COLLIER COUNTY
Collier County Hearing Examiner

AGENDA

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

August 11, 2022

9: 00 AM

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

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

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

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

1. Pledge of Allegiance

2. Review of Agenda

3. Advertised Public Hearing

A. Petition No. BDE PL20210000087 – 336 Oak Avenue – Request for a 23-foot boat dock extension over the maximum 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for a total protrusion of 43 feet to accommodate a boat dock facility with two vessels for the benefit of property described as Lot 11, Block 1 Conner's Vanderbilt Beach Estates, Unit 2, also described as 336 Oak Avenue, in Section 32, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commissioner District 2

B. Petition No. CUD PL20220001253 -St. John the Evangelist - A request for a comparable use determination that a rectory is comparable, compatible, and consistent with the list of permitted uses in Section 5.3 of the St. John the Evangelist Catholic Church Planned Unit Development (PUD), Ord. No. 04-18, as amended. The PUD is located at 625 111th Ave. N. in Section 21, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Eric Ortman, Principal Planner] Commissioner District 2

C. Petition No. PCUD PL20220001501 - Wentworth Estates MPUD Indoor Self Storage - Request for a decision of the Hearing Examiner that the proposed use of self-storage/ mini warehousing, indoor (SIC Code 4225) is comparable in nature to other permitted uses in Section 4.3.A of the Wentworth Estates Mixed Use Planned Unit Development (MPUD) adopted by Ordinance Number 03-51, as amended. The subject parcel is approximately +/- 9.07 acres, located on the south side Tamiami Trail East (US 41) approximately 1.25 miles south of the Rattlesnake Hammock and Tamiami Trail E intersection in Section 30, Township 50 South, Range 26 East, Collier County, Florida. [Coordinator: Ray Bellows, Zoning Manager] Commission District 1

D. Petition No. BDE PL20220001854 - 1668 Vinland Way Wortzman - Request for a 23-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 43 feet into a waterway that is 126.8± feet wide for the benefit of property located at 1668 Vinland Way, further described as Lot 16, Landing at Bear's Paw, in Section 35, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 4

E. Petition No. VA RPL20210003159 - 1385 Wood Duck Trail Wicklund - equest for an after-the-fact variance from Section 3.5.I, Table I, Side Yard for Single-Family Detached dwellings, from 7.5 feet to 2 feet, as provided for in Ordinance 02-71, as amended, the Pelican Marsh Planned Unit Development (PUD), and to reduce the maximum allowable setback for roof overhangs, pursuant to Section 04.02.01.D.8 of the Collier County Land Development Code (LDC), from not closer than 1-foot from the property line to 8-inches from the property line. This request is to allow the continued existence of a pergola constructed 2 feet from the western property line with an overhang of 8-inches from the western property line of 1385 Wood Duck Trail, also known as Site 36, Pelican Marsh Unit Two, in Section 27, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

4. Other Business

5. Public Comments

6. Adjourn

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Item Number: 3.A
Item Summary: Petition No. BDE PL20210000087 – 336 Oak Avenue – Request for a 23-foot boat dock extension over the maximum 20 feet allowed by Section 5.03.06 of the Collier County Land Development Code for a total protrusion of 43 feet to accommodate a boat dock facility with two vessels for the benefit of property described as Lot 11, Block 1 Conner's Vanderbilt Beach Estates, Unit 2, also described as 336 Oak Avenue, in Section 32, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commissioner District 2

Meeting Date: 08/11/2022

Prepared by:
Title: – Zoning
Name: Tim Finn
07/11/2022 3:01 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
07/11/2022 3:01 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	07/22/2022 12:35 AM
Zoning	Ray Bellows	Review Item	Completed	07/22/2022 9:57 AM
Zoning	Mike Bosi	Review Item	Completed	07/27/2022 8:05 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/11/2022 9:00 AM	

MEMORANDUM

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: AUGUST 11, 2022

SUBJECT: BDE-PL20210000087, 336 OAK AVENUE

PROPERTY OWNER/APPLICANT:

Matthew Pikus
336 Oak Avenue
Naples, FL 34108

AGENT:

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

REQUESTED ACTION:

The applicant is requesting a 23-foot boat dock extension over the maximum 20 feet allowed by Section 5.03.06 of the Land Development Code (LDC) to allow a total protrusion of 43 feet in order to accommodate a boat dock facility with two vessels on a parcel zoned Single Family Residential (RSF-3).

GEOGRAPHIC LOCATION:

The subject site is located at 336 Oak Avenue. The site is further described as Lot 11, Block 1 Conner's Vanderbilt Beach Estates. Unit 2, also described as 336 Oak Avenue, in Section 32, Township 48 South, Range 25 East, Collier County (see location map on the following page).

PURPOSE/DESCRIPTION OF PROJECT:

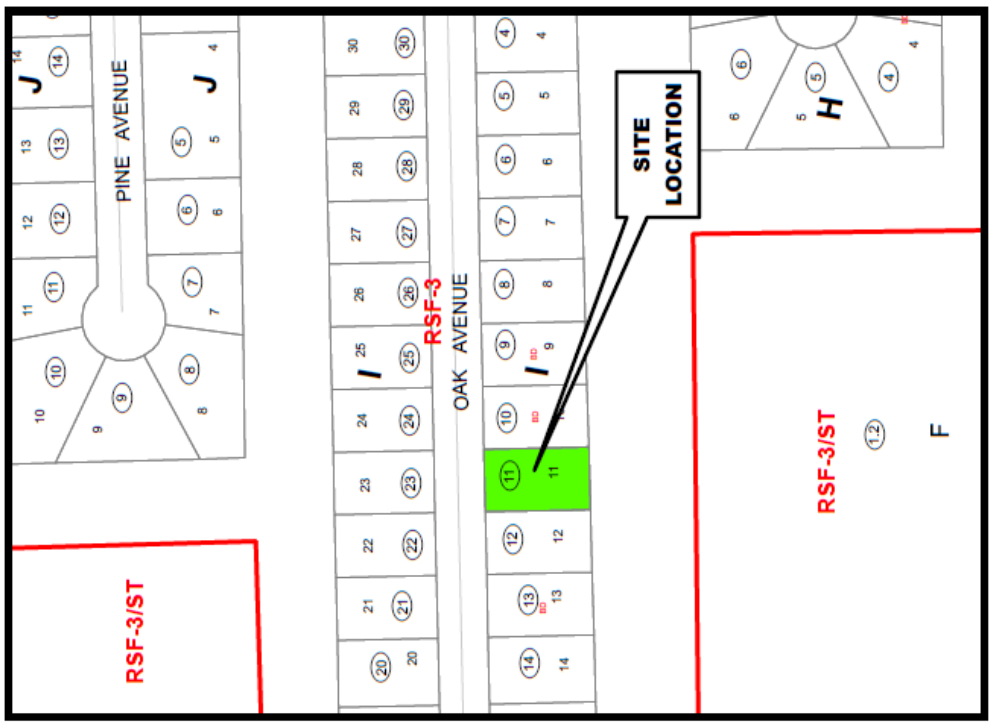
The purpose of the request is to allow an extension for a boat dock facility that protrudes 43 feet into the waterway in order to accommodate a 38-foot-long vessel. As to the current configuration, the existing dock and decked over boatlift was approved via Permit# PRBD2019114618001. (See Attachment B) The property to the west, 300 Oak Avenue, Lot 13 was approved on October 23, 2020, for a total 44-foot protrusion into the waterway which was memorialized via HEX No. 2020-17. The property to the east, 372 Oak Ave, Lot 9 was approved on November 2, 2000, for a total 54-foot protrusion into the waterway which was memorialized via CCPC Resolution No 2000-29. The

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

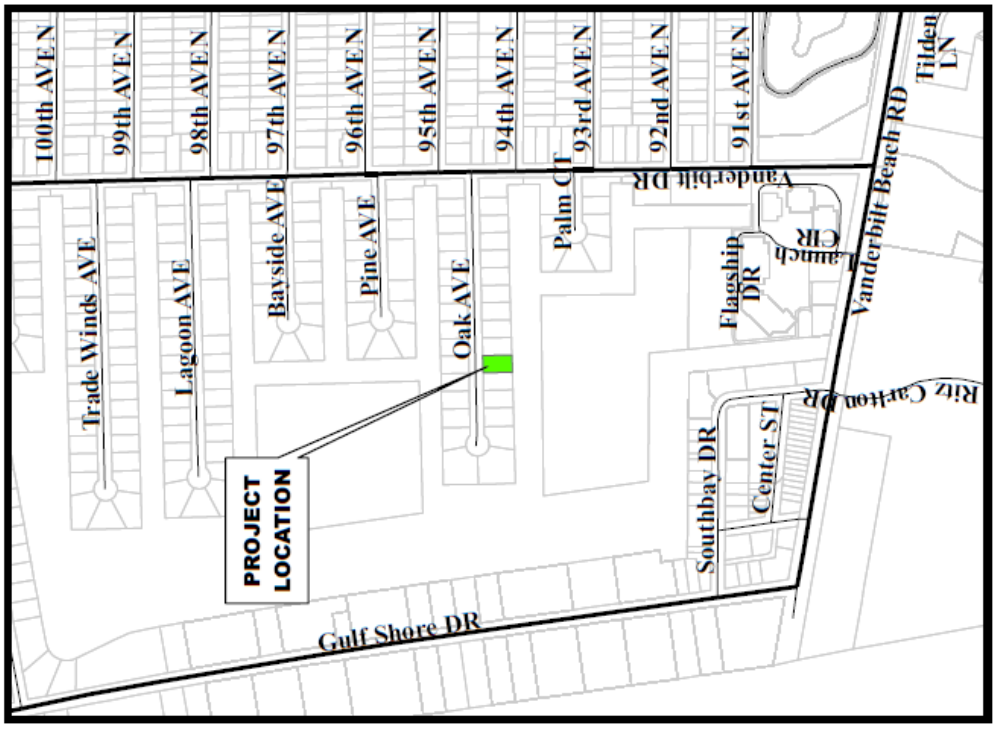
property to the east, 354 Oak Ave, Lot 10 was approved on August 2, 1990, for a total 21-foot protrusion into the waterway was memorialized via Resolution 90-7.

Zoning Map



Petition Number: PL20210000087

Location Map



SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the subject site.

North: Oak Avenue (local road) then single-family residence, zoned Single-Family Residential (RSF-3)

South: Vanderbilt Lagoon, zoned Single Family Residential (RSF-3)

East: Single-family residence, zoned Single Family Residential (RSF-3)

West: Single-family residence, zoned Single Family Residential (RSF-3)



Aerial (County GIS)

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located just outside an ST overlay zone (Vanderbilt Channel), which will not require an ST-permit for the proposed docking facilities prior to issuance of the building permits. The proposed docking facilities will be constructed waterward of the existing sea-walled shoreline. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Submittal 3- Site Plan page 6 of 7 provides an aerial with a note stating that no seagrasses were observed within 200 feet. This project does not require an Environmental Advisory Council Board (EAC) review, because this project did not meet the EAC scope of land development project reviews as identified in Chapter 2, Article VIII, Division 23, Section 2-1193 of the Collier County Code of Laws and Ordinances.

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. Currently, the property has an existing dock and decked over boatlift that was approved via Permit# PRBD2019114618001. The proposed facilities will consist of a boat dock facility with two vessels, which is appropriate in relation to the 75 feet of shoreline.

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 water depth is not an issue. The applicant states that "The reason for this BDE request is due to the applicant's new vessel and the overall size and not water depths."

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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 stated, "The proposed docking facility is consistent with the other docks along the subject shoreline. As proposed the dock and boatlifts will not impact navigation as there is no marked channel within this area of Vanderbilt Lagoon and the overall width of waterway is 692-feet across from the proposed docking facility. As proposed the dock will not impact navigation within the subject 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. The drawing in the applicant's support material labeled *Width of Waterway* shows the waterway is 692 feet wide at mean high water line (MHWL). The proposed dock protrusion is 43-feet which is 7% width of the waterway.

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

Criterion met. The drawing in the applicant's support material labeled *Proposed Dock* shows the proposed dock would be 15 feet from the east riparian line and 15 feet from the west riparian line. The survey indicates the proposed dock facility will not interfere with the use of neighboring docks.

Secondary Criteria:

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

Criterion met. A submerged resources survey was performed by Turell Hall and Associates on September 9, 2021. The survey indicates that negative impacts to the submerged resources are not expected with the proposed dock facility.

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

Criterion met. As shown on the drawings by the petitioner, the deck area is not excessive.

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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

   Criterion not met. The subject property contains 75 feet of water and canal frontage, and the vessel is 38 feet or 51% of the water/canal frontage.

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:

   There is an existing dock and decked over boatlift already onsite which the proposed dock expansion will change the overall footprint but is consistent with others within the Vanderbilt Lagoon waterway. Therefore, no impacts to neighboring property views of the waterway will result from the proposed project as there is an existing dock onsite. Additionally, docks are accessory structures to the upland residence which is why people who are able to live on the water have a dock to provide access to the waterway. 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 submerged resources survey provided indicates that no seagrass beds exists within the footprint of the dock. No seagrass beds will be impacted by the proposed dock facility.

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

   Criterion not applicable. The provisions of the Collier County Manatee Protection Plan do not apply to individual docks behind individual residences.

Staff analysis finds this request complies with four of the five of the primary criteria and four of the six secondary criteria. Therefore, under the LDC provisions, the installation of a new boat dock facility requires approval by the Collier County Hearing Examiner. The recommendation by staff is approval.

APPEAL OF BOAT DOCK EXTENSION TO BOARD OF COUNTY COMMISSIONERS:

As to any boat dock extension petition upon which the Hearing Examiner takes action, an aggrieved petitioner, may appeal such final action to the Board of County Commissioners. Such appeal shall be filed with the Growth Management Department Administrator within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney's Office reviewed this staff report on July 8, 2022.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner approve Petition BDE-PL20210000087.

Attachments:

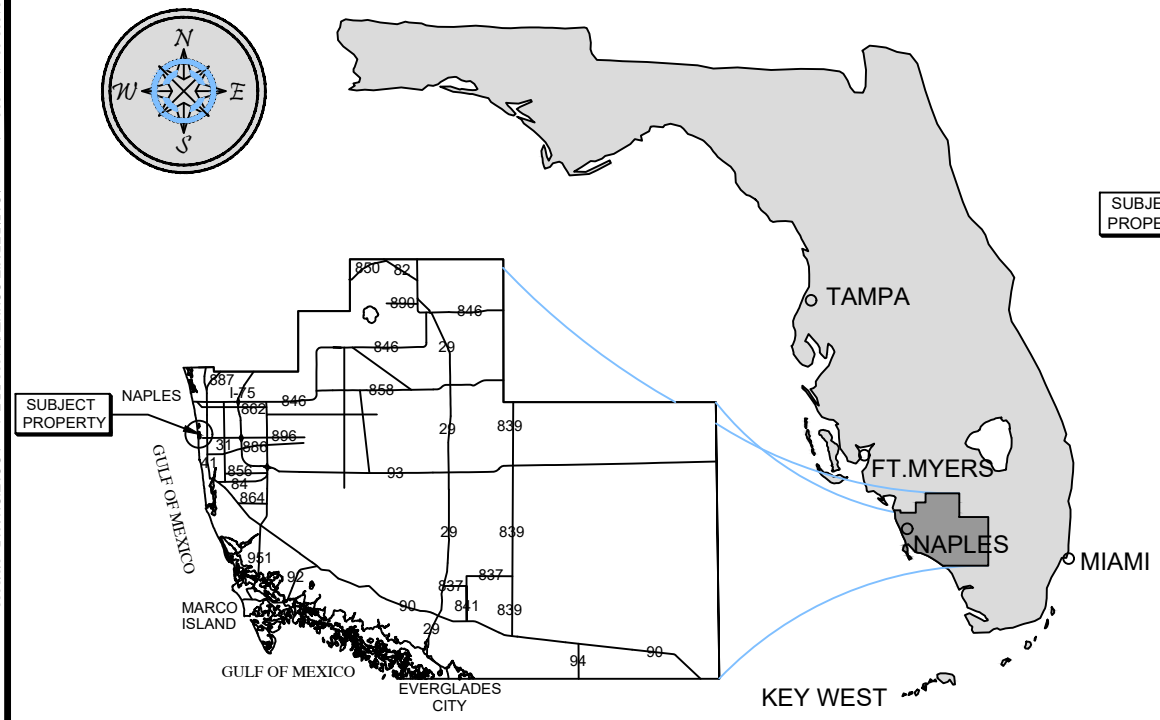
A) Proposed Dock Plans
B) Permit# PRBD2019114618001
C) HEX Backup Materials

Attachment: Staff report - Pikus BDE (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

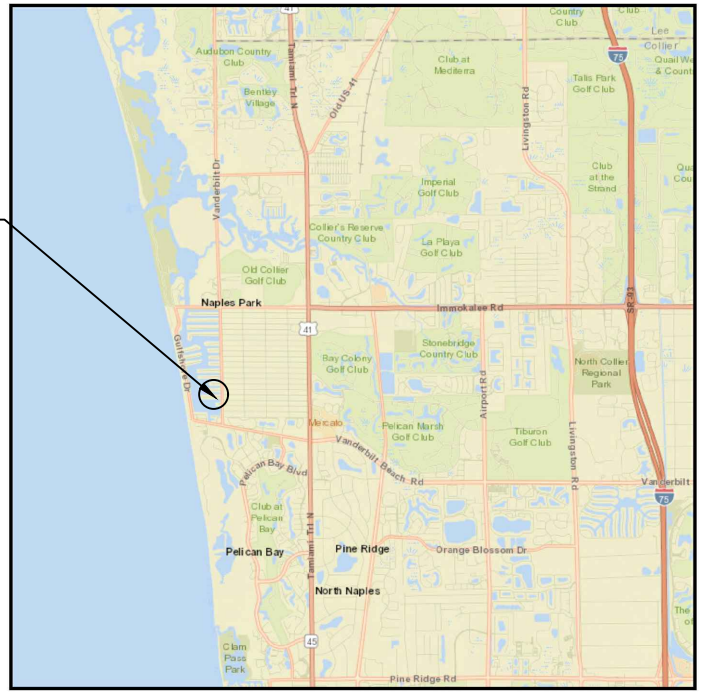
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Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 336 OAK AVE
NAPLES, FL 34108

<> LATITUDE: N 26.257108
<> LONGITUDE: W -81.819741

NOTES:

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

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

PIKUS DOCK

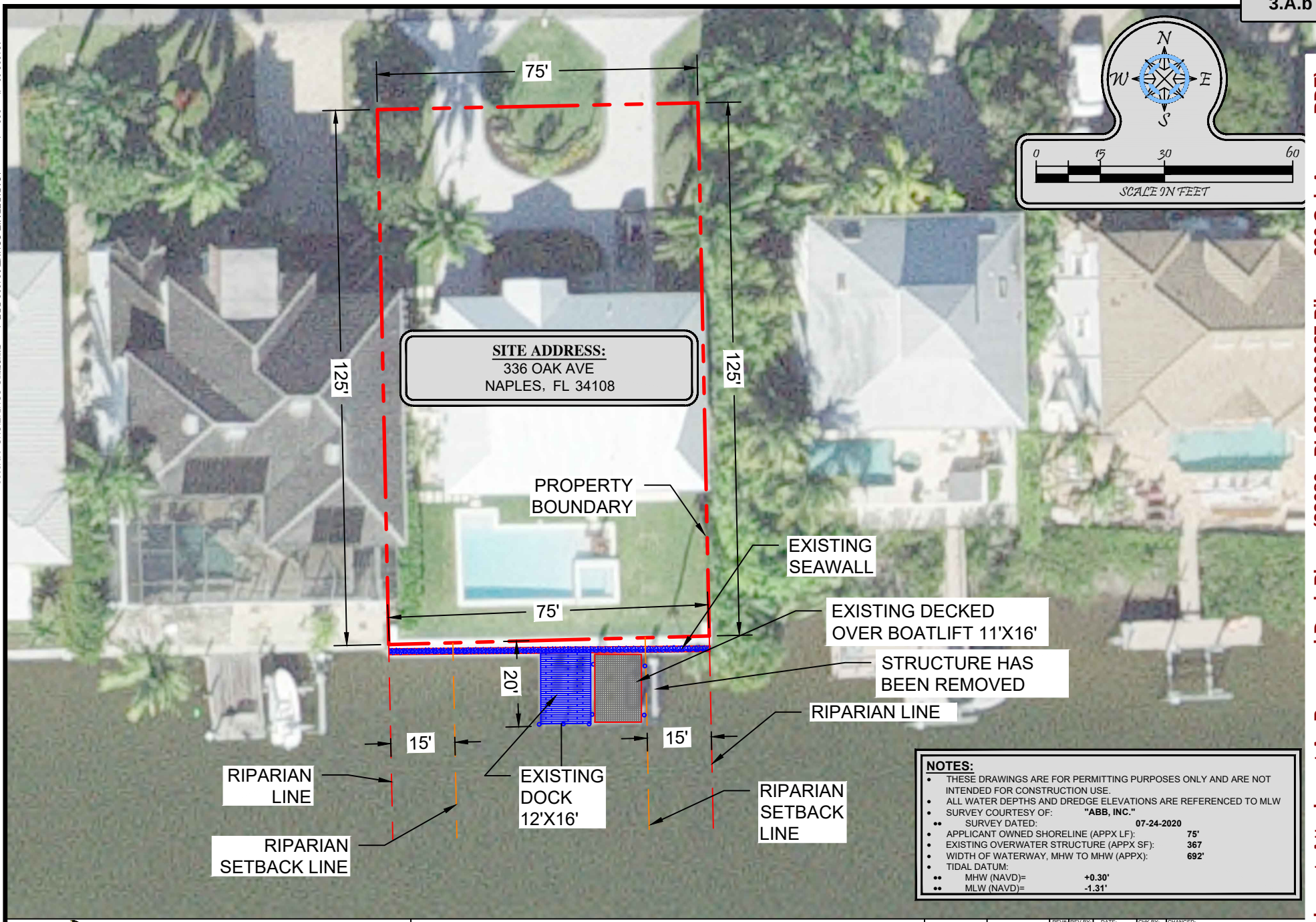
LOCATION MAP

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DESIGNED:	JR	1.	RMJ	03-07-22	JR	SHTS 02-05, 07
DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	SHTS 02,03,05
CREATED:	01-03-22	3.	RMJ	05-31-22	JR	SHEETS 03, 05-07
JOB NO.:	21002.00	4.	RMJ	06-09-22	JR	SHEETS 02-03
SHEET NO.:	01 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg 6/9/2022 EXISTING CONDITIONS 6/9/2022



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"ABB, INC."**
  - SURVEY DATED: **07-24-2020**
- APPLICANT OWNED SHORELINE (APPX LF): **75'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **367**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **692'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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PIKUS DOCK

EXISTING CONDITIONS

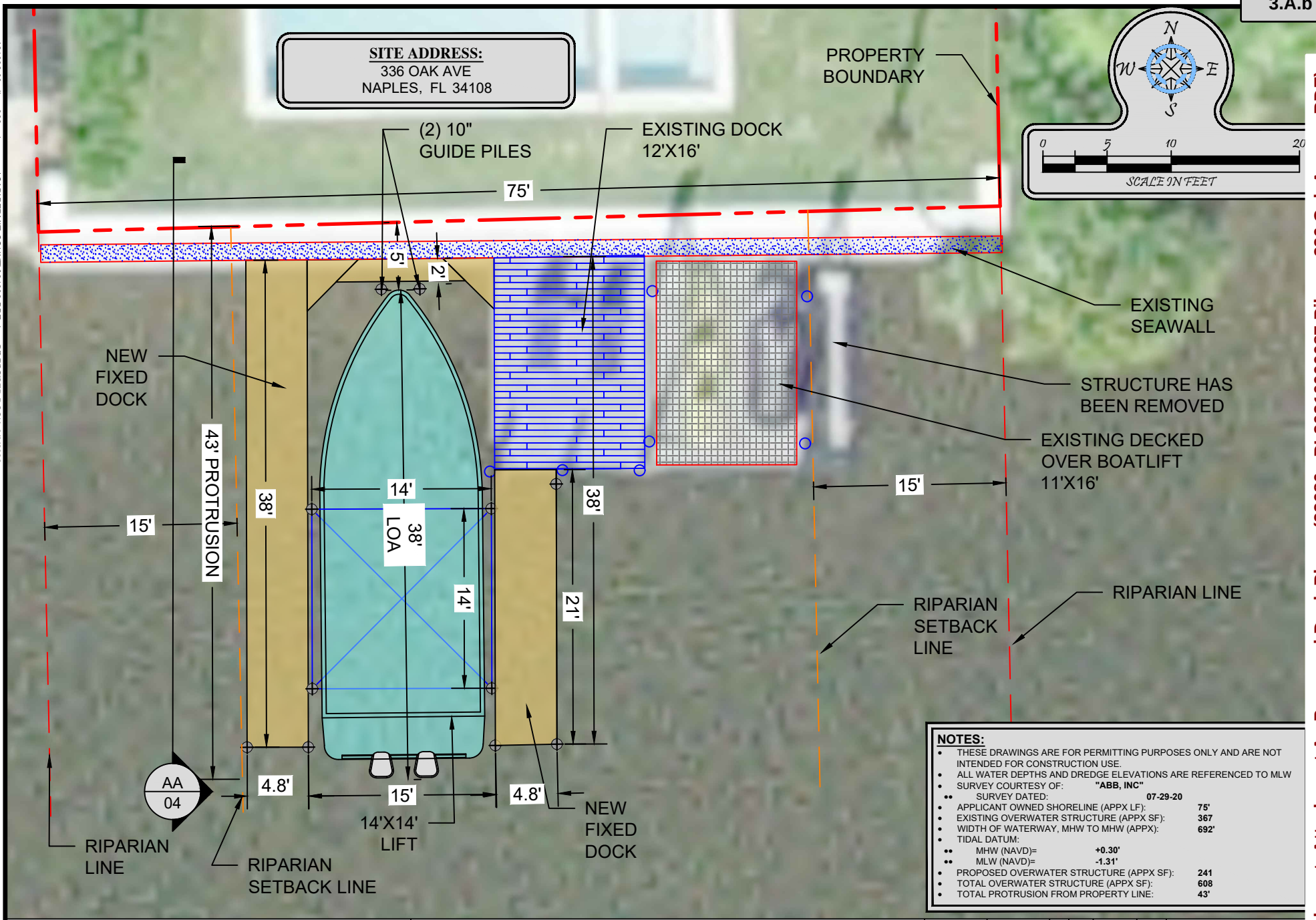
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		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
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DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	REMOVED STEMWALL
CREATED:	01-03-22	3.	RMJ	06-09-22	JR	ADDED LABEL
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	02 OF 07	5.	-	-	-	-

SECTION-32 TOWNSHIP-48S

Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"ABB, INC"**
  - SURVEY DATED: **07-29-20**
- APPLICANT OWNED SHORELINE (APPX LF): **75'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **367**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **692'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **241**
- TOTAL OVERWATER STRUCTURE (APPX SF): **608**
- TOTAL PROTRUSION FROM PROPERTY LINE: **43'**

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PIKUS DOCK

PROPOSED DOCK

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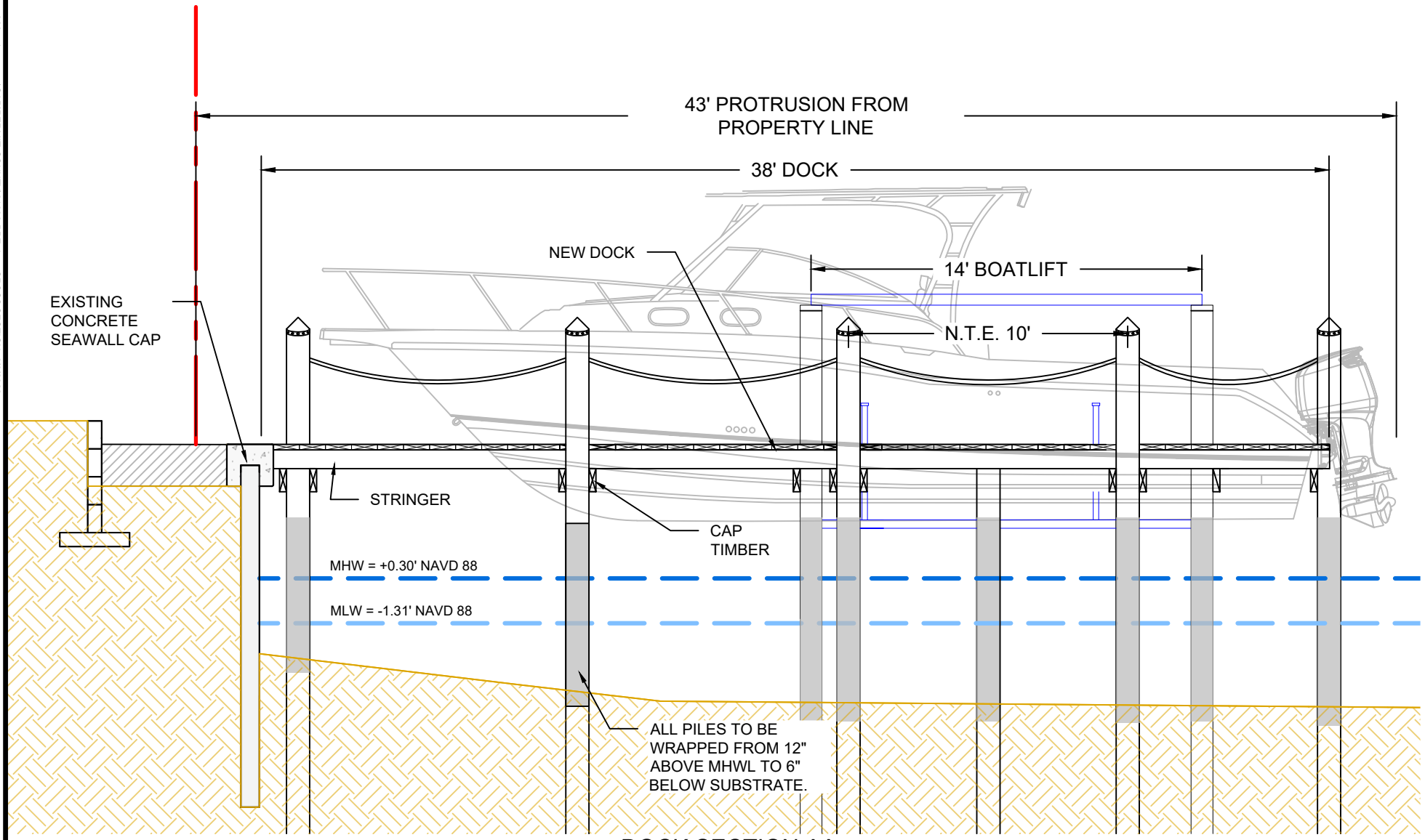
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	ADDED LABELS, REV PROTRUSIO
DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	REMOVED STEMWALL
CREATED:	01-03-22	3.	RMJ	05-31-22	JR	REVISED DOCK
JOB NO.:	21002.00	4.	RMJ	06-09-22	JR	ADDED LABEL
SHEET NO.:	03 OF 07	5.	-	-	-	-

SECTION-32 TOWNSHIP-48S

Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg CROSS SECTION 6/9/2022

Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



DOCK SECTION AA

SCALE: 1" = 5'

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PIKUS DOCK

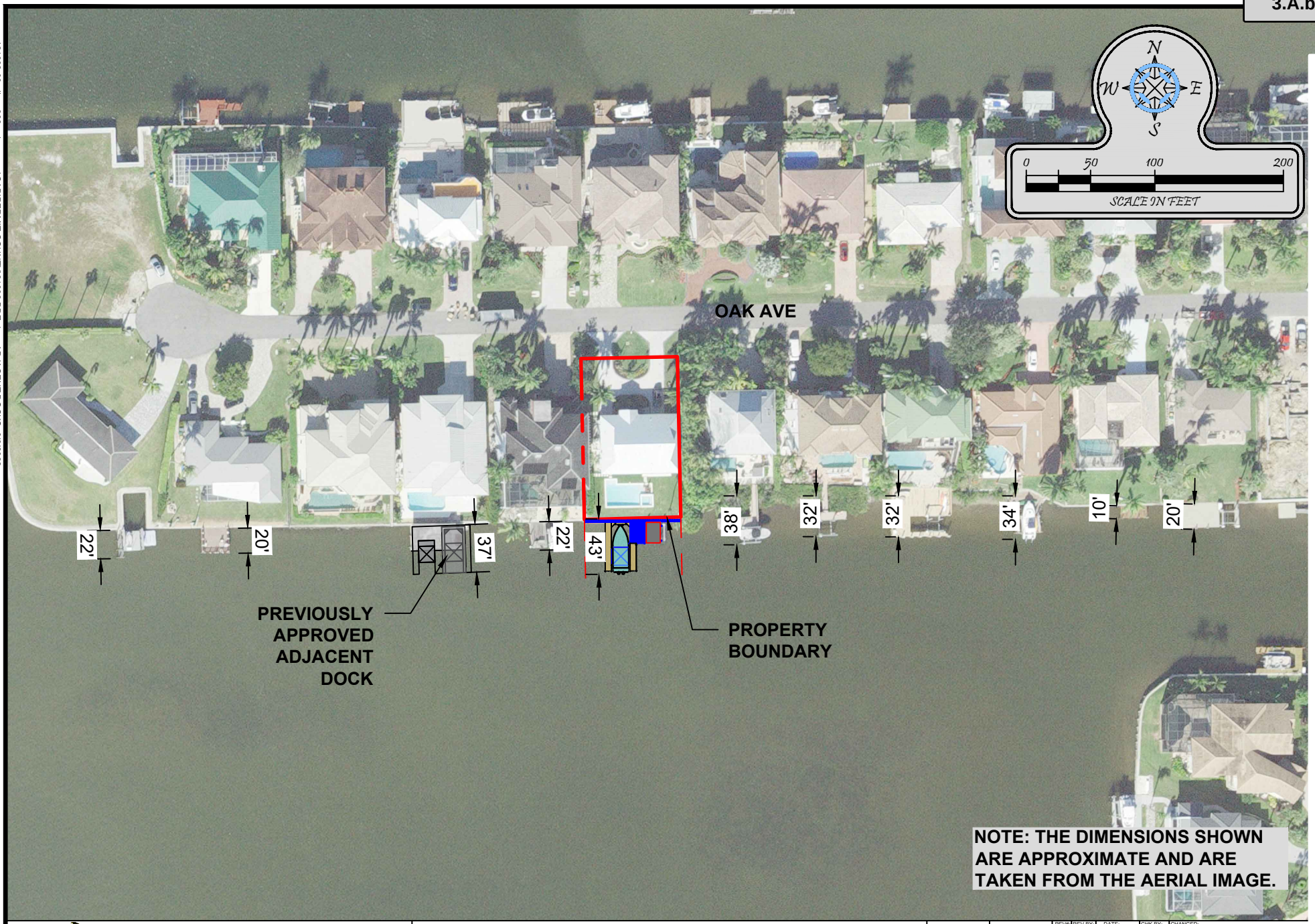
CROSS SECTION

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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-03-22	3.	-	-	-	-
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	04 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg ADJACENT DOCKS 6/9/2022



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PIKUS DOCK

ADJACENT DOCKS

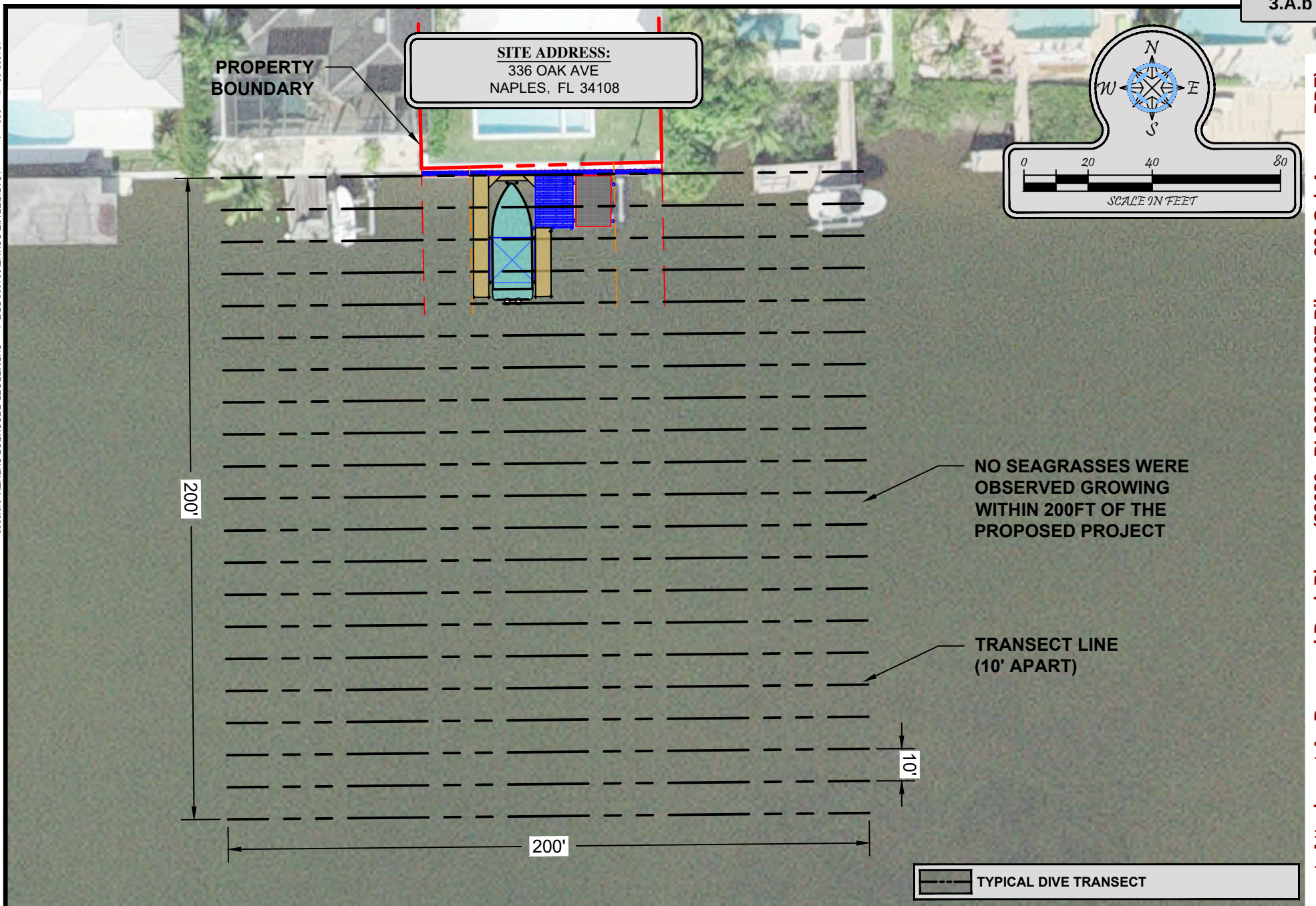
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DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	ADDED APPROVED ADJ. DOCK
CREATED:	01-03-22	3.	RMJ	05-31-22	JR	REVISED DOCK
JOB NO.:	21002.00	4.	-	-	-	-
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SECTION- 32 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg SUBMERGED RESOURCE SURVEY 6/9/2022



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PIKUS DOCK

SUBMERGED RESOURCE SURVEY

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	05-31-22	JR	REVISED DOCK
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-03-22	3.	-	-	-	-
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg WIDTH OF WATERWAY 6/9/2022



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

PIKUS DOCK

WIDTH OF WATERWAY

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	REVISED DIMENSIONS TEXT
DRAWN BY:	RMJ	2.	RMJ	05-31-22	JR	REVISED DOCK
CREATED:	01-03-22	3.	-	-	-	-
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

Attachment: Attachment A - Proposed Dock Plans (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

PERMIT

PERMIT #: PRBD2019114618001
ISSUED: BY:
MASTER #: COA:

PERMIT TYPE: MR
APPLIED DATE: 11-01-19 APPROVAL DATE: 11-12-19

JOB ADDRESS: 336 Oak AVE, Naples
JOB DESCRIPTION: remove existing dock and concrete walk way. install a new seawall in front of existing wall. JOB PHONE:

336 Oak AVE, Naples

SUBDIVISION #: BLOCK: LOT:
FLOOD MAP: ZONE: ELEVATION:
FOLIO #: 27581160002 SECTION-TOWNSHIP-RANGE: 32-48-25

OWNER INFORMATION:
PIKUS, MATTHEW Z
336 OAK AVE
NAPLES, FL 34108

CONTRACTOR INFORMATION:
GREG ORICK II MARINE CONSTRUCTION, INC
1035 COLLIER CENTER WAY #1
NAPLES, FL 34110

CERTIFICATE #: C28961 PHONE:

FCC CODE:
CONSTRUCTION CODE: 0220
JOB VALUE: $40,000.00 TOTAL RES SQFT: 0 TOTAL COMM SQFT: 0

SETBACKS FRONT: REAR: LEFT: RIGHT:
SEWER: WATER:
CONTACT NAME:
CONTACT PHONE:

Per Collier County Ordinance No. 2002-01, as it may be amended, all work must comply with all applicable laws, codes, ordinances, and any addition stipulations or conditions of this permit. This permit expires if work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit. Additional fees for failing to obtain permits prior to the commencement of construction may be imposed. Permittee(s) further understands that any contractor that may be employed must be a licensed contractor and that the structure must not be used or occupied until a Certificate of Occupancy is issued.

NOTICE: PRIOR TO THE REMOVAL OF ASBESTOS PRODUCTS OR THE DEMOLITION OF A STRUCTURE, FEDERAL AND STATE LAWS REQUIRE THE PERMITTEE (EITHER THE OWNER OR CONTRACTOR) TO SUBMIT A NOTICE OF THE INTENDED WORK TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP). FOR MORE INFORMATION, CONTACT DEP AT (239) 344-5600.

In addition to the conditions of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Attachment: Attachment B - Permit# PRBD2019114618001 (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Collier County
Growth Management Department

BUILDING PERMIT REVISION FORM

2800 N. HORSESHOE DRIVE, NAPLES, FL 34104 (239) 252-240

Permit Number

PRBD20191146180 ☒ Residential 1 or 2 Units (Single Family/Duplex) ☐ Residential 3+ Units (Multi-Family) ☐ Commercial

Job Location

Job Street Address: 336 OAK AVE Parcel/Folio # 27581160002

Owner Name: MATTHEW PIKUS

Contractor/Owner-Builder Information

Company Name: GREG ORICK II MARINE CONSTRUCTION ☒ Contractor ☐ Owner-Builder

Qualifier/License Holder: GREG ORICK II

Agent/Contact Name: SABRINA DOBBINS

Company Address: 2815 BAYVIEW DR

City: NAPLES State: FL Zip Code: 34112

Phone: 239-949-5588 Fax: 239-301-2238

Email: PERMITS@ORICKMARINE.COM

ALL REVISIONS MUST BE "CLOUDED" WITH AN ITEMIZED LIST OF THE SCOPE OF WORK

Any changes to any exterior portion of the building may result in an architectural review which may require an SDP amendment/change. Please clearly indicate any change to the facade and/or exterior of building. ***Additional cost value must be greater than zero dollars ($).***

Change to Original Scope of Work:

~~ALSO INSTALL A NEW DOCK AND LIFT WITH ELECTRIC. ADD A WHALER TO THE NEW SEAWALL~~

Project Name: Additional Cost of Construction $: 20000

Additional Sq. Ft. Living/Interior: Additional Sq. Ft. Non-Living/Exterior: 460

Trades Affected by Revision*

*Check All Applicable Trades Associated with Revision

☐ Private Provider	☐ Septic	☐ Permit by Affidavit	☒ Electrical	☐ Mechanical
☐ Roofing	☐ Shutters	☐ Plumbing	☐ Low Voltage	☐ Structural

Qualifier Acknowledgement of Revision Submittal

Company Name: GREG ORICK II MARINE CONSTRUCTION State License #: C28961

Qualifier's Name: GREG ORICK II Qualifier's Signature: Greg Orick II

State of FLORIDA County of COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 24 day of April, 20 20, by (printed name of owner or qualifier) GREG ORICK II

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: Sabrina M Dobbins

Notary Public State of Florida
Sabrina M Dobbins
My Commission GG 280879
Expires 12/02/2022

PLEASE DO NOT WRITE BELOW, FOR STAFF USE ONLY

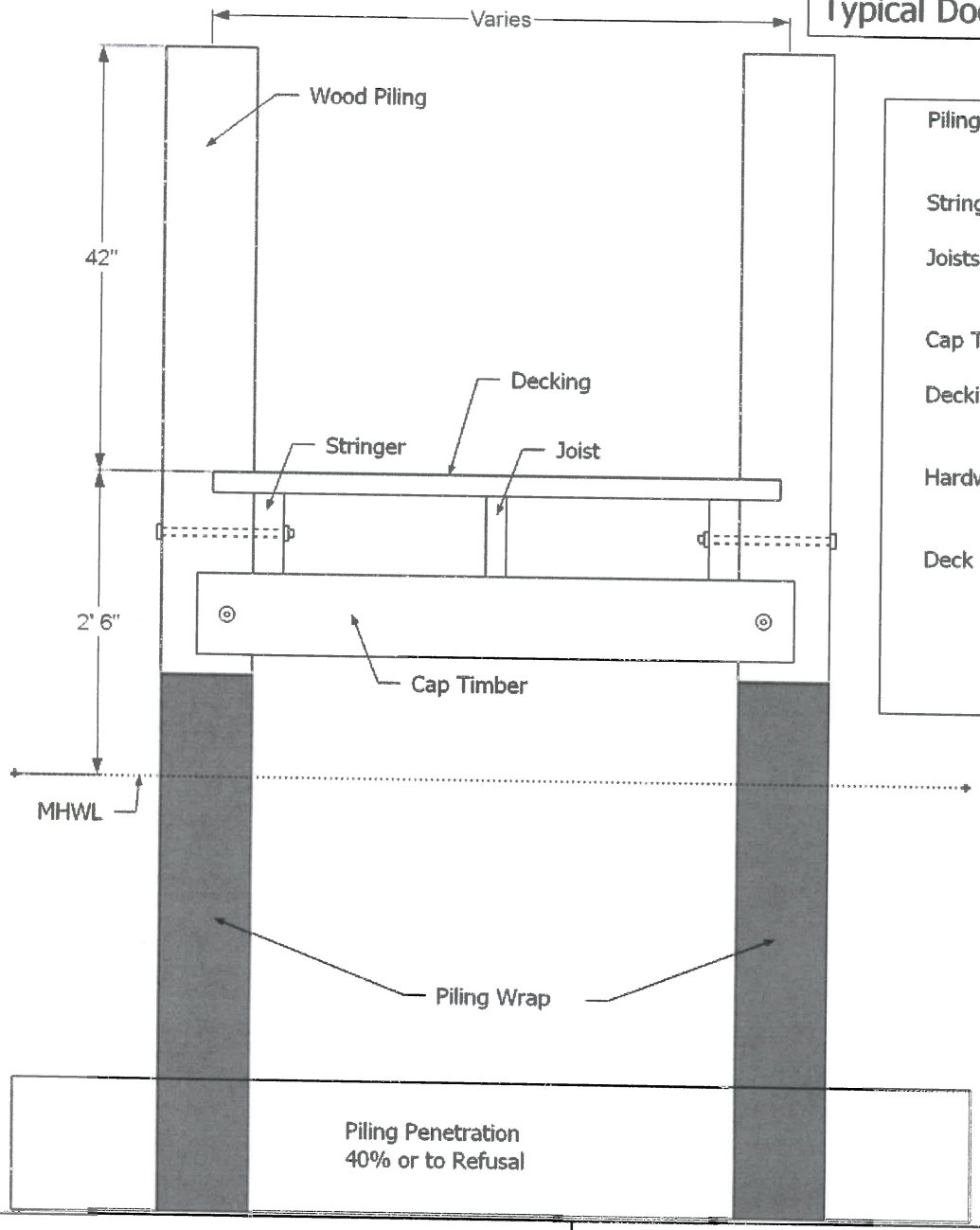
Inspections Needed: Additional Fees: Building: $ Fire: $

PMR Date: Days Review: Sets of Plans:

Building Permit Revision Form 1.22.2020

Attachment: Attachment B - Permit# PRBD20191146180 (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Typical Dock Construction



Pilings - 9"+ Diameter, 2.5 CCA Marine Pressure Treated Southern Yellow Pine (SYP) with Vinyl Pile Wrap

Stringers - 3" x 8" .60 CCA Pressure Treated SYP

Joists - 2" x 8" .60 CCA Pressure Treated SYP (Joist spacing - 24" Max on Center)

Cap Timbers - 3" x 8" .60 CCA Pressure Treated SYP

Decking - 2" x 6" .21 CA Pressure Treated #1 Dense S4S or Optional Composite Decking.

Hardware - 5/8" diameter HDG Bolts minimum or Stainless Steel Upgrade

Deck Fasterners - 16d SS Ringshank Nail or #10 SS Deck Screws optional

PROUDLY SERVING NAPLES AND BONITA SPRINGS
FOR OVER 25 YEARS
LICENSED & INSURED

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

Typical Dock Construction

Attachment: Attachment B - Permit# PRBD2019114618001 (22680 : PL20210000087 Pikus - 336 Oak

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS
CERTIFICATE OF COMPLETION

This Certificate is issued pursuant to the requirements of the Florida Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the county regulating building construction or use. For the following:

PERMIT NBR: PRBD2019114618001 CO NBR: STATUS: Finaled

CO TYPE: COMP ISSUED DATE: August 07, 2020

ADDRESS: 336 Oak AVE, Naples

SUBDIVISION:

LOT: BLOCK: T.R.S.:

SLUC CODE: UTILITY COMPANY:

JOB DESC: remove existing dock and concrete walk way. install a new seawall in front of existing wall.
336 Oak AVE, Naples
REV 1 - INSTALL A NEW DOCK AND LIFT WITH ELECTRIC. ADD A WHALER TO THE NEW SEAWALL
NUMBER OF METERS:

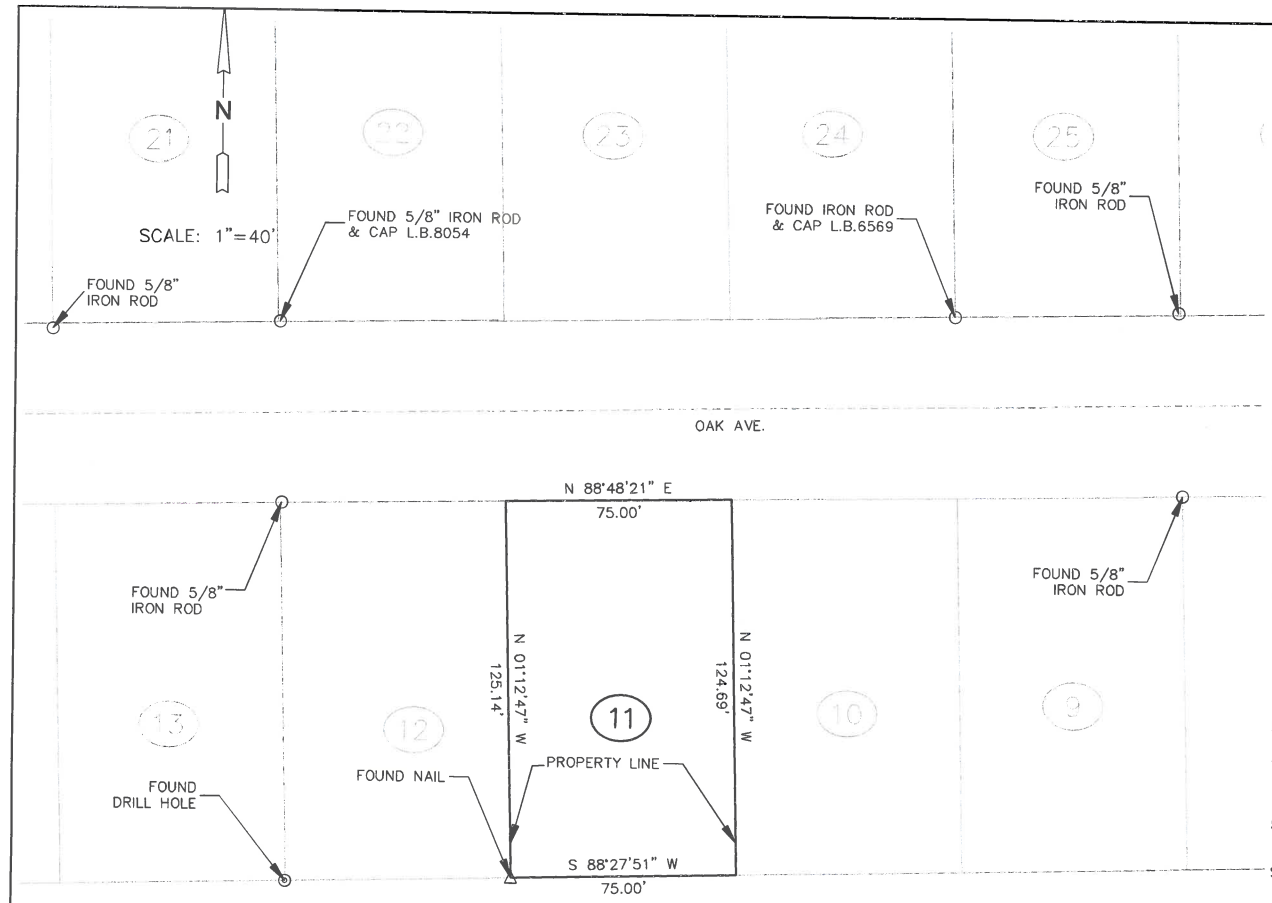
OWNER: PIKUS, MATTHEW Z

LEGAL DESCRIPTION

CONNER'S VANDERBILT BCH
EST UNIT 2 BLK I LOT 11

Note: A new certificate is required if the use of the building or premises is changed, or if alterations are made to the building or property described. A new certificate voids any certificate or prior date.

Attachment: Attachment B - Permit# PRBD2019114618001 (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



PREPARED FOR: MATTHEW PIKUS

DATE OF FIELD SURVEY: OCTOBER 24, 2019

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

BY ~~Wayne D. Agnoli, R. S. M.~~

Digitally signed by Wayne D. Agnoli, R. S. M.
DN: CN="Wayne D. Agnoli, R. S. M." + E=wayne.agnoli@abbinc.com, OU="Agnoli, Barber & Brundage, Inc.", O="Agnoli, Barber & Brundage, Inc.", L=Naples, S=Florida, C=US
Date: 2020.05.14 14:29:03-04'00'

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

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

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

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

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE WEST LINE OF LOT 11, BLOCK 1, CONNER'S VANDERBILT BCH. EST. UNIT 2, SECTION 32, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 01° 12' 47" WEST.
3. ELEVATIONS ARE BASED ON NAVD 1988.
4. THE VERTICAL CONTROL ACCURACY FOR THIS SURVEY WAS BASED ON THE FLORIDA STATE PLAIN COORDINATE SYSTEM EAST ZONE NAD 83-90 DATUM.
5. THE HORIZONTAL CONTROL ACCURACY FOR THIS SURVEY ACHIEVED THE COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.

SURVEYOR'S NOTE:

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

Collier County Build It! REVIEWED FOR CODE COMPLIANCE

336 OAK AVE. BOUNDARY SURVEY

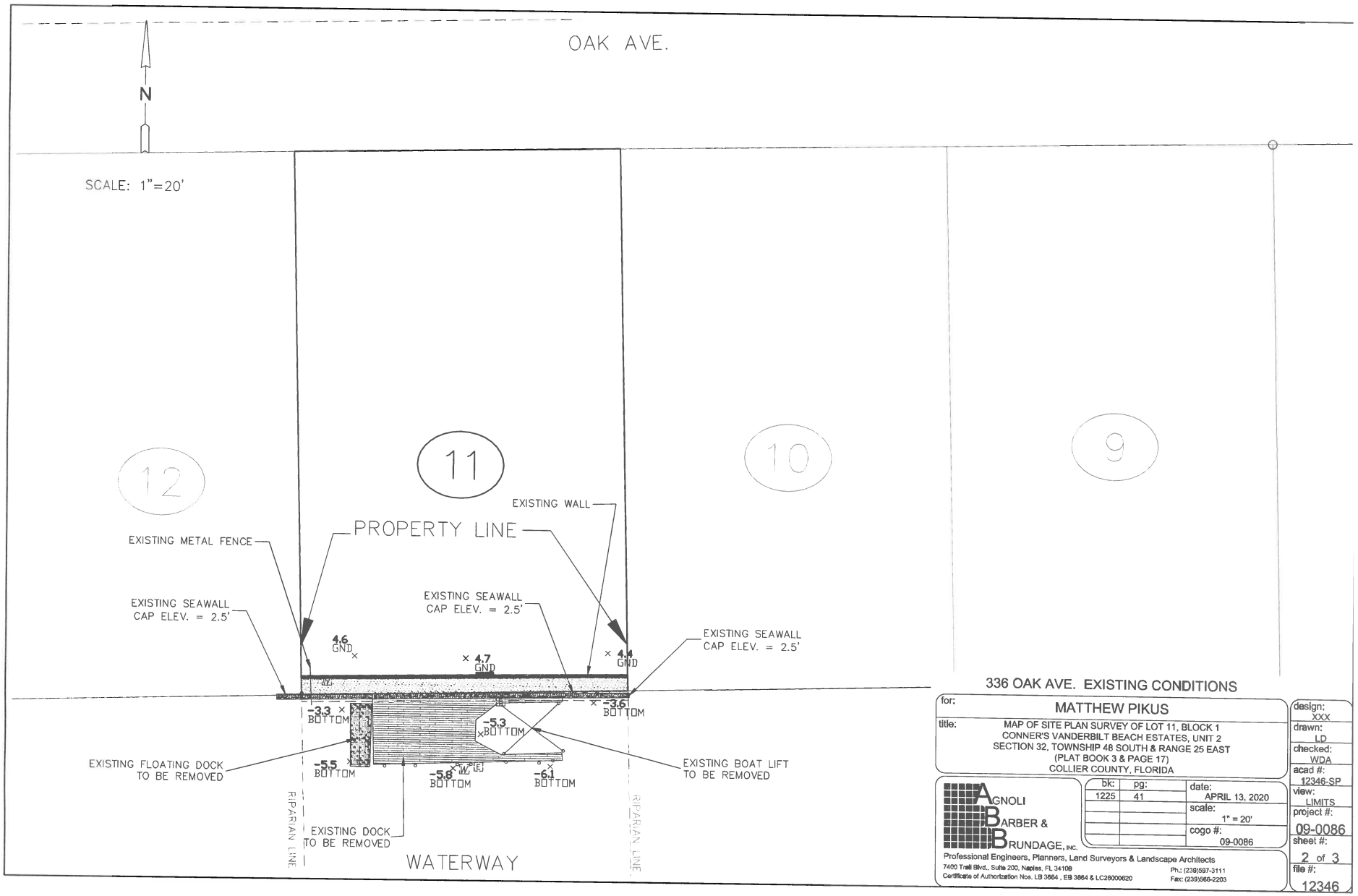
for:	MATTHEW PIKUS
title:	MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1 CONNER'S VANDERBILT BEACH ESTATES, UNIT 2 SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 3 & PAGE 17) COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1225	41	APRIL 13, 2020
		scale: 1" = 40'
		cogo #: 09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12346-SP
view:	LIMITS
project #:	09-0086
sheet #:	1 of 3
file #:	12346

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620
Ph.: (239)597-3111
Fax: (239)568-2203

Attachment: Attachment B - Permit# PRBD2019114618001 (22680 : PL20210000087 Pikus - 336 Oak



336 OAK AVE. EXISTING CONDITIONS

for: MATTHEW PIKUS

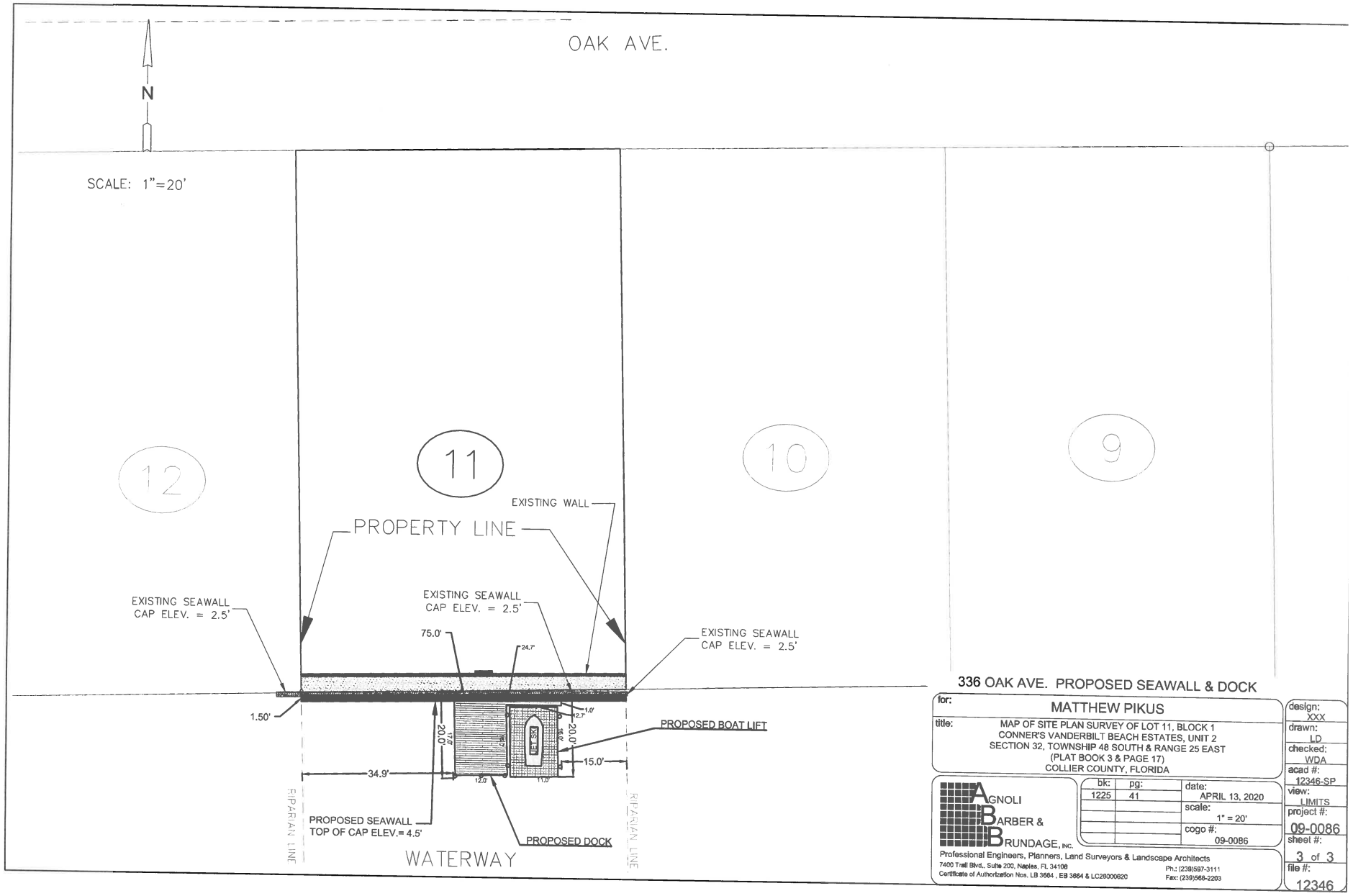
title: MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1
CONNER'S VANDERBILT BEACH ESTATES, UNIT 2
SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 3 & PAGE 17)
COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1225	41	APRIL 13, 2020
		scale: 1" = 20'
		cogo #: 09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12346-SP
view:	LIMITS
project #:	09-0086
sheet #:	2 of 3
file #:	12346

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Attachment: Attachment B - Permit# PRBD2019114618001 (22680 : PL20210000087 Pikus - 336 Oak



336 OAK AVE. PROPOSED SEAWALL & DOCK

for: MATTHEW PIKUS

title: MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1
CONNER'S VANDERBILT BEACH ESTATES, UNIT 2
SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 3 & PAGE 17)
COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1225	41	APRIL 13, 2020
		scale: 1" = 20'
		cogo #: 09-0086

AGNOLI BARBER & BRUNDAGE, INC.
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design: XXX
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acad #: 12346-SP
view: LIMITS
project #: 09-0086
sheet #: 3 of 3
file #: 12346

Attachment: Attachment B - Permit# PRBD2019114618001 (22680 : PL20210000087 Pikus - 336 Oak

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.
- ____ Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)
- ____ Affidavit of Unified Control
- ✓ Affidavit of ~~Representation~~ AUTHORIZATION
- ✓ Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)
- ____ NIM Information (Sign in sheet, notes, minutes and transcript/or summary)
  - ✓ Include 3 thumbnail drives of video and/or audio
- ____ Traffic Impact Study (TIS)
- ____ Environmental Data
- ____ Historical/Archeological Survey or Waiver
- ____ Utility Letter
- ✓ Deviation Justifications – PRIMARY + SECONDARY CRITERIA

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

✓ 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.

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

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.

Jeff Rogers
Signature of Agent Representative

7/11/22
Date

Jeff Rogers
Printed Name of Signing Agent Representative

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

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

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

APPLICANT INFORMATION

Name of Property Owner(s): Matthew Pikus

Name of Applicant if different than owner: _____

Address: 336 Oak Ave City: Naples State: FL ZIP: 34108

Telephone: 239-450-6324 Cell: _____ Fax: _____

E-Mail Address: matt@pikusproperties.com

Name of Agent(s): Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

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

Telephone: 239-643-0166 Cell: 239-784-0081 Fax: 239-643-6632

E-Mail Address: Jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 32 / 48S / 25E Property I.D. Number: 27581160002

Subdivision: 233800-CONNERS VANDERBILT BCH EST Unit: 2 Lot: 11 Block: 1

Address/ General Location of Subject Property:
336 Oak Avenue, Naples, FL 34108

Current Zoning and Land use of Subject Property:
RSF-3 SINGLE FAMILY

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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

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

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	RSF-3	SINGLE FAMILY
S	RSF-3	Vanderbilt Lagoon
E	RSF-3	SINGLE FAMILY
W	RSF-3	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

1. **Waterway Width:**
   692 ft. Measurement from ☐ plat ☐ survey ☐ visual estimate
   ■ other (specify) GIS
2. **Total Property Water Frontage:**
   75 ft.
3. **Setbacks:**
   Provided: 15 & 15 ft.
   Required: 15 & 15 ft.
4. **Total Protrusion of Proposed Facility into Water:**
   43 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 38 ft.
   2. 12 & 12 ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   There are numerous other docking facilities along the subject shoreline that protrude 10-50' out into the Vanderbilt lagoon waterway. There are a large number of docking facilities within the Vanderbilt Lagoon that protrude approximately the same distance and have BDE approvals.
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.22 Acres

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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

8. Official Interpretations or Zoning Verifications:

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

PRIMARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

SECONDARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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

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

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

FEE REQUIREMENTS:

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

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

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

All checks payable to: Board of County Commissioners.

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

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

Jeff Boyer
Signature of Petitioner or Agent

4/8/22
Date

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

ADDRESSING CHECKLIST

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

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

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

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

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

CONNER'S VANDERBILT BCH EST UNIT 2 BLK I LOT 11

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

27581160002

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

336 Oak Avenue, Naples, FL 34108

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

CURRENT PROJECT NAME *(if applicable)*

PROPOSED PROJECT NAME *(if applicable)*

Pikus-336 Oak Avenue

PROPOSED STREET NAMES *(if applicable)*

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

SDP___-____ or AR or PL # _____

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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NAPLES, FLORIDA 34104
(239) 252-2400 FAX (239) 252-5724

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

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

Applicant Name: Jeff Rogers

Phone: 239-643-0166 **Email/Fax:** jeff@thanaples.com

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

FOR STAFF USE ONLY

Folio Number 27581160002

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: Sheila D. **Date:** 01/12/2021

Updated by: _____ **Date:** _____

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

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Narrative Description: The proposed Boat Dock Extension request is for a single-family dock located within the Vanderbilt Lagoon waterway. This section of Vanderbilt Lagoon is within state owned (sovereign) bottom lands up to the subject property and adjacent properties seawall. A state (DEP) and federal (USACE) permit has been acquired for the proposed project.

The proposed project consists of expanding an existing single-family docking facility that currently has one decked over boatlift which accommodates two personal watercrafts all within the allowed 20-feet. The proposed expansion consists of installing a new boatlift for a 38-foot vessel, expand the existing deck area which will increase the overall dock protrusion from 20-feet to 43-feet into the subject waterway that is 692-feet wide. The project has been designed to be consistent regarding the overall protrusion with the other previously approved docks along Oak Ave that have also required a BDE and previously approved. As proposed the dock will protrude approximately 43-feet from the platted property line therefore the applicant is requesting a 23-foot extension from the allowed 20-feet. The subject waterway is approximately 692-feet wide and as proposed the dock will protrude less than approximately 7% into the subject waterway. The required side yard setbacks as outlined within the LDC documents are 15-feet and as proposed the dock will provide the required setbacks.

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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 as a single-family residential property which warrants no more than 2 slips per the CC-LDC. The proposed project consists of expanding an existing dock with an existing decked over boatlift which accommodates two personal watercrafts. The proposed expansion consists of adding additional deck area and installing one new boatlift to accommodate one vessel up to 38-feet. The proposed dock extends out 43-feet from the plotted property line therefore we are requesting a 23-foot boat dock extension from the allowed 20-feet.

   Criterion met

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

   The reason for this BDE request is due to the applicant's new vessel and the overall size along and not water depths. The applicant owned shoreline length is 75-feet and with 30-feet being within setbacks the only dock design option in order to accommodate the applicant's vessels is to push the dock out into the waterway past the allowed 20-feet. The proposed dock design and proposed protrusions are consistent with all the other docks previously approved along this shoreline and within the Vanderbilt Lagoon waterway. Additionally, the dock design will not interfere with any future docks either adjacent property owner could construct in the future.

   Criterion met

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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

   The proposed docking facility is consistent with the other docks along the subject shoreline. As proposed the dock and boatlift will not impact navigation as there is no marked channel within this area of Vanderbilt Lagoon and the overall width of waterway is 692-feet across from the proposed docking facility. As proposed the dock will not impact navigation within subject 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 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 692-feet wide. The proposed dock protrusion is 43-feet which is under 7% 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 originates from the applicant's upland single-family residential lot with an existing single-family residence. There is an existing dock and decked over boatlift on site as proposed the dock expansion with the new boatlift are within the applicant's riparian area and meets the required side yard setbacks therefore will not result in any impacts to the neighboring views. Additionally, the dock design will not interfere with any future docks either adjacent property owner could construct in the future as the ingress/egress to the proposed boatlift will not cross over either riparian line.

   Criterion met

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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 has a few special conditions that have limited the overall proposed dock layout which has increased the proposed dock protrusion out into the subject waterway. One of these factors is the subject property's shoreline length not providing sufficient backing distances for a shore parallel mooring. The typically industry standard design criteria for backing distance are length and half of the vessel/slip size therefore we would need to provide 57-feet. That design requirement and planning for what the neighbors might do or be allowed to do in the future could reduce the accessibility to a shore parallel slip.

   Additionally, to provide safe mooring for the proposed vessel and not impact the seawall a small 2-foot section of dock and two fend off piles are being proposed at the bow of the vessel for a buffer between the boat and seawall. With all these design criteria taken into consideration and the applicant's vessel size being 38-foot overall the minimum protrusion without some extra buffer room would be approximately 38-feet but as a cautionary design option we always add a little extra buffer for operator error.

   Another special condition is that the subject shoreline and surrounding waterway is classified by the State of Florida - Department of Environmental Protection (DEP) as state lands. Due to this classification the state has more restrictive dock design criteria one of which is the required 25-foot side yard setback. The subject property only has 75-feet of shoreline and with the applicant's vessels and the width of the subject waterway the only practical design option was to propose the dock and slip to be perpendicular to the shoreline as paralleling mooring would not provide enough area to construct a dock that would accommodate the vessel and associated boatlift. Based off this the only valid design option was to go perpendicular as the subject waterway provides enough width to be within the allowed 25% of the subject waterway, not create navigational issues for other boaters and be consistent with other existing docking facilities within Vanderbilt Lagoon. As such the proposed dock design still does not meet the state's required 25-foot setbacks but setback waivers were signed by each adjacent neighbor allowing DEP to issue their permit as the waivers confirmed the two directly affected parties did not object.

   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.)

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

The proposed docking facility varies in width with the (2) main access walkways being 12-foot and 4.8-feet wide. The 12-foot section is an expansion off of the existing dock which provides access to the existing PWC lift as well as the proposed boatlift. Proposing to just expand the existing dock by 21-feet is the easiest option for construction and most cost effective as the existing dock and associated pilings will remain in place and new ones will be added for the expansion. As designed this dock is still consistent with the other existing docking facilities within the Vanderbilt Lagoon waterway and will also provide sufficient decking area for recreational activities as well as access to each vessel and enough area for maintenance of the vessels on-site.

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 proposed vessels size to be kept on-site range from 12-feet to 38-feet long. Based on the vessels length the applicant will exceed the allowed 50% of the subject property's linear shoreline, 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.)

   There is an existing dock and decked over boatlift already onsite which the proposed dock expansion will change the overall footprint but is consistent with others within the Vanderbilt Lagoon waterway. Therefore, no impacts to neighboring property views of the waterway will result from the proposed project as there is an existing dock onsite. Additionally, docks are accessory structures to the upland residence which is why people who are able to live on the water have a dock to provide access to the waterway.

   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 on the property nor the neighboring properties within 200' of the existing dock structure.

   Criterion Met

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

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

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

   N/A

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20210000087

I, Matthew Pikus (print name), as Owner (title, if applicable) of n/a (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.

Matt Pik
Signature

11/16/21
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 11-16-21 (date) by Matthew Pikus (name of person providing oath or affirmation), as an individual who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

WENDY A. REYES
MY COMMISSION EXPIRES
APRIL 16, 2025
#H 116134
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Signature of Notary Public

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

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www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
Matthew Pikus	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Agent/Owner Signature

11/11/24
Date

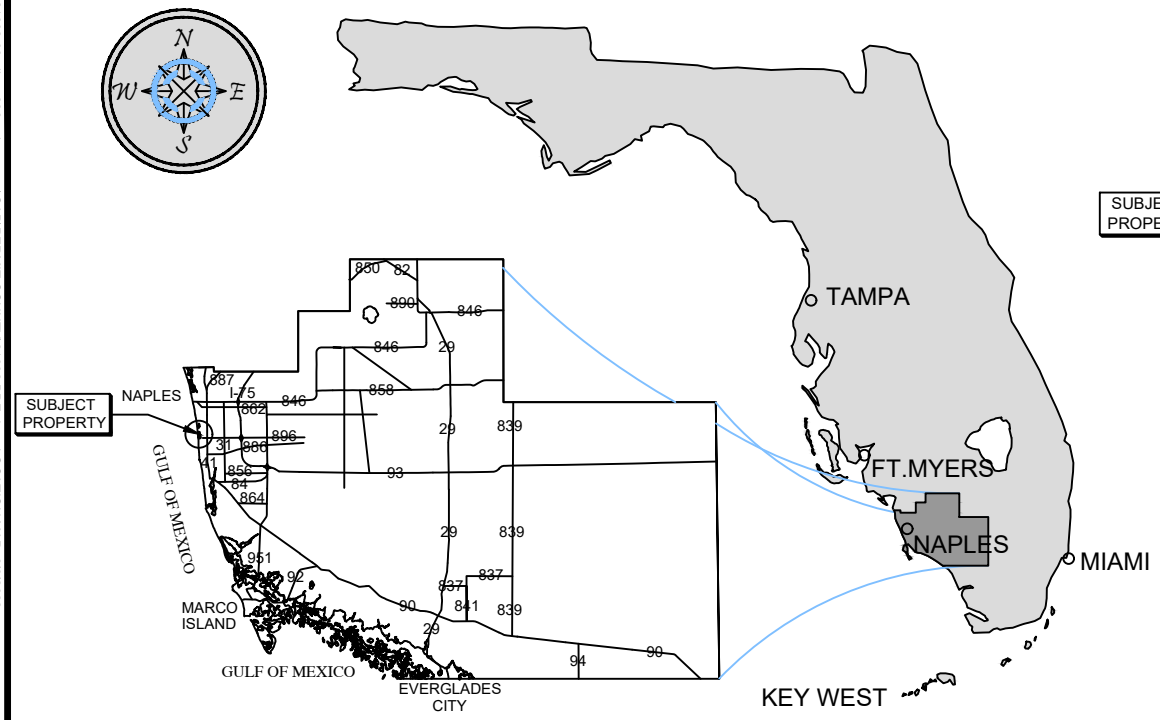
Matthew Pikus
Agent/Owner Name (please print)

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

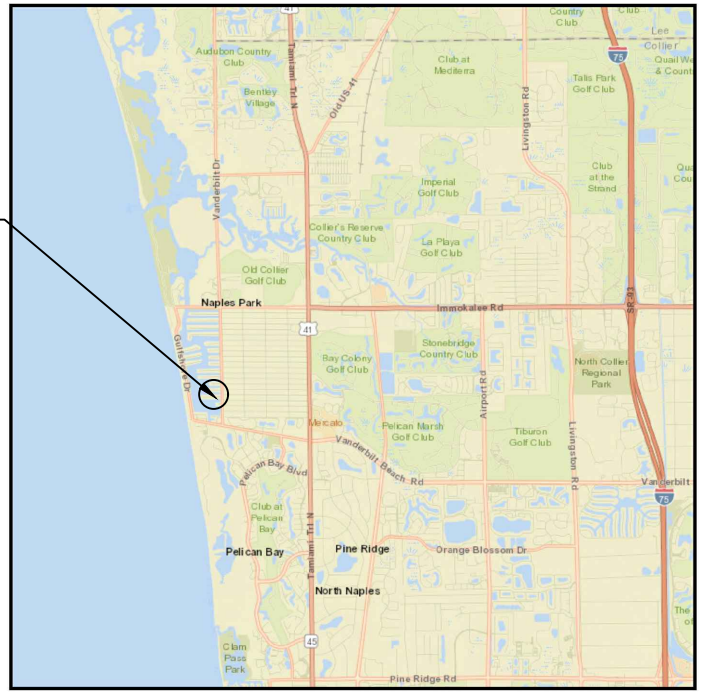
p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg LOCATION MAP 6/9/2022

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:

<> 336 OAK AVE
NAPLES, FL 34108

<> LATITUDE: N 26.257108
<> LONGITUDE: W -81.819741

NOTES:

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

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

PIKUS DOCK

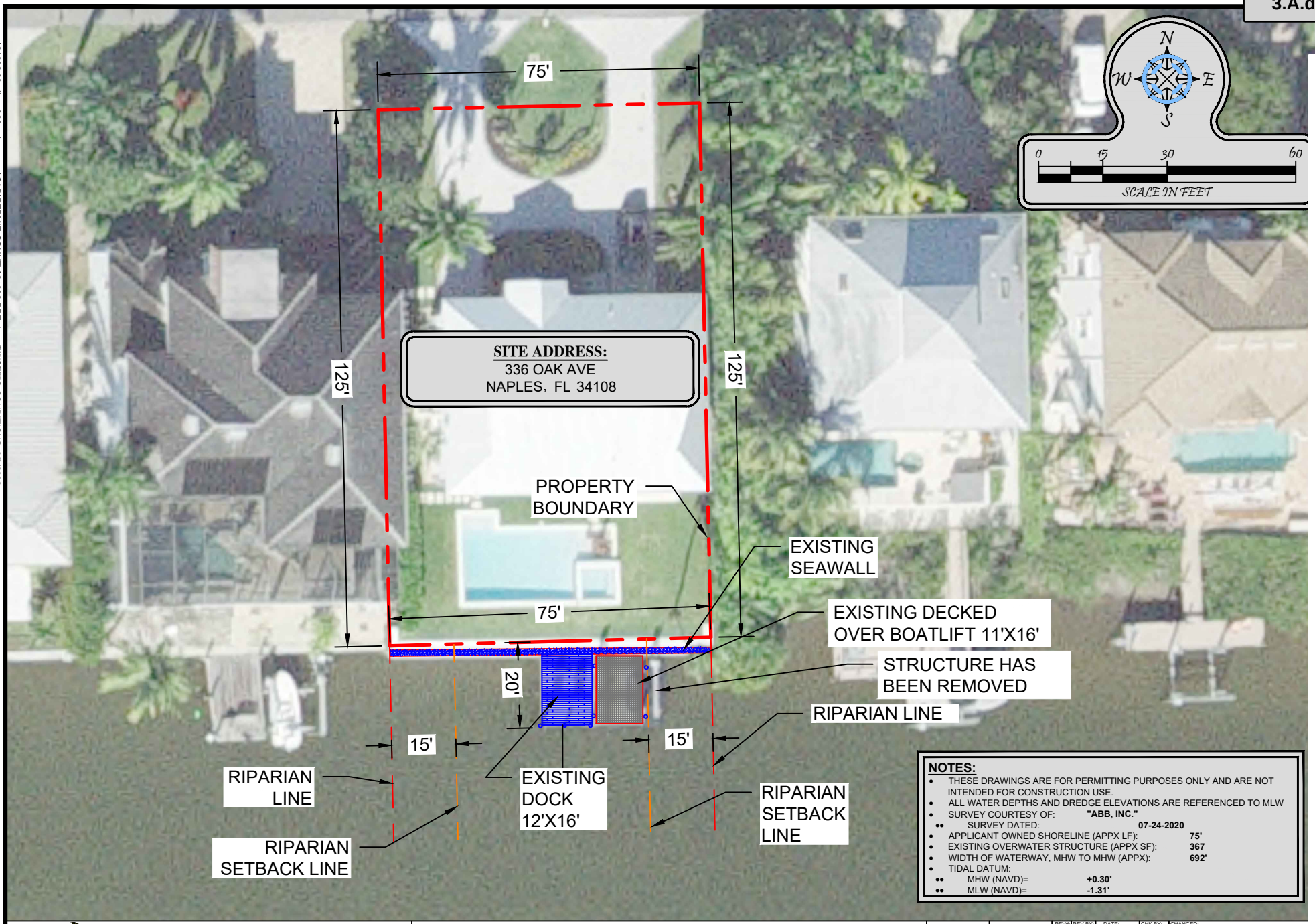
LOCATION MAP

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	SHTS 02-05, 07
DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	SHTS 02,03,05
CREATED:	01-03-22	3.	RMJ	05-31-22	JR	SHEETS 03, 05-07
JOB NO.:	21002.00	4.	RMJ	06-09-22	JR	SHEETS 02-03
SHEET NO.:	01 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg 6/9/2022 EXISTING CONDITIONS 6/9/2022



NOTES:

- THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.
- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"ABB, INC."**
  - SURVEY DATED: **07-24-2020**
- APPLICANT OWNED SHORELINE (APPX LF): **75'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **367**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **692'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**

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

PIKUS DOCK

EXISTING CONDITIONS

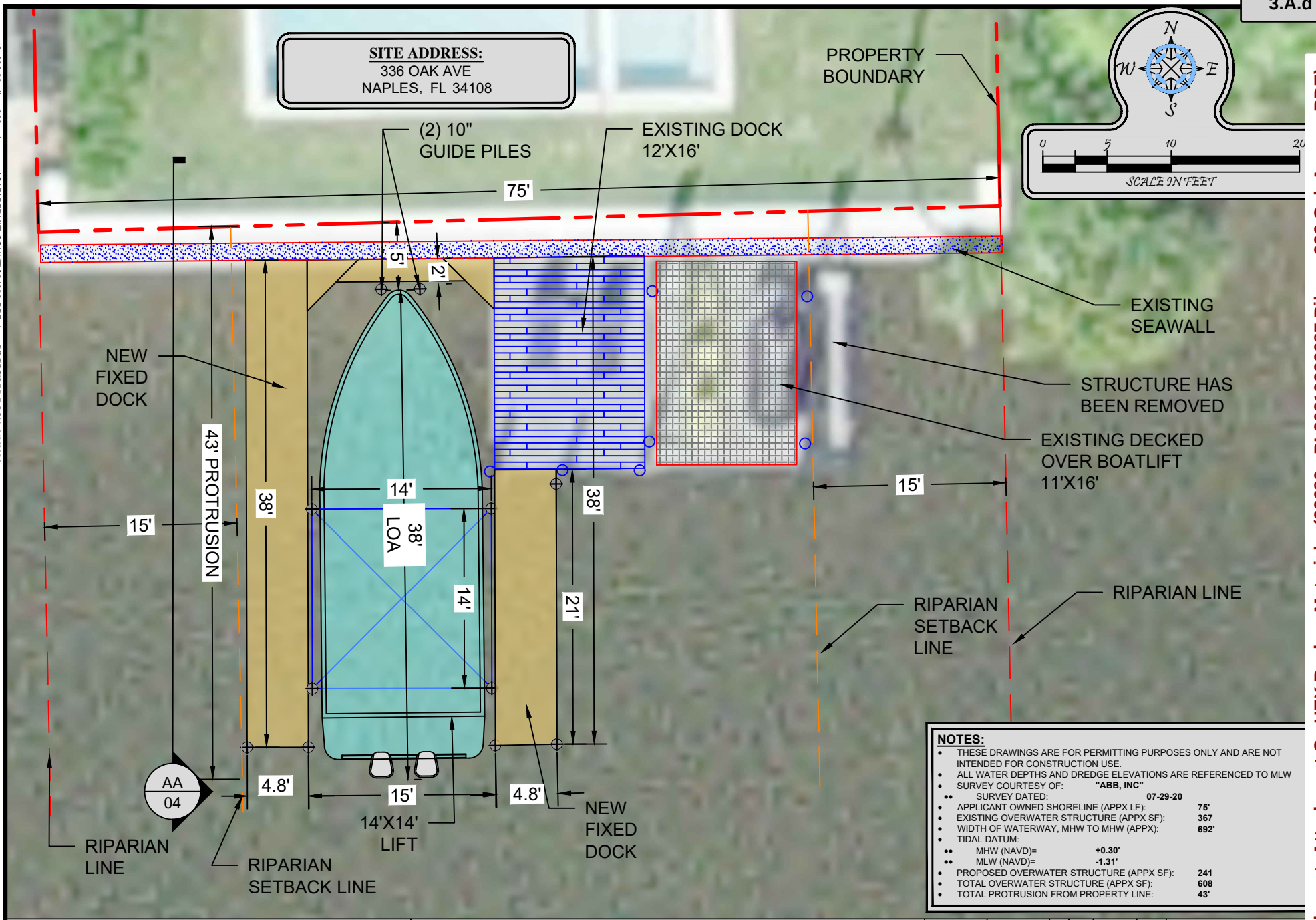
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	ADDED LABELS
DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	REMOVED STEMWALL
CREATED:	01-03-22	3.	RMJ	06-09-22	JR	ADDED LABEL
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	02 OF 07	5.	-	-	-	-

SECTION-32 TOWNSHIP-48S

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg 6/9/2022 PROPOSED DOCK



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: **"ABB, INC"**
  - SURVEY DATED: **07-29-20**
- APPLICANT OWNED SHORELINE (APPX LF): **75'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **367**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **692'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.30'**
  - MLW (NAVD)= **-1.31'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **241**
- TOTAL OVERWATER STRUCTURE (APPX SF): **608**
- TOTAL PROTRUSION FROM PROPERTY LINE: **43'**

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

PIKUS DOCK

PROPOSED DOCK

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

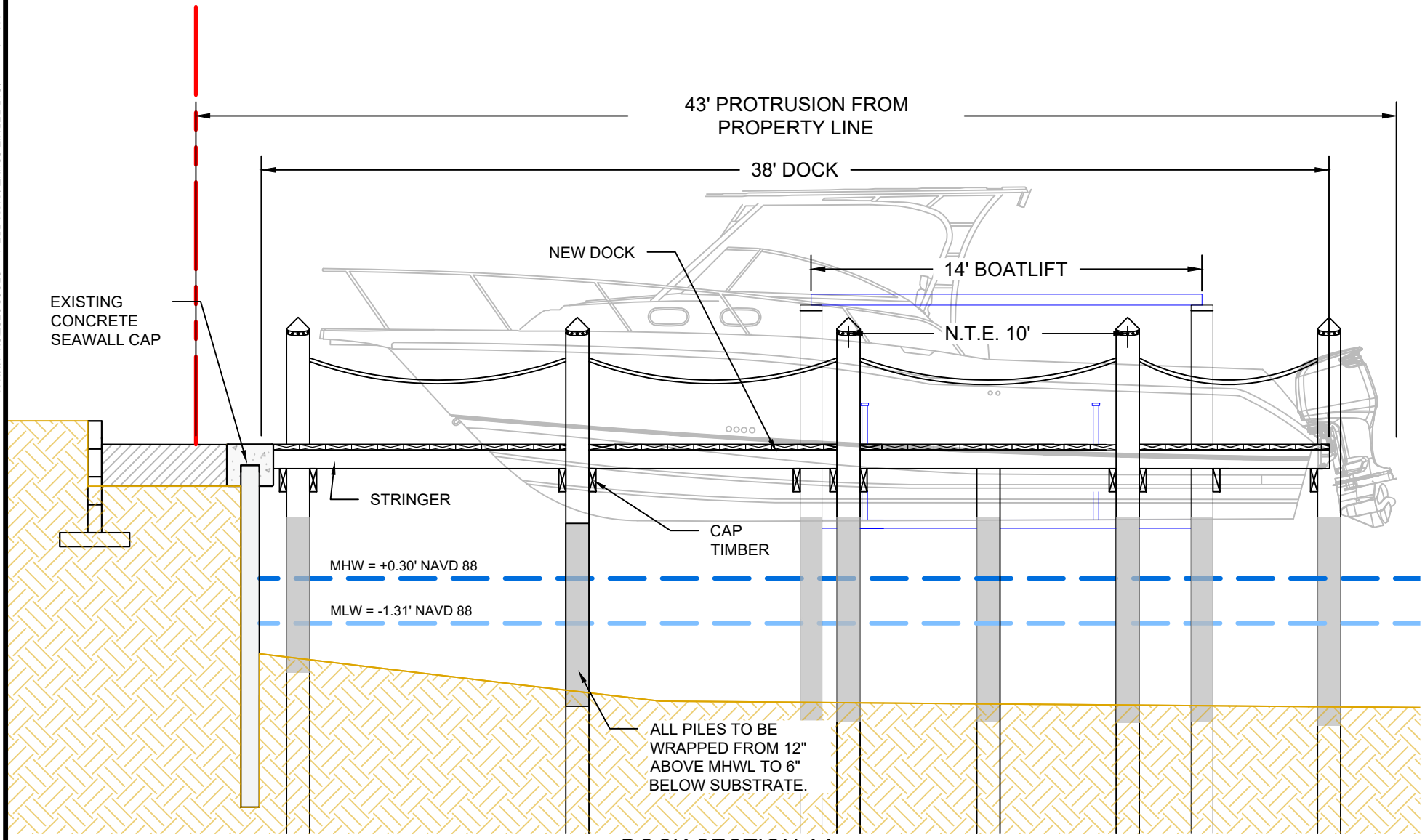
		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	ADDED LABELS, REV PROTRUSIOI
DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	REMOVED STEMWALL
CREATED:	01-03-22	3.	RMJ	05-31-22	JR	REVISED DOCK
JOB NO.:	21002.00	4.	RMJ	06-09-22	JR	ADDED LABEL
SHEET NO.:	03 OF 07	5.	-	-	-	-

SECTION-32 TOWNSHIP-48S

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg CROSS SECTION 6/9/2022

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



DOCK SECTION AA

SCALE: 1" = 5'

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

PIKUS DOCK

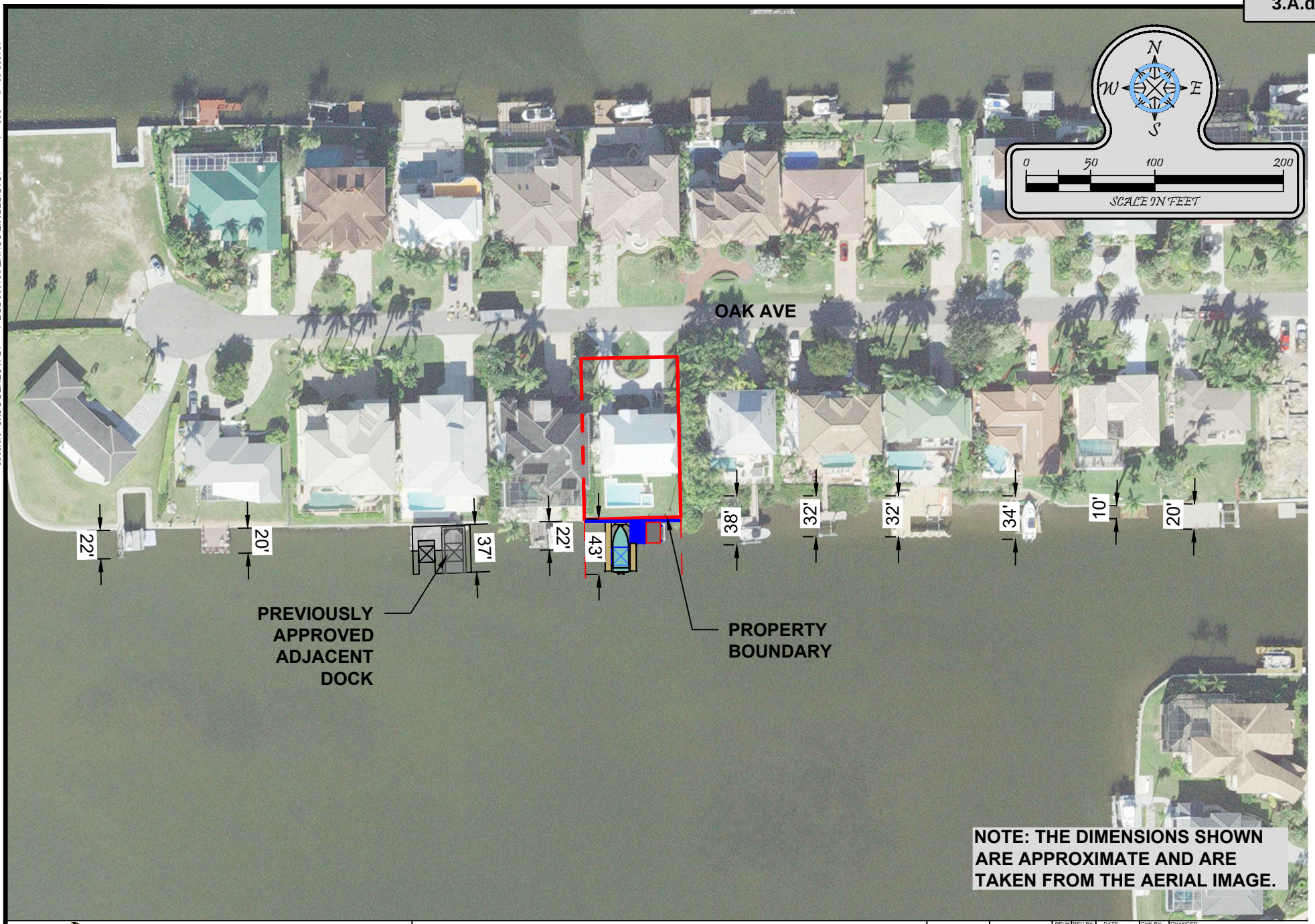
CROSS SECTION

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	REV. PROTRUSION DIMENSION, ADDED BOAT HU
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-03-22	3.	-	-	-	-
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	04 OF 07	5.	-	-	-	-

SECTION-32 TOWNSHIP-48S

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg ADJACENT DOCKS 6/9/2022



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

PIKUS DOCK

ADJACENT DOCKS

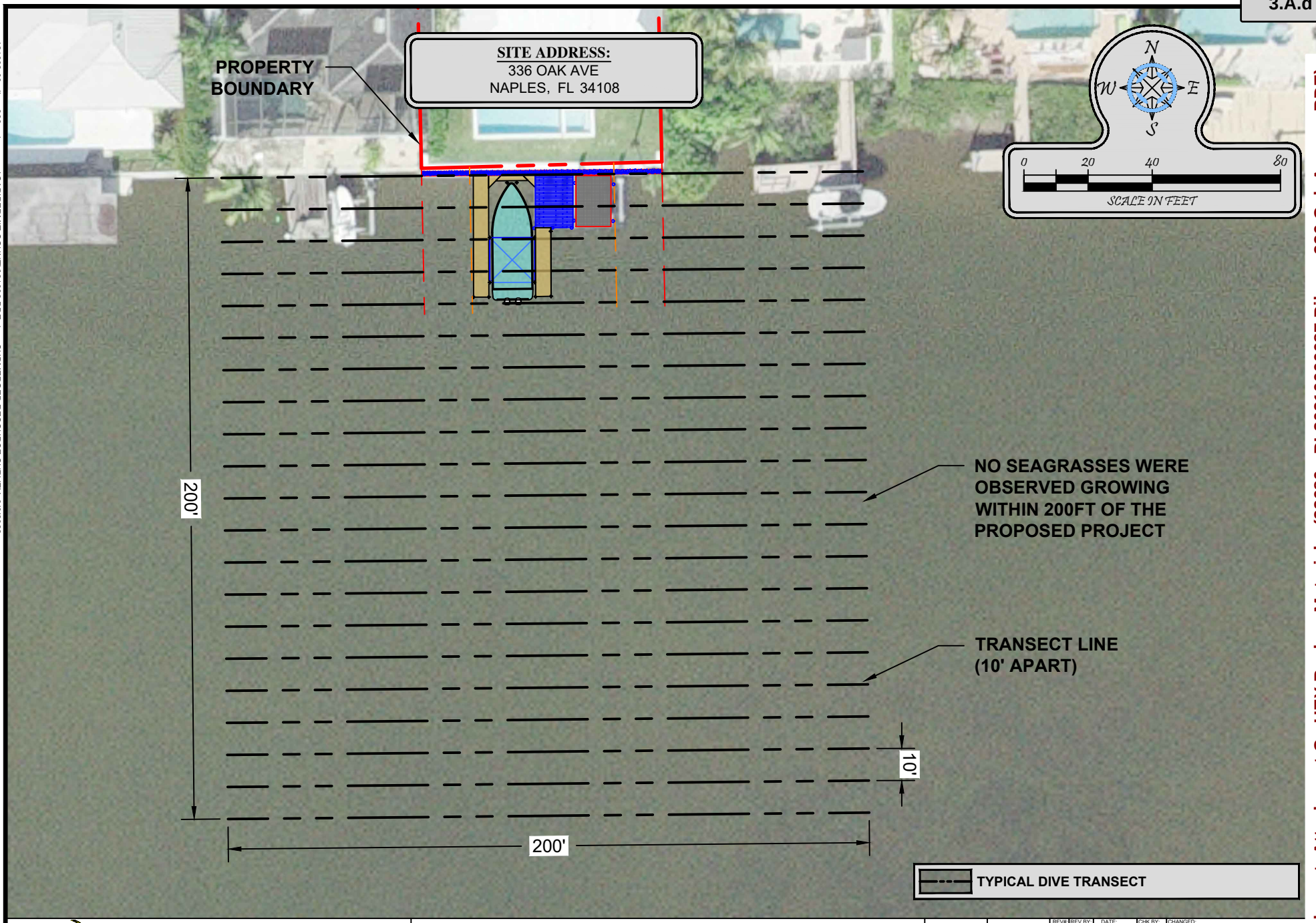
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	REV. PROTRUSION DIMENSION
DRAWN BY:	RMJ	2.	RMJ	04-14-22	JR	ADDED APPROVED ADJ. DOCK
CREATED:	01-03-22	3.	RMJ	05-31-22	JR	REVISED DOCK
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	05 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg SUBMERGED RESOURCE SURVEY 6/9/2022



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

PIKUS DOCK

SUBMERGED RESOURCE SURVEY

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	05-31-22	JR	REVISED DOCK
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	01-03-22	3.	-	-	-	-
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

p:\21002.00 pikus-336 oak avenue\CAD\PERMIT-COUNTY\21002-BDE.dwg WIDTH OF WATERWAY 6/9/2022



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

PIKUS DOCK

WIDTH OF WATERWAY

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	RMJ	03-07-22	JR	REVISED DIMENSIONS TEXT
DRAWN BY:	RMJ	2.	RMJ	05-31-22	JR	REVISED DOCK
CREATED:	01-03-22	3.	-	-	-	-
JOB NO.:	21002.00	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 32 TOWNSHIP- 48S

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

OAK AVE.

N

SCALE: 1"=20'

N 88°48'21" E

75.00'

N 01°12'47" W

125.14'

N 01°12'47" W

124.69'

12

11

10

PROPERTY LINE

FOUND NAIL

EXISTING SEAWALL
CAP ELEV. = 2.5'

FENCE

FENCE

EXISTING SEAWALL
CAP ELEV. = 2.5'

S 88°27'51" W 75.00'

EXISTING BOAT LIFT

EXISTING SEAWALL
TOP OF CAP ELEV.=4.8'

EXISTING DOCK

RIPARIAN LINE

RIPARIAN LINE

WATERWAY

WAYNE D. AGNOLI
CERTIFICATE
No. 5335
STATE OF
FLORIDA
REGISTERED SURVEYOR & MAPPER

PREPARED FOR: MATTHEW PIKUS

DATE OF FIELD SURVEY: 01 APRIL 2022

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

BY_____

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

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

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

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

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM , EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE WEST LINE OF LOT 11, BLOCK 1, CONNER'S VANDERBILT BCH. EST. UNIT 2, SECTION 32, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 01° 12' 47" WEST.

3. ELEVATIONS ARE BASED ON NAVD 1988.

4. THE VERTICAL CONTROL ACCURACY FOR THIS SURVEY WAS BASED ON THE FLORIDA STATE PLAIN COORDINATE SYSTEM EAST ZONE NAD 83–90 DATUM.

5. THE HORIZONTAL CONTROL ACCURACY FOR THIS SURVEY ACHIEVED THE COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.

SURVEYOR'S NOTE:

336 OAK AVE. SITE PLAN SURVEY

for:	TURRELL HALL
title:	MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1 CONNER'S VANDERBILT BEACH ESTATES, UNIT 2 SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 3 & PAGE 17) COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1234	67	06 APRIL 2022
		scale: 1" = 20'
		cogo #: 22-0033

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108 Ph.: (239)597-3111
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620 Fax: (239)566-2203

design:	XXX
drawn:	LD
checked:	WDA
acad #:	13108-SP
view:	LIMITS
project #:	22-0033
sheet #:	1 of 1
file #:	13108

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

PIKUS RESIDENCE
336 OAK AVE
NAPLES, FL 34108

SUBMERGED RESOURCE SURVEY

SEPTEMBER 2021

PREPARED BY:

TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

1.0 INTRODUCTION

The Pikus residence and associated proposed docking facility is located at 336 Oak Ave, identified by Parcel Number 27581160002. The property is located off Oak Ave just north of Vanderbilt Beach Road, bound to the west by a single-family residential home, bound to the east by another single-family residential home, and bound to the south by Vanderbilt Lagoon. The property is located in Section 32, Township 48 South, and Range 25 East. The upland portion of the property is a single-family residence.

Turrell, Hall & Associates was contracted to provide environmental permitting services and one aspect is the associated Submerged Resource Survey (SRS). This survey provides planning and review assistance to both owners and agency reviewers regarding the proposed project. The proposed project consists of expanding an existing single-family docking facility within a man-altered waterway within Vanderbilt Lagoon.

The SRS survey was conducted on September 9, 2021. Light southeast winds, mostly clear skies, and a rising tide resulted in visible access to the entire project area. Surface water conditions on this day were calm which also helped to provide fair environmental conditions for the survey. The water temperature was 85°F. Low tide occurred at 9:31 A.M (0.3') and high tide occurred at 3:17 P.M (2.5') on the date of the survey.

2.0 OBJECTIVE

The objective of the Submerged Resource Survey was to identify and locate any existing submerged resources within 200-feet of the project area. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so, would assist in reconfiguring the proposed dock in order to minimize any impacts. If seagrasses are present within the project area it then needs to be determined if the seagrass beds are small or if they are part of a large seagrass bed. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit and I snorkeled these transects within the proposed project basin and verified the location of any submerged resources.

- Turrell, Hall & Associates personnel identified submerged resources at the site, estimated the % of coverage, and delineated the approximate limits of any submerged resources observed.

- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

3.0 METHODOLOGY

Turrell, Hall & Associates biologists intentionally designed the methodology of the SRS to cover the entire property shoreline for the proposed dock installation and expand out to 200-feet from the project area as required by the CC-LDC. The components for this survey included:

- Review of aerial photography of survey area
- Establish survey transects lines overlaid onto aerials
- Physically swim transects, GPS locate limits of submerged resources, and determine approximate percent of coverage
- Document and photograph all findings

The surveyed area was evaluated systematically by following the established transects spaced approximately 10-feet apart within the proposed dock footprint as shown on the attached exhibit. The survey was expanded out 200-feet from the proposed docking facility in order to verify no other resources were within the surrounding waterway. The neighboring properties have existing docks which helped to provide easily identifiable reference markers, such as dock piles which assisted in locating transects and keeping them consistent throughout most of the survey area.

Two biologists swam these transects using snorkel equipment within the surveyed area and the other individual assisted with compiling notes and documenting findings on aerials. Located submerged resources were photographed, the approximate percent of coverage was quantified, and the location was delineated on an aerial photo as well as confirmed via handheld GPS (Garmin Model 72H). The biologists used a half meter square quadrant further broken into sections by cordage to make seagrass coverage estimates easier.

4.0 RESULTS

The substrate found within the surveyed area included only one distinct classification: silt/muck material with a little shell debris throughout the entire surveyed area. There was also scattered oyster debris along the property seawall shoreline also were all the barnacle growth was mostly located. The shoreline consisted of a concrete seawall and scattered rip-rap both of which provide habitat for numerous fish, crabs, barnacles, and oysters growing on and around the seawall. The entire survey area exhibited a silt/muck bottom that was devoid of any aquatic vegetation growth or any types of submerged resources. The lack of any submerged resources is most likely due to the overall water quality within Vanderbilt Lagoon as well as the water clarity not allowing much sunlight penetration. This was most evident in the deeper water depths.

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Various filamentous algae and macro algae were observed and documented growing along the bottom sediments throughout the survey area. Also observed were numerous fish species during the survey and a list of these species has been prepared and is provided below as Table 1.

Table 1 – Observed Fish Species

Common Name	Scientific Name
mangrove snapper	*Lutjanus griseus*
sheepshead	*Archosargus probatocephalus*
striped mullet	*Mugil cephalus*
snook	*Centrompus undecimalis*
jack crevalle	*Caranx hippos*

5.0 CONCLUSIONS

The submerged resource survey was completed for the entire subject property shoreline and expanded out 200-feet from the project site which yielded few findings and limited natural resources. Barnacles were the only natural resources observed which were growing on the face of the seawall and on the existing dock piles.

Negative impacts to submerged resources are not expected with the proposed docking facility installation.

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



Barnacle growth along seawall and on existing dock piles



Muck/silt substrate

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

PERMIT

PERMIT #: PRBD2019114618001
ISSUED: BY:
MASTER #: COA:

PERMIT TYPE: MR
APPLIED DATE: 11-01-19 APPROVAL DATE: 11-12-19

JOB ADDRESS: 336 Oak AVE, Naples
JOB DESCRIPTION: remove existing dock and concrete walk way. install a new seawall in front of existing wall. JOB PHONE:

336 Oak AVE, Naples

SUBDIVISION #: BLOCK: LOT:
FLOOD MAP: ZONE: ELEVATION:
FOLIO #: 27581160002 SECTION-TOWNSHIP-RANGE: 32-48-25

OWNER INFORMATION:
PIKUS, MATTHEW Z
336 OAK AVE
NAPLES, FL 34108

CONTRACTOR INFORMATION:
GREG ORICK II MARINE CONSTRUCTION, INC
1035 COLLIER CENTER WAY #1
NAPLES, FL 34110

CERTIFICATE #: C28961 PHONE:

FCC CODE:
CONSTRUCTION CODE: 0220
JOB VALUE: $40,000.00 TOTAL RES SQFT: 0 TOTAL COMM SQFT: 0

SETBACKS FRONT: REAR: LEFT: RIGHT:
SEWER: WATER:
CONTACT NAME:
CONTACT PHONE:

Per Collier County Ordinance No. 2002-01, as it may be amended, all work must comply with all applicable laws, codes, ordinances, and any addition stipulations or conditions of this permit. This permit expires if work authorized by the permit is not commenced within six (6) months from the date of issuance of the permit. Additional fees for failing to obtain permits prior to the commencement of construction may be imposed. Permittee(s) further understands that any contractor that may be employed must be a licensed contractor and that the structure must not be used or occupied until a Certificate of Occupancy is issued.

NOTICE: PRIOR TO THE REMOVAL OF ASBESTOS PRODUCTS OR THE DEMOLITION OF A STRUCTURE, FEDERAL AND STATE LAWS REQUIRE THE PERMITTEE (EITHER THE OWNER OR CONTRACTOR) TO SUBMIT A NOTICE OF THE INTENDED WORK TO THE STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP). FOR MORE INFORMATION, CONTACT DEP AT (239) 344-5600.

In addition to the conditions of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Collier County
Growth Management Department

BUILDING PERMIT REVISION FORM

2800 N. HORSESHOE DRIVE, NAPLES, FL 34104 (239) 252-240

Permit Number

PRBD20191146180 ☒ Residential 1 or 2 Units (Single Family/Duplex) ☐ Residential 3+ Units (Multi-Family) ☐ Commercial

Job Location

Job Street Address: 336 OAK AVE Parcel/Folio # 27581160002

Owner Name: MATTHEW PIKUS

Contractor/Owner-Builder Information

Company Name: GREG ORICK II MARINE CONSTRUCTION ☒ Contractor ☐ Owner-Builder

Qualifier/License Holder: GREG ORICK II

Agent/Contact Name: SABRINA DOBBINS

Company Address: 2815 BAYVIEW DR

City: NAPLES State: FL Zip Code: 34112

Phone: 239-949-5588 Fax: 239-301-2238

Email: PERMITS@ORICKMARINE.COM

ALL REVISIONS MUST BE "CLOUDED" WITH AN ITEMIZED LIST OF THE SCOPE OF WORK

Any changes to any exterior portion of the building may result in an architectural review which may require an SDP amendment/change. Please clearly indicate any change to the facade and/or exterior of building. ***Additional cost value must be greater than zero dollars ($).***

Change to Original Scope of Work:

~~ALSO INSTALL A NEW DOCK AND LIFT WITH ELECTRIC. ADD A WHALER TO THE NEW SEAWALL~~

Project Name: Additional Cost of Construction $: 20000

Additional Sq. Ft. Living/Interior: Additional Sq. Ft. Non-Living/Exterior: 460

Trades Affected by Revision*

*Check All Applicable Trades Associated with Revision

☐ Private Provider	☐ Septic	☐ Permit by Affidavit	☒ Electrical	☐ Mechanical
☐ Roofing	☐ Shutters	☐ Plumbing	☐ Low Voltage	☐ Structural

Qualifier Acknowledgement of Revision Submittal

Company Name: GREG ORICK II MARINE CONSTRUCTION State License #: C28961

Qualifier's Name: GREG ORICK II Qualifier's Signature: Greg Orick II

State of FLORIDA County of COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 24 day of April, 20 20, by (printed name of owner or qualifier) GREG ORICK II

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: Sabrina M Dobbins

Notary Public State of Florida
Sabrina M Dobbins
My Commission GG 280879
Expires 12/02/2022

PLEASE DO NOT WRITE BELOW, FOR STAFF USE ONLY

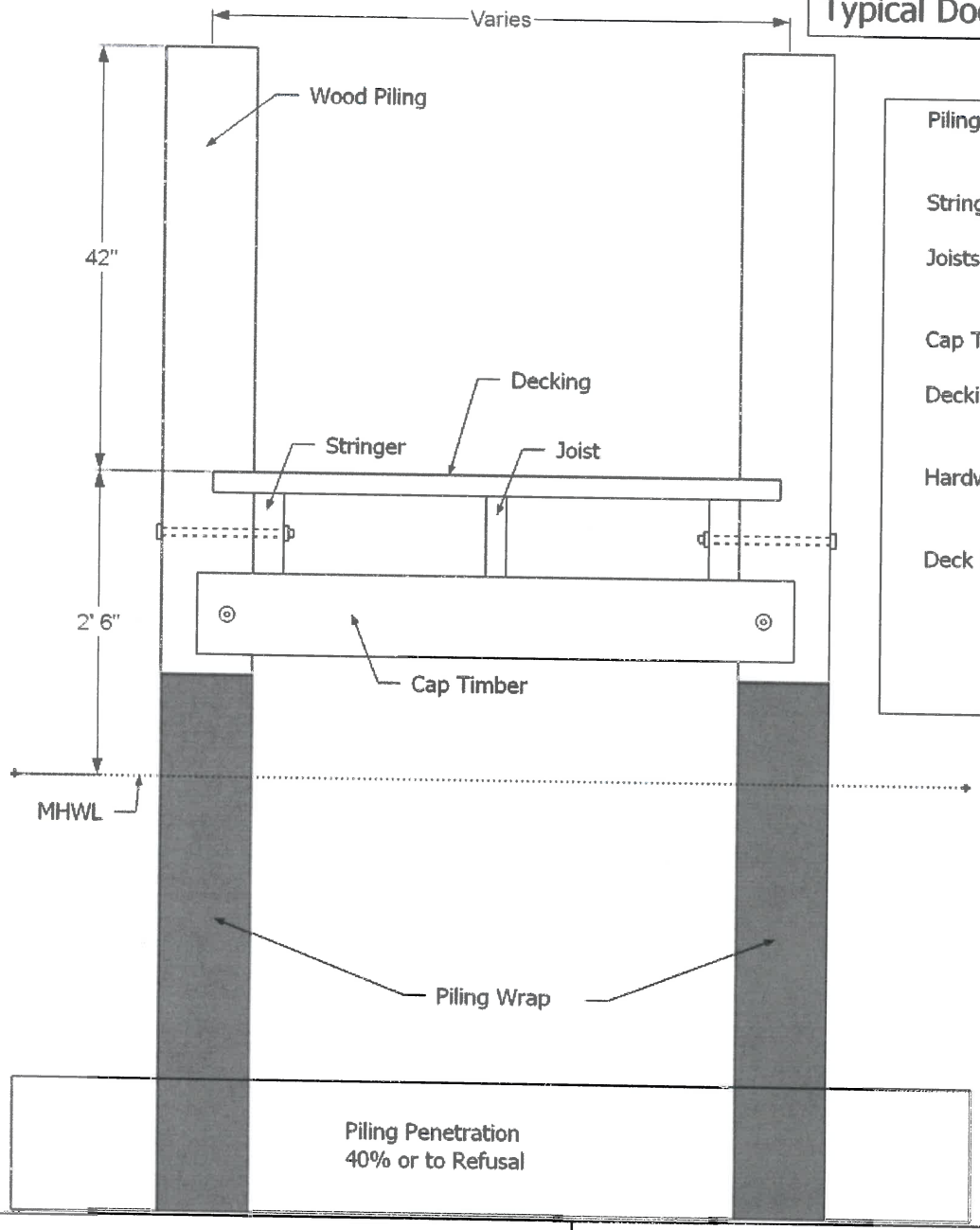
Inspections Needed: Additional Fees: Building: $ Fire: $

PMR Date: Days Review: Sets of Plans:

Building Permit Revision Form 1.22.2020

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

Typical Dock Construction



Pilings - 9"+ Diameter, 2.5 CCA Marine Pressure Treated Southern Yellow Pine (SYP) with Vinyl Pile Wrap

Stringers - 3" x 8" .60 CCA Pressure Treated SYP

Joists - 2" x 8" .60 CCA Pressure Treated SYP (Joist spacing - 24" Max on Center)

Cap Timbers - 3" x 8" .60 CCA Pressure Treated SYP

Decking - 2" x 6" .21 CA Pressure Treated #1 Dense S4S or Optional Composite Decking.

Hardware - 5/8" diameter HDG Bolts minimum or Stainless Steel Upgrade

Deck Fasterners - 16d SS Ringshank Nail or #10 SS Deck Screws optional

PROUDLY SERVING NAPLES AND BONITA SPRINGS
FOR OVER 25 YEARS
LICENSED & INSURED

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

Typical Dock Construction

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS
CERTIFICATE OF COMPLETION

This Certificate is issued pursuant to the requirements of the Florida Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the county regulating building construction or use. For the following:

PERMIT NBR: PRBD2019114618001 CO NBR: STATUS: Finaled

CO TYPE: COMP ISSUED DATE: August 07, 2020

ADDRESS: 336 Oak AVE, Naples

SUBDIVISION:

LOT: BLOCK: T.R.S.:

SLUC CODE: UTILITY COMPANY:

JOB DESC: remove existing dock and concrete walk way. install a new seawall in front of existing wall.
336 Oak AVE, Naples
REV 1 - INSTALL A NEW DOCK AND LIFT WITH ELECTRIC. ADD A WHALER TO THE NEW SEAWALL
NUMBER OF METERS:

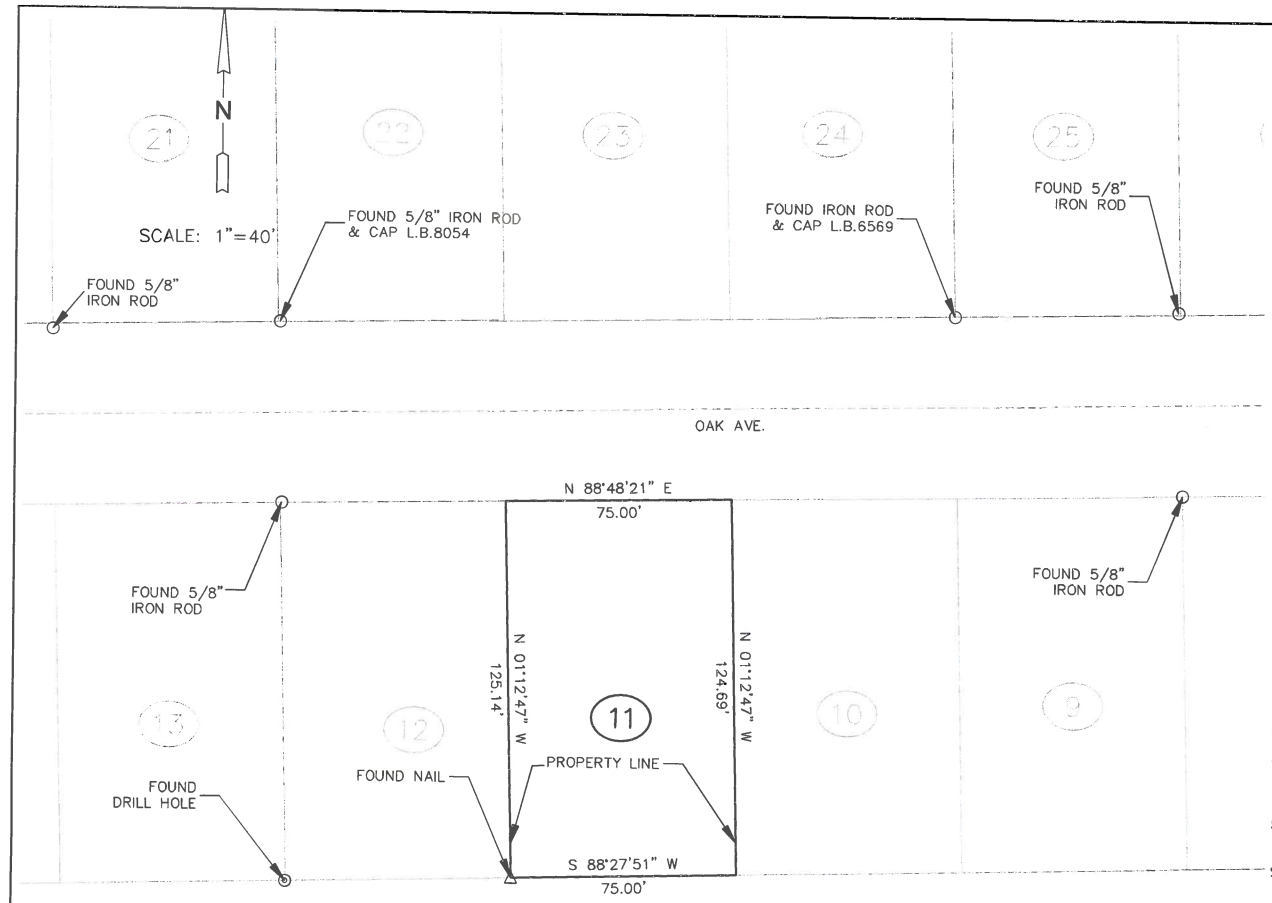
OWNER: PIKUS, MATTHEW Z

LEGAL DESCRIPTION

CONNER'S VANDERBILT BCH
EST UNIT 2 BLK I LOT 11

Note: A new certificate is required if the use of the building or premises is changed, or if alterations are made to the building or property described. A new certificate voids any certificate or prior date.

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



PREPARED FOR: MATTHEW PIKUS

DATE OF FIELD SURVEY: OCTOBER 24, 2019

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

BY Wayne D. Agnoli, R. S. M.

Digitally signed by Wayne D. Agnoli, R. S. M.
DN: CN="Wayne D. Agnoli, R. S. M." + E=wayne.agnoli@abbinc.com, OU="Agnoli, Barber & Brundage, Inc.", O="Agnoli, Barber & Brundage, Inc.", L=Naples, S=Florida, C=US
Date: 2020.05.14 14:29:03-04'00'

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

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

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

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

GENERAL NOTES:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD 83/90 DATUM AND REFERENCED TO THE WEST LINE OF LOT 11, BLOCK 1, CONNER'S VANDERBILT BCH. EST. UNIT 2, SECTION 32, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, AS BEING NORTH 01° 12' 47" WEST.
3. ELEVATIONS ARE BASED ON NAVD 1988.
4. THE VERTICAL CONTROL ACCURACY FOR THIS SURVEY WAS BASED ON THE FLORIDA STATE PLAIN COORDINATE SYSTEM EAST ZONE NAD 83-90 DATUM.
5. THE HORIZONTAL CONTROL ACCURACY FOR THIS SURVEY ACHIEVED THE COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.

SURVEYOR'S NOTE:

WAYNE D. AGNOLI CERTIFICATE No. 5335 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

Collier County Build It! REVIEWED FOR CODE COMPLIANCE

336 OAK AVE. BOUNDARY SURVEY

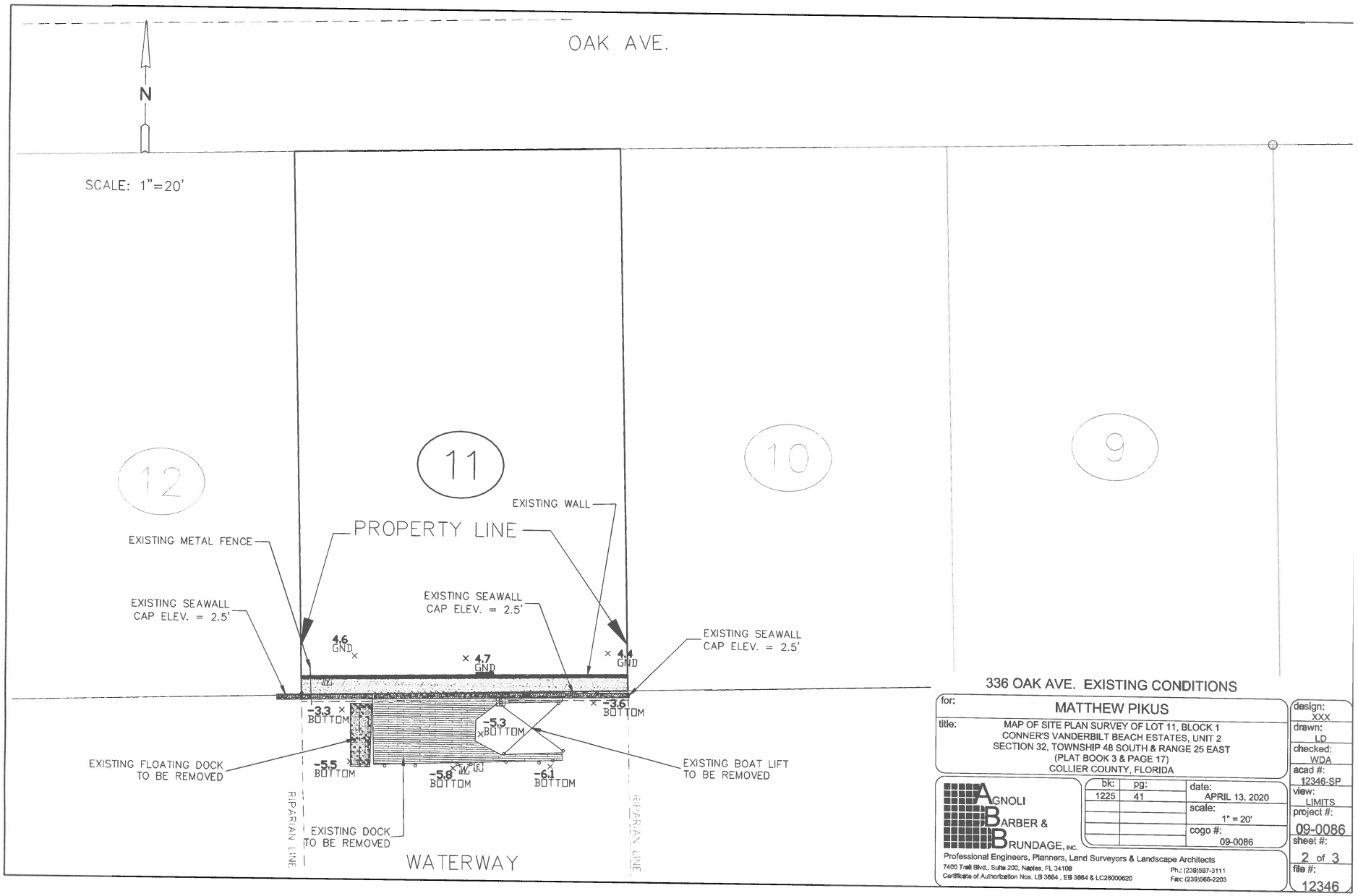
for:	MATTHEW PIKUS
title:	MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1 CONNER'S VANDERBILT BEACH ESTATES, UNIT 2 SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST (PLAT BOOK 3 & PAGE 17) COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1225	41	APRIL 13, 2020
		scale: 1" = 40'
		cogo #: 09-0086

design:	XXX
drawn:	LD
checked:	WDA
acad #:	12346-SP
view:	LIMITS
project #:	09-0086
sheet #:	1 of 3
file #:	12346

AGNOLI BARBER & BRUNDAGE, INC.
Professional Engineers, Planners, Land Surveyors & Landscape Architects
7400 Trail Blvd., Suite 200, Naples, FL 34108
Certificate of Authorization Nos. LB 3664 , EB 3664 & LC26000620
Ph.: (239)597-3111
Fax: (239)568-2203

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



336 OAK AVE. EXISTING CONDITIONS

for: MATTHEW PIKUS

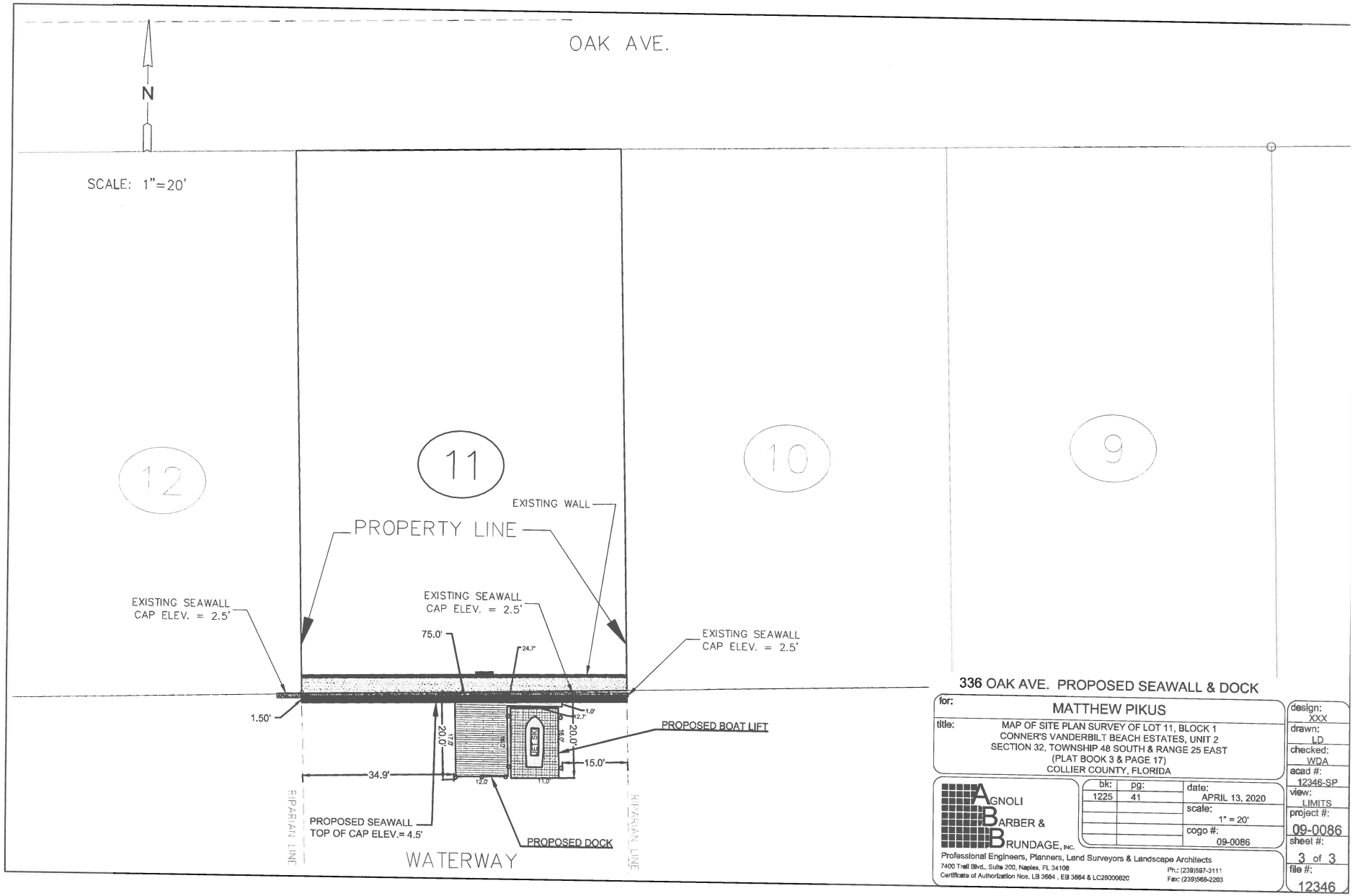
title: MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1
CONNER'S VANDERBILT BEACH ESTATES, UNIT 2
SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 3 & PAGE 17)
COLLIER COUNTY, FLORIDA

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bk:	pg:	date:
1225	41	APRIL 13, 2020
		scale: 1" = 20'
		cogo #: 09-0086

design: XXX
drawn: LD
checked: WDA
acad #: 12346-SP
view: LIMITS
project #: 09-0086
sheet #: 2 of 3
file #: 12346

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



336 OAK AVE. PROPOSED SEAWALL & DOCK

for: MATTHEW PIKUS

title: MAP OF SITE PLAN SURVEY OF LOT 11, BLOCK 1
CONNER'S VANDERBILT BEACH ESTATES, UNIT 2
SECTION 32, TOWNSHIP 48 SOUTH & RANGE 25 EAST
(PLAT BOOK 3 & PAGE 17)
COLLIER COUNTY, FLORIDA

bk:	pg:	date:
1225	41	APRIL 13, 2020
		scale: 1" = 20'
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acad #:	12346-SP
view:	LIMITS
project #:	09-0086
sheet #:	3 of 3
file #:	12346

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



Existing Decked over boatlift with 2 PWC along east setback

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

INSTR 5466064 OR 5445 PG 1860 RECORDED 11/2/2017 12:05 PM PAGES 2
DWIGHT E. BROCK, CLERK OF THE CIRCUIT COURT, COLLIER COUNTY FLORIDA
DOC@.70 $11,690.00 REC $18.50
CONS $1,670,000.00

After Recording Return to:
Allie Pelham
Action Title Services
3733 Tamiami Trail North
Naples, FL 34103

This Instrument Prepared by:
Allie Pelham
Action Title Services
3733 Tamiami Trail North
Naples, FL 34103
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
27581160002
File No.: 17080531

WARRANTY DEED

This Warranty Deed, Made the 31st day of October, 2017, by **Roger W. Stiefel and Susan Jane Stiefel, Husband and Wife**, whose post office address is: **PO Box 110806, Naples, FL 34108**, hereinafter called the "Grantor", to **Matthew Z. Pikus, a single man,** whose post office address is: **336 Oak Ave., Naples, FL 34108**, hereinafter called the "Grantee".

WITNESSETH: That said Grantor, for and in consideration of the sum of **One Million Six Hundred Seventy Thousand Dollars and No Cents ($1,670,000.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in **Collier** County, Florida, to wit:

Lot 11, Block I, CONNER'S VANDERBILT BEACH ESTATES, UNIT NO. 2, according to the plat thereof, of record in Plat Book 3, Page(s) 17, of the Public Records of Collier County, Florida.

The property is the homestead of the Grantor(s).

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

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

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2017, reservations, restrictions and easements of record, if any.
(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

NOT CERTIFIED COPY

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
TWO SEPARATE DISINTERESTED WITNESSES REQUIRED

Witness Signature: _____ Roger W. Stiefel
Printed Name: _____

Witness Signature: _____ Susan Jane Stiefel
Printed Name: _____

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 31ST day of October, 2017 by Roger W. Stiefel and Susan Jane Stiefel, Husband and Wife, who is/are personally known to me or has/have produced driver license(s) as identification.

_____ My Commission Expires: _____
Notary Public Signature (SEAL)
Printed Name: _____

ALEJANDRA M PELHAM
MY COMMISSION # GG 072155
EXPIRES: April 10, 2021
Bonded Thru Budget Notary Services

NOT A CERTIFIED COPY

Attachment: Attachment C - HEX Backup Materials (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



Attachment: Attachment D - Sign Posting (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)



Attachment: Attachment D - Sign Posting (22680 : PL20210000087 Pikus - 336 Oak Avenue BDE)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B
Item Summary: Petition No. CUD PL20220001253 -St. John the Evangelist - A request for a comparable use determination that a rectory is comparable, compatible, and consistent with the list of permitted uses in Section 5.3 of the St. John the Evangelist Catholic Church Planned Unit Development (PUD), Ord. No. 04-18, as amended. The PUD is located at 625 111th Ave. N. in Section 21, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Eric Ortman, Principal Planner] Commissioner District 2

Meeting Date: 08/11/2022

Prepared by:
Title: Principal Planner – Zoning
Name: Eric Ortman
07/11/2022 11:47 AM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
07/11/2022 11:47 AM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	07/22/2022 12:29 AM
Zoning	Ray Bellows	Review Item	Completed	07/22/2022 9:51 AM
Zoning	Mike Bosi	Review Item	Completed	07/27/2022 8:24 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/11/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: AUGUST 11, 2022

SUBJECT: ST. JOHN THE EVANGELIST CATHOLIC CHURCH
COMPARABLE USE DETERMINATION (CUD)
CUD-PL20220001253

PROPERTY OWNER/AGENT:

Applicant/Owner:
Diocese of Venice in Florida, LLC
1000 Pinebrook Road
Venice, FL. 34285

Agent:
D. Wayne Arnold
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL. 34134

REQUESTED ACTION:

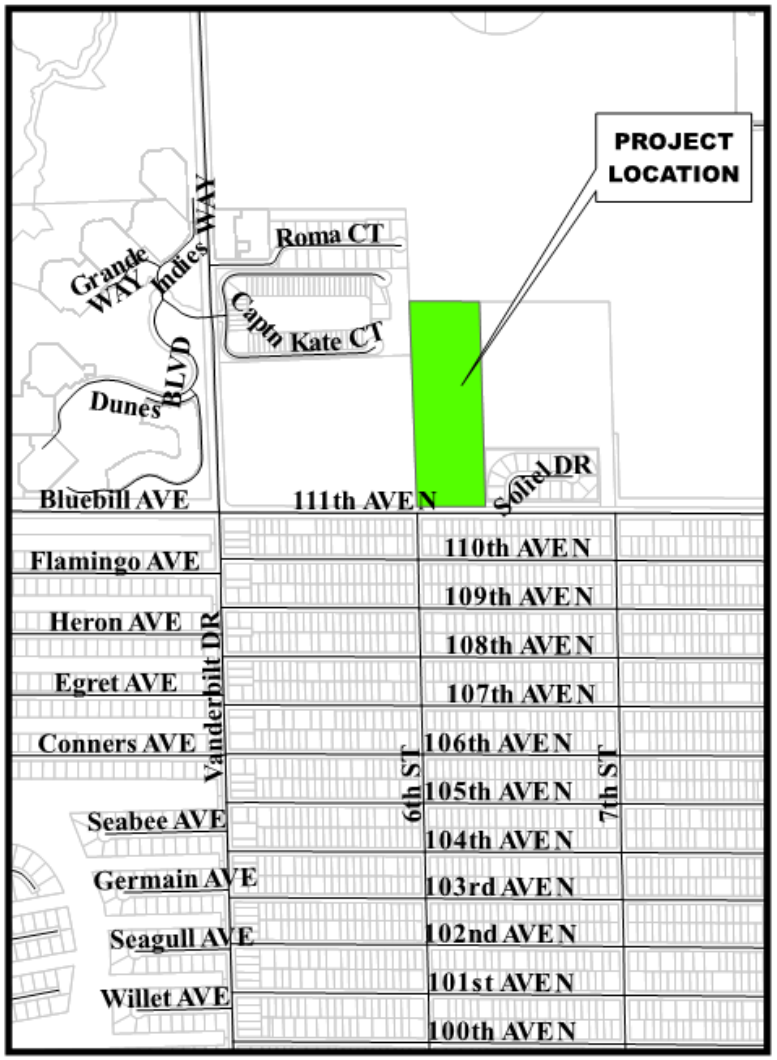
Request for a determination that a rectory is a comparable accessory use to the other accessory uses permitted in the St. John the Evangelist Catholic Church Community Facilities PUD (St. John CFPUD), Ord. 04-18, as amended (Attachment A). For this petition, a rectory is defined as a single building with a maximum height of 35 feet with up to four dwelling units for priests associated with the St. John the Evangelist Catholic Church, and for active priests visiting from other congregations and churches.

The subject property is ±14.53 acres located on the north side of 111th Ave. N., approximately one-quarter mile east of Vanderbilt Drive, and two-thirds of a mile west of Tamiami Trail North (US 41) in Section 3, Township 51 South, Range 26 East, Collier County, Florida.

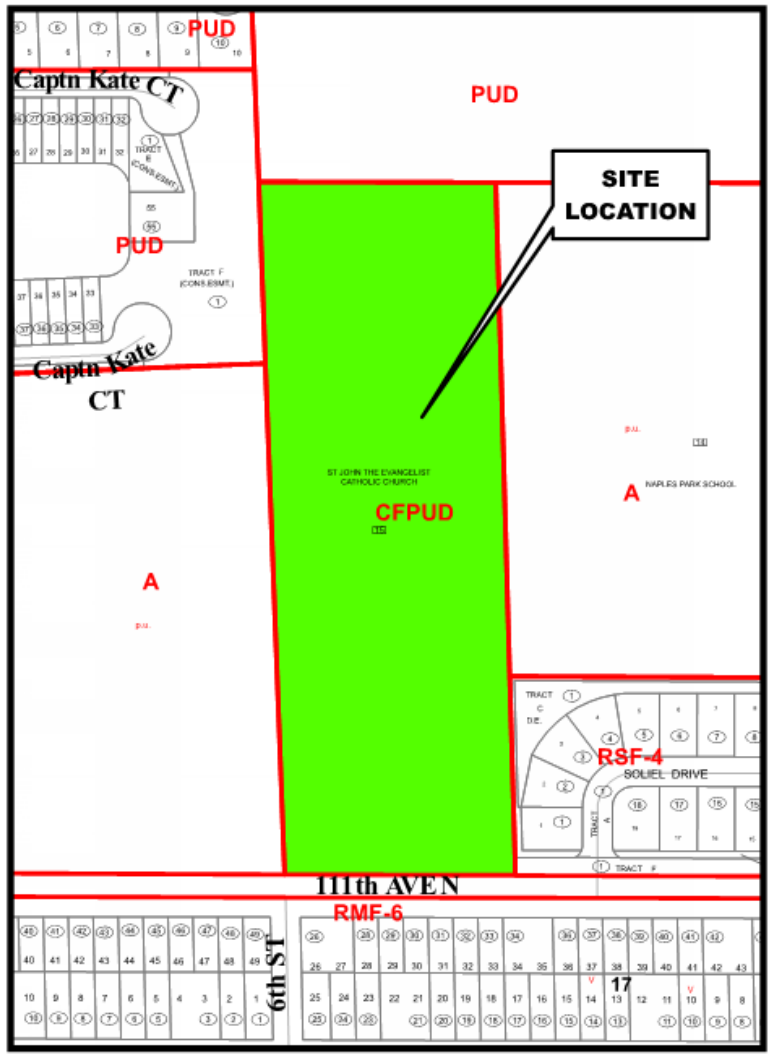
GEOGRAPHIC LOCATION:

The subject property is a ±14.53-acre developed parcel (#00157360004) located at 625 111th Ave. N. on the north side of 111th Ave. N. approximately ¼ of a mile east of Vanderbilt Drive in Section 21, Township 48 South, Range 25 East, Collier County, Florida (See location map on page 2.).

Attachment: Staff Report - St John the Evangelist (22788 : St. John the Evangelist CUD)



Location Map

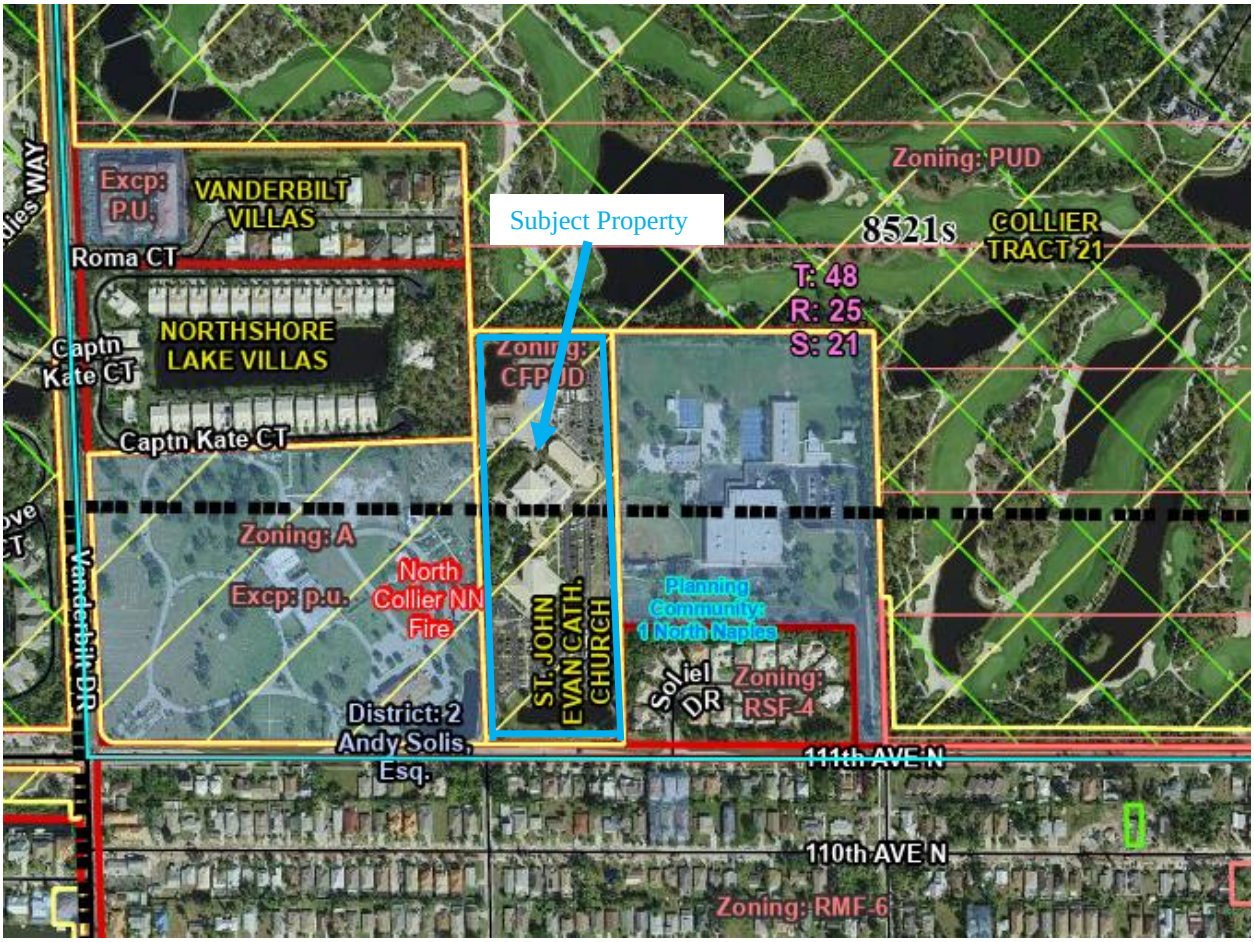


Zoning Map

Petition Number: PL20220001253

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject parcel which is a developed PUD.



Collier County GIS

North: Golf course without homes which is part of Collier Tract 21 PUD that allows commercial and golf course uses.
East: Naples Park Elementary School; Residential Single-Family (RSF-4).
South: Residential Multi-Family (RMF-6).
West: Hodges Funeral Home at Memorial Gardens; Northshore Lakes Villas PUD.

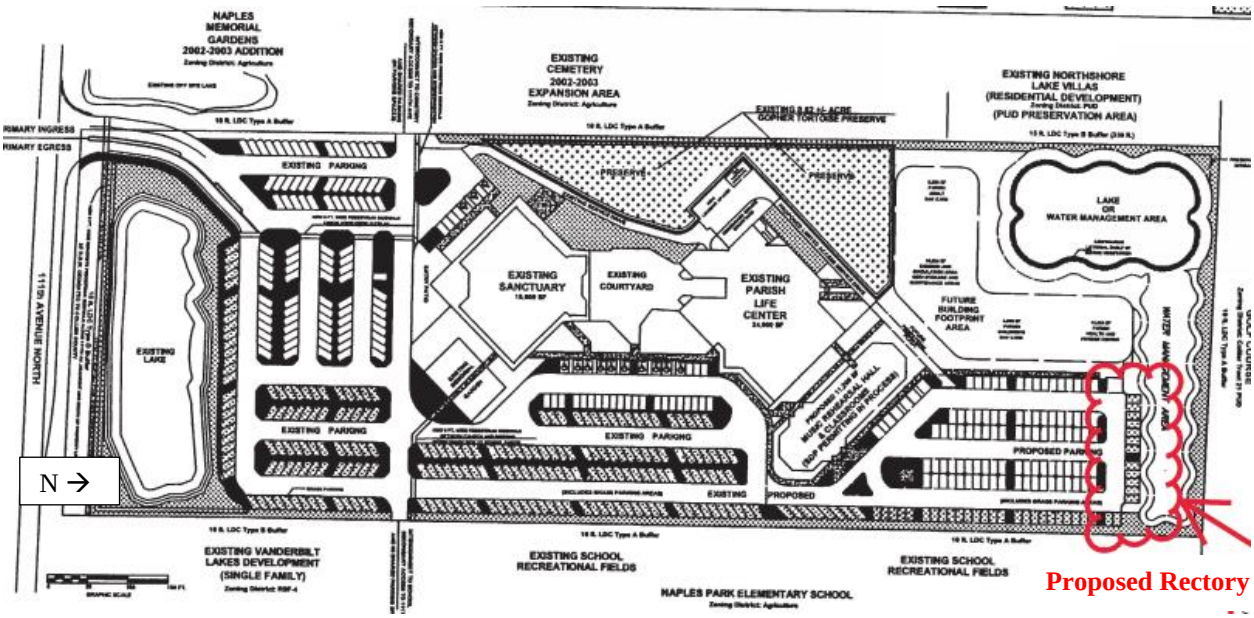
Attachment: Staff Report - St John the Evangelist (22788 : St. John the Evangelist CUD)

PURPOSE AND DESCRIPTION OF PROJECT:

The petitioner desires to construct a rectory for priests associated with the St. John CFPUD as well as priests visiting from other congregations. The rectory would be constructed in the north-east corner of the property as shown in Figure 1. The rectory would abut Naples Elementary School and the Old Collier Golf Club and would be a single-story building with a maximum height of 35 feet with up to four dwelling units.

The exact footprint of the rectory has not been determined. Construction may involve the loss of some parking spaces. Currently, the PUD has 530 parking spaces inclusive of handicapped parking but is only required to have 411 spaces.

Figure1



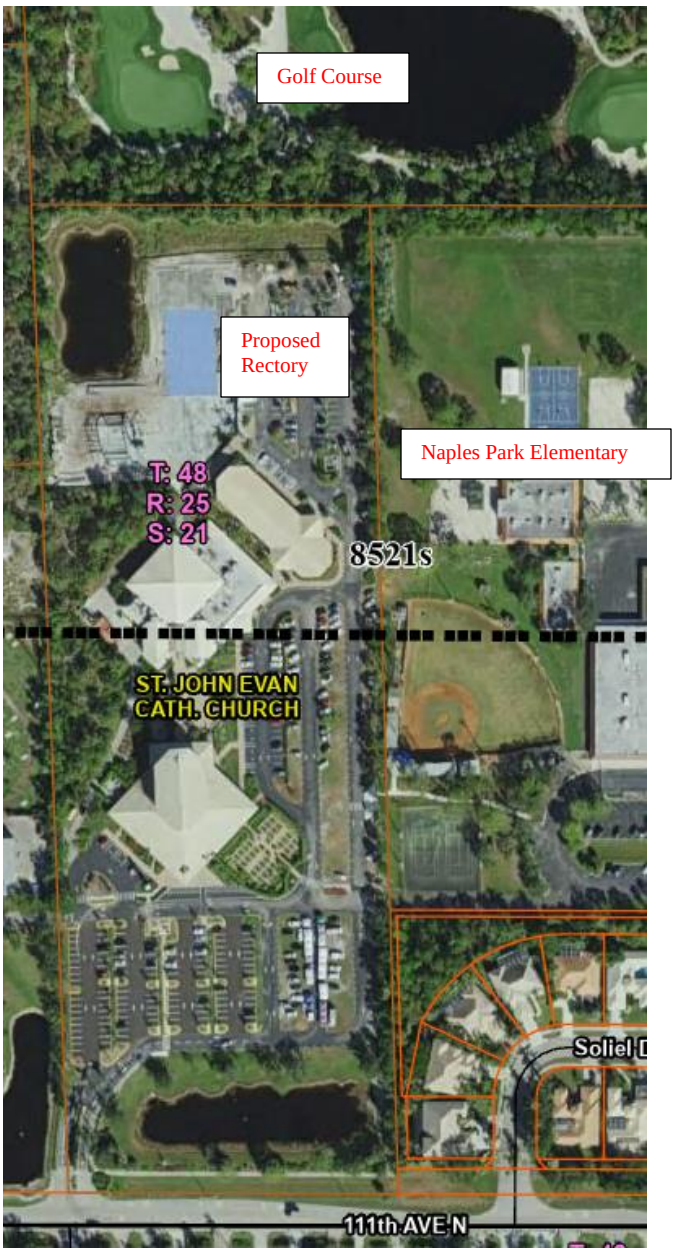
STAFF ANALYSIS:

The St. John CFPUD is governed by Ord. 04-18, as amended. The PUD has a single permitted principal use, a “house of worship”; and multiple permitted, accessory uses including a life center, private school, health and fitness center, adult/children’s daycare, maintenance and storage facilities to support on-site uses, swimming pool, open space for recreation, and any “other comparable accessory use as determined to be compatible with “on-site and adjacent development”.

The St. John CFPUD is a vibrant 15-acre campus containing multiple buildings for multiple activities (see graphic on next page). A rectory would an additional building where use, activity and noise would be minimal, particularly when compared with other activities on the campus. The building would be adjacent to the Old Collier Golf Course and Naples Park Elementary School neither of which operates at night so they would not be impacted by any light emanating from the rectory. In addition, section 5.3.H of Ord 04-18 states that, “lighting shall be located so that no light is aimed directly toward an off-site property use for residential purposes located within two hundred (200) feet of the light source”. The closest residence is approximately 500 feet from the location of the proposed rectory.

Attachment: Staff Report - St John the Evangelist (22788 : St. John the Evangelist CUD)

The subject parcel has a Future Land Use Designation of Urban Mixed-Use, Urban Residential Subdistrict the purpose of which is to provide for higher densities in an area with fewer natural resource constraints where existing and planned public facilities are concentrated. A slight increase in the density and intensity of the St. John CFPUD is consistent the Future Land Use Element (FLUE) and Ord. 04-18, as amended.



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

LDC §10.02.06.K criteria are listed in bold text; applicant's responses in normal text; and staff responses in italic font.

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

i. Operating Hours:
Applicant's response – The rectory will be used as a residence. As such there will be no operating hours.

Staff's response – Staff agrees with applicant that as a residence, there are no operating hours.

ii. Traffic Volume Generated/Attracted:
Applicant's response – The priests' activities will largely be associated with church and campus activities thereby generating a di minimis number of trips.

Staff's response – Staff agrees with applicant that a maximum of four priests living in a rectory will generate an insignificant number of trips.

iii. Type of vehicles associated with the use:
Applicant's response – The priests' vehicles will be the same type as other vehicles that come to and leave from the PUD.

Attachment: Staff Report - St John the Evangelist (22788 : St. John the Evangelist CUD)

Staff's response – Staff agrees with applicant that there will be no discernable difference between priests' vehicles and other vehicles that visit the PUD.

iv. Number and type of required parking spaces:
Applicant's response – Inclusive of handicapped parking, there are 530 available parking spaces, for the PUD where only 411 are required by code.

Staff response – Staff agrees that currently there is a surplus of 119 parking spaces. The exact location for the rectory has not been decided upon. A limited number of parking spaces may need to be repurposed to allow for construction. There are roughly 130 feet between the rear property line and the last formal parking space which is ample room for a large building to meet the rear setback and have a large front yard while taking few, if any, of the existing parking spaces.



v. Business practices and activities:
Applicant's response – The rectory will serve as a residence where no business activities will take place.

Staff response – Staff agrees with applicant that the rectory will be a residence where no business activities will occur.

B. **The effect of the proposed use on neighboring properties in relation to noise, glare, or odors shall be no greater than that of other permitted uses in the zoning district, overlay, or PUD**.
Applicant's response – The rectory has less potential for any negative impacts to surrounding properties than the existing church, health and fitness center, swimming pool, life center, private school, and adult/children's daycare. The most proximate uses to the rectory would a golf course and playgrounds associated with the Naples Elementary School both of which do not have nighttime activities so glare, if there were to be any, would not be an issue.

Staff response – Rectories are, by nature, relatively quiet. The proposed rectory will be quieter, less busy, and have less traffic coming and going than the permitted use and most, if not all, of the accessory uses.

The proposed rectory building would be surrounded by a golf course and elementary school on two sides, the rest of the St. John CFPUD on a third side, and a residential development on the fourth side. The closest residence in this development is approximately 400 from the rectory. Noise, odor, or glare produced by the rectory will be di minimis compared to other uses in the PUD.

C. The proposed use is consistent with the GMP, meaning the applicable future land use designation does not specifically prohibit the proposed use; and, where the future land use designation contains a specific list of allowable uses, the proposed use is not omitted.
Applicant's response – The property is located within the Urban Mixed Use, Urban Residential Subdistrict on the Future Land Use Map (FLUM) which allows for a base density of three (3) dwelling units per acre when within the Coastal High Hazard Area (C|HHA). The ±14.53-acre site would be eligible for up to 45 dwelling units. The proposed rectory would be designed to have no more than four (4) living quarters.

Staff response – The future land use designation – urban residential subdistrict - of the subject property explicitly permits residential development at a base density of four (4) dwelling units per

Attachment: Staff Report - St John the Evangelist (22788 : St. John the Evangelist CUD)

acre. The PUD straddles the Coastal High Hazard Area (CHHA); the rectory would be within the CHHA so one (1) dwelling unit per acre is subtracted permitting three dwelling units per acre. The proposed rectory with a maximum of four (4) total dwelling units on ±15 acres is significantly below what is permitted by the FLUE. The proposed use is 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.
Applicant's response – The Diocese of Venice owns and operates the entire campus. The Catholic church regular provides rectories for its priests. The rectory is comparable and consistent with other permitted, and accessory uses within the PUD.

Staff response – A rectory is both compatible and consistent with a church, with the accessory uses within the St. John CFPUD, and with the Growth Management Plan.

E. Any additional relevant information as may be required by the County Manager or designee.
Applicant's response – Not required, none provided.

Staff response – No additional information is required, and none was provided.

PUBLIC NOTICE:

A newspaper advertisement for the Hearing Examiner public meeting is the only notice required per Administrative Code (Chapter 3L), and LDC §10.03.06.O in accordance with F.S. §125.66. The newspaper advertisement posted in the Naples Daily News on July 17, 2022.

Per the LDC and Administrative Code a Neighborhood Information Meeting (NIM), posting of a sign on the subject property, and a mailing to surrounding property owners is not required.

As of July 11th, staff has received no public correspondence on this petition.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that a rectory is comparable and compatible with the list of accessory uses contained in Section 5.3 of the St. John the Evangelist Catholic Church CFPUD with the condition that the rectory be limited to a single story building not to exceed 35-feet in height and not to exceed four dwelling units; and whose use is restricted to priests associated with the St. John the Evangelist Catholic Church, and active priests visiting from other congregations and churches. (Attachment B).

Attachments:

A. Ordinance 04-18

B. Conditions of Approval

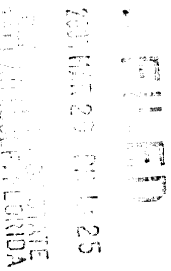
C. Application and Backup Documents

Attachment: Staff Report - St John the Evangelist (22788 : St. John the Evangelist CUD)

ORDINANCE NO. 04-18



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE TO AMEND OFFICIAL ZONING ATLAS MAP NUMBER 8521S; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED SUBJECT PROPERTY FROM "PLANNED UNIT DEVELOPMENT" (PUD) TO PUD FOR A PROJECT KNOWN AS ST. JOHN THE EVANGELIST CATHOLIC CHURCH, LOCATED AT 625 111TH AVE NORTH, IN SECTION 21, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 14.89+ ACRES; AND PROVIDING AN EFFECTIVE DATE.



WHEREAS, Bishop John J. Nevins, of the Roman Catholic Diocese of Venice, represented by Michael R. Fernandez, AICP, of Planning Development, Inc., has petitioned the Board of County Commissioners, in petition number **PUDZ-2003-AR-3764**, to change the zoning classification of the herein described real property.

NOW, THEREFORE, E IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THAT:

SECTION ONE:

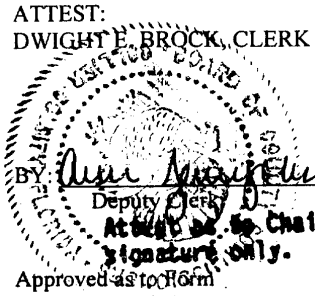
The zoning classification of the herein described real property located in Section 21, Township 48 South, Range 25 East, Collier County, Florida, is changed from PUD to Community Facilities PUD in accordance with the St. John the Evangelist Catholic Church PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Map numbered 8521S, as described in Ordinance Number 91-102, as amended, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 23rd day of March, 2004.

ATTEST:
DWIGHT E. BROCK, CLERK



BY: _____, D.C.
Deputy Clerk

Attest as to Chairman's signature only.

Approved as to Form
and Legal Sufficiency

Patrick G. White,
Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

DONNA FIALA, CHAIRMAN

This ordinance filed with the Secretary of State's Office the 29th day of March, 2004 and acknowledgement of that filing received this 5th day of April 2004
By _____, D.C.
Deputy Clerk

PUDZ-2003-AR-3764/KD/lo

Attachment: Exhibit A, PUD Document

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

ST. JOHN THE EVANGELIST

A

PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN
GOVERNING ST. JOHN THE EVANGELIST, A PLANNED
UNIT DEVELOPMENT PURSUANT TO PROVISIONS OF
THE COLLIER COUNTY LAND DEVELOPMENT CODE

Prepared For:

John J. Nevins, Bishop
of the Diocese of Venice
c/o St. John the Evangelist Catholic Church
625 111th Avenue North
Naples, Florida 34108

Amendment Text Prepared By:

Michael R. Fernandez, AICP
of
Planning Development Incorporated
5133 Castello Drive, Suite 2, Naples, Florida, 34103
239 / 263-6934 239 / 263-6981 fax
PDI MRF @ AOL.COM

DATE APPROVED BY BCC	3-23-2004
ORDINANCE NUMBER	2004-18
AMENDMENTS AND REPEAL	—
ORIGINAL DOCUMENT DATE	12.20.99
PUD AMENDMENT DOCUMENT DATE	11.24.03

PUD Exhibit "A"

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

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LIST OF EXHIBITS / ATTACHMENTS

ATTACHMENT A	PUD Master Plan
ATTACHMENT B	Legal Description

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION I

STATEMENT OF COMPLIANCE

The subject property is approximately 14.89 ± acres, and is located in Section 21, Township 48 South, Range 25 East, Collier County, Florida. The development of this property as a Planned Unit Development, to be known as St. John the Evangelist Catholic Church, will be in compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan-GMP. The proposed development will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives for each of the elements of the Growth Management Plan for the following reasons:

1.1 The subject property is located within the Urban - Mixed Use District, Urban Residential Subdistrict Land Use designation as identified in the Collier County Future Land Use Map of the GMP. Objective 1 of the Future Land Use Element (FLUE) of the GMP requires new or revised uses of land to be consistent with the designations outlined on the Future Land Use Map. FLUE Policy 5.1 requires the rezoning to be consistent with the Collier County Growth Management Plan. FLUE Policy 5.2 requires proposed developments to be reviewed for compliance with the FLUE and GMP. All GMP objectives and policies require the proposed rezoning to be located in the appropriate land use category and assessed for comprehensive plan consistency.

1.2 The Urban - Mixed Use District is intended to accommodate a variety of residential land uses and also allows certain industrial and commercial uses. The Urban Residential Subdistrict designation includes both residential and non-residential land uses and also allows community facility uses, such as churches and schools, child care centers, and open space uses.

1.3 The proposed development consists of a complementary range of community facilities, including a church auditorium, religious education facilities, school, and recreation facility, day care, adult day care.

1.4 The project shall be in compliance with all applicable County regulations, including the Growth Management Plan.

1.5 The project will be served by a full range of services and utilities provided by the County.

1.6 The project will be compatible and complementary with adjacent land uses through the internal arrangement of tracts, the placement of land use buffers, and the proposed development standards contained herein.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

1.7 The Planned Unit Development includes open spaces, natural features and lakes, which will serve to enhance the project and improve its compatibility to surrounding properties and land uses.

1.8 All final local Development Orders for this project are subject to the Collier County Concurrency Management System, as implemented by the Adequate Public Facilities Ordinance.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION II

PROPERTY OWNERSHIP, LEGAL DESCRIPTION AND SHORT TITLE

2.1 PROPERTY OWNERSHIP

This project, comprising 14.89 ± acres, is owned by John J. Nevins, Bishop of the Diocese of Venice, Florida, 1000 Pinebrook Road, Venice, Florida, 34292.

2.2 LEGAL DESCRIPTION

This project is described in "Attachment B".

2.3 GENERAL DESCRIPTION OF PROPERTY AREA

A. The project site is located in the south half of Section 21, Township 48 South, Range 25 East, approximately 1/4 mile east of Vanderbilt Drive (C.R. 901).

B. The zoning classification of the subject property prior to the date of this approved PUD Document was PUD.

2.4 SHORT TITLE

This Ordinance shall be known and cited as the "St. John the Evangelist Planned Unit Development Ordinance."

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION III

STATEMENT OF INTENT AND PROJECT DESCRIPTION

3.1 INTRODUCTION

It is the church's intention to establish a Planned Unit Development meeting requirements as set forth in the Collier County Land Development Code (LDC).

3.2 PROJECT DESCRIPTION

The project is comprised of 14.89 ± acres. Access to the site is provided from 111th Avenue North and a shared access driveway with the North Naples Elementary School and the adjacent cemetery. The project will provide a selected range of facilities which will include a health and fitness center, a parish life center, and adult day care facility, maintenance buildings, a memorial garden, pre-school and recreational facilities, and classrooms which will be necessary and complementary to the principal use of the site.

3.3 PLAN APPROVAL

The location of the land uses are shown on the PUD Conceptual Master Plan. Changes and variations in building location shall be permitted via Site Development Plan approval in accordance with Division 3.3 of the Land Development Code. Changes and variations in building tracts may be permitted during Site Development Plan approval, if, at the discretion of the County Manager, or his designee, such changes and variations are in conformance with the substantive and procedural requirements of Collier County.

3.4 LAND USE PLAN AND PROJECT PHASING

The PUD Master Plan contains one (1) development tract consisting of an existing sanctuary, an existing parish life center and memorial garden as well as existing parking areas and access drives. Future development includes a parish adult day care facility, a parish health and fitness center, children's day care center, and a music rehearsal hall and classrooms.

The phasing of future accessory uses will be determined based on the availability of need and funding.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION IV

GENERAL DEVELOPMENT REGULATIONS

4.1 PURPOSE

The purpose of this section is to set forth the development regulations that apply to the development and use of the St. John the Evangelist Catholic Church PUD and Master Plan.

4.2 GENERAL

The following are general provisions applicable to the PUD Master Plan:

A. Regulations for the development of the St. John the Evangelist PUD shall be in accordance with the contents of this document, the PUD-Planned Unit Development District and other applicable sections and parts of the Collier County Land Development Code (LDC) and Growth Management Plan in effect at the time of building permit application. Should these regulations herein or on this PUD's associated Master Plan fail to provide, list or depict specific development standards, then the provisions of the most similar zoning district of the LDC shall apply.

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of building permit application.

C. Development permitted by this approval of this petition will be subject to a concurrency review under the provisions of Div. 3.15, Adequate Public Facilities of the LDC at the earliest to occur of either final SDP approval, final plat approval, or building permit issuance applicable to this development.

4.3 SITE CLEARING AND DRAINAGE

Clearing, grading, earthwork, and site drainage work shall be performed in accordance with the Collier County LDC and the standards and commitments of this document at the time of construction plan approval.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

4.4 EASEMENTS FOR UTILITIES

Easements, where required, shall be provided for water management areas, utilities, and other purposes as may be required by Collier County. All necessary easements, dedications or other instruments shall be granted to ensure the continued operation and maintenance of all services and utilities. This will be in compliance with applicable regulations in effect at the time construction plans and plat approvals are requested.

4.5 AMENDMENTS TO THE ORDINANCE

Amendments to this Ordinance and Master Plan shall be pursuant to Section 2.7.3.5 of the Collier County LDC, as revised, in effect at the time the amendment is requested.

4.6 PROJECT PLAN APPROVAL REQUIREMENTS

Attachment "A", PUD Master Plan, constitutes the required PUD Development Plan. All division of property and the development of the land shall be in compliance with the subdivision regulations set forth in Section 3.2 of the LDC.

4.7 HISTORICAL / ARCHAEOLOGICAL

Pursuant to Section 2.2.25.8.1 of the Land Development Code, if during the course of site clearing, excavation, or other construction activity a historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the Collier County Code Enforcement Department contacted.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION V

PERMITTED USES AND DIMENSIONAL STANDARDS

5.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within the St. John the Evangelist Catholic Church PUD designated on Attachment "A," Conceptual PUD Master Plan.

5.2 GENERAL DESCRIPTION

Development areas as shown on the PUD Master Plan are designed to accommodate a full range of principal uses, essential services, and accessory uses.

Actual acreages of all development areas will be provided at the time of Site Development Plan or Preliminary Subdivision Plat approvals in accordance with Article 3, Division 3.3, and Division 3.2, respectively, of the Collier County Land Development Code. All development areas are designed to accommodate internal roadways, parking, open spaces, amenity areas, water management facilities, and other similar uses.

5.3 PERMITTED USES AND STRUCTURES

No other building or structure, or part thereof, shall be erected, altered or used, or any land used or developed, in whole or in part, for other than the following uses:

A. Principal Uses:
   1. House of Worship

B. Accessory Uses:
   1. A parish life center for use by members of the congregation
   2. School, private
   3. A parish health and fitness center
   4. A parish Adult and children's day care center
   5. Facilities for maintenance and storage supporting onsite uses
   6. Swimming pools and open space for recreation, boardwalks, nature trails, picnic areas, playgrounds, and fitness trails
   7. Any other comparable accessory use as determined by the Collier County Planning Services Director to be compatible with on-site and adjacent development
   8. Preserve and conservation areas

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

C. Minimum Setback Standards for the Permitted Uses and Accessory Uses 1 through 7 Listed in this Section:

1. Rear Yard: twenty five (25) feet
2. Side Yard: fifteen (15) feet
3. Front Yard: fifty (50) feet
4. Minimum Distance Between Buildings: fifteen (15) feet
5. Setbacks shall be twenty-five (25) feet along the property boundary abutting the North Shore Lake Villas PUD.
6. Building Setback from Lake: twenty (20) feet
7. Setback from Upland Preservation Areas: twenty-five (25) feet for principal structures and ten (10) feet for accessory structures within the Future Building Footprint Area depicted on the PUD Master Plan. For other structures, setbacks shall be in accordance with that shown on the PUD Master Plan.

D. Maximum Building Height:

Forty five (45) feet will be the maximum height of any building on this property, not including appurtenances typically associated with houses of worship, such as bell towers and flagpoles, as set forth in Section 2.6.3 of the Land Development Code.

E. Parking Requirements:

1. Development of parking areas shall comply with Division 2.3, Off-Street Parking and Loading, of the Land Development Code in effect at the time of Site Development Plan or building permit application, as may be applicable.

G. Accessory Structures:

1. Except for temporary construction site offices, all accessory structure(s) must not be constructed before construction of the corresponding principal structure(s).

H. Lighting:

1. Lighting shall be located so that no light is aimed directly toward an off-site property used for residential purposes, which is located within two hundred (200) feet of the light source.

I. Perimeter Landscape Buffers:

1. South (111th Avenue): 10 Ft. Width LDC Type D
2. West (Cemetery): 10 Ft. Width LDC Type A
3. West (North Shore Villas): 15 Ft. Width LDC Type B

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

4.	North (Golf Course):	10 Ft. Width LDC Type A
5.	East (School):	10 Ft. Width LDC Type A
6.	East (Vanderbilt Lakes Residential):	10 Ft. Width LDC Type B

The church parcel must be upgraded to these standards concurrently with the earliest expansion of the church or associated accessory use undertaken after the date of adoption of this amendment requirement.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION VI

PRESERVATION AND ENVIRONMENTAL STANDARDS

6.1 PURPOSE

The purpose of this section is to set forth the environmental commitments of the Church.

A. Fifteen (15%) percent of the project area, equal to 2.23 acres, shall be preserved and or mitigated within the subject parcel in accordance with Section 3.9.5.5.4 of the Collier County Land Development Code.

B. Minimum width of Preservation Mitigation along the perimeter of the project, shall be 10 feet. Minimum width of Preservation/Retained Native Vegetation shall be as shown on the PUD Master Plan or in accordance with LDC Section 3.9.5.5.6. Preservation mitigation may include areas of LDC required landscaping and perimeter buffers provided. This is a deviation from LDC Section 3.9.2.a which requires a minimum width of 20 feet and an average of 30 feet for preserve areas within parcels of less than 20 acres.

C. The PUD shall be consistent with the environmental sections of the Collier County Growth Management Plan Conservation and Coastal Management Element and the Collier County Land Development Code at the time of final development order approval.

D. An exotic vegetation removal, monitoring and maintenance (exotic-free) plan for the site, with emphasis on the conservation/preservation area, shall be submitted to Environmental Services Staff for review and approval prior to final site plan/construction plan approval. A schedule for exotic removal within all preservation areas shall be submitted with the above mentioned plan.

E. An updated gopher tortoise survey shall be required at the time of next development order submittal. If gopher tortoises are found on site, a gopher tortoise relocation/management plan, shall be submitted to the Environmental Services Department for review and approval. The approved language for the relocation/management plan shall be included on the Site Development Plan.

F. A preserve management plan shall be submitted for review and approval at the time of next development order submittal.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

G. A Special Gopher Tortoise Relocation Permit was issued by the FFWCC in July 2003 for the subject property for the relocation of two (2) gopher tortoises. A preservation area of 0.82 acres has been established and the tortoises have been relocated to the preserve area which is identified on the PUD Master Plan.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION VII

TRANSPORTATION REQUIREMENTS

7.1 PURPOSE

The purpose of this Section is to set forth the transportation commitments of the Church.

7.2 The Church shall provide arterial street lighting at the project entrance. Said lighting shall be in place prior to the issuance of any Certificate of Occupancy.

7.3 Internal access improvements shall not be subject to impact fee credits and shall be in place before any certificates of occupancy are issued.

7.4 All traffic control devices shall conform with the Manual on Uniform Traffic Control Devices as required by Chapter 316.0745, Florida Statutes.

7.5 All median openings and driveway locations shall be in accordance with the Collier County Land Development Code and Access Management Policy as they may be amended. Median access and control shall remain under County control.

7.6 An eastbound turn lane with an overall length of 300 ± feet shall be provided prior to the issuance of the certificate of occupancy for the Music Rehearsal Hall and Classroom accessory use addition. However, this construction deadline may be deferred by Collier County Transportation Staff in order to schedule public roadway improvements during the on-peak traffic use season. The church shall continues to provide traffic control at the main project entry by law enforcement or a law enforcement approved service provider for well attended Sunday Masses and other periods and events of significant traffic generation.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION VIII

UTILITIES AND ENGINEERING REQUIREMENTS

8.1 PURPOSE

The purpose of this Section is to set forth the utilities and engineering commitments of the project developer.

8.2 PURPOSE

A. Water distribution, sewage collection and transmission lines to serve the project are to be designed, constructed, conveyed and/or owned and maintained in accordance with Collier County Ordinance No. 97-17, as amended, and other applicable County rules and regulations.

B. All customers connecting to the water distribution and sewage collection facilities to be constructed will be customers of the County and will be billed by the County in accordance with the County's established rates.

8.3 ENGINEERING

A. Detailed paving, grading, site drainage and utility plans shall be submitted to the Development Services Department for review. No construction permits shall be issued unless and until approval of the proposed construction, in accordance with the submitted plans, is granted by the Development Services Department.

B. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County LDC.

C. The Church and all subsequent petitioners are hereby placed on notice that they shall be required to satisfy the requirements of all County ordinances or codes in effect prior to or concurrent with any subsequent development order relating to this site, including but not limited to Preliminary Subdivision Plats, Site Development Plans and any other application that may result in the issuance of a final or final development order.

D. Prior to Final Site Development Plan approval a right-of-way permit shall be obtained if required.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION IX

WATER MANAGEMENT REQUIREMENTS

9.1 PURPOSE

A. The purpose of this section is to set forth the stipulations established by the Water Management Advisory Board, which shall be accommodated by the project developer.

1. Detailed paving, grading, site drainage and utility plans shall be submitted to the Development Services Department for review. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the submitted plans is granted by the Development Services Department.

2. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County Land Development Code.

3. This project must obtain a South Florida Water Management District Surface Water Management Permit prior to Site Development Plan Approval.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

SECTION X

OTHER DEVELOPMENT COMMITMENTS / STANDARDS

10.1 SIGNS

All signs shall be in accordance with Division 2.5 of the Land Development Code.

10.2 POLLING PLACES

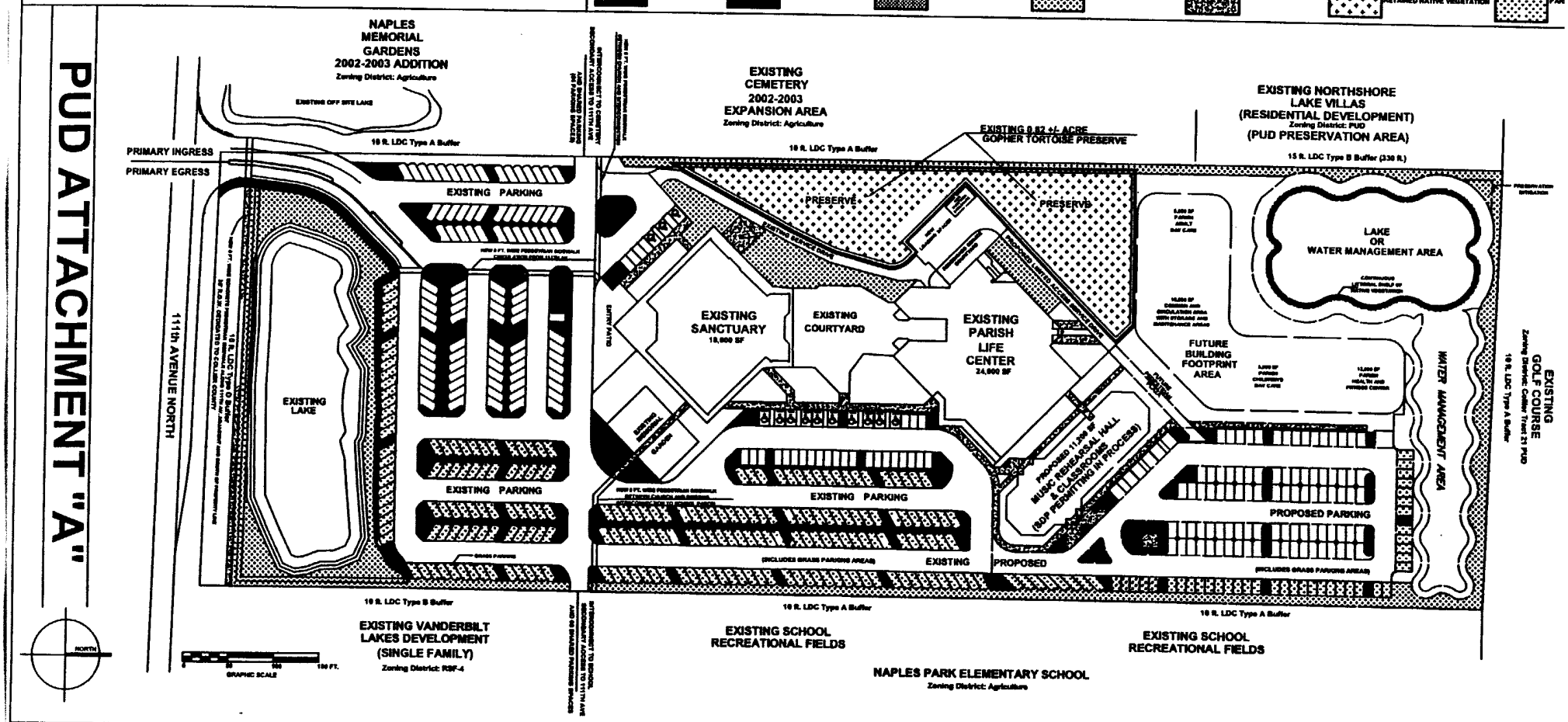
Pursuant to Section 2.6.30 of the Land Development Code provision shall be made for the future use of building space within common areas for the purposes of accommodating the function of an electoral polling place.

An agreement recorded in the official records of the Clerk of the Circuit Court of Collier County, which shall be binding upon any and all successors in interest that acquire ownership of such common areas including, but not limited to, condominium associations, homeowners associations, or tenants associations. This agreement shall provide for said community recreation/public building/public room or similar common facility to be used for a polling place if determined to be necessary by the Supervisor of Elections.

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

PUD MASTER PLAN

PUD ATTACHMENT "A"



GENERAL NOTES:

1. TOTAL SITE AREA, INCLUSIVE OF THE DEPICTED 35 FOOT WIDE COLLIER COUNTY ROAD RIGHT-OF-WAY DEDICATION IS 14.89 ACRES.

2. A MINIMUM OF 15% (2.23 ACRES) OF THE SITE'S TOTAL AREA (14.89 ACRES) SHALL BE PRESERVED EXISTING VEGETATION OR MITIGATED ON-SITE PER THE PROVISIONS OF THE COLLIER COUNTY LAND DEVELOPMENT CODE SECTION 3.9.5.5.4. THE FINAL LOCATION OF THESE VEGETATIVE AREAS MAY BE MODIFIED TO MEET PERMITTING AND PROGRAM REQUIREMENTS BUT SHALL NOT BE LESS THAN THE REQUIRED 2.23ACRES. FINALIZED LOCATION OF VEGETATIVE AREAS SHALL BE GRAPHICALLY LOCATED AT SITE DEVELOPMENT PLAN (SDP) APPLICATION.

3. PROPERTY LINE LANDSCAPE BUFFERS ARE NOT REQUIRED WHERE RETAINED OR MITIGATION OF RETAINED VEGETATION AREAS HAVE BEEN PROVIDED WHICH MEET OR EXCEED THE BUFFER INTENT OF THE LDC BUFFER REQUIREMENT.

4. BUILDINGS, PARKING AREAS, LAKE AND WATER MANAGEMENT LOCATIONS, SIZE AND CONFIGURATION DEPICTED SHALL REMAIN FLEXIBLE TO ADDRESS PERMITTING AND OWNER PROGRAMMING REQUIREMENTS. INTERNAL SITE PLAN CHANGES SHALL NOT REQUIRE A PUD AMENDMENT PROVIDED ALL PUD DOCUMENT DEVELOPMENT STANDARDS FOR SETBACKS AND BUILDING HEIGHTS ARE MET. SITE PLAN SHALL BE FINALIZED WITH APPLICATION OF THE REQUIRED SDP (SITE DEVELOPMENT PLAN) AMENDMENT.

5. DEVELOPMENT PROGRAM AND THE SQUARE FOOTAGE OF INDIVIDUALLY LIST PROGRAM ELEMENTS (USES) SHALL REMAIN FLEXIBLE TO ADDRESS THE CHANGING NEEDS OF THE PARISH, BUT SHALL NOT EXCEED THE TOTAL SQUARE FOOTAGE (84,000) NOTED ON THIS PLAN.

DEVELOPMENT INTENSITY	
EXISTING YEAR 2003	
SANCTUARY	18,000 SF
LIFE CENTER	24,000 SF
PROPOSED YEAR 2003 - 2004	
MUSIC HALL / CLASSROOMS	11,200 SF
FUTURE	
PARISH HEALTH AND FITNESS CENTER	16,000 SF
PARISH ADULT DAY CARE	8,000 SF
PARISH CHILD DAY CARE	5,000 SF
COMMON AREAS INCLUDING CIRCULATION/MAINTENANCE/STORAGE	16,000 SF
TOTAL SQUARE FOOTAGE	84,000 SF

PLANNING DEVELOPMENT INCORPORATED
DEVELOPMENT CONSULTANTS, ENGINEERS, PLANNERS AND LANDSCAPE ARCHITECTS
5133 CASTELLO DRIVE, SUITE 2, NAPLES, FLORIDA 34103
239 / 263-6934 239 / 263-6981 FAX
PDI MRF @ AOL.COM

title: ST. JOHN THE EVANGELIST
A PLANNED UNIT DEVELOPMENT (2003 Amendment)

client: John J. Nevins, Bishop of the Diocese of Venice
a/k/a St. John the Evangelist Catholic Church
535 111th Avenue North, Naples, Florida 34108

contacts: Art Kiney / Scott Schlossberg

title: PUD MASTER PLAN
sub title: ATTACHMENT A

project location: COLLIER COUNTY, FLORIDA

designer: MRF
project manager: MICHAEL FERNANDEZ
checked - date / by: 01.28.03
approved for: PUD REZONE EXHIBIT

scale: 1" = 100'
project #: 02.03020
scale: see graphic scale
view: LIMITS

date: 01.28.03
revisions: 04.01.03; 08.07.03; 11.24.03

sheet no: 1 / 1

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

ATTACHMENT B

LEGAL DESCRIPTION

A PORTION OF SECTION 21, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. THENCE RUN S89°51'54"E, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 1342.67 FEET TO THE SOUTHEAST CORNER OF THE WEST ½ OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE RUN N01°52'38"W ALONG THE EASTERLY LINE OF SAID WEST ½ OF THE SOUTHWEST 1/4 FOR A DISTANCE OF 40.03 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 111TH AVENUE NORTH, SAID INTERSECTION BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N01°52'38"W ALONG SAID EASTERLY LINE FOR A DISTANCE OF 1390.27 FEET; THENCE RUN S89°51'54"E ALONG A LINE PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 470.98 FEET; THENCE RUN S01°31'59"E ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 1390.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 111TH AVENUE NORTH; THENCE RUN N89°51'54"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 462.63 FEET TO THE POINT OF BEGINNING. CONTAINING 14.89 ACRES, MORE OR LESS.

RECEIVED
SEP 19 2003
PLANNING SERVICES DEPARTMENT

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2004-18

Which was adopted by the Board of County Commissioners on the 23rd day of March, 2004, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day Of March, 2004.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By: Ann Jennejohn
Deputy Clerk

Attachment: Attachment A - Ord. 04-18 (22788 : St. John the Evangelist CUD)

Attachment B
Conditions of Approval

CUD-PL20220001253 Comparable Use Determination

1. Rectory shall be limited to a maximum height of 35 feet.
2. Rectory shall be limited to a maximum of four (4) dwelling units.
3. Rectory shall be limited to a single story.
4. Rectory use shall be limited to priests associated with the St. John the Evangelist Catholic Church, and active priests visiting from other congregations and churches.

Attachment: Attachment B - Conditions (22788 : St. John the Evangelist CUD)

St. John the Evangelist Catholic Church Comparable Use Determination (PL20220001253)

Application and Supporting Documents

August 11, 2022 HEX Meeting

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Comparable Use Determination

LDC sections 2.03.00 A, 10.02.06 J & Code of Laws section 2-83 – 2-90
Chapter 3 G.6 of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

☑ **PUD Zoning District**
☐ **Standard Zoning District**

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Frank J Dewane the Bishop of the Diocese of Venice

Name of Applicant if different than owner: _____

Address: 1000 Pinebrook Road **City:** Venice **State:** FL **ZIP:** 34285

Telephone: (941) 484-9543 **Cell:** _____ **Fax:** _____

E-Mail Address: barrows@dioceseofvenice.org

Name of Agent(s): D. Wayne Arnold

Firm: Q. Grady Minor & Associates, P.A.

Address: 3800 Via Del Rey **City:** Bonita Springs **State:** FL **ZIP:** 34134

Telephone: 239-947-1144 **Cell:** _____ **Fax:** _____

E-Mail Address: warnold@gradyminor.com

PROPERTY INFORMATION

Site Address: 625 111th Ave. N. **Folio Number:** 00157360004

Property Owners Name: Frank J Dewane the Bishop of the Diocese of Venice

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 _____ is comparable and compatible with the permitted uses in the _____ PUD or in the _____Straight Zoning District."

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

SUBMITTAL REQUIREMENTS CHECKLIST

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Affidavit of Authorization	1	☒	
Completed Addressing Checklist	1	☒	
Determination request and the justification for the use	1	☒	
PUD Ordinance and Development Commitment information		☑	☐
Property Ownership Disclosure Form	1	☒	
Electronic Copies of all documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.		☑	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

FEE REQUIREMENTS:

- **Application:** $1,000.00; Additional Fees of $100 per hour will be charged as needed upon completion of review and research. Payment of Additional Fees will be required prior to the release of the verification.
- **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners
The completed application, all required submittal materials, and the permit fee shall be submitted to:
Growth Management Department/Zoning Division
ATTN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104

Applicant Signature

April 26, 2022
Date

D. Wayne Arnold, AICP
Printed Name

Please be advised that the zoning letter is based upon the available records furnished by Collier County and what was visible and accessible at the time of inspection. This report is based on the Land Development Code that is in effect on the date the report was prepared. Code regulations could be subject to change. While every attempt has been made to ensure the accuracy or completeness, and each subscriber to or user of this report understands that this department disclaims any liability for any damages in connection with its use. In addition, this department assumes no responsibility for the cost of correcting any unreported conditions.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) Comparable Use Determination for St. John the Evangelist Catholic Church CFPUD

I, Frank J Dewane (print name), as Bishop of the Diocese of Venice, a corporation sole (title, if applicable) of By Dr. Volodymyr Smeryk, Chancellor of The Diocese of Venice as his Attorney in Fact (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 Q. Grady Minor & Associates, 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.

DIOCESE OF VENICE IN FLORIDA

Signature

2-1-2022
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [X] physical presence or [ ] online notarization this 1st day of February, 20 22, by (printed name of owner or qualifier) Dr. Volodymyr Smeryk, Chancellor of The Diocese of Venice as his Attorney in Fact.

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

[X] Are personally known to me

[ ] Has produced a current drivers license _____

[ ] Has produced _____ as identification.

SHANNON BARROWS
MY COMMISSION # GG 181805
EXPIRES: March 17, 2022
Bonded Thru Notary Public Underwriters

Notary Signature: Shannon Barrows

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

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
Frank J. Dewane, as Bishop of the Diocese of Venice, a corporation sole	100
By Dr. Volodymyr Smeryk, Chancellor of the Diocese of Venice	
as His Attorney in Fact	
1000 Pinebrook Rd - Venice, FL 34285	

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership
N.A.	

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

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

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

Name and Address	% of Ownership
N.A.	

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
N.A.	

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
N.A.

g. Date subject property acquired 11/1990

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

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

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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

D. Wayne Arnold Digitally signed by D. Wayne Arnold Date: 2022.02.01 10:35:52 -05'00'
Agent/Owner Signature

February 1, 2022
Date

D. Wayne Arnold, AICP
Agent/Owner Name (please print)

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

*** 3971385 OR: 4181 PG 3.B.d **
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
02/09/2007 at 11:47AM DWIGHT E. BROCK, CLERK
REC FEE 1
Retn:
FEDERICK A HIGHAM JR ESQ
PO BOX 40870
ST PETERSBURG FL 33743 0870

THIS INSTRUMENT PREPARED BY
AND RETURN TO:
Joseph A. DiVito, Esquire
DiVito & Higham, P.A.
4514 Central Avenue
St. Petersburg, FL 33711

NOT A CERTIFIED COPY

AFFIDAVIT OF SUCCESSION FOR FRANK J. DEWANE, AS BISHOP OF THE DIOCESE OF VENICE, A CORPORATION SOLE

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned authority, personally appeared, **VOLODYMYR SMERYK,** Chancellor of the Diocese of Venice, who, after being duly cautioned and sworn, deposes and states upon oath that:

1. The Most Reverend John J. Nevins, as Bishop of the Diocese of Venice, a Corporation Sole, was duly and properly installed as the first Bishop of the Diocese of Venice on October 25, 1984.

2. On January 19, 2007, the Most Reverend Frank J. Dewane, as Bishop of the Diocese of Venice, a Corporation Sole, in accordance with Canon Law and the appropriate rules and regulations of the Roman Catholic Church, succeeded Most Reverend John J. Nevins, as Bishop of the Diocese of Venice, a Corporation Sole, as the second Bishop of the Diocese of Venice.

(SEAL)

VOLODYMYR SMERYK,
Chancellor

SWORN TO and **SUBSCRIBED** before me this 29 day of JANUARY, 2007, by **VOLODYMYR SMERYK,** Chancellor of the Diocese of Venice, who is personally known to me.

(NOTARIAL SEAL)

JEANNE C. HICKEY
Notary Public, State of Florida
My comm. expires July 15, 2008
Comm. No. DD324624
Bonded Thru RLI Insurance Company/Surety Division

NOTARY PUBLIC
Print Name: JEANNE C. HICKEY
My Commission expires: JULY 15, 2008

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

*** 3971387 OR: 4181 PG: ***
RECORDED in OFFICIAL RECORDS of COLLIER COUNTY, FL
02/09/2007 at 11:47AM DWIGHT E. BROCK, CLERK
REC FEE 10.
Retn:
FREDERICK A HIGHAM JR ESQ
PO BOX 40870
ST PETERSBURG FL 33743 0870

THIS INSTRUMENT PREPARED BY
AND RETURN TO:
Joseph A. DiVito, Esquire
DIVITO & HIGHAM, P.A.
4514 Central Avenue
St. Petersburg, Florida 33711

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS

That I,

FRANK J. DEWANE, AS BISHOP OF THE DIOCESE OF VENICE, A CORPORATION SOLE

do hereby make, constitute and appoint

VOLODYMYR SMERYK, Chancellor of the Diocese of Venice

as my true and lawful attorney for me and in my name, to execute any and all instruments pertaining to real estate which may be owned by **Frank J. Dewane, as Bishop of the Diocese of Venice, a Corporation Sole,** including but not limited to the power to sell, lease, and conveyances of every kind, nature and description whatsoever; and to further contract, bargain and agree for the lease, purchase, exchange and acquisition of any real property; and to further execute any documents for the satisfaction or encumbrance of any real property owned by the corporation sole; and to act on behalf of and in the place of the Grantor in all matters, but without granting the power of substitution.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29 day of JANUARY, 2007.

Johanna Marine
Print Name: Johanna Marine

Eydie D'Arcangelo
Print Name: EYDIE D'ARCANGELO

Frank J. Dewane
FRANK J. DEWANE, as Bishop of the DIOCESE OF VENICE, a Corporation Sole

STATE OF FLORIDA)
COUNTY OF SARASOTA)

BE IT KNOWN that on the 29 day of JANUARY, 2007, before me, a Notary Public in and for the State of Florida, personally came and appeared The Most Reverend Frank J. Dewane, as Bishop of the Diocese of Venice, a Corporation Sole, to me personally known, and known to me to be the person described in and who executed the within power of attorney, and he acknowledged the within power of attorney to be his act and deed for the purposes therein stated.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal of office the day and year last above written.

Jeanne C. Hickey
Notary Public
Print Name: JEANNE C. HICKEY
My Commission Expires: JULY 15, 2008

(NOTARIAL SEAL)

JEANNE C. HICKEY
Notary Public, State of Florida
My comm. expires July 15, 2008
Comm. No. DD324624
Bonded Thru RLI Insurance Company/Surety Division

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

61435764
COLLIER COUNTY

1990 DEC -5 AM 7:35
RECORDED

001576
OR BOOK

001097
PAGE

Prepared by/return to:
MICHAEL E. BOTOS, ESQ.
STEEL,HECTOR AND DAVIS
1900 Phillips Point West
777 South Flagler Drive
West Palm Beach, FL 33401
(W/C 75)

Folio Number 00157360004
and Part of
Folio Number 00156800002

Received $ 4,950.00 Documentary Stamp Tax
Received $ N/A Class "C" Intangible
Personal Property Tax
COLLIER COUNTY CLERK OF COURTS
BY Irene Barnishan D.C

REC 9.00
PRM 1.50
DOC 4,950.00
INT
IND

900,000.00

WARRANTY DEED

THIS INDENTURE, Made this 15 day of November, 1990, between COLLIER DEVELOPMENT CORPORATION, a Florida corporation, Grantor, and MOST REVEREND JOHN J. NEVINS, BISHOP OF THE DIOCESE OF VENICE, a Corporate Sole, and his Successors in Office and Assigns Forever, whose post office address is:

P.O. Box 2006, Venice, FL 34284-2006
Grantee;

W I T N E S S E T H :

THAT said Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in Collier County, Florida, to-wit:

All that part of Section 21, Township 48 South, Range 25 East, Collier County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said Section 21; thence South 89 degrees 51 minutes 48 seconds East along the Southerly line of the Southwest Quarter (SW 1/4) of said Section 21, a distance of 1342.48 feet to the Southeast corner of the West one-half of the Southwest Quarter of said Section 21; thence North 1 degree 52 minutes 47 seconds West along the Easterly line of said West one-half of the Southwest Quarter a distance of 40.03 feet to an intersection with the Northerly right-of-way line of 111th Avenue North, said intersection being the Point of Beginning of the parcel herein being described; thence continue North 1 degree 52 minutes 47 seconds West along said Easterly line a distance of 1390.27 feet; thence South 89 degrees 51 minutes 48 seconds East along a line parallel with the Southerly line of the Southwest Quarter (SW 1/4) of said Section 21 a distance of 470.98 feet; thence South 1 degree 32 minutes 23 seconds East along a line parallel with the Easterly line of the Southwest Quarter of said Section 21 a distance of 1390.00 feet to an intersection with the Northerly right-of-way line of 111th Avenue North; thence North 89 degrees 51 minutes 48 seconds West along said Northerly right-of-way line a distance of 462.72 feet to the Point of Beginning of the parcel herein described.

SUBJECT TO applicable zoning regulations, restrictions, matters of plat, public utility easements of record, reservations of oil, gas and mineral rights, rights-of-way of record; and, to taxes for years subsequent to December 31, 1990.

HARTER, SECREST & EMERY

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

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

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name on the day and year first above written.

Signed, sealed and delivered in the presence of:

Sharon Baldwin

Teresa M. Cox

COLLIER DEVELOPMENT CORPORATION

By: Douglas W. McNeill
Douglas W. McNeill
Vice President

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared DOUGLAS W. McNEILL, to me known to be the person described in and who executed the foregoing instrument as Vice President of COLLIER DEVELOPMENT CORPORATION, a Florida corporation, and he acknowledged before me that he executed the same with the authority duly vested in him by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 15 day of November, 1990.

Teresa M. Cox
Notary Public, State of Florida.

My Commission expires:

Notary Public, State of Florida
My Commission Expires Jan. 30, 1994
Bonded thru PICHARD Ins. Agency

(Notary Seal)

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

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

ADDRESSING CHECKLIST

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

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

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

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

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

S21, T48, R25

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

00157360004

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

625 111th Ave. N.

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

CURRENT PROJECT NAME *(if applicable)*

St. John the Evangelist Catholic Church

PROPOSED PROJECT NAME *(if applicable)*

PROPOSED STREET NAMES *(if applicable)*

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

SDP 91-0021 or AR or PL # _____

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

St. John the Evangelist Catholic Church (Existing)

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

Applicant Name: Sharon Umpenhour

Phone: 239-947-1144 **Email/Fax:** sumpenhour@gradyminor.com

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

FOR STAFF USE ONLY

Folio Number 00157360004

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: L.L.H. **Date:** 1/13/2022

Updated by: _____ **Date:** _____

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

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

Collier County Property Appraiser
Property Summary

Parcel No	00157360004	Site Address *Disclaimer	625 111TH AVE N	Site City	NAPLES	Site Zone *Note	341

Name / Address	DEWANE, BISHOP FRANK J
	DIOCESE OF VENICE
	1000 PINEBROOK RD

City	VENICE	State	FL	Zip	34285-6426

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
3A21	000100 015 3A21	21	48	25	14.53

Legal	21 48 25 COMM AT SW CNR OF SEC 21, S89DEG E 1342.48FT TO SE CNR OF W1/2 OF SW1/4, N1DEG W 40.03FT TO INT NLY RW LI 111TH AVE N,SAID INT & POB, N1DEG W 1390.27FT, S89DEG E 470.98FT, S1DEG E 1390FT, N89DEG W 46. 72FT TO POB OR 1576 PG 1097

Millage Area	166	Millage Rates	*Calculations	
Sub./Condo	100 - ACREAGE HEADER	School	Other	Total
Use Code	71 - CHURCHES	4.889	6.0293	10.9183

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
02/09/07	4181-2675	$ 0
12/05/90	1576-1097	$ 900,000
07/01/85	1144-1052	$ 0
02/01/78	734-429	$ 0
05/01/73	524-198	$ 500

2021 Certified Tax Roll

(Subject to Change)

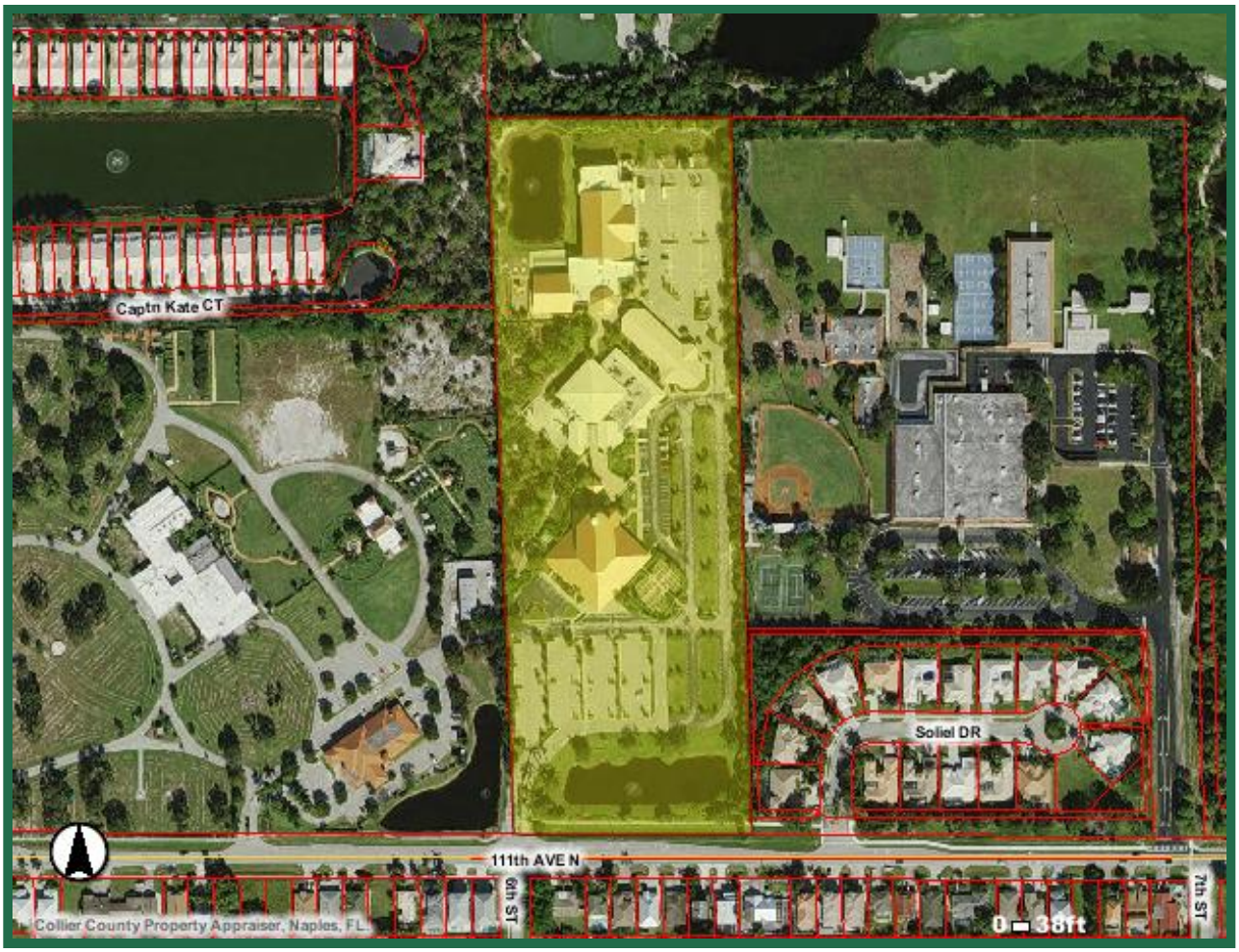
	Land Value	$ 2,179,6
(+)	Improved Value	$ 14,016,0
(=)	Market Value	$ 16,195,6
(=)	Assessed Value	$ 16,195,6
(=)	School Taxable Value	$
(=)	Taxable Value	$

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

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

Collier County Property Appraiser
Property Aerial

Parcel No	00157360004	Site Address *Disclaimer	625 111TH AVE N	Site City	NAPLES	Site Zone *Note	341



Open GIS in a New Window with More Features.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

St. John the Evangelist Catholic Church CFPUD

Determination request and justification

Pursuant to the Collier County Administrative Code, Chapter 3. L., Comparable Use Determination, we are seeking staff and the Hearing Examiner's determination that a Rectory is a comparable accessory use to the other accessory uses permitted in the St. John the Evangelist Catholic Church PUD. A Rectory is a residence for a priest or retired priest and is commonly found associated with a Catholic church. The 14.89+/- acre St. John the Evangelist Catholic Church PUD was approved by Ordinance 04-18. The site has been developed with the principal use of a House of Worship (Church) as well as several other accessory uses permitted in Section 5.3 of the Ordinance.

The Diocese of Venice desires to construct a Rectory on the property as an accessory use to their House of Worship. The list of permitted accessory uses in the PUD allows for the following accessory uses:

1. Parish life center
2. Private School
3. Parish health and fitness center
4. Parish adult and children's day care center
5. Maintenance and storage facilities
6. Open space and recreation uses
7. **Any other comparable accessory use as determined by the Collier County Planning Services Director to be compatible with on-site and adjacent development**
8. Preserve and conservation areas.

The proposed Rectory would serve as on-site housing for up to 4 priests and is compatible with the above listed accessory uses that are associated with the Church. The Rectory would be constructed utilizing the existing development standards. The single structure would not exceed 2-stories in height or 35 feet. The Rectory would be compatible with the surrounding development which consists of the Old Collier Golf Club to the north, the Naples Park Elementary School athletic fields to the east, Naples Memorial Gardens cemetery and North Shore Lake Villas to the west, and single-family residences to the south across 111th Avenue North. The Diocese has not determined the exact building footprint for the residence; however, it is anticipated to be constructed near the northeastern portion of the PUD, and east of the existing Parish Life Center recreational building. This general location is more than 350' from the nearest residence located in the North Shore Lake Villas community and the Rectory building would not be visible from this community due to the presence of the Parish Life Center building.

The proposed accessory comparable use determination is in compliance with the criteria specified in LDC 10.02.06.K.2.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

2. To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision, or Board of Zoning Appeals by resolution, at an advertised public hearing based on the following standards, as applicable:

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

      i. Operating hours;
      Addition of a Rectory as an accessory use is a residence; therefore, there are no operating hours.

      ii. Traffic volume generated/attracted;
      Use of the Rectory by the Priests will generate minimal vehicular trips as daily their activities are largely associated with the Church and campus activities. Traffic impacts will be di minimis.

      iii. Type of vehicles associated with the use;
      The vehicles will be standard non-commercial vehicles

      iv. Number and type of required parking spaces; and
      The site has existing parking in excess of that required by the Collier County LDC and the single residential structure will not result in a reduction of any required parking.

      v. Business practices and activities.
      The addition of a Rectory as an accessory use is a residence not a business.

   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 Rectory has less potential for any negative impacts to surrounding properties than does the existing church and associated gymnasium, private school or health and fitness center. The closest uses to the residential structure will be a golf course and playfields associated with an elementary school. Both of these uses have no nighttime activity; therefore, the Rectory building would not create any noise, glare or odors that would be disruptive to surrounding properties.

   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.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

The property is located within the Urban Mixed Use, Urban Residential Subdistrict on the Future Land Use Map, allowing for a base density of 3 dwelling due to the location within the Coastal High Hazard Area. The 14.89-acre site would be eligible for up to 45 dwelling units. The proposed Rectory building would be designed to have no more than 4 living quarters.

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

All uses on the site are owned and operated under the Diocese of Venice. A Rectory is a common accessory use to a Catholic church and is compatible and consistent with the other accessory uses existing and permitted in the PUD.

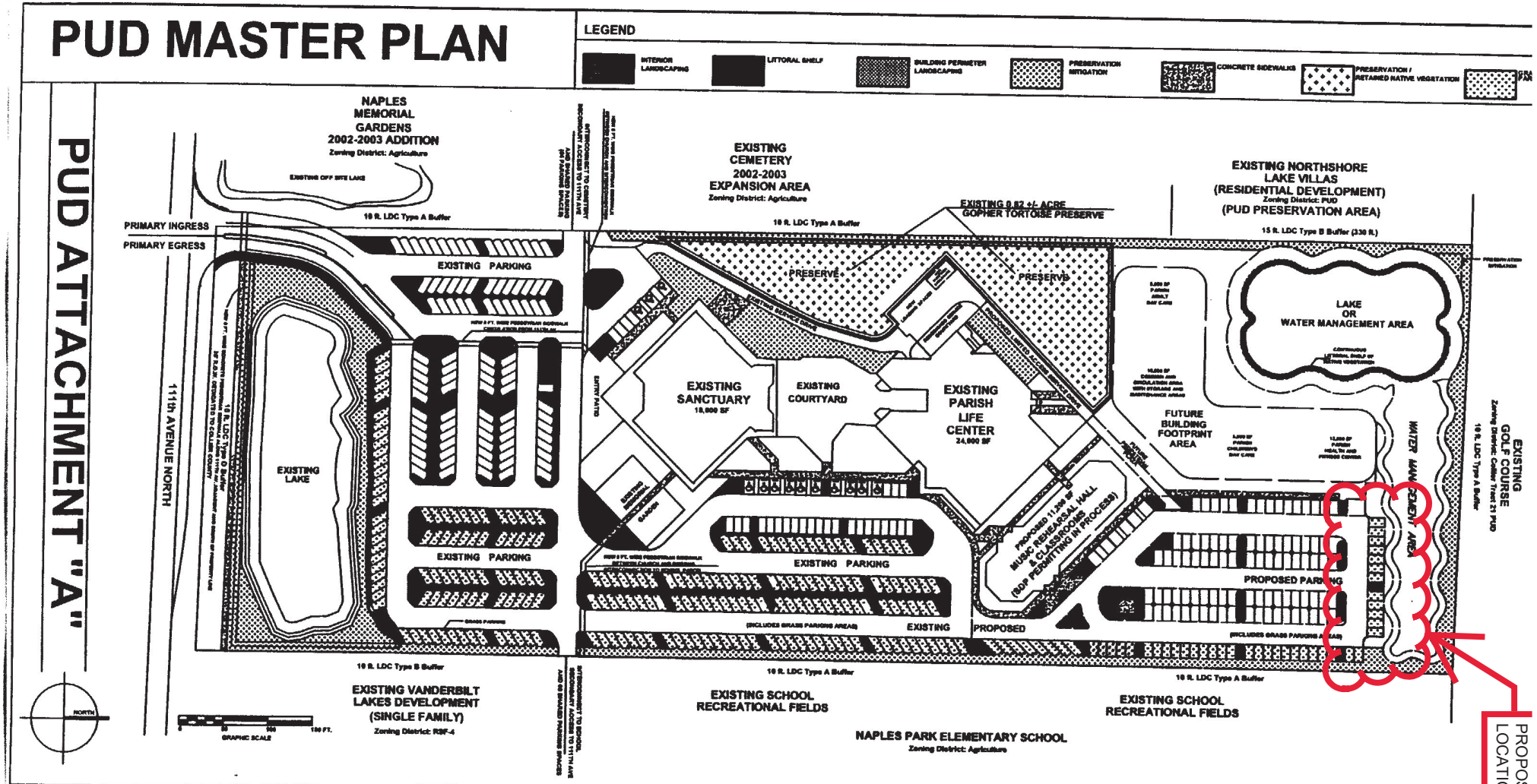
e. Any additional relevant information as may be required by County Manager or Designee.

The proposed Rectory accessory use is consistent with the Growth Management Plan and will have no external impacts.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

PUD MASTER PLAN

PUD ATTACHMENT "A"



GENERAL NOTES:

1. TOTAL SITE AREA, INCLUSIVE OF THE DEPICTED 35 FOOT WIDE COLLIER COUNTY ROAD RIGHT-OF-WAY DEDICATION IS 14.89 ACRES.

2. A MINIMUM OF 15% (2.23 ACRES) OF THE SITE'S TOTAL AREA (14.89 ACRES) SHALL BE PRESERVED EXISTING VEGETATION OR MITIGATED ON-SITE PER THE PROVISIONS OF THE COLLIER COUNTY LAND DEVELOPMENT CODE SECTION 3.9.5.5.4. THE FINAL LOCATION OF THESE VEGETATIVE AREAS MAY BE MODIFIED TO MEET PERMITTING AND PROGRAM REQUIREMENTS BUT SHALL NOT BE LESS THAN THE REQUIRED 2.23ACRES. FINALIZED LOCATION OF VEGETATIVE AREAS SHALL BE GRAPHICALLY LOCATED AT SITE DEVELOPMENT PLAN (SDP) APPLICATION.

3. PROPERTY LINE LANDSCAPE BUFFERS ARE NOT REQUIRED WHERE RETAINED OR MITIGATION OF RETAINED VEGETATION AREAS HAVE BEEN PROVIDED WHICH MEET OR EXCEED THE BUFFER INTENT OF THE LDC BUFFER REQUIREMENT.

4. BUILDINGS, PARKING AREAS, LAKE AND WATER MANAGEMENT LOCATIONS, SIZE AND CONFIGURATION DEPICTED SHALL REMAIN FLEXIBLE TO ADDRESS PERMITTING AND OWNER PROGRAMMING REQUIREMENTS. INTERNAL SITE PLAN CHANGES SHALL NOT REQUIRE A PUD AMENDMENT PROVIDED ALL PUD DOCUMENT DEVELOPMENT STANDARDS FOR SETBACKS AND BUILDING HEIGHTS ARE MET. SITE PLAN SHALL BE FINALIZED WITH APPLICATION OF THE REQUIRED SDP (SITE DEVELOPMENT PLAN) AMENDMENT.

5. DEVELOPMENT PROGRAM AND THE SQUARE FOOTAGE OF INDIVIDUALLY LIST PROGRAM ELEMENTS (USES) SHALL REMAIN FLEXIBLE TO ADDRESS THE CHANGING NEEDS OF THE PARISH, BUT SHALL NOT EXCEED THE TOTAL SQUARE FOOTAGE (84,000) NOTED ON THIS PLAN.

DEVELOPMENT INTENSITY	
EXISTING YEAR 2003	
SANCTUARY	18,000 SF
LIFE CENTER	24,000 SF
PROPOSED YEAR 2003 - 2004	
MUSIC HALL / CLASSROOMS	11,250 SF
FUTURE	
PARISH HEALTH AND FITNESS CENTER	18,000 SF
PARISH ADULT DAY CARE	5,000 SF
PARISH CHILD DAY CARE	5,000 SF
COMMON AREAS INCLUDING CIRCULATION/MAINTENANCE/STORAGE	18,000 SF
TOTAL SQUARE FOOTAGE	84,000 SF

PROPOSED GENERAL LOCATION OF RECTORY

PLANNING DEVELOPMENT INCORPORATED
DEVELOPMENT CONSULTANTS, ENGINEERS, PLANNERS AND LANDSCAPE ARCHITECTS
5133 CASTELLO DRIVE, SUITE 2, NAPLES, FLORIDA 34103
239 / 263-6934 239 / 263-6981 FAX
PDI MRF @ AOL.COM

title: ST. JOHN THE EVANGELIST
A PLANNED UNIT DEVELOPMENT (2003 Amendment)

client: John J. Nevins, Bishop of the Diocese of Venice
c/o St. John the Evangelist Catholic Church
625 111th Avenue North, Naples, Florida 34108

contacts: Art Kinzy / Scott Schlossberg

title: PUD MASTER PLAN
sub title: ATTACHMENT A

project location: COLLIER COUNTY, FLORIDA

designer: MRF
project manager: MICHAEL FERNANDEZ
checked - date / by: 01.28.03
approved for: PUD REZONE EXHIBIT

scale: 1" = 100'
project #: 02.02026
scale: see graphic scale
view: LIMITS

date: 01.28.03
revisions: 06.01.03, 08.07.03, 11.24.03

sheet no: 1 / 1

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

ORDINANCE NO. 04- 18

APR 2004
RECEIVED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY AMENDING ORDINANCE NUMBER 91-102, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE TO AMEND OFFICIAL ZONING ATLAS MAP NUMBER 8521S; BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED SUBJECT PROPERTY FROM "PLANNED UNIT DEVELOPMENT" (PUD) TO PUD FOR A PROJECT KNOWN AS ST. JOHN THE EVANGELIST CATHOLIC CHURCH, LOCATED AT 625 111TH AVE NORTH, IN SECTION 21, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 14.89+ ACRES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Bishop John J. Nevins, of the Roman Catholic Diocese of Venice, represented by Michael R. Fernandez, AICP, of Planning Development, Inc., has petitioned the Board of County Commissioners, in petition number **PUDZ-2003-AR-3764**, to change the zoning classification of the herein described real property.

NOW, THEREFORE, E IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THAT:

SECTION ONE:

The zoning classification of the herein described real property located in Section 21, Township 48 South, Range 25 East, Collier County, Florida, is changed from PUD to Community Facilities PUD in accordance with the St. John the Evangelist Catholic Church PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Map numbered 8521S, as described in Ordinance Number 91-102, as amended, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 23rd day of March, 2004.

ATTEST:
DWIGHT E. BROCK, CLERK

BY: Ann Mauffelin, D.C.
Deputy Clerk
Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

DONNA FIALA, CHAIRMAN

Approved as to Form
and Legal Sufficiency

Patrick G. White,
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 29th day of March, 2004 and acknowledgement of that filing received this 5th day of April, 2004.
By: Ann Mauffelin, D.C.
Deputy Clerk

PUDZ-2003-AR-3764/KD/lo

Attachment: Exhibit A, PUD Document

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

ST. JOHN THE EVANGELIST

A

PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN
GOVERNING ST. JOHN THE EVANGELIST, A PLANNED
UNIT DEVELOPMENT PURSUANT TO PROVISIONS OF
THE COLLIER COUNTY LAND DEVELOPMENT CODE

Prepared For:

John J. Nevins, Bishop
of the Diocese of Venice
c/o St. John the Evangelist Catholic Church
625 111th Avenue North
Naples, Florida 34108

Amendment Text Prepared By:

Michael R. Fernandez, AICP
of
Planning Development Incorporated
5133 Castello Drive, Suite 2, Naples, Florida, 34103
239 / 263-6934 239 / 263-6981 fax
PDI MRF @ AOL.COM

DATE APPROVED BY BCC	3-23-2004
ORDINANCE NUMBER	2004-18
AMENDMENTS AND REPEAL	—
ORIGINAL DOCUMENT DATE	12.20.99
PUD AMENDMENT DOCUMENT DATE	11.24.03

PUD Exhibit "A"

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

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LIST OF EXHIBITS / ATTACHMENTS

ATTACHMENT A	PUD Master Plan
ATTACHMENT B	Legal Description

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION I

STATEMENT OF COMPLIANCE

The subject property is approximately 14.89 ± acres, and is located in Section 21, Township 48 South, Range 25 East, Collier County, Florida. The development of this property as a Planned Unit Development, to be known as St. John the Evangelist Catholic Church, will be in compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan-GMP. The proposed development will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives for each of the elements of the Growth Management Plan for the following reasons:

1.1 The subject property is located within the Urban - Mixed Use District, Urban Residential Subdistrict Land Use designation as identified in the Collier County Future Land Use Map of the GMP. Objective 1 of the Future Land Use Element (FLUE) of the GMP requires new or revised uses of land to be consistent with the designations outlined on the Future Land Use Map. FLUE Policy 5.1 requires the rezoning to be consistent with the Collier County Growth Management Plan. FLUE Policy 5.2 requires proposed developments to be reviewed for compliance with the FLUE and GMP. All GMP objectives and policies require the proposed rezoning to be located in the appropriate land use category and assessed for comprehensive plan consistency.

1.2 The Urban - Mixed Use District is intended to accommodate a variety of residential land uses and also allows certain industrial and commercial uses. The Urban Residential Subdistrict designation includes both residential and non-residential land uses and also allows community facility uses, such as churches and schools, child care centers, and open space uses.

1.3 The proposed development consists of a complementary range of community facilities, including a church auditorium, religious education facilities, school, and recreation facility, day care, adult day care.

1.4 The project shall be in compliance with all applicable County regulations, including the Growth Management Plan.

1.5 The project will be served by a full range of services and utilities provided by the County.

1.6 The project will be compatible and complementary with adjacent land uses through the internal arrangement of tracts, the placement of land use buffers, and the proposed development standards contained herein.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

1.7 The Planned Unit Development includes open spaces, natural features and lakes, which will serve to enhance the project and improve its compatibility to surrounding properties and land uses.

1.8 All final local Development Orders for this project are subject to the Collier County Concurrency Management System, as implemented by the Adequate Public Facilities Ordinance.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION II

PROPERTY OWNERSHIP, LEGAL DESCRIPTION AND SHORT TITLE

2.1 PROPERTY OWNERSHIP

This project, comprising 14.89 ± acres, is owned by John J. Nevins, Bishop of the Diocese of Venice, Florida, 1000 Pinebrook Road, Venice, Florida, 34292.

2.2 LEGAL DESCRIPTION

This project is described in "Attachment B".

2.3 GENERAL DESCRIPTION OF PROPERTY AREA

A. The project site is located in the south half of Section 21, Township 48 South, Range 25 East, approximately 1/4 mile east of Vanderbilt Drive (C.R. 901).

B. The zoning classification of the subject property prior to the date of this approved PUD Document was PUD.

2.4 SHORT TITLE

This Ordinance shall be known and cited as the "St. John the Evangelist Planned Unit Development Ordinance."

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION III

STATEMENT OF INTENT AND PROJECT DESCRIPTION

3.1 INTRODUCTION

It is the church's intention to establish a Planned Unit Development meeting requirements as set forth in the Collier County Land Development Code (LDC).

3.2 PROJECT DESCRIPTION

The project is comprised of 14.89 ± acres. Access to the site is provided from 111th Avenue North and a shared access driveway with the North Naples Elementary School and the adjacent cemetery. The project will provide a selected range of facilities which will include a health and fitness center, a parish life center, and adult day care facility, maintenance buildings, a memorial garden, pre-school and recreational facilities, and classrooms which will be necessary and complementary to the principal use of the site.

3.3 PLAN APPROVAL

The location of the land uses are shown on the PUD Conceptual Master Plan. Changes and variations in building location shall be permitted via Site Development Plan approval in accordance with Division 3.3 of the Land Development Code. Changes and variations in building tracts may be permitted during Site Development Plan approval, if, at the discretion of the County Manager, or his designee, such changes and variations are in conformance with the substantive and procedural requirements of Collier County.

3.4 LAND USE PLAN AND PROJECT PHASING

The PUD Master Plan contains one (1) development tract consisting of an existing sanctuary, an existing parish life center and memorial garden as well as existing parking areas and access drives. Future development includes a parish adult day care facility, a parish health and fitness center, children's day care center, and a music rehearsal hall and classrooms.

The phasing of future accessory uses will be determined based on the availability of need and funding.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION IV

GENERAL DEVELOPMENT REGULATIONS

4.1 PURPOSE

The purpose of this section is to set forth the development regulations that apply to the development and use of the St. John the Evangelist Catholic Church PUD and Master Plan.

4.2 GENERAL

The following are general provisions applicable to the PUD Master Plan:

A. Regulations for the development of the St. John the Evangelist PUD shall be in accordance with the contents of this document, the PUD-Planned Unit Development District and other applicable sections and parts of the Collier County Land Development Code (LDC) and Growth Management Plan in effect at the time of building permit application. Should these regulations herein or on this PUD's associated Master Plan fail to provide, list or depict specific development standards, then the provisions of the most similar zoning district of the LDC shall apply.

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the LDC in effect at the time of building permit application.

C. Development permitted by this approval of this petition will be subject to a concurrency review under the provisions of Div. 3.15, Adequate Public Facilities of the LDC at the earliest to occur of either final SDP approval, final plat approval, or building permit issuance applicable to this development.

4.3 SITE CLEARING AND DRAINAGE

Clearing, grading, earthwork, and site drainage work shall be performed in accordance with the Collier County LDC and the standards and commitments of this document at the time of construction plan approval.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

4.4 EASEMENTS FOR UTILITIES

Easements, where required, shall be provided for water management areas, utilities, and other purposes as may be required by Collier County. All necessary easements, dedications or other instruments shall be granted to ensure the continued operation and maintenance of all services and utilities. This will be in compliance with applicable regulations in effect at the time construction plans and plat approvals are requested.

4.5 AMENDMENTS TO THE ORDINANCE

Amendments to this Ordinance and Master Plan shall be pursuant to Section 2.7.3.5 of the Collier County LDC, as revised, in effect at the time the amendment is requested.

4.6 PROJECT PLAN APPROVAL REQUIREMENTS

Attachment "A", PUD Master Plan, constitutes the required PUD Development Plan. All division of property and the development of the land shall be in compliance with the subdivision regulations set forth in Section 3.2 of the LDC.

4.7 HISTORICAL / ARCHAEOLOGICAL

Pursuant to Section 2.2.25.8.1 of the Land Development Code, if during the course of site clearing, excavation, or other construction activity a historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the Collier County Code Enforcement Department contacted.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION V

PERMITTED USES AND DIMENSIONAL STANDARDS

5.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for areas within the St. John the Evangelist Catholic Church PUD designated on Attachment "A," Conceptual PUD Master Plan.

5.2 GENERAL DESCRIPTION

Development areas as shown on the PUD Master Plan are designed to accommodate a full range of principal uses, essential services, and accessory uses.

Actual acreages of all development areas will be provided at the time of Site Development Plan or Preliminary Subdivision Plat approvals in accordance with Article 3, Division 3.3, and Division 3.2, respectively, of the Collier County Land Development Code. All development areas are designed to accommodate internal roadways, parking, open spaces, amenity areas, water management facilities, and other similar uses.

5.3 PERMITTED USES AND STRUCTURES

No other building or structure, or part thereof, shall be erected, altered or used, or any land used or developed, in whole or in part, for other than the following uses:

A. Principal Uses:
   1. House of Worship

B. Accessory Uses:
   1. A parish life center for use by members of the congregation
   2. School, private
   3. A parish health and fitness center
   4. A parish Adult and children's day care center
   5. Facilities for maintenance and storage supporting onsite uses
   6. Swimming pools and open space for recreation, boardwalks, nature trails, picnic areas, playgrounds, and fitness trails
   7. Any other comparable accessory use as determined by the Collier County Planning Services Director to be compatible with on-site and adjacent development
   8. Preserve and conservation areas

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

C. Minimum Setback Standards for the Permitted Uses and Accessory Uses 1 through 7 Listed in this Section:

1. Rear Yard: twenty five (25) feet
2. Side Yard: fifteen (15) feet
3. Front Yard: fifty (50) feet
4. Minimum Distance Between Buildings: fifteen (15) feet
5. Setbacks shall be twenty-five (25) feet along the property boundary abutting the North Shore Lake Villas PUD.
6. Building Setback from Lake: twenty (20) feet
7. Setback from Upland Preservation Areas: twenty-five (25) feet for principal structures and ten (10) feet for accessory structures within the Future Building Footprint Area depicted on the PUD Master Plan. For other structures, setbacks shall be in accordance with that shown on the PUD Master Plan.

D. Maximum Building Height:

Forty five (45) feet will be the maximum height of any building on this property, not including appurtenances typically associated with houses of worship, such as bell towers and flagpoles, as set forth in Section 2.6.3 of the Land Development Code.

E. Parking Requirements:

1. Development of parking areas shall comply with Division 2.3, Off-Street Parking and Loading, of the Land Development Code in effect at the time of Site Development Plan or building permit application, as may be applicable.

G. Accessory Structures:

1. Except for temporary construction site offices, all accessory structure(s) must not be constructed before construction of the corresponding principal structure(s).

H. Lighting:

1. Lighting shall be located so that no light is aimed directly toward an off-site property used for residential purposes, which is located within two hundred (200) feet of the light source.

I. Perimeter Landscape Buffers:

1. South (111th Avenue): 10 Ft. Width LDC Type D
2. West (Cemetery): 10 Ft. Width LDC Type A
3. West (North Shore Villas): 15 Ft. Width LDC Type B

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

4.	North (Golf Course):	10 Ft. Width LDC Type A
5.	East (School):	10 Ft. Width LDC Type A
6.	East (Vanderbilt Lakes Residential):	10 Ft. Width LDC Type B

The church parcel must be upgraded to these standards concurrently with the earliest expansion of the church or associated accessory use undertaken after the date of adoption of this amendment requirement.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION VI

PRESERVATION AND ENVIRONMENTAL STANDARDS

6.1 PURPOSE

The purpose of this section is to set forth the environmental commitments of the Church.

A. Fifteen (15%) percent of the project area, equal to 2.23 acres, shall be preserved and or mitigated within the subject parcel in accordance with Section 3.9.5.5.4 of the Collier County Land Development Code.

B. Minimum width of Preservation Mitigation along the perimeter of the project, shall be 10 feet. Minimum width of Preservation/Retained Native Vegetation shall be as shown on the PUD Master Plan or in accordance with LDC Section 3.9.5.5.6. Preservation mitigation may include areas of LDC required landscaping and perimeter buffers provided. This is a deviation from LDC Section 3.9.2.a which requires a minimum width of 20 feet and an average of 30 feet for preserve areas within parcels of less than 20 acres.

C. The PUD shall be consistent with the environmental sections of the Collier County Growth Management Plan Conservation and Coastal Management Element and the Collier County Land Development Code at the time of final development order approval.

D. An exotic vegetation removal, monitoring and maintenance (exotic-free) plan for the site, with emphasis on the conservation/preservation area, shall be submitted to Environmental Services Staff for review and approval prior to final site plan/construction plan approval. A schedule for exotic removal within all preservation areas shall be submitted with the above mentioned plan.

E. An updated gopher tortoise survey shall be required at the time of next development order submittal. If gopher tortoises are found on site, a gopher tortoise relocation/management plan, shall be submitted to the Environmental Services Department for review and approval. The approved language for the relocation/management plan shall be included on the Site Development Plan.

F. A preserve management plan shall be submitted for review and approval at the time of next development order submittal.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

G. A Special Gopher Tortoise Relocation Permit was issued by the FFWCC in July 2003 for the subject property for the relocation of two (2) gopher tortoises. A preservation area of 0.82 acres has been established and the tortoises have been relocated to the preserve area which is identified on the PUD Master Plan.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION VII

TRANSPORTATION REQUIREMENTS

7.1 PURPOSE

The purpose of this Section is to set forth the transportation commitments of the Church.

7.2 The Church shall provide arterial street lighting at the project entrance. Said lighting shall be in place prior to the issuance of any Certificate of Occupancy.

7.3 Internal access improvements shall not be subject to impact fee credits and shall be in place before any certificates of occupancy are issued.

7.4 All traffic control devices shall conform with the Manual on Uniform Traffic Control Devices as required by Chapter 316.0745, Florida Statutes.

7.5 All median openings and driveway locations shall be in accordance with the Collier County Land Development Code and Access Management Policy as they may be amended. Median access and control shall remain under County control.

7.6 An eastbound turn lane with an overall length of 300 ± feet shall be provided prior to the issuance of the certificate of occupancy for the Music Rehearsal Hall and Classroom accessory use addition. However, this construction deadline may be deferred by Collier County Transportation Staff in order to schedule public roadway improvements during the on-peak traffic use season. The church shall continues to provide traffic control at the main project entry by law enforcement or a law enforcement approved service provider for well attended Sunday Masses and other periods and events of significant traffic generation.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION VIII

UTILITIES AND ENGINEERING REQUIREMENTS

8.1 PURPOSE

The purpose of this Section is to set forth the utilities and engineering commitments of the project developer.

8.2 PURPOSE

A. Water distribution, sewage collection and transmission lines to serve the project are to be designed, constructed, conveyed and/or owned and maintained in accordance with Collier County Ordinance No. 97-17, as amended, and other applicable County rules and regulations.

B. All customers connecting to the water distribution and sewage collection facilities to be constructed will be customers of the County and will be billed by the County in accordance with the County's established rates.

8.3 ENGINEERING

A. Detailed paving, grading, site drainage and utility plans shall be submitted to the Development Services Department for review. No construction permits shall be issued unless and until approval of the proposed construction, in accordance with the submitted plans, is granted by the Development Services Department.

B. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County LDC.

C. The Church and all subsequent petitioners are hereby placed on notice that they shall be required to satisfy the requirements of all County ordinances or codes in effect prior to or concurrent with any subsequent development order relating to this site, including but not limited to Preliminary Subdivision Plats, Site Development Plans and any other application that may result in the issuance of a final or final development order.

D. Prior to Final Site Development Plan approval a right-of-way permit shall be obtained if required.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION IX

WATER MANAGEMENT REQUIREMENTS

9.1 PURPOSE

A. The purpose of this section is to set forth the stipulations established by the Water Management Advisory Board, which shall be accommodated by the project developer.

1. Detailed paving, grading, site drainage and utility plans shall be submitted to the Development Services Department for review. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the submitted plans is granted by the Development Services Department.

2. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County Land Development Code.

3. This project must obtain a South Florida Water Management District Surface Water Management Permit prior to Site Development Plan Approval.

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

SECTION X

OTHER DEVELOPMENT COMMITMENTS / STANDARDS

10.1 SIGNS

All signs shall be in accordance with Division 2.5 of the Land Development Code.

10.2 POLLING PLACES

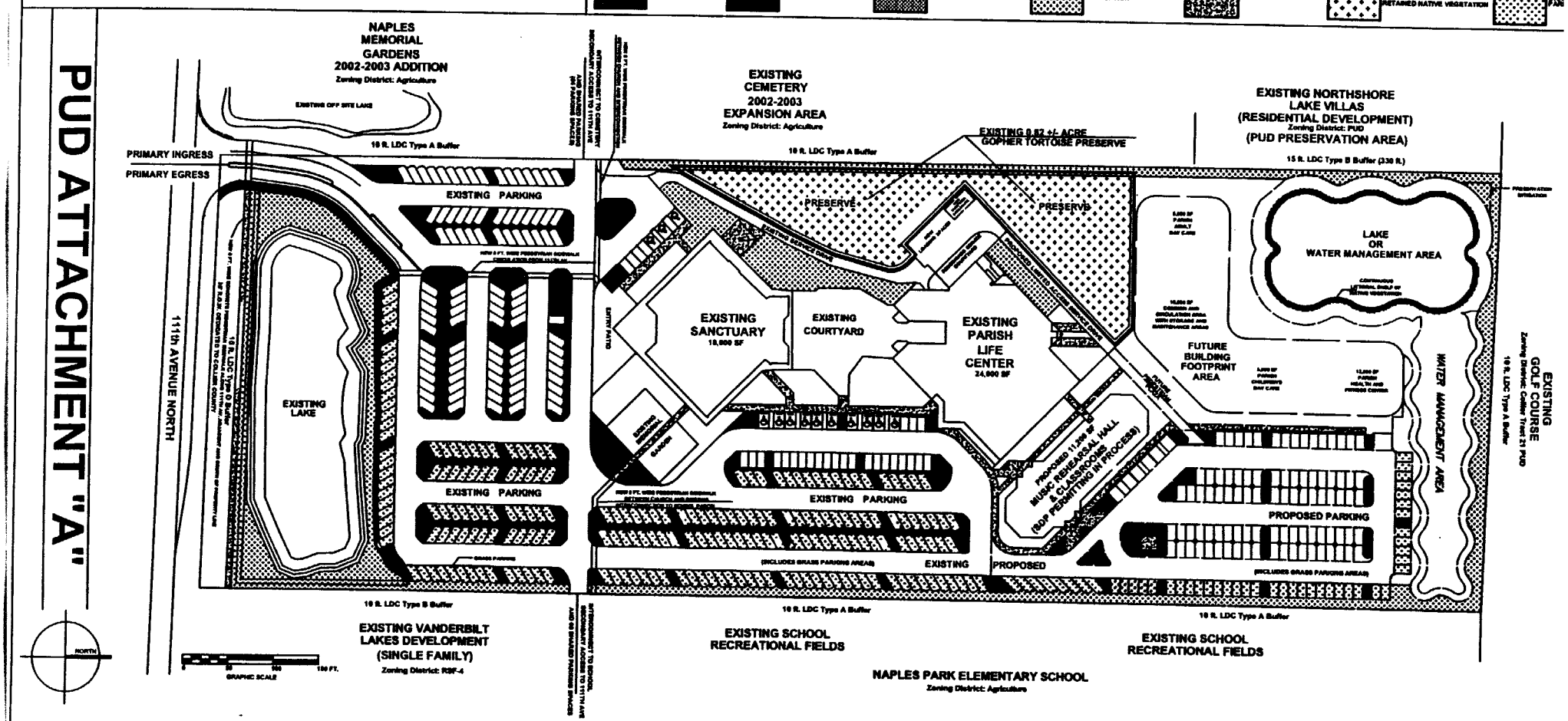
Pursuant to Section 2.6.30 of the Land Development Code provision shall be made for the future use of building space within common areas for the purposes of accommodating the function of an electoral polling place.

An agreement recorded in the official records of the Clerk of the Circuit Court of Collier County, which shall be binding upon any and all successors in interest that acquire ownership of such common areas including, but not limited to, condominium associations, homeowners associations, or tenants associations. This agreement shall provide for said community recreation/public building/public room or similar common facility to be used for a polling place if determined to be necessary by the Supervisor of Elections.

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PUD MASTER PLAN

PUD ATTACHMENT "A"



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PARISH CHILD DAY CARE	5,000 SF
COMMON AREAS INCLUDING CIRCULATION/MAINTENANCE/STORAGE	16,000 SF
TOTAL SQUARE FOOTAGE	84,000 SF

PLANNING DEVELOPMENT INCORPORATED
DEVELOPMENT CONSULTANTS, ENGINEERS, PLANNERS AND LANDSCAPE ARCHITECTS
5133 CASTELLO DRIVE, SUITE 2, NAPLES, FLORIDA 34103
239 / 263-6934 239 / 263-6991 FAX
PDI MRF @ AOL.COM

title: ST. JOHN THE EVANGELIST
A PLANNED UNIT DEVELOPMENT (2003 Amendment)
client: John J. Nevins, Bishop of the Diocese of Venice
c/o St. John the Evangelist Catholic Church
625 111th Avenue North, Naples, Florida 34108
contacts: Art Kinzy / Scott Schlossberg

title: PUD MASTER PLAN
subtitle: ATTACHMENT A
project location: COLLIER COUNTY, FLORIDA

designer: MRF
project manager: MICHAEL FERNANDEZ
checked - date / by: 01.28.03
approved for: PUD REZONE EXHIBIT
scale: see graphic scale
view: LIMITS
date: 01.28.03
revisions: 04.01.03, 08.07.03, 11.24.03
sheet no: 1 / 1

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

ATTACHMENT B

LEGAL DESCRIPTION

A PORTION OF SECTION 21, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA. THENCE RUN S89°51'54"E, ALONG THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 1342.67 FEET TO THE SOUTHEAST CORNER OF THE WEST ½ OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE RUN N01°52'38"W ALONG THE EASTERLY LINE OF SAID WEST ½ OF THE SOUTHWEST 1/4 FOR A DISTANCE OF 40.03 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 111TH AVENUE NORTH, SAID INTERSECTION BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N01°52'38"W ALONG SAID EASTERLY LINE FOR A DISTANCE OF 1390.27 FEET; THENCE RUN S89°51'54"E ALONG A LINE PARALLEL WITH THE SOUTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 470.98 FEET; THENCE RUN S01°31'59"E ALONG A LINE PARALLEL WITH THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 21 FOR A DISTANCE OF 1390.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF 111TH AVENUE NORTH; THENCE RUN N89°51'54"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 462.63 FEET TO THE POINT OF BEGINNING. CONTAINING 14.89 ACRES, MORE OR LESS.

RECEIVED
SEP 19 2003
PLANNING SERVICES DEPARTMENT

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2004-18

Which was adopted by the Board of County Commissioners on the 23rd day of March, 2004, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day Of March, 2004.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By: Ann Jennejohn
Deputy Clerk

Attachment: Attachment C - HEX Backup Material (22788 : St. John the Evangelist CUD)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C
Item Summary: Petition No. PCUD PL20220001501 - Wentworth Estates MPUD Indoor Self Storage - Request for a decision of the Hearing Examiner that the proposed use of self-storage/ mini warehousing, indoor (SIC Code 4225) is comparable in nature to other permitted uses in Section 4.3.A of the Wentworth Estates Mixed Use Planned Unit Development (MPUD) adopted by Ordinance Number 03-51, as amended. The subject parcel is approximately +/-9.07 acres, located on the south side Tamiami Trail East (US 41) approximately 1.25 miles south of the Rattlesnake Hammock and Tamiami Trail E intersection in Section 30, Township 50 South, Range 26 East, Collier County, Florida. [Coordinator: Ray Bellows, Zoning Manager] Commission District 1

Meeting Date: 08/11/2022

Prepared by:
Title: – Zoning
Name: Laura DeJohn
07/19/2022 4:48 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
07/19/2022 4:48 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky		Review Item	Completed
Zoning	Mike Bosi	Zoning Director Review	Completed	07/21/2022 9:42 AM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	07/22/2022 12:39 AM
Zoning	Ray Bellows	Review Item	Completed	07/22/2022 9:54 AM
Zoning	Mike Bosi	Review Item	Completed	07/27/2022 8:39 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/11/2022 9:00 AM	

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: August 11, 2022

SUBJECT: PL20220001501; WENTWORTH ESTATES MPUD - INDOOR SELF STORAGE (PCUD)

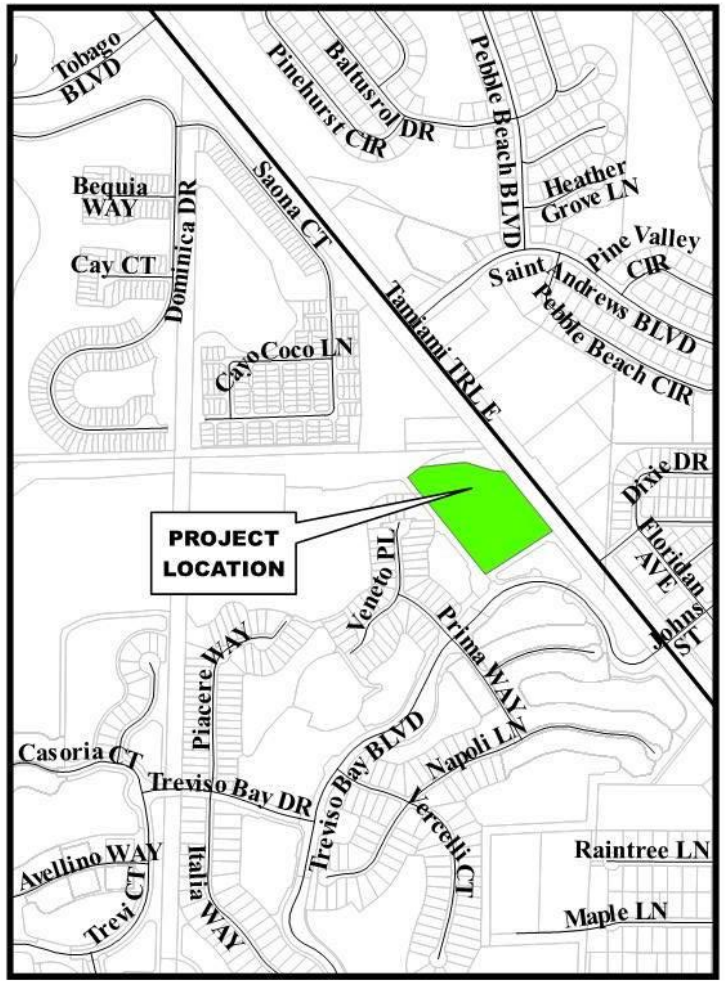
PROPERTY OWNER/AGENT:

Applicant: Prime Partners, LLC
2201 Main Street
Pittsburgh, PA 15215

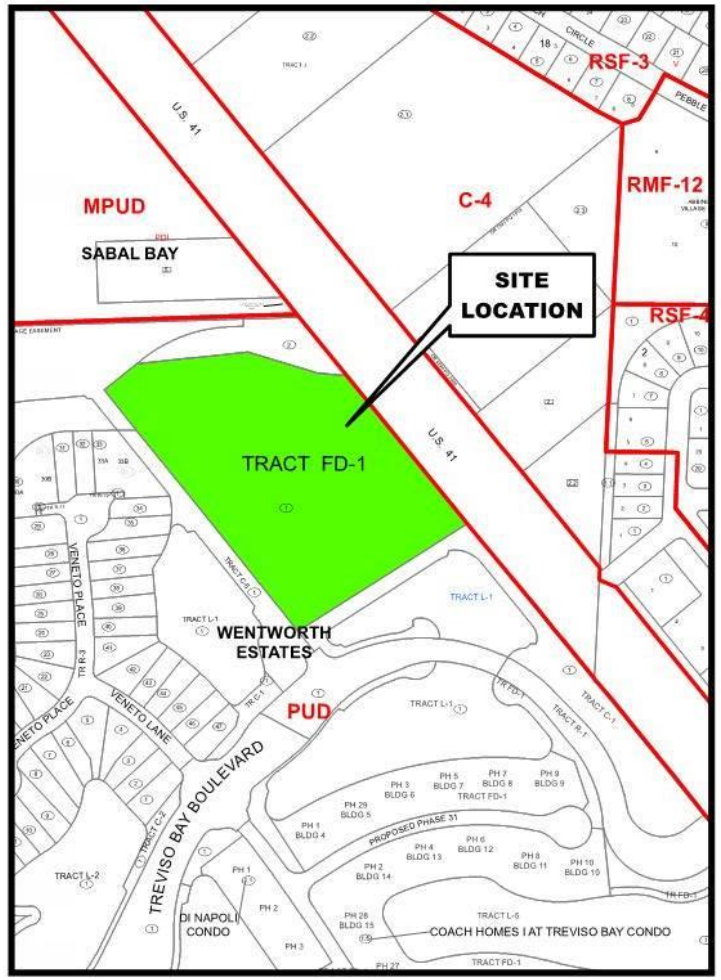
Agent: Christopher O. Scott, AICP
Peninsula Engineering
2800 Golden Gate Pkwy
Naples, FL 34105

REQUESTED ACTION:
Request for a determination that the proposed use of self-storage/ mini warehousing, indoor (SIC Code 4225) is comparable in nature to other permitted uses in Section 4.3.A of the Wentworth Estates Mixed Use Planned Unit Development (MPUD) adopted by Ordinance Number 03-51, as amended.

GEOGRAPHIC LOCATION:
The subject parcel is approximately ±9.07 acres, located on the south side Tamiami Trail East (US 41) approximately 1.25 miles south of the Rattlesnake Hammock and Tamiami Trail E intersection in Section 30, Township 50 South, Range 26 East, Collier County, Florida. *(See location map on the following page)*



Location Map



Zoning Map

Petition Number: PL20220001501

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property, which is undeveloped as a commercial parcel in the Wentworth Estates MPUD Master Plan:

North: Canal and water management area within the Sabal Bay MPUD

East: Six-lane divided Right-of-Way for Tamiami Trail E then a psychiatric hospital, gas station and carwash, and furniture store with a zoning designation of General Commercial (C-4)

South: Water management area and two-lane Right-of-Way for Treviso Bay Boulevard then multi-family residential with a zoning designation of Wentworth Estates MPUD

West: Via Veneto Subdivision of developed single-family homes and water management area within the Wentworth Estates MPUD



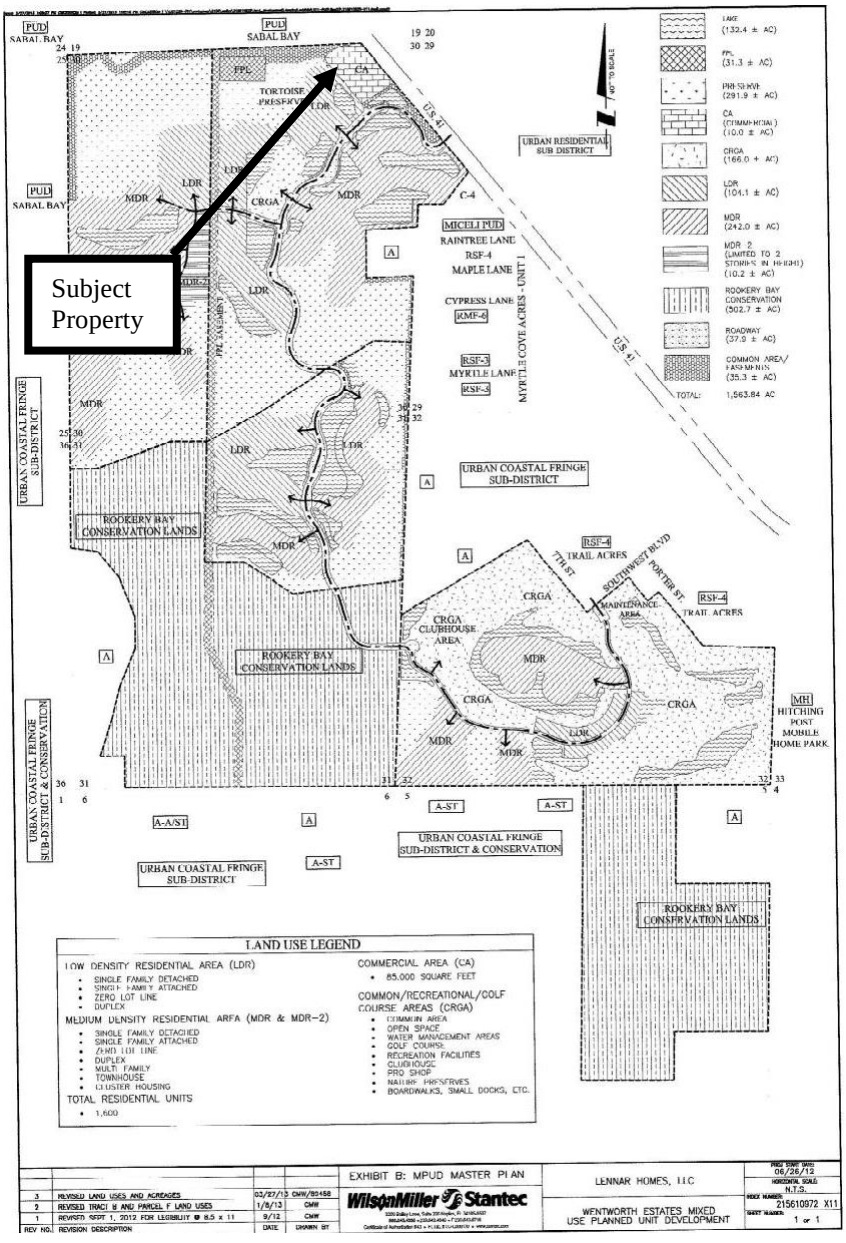
Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

PURPOSE/DESCRIPTION OF PROJECT:

The petitioner requests a determination that the proposed self-storage/ mini warehousing, indoor (SIC Code 4225) is comparable in nature to the currently allowed permitted principal uses for the Commercial Area of the Wentworth Estates Mixed-Use Planned Unit Development (MPUD) adopted by Ordinance Number 03-51, as amended.

Wentworth Estates PUD was first approved in 2003 by Ord. 03-51, which repealed the formerly approved Lely Lakes Golf Resort PUD (Ord. 98-85) and designated the +/-10 acre Commercial Area along Tamiami Trail East.

A PUD Amendment was approved by Ord. 13-45 (**Attachment B**). The Commercial Area is shown on the Master Plan adopted by Ordinance Number 13-45.



Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

The site is designated on the Future Land Use Map as Urban Coastal Fringe subdistrict in the Urban Mixed-Use District and the Commercial Area was deemed consistent by policy.

The applicant's request describes the proposed use as "car condos." Below is the applicant's conceptual architectural elevation. The applicant also proposes a condition of approval to limit the zoned height to 35 feet with actual height limited to 45 feet (see **Attachment A**, ***Condition #9***).



Comprehensive Planning staff advises that the proposed use is located on a parcel fronting US 41 (Tamiami Trail East), located within the boundaries of the East Naples Community Development Plan (ENCDP). The ENCDP was developed by the community through a series of public meetings and surveys and reflects the overall vision of the community; the Board of County Commissioners accepted the ENCDP in October 2020. The ENCDP promotes the strategic placement of land uses to enhance the community's sense of place and provides guidance for future development and redevelopment opportunities for employment, leisure, dining, and shopping to meet the growing needs of the community. The ENCDP also identifies a list of "undesirable" uses, including mini-warehousing use (self-storage/car storage, etc.), that are intended to be interspersed throughout the County to minimize the concentration of these uses along the roadways within the ENCDP boundaries. The community is currently working with a consultant to develop a zoning overlay along the US 41 East corridor to establish development standards, design standards, and spacing criteria for commercial uses to address, in part, the undesirable uses identified in the ENCDP; the anticipated completion of the zoning overlay is Spring 2023. Comprehensive Planning staff is of the opinion that the proposed motor car condo project in the form as submitted is inconsistent with the vision of the ENCDP and is incompatible with the community's development objectives for the area.

See analysis below and conditions in **Attachment A** that are recommended to address impacts to the community.

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

STAFF ANALYSIS:

LDC Section 10.02.06.K., Comparable Use Determination, states: "Comparable Use Determination (CUD) shall be used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD. To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision, or Board of Zoning Appeals by resolution, at an advertised public hearing" based on standards listed below as part of staff's analysis.

The applicant represents the proposed use as Self-storage/ mini warehousing, indoor (4225), and also portrays specifically that the storage is for "car condos" or indoor vehicular storage. For analysis purposes, this Comparable Use Determination is based on the proposed use of Self-storage/ mini warehousing, indoor (4225, limited to vehicle storage). See **Attachment A** for recommended ***Condition #1*** to limit the use to vehicle storage.

Section 4.3 of the MPUD lists the permitted uses for the Commercial Area. The area is generally described as accommodating *a full range of commercial, retail and office uses designed to serve residents of the PUD and the immediate vicinity*.

The commercial uses that are permitted have varying degrees of intensity, including those permitted in conventional Industrial, C-4 and C-5 zoning districts. Such uses currently allowed with comparable or greater intensity and activity levels than the proposed Self-storage/ mini warehousing, indoor (4225) include new car dealerships (SIC Code 5511), gasoline service stations (SIC Code 5541 with services and repairs), miscellaneous repair shops (SIC Code 7622-7699), car rental and leasing (SIC Code 7514). Other currently permitted uses of comparable intensity and activity level to the car condo type activities include Amusement and recreation and Membership organizations. Below is a summary of currently permitted comparable uses on the subject site. See **Attachment B** for Ordinance 13-45, Section 4.3.A for the full list of permitted uses in the Commercial Area.

Current Permitted Use in Commercial Area (Ord. 13-45, Section 4.3.A)	**(P) Permitted/ (C) Conditional in Conventional District**
Amusement and recreation services (7911 [dance studios], 7922 [theaters], 7933 [bowling centers], 7991 [physical fitness facilities])	(P) C-4 General Commercial (P) C-5 Heavy Commercial
Membership organizations (8611-8661)	(P) C-3 Commercial Intermediate (P) C-4 General Commercial (P) C-5 Heavy Commercial
New car dealerships (5511)	(C) C-3 Commercial Intermediate (P) C-4 General Commercial (P) C-5 Heavy Commercial
Gasoline service stations (5541 with services and repairs)	(P) C-4 General Commercial (P) C-5 Heavy Commercial
Miscellaneous repair shops (7622-7699)	(P) C-4 General Commercial (P) C-5 Heavy Commercial (P) I Industrial
Car rental and leasing (7514)	(P) C-4 General Commercial

	(P) C-5 Heavy Commercial

Summarized in the table below, the requested use of Self-storage/ mini warehousing, indoor (4225) is typically permitted in the I, Industrial zoning district, the BP Business Park zoning district, and the C-5 Heavy Commercial zoning district; and is a conditional use in the C-4, General Commercial zoning district. The currently permitted uses identified in the table above demonstrate that the PUD already allows for uses that are typically allowed in the more intense conventional districts of C-4, C-5, and I.

Requested Use in Commercial Area	**(P) Permitted/ (C) Conditional in Conventional District**
Self-storage/ mini warehousing, indoor (4225)	(C) C-4 General Commercial (P) C-5 Heavy Commercial (P) I Industrial (P) BP Business Park

Per LDC 4.02.13.I, the following requirements are additionally applied to motor freight transportation and warehousing (4225 mini- and self-storage warehousing only) in the Business Park (BP) zoning district:

1. *The use of metal roll-up garage doors located on the exterior of the perimeter buildings and walls of buildings which are visible from a public right-of-way is prohibited;*
2. *Access to individual units whether direct or indirect must be from the side of a building that is oriented internally;*
3. *No building shall exceed 100 feet in length when adjacent to a residential zoning district;*
4. *No outdoor storage of any kind is permitted; and*
5. *Storage units shall be utilized for storage purposes only.*

When evaluating the appropriateness of the proposed use, staff considers the character of the use and intent of the PUD relative to the uses that are permitted within commercial zoning districts of the LDC. The PUD intended for a *full range of commercial, retail and office uses designed to serve residents of the PUD and the immediate vicinity*. The purpose and intent of the C-4 General Commercial zoning district is to provide the opportunity for the most diverse types of commercial activities delivering goods and services, including entertainment and recreational attractions, at a larger scale than the C-1 through C-3 districts. The purpose and intent of the C-5 Heavy Commercial district is to provide a range of more intensive commercial uses than C-4 and services which are generally those uses that tend to utilize outdoor space in the conduct of the business.

Per LDC Section 10.02.06.K, the following Comparable Use Determination (CUD) criteria are used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD:

(Criteria is listed with corresponding *staff analysis in italics*)

a. The proposed use possesses similar characteristics to other permitted uses in the zoning

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

district, overlay, or PUD, including but not limited to the following:

i. Operating hours;

The proposed vehicle storage units would be accessible to owners or lessees of the units on a 24 hour basis.

Gasoline service station is a permitted use within the Commercial Area, which would have a greater commercial level of activity on a 24-hour basis than the proposed indoor storage units.

ii. Traffic volume generated/attracted;

The proposed vehicle storage units do not generate any more trips than other permitted uses such as gasoline service station or car dealership that would otherwise be permitted on this parcel. The development must comply with all other applicable concurrency management regulations a new Traffic Impact Statement (TIS) will be submitted and reviewed at the time of Site Development Plan (SDP).

iii. Type of vehicles associated with the use;

The proposed use of indoor vehicle storage may be associated with personal vehicles ranging from motorcycles to passenger vehicles to recreational vehicles. From time to time, auto delivery and pick-up vehicles may access the site.

To control the impact of activities associated with vehicle loading or unloading, ***Condition #2*** *requires that vehicle loading or unloading shall be accommodated on site, shall not be oriented toward the Via Veneto subdivision, and shall not be in any public right-of-way.*

As conditioned, the types of vehicles associated with the proposed use are comparable and therefore staff finds these types of vehicles acceptable in comparison to vehicles potentially associated with other permitted uses, such as: automotive dealers, gasoline service stations, and automotive rental and leasing.

iv. Number and type of required parking spaces; and

In LDC Section 4.05.4.G., Table 17 provides the parking space requirement for the proposed indoor storage as: 1 parking space per 20,000 square feet of storage buildings plus 1 per 50 vehicle/boat storage spaces plus 1 per 300 square feet of office areas, with a minimum of 4. The parking requirement needed for this type of use is less intense than a general retail shopping center requirement of 1 parking space per 250 square feet. At the time of SDP, the project will be reviewed to comply with parking standards.

v. Business practices and activities.

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

As described above, the types of activities and hours of operation for the proposed indoor vehicle storage are either comparable to, or less intense than, those for other permitted uses such as automotive dealers, gasoline service stations, repair, and automotive rental and leasing. To address the compatibility of the practices and activities associated with the indoor vehicle storage with surrounding uses, staff recommends the following standards that typically apply within Business Parks per LDC 4.02.13.I to apply:

Condition #3. *The use of metal roll-up garage doors located on the exterior of the perimeter buildings and walls of buildings which are visible from a public right-of-way is prohibited;*

Condition #4. *Access to individual units whether direct or indirect must be from the side of a building that is oriented internally;*

Condition #5. *No outdoor storage of any kind is permitted; and*

Condition #6. *Storage units shall be utilized for storage purposes only, with parameters for associated activities that are common to "car condo" units.*

Additionally, ***Condition #7*** *is recommended to limit outdoor amplified sound as is typically applied to higher intensity uses in proximity to residential neighborhoods.*

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 subject site faces US 41 and will be accessed from US 41 according to the applicant. To the south and west are residentially designated areas of Treviso Bay. Immediately west is a +/-40-foot wide tract owned by the Treviso Bay Property Owners Master Association beyond which are single family homes and a lake.

To address the effect of the use in relation to noise, glare, or odor effects, limits should be considered on the design of the building and orientation of service or loading uses. Commercial architectural standards of the LDC will apply to the building design, and the applicant has provided an architectural rendering to indicate the building's general appearance. Staff recommends ***Condition #8*** *that the building should be designed in general conformity with the image depicted on Attachment A-1, Treviso Bay Car Condos Conceptual Elevations by pkSTUDIOS dated May 4, 2022.*

The applicant also committed to a maximum zoned height of 35 feet and a maximum actual height of 45 feet, see ***Condition #9****.*

Staff also recommends ***Condition #10*** *that lighting shall be shielded and directional to avoid glare on the neighboring Via Veneto subdivision.*

Hours of operation allowing for 24-hour access to units is less intrusive than the 24-hour operation that would be associated with gasoline service stations which are also a permitted use within the Commercial Area.

As conditioned, the effect of the proposed indoor vehicle storage on neighboring

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

properties would be comparable or less than that of repair, automotive dealers, gasoline service stations, and automotive rental and leasing. See Attachment A for Conditions of Approval #1-10 that are intended to address the effect of the use on neighboring properties.

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.

The site is designated on the Future Land Use Map as Urban Coastal Fringe subdistrict in the Urban Mixed-Use District, and the proposed use is consistent because the Commercial Area was deemed consistent by policy.

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

The purpose statement of the Commercial Area within the MPUD states: "Areas designated as Commercial Area on the Wentworth Estates PUD Master Plan are designed to accommodate a full range of commercial, retail and office uses designed to serve residents of the Wentworth Estates PUD and the immediate vicinity." Of the sixteen categories of non-residential use groups that are listed as permitted, the following uses are indicative of the breadth and variety of type and intensity of currently permitted commercial uses, which are allowable in the C-4, C-5 or I Industrial Zoning Districts: New car dealerships (5511), Gasoline service stations (5541 with services and repairs), Miscellaneous repair shops (7622-7699), Car rental and leasing (7514), Amusement and recreation services (7911, 7922, 7933, 7991) and Membership organizations (8611-8661). As stated above, the proposed indoor vehicle storage is comparable to currently permitted uses in the Commercial Area of the Wentworth Estates MPUD.

PUBLIC NOTICE

Per LDC Section 10.03.06.O. and the Administrative Code, a newspaper advertisement is required for public hearing in accordance with F.S. § 125.66. The newspaper advertisement posted in the Naples Daily News on July 15, 2022 and July 22, 2022.

Per the LDC and Administrative Code, a Comparable Use Determination petition does not require a Neighborhood Information Meeting, a mailing to surrounding property owners, or posting of a sign on the property.

APPEAL OF PETITION TO BOARD OF ZONING APPEAL

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 2-89 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner. In the event that the

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

STAFF RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner determine that the proposed use is comparable and compatible with the Commercial permitted uses of Section 4.3 of the Wentworth Estates MPUD subject to conditions of approval in Attachment A and A-1.

Attachments:

A. Conditions of Approval
A-1. Conceptual Design, Treviso Bay Car Condos Conceptual Elevations by pkSTUDIOS dated May 4, 2022
B. Ordinance Number 13-45
C. Applicant's Back Up Material

Attachment: Staff Report Wentworth motor condos2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

Attachment A
Conditions of Approval

PL20220001501 CUD Wentworth Estates – Indoor Self Storage
Comparable Use Determination

1. This determination is for self-storage/ mini warehousing, indoor (4225, limited to vehicle storage).

2. Vehicle loading or unloading shall be accommodated on-site, and shall not be oriented toward the Via Veneto subdivision, and shall not be in any public right-of-way.

3. The use of metal roll-up garage doors located on the exterior of the perimeter buildings and walls of buildings which are visible from a public right-of-way is prohibited.

4. Access to individual units whether direct or indirect must be from the side of a building that is oriented internally. This shall not preclude any means of egress required by the Florida Building Code or Florida Fire Prevention Code.

5. No outdoor storage of any kind is permitted.

6. Storage units shall be utilized for storage purposes only, with allowance for the following uses within individual units:
   a. Storage of personal property such as automobiles, boats, recreational vehicles, with accessory furniture or other personal items.

   b. Minor maintenance of personal property which conforms to applicable regulatory standards for noise, vibration, glare, fumes or odors.

   c. Personal hobby and recreation, such as watching television, gaming, listening to music and similar uses.

7. No outdoor amplified sound is permitted (does not apply to personal electronic devices).

8. Building architecture shall be similar to the image depicted on Attachment A-1, Treviso Bay Car Condos Conceptual Elevations by pkSTUDIOS dated May 4, 2022.

9. Building height shall be limited to a maximum zoned height of 35 feet and a maximum actual height of 45 feet.

10. Lighting shall be shielded and directional to avoid glare on the Via Veneto subdivision.

Attachment: Attachment A - Conditions of Approval2 (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self Storage)

A-1



TREVISO BAY CAR CONDOS
conceptual elevations / proposed
May 4, 2022

This street-view artists's rendering is for conceptual purposes and architectural style only.
It is not intended to show final building dimensions and configuration.
Access to individual motor condo units is provided from the interior of the site.

pkSTUDIOS
15920 Old 41, Suite 330 I Naples, Florida
T: 239.434.5800 I www.pkstudios
Registration: AR

THIS DRAWING IS THE EXCLUSIVE PROPERTY AND CREATION OF PKSTUDIOS INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN CONSENT OF PKST

Attachment: Attachment A-1 Arch Elevation Rendering (22851 : PL20220001501 PCUD Wentworth Estates

FILED #43
COLLIER COUNTY, FLORIDA
2013 JUN 24 AM 10:06
CLERK OF COURTS
BY

ORDINANCE NO. 13- 45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 03-51, AS AMENDED, THE WENTWORTH ESTATES MIXED PLANNED UNIT DEVELOPMENT (MPUD), BY INCREASING THE PERMISSIBLE NUMBER OF DWELLING UNITS FROM 1,200 TO 1,450; BY AMENDING ORDINANCE NUMBER 2004-41, THE COLLIER COUNTY LAND DEVELOPMENT CODE BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF AN ADDITIONAL 5.3± ACRES OF LAND ZONED RURAL AGRICULTURAL (A) TO THE WENTWORTH ESTATES MPUD; BY REVISING THE DEVELOPMENT STANDARDS TO MAKE CHANGES INCLUDING AN ELIMINATION OF THE MEDIUM HEIGHT DENSITY RESIDENTIAL USE WHICH ALLOWED 90 FEET IN ZONED BUILDING HEIGHTS AND AN INCREASE IN BUILDING HEIGHT FOR MEDIUM DENSITY RESIDENTIAL FROM 45 FEET ZONED HEIGHT TO 50 FEET ZONED HEIGHT; DEFINING ZONED HEIGHT AND ACTUAL HEIGHT; PROVIDING FOR DELETION OF EXHIBITS INCLUDING EXHIBIT "A" LOCATION MAP, EXHIBIT "B" BOUNDARY SKETCH AND LEGAL DESCRIPTION, EXHIBIT "C" EXISTING CONDITIONS MAP, EXHIBIT "D" TOPOGRAPHIC MAP, EXHIBIT "E" AREA WIDE COMMUNITY SERVICES MAP, EXHIBIT "F" AERIAL PHOTOGRAPH, EXHIBIT "G" PRELIMINARY DRAINAGE PLANS AND DETAILS, EXHIBIT "H" PRELIMINARY SEWER PLANS, EXHIBIT "I" PRELIMINARY WATER PLANS AND EXHIBIT "K" BALD EAGLE MANAGEMENT PLAN; BY AMENDING THE MASTER PLAN; AND ADDING EXHIBIT "A" DEVELOPMENT STANDARDS, EXHIBIT "B" MPUD MASTER PLAN, EXHIBIT "C" DEVIATIONS, AND EXHIBIT "D" WATER MANAGEMENT BASINS AND REVISING DEVELOPER COMMITMENTS. THE PROPERTY IS LOCATED ON THE SOUTHWEST SIDE OF TAMIAMI TRAIL EAST (US 41) APPROXIMATELY 1-1/4 MILES SOUTHEAST OF THE INTERSECTION OF TAMIAMI TRAIL EAST (US 41) AND RATTLESNAKE HAMMOCK ROAD (CR 864) IN SECTIONS 29, 30, 31, 32, TOWNSHIP 50 SOUTH, RANGE 26 EAST, AND SECTION 5, TOWNSHIP 51 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA CONSISTING OF 1563.84± ACRES; AND BY PROVIDING AN EFFECTIVE DATE. (Petition #PUDA-PL20120001126)

FILED
2013 JUN 14 PM 4:16

WHEREAS, Developer, LENNAR HOMES LLC, represented by Margaret Perry, AICP of WilsonMiller Stantec, and R. Bruce Anderson, Esquire of Roetzel & Andress, LPA, petitioned

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

the Board of County Commissioners to amend the PUD and change the zoning classification of the additional herein described real property.

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

SECTION ONE: Zoning Classification.

The zoning classification of approximately 5.3± acres of the herein described real property located in Section 30, Township 50 South, Range 26 East, is changed from a Rural Agricultural zoning district to the Wentworth Mixed Use Planned Unit Development (MPUD) zoning district and when combined with the existing Wentworth RPUD provides for a 1,563.84± acre project in accordance with the revised PUD Document, attached hereto and incorporated by reference herein. The appropriate zoning atlas map or maps, as described in Ordinance Number 04-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO: Effective Date.

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

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 11th day of June, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

By: _____
Deputy Clerk
Attest as to Chairman's signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
GEORGIA A. HILLER, ESQ.
Chairwoman

Approved as to form and legal sufficiency

_____ HFAC 5/8/13
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit A - PUD Document

CP\12-CPS-01183\77

This ordinance filed with the Secretary of State's Office the 14th day of June 2013 and acknowledgement of that filing received this 24th day of June 2013.
By _____ Deputy Clerk

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WENTWORTH ESTATES
A
MIXED USE PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN GOVERNING THE WENTWORTH ESTATES PUD, A MIXED USE PLANNED UNIT DEVELOPMENT PURSUANT TO PROVISIONS OF THE COLLIER COUNTY LAND DEVELOPMENT CODE

PREPARED BY:

~~V.K. DEVELOPMENT CORPORATION~~
~~19275 W. CAPITOL DRIVE~~
~~BROOKFIELD, WISCONSIN 53045~~
LENNAR HOMES, LLC.
10481 BEN C. PRATT SIX MILE CYPRESS PARKWAY
FORT MYERS, FL 33912

PREPARED BY:
~~CHRISTOPHER D. HAGEN, P.E.~~
~~JOHNSON ENGINEERING, INC.~~
~~2350 STANFORD COURT~~
~~NAPLES, FLORIDA 34112~~
R. BRUCE ANDERSON
ROETZEL & ANDRESS, L.P.A.
850 PARK SHORE DRIVE
NAPLES, FL 34103

MARGARET PERRY, AICP
WILSON MILLER STANTEC
3200 BAILEY LANE, #200
NAPLES, FL 34105

DATE REVIEWED BY CCPC	4/18/13
DATE REVIEWED BY BCC	_____
ORDINANCE NUMBER	_____
AMENDMENTS AND REPEAL	_____

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LIST OF EXHIBITS

~~EXHIBIT A~~	~~Location Map~~
~~EXHIBIT B~~	~~Boundary Sketch and Legal Description~~
EXHIBIT ~~B~~A	Development Standards
~~EXHIBIT C~~	~~Existing Conditions Map~~
~~EXHIBIT D~~	~~Topographic Map~~
~~EXHIBIT E~~	~~Area-Wide Community Services Map~~
~~EXHIBIT F~~	~~Aerial Photograph~~
~~EXHIBIT G~~	~~Preliminary Drainage Plans & Details~~
~~EXHIBIT H~~	~~Preliminary Sewer Plans~~
~~EXHIBIT I~~	~~Preliminary Water Plans~~
EXHIBIT ~~J~~B	MPUD Master Plan
EXHIBIT C	Deviations
~~EXHIBIT K~~	~~Bald Eagle Management Plan~~ ~~*Document not provided.~~
EXHIBIT D	Water Management Basins
EXHIBIT E	Letter from Darin McMurray of Lennar Homes to Treviso Bay Homeowners dated April 8, 2013, including attachments

~~LIST OF TABLES:~~

~~TABLE 1 Development Standards~~

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STATEMENT OF COMPLIANCE

The subject property consists of a total of ~~1,558.49~~ 1,563.84+ acres of property in Collier County, Florida, and will be developed as a Planned Unit Development (PUD) to be known as the Wentworth Estates PUD. The proposed development will be in compliance with the goals, objectives and policies of Collier County as set forth in the Growth Management Plan. This PUD~~, formerly known as the Lely Lakes PUD in County Ordinance No. 98-85~~, includes preserve lands owned by the State of Florida which were part of the Lely Lakes PUD. The proposed PUD will consist of up to 85,000 square feet of commercial, up to ~~1,200~~ 1,450 residential units with an 18-hole golf course and other amenities constructed in four phases. ~~Build-out is anticipated for 2012.~~ The proposed residential, commercial and recreational facilities will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives of each of the elements of the Growth Management Plan for the following reasons:

1. The subject property is within the Urban Mixed-Use, Urban Coastal Fringe Sub-District as identified on the Future Land Use Map as required in Objective 1, Policy 5.1 and Policy 5.3 of the Future Land Use Element.
2. The proposed residential density of the Wentworth Estates PUD is ~~0.77~~ 0.93 dwelling units per acre (DU/A), including State-owned PUD lands and ~~1.16~~ 1.39 DU/A excluding State lands which in either case is less than the maximum density of 3 DU/A permitted by the Density Rating System and is therefore consistent with Future Land Use Element, Policy 5.1.
3. The subject property's location in relation to existing or proposed community facilities and services permits the development's residential density as required in Objective 2 of the Future Land Use Element.
4. The project development is compatible and complimentary to existing and future surrounding land uses as required in Policy 5.4 of the Future Land Use Element.
5. Project improvements are planned to be in compliance with applicable land development regulations as set forth in Objective 3 of the Future Land Use Element.
6. The project development will result in an efficient and economical extension of community facilities and services as required in Objective 3 of the Future Land Use Element and promotes the residential in-fill guidelines of the APA's Policies on Smart Growth.
7. The project development is planned to incorporate natural systems for water management in accordance with their natural functions and capabilities as may be required by Objective 1.5 of the Drainage Sub-Element of the Public Facilities Element.
8. The projected density ~~0.97~~ 0.93 DU/A is in compliance with the Future Land Use Element of Growth Management Plan based on the following relationships to required criteria:

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Base Density	4.0 units per acre (u.p.a.)
Traffic Congestion Area Deduction	1.0 u.p.a.
Permitted Density Based on FLUE Density Rating System	3.0 u.p.a.

Wentworth Estates PUD Proposed Density

Proposed Number of Units	~~1,427~~ 1,450
Total Acreage of Subject Property	~~1,558.49~~1,563.84
Environmental Preserve (Rookery Bay)	(513.77)
Gross Acreage of Development Area	~~1,044.72~~ 1,050.07
~~Proposed~~ Commercial (acres)	(10.0)
Net Residential Acreage	~~1,034.72~~ 1,040.07

Proposed density (UP/A.) = ~~1,200~~ 1,450 units/~~1,034.72~~ 1,040.07 acres = ~~1.16~~ 1.39 without State lands. Proposed density (UP/A.) = ~~1,200~~ 1,450 units/~~1,548.49~~ 1,553.84 acres = ~~0.77~~ 0.93 with State lands

9. The ten (10) acres designated as "Commercial Tract" on the Wentworth Estates PUD Master Plan is consistent with the Future Land Use Element (FLUE) of the Growth Management Plan pursuant to Policy 5.1 and 5.12.

NOTE: *The ten (10) acre Commercial Tract was previously part of a 64.8+1- acre light industrial and commercial PUD known as the Naples R&D Park at Lely PUD (Ordinance 88-89). In 1998, the Naples R&D Park at Lely PUD property was incorporated into the Lely Lakes Golf Resort PUD (Ordinance 98-85) and the ten (10) acre "Commercial Tract" property was deemed "Consistent by Policy" with the Growth Management Plan (Map FLUE-11).*

10. The Wentworth Estates PUD is a residential golf course community with a commercial component, and is planned to encourage ingenuity, innovation and imagination in the planning, design and development of the project under unified ownership and control as set forth in the Collier County Land Development Code (LDC), Section ~~2.2.20.1~~2.03.06, Planned Unit Development Districts.

11. The Wentworth Estates PUD is consistent with Policy 5.5 of the Future Land Use Element in that it represents the use and development of existing land zoned for urban intensity uses within the urban designated lands and avoids opening up new areas to development.

12. All final Local department orders and/or permits for the proposed Wentworth Estates PUD are subject to the Collier County Adequate Public Facilities Ordinance.

v

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SHORT TITLE

This ordinance shall be known and cited as the **"WENTWORTH ESTATES MIXED USE PLANNED UNIT DEVELOPMENT ORDINANCE"**.

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SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property proposed to be developed under the project name of the Wentworth Estates PUD. ~~An Existing Conditions Map is attached hereto as Exhibit "C".~~

1.2 LEGAL DESCRIPTION

The subject property being ~~1558.49~~ 1,563.84+/- acres is described as:

Description of Part of Sections 29, 30, 31, 32, Township 50 South, Range 26 East, and part of Section 5, Township 51 South, Range 26 East, Collier County, Florida

Beginning at the northwest corner of said Section 30; thence along the north line of said Section 30, North 88°23'16" East 2491.52 feet; thence continue along the north line of said Section 30 North 88°13'29" East 1636.98 feet to the southwesterly right-of-way of Tamiami Trail (US 41) (200' right-of-way); thence along said right-of-way South 39°03'42" East 2333.04 feet; thence leaving said right-of-way South 38°17'43" West 581.30 feet; thence North 89°34'42" West 348.55 feet; thence South 02°48'31" West 308.99 feet; thence South 88°28'28" West 30.00 feet to the east quarter corner of said Section 30; thence along the north line of those lands described in Official Records Book (OR Book) 105, pages 595-597 and OR Book 105, 592-594, Public Records of Collier County, Florida, South 87°14'44" West 683.13 feet; thence along the west line of said land described in OR Book 105, pages 592-594 South 00°20'37" West 672.63 feet; thence along the south line of said lands North 87°26'41" East 654.42 feet to the west line of Myrtle Cove Acres Unit No. 1 as recorded in Plat Book 3, page 38, Public Records of Collier County, Florida; thence along the west line of said Unit No. 1 South 02°45'35" West 1919.99 feet to the southeast corner of said Section 30; thence along the east line of said Section 31, South 02'45'30" West 2609.56 feet to the east quarter corner; thence continue along said east line of said Section 31, South 02°48'47" West 206.43 feet; thence leaving said east line North 59°56'01" East 2041.35 feet to the boundary of the plat of Trail Acres Unit 2, Plat Book 4, page 62, Collier County, Florida; thence along said plat boundary South 39'03'07" East 1309.16 feet; thence continue along said plat boundary North 50°55'09" East 762.41 feet; thence leaving said plat boundary South 39°04'51" East 430.46 feet; thence North 50°58'21" East 199.96 feet to the boundary of the plat of Trail Acres Unit 3, Plat Book 3, page 94, Collier County, Florida; thence along said plat boundary South 39°01'39" East 962.19 feet; thence continue along said plat boundary South 87°34'19" East 1003.95 feet to the east line of said Section 32; thence leaving said plat boundary and along said east line, South02°32'54" West 1912.12 feet to the southeast corner of said Section 32; thence along the south line of said Section 32, North 89°40'29" West 2625.95 feet to the south quarter corner of said Section 32; thence continuing along the south line of said Section 32, North 89°40'08" West 2625.60 feet to the southwest corner of said Section 32; thence continue along the south line of said Section 31, North 89°41'53" West 3792.19 feet to the boundary of that land described in OR Book 922 , pages 1710-1712, Public Records of Collier County, Florida; thence leaving said South line and along said boundary North 00°18'07" East 440.00 feet; thence continue along said boundary North 89°41'53" West 346.42 feet to the intersection with the original meander line, resurveyed by the Bureau of Land Management (BLM) in 1967, described in OR Book 1143, pages 1325-1327, Public Records of Collier County, Florida; thence run along said meander line in the following seven described courses;

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1) North 18'09'29" East 565.94 feet;
2) North 14°16'29" East 429.66 feet;
3) North 22°33'29" East 599.28 feet;
4) North 00°09'29" East 428.34 feet;
5) North 21°08'31" West 598.62 feet;
6) North 39°26'31" West 456.72 feet;
7) North 81°41'31" West 382.14 feet to the west line of said Section 31;
thence along the west line of Said Section 31, North 00°19'56" East 1515.12 feet to the northwest corner of said Section 31; thence along the west line of said Section 30, North 00°20'37" East 2685.56 feet to the west quarter corner of said Section 30; thence continue along the west line of said Section 30, North 00°22'18" East 2687.69 feet to the Point of Beginning;
Containing 1378.15 acres, more or less.

~~LESS AND EXCEPTING THAT LAND described in OR Book 192, page 514, Public Records of Collier County, Florida.~~
~~Containing 5.35 acres more or less.~~

ALSO INCLUDING THE FOLLOWING
The northwest quarter of the southeast quarter; and the south half of the north half of the northeast quarter of the southeast quarter; and the north half of the northeast quarter of the northeast quarter of the southeast quarter, and the north half of the northwest quarter of the northeast quarter of the southeast quarter, and the southeast quarter of the northeast quarter, all in Section 5, Township 51 South, Range 26 East, Collier County, Florida.

ALSO INCLUDING THE FOLLOWING;
The southwest one-quarter of the northeast one-quarter; and the northwest one-quarter of the northeast one-quarter of Section 5, Township 51 South, Range 26 East, Collier County, Florida.

Containing 185.69 acres, more or less for a total net of 1558.49 acres more or less.
Subject to easements and restrictions of record.
Bearings are based on the south line of said Section 31 being North 89°41'53" West.

~~A Boundary Sketch and Legal Description is attached hereto as Exhibit "B".~~

1.3 PROPERTY OWNERSHIP

Detailed ownership information is provided within the application for the Wentworth Estates PUD amendment project. The subject property is currently under the ~~equitable~~ ownership and control of the following entities:

~~Lely Development Corporation – Owner~~
~~8825 Tamiami Trail East~~
~~Naples, Florida 34113-3347~~
~~and~~
Lennar Homes, LLC
10481 Ben C. Pratt Six Mile Cypress Parkway
Fort Myers, FL 33912

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~~Commercial Properties Southwest, Inc. — Owner~~
~~8825 Tamiami Trail East~~
~~Naples, Florida 34113-3347~~
and

TIITF/State of Florida - Owner
% Department of Natural Resources
Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-6575

~~and~~

~~V.K. Development Corporation — Contract Purchaser~~
~~19275 W. Capitol Drive~~
~~Brookfield, WI 53045~~

1.4 GENERAL DESCRIPTION OF PROPERTY AREA

~~A.~~ The project site is located in Sections 29, 30, 31 and 32, Township 50 South, Range 26 East and Section 05, Township 51 South, Range 26 East, Collier County, Florida. Although the project covers several sections of land, the main project entrance is located on the southwest side of Tamiami Trail East (U.S. 41) approximately 1 1/4 miles southeast of the intersection of Tamiami Trail East and Rattlesnake Hammock Road (C.R. 864). Access to the property will also be via Southwest Boulevard. ~~See Location Map attached hereto as "Exhibit A" for property location.~~

~~B. The current zoning classification of the subject property at the time of the Wentworth Estates PUD amendment application is "Lely Lakes Golf Resort PUD — Ordinance No. 98-85."~~

1.5 PHYSICAL DESCRIPTION

The site is generally bordered on the west by PUD zoned (Sabal Bay PUD) ~~(Collier DR1)~~, undeveloped property; on the north by U.S. 41; on the east by the Micelli PUD, platted and developed homesites, zoned RSF-4, RMF-6, and RSF-3, and agriculturally zoned and unplatted property; and on the south, undeveloped and environmentally sensitive lands, zoned A/ST.

Portions of the site have been altered through past and current agricultural uses. Other portions of the site are environmentally sensitive. ~~An updated EIS has been submitted, pursuant to Division 3.8 of the Land Development Code, with the application for the Wentworth Estates PUD amendment request. Additionally, an aerial photograph of the site is attached hereto as Exhibit "F".~~ The subject property contains a variety of

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vegetative communities, including cropland and pastures, woodland pastures, pine flatwoods, coastal scrub, palmetto prairies, mangrove swamps, cypress, saltwater marsh and mangroves. ~~A detailed vegetative inventory and map is included in the application for Wentworth Estates PUD amendment request.~~

The soil types on the site generally include Basinger fine sand; Boca fine sand, Boca, Riviera, limestone substratum and Copeland fine sand, depressional; Immokalee fine sand; Jupiter Boca complex; Ochopee fine sand loam; Oldsmar fine sand, limestone substratum; Paola fine sand; Pennsucco soil; Chobee, Winder and Gator soils, depressional; Durbin and Wulfert Mucks; Ft. Drum and Malabar high, fine sand; Hilolo limestone substratum, Jupiter and Margate soils; Holopaw fine sand, limestone substratum; Pomello fine sand; Satellite fine sand; and Winder, Riviera, limestone substratum and Chobee soils, depressional. This information was derived from the Soil Survey of Collier County, Florida.

Elevations within the site range from +1.0' NGVD to +15.5' NGVD. Per FEMA Firm Map Panels No. 120067 0603H 605 E and 615 E, dated August 3, 1992 May 16, 2012, the Wentworth Estates PUD is located within Zones "AE" (EL8EL6 and EL7 NAVD) of the FEMA flood insurance rate map. Topographic mapping is shown on Exhibit "D" attached hereto.

The project site is located within the Naples Manor Drainage Basin, of the Collier County Water Management District No. 6, as depicted on the Collier County Drainage Atlas. ~~Each of the four development tracts, A, B, C, and D noted on the PUD Master Plan will have a~~ The development area has been divided into seven separate major water management basins Each of the water management basins will provide water quality treatment to 150% of standard required by the South Florida Water Management District because of the project's discharge into an Outstanding Florida Water (Rookery Bay National Estuarine Preserve). This will be accommodated by collection and treatment of stormwater in wet detention lakes and other systems before discharge into the adjoining wetland preserves and/or outfall canals. These basins will be designed so as to provide water quality treatment and storm attenuation. Best Management Practices (BMPs) such as grassy swales, inlet inserts, detention inlets, etc. will also be used where appropriate to accomplish this.

Stormwater will be collected through the use of open grass swales, curbs, gutters and inlets that will direct stormwater into water management areas. These will all be interconnected in each basin with multiple discharges at structures to distribute the flow to the adjoining wetlands and off-site canals. The water control structure sizes and flow rates will be coordinated with the environmental permitting agencies so as to provide flood protection and rehydrate wetland preserve areas throughout the project and off-site. The staging of the water management basins also will be set so as to prevent saltwater intrusion and will maintain the freshwater/saltwater zones in the area. The staging will be as follows:

~~A. The Tract A Basin will be staged with the highest water control elevation of +3.5 NGVD. Discharges from this Basin will be into the east end of the central wetland slough preserve and east end of the northwestern wetland slough preserve. These discharge locations will be located so as to maximize hydrology for the preserve areas and provide flood protection throughout Tract A. There is a central wetland preserve within this Tract that will be accommodated on the~~

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~~north side of the main boulevard. The water control elevation of +3.5 NGVD is to maintain the viability of this wetland preserve within the Basin. Final discharge locations, configurations and flows will be negotiated with the permitting agencies so as to improve the wetland preserve areas while maintaining flood protection.~~

~~A.~~ Basins A and AA: Basin A will be staged with a control elevation of +4.0 NGVD. Basin AA will be staged with the highest water control elevation of +4.0 NGVD. Discharges from these Basins will be into the east end of the central wetland slough preserve and east end of the northwestern wetland slough preserve. These discharge locations will be located so as to maximize hydrology for the preserve areas and provide flood protection throughout both basins. There is a central wetland preserve that will be accommodated on the north side of the main boulevard. The water control elevations of +3.5 and +4.0 NGVD are to maintain the viability of this wetland preserve within the Basin. Final discharge locations configurations and flows will be negotiated with the permitting agencies so as to improve the wetland preserve areas while maintaining flood protection.

B. Basin B: ~~The Tract B~~ Basin B will be staged with a water control elevation of +3.0 NGVD. Discharges from this Basin will be into the central wetland slough preserve and into the off-site canal along the western property line of the project. This will be managed so as to provide water to the wetland preserve during low flows and for maintaining the wetland preserve viability. High flows will be directed to the canal for on-site ~~Tract B~~ flood protection. Lake control elevations are ~~is~~ set to maintain the hydraulic gradient from north to south and east to west across the site.

~~C. The Tract C Basin will be staged with a water control elevation of +3.0 NGVD. Discharges from this Basin will be into the central wetland slough preserve and into the Rookery Bay wetlands along the southern property line of the project. This will be managed so as to provide water to the wetland preserve during low flows and for maintaining the wetland preserve viability. High flows will be directed to the south for on-site Tract C flood protection. Lake control elevation is set to maintain the hydraulic gradient from north to south and east to west across the site.~~

C. Basins C and CC: Basin C will be staged with a water control elevation of +3.0 NGVD, Basin CC will be staged with a water control elevation of +3.5 NGVD. Discharges from these Basins will be into the central wetland slough preserve and into the Rookery Bay wetlands along the southern property line of the project. This will be managed so as to provide water to the wetland preserve during low flows and for maintaining the wetland preserve viability. High flows will be directed to the south for on-site flood protection. Lake control elevations are set to maintain the hydraulic gradient from north to south and east to west across the site.

D. ~~The Tract D Basin will be staged with a water control elevation of +3.0 NGVD. Discharges from Tract D will be into the Rookery Bay wetlands along the southern property line of the project. This will be managed so as to provide water to the wetland preserve during low~~

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~~flows and for maintaining the wetland preserve viability. High flows will be directed to the south for on-site Tract D flood protection. Lake control elevation is set to maintain the hydraulic gradient from north to south across the site.~~

D. Basins D and DD: Basin D will be staged with a water control elevation of +3.0 NGVD and Basin DD will be staged with a water control elevation of +3.5. Discharges from these basins will be into the Rookery Bay wetlands along the southern property line of the project. This will be managed so as to provide water to the wetland preserve during low flows and for maintaining the wetland preserve viability. High flows will be directed to the south for on-site flood protection. Lake control elevations are set to maintain the hydraulic gradient from north.

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SECTION II
PROJECT DEVELOPMENT REQUIREMENTS

2.1 PURPOSE

The purpose of this Section is to delineate and generally describe the project plan of development for the Wentworth Estates PUD and its relationship to applicable County ordinances, the respective land uses of the areas ~~tracts~~ included in the project, as well as other project relationships.

2.2 GENERAL

A. Regulations for development of the Wentworth Estates PUD shall be in accordance with the contents of this Document, the PUD-Planned Unit Development District and other applicable sections and parts of the Collier County Land Development Code and Growth Management Plan in effect at the time of site development plan approval except for approved deviations in Exhibit C. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the County Land Development Code shall apply,

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in Collier County Land Development Code in effect at the time of subdivision construction plan or site development plan approval, as appropriate.

C. All conditions imposed and all graphic material presented depicting restrictions for the development of the Wentworth Estates PUD shall become part of the regulations that govern the manner in which the PUD site may be developed.

D. Unless modified, waived or excepted by this PUD the provisions of the Land Development Code remain in full force and effect with respect to the development of the land, which comprises this PUD.

E. Development permitted by the approval of this petition will be subject to a concurrency review under the provisions of ~~Division 3.15~~ Section 6.02.00. Adequate Public Facilities.

F. ~~Building height will be defined for the Wentworth Estates PUD as the vertical distance from the minimum first finished floor elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof and to the mean height level between eaves and ridge of gable, hip or gambrel roofs. The minimum first finished floor elevations will be established by law or permit requirements. The building height shall be measured from such required minimum first finished floor elevations. Required minimum first finished floor.~~

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~~elevations shall be in conformance with the Collier County building codes. This height does not include architectural features, roof equipment or elevator housing and other appurtenances usually required to be placed above the roof level and not intended for human occupancy; provided, however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport overlay zoning regulations of the Land Development Code within the flight approach zone of airports.~~

2.3 DESCRIPTION OF PROJECT PLAN AND PROPOSED LAND USE

A. The Wentworth Estates PUD will be developed as an upscale residential golf course community featuring up to ~~1,200~~1,450 residential units, up to 85,000 square feet of commercial uses, and an 18-hole golf course with associated amenities. The subject property consists of a total of ~~1,558.49~~ 1,563.84+ acres, of which only ~~1,044.72~~1,050.07+ acres will be impacted by the proposed development. The remaining 513.77+ acres have been set aside for conservation purposes (as described in more detail later in Section 2.4 of this Document) in addition to the required on-site conservation areas. See Section 7.2 of Section VII, Development Commitments for detail.

The project Master Plan, including layout of streets and use of land for the various areas ~~tracts~~, is illustrated graphically by Exhibit "~~J~~B", PUD Master Plan (~~JEI~~ WM File No. ~~20023436~~215610972). A Land Use Summary, Unit Phasing Schedule, and Density Breakdown are shown on the Plan. ~~There shall be five (5) project tracts including four residential tracts (Tracts A, B, C, D) and a ten (10) acre commercial tract. In addition,~~ tThe necessary water management lakes, open space, conservation lands, street rights-of-way, the general configuration which are also illustrated by Exhibit "~~J~~B" are also included within the project.

The location, size and configuration of individual areas ~~tracts~~ and lots shall be determined at the time of final site development plan and/or preliminary subdivision plat approval. Minor adjustments may be made at the time of final plat approval in accordance with Sections ~~3.2.7~~10.02.03 and ~~3.3.7~~ 10.02.04 of the Collier County Land Development Code (LDC).

There is also a ten (10) acre commercial area proposed within the project that will provide service and retail shopping opportunities for the residents of the Wentworth Estates PUD. This commercial area may also provide opportunities for other residents in the immediate area. This commercial area is a continuation of the commercial tract approved at the same location in the previously approved Lely Lakes Golf Resort PUD.

The proposed development will meet all required open space and recreational requirements on site. ~~Section 2.18 of this Document demonstrates the acres set aside for conservation purposes. Approximately 307 acreage, almost 30 percent of the entire site, will be set aside.~~

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B. Areas illustrated as lakes, on Exhibit "~~J~~B", shall be constructed as lakes or, upon approval, parts thereof may be constructed as shallow, intermittent wet and dry depressions for water retention purposes. These areas, i.e. lakes, intermittent wet and dry areas, may be in the same general configuration as shown by Exhibit "~~J~~B". Minor modification to all areas ~~tracts~~, lakes or other boundaries may be permitted at the time of preliminary subdivision plat or site development plan approval, subject to the provisions of Sections ~~3.2.6~~10.02.03 and ~~2.7.3.5~~10.02.04 respectively, of the Collier County Land Development Code, or as otherwise permitted by this PUD Document.

C. In addition to the various areas and specific items shown in Exhibit "~~J~~B", such as easements, as necessary (utility, private, semi-public, etc.) shall be established within or along the various areas ~~tracts~~ as may be necessary.

2.4 DESCRIPTION OF PROJECT DENSITY OR INTENSITY OF LAND USE

The proposed project consists of up to a maximum of ~~1,200~~ 1,450 single and multi-family residential units, up to 85,000 square feet of commercial uses and an 18-hole golf course with the associated amenities on approximately ~~1,044.72~~ 1,050.07+ acres without State lands or ~~1,548.49~~ 1,563.84+ acres with State lands.

Residential

There will be a mixture of single family and multi-family residential units located throughout the proposed development. The proposed product types may include standard single-family attached and detached, zero lot line, ~~homesites~~, ~~two-family~~ duplexes, ~~estate homesites,~~ ~~detached and attached villas,~~ town houses~~homes~~, ~~carriage homes, coach homes~~ (and other similar styles of housing), and multi-family and cluster housing~~and as many as twelve (12) mid-rise condominium structures not to exceed 90 feet in height~~.

Pursuant to the Density Rating System, this project is eligible for a base density of four (4) dwelling units per acre (DU/A). No density bonuses are applicable. The project is also located within a Traffic Congestion Area, as depicted on the Future Land Use Map and described in the Future Land Use Element. As such, the project is subject to a one (1) DU/A reduction from the base density of four (4) DU/A and is not eligible for any density bonuses. Therefore, this project is limited to a maximum of three (3) DU/A under the Density Rating System.

The project is proposing the development of a maximum of ~~1,200~~ 1,450 residential dwelling units, consisting of single- and multi-family dwelling units, to be constructed ~~on four tracts~~. The gross project area, less acreage devoted to commercial purposes, is~~1,034.72~~ 1,040.07± without State lands or ~~1,548.49~~ 1,553.84 acres ± with State lands. The proposed density for the residential potion of the project is ~~1.16~~ 1.39 DU/A without State lands or ~~.077~~ 0.93 DU/A with State lands.

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The residential component of the proposed development will consist of low-density residential (LDR) featuring single family attached and detached, zero lot line and duplex units; and medium-density residential (MDR) featuring single-family attached and detached, zero lot line, duplex, multi-family, townhouse and ~~/townhouses, multi-family villas,~~ cluster homes~~and carriage homes; and medium height density residential (MHDR) featuring as many as twelve (12) mid-rise condominium structures not to exceed 90 feet in height~~.

Commercial

The proposed project will contain up to a maximum of 85,000 square feet of commercial uses on approximately ten (10) acres of the site as depicted on the PUD Master Plan, Exhibit "~~J~~B".

The PUD was originally approved in 1991 and amended in 1998, for 749 dwelling units and ten (10) acres of commercial development. Future Land Use Element Policy 5.1, provides that property zoned prior to the adoption of the Comprehensive Plan and found to be consistent through the Zoning Re-evaluation Program are consistent with the Growth Management Plan and designated on the Future Land Use Map series as properties "Consistent by Policy." Zoning changes will be permitted to these properties, and to other properties deemed consistent with the Future Land Use Element via Policies 5.9 through 5.12, provided the number of dwelling units and overall intensity of the development allowed by the new zoning district, except as allowed in Policy 5.11, are not increased. The 10-acre commercial ~~tract~~area in this PUD was previously found to be consistent with the Future Land Use via Policy 5.1 and 5.11. This PUD rezone does not increase the intensity of development on the 10-acre ~~tract~~ commercial area.

Common/Recreational/Golf Course Areas (CRGA)

The proposed development will meet all required open space and recreational requirements on-site. Included in the development are common areas, open space, water management areas, nature preserves, boardwalks, recreational facilities, and an 18-hole golf course and associated clubhouse and pro shop.

In addition to the on-site features, over 500 acres of the original PUD have been sold to the State of Florida to be managed as part of the Rookery Bay National Estuarine Research Reserve (RBNERR). The land sold to RBNERR includes 513+ acres located immediately south of the north parcel and west of the south parcel, including the lands between the two parcels. Currently, the land is being managed by RBNERR as part of its reserve.

~~2.5 RELATED PROJECT PLAN APPROVAL REQUIREMENTS~~

~~A. Prior to the recording of a record plat, and/or condominium plat for all or part of the PUD, final plans of all required improvements shall receive approval of the appropriate Collier County governmental agency to insure compliance with the PUD Master Plan, the Collier County Subdivision Code and the platting laws of the State of Florida.~~

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~~B. Exhibit "J", PUD Master Plan, constitutes the required PUD development plan. Subsequent to or concurrent with PUD approval, a preliminary subdivision plat, if applicable, shall be submitted for the entire area covered by the PUD Master Plan. Any division of property and the development of the land shall be in compliance with Division 3.2of the Collier County Land Development Code, and the platting laws of the State of Florida.~~

~~C. The provisions of Division 3.3 of the Collier County Land Development Code, when applicable, shall apply to the development of all platted tracts, or parcels of land as provided in said Division prior to the issuance of a building permit or other development order.~~

~~D. The development of any tract or parcel approved for residential development contemplating fee simple ownership of land for each dwelling unit shall be required to submit and receive approval of a preliminary subdivision plat in conformance with the requirements of Division 3.2 of the Collier County Land Development Code prior to the submittal of construction plans and a final plat any portion of the tract or parcel.~~

~~E. Appropriate instruments will be provided at the time of infrastructure improvements regarding any dedications and method for providing perpetual maintenance of common facilities.~~

2.56 MODEL HOMES/SALES CENTERS/SALES OFFICES/ CONSTRUCTION OFFICES/CONSTRUCTION OFFICES FACILITIES

Model homes, sales centers, sales offices, construction offices, and other uses and structures related to the promotion and sale of real estate such as, but not limited to, pavilions, viewing platforms, docks, gazebos, parking areas, tents, and signs, shall be permitted principal uses throughout the Wentworth Estates PUD. These uses may be either "wet" or "dry" facilities and shall be subject to the requirements of Section ~~2.6.33.4~~Section 5.04.04 of the Land Development Code, with the exception that the temporary use permit shall be valid ~~through the life of the project~~ for ten years with no extension of the temporary use required. No model can remain for more than ten years without securing Conditional Use, or its successor process approval. This is a deviation to LDC section 5.04.04.B4. These uses may use septic tanks or holding tanks for waste disposal subject to permitting under Rule ~~10D-6~~64E-6 of the Florida Administrative Code and may *use* potable or irrigation wells.

A. Both "wet" and "dry" models may be constructed following plat approval, prior to recording of the plat. Location is limited to future, platted medium density residential, or low density residential~~or medium height density residential~~ lots or areas ~~tracts~~. The project owner must apply for permits for all models.

B. The models permitted as "dry models" shall obtain a conditional certificate of occupancy for model purposes only. The "wet" model may not be occupied until a permanent certificate of occupancy is issued.

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C. The "wet" model may be served by a temporary utility system with ultimate connection to the central system. Interior fire protection facilities in accordance with NFPA requirements required unless a permanent water system is available. A water management plan shall be provided which accommodates the runoff from the model home, parking, access road/driveway and other impervious surfaces. The system shall be designed and constructed so that it is integrated with the master water management system for the entire development.

D. All other regulations pertaining to model homes shall be consistent with Section ~~2.6.33.4~~ 5.04.04 of the Land Development Code.

~~2.7 AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN~~

~~Amendments may be made to the Wentworth Estates PUD as provided in the Collier County Land Development Code, Section 2.7.3.5.~~

2.68 ASSOCIATION OF PROPERTY OWNERS FOR COMMON AREA MAINTENANCE

Whenever the developer elects to create land area and/or recreation amenities whose ownership and maintenance responsibility is a common interest of all of the subsequent purchasers of property within said development in which the common interest is located, that developer entity shall provide appropriate legal instruments for the establishment of a property owners' association and/or community development district whose function shall include provisions for the perpetual care and maintenance of all common facilities and open space subject further to the provisions of the Collier County Land Development Code, Section ~~2.2.20.3.8.~~10.02.13.L.~~:~~

~~2.9 CHANGES AND AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN~~

~~Changes and amendments may be made to this PUD Ordinance, PUD Master Plan or Surface Water Management Plan as provided in Section 2.7.3.5 of the Land Development Code.~~

~~The Planning Services Director shall be authorized to approve minor changes and refinements to the Wentworth Estates PUD Master Plan upon written request of the developer.~~

~~A. The following limitations shall apply to such requests:~~

~~1. The minor change or refinement shall be consistent with the Collier County Growth Management Plan and the Wentworth Estates PUD Document.II-6~~

~~2. The minor change or refinement shall not constitute a substantial change pursuant to Section 2.7.3.5.1. of the Land Development Code.~~

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~~3. The minor change or refinement shall be compatible with adjacent land uses and shall not create detrimental impacts to abutting land uses, water management facilities, and conservation areas within or external to the PUD.~~

~~B. The following shall be deemed minor changes or refinements:~~

~~1. Reconfiguration of lakes, ponds, canals or other water management facilities where such changes are consistent with the criteria of the South Florida Water Management District and Collier County.~~

~~2. Internal realignment of rights-of-way other than a relocation of access points to the PUD.~~

~~3. Reconfiguration of residential parcels when there is no encroachment into the conservation area.~~

~~C. Minor changes and refinements as described above shall be reviewed by appropriate Collier County Staff to ensure that said changes and refinements are otherwise in compliance with all applicable County ordinances and regulations prior to the Planning Services Director's consideration for approval. Minor changes to the Surface Water Management Plan shall be reviewed by Collier County prior to consideration for approval by the Planning Services Director.~~

D. ~~Approval by the Planning Services Director of a minor change or refinement may occur independently from and prior to any application for subdivision or site development plan approval, however such approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all other necessary County permits and approvals.~~

2.7~~10~~ COMMON AREA MAINTENANCE

Most common area maintenance will be provided by a property owners' association and/or community development district. The developer will create a property owners' association or associations and/or community development district whose functions shall include provision for the perpetual maintenance of common facilities and open spaces. The property owners' association and/or community development district shall be responsible for the operation, maintenance and management of the surface water systems and preserves serving the Wentworth Estates PUD in accordance with the provisions of Collier County Land Development Code together with any applicable permits from the South Florida Water Management District.

2.8~~11~~ LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are generally permitted as a principal use throughout the Wentworth Estates PUD. The following standards shall apply:

A. Landscape berms shall have the following maximum side slopes:

1. Grassed berms shall be 4:1

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2. Ground covered berms shall be 3:1

3. Rip-rap berms shall be 1:1 and occupy no more than 30% of the buffer width.

4. Structural walled berms may be vertical if located at the edge furthest from the property edge of the landscape buffer.

B. Fence or wall maximum height: Seven feet (7'), ~~as measured from the finished floor elevation floor elevation of the nearest residential structure within the development.~~ This is a deviation from LDC Section 5.03.02.C. If the fence or wall is constructed on a landscaped berm, the wall shall not exceed six feet (6') in height from the top of berm elevation for berm elevations with an average side slope of 4:1 or less, and shall not exceed six feet (6') in height from the top of berm elevation for berms with an average side slope of greater than 4:1 (i.e. 3:1).

C. Landscape buffers, berms, fences and walls may be constructed along the perimeter of the Wentworth Estates PUD boundary prior to preliminary subdivision plat and site development plan submittal. All such areas shall be included in a landscape easement or tract depicted on the final plat, or identified in a separate recorded instrument.

~~D.~~ ~~Fences and walls which are an integral part of the security and access control structures such as gatehouses and control gates shall be subject to the height limitations for principal residential structures. In the case of access control structures within rights-of-way adjoining two or more different districts, the more restrictive height standard shall apply.~~

~~E.~~D. Pedestrian sidewalks and/or bike paths, water management systems, drainage structures, and utilities may be allowed in landscape buffers per ~~Division 2.4~~ Section 4.06.00 of the Land Development Code.

~~F.~~E. Landscape berms located within the Wentworth Estates PUD boundary and contiguous to a property line and/or right-of-way line may be constructed such that the toe of slope is located five feet (5') from the property line and/or right-of-way line. In wetland areas, small water management berms may be exempt from this requirement in an effort to reduce wetland impacts.

F. The developer, its successors and assigns shall provide a landscape buffer, meeting the requirements of a minimum Type A, on the west side of the Florida Power and Light easement shown on Exhibit B, between the developable areas located east and west of the Florida Power and Light easement. The buffer will be incorporated into each Site Development Plan or Subdivision Plat approval, whichever is applicable, for the abutting west-side parcels.

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2.~~9~~12 FILL STORAGE

Fill storage is generally allowed throughout the Wentworth Estates PUD. Fill material generated from other properties owned or leased by the developer may be transported and stockpiled within areas which have been disturbed/farmed. Prior to stockpiling in these locations, the developer shall notify the County ~~Community Development and Environmental Services Administrator~~Manager or his designee. The following standards shall apply:

A. Stockpile maximum side slope: 2:1

B. Stockpile maximum height: Thirty feet (30')

C. Fill storage areas in excess of six feet (6') in height shall be located no closer than one hundred feet (100') from any existing residential unit or residential unit under construction. This excludes fill storage areas associated with the ~~Lely Basin~~ LASIP drainage improvements.

D. Soil erosion control shall be ~~provided~~ in accordance with ~~Division 3.7.~~the Excavation Ordinance.~~of the Land Development Code.~~

~~2.13 DESIGN GUIDELINES AND STANDARDS~~

~~A. The Collier County Planned Unit Development District is intended to encourage ingenuity, innovation and imagination in the planning, design and development or redevelopment of relatively large tracts of land under unified ownership or control, as set forth in Section 2.2.20.1. of the Land Development Code.~~

~~B. The Wentworth Estates PUD is planned as a residential golf course community which will be developed under unified control. The developer will establish community-wide design guidelines and standards to ensure a high and consistent level of quality for residential units and related community features and facilities, such as, landscaping, hardscape, waterscapes, signage, lighting, pedestrian systems, bicycle paths, pavement treatments, roadway medians, fences, walls, buffers, berms, bulkheads and other similar facilities.~~

~~C. The Commercial Area Tract shall be subject to the Collier County Architectural and Site Design Standards, Division 2.8 of the Collier County Land Development Code.~~

2.10~~1~~4 PRELIMINARY SUBDIVISION PLAT PHASING

Submission, review, and approval of preliminary subdivision plats for the project may be accomplished in phases to correspond with the planned development of the property.

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~~2.15 AGRICULTURAL ACTIVITIES~~

~~The site is currently used for active row crop agricultural and landscape nursery purposes and associated and accessory uses thereto. These existing agricultural uses shall be permitted to continue throughout the project site and will be phased out as development occurs within individual parcels.~~

2.1~~16~~ GENERAL PERMITTED USES AND STRUCTURES

Certain uses shall be considered general permitted uses and structures throughout the Wentworth Estates PUD except in the Conservation Area. General permitted uses and structures are those uses which generally serve the developer and residents of the Wentworth Estates PUD and are typically part of the common infrastructure or are considered community facilities.

A. General Permitted Uses and Structures:

1. Essential services as set forth under Section ~~2.6.9.1~~2.01.03, Land Development Code.
2. Water management facilities and related structures.
3. Temporary sewage treatment and disposal facilities.
4. Lakes including lakes with bulkheads or other architectural or structural bank treatments.
5. Guardhouses, gatehouses, and access control structures.
6. Community and neighborhood parks, recreational facilities.
7. Temporary construction, sales, and administrative offices for the developer and developer's authorized contractors and consultants, including necessary access ways, parking areas and related uses.
8. Landscape features including, but not limited to, landscape buffers, berms, fences and walls subject to the standards set forth in Section 2.11 of this PUD.
9. Any other use, which is comparable in nature with the foregoing uses, consistent with the permitted uses and purpose and intent statement of this PUD as determined by the Board of Zoning Appeals.

B. Development Standards:

Unless otherwise set forth in ~~Table I~~ Exhibit "A" of this Document, the following development standards shall apply to structures:

1. Setback from back of curb of any roadway shall be a minimum of fifteen feet (15') except for guardhouses and access control structures which shall have no required setbacks.

2. Sidewalks and bike paths may occur within County required buffers per

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~~Division 2.4.~~Section 4.06.00 of the Land Development Code.

3. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein or within the adopted Wentworth Estates PUD design guidelines and standards, are to be in accordance with Land Development Code in effect at the time of site development plan approval.

2.12~~17~~ OPEN SPACE REQUIREMENTS

The PUD Master Plan identifies Conservation Areas, golf course/open space, lakes, and buffers which are all permitted to be calculated as open space. These areas fully satisfy the ~~60%~~30% open space requirements of Section ~~2.6.32.~~ 4.07.02.G. of the Land Development Code.

2.13~~18~~ NATIVE VEGETATION RETENTION REQUIREMENTS

Pursuant to Policy 6.4.6 of the Conservation and Coastal Management Element of the Collier County Growth Management Plan, twenty-five percent (25%) of the viable naturally functioning native vegetation on site shall be retained. ~~The following table summarizes the acreage set aside as preserve by tract. These acreages are approximate and subject to change as the project is platted.~~ The required native vegetation retention acres is 258.68 (1034.72 x 25%). The MPUD master plan provides 291.94 acres of preserve or 28% native vegetation retention.

~~Tract~~	~~Number of Acres Set Aside as Conservation/Preserve~~
~~Tract A~~	~~97.62~~
~~Tract B~~	~~119.86~~
~~Tract C~~	~~48.83~~
~~Tract D~~	~~41.10~~
~~Total:~~	~~307.41 Acres~~

~~Percentage = 307.41/1,034.72 = 29.71%~~

2.14~~19~~ SIGNAGE

A. GENERAL

1. All Collier County sign regulations, pursuant to ~~Division 2.5~~Section 5.06.00, Signs, of the Land Development Code in force at the time of sign permit application shall apply unless such regulations are in conflict with the conditions set forth in this Section, in which case the PUD Document shall govern.

2. For the purpose of this PUD Document, each platted parcel shall be considered a separate parcel of land and shall be entitled to any sign as permitted herein.

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3. Signs shall be permitted in public or private rights-of-way subject to the approval of a Collier County right-of-way permit, where applicable.

4. All signs shall be located so as not to cause sight line obstructions.

5. All internal project rights-of-way may be utilized for decorative landscaped entrance features and signage subject to review and approval of the Planning Services Department for consistency with the requirements set forth herein.

All project and development signage adjacent to and/or visible from any dedicated County or State right-of-way shall be developed in accordance with the Land Development Code, ~~Division 2.5~~Section 5.06.00, Signs.

B. BOUNDARY MARKERS

1. One boundary marker or monument may be located at each property corner adjacent to the U.S. 41 right-of-way and one boundary marker or monument may be located at each property corner adjacent to Southwest Boulevard. The boundary marker may contain the name of the subdivision and the insignia or motto of the development.

2. The sign face area may not exceed 60 square feet in area and may not exceed the height or length of the monument upon which is located. If the sign is two-sided, each sign may not exceed 60 square feet in area.

3. Sign face square footage is calculated by total square footage of name, insignia, and motto only.

4. The setback from the U.S. 41 right-of-way and any perimeter property line shall be 10 feet.

C. ENTRANCE SIGNS

1. Two (2) ground or wall-mounted entrance signs may be located at each entrance to the subdivision within the PUD. Such signs may contain the name of the subdivision and the insignia or motto of the development.

2. No sign face area may exceed 120 square feet and the total sign face area of entrance signs at each entrance may not exceed 240 square feet. If the sign is a single, two-sided sign, each sign face may not exceed 120 square feet in area. The sign face area shall not exceed the height or length of the wall or monument upon which it is located. This is a deviation from LDC Section 5.06.02.B.6 which allows 64 square feet total sign area.

3. The setback for the signs from the U.S. 41 right-of-way and any perimeter property line shall be 10 feet.

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4. Entrance signs may not exceed a height of 8 feet above the finished ground level of the sign site. For the purpose of this provision, finished grade shall be considered to be no greater than 18 inches above the highest crown elevation of the nearest road unless the wall or monument is constructed on a perimeter landscape berm.

D. TEMPORARY SIGNS

1. Two double-sided temporary signs may be permitted and may consist of the following types: project identification, boundary marker, real estate, sales center identification, and directional.
2. Each sign may not exceed 80 square feet in area. If the sign is two-sided, each sign face may not exceed 80 square feet in area.
3. The setback for temporary signs from U.S. 41 rights-of-way and any perimeter property line shall be 15 feet.
4. Temporary signs may not exceed 8 feet in height above the finished ground level of the centerline of the nearest road.
5. Temporary signs may remain in place simultaneously with permanent signage until the project reaches 90~~75~~% build-out.

E. CONSTRUCTION ENTRANCE SIGNS

1. One sign, a maximum of 20 square feet in size, shall be permitted at each construction entrance to identify the entrance as such. No building permit is required. This is a deviation from LDC Section 5.06.02.B.4 which allows 12 square feet in size.
2. Employment signs a maximum of 20 square feet in size may be located at each construction entrance to advertise for construction trade employment. No building permit is required. This is a deviation from LDC Section 5.06.02.B.4 which allows 12 square feet in size.

F. INTERNAL SIGNS

1. Residential directional or identification signs may be allowed internal to the development. Such signs may be used to identify the location or direction of approved uses such as, but not limited to, models or model sales centers, clubhouse, recreational areas. Individual signs may be a maximum of 4 square feet per side in size. Signs maintaining a common architectural theme may be combined to form a menu board with a maximum size of 24 square feet per side. All of these signs shall be a maximum height of 8 feet.
2. Real estate signs with a maximum size of 4 square feet per side may be permitted in residential districts. Such signs may advertise "For Sale", "Sold To", "Lot #", or similar verbiage. No building permit is required.

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3. Special event signs not exceeding 32 square feet per side in size may be displayed to announce or advertise such temporary uses as open houses, community fairs, or programs or any charitable, or educational event. Special event signs shall be erected not more than 14 days preceding the event and shall be removed within 72 hours of completion of the event. Such signs shall be located no closer than 10 feet to any property line. No building permit is required.

4. Grand opening signs: The developer may display an on-site grand opening sign not exceeding 32 square feet on a side and not exceeding 64 square feet total. Any banner signs shall be anchored and may be displayed on-site for a period not exceeding 14 days within the first three months that the occupant is open for business. No building permit is required

G. COMMERCIAL SIGNS

Commercial signs within the commercial area shall be erected consistent with provision of the Collier County Land Development Code Division 2.5, Signs.

The maximum allowable display area for signs may not be more than 20 percent of the total square footage of the visual façade of the building to which the sign will be attached and may not, in any case, exceed the maximum square footage permitted in ~~Subsection 2.5.5.2.5.2~~Section 5.06.00 of the Land Development Code.

H. TRAFFIC SIGNS

Traffic signs, such as street signs, stop signs and speed limit signs, may be designed to reflect a common architectural theme. The placement and size of the signs will be in accordance with the Collier County Land Development Code.

2.15~~20~~ SIDEWALK/BIKE PATHS

A. ~~Pursuant to Section 3.2.8.3.17 of the Land Development Code, the Wentworth Estates PUD~~ The developer, its successors and assigns, shall provide sidewalks/bike paths as follows:

1. A sidewalk/bikepath/jogging/golf cart network will be integrated throughout the entire site including Residential, Golf Course/Open Space, and Conservation Districts.

2. An internal pedestrian lane or a combination of sidewalks, walking paths, boardwalks or cart paths will be provided throughout the project.

3. Construct a four foot (4') bike lane and a five foot (5') sidewalk along the main spine road for all future development west of the Florida Power and Light transmission line easement as shown on Exhibit B.

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B. The developer reserves the right to request substitutions to Land Development Code sidewalk/bikepath design standards in accordance with Section 6.06.02.A.4 ~~3.2.7.2~~ thereof.

~~2.21 SUBSTITUTIONS TO SUBDIVISION DESIGN STANDARDS~~

~~The developer reserves the right to request substitutions to subdivision improvement and utility design standards in accordance with Section 3.2.7.2 of the Land Development Code.~~

2.16~~22~~ COMMUNITY DEVELOPMENT DISTRICT

A. The developer has~~may elect to~~ established the Wentworth Estates Community Development District to provide and maintain infrastructure and community facilities needed to serve the project. The CDD ~~may~~ constitutes a timely, efficient, effective, responsive and economic way to ensure the provision of facilities and infrastructure for the proposed development. Such infrastructure as may be constructed, managed and financed by the CDD shall be subject to, and shall not be inconsistent with the Collier County Growth Management Plan and all applicable ordinances dealing with planning and permitting of the Wentworth Estates PUD.

B. The land area is amenable to infrastructure provision by a district that has the powers set forth in the charter of a Community Development District pursuant to Sections 190.006 through 190.041, Florida Statutes. Such a district may be a legitimate alternative available both to the County and to the landowner for the timely and sustained provision of quality infrastructure under the terms and conditions of County development approval.

2.17~~23~~ ROADWAYS

A. If the developer so elects, roadways within the Wentworth Estates PUD may be included as one of the CDD provided infrastructure improvements. Standards for roads shall be in compliance with the applicable provisions of the Land Development Code, unless otherwise modified, waived, or excepted by this PUD Document or approved during preliminary subdivision plat approval. ~~The developer reserves the right to request substitutions to Land Development Code design standards in accordance with Section 3.2.7.2 thereof.~~ The developer retains the right to establish gates, guardhouses, and other access controls as may be deemed appropriate by the developer on all privately owned and maintained project roadways and roadways built and/or maintained by the Wentworth Estates CDD, if applicable.

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B. Roadways within the Wentworth Estates PUD shall be designed and constructed in accordance with Section ~~3.2.8~~ 6.06.01 of the Collier County Land Development Code with the following substitutions.

1. Street right-of-way width: The minimum right-of-way width to be utilized for local streets within the Wentworth Estates PUD shall be fifty (50') feet.

~~2. The primary project entry road may be constructed utilizing an urban type roadway cross section with sidewalks on each side.~~

~~3.~~2. Intersection radii: Street intersections shall be provided with a minimum of a twenty (20) foot radius (face of curb) for all internal project streets and a thirty-five (35) foot radius for intersections at project entrances.

~~4.~~3. Reverse curves: Tangents shall not be required between reverse curves on any project streets.

4. Length of cul-de-sacs: allow cul-de-sacs in excess of 1,000 feet and up to 2500 feet in the MPUD (throughout). The developer shall provide internal looping of water mains, subject to review and approval by the Collier County Utilities staff. The developer shall provide a water main connection between the two "LDR" areas at the north end of the property, through the FPL easement (north of the roadway (Treviso Bay Drive) shown on the MPUD Master Plan. The developer, or successors and assigns, shall provide a stabilized emergency vehicle turn-around, meeting local fire prevention code criteria, approximately midway along a cul-de-sac that is over 1,000 feet in length.

2.18~~24~~ USE OF RIGHT-OF-WAY

Utilization of lands within all project rights-of-way for landscaping, decorative entrance ways and signage shall be allowed subject to review and administrative approval by the developer and the Collier County Development Transportation Services Director for engineering and safety considerations during the development review process and prior to any installations.

2.19~~25~~ LAKE SETBACK AND EXCAVATION

The lake setback requirements described in the Excavation Ordinance ~~Section 3.5.7.1 of the Land Development Code~~ may be reduced with the administrative approval of the Collier County Planning Services Director. All lakes greater than two (2) acres may be excavated to the maximum commercial excavation depths set forth in the Excavation Ordinance. ~~Section 3.5.7.3.1 of the Collier County Land Development Code. Removal of fill and rock from the Wentworth Estates PUD shall be administratively permitted to an amount up to ten (10%) percent per lake (20,000 cubic yards maximum), unless issued a commercial excavation permit.~~

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SECTION III

RESIDENTIAL AREAS

3.1 PURPOSE

The purpose of this Section is to identify specific development standards for Residential Areas within the Wentworth Estates PUD designated on Exhibit "~~J~~B" ~~as Tracts A, B, C, and D~~.

3.2 MAXIMUM DWELLING UNITS

The maximum number of dwelling units shall not exceed 1,450. There are two types of general residential dwelling units. ~~An approximation of the possible distribution for the maximum number of dwelling units allowed within the PUD is as follows:~~

~~TRACT~~	~~NUMBER OF UNITS~~	~~RESIDENTIAL~~
~~A~~	~~330~~	~~MDR, MHDR~~
~~B~~	~~246~~	~~LDR, MHDR~~
~~C~~	~~281~~	~~LDR, MHDR~~
~~D~~	~~343~~	~~LDR, MHDR~~

~~Total 1,200~~

~~LDR Low-density residential (single family, zero lot line, duplex, two family)~~
LDR – Single family attached, single family detached, zero lot line, duplex.
~~MDR Medium-density residential (single family attached, townhouse, attached and detached villa, coach homes, carriage homes, and clustered homes)~~
MDR – Single family attached, single family detached, zero lot line, duplex, multi-family, townhouse, cluster housing.
MDR-2 Single family attached, single family detached, zero lot line, duplex, multi-family, townhouse, cluster housing.
~~MHDR Medium-height density residential (multi-family midrise)~~

The PUD Master Plan, Exhibit "~~J~~B", attached hereto, and this PUD Document provide a depiction of the Residential ~~Tracts~~Areas. At the time of final subdivision plan approval for each phase, the exact location, type and number of the MDR and LDR units in each area ~~tract~~ will be determined by the developer. The areas depicted as MDR-2 on Exhibit B are limited to two stories in height. ~~The MHDR units in all of the MHDR Districts may, at the developer's option, be converted to MDR or LDR units.~~

3.3 GENERAL DESCRIPTION

Areas designated as residential on the Master Plan are designed to accommodate a full range of residential dwelling types, compatible non-residential uses, a full range of recreational facilities, essential services, and customary accessory uses.

The approximate acreage of the area designated as residential is ~~1,034.72~~ 1040.07+ acres. This acreage is based on conceptual designs and is approximate, Actual acreages of all development areas ~~tracts~~ will be provided at the time of site development plan or preliminary subdivision plat approvals in accordance with ~~Division 3.3, and Division 3.2~~Sections 10.02.03 and 10.02.04 respectively, of the Land Development Code. Residential areas ~~tracts~~ are designed to accommodate internal roadways, open spaces, and other similar uses found in residential areas.

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The residential component of the development will consist of low density residential (LDR),and medium density residential (MDR)~~, and medium height density residential (MHDR) districts~~. The LDR and MDR areas~~districts~~ may include any of the principal uses listed below~~, except for the 90-foot mid-rise condominium structures~~. Provided that the maximum number of dwelling units approved is not exceeded, the developer may construct ~~interchange~~ the LDR dwelling unit types ~~among~~ in the LDR, and MDR ~~and MHDR~~ areas~~districts~~. The development standards associated with the dwelling unit types allowed in LDR and MDR areas~~districts~~, respectively, shall be applied when a dwelling unit type is transferred among the areas~~districts~~. In the case where a dwelling unit type is allowed in both LDR and MDR areas~~districts~~, the more restrictive development standards shall apply, if different. Dwelling unit types shall be the same within a development area~~tract~~ with landscape buffers between areas ~~tracts~~ and in conformity with ~~Division 2.4~~ Section 4.06.00 of the Land Development Code, except as provided for in the deviations, attached hereto as Exhibit C.

~~In all MHDR districts up to twelve (12) mid-rise condominium structures not to exceed ninety (90) feet in height shall be permitted.~~

3.4 USES PERMITTED

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or part, for other than the following:

A. Principal Uses:

1. Single family detached dwelling units.

2. Single family attached ~~townhouse~~ dwelling units.

3. Duplex dwelling units.

~~4. Two-family dwelling units.~~

~~5.~~4. Zero lot line dwelling units.

~~6.~~ 5. Multi-family dwelling units ~~(detached and attached villas, townhouse, coach homes, carriage houses, and as many as twelve (12) mid-rise condominium structures not to exceed 90 feet in height and other similar housing types).~~

6. Townhouse dwelling units.

7. Cluster housing: The clustering or grouping of housing structure types identified in Section 3.3 of this Document may be permitted on parcels of land under unified ownership, or as may be otherwise provided in Section ~~2.6.27~~ 4.02.04. ~~and Section 2.6.36~~ of the Collier County Land Development Code, subject further to the provisions of~~Division 3.3~~ Section 10.02.03 of the Collier County Land Development Code and ~~Table I~~ Exhibit "A" of this Document.

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8. Family care facilities.

9. Any other use, which is comparable in nature with the foregoing uses, consistent with the permitted uses and purpose and intent statement of this PUD as determined by the Board of Zoning Appeals.

B. Accessory Uses and Structures:

1. Accessory uses and structures customarily associated with principal uses permitted in residential areas~~districts~~, including but not limited to recreational facilities designed to serve residents of the principal structure.

2. Recreational facilities that serve as an integral part of a residential development and have been designated, reviewed and approved on a site development plan or preliminary subdivision plat for that development. Recreational facilities may include, but are not limited to, golf course, clubhouse and maintenance facility, pools, community center building, tennis facilities, parks, playgrounds and play fields.

3. Any other accessory use, which is comparable in nature with the foregoing uses, consistent with the permitted uses and purpose and intent statement of this PUD as determined by the Board of Zoning Appeals.

3.5 DEVELOPMENT STANDARDS

A. Exhibit "A" ~~Table 1~~ sets forth the development standards for land uses with the Wentworth Estates PUD residential area.

B. Site development standards for single-family, single-family attached, duplex, and zero lot line~~, two family, and town home~~ uses apply to individual residential lot boundaries. Multi-family, townhouse and cluster housing standards apply to platted parcel boundaries.

C. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein or within the adopted Wentworth Estates PUD design guidelines and standards, are to be in accordance with Land Development Code in effect at the time of site development plan approval. Unless otherwise indicated, required yards, heights, and floor area standards apply to principal structures.

D. Development standards for uses not specifically set forth in Exhibit "A" ~~Table 1~~ shall be in accordance with the standards of the zoning district which is most similar to the proposed use.

E. In the case of residential structures with a common architectural theme, required property development regulations of ~~Table 1~~ Exhibit "A" may be waived or reduced provided a site plan is approved by the Growth Management~~Planning Services Director~~ Administrator or his designee, in accordance with the criteria contained in

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Sections ~~2.6.27.4.6.1~~ 4.02.04.F. ~~through 2.6.27.4.6.3~~ of the Land Development Code. This is a deviation from Subsection 4.02.04.F ~~2.6.27.4.6~~ which requires approval by the Collier County Planning Commission.

F. Where residential landscape buffers are located adjacent to a commercial property, clubhouse or community pool facility, a 10-foot wide, Type A landscape buffer is required on the residentially zoned property, and a 15-foot wide Type B landscape buffer is required along commercial, clubhouse or community pool property.

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SECTION IV
COMMERCIAL AREA

4.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the area identified within the Wentworth Estates PUD Master Plan as Commercial Area.

4.2 GENERAL DESCRIPTION

Areas designated as Commercial Area on the Wentworth Estates PUD Master Plan are designed to accommodate a full range of commercial, retail and office uses designed to serve residents of the Wentworth Estates PUD and the immediate vicinity.

4.3 USES PERMITTED

Up to 85,000 square feet of gross floor area is permitted in total. No building or structure, or part thereof, shall be erected, altered or used or land used, in whole or in part, for other than the following:

A. Automotive dealers and gasoline service stations (5511, 5531, 5541 with services and repairs as described in Section 2.6.28, of the Land Development Code 5571, 5599, new vehicles only.

B. Home furniture, furnishings and equipment Stores (Groups 5712-5736)

C. Eating and drinking places, including drive-through (Groups 5812)

D. Miscellaneous retail (Groups 5912, 5921, 5941, 5992-5999)

E. Depository and non-depository institutions (Groups 6021-6062 and 6111-6163)

F. Security and commodity brokers (Group 6211-6289)

G. Insurance carriers (Groups 6311-6399)

H. Automotive rental and leasing (Groups 7514-7515)

I. Miscellaneous repair services (Groups 7622-7699)

J. Amusement and recreation services (7911, 7922, 7933, 7991)

K. Health services (Groups 8011-8099)

L. Membership organizations (Groups 8611-8661)

M. Engineering, accounting, research and related services (Groups 8711-8720, 87228748)

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N. Legal services (8111)

O. Child/adult day care services (8351)

P. Sales/welcome center

4.4 DEVELOPMENT STANDARDS

A. Minimum Yard Requirements:

1. Front Yard: Twenty-five feet (25') minimum or one-half the building height whichever is greater.

2. Side Yard: Fifteen feet (15')

3. Rear Yard: Fifteen feet (15')

4. Preserve Setbacks:

   i. Principal structures: Twenty five feet (25')

   ii. Accessory structures: Ten feet (10')

5. Setbacks from a lake for all principal and accessory uses may be zero(0) feet provided architectural bank treatment is incorporated into the design.

6. Where residential landscape buffers are located adjacent to a commercial property, clubhouse or community pool facility, a 10-foot' wide Type A landscape buffer is required on the residentially zoned property and a 15-foot wide Type B landscape buffer is required along commercial, clubhouse or community pool property.

B. Exterior lighting shall be arranged in a manner which will protect roadways and residential properties from direct glare or unreasonable interference.

C. Maximum height of structures — Sixty feet (60') <u>Zoned height. Seventy feet (70') Actual height</u>.

D. Minimum distance between all other principal structures — Twenty feet (20').

E. Minimum distance between all other accessory structures (excluding drive-through facilities) — Ten feet (10').

F. Minimum floor area — Seven hundred (700) square feet gross floor area on the ground floor.

G. Minimum lot or parcel area — Ten thousand (10,000) square feet.

H. Minimum lot width — Seventy-five feet (75').

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I. Standards for parking, landscaping, signs and other land uses where such standards are not specified herein are to be in accordance with the Collier County Land Development Code in effect at the time of site development plan approval. Unless otherwise indicated, required yards, heights, and floor area standards apply to principal structures.

J. Architectural standards — All buildings shall maintain a consistent architectural theme along theme along each building façade as required by ~~the~~ Section 5.05.08 of the Collier County Code Land Development Code.

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SECTION V

COMMON/RECREATIONAL/GOLF COURSE AREAS

5.1 PURPOSE

The purpose of this Section is to set forth the development plan and development standards for the area(s) designed as Common/Recreational/Golf Course Areas on the Wentworth Estates PUD Master Plan, Exhibit "~~J~~B". The primary function and purpose of this Area ~~Tract~~ will be to provide aesthetically pleasing open areas, golf course and recreational facilities, except in areas to be used for water impoundment and principal or accessory use areas, all natural trees and other vegetation as practicable shall be protected and preserved.

5.2 USES PERMITTED

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

A. Principal Uses:

1. Golf courses, golf facilities, golf teaching facilities, including classrooms and temporary golf clubhouses
2. Lakes
3. Open space/nature preserve/conservation area uses and structures such as, but not limited to, boardwalks, nature trails, bikeways, landscape nurseries, gazebos, boat and canoe docks, fishing piers, picnic areas, fitness trails and shelters
4. Pedestrian and bicycle paths, or other similar facilities constructed for purposes of access to or passage through the commons areas
5. Small docks, piers or other such facilities, constructed for purposes of lake recreation for residents of the project
6. Shuffleboard courts, tennis courts, swimming pools, and other types of facilities intended for outdoor recreation
7. Community and neighborhood recreational facilities and structures for residents and their guests. ~~enrichment center~~
8. Project information and sales center
9. Tennis clubs, health spas, pools and other recreational clubs

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10. Any other use, which is comparable in nature with the foregoing uses, consistent with the permitted uses and purpose and intent statement of this PUD as determined by the Board of Zoning Appeals.

B. Accessory Uses:

1. Clubhouse, pro-shop, practice driving range and other practice facilities, golf cart barns, rest rooms, shelters, snack bars, golf course maintenance facilities, essential services, irrigation water and effluent storage tanks and ponds, utilities, pumping facility, pump buildings, and maintenance staff offices.

2. Retail establishments accessory to the permitted uses of the District such as but not limited to, golf, and tennis.

3. Restaurants, cocktail lounges, and similar uses intended to serve club members and club guests.

~~4. Accessory, incidental and subordinate commercial activities, such as but not limited to, those provided herein shall clearly be of such scope, size and proposed intensity that they are sustainable only by the membership of the golf course and clubhouse.~~

~~5. Small docks, enclosures or other structures constructed for purposes of maintenance, storage, recreation or shelter with appropriate screening and landscaping.~~

~~6. Shuffleboard courts, tennis courts, swimming pools and other types of similar recreational facilities.~~

~~7. Telecommunications facilities.~~

~~8.~~4. Any other use, which is comparable in nature with the foregoing uses, consistent with the permitted uses and purpose and intent statement of this PUD as determined by the Board of Zoning Appeals.

5.3 DEVELOPMENT REGULATIONS

A. Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

B. Principal and accessory structures shall be set back a minimum of twenty-five (25) feet <u>from</u> abutting residential districts and PUD Boundaries. No structure greater than thirty-five (35) feet in height shall be within seventy-five (75) feet of the project property line.

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C. Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

D. MAXIMUM HEIGHT:

1. Principal structure – Fifty-five (55 feet) Zoned height. Sixty-five (65') Actual height.

2. Accessory structure –Fifty-five (55 feet) Zoned height. Sixty-five (65') Actual height.

E. MINIMUM OFF-STREET PARKING AND LOADING

As required by ~~Division 2.3~~ Section 4.05.00 of the Land Development Code in effect at time of building permit application.

F. Minimum distance between principal or accessory structure, which are a part of an architecturally unified grouping — Ten feet (10').

G. Minimum distance between all other principal structures — Twenty feet (20').

H. Minimum distance between all other accessory structures — Ten feet (10').

I. Minimum floor area — None required.

J. Minimum lot or parcel area — None required.

K. Principal and accessory structures setbacks from Preserve Area:

1.	Principal structure	Twenty-five feet (25')
2.	Accessory structure	Ten feet (10')

L. Parking for the community center/clubhouse shall be one space per every two hundred (200) square feet of gross floor area which shall be considered inclusive of required golf course parking.

M. The developer, its successors and assigns shall commence construction of the golf course clubhouse no later than upon issuance of the certificate of occupancy for the 800th residential dwelling unit for the PUD.

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SECTION VI

CONSERVATION/PRESERVE AREAS

6.1 PURPOSE

The purpose of this Section is to identify permitted uses and development standards for the areas within the Wentworth Estates PUD designated on the PUD Master Plan as Conservation/Preserve Areas. The goal of this Section is to preserve and protect native vegetation, and naturally functioning habitat such as wetlands in their natural state.

6.2 GENERAL DESCRIPTION

Areas designated as Conservation Areas on the Wentworth Estates PUD Master Plan are designated to accentuate conservation and limited water management uses and functions.

6.3 PERMITTED USES AND STRUCTURES

No building or structure or part thereof, shall be erected altered or used, or land used, in whole or in part, for other than the following, subject to regional, state and federal permits when required:

A. Principal Uses:

1. Open spaces/nature preserve/wildlife habitats.
2. Boardwalks and nature trails ~~(excluding impervious surfaces).~~
3. Water management structures~~.~~, the installation of the water management structures will not result in a decrease below minimum preserve requirements.
4. Mitigation activities including exotic vegetation removal and planting of native vegetation.

~~5. Temporary construction access roads.~~

6.4 STATE LANDS

Lands within the PUD lying with in the Rookery Bay National Estuarine Research Reserve are separated by designation on the Master PUD Plan, Exhibit "~~J~~B", and are governed by the Conservation Zoning District (CON) standards as set forth in Section ~~2.2.17~~2.03.09.B of the Collier County Land Development Code in effect at the date of adoption of this PUD Ordinance.

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SECTION VII

DEVELOPMENT COMMITMENTS

7.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the Wentworth Estates PUD,

7.2 GENERAL

All facilities shall be constructed in strict accordance with final site development plans, final subdivision plans and State and local laws, codes, and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of ~~Division 3.2~~ Section 10.02.04 of the Land Development Code shall apply to this project even if the land within the PUD is not to be platted. The developer, his successor and assigns, shall be responsible for the commitments outlined in this Document.

The developer, his successor or assignee shall agree to follow the Master Plan and the regulations of the PUD Document as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, the developer will agree to convey to any successor or assignee of the developer is bound by in title any commitments within this Document. A maximum of 1450 dwelling units and 85,000 square feet of commercial are permitted. Developer intends to construct a minimum of 310 single family units.

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

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7.3 PUD MASTER PLAN

Exhibit ~~I~~B, the Wentworth Estates PUD Master Plan illustrates the proposed development. Proposed area ~~tract~~, lot or land use boundaries or special land use boundaries shall not be construed to be final and may be varied at any subsequent approval phase such as final platting or site development plan application. Subject to the provisions of Section ~~2.7.3.5~~ 10.02.13.E. of the Land Development Code, amendments may be made from time to time.

All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities and all common areas in the project.

7.4 ~~DEVELOPMENT PHASING SCHEDULE~~ SUNSET PROVISION AND MONITORING REPORT

~~Subject to securing all necessary federal, state and local development permits, construction is proposed to begin in the fall of 2004 and is projected to be completed by December 2012.~~

A. This PUD shall be subject to the Sunset Provisions of Section ~~2.7.3.4~~ 10.02.13.D of the Land Development Code.

B. Monitoring Report: An Annual PUD monitoring report shall be submitted pursuant to Section 2.7.3.6 10.02.13.F. of the Land Development Code. The monitoring report shall be accompanied by an affidavit stating that representations contained therein are true and correct.

7.5 TRANSPORTATION

This PUD shall be limited to 932 adjusted two-way, PM peak hour trips (correspondent to the highest trip generation scenario of those proposed in the Traffic Impact Statement Addendum dated May 3, 2013 prepared by Stantec Consulting, Inc. For purposes of calculation of the weekday PM peak hour trip generation for this PUD, the lesser of the weekday PM peak hour trips as calculated in the Institute of Traffic Engineer's (ITE) Report, titled Trip Generation, 9th Edition or the trip generation as calculated in then current ITE Trip Generation Report shall be utilized.

The following commitments are made as necessary elements of the proposed project and as mitigation for the transportation impacts associated with the project. Each of these commitments are made as a result of a detailed traffic impact analysis conducted for the project using a methodology approved by Collier County Transportation Planning Staff, negotiated mitigation plan elements, and other commitments made by the developer regarding site access improvements. These commitments shall be confirmed with a Developer Contribution Agreement (DCA).

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A. The Wentworth Estates PUD shall not use Southwest Boulevard as a construction access. However, it will function as a secondary project ingress/egress point for the entire project.

B. Specific roadway improvements have been identified, as needed, to address local concurrency standards. These were identified in a report submitted in December 2002 titled "Wentworth Estates — Transportation Impact Study". The improvements to be made by the developer are described below.

~~C. Arterial level street lighting shall be provided at all development points of ingress and egress. Said lighting must be in place at any active entrance prior to the issuance of the first permanent certificate of occupancy (CO).~~

~~D. External project entrance improvements located at the US 41/North Entrance and the US 41/Southwest Boulevard, such as turn lanes and median modifications, and internal roadway improvements will not be considered for impact fee credits. All such project specific improvements needed to serve the development traffic at an acceptable level of service shall be in place prior to the issuance of the first CO.~~

~~E.~~ C. The following Transportation Impact Plan will operate to alleviate the development's impact on the adjacent roadway network:

1. ~~No later than within ten (10) days of the date of the execution of the DCA for the project, the developer shall obtain certificates of public facility adequacy for roads for all development density and intensity authorized by this PUD by prepaying to the County one-half of the road impact fees estimated to be due for all authorized development. This pre-payment shall serve to mitigate the project's impacts, advance improvements to roadways expected to be impacted by the project and vest all of the project's development density and intensity for transportation concurrency requirements. It is estimated that this prepayment will be at least $3,500,000 based on an estimate of half of the amount currently applicable for road impact fees for authorized residential and commercial uses. All impact fees shall be calculated based on the fee schedule in effect on the date first mentioned above. The impact fee prepayment funds may be utilized by the County outside of the road impact fee district in which the Wentworth Estates PUD is located.~~ The developer has completed construction of intersection improvements (turn lanes and median improvements) at the intersections of US 41/Southwest Boulevard and US 41/North Entrance to the Wentworth Estates PUD. The developer has also installed a traffic signal at the intersection of US 41/Southwest Boulevard, and when warranted the developer shall install a traffic signal at the US 41/North Entrance to the PUD. These improvements are site-related and not eligible for impact fee credits.

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~~2. Prior to the issuance of the first CO, the developer shall construct intersection improvements (turn lanes and median improvements) and, when warranted, install traffic signals at the intersections of US 41/Southwest Boulevard and US 41/North Entrance to the Wentworth Estates PUD. These improvements will be considered project related and will not be eligible for impact fee credits.~~

~~3.~~2. Additionally, and without impact fee credits, the developer ~~shall~~ contributed the sum of $392,800 to construct southbound left and eastbound right turn lanes for the US 41/Airport Road intersection ~~(engineer's estimate of probable cost: $339,800)~~, and a westbound left turn lane at the US 41/Rattlesnake-Hammock Road intersection ~~(engineer's estimate of probable cost: $53,000). These payments shall be made to the County within sixty (60) days of receipt by the developer of the County's written request for payment of construction costs, or within 90 days of approval of this Ordinance, or as otherwise required under the terms of the DCA. Although two specific improvements have been identified above, the developer understands and agrees that the County may determine that other improvements within the same Transportation Concurrency Management Area are more essential for the efficient operation of the transportation system than those identified above and may elect to use these funds to construct those alternate improvements. These alternate improvements are to be made within the same Transportation Concurrency Management Area that includes the project. The developer fully agrees to provide this level of flexibility to the County in the use of the above-mentioned funds~~.

~~F. All points of ingress and/or egress as shown on any plan submittal are conceptual in nature and subject to change as determined by Collier County Transportation Staff. Collier County Transportation Staff reserves the right to modify, or close any ingress and/or egress location(s) determined to have an adverse effect on the health, safety, and welfare of the public. These include, but are not limited to, safety concerns, operational circulation issues and roadway capacity problems~~

~~G. Any and all median opening locations will be in accordance with the Collier County Access Management Policy, as amended, and Land Development Code, as amended. Median access and control will remain under the authority of Collier County. Collier County Transportation Staff reserves the right to modify or close any median opening determined to have an adverse effect on the health, safety, and welfare of the public. These effects may include, but are not limited to, safety concerns, operational circulation issues and roadway capacity problems.~~

~~H. Nothing in any development order will vest the right of access over and above a right in/right out condition. Neither will the existence, or lack of, a future median opening be the basis for any future cause of action for damages against the County by the developer(s), its successor(s) in title, or assignee(s).~~

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

~~I. The development shall be designed to promote the safe travel of all users including pedestrians and bicyclists. Pedestrian travel ways shall be separated from vehicular traffic in accordance with recognized standards and safe practices.~~

~~J.~~ D. The developer(s), its successor(s) in title, or assignee(s), will be responsible for the cost of any traffic signal at any development entrance when deemed warranted and approved by Collier County Transportation Staff. Traffic signals shall be owned, operated and maintained by Collier County.

~~K. The developer shall provide compensating right-of-way from project lands under the developer's control for all project specific turn lanes necessary to serve the project.~~

~~L.~~ E. All internal access(es), drive aisle(s), sidewalk(s), etc. not located within County right-of-way will be privately maintained by an entity created by the developer(s), its successor(s) in title, or assignee(s).

~~M. The developer agrees to provide shared access if, in the opinion of Collier County Planning and Transportation Staffs, such shared access is physically and economically feasible based on site plans submitted by the developer or adjacent developments, as long as this does not result in relocation or modification of the project's planned entrances onto US 41.~~

~~N. If a gate is proposed at any development entrance it shall be designed so as not to cause vehicles to be backed up onto any adjacent roadway or intersection affecting safe and efficient operations on County or State roadways. The minimum depth to the development key pad/phone box and turn-around area in front of any such gate shall be no less than 100 feet. Collier County reserves the right to impose a stricter requirement if site specific conditions warrant.~~

~~O. The developer reserves the right to make modifications to the Typical Spine Road Sections to enhance the roadway and streetscape aesthetics and appeal of the development. Modifications will protect the quality and quantity of on-site wetlands, and may help to better display the natural areas. Modifications may also reduce overall traffic speeds and provide enhanced opportunities and experiences for pedestrians and bicyclists. All modifications that are made will be subject to Collier County standards.~~

~~1. In areas adjacent to wetlands, the developer reserves the right to make modifications to the Typical Spine Road Section (within the 100 foot right-of-way) to include the following:~~

~~i. Changing the six-foot sidewalk on one or both sides of the roadway to an 8-foot multi-use path.~~

~~ii. Allowing a variable width median that may vary between 10 feet and 40 feet.~~

~~iii. Modifying the typical 4:1 slope at the edge of the right-of-way to other grading solutions as conditions permit.~~

~~2. In areas adjacent to uplands, the developer reserves the right to make modifications to the Typical Spine Road Section to include the following:~~

~~i. Allowing a variable width right-of-way that may vary between 100 feet and 150 feet.~~

~~ii. Changing the 6-foot sidewalk on one or both sides of the roadway to an eight foot multi-use path.~~

~~iii. Allowing a variable width median that may vary between 10 feet and 90 feet.~~

F. ~~P.~~ The developer ~~shall improve~~ has improved Southwest Boulevard to include two 12-foot lanes, a curb-and-gutter urban roadway cross-section with enclosed drainage, and a sidewalk on each side of the road. ~~These improvements will be designed to tie into the existing roadway network and improve area drainage.~~ Improvements to Southwest Boulevard ~~shall~~ also include landscaping and lighting and shall improvements to the turning movement geometry at the intersection of Southwest Boulevard and US 41. ~~These improvements shall be part of the Phase 1 construction plans and shall be reviewed and approved by Collier County.~~ A bench and/or bus shelter was ~~shall also be~~ included in the construction plans with the design and location coordinated by Collier County.

G. ~~Q.~~ The developer ~~shall provide~~ paid to the County ~~up to~~ $250,000 to supplement the funding for the installation of street lighting by the County, along US 41 from Broward Street to Collier Boulevard. ~~This payment shall be made in accordance with the terms of the DCA.~~

7.6 WATER MANAGEMENT

A. In accordance with the rules of the South Florida Water Management District, the Wentworth Estates PUD project shall be designed for a storm event of a 3-day duration and 25 year storm return frequency.

B. An excavation permit will be required for the proposed lakes in accordance with ~~Division 3.5 of~~ Ordinance 2004-55 the Collier County Excavation Ordinance ~~Land Development Code~~. All lake dimensions will be approved at the time of excavation permit approval.

~~C.~~ The ~~Wentworth Estates PUD conceptual surface water management system is shown on Exhibit "G", Preliminary Drainage Plans & Details (JEI file No. 20023436). Minor changes or modifications to Exhibit "G" shall be authorized as provided in Section 2.9 of the Wentworth Estates PUD.~~

~~1. The rear yard swales are not proposed to provide water quality. These swales are for conveyance only.~~

~~2. The rear yard swales shall be kept free of any obstacles that would impede the flows. These obstacles include but are not limited to pools, sheds, fences, landscaping, etc.~~

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

~~3. The developer shall cooperate with the Collier County Storm Water Management Department in the design of the Wentworth Estates PUD to coordinate with the design and construction sequencing of the Lely Area Storm Water Improvement Project (LASIP) such that construction will not have an adverse effect on regional drainage at any phase of development.~~

~~4. Subject to receiving reimbursement from the County pursuant to an agreement, the developer shall assist the County with the design, permitting and construction of the following primary water management facilities and shall be reimbursed for its fair share of the construction costs when applicable portions of the County's LASIP project are funded by the County.~~

~~Canal and outfall waterways on:~~

~~i. Lely Canal~~

~~ii. Lely Manor Canal Western Outfall*~~

~~iii. Lely Manor Canal Eastern Outfall~~

~~* Cooperative effort with County and Collier Enterprises (Collier DRI — a.k.a., Sabal Bay — common property line), or assigns~~

~~5. Subject to receiving reimbursement from the County pursuant to an agreement, the developer shall agree, as a cooperative endeavor, to design, permit and construct, according to County specifications, that portion of an outfall spreader lake that is located within the development's property boundary at the downstream end of the Lely Manor Eastern Outfall Canal and the proposed storm water pump station (currently proposed to be located at the terminus of Maple Lane). Upon completion and acceptance by the County, the developer shall, by an appropriate agreement, receive reimbursement for its fair share of the construction cost.~~

~~6. Phasing of the construction of the proposed improvements to the Lely Manor Western Outfall Canal and the Lely Manor Eastern Outfall Canal storm water management facilities shall be coordinated with the various drainage systems.~~

~~7. The developer shall provide the County with appropriate easements associated with the above described proposed Lely Manor Western Outfall Canal and Lely Manor Eastern Outfall Canal storm water management facilities, including the outfall spreader lake and storm water pumping station components, in order for the County to properly access, operate, and maintain said facilities. The easements shall provide clear and uninterrupted access from U.S. 41. The easements shall be provided at no cost to the County within 120 days of either the developer's construction of the Lely Manor Western Outfall Canal and/or Lely Manor Eastern Outfall Canal storm water management facilities, including the outfall spreader lake and storm water pumping station; the platting of the property; or the County's written request for the easement dedications, whichever occurs first.~~

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

~~8. The developer retains the right to utilize the available fill material generated in the construction of the cooperative canals and lake work noted above at no additional cost.~~

~~9.~~ C. The developer shall commit to a water quality monitoring program for the project that is in compliance with the South Florida Water Management District Environmental Resource Permit, which provides monitoring criteria and enforceable limitations. This water quality monitoring program will be developed in conjunction with and will meet the requirements of the Rookery Bay National Estuarine Research Reserve and the Conservancy of Southwest Florida Staffs.

7.7 UTILITIES

~~A. Water distribution, sewage collection and transmission systems shall be constructed throughout the Wentworth Estates PUD project by the developer. Potable water and sanitary sewer facilities constructed within platted rights-of-way or within dedicated County utility easements shall be conveyed to Collier County, pursuant to Collier County Ordnance 88-76, as amended, except as may be provided in Section 2.22 of this Document.~~

~~B. Upon completion of the utility facilities, they shall be tested to insure they meet Collier County utility construction requirements in effect at the time constructing plans are approved.~~

~~C. All customers connecting to the potable water and sanitary sewer system shall be customers of the County, except as may be provided in Section 2.22 of this Document.~~

~~D. The Wentworth Estates PUD Conceptual Utilities (sewer and water) Distribution Plan is shown on Exhibits "H" and "I"(JET File No. 20023436).~~

A. Irrigation for the residential and golf course will be through groundwater withdrawal permitted by the South Florida Water Management District.

7.8 ENGINEERING

Except as noted herein, all project development will occur consistent with ~~Divisions 3.2 and 3.3~~Sections 10.02.03 and 10.02.04, respectively, of the Land Development Code.

7.9 ENVIRONMENTAL

~~A. This PUD shall be consistent the Environmental Sections of the Collier county Growth Management Plan. Conservation and Coastal Management element and the Collier county Land Development Code in effect at the time of final development order approval.~~

~~B. Environmental permitting shall be in accordance with the State of Florida Environmental ResouLrce Permit Rules and shall be subject to review and approval by Environmental Services Staff.~~

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

~~C. This PUD shall comply with the guidelines and recommendations of the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWCC) regarding potential impacts to protected species on site. A Habitat Management Plan for those protected species shall be submitted to Environmental Services Staff for review and approval prior to final site plan/construction plan approval.~~

~~D. All conservation areas shall be designated as conservation/preservation tracts or easements on all construction plans and shall be recorded on the plat with protective covenants per or similar to Section 704.06, Florida Statutes. Buffers shall be provided in accordance with Section 3.2.8.4.7.3 6.01.02 of the Collier County Land Development Code. Conservation easements shall be dedicated on the plat to the project homeowners' association, or like entity, for ownership and maintenance~~

~~E. Buffers shall be provided around wetlands extending at least fifteen (15) feet landward from the edge of wetland preserves in all places and averaging twenty-five (25) feet from the landward edge of wetlands. Where natural buffers are not possible, structural buffers shall be provided in accordance with the State of Florida Environmental Resources Permit Rules and shall be subject to review and approval by Environmental Services Staff.~~

~~F. An exotic vegetation removal, monitoring, and maintenance (exotic free) plan for the site, with emphasis on the conservation/preservation areas, shall be submitted to Environmental Services Staff for review and approval prior to final plan/construction plan approval. A schedule for exotic removal within all preservation areas shall be submitted with the above mentioned plan.~~

~~G. All Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council, shall be removed from within preserve areas and subsequent annual removal of these plants (in perpetuity) shall be responsibility of the property owner.~~

~~H. A gopher tortoise relocation/management plan shall be submitted for review and approval at the time of final construction plan submittal. The approved language shall be included as part of the construction plans.~~

~~I.~~ A. The homeowners' association documents for Wentworth Estates PUD that shall govern future operations of the association shall provide an educational program component to advise and instruct all future residents of the importance of the adjacent Rookery Bay National Estuarine Research Reserve to the local ecosystem. Educational literature shall also be provided to future residents on the proper lawn and garden maintenance requirements associated with living next to the Rookery Bay National Estuarine Research Reserve. In particular, proper methods of exotic vegetation removal, mowing, pruning, burning, trapping, and pesticide/insecticide spraying, will be defined.

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

~~J.~~ B. The developer shall construct wildlife-crossings across roads in appropriate areas within the PUD after consultation with the Florida Fish and Wildlife Conservation Commission.

7.10 ACCESSORY STRUCTURES

Accessory structures shall be constructed simultaneously with, or following the construction of, the principal structure except for a construction site office and model unit.

7.11 SIGNS

Unless otherwise provided herein, all signs shall be in accordance with ~~Division 2.5~~Section 5.06.00 of the Land Development Code.

7.12 LANDSCAPING FOR OFF STREET PARKING AREAS

All landscaping for off-street parking areas shall be in accordance with the ~~Division 2.4~~ Section 4.06.00 of the Collier County Land Development Code in effect at the time of building permit application.

7.13 POLLING PLACES

Pursuant to Section ~~2.6.30~~ 4.07.06 of the Land Development Code, provision shall be made for the future use of building space within common areas for the purposes of accommodating the function of an electoral polling place.

An agreement shall be recorded in the official records of the Clerk of the Circuit Court of Collier County: which agreement shall be binding upon any and all successors in interest that acquire ownership of such common areas including, but not limited to, condominium associations, homeowners' associations, or tenants' associations. This agreement shall provide for the Golf Course Clubhouse or Enrichment Center, or similar common facility, to be used for a polling place, if determined to be necessary by the Supervisor of Elections.

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

~~TABLE 1~~Exhibit "A"
Wentworth Estates MPUD
DEVELOPMENT STANDARDS

	(LDR) LOW DENSITY RESIDENTIAL	(MDR& MDR-2) MEDIUM DENSITY RESIDENTIAL	~~(MHDR) MEDIUM HEIGHT DENSITY RESIDENTIAL~~	Recreational Facilities (Clubhouse,- Community Center Building, etc.)
Minimum Average Lot Area	6500 sf	2400 sf	~~10,000 sf~~	N/A
Front Yard Setback	~~15' ****~~ 15'[1]	~~15' ****~~ 15'[1]	~~25'~~	25'
Front Yard Setback for Side Entry Garage	10'	10'	~~N/A~~	N/A
Rear Yard Setback (Principal)	10'	5'	~~20'***~~	25'
Rear Yard Setback (Accessory)	5'	5'	~~10'~~	25'
Preserve Setback - Primary Structure	25'	25'	~~25'~~	25'
Preserve Setback - Accessory Structure	10'	10'	~~10'~~	10'
~~*~~Side Yard Setback	6[4]	0' - 10' with minimum 10' between structures[3]	~~10'***~~	25'
Maximum Height~~**~~	Three (3) Habitable Floors or 45 ZH, 50' AH	~~Three (3)~~ Four (4) Habitable Floors or 4550' ZH, 55 AH[2]	~~90~~ ~~**~~	Three (3) Floors or 55' ZH, 65 AH
Min. Floor Area	750 sf	750 sf	~~750 sf~~	N/A
Min. Distance Between Principal Structures	10'	10'[3]	~~30'*~~ ~~See Note~~	10'
Min. Distance Between Principal and Accessory Structures	10'	5'	~~10'~~	10'

~~*The minimum setback for mid-rise structures shall be no less than the distance noted in Table 1 or one-half the height of the principal structure, whichever is greater.~~

~~**Maximum height limit is as defined in Section 2.2.F. of the PUD Document~~

~~***When adjacent to an LDR or MDR Tract, not less than the distance noted in Table 1 or one-half the height of the principal structure, whichever is greater.~~

~~**** Front loading garages shall have a minimum front yard setback of 23 feet.~~

[1] Front loading garages shall have a minimum front yard setback of 23 feet.

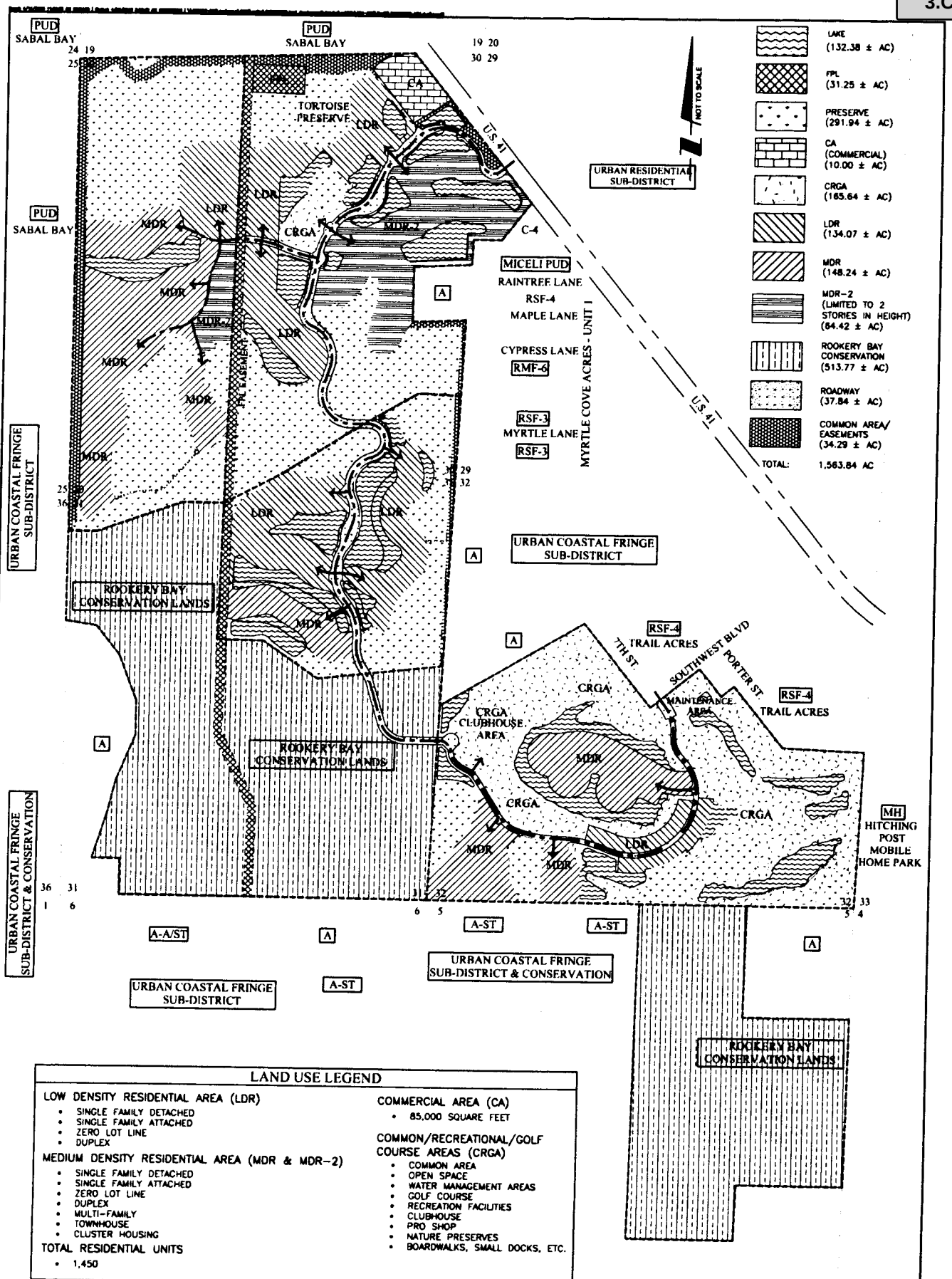
[2] Except MDR-2 areas depicted on the MPUD Master Plan are limited to two (2) habitable floors or 45' ZH, 50' AH

[3] The minimum distance between principal structures over two stories shall be no less ten feet (10') or one-half the height of the principal structure, whichever is greater.

[4] Except for lots located in existing and approved plats for Picaere, Vercelli, and Via Veneto.

ZH = Zoned Height; AH = Actual Height

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self



LAND USE LEGEND

LOW DENSITY RESIDENTIAL AREA (LDR)
- SINGLE FAMILY DETACHED
- SINGLE FAMILY ATTACHED
- ZERO LOT LINE
- DUPLEX

MEDIUM DENSITY RESIDENTIAL AREA (MDR & MDR-2)
- SINGLE FAMILY DETACHED
- SINGLE FAMILY ATTACHED
- ZERO LOT LINE
- DUPLEX
- MULTI-FAMILY
- TOWNHOUSE
- CLUSTER HOUSING

TOTAL RESIDENTIAL UNITS
- 1,450

COMMERCIAL AREA (CA)
- 85,000 SQUARE FEET

COMMON/RECREATIONAL/GOLF COURSE AREAS (CRGA)
- COMMON AREA
- OPEN SPACE
- WATER MANAGEMENT AREAS
- GOLF COURSE
- RECREATION FACILITIES
- CLUBHOUSE
- PRO SHOP
- NATURE PRESERVES
- BOARDWALKS, SMALL DOCKS, ETC.

REV NO.	REVISION DESCRIPTION	DATE	DRAWN BY
5	REVISED NUMBER OF UNITS	4/16/13	CMR/BB488
4	REVISED LAND USE AND ACREAGES	4/11/13	LTM
3	REVISED LAND USES AND ACREAGES	03/27/13	CMR/BB488
2	REVISED TRACT B AND PARCEL F LAND USES	1/8/13	CMR
1	REVISED SEPT 1, 2012 FOR LEGIBILITY @ 8.5 x 11	9/12	CMR

EXHIBIT B: MPUD MASTER PLAN

Wilson Miller Stantec

LENNAR HOMES, LLC

WENTWORTH ESTATES MIXED USE PLANNED UNIT DEVELOPMENT

06/26/12
N.T.S.
215610972-X11

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

Exhibit "C"

List of Deviations

(PREVIOUSLY APPROVED DEVIATIONS 1 – 9 IN ACCORDANCE WITH ORDINANCE 03-51 TO STILL REMAIN IN EFFECT)

Deviation 1: LDC Section 5.03.02.C to allow fences or walls to be permitted at maximum height: Seven feet (7'). If the fence or wall is constructed on a landscaped berm, the wall shall not exceed six feet (6') in height from the top of berm elevation for berm elevations with an average side slope of 4:1 or less, and shall not exceed six feet (6') in height from the top of berm elevation for berms with an average side slope of greater than 4:1 (i.e. 3:1).

Deviation 2: LDC Section 6.06.01.O and LDC Appendix B, in order to allow 50 feet of right-of-way for local roads rather than the required 60-foot width (throughout).

Deviation 3: Formerly LDC Section 3.2.8.4.16.10, Section 2-12 of the Collier County Code of Ordinances, Exhibit "A", Design Requirements for Subdivisions C.13.h. of the Administrative Code for Collier County Construction Standards Manual, to allow street intersection radii of twenty (20) feet (face of curb) for all internal project streets and thirty-five (35) feet for street intersections at project entrances.

Deviation 4: Formerly LDC Section 3.2.8.4.16.10, Section 2-12 of the Collier County Code of Ordinances, Exhibit "A", Design Requirements for Subdivisions C.13.j of the Administrative Code for Collier County Construction Standards Manual, to allow reverse curves without tangents (throughout).

Deviation 5: LDC Section 4.02.04.F., in the case of residential structures with a common architectural theme, required property development regulations of Exhibit A, Wentworth Estates MPUD Development Standards, may be waived or reduced provided a site plan demonstrating the common architectural theme and meeting the criteria of LDC Section 4.02.04.F is approved by the Growth Management Department. This is a deviation of LDC Section 4.02.04.F which requires approval by the Collier County Planning Commission.

- The architectural style of the dwelling units/structures shall be similar in design and in the use of materials and color.
- The residential project shall have a signature entranceway which serves to identify the development has having a common architectural theme. The entranceway design and improvement elements shall include some or all of the following: the use of landscape materials, gated structure, water features, sculpture, and ornamental pavement surfaces.
- Street materials, signage, and lighting shall be complementary and the same throughout the project's accessways.

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

Deviation 6: LDC Section 4.05.04.H., parking for community center/clubhouse shall be one space per every two hundred (200) square feet of gross floor area which shall be considered inclusive of required golf course parking.

Deviation 7: LDC Section 5.04.04.B., allowing model homes to be permitted through a temporary use permit valid for ten years with no extension of the temporary use permit required. No model can remain for more than ten years without securing Conditional Use, or its successor process approval.

Deviation 8: LDC Section 5.06.02.B.6, allowing sign face area of entrance signs to be 120 square feet.

Deviation 9: LDC Section 5.06.02.B.4, allowing construction entrance signs and employment signs to be a maximum of 20 square feet in size.

NEW DEVIATIONS:

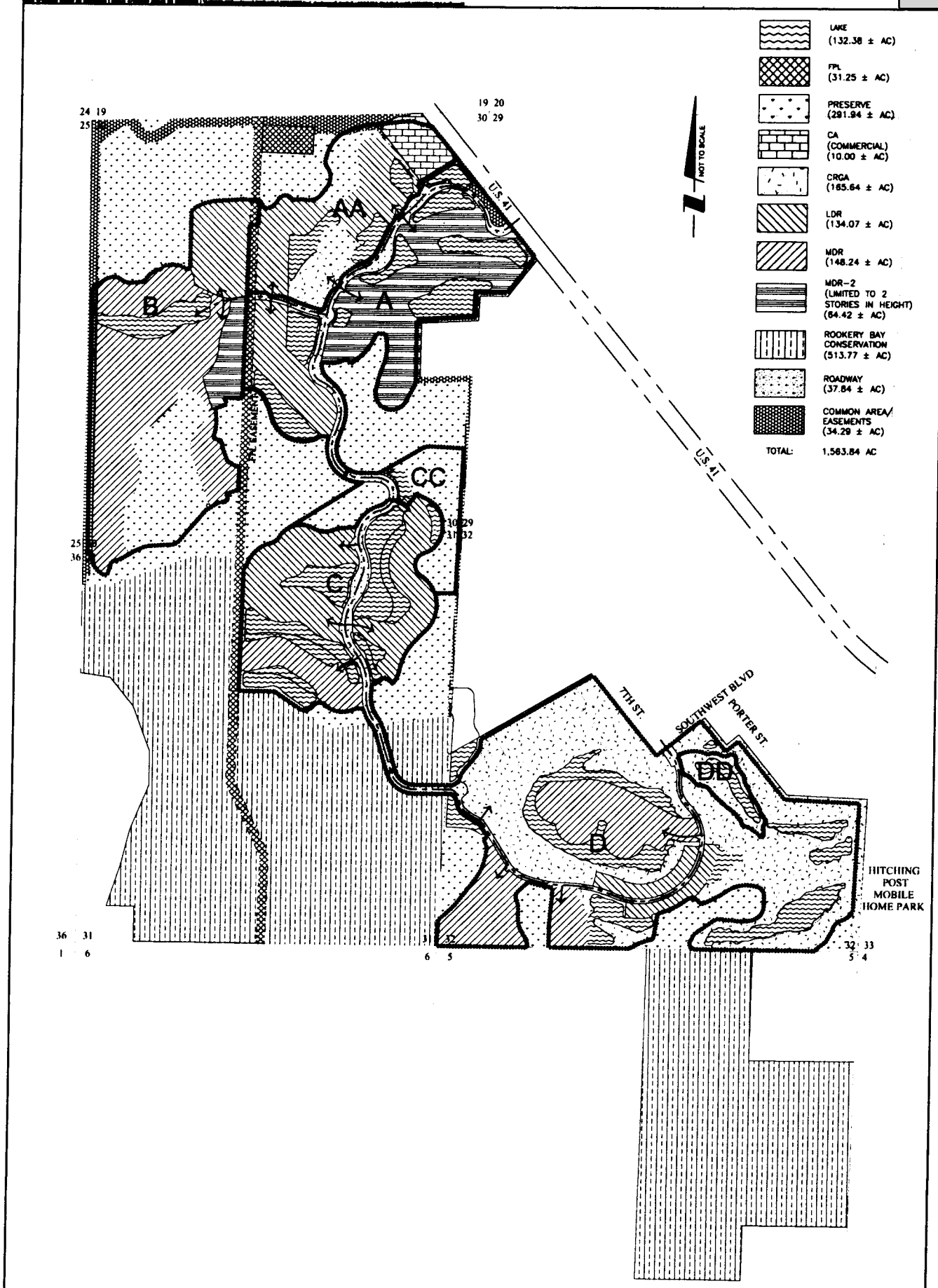
Deviation 10: seeks relief from LDC Section 6.06.01(J) to allow cul-de-sacs in excess of 1,000 feet and up to 2,500 feet in the MPUD (throughout). The developer shall provide internal looping of water mains, subject to review and approval by the Collier County Utilities staff. The developer shall provide a water main connection between the two "LDR" areas at the north end of the property, through the FPL easement (north of the roadway, Treviso Bay Drive) shown on the MPUD Master Plan. The developer, or successors and assigns, shall provide a stabilized emergency vehicle turn-around, meeting local fire prevention code criteria, approximately midway along a cul-de-sac that is over 1,000 feet in length.

Deviation 11: seeks relief from LDC Section 4.05.04.H., to allow parking for all multi-family units to be 1.5 spaces per dwelling unit plus 10% in lieu of the minimum LDC required 2 spaces per unit.

Deviation 12: seeks relief from LDC Section 4.06.02 which requires a Type B buffer between single family and multi-family uses. Specifically, the applicant requests that no buffer be required between these uses when a water body separates the two uses.

7204227_1

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self



REV NO.	REVISION DESCRIPTION	DATE	DRAWN BY
2	UPDATED LAND USE AREAS	04/18/13	CMR/BB488

EXHIBIT D: WATER MANAGEMENT BASINS

Wilson Miller Stantec

LENNAR HOMES, LLC

WENTWORTH ESTATES MIXED USE PLANNED UNIT DEVELOPMENT

9-20-12

N.T.S.

215610972-X14

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

LENNAR

Exhibit E

April 8, 2013

RE: Wentworth Estates (Treviso Bay) Zoning Amendment

Dear Treviso Bay Homeowner:

You may have received a letter from Collier County referencing Lennar's pending zoning application which would amend the Wentworth Estates PUD (the zoning document which governs Treviso Bay) to increase the maximum allowable number of dwelling units from 1,200 to 1,600.

Since that amendment was filed, we have had a publicly advertised neighborhood information meeting, several informal meetings with interested residents, and numerous conversations with individuals who have provided helpful comments and suggestions about how they would like to see Treviso Bay continue to successfully move forward.

In response to these discussions, if our zoning amendment is approved, we have agreed to include the following stipulations. The tract references below can be found on the attached exhibit labeled "LENNAR AGREED STIPULATIONS IF APPROVED FOR 1,450 UNITS:"

- Reduce the number of maximum allowable dwelling units to 1,450.
- Parcel 'A' will remain Coach Homes, as currently planned and approved.
- Parcel 'B' (Vercelli) will remain 60'+/- wide single family lots.
- Parcel 'C' (Via Veneto) will remain 50'+/- wide single family lots.
- Parcel 'D' (Piacere) will remain 50' +/- wide single family lots.
- Parcel 'E' (Italia) will remain 75'+/- wide single family lots.
- Parcel 'F' (Bella Firenze) will be developed as 75'+/- wide single family lots.
- Parcel 'G' (Pavia) will remain 150'+/- wide single family lots.
- Parcel 'H' (Lipari) will remain 100'+/- wide single family lots.
- Parcel 'I' (Aqua) will remain six 4-story condominiums as currently planned and approved.
- Parcel 'J' The most intense use of Tract J will be six 4-story condominiums.
- Parcel 'K' will remain 2-story condominiums as currently planned and approved.
- Parcel 'L' The most intense use of Tract L will be 75'+/- wide single family lots.
- Parcel 'M' The most intense use of Tract M will be 75'+/- wide single family lots.

You may also refer to the attached Master Plan which is part of our PUD submittal. There are three land use categories depicted on that plan: LDR – which includes single family detached, and duplex units; MDR – 2 which allows for the LDR uses and multi-family units of no more than two habitable stories with a maximum of 45' in zoned height; and MDR which allows for the LDR and MDR-2 uses as well as multi-family of no more than four habitable stories and 50' in zoned height.

The PUD amendment eliminates the previous "MHDR" category, which provided for the ability to build residential buildings up to a height of 90 feet.

I understand some of you may still have questions about this proposed change, and I would like to make myself available to answer as many of those questions as possible. To that end, I will be on-site Thursday, April 11, from 11:30 – 2:30 at the sales office to meet with interested residents and try to answer any questions.

10481 Six Mile Cypress Parkway • Fort Myers, FL 33966 • Phone: 239-278-1177 • Fax: 239-278-1396

LENNAR.COM

1 of 3

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

LENNAR

I am very grateful to all of our residents, very proud of the progress we've made thus far in Treviso Bay, and couldn't be more excited about the future of our great community. As always, if you need anything, don't hesitate to contact us.

Sincerely,

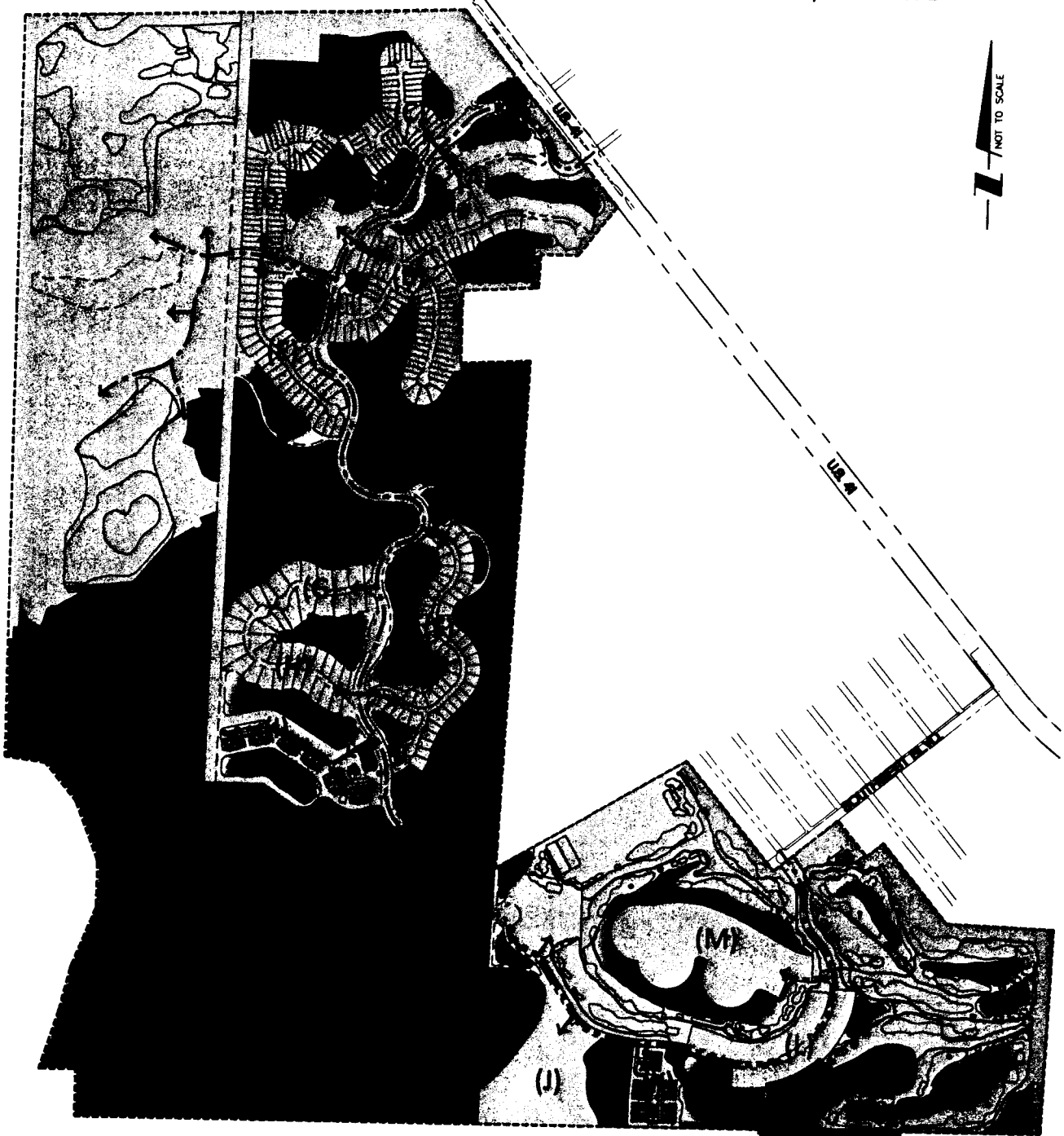
Darin McMurray
Division President
Lennar Homes, LLC

10481 Six Mile Cypress Parkway • Fort Myers, FL 33966 • Phone: 239-278-1177 • Fax: 239-278-1396

LENNAR.COM

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

LENNAR AGREED STIPULATIONS IF APPROVED FOR 1,450 UNITS



- Reduce the number of maximum allowable dwelling units to 1,450.
- PARCEL 'A' will remain Coach Homes, as currently planned and approved.
- PARCEL 'B' (Vercelli) will remain 60'+/- wide single family lots.
- PARCEL 'C' (Via Veneto) will remain 50'+/- wide single family lots.
- PARCEL 'D' (Piacere) will remain 50' +/- wide single family lots.
- PARCEL 'E' (Italia) will remain 75'+/- wide single family lots.
- PARCEL 'F' (Bella Firenze) will be developed as 75'+/- wide single family lots.
- PARCEL 'G' (Pavia) will remain 150'+/- wide single family lots.
- PARCEL 'H' (Lipari) will remain 100'+/- wide single family lots.
- PARCEL 'I' (Aqua) will remain six 4-story condominiums as currently planned and approved.
- PARCEL 'J' The most intense use of PARCEL J will be six 4-story condominiums.
- PARCEL 'K' will remain 2-story condominiums as currently planned and approved.
- PARCEL 'L' The most intense use of PARCEL L will be 75'+/- wide single family lots.
- PARCEL 'M' The most intense use of PARCEL M will be 75'+/- wide single family lots.

* ALL OF THE STIPULATIONS DEPICTED ON THIS DRAWING ARE EXPRESSLY CONTINGENT ON LENNAR'S RECEIVING APPROVAL FOR 1,450 UNITS.

* THIS PLAN IS AN ARTIST'S CONCEPTION AND NOT INTENDED TO DEPICT PLAN-LEVEL DETAIL

2 of 2

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-45

which was adopted by the Board of County Commissioners on the 11th day of June, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 13th day of June, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By: Teresa Cannon
Deputy Clerk

Attachment: Attachment B Ordinance 13-45 Wentworth Estates PUD (22851 : PL20220001501 PCUD Wentworth Estates MPUD Indoor Self

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

February 25, 2022

Client Services
Collier County Growth Management
2800 North Horseshoe Drive
Naples, FL 34104

Subject: **Wentworth Estates MPUD Comparable Use Determination**
Filed Electronically

Dear Client Services:

We are pleased to submit this application for a Comparable Use Determination for the Wentworth Estates MPUD (Ordinance 2013-45). The Wentworth MPUD is located on the south side of US 41 in Section 30, Township 50, Range 26 and is commonly known as Treviso Bay.

This request is to is to find the use of "Self-Storage/Mini-Warehouse, Indoor Only (SIC 4225)" is comparable and compatible with the permitted uses within the 10-acre Commercial Area of the Wentworth Estates MPUD.

In order to assist Staff with the review and approval of this request for a PDI for the subject Project, we are hereby enclosing the following documents and supporting information:

1. Cover Letter
2. Comparable Use Determination Application
3. Affidavit of Authorization
4. Completed Addressing Checklist
5. Determination Request and the Justification for the Use
6. Approved PUD Ordinance (Ord 2013-45)
7. Property Ownership Disclosure Form
8. Location Map

We trust that the items listed above are sufficient for your review and approval. Should you have any questions, or require any additional information, please do not hesitate to contact me at 239-403-6700, or by email at cscott@pen-eng.com.

Sincerely,
PENINSULA ENGINEERING

Christopher O. Scott, AICP
Zoning Manager

2600 Golden Gate Parkway, Naples, Florida, 34105 Office 239.403.6700 Fax 239.261.1797

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Comparable Use Determination

LDC sections 2.03.00 A, 10.02.06 J & Code of Laws section 2-83 – 2-90
Chapter 3 G.6 of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

☑ **PUD Zoning District**
☐ **Standard Zoning District**

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Prima Partners, LLC

Name of Applicant if different than owner: _____

Address: 2201 Main Street **City:** Pittsburgh **State:** PA **ZIP:** 15215

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

E-Mail Address: _____

Name of Agent(s): Christopher Scott, AICP

Firm: Peninsula Engineering

Address: 2800 Golden Gate Pkwy **City:** Naples **State:** FL **ZIP:** 34105

Telephone: 239-403-6700 **Cell:** _____ **Fax:** _____

E-Mail Address: CScott@pen-eng.com

PROPERTY INFORMATION

Site Address: _____ **Folio Number:** 77470000029

Property Owners Name: Prima Partners LLC

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 _____ is comparable and compatible with the permitted uses in the _____ PUD or in the _____ Straight Zoning District."

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

SUBMITTAL REQUIREMENTS CHECKLIST

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	
Affidavit of Authorization	1	☒	
Completed Addressing Checklist	1	☒	
Determination request and the justification for the use	1	☒	
PUD Ordinance and Development Commitment information		✓	
Property Ownership Disclosure Form	1	☒	
Electronic Copies of all documents *Please be advised: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.		✓	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

FEE REQUIREMENTS:

☐ **Application:** $1,000.00; Additional Fees of $100 per hour will be charged as needed upon completion of review and research. Payment of Additional Fees will be required prior to the release of the verification.

☐ **Estimated Legal Advertising Fee for the Office of the Hearing Examiner:** $1,125.00

All checks payable to: Board of County Commissioners

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

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

Applicant Signature

03/03/2022
Date

Chris Scott
Printed Name

Please be advised that the zoning letter is based upon the available records furnished by Collier County and what was visible and accessible at the time of inspection. This report is based on the Land Development Code that is in effect on the date the report was prepared. Code regulations could be subject to change. While every attempt has been made to ensure the accuracy or completeness, and each subscriber to or user of this report understands that this department disclaims any liability for any damages in connection with its use. In addition, this department assumes no responsibility for the cost of correcting any unreported conditions.

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

Name and Address	% of Ownership
Prima Partners, LLC	100 %
- see attached	

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Agent/Owner Signature

2-2-2022
Date

Anthony Pompeo
Agent/Owner Name (please print)

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

PRIMA PARTNERS, LLC
2201 MAIN STREET
PITTSBURGH, PENNSYLVANIA 15215
(412) 784-1100

Name & Address of Limited Partnership Partners:

1. Anthony Pompeo: 40% Ownership

   102 Riding Trail Lane
   Pittsburgh, PA 15215

2. Marco Pompeo: 40% Ownership

   229 Sunridge Road
   Pittsburgh, PA 15238

3. Kenneth G. Hackett Self-Directed Individual Retirement Account – Laglio Investments, LLC: 20% Ownership

   9105 Prima Way, Unit 202
   Naples, FL 34113

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220001501

I, Anthony Pompeo (print name), as Vice President (title, if applicable) of Prima Partners, 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 Peninsula Engineering to act as our/my representative in any matters regarding this petition including 1 through 2 above.

Notes:

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

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

X _____ 3-3-2022
Signature **Date**

STATE OF ~~FLORIDA~~ Pennsylvania
COUNTY OF ~~COLLIER~~ Westmoreland

The foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization this 3rd day of March, 2022, by (printed name of owner or qualifier) Anthony Pompeo.

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: Brandie L Rosak

Notary Seal

Commonwealth of Pennsylvania - Notary Seal
Brandie L. Rosak, Notary Public
Allegheny County
My commission expires April 15, 2023
Commission number 1348734
Member, Pennsylvania Association of Notaries

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

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

PENINSULA ENGINEERING

DETERMINATION REQUEST AND JUSTIFICATION FOR THE USE

The Wentworth Estates MPUD (Ord 2013-045), commonly known as Treviso Bay, is located on the southwest side of Tamiami Trail East (US 41), approximately 1.17-miles southeast of Thomasson Drive. The 1,563.84-acre MPUD is primarily a residential golf course community with extensive preserve areas and includes a 10-acre commercial tract on the northern boundary of the PUD adjacent to Tamiami Trail East (US 41). The commercial tract was previously used as a Welcome and Sales Center for the development and is no longer in use.

Section IV of the MPUD provides the purpose and description of the Commercial Area as well as identifying the permitted uses and development standards. The Commercial Area is limited to a maximum of 85,000 square feet of gross floor area. The current owners wish to develop the property for commercial purposes, including indoor self-storage/mini warehousing for personal automobile storage. The use is not explicitly permitted within the Wentworth Estates MPUD.

REQUEST:
The Applicant is requesting a determination from the Planning Manager and approval from the Office of the Hearing Examiner that the use of Self-Storage/Mini Warehousing, Indoor Only (SIC 4225) is comparable and compatible with the permitted uses in the Commercial Area of the Wentworth Estates MPUD (Ord. 2013-045).

JUSTIFICATION FOR THE USE:
LDC Section 10.02.06 K. and Administrative Code Chapter 3, Section L allows for a use not specifically listed to be considered comparable, compatible, and consistent with the list of identified permitted uses and the intent statement of the PUD ordinance. The proposed use of Self-Storage/Mini Warehousing, Indoor Only (SIC 4225) is comparable and compatible based on the following standards.

a. The proposed use possesses similar characteristics to other permitted uses in the zoning district, overlay, or PUD, including but not limited to the following:
   i. Operating hours;
   ii. Traffic volume generated/attracted;
   iii. Type of vehicles associated with the use;
   iv. Number and type of required parking spaces; and
   v. Business practices and activities.

The proposed Self-Storage/Mini Warehousing use is intended for storage of automobiles and other personal items and will consist of indoor, air-conditioned units with an architectural design like what is required for other commercial buildings in Collier County. Self-Storage/Mini Warehousing, Indoor Only possesses similar characteristics to the other permitted uses within the Commercial Area of the Wentworth Estates MPUD, as listed in Section 4.3 of Ordinance 2013-045, including:

- Automotive dealers and gasoline service stations (5511, 5531, 5541 with services and repairs, 5571, 5599, new vehicles only)
- Home furniture, furnishings and equipment stores (5712-5736)
- Automotive rental and leasing (7514-7515)

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

Storage of vehicles and large merchandise is a similar activity to what occurs as part of an automotive dealership and home furniture and equipment store. The use would have similar operating hours to other permitted uses within the commercial area of the MPUD. Additionally, the proposed use is less intense than other permitted uses as it generates significantly fewer trips, requires fewer parking spaces, generates less solid waste and wastewater, and requires less potable water.

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 proposed indoor self-storage is significantly less intense than other uses permitted within the PUD and will not have a greater impact on surrounding uses. The proposed indoor self-storage use will comply with the County's architectural and landscaping requirements in addition to the PUD development standards to ensure compatibility with surrounding uses. Additionally, the applicant will commit to limit the height of the Indoor Self-Storage use to 35' zoned height/45' actual height (See attached Exhibit A). The effect of the proposed indoor self-storage use on neighboring properties would be significantly less invasive as it relates to noise, glare or odor effects when compared to permitted uses.

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.

The proposed use is consistent with the Collier County Growth Management Plan (GMP). As noted in Section 2.4 of the Wentworth Estates PUD (Ord. 2013-45), the ten-acre commercial area was originally approved in 1991 and was found to be "Consistent by Policy" through the Zoning Re-evaluation Program when rezoned to Wentworth Estates PUD. The PUD and FLUE Policy 5.1 allows zoning changes provided the overall intensity of the development is not increased. This request for a Comparable Use Determination does not increase the acreage or permitted floor area of commercial development, and as previously demonstrated, the Self-Storage/Mini Warehouse, Indoor Only use is less intense than other commercial uses permitted by the PUD. Therefore, the request is 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.

The Collier County Land Development Code allows Indoor Self-Storage/Mini-Warehousing (SIC 4225) as a conditional use in the C-4 zoning district and a permitted use in the C-5 zoning district. The commercial area of the Wentworth Estates PUD includes several uses that are permitted in the C-4 zoning district, including, but not limited to, automotive and motorcycle dealers (5511, 5571, 5799), furniture stores (5712), automotive rental and leasing (7514-7515), bowling centers (7933), and health services including hospitals (8051-8099).

Additionally, indoor self-storage has been found to be compatible in the following PUDs that permit similar uses in Collier County:

- Hiwasse PUD – The 12.52-acre PUD was approved to allow for professional and medical office uses and indoor self-storage to serve the surrounding residential uses by Ordinance 2004-75.
- BRB Development PUD – The PUD was approved for uses allowed in the C-1 through C-3 zoning districts and Indoor Self-Storage by Ordinance 2006-34.
- Gaspar PUD – The PUD was approved a Comparable Use Determination that Indoor Self-Storage was comparable to the uses within the PUD and C-4 zoning district by HEX Decision 2016-34.
- Pine Air Lakes PUD – The PUD was approved a Comparable Use Determination that indoor Self-Storage was comparable to the uses within the office district of the PUD by HEX Decision 2020-19.

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

Per the County's request, we have provided a conceptual architectural elevation of the proposed indoor self-storage/car condo use. Additionally, the property owner is willing to impose a 35-foot zoned height/45' actual limitation for the proposed use to help ensure consistency with surrounding residential uses. Currently, the Commercial Area is permitted a maximum zoned height of 60' and a maximum actual height of 70' (Ord. 2013-45, Section 4.4 C.) The proposed height restriction is attached as Exhibit A and the conceptual architectural elevation is attached as Exhibit B.

CONCLUSION:

Based on this analysis, the Self-Storage/Mini-Warehouse, Indoor Only (SIC 4225) should be determined to be comparable and compatible with the permitted uses in the Commercial Area of the Wentworth Estates MPUD (Ord. 2013-045).

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

EXHIBIT A

WENTWORTH ESTATES MPUD
COMPARABLE USE DETERMINATION, PL20220001501

DEVELOPMENT COMMITMENT

1. Self-Storage/Mini Warehousing, Indoor Only (SIC 4225) uses shall be limited to a maximum zoned height of 35’ and a maximum actual height of 45’.

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD





Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD



TREVISO BAY CAR CONDOS

conceptual elevations / proposed

May 4, 2022

This street-view artists's rendering is for conceptual purposes and architectural style only.
It is not intended to show final building dimensions and configuration.
Access to individual motor condo units is provided from the interior of the site.

pkSTUDIOS
15920 Old 41, Suite 330 I Naples, Florida 34110
T: 239.434.5800 I www.pkstudios.com

THIS DRAWING IS THE EXCLUSIVE PROPERTY AND CREATION OF PKSTUDIOS INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPR

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

PENINSULA ENGINEERING

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

May 6, 2022

Client Services
Collier County Growth Management
2800 North Horseshoe Drive
Naples, FL 34104

Subject: **Wentworth Estates MPUD Comparable Use Determination**
Project No. PL20220001501
2nd Submittal-Response to Comments

Dear Client Services:

Please accept this submittal as our response to the County comment letter dated April 06,2022. To assist in your review and approval, please find Staff comments below, followed by our responses in **bold**.

Zoning Review
Reviewed By: Gabriela Castro

1. Please format your narrative statement/ justification address each standard in LDC 10.02.06.k.2.a- e.

The Determination Request and Justification for the Use has been updated to include headings for each subsection of LDC 10.02.06 K.2.a-e.

2. Please clarify if the petition is for a traditional self-storage facility or the motor condo unit style.

The petition is for a motor condo unit style self-storage facility. Motor condo unit style facilities are not recognized as a specific use by US Department of Labor's Standard Industrial Classification (SIC) Manual. Previous Collier County projects for this type of use have been classified as SIC Code 4225, Indoor or Self-Storage.

3. Please provide architectural renderings for the proposed facility.

Please find attached Conceptual Architectural Elevation.

4. Wentworth Estates Master Plan only shows one entrance off US 41 please specify if the entrance to this commercial portion will have access through Treviso Bay Blvd or if an amendment to the master plan will be pursued.

It is anticipated that the Wentworth Commercial Tract will utilize the existing access from US 41. This existing access is consistent with the access points approved as part of the Wentworth MPUD's MCP by Ordinance 03-51. The MPUD was amended by Ord 13-45, and this access point was inadvertently removed from the MCP. The applicant is working with Collier County staff on how to correct the MCP separate from this Comparable Use Determination application.

Attorney Review
Reviewed By: Derek Perry

1. Miscellaneous Corrections: Please confirm whether Prima Partners, LLC needs to be authorized to do business in the State of Florida pursuant to section 605.0902, Florida Statutes.

Please find attached documentation for Prima Partners, LLC from the Florida Department of State.

2. Miscellaneous Corrections: Please provide evidence of signing authority for Anthony Pompeo on behalf of Prima Partners, LLC (e.g., corporate resolution or secretary's certificate).

Please find attached documentation for Prima Partners, LLC from the Florida Department of State.

3. Miscellaneous Corrections: Please confirm that there are no proposed limitations to this proposed use of indoor storage and that the full design standards provided by Section IV of the PUD document are to be applicable (e.g., 60-foot zoned height limit). Should staff and the applicant agree on proposed conditions to this application, please provide the conditions as a stand-alone exhibit that may be easily adopted by the HEX in their ruling.

The Development will be subject to the development standards of the PUD and LDC. Additionally, the applicant is willing to further restrict the building height for any Indoor Self Storage use to 35' zoned height. This commitment is attached as Exhibit A.

4. Miscellaneous Corrections: Please confirm with zoning planner Gabriela Castro whether Transportation Planning needs to provide a review or feedback regarding the proposed use on US41 / Tamiami Trail East.

Please see attached email from Gabriela Castro and Mike Sawyer regarding Transportation review.

5. Miscellaneous Corrections: Please confirm with Comprehensive Planning Staff that the upcoming East Naples Master Plan and other GMP-related issues do not conflict with this request.

Please see attached email from James Sabo regarding Comprehensive Planning review.

6. Miscellaneous Corrections: Please feel free to give me a call if you have any questions or need additional information: Derek D. Perry, (239) 252-8066.

Thank you.

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

In order to assist Staff with the review and approval of this request for a PDI for the subject Project, we are hereby enclosing the following documents and supporting information:

1. Response Letter
2. Determination Request and Justification for the Use
3. Exhibit A: Development Commitment
4. Conceptual Architectural Rendering
5. Evidence of Authorization for Prima Partners LLC
6. Email from County regarding Transportation Review
7. Email from County regarding Comprehensive Planning Review

We trust that the items listed above are sufficient for your review and approval. Should you have any questions, or require any additional information, please do not hesitate to contact me at 239-403-6700, or by email at cscott@pen-eng.com.

Sincerely,
PENINSULA ENGINEERING

Christopher O. Scott, AICP
Zoning Manager

Attachment: Attachment C PL20210001501 Wentworth CUD HEX Backup Material (22851 : PL20220001501 PCUD Wentworth Estates MPUD

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.D
Item Summary: Petition No. BDE PL20220001854 - 1668 Vinland Way Wortzman - Request for a 23-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 43 feet into a waterway that is 126.8± feet wide for the benefit of property located at 1668 Vinland Way, further described as Lot 16, Landing at Bear's Paw, in Section 35, Township 49 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 4

Meeting Date: 08/11/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
07/20/2022 6:51 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
07/20/2022 6:51 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	07/27/2022 5:49 PM
Zoning	Ray Bellows	Review Item	Completed	07/28/2022 8:52 AM
Zoning	Mike Bosi	Zoning Director Review	Completed	07/29/2022 1:28 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/11/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION - ZONING SERVICES SECTION

HEARING DATE: AUGUST 11, 2022

SUBJECT: BDE-PL20220001854, 1668 VINLAND WAY – WORTZMAN DOCK

PROPERTY OWNER/APPLICANT:

Alan Wortzman
11-220 Industrial Parkway South
Aurora, ON
CANADA L4G3V6

AGENT:

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

REQUESTED ACTION:

The petitioner requests a 23-foot boat dock extension from the maximum permitted protrusion of 20 feet for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 43 feet into a waterway that is 126.8± feet wide, pursuant to Section 5.03.06 of the Collier County Land Development Code (LDC), for the benefit of the subject property.

GEOGRAPHIC LOCATION:

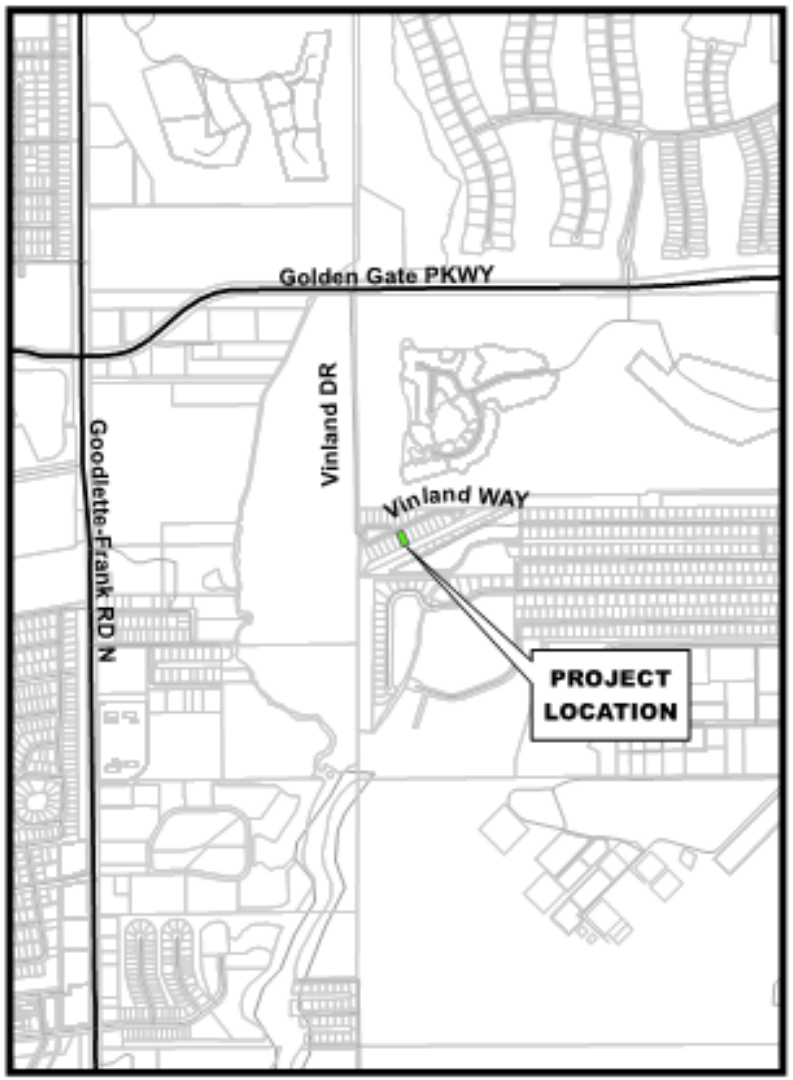
The subject property is located at 1668 Vinland Way, further described as Lot 16, Landings at Bear's Paw, in Section 35, Township 49 South, Range 25 East. Collier County, Florida. *(See location map on the following page)*

PURPOSE/DESCRIPTION OF PROJECT:

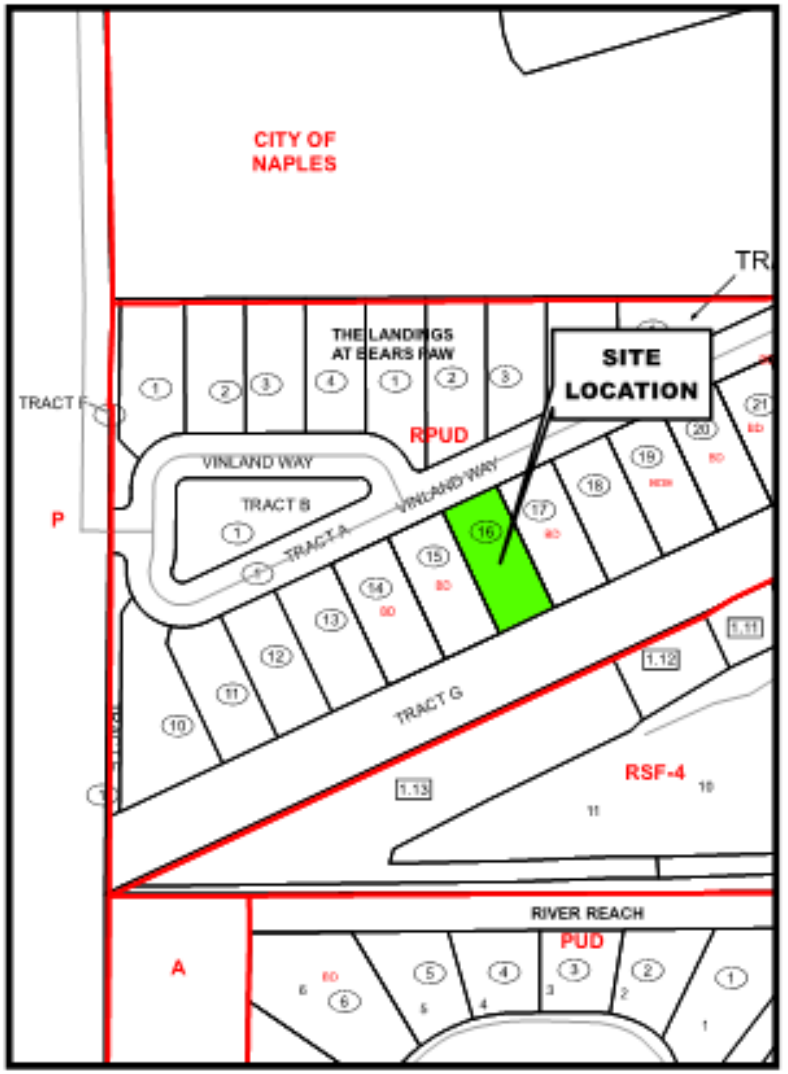
The subject property is located within a residential component of the Landings at Bear's Paw Planned Unit Development (PUD), Ordinance 13-66, as amended. Said property comprises 0.23 acres that has been developed with a single-family dwelling and has 67 feet of water frontage. The petitioner is proposing to replace the existing dock facility with a dock facility with a single slip and boatlift to moor a 39-foot vessel.

(Continued on Page 3)

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)



Location Map



Zoning Map

Petition Number: PL20220001854

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Purpose/Description of Project (Continued)

Exhibit A of the Landings at Bear's Paw RPUD document, Permitted Uses, section c. – Golden Gate Canal (as to the Northern ½ of the Golden Gate Canal abutting the project) states:

> *i. Permitted Uses: private recreational single-family boat docks, mooring pilings, boat lifts/davits, and kayak launches to serve residents and their guests. All docks are reserved for the exclusive use of the owners of dwelling units within the RPUD property. No more than ten (10) boat slips may be constructed adjacent to the Amenity Area, no more than two (2) boat slips may be constructed adjacent to each platted single-family water-front lot, and no more than thirty-eight (38) slips may be constructed within the project. Except for any deviations listed in this RPUD Document, all docks and boat slips shall be subject to the requirements of LDC Section 5.03.06 and, to the extent applicable, the Manatee Protection Plan.*

Exhibit E of the Landings at Bear's Paw RPUD Document, List of Deviations, contains the following applicable deviation:

> *4. Deviation #4 seeks relief from LDC Section 5.03.06.E.5., "Dock Facilities," which requires dock facilities to have a side setback of 15 feet for dock facilities on lots with greater than 60 feet of water frontage, to allow 7.5-foot side setbacks for the private single-family community dock facilities located along that section of Golden Gate Canal within the Residential Tract; provided that such slips are parallel to (rather than perpendicular to) the shoreline.*

Staff further notes that at the time of site development for the RPUD the developer modified the shoreline to create a rip-rap shoreline extending from the rear property lines into the water body. This modified the MHWL and as a result the property line is a greater distance landward of the MHWL. As such, it was previously determined that for this development that if a dock does not protrude 20 feet past the original controlling MHWL no BDE should be required (See Attachment C).

As per the Proposed Dock & Lift Plan, Sheet 03 of 07 within Attachment A, the proposed dock facility incorporates a shore parallel design and will satisfy the 7.5-foot side/riparian setback allowed by the RPUD (see above). The structurally attached boat lift will protrude 31.7 feet as measured from the Mean High-Water Line (MHWL). However, LDC Section 5.03.06.C.1, Measurement of dock protrusions and extensions, states: *Measurement is made from the most restrictive of the following: property line, bulkhead line, shoreline, seawall, rip-rap line, control elevation contour, or mean high water line (MHWL).* If measured from the property line, the most restrictive point as per the referenced requirement, the overall protrusion is 43± feet.

LDC Section 5.03.06.C.4. states: The allowable protrusion of the facility into the waterway shall be based on the percentages described in subsection 5.03.06.E.2 of this LDC as applied to the true waterway width, as depicted by the survey, and not the platted canal width. The actual width of

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

the waterway is 126.8± feet at this location, MHWL to MHWL. Given that the proposed protrusion is 31.7 feet from the MHWL, the dock facility will occupy 25 percent of the waterway.

Collier County records reveal that of the 14 platted single-family waterfront lots, each being allocated two boat slips as per the RPUD document, eight have been issued BDEs as follows:

- 1660 Vinland Way – Lot 14 – HEX Decision 2022-06 – Single slip, 43-foot protrusion
- 1664 Vinland Way – Lot 15 – HEX Decision 2022-07 – Single slip, 41-foot protrusion
- 1672 Vinland Way – Lot 17 – HEX Decision 2018-11 – Single slip, 44-foot protrusion
- 1680 Vinland Way – Lot 19 – HEX Decision 2022-11 – Single slip, 41-foot protrusion
- 1684 Vinland Way – Lot 20 – HEX Decision 2018-17 – Single slip, 42-foot protrusion
- 1688 Vinland Way – Lot 21 – HEX Decision 2016-36 – Single slip, 44-foot protrusion
- 1692 Vinland Way – Lot 22 – HEX Decision 2017-11 – Single slip, 44-foot protrusion
- 1696 Vinland Way – Lot 23 – HEX Decision 2018-07 – Single slip, 43-foot protrusion

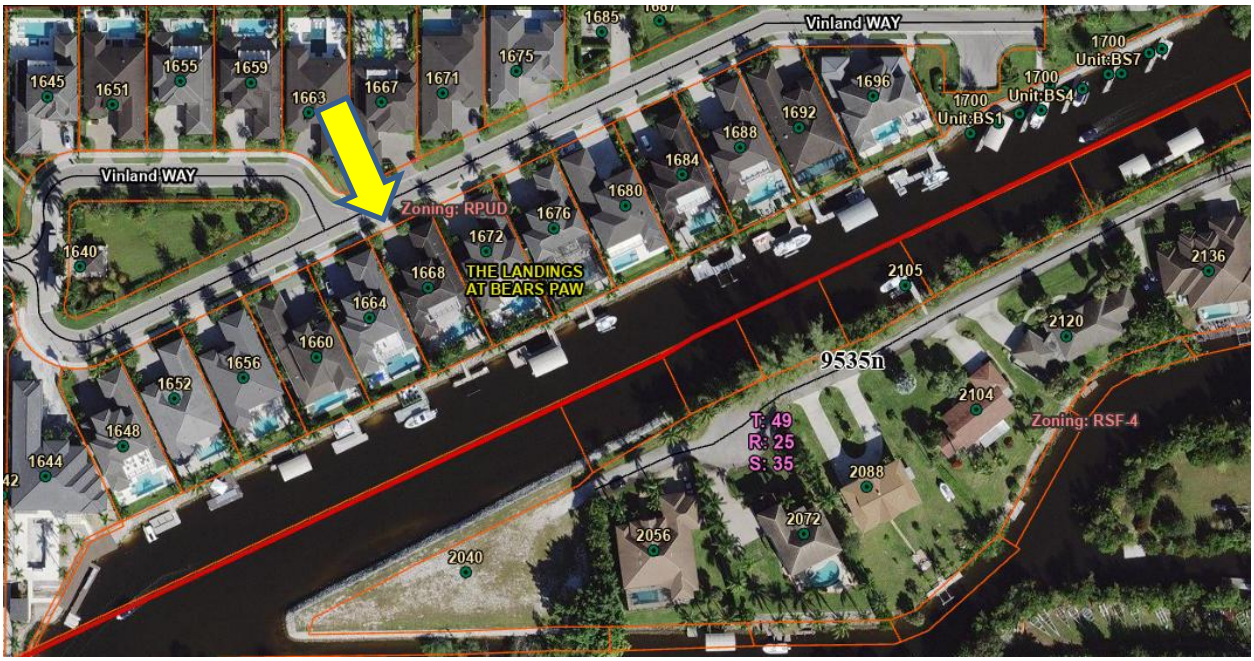
SURROUNDING LAND USE & ZONING:

North: Vinland Way (Right-of-Way), then Single-family dwelling within the Landings at Bear's Paw PUD

East: Single-family dwelling within the Landings at Bear's Paw PUD

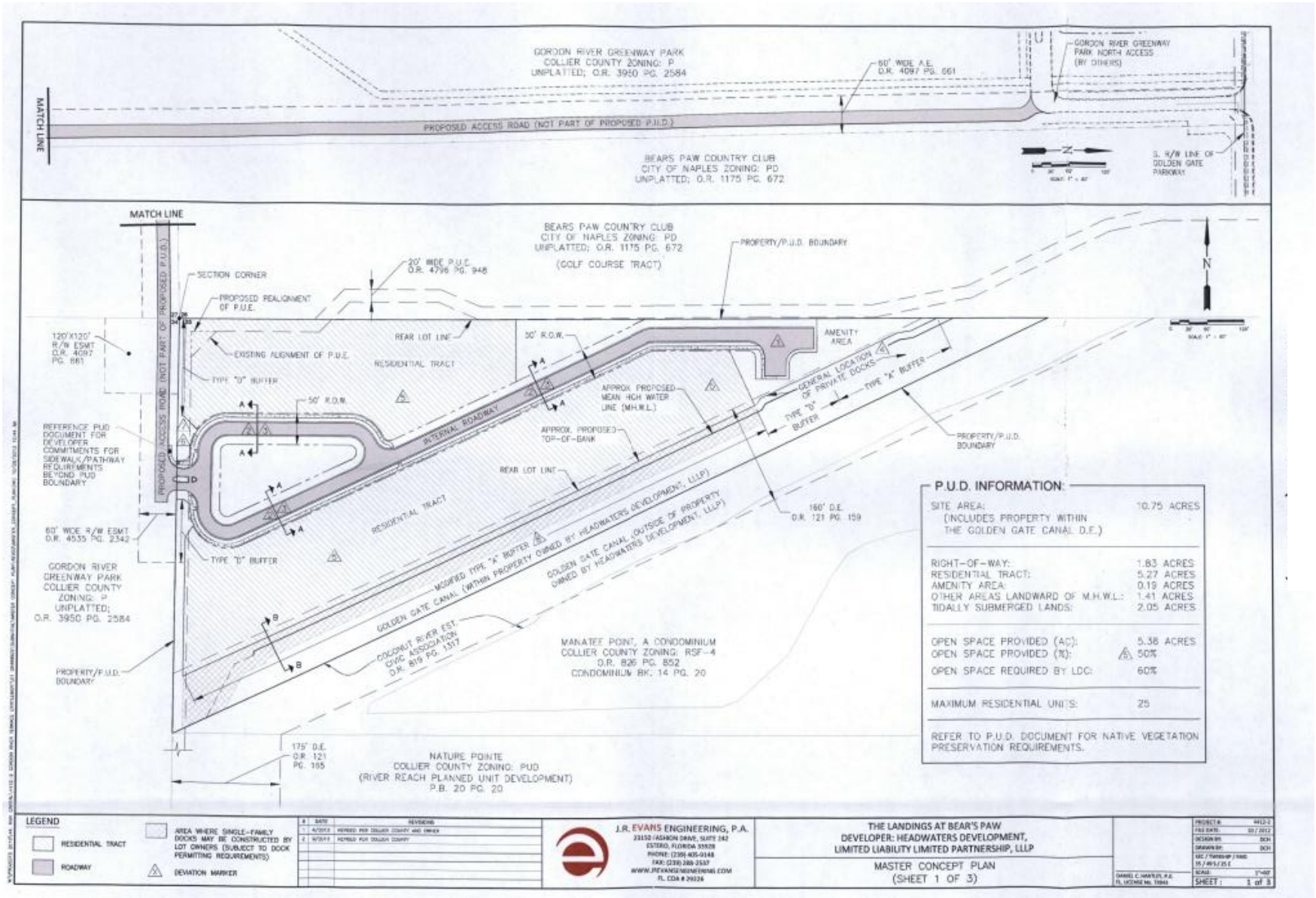
South: Golden Gate Canal, then single family dwellings within a Residential Single-Family-4 (RSF-4) zoning district

West: Single-family dwelling within the Landings at Bear's Paw PUD



Aerial – Collier County GIS

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)



Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to the granting of this request. The property is located adjacent to the Gordon River. The proposed docking facilities will be constructed waterward of the existing riprap shoreline. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 5 of 7 provides an aerial with a note stating that no seagrasses were observed within 200 feet.

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

STAFF ANALYSIS:

In accordance with LDC Section 5.03.06.H., the Collier County Hearing Examiner shall approve, approve with conditions, or deny a dock facility extension request based on certain criteria. In order for the Hearing Examiner to approve this request, at least four of the five primary criteria and four of the six secondary criteria must be met:

Primary Criteria:

1. **Whether the number of dock facilities and/or boat slips proposed is appropriate in relation to the waterfront length, location, upland land use and zoning of the subject property. Consideration should be made of property on unbridged barrier islands, where vessels are the primary means of transportation to and from the property. (The number should be appropriate; typical single-family use should be no more than two slips; typical multi-family use should be one slip per dwelling unit; in the case of unbridged barrier island docks, additional slips may be appropriate.)**

   Criterion met. The subject property is located within the residential development area of a Residential Planned Unit Development (RPUD) for which the RPUD document specifically allows each platted single-family lot located along the Golden Gate Canal two boat slips. The petitioner desires to construct a dock facility with a single slip with boatlift.

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 attached survey and plans demonstrate that there is insufficient water depth at the 20-foot protrusion line as measured from the property line, the most restrictive point of measure.

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**

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

into any marked or charted navigable channel thus impeding vessel traffic in the channel.)

Criterion met. The proposed dock facility will only protrude 31.74 feet from the MHWL into the subject waterway that is approximately 126.8± feet wide from MHWL to MHWL. The entire waterway is used for navigation as there are no navigational markers indicating the exact thread of navigation. The residences on the opposite shore have their docks on a different canal/waterway.

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 126.8± feet, MHWL to MHWL. The requested total dock protrusion is 31.7 feet from the MHWL which is 25 percent of the width 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 new dock facility incorporates a shore parallel design and will not exceed the 7.5-foot side setback requirements from both property/riparian lines. The dock facility and location have been designed to satisfy required setbacks, provide safe access to/from a vessel, and not to interfere with any future neighboring dock facilities that may be constructed.

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 design of the proposed dock facility is greatly influenced by a property line that was pushed back during the design phase of the development to allow for the canals shoreline to be stabilized using rip-rap. At this location the property line is 11.3± feet landward of the MHWL. Due to this condition the existing dock protrudes further out into the waterway in order to decrease the access walkway's slope and to reach out to adequate water depths to safely moor the vessel and allow the boatlift to function properly.

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.)**

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Criterion met. The applicant's agent states: "The proposed dock facility has been minimized in order to meet the County dock building guidelines, the approved PUD, and be constructed within the 25% width of waterway. The proposed protrusion is consistent with the other dock designs that have been approved within this same development along subject shoreline. The design also provides adequate and safe access to and from the vessel while still allowing room for other recreational use like fishing and kayak/paddle board storage on the dock." 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 subject property has 67 feet of water/canal frontage, and the proposed dock facility has been designed to moor a single 39-foot vessel which equates to 58.21 percent of said waterfrontage.

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

Criterion met. The proposed dock facility is one of potentially 14 other single-family docking facilities to be constructed along the subject shoreline not including the HOA's docking facility. The proposed dock facility uses a shore parallel design and will satisfy the required 7.5-foot side/riparian setbacks applicable to this RPUD. All waterfront homes desiring a dock facility along this shoreline will have similar challenges and no one homeowner should be impacted more than another.

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

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

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

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

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

Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

CONCURRENT LAND USE APPLICATIONS:

None.

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 proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends that the Hearing Examiner APPROVE Petition BDE-PL20220001854, to allow for the construction of the proposed dock facility as depicted within the plans contained within Attachment A.

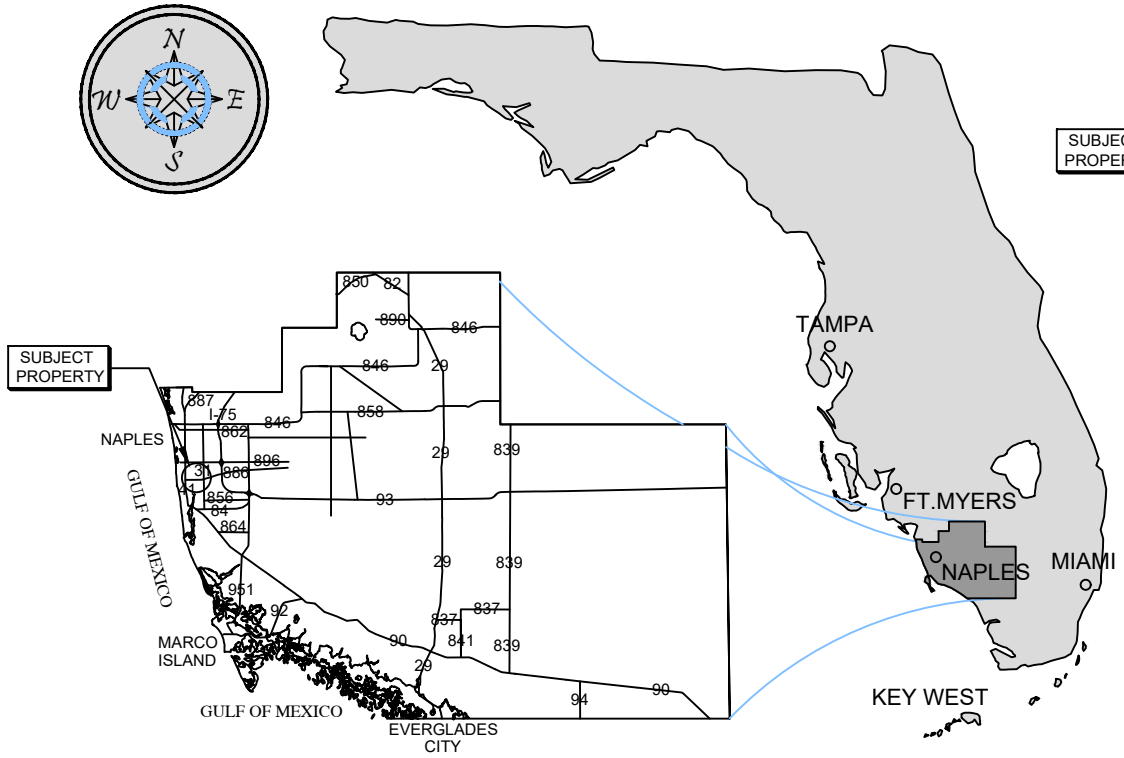
Attachments:

A) Proposed Site and Dock Plans
B) Public Hearing Sign Posting
C) E-mail from Collier County Development Review
D) Applicant's Backup

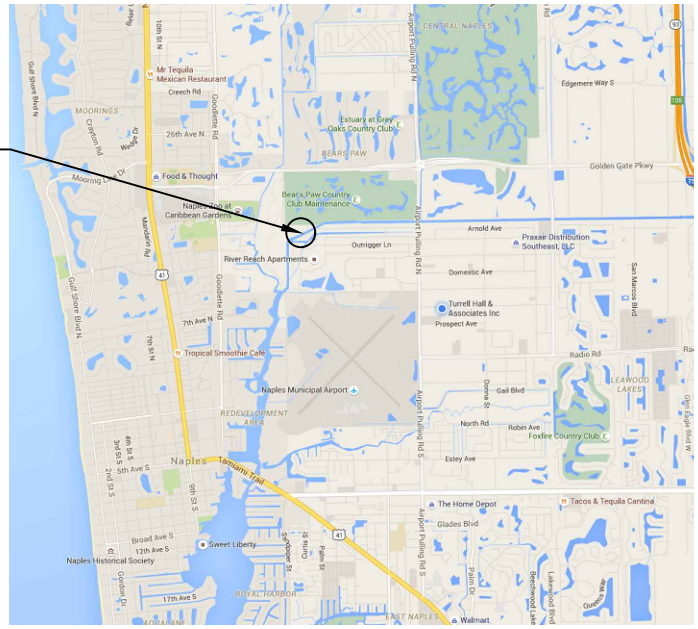
Attachment: Staff Report 07202022 (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 1668 VINLAND WAY
NAPLES, FL 34105

<> LATITUDE: N 26.166608
<> LONGITUDE: W -81.782162

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

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

1668 VINLAND WAY

LOCATION MAP

RY NO. 5875

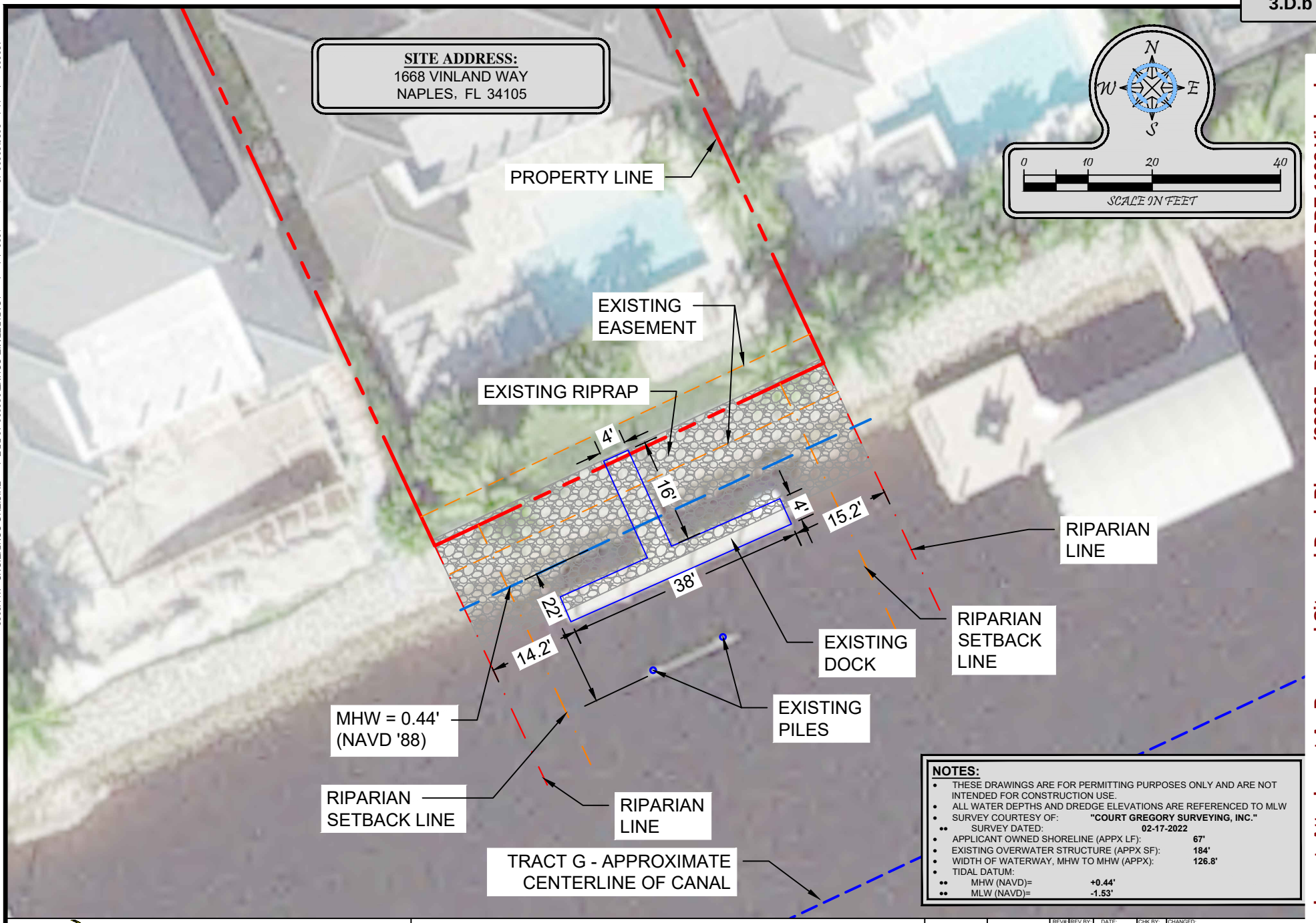
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DRAWN BY:	RMJ	2.	-	-	-	-
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JOB NO.:	20000.46	4.	-	-	-	-
SHEET NO.:	01 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (22865 : PL20220001854 BDE 1668 Vinland

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NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **02-17-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **67'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **184'**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **126.8'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**

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1668 VINLAND WAY

EXISITNG CONDITIONS

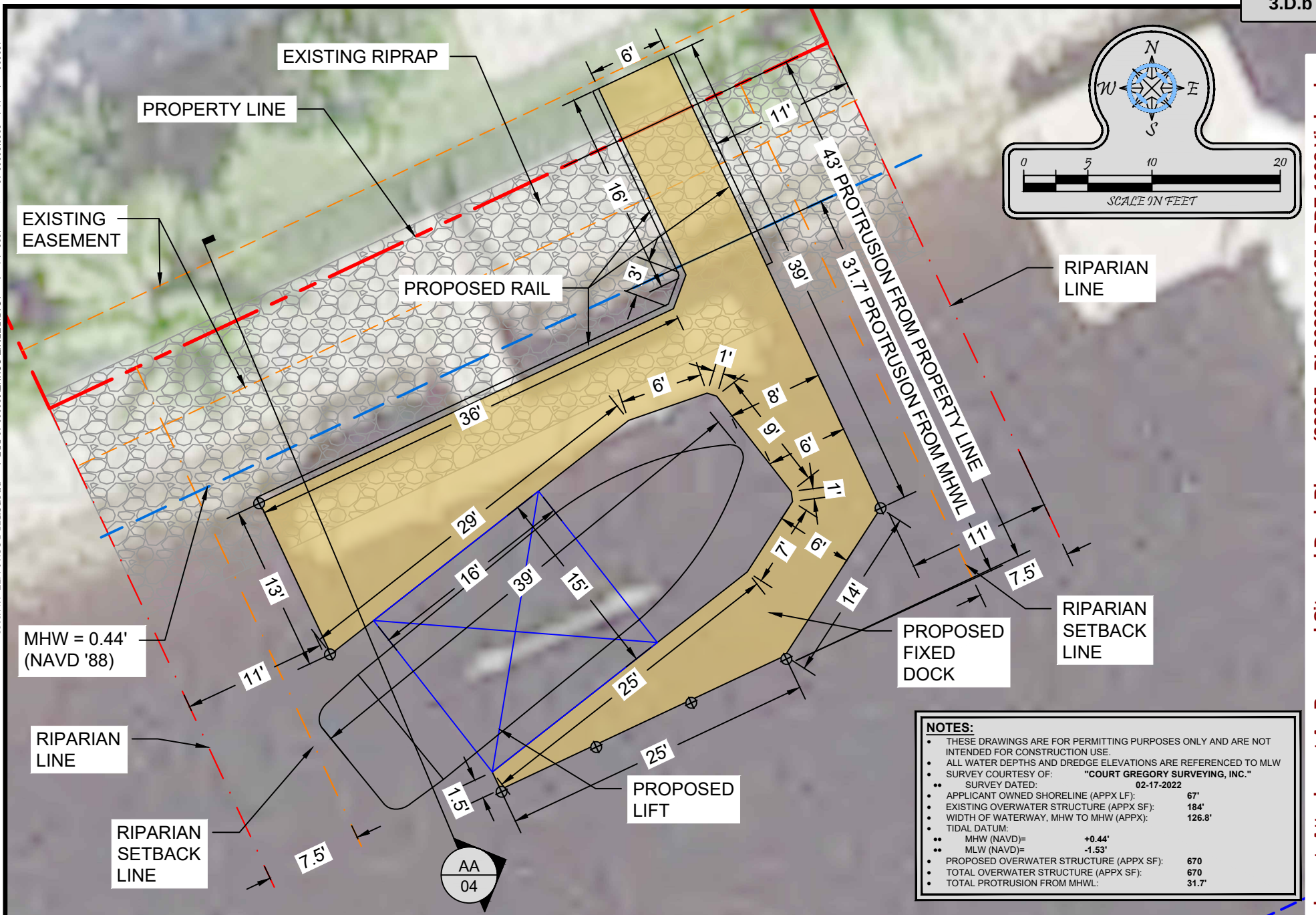
RY NO. 5875

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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (22865 : PL20220001854 BDE 1668 Vinland



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- WIDTH OF WATERWAY, MHW TO MHW (APPX): **126.8'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **670**
- TOTAL OVERWATER STRUCTURE (APPX SF): **670**
- TOTAL PROTRUSION FROM MHWL: **31.7'**

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1668 VINLAND WAY

PROPOSED DOCK & LIFT

RY NO. 5875

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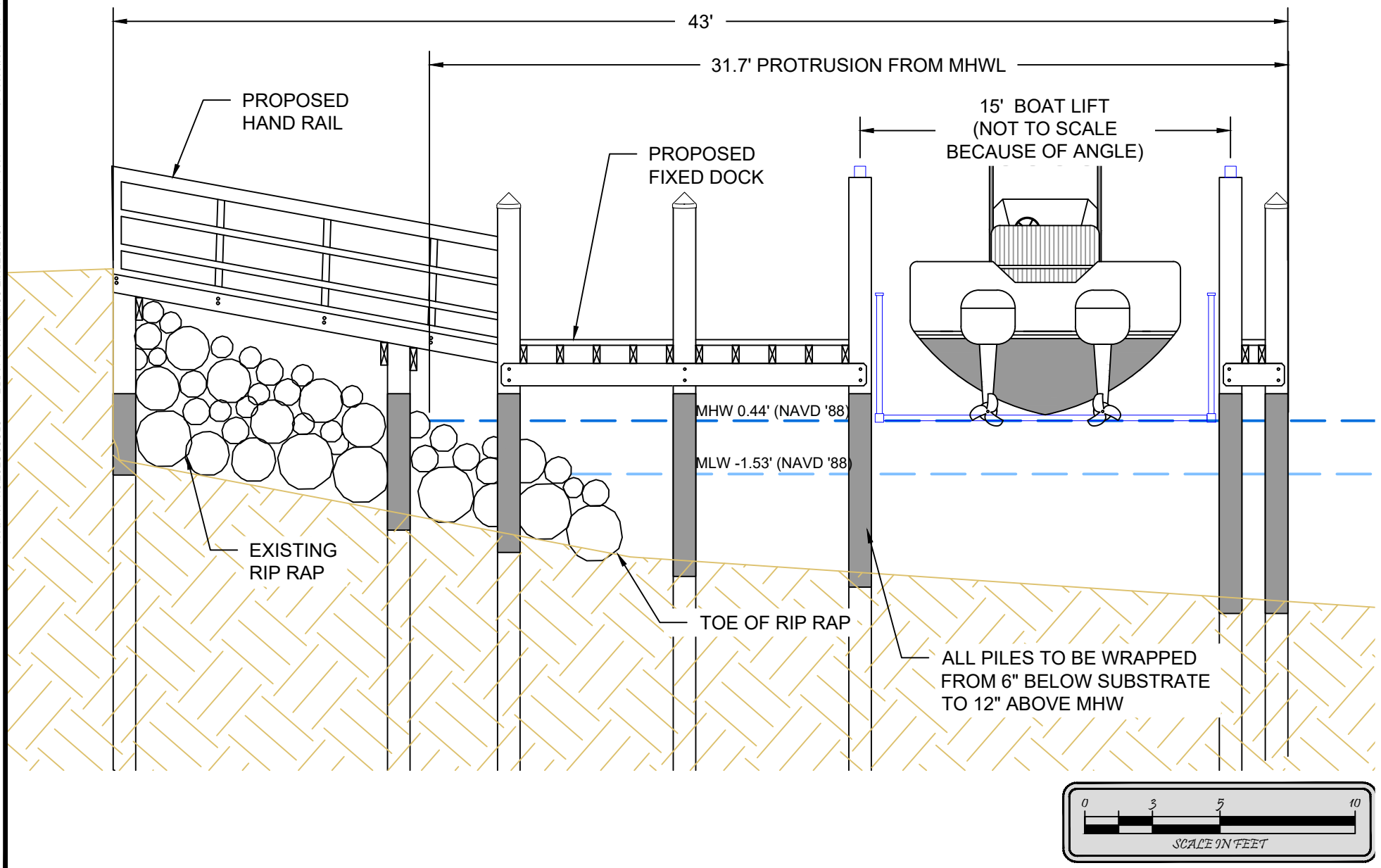
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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (22865 : PL20220001854 BDE 1668 Vinland

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p:\20000 garland jobs 2020\20000.46 wortzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg CROSS SECTION 4/11/2022



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1668 VINLAND WAY

CROSS SECTION

RY NO. 5875

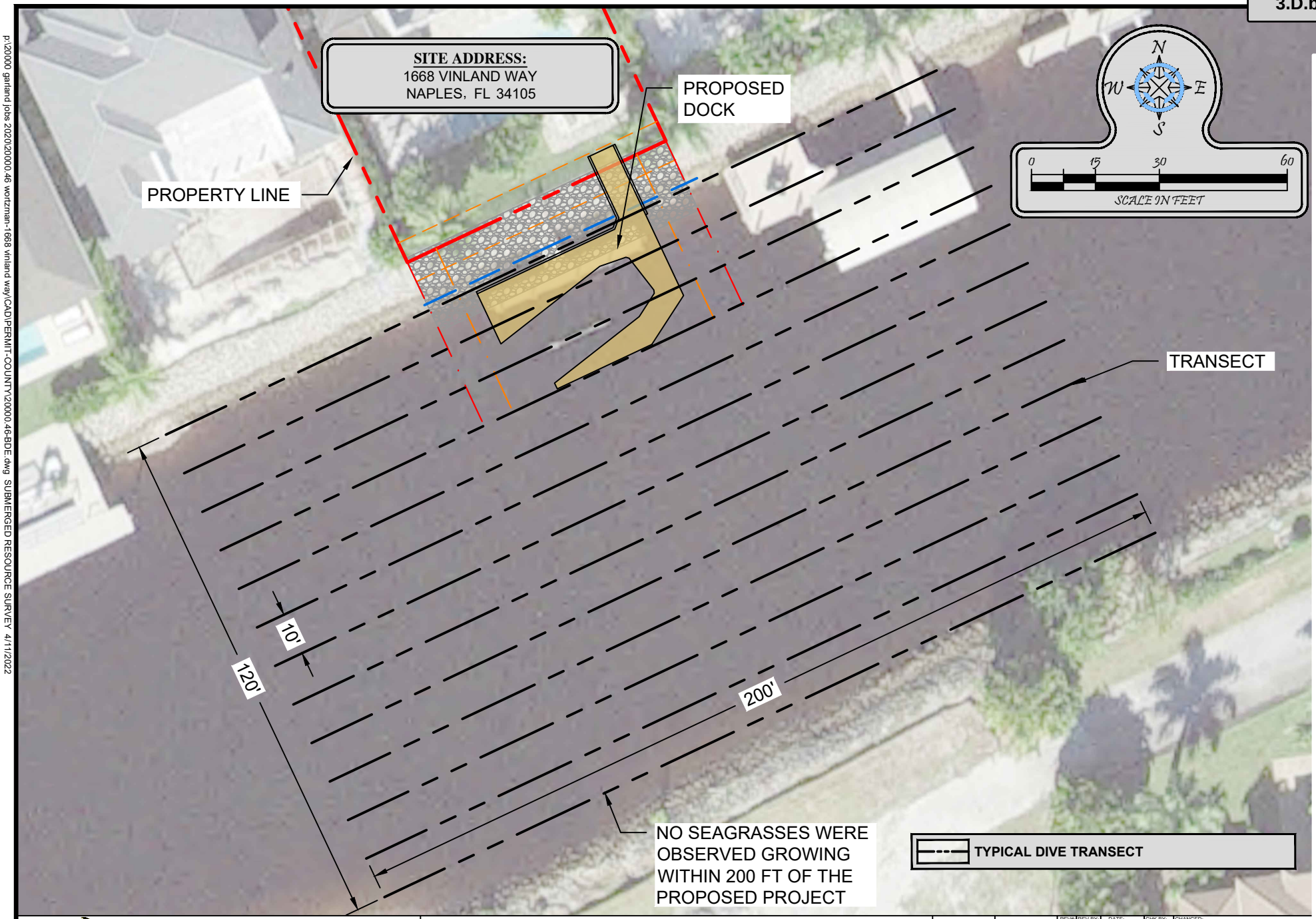
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SECTION-35 TOWNSHIP-49S

Attachment: Attachment A - Proposed Site and Dock Plans (22865 : PL20220001854 BDE 1668 Vinland

p:\20000 garland jobs 2020\20000.46 wolfzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg SUBMERGED RESOURCE SURVEY 4/11/2022



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1668 VINLAND WAY

SUBMERGED RESOURCE SURVEY

RY NO. 5875

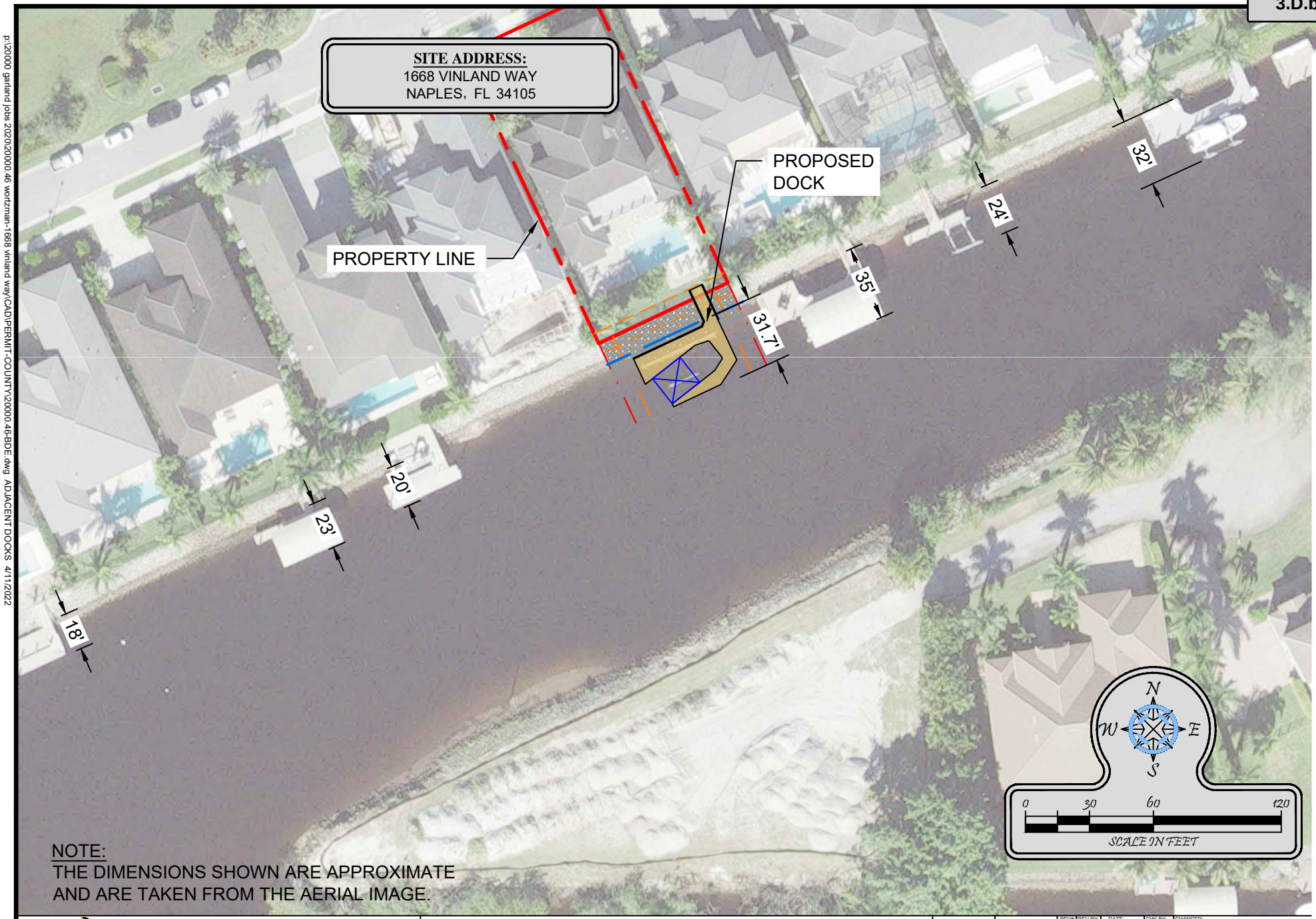
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SECTION- 35 TOWNSHIP- 49S

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p:\20000 garland jobs 2020\20000.46 wolfzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg ADJACENT DOCKS 4/11/2022



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

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1668 VINLAND WAY

ADJACENT DOCKS

RY NO. 5875

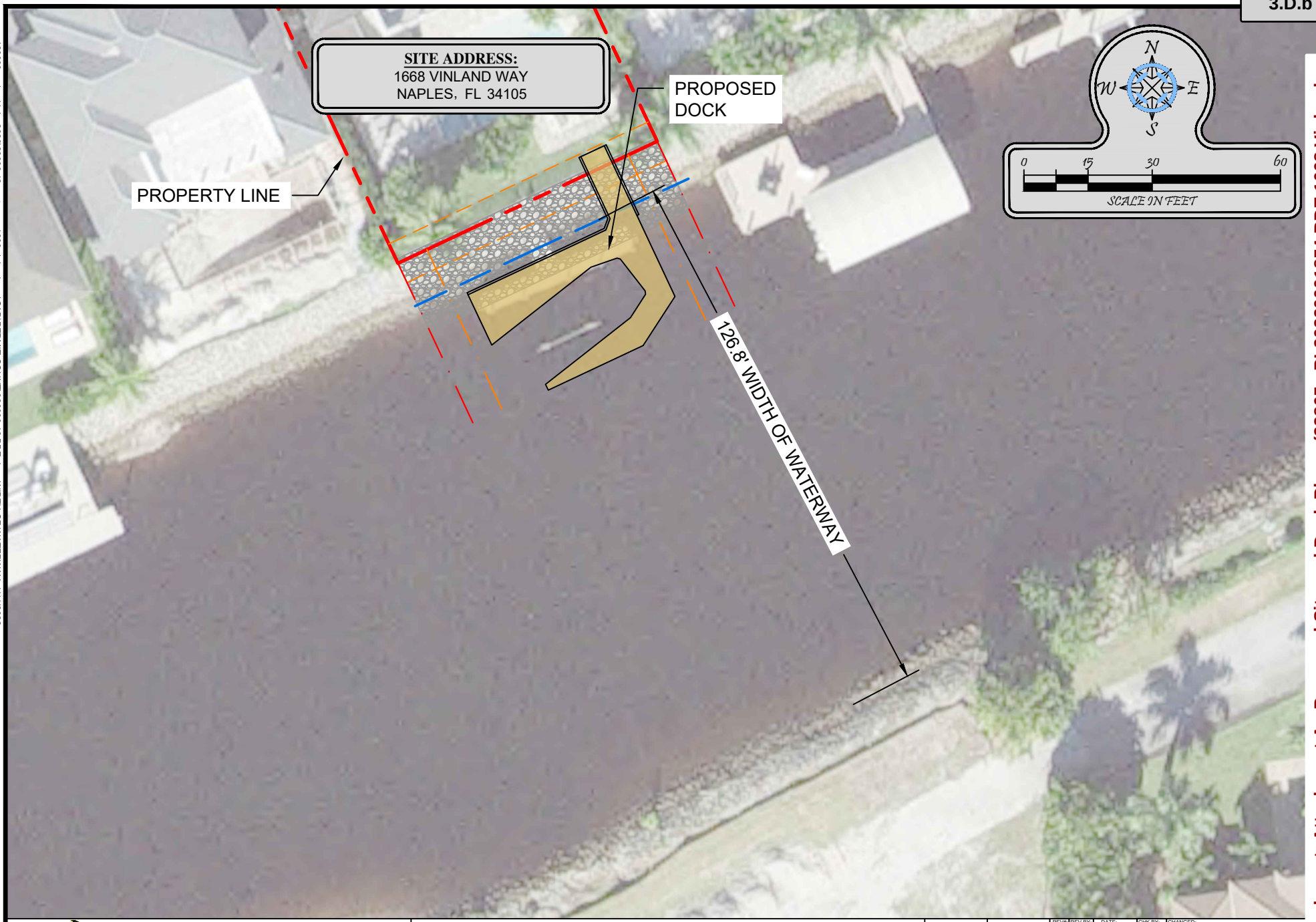
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	03-09-22	3.	-	-	-	-
JOB NO.:	20000.46	4.	-	-	-	-
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (22865 : PL20220001854 BDE 1668 Vinland

p:\20000 garland jobs 2020\20000.46 wolfzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg WIDTH OF WATERWAY 4/11/2022



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

1668 VINLAND WAY

WIDTH OF WATERWAY

RY NO. 5875

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	03-09-22	3.	-	-	-	-
JOB NO.:	20000.46	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment A - Proposed Site and Dock Plans (22865 : PL20220001854 BDE 1668 Vinland

KellyJohn

From: KellyJohn
Sent: Friday, July 22, 2022 5:25 PM
To: KellyJohn
Subject: BDE-PL20220001854 - 1668 Vinland Way - Sign Posting Public Hearing , HEX 8/11/2022
Attachments: 8CEC49D9-5AF1-4E63-AFCF-0006AF3D25B1.jpeg; 28C50688-E47A-4F67-9AAD-0C25F70C86A0.jpeg

At approximately 11:55 a.m. this date, I personally posted the Public Hearing Sign required for the referenced project to be heard by the Hearing Examiner on August 11, 2022 to the front of the subject property immediately adjacent to the public Right-of-Way as depicted within the attached photos.

Respectfully,
John Kelly
Senior Planner

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

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

Collier County
Growth Management Department

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

Attachment: Attachment B - Sign Posting (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)





Attachment: Attachment B - Sign Posting (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

NawrockiStefanie

From: McLeanMatthew
Sent: Wednesday, April 27, 2016 3:00 PM
To: info@orickmarine.com
Cc: ScottChris; NawrockiStefanie
Subject: FW: Landings at Bear's Paw

Holly,

Per our phone call and your question yesterday, please see below on the offset requirement and from where is should be measured. Thanks.

Collier County

Matt McLean, P.E.
Principal Project Manager

Collier County Growth Management Department
Development Review Division - Manager
2800 N. Horseshoe Drive
Naples, FL 34104
Phone: 239-252-8279
Fax: 239-252-6945

From: McLeanMatthew
Sent: Tuesday, July 21, 2015 10:13 AM
To: dan@jrevansengineering.com; BosiMichael <MichaelBosi@colliergov.net>; Will J. Dempsey <wjdempsey@napleslaw.com>; StrainMark <MarkStrain@colliergov.net>
Cc: 'Greg Wardeberg' <gwardeberg@gmail.com>; ScottChris <ChrisScott@colliergov.net>
Subject: RE: Landings at Bear's Paw

Dan,

The LDC definition of Mean high-water line (MHW) identifies the intersection of the tidal plane of mean high water with shore as established by per the FL Coastal Mapping Act of 1974 Laws of Florida. Within the state law "mean high water" is the average height of the high waters over a 19 year period; therefore, the County recognizes the original MHW condition as one of the parameters for measuring the boat dock setback. For this particular project, this is the most restrictive measurement. As long as the docks do not protrude 20 feet past that original controlling MHW line, then no BDE is required. The approved PPL plans show this dimension as 20 feet from the controlling MHW line and will suffice for the site review/approval. Please provide a copy of this email along with the building permit application resubmittal. Thanks.

Collier County

Attachment: Attachment C - MHW determination of boat docks (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Matt McLean, P.E.
Principal Project Manager

Collier County Growth Management Department
Development Review Division - Manager
2800 N. Horseshoe Drive
Naples, FL 34104
Phone: 239-252-8279
Fax: 239-252-6945

From: dan@jrevansengineering.com [mailto:dan@jrevansengineering.com]
Sent: Tuesday, July 21, 2015 9:49 AM
To: BosiMichael; Will J. Dempsey; StrainMark
Cc: McLeanMatthew; 'Greg Wardeberg'
Subject: RE: Landings at Bear's Paw

First, I would like to thank everyone for reviewing this matter on behalf of the developer. It is sincerely appreciated.

If you need any further information from me in order to finalize your review/decision re: the BDE, or if you would like to meet with me today or at any time, please advise.

Otherwise, if a decision has (or will be) made on the BDE, please advise on how to appropriately document that a BDE is not required, and that the approved PPL and ICP permits (PL20120002819 and PL20150000357, respectively) suffice for review/approval of the building permit for the docks.

Sincere thanks,

Daniel C. Hartley, P.E.
J.R. Evans Engineering, P.A.
9351 Corkscrew Road, Suite 102
Estero, FL 33928
www.jrevansengineering.com
c (239) 250-9408

From: BosiMichael [mailto:MichaelBosi@colliergov.net]
Sent: Tuesday, July 21, 2015 8:22 AM
To: Will J. Dempsey; StrainMark
Cc: McLeanMatthew; 'Greg Wardeberg'; dan@jrevansengineering.com
Subject: RE: Landings at Bear's Paw

Great job, Mark and Matt and thanks for all, working together to get the best decision within the code.
bosi

From: Will J. Dempsey [mailto:wjdempsey@napleslaw.com]
Sent: Tuesday, July 21, 2015 7:43 AM
To: StrainMark
Cc: BosiMichael; McLeanMatthew; 'Greg Wardeberg'; 'dan@jrevansengineering.com'
Subject: RE: Landings at Bear's Paw

Thanks Mark and Matt. Matt, I got your voicemail yesterday. I was (and am still) scrambling to stay on top of a number of client commitments and either Dan or I will get back to you today.

Attachment: Attachment C - MHW determination of boat docks (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Thanks again gents,

Will J. Dempsey
Florida Bar Board Certified Real Estate Lawyer

CHEFFY PASSIDOMO
ATTORNEYS AT LAW

Cheffy Passidomo, P.A.
821 5th Avenue South
Naples, FL 34102

(239) 261-9300 telephone
(239) 261-9782 facsimile
wjdempsey@napleslaw.com
www.napleslaw.com

This e-mail, along with any files transmitted with it, is for the sole use of the intended recipient(s) and may contain information that is confidential or privileged. If this e-mail is not addressed to you (or if you have any reason to believe that it is not intended for you), please notify the sender by return e-mail or by telephoning us (collect) at 239-261-9300 and delete this message immediately from your computer. Any unauthorized review, use, retention, disclosure, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. Please note that any views or opinions presented in this e-mail are those of the author and do not necessarily represent those of the law firm.

From: StrainMark [mailto:MarkStrain@colliergov.net]
Sent: Tuesday, July 21, 2015 7:40 AM
To: Will J. Dempsey
Cc: BosiMichael; McLeanMatthew; 'Greg Wardeberg'; 'dan@jrevansengineering.com'
Subject: RE: Landings at Bear's Paw

I believe this has been resolved and no BDE is needed, Matt Mclean has the details.

But.....I am always available to meet.

Mark
239.252.4446

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.

From: Will J. Dempsey [mailto:wjdempsey@napleslaw.com]
Sent: Monday, July 20, 2015 2:30 PM
To: StrainMark
Cc: BosiMichael; McLeanMatthew; 'Greg Wardeberg'; 'dan@jrevansengineering.com'
Subject: Landings at Bear's Paw

Good afternoon Mark:

Attachment: Attachment C - MHW determination of boat docks (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Would you have time this week to huddle up on a Boat Dock Extension request for the Landings at Bear's Paw? This is the triangular residential project on the Golden Gate Canal and between Bear's Paw and the Gordon River Greenway. I'm available pretty much any time starting Wednesday through end of week.

Thanks Mark,

Will J. Dempsey
Florida Bar Board Certified Real Estate Lawyer

CHEFFY PASSIDOMO
ATTORNEYS AT LAW

Cheffy Passidomo, P.A.
821 5th Avenue South
Naples, FL 34102

(239) 261-9300 telephone
(239) 261-9782 facsimile
wjdempsey@napleslaw.com
www.napleslaw.com

This e-mail, along with any files transmitted with it, is for the sole use of the intended recipient(s) and may contain information that is confidential or privileged. If this e-mail is not addressed to you (or if you have any reason to believe that it is not intended for you), please notify the sender by return e-mail or by telephoning us (collect) at 239-261-9300 and delete this message immediately from your computer. Any unauthorized review, use, retention, disclosure, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. Please note that any views or opinions presented in this e-mail are those of the author and do not necessarily represent those of the law firm.

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Attachment: Attachment C - MHW determination of boat docks (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

BDE-PL 2022000
1668 VINLAND WAY

HEARING PACKAGE CHECKLIST

A. Backup provided by the County Planner

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

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

B. Backup provided by Applicant:

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

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

✓ Boundary Survey

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

✓ Submerged Resource Surveys may be included here if required.

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

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

Jeff Roger
Signature of Agent Representative

7/11/22
Date

Jeff Rogers
Printed Name of Signing Agent Representative

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

DOCK FACILITY EXTENSION OR BOATHOUSE ESTABLISHMENT PETITION

LDC Section 5.03.06
Ch. 3 B. of the Administrative Code

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

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

APPLICANT INFORMATION

Name of Property Owner(s): Alan Wortzman

Name of Applicant if different than owner: _____

Address: 11-220 Industrial Pky Sth City: Aurora State: ON, CA ZIP: L4G3V6

Telephone: 239-641-7187 Cell: _____ Fax: _____

E-Mail Address: kristina@garlandmarine.com

Name of Agent(s): Jeff Rogers

Firm: Turrell, Hall & Associates, Inc.

Address: 3584 Exchange Ave City: Naples State: FL ZIP: 34105

Telephone: 239-643-0166 Cell: 239-784-0081 Fax: 239-643-6632

E-Mail Address: Jeff@thanaples.com

PROPERTY LOCATION

Section/Township/Range: 35 / 49 / 25 Property I.D. Number: 54490010465

Subdivision: Landings at Bear Paw Unit: _____ Lot: 16 Block: _____

Address/ General Location of Subject Property:
1668 Vinland Way, Naples, FL 34105

Current Zoning and Land use of Subject Property:
Single Family Residential

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

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

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	RPUD	Residential Single-Family
S	RSF-4 & A	Residential Single-Family & Golden Gate Canal
E	RPUD	Residential Single-Family
W	RPUD	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

1. **Waterway Width:**
   126.8 ft. Measurement from ☐ plat ☒ survey ☐ visual estimate
   ☒ other (specify) GIS
2. **Total Property Water Frontage:**
   67 ft.
3. **Setbacks:**
   Provided: 11 & 12 ft.
   Required: 7.5' & 7.5' ft.
4. **Total Protrusion of Proposed Facility into Water:**
   31.7 ft.
5. **Number and Length of Vessels to use Facility:**
   1. 34 ft.
   2. _____ ft.
6. **List any additional dock facilities in close proximity to the subject property and indicate the total protrusion into the waterway of each:**
   Majority of the waterfront homes along the subject shoreline have docks which most have been granted BDE's. As proposed the dock is consistent with the other existing previously approved docking facilities along the subject shoreline.
7. **Signs are required to be posted for all petitions. On properties that are 1 acre or larger in size, the applicant shall be responsible for erecting the required sign. What is the size of the petitioned property?** 0.23 Acres

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

8. Official Interpretations or Zoning Verifications:

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

PRIMARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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SECONDARY CRITERIA

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

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

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

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

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

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

Pre-Application Meeting and Final Submittal Requirement Checklist for:

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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

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

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

FEE REQUIREMENTS:

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

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

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

All checks payable to: Board of County Commissioners.

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

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

Signature of Petitioner or Agent

4/6/22
Date

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Collier County
Growth Management Department

ADDRESSING CHECKLIST

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

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

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

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

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

LANDINGS AT BEAR'S PAW LOT 16 T49, R25, S35

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

54490010465

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

1668 Vinland Way, Naples, FL 34105

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

CURRENT PROJECT NAME (if applicable)

PROPOSED PROJECT NAME (if applicable)

PROPOSED STREET NAMES (if applicable)

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

SDP _____-_____ or AR or PL # _____

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

Collier County
Growth Management Department

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

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

Applicant Name: Alan Wortzman, Jeff Rogers(agent)

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

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

FOR STAFF USE ONLY

Folio Number 54490010465

Folio Number

Folio Number

Folio Number

Folio Number

Folio Number

Approved by: L.L.H. **Date:** 3/9/2022

Updated by: **Date:**

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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Narrative Description: The proposed Boat Dock Extension request is for a single-family dock located within the Landings at Bear's Paw development along the Gordon River. This section of the Gordon River bottoms lands is owned by the development as well as the rip-rap shoreline which is why we had the HOA provide us with a letter of support.

The proposed dock has been designed developed by the applicant and his marine contractor which THA did a review prior to proceeding with the BDE process to verify it would meet the associated criteria. As proposed the dock will protrude approximately 43 feet from the plotted property line and approximately 31.7-feet from the MHWL. Therefore, as proposed the applicant is requesting a 11.7-foot extension as the MHWL in this case is the most restrictive point. The subject waterway is approximately 126.8-feet wide and as proposed the dock will protrude approximately 25% into the subject waterway. The required side yard setbacks as outlined within the RPUD documents are 7.5-feet and as proposed the dock will provide the required setbacks.

Additionally, the RPUD also allows the Landings at Bear's Paw development have up to 38 boat slips along their shoreline. The community docks accommodate 9 slips, and the remaining slips (29) are for the residences along the river which are allowed 2 slips per lot. The proposed dock is one of the allowed 29 slips along the river.

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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.)

Criterion Met

Response: The total waterfront length for this property is 67-ft. The zoning and upland land use is a single-family residential unit which warrants no more than 2 slips per CC-LDC as well as the approved PUD. The current proposed dock design has 1 optional boat slip.

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.)

Criterion Met

Response: See attached survey/drawing illustrating the existing shoreline and associated base of riprap. At the 20-foot protrusion line taken from the Top of Bank there is just not sufficient water to accommodate the vessel nor boatlift and is still partially over the riprap. Therefore, there is insufficient water depths to moor a vessel or provide safe access to the docking facility within the 20-foot protrusion mark.

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.)

Criterion Met

Response: The proposed docking facility will not have any adverse impacts on navigation as it will only protrude 31.74-feet from the MHWL into the waterway that is approximately 126.8-feet wide from MHWL to MHWL. The entire waterway is used for navigation as there are no navigational markers indicating the exact thread of navigation. The proposed docking facility provides adequate

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

space for navigation through this waterway as well as provides sufficient space for a dock to be built across the waterway from the subject property and still provide adequate space for navigation. Additionally, the proposed dock protrusion is consistent with at least 3 if not 4 other existing docks along the subject shoreline.

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

Criterion Met

Response: The proposed docking facility protrudes approximately 31.7-feet from the MHWL into a waterway that is 126.8-feet wide from MHW to MHW. The proposed dock protrudes approximately 25% into the waterway and therefore as proposed the dock does meet this criterion.

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.)

Criterion Met

Response: The proposed dock facility will provide 7.5-foot setbacks from both property/riparian lines. The approved PUD for the Landings at Bears Paw development only requires 7.5-feet setbacks for a docking facility that is parallel to the shoreline. The dock design and location has been designed to be located within the required setbacks, provide safe access with a vessel, and not interfere with any future neighboring docking facilities that maybe constructed.

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

SECONDARY CRITERIA

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

Response: The proposed dock facility was primarily governed by the County guidelines and the approved PUD for the Landings at Bear's Paw. The one special condition that has affected the overall proposed dock design was the relatively high Top of Bank elevation and the associated large rip-rap shoreline. Due to this condition the proposed access walkway portion of the dock needs to protrude further out into the waterway in order to decrease the access walkway's slope and to reach out to adequate water depths to safely moor the vessel and allow the boatlift to function properly.

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.)

Response: The proposed dock facility has been minimized in order to meet the County dock building guidelines, the approved PUD, and be constructed within the 25% width of waterway. The proposed design is consistent with the other dock designs that have been approved within this same development along the subject shoreline. The design also provides adequate and safe access to and from the vessel while still allowing room for other recreational use like fishing and kayak/paddle board storage on the dock.

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.)

Response: The proposed dock facility has been designed to only moor one vessel up to 34-feet which is more than 50% the subject property's linear waterfront footage. 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.)

Response: The proposed dock facility will be one of potentially 14 other single-family docking facilities allowed to be constructed along this shoreline not including the HOA docking facility. The proposed dock has been designed within the designated setback area as outlined in the approved PUD document for this development. The proposed docking facility design is consistent with others on this waterway and will not affect neighboring properties view of the waterway.

Criterion Met

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

Response: There are no 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.)

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

I, Alan Wortzman (print name), as _____ (title, if applicable) of _____ (company, If applicable), swear or affirm under oath, that I am the (choose one) owner [✔] applicant [ ] contract purchaser [ ] and that:

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

03/16/2022 **Date**

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on March 16, 2022 (date) by Alan Wortzman (name of person providing oath or affirmation), as owner who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

Deborah Lyn Shenstone
Signature of Notary Public

DEBORAH LYN SHENSTONE
Notary Public - State of Florida
Commission # HH 124613
My Comm. Expires May 9, 2025
Bonded through National Notary Assn.

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
Alan Wortzman	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Agent/Owner Signature

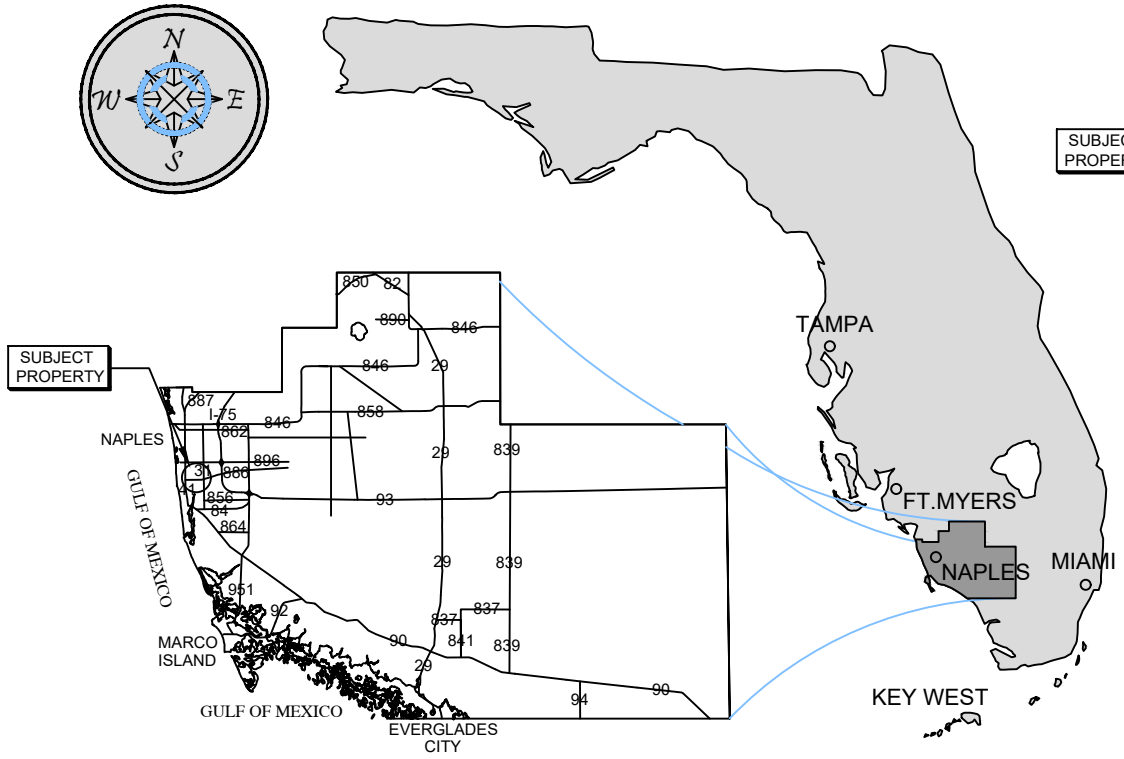
03/16/2022
Date

ALAN WORTZMAN
Agent/Owner Name (please print)

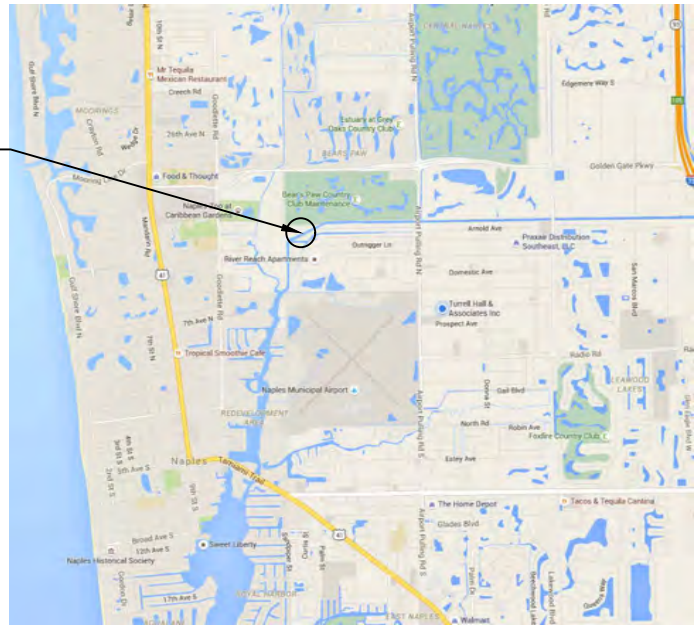
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p:\20000 garland jobs 2020\20000.46 wortzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg LOCATION MAP 4/13/2022

STATE OF FLORIDA



COLLIER COUNTY



VICINITY MAP



COUNTY AERIAL

SITE ADDRESS:
<> 1668 VINLAND WAY
NAPLES, FL 34105

<> LATITUDE: N 26.166608
<> LONGITUDE: W -81.782162

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

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

1668 VINLAND WAY

LOCATION MAP

RY NO. 5875

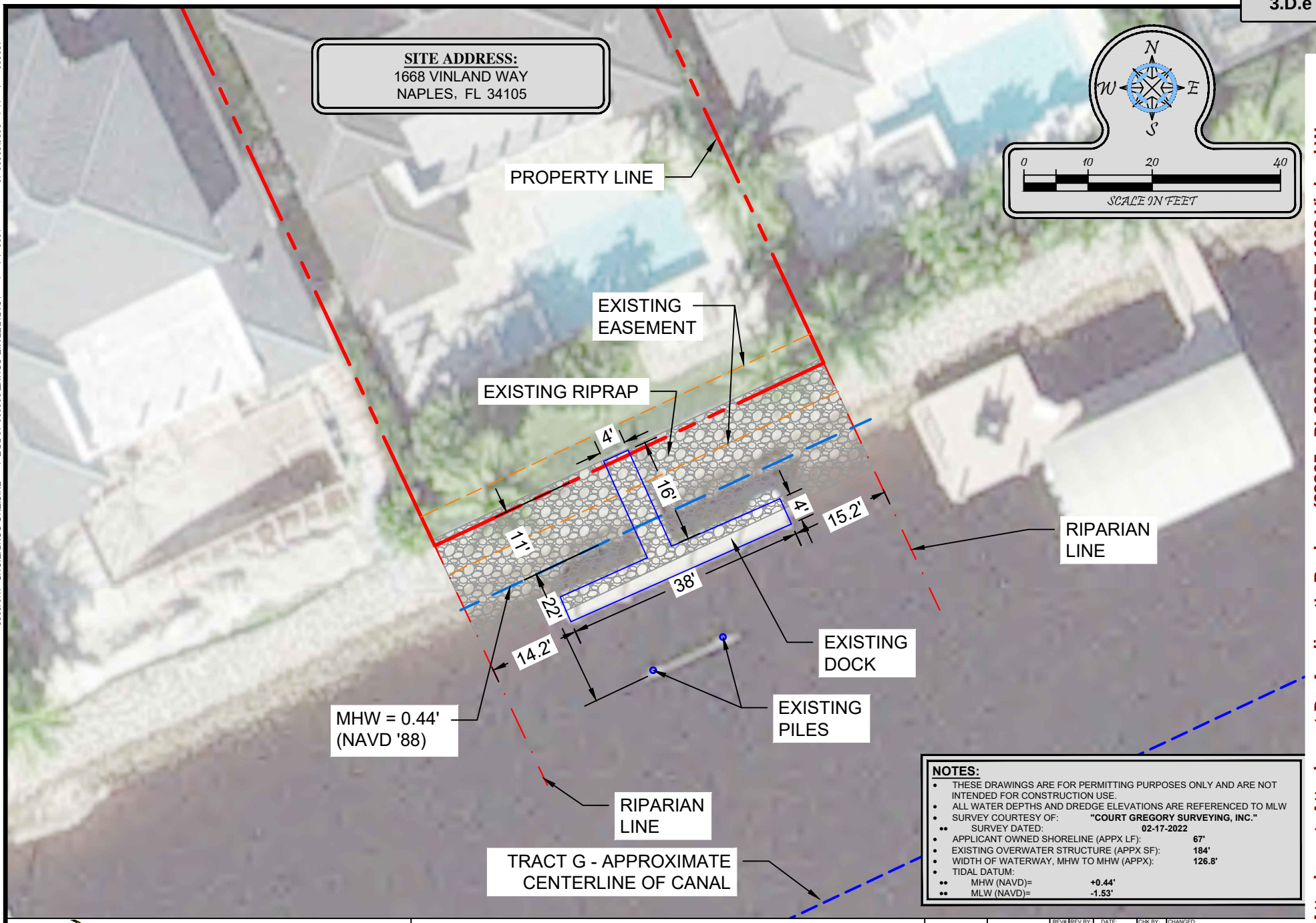
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DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	04-13-22	3.	-	-	-	-
JOB NO.:	20000.46	4.	-	-	-	-
SHEET NO.:	01 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way

p:\20000 garland jobs 2020\20000.46 wortzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg EXISITNG CONDITIONS 4/13/2022



NOTES:

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: **"COURT GREGORY SURVEYING, INC."**
  - SURVEY DATED: **02-17-2022**
- APPLICANT OWNED SHORELINE (APPX LF): **67'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **184'**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **126.8'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
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1668 VINLAND WAY

EXISITNG CONDITIONS

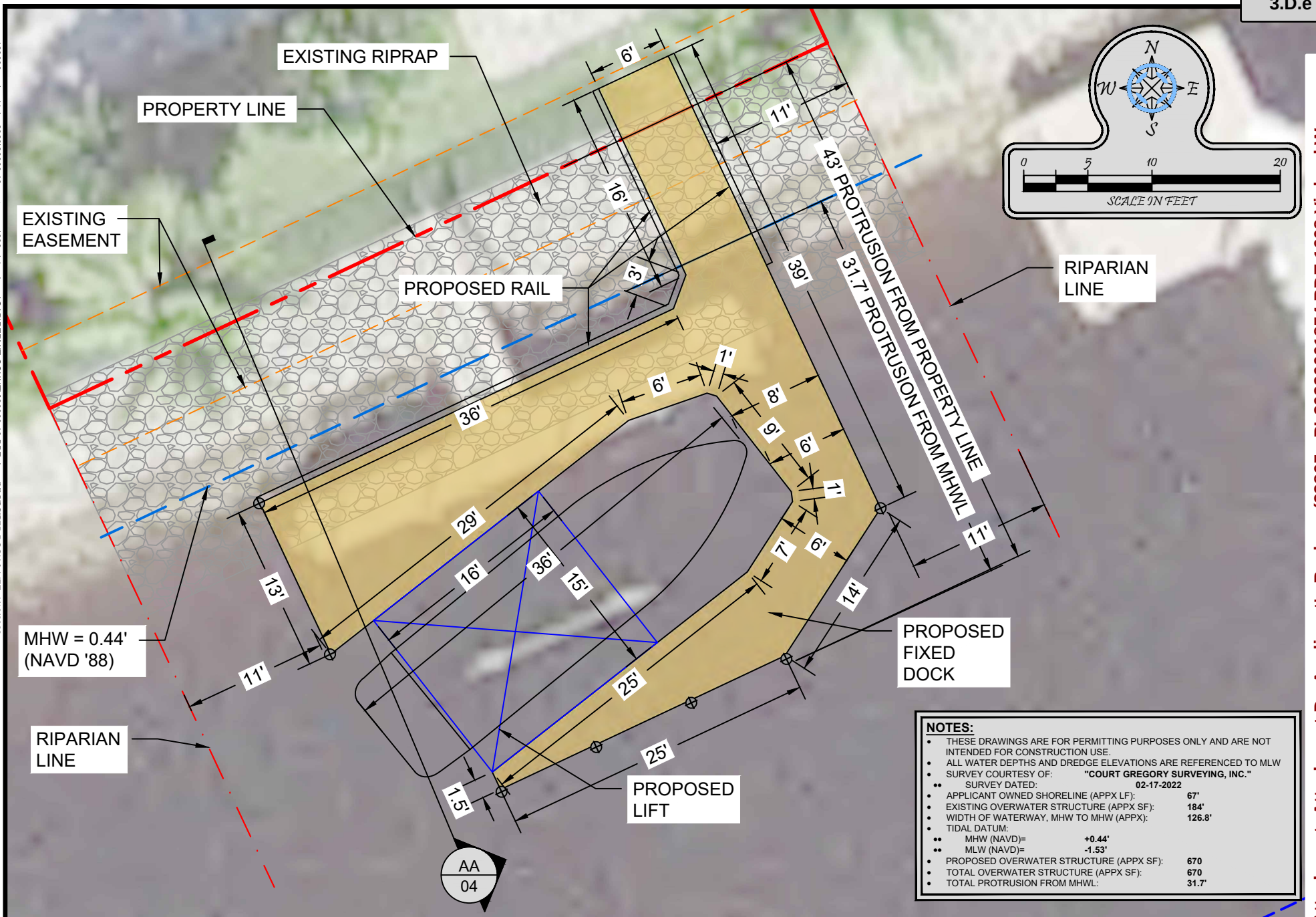
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DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	04-13-22	3.	-	-	-	-
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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way



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- WIDTH OF WATERWAY, MHW TO MHW (APPX): **126.8'**
- TIDAL DATUM:
  - MHW (NAVD)= **+0.44'**
  - MLW (NAVD)= **-1.53'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **670**
- TOTAL OVERWATER STRUCTURE (APPX SF): **670**
- TOTAL PROTRUSION FROM MHWL: **31.7'**

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Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
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1668 VINLAND WAY

PROPOSED DOCK & LIFT

RY NO. 5875

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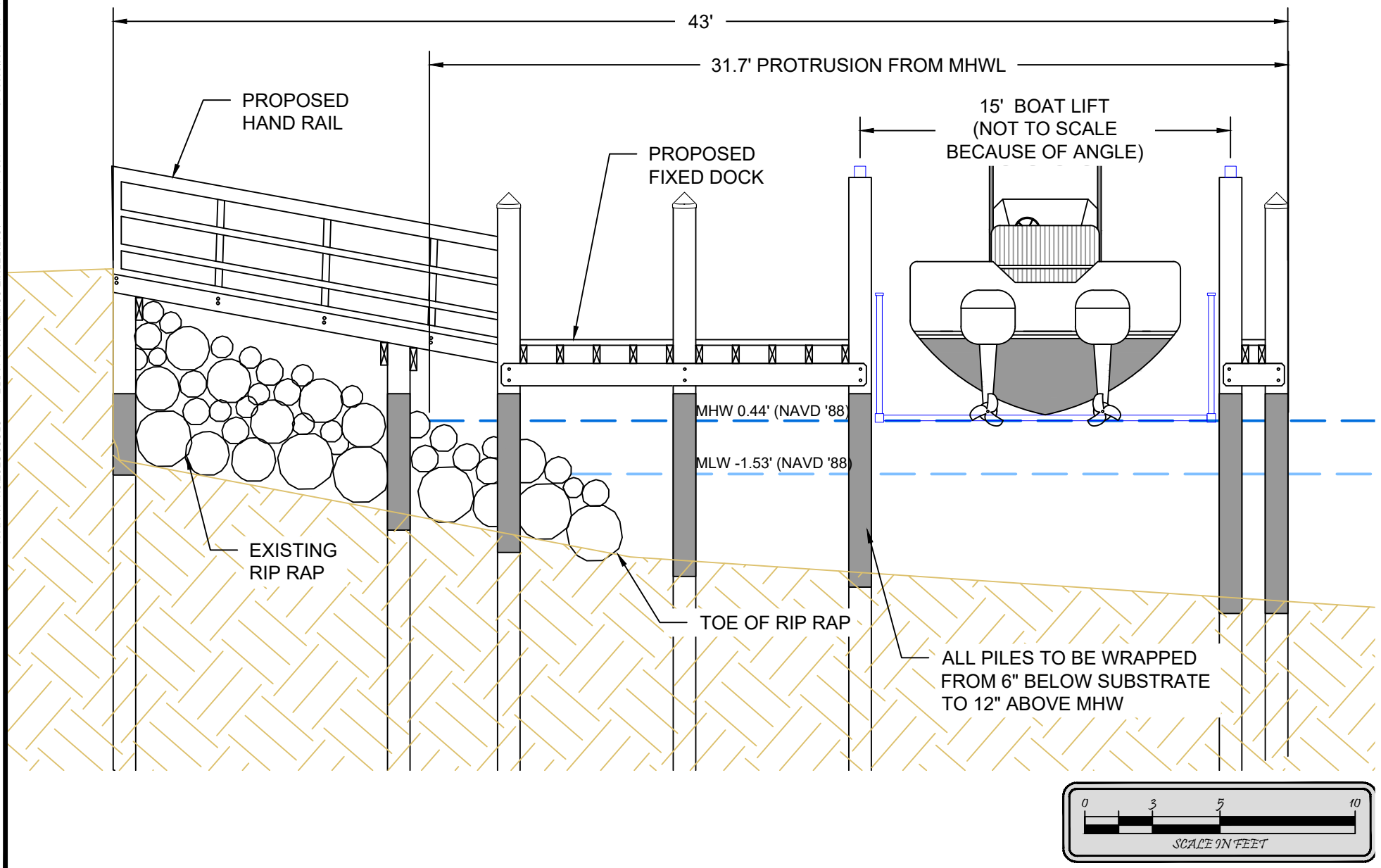
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SECTION-35 TOWNSHIP-49S

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Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way

p:\20000 garland jobs 2020\20000.46 wortzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg CROSS SECTION 4/13/2022



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1668 VINLAND WAY

CROSS SECTION

RY NO. 5875

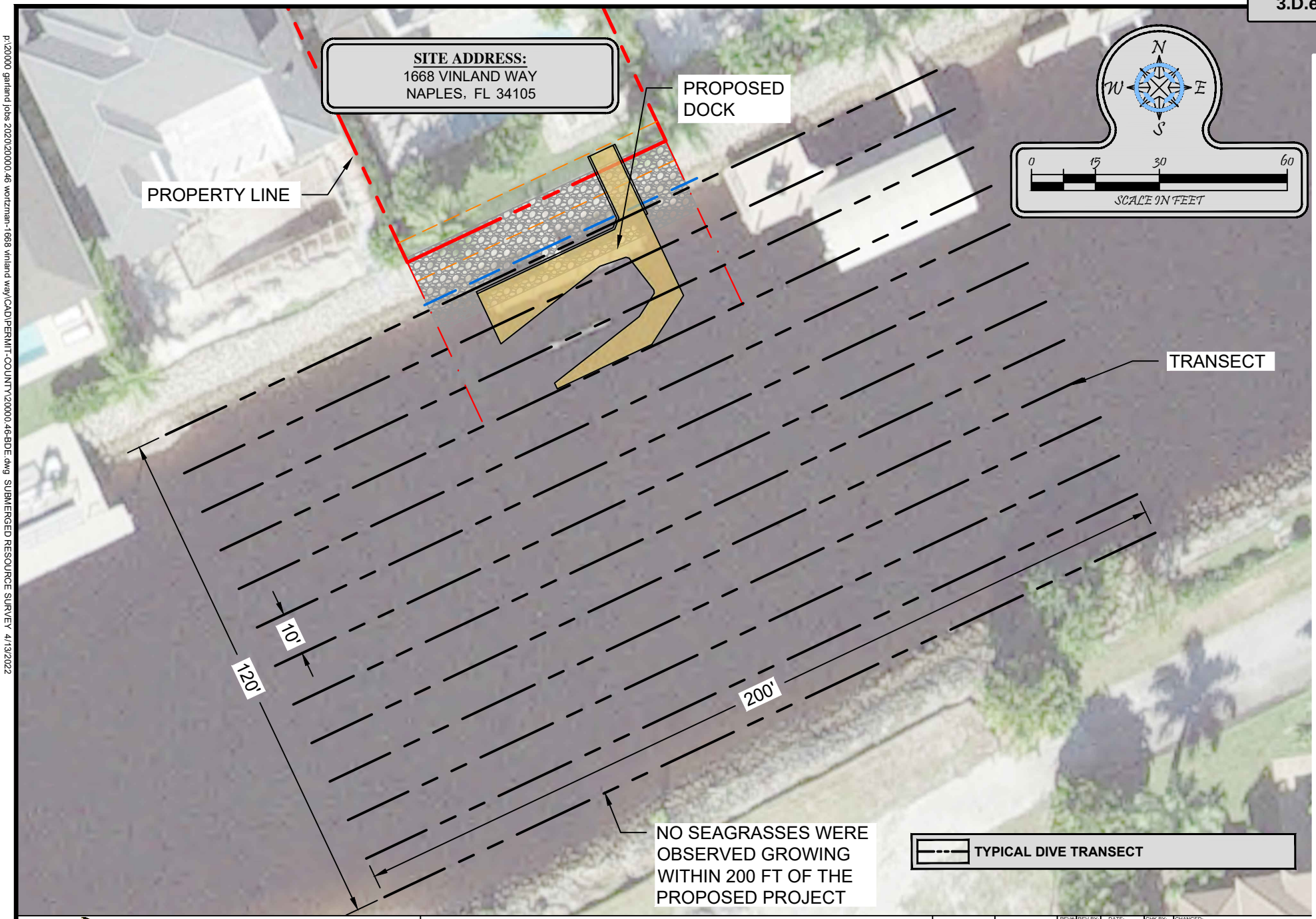
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SECTION-35 TOWNSHIP-49S

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p:\20000 garland jobs 2020\20000.46 wortzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg SUBMERGED RESOURCE SURVEY 4/13/2022



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3584 Exchange Ave. Naples, FL 34104-3732
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1668 VINLAND WAY

SUBMERGED RESOURCE SURVEY

RY NO. 5875

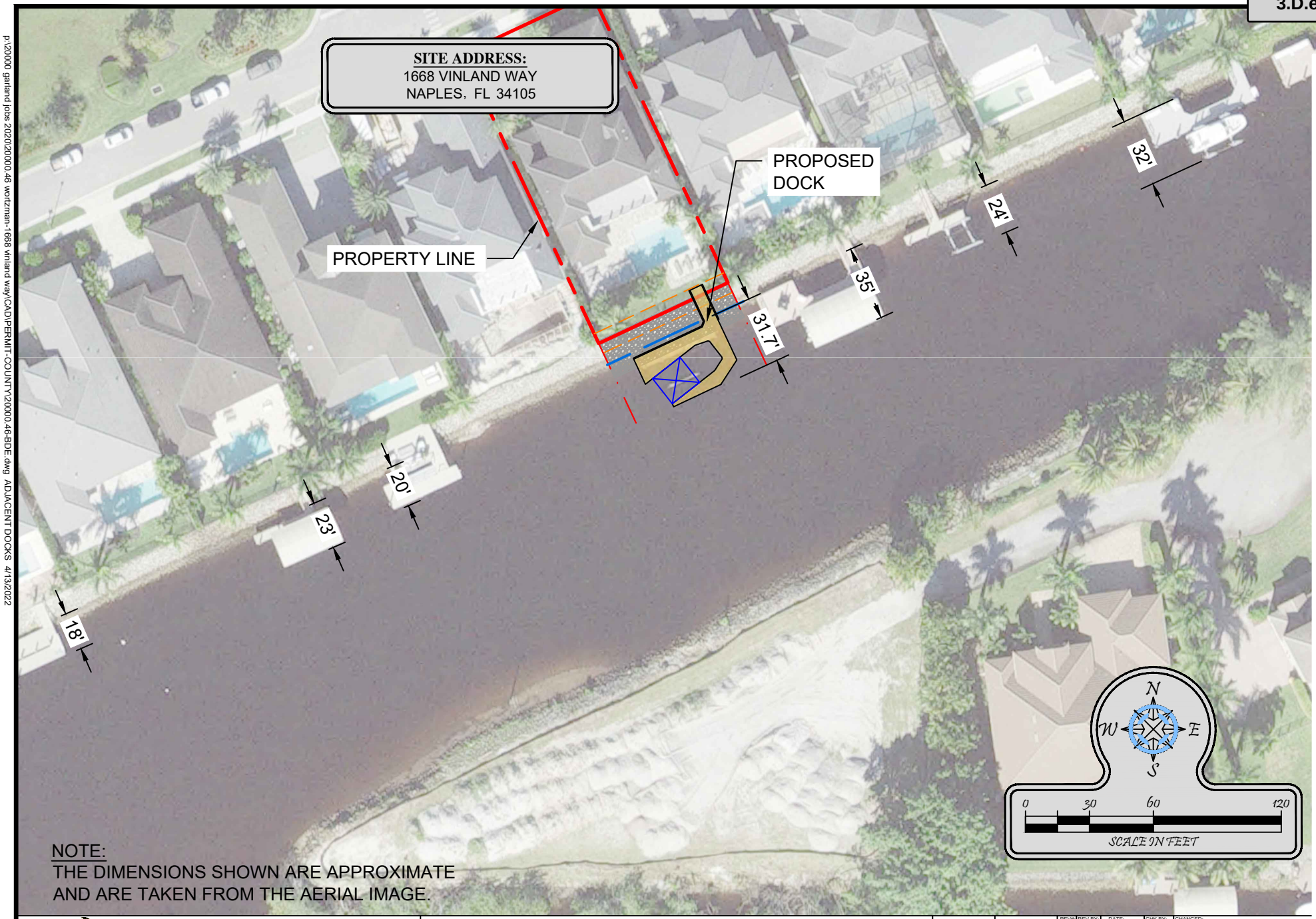
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SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way

p:\20000 garland jobs 2020\20000.46 wortzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg ADJACENT DOCKS 4/13/2022



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE AND ARE TAKEN FROM THE AERIAL IMAGE.

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

1668 VINLAND WAY

ADJACENT DOCKS

RY NO. 5875

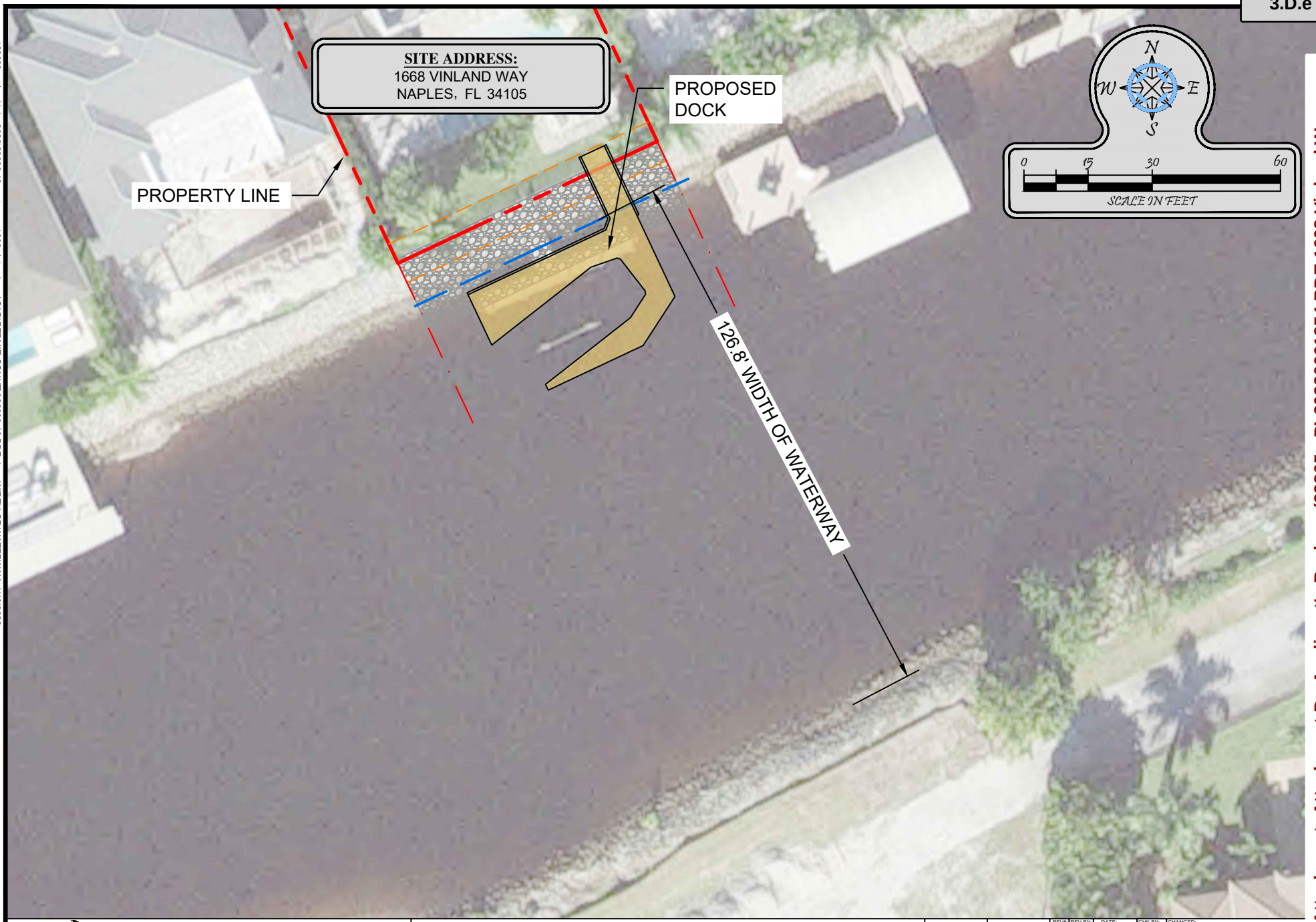
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DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	04-13-22	3.	-	-	-	-
JOB NO.:	20000.46	4.	-	-	-	-
SHEET NO.:	06 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way

p:\20000 garland jobs 2020\20000.46 wolfzman-1668 vinland way\CAD\PERMIT-COUNTY\20000.46-BDE.dwg WIDTH OF WATERWAY 4/13/2022



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

1668 VINLAND WAY

WIDTH OF WATERWAY

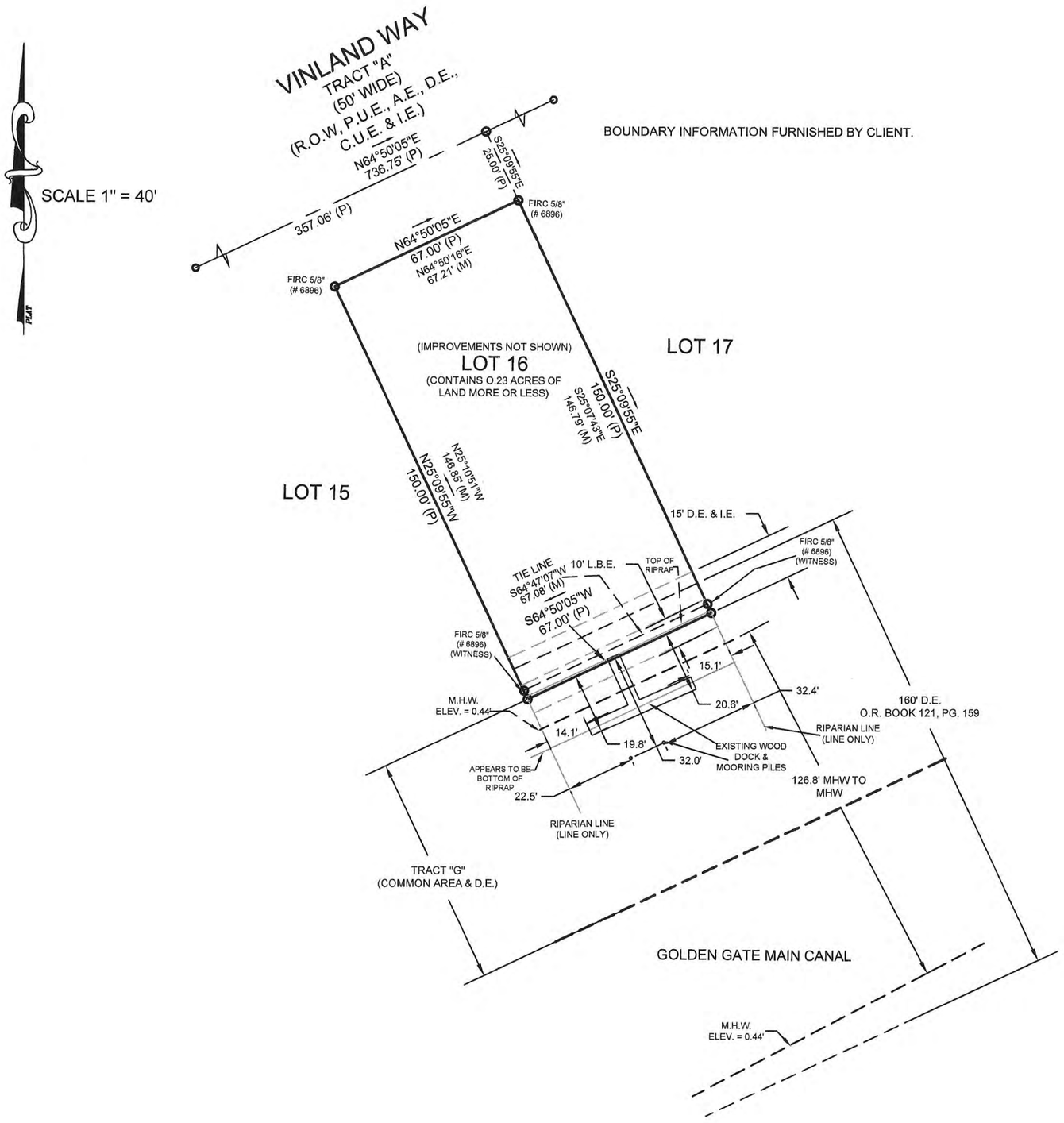
RY NO. 5875

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

		REV#	REV BY:	DATE:	CHK BY:	CHANGED:
DESIGNED:	JR	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	04-13-22	3.	-	-	-	-
JOB NO.:	20000.46	4.	-	-	-	-
SHEET NO.:	07 OF 07	5.	-	-	-	-

SECTION- 35 TOWNSHIP- 49S

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way



NOTES:

1.THE BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF VINLAND WAY AS SHOWN IN PLAT BOOK 56 PAGE 6 OF COLLIER COUNTY, BEING NORTH 64D 50' 05" 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 FEBRUARY 17, 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 BM AS FOLLOWS: SPKND # 6004 IN NORTH 2 FT VALLEY GUTTER OPPOSITE SITE. ELEV. = 6.86' NAVD '88)

8.SUBJECT PROPERTY IS SITUATED IN FLOOD ZONE N/A AS SHOWN ON FEMA MAP PANEL # ISLAND. BASE ELEVATION DETERMINED AT N/A ALL FEMA INFORMATION SHOWN NEEDS TO BE VERIFIED BY THE USER(S) OF THIS SURVEY, BEFORE ANY DESIGN AND/OR CONSTRUCTION.

9.NO TITLE OPINION OR ABSTRACT TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. ALL INFORMATION HAS BEEN SUPPLIED BY THE CLIENT. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS, OR OTHER INSTRUMENTS (RECORDED OR UNRECORDED) WHICH MAY AFFECT THE SUBJECT PROPERTY. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THE SURVEYOR.

10.THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING SHORELINE CONDITIONS AND DEPTHS IN RELATION TO THE PROPERTY LINES. PROPERTY LINES ARE SHOWN AS PLAT.

REVISIONS

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 (#) C.L.= CENTERLINE
P.R.M. = PERMANENT REFERENCE MONUMENT (#) (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
EF = FINISHED FLOOR U.T.S.= UNITED TELEPHONE RISER
= WELL CONC = CONCRETE CB = CATCH BASIN OR INLET
= 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
MHW/MLW = APPROXIMATE MEAN HIGH/LOW WATER

MAP OF SPECIFIC PURPOSE SURVEY

OF

LOT 16

OF

LANDINGS AT BEAR'S PAW

AS RECORDED IN
PLAT BOOK 56 PAGE(S) 5-6
OF THE PUBLIC RECORDS OF
COLLIER COUNTY, FLORIDA

1668 VINLAND WAY

CERTIFY TO:
GARLAND & GARLAND

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 03/022022
DATE OF FIELD SURVEY 02-17-2022

PSM # 6004
LB # 7112

C.G.S.
Court Gregory Surveying, Inc.
761 Teton Court
Naples, Florida 34104
(239)643-7845 office
cgs6004@comcast.net
(239)272-3707 cell

Date 03/02/2022
Job # EN10222M
Fb EN1-6 Pg 79

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

WORTZMAN DOCK
1668 VINLAND WAY
NAPLES, FL 34105

SUBMERGED RESOURCE SURVEY

MARCH 2022

PREPARED BY:



TURRELL, HALL & ASSOCIATES, INC
3584 EXCHANGE AVENUE, STE B
NAPLES, FL 34104

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

1.0 INTRODUCTION

The Wortzman dock and associated residence is located at 1668 Vinland Way and can be further identified by parcel #54490010465. The property is bound to the east and west by single family residences, to the north by Vinland Way, and to the south by Gordon River. The property is located at Section 35, Township 49S, and Range 25E. The landward portion of the property currently contains a single-family residence with an existing docking facility for one boat.

Turrell, Hall & Associates was contracted to provide environmental permitting services pertaining to the proposed docking facility, which requires the completion of a Submerged Resource Survey (SRS). This report will provide planning and assistance to both the owner(s) and government agencies reviewing the proposed project.

The SRS survey was conducted on March 23, 2022. Sea surface conditions consisted of clear skies, light winds out of the southeast, and an air temperature of 84° F at the time of the survey. During the time of the site visit it was a low tide which occurred at 9:53 A.M. (1.3 ft.) and high tide had occurred following our arrival onsite at 3:37 P.M. (2.9 ft.). The water temperature was approximately 74° F.

2.0 OBJECTIVE

The objective of the submerged resource survey was to identify and locate any existing submerged resources within 200' of the proposed project. The survey provided onsite environmental information to help determine if the proposed project would impact any existing submerged resources and if so would assist in reconfiguring the proposed dock in order to minimize any impacts. The general scope of work performed at the site is summarized below.

- Turrell, Hall & Associates personnel conducted a site visit to verify the location of any submerged resources within 200-feet.
- Turrell, Hall & Associates personnel identified submerged resources at the site (or the lack there of), estimated the percent coverage, and delineated the approximate limits of any submerged resources observed.
- Turrell, Hall & Associates personnel delineated limits via a handheld GPS (Garmin Model 76csx).

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

3.0 METHODOLOGY

Turrell, Hall & Associates biologists intentionally designed the methodology of the Submerged Resource Survey to cover the entire property shoreline for the proposed dock and boat-lift installation as well as to extend off-site approximately 200-feet. The components for this survey included:

- Review of aerial photography of survey area
- Establish survey transects lines overlaid onto aerials
- Physically swim transects, GPS locate limits of submerged resources, and determine approximate percent of coverage
- Document and photograph all findings

The survey area was evaluated systematically by following the established transects, spaced approximately 10-15 feet apart as shown on the attached exhibit. The existing surrounding docks on the canal provided reference points for easily identifiable land markers such as dock pilings which assisted in maintaining position within each transect.

4.0 RESULTS

The substrate found within the surveyed area consists of 1 distinct classification: silt sand with a layer of muck which also included minimal shell debris scattered throughout the entire surveyed area. The shoreline consists of a rip-rap bank with an existing docking facility and (2) mooring piles. The existing dock and surrounding docking facilities all support a variety of fish as well as sessile and motile invertebrates such as barnacles and mud crabs. Some of the existing dock piles carried historic fragments or remains of oysters, but no live individuals were observed. Algae was observed covering parts of the submerged portions of the piles and rocks along the shoreline but was not observed in the underlying substrate. The majority of the project site was devoid of vegetative growth, presumably because of the low water quality and high levels of freshwater which also reduces penetration of the water column by sunlight. A list of observed species can be seen below in Table 1.

Table 1 – Observed fish species

Common Name	**Scientific Name**
Striped Mullet	*Mugil cephalus*
Gray Snapper	*Lutjanus grisens*
Barnacle	*Amphibalanus spp.*
Mud Crab	*Panopius* herbstii

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

5.0 CONCLUSIONS

The submerged resource survey conducted at the project site yielded few findings at best. Barnacles, mud crabs, and numerous fish species could be seen along the shoreline as well as out on the adjacent dock pilings. Seagrasses were not observed anywhere near the project site. All fish species were observed swimming in and around the shoreline.

Negative impacts to submerged resources are not expected with the proposed project.



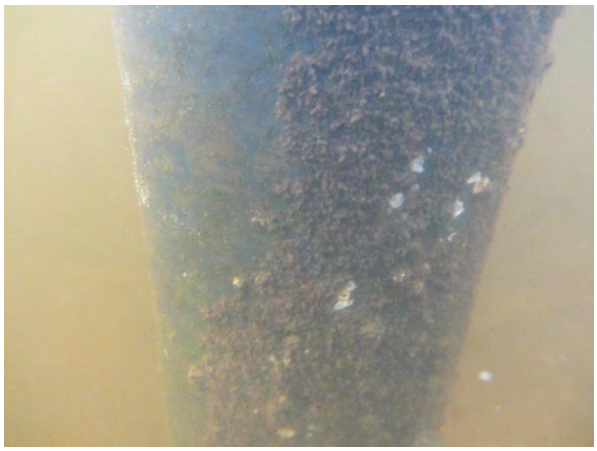
EXISTING DOCK & RIP-RAP SHORELINE



EXISTING DOCK AND WATERWAY



Typical Bottom Sediment



Existing Growth on Dock Piles

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

March 28, 2022

Collier County Government

RE: The Landings at Bear's Paw – 1668 Vinland Way
Installation of Boat Lift Request

To Whom It May Concern:

This letter is intended to notify Collier County that the Landings at Bear's Paw Homeowner's Association, Inc. Board of Directors has reviewed and approved the proposed dock project, located at the property referenced above.

The subject property is allowed a dock with up to two boat slips as outlined within the approved RPUD. As proposed the dock and boatlift meet all the community design criteria and therefore, we trust that our approval will allow the County to proceed with their review of the proposed Boat Dock Extension application.

Should you have any questions, please contact me at: 239.436.1500.

Sincerely,

George A. Wilson
President
Landings at Bear's Paw Homeowner's Association, Inc.

Attachment: Attachment D - Applicant's Backup (22865 : PL20220001854 BDE 1668 Vinland Way Wortzman)

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.E
Item Summary: Petition No. VA RPL20210003159 - 1385 Wood Duck Trail Wicklund - equest for an after-the-fact variance from Section 3.5.I, Table I, Side Yard for Single-Family Detached dwellings, from 7.5 feet to 2 feet, as provided for in Ordinance 02-71, as amended, the Pelican Marsh Planned Unit Development (PUD), and to reduce the maximum allowable setback for roof overhangs, pursuant to Section 04.02.01.D.8 of the Collier County Land Development Code (LDC), from not closer than 1-foot from the property line to 8-inches from the property line. This request is to allow the continued existence of a pergola constructed 2 feet from the western property line with an overhang of 8-inches from the western property line of 1385 Wood Duck Trail, also known as Site 36, Pelican Marsh Unit Two, in Section 27, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: John Kelly, Senior Planner] Commission District 2

Meeting Date: 08/11/2022

Prepared by:
Title: Planner – Zoning
Name: John Kelly
07/22/2022 5:57 PM

Submitted by:
Title: Zoning Director – Zoning
Name: Mike Bosi
07/22/2022 5:57 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	07/27/2022 5:51 PM
Zoning	Ray Bellows	Review Item	Completed	07/29/2022 3:34 PM
Zoning	Mike Bosi	Review Item	Completed	07/29/2022 3:43 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	08/11/2022 9:00 AM	

STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION- ZONING SERVICES SECTION

HEARING DATE: AUGUST 11, 2022

SUBJECT: PETITION VA-PL20210003159; 1385 WOOD DUCK TRAIL

PROPERTY OWNER/APPLICANT:

Douglas F. and Kathleen A. Wicklund
1385 Wood Duck Trail
Naples, FL 34108

AGENT:

Noel J. Davies, Esq.
Davies Duke, PLLC
1415 Panther Lane, Suite 442
Naples, FL 34109

REQUESTED ACTION:

To have the Collier County Hearing Examiner (HEX) consider an after-the-fact variance from Section 3.5.I, Table 1, Side Yard for Single-Family Detached dwellings, from 7.5 feet to 2 feet, as provided for in Ordinance 02-71, as amended, the Pelican Marsh Planned Unit Development (PUD), and to reduce the maximum allowable setback for roof overhangs, pursuant to Section 4.02.01.D.8 of the Collier County Land Development Code (LDC), from not closer than 1-foot from the property line to 8-inches from the property line. This request is to allow the continued existence of a pergola constructed 2 feet from the western property line with a roof overhang of 8-inches from the western property line of the subject property.

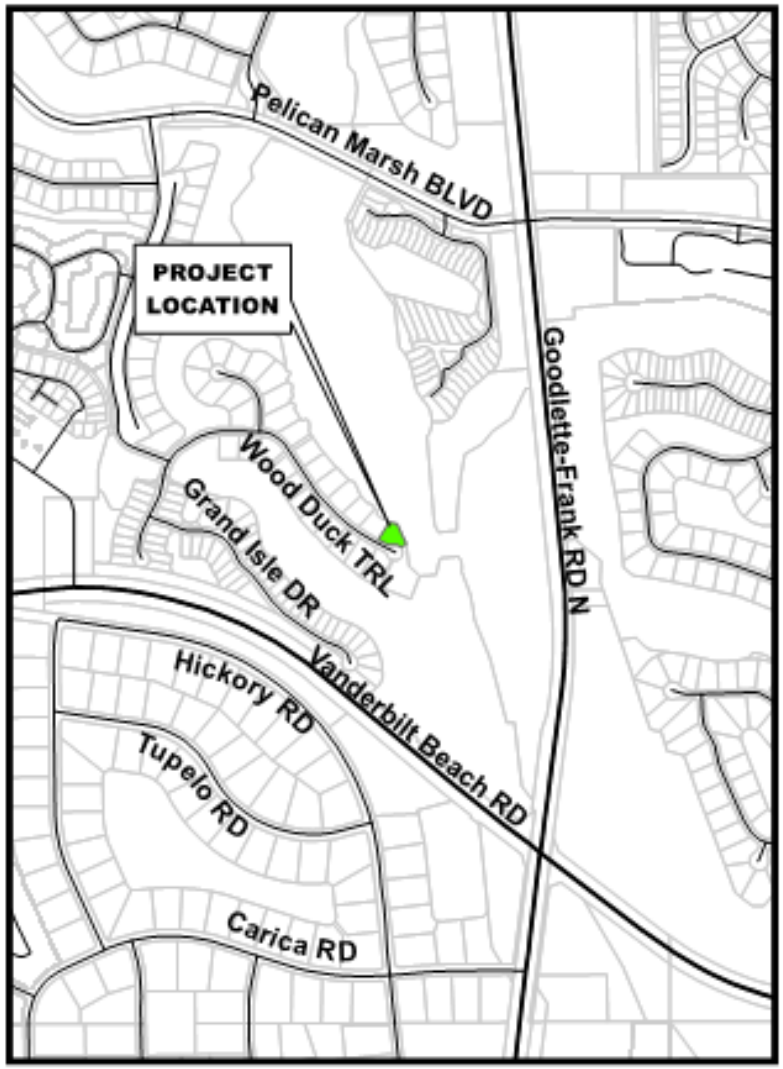
GEOGRAPHIC LOCATION:

The subject property is located at 1385 Wood Duck Trail and is legally recognized as Site 36, Pelican Marsh Unit Two, in Section 27, Township 48 South, Range 25 East, Collier County, Florida, and comprises 0.29± acres *(See location map below)*.

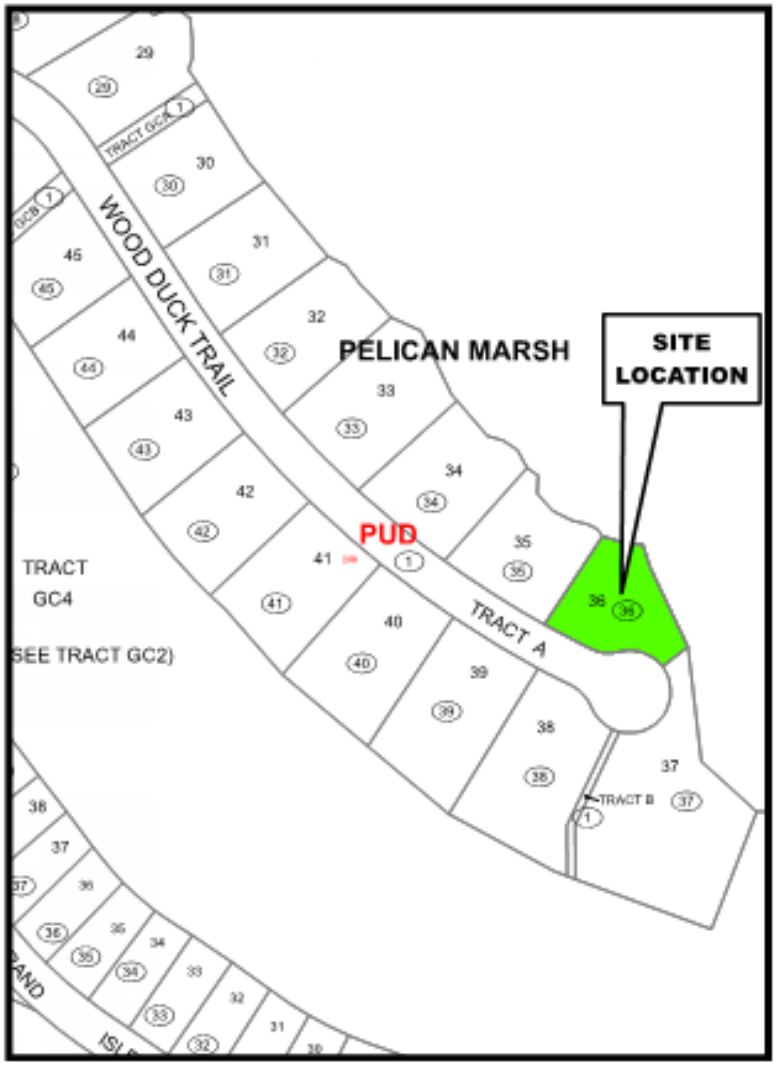
PURPOSE/DESCRIPTION OF PROJECT:

The petitioner seeks a Variance to allow for the continued existence of a pergola that was constructed by a prior owner of the subject property without having obtained a building permit. The permitting issue was recognized prior to completion of the sale of the property to the present owner who learned of the setback issue while closing. Upon engaging the building permit (Continued on Page 4)

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)



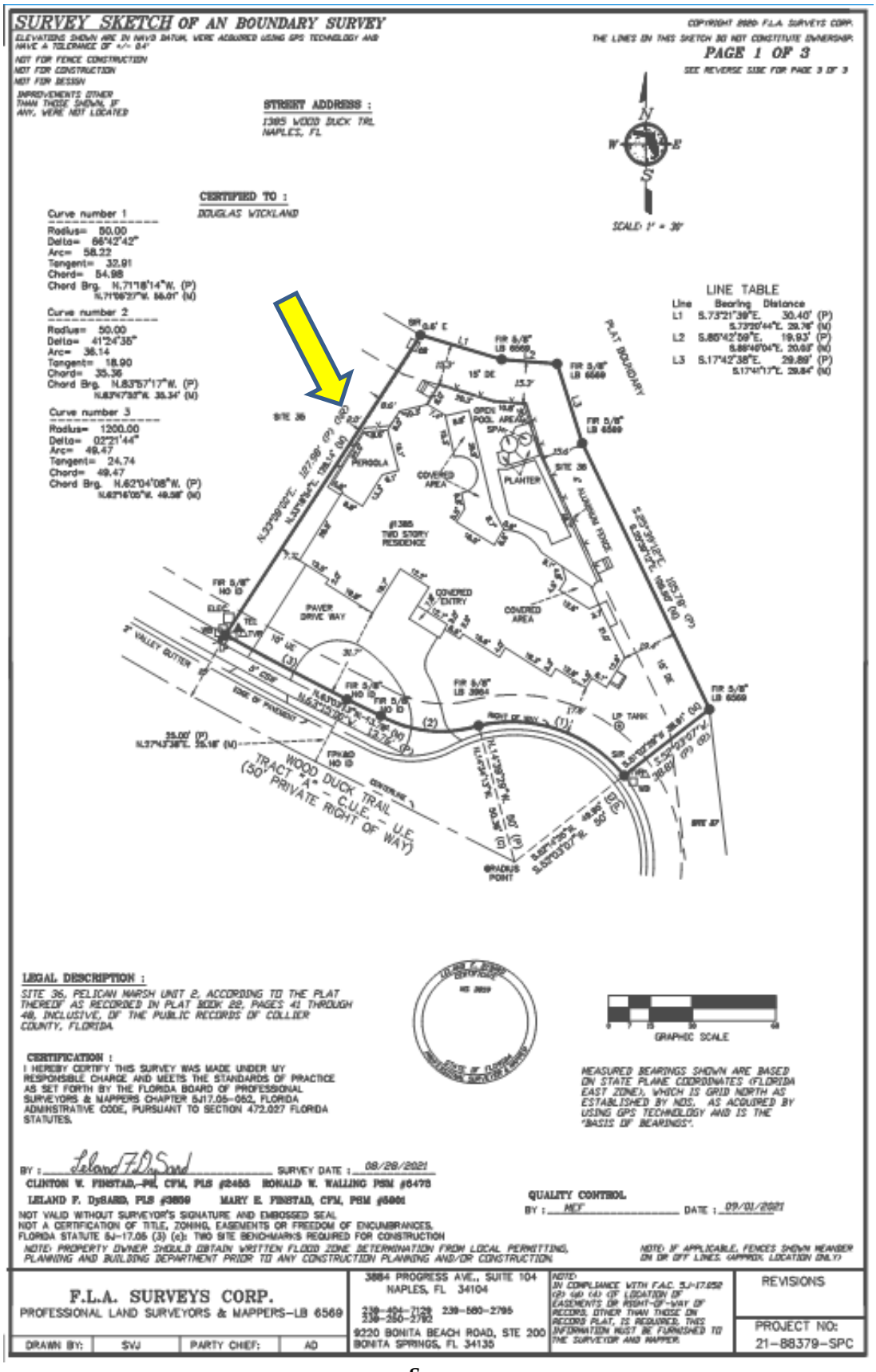
Location Map



Zoning Map

Petition Number: PL20210003159

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)



Survey

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

Purpose/Description of Project (Continued from Page 1)

Process it became known to the new owner that the existing pergola does not satisfy setback requirements for structures of this type. Staff's determination of the actual setback requirement for structures such as pergolas is reliant upon a staff memo issued on April 9, 2007, pertaining to "trellises, arbors and similar structures;" see Attachment B. Based upon this clarification, staff opines that the actual use of the subject pergola is more akin to a pool enclosure than to a fence and therefore finds the pergola to be an unlisted accessory structure for which principal structure setbacks are applicable.

The subject property comprises 0.23 acres located within a Residential component of the Pelican Marsh PUD, Ordinance 02-71, as amended. Residential Development Standards are contained within Section 3.5, Table 1, of the Pelican Marsh PUD. The required side setback for a structure of this type is 7.5. Additionally, LDC Section 4.02.D.8, Exemptions and Exclusions from Design Standards, states: "Hoods, canopies, or roof overhangs shall not project over three (3) feet into a required yard, but shall not come closer than one (1) foot to the lot line." Section 1.08.02 of the LDC defines ***Lot line*** as: "The boundary of a lot; the legally defined limits of a lot."

A Survey Sketch of Boundary Survey dated 08/28/2021, see Attachment A, reveals the subject pergola was built 2 feet from the western (side) property line and therefore encroaches 5.5 feet into the required 7.5-foot side yard. It was observed that the subject pergola has an open roof-type overhang that protrudes beyond the vertical columns further into the side yard. Staff had repeatedly requested the applicant provide a structural elevation to accurately determine the amount of overhang; however, the applicant's agent was of the belief a photo with tape measure depicting an 8-inch separation from the western property line should suffice. Zoning staff has opted not to pursue the matter further as it could be argued that the overhang in question is more of an architectural embellishment and is not an actual roof; Building Review staff has opined that either interpretation could be correct. Zoning staff is therefore opting to accept the applicant's exhibit and finds the provided measurement of 8-inches from the western property line to be valid. The property owner will likely need to provide additional structural drawings and measurements at the time of permitting.

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding boundaries of the subject property:

North: Pelican Marsh PUD, Reserve District, conservation and open space

South: Wood Duck Trail right-of-way (ROW) followed by a single-family dwelling within the Pelican Marsh PUD

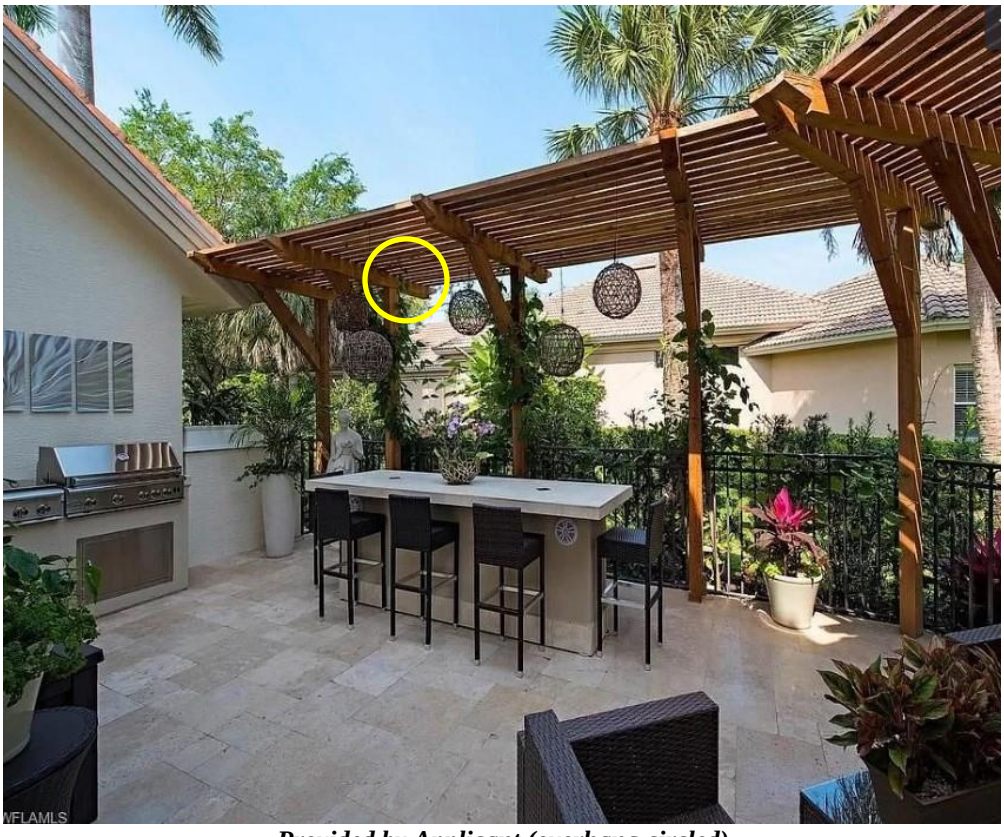
East: Pelican Marsh PUD, Reserve District, conservation and open space

West: A single-family dwelling located within the Pelican Marsh PUD

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)



Collier County GIS



Provided by Applicant (overhang circled)

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Urban Designation, Urban Residential Subdistrict, land use classification on the County's Future Land Use Map (FLUM) of the Future Land Use Element (FLUE) of the GMP. The GMP does not address individual Variance requests but deals with the larger issue of the actual use. The existing single-family use is consistent with the FLUM of the GMP. The requested variance does not have any impact on this property's consistency with the County's GMP.

ZONING DIVISION ANALYSIS:

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

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

Yes, the subject property is an irregular shaped lot that abuts lands allocated as "Reserve" on two sides. Said Reserve Lands are very similar to preserves as they are for the most part undeveloped and serve as both conservation area and open space.

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

Yes, the current property owner has provided a notarized statement dated May 27, 2022, in which he acknowledges the encroachment of the pergola were discovered as part of the purchase of the subject property; see Attachment D. Said pergola was constructed at the direction of a prior owner of the property without the benefit of a formally reviewed and issued building permit. The current property owner seeks to resolve all issues with respect to permits and setbacks to clear any Code and/or title issues with the property.

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?

The applicant's agent states: "Yes, a literal interpretation of this zoning code will work unnecessary and undue hardship on the Applicant and will create practical difficulties on the Applicant. The Applicant inherited the special conditions and circumstances from his predecessor in title; the Applicant did not create the encroachment. Further, the Applicant only has one neighbor (located immediately to the west and adjacent to the subject encroachment), which neighbor does not object to this Application; please see attached e-mail from the subject neighbor." Given the adjoining property owner offers no objection to the existing pergola, staff concurs. (see copy of e-mail in Attachment D)

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

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

health, safety and welfare?

Yes, the Variance, if granted, is the minimum required to accommodate the existing pergola which will result in no negative impacts with respect to health, safety, and welfare. Again, the adjoining property owner is supportive of this variance request.

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?

By definition, a Variance bestows some dimensional relief from the zoning regulations specific to a site. LDC Section 9.04.02 allows relief through the Variance process for any dimensional development standard. As such, other properties facing a similar hardship would be entitled to make a similar request and would be conferred equal consideration on a case by case basis.

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

Yes, Sections 3.1 and 3.3 of the PUD document reveal the purpose and intent of the Residential Land Use District is to accommodate a full range of residential dwelling types, compatible non-residential uses, a full range of recreational and educational facilities, essential services and customary accessory uses. The requested Variance will be in harmony with the general intent and purpose of the PUD which has been deemed to be consistent with the Land Development Code and will not harm public safety, health and 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.?

Yes, two sides of the subject property abut lands allocated as "Reserve District." Additionally, existing landscaping on the adjoining property to the west is sufficient to cause the adjoining property owner to support this variance request.

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

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

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

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

CONCURRENT LAND USE APPLICATIONS:

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

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

PUBLIC NOTICE:

Notice Requirements for Variance petitions are contained within LDC Section 10.03.06.F.2. The required Agent Letter was sent to all property owners located within 150 feet of the subject property on or about June 8, 2022, as evidenced by an executed Affidavit of Compliance contained within Attachment D.

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

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve Petition VA-PL20210003159, to reduce the minimum side yard on the western side from 7.5 feet to 2 feet and to allow a roof overhang to extend up to 8 inches from the adjoining lot, to allow for the continued existence of a pergola as depicted within Attachment A. As a condition of approval, the applicant must apply for and obtain an after-the-fact building permit together with a Certificate of Occupancy/Completion for the existing pergola; failure to comply with this condition could result in a Code Enforcement action against the current property owner and/or any future property owner.

Attachments:

A. Sketch of Boundary Survey
B. Memo – Trellises, arbors and similar structures, setbacks – 04/09/2007
C. Public Hearing Sign Posting
D. Applicant's Backup - Application, Narrative, Authorizations, etc.

Attachment: Staff Report 07232022 (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

SURVEY SKETCH OF AN BOUNDARY SURVEY

ELEVATIONS SHOWN ARE IN NAVD DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'

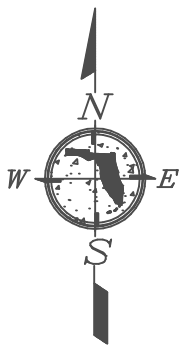
NOT FOR FENCE CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR DESIGN

IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED

COPYRIGHT 2020: F.L.A. SURVE
THE LINES ON THIS SKETCH DO NOT CONSTITUTE OW

STREET ADDRESS :
1385 WOOD DUCK TRL
NAPLES, FL

CERTIFIED TO :
DOUGLAS WICKLAND



SCALE: 1" = 30'

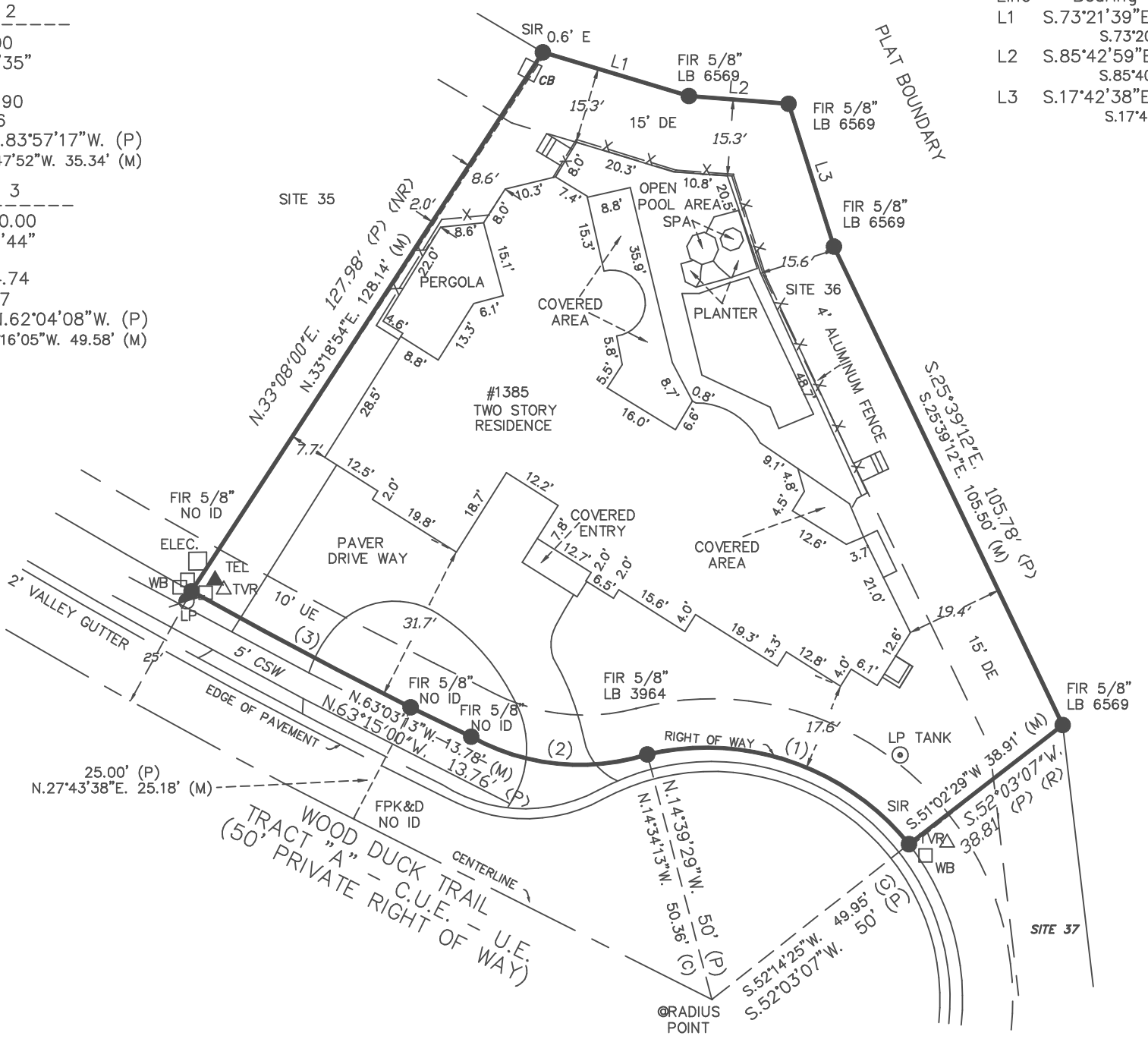
Curve number 1
Radius= 50.00
Delta= 66°42'42"
Arc= 58.22
Tangent= 32.91
Chord= 54.98
Chord Brg. N.71°18'14"W. (P)
N.71°05'27"W. 55.01' (M)

Curve number 2
Radius= 50.00
Delta= 41°24'35"
Arc= 36.14
Tangent= 18.90
Chord= 35.36
Chord Brg. N.83°57'17"W. (P)
N.83°47'52"W. 35.34' (M)

Curve number 3
Radius= 1200.00
Delta= 02°21'44"
Arc= 49.47
Tangent= 24.74
Chord= 49.47
Chord Brg. N.62°04'08"W. (P)
N.62°16'05"W. 49.58' (M)

LINE TABLE

Line	Bearing	Distance
L1	S.73°21'39"E.	30.40' (P)
	S.73°20'44"E.	29.76' (M)
L2	S.85°42'59"E.	19.93' (P)
	S.85°40'04"E.	20.03' (M)
L3	S.17°42'38"E.	29.89' (P)
	S.17°41'17"E.	29.84' (M)



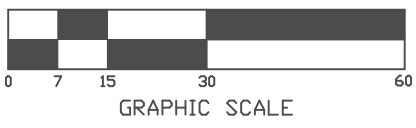
LEGAL DESCRIPTION :

SITE 36, PELICAN MARSH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 41 THROUGH 48, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

CERTIFICATION :

I HEREBY CERTIFY THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS CHAPTER 5J17.05-052, FLORIDA ADMINSTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.





MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA EAST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NOS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS".

BY : Leland F DySard SURVEY DATE : 08/28/2021

CLINTON W. FINSTAD, ~~PE~~, CFM, PLS #2453 RONALD W. WALLING PSM #6473

LELAND F. DySARD, PLS #3859 MARY E. FINSTAD, CFM, PSM #5901

QUALITY CONTROL
BY : MEF DATE : 09/01/2021

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
FLORIDA STATUTE 5J-17.05 (3) (c): TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104

239-404-7129 239-580-2795
239-250-2792

9220 BONITA BEACH ROAD, STE 200
BONITA SPRINGS, FL 34135

NOTE:
IN COMPLIANCE WITH F.A.C. 5J-17.052 (2) (d) (4) (IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

REVISIONS

DRAWN BY:	SVJ	PARTY CHIEF:	AD

PROJECT NO:
21-88379-SRC

Attachment: Attachment A - Survey (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

SURVEY SKETCH OF BOUNDARY SURVEY

PAGE 2 OF 3

NOT FOR FENCE CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR DESIGN

PHOTO PAGE





F.L.A. SURVEYS CORP.

PROFESSIONAL LAND SURVEYORS & MAPPERS - LB 6569

3884 PROGRESS AVE., SUITE 104

NAPLES, FLORIDA 34104

239-403-1600 FAX 403-8600

9220 BONITA BEACH ROAD, STE. 200

BONITA SPRINGS, FLORIDA 34135

239-403-1600 FAX 403-8600

REVISIONS

DRAWN BY: LFD | PARTY CHIEF: | N/A

PROJECT NO.

21-88379

Attachment: Attachment A - Survey (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

PAGE 3 OF 3
NOT VALID WITHOUT PAGES 1 AND 2 OF 3

GENERAL NOTES
ABSTRACT NOT REVIEWED

N = NORTH
S = SOUTH
E = EAST
W = WEST, OR ANY COMBINATION THEREOF

1. ° = DEGREES
2. ‘ = MINUTES WHEN USED IN A BEARING
3. “ = SECONDS WHEN USED IN A BEARING
4. ‘ = FEET WHEN USED IN A DISTANCE
5. “ = INCHES WHEN USED IN A DISTANCE
6. ± = “MORE OR LESS” OR “PLUS OR MINUS”
7. A = ARC DISTANCE
8. AC = ACRES
9. A/C = AIR CONDITIONING PAD
10. AE = ACCESS EASEMENT
11. B.E. = BUFFER EASEMENT
12. BM = BENCHMARK
13. BOB = BASIS OF BEARING
14. BRG = BEARING
15. C# = CURVE NUMBER
16. C = CALCULATED
17. CB = CATCH BASIN
18. CHB = CHORD BEARING
19. CHD = CHORD
20. CLF = CHAINLINK FENCE
21. CM = CONCRETE MONUMENT
22. C0 = CLEAN OUT
23. CONC = CONCRETE
24. CP = CONCRETE PAD
25. CSW = CONCRETE SIDEWALK
26. CTV= CABLE TV RISER
27. CUE= COLLIER COUNTY UTILITY EASEMENT
28. D = DEED
29. DE= DRAINAGE EASEMENT
30. DH = DRILL HOLE
31. DI = DROP INLET
32. ELEC= ELECTRIC
33. EOP = EDGE OF PAVEMENT
34. EOR = EDGE OF ROAD
35. EOW = EDGE OF WATER
36. F= AS LABELED OR FOUND IN THE FIELD
37. F.A.C. = FLORIDA ADMINISTRATIVE CODE
38. FCC = FOUND CROSS CUT
39. FCM = FOUND CONCRETE MONUMENT
40. FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
41. FDH = FOUND DRILL HOLE
42. FFE = FINISH FLOOR ELEVATION
43. FH = FIRE HYDRANT
44. FIP = FOUND IRON PIPE
45. FIR = FOUND IRON ROD
46. FN = FOUND NAIL
47. FND = FOUND
48. FPK = FOUND PK NAIL
49. FPK&D = FOUND PK NAIL AND DISC
50. GTE = TELEPHONE RISER
51. ILLEG. = ILLEGIBLE LB OR PSM NUMBER
52. LB = LICENSED BUSINESS
53. LBE = LANDSCAPE BUFFER EASEMENT
54. LME = LAKE MAINTENANCE EASEMENT
55. LP = LIGHT POLE
56. M = MEASURED
57. ME = MAINTENANCE EASEMENT
58. MH = MANHOLE
59. NAVD 1988 = NORTH AMERICAN VERTICAL DATUM OF 1988
60. NGVD 1929 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
61. NO ID = NO IDENTIFYING MARKINGS
62. (NR) = NON-RADIAL
63. NTS= NOT TO SCALE
64. OHP= OVERHEAD POWER
65. OHU = OVERHEAD UTILITY LINE
66. O.R. = OFFICIAL RECORD BOOK
67. P = PLAT
68. PC = POINT OF CURVATURE
69. PCC = POINT OF COMPOUND CURVATURE
70. PCP = PERMANENT CONTROL POINT
71. PG = PAGE
72. PI = POINT OF INTERSECTION
73. PK&D = PARKER KALON NAIL AND DISC
74. PLS = PROFESSIONAL LAND SURVEYOR
75. POB = POINT OF BEGINNING
76. POC = POINT OF COMMENCEMENT
77. PP = POWER POLE
78. PRC = POINT OF REVERSE CURVE
79. PRM = PERMANENT REFERENCE MONUMENT
80. PSM= PROFESSIONAL SURVEYOR AND MAPPER
81. PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
82. PUE = PUBLIC UTILITY EASEMENT
83. (R) = RADIAL
84. R = RADIUS
85. RING = ITEM DETECTED BY METAL DETECTOR BUT NOT RECOVERED
86. RNG= RANGE
87. ROW = RIGHT-OF-WAY
88. RR SPK = RAILROAD SPIKE
89. SAT= SATELLITE DISH
90. SEC = SECTION
91. SPK&D = SET PK WITH DISC WITH LB NUMBER
92. SIR = SET 5/8" IRON ROD WITH LB NUMBER
93. TBM = TEMPORARY BENCH MARK
94. TECO= TAMPA ELECTRIC COMPANY
95. TEL = TELEPHONE FACILITIES
96. TOB = TOP OF BANK
97. TP = TRANSMITTER PAD
98. TUE = TECHNOLOGY UTILITY EASEMENT
99. TVR= TELEVISION RISER
100. TWP= TOWNSHIP
101. UE = UTILITY EASEMENT
102. VF = VINYL FENCE
103. W = WATER SERVICE
104. WB = WATER BOX
105. WF= WOOD FENCE
106. WPP= WOOD POWER POLE
107. WREC= WITHLACOOCHEE RIVER ELECTRIC COMPANY
108. Δ = DELTA OR CENTRAL ANGLE OF CURVE
109. DIMENSIONS ARE IN FEET AND IN DECIMALS THEREOF
110. ELEVATIONS SHOWN HEREON ARE NAVD 1988 UNLESS OTHERWISE STATED
111. ALL PHYSICAL IMPROVEMENTS SHOWN WITHOUT DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THAT THEY DO EXIST, BUT WERE NOT NECESSARILY MEASURED IN THE FIELD.
112. NOTE: LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
113. EASEMENTS AND RIGHT OF WAYS SHOWN ARE PER RECORDED PLAT OR AS FURNISHED BY THE CLIENT
114. FOUNDATION LINE BELOW THE SURFACE OF THE GROUND IS NOT REFLECTED
115. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNDER ANY CONDITION UNLESS OTHERWISE STATED
116. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED
117. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAYS, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
118. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE AS DELINEATED ON THIS PLAT OF SURVEY
119. TIES ARE TO FIELD LINES UNLESS OTHERWISE NOTED
120. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR EASEMENTS THAT ARE NOT RECORDED ON SAID PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
121. FENCES MEANDER ON AND OFF LINE, APPROXIMATE LOCATION ONLY UNLESS STATED OTHERWISE.
122. THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
123. THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY UNLESS STATED OTHERWISE.
124. FLORIDA STATUTE : TWO SITE BENCHMARKS ARE REQUIRED FOR CONSTRUCTION.
125. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
126. 121. F.E.M.A. FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATIONS OF FLOOD BOUNDARIES. CALL 1-877-FEMAMAP OR EMAIL A MAP SPECIALIST AT: HTTP://WWW.FEMA.GOV/PLAN/PREVENT/FHM/TSD_EMAP.SHT PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZON DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION
127. IN COMPLIANCE WITH F.A.C. 5J-17.052(2)(D)(4) – IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
128. IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES (APPROXIMATE LOCATION ONLY)
129. ARCHITECTURAL FEATURES, SUCH AS FURRING STRIPS, SIDING, CORNICES, STUCCO, ETC., OUTSIDE THE LINE OF THE STRUCTURE HAVE BEEN TAKEN INTO ACCOUNT WHEN GIVING TIES FROM THE STRUCTURE TO THE LOT LINES.
130. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.

Attachment: Attachment A - Survey (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

MEMORANDUM

Community Development & Environmental Services Division
Department of Zoning & Land Development Review

To: Zoning Staff, Building Dept. Staff.

From: Ross Gochenaur, Planning Manager

Date: 9 April 2007

Subject: Trellises, arbors and similar structures, setbacks

The LDC does not define "trellis," but this word is increasingly used to describe certain structures in some subdivisions. Webster defines a trellis as "a frame of latticework used as a screen or as a support for climbing plants." An arbor is defined as a shelter of vines or branches or of latticework covered with climbing shrubs or vines. A pergola is "an arbor or passageway with a roof of trelliswork on which climbing plants are trained to grow." The structures we're seeing described as trellises do not seem to meet any of these definitions pecisely. They typically consist of uprights supporting crossbeams, open on top and without latticework, and not noticeably supporting plants.

This item would be identified as an "unlisted accessory" structure in the Code. If the Code were strictly applied, these structures would have to meet the same setbacks as the principal structures. Since this is a grey area, it would seem more reasonable to treat the structure as either a fence or a pool screen enclosure for the purposes of setbacks. The applicant will have two options –

1. If treated as a fence, the structure would have to comply with fence height restrictions but could encroach into any a required yard.
2. If treated as a screen enclosure, it would have to meet the same setback as a pool screen enclosure but could exceed the maximum fence height. Under the last scenario, a "trellis" could not be placed in the required front yard.

Unless specific mention is made of a "trellis" in a PUD document as a permitted structure or, as in one case, on a subdivision plat (where it doesn't belong), a trellis will be treated as described above with regard to setbacks.

Attachment: Attachment B - Memo – Trellises, arbors and similar structures, setbacks (22887 : PL20210003159 VA 1385 Wood Duck Trail

CC: Susan Istenes, AICP, Zoning Director
Bill Hammond, Building Director
Alamar Finnegan, Permitting Supervisor

Attachment: Attachment B - Memo – Trellises, arbors and similar structures, setbacks (22887 : PL20210003159 VA 1385 Wood Duck Trail

KellyJohn

From: KellyJohn
Sent: Friday, July 22, 2022 5:29 PM
To: KellyJohn
Subject: VA-PL20210003159 - 1385 Wood Duck Trail - Sign Posting Public Hearing , HEX 8/11/2022
Attachments: 120B3DFB-9FDE-4DA1-AC70-AD1B12DE6307.jpeg; 3D9E2F65-B146-4D6A-AE6E-4DB08CAA00F1.jpeg; 20A37B6D-566A-428F-A0F1-1EFA1A01666A.jpeg; F440B197-C6B9-4613-9285-F5D64BA93C7C.jpeg

At approximately 12:20 p.m. this date, I personally posted the Public Hearing Sign required for the referenced project to be heard by the Hearing Examiner on August 11, 2022 to the front of the subject property immediately adjacent to the public Right-of-Way as depicted within the attached photos.

Respectfully,
John Kelly
Senior Planner

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

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

Collier County
Growth Management Department

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

Attachment: Attachment C - Sign Posting (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)





Attachment: Attachment C - Sign Posting (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)





Attachment: Attachment C - Sign Posting (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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): Douglas F. Wicklund and Kathleen A. Wicklund

Name of Applicant if different than owner: Douglas F. Wicklund and Kathleen A. Wickund c/o Noel J. Davies, Esq., Davies Duke, PLLC

Address: 1415 Panther Lane, Suite 442 **City:** Naples **State:** FL **ZIP:** 34109

Telephone: 239-216-2792 **Cell:** _____ **Fax:** _____

E-Mail Address: noel.davies@daviesduke.com

Name of Agent: Noel J. Davies, Esq.

Firm: Davies Duke, PLLC

Address: 1415 Panther Lane, Suite 442 **City:** Naples **State:** FL **ZIP:** 34109

Telephone: 239-216-2792 **Cell:** _____ **Fax:** _____

E-Mail Address: noel.davies@daviesduke.com

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

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

COLLIER COUNTY GOVERNMENT
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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) Site 36, Pelican Marsh Unit Two, according to the plat thereof recorded in Plat Book 22, pages 41-48, inclusive, of the Public Records of Collier County, Florida

Property I.D. Number: 66679202309 **Section/Township/Range:** 34 / 48 / 25

Subdivision: Pelican Marsh **Unit:** Two **Lot:** 36 **Block:** _____

Metes & Bounds Description: N/A **Total Acreage:** 0.29

Address/ General Location of Subject Property: 1385 Wood Duck Trail, Naples, FL 34108

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	PUD/DRI	UR/Golf Course
S	PUD/DRI	UR/Residential
E	PUD/DRI	UR/Golf Course
W	PUD/DRI	UR/Residential

Minimum Yard Requirements for Subject Property:

Front: 25 ft **Corner Lot:** Yes ☐ No ☒

Side: 7.5 ft **Waterfront Lot:** Yes ☐ No ☒

Rear: 20 ft

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

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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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: The Foundation of Pelican Marsh, Inc.
Mailing Address: 1504 Pelican Marsh Blvd. **City:** Naples **State:** FL **ZIP:** 34109

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

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

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

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

NATURE OF PETITION

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

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

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

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

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

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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

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

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

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

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

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

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

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

☐ Yes ☒ No If yes, please provide copies.

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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

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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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

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

FEE REQUIREMENTS

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

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

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

All checks payable to: Board of County Commissioners.

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

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



Applicant Signature / Agent
Noel J. Davies, Esq., Agent

01/20/2021
Date

Printed Name

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

DAVIES | DUKE

1415 Panther Lane
Suite 442
Naples, FL 34109

www.DaviesDuke.com
Offices: Naples, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

NARRATIVE STATEMENT
1385 WOOD DUCK TRAIL, NAPLES, FL 34108
VARIANCE PETITION APPLICATION

Please allow this document to serve as the Applicant's Narrative Statement for the above-referenced Variance Petition Application.

Narrative

This is a Variance Application for an after-the-fact variance from Section 3.5.I, Table I, Side Yard for Single-Family Detached dwellings, from 7.5 feet to 2 feet, as provided for in Ordinance 02-71, as amended, the Pelican Marsh Planned Unit Development (PUD). This request is to allow the continued existence of a pergola constructed 2 feet from the western property line and for relief from Sec. 04.02.01.D.8, roof overhangs, from not closer than one (1) foot from the lot line, to allow 8 inches from the lot line of 1385 Wood Duck Trail, also known as Site 36, Pelican Marsh Unit Two, in Section 27, Township 48 South, Range 25 East, Collier County, Florida. Specifically, this request is to allow the continued existence of a pergola constructed 2 feet from the western property line, with an overhang of 8 inches from the western property line, pursuant to Sections 9.04.02 and 04.02.01.D.8 of the Collier County Land Development Code and Chapter 3.J. of the Collier County Administrative Code. The condition was created by the Applicant's predecessor in title, the Applicant had nothing to do with the encroachment, and the Applicant desires to reach compliance with the Code through the variance process. The subject request is for relief from a side yard setback for an existing single-family residence from 7.5 feet to 2 feet with an overhang of 8" from the western property line (as depicted on the attached survey), on the northwest corner of the subject property, located at 1385 Wood Duck Trail, Naples, Florida 34108. The subject encroachment was discovered on or about November of 2018, as part of the purchase of the Subject Property. The Applicant believes it meets the governing criteria set forth in Section 9.04.03 of the Collier County Land Development Code and Chapter 3.J. of the Collier County Administrative Code, including without limitation that the encroachment does not result from error or action on the part of the property owner.

May 31, 2022

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

DAVIES | DUKE

1415 Panther Lane
Suite 442
Naples, FL 34109

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Offices: Naples, Fort Myers

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Noel.Davies@DaviesDuke.com

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

VARIANCE CRITERIA

Pursuant to LDC section 9.04.00, Applicant addresses 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.

Yes, there are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, structure, and building involved. The Applicant inherited the special conditions and circumstances from his predecessor in title; the Applicant did not create the encroachment. Further, the Applicant only has one neighbor (located immediately to the west and adjacent to the subject encroachment), which neighbor does not object to this Application; please see attached email from the subject neighbor.

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.

Yes, the special conditions and circumstances do not result from the action of the applicant in any way, including the pre-existing conditions relative to the property which is the subject of the variance. The Applicant inherited the special conditions and circumstances from his predecessor in title; the Applicant did not create the encroachment. Further, the Applicant only has one neighbor (located immediately to the west and adjacent to the subject encroachment), which neighbor does not object to this Application; please see attached email from the subject neighbor.

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

Yes, a literal interpretation of this zoning code will work unnecessary and undue hardship on the applicant and will create practical difficulties on the applicant. The Applicant inherited the special conditions and circumstances from his predecessor in title; the Applicant did not create the encroachment. Further, the Applicant only has one neighbor (located immediately to the west and adjacent to the subject encroachment), which neighbor does not object to this Application; please see attached email from the subject neighbor.

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

Yes, the variance if granted, would be the minimum variance that would make possible the reasonable use of the land, building and structure and which promote standards of health, safety and welfare. The Applicant inherited the special conditions and circumstances from his predecessor in title; the Applicant did not create the encroachment. Further, the Applicant only has one neighbor (located immediately to the west and adjacent to the subject encroachment), which neighbor does not object to this Application; please see attached email from the subject neighbor.

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.

No, granting the variance requested would not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings or structures in the same zoning district. The Applicant inherited the special conditions and circumstances from his predecessor in title; the Applicant did not create the encroachment. Further, the Applicant only has one neighbor (located immediately to the west and adjacent to the subject encroachment), which neighbor does not object to this Application; please see attached email from the subject neighbor. .

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.

Yes, granting the variance would be in harmony with the intent and purpose of the zoning code, and would not be injurious to the neighborhood, and would not be otherwise detrimental to the public welfare. Only one person would be impacted by the granting of the variance, namely the subject neighbor immediately west of the Applicant's property; that neighbor does not object to the subject application; please see attached email from the subject neighbor.

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.

This criterion is not applicable to the subject application; should the County disagree, please let us know.

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

Yes, granting the variance would be consistent with the Growth Management Plan. Only one person would be impacted by the granting of the variance, namely the subject neighbor immediately west of the Applicant's property; that neighbor does not object to the subject application; please see attached email from the subject neighbor.

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
Douglas F.Wicklund and Kathleen A. Wicklund	100%
1385 Wood Duck Trail, Naples, FL 34108	

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

g. Date subject property acquired _____

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

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

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

Collier County

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Agent/Owner Signature — Date: 11-4-21

Douglas F. Wicklund
Agent/Owner Name (please print)

X _____ Agent/Owner Signature — Date: 11/4/21

Kathleen A. Wicklund
Agent/Owner Name (please print)

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

INSTR 5628507 OR 5565 PG 1165 RECORDED 10/24/2018 10:27 AM PAGES 2
CLERK OF THE CIRCUIT COURT AND COMPTROLLER, COLLIER COUNTY FLORIDA
DOC@.70 $15,750.00 REC $18.50
CONS $2,250,000.00

Prepared by:
Harold J. Webre, III
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North Suite 300
Naples, FL 34103

Consideration: **$2,250,000.00**

Parcel Identification No. **66679202309**

[Space Above This Line For Recording Data]

Warranty Deed

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

This Indenture made this **22nd** day of **October, 2018** between **S.R. Ballachino and F. G. Morse, III, a married couple** whose post office address is **2338 Immokalee Road, PMB105, Naples, FL 34110** of the County of **Collier**, State of **Florida**, grantor*, and **Douglas F. Wicklund and Kathleen A. Wicklund, husband and wife** whose post office address is **PO Box 110429, Naples, FL 34108** of the County of **Collier**, State of **Florida**, grantee*,

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

Site 36, Pelican Marsh Unit Two, according to the plat thereof recorded in Plat Book 22, pages 41-48, inclusive, of the Public Records of Collier County, Florida.

Subject to: (a) real property ad valorem taxes accruing subsequent to December 31, 2018; (b) zoning, building code and other use restrictions imposed by governmental authority; (c) outstanding oil, gas and mineral interests of record if any; and (d) restrictions, reservations and easements common to the subdivision.

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

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

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

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

NOT CERTIFIED COPY

After Recording Return to:
Action Title Services
3733 Tamiami Trail N
Naples, FL 34103
File # 18090503 T

DoubleTime®

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

Signed, sealed and delivered in our presence:
WITNESSES AS TO BOTH:

Witness Name: Cindy L. McMillan

Witness Name: Maureen Sullivan

S.R. Ballachino (Seal)

F. G. Morse, III (Seal)

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 19th day of October, 2018 by S.R. Ballachino and F. G. Morse, III, who [ ] are personally known or [X] have produced Florida driver's licenses as identification.

[Notary Seal]

CINDY L. MCMILLAN
Notary Public - State of Florida
Commission # GG 071311
My Comm. Expires Jun 5, 2021
Bonded through National Notary Assn.

Notary Public

Printed Name: Cindy L. McMillan

My Commission Expires: June 21, 2021

NOT A CERTIFIED COPY

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

SURVEY SKETCH OF AN BOUNDARY SURVEY

ELEVATIONS SHOWN ARE IN NAVD DATUM, WERE ACQUIRED USING GPS TECHNOLOGY AND HAVE A TOLERANCE OF +/- 0.4'

NOT FOR FENCE CONSTRUCTION
NOT FOR CONSTRUCTION
NOT FOR DESIGN

IMPROVEMENTS OTHER THAN THOSE SHOWN, IF ANY, WERE NOT LOCATED

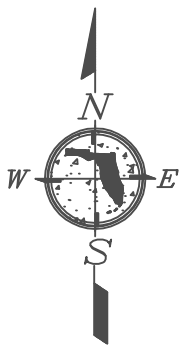
COPYRIGHT 2020: F.L.A. SURVE
THE LINES ON THIS SKETCH DO NOT CONSTITUTE DO

SEE REVERSE SIDE FOR PAGE 3 OF 3

3.E.e

STREET ADDRESS :
1385 WOOD DUCK TRL
NAPLES, FL

CERTIFIED TO :
DOUGLAS WICKLAND



SCALE: 1" = 30'

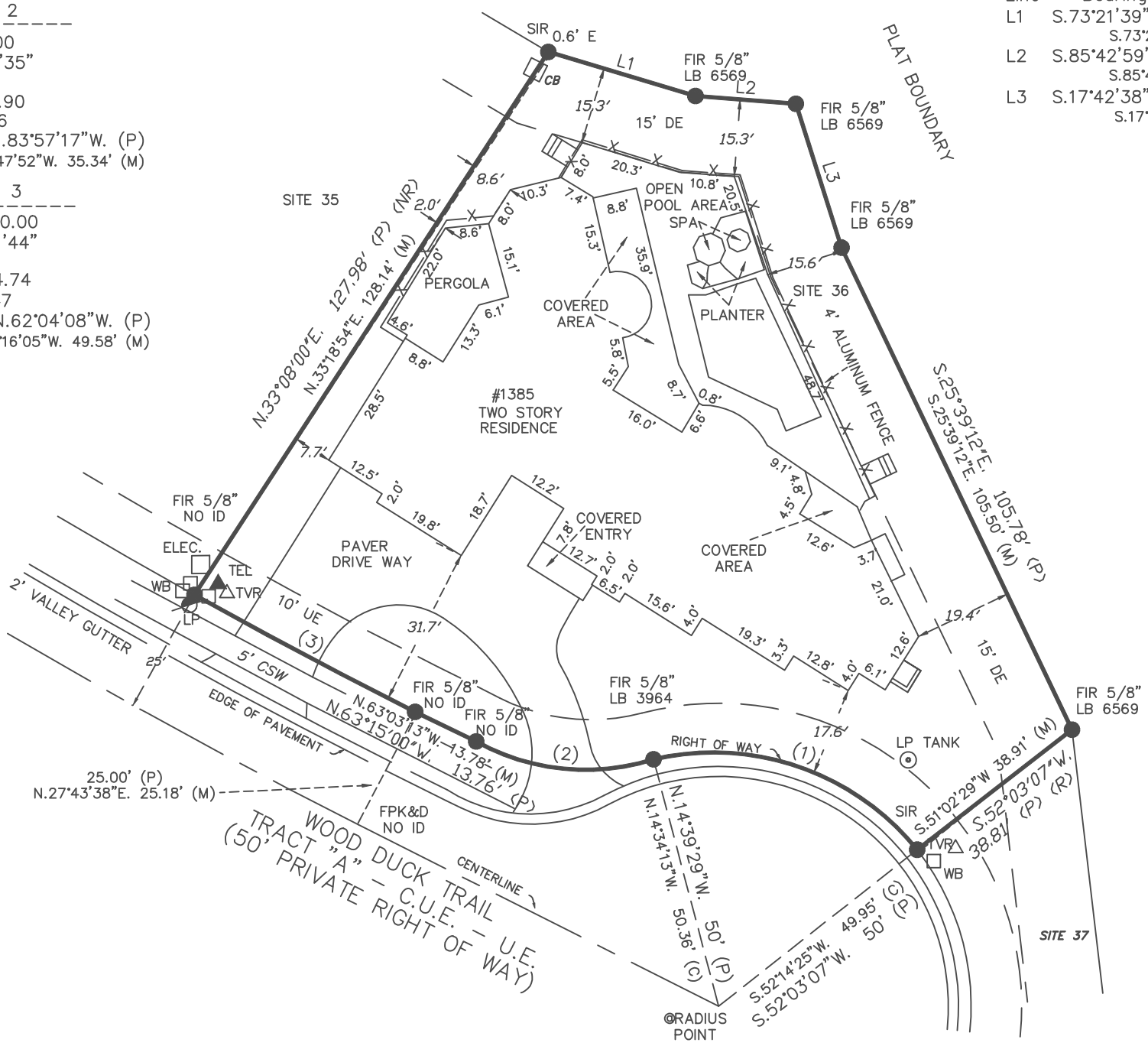
Curve number 1
Radius= 50.00
Delta= 66°42'42"
Arc= 58.22
Tangent= 32.91
Chord= 54.98
Chord Brg. N.71°18'14"W. (P)
N.71°05'27"W. 55.01' (M)

Curve number 2
Radius= 50.00
Delta= 41°24'35"
Arc= 36.14
Tangent= 18.90
Chord= 35.36
Chord Brg. N.83°57'17"W. (P)
N.83°47'52"W. 35.34' (M)

Curve number 3
Radius= 1200.00
Delta= 02°21'44"
Arc= 49.47
Tangent= 24.74
Chord= 49.47
Chord Brg. N.62°04'08"W. (P)
N.62°16'05"W. 49.58' (M)

LINE TABLE

Line	Bearing	Distance
L1	S.73°21'39"E.	30.40' (P)
	S.73°20'44"E.	29.76' (M)
L2	S.85°42'59"E.	19.93' (P)
	S.85°40'04"E.	20.03' (M)
L3	S.17°42'38"E.	29.89' (P)
	S.17°41'17"E.	29.84' (M)



LEGAL DESCRIPTION :

SITE 36, PELICAN MARSH UNIT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 41 THROUGH 48, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

CERTIFICATION :

I HEREBY CERTIFY THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS CHAPTER 5J17.05-052, FLORIDA ADMINSTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

LELAND F. DYSARD CERTIFICATE NO. 3859 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

0 7 15 30 60
GRAPHIC SCALE

MEASURED BEARINGS SHOWN ARE BASED ON STATE PLANE COORDINATES (FLORIDA EAST ZONE), WHICH IS GRID NORTH AS ESTABLISHED BY NOS, AS ACQUIRED BY USING GPS TECHNOLOGY AND IS THE "BASIS OF BEARINGS".

BY : Leland F DySard SURVEY DATE : 08/28/2021

CLINTON W. FINSTAD, PE, CFM, PLS #2453 RONALD W. WALLING PSM #6473

LELAND F. DySARD, PLS #3859 MARY E. FINSTAD, CFM, PSM #5901

QUALITY CONTROL
BY : MEF DATE : 09/01/2021

NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND EMBOSSED SEAL
NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
FLORIDA STATUTE 5J-17.05 (3) (c): TWO SITE BENCHMARKS REQUIRED FOR CONSTRUCTION

NOTE: PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZONE DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION.

NOTE: IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES. (APPROX. LOCATION ONLY)

F.L.A. SURVEYS CORP.
PROFESSIONAL LAND SURVEYORS & MAPPERS-LB 6569

3884 PROGRESS AVE., SUITE 104
NAPLES, FL 34104

239-404-7129 239-580-2795
239-250-2792

9220 BONITA BEACH ROAD, STE 200
BONITA SPRINGS, FL 34135

NOTE:
IN COMPLIANCE WITH F.A.C. 5J-17.052 (2) (d) (4) (IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

REVISIONS

PROJECT NO:
21-88379-SPC

DRAWN BY:	SVJ	PARTY CHIEF:	AD

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

SURVEY SKETCH OF BOUNDARY SURVEY

PAGE 2 OF 3

NOT FOR FENCE CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR DESIGN

PHOTO PAGE





F.L.A. SURVEYS CORP.

PROFESSIONAL LAND SURVEYORS & MAPPERS - LB 6569

DRAWN BY: LFD | PARTY CHIEF: | N/A

3884 PROGRESS AVE., SUITE 104

NAPLES, FLORIDA 34104

239-403-1600 FAX 403-8600

9220 BONITA BEACH ROAD, STE. 200

BONITA SPRINGS, FLORIDA 34135

239-403-1600 FAX 403-8600

REVISIONS

PROJECT NO.

21-88379

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

PAGE 3 OF 3
NOT VALID WITHOUT PAGES 1 AND 2 OF 3

GENERAL NOTES
ABSTRACT NOT REVIEWED

N = NORTH
S = SOUTH
E = EAST
W = WEST, OR ANY COMBINATION THEREOF

1. ° = DEGREES
2. ‘ = MINUTES WHEN USED IN A BEARING
3. “ = SECONDS WHEN USED IN A BEARING
4. ‘ = FEET WHEN USED IN A DISTANCE
5. “ = INCHES WHEN USED IN A DISTANCE
6. ± = “MORE OR LESS” OR “PLUS OR MINUS”
7. A = ARC DISTANCE
8. AC = ACRES
9. A/C = AIR CONDITIONING PAD
10. AE = ACCESS EASEMENT
11. B.E. = BUFFER EASEMENT
12. BM = BENCHMARK
13. BOB = BASIS OF BEARING
14. BRG = BEARING
15. C# = CURVE NUMBER
16. C = CALCULATED
17. CB = CATCH BASIN
18. CHB = CHORD BEARING
19. CHD = CHORD
20. CLF = CHAINLINK FENCE
21. CM = CONCRETE MONUMENT
22. C0 = CLEAN OUT
23. CONC = CONCRETE
24. CP = CONCRETE PAD
25. CSW = CONCRETE SIDEWALK
26. CTV= CABLE TV RISER
27. CUE= COLLIER COUNTY UTILITY EASEMENT
28. D = DEED
29. DE= DRAINAGE EASEMENT
30. DH = DRILL HOLE
31. DI = DROP INLET
32. ELEC= ELECTRIC
33. EOP = EDGE OF PAVEMENT
34. EOR = EDGE OF ROAD
35. EOW = EDGE OF WATER
36. F= AS LABELED OR FOUND IN THE FIELD
37. F.A.C. = FLORIDA ADMINISTRATIVE CODE
38. FCC = FOUND CROSS CUT
39. FCM = FOUND CONCRETE MONUMENT
40. FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
41. FDH = FOUND DRILL HOLE
42. FFE = FINISH FLOOR ELEVATION
43. FH = FIRE HYDRANT
44. FIP = FOUND IRON PIPE
45. FIR = FOUND IRON ROD
46. FN = FOUND NAIL
47. FND = FOUND
48. FPK = FOUND PK NAIL
49. FPK&D = FOUND PK NAIL AND DISC
50. GTE = TELEPHONE RISER
51. ILLEG. = ILLEGIBLE LB OR PSM NUMBER
52. LB = LICENSED BUSINESS
53. LBE = LANDSCAPE BUFFER EASEMENT
54. LME = LAKE MAINTENANCE EASEMENT
55. LP = LIGHT POLE
56. M = MEASURED
57. ME = MAINTENANCE EASEMENT
58. MH = MANHOLE
59. NAVD 1988 = NORTH AMERICAN VERTICAL DATUM OF 1988
60. NGVD 1929 = NATIONAL GEODETIC VERTICAL DATUM OF 1929
61. NO ID = NO IDENTIFYING MARKINGS
62. (NR) = NON-RADIAL
63. NTS= NOT TO SCALE
64. OHP= OVERHEAD POWER
65. OHU = OVERHEAD UTILITY LINE
66. O.R. = OFFICIAL RECORD BOOK
67. P = PLAT
68. PC = POINT OF CURVATURE
69. PCC = POINT OF COMPOUND CURVATURE
70. PCP = PERMANENT CONTROL POINT
71. PG = PAGE
72. PI = POINT OF INTERSECTION
73. PK&D = PARKER KALON NAIL AND DISC
74. PLS = PROFESSIONAL LAND SURVEYOR
75. POB = POINT OF BEGINNING
76. POC = POINT OF COMMENCEMENT
77. PP = POWER POLE
78. PRC = POINT OF REVERSE CURVE
79. PRM = PERMANENT REFERENCE MONUMENT
80. PSM= PROFESSIONAL SURVEYOR AND MAPPER
81. PU & DE = PUBLIC UTILITY & DRAINAGE EASEMENT
82. PUE = PUBLIC UTILITY EASEMENT
83. (R) = RADIAL
84. R = RADIUS
85. RING = ITEM DETECTED BY METAL DETECTOR BUT NOT RECOVERED
86. RNG= RANGE
87. ROW = RIGHT-OF-WAY
88. RR SPK = RAILROAD SPIKE
89. SAT= SATELLITE DISH
90. SEC = SECTION
91. SPK&D = SET PK WITH DISC WITH LB NUMBER
92. SIR = SET 5/8" IRON ROD WITH LB NUMBER
93. TBM = TEMPORARY BENCH MARK
94. TECO= TAMPA ELECTRIC COMPANY
95. TEL = TELEPHONE FACILITIES
96. TOB = TOP OF BANK
97. TP = TRANSMITTER PAD
98. TUE = TECHNOLOGY UTILITY EASEMENT
99. TVR= TELEVISION RISER
100. TWP= TOWNSHIP
101. UE = UTILITY EASEMENT
102. VF = VINYL FENCE
103. W = WATER SERVICE
104. WB = WATER BOX
105. WF= WOOD FENCE
106. WPP= WOOD POWER POLE
107. WREC= WITHLACOOCHEE RIVER ELECTRIC COMPANY
108. Δ = DELTA OR CENTRAL ANGLE OF CURVE
109. DIMENSIONS ARE IN FEET AND IN DECIMALS THEREOF
110. ELEVATIONS SHOWN HEREON ARE NAVD 1988 UNLESS OTHERWISE STATED
111. ALL PHYSICAL IMPROVEMENTS SHOWN WITHOUT DIMENSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THAT THEY DO EXIST, BUT WERE NOT NECESSARILY MEASURED IN THE FIELD.
112. NOTE: LEGAL DESCRIPTION PROVIDED BY CLIENT UNLESS OTHERWISE NOTED.
113. EASEMENTS AND RIGHT OF WAYS SHOWN ARE PER RECORDED PLAT OR AS FURNISHED BY THE CLIENT
114. FOUNDATION LINE BELOW THE SURFACE OF THE GROUND IS NOT REFLECTED
115. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNDER ANY CONDITION UNLESS OTHERWISE STATED
116. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED
117. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAYS, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN
118. THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT THOSE AS DELINEATED ON THIS PLAT OF SURVEY
119. TIES ARE TO FIELD LINES UNLESS OTHERWISE NOTED
120. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR EASEMENTS THAT ARE NOT RECORDED ON SAID PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
121. FENCES MEANDER ON AND OFF LINE, APPROXIMATE LOCATION ONLY UNLESS STATED OTHERWISE.
122. THE LINES ON THIS SKETCH DO NOT CONSTITUTE OWNERSHIP
123. THE INTENT OF THIS SURVEY IS FOR TITLE TRANSFER ONLY UNLESS STATED OTHERWISE.
124. FLORIDA STATUTE : TWO SITE BENCHMARKS ARE REQUIRED FOR CONSTRUCTION.
125. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
126. 121. F.E.M.A. FLOOD HAZARD MAPPING: THIS DATE PRODUCT WAS NOT DESIGNED TO MAKE PRECISE IN/OUT FLOOD RISK DETERMINATIONS. THIS PRODUCT IS NOT SUITABLE FOR ENGINEERING APPLICATIONS AND CANNOT BE USED TO DETERMINE ABSOLUTE DELINEATIONS OF FLOOD BOUNDARIES. CALL 1-877-FEMAMAP OR EMAIL A MAP SPECIALIST AT: HTTP://WWW.FEMA.GOV/PLAN/PREVENT/FHM/TSD_EMAP.SHT PROPERTY OWNER SHOULD OBTAIN WRITTEN FLOOD ZON DETERMINATION FROM LOCAL PERMITTING, PLANNING AND BUILDING DEPARTMENT PRIOR TO ANY CONSTRUCTION PLANNING AND/OR CONSTRUCTION
127. IN COMPLIANCE WITH F.A.C. 5J-17.052(2)(D)(4) – IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.
128. IF APPLICABLE, FENCES SHOWN MEANDER ON OR OFF LINES (APPROXIMATE LOCATION ONLY)
129. ARCHITECTURAL FEATURES, SUCH AS FURRING STRIPS, SIDING, CORNICES, STUCCO, ETC., OUTSIDE THE LINE OF THE STRUCTURE HAVE BEEN TAKEN INTO ACCOUNT WHEN GIVING TIES FROM THE STRUCTURE TO THE LOT LINES.
130. ATTENTION IS DIRECTED TO THE FACT THAT THIS SURVEY MAY HAVE BEEN REDUCED OR ENLARGED IN SIZE DUE TO REPRODUCTION. THIS SHOULD BE TAKEN INTO CONSIDERATION WHEN OBTAINING SCALED DATA.

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)



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AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

We, Douglas F. Wicklund and Kathleen A. Wicklund (print name), as Owners (title, if applicable) of 1385 Wood Duck Tr. Naples FL (company, if applicable), swear or affirm under oath, that I am the (choose one) owner [x] applicant [ ] contract purchaser [ ] and that:

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

_____ 11-4-21

Signature Douglas F. Wicklund — **Date**

_____

Signature Kathleen A. Wicklund

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowleged before me by means of [✓] physical presence or [ ] online notarization this 4th day of November, 2021, by (printed name of owner or qualifier) Douglas Wicklind & Kathleen Wi

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

[ ] Are personally known to me

[✓] Has produced a current drivers license W245166492440 / W245501919500 FL/DL

[ ] Has produced _____ as identification.

Notary Seal

Notary Signature: _____

KIMBERLY JEITZ
Commission # GG 187543
Expires April 4, 2022
Bonded Thru Troy Fain Insurance 800-385-7019

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

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

From: Robert Lubin <rlubin@comcast.net>
Date: December 1, 2021 at 10:15:15 AM EST
To: Kathleen Wicklund <kathleenwicklund@hotmail.com>
Subject: Property lines

Kathleen
We had a wonderful time in NJ other than the grey skies and cold weather. Leda and I surely don't miss snow and the "change of seasons".

Thank you for clarifying the property line issues. We do not have any objection to what you will be requesting from Collier County concerning the pergola.

Regards
Bob

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

AFFIDAVIT OF PROPERTY OWNER

STATE OF FLORIDA
COUNTY OF COLLIER

I, Douglas F. Wicklund, as owner of the property located at 1385 Wood Duck Trail, Naples, FL 34108, swear or affirm under oath, that:

1. I am of sound mind and over the age of eighteen (18) years old, and have personal knowledge as to the matters set forth herein.
2. The side yard and lot line encroachments were discovered on or about November 2018, as part of the purchase of the subject property.
3. On May 16, 2022, I measured the distance from the edge of the subject pergola overhang to the western boundary line, and took photographs which are attached hereto. The photographs are true and correct, and accurately depict the conditions set forth therein.
4. As indicated in the photographs, the aerial encroachment of the pergola overhang at its most significant point is eight inches (8") from the western boundary line.
5. My western neighbor does not have an objection to the requested variance, as indicated in the email from my neighbor included in the subject submittal documents.

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

Douglas F. Wicklund

5-27-22
Date

The foregoing instrument was sworn to and subscribed before me by means of [X] physical presence or [ ] online notarization, this 27 day of May, 2022, by Douglas F. Wicklund, who is personally known to me or who has produced FL Driver's License (type of identification) as identification.

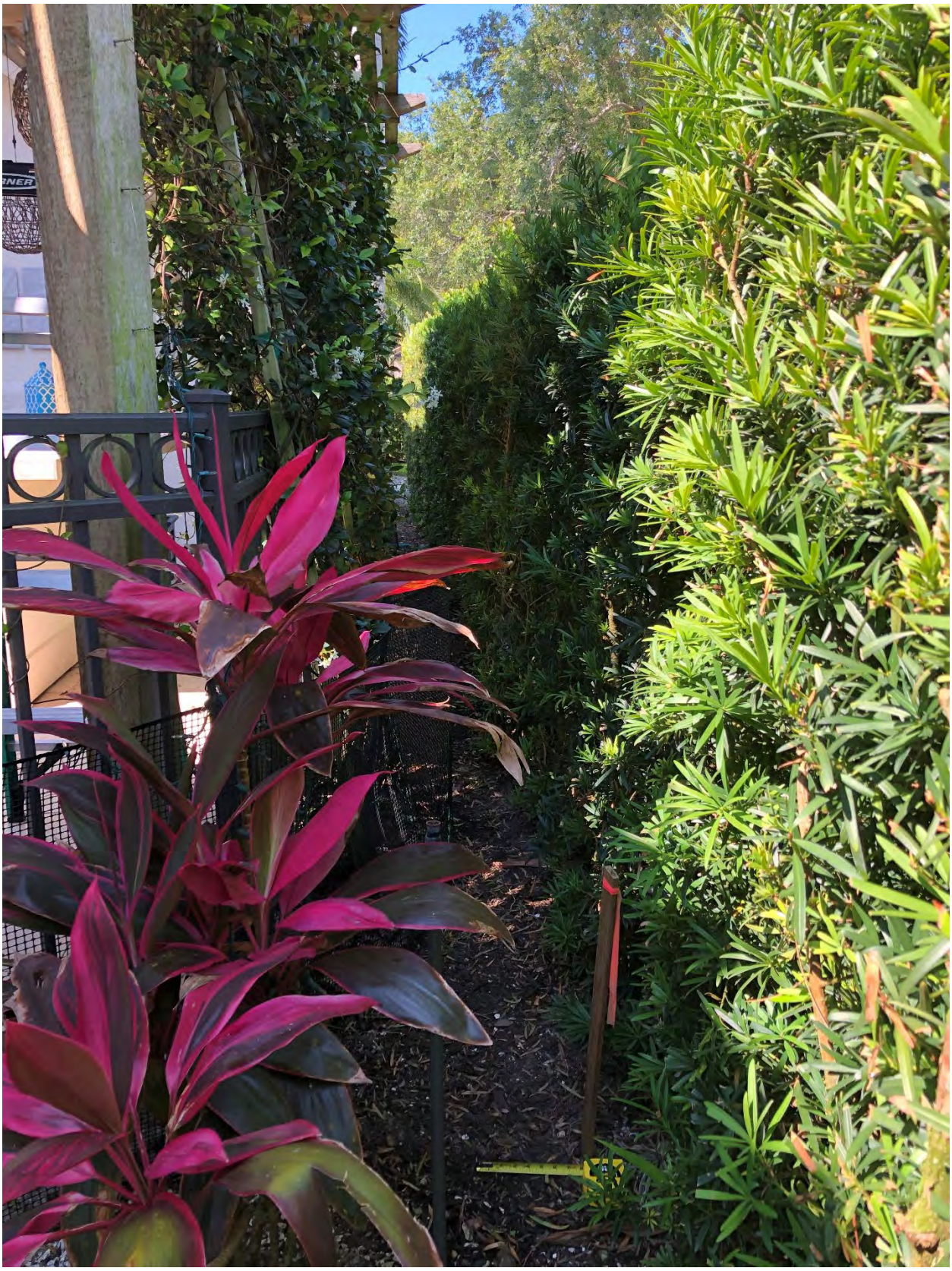
Notary Public

My Commission Expires: March 10th, 2025

Edivaldo Jose Carmona
Printed, Typed or Stamped Name of Notary

EDIVALDO JOSE CARMONA
Notary Public - State of Florida
Commission # HH 103029
My Comm. Expires Mar 10, 2025
Bonded through National Notary Assn.

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)



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AFFIDAVIT OF COMPLIANCE
AGENT LETTER
Variance Petition for 1385 Wood Duck Trail, Naples FL 34108
PL20210003159

I hereby certify that pursuant to Sec. 10.03.05.E. of the Collier County Land Development Code, I did give notice by mail 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. *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.

A copy of the agent letter (dated June 7, 2022) and a copy of the mailing list date-stamped June 8, 2022, by the U.S. Post Office are attached hereto.

(Signature of Applicant)

STATE OF FLORIDA)
) SS.
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me by means of X physical presence or _____ online notarization, on this 15th day of June, 2022 by Noel J. Davies, who X is personally known to me or _____ produced a valid driver's license as identification.

(S E A L)

RHONDA REID
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG980149
Expires 4/25/2024

Name: Rhonda Reid
Notary Public, State of Florida
My Commission Expires: 4/25/24

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

DAVIES | DUKE

1415 Panther Lane
Suite 442
Naples, FL 34109

www.DaviesDuke.com
Offices: Naples, Fort Myers

Noel J. Davies, Esq.
239.216.2792
Noel.Davies@DaviesDuke.com

June 7, 2022

66679303208
PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT
C/O W NEIL DORRILL
5672 STRAND CT STE 1
NAPLES FL 34110-3314

Re: Variance Petition for 1385 Wood Duck Trail, Naples FL 34108

Dear Property Owner:

Please be advised that this firm represents Douglas and Kathleen Wicklund, owners of the property at 1385 Wood Duck Trail. The Wicklunds have made a formal application to Collier County for a variance from the requirements of the zoning regulations as they apply to their property.

The Wicklunds have asked the County to grant them an after-the-fact variance from Section 3.5.I, Table I, Side Yard for Single-Family Detached dwellings, from 7.5 feet to 2 feet as provided for in Ordinance 02-71, as amended, the Pelican Marsh Planned Unit Development (PUD). Additionally, the variance includes a request for relief from Sec. 04.02.01.D.8, roof overhangs, from not closer than one (1) foot from the lot line, to allow 8 inches from the lot line. Specifically, this request is to allow the continued existence of a pergola constructed 2 feet from the western property line, with an overhang of 8 inches from the western property line. [PL20210003159]

You are encouraged to contact the sender of this letter in the event you would like additional explanation or further information. In any event, please be advised that we are interested in assuring you that our request should not adversely affect your property interest.

Sincerely,

DAVIES DUKE PLLC



Noel J. Davies, Esq.

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

AGENT LETTER
Variance Petition for 1385 Wood Duck Trail, Naples FL 34108 PL20210003159

82970000103
ANDREW JASON LIPMAN
LISA HOFBAUER LIPMAN
1392 WOOD DUCK TRL
NAPLES, FL 34108

66679202286
LUBIN, ROBERT A & LEDA G
1379 WOOD DUCK TRL
NAPLES, FL 34108-3317

66679202260
ROBERT E NOORIGIAN
SHIRLEY F NOORIGIAN
1373 WOOD DUCK TRL
NAPLES FL 34108

66679200259
PELICAN MARSH CMNTY DEV DIST
c/o WOODWARD,PIRES & LOMBARDO PA
3200 TAMIAMI TRL N STE 200
NAPLES FL 34103-4108

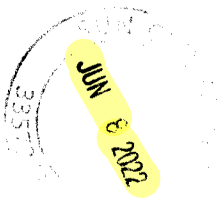
82970000051
PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT
C/O DORRILL MANAGEMENT
5672 STRAND CT
NAPLES FL 34110-3343

66679303208
PELICAN MARSH COMMUNITY
DEVELOPMENT DISTRICT
C/O W NEIL DORRILL
5672 STRAND CT STE 1
NAPLES FL 34110-3314

82970000255
POTTER, JOHN F & MARY B
1376 WOOD DUCK TRL
NAPLES FL 34108-3313

82970000200
SCOTT VENDER REV TRUST
1300 LINCOLN AVE S
HIGHLAND PARK IL 60035

82970000158
BESANT, CHERYL MARIE
14 WESTGAGE WALK
KITCHENER N2M 2T8 CANADA





UNITED STATES POSTAL SERVICE.

SUN CITY CENTER
1645 SUN CITY CENTER PLZ
SUN CITY CENTER, FL 33573-9998
(800)275-8777

06/08/2022 01:42 PM

Product	Qty	Unit Price	Price
PurpleHeartMedal	9	$0.58	$5.22
Grand Total:			$5.22
Credit Card Remitted			$5.22

Card Name: VISA
Account #: XXXXXXXXXXXX2184
Approval #: 06112C
Transaction #: 740
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required

****
Every household in the U.S. is now
eligible to receive a third set
of 8 free test kits.
Go to www.covidtests.gov
****

In a hurry? Self-service kiosks offer

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail Wicklund)

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

Petition: PL20210003159 | Buffer: 150' | Date: 5/24/2022 | Site Location: 66679202309

NAME1	NAME2	NAME3	NAME4	NAME5	NAME6	FOLIO	ADDRESSTYP
LIPMAN, ANDREW JASON	LISA HOFBAUER LIPMAN	1392 WOOD DUCK TRL			NAPLES, FL 34108---0	82970000103	U
LUBIN, ROBERT A & LEDA G		1379 WOOD DUCK TRL			NAPLES, FL 34108---3317	66679202286	U
NOORIGIAN, ROBERT E	SHIRLEY F NOORIGIAN	1373 WOOD DUCK TRL			NAPLES, FL 34108---0	66679202260	U
PELICAN MARSH CMNTY DEV DIST	% WOODWARD,PIRES & LOMBARDO PA	3200 TAMIAMI TRL N STE 200			NAPLES, FL 34103---4108	66679200259	U
PELICAN MARSH COMMUNITY	DEVELOPMENT DISTRICT	C/O DORRILL MANAGEMENT	5672 STRAND CT		NAPLES, FL 34110---3343	82970000051	U
PELICAN MARSH COMMUNITY	DEVELOPMENT DISTRICT	C/O W NEIL DORRILL	5672 STRAND CT STE 1		NAPLES, FL 34110---3314	66679303208	U
POTTER, JOHN F & MARY B		1376 WOOD DUCK TRL			NAPLES, FL 34108---3313	82970000255	U
SCOTT VENDER REV TRUST		1300 LINCOLN AVE S			HIGHLAND PARK, IL 60035---0	82970000200	U
WICKLUND, DOUGLAS F	KATHLEEN A WICKLUND	1385 WOOD DUCK TRL			NAPLES, FL 34108---0	66679202309	U
BESANT, CHERYL MARIE		14 WESTGAGE WALK			KITCHENER N2M 2T8 CANADA	82970000158	F

Attachment: Attachment D - Applicant's Back-Up (22887 : PL20210003159 VA 1385 Wood Duck Trail