. S-862) right-of-way conveyed by deed recorded in Deed Book 15 at Page 121 of the public records of Collier County which point is 1,008.52' south easterly along said right-of-way line from the southeast corner of said Lot 1, Block B, thence run northwesterly for 1,008.52' along said right-of-way line to said southeast corner, thence run north westerly along the east line of said Lot 1 for 182.36' to the point of beginning.

NOTES

PRM's are 4"x4"x24" or larger Concrete Monuments.
Both chord and arc distances are shown on curved lines with chord bearing.
Bearings are true from traverse ties to true bearing by S.R.D. on E. Tamiami Trail.
Bearings are on basis adjusted traverses on Naples Park Plats and Unit No. 2 CONNER'S VANDERBILT BEACH ESTATES which differ from those on Unit No. 1 of C.V.B. Est. by 0'01'10" +/-

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Conner's Vanderbilt Beach Estates, Inc. and Collier Development Corporation, corporations under the laws of Florida, the owners of the various parcels comprising the hereon described lands have caused this plat of VANDERBILT BEACH CENTER to be made and do hereby dedicate to the perpetual use of the public all streets, drives, courts, alleys and water ways shown hereon.
IN WITNESS WHEREOF Conner's Vanderbilt Beach Estates, Inc. and Collier Development Corporation have each caused this dedication to be signed in its name by its vice president and its corporate seal to be affixed, attested by its Assistant Secretary this 5th day of January, A.D. 1954.

CONNER'S VANDERBILT BEACH ESTATES

By Barren Collier, Jr.
Vice President
Attest Don S. Akers
Assistant Secretary

COLLIER DEVELOPMENT CORPORATION

By Barren Collier, Jr.
Vice President
Attest Pamela Collier
Assistant Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me personally appeared Barren Collier, Jr. and Paul Cooke, respectively Vice President and Assistant Secretary of the Collier Development Corporation, 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 uses 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 5th day of January, A.D. 1954.

Beatrice Wiggins
Notary Public, State of Florida at Large
My Commission expires Feb. 3, 1955

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me personally appeared C. B. Conner and Don S. Akers respectively Vice-President and Assistant Secretary of Conner's Vanderbilt Beach Estates, 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 uses 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 5th day of January, A.D. 1954.

Robert J. Benson
Notary Public, State of Florida at Large
My Commission expires March 18, 1955

APPROVALS

This plat approved this 5th day of January, A.D. 1954 in open meeting of the Board of County Commissioners of Collier County, Florida.

Approved J. M. Davidson
Chairman
Ed Scott
Clerk

I HEREBY CERTIFY that this plat of VANDERBILT BEACH CENTER has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 3 P.M. this 2nd day of February, A.D. 1954 and duly recorded in Plat Book 3, on Page 16 of the public records of Collier County, Florida.

Ed Scott
Clerk of Circuit Court in and for Collier County

I hereby certify that this plat of VANDERBILT BEACH CENTER is a true and correct representation of a recent survey made and plotted under my direction and that permanent reference monuments (PRM's) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

Paul P. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Ft. Myers, Florida

HEARING PACKAGE CHECKLIST**A. Backup provided by the County Planner**

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

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

B. Backup provided by Applicant:

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

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

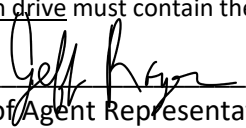
☒ Boundary Survey

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

☒ Submerged Resource Surveys may be included here if required.

☒ **flash drive with *only one* pdf file for all documents OR e-mailed .pdf file**

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


Signature of Agent Representative

7/17/2024

Date

Jeff Rogers
Printed Name of Signing Agent Representative



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2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
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Boat Dock Facility Extension OR Boathouse Establishment Petition
Land Development Code Section 5.03.06
Chapter 3 B of the Administrative Code

THIS PETITION IS FOR (check one):



DOCK EXTENSION



BOATHOUSE

APPLICANT INFORMATION

Name of Property Owner(s): Barefoot Pelican Condominium Association, Inc.

Name of Applicant if different than owner: _____

Address: 271 Southbay Dr. City: Naples State: FL ZIP: 34108

Telephone: 239-597-4434 Cell: _____

E-Mail Address: owner@barefootpelicannaples.com

Name of Agent: Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-643-0166 Cell: _____

E-Mail Address: jeff@THAnaples.com

*Additional agent: Katie Berkey, Esq., AICP, Becker & Poliakoff, 12140 Carissa Commerce CT, Suite 200, Fort Myers, FL 33966, 239-628-4919, kberkey@beckerlawyers.com

PROPERTY LOCATION

Section/Township/Range: 32 / 48 S / 25 E Property I.D. Number: 79120680001

Subdivision: Barefoot Pelican Condominium Unit: _____ Lot: _____ Block: _____

Address/ General Location of Subject Property:

271 Southbay Dr. Naples FL 34108; 1.17 miles west of US-41 on Vanderbilt Beach Rd; .05 miles north of Vanderbilt Beach

Current Zoning and Land use of Subject Property:

Current Zoning: C-3; Use: MF 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- 3	Vanderbilt Lagoon
S	C-3	Commercial
E	PUD	Regatta Landing
W	MPUD	Mixed Use

DESCRIPTION OF PROJECT

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

See attached narrative statement

SITE INFORMATION

1. **Water Width:** 100.4 ft. Measurement from: ☐ plat ☒ survey ☐ visual estimate
751 (Bay) ft. other (specify)

2. **Total Property Water Frontage:**
625 ft.

3. **Setbacks:** Provided: 0' & 5' ft.
Required: 15 & 15 ft.

4. **Total Protrusion of Proposed Facility into Water:**
71

5. **Number and Lengths of Vessels to Use Facility:**
1. 25-44.5 ft. Maximum
2. ft.

6. **If applicable, the distance between dock facilities per the Land Development Code section 5.03.06 H.1.d.**
49-86 ft.

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

The Regatta Landing docks to the west are located 49' away at the nearest point, and protrude approximately 250' from their uplands.

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8. Signs are required to be posted for all petitions. On properties that are one (1) acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?

1.3 Acres

9. 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.)

DOCK EXTENSION 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.

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

BOATHOUSE CRITERIA

The following criteria, pursuant to LDC section 5.03.06 F, shall be used as a guide by staff in determining its recommendation to the decision maker. The decision maker will utilize the following criteria as a guide in the decision to approve or deny a particular Boathouse request. In order for the request to be approved, all of the criteria must be met. On separate sheets, please provide a narrative response to the listed criteria and/or questions.

1. Minimum side setback requirement: Fifteen feet.
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.
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.
4. Maximum number of boathouses and covered structures per site: One.
5. All boathouses and covered structures shall be completely open on all 4 sides.
6. Roofing material and roof color shall be the same as materials and colors used on principal structure or may be a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.
7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.



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ASSOCIATIONS

Complete the following for all registered Home Owner / Civic Association(s) that could be affected by this petition and located within 1,000 feet of the subject property. Provide additional sheets if necessary. Information can be found on the [Civic Associations and Communities page](#) on the Board of County Commissioner's website. Applicant is responsible for and shall confirm the current mailing addresses for each association as registered by the Florida Department of State, Division of Corporations.

Name of Homeowner / Civic Association: Vanderbilt Beach Motel Condo

Mailing Address: 9256 Gulf Shore Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: The Watermark Condominium

Mailing Address: 9380 Gulf Shore Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Vanderbilt Beach & Harbor Club

Mailing Address: 9362 Gulf Shore Rd. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Regatta Landings

Mailing Address: 406 Flagship Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Chateau Vanderbilt

Mailing Address: 9101 Vanderbilt Dr. **City:** Naples **State:** FL **ZIP:** 34108

Name of Homeowner / Civic Association: Vanderbilt Lagoon Villas **State:** FL **Zip:** 3410

Mailing Address: 9207 Vanderbilt Dr. **City:** Naples



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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 or processed.**

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	☒	
Property Ownership Disclosure Form	☒	
Affidavit of Authorization , signed and notarized	☒	
Completed Addressing Checklist	☒	
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.	☒	☐
Signed and sealed survey	☒	☐
Chart of site waterway	☐	☐

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:	☐	Parks and Recreation:
☐	City of Naples Planning Director	☐	School District (Residential Components):
☐	Conservancy of SWFL:	☐	Other:
☐	Emergency Management:	☐	Other:

FEE REQUIREMENTS:

- ☒ Boat Dock Extension / Boathouse Petition fee: \$1,500.00
- ☒ Pre-Application Meeting fee \$500.00
- ☒ Estimated Legal Advertising fee for the Office of the Hearing Examiner: \$1,125.00
- ☒ If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after Hearing Examiner hearing date. (Variable)
- ☒ Fire Planning Review fee: \$100.00

All fees are collected at the time of application. Property Notification Letters, if required by The Land Development Code, will be invoiced after the petition is heard by the Board of County Commissioners.

As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition. *Additional fee for the 5th and subsequent re-submittal will be assessed at 20% of the original fee.

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

Growth Management Community Development Department | GMD Portal:
<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov

Signature of Petitioner or Agent

2/21/2024

Date

Jeff Rogers

Printed Name



TURRELL, HALL & ASSOCIATES, INC.

Marine & Environmental Consulting

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

Narrative Description

The proposed Boat Dock Extension is to replace the existing docking facility with a new modernized facility for a multi-family residential property with 44 slips and associated boatlifts located at 271 Southbay Drive (the "Subject Property"). The Subject Property and the existing docking facility were damaged during Hurricane Ian. Due to the facility layout being outdated as compared to today's industry standards, the Applicant wishes to modernize the facility instead of just rebuilding within the exact same footprint. The entire proposed project consists of installing a new seawall approximately 18" in front of the existing seawall/mean high water line (MHWL), rebuilding full length finger piers ranging from 25-feet to 40-feet and maintaining the total slip count at 44 slips. Additionally, the existing facility's overall protrusion out into the water is approximately 73-feet measured from the platted property line all contained within their existing submerged land lease boundary.

As proposed the overall dock area will remain consistent with the existing facility, but the finger piers will be extended to full length which will continue to accommodate the same number of slips. The proposed finger piers will still provide safe access and allow for routine maintenance to the entire vessel. The subject waterways are both considered as man-altered waterways known as Vanderbilt Lagoon and the Subject Property is located along the southeast side of the Lagoon. This area of the Lagoon is also considered state lands which requires a submerged land lease with the State of Florida. As proposed, the project has been fully permitted by both the Department of Environmental Protection (DEP) and the US Army Corps of Engineers (USACE). The square footage over water for the marina reconfiguration is being reduced from 3,792 sf to 3,064 sf. The pilings are existing and the Applicant is not expanding beyond those and its request, if approved, will not result in an impediment to navigation.

The proposed facility's overall greatest protrusion is approximately 71-feet measured from the most restrictive point being the plated property line. Therefore, the applicant is requesting a 51-foot boat dock extension from the allowed 20-feet which is consistent with the existing conditions. The subject waterways are approximately 100.4-feet on the canal side and 751 feet wide on the bay. Based off this the proposed finger docks and vessels on the canal side would protrude approximately 25.4% of the subject waterway width and the proposed finger docks out on the bay/lagoon will protrude approximately 5.4% of the waterway width.

Additionally, the existing facility encroaches into the required side yard setback of 15-feet for properties with shorelines greater than 60-feet in length. As proposed, the modernized facility will maintain those side yard setback encroachments and provide a 0-foot setback from the SE riparian line and a 5-foot setback from the NW riparian line. Based off this the County is requiring the project to go through a companion Non-Conforming Use Alteration (NUA) as well as an Insubstantial Change to the Site Development Plan (SDPI), both of which are being processed concurrently to the BDE.



ADDRESSING CHECKLIST

Please complete the following and upload via the CityView Portal with your submittal. Items marked with (*) are required for every application, other items are optional and may not apply to every project.

Forms are valid for 6 months following their submittal; an updated form will be required for a new submittal after that timeframe and any time the properties within the project boundary are modified.

Additional documents may be attached to this form and can include:

- * LOCATION MAP and/or SURVEY showing the proposed project boundary.
- List of additional folio numbers and associated legal descriptions.
- E-mail from Addressing Official for any pre-approved project and/or street names.

LOCATION INFORMATION

***FOLIO (Property ID) Number(s)** of subject property or properties. [Attach list if necessary]

79120680001, ~~79120720000~~, ~~79120760002~~, see attached
Parcels now combined with 79120680001

***LEGAL DESCRIPTION** of subject property or properties. [Attach list if necessary]

See attached

STREET ADDRESS(ES) where applicable, if already assigned.

271 Southbay Dr. Naples, FL 34108

PROJECT INFORMATION

Acceptance of this form does not constitute project and/or street name approval and is subject to further review by the Addressing Official. Pre-Approval may be requested by contacting us at GMD_Address@colliercountyfl.gov or 239-252-2482 prior to your submittal.

CURRENT PROJECT NAME

Barefoot Pelican

PROPOSED PROJECT NAME

PROPOSED STREET NAME(s)

LATEST APPROVED PROJECT NUMBER [e.g., SDP-94-##, PPL-2002-AR-####, PL2017000####]

Supplemental Information

Upon further review it was determined that since the subject docks are over sovereign submerged lands (state lands) no one individual owns the bottoms lands their designated slip is built over. Based off this the Condominium Association is the authorized entity to be the applicant representing all 44 slips associated with Barefoot Pelican. The Barefoot Pelican Condominium Association is the applicant.

The Barefoot Pelican Condominium Association has the authority and is the appropriate entity to act on behalf of the individual slip holders. The Association is the entity the State has authorized as the permittee and fully responsible for the facility.

The provided folio numbers cover the common areas for the Barefoot Pelican Condominium Association. The docks should be included in these areas as they are not individually owned but assigned to a specific unit.

Barefoot Pelican Condominium Association, Inc. (the "Applicant") has the authority to act on behalf of the individual boat lot owners and to execute the County's required Affidavit of Authorization form. The Applicant's members voted in favor of the proposed boat dock, sea wall, pool, and spa alterations that are subject to this request at a duly noticed meeting on March 28, 2024. Enclosed please find the Affidavit of Notice for this membership meeting, which reflects an affirmative vote of 83.3% of the members in compliance with State law as to condominium associations.

To further support the Applicant's authority to act on behalf of the individual boat lot owners and to file these applications, Article IV, Section 1 of Amended and Restated Declaration of Condominium of Barefoot Pelican, a Waterfront Condominium (the "Declaration"), provides that the Condominium was created in two phases. The first phase consisted of twenty (20) Residential Units located in one (1) building, and sixteen (16) Boat Lot Units as designated on the plot plan (Exhibit 2 to the Declaration). The second phase consisted of forty (40) Residential Units located in one building and twenty-eight (28) Boat Lot Units as designated on the plot plan (Exhibit 2 to the Declaration). Thus, there are a total of forty-four (44) Boat Lot Units, one (1) of which is for common use and which is not privately assigned to a particular upland condominium unit owner. Each Boat Lot Unit includes only the two-dimensional plane covering the surface of the lands (water) as described in Exhibit 2 and does not include any rights in and to the air space immediately above the surface of the Unit (water). Further, this Article provides that Boat Lot Unit Owners cannot excavate, improve, or alter their Boat Lot Unit without the prior written approval of the Board.

1 Recorded at Official Record Book 5489 at Page 1753 et seq. in the Collier County Public Records on March 21, 2018, and as subsequently amended and recorded in Official Record Book 5915 at Page 1903 et seq. in the Collier County Public Records on March 26, 2021.

In addition, Article IV, Section 3 of the Declaration provides as follows:

Sovereignty Submerged Lands Lease. The Association is a party to that certain Sovereignty Submerged Lands Lease No. 110020855 with the Board of Trustees of the Internal Improvement

Trust Fund of the State of Florida, for a period of five years from January 18, 2001 until January 18, 2006 ("Sovereignty Submerged Lands Lease"), including renewals and amendments thereof. The Sovereignty Submerged Lands Lease is recorded in the Public Records of Collier County, Florida in Official Records Book 2846 at Pages 1128 through 1138. The Association is bound by each term and provision of such Lease. In addition, the Association is obligated to protect and maintain the water quality standard within the docking facility that is located upon the lands subject to such Sovereignty Submerged Lands Lease in accordance with the Marina Operations and Management Plan dated December 6, 2006 (the "Plan") as such Plan may be amended from time to time. (Emphasis added.)

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration.

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

Property Identification Nos.

1. 79120680001
2. 79120720000
3. 79120760002
4. 22920800025 (Boat Slip 1)
5. 22920800041 (Boat Slip 2)
6. 22920800067 (Boat Slip 3)
7. 22920800083 (Boat Slip 4)
8. 22920800106 (Boat Slip 5)
9. 22920800122 (Boat Slip 6)
10. 22920800148 (Boat Slip 7)
11. 22920800164 (Boat Slip 8)
12. 22920800180 (Boat Slip 9)

13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)1
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
18. 22920800300 (Boat Slip 16)
19. 22920800326 (Boat Slip 17)
20. 22920800342 (Boat Slip 18)
21. 22920800368 (Boat Slip 19)
22. 22920800384 (Boat Slip 20)
23. 22920800407 (Boat Slip 21)
24. 22920800423 (Boat Slip 22)
25. 22920800449 (Boat Slip 23)
26. 22920800465 (Boat Slip 24)
27. 22920800481 (Boat Slip 25)
28. 22920800504 (Boat Slip 26)
29. 22920800520 (Boat Slip 27)
30. 22920800546 (Boat Slip 28)
31. 22920800562 (Boat Slip 29)
32. 22920800588 (Boat Slip 30)
33. 22920800601 (Boat Slip 31)
34. 22920800627 (Boat Slip 32)
35. 22920800643 (Boat Slip 33)
36. 22920800669 (Boat Slip 34)
37. 22920800685 (Boat Slip 35)
38. 22920800708 (Boat Slip 36)
39. 22920800724 (Boat Slip 37)
40. 22920800740 (Boat Slip 38)

- 41. 22920800766 (Boat Slip 39)
- 42. 22920800782 (Boat Slip 40)
- 43. 22920800805 (Boat Slip 41)
- 44. 22920800821 (Boat Slip 42)
- 45. 22920800847 (Boat Slip 43)
- 46. 22920800863 (Boat Slip 44)

1 Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

Please see attached copy of the Plat Map for this area where a dedicated waterway is clearly labeled being 100-feet wide which also extends to the northern side of the subject property. The north side waterway is much wider than the plat map indicates as the waterway measured from an aerial in GIS is approximately 751-feet wide.

The existing docking facility currently has a submerged land lease (SLL) with DEP which has been updated to now include the currently proposed docking facility. The DEP permit has been issued with the proposed docks, seawall, & dredge.

The Sovereignty Submerged Land Lease No. 110020855 was entered into between the Applicant and the Board of Trustees of the internal Improvement Trust Fund of the State of Florida ("Board"). The Board owns the sovereignty submerged lands and the water located below the historic mean high water line adjacent to the Applicant's upland real property at 271 Southbay Drive. For the Applicant to build a private, residential multi-slip docking facility on the Board's sovereignty submerged lands adjacent to the Applicant's upland Condominium Property, the Sovereignty Submerged Lands Land Lease is required. The Sovereignty Submerged Lands Lease is recorded in the Public Records of Collier County in Official Records Book 2846 at Pages 1128 through 1138.

**AFFIDAVIT OF MAILING, E-MAILING, OR DELIVERING AND POSTING OF
NOTICE TO UNIT OWNERS**

BAREFOOT PELICAN CONDOMINIUM ASSOCIATION, INC.

I, the undersigned, President of the Association whose name appears at the bottom of this affidavit do hereby swear and affirm that the notice of the Special Members' meeting to be held **Thursday, March 28, 2024, at 4:00 P.M.**, together with proxies, online voting instructions, and supporting material regarding the vote on the pool, spa, and boat dock alterations, were timely mailed, by First Class Mail, sent by electronic mail (to Unit Owners who have consented to same), or hand-delivered in accordance with Section 718.112, Florida Statutes. The notice (copy attached) was mailed or delivered on March 14th, 2024, 2024 to each Unit Owner at the physical or electronic address last furnished to the Association, as such address appears on the books of the Association. The notice was also posted on March 14th, 2024, 2024 in a conspicuous place on the Condominium Property.

The President swears and affirms that of the total 60 Unit Owners (or 23³ percent (%)) of the total Unit Owners authorized the Board of Directors to alter the existing pool, spa, and boat docks in a manner and location as depicted in the in the plans submitted to the County in the pending Boat Dock Extension Case No. PL20220005339, Variance Case No. PL20220005909,¹ and Insubstantial Change to a Site Development Plan Case No. PL20230012727.

Sworn this 28 day of MARCH 2024.

**BAREFOOT PELICAN CONDOMINIUM
ASSOCIATION, INC.**

BY: _____

Howard Neff, Jr., President

STATE OF Florida:

COUNTY OF Collier:



Lucia Anreus
Comm.: HH 463261
Expires: Nov. 12, 2027
Notary Public - State of Florida

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization this 28 day of March 2024, by Howard Neff, Jr., as President of Barefoot Pelican Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He is ☐ personally known to me or ☒ has produced DL - Driver License (type of identification) as identification.

Notary Public

Printed Name: Lucia Anreus

My commission expires:

November 12, 2027

¹ To be converted to a Non-Conforming Use Alteration ("NUA") application

IN person - 174 He com + 3 party

Unit	Owner First Name	Owner Last Name	Sign In	In person	Zoom
121	Kim	Braham Moody			
122	Matthew	Hawks	<i>Patricia Hilton</i>	✓	
123	Jim	Moutzalias			✓
124	Carlos	Valdes			✓
125	John	Hughes			✓
131	Clayton	Knotts			
132	Sue	Graves	<i>Sue Graves</i>	✓	
133	Matt	Seely			
134	Warren	Damman	<i>Sue Damman</i>	✓	
135	Garnet	Engle			✓
141	Kathy	Conley			
142	Mariana	Cowie	<i>Marianne Cowie</i>	✓	
143	Laura	Weir			✓
144	Jeff	Hiltbrand			✓
145	Ted	Ward			✓
151	Alfonso	Delligatti			✓
152	Maria	Tsakos			✓
153	Robert	Condeluci			
154	Bernice	Valdivia			
155	Rita	Nappi			
220	David	Poole			✓
221	Lisa	Damman			
222	Howard	Neff	<i>Howard Neff</i>	✓	✓
223	Robert	Theard		✓	

Party

Party

Party

224	Patrick	Woolley		✓	
225	Sally	Hughes			✓
226	Stacia	Hahn			✓
227	Tom	Kennedy			✓
228	Kevin	Pauza			
229	Brian	Taffe			✓
230	Angeline	McCroskey			✓
231	Richard	Kaufmann			✓
232	Roxanne	Flaska		✓	✓
233	Carl	Djusberg			✓
234	Richard	Vaz			
235	Scott	Sewell			
236	Ann	Smallwood		✓	✓
237	Janine	Albert			
238	John Diane	Smith Givanel		✓	
239	Charles	Follrod			
240	Eugene	Thomas		✓	
241	Linda	Torni		✓	
242	Grant	Morse			✓
243	Sharon	Bruno			✓
244	Richard	Brockhaus			✓
245	Tina	Seely			✓
246	Jeffery	Kleeman		✓	
247	Lynda	Grippi			
248	Alison	Miller			
249	David	Matter			
250	Louis	Ferrari		✓	

251	Jennifer	Stark	<i>[Signature]</i>		✓	
252	Marina	Perlov				
253	Dennis	Magner				✓
254	Louis	Ferrari	<i>[Signature]</i>		✓	
255	Mark	Lindsey				
256	Brian	Maloney				
257	Kathleen	Hein-Hanson				
258	Leonard	Frederico	<i>[Signature]</i>		✓	
259	Alfonso	Delligatti				✓

Meeting Date -



FLORIDA DEPARTMENT OF Environmental Protection

South District
PO Box 2549
Fort Myers FL 33902-2549
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Barefoot Pelican Condo Assoc – Kimberly Braham-Moody
4985 Tamiami Trail E
Naples, FL 34113

Dock Reconfiguration and Dredge

Authorized Agent:

Turrell, Hall & Associates, Inc. - Nick Pearson
3584 Exchange Ave.
Naples, FL 34110
Nick@THANaples.com

Environmental Resource Permit

**State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Permit No.: 0124437-004 EI
Lease No.: 110020855

Permit Issuance Date: October 05, 2023
Permit Construction Phase Expiration Date: October 05, 2028

Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization

Permittee: Barefoot Pelican Condo Assoc – Kimberly Braham-Moody

Permit No: 0124437-004 EI

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 271 Southbay Dr, Naples, FL 34108, in Section 29, Township 48, Range 25, in Collier County. The spoil disposal site is located at Bonita Grand Landfill, 25501 Bonita Grand Dr, Bonita Springs, FL 34135.

PROJECT DESCRIPTION

The permittee is authorized to reconfigure the existing docking facility from 3,792 square feet overwater surface area to 3,064 square feet overwater surface area with no change in the number of slips (44), and to dredge a 13,160 square foot area within the lease boundary to a depth no greater than -4 mean low water, removing 715 cubic yards of spoil material in Vanderbilt Channel, Class II Waters. Those activities include the modification of the existing sovereign submerged land lease from a 25,228 square foot area to a 24,960 square foot area. All spoil material will be staged temporarily on uplands before it is trucked to its final spoil disposal location. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Dock Reconfiguration and Dredge

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees under Sections 253.002, F.S., the Department has determined that the activities qualify for and require a lease modification, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease modification will be sent to the grantee by the Department's Division of State Lands for execution. The Department intends to issue the lease modification, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in this permit. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

Federal Authorization

Your proposed activity as outlined on your application and attached drawings does not qualify for Federal authorization pursuant to the State Programmatic General Permit and a SEPARATE permit or authorization shall be required from the Corps. You must apply separately to the Corps using their *APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT*, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>.

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

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply

with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE

1. All required submittals, such as certifications, monitoring reports, notifications, etc., shall be submitted to the Florida Department of Environmental Protection, South District Office, Submerged Lands and Environmental Resource Permitting, P.O. Box 2549, Fort Myers, FL 33902-2549 or via e-mail to FTMERP_Compliance@dep.state.fl.us . All submittals shall include the project name and indicated permit number when referring to this project.

Note: In the event of an emergency, the Permittee should contact the Department by calling (800)320-0519. During normal business hours, the permittee should call (239)344-5600.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

2. Storage or stockpiling of tools and materials (i.e., lumber, pilings, debris,) within wetlands, along the shoreline, within the littoral zone, or elsewhere within wetlands or other surface waters is prohibited. This includes floating or pilings in surface waters. All vegetative material and debris shall be removed to a self-contained upland disposal area with no stockpiling of debris within wetland areas.
3. A floating turbidity curtain shall be installed around the construction area and will remain in place until pilings have been installed and turbidity levels within the work area have returned to background levels prior to construction of the dock.
4. All CCA-treated pilings associated with the permitted activity shall be wrapped with impermeable plastic or PVC sleeves with a minimum of 30 mil thickness. The sleeves shall be installed concurrently with the installation of the pilings, shall extend from at least 6 inches below the level of the substrate to at least 2 feet above the mean high-water line. Pilings which have to be replaced during the life of the facility shall meet the requirements of this condition.
5. Dredging shall be limited to day light; no dredging activities are authorized to be conducted at night.
6. The dredging will include removing approximately 13,160 sq ft. of sediment, to a depth no greater than -4 mean low water, resulting in 715 cubic yards of dredged material. The dredged material will be mechanically excavated from a barge and offloaded directly onto the appropriately contained upland spoil disposal location as shown on sheet 6 of 9. After drying, the material will be trucked to its final spoil disposal site located at 25501 Bonita Grand Dr, Bonita Springs, FL 34135.

7. The authorized spoil dewatering/disposal area shall be restored to pre-construction conditions as depicted on Sheets 2 - 5 of 9 within 15 days of the completion of dredge/dewatering activities.

SPECIFIC CONDITIONS LISTED SPECIES

8. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC MANATEE PROTECTION CONDITIONS

9. The [Standard Manatee Conditions for In-water Work](#) (2011) shall be followed for all in-water activity.
10. The total number of boats, inclusive of all mooring and upland storage, shall be limited to forty-four (44) slips.
11. Due to the project’s location in a narrow waterway, at least one observer shall be present onsite and dedicated to watching for manatees during all in-water operations. Observers must have prior on-the-job experience observing for manatees during previous in-water work. In-water work must not be performed after dusk or before dawn, when the possibility of spotting manatees is negligible.
12. The Permittee shall install permanent manatee educational signs, which shall be maintained for the life of the facility, no later than 60 days after construction commencement. The number and types of signs, as well as the on-site locations shall be approved by FWC staff prior to installation. A proposal for FWC sign approval shall be submitted to ImperiledSpecies@MyFWC.com in accordance with information provided at <http://www.myfwc.com/wildlifehabitats/managed/manatee/education-for-marinas/>. Signs shall be replaced in accordance with FWC guidance by the Permittee if outdated, damaged or faded.
13. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with, and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.

14. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
15. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers shall not impede manatee movement.
16. All on-site project personnel are responsible for observing water-related activities for the presence of manatees. All in-water operations, including vessels, shall be shutdown if a manatee comes within 50 feet of the operation. Activities shall not resume until every manatee has moved beyond the 50-foot radius of the project operation, or until 30 minutes has elapsed wherein a manatee has not reappeared within 50 feet of the operation. Animals shall not be herded away or harassed into leaving.
17. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
18. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shutdown of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. Please see the Florida Fish and Wildlife Conservation Commission website for information on how to obtain appropriate signs: http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the

Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
- b. For all other activities "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- 8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- 9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- 10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- 11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- 12. The permittee shall notify the Agency in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- 13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- 14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such

discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's

representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

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

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

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

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Jennifer Carpenter
District Director
South District Office

Attachments:

9 project drawing(s)

'Post Issuance' forms: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments, including all copies, were sent to the addressee and to the following listed persons:

U.S. Army Corps of Engineers, Fort Myers Office, fdep.other@usace.army.mil

Tim Hall Tim@thanaples.com

Collier County Property Appraiser, dlindberg@collierappraiser.com

FILING AND ACKNOWLEDGMENT

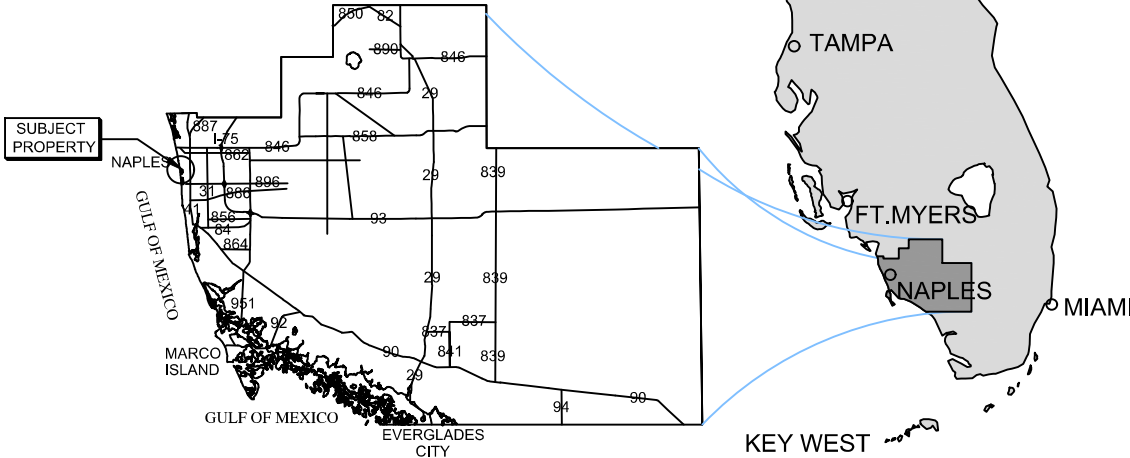
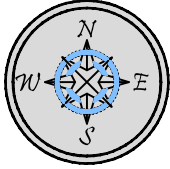
FILED, on this date, pursuant to Section 120.52(7), F.S., with the designated Department clerk, receipt of which is hereby acknowledged.

Clerk

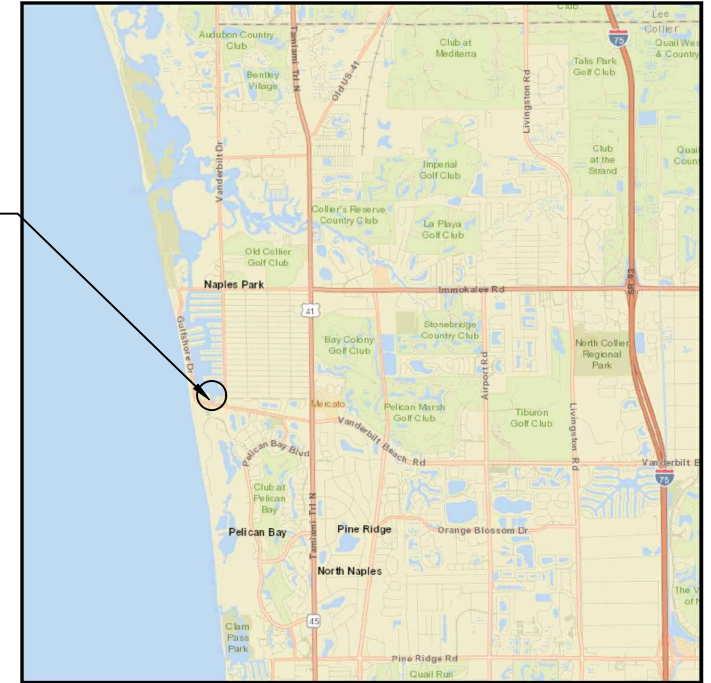
October 5, 2023

Date

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

<> 271 SOUTHBAY DR
NAPLES, FL 34108

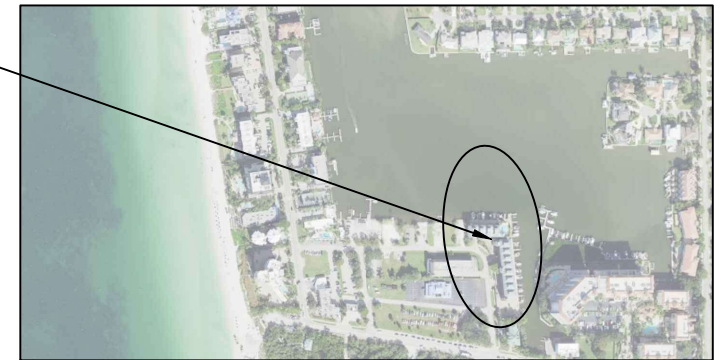
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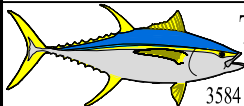
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.



SUBJECT PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

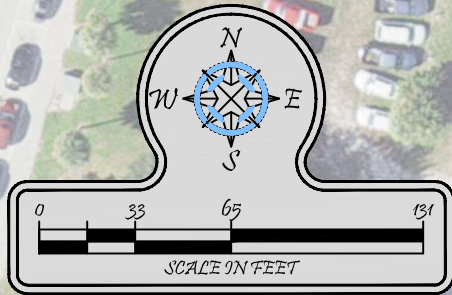
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN LOCATION MAP

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

DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	01 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



SLIP #	SLIP SIZES LENGTH X WIDTH
1	44.5' X 10.3'
2	44.4' X 12.1'
3	44.4' X 12.7'
4	44.6' X 12.6'
5	44.6' X 12.4'
6	44.5' X 12.5'
7	44.5' X 12.2'
8	44.6' X 12.6'
9	44.6' X 12.2'
10	44.5' X 12.6'
11	44.5' X 12.2'
12	38.9' X 10.9'
13	40.5' X 15.8'
14	39.9' X 14.4'
15	39.9' X 16.3'
16	40.3' X 12.6'
17	40.3' X 14.6'
18	45.1' X 12.4'
19	45.1' X 12.4'
20	45.8' X 11.3'
21	45.8' X 12.3'
22	45.0' X 12.8'

SLIP #	SLIP SIZES LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
26	25.5' X 11.8'
27	25.0' X 12.8'
28	25.0' X 11.4'
29	25.0' X 11.8'
30	25.0' X 12.0'
31	25.0' X 11.0'
32	25.0' X 12.3'
33	25.0' X 11.6'
34	25.0' X 13.2'
35	25.0' X 12.3'
36	25.0' X 11.6'
37	25.0' X 12.4'
38	25.0' X 12.7'
39	25.0' X 12.8'
40	25.0' X 12.1'
41	25.0' X 11.8'
42	25.0' X 12.4'
43	25.0' X 12.3'
44	25.0' X 11.8'
45	25.0' X 9.6'



PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

BAREFOOT PELICAN

EXISTING CONDITIONS

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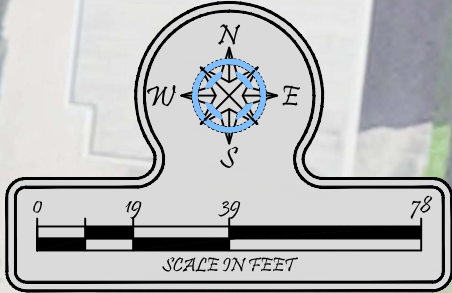
DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	02 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 378

Packet Pg. 379

P:\0038.05 Barefoot Pelican Dock\CAD\PERMIT-STATE\0038.05.dwg BXT090718G DEPT'S NORTH 8/7/2023



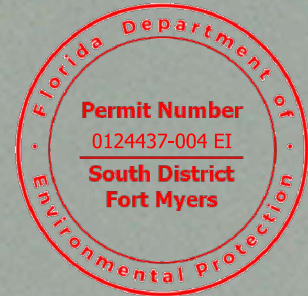
PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING
SEAWALL

NOTES:

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- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



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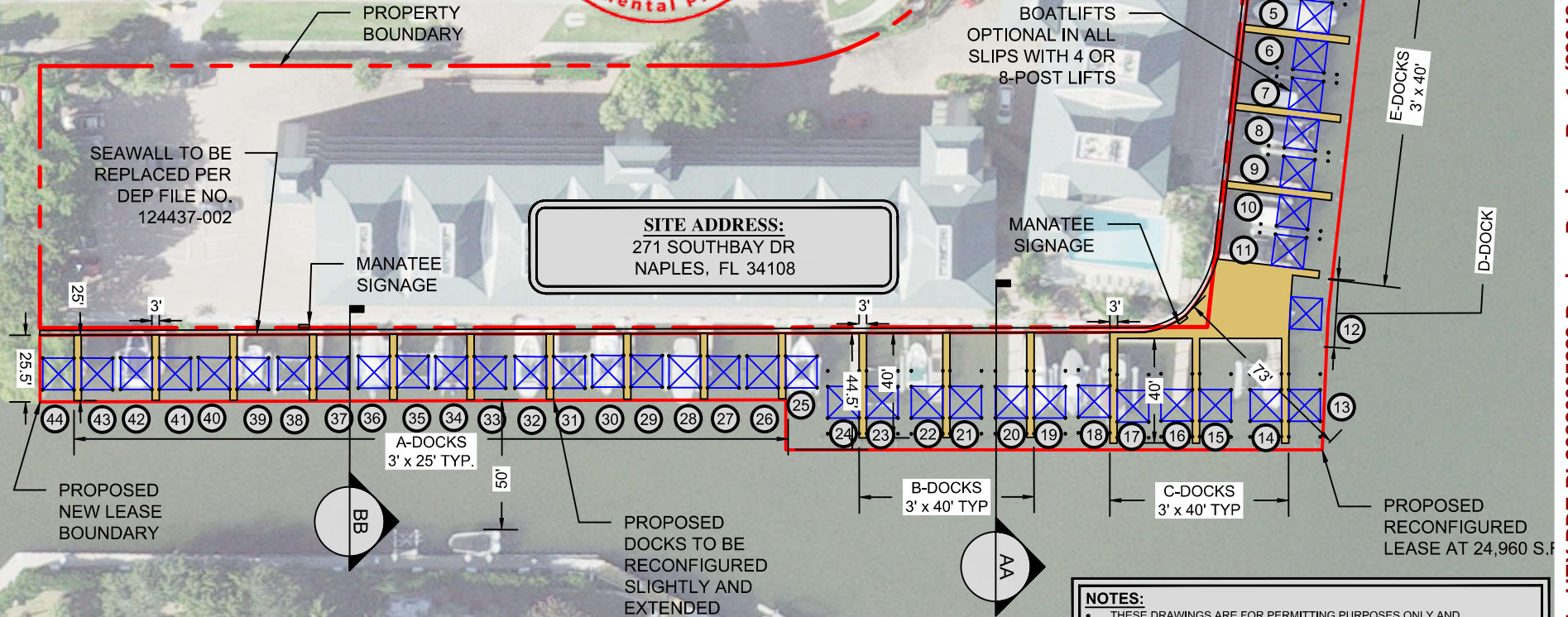
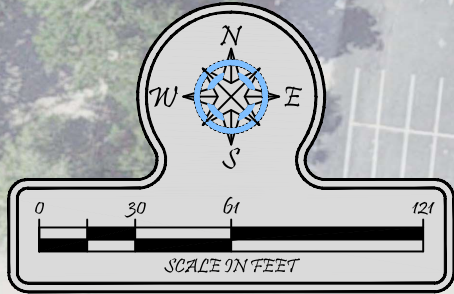
BAREFOOT PELICAN **WATER DEPTHS**

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

DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	04 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 Barefoot Pelican Dock\CAD\PERMIT-STATE\0308.05.dwg BR020205.DOCKS 8/7/2023



PILE COUNT		
TYPE	SIZE	QUANTITY
WOOD DOCK & MOORING PILE	10"	246
WOOD LIFT PILE	10"	132

LIFTS TO BE REPLACED,
N.T.E. 32,000 LB

- NOTES:**
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 - SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
 - SURVEY DATED: 02-09-07
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100'
 - TIDAL DATUM:
 - MLW (NAVD) = -1.31'
 - MHW (NAVD) = +0.30'
 - PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
 - TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
 - TOTAL PROTRUSION FROM MHWL: 73'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

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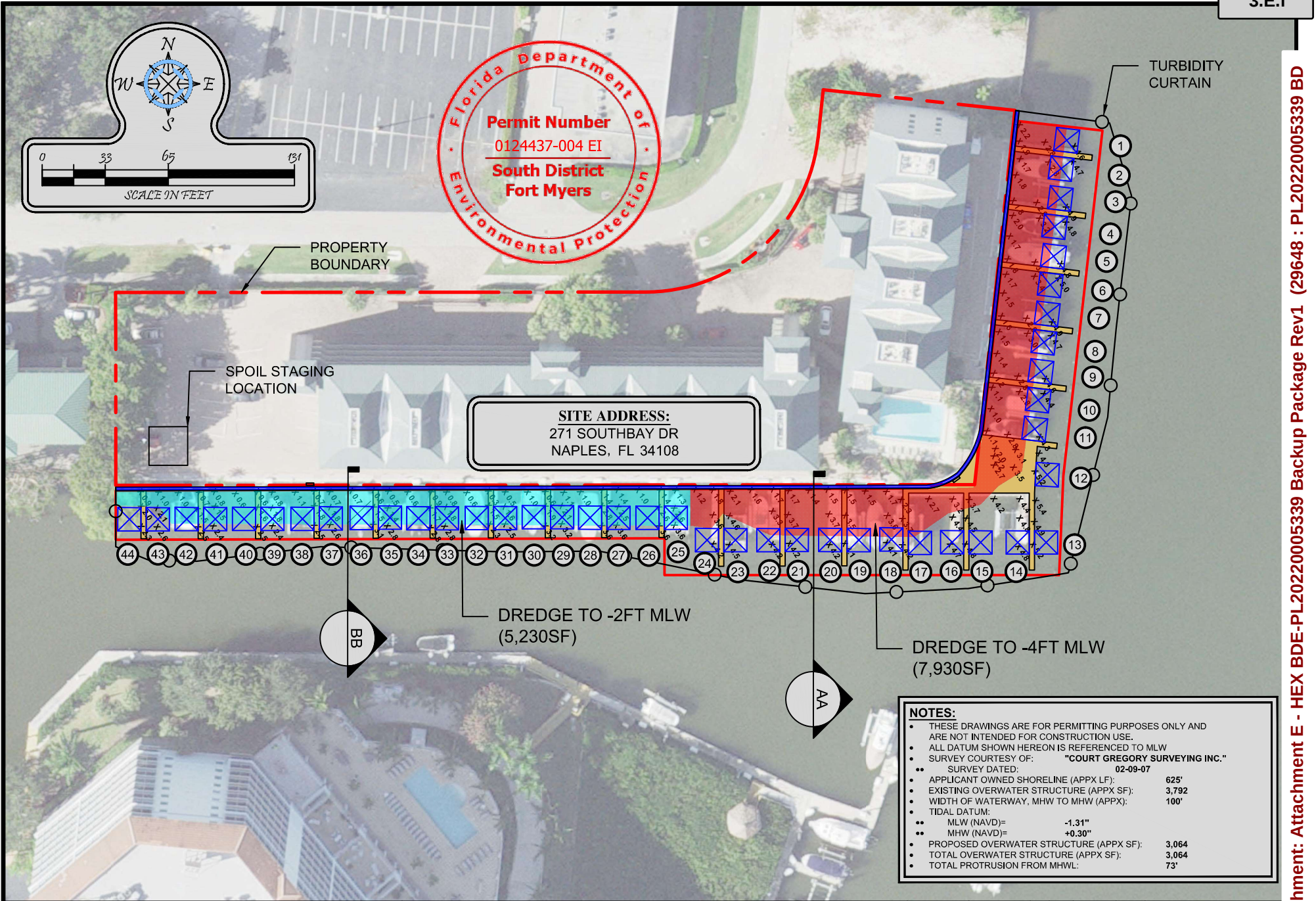
BAREFOOT PELICAN **PROPOSED SITEPLAN**

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

DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	05 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0038.05 Barefoot Pelican Dock\CAD\PERMIT-STATE\0038.05.dwg BR020205 DREDGING 8/7/2023



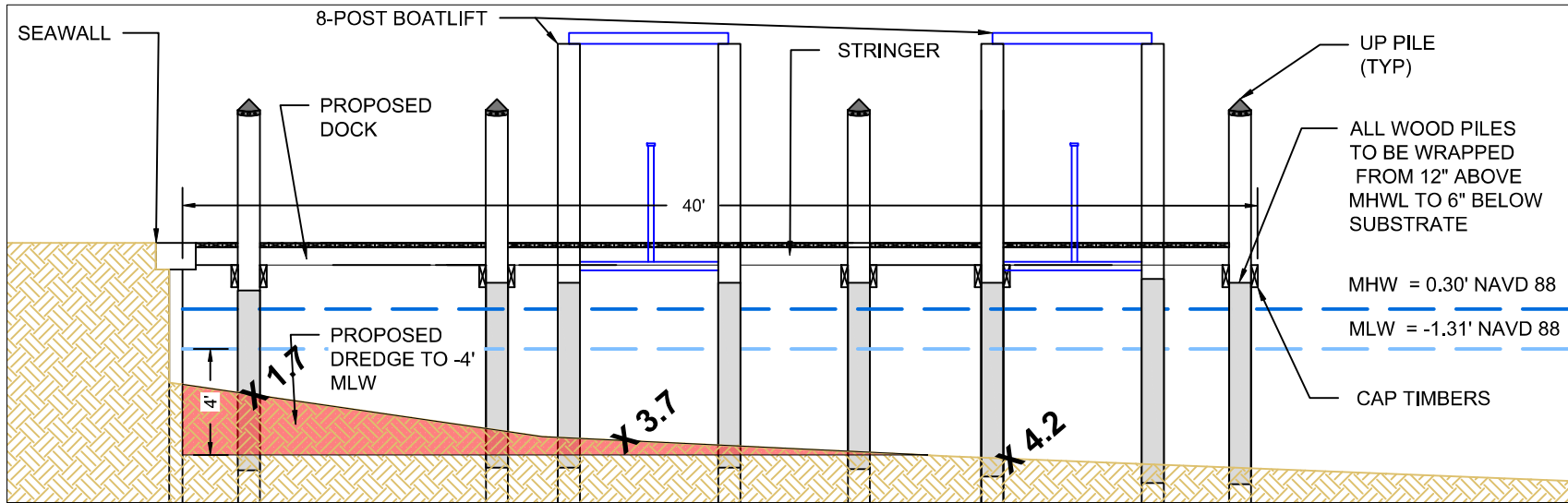
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN **PROPOSED SITEPLAN**

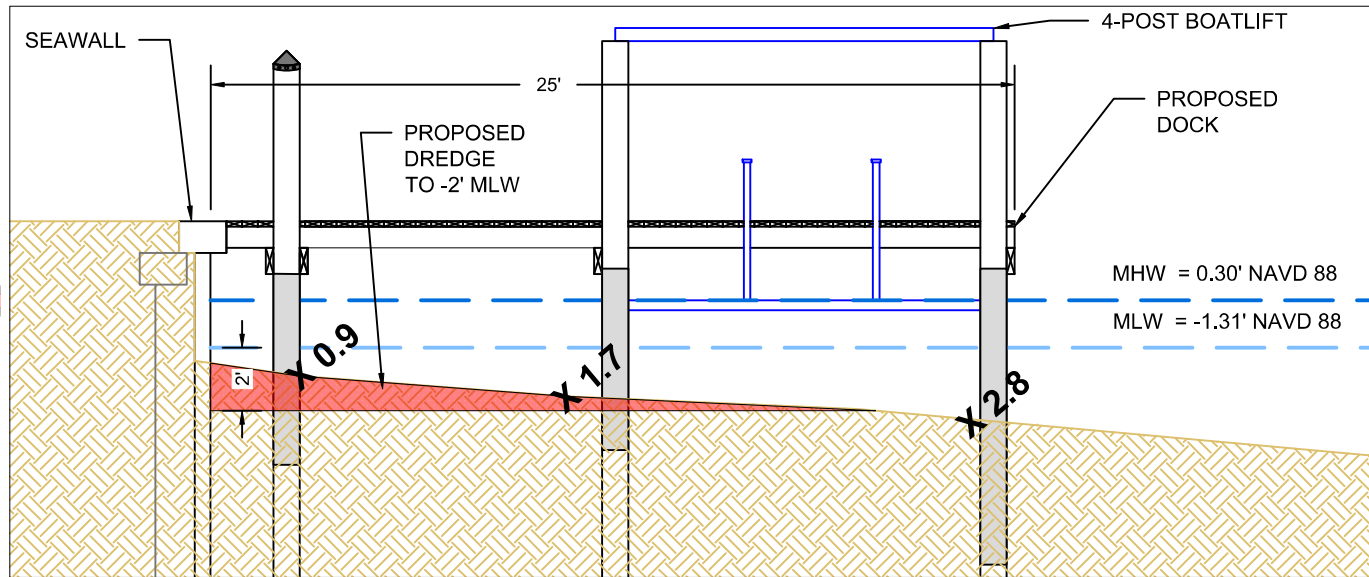
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DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	06 OF 08	4.	-	-	-	-
		5.	-	-	-	-

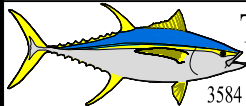
SECTION- 32 TOWNSHIP- 48 S



TYPICAL 30' DOCK CROSS SECTION AA
SCALE: 1" = 6'



TYPICAL 20' DOCK CROSS SECTION BB
SCALE: 1" = 6'



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BAREFOOT PELICAN TYPICAL CROSS SECTION

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DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	07 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

NOTES:

NO SPOIL RUNOFF INTO STATE WATERS

BOTH ENDS OF THE TURBIDITY CURTAIN SHOULD EXTEND FROM THE SHORELINE OUT TO THE WORK AREA FROM THE TOP TO THE BOTTOM OF THE WATER COLUMN. PLACE THE APPROPRIATE # OF ANCHORS TO HOLD THE CURTAIN IN PLACE BASED ON THE VELOCITY OF THE WATERBODY AT THE TIME OF CONSTRUCTION AND ALLOW ENOUGH SLACK FOR BOTH FLOOD AND EBB CONDITIONS.

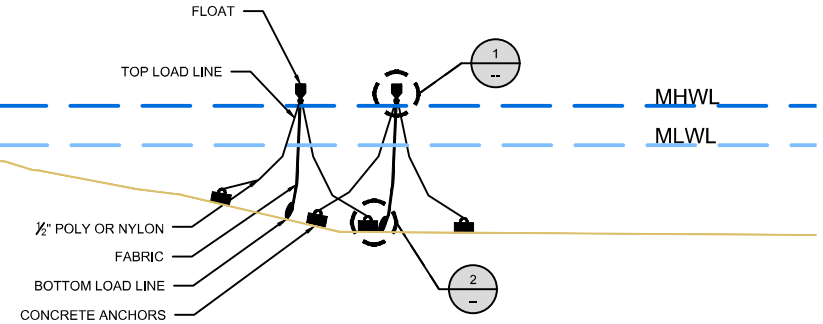
THE BARGE WILL BE WITHIN THE CONSTRUCTION AREA SURROUNDED BY THE TURBIDITY CURTAIN.

CURTAIN WILL REMAIN IN PLACE UNTIL TURBIDITY LEVELS ARE NORMAL. SPOIL TO BE OFFLOADED DIRECTLY TO TRUCK. SPOIL WILL BE MOVED TO PERMANENT SPOIL FIELD VIA FRONT END LOADER.

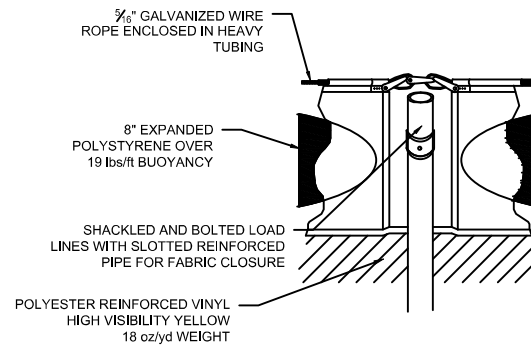
TYPICAL TURBIDITY DRAWING DETAIL

Scale: 1" = 10'

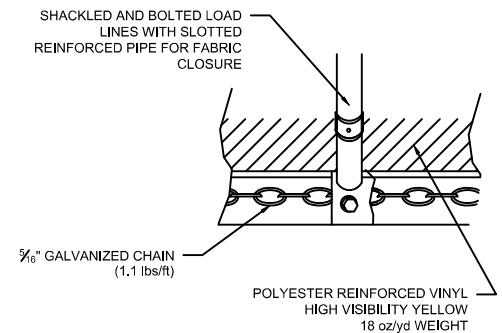
TURBIDITY CURTAIN
TO ENCLOSE ALL
DREDGING ACTIVITIES.



1 DETAIL 1 N.T.S



2 DETAIL 2 N.T.S



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

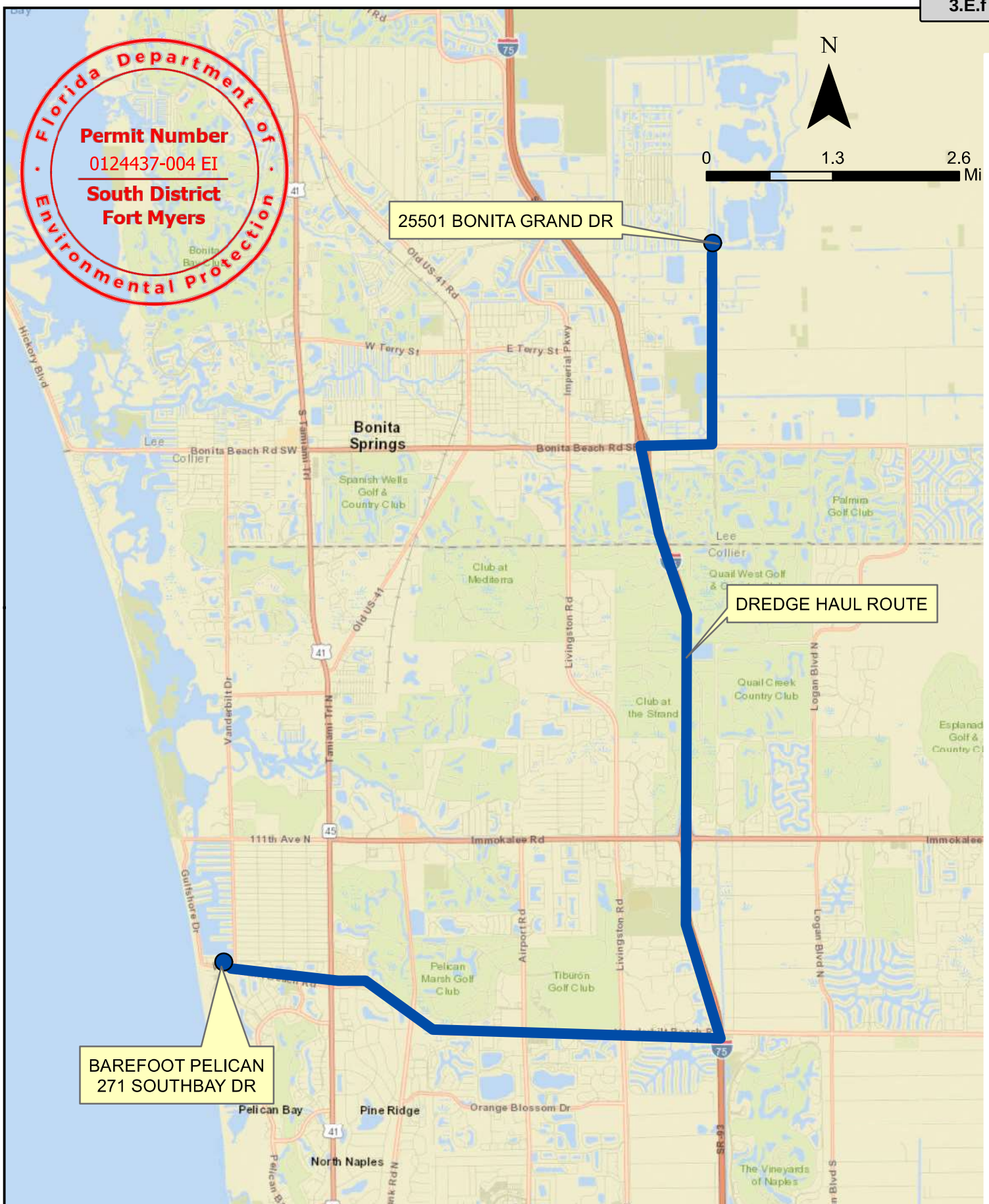
BAREFOOT PELICAN TURBIDITY DETAILS

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

DESIGNED:	JWM	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-31-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	08 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 384



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3484 Exchange Ave, Suite B, Naples, FL 34104-3732

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

BAREFOOT PELICAN DREDGE HAUL MAP

DRAWN BY:	RMJ	REVISION:	SCALE: 1"=1.3 mi
CREATED:	04-24-23	N/A	FILE PATH:
JOB NO.:	0038.05	N/A	P:\0038.05 Barefoot Pelican Doc
SHEET:	01 OF 01	N/A	GIS\0038.05_Haul_Spoil_Map.mxd



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
FORT MYERS PERMITS SECTION
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS FLORIDA 33919

February 2, 2024

Regulatory Division
West Permits Branch
Fort Myers Permit Section
SAJ-1983-01875 (NWP-MRS)

Kimberly Braham-Moody
Barefoot Pelican Condominium Association, Inc.
4985 Tamiami Trail. E
Naples, Florida 34113
Via Email: Owner@barefootpelicannaples.com

Dear Ms. Braham-Moody:

This letter is in response to the Pre-Construction Notification (PCN) you submitted to the Jacksonville District, Fort Myers Field Office on April 7, 2023 for a Department of the Army Nationwide permit (NWP) verification. This project has been assigned the file number SAJ-1983-01875 and is known as Barefoot Pelican Condominium Marina Modification and Maintenance Dredge. This file number should be referenced in all correspondence concerning this project.

A review of the information provided indicates that the proposed work would include the reconfiguration of the existing docking facility from 3,792 square feet overwater surface area to 3,064 square feet overwater surface area with no change in the number of slips (44), and to mechanical maintenance dredging of an 13,160 square-foot segment of Vanderbilt Channel to a maximum of -4.0 feet mean low water, removing approximately 715 cubic yards of material. Mechanical dredging is proposed from the adjacent uplands or barge. The use of floating turbidity curtains around the dredge area will minimize sedimentation within the waterway. All dredge spoil will be disposed of at an offsite, upland area located at 25501 Bonita Grande Drive, Bonita Springs, Florida. The project/review area is located in Vanderbilt Channel; at 271 Southbay Drive, within Section 32, Township 048S, Range 025E; at Latitude 26.254680 and Longitude - 81.819837; in Naples, Collier County, Florida.

We have determined that the proposed work is authorized by Nationwide Permit (NWP) 28 (Modifications of Existing Marinas) and NWP 35 (Maintenance Dredging of Existing Basins) pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The proposed work must be accomplished in strict accordance with the general permit conditions, any regional conditions, the special conditions listed in this letter, the application materials, and the enclosed plans. If the extent of the project area and/or nature of the authorized impacts to waters are

modified, a revised PCN must be submitted to this office for written approval before work is initiated. Any violation of permit conditions or deviation from your submitted plans may subject the permittee to enforcement action.

This verification is valid until March 14, 2026, unless prior to this date the subject NWP(s) is suspended, revoked, or is modified such that the activity no longer complies with the terms and conditions of this NWP. If you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

Project Specific Special Conditions:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
 - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
 - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-1983-01875 (NWP–MRS), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed “Commencement Notification” Form.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached “Self-Certification Statement of Compliance” form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
4. **Manatee Conditions:** The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011”. The most recent version of the Manatee Conditions must be utilized.
5. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or

adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

6. **Dredged Material Disposal:** The Permittee shall place all dredged material in a self-contained, upland disposal site as detailed in the project plans. The Permittee shall maintain the upland disposal site to prevent the discharge of dredged material and associated effluent into waters of the United States.
7. **Jacksonville District Programmatic Biological Opinion (JAXBO):** Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This NWP verification does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Michael Strange, Biologist, Project Manager of the Fort Myers Field Office at (239) 922-3895, by mail at the above address, or by email at Michael.R.Strange@usace.army.mil. Please take a moment to complete our customer satisfaction survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

STRANGE.MI
CHAE.L.ROBE
RT.161238939
6

Digitally signed by
STRANGE.MICHAEL.
ROBERT.1612389396
Date: 2024.02.02
16:26:55 -05'00'

Michael Strange
Biologist, Project Manager

Enclosures

General Conditions (33 CFR Part 320-330)
Commencement Notice Form
Compliance Certification Form
Department of the Army Permit Transfer Request
Standard Manatee Conditions for In-Water Work
Permit Drawings

Cc (w/enclosures)

Timothy Hall, Turrell, Hall & Associates, Inc (via Tim@THAnaples.com)
Jeff Rogers, Turrell, Hall & Associates, Inc (via Jeff@THAnaples.com)

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on **March 14, 2026.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Commencement Notification Form

Action ID Number: SAJ-1983-01875

County: Collier

Permittee: Barefoot Pelican Condominium Association, Inc., Kimberly Braham-Moody

Project Name: Barefoot Pelican Condominium Marina Modification and Maintenance Dredge

Date Verification Issued: 2/2/2024

Project Manager: Michael Strange

Within 10 days of commencing the activity authorized by this permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS

Jacksonville District

Enforcement Section

P.O. Box 4970

Jacksonville, FL 32232-0019

or

saj-rd-enforcement@usace.army.mil (preferred)

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

Construction Start Date: _____

Signature of Permittee

Date

Compliance Certification Form

Action ID Number: SAJ-1983-01875

County: Collier

Permittee: Barefoot Pelican Condominium Association, Inc., Kimberly Braham-Moody

Project Name: Barefoot Pelican Condominium Marina Modification and Maintenance Dredge

Date Verification Issued: 2/2/2024

Project Manager: Michael Strange

Within 60 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US ARMY CORPS OF ENGINEERS

Jacksonville District

Enforcement Section

P.O. Box 4970

Jacksonville, FL 32232-0019

or

saj-rd-enforcement@usace.army.mil (preferred)

Please note that your permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. Failure to comply with any terms or conditions of this authorization may result in the Corps suspending, modifying or revoking the authorization and/or issuing a Class I administrative penalty, or initiating other appropriate legal action.

I hereby certify that the work, and mitigation (if applicable), authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit including any general or specific conditions.

Date Authorized Work Started: _____ **Completed:** _____

Describe any deviations from permit (attach drawing(s) depicting the deviations):

***Note: The description of any deviations on this form does not constitute approval by the Corps.**

Signature of Permittee

Date

REQUEST PERMIT TRANSFER: PERMIT NUMBER: SAJ-1983-01875 (NWP-MRS)

When the structures or work verified by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the present permittee and the transferee should sign and date below. This document must then be provided to the U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 4970, Jacksonville, Florida 32232-0019.

(TRANSFEREE SIGNATURE)

(DATE)

(Name - Printed)

Lot/Block of site

(Street Address)

(City, State, and Zip Code)

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK 2011

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

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shut down if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

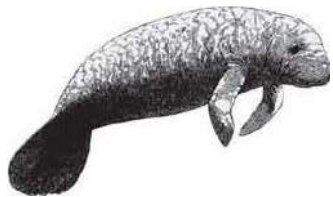
All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

Report any collision with or injury to a manatee:

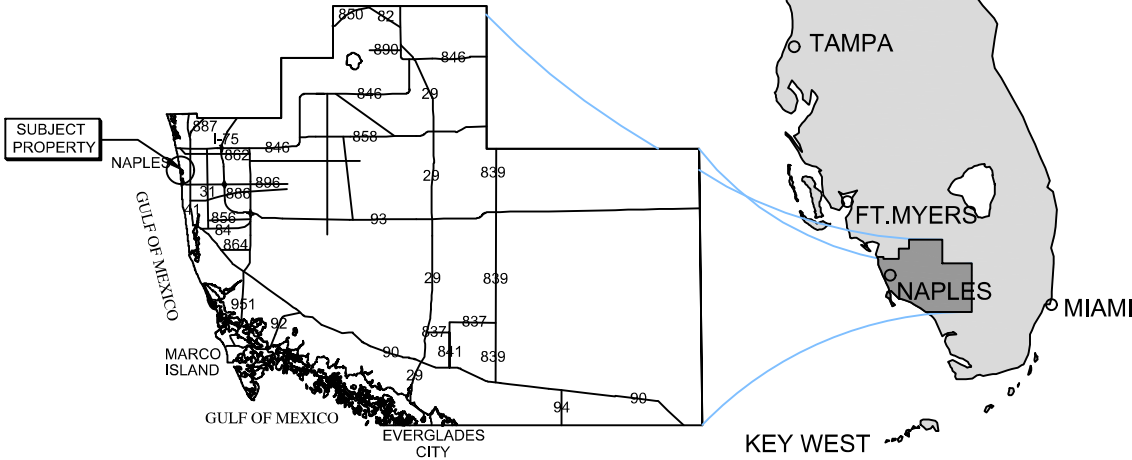
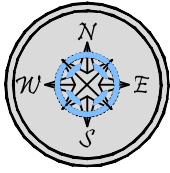


Wildlife Alert:

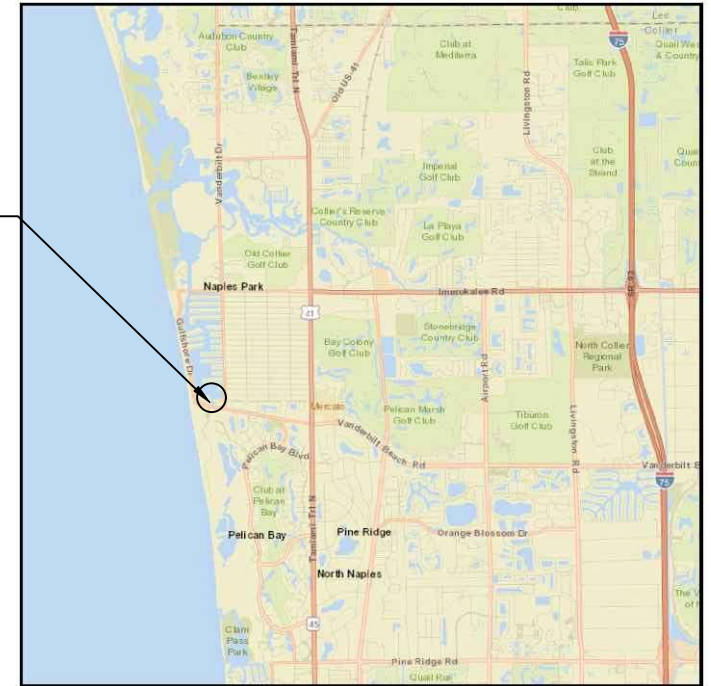
888-404-FWCC (3922)

cell *FWC or #FWC

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

<> 271 SOUTHBAY DR
NAPLES, FL 34108

<> LATITUDE: N 26.254384
<> LONGITUDE: W -81.819137

NOTES:

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

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

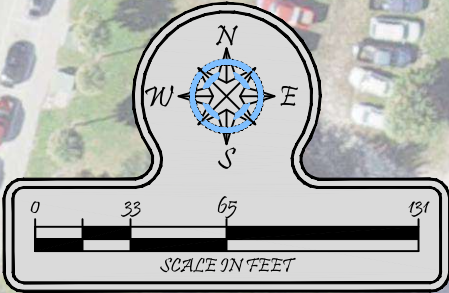
BAREFOOT PELICAN LOCATION MAP

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

DESIGNED:	JR	REVISED BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	JJH	1.	-	-	-
CREATED:	12-20-23	2.	-	-	-
JOB NO.:	0038,05	3.	-	-	-
SHEET NO.:	01 OF 08	4.	-	-	-
		5.	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0038.05 barefoot pelican dock\CAD\PERMIT-FEDERAL\0038.05-FED.dwg EXISTING CONDITIONS 12/20/2023



SLIP #	SLIP SIZES LENGTH X WIDTH
1	44.5' X 10.3'
2	44.4' X 12.1'
3	44.4' X 12.7'
4	44.6' X 12.6'
5	44.6' X 12.4'
6	44.5' X 12.5'
7	44.5' X 12.2'
8	44.6' X 12.6'
9	44.6' X 12.2'
10	44.5' X 12.6'
11	44.5' X 12.2'
12	38.9' X 10.9'
13	40.5' X 15.8'
14	39.9' X 14.4'
15	39.9' X 16.3'
16	40.3' X 12.6'
17	40.3' X 14.6'
18	45.1' X 12.4'
19	45.1' X 12.4'
20	45.8' X 11.3'
21	45.8' X 12.3'
22	45.0' X 12.8'

SLIP #	SLIP SIZES LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
	25.5' X 11.8'
26	25.0' X 12.8'
27	25.0' X 11.4'
28	25.0' X 11.8'
29	25.0' X 12.0'
30	25.0' X 11.0'
31	25.0' X 12.3'
32	25.0' X 11.6'
33	25.0' X 13.2'
34	25.0' X 12.3'
35	25.0' X 11.6'
36	25.0' X 12.4'
37	25.0' X 12.7'
38	25.0' X 12.8'
39	25.0' X 12.1'
40	25.0' X 11.8'
41	25.0' X 12.4'
42	25.0' X 12.3'
43	25.0' X 11.8'
44	25.0' X 9.6'

PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
- SURVEY DATED: **02-09-07**
- APPLICANT OWNED SHORELINE (APPX LF): **625'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **3,792**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **100'**
- TIDAL DATUM:
- MLW (NAVD)= **-1.31'**
- MHW (NAVD)= **+0.30'**



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN **EXISTING CONDITIONS**

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	02 OF 08	4.	-	-	-	-
		5.	-	-	-	-

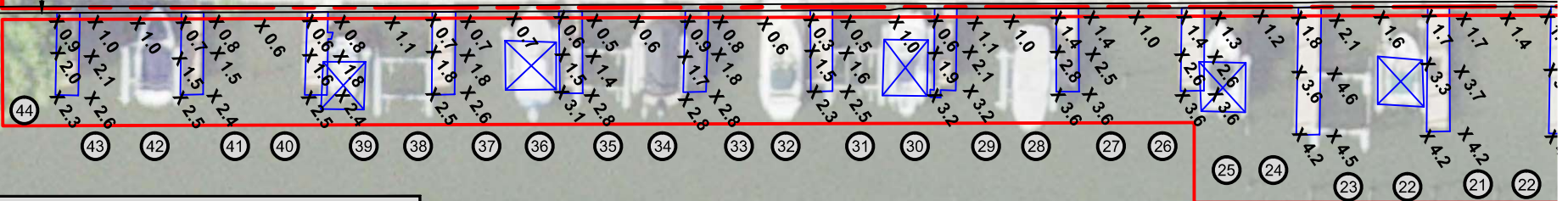
SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 397



SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING
SEAWALL



- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
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- TIDAL DATUM:
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- MHW (NAVD)= **+0.30'**



3584 Exchange Ave. Suite B. Naples, FL 34104-3732

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

BAREFOOT PELICAN

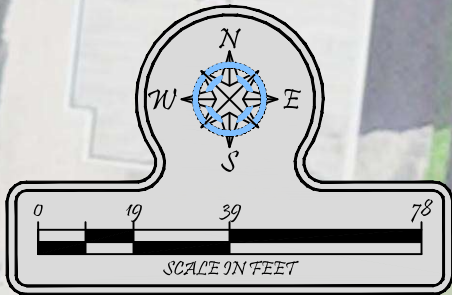
EXISTING DEPTHS SOUTH

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

		REVISED BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-
DRAWN BY:	JJH	2.	-	-	-
CREATED:	12-20-23	3.	-	-	-
JOB NO.:	0038.05	4.	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-

SECTION-32	TOWNSHIP-48S
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P:\0038.05 barefoot pelican dock\CAD\PERMIT-FEDRAL\0038.05-FED.dwg EXISTING DEPTHS NORTH 12/20/2023



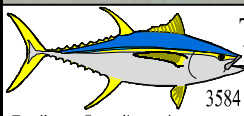
PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

EXISTING
SEAWALL

NOTES:

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- SURVEY COURTESY OF: **COURT GREGORY SURVEYING**
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- APPLICANT OWNED SHORELINE (APPX LF): **625'**
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Turrell, Hall & Associates, Inc.
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3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

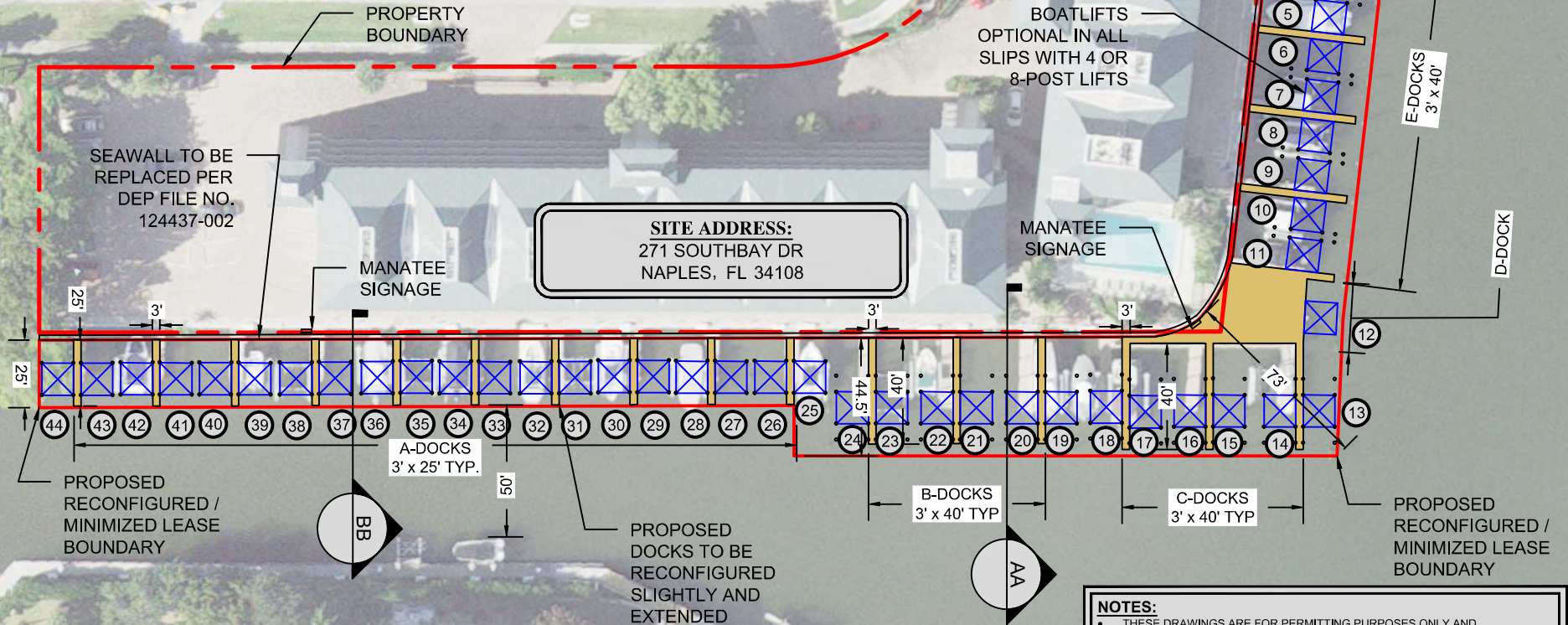
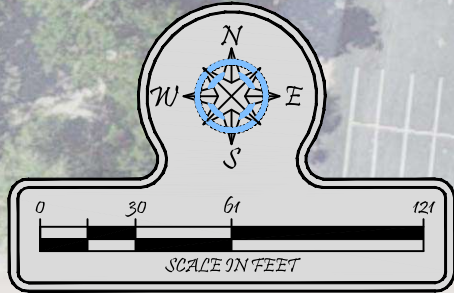
Fax: (239) 643-6632

BAREFOOT PELICAN
EXISTING DEPTHS NORTH

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	04 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



PILE COUNT		
TYPE	SIZE	QUANTITY
WOOD DOCK & MOORING PILE	10"	246
WOOD LIFT PILE	10"	132

LIFTS TO BE REPLACED,
N.T.E. 32,000 LB

NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 02-09-07
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 101'
- TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"
- PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 73'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN PROPOSED DOCKS

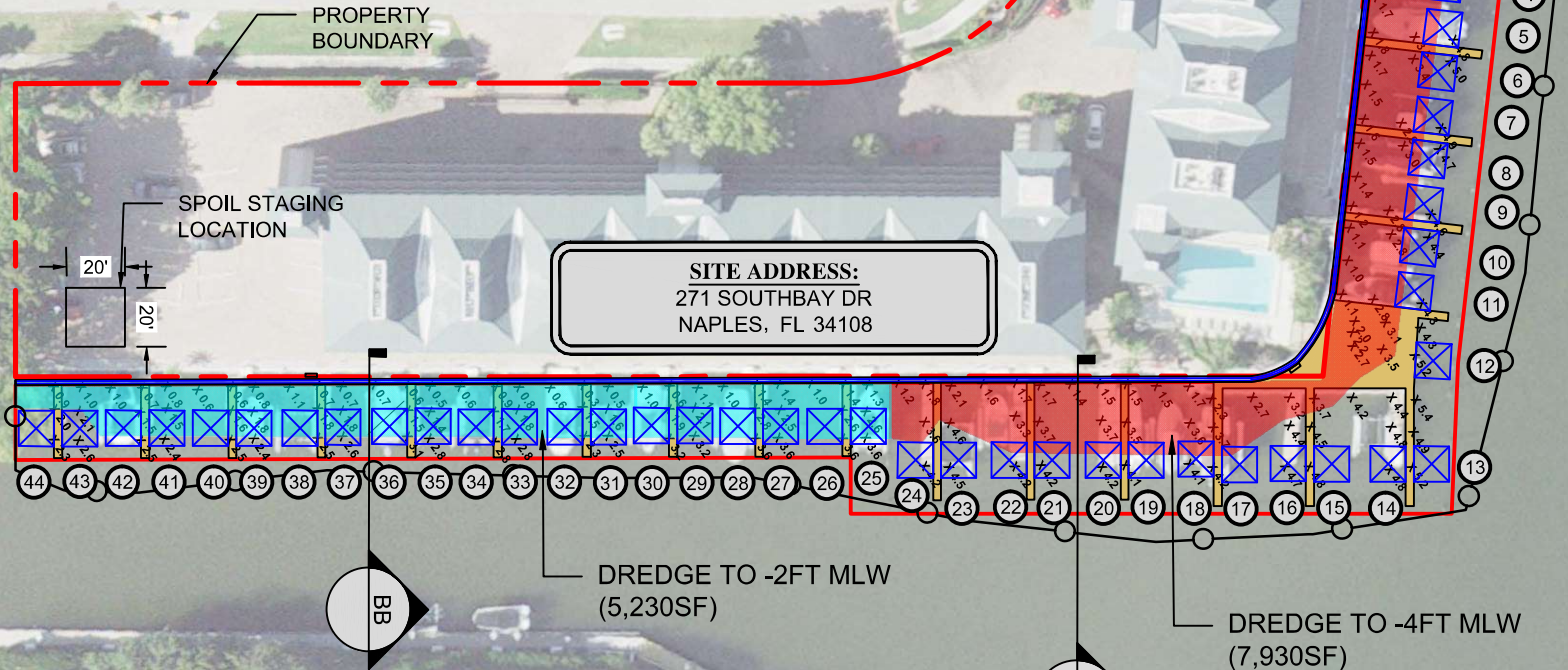
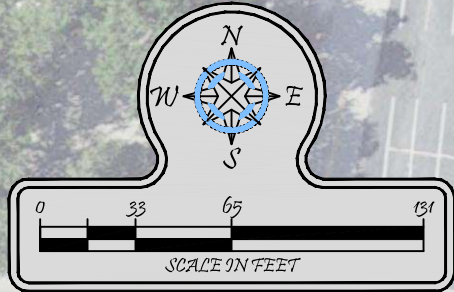
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	05 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 400

P:\0038.05 barefoot pelican dock\CAD\PERMIT-FEDERAL\0038.05-FED.dwg P:\2020\2023 DREDGING 12/20/2023



NOTES:

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
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- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 73'



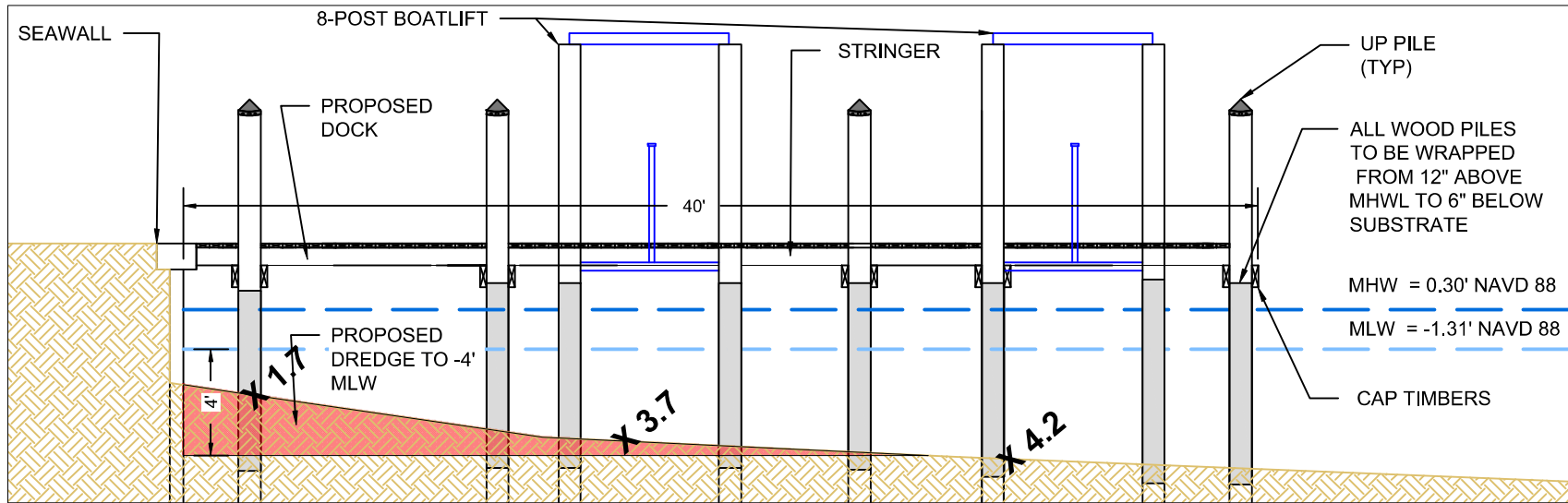
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN **PROPOSED DREDGING**

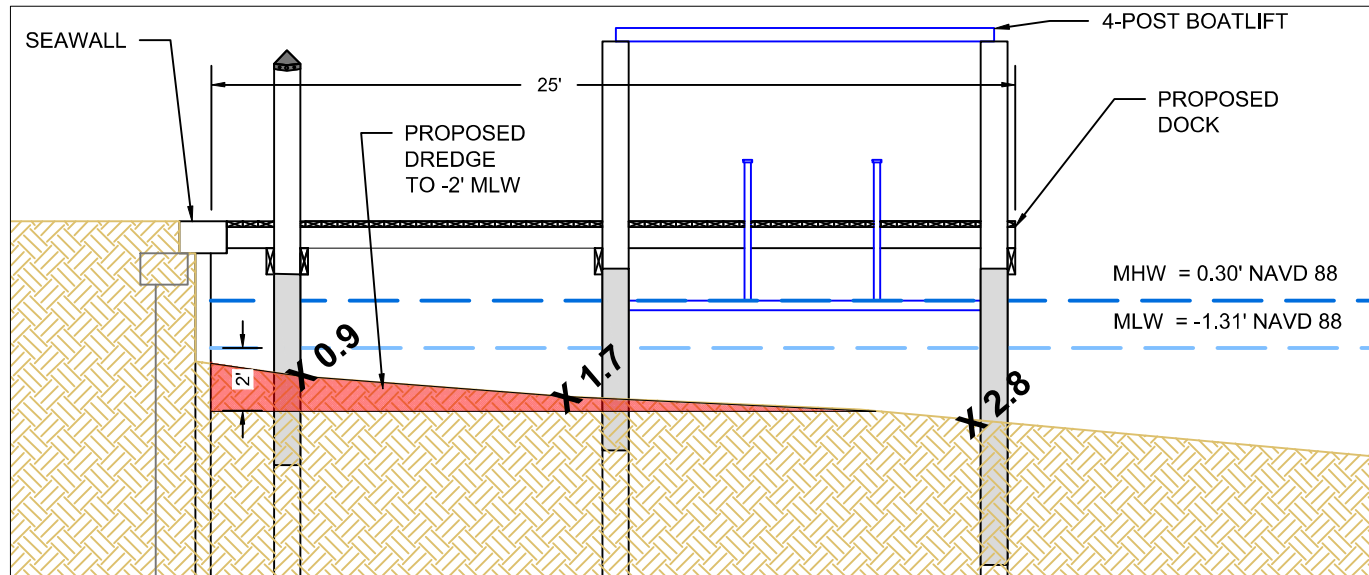
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	06 OF 08	4.	-	-	-	-
		5.	-	-	-	-

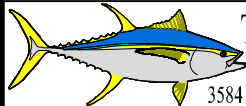
SECTION- 32 TOWNSHIP- 48 S



TYPICAL 30' DOCK CROSS SECTION AA
SCALE: 1" = 6'



TYPICAL 20' DOCK CROSS SECTION BB
SCALE: 1" = 6'



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BAREFOOT PELICAN TYPICAL CROSS SECTION

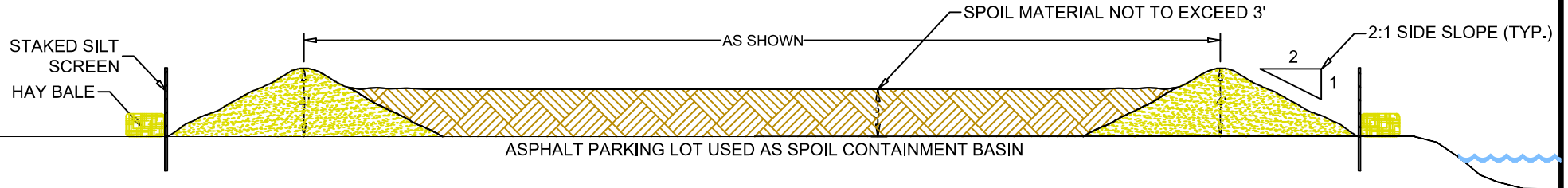
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	12-20-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	07 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

N.T.S.

CROSS SECTION A-A'



NOTES:

NO SPOIL RUNOFF INTO STATE WATERS

BOTH ENDS OF THE TURBIDITY CURTAIN SHOULD EXTEND FROM THE SHORELINE O COLUMN. PLACE THE APPROPRIATE # OF ANCHORS TO HOLD THE CURTAIN IN PLACE BASED ON THE VELOCITY OF THE WATERBODY AT THE TIME OF CONSTRUCTION AND ALLOW ENOUGH SLACK FOR BOTH FLOOD AND EBB CONDITIONS.

THE BARGE WILL BE WITHIN THE CONSTRUCTION AREA SURROUNDED BY THE TURBIDITY CURTAIN. TURBIDITY (NTU) WILL BE MONITORED TWICE DAILY, AT LEAST 4 HRS APART DURING ANY IN WATER WORK AT THE SITE. TURBIDITY STATIONS WILL BE LOCATED AT THE WATER'S SURFACE AND 1' ABOVE THE BOTTOM WITHIN THE CONSTRUCTION AREA, WITHIN ANY VISIBLE TURBIDITY PLUMES AND AT LEAST 150' DOWN CURRENT FROM THE WORK AREA. A BACKGROUND STATION WILL BE LOCATED AT LEAST 100 YARDS UP-CURRENT OR AGAINST THE TIDE FROM THE SAMPLES WITHIN THE CONSTRUCTION AREA AT THE WATER'S SURFACE AND 1' FROM THE BOTTOM.

ALL TURBIDITY DATA SHALL BE DOCUMENTED AND SUBMITTED TO DEP.

IF TURBIDITY LEVELS IN THE CONSTRUCTION AREA ARE 29 NTU'S GREATER THAN THOSE OF THE BACKGROUND STATION, ALL WORK MUST BE STOPPED AND DEP NOTIFIED.

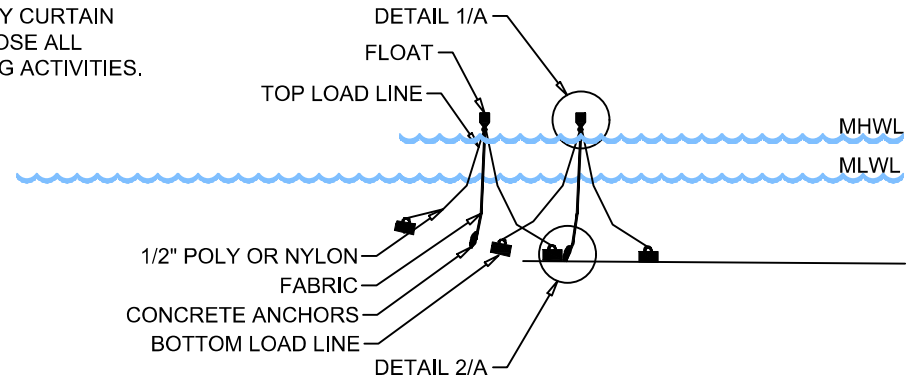
DEP STAFF WILL NOTIFY WHEN WORK MAY CONTINUE.

CURTAIN WILL REMAIN IN PLACE UNTIL TURBIDITY LEVELS ARE NORMAL. SPOIL TO BE OFFLOADED FROM BARGE TO TEMPORARY HOLDING AREA VIA BARGE MOUNTED BACKHOE. SPOIL WILL BE MOVED TO PERMANENT SPOIL FIELD VIA UT TO THE WORK AREA FROM THE TOP TO THE BOTTOM OF THE WATERFRONT END LOADER.

TYPICAL TURBIDITY CURTAIN DETAIL

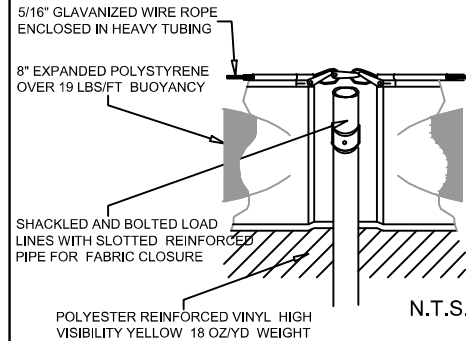
N.T.S.

TURBIDITY CURTAIN
TO ENCLOSE ALL
DREDGING ACTIVITIES.



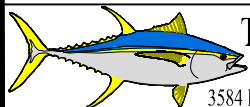
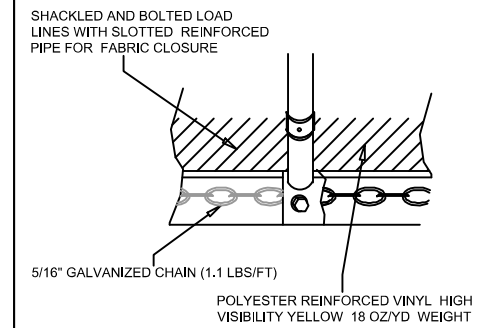
DETAIL 1/A

N.T.S.



DETAIL 2/A

N.T.S.



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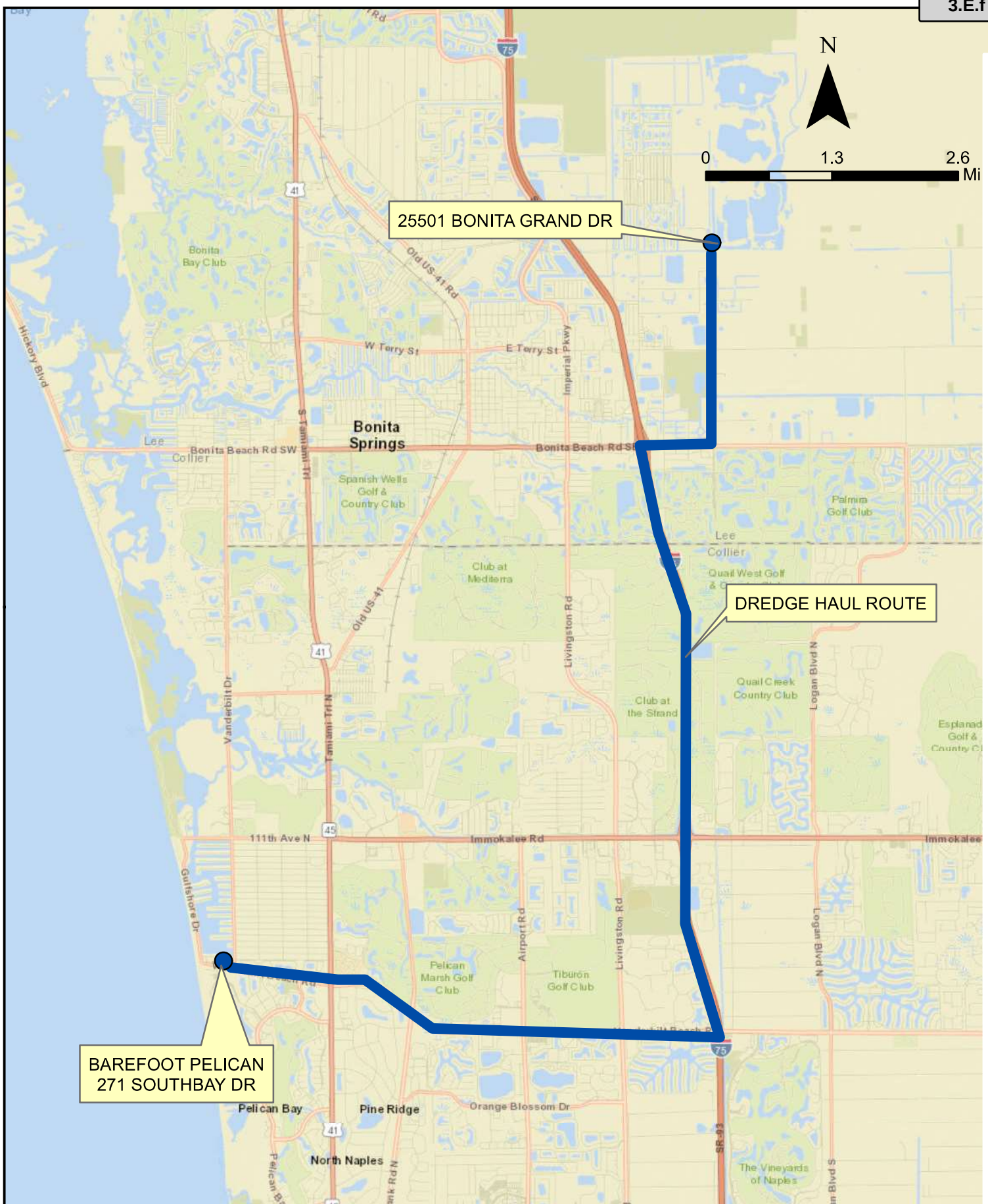
BAREFOOT PELICAN
SPOIL AND TURBIDITY DETAILS

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

DESIGNED:	JR	REVIEW BY:	1.	DATE:	-	CHK BY:	-	CHANGED:	-
DRAWN BY:	JJH	REVIEW BY:	2.	DATE:	-	CHK BY:	-	CHANGED:	-
CREATED:	12-20-23	REVIEW BY:	3.	DATE:	-	CHK BY:	-	CHANGED:	-
JOB NO.:	0038.05	REVIEW BY:	4.	DATE:	-	CHK BY:	-	CHANGED:	-
SHEET NO.:	08 OF 08	REVIEW BY:	5.	DATE:	-	CHK BY:	-	CHANGED:	-

SECTION-32 TOWNSHIP- 25S RANGE- 48E

Packet Pg. 403



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3484 Exchange Ave, Suite B, Naples, FL 34104-3732

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

BAREFOOT PELICAN DREDGE HAUL MAP

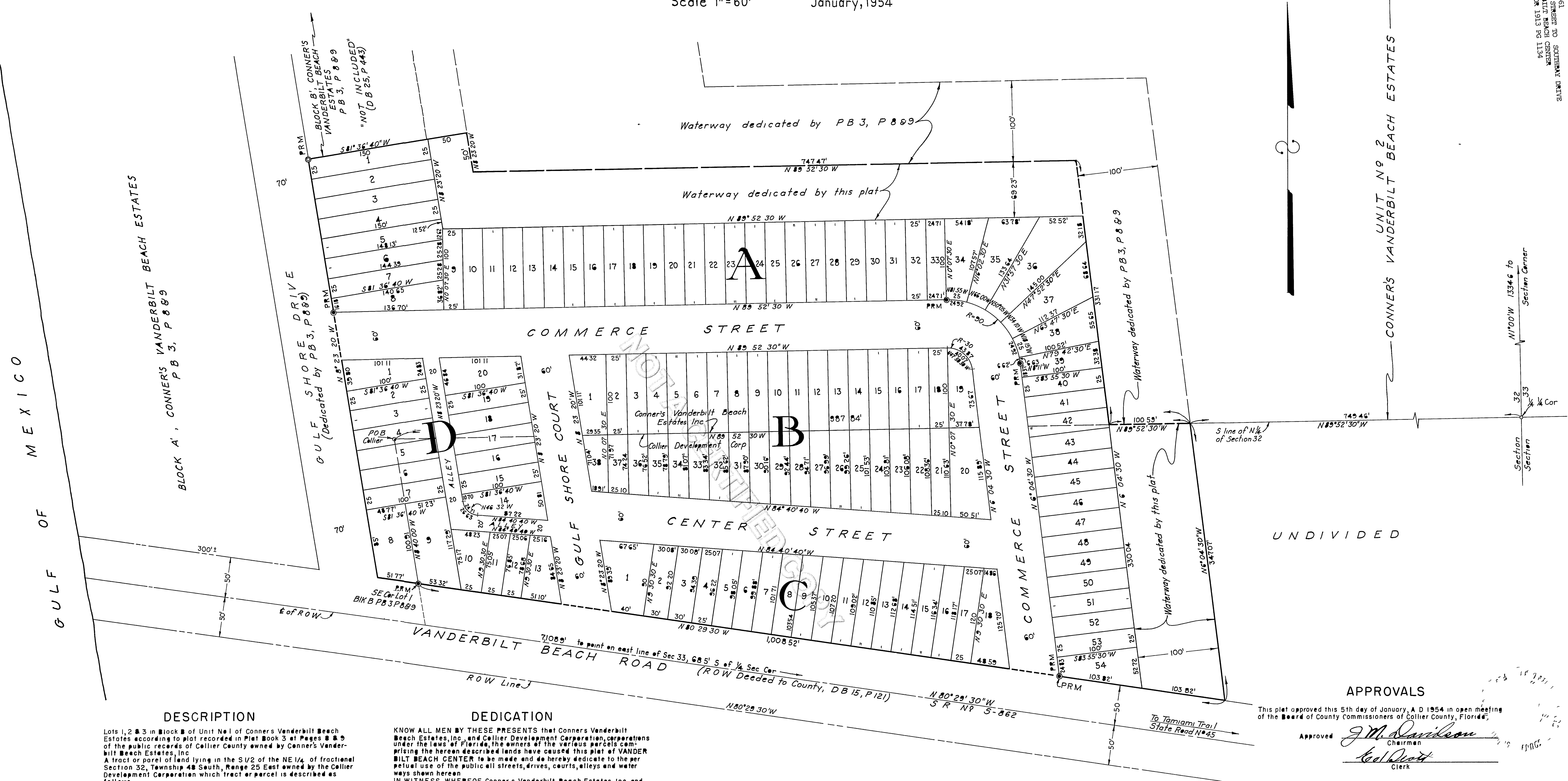
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CREATED:	04-24-23	N/A	FILE PATH:
JOB NO.:	0038.05	N/A	P:\0038.05 Barefoot Pelican Doc
SHEET:	01 OF 01	N/A	GIS\0038.05_Haul_Spoil_Map.mxd

Resolution No. 2021-47
Vacate County & Public Interest in Gulf Shore Court
2018 Alley in Bk. D & Part of Center St
Recorded 03/15/2021 OR 5808 PG 680-686
Plat Book 3 Page 16

RESOLUTION NO. 94-61
REOPENING COMMENCE STREET TO
CONNER'S VANDERBILT BEACH CENTER
LOCATED IN VANDERBILT BEACH
RECORDED 7/10/94, OR 1913 PG 1134
PLAT BOOK 3 PG 16

VANDERBILT BEACH CENTER

A SUBDIVISION IN
SECTION 32, T48S, R25E
Scale 1"=60' January, 1954



DESCRIPTION

Lots 1, 2 & 3 in Block B of Unit No. 1 of Conner's Vanderbilt Beach Estates according to plat recorded in Plat Book 3 at Pages 8 & 9 of the public records of Collier County owned by Conner's Vanderbilt Beach Estates, Inc.
A tract or parcel of land lying in the S 1/2 of the NE 1/4 of fractional Section 32, Township 48 South, Range 25 East owned by the Collier Development Corporation which tract or parcel is described as follows:
Beginning at the northeast corner of said Lot 1, Block B of Conner's Vanderbilt Beach Estates run easterly along the north line of said S 1/2 of the NE 1/4 for 987.84' thence run southeasterly to a point on the north line of the County Road (now State Road No. S-862) right-of-way conveyed by deed recorded in Deed Book 15 at Page 121 of the public records of Collier County which point is 1,008.52' south easterly along said right-of-way line from the southeast corner of said Lot 1, Block B, thence run northwesterly for 1,008.52' along said right-of-way line to said southeast corner, thence run north westerly along the east line of said Lot 1 for 182.36' to the point of beginning.

NOTES

PRM's are 4"x4"x24" or larger Concrete Monuments.
Both chord and arc distances are shown on curved lines with chord bearing.
Bearings are true from traverse ties to true bearing by S.R.D. on E. Tamiami Trail.
Bearings are on basis adjusted traverses on Naples Park Plats and Unit No. 2 CONNER'S VANDERBILT BEACH ESTATES which differ from those on Unit No. 1 of C.V.B. Est. by 0°01'10" ±.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Conner's Vanderbilt Beach Estates, Inc. and Collier Development Corporation, corporations under the laws of Florida, the owners of the various parcels comprising the hereon described lands have caused this plat of VANDERBILT BEACH CENTER to be made and do hereby dedicate to the perpetual use of the public all streets, drives, courts, alleys and water ways shown hereon.
IN WITNESS WHEREOF Conner's Vanderbilt Beach Estates, Inc. and Collier Development Corporation have each caused this dedication to be signed in its name by its vice president and its corporate seal to be affixed, attested by its Assistant Secretary this 5th day of January, A.D. 1954.

CONNER'S VANDERBILT BEACH ESTATES

By Baron Collier, Jr.
Vice President
Attest Don S. Akers
Assistant Secretary

COLLIER DEVELOPMENT CORPORATION

By Baron Collier, Jr.
Vice President
Attest Paula Boone
Assistant Secretary

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day, before me personally appeared Baron Collier, Jr. and Paul Cooke respectively Vice President and Assistant Secretary of Conner's Vanderbilt Beach Estates, 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 uses 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 5th day of January, A.D. 1954.

Beatrice Wiggins
Notary Public, State of Florida at Large
My Commission expires Feb. 3, 1955

STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day, before me personally appeared C. B. Conner and Don S. Akers respectively Vice-President and Assistant Secretary of Conner's Vanderbilt Beach Estates, 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 uses 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 5th day of January, A.D. 1954.

Robert J. Benson
Notary Public, State of Florida at Large
My Commission expires March 18, 1955

APPROVALS

This plat approved this 5th day of January, A.D. 1954 in open meeting of the Board of County Commissioners of Collier County, Florida.

Approved J. M. Davidson
Chairman
Ed Scott
Clerk

I HEREBY CERTIFY that this plat of VANDERBILT BEACH CENTER has been examined by me and from my examination I find that said plat complies in form with the requirements of Chapter 10275, Laws of Florida, Acts of 1925.
I FURTHER CERTIFY that said plat was filed for record at 3 P.M. this 2nd day of February, A.D. 1954 and duly recorded in Plat Book 3, on Page 16 of the public records of Collier County, Florida.

Ed Scott
Clerk of Circuit Court in and for Collier County.

I hereby certify that this plat of VANDERBILT BEACH CENTER is a true and correct representation of a recent survey made and plotted under my direction and that permanent reference monuments (PRM's) have been set in accordance with the provisions of Section 7, Chapter 10275, Laws of Florida, Acts of 1925.

Paul B. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Ft. Myers, Florida



3.E.f

MAP LEGEND

- Major Roads
- Street Names
- Parcels
- Aerials 2023 Urban [6IN]
- Aerials 2023 Rural [2FT]
- Collier County

Folio Number: 22920280001
 Name: HELEN V GRAVES REV TRUST
 Street# & Name: 271 SOUTHBAY
 Build# / Unit#: / 132
 Legal Description: BAREFOOT PELICAN CONDOMINIUM UNIT 1

Attachment: Attachment E - HEX BDE-PL20220005339 Backup Package

Legal Description

BAREFOOT PELICAN, A WATERFRONT CONDOMINIUM, a Condominium according to the Declaration of Condominium thereof recorded in Official Records Book 1069, page 1837, and as amended and restated in Official Records Book 5489, page 1753, of the Public Records of Collier County, Florida, and all amendments thereto, together with its undivided share in common elements.

In accordance with Article VI, Section 1.B(1) of the Declaration, the Applicant shall maintain, repair, and replace as a Limited Common Expense:

(a) All portions of a Boat Lot Unit ... and adjacent boat docks, but the cost of all such maintenance, repair and replacement shall be shared only by the individual Boat Lot Unit Owners as a limited common expense; shall be included in the budget of the Condominium as a separate schedule chargeable only to Boat Lot Unit Owners; and shall be subject to enforcement by the Association pursuant to the Condominium Act and in the same manner as Assessments pursuant to this Declaration. (Emphasis added.)

Further, Article VI, Section 1.C(4) of the Declaration provides that no Unit Owner shall make any alterations in the portions of the improvements of the Condominium which are to be maintained by the Association, or remove any portion thereof, or make any additions thereto, or do any work which would jeopardize the safety or soundness of the structure containing his Unit or impair any easements.

Property Identification Nos.

1. 79120680001
2. ~~79120720000~~ - Parcels deleted - now combined with 79120680001
3. ~~79120760002~~
4. 22920800025 (Boat Slip 1)
5. 22920800041 (Boat Slip 2)
6. 22920800067 (Boat Slip 3)
7. 22920800083 (Boat Slip 4)
8. 22920800106 (Boat Slip 5)
9. 22920800122 (Boat Slip 6)
10. 22920800148 (Boat Slip 7)
11. 22920800164 (Boat Slip 8)
12. 22920800180 (Boat Slip 9)
13. 22920800203 (Boat Slip 10)
14. 22920800229 (Boat Slip 11)
15. 22920800245 (Boat Slip 12)¹
16. 22920800261 (Boat Slip 14)
17. 22920800287 (Boat Slip 15)
18. 22920800300 (Boat Slip 16)
19. 22920800326 (Boat Slip 17)
20. 22920800342 (Boat Slip 18)
21. 22920800368 (Boat Slip 19)
22. 22920800384 (Boat Slip 20)
23. 22920800407 (Boat Slip 21)
24. 22920800423 (Boat Slip 22)
25. 22920800449 (Boat Slip 23)

¹ Please be advised that there is not a Boat Slip 13 reflected in the Collier County Property Appraiser's records as Boat Slip 13 is a common use slip that is not assigned to a particular upland condominium, unit owner.

26. 22920800465 (Boat Slip 24)
27. 22920800481 (Boat Slip 25)
28. 22920800504 (Boat Slip 26)
29. 22920800520 (Boat Slip 27)
30. 22920800546 (Boat Slip 28)
31. 22920800562 (Boat Slip 29)
32. 22920800588 (Boat Slip 30)
33. 22920800601 (Boat Slip 31)
34. 22920800627 (Boat Slip 32)
35. 22920800643 (Boat Slip 33)
36. 22920800669 (Boat Slip 34)
37. 22920800685 (Boat Slip 35)
38. 22920800708 (Boat Slip 36)
39. 22920800724 (Boat Slip 37)
40. 22920800740 (Boat Slip 38)
41. 22920800766 (Boat Slip 39)
42. 22920800782 (Boat Slip 40)
43. 22920800805 (Boat Slip 41)
44. 22920800821 (Boat Slip 42)
45. 22920800847 (Boat Slip 43)
46. 22920800863 (Boat Slip 44)



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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
Barefoot Pelican Condominium Association, Inc.	100

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

Name and Address	% of Ownership



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

- 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:



Growth Management Community Development Department
2800 North Horseshoe Drive, Naples, Florida 34104
Phone: (239) 252-1036 | Email: GMDClientServices@colliercountyfl.gov
www.colliercountyfl.gov

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.

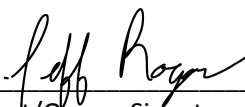
As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

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

Growth Management Community Development Department | GMD Portal:

<https://cvportal.colliercountyfl.gov/cityviewweb>

Questions? Email: GMDclientservices@colliercountyfl.gov



Agent/Owner Signature

5/29/24

Date

Jeff Rogers

Agent/Owner Name (please print)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

[Previous On List](#) [Next On List](#) [Return to List](#)

barefoot pelican

Search

[Events](#) **No Name History**

Detail by Entity Name

Florida Not For Profit Corporation
BAREFOOT PELICAN CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number	N01360
FEI/EIN Number	59-2383606
Date Filed	02/09/1984
State	FL
Status	ACTIVE
Last Event	AMENDMENT
Event Date Filed	05/08/2000
Event Effective Date	NONE

Principal Address

271 SOUTHBAY DR
NAPLES, FL 34108

Changed: 04/30/1998

Mailing Address

DAVIS & ASSOCIATES CPAs
28901 Trails Edge Blvd.
Ste 205
Bonita Springs, FL 34134

Changed: 04/09/2024

Registered Agent Name & Address

Hensley, Stephanie

Attachment: Attachment E - HEX BDE-PL20220005339 Backup Package Rev1 (29648 : PL20220005339 BD Barefoot Pelican Dock Facility 271

Davis & Associates CPAs
28901 Trails Edge Blvd.
Ste. 205
Bonita Springs, FL 34134

Name Changed: 04/09/2024

Address Changed: 04/09/2024

Officer/Director Detail

Name & Address

Title Director

WOOLLEY, KAY
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita SPrings, FL 34134

Title VP

KAUFMANN, RICK
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita SPrings, FL 34134

Title President

Neff, Howard
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita Springs, FL 34134

Title Secretary

Seely, Matthew
Davis & Associates CPAs
28901 Trails Edge Blvd
Ste 201
Bonita Springs, FL 34134

Title Treasurer

Damman, Warren
Davis & Associates CPAs
28901 Trails Edge Blvd

Attachment: Attachment E - HEX BDE-PL20220005339 Backup Package Rev1 (29648 : PL20220005339 BD Barefoot Pelican Dock Facility 271

Ste 201
Bonita Springs, FL 34134

Annual Reports

Report Year	Filed Date
2022	04/04/2022
2023	05/23/2023
2024	04/09/2024

Document Images

04/09/2024 -- ANNUAL REPORT	View image in PDF format
05/23/2023 -- ANNUAL REPORT	View image in PDF format
04/04/2022 -- ANNUAL REPORT	View image in PDF format
03/31/2021 -- ANNUAL REPORT	View image in PDF format
04/21/2020 -- ANNUAL REPORT	View image in PDF format
03/28/2019 -- ANNUAL REPORT	View image in PDF format
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04/13/2016 -- ANNUAL REPORT	View image in PDF format
04/09/2015 -- ANNUAL REPORT	View image in PDF format
04/18/2014 -- ANNUAL REPORT	View image in PDF format
04/05/2013 -- ANNUAL REPORT	View image in PDF format
04/11/2012 -- ANNUAL REPORT	View image in PDF format
03/30/2012 -- ANNUAL REPORT	View image in PDF format
03/27/2012 -- ANNUAL REPORT	View image in PDF format
04/20/2011 -- ANNUAL REPORT	View image in PDF format
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04/29/2004 -- ANNUAL REPORT	View image in PDF format
04/25/2003 -- ANNUAL REPORT	View image in PDF format
04/24/2002 -- ANNUAL REPORT	View image in PDF format
03/28/2001 -- ANNUAL REPORT	View image in PDF format
05/08/2000 -- Amendment	View image in PDF format
04/23/2000 -- ANNUAL REPORT	View image in PDF format

05/04/1999 -- ANNUAL REPORT	View image in PDF format
04/30/1998 -- ANNUAL REPORT	View image in PDF format
04/08/1997 -- ANNUAL REPORT	View image in PDF format
04/15/1996 -- ANNUAL REPORT	View image in PDF format
04/13/1995 -- ANNUAL REPORT	View image in PDF format

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[Events](#)**No Name History**

PRIMARY CRITERIA

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

The proposed maintenance of 44 pre-existing slips as a legally nonconforming accessory structure to the primary multi-family (with 60 condominium units), in a modernized configuration, is appropriate. By way of background, and as discussed during our joint meeting on November 20, 2023, the primary multi-family use and accessory private marina are legally non-conforming uses and structures in the C-3 zoning district under the County's contemporary Land Development Code. As we understand from the readily available historical permitting records on file with the County, the Subject Property was originally zoned C-1, and the concrete sea wall and wood dock were referenced as far back as May 5, 1965. The current multi-family residential development with 60 dwelling units, sea wall, and accessory private marina with 44 boat slips was constructed ±1984 per the Collier County Property Appraiser's records. These improvements have not materially changed over the years.

The existing docking facility accommodates 44 slips, which will be maintained with the proposed plan and will continue to serve the primary residential condominium use (60 total units). The total number of existing and proposed slip count is less than the allowed 1 slip per unit; therefore, the proposed number of slips is consistent with the current upland use. The proposed dock will extend out 71-feet from the MHWL which is 51-feet of protrusion past from the allowed 20-feet.

Criterion Met.

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

The proposed boat dock project is to modernize the existing facility by extending the existing finger piers with new boatlifts to extend out to sufficient water depths. As proposed, the overall existing slip sizes will not be changed. The proposal is simply to construct new full length finger piers, which will then allow proper perpendicular mooring keeping the deepest drafting part of the boats out in deeper water.

Criterion Met.

3. Whether or not the proposed dock facility may have an adverse impact on navigation within an adjacent marked or charted navigable channel. (The facility should not

intrude into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

There is no marked channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project. Additionally, the proposed dock layout is all within the existing submerged land lease boundary; therefore, both the DEP and USACE have agreed there will not be any significant impacts to the subject waterways and associated navigation within the waterway.

Criterion Met.

4. Whether or not 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 of the waterway is maintained for navigability. (The facility should maintain the required percentages.)

The approximate waterway width is 100.4-feet along the canal side and 751-feet wide out on the bay/lagoon side of the property. The proposed dock protrusion where the waterway is approximately 100.4-feet wide is 25.5 feet length overall (LOA); therefore, the vessels would be approximately 25.4% width of the waterway, but still within the existing submerged land lease boundary. The remaining slips are larger, up to 44.5 feet LOA due to waterway width increases.

This project site has waterfrontage both on a bay and a canal. Within the bay, the 25% and 50% limitations will be maintained. Per the plat, the canal is 100' in width. The docks with vessels at this point would extend to 25.5', which is beyond 25% the width of waterway (25.4%). Furthermore, the remaining navigable waterfront when considering the docks and potentially moored vessels on the opposite side of the waterway would not leave 50% of the waterway open. Rather, we estimate that approximately 40' of width would remain for public navigation, which is adequate in our professional opinion. Additionally, the area outside the allowed 25% is located towards the terminus end of the canal and the amount of navigation within this canal is minimal and would mostly consist of local traffic ingress/egress to their property.

Criteria Met as to the bayside of the Subject Property. Criterion Not Met as to the canal side of the Subject Property towards the terminus end.

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

The proposed docking facility is consistent with the existing docking facility currently on-site. As proposed, the dock will maintain the existing conditions and associated access. The requested extension and encroachment into the side yard setbacks is consistent with how the facility is currently utilized and has been since it was originally

constructed.

Criterion Met.

SECONDARY CRITERIA

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

The subject property special conditions consist of the legally nonconforming, existing dock configuration, the associated submerged land lease (SLL), and linear footage of shoreline. As proposed, the SLL is the existing approved boundary with DEP which allows the Applicant to work within, but to not increase, the overall boundary size/area. This factor limited the Applicant's dock design options to basically replace what exists, but would allow for the modernization of the dock layout as well as to install a new seawall approximately 18" in front of the existing. These design changes will accommodate larger vessels with full length finger piers all to be contained within the existing SLL boundary area.

The surrounding waterway width does allow for the Applicant to maintain the overall protrusion request and the fact that these docks are pre-existing, not proposing an increase to the overall protrusion will maintain the current use for the surrounding properties.

Criterion Met.

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

The proposed docking facility has been fully minimized, reducing the overall overwater square footage from 3,792 square feet to 3,064 square feet and still provides sufficient deck area for routine maintenance and safe access.

Criterion Met.

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

The docking facility is an accessory use to the existing upland multi-family condominium.

Criterion Not Applicable.

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

As proposed the dock has been designed to be consistent with the existing docking facility that is there currently and has been there since +/-1984. There are no new impacts to either adjacent property owner, as their view will not change.

Criterion Met.

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

There are no seagrass beds present within 200' of the property nor the neighboring properties.

Criterion Met.

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

The proposed work is a multi-family dock facility and subject to Manatee Protection Plan Requirements. As designed the docking facility is consistent with the MPP.

Criterion Met.

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220005339 and PL20240006168

I, Richard Kaufmann (print name), as Vice President (title, if applicable) of Barefoot Pelican Condominium Association, Inc. (company, if applicable), swear or affirm under oath, that I am the (choose one) owner ☒ applicant ☐ contract purchaser ☐ and that:

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

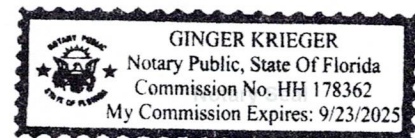
8/8/24
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8th day of August, 2024, by (printed name of owner or qualifier) _____.

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

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



Notary Signature: GINGER KRIEGER

**AFFIDAVIT OF MAILING, E-MAILING, OR DELIVERING AND POSTING OF
NOTICE TO UNIT OWNERS**

BAREFOOT PELICAN CONDOMINIUM ASSOCIATION, INC.

I, the undersigned, President of the Association whose name appears at the bottom of this affidavit do hereby swear and affirm that the notice of the Special Members' meeting to be held **Thursday, March 28, 2024, at 4:00 P.M.**, together with proxies, online voting instructions, and supporting material regarding the vote on the pool, spa, and boat dock alterations, were timely mailed, by First Class Mail, sent by electronic mail (to Unit Owners who have consented to same), or hand-delivered in accordance with Section 718.112, Florida Statutes. The notice (copy attached) was mailed or delivered on March 14th, 2024, 2024 to each Unit Owner at the physical or electronic address last furnished to the Association, as such address appears on the books of the Association. The notice was also posted on March 14th, 2024, 2024 in a conspicuous place on the Condominium Property.

The President swears and affirms that of the total 60 Unit Owners (or 23³ percent (%)) of the total Unit Owners authorized the Board of Directors to alter the existing pool, spa, and boat docks in a manner and location as depicted in the in the plans submitted to the County in the pending Boat Dock Extension Case No. PL20220005339, Variance Case No. PL20220005909,¹ and Insubstantial Change to a Site Development Plan Case No. PL20230012727.

Sworn this 28 day of MARCH 2024.

**BAREFOOT PELICAN CONDOMINIUM
ASSOCIATION, INC.**

BY: _____

Howard Neff, Jr., President

STATE OF Florida:

COUNTY OF Collier:



Lucia Anreus
Comm.: HH 463261
Expires: Nov. 12, 2027
Notary Public - State of Florida

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization this 28 day of March 2024, by Howard Neff, Jr., as President of Barefoot Pelican Condominium Association, Inc., a Florida Corporation, on behalf of the corporation. He is ☐ personally known to me or ☒ has produced DL - Driver License (type of identification) as identification.

Notary Public

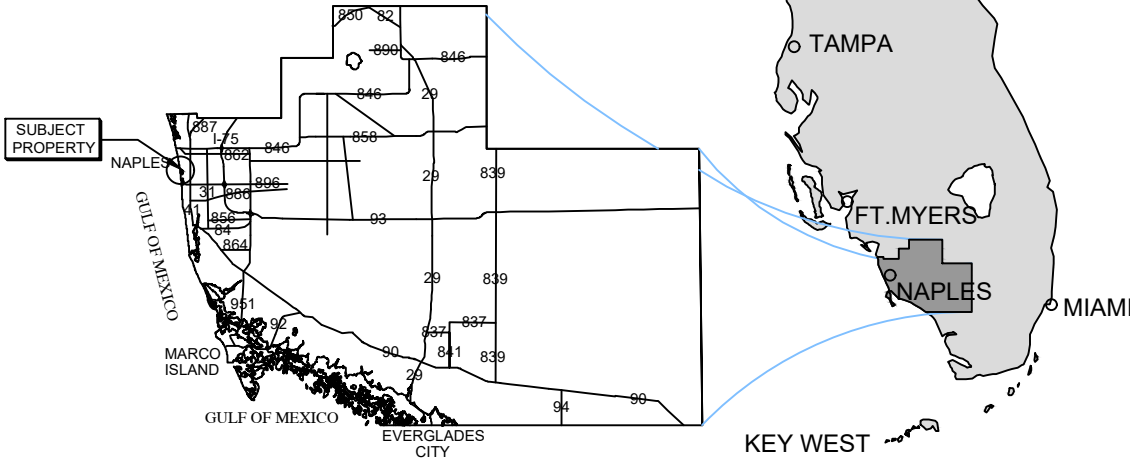
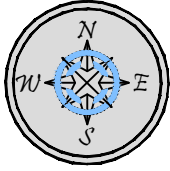
Printed Name: Lucia Anreus

My commission expires:

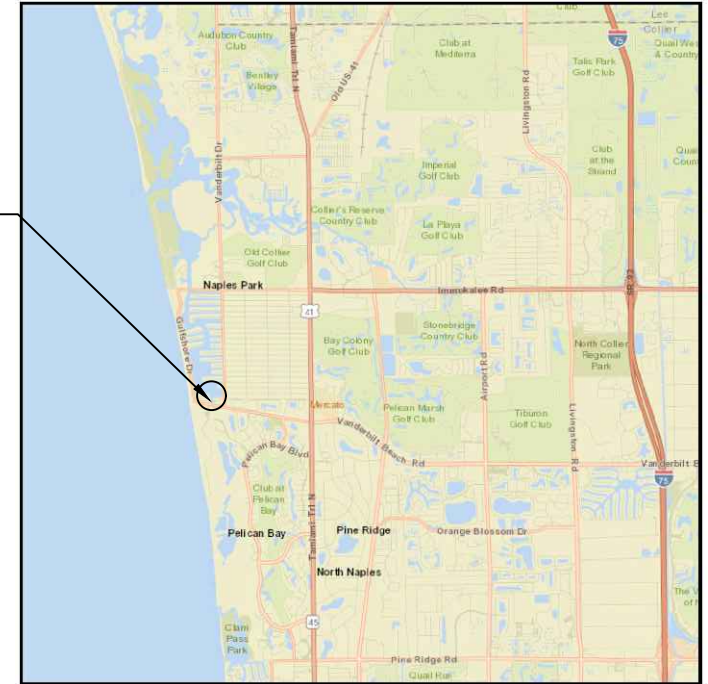
November 12, 2027

¹ To be converted to a Non-Conforming Use Alteration ("NUA") application

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP

SITE ADDRESS:

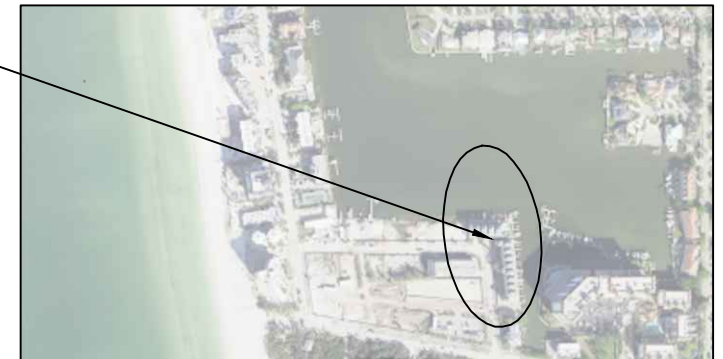
<> 271 SOUTHBAY DR
NAPLES, FL 34108

<> LATITUDE: N 26.254384
<> LONGITUDE: W -81.819137

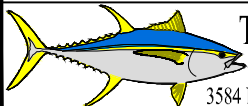
NOTES:

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

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN LOCATION MAP

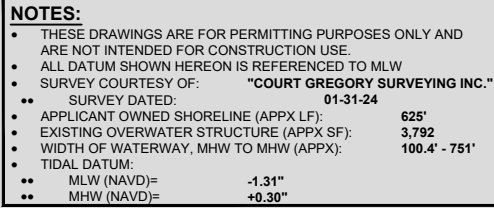
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGED:
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ALL SHEETS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ALL SHEETS
JOB NO.:	0038.05	3.	RMJ	04-10-24	JR	SHEETS 02 & 07
SHEET NO.:	01 OF 14	4.	-	-	-	-
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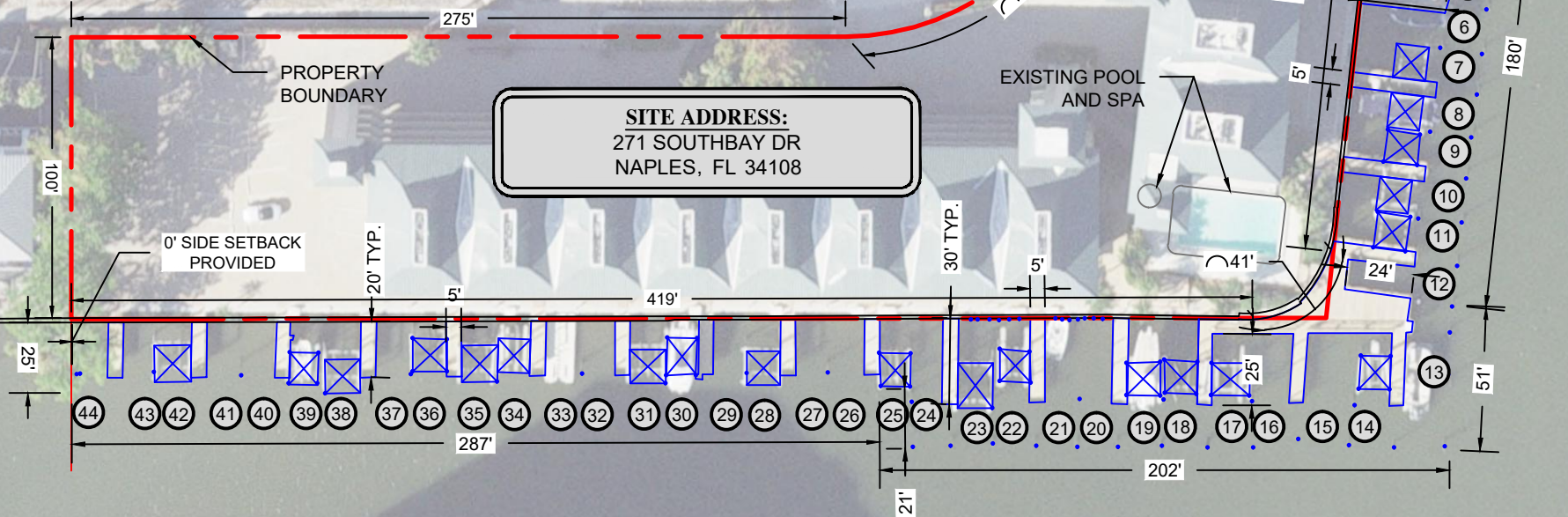
SECTION- 32

TOWNSHIP- 48 S

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	SLIP SIZES
SLIP #	LENGTH X WIDTH
23	45.0' X 12.6'
24	45.5' X 10.2'
25	45.5' X 6.8' AND
	25.5' X 11.8'
26	25.0' X 12.8'
27	25.0' X 11.4'
28	25.0' X 11.8'
29	25.0' X 12.0'
30	25.0' X 11.0'
31	25.0' X 12.3'
32	25.0' X 11.6'
33	25.0' X 13.2'
34	25.0' X 12.3'
35	25.0' X 11.6'
36	25.0' X 12.4'
37	25.0' X 12.7'
38	25.0' X 12.8'
39	25.0' X 12.1'
40	25.0' X 11.8'
41	25.0' X 12.4'
42	25.0' X 12.3'
43	25.0' X 11.8'
44	25.0' X 9.6'



BAREFOOT PELICAN

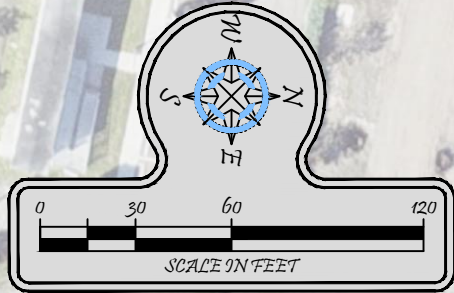
EXISTING CONDITIONS WITH SLIP MATRIX

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

		REV#	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	NP	1.	RMJ	09-21-23	JR	ADJUSTED DIMENSIONS
DRAWN BY:	RMJ	2.	RMJ	02-08-24	JR	ADJUSTED DIMENSIONS
CREATED:	05-24-23	3.	RMJ	04-10-24	JR	REV SLIP MATRIX
JOB NO.:	0038.05	4.	-	-	-	-
SHEET NO.:	02 OF 14	5.	-	-	-	-

SECTION-32 TOWNSHIP-48S

P:\0308.05 barefoot pelican deck\CAD\PERMIT-COUNTY\0308-05-COUNTY.dwg EXISTING CONDITIONS - WIDTH OF WATERWAY 4/10/2024



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
 - MLW (NAVD)= -1.31'
 - MHW (NAVD)= +0.30'

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

PROPERTY
BOUNDARY

EXISTING POOL
AND SPA

WIDTH OF
WATERWAY

3.E.f

WIDTH OF
WATERWAY

750'

752'

73'

100.4'

56'

102.8'

71'

46'

69'



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

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Fax: (239) 643-6632

BAREFOOT PELICAN
EXISTING CONDITIONS - WIDTH OF WATERWAY

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

DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGES
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
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SHEET NO.:	03 OF 14	4.	-	-	-	-
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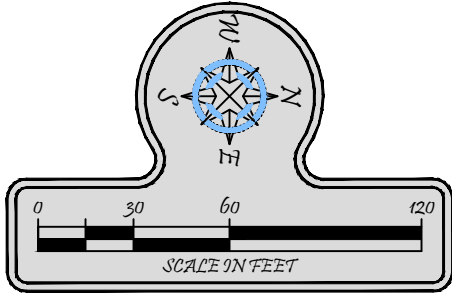
SECTION- 32

TOWNSHIP- 48 S

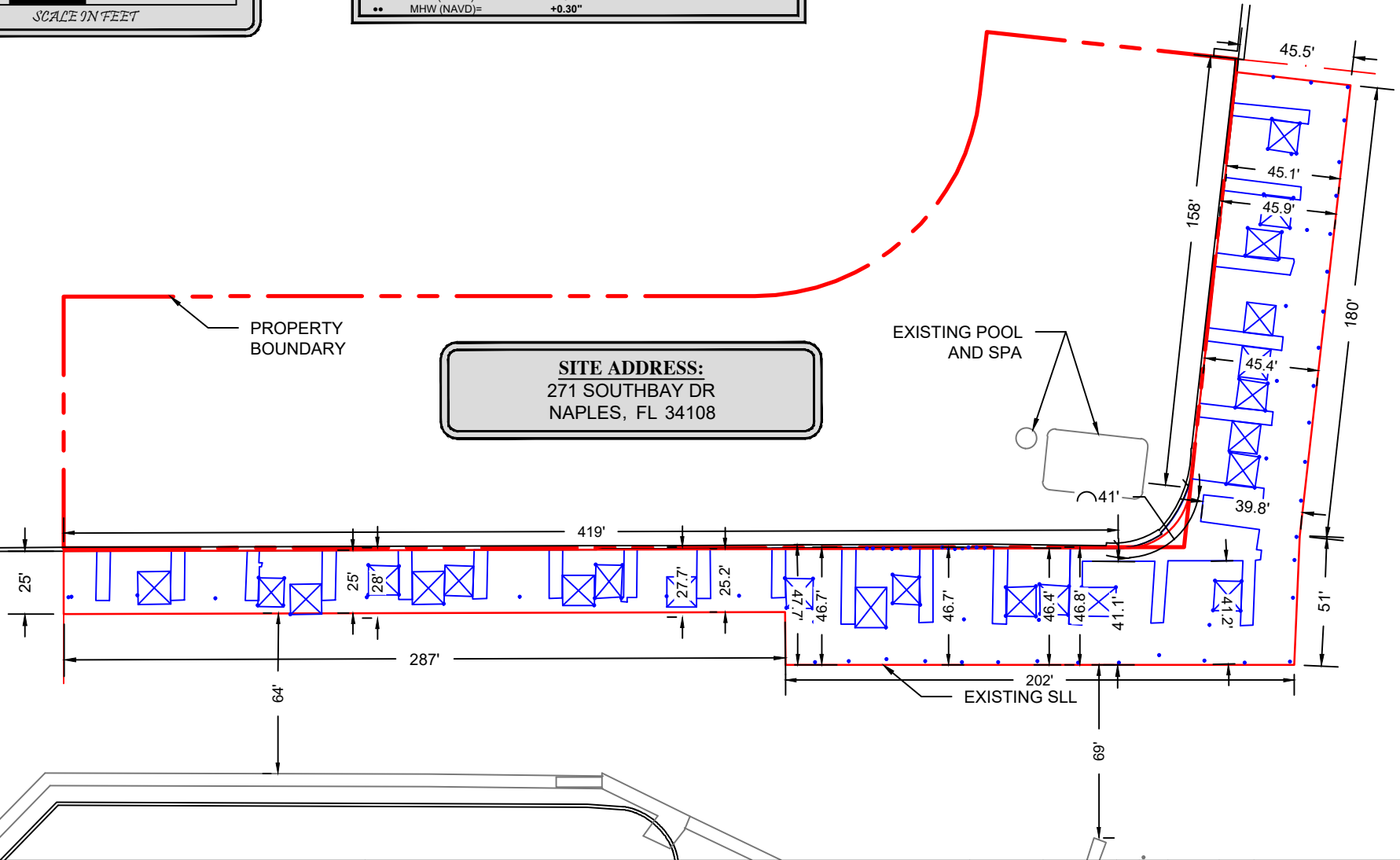
Packet Pg. 426

Attachment: Attachment E - HEX BDE-PL20220005339 Backup Package Rev1 (29648 : PL20220005339 BD

P:\0308.05 barefoot pelican deck\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg EXISTING CONDITIONS WITH SLL 4/10/2024



- NOTES:**
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 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
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 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"



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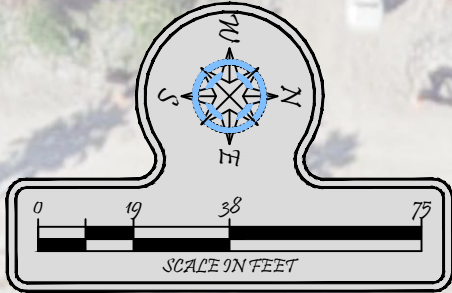
BAREFOOT PELICAN EXISTING CONDITIONS WITH SLL

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DESIGNED:	JR	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	JJH	1.	-	-	-	-
CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	04 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 Barefoot Pelican\BAREFOOT PELICAN\COUNTY\0308.05-COUNTY.dwg EXISTING CONDITIONS SOUTH-DEPTHS 4/10/2024



- NOTES:**
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 - SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"

PROPERTY
BOUNDARY

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

RIPARIAN LINE

Attachment: Attachment E - HEX BDE-PL20220005339 Backup Package Rev1 (29648 : PL20220005339 BD



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BAREFOOT PELICAN

EXISTING CONDITIONS SOUTH-DEPTHS

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

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGES:
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SHEET NO.:	05 OF 14	4.	-	-	-	-
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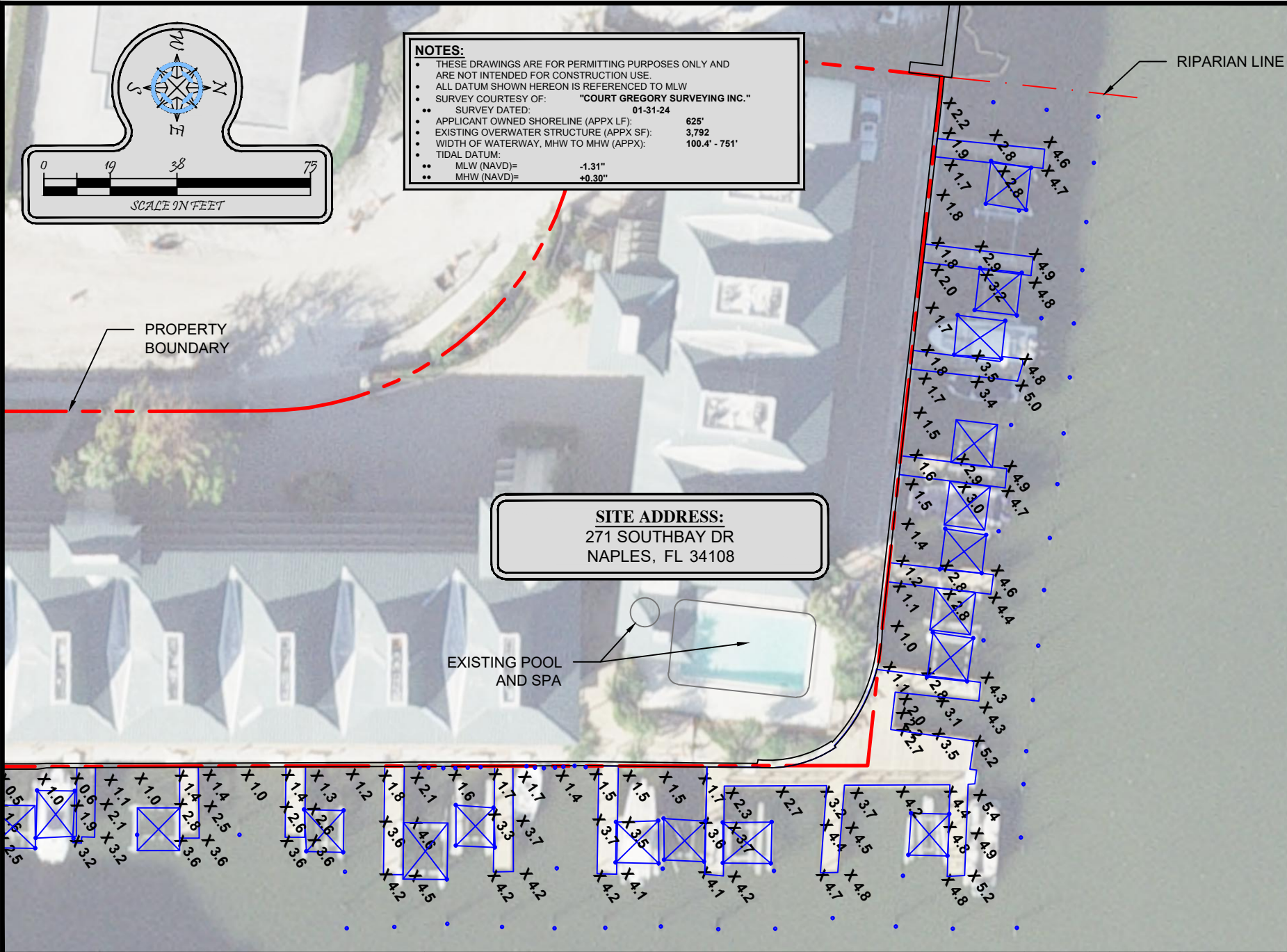
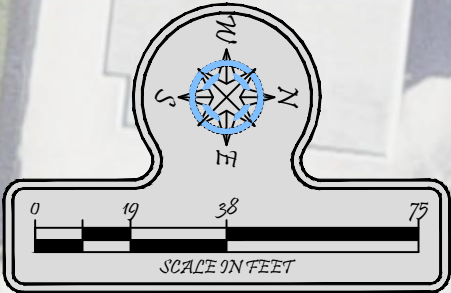
SECTION- 32 TOWNSHIP- 48 S

Packet Pg. 428

P:\0308.05 Barefoot Pelican.docx\CAD\PERMIT-COUNTY\0308.05-COUNTY.dwg EXISTING CONDITIONS NORTH-DEPTHS 4/10/2024

NOTES:

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- ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
- SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
- SURVEY DATED: 01-31-24
- APPLICANT OWNED SHORELINE (APPX LF): 625'
- EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
- TIDAL DATUM:
 - MLW (NAVD)= -1.31"
 - MHW (NAVD)= +0.30"



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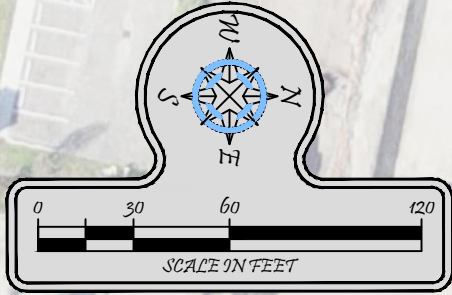
BAREFOOT PELICAN EXISTING CONDITIONS NORTH-DEPTHS

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

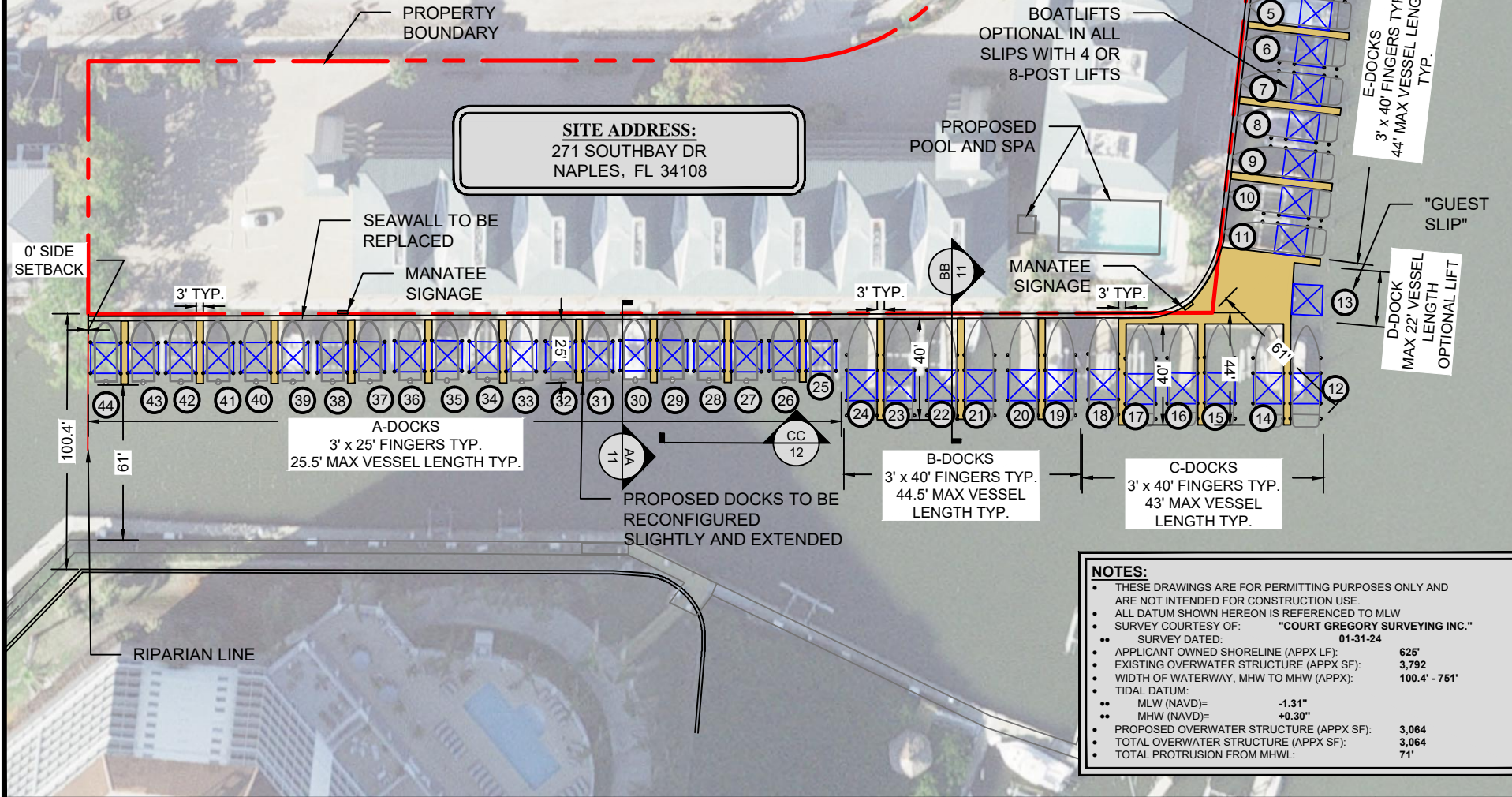
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CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED SLIP NUMBERS, ADDED LABEL
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	06 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

P:\0308.05 Barefoot Pelican dock\CAD\PERMIT-COUNTY\0308-05-COUNTY.dwg, PLOTTED DOCKS WITH SLIP MATRIX 4/10/2024



SLIP LABEL	SLIP SIZES	
	SLIP #	LENGTHS
E	1 - 11	44'
D	13	22' "GUEST SLIP"
C	12, 14-18	43'
B	19-24	44.5'
A	25-44	25'



- NOTES:**
- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
 - ALL DATUM SHOWN HEREON IS REFERENCED TO MLW
 - SURVEY COURTESY OF: "COURT GREGORY SURVEYING INC."
 - SURVEY DATED: 01-31-24
 - APPLICANT OWNED SHORELINE (APPX LF): 625'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 3,792
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 100.4' - 751'
 - TIDAL DATUM:
 - MLW (NAVD) = -1.31"
 - MHW (NAVD) = +0.30"
 - PROPOSED OVERWATER STRUCTURE (APPX SF): 3,064
 - TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
 - TOTAL PROTRUSION FROM MHWL: 71'



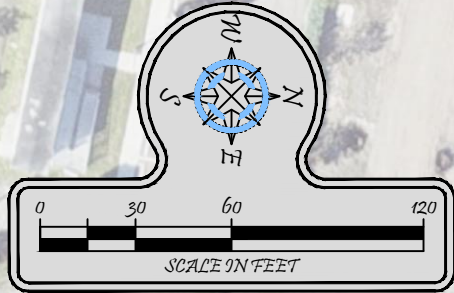
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN **PROPOSED DOCKS WITH SLIP MATRIX**

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

DESIGNED:	NP	REV#	REV BY:	DATE	CHK BY:	CHANGES:
DRAWN BY:	RMJ	1.	RMJ	02-08-24	JR	REVISED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	04-10-24	JR	REV. SLIPS AND MATRIX
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	07 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



NOTES:

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- TOTAL OVERWATER STRUCTURE (APPX SF): 3,064
- TOTAL PROTRUSION FROM MHWL: 71'

SITE ADDRESS:
271 SOUTHBAY DR
NAPLES, FL 34108

PROPERTY
BOUNDARY

EXISTING POOL
AND SPA

WIDTH OF
WATERWAY

3.E.f

WIDTH OF
WATERWAY

748'

750'

71'

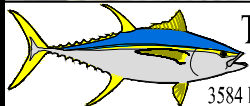
100.4'

49'

102.8'

76'

71'



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Marine & Environmental Consulting

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Fax: (239) 643-6632

BAREFOOT PELICAN

PROPOSED DOCKS - WIDTH OF WATERWAY

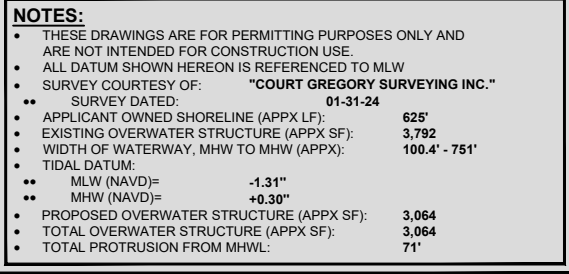
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JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	08 OF 14	4.	-	-	-	-
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SECTION- 32

TOWNSHIP- 48 S

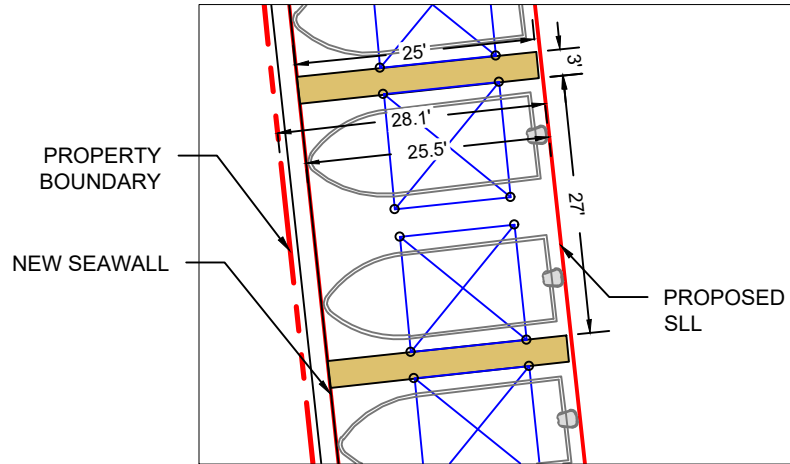
Packet Pg. 431



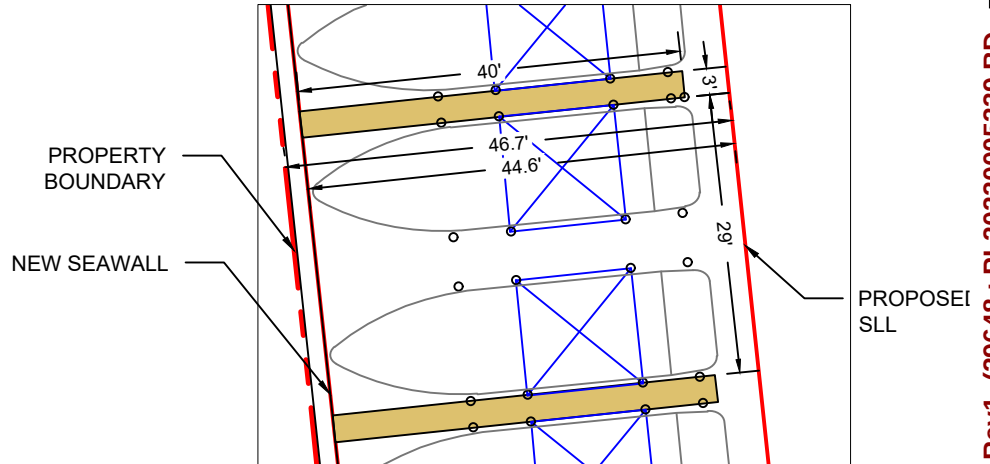
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE

SECTION-32 TOWNSHIP-48S

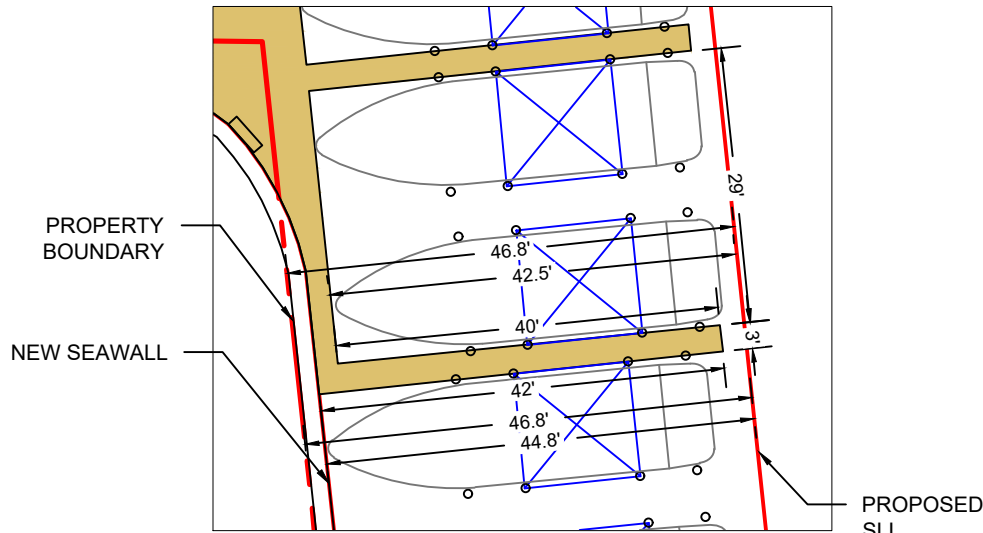
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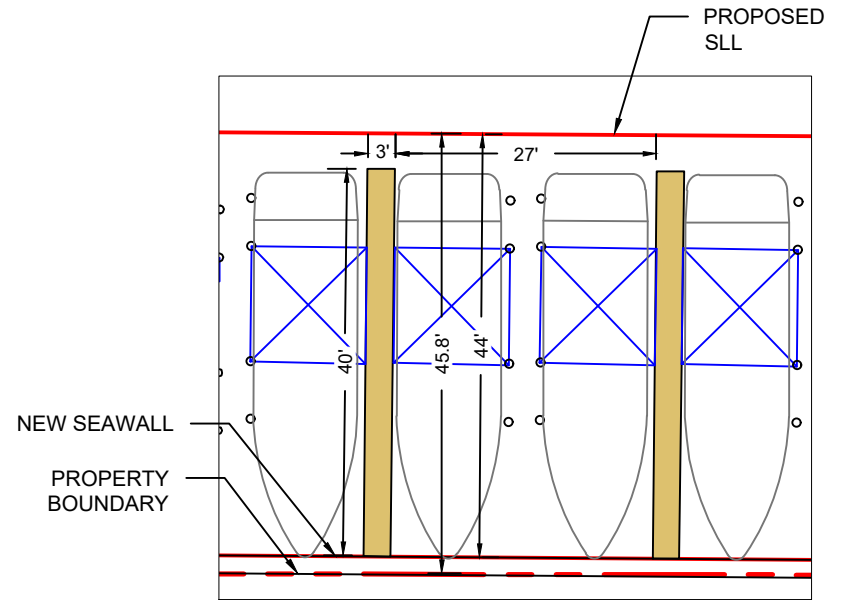
A-DOCKS DETAIL
SCALE: 1" = 20'



B-DOCKS DETAIL
SCALE: 1" = 20'



C-DOCKS DETAIL
SCALE: 1" = 20'



E-DOCKS DETAIL
SCALE: 1" = 20'



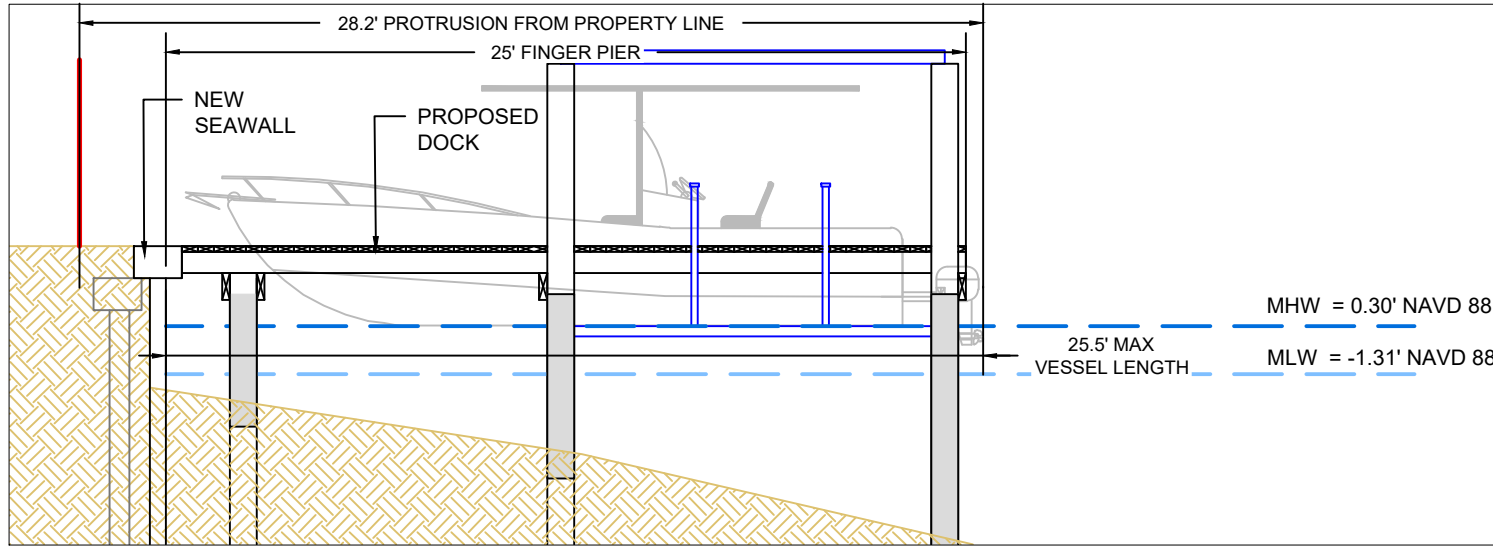
Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Suite B. Naples, FL 34104-3732
Email: tuna@turrell-associates.com Phone: (239) 643-0166 Fax: (239) 643-6632

BAREFOOT PELICAN **PROPOSED DOCKS DETAILS**

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

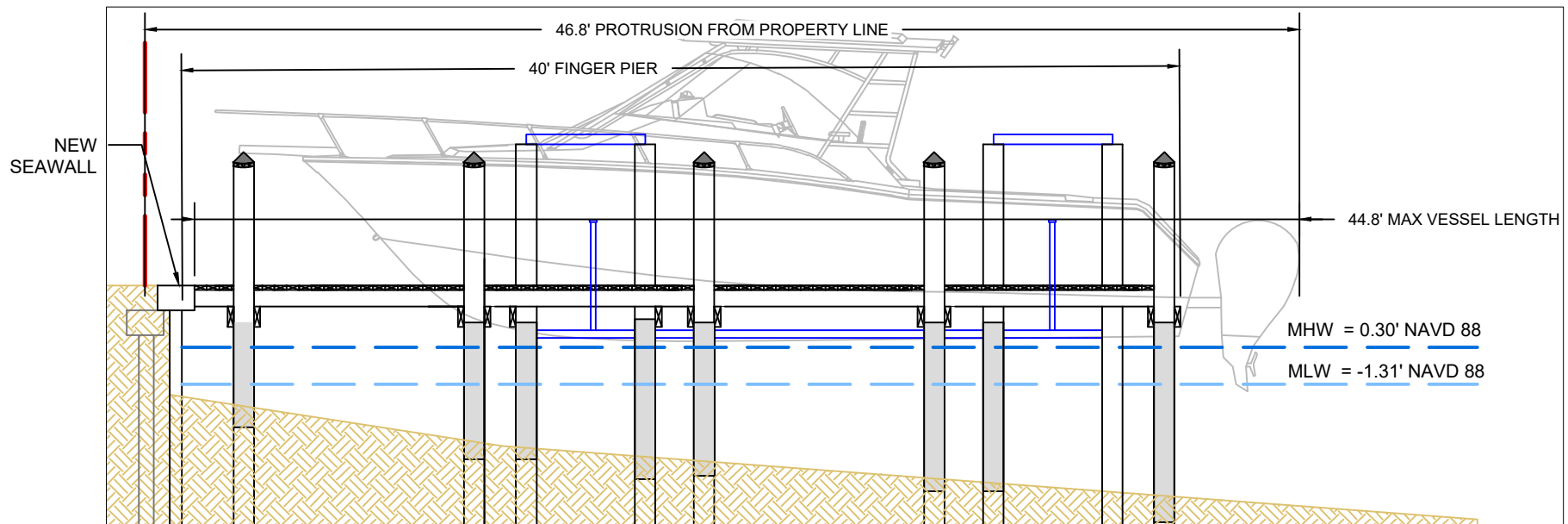
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CREATED:	02-08-24	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	10 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



TYPICAL CROSS SECTION AA

SCALE: 1" = 6'



TYPICAL CROSS SECTION BB

SCALE: 1" = 6'



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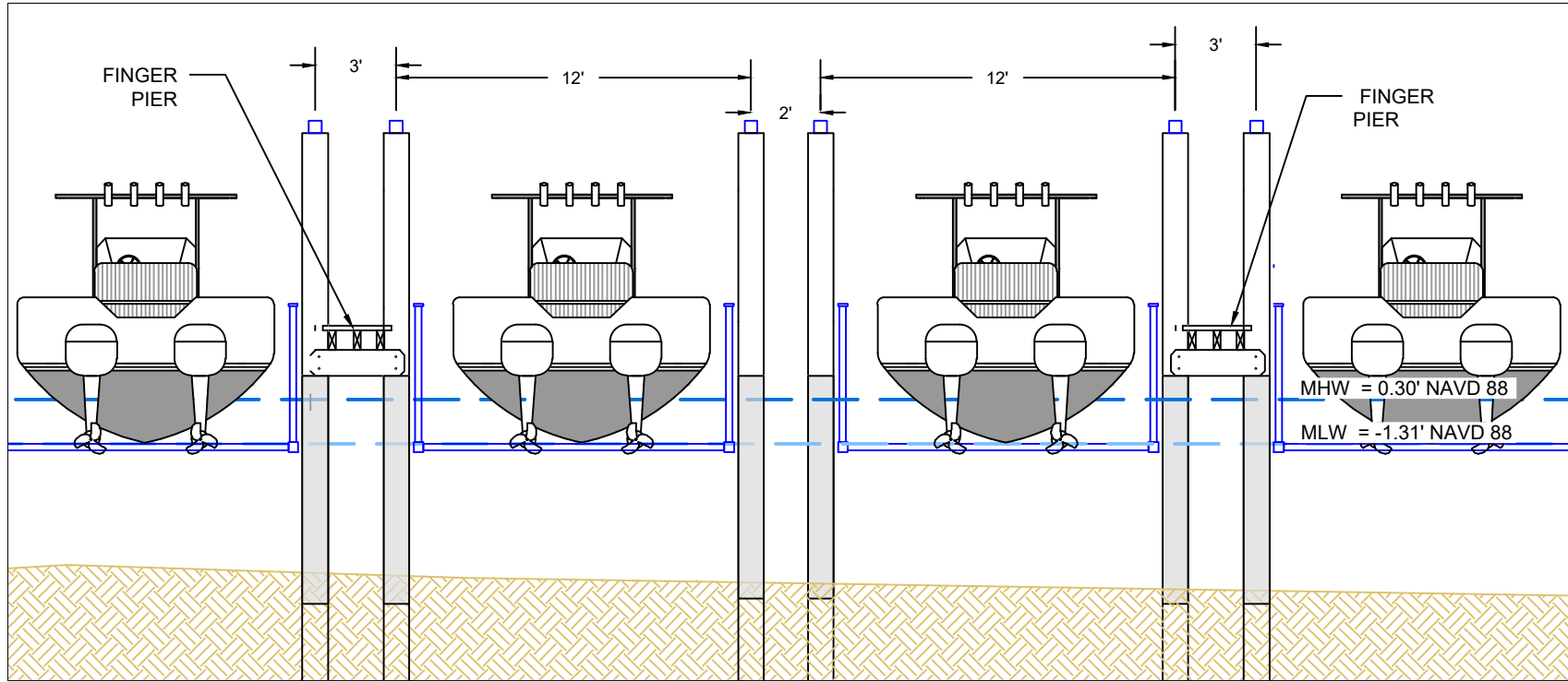
BAREFOOT PELICAN

TYPICAL CROSS SECTION

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADDED PROTRUSION DIM
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADJUSTED DIMENSIONS
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	11 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S



TYPICAL CROSS SECTION CC
SCALE: 1" = 6'



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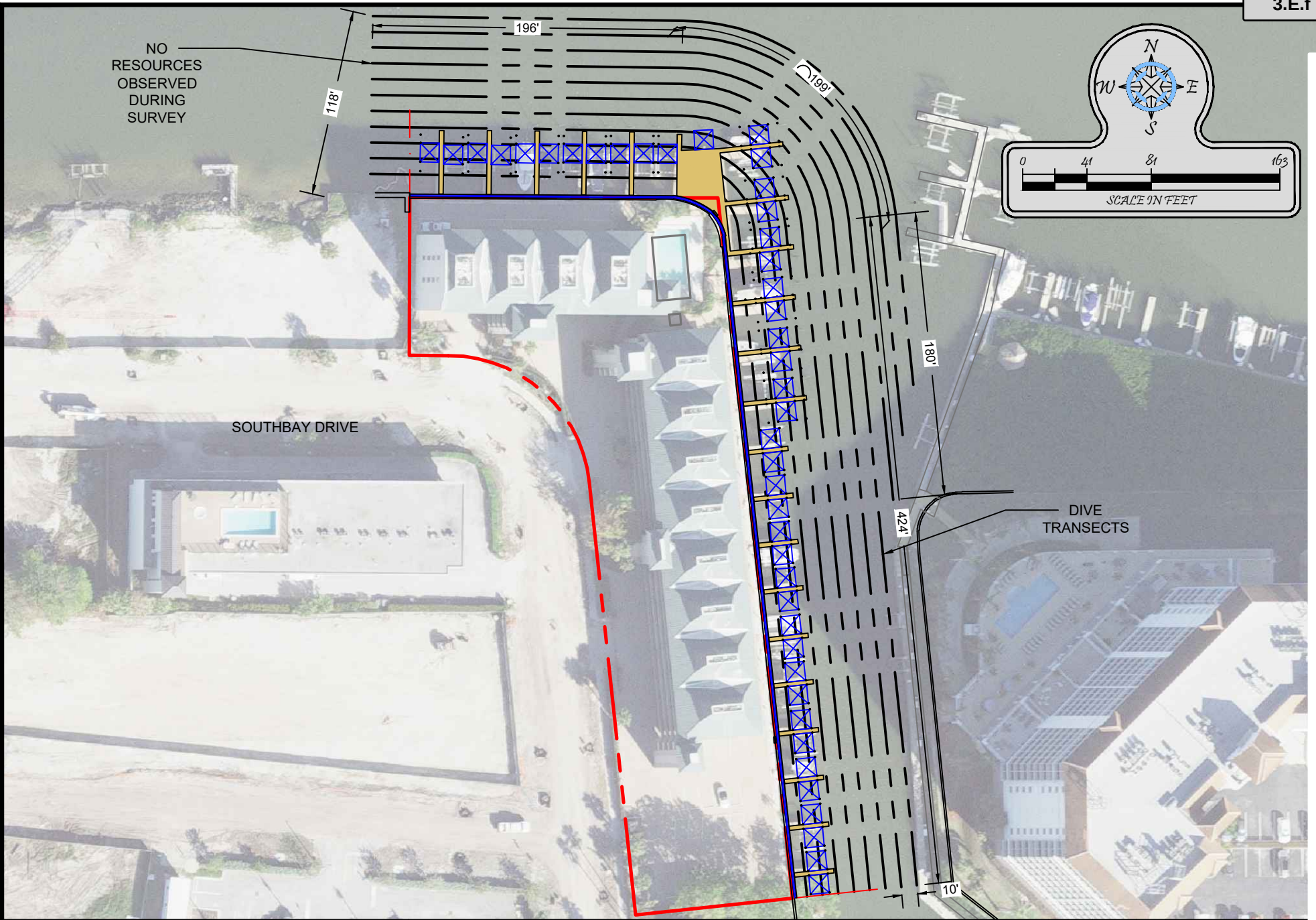
BAREFOOT PELICAN TYPICAL CROSS SECTION 2

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

DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	MOVED LIFTS TO MLW
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	REMOVED NOTE
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	12 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

D:\0038.05 Barefoot Pelican.dwg CAD PERMIT COUNTY\0038.05-COUNTY.dwg SUBMERGED RESOURCE SURVEY TRANSECT MAP 4/10/2024



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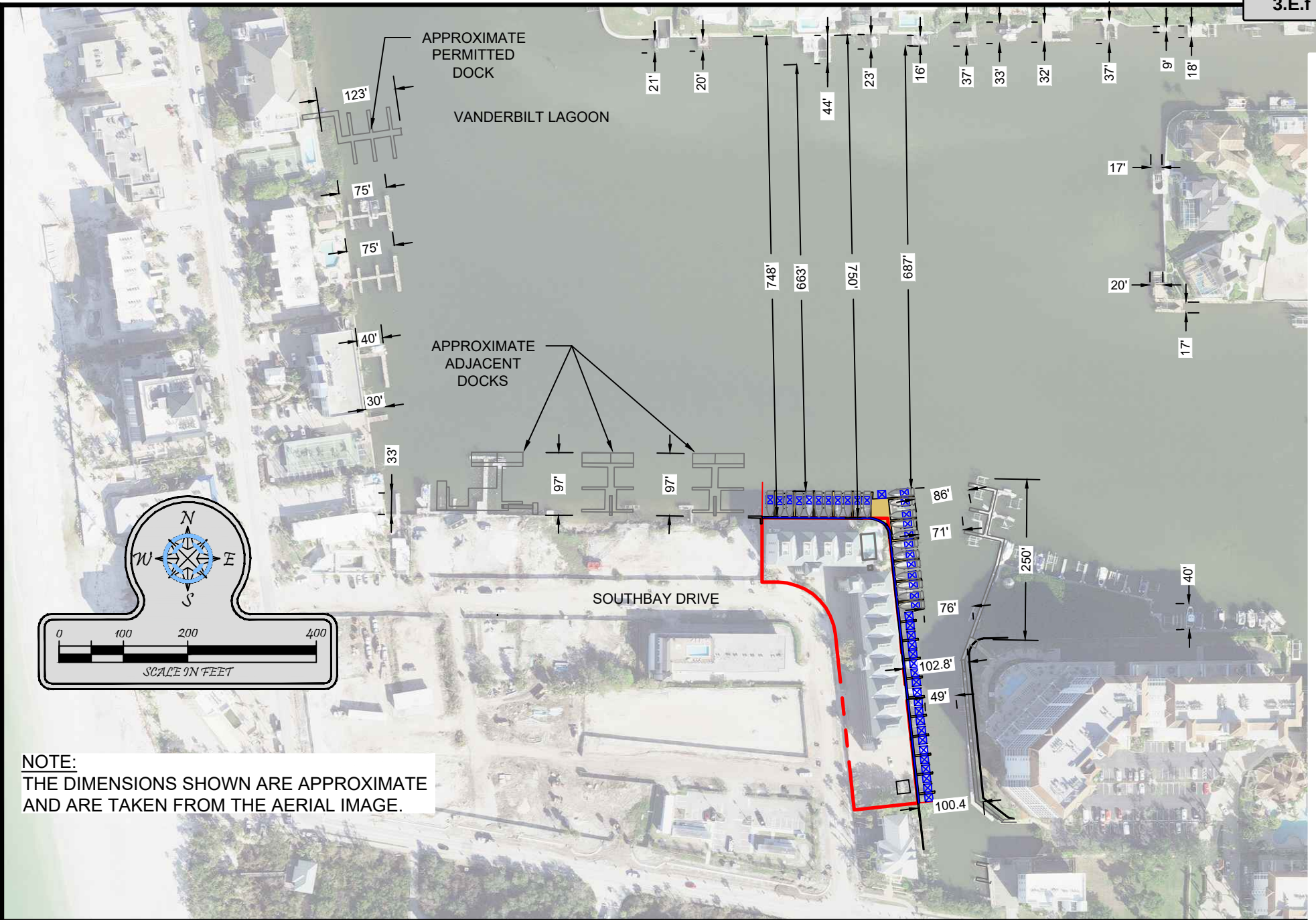
BAREFOOT PELICAN **SUBMERGED RESOURCE SURVEY TRANSECT MAP**

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

DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	REVISED TITLE
CREATED:	05-24-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	13 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

p:\0038.05 barefoot pelican docks\CAD\PERMIT-COUNTY\0038-05-COUNTY.dwg ADJACENT DOCKS & WIDTH OF WATERWAY 4/10/2024



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE
AND ARE TAKEN FROM THE AERIAL IMAGE.



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BAREFOOT PELICAN ADJACENT DOCKS & WIDTH OF WATERWAY

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DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	RMJ	09-21-23	JR	ADDED DIMENSIONS
CREATED:	05-24-23	2.	RMJ	02-08-24	JR	ADDED DIMENSIONS
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	14 OF 14	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

Resolution No. 2021-47
Vacate County & Public Interest in Gulf Shere Court
2018 Alley in Bk. D & Part of Center St
Recorded 03/15/2021 OR 5808 PG 680-686
Plat Book 3 Page 16

RESOLUTION NO. 94-61
REOPENING COMMENCE STREET TO
CONNER'S VANDERBILT BEACH CENTER
LOCATED IN VANDERBILT BEACH
RECORDED 2/10/1941 OR 1913 PG 1134
PLAT BOOK 3 PG 16

VANDERBILT BEACH CENTER

A SUBDIVISION IN
SECTION 32, T48S, R25E
Scale 1"=60' January, 1954

N

UNIT No. 2
CONNER'S VANDERBILT BEACH ESTATES

2

UNDIVIDED

APPROVALS

This plat approved this 5th day of January, A D 1954 in open meeting
of the Board of County Commissioners of Collier County, Florida.

Approved J. M. Davidson Chairman
Ed Scott Clerk

I HEREBY CERTIFY that this plat of VANDERBILT BEACH CENTER
has been examined by me and from my examination I find that said
plat complies in form with the requirements of Chapter 10275, Laws
of Florida, Acts of 1925
I FURTHER CERTIFY that said plat was filed for record at 3 P.M.
this 2nd day of February, A D 1954 and duly recorded in Plat Book
3, on Page 16 of the public records of Collier County, Florida.

Ed Scott
Clerk of Circuit Court in and for Collier County.

I hereby certify that this plat of VANDERBILT BEACH CENTER is a
true and correct representation of a recent survey made and plotted
under my direction and that permanent reference monuments (PRMs)
have been set in accordance with the provisions of Section 7,
Chapter 10275, Laws of Florida, Acts of 1925.

Paul P. Johnson
Reg. Land Surveyor, Fla. Cert. No. 351
Ft. Myers, Florida

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day, before me personally appeared
Barren Collier, Jr. and Paul Cooke, respectively Vice President and
Assistant Secretary of Conner's Vanderbilt Beach Estates, Inc., a corp-
oration under the laws of Florida, to me known to be the persons
described in and who executed the foregoing dedication and they ac-
knowledged the execution thereof to be their free act and deed as
such officers, for the uses 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 5th day of January, A D 1954.

STATE OF FLORIDA
COUNTY OF COLLIER
I HEREBY CERTIFY that on this day, before me personally appeared
C. B. Conner and Don S. Akers respectively Vice-President and
Assistant Secretary of Conner's Vanderbilt Beach Estates, Inc., a corp-
eration under the laws of Florida, to me known to be the persons des-
cribed in and who executed the foregoing dedication and they ac-
knowledged the execution thereof to be their free act and deed as
such officers, for the uses 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 5th day of January, A D 1954.

Robert J. Benson
Notary Public, State of Florida at Large
My Commission expires March 18-1958

Beatrice Wiggins
Notary Public, State of Florida at Large
My Commission expires Feb. 9, 1955

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that Conner's Vanderbilt
Beach Estates, Inc. and Collier Development Corporation, corporations
under the laws of Florida, the owners of the various parcels com-
prising the hereon described lands have caused this plat of VANDER-
BILT BEACH CENTER to be made and do hereby dedicate to the per-
petual use of the public all streets, drives, courts, alleys and water
ways shown hereon.
IN WITNESS WHEREOF Conner's Vanderbilt Beach Estates, Inc. and
Collier Development Corporation have each caused this dedication
to be signed in its name by its vice president and its corporate seal
to be affixed, attested by its Assistant Secretary this 5th day of
January, A D 1954.

CONNER'S VANDERBILT BEACH ESTATES

By Barren Collier, Jr. Vice President
Attest Paul Cooke Assistant Secretary

COLLIER DEVELOPMENT CORPORATION

By Barren Collier, Jr. Vice President
Attest Paul Cooke Assistant Secretary

DESCRIPTION

Lots 1, 2 & 3 in Block B of Unit No. 1 of Conner's Vanderbilt Beach
Estates according to plat recorded in Plat Book 3 at Pages 8 & 9
of the public records of Collier County owned by Conner's Vander-
bilt Beach Estates, Inc.
A tract or parcel of land lying in the S 1/2 of the NE 1/4 of fractional
Section 32, Township 48 South, Range 25 East owned by the Collier
Development Corporation which tract or parcel is described as
follows:
Beginning at the northeast corner of said Lot 1, Block B of Conner's
Vanderbilt Beach Estates run easterly along the north line of said
S 1/2 of the NE 1/4 for 987.84' thence run southeasterly to a point
on the north line of the County Road (now State Road No. S-862)
right-of-way conveyed by deed recorded in Deed Book 15 at Page 121
of the public records of Collier County which point is 1,008.52' south
easterly along said right-of-way line from the southeast corner
of said Lot 1, Block B, thence run northwesterly for 1,008.52' along
said right-of-way line to said southeast corner, thence run north
westerly along the east line of said Lot 1 for 182.36' to the point
of beginning.

NOTES

PRM's are 4"x4"x24" or larger Concrete Monuments.
Both chord and arc distances are shown on curved lines with
chord bearing.
Bearings are true from traverse ties to true bearing by S.R.D.
on E. Tamiami Trail.
Bearings are on basis adjusted traverses on Naples Park
plats and Unit No. 2 CONNER'S VANDERBILT BEACH ESTATES
which differ from those on Unit No. 1 of C.V.B. Est. by
0°01'10" ±.

GULF OF MEXICO

BLOCK A, CONNER'S VANDERBILT BEACH ESTATES
PB 3, P 889

GULF SHORE DRIVE
(Dedicated by PB 3, P 889)

GULF SHORE COURT

VANDERBILT BEACH ROAD
(ROW Line)
to point on east line of Sec. 33, 685' S of 1/4 Sec. Cor.
(ROW Deeded to County, DB 15, P 121)
N 80°29'30"W S R NP S-862

Waterway dedicated by PB 3, P 889

Waterway dedicated by this plat

Waterway dedicated by PB 3, P 889

Waterway dedicated by this plat

S line of N 1/4
of Section 32

**THE BAREFOOT PELICAN CONDOMINIUM
271 SOUTH BAY DR.
NAPLES, FL 34108**

**SUBMERGED RESOURCE SURVEY REPORT
OCTOBER 2021**

PREPARED BY:

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

Table of Contents

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

1 Introduction

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at the Barefoot Pelican Condominium, at 271 Southbay Dr. in Naples, FL 34108. This survey will provide planning assistance to both the property owners and regulating agencies during any review processes for the proposed project, which consists of reconfiguring the docks on site with a like number of slips.

The subject property consists of 1.3 acres of uplands that can be found at the southern end of Vanderbilt lagoon, approximately 0.2 miles east of Vanderbilt beach. The parcel's uplands have been developed with a 60-unit condominium that was originally built in 1984. The property has approximately 625 linear feet of seawall shoreline and a 44-slip dock facility. The property is neighbored to the west by a multi-family residential property that is currently in development and to the south by a commercially-zoned property that is currently occupied by a real-estate brokerage office. The property is neighbored to the east and north open waterways (Vanderbilt lagoon). Many of the surrounding lots contain docking facilities and boatlifts similar to that which is proposed.

The SRS was conducted on October 4th, 2021 between approximately 3:00 and 5:00 p.m. Site conditions consisted of mostly clear skies. Water clarity was poor to fair for the area, allowing for submerged visibility of roughly 3 feet. The ambient air temperature was approximately 86 to 89 degrees Fahrenheit and wind speeds averaged 5 mph out of the north east. The average ambient water temperature was approximately 79 degrees Fahrenheit. High tide occurred prior to the site visit at approximately 12:16 p.m. and reached approximately 3.3 ft. above the mean low water mark. Low tide occurred following the site visit at approximately 6:54 p.m., reaching approximately 0.3 feet above the mean low water mark.

2 Objective

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

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

3 Methodology

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

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

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

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

4 Results

The substrate found within the surveyed area consists of silty mud with occasional shell debris. The substrate appeared consistent throughout the project site to the limits of the survey area. Depths increased gradually with distance from approximately 3 feet at the seawall to 7 feet at the limits of the survey area.

No mangroves or other natural shoreline are present at the project site. During the submerged portion of the survey, no seagrasses, oysters (besides scattered oyster debris found on the seawall, dock piles, and substrate), or other resources were observed in any capacity. Accordingly, no impacts to submerged resources are expected to occur as a result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

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

Common Name	Scientific Name
Atlantic sheepshead	<i>Archosargus probatocephalus</i>
Mangrove snapper	<i>Lutjanus griseus</i>
Eastern oyster	<i>Crassostrea virginica</i>
Common barnacle	<i>Balanus spp.</i>
Crowned conch	<i>Melongena corona</i>

5 Conclusion

The submerged resource survey was conducted and completed throughout the project site and the surrounding area and yielded no results besides oysters present on the existing seawall and dock piles. No mangroves, seagrasses or other resources were otherwise observed anywhere within the vicinity of the project site. Accordingly, negative impacts to submerged resources are not expected as a result of the proposed project.

6 Photos



Photo 1: View of seawall, docks, and waterway looking northeast.



Photo 2: View docks looking north across the main portion of Vanderbilt Lagoon.

The Barefoot Pelican Condominium
Submerged Resource Survey
October 2021



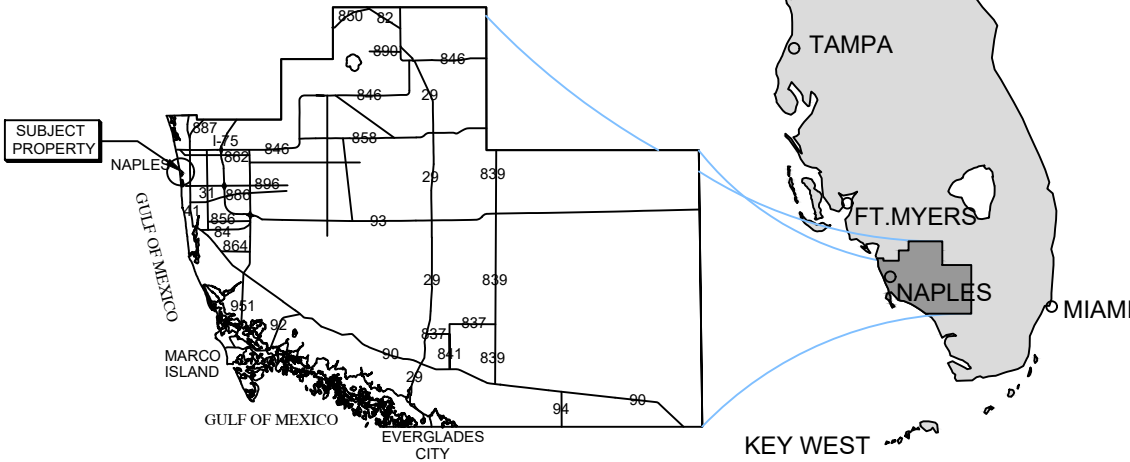
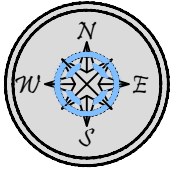
Photo 3: Typical view of submerged bottomlands found at the project site.



Photo 4: Typical consistency of sediments found at the project site.

P:\0308.05 Barefoot Pelican Docks\CAD\PERMIT-STATE\0308.05.dwg LOCATION MAP 4/26/2023

STATE OF FLORIDA



COLLIER COUNTY

SITE ADDRESS:

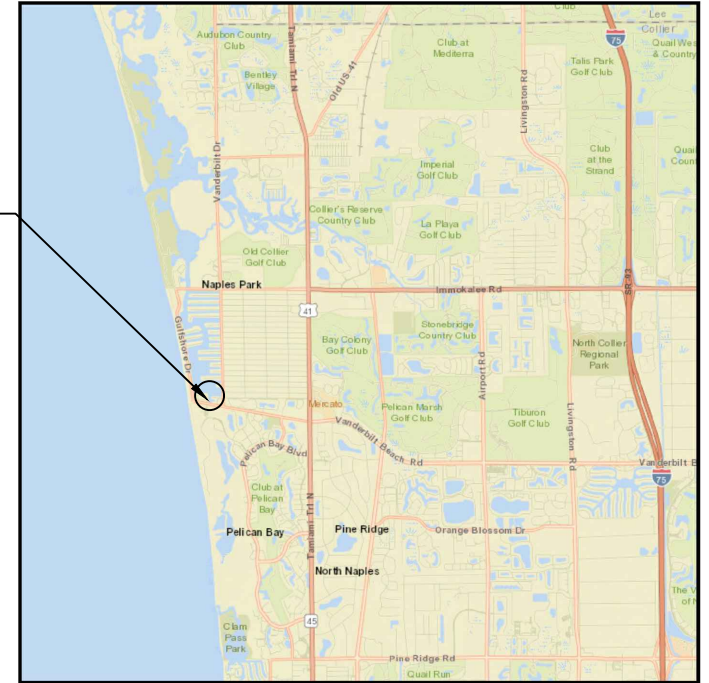
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NAPLES, FL 34108

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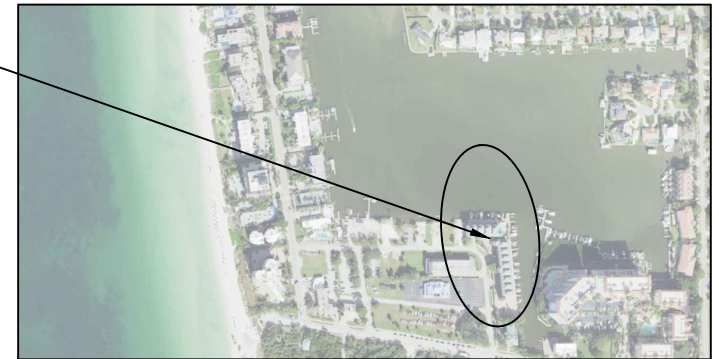
<> THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY
AND ARE NOT INTENDED FOR CONSTRUCTION USE.

SUBJECT
PROPERTY

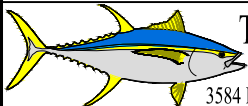


VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

3584 Exchange Ave. Suite B. Naples, FL 34104-3732

Email: tuna@turrell-associates.com

Phone: (239) 643-0166

Fax: (239) 643-6632

BAREFOOT PELICAN LOCATION MAP

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

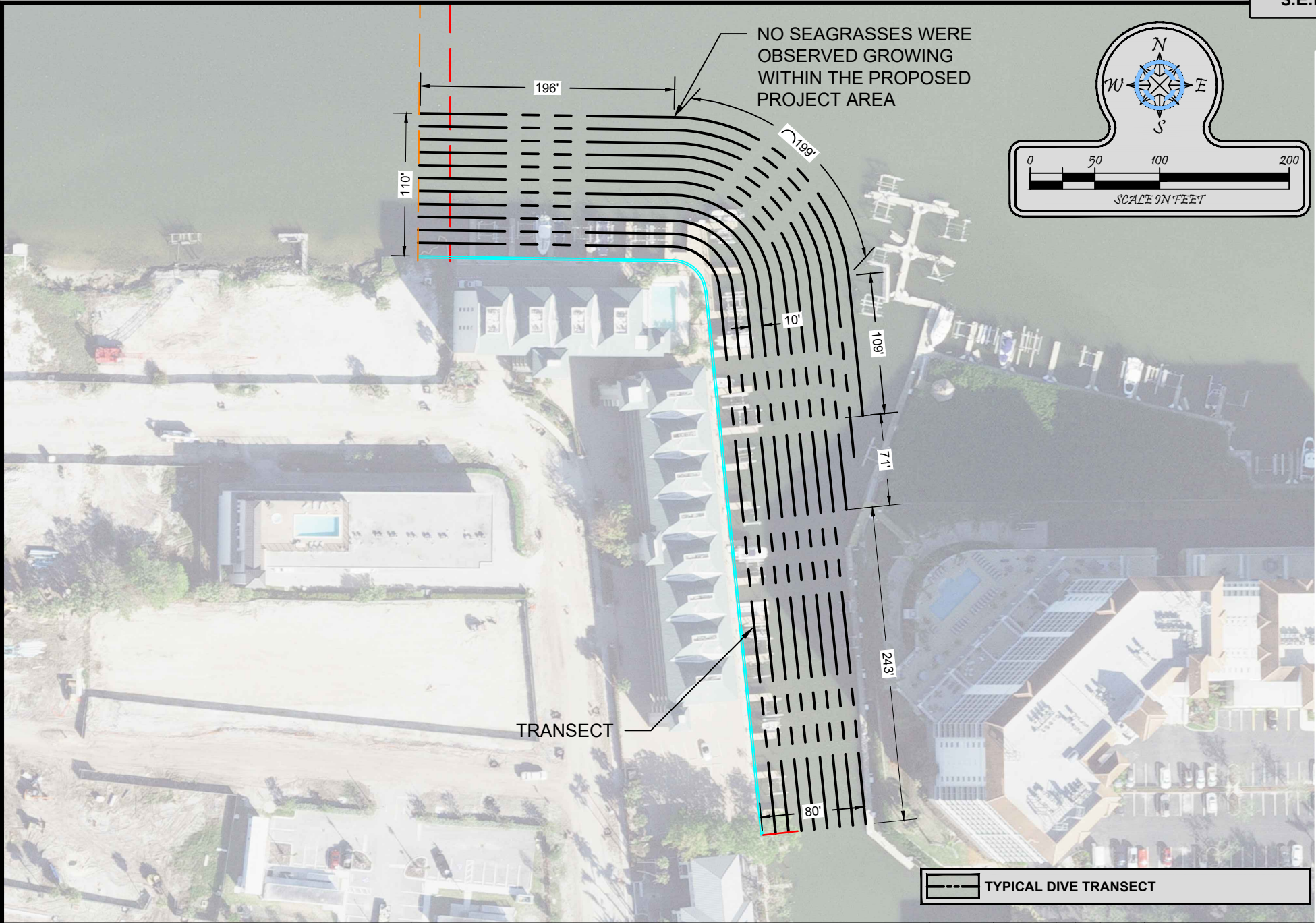
DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	10-4-22	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	01 OF 02	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32

TOWNSHIP- 48 S

Packet Pg. 449

Attachment: Attachment E - HEX BDE-PL20220005339 Backup Package Rev1 (29648 : PL20220005339 BD



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BAREFOOT PELICAN SUBMERGED RESOURCE SURVEY

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

DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-24-23	2.	-	-	-	-
JOB NO.:	0038.05	3.	-	-	-	-
SHEET NO.:	05 OF 06	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48 S

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 Jeff Rogers
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
PL2024 0006168 AND PL2022 0005339

Jeff Rogers
SIGNATURE OF APPLICANT OR AGENT

3584 Exchange Ave
STREET OR P.O. BOX

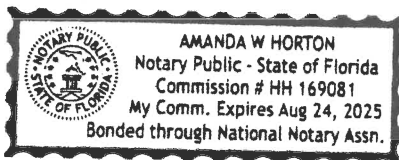
Jeff Rogers
NAME (TYPED OR PRINTED)

Naples FL 34104
CITY, STATE ZIP

#

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to and subscribed before me this 7 day of August, 2024, by
Jeff Rogers, personally known to me or who produced _____ as identification
and who did/did not take an oath.



Amanda W Horton
Signature of Notary Public

AMANDA W HORTON
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

PUBLIC HEARING NOTICE

NONCONFORMING USE ALTERATION

Petition No. PL20240006168

AND

BOAT DOCK EXTENSION

Petition No. PL20220005339

HEX: August 22, 2024 - 1:00 p.m.

**Growth Management Community Development Building
2800 North Horseshoe Drive, 609/610**

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

PUBLIC HEARING NOTICE
NONCONFORMING USE ALTERATION
Petition No. PL20240006168
AND
BOAT DOCK EXTENSION
Petition No. PL20220005339
HEX: August 22, 2024 - 1:00 p.m.
Growth Management Community Development Building
2800 North Horseshoe Drive, 609/610
John Kelly, Planner III: 239-252-5719

