

COLLIER COUNTY
Collier County Hearing Examiner



AGENDA

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

December 14, 2023

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

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

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

1. **Pledge of Allegiance**
2. **Review of Agenda**
3. **Advertised Public Hearing**
 - A. **Petition No. VA-PL20230009299 – 267 3rd Street West - Request for a variance from Land Development Code Section 5.03.06 to reduce the minimum side yard riparian setbacks from 7.5 feet to zero on both side yards for a proposed dock facility within a Residential Single-Family-4 (RSF-4) zoning district. The subject property is located at 267 3rd Street West and is also described as Lot 2, Block G, Little Hickory Shores, Unit 3 Replat subdivision, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. (Coordinator: John Kelly, Planner III) (Companion Item #PL20220006082) (Commissioner District 2)**
 - B. **Petition No. BDE-PL20220006082 – 267 3rd Street West - Request for an 18-foot boat dock extension from the maximum permitted protrusion of 20 feet allowed by Section 5.03.06.E.1 of the Collier County Land Development Code (LDC) for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 38 feet into a waterway that is 125± feet wide, for a proposed dock facility within a Residential Single-Family-4 (RSF-4) zoning district. The subject property is located at 267 3rd Street West, also described as Lot 2, Block G, Little Hickory Shores, Unit 3 Replat subdivision, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. (Coordinator: John Kelly, Planner III) (Companion Item #PL20230009299) (Commissioner District 2)**
 - C. **Petition No. NUA- PL20230012731 – 1114 Palm Drive - Request for an alteration to a nonconforming use pursuant to Land Development Code Section 9.03.03 to allow for the replacement of a mobile home that will satisfy all other dimensional standards for principal structures within the Residential Single-Family-4 (RSF-4) Zoning District, for property located at 1114 Palm Drive in Immokalee, in Section 32, Township 46 South, Range 29 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commission District 5**
 - D. **Petition No. PDI-PL20230011202 - Yarberry Lane and Arbour Walk Circle - Request for an insubstantial change to the Palisades Residential Planned Unit Development (RPUD), Ordinance No. 22-20, to modify the cross sections in Exhibit C of the Master Plan, including the depiction of the as-built elevations of 12.5 feet for the wall that runs the length of the perimeter RPUD boundary; and to revise Deviation 1 to reflect the correct elevation of the wall. The subject property consists of ±12.0 acres in the northwest quadrant of the intersection of Yarberry Lane and Arbour Walk Circle in Section 2, Township 49 South, Range 25 East, Collier County, Florida. [Eric Ortman, Planner III] Commissioner District 2**
 - E. **Petition No. VA PL20220003012 - 2560 39th St. SW - Request for a variance from LDC 5.05.09.G.2 that requires the base of a communications tower to be set back from the property line by a distance of two and one-half times the height of the tower to reduce the setback from the northern property line from 375 feet to 72 feet, a reduction of 303 feet; to reduce the setback from the southern property line from 375 feet to 72 feet, a reduction of 303 feet; and to reduce the setback from the eastern property line from 375 feet to 220.7 feet, a reduction of 154.3 feet on a +/-2.38-acre property located at 2560 39th St SW, also known as Golden Gate Estates Unit 28 North 150 feet of Tract 144, in Section 26, Township 49 South, Range 26 East, Collier County, Florida. [Eric Ortman, Planner III] Commissioner District 3**

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

12/14/2023

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A**Doc ID:** 27321

Item Summary: Petition No. VA-PL20230009299 – 267 3rd Street West - Request for a variance from Land Development Code Section 5.03.06 to reduce the minimum side yard riparian setbacks from 7.5 feet to zero on both side yards for a proposed dock facility within a Residential Single-Family-4 (RSF-4) zoning district. The subject property is located at 267 3rd Street West and is also described as Lot 2, Block G, Little Hickory Shores, Unit 3 Replat subdivision, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. (Coordinator: John Kelly, Planner III) (Companion Item #PL20220006082) (Commissioner District 2)

Meeting Date: 12/14/2023**Prepared by:**

Title: Planner – Zoning

Name: John Kelly

11/22/2023 4:55 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

11/22/2023 4:55 PM

Approved By:**Review:**

Growth Management Community Development Department	Diane Lynch		Department review	Skipped
			11/28/2023 1:58 PM	
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	11/28/2023 5:32 PM
Operations & Regulatory Management	Michael Stark	Review Item	Completed	11/29/2023 8:12 AM
Zoning	Ray Bellows	Review Item	Completed	11/29/2023 1:28 PM
Zoning	James Sabo	Review Item	Skipped	11/29/2023 5:16 PM
Zoning	Mike Bosi	Division Director	Completed	12/01/2023 4:14 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	12/14/2023 9:00 AM	



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

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

HEARING DATE: DECEMBER 14, 2023

SUBJECT: VA-PL20230009299; 267 3RD STREET WEST – WINGFELDER VARIANCE,
COMPANION TO BD-PL20220006082

PROPERTY OWNER/APPLICANT:

Bradley P. and Sharon A. Wingfelder
5412 Planter's Wood Ct.
Mississauga, Ontario
Canada L5M5V6

AGENT:

Nick Pearson
Bayshore Marine Consulting, LLC
2025 Monroe Ave.
Naples, FL 34112

REQUESTED ACTION:

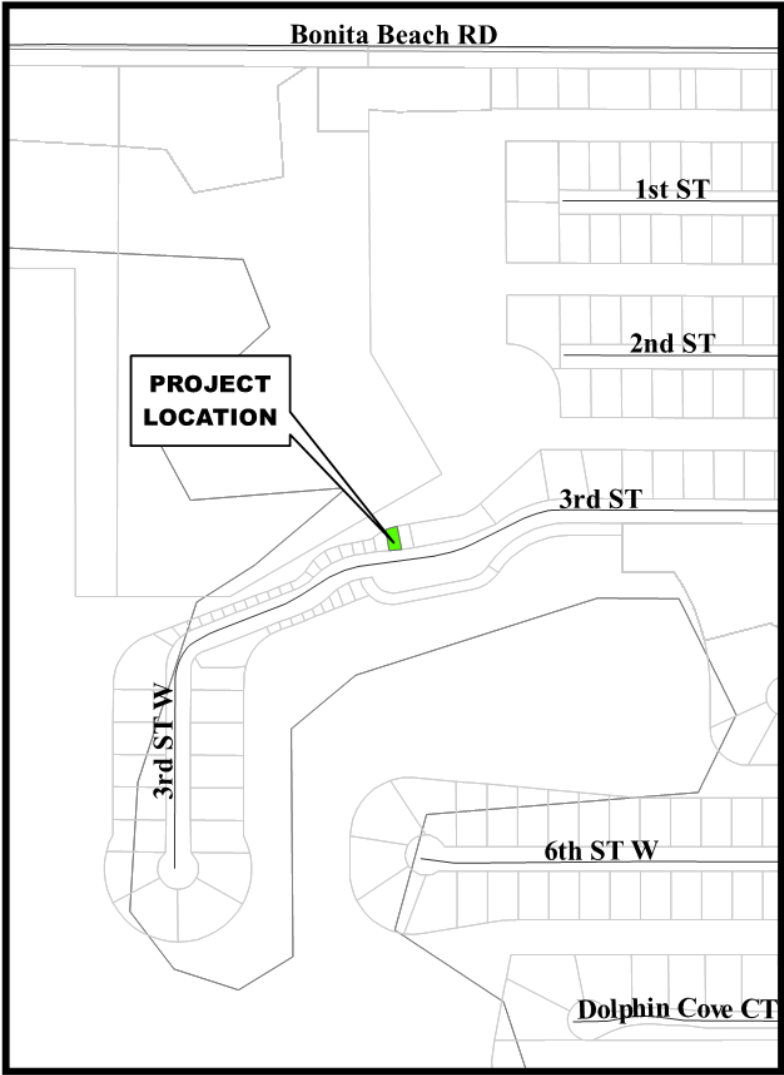
To have the Collier County Hearing Examiner (HEX) consider a variance from Section 5.03.06.E.6 of the Collier County Land Development Code (LDC) to reduce the minimum side yard riparian setbacks for dock facilities on lots with less than 60 feet of water frontage from 7.5 feet to zero on both sides for a new dock facility with two slips, subject to the approval of a companion Boat Dock Extension petition, for a lot with 30± feet of water frontage.

GEOGRAPHIC LOCATION:

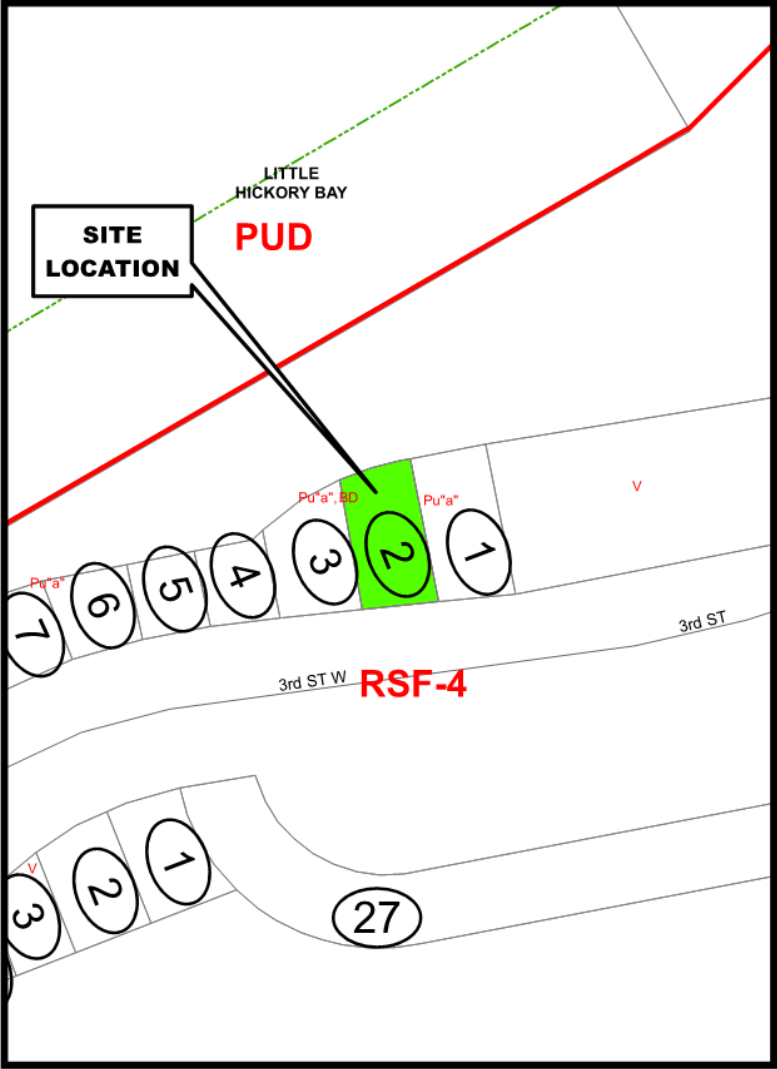
The subject property is located at 267 3rd Street West and is legally described as Lot 2, Block G, Replat of Little Hickory Shores Unit 3, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. *(See location map on the following page)*

PURPOSE/DESCRIPTION OF PROJECT:

The subject property is a 0.04-acre parcel located within a Residential Single Family-4 (RSF-4) zoning district, commonly referred to as a "boat dock lot." The parcel is too small to accommodate the minimum square-foot requirement for a building (single-family dwelling) and the setback requirements of the zoning district as was acknowledged by the Board of County Commissioners when they approved a Provisional Use permitting docks without a principal use on property described as: "Lots 1 through 23, Block G, Little Hickory Shores, Unit #3, as recorded in Plat Book 6, Page 2, Official Records of Collier County, Florida." See Resolution No. 1987-260, (Continued on Page 4)



Location Map



Zoning Map

Petition Number: PL20230009299

SURROUNDING LAND USE AND ZONING:

North: Little Hickory Bay then a preserve for Little Hickory Bay Condominium located within the Little Hickory Bay PUD

South: 3rd Street West (Right-of-Way) then a boat launch area in a RSF-4 zoning district

East: Unimproved boat dock lot in a Residential Single-Family-4 (RSF-4) zoning district

West: Boat dock facility in a Residential Single-Family-4 (RSF-4) zoning district



Collier County GIS



Collier County GIS

PURPOSE/DESCRIPTION OF PROJECT

(Continued from Page 1)

related to Petition No. PU-87-17C, attached. With respect to the required side yard/riparian setbacks, staff notes that Resolution No. 2000-51, relating to Petition No. V-99-26 was approved to allow many of the subject “boat dock lots” to enjoy a zero-foot setback. Said resolution allows for a zero-foot setback for 11 of the 23 previously described boat dock lots and for 8 of 11 “boat dock lots” located across 3rd Street West in Block H of the same subdivision or 19 of 34, the majority of “boat dock lots within this subdivision. By appearances, the petitioner of the subject Variance request could have joined the prior zoning action had they owned the property at the time; said Variance was approved by the Board of Zoning Appeals on February 8, 2000, with the following conditions:

1. These docks are private in nature and shall not be used for rental purposes; and
2. These docks shall not be used for any commercial purposes, including mooring commercial boats.

Since the adoption of Resolution 2000-51, four additional variances have been approved within Block G to reduce the side yard/riparian setbacks to zero or near zero, each with similar conditions; said properties are identified as Lots 3, 8, 13, and 21. Staff notes that Lot 3, which adjoins the subject property, was granted a zero setback by means of HEX No. 2020-03, pertaining to petition VA-PL20170001588, on January 29, 2020.

The petitioner desires to construct a new dock facility comprising a single dock with two boat slips, each with a boat lift, which is the subject of a companion Boat Dock Extension, BDE-PL20220006082. Said BDE addresses the dock facility itself and maximum protrusion into the waterway. The requested variance is to reduce the required side yard/riparian setbacks from 7.5 feet to zero, which, as per the aforementioned variance (V-99-26), is consistent with other boat dock lots in this area.

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is in the Urban Mixed Use District, Urban Residential Subdistrict, and is seaward of the Coastal High Hazard Area Boundary 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 ANALYSIS:

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

- a. **Are there special conditions and circumstances existing that are peculiar to the location,**

size, and characteristics of the land, structure, or building involved?

Yes. The subject property is legally nonconforming with respect to the required lot area and width and is not capable of supporting any listed permitted use within the RSF-4 zoning area in which it is located. Given these circumstances, the subject property is one of 23 for which a Provisional Use (now known as a Conditional Use) was granted in 1987 to allow such properties to be used for “non-commercial boat launching facilities.” Additionally, there is a limited amount of shoreline, which results in a narrow riparian area further constricted by neighboring dock facilities that limit the direction and orientation of any dock facility at this location. Most, if not all, of the docking facilities along the subject shoreline have or will require a BDE and Variance to be code-compliant.

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

Yes. The property's natural shoreline and length of shoreline require additional protrusion due to the narrow riparian lines, resulting in docks along this shoreline requiring a variance from riparian setbacks to comply with current regulations. The proposed dock facility will be consistent with other boat dock lots in the area previously granted a variance (Resolution 00-51).

- 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, denial of a side setback variance for this property would severely limit the buildability and use of the lot, particularly in comparison to the nearby boat dock lots.” Staff agrees that denying this petition would create practical difficulties for the applicant.

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

The applicant's agent states that they propose only using the space within their riparian area using the same setback as many nearby dock facilities and that a side setback of zero is reasonable, given the circumstances. Staff finds that the proposed dock facility has been fully minimized by means of using a 3-foot finger pier with boat lifts on either side, and given that one lift is proposed for use by two personal watercraft, only one slip will have a full-size marine vessel; therefore, staff concurs.

- 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 similar hardships would be entitled to make a similar request and be conferred equal consideration on a case-by-case basis.

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

Yes, the applicant's agent states: "The dock facility code as outlined in Chapter 5.03.06A. states that:

"Docks and the like are primarily intended to adequately secure moored vessels and provide safe access for routine maintenance and use while minimally impacting navigation within any adjacent navigable channel, the use of the waterway, the use of neighboring docks, the native marine habitat, manatees, and the view of the waterway by the neighboring property owners."

The dock design as proposed (a 3' X 38' finger pier) is too narrow to provide any other function but to access and maintain [SIC] the vessels on the attached boat lifts. The project will leave 87' of space (more than 50% of the waterway width) for navigation, which is ample for public use and should not impact the neighbors. Neither should the dock impact submerged resources and, by extension, manatees. Considering that the project as proposed is consistent with the general area's uses and other docks in the vicinity, we do not believe views will be impacted either. Therefore, our opinion is that the proposed dock is in harmony with the intent and purpose of the zoning code." Staff concurs.

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

No; however, the applicant's agent provides the following: "The area which the proposed structures would cover per this variance petition consists of the surface waters of a tidally connected waterway. Construction within the riparian lines, as proposed, will have no effect on the water and has been designed to be compliant with the applicable state and federal approval from the Florida Department of Environmental Protection and U.S. Army Corps of Engineers." Staff concurs.

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

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

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

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

CONCURRENT LAND USE APPLICATIONS:

Companion Petition No. BD-PL20220006082, to allow the proposed boat dock facility to protrude a total of 38 feet into a waterway that is 125± feet wide.

RECOMMENDATION:

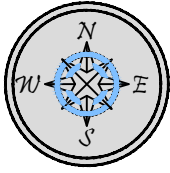
Staff recommends that the Collier County Hearing Examiner APPROVE Petition VA-PL20230009299 to reduce the minimum side/riparian setback from 7.5 feet to zero on both sides, as depicted within the “Proposed Dock” plan contained within Attachment A, subject to the following conditions that were stipulated within Resolution No. 2000-51:

1. This dock is private in nature and shall not be used for rental purposes; and
2. This dock shall not be used for any commercial purposes, including mooring commercial boats.

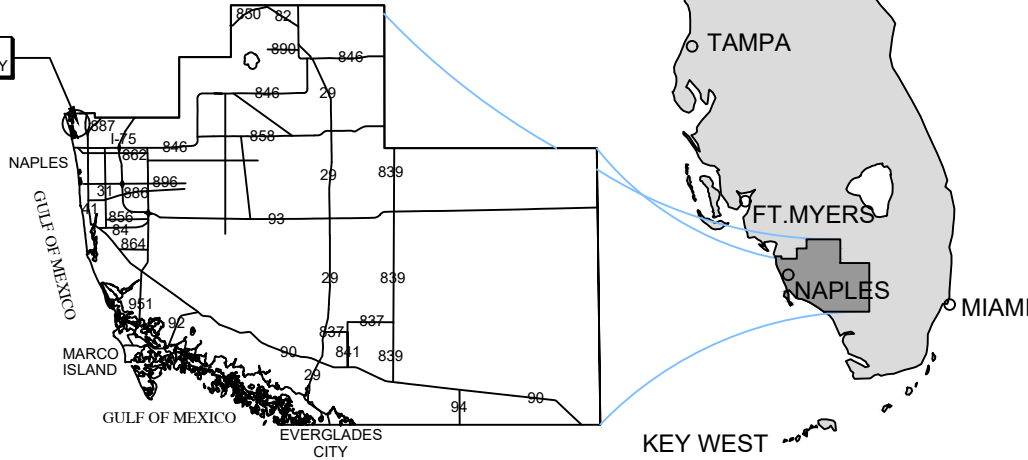
Attachments:

- A. Dock Facility Plans
- B. Map of Boundary Survey
- C. Resolution 1987-260
- D. Resolution 2000-51
- E. Zoning Maps
- F. Applicant’s Backup: Application, Narrative, Authorizations, etc.
- G. Posting of Public Hearing Sign

STATE OF FLORIDA



SUBJECT
PROPERTY



COLLIER COUNTY

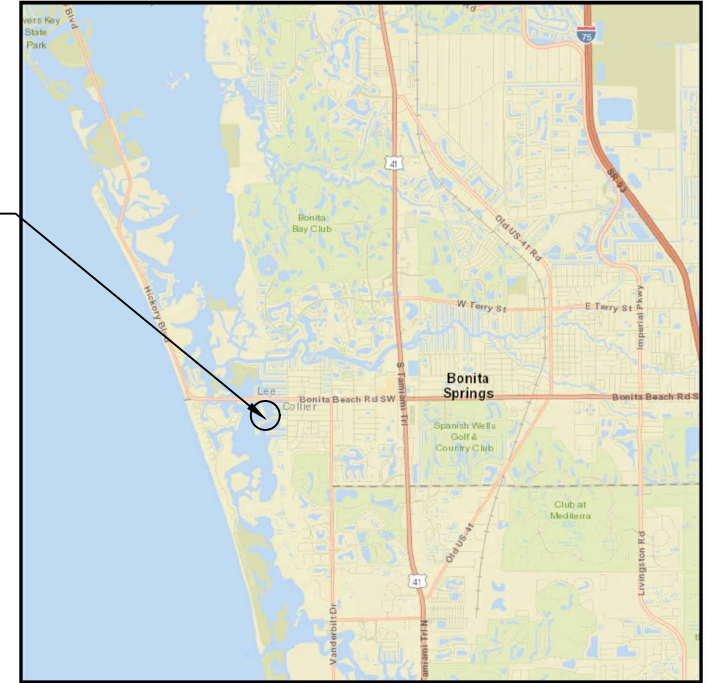
SITE ADDRESS:

<> 267 3RD ST W #2 <> LATITUDE: N 26.327090
 BONITA SPRINGS, FL 34134 <> LONGITUDE: W -81.831033

NOTES:

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

SUBJECT
PROPERTY

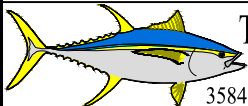


VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
 Marine & Environmental Consulting
 3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

267 3RD ST W #2

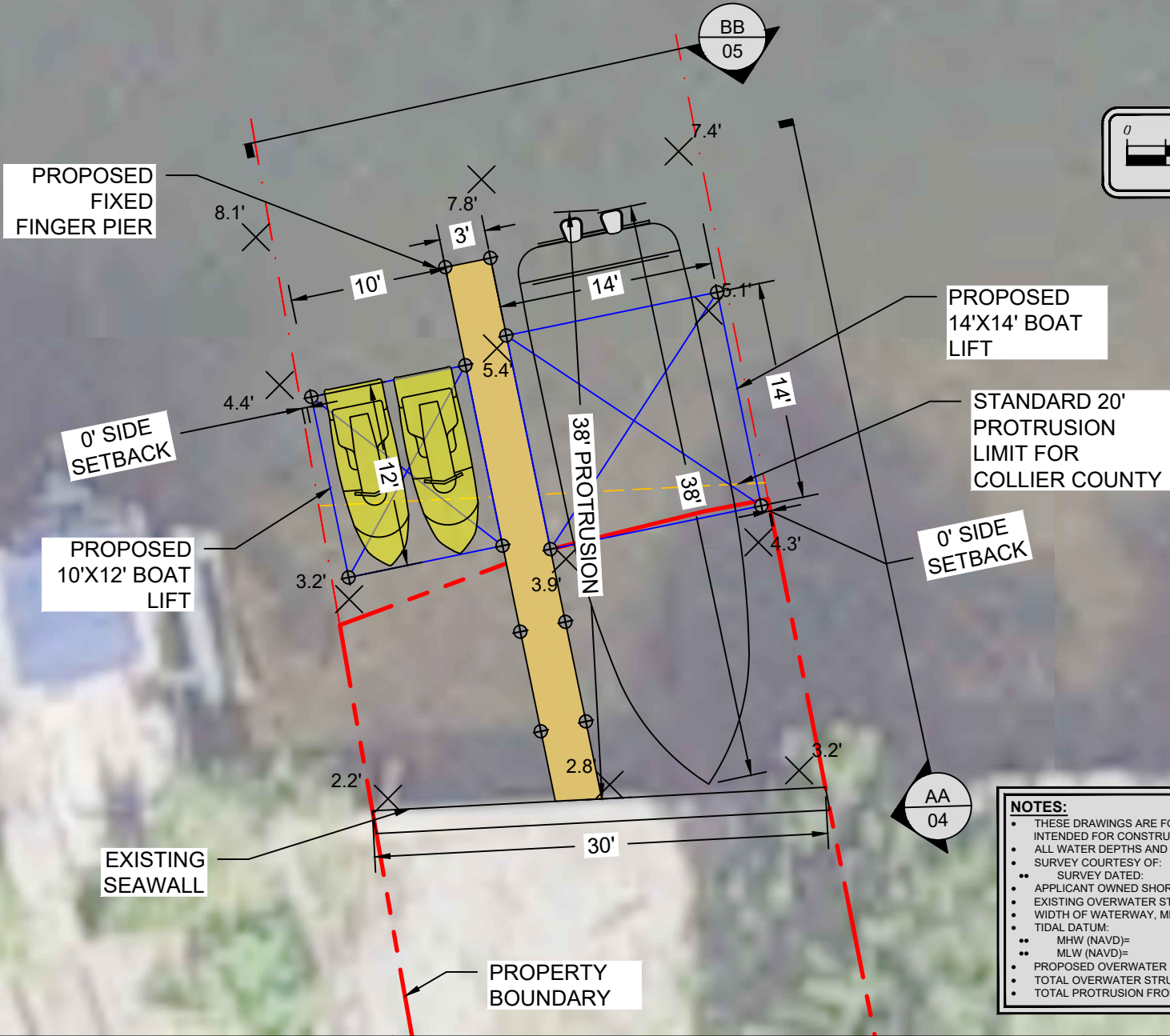
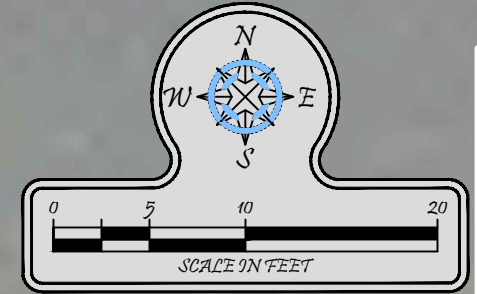
LOCATION MAP

RY NO. 5875

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	01 OF 03	4.	-	-	-	-
		5.	-	-	-	-
SECTION- 05		TOWNSHIP- 48 S				

P:\22141.00 Wingfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg PLOTTED: 9/8/2023



- 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: "BENCHMARK LAND SERVICES, INC."
 - SURVEY DATED: 01-23-23
 - APPLICANT OWNED SHORELINE (APPX LF): 30'
 - EXISTING OVERWATER STRUCTURE (APPX SF): 0
 - WIDTH OF WATERWAY, MHW TO MHW (APPX): 125'
 - TIDAL DATUM:
 - MHW (NAVD)= +0.01'
 - MLW (NAVD)= -0.55'
 - PROPOSED OVERWATER STRUCTURE (APPX SF): 107
 - TOTAL OVERWATER STRUCTURE (APPX SF): 107
 - TOTAL PROTRUSION FROM MHWL: 38'



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

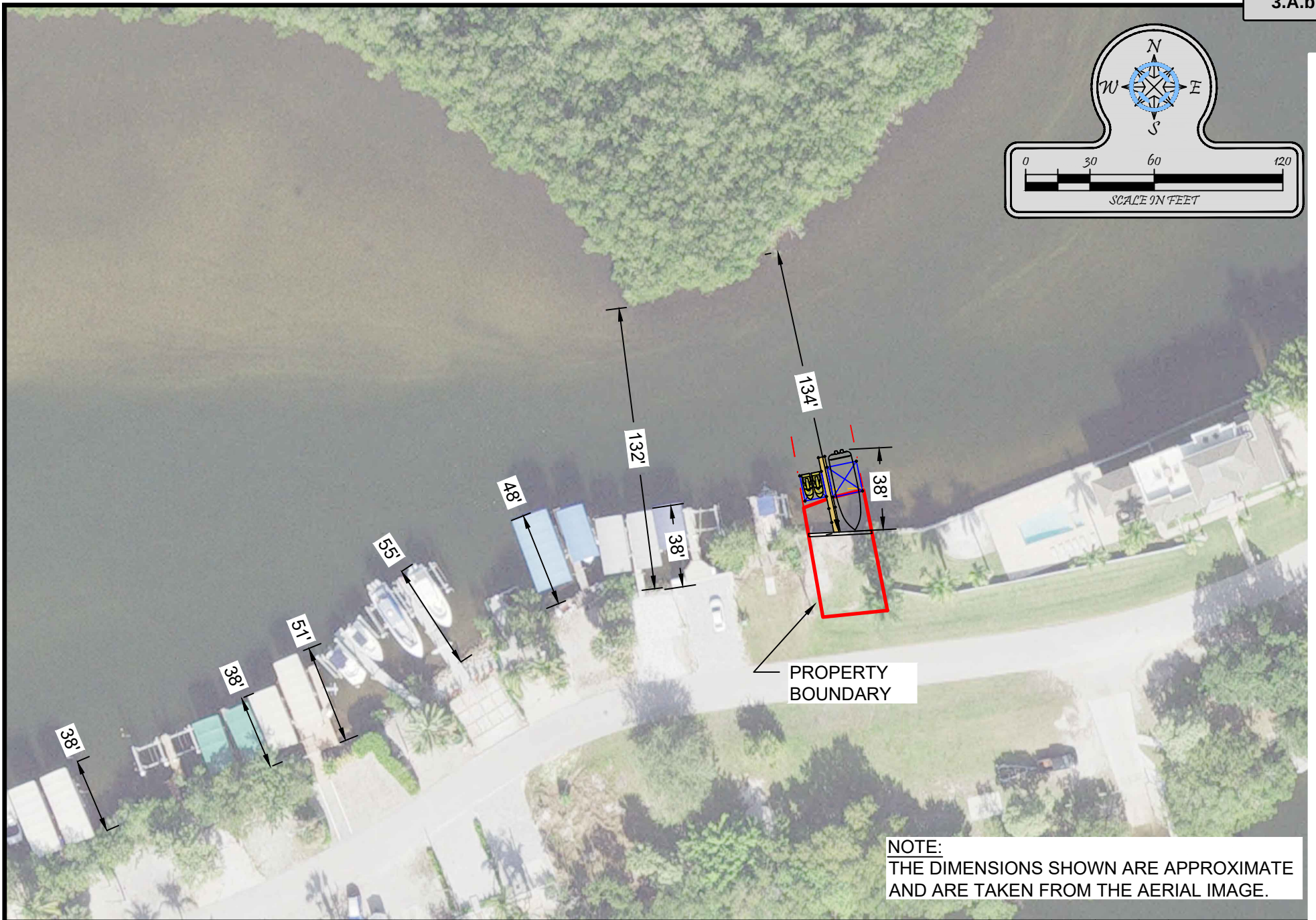
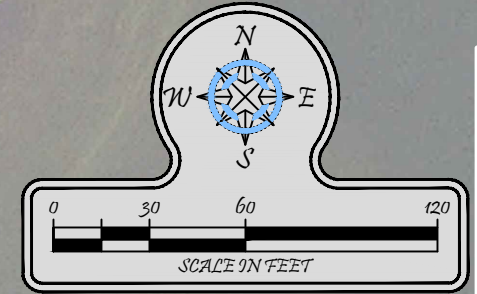
267 3RD ST W #2 **PROPOSED DOCK**

RY NO. 5875

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

DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	02 OF 03	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



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

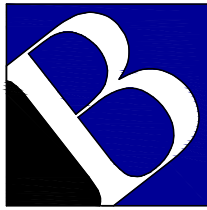
267 3RD ST W #2

ADJACENT DOCKS

RY NO. 5875 THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
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CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	03 OF 03	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



**BENCHMARK
LAND SERVICES, INC.**

1807 J. & C. Boulevard Tel. 239-591-0778
Naples, Florida 34109 Fax. 239-591-1195
L.B. # 7502 www.benchmarklandservices.com

SKETCH OF BOUNDARY SURVEY SURVEY #23734

Property Address:
267 3rd Street W. Unit 2
Bonita Springs, FL 34134

Certified To:
Bradley Wingfelder; Sharon Wingfelder

Legal Description As Furnished:

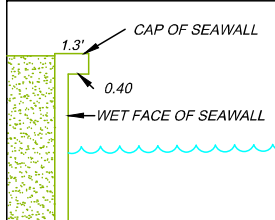
NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

Lot 2 Block G, Replat of Little Hickory Shores Unit 3, according to the plat thereof as recorded in Plat Book 6, Page (s) 2, of the Public Records of Collier County, Florida.

<u>DATE OF SURVEY</u>	<u>DRAWN BY</u>
01/23/2023	B.D.
<u>COMPLETION DATE:</u>	<u>CHECKED BY</u>
02/02/2023	K.S.
<u>LABELED LINE:</u> 02/13/2023	
<u>ADDED RIPARIAN INFO:</u> 03/13/2023	

Flood Zone Information:
Community Number: 120067 Panel: 0179 Suffix: H
Effective Date: 05/16/2012 Flood Zone: AH BFE: 10'
N.A.V.D. 1988

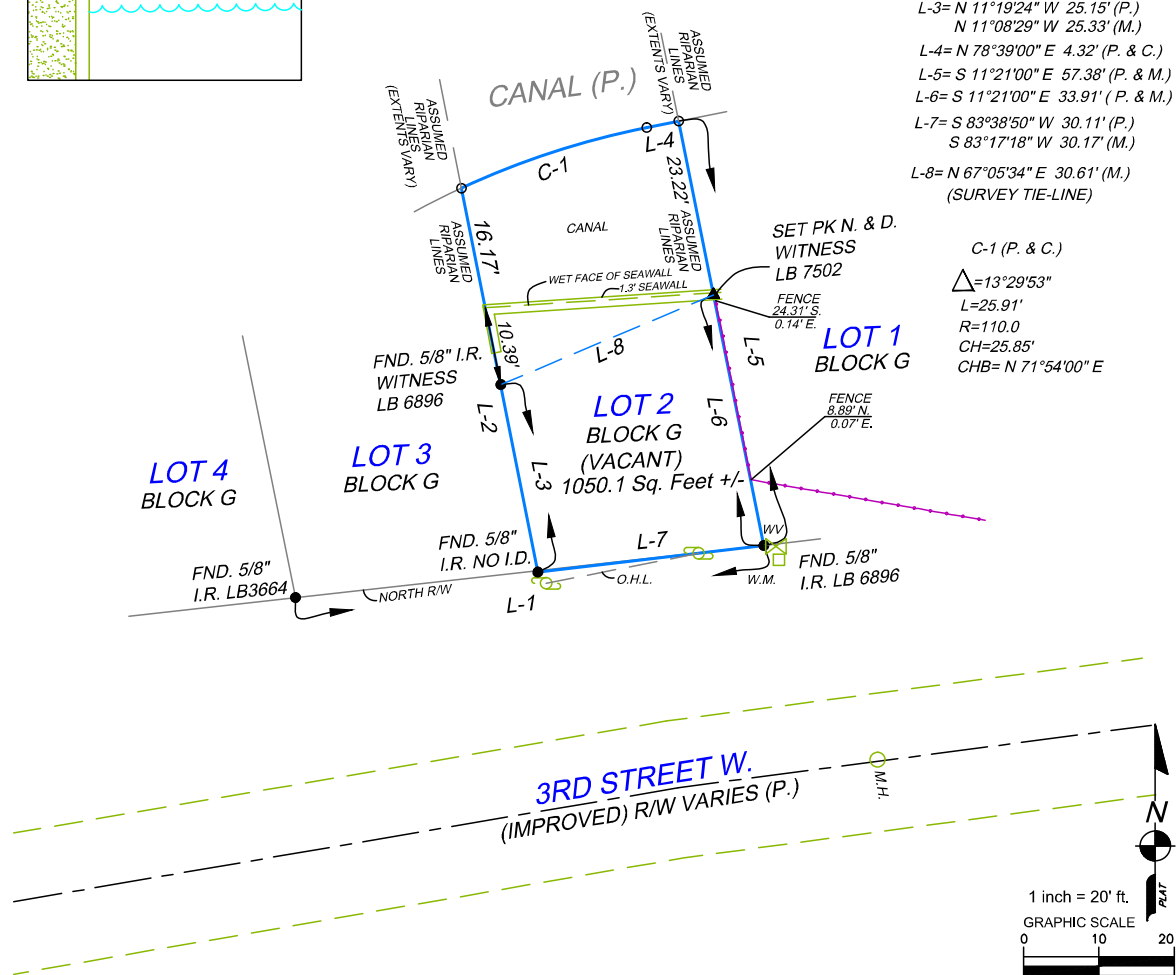
SEAWALL DETAIL: NOT TO SCALE



BEARINGS SHOWN HEREON ARE
BASED UPON A PLATTED BEARING OF
N 83°38'50" E FOR THE NORTH R/W OF
3RD STREET W. (L-1)

L-1= N 83°38'50" E
62.46' (P.) 62.47' (M.) B.R.
L-2= N 11°21'00" W 51.71' (P.)
N 11°15'40" W 51.90' (C.)
L-3= N 11°19'24" W 25.15' (P.)
N 11°08'29" W 25.33' (M.)
L-4= N 78°39'00" E 4.32' (P. & C.)
L-5= S 11°21'00" E 57.38' (P. & M.)
L-6= S 11°21'00" E 33.91' (P. & M.)
L-7= S 83°38'50" W 30.11' (P.)
S 83°17'18" W 30.17' (M.)
L-8= N 67°05'34" E 30.61' (M.)
(SURVEY TIE-LINE)

C-1 (P. & C.)
 $\Delta = 13^\circ 29' 53''$
L=25.91'
R=110.0
CH=25.85'
CHB= N 71°54'00" E



1. LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
3. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
5. THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
6. ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
7. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
8. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
9. WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (2)(4)(d) OF THE FLORIDA ADMINISTRATIVE CODE.
10. 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.
11. THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION OR PLANNING.
12. ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

POINTS OF INTEREST:
1. CONSULT LOCAL AGENCIES FOR YARDS OR RESTRICTIONS.

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

Kenneth Sarrio Digitally signed by Kenneth Sarrio
Date: 2023.03.13 11:33:27 -04'00'
KENNETH SARRIO
Professional Surveyor and Mapper
PSM No. 6348 State of Florida



B.R. BEARING REFERENCE C. CALCULATED CATV CABLE TV RISER C.U.E. COUNTY UTILITY ESMT. D.E. DRAINAGE EASEMENT D.H. DRILL HOLE D. DEEDED ELEC. ELECTRIC BOX E.O.W. EDGE OF WATER F.F. FINISHED FLOOR FND. FOUND I.D. IDENTIFICATION I.R. IRON ROD	I.P. IRON PIPE A.E. ACCESS EASEMENT L.B. LAND SURVEYING BUSINESS T.U.E. TECHNOLOGY UTILITY EASEMENT L.C.U.E. LEE COUNTY UTILITY EASEMENT M. FIELD MEASURED M.E. LAKE MAINTENANCE EASEMENT N.S.D. NAIL & DISK O.H.L. OVERHEAD LINE P. PLAT P.C. POINT OF CURVATURE P.C.C. POINT OF COMPOUND CURVATURE P.C.P. PERMANENT CONTROL POINT PK PARKER-KALON NAIL	P.I. POINT OF INTERSECTION P.L.S. PROFESSIONAL LAND SURVEYOR P.T. POINT OF TANGENCY P.O.B. POINT OF BEGINNING P.O.C. POINT OF COMMENCEMENT P.R.C. POINT OF REVERSE CURVATURE P.R.M. PERMANENT REFERENCE MONUMENT P.U.E. PUBLIC UTILITY EASEMENT R/W RIGHT OF WAY O.U.E. ORANGE TREE UTL. ESMT. UTIL. ESMT. I.E. IRRIGATION EASEMENT T.B.M. TEMPORARY BENCH MARK TEL. TELEPHONE FACILITIES T.O.B. TOP OF BANK	U.E. UTILITY EASEMENT W.M. WATER METER FENCE EXISTING ELEVATION PROPOSED ELEVATION R. RADIAL N.R. NON-RADIAL C.V.G. CONC. VALLEY GUTTER C.B. CATCH BASIN S.D. STORM DRAIN C.M. CONCRETE MONUMENT C/O CLEAN OUT	WV. EDGE OF PAVEMENT WATER VALVE POWER POLE WELL EXISTING FIRE HYDRANT I.R. IRON ROD CONCRETE MONUMENT CATCH BASIN	E.P. EDGE OF PAVEMENT B.M. BENCH MARK LAMP POST PLNT. PLANTER CONC. CONCRETE N/A NOT APPLICABLE
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109 PAGE 26

100 32

OCTOBER 27, 1987

Item #7B1

**RESOLUTION 87-260, PETITION PU-87-17C, COMMUNITY DEVELOPMENT DIVISION
REQUESTING PROVISIONAL USE "A" OF THE RSP-4 DISTRICT FOR
NON-COMMERCIAL BOAT LAUNCHING FACILITIES - ADOPTED**

Planner Weeks stated the property is located approximately 1/4 mile south of Bonita Beach Road, and 3/4 mile west of Vanderbilt Drive in the Little Hickory Shores Subdivision. He stated that the Board directed staff to initiate a Provisional Use for this property because of the small lot size which cannot be used for a principal structure. He said it appears that these lots were intended for boat dock lots, however, that is not indicated on the plat.

Mr. Weeks stated the CCPC has reviewed this petition and forwarded it with a recommendation of approval. He said correspondence on this petition was received, with six letters in favor and one in opposition. He noted the letter of opposition was due to misinformation and after clarification by Staff, the objection was verbally withdrawn. He said Staff recommends approval.

In response to Chairman Hasse, Planning/Zoning Director McKim stated the docks are for private use only, however, renting of boat docks is a problem throughout the County. She explained that Staff only becomes aware of this type of violation if there is a complaint.

Commissioner Pistor moved, seconded by Commissioner Goodnight and carried unanimously, that Resolution 87-260, Petition PU-87-17C, for non-commercial boat launching facilities for property located approximately 1/4 mile south of Bonita Beach Road and 3/4 mile west of Vanderbilt Drive, be adopted.

Page 14

RESOLUTION 87- 260

OCT 27 1987

RELATING TO PETITION NO. PU-87-17C FOR
PROVISIONAL USE OF PROPERTY HEREINAFTER
DESCRIBED IN COLLIER COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida in Chapter 67-1246, Laws of Florida, and Chapter 125, Florida Statutes, has conferred on Collier County the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, The County pursuant thereto has adopted a Comprehensive Zoning Ordinance establishing regulations for the zoning of particular geographic divisions of the County, among which is the granting of provisional uses; and

WHEREAS, the Collier County Planning Commission, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of Provisional Use "a" in a RSF-4 zone for the property hereinafter described, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement has been made concerning all applicable matters required by said regulations and in accordance with Section 13 - 1d of the Zoning Regulations for the Collier County Planning Commission; and

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

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF ZONING APPEALS of Collier County, Florida that the petition of Community Development Division, representing the Board of County Commissioners, with respect to the property hereinafter described as:

Lots 1 through 23, Block "G", Little Hickory Shores,
Unit #3, as recorded in Plat Book 6, Page 2, Official
Records of Collier County

OCT 27 1987

3.A.d

be and the same is hereby approved for Provisional Use "a" of the RSF-4 zoning district for Non-Commercial Boat Launching Facilities, subject to the following conditions:

- a. At time of obtaining a dock permit, a right-of-way permit shall be obtained and the owner shall provide access improvements to prevent damage to the roadway and roadway drainage improvements.
- b. All boat docks erected on the subject lots must comply with Section 8.46 of the Zoning Ordinance (82-2).

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

Commissioner Pistor offered the foregoing resolution and moved its adoption, seconded by Commissioner Goodnight and upon roll call, the vote was:

AYES: Commissioners Pistor, Goodnight, Glass, Saunders and Hasse

NAYS: None

ABSENT AND NOT VOTING: None

ABSTENTION: None

Done this 27th day of October, 1987.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

BY: Max A. Hasse, Jr.
MAX A. HASSE, JR., CHAIRMAN

ATTEST:
JAMES C. GILES, CLERK

By: Virginia Magri
Virginia Magri, Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

R. Bruce Anderson
R. BRUCE ANDERSON
ASSISTANT COUNTY ATTORNEY

PU-87-17C Resolution

OCT 27 1987

EXHIBIT A

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A PROVISIONAL USE PETITION
FOR

PU-87-17C

The following facts are found:

1. Section 7.11b.3)(a) of the Zoning Ordinance authorized the provisional use.
2. Granting the provisional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:
 - A. General compliance with the Comprehensive Plan:
Complies with Comprehensive Plan
Yes ☒ No ☐
 - B. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:
Adequate ingress & egress
Yes ☒ No ☐
 - C. Affects neighboring properties in relation to noise, glare, economic or odor effects:
☒ No effect or ☐ Affect mitigated by _____
_____ Affect cannot be mitigated
 - D. General compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes ☒ No ☐

Based on the above findings, this provisional use should, with stipulations, (copy attached) ~~(should not)~~ be recommended for approval

DATE: 10/1/87Chairman: *[Signature]*

FINDING OF FACT FORM

13 A1

RESOLUTION NO. 2000- 51RELATING TO PETITION NUMBER V-99-26
FOR A VARIANCE ON PROPERTY
HEREINAFTER DESCRIBED IN COLLIER
COUNTY, FLORIDA.

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

WHEREAS, the County pursuant thereto has adopted a Land Development Code (Ordinance No. 91-102) which establishes regulations for the zoning of particular geographic divisions of the County, among which is the granting of variances; and

WHEREAS, the Board of Zoning Appeals, being the duly elected constituted Board of the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of a 7.5-foot variance from the required side yard setback of 7.5 feet to -0- feet as shown on the attached plot plan, Exhibit "A", in an RSF-4 Zone for the property hereinafter described, and has found as a matter of fact that satisfactory provision and arrangement have been made concerning all applicable matters required by said regulations and in accordance with Section 2.7.5 of the Zoning Regulations of said Land Development Code for the unincorporated area of Collier County; and

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

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ZONING APPEALS of Collier County, Florida, that:

The Petition V-99-26 filed by James M. Boswell, II, representing property owners of blocks "G" & "H" Little Hickory Shores Unit 3, with respect to the property hereinafter described as:

Exhibit "B"

be and the same hereby is approved for a 7.5-foot variance from the required side yard setback of 7.5 feet to -0- feet as shown on the attached plot plan, Exhibit "A", of the RSF-4 Zoning District wherein said property is located, subject to the following conditions:

Exhibit "C"

BE IT RESOLVED that this Resolution relating to Petition Number V-99-26 be recorded in the minutes of this Board.

13 A1

This Resolution adopted after motion, second and majority vote.

Done this 8th day of February, 2000.

ATTEST:
DWIGHT E. BROCK, Clerk

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

By: [Signature] D.C.
Attest as to Chairman's
signature only.
Approved as to Form and Legal Sufficiency:

[Signature]
Timothy J. Constantine CHAIRMAN

[Signature]
Marti M. Scuderi
Assistant County Attorney

g/admin/ RESOLUTION/V-99-26/CB/ts

Attachment: Attachment D - Resolution 2000-051 (27321 : PL20230009299 VA 267 3rd Street West - Wingfelder)



EXHIBIT "A"

LEGAL DESCRIPTION

Lots 3, 4, 5, 6, 7, 8, 9, 10, Block "H" and Lots 4, 5, 9, 10, 11, 12, 14, 17, 18, 19, 20, Block "G" Little Hickory Shores Unit 3, replat, as recorded in Plat Book 6, page 2 of Official Records of Collier County, Florida.

EXHIBIT "B"

CONDITIONS OF APPROVAL
V-99-26

This approval is conditioned upon the following stipulations requested by the Collier County Planning Commission in their public hearing on January 6, 2000.

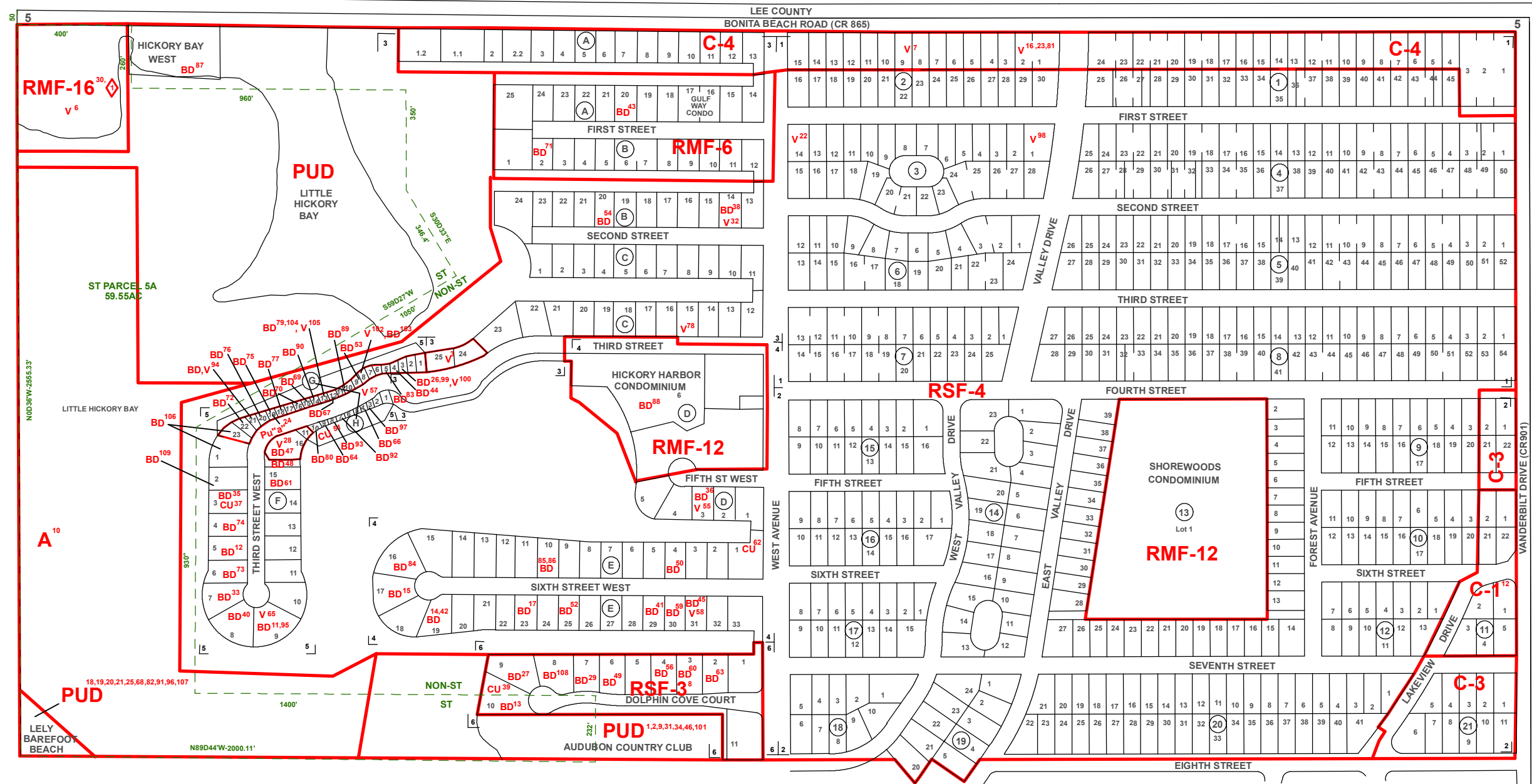
1. These docks are private in nature and shall not be used for rental purposes.
2. These docks shall not be used for any commercial purposes including the mooring of commercial boats.

EXHIBIT "C"

The Historic/Archaeological Probability Maps are the official County source designating historic or archaeological resources.

LAST REVISION: ZONING 9/18/2023 OTHER

3.A.f



8505S

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

BY _____ CHAIRMAN

ATTEST _____ CLERK

SUBDIVISION INDEX

NO.	NAME	P.B.	Pg.
1	BONITA SHORES NO.1	3	1
2	BONITA SHORES NO.2	3	43
3	LITTLE HICKORY SHORES NO.1	3	6
4	LITTLE HICKORY SHORES NO.2	3	79
5	LITTLE HICKORY SHORES NO.3 (REPLAT)	6	2
6	DOLPHIN COVE	19	55-56

ZONING NOTES

1	P-82-11-C	
2	P-87-12C	
3	V-88-12	88-282
4		
5		
6	3-11-97	V-96-33 97-165
7	11-19-85	V-85-28C 85-241
8	6-25-91	R-91-4 91-54
9	6-25-91	PUD-87-12(1) 91-53
10	LDC-91	BD-92-1 92-4
11	3-15-92	BD-95-28 95-32
12	12-17-92	BD-92-9 92-29
13	12-17-92	BD-93-5 93-15
14	5-20-93	BD-93-6 93-14
15	5-20-93	BD-93-6 93-14
16	11-23-93	V-93-29 93-548
17	12-2-93	BD-93-20 93-37
18	PDA-85-12C	
19	PDA-86-17C	
20	PDA-86-18C	
21	8-2-88	PDA-88-7 88-63
22	1-25-94	V-93-34 94-36
23	10-27-87	PU-97-17C 97-280
24	10-27-87	PU-97-17C 97-280
25	5-24-94	PUD-77-19(6) 94-28
26	6-15-95	BD-95-6 95-19
27	9-7-95	BD-95-13 95-31
28	9-12-95	V-95-12 95-533
29	11-2-95	BD-95-18 95-47
30	12-12-96	R-95-8 95-75
31	1-9-96	PUD-82-11(3) 96-1
32	9-10-96	V-96-16 96-419
33	10-3-96	BD-96-15 96-35
34	11-2-96	BD-96-11(4) 96-35
35	12-5-96	BD-96-22 96-47
36	12-19-96	BD-96-22 96-47
37	1-14-97	CU-96-22 97-50
38	4-3-97	CU-97-6 97-12
39	4-22-97	CU-97-6 97-223
40	5-15-97	BD-97-11 97-18
41	7-3-97	BD-97-17 97-36
42	9-4-97	BD-97-17 97-36
43	6-4-98	BD-98-10 98-20
44	5-21-98	BD-98-20 98-25
45	9-17-98	BD-98-30 98-39
46	11-1-98	BD-98-32 98-46
47	11-5-98	BD-98-32 98-46
48	11-5-98	BD-98-32 98-46
49	12-17-98	BD-98-38 98-47
50	12-3-98	BD-98-38 98-53
51	5-11-99	CU-99-4 99-236
52	6-3-99	BD-99-8 99-22
53	8-19-99	BD-99-16 99-30
54	8-5-99	BD-99-12 99-28
55	10-26-99	V-99-13 99-400
56	1-20-00	BD-99-26 00-01
57	3-14-00	V-99-27 00-85
58	2-17-00	BD-99-28 00-03
59	6-1-00	BD-00-9 00-5
60	6-1-00	BD-00-8 00-16
61	6-1-00	BD-00-8 00-16
62	5-23-00	CU-00-1 00-157
63	7-20-00	BD-00-13 00-19
64	9-7-00	BD-00-18 00-25
65	10-10-00	V-00-18 00-353
66	11-16-00	BD-00-26 00-34
67	5-3-01	BD-01-AR-35(1) 01-99
68	6-28-01	PDA-AR-34(1) 01-25
69	10-4-01	BD-01-AR-12(1) 01-25
70	4-4-02	BD-01-AR-1608 02-03
71	9-5-02	BD-02-AR-2416 02-05
72	9-16-02	BD-02-AR-2564 02-05
73	12-19-02	BD-02-AR-3019 02-10
74	2-5-04	BD-03-AR-4689 04-02
75	7-15-04	BD-04-AR-5699 04-07
76	7-15-04	BD-04-AR-5699 04-07
77	7-15-04	BD-04-AR-5693 04-06
78	5-24-05	V-04-AR-8970 05-213
79	5-15-05	BD-05-AR-7155 05-06
80	5-15-05	BD-05-AR-7155 05-06
81	4-25-06	V-06-AR-3857 06-108
82	5-23-06	PUD-04-AR-6233 06-22
83	4-19-07	BD-06-AR-10900 07-04
84	5-17-07	BD-06-AR-11004 07-05
85	12-6-07	BD-07-AR-12154 07-08
86	4-22-08	ADA-07-AR-12714 08-119
87	11-22-08	BD-08-AR-13305 08-05
88	5-6-10	BD-PL-10-1297 10-06
89	12-2-10	BD-PL-10-1297 10-06
90	2-5-11	BD-PL-10-1313 11-01
91	9-1-11	BD-PL-10-1313 11-01
92	9-6-12	BD-PL-12-25 12-07
93	10-6-11	BD-PL-10-1473 11-06
94	7-20-16	VA-PL-15-2429
95	12-20-17	BD-PL-15-37 HEX-16-25
96	9-11-18	PDA-PL-16-541 HEX-17-35
97	1-18-19	BDE-PL-17-4421 18-41
98	2-21-19	VA-PL-18-2673 HEX-19-02
99	1-29-20	BDE-PL-18-3700 HEX-20-02
100	1-29-20	VA-PL-18-3700 HEX-20-02
101	7-14-20	VA-PL-18-3700 HEX-20-02
102	7-14-20	VA-PL-18-3700 HEX-20-02
103	6-11-20	BDE-PL-18-1982 CCPC 20-02
104	6-8-21	VA-PL-20-2151 HEX-21-17
105	9-24-21	BD-PL-20-1106 HEX-21-18
106	5-12-22	PD-PL-21-2729 HEX-22-22
107	5-12-22	BD-PL-21-2729 HEX-22-22
108	3-10-23	BD-PL-22-501 HEX-23-04
109	8-9-23	BDE-PL-20-1107 HEX-23-23

DEVELOPMENT STANDARDS MODIFICATIONS
12-12-95 R-95-B 95-75

COLLIER COUNTY, FLORIDA

COMMUNITY DEVELOPMENT DIVISION

TWP 48S RNG 25E SEC(S) 5 NO 1/2

SCALE
0 400

MAP NUMBER:
8505N



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): Bradley and Sharon Wingfelder

Name of Applicant if different than owner: _____

Address: 5412 Planter's Wood Ct. City: Mississauga, ON State: Canada ZIP: L5M5V6

Telephone: _____ Cell: _____ Fax: _____

E-Mail Address: _____

Name of Agent: Nick Pearson

Firm: Bayshore Marine Consulting, LLC

Address: 2025 Monroe Ave. City: Naples State: FL ZIP: 34112

Telephone: 239-404-7982 Cell: _____ Fax: _____

E-Mail Address: Nick@BayshoreMarineConsulting.com

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



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PROPERTY INFORMATION

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

Property I.D. Number: 56000720004 Section/Township/Range: 5 / 48 S / 25 E
Subdivision: Little Hickory Shores Unit: 3 Lot: 2 Block: G
Metes & Bounds Description: _____ Total Acreage: .04

Address/ General Location of Subject Property: _____
267 3RD ST W, Bonita Springs FL 34134 / 0.23 miles south of Bonita Beach Rd. and 0.24 miles west of West Ave.

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	N/A	Open Water
S	RSF-4	Vacant except for boat dockage
E	RSF-4	Vacant
W	RSF-4	Vacant except for boat dockage

Minimum Yard Requirements for Subject Property:

Front: _____ Corner Lot: Yes ☐ No ☒
Side: 7.5 Waterfront Lot: Yes ☒ No ☐
Rear: _____

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



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ASSOCIATIONS

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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

NATURE OF PETITION

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

See attached narrative

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.

COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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(239) 252-2400 FAX: (239) 252-6358

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

☐ Yes ☒ No If yes, please provide copies.



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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NAPLES, FLORIDA 34104
(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	☒	☐
<i>Once the first set of review comments are posted, provide the assigned planner the Property Owner Advisory Letter and Certification</i>	1	☒	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	1	☒	☐

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

2800 NORTH HORSESHOE DRIVE
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
☐	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: Environmental	☐	

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

Nick Pearson

Printed Name

7/17/2023

Date

From: [BellowsRay](#)
To: [Nick Pearson](#)
Cc: [KellyJohn](#); [ThomasClarkeVEN](#)
Subject: RE: Pre-Application Meeting PL20230009299 - 267 3rd ST W 2 (VA)
Date: Tuesday, June 13, 2023 4:34:02 PM
Attachments: [image003.png](#)
[image005.png](#)
[oledata.mso](#)

Hi Nick,

Yes, the variance pre-app for the companion BDE application has been waived.

Respectfully,

Ray

Raymond V. Bellows, Zoning Manager
 Zoning Division - Zoning Services Section
 Growth Management Department
 Telephone: 239.252.2463; Fax: 239.252.6350



Exceeding expectations, every day!

Tell us how we are doing by taking our Zoning Division Survey at <https://goo.gl/eXjvqT>.

From: Nick Pearson <Nick@thanaples.com>
Sent: Tuesday, June 13, 2023 4:15 PM
To: BellowsRay <Ray.Bellows@colliercountyfl.gov>
Subject: FW: Pre-Application Meeting PL20230009299 - 267 3rd ST W 2 (VA)

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

Hi Ray,

Would it be possible to waive the pre-app for this side setback variance petition, which would be a companion to a BDE petition for which we had already done a pre-app back on October 19, 2022. It is for a boat slip lot at 267 3rd St W, unit 2. The PID # is 56000720004. And the BDE petition # is PL20220006082.

Best Regards,
Nick Pearson

Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting

Attachment: Attachment F - Applicant's Backup - PL20230009299 (27321 : PL20230009299 VA 267 3rd Street West - Wingfelder)



ADDRESSING CHECKLIST

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

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

LITTLE HICKORY SHORES UNIT 3 REPLAT BLK G LOT 2

T48, R25, S05

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

56000720004

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

267 3RD ST W, Unit 2,

- **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)

Wingfelder BDE and side setback variance - 267 3rd St W

name not yet approved

PROPOSED STREET NAMES (if applicable)

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

SDP _____ or AR or PL # _____

Addressing Checklist (Rev 12/2021)

Page 1 of 2



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

Attachment: Attachment F - Applicant's Backup - PL20230009299 (27321 : PL20230009299 VA 267 3rd Street West - Wingfelder)

From: John Kelly
Sent: Wednesday, November 29, 2023 9:05 AM
To: John Kelly
Subject: VA-PL20230009299 and BD-PL20220006082 - 267 3rd Street West
 Lot 2 - Sign Posting
Attachments: Posting 1.jpg; Posting 2.jpg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location, immediately adjacent to the public right-of-way, at approximately 3:00 P.M. on Tuesday, November 28, 2023, for the 11/21/2023 meeting of the Hearing Examiner as evidenced by the attached photos.

Respectfully,
John Kelly
 Planner III

Zoning Division – Zoning Services Section
Growth Management Community Development Department
 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>



size=2 width="100%" align=center>

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.



12/14/2023

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B**Doc ID:** 27322

Item Summary: Petition No. BDE-PL20220006082 – 267 3rd Street West - Request for an 18-foot boat dock extension from the maximum permitted protrusion of 20 feet allowed by Section 5.03.06.E.1 of the Collier County Land Development Code (LDC) for waterways greater than 100 feet in width, to allow a boat docking facility protruding a total of 38 feet into a waterway that is 125± feet wide, for a proposed dock facility within a Residential Single-Family-4 (RSF-4) zoning district. The subject property is located at 267 3rd Street West, also described as Lot 2, Block G, Little Hickory Shores, Unit 3 Replat subdivision, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. (Coordinator: John Kelly, Planner III) (Companion Item #PL20230009299) (Commissioner District 2)

Meeting Date: 12/14/2023**Prepared by:**

Title: Planner – Zoning

Name: John Kelly

11/22/2023 4:55 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

11/22/2023 4:55 PM

Approved By:**Review:**

Growth Management Community Development Department	Diane Lynch		Department review	Skipped
			11/28/2023 5:38 PM	
Operations & Regulatory Management	Michael Stark	Review Item	Completed	11/28/2023 5:43 PM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	11/28/2023 6:26 PM
Zoning	Diane Lynch	Review Item	Skipped	11/28/2023 5:38 PM
Zoning	Ray Bellows	Review Item	Completed	11/29/2023 1:25 PM
Zoning	James Sabo	Review Item	Skipped	11/29/2023 5:15 PM
Zoning	Mike Bosi	Division Director	Completed	12/01/2023 1:08 PM
Hearing Examiner	Andrew Dickman	Meeting Pending		12/14/2023 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

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

HEARING DATE: DECEMBER 14, 2023

SUBJECT: BD-PL20220006082; 267 3RD STREET WEST – WINGFELDER DOCK
COMPANION TO VA-PL20230009299

PROPERTY OWNER/APPLICANT:

Bradley P. and Sharon A. Wingfelder
5412 Planter's Wood Ct.
Mississauga, Ontario
Canada L5M5V6

AGENT:

Nick Pearson
Bayshore Marine Consulting, LLC
2025 Monroe Ave.
Naples, FL 34112

REQUESTED ACTION:

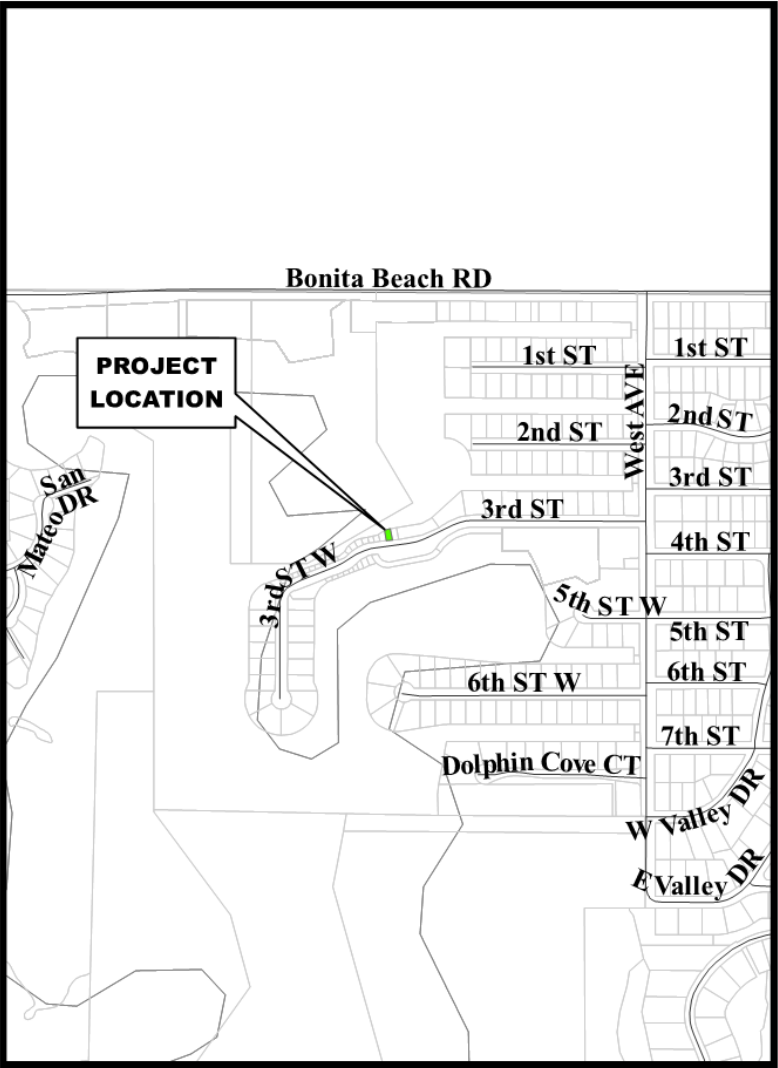
The petitioner requests an 18-foot boat dock extension from the maximum permitted protrusion of 20 feet allowed by Section 5.03.06.E.1 of the Collier County Land Development Code (LDC) for waterways greater than 100 feet in width to allow a boat docking facility protruding a total of 38 feet into a waterway that is 125± feet wide, for the benefit of the subject property.

GEOGRAPHIC LOCATION:

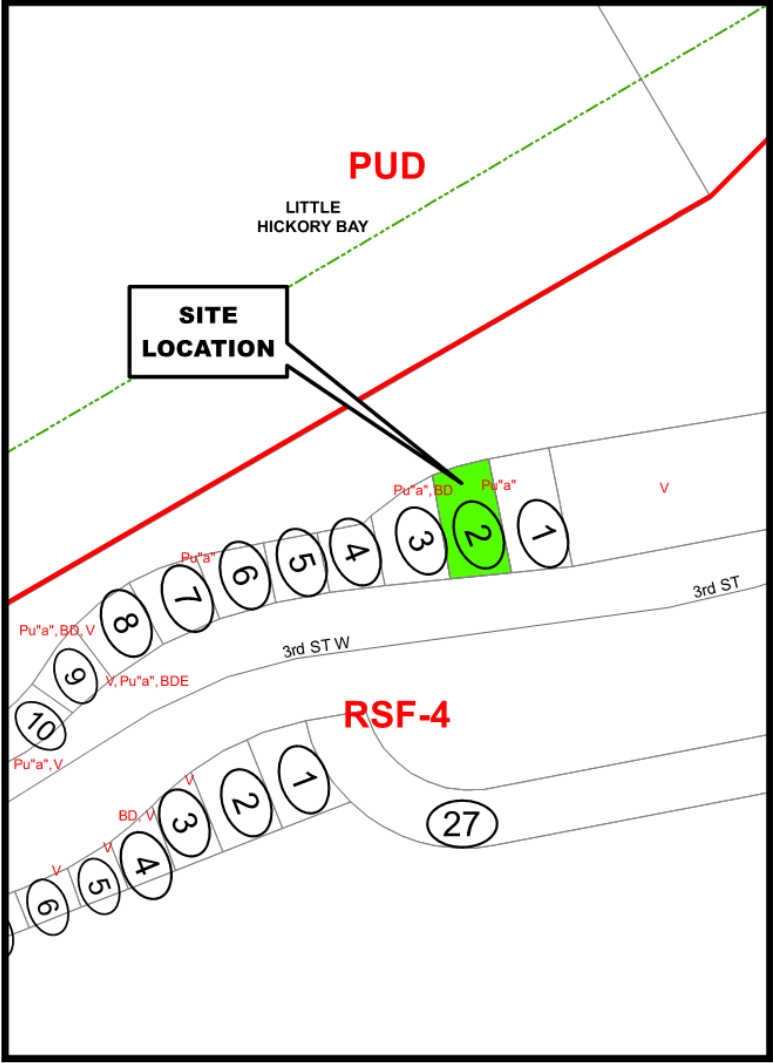
The subject property is located at 267 3rd Street West and is legally described as Lot 2, Block G, Replat of Little Hickory Shores Unit 3, in Section 5, Township 48 South, Range 25 East, Collier County, Florida. *(See location map on the following page)*

PURPOSE/DESCRIPTION OF PROJECT:

The subject property is an unimproved 0.01-acre parcel located within a Residential Single Family-4 (RSF-4) zoning district, commonly referred to as a “boat dock lot.” The parcel is too small to accommodate the minimum square-foot house and setback requirements of the zoning district, as was acknowledged by the Board of County Commissioners when they approved a Provisional Use permitting docks without a principal use on property described as: “Lots 1 through 23, Block G, Little Hickory Shores, Unit #3, as recorded in Plat Book 6, Page 2, Official Records of Collier County, Florida.” See Resolution No. 1987-260, related to Petition No. PU-87-17C,
(Continued on Page 4)



Location Map



Zoning Map

Petition Number: PL20220006082

SURROUNDING LAND USE AND ZONING:

North: Little Hickory Bay then a preserve for Little Hickory Bay Condominium located within the Little Hickory Bay PUD

South: 3rd Street West (Right-of-Way) then a boat launch area in a RSF-4 zoning district

East: Unimproved boat dock lot in a Residential Single-Family-4 (RSF-4) zoning district

West: Boat dock facility in a Residential Single-Family-4 (RSF-4) zoning district



Collier County GIS



Collier County GIS

PURPOSE/DESCRIPTION OF PROJECT

(Continued from Page 1)

The petitioner desires to construct a new boat docking facility with two slips, each with a boat lift, upon the presently unimproved property. Two boat slips are typical for the boat dock lots in this area. The BDE is required to allow the proposed dock to extend 18 feet beyond the maximum of 20 feet allowed by LDC Section 5.03.06.E.2 for a total protrusion of 38 feet into a waterway that is 125± feet wide. Said extension request is driven by the limited amount of shoreline available to design a dock facility for the size of vessels proposed to use the facility, a 38-foot vessel and two personal watercraft (PWC). A companion variance petition, VA-PL20230009299, must also be approved for the proposed facility to allow for reduced side yard / riparian setbacks.

ENVIRONMENTAL EVALUATION:

Environmental Planning Staff has reviewed this petition and has no objection to granting this request. The proposed docking facilities will be constructed waterward of the existing seawalled shoreline. The shoreline does not contain native vegetation. A submerged resources survey provided by the applicant found no submerged resources in the area 200 feet beyond the proposed docking facility. Exhibit sheet 3 of 3 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 has been approved for residential dock facilities by means of Resolution No. 1987-260; therefore, this criterion allows up to two slips. The proposed dock facility comprises a finger pier with two slips, one for a vessel and the other for two PWCs.

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

Criterion met. The applicant's agent states: "Most boatlifts vary between 10' and 15' in length and width on the lift pile centers. If a lift of this general size were installed inside the 29' protrusion limit per Collier County's LDC (ignoring the fact that there is no reasonable way to fit the vessel proposed inside the riparian lines and normal protrusion limit), then this lift would be placed in approximately 3 to 4' of water at low tide. Subtracting approximately 2' of that depth (required for the lift's bunks and cradle) would leave approximately 1 to 2' of water for the larger proposed vessel to operate in. This depth is insufficient to float the 38' Length Overall (LOA) vessel proposed, as most vessels of this size require 2 to 3' of water above the lift to launch." Staff notes that the 38-foot vessel can't be moored parallel to shore given the lot width; additionally, without altering the seawall, Cross-Sections AA and BB (Plans Sheets 04 and 05, reveal water depth issues at MLT.

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

Criterion met. There is no navigable channel at or adjacent to the proposed project location. Therefore, no marked or navigable channels will be affected by the proposed project.

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 not met. The applicant's agent states: "The waterway at this location is 125' wide at its narrowest location. The applicant proposes a dock and vessel that will protrude 38' into the waterway from the face of seawall/MHWL. This protrusion amounts to 30% of the waterway width, which means that this criterion is automatically not met. However, the opposite shoreline appears not to be buildable as it has been placed within a preserve. Therefore, we can safely assume that all 87' of the remaining waterway will be left for navigation, which accounts for 70% of the waterway..." Staff concurs that this criterion is only partially satisfied; a minimum of 50 percent of the waterway width is maintained for navigation.

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

Criterion met. The applicant's agent states: "This dock facility is oriented in the same direction as all other docks along this portion of the waterway, which is in a shore-normal configuration. Neither the proposed side setbacks nor the proposed protrusion is atypical for the area, and no neighboring docks should be affected by this project." Staff notes that all of the boat dock lots along the subject shoreline have been constructed to be perpendicular to the shoreline; thus, the proposed dock facility will not interfere with the use of neighboring docks any more than existing docks impact the petitioner. Staff, therefore, concurs.

Secondary Criteria:

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

Criterion met. The applicant's agent states: The parcel on which the proposed project is located is an unconventional-sized lot that is too small for a principal structure to be located and is intended essentially exclusively for the use of boat mooring. The lot is also too narrow (especially when considering the standard 7.5' side setbacks from both riparian lines) to reasonably moor a boat in a shore parallel configuration, which all but requires mooring in a shore-normal configuration. A shore normal configuration within the standard protrusion limit per Collier County's LDC would limit the property owner to mooring boats of 20' LOA or less, which would severely restrict the overall and intended use of the lot. Furthermore, nearly all of the adjacent boat slip lots already have docks with similar configurations, protrusions, and provided side setbacks." Staff doesn't disagree and adds that Resolution 1987-260, which approved specified lots for boat dock use, is a special condition. Additionally, of the boat dock lots, this and the adjoining lot to the east are the only ones with a seawall and are not a natural mangrove shoreline.

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

Criterion met. The applicant's agent states: "The proposed facility will utilize only a 3' by 43' long area of decking which totals 127 total square feet. This width is the minimum recommended safe width for a finger dock, and the length is required to provide access to the larger vessel adequately. Furthermore, most all other docks in the area utilize a larger area of decking than that proposed in this project." Staff notes that the dock was reduced in length to 38 feet during the review phase; therefore, the accurate measurement is 3 feet by 38 feet and 114 square feet. Staff concurs that there is no excessive decking and that a 3-foot width should be adequate to allow for safe access and routine maintenance.

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

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

Criterion not met. The applicant's agent states: "In order to meet this criteria [SIC], the applicant would need to propose mooring of only a single vessel of 15' LOA or less, which would be, in our opinion, excessively restrictive for the site's intended use. The length of all vessels proposed (40' and 12') in this petition together do exceed 50% of the property's 30' of shoreline." Staff concurs and further notes that the subject property is legally nonconforming with respect to both lot area and lot width. Additionally, the previously proposed 40 foot vessel was reduced to 38 feet LOA during the review phase of this petition.

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

Criterion met. The applicant's agent states: "The proposed dock configuration will be in line with the other docking facilities on the street per exhibit 07 of o8 [See Attachment A]. Additionally, the use of the facility for private recreational purposes will be consistent with the surrounding area as well. Therefore, the proposed project should not constitute a major impact on the view of the neighbors. Staff concurs.

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

Criterion met. The applicant's agent states: "There are no seagrass beds present in a 200' area surrounding the subject property, so no seagrasses are expected as a result of the proposed project. Given the information provided within the provided Submerged Resources Survey, staff concurs.

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

Criterion is not applicable. The applicant's agent states: "Section 5.03.06 of Collier County's Land Development Code (LDC) stipulates that 'multi-slip docking facilities with ten or more slips will be reviewed for consistency with the Manatee Protection Plan (MPP).' The proposed project is for a private, recreational 2-slip dock associated with a single-family zoned lot in Little Hickory Shores. The proposed facility does not have more than ten slips, and so is not subject to review for consistency with Collier County's MPP. Staff concurs.

Staff analysis finds this request complies with four of the five Primary Criteria and four of the six Secondary Criteria, with the sixth criterion being not applicable.

CONCURRENT LAND USE APPLICATIONS:

Companion Petition No. VA-PL20230009299, to reduce the minimum side yard / riparian setback from 7.5 feet to zero on both sides of the proposed boat dock facility.

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 Hearing Examiner has approved the petition, the applicant shall be advised that he/she proceed with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

STAFF RECOMMENDATION:

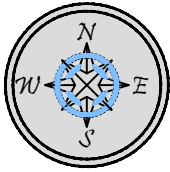
Based on the above findings, Staff recommends that the Hearing Examiner approve Petition **BD-PL20220006082** in accordance with the plans contained within Attachment A, most specifically that identified as sheet 03 of 08 (Proposed Dock), subject to the following conditions:

1. Approval is predicated upon the approval of the companion Variance, VA-PL20230009299, by the Hearing Examiner; absent such approval, this BD is void.
2. Prior to or concurrent with obtaining a building permit for the dock, a Right-of-Way permit shall be obtained for access improvements to prevent roadway and drainage system damage if not previously obtained (As Per Resolution 1987-260).
3. This dock is private in nature and shall not be used for rental purposes.
4. This dock shall not be used for any commercial purposes, including mooring commercial boats.

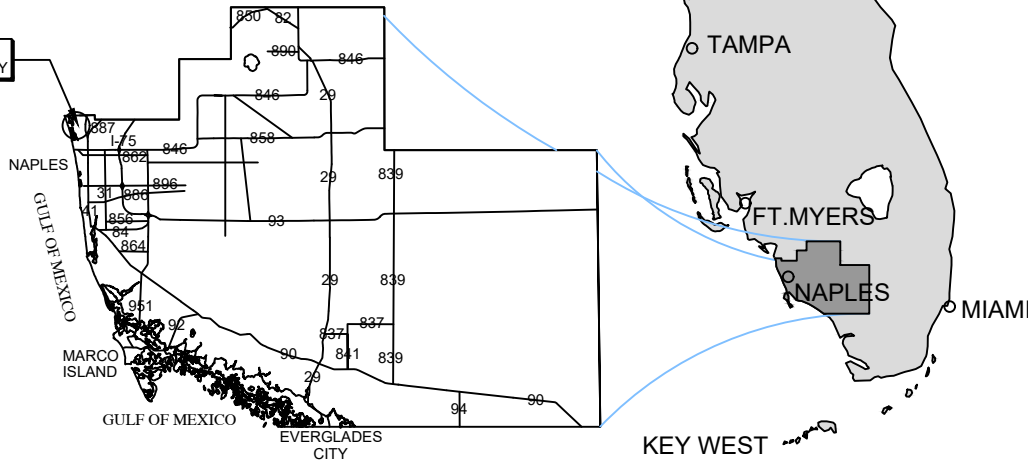
Attachments:

- A. Dock Facility Plans
- B. Map of Boundary Survey
- C. Resolution 1987-260
- D. Zoning Maps
- E. Applicant's Backup; Application, Narrative, Authorizations, etc.
- F. Public Hearing Sign Posting

STATE OF FLORIDA



SUBJECT
PROPERTY



COLLIER COUNTY

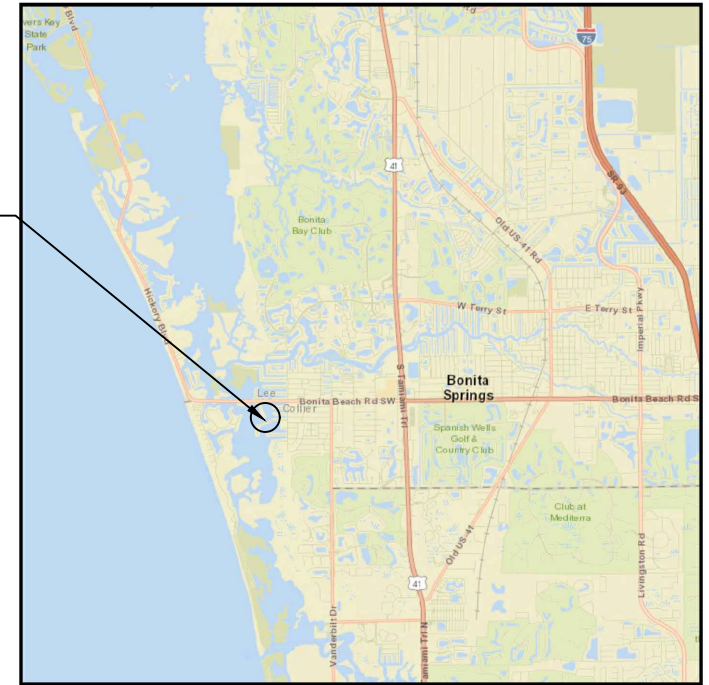
SITE ADDRESS:

<> 267 3RD ST W #2 <> LATITUDE: N 26.327090
BONITA SPRINGS, FL 34134 <> LONGITUDE: W -81.831033

NOTES:

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

SUBJECT
PROPERTY

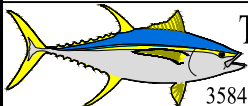


VICINITY MAP

SUBJECT
PROPERTY



COUNTY AERIAL



Turrell, Hall & Associates, Inc.
Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732

Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

267 3RD ST W #2

LOCATION MAP

RY NO. 5875

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

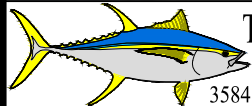
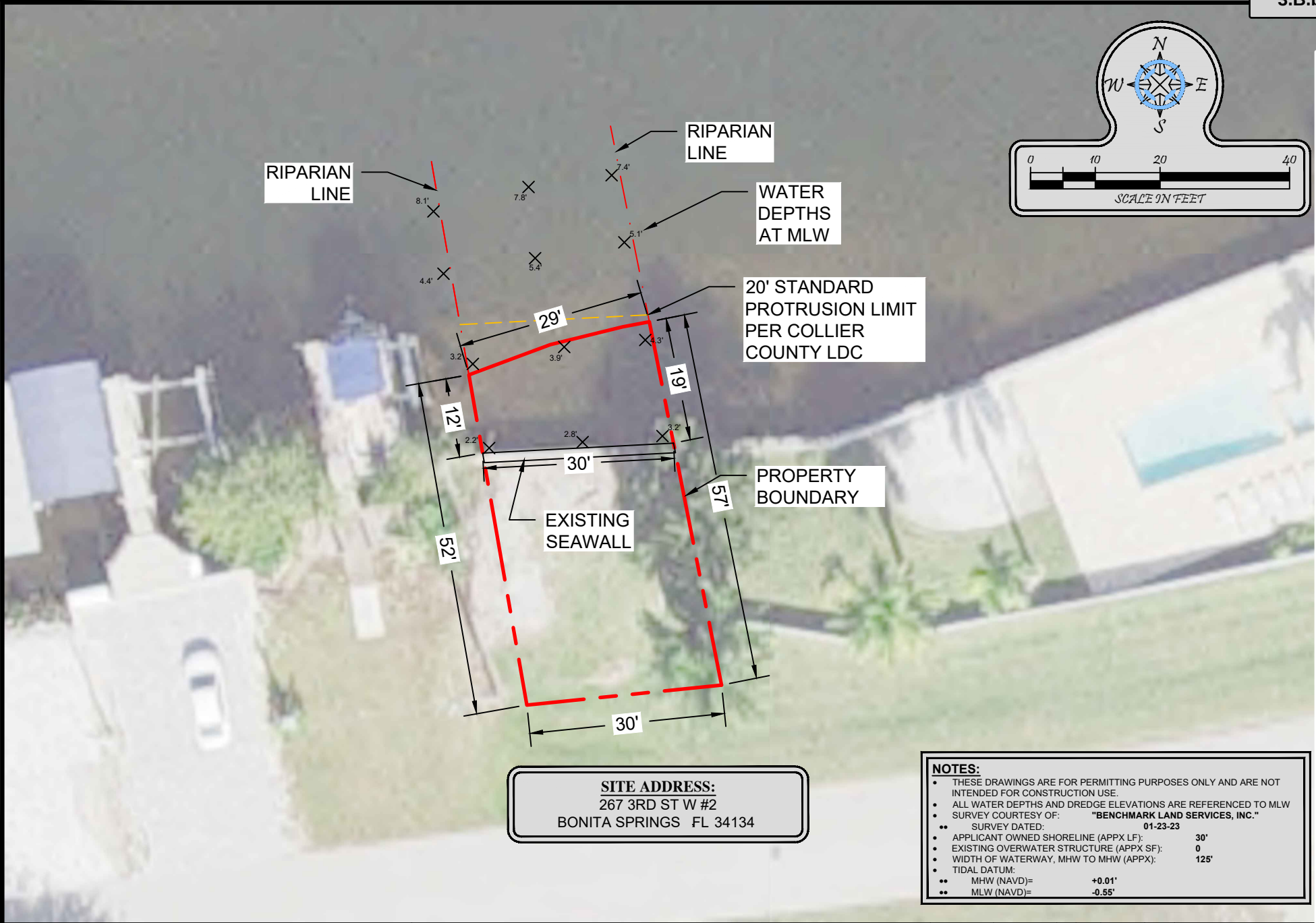
DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	01 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION- 05

TOWNSHIP- 48 S

Packet Pg. 46

P:\22141.00 Wingfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg EXISTING CONDITIONS 9/8/2023



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

267 3RD ST W #2

EXISTING CONDITIONS

RY NO. 5875

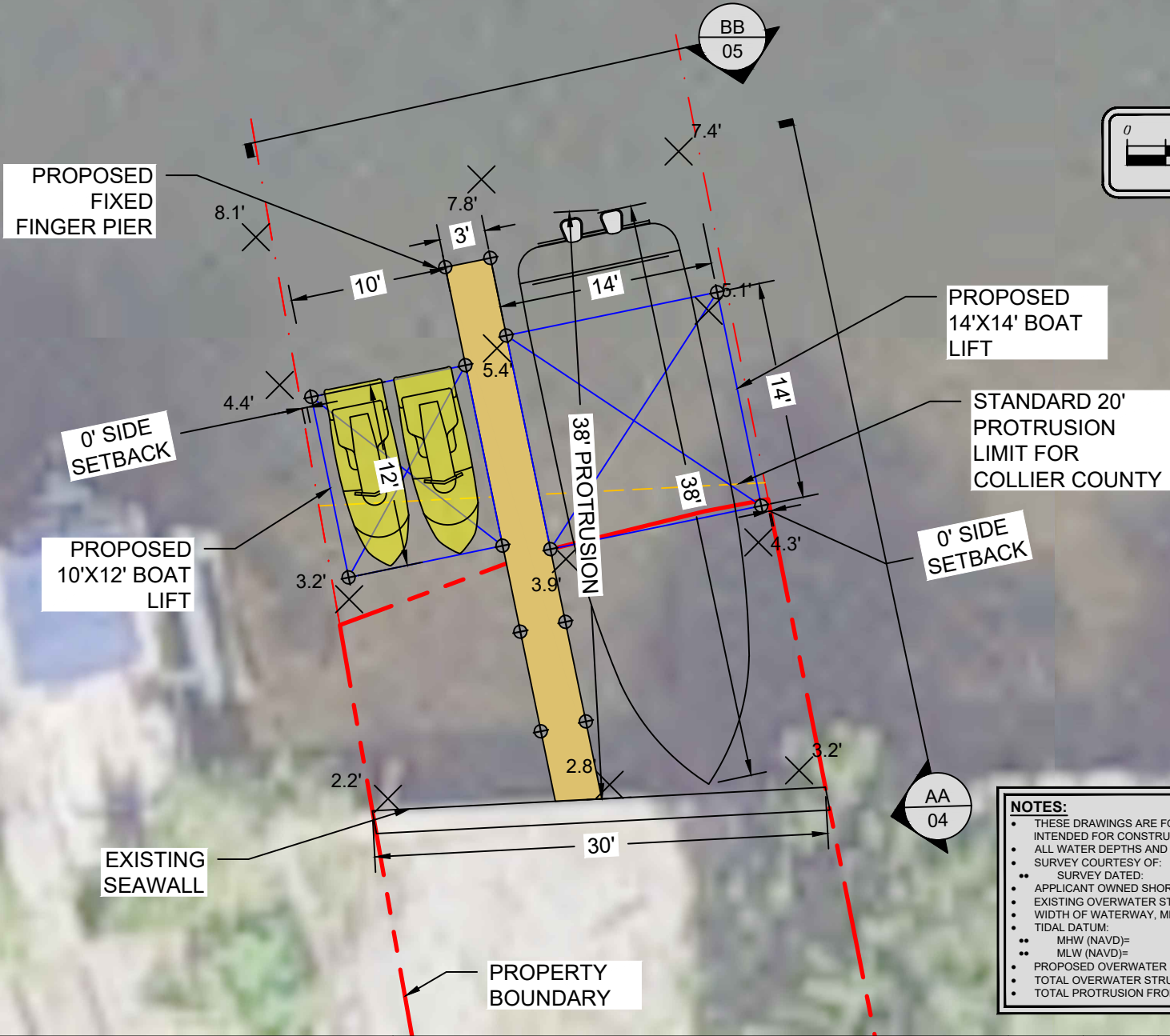
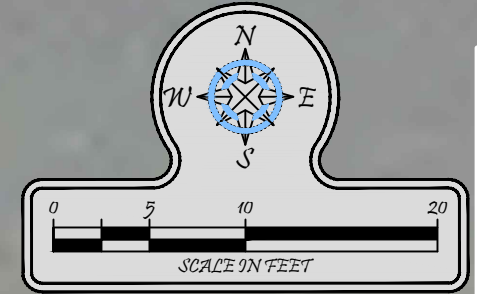
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE.

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	02 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48S

Packet Pg. 47

P:\22141.00 Wingfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg PLOTTED: 9/8/2023



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: "BENCHMARK LAND SERVICES, INC."
- SURVEY DATED: 01-23-23
- APPLICANT OWNED SHORELINE (APPX LF): 30'
- EXISTING OVERWATER STRUCTURE (APPX SF): 0
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 125'
- TIDAL DATUM:
 - MHW (NAVD)= +0.01'
 - MLW (NAVD)= -0.55'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 107
- TOTAL OVERWATER STRUCTURE (APPX SF): 107
- TOTAL PROTRUSION FROM MHWL: 38'



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

267 3RD ST W #2 **PROPOSED DOCK**

RY NO. 5875

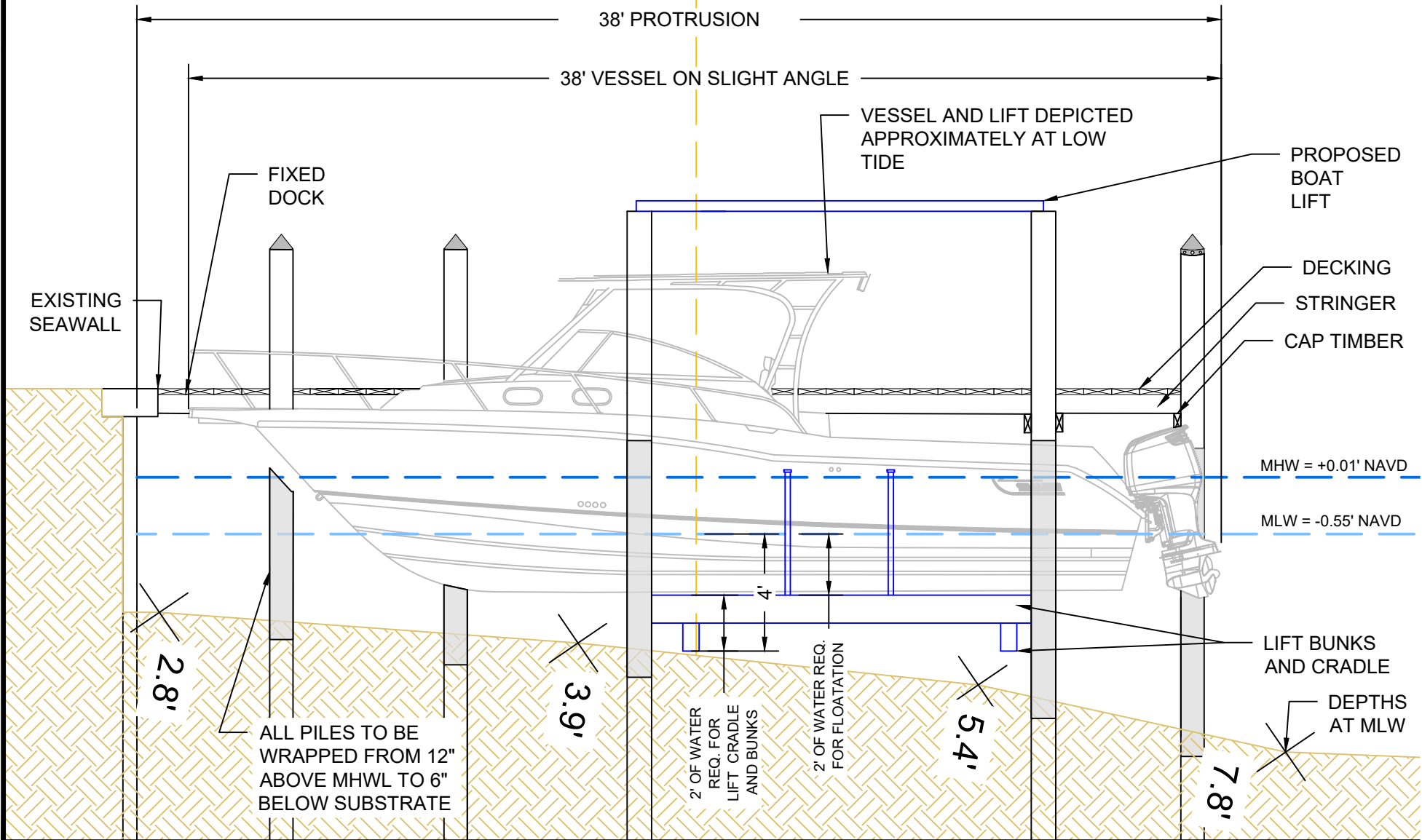
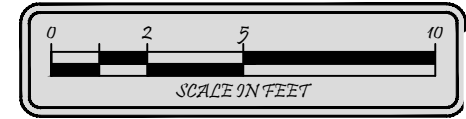
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DESIGNED:	NP	REV	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	03 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S

P:\22141.00 Winfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg CROSS SECTION AA 9/8/2023

STANDARD 20'
PROTRUSION
LIMIT FOR
COLLIER COUNTY



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Marine & Environmental Consulting
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267 3RD ST W #2
CROSS SECTION AA

RY NO. 5875

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

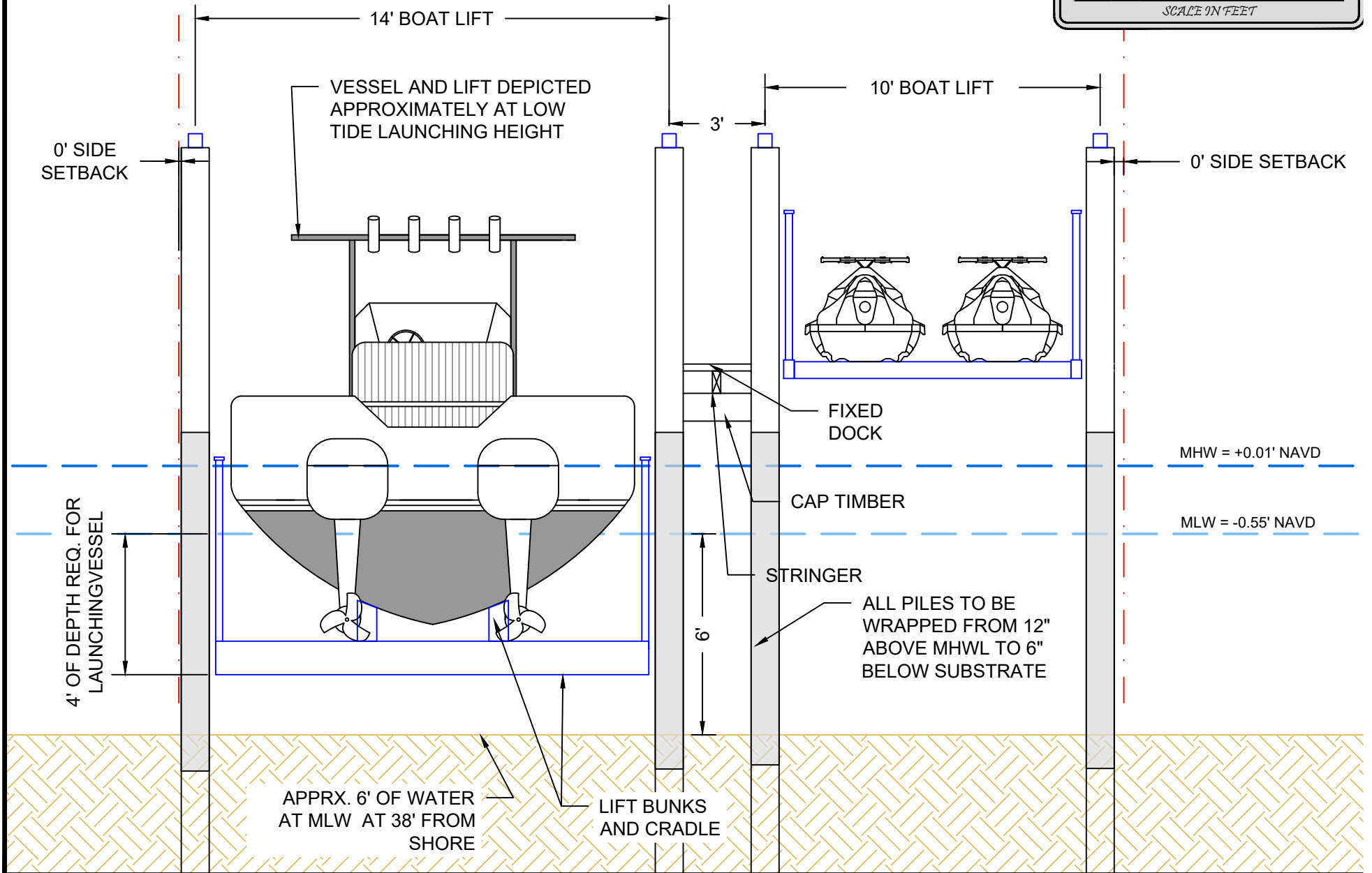
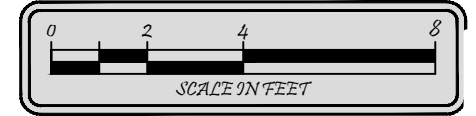
DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	04 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05

TOWNSHIP- 48 S

Packet Pg. 49

P:\22141.00 Winfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg CROSS SECTION BB 9/8/2023



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

267 3RD ST W #2
CROSS SECTION BB

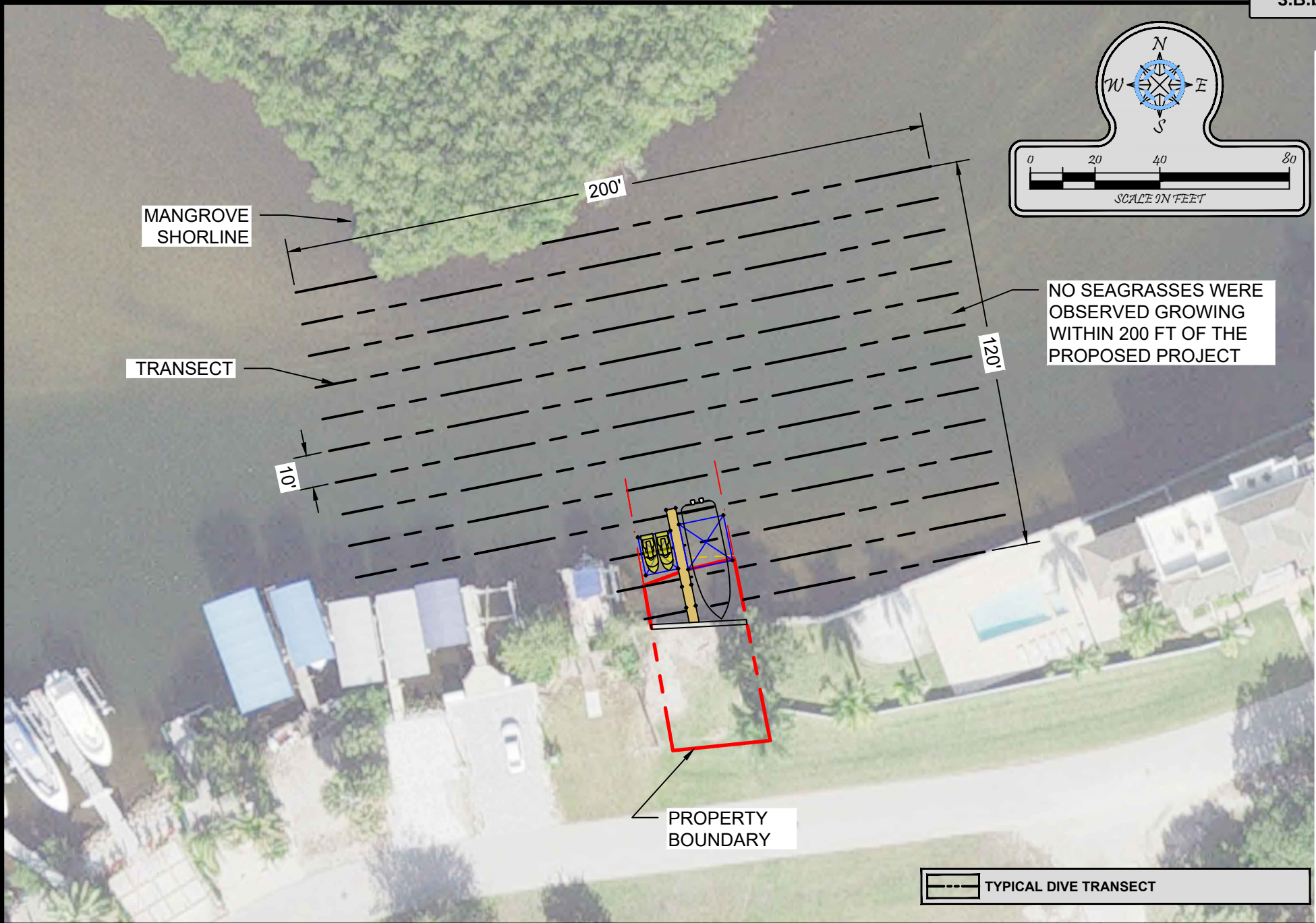
RY NO. 5875

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	05 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S

P:\22141.00 Wingfield - 267 3rd St W Unit 20\ADHERMIT-COUNTY\22141-BDE-2.0.dwg 98 SUBMERGED RESOURCE SURVEY 9/8/2023



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

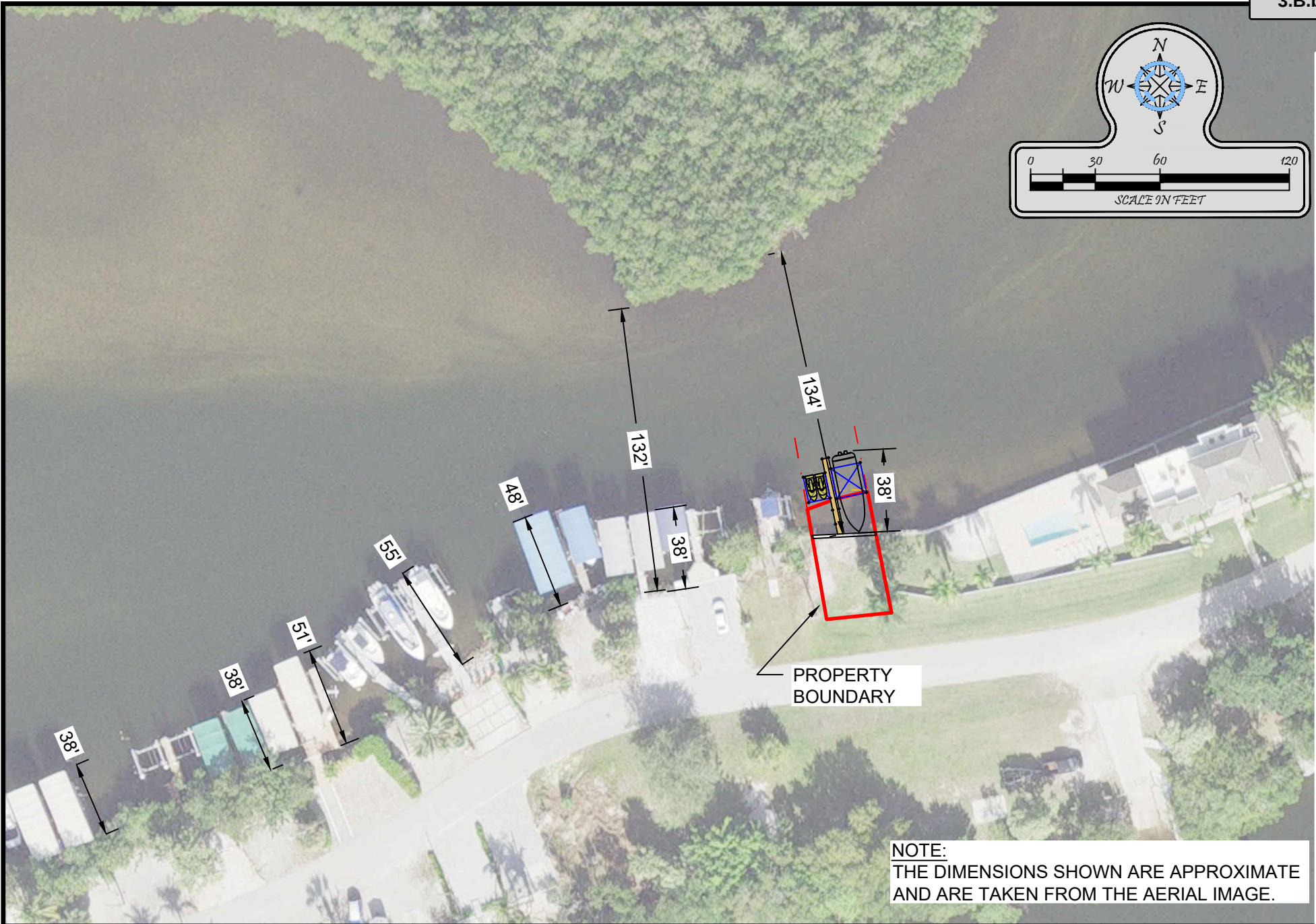
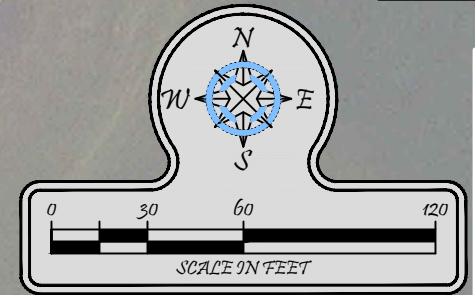
267 3RD ST W #2 **SUBMERGED RESOURCE SURVEY**

RY NO. 5875

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	06 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE
AND ARE TAKEN FROM THE AERIAL IMAGE.



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

267 3RD ST W #2

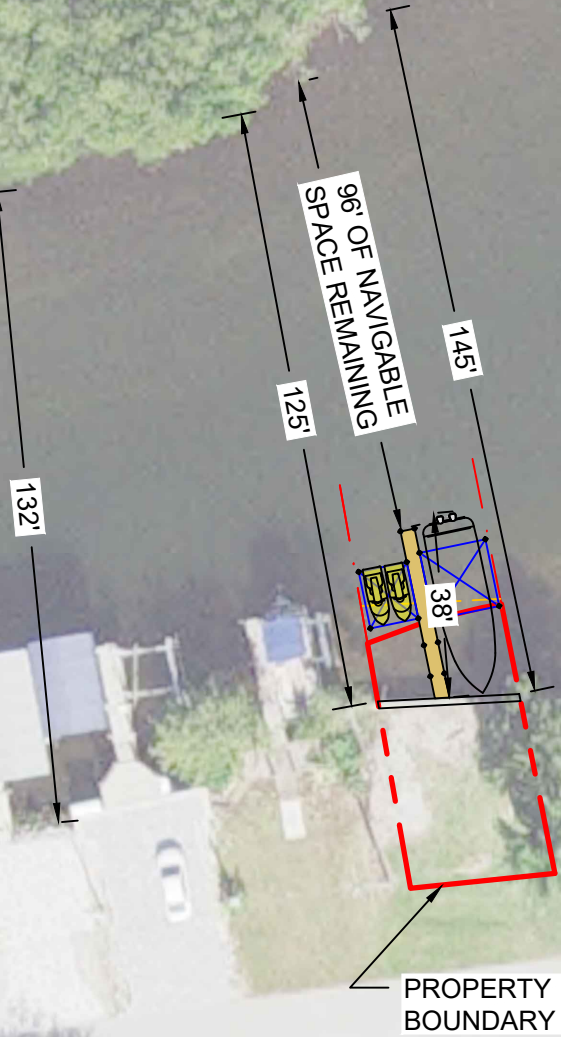
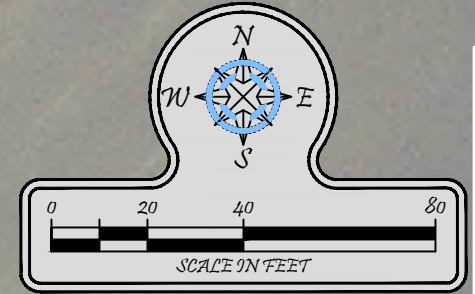
ADJACENT DOCKS

RY NO. 5875

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	07 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE
AND ARE TAKEN FROM THE AERIAL IMAGE.



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Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
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267 3RD ST W #2 **WIDTH OF WATERWAY**

RY NO. 5875

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	08 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



BENCHMARK LAND SERVICES, INC.

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

Tel. 239-591-0778
Fax. 239-591-1195

www.benchmarklandservices.com

SKETCH OF BOUNDARY SURVEY

SURVEY #23734

Property Address:

267 3rd Street W. Unit 2
Bonita Springs, FL 34134

Certified To:

Bradley Wingfelder; Sharon Wingfelder

Legal Description As Furnished:

Lot 2 Block G, Replat of Little Hickory Shores Unit 3, according to the plat thereof as recorded in Plat Book 6, Page (s) 2, of the Public Records of Collier County, Florida.

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

DATE OF SURVEY

01/23/2023

DRAWN BY

B.D.

COMPLETION DATE:

02/02/2023

CHECKED BY

K.S.

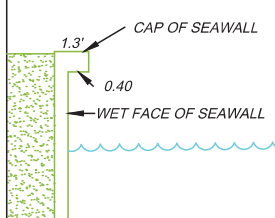
LABELED LINE: 02/13/2023

ADDED RIPARIAN INFO: 03/13/2023

Flood Zone Information:

Community Number: 120067 Panel: 0179 Suffix: H
Effective Date: 05/16/2012 Flood Zone: AH BFE: 10'
N.A.V.D. 1988

SEAWALL DETAIL: NOT TO SCALE



BEARINGS SHOWN HEREON ARE
BASED UPON A PLATTED BEARING OF
N 83°38'50" E FOR THE NORTH R/W OF
3RD STREET W. (L-1)

- L-1= N 83°38'50" E
62.46' (P.) 62.47' (M.) B.R.
L-2= N 11°21'00" W 51.71' (P.)
N 11°15'40" W 51.90' (C.)
L-3= N 11°19'24" W 25.15' (P.)
N 11°08'29" W 25.33' (M.)
L-4= N 78°39'00" E 4.32' (P. & C.)
L-5= S 11°21'00" E 57.38' (P. & M.)
L-6= S 11°21'00" E 33.91' (P. & M.)
L-7= S 83°38'50" W 30.11' (P.)
S 83°17'18" W 30.17' (M.)
L-8= N 67°05'34" E 30.61' (M.)
(SURVEY TIE-LINE)

C-1 (P. & C.)

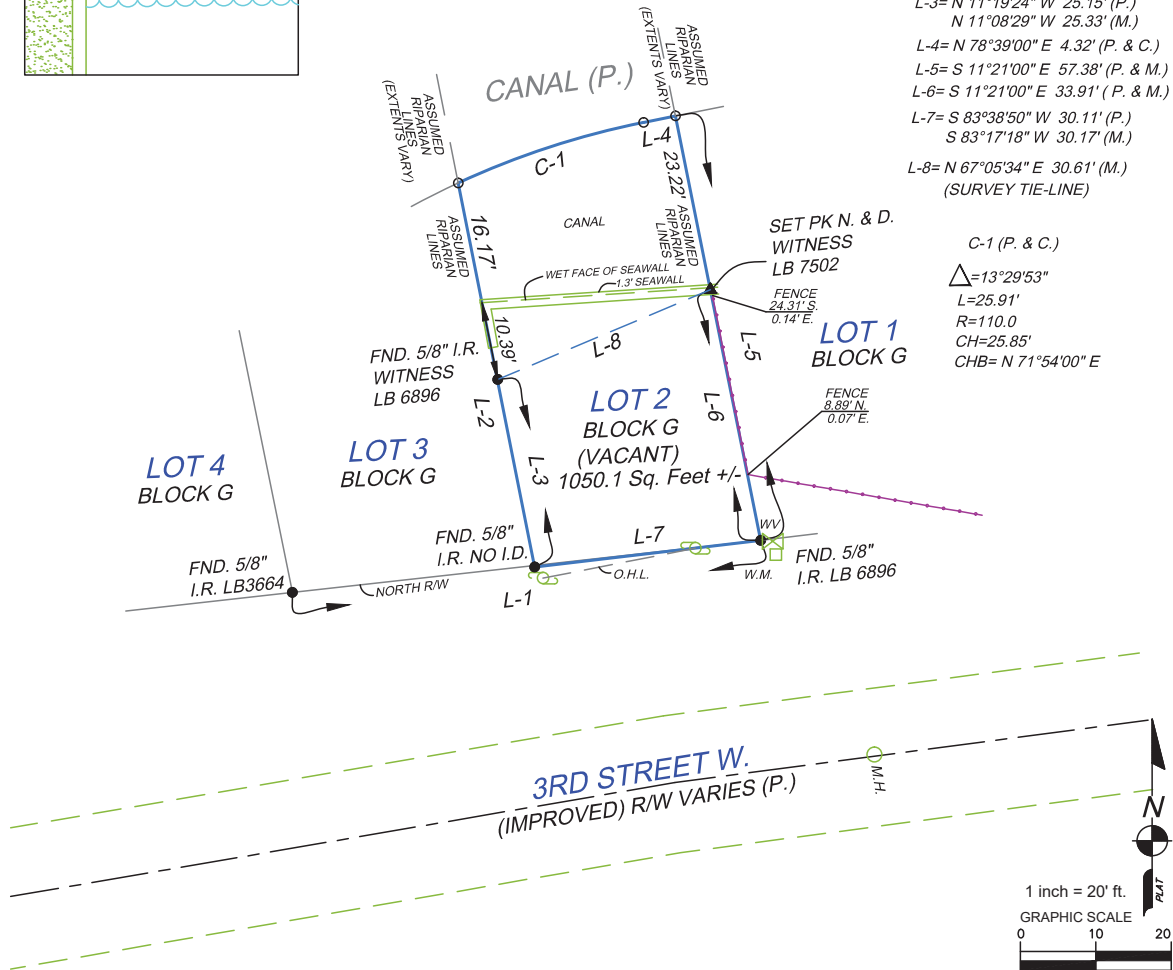
Δ=13°29'53"

L=25.91'

R=110.0

CH=25.85'

CHB= N 71°54'00" E



1. LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
3. UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
5. THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
6. ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
7. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
8. PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
9. WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (2)(d)(4) OF THE FLORIDA ADMINISTRATIVE CODE.
10. 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.
11. THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION OR PLANNING.
12. ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

POINTS OF INTEREST:

1. CONSULT LOCAL AGENCIES FOR YARDS OR RESTRICTIONS.

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

Kenneth Sarrio

Digitally signed by Kenneth Sarrio
Date: 2023.03.13 11:33:27 -0400

KENNETH SARRIO

Professional Surveyor and Mapper
PSM No. 6348 State of Florida



B.R. BEARING REFERENCE
C. CALCULATED
CATV. CABLE TV. RISER
C.U.E. COUNTY UTILITY ESMT.
D.E. DRAINAGE EASEMENT
D.H. DRILL HOLE
D. DEEDED
ELEC. ELECTRIC BOX
E.D.W. EDGE OF WATER
F.F. FINISHED FLOOR
FND. FOUND
I.D. IDENTIFICATION
I.R. IRON ROD

I.P. IRON PIPE
A.E. ACCESS EASEMENT
L.B.E. LAND SURVEYING BUSINESS
T.U.E. TECHNOLOGY UTILITY EASEMENT
L.C.U.E. LEE COUNTY UTILITY EASEMENT
M. FIELD MEASURED
M.E. LAKE MAINTENANCE EASEMENT
N.S.D. NAIL & DISK
O.H.L. OVERHEAD LINE
P. PLAT
P.C. POINT OF CURVATURE
P.C.C. POINT OF COMPOUND CURVATURE
P.C.P. PERMANENT CONTROL POINT
PK PARKER-KALON NAIL

P.I. POINT OF INTERSECTION
P.L.S. PROFESSIONAL LAND SURVEYOR
P.T. POINT OF TANGENCY
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
P.R.C. POINT OF REVERSE CURVATURE
P.R.M. PERMANENT REFERENCE MONUMENT
P.U.E. PUBLIC UTILITY EASEMENT
R.W. RIGHT OF WAY
O.U.E. ORANGE TREE UTIL. ESMT. UTIL. ESMT.
I.E. IRRIGATION EASEMENT
T.B.M. TEMPORARY BENCH MARK
TEL. TELEPHONE FACILITIES
T.O.B. TOP OF BANK

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

WV. EDGE OF PAVEMENT
WATER VALVE
POWER POLE
WELL
EXISTING FIRE HYDRANT
I.R. IRON ROD
CONCRETE MONUMENT
CATCH BASIN
E.P. EDGE OF PAVEMENT
B.M. BENCH MARK
LAMP POST
PLNT. PLANTER
NAIL
CONC. CONCRETE
N/A NOT APPLICABLE

109 PAGE 26

100 32

OCTOBER 27, 1987

Item #7B1

**RESOLUTION 87-260, PETITION PU-87-17C, COMMUNITY DEVELOPMENT DIVISION
REQUESTING PROVISIONAL USE "A" OF THE RSP-4 DISTRICT FOR
NON-COMMERCIAL BOAT LAUNCHING FACILITIES - ADOPTED**

Planner Weeks stated the property is located approximately 1/4 mile south of Bonita Beach Road, and 3/4 mile west of Vanderbilt Drive in the Little Hickory Shores Subdivision. He stated that the Board directed staff to initiate a Provisional Use for this property because of the small lot size which cannot be used for a principal structure. He said it appears that these lots were intended for boat dock lots, however, that is not indicated on the plat.

Mr. Weeks stated the CCPC has reviewed this petition and forwarded it with a recommendation of approval. He said correspondence on this petition was received, with six letters in favor and one in opposition. He noted the letter of opposition was due to misinformation and after clarification by Staff, the objection was verbally withdrawn. He said Staff recommends approval.

In response to Chairman Hasse, Planning/Zoning Director McKim stated the docks are for private use only, however, renting of boat docks is a problem throughout the County. She explained that Staff only becomes aware of this type of violation if there is a complaint.

Commissioner Pistor moved, seconded by Commissioner Goodnight and carried unanimously, that Resolution 87-260, Petition PU-87-17C, for non-commercial boat launching facilities for property located approximately 1/4 mile south of Bonita Beach Road and 3/4 mile west of Vanderbilt Drive, be adopted.

Page 14

RESOLUTION 87- 260

OCT 27 1987

RELATING TO PETITION NO. PU-87-17C FOR
PROVISIONAL USE OF PROPERTY HEREINAFTER
DESCRIBED IN COLLIER COUNTY, FLORIDA.

WHEREAS, the Legislature of the State of Florida in Chapter 67-1246, Laws of Florida, and Chapter 125, Florida Statutes, has conferred on Collier County the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, The County pursuant thereto has adopted a Comprehensive Zoning Ordinance establishing regulations for the zoning of particular geographic divisions of the County, among which is the granting of provisional uses; and

WHEREAS, the Collier County Planning Commission, being the duly appointed and constituted planning board for the area hereby affected, has held a public hearing after notice as in said regulations made and provided, and has considered the advisability of Provisional Use "a" in a RSF-4 zone for the property hereinafter described, and has found as a matter of fact (Exhibit "A") that satisfactory provision and arrangement has been made concerning all applicable matters required by said regulations and in accordance with Section 13 - 1d of the Zoning Regulations for the Collier County Planning Commission; and

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

NOW, THEREFORE BE IT RESOLVED, BY THE BOARD OF ZONING APPEALS of Collier County, Florida that the petition of Community Development Division, representing the Board of County Commissioners, with respect to the property hereinafter described as:

Lots 1 through 23, Block "G", Little Hickory Shores,
Unit #3, as recorded in Plat Book 6, Page 2, Official
Records of Collier County

OCT 27 1987

3.B.d

be and the same is hereby approved for Provisional Use "a" of the RSF-4 zoning district for Non-Commercial Boat Launching Facilities, subject to the following conditions:

- a. At time of obtaining a dock permit, a right-of-way permit shall be obtained and the owner shall provide access improvements to prevent damage to the roadway and roadway drainage improvements.
- b. All boat docks erected on the subject lots must comply with Section 8.46 of the Zoning Ordinance (82-2).

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

Commissioner Pistor offered the foregoing resolution and moved its adoption, seconded by Commissioner Goodnight and upon roll call, the vote was:

AYES: Commissioners Pistor, Goodnight, Glass, Saunders and Hasse

NAYS: None

ABSENT AND NOT VOTING: None

ABSTENTION: None

Done this 27th day of October, 1987.

BOARD OF ZONING APPEALS
COLLIER COUNTY, FLORIDA

BY: Max A. Hasse, Jr.
MAX A. HASSE, JR., CHAIRMAN

ATTEST:
JAMES C. GILES, CLERK

By: Virginia Magri
Virginia Magri, Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

R. Bruce Anderson
R. BRUCE ANDERSON
ASSISTANT COUNTY ATTORNEY

PU-87-17C Resolution

OCT 27 1987

EXHIBIT A

FINDING OF FACT
BY
COLLIER COUNTY PLANNING COMMISSION
FOR
A PROVISIONAL USE PETITION
FOR

PU-87-17C

The following facts are found:

1. Section 7.11b.3)(a) of the Zoning Ordinance authorized the provisional use.
2. Granting the provisional use will not adversely affect the public interest and will not adversely affect other property or uses in the same district or neighborhood because of:
 - A. General compliance with the Comprehensive Plan:
Complies with Comprehensive Plan
Yes ☒ No ☐
 - B. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:
Adequate ingress & egress
Yes ☒ No ☐
 - C. Affects neighboring properties in relation to noise, glare, economic or odor effects:
☒ No effect or ☐ Affect mitigated by _____
_____ Affect cannot be mitigated
 - D. General compatibility with adjacent properties and other property in the district:
Compatible use within district
Yes ☒ No ☐

Based on the above findings, this provisional use should, with stipulations, (copy attached) ~~(should not)~~ be recommended for approval

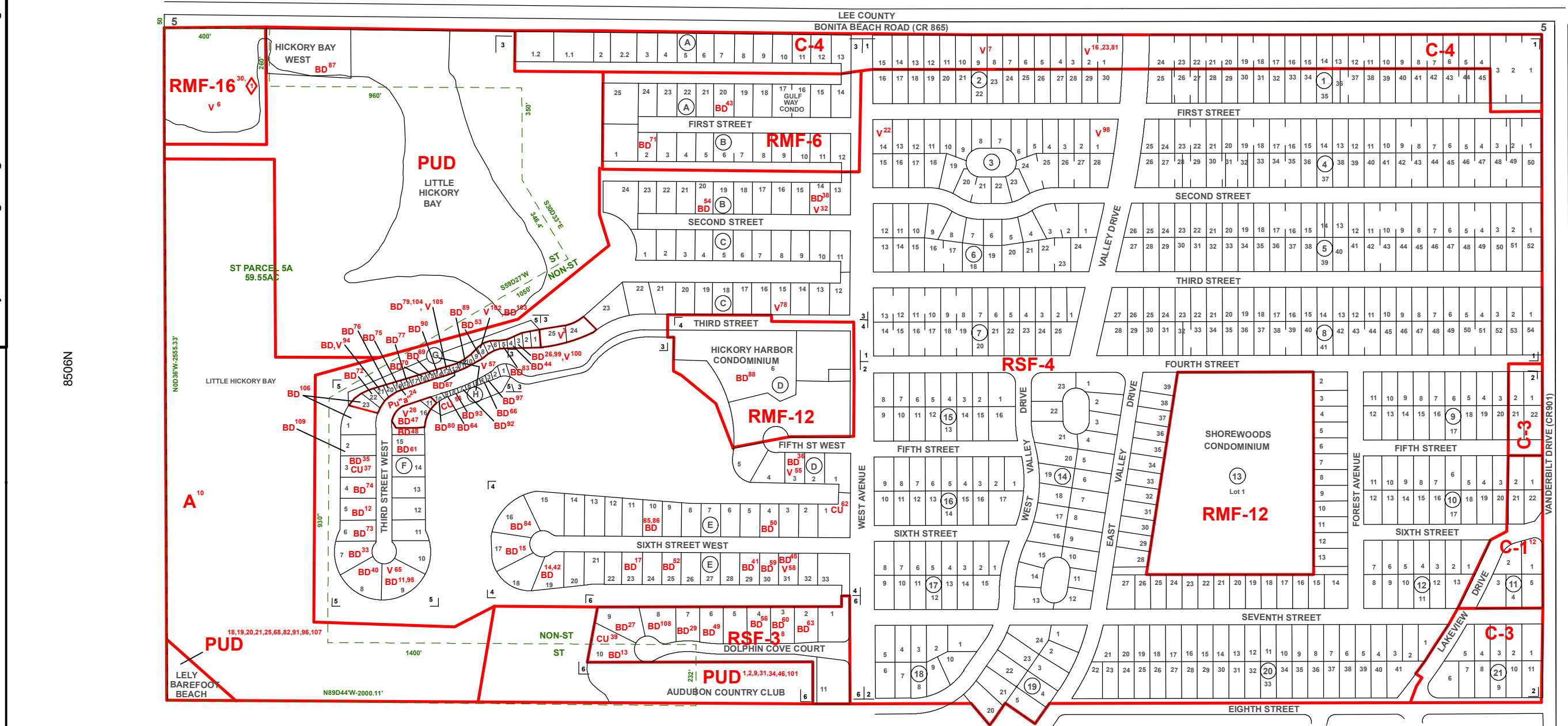
DATE: 10/1/87

Chairman: *[Signature]*

FINDING OF FACT FORM

The Historic/Archaeological Probability Maps are the official County source designating historic or archaeological resources.

LAST REVISION: ZONING 9/18/2023 OTHER



8505S

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

BY _____ CHAIRMAN
ATTEST _____ CLERK

SUBDIVISION INDEX

NO.	NAME	P.B.	Pg.
1	BONITA SHORES NO.1	3	1
2	BONITA SHORES NO.2	3	43
3	LITTLE HICKORY SHORES NO.1	3	6
4	LITTLE HICKORY SHORES NO.2	3	79
5	LITTLE HICKORY SHORES NO.3 (REPLAT)	6	2
6	DOLPHIN COVE	19	55-56

ZONING NOTES

1 R-82-11-C
2 R-87-12C
3 V-88-12 88-282
4
5
6 3-11-97 V-96-33 97-165
7 11-19-85 V-85-28C 85-241
8 6-25-91 R-91-4 91-54
9 6-25-91 PUD-87-12(1) 91-53
10 LDC-91 BD-92-1 92-4
11 3-15-92 BD-95-28 95-32
12 12-17-92 BD-92-9 92-29
13 12-17-92 BD-93-5 93-15
14 5-20-93 BD-93-6 93-14
15 5-20-93 BD-93-6 93-14
16 11-23-93 V-93-29 93-548
17 11-23-93 BD-93-20 93-37
18 PDA-85-12C
19 PDA-86-17C
20 PDA-86-18C
21 8-2-88 PDA-88-7 88-63
22 1-25-94 V-93-34 94-36
23 1-25-94 V-93-34 94-36
24 10-27-87 PU-87-17C 87-280
25 5-24-94 PUD-77-19(6) 94-28
26 6-15-95 BD-95-6 95-19
27 9-7-95 BD-95-13 95-31
28 9-12-95 V-95-12 95-533
29 11-2-95 BD-95-18 95-47
30 12-12-96 R-95-8 95-75
31 1-8-96 PUD-82-11(3) 96-1
32 9-10-96 V-96-16 96-419
33 10-3-96 BD-96-15 96-35
34 11-2-96 BD-96-11(4) 96-38
35 12-5-96 BD-96-22 96-47
36 12-19-96 BD-96-22 96-47
37 1-14-97 CU-86-22 97-50
38 4-3-97 BD-97-6 97-12
39 4-22-97 CU-97-6 97-223
40 5-15-97 BD-97-11 97-18
41 7-3-97 BD-97-17 97-36
42 9-4-97 BD-97-17 97-36
43 6-4-98 BD-98-10 98-20
44 5-21-98 BD-98-20 98-25
45 9-17-98 BD-98-30 98-39
46 11-1-98 BD-98-32 98-46
47 11-5-98 BD-98-32 98-46
48 11-5-98 BD-98-32 98-46
49 12-17-98 BD-98-38 98-55
50 12-3-98 BD-98-38 98-53
51 5-11-99 CU-99-4 99-236
52 6-3-99 BD-99-8 99-22
53 8-19-99 BD-99-16 99-30
54 8-5-99 BD-99-12 99-28
55 10-26-99 V-99-13 99-400
56 1-20-00 BD-99-26 00-01
57 3-1-00 V-99-27 00-85
58 3-14-00 V-99-27 00-85
59 2-17-00 BD-99-28 00-03
60 5-4-00 BD-00-9 00-5
61 6-1-00 BD-00-8 00-16
62 5-23-00 CU-00-1 00-157
63 7-23-00 BD-00-13 00-19
64 9-7-00 BD-00-18 00-25
65 10-10-00 V-00-18 00-35
66 11-16-00 BD-00-26 00-34
67 5-3-01 BD-01-AR-35(1) 01-99
68 8-28-01 PUDA-AR-34(1) 01-25
69 10-4-01 BD-01-AR-12(1) 01-25
70 4-4-02 BD-01-AR-1608 02-03
71 9-5-02 BD-02-AR-2416 02-05
72 9-16-02 BD-02-AR-2564 02-05
73 12-19-02 BD-02-AR-3019 02-10
74 2-5-04 BD-03-AR-4689 04-02
75 7-15-04 BD-04-AR-5697 04-08
76 7-15-04 BD-04-AR-5699 04-07
77 7-15-04 BD-04-AR-5693 04-06
78 5-24-05 V-04-AR-8970 05-213
79 5-15-05 BD-05-AR-7155 05-06
80 5-15-05 BD-05-AR-7155 05-06
81 4-25-06 V-05-AR-3857 06-108
82 5-23-06 PUD-04-AR-6233 06-22
83 4-19-07 BD-06-AR-10900 07-04
84 5-17-07 BD-06-AR-11004 07-05
85 12-6-07 BD-07-AR-12154 07-08
86 4-22-08 ADA-07-AR-12714 08-119
87 11-22-08 BD-08-AR-13305 08-05
88 5-6-10 BD-PL-10-1297 10-02
89 12-2-10 BD-PL-10-1297 10-06
90 2-3-11 BD-PL-10-1313 11-01
91 1-1-11 BD-PL-10-1313 11-01
92 9-6-12 BD-PL-12-25 12-07
93 10-6-11 BD-PL-10-1473 11-06
94 7-20-16 VA-PL-15-2429
95 12-20-17 BD-PL-16-541 HEX-17-35
96 9-11-18 PUDA-PL-17-4421 18-41
97 1-18-19 BDE-PL-17-2736 HEX-19-02
98 2-21-19 VA-PL-18-2673 HEX-19-08
99 1-29-20 BDE-PL-18-3700 HEX-20-02
100 1-29-20 VA-PL-17-1598 HEX-20-03
101 1-29-20 VA-PL-17-1598 HEX-20-03
102 7-14-20 VA-PL-15-2682 20-28
103 6-11-20 BDE-PL-16-1982 CCPC 20-02
104 6-8-21 VA-PL-20-2151 HEX-21-17
105 9-24-21 BD-PL-20-1106 HEX-21-18
106 5-12-22 PD-PL-21-2729 HEX-22-02
107 5-12-22 BD-PL-22-501 HEX-22-04
108 3-10-23 BDE-PL-20-1107 HEX-23-23
109 8-9-23 BDE-PL-20-1107 HEX-23-23

DEVELOPMENT STANDARDS MODIFICATIONS
12-12-95 R-95-B 95-75

COLLIER COUNTY, FLORIDA

COMMUNITY DEVELOPMENT DIVISION

TWP 48S RNG 25E SEC(S) 5 NO 1/2

SCALE
0 400

MAP NUMBER:
8505N

N

12



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

Boat Dock Facility Extension OR Boathouse Establishment Petition
Land Development Code Section 5.03.06
Chapter 3 B of the Administrative Code

THIS PETITION IS FOR (check one):



DOCK EXTENSION



BOATHOUSE

APPLICANT INFORMATION

Name of Property Owner(s): Bradley and Sharon Wingfelder

Name of Applicant if different than owner: _____

Address: 5412 Planter's Wood Ct. City: MISSISSAUGUA State: ON ZIP: L5M5V6

Telephone: _____ Cell: _____

E-Mail Address: _____

Name of Agent: Nick Pearson

Firm: Bayshore Marine Consulting, LLC

Address: 2025 Monroe Ave. City: Naples State: FL ZIP: 34112

Telephone: 239-404-7982 Cell: _____

E-Mail Address: Nick@BayshoreMarineConsulting.com

PROPERTY LOCATION

Section/Township/Range: 5 / 48 S / 25 E Property I.D. Number: 5600 07200 04

Subdivision: Little Hickory Shores Unit: 3 Lot: 2 Block: G

Address/ General Location of Subject Property:

267 3RD ST W, Bonita Springs FL 34134 / 0.23 miles south of Bonita Beach Rd. and 0.24 miles west of West Ave.

Current Zoning and Land use of Subject Property:

RSF-4 / vacant

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

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	N/A	open water
S	RSF-4	vacant except for boat dockage
E	RSF-4	vacant
W	RSF-4	vacant except for boat dockage

DESCRIPTION OF PROJECT

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

See attached narrative

SITE INFORMATION

1. **Water Width:** 125 ft. Measurement from: ☐ plat ☒ survey ☐ visual estimate
_____ ft. other (specify)

2. **Total Property Water Frontage:**
30 ft.

3. **Setbacks:** Provided: 0 ft.
Required: 7.5 ft.

4. **Total Protrusion of Proposed Facility into Water:**

38

5. **Number and Lengths of Vessels to Use Facility:**

- 38 ft.
- 12 ft.

6. **If applicable, the distance between dock facilities per the Land Development Code section 5.03.06 H.1.d.**
_____ ft.

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

There is one dock facility to the west that is oriented also in a shore-normal configuration. This facility appears to protrude approximately 33' into the waterway from the estimated MHWL.

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

.04 Acres

9. Official Interpretations or Zoning Verifications:

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

DOCK EXTENSION PRIMARY CRITERIA

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

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% of the width of the waterway, and whether or not a minimum of 50% of the waterway width between dock facilities on either side of the waterway is maintained for navigability. (The facility should maintain the required percentages.)
5. Whether or not the proposed location and design of the dock facility is such that the facility would not interfere with the use of neighboring docks. (The facility should not interfere with the use of legally permitted neighboring docks.)

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DOCK EXTENSION SECONDARY CRITERIA

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

BOATHOUSE CRITERIA

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

1. Minimum side setback requirement: Fifteen feet.
2. Maximum protrusion into waterway: Twenty-five percent of canal width or 20 feet, whichever is less. The roof alone may overhang no more than 3 feet into the waterway beyond the maximum protrusion and/or side setbacks.
3. Maximum height; Fifteen feet as measured from the top of the seawall or bank, whichever is more restrictive, to the peak or highest elevation of the roof.
4. Maximum number of boathouses and covered structures per site: One.
5. All boathouses and covered structures shall be completely open on all 4 sides.
6. Roofing material and roof color shall be the same as materials and colors used on principal structure or may be a palm frond "chickee" style. A single-family dwelling unit must be constructed on the subject lot prior to, or simultaneously with, the construction of any boathouse or covered dock structure.
7. The boathouse or covered structure must be so located as to minimize the impact on the view of the adjacent neighbors to the greatest extent practical.



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ASSOCIATIONS

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

Name of Homeowner / Civic Association: _____

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

Name of Homeowner / Civic Association: _____

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

Name of Homeowner / Civic Association: _____

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

Name of Homeowner / Civic Association: _____

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

Name of Homeowner / Civic Association: _____

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



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GROWTH MANAGEMENT DEPARTMENT
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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.



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

☐ Bayshore/Gateway Triangle Redevelopment: Executive Director	☐ Historical Review
☐ Addressing: Annis Moxam	☐ Parks and Recreation: David Berra
☐ City of Naples: Robin Singer, Planning Director	☐ School District (Residential Components): Amy Lockheart
☐ Conservancy of SWFL: Nichole Johnson	☒ Other: <u>ENVIRONMENTAL</u>
☐ 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

7/17/23

Date



ADDRESSING CHECKLIST

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

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

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

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

LOCATION INFORMATION

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

56000720004

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

LITTLE HICKORY SHORES UNIT 3 REPLAT BLK G LOT 2

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

267 3RD ST W, Unit 2, Bonita Springs FL 34134

PROJECT INFORMATION

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

CURRENT PROJECT NAME

PROPOSED PROJECT NAME

Wingfelder BDE - 267 3rd St W

PROPOSED STREET NAME(s)

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



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PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
Bradley and Sharon Wingfelder	100

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership



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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

- g. Date subject property acquired _____

☐ Leased: Term of lease _____ years /months

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



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Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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

Agent/Owner Signature

7/17/2023

Date

Nick Pearson

Agent/Owner Name (please print)

75,000.00
This Instrument Prepared by & return to:

Name: Nancy Drexler Hensley, an employee of
Palm Title Associates, Inc.
Address: 1591 Hayley Lane, Suite 202
Fort Myers FL 33907
File No. 1-17-1080-NHOR

Parcel I.D. #: 56000720004

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 30th day of May, A.D. 2017, by **JAMES J. NAIVE** and **JENNIFER L. NAIVE, husband and wife**, hereinafter called the grantors, to **BRADLEY PAUL WINGFELDER** and **SHARON ANN WINGFELDER, husband and wife**, whose post office address is **5412 Planter's Wood Ct, Mississauga, Ontario Canada L5M5V6**, hereinafter called the grantees:

(Wherever used herein the terms "grantors" and "grantees" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees all that certain land situate in **Lee County, State of Florida**, viz:

Lot 2, Block G, Replat of Little Hickory Shores Unit 3, according to plat thereof as recorded in Plat Book 6, Page 2, of the Public Records of Collier County, Florida.

SUBJECT TO TAXES FOR THE YEAR 2017 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

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 grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant 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, 2016.

Attachment: Attachment E - Applicant's Backup - PL20220006082 - PL20220006082 (27322 : PL20220006082 BD 267 3rd Street West - Wingfelder Dock)

In Witness Whereof, the said grantors have signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Michelle Ciano
 Witness Signature
Michelle Ciano
 Printed Name
Barbara Jaenisch
 Witness Signature
Barbara Jaenisch
 Printed Name

James J. Naive L.S.
 James J. Naive

Address:
 7803 Rollington Road, Pewee Valley, KY 40056

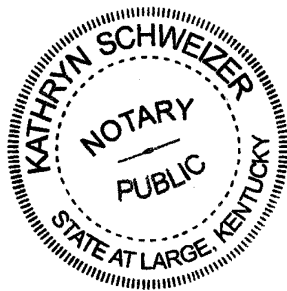
Jennifer L. Naive L.S.
 Jennifer L. Naive

Address:
 7803 Rollington Road, Pewee Valley, KY 40056

STATE OF Kentucky
 COUNTY OF Jefferson

The foregoing instrument was acknowledged before me this 30th day of May, 2017,
 by James J. Naive and Jennifer L. Naive, who are known to me or who have produced
Driver's Licenses as identification and who did not take an oath.

NOTARY SEAL



Kathryn Schweizer
 Signature of Notary
 My commission expires 12-21-2019

858-0785

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220006082 and PL20230006299

I, Bradley Wingfielder (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 Nick Pearson 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.

Bradley Wingfielder
Signature

May 23, 2023
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of May, 2023, by (printed name of owner or qualifier) Bradley Wingfielder

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

- ☐ Are personally known to me
- ☒ Has produced a current drivers license W4489-09576-30130
- ☐ Has produced _____ as identification

Notary Signature: [Signature]



Shahzad Ahmed Quadri
Notary Commission #69209Q
Ontario, Canada

CP08-COA-00115155
REV 3/4/2020

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20220006082 and P1 20230009298

I, Sharon Wingfelder (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 Nick Pearson 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.

Sharon Wingfelder
Signature

May 23 2023
Date

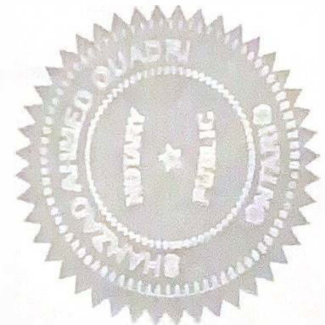
STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of May 2023, by (printed name of owner or qualifier) Sharon Wingfelder

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

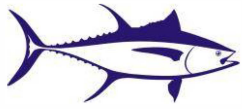
- ☐ Are personally known to me
- ☒ Has produced a current drivers license W4489-70316-65803
- ☐ Has produced _____ as identification

Notary Signature: [Signature]



CP08-COA-00115155
REV 3/4/2020

Shahzad Ahmed Quadri
Notary Commission #69209Q
Ontario, Canada



TURRELL, HALL & ASSOCIATES, INC.

Marine & Environmental Consulting

3584 Exchange Avenue • Naples, Florida 34104-3732 • 239-643-0166 • Fax (239) 643-6632 • tuna@thanaples.com

267 3rd St. West (Lot #2)- BDE Petition #PL20220006082
Narrative Description of Project

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

The property at 267 3rd St. W (Lot #2), owned by Bradley and Sharon Wingfelder since May of 2017, is an unconventionally sized, boat slip lot located in the Little Hickory Shores subdivision of Bonita Springs. It is platted as being 30' in width and fluctuating from 52 to 57' in depth. However, the seawall was originally constructed landward of the plat boundary, and so the actual depth fluctuates from 40 to 38'. The seawall shoreline matches the lot width at 30 linear feet.

The lot is zoned RSF-4, which is intended for development with single-family residences. However, because of the lot's small size, it cannot support a principle structure and so was approved with the other lots on the street for a conditional use, to be used essentially solely for boat dockage. As such, the lot is currently vacant with exception to the seawall and there are no docks present on the site. The subject property and its riparian area was originally dredged from land per the enclosed historic aerial overlay.

We propose to construct a single 3' wide by 38' long finger pier that would extend from the seawall/MHWL (which is the most restrictive point) and provide access to 2 boatlifts. One of the boatlifts would provide access to personal watercraft. And the other lift would provide access to a single, 38' LOA vessel. The max protrusion of the facility would be equal to 38'. The proposed overwater structure will amount to a total of 107 square feet. This would allow for protrusion of 18' beyond the normally allowed 20' of protrusion for this location.

This design will also require a side setback variance from both side lot lines. The typical side setbacks required for properties with less than 60' of water frontage is 7.5'. The proposed dock will provide 0' side setbacks from both riparian lines. The side setbacks proposed per this design will be addressed by a separate, companion variance petition.

The waterway at this location is a minimum of approximately 125' in width. With the proposed dock utilizing 38' of this width, the remaining width is 87'. The opposite side of the waterway is owned by a residential condominium and is comprised entirely of mangroves. This location has been designated as a preserve and so will likely never be developed. Therefore, it is reasonable to believe that the waterway width should remain as 87' in perpetuity. This width is sufficient for navigation to occur and so the proposed project should not cause navigational issues.

Views should not be majorly affected either considering that the project is actually very typical for the area. Per exhibit 07 of 08, Several other docks present larger protrusion amounts, and cover more area of the water with canopy structures.

Lastly, there are no seagrasses or other resources growing within the vicinity of the project site. Therefore, there is no reason to believe this project will cause any environmental impacts either.

Considering the details above, we believe that this BDE would therefore allow the property owner to make reasonable use of the waterway and docking facility for mooring and other water-based recreational activities while also maintaining the ability to safely ingress and egress with the applicant's vessels.

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 RSF-4 for a single-family residential unit which warrants no more than 2 slips per the CC-LDC. The proposed project consists of single dock with 2 boat lifts. Furthermore, nearly all other boat slip lots in the area have similar docking facilities with 2 boat slips. This criteria is therefore met.

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

Most boatlifts vary between 10' and 15' in length and width on the lift pile centers. If a lift of this general size was installed inside the 20' protrusion limit per Collier County's L.D.C. (ignoring the fact that there is no reasonable way to fit the vessel proposed inside the riparian lines and normal protrusion limit), then this lift would be placed in approximately 3 to 4' of water at low tide. Subtracting approximately 2' of that depth (which is required for the lift's bunks and cradle) would leave approximately 1 to 2' of water for the larger proposed vessel to operate in. This depth is not sufficient to float the 38' LOA vessel proposed, as most vessels of this size require 2 to 3' of water above the lift in order to launch. This criteria is therefore met.

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

There is no marked or charted channel at or adjacent to the proposed project location. Therefore, no marked or charted channels will be affected by the proposed project and this criteria is met.

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

The waterway at this location is 125' wide at its narrowest location. The applicant is proposing a dock and vessel that will protrude 38' into the waterway from the face of seawall/MHWL. This protrusion amounts to 30% of the waterway width, which means that this criteria is automatically not met. However, the opposite shoreline appears to not be buildable as it has been placed within a preserve. Therefore, we can safely assume that all 87' of remaining waterway will be left for navigation, which accounts for 70% of the waterway. As previously stated, this criteria is not 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.)

This dock facility is oriented in the same direction as all other docks along this portion of the waterway, which is in a shore-normal configuration. Neither the proposed side setbacks nor the protrusion being proposed is atypical for the area, and no neighboring docks should be affected by the project. This criteria is therefore met.

SECONDARY CRITERIA

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

The parcel on which the proposed project is located is an unconventional sized lot that is too small for a principal structure to be located, and is intended essentially exclusively for the use of boat mooring. The lot is also too narrow (especially when considering the standard 7.5' side setbacks from both riparian lines) to reasonably moor a boat in a shore parallel configuration, which all but requires mooring in a shore-normal configuration. A shore normal configuration within the standard protrusion limit per Collier County's L.D.C. would limit the property owner to mooring boats of 20' LOA or less, which would severely restrict the overall and intended use of the lot. Furthermore, nearly all of the adjacent boat slip lots already have docks with similar configurations, protrusions, and provided side setbacks. This criteria is therefore met.

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

The proposed facility will utilize only a 3' wide by 43' long area of decking which totals 127 total square feet. This width is the minimum recommended safe width for a finger dock, and the length is required so as to adequately provide access to the larger vessel. Furthermore, most all other docks in the area utilize a larger area of decking than that which is proposed in this project. This criteria is therefore met.

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

In order to meet this criteria, the applicant would need to propose mooring of only a single vessel of 15' LOA or less, which would be in our opinion, excessively restrictive for the site's intended use. The length of all vessels proposed (40' and 12') in this petition together do exceed 50% of the property's 30' of shoreline. This criteria is therefore not met.

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

The proposed dock configuration will be in line with the other docking facilities on the street per exhibit 07 of 08. Additionally, the use of the facility for private,

recreational purposes will be consistent with the surrounding area as well. Therefore, the proposed project should not constitute a major impact to views of the neighbors. This criteria is therefore met.

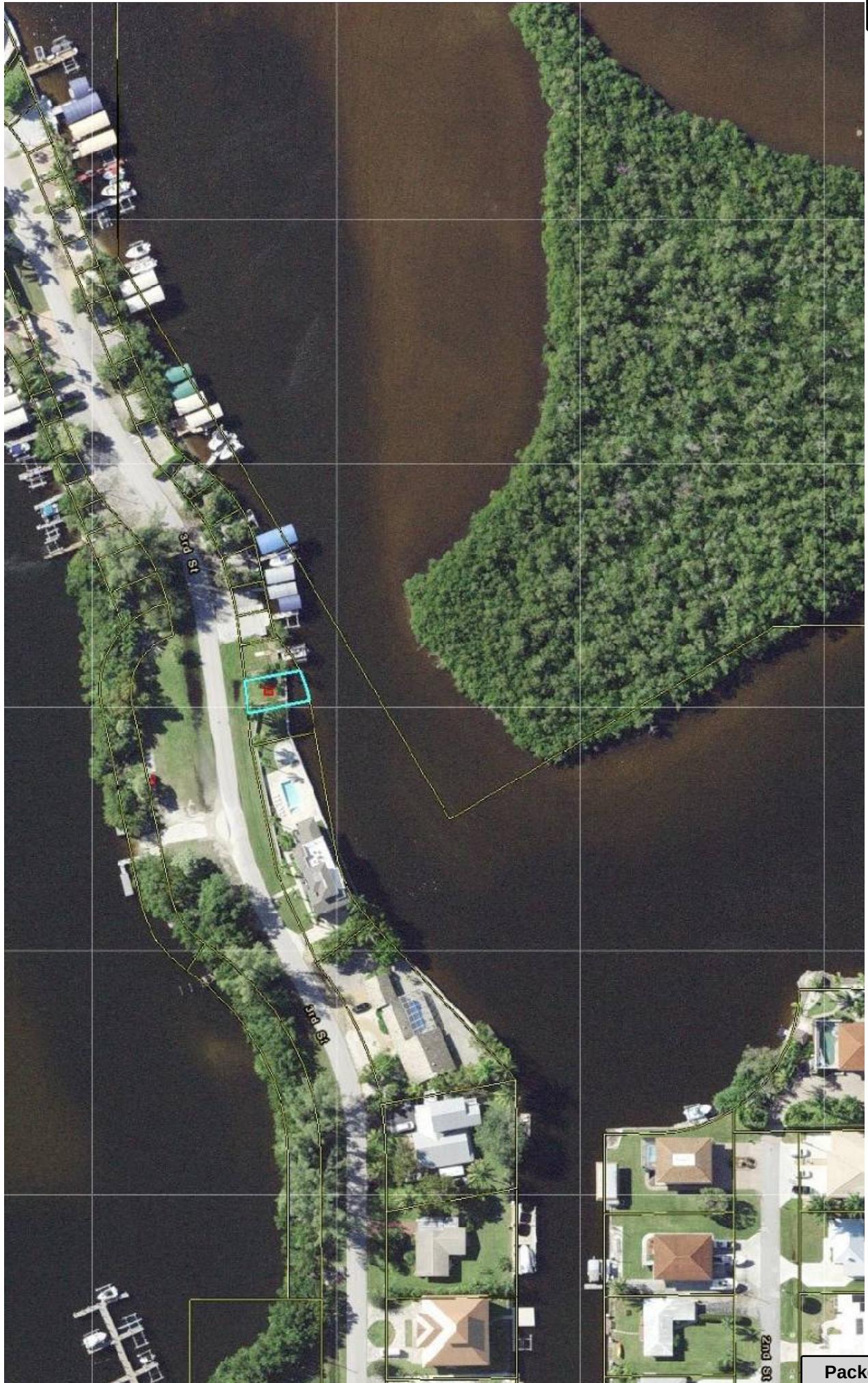
5. Whether or not seagrass beds are located within 200 feet of the proposed dock facility. (If seagrass beds are present, compliance with LDC subsection 5.03.06 J must be demonstrated.)

There are no seagrass beds present a 200' area surrounding the subject property and so no impacts to seagrasses are expected as a result of the proposed project. This criteria is therefore 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.)

Section 5.03.06 of Collier County's Land Development Code (LDC) stipulates that "multi-slip docking facilities with 10 or more slips will be reviewed for consistency with the Manatee Protection plan (MPP)". The proposed project is for a private, recreational 2-slip dock associated with a single-family zoned lot in Little Hickory Shores. The proposed facility does not have more than 10 slips and so is not subject to review for consistency with Collier County's MPP. This criteria is therefore not-applicable per county staff's usual interpretation of the LDC.





**267 3RD ST. W, UNIT #2
BONITA SPRINGS, FL 34134
FOLIO #56000720004**

**SUBMERGED RESOURCE SURVEY REPORT
SEPTEMBER 2022**

PREPARED BY:

**TURRELL, HALL &
ASSOCIATES, INC.** 
Marine & Environmental Consulting
PHONE: 239-643-0166 WWW.THANAPLES.COM

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1 INTRODUCTION

Turrell, Hall & Associates, Inc. (THA) has been contracted to provide environmental services in the form of a Submerged Resource Survey (SRS) at a property addressed as 267 3rd St. W, Unit #2 in Bonta Springs, FL 34134. The site is located within Section 5, Township 48 S, and Range 25 E of Collier County and can be identified by folio #56000720004. This resource survey will provide planning assistance to both the property owner and regulating agencies during any review processes for the proposed project.

The subject property consists of a 0.04-acre parcel that can be found approximately 0.25 miles west of West Ave. and approximately 0.22 miles south of Bonita Beach Rd. on Little Hickory Bay. The parcel is currently a vacant lot with exception only to a seawall measuring 30 feet in length that spans the distance between the side lot lines. The property is neighbored to the south, east, and west by similarly zoned vacant lots. The lots to the south and west have dock facilities, and the lot to the south has a boat ramp. None of the neighboring lots have building structures on the uplands.

The SRS was conducted on September 13, 2022, between approximately 10:00 a.m. and 11:00 a.m. Site conditions consisted of partly cloudy skies with a slight breeze. Water clarity was adequate and allowed approximately 2-3 feet of visibility. The ambient air temperature was approximately 86 degrees Fahrenheit and wind speeds averaged 5 mph from the northwest. The average ambient water temperature was approximately 84 degrees Fahrenheit. Low tide occurred prior to the site visit at approximately 5:52 a.m. and reached approximately 1.30 feet above the Mean Low Water Mark. High tide was achieved following the site visit at approximately 12:16 a.m., reaching approximately 2.00 feet above the Mean Low Water Mark.

2 OBJECTIVE

The objective of the SRS was to identify and locate any existing submerged resources within 200 feet of the proposed docking facility expansion. Ordinarily, if seagrasses are present within the vicinity of a project area, an analysis will be required regarding species, percent coverage, and impacts projected by the proposed project. The presence of seagrasses may be ample cause for re-configuration of the design for projects over surface waters in order to minimize impacts. The general scope of work performed during a typical submerged resource survey is summarized below:

- THA personnel will conduct a site visit and swim a series of transects within the project site in order to verify the location of any submerged resources.
- THA personnel will identify submerged resources within the vicinity of the site and produce an estimate of the percent coverage of any resources found.
- THA personnel will delineate the approximate limits of any submerged resources observed via a handheld GPS device.

3 METHODOLOGY

THA biologists intentionally designed the methodology of the SRS to cover not only the entire property shoreline for the proposed dock installation but also a 200 ft. area surrounding the proposed site. The components utilized for this survey included:

- Reviewing aerial photography of the surveyed area.
- Establishing survey transect lines (spaced approximately 10 feet apart) overlaid onto aerials. (See attached Exhibits)
- Physically swimming the transects, GPS locating the limits of any submerged resources found, and determining the percent coverage within the area.
- Documenting and photographing all findings

The surveyed area was evaluated systematically by following the established transect lines throughout the project site as shown on the attached exhibit. Neighboring properties, docking facilities, and other landmarks provided reference markers which assisted in maintaining correct positioning over each transect.

During this SRS, one THA staff member swam the transect lines using snorkel equipment while a second remained on the shore taking notes and compiling findings on an aerial of the project site. Ordinarily, if any resources are found, they are photographed, GPS located, delineated, and analyzed for percent coverage within the area via a half meter square quadrat.

4 RESULTS

The substrate found within the surveyed area consists of sandy material and frequent shell debris. Depths increased gradually with distance from the shoreline to the middle of the waterway from approximately 2 to 10 feet. During the submerged portion of the survey, no seagrasses, oysters, or other resources were observed in any capacity. Accordingly, no impacts to submerged resources are expected to occur as the result of the proposed project. A list of species observed during the SRS can be seen below in Table 1.

Table 1: Observed species of wildlife and vegetation within the vicinity of the project site

Common Name	Scientific Name
Eastern mudminnow	<i>Umbra pygmaea</i>
Sheepshead	<i>Archosargus probatocephalus</i>
Mangrove snapper	<i>Lutjanus griseus</i>
Eastern oyster	<i>Crasostrea virginica</i>
Crowned conch	<i>Melongena corona</i>
Red mangrove	<i>Rhizophora mangle</i>
Black mangrove	<i>Avicennia germinans</i>
White mangrove	<i>Laguncularia racemosa</i>

5 CONCLUSION

The submerged resource survey was conducted and completed throughout a 200-foot wide area surrounding the project site and yielded no results. No seagrasses or other resources were observed anywhere within the vicinity of the project site. Accordingly, negative impacts to submerged resources are not expected as a result of any dock project at this location.

6 PHOTOS



Photo 1: View of the project site's riparian area

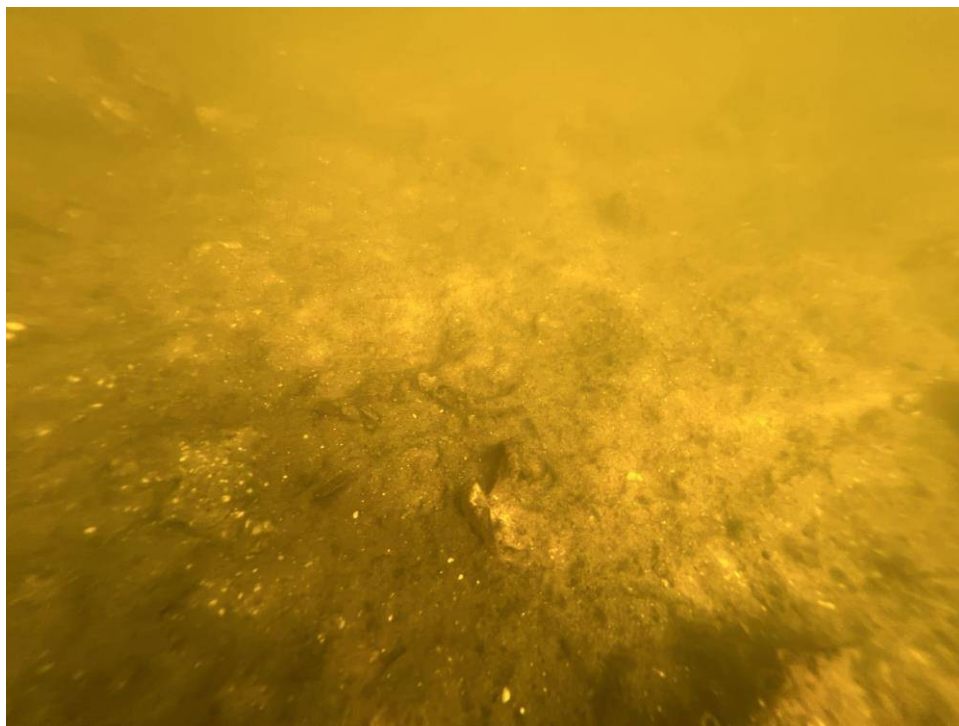
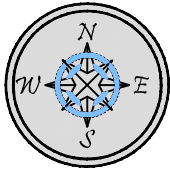
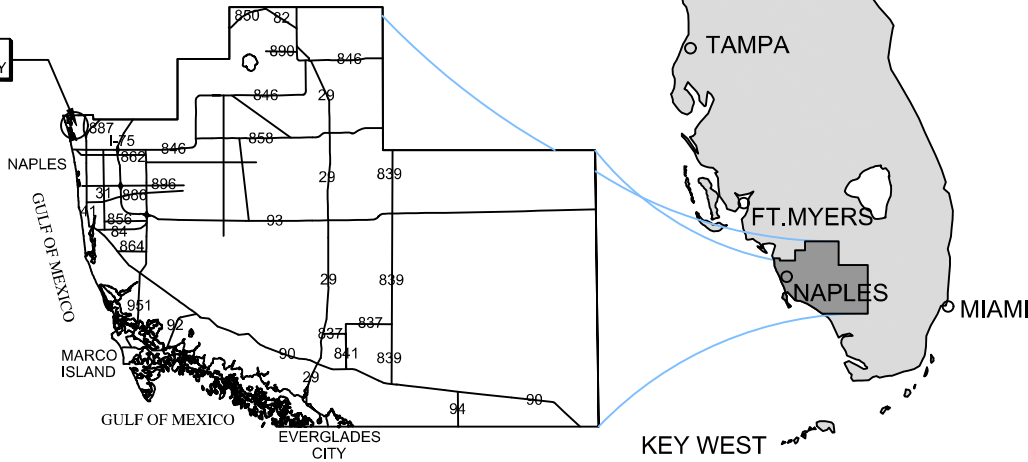


Photo 2: Typical view of the silty sand substrate observed on the seafloor at the project site.

STATE OF FLORIDA

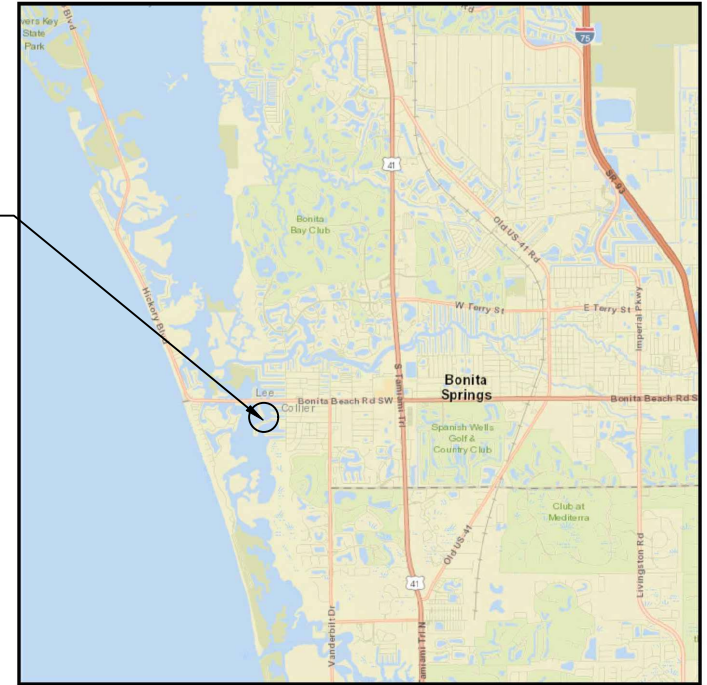


SUBJECT
PROPERTY



COLLIER COUNTY

SUBJECT
PROPERTY



VICINITY MAP

SUBJECT
PROPERTY



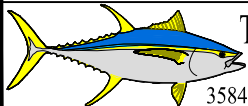
COUNTY AERIAL

SITE ADDRESS:

<> 267 3RD ST W #2 <> LATITUDE: N 26.327090
BONITA SPRINGS, FL 34134 <> LONGITUDE: W -81.831033

NOTES:

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



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Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732

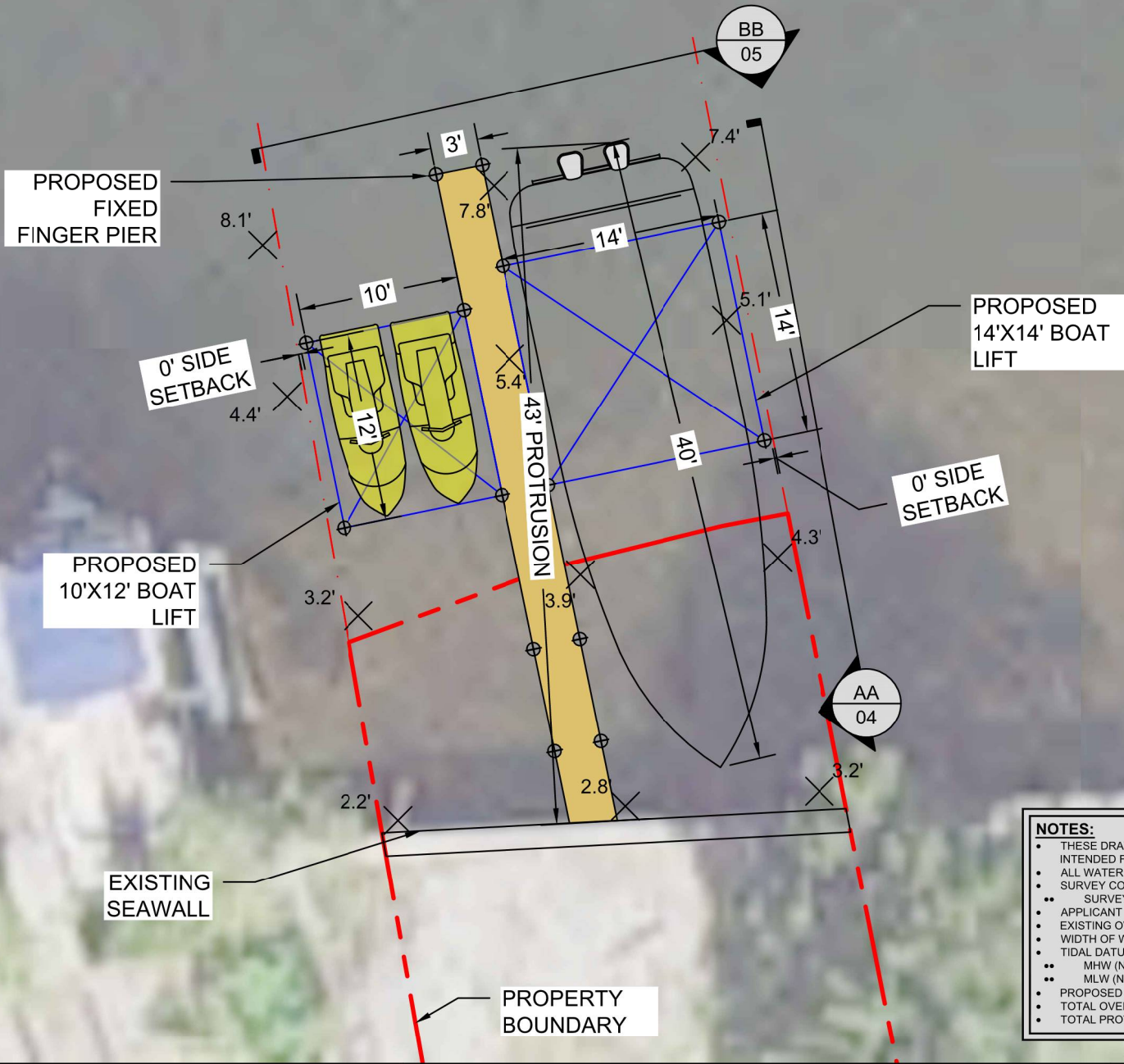
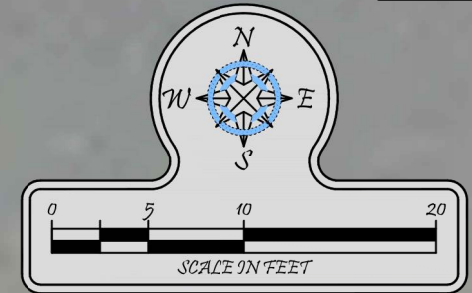
Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

267 3RD ST W #2 LOCATION MAP

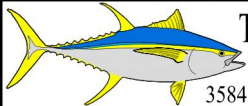
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JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	01 OF 03	4.	-	-	-	-
		5.	-	-	-	-
SECTION-05	TOWNSHIP- 48 S					

**NOTES:**

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- ALL WATER DEPTHS AND DREDGE ELEVATIONS ARE REFERENCED TO MLW
- SURVEY COURTESY OF: "BENCHMARK LAND SERVICES, INC."
- SURVEY DATED: 01-23-23
- APPLICANT OWNED SHORELINE (APPX LF): 30'
- EXISTING OVERWATER STRUCTURE (APPX SF): 0
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 125'
- TIDAL DATUM
 - MHW (NAVD)= +0.01'
 - MLW (NAVD)= -0.55'
- PROPOSED OVERWATER STRUCTURE (APPX SF): 127
- TOTAL OVERWATER STRUCTURE (APPX SF): 127
- TOTAL PROTRUSION FROM MHWL: 43'



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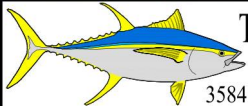
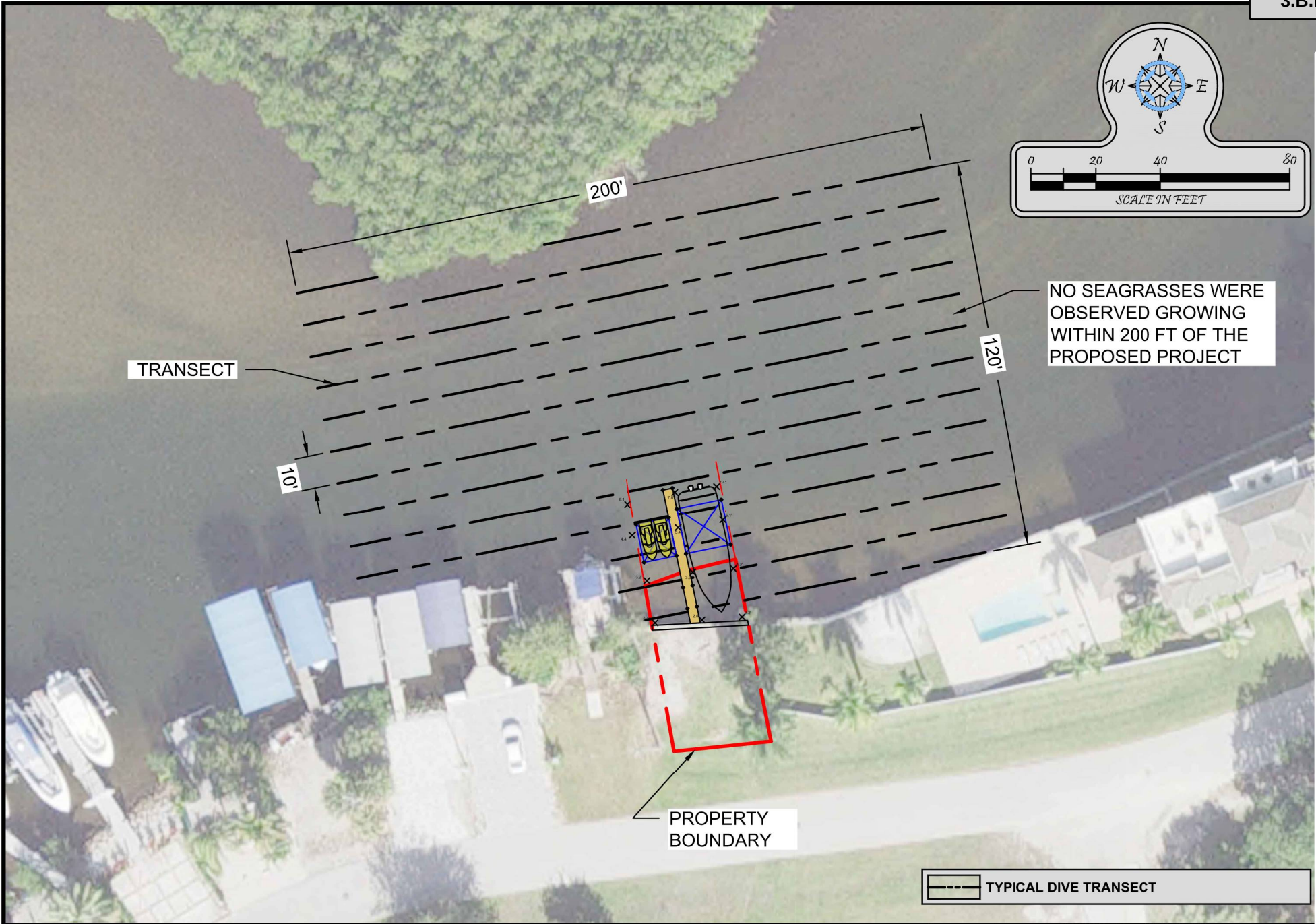
267 3RD ST W #2
PROPOSED DOCK

RY NO. 5875

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		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



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267 3RD ST W #2

SUBMERGED RESOURCE SURVEY

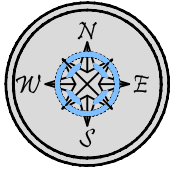
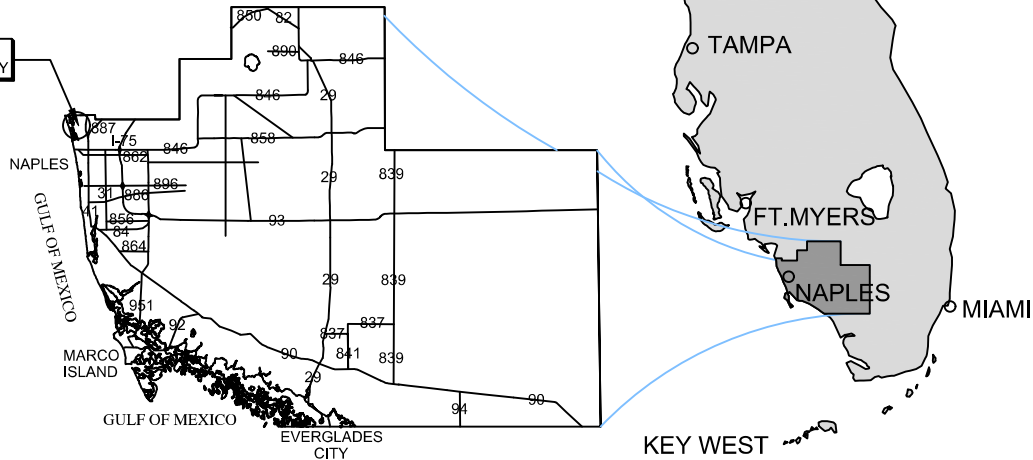
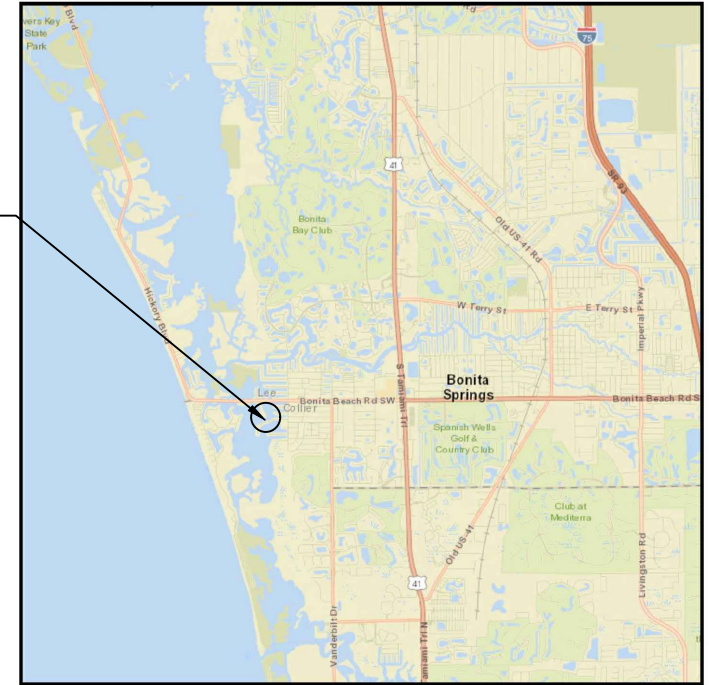
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SECTION-05 TOWNSHIP-48 S

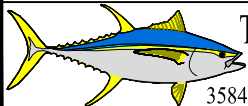
STATE OF FLORIDA

SUBJECT
PROPERTYCOLLIER COUNTYSUBJECT
PROPERTYVICINITY MAPSUBJECT
PROPERTYCOUNTY AERIAL**SITE ADDRESS:**

<> 267 3RD ST W #2 <> LATITUDE: N 26.327090
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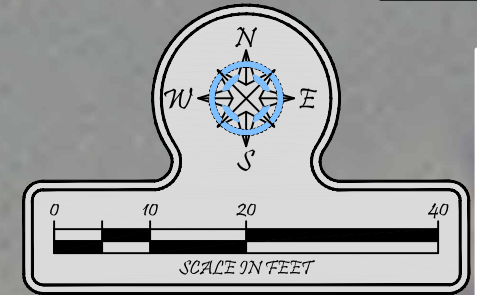
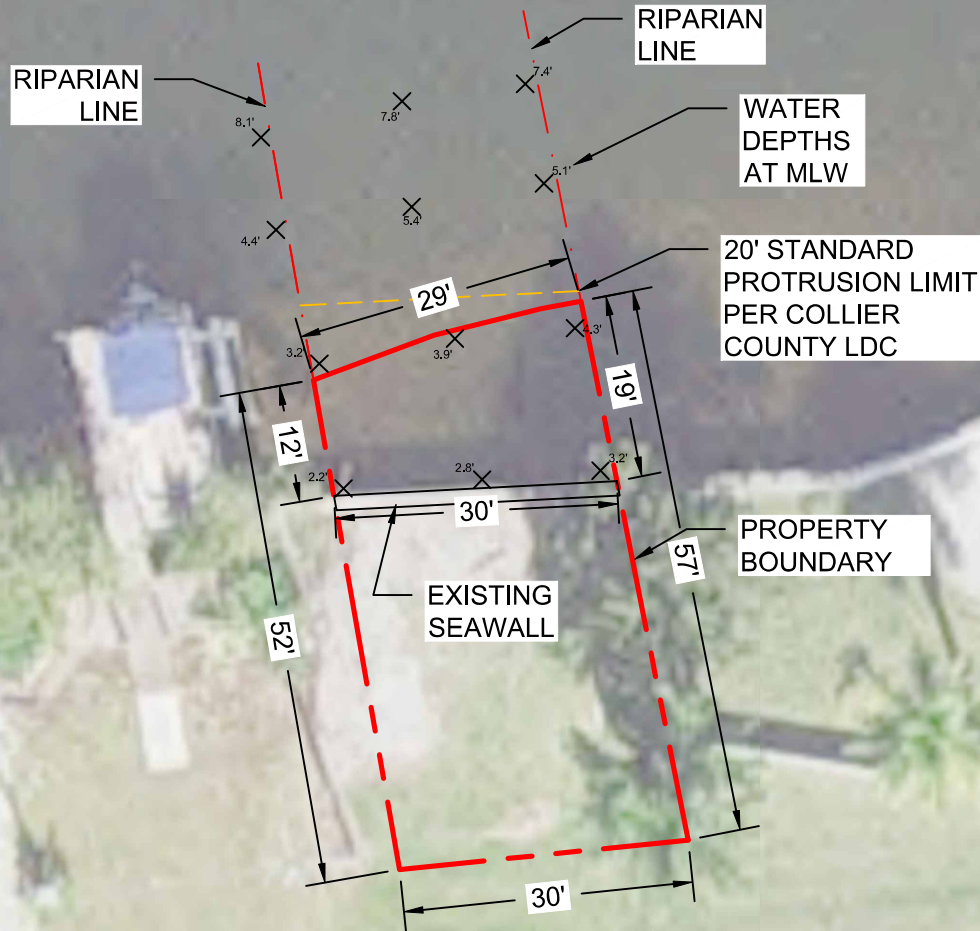
LOCATION MAP

RY NO. 5875

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		5.	-	-	-	-
SECTION-05		TOWNSHIP- 48 S				

Packet Pg. 93



SITE ADDRESS:
267 3RD ST W #2
BONITA SPRINGS FL 34134

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- EXISTING OVERWATER STRUCTURE (APPX SF): 0
- WIDTH OF WATERWAY, MHW TO MHW (APPX): 125'
- TIDAL DATUM:
 - MHW (NAVD)= +0.01'
 - MLW (NAVD)= -0.55'



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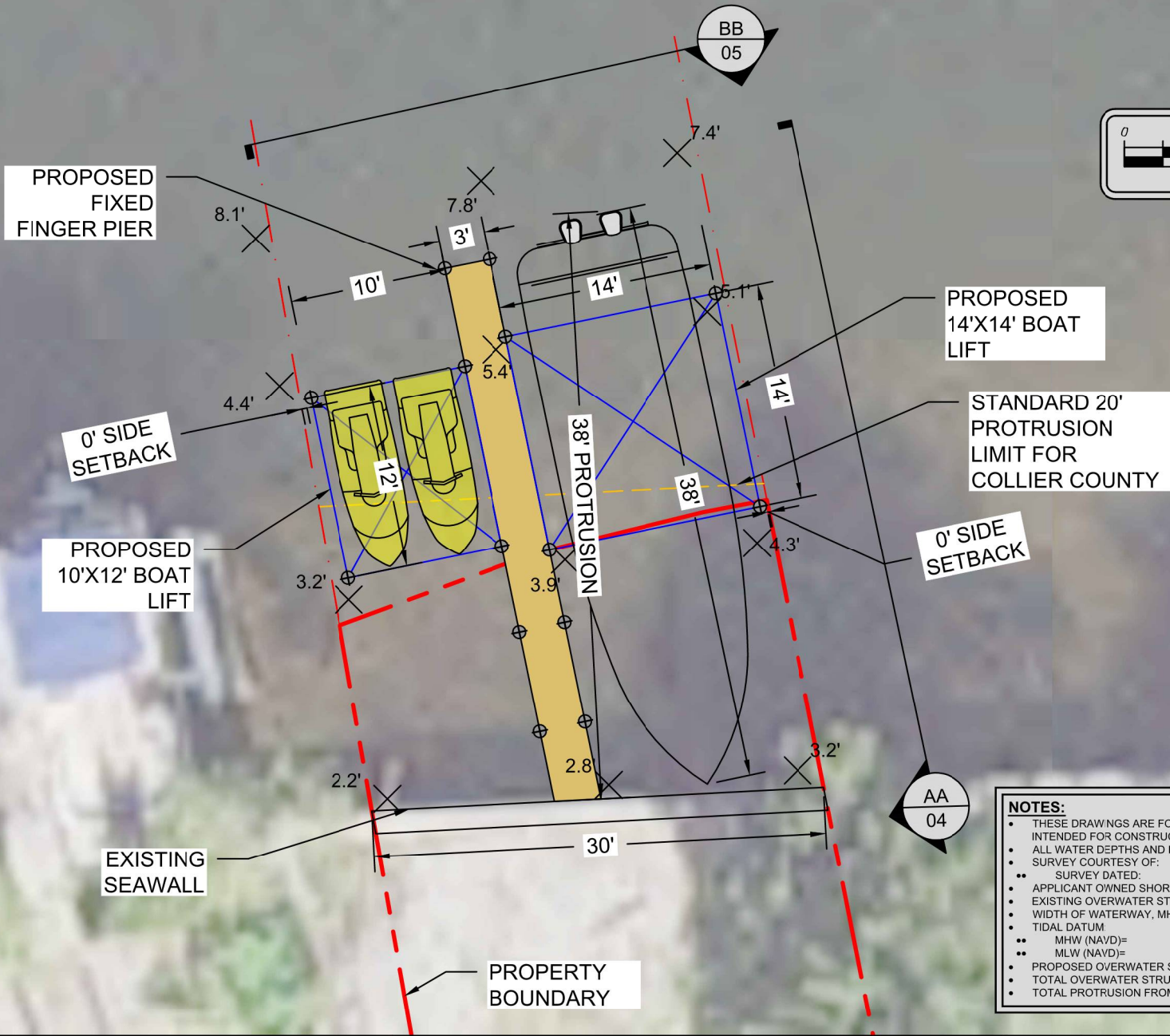
267 3RD ST W #2
EXISTING CONDITIONS

RY NO. 5875

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

DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	02 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



- 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: **"BENCHMARK LAND SERVICES, INC."**
- SURVEY DATED: **01-23-23**
- APPLICANT OWNED SHORELINE (APPX LF): **30'**
- EXISTING OVERWATER STRUCTURE (APPX SF): **0**
- WIDTH OF WATERWAY, MHW TO MHW (APPX): **125'**
- TIDAL DATUM
 - MHW (NAVD)= **+0.01'**
 - MLW (NAVD)= **-0.55'**
- PROPOSED OVERWATER STRUCTURE (APPX SF): **107**
- TOTAL OVERWATER STRUCTURE (APPX SF): **107**
- TOTAL PROTRUSION FROM MHWL: **38'**



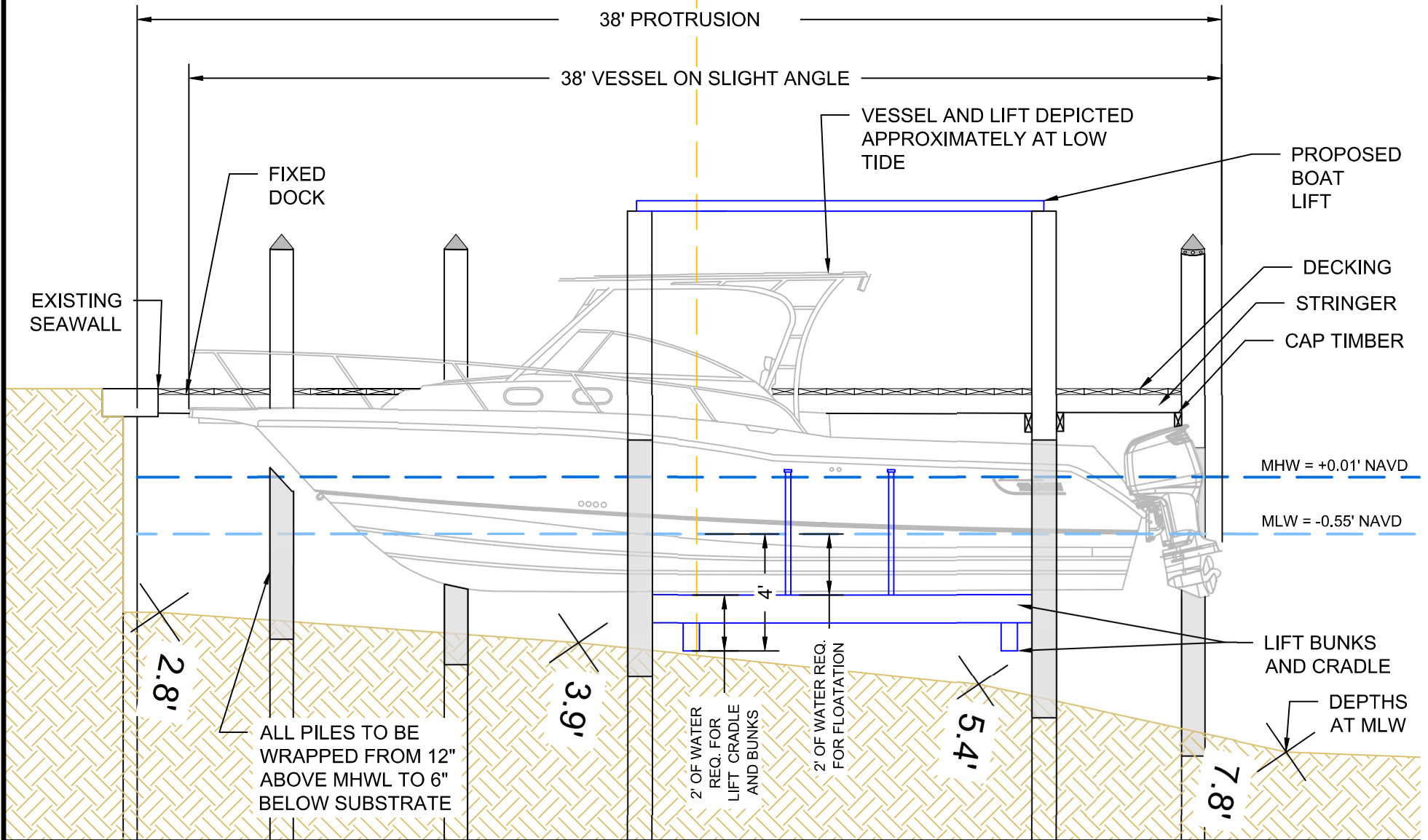
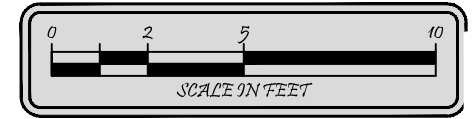
THESE DRAWINGS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR CONSTRUCTION USE

		REV BY	REV BY	DATE	CHK BY	CHANGED
DESIGNED:	NP	1.	-	-	-	-
DRAWN BY:	RMJ	2.	-	-	-	-
CREATED:	05-05-23	3.	-	-	-	-
JOB NO.:	22141	4.	-	-	-	-
SHEET NO.:	03 OF 08	5.	-	-	-	-

Packet Pg. 95

P:\22141.00 Winfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg CROSS SECTION AA 9/8/2023

STANDARD 20'
PROTRUSION
LIMIT FOR
COLLIER COUNTY



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

267 3RD ST W #2
CROSS SECTION AA

RY NO. 5875

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

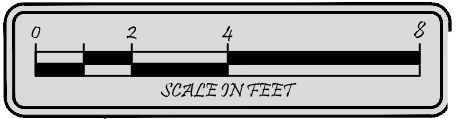
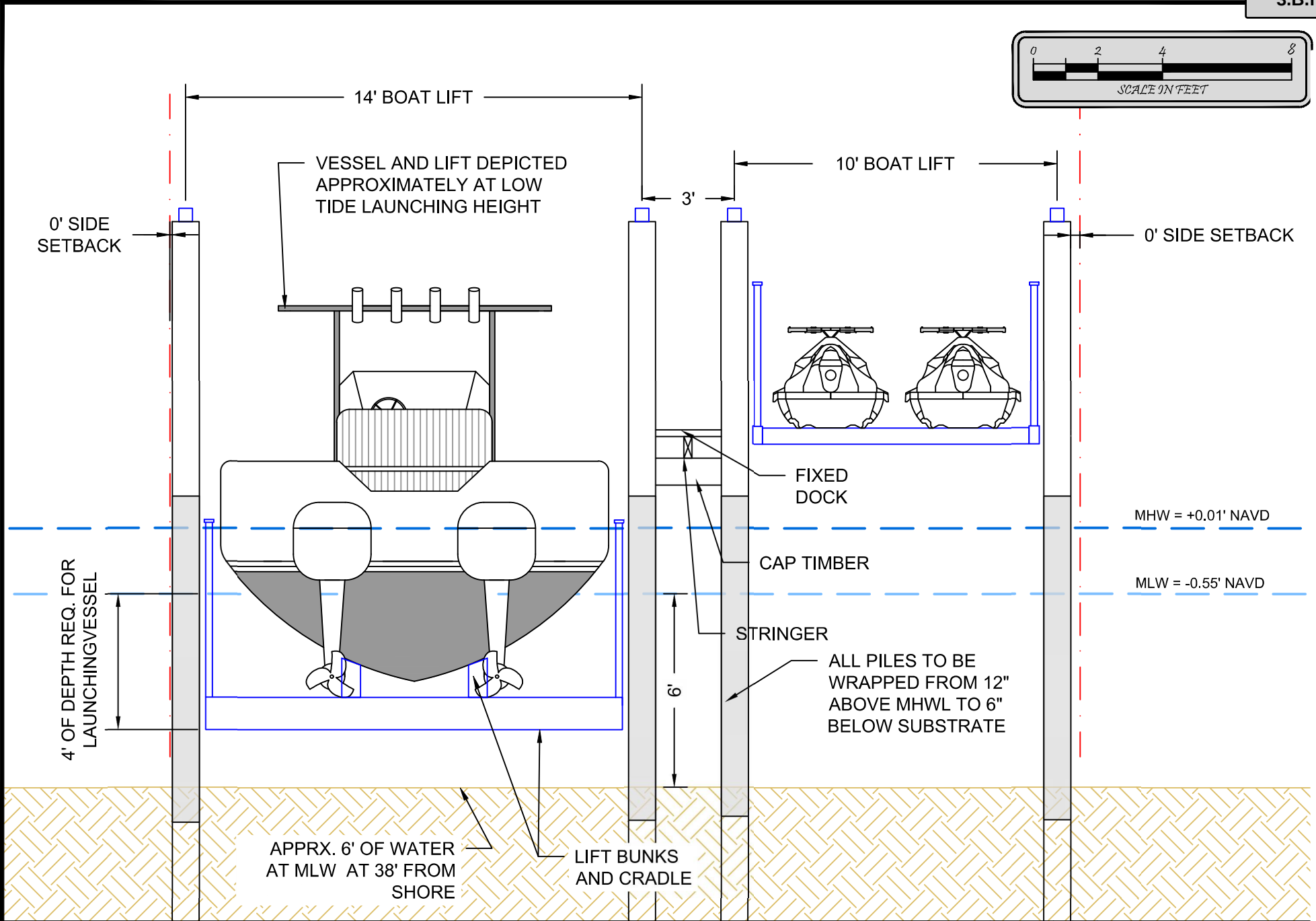
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CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	04 OF 08	4.	-	-	-	-
		5.	-	-	-	-

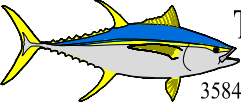
SECTION-05

TOWNSHIP- 48 S

Packet Pg. 96

P:\22141.00 Winfield - 267 3rd St W Unit 2\CAD\PERMIT-COUNTY\22141-BDE-2.0.dwg CROSS SECTION BB 9/8/2023



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Marine & Environmental Consulting
3584 Exchange Ave. Naples, FL 34104-3732
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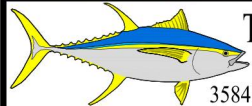
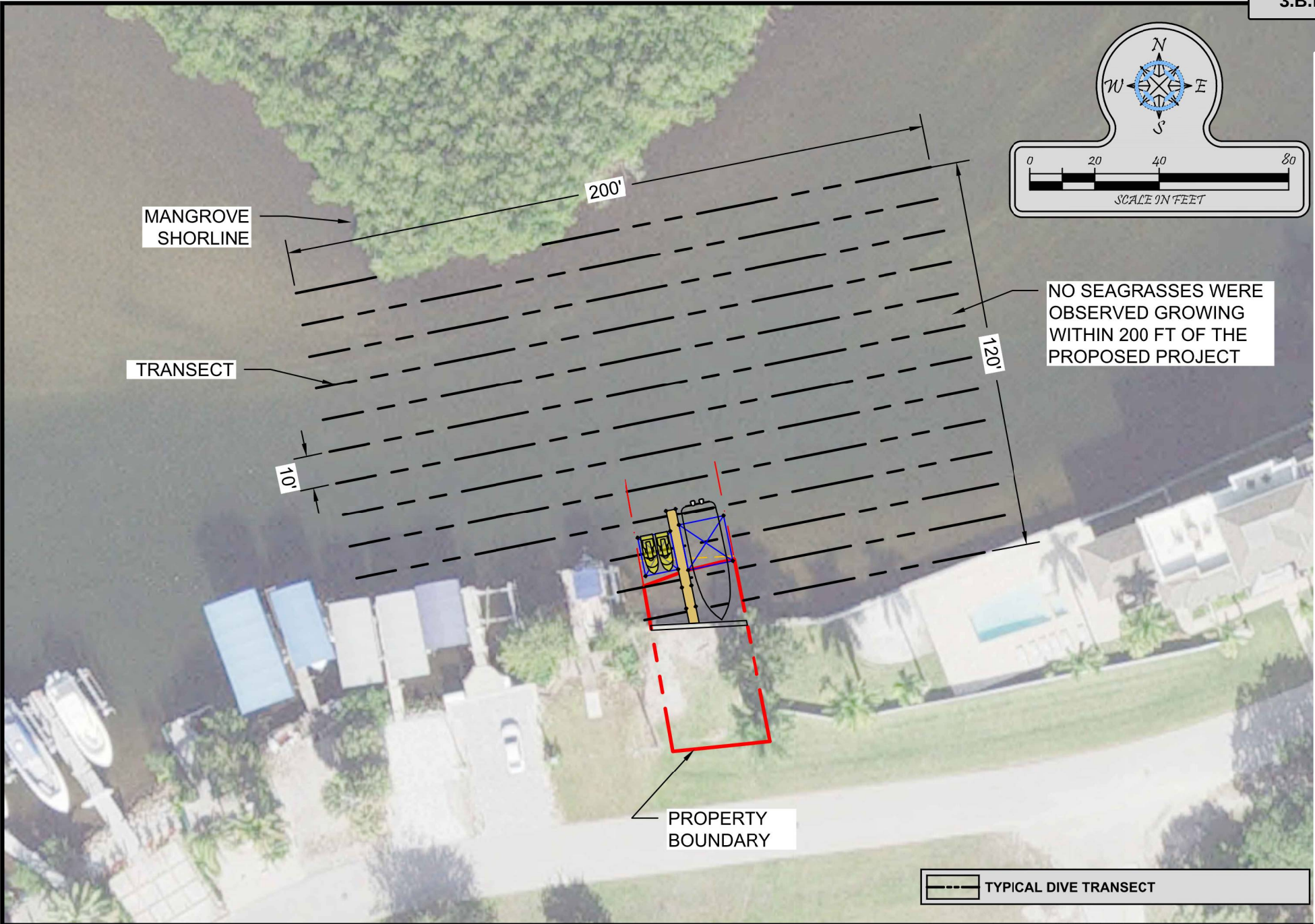
267 3RD ST W #2
CROSS SECTION BB

RY NO. 5875

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		5.	-	-	-	-

SECTION-05 TOWNSHIP- 48 S



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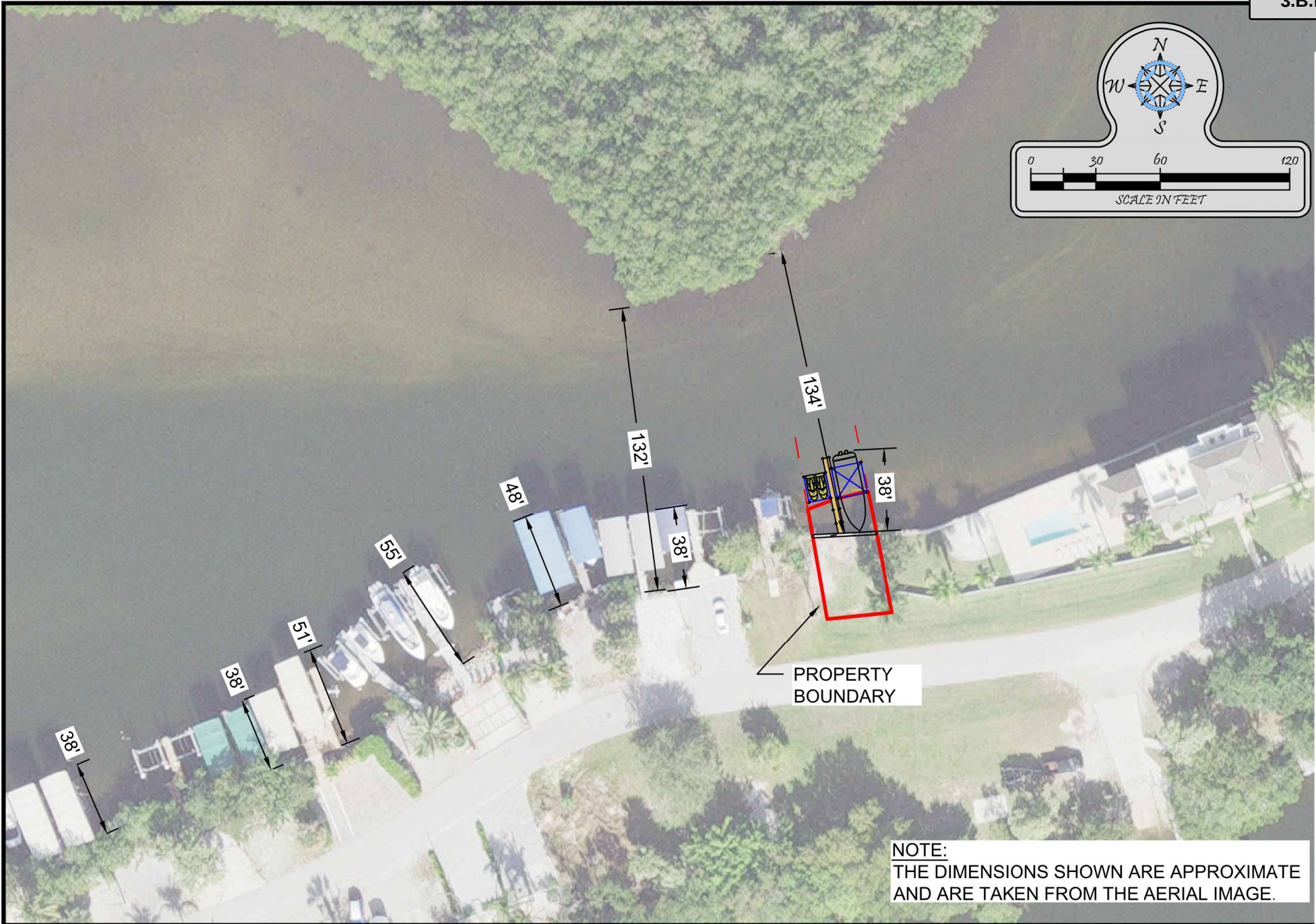
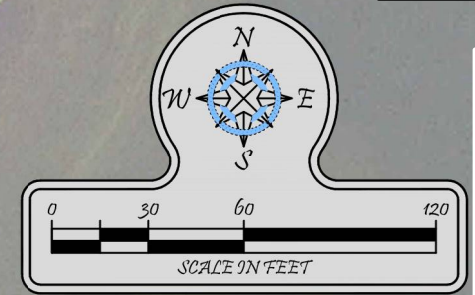
267 3RD ST W #2 **SUBMERGED RESOURCE SURVEY**

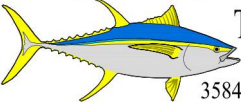
RY NO. 5875

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CREATED:	05-05-23	2.	-	-	-	-
JOB NO.:	22141	3.	-	-	-	-
SHEET NO.:	06 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP-48 S



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267 3RD ST W #2

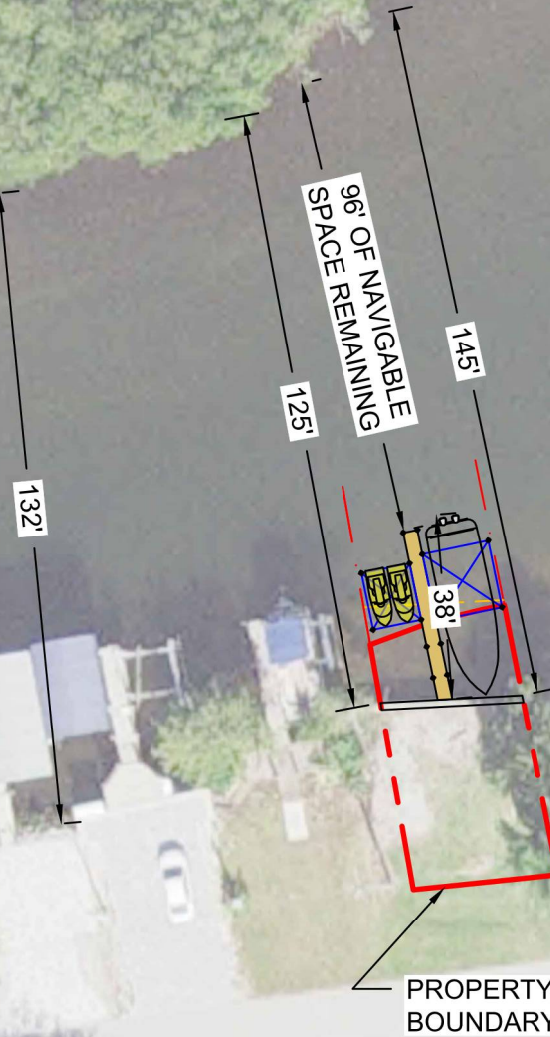
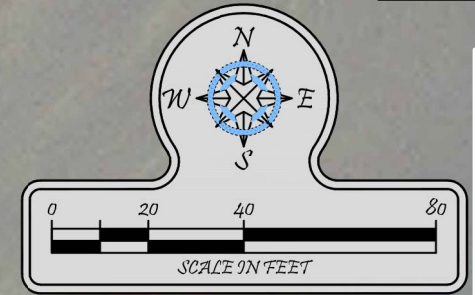
ADJACENT DOCKS

RY NO. 5875

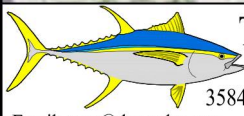
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SHEET NO.:	07 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP-48 S



NOTE:
THE DIMENSIONS SHOWN ARE APPROXIMATE
AND ARE TAKEN FROM THE AERIAL IMAGE.



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Email: tuna@thanaples.com Phone: (239) 643-0166 Fax: (239) 643-6632

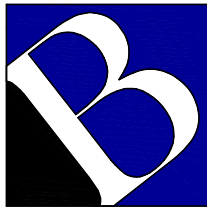
267 3RD ST W #2 **WIDTH OF WATERWAY**

RY NO. 5875

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DESIGNED:	NP	REV#	REV BY	DATE	CHK BY	CHANGED
DRAWN BY:	RMJ	1.	-	-	-	-
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SHEET NO.:	08 OF 08	4.	-	-	-	-
		5.	-	-	-	-

SECTION-05 TOWNSHIP-48 S



BENCHMARK LAND SERVICES, INC.

1807 J. & C. Boulevard Tel. 239-591-0778
Naples, Florida 34109 Fax. 239-591-1195
L.B. # 7502 www.benchmarklandservices.com

SKETCH OF BOUNDARY SURVEY SURVEY #23734

Property Address:
267 3rd Street W. Unit 2
Bonita Springs, FL 34134

Certified To:
Bradley Wingfelder; Sharon Wingfelder

Legal Description As Furnished:

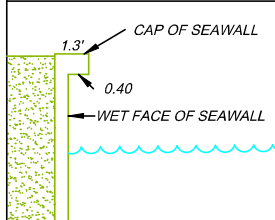
NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

Lot 2 Block G, Replat of Little Hickory Shores Unit 3, according to the plat thereof as recorded in Plat Book 6, Page (s) 2, of the Public Records of Collier County, Florida.

DATE OF SURVEY 01/23/2023
DRAWN BY B.D.
COMPLETION DATE: 02/02/2023
CHECKED BY K.S.
LABELLED LINE: 02/13/2023
ADDED RIPARIAN INFO: 03/13/2023

Flood Zone Information:
Community Number: 120067 Panel: 0179 Suffix: H
Effective Date: 05/16/2012 Flood Zone: AH BFE: 10'
N.A.V.D. 1988

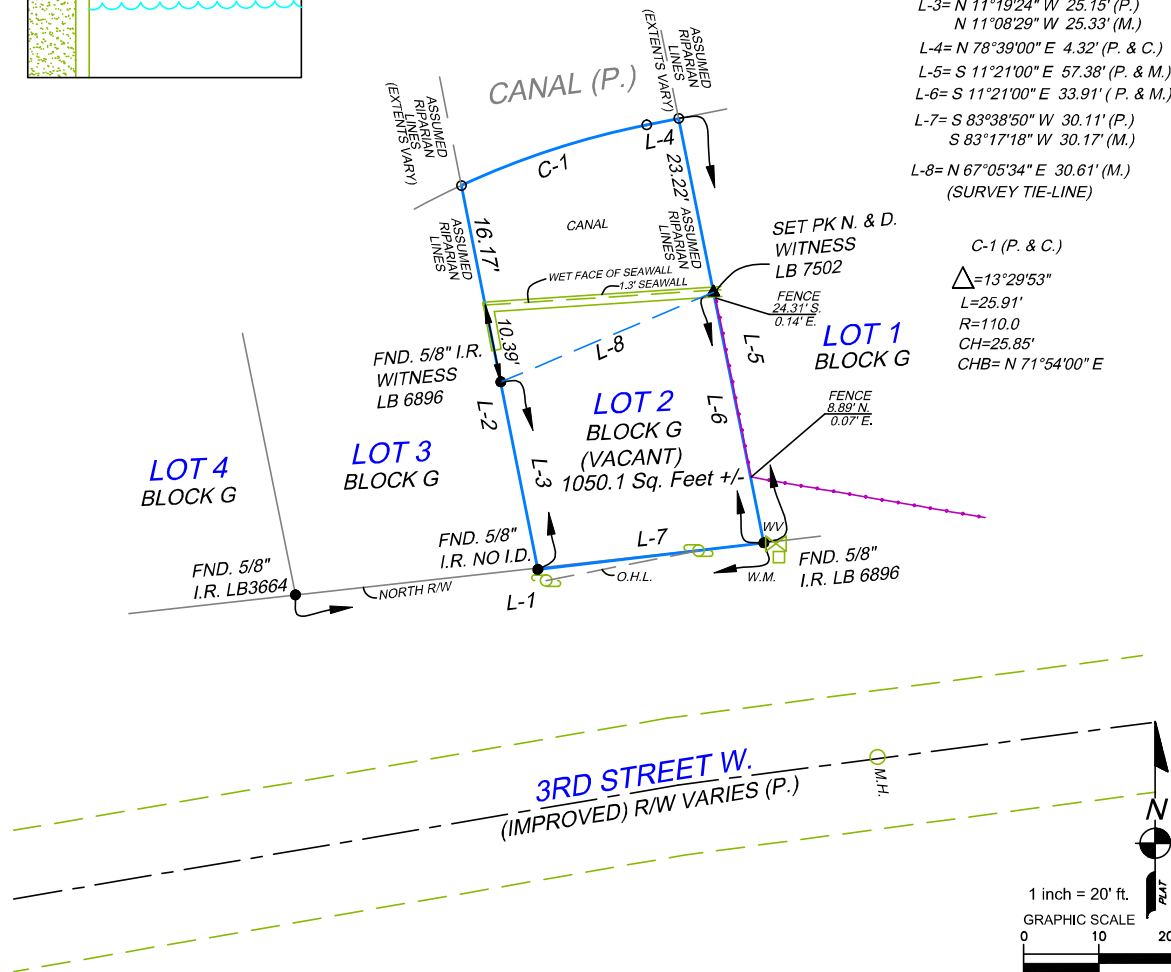
SEAWALL DETAIL: NOT TO SCALE



BEARINGS SHOWN HEREON ARE
BASED UPON A PLATTED BEARING OF
N 83°38'50" E FOR THE NORTH R/W OF
3RD STREET W. (L-1)

L-1= N 83°38'50" E
62.46' (P.) 62.47' (M.) B.R.
L-2= N 11°21'00" W 51.71' (P.)
N 11°15'40" W 51.90' (C.)
L-3= N 11°19'24" W 25.15' (P.)
N 11°08'29" W 25.33' (M.)
L-4= N 78°39'00" E 4.32' (P. & C.)
L-5= S 11°21'00" E 57.38' (P. & M.)
L-6= S 11°21'00" E 33.91' (P. & M.)
L-7= S 83°38'50" W 30.11' (P.)
S 83°17'18" W 30.17' (M.)
L-8= N 67°05'34" E 30.61' (M.)
(SURVEY TIE-LINE)

C-1 (P. & C.)
Δ=13°29'53"
L=25.91'
R=110.0
CH=25.85'
CHB= N 71°54'00" E



- LEGAL DESCRIPTION PROVIDED BY OTHERS. NO EXAMINATION OF TITLE MADE BY SURVEYOR. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM FROM ENCUMBRANCES OWNERSHIP, OR RIGHTS-OF-WAY.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ONLY VISIBLE ENCROACHMENTS LOCATED.
- THIS SURVEY IS INTENDED FOR USE BY THOSE TO WHOM IT IS CERTIFIED.
- ONLY IMPROVEMENTS SHOWN WERE LOCATED. FENCE OWNERSHIP NOT DETERMINED.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF. NO EFFORT WAS MADE TO PROVE PLAT BOUNDARIES.
- PARCEL SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT-OF-WAYS OF RECORD.
- WHEN LOCATION OF EASEMENTS OR RIGHTS-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTE 5J-17.052 (24)(4) OF THE FLORIDA ADMINISTRATIVE CODE.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND BUILDING RESTRICTIONS PRIOR TO ANY CONSTRUCTION OR PLANNING.
- ELEVATIONS SHOWN HEREON ARE BASED UPON N.A.V.D. 1988.

POINTS OF INTEREST:

- CONSULT LOCAL AGENCIES FOR YARDS OR RESTRICTIONS.

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



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

B.R. BEARING REFERENCE C. CALCULATED CATV CABLE TV RISER C.U.E. COUNTY UTILITY ESMIT D.E. DRAINAGE EASEMENT D.H. DRILL HOLE D. DEEDED ELEC. ELECTRIC BOX E.O.W. EDGE OF WATER F.F. FINISHED FLOOR FND. FOUND I.D. IDENTIFICATION I.R. IRON ROD	I.P. IRON PIPE A.E. ACCESS EASEMENT L.B. LAND SURVEYING BUSINESS T.U.E. TECHNOLOGY UTILITY EASEMENT L.C.U.E. LEE COUNTY UTILITY EASEMENT M. FIELD MEASURED M.E. LAKE MAINTENANCE EASEMENT N.D. NAIL & DISK O.H.L. OVERHEAD LINE P. PLAT P.C. POINT OF CURVATURE P.C.P. POINT OF COMPOUND CURVATURE P.C.P. PERMANENT CONTROL POINT PK PARKER-KALON NAIL	P.I. POINT OF INTERSECTION P.L.S. PROFESSIONAL LAND SURVEYOR P.T. POINT OF TANGENCY P.O.B. POINT OF BEGINNING P.O.C. POINT OF COMMENCEMENT P.R.C. POINT OF REVERSE CURVATURE P.R.M. PERMANENT REFERENCE MONUMENT P.U.E. PUBLIC UTILITY EASEMENT R/W RIGHT OF WAY O.U.E. ORANGE TREE UTL. ESMIT. UTIL. ESMIT. I.E. IRRIGATION EASEMENT T.B.M. TEMPORARY BENCH MARK TEL. TELEPHONE FACILITIES T.O.B. TOP OF BANK	U.E. UTILITY EASEMENT W.M. WATER METER FENCE EXISTING ELEVATION PROPOSED ELEVATION R. RADIAL I.R. NON-RADIAL C.V.G. CONC. VALLEY GUTTER C.B. CATCH BASIN S.D. STORM DRAIN C.M. CONCRETE MONUMENT C.O. CLEAN OUT	WV. EDGE OF PAVEMENT WATER VALVE POWER POLE WELL EXISTING FIRE HYDRANT I.R. CONCRETE MONUMENT CATCH BASIN	E.P. BENCH MARK LAMP POST PLANT PLANTER NAIL CONC. CONCRETE N/A NOT APPLICABLE
--	---	---	--	--	---

From: John Kelly
Sent: Wednesday, November 29, 2023 9:05 AM
To: John Kelly
Subject: VA-PL20230009299 and BD-PL20220006082 - 267 3rd Street West
 Lot 2 - Sign Posting
Attachments: Posting 1.jpg; Posting 2.jpg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location, immediately adjacent to the public right-of-way, at approximately 3:00 P.M. on Tuesday, November 28, 2023, for the 11/21/2023 meeting of the Hearing Examiner as evidenced by the attached photos.

Respectfully,
John Kelly
 Planner III

*Zoning Division – Zoning Services Section
 Growth Management Community Development Department
 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>



size=2 width="100%" align=center>

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.



12/14/2023

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.C**Doc ID:** 27336

Item Summary: Petition No. NUA- PL20230012731 – 1114 Palm Drive - Request for an alteration to a nonconforming use pursuant to Land Development Code Section 9.03.03 to allow for the replacement of a mobile home that will satisfy all other dimensional standards for principal structures within the Residential Single-Family-4 (RSF-4) Zoning District, for property located at 1114 Palm Drive in Immokalee, in Section 32, Township 46 South, Range 29 East, Collier County, Florida. [Coordinator: John Kelly, Planner III] Commission District 5

Meeting Date: 12/14/2023**Prepared by:**

Title: Planner – Zoning

Name: John Kelly

11/27/2023 8:25 AM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

11/27/2023 8:25 AM

Approved By:**Review:**

Operations & Regulatory Management	Michael Stark	Review Item	Completed	11/28/2023 5:37 PM
Growth Management Community Development Department	Diane Lynch		Department review	Completed 11/28/2023 7:09 PM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	11/28/2023 7:09 PM
Zoning	James Sabo	Review Item	Skipped	11/29/2023 5:17 PM
Zoning	Ray Bellows	Review Item	Completed	11/29/2023 5:19 PM
Zoning	Mike Bosi	Division Director	Completed	11/30/2023 10:41 AM
Hearing Examiner	Andrew Dickman	Meeting Pending		12/14/2023 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION – ZONING SERVICES SECTION

DATE: DECEMBER 14, 2023

SUBJECT: NUA-PL20230012731; 1114 PALM DRIVE, IMMOKALEE

PROPERTY OWNER/APPLICANT:

Samuel M. Plunkett and
Gabriela Jauregui (deceased)
1114 Palm Dr.
Immokalee, FL 34142

AGENT:

Bethany Zajicek
Panda Permit
18070 S. Tamiami Trl., Suite 12
Fort Myers, FL 23908

REQUESTED ACTION:

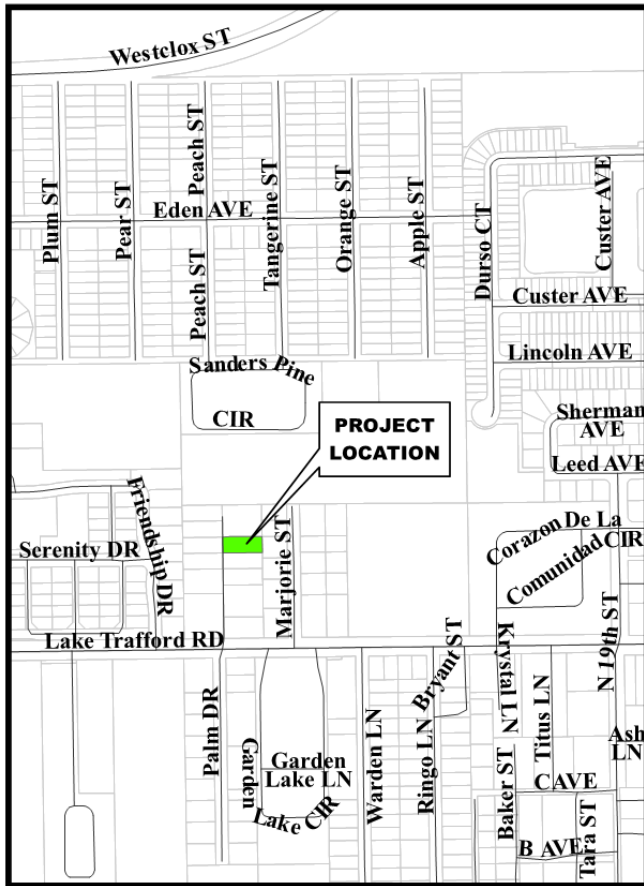
The petitioner requests the Collier County Hearing Examiner approve a non-conforming use alteration (NUA) pursuant to LDC Section 9.03.03 to allow for the replacement of a legal nonconforming mobile home that will satisfy all dimensional standards within the Residential-Single-Family-4 (RSF-4) Zoning District.

GEOGRAPHIC LOCATION:

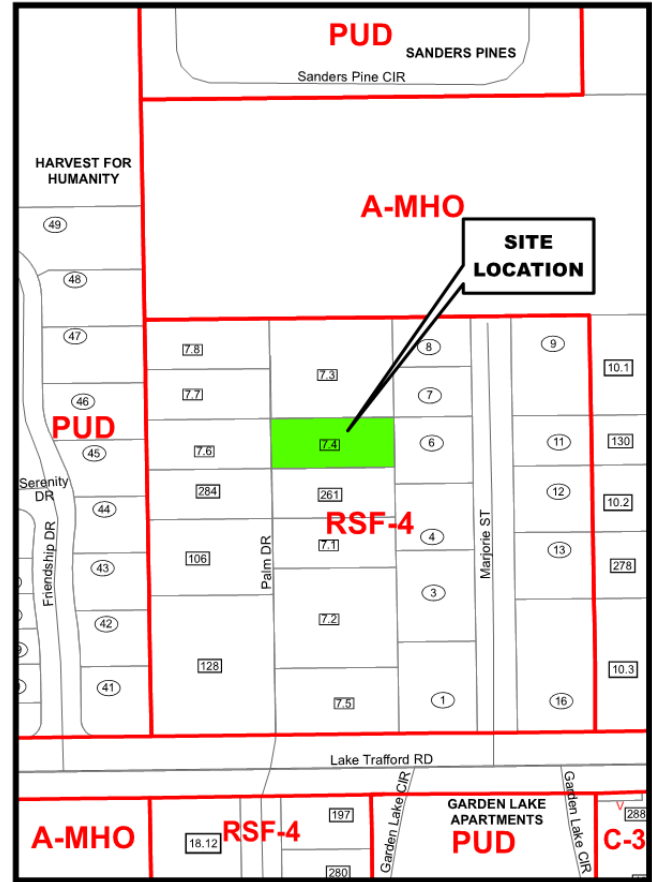
The subject property is located at 1114 Palm Drive, on the east side of Palm Drive, approximately 420 feet north of Lake Trafford Road, in Section 3, Township 47 South, Range 29 East, Collier County, Florida. (See location map on page 2 and Complete Legal Description within Attachment A).

PURPOSE/DESCRIPTION OF PROJECT:

The petitioner requests an NUA pursuant to LDC Section 9.03.03.B.4 to replace a legal nonconforming single-wide mobile home measuring 56 feet by 11.2 feet that Hurricane Irma destroyed with a new double-wide mobile home measuring 56 feet by 26.7 feet. The mobile home is legally nonconforming as it was placed when the property was within a zoning district that allowed for such until the property was rezoned in 1972. The new mobile home will satisfy all dimensional standards of the existing zoning district. The subject property is homesteaded and comprises 0.32 acres.



Location Map



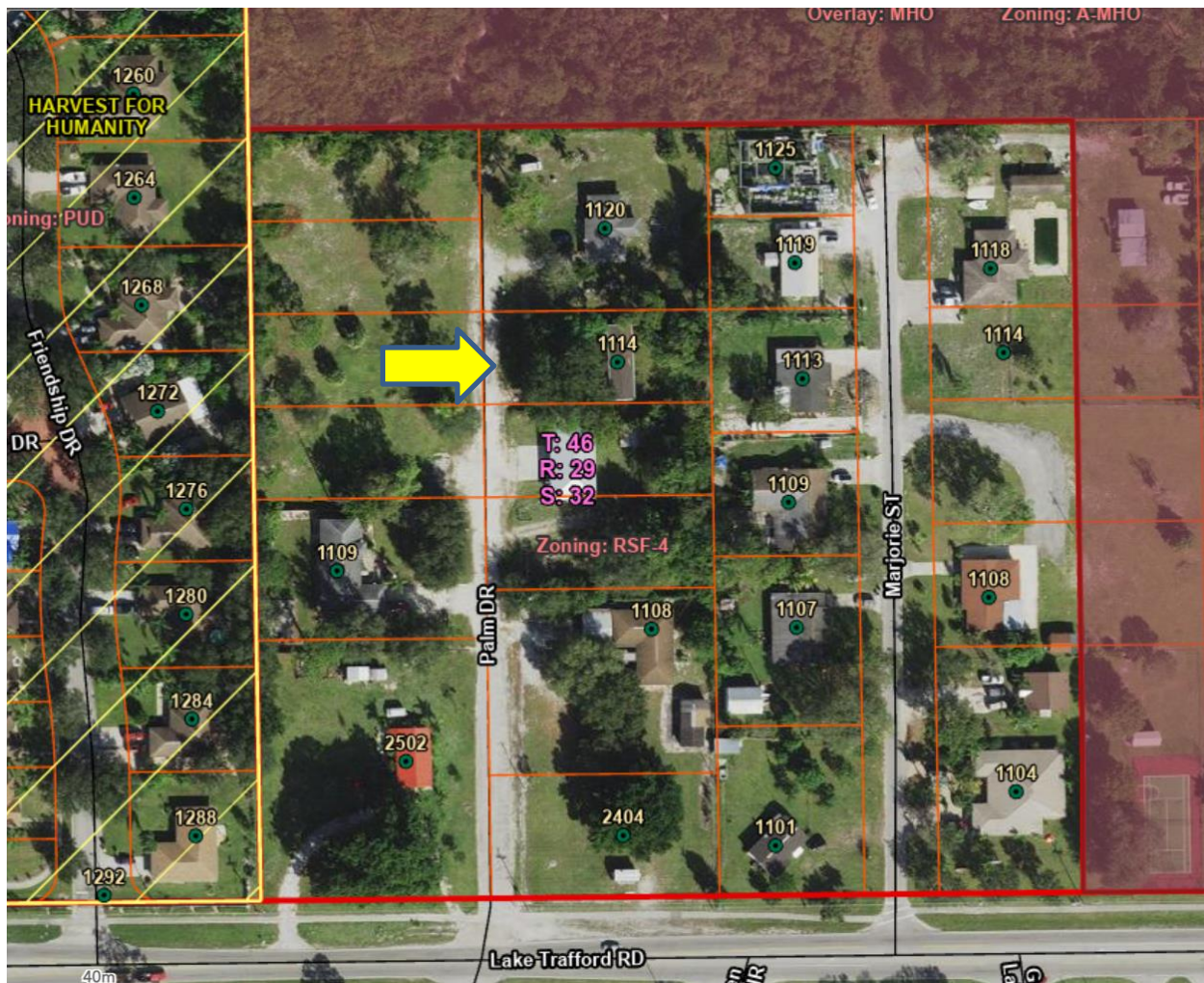
Zoning Map

Petition Number: PL20230012731

SURROUNDING LAND USE & ZONING:

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

- North:** Single-family dwelling within an RSF-4 Zoning District
- East:** Single-family dwelling within an RSF-4 Zoning District
- South:** Single-family dwelling within an RSF-4 Zoning District
- West:** Palm Drive (Right-of-Way), then unimproved property in an RSF-4 Zoning District



Collier County GIS

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property is within the Urban Mixed-Use District – High Residential Subdistrict (HR) of the Immokalee Area Master Plan (IAMP) Future Land Use Map of the GMP. Within the HR, mobile homes are allowed pursuant to the provisions of IAMP Policy 5.1.4, Mobile homes within the Immokalee Urban Area, which allows mobile homes on lots or parcels with zoning that permits mobile homes. Policy 5.1.6.C, which deals with existing uses at the time of implementation, specifically states: “This provision shall not apply to any legal nonconforming use of a property.” The IAMP does not address individual NUA requests but deals with the larger issue of the actual use. The requested NUA does not impact this property's consistency with the County's GMP.

STAFF ANALYSIS:

The applicant seeks to obtain an NUA to allow the replacement of a legal nonconforming single-wide mobile home measuring 56 feet by 11.2 feet that Hurricane Irma destroyed with a new double-wide mobile home measuring 56 feet by 26.7 feet. The subject property is located within a Residential Single-Family-4 (RSF-4) Zoning District that does not allow mobile homes as principal, conditional, or accessory uses. A Survey was provided that reveals the existing mobile

home satisfies all dimensional standards of the RSF-4 Zoning District; additionally, a Site Plan was provided demonstrating that the new mobile home will also satisfy said dimensional standards. A building Permit for the demolition and removal of the existing mobile home, PRDM20220943714, has been issued. A building permit application, No. PRTM20230101296 has been submitted for the placement of the new mobile home; however, it remains under review pending the outcome of the subject NUA petition.

Staff expended a significant amount of time researching the subject property to render the determination that the existing mobile home is/was legally nonconforming. Unfortunately, having exhausted all resources, staff was unable to locate the original building permit for the placement of said mobile home. Subsequently, a Property Card was obtained from the Property Appraiser's Office, which reveals the subject property was first recognized in 1974, and the first referenced building permit was No. 80-4310 in 1981; further research yielded that this permit was issued for a mobile home re-roof. Staff notes that the Property Detail portion of the electronic Property Card reveals that a Mobile Home was recognized on the site in 1970. Staff proceeded to obtain archived Zoning Atlas pages, which reveal that the subject property was within an I-A-1 (Immokalee-Agricultural-1) Zoning District in the 1970s and a zoning action on 06/13/1972 rezoned the property to SF2 (Single-Family-2). Staff has determined that a mobile home was an allowable permitted use in 1970 until the property was rezoned in 1972.

LDC Section 9.03.03.B, nonconforming structures, states, in part: *"Where a structure lawfully exists at the effective date of the adoption of this ordinance or relevant amendment that could not be built under the LDC by reason of restrictions on lot area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:...* 4. *Nonconforming residential structures, which for the purpose of this section shall mean detached single-family dwellings, duplexes, or mobile homes in existence at the effective date of this zoning Code or its relevant amendment and in continuous residential use thereafter, may be altered, expanded, or replaced upon recommendation of the Collier County Planning Commission and approval of the Board of Zoning Appeals by resolution."* The Hearing Examiner has since been granted the authority, by ordinance, to hear and act on NUAs.

As per LDC Section 4.02.01.A, Table 1, the minimum lot area within the RSF-4 Zoning District is 7,500 square feet, and the minimum lot width for interior lots is 70 feet. As per the provided Site Plan: the subject property measures 75 feet by 184 feet (13,800 square feet) and has a width of 75 feet. LDC Section 4.02.01.A, Table 2, states the maximum building height within the RSF-4 district is 35 feet, and the minimum floor area of a 1-story building is 800 square feet. The provided Structural Elevation reveals the mobile home is 14.6 feet in height, and the provided Site Plan reveals the mobile home comprises 1,495.2 square feet. LDC Section 4.02.01.A, Table 2.1, provides the following setback standards for principal structures within the RSF-4 district: Front Yard – 25 feet, Side Yards (non-waterfront) – 7.5 feet, and Rear Yard – 25 feet. The provided Site Plan reveals the following: the proposed mobile home will be placed 106 feet from the western property line (Front Yard), 9.5 feet from both the north and south property lines (Side Yards) and 50.9 feet from the east property line (Rear Yard). Therefore, the subject property is code-compliant, and all dimensional standards for principal structures within the RSF-4 Zoning District are satisfied.

The decision to grant an NUA is based on the criteria in LDC Section 9.03.03.B.5.a through f. (in bold font below). Staff has analyzed this petition relative to these provisions and offers the following responses:

- a. **The alteration, expansion, or replacement will not increase the density of the parcel or lot on which the nonconforming single-family dwelling, duplex, or mobile home is located.**

The applicant desires to replace an existing mobile home that Hurricane Irma destroyed; said replacement will not increase the density of the lot.

- b. **The alteration, expansion, or replacement will not exceed the building height requirements of the district most closely associated with the subject nonconforming use.**

The building height within the RSF-4 zoning district is 35 feet for principal structures; the provided Structural Elevation reveals the new mobile home is 14.6 feet in height; therefore, the building height requirement will not be exceeded.

- c. **The alteration, expansion, or replacement will not further encroach upon any nonconforming setback.**

This petition, if approved, will not cause any encroachment issues. As per the provided Site Plan, the placement of the new mobile home will fully satisfy the yard requirements of the RSF-4 zoning district.

- d. **The alteration, expansion, or replacement will not decrease or further decrease the existing parking areas for the structure.**

A reduction in parking requirements has neither been sought nor has any action regarding this issue been addressed as part of this petition.

- e. **The alteration, expansion, or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future development of the surrounding properties; and**

Records obtained from the Property Appraiser's Office reveal the existing mobile home has been in its present location since 1970. Replacing a storm-damaged mobile home will improve the character and quality of the neighborhood in which it is located without hindering the future development of surrounding properties.

- f. **Such alteration, expansion, or replacement will not present a threat to the health, safety, or welfare of the community or its residents.**

The existing mobile is in a severely damaged condition; allowing for the replacement of said mobile home will reduce threats to health, safety, and welfare.

NEIGHBORHOOD INFORMATION MEETING (NIM):

A NIM is not required for a Nonconforming Use Alteration.

CONCURRENT LAND USE APPLICATIONS:

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

RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner (HEX) approve Petition NUA-PL20230012731 subject to the following conditions:

1. The scope of this NUA is limited to the replacement of an existing mobile home and
2. Building Permits must be issued for both the demolition of the existing mobile home and the placement of the new mobile home prior to the performance of such work.

Attachments:

- A. Legal Description
- B. Structural Elevation and Site Plan
- C. Map of Boundary Survey
- D. Property Card
- E. Zoning Atlas – Current and Archived
- F. Public Hearing Sign Posting
- G. Applicant's Application and Backup Material

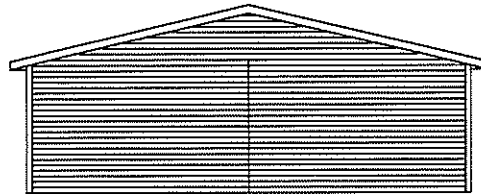
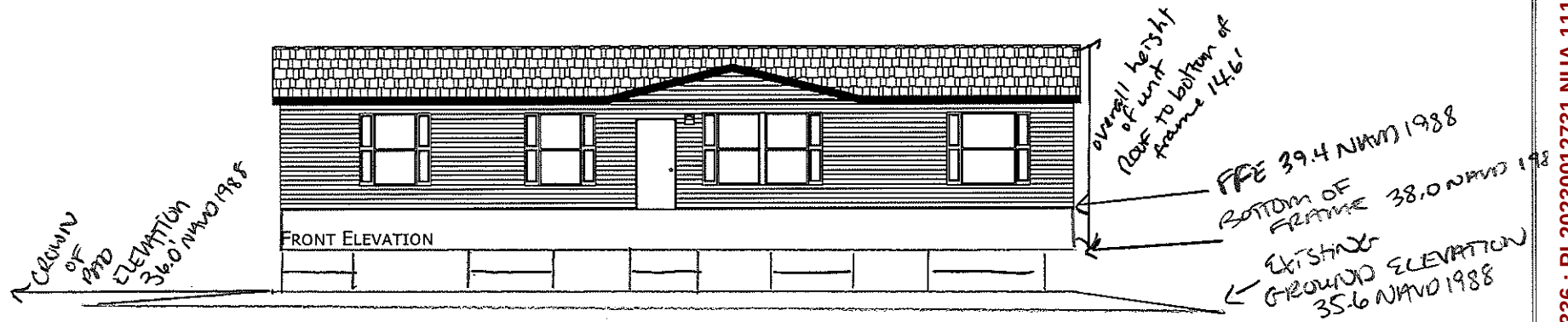
LEGAL DESCRIPTION

“The South 75.00 Feet of the West
184.00 Feet of the North 225.00 feet of
the East

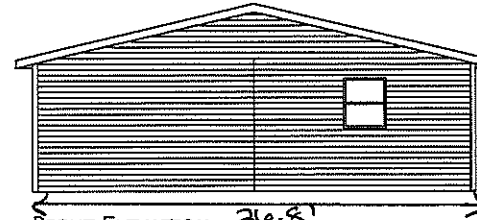
478.57 feet of the Southwest $\frac{1}{4}$ of the
Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of
section 32, Township 46

South, Range 29 East, Collier County,
Florida”

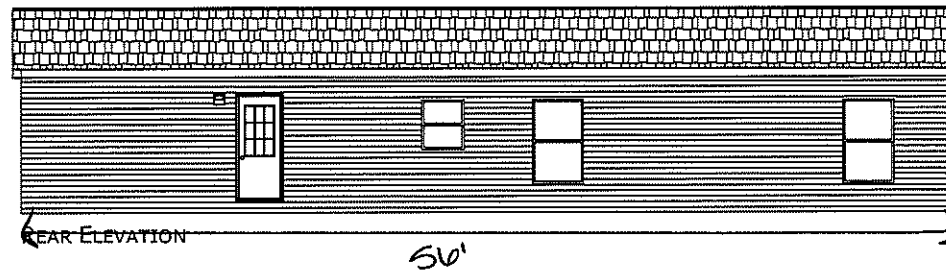
ELEVATIONS PAGE



LEFT ELEVATION



RIGHT ELEVATION 26'-8"



REAR ELEVATION

56'

MODIFICATIONS

CHAMPION
HOME BUILDERS

755 W. BIG LEAVER ROAD, SUITE 1000 TROY, MI 48064
PHONE: 248-614-8000

PROJECT: 2856H32P01
56'-0" x 26'-8"
3 BD 2 BT

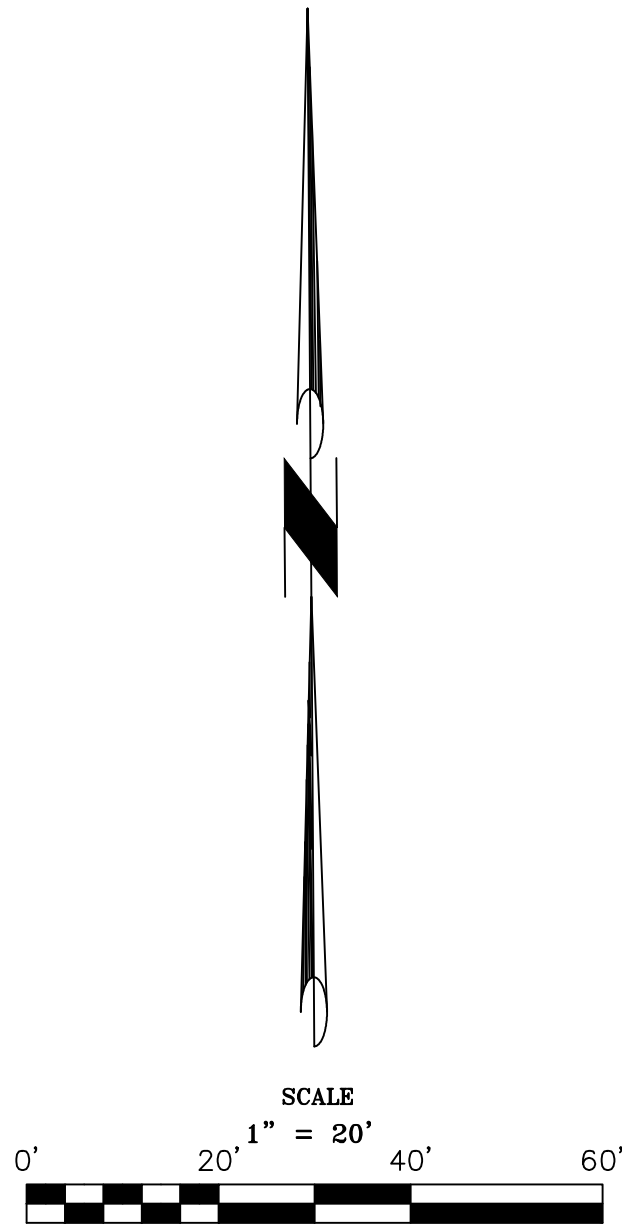
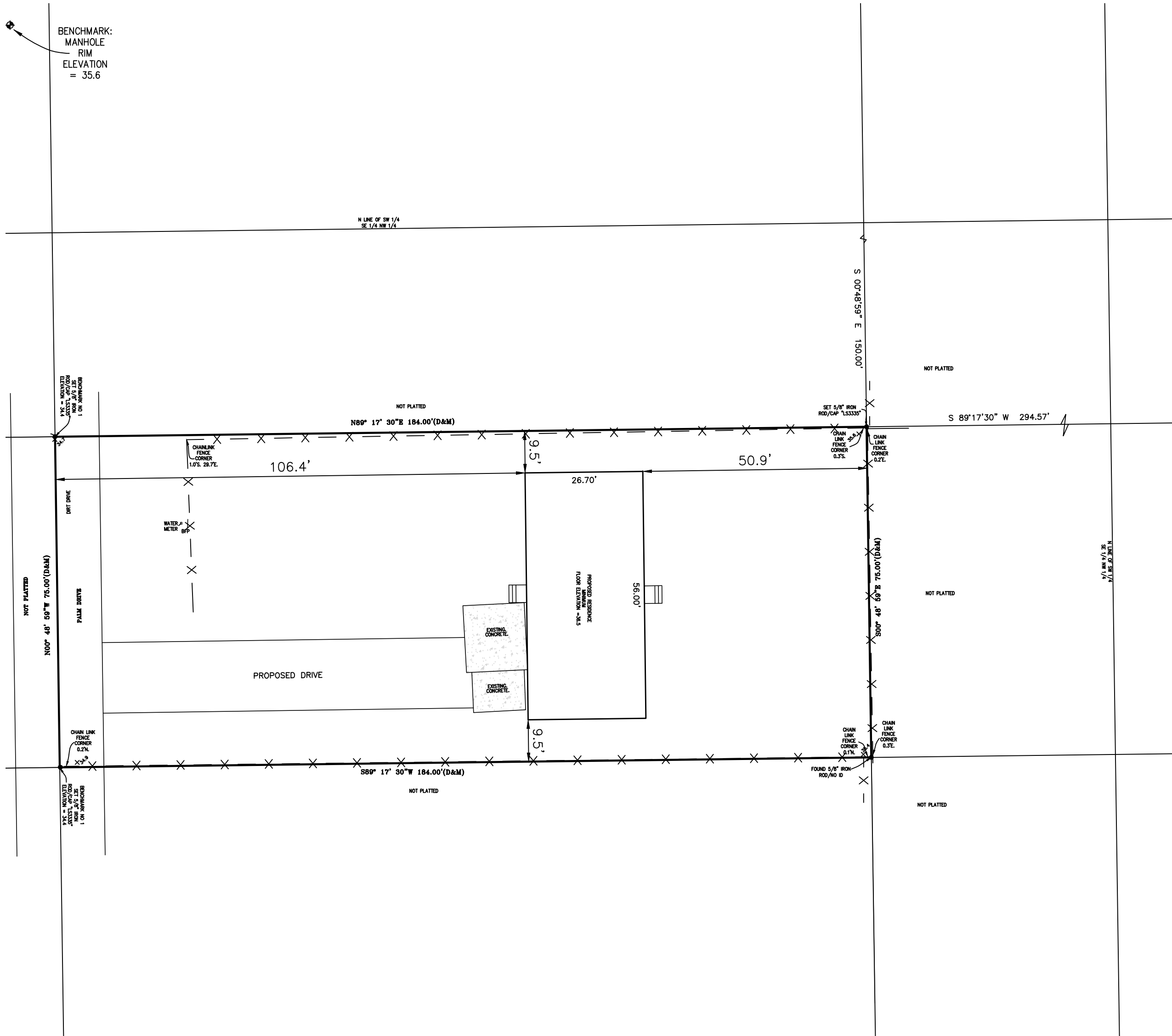
DRAWN BY: B. CAMPBELL
DATE: 05-10-20
SCALE: 3/16" = 1'-0"

TITLE: ELEVATIONS

FILENAME: 2856H32P01 11-23-2020

SHEET: EV-101

PROPRIETARY AND CONFIDENTIAL
THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL
PROPRIETARY AND CONFIDENTIAL MATERIALS OF CHAMPION
COPYRIGHT © 1999-2020 BY CHAMPION



DESCRIPTION:
THE SOUTH 75.00 FEET OF THE WEST 184.00 FEET OF THE NORTH 225.00 FEET OF THE EAST 478. 57 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA

M A P O F B O U N D A R Y / T O P O G R A P H I C S U R V E Y / S I T E P L A N

SURVEY REPORT

- 1.) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
- 2.) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 3.) ONLY VISIBLE ENCROACHMENTS AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON UNLESS OTHERWISE NOTED.
- 4.) DESCRIPTION FURNISHED BY CLIENT.
- 5.) PARCEL SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS OF WAY.
- 6.) ALL LOT DIMENSIONS ARE PLAT AND MEASURED, UNLESS OTHERWISE NOTED
- 7.) PROPOSED SITE PLAN SUBJECT TO APPROVAL BY GOVERNING AGENCIES.
- 8.) PARCEL CONTAINS: 13,800 SQUARE FEET OR 0.32 ACRES MORE OR LESS.
- 9.) STREET ADDRESS: 1114 PALM DRIVE.

- 10.) PARCEL GRAPHICALLY LOCATED IN FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) ZONE AH, COMMUNITY PANEL No. 12021C0140H.
- 11.) ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
- 12.) THIS SURVEY FALLS WITHIN THE SUBURBAN CATEGORY AS CLASSIFIED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE. ALL FIELD MEASURED CONTROL MEASUREMENTS EXCEEDED THE ACCURACY REQUIREMENTS FOR THIS CLASSIFICATION.
- 13.) BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N00° 48' 59"W ALONG THE WEST LINE OF PROPERTY LOT.
- 14.) THIS SURVEY REMAINS THE PROPERTY OF MIXON LAND SURVEYING, INC.
- 15.) WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS.

CERTIFIED TO:

GABRIELA JAUREGUI

REVISIONS:

DATE:

BY:

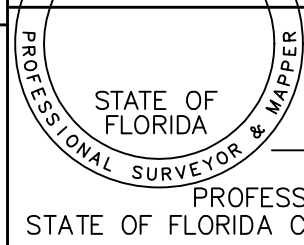
REVISIONS:

DATE:

BY:

MIXON LAND SURVEYING, INC.

12450 NE 26TH AVENUE
OKEECHOBEE FLORIDA 34972
772 260 5302 RAMIXON@GMAIL.COM
STATE OF FLORIDA CERTIFICATE NO."LB4199"



RICHARD A. MIXON
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA CERTIFICATE NO. "L.S. 3335"

JOB NO. 22-096
CADD FILE:
22-096
BY:M.A.
SURVEY DATE:
10-06-22
SHEET 1 OF 1

LEGEND:

UP = WOOD UTILITY POLE
↓ = GUY ANCHOR
—/— = OVERHEAD UTILITY
—X— = FENCELINE
TV = CABLE RISER

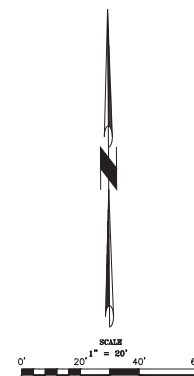
FH = FIRE HYDRANT
PH = PHONE
SS = SEWER SERVICE
WM = WATER METER
⊗ = WELL
WV = WATER VALVE

(PR) = PRO-RATED
(D) = DEED
(P) = PLAT
(M) = MEASURED
(C) = CALCULATED
ELEV.= ELEVATION

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
ORB = OFFICIAL RECORD BOOK
R = RADIUS
L = ARC LENGTH
Δ = DELTA ANGLE
C/L = CENTERLINE

R/W = RIGHT OF WAY
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
xOS = EXISTING ELEVATION
•OS = PROPOSED ELEVATION
TOB = TOP OF BANK

ID = IDENTIFICATION
CB = CATCH BASIN
MES = MITERED END SECTION
CMP = CORRUGATED METAL PIPE
RCP = REINFORCED CONCRETE PIPE
SMH = SEWER MANHOLE
DMH = DRAINAGE MANHOLE



DESCRIPTION:
THE SOUTH 75.00 FEET OF THE WEST 184.00 FEET OF THE NORTH 225.00 FEET OF THE EAST 478.57 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA

SURVEY REPORT

1) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE.
2) THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL BASED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.
3) ALL VESTED ENCUMBRANCES AND IMPROVEMENTS, IF ANY, ARE SHOWN HEREON UNLESS IT
OTHERWISE NOTED.
4) DESCRIPTION FURNISHED BY CLIENT.
5) ALL EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS OF WAY.
6) ALL LOT DIMENSIONS ARE PLAT AND MEASURED, UNLESS OTHERWISE NOTED
7) PROPOSED SITE PLAN SUBJECT TO APPROVAL BY GOVERNING AGENCIES.
8) PARCEL CONVERTED TO 8000 SQ. FEET OR 0.32 ACRES MORE OR LESS.
9) STREET ADDRESS: 11111 N.W. 11TH AVE.
10) PARCEL GRAPHICALLY LOCATED IN FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.)
ZONE AH, COMMUNITY PLAN NO. 1202101AH.
11) ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATE OF 1988 (NAVD83).
12) THIS SURVEY FALLS WITHIN THE SUBURBAN CATEGORY AS CLASSIFIED IN CHAPTER 55-17.051, (FLORIDA
STATUTES) AND THEREFORE MEETS THE REQUIRED MEASUREMENT REQUIREMENTS OF THE ACCURACY
REQUIREMENTS FOR THIS CLASSIFICATION.
13) BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N00° 48' 59" ALONG THE WEST
LINE OF PROPERTY LOT.
14) THIS SURVEY REMAINS THE PROPERTY OF MEXIM LAND SURVEYING, INC.
LINE OF PROPERTY LOT.
15) WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS.

GABRIELA JAUREGUI

[illegible]

Collier County Property Appraiser Property Summary

Parcel No	00073840006	Site Address <u>*Disclaimer</u>	1114 PALM DR	Site City	IMMOKALEE	Site Zone <u>*Note</u>	34142
-----------	-------------	------------------------------------	--------------	-----------	-----------	---------------------------	-------

Name / Address	PLUNKETT, SAMUEL M					
	1114 PALM DR					
City	IMMOKALEE	State	FL	Zip	34142	

Map No.	Strap No.	Section	Township	Range	Acres <u>*Estimated</u>
1E32	000100 007 41E32	32	46	29	0.32

Legal	32 46 29 S 75FT OF W 184FT OF N 225FT OF E 478.57FT OF SW1/4 OF SE1/4 OF NW1/4
-------	--

<u>Millage Area</u> ①	5	<u>Millage Rates</u> ① <u>*Calculations</u>		
Sub./Condo	100 - ACREAGE HEADER	School	Other	Total
<u>Use Code</u> ①	2 - MOBILE HOMES	4.292	9.3722	13.6642

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
01/19/23	<u>6208-1062</u>	\$ 0
02/19/03	<u>3221-1005</u>	\$ 22,000
04/06/95	<u>2046-1285</u>	\$ 28,000
02/23/93	<u>1799-608</u>	\$ 0
10/01/80	<u>888-200</u>	\$ 0
08/01/79	<u>824-900</u>	\$ 0

2023 Certified Tax Roll

(Subject to Change)

Land Value	\$ 27,600
(+) Improved Value	\$ 28,371
(=) Market Value	\$ 55,971
(-) Save our Home	\$ 33,988
(=) Assessed Value	\$ 21,983
(-) Homestead	\$ 21,983
(=) School Taxable Value	\$ 0
(=) Taxable Value	\$ 0

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

Attachment: Attachment D - Property Card (27336 : PL20230012731 NUA 1114 Palm Drive, Immokalee - Plunkett / Jauregui)

Collier County Property Appraiser Property Detail

Parcel No	00073840006	Site Address <u>*Disclaimer</u>	1114 PALM DR	Site City	IMMOKALEE	Site Zone <u>*Note</u>	34142
-----------	-------------	------------------------------------	--------------	-----------	-----------	---------------------------	-------

Name / Address	PLUNKETT, SAMUEL M					
	1114 PALM DR					
City	IMMOKALEE	State		FL	Zip	34142

Permits (Provided for reference purposes only. *Full Disclaimer.)

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
1981	COUNTY	80-4310				
2021	COUNTY	PRBD20200937016	09/30/20			ROOF

Land

#	Calc Code	Units
10	SQUARE FOOT	13800

Building/Extra Features

#	Year Built	Description	Area	Adj Area
10	1970	MOBILE HOME	784	784
20	1981	CONCRETE	322	322
30	1981	CARPORT	784	784

Attachment: Attachment D - Property Card (27336 : PL20230012731 NUA 1114 Palm Drive, Immokalee - Plunkett / Jauregui)

Collier County Property Appraiser

14

56

MH

784

* 0 0 0 7 3 8 4 0 0 0 6 1 *

3.C.e

[illegible]

PLOTTED	DRAWN BY	DATE / /
RANDOM	CLASSED BY	DATE / /

YEAR	VALUE 1975	VALUE 1980	VALUE 19	VALUE 19	VALUE 19	VALUE 19	VALUE 19	VALUE 19	VALUE 19	VALUE 19
LAND	775	5075								
IMPRS.										
TOTAL		5075								Pac

* 0 0 0 7 3 8 4 0 0 0 6 2 *

[illegible][illegible]RANDOM ☐ PLOTTED ☐

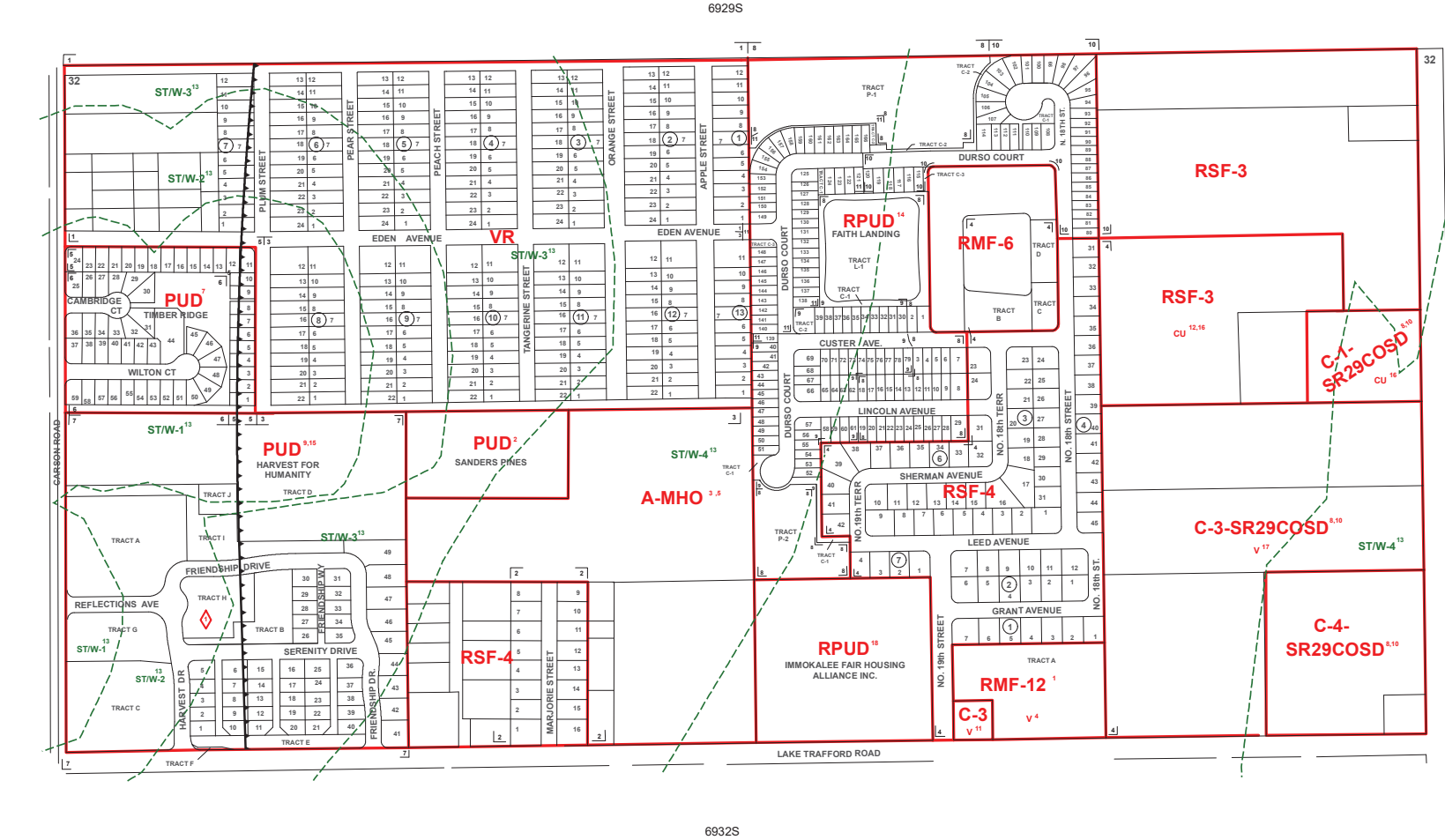
SCALE 1" = 30' ☐ 60' ☐

OWNERSHIP		RECORD		
DATE	OWNER AND ADDRESS	SALE PRICE	O.R.	PAGE
7/9/74	ROBERT L. RAMIREZ & MARY ELLEN RAMIREZ H&W P.O. Box 163 IMMOKALEE FL 33934	500.00	FROM FRANK	596 715
7/9/74	ROBERT L. RAMIREZ & MARY ELLEN RAMIREZ H&W P.O. Box 163 IMMOKALEE FL 33934	1700	FROM FRANK	596 716
5/1/79	Mary Ellen Ramirez P.O. Box 163 N. Palm Bch. Immokalee, FL 33934	N.M.		824 900
10/20/81	Jerry Willis & Leahy Willis H/W P.O. Box 67 Felda, FL 33930	WD 10,000		888 200
2/23/93	Jerry E Willis Tr of the Jerry E Willis Trust TAD-2-2-93	GRD		
9/3	Leahy Willis Tr of the Leahy Willis Tr TAD-2-2-93 as T/C P.O. Box 67 Felda FL 33930	NRD		1799 608

The Historic/Archaeological Probability Maps are the official
County source designating historic or archaeological resources.

9/22/2020
OTHER
LAST REVISION: ZONING

6931N



6929S

6932S

--- INDICATES SPECIAL TREATMENT OVERLAY
--- INDICATES AIRPORT OVERLAY
(REFER TO APPENDIX D OF THE LDC)

SUBDIVISION INDEX

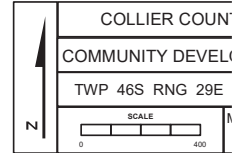
NO.	NAME	P.B.	Pg.	NO.	NAME	P.B.	Pg.
1	EDEN PARK	4	70	11	FAITH LANDING PHASE FOUR	63	11-12
2	LAKE TRAFFORD ESTATES	4	82	12			
3	EDEN PARK 1st ADDITION	5	3				
4	TRAFFORD PINE ESTATES SECTION 1	10	98-100				
5	TIMBER RIDGE - UNIT ONE	24	1-2				
6	TIMBER RIDGE - UNIT TWO	25	40-41				
7	JUBILATION	37	4-7				
8	FAITH LANDING PHASE ONE	51	46-50				
9	FAITH LANDING PHASE TWO	54	51-53				
10	FAITH LANDING PHASE THREE	55	71-72				

ZONING NOTES	
1	3-27-04 R-20-21 14-29
2	1-12-08 R-27-24C 88-5
3	4-20-02 R-22-21 62-32
4	1-12-08 R-27-24C 88-5
5	10-30-08 LDC 91-102
6	DELETED LDC 91-102
7	6-4-09 LDC 91-102
8	1-12-08 LDC 91-102
9	11-23-09 PUD-55-15 58-59
10	6-23-08 LDC 88-83
11	1-12-08 LDC 88-83
12	3-26-02 CU-01AR-14-14 02-162
13	9-25-02 LDC 00-12-38
14	7-24-07 PUDA-07-AR-11081 07-35
15	4-22-08 CU-07-AR-11394 08-114
16	9-25-09 PUD-2-19-724 22-23
DEVELOPMENT STANDARDS MODIFICATIONS	
2-4-19 2N(LCD)-PL-18-2744 HEX 18-97	

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

BY _____ CHAIRMAN

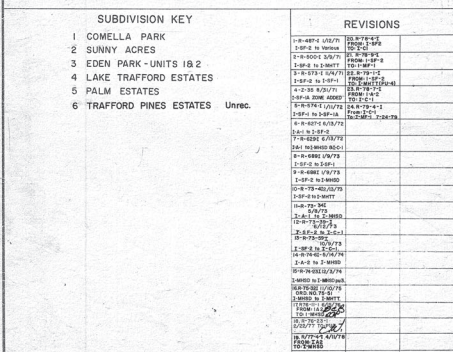
ATTEST _____ CLERK



ORIDA
NT DIVISION
) 32 NO 1/2
MBER:
6932N

Attachment: Attachment E - Zoning Atlas - Current and Archived 6932N (27336 : PL20230012731 NUA

6933N



ZONING	LEGEND
	
	
	
	
	
	
	

Attest Margaret

SCALE: 1	100	NO. 40 2
----------	-----	----------



REVISIONS

[illegible]

COLLIER COUNTY
TOWNSHIP 46S, RANGE 29E
SECTIONS 29, 30, 31, 32
BOOK 29
(IMMOKALEE AREA)

COLLIER COUNTY PLANNING DEPT.		
DATE - 2-6-70	DRAWN - McD	CHECKED - C.
SCALE: 1" = 400'		NO. 46-2

From: John Kelly
Sent: Wednesday, November 29, 2023 9:05 AM
To: John Kelly
Subject: NUA=PL20230012731 - 1114 Palm Dr, Immokalee - Sign Posting
Attachments: Posting 1.jpg; Posting 2.jpg

I, John Kelly, personally posted a Public Hearing sign to the front of the subject location, immediately adjacent to the public right-of-way, at approximately 4:300 P.M. on Tuesday, November 28, 2023, for the 11/21/2023 meeting of the Hearing Examiner as evidenced by the attached photos.

Respectfully,
John Kelly
 Planner III

Zoning Division – Zoning Services Section
Growth Management Community Development Department
 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>



size=2 width="100%" align=center>

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.

istive Barrier
ards : IOC AC38
No.: 3307
gularplastics.com

PUBLIC HEARING FOR

1114 Palm Drive

Nonconforming Use Alteration

Petition No. 20230012731

HEX: December 14, 2023 - 9 A.M.

Growth Management Building

2800 North Horseshoe Drive/609-610

John Kelly, Planner II: 239-252-5719



NON-CONFORMING USE ALTERATION (NUA) PETITION

Land Development Code section 9.03.03 B
Chapter 6 H of The Administrative Code

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Samuel M Plunkett & Gabriela Jauregui (deceased)

Name of Applicant if different than owner: Bethany Zajicek

Address: 1114 Palm Dr City: Immokalee State: FL ZIP: 34142

Telephone: 239-227-9303 Cell: _____

E-Mail Address: sammartinp@yahoo.com

Name of Agent: Bethany Zajicek

Firm: Panda Permits

Address: 18070 S Tamiami Trl Ste 12 City: Fort Myers State: FL ZIP: 33908

Telephone: 239-900-5677 Cell: _____

E-Mail Address: pandapermits@gmail.com

If Property is under contract to be sold:

Name of Property Buyer(s): _____

Name of Applicant if different than buyer: _____

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

Telephone: _____ Cell: _____

E-Mail Address: _____

Name of Agent: _____

Firm: _____

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

Telephone: _____ Cell: _____

E-Mail Address: _____

Section/Township/Range: 32 / 46 / 29

Lot: **Block:** **Subdivision:** _____

Metes & Bounds Description: See attached

Plat Book: 824 Page #: 900 Property I.D. Number: 00073840006

Size of Property: 184 ft. x 75 ft. = 13800 Total Sq. Ft. Acres: .31

Address/ General Location of Subject Property: 1114 PALM DR IMMOKALEE FL 34142

	Zoning	Land Use
N	A	HR
S	RSF-4/PUD/C-3/MH	LR
E	A	MR
W	PUD	HR

Pursuant to LDC section 9.03.03 B, staff's analysis and recommendation to the Office of the Hearing Examiner shall be based upon consideration of the applicable criteria noted below. On a separate sheet attached to the application, provide a narrative statement describing the Nonconforming Use Alteration with specific reference to the criteria noted below. Include any backup materials and documentation in support of the request.

1. The alteration, expansion, or replacement will not increase the density of the parcel or lot on which the nonconforming single-family dwelling, duplex, or mobile home is located;
2. The alteration, expansion, or replacement will not exceed the building height requirements of the district most closely associated with the subject nonconforming use;
3. The alteration, expansion, or replacement will not further encroach upon any nonconforming setback;
4. The alteration, expansion, or replacement will not will not decrease or further decrease the existing parking areas for the structure;
5. The alteration, expansion, or replacement will not damage the character or quality of the neighborhood in which it is located or hinder the proper future development of the surrounding properties; and
6. The alteration, expansion, or replacement will not present a threat to the health, safety, or welfare of the community or its residents.

LEGAL DESCRIPTION

“The South 75.00 Feet of the West
184.00 Feet of the North 225.00 feet of
the East

478.57 feet of the Southwest $\frac{1}{4}$ of the
Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of
section 32, Township 46

South, Range 29 East, Collier County,
Florida”

ASSOCIATIONS

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

Name of Homeowner / Civic Association: Harvest for Humanity
Mailing Address: 1170 Harvest Dr **City:** Immokalee **State:** FL **ZIP:** 34142

Name of Homeowner / Civic Association: Sanders Pines
Mailing Address: 2449 Sanders Pine Cir **City:** Immokalee **State:** FL **ZIP:** 34142

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Name of Homeowner / Civic Association: _____
Mailing Address: _____ **City:** _____ **State:** _____ **ZIP:** _____

Pre-Application Meeting and Final Submittal Requirement Checklist for: Non-Conforming Use Alteration

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

REQUIREMENTS FOR REVIEW	REQUIRED	NOT REQUIRED
Completed Application	☒	
Completed Addressing Checklist	☒	
Affidavit of Authorization, signed and notarized	☒	
Property Owner Disclosure Form	☒	
Pre-Application meeting notes/minutes	☐	☐
Aerial Photograph	☐	☐
Site Plan drawn to scale	☐	☐
Narrative statement covering the nature of petition	☐	☐
Proof of ownership or interest in property, deed or contract to purchase	☐	☐
Electronic Copies of all documents and plans	☒	

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

- The applicant shall submit all materials electronically to the designated project manager.
- Please contact the project manager to confirm the number of additional copies required.

FEE REQUIREMENTS

- ☒ Non-conforming Use Alteration Petition: \$1,500.00
- ☒ Estimated Legal Advertising fee: \$1,125.00
- ☐ If applicable, an additional fee for Property Owner Notifications will be billed to the applicant after hearing date (Variable)
- ☒ Fire Planning Review Fee: \$100.00

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

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

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

Questions? Email: GMDclientservices@colliercountyfl.gov

Bethany Zajicek

Signature of Petitioner or Agent

06/01/2023

Date

Bethany Zajicek

Printed named of signing party



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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership
SAMUEL PLUNKETT	100
GABRIELA JAUREGUI (DECEASED)	

- 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



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

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

Date of Contract: _____

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

Name and Address

- g. Date subject property acquired _____

☐ Leased: Term of lease _____ years /months

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



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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

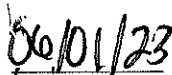
Any petition required to have Property Ownership Disclosure, will not be accepted without this form. Requirements for petition types are located on the associated application form. Any change in ownership whether individually or with a Trustee, Company or other interest-holding party, must be disclosed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

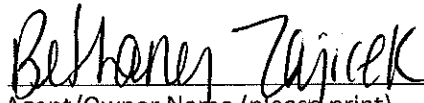
As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

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

Questions? Email: GMDclientservices@colliercountyfl.gov


Agent/Owner Signature


Date


Agent/Owner Name (please print)



ADDRESSING CHECKLIST

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

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

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

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

LOCATION INFORMATION

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

00013840006

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

3246 29 S 75th of W 10th of N 225th of E 478.57th of SW

STREET ADDRESS(ES) where applicable, if already assigned. 1/4 of SE 1/4 of NW 1/4

1114 Palm Dr Immokalee FL 34142

PROJECT INFORMATION

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

CURRENT PROJECT NAME

FL REBUILD NEO PROGRAM RELATED INSULATION OF REPLACEMENT IN

PROPOSED PROJECT NAME

1

PROPOSED STREET NAME(s)

1114 Palm Dr Immokalee FL 34142

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

PRDM 20220943714

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) PL20230012731

I, Samuel M. Plunkett (print name), as owner (title, if applicable) of 1114 Palm Dr, Immokalee, FL (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 Bethany Zajicek 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.

Samuel M. Plunkett
Signature

08/10/2023

Date

STATE OF FLORIDA
COUNTY OF COLLIER

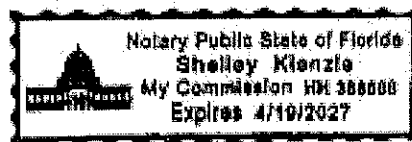
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 10th day of AUGUST, 2023, by (printed name of owner or qualifier) Samuel M. Plunkett

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

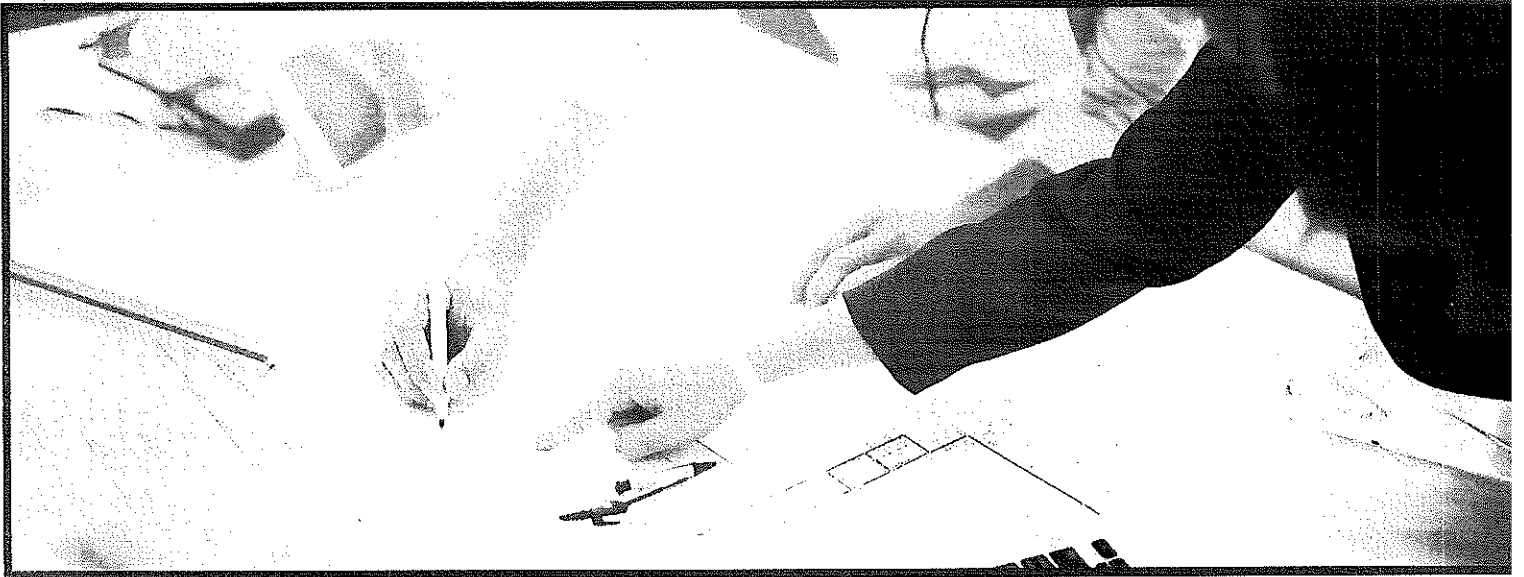
- ☒ Are personally known to me
- ☐ Has produced a current drivers license _____
- ☐ Has produced _____ as identification.

Notary Signature: Shelley Kienzle

Notary Seal



CONSTRUCTION BULLETIN



The Rebuild Florida Program is providing Program approved contractors a Construction Bulletin to advise on Program policies and procedures each week. Any Supplemental Bulletins contain additional construction guidance and will serve as an additional reference point for program contractors.

Please be advised that House Bill 1463 was approved by Governor DeSantis and signed into law this past Friday, 5/7/2021. This bill requires specific building permit applications applied for by licensed contractors for property owners under certain programs administered by DEO to be issued within a reduced timeframe. Specifically, Section 15. Subsection (14) of section 553.79, Florida Statutes, is amended to read:

(b) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

In accordance with this new legislation, please make sure all permit applications specific to this program are clearly labeled as DEO/CDBG-DR program-related



RebuildFlorida.gov

**FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY
HOUSING REPAIR AND REPLACEMENT PROGRAM
DEO Task Assignment Notification Form**

DEO Contract Number: 2284 Task Assignment Number: ID-002232 Bundle ID: S (South)-306

Contractor Name: Ducky Recovery, LLC

Contractor's Contract Manager Name: Daniel P. McKearan

Phone Number: 504-322-2169

DEO Contract Manager Name: DeAnna Poland-Stemock

Phone Number: 850-717-8443

Project Information

Scope of Work Total: \$84,882.08

Project Address: 1114 Palm Dr City: Immokalee County: Collier

Project Type: MHU Replacement

HRRP Storm: Hurricane Irma

Course of Events Following Execution of the DEO Task Assignment Notification Form: Contractor shall complete all pre-construction activities as described in the Statement of Work once the Homeowner Grant Agreement has been executed and DEO provides a Notice to Proceed (NTP). No activities/work shall begin prior to the issuance of the NTP. After issuance of the NTP, Contractor shall begin pre-construction activities (permits/bonds). Bond required if project total meets or exceeds \$100,000.00.

- ☐ Obtain all necessary Permits/Bonds
- ☐ Terminating utilities (if applicable)
- ☐ Ensure applicant belongings are removed from the home (if applicable)

DEO shall review all necessary pre-construction activities and ensure proof of all required permits and/or insurance before providing the Notice to Start Construction (NTC).

Acceptance of Quote: The prices included in the statement of work, specifications and conditions are satisfactory and are hereby accepted. DEO will provide an NTP once the Homeowner Grant Agreement has been executed. **No activities/work shall begin prior receiving the NTP.**



Florida Department of Economic Opportunity | Caldwell Building |
107 E. Madison Street | Tallahassee, FL 32399
www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to Individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.





Franklyn Prescod <franklyn@duckyjohnson.com>

Notice to Start Construction

Sean Pregeant <sean.pregeant@rebuildflorida.gov>

Mon, Jan 30, 2023 at 7:46 AM

To: "flpermitting@duckyjohnson.com" <flpermitting@duckyjohnson.com>, "franklyn@duckyjohnson.com" <franklyn@duckyjohnson.com>, "joseph.greco@deo.myflorida.com" <joseph.greco@deo.myflorida.com>, "davidc@duckyjohnson.com" <davidc@duckyjohnson.com>
 Cc: "Jun.Huang@iem.com" <jun.huang@iem.com>, "bradley.marange@iem.com" <bradley.marange@iem.com>, "tim.lagudi@iem.com" <tim.lagudi@iem.com>, "RebuildFloridaConstruction@deo.myflorida.com" <rebuildfloridaconstruction@deo.myflorida.com>, "kelvin.rosier@deo.myflorida.com" <kelvin.rosier@deo.myflorida.com>, "sean.pregeant@rebuildflorida.gov" <sean.pregeant@rebuildflorida.gov>

Notice to Start Construction

ATTENTION: Rebuild Florida Program Contractor Ducky Recovery, LLC
 FOR: Collier / ID-002232
 (COUNTY) (PROJECT #)
A Bid Request was held on 04/11/2022 and the project at1114 Palm Dr, Immokalee FL, 34142-4641

(Address)

 was awarded to Ducky Recovery, LLC on
 (Name of Contractor)

06/29/2022 in the amount of \$84,882.08
 (Award Date) (Amount)

 The contractor has been qualified, is in the state pool and eligible to participate in
 Rebuild Florida programs.
The contractor's construction start date is 01/30/2023.

Construction will be completed by _____.



Florida Department of Economic Opportunity | Caldwell Building |
 107 E. Madison Street | Tallahassee, FL 32399
 850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are
 available upon request to individuals with disabilities. All voice telephone numbers on this
 document may be reached by persons using TTY/TTD equipment via the
 Florida Relay Service at 711.



Post-Construction Meeting Checklist.pdf
 151K

FLORIDA GENERAL DURABLE POWER OF ATTORNEY

**THE POWERS YOU GRANT BELOW ARE EFFECTIVE
EVEN IF YOU BECOME DISABLED OR INCOMPETENT**

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO. THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE TO BE EFFECTIVE EVEN IF YOU BECOME DISABLED, INCAPACITATED, OR INCOMPETENT.

1 Gabriela Jauregui 1114 Palm Drive, Immokalee FL
34142 [insert your name and address] appoint
Samuel Martin Plunkett 1114 Palm Drive Immokalee FL
34142 [insert the name and address of the
person appointed] as my Agent (attorney-in-fact) to act for me in any lawful way with respect to
the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

Note: If you initial Item A or Item B, which follow, a notarized signature will be required on behalf of the Principal.

INITIAL

GS (A) **Real property transactions.** To lease, sell, mortgage, purchase, exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any interest in real property whatsoever, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, tear down, alter, rebuild, improve manage, insure, move, rent, lease, sell, convey, subject to liens, mortgages, and security deeds, and in any way or manner deal with all or any part of any interest in real property whatsoever, including specifically, but without limitation, real property lying and being situated in the State of Florida, under such terms and conditions, and under such covenants, as my Agent shall deem proper and may for all deferred payments accept purchase money notes payable to me and secured by mortgages or deeds to secure debt, and may from time to time collect and cancel any of said notes, mortgages, security interests, or deeds to secure debt.

GS (B) **Tangible personal property transactions.** To lease, sell, mortgage, purchase,

exchange, and acquire, and to agree, bargain, and contract for the lease, sale, purchase, exchange, and acquisition of, and to accept, take, receive, and possess any personal property whatsoever, tangible or intangible, or interest thereto, on such terms and conditions, and under such covenants, as my Agent shall deem proper; and to maintain, repair, improve, manage, insure, rent, lease, sell, convey, subject to liens or mortgages, or to take any other security interests in said property which are recognized under the Uniform Commercial Code as adopted at that time under the laws of the State of Florida or any applicable state, or otherwise hypothecate (pledge) and in any way or manner deal with all or any part of any real or personal property whatsoever, tangible or intangible, or any interest therein, that I own at the time of execution or may thereafter acquire, under such terms and conditions, and under such covenants, as my Agent shall deem proper.

 (C) Stock and bond transactions. To purchase, sell, exchange, surrender, assign, redeem, vote at any meeting, or otherwise transfer any and all shares of stock, bonds, or other securities in any business, association, corporation, partnership, or other legal entity, whether private or public, now or hereafter belonging to me.

 (D) Commodity and option transactions. To organize or continue and conduct any business which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

ST **(E) Banking and other financial institution transactions.** To make, receive, sign, endorse, execute, acknowledge, deliver and possess checks, drafts, bills of exchange, letters of credit, notes, stock certificates, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of banks, savings and loans, credit unions, or other institutions or associations. To pay all sums of money, at any time or times, that may hereafter be owing by me upon any account, bill of exchange, check, draft, purchase, contract, note, or trade acceptance made, executed, endorsed, accepted, and delivered by me or for me in my name, by my Agent. To borrow from time to time such sums of money as my Agent may deem proper and execute promissory notes, security deeds or agreements, financing statements, or other security instruments in such form as the lender may request and renew said notes and security instruments from time to time in whole or in part. To have free access at any time or times to any safe deposit box or vault to which I might have access.

ST **(F) Business operating transactions.** To conduct, engage in, and otherwise transact the affairs of any and all lawful business ventures of whatever nature or kind that I may now or hereafter be involved in.

ST **(G) Insurance and annuity transactions.** To exercise or perform any act, power, duty, right, or obligation, in regard to any contract of life, accident, health, disability, liability, or other type of insurance or any combination of insurance; and to procure new or additional contracts of insurance for me and to designate the beneficiary of same; provided, however, that my Agent cannot designate himself or herself as beneficiary of any such insurance contracts.

GT **(H) Estate, trust, and other beneficiary transactions.** To accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could exercise if present and under no disability; provided, however, that the Agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the Agent unless specific authority to that end is given.

GT **(I) Claims and litigation.** To commence, prosecute, discontinue, or defend all actions or other legal proceedings touching my property, real or personal, or any part thereof, or touching any matter in which I or my property, real or personal, may be in any way concerned. To defend, settle, adjust, make allowances, compound, submit to arbitration, and compromise all accounts, reckonings, claims, and demands whatsoever that now are, or hereafter shall be, pending between me and any person, firm, corporation, or other legal entity, in such manner and in all respects as my Agent shall deem proper.

GT **(J) Personal and family maintenance.** To hire accountants, attorneys at law, consultants, clerks, physicians, nurses, agents, servants, workmen, and others and to remove them, and to appoint others in their place, and to pay and allow the persons so employed such salaries, wages, or other remunerations, as my Agent shall deem proper.

GT **(K) Benefits from Social Security, Medicare, Medicaid, or other governmental programs, or military service.** To prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, military service, and governmental benefits, including but not limited to Medicare and Medicaid, which the principal could exercise if present and under no disability.

(L) Retirement plan transactions. To contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan); select and change payment options for the principal under any retirement plan; make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts; exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability.

GT **(M) Tax matters.** To prepare, to make elections, to execute and to file all tax, social security, unemployment insurance, and informational returns required by the laws of the United States, or of any state or subdivision thereof, or of any foreign government; to prepare, to

execute, and to file all other papers and instruments which the Agent shall think to be desirable or necessary for safeguarding of me against excess or illegal taxation or against penalties imposed for claimed violation of any law or other governmental regulation; and to pay, to compromise, or to contest or to apply for refunds in connection with any taxes or assessments for which I am or may be liable.

 (N) ALL OF THE POWERS LISTED ABOVE. YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

I Samuel Martin Plunkett in Dealing With Rebuild Florida
on New Mobile Home

THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

THIS POWER OF ATTORNEY SHALL BE CONSTRUED AS A GENERAL DURABLE POWER OF ATTORNEY AND SHALL CONTINUE TO BE EFFECTIVE EVEN IF I BECOME DISABLED, INCAPACITATED, OR INCOMPETENT.

(YOUR AGENT WILL HAVE AUTHORITY TO EMPLOY OTHER PERSONS AS NECESSARY TO ENABLE THE AGENT TO PROPERLY EXERCISE THE POWERS GRANTED IN THIS FORM, BUT YOUR AGENT WILL HAVE TO MAKE ALL DISCRETIONARY DECISIONS. IF YOU WANT TO GIVE YOUR AGENT THE RIGHT TO DELEGATE DISCRETIONARY DECISION-MAKING POWERS TO OTHERS, YOU SHOULD KEEP THE NEXT SENTENCE, OTHERWISE IT SHOULD BE STRICKEN.)

Authority to Delegate. My Agent shall have the right by written instrument to delegate any or all of the foregoing powers involving discretionary decision-making to any person or persons whom my Agent may select, but such delegation may be amended or revoked by any agent (including any successor) named by me who is acting under this power of attorney at the time of reference.

(YOUR AGENT WILL BE ENTITLED TO REIMBURSEMENT FOR ALL REASONABLE EXPENSES INCURRED IN ACTING UNDER THIS POWER OF ATTORNEY. STRIKE OUT THE NEXT SENTENCE IF YOU DO NOT WANT YOUR AGENT TO ALSO BE ENTITLED TO REASONABLE COMPENSATION FOR SERVICES AS AGENT.)

Right to Compensation. My Agent shall be entitled to reasonable compensation for services rendered as agent under this power of attorney.

(IF YOU WISH TO NAME SUCCESSOR AGENTS. INSERT THE NAME(S) AND ADDRESS(ES) OF SUCH SUCCESSOR(S) IN THE FOLLOWING PARAGRAPH.)

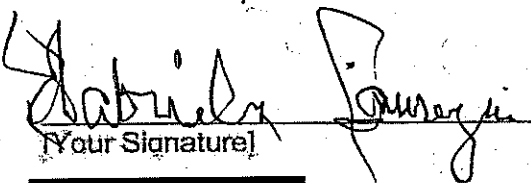
Successor Agent. If any Agent named by me shall die, become incompetent, resign or refuse to accept the office of Agent, I name the following (each to act alone and successively, in the order named) as successor(s) to such Agent:

Choice of Law. THIS POWER OF ATTORNEY WILL BE GOVERNED BY THE LAWS OF THE STATE OF FLORIDA WITHOUT REGARD FOR CONFLICTS OF LAWS PRINCIPLES. IT WAS EXECUTED IN THE STATE OF FLORIDA AND IS INTENDED TO BE VALID IN ALL JURISDICTIONS OF THE UNITED STATES OF AMERICA AND ALL FOREIGN NATIONS.

I am fully informed as to all the contents of this form and understand the full import of this grant of powers to my Agent.

I agree that any third party who receives a copy of this document may act under it. Revocation of the power of attorney is not effective as to a third party until the third party learns of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

Signed this 19 day of January, 2023


[Your Signature]


[Your Social Security Number]

STATEMENT OF WITNESS

On the date written above, the principal declared to me in my presence that this instrument is his general durable power of attorney and that he or she had willingly signed or directed another to sign for him or her, and that he or she executed it as his or her free and voluntary act for the purposes therein expressed.

Marcos Lugo R

[Signature of Witness #1]

Marcos Lugo Ramirez

[Printed or typed name of Witness #1]

1405 Pear Street IMMOKALEE

[Address of Witness #1, Line 1]

FLA 34142

[Address of Witness #1, Line 2]

Kyra L. Hick

[Signature of Witness #2]

Kyra Hick

[Printed or typed name of Witness #2]

18351 Nalle rd. North Fort Myers

[Address of Witness #2, Line 1]

FL 33917

[Address of Witness #2, Line 2]

A Note About Selecting Witnesses: The agent (attorney-in-fact) may not also serve as a witness. Each witness must be present at the time that principal signs the Power of Attorney in front of the notary. Each witness must be a mentally competent adult. Witnesses should ideally reside close by, so that they will be easily accessible in the event they are one day needed to affirm this document's validity.

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF Collier

This document was acknowledged before me on January 19, 2023 [Date] by
Gabriel Jauregui, Samuel Martin Plunkett [name of principal].

[Notary Seal, if any]:



Mary Lee Montes
(Signature of Notarial Officer)

Notary Public for the State of Florida

My commission expires:
January 11, 2025

ACKNOWLEDGMENT OF AGENT

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE
FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

Samuel Martin Plunkett
[Typed or Printed Name of Agent]

S. M. Plunkett
[Signature of Agent]

PREPARATION STATEMENT

This document was prepared by the following individual:

Gabriela Jauregui
[Typed or Printed Name]

Gabriela Jauregui
[Signature]

Collier County Property Appraiser Property Summary

Parcel No	00073840006	Site Address *Disclaimer	1114 PALM DR	Site City	IMMOKALEE	Site Zone *Note	34142
Name / Address PLUNKETT, SAMUEL M 1114 PALM DR							
City: IMMOKALEE State: FL Zip: 34142							
Map No.	1E32	Strap No.	000100 007 41E32	Section	32	Township	46
				Range	29	Acres	Estimated 6.32
Legal: 32 46 29 S 75FT OF W 184FT OF N 225FT OF E 478.57FT OF SW1/4 OF SE1/4 OF NW1/4							
Millage Area 5				Millage Rates *Calculations			
Sub./Condo 100 - ACREAGE HEADER				School	Other	Total	
Use Code 2 - MOBILE HOMES				4.292	9.8401	14.1321	

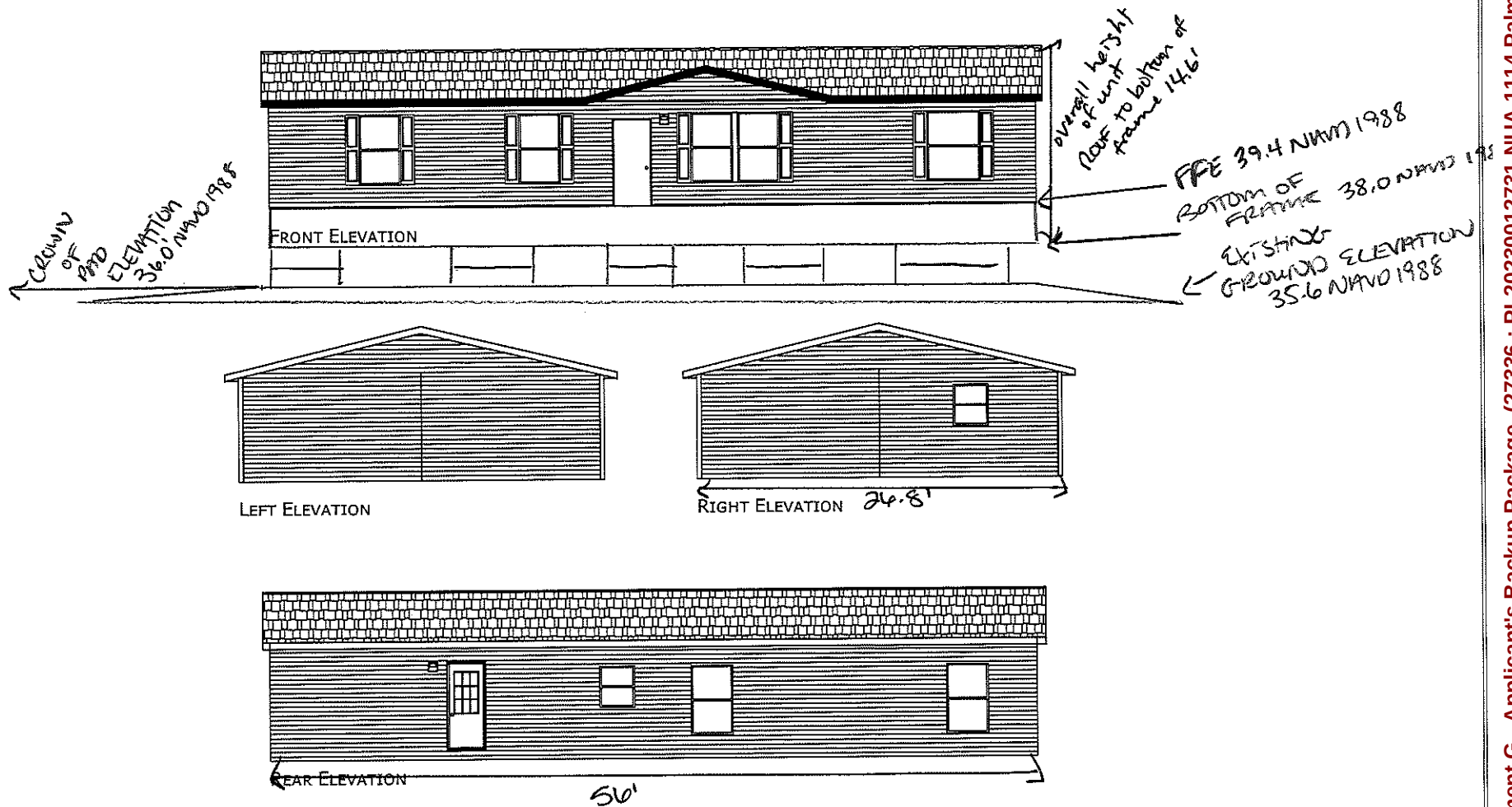
Latest Sales History (Not all Sales are listed due to Confidentiality)		
Date	Book-Page	Amount
01/19/23	6269-1062	\$ 0
02/19/03	3221-1003	\$ 22,000
04/06/95	2046-1205	\$ 28,000
02/23/93	1259-608	\$ 0
10/01/80	888-200	\$ 0
08/01/79	824-900	\$ 0

2023 Preliminary Tax Roll (Subject to Change)

Land Value	\$ 27,600
(+) Improved Value	\$ 28,371
(+) Market Value	\$ 55,971
(-) Save our Home	\$ 33,988
(-) Assessed Value	\$ 21,983
(-) Homestead	\$ 21,983
(-) School Taxable Value	\$ 0
(-) Taxable Value	\$ 0

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

ELEVATIONS PAGE



**CHAMPION
HOME BUILDERS**

755 W. BIG BEAVER ROAD, SUITE 1000, TROY, MI 48064
PHONE: 248-614-8200

MODIFICATIONS

PROJECT: 2856H32P01
56'-0" x 26'-8"
3 BD 2 BT

DRAWN BY: B. CAMPBELL
DATE: 06-10-20
SCALE: 3/16" = 1'-0"

TITLE: ELEVATIONS

FILENAME: 2856H32P01_11-23-2020

SHEET: EV-101

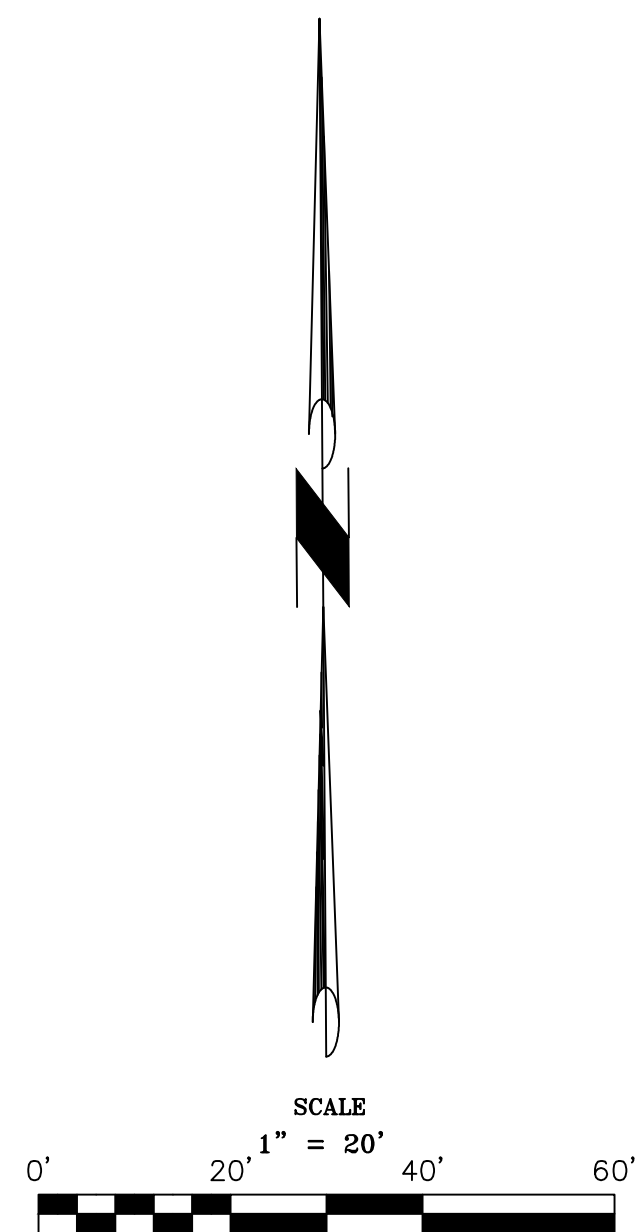
PROPRIETARY AND CONFIDENTIAL
THESE DRAWINGS AND SPECIFICATIONS ARE ORIGINAL
PROPRIETARY AND CONFIDENTIAL MATERIALS OF CHAMPION
COPYRIGHT © 1976-2022 BY CHAMPION

Narrative

The property in question is at 1114 Palm Dr, Immokalee FL 34142. "The Property Appraisers use of "Acreage Header" does not denote agricultural use of the property." The existing zoning classification is Residential Single-Family-4 (RSF-4) for which the allowable density is 4 units per acre. Required setbacks are: Front Yard – 25 feet, Side Yards – 7.5 feet, and Rear Yards – 25 feet. Per the provided site plan, the proposed mobile home will exceed those requirements. Front setback would be 106.4' ft, Rear Setback would be 50.9' Left Side Setback would be 9.5' and Right-Side Setback would be 9.5'. There was a permit for a re-roof shingle to metal (mobile home) pulled in 2020 under permit number PRBD20200937016. I cannot find a prior record for a mobile home placement. A demolition permit was pulled for the existing mobile home 14x56 which has been demolished under permit PRDM20220943714. New Mobile Home which is 26.8'x56' was applied for under permit number PRTM20230101296. An elevations page showing overall height of unit and dimensions is attached. The replacement mobile home will not:

- exceed building height requirements
- encroach on any nonconforming setbacks
- decrease any existing parking areas
- damage the character or quality of the neighborhood
- pose a threat to the health, safety, or welfare of community

We furthermore ask you expedite the approval of the replacement mobile home for this displaced homeowner as there was no purposeful attempt on their behalf or the DEO or the Florida Rebuild Program to go outside of any county rules or regulations regarding their property. All required setbacks and stipulations regarding this replacement will be followed



THE SOUTH 75.00 FEET OF THE WEST 184.00 FEET OF THE NORTH 225.00
FEET OF THE EAST 478. 57 FEET OF THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 46
SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA

SURVEY REPORT

- CERTIFIED TO:

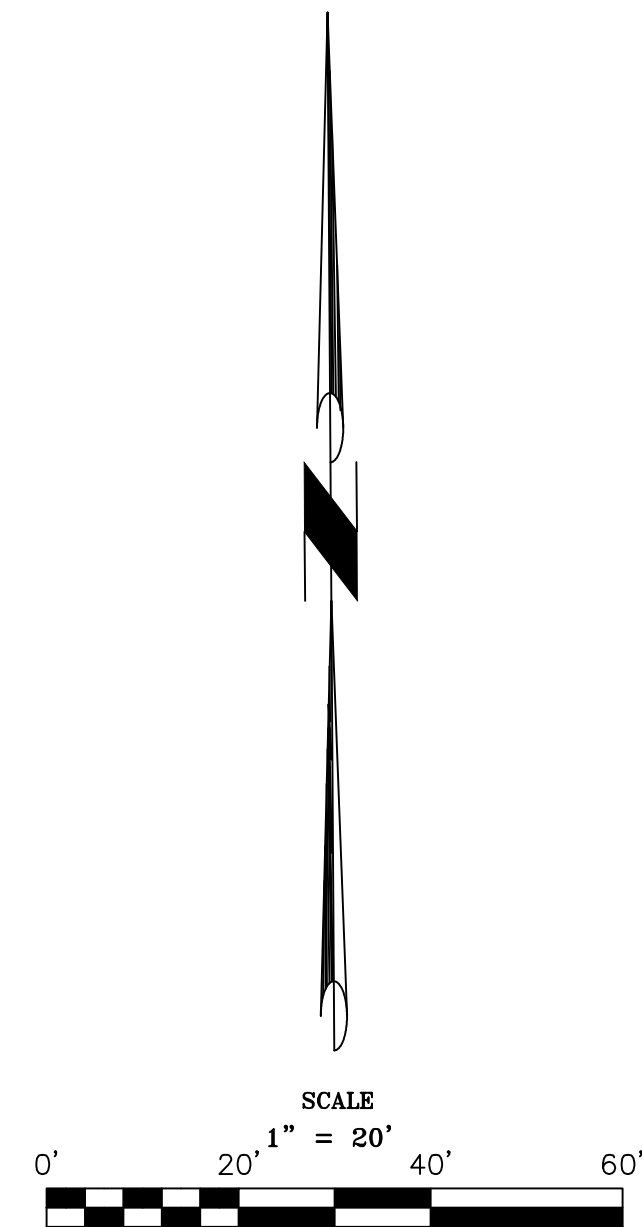
LEGEND:

- (PR) = PRO-RATED
(D) = DEED
(P) = PLAT
(M) = MEASURED
(C) = CALCULATED
ELEV. = ELEVATION

- R/W = RIGHT OF WAY
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
x 0.0 = EXISTING ELEVATION
● 0.0 = PROPOSED ELEVATION
TOB = TOP OF BANK

- STATE OF
FLORIDA
PROFESSIONAL SURVEYOR & MAPPER
PROFESS
STATE OF FLORIDA C

- JOB NO. 22-096
CADD FILE:
22-096
BY: M.A.
SURVEY DATE:
10-06-22
SHEET 1 OF 1



THE SOUTH 75.00 FEET OF THE WEST 184.00 FEET OF THE NORTH 225.00
FEET OF THE EAST 478. 57 FEET OF THE SOUTHWEST 1/4 OF THE
SOUTHEAST 1/4 OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 46
SOUTH, RANGE 29 EAST, COLLIER COUNTY, FLORIDA

SURVEY REPORT

- | |
|--|
| JOB NO. 22-096
CADD FILE:
22-096
BY: M.A.
SURVEY DATE:
10-06-22
SHEET 1 OF 1 |
|--|



Parcel ID: 00073840008
Name: FLUNKETT, SAMUEL M
Street# & Name: 1114 PALM DR
Build# / Unit#: 007 / 4

1114 Palm Pr
Ummokadee Pr

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name GABRIELA JAUREGUI				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1114 PALM DRIVE				Company NAIC Number:	
City IMMOKALEE		State Florida		ZIP Code 34142	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) PARCEL NO 00073840006					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>RESIDENTIAL</u>					
A5. Latitude/Longitude: Lat. <u>26.434200</u> Long. <u>-81.445130</u> Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>5</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>0.00</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0.00</u> sq in					
d) Engineered flood openings? ☒ Yes ☐ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>0.00</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0.00</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number COLLIER COUNTY 120067			B2. County Name COLLIER		B3. State Florida
B4. Map/Panel Number 12021C0140	B5. Suffix H	B6. FIRM Index Date 05-16-2012	B7. FIRM Panel Effective/ Revised Date 05-16-2012	B8. Flood Zone(s) AH	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 35.5
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1114 PALM DRIVE			Policy Number:	
City IMMOKALEE	State Florida	ZIP Code 34142	Company NAIC Number	

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
 Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized: GPS-RTK Vertical Datum: NAVD88

Indicate elevation datum used for the elevations in items a) through h) below.
☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

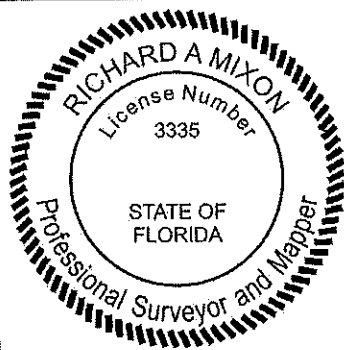
Datum used for building elevations must be the same as that used for the BFE.

		Check the measurement used.		
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	36.5	☒ feet	☐ meters	
b) Top of the next higher floor	N/A	☐ feet	☐ meters	
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	☐ feet	☐ meters	
d) Attached garage (top of slab)	N/A	☐ feet	☐ meters	
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	36.5	☒ feet	☐ meters	
f) Lowest adjacent (finished) grade next to building (LAG)	36.5	☒ feet	☐ meters	
g) Highest adjacent (finished) grade next to building (HAG)	36.5	☒ feet	☐ meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	36.5	☒ feet	☐ meters	

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
 I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name RICHARD A MIXON	License Number LS3335	
Title LAND SURVEYOR		
Company Name MIXON LAND SURVEYING INC		
Address 12450 NE 26TH AVENUE		
City OKEECHOBEE	State Florida	

Signature RICHARD A MIXON	Date 10-18-2022	Telephone (772) 260-5302	Ext.
------------------------------	--------------------	-----------------------------	------

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1114 PALM DRIVE			Policy Number:
City IMMOKALEE	State Florida	ZIP Code 34142	Company NAIC Number

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- Enter meters.
- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address	City	State	ZIP Code
---------	------	-------	----------

Signature	Date	Telephone
-----------	------	-----------

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1114 PALM DRIVE			Policy Number:	
City IMMOKALEE	State Florida	ZIP Code 34142	Company NAIC Number	
SECTION G – COMMUNITY INFORMATION (OPTIONAL)				
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters. G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.) G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO. G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.				
G4. Permit Number		G5. Date Permit Issued		G6. Date Certificate of Compliance/Occupancy Issued
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____ G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____ G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____				
Local Official's Name		Title		
Community Name		Telephone		
Signature		Date		
Comments (including type of equipment and location, per C2(e), if applicable) ☐ Check here if attachments.				

Attachment: Attachment G - Applicant's Backup Package (27336 : PL20230012731 NUA 1114 Palm Drive, Immokalee - Plunkett / Jauregui)

BUILDING PHOTOGRAPHS**ELEVATION CERTIFICATE**

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1114 PALM DRIVE			Policy Number:
City IMMOKALEE	State Florida	ZIP Code 34142	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Photo One

Photo One

Photo One Caption

Clear Photo One

Photo Two

Photo Two

Photo Two Caption

Clear Photo Two

BUILDING PHOTOGRAPHS

OMB No. 1660-0008
Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

Continuation Page

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1114 PALM DRIVE			Policy Number:
City IMMOKALEE	State Florida	ZIP Code 34142	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo Three

Photo Three

Photo Three Caption
Clear Photo Three

Photo Four

Photo Four

Photo Four Caption
Clear Photo Four



FULL LEGAL DESCRIPTION OF 1114 PALM DR, IMMOKALEE, FL 34142.

The South 75.00 feet of the West 184.00 feet of the North 225.00 feet of the East 478.57 feet of the Southwest 1/4 of the Southeast 1/4 of the Northwest quarter of Section 32, Township 46 South, Range 29 East, Collier County, Florida, together with a 1972 REMBR Mobile Home Bearing Identification #02860

06/01/2023

TO WHOM IT MAY CONCERN:

The property in question at 1114 Palm Dr, Immokalee, FL had a previous mobile home on it. This homeowner applied for the Florida Rebuild Program to obtain help in replacing a home that was damaged in a natural disaster beyond repair (Hurricane Irma then Hurricane Ian). We applied for all the permits to demo and replace the home back to pre-loss condition. The previous home has already been demoed and the new mobile home is here and ready to install only to find out the zoning has changed. The replacement mobile home will not:

- increase density of the lot
- exceed building height requirements
- encroach on any nonconforming setbacks
- decrease any existing parking areas
- damage the character or quality of the neighborhood
- pose a threat to the health, safety, or welfare of the community

We further more ask you expedite the approval of the replacement mobile home for this displaced homeowner as there was no purposeful attempt on their behalf or the DEO or the Florida Rebuild Program to go outside of any county rules or regulations regarding their property. All required setbacks and stipulations regarding this replacement will be followed.

Bethany Zajicek is a representative of Ducky Recovery who is the general contractor for Florida Rebuild and is the representative of the homeowner in such cases of any permitting needs. Bethany Zajicek will be representing the homeowner at the Public Hearing. Hines Mobile Home Installation is the installer for the new mobile home that we are trying to replace on the property. Gabriela Jauregui has passed away leaving Sam Plunkett as the single property owner.

80-4310 PREVIOUS MOBILE HOME PERMIT

PRBD20200937016 MOBILE HOME WAS REROOFED IN 2020

PRDM20220943714 DEMO PERMIT WAS PULLED FOR EXISTING HOME

PRTM20230101296 MOBILE HOME PERMIT WAS PULLED TO REPLACE PREVIOUS MOBILE HOME.

Permit Applications ☺

Permit #	Type	Work Class	Status	Date Issued
PRTM20230101296	Trailers and Mobile Homes	New Construction	Rejected	
<u>Permits:</u> <u>Description:</u> FL REBUILD GEO PROGRAM RELATED INSTALLATION OF REPLACEMENT MH (DEMO PRDM20220943714) 1114 Palm DR, (Mobile/Modular) , Immokalee				
PRDM20220943714	Demolition	Demolition	Issued	11/02/2022
<u>Permits:</u> <u>Description:</u> DEMO FLORIDA REBUILD PROGRAM RELATED DEMO EXISTING MOBILE HOME 1114 PALM DR				
PRBD20200937016	Building	Alteration/Remodel	Finalized	09/14/2020
<u>Permits:</u> <u>Description:</u> RE-ROOF SHINGLE TO METAL(MOBILE HOME) 1114 PALM DR Permit is for completion of work only - structure is not regulated by Florida Building Code				

PREVIOUS MOBILE HOME WAS A 14X56

THE NEW MOBILE HOME IS 26.8X56 WHICH IS WHAT THE STATE OF FLORIDA REBUILD PROGRAM APPROVED FOR THE HOMEOWNER.

BUILDING HEIGHT IS 15'10"+ BLOCKING NOT TO EXCEED 48": HEIGHT WILL NOT GO OVER 20'

12/14/2023

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.D**Doc ID:** 27316

Item Summary: Petition No. PDI-PL20230011202 - Yarberry Lane and Arbour Walk Circle - Request for an insubstantial change to the Palisades Residential Planned Unit Development (RPUD), Ordinance No. 22-20, to modify the cross sections in Exhibit C of the Master Plan, including the depiction of the as-built elevations of 12.5 feet for the wall that runs the length of the perimeter RPUD boundary; and to revise Deviation 1 to reflect the correct elevation of the wall. The subject property consists of ±12.0 acres in the northwest quadrant of the intersection of Yarberry Lane and Arbour Walk Circle in Section 2, Township 49 South, Range 25 East, Collier County, Florida. [Eric Ortman, Planner III] Commissioner District 2

Meeting Date: 12/14/2023**Prepared by:**

Title: Principal Planner – Zoning

Name: Sean Sammon

11/21/2023 3:58 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

11/21/2023 3:58 PM

Approved By:**Review:**

Growth Management Community Development Department	Diane Lynch	Department review	Skipped
		11/22/2023 5:19 PM	
Operations & Regulatory Management	Michael Stark	Review Item	Completed 11/28/2023 5:20 PM
Zoning	Ray Bellows	Review Item	Completed 11/28/2023 5:58 PM
Zoning	Mike Bosi	Division Director	Completed 11/29/2023 8:05 AM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed 12/01/2023 12:45 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	12/14/2023 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: DECEMBER 14, 2023

SUBJECT: PDI-PL20230011202, PALISADES RPUD

APPLICANT/AGENT:

Owner:

Yarberry Partners, LLC
921 Interstate Commerce Dr.
Fort Myers, FL. 33913

Applicant:

Yarberry Partners, LLC
921 Interstate Commerce Dr.
Fort Myers, FL. 33913

Applicant:

Jem Frantz
RVI Planning and Landscape Architecture
28100 Bonita Grande Dr.
Bonita Springs, FL. 34135

REQUESTED ACTION:

The petitioner requests an insubstantial change (PDI) to Ordinance No. 2022-20 for the Palisades Residential Planned Unit Development (RPUD) to modify the cross sections shown in Exhibit C of the Master Plan, including the depiction of the permitter wall as-built elevation of 12.5 feet.

GEOGRAPHIC LOCATION:

The subject ±12-acre planned unit development property is in the northwest quadrant of the intersection of Yarberry Lane and Arbour Walk Circle, approximately 1,200 feet south of the intersection of Orange Blossom Road and Yarberry Lane. Yarberry Lane is approximately 2,000 feet to the west of and runs parallel to Airport Road. The property is in Section 2 Township 49 South, Range 25 East, in unincorporated Collier County. (See location map on page 2).

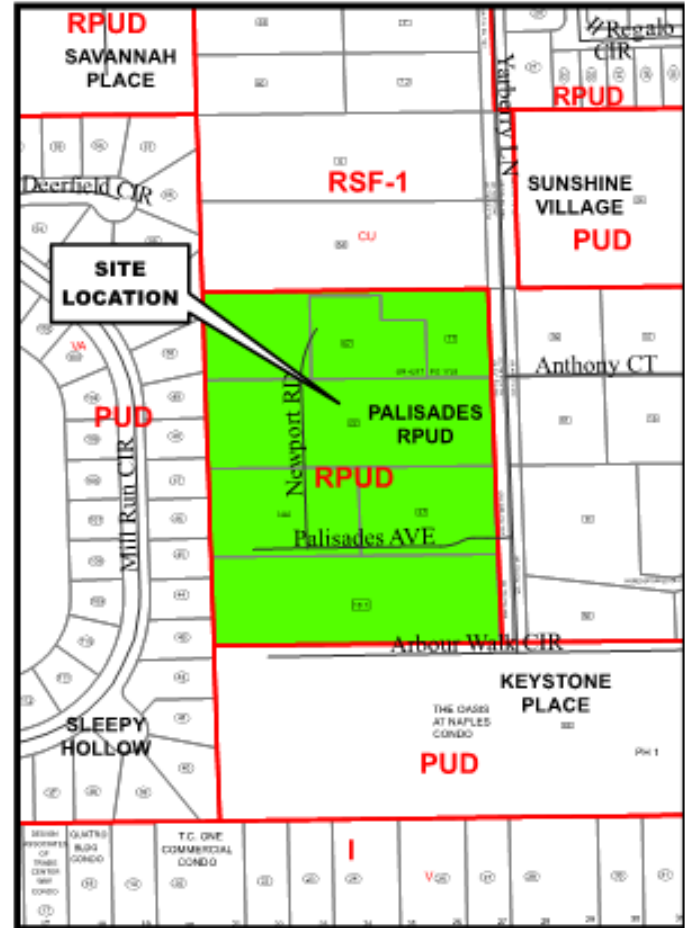
PURPOSE/DESCRIPTION OF PROJECT:

The Palisades RPUD was originally rezoned from RSF-1 by the Board of County Commissioners (BCC) on May 24, 2022 (Ord. 22-20) to allow the development of up to 36 detached single-family dwelling units and accessory structures. The site has been platted and cleared; some infrastructure, such as sanitary sewer, has been installed. A perimeter berm and six- to eight-foot wall have also been constructed.

Attachment: PDI Staff Report Palisades RPUD (27316 : PL20230011202 - Palisades RPUD)



Location Map



Zoning Map

Petition Number: PL20230011202

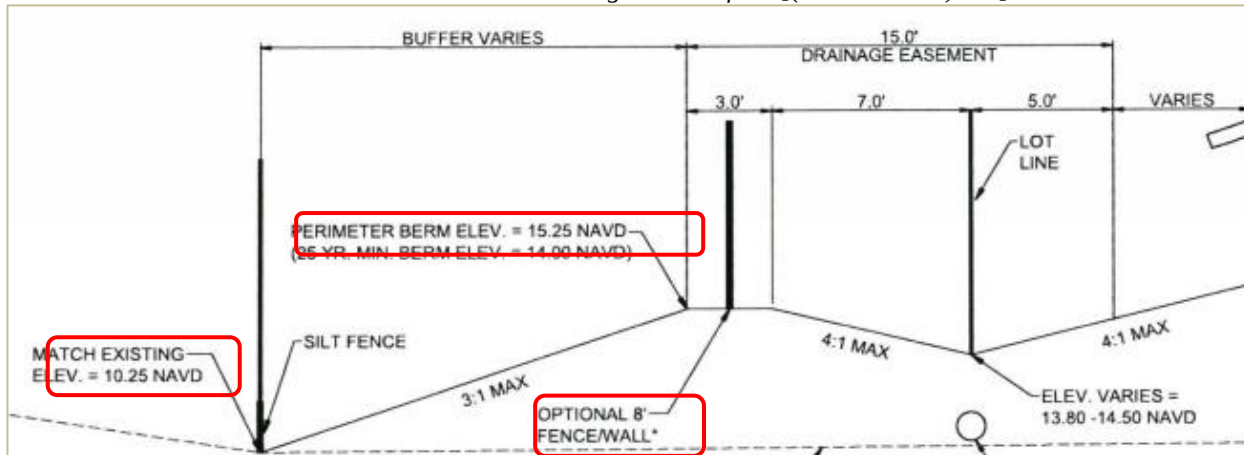
Cross-Section Adjustment to Berm Elevations to Reflect As-Built Conditions

An error in the survey berm elevations was discovered after constructing the berm and wall, which led to the submittal of this petition. Figure 1 on page 3 reflects the cross-sections from Ord. 22-20. Figures 2 & 3, also on page 3, reflect as-built cross-sections which show different base and berm elevations than those approved in Ord. 22-20. Two cross-sections are shown as the berm elevation varies around the property's perimeter.

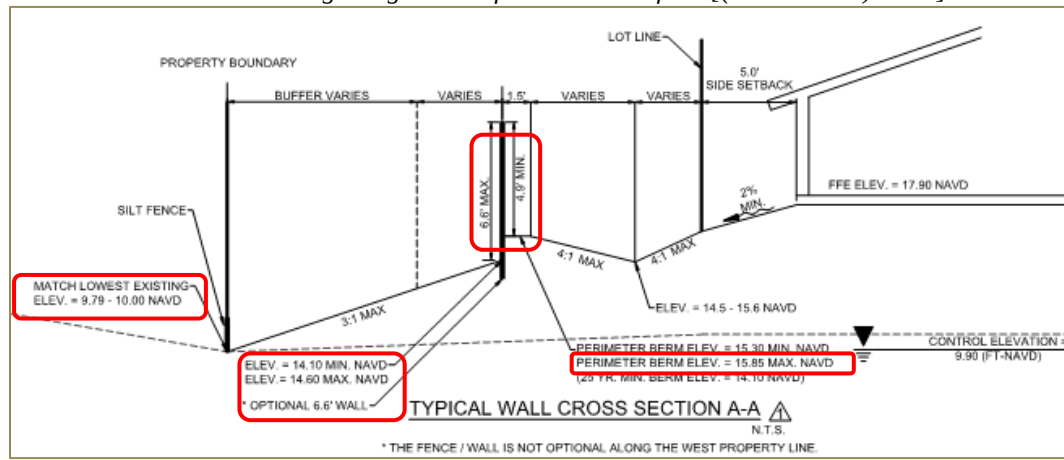
Attachment: PDI Staff Report Palisades RPUD (27316 : PL20230011202 - Palisades RPUD)

Figure 1 – Approved Cross-Section from Ord. 22-20

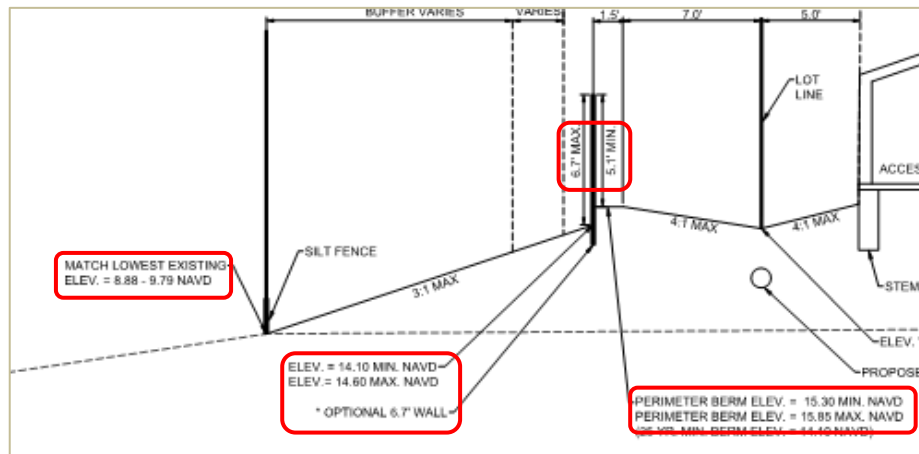
Maximum Combined Berm and Wall Height is 13.0 feet: $[(15.25 - 10.25) + 8] = 13.0$

**Figure 2 - Proposed Cross-Section AA**

Combined Berm and Wall Height Left Side of Wall is 11.41 feet: $[(14.6 - 9.79) + 6.6] = 11.41$
 Combined Berm and Wall Height Right Side of Wall is 10.96 feet: $[(15.85 - 9.79) + 4.9] = 10.96$

**Figure 3 - Proposed Cross-Section BB**

Combined Berm and Wall Height Left Side of Wall is 12.4 feet: $[(14.6 - 8.88) + 6.7] = 12.42$
 Combined Berm and Wall Height Right Side of Wall is 13.0 feet: $[(15.85 - 8.88) + 5.1] = 12.07$



Error in Deviation Language

While staff was reviewing the petition, an error in the Deviation #1 language of Ord. 22-20 was discovered. In Ord. 22-20, the deviation reads:

Deviation 1 from LDC Section 5.03.02.C.2, "Fences and Walls," which permits a maximum fence/wall height of six feet in residential components of planned unit development districts, to allow for a maximum fence/wall/berm height of 8 feet along the PUD perimeter boundary.

The intent of this deviation was to allow a wall of up to eight feet to be installed, as demonstrated by the deviation language and Master Plan for Ord. 22-20 (See *Attachment 1*). If the word "berm" was not included in the deviation request, the wording would have been consistent with LDC 5.03.02, would match the intent of the deviation request, and would agree with Master Plan of Ord. 22-20 (Figure 4).

As approved by Ord. 22-20, the maximum height of the berm/fence combination was 13.0 feet (See Figure 1). Figures 2 & 3 show the height of the berm/wall combination which varies from 10.96 feet to 12.42 feet resulting in a berm/wall 0.58 to 2.04 feet shorter than that which was approved. The applicant met with affected neighbors and explained the nature of the error. Along the western border of the property is where the wall is the lowest.

The applicant proactively planted an additional hedge that will be allowed to grow 18 to 24 inches over the top of the existing wall which will essentially negate the error of the wall being too low.

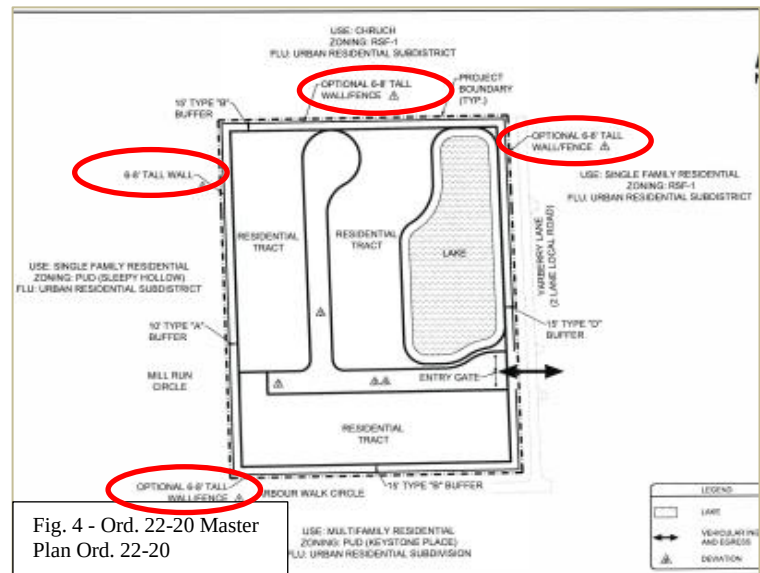


Fig. 4 - Ord. 22-20 Master Plan Ord. 22-20

In addition, the applicant has planted additional small trees along the wall. At the request of adjacent neighbors, the applicant also installed a chain link fence in the southwest corner of the property to close off an open area and join an existing chain link fence of an abutting PUD that the neighbors were concerned that people might use as a cut-through while walking.

LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties near the portion of the PUD affected by the request.

North: Residential Single-Family (RSF-1) and a Conditional Use for a church.

East: Residential Single-Family (RSF-1)

South: Keystone Place PUD

West: Sleepy Hollow PUD Aside from the abutting RSF-1 districts to the north and east, PUDs surround the subject property. See Figure 5 on the next page.

STAFF ANALYSIS:

LDC Sections 10.02.13.E.1 and 10.02.13.E.2 set forth the criteria by which insubstantial amendments to a PUD Master Plan and/or minor text changes to a PUD document are to be reviewed before they can be approved. The criteria and a response to each have been listed as follows:

LDC Section 10.02.13.E.1:

- a. **Is there a proposed change in the boundary of the Planned Unit Development (PUD)?**

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

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

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

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

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

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

No, there is no proposed increase to the size of areas used for non-residential uses and no relocation of non-residential areas.

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

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

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

No additional traffic will be generated from this amendment.



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

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

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

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

- i. **Are there any modifications to the PUD Master Plan or PUD Document or amendments to a PUD ordinance, which is inconsistent with the Future Land Use Element or other elements of the Growth Management Plan or which modification would increase the density of intensity of the permitted land uses?**

No. Comprehensive Planning staff determined that Ord. 22-20 was consistent with the FLUE of the GMP. There will be no change in the density or intensity of development and no change in the list of permitted uses.

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

This question is not applicable as the development does not rise to the level of a regional impact.

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

No, this petition is an insubstantial change to the Palisades RPUD and seeks only to reflect as-built conditions and clean up an error in Deviation #1 of Ord. 22-20.

LDC Section 10.02.13.E.2: Insubstantial change determination. An insubstantial change includes any change that is not considered a substantial or minor change. An insubstantial change to an approved PUD Ordinance shall be based upon an evaluation of LDC subsection 10.02.13 E.1

The petition is changing the berm/wall elevations shown in the Master Plan of Ord. 22-20 to reflect as-built conditions and to correct an error in the language of Deviation #1 to bring it into agreement with the Master Plan. As such, it is an insubstantial change that successfully meets the LDC 10.02.13 E.1 criteria.

DEVIATION DISCUSSION:

The petitioner is not seeking any deviations but rather to correct an error in Deviation #1 of Ord. 22-20.

Ord. 22-20 Deviation #1 currently reads:

Deviation 1 from LDC Section 5.03.02.C.2, "Fences and Walls," which permits a maximum fence/wall height of six feet in residential components of planned unit development districts, to allow for a maximum fence/wall/berm height of 8 feet along the PUD perimeter boundary.

The proposed change is to change 8 feet to 12.5 feet, as shown below:

Deviation 1 from LDC Section 5.03.02.C.2, "Fences and Walls," which permits a maximum fence/wall height of six feet in residential components of planned unit development districts, to allow for a maximum fence/wall/berm height of 12.5 feet along the PUD perimeter boundary.

Petitioner's Justification:

The change is to correct an error in the deviation language so that it matches the approved master plan and reflects existing conditions.

Staff Analysis and Recommendation:

The requested insubstantial change to the deviation language will bring the deviation language into agreement with the approved master plan. The deviation is for the perimeter berm and wall, which have already been built and conform to the existing master plan. Staff sees no detrimental effect if this deviation request is approved. Zoning staff recommends **APPROVAL** of this deviation, finding it in compliance with LDC Section 10.02.13.A.3, and that there will be no detrimental effect on the surrounding communities' health, safety, and welfare.

NEIGHBORHOOD INFORMATION MEETING (NIM):

A NIM was held at 5:00 p.m. on November 16, 2023, at the Collier County Public Library Headquarters Branch located at 2385 Orange Blossom Road. One person from the public attended, wanting to know how this would affect her property, which abuts the Palisades RPUD along its western border. The applicant described the steps that have been taken to add additional trees and hedges to offset the lower wall and that the hedge would be allowed to grow to the height of the wall as originally planned, which will offset the applicant's error in setting the wall too low. The NIM concluded at approximately 5:30 p.m.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney's Office reviewed the staff report on November 20, 2023.

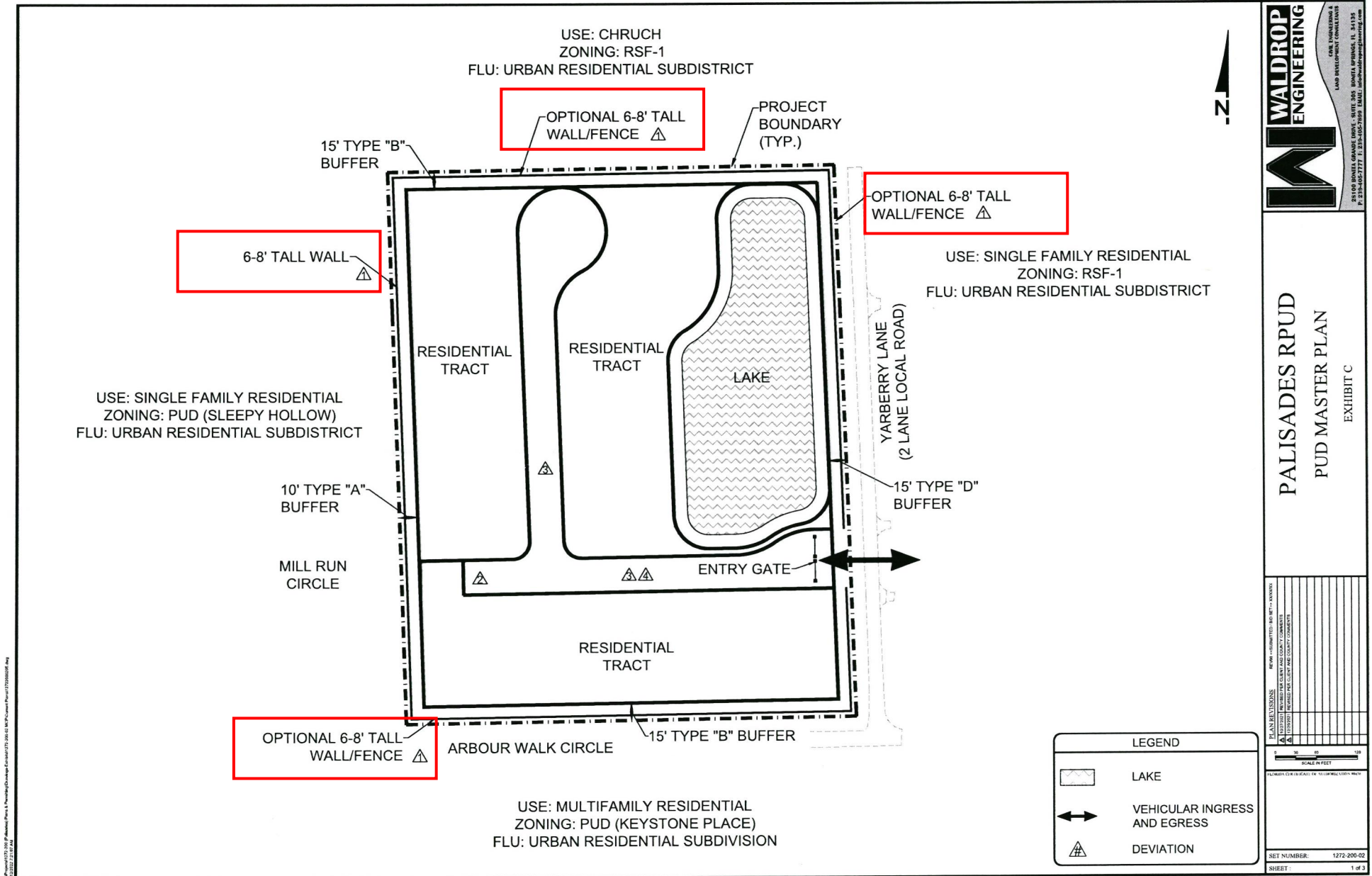
RECOMMENDATION:

Staff recommends that the Collier County Hearing Examiner approve Petition PDI-PL20230011202.

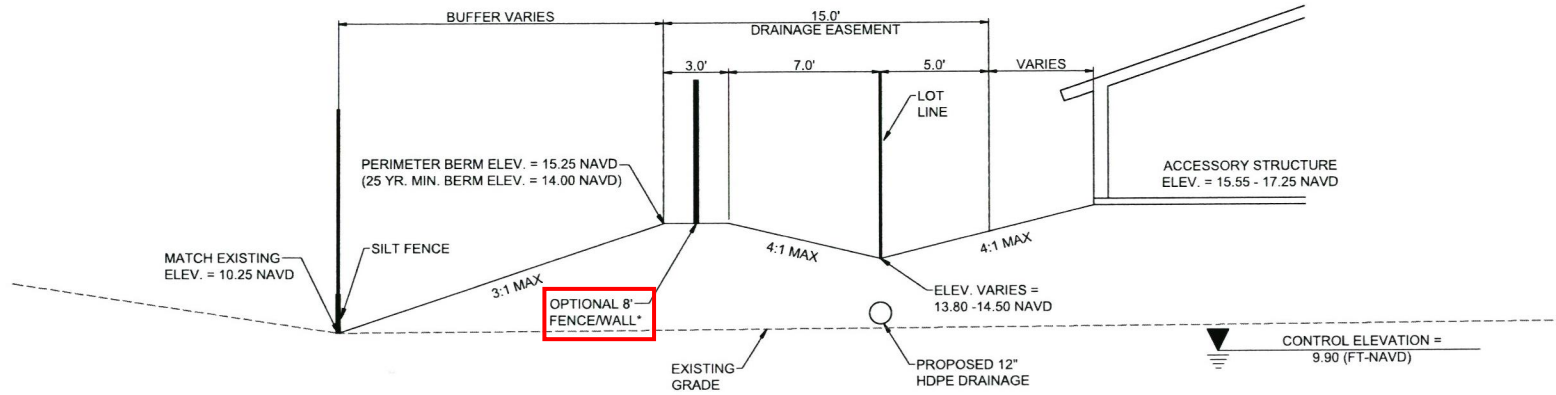
Attachments:

1. Master Plan and Deviation Language from Ord. 22-20
2. Applicant Backup Materials
3. Legal Ad and Sign Posting

Ordinance No. 22-20 Master Plan

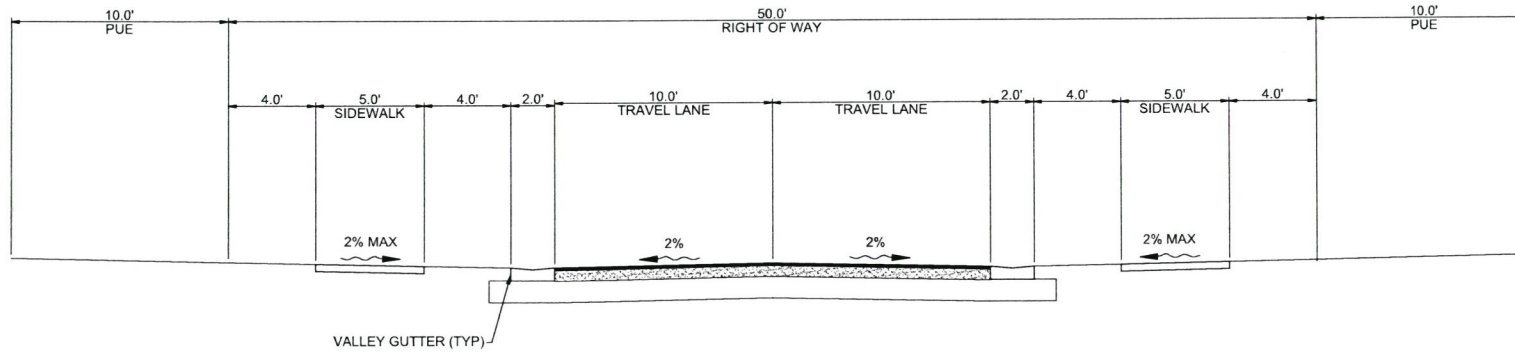


Ordinance No. 22-20 Master Plan

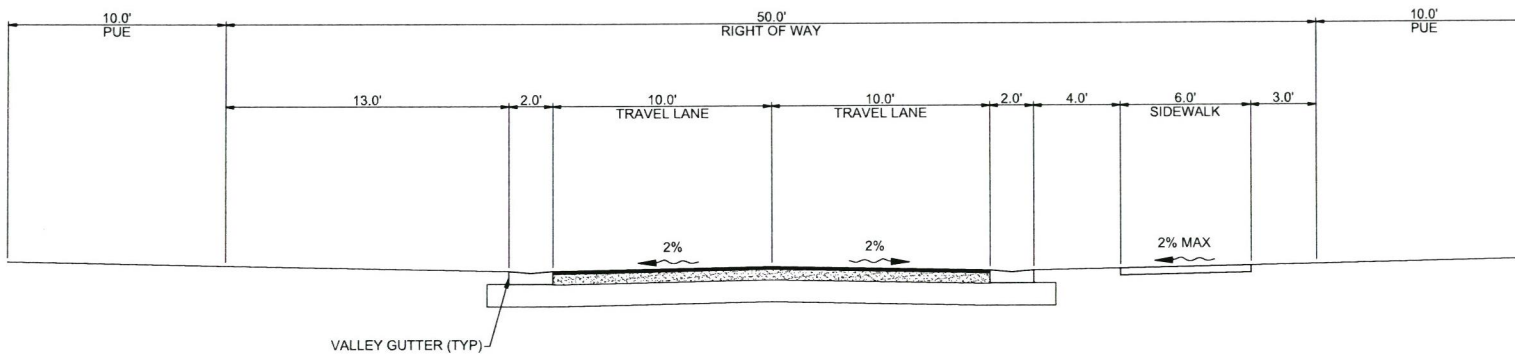


TYPICAL WALL CROSS SECTION 
N.T.S.

* THE FENCE / WALL IS NOT OPTIONAL ALONG THE WEST PROPERTY LINE.



TYPICAL 50' ROW CROSS SECTION 
N.T.S.



SIDEWALK DEVIATION CROSS SECTION 
N.T.S.



PALISADES RPUD

PLAN REVISIONS	REVISION	DATE	BY	CHKD
1	ISSUED FOR CLIENT AND COUNTY COMMENTS			
2	ISSUED FOR CLIENT AND COUNTY COMMENTS			

NOT TO SCALE

FLORIDA CERTIFICATE NO.

SET NUMBER
SHEET

Attachment: Attachment 1 - Master Plan and Deviation Language from Ord. 22-20 (27316 : PL20230011202 EXHIBIT C

Project#1272-203 (P#1272-203) Plans & Permitting/Drawings Extension#1272-203-02 MCP/Current Page#1272260205B.dwg
12/2/2022 7:21:08 AM

Packet Pg. 170

PALISADES RPUD PDI

Planned Unit Development

Insubstantial Change

HEX Package

December 14, 2023

PREPARED FOR:
Yarberry Partners, LLC

SUBMITTED TO:
Collier County Growth Management Department
Zoning Division
2800 N. Horseshoe Dr.
Naples, FL 34104

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Table of Contents

Contents

Completed Application Form
Pre-Application Meeting Waiver
Project Narrative
Current Approved Ordinance
Revised Master Plan
Revised PUD Document
Deviations and Justifications
Warranty Deed
Plat Book Pages
Affidavit of Authorization
Addressing Checklist
Property Ownership Disclosure
NIM Summary

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Completed Application Form



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

INSUBSTANTIAL CHANGE TO A PUD (PDI)

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

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

PETITION NO
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Yarberry Partners, LLC

Name of Applicant if different than owner:

Address: 921 Interstate Commerce Dr City: Fort Myers State: FL ZIP: 33913

Telephone: (239)-738-7900 Cell: Fax:

E-Mail Address: kbrown@seagatedevelopmentgroup.com

Name of Agent: Jeremy Frantz, AICP

Firm: RVI Planning and Landscape Architecture

Address: 28100 Bonita Grande Dr City: Bonita Springs State: FL ZIP: 34135

Telephone: 239.319.0026 Cell: 239.357.9580 Fax:

E-Mail Address: jfrantz@rviplanning.com

DETAIL OF REQUEST

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



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

PROPERTY INFORMATION

PUD NAME: Palisades RPD ORDINANCE NUMBER: 2022-20
FOLIO NUMBER(S): See attached property list

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

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

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

If no, please explain: _____

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

If yes, in whose name? _____

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

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

If yes, please describe on an attached separate sheet.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)



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

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

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

REQUIREMENTS FOR REVIEW	# OF COPIES	REQUIRED	NOT REQUIRED
Completed Application (download current form from County website)	1	☒	☐
Pre-Application Meeting notes	1	☐	☒
Project Narrative, including a detailed description of proposed changes and why amendment is necessary	1	☒	☐
Detail of request	1	☒	☐
Current Master Plan & 1 Reduced Copy	1	☒	☐
Revised Master Plan & 1 Reduced Copy	1	☒	☐
Revised Text and any exhibits	☐	☒	☐
PUD document with changes crossed through & underlined	☐	☐	☒
PUD document as revised with amended Title Page with Ordinance #	☐	☐	☒
Warranty Deed	☐	☒	☐
Legal Description	1	☐	☒
Boundary survey, if boundary of original PUD is amended	☐	☐	☒
If PUD is platted, include plat book pages	☐	☒	☐
List identifying Owner & all parties of corporation	1	☒	☐
Affidavit of Authorization, signed & notarized	1	☒	☐
Completed Addressing Checklist	1	☒	☐
Property Ownership Disclosure Form	1	☒	☐
Copy of 8 ½ in. x 11 in. graphic location map of site	1	☒	☐
Electronic copy of all documents and plans *Please advise: The Office of the Hearing Examiner requires all materials to be submitted electronically in PDF format.	☐	☒	☐
*If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement.			

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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



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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:

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

FEE REQUIREMENTS

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

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

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

All checks payable to: Board of County Commissioners.

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

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

Agent/Owner Signature

6/19/2023

Date

Jeremy Frantz

Applicant/Owner Name (please print)

Pre-Application Meeting Waiver

Jeremy Frantz

From: BellowsRay <Ray.Bellows@colliercountyfl.gov>
Sent: Friday, June 16, 2023 11:58 AM
To: Jeremy Frantz; BosiMichael
Cc: Jackie Larocque; McKennaJack; Brandon Hadlock; Ayberk Vergul; Alexis Crespo
Subject: RE: Palisades PDI - Fence Detail

Good morning,

I apologize for the delay in responding. However, your requested waiver from attending a preapplication meeting for the above referenced PDI petition has been approved.

Respectfully,

Ray

Raymond V. Bellows, Zoning Manager
 Zoning Division - Zoning Services Section
 Growth Management Department
 Telephone: 239.252.2463; Fax: 239.252.6350



Exceeding expectations, every day!

Tell us how we are doing by taking our Zoning Division Survey at <https://goo.gl/eXjvqT>.

From: Jeremy Frantz <jfrantz@rviplanning.com>
Sent: Thursday, June 15, 2023 2:28 PM
To: BellowsRay <Ray.Bellows@colliercountyfl.gov>; BosiMichael <Michael.Bosi@colliercountyfl.gov>
Cc: Jackie Larocque <jlarocque@atwell-group.com>; McKennaJack <Jack.McKenna@colliercountyfl.gov>; Brandon Hadlock <bhadlock@atwell-group.com>; Ayberk Vergul <avergul@atwell-group.com>; Alexis Crespo <acrespo@rviplanning.com>
Subject: RE: Palisades PDI - Fence Detail

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

Hi Ray,

Just following up on this request for Alexis. Let me know if you need to discuss further.

Sincerely,
Jeremy Frantz, AICP
 Project Director



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From: Alexis Crespo <acrespo@rviplanning.com>
Sent: Wednesday, June 7, 2023 9:46 AM
To: BellowsRay <Ray.Bellows@colliercountyfl.gov>; BosiMichael <Michael.Bosi@colliercountyfl.gov>
Cc: Jackie Larocque <jlarcque@atwell-group.com>; jack.mckenna@colliercountyfl.gov; Brandon Hadlock <bhadlock@atwell-group.com>; Ayberk Vergul <avergul@atwell-group.com>
Subject: Palisades PDI - Fence Detail

Good Morning,

The planning team has been asked to file a PDI to modify our fence cross section on the PUD master plan. I believe Jack has communicated to you both on this topic and we are hoping to get a pre-app waiver as this is pretty much a housekeeping update. I attached the redlined PUD plan with the change.

If we need to jump on a call I can make myself available at your convenience. Thanks very much!

*****Please note my new RVi email address*****

Alexis Crespo, AICP
 Vice President of Planning



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Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Project Narrative

June 19, 2023

REVISED AUGUST 2023

Mr. Ray Bellows
Planning and Zoning Division
Zoning Section
2800 North Horseshoe Drive
Naples, FL 34104

**RE: Palisades RPUD
Insubstantial Change to a Planned Unit Development (PDI)**

Dear Mr. Bellows:

Enclosed for your review is an application for an Insubstantial Change to a PUD in regard to the Palisades RPUD, a 12± acre residential project located on the west side of Yarberry Lane and approximately 0.2 mile south of Orange Blossom Drive in unincorporated Collier County, Florida. The Applicant is requesting to modify the Master Plan (Exhibit C) to add cross-sections that depict changed as-built elevations.

EXISTING CONDITIONS

The Palisades RPUD was originally rezoned by the Board of County Commissioners on May 24, 2022, from Residential Single-Family-1 (RSF-1) to Residential Planned Unit Development (RPUD) by Ordinance No. 2022-20. The RPUD allowed the development of up to 36 detached single-family dwelling units and accessory uses. To date, the site has been platted (see Plat Book 73, pages 31-32), cleared and some infrastructure, such as sanitary sewer has been installed. Additionally, the required berm and six-foot wall have been constructed along the property boundary in accordance with the approved Master Plan.

REQUEST

Yarberry Partners, LLC ("Applicant") is requesting Staff's approval of an insubstantial change to the Palisades RPUD to allow for a modification the Master Plan approved in Ordinance 2022-20. The approved Master Plan includes one cross-section called the "Typical Wall Cross Section" on Exhibit C sheet 2. This cross section applies to all property boundaries and includes elevation data, which is not typically included on a Master Plan. The request replaces the single cross-section with two cross-sections related to conditions at the property lines and labels them "Section A-A" and "Section B-B." The existing ROW and sidewalk cross sections are moved to a separate page for legibility, but no substantive changes have been made to these cross sections. Modifications to Master Plan Sheet 1 are limited to identifying the relevant cross-section at each property line.

The proposed modifications to the cross-sections are needed to address a surveying error which resulted in elevations at the property line differing from those in Ordinance 2022-20. Before the error was identified, the six-foot wall was installed as required. However, the elevation at the property line differed from the elevation identified on the approved Master Plan. Due to the error at the property line, the wall was installed at the elevation of 14.25 NAVD, rather than 15.25 NAVD as shown in Ordinance 2022-20, a difference of approximately one foot lower than depicted on the Master Plan. When the error was discovered, the Applicant met with affected property owners and explained the nature of the error. At that time, the Applicant committed to

enhanced plantings along the western property boundary, including 14-foot oak trees planted on the east side of the wall and between the required buffer trees. These enhanced plantings satisfied the adjacent property owners' concerns.

Other differences between the existing and proposed wall cross sections are the result of the addition of a second cross-section allowing for each cross-section to demonstrate only those elements relevant to the respective property line. These differences provide additional specificity and do not represent substantive changes to the previously approved conditions at the property lines. The difference in surveyed height also resulted in a maximum combined berm/wall height of 12.5 feet, which required a modification to Exhibit E, deviation 1 in the PUD document and on the PUD Master Plan.

The request to modify the Typical Wall Cross-Section avoids significant costs to the Applicant and extended construction timelines which would be associated with removing all installed site infrastructure to rebuild to the previously approved elevations. The change does not represent a deviation from any requirements in the LDC and is limited to the minimum changes necessary to correct the surveying error.

JUSTIFICATION/COMPLIANCE WITH LDC §10.02.13 E.1:

The request complies with the thresholds for insubstantial changes to PUDs as outlined in LDC§ 10.02.13.E.1 as follows:

- a. A proposed change in the boundary of the PUD;

No, the request will not impact the existing PUD boundary.

- b. A proposed increase in the total number of dwelling units or intensity of land use or height of buildings within the development;

No, the request will not increase the approved density or intensity, or the height of proposed buildings.

- c. A proposed decrease in preservation, conservation, recreation, or open space areas within the development not to exceed 5 percent of the total acreage previously designated as such, or 5 acres in area;

No, the request will not result in a decrease of preserve, conservation, recreation, or open space areas.

- d. A proposed increase in the size of areas used for nonresidential uses, to include institutional, commercial, and industrial land uses (excluding preservation, conservation, or open spaces), or a proposed relocation of nonresidential land uses;

No, the request does not impact the size of non-residential areas or propose to relocate such areas within the PUD boundary.

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

No, the request will not result in a substantial increase in the impact of the development.

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

No, the request will not generate a higher level of vehicular traffic. No change in land use activities or intensities is being requested.

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

No, the request will not result in increased requirements for stormwater retention or increase stormwater discharges.

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

No, the request will not modify any existing uses or intensities that would impact any surrounding land uses or that would be incompatible.

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

No, the request does not impact the project's compliance with the Growth Management Plan (GMP).

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

No, the RPUD is not within a Development of Regional Impact.

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

No, the request is not a substantial modification to the RPUD and may be processed as a PDI pursuant to the LDC and Administrative Code.

The request complies with the thresholds for insubstantial changes to PUDs as outlined in LDCS 10.02.13.E.2 as follows:

1. Does this petition change the analysis of findings and criteria used for the original application?

As outlined in pages 11 through 15 of the original Staff Report for the PUD Rezoning of the subject RPUD, the proposed petition has not modified the original analysis of findings and criteria. No change to the permitted land uses, intensities or required design standards are being requested as part of the petition. The elevations shown on the approved Master Plan were included for clarity regarding

the proposed wall height and not to address a code requirement specifically. The staff report indicates that the wall height would mitigate noise impact and provide appropriate screening. Furthermore, enhanced plantings will ensure there are no impacts on surrounding properties. As a result, the request will maintain compatibility with surrounding properties and does not change the analysis of the original findings and criteria.

CONCLUSION

In summary, the proposed Insubstantial Change to modify the Master Plan to modify the Typical Wall Cross-Section ensures the elevations depicted on the Master Plan are consistent with the built conditions. No changes to the required setbacks, buffers types, or wall heights are proposed and compatibility with neighboring properties is preserved by the request. The request is limited to the changes to the Master Plan and no changes to the Ordinance text are proposed. This application will not negatively impact public health, safety, or welfare, and the RPUD will remain consistent with the LDC and GMP.

Should you require additional information or have any questions, please feel free to contact me directly at (239) 357-9580 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture



Jem Frantz, AICP
Project Director

Enclosures

cc: Keith Norton, Yarberry Partners, LLC
Tim Byal, Yarberry Partners, LLC
Jackie Larocque, Atwell, LLC

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Current Approved Ordinance

ORDINANCE NO. 2022- 20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA AMENDING ORDINANCE NUMBER 2004-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH ESTABLISHED THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM A RESIDENTIAL SINGLE-FAMILY-1 (RSF-1) ZONING DISTRICT WITHIN SPECIAL TREATMENT WELLFIELD ZONES W-3 AND W-4 TO A RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ZONING DISTRICT WITHIN SPECIAL TREATMENT WELLFIELD ZONES W-3 AND W-4 FOR A PROJECT TO BE KNOWN AS PALISADES RPUD TO ALLOW CONSTRUCTION OF UP TO 36 DETACHED SINGLE FAMILY DWELLING UNITS, ON PROPERTY LOCATED ON THE WEST SIDE OF YARBERRY LANE, SOUTH OF ORANGE BLOSSOM DRIVE AND WEST OF AIRPORT PULLING ROAD IN SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 12+/- ACRES; AND BY PROVIDING AN EFFECTIVE DATE. [PL20210000979]

WHEREAS, John Cowart, of Waldrop Engineering representing Yarberry Partners, LLC, petitioned the Board of County Commissioners to change the zoning classification of the herein described real property.

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

SECTION ONE:

The zoning classification of the herein described real property located in Section 2, Township 49 South, Range 25 East, Collier County, Florida, is changed from a Residential Single-Family-1 (RSF-1) Zoning District within Special Treatment Wellfield Zones W-3 and W-4 to a Residential Planned Unit Development (RPUD) Zoning District within Special

Treatment Wellfield Zones W-3 and W-4 for the 12+/- acre project to be known as Palisades RPUD in accordance with Exhibits A-F attached hereto and incorporated herein by reference. The appropriate zoning atlas map or maps, as described in Ordinance Number 2004-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

SECTION TWO:

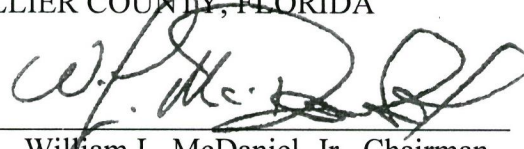
This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by super-majority vote of the Board of County Commissioners of Collier County, Florida, this 24th day of May, 2022.

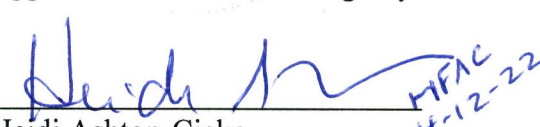
ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 
Deputy Clerk
Attest as to Chairman's
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
William L. McDaniel, Jr., Chairman

Approved as to form and legality:

 MFAC
Heidi Ashton-Cicko
4-12-22
Managing Assistant County Attorney

Attachments:

- Exhibit A: List of Permitted Uses
- Exhibit B: Development and Design Standards
- Exhibit C: Master Concept Plan
- Exhibit D: Legal Description
- Exhibit E: Deviations
- Exhibit F: Development Commitments

This ordinance filed with the
Secretary of State's Office the
24th day of May 2022
and acknowledgement that
filing received this 31st
day of May 2022
By: 
Deputy Clerk

EXHIBIT "A"
LIST OF PERMITTED USES
Palisades RPUD

Regulations for development of this PUD shall be in accordance with the contents of this document and all applicable sections of the Growth Management Plan (GMD), the Land Development Code (LDC), and the Administrative Code in effect at the time of approval of the first subdivision plat (PPL). Where the PUD ordinance does not provide development standards, then the provision of the specific sections of the LDC that are otherwise applicable shall apply.

PERMITTED USES:

A maximum of 36 dwelling units (3 du/acre) shall be permitted in this PUD. No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

I. RESIDENTIAL TRACTS

A. Principal Uses:

1. Single-family detached dwelling units.

Any other accessory use and related use that is determined to be comparable to the foregoing by the Board of Zoning Appeals, or Hearing Examiner, pursuant to the process outlined in the Land Development Code (LDC).

B. Accessory Uses:

Accessory uses customarily associated with Permitted Principal Uses, including but not limited to:

1. Customary accessory uses and structures including carports, garages, and utility buildings.
2. Temporary sales trailers and model units.
3. Essential services, including interim and permanent utility and maintenance facilities.
4. Water management facilities.
5. Walls, berms and signs.
6. Passive open space uses and structures, including, but not limited to landscaped areas, gazebos, park benches, and walking trails.

Any other accessory use and related use that is determined to be comparable to the foregoing by the Board of Zoning Appeals, or Hearing Examiner, pursuant to the process outlined in the Land Development Code (LDC).

EXHIBIT "B"
DEVELOPMENT STANDARDS
Palisades RPUD

The standards for land uses within the development shall be as stated in these development standard tables. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the subdivision plat (PPL).

Guardhouses, gatehouses, access control structures, clock towers, columns, decorative hardscaping or architectural embellishments associated with the project's entrance are permitted and shall have no required setbacks; however, such structures cannot be located where they create sight distance issues for motorists and pedestrians, and cannot exceed 35 feet in actual height.

PERMITTED USES AND STANDARDS	Single-Family Detached
Min. Lot Area	4,500 sq. ft.
Min. Lot Width	45'
Min. Lot Depth	100'
Front Yard ⁽¹⁾	15' ⁽²⁾⁽³⁾
Side Yard ⁽⁵⁾	5'
Rear Yard (Principal) ⁽⁴⁾	10'
Rear Yard (Accessory) ⁽⁴⁾	5'
Min. Distance Between Principal Structures	10'
Maximum Height Actual	40'
Zoned Height	35'

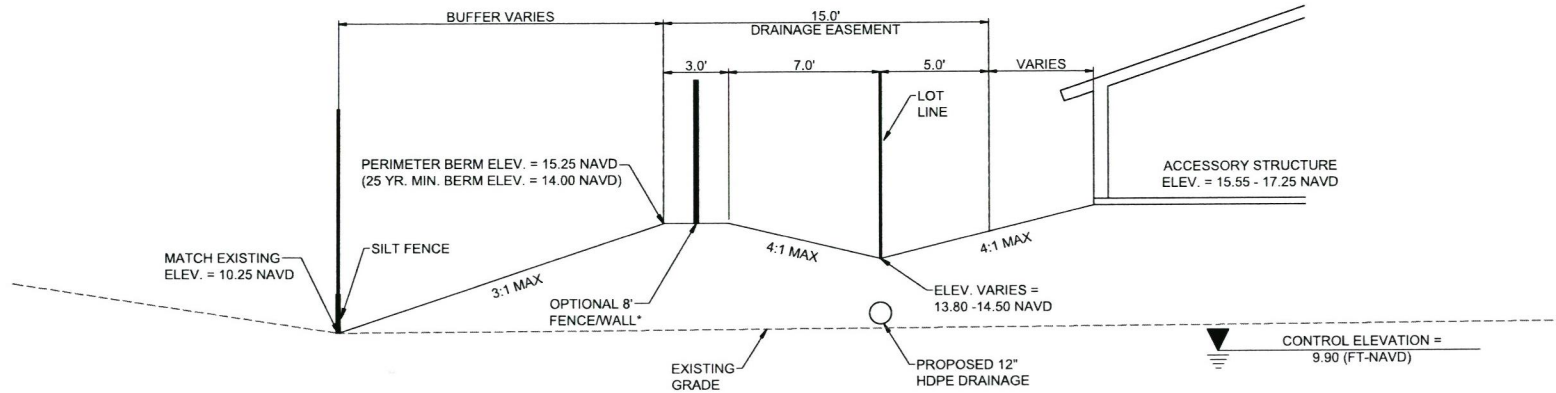
- (1) Front setback is measured from the property line or road easement.
- (2) Front-loading/front-entry garages shall be setback a minimum of 23' from the back of sidewalk. Units with side-loaded garages shall have a minimum 10' setback from the front property line/right-of-way. No structures will overhang into the utility easement.
- (3) Corner lots shall provide one (1) front yard setback within the yard that contains the driveway/vehicular access to the dwelling unit. The secondary front yard that does not contain the driveway/vehicular access to the dwelling unit shall provide a minimum 10-foot setback measured from the right-of-way, and will have no overhang into the utility easement if there are any buildings adjacent to that side setback.
- (4) 0' principal and accessory setbacks are permitted from lake maintenance easements and landscape buffer easements, which will be separate platted tracts on the PPL.

GENERAL: Except as provided for herein, all criteria set forth below shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Homeowners' association boundaries shall not be utilized for determining development standards.

Landscape buffers and lake maintenance easements shall be platted as separate tracts at time of subdivision plat approval, or shown as separate tracts on the SDP.

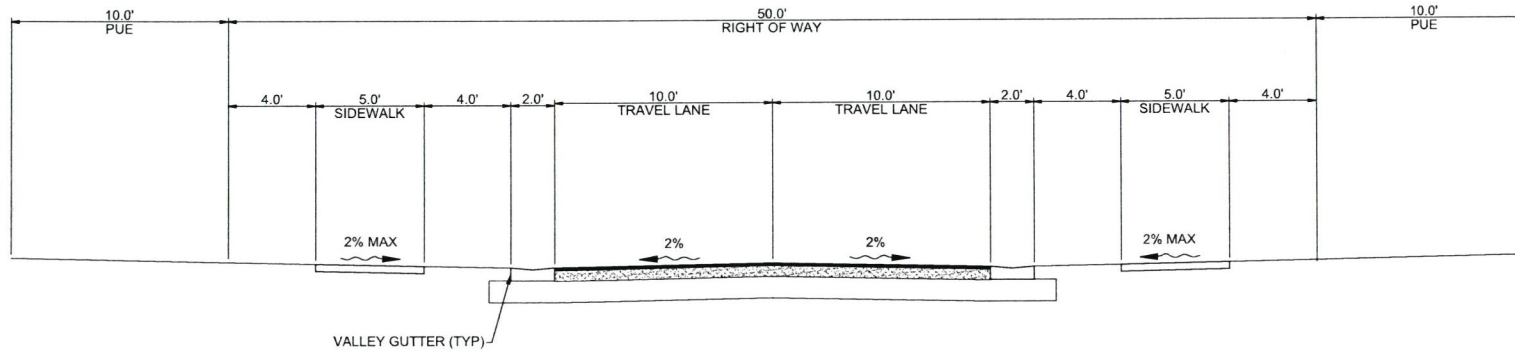
Note: Nothing in this PUD document shall be deemed to approve a deviation from the LDC unless it is expressly stated in a list of deviations.



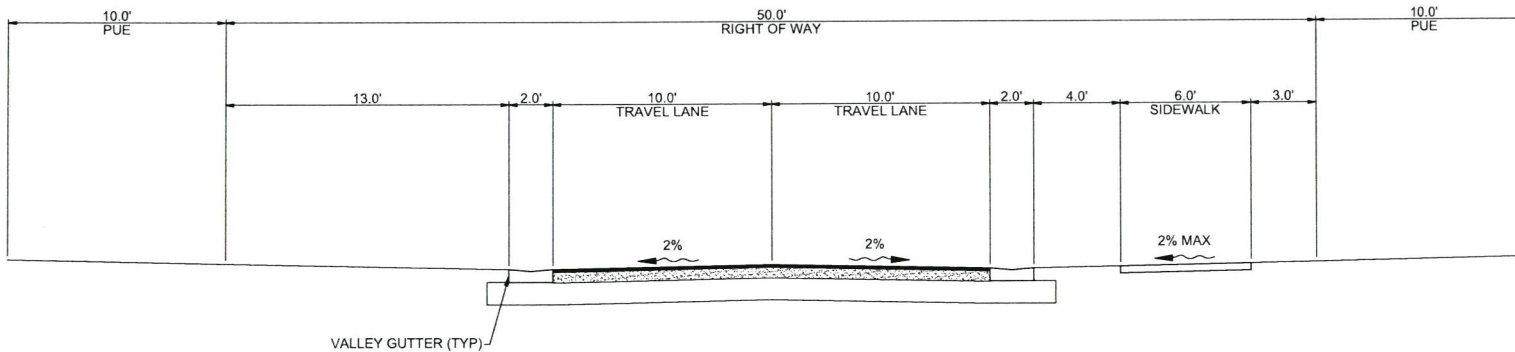


TYPICAL WALL CROSS SECTION 
N.T.S.

* THE FENCE / WALL IS NOT OPTIONAL ALONG THE WEST PROPERTY LINE.



TYPICAL 50' ROW CROSS SECTION 
N.T.S.



SIDEWALK DEVIATION CROSS SECTION 
N.T.S.

PLAN REVISIONS	REVISION	DATE	BY	CHKD
1	REVISION			
2	REVISION			
3	REVISION			

FLORIDA CERTIFICATE NO. 12345

NOT TO SCALE

SET NUMBER

SHEET

DEVIATION 1 FROM LDC SECTION 5.03.02.C.2, "FENCES AND WALLS", WHICH PERMITS A MAXIMUM FENCE/WALL HEIGHT OF 6 FEET IN RESIDENTIAL COMPONENTS OF PLANNED UNIT DEVELOPMENT ZONING DISTRICTS, TO ALLOW FOR A MAXIMUM FENCE/WALL/BERM HEIGHT OF 8 FEET ALONG THE PUD PERIMETER BOUNDARY.

DEVIATION 2 FROM LDC SECTION 6.06.01J, "DEAD-END STREETS", WHICH PROHIBITS DEAD-END STREETS WITHOUT CUL-DE-SACS, TO ALLOW FOR A HAMMERHEAD STUB DESIGN AS SHOWN ON THE PUD MASTER PLAN.

DEVIATION 3 FROM LDC SECTION 6.06.01.N, MINIMUM RIGHT-OF-WAY WIDTHS", WHICH ESTABLISHES THE MINIMUM RIGHT-OF-WAY WIDTH OF 60 FEET TO BE UTILIZED, TO ALLOW FOR A 50-FOOT RIGHT-OF-WAY INTERNAL PRIVATE RIGHT-OF-WAY.

DEVIATION 4: A DEVIATION FROM LDC SECTION 6.06.02A,, "SIDEWALKS, BIKE LANE, AND PATHWAY REQUIREMENTS", WHICH REQUIRES FIVE-FOOT WIDE SIDEWALKS TO BE CONSTRUCTED ON BOTH SIDES OF THE LOCAL/INTERNAL RIGHTS-OF-WAY, TO ALLOW A 6-FOOT-WIDE SIDE SIDEWALK ON ONE SIDE OF THE RIGHT-OF-WAY.

NOTES:

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. ALL ACREAGES ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF SDP OR PLAT APPROVAL.
3. THE SUBJECT SITE CONTAINED APPROXIMATELY 0.18 ACRES OF NATIVE VEGETATION, OF WHICH 15% (.03 ACRES) IS REQUIRED TO BE PRESERVED. NO NATIVE VEGETATION IS PROVIDED FOR ON-SITE. OFF-SITE MITIGATION TO BE PROVIDED PER LDC SEC 3.05.07.
4. THE LOCATION OF THE ONSITE LAKE AND RESIDENTIAL TRACTS IS PRELIMINARY AND MAY BE ADJUSTED AT SITE PLAN APPROVAL.
5. RPUD IS PERMITTED FOR A MAXIMUM OF 36 DWELLING UNITS (3 DU/ACRE)

LAND USE SUMMARY

RESIDENTIAL	6.1 AC
RIGHT-OF-WAY	1.5 AC
LAKE	1.7 AC
OTHER OPEN SPACE	2.7 AC
TOTAL	12.0 +/- AC

OPEN SPACE SUMMARY

REQUIRED OPEN SPACE	7.2 AC
PROVIDED OPEN SPACE	7.2 AC



**PALISADES RPUD
PUD MASTER PLAN
EXHIBIT C**

PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	12/22/2021	PRELIMINARY CLIENT AND COUNTY COMMENTS
2	12/22/2021	REVISIONS PER CLIENT AND COUNTY COMMENTS

NOT TO SCALE

PLANNED FOR (DO NOT SCALE) FOR YOUR CLIENT'S REVIEW

SET NUMBER: 1272-200-02

SHEET: 3 of 3

EXHIBIT "D"
LEGAL DESCRIPTION
Palisades RPUD

PARCEL 1

STRAP #00237280004

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, LESS AND EXCEPTING THE EAST 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

AND

PARCEL 2

STRAP #00238280003

THE EAST 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, LESS THE EAST 30 FEET THEREOF.

AND

PARCEL 3

STRAP #00237040008

THE WEST 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

AND

PARCEL 4

STRAP #00237080000

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, LESS THE EAST 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

AND

PARCEL 5

STRAP #00237000006

THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSE.

LESS OUT 1

THE SOUTH HALF (S1/2) OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 30 FEET THEREOF FOR ROAD RIGHT-OF-WAY PURPOSES.

LESS OUT 2

THE WEST 100 FEET OF THE EAST 275 FEET OF THE SOUTH 133 FEET TOGETHER WITH THE WEST 161 OF THE EAST 436 FEET OF THE SOUTH 188 FEET OF THE NORTH HALF (N1/2) OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

AND

PARCEL 6

STRAP #00238447008

THE WEST 100 FEET OF THE EAST 275 FEET OF THE SOUTH 133 FEET TOGETHER WITH THE WEST 161 OF THE EAST 436 FEET OF THE SOUTH 188 FEET OF THE NORTH HALF (N1/2) OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

EXHIBIT "E"
LIST OF REQUESTED DEVIATIONS FROM LDC
Palisades RPUD

Deviation 1 from LDC Section 5.03.02.C.2, "Fences and walls", which permits a maximum fence/wall height of 6 feet in residential components of Planned Unit Development zoning districts, to allow for a maximum fence/wall/berm height of 8 feet along the PUD perimeter boundary.

Deviation 2 from LDC Section 6.06.01.J, "Dead-end streets", which prohibits dead-end streets without cul-de-sacs, to allow for a hammerhead stub design as shown on the PUD master plan.

Deviation 3 from LDC Section 6.06.01.N, "Minimum right-of-way widths", which establishes the minimum right-of-way width of 60 feet to be utilized, to allow for a 50-foot right-of-way internal private right-of-way.

Deviation 4: A deviation from LDC Section 6.06.02.A, "Sidewalks, Bike Lanes and Pathway Requirements", which requires five-foot wide sidewalks to be constructed on both sides of the local/internal rights-of-way, to allow a 6-foot-wide side sidewalk on one side of the right-of-way.

EXHIBIT "F"
DEVELOPMENT COMMITMENTS
Palisades RPUD

1. GENERAL

- A. One entity (Yarberry Partners, LLC) 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 Yarberry Partners, 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.
- B. Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- C. All other applicable state or federal permits must be obtained before commencement of the development.

2. TRANSPORTATION

- A. The maximum total daily trip generation for the PUD shall not exceed 38 two-way PM peak hour net trips based on the use codes in the ITE Manual on trip generation rates in effect at the time of application for SDP/SDPA or subdivision plat approval
- B. The owner, its successors or assigns, shall contribute its fair share of the future intersection improvements at Orange Blossom Drive and Airport-Pulling Road within 90 days after written request by the County.

3. ENVIRONMENTAL

- A. The subject site contained approximately 0.18 acres of native vegetation, of which 15% (0.03 acres) is required to be preserved. No native vegetation is provided for on-site. Off-site mitigation is to be provided through the monetary payment alternative according to LDC Sec. 3.05.07.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

May 31, 2022

Martha S. Vergara, BMR & VAB Senior Deputy Clerk
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Attention: Ann Jennejohn

Dear Martha Vergara:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2022-20, which was filed in this office on May 27, 2022.

Sincerely,

Anya Owens
Program Administrator

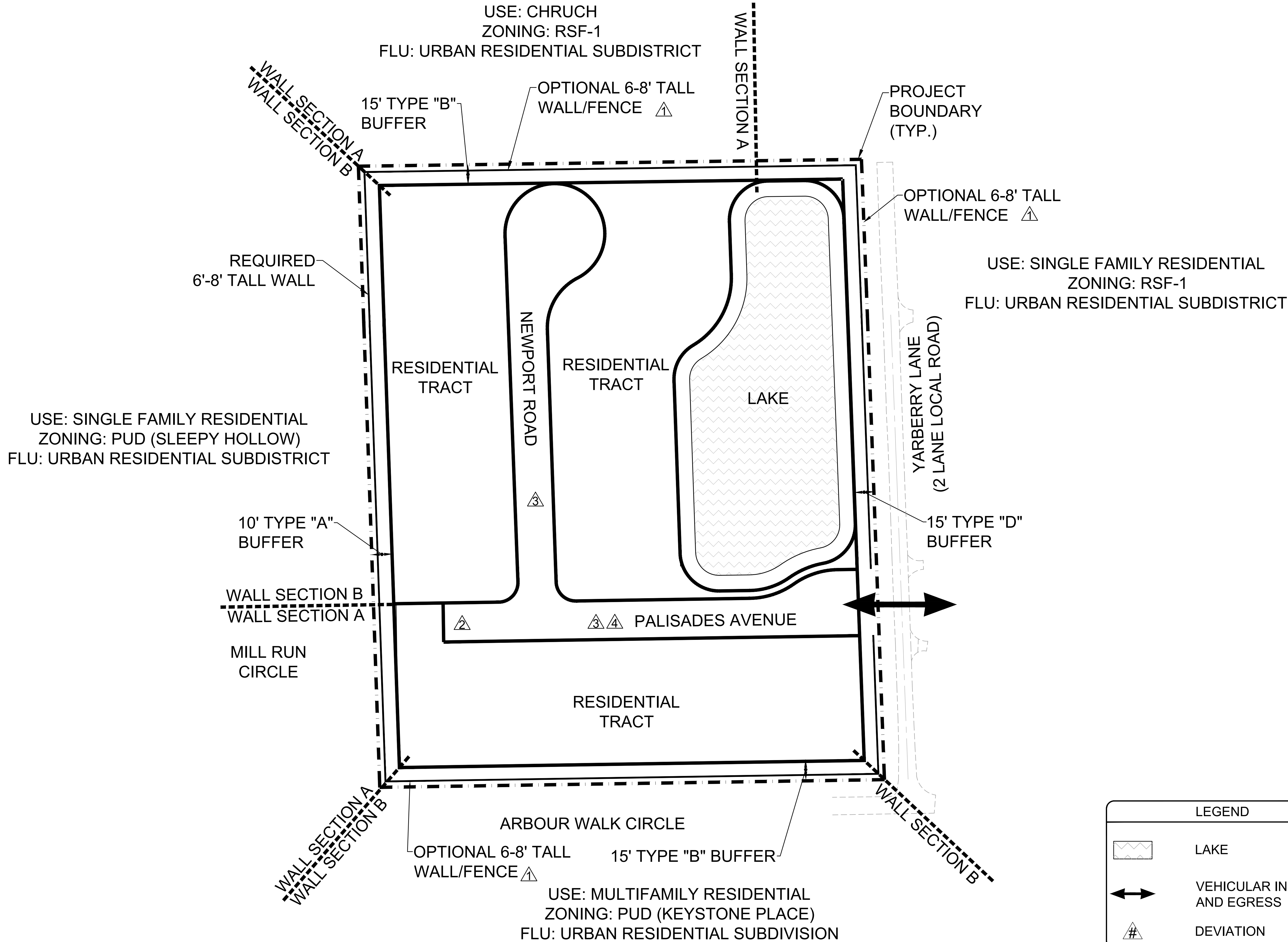
ACO/mas

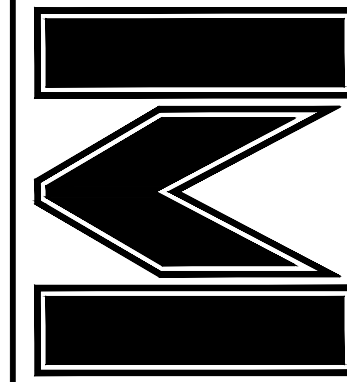
Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)



Revised Master Plan

B:\Projects\1272-200 - Palisades\Plans & Permitting\Drawings-Exhibit\1272-200-02 NCP\Current Plans\1272200207.dwg
9/26/2023 8:25:01 AM



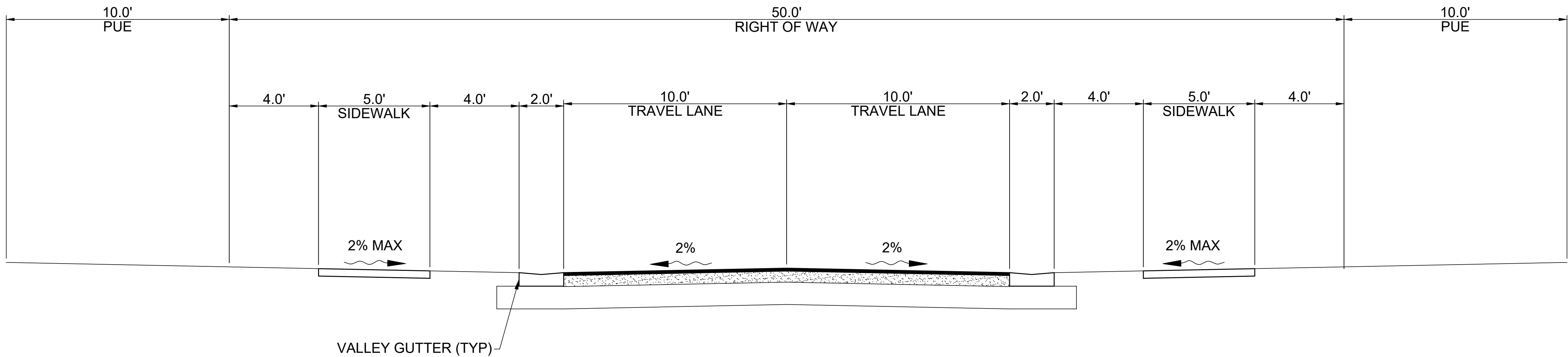
**WALDROP
ENGINEERING**

CIVIL ENGINEERING &
LAND DEVELOPMENT CONSULTANTS
28100 BONITA GRANDE DRIVE - SUITE 205 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com

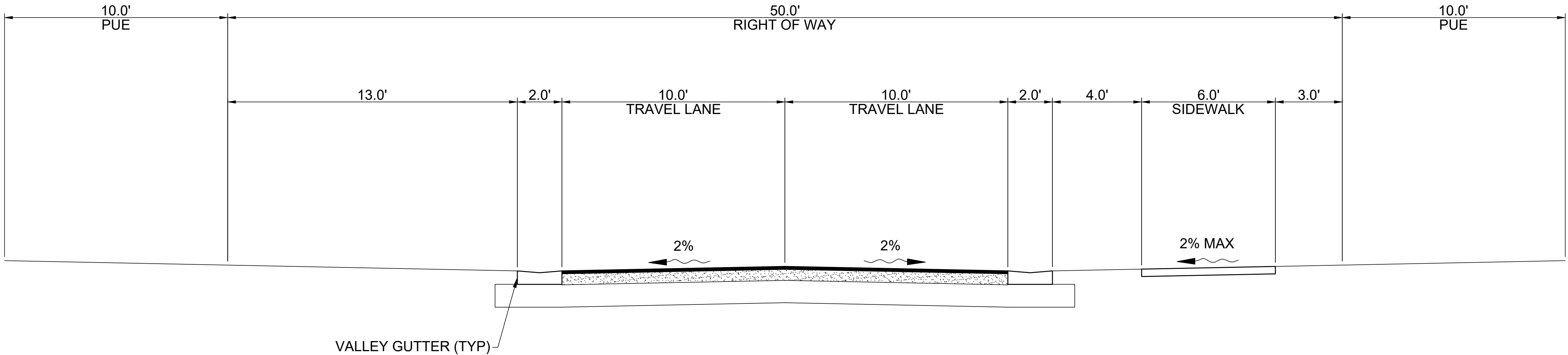
PALISADES RPUD
PUD MASTER PLAN
EXHIBIT C

PLAN REVISIONS		REVISED PER CLIENT AND COUNTY COMMENTS
1	10/27/2021	REVISED PER CLIENT AND COUNTY COMMENTS
2	12/20/2021	REVISED PER CLIENT AND COUNTY COMMENTS
3	06/19/2023	REVISED PER CLIENT AND COUNTY COMMENTS
4	06/03/2023	REVISED PER CLIENT AND COUNTY COMMENTS
5	09/25/2023	REVISED PER CLIENT AND COUNTY COMMENTS
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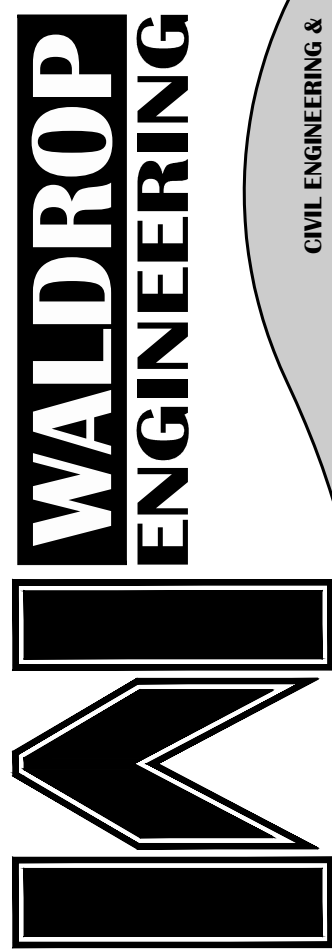
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TYPICAL 50' ROW CROSS SECTION 
N.T.S.



SIDEWALK DEVIATION CROSS SECTION 
N.T.S.



**WALDROP
ENGINEERING**

CIVIL ENGINEERING &
LAND DEVELOPMENT CONSULTANTS
28100 BONITA GRANDE DRIVE - SUITE 205 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com

PALISADES RPUD
PUD MASTER PLAN
EXHIBIT C

PLAN REVISIONS		REVISED PER CLIENT AND COUNTY COMMENTS
1	10/27/2021	REVISED PER CLIENT AND COUNTY COMMENTS
2	12/20/2021	REVISED PER CLIENT AND COUNTY COMMENTS
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NOT TO SCALE

FLORIDA CERTIFICATE OF AUTHORIZATION 88636

SET NUMBER: 1272-200-02

SHEET : 2 of 4

Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Packet Pg. 202



PALISADES RPUD
PUD MASTER PLAN
EXHIBIT C

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Packet Pg. 204



Revised PUD Document

EXHIBIT "E"
LIST OF REQUESTED DEVIATIONS FROM LDC
Palisades RPUD

Deviation 1 from LDC Section 5. 03.02. C.2, "Fences and walls", which permits a maximum fence/wall height of 6 feet in residential components of Planned Unit Development zoning districts, to allow for a maximum fence/wall/berm height of ~~8~~ 12.50 feet along the PUD perimeter boundary.

Deviation 2 from LDC Section 6. 06. 01. J, "Dead- end streets", which prohibits dead- end streets without cul- de- sacs, to allow for a hammerhead stub design as shown on the PUD master plan.

Deviation 3 from LDC Section 6. 06. 01. N, "Minimum right- of- way widths", which establishes the minimum right- of-way width of 60 feet to be utilized, to allow for a 50- foot right- of-way internal private right- of-way.

Deviation 4: A deviation from LDC Section 6. 06. 02. A,. "Sidewalks, Bike Lanes and Pathway Requirements", which requires five-foot wide sidewalks to be constructed on both sides of the local/ internal rights- of-way, to allow a 6- foot-wide side sidewalk on one side of the right- of-way.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Deviations and Justifications



PALISADES RPD PDI Deviations and Justifications

Deviation 1 from LDC Section 5.03.02.C.2, " Fences and walls", which permits a maximum fence/wall height of 6 feet in residential components of Planned Unit Development zoning districts, to allow for a maximum fence/wall/berm height of 8 12.50 feet along the PUD perimeter boundary.

Justification: This deviation was previously approved with a maximum fence/wall/berm height of 8 feet. As described in the attached cover letter and project narrative, a surveying error resulted in the actual constructed berm and wall height to be a maximum of 12.5 feet.

When originally approved, the cross section demonstrated several elevations. The elevation at the property boundary was identified as 10.25 NAVD and the perimeter berm elevation was identified as 15.25 NAVD. Additionally, the deviation allowed for a maximum wall height of 6-8 feet. As a result, Ordinance 2022-20 depicted the potential for a maximum fence/wall/berm height of 13 feet.

This amendment to the previously approved deviation codifies the actual combined fence/wall height and approval of this deviation request will not negatively impact the public health, safety, or welfare as the proposed access points will provide adequate ingress and egress to the Property.

No changes to Deviations 2 – 4.

Warranty Deed

Prepared by:

Kacy Peel, Esquire
David S. Ged, P.A.
7955 Airport Pulling Road North, #202
Naples, FL 34109

After Recording Return to:

Old Republic National Title
Insurance Company
600 W. Hillsboro Blvd., #450
Deerfield Beach, FL 33441

Consideration: \$595,000.00

WARRANTY DEED

This indenture made on this 2nd day of August, 2021, by **LAVERNE ASALEE THOMAS and WILLIE FRANK THOMAS, wife and husband**, whose mailing address is 6725 Yarberry Lane, Naples, Florida 34109, hereinafter called the "Grantor", to **YARBERRY PARTNERS LLC, a Massachusetts limited liability company**, whose mailing address is 259 Turnpike Road, Suite 100, Southborough, MA 01772, hereinafter called the "Grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same.)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in **Collier County, FL**, to-wit:

The West 100 feet of the East 275 feet of the South 133 feet, together with the West 161 feet of the East 436 feet of the South 188 feet of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 49 South, Range 25 East, Collier County, Florida.

PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND EXAMINATION.

Parcel Identification Number: **00238447008**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any, but without reimposing the same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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.

In Witness Whereof, the Grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Prepared by:

Kacy Peeel, Esquire
David S. Ged, P.A.
7955 Airport Pulling Road North, #202
Naples, FL 34109

After Recording Return to:

Old Republic National Title
Insurance Company
600 W. Hillsboro Blvd., #450
Deerfield Beach, FL 33441

Consideration: \$873,000.00

WARRANTY DEED

This indenture made on this 2nd day of August, 2021, by **HEATHER M. POOLE**, a married woman, whose mailing address is 233 Backwater Court, Naples, FL 34119, hereinafter called the "Grantor", to **YARBERRY PARTNERS LLC**, a **Massachusetts limited liability company**, whose mailing address is 259 Turnpike Road, Suite 100, Southborough, MA 01772, hereinafter called the "Grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same.)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in **Collier County, FL**, to-wit:

SEE ATTACHED EXHIBIT "A"

Parcel Identification Number: **00237000006**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any, but without reimposing the same.

Grantor warrants that the property conveyed herein is not the homestead property of the grantor or grantor's spouse, nor does any member of grantor's family reside there, nor is the property contiguous with her homestead property or the homestead property of grantor's spouse or family.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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.

In Witness Whereof, the Grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Heather M. Poole
HEATHER M. POOLE

[Signature]
Witness

[Signature]
Witness

Linda M. Fox
Printed Name of Witness

Justin N. Wise
Printed Name of Witness

STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29 day of July, 2021, by **HEATHER M. POOLE**, who is personally known to me or has produced _____ as identification.

[Signature]
Notary Public
My Commission Expires:



Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

EXHIBIT "A"

The South Half (1/2) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 2, Township 49 South, Range 25 East, Collier County, Florida, LESS and excepting the East 30 feet thereof for road right-of-way purposes.

LESS OUT 1:

LESS the The South Half (1/2) of the South Half (1/2) of the Northwest Quarter (1/4) of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 2, Township 49 South, Range 25 East, Collier County, Florida, LESS and excepting the East 30 feet thereof for road right-of-way purposes.

LESS OUT 2:

LESS the The West 100 feet of the East 275 feet of the South 133 feet, together with the West 161 feet of the East 436 feet of the South 188 feet of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 2, Township 49 South, Range 25 East, Collier County, Florida



Crystal K. Kinzel
Clerk of the Circuit Court and Comptroller

Official Receipt

Customer	Deputy Clerk	Clerk Office Location
Auri Burnham SIMPLIFILE LC 5072 N 300 W PROVO, UT 84604-5652	Samantha Moore Samantha.Moore@collierclerk.com 239-252-7242	Collier County Govt. Center Building LA, 2nd Floor 3315 Tamiami Trl E Ste 102 Naples, Florida 34112-4901

11 Documents Recorded

DOC TYPE	INSTRUMENT	BOOK	PAGE	AMOUNT
Deed Consideration: \$10.00, 100% Applied	6108611	5993	3019	\$27.70
Deed Consideration: \$10.00, 100% Applied	6108612	5993	3022	\$27.70
Deed Consideration: \$595,000.00, 100% Applied	6108613	5993	3025	\$4,183.50
Probate	6108614	5993	3027	\$44.00
Affidavit	6108615	5993	3032	\$18.50
Probate	6108616	5993	3034	\$18.50
Probate	6108617	5993	3036	\$35.50
Termination of Anything	6108618	5993	3040	\$18.50
Death Certificate	6108619	5993	3042	\$18.50
Deed Consideration: \$873,000.00, 100% Applied	6108620	5993	3044	\$6,138.00
Modification	6108621	5993	3047	\$44.00
TOTAL AMOUNT DUE				\$10,574.40
Deposit Account#: S-41050				(\$10,574.40)
BALANCE DUE				\$0.00

Note:

8/6/2021 9:13:04 AM Samantha Moore:
Batch Name: 367314

Disclaimer: All transactions are subject to review/verification. The Clerk reserves the right to correct for clerical errors and to assess or refund charges as needed.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Prepared By:

Steven R. Medendorp, Esq.
Manson Bolves Donaldson Varn PA
109 N. Brush Street, Suite 300
Tampa, FL 33602

After Recording Return To:

Charles A. B. Thomson, Esq.
Seagate Development Group, LLC
9921 Interstate Commerce Drive
Fort Myers, FL 33913

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made this 12th day of July, 2021, by and between **North Collier Fire Control and Rescue District**, a political subdivision of the State of Florida, whose post office address is 1885 Veterans Park Dr., Naples, Florida 34109, as Grantor, and **Yarberry Partners LLC**, a Massachusetts limited liability company, whose post office address is 259 Turnpike Road, Suite 100, Southborough, Massachusetts 01772, as Grantee.

WITNESSETH, that said Grantor, for in consideration of the sum of Three Million Five Hundred Five Thousand Dollars (\$3,505,000.00), and other good and valuable considerations in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in Collier County, State of Florida, to-wit:

PARCEL 1:

The South ½ of the South ½ of the Northwest ¼ of the Southwest ¼ of the Southeast ¼ of Section 2, Township 49 South, Range 25 East, Collier County, Florida, LESS and excepting the East 30 feet thereof for road right-of-way purposes.

PARCEL 2:

The East ½ of the North ½ of the North ½ of the Southwest ¼ of the Southwest ¼ of the Southeast ¼ of Section 2, Township 49 South, Range 25 East, Collier County, Florida LESS the East 30 feet thereof.

PARCEL 3:

The West ½ of the North ½ of the North ½ of the Southwest ¼ of the Southwest ¼ of the Southeast ¼ of Section 2, Township 49 South, Range 25 East, Collier County, Florida.

PARCEL 4:

The South ½ of the North ½ of the Southwest ¼ of the Southwest ¼ of the Southeast ¼ of Section 2, Township 49 South, Range 25 East, Collier County, Florida, LESS the east 30 feet thereof for road right-of-way purposes.

ATTACHED HERETO and incorporated herein by reference as **Exhibit "A"** is Collier County Resolution 21-001, evidencing the Grantor's authority to sell the above-referenced property.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or in equity, to the only proper use, benefit and behalf of the said Grantee, its successors and assigns, forever.

FURTHER, Grantor hereby releases, conveys and transfers all oil, gas and other mineral interests, rights and reservations that may have remained vested to Grantor by virtue of Section 270.11(1), Florida Statutes (2021).

WHENEVER USED, the singular name shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Signatures appear on the following page.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

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

By: North Collier Fire Control and Rescue District, a
Political Subdivision of Florida

By: _____

J. Christopher Lombardo

Title: Chairman, Board of Fire Commissioners of North Collier Fire Control and Rescue District

(Corporate Seal)

Signed, sealed and delivered in our presence:

WITNESSES:

Wendy R. Novell

WITNESS #1 SIGNATURE

WITNESS #1 PRINTED NAME: Wendy R. Novell

Rebecca Wade

WITNESS #2 SIGNATURE

WITNESS #2 PRINTED NAME: Rebecca Wade

STATE OF FLORIDA

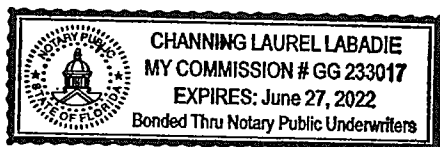
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence of ☐ online notarization, this 12th day of July, 2021, by J. Christopher Lombardo, as Chairman of the Board of Fire Commissioners of North Collier Fire Control and Rescue District, a political subdivision of the State of Florida.

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced: _____

(Seal)



Channing Laurel Labadie

Notary Public

Channing Laurel Labadie

Printed name of notary and title

My Commission Expires: June 27, 2022

Serial Number (if any) _____

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

EXHIBIT "A"**RESOLUTION 21-001**

A RESOLUTION OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT OF COLLIER COUNTY, FLORIDA, DETERMINING THAT CERTAIN REAL PROPERTY IS NOT NEEDED FOR DISTRICT PURPOSES; DECLARING CERTAIN REAL PROPERTY SURPLUS AND AUTHORIZING THE SALE OF SUCH PROPERTY; DIRECTING STAFF TO DEVELOP AN INVITATION TO BID AND PROCEED WITH THE SOLICITATION PROCESS TO SELL CERTAIN REAL PROPERTY IN ACCORDANCE WITH DISTRICT POLICY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 191.006, Florida Statutes ("F.S."), grants the North Collier Fire Control and Rescue District ("District") the power to "acquire, by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate therein for any purpose authorized by this act and to trade, sell, or otherwise dispose of surplus real or personal property"; and

WHEREAS, Section 4 of the charter of the District, contained in Section 3 of Chapter 2015-191, Laws of Florida, ("Charter") grants the District the power to "buy, lease, sell, exchange, or otherwise acquire and dispose of ... other property, real, personal, or mixed, that it may from time to time deem necessary to prevent and extinguish fires or provide rescue services" as well as "all things necessary to provide adequate water supply, fire prevention, and proper fire protection for the District"; and

WHEREAS,

Section 4 of the Charter also grants the District all the powers and duties granted by Chapters 189 and 191, F.S.; and

WHEREAS, the District has adopted District Policy 2.15 – Surplus of Real Property ("Surplus Policy") to establish a process for the District to dispose of surplus real property; and

Resolution 21-001
January 28, 2021
Page 2 of 4

WHEREAS, in accordance with the Surplus Policy, the District's Board of Fire Commissioners ("Board") is required to consider the District's best interests concerning District real property, including but not limited to whether the continued retention of the real property is uneconomical, inefficient, or will serve no useful function; and

WHEREAS, on April 13, 2018, the District purchased approximately nine acres of vacant land located at 6633 and 6635 Yarberry Lane (the "Yarberry Lane Property"), near the Orange Blossom and Airport Road corridor, for a purchase price of \$2,850,000; and

WHEREAS, the area where the Yarberry Lane Property is located is of concern to the District as response times in the area are slower, and a District facility on the Yarberry Lane Property would have positively affected response times to the surrounding area; and

WHEREAS, proposed plans for the Yarberry Lane Property included a shared public safety facility to house District, Collier County EMS, and Collier County Sheriff's Office personnel and apparatus; and

WHEREAS, after the purchase of the Yarberry Lane Property, members of the community raised concerns with the proposed shared public safety facility, including concerns of noise and increased traffic along Orange Blossom Drive; and

WHEREAS, in addition, the District was unable to secure official commitment for a shared public safety facility on the Yarberry Lane Property from the other public safety agencies, which impacted the financial feasibility of developing the property by the District; and

WHEREAS, the District's Board has determined that it will not develop the Yarberry Lane Property due to the costs associated with a new facility as well as the community opposition to such facility, and that it is not in the District's best interest to continue to retain such property; and

WHEREAS, the District's Board wishes to declare the Yarberry Lane Property as surplus so that it can be disposed.

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF FIRE COMMISSIONERS OF THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT of Collier County Florida, that:

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Resolution 21-001
January 28, 2021
Page 3 of 4

Section 1. The above recitals are true and correct, and are fully incorporated herein.

Section 2. The Board hereby determines that the Yarberry Lane Property is no longer needed for District purposes, and as such that the Yarberry Lane Property is surplus.

Section 3. The District staff shall develop an Invitation to Bid for the Yarberry Lane Property and follow the solicitation process as provided for in the District's Surplus Policy.

Section 4. This Resolution shall be effective immediately upon adoption.

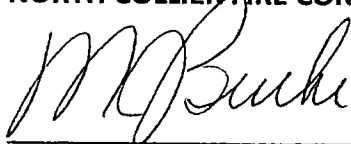
The foregoing Resolution was offered by Commissioner Calamari, who moved its adoption.

The motion was seconded by Commissioner Burke, and the Vote was as follows:

Commissioner	Vote
Commissioner M. James Burke	Yay
Commissioner James A. Calamari	Yay
Commissioner Christopher L. Crossan	Yay
Commissioner Norman E. Feder	Yay
Commissioner J. Christopher Lombardo	Yay

Duly passed on this 28th day of January, 2021 by the Board of Fire Commissioners of the North Collier Fire Control and Rescue District.

NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT

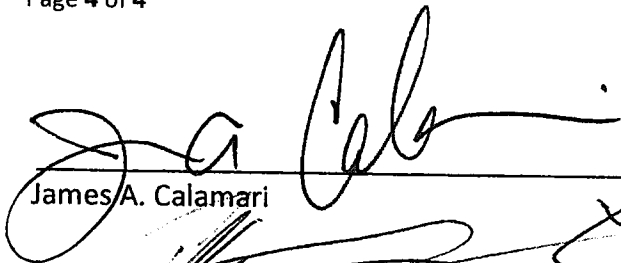
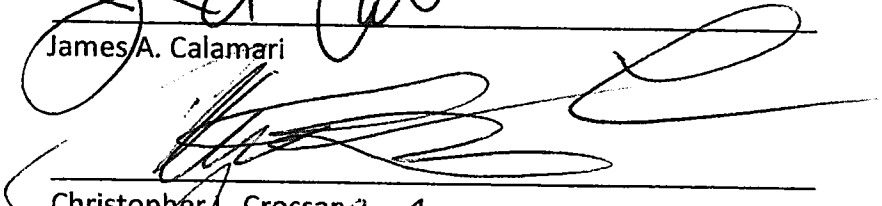
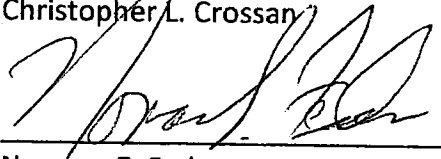
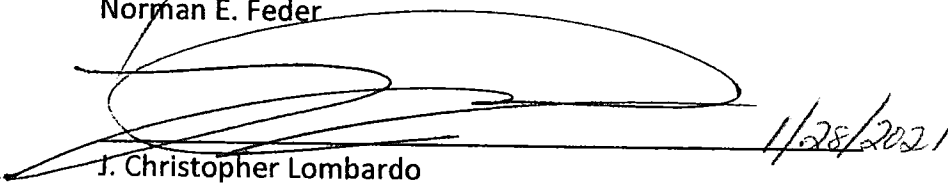


M. James Burke

Resolution 21-001

January 28, 2021

Page 4 of 4


James A. Calamari
Christopher L. Crossan
Norman E. Feder
J. Christopher Lombardo

1/28/2021

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)



Crystal K. Kinzel
Clerk of the Circuit Court and Comptroller

Official Receipt

Customer	Deputy Clerk	Clerk Office Location
Auri Burnham SIMPLIFILE LC 5072 N 300 W PROVO, UT 84604-5652	Terri S Hart terri.hart@collierclerk.com (239) 252-7242 Ext 2606	Collier County Govt. Center Building F, 4th Floor 3299 Tamiami Trail East, Suite 401 P.O. Box 413044 Naples, Florida 34101-3044

4 Documents Recorded

DOC TYPE	INSTRUMENT	BOOK	PAGE	AMOUNT
Affidavit	6096104	5982	1029	\$27.00
Deed	6096105	5982	1032	\$24,587.50
Consideration: \$3,505,000.00, 100% Applied				
Mortgage	6096106	5982	1038	\$82,586.50
Deed Obligation: \$15,000,000.00 Intangible Tax Obligation: \$15,000,000.00				
Assignment	6096107	5982	1048	\$52.50
TOTAL AMOUNT DUE				\$107,253.50
Deposit Account#: S-41050				(\$107,253.50)
BALANCE DUE				\$0.00

Note:
7/15/2021 3:07:26 PM Terri S Hart:
Batch Name: 360307
Disclaimer: All transactions are subject to review/verification. The Clerk reserves the right to correct for clerical errors and to assess or refund charges as needed.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Laverne Asalee Thomas
LAVERNE ASALEE THOMAS

Willie Frank Thomas
WILLIE FRANK THOMAS

[Signature]
Witness as to Both

[Signature]
Witness as to Both

Linda M. Fox
Printed Name of Witness

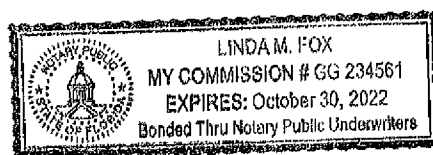
JUDITH N. WISE
Printed Name of Witness

STATE OF FLORIDA

COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 30th day of August, 2021, by LAVERNE ASALEE THOMAS and WILLIE FRANK THOMAS, who are personally known to me or has produced [Signature] as identification.

[Signature]
Notary Public
My Commission Expires:



Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)



Crystal K. Kinzel
Clerk of the Circuit Court and Comptroller

Official Receipt

Customer	Deputy Clerk	Clerk Office Location
Auri Burnham SIMPLIFILE LC 5072 N 300 W PROVO, UT 84604-5652	Samantha Moore Samantha.Moore@collierclerk.com 239-252-7242	Collier County Govt. Center Building LA, 2nd Floor 3315 Tamiami Trl E Ste 102 Naples, Florida 34112-4901

11 Documents Recorded

DOC TYPE	INSTRUMENT	BOOK	PAGE	AMOUNT
Deed Consideration: \$10.00, 100% Applied	6108611	5993	3019	\$27.70
Deed Consideration: \$10.00, 100% Applied	6108612	5993	3022	\$27.70
Deed Consideration: \$595,000.00, 100% Applied	6108613	5993	3025	\$4,183.50
Probate	6108614	5993	3027	\$44.00
Affidavit	6108615	5993	3032	\$18.50
Probate	6108616	5993	3034	\$18.50
Probate	6108617	5993	3036	\$35.50
Termination of Anything	6108618	5993	3040	\$18.50
Death Certificate	6108619	5993	3042	\$18.50
Deed Consideration: \$873,000.00, 100% Applied	6108620	5993	3044	\$6,138.00
Modification	6108621	5993	3047	\$44.00
TOTAL AMOUNT DUE				\$10,574.40
Deposit Account#: S-41050				(\$10,574.40)
BALANCE DUE				\$0.00

Note:

8/6/2021 9:13:04 AM Samantha Moore:
Batch Name: 367314

Disclaimer: All transactions are subject to review/verification. The Clerk reserves the right to correct for clerical errors and to assess or refund charges as needed.

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Plat Book Pages

Palisades

A SUBDIVISION OF A PORTION
OF THE SOUTHWEST 1/4 OF
SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST,
COLLIER COUNTY, FLORIDA

DEDICATIONS/RESERVATIONS

STATE OF FLORIDA
COUNTY OF COLLIER

KNOW ALL MEN BY THESE PRESENTS THAT YARBERRY PARTNERS, LLC, A MASSACHUSETTS LIMITED LIABILITY COMPANY, THE OWNER OF THE LANDS DESCRIBED HEREON HAS CAUSED THIS PLAT OF PALISADES TO BE MADE AND DOES HEREBY:

A. DEDICATE TO PALISADES NAPLES HOMEOWNERS' ASSOCIATION, INC., ITS SUCCESSORS OR ASSIGNS:

- TRACT "R" AS PRIVATE ROAD RIGHT-OF-WAY (R.O.W.) SUBJECT TO THE EASEMENTS DEPICTED HEREON (C.U.E., P.U.E., I.E., D.E., A.E.) WITH RESPONSIBILITY FOR MAINTENANCE, ROADWAY PURPOSES INCLUDE, BUT ARE NOT LIMITED TO PAVEMENT, ROADWAY DRAINAGE, BIKE LANES, SIDEWALKS AND PATHWAYS.
- TRACTS "OS1" AND "OS2" (OPEN SPACE), FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF LIGHTING, LANDSCAPING, SIGNS, PERIMETER WALLS AND IRRIGATION, SUBJECT TO THE EASEMENTS DEPICTED HEREON, WITH RESPONSIBILITY FOR MAINTENANCE.
- TRACT "L1" AS LAKE, FOR THE PURPOSE OF DRAINAGE, IRRIGATION AND STORM WATER MANAGEMENT, SUBJECT TO THE EASEMENTS DEPICTED HEREON, WITH RESPONSIBILITY FOR MAINTENANCE.
- ALL LAKE MAINTENANCE EASEMENTS (L.M.E.) AS DEPICTED HEREON, SUBJECT TO THE EASEMENTS DEPICTED HEREON, WITH RESPONSIBILITY FOR MAINTENANCE.
- ALL DRAINAGE EASEMENTS (D.E.) AS DEPICTED HEREON, FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF STORMWATER/DRAINAGE FACILITIES, WITH RESPONSIBILITY FOR MAINTENANCE.
- ALL ACCESS EASEMENTS (A.E.) AS DEPICTED HEREON, WITH RESPONSIBILITY FOR MAINTENANCE.
- ALL IRRIGATION EASEMENTS (I.E.) AS DEPICTED HEREON, FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF IRRIGATION FACILITIES, WITH RESPONSIBILITY FOR MAINTENANCE.
- ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) AS DEPICTED HEREON, FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF LANDSCAPE, IRRIGATION, HARDSCAPE AND PERIMETER WALLS OR FENCING, WITH RESPONSIBILITY FOR MAINTENANCE.

B. DEDICATE TO COLLIER COUNTY WATER-SEWER DISTRICT:

- ALL COUNTY UTILITY EASEMENTS (C.U.E.) FOR POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER SYSTEM(S) OR PORTION(S) THEREOF AND INGRESS AND EGRESS RIGHTS, WHERE APPROPRIATE, ARE PROVIDED TO THE COLLIER COUNTY WATER-SEWER DISTRICT TO OPERATE AND MAINTAIN POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER UTILITY SYSTEMS OR PORTION(S) THEREOF WITHIN THE PLATTED AREA AFTER FINAL CONVEYANCE TO THE COLLIER COUNTY WATER-SEWER DISTRICT AND, WHERE APPLICABLE, TO INSTALL THE COLLIER COUNTY WATER-SEWER DISTRICT'S CONNECTING UTILITY FACILITIES WITHIN SUCH EASEMENT(S), WITH NO RESPONSIBILITY FOR MAINTENANCE OF THE SURFACE EASEMENT AREA.
- APPLICABLE POTABLE WATER, NON-POTABLE IRRIGATION WATER AND/OR WASTEWATER SYSTEM(S) OR PORTION(S) THEREOF CONSTRUCTED WITHIN THIS PLATTED AREA IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THE COLLIER COUNTY UTILITIES STANDARDS AND PROCEDURES ORDINANCE (2004-31), AS AMENDED, SHALL BE CONVEYED TO THE BOARD AS THE EX-OFFICIO GOVERNING BOARD OF THE WATER-SEWER DISTRICT UPON ACCEPTANCE OF THE ADDITIONS, EXTENSIONS AND/OR IMPROVEMENTS REQUIRED BY THE PLAT.

C. DEDICATE PUBLIC UTILITY EASEMENTS (P.U.E.) TO ALL LICENSED OR FRANCHISED PUBLIC OR PRIVATE UTILITIES:

ALL PLATTED PUBLIC UTILITY EASEMENTS (P.U.E.) SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY AND THAT SUCH USES BE SUBJECT TO, AND NOT INCONSISTENT WITH, THE USE BY COLLIER COUNTY WATER-SEWER DISTRICT. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

D. DEDICATE TO COLLIER COUNTY:

- ALL DRAINAGE EASEMENTS (D.E.), AS DEPICTED HEREON, WITH NO RESPONSIBILITY FOR MAINTENANCE.
- ALL LAKE MAINTENANCE EASEMENTS (L.M.E.), AS DEPICTED HEREON, WITH NO RESPONSIBILITY FOR MAINTENANCE.
- ALL ACCESS EASEMENTS (A.E.), AS DEPICTED HEREON, WITH NO RESPONSIBILITY FOR MAINTENANCE.

E. DEDICATE TO COLLIER COUNTY, ITS FRANCHISEES AND THE NORTH COLLIER FIRE CONTROL AND RESCUE DISTRICT:

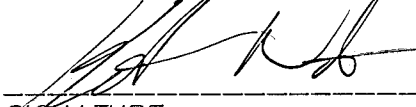
A NON-EXCLUSIVE ACCESS EASEMENTS (A.E.) OVER AND ACROSS TRACT "R" FOR THE SOLE PURPOSE OF PERMITTING EMERGENCY AND SERVICE VEHICLES THEREON, WITH NO RESPONSIBILITY FOR MAINTENANCE THEREOF.

F. RESERVE TO YARBERRY PARTNERS, LLC, ITS SUCCESSORS AND/OR ASSIGNS:

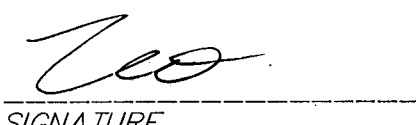
THE RIGHT OF INGRESS AND EGRESS OVER AND ACROSS TRACT "R", ALL OPEN SPACE TRACTS, ALL ACCESS EASEMENTS (A.E.), ALL LAKE MAINTENANCE EASEMENTS (L.M.E.), ALL LANDSCAPE BUFFER EASEMENTS (L.B.E.) AND ALL DRAINAGE EASEMENTS (D.E.), WITH NO MAINTENANCE RESPONSIBILITIES.

IN WITNESS WHEREOF, YARBERRY PARTNERS, LLC, A MASSACHUSETTS LIMITED LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED THIS 34 DAY OF MARCH, 2023.

WITNESSES:

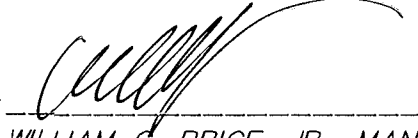

SIGNATURE

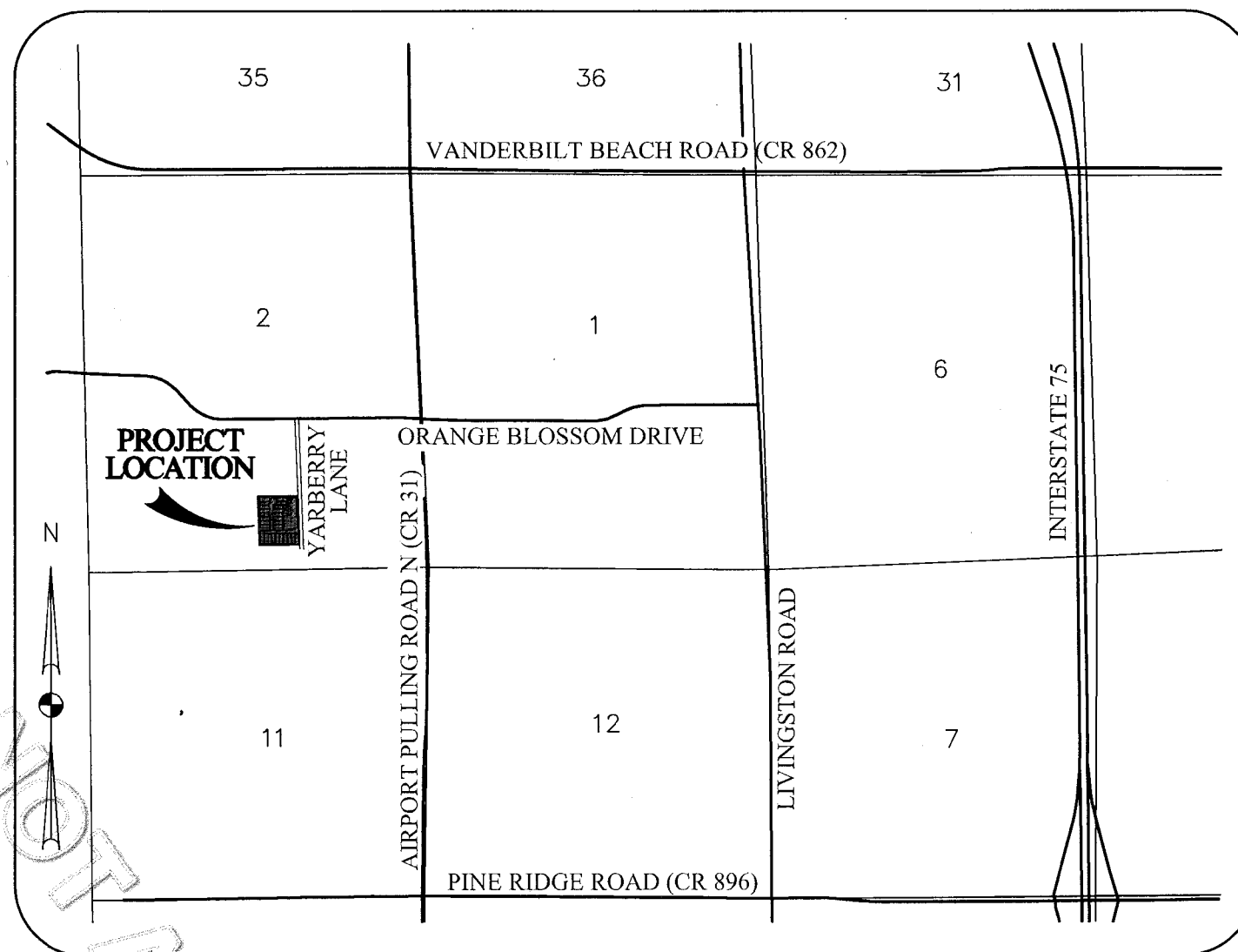
Keith Norton
PRINT NAME


SIGNATURE

Leonardo Anderson Neves
PRINT NAME

YARBERRY PARTNERS, LLC,
A MASSACHUSETTS LIMITED LIABILITY COMPANY

BY: 
WILLIAM G. PRICE, JR., MANAGER



LOCATION MAP
NOT TO SCALE
SEE SHEET 2 LEGAL DESCRIPTION

NOTICE:

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

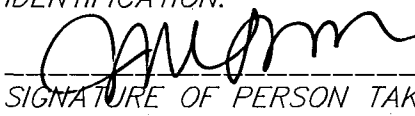
SURVEY NOTES:

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- ALL LOT LINES ARE RADIAL UNLESS OTHERWISE NOTED.
- UNLESS OTHERWISE NOTED ALL CURVES ARE TANGENTIAL AND CIRCULAR.
- BEARINGS ARE BASED ON THE BOUNDARY OF THE CROSSINGS, MILL RUN, RECORDED IN PLAT BOOK 15, PAGES 39 THROUGH 41 (INCLUSIVE) OF THE PUBLIC RECORDS COLLIER COUNTY FLORIDA, AS BEING NORTH 01°57'16" WEST AND RELATES TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
- THE PROPERTY IS SUBJECT TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PALISADES NAPLES HOMEOWNERS' ASSOCIATION, INC., RECORDED IN OFFICIAL RECORDS BOOK _____, PAGE _____, OF THE PUBLIC RECORD OF COLLIER COUNTY, FLORIDA, AS AMENDED FROM TIME TO TIME.
- THIS PROJECT IS SUBJECT TO THE PALISADES PUD, ORD. 2022-20, AS AMENDED.

CORPORATE ACKNOWLEDGEMENT

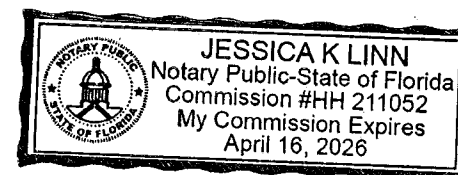
STATE OF FLORIDA
COUNTY OF COLLIER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME MEANS OF ☒ PHYSICAL PRESENCE OR ☐ ONLINE NOTARIZATION THIS 24 DAY OF MARCH, 2023, A.D., BY WILLIAM G. PRICE, JR., AS MANAGER OF YARBERRY PARTNERS, LLC, A MASSACHUSETTS LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY, HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED _____ AS IDENTIFICATION.


SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Jessica K. Linn
NAME OF ACKNOWLEDGER TYPED, PRINTED OR STAMPED

(AFFIX SEAL)

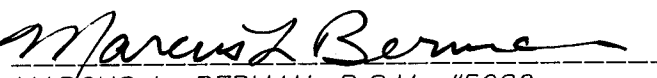
**COUNTY APPROVALS****COUNTY ENGINEER**

THIS PLAT APPROVED BY THE GROWTH MANAGEMENT DEPARTMENT OF COLLIER COUNTY, FLORIDA, THIS 29TH DAY OF MARCH, 2023, A.D.


JACK MCKENNA, P.E.
COLLIER COUNTY ENGINEER

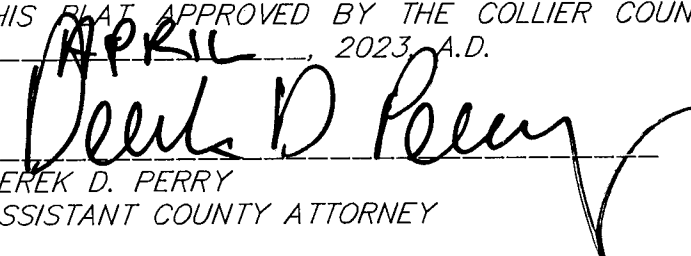
COUNTY SURVEYOR

THIS PLAT REVIEWED BY THE COLLIER COUNTY SURVEYOR THIS 29TH DAY OF MARCH, 2023, A.D.


MARCUS L. BERMAN, P.S.M. #5086
COLLIER COUNTY SURVEYOR

COUNTY ATTORNEY

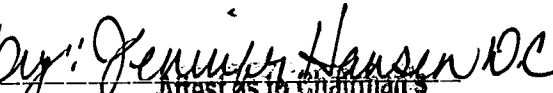
THIS PLAT APPROVED BY THE COLLIER COUNTY ATTORNEY THIS 7TH DAY OF APRIL, 2023, A.D.


DEREK D. PERRY
ASSISTANT COUNTY ATTORNEY

COUNTY COMMISSION APPROVAL

STATE OF FLORIDA
COUNTY OF COLLIER

THIS PLAT APPROVED FOR RECORDING IN A REGULAR OPEN MEETING BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THIS 12TH DAY OF JULY, 2022, A.D. PROVIDED THAT THE PLAT IS FILED IN THE OFFICE OF THE CLERK OF CIRCUIT COURT & COMPTROLLER OF COLLIER COUNTY, FLORIDA.

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


RICK LOCASTRO, CHAIRMAN,
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

FILING RECORD

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND THAT IT COMPLIES IN FORM WITH THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD AT 4:01 (A.M. OR P) THIS 12th DAY OF APRIL, 2023, A.D., AND DULY RECORDED IN PLAT BOOK 73 PAGE(S) 31 THROUGH 32 INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

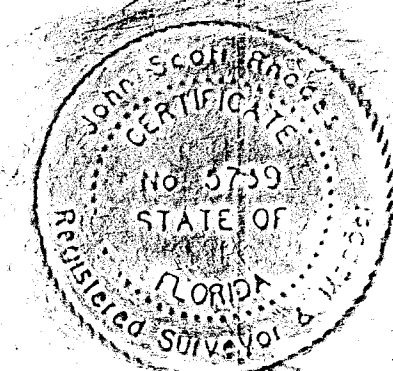

CRYSTAL K. KINZEL, CLERK
OF THE CIRCUIT COURT & COMPTROLLER
IN AND FOR COLLIER COUNTY, FLORIDA.

SURVEYORS CERTIFICATE

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

RHODES & RHODES LAND SURVEYING, INC.


JOHN SCOTT RHODES, P.S.M. NO. 5739
3-23-23 DATED



THIS INSTRUMENT PREPARED BY:
JOHN SCOTT RHODES, P.S.M. #5739
**RHODES & RHODES
LAND SURVEYING, INC.**
28100 BONITA GRANDE DRIVE, SUITE #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8166 FAX NO. (239) 405-8163
FLORIDA BUSINESS LICENSE NO. LB 6897

A SUBDIVISION OF A PORTION
OF THE SOUTHWEST 1/4 OF
SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST,
COLLIER COUNTY, FLORIDA

A PARCEL OF LAND LYING WITHIN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF THE CROSSINGS, MILL RUN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 39 THROUGH 41 (INCLUSIVE) OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, THE SAME BEING A POINT ON THE SOUTHWEST 1/4 CORNER OF SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; THENCE NORTH 01°57'16" WEST, ALONG THE EASTERLY BOUNDARY OF SAID PLAT AND ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 1/4 OF SAID SECTION 2, A DISTANCE OF 397.73 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE NORTH 01°57'16" WEST, ALONG THE EASTERLY BOUNDARY OF SAID PLAT AND ALONG THE WEST LINE OF SAID FRACTION, A DISTANCE OF 796.04 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2; THENCE NORTH 89°17'39" EAST, ALONG THE NORTH LINE OF SAID FRACTION, A DISTANCE OF 644.44 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID FRACTION, LANE (A 60' RIGHT-OF-WAY); THENCE SOUTH 02°09'11" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID YARBERRY LANE, A DISTANCE OF 14.19 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/2 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 2, THE SAME BEING A POINT ON THE WESTERLY LINE OF THE OASIS AT NAPLES, A CONDOMINIUM, AS DESCRIBED AND DEPICTED IN OFFICIAL RECORDS BOOK 4107, PAGES 183 THROUGH 407 (INCLUSIVE) OF THE PUBLIC RECORDS OF AFORESAID COLLIER COUNTY, FLORIDA; THENCE SOUTH 89°07'29" WEST, ALONG THE SOUTH LINE OF LAST SAID FRACTION AND THE NORTH LINE OF SAID CONDOMINIUM, A DISTANCE OF 642.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 513,354 SQUARE FEET OR 11.785 ACRES, MORE OR LESS.

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	57.50'	27°15'58"	27.36'	27.11'	N 75°29'31" E
C2	100.00'	27°15'58"	47.59'	47.14'	N 75°29'31" E
C3	200.00'	32°36'42"	113.84'	112.31'	N 124°01'05" E
C4	25.00'	88°43'29"	38.71'	34.96'	N 46°30'46" W
C5	25.00'	91°04'46"	39.74'	35.69'	N 43°35'07" E
C6	64.00'	245°20'03"	274.04'	107.75'	N 59°19'27" W
C7	70.00'	65°17'50"	79.78'	75.53'	N 30°41'39" E
C8	25.00'	88°55'14"	38.80'	35.02'	N 46°24'53" W
C9	100.00'	34°24'41"	60.06'	59.16'	N 71°55'09" E
C10	100.00'	34°24'41"	60.06'	59.16'	N 71°55'09" E
C11	25.00'	91°16'31"	39.83'	35.75'	N 43°29'14" E
C12	64.00'	32°4'14"	38.00'	3.80'	N 00°17'22" W
C13	64.00'	47°30'50"	53.07'	51.57'	N 25°10'11" E
C14	64.00'	80°44'07"	90.18'	82.90'	N 89°17'39" E
C15	64.00'	49°27'40"	55.25'	53.55'	N 25°36'28" W
C16	64.00'	64°13'11"	71.73'	68.04'	N 31°33'58" E
C17	70.00'	54°8'32"	72.10'	7.10'	N 60°26'15" E
C18	70.00'	59°29'13"	72.68'	69.46'	N 27°42'20" E
C19	100.00'	0°51'51"	1.51'	1.51'	N 01°33'33" W
C20	100.00'	37°18'01"	65.10'	63.96'	N 17°31'23" E
C21	100.00'	23°12'14"	40.50'	40.22'	N 47°46'30" E
C22	50.00'	50°3'19"	43.83'	42.44'	N 34°15'57" E
C23	50.00'	11°06'33"	9.69'	9.68'	N 03°36'01" E
C24	25.00'	90°00'01"	39.27'	35.36'	N 42°50'58" E
C25	25.00'	11°6'31"	0.56'	0.56'	N 88°29'14" E
C26	100.00'	61°22'06"	107.11'	102.06'	N 28°41'34" E
C27	50.00'	61°19'53"	53.52'	51.00'	N 28°42'40" E

P.S.M. PROFESSIONAL SURVEYOR & MAPPER
B.O.B. BASIS OF BEARING
R.O.W. RIGHT-OF-WAY
L.B. LICENSED BUSINESS
P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
NO ID. NO IDENTIFICATION
P.B. PLAT BOOK
O.R. OFFICIAL RECORDS BOOK
PGS. PAGES
N.R. NON-RADIAL
(E) EASEMENT TIE
NO ID. NO IDENTIFICATION
C.U.E. COUNTY UTILITY EASEMENT
P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
A.E. ACCESS EASEMENT
I.E. IRRIGATION EASEMENT
L.M.E. LAKE MAINTENANCE EASEMENT
L.B.E. LANDSCAPE BUFFER EASEMENT

■ SET PERMANENT REFERENCE MONUMENT
(5/8" x 18" SET IRON ROD CAPPED "PRM LB 6897")
(UNLESS OTHERWISE NOTED)

● PERMANENT CONTROL POINT

● POINT OF INTERSECTION, POINT OF CURVATURE,
POINT OF TANGENCY OR POINT OF REVERSE CURVATURE

THIS INSTRUMENT PREPARED BY:
JOHN SCOTT RHODES P.S.M. #5739

RHODES & RHODES
LAND SURVEYING, INC.

28100 BONITA GRANDE DRIVE, SUITE #107
BONITA SPRINGS, FL 34135

(239) 405-8166 FAX NO. (239) 405-8163
FLORIDA BUSINESS LICENSE NO. LB 68997

Affidavit of Authorization

AFFIDAVIT OF AUTHORIZATION**FOR PETITION NUMBERS(S)** PL20230011202

I, William Price Jr. (print name), as Manager (title, if applicable) of Yarberry 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 RVI Planning and Landscape Architecture to act as our/my representative in any matters regarding this petition including 1 through 2 above.

***Notes:**

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

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

[Signature]
Signature

6/20/23

Date

**STATE OF FLORIDA
COUNTY OF COLLIER**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 21 day of JUNE, 2023, by (printed name of owner or qualifier) MATTHEW C. PRICE.

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

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

Notary Seal

Notary Signature: [Signature]



LEONARDO ANDERSON NEVES
Commission # HH1305436
Expires February 22, 2027

Addressing Checklist



ADDRESSING CHECKLIST

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

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

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

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

LOCATION INFORMATION

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

64980000069

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

See Attached.

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

6623 Yarberry Ln

PROJECT INFORMATION

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

CURRENT PROJECT NAME

Palisades RPD

PROPOSED PROJECT NAME

Palisades RPD

PROPOSED STREET NAME(s)

N/A

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

Ord. 2022-20; PL20210001721; PL20220006856

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPD)

Collier County Property Appraiser Property Summary

Parcel No	64980000069	Site Address *Disclaimer	6623 YARBERRY LN	Site City	NAPLES	Site Zone *Note	34109
-----------	-------------	------------------------------------	------------------	-----------	--------	---------------------------	-------

Name / Address	YARBERRY PARTNERS LLC				
	259 TURNPIKE RD STE 100				
City	SOUTHBOROUGH	State	MA	Zip	01772

Map No.	Strap No.	Section	Township	Range	Acres *Estimated
4A02	531650 TR OS14A02	2	49	25	1.88

Legal	PALISADES TRACT 0S1
-------	---------------------

Millage Area ⓘ	133	Millage Rates ⓘ *Calculations		
Sub./Condo	531650 - PALISADES	School	Other	Total
Use Code ⓘ	97 - OUTDOOR RECREATIONAL OR PARKLAND SUBJECT	4.459	6.0042	10.4632

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
------	-----------	--------

2022 Certified Tax Roll

(Subject to Change)

Land Value	\$ 0
(+) Improved Value	\$ 0
(=) Market Value	\$ 0
(=) Assessed Value	\$ 0
(=) School Taxable Value	\$ 0
(=) Taxable Value	\$ 0

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

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)



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

Property Ownership Disclosure



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

PROPERTY OWNERSHIP DISCLOSURE FORM

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

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

Please complete the following, use additional sheets if necessary.

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership

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

Name and Address	% of Ownership



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

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

Name and Address	% of Ownership
Yarberry Partners, LLC	
259 Turnpike Road, Suite 100, Southborough, MA 01772	
William Price, Jr., Manager	50%
William Depietri, Manager	50%

- 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 7/12/2021; 8/2/2021

☐ Leased: Term of lease _____ years /months

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



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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

Growth Management Community Development Department | GMD Portal:

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

Questions? Email: GMDclientservices@colliercountyfl.gov

Agent/Owner Signature

6/20/23

Date

William Price Jr

Agent/Owner Name (please print)

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

NIM Summary



PALISADES RPD PDI NIM Summary

RVi Planning + Landscape Architecture conducted a Neighborhood Information Meeting (NIM) for the Palisades RPD PDI. The meeting was held on Thursday, November 16, 2023, at 5:05 p.m. at the

The sign-in sheets are attached as Exhibit "A". One attendee came to the meeting, as well Collier County Staff. A copy of the legal notice, affidavit of publication, a copy of the letter sent to surrounding property owners, and a list of the surrounding property owners are attached as Exhibit "B".

Jem Frantz started the meeting by introducing the project team and provided a PowerPoint presentation, attached as Exhibit "C," on the Palisades RPUD and the proposed amendments. She explained there are no changes proposed to the allowed uses and no increase to the allowed density or intensity as part of this amendment. The proposed amendment includes revisions to the cross sections in Exhibit C of the Master Plan, revisions to the maximum wall height, and a revision to deviation 1 to reflect the as-built conditions. The updated Master Plan was presented and a handout was distributed as Exhibit "D". Following the presentation, questions were asked by the attendee and responses were provided as outlined below.

Public Comment Summary:

1. Clarified that because the wall was not as tall as expected, there were additional plantings to create more distinction between the two properties.

RESPONSE: Correct.

2. Did we acquire any additional land to add to the PUD?

RESPONSE: No

3. Were the additional trees and shrubs already planted?

RESPONSE: Yes.

4. So this change is not very impactful to neighbors?

RESPONSE: Due to the additional plantings, we think any potential impact has been mitigated already.

There were no further comments and the meeting concluded at approximately 5:25 p.m.

Exhibit A – Sign In Sheet

PALISADES (RPUD) NEIGHBORHOOD INFORMATION MEETING

NOVEMBER 16, 2023 – 5:05 p.m.

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Kath Norton	9921 Interstate Commerce Drive Ft Myers	
Stacy Byers	Mill Run	stacybyers@msh.cu4
Eric Ortman	County	
Aubrey Vergul	Atwell LLC.	

Exhibit B – Meeting Notice

Classifieds

To Advertise, visit our website: classifieds.news-press.com

- Public Notices/Legals email: fnplegals@gannett.com
- Business & Services, visit: classifieds.news-press.com
- To post job openings, visit: news-press.com/jobs



TO ADVERTISE

Visit Our Website:

classifieds.news-press.com

All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. Fort Myers News-Press reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. Fort Myers News-Press shall not be liable for any loss or expense results from an error in or omission of an advertisement. No refunds for early cancellation of order.

Adopt Me

Pets

all your favorites...

Domestic Pets



mini cockapoo Born 9/25, raised in home, great family dogs, vet check, shots, parents on site, visits welcome, 1500 Fort Myers FL 508-838-7931



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Assorted

Stuff

all kinds of things...

Antiques & Collectibles

PRIVATE COLLECTOR Buying Baseball Cards, Sports Memorabilia, Gold & Silver Coins. Cash Paid! Top \$\$. Larry: 954-288-2935

Wanted to Buy



WANTED Highwaymen Art Buckner, Newton, Hair Walker, Butler, Backus

Professional Service all your needs...

Home Improvement



BULLDOG BUILDERS, INC. "No Bull - Just Quality Work You Can Trust" Residential / Commercial Remodels • Additions • Repairs Hurricane Windows / Doors Tractor Service • Free Estimates www.bulldogbuildersinc.com (239)-707-0654 #CBC05876

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Real Estate

Homes

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Acreage



Amazing 4.6 Acre MountainTop Getaway Overlooking Great Smoky & Blue Ridge Mountains Rare Easy Access & Flat topography with Fantastic National Forest & Mountain Views! Multiple Cold Mountain Streams & waterfalls! Ready to RV/camp, build & invest immediately! Perfect Location Between Murphy NC & Mcaysville GA! Short drive to Ocoee Whitewater Center in Cherokee National Forest! Sacrifice Price \$34,000 Call Now 828-882-2710

Real Estate

Rentals

PUBLISHER'S NOTICE

All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination. *We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.



Vacation Rentals

CAPE CORAL - Awesome Furnished 4BR home with canal & pool. \$4000/mo. or \$450/night. 239-560-6525

Automotive

Wheels

best deal for you...

Autos Wanted

AA+ TOP DOLLAR PAID! for Classics Cars, Muscle Cars, & Sports Cars. (239) 221-3000

WANTED

Cars, Trucks, SUV's, ETC. Southwest Floridas Largest Private Buyer Cash Today!! I Come to You! Call Sam @: 239-595-4021 NO JUNK!!!

Vans



DODGE WHEELCHAIR VAN 2020 10 in lowered floor, ramp & tie downs. Low mi. Call 239-494-8267

Vehicles

Recreation

RVs, motorcycles, etc.

Boats & Accessories

2021 15 ft Skimmer Skiff with a 2021 5HP Suzuki w/15 hrs, dealer verified time. Like new cond. Photos avail. \$7,900 CASH! Call Mark 231-933-6331

RVs/Campers & Access.



Thor Motor Coach Skyline T224 2018 Class C Diesel Coach, Mercedes \$99,999 Negotiable Mileage 6,610 Clearwater, FL (727) 515-9087

Your Source

Public Notices

for the latest...

Bids & Proposals



AMERICA'S CONTRACTOR Riverdale High School Renovation and Addition Phase 11B Invitation to Bid. Suffolk Construction will receive sealed proposals at 10600 Chevrolet Way, Suite 301, Estero, FL 33928 prior to 5:00 p.m. on Wednesday, November 8th, 2023, from companies wishing to provide GMP pricing for Riverdale High School Renovation and Addition Phase 11B for The School District of Lee County. A Pre-Bid Meeting and Site Walkthrough will be held at 2:30 p.m. at Riverdale High School on October 23, 2023 (meet at flagpole.) Bidders are asked not to come onto the school grounds before 2:00 p.m. on the day of the Pre-Bid Meeting. Solicitation documents and instructions may be secured from Suffolk Construction through an email request to Jessica Snyder at JSnyder@suffolk.com or by calling Suffolk Construction at 561-282-3773. 10/16/23 thru 11/8/23 9394419

Public Notices

NORTH CAROLINA ALAMANCE COUNTY IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION BEFORE THE CLERK 23 SP 244

In re Doe
NOTICE OF FILING OF PETITION FOR ADOPTION [N.C.G.S. 48-2-401]

TO: MIKEL LAWSON.
Please take notice that a Special Proceeding has been commenced against you in the above referenced court and file. The Petitioners herein are seeking to adopt the minor child, a male born on May 11, 2011 in Lebanon, Missouri, to Kara Deihl. A copy of the Petition for Adoption filed in this matter on July 3, 2023 is with the Clerk of Superior Court of Alamance County, North Carolina. Any parental rights you may have will be terminated upon entry of order of adoption.

In order to participate in and receive further notice of the proceeding, you must prepare and file with the Clerk of Superior Court of Alamance County, North Carolina, 1 Court Square, Graham, NC 27523, a defense to the petition within forty (40) days after service of this notice, or the party seeking relief against you will apply to the court for the relief sought. A copy of your written response should be served on Petitioners' attorney by hand delivery or by first-class mail, postage pre-paid, addressed to Katie H. King at Wake Family Law Group, 4350 Lassiter at North Hills Avenue, Suite 360, Raleigh, North Carolina 27609. Nov. 1, 8, 15, 2023 #9459176

REQUEST FOR QUALIFICATIONS CITY OF FORT MYERS

The City of Fort Myers is seeking proposals for MARSH AVENUE SIDEWALK DESIGN SERVICES REBID (MICHIGAN TO SR 80), (FDOT LAP #441900-1-38-01) RFQ#0003-24, which will be submitted electronically on or before 12/01/2023 at 2:00 PM. Interested participants are encouraged to download the solicitation documents. For more details visit <https://pbsystem.planetbids.com/por/tel/31333/portal-home>

The City is seeking FDOT prequalified consultant in work types
a. Work Group 3. Highway Design Roadway categories: 3.1-Minor Highway Design
b. Work Group 4. Highway Design - Bridges: 4.1.2 Minor Bridge Design
c. Work Group 8. Surveying and Mapping: 8.2 Design, Right-of-Way Construction Surveying
d. Work Group 9. Soil Exploration Material Testing and Foundations: Standard Foundation Studies.

CITY OF FORT MYERS
Marty K. Lawing, City Manager
Gwen Carlisle, City Clerk
Ad #9450327 11/1/23

MEETING NOTICE
The Boca Grande Historic Preservation Board will meet at 10:00 AM on November 8, 2023, in the Boca Grande Community Center, Auditorium, 131 First Street West, Boca Grande, FL 33921. Back-up materials for public review will be available approximately 7 days prior to the meeting and may be found at www.leegov.com/dcd/Events, the Johann Fust Library, 1040 West 10th Street, Boca Grande, Florida and the Lee County Planning Section, 1500 Monroe Street, Fort Myers, FL starting November 1, 2023.

1. Call to Order/Roll Call/Review of Affidavit of Publication
2. Approval of Minutes – October 11, 2023
3. Special Certificate of Appropriateness (SCA) Case:
A. SCA2023-00016, O'Dowd Residence, 851 Palm Avenue, Boca Grande, FL 33921
Request for a Special Certificate of Appropriateness to allow additions to an existing residence to include expansion of the garage, enclosure of the space between the garage and main structure, construction of a second floor above the garage, and enclosure of the southwest covered deck.
4. Items by the Public
A. Boca Grande Community Center Proposal
5. Board Members
6. Items by Staff
A. Pending Historic Cases (where they are in the process).
7. Adjournment – Next Meeting Date: December 13, 2023
A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Public Notices

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or ADArequests@leegov.com, at least five business days in advance. The agenda can be accessed at the following link approximately 7 days prior to the meeting. <http://www.leegov.com/dcd/Events>. To receive agendas by e-mail, contact millerl@leegov.com. Nov 1, 2023

BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II COMMUNITY DEVELOPMENT

NOTICE OF JOINT SPECIAL MEETING

The Boards of Supervisors (Boards") of the Brooks of Bonita Springs and Brooks of Bonita Springs II Community Development Districts ("Districts") will hold a Joint Special Meeting on November 15, 2023 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135 for the purpose of considering a joint proposal for the Commons Club to acquire Coconut Park, as well as consider any other business which may properly come before the Boards.

The meeting is open to the public and will be conducted in accordance with the provision of Florida Law for Community Development Districts. The meeting may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for the meeting may be obtained from the office of the District Manager, Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 at least seven (7) days in advance of the meeting by calling (561) 571-0010, during normal business hours, or by visiting the District's website, <https://www.brookscdd.net/>.

There may be occasions when one or more Supervisors or staff will participate by telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (561) 571-0010 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based. District Manager Nov 1, 2023

WILDBLUE COMMUNITY DEVELOPMENT DISTRICT NOTICE OF MEETING

The Board of Supervisors ("Board") of the WildBlue Community Development District ("District") will hold a Regular Meeting on November 9, 2023 at 10:00 a.m., at the offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida.

The purpose of the meeting is for the Board to consider any business which may properly come before it. The meeting is open to the public and will be conducted in accordance with the provision of Florida law. The meeting may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for these meetings may be obtained by contacting the offices of the District Manager, Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010, during normal business hours or by visiting the District's website, <http://wildbluecdd.net/>.

There may be occasions when one or more Supervisors or staff will participate by telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at the meeting because of a disability or physical impairment should contact the District Office at (561) 571-0010 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based. District Manager Nov 1, 2023

NOTICE OF PUBLIC MEETING CFM COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the CFM Community Development District ("District") will hold a meeting on Thursday, November 16, 2023, at 11:30 a.m. at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912. A copy of the agenda for the meeting can be obtained from the District Office at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912 or by phone at (239) 936-0913. Additionally, a copy of the agenda, along with any meeting materials available in an electronic format, may be obtained at www.cfmcd.org. Items on the agenda may include, but are not limited to, District operations and maintenance activities, financial matters, capital improvements, and general administration activities. The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. There may be occasions when one or more Board Supervisors or staff members will participate by telephone. A speaker telephone will be present at the above location so that any Board Supervisor or staff

Public Notices

member can attend the meeting by telephone and be fully informed of the discussions taking place either in person or by telephone communication. The meeting may be continued in progress without additional notice to a time, date, and location stated on the record.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (239) 936-0913, at least 48 hours before the meetings. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person will need a record of the proceedings and that, accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is based. Belinda Blandon District Manager Run Date: 11/1/2023

CORKSCREW CROSSING COMMUNITY DEVELOPMENT DISTRICT NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING

The Board of Supervisors ("Board") of the Corkscrew Crossing Community Development District ("District") will hold a Regular Board Meeting (the "Meeting") on November 9, 2023, at 1:00 p.m. at the RiverCreek Sales Office located at 12776 Springbrook Court, Estero, Florida 33928 where the Board may consider any business that may properly come before it. A copy of the agenda may be obtained at the offices of the District Manager, 2501A Burns Road, Palm Beach Gardens, Florida 33410, 561-630-4922 ("District Manager's Office"), during normal business hours.

The Meeting is open to the public and will be conducted in accordance with the provisions of Florida law. The Meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone. Any person requiring special accommodations at this Meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the Meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the Meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Kathleen Dailey Meneely District Manager

CORKSCREW CROSSING COMMUNITY DEVELOPMENT DISTRICT www.corkscrewcrossingcdd.org Nov 1, 2023

NOTICE OF PUBLIC INFORMATION MEETING DATE: Monday, November 16, 2023 TIME: 5:05 PM ADDRESS: 2385 Orange Blossom Dr., Naples, FL 34109 (in the Sugden Theater)

In accordance with Collier County's Land Development Code, the Applicant, Yarberry Partners, LLC, will be presenting information to the public on the following request: A request to modify the approved Palisades RPUD Master Plan (Ordinance 2022-20). The request updates the Master Plan, adds and modifies cross-sections depicting property boundaries and typical wall cross sections, and updates the approved

Public Notices

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Thursday, November 16, 2023 TIME: 5:30 PM

ADDRESS: 601 E. County Lane, Lehigh, Florida 33936 In accordance with the Lehigh Acres Planning Community require the Lee County Land Development Code, the Applicant, Arcland Company, LLC, will be presenting information to the public on the request of the meeting of the Lehigh Acres Architectural, Planning Review Board:

To amend the existing Town Lakes Commercial Planned Dev (CPD) to allow for the development of a 140,000 square foot mini w/ open storage area for RV/boat storage that is in addition to the mini warehouse in the Town Lakes CPD/RPD. The Property is within Lehigh Acres Planning Community on the south side of Foun Blvd and west of Williams Ave, in unincorporated Lee County, Florida. The purpose of the meeting is to educate community members nearby landowners about the proposed development and to add questions.

For questions please contact: RVI Planning, c/o Fred Drovdlac, AICP 1514 Broadway, Suite 201, Fort Myers, FL 33901 239.989.3370 OR fdrovdlac@rviplanning.com

No. 9458538 November 3

SECOND AMENDED NOTICE OF MEETING LEE MEMORIAL HEALTH SYSTEM AUDIT COMMITTEE MEETING

DATE AND TIME: NOVEMBER 13, 2023 7:45 a.m. (PREVIOUSLY SCHEDULED FOR NOVEMBER 13, 2023 AT 8:0

PLACE: GULF COAST MEDICAL CENTER BOARDROOM 13685 DOCTORS WAY, FORT MYERS, FLORIDA 33912

AGENDA: A copy of the Agenda can be obtained from the LeeH website under the Board of Director's page.

PUBLIC ATTENDANCE: The public is encouraged to attend by tele

ence. Access to the meeting can be obtained by utilizing the following dial-in number: TELECONFERENCE CALL: DIAL-IN # +1-415-655-0002 CONFERENCE CODE: 2303 571 3124

AMERICANS WITH DISABILITIES ACT: Pursuant to the provision Americans with Disabilities Act, any person requiring special actions to participate in the meeting is requested to advise the Board at least two days before the meeting by contacting the Board (239) 343-1500 or via email sent to the following email address: BoardRecords@leehealth.org.

RECORD: If a person decides to appeal any decision made by the Directors with respect to any matter considered at such meeting, he or she will need a record of the proceedings, and that, for such he or she may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which appeal is to be based. November 1, 2023 #9463667

Public Notices

deviations to make each c with built conditions. The purpose of the meet educate community mem nearby landowners ab proposed development answer any questions. For questions please contact RVI Planning, c/o Jem f 28100 Bonita Grande Driv 305, Bonita Springs, FL (239)357.9580 OR jfrantz@RVIPlanning.com. Nov. 1, 2023 #9452859

REVISED NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND PLAN

(ADOPTION HEARIN The Lee County Board of Commissioners will hold hearing to consider the ad proposed amendments to County Comprehensive L Plan (Lee Plan). This hearing was initially published to on November 8, 2023. The new date will be held on Wednesday, December 6, 2023. The hearing will commence at 9:30 a.m., on the Board Chambers, 2120 Main Downtown Fort Myers.

The Board proposes to ordinance amending the Lee follows: CPA2023-00004 Building Resiliency Amend Lee Plan removing reference to one story building heights on 23.2.3 to remove reference height regulations being lished as of March 23, 2018. Copies of this Notice proposed ordinance are available for inspection or copying during business hours at the Minutes Office of the Clerk of Courts of Lee. The Minutes Office is located at Courthouse Administration 2115 Second Street, Fort Florida. This meeting is open to the public. Interested parties may appear at the meeting and with respect to the proposed amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at the meeting.

It is the intent of the County Commissioners provisions of this Ordinance modified as a result of conditions that may arise during the proceeding(s). Such modifications incorporated into the final Lee County will not discriminate against individuals on the race, color, national origin, disability, religion, income status. To request language interpretation, document translation on ADA-qualified reasonable cation at no charge to the contact Joan LaGuardia, 6038, Florida Relay Service last five business days in El Condado de Lee brindamos de traducción sin personas con el idioma inglés. Nov. 1, 2023 #9460608

Public Sale Go Store It 2355 Bruner I Myers, FL 33912 heret NOTICE OF PUBLIC SALE storage space(s) listed below Campos # C133 containing 1 and other goods will be sold on 11/10/23 at 2:00pm. contents being sold to the bidder. Owner reserves the bid. The sale is being held a landlord's lien, in accordance Florida Statutes Section 83.809, and will be held www.storage treasures.com 10/25/23, 11/1/23 9404449

Go Store It 2355 Bruner I Myers, FL 33912 heret NOTICE OF PUBLIC SALE storage space(s) listed below Campos # C133 containing 1 and other goods will be sold on 11/10/23 at 2:00pm. contents being sold to the bidder. Owner reserves the bid. The sale is being held a landlord's lien, in accordance Florida Statutes Section 83.809, and will be held www.storage treasures.com 10/25/23, 11/1/23 9404470

Go Store It 2355 Bruner I Myers, FL 33912 heret NOTICE OF PUBLIC SALE storage space(s) listed below Campos # C133 containing 1 and other goods will be sold on 11/10/23 at 2:00pm. contents being sold to the bidder. Owner reserves the bid. The sale is being held a landlord's lien, in accordance Florida Statutes Section 83.809, and will be held www.storage treasures.com 10/25/23, 11/1/23 9404470

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For questions please contact: RVI Planning, c/o Fred Drovdlac, AICP 1514 Broadway, Suite 201, Fort Myers, FL 33901 239.989.3370 OR fdrovdlac@rviplanning.com

No. 9458538 November 3

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Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

DEFAULT
RVI Planning, Inc
28100 Bonita Grande DR # 305
Bonita Springs FL 34135-6221

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

11/01/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 11/01/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$113.54

Order No: 9452859

Customer No: 1126761

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Monday, November 16, 2023

TIME: 5:05 PM

ADDRESS: 2385 Orange Blossom Dr., Naples, FL 34109 (in the Sugden Theater)

In accordance with Collier County's Land Development Code, the Applicant, Yarberry Partners, LLC, will be presenting information to the public on the following request:

A request to modify the approved Palisades RPUD Master Plan (Ordinance 2022-20) The request updates the Master Plan, adds and modifies cross-sections depicting property boundaries and typical wall cross sections, and updates the approved deviations to make each consistent with built conditions.

The purpose of the meeting is to educate community members and nearby landowners about the proposed development and to address any questions.

For questions please contact:

RVI Planning. c/o Jem Frantz
28100 Bonita Grande Drive, Suite
305, Bonita Springs, FL 34135
(239)357.9580 OR

jfrantz@RVIPlanning.com

Nov. 1, 2023 #9452859

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)



November 1, 2023

RE: Palisades RPUD (PDI)
PL20230011202

Dear Property Owner:

Please be advised that Yarberry Partners, LLC ("Applicant") has filed a request to modify the approved Palisades RPUD Master Plan (Ordinance 2022-20). The request updates the Master Plan, adds and modifies cross-sections depicting property boundaries and typical wall cross sections, and updates the approved deviations to make each consistent with built conditions.

The Palisades RPUD Property totals 12 +/- acres and is generally located on the west side of Yarberry Lane and approximately 0.2 miles south of Orange Blossom Drive in unincorporated Collier County, Florida (see attached project location map).

In compliance with the Land Development Code requirements, a Neighborhood Information Meeting will be held to provide you an opportunity to hear a presentation about this application and ask questions. **The Neighborhood Information Meeting will be held Thursday Monday 16, 2023, at 5:05 pm in the Sugden Theater located at 2385 Orange Blossom Dr., Naples, FL 34109.**

Should you require additional information or have any questions, please feel free to contact me directly at (239) 357-9580 or jfrantz@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

A handwritten signature in black ink, appearing to read 'Jem Frantz'.

Jem Frantz, AICP
Project Director

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

ORANGE BLOSSOM DR

YARBERRY LN

Newport RD

Palisades AVE

Legend

-  Subject Boundary
-  Parcels

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Copyright RVI



111 N Magnolia Avenue
Suite 1350
Orlando, FL 32801
Tel: 407.680.0650
www.rviplanning.com

PALISADES PDI • AERIAL MAP

 Collier County

 4/26/2023

 2300XXXX

 Yarberry Parntners, LLC



Information furnished regarding this property i
sources deemed reliable. RVI has not made an
independent investigation of these sources and no
warranty is made as to their accuracy or
completeness, change, and
approval.

Packet Pg. 245

NAME	ADDRESS 1	ADDRESS 2	COUNTRY	CITY	STATE	USZIP
2223 TRADE CENTER WAY LLC	2223 TRADE CENTER WAY	USA	NAPLES	FL	34109	
CAPTIVA COMMERCE PTNRS LLC	3120 WINKLER AVE EXT # 30	USA	FT MYERS	FL	33916	
360 PROPERTIES LLC	12920 METRO PARKWAY	USA	FORT MYERS	FL	33966	
KINIK HOLDING LLC	2151 TRADE CENTER WAY	USA	NAPLES	FL	34109	
BROADWAY TRADERS LLC	5450 TAMIAMT TRL N	USA	NAPLES	FL	34108	
JAMES CAROLLO DECLARAT TRUST	64 DUNDEE LN	USA	BARRINGTON	IL	60010	
CROTHERS HOLDING LLC	2043 TRADE CENTER WAY	USA	NAPLES	FL	34109	
LIPPERT PROPERTIES LLC	2051 TRADE CENTER WAY	USA	NAPLES	FL	34109	
NIAN FINANCING CORP	2055 TRADE CENTER WAY	USA	NAPLES	FL	34109	
ANNEKAY PROPERTIES LLC	9846 SANDRINGHAM GATE	USA	NAPLES	FL	34109	
STAHLMAN HOLDINGS LLC	2065 TRADE CENTER WAY	USA	NAPLES	FL	34109	
STEPHENS INDUSTRIES LLC	2047 TRADE CENTER WAY	USA	NAPLES	FL	34109	
TCWI LLC	26300 MORTON AVE	USA	BONITA SPRINGS	FL	34135	
LISA B HOMES LLC	2009 TRADE CENTER WAY	USA	NAPLES	FL	34109	
NOVAK SEVEN LLC	5201 TAMIAMT TRL N #1	USA	NAPLES	FL	34103	
ELBRECHT INVESTMENTS LLC	7067 COUNTY ROAD 8780	USA	WEST PLAINS	MI	65775	
BARTOLEC, BRIAN	6825 IL REGALO CIR	USA	NAPLES	FL	34109	
MICHAEL J SANTI LIVING TRUST	6821 IL REGALO CIRCLE	USA	NAPLES	FL	34109	
LANGELOH, JAMES=& TINA	6817 IL REGALO CIRCLE	USA	NAPLES	FL	34109	
MAKI, CRAIG A=& DEBRA D	6813 IL REGALO CIR	USA	NAPLES	FL	34109	
ZOTTOLA, ROBERT F	6982 MILL RUN CIR	USA	NAPLES	FL	34109	
WILLIAMS, GWENDOLYN	7008 MILL RUN CIR	USA	NAPLES	FL	34109	
GILLIS, RICHARD J=& ELENI T	7052 MILL RUN CIRCLE	USA	NAPLES	FL	34109	
GATCHELL, DAVID D=& JULIE N	1011 W 103 STREET	USA	KANSAS CITY	MO	64114	
JACK VICTOR JOHNSON TRUST	16460 W KINGSTON CT	USA	PRAIRIE VIEW	IL	60069	
SPARS, DARLENE J	7088 MILL RUN CIRCLE	USA	NAPLES	FL	34109	
CLEELAND, BYRON T=& KATHLEEN T	7102 MILL RUN CIR	USA	NAPLES	FL	34109	
LATERRA, JOSEPH=& KRISTINE	7114 MILL RUN CIR	USA	NAPLES	FL	34109	
RACKE, JOSEPH C	7126 MILL RUN CIR	USA	NAPLES	FL	34109	
JEFFREY CHEW SMITH REV TRUST	7138 MILL RUN CIRCLE	USA	NAPLES	FL	34109	
PHYLLIS ANN FINNEGAN TRUST	7150 MILL RUN CIR	USA	NAPLES	FL	34109	
W SCOTT ECKELS REV TRUST	7158 MILL RUN CIR	USA	NAPLES	FL	34109	
THOMAS TR, JERRY W	1920 MANCHESTER CIR	USA	NAPLES	FL	34109	
TANGHE, BRYAN M=& KAROLINA	2003 DEERFIELD CIRCLE	USA	NAPLES	FL	34109	
CARROLL, RAYMOND E	2005 DEERFIELD CIR	USA	NAPLES	FL	34109	
VAN DER HEYDEN, TERRY R	2007 DEERFIELD CIR	USA	NAPLES	FL	34109	
CARROLL, ROBERT E=& NICOLE M	2009 DEERFIELD CIRCLE	USA	NAPLES	FL	34109	
POPPENWIMER, LINDA S	2008 DEERFIELD CIR	USA	NAPLES	FL	34109	
MILLER, JAMES A	2006 DEERFIELD CIR	USA	NAPLES	FL	34109	
KORN, JASON H=& SANDRA S	7165 MILL RUN CIR	USA	NAPLES	FL	34109	
JOHNSON, A MICHAEL=& CELINE S	7157 MILL RUN CIR	USA	NAPLES	FL	34109	
REILLY, SUSAN C	7149 MILL RUN CIR	USA	NAPLES	FL	34109	
KOVACS, RICHARD=& JULIA	7141 MILL RUN CIR	USA	NAPLES	FL	34109	
KAHLE, KAREN A	7133 MILL RUN CIR	USA	NAPLES	FL	34109	
GESDORF, ROBERT S=& SHERI L	7121 MILL RUN CIR	USA	NAPLES	FL	34109	
SPROWLS, BRADLEY=& GABRIELLA	7109 MILL RUN CIR	USA	NAPLES	FL	34109	

DOUGHERTY, CHARLES=& PATRICIA	188 S BENJAMIN DR	USA	WEST CHESTER	PA	19382
LOERZEL, PETER J	7085 MILL RUN CIR	USA	NAPLES	FL	34109
KINNEAR, ROBIN ANTHONY	7073 MILL RUN CIR	USA	NAPLES	FL	34109
MAZZEI, DON J=& MARILYN S	9706 SOUTH PARK CIRCLE	USA	FAIRFAX	VA	22039
BROOKE, JASON K	7049 MILL RUN CIR	USA	NAPLES	FL	34109
B LINDNER WILLEY REV TRUST	7037 MILL RUN CIR	USA	NAPLES	FL	34109
HOLIDAY EVERYTHING INC	6597 NICHOLAS BLVD #1103	USA	NAPLES	FL	34108
MACK, PATRICE C	7013 MILL RUN CIR	USA	NAPLES	FL	34109
LINDHEIM, KEVIN J=& DENISE R	7001 MILL RUN CIR	USA	NAPLES	FL	34109
SATINSKY, ADAM=& KHWANJAI	6989 MILL RUN CIR	USA	NAPLES	FL	34109
ARLENE E DELUCA REV TRUST	6977 MILL RUN CIR	USA	NAPLES	FL	34109
THOMSEN, DARREN WAYNE	6965 MILL RUN CIR	USA	NAPLES	FL	34109
COMM ASSOC FOR STONEGATE AND	1044 CASTELLO DR	USA	NAPLES	FL	34103
COMMUNITY ASSOC FOR MILL RUN	6736 LONE OAK BLVD	USA	NAPLES	FL	34109
PACIFICA ARBOUR WALK LLC	1775 HANCOCK STREET	USA	SAN DIEGO	CA	92110
JVJ15 LLC	4688 KENSINGTON CIR	USA	NAPLES	FL	34119
KRAUS, DEBRA	662 ROBIN DR	USA	EASTLAKE	OH	44095
ALCHAAR TR, MOWAFFAK	574 N OAKLAWN AVE	USA	ELMHURST	IL	60126
YANTZI, JERRY R F=& BEVERLY W	26300 E 108TH STREET	USA	OLAHE	KS	66061
SOTO, GUSTAVO RAMIRO	CASILLA POSTAL 1068	CHILE	ANTOFAGASTA		
FLACO'S INVESTMENTS LLC	4750 5TH AVENUE SW	USA	NAPLES	FL	34119
GUIDO INVESTMENTS LLC	4750 5TH AVE SW	USA	NAPLES	FL	34119
NJM PROPERTIES LLC	12304 SW 109TH CT	USA	MIAMI	FL	33176
DP1 PROPERTIES LLC	308 SPIDER LILY LANE	USA	NAPLES	FL	34119
NAPLES SKY REALTY LLC	PO BOX 110101	USA	NAPLES	FL	34108
VILLARROEL, MARIA JULIA	2190 ARBOUR WALK CIR	USA	NAPLES	FL	34109
AHMAD, NAJEH S	7720 CITRUS HILL LN	USA	NAPLES	FL	34109
PF HOLDINGS FLORIDA LLC	308 SPIDER LILY LANE	USA	NAPLES	FL	34119
CALIJONE, KEN=& MARIA	325 DUNES BLVD APT 503	USA	NAPLES	FL	34110
FLYNN, LAWRENCE J=& PAMELA H	7 DEWEY AVE	USA	WILMINGTON	MA	01887
FINNEGAN, RICHARD C	2142 ARBOUR WALK CIR #2628	USA	NAPLES	FL	34109
BALANCA, ADRIAN	2130 ARBOUR WALK CIR #2711	USA	NAPLES	FL	34109
CONTRERAS STONE CORP	4160 6TH AVE SE	USA	NAPLES	FL	34117
JENSEN FAMILY TRUST	3330 CAMINITO VASTO	USA	LA JOLLA	CA	92037
SUN APPLE PROPERTIES LLC	210 SUMMIT AVE STE A11	USA	MONTVALE	NJ	07645
2118 ARBOUR WALK CIRCLE LLC	74 BEACHSIDE AVE	USA	EAST HAVEN	CT	06512
DECAMPS, CELIA	2106 ARBOUR WALK CIRCLE	USA	NAPLES	FL	34109
PIZZUTI PROPERTIES LLC	308 SPIDER LILY LANE	USA	NAPLES	FL	34119
PF POINCIANA LLC	308 SPIDER LILY LANE	USA	NAPLES	FL	34119
ALLEGRET, CATHERINE	2310 PINWOODS CIR	USA	NAPLES	FL	34105
CALIJONE, STEPHEN	18 TAM O SHANTER DRIVE	USA	MAHWAH	NJ	07430
JIMENEZ, NESTOR EDUARDO	2226 ARBOUR WALK CIR UNIT 1928	USA	NAPLES	FL	34109
PRECI, ARDIAN	26 SORRENTO STREET	USA	WORCESTER	MA	01602
JOHNSON, NANCY	2214 ARBOUR WALK CIR #2014	USA	NAPLES	FL	34109
SCHLAFF, DAVID	22 MASTERS RIDGE	USA	SOUTHERN PINES	NC	28387
GORA, NICOLE	2178 ARBOUR WALK CIR #2314	USA	NAPLES	FL	34109
GARBER, GLORIA	2178 ARBOUR WALK CIR #2318	USA	NAPLES	FL	34109

STE 200

UNIT 2922

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

IGGENA, SUSAN R	66 EMERALD WOODS DR #H4	USA	NAPLES	FL	34108
FREDERICO, MARK	46 LEEDALE DR	USA	WEBSTER	NY	14580
REIDY, SARA	2010 KESSLER PKWY	USA	DALLAS	TX	75208
ALMON, WILLIAM=& KATHLEEN	5560 BERKSHIRE DR #201	USA	FORT MYERS	FL	33912
PF COLLIER LLC	308 SPIDER LILY LN	USA	NAPLES	FL	34119
PAGAN-ORTIZ, JOSE E	1846 N MELBORN	USA	DEARBORN	MI	48128
GAGNON, REMI	2284 HINGSTON AVE	CANADA	MONTREAL	QC	H4A 2
PETRESCU, ANTONELA=& SILVIU	111 OAK PARK DRIVE	CANADA	WATERLOO	ON	N2K 0
HOWARD FAMILY REVOC LIV TRUST	42027 POCAHONTAS RD	USA	BAKER CITY	OR	97814
CASALS, ROBERT	853 99TH AVE N	USA	NAPLES	FL	34108
BAILEY, DANIEL B	2106 ARBOUR WALK CIRCLE	USA	NAPLES	FL	34109
VILLAVICENCIO, JOSE E	3911 SW 138TH CT	USA	MIAMI	FL	33175
LYNK PROPERTIES LLC	6905 WESSELMAN RD	USA	CLEVELS	OH	45002
KINGDOM PRPTY OF NAPLES LLC	PO BOX 613	USA	NAPLES	FL	34106
RADONCIC, ZLATAN	7 W 87TH ST # 2E	USA	NEW YORK	NY	10024
STEFAN, GABRIEL	2082 ARBOUR WALK CIR APT 3124	USA	NAPLES	FL	34109
SCOTT, DEBORAH P	2226 ARBOUR WALK CIR #1914	USA	NAPLES	FL	34109
PHILLIPS, SUZANNE E	2214 ARBOUR WALK CIR #2024	USA	NAPLES	FL	34109
GRUBB, JENNY B	741 99TH AVE N	USA	NAPLES	FL	34108
GEORGE T ROUSE TRUST	75 BACTON HILL RD	USA	MALVERN	PA	19355
ADAMS, SUZANNE	2202 ARBOUR WALK CIR APT 2116	USA	NAPLES	FL	34109
FREUND, JAREK MARIAN	1204 RIDGE ST	USA	NAPLES	FL	34103
WAYNE HARTMANN REV TRUST	99 SCOTT STREET	USA	MASSAPEQUA PARK	NY	11762
BIELEFELD, FREDERICK	45 COUNTRYSIDE LN	USA	GRAND ISLAND	NY	14072
BARRANTES, WARNER	3380 ATLANTIC CIRCLE	USA	NAPLES	FL	34119
DIPIETRO, MARY A	45 TRELLI LN	USA	BRISTOL	CT	06010
SAYWARD, DAVID W	5 NASHUA ROAD	USA	WINDHAM	NH	03087
JOHNSON, WILLIAM=& DIANE	4281 LIGHTHOUSE LN	USA	WEST CHESTER	OH	45069
NAPLES BLUE PROPERTIES LLC	PO BOX 110101	USA	NAPLES	FL	34108
MORRIS, GISELA I	2166 ARBOUR WALK CIR APT 2413	USA	NAPLES	FL	34109
GAMBOA, MARIA ELENA	2154 ARBOUR WALK CIR # 2514	USA	NAPLES	FL	34109
MAIONE, SABINO	936 BARON DR	CANADA	FORT ERIE	ON	L2A 6
CERVERA, MARIA J	2142 ARBOUR WALK CIR #2617	USA	NAPLES	FL	34109
GREEN GOLF REALTY	PO BOX 110101	USA	NAPLES	FL	34108
ALEX PALLET INC	21 CRONIN AVENUE	CANADA	TORONTO	ON	M9B 4
HAKAIM, TOM S	1405 E 28TH ST	USA	LORAIN	OH	44055
CASALS JR, ROBERT	5617 BUCHANAN DR	USA	FORT PIERCE	FL	34982
BERMUDEZ, AIMEE	3450 CARTWRIGHT CT	USA	BONITA SPRINGS	FL	34134
IGGENA, SUSAN	66 EMERALD WOODS DR H4	USA	NAPLES	FL	34108
ROMEO, CHARLES	PO BOX 101113	USA	CAPE CORAL	FL	33910
MARGARITIS, ARTHUR	40 HEDGE LANE	USA	WESTBURY	NY	11590
TULLY, MARILYN	1680 MULLET CT	USA	NAPLES	FL	34102
FLACOS INVESTMENTS LLC	4750 5TH AVE SW	USA	NAPLES	FL	34119
ROSTRON, FRANCIS	2743 OLDE CYPRESS DR	USA	NAPLES	FL	34119
DWYER, ARTHUR E=& DEBORAH A	2 DEBRA AVE	USA	BRISTOL	RI	02809
ARGUETA, BERNARDIO	3539 SANTIAGO WAY	USA	NAPLES	FL	34105
FENG, KE	16109 PARQUE LANE	USA	NAPLES	FL	34110

3266 ARBOUR WALK CIRCLE TRUST	720 GOODLETTE RD N #304	USA	NAPLES	FL	34102
MARQUEZ, GRACIELA LILIANA	4460 3RD AVE NW	USA	NAPLES	FL	34119
DOMINGUEZ, VANINA PAOLA	2154 ARBOUR WALK CIR APT 2524	USA	NAPLES	FL	34109
FURST BEAN FAMILY TRUST	6608 BARRETT ROAD	USA	FALLS CHURCH	VA	22042
KUTASH, MALCOLM=& DORIS	2731 ARDISIA LN	USA	NAPLES	FL	34109
GARITAPE LLC	PARAJE AMBAY NO 15	FERNANDO PARAGUAY	DE LA MORA		2300
RHONA E SAUNDERS TRUST	6955 CARLISLE CT #313	USA	NAPLES	FL	34109
KAGEN, MARK H	2118 ARBOUR WALK CIR APT 2813	USA	NAPLES	FL	34109
REBLE, LINDA	1585 25TH ST SW	USA	NAPLES	FL	34117
KRISTOPHERS FUTURE LLC	106 FERRY STREET	USA	NEWARK	NJ	07105
BLINN, JANICE RUTH	2200 GLENWOOD SCHOOL DR #23	CANADA	BURLINGTON	ON	L7R 4
FLORINE P BERNARD REV TRUST	1219 HAMPTON RDG	USA	BEDFORD	VA	24523
CAUGHENBAUGH, RYAN D	2058 ARBOUR WALK CIR APT 3313	USA	NAPLES	FL	34109
RAUSCHER-GRAY, EILEEN	4239 PECHIN ST	USA	PHILADELPHIA	PA	19128
FAHEY, KEVIN M=& CHRISITNE M	5125 YELLOW WOOD PKWY	USA	JAMESVILLE	NY	13078
KINGDON PROPRTES OF NAPLES LLC	PO BOX 613	USA	NAPLES	FL	34106
HUDSON, ANN MARIE	66 EMERALD WOODS DR #4	USA	NAPLES	FL	34108
ANTHONY, WILLIE	559 14TH ST N	USA	NAPLES	FL	34102
ADKINS, VALERIE	6815 YARBERRY LN	USA	NAPLES	FL	34109
LB ORANGE BLOSSOM LLC	2210 VANDERBILT BEACH RD #1300	USA	NAPLES	FL	34109
6626 YARBARRY LAND TRUST	2670 AIRPORT ROAD SOUTH	USA	NAPLES	FL	34112
NAPLES GULFSHORE CONGREGATION	6755 YARBERRY LN	USA	NAPLES	FL	34109
6630 YARBERRY LAND TRUST	2670 AIRPORT ROAD S	USA	NAPLES	FL	34112
6614 YARBERRY LAND TRUST	2670 AIRPORT PULLING ROAD S	USA	NAPLES	FL	34112
ANTHONY, CORETTA S	9604 LAKE HUGH DR	USA	GOTHA	FL	34734
LYNN TR, LOIS	1730 W BELFAST ST	USA	MESA	AZ	85201
ANTHONY, ORSIE	2373 ANTHONY CT	USA	NAPLES	FL	34109
COTTON, SYLVESTER	2337 ANTHONY CT	USA	NAPLES	FL	34109
COLLIER CNTY	3335 TAMIAMI TR E, STE 101	USA	NAPLES	FL	34112
FIELDS, ANTHONY J	1279 5TH AVE N	USA	NAPLES	FL	34102
YARBERRY, MARY LOUISE	6634 YARBERRY LN	USA	NAPLES	FL	34109
ADKINS, ELLA LOUISE	6809 YARBERRY LN	USA	NAPLES	FL	34109
DIXON ET AL, PEARLIN	6785 YARBERRY LN	USA	NAPLES	FL	34109
THOMAS, LAVERNE ASALEE	6725 YARBERRY LN	USA	NAPLES	FL	34109

Exhibit C – Presentation



PALISADES RPUD - PDI NEIGHBORHOOD INFORMATION MEETING



November 16th, 2023



Welcome & Introductions

Keith Norton

Seagate Development Group



Jackie Larocque & Ayberk Vergul

Atwell



Jem Frantz

RVi Planning + Landscape Architecture



Meeting Agenda

- 01** Project Background
- 02** May 2023 Commitments
- 03** Request Overview
- 04** Next Steps
- 05** Questions

Palisades RPUD

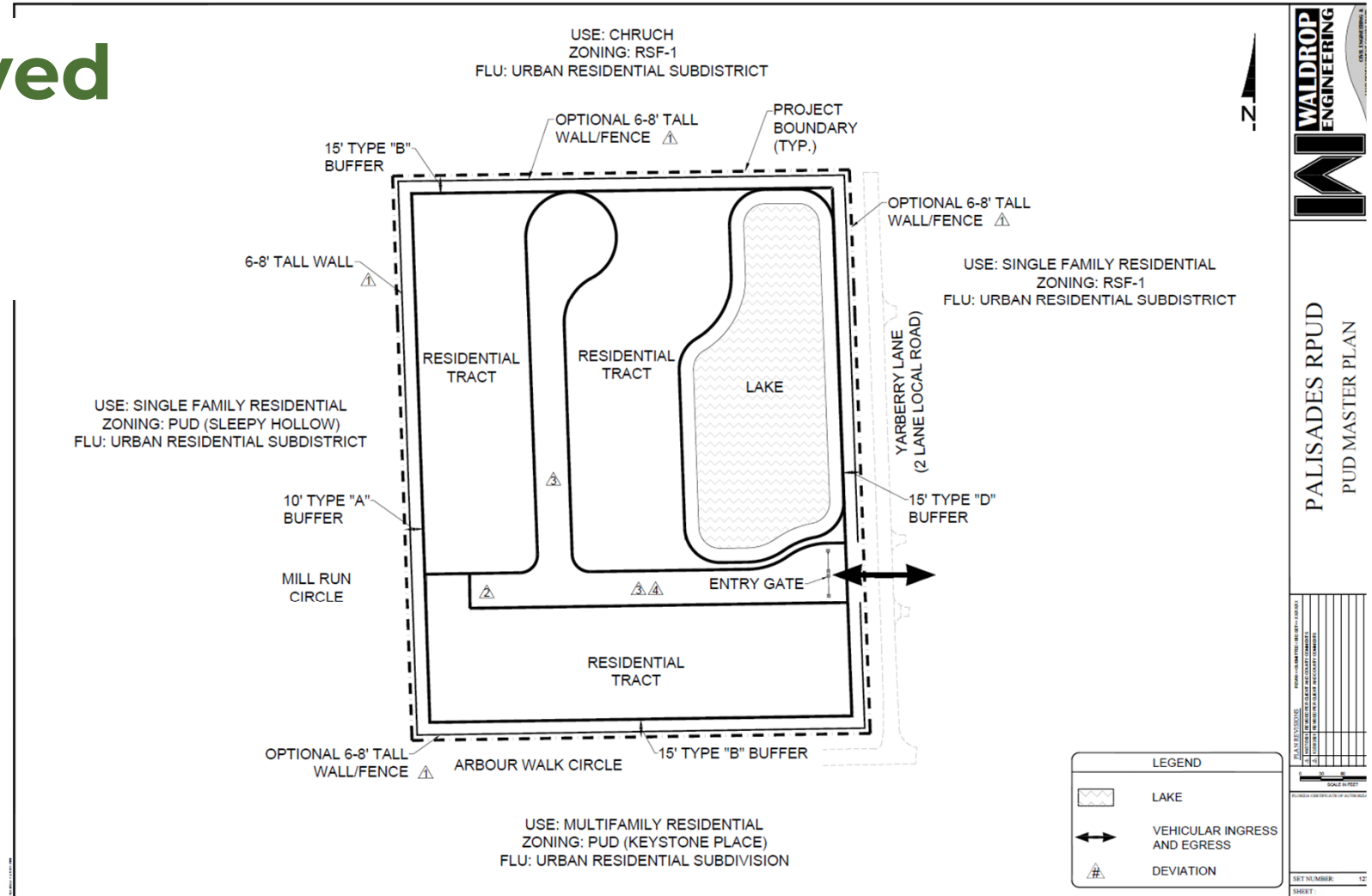
NOVEMBER 16, 2023



May 2023 Commitments

- Oaks planted inside perimeter wall (spaced in-between existing outside trees) to create additional canopy cover to disrupt views from both sides.
- Internal Clusia and outside scrub to be maintained 18" -24" above existing wall height.
- Black chain link fence Installed with access gate from the SW wall corner to meet Mill Run's existing fence to stop access from the apartment buildings.
- All drawings related to the wall height will be updated to reflect existing conditions.

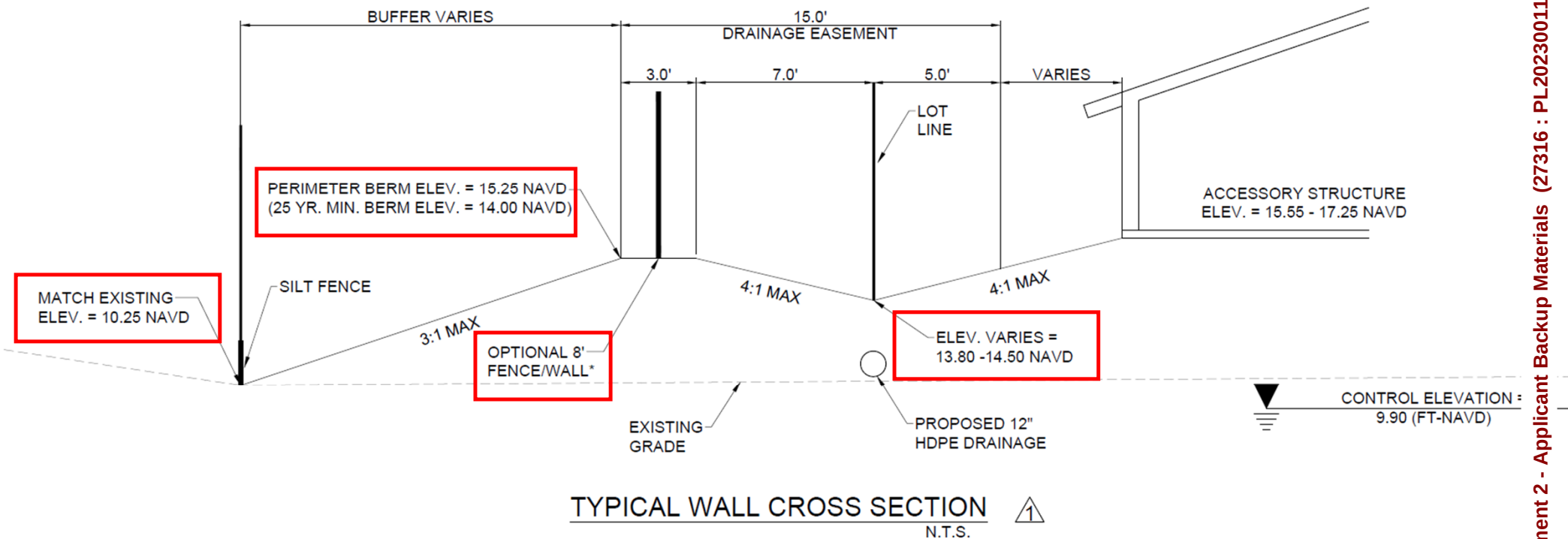
Approved Master Plan



NOVEMBER 16, 2023

NEIGHBORHOOD INFORMATION MEETING

Approved Cross Section



NOVEMBER 16, 2023

NEIGHBORHOOD INFORMATION MEETING

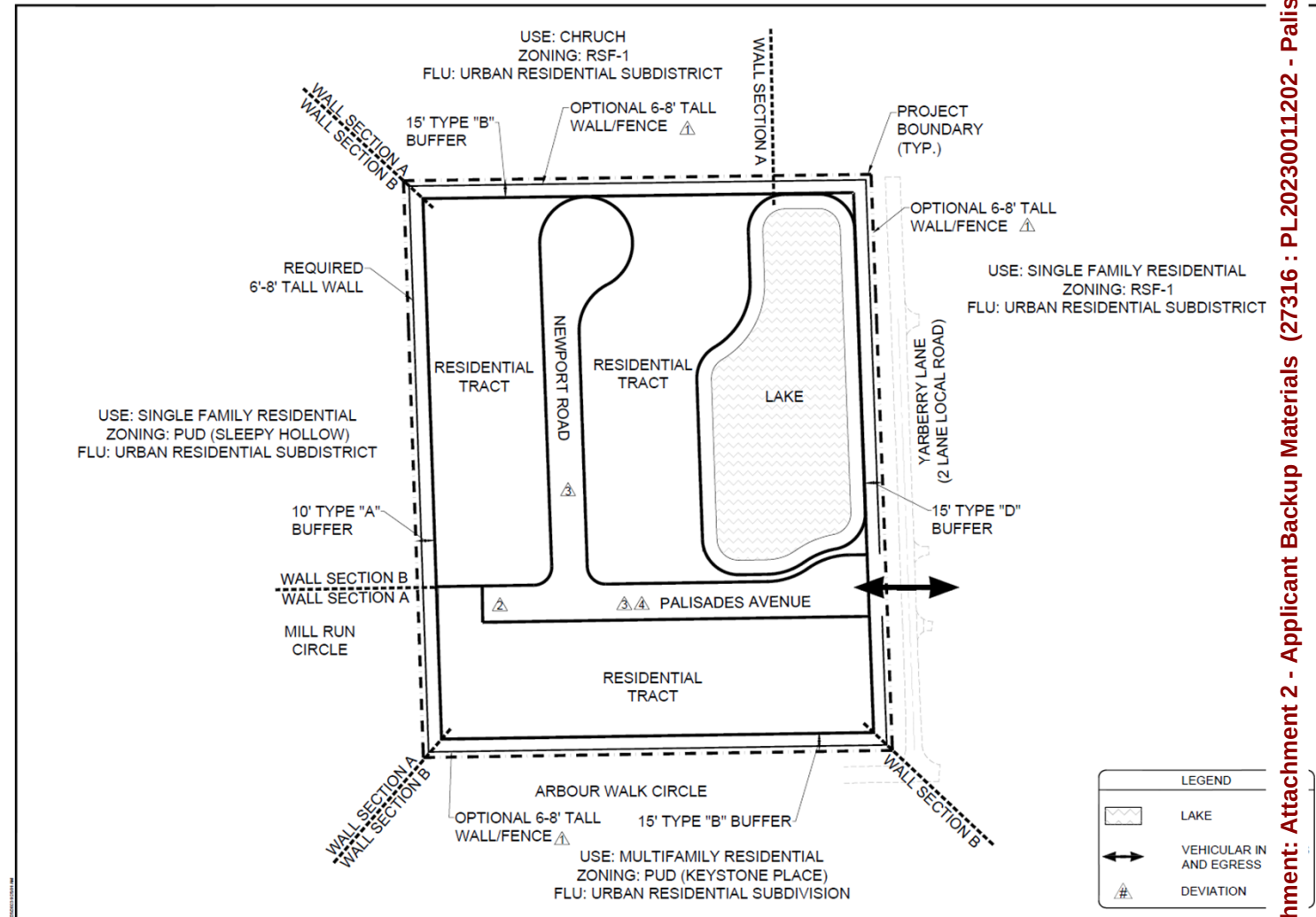
Request Overview

- Master Plan Changes:
 - Update cross section labels and wall height
- Cross Section Changes:
 - Elevation of adjacent grade corrected
 - Berm & Wall height reflect as-built conditions
- Deviation Change:
 - Maximum berm & wall height reflect as-built conditions

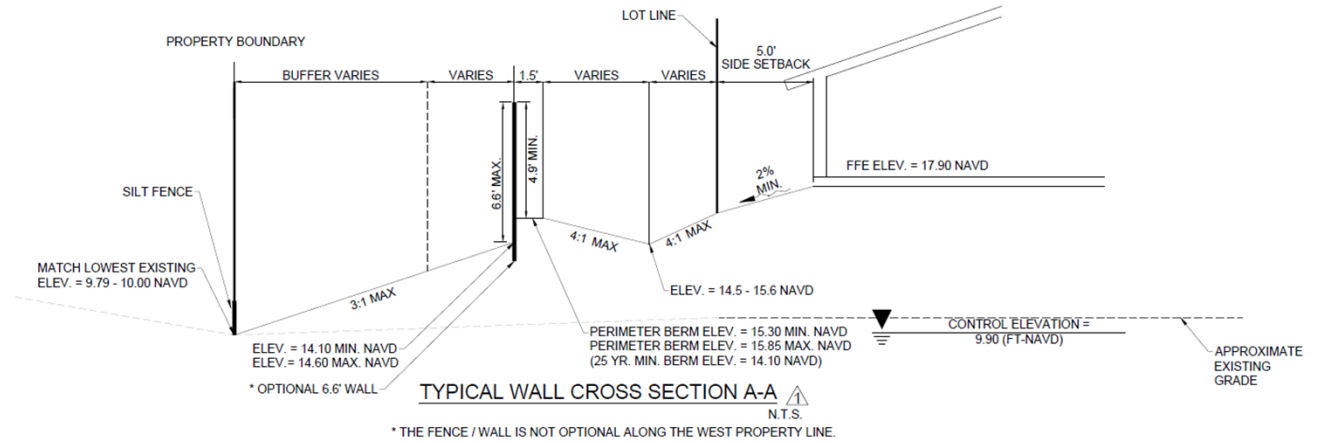
Updated Master Plan

- No changes to approved density or uses.
- No changes to Residential Tracts
- No changes to stormwater management system

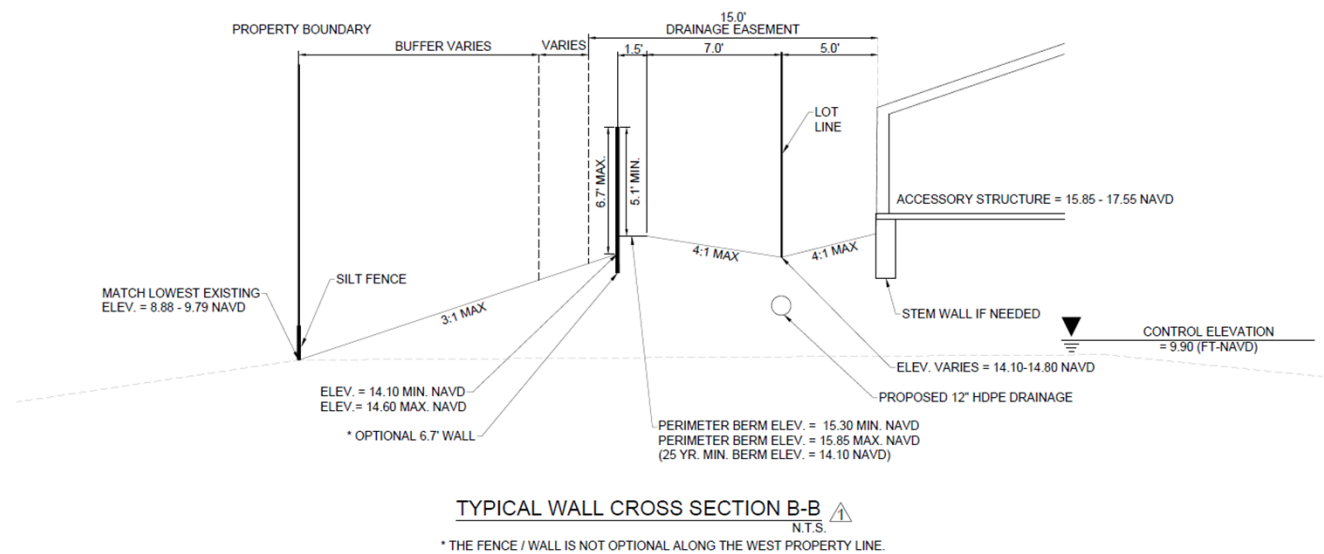
NOVEMBER 16, 2023



Updated Cross Sections



Reflect Built Conditions



NOVEMBER 16, 2023

10

Approved Deviation #1

DEVIATION 1 FROM LDC SECTION 5.03.02.C.2, "FENCES AND WALLS", WHICH PERMITS A MAXIMUM FENCE/WALL HEIGHT OF 6 FEET IN RESIDENTIAL COMPONENTS OF PLANNED UNIT DEVELOPMENT ZONING DISTRICTS, TO ALLOW FOR A MAXIMUM FENCE/WALL/BERM HEIGHT OF ~~8~~ 12.50 FEET ALONG THE PUD PERIMETER BOUNDARY.

Next Steps



PUD Insubstantial Change Application

Application submittal and County Staff review complete



Neighborhood Information Meeting



Hearing Examiner Meeting

December 14th @ 9:00 am

2800 N. Horseshoe Dr.

Conference Room 609/610

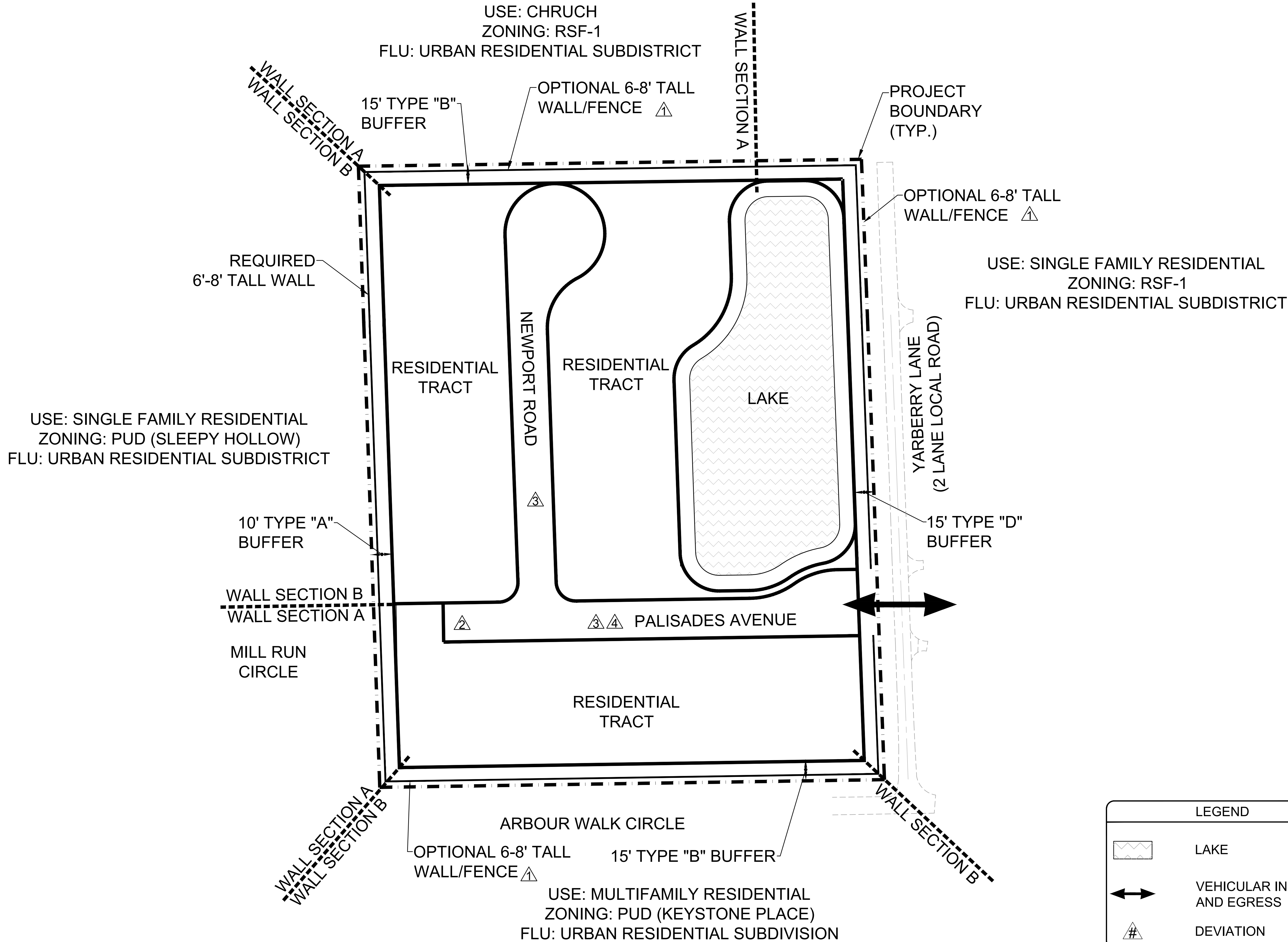
Email the Team

jfrantz@rviplanning.com

THANK YOU
Questions?

Exhibit D – Meeting Handout

B:\Projects\1272-200 - Palisades\Plans & Permitting\Drawings-Exhibit\1272-200-02 NCP\Current Plans\1272000207.dwg
9/26/2023 8:25:01 AM



WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DRIVE - SUITE 205 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com

PALISADES RPUD
PUD MASTER PLAN
EXHIBIT C



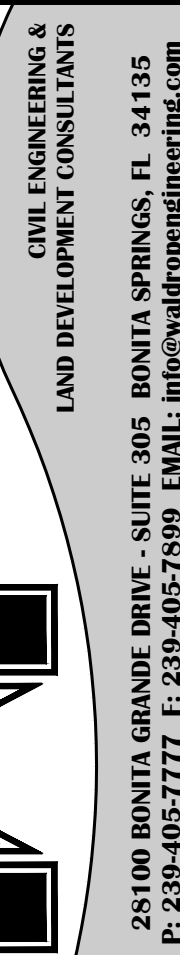
4

NOT TO SCALE

SET NUMBER: 1272-200-02

SHEET: 2 of 4

EXHIBIT C





**CIVIL ENGINEERING &
LAND DEVELOPMENT CONSULTANTS**

28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@wdrpengineering.com

EXHIBIT C

Packet Pg. 267

Attachment: Attachment 2 - Applicant Backup Materials (27316 : PL20230011202 - Palisades RPUD)

Attachment 3

Legal Ad and Sign Posting

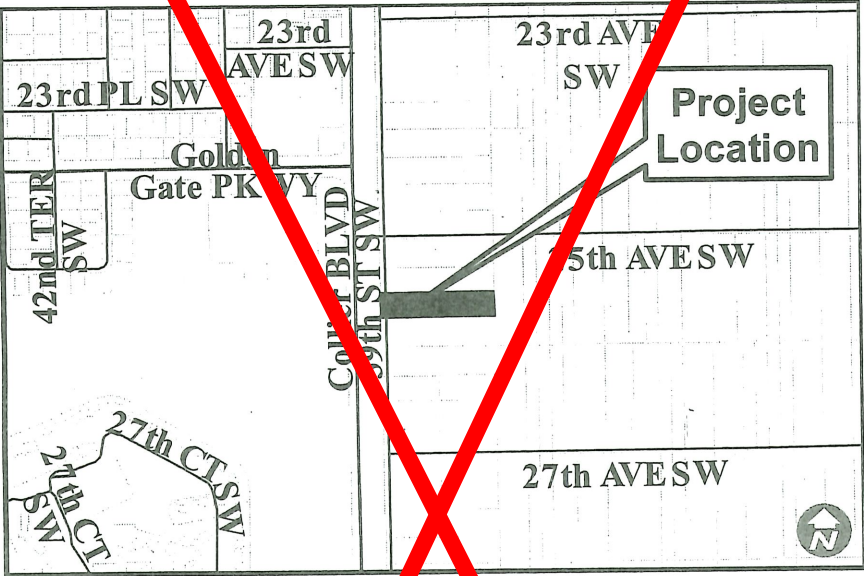
Attachment: Attachment 3 - Legal ad and Sign Posting (27316 : PL20230011202 - Palisades RPUD)

published Sander's recent research ear- known to science.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 9:00 A.M., December 14, 2023, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. VA-PL20220003012 – 2560 39TH ST. SW – REQUEST FOR A VARIANCE FROM LDC 5.0.09.G.2 THAT REQUIRES THE BASE OF A COMMUNICATIONS TOWER TO BE SET BACK FROM THE PROPERTY LINE BY A DISTANCE OF TWO AND ONE-HALF TIMES THE HEIGHT OF THE TOWER TO REDUCE THE SETBACK FROM THE NORTHERN PROPERTY LINE FROM 375 FEET TO 72 FEET, A REDUCTION OF 303 FEET; TO REDUCE THE SETBACK FROM THE SOUTHERN PROPERTY LINE FROM 375 FEET TO 72 FEET, A REDUCTION OF 303 FEET; AND TO REDUCE THE SETBACK FROM THE EASTERN PROPERTY LINE FROM 375 FEET TO 220.7 FEET, A REDUCTION OF 154.3 FEET ON A ±2.38-ACRE PROPERTY LOCATED AT 2560 39TH ST SW, ALSO KNOWN AS GOLDEN GATE ESTATES UNIT 28 NORTH 150 FEET OF TRACT 144, IN SECTION 28, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record. Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104. As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Laws and Ordinances within 30 days of the decision by the Hearing Examiner. An aggrieved non-party may appeal a decision by the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision in the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk. As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

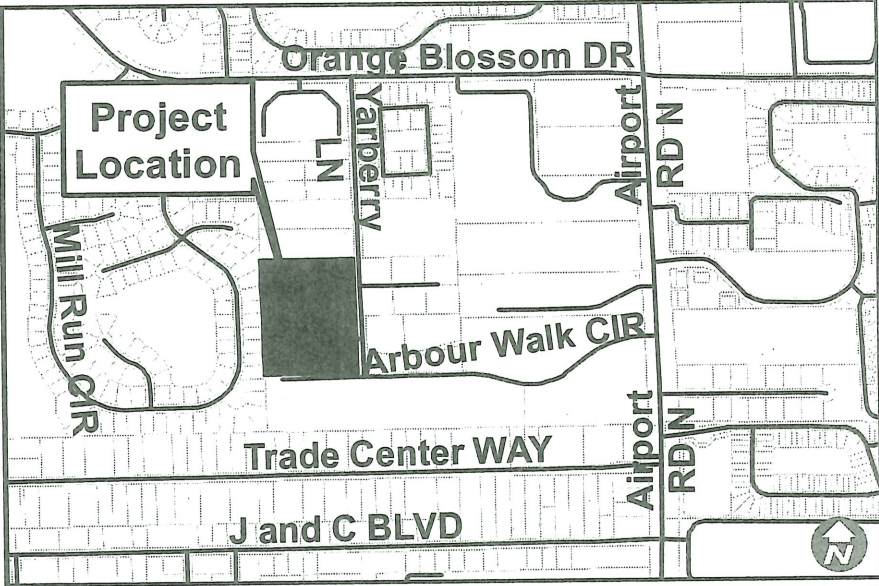
Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

ND-379250

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 9:00 A.M., December 14, 2023, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. PDI-PL20230011202 – REQUEST FOR AN INSUBSTANTIAL CHANGE TO THE PALISADES RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), ORDINANCE NO. 22-20, TO MODIFY THE CROSS SECTIONS IN EXHIBIT C OF THE MASTER PLAN, INCLUDING THE DEPICTION OF THE AS-BUILT ELEVATIONS OF 12.5 FEET FOR THE WALL THAT RUNS THE LENGTH OF THE PERIMETER RPUD BOUNDARY; AND TO REVISE DEVIATION 1 TO REFLECT THE CORRECT ELEVATION OF THE WALL. THE SUBJECT PROPERTY CONSISTS OF ±12.0 ACRES IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF YARBERRY LANE AND ARBOUR WALK CIRCLE IN SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.



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

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

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

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov.

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

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

ND-37925

Attachment: Attachment 3 - Legal ad and Sign Posting (27316 : PL20230011202 - Palisades RPUD)

SIGN POSTING INSTRUCTIONS**(CHAPTER 8, COLLIER COUNTY ADMINISTRATIVE CODE FOR LAND DEVELOPMENT)**

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

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

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF COLLIER

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Jem Frantz
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 10.03.00 OF THE
COLLIER COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN PETITION NUMBER
PL20230011202;

Jem Frantz
SIGNATURE OF APPLICANT OR AGENT

28100 Bonitz Grande Dr. #305
STREET OR P.O. BOX

Jem Frantz
NAME (TYPED OR PRINTED)

Bonita Springs, FL 34135
CITY, STATE ZIP

#

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to and subscribed before me this 30 day of November, 2022, by
Jem Frantz, personally known to me or who produced _____ as identification
and who did/did not take an oath.

Jessica K. Linn
Signature of Notary Public

Jessica K. Linn
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

Rev. 3/4/2015



PUBLIC HEARING NOTICE

PALISADES PDI
Insubstantial Change to a Planned Unit
Development (PDI)

Petition No. 20230011202

HEX: December 14, 2023 - 9:00 a.m.

Collier County Growth Management Department
2800 N Horseshoe Dr, Conference Room 609/610
Naples, FL 34112

Eric Ortman: 239-252-1032

PUBLIC HEARING NOTICE

PALISADES PDI
Insubstantial Change to a Planned Unit
Development (PDI)

Petition No. 20230011202

HEX: December 14, 2023 - 9:00 a.m.

Collier County Growth Management Department
2800 N Horseshoe Dr, Conference Room 609/610
Naples, FL 34112

Eric Ortman: 813-252-1032

12/14/2023

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.E**Doc ID:** 27320

Item Summary: Petition No. VA PL20220003012 - 2560 39th St. SW - Request for a variance from LDC 5.05.09.G.2 that requires the base of a communications tower to be set back from the property line by a distance of two and one-half times the height of the tower to reduce the setback from the northern property line from 375 feet to 72 feet, a reduction of 303 feet; to reduce the setback from the southern property line from 375 feet to 72 feet, a reduction of 303 feet; and to reduce the setback from the eastern property line from 375 feet to 220.7 feet, a reduction of 154.3 feet on a +/-2.38-acre property located at 2560 39th St SW, also known as Golden Gate Estates Unit 28 North 150 feet of Tract 144, in Section 26, Township 49 South, Range 26 East, Collier County, Florida. [Eric Ortman, Planner III] Commissioner District 3

Meeting Date: 12/14/2023**Prepared by:**

Title: Principal Planner – Zoning

Name: Sean Sammon

11/21/2023 5:07 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

11/21/2023 5:07 PM

Approved By:**Review:**

Growth Management Community Development Department	Diane Lynch		Department review	Skipped
			11/22/2023 5:33 PM	
Operations & Regulatory Management	Michael Stark	Review Item	Completed	11/29/2023 8:23 AM
Zoning	Diane Lynch	Review Item	Skipped	11/28/2023 1:20 PM
Zoning	Ray Bellows	Review Item	Completed	11/30/2023 11:55 AM
Zoning	Diane Lynch	Review Item	Skipped	12/01/2023 3:37 PM
Zoning	Mike Bosi	Division Director	Completed	12/01/2023 4:03 PM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed	12/01/2023 4:42 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	12/14/2023 9:00 AM	



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT
ZONING DIVISION – ZONING SECTION

HEARING DATE: DECEMBER 14, 2023

SUBJECT: VA-PL20220003012, 2560 39TH ST. SW. COMMUNICATION TOWER

PROPERTY OWNER/AGENT:

Owner:

PEG Naples, LLC
1829 Senegal Date Dr.
Naples, PL. 34119

Applicant:

VB BTS, LLC
750 Park of Commerce Dr., Ste. 200
Boca Raton, FL. 33487

Agent:

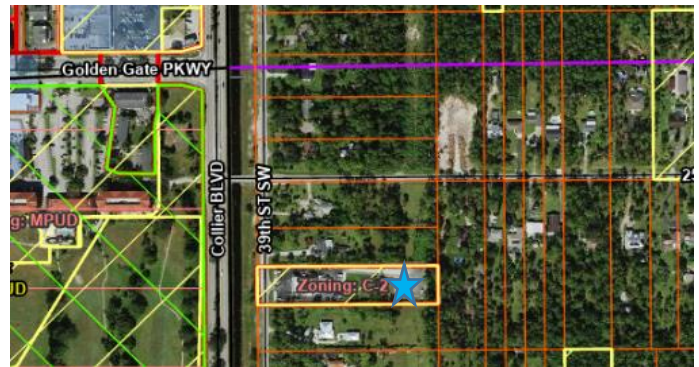
Mattaniah Jahn, Esq.
Mattaniah S. Jahn, P.A.
935 Main St., Ste. C4
Safety Harbor, FL. 34695

REQUESTED ACTION:

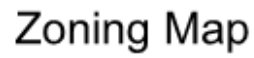
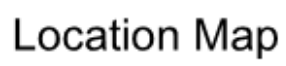
The petitioner requests a variance from Land Development Code (LDC) Section 5.05.09.G.2, which requires the base of communication towers on commercially zoned land to be separated from the nearest boundary of any parcel of land zoned residential (including Estates, MH, and TTRVC) by of two and one-half times the height of the tower. For this tower, the minimum separation requirement is 375 feet.

GEOGRAPHIC LOCATION:

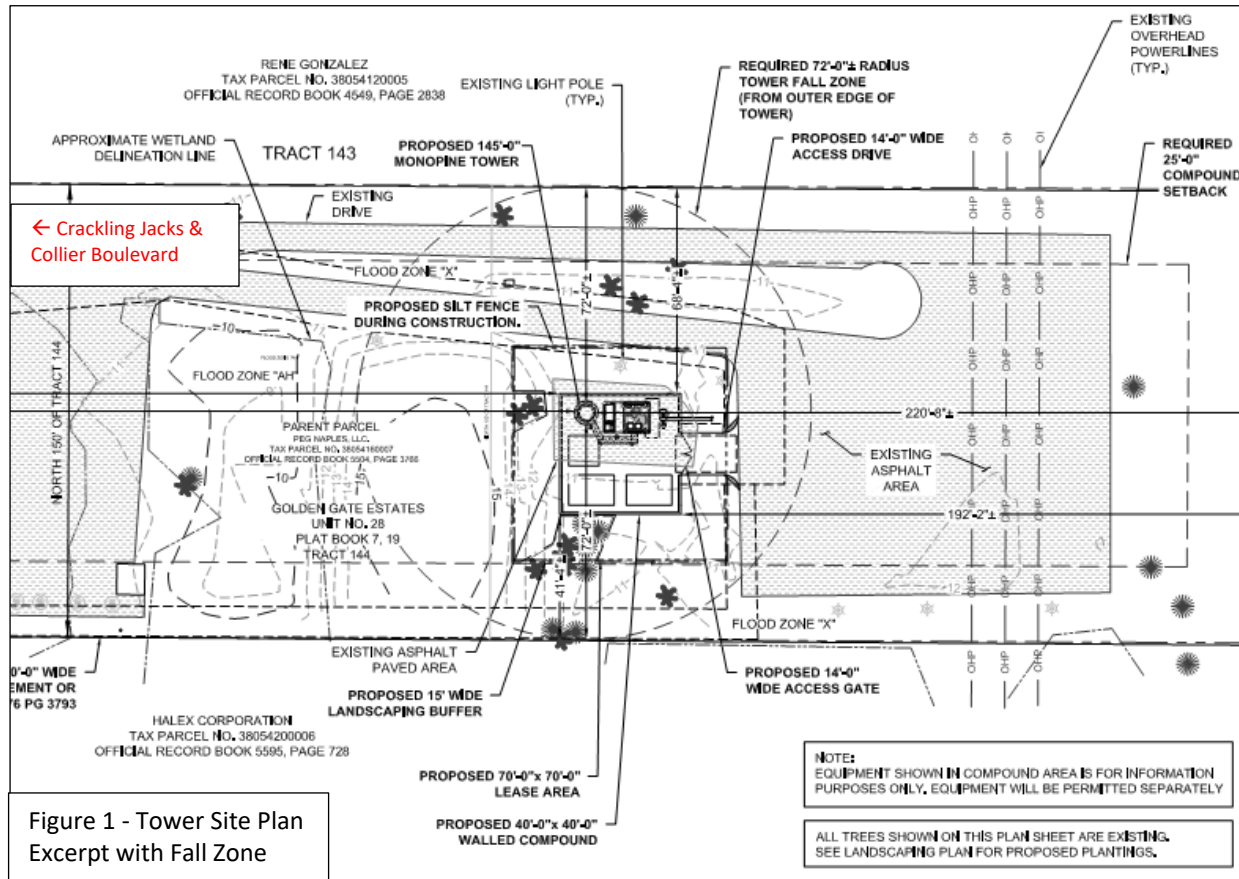
The subject property is at 2560 39th St. SW, between 27th Ave. SW and 25th Ave. SW. 39th St. SW runs parallel to Collier Boulevard and is east of Collier Boulevard and Golden Gate City. More specifically, the property is approximately 850 feet south of the intersection of Golden Gate Parkway and Collier Boulevard. Properties abutting 39th St. SW are zoned Estates except for the subject parcel, which is zoned C-2. PEG Naples, LLC is leasing a portion of the rear of the C-2 zoned parcel marked by the blue star and shown to the right.



A restaurant, Crackling Jacks, is located on the front portion of the parcel. The cell tower is located within the leased area to maximize its separation from each property boundary. A location map for the property is on page two; the site plan is on page 3.



VA-PL20220003012 – Vertical Bridge Communication Tower



PURPOSE/DESCRIPTION OF PROJECT:

To comply with FCC guidelines defined in the Code of Federal Regulations Title 47, T-Mobile is deploying 5G services nationwide. Currently, 4G service is the predominant service in Golden Gate City environs. Two towers provide existing service with T-Mobile antennas; one is approximately 2,300 feet from the subject property at 11935 Collier Boulevard, and the other is approximately 5,900 feet from the subject property near the intersection of Golden Gate Parkway and Coronado Parkway. The design of the equipment (enclosure diameter, active/passive cooling, etc.) on these towers cannot support 5G.

The applicant retained the services of Pyramid Network Services to conduct a site acquisition process, described in *Attachment 1*, page 301. The search identified all parcels within the search area. It then methodically began to eliminate parcels based on whether they were not residentially zoned, whether the property owner was or was not interested or, in a few cases, could not be contacted, or where the parcel could accommodate the required tower compound size of 70 feet by 70 feet. Six parcels made it through the screening process and progressed to the advanced stages of negotiation. The search ended with a single parcel that had both a willing owner and met the requirements of PEG Naples, LLC. Search areas are determined by a combination of distance and existing tower coverage, which may result in the search area, outlined in red on the next page, not being a circle as it would be if distance were the only determining factor.



The applicant proposes to install a 150-foot AGL Monopine Style Telecommunication Tower and related equipment. The monopine will have a canopy of branches extending from the top of the tree line to the top of the tower to help “hide” the tower.

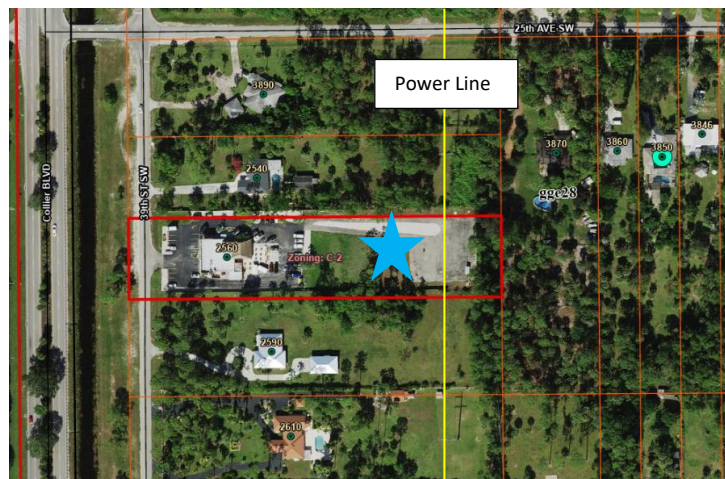
LDC 5.05.09.G.2 requires tower bases to be setback from any residential zoning district (including TTRVC and residential PUDs) by two and one-half times the tower height; in this case, that distance is 375 feet. PEG Naples, LLC will lease a fenced-in and landscaped compound measuring 70 feet by 70 feet on the subject property. The tower will be located within the compound to reduce, to the greatest extent possible, the amount of encroachment on any of the three residential parcels that it abuts, which equates to the tower being 72.0 feet from both the northern and southern property boundaries and 220.7 feet from the eastern parcel boundary. The applicant is requesting a variance from LDC 5.05.09.G.2 to reduce the required north and south setbacks from 375 feet to 72 feet and to reduce the east setback from 375 feet to 220.7 feet, a reduction of 303 feet to the north and south, and a reduction of 154.3 feet to the east. Should the variance be approved, the proposed siting of the tower will result in the tower’s fall zone (i.e., the area where a tower would fall should there be a tower failure) being entirely within the subject parcel.



Although surrounded by Estates zoned property, the tower itself is on a C-2 zoned parcel and is therefore exempt from LDC 5.05.09.G.25.a, which requires communication towers in the Estates to be on a parcel of at least 2.25 acres and be on an arterial or collector road which 39th St SW is not.

The Crackling Jacks restaurant is at the front of the parent parcel, which borders Collier Boulevard, making it harder to see the tower from the road. At the rear of the parcel are high-voltage power lines, an intervening use between the tower and residences. The graphic to the right is an aerial of the proposed tower marked by the blue star.

A fair number of existing, mature trees surround the parent parcel, particularly around the proposed compound, helping to camouflage it from view. Also, the tower will be dark at night as its maximum height of 150 feet exempts it from LDC 5.05.09.G.13, which requires towers over 150 feet to be equipped with a red beacon or dual-mode lights.



On the next page are three of the twenty photos provided by the applicant that are reasonably representative of the view of the proposed tower from various locations. The twenty photos are included in *Attachment 1*, beginning on page 277.



SURROUNDING LAND USE & ZONING:

North: Estates Zoned

Northwest: Golden Gate City

West: Golden Gate Golf Course MPUD

South: Estates Zoned

East: Estates Zoned



GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

The subject property has an Estates Designation per the Future Land Use Element (FLUE). However, the property is also identified on Map FLUE-10, which is part of the Future Land Use Map (FLUM) Series, which identifies properties deemed “consistent [with the GMP] by policy” through the implementation of the Zoning Reevaluation Program in the 1990s. Therefore, the property retains its Commercial Convenience (C-2) zoning designation and is consistent with the GMP.

STAFF ANALYSIS:

This petition requests a variance from 5.05.09.G.2, which requires that the base of a communications tower that is greater than 75 feet in height, up to a height of 185 feet, be separated from the nearest boundary of any parcel of land zoned Estates (E), PUD with a residential density of six dwelling units per acre, TTRVC, and residential districts by a minimum distance of two and one-half times the height of the tower. In this case, the tower is 150 feet, thus requiring a separation of 375 feet ($150 * 2.5 = 375$). A tower that cannot meet this separation requirement may request a variance in accordance with LDC 9.04.00. The proposed tower cannot meet the 375-foot separation requirement. However, the tower's fall zone, should the tower fail, lies completely within the subject parcel.

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 criteria and offers the following responses:

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

Several criteria must be met for the successful location of a 5-G tower, which limits the number of potential locations. These include the area where cellular coverage is needed, local zoning regulations, a property owner willing to lease/sell land to accommodate the tower, and a 70-foot by 70-foot compound to house the necessary equipment. During the site acquisition phase, these criteria effectively reduced the number of potential tower locations to six parcels. The applicant and owner of one of these parcels reached an agreement on leasing a portion of the parcel. Please see the Site Acquisition Memo beginning on page 301 of *Attachment 1*.



- b. **Are there special conditions and circumstances that do not result from the applicant's action, such as preexisting conditions relative to the property that is the subject of this variance request?**

The FCC mandate, local zoning ordinances, locational requirements for a tower to operate 5G and a willing landowner from whom to lease property are all issues beyond the applicant's control but are required for a successful 5G communications tower location. The applicant made a concerted effort during the property acquisition process (*Attachment 1*, page 301), which identified six potential parcels, one of which the applicant reached a lease agreement with the owner.



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

T-Mobile cannot install the tower at the proposed location without the variance. This will leave the existing coverage gap near the proposed tower unresolved and spotty cell coverage for those who live near the proposed tower location.

- d. **Will the variance, if granted, be the minimum to make possible the reasonable use of the land, building, or structure and promote health, safety, and welfare standards?**

The 150-foot monopine tower is the minimum height needed to resolve the capacity gap in the surrounding service area. The sighting of the proposed tower on the property represents the minimum amount of setback relief required. The fall zone of the proposed tower (should a tower failure occur) will be completely within the parcel boundaries. Documentation by a civil engineer lists the tower's fall zone as 72 feet, which is the distance the tower is being set back from the northern and southern parcel boundaries. (See page 275 of *Attachment 1* for fall zone certification.)

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

No special privilege is being bestowed to the applicant through this petition. Variances are handled on a case-by-case basis and do not set a precedent; approval is based on evaluating the eligibility criteria. This petition has no bearing on another individual, firm, or interest in seeking a dimensional variance. A communications tower's height and design are unique compared to much of the building occurring in Collier County. Communication towers are now designed to have a fall zone (should the tower collapse) that is significantly less than the actual height of the tower (72 feet in this case). The applicant is following guidelines from an FCC mandate concerning cellular coverage. The tower height is the minimum height that will allow for resolving the service gap issue in the proposed area with the proposed technology.

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

Communications towers handle 911 Emergency Calls and are considered an essential service. Roughly 84% of the 183,000 Emergency 911 calls received in 2021 were made using wireless devices. The greater the cellular coverage, the greater the chance of a successful 911 call when an emergency arises. In the event of a tower failure, the tower is designed to essentially fold over into itself. It has a fall zone radius of 72 feet, meaning that if the tower were to fail, it would fall within the boundaries of the subject parcel. Enhanced 911 coverage and a limiting fall zone preserve public health, safety, and welfare; the proposed tower is in keeping with the intent of the LDC.

- 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.?**

The area of the subject property where the tower is to be constructed is bordered by mature trees, providing visual relief from the tower. The tower is situated on the subject parcel behind an existing restaurant, which helps block the tower's view from the road. A current power line runs perpendicular to the property's eastern border, where the tower is setback 200 feet from the eastern boundary. There are "pine branches" attached to the tower where it is above the tree line, helping to hide it from view. *Attachment 1*, page 277, contains 20 photos providing a 360-degree of the tower. Combined, these should help the tower blend into the surroundings to most passersby.



h. Will granting the variance be consistent with the GMP?

The Zoning Reevaluation Program in the 1990s determined that the subject property was “consistent by policy,” retained its C-2 zoning designation, and was therefore consistent with the GMP. As an essential service, communication towers are permitted in C-2 (LDC 2.01.03).

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

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

RECOMMENDATION:

To approve variance petition VA-PL20220003012 to reduce the required north and south side yard setbacks from 375 feet to 72 feet, a reduction of 303 feet, and to reduce the rear (east) setback from 375 feet to 220.7 feet, a reduction of 154.3 feet for a communications tower.

Attachments:

1. Applicant Back-Up Material
2. Advertising and Sign Posting

Attachment 1
Applicant Backup Documents

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

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.**

01 Application, to include but not limited to the following:

01A Narrative of request

01B Property Information

01C Property Ownership Disclosure Form

01D Any other documents required by the specific petition type; such as a variance, a boat dock extension; PUD amendment, rezone request, etc.

02 Disclosure of Property Ownership Interest (if there is additional documentation aside from disclosure form)

N/A Affidavit of Unified Control

03A-C Affidavit of Representation

04 Drawings (may include Cross-Section (for BDEs generally), proposed Boat Dock(s) with Water depth, location maps etc.)

N/A NIM Information (Sign in sheet, notes, minutes and transcript/or summary)

✓ Include 3 thumbnail drives of video and/or audio

N/A Traffic Impact Study (TIS)

05 Environmental Data

06 Historical/Archeological Survey or Waiver

N/A Utility Letter

N/A Deviation Justifications

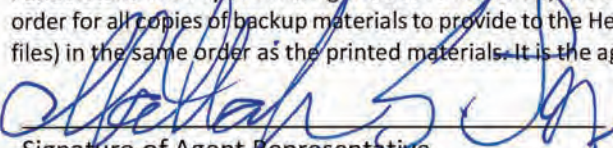
07 Boundary Survey

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

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

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

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


Signature of Agent Representative

11/27/23
Date

Mattanah S. Fahn
Printed Name of Signing Agent Representative

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

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VARIANCE PETITION APPLICATION

Variance from Setbacks Required for a Particular Zoning District

LDC section 9.04.00 & Code of Laws section 2-83 – 2-90

Chapter 3 J. of the Administrative Code

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): PEG Naples, LLC c/o Mattaniah S. Jahn, P.A.

Name of Applicant if different than owner: VB BIS, LLC c/o Mattaniah S. Jahn, P.A.

Address: 935 Main St., Suite C City: Safety Harbor State: FL ZIP: 34695

Telephone: 727-773-2221 Cell: 941-685-3770 Fax: 727-773-2616

E-Mail Address: mjahn@thelawmpowered.com

Name of Agent: Mattaniah S. Jahn, Esq.

Firm: Mattaniah S. Jahn, P.A.

Address: 935 Main St., Suite C City: Safety Harbor State: FL ZIP: 34695

Telephone: 727-773-2221 Cell: 941-685-3770 Fax: 727-773-2616

E-Mail Address: mjahn@thelawmpowered.com

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



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PROPERTY INFORMATION

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

Property I.D. Number: 38054160007 Section/Township/Range: 26 / 49 / 26

Subdivision: Golden Gates Estates Unit: 28 Lot: 144 Block:

Metes & Bounds Description: N/A Total Acreage: 2.38

Address/ General Location of Subject Property: 2560 39th St. SW
Naples, FL 34117

ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	Estates	Residential
S	Estates	Residential
E	Estates	Residential
W	MPAD/Estates (951)	Commercial / ROW

Minimum Yard Requirements for Subject Property:

Front: 25 Corner Lot: Yes ☐ No ☒
Side: 25 Waterfront Lot: Yes ☐ No ☒
Rear: 25

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



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ASSOCIATIONS

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

Name of Homeowner Association: Golden Gate Area Civic Association
Mailing Address: 4701 Golden Gate Pkwy City: Waples State: FL ZIP: 34116

Name of Homeowner Association: _____
Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner Association: _____
Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner Association: _____
Mailing Address: _____ City: _____ State: _____ ZIP: _____

Name of Homeowner Association: _____
Mailing Address: _____ City: _____ State: _____ ZIP: _____

NATURE OF PETITION

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

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



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

☐ Yes ☒ No If yes, please provide copies.



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

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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



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

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

FEE REQUIREMENTS

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

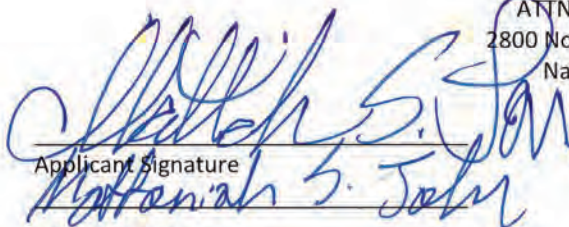
Fire Code Plans Review Fees are collected at the time of application submission and those fees are set forth by the Authority having jurisdiction. The Land Development Code requires Neighborhood Notification mailers for Applications headed to hearing, and this fee is collected prior to hearing.

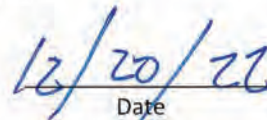
As the authorized agent/applicant for this petition, I attest that all of the information indicated on this checklist is included in this submittal package. I understand that failure to include all necessary submittal information may result in the delay of processing this petition.

All checks payable to: Board of County Commissioners.

The completed application, all required submittal materials, and the permit fee shall be submitted to:
Growth Management Department
Zoning Division

ANN: Business Center
2800 North Horseshoe Drive
Naples, FL 34104


Applicant Signature
Matthew S. John
Printed Name


Date

**Mattaniah S.
Jahn, P.A.**



935 Main Street, Suite C4
Safety Harbor, FL 34695
Telephone: (727) 773-2221
Facsimile: (727) 773-2616

SENT VIA CITYVIEW UPLOAD ONLY

December 20, 2022

Gabriela Castro
Collier County Growth Management Department
2800 North Horseshoe Drive
Naples, FL 34104

**RE: VB BTS, LLC. – FL 7040 Senor Tequila Relocation
Folio: 38054160007 / PL20220003012
Site Development Plan and Variance Applications Request for 150' AGL Monopine
Communication Tower**

Dear Ms. Castro:

On behalf of my client, VB BTS, LLC (Vertical Bridge), please find the included Site Development Plan and Variance Applications to allow a 150' AGL monopine style Telecommunications Tower and support facility on Parcel #38054160007 along with supporting documents:

- Site Development Plan Application
- Variance Petition Application
- Agent Of Record
 - AOR – PEG Naples, LLC (MSJPA)
 - AOR – PEG Naples, LLC (County)
 - AOR – VB BTS, LLC
- Collier County Property Ownership Disclosure Form
 - PEG Naples, LLC
 - VB BTS, LLC
- RF Packet
 - Statement of Need
 - Before and After Plots and Search Ring
- FAA Notice Criteria Tool Report
- Opinion of Title
- SWFMD Exemption Letter
- Memorandum of Lease
- Fall Zone Letter – 1 Electronically Signed and Sealed
- Engineers Stormwater Certification

- Opinion of Probable Cost – 1 Electronically Signed and Sealed
- Line of Site Analysis
- Photo Simulations
- Legal Descriptions
- Property Card
- Property Card Aerial
- Warranty Deed
- Collier County 911 Statistics
- NEPA Report
- Geotechnical Analysis – 1 Electronically Signed and Sealed
- GGAMP Map
- Landscape and Irrigation Plan – 1 Electronically Signed and Sealed
- Survey – 1 Electronically Signed and Sealed
- Construction Drawings – 1 Electronically Signed and Sealed

Summary of Request

Vertical Bridge respectfully requests a Site Development Plan with companion Variance approval for Parcel #38054160007 to allow the construction of a 150' AGL Monopine Style Telecommunication Tower and related equipment compound. The Monopine will be able to accommodate T-Mobile's antennas as well as up to 3 additional sets of antennas for a total of 4 colocations and is proposed to replace a technically obsolete flagpole tower ("Flagpole") in the Senor Tequila parking lot. The 2.1-acre parent property is currently developed with a restaurant and a parking lot upon it. The parent parcel currently carries a Commercial Convenience District (C-2) zoning designation and has a future land use designation of Estates. The Monopine will be set back from the property lines North: 72'-0", South: 72'-0", East: 221'-5", and West: 402'-10". With the exception of the residential separation requirement from the North, South, and East, the Monopine will exceed all other requirements of the Land Development Code.

Applicable GMP – FLUE

Policy 5.6:

New developments shall be compatible with, and complementary to, the surrounding land uses, as set forth in the Land Development Code (Ordinance 04-41, adopted June 22, 2004 and effective October 18, 2004, as amended).

The Monopine will exhibit compatibility and complementariness with surrounding land uses through its general placement within T-Mobile's search ring, its siting on the parent parcel, and its design.

T-Mobile's search ring for the Monopine extends from 21st Avenue Southwest to the North, to 31st Avenue Southwest to the South. The Golden Gate Canal borders the Eastern portion

of the ring, and 43rd Street Southwest borders the West of the ring. The majority of the ring exists East of 951/Collier Blvd and is Estates zoned land that is ineligible for tower development under the Land Development Code. The majority of the lands within the ring West of 951/Collier Blvd. is either residentially developed property or is being used to further a golf course redevelopment project. The remaining lands West of 951/Collier Blvd. are generally commercial in nature, an analysis of these parcels is included. Those parcels were either undevelopable or unavailable for the tower project. As such, the parent parcel is the only remaining parcel within the ring available to Vertical Bridge for the Monopine that meets the Collier County Land Development Code.

The parent parcel itself is developed as the Crackling Jack's restaurant, mature trees exist around the edges of the parcel, helping to buffer the Monopine from neighboring properties. High voltage power lines exist on the extreme Eastern end of the parcel as an intervening use between the Monopine and the vast majority of residential uses in the area. Finally, almost the entirety of the residential properties proximate to the project exist near or under mature Urban Canopy, which breaks up viewsheds in the area and extensively buffers the Monopine from residential properties.

The Monopine's design is intended to leverage the vegetation at the parcels edges as well the Urban Canopy in the area by employing camouflaging techniques to make the monopine appears as a large tree. The Monopine's canopy of branches will extend from the surrounding tree line to the top of the Monopine. The antennas will be painted green and will be nestled within the canopy of branches and cabling of the antennas will be internal to the Monopine itself. It will be completely dark at night. When taking into account the reduced viewsheds in the area from the urban canopy the Monopine, when visible, will generally appear as a tree extending out of the tree line, much like a Norfolk Pine. Please see Sheet Z-1A. as well as the enclosed Phot Simulations, Line of Site Analysis, and RF Package.

Applicable GMP – CCME

GOAL 6:

TO IDENTIFY, PROTECT, CONSERVE AND APPROPRIATELY USE NATIVE VEGETATIVE COMMUNITIES AND WILDLIFE HABITAT.

...

OBJECTIVE 6.1:

Protect native vegetative communities through the application of minimum preservation requirements. (The Policies under this Objective apply to all of Collier County except for that portion of the County which is identified on the Countywide Future Land Use Map (FLUM) as the *Rural Lands Stewardship Area Overlay*.)

Policy 6.1.1:

For the County's Urban Designated Area, Estates Designated Area, Conservation Designated Area, and Agricultural/Rural Mixed Use District, Rural-Industrial District and Rural-Settlement Area District as designated on the FLUM, native vegetation shall be preserved through the application of the following minimum preservation and vegetation retention standards and criteria, unless the development occurs within the Area of Critical State Concern (ACSC) where the ACSC standards referenced in the Future Land Use Element shall apply. Notwithstanding the ACSC requirements, this Policy shall apply to all non-agricultural development except for single-family dwelling units situated on individual parcels that are not located within a watershed management conservation area identified in a Watershed Management Plan developed pursuant to Policies supporting Objective 2.1 of this Element. For properties not previously within the Coastal High Hazard Area but now within the Coastal High Hazard Area due to adoption of a revised Coastal High Hazard Area boundary in 2013, the native vegetation preservation and retention standards of the Non-Coastal High Hazard Area shall continue to apply. (Reference the Coastal High Hazard Area Comparison Map in the Future Land Use Element.)

This is not applicable as this parcel is a developed commercial lot. Please see the enclosed NEPA Report (site photographs).

.....

OBJECTIVE 7.1:

Direct incompatible land uses away from listed animal species and their habitats. (The County relies on the listing process of State and Federal agencies to identify species that require special protection because of their endangered, threatened, or species of special concern status. Listed animal species are those species that the Florida Fish and Wildlife Conservation Commission has designated as endangered, threatened, or species of special concern, in accordance with Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C. and those species designated by various federal agencies as Endangered and Threatened species published in 50 CFR 17.)

This is not applicable as this parcel is a developed commercial lot. Please see the enclosed NEPA Report (site photographs).

...

Applicable Land Development Code

2.01.03 Essential Services

Essential services are hereby defined as services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers which have been approved and authorized according to laws having appropriate jurisdiction, and government facilities. Essential services are allowed in any zoning district subject to the following conditions:

- A. The following uses shall be deemed permitted uses in all zoning districts, except CON districts, RFMU sending lands, NRPAS, HSAS, and FSAS:
1. Water lines and sewer lines;
 2. Natural gas lines, except those associated with oil extraction and related processing operations as defined in this Code and regulated under applicable federal and state law;
 3. Telephone lines, telephone switching stations, and cable television lines;
 4. Communication towers, limited to those providing wireless emergency telephone service, subject to all applicable provisions in section 5.05.09 of this Code;

The Monopine is proposed to solve a gap in service for T-Mobile, who in turn is bound to provide E-911 location services. Therefore, the Monopine is an essential service. Please see the enclosed RF Package.

...

2.03.03 Commercial Zoning Districts

- A. Commercial Professional and General Office District (C-1). ...
- B. Commercial Convenience District (C-2). The purpose and intent of the commercial convenience district (C-2) is to provide lands where commercial establishments may be located to provide the small-scale shopping and personal needs of the surrounding residential land uses within convenient travel distance except to the extent that office uses carried forward from the C-1 district will expand the traditional neighborhood size. However, the intent of this district is that retail and service uses be of a nature that can be economically supported by the immediate residential environs. Therefore, the uses should allow for goods and services that households require on a daily basis, as opposed to those goods and services that households seek for the most favorable economic price and, therefore, require much larger trade areas. It is intended that the C-2 district implements the Collier County GMP within those areas designated agricultural/rural; estates neighborhood center district of the Golden Gate Master Plan; the neighborhood center district of the Immokalee Master Plan; and the urban mixed use district of the future land use element permitted in accordance with the locational criteria for commercial and the goals, objectives, and policies as identified in the future land use element of the Collier County GMP. The maximum density permissible in the C-2 district and the urban mixed use land use designation shall be guided, in part, by the density rating system contained in the future land use element of the Collier County GMP. The maximum density permissible or permitted in a district shall not exceed the density permissible under the density rating system.
1. The following uses, as identified with a number from the Standard Industrial Classification Manual (1987), or as otherwise provided for within this section are

permissible by right, or as accessory or conditional uses within the C-2 commercial convenience district.

a. *Permitted uses.*

1. Accounting (8721).

...

27. Essential services, subject to section 2.01.03.

...

Vertical Bridge respectfully proposes to construct a 150' Monopine style communication tower upon Parcel #38054160007 to solve a significant gap in service for T-Mobile. Please see the enclosed analysis of section 5.05.09 below.

5.05.09 - Communications Towers

- A. Purpose and intent. This section applies to specified communication towers that support an antenna designed to receive or transmit electromagnetic energy, such as, but not limited to, telephone, television, radio, or microwave transmissions. This section sets standards for construction and facilities siting; and is intended to minimize, where applicable, adverse visual impacts of towers and antennas through careful design, siting, and vegetation screening; to avoid potential damage to adjacent properties from tower failure; to maximize the use of specified new communication towers and, thereby, to minimize the need to construct new towers; to maximize the shared use of specified tower sites to minimize the need for additional tower sites; to lessen impacts new ground mounted towers could have on migratory and other species of birds; to prevent unnecessary habitat fragmentation and/or disturbance in siting and designing new towers; and to consider the concerns of the Collier Mosquito Control District as to low flying mosquito control aircraft safety.
- B. Definitions unique to communications towers, section 5.05.09.
1. As used herein " *antenna* " does not include (a) wire antennas or (b) "receive only" dishes that have an outside diameter of less than 40 inches.
 2. *Effective radius* means a radius of 6 miles from the respective tower unless a lesser radius is approved.

Vertical respectfully submits T-Mobile's search ring as the lesser effective radius for the Monopine. The network nature of cellular coverage limits the area where the Monopine can be located and still achieve T-Mobile's RF objectives to solve its significant gap in coverage. This is especially true for relocation projects where the new tower must be sited as close to the old tower as possible to emulate its coverage footprint. Please see the enclosed RF Package.

3. *Lesser effective radius* means an approved radius of less than 6 miles.

Vertical respectfully submits T-Mobile's search ring as the lesser effective radius for the Monopine. The network nature of cellular coverage limits the area where the Monopine can be located and still achieve T-Mobile's RF objectives to solve its significant gap in coverage. This is especially true for relocation projects where the new tower must be sited as close to the old tower as possible to emulate its coverage footprint. Please see the enclosed RF Package.

4. " *Unavailable to the applicant* " means a tower that cannot accommodate the applicant's proposed antenna or a site that cannot accommodate the applicant's tower, antenna, and related facilities.

All other sites have been eliminated within T-Mobile's search ring. Please see the enclosed RF Package.

5. ...

C. Migratory Birds and other Wildlife Considerations.

1. *Ground Mounted Towers* . Except to the extent not feasible for the respective new ground mounted tower 's intended purpose(s), each new ground mounted tower that will exceed a height of 75 feet (above ground), exclusive of antennas, but will not exceed a height of 199 feet above natural grade , exclusive of antennas, should not be guyed. If the applicant proposes that a new ground mounted tower within this height range be guyed, the applicant shall have the burden of proving the necessity of guying the tower.

The Monopine will not have guyed wires; therefore, it will comply with the LDC. Please see Sheet C-2.

...

3. *Habitat Loss*. In addition to the requirements in Chapters 3 and 10, towers and other on-site facilities shall be designed, sited, and constructed to minimize habitat loss within the tower footprint. At such sites, road access and fencing, to the extent feasible, shall be utilized to minimize on-site and adjacent habitat fragmentation and/or disturbances.

The Monopine will be located on a commercially zoned lot with a restaurant developed upon it, therefore, it will not result in habitat loss. Please see the Sheet C-1 as well as the enclosed NEPA report.

4. *Security Lighting*. When feasible, security lighting to protect on-ground facilities/equipment shall be down-shielded to try to keep such light within the outermost geographic boundaries of the tower's footprint.

Noted.

D. ...

E. ...

F. ...

G. Development standards for communication towers.

1. Except to the extent that amateur radio towers, and ground-mounted antennas with a height not to exceed twenty (20) feet, are exempted by subsection 5.05.09 herein, no new tower of any height shall be permitted in the RSF-1 through RSF-6, RMF-6, VR, MH, TTRVC, and E zoning districts. However, notwithstanding other provisions of this section, including the separation requirements of subsection 5.05.09(F)(7) below, towers may be allowed to any height as a conditional use in the E zoning district only on sites approved for a specified essential service listed in subsection 5.05.09(F)(3) below. There shall be no exception to this subsection except for conditional use applications by a government for a governmental use.

N/A, Vertical respectfully proposes to construct a tower on a parcel zoned Commercial. See Sheet Z-1.

2. Permitted ground-mounted towers. Towers not exceeding the stated maximum heights are a permitted use, subject to other applicable provisions of this section, including separate requirements and shared use provisions. towers that exceed those specified maximum heights require a variance in accordance with section 9.04.00.
 - a. All commercial and industrial zoning districts and urban designated area agricultural provided the base of such tower is separated a minimum distance of seventy-five (75) feet from the nearest boundary with any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD permitting six (6) residential dwelling units or less. Any tower that exceeds seventy-five (75) feet in height, up to a height of 185 feet, is a lawful use, only if permitted or otherwise provided in the respective zoning district, and the base of such tower is separated from the nearest boundary of any parcel of land zoned RSF-1 through RSF-6, RMF-6, E, RMF-12, RMF-16, RT, VR, MH, TTRVC, or PUD zoning of six (6) residential dwelling units or less, by a minimum distance in feet determined by multiplying the height of the tower (in feet) by a factor of two and one-half (2.5). (The minimum separation distance is two and one-half (2 ½) times the height of the tower.) towers which do not meet the separation requirement may apply for a variance in accordance with section 9.04.00.

Pursuant to Section 2.03.04.A.1. communication towers like the Monopine are permitted in Commercially zoned properties. Estates zoned land exists within 2.5x tower height to the North, South, and East. Specifically, the Monopine will require the following relief:

	Required:	Provided	Relief Requested:
North:	375'	72' – 0"	303'

South:	375'	72' – 0"	303'
East:	375'	221' – 5"	153' – 7"
West:	375'	402' – 10"	N/A

The height of the Monopine is driven by the need to replicated the coverage footprint of the Flagpole. Further, the Monopine's location is geographically restricted to the search ring which is markedly smaller in tis instance due to the relocation nature of the Monopine. Vertical Bridge's site acquisition agents have analyzed this search ring and this parent parcel is the only available feasible parcel for the Monopine. Please see the enclosed RF Package.

...

7. With the exception of rooftop towers and towers on essential services sites, each new communication tower shall meet the following separation requirements:
 - a. ...
 - b. In addition, each such new tower that exceeds a height of seventy-five (75) feet, excluding antennas, shall be separated from all boundaries of surrounding property zoned RMF-12, RMF-16, E, RT, VR, MH, TTRVC, H, and the residential areas of PUDs with existing or planned densities greater than six (6) units per acre by not less than the total height of the tower including its antennas; and from all other surrounding property boundaries by a distance not less than one-half (1/2) the height of the tower and its antennas, or the tower's certified collapse area, whichever distance is greater.

The Monopine will be designed with a 72' fall zone radius. In the unlikely event of structural failure, it will not collapse. Rather it will fold over upon itself and be completely contained within a 72' radius on the parent parcel. The Monopine will be setback as follows:

	Required:	Provided:
North:	72'	72' – 0"
South:	72'	72' – 0"
East:	72'	221' – 5"
West:	72'	402' – 10"

Therefore, the Monopine will meet the minimum yard requirements for commercial zoning. Please see Sheet C-1, the enclosed Fall Zone Letter, as well as the variance analysis below.

8. All owners of approved towers are jointly and severally liable and responsible for any damage caused to off-site property as a result of a collapse of any tower owned by them.

Noted.

9. ...

10. Any accessory buildings or structures shall meet the minimum yard requirements for the respective zoning district. accessory uses shall not include offices, long-term vehicle storage, outdoor storage, broadcast studios except for temporary emergency purposes, or other structures and/or uses that are not needed to send or receive transmissions, and in no event shall such uses exceed twenty-five (25) percent of the floor area used for transmission or reception equipment and functions. Transmission equipment shall be automated, to the greatest extent economically feasible, to reduce traffic and congestion. Where the site abuts , or has access to, a collector street , access for motor vehicles shall be limited to the collector street . All equipment shall comply with the then applicable noise standards.

The Monopine equipment compound will be set back as follows:

	Required:	Provided:
North:	25'	68' – 4"
South:	25'	41' – 6"
East:	25'	192' – 2"
West:	25'	398' – 0"

Therefore, the equipment compound will exceed the required setbacks. Any equipment collocated within the compound will comply with the County's noise ordinance. Please see Sheets C-1.

11. ...

12. All new tower bases, guy anchors, outdoor equipment, accessory buildings, and accessory structures shall be fenced. This provision does not apply to amateur radio towers, or to ground-mounted antennas that do not exceed twenty (20) feet above grade.

The Monopine equipment compound will be enclosed by an 8' masonry wall Please see Sheet C-3.

13. Tower lighting. Towers and antennas with a height greater than 150 feet shall be required to have red beacon or dual mode lights, unless exempted, in writing, by the Collier County Mosquito Control District. Such lights shall meet the then existing Federal Aviation Administration ("FAA") technical standards. No other towers or antennas shall be artificially lighted, except as required by the FAA, the Federal Communications Commission, or other applicable laws, ordinances, or regulations. If the FAA rules require lighting, then the applicant shall comply with such rules.

...

N/A. The Monopine will not exceed 150' in height.

14. ...

15. A copy of each inspection report shall be filed with the County Manager not later than December 1 of the respective inspection year. If the report recommends that repairs or maintenance are required, a letter shall be submitted to the County Manager to verify that such repairs and/or maintenance have been completed. The County shall have no responsibility under this section regarding such repairs and/or maintenance.

Noted.

16. Any tower that is voluntarily not used for communications for a period of one (1) year shall be removed at the tower owner's expense. If a tower is not removed within three (3) months after one (1) year of such voluntary non-use, the County may obtain authorization, from a court of competent jurisdiction, to remove the tower and accessory items, and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower and accessory items, plus court costs and attorney's fees.

Abandonment Note. Please see Sheet GN-2.

17. For all ground-mounted guyed towers in excess of seventy-five (75) feet in height, the site shall be of a size and shape sufficient to provide the minimum yard requirements of that zoning district between each guy anchor and all property lines.

N/A. The Monopine will not be a guyed tower. Please see Sheet C-2.

18. All new metal towers, including rooftop towers, except amateur radio towers, shall comply with the standards of the then latest edition published by the Electric Industries Association (currently EIA/TIA 222-E) or the publication's successor functional equivalent, unless amended for local application by resolution of the BCC. Each new amateur radio tower with a height of seventy-five (75) feet or less shall require a building permit specifying the exact location and the height of the tower exclusive of antennas. Each new ground-mounted dish type antenna that does not exceed a height of twenty (20) feet shall require a building permit.

Vertical will comply. Please see Sheet T1, Code Compliance Note.

19. Within the proposed tower's effective radius, information that specifies the tower's physical location, in respect to public parks, designated historic buildings or districts, areas of critical concern, and conservation areas, shall be submitted as part of the conditional use application. This shall also apply to site plan applications and/or permit applications for rooftop installations that do not require conditional use approval.

Please see Sheet C-1 and the enclosed NEPA Report.

20. No communication tower shall be located on any land or water if such location thereon creates, or has the potential to create, harm to the site as a source of biological productivity, as indispensable components of various hydrologic regimes, or as irreplaceable and critical habitat for native species of flora or fauna.

The Monopine will be located on a developed lot with a restaurant upon it. Therefore, it will not create harm to the biological productivity of the parent parcel, nor will it impact indispensable components of hydraulic regimes, or critical habitat for flora or fauna. Please see Sheets C-1, Z-2, as well as the enclosed NEPA report.

21. Any existing native vegetation on the site shall be preserved and used to meet the minimum landscape requirements as required by section 4.06.00. The site plan shall show existing significant vegetation to be removed and vegetation to be replanted to replace that lost. native vegetation may constitute part or all of the required buffer area if its opacity exceeds eighty (80) percent.

N/A. The parent parcel is cleared of understory with tree coverage upon it. The trees are depicted on the Survey. Please see Sheet 2 of the enclosed survey as well as the enclosed NEPA report.

22. As to communications towers and antennas, including rooftop towers, antenna structures, and antennas, the height provisions of this section supersede all other height limitations specified in this Code.

Noted.

23. All existing and proposed ground mounted and rooftop towers and antennas with a height greater than 150 feet shall be required to have a solid red beacon or dual mode lights unless exempted in writing by the Collier Mosquito Control District. Such lights shall meet the then existing Federal Aviation Administration (FAA) technical standards. The total structure height shall include all appendages and attachments, such as antennas, lights, lightning rods, or any other accessory device that would extend the height of the tower. All existing towers shall have six months (180 days) from June 16, 2005, to comply with the requirement. If the FAA rules require lighting, then the applicant shall comply with such rules.

N/A, the Monopine will not exceed 150' AGL.

24. A copy of each application for a tower in excess of 150 feet shall be supplied by the applicant to the Collier Mosquito Control District or designee.

N/A, the Monopine will not exceed 150' AGL.

- I. Wireless emergency telephone service. Notwithstanding any other provisions of this section 5.05.09, the following provisions shall apply to communications towers that provide wireless emergency telephone service.
1. These facilities are essential services.
 2. Each applicant for these permits is required to clearly inform County staff by means of an emboldened "notice" in a cover letter or on the first page of the permit application, substantially as follows: *This Application is subject to the expedited timelines specified in Chapter 365.172, Florida Statutes.*
 3. Applicants for these permits need not provide staff with evidence that a proposed wireless communications facility complies with federal regulations, but staff may require from such applicant proof of proper FCC licensure, and staff may request the FCC to provide information as to the provider's compliance with federal regulations to the extent then authorized by federal law. The County has no permitting jurisdiction with regard to wireless communications facilities located (or to be located) on property owned by the State of Florida, including State-owned rights-of-way.
 4. Co-located facilities. Provided the then existing zoning applicable to the proposed site allows E911 facilities without a need to rezone, a need to obtain conditional use approval, or any other required process (such as, for example, having an agreement amended), the County shall grant or deny a properly completed application requesting co-location of E911 Service, or co-location for wireless telephone service, not later than forty-five (45) business days after the date that a properly completed application is initially submitted to staff in accordance with all applicable permit application requirements in this section 5.05.09. Co-location of such facilities on a then existing above-ground tower or other above-ground structure shall not be subject to the land development regulations pursuant to Section 163.3202, Florida Statutes, provided the height of the then existing tower or structure is not thereby increased. Co-location of such antenna, or co-location of related equipment, shall be subject to applicable building regulations, and with all then existing permits or agreements applicable to that tower or to the underlying property. Nothing herein, including the forty-five (45) business days timeline, shall relieve the permit holder for, or owner of, the then existing tower or structure from complying with applicable permit requirements, or applicable

- agreement(s), or with applicable land development regulation (including aesthetic requirement), or compliance with any other then applicable law(s).
5. New towers or antennas. Pursuant to Section 365.172, Florida Statutes, the County shall grant or deny an application requesting location of a new wireless telephone service tower, or for location of antenna(s) for wireless telephone service, not later than ninety (90) business days after the date that an application that fully complies with the requirements of this section 5.05.09 is submitted, provided the then existing zoning applicable to the proposed site allows the E911 facilities without need to rezone, the need to apply for conditional use approval, or other required procedures. Provided further that nothing herein shall affect permit compliance of such facilities with applicable federal regulations, applicable zoning and/or land development regulations (including aesthetic requirements), or with applicable building regulations.
 6. Sufficiency notice. Within twenty (20) business days of receiving the permit application for any facility listed above in paragraphs (4) and (5) above, staff shall in writing notify the permit applicant whether the application is, or is not, properly completed. If such permit application is not properly completed, staff shall with specificity notify the applicant of any and all deficiencies, which if cured will thereby render the application being properly completed. Staff should also notify the applicant whether the applicable zoning classification allows the applied-for use(s) without rezoning, without conditional use approval, or without any other related ancillary approval process or permission.
 7. Default approval.
 - a. An application for E911 service, co-location of wireless telephone service, or new location for wireless telephone service or antennae shall be deemed to have been automatically granted provided that:
 - i. Such service or facility is allowed in the applicable zoning district without a rezone, without the need to apply for a conditional use, or without the need to apply for some other permit;
 - ii. The County fails to either grant or deny the applied-for permit within the time frames set forth in paragraphs (4) and (5) above, as applicable; and
 - iii. The applicant has not agreed to an extension of time, as provided in paragraph (8) below.
 - b. However, the applied-for permit shall not be deemed granted if final action requires action by the BCC, but such action is prevented due to emergency conditions beyond the County's control. In such instance, the time for final action on the application shall be extended until the next regularly scheduled meeting of the BCC. The permit shall be deemed to be granted if the BCC fails to take final action at that time.
 8. Waiver. Extensions of the above-described applicable timelines (deadlines) shall not be effective except to the extent voluntarily agreed to by the permit applicant. Narrow exception: a one-time timeline waiver may be required if there then exists an

emergency that directly affects the administration of all of the County's communications tower permitting activities which had been formally declared by the County, by the State of Florida, or by the federal government.

Noted.

(Ord. No. 05-27, § 3.HH; Ord. No. 20-16, § 3.H; Ord. No. 21-05, § 3.K)

4.06.05 - General Landscaping Requirements

...

- B. Landscaping requirements for industrial and commercial development. For projects subject to architectural design standards, see LDC section 5.05.08 F. for related provisions.
1. ...
 2. Communication towers. An 8-foot high, 100 percent architecturally finished opaque wall must screen the security fencing that surrounds a tower base. In addition, landscaping must be located on the outside of such wall. The hedge requirement must also be planted around any ground level guy anchors. The entire perimeter of this wall shall be landscaped in at least one of the following ways so as to provide the equivalent of minimum code size trees located 25 feet on center and a 3-foot high hedge planted 3-feet on center.
 - a. If native vegetation is present within the parcel, a minimum 20-foot wide buffer strip must be preserved and used toward meeting the tree and hedge planting requirement.

Vertical will comply. Please see the enclosed Landscape Plan.

- b. If native vegetation is present, but not dense enough to meet the equivalent of the tree and hedge requirements, it must be supplemented with plantings to meet the tree and hedge requirements.

N/A, Vertical will provide the Code required plantings. Please see the enclosed Landscape Plan.

- c. ...
At the discretion of the county landscape architect, some or all of these landscape buffering requirements may be displaced to a right-of-way landscape buffer located within the parcel when it better serves the public interest of screening the communication tower.

Noted.

10.09.00 - VARIANCE PROCEDURES

...

- F. *Board of zoning appeals action.* Upon consideration of the Planning Commission's report, findings and recommendations, and upon consideration of the standards and guidelines set forth in section 9.04.03 of this code, the Board of Zoning Appeals shall approve, by resolution, or deny a petition for a variance.

An analysis of §9.04.03, LDC, is below.

- G. *Conditions and safeguards.* In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Zoning Code, including, but not limited to, reasonable time limits within which action for which the variance is required shall be begun or completed, or both. In the case of after-the-fact variances, the board may stipulate that in the case of destruction of the encroaching structure, for any reason, to an extent equal to or greater than 50 percent of the actual replacement cost of the structure at the time of its destruction, any reconstruction shall conform to the provisions of this Code in effect at the time of reconstruction. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Code.

Noted.

- H. *Limitations on power to grant variances.* Under no circumstances shall the Board of Zoning Appeals grant a variance to permit a use not permitted under the terms of this Zoning Code in the zoning district involved, or any use expressly or by implication prohibited, by the terms of these regulations in the said zoning district.

The Monopine will be located on a 2.1 acre parent parcel with an commercial zoning designation, and an Estates Future Land Use designation. The variance request is only for partial relief from the residential separation requirement under 05.05.09.G.7 due to the restrictive lot sizes commonly found in the predominant platting in the area. Please see Sheet C-1, as well as the enclosed Survey.

...

9.04.03 - Criteria for Variances

Findings. Before any variance shall be recommended for approval to the board of zoning appeals, the planning commission shall consider and be guided by the following standards in making a determination:

- A. There are special conditions and circumstances existing which are peculiar to the location, size, and characteristics of the land, structure, or building involved.

The Monopine is restricted to the requested height in order for it to be able to replicate the coverage footprint of the Flagpole. Vertical is unable to locate the Monopine on a parcel that provides the LDC required setbacks in this instance due to the combination of the prevailing platting and development patterns, and the geographic restrictions arising from the replacement nature of the Monopine. Together, these factors, which are peculiar to the location of the land and the characteristics of the Monopine make the variances necessary in this instance. Please see Sheets Z-1 as well as the enclosed RF Package.

- B. There are special conditions and circumstances which do not result from the action of the applicant, such as pre-existing conditions relative to the property which is the subject of the variance request.

Vertical made extensive efforts during the site acquisition process to avoid an application that would necessitate the variance requests. However, the prevailing platting and development patterns and RF geographic restrictions, create special conditions and circumstances that necessitate the variance requests in this instance. Please see Sheets Z-1, as well as the enclosed RF Package.

- C. A literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant.

Vertical respectfully submits that, given the totality of the factors limiting tower placement in T-Mobile's search ring, the literal interpretation of the LDC would create an undue hardship as it would prevent T-Mobile from solving the significant gap in its service. Further, it would also visit a hardship upon the members of the public who try to connect to T-Mobile's network. Please see the enclosed RF Package.

- D. The variance, if granted, will be the minimum variance that will make possible the reasonable use of the land, building, or structure and which promote standards of health, safety, or welfare.

As discussed above, the Monopine will be the minimum height necessary to replicate the coverage footprint of the Flagpole and solve a significant capacity gap in T-Mobile's service. The Monopine will be centered within the Eastern portion parent parcel, balancing all four setbacks as much as possible. Further, high voltage powerlines exist East of the Monopine on the parent parcel, as an intervening use between it and the majority of the residential uses in the area. As the required tower setbacks under the LDC are driven by the height of the facility, Vertical is requesting the minimum relief necessary for the project. Please see Sheet Z-2.

- E. Granting the variance requested will not confer on the petitioner any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district.

Granting the Variances will not confer a special privilege on Vertical. Rather, it will allow the provision of reliable wireless coverage through the Eastern Golden Gates City and Southwestern Golden Gates estates area by allowing T-Mobile to replace an outdated and physically constrained deployment with a facility that can support modern antennas and radio equipment, making T-Mobiles equipment concurrent to the traffic demands in the area. Finally, the tower code envisions that residential separation variances will be required from time to time throughout the County and more specifically, on projects subject to estates platting. Please see 05.05.09.G.2a and 05.05.09.G.7.c of the Land Development Code, Sheet Z-1, the enclosed RF package, and GGAMP Study Area Map.

- F. Granting the variance will be in harmony with the intent and purpose of the LDC, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

As discussed in the analysis of GMP policy 5.6 above, the Monopine's location, siting, and design create a facility that will be in harmony with the intent and purpose of the LDC while requesting the minimum relief necessary to obtain T-Mobile's RF objective. Further, the Monopine will not be injurious to the neighborhood or public welfare. Rather, it will support the neighborhood and public welfare through the provision of reliable wireless service in the area. In County Fiscal Year 2021, 84.14% of all 911 calls received by the Collier County Sheriff's Office were made via wireless phones, this shows that reliable wireless coverage is no longer a luxury, it is a necessity. Please see the enclosed RF Package and 911 Call Statistics.

- G. There are natural conditions or physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf course, etc.

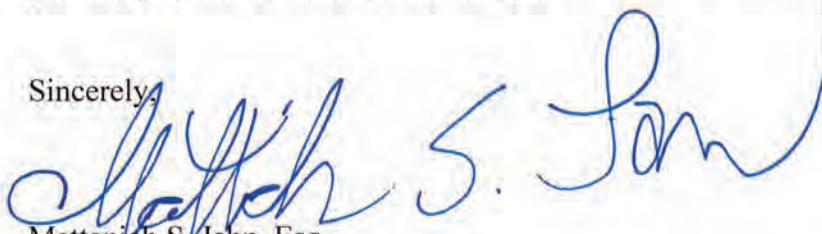
As discussed above in the analysis of GMP policy 5.6, native existing vegetation both on and off the parent parcel help ameliorate the goals and objectives of the LDC. Further, the Monopine's location, within the search ring places it as close as possible to the most intensely developed portions of the ring. Finally, the Monopine is designed fall zone technology, which achieves the sound planning objective of the LDC by containing the Monopine within the parent parcel should a structural failure. In the unlikely event of a structural failure the Monopine will not collapse. Rather, it will fold over upon itself at a pre-engineered point and be completely contained within a 72' radius on the parent parcel. Please see the enclosed RF package, Sheets C-1 and Z-2, and the enclosed Fall Zone Letter.

- H. Granting the variance will be consistent with the GMP.

As discussed above, the Monopine will be consistent with the GMP.

Thank you for your assistance in this matter. Please do not hesitate to contact me if I am able to provide you with additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mattaniah S. Jahn". The signature is fluid and cursive, with a large loop at the end.

Mattaniah S. Jahn, Esq.

MSJ/mms

Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Collier County Property Appraiser Property Summary

Parcel No	38054160007	Site Address <u>*Disclaimer</u>	2560 39TH ST SW	Site City	NAPLES	Site Zone <u>*Note</u>	34117
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Name / Address	PEG NAPLES LLC					
	1829 SENEGAL DATE DR					
City	NAPLES	State	FL	Zip	34119	

Map No.	Strap No.	Section	Township	Range	Acres <u>*Estimated</u>
4B26	334900 144 04B26	26	49	26	2.38

Legal	GOLDEN GATE EST UNIT 28 N 150FT OF TR 144
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<u>Millage Area</u> ①	28	<u>Millage Rates</u> ① <u>*Calculations</u>		
Sub./Condo	334900 - GOLDEN GATE EST UNIT 28	School	Other	Total
<u>Use Code</u> ①	21 - RESTAURANTS, CAFETERIAS	4.292	6.2059	10.4979

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
04/30/18	<u>5504-3766</u>	\$ 600,000
07/14/14	<u>5058-3142</u>	\$ 364,000
02/01/96	<u>2144-1128</u>	\$ 430,000
04/22/94	<u>1938-1743</u>	\$ 350,000
02/01/92	<u>1687-2011</u>	\$ 275,000
12/01/79	<u>847-1236</u>	\$ 0

2023 Certified Tax Roll

(Subject to Change)

Land Value	\$ 309,418
(+) Improved Value	\$ 160,570
(=) Market Value	\$ 469,988
(=) Assessed Value	\$ 469,988
(=) School Taxable Value	\$ 469,988
(=) Taxable Value	\$ 469,988

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

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Collier County Property Appraiser
Property Aerial

Parcel No	38054160007	Site Address *Disclaimer	2560 39TH ST SW	Site City	NAPLES	Site Zone *Note	34117
-----------	-------------	---	-----------------	-----------	--------	------------------------------------	-------



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

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Prepared by and return to:

John M. Wicker
Attorney at Law
John M. Wicker, P.A.
12670 New Brittany Boulevard Suite 101
Fort Myers, FL 33907
239-939-2222
File Number: 18-0054

Parcel Identification No. 38054160007

[Space Above This Line For Recording Data]

Warranty Deed

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

This Indenture made this 30th day of April, 2018 between Cracklin, LLC, a Florida limited liability company whose post office address is 2501 NE 22nd Terrace, Fort Lauderdale, FL 33305 of the County of Broward, State of Florida, grantor*, and PEG Naples, LLC, a Florida limited liability company whose post office address is 1829 Senegal Date Drive, Naples, FL 34119 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:

The North 150 feet of Tract 144, Golden Gate Estates, Unit No. 28, according to the plat thereof as recorded in Plat Book 7, Page 19, Public Records of Collier County, Florida.

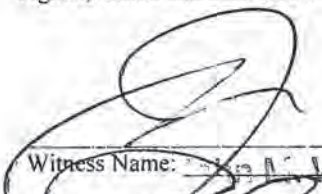
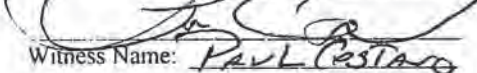
Subject to taxes for 2018 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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.

Signed, sealed and delivered in our presence:


Witness Name: John M. Wicker

Witness Name: Paul Crestano

Cracklin, LLC, a Florida limited liability company

By: 

Craig Steinhart, Manager

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 30th day of April, 2018 by Craig Steinhart, Manager of Cracklin, LLC, a Florida limited liability company, on behalf of the limited liability company. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Notary Public
Printed Name: John M. Wicker
My Commission Expires: 7/26/19

NOT A CERTIFIED COPY



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
Vincenzo Palmese 1829 SENEGAL DATE DR NAPLES, FL 34119	50
Francesco Palmese 829 SENEGAL DATE DR NAPLES, FL 34119	50

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

Name and Address	% of Ownership



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
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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

- 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 08/23/18

☒ Leased: Term of lease 30 years years /months

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



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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

Agent/Owner Signature

Date

Agent/Owner Name (please print)



ADDRESSING CHECKLIST

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

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

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

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

LOCATION INFORMATION

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

38054160007

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

Please See Attached

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

2560 39th Street SW, Naples, FL. 34117

PROJECT INFORMATION

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

CURRENT PROJECT NAME

US - FL 7040 Senor Tequila

PROPOSED PROJECT NAME

US - FL 7040 Senor Tequila

PROPOSED STREET NAME(s)

N/A

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

N/A

Collier County
Property Ownership Disclosure

BEFORE ME, the undersigned authority, personally appeared Mattaniah S. Jahn, who being by me first duly sworn, under oath, deposes and states as follows:

1. I am over eighteen (18) years of age and have personal knowledge of the matters contained herein.
2. I am an Agent of Record for VB BTS LLC (Vertical Bridge) and have the authority to sign this affidavit.
3. It is the intent of Vertical Bridge to construct a communication tower upon parcel 38054160007 (the Parcel) in Collier County, Florida (Collier County). A variance approval from Collier County will be necessary to vest the entitlement upon the Parcel.
4. To my knowledge,
 - Neither the members of Collier County Board of County Commissioners, the Planning Commission, nor the Hearing Examiner possess an ownership interest in Vertical Bridge exceeding 5% of its ownership interest.
 - None of the officers or employees involved in the day-to-day operations of Vertical Bridge are a close relative of a County employee, Collier County Planning Commissioner, Collier County Commissioner, or Hearing Examiner.
 - None of the officers or employees of Vertical bridge who are involved in the day-to-day operation and management of Vertical Bridge have business dealings with a County employee, Collier County Planning Commissioner, Collier County Commissioner, or Hearing Examiner.

- None of the beneficiaries or equitable owners of Vertical Bridge are related to, or have dealings with any Collier County Planning Commissioner, Collier County Commissioner, or Hearing Examiner.

FURTHER AFFIANT SAYETH NOT.

Signature

Printed Name

Title

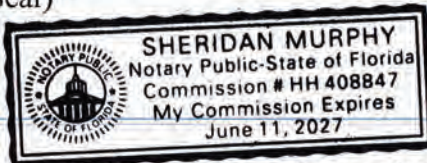
Entity Name

[Signature]
Matthew S. John
As Agent of Record
VB BTS, LLC

STATE OF Florida
 COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me this 27 day of Nov, 2023, by
Matthew S. John

(Seal)



[Signature]
Sheridan G. Murphy

Printed Name of Notary Personally Known ☒ OR Produced Identification ☐
 Type of Identification Produced _____

AFFIDAVIT OF AUTHORIZATION**FOR PETITION NUMBERS(S)** PL20220003012

I, Vincenzo Palmese (print name), as President (title, if applicable) of PEG Naples, 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 Nathanian S. Sohn 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.

[Signature]
Signature

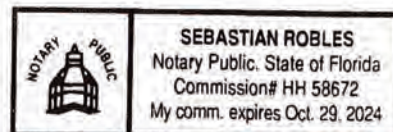
7-12-22
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 7/12/2022 (date) by VINCENZO PALMESE (name of person providing oath or affirmation), as OWNER (type of identification) who is personally known to me or who has produced F&D as identification.

STAMP/SEAL

[Signature]
Signature of Notary Public



AGENT OF RECORD LETTER

I, VINCENZO PALMESE, as PRESIDENT of PEG Naples, LLC, have the authority to execute this document. PEG Naples, LLC owns the property located in Collier County, Florida; identified by Parcel # 38054160007 and hereby designate and appoint the Law Office of Mattaniah S. Jahn, P.A. and/or Mattaniah S. Jahn, Esquire, 935 Main Street., Suite D1, Safety Harbor, Florida 34695, Phone 727-773-2221, Facsimile 727-773-2616, Email mjahn@thelawmpowered.com; aabunada@thelawmpowered.com, as my Agent of Record for the purpose of any and all permitting, zoning, and/or land use applications, hearings, or processes in association with the development of a communication facility on the aforementioned property.

My Agent of Record is hereby vested with authority to make any representations, agreements, or promises which are necessary or desirable in conjunction with any of the aforementioned processes. My Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity. My Agent of Record has the authority to execute documents relating to any of the above described processes on my behalf.



Signature

VINCENZO PALMESE

Printed Name

PRESIDENT

Title

7-12-2022

Date

STATE OF FLORIDACOUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 7 day of July, 2022, by VINCENZO PALMESE who is personally known to me or who has produced FL DL as identification.

(SEAL)



Notary Public

SEBASTIAN ROBLES

Printed Name of Notary



AGENT OF RECORD LETTER

I, Ariel Rubin, as Vice President of Tower Development of VB BTS II, LLC ("Vertical Bridge") have the authority to execute this document.

Vertical Bridge leases the property located in Collier County, Florida; identified by Parcel # 38054160007; and hereby designate and appoint the Law Office of Mattaniah S. Jahn, P.A. and/or Mattaniah S. Jahn, Esquire, 935 Main Street., Suite D1, Safety Harbor, Florida 34695, Phone 727-773-2221, Facsimile 727-773-2616, Email mjahn@thelawmpowered.com; aabunada@thelawmpowered.com, as my Agent of Record for the purpose of any and all permitting, zoning, and/or land use applications, hearings, or processes in association with the development of a communication facility on the aforementioned property.

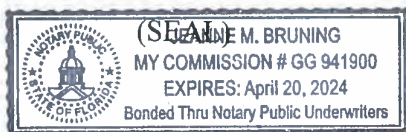
My Agent of Record is hereby vested with authority to make any representations, agreements, or promises which are necessary or desirable in conjunction with any of the aforementioned processes. My Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity. My Agent of Record has the authority to execute documents relating to any of the above described processes on my behalf.

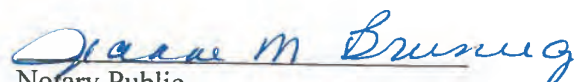
Upon the securing of all necessary/required permits for VB BTS II, LLC, this authorization is recalled and revoked, thus concluding my permission.

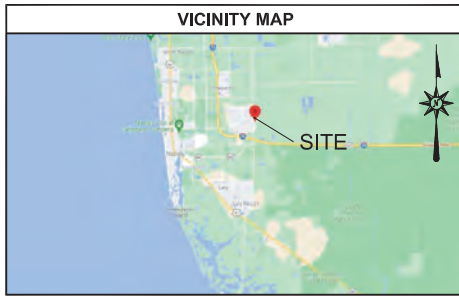

 Signature
ARIEL RUBIN
 Printed Name
VP TOWER DEV
 Title
SEPT 15, 2022
 Date

STATE OF FL
 COUNTY OF PALE BEACH

The foregoing instrument was acknowledged before me this 15 day of SEPT, 2022, by Ariel Rubin who is personally known to me or who has produced VP TOWER DEV as identification.




 Notary Public
JEANNE M. BRUNING
 Printed Name of Notary



SITE DEVELOPMENT PLAN PL20230000001

VB BTS, LLC

VB BTS, LLC
SITE ID/NAME:

US-FL-7040 / SEÑOR TEQUILA

T-MOBILE SITE ID:
6NC2102

SITE ADDRESS:
2560 39TH STREET SW
NAPLES, FL 34117



* THE APPROVAL OF THESE CONSTRUCTION PLANS DOES NOT AUTHORIZE CONSTRUCTION OF REQUIRED IMPROVEMENTS WHICH ARE INCONSISTENT WITH EASEMENT OF RECORD.

** THIS DOCUMENT WAS CREATED IN PART FROM THE TMO RFDS 67ESD998E V1.0 DATED 09/08/2022.

SCOPE OF WORK

VB BTS, LLC, PROPOSES TO INSTALL AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF A 145'-0" A.G.L. MONOPINE STYLE COMMUNICATION TOWER, PROVIDING ESSENTIAL SERVICES PURSUANT TO SECTION 5.05,09J COLLIER COUNTY LDC, INCLUDING PROVIDING 9911 SERVICES VIA T-MOBILE. THE TOWER WILL BE PLACED INSIDE A 40'-0"x 40'-0" FENCED COMPOUND, INSIDE 70'-0"x 70'-0" LEASE/ EASEMENT AREA.

SHEET INDEX

SHEET NO.	DESCRIPTION	REV. NO.	REVISION DATE
T-1	TITLE SHEET	0	09/06/2023
S-1	SURVEY SHEET	0	08/31/2023
S-2	SURVEY SHEET	0	08/31/2023
S-3	SURVEY SHEET	0	08/31/2023
S-4	SURVEY SHEET	0	08/31/2023
GN-1	GENERAL NOTES	0	09/06/2023
GN-2	GENERAL NOTES	0	09/06/2023
GN-3	GENERAL NOTES	0	09/06/2023
GN-4	GENERAL NOTES	0	09/06/2023
Z-1	ZONING & LAND USE	0	09/06/2023
Z-2	ZONING & LAND USE	0	09/06/2023
C-1	OVERALL SITE PLAN	0	09/06/2023
C-1.1	TREE PROTECTION AND CLEARING PLAN	0	09/06/2023
C-1.2	DEVELOPMENT BOUNDARIES	0	09/06/2023
C-1.3	FLUCFCS OVERLAY	0	09/06/2023
C-2	COMPOUND DETAILS	0	09/06/2023
C-2.1	T-MOBILE EQUIPMENT LAYOUT	0	09/06/2023
C-3	GRADING & EROSION CONTROL PLAN	0	09/06/2023
C-4	GRADING DETAILS	0	09/06/2023
C-5	GRADING DETAILS	0	09/06/2023
C-7	T-MOBILE CONCRETE PAD DETAILS	0	09/06/2023
L-1	LANDSCAPE SITE PLAN	0	09/06/2023

SITE SUMMARY

SITE TYPE:	NEW SITE DESIGN
TOWER TYPE:	MONOPINE
TOWER HEIGHT:	145'-0"
APPURTENANCE HEIGHT:	150'-0"
AMSL:	11.4'
WIND LOAD:	161 MPH
TYPE OF OCCUPANCY:	TELECOMMUNICATIONS
TOWER LATITUDE:	26° 10' 55.5" N (26,182197")
TOWER LONGITUDE:	81° 41' 5.0" W (-81,685161")
ZONING JURISDICTION:	COLLIER COUNTY
COUNTY:	COLLIER
APN #:	38054160007
ZONING:	C-2
PARCEL SIZE:	94,482± SF
LEASE AREA SIZE:	4,900 SF 0.112± ACRES
POWER COMPANY:	FLORIDA POWER & LIGHT
TELEPHONE COMPANY:	TBD

PROJECT DIRECTORY

LAND OWNER:	PEG NAPLES, LLC 829 SENEGAL DATE DR NAPLES, FL 34119
CONTACT:	- PHONE:-
CO-APPLICANT/CARRIER:	T-MOBILE 5901 BENJAMIN CENTER DR, SUITE 110 A-B TAMPA, FL 33634
CONTACT:	ADAM MORTENSEN PHONE: (610) 416-0138
APPLICANT/TOWER OWNER:	VB BTS, LLC 750 PARK OF COMMERCE DR, SUITE 200 BOCA RATON, FLORIDA 33487
CONTACT:	QABIYL JOHNSON PHONE: (561) 348-6213
SITE DESIGN/ENGINEER:	FDH INFRASTRUCTURE SERVICES 6521 MERIDIEN DRIVE RALEIGH, NC 27616
CONTACT:	JAMES R. BILLUPS, PE, CFM PHONE: (919) 755-1012
SURVEYOR:	GEOLINE SURVEYING, INC 13430 NW 104TH TERRACE, SUITE A ALACHUA, FL 32615
CONTACT:	DAVE SHORT PHONE: (386) 418-0500

NOTE: ANY CHANGES TO THE APPROVED PLANS MUST BE APPROVED BY THE PROPERTY OWNER,

DIRECTIONS

FROM RSW SOUTHWEST FLORIDA INTERNATIONAL AIRPORT, FORT MYERS, FL:

TAKE GET ON I-75 S IN THREE OAKS FROM TERMINAL ACCESS RD. HEAD WEST ON LOWER LEVEL/TERMINAL ACCESS RD TOWARD TRANSPORTATION SERVICE RD. USE ANY LANE TO TURN SLIGHTLY RIGHT TO STAY ON LOWER LEVEL/TERMINAL ACCESS RD. USE ANY LANE TO TURN SLIGHTLY LEFT ONTO TERMINAL ACCESS RD. USE THE LEFT LANE TO STAY ON TERMINAL ACCESS RD. USE THE LEFT LANE TO MERGE ONTO I-75 S VIA THE RAMP TO NAPLES. FOLLOW I-75 S TO COUNTY RD 951/COLLIER BLVD IN COLLIER COUNTY. TAKE EXIT 101 FOR I-75 S. MERGE ONTO I-75 S. TAKE EXIT 101 FOR COUNTY RD 951/COLLIER BLVD. FOLLOW COUNTY RD 951/COLLIER BLVD TO YOUR DESTINATION. USE ANY LANE TO TURN LEFT ONTO COUNTY RD 951/COLLIER BLVD. TURN RIGHT ONTO 25TH AVE SW. TURN RIGHT AT THE 1ST CROSS STREET ONTO 39TH ST SW. DESTINATION IS ON THE LEFT.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING:

1. FLORIDA BUILDING CODE 2020
2. NATIONAL ELECTRIC CODE 2017
3. ANSII/A-222-H
4. LOCAL BUILDING CODE
5. CITY/COUNTY ORDINANCES

GENERAL NOTES

THE FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. THEREFORE HANDICAP ACCESS IS NOT REQUIRED. A TECHNICIAN WILL VISIT THE SITE AS REQUIRED FOR ROUTINE MAINTENANCE. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON DRAINAGE; NO SANITARY SEWER SERVICE, POTABLE WATER, OR TRASH DISPOSAL IS REQUIRED AND NO COMMERCIAL SIGNAGE IS PROPOSED.

UNDERGROUND SERVICE ALERT

UTILITIES PROTECTION CENTER, INC.

811

48 HOURS BEFORE YOU DIG

LEGAL DESCRIPTION

REFER TO TOPOGRAPHICAL SURVEY AND SITE PLAN FOR LEGAL DESCRIPTION OF PARENT PARCEL AND LEASE AREA.

Page 42 of 323

750 PARK OF COMMERCE DR, SUITE 200
BOCA RATON, FL 33487

FDH INFRASTRUCTURE SERVICES
6521 MERIDIEN DRIVE
RALEIGH, NC 27616
PHONE: (919) 755-1012

STRUCTURE INNOVATIONS
10 A-B
33634

THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

TALS

REV	DATE	BY	CHKD
0	09/06/2023	JR8	

DENNIS D. ABEL
FDH INFRASTRUCTURE SERVICES, LLC
COA 28282
STATE LICENSE

09/06/23

2560 39TH STREET SW
NAPLES, FL 34117

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

BOUNDARY TOPOGRAPHIC SURVEY 3.E.b

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC

SURVEYOR'S NOTES

1. BEARINGS HEREON ARE REFERENCED TO THE ASSUM BEARING OF NORTH 00°19'10" EAST ALONG THE WEST LI OF TRACT 144, GOLDEN GATE ESTATES UNIT NO. 28, PLAT BOOK 7, PAGE 19, COLLIER COUNTY, FLORIDA, SITUATED IN SECTION 26, TOWNSHIP 49 SOUTH, RANGE EAST, SAID COLLIER BEACH COUNTY, FLORIDA.
2. UNDERGROUND UTILITIES SHOWN HEREON ARE LIMITE TO AND ARE PER OBSERVED, ABOVEGROUND INDICATION SET BY OTHERS. NO SUB-SURFACE INVESTIGATION WAS PERFORMED BY THIS OFFICE.
3. THE BOUNDARY & TOPOGRAPHIC SURVEY SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AN OBSERVATIONS DATED DECEMBER 9, 2021.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SE/ OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AN DESCRIBE A TOWER PARCEL AND ASSOCIATED 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
6. SYMBOLS SHOWN HEREON ARE NOT TO SCALE.
7. LATITUDE, LONGITUDE AND ELEVATIONS DEPICTED HEREON ARE BASED UPON FIELD MEASUREMENTS MADE IN AN EGS REAL TIME KINEMATIC GPS SYSTEM INCORPORATING A CHAMPION TWO GPS RECEIVER.
8. ELEVATIONS DEPICTED HEREON ARE REFERENCED TO THE NAVD88 DATUM.
9. BUILDING SETBACK LINES DEPICTED HEREON ARE PE INFORMATION PROVIDED BY THE CLIENT.
10. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE. THIS OFFICE HAS NOT PERFORMED A SEARCH OF THE PUBLIC RECORDS F EXISTING EASEMENTS, RIGHTS-OF-WAY, ABANDONMENTS, ZONING, SETBACKS OR DEED RESTRICTIONS.
11. THE SUBJECT 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT DEPICTED HEREON RUN THROUGH THE PARENT PARCEL FROM THE TOWER PARCE TO THE EAST RIGHT-OF-WAY LINE OF 39TH STREET SOUTHWEST (A PUBLIC RIGHT-OF-WAY).
12. THE SUBJECT TOWER PARCEL AND 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT ARE LOCATED WHOLLY WITHIN THE PARENT PARCEL.
13. AT THE TIME OF THIS SURVEY, THERE WERE NO APPARENT ENCROACHMENTS OF IMPROVEMENTS LOCATE ON ADJOINING PARCELS ONTO THE SUBJECT TOWER PARCEL AND 20 FOOT WIDE NON-EXCLUSIVE INGRESS A EGRESS EASEMENT.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARY AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS TORONTO DOMINION (TEXAS) LLC, AS ADMINISTRATIVE AGENT, FOR ITSELF AND ON BEHALF OF THE LENDERS PARTIES FROM TIME TO TIME TO THAT CERTAIN SECOND AMENDED AND RESTATED LOAN AGREEMENT DATED JUN 17, 2016 WITH VERTICAL BRIDGE HOLDCO, LLC, AS BORROWER, AND VERTICAL BRIDGE HOLDCO PARENT, LI AS PARENT, AS MAY BE AMENDED, RESTATED, MODIFIE OR RENEWED, THEIR SUCCESSORS AND ASSIGNS AS TH INTERESTS MAY APPEAR, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY



GEOLINE SURVEYING, INC. LB#7082
DAVID G. SHORT, P.E.
FLORIDA PROFESSIONAL SURVEYOR AND
CERTIFICATE OF REGISTRATION NO. 502

GEOLINE SURVEYING, INC.
Professional Land S
15430 NW 154th Trve
Arlington, Florida 3381
(386) 418-0500 Fax (386)
geoline@geolineinc.cc

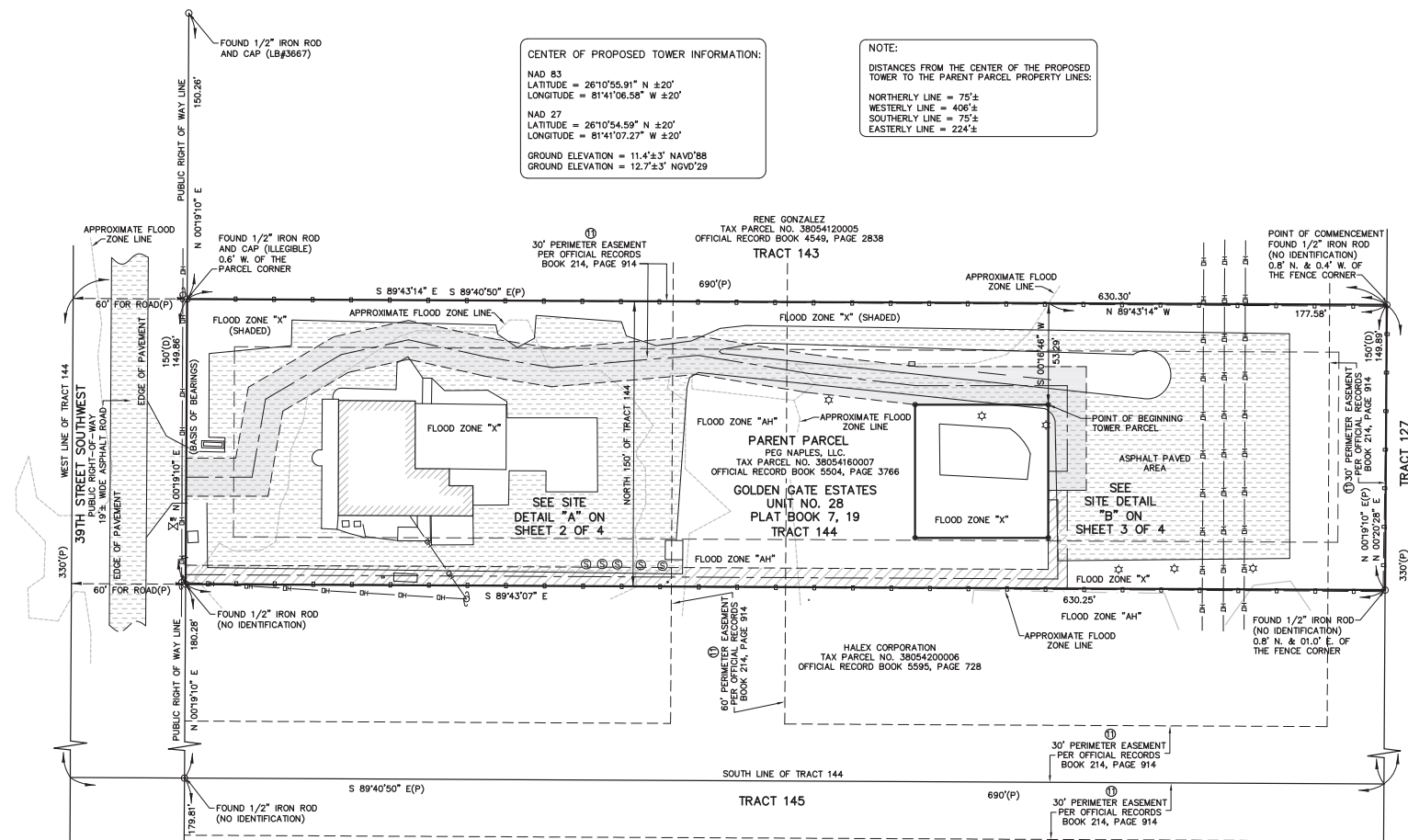
DESIGNED	KEITH BARTON	SCALE	1" = 30'
DRAWN	KEITH BARTON	DATE	DECEMBER
CHECKED	DAVE SHORT	PROJECT #	332

SENOIR TEQUILA SITE NUMBER US-P1
COLLIER COUNTY, FLORIDA

DRAWING# 333-153 FDI INFRASTRUCTURE SERVICES, LLC 15

NOTE:
DISTANCES FROM THE CENTER OF THE PROPOSED TOWER TO THE PARENT PARCEL PROPERTY LINES:
NORTHERLY LINE = 75'±
WESTERLY LINE = 406'±
SOUTHERLY LINE = 75'±
EASTERLY LINE = 224'±

CENTER OF PROPOSED TOWER INFORMATION:
NAD 83
LATITUDE = 26°10'55.91" N ±20'
LONGITUDE = 81°41'06.58" W ±20'
NAD 27
LATITUDE = 26°10'54.59" N ±20'
LONGITUDE = 81°41'07.27" W ±20'
GROUND ELEVATION = 11.4'±3' NAVD'88
GROUND ELEVATION = 12.7'±3' NGVD'29



- LEGEND**
- INDICATES SET 1/2" IRON ROD AND GEOLINE/LB7082 CAP
 - INDICATES IRON PIN FOUND AS NOTED
 - INDICATES OVERHEAD UTILITY LINE
 - ⊗ INDICATES SANITARY SEWER MANHOLE
 - ⊕ INDICATES WATER VALVE
 - ☆ INDICATES WOOD LIGHT POLE
 - INDICATES ASPHALT
 - Ⓜ INDICATES TITLE INSURANCE REVIEW NOTE EXHIBIT B-II EXEMPTION NUMBER
 - Ⓢ INDICATES SITE BENCHMARK

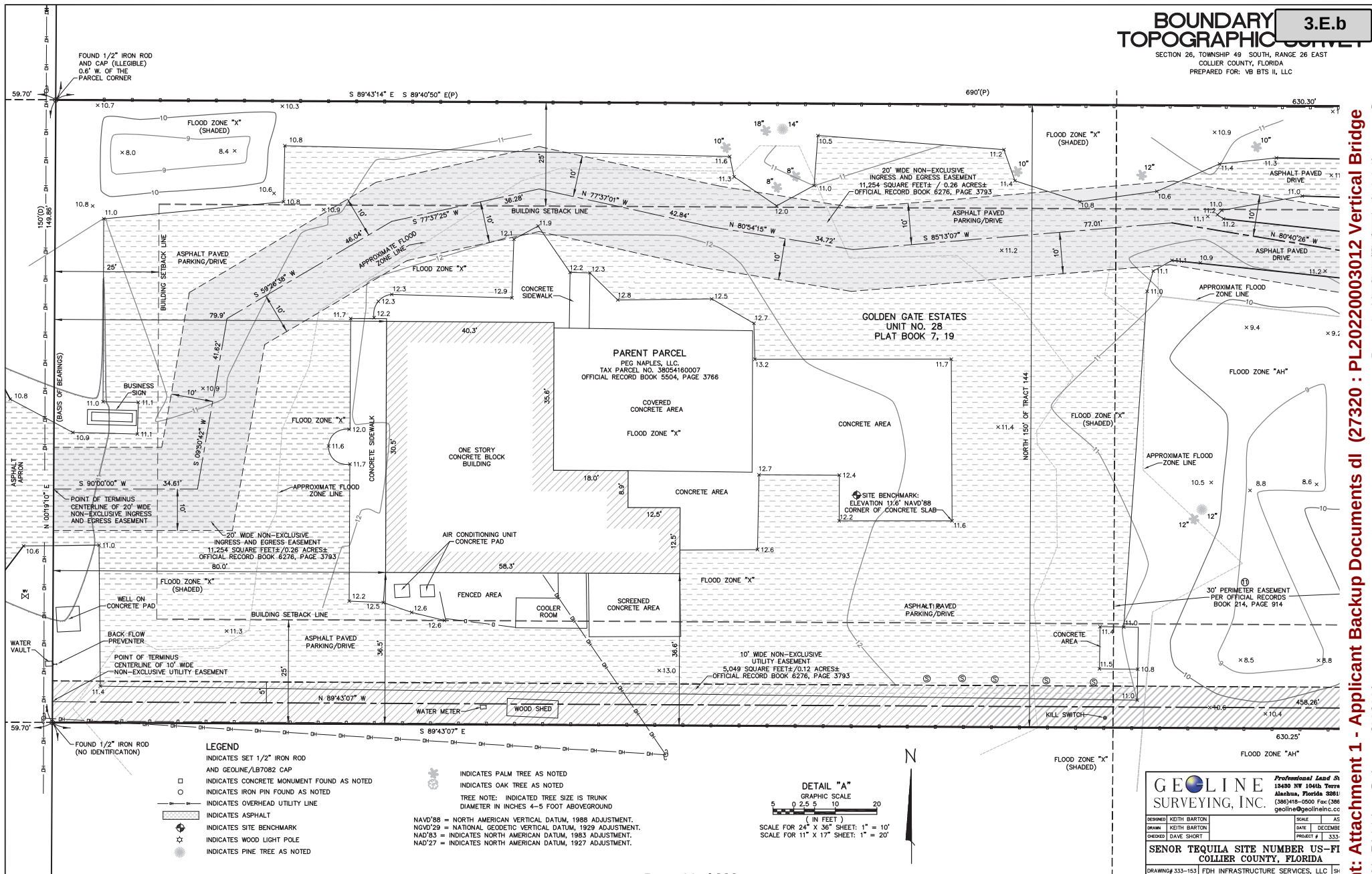
NAVD'88 = NORTH AMERICAN VERTICAL DATUM, 1988 ADJUSTMENT.
NGVD'29 = NATIONAL GEODETIC VERTICAL DATUM, 1929 ADJUSTMENT.
NAD'83 = INDICATES NORTH AMERICAN DATUM, 1983 ADJUSTMENT.
NAD'27 = INDICATES NORTH AMERICAN DATUM, 1927 ADJUSTMENT.

FLOOD NOTE
ACCORDING TO MY INTERPRETATION OF COMMUNITY PANEL NUMBER 120067 0416 H OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) FOR COLLIER COUNTY, FLORIDA, DATED 5/16/2012, THE SUBJECT PROPERTY IS IN FLOOD ZONE "X", IE, "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN", FLOOD ZONE "X" (SHADED), IE, "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, AND FLOOD ZONE "AH", IE, "SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED. THE BASE FLOOD ELEVATION DEPICTED ON THE COMMUNITY PANEL FOR THE FLOOD ZONE "AH" LOCATED ON THE PARENT PARCEL IS 11.5 FEET NAVD88.

GRAPHIC SCALE
15 0 7.5 15 30 60
(IN FEET)
SCALE FOR 24" X 36" SHEET: 1" = 30'
SCALE FOR 11" X 17" SHEET: 1" = 60'

BOUNDARY TOPOGRAPHIC SURVEY 3.E.b

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC



GEOLINE SURVEYING, INC.
Professional Land S.
15480 NW 104th Trce
Alachua, Florida 32911
(386)418-0500 Fax (386)418-0501
geoline@geolineinc.com

DESIGNED: KEITH BARTON	SCALE: AS SHOWN
DRAWN: KEITH BARTON	DATE: DECEMBER 2021
CHECKED: DAVE SHORT	PROJECT # 333

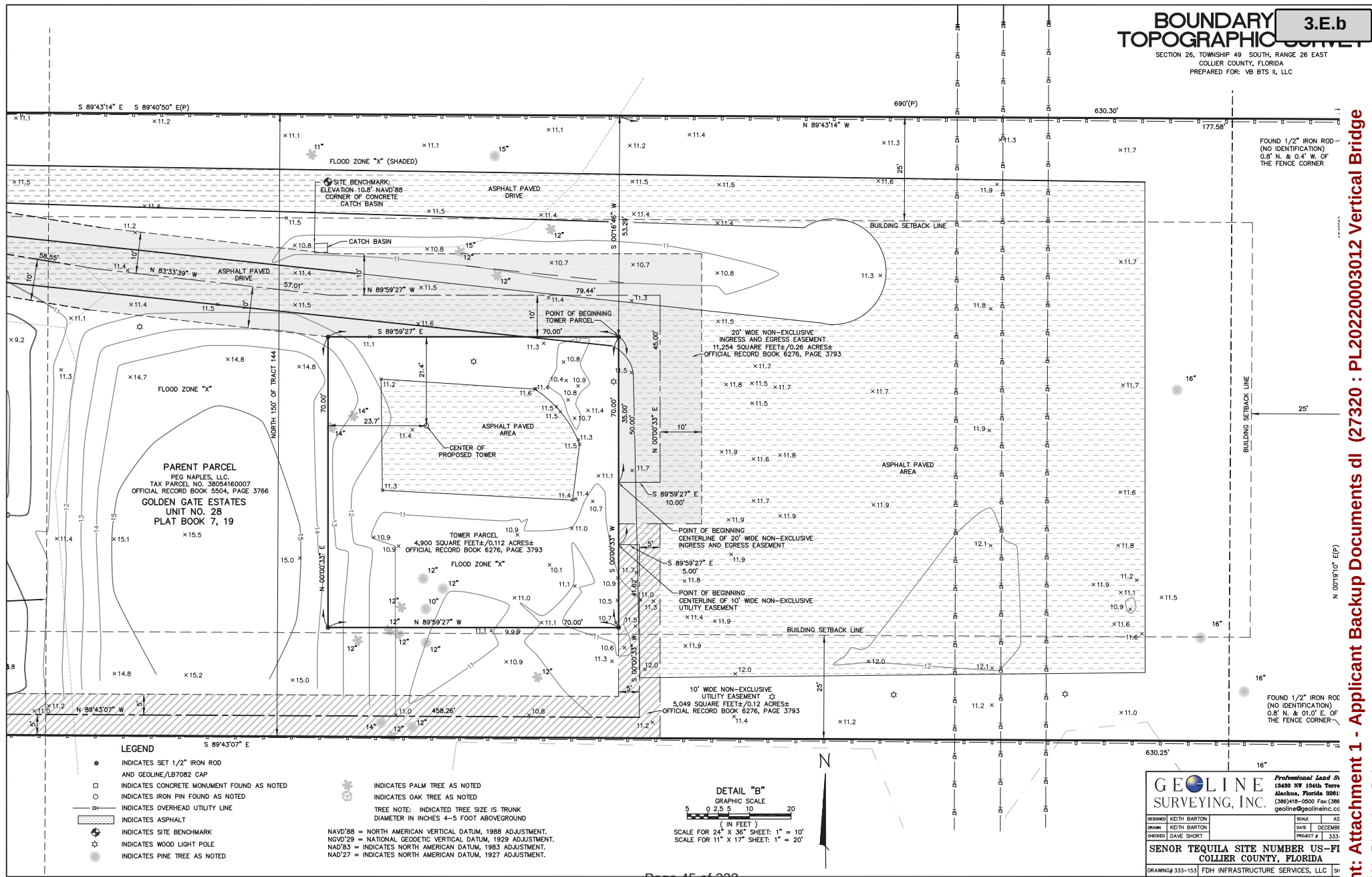
SEÑOR TEQUILA SITE NUMBER US-FI
COLLIER COUNTY, FLORIDA

DRAWING 333-153 | FDI INFRASTRUCTURE SERVICES, LLC SH

BOUNDARY TOPOGRAPHIC SURVEY

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC

3.E.b





VICINITY MAP
NOT TO SCALE

LOCATION MAP
NOT TO SCALE

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC

PARENT PARCEL
(OFFICIAL RECORD BOOK 5504, PAGE 3766)

THE NORTH 150 FEET OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 19,
PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

DESCRIPTIONS BELOW ARE RECORDED IN OFFICIAL RECORD BOOK 6276, PAGE 3793

TOWER PARCEL
(PREPARED BY GEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREON RECORDED AT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT 144 FOR 177.58 FEET; THENCE SOUTH 00°16'46" WEST FOR 53.29 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'33" WEST FOR 70.00 FEET; THENCE NORTH 89°52'27" WEST FOR 70.00 FEET; THENCE NORTH 00°00'33" EAST FOR 70.00 FEET; THENCE SOUTH 89°52'27" EAST FOR 70.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 4.900 SQUARE FEET (0.112 ACRES), MORE OR LESS.

20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°43'30" WEST 34.72 FEET TO AN IRON NAIL; THENCE NORTH 0°00'00" WEST 35.00 FEET TO A POINT 00'06"46" WEST FOR 53.29 FEET TO THE NORTHEAST CORNER OF AN 70'00'00" WIDE TRACT OF LAND, BEING THE TRACT OF LAND BEING THE TRACT OF LAND EAST LINE, OF SAID TOWER PARCEL FOR 35.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HERIN DESCRIBED 20 FOOT WIDE NON-EXCLUSIVE INGRESS EGRESS DRIVE, BEING THE CENTERLINE OF SAID DRIVE; THENCE NORTH 00°00'33" WEST ALONG A LINE PARALLEL WITH SAID EAST LINE FOR 45.00 FEET; THENCE NORTH 89°59'27" WEST FOR 79.44 FEET; THENCE NORTH 00°00'00" WEST FOR 35.00 FEET TO THE POINT OF BEGINNING OF SAID DRIVE; THENCE SOUTH 85°10'37" WEST FOR 77.01 FEET; THENCE NORTH 80°54'15" WEST FOR 34.72 FEET; THENCE NORTH 77°37'01" WEST FOR 42.84 FEET; THENCE SOUTH 00°00'00" WEST FOR 35.00 FEET TO THE POINT OF BEGINNING OF SAID DRIVE; THENCE SOUTH 89°50'42" WEST FOR 41.62 FEET; THENCE SOUTH 90°00'00" WEST FOR 34.72 FEET TO AN IRON NAIL; THENCE SOUTH 89°59'27" WEST FOR 79.44 FEET TO THE SOUTHWEST CORNER OF SAID TRACT OF LAND; AND THE POINT OF BEGINNING OF SAID DRIVE.

CONTAINING 11,254 SQUARE FEET (0.26 ACRES), MORE OR LESS.

10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, LYING WITHIN 5 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT 144 FOR 177.58 FEET; THENCE SOUTH 89°43'14" WEST ALONG THE WEST LINE OF SAID TRACT 144 FOR 107.00 FEET BY 70 FOOT TOWER PARCEL; THENCE SOUTH 00°03'33" WEST ALONG THE EAST LINE OF SAID TOWER PARCEL FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE "OVERLINE"; THENCE THEREIN DESCRIBED BY THE FOLLOWING: BEARING UTILISE EASEMENT; THE SOUTH 89°43'14" WEST FOR 5.00 FEET; THENCE SOUTH 00°03'33" WEST ALONG A LINE PARALLEL WITH SAID EAST LINE FOR 41.62 FEET TO AN INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND OFFSET 5 FEET TO THE WEST OF THE EAST LINE OF SAID TOWER PARCEL; THENCE SOUTH 89°43'07" WEST ALONG SAID PARALLEL LINE FOR 458.26 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF 39TH STREET SOUTHERLY (A PUBLIC RIGHT OF WAY), AND THE POINT OF TERMINUS OF THE "OVERLINE" DESCRIBED HEREIN.

CONTAINING 5.049 SQUARE FEET (0.12 ACRES), MORE OR LESS

I HAVE REVIEWED THE COMMITMENT FOR TITLE INSURANCE UNDERWRITTEN BY FIDELITY NATIONAL INSURANCE COMPANY, COMMITMENT 35077307, WITH AN EFFECTIVE DATE OF 07/22/2021, AND FIND AS FOLLOWS WITH RESPECT TO THE FOLLOWING EXCEPTIONS LISTED ON SCHEDULE B-II OF SAID COMMITMENT:

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT AFFECTS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS NOT RECORDED OR OTHERWISE DISCLOSED TO THE PUBLIC PRIOR TO THE DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B PART 1-REQUIRED ARE MET. NOT THE TYPE TO BE DEPICTED HEREON.
2. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR VIOLATION OF RESTRICTIONS, EASEMENTS, COVENANTS, OR HOLIDAY DISPOSAL BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. AS DEPICTED HEREON.
4. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
5. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL FURNISHED OR SUPPLIED TO THE PROPERTY, WHETHER OR NOT SECURED BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
6. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS SUCH BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
- SPECIAL EXCEPTIONS:
7. TAXES FOR THE YEAR 2021 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE. NOT THE TYPE TO BE DEPICTED HEREON.
8. MATTERS AS SHOWN AND NOTED ON PLAT RECORDED IN PLAT BOOK PAGE 19. AS DEPICTED HEREON.
9. TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS PROVIDED IN DEED OR COVENANTS, CONDITIONS AND RESTRICTIONS REQUIRED IN DEED BY STATE LAW, INCLUDING BUT NOT LIMITED TO, MORTGAGE HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES INCLUDE THE PARENT PARCEL. NOT THE TYPE TO BE DEPICTED HEREON.
10. TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS PROVIDED IN DEED OR COVENANTS, CONDITIONS AND RESTRICTIONS REQUIRED IN DEED BOOK 244, PAGE 908, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES INCLUDE THE PARENT PARCEL. NOT THE TYPE TO BE DEPICTED HEREON.
11. RIGHT-OF-WAY EASEMENT BY AND BETWEEN CULF AMERICAN CORPORATION, A FLORIDA CORPORATION, CENTRAL BANK AND TRUST AND NORTHERN BOHANNON CORPORATION COMMISSIONER TRUST UNDER LIAISON NO. 62,171(T)/426, AND A. I. C. FINANCIAL CORPORATION, AN DELAWARE CORPORATION, RECORDED ON AUGUST 24, 1967 IN DEED BOOK 244, PAGE 919. AS DEPICTED HEREON.
12. TERMS AND CONDITIONS OF LEASE DATED DECEMBER 31, 1980 BY JIMMY L. BROWN JR., IN BETWEEN DOUG RONDEAU, AND CECELIA D'AGOSTINO AND MARISSA D'AGOSTINO, RECORDED ON JANUARY 2, 1980 IN DEED BOOK 849, PAGE 1. THE LEASE AND NOT RECORDED ON JANUARY 20, 1980 IN DEED BOOK 1175, PAGE 119. REFERENCES TO THE PARENT PARCEL AND ASSOCIATED PARENT PARCEL RELATED IMPROVEMENTS. DOES NOT REFERENCE TO THE SUBJECT PARCEL OR THE ASSOCIATED PARCELS. NOT THE TYPE TO BE DEPICTED HEREON.
13. MORTGAGE FROM PEG NARLES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, GRANTOR(S), IN FAVOR OF CRACKLIN, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DATED MAY 1, 2018, AND RECORDED MAY 2, 2018 IN DEED BOOK 244, PAGE 3768, IN THE ORIGINAL AMOUNT OF \$550,000. REFERENCES THE PARENT PARCEL. NOT THE TYPE TO BE DEPICTED HEREON.
14. ORDER OF THE CODE ENFORCEMENT BOARD FROM PEG NARLES, LLC, GRANTOR OF WORK ORDER NO. 18-00001, DATED JANUARY 20, 2018, AND RECORDED OCTOBER 14, 2019 IN DEED BOOK 5684, PAGE 47. REFERENCES THE PARENT PARCEL AND PARENT PARCEL OWNER. NOT T

DESIGNED	KEITH BARTON	SCALE	A
DRAWN	KEITH BARTON	DATE	DECEMBER
CHECKED	DAVE SHORT	PROJECT #	333

GENERAL NOTES:

- EVERY EFFORT HAS BEEN MADE IN THE CONSTRUCTION DOCUMENTS TO PROVIDE A COMPLETE SCOPE OF WORK, MINOR DISCREPANCIES IN THE DRAWINGS AND/OR SPECIFICATIONS SHALL NOT EXCUSE CONTRACTORS FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS.
2. BIDDING REQUIREMENTS
- a. PRIOR TO THE SUBMISSION OF BIDS, VISIT THE JOB SITE TO BECOME FAMILIAR WITH ALL CONDITIONS AFFECTING THE PROPOSED PROJECT, VISIT THE SITE WITH THE CONSTRUCTION DOCUMENTS TO VERIFY FIELD DIMENSIONS AND CONDITIONS TO CONFIRM THAT THE PROJECT WILL BE ACCOMPLISHED AS SHOWN.
- b. PROVIDE NOTIFICATION TO OWNER'S REPRESENTATIVE IN WRITING OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO SUBMISSION OF PRICE PROPOSAL. IN THE EVENT OF DISCREPANCIES, PRICE THE MORE COSTLY OR EXTENSIVE WORK, UNLESS DIRECTED OTHERWISE.
- c. WHEN TOWER IS OWNED BY A THIRD PARTY, CONTACT TOWER OWNER REPRESENTATIVE FOR PARTICIPATION IN BID WALK.
- d. WHERE ANCHORING TO A CONCRETE ROOF SLAB, CONFIRM (PRIOR TO SUBMITTING BID) THE PRESENCE OF POST TENSION TENDONS, INCLUDE PROVISIONS FOR X-RAY PROCEDURES TO LOCATE THE TENDONS PRIOR TO CONSTRUCTION.
3. DRAWINGS ARE NOT TO BE SCALED. WRITTEN DIMENSIONS TAKE PRECEDENCE. CONSTRUCTION DOCUMENTS ARE INTENDED FOR DIAGRAMMATIC PURPOSES ONLY, UNO.
4. FURNISH ALL MATERIALS, EQUIPMENT, LABOR, AND ANY REQUIREMENTS NECESSARY TO COMPLETE PROJECT AS DESCRIBED IN THE CONSTRUCTION DOCUMENTS.
5. SUPERVISE AND DIRECT THE PROJECT DESCRIBED IN THE CONSTRUCTION DOCUMENTS, PROVIDE ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
6. ALL WORK PERFORMED ON THE PROJECT AND MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES APPLICABLE TO THE WORK.
7. CONSTRUCTION COORDINATION REQUIREMENTS
- a. NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES PRIOR TO START OF WORK.
- b. OBTAIN ALL PERMITS. SCHEDULE AND COORDINATE ALL INSPECTIONS.
- c. PROVIDE, AT THE PROJECT SITE, A FULL, CURRENT SET OF CONSTRUCTION DOCUMENTS FOR USE BY ALL PERSONNEL INVOLVED WITH THE PROJECT.
- d. RECEIVE WRITTEN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DOCUMENTS.
- e. PERFORM WORK DURING OWNER'S PREFERRED HOURS TO AVOID DISTURBING NORMAL BUSINESS.
- f. PROVIDE FALL PROTECTION IN ACCORDANCE WITH FEDERAL, STATE, LOCAL, AND OWNER REQUIREMENTS.
- g. IF FAA LIGHTING AND MARKING IS PRESENT ON SITE AND IS POWERED BY ELECTRICAL SERVICE THAT IS TO BE INTERRUPTED, MAINTAIN THE NECESSARY LIGHTS DURING CONSTRUCTION AND NOTIFY THE PROPER AUTHORITIES IN THE EVENT OF A DISRUPTION.
- h. PROVIDE A PORTABLE FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A OR 2-A10BC WITHIN 75 FEET TRAVEL DISTANCE TO ALL PORTIONS OF PROJECT AREA DURING CONSTRUCTION.
- i. STRUCTURAL COMPONENTS OF ADJACENT FACILITIES SHALL NOT BE ALTERED BY THIS CONSTRUCTION PROJECT, UNO, ENSURE THAT EXCAVATION DOES NOT AFFECT ADJACENT STRUCTURES.
- j. SEAL ALL PENETRATIONS THROUGH FIRE-RATED AREAS WITH ULL LISTED OR FIRE MARSHALL-APPROVED MATERIALS, IF APPLICABLE.
- k. BURIED UTILITIES MAY EXIST IN THE AREA AND UTILITY INFORMATION SHOWN MAY NOT BE COMPLETE. CONTACT THE UTILITY LOCATE SERVICE A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION.
- l. COORDINATE ALL POWER INSTALLATION WITH POWER COMPANY AS REQUIRED, REPORT POWER INSTALLATION COORDINATION SOLUTION(S) TO OWNER'S REPRESENTATIVE.
- m. PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBING, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO CONSTRUCTION ON OR ABOUT THE PROPERTY.
- n. KEEP GENERAL WORK AREA CLEAN AND HAZARD FREE DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, AND RUBBISH. REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY OR PREMISES. SITE SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.
- o. MAINTAIN THE INTEGRITY OF THE BUILDING ENVELOPE AND CONSTRUCT BARRIERS IN THE AREA OF WORK TO PREVENT DAMAGE FROM WEATHER AS WELL AS FROM CONSTRUCTION DUST AND DEBRIS.
8. INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO MANUFACTURER'S SPECIFICATIONS, UNO, OR WHERE LOCAL CODES OR ORDINANCES DIRECT OTHERWISE.
9. ANY SUBSTITUTIONS OF MATERIALS AND/OR EQUIPMENT, MUST BE APPROVED BY OWNER'S REPRESENTATIVE.

10. DOCUMENT ALL CHANGES MADE IN THE FIELD BY MARKING UP THE APPROVED CONSTRUCTION DRAWINGS AND SUBMITTING THE REDLINED SET TO OWNER'S REPRESENTATIVE UPON COMPLETION. DOCUMENT ALL WORK PERFORMED WITH PHOTOGRAPHS TO BE SUBMITTED WITH REDLINED CONSTRUCTION DRAWINGS.
 11. PROVIDE SUPPORTS FOR CABLES TO THE ELEVATION OF ALL INITIAL AND FUTURE ANTENNAS IN ACCORDANCE WITH ALL MANUFACTURER'S REQUIREMENTS.
 12. A STRUCTURAL ANALYSIS AND A MOUNT ANALYSIS (IF REQUIRED) TO DETERMINE THE STRUCTURAL CAPACITY TO SUPPORT THIS PROPOSED EQUIPMENT WAS PERFORMED OUTSIDE THE SCOPE OF THIS PROJECT.
 13. CONFIRM THAT THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS, MOUNT ANALYSIS AND ANY ASSOCIATED MODIFICATIONS HAVE BEEN FOLLOWED AND COMPLETED AS REQUIRED TO SUPPORT THE EQUIPMENT ASSOCIATED WITH THIS PROJECT.
- SPECIAL INSPECTIONS:**
1. WHEN REQUIRED, PROVIDE SPECIAL INSPECTIONS PERFORMED BY AN INDEPENDENT INSPECTOR, APPROVED BY OWNER'S REPRESENTATIVE AND THE LOCAL JURISDICTION.
 2. THE SPECIAL INSPECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE OWNER'S REPRESENTATIVE, STRUCTURAL ENGINEER, CONTRACTOR, AND BUILDING OFFICIAL.

SPECIAL INSPECTIONS:

1. WHEN REQUIRED, PROVIDE SPECIAL INSPECTIONS PERFORMED BY AN INDEPENDENT INSPECTOR APPROVED BY OWNER'S REPRESENTATIVE AND THE LOCAL JURISDICTION.
2. THE SPECIAL INSPECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE OWNER'S REPRESENTATIVE, STRUCTURAL ENGINEER, CONTRACTOR, AND BUILDING OFFICIAL.

ABBREVIATIONS

A/C	AIR CONDITIONING		LBS	POUNDS
AFF	ABOVE FINISHED FLOOR		LTE	LONG TERM EVOLUTION
AGL	ABOVE GROUND LEVEL,		MAX	MAXIMUM
	ABOVE GRADE LEVEL	MECH		MECHANICAL
AWS	ADVANCED WIRELESS SERVICE		MTL	METAL
BBU	BATTERY BACKUP UNIT		MFR	MANUFACTURE
BLDG	BUILDING		MGR	MANAGER
BLK	BLOCKING		MIN	MINIMUM
CLG	CEILING		MISC	MISCELLANEOUS
CLR	CLEAR		NA	NOT APPLICABLE
CONC	CONCRETE		NIC	NOT IN CONTRACT
CONT	CONTINUOUS		NO	NUMBER
D	DEPTH		NTS	NOT TO SCALE
DBL	DOUBLE		OC	ON CENTER
DEG	DEGREE		OD	OUTSIDE DIAMETER
Ø, DIA	DIAMETER		PCS	PERSONAL COMMUNICATION
DIAG	DIAGONAL			SERVICE
DN	DOWN		PDU	POWER DISTRIBUTION UNIT
DET	DETAIL		PROJ	PROJECT
DWG	DRAWING		PROP	PROPERTY
E	EXISTING		PT	PRESSURE TREATED
EA	EACH		PVC	POLYVINYL CHLORIDE
ELEV, EL	ELEVATION		REQ	REQUIRED
ELEC	ELECTRICAL		RF	RADIO FREQUENCY
EQ	EQUAL		RM	ROOM
EQUIP	EQUIPMENT		RO	ROUGH OPENING
EXT	EXTERIOR		RRH	REMOTE RADIO HEAD
FF	FIBER INTERFACE FRAME,		SHT	SHEET
	FACILITY INTERFACE FRAME		SIM	SIMILAR
FIN	FINISH		SPEC	SPECIFICATION
FLUOR	FLUORESCENT		SF	SQUARE FOOT
FLR	FLOOR		SS	STAINLESS STEEL
FT	FOOT, FEET		STL	STEEL
GA	GAUGE		SUSP	SUSPENDED
GALV	GALVANIZED		TMA	TOWER MOUNTED AMPLIFIER
GC	GENERAL CONTRACTOR		TND	TINNED
GRND	GROUND		TYP	TYPICAL
GSM	GLOBAL SYSTEM MOBILE		UMTS	UNIVERSAL MOBILE
GYP	GYPSUM BOARD			TELECOMMUNICATION SERVICE
HORZ	HORIZONTAL		UNO	UNLESS NOTED
OTHERWISE				
HR	HOURL		VERT	VERTICAL
HT	HEIGHT		W/	WITH
ID	INSIDE DIAMETER		WO	WITHOUT
IN	INCH, INCHES		WCS	WIRELESS COMMUNICATION
INSUL	INSULATION			SERVICE
INT	INTERIOR		WP	WATER PROOF
L	LENGTH			

[illegible]

SITE NOTES:

1. CLEAR AND GRUB SITE OF ALL VEGETATION, PAVING, GRAVEL BASE AND OTHER DEBRIS NOT TO REMAIN. SUBGRADES ARE TO BE SET PRIOR TO LANDSCAPE INSTALLATION.
2. PROVIDE ELEVATION OF SUBGRADE WITHIN 0.10 FOOT OF ELEVATIONS SHOWN ON PLAN MINUS DEPTH OF TOPSOIL, FILL, AND MULCH.
3. ROUGH GRADE ALL AREAS WITHIN 1 FOOT OF ELEVATIONS INDICATED BEFORE PLANTING, PROVIDE POSITIVE DRAINAGE AWAY FROM EQUIPMENT SLABS, BUILDINGS AND THROUGH ALL PLANTER AREAS TO AVOID LOW SPOTS AND STANDING WATER.
4. REWORK (DRY, SCARIFY, ETC.) ALL MATERIAL NOT SUITABLE FOR SUB GRADE IN ITS PRESENT STATE. AFTER REWORKING, IF THE MATERIAL REMAINS UNSUITABLE, UNDERCUT AND REPLACE WITH SUITABLE MATERIAL AT CONTRACTOR'S EXPENSE. ALL SUB GRADES AND AGGREGATE BASE COURSES SHALL BE PROOF ROLLED WITH A FULLY LOADED TANDEM DUMP TRUCK, AND ANY SOFT SPOTS SHALL BE REWORKED OR REPLACED UNTIL PASSING PROOF ROLL.
5. BLEND NEW GRADES NATURALLY INTO EXISTING GRADES.
6. MAINTAIN POSITIVE DRAINAGE ON THE SITE AT ALL TIMES, INCLUDING KEEPING ALL EXISTING AND NEW DITCHES, PIPES AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION. ANY DAMAGE RESULTING FROM FAILURE TO COMPLY SHALL BE REMEDIED BY CONTRACTOR
7. IF REQUIRED, MAINTAIN CONTINUOUS EROSION CONTROL ON THE DOWNSTREAM SIDE OF THE SITE.
8. IN LANDSCAPE AREAS, FINISH GRADES ARE TO FOLLOW THE GRADES AND EDGE DETAILS INDICATED AND BE MOUNDED 6 INCHES IN THE CENTER OF THE BED ABOVE THE EDGE OF THE LANDSCAPE AREA,
9. DO NOT PLACE FILL OR EMBANKMENT MATERIAL ON FROZEN GROUND. DO NOT PLACE FROZEN MATERIALS, SNOW OR ICE IN ANY FILL OR EMBANKMENT .
10. NOTIFY OWNER'S REPRESENTATIVE IF MODIFICATIONS TO THE PROPOSED GRADING SEEM NECESSARY AND OBTAIN APPROVAL PRIOR TO START OF WORK.
11. FOOTINGS SHALL BEAR ON FIRM, NATURAL, UNDISTURBED SOIL, OR ON ENGINEERED FILL (COMPACTED TO 95% ASTM D698), ENSURE THAT EXCAVATIONS ARE FREE OF ORGANIC MATERIAL, DEBRIS, OR OTHER FOREIGN MATERIAL. NOTIFY OWNER'S REPRESENTATIVE IF ANY UNUSUAL CONDITIONS ARE ENCOUNTERED.
12. FILL AND SLAB BASE MATERIAL SHALL BE 3/4" MINIMUM CRUSHED ROCK PLACED IN 8" (MAXIMUM) LOOSE LIFTS AND COMPACTED TO 98% ASTM D698.

CONCRETE NOTES:

- | | | | |
|---|--|--|--------|
| CONCRETE AND REINFORCING SHALL CONFORM TO THE FOLLOWING REQUIREMENTS: | | | |
| CONCRETE CONSTRUCTION | ACI 318 | | |
| CEMENT | ASTM C150, PORTLAND CEMENT TYPE II, UNO | | |
| REINFORCING STEEL | ASTM A615 (INCLUDING SUPPLEMENT S1), GRADE 60,
fy=60 Ksi, UNO | | |
| WELDED WIRE FABRIC | ASTM A185 | | |
| SPIRAL REINFORCEMENT | ASTM A156, GRADE 60, fy=60 KSI | | |
| ANCHOR BOLTS | ASTM A307 | | |
| GRADE 60 REBAR WELDING | ASTM A706 | | |
| <p>NOTES: ANY BARS SO NOTED ON THE DRAWINGS SHALL BE GRADE 60, fy=60 KSI, REINFORCING. COMPLYING WITH ASTM A615(S1) MAY BE WELDED ONLY IF MATERIAL PROPERTY REPORTS INDICATING CONFORMANCE WITH WELDING PROCEDURES SPECIFIED IN A.W.S., D14 ARE SUBMITTED.</p> | | | |
| 2. CONCRETE PROTECTION (COVER) FOR REINFORCING STEEL SHALL BE AS FOLLOWS: | | | |
| FOOTINGS AND OTHER UNFORMED SURFACES, EARTH FACE | | | 3" |
| FORMED SURFACES EXPOSED TO EARTH OR WEATHER | (≥ #6 BARS) | | 2" |
| FORMED SURFACES EXPOSED TO EARTH OR WEATHER | (≤ #5 BARS) | | 1-1/2" |
| SLABS AND WALLS | (INTERIOR FACE) | | 3/4" |
| 3. AIR ENTRAIN ALL CONCRETE WITH SURFACES EXPOSED TO WEATHER WITH AN AIR-ENTRAINING AGENT CONFORMING TO ASTM C260, C494, C618, C899 AND C1017, AIR ENTRAIN CONCRETE EXPOSED TO FREEZING AND THAWING WHILE MOIST IN ACCORDANCE WITH ACI 318, SECTION 4.4. | | | |
| 4. DETAIL REINFORCING STEEL (INCLUDING HOOKS AND BENDS) IN ACCORDANCE WITH ACI 315 AND 318, LAP ALL CONTINUOUS REINFORCEMENT AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2'-0" PROVIDE CORNER BARS AT ALL WALL AND FOOTING INTERSECTIONS, LAP CORNER BARS AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2'-0", LAP ADJACENT MATS OF WELDED WIRE FABRIC A MINIMUM OF 8" AT SIDES AND ENDS. | | | |
| 5. PERFORM WELDING OF GRADE 60 REINFORCING BARS (IF REQUIRED) USING LOW HYDROGEN ELECTRODES, PERFORM WELDING OF GRADE 40 REINFORCING BARS (IF REQUIRED) USING E70 X-X ELECTRODES, DO NOT WELD WITHIN 4" OF COLD BENDS IN REINFORCING STEEL. | | | |
| 6. DO NOT FIELD BEND REINFORCING PARTIALLY EMBEDDED IN CONCRETE UNLESS SPECIFICALLY SO DETAILED OR APPROVED BY THE ENGINEER. | | | |
| 7. SUPPORT BARS ON CHAIRS OR DOBBIE BRICKS. | | | |
| 8. FURNISH NON-SHRINK GROUT BY AN APPROVED MANUFACTURER, MIX AND PLACE IN STRICT ACCORDANCE WITH THE MANUFACTURER'S PUBLISHED RECOMMENDATIONS, GROUT STRENGTH SHALL BE AT LEAST EQUAL TO THE MATERIAL ON WHICH IT IS PLACED (3 KSI, MINIMUM). | | | |
| 9. ALL EXPANSION ANCHORS TO BE HILTI BRAND, UNO, TEST ADHESIVE ANCHORS TO CONFIRM CAPACITY UNLESS WAIVED BY ENGINEER AND LOCAL JURISDICTION. | | | |

STRUCTURAL STEEL NOTES:

1. STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

WDE FLANGE SHAPES	ASTM A992, GRADE 50
SHAPES, FLANGES, ANGLES, & RODS	ASTM A36, Fy 36 KSI
SPECIAL SHAPES AND PLATES	ASTM A572, Fy 50 KSI
PIPE COLUMNS	ASTM A53, Fy 35 KSI
STRUCTURAL TUBING	ASTM A500, Fy 46KSI
ANCHOR BOLTS	ASTM A307
CONNECTION BOLTS	ASTM A325 TWIST-OFF
2. BASE STRUCTURAL STEEL DESIGN, FABRICATION AND ERECTION (INCLUDING FIELD WELDING, HIGH STRENGTH FIELD BOLTING, EXPANSION BOLTS, AND THREADED EXPANSION ANCHORS) ON THE AISI "SPECIFICATION FOR THE DESIGN, FABRICATION, AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS" LATEST EDITION.
3. HOT DIP GALVANIZE AFTER FABRICATION PER A123/A123M-00 ALL STEEL EXPOSED TO WEATHER AND WHEN NOTED.
4. CONFORM TO ALL AISI AND AWS STANDARDS FOR WELDING. PERFORM WELDING BY ANSI/AWS D.1.1 CERTIFIED WELDERS USING E70 XX ELECTRODES, USE ONLY PRE-QUALIFIED WELDS AS DEFINED BY AWS.
5. PROVIDE COLD-FORMED STEEL FRAMING MEMBERS OF THE SHAPE, SIZE, AND GAGE SHOWN ON THE PLANS. PROVIDE MINIMUM SECTION PROPERTIES INDICATED. ALL COLD-FORMED STEEL FRAMING SHALL CONFORM TO THE AISI "SPECIFICATION FOR THE DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS."
6. FOR BOLTED CONNECTIONS, USE 3/4" DIA., BEARING-TYPE, A325 BOLTS WITH A MINIMUM OF TWO BOLTS, UNO.
7. FOR NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING, USE 5/8" DIA, A307 BOLTS, UNO.
8. PREPARE AND PAINT IN ACCORDANCE WITH THE PAINT MANUFACTURERS WRITTEN INSTRUCTIONS, UNO.
9. TOUCH UP ALL FIELD DRILLING, WELDING AND CUT SURFACES WITH 2 COATS OF GALVALCOA (ZINC RICH PAINT) OR APPROVED EQUAL.

PROJECT INFORMATION:

1. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.
2. THIS IS AN UNMANNED FACILITY AND WILL BE USED FOR THE TRANSMISSION OF RADIO SIGNALS FOR THE PURPOSE OF PROVIDING PUBLIC CELLULAR SERVICE.
3. CITYSWITCH CERTIFIES THAT THIS EQUIPMENT FACILITY WILL BE SERVICED ONLY BY CITYSWITCH EMPLOYEES AND SUBCONTRACTORS AND THE WORK ASSOCIATED WITH ANY EQUIPMENT CANNOT BE PERFORMED BY HANDICAPPED PERSONS. THIS FACILITY WILL BE FREQUENTED ONLY BY SERVICE PERSONNEL FOR REPAIR PURPOSES ONLY.
4. NO POTABLE WATER SUPPLY IS TO BE PROVIDED AT THIS LOCATION.
5. NO WASTEWATER WILL BE GENERATED AT THIS LOCATION.
6. CONTRACTOR SHALL NOTIFY OWNER FOR ACCESS TO THE SITE.
7. INSTALLATION OF PROPOSED TOWER WITH ANTENNAS, RADIOS AND LINES IN A PROPOSED COMMUNICATION FACILITY WITH SHELTER AND GENERATOR.

DESIGN CRITERIA

DESIGN WIND SPEED: 161 MPH (ULTIMATE, 3-SECOND GUST)

EXPOSURE: C

RISK CATEGORY: II

750 PARK BLVD
T
5901

FDH
ENR
FDH
6021 NE
PRODR

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REV	DATE
0	09/06/2023

33634
3RD DR, SUITE 200
N, FL 33647
obile
1 CENTER DR.
10 A-B
FL 33634

ASTRUCURE
SERVICES
INNOVATION
IE SERVICES, LLC
ALEIGH, NC 27115
FAX: 315-575-0313

TAINTED IN THIS SET OF DRAWINGS BY NATURE. NO TO BE REPRODUCED OF THESE DRAWINGS OF FDH IS PROHIBITED.

ITALS

DESCRIPTION	BY	CHKD
SECTION	ZK & AV	JRB





09/06/23

DENNIS D. ABEL
FDH INFRASTRUCTURE
COA 28282
STATE LICENSE

SERVICES, LLC
0
NUMBER:
7228
ID:
-7040
NAME:
EQUILA
SITE ID:
1102
ESS:
TREET SW
FL 34117
TITLE:
. NOTES
NUMBER:
I-2

GENERAL

A. CONTRACTOR SHALL INSPECT THE EXISTING SITE CONDITIONS PRIOR TO SUBMITTING BID. ANY QUESTIONS ARISING DURING THE BID PERIOD IN REGARD TO THE CONTRACTORS FUNCTIONS, THE SCOPE OF WORK, OR ANY OTHER ISSUE RELATED TO THE PROJECT SHALL BE SUBMITTED TO THE CONSTRUCTION MANAGER IN WRITING FOR CLARIFICATION PRIOR TO SUBMITTAL OF BID AND CONTRACT AWARD.

B. THE CONTRACTOR SHALL OBTAIN PERMITS, LICENSES, MAKE ALL DEPOSITS, AND PAY ALL FEES REQUIRED FOR THE CONSTRUCTION OF WORK UNDER THIS SECTION.

C. DRAWINGS SHOW THE GENERAL ARRANGEMENT OF ALL SYSTEMS AND COMPONENTS COVERED UNDER THIS SECTION. THE CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS. DRAWINGS SHALL NOT BE SCALED TO DETERMINE DIMENSIONS.

A. ALL WORK SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC), AND ALL APPLICABLE LOCAL LAWS, REGULATIONS, ORDINANCES, STATUTES AND CODES, CONDUIT BENDS SHALL BE THE RADIUS BEND FOR THE TRADE SIZE OF CONDUIT IN COMPLIANCE WITH THE LATEST EDITIONS OF NEC.

A. THE PUBLICATIONS LISTED BELOW ARE PART OF THIS SPECIFICATION. EACH PUBLICATION SHALL BE THE LATEST REVISION AND ADDENDUM IN EFFECT ON THE DATE. THIS SPECIFICATION IS ISSUED FOR CONSTRUCTION UNLESS OTHERWISE NOTED, EXCEPT AS MODIFIED BY THE REQUIREMENT SPECIFIED HEREIN OR THE DETAILS OF THE DRAWINGS. WORK INCLUDED IN THIS SPECIFICATION SHALL CONFORM TO THE APPLICABLE PROVISION OF THESE PUBLICATIONS.

1. ANSII/IEEE (AMERICAN NATIONAL STANDARDS INSTITUTE)
2. ASTM (AMERICAN SOCIETY FOR TESTING AND MATERIALS)
3. ICEA (INSULATED CABLE ENGINEERS ASSOCIATION)
4. NEMA (NATIONAL ELECTRICAL MANUFACTURER'S ASSOCIATION)
5. NFPA (NATIONAL FIRE PROTECTION ASSOCIATION)
6. OSHA (OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION)
7. UL (UNDERWRITERS LABORATORIES, INC.)
8. CARRIER GROUNDING AND BONDING STANDARDS, LATEST EDITION, AND COMPLY WITH CARRIER GROUNDING CHECKLIST, LATEST VERSION

A. WORK UNDER THIS SECTION SHALL CONSIST OF FURNISHING ALL LABOR, MATERIAL, AND ASSOCIATED SERVICES REQUIRED TO COMPLETE REQUIRED CONSTRUCTION AND BE OPERATIONAL.

B. ALL ELECTRICAL EQUIPMENT UNDER THIS CONTRACT SHALL BE PROPERLY TESTED, ADJUSTED, AND ALIGNED BY THE CONTRACTOR.

C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EXCAVATING, DRAINING OF TRENCHES, BACKFILLING, AND REMOVAL OF EXCESS DIRT.

D. THE CONTRACTOR SHALL PREPARE A COMPLETE SET OF AS-BUILT DRAWINGS, DOCUMENT ALL WIRING EQUIPMENT CONDITIONS, AND CHANGES WHILE COMPLETING THIS CONTRACT, THE AS-BUILT DRAWINGS SHALL BE SUBMITTED AT COMPLETION OF THE PROJECT.

GENERAL:

- A. ALL MATERIALS AND EQUIPMENT SHALL BE UL LISTED, NEW, AND FREE FROM DEFECTS.
- B. ALL ITEMS OF MATERIALS AND EQUIPMENT SHALL BE ACCEPTABLE TO THE AUTHORITY HAVING JURISDICTION AS SUITABLE FOR THE USE INTENDED.
- C. ALL EQUIPMENT SHALL BEAR THE UNDERWRITERS LABORATORIES LABEL OF APPROVAL, AND SHALL CONFORM TO REQUIREMENT OF THE NATIONAL ELECTRICAL CODE.
- D. ALL OVERCURRENT DEVICES SHALL HAVE AN INTERRUPTING CURRENT RATING EQUAL TO OR GREATER THAN THE SHORT CIRCUIT CURRENT AVAILABLE. 10,000 AC MINIMUM, VERIFY AVAILABLE SHORT CIRCUIT CURRENT DOES NOT EXCEED THE RATING OF ELECTRICAL EQUIPMENT.

A. CONDUIT:

1. RIGID METAL CONDUIT (RMC) SHALL BE HOT-DIPPED GALVANIZED INSIDE AND OUTSIDE INCLUDING ENDS AND THREADS AND ENAMELED OR LAQUERED INSIDE IN ADDITION TO GALVANIZING.
2. LIQUID TIGHT FLEXIBLE METAL CONDUIT (LFMC) SHALL BE UL LISTED.
3. CONDUIT CLAMPS, STRAPS AND SUPPORTS SHALL BE STEEL OR MALLEABLE IRON. ALL FITTINGS SHALL BE COMPRESSION AND CONCRETE TIGHT TYPE.
4. NONMETALLIC CONDUIT AND FITTINGS SHALL BE SCHEDULE 40 PVC UNLESS SCHEDULE 80 PVC IS SPECIFIED. INSTALL USING SOLVENT-CEMENT-TYPE JOINTS AS RECOMMENDED BY THE MANUFACTURER.

1. CONDUCTORS AND CABLE SHALL BE FLAME-RETARDANT, MOISTURE AND HEAT RESISTANT THERMOPLASTIC, SINGLE CONDUCTOR, COPPER, TYPE THHN/THWN-2, 600 VOLT, SIZE AS INDICATED, #12 AWG SHALL BE THE MINIMUM SIZE CONDUCTOR USED.
2. #10 AWG AND SMALLER CONDUCTOR SHALL BE SOLID OR STRANDED AND #8 AWG AND LARGER CONDUCTORS SHALL BE STRANDED.
3. SOLDERLESS, COMPRESSION-TYPE CONNECTORS SHALL BE USED FOR TERMINATION OF ALL STRANDED CONDUCTORS.
4. STRAIN-RELIEF SUPPORTS GRIPS SHALL BE HUBBELL KELLEMS OR APPROVED EQUAL. CABLES SHALL BE SUPPORTED IN ACCORDANCE WITH THE NEC AND CABLE MANUFACTURER'S RECOMMENDATIONS.
5. ALL CONDUCTORS SHALL BE TAGGED AT BOTH ENDS OF THE CONDUCTOR, AT ALL PULL BOXES, J-BOXES, EQUIPMENT AND CABINETS AND SHALL BE IDENTIFIED WITH APPROVED PLASTIC TAGS (ACTION CART, BRADY, OR APPROVED EQUAL).

1. DISCONNECT SWITCHES SHALL BE HEAVY DUTY, DEAD-FRONT, QUICK-MAKE, QUICK-BREAK, EXTERNALLY OPERABLE, HANDLE LOCKABLE AND INTERLOCK WITH COVER IN CLOSED POSITION, RATING AS INDICATED, UL LABELED FURNISHED IN NEMA 3R ENCLOSURE, SQUARE-D OR ENGINEER APPROVED EQUAL.

1. ALL GROUNDING COMPONENTS SHALL BE TINNED AND GROUNDING CONDUCTOR SHALL BE #2 AWG BARE, SOLID, TINNED, COPPER, ABOVE GRADE GROUNDING CONDUCTORS SHALL BE INSULATED WHERE NOTED,

2. GROUNDING BUSES SHALL BE BARE, TINNED ANNEALED COPPER BARS OF RECTANGULAR CROSS SECTION, STANDARD BUS BARS MGB, SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR, THEY SHALL NOT BE FABRICATED OR MODIFIED IN THE FIELD, ALL GROUNDING BUSES SHALL BE IDENTIFIED WITH MINIMUM 3/4" LETTERS BY WAY OF STENCILING OR DESIGNATION PLATE.
3. CONNECTORS SHALL BE HIGH-CONDUCTIVITY, HEAVY DUTY, LISTED AND LABELED AS GROUNDING CONNECTORS FOR THE MATERIALS USED, USE TWO-HOLE COMPRESSION LUGS WITH HEAT SHRINK FOR MECHANICAL CONNECTIONS, INTERIOR CONNECTIONS USE TWO-HOLE COMPRESSION LUGS WITH INSPECTION WINDOW AND CLEAR HEAT SHRINK.
4. EXOTHERMIC WELDED CONNECTIONS SHALL BE PROVIDED IN KIT FORM AND SELECTED FOR THE SPECIFIC TYPES, SIZES, AND COMBINATIONS OF CONDUCTORS AND OTHER ITEMS TO BE CONNECTED.
5. GROUND RODS SHALL BE COPPER-CLAD STEEL WITH HIGH-STRENGTH STEEL CORE AND ELECTROLYTIC-GRADE COPPER OUTER SHEATH, MOLTEN WELDED TO CORE, 5/8"x10'-0". ALL GROUNDING RODS SHALL BE INSTALLED WITH INSPECTION SLEEVES.
6. INSTALL AN EQUIPMENT GROUNDING CONDUCTOR IN ALL CONDUITS IN COMPLIANCE WITH THE CARRIER SPECIFICATIONS AND NEC, THE EQUIPMENT GROUNDING CONDUCTORS SHALL BE BONDED TO ALL METALLIC JUNCTION BOXES, PULLBOXES, DISCONNECT SWITCHES, STARTERS, AND EQUIPMENT.

1. THE CONTRACTOR SHALL PROVIDE OTHER MATERIALS, THOUGH NOT SPECIFICALLY DESCRIBED, WHICH ARE REQUIRED FOR A COMPLETELY OPERATIONAL SYSTEM AND PROPER INSTALLATION OF THE WORK.

2. PROVIDE PULL BOXES AND JUNCTION BOXES WHERE SHOWN OR REQUIRED BY NEC.

1. ALL PANEL LABELS AND SCHEDULES SHALL BE TYPEWRITTEN.

GENERAL:

A. ALL MATERIAL AND EQUIPMENT SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

- B. EQUIPMENT SHALL BE TIGHTLY COVERED AND PROTECTED AGAINST DIRT OR WATER, AND AGAINST CHEMICAL OR MECHANICAL INJURY DURING INSTALLATION AND CONSTRUCTION PERIODS.

A. ALL LABOR FOR THE INSTALLATION OF MATERIALS AND EQUIPMENT FURNISHED FOR THE ELECTRICAL SYSTEM SHALL BE INSTALLED BY EXPERIENCED WIREMEN, IN A NEAT AND WORKMAN-LIKE MANNER.

- B. ALL ELECTRICAL EQUIPMENT SHALL BE ADJUSTED, ALIGNED AND TESTED BY THE CONTRACTOR AS REQUIRED TO PRODUCE THE INTENDED PERFORMANCE.

- C. UPON COMPLETION OF WORK, THE CONTRACTOR SHALL THOROUGHLY CLEAN ALL EXPOSED EQUIPMENT, REMOVE ALL LABELS AND ANY DEBRIS, CRATING OR CARTONS AND LEAVE THE INSTALLATION FINISHED AND READY FOR OPERATION.

COORDINATION:

A. THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF ELECTRICAL ITEMS WITH THE OWNER-FURNISHED EQUIPMENT DELIVERY SCHEDULE TO PREVENT UNNECESSARY DELAYS IN THE TOTAL WORK.

INSTALLATION:

A. CONDUIT:

1. ALL ELECTRICAL WIRING SHALL BE INSTALLED IN CONDUIT AS SPECIFIED, NO CONDUIT OR TUBING OF LESS THAN 3/4 INCH TRADE SIZE.
2. PROVIDE RIGID PVC SCHEDULE 80 CONDUITS FOR ALL RISERS, OR WHERE RIGID OTHERWISE NOTED.
3. INSTALL SCHEDULE 40 PVC CONDUIT WITH A MINIMUM COVER OF 24" UNDER ROADWAYS, PARKING LOTS, STREETS, AND ALLEYS, CONDUIT SHALL HAVE A MINIMUM COVER OF 18" IN ALL OTHER NON-TRAFFIC APPLICATIONS (REFER TO 2017 NEC, TABLE 300.5).
4. USE GALVANIZED FLEXIBLE STEEL CONDUIT WHERE DIRECT CONNECTION TO EQUIPMENT WITH MOVEMENT, VIBRATION, OR FOR EASE OF MAINTENANCE, USE LIQUID TIGHT, FLEXIBLE METAL CONDUIT FOR OUTDOOR APPLICATIONS, INSTALL GALVANIZED FLEXIBLE STEEL CONDUIT AT ALL POINTS OF CONNECTION TO EQUIPMENT MOUNTED ON SUPPORT TO ALLOW FOR EXPANSION AND CONTRACTION.
5. A RUN OF CONDUIT BETWEEN BOXES OR EQUIPMENT SHALL NOT CONTAIN MORE THAN THE EQUIVALENT OF THREE 90 DEGREE BENDS MAX, CONDUIT BEND SHALL BE MADE WITH THE UL LISTED BENDER OR FACTORY 90 DEGREE ELBOWS MAY BE USED.
6. FIELD FABRICATED CONDUITS SHALL BE CUT SQUARE WITH A CONDUIT CUTTING TOOL AND RAINED TO PROVIDE A SMOOTH INSIDE SURFACE.
7. PROVIDE INSULATED GROUNDING BUSHING FOR ALL CONDUITS.
8. CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL CONDUITS DURING CONSTRUCTION, TEMPORARY OPENINGS IN THE CONDUIT SYSTEM SHALL BE PLUGGED OR CAPPED TO PREVENT INTRUSION OF MOISTURE OR FOREIGN MATTER, CONTRACTOR SHALL REPLACE ANY CONDUITS CONTAINING FOREIGN MATERIALS THAT CANNOT BE REMOVED.
9. ALL CONDUITS SHALL BE SWABBED CLEAN BY PULLING AN APPROPRIATE SIZE MANDREL THROUGH THE CONDUIT BEFORE INSTALLATION OF CONDUCTORS OR CABLES, CONDUIT SHALL BE FREE OF DIRT AND DEBRIS.
10. INSTALL PULL STRINGS IN ALL CLEAN EMPTY CONDUITS, IDENTIFY PULL STRINGS AT EACH END.
11. INSTALL 2" HIGHLY VISIBLE AND DETECTABLE TAPE 12" ABOVE ALL UNDERGROUND CONDUITS AND CONDUCTORS.
12. CONDUITS SHALL BE INSTALLED IN SUCH A MANNER AS TO INSURE AGAINST COLLECTION OF TRAPPED CONDENSATION.
13. PROVIDE CORE DRILLING AS NECESSARY FOR PENETRATIONS TO ALLOW FOR RACEWAYS AND CABLES TO BE ROUTED THROUGH THE BUILDING, DO NOT PENETRATE STRUCTURAL MEMBERS AND/OR SLEEVES, PENETRATIONS IN FIRE RATED CONSTRUCTION SHALL BE EFFECTIVELY SEALED WITH FIRE RATED MATERIAL WHICH SHALL MAINTAIN THE FIRE RATING OF THE WALL OR STRUCTURE, FIRE STOPS AT FLOOR PENETRATIONS SHALL PREVENT PASSAGE OF WATER, SMOKE, FIRE, AND FUMES, ALL MATERIAL SHALL BE UL APPROVED FOR THE PURPOSE.

B. CONDUCTORS AND CABLE:

1. **SPLICES SHALL BE MADE ONLY AT OUTLETS, JUNCTION BOXES, OR ACCESSIBLE RACEWAY CONDUITS APPROVED FOR THIS PURPOSE.**
2. **PULLING LUBRICANTS SHALL BE UL APPROVED. CONTRACTOR SHALL USE NYLON OR HEMP ROPE FOR PULLING CONDUCTOR OR CABLES INTO THE CONDUIT.**
3. **CABLES SHALL BE NEATLY TRAINED, WITHOUT INTERLACING, AND BE OF SUFFICIENT LENGTH IN ALL BOXES AND EQUIPMENT TO PERMIT MAKING A NEAT ARRANGEMENT. CABLES SHALL BE SECURED IN A MANNER TO AVOID TENSION ON CONDUCTORS OR TERMINALS. CONDUCTORS SHALL BE PROTECTED FROM MECHANICAL INJURY AND MOISTURE. SHARP BENDS OVER CONDUIT BUSHINGS IS PROHIBITED. DAMAGED CABLES SHALL BE REMOVED AND REPLACED AT THE CONTRACTOR'S EXPENSE.**

C. DISCONNECT SWITCHES:

1. INSTALL DISCONNECT SWITCHES LEVEL AND PLUMB. CONNECT TO WIRING SYSTEM AND GROUNDING SYSTEM AS INDICATED.

D. GROUNDING:

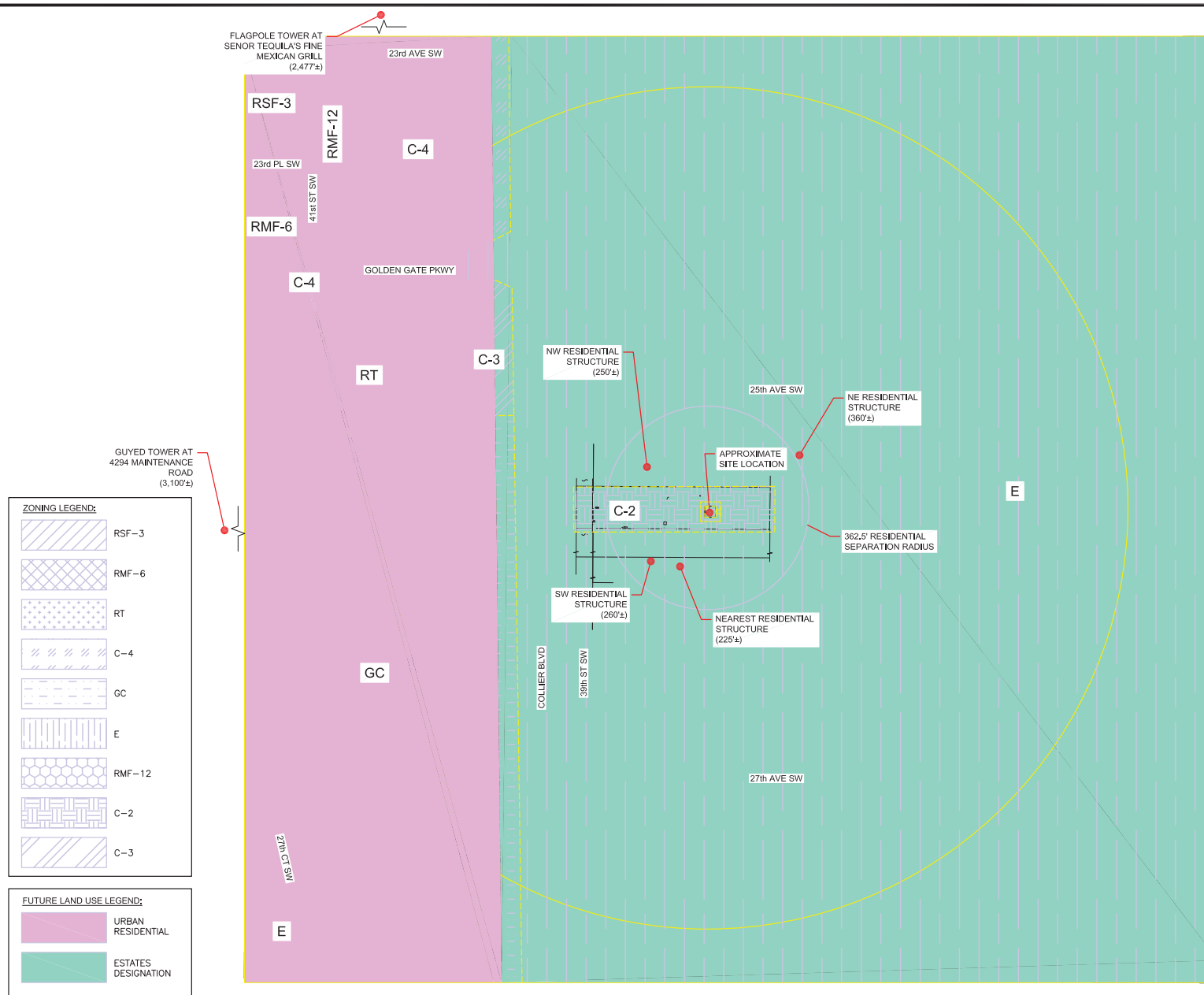
1. ALL METALLIC PARTS OF ELECTRICAL EQUIPMENT WHICH DO NOT CARRY CURRENT SHALL BE GROUNDED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING MANUFACTURER, CARRIER GROUNDING AND BONDING STANDARDS, LATEST EDITION, AND COMPLY WITH CARRIER GROUNDING CHECKLIST, LATEST VERSION, AND THE NATIONAL ELECTRICAL CODE.
2. PROVIDE ELECTRICAL GROUNDING AND BONDING SYSTEM INDICATED WITH ASSEMBLY OF MATERIALS, INCLUDING GROUNDING ELECTRODES, BONDING JUMPERS AND ADDITIONAL ACCESSORIES AS REQUIRED FOR A COMPLETE INSTALLATION.

5. ALL GROUNDING CONDUCTORS SHALL PROVIDE A STRAIGHT DOWNWARD PATH TO GROUND WITH GRADUAL BEND AS REQUIRED. GROUNDING CONDUCTORS SHALL NOT BE LOOPEO OR SHARPLY BENT. ROUTE GROUNDING CONNECTIONS AND CONDUCTORS TO GROUND IN THE SHORTEST AND STRAIGHTEST PATHS POSSIBLE TO MINIMIZE TRANSIENT VOLTAGE RISES.
6. BUILDINGS AND/OR NEW TOWERS GREATER THAN 75 FEET IN HEIGHT AND WHERE THE MAIN GROUNDING CONDUCTORS ARE REQUIRED TO BE ROUTED TO GRADE, THE CONTRACTOR SHALL ROUTE TWO GROUNDING CONDUCTORS FROM THE ROOFTOP, TOWER, AND WATER TOWERS GROUNDING RING, TO THE EXISTING GROUNDING SYSTEM. THE GROUNDING CONDUCTORS SHALL NOT BE SMALLER THAN 20 AWG COPPER. ROOFTOP GROUNDING RING SHALL BE BONDED TO THE EXISTING GROUNDING SYSTEM, THE BUILDING STEEL, COLUMNS, LIGHTNING PROTECTION SYSTEM, AND BUILDING MAIN WATER LINE (FERROUS OR NONFERROUS METAL PIPING ONLY). SEE STANDARD 6.3.2.2.
7. TIGHTEN GROUNDING AND BONDING CONNECTORS, INCLUDING SCREWS AND BOLTS, IN ACCORDANCE WITH MANUFACTURER'S PUBLISHED TORQUE TIGHTENING VALUES FOR CONNECTORS AND BOLTS, WHERE MANUFACTURER'S TIGHTENING REQUIREMENTS ARE NOT AVAILABLE, TIGHTEN CONNECTIONS TO COMPLY WITH TIGHTENING TORQUE VALUES SPECIFIED IN UL TO ASSURE PERMANENT AND EFFECTIVE GROUNDING.
8. CONTRACTOR SHALL VERIFY THE LOCATIONS OF GROUNDING TIE-POINTS TO THE EXISTING GROUNDING SYSTEM. ALL UNDERGROUND GROUNDING CONNECTIONS SHALL BE MADE BY THE EXOTHERMIC WELD PROCESS AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
9. ALL GROUNDING CONNECTIONS SHALL BE INSPECTED FOR TIGHTNESS, EXOTHERMIC WELDED CONNECTIONS SHALL BE APPROVED BY THE INSPECTOR HAVING JURISDICTION BEFORE BEING PERMANENTLY CONCEALED.
10. APPLY CORROSION-RESISTANT FINISH TO FIELD CONNECTIONS AND PLACES WHERE FACTORY APPLIED PROTECTIVE COATINGS HAVE BEEN DESTROYED. USE KOPR-SHIELD ANTI-OXIDATION COMPOUND ON ALL COMPRESSION GROUNDING CONNECTIONS.
11. A SEPARATE, CONTINUOUS, INSULATED EQUIPMENT GROUNDING CONDUCTOR SHALL BE INSTALLED IN ALL FEEDER AND BRANCH CIRCUITS.
12. BOND ALL INSULATED GROUNDING BUSHINGS WITH A BARE #6 AWG GROUNDING CONDUCTOR TO A GROUND BUS.
13. DIRECT BURIED GROUNDING CONDUCTORS SHALL BE INSTALLED AT A NOMINAL DEPTH OF 30" MINIMUM BELOW GRADE, OR 6" BELOW THE FROST LINE, USE THE GREATER OF THE TWO DISTANCES.
14. ALL GROUNDING CONDUCTORS EMBEDDED IN OR PENETRATING CONCRETE SHALL BE INSTALLED IN SCHEDULE 40 PVC CONDUIT.
15. DRIVE GROUND RODS UNTIL TOPS ARE A MINIMUM DISTANCE OF 30" DEPTH OR 6" BELOW FROST LINE, USING THE GREATER OF THE TWO DISTANCES.
16. CONTRACTOR SHALL REPAIR, AND/OR REPLACE, EXISTING GROUNDING SYSTEM COMPONENTS DAMAGED DURING CONSTRUCTION AT THE CONTRACTORS EXPENSE.

ACCEPTANCE TESTING:

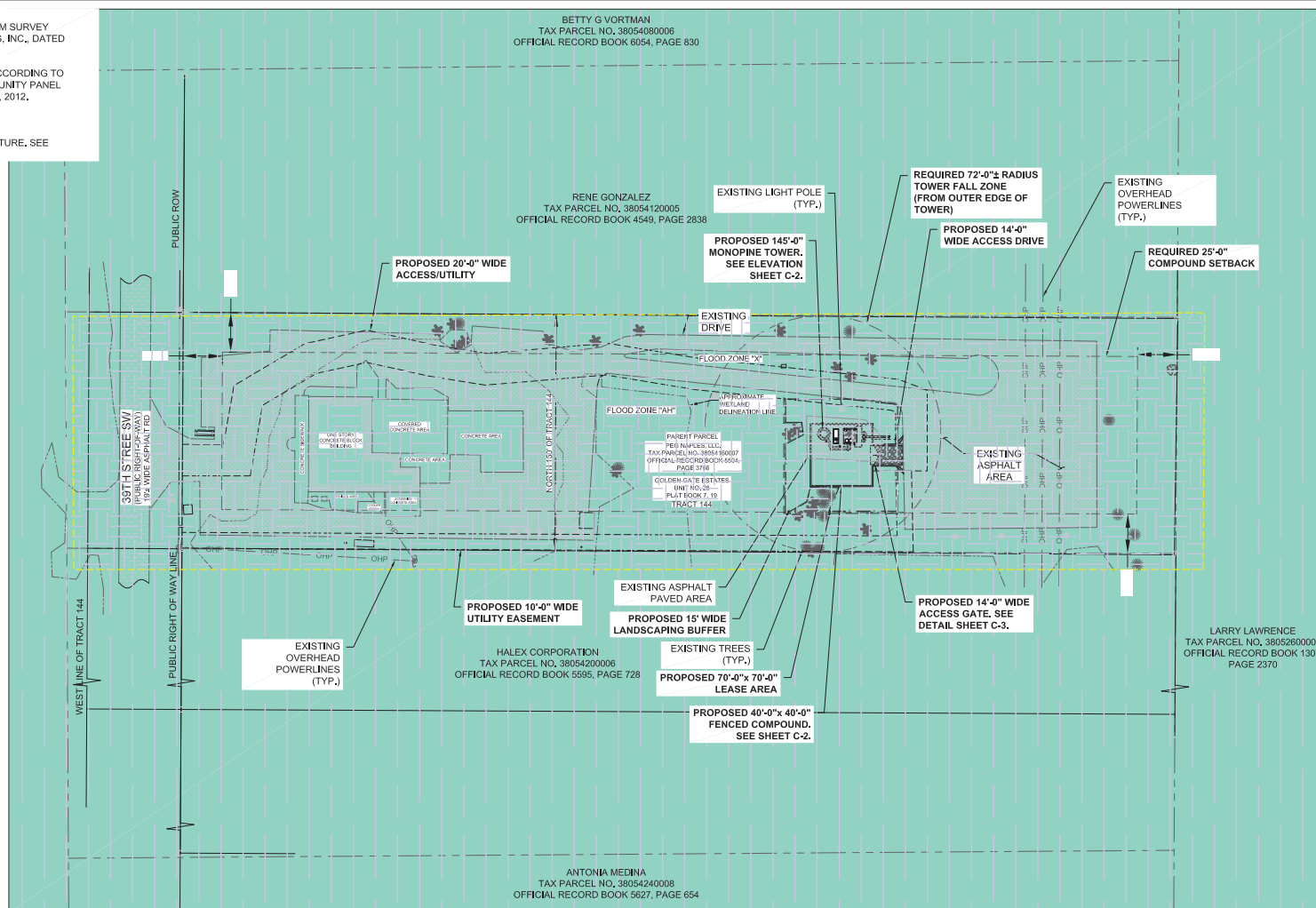
- A. CERTIFIED PERSONNEL USING CERTIFIED EQUIPMENT SHALL PERFORM REQUIRED TESTS AND SUBMIT WRITTEN TEST REPORTS UPON COMPLETION.
- B. WHEN MATERIAL AND/OR WORKMANSHIP IS FOUND NOT TO COMPLY WITH THE SPECIFIED REQUIREMENTS, THE NON-COMPLYING ITEMS SHALL BE REMOVED FROM THE PROJECT SITE AND REPLACED WITH ITEMS COMPLYING WITH THE SPECIFIED REQUIREMENTS PROMPTLY AFTER RECEIPT OF NOTICE FOR NON-COMPLIANCE.
- C. TEST PROCEDURES:
1. ALL FEEDERS SHALL HAVE INSULATION TESTED AFTER INSTALLATION. BEFORE CONNECTION TO DEVICES, THE CONDUCTORS SHALL TEST FREE FROM SHORT CIRCUITS AND GROUNDS, TESTING SHALL BE FOR ONE MINUTE USING 1000V DC, PROVIDE WRITTEN DOCUMENTATION FOR ALL TEST RESULTS,
 2. PRIOR TO ENERGIZING CIRCUITRY, TEST WIRING DEVICES FOR ELECTRICAL CONTINUITY AND PROPER POLARITY CONNECTIONS.
 3. MEASURE AND RECORD VOLTAGES BETWEEN PHASES AND BETWEEN PHASE CONDUCTORS AND NEUTRALS, SUBMIT A REPORT OF MAXIMUM AND MINIMUM VOLTAGES.
 4. PERFORM GROUNDING TEST TO MEASURE GROUNDING RESISTANCE OF GROUNDING SYSTEM USING THE IEEE STANDARD 3-POINT "FALL-OF-POTENTIAL" METHOD, PROVIDE PLOTTED TEST VALUES AND LOCATION SKETCH, NOTIFY THE ENGINEER IMMEDIATELY IF MEASURED VALUE IS OVER 5 OHMS.

[illegible]

[illegible]

NOTES:

- 1.) SITE PLAN HAS BEEN DEVELOPED FROM SURVEY PERFORMED BY GEOLINE SURVEYING, INC., DATED 08/24/2022.
- 2.) SITE LOCATION LOCATED IN ZONE X ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 12021C0416H DATED MAY 16, 2012.
- 3.) SEE GENERAL NOTES ON SHEET GN-1.
- 4.) 225' TO NEAREST RESIDENTIAL STRUCTURE. SEE SHEET Z-1.



ZONING LEGEND:

 E

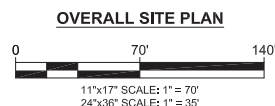
 C-2

FUTURE LAND USE LEGEND:

 ESTATES
DESIGNATION

LEGEND:

_____ OHP _____ OHP _____	E-OVERHEAD POWER
_____ X _____ X _____	P-CHAINLINK FENCE
_____ X _____ X _____	E-CHAINLINK FENCE
_____ _____ _____	E-EASEMENT
_____ _____ _____	P-EASEMENT
_____ ROW _____ ROW _____	E-RIGHT OF WAY
_____ _____ _____	P-LEASE AREA
_____ _____ _____	E-ROAD
_____ _____ _____	P-ROAD
_____ - - - - -	P-PROPERTY LINE



SETBACKS:			
ITEM	DIRECTION	REQUIRED	PROVIDED
TOWER	NORTH	72'-0"	72'-0"
	SOUTH	72'-0"	72'-0"
	EAST	72'-0"	220'-8"
	WEST	72'-0"	403'-8"
COMPOUND	NORTH	25'-0"	68'-4"
	SOUTH	25'-0"	41'-4"
	EAST	25'-0"	192'-2"
	WEST	25'-0"	397'-10"

750 PARK BL
5901

Vertical Bridge

B
LLC

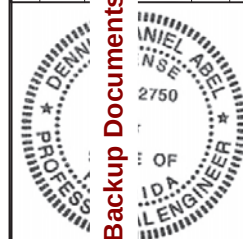
ERCE DR, SUITE 200
N, FL 33487

T

mobile

J CENTER DR.
10 A-B
FL 33634

THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT LIMITATION.

[illegible]

DENNIS D. ABE
FDH INFRASR
COA 28282
STATE LICENSI

NUMBER:
7228

1-A ID: -7040

AME:
EQUILA

SITE ID:
2102

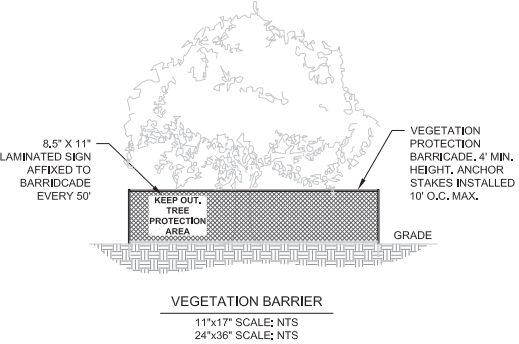
2560 N. ATTACHE STREET SW
FL 34117

TITLE: _____

Techniques

2

NOTE:
VEGETATION PROTECTIVE BARRIER WILL BE HIGHLY VISIBLE WITH BRIGHTLY COLORED ALL-WEATHER MESH MATERIAL OR EQUIVALENT, AND ANCHOR STAKES SHALL BE NO MORE THAN 10' APART

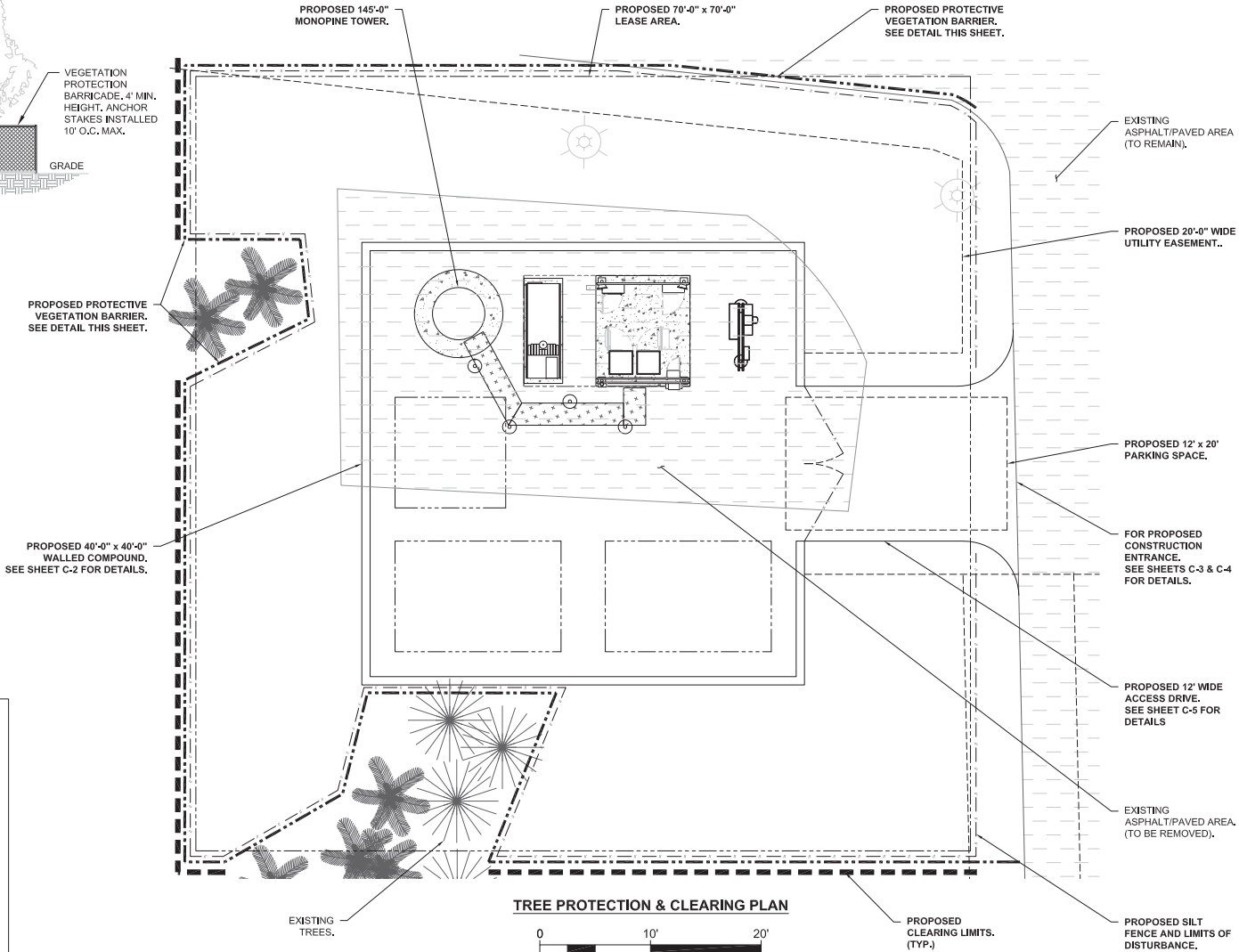


NOTE: EQUIPMENT SHOWN IN COMPOUND AREA IS FOR INFORMATION PURPOSES ONLY. EQUIPMENT WILL BE PERMITTED SEPARATELY

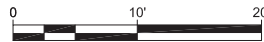
- LEGEND:
- P-SILT FENCE
 - P-WALL
 - P-CHAINLINK FENCE
 - E-EASEMENT
 - P-EASEMENT
 - E-RIGHT OF WAY
 - P-LEASE AREA
 - E-MAJOR CONTOUR
 - E-MINOR CONTOUR
 - P-MAJOR CONTOUR
 - P-MINOR CONTOUR
 - E-ROAD
 - P-TREE LINE
 - P-PROPERTY LINE

- NOTES:
1. AREA TO BE CLEARED: 4,900 SQ FT (0.112 ACRES)
 2. VEGETATION TO REMAIN WILL BE BARRICADED, PROTECTIVE BARRIERS WILL BE INSTALLED AT THE PERIMETER OF PRESERVED VEGETATION AT THE COMMENCEMENT OF ANY SITE IMPROVEMENTS, AND WILL REMAIN IN PLACE UNTIL COMPLETION OF CONSTRUCTION.

EXOTIC VEGETATION NOTE:
PER COLLIER COUNTY DEFINITIONS, ALL PROHIBITED EXOTIC VEGETATION SHALL BE REMOVED FROM THE SITE AND IT SHALL BE MAINTAINED FREE OF EXOTICS IN PERPETUITY. (LDC 3.05.08).



TREE PROTECTION & CLEARING PLAN



11'x17' SCALE: 1" = 10'
24'x36' SCALE: 1" = 5'

3

LLC

750 PARK BL

5901

FDH

INNOVATION

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REV	DATE	DESCRIPTION	BY	CHKD
0	08/06/2023		ZK & AV	JRB

INTEL ABEL

2750

OF

IDA

ENGINEER

DENNIS D. ABE
FDH INFRASTR
COA 28282
STATE LICENSE

SERVICES, LLC

7228

7040

EQUILA

102

2560 N

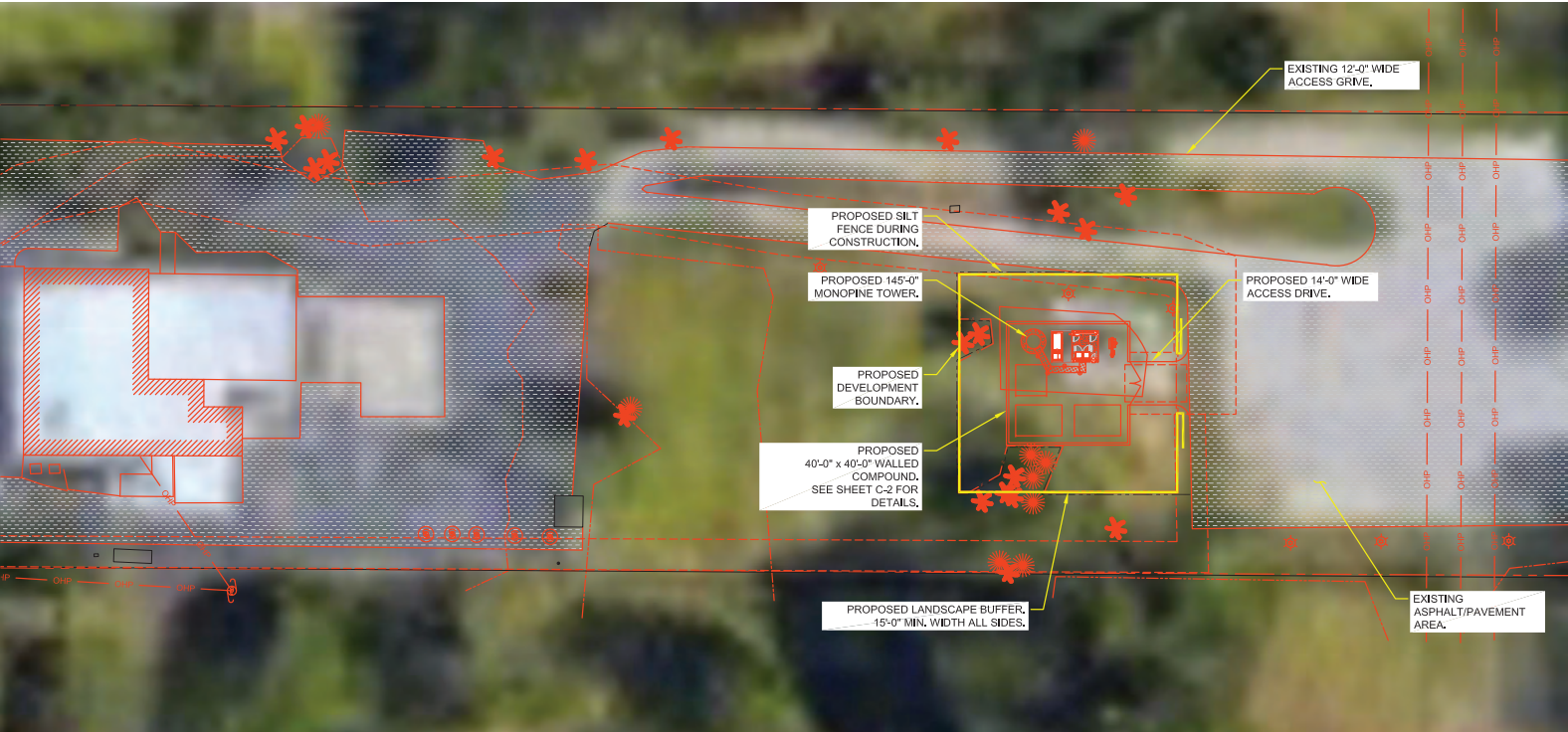
TREET SW
FL 34117

TITLE:
SECTION AND
G PLAN

NUMBER:
1.1

Attachment: Attachment 1 - Applicant Backup Documents d1 (27320 : PL20220003012 Vertical Bridge

NOTE: EQUIPMENT SHOWN IN COMPOUND AREA IS FOR INFORMATION PURPOSES ONLY. EQUIPMENT WILL BE PERMITTED SEPARATELY



LEGEND:	
=====	P-SILT FENCE
=====	P-WALL
-----x-----x-----x-----x-----x-----x-----	P-CHAINLINK FENCE
-----	E-EASEMENT
-----	P-EASEMENT
=====E120=====E120=====E120=====E120=====	E-RIGHT OF WAY
-----	P-LEASE AREA
-----	E-MAJOR CONTOUR
-----	E-MINOR CONTOUR
-----	P-MAJOR CONTOUR
-----	P-MINOR CONTOUR
=====	E-ROAD
=====	P-ROAD
-----	P-PROPERTY LINE
-----	E-TREE LINE
-----	E-ASPHALT

- P-SILT FENCE
- P-WALL
- P-CHAINLINK FENCE
- E-EASEMENT
- P-EASEMENT
- E-RIGHT OF WAY
- P-LEASE AREA
- E-MAJOR CONTOUR
- E-MINOR CONTOUR
- P-MAJOR CONTOUR
- P-MINOR CONTOUR
- E-ROAD
- P-ROAD
- P-PROPERTY LINE
- E-TREE LINE
- E-ASPHALT

DEVELOPMENT BOUNDARIES



11"x17" SCALE: 1" = 40'
24"x36" SCALE: 1" = 20'



Attachment: Attachment 1 - Applicant Backup Documents d1 (27320 : PL20220003012 Vertical Bridge

3
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ERCE DR, SUITE 200
N, FL 33487
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I CENTER DR.
10 A-B
L 33634

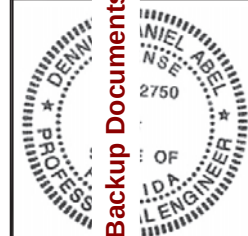
**ASTRUCTURE
SERVICES**

INNOVATION

IE SERVICES, LLC
ALEIGH, NC 27616
AX: 919.255.1031

AINED IN THIS SET OF
DIETARY BY NATURE,
ING TO BE REPRODUCED
T OF THESE DRAWING
V OF FDH IS PROHIBIT

ITALS

[illegible]

DENNIS D. ABE
FDH INFRAS
COA 28282
STATE LICENSE

SERVICES, LLC

NUMBER:
7228

ID:
-7040

AME:
'EQUILA

SITE II
102

STREET SW
FL 34117

TITLE:

' BOUNDARIES

NUMBER:
1.2

FLUCFCS TABLE				
FLUCFCS CODE	DESCRIPTION	ACRES	NATIVE VEG.	PERCENT OF SITE
1415	RESTAURANTS	1.89	N	79.41%
411E3	PINE FLATWOODS W/ EXOTICS 50-74% *	0.20	Y	8.40%
743	SPOIL AREA	0.16	N	6.72%
832	ELECTRICAL TRANSMISSION LINES	0.13	N	5.47%
TOTAL		2.38		100.00%

*FLUCFCS Code 411E3

Dominant Vegetative Strata = Canopy

60% *Schinus terebinthifolia*

25% *Pinus elliottii*

5% *Sabal palmetto*

5% *Quercus laurifolia*

5% *Cupaniopsis anacardioides*



Site inspection by Eric Muldowney on July 14, 2023



US-FL7040 Senor Tequila
FLUCFCS Map
 Source: Google Earth Pro, Image Date 1/5/2021

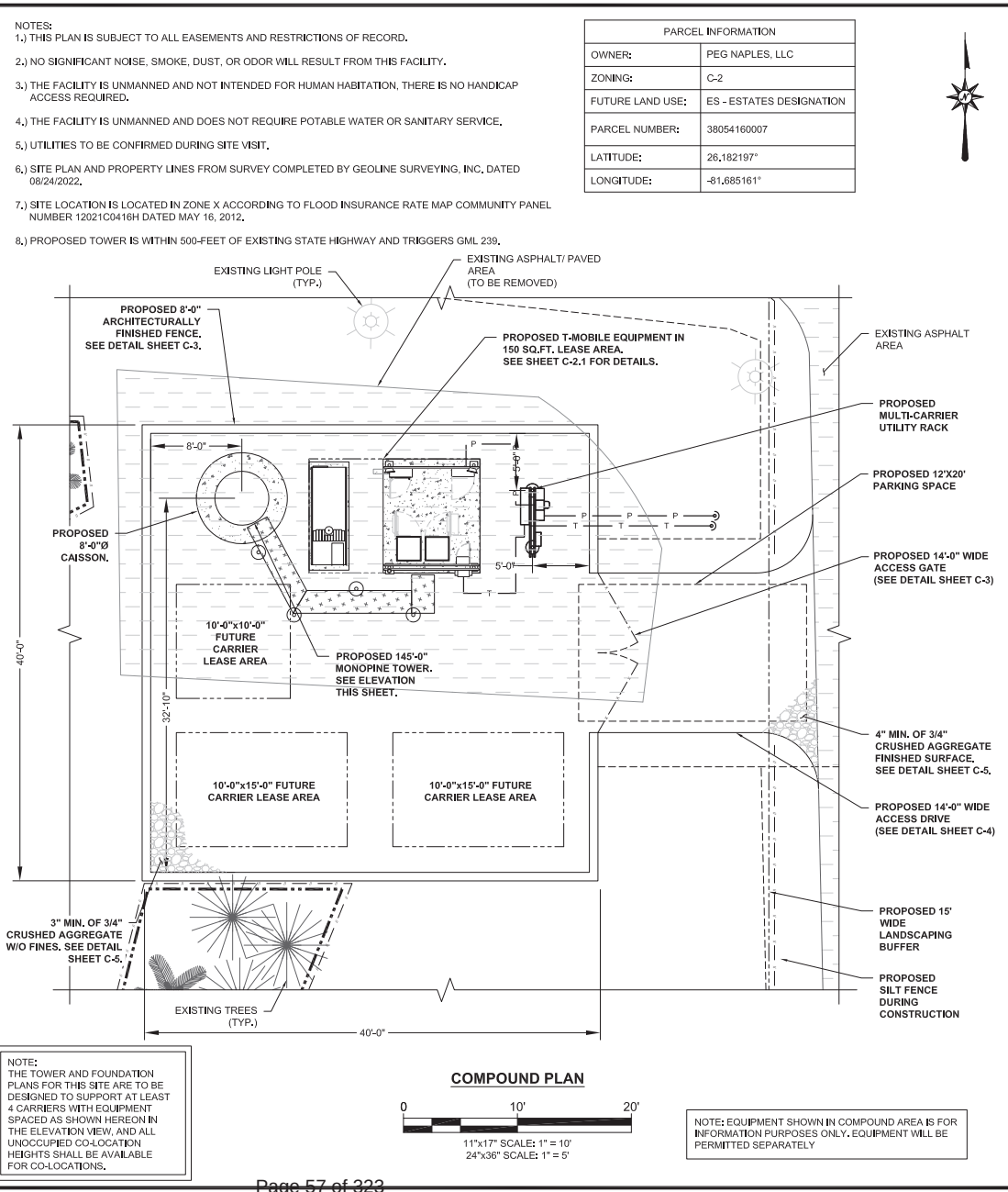
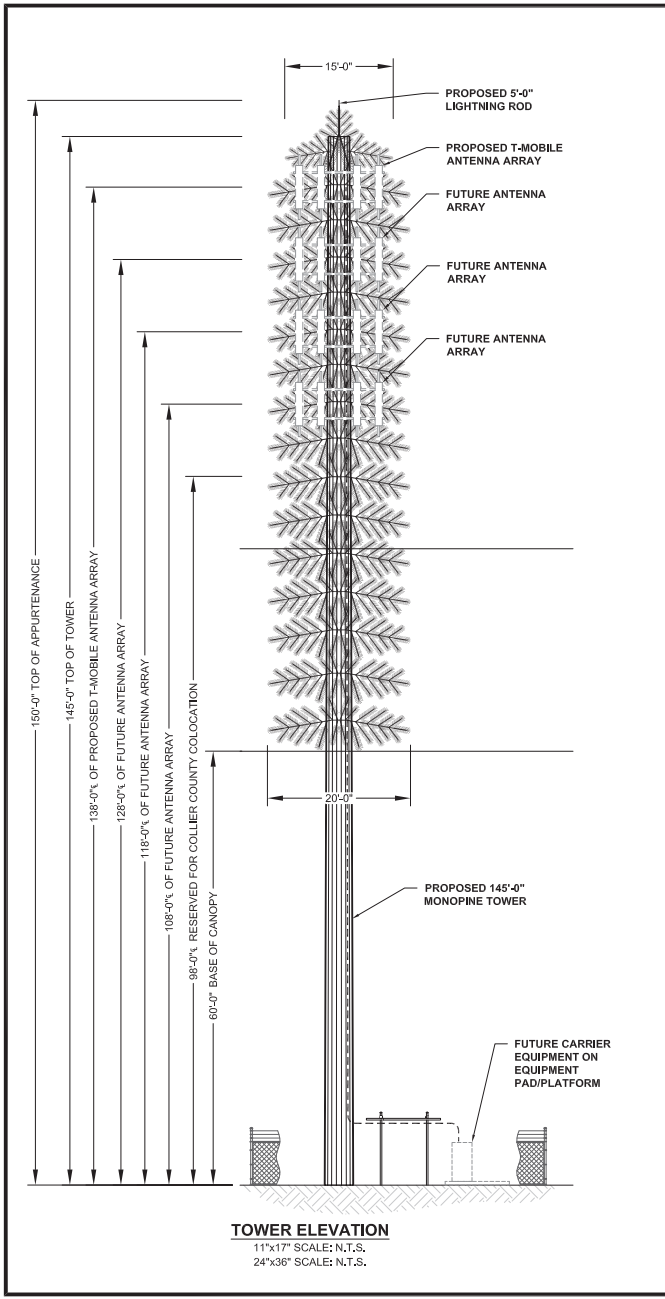
Phone: (321) 501-5135
 Eric.Muldowney@E-RegConsulting.com



FL OVERLAY

1.3

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge



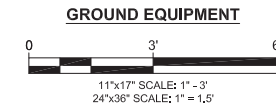
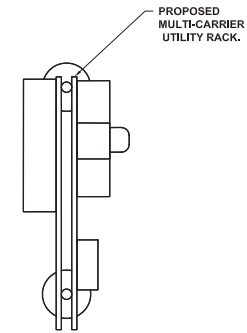
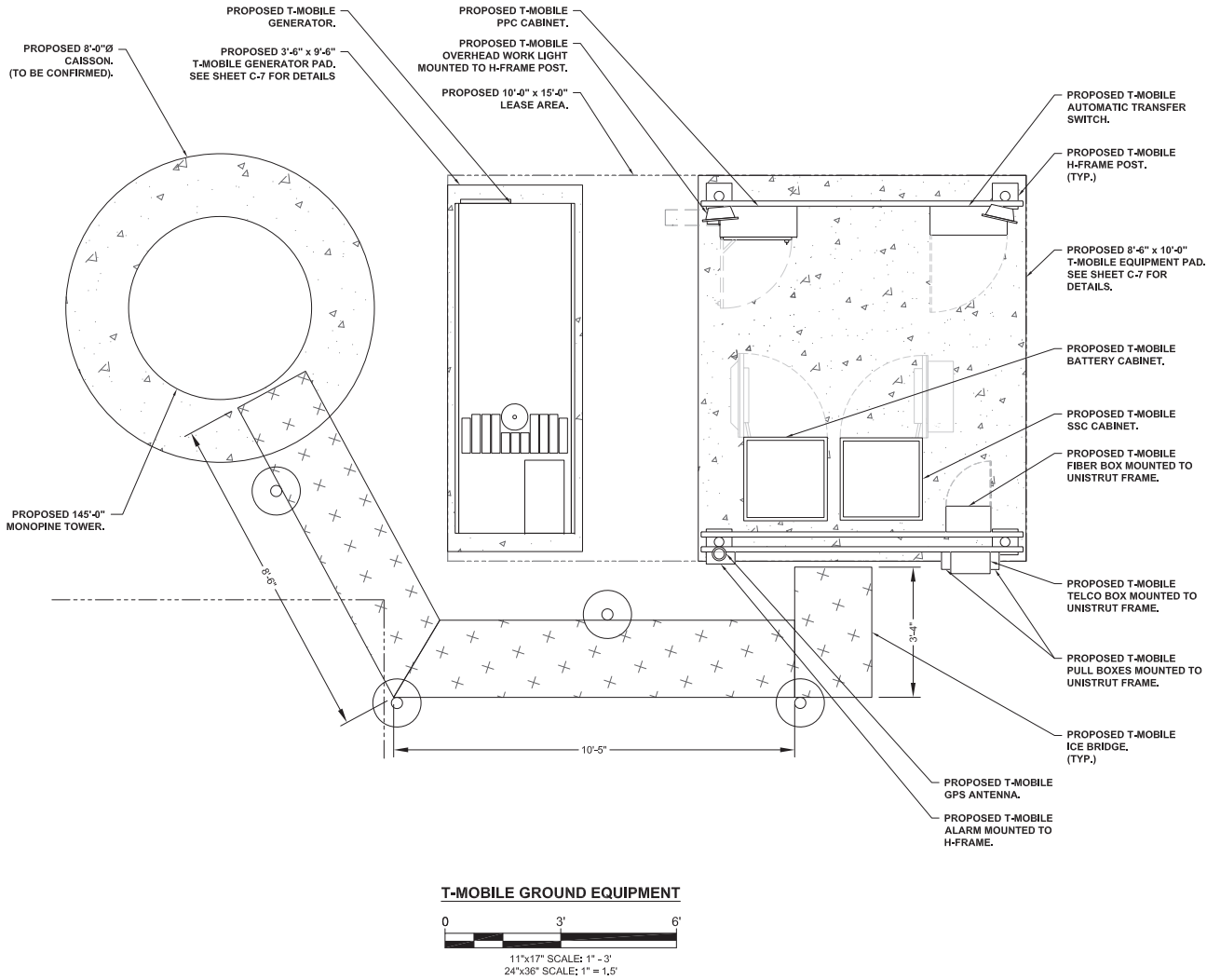
3
LLC
750 PARK BL
ERCE DR, SUITE 200
N, FL 33487
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5901
FDH
INNOVATION
STRUCTURE SERVICES
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REV. DATE
0 08/06/2023

ITALS
BY CHKD
ZK & AV JRB

DENNIS D. ABE
FDH INFRASR
COA 28262
STATE LICENSE
09/06/23
SERVICES, LLC
NUMBER:
7228
ID:
-7040
NAME:
EQUILA
SITE ID:
1102
ESS:
TREET SW
FL 34117
TITLE:
DETAILS
NUMBER:
2

NOTE: EQUIPMENT SHOWN IN COMPOUND AREA IS FOR INFORMATION PURPOSES ONLY, EQUIPMENT WILL BE PERMITTED SEPARATELY



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

3	
LLC	
750 PARK BLVD SUITE 200 N. FL 33487	
T-Mobile	
5901 CENTER DR. 10-A-B 1-33634	
FDH INNOVATION SERVICES	
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FDH INNOVATION SERVICES, LLC ALEXANDRIA, VA 22304 A11-915-755-1031	
ITALS	
REV	DATE
0	09/06/2023
BY	
CHKD	
JRB	
09/06/23	
DENNIS D. ABE FDH INNOVATION COA 28262 STATE LICENSE	
SERVICES, LLC	
ID:	
-7040	
NAME:	
EQUILA	
SITE ID:	
1102	
ESS:	
TREET SW FL 34117	
TITLE:	
EQUIPMENT OUT	
NUMBER:	
2.1	

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE RULES AND REGULATIONS FOR EROSION AND SEDIMENT CONTROL FOR THE AGENCIES/HAVING JURISDICTION OVER CLEARING AND GRADING OPERATIONS, AS A MINIMUM, ALL WORK SHALL COMPLY WITH THE LATEST PROVISIONS OF THE INTERNATIONAL BUILDING CODE, UTILIZE BEST MANAGEMENT PRACTICES (BMP) PRESCRIBED BY ID TO PREVENT EROSION OF ON-SITE SOILS AND TRANSPORT OF THESE SOILS TO DOWNSTREAM PROPERTIES OR WATER BODIES, SPECIFIC BMP'S TO BE EMPLOYED INCLUDE, BUT ARE NOT LIMITED TO, A TEMPORARY CONSTRUCTION ENTRANCE, SILT FENCE AT THE BASE OF FILT SLOPES AND AROUND STOCKPILE AREAS, CHECK DAMS IN THE FLOW LINE OF SWALES AND DITCHES, AND TEMPORARY AND PERMANENT SEEDING.

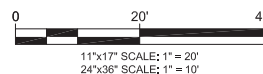
- EROSION CONTROL CONSTRUCTION SEQUENCE:

- NOTE:**

ALL ELEVATIONS SHOWN ON THESE PLANS ARE REFERENCED TO VERTICAL DATUM NAVD 88. THE ENTIRETY OF THE PROPOSED TELECOMMUNICATIONS TOWER SITE AND ACCESS DRIVE AND LANDSCAPE BUFFER ARE LOCATED IN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON FEMA FIRM MAP 12021C0416H FOR COLLIER COUNTY, FLORIDA, EFFECTIVE 5/18/2018. CURRENT PRELIMINARY FLOOD MAPPING COMPILED IN 2022 ALSO SHOWS THIS SITE TO BE OUTSIDE OF THE 100-YEAR FLOOD HAZARD ZONE.

LEGEND:

- | | |
|-------|----------------------|
| _____ | E-OVERHEAD POWER |
| _____ | P-CHAINLINK FENCE |
| _____ | E-CHAINLINK FENCE |
| _____ | E-EASEMENT |
| _____ | P-EASEMENT |
| _____ | E-RIGHT OF WAY |
| _____ | P-LEASE AREA |
| _____ | E-MAJOR CONTOUR |
| _____ | E-MINOR CONTOUR |
| _____ | P-MAJOR CONTOUR |
| _____ | P-MINOR CONTOUR |
| _____ | E-ROAD |
| _____ | P-ROAD |
| _____ | P-PROPERTY LINE |
| _____ | P-VEGETATION BARRIER |



NOTE: EQUIPMENT SHOWN IN COMPOUND AREA IS FOR INFORMATION PURPOSES ONLY. EQUIPMENT WILL BE PERMITTED SEPARATELY

1. SEE DETAIL SHEET 5 FOR PROPER CONSTRUCTION OF COMPOUND AND ACCESS DRIVE FOR PROPER STORMWATER MANAGEMENT PERFORMANCE.
2. ALL PROHIBITED EXOTIC VEGETATION SHALL BE REMOVED FROM THE SITE, AND IT SHALL BE MAINTAINED FREE OF EXOTICS IN PERPETUITY.

SPECIES	RATE ON FLAT AREAS (LBS/ACRE)	RATE ON DITCHES & SLOPES (LBS/ACRE)
BERMUDA (COMMON) UNHULLED	5	10
BERMUDA (COMMON) HULLED	10	15
LESPEDEZA (KOREAN)	10	15

SEEDBED PREPARATION:

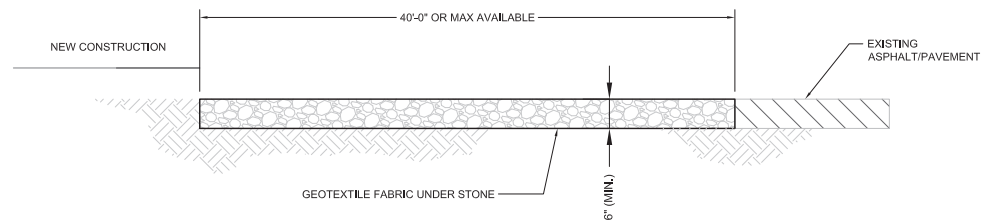
1. REMOVE ALL STONES, ROOTS, AND OTHER OBSTRUCTIONS LEAVING SURFACE REASONABLY SMOOTH AND UNIFORM. FILL ANY EXISTING RILLS AND GULLIES.
 2. IMMEDIATELY PRIOR TO SPREADING TOPSOIL, CORRECT PH OF THE SUBSOIL WITH LIME PER RECOMMENDATION. SOILS TEST AT A RATE OF 2 TONS/ACRE OF GROUND AGRICULTURAL LIME PER 100 LBS/ACRE OF SUBGRADE OF THE SITE TO RECEIVE THE TOPSOIL BY DISKING OR SCARIFYING TO A DEPTH OF AT LEAST 2" TO ENSURE BONDING OF THE TOPSOIL AND SUBSOIL.
 3. UNIFORMLY SPREAD TOPSOIL TO A DEPTH OF 6" MIN. MAINTAIN GRADES SHOWN ON CONSTRUCTION PLANS.
 4. APPLY AGRICULTURAL LIME (IF NECESSARY) AND FERTILIZER (8-24-24 OR EQUIVALENT AT A RATE OF 750 LBS/ACRE) TO TOPSOIL UNIFORM MIX WITH SOIL.
 5. CONTINUE TILLAGE UNTIL A WELL-PULVERIZED, FIRM REASONABLY UNIFORM SEEDBED IS PREPARED 6 TO 8 INCHES DEEP AND LEAVE SMOOTH SEEDBED.
 6. SEED ON A FRESHLY PREPARED SEEDBED AND COVER SEED LIGHTLY WITH SEEDING EQUIPMENT OR CULTIPACK AFTER SEEDING.
 7. MULCH IMMEDIATELY AFTER SEEDING AND ANCHOR MULCH.
 8. INSPECT ALL SEEDED AREAS AND MAKE NECESSARY REPAIRS OR RE-SEEDINGS WITHIN THE PLANTING SEASON, IF POSSIBLE. IF STAND SHOULD BE OVER 60% DAMAGED, REESTABLISH FOLLOWING ORIGINAL LIME, FERTILIZER AND SEEDING RATES. COVER SEED LIGHTLY WITH SEEDING EQUIPMENT OR CULTIPACK AFTER SEEDING AND MULCH.
- SOIL AMENDMENTS**
- FOLLOW RECOMMENDATIONS OF SOIL TESTS OR APPLY 2,000 LBS/AC GROUND AGRICULTURAL LIMESTONE AND 750 LBS/AC 8-24-24 FERTILIZER.
- MULCH**
- APPLY 5,000 LBS/AC STRAW, ANCHOR STRAW BY TACKING WITH ASPHALT. ANCHORING TOOL, A DISC WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH SPREADING TOOL.
- MAINTENANCE**
- IF EROSION OR GROWTH IS NOT FULLY ADEQUATE, RE-SEED, RE-FERTILIZE AND MULCH IMMEDIATELY FOLLOWING EROSION OR OTHER DAMAGE.

PERMANENT SEEDING SPECIFICATION

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

NOTES:

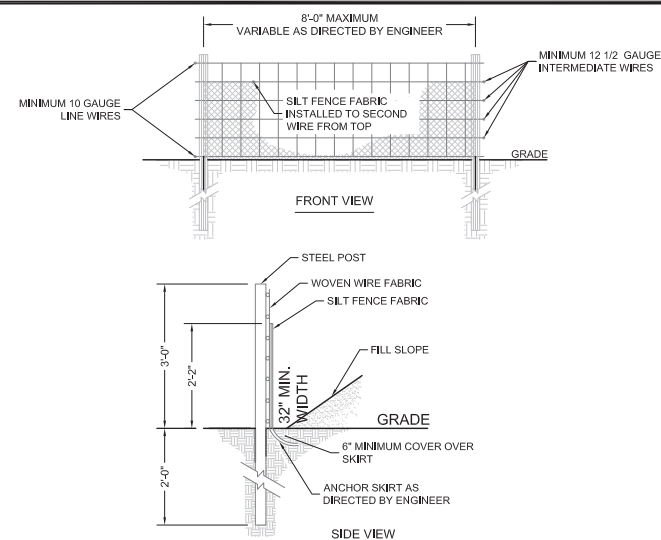
1. PUT SILT FENCE OR TREE PROTECTION FENCE UP TO ENSURE CONSTRUCTION ENTRANCE IS USED.
2. IF CONSTRUCTION ON THE SITES ARE SUCH THAT THE MUD IS NOT REMOVED BY THE VEHICLE TRAVELING OVER THE STONE, THEN THE TIRES OF THE VEHICLES MUST BE WASHED BEFORE ENTERING THE PUBLIC ROAD.



CROSS SECTION

TEMPORARY CONSTRUCTION ENTRANCE & ARMORED ROAD SECTION DETAIL

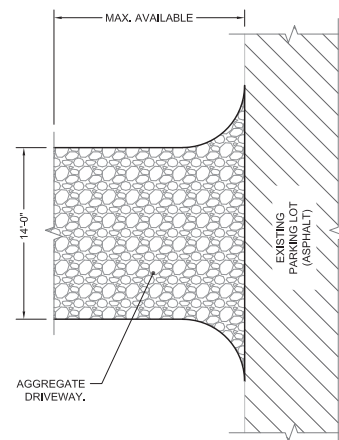
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



TEMPORARY SILT FENCE DETAIL

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

NOTE:
USE SILT FENCE ONLY WHEN
DRAINAGE AREA DOES NOT EXCEED
1/4 ACRE AND NEVER IN AREAS OF
CONCENTRATED FLOW.



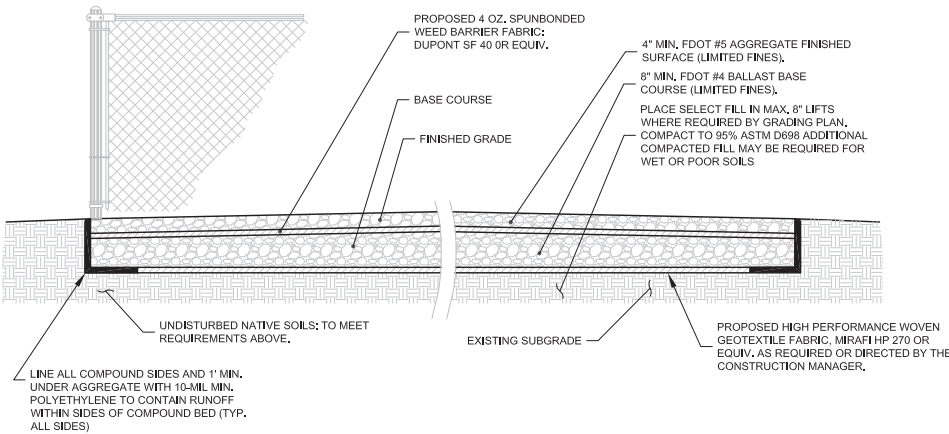
DRIVEWAY PLAN VIEW

11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

[illegible]

NOTES:

- 1. REMOVE ALL TOPSOIL, ORGANIC MATERIAL, AND WET OR POOR SOILS FROM PROPOSED COMPOUND AREA. CONTRACTOR TO REVIEW SITE CONDITIONS AND CONSULT GEOTECHNICAL REPORT FOR ANTICIPATED DEPTH OF SOILS THAT WILL REQUIRE REMOVAL IF POOR SOILS ARE ENCOUNTERED AT A DEPTH OF MORE THAN 12", CONTACT CONSTRUCTION MANAGER FOR GUIDANCE.
- 2. SUBGRADE TO BE COMPACTED TO 95% ASTM D698 AND VERIFIED BY PROOF-ROLL OR GEOTECHNICAL RECOMMENDATIONS.
- 3. IF THE GEOTECHNICAL REPORT PERMITS, USE ONSITE SOILS FOR SELECT FILL PROVIDED IT IS AVAILABLE AND FREE OF DELETERIOUS MATERIALS AND ORGANICS.
- 4. SEASONAL HIGH WATER TABLE MAY BE AT EXISTING GROUND SURFACE

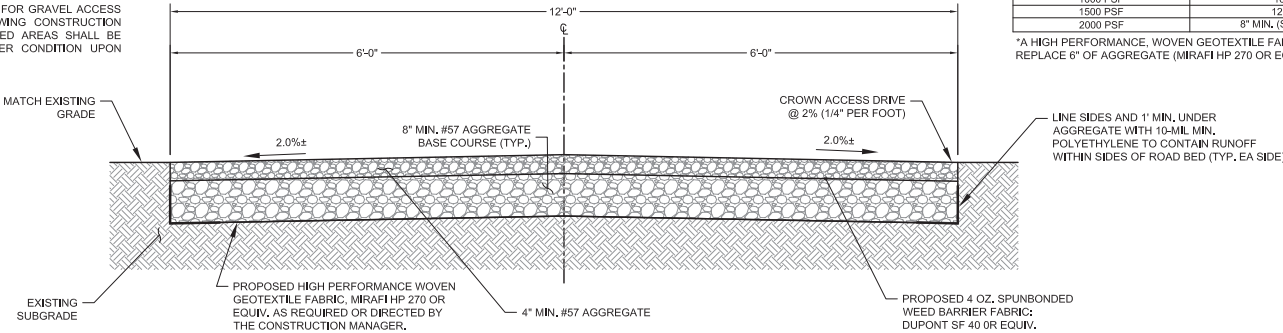


NOTES:

- 1. REMOVE ALL TOPSOIL, ORGANIC MATERIAL, AND WET OR POOR SOILS ALONG ACCESS DRIVE. CONTRACTOR TO REVIEW SITE CONDITIONS AND CONSULT GEOTECHNICAL REPORT FOR ANTICIPATED DEPTH OF SOILS THAT WILL REQUIRE REMOVAL, IF POOR SOILS ARE ENCOUNTERED AT A DEPTH OF MORE THAN 12", CONTACT CONSTRUCTION MANAGER FOR GUIDANCE.
- 2. SUBGRADE TO BE COMPACTED TO 95% ASTM D698 DRY DENSITY AND VERIFIED BY PROOF-ROLL OR GEOTECHNICAL RECOMMENDATIONS.
- 3. CONSULT GRADING PLAN OR SITE PLAN FOR FINAL SITE GRADES.

RESTORATION:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR GRAVEL ACCESS DRIVE REPAIR AND RESTORATION FOLLOWING CONSTRUCTION COMPLETION. ANY DISTURBED OR DAMAGED AREAS SHALL BE RESTORED TO THEIR ORIGINAL OR BETTER CONDITION UPON COMPLETION OF WORK.



GRAVEL DRIVE CROSS SECTION
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

NOTE:

FOR FLOODPLAIN STORAGE COMPLIANCE, ALL MATERIAL EXCAVATED FOR CONSTRUCTION OF THE COMPOUND, ACCESS DRIVE AND RETENTION BASINS SHALL BE REMOVED AND DISPOSED OF OFF SITE. PLACEMENT OF 10-MIL POLYETHYLENE AROUND PERIMETER AND UP TO SURFACE IS CRITICAL TO PROPER STORMWATER MANAGEMENT PERFORMANCE.

GRAVEL DRIVE REQUIREMENTS:

THICKNESS OF GRAVEL DRIVE BASE COURSE TO BE DETERMINED BASED ON THE EXISTING SOIL BEARING CAPACITY (PER UFC DESIGN RECOMMENDATIONS):

IF POOR OR WET SOILS ARE PRESENT BELOW BASE COURSE, CONTRACTOR TO INSTALL 6" MIN. WELL-GRADED GRAVEL/SAND SUB-BASE TO FACILITATE ADEQUATE DRAINAGE AND STABILITY.

FOR ACCESS DRIVE SLOPES GREATER THAN 10%, CONTRACTOR TO USE MIRAFI HP 270 OR EQUIVALENT GEOTEXTILE FABRIC.

BEARING CAPACITY	REQ'D AGGREGATE THICKNESS
1000 PSF	*16" MIN.
1500 PSF	12" MIN.
2000 PSF	8" MIN. (SEE DETAIL)

*A HIGH PERFORMANCE, WOVEN GEOTEXTILE FABRIC MAY BE USED TO REPLACE 6" OF AGGREGATE (MIRAFI HP 270 OR EQUIVALENT)

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REV 0 08/06/2023

09/06/23

DENNIS D. ABE
FDH INFRASTRUCTURE
COA 28262
STATE LICENSE

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GF

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750 PARK BLVD

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FDH INNOVATION SERVICES, LLC
1601 1/2 E. PINEHURST RD.
ALBUQUERQUE, NM 87106
505.915.7551

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08/06/2023

DENNIS D. ABE
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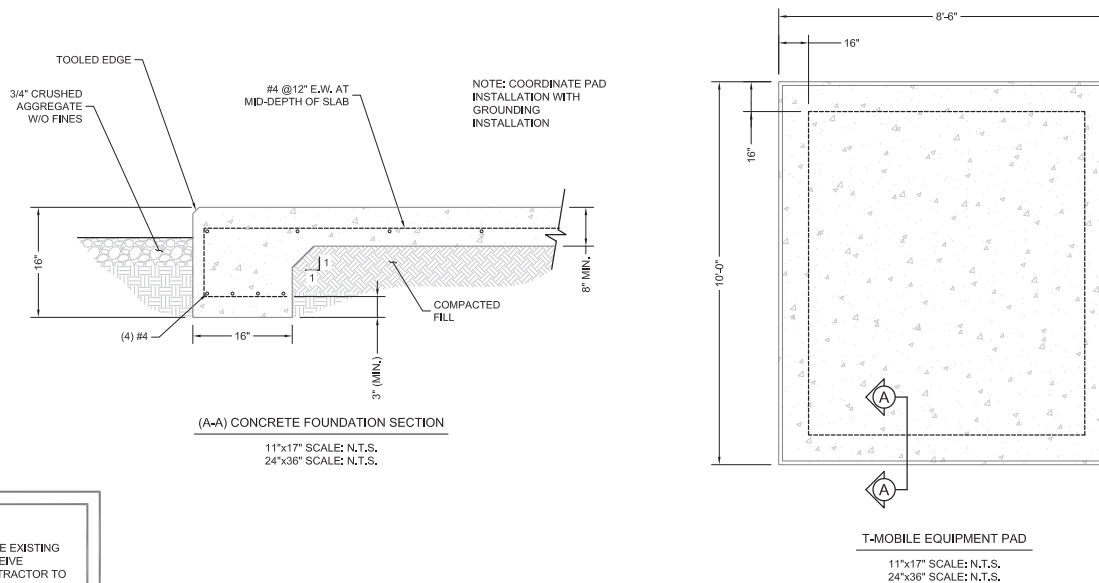
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GENERAL CONCRETE NOTES:

1. UNLESS OTHERWISE NOTED, ALL CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI (2500 PSI BEFORE TOWER ERECTION) IN 3 DAYS FOR FOUNDATIONS AND 3500 PSI IN 28 DAYS FOR FLOOR SLABS AND CONDUIT ENCASEMENTS,
2. UNLESS OTHERWISE NOTED, ALL REINFORCING STEEL SHALL BE NEW BILLET STEEL, CONFORMING TO ASTM A-615, GRADE 60, DEFORMED,
3. UNLESS OTHERWISE NOTED, ALL DETAILING, FABRICATION AND PLACING OF REINFORCING STEEL SHALL CONFORM TO THE MANUAL STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES, (ACI 315),
4. ALL BAR SPLICES SHALL BE CLASS "B" TENSION SPLICES, UNLESS OTHERWISE SHOWN,
5. ALL EXPOSED EXTERNAL CORNERS OF CONCRETE TO BE TOOLED EDGE, UNLESS OTHERWISE NOTED,
6. PROVIDE TWO (2) #4 DIAGONAL BARS IN TOP FACE OF SLAB IN GRADE AT ALL RE-ENTRANT CORNERS, EXTEND THESE BARS 18" PAST CORNERS,
7. CONTRACTOR SHALL REFER TO DRAWINGS OF OTHER TRADES AND VENDOR DRAWINGS FOR EMBEDDED ITEMS AND RECESSES,
8. CONTRACTOR SHALL VERIFY ALL SIZES AND LOCATIONS OF ALL ELECTRICAL OPENINGS AND EQUIPMENT PADS WITH THE ELECTRICAL EQUIPMENT DETAIL AND SHOP DRAWINGS, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO PROVIDE ALL OPENINGS AND SLEEVES FOR PROPER DISTRIBUTION FOR ALL UTILITIES,
9. EXISTING SOILS BENEATH FOUNDATION SHALL HAVE A MINIMUM NET ALLOWABLE BEARING PRESSURE OF 2000PSF,

NOTE:

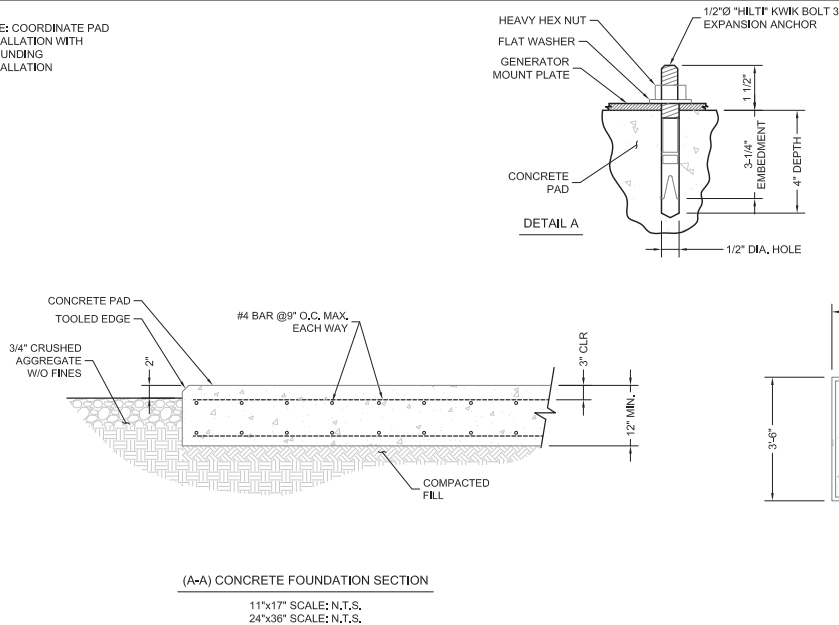
THE PAD CAN BE PRECAST MIN 8" THICK IF THE GENERAL CONTRACTOR WARRANTS THAT THE EXISTING SOILS ON-SITE WILL PROVIDE ADEQUATE SUPPORT. CONTRACTOR SHALL CONFIRM AND RECEIVE APPROVAL FROM SITE CM PRIOR TO SWITCHING TO THE SLAB FROM THE POURED-PAD. CONTRACTOR TO ALSO NOTIFY ENGINEER OF THE CHANGE FOR AS-BUILT PURPOSES.



GENERAL CONCRETE NOTES:

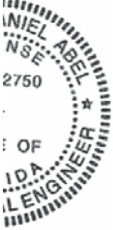
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NOTE: COORDINATE PAD
INSTALLATION WITH
GROUNDING
INSTALLATION



- NOTES:**
1. **INSTALL BOLTS PER MANUFACTURER'S SPECIFICATIONS.**
 2. **APPLY "HILTI" HIT-RE 500-SD EPOXY TO ALL GAPS TO PREVENT WATER/MOISTURE BUILD-UP.**
 3. **PROVIDE 4 ANCHOR BOLTS PER SIDE.**

SEE LANDSCAPE PLAN BY
KEMPTON RINARD, INC.

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Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge



August 12, 2022

Mr. Qabiyl Johnson
VB BTS, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487

**RE: FCC NEPA Summary Report for:
Senor Tequila Site (US-FL-7040)
near 2560 39th Street Southwest
Naples, Collier County, Florida 34117**

Dear Mr. Johnson,

Lotis Environmental, LLC (Lotis), has completed a Federal Communications Commission (FCC) NEPA investigation relative to the referenced proposed undertaking and issues the following Summary Report. Based on the information presented in this report, no further action is required under 47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.1319 of the National Environmental Policy Act.

The accuracy of the species list, provided by the Information, Planning, and Conservation (IPaC) website, should be verified every 90 days. This verification can be completed formally or informally as desired. The United States Fish and Wildlife Services (USFWS) recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the initial list. If the list is determined to have been modified to include additional species of concern, an evaluation of those species should be conducted and consultation with the USFWS may have to be re-initiated, depending on the determination of effect or previous response(s) from the USFWS.

The applicant/tower builder must immediately notify all interested consulting parties if archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

Should you have any questions or comments, please do not hesitate to contact our office at (716) 276.8707.

Sincerely,

Lotis Environmental, LLC

David N. Robinson, P.E.
President/CEO
Robinson@TheLotisGroup.com
Attachments

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

NEPA SUMMARY REPORT



Prepared for:

VB BTS, LLC

750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487

Prepared by:

Lotis Environmental, LLC

Williamsville, New York

August 12, 2022

Reviewed By: David N. Robinson, P.E.
President/CEO

Prepared By: Miles Walz-Salvador
Nationwide NEPA Manager

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

FCC NEPA CHECKLIST

Applicant Name: VB BTS, LLC

Site Number: US-FL-7040

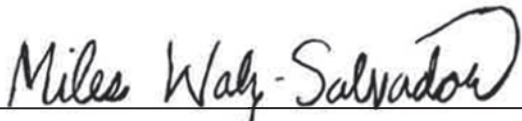
Site Name: Senor Tequila

Potential Effect

LAND USE SCREENING

Yes No

1.	Is the proposed undertaking located in an officially designated wilderness area?		X
2.	Is the proposed undertaking located in an officially designated wildlife preserve?		X
3.	Will the proposed undertaking likely affect threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species; or is likely to result in the destruction or adverse modification of proposed critical habitats (as determined by the Endangered Species Act of 1973)?		X
4.	Will the proposed undertaking affect districts, sites, building, structures, or objects, significant in American history, architecture, archeology, engineering, or culture, that are listed (or eligible for listing) in the National Register of Historic Places?		X
5.	Will the proposed undertaking affect Native American religious site(s)?		X
6.	Is the proposed undertaking located within a flood plain (100 or 500-year)? *EA not required under FCC Wireless Telecommunications Docket No. 17-79 effective July 2, 2018, as long as the applicant can show that the facility/associated equipment will be installed 1 foot above the determined BFE.		X
7.	Will construction of the proposed undertaking involve significant change in surface features (e.g., wetland fill, deforestation, or water diversion)?		X
8.	Is the proposed undertaking located in a residential neighborhood and is it required to be equipped with high intensity white lights (as defined by local zoning law)?		X
9.	a.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?		X
	b.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above floor level?		X



Prepared By: Miles Walz-Salvador
Nationwide NEPA Manager

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

DOCUMENTATION FOR FCC NEPA CHECKLIST RESPONSES 1-9:

1. Is the proposed undertaking located in an officially designated wilderness area?

Based on maps published by the Bureau of Land Management (BLM), United States Fish and Wildlife Service (USFWS), United States Forest Service (USFS), and National Park Service (NPS), as compiled in the on-line **nationalatlas.gov** and **wilderness.net** websites, no designated wilderness areas are located at or near the proposed undertaking. A copy of the Wilderness Map is included in Appendix A.

2. Is the proposed undertaking located in an officially designated wildlife preserve?

Based on maps published by the USFWS, no wildlife refuges or wildlife preserves are located at or near the proposed undertaking. A copy of the USFWS Wildlife Refuge Map is included in Appendix A.

3. Will the proposed undertaking likely affect threatened or endangered species or designated critical habitats; or is likely to jeopardize the continued existence of any proposed endangered or threatened species; or is likely to result in the destruction or adverse modification of proposed critical habitats (as determined by the Endangered Species Act of 1973)?

A Lotis staff biologist conducted an informal biological assessment (IBA) at the site of the proposed undertaking. Based on information reviewed, site reconnaissance, and the proposed scope of work, Lotis has determined that the proposed undertaking will have *"No Effect"* on designated critical habitats or listed federal species of concern. A copy of the USFWS Critical Habitat Map is included in Appendix A.

The accuracy of the species list, provided by the Information, Planning, and Conservation (IPaC) website, should be verified every 90 days. This verification can be completed formally or informally as desired. The USFWS recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the initial list. If the list is determined to have been modified to include additional species of concern, an evaluation of said species should be conducted and consultation under USFWS guidelines may have to be re-initiated, depending on the determination of effect or previous response from the USFWS.

Additionally, Lotis reviewed the Florida Fish and Wildlife Conservation Commission (FWC) list of species of concern and their corresponding habitats and determined that the proposed undertaking will have *"No Effect"* on state species of concern. The state species list was obtained by using the FWC's *"Florida Natural Areas Inventory Biodiversity Matrix Query Results."* Copies of the Lotis IBA, the state species list and the IPaC email are included in Appendix B.

Per Section 7 consultation guidelines promulgated by the USFWS, (per the USFWS guidance for completing project reviews under the Endangered Species Act), *"The ESA does not require Federal agencies to consult with the U.S. Fish and Wildlife Service if the action agency determines their Federal action has **"no effect"** on federally listed species or designated critical habitat."* Due to Lotis' determination of *"No Effect"* on critical habitat and listed federal species of concern, Section 7 consultation is considered complete, and no further consultation is required. Should the proposed undertaking be revised, Lotis' previous determination of effect should be considered invalid and be revised to reflect the new proposed undertaking. Copies of the USFWS guidance, IPaC receipt, and Lotis' informal biological assessment (IBA) are included in Appendix B.

Additionally, the USFWS has established interim guidelines for recommendations on communication tower siting, construction, operation, and decommissioning as new and existing towers have been determined to significantly impact species which are protected under the Migratory Bird Treaty Act (MBTA), **<http://www.fws.gov/laws/lawsdigest/migtrea.html>**, (16 U.S.C. 703-712). The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of the Interior. While the Act has no provision for allowing unauthorized take, it must be recognized that some birds may be killed at structures such as communications towers even if all reasonable

measures to avoid it are implemented. While it is not possible under the Act to absolve individuals or companies from liability if they follow these recommended guidelines, the Division of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals or companies who have made good faith efforts to avoid the take of migratory birds. A copy of the 2013 U.S. Fish and Wildlife Service (USFWS) Revised Voluntary Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning is included in Appendix B.

VB BTS has taken these recommended interim guidelines into consideration and has mitigated the potential effect on migratory birds by siting the proposed undertaking away from sensitive locations such as critical habitats, wilderness areas, wildlife refuges, and wetlands, where species of concern are more likely to be present. Additionally, VB BTS proposes a tower height of no more than 199 feet with a tower design to be that of a self-supporting monopole tower. If lighting is required, VB BTS will complete request the use of dual medium white or red strobe lights with the minimum number, minimum intensity, and minimum number of flashes per minute allowable by the FAA. It should also be noted that the proposed undertaking is located within 0.58 miles of an existing 162-foot guyed telecommunication tower to the southwest.

The USFWS also regulates and enforces the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c). *"This Act provides criminal penalties for persons who 'take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.' The Act defines 'take' as 'pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.' 'Disturb' means 'to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.' In addition to immediate impacts, this definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding, or sheltering habits, and causes injury, death, or nest abandonment. A violation of the Act can result in a fine of \$100,000 (\$200,000 for organizations), imprisonment for one year, or both, for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony."* USFWS: The Bald and Golden Eagle Protection Act, <https://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf> (accessed January 2022). A copy of the Bald and Golden Eagle Protection Act is included in Appendix B.

In addition, Lotis contacted the FWC in November on 20220 regarding consultation for telecommunication facility. In their response they indicated *"Florida Fish and Wildlife Conservation Commission (FWC) staff received your firm's request for review regarding standard, macro telecommunication tower project sites throughout Florida. The combined height of the monopoles or self-support lattice structures plus telecommunications equipment is normally between 50 and 300 feet tall. Installation may also include clearing for 100-foot by 100-foot compounds and access easements adjacent to the towers. Each site will be reviewed for the following prior to construction activities: the presence of federal or state-listed species; the presence of suitable habitat for federal or state-listed species; presence on-site or nearby (within 1 mile) of critical habitats or wildlife refuges; presence and potential impacts to wetlands; and each site will be surveyed as appropriate prior to development."*

"For the purpose of required Federal Communications Commission National Environmental Policy Act screenings for these installations, FWC staff have no comments, recommendations, or objections related to state-listed species and their habitat or other fish and wildlife resources to offer at this time and for the time period of one year from the date of this letter. The liability to not impact or cause 'take' of listed species, migratory wildlife, and other regulated species of wildlife is the responsibility of the applicant or developer associated with each site. Please refer to the Florida Administrative Code, Chapter 68A-27, for definitions of 'take' and a list of federally and state-listed species. If listed species are observed on-site in the future or if project design details change, FWC staff are available to provide decision support information or assist in obtaining the appropriate permits." Copies of the FWC categorical clearance statement and Lotis' IBA are included in Appendix B.

Lastly, Lotis contacted the Florida State Clearinghouse (FSC) on June 3, 2022, and requested a review of the potential adverse effect on state protected habitats and state listed species of concern. On June 8, 2022, Chris Stahl, Coordinator for the Florida State Clearinghouse under the Florida Department of Environmental Protection, responded to Lotis' review request indicating *"While it is covered by EO 12372, the Florida State Clearinghouse*

does not select the project for review. You may proceed with your project." Copies of the submission letter and FSC's response are included in Appendix B.

Both the USFWS and FWC have recommended additional mitigation as indicated above. These are recommendations and should be treated as such unless issued as a requirement to mitigate/prevent adverse effect on habitat and species of concern. Should failure to abide by these recommendations occur, the applicant is assuming responsibility for their failure in compliance with the above mentioned Endangered Species Act, Migratory Bird Treaty Act, and The Bald and Golden Eagle Protection Act. It is ultimately, the responsibility of the applicant to prevent the "take" of a species of concern regardless of whether or not it has completed Section 7 consultation. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt to engage in any such conduct. The taking of a listed species of concern (threatened/Endangered), without a federal/state permit, is a severe crime punishable by large fine(s) and confinement.

4. Will the proposed undertaking affect districts, sites, buildings, structures, or objects, significant in American history, architecture, archeology, engineering, or culture, that are listed (or eligible for listing) in the National Register of Historic Places?

The Division of Historical Resources (DHR) is the lead State Historic Preservation Office (SHPO) for the State of Florida. Lotis contracted Subterranean Consultants, on April 21, 2022, to determine the potential effect of the proposed undertaking on historic properties (archaeological sites and eligible/listed historic properties) within the Direct and ½-mile Visual Area of Potential Effect (APE) designated by the Federal Communications Commission (FCC). Subterranean Consultants, completed a Cultural Resources Assessment and conducted research to identify historic properties using resources specified by the DHR. Additionally, Subterranean Consultants, researched the National Register of Historic Places (NRHP) at <http://www.nps.gov/nr/> and did not identify any historic properties within the ½-mile radius APE of the proposed undertaking. A copy of Cultural Resources Assessment is included in Attachment 3.

Lotis prepared and submitted a new tower submission packet (FCC Form 620) through the FCC's E-106 electronic filing protocol. Section 106 review was initially submitted via E-106 to the Florida SHPO on June 3, 2022; however, the Florida SHPO does not participate in E-106 electronic filing and requested that materials be sent via regular mail to 500 South Bronough Street R.A. Gray Building, Room 305, Tallahassee, Florida, 32399 and email for review. On June 3, 2022, Lotis forwarded the requested hardcopy packet via USPS. On June 27, 2022, Lotis received an email response from the DHR indicating *"Based on the information provided, it is the opinion of this office that the proposed project will have NO EFFECT on historic properties listed, or eligible for listing, in the NRHP."* Copies of the DHR submission cover letter, FCC Form 620, and the DHR response are included in Appendix C.

In furtherance of Section 106 consultation efforts, Lotis attempted to contact the jurisdiction's Certified Local Government (CLG), Mr. Timothy Finn using the National Parks Service's website, http://grantsdev.cr.nps.gov/CLG_Review/search.cfm. On June 3, 2022, Lotis contacted Mr. Finn's office, and invited them to comment on whether the proposed undertaking would have an effect on historic properties within the general vicinity. To date, Lotis has not received a response from their office relative to the proposed undertaking. Copies of the submission cover letter and email submission are included in Attachment 7.

In addition, Lotis submitted an information package to the Collier County Museum on June 3, 2022. To date, Lotis has not received a response from the Collier County Museum relative to the proposed undertaking. Copies of the submission letter and email submission are included in Attachment 8.

Finally, Lotis contacted The Naples Daily News and published a legal public notice in the classified section on July 17, 2022. The proposed undertaking was detailed in the ad and calls for public concerns regarding potential adverse effect on historic properties in the area were solicited. To date, Lotis has not received any public response from the public notice publication concerning the proposed undertaking's potential effect on historic properties. Copies of the legal public notice text, tear sheet, and Affidavit of Publication are included in Attachment 8.

5. Will the undertaking affect Native American religious site(s)?

Lotis utilized the FCC's Tower Construction Notification System (TCNS) to identify tribal entities with interest in the proposed undertaking. The initial TCNS filing was submitted on May 10, 2022. The FCC responded via e-mail on May 13, 2022, indicating that six (6) nationally recognized tribes were forwarded information regarding the location

of the proposed undertaking via electronic or regular mail. The Miccosukee Tribe of Indians of Florida, Seminole Tribe of Florida, Seminole Nation of Oklahoma, Muscogee (Creek) Nation, Eastern Shawnee Tribe of Oklahoma, and the Thlopthlocco Tribal Town required additional information delivered to them. The requested documentation was forwarded to the tribes via registered mail or email on June 3, 2022. As of the date of this report, Lotis received clearance from all interested tribes.

FCC Wireless Telecommunications Docket No. 17-79 effective July 2, 2018, replaces procedures outlined in the 2005 Declaratory Ruling and establishes a 45-day process for proceeding with construction in cases in which Tribal Nations or NHOs do not respond. Referral can be completed and submitted to the FCC if a correspondence is not received within 30 calendar days (for emailed tribes) and 35 calendar days (for mailed tribes). Upon notice the FCC will communicate by letter or email with the respective tribe(s) giving them 15 days to respond. The FCC's final 15-day letter was sent July 28, 2022, to the non-responding party(s). According to the FCC Wireless Telecommunications Docket No. 17-79, when no response is received from the tribe(s) within 15 days from the FCC's contact it is deemed to have no interest in pre-construction review a consultation is considered complete. Documentation of all original submission cover letters, referral(s) to the FCC, and tribal clearances are included in Appendix D of this report. Copies of the Federal Lands Map and Indian Reservations Map are included in Appendix A.

6. Is the proposed undertaking located within a flood plain (100 or 500-year)?

According to the Flood Insurance Rate Map (FIRM) for the Collier County Unincorporated Areas, Florida (Map Number 12021C0416H) published by the Federal Emergency Management Agency (FEMA) effective on May 16, 2022 and exported on May 25, 2022, the proposed undertaking is partially located within a 100-year floodplain. However, Per the FCC Wireless Telecommunications Docket No. 17-79 effective July 2, 2018, an EA not required as long as the applicant can show that the facility/associated equipment will be installed 1-foot above the determined BFE. According to the FAA tower certification document (provided by Geoline Surveying, Inc.), the tower and associated equipment is located at 12.7' while the surrounding BFE is listed as 11.5 feet. Therefore, per the FCC guidance an EA is not required. Copies of the FIRMette (flood plain map) and the 1-foot above BFE commitment statement are included in Appendix E. Copies of the FIRMette (flood plain map) and the FAA Tower Certification are included in Appendix E.

7. Will construction of the proposed undertaking involve significant change in surface features (e.g., wetland fill, deforestation, or water diversion)?

According to the online United States Fish and Wildlife Service National Wetlands Inventory Map (NWIM), <http://www.fws.gov/wetlands/Data/Mapper.html>, for the proposed undertaking, no mapped wetlands are located at or within close proximity to the proposed undertaking. Additionally, Lotis has determined that no significant deforestation or water diversion is anticipated due to the proposed undertaking. A copy of the National Wetlands Inventory Map is included in Appendix F.

8. Is the proposed undertaking located in a residential neighborhood and is it required to be equipped with high intensity white lights (as defined by local zoning law)?

The proposed undertaking is assumed not to be equipped with high intensity white lights nor located within a zoned residential neighborhood. Should the applicant decide to place high intensity lighting on the proposed undertaking, additional consultation will be recommended.

9. a.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?

An evaluation to determine whether RF emission standards are met was not included as part of this report. Lotis assumes that client representatives will evaluate the project to ensure compliance with applicable RF standards. If the antenna structure is equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level further consultation is required for NEPA due diligence.

b.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above floor level?

An evaluation to determine whether RF emission standards are met was not included as part of this report. Lotis assumes that client representatives will evaluate the project to ensure compliance with applicable RF standards. If the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna is located less than 10 meters above floor level further consultation is required for NEPA due diligence.

National Historic and Scenic Trail Review

Per the 1999 "Siting of Wireless Telecommunications facilities Near National Scenic Trails Resolution" early notification is not necessary if the *"Proposed sites that are more than one mile from a National Scenic Trail are outside the scope of this Resolution. Under certain circumstances, MSTOs and Applicants may find it mutually beneficial to have a cooperative working relationship on proposed sites that are more than one mile but less than four miles from a National Scenic Trail, particularly when constructing new or expanded towers 200 feet or higher above ground level which require lighting. While the signatories to this Resolution strongly encourage the formation of such alliances, the MSTO and the Applicant are not obligated to do so."*

The proposed undertaking is located more than 4 miles from the closest national scenic historic trail. Therefore, no additional consultation is required. A copy of the National Historic and Scenic Trail Map is included in Appendix A.

National Scenic Riverway Review

Congress enacted the Wild and Scenic Rivers Act (WSRA) in 1968, declaring it the "policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations." 16 U.S.C. § 1271. As originally enacted, the WSRA named specific rivers or segments of rivers for inclusion in the Wild and Scenic River System ("WSRS"). Id. § 1274(a)(1)-(a)(8).

The proposed undertaking is located more than ten (10) miles from the closest national scenic riverway. Therefore, no additional consultation is required. A copy of the National Scenic Riverway Map is included in Appendix A.

National Scenic Byway Review

The National Scenic Byways Program was established under the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and is part of the Department of Transportation's (DOT) Federal Highway Administration (FHWA). The program is a grass-roots collaborative effort established to help recognize, preserve, and enhance selected roads throughout the United States. Pursuant to the program, the Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities.

The proposed undertaking is located more than ten (10) miles from the closest national byway. Therefore, no additional consultation is required. A copy of the National Scenic Byway Map is included in Appendix A.

PROPOSED PROJECT SUMMARY

Site Name: **Senor Tequila**

Site Address: **near 2560 39th Street Southwest
Naples, Florida 34117**

Latitude/Longitude: **26° 10' 55.91" ±N / -81° 41' 06.58" ±W**

County: **Collier County**

UTM: **Zone: 17R East: 431535 North: 2896041**

Legal Description: **Township: 49S, Range: 26E, Section: 026**

Consultant Information: **Company: Lotis Environmental, LLC (Lotis)
Consultant: Miles Walz-Salvador
Email: NEPA.NHPA@TheLotisGroup.com
Address: 8899 Main Street – Suite 107
Williamsville, New York 14221
Phone: (716) 580-7000**

Project Description: **Proposed construction of a 145' (155' including all appurtenances) monopine telecommunication tower within a 70' by 70' lease area. A proposed 20' by 563' access easement will extend north then generally west connecting with 39th Street Southwest. Additionally, a proposed 10' by 505' utility easement will extend south then west connecting with 39th Street Southwest.**

Project Impacts: **Excavation and grade work to install tower foundation, utilities, and access easements.**

Project Area: **Square Footage: ~21,210 / Acres: ~0.4869146**

Present Land Use: **partially disturbed lot**

Past Land Use: **partially disturbed lot**

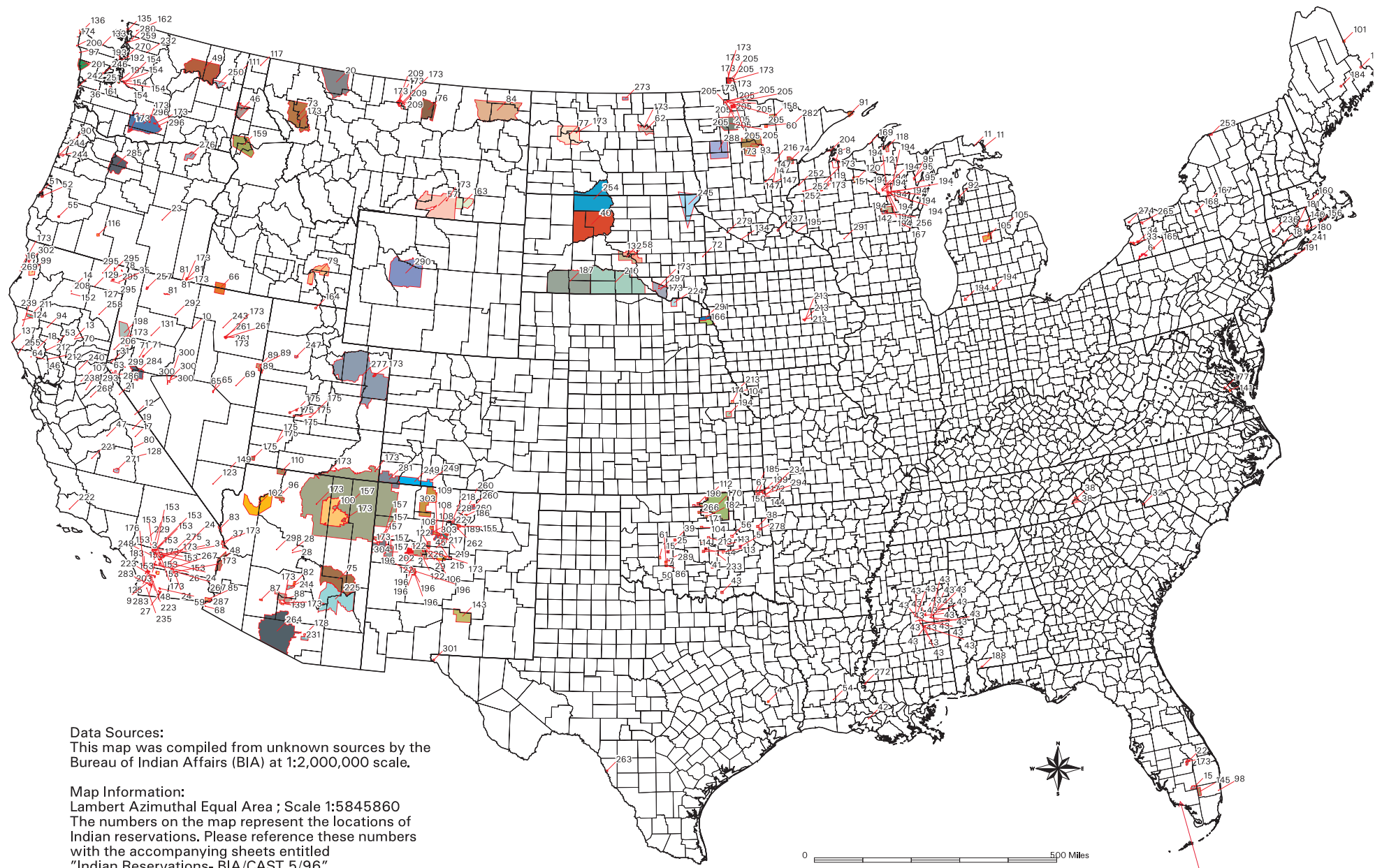
Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Appendix **A**

Maps

Indian Reservations in the Continental United States

3.E.b



Data Sources:

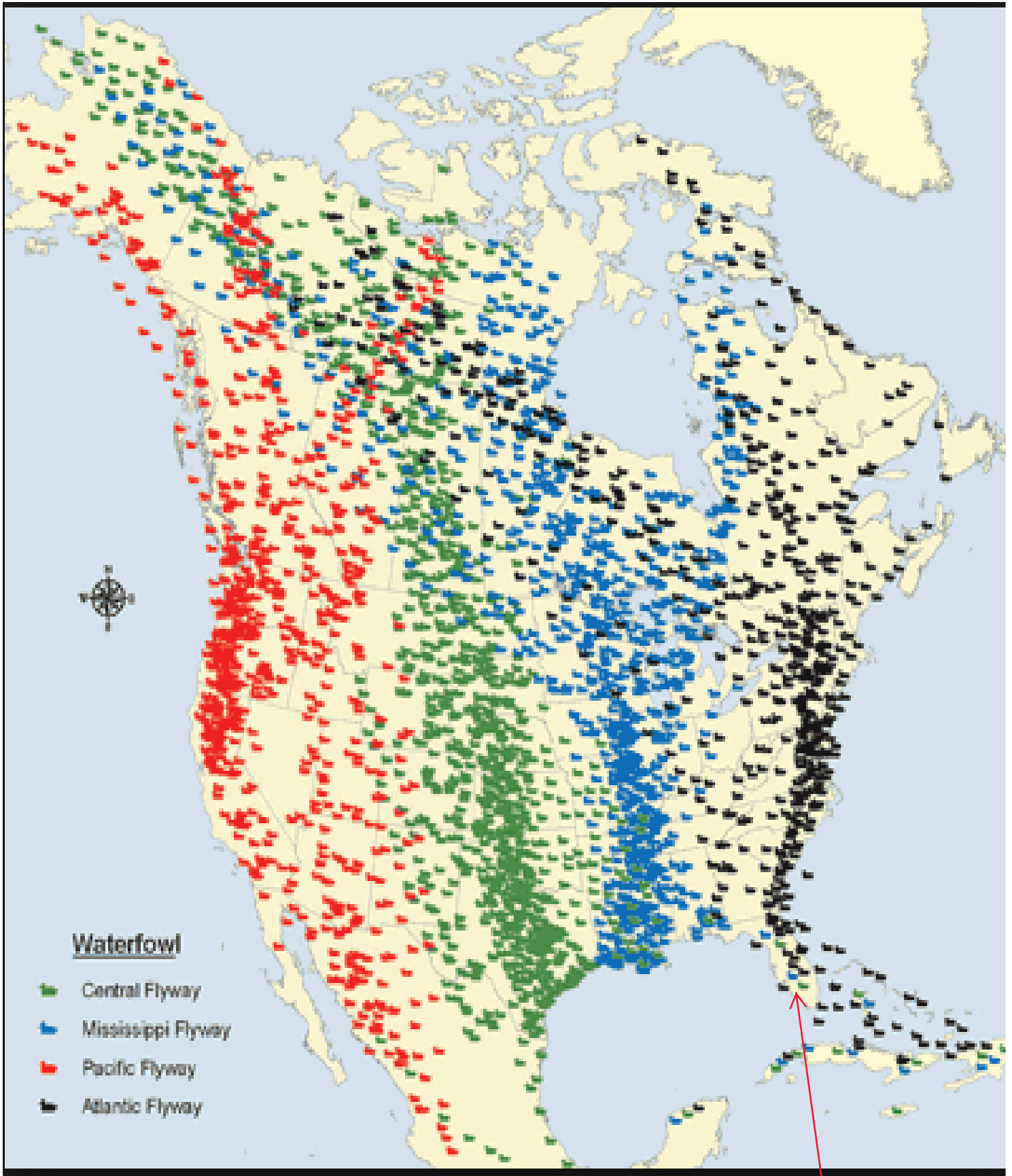
This map was compiled from unknown sources by the Bureau of Indian Affairs (BIA) at 1:2,000,000 scale.

Map Information:

Lambert Azimuthal Equal Area ; Scale 1:5845860
The numbers on the map represent the locations of Indian reservations. Please reference these numbers with the accompanying sheets entitled "Indian Reservations- BIA/CAST 5/96".

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

Packet Pg. 357



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Site Location



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge





U.S. Fish & Wildlife Service

National Wildlife Refuge System



Site Location

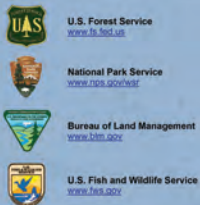
NATIONAL WILD AND SCENIC RIVERS SYSTEM

Designations as of November 2016

The National Wild and Scenic Rivers System

Established by Congress under the Wild and Scenic Rivers Act of 1968, the National Wild and Scenic Rivers System was created to preserve the free-flow, water quality, and outstanding natural, cultural, and recreational values of select rivers for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

More information about the National Wild and Scenic Rivers System or specific designated rivers can be found at the Interagency Wild & Scenic Rivers Coordinating Council's website, www.rivers.gov, or by contacting one of the federal river administering agencies:



Names of Numbered Wild and Scenic Rivers

- | | | |
|-------------------------|------------------------|-----------------------|
| 1 Sandy | 15 Deschutes | 30 Donner and Blitzen |
| 2 City of Gold | 16 North Fork Crooked | 31 Willamette Creek |
| 3 Middle Fork Hood | 17 Willamette Creek | 32 Kiger Creek |
| 4 East Fork Hood | 18 North Fork Smith | 33 North Fork Owyhee |
| 5 Filomena Creek | 19 River Styx | 34 Red Canyon |
| 6 Elsie | 20 Big Blunt | 35 South Fork Owyhee |
| 7 Salmon | 21 Crescent Creek | 36 Battle Creek |
| 8 Chickamauga | 22 Little Deschutes | 37 Deep Creek |
| 9 Colowash | 23 Crooked | 38 Deschutes Creek |
| 10 Fish Creek | 24 North Fork Crooked | 39 Little Jacks Creek |
| 11 South Fork Clackamas | 25 South Fork John Day | 40 Duncan Creek and |
| 12 Roaring and | 26 North Fork John Day | 41 Cottonwood Creek |
| 13 South Fork Roaring | 27 North Fork | 42 Sheep Creek |
| 14 Eagle Creek | 28 Joseph Creek | |
| 15 Madras | 29 Lostine | |

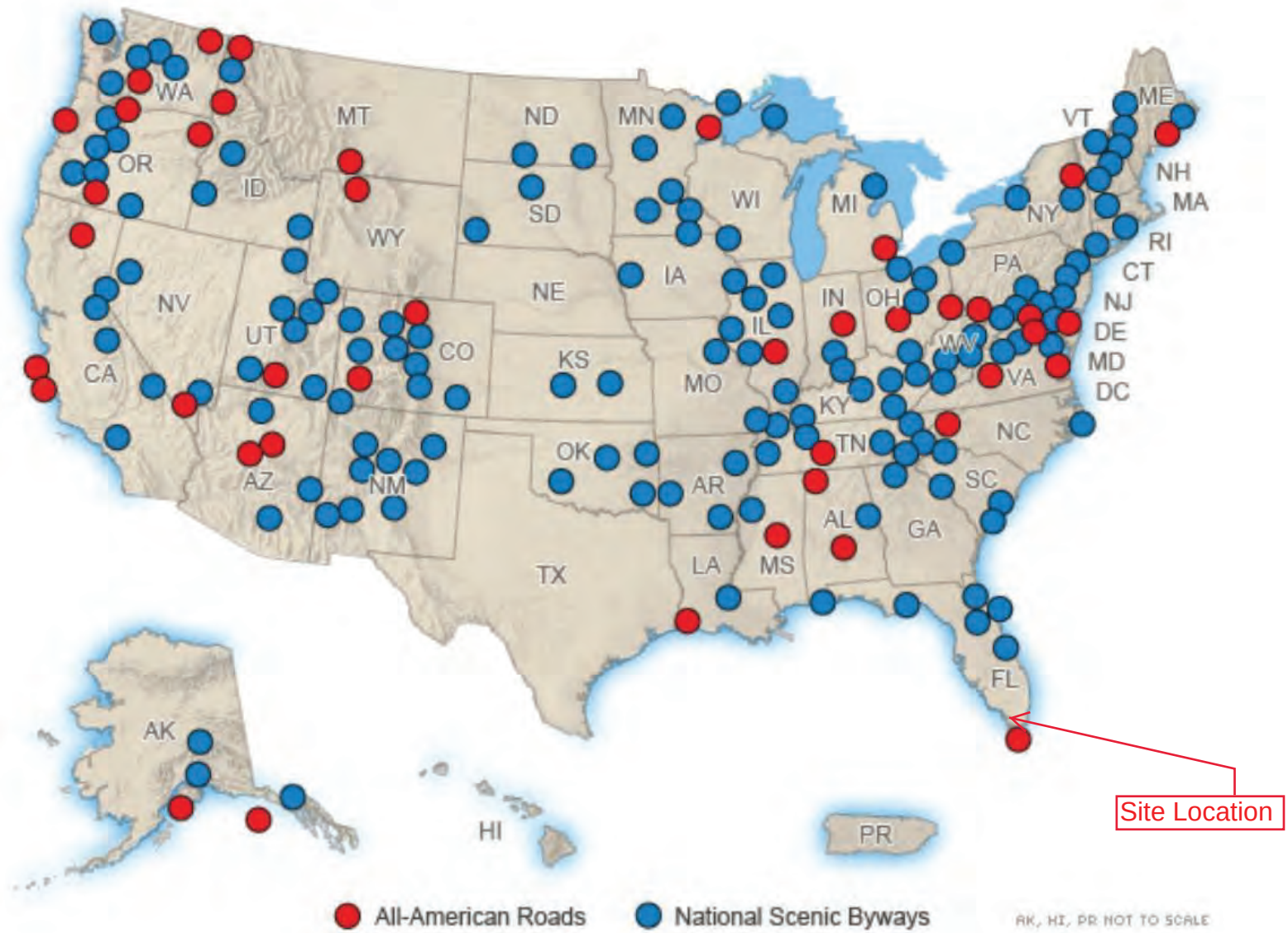


Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

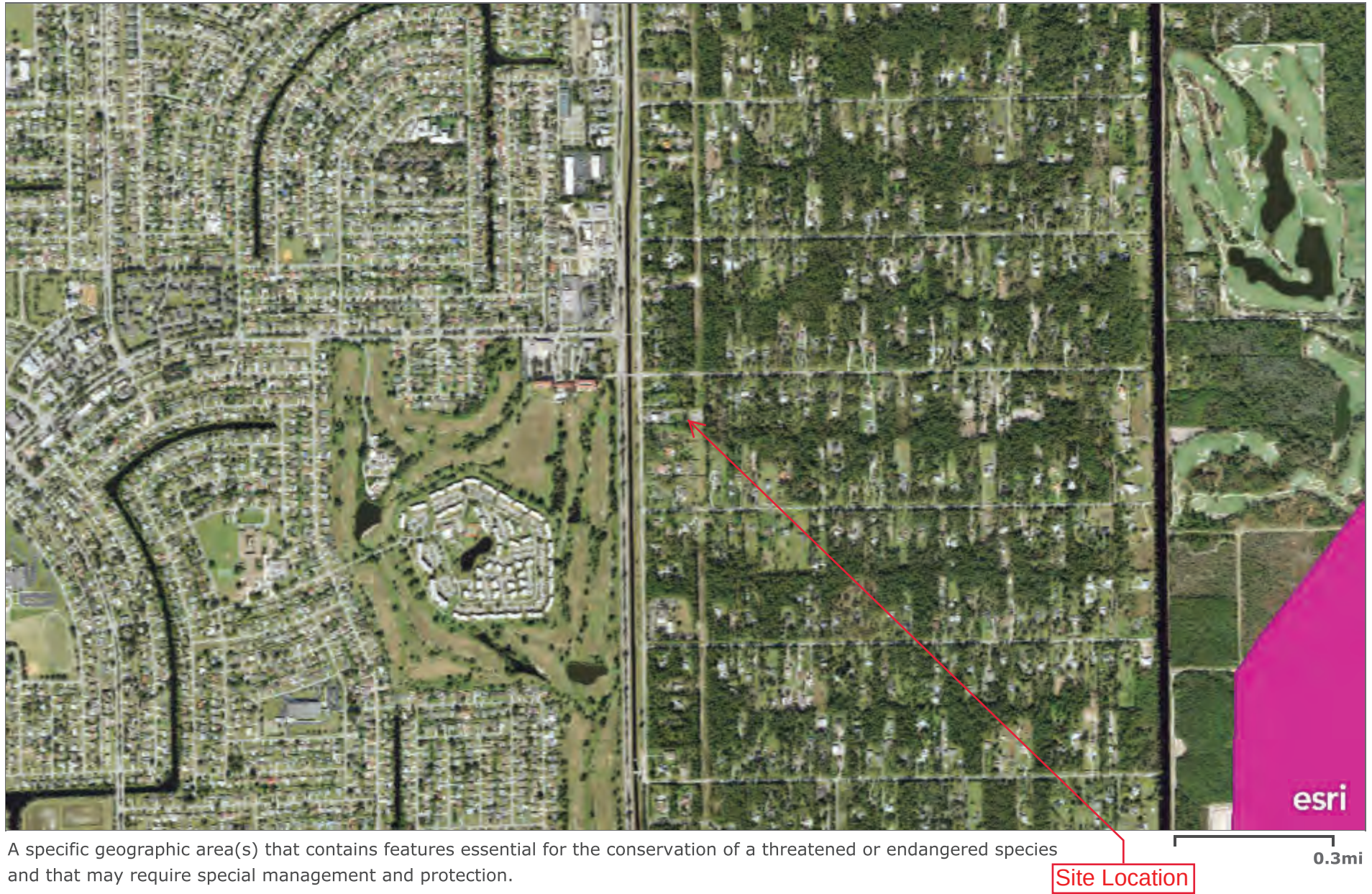
Protected Areas Database of the U.S. (PAD-US) - Federal Managers



U.S. Department of the Interior
U.S. Geological Survey



Critical Habitat for Threatened & Endangered Species [USFWS]

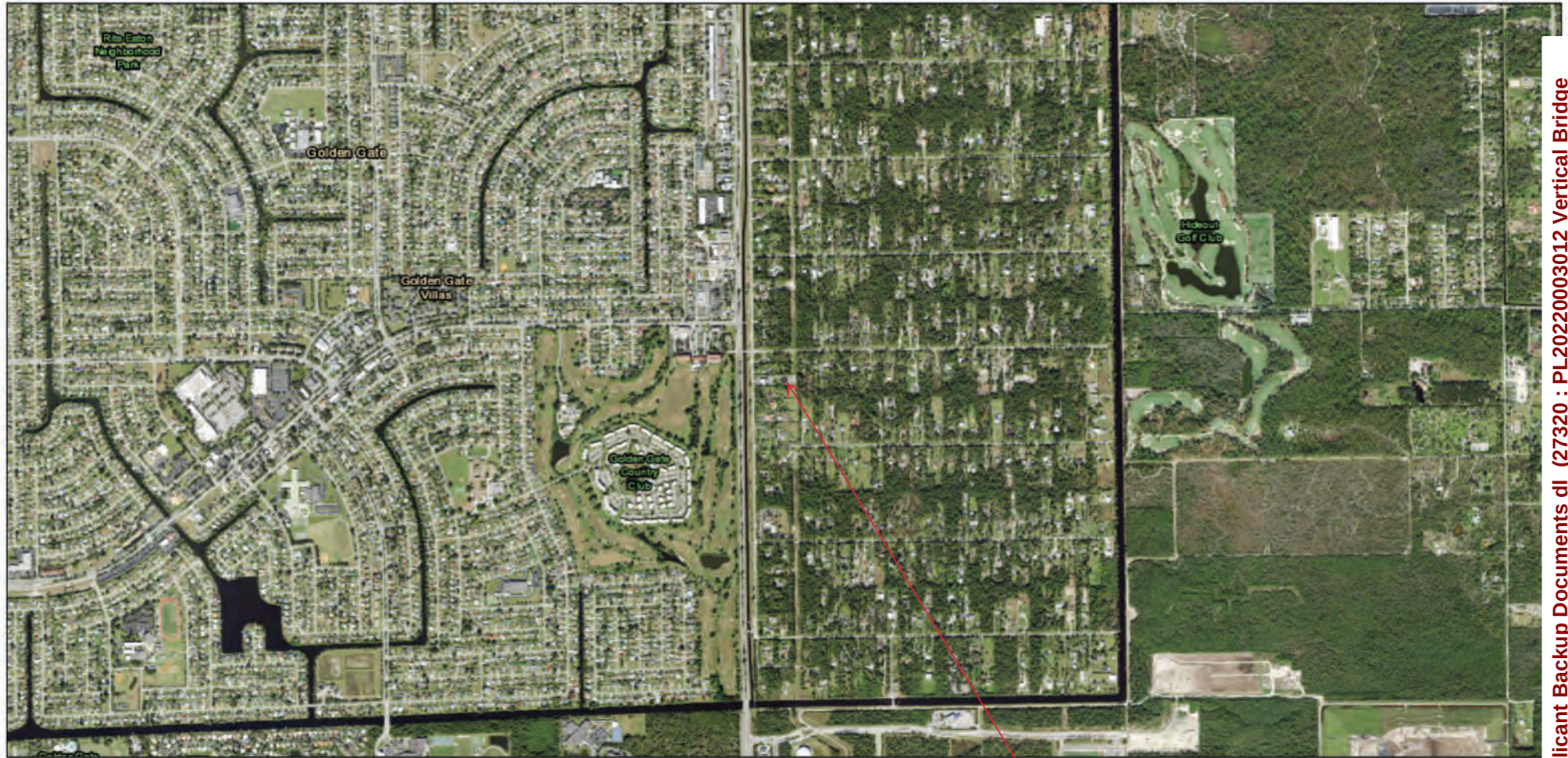


A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

U.S. Fish and Wildlife Service | State of Florida, Maxar

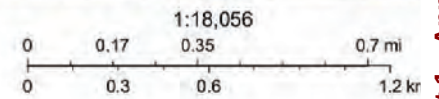
Wilderness Map

3.E.b



5/25/2022, 7:47:59 AM

Site Location



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community. Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Web AppBuilder for ArcGIS

State of Florida, Maxar | County of Collier, Esri, HERE, Garmin, GeoTechnologies, Inc.

Collier County Area, Florida

128—Pineda fine sand, limestone substratum-Urban land complex, 0 to 2 percent slopes

Map Unit Setting

National map unit symbol: 2x9fz
Elevation: 0 to 30 feet
Mean annual precipitation: 46 to 54 inches
Mean annual air temperature: 70 to 77 degrees F
Frost-free period: 355 to 365 days
Farmland classification: Not prime farmland

Map Unit Composition

Pineda, limestone substratum, and similar soils: 43 percent
Urban land: 38 percent
Minor components: 19 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Pineda, Limestone Substratum

Setting

Landform: Flats on marine terraces, drainageways on marine terraces
Landform position (three-dimensional): Tread, talf, dip
Down-slope shape: Linear
Across-slope shape: Linear, concave
Parent material: Sandy and loamy marine deposits over limestone

Typical profile

A - 0 to 4 inches: fine sand
E - 4 to 12 inches: fine sand
Bw - 12 to 18 inches: fine sand
E' - 18 to 30 inches: fine sand
Btg/E - 30 to 38 inches: sandy clay loam
Btg - 38 to 55 inches: fine sandy loam
2R - 55 to 65 inches: bedrock

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: 40 to 80 inches to lithic bedrock
Drainage class: Poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: About 3 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 4.0

Available water supply, 0 to 60 inches: Low (about 6.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified

Land capability classification (nonirrigated): 3w

Hydrologic Soil Group: C/D

Forage suitability group: Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Other vegetative classification: Slough (R155XY011FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Description of Urban Land

Setting

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Riser, talf

Down-slope shape: Linear

Across-slope shape: Linear

Parent material: No parent material

Interpretive groups

Land capability classification (irrigated): None specified

Forage suitability group: Forage suitability group not assigned (G155XB999FL)

Other vegetative classification: Forage suitability group not assigned (G155XB999FL)

Hydric soil rating: Unranked

Minor Components

Pineda, limestone substratum ponded

Percent of map unit: 5 percent

Landform: Drainageways on marine terraces, flats on marine terraces

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Linear

Across-slope shape: Concave, linear

Other vegetative classification: Slough (R155XY011FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Brynwood

Percent of map unit: 4 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Linear

Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

Cypress lake

Percent of map unit: 4 percent

Landform: Flats on marine terraces, drainageways on marine terraces

Landform position (three-dimensional): Tread, talf, dip

Down-slope shape: Convex, linear

Across-slope shape: Linear, concave

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: Yes

Malabar

Percent of map unit: 3 percent

Landform: — error in exists on —

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Linear, concave

Across-slope shape: Linear, concave

Other vegetative classification: Slough (R155XY011FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

Hydric soil rating: Yes

Pineda, limestone substratum

Percent of map unit: 2 percent

Landform: Drainageways on marine terraces, flats on marine terraces

Landform position (three-dimensional): Tread, dip, talf

Down-slope shape: Linear

Across-slope shape: Concave, linear

Other vegetative classification: Slough (R155XY011FL), Sandy over loamy soils on flats of hydric or mesic lowlands (G155XB241FL)

Hydric soil rating: No

Wabasso

Percent of map unit: 1 percent

Landform: Flatwoods on marine terraces

Landform position (three-dimensional): Tread, talf

Down-slope shape: Convex, linear

Across-slope shape: Linear

Other vegetative classification: South Florida Flatwoods (R155XY003FL), Sandy soils on flats of mesic or hydric lowlands (G155XB141FL)

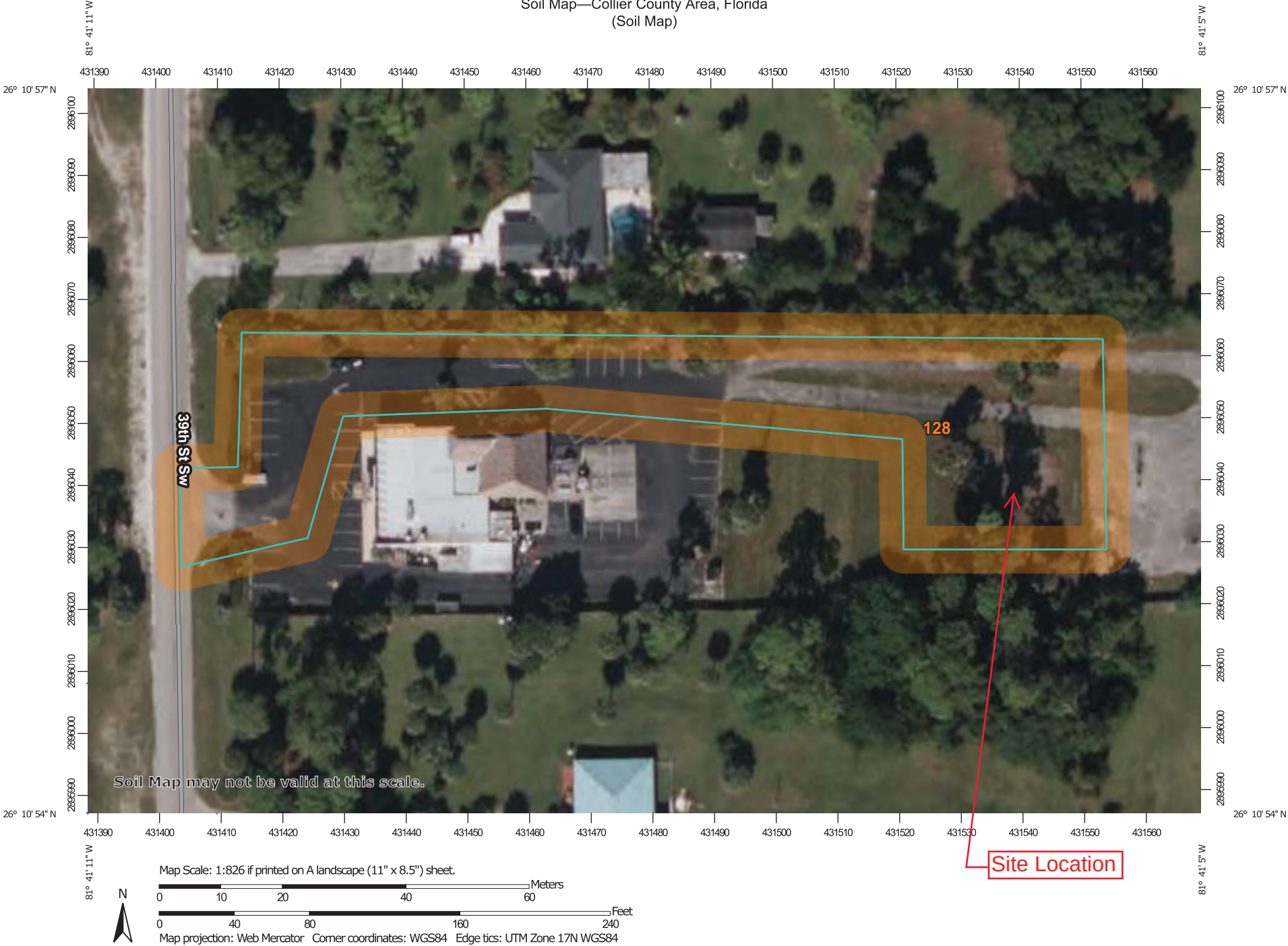
Hydric soil rating: No

Data Source Information

Soil Survey Area: Collier County Area, Florida

Survey Area Data: Version 15, Aug 25, 2021

Soil Map—Collier County Area, Florida
(Soil Map)



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

Soil Map—Collier County Area, Florida
(Soil Map)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Collier County Area, Florida
Survey Area Data: Version 15, Aug 25, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 14, 2021—Nov 23, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
128	Pineda fine sand, limestone substratum-Urban land complex, 0 to 2 percent slopes	0.7	100.0%
Totals for Area of Interest		0.7	100.0%

Appendix **B**

United States Fish and Wildlife Service (USFWS): South Florida Ecological Services Field Office and Florida Fish and Wildlife Conservation Commission (FWC) and Florida State Clearinghouse (FSC) Consultation

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Lotis' Informal Biological Assessment (IBA)

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Informal Biological Assessment

Applicant: VB BTS, LLC

Site Name: "Senor Tequila"; Site Number: "US-FL-7040"; Lotis Task ID: "VBBTS_010"

Latitude : 26° 10' 55.91" N ; Longitude : -81° 41' 06.58" W

Lotis was contracted by the applicant to complete an informal biological assessment (IBA) for the proposed undertaking (which includes the tower, associated equipment, lease area, and access/utility/guy wire easements; or a combination of the mentioned). The purpose of this IBA is to assess and document whether the proposed undertaking will potentially affect species of concern, designated critical habitats, wetlands, and migratory birds identified by the United States Fish and Wildlife Services (USFWS) Information for Planning and Conservation (IPaC) tool and the Florida Fish and Wildlife Conservation Commission (FWC). The proposed undertaking's scope of work (SOW), site photographs, site location maps, the official IPaC species list/Section 7 guidance, and the relevant species listed by the state of Florida are included in this report.

The Proposed Undertaking's Scope of Work:

The proposed undertaking is located near 2560 39th Street SW, Naples, Collier County, Florida 34117 and consists of a 155-foot tall monopine telecommunication tower and associated equipment contained within a 70-foot by 70-foot lease area at the above property. The undertaking includes a 20-foot by 563-foot-long access easement that extends north then generally west connecting with 39th Street Southwest. Additionally, there is a 10-foot by 505-foot utility easement. In total the proposed undertaking is approximately 21,210 square feet. The proposed tower site is approximately 11.4 feet above mean sea level (AMSL).

Site and Surrounding Habitat:

The proposed undertaking is currently located in wooded land. Per the scope of work, no trees within the proposed undertaking are identified to be removed/impacted. The surrounding habitats within a 0.5 mile radius of the proposed undertaking consist of commercial and residential properties with associated roadways. To the north, habitat consists of a partially wooded lot followed by 25th Avenue Southwest, a large, wooded lot, a commercial property with surrounding trees, 23rd Avenue Southwest, a wooded lot, and a partially disturbed lot. To the east, habitat consists of disturbed lot followed by a large partially wooded lot, several residential properties with surrounding trees, and a large, forested area. To the south, habitat consists of a partially wooded lot followed by several residential properties with some trees, 27th Avenue Southwest, a couple residential properties with surrounding trees, a commercial property with surrounding trees, 29th Avenue Southwest, and a residential property with surrounding trees. To the west, habitat consists of a commercial property with some trees followed by 39th Street Southwest, a riverine, Collier Boulevard, and a large partially wooded golf course. Per USFWS Critical Habitat Mapper (<http://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8ddb77>) the current habitat is not mapped as critical habitat, nor does it qualify as preferred habitat for Federal or State listed species.

Wetlands:

Lotis has reviewed the United States Geological Survey's (USGS) topographic map as well as the USFWS National Wetlands Inventory Map (NWIM) to determine if the lease area and easements would have an impact on any wetlands. Lotis determined that the proposed undertaking is not located in a recognized national wetland area but due to the proximity of wetlands in all directions the undertaking may have an adverse effect on these areas. Lotis recommends best management practices be incorporated to protect adjacent habitats and wetlands from runoff caused by impervious surfaces. The closest USFWS identified wetland is approximately 0.05 miles southeast of the tower location.

Lotis identified surface water bodies with the aid of local maps in combination with an area reconnaissance. Lotis has identified wetlands within a 0.50-mile radius and wetlands of significance. Please see the list of identified water bodies below:



Water Body Type	Water Body Name	Direction from Tower	Distance from Tower
Freshwater Forested/Shrub Wetland	Unnamed	Southeast	~0.05 miles
Riverine	Unnamed	West	~0.10 miles
Freshwater Forested/Shrub Wetland	Unnamed	North	~0.10 miles
Freshwater Forested/Shrub Wetland	Unnamed	Northeast	~0.18 miles
Freshwater Forested/Shrub Wetland	Unnamed	Southeast	~0.22 miles
Freshwater Pond	Unnamed	Southwest	~0.25 miles
Freshwater Emergent Wetland	Unnamed	Southeast	~0.26 miles
Freshwater Pond	Unnamed	Southwest	~0.27 miles
Freshwater Forested/Shrub Wetland	Unnamed	Southeast	~0.35 miles
Freshwater Forested/Shrub Wetland	Unnamed	Southeast	~0.37 miles
Freshwater Forested/Shrub Wetland	Unnamed	Northeast	~0.41 miles
Freshwater Forested/Shrub Wetland	Unnamed	Northeast	~0.43 miles
Riverine	Unnamed	Northwest	~0.43 miles
Freshwater Pond	Unnamed	Southwest	~0.43 miles
Freshwater Forested/Shrub Wetland	Unnamed	Southeast	~0.46 miles
Freshwater Pond	Unnamed	Southwest	~0.49 miles

*All directions are from the closest point of contact from the tower location.

Threatened or Endangered Species:

Lotis has researched the threatened or endangered species and designated critical habitat for the action area. This is exclusive to any such species that have been reported to exist within the area where the proposed undertaking is located. The list of federally threatened or endangered species was acquired through the USFWS IPaC website. The list of state species of concern was acquired through the Florida's Natural Areas Inventory website (https://data.flabins.org/mapping/FNAI_BioMatrix/GridSearch.cfm?sel_id=41279&extent=630456.0547,242948.1689,632065.3977,244557.5118).

The list of the remaining potentially present listed species and habitat presence are summarized in the following table:

Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
American Alligator (<i>Alligator mississippiensis</i>)	Federally Threatened	Freshwater, slow-moving rivers	Habitat assessment indicated no preferred habitat present.	No effect



Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Audubon's Crested Caracara (<i>Polyborus plancus audubonni</i>)	Federally Threatened	Wet prairies with cabbage palms	Habitat assessment indicated no preferred habitat present.	No effect
Bartram's Hairstreak Butterfly (<i>Strymon acis bartrami</i>)	Federally Endangered	Pine rockland habitat	Habitat assessment indicated no preferred habitat present.	No effect
Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)	State Threatened	Cypress, slash pine savanna, mangrove swamps, tropical hardwood forests, live oak woods, coastal broadleaf evergreen hammocks, suburban habitats including golf courses, city parks, and residential areas	Habitat assessment indicated no preferred habitat present.	No effect
Celestial Lily (<i>Nemastylis floridana</i>)	State Endangered	Glades, prairies, and rocky slopes on calcareous substrates	Habitat assessment indicated no preferred habitat present.	No effect
Eastern Indigo Snake (<i>Drymarchon couperi</i>)	Federally Threatened	Pine flatwoods, hardwood forests, moist hammocks, and areas that surround cypress swamps	Habitat assessment indicated no preferred habitat present.	No effect
Florida Beargrass (<i>Nolina atopocarpa</i>)	State Threatened	Dry upland communities	Habitat assessment indicated no preferred habitat present.	No effect
Florida Bonneted Bat (<i>Eumops floridanus</i>)	Federally Endangered	Forests, wetlands, and other natural habitats	Habitat assessment indicated no preferred habitat present.	No effect
Florida Burrowing Owl (<i>Athene cunicularia floridana</i>)	State Threatened	Open priaries	Habitat assessment indicated no preferred habitat present.	No effect

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotigroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Florida Leafwing Butterfly (<i>Anaea troglodyta floridaalis</i>)	Federally Endangered	Pine rockland	Habitat assessment indicated no preferred habitat present.	No effect
Florida Panther (<i>Puma concolor coryi</i>)	Federally Endangered	Forests, wetlands, and grasslands	Habitat assessment indicated no preferred habitat present.	No effect
Florida Prairie-clover (<i>Dalea carthagenesis floridana</i>)	Federally Endangered	Pine rocklands, edges of rockland hammocks, coastal uplands, marl prairie	Habitat assessment indicated no preferred habitat present.	No effect
Florida Royal Palm (<i>Roystonea regia</i>)	State Endangered	Tropical rockland hammock, Everglades tree islands	Habitat assessment indicated no preferred habitat present.	No effect
Garber's Spurge (<i>Chamaesyce garberi</i>)	Federally Threatened	Sandy soils over limestone in pine rocklands, hammock edges, coastal rock barrens, grass prairies, salt flats, beach ridges, and swales	Habitat assessment indicated no preferred habitat present.	No effect
Ghost Orchid (<i>Dendrophylax lindenii</i>)	State Endangered	Deep swamps of cypress, pond apple and palm trees	Habitat assessment indicated no preferred habitat present.	No effect
Gopher Tortoise (<i>Gopherus polyphemus</i>)	State Threatened	Well-drained, sandy soils	Habitat assessment indicated no preferred habitat present.	No effect
Gulf Sturgeon (<i>Acipenser oxyrinchus desotoi</i>)	Federally Threatened	Riverine habitat between the upstream spawning areas and the estuary	Habitat assessment indicated no preferred habitat present.	No effect

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotigroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Loggerhead Sea Turtle (<i>Caretta caretta</i>)	Federally Threatened	Subtropical and temperate regions	Habitat assessment indicated no preferred habitat present.	No effect
Miami Blue Butterfly (<i>Cyclargus thomasi bethunebakeri</i>)	Federally Endangered	Tropical hardwood hammocks, tropical pine rocklands, and beachside scrub	Habitat assessment indicated no preferred habitat present.	No effect
Monarch Butterfly (<i>Danaus plexippus</i>)	Federal Candidate	Prairies, meadows, grasslands and along roadsides	Habitat assessment indicated no preferred habitat present.	No effect
Nodding Pinweed (<i>Lechea cernua</i>)	State Threatened	Dry sandy areas, sand pine scrub, scrub, dunes and sandy ridges	Habitat assessment indicated no preferred habitat present.	No effect
Pinewoods Bluestem (<i>Andropogon arctatus</i>)	State Threatened	Flatwoods, bogs, and scrubland	Habitat assessment indicated no preferred habitat present.	No effect
Puma (<i>Puma concolor</i>)	Federally Threatened	Desert scrub, chaparral, swamps, and forests	Habitat assessment indicated no preferred habitat present.	No effect
Red-cockaded Woodpecker (<i>Picoides borealis</i>)	Federally Endangered	Old pines with very little understory	Habitat assessment indicated no preferred habitat present.	No effect
Small's Flax (<i>Linum carteri</i> var. <i>smallii</i>)	State Endangered	Pine rockland	Habitat assessment indicated no preferred habitat present.	No effect

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Species Name	Federal /State Status	Preferred Habitat	Habitat Presence	Recommendation of Effect
Wood Stork (<i>Mycteria americana</i>)	Federally Threatened	Mixed hardwood swamps, sloughs, mangroves, and cypress domes/strands	Habitat assessment indicated no preferred habitat present.	No effect

Migratory Birds:

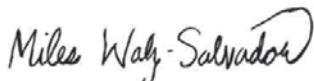
The USFWS has indicated its concern of the impact of towers on migrating bird populations. The proposed undertaking and design process for this undertaking could not conform to all the USFWS recommendations to decrease potential effects on migratory birds. Lotis has assessed the potential habitat for migratory birds and has determined that potential habitat is present at and around the proposed undertaking. This habitat includes wooded lands in the surrounding area. The siting of this proposed undertaking has placed it within disturbed habitat. It should also be noted that the proposed undertaking is located within 0.58 miles of an existing 162-foot guyed telecommunication tower to the southwest.

Based upon the efforts during this IBA as well as the current data made available, surrounding habitat has the potential to support migratory birds; however, potential negative effects of the a nearby tower are unknown and addition of another tower may or may not negatively affect migratory birds.

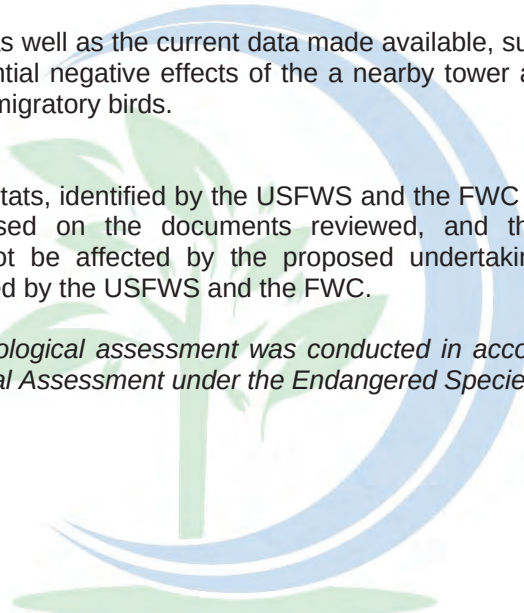
Conclusions:

In conclusion, no species preferred habitats, identified by the USFWS and the FWC have been observed at the proposed undertaking's location. Therefore, based on the documents reviewed, and the SOW outlined above, identified threatened/endangered species will not be affected by the proposed undertaking. Lotis' recommends following all preventative recommendations presented by the USFWS and the FWC.

It should be noted that this informal biological assessment was conducted in accordance with the Scope of Work and does not constitute a Section 7 Biological Assessment under the Endangered Species Act (50 CFR Part 402.01).



Miles Walz-Salvador
Biologist / Nationwide NEPA Manager
Lotis Environmental, LLC



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



United States Fish and Wildlife Service (USFWS): South Florida Ecological Services Field Office Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- *Proposed Project Summary*
- *Informal Biological Assessment*
- *USFWS IPaC Document*
- *Attachment 1 - Maps*
- *Attachment 2 - Photographs*



June 3, 2022

United States Fish & Wildlife Service: South Florida Ecological Services Field Office
 Attn: John Wrublik
 1339 20th Street
 Vero Beach, Florida 32960
 Submitted via email: verobeach@fws.gov; John_Wrublik@fws.gov

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis), is preparing an environmental review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Lotis' review is focused on compliance with Section 7 of the Endangered Species Act and environmental concerns specified by the FCC in 47 CFR 1.1307. In addition, Lotis will be considering the possible impact on wetlands, critical habitat, wildlife refuges, wilderness areas, state listed species of concern, as well as species protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. Consultation with the state will also be initiated to mitigate potential impact to species of concern.

Attached, please find information pertaining to the proposed undertaking known as Senor Tequila. The information package includes the proposed project summary, site maps, results from our search of threatened or endangered species within the action area (provided by the IPaC website) and the state species list (divided into Quad) and site photographs of the proposed undertaking and adjacent habitat. Lotis has completed an informal biological assessment of the proposed undertaking's action area using available maps, documentation, and site reconnaissance. We have determined that the proposed undertaking would have No Effect on federal listed species, their designated habitat, or designated critical habitat.

We would appreciate your assistance in determining if, in your opinion, the proposed undertaking is found to affect a wildlife refuge or will have an adverse impact on any listed and/or proposed species of concern or any designated and/or proposed critical habitats. We request your concurrence with our determination of No Effect on federally listed species.



(716)580-7000



www.thelotisgroup.com



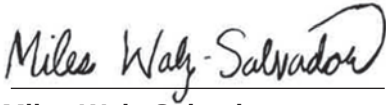
Lotis Environmental, LLC

8899 Main Street, Suite 107
 Williamsville, NY 14221

On behalf of VB BTS, I would solicit your comments on this proposed undertaking. Kindly forward to the undersigned via email (NEPA.NHPA@TheLotisGroup.com) or by regular mail to 6465 Transit Road - Suite 21, East Amherst, NY 14051-2232.

Thank you for your consideration and cooperation in this matter.

Sincerely,
Lotis Environmental, LLC



Miles Walz-Salvador
Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



***Federal Communications Commission (FCC)
Designation Letter for FCC licensees, applicants, tower
companies and their representatives when they request
informal consultations and/or request species lists
pursuant to Section 7 of the Endangered Species Act of
1973, as amended (16 U.S.C. §§ 1531-1543) (ESA)***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Federal Communications Commission
Washington, D.C. 20554

July 9, 2003

Mr. Steve Williams, Director
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

BY FIRST CLASS MAIL AND FACSIMILE (202) 208-6965

Dear Mr. Williams:

We have received requests from various U.S. Fish and Wildlife Service (FWS) field offices for a designation letter from the Federal Communications Commission (FCC) for FCC licensees, applicants, tower companies and their representatives when they request informal consultations and/or request species lists pursuant to Section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. §§ 1531-1543) (ESA). Pursuant to 50 C.F.R. § 402.08 and in accordance with FCC rules, this letter formally designates all FCC licensees, applicants, tower companies and their representatives as non-federal representatives for purposes of Section 7 consultation. We recognize that the Commission retains ultimate responsibility for Section 7 obligations. See 47 C.F.R. §§ 1.1308(b), 1.1312(b).

In accordance with the interagency cooperation regulations at 50 C.F.R. § 402.08, non-Federal representatives may be involved in an informal consultation process and may request and receive species lists, prepare the biological assessment, and provide information for a formal consultation. Because the FCC has deregulated the construction of communications facilities, the Commission is not involved in most of its regulatees' planning and construction activities unless they affect certain categories of environmental concerns. (The FCC still does issue construction permits for broadcast facilities.) Thus, the FCC does not individually authorize and does not require notice of most communications towers. The FCC's rules require its licensees, applicants, and tower companies to determine, in the first instance, the environmental effects of their proposed towers. See 47 C.F.R. § 1.1312(a).

In accordance with this policy, the FCC's environmental rules require that all licensees and applicants prepare and file with the FCC an Environmental Assessment (EA) if, among other things, their proposed facilities "may affect" or "are likely to jeopardize" listed or proposed threatened or endangered species or designated critical habitats.¹ In order to

¹ 47 C.F.R. § 1.1307(a)(3) requires the preparation of an EA for facilities that: "(i) May affect listed threatened or endangered species or designated critical habitats; or (ii) are likely to jeopardize the continued

Williams Letter

page 2

determine whether an EA is required, an applicant may need to request information from and informally consult with FWS. Moreover, the Note to Section 1.1307(a)(3) of the FCC's environmental rules² specifically authorizes FCC licensees and applicants and their representatives to contact FWS to determine whether their proposed facilities will affect threatened or endangered species or designated critical habitats. We understand that the FWS rules require parties that are engaged in informal consultation to include the information described in 50 C.F.R. § 402.12, which may be different from information required under the National Environmental Policy Act. Once it is established that threatened or endangered species or their critical habitats may be affected, licensees and applicants are required to base their analysis on the "best scientific and commercial data available." See 47 C.F.R. § 1.1311(a)(6).

Accordingly, under the FCC's environmental rules, all FCC licensees, applicants, tower companies and their representatives have a blanket designation and are authorized to contact and work with the FWS to ensure that any effects on threatened and endangered species and their critical habitats are evaluated in siting proposed communications facilities. The FCC intends to post this letter on the FCC website, <http://wireless.fcc.gov/siting>.

Sincerely,



Susan H. Steiman
Associate General Counsel

Cc: Richard Sayers, Endangered Species Division

existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats, as determined by the Secretary of the Interior pursuant to the Endangered Species Act of 1973."

² 47 C.F.R. § 1.1307(a)(3) Note.

***United States Fish and Wildlife Service (USFWS):
South Florida Ecological Services Field Office's
Information for Planning and Conservation (IPaC)
Letter(s)***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Florida Ecological Services Field Office
FL



In Reply Refer To:
Project Code: 2022-0046946
Project Name: Senor Tequila US-FL-7040

May 25, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may

affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Florida Ecological Services Field Office
, FL

Project Summary

Project Code: 2022-0046946

Event Code: None

Project Name: Senior Tequila US-FL-7040

Project Type: Communication Tower New Construction

Project Description: A proposed 145/155' monopine telecommunications tower within a 70' by 70' lease area. Also included is an approximately 20' by 563' access easement. Additionally there is a 10' by 505' utility easement.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@26.18219965,-81.68513775816452,14z>



Counties: Collier County, Florida

Endangered Species Act Species

There is a total of 16 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Florida Bonneted Bat <i>Eumops floridanus</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8630	Endangered
Florida Panther <i>Puma (=Felis) concolor coryi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain Lion) <i>Puma (=Felis) concolor (all subsp. except coryi)</i> Population: FL No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6049	Similarity of Appearance (Threatened)

Birds

NAME	STATUS
Audubon's Crested Caracara <i>Polyborus plancus audubonii</i> Population: FL pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8250	Threatened
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered
Wood Stork <i>Mycteria americana</i> Population: AL, FL, GA, MS, NC, SC No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8477 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YMK3HXD4VFCIJL4HN5UX7FAAWY/documents/generated/6954.pdf	Threatened

Reptiles

NAME	STATUS
American Alligator <i>Alligator mississippiensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/776	Similarity of Appearance (Threatened)
Eastern Indigo Snake <i>Drymarchon couperi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/646	Threatened
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

Fishes

NAME	STATUS
Gulf Sturgeon <i>Acipenser oxyrinchus (=oxyrhynchus) desotoi</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/651	Threatened

Insects

NAME	STATUS
Bartram's Hairstreak Butterfly <i>Strymon acis bartrami</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4837	Endangered
Florida Leafwing Butterfly <i>Anaea troglodyta floridalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6652	Endangered
Miami Blue Butterfly <i>Cyclargus (=Hemiargus) thomasi bethunebakeri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3797	Endangered
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Florida Prairie-clover <i>Dalea carthagenensis floridana</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2300	Endangered
Garber's Spurge <i>Chamaesyce garberi</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8229	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9587	Breeds Apr 1 to Aug 31
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31

NAME	BREEDING SEASON
Great Blue Heron <i>Ardea herodias occidentalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 1 to Dec 31
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Oct 1 to Apr 30
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for

that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

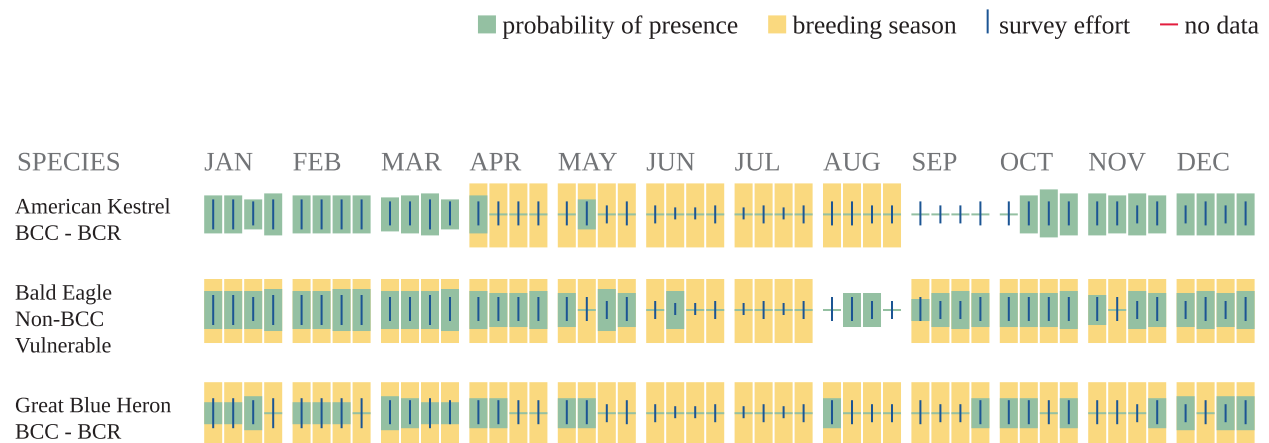
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

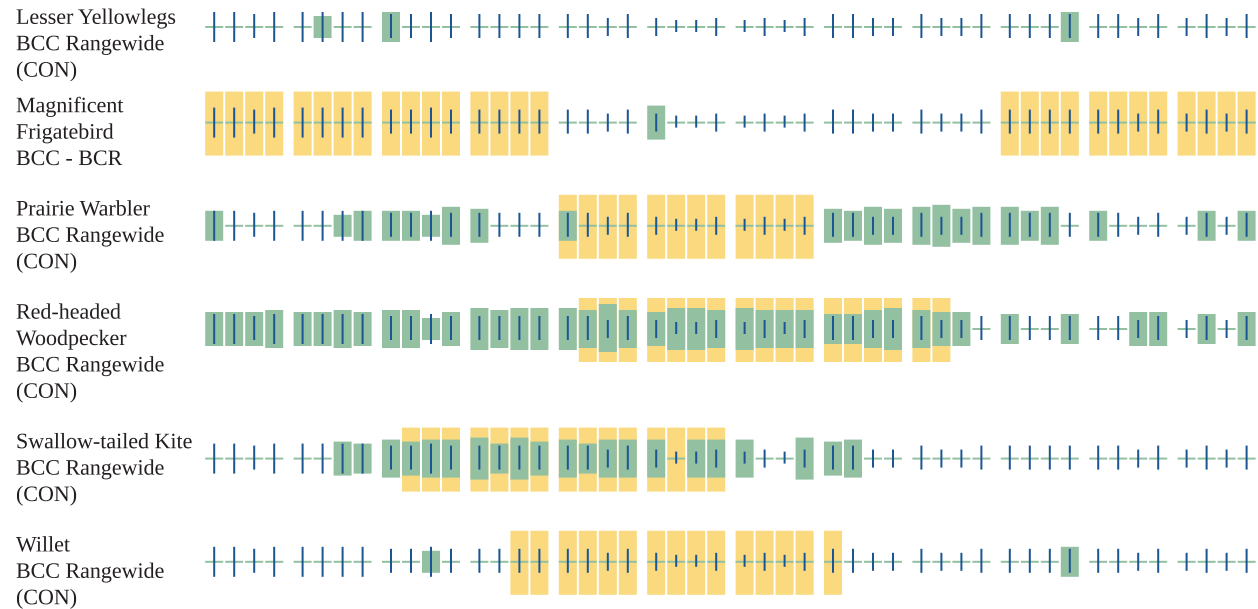
No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding](#).

[and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can

implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

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Address Line 2: 107
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Florida Ecological Services Field Office

FL

Email Address: fw4flesregs@fws.gov

<https://www.fws.gov/office/florida-ecological-services>



In Reply Refer To:
Project Code: 2022-0046946
Project Name: Senor Tequila US-FL-7040

August 11, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat.

Please include your Project Code, listed at the top of this letter, in all subsequent correspondence regarding this project. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Florida Ecological Services Field Office
, FL

Project Summary

Project Code: 2022-0046946

Project Name: Senor Tequila US-FL-7040

Project Type: Communication Tower New Construction

Project Description: A proposed 145/155' monopine telecommunications tower within a 70' by 70' lease area. Also included is an approximately 20' by 563' access easement. Additionally there is a 10' by 505' utility easement.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@26.1822129,-81.68513819474876,14z>



Counties: Collier County, Florida

Endangered Species Act Species

There is a total of 17 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Florida Bonneted Bat <i>Eumops floridanus</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8630	Endangered
Florida Panther <i>Puma (=Felis) concolor coryi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain Lion) <i>Puma (=Felis) concolor (all subsp. except coryi)</i> Population: FL No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6049	Similarity of Appearance (Threatened)

Birds

NAME	STATUS
Audubon's Crested Caracara <i>Polyborus plancus audubonii</i> Population: FL pop. No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8250	Threatened
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10477	Threatened
Red-cockaded Woodpecker <i>Picoides borealis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/7614	Endangered
Wood Stork <i>Mycteria americana</i> Population: AL, FL, GA, MS, NC, SC No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8477 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YMK3HXD4VFCIJL4HN5UX7FAAWY/documents/generated/6954.pdf	Threatened

Reptiles

NAME	STATUS
American Alligator <i>Alligator mississippiensis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/776	Similarity of Appearance (Threatened)
Eastern Indigo Snake <i>Drymarchon couperi</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/646	Threatened
Green Sea Turtle <i>Chelonia mydas</i> Population: North Atlantic DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6199	Threatened
Loggerhead Sea Turtle <i>Caretta caretta</i> Population: Northwest Atlantic Ocean DPS There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1110	Threatened

Fishes

NAME	STATUS
Gulf Sturgeon <i>Acipenser oxyrinchus (=oxyrhynchus) desotoi</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/651	Threatened

Insects

NAME	STATUS
Bartram's Hairstreak Butterfly <i>Strymon acis bartrami</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/4837	Endangered
Florida Leafwing Butterfly <i>Anaea troglodyta floridalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6652	Endangered
Miami Blue Butterfly <i>Cyclargus (=Hemiargus) thomasi bethunebakeri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/3797	Endangered
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Florida Prairie-clover <i>Dalea carthagenensis floridana</i> Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2300	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\)](#) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9587	Breeds Apr 1 to Aug 31
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Sep 1 to Jul 31

NAME	BREEDING SEASON
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Great Blue Heron <i>Ardea herodias occidentalis</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Jan 1 to Dec 31
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Magnificent Frigatebird <i>Fregata magnificens</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Oct 1 to Apr 30
Painted Bunting <i>Passerina ciris</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 25 to Aug 15
Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Swallow-tailed Kite <i>Elanoides forficatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8938	Breeds Mar 10 to Jun 30
Willet <i>Tringa semipalmata</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week

months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

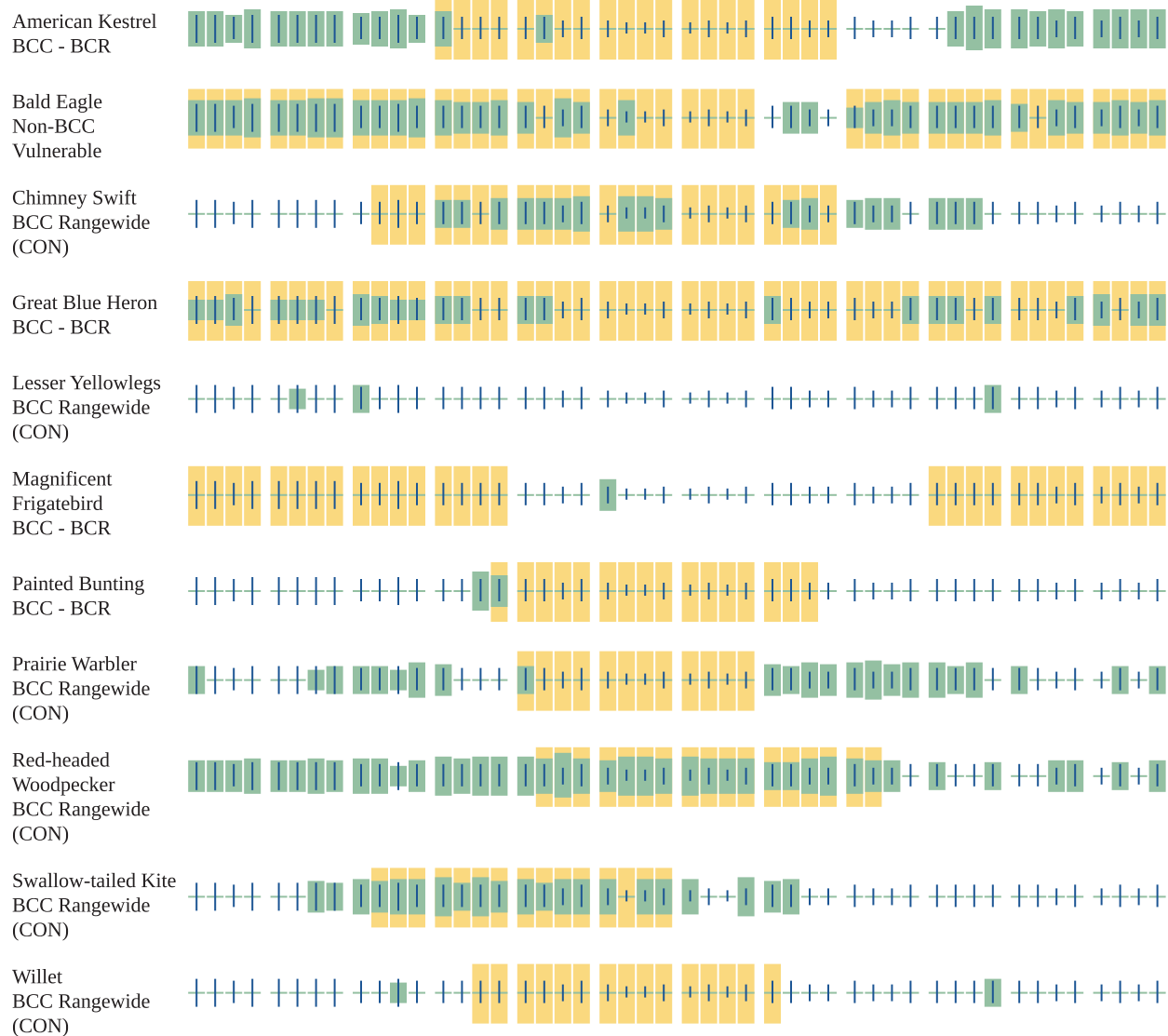
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly

important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of

certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Lotis Environmental, LLC
Name: Miles Walz-Salvador
Address: 8899 Main St
Address Line 2: 107
City: Williamsville
State: NY
Zip: 14221
Email: nepa.nhpa@thelotisgroup.com
Phone: 3149130505

Lead Agency Contact Information

Lead Agency: Federal Communications Commission

***United States Fish and Wildlife Service (USFWS):
South Florida Ecological Services Field Office's
Categorical Clearance Statement***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Florida Fish and Wildlife Conservation Commission - South Region (FWC) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- *Proposed Project Summary*
- *Informal Biological Assessment*
- *State Species List (if applicable)*
- *Attachment 1 - Maps*
- *Attachment 2 - Photographs*



June 3, 2022

Florida Fish and Wildlife Conservation Commission - South Region
 Attn: Thomas Reinert
 8535 Northlake Boulevard
 West Palm Beach, Florida 33412
 Submitted via email: fwfconservationplanningservices@myfwc.com

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis) is preparing an environmental review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Lotis' review is focused on compliance with Section 7 of the Endangered Species Act and environmental concerns specified by the FCC in 47 CFR 1.1307. The environmental review will include the consideration of possible impact on wetlands, critical habitat, wildlife refuges, wilderness areas, state, and federal listed species of concern, as well as species protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Act. Consultation with the USFWS will also be initiated to mitigate potential impact on species of concern.

Attached, please find information pertaining to the proposed undertaking known as Senor Tequila. The information package includes the proposed project summary, site maps, results from our search of threatened or endangered species within the action area (provided by the IPaC website) and the state species list (divided into Quad) and site photographs of the proposed undertaking and adjacent habitat. Lotis has completed an informal biological assessment of the proposed undertaking's action area using available maps, documentation, and site reconnaissance. We have determined that the proposed undertaking would have No Effect on state listed species or their potential habitat.

We would appreciate your assistance in determining if, in your opinion, the proposed undertaking is found to have an adverse impact on any listed and/or proposed species of concern or any designated

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
 Williamsville, NY 14221

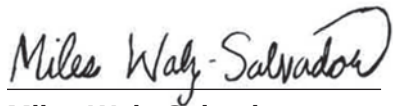
and/or proposed critical habitats. Additionally, we request your concurrence with our determination of No Effect on state listed species.

On behalf of VB BTS, I would solicit your comments on this proposed undertaking. Kindly forward to the undersigned via email (NEPA.NHPA@TheLotisGroup.com) or by regular mail to 6465 Transit Road - Suite 21, East Amherst, NY 14051-2232.

Thank you for your consideration and cooperation in this matter.

Sincerely,

Lotis Environmental, LLC



Miles Walz-Salvador

Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Proof of Florida Fish and Wildlife Conservation Commission (FWC) Submission

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***Florida Fish and Wildlife Conservation Commission -
South Region (FWC) Threatened and Endangered
Species List***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***Florida Fish and Wildlife Conservation Commission -
South Region's (FWC) Categorical Clearance Statement***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Florida State Clearinghouse (FSC) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- *Proposed Project Summary*
- *Informal Biological Assessment*
- *USFWS IPaC Document*
- *State Species List*
- *USFWS and FWC Submission Cover Letter*
- *SHPO Submission Cover Letter*
- *Form 620*
- *Attachment 1 - 9*



June 3, 2022

Florida Department of Environmental Protection: Florida State Clearinghouse
 Attn: Mr. Chris Stahl, Coordinator
 3800 Commonwealth Boulevard, M.S. 47
 Tallahassee, FL 32399-2400
 Email: State.Clearinghouse@floridadep.gov

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier, Florida 34117. Lotis Environmental, LLC (Lotis) is preparing an environmental review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC).

Attached, please find information pertaining to the proposed undertaking known as Senor Tequila. We would appreciate your assistance in determining if, in your opinion, the proposed undertaking is found to have an adverse impact on any listed and/or proposed species of concern or any designated.

On behalf of VB BTS, I would solicit your comments on this proposed undertaking. Kindly forward to the undersigned via email (NEPA.NHPA@TheLotisGroup.com) or by regular mail to 6465 Transit Road - Suite 21, East Amherst, NY 14051-2232.

Thank you for your consideration and cooperation in this matter.

Sincerely,

Lotis Environmental, LLC

Miles Walz-Salvador
 Nationwide NEPA/NHPA Manager
 NEPA.NHPA@TheLotisGroup.com
 Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Proof of Florida State Clearinghouse (FSC) Submission

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Florida State Clearinghouse (FSC) Response

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***2013 U.S. Fish and Wildlife Service (USFWS) Revised
Voluntary Guidelines for Communication Tower Design,
Siting, Construction, Operation, Retrofitting, and
Decommissioning***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Migratory Bird Treaty Act of 1918

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***2007 U.S. Fish and Wildlife Service (USFWS) National
Bald Eagle Guidelines***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Appendix **C**

Division of Historical Resources (DHR) Consultation

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Division of Historical Resources (DHR) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Form 620/621***
- ***Attachment 1 - Maps***
- ***Attachment 2 - Photographs***
- ***Attachment 3 - Areas of Potential Effects (Cultural Resource Report)***
- ***Attachment 4 - Historic Properties Identified in the APE for Direct Effects***
- ***Attachment 5 - Historic Properties Identified in the APE for Visual Effects***
- ***Attachment 6 - Tribal/NHO Involvement***
- ***Attachment 7 - Local Government Involvement***
- ***Attachment 8 - Public Involvement***
- ***Attachment 9 - Curricula Vitae***
- ***Attachment 10 - SHPO Specific Documentation (If required)***



June 3, 2022

Division of Historical Resources
Attn: Alayna Gould
500 South Bronough Street
R.A. Gray Building, Room 305
Tallahassee, Florida 32399

RE: **Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida, VB BTS, LLC; TCNS #: 248897**

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation and associated equipment within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis), is preparing a cultural resource and environmental review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the DHR to comment on the possible direct or visual effects the proposed undertaking may have on eligible/listed sites or structures of historic significance within the Area of Potential Effect (APE).

By providing your signature or stamp of approval, you concur with Lotis' recommendation finding of No Historic Properties on eligible/listed sites or structures of historic significance within the APE.

Attached, please find the Federal Communications Commission's (FCC) completed Form 620 and corresponding attachments for the proposed undertaking.

Should you require further information, please do not hesitate to contact me at (716) 580-7000 or NEPA.NHPA@TheLotisGroup.com. Thank you for your time and consideration in these regards.

Sincerely,

Lotis Environmental, LLC

Miles Walz-Salvador
Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



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Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

***Advisory Council On Historic Preservation (ACHP)
Delegation of Authority for the Section 106 Review of
Telecommunication Projects***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

September 21, 2000

MEMORANDUM

TO: Federal Communications Commission
State Historic Preservation Officers (SHPOs)
Tribal Historic Preservation Officers (THPOs)

From: Executive Director

Subject: Delegation of Authority for the Section 106 Review of Telecommunications Projects

As a result of ongoing discussions with the Federal Communications Commission (FCC) and other stakeholders involved in the coordination and implementation of telecommunications projects, the Council has determined that it is consistent with 36 CFR Section 800.2(c)(5) of our regulations, "Protection of Historic Properties" (36 CFR Part 800), for licensees, applicants, and their authorized representatives¹ to act on behalf of FCC when complying with certain provisions of our regulations. Accordingly, effective immediately, applicants, licensees, tower construction companies, and their authorized representatives may consult with the State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) to initiate the Section 106 review process; identify and evaluate historic properties; and assess effects. FCC, however, will remain responsible for participating in the consultation process when:

- it is determined that the *Criteria of Adverse Effect* apply to an undertaking;
- there is a disagreement between the licensee, applicant, tower construction company, or their authorized representatives and the SHPO/THPO regarding identification and evaluation, and/or assessment of effects;
- there is an objection from consulting parties or the public regarding findings and determinations, the implementation of agreed upon provisions, or their

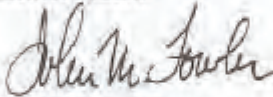
¹When consulting with SHPOs/THPOs, authorized representatives of applicants, licensees and tower construction companies should identify the organization they are representing, including an appropriate contact person within the organization, and the undertaking for which they have been hired to coordinate the Section 106 review.

2

- involvement in a Section 106 review; or,
- there is the potential for a foreclosure situation or anticipatory demolition as specified in Section 110(k) of the National Historic Preservation Act.

In accordance with 36 CFR Section 800.2(c)(3), FCC shall ensure that all consultations with Indian Tribes are conducted in a sensitive manner respectful of tribal sovereignty and the government to government relationship between the Federal government and Indian Tribes. This Memorandum, therefore, is not intended to modify or limit such requirements nor mandate that Indian Tribes consult with licensees and applicants or provide information if the Indian Tribes conclude that consultation should be directly with FCC.

It, therefore, is important that Section 106 reviews be conducted within the time frames set forth within 36 CFR Part 800, and that the exchange of documentation and consultations between the consulting parties be carried out in a consistent and predictable manner. To this end, FCC should coordinate with the telecommunications industry to carry out the process set forth in this Memorandum.



John M. Fowler

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Proof of Division of Historical Resources (DHR) Submission

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Division of Historical Resources's (DHR) Response

Federal Communications Commission (FCC) Form 620

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Electronic Section 106 (E-106) Submission Confirmation Email

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Appendix **D**

Tribal/NHO Consultation(s)

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Federal Recognized Tribal/NHO Correspondence Summary

	Tribe/NHO	First Tribal Contact	Second Tribal Contact	Tribal Clearance Date	Referred to FCC	Response Outcome
1	Miccosukee Tribe of Indians of Florida	5/10/2022	N/A	6/10/2022	N/A	If the applicant/tower builder receives no response from the Miccosukee Tribe of Indians of Florida within 30 days after notification through TCNS, the Miccosukee Tribe of Indians of Florida has no interest in participating in pre-construction review for the proposed site
2	Seminole Tribe of Florida	5/10/2022	6/3/2022	8/12/2022	7/28/2022	Per the FCC referral, Consultation is complete
3	Seminole Nation of Oklahoma	5/10/2022	N/A	6/10/2022	N/A	If the applicant/tower builder receives no response from the Seminole Nation of Oklahoma within 30 days after notification through TCNS, the Seminole Nation of Oklahoma has no interest in participating in preconstruction review for the proposed site
4	Muscogee (Creek) Nation	5/10/2022	6/3/2022	6/28/2022	N/A	Collier County is outside of the Muscogee (Creek) Nation historic area of interest. We respectfully defer to the other Tribes that have been contacted
5	Eastern Shawnee Tribe of Oklahoma	5/10/2022	N/A	5/18/2022	N/A	No Adverse Effect
6	Thlopthlocco Tribal Town	5/10/2022	6/3/2022	8/12/2022	7/28/2022	Per the FCC referral, Consultation is complete

The Applicant/tower builder, however, must immediately notify all tribal consulting parties in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

* Denotes tribe had indicated through TCNS that if no response had been received within 30 days that the tribe had no interest in the project. No response was received by Lotis within the required 30 days; therefore Section 106 review is complete for this tribe.

Notes:

1. First Tribal contact was made through the FCC's TCNS system.

Tribal/NHO Submission(s)

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Attachment 1 - Maps***
- ***Attachment 2 - Photographs***
- ***Attachment 3 - Cultural Resource Report***
- ***Form 620/621(if requested)***
- ***SHPO Response (if requested)***



June 3, 2022

Seminole Tribe of Florida
30290 Josie Billie Hwy
Clewiston, Florida
Submitted via email: THPOCompliance@semtribe.com

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC; TCNS #: 248897

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis) has prepared an environmental and cultural resource review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 248897). Lotis is providing you the opportunity to review and comment on the possible effects the proposed undertaking may have on sites or structures of current or historical significance affiliated with your tribe. Should you identify an area/property which will be adversely impacted, please submit this information to us at the time of your response so that we may determine our client's options on how to proceed. To aid you in your review please see the proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all four directions (north, south, east, and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620 (if requested).

Lotis contracted Subterranean Consultants to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Subterranean Consultants conducted site reconnaissance, per SHPO and tribal protocols, and did not locate archaeological sites or historic properties within the APE. Subterranean Consultants have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

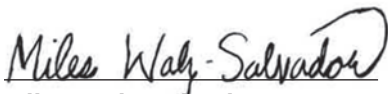
As part of our research, Lotis has or will shortly be consulting with the Division of Historical Resources (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO's response to be sent with the review materials, Lotis will forward the letter once it has been received.

Per the FCC Second Report and Order, released on March 30, 2018, and implemented on July 2, 2018, "... we clarify that applicants have no legal obligation to pay up-front fees when providing Tribal Nations and NHOs with an opportunity to comment on proposed facilities deployments". Please note, this letter is not a request for review but an invitation giving the tribe the opportunity to review impact to affiliated areas/properties within the APE. Therefore, per the applicant's request, Lotis will not be submitting any requested upfront review fees in exchange for review or comment of the proposed undertaking and will be following the FCC protocols for Section 106 consultation with Tribal Nations and NHOs. Lotis apologizes for any inconvenience this may cause.

Should you require further information, please do not hesitate to contact me by calling (716) 580-7000 or by email at NEPA.NHPA@TheLotisGroup.com. Thank you for your time and consideration in this regard.

Sincerely,

Lotis Environmental, LLC



Miles Walz-Salvador

Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



June 3, 2022

Muscogee (Creek) Nation
Attn: TCNS Coordinator Anne Edwards-Martel
PO Box: 580
Okmulgee, OK 74447

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC; TCNS #: 248897

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis) has prepared an environmental and cultural resource review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 248897). Lotis is providing you the opportunity to review and comment on the possible effects the proposed undertaking may have on sites or structures of current or historical significance affiliated with your tribe. Should you identify an area/property which will be adversely impacted, please submit this information to us at the time of your response so that we may determine our client's options on how to proceed. To aid you in your review please see the proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all four directions (north, south, east, and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620 (if requested).

Lotis contracted Subterranean Consultants to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Subterranean Consultants conducted site reconnaissance, per SHPO and tribal protocols, and did not locate archaeological sites or historic properties within the APE. Subterranean Consultants have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



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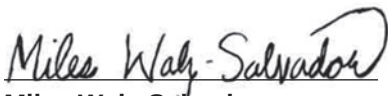
As part of our research, Lotis has or will shortly be consulting with the Division of Historical Resources (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO's response to be sent with the review materials, Lotis will forward the letter once it has been received.

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Should you require further information, please do not hesitate to contact me by calling (716) 580-7000 or by email at NEPA.NHPA@TheLotisGroup.com. Thank you for your time and consideration in this regard.

Sincerely,

Lotis Environmental, LLC



Miles Walz-Salvador

Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



June 3, 2022

Thlopthlocco Tribal Town
Attn: Mekko Ryan Morrow
P.O. Box 188
Okemah, OK 74801
Submitted via email: thpo@tttown.org

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC; TCNS #: 248897

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis) has prepared an environmental and cultural resource review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence a response to the request for additional information about the proposed undertaking (through the Federal Communication Commission's Tower Construction Notification System – TCNS # 248897). Lotis is providing you the opportunity to review and comment on the possible effects the proposed undertaking may have on sites or structures of current or historical significance affiliated with your tribe. Should you identify an area/property which will be adversely impacted, please submit this information to us at the time of your response so that we may determine our client's options on how to proceed. To aid you in your review please see the proposed undertaking's information is as follows:

Attached (or Enclosed), please find the requested materials which include site photographs taken in all four directions (north, south, east, and west) from the center of the proposed undertaking, a project summary, an aerial photograph, a topographic map, and form 620 (if requested).

Lotis contracted Subterranean Consultants to perform an archeological assessment of the proposed undertaking to determine whether or not it would have an effect on historic properties within the direct or visual area of potential effect (APE). Subterranean Consultants conducted site reconnaissance, per SHPO and tribal protocols, and did not locate archaeological sites or historic properties within the APE. Subterranean Consultants have recommended that the proposed undertaking be allowed to proceed as planned without further survey. A copy of the cultural resource report and other requested documentation is included for your review.



(716)580-7000



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8899 Main Street, Suite 107
Williamsville, NY 14221

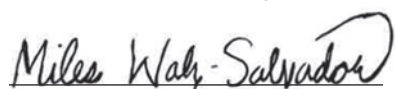
As part of our research, Lotis has or will shortly be consulting with the Division of Historical Resources (through FCC's E-106 filing protocols), as well as other Native American tribes. If you have requested the SHPO's response to be sent with the review materials, Lotis will forward the letter once it has been received.

Per the FCC Second Report and Order, released on March 30, 2018, and implemented on July 2, 2018, "... we clarify that applicants have no legal obligation to pay up-front fees when providing Tribal Nations and NHOs with an opportunity to comment on proposed facilities deployments". Please note, this letter is not a request for review but an invitation giving the tribe the opportunity to review impact to affiliated areas/properties within the APE. Therefore, per the applicant's request, Lotis will not be submitting any requested upfront review fees in exchange for review or comment of the proposed undertaking and will be following the FCC protocols for Section 106 consultation with Tribal Nations and NHOs. Lotis apologizes for any inconvenience this may cause.

Should you require further information, please do not hesitate to contact me by calling (716) 580-7000 or by email at NEPA.NHPA@TheLotisGroup.com. Thank you for your time and consideration in this regard.

Sincerely,

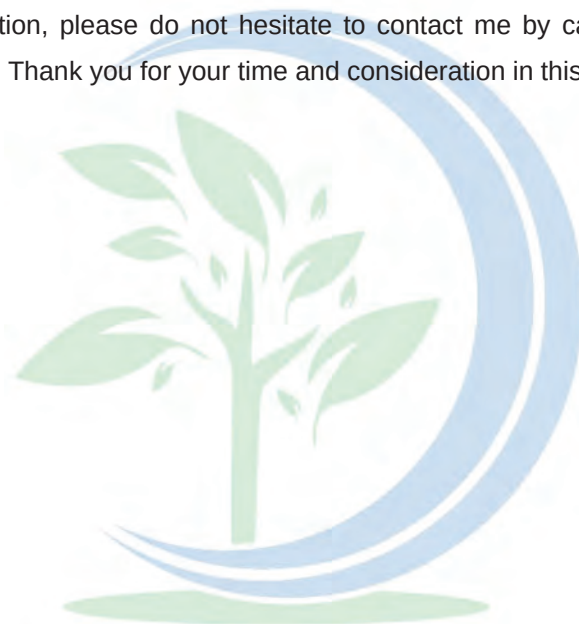
Lotis Environmental, LLC



Miles Walz-Salvador

Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Proof of Tribal/NHO Submission's

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Tribal/NHO Response(s)

Appendix **E**

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRMette) & other Mapping/Images

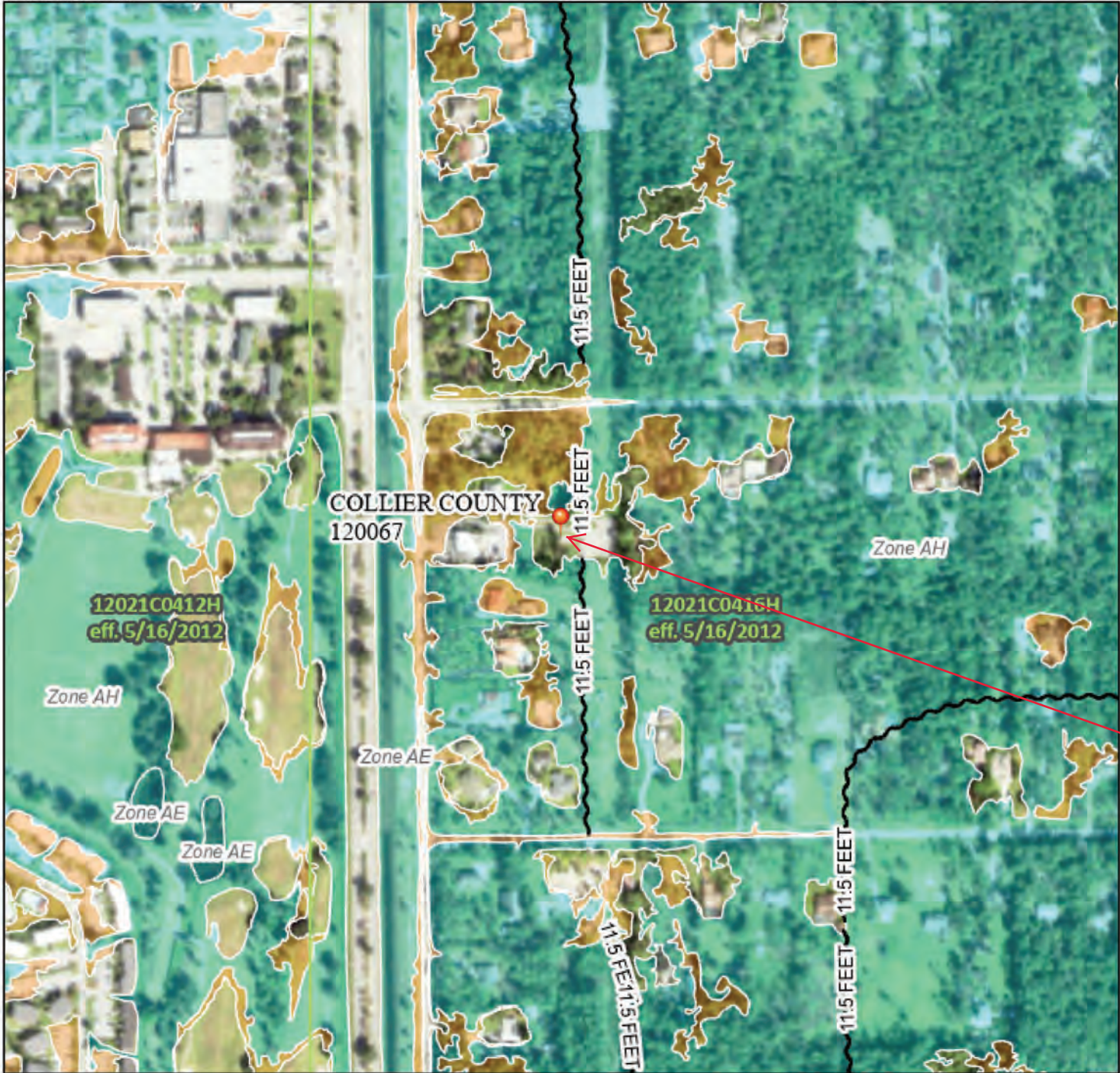
Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

National Flood Hazard Layer FIRMMette



3.E.b

81°41'25"W 26°11'12"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BF Zone A, V, A99)
		With BFE or Depth Zone AE, AO, AH, V
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard of 1% annual chance flood with a depth less than one foot or with d areas of less than one square mil
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone
		Effective LOMRs
		Area of Undetermined Flood Hazard
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Flood Hazard
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

Site Location

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/25/2022 at 8:51 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas are not for regulatory purposes.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

FAA Tower Certification Letter

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

FAA TOWER CERTIFICATION

Date: March 9, 2022

**Re: Senor Tequila Site / Site No. US-FL-7040 Proposed Tower
Collier County, Florida**

I hereby certify that the following Latitude and Longitude values for the center of the above-referenced proposed tower location are accurate to within ± 20 feet horizontally; and that the following proposed tower site elevation is accurate to within ± 3 feet vertically; all based on data collected December 9, 2021.

Proposed tower position: Latitude: 26° 10' 55.91" N. NAD83
Longitude: 81° 41' 06.58" W. NAD83

Proposed tower position: Latitude: 26° 10' 54.59" N. NAD27
Longitude: 81° 41' 07.27" W. NAD27

Ground Elevation: 11.4' NAVD88 / 12.7' NGVD29

GeoLine Surveying, Inc.



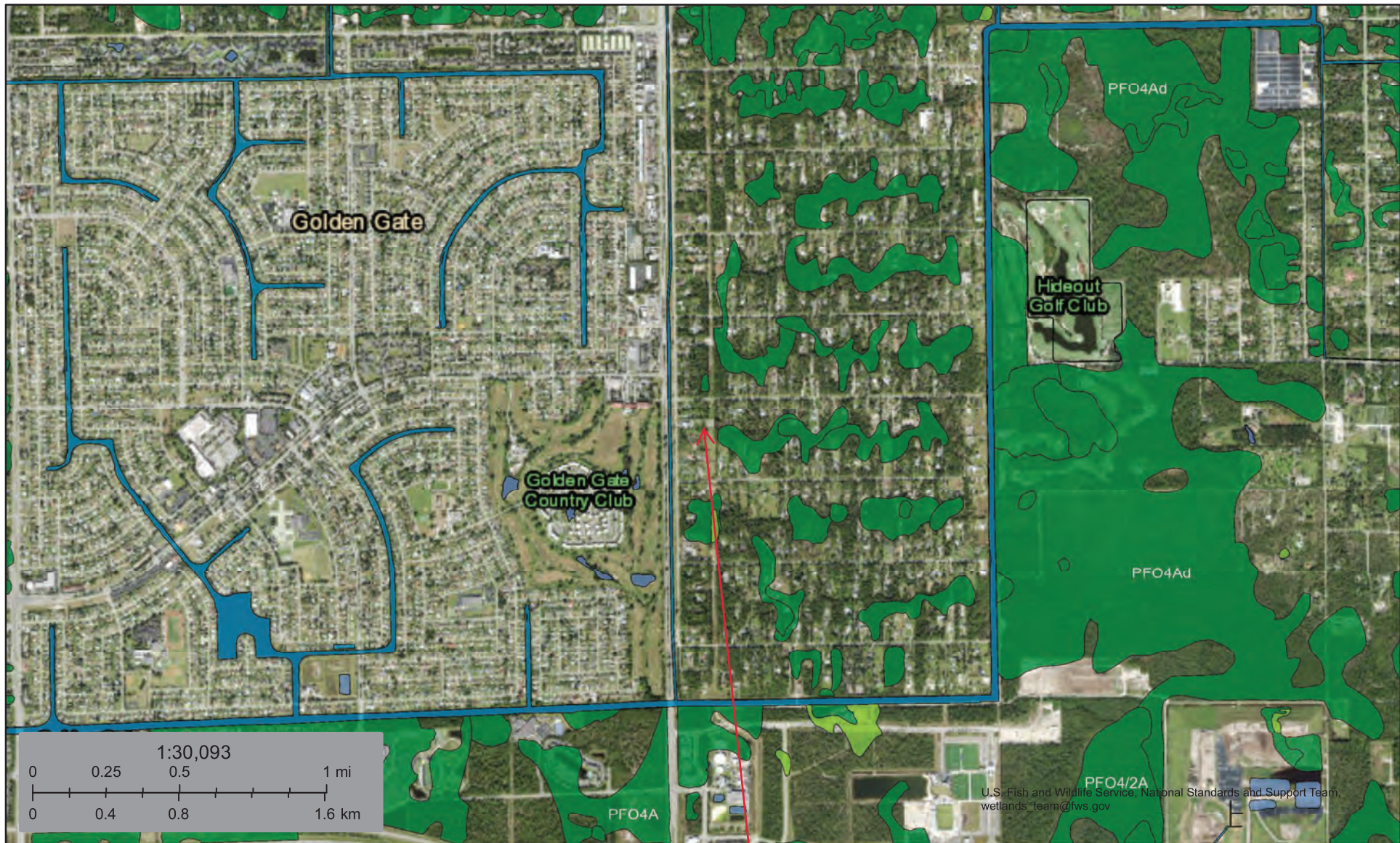
David G. Short, P.S.M. Date: 03/09/2022
Professional Surveyor and Mapper
Florida Certificate of Registration No. 5022
Florida DBPR Certificate of Authorization No. LB7082
s:\office documents\word docs\fdh\333-153 faa proposed.doc



Appendix **F**

United States Fish and Wildlife Service (USFWS) National Wetland Inventory Map (NWIM)

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



May 25, 2022

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

PROPOSED PROJECT SUMMARY

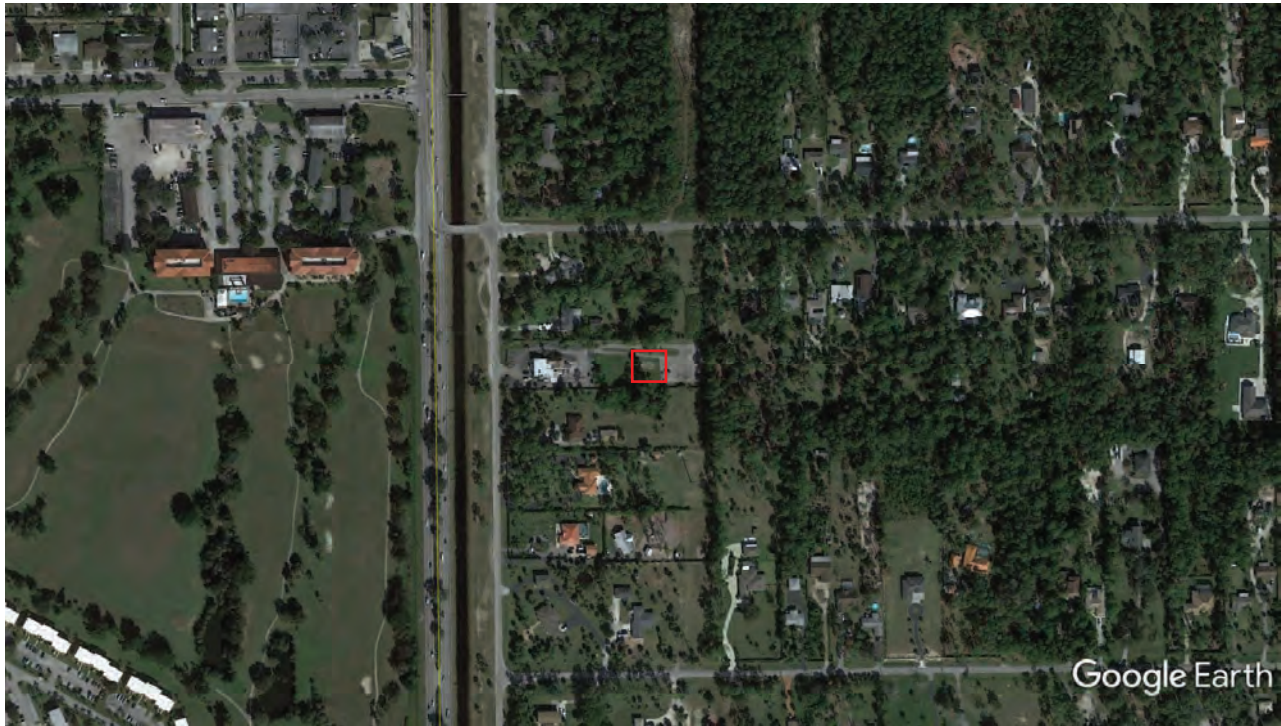
Site Name:	Senor Tequila
Site Address:	near 2560 39th Street Southwest Naples, Florida 34117
Latitude/Longitude:	26° 10' 55.91" ±N / -81° 41' 06.58" ±W
County:	Collier County
UTM:	Zone: 17R East: 431535 North: 2896041
Legal Description:	Township: 49S, Range: 26E, Section: 026
Consultant Information:	Company: Lotis Environmental, LLC (Lotis) Consultant: Miles Walz-Salvador Email: NEPA.NHPA@TheLotisGroup.com Address: 6465 Transit Road – Suite 21 East Amherst, New York 14051-2232 Phone: (716) 580-7000
Project Description:	Proposed construction of a 145' (155' including all appurtenances) monopine telecommunication tower within a 70' by 70' lease area. A proposed 20' by 563' access easement will extend north then generally west connecting with 39th Street Southwest. Additionally, a proposed 10' by 505' utility easement will extend south then west connecting with 39th Street Southwest.
Project Impacts:	Excavation and grade work to install tower foundation, utilities, and access easements.
Project Area:	Square Footage: ~21,210 / Acres: ~0.4869146
Present Land Use:	partially disturbed lot
Past Land Use:	partially disturbed lot

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Attachment **1**

Maps and Survey

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Lease Area (Far)



Lease Area (Close)

Aerial Images – Vicinity Maps

VB BTS, LLC
Senor Tequila

near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Photographed
 2021



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



USGS 7.5 Minute Topographic Map
VB BTS, LLC
Senor Tequila
 near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Provisional Edition
 2021



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

FAA TOWER CERTIFICATION

Date: March 9, 2022

**Re: Senor Tequila Site / Site No. US-FL-7040 Proposed Tower
Collier County, Florida**

I hereby certify that the following Latitude and Longitude values for the center of the above-referenced proposed tower location are accurate to within ± 20 feet horizontally; and that the following proposed tower site elevation is accurate to within ± 3 feet vertically; all based on data collected December 9, 2021.

Proposed tower position: Latitude: 26° 10' 55.91" N. NAD83
Longitude: 81° 41' 06.58" W. NAD83

Proposed tower position: Latitude: 26° 10' 54.59" N. NAD27
Longitude: 81° 41' 07.27" W. NAD27

Ground Elevation: 11.4' NAVD88 / 12.7' NGVD29

GeoLine Surveying, Inc.



David G. Short, P.S.M. Date: 03/09/2022
Professional Surveyor and Mapper
Florida Certificate of Registration No. 5022
Florida DBPR Certificate of Authorization No. LB7082
s:\office documents\word docs\fdh\333-153 faa proposed.doc



BOUNDARY TOPOGRAPHY AND SURVEY

SECTION 26, TOWNSHIP 48
COLLIER COUNTY
FOR: FHM ENO

SECTION 26 EAST

FLOOD NOTE

ACCORDING TO MY
PANEL NUMBER 122
EMERGENCY MANAGE
FLOOD INSURANCE
INSURANCE RATE IN
FLORIDA, DATED 5/1
IS IN FLOOD ZONE
BE OUTSIDE THE G.

ATION OF COMMUNITY
H OF THE FEDERAL
ENCY (FEMA) NATIONAL
(NIP) FLOOD
FOR COLLIER COUNTY
THE SUBJECT PROPERTY
REAS DETERMINED TO
L CHANCE FLOODPLAIN.

SURVEYOR'S N

1. BEARINGS HERE
ASSUMED BEARING
THE WEST LINE OF
ESTATES UNIT NO. 3
COLLIER COUNTY, FL
TOWNSHIP 48 SOUTH
BEACH COUNTY, FL
2. UNDERGROUND
LIMITED TO AND AN
INDICATIONS SET BY
INVESTIGATION WAS
3. THE BOUNDARY
HEREON IS BASED O
AND OBSERVATIONS
4. REPRODUCTIONS
WITHOUT THE ORIGIN
SEAL OF A FLORIDA
MAPPER.
5. THE PURPOSE O
AND DESCRIBE A LI
ACCESS AND UTILITY
BOUNDARY SURVEY
6. SYMBOLS SHOW
ARE NOT TO SCALE
7. LATITUDE, LONG
HEREON ARE BASED
WITH AN EPS'S REAL
INCORPORATING A C
8. ELEVATIONS DEP
TO THE NAVD'88 DA
9. THIS SURVEY IN
BENEFIT OF A COMM
THIS OFFICE HAS N
PUBLIC RECORDS FO
RIGHTS-OF-WAY, AS
OR DEED RESTRICT

REFERRED TO THE
001910" EAST ALONG
GOLDEN GATE
BOOK 7, PAGE 12,
LOCATED IN SECTION 26,
26 EAST, SAID COLLIER
COUNTY, FLORIDA.

SHOWN HEREON ARE
REVEALED, ABOVEGROUND
NO SUB-SURFACE
D BY THIS OFFICE.

GRAPHIC SURVEY SHOWN
- FIELD MEASUREMENTS
JANUARY 8, 2021.

SKETCH ARE NOT VALID
TURE AND THE RAISED
SURVEYOR AND

RVCEY IS TO ESTABLISH
AND ASSOCIATED
R. THIS IS NOT A
ARENT PARCEL.

ARE NOT TO SCALE.

ELEVATIONS DEPICTED
S OBSERVATIONS MADE
EMATIC GPS SYSTEM
TWO GPS RECEIVER.

EGON ARE REFERENCED

ED WITHOUT THE
R TITLE INSURANCE.
MED A SEARCH OF THE
G EASEMENTS,
NTS, ZONING, SETBACKS

GEOLINE SU

NC, LB#7082

4/23/2022

DAVID G. S
FLORIDA PR
CERTIFICATE

M. SURVEYOR AND MAPPER
TRATION NO. 5022

GEOLIN SURVEYING, INC.

Professional Land Surveyors
190 NW 154th Avenue, Suite A
Miami, Florida 33184
(305) 418-0500 Fax (305) 418-0501
info@geolininc.com

DRAWN BY: KATH BARTON
CHECKED BY: KATH BARTON
DESIGNED BY: KATH BARTON

SHEET 1 OF 1
DATE: DECEMBER 6, 2021
PROJECT: 133-153

SEÑOR TEQUILA SIT
COLLIER CO

IBER US-FL-7040
FLORIDA

DRAWING 333-153

SHEET 1 OF 1

CENTER OF PROPOSED TOWER INFORMATION:

NAD 83
LATITUDE = 28°10'55.91" N ±20"
LONGITUDE = 81°41'06.68" W ±20"
NAD 27
LATITUDE = 28°10'54.59" N ±20"
LONGITUDE = 81°41'07.27" W ±20"
GROUND ELEVATION = 11.4±3' NAVD'88
GROUND ELEVATION = 12.7±3' NAVD'29

NOTE:

DISTANCES FROM THE CENTER OF THE PROPOSED
TOWER TO THE PARENT PARCEL PROPERTY LINES:

NORTHERLY LINE = 75±
WESTERLY LINE = 400±
SOUTHERLY LINE = 75±
EASTERLY LINE = 224±

RENE GONZALEZ
TAX PARCEL NO. 38054120008
OFFICIAL RECORD BOOK 4549, PAGE 2838
TRACT 143

HALEX CORPORATION
TAX PARCEL NO. 38054100006
OFFICIAL RECORD BOOK 5095, PAGE 728
TRACT 145

TRACT 145

TRACT 145

LEGEND

- INDICATES IRON PIN FOUND AS NOTED
- INDICATES WOOD UTILITY POLE
- INDICATES OVERHEAD UTILITY LINE
- INDICATES SANITARY SEWER MANHOLE
- INDICATES WATER VALVE
- INDICATES WOOD LIGHT POLE
- INDICATES ASPHALT
- INDICATES SITE BENCHMARK
- INDICATES PINE TREE AS NOTED
- INDICATES PALM TREE AS NOTED
- INDICATES OAK TREE AS NOTED
- TREE NOTE: INDICATED TREE SIZE IS TRUNK
DIAMETER IN INCHES 4-5 FOOT ABOVEGROUND

NAVD'88 = NORTH AMERICAN VERTICAL DATUM, 1988 ADJUSTMENT.
NOV0'29 = NATIONAL GEODETIC VERTICAL DATUM, 1929 ADJUSTMENT.
NAD'83 = INDICATES NORTH AMERICAN DATUM, 1983 ADJUSTMENT.
NAD'27 = INDICATES NORTH AMERICAN DATUM, 1927 ADJUSTMENT.



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge

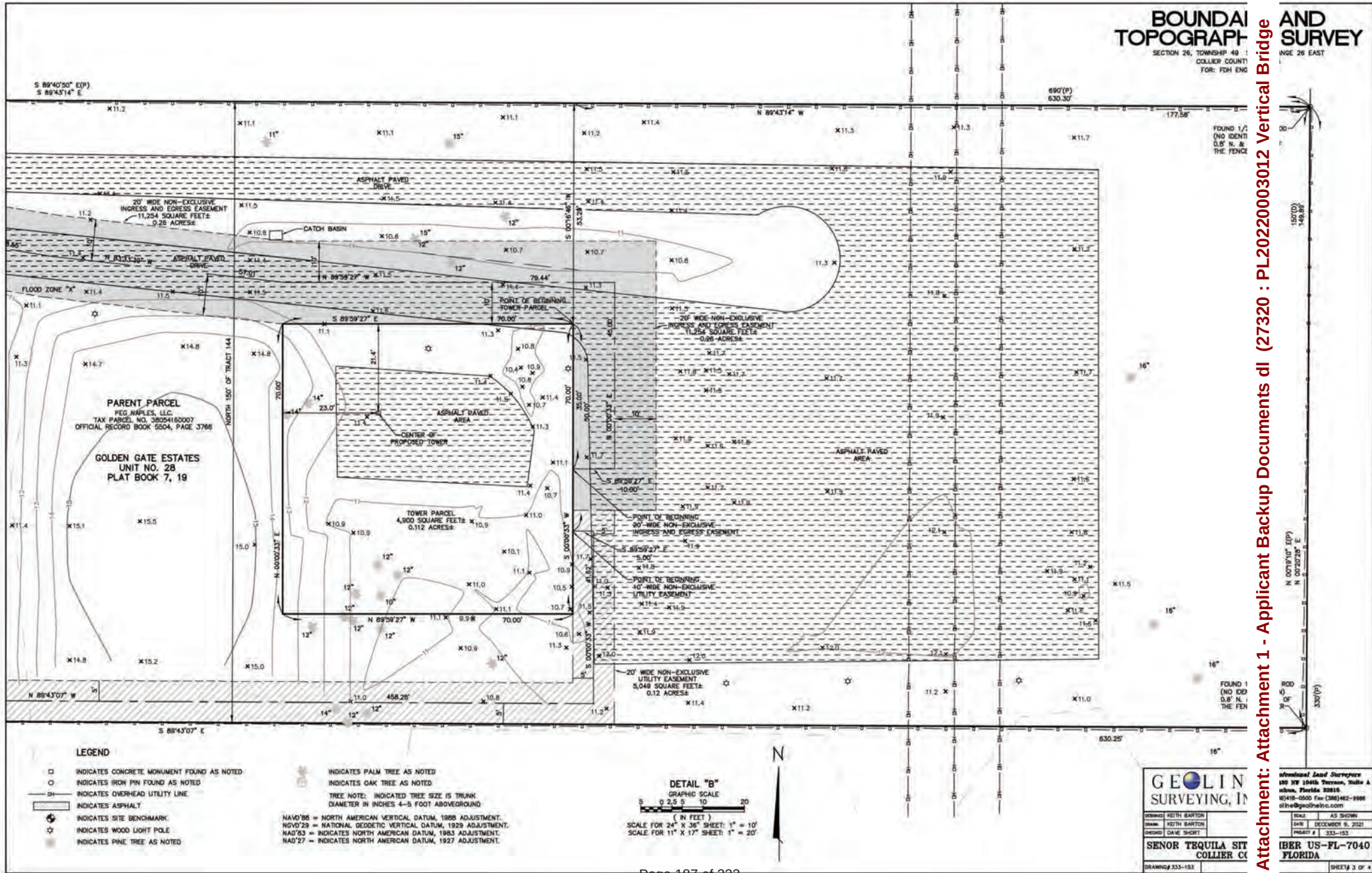


Professional Land Surveyors
130 NW 104th Terrace, Suite
100, Fort Lauderdale, Florida 33315
(954) 418-0500 Fax (352) 462-9900
online@sepoilinc.com

SCALE	AS SHOWN
DATE	DECEMBER 9, 2021
PROJECT #	999-199

IBER US-FL-704
FLORIDA

SHEET 2 OF 2





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REGIONAL MAP
NOT TO SCALE



Copyright © 2012 Microsoft Corporation and/or its suppliers. All rights reserved.

LOCATION MAP
NOT TO SCALE

BOUNDARY TOPOGRAPHY AND SURVEY

SECTION 26, TOWNSHIP 48 S
COLLIER COUNTY
FOR: FDH ENG

NGE 26 EAST

PROPERTY DESCRIPTIONS

PARENT PARCEL
(OFFICIAL RECORD BOOK 5504, PAGE 3786)

THE NORTH 150 FEET OF TRACT 144, GOLDEN GATE EST
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PL
PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

TOWER PARCEL

(PREPARED BY GEOLINE SURVEYING, INC.) *AS SURVEYED

THAT PART OF THE "PEG NAPLES, LLC" PROPERTY, AS
RECORDED IN OFFICIAL RECORD BOOK 5504, PAGE 3786
RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAID
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144,
UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED
IN OFFICIAL RECORD BOOK 5504, PAGE 3786, FLO
7, PAGE 19, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA,
89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT
THENCE SOUTH 00°04'14" WEST FOR 53.28 FEET TO THE
THENCE SOUTH 00°03'33" WEST FOR 70.00 FEET; THENCE
WEST FOR 70.00 FEET; THENCE NORTH 00°03'33" EAST
THENCE SOUTH 89°43'07" EAST FOR 70.00 FEET TO SA

CONTAINING 4,500 SQUARE FEET (0.112 ACRES), MORE OR

20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.) *AS SURVEYED

THAT PART OF THE "PEG NAPLES, LLC" PROPERTY, AS
RECORDED IN OFFICIAL RECORD BOOK 5504, PAGE 3786
RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAID
LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144,
UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED
IN OFFICIAL RECORD BOOK 5504, PAGE 3786, FLO
7, PAGE 19, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA,
89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT
TO THE NORTHEAST CORNER OF A 70 FOOT BY 70 FOOT
THENCE SOUTH 00°03'33" WEST ALONG THE EAST LINE OF
FOR 35.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE
HEREIN DESCRIBED 30 FOOT WIDE NON-EXCLUSIVE INGRESS
EASEMENT; THENCE SOUTH 89°50'22" WEST FOR 10.00 FEET
00°03'33" WEST FOR 45.00 FEET; THENCE NORTH 89°50'
FEET; THENCE NORTH 83°33'38" WEST FOR 57.01 FEET;
85°13'07" WEST FOR 77.01 FEET; THENCE NORTH 77°37'
FEET; THENCE SOUTH 77°37'25" WEST FOR 38.28 FEET;
58°28'38" WEST FOR 45.04 FEET; THENCE SOUTH 08°50'
FEET; THENCE SOUTH 90°00'00" WEST FOR 34.81 FEET
WITH THE EAST RIGHT OF WAY LINE OF 30TH STREET SOUTH
OF WAY), AND THE POINT OF TERMINUS OF THE CENTERLINE.

CONTAINING 11,254 SQUARE FEET (0.258 ACRES), MORE OR

10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.) *AS SURVEYED

THAT PART OF THE "PEG NAPLES, LLC" PROPERTY, AS
RECORDED IN OFFICIAL RECORD BOOK 5504, PAGE 3786
RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAID
LYING WITHIN 5 FEET OF BOTH SIDES OF A CENTERLINE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144,
UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED
IN OFFICIAL RECORD BOOK 5504, PAGE 3786, FLO
7, PAGE 19, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA,
89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT
TO THE NORTHEAST CORNER OF A 70 FOOT BY 70 FOOT
THENCE SOUTH 00°03'33" WEST ALONG THE EAST LINE OF
FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE
HEREIN DESCRIBED 10 FOOT WIDE NON-EXCLUSIVE UTILITY
EASEMENT; THENCE SOUTH 89°50'22" WEST FOR 5.00 FEET;
41.82 FEET TO AN INTERSECTION WITH A LINE PARALLEL
NORTH OF THE SOUTH LINE OF SAID TRACT 144; THENCE
WEST ALONG SAID PARALLEL LINE FOR 48.28 FEET TO
THE EAST RIGHT OF WAY LINE OF 30TH STREET SOUTH
OF WAY), AND THE POINT OF TERMINUS OF THE CENTERLINE.

CONTAINING 5,049 SQUARE FEET (0.12 ACRES), MORE OR

GEOLINE SURVEYING, INC.

DRAWN: KEITH BARTON
CHECKED: KEITH BARTON
CHECKED: DAVID SHORT

SENOR TEQUILA SITE
COLLIER COUNTY, FLORIDA

DRAWING# 333-153

Professional Land Surveyor
150 NW 154th, Tucson, Suite A
Tucson, Florida 32618
(904) 500-0000 Fax (904) 423-9986
sime@geolineinc.com

DATE: AS SHOWN
DATE: DECEMBER 5, 2021
PROJECT # 333-153

IBER US-FL-7040
FLORIDA

SHEET# 4 OF 4

Attachment **2**

Site Photographs

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 1 – Looking north toward the proposed undertaking



Site Photograph 2 – Looking north away from the proposed undertaking

Site Photographs
VB BTS, LLC – Senor Tequila
 near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Photographed:
 May 27, 2022



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 3 – Looking east toward the proposed undertaking



Site Photograph 4 – Looking east away from the proposed undertaking

Site Photographs

VB BTS, LLC – Senor Tequila
near 2560 39th Street Southwest
Naples, Collier County, Florida 34117

Photographed:
May 27, 2022



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 5 – Looking south toward the proposed undertaking



Site Photograph 6 – Looking south away from the proposed undertaking

Site Photographs
VB BTS, LLC – Senor Tequila
 near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Photographed:
 May 27, 2022



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 7 – Looking west toward the proposed undertaking



Site Photograph 8 – Looking west away from the proposed undertaking

Site Photographs
VB BTS, LLC – Senor Tequila
 near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Photographed:
 May 27, 2022



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 9 – Looking south along the proposed access/utility easement



Site Photograph 10 – Looking west along the proposed access/utility easement

Site Photographs

VB BTS, LLC – Senor Tequila
near 2560 39th Street Southwest
Naples, Collier County, Florida 34117

Photographed:
May 27, 2022



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 11– Looking east along the proposed utility easement



Site Photograph 12 – Looking west along the proposed utility easement

Site Photographs

VB BTS, LLC – Senor Tequila
 near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Photographed:
 May 27, 2022



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Site Photograph 13 – General view of the proposed undertaking

Site Photographs

VB BTS, LLC – Senior Tequila
 near 2560 39th Street Southwest
 Naples, Collier County, Florida 34117

Photographed:
 May 27, 2022



Attachment **3**

Areas of Potential Effect (APE)

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Areas of Potential Effects

The term Area of Potential Effects (APE) is defined in Section II.A.3 of the *Nationwide Programmatic Agreement (NPA) for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission*. For purposes of this project, the APE for direct effects and visual effects are further defined below.

Selection of APE for DIRECT EFFECTS

The DIRECT area of potential effect is defined as being “limited to the area of potential ground disturbance and any property, or any portion thereof that will be physically altered or destroyed by the Undertaking.”

Proposed Lease Area(s) – A 70' x 70' lease area around the 145' (155' including all appurtenances)' monopine tower and associated equipment.

Proposed Access Easement(s) – A 20-foot wide by approximately 563-foot-long easement extending generally north then generally west from the proposed lease area connecting with 39th Street Southwest through a partially disturbed lot.

Proposed Utility Easement(s) – A 10-foot wide by approximately 505-foot-long easement extending generally south then west from the proposed lease area connecting with 39th Street Southwest through a partially disturbed lot.

Selection of APE for VISUAL EFFECTS

The VISUAL area of potential effects is defined as “the geographic area in which the undertaking has the potential to introduce visual elements that diminish or alter the setting, including the landscape, where the setting is a character-defining feature of a Historic Property that makes it eligible for listing on the National Register.”

APE for this site based on NPA - Within ½-mile radius from the tower site if the proposed tower is less than 200' in overall height.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples Collier County, Florida

May 2022



Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples Collier County, Florida

May 30, 2022

Prepared by:

Billy J. McCarley
Subterranean Consultants
Atlanta/Colorado Springs

Prepared for:

RowStar, LLC
750 Park of Commerce Drive, Suite 200
Boca Raton, Florida 33487

Through the Firm of:

The Lotis Group
6465 Transit Road, Suite 21
East Amherst, NY 14051-2232

Lead Agency:

Federal Communications Commission (FCC)



Billy J. McCarley, MA, RPA
Principal Investigator

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

MANAGEMENT SUMMARY

Subterranean Consultants (STC) conducted a cultural resource assessment of the proposed US FL 7040 Senior Tequila telecommunications facility on May 27, 2022. The project area is in northwest Collier County in Naples, Florida. Survey was conducted for The Lotis Group, on behalf of RowStar, LLC, to locate and identify archaeological and architectural resources and to assess resource significance based on National Register of Historic Places (NRHP) criteria (36CFR Part 60.4 [a-d]). This assessment was conducted to comply with the provisions of the Federal Communications Commission (FCC) permitting under the Nationwide Programmatic Agreement (47 CFR Part 1). In accordance with the permitting process, the survey was conducted in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

The cultural resource assessment included an intensive archaeological survey and an assessment of the visual impact on previously recorded NRHP-eligible or listed architectural resources within .5 mi of the proposed project area. During the literature review, which took place on April 21, 2022, state and county maps and documents were examined to determine if previously recorded archaeological resources are within 1 mile of the proposed project area. Field survey was conducted using surface and subsurface techniques (i.e., visual inspection and shovel testing) to locate and identify archaeological resources within the study area. The direct effects area of potential effects (APE) was considered all areas of potential ground disturbance, and the indirect APE (visual APE) was considered .5 mi and includes previously recorded architectural resources within .5 mi of the direct effects APE.

Literature Review: Review of the Florida Master Site File records revealed that there are no previously recorded archaeological sites within 1.6 km (1 mi) of the current project area. There are no eligible or listed previously recorded architectural resources within .5 mi.

Field Survey: There were no cultural materials (i.e., culturally modified artifacts, cultural deposits, features, or human remains) or architectural structures located within the direct or indirect effects APEs.

Recommendations: No NRHP-eligible or listed resources will be directly impacted by the proposed project. Therefore, STC recommends a finding of **No Historic Properties** within the direct and indirect APEs.

Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples, Collier County, Florida

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Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples, Collier County, Florida

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I. INTRODUCTION

Project Name:	US-FL-7040 Senior Tequila
Project Type:	Rawland Lease, Access, and Tower
Lead Agency:	Federal Communications Commission (FCC)
State:	Florida
City:	Naples
County:	Collier
USGS Topographic Map:	Belle Meade NW, FL (1958, photorevised 1987)
Geographic Coordinates:	NAD 83; N 26° 10' 55.91", W 81° 41' 06.58"
UTM:	NAD 83; Zone 17, E 0431536, N 2896042
Total Area of Proposed Project:	.36 acres (16,100 sq. ft.)
Total Area Surveyed:	.36 acres (16,100 sq. ft.)
Survey Type:	Intensive Cultural Resources Assessment
Results:	Negative

Subterranean Consultants (STC) conducted a cultural resource assessment of the proposed US FL 7040 Senior Tequila telecommunications facility on May 27, 2022, in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (Figure 1). RowStar, LLC proposes to construct a 145-ft. monopole telecommunication tower with an additional 10-ft. lightning rod for a total height of 155 ft. The archaeological survey area was equal to the area of ground disturbing activity (APE for direct effects), which would consist of a proposed 70-ft. by 70-ft. (21.336-m by 21.336-m) lease area and a proposed 560-ft. by 20-ft. (170-m by 6-m) access/utility easement, all totaling 16,100 sq. ft. (.36 ac) (Figure 2). The proposed project area is in northwest Collier County, 7 mi (11 km) northeast of Naples, Florida. The nearest intersection, 39th Street SW and 25th Avenue is .12 mi (.18 km) northwest of the project area (see Figure 1). To comply with Section 106 of the NHPA and the Federal Communications Commission (FCC) Nationwide Programmatic Agreement (NPA) (47 CFR Part 1), STC followed 36 CFR Part 800 of the Code of Federal Regulations (CFR) during this identification effort, and if significant archaeological resources are identified, STC would assess resource significance based on National Register of Historic Places (NRHP) criteria (36CFR Part 60.4 [a-d]). No archaeological resources were identified during this assessment. Therefore, the report is abbreviated and includes a topographic map of the survey vicinity, environmental context, including photographs of the project area surveyed, research and field methodologies, and results. Billy McCarley, MA, RPA, served as principal investigator for this cultural resource assessment (Appendix B).

Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples, Collier County, Florida

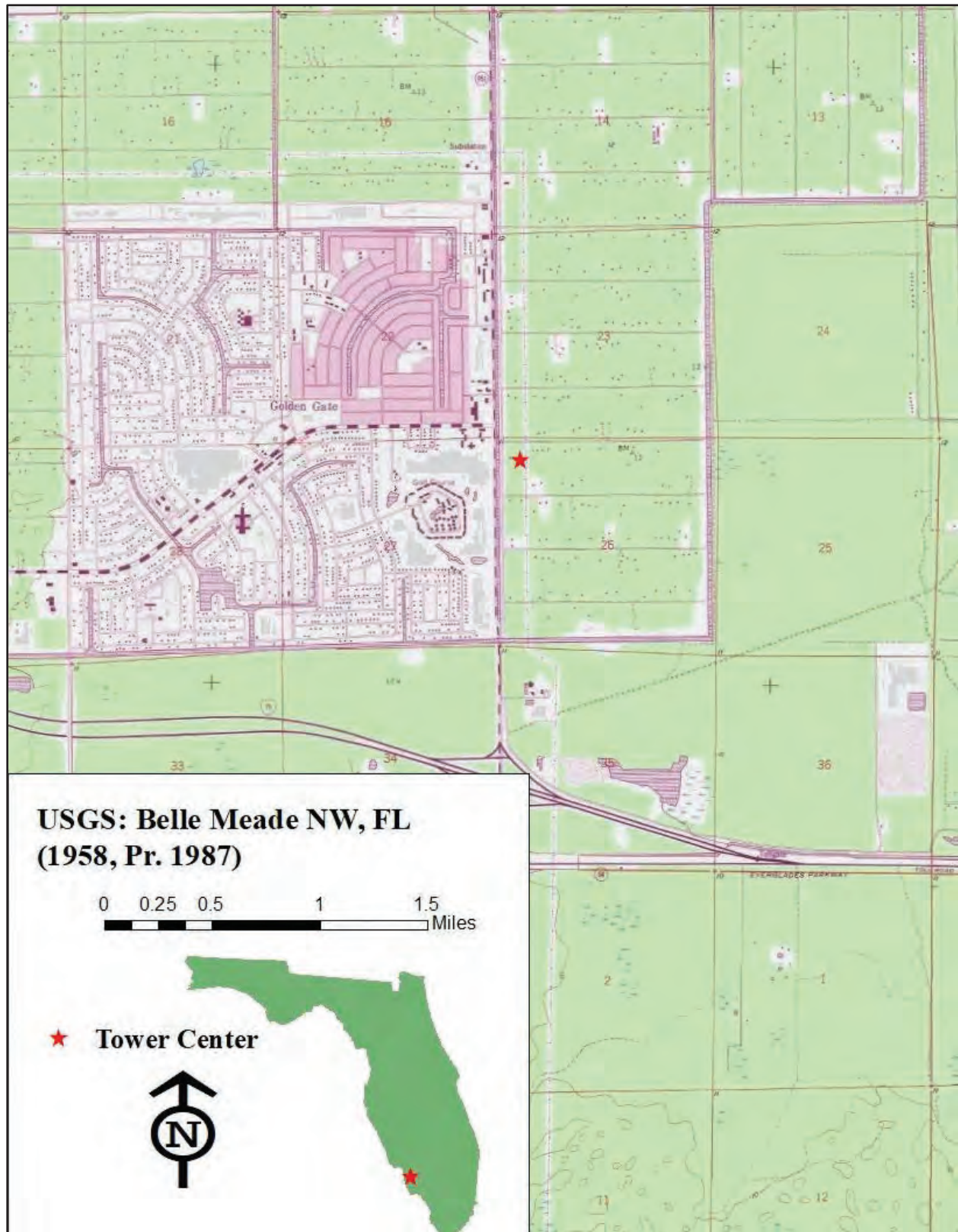


Figure 1: USGS 7.5 Minute Series, Belle Meade NW, FL (1958, pr 1987) topographic map depicting the project vicinity and environs.

Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples, Collier County, Florida

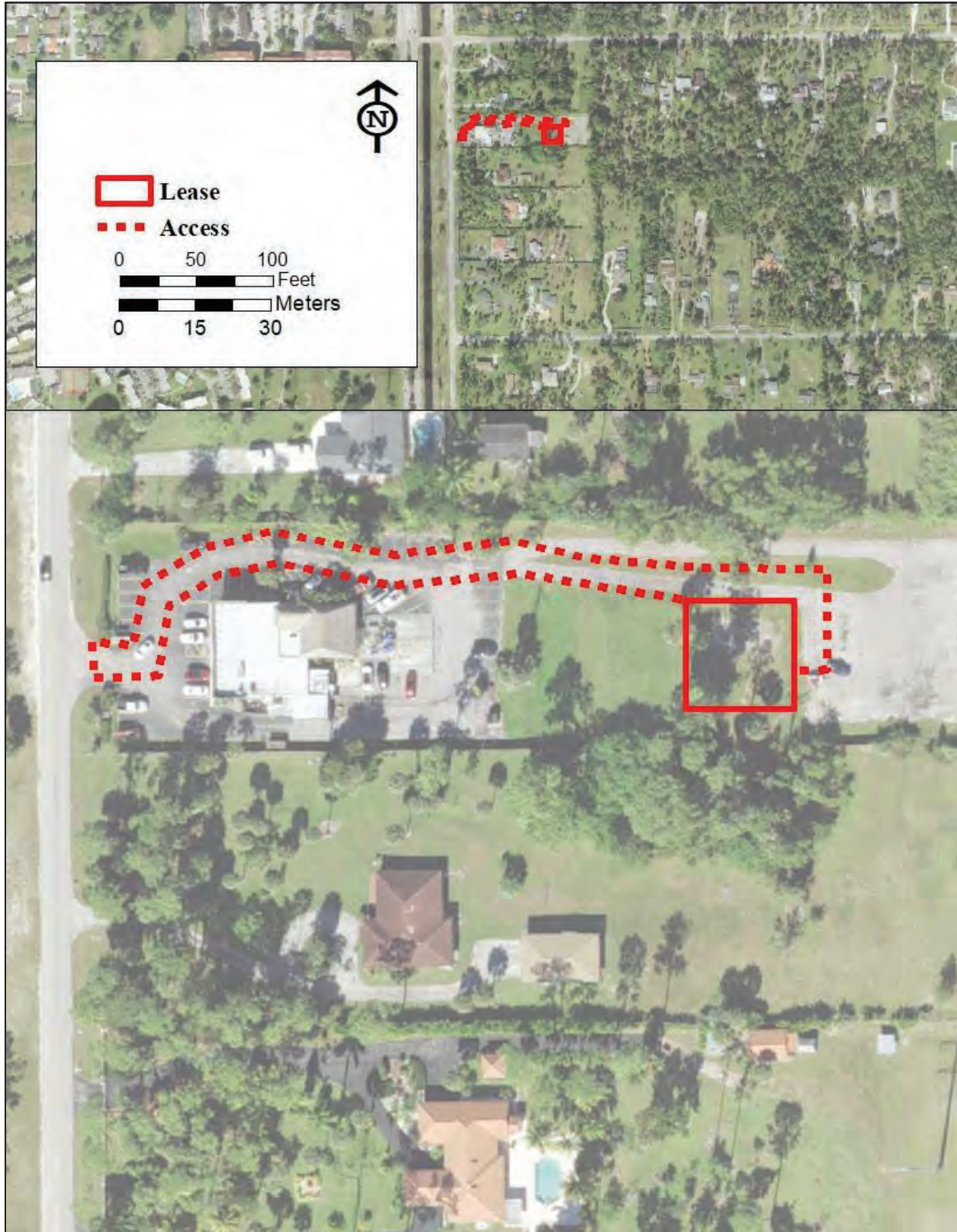


Figure 2. Direct APE depicted on an ESRI aerial photograph.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

II. ENVIRONMENTAL CONTEXT

Physiographic Province

The project area lies along the Big Cypress region of south Florida. The Big Cypress is a flat region, 5 to 30 feet in elevation and slightly higher than the Everglades, covered by pine flatwoods, open scrub cypress, prairie type grasslands, and extensive marsh and wetlands. Poorly drained soils overlie limestone, calcareous sandstones, marls, swamp deposit mucks, and algal muds. Lakes are absent from the region (Griffith et al. 2001).

Soils

According to the USDA, Web Soil Survey (2022), Immokalee fine sand was formed along the project area in flatwoods or along marine terraces in sandy marine deposits. The upper horizons contain poorly drained textures of fine sand, with subsoil generally occurring at between 89 and 109 centimeters below the surface (cmbs). Typically, subsoil is black fine sand (United States Department of Agriculture, Soil Conservation Service [USDA, SCS] 1984).

Vegetation

The project area lies within the Eastern Temperate Forest ecoregion. Here, the canopy consists of oak, hickory, and pine, with a lower stratum of tree ferns, shrubs, and herbaceous plants (Bailey 1995).

Fauna

Native habitat for the region includes raccoon, whitetail deer, flying squirrels, rabbits, opossums, and ground rodents. Wild turkey and bobwhite are common birds, while the timber rattler and turtle are common reptiles (Bailey 1995).

III. METHODOLOGY

Fieldwork

This Archaeological investigation was completed in compliance with Section 106 of the National Historic Preservation Act, as amended, and field methods generally followed the Florida Division of Historical Resources *Module Three: Guidelines for use by Historic Preservation Professionals* (2021). Field investigations of low probability areas included a 100% visual surface inspection of the entire project area. All surfaces, including animal burrows and fallen tree root clusters, within the survey area were inspected for the presence of rock shelters, caves, mines, quarries, chimney falls, historic wells, petroglyphs, or other standing structures.

Subsurface inspection (i.e., shovel testing) was used to verify soil conditions. In dynamic depositional areas that have greater than 30 percent surface visibility, surface inspection and 30-m (100 ft.) interval subsurface testing was employed. Two shovel tests were placed within the proposed 40-ft. by 80-ft. lease and every 15 m along the 530-ft. access. Shovel test was approximately 50-cm (19-in) in diameter and excavated until subsoil, 100 cmbs, impenetrable substrate (i.e., bedrock or clay), until the water table was reached, or until previous disturbance was determined. All soil matrices removed were screened using a 6-mm (.25-in) hardware cloth screen.

Each shovel test was recorded noting its location, depth, soil profile, artifact yield, general conditions, and other pertinent information. Each test was given a field designation; if materials are recovered, then each would be catalogued using a discrete provenience.

Above ground resources (architecture, cemeteries, bridges, etc.) were identified, if present, through research and by visual survey within the direct effects APE.

Laboratory

Artifacts, if located during fieldwork, photographs, fieldnotes, and maps will be prepared for permanent curation following the standards and guidelines set forth by the Florida Division of Historical Resources in *Module Three: Guidelines for use by Historic Preservations Professionals* (2021).

Records Review

Background research was conducted via the Florida Master Site File to determine the presence of previously recorded archaeological sites within 1.6 km (1 mi) of the project area or architectural resources within .5 mi of the project area.

IV. RESULTS

Research

There are no previously recorded archaeological sites within 1.6 km (1 mi) of the current project area. There are no sites or surveys previously recorded within the current project area of potential effect (APE) for direct effects. There are no eligible or listed architectural resources within .5 mi of the proposed project area. Historic topographic maps indicate no historic structures within the direct APE.

Field

Archaeology

The project area was located along flats within an existing parking lot. The project area ground surface consisted of grass and pavement (Figure 3).



Figure 3: Photograph of direct effects APE facing northeast

Two negative shovel tests were excavated along the proposed project area (Figure 4). Soils in the project area were heavily disturbed, likely due to paving and grading activities in the past. Ground surface visibility varied between 0 and 5 percent. Soils consisted of 30 cm of brown (10 YR 4/3) sand, followed by 40 cm of pale brown (10YR 6/3) sand, and 30 cm of browning yellow (10YR 6/6) sand. There were no

Cultural Resource Assessment of the Proposed US-FL-7040 Senior Tequila Telecommunications Facility in Naples, Collier County, Florida

archaeological materials (i.e., culturally modified artifacts, deposits, features, or human remains) within the project area APE for direct effects.

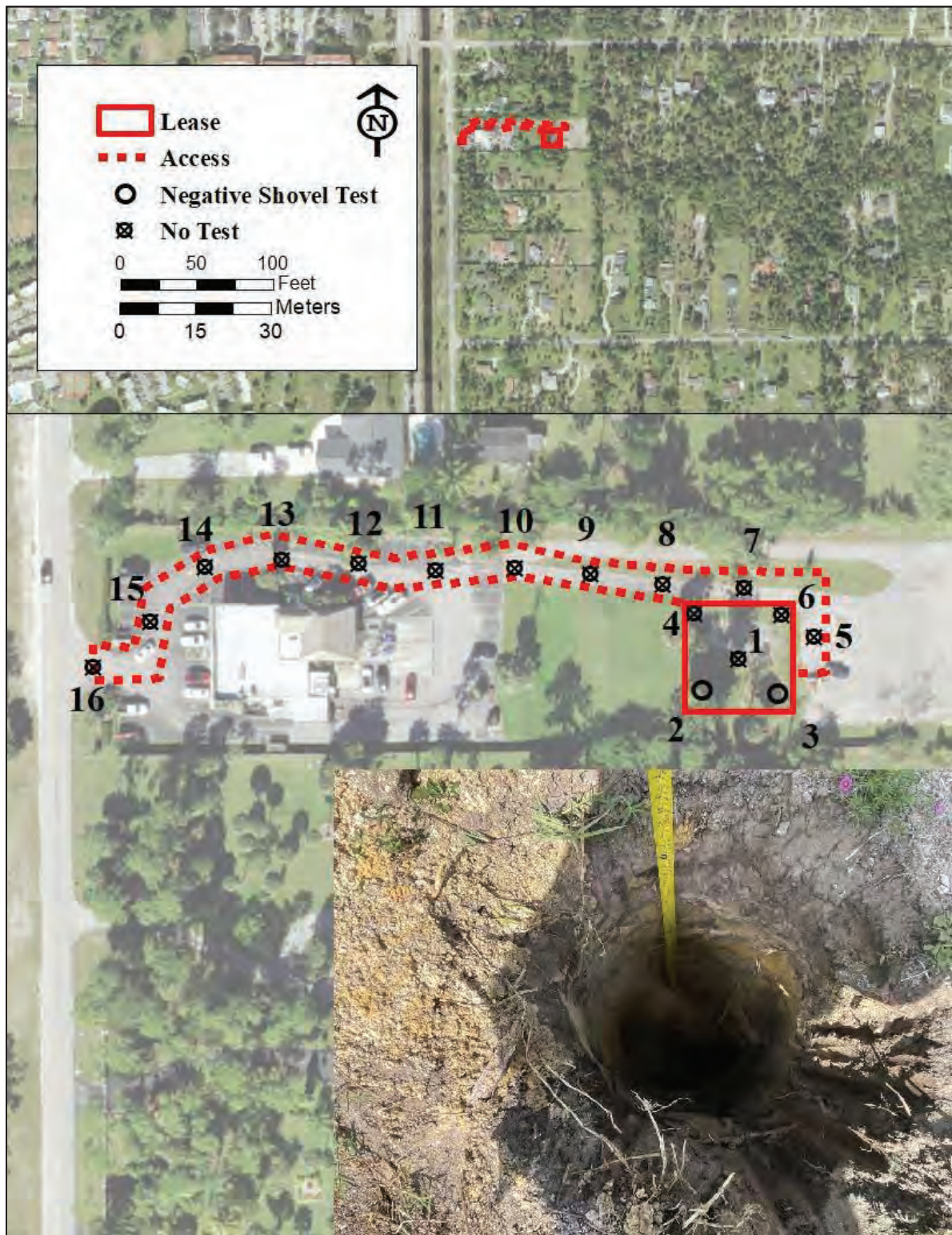


Figure 4: ESRI aerial depicting project area and shovel testing strategy.

V. CONCLUSION

STC conducted a cultural resource assessment of the proposed US FL 7040 Senior Tequila telecommunications facility direct and indirect APEs. There were no cultural materials in the direct or indirect APEs. Therefore, STC recommends a finding of **No Historic Properties** in the direct and indirect APEs.

Should buried artifacts, human remains, cultural sites or ground features be unexpectedly unearthed during ground disturbing activities, all construction should immediately cease and the resources be examined by a professional archaeologist. Additionally, all appropriate authorities-including all pertinent tribal entities and the state historic preservation office -should be notified.

REFERENCES CITED

Bailey, Robert G.

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Campbell, Scott, K.M. Rupert, J.D. Arthur, T.M. Missimer, J.M. Lloyd, J.W. Yon, and J.G. Duncan

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Griffith, G.E., J.M. Omernik, J.A. Comstock, S. Lawrence, G. Martin, and A. Goddard

2001 Ecoregions of Florida. U.S. Environmental Protection Agency, Eastern Division.

United States Department of Agriculture

1984 Soil Survey of Collier, Florida. Soil Conservation Service, Washington, DC.

2022 Web Soil Survey, Natural Resources Conservation Service. Available online at <http://websoilsurvey.nrcs.usda.gov/>, accessed November 2021.

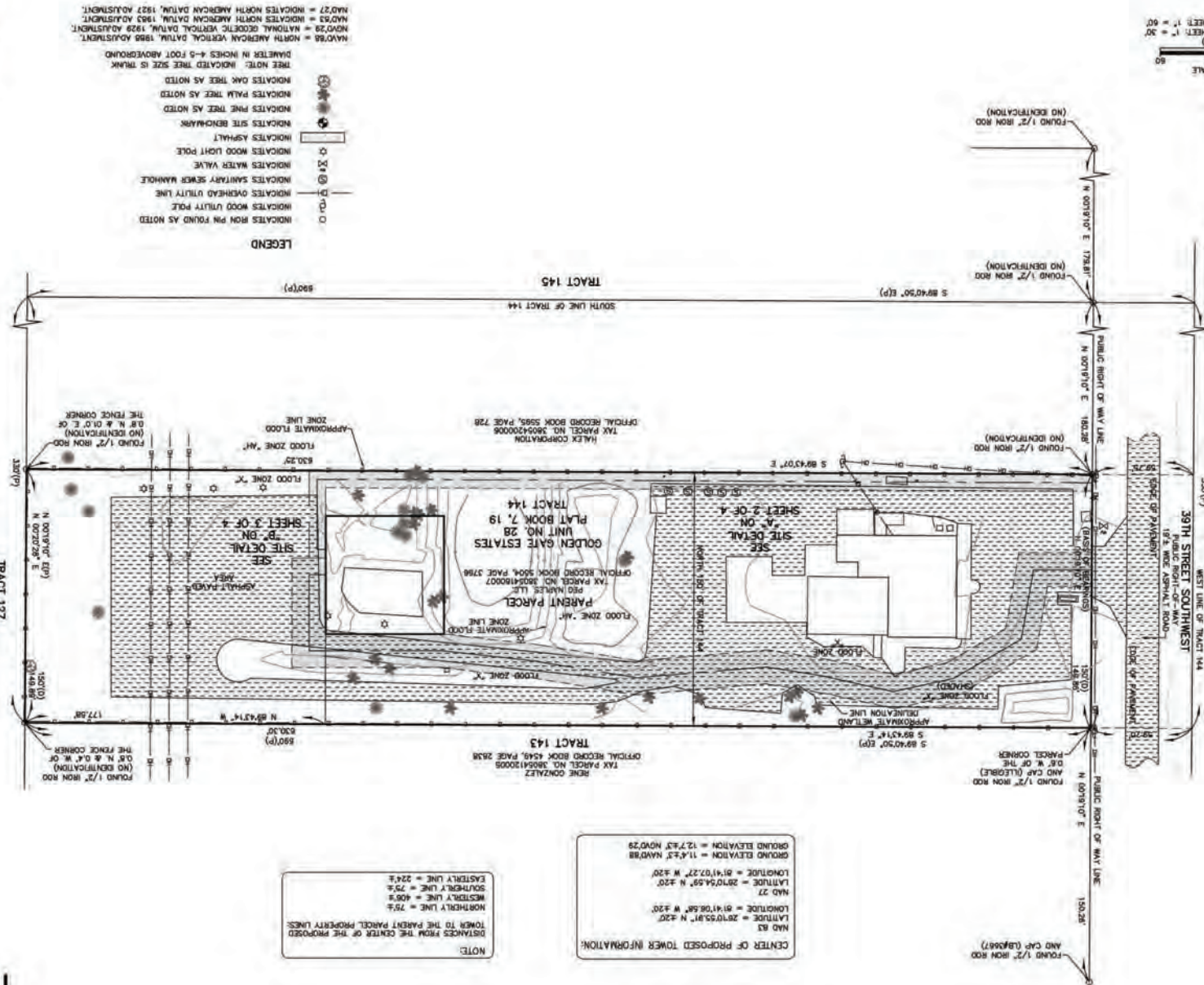
United States Geological Survey

1958 USGS 7.5 Minute Series Topographical Map, Belle Meade NW, FL, photorevised 1987. United States Department of Interior Geological Survey, Washington, DC.

APPENDIX A

Project Plans

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



SECONDARY AND
GRAPHIC SURVEY
26, TOWNSHIP 48 SOUTH, RANGE 28 EAST
COLLIER COUNTY, FLORIDA
FOR: FOR ENGINEERING
FLOOD NOTE
ACCORDING TO AN INVESTIGATION OF COMMUNITY
FLOOD INSURANCE PROGRAM (FIRM) OF THE FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL
FLOOD INSURANCE PROGRAM (NFIP) FOR COLLIER COUNTY,
FLORIDA, DATED 5/16/2012, THE SUBJECT PROPERTY
IS IN FLOOD ZONE "X", IE, AREAS DETERMINED TO
BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

3. BRAYMAN HENSON ARE REFERENCED TO THE ASSUMED BEAMS OF NORTH 071917 EAST 1406 COLLECTOR UNIT NO. 28 PLAIN ROAD IN SECTION 36 TOWNSHIP 4 SOUTH RANGE 28 EAST, SAND COUNTY, IOWA.

4. UNDEVELOPED AREAS SHOWN ARE INDICATED BY OTHERS NO 318-58542 INVESTIGATION WAS PERFORMED BY THIS OFFICE

5. THE BOUNDARY A TOPOGRAHIC SURVEY'S CHANCE HENSON IS BASED ON ACTUAL FIELD MEASUREMENTS AND OBSERVATIONS DATED DECEMBER 9, 2021.

6. REPRESENTATIONS OF THIS SURVEY ARE NOT VALID AS OF A FLOODING EVENT AND THE BASED WITHOUT THE ORIGINAL SIGNATURE AND THE BASED MAPPER.

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH ACCESS AND UTILITY CORRIDORS. THIS IS NOT A BOUNDARY SURVEY OF THE PARCEL FRAGMENT. 7. LATITUDE, LONGITUDE AND ELEVATIONS DETERMINED ARE BASED UPON GPS OBSERVATIONS MADE WITH AN EPOCH REAL TIME KINEMATIC GPS SYSTEM INCORPORATING A CHAINLINK GPS SYSTEM RECEIVER. 8. ELEVATIONS DETERMINED HEREON ARE REFERENCED TO THE MANDRA BOUNDARY. 9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CHAINLINK FOR TITLE RELEASE PURPOSES. THIS RELEASE DOES NOT CONSTITUTE A RELEASE OF ANY WARRANTIES, REPRESENTATIONS, OR OTHER RESTRICTIONS.

DANIEL S. SHORT, P.E.
FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
COMMITMENT OF PROFESSIONAL NO. 5022

GEOLINE SURVEYING, INC.
15400 NW 150th Avenue, Suite
1000, Miami, Florida 33187
(305)496-0999 (the DMS)496-0999

geoinc@geolineinc.com

DATE	TIME	WAVELENGTH	ANTENNA	REMARKS
04/01/2022	12:07	192.0	CH1	CH1 SHOWN

STATION READING SITE NUMBER SW-170404
COLLIER COUNTY, FLORIDA

10/23/2022 12:55:13 PM

BOUNDARY TOPOGRAPHY AND SURVEY

SECTION 26, TOWNSHIP 49
COLLIER COUNTY
FOR: FDI END

UNGE 26 EAST

630.30'

PHALS-PAVED DRIVE

PAVED DRIVE

FLOOD ZONE "AH"

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10.0'

10.0'

10.0'

10.0'

10.0'

10.0'

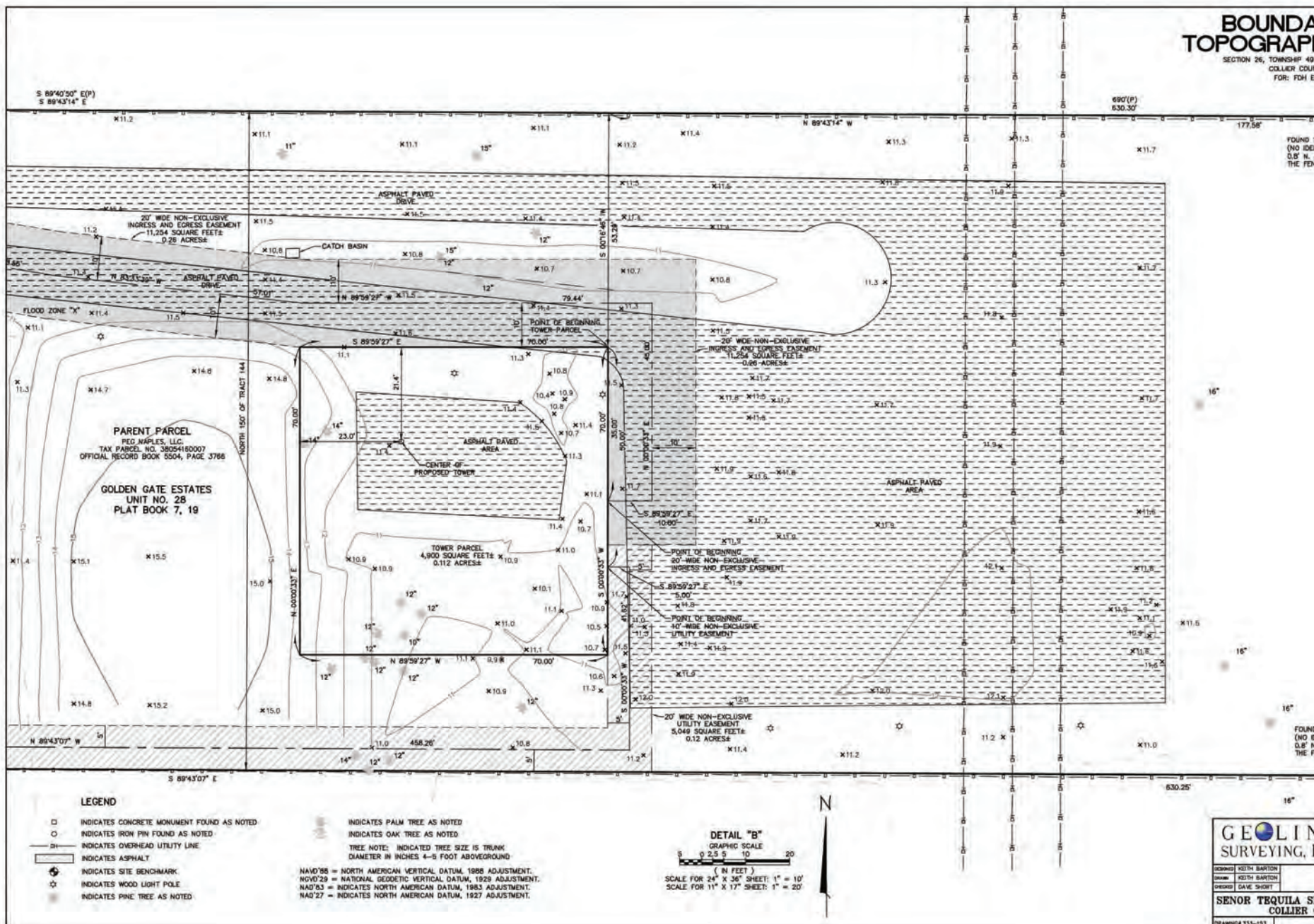
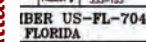
10.0'

10.0'



Page 215 of 323

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge





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MONITY MAP
NOT TO SCALE



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LOCATION MAP
NOT TO SCALE

BOUNDARY TOPOGRAPHY AND SURVEY

SECTION 26, TOWNSHIP 48 S
COLLIER COUNTY
FOR: FGH ENG

NGE 26 EAST

PROPERTY DESCRIPTIONS

PARENT PARCEL
(OFFICIAL RECORD BOOK 8504, PAGE 3786)

THE NORTH 150 FEET OF TRACT 144, GOLDEN GATE EST
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PL
PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

TOMER PARCEL
(PREPARED BY DEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF THE "REG NAPLES, LLC" PROPERTY, AS
RECORDED IN OFFICIAL RECORD BOOK 5504, PAGE 3786
RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAILING
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144,
UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED
IN PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAILING
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT
THENCE SOUTH 00°03'33" WEST FOR 53.28 FEET TO THE
THENCE SOUTH 00°03'33" WEST FOR 70.00 FEET; THENCE
WEST FOR 70.00 FEET; THENCE NORTH 00°03'33" EAST
THENCE SOUTH 89°43'07" EAST FOR 70.00 FEET TO SA

CONTAINING 4,900 SQUARE FEET (0.112 ACRES), MORE OR
LESS.

20 FOOT WIDE NON-EXCLUSIVE INDESS AND EGRESS EASEMENT
(PREPARED BY DEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF THE "REG NAPLES, LLC" PROPERTY, AS
RECORDED IN OFFICIAL RECORD BOOK 5504, PAGE 3786
RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAILING
WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144,
UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED
IN PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAILING
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT
TO THE NORTHEAST CORNER OF A 70 FOOT BY 70 FOOT
THENCE SOUTH 00°03'33" WEST ALONG THE EAST LINE OF
FOR 35.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE
HEREIN DESCRIBED 30 FOOT WIDE NON-EXCLUSIVE UTILITY
EASEMENT; THENCE SOUTH 89°43'07" WEST FOR 10.00 FEET
00°03'33" WEST FOR 45.00 FEET; THENCE NORTH 89°43'07"
FEET; THENCE NORTH 83°53'38" WEST FOR 57.01 FEET;
83°53'07" WEST FOR 77.01 FEET; THENCE NORTH 77°37'25"
FEET; THENCE SOUTH 77°37'25" WEST FOR 38.28 FEET;
58°28'38" WEST FOR 45.04 FEET; THENCE SOUTH 08°50'
FEET; THENCE SOUTH 80°00'00" WEST FOR 34.81 FEET
WITH THE EAST RIGHT OF WAY LINE OF 30th STREET SOUTH
OF WAY), AND THE POINT OF TERMINUS OF THE HEREIN
CENTERLINE.

CONTAINING 11,254 SQUARE FEET (0.258 ACRES), MORE OR
LESS.

10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT
(PREPARED BY DEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF THE "REG NAPLES, LLC" PROPERTY, AS
RECORDED IN OFFICIAL RECORD BOOK 5504, PAGE 3786
RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAILING
WITHIN 5 FEET OF BOTH SIDES OF A CENTERLINE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144,
UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED
IN PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE
SECTION 26, TOWNSHIP 48 SOUTH, RANGE 26 EAST, SAILING
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT
TO THE NORTHEAST CORNER OF A 70 FOOT BY 70 FOOT
THENCE SOUTH 00°03'33" WEST ALONG THE EAST LINE OF
FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE
HEREIN DESCRIBED 10 FOOT WIDE NON-EXCLUSIVE UTILITY
EASEMENT; THENCE SOUTH 89°43'07" WEST FOR 8.00 FEET; THENCE SOUTH
41.82 FEET TO AN INTERSECTION WITH A LINE PARALLEL
NORTH OF THE SOUTH LINE OF SAID TRACT 144; THENCE
WEST ALONG SAID PARALLEL LINE FOR 48.28 FEET TO
THE EAST RIGHT OF WAY LINE OF 30th STREET SOUTH
OF WAY), AND THE POINT OF TERMINUS OF THE HEREIN
CENTERLINE.

CONTAINING 5,049 SQUARE FEET (0.12 ACRES), MORE OR
LESS.

GEOLINE SURVEYING, INC.

GROUPED: KEITH BARTON
DRAWN: KEITH BARTON
CHECKED: DAVID SHORT

SEÑOR TEQUILA SIT
COLLIER COUNTY

DRAWING 333-153

Geotechnical Land Surveys
150 NW 15th Ave, Suite A
Naples, Florida 34108
(813) 435-0000 Fax (813) 435-0000
info@geolinesurveys.com

DATE: AS SHOWN
DATE: DECEMBER 9, 2021
PROJECT # 333-153

IBER US-FL-7040
FLORIDA

SHEET 4 OF 4

Attachment: Attachment 1 - Applicant Backup Documents dl (73720 : PL20220003012 Vertical Bridge

APPENDIX B

Principal Investigator CV

BILLY J. MCCARLEY

3.E.b

Anthropologist

Address Colorado Springs, CO, 80919

Phone 720-708-9872

E-mail bmccarley@subterraneanco.com

Director of cultural resources at Subterranean Consultants, with over nine years of experience implementing project and business development. Lead communicator and organizer of project planning and research design, both utilized to chart and analyze project scoping and budgeting. Principal Investigator and director of archaeology and history consultations and Section 106.

Skills

Project Management

MS Office

Computer proficiency

Public speaking skills

Research and development

ESRI Mapping

Innovative project design and development

Work History

2012-09 - Current

Principal Investigator/Chief Archaeologist

Subterranean Consultants, Atlanta, Georgia

- Conducts phase I archaeological assessments, phase II evaluations, and phase III mitigation of NEPA projects (Section 106) and private development
- Conducts Section 106 projects include United States Army Corps of Engineers (USACE) Section 404 permitting, Federal Energy Commission, United States Department of Housing and Urban Development (HUD) construction, Federal Highway Administration (FHWA) construction, and FCC telecommunications projects.
- Consults with over 40 State Historic Preservation Offices (SHPO) and Tribal Historic Preservation Offices.
- Conducts tribal-requested construction of over 23 telecommunications towers.
- Serves as principal investigator on Phase I, Phase II, and Phase III archaeological and history projects, including nineteenth century rice plantation, Fernbank

Museum-sponsored Hernando de Soto route expedition, and American Indian Lamar settlements along Georgia coast.

- Conducts private due diligence surveys, including Georgia Municipal cemetery delineation and ancestral research, North Carolina cemetery survey and Phase II evaluations, large-scale solar developments in West Virginia, Indiana, Illinois, and Georgia, and residential and commercial developments throughout Georgia and Alabama.
- Completes desktop assessments of fiber optics installation and impacts on NRHP-listed or NRHP-eligible archaeological sites.
- Conducts fieldwork on all projects, including pre-visit research design development, background research, topographical map overlays, shovel testing, unit excavation, recordation, photographing, and report writing.
- Makes recommendations on future site work and NRHP eligibility.
- Records archaeological sites with state site files.
- Conducts project scoping, proposals, grant writing, and NRHP nominations.
- Prepares projects for curation according to agency curation standards.
- Notable projects as principal investigator and field director include expansion and development cultural resource assessment of Habersham County Airport industrial complex, Section 404 USACE wetland permit cultural resource assessment in Sycamore, Georgia, Eagle-Net terrestrial fiber optics cultural resource assessment, ballpark expansion in Fairburn, Georgia, Osage Nation cultural resource assessment of county road construction, and prehistoric prayer rings in Death Valley National Park, Phase I Survey and Phase II Archaeological Survey and Evaluation of Effingham Parkway, Phase survey of nineteenth century burials in Jackson, Gwinnett, and Effingham counties, archaeological survey of 174 road-side utility poles in Iowa and Nebraska, cultural resources assessment of 500-acre solar developments in West Virginia, Indiana, and Illinois, Phase II evaluation of African American burials in North Carolina, 32 node poles in New Orleans, and metal detection of 42 acre portion of Civil War battlefield in Mechanicstown, WV. Class III Assessment of the City of Deadwood, SD. Class III investigation of 500-acre windfarm in southwest North Dakota. Class III inventory of the Pine Ridge Reservation in South Dakota. Twenty-five miles of historic railroad in Grand Junction, CO.

2014-06 - 2016-06

Principal Archaeologist/Senior Archaeologist

Moreland Altobelli Associates, Inc, Norcross, Georgia

- Conducted phase I and II archaeological assessments and evaluations of NEPA projects-United States Army Corp of Engineers (USACE) Section 404 permitting (cultural resource assessments) and Georgia Department of Transportation projects.

Attachment: Attachment 1 - Applicant Backup Documents d1 (27320 : PL20220003012 Vertical Bridge Variance)

- Completed Section 106 reports and reviews, consulted with Georgia SHPO, and reviewed and sign reports written by staff archaeologists.
- Conducted research design development, background research, topographical map overlays, shovel testing, unit excavation, recordation, photographing, report writing, and recommendations on future site work and NRHP eligibility.
- Recorded archaeological sites with Georgia Archaeological Site File (GASF)
- Conducted project scoping and proposals.
- Prepared projects for curation following Antonio J. Waring Archaeological Laboratory or Erskine Ramsey Curation Facility, University of Alabama Museum curation standards.

2014-02 - 2014-04

Field Director

Algonquin Consultants, Miami, Oklahoma

- Served as field director on phase II evaluation of FCC permitting project in Jefferson City, Missouri.
- Prepared research design for evaluation of cultural deposits at prehistoric lithic production site.
- Supervised four employees in placement of four 1-by-1 test units.
- Supervised data collection, site recordation, and reporting, including all GIS map production, post field- work.

2013-06 - 2013-08

Crew Chief

Tetra Tech, Oklahoma City, OK

- Served as crew chief on 85-mi pipeline cultural resource assessment spanning from Oklahoma to Texas.
- Preplanned for daily field work, supervised crew of two field technicians in implementation of phase I shovel testing for Army Corps of Engineers (ACOE)
- Conducted transect layouts using Geoexplorer GPS unit.
- Completed daily progress reports for submission to project field director.

2012-06 - 2013-02

Co-Principal Investigator/Field Director

Georgia State University, Richmond Hill, Georgia

- Investigated and excavated Middle Mississippian burial mound site along Ogeechee River in Richmond Hill, Georgia.
- Prepared research design, gridded site using total station, implement NOAA provided LIDAR for regional comparative study of Middle Mississippian mound sites along Georgia coast.
- Performed shovel testing on 5-acre mound site.
- Analyze and curate artifacts post fieldwork and produce management summary and archaeological assessment report.

Attachment: Attachment 1 - Applicant Backup Documents d1 (27320 : PL20220003012 Vertical Bridge Variance)

2008-06 - 2012-06

Field Archaeologist*Jacksonville State University Archaeological Laboratory, Jacksonville, Alabama*

- Investigated and excavated late Woodland to early Mississippian village along Choccolocco Creek in Calhoun County, Alabama.
- Conducted unit layout and documentation; Excavated 2-by-2 units; Screened matrix; identified artifacts; and produced management summary of project progress.

Education

2010-01 - 2012-05

Master of Arts: Anthropology*Georgia State University - Atlanta*

Investigating Settlement Patterns and Intrasite Use, the Middle Mississippian Period, A.D. 1100

2004-01 - 2008-01

Bachelor of Arts: Sociology*The University of Alabama - Tuscaloosa, Alabama***Affiliations/Permits**

- Register of Professional Archaeologist (RPA) 2013
- Society for American Archaeology (SAA) 2013

Additional Information

- AWARDS , Sigma Alpha Lambda, Leadership and Honors June 2008

Software

ESRI, SPSS, Word, Excell

Excellent

Certifications

Register of Professional Archaeologist

RPA Metal Detecting

National Parks Survey Methods

Representative Publications/Reports

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

2013 Phase I Archaeological Survey of the Proposed 80-Mile Pipeline, Wichita County, Texas
 2013 An Archaeological Survey at Oak Level Mound: Investigating Settlement Patterns and Intrasite Use During the Middle Mississippian Period (A.D. 1150-1350)
 2014 Phase I Archaeological Survey of the Proposed Harmony Senior Living Community, Spalding County, Georgia
 2014 Phase I Archaeological Assessment of the Five Forks Trickum Road Widening, Gwinnett County, Georgia
 2014 Addendum Phase I Archaeological Survey of 1-16 at Old River Road, Effingham County, Georgia
 2014 Phase I Archaeological Survey for the Proposed 7th Street and Broad Street Bridge Replacements in Augusta, Richmond County, Georgia
 2014 Phase I Archaeological Assessment of Habersham County Industrial Park, Habersham County, Georgia
 2014 Phase I Archaeological Assessment of Dollar General Wetland Mitigation, Sycamore, Georgia
 2014 Phase I Archaeological Assessment of Spence Ball Park Development, Fairburn, Georgia
 2015 Phase I Archaeological Survey of Sigman Road Widening, Rockdale County, Georgia
 2015 Phase I Archaeological Survey of the Proposed State Route (SR) 400 at McGinnis Ferry Road Interchange, Fulton and Forsyth Counties, Georgia
 2015 Second Addendum Phase I Archaeological Survey of the Proposed East Kingsland Bypass, Camden County, Georgia
 2016 Second Addendum Phase I Archaeological Survey of the Proposed Two Interchanges on Interstate 75, SR 7 and SR 122, Lowndes County, Georgia
 2017 Phase I Archaeological Survey for the Proposed O'Reilly Auto Parts in Pigeon Forge, Tennessee
 2017 Phase I Archaeological Survey for the City of Tuscumbia's Historic Rail Yard, Tuscumbia, Alabama
 2017 Phase I Archaeological Survey of the Proposed Effingham Bypass, Effingham and Chatham Counties, Georgia
 2017 Phase I Archaeological Survey of the Proposed El Dorado Boulevard, Harris County, Texas
 2018 Phase II Archaeological Evaluation of the Rice Fields and Colebrook Plantation Cemetery along Effingham Bypass, Effingham and Chatham Counties, Georgia
 2018 Phase I Archaeological Survey of the Proposed Harper Street Crossing, Fulton County, Georgia
 2018 Phase I Archaeological Survey of the Proposed US 84 Connector, Liberty County, Georgia
 2018 Phase I Archaeological Survey of the Proposed Gant Road Solar Development, Upper Marlboro County, Maryland
 2018 Phase I Archaeological Survey of the Proposed Brown Bridge at Yellow River Replacement, Newton County, Georgia
 2019 Phase I Archaeological Survey of the Proposed Zion Manor Senior Apartments II in Louisville Jefferson County, Kentucky
 2019 Phase Ia Reconnaissance of the Hemmer Solar and Substation in Somerville, Indiana Gibson County
 2019 Phase I Archaeological Survey of Wetland Delineation at Bonnaroo in Manchester, TN
 2019 Anthropological Reconnaissance of Letohatchee Solar Development in Selma Alabama
 2019 Phase I Archaeological Survey for Owl Creek Section 404 Permit in Towns County, GA
 2019 Phase I Archaeological Survey of the Proposed Pineview Cemetery Telecommunications Facility in Mt. Olive, NC

2019 Anthropology and Construction Monitoring of the Bogota Telecommunications Facility in Bogota, TN

2020 Archaeological Assessment and Phase II Evaluation of the High Horizons, Peel, and Thorn Parcels in Mechanicstown, Jefferson County, West Virginia

2020 Anthropology and Construction Monitoring for the Arkansas River Trail Telecommunications Facility in Conway, AR

2020 Phase I Archaeological Survey for the Section 404 Permit for Thornton Conveniences Store in Coopertown, Tennessee

2020 Archaeological Monitoring of Ground Disturbance at the Proposed E 862 Road Telecommunications Facility in Tenkiller, Cherokee County, Oklahoma

2020 Archaeological Monitoring of Ground Disturbance at the Proposed Alma Telecommunications Facility in Alma, Crawford County, Arkansas

2020 Archaeological Assessment of the Proposed McClellan Peak Tower Compound Expansion in Carson City, Washoe County, Nevada

2021 Class III Inventory of Cadle Property in Deadwood, Lawrence, SD

2021 Class III Inventory of Oglala Ten House Development at Pine Ridge, SD

2021 Archaeological Evaluation of seven sites and Class III Inventory in Bowman, ND

Attachment **4**

Historic Properties Identified in the APE for Direct Effects

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Historic Properties Identified in the APE for Direct Effects

Lotis contracted Subterranean Consultants to perform a Cultural Resource Assessment to determine the potential effect on historic properties within the Direct Area of Potential Effect (APE). Subterranean Consultants conducted a records review and completed site reconnaissance, per SHPO and tribal protocols, and did not locate any archaeological sites within the Direct APE. Subterranean Consultants has recommended that the proposed undertaking be allowed to proceed as planned without further surveying. A copy of the Subterranean Consultants' Cultural Resources Assessment report is included in Attachment 3.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Attachment **5**

Historic Properties Identified in the APE for Visual Effects

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Historic Properties Identified in the APE for Visual Effects

Lotis contracted Subterranean Consultants to perform a Cultural Resource Assessment to determine the potential effect of the proposed undertaking on historic properties within the Visual Area of Potential Effect (APE). Subterranean Consultants completed a records review, within the ½-mile radius, per the DHR's protocols (either online or physical records research) as well as reviewing the online National Register of Historic Places (NRHP) at <http://www.nps.gov/nr/> and found no eligible/listed historic properties within the Visual APE. Subterranean Consultants has recommended that the proposed undertaking has No Historic Properties within the Visual APE and recommends that the project be allowed to proceed as planned without further surveying. A copy of the Subterranean Consultants' Cultural Resources Assessment is included in Attachment 3.

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Attachment **6**

Tribal/NHO Involvement

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Tribal/NHO Involvement

Lotis utilized the Federal Communications Commission (FCC) Tower Construction Notification System (TCNS) to identify federal tribal entities with interest in the proposed undertaking's location. This identification phase was conducted on May 10, 2022 (TCNS Number 248897). The FCC responded, via e-mail, on May 13, 2022, indicating the following six (6) groups were forwarded information regarding the location of the proposed project, via electronic mail.

1. Miccosukee Tribe of Indians of Florida
2. Seminole Tribe of Florida
3. Seminole Nation of Oklahoma
4. Muscogee (Creek) Nation
5. Eastern Shawnee Tribe of Oklahoma
6. Thlopthlocco Tribal Town

To date, Lotis has received clearance from all of the above listed tribes.

***Federal Communications Commission's (FCC) Tower
Construction Notification System (TCNS) Proposed
Tower Structure (PTS) Info Email***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

NEPA NHPA

From: towernotifyinfo@fcc.gov
Sent: Tuesday, May 10, 2022 10:48 PM
To: NEPA NHPA
Subject: Proposed Tower Structure Info - Email ID #8132973

Dear Judiann Norris,

Thank you for submitting a notification regarding your proposed construction via the Tower Construction Notification System. Note that the system has assigned a unique Notification ID number for this proposed construction. You will need to reference this Notification ID number when you update your project's Status with us.

Below are the details you provided for the construction you have proposed:

Notification Received: 05/10/2022

Notification ID: 248899
 Tower Owner Individual or Entity Name: VB BTS, LLC
 Consultant Name: Miles C Walz Salvador
 Street Address: 8899 Main Street, Suite 107
 City: Williamsville
 State: NEW YORK
 Zip Code: 14221
 Phone: 716-580-7000
 Email: NEPA.NHPA@TheLotisGroup.com

Structure Type: LTOWER - Lattice Tower
 Latitude: 32 deg 07 min 23.6 sec N
 Longitude: 89 deg 24 min 2.6 sec W
 Location Description: near 8430 Hwy 501
 City: Louin
 State: MISSISSIPPI
 County: SMITH

Detailed Description of Project: A proposed 300/310' self-support lattice telecommunications tower within an odd-shaped lease area, approximately 11,000 square feet. Also included is a 30' by approximately 336' access/utility easement.

Ground Elevation: 121.5 meters
 Support Structure: 91.4 meters above ground level
 Overall Structure: 94.5 meters above ground level
 Overall Height AMSL: 216 meters above mean sea level

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***Federal Communications Commission's (FCC) Tower
Construction Notification System (TCNS) Notice of
Organizations (NOO) Email***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

NEPA NHPA

From: towernotifyinfo@fcc.gov
Sent: Friday, May 13, 2022 2:01 AM
To: NEPA NHPA
Cc: tcnsweekly@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #8137920

Dear Applicant:

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this electronic mail message is to inform you that the following authorized persons were sent the notification that you provided through TCNS, which relates to your proposed antenna structure. The information was forwarded by the FCC to authorized TCNS users by electronic mail and/or regular mail (letter). We note that the review period for all parties begins upon receipt of the Submission Packet pursuant to Section VII.A of the NPA and notifications that do not provide this serve as information only.

Persons who have received the notification that you provided include leaders or their designees of federally-recognized American Indian Tribes, including Alaska Native Villages (collectively "Tribal Nations"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribal Nations and NHOs and in making further contacts, the City and State of the Seat of Government for each Tribal Nation and NHO, as well as the designated contact person, is included in the listing below. We note that Tribal Nations may have Section 106 cultural interests in ancestral homelands or other locations that are far removed from their current Seat of Government. Pursuant to the Commission's rules as set forth in the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA), all Tribal Nations and NHOs listed below must be afforded a reasonable opportunity to respond to this notification, consistent with the procedures set forth below, unless the proposed construction falls within an exclusion designated by the Tribal Nation or NHO. (NPA, Section IV.F.4).

The notification that you provided was forwarded to the following Tribal Nations and NHOs. A Tribal Nation or NHO may not respond until a full Submission Packet is provided. If, upon receipt, the Tribal Nation or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribal Nation or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event a Tribal Nation or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribal Nation or NHO, you must seek guidance from the Commission (NPA, Section IV.G). These procedures are further set forth in the FCC's Second Report and Order released on March 30, 2018 (FCC 18-30).

1. Real Estate Director Kevin Donaldson - Miccosukee Tribe of Indians of Florida - Tamiami Station (PO Box: 440021) Miami, FL - hopel@miccosukeetribe.com - 305-223-8380 (ext: 2246) - regular mail

If the applicant/tower builder receives no response from the Miccosukee Tribe of Indians of Florida within 30 days after notification through TCNS, the Miccosukee Tribe of Indians of Florida has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder,

however, must immediately notify the Miccosukee Tribe of Indians of Florida in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

2. Compliance Review Supervisor THPO Compliance - Seminole Tribe of Florida - 30290 Josie Billie Hwy PMB 1004 Clewiston, FL - THPOcompliance@semtribe.com - 863-983-6549 (ext: 12245) - electronic mail

3. Tribal Historic Preservation Officer Ben Yahola - Seminole Nation of Oklahoma - (PO Box: 1498) Wewoka, OK - tcns-sno@sno-nsn.gov - 405-234-5218 - electronic mail
Exclusions: Please send all inquiries to email address: tcns-sno@sno-nsn.gov

If the applicant/tower builder receives no response from the Seminole Nation of Oklahoma within 30 days after notification through TCNS, the Seminole Nation of Oklahoma has no interest in participating in pre-construction review for the proposed site. The Applicant/tower builder,

however, must immediately notify the Seminole Nation of Oklahoma in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

4. TCNS Coordinator Anne Edwards-Martel Ms - Muscogee (Creek) Nation - Highway 75 & Loop 56 (PO Box: 580) Okmulgee, OK - mcntcns@mcn-nsn.gov; section106@mcn-nsn.gov - 918-732-7639 - regular mail

5. Cell Tower Coordinator Kelly Nelson - Eastern Shawnee Tribe of Oklahoma - 70500 East 128 Road Wyandotte, OK - celltower@estoo.net - 918-238-5151 (ext: 1861) - regular mail
Exclusions: DO NOT EMAIL DOCUMENTATION; it will be deleted without being opened.
Submit one printed color copy by US postal mail or other parcel carrier of all documentation to:

Eastern Shawnee Tribe
Attn: CellTower Program
70500 E. 128 Rd.
Wyandotte, OK 74370

Provide a 1-page cover letter with the following information:

- a. TCNS Number
- b. Company Name
- c. Project Name, City, County, State
- d. Project type
- e. Project coordinates
- f. Contact information

The Eastern Shawnee Procedures document is available and highly recommended for guidance; send an email to celltower@estoo.net requesting our most current copy.

6. Mekko Ryan Morrow - Thlopthlocco Tribal Town - P.O. Box 188 Okemah, OK - thpo@tttown.org - 000-000-0000 - electronic mail

Exclusions: Thlopthlocco Tribal Town requests that all initial review materials required by applicable law be submitted by email directly to thpo@tttown.org. In addition, in the event archeological or cultural materials or human remains are discovered at any time during this undertaking, please notify Thlopthlocco Tribal Town immediately.

The notification that you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA unless the project is excluded from SHPO review under Section III D or E of the NPA.

7. SHPO Lee Warner - Alabama Historical Commission - 468 South Perry Street Montgomery, AL - lwarner@mail.preserveala.org - 334-242-3184 - electronic mail

8. Deputy SHPO Elizabeth Ann Brown - Alabama Historical Commission - 468 South Perry Street Montgomery, AL - ebrown@mail.preserveala.org - 334-242-3185 - electronic mail

9. Deputy SHPO Compliance Review Laura A Kammerer - Div of Historical Resources, Dept of State - 500 S. Bronough St. Tallahassee, FL - lkammerer@dos.state.fl.us - 850-245-6333 - electronic mail

10. Historic Preservationist Corey Lentz - Florida Division of Historical Resources - 500 S. Bronough Street Tallahassee, FL - Corey.Lentz@dos.myflorida.com - 850-245-6333 - electronic mail

TCNS automatically forwards all notifications to all Tribal Nations and SHPOs that have an expressed interest in the geographic area of a proposal. However, if a proposal for PTC wayside poles falls within a designated exclusion, you need not expect any response and need not pursue any additional process with that Tribal Nation or SHPO. In addition, a particular Tribal Nation or SHPO may also set forth policies or procedures within its details box that exclude from review certain facilities (for example, a statement that it does not review collocations with no ground disturbance; or that indicates that no response within 30 days indicates no interest in participating in pre-construction review).

Please be advised that the FCC cannot guarantee that the contact(s) listed above have opened and reviewed an electronic or regular mail notification. If you learn that any of the above contact information is no longer valid, please contact the FCC by emailing tcnshelp@fcc.gov. The following information relating to the proposed tower was forwarded to the person(s) listed above:

Notification Received: 05/10/2022

Notification ID: 248897

Excluded from SHPO Review: No

Tower Owner Individual or Entity Name: VB BTS, LLC

Consultant Name: Miles C Walz Salvador

Street Address: 8899 Main Street, Suite 107

City: Williamsville

State: NEW YORK

Zip Code: 14221

Phone: 716-580-7000

Email: NEPA.NHPA@TheLotisGroup.com

Structure Type: POLE - Any type of Pole

Latitude: 26 deg 10 min 55.9 sec N

Longitude: 81 deg 41 min 6.6 sec W

Location Description: near 2560 39th Street SW

City: Naples

State: FLORIDA

County: COLLIER

Detailed Description of Project: A proposed construction of a 145/155' monopine telecommunications tower within a 70' by 70' lease area. Also included is a 20' by 563' access easement. Additionally included is a 10' by 505' utility easement.

Ground Elevation: 3.5 meters

Support Structure: 44.2 meters above ground level

Overall Structure: 47.2 meters above ground level

Overall Height AMSL: 50.7 meters above mean sea level

If you have any questions or comments regarding this notice, please contact the FCC using the electronic Help Request form located on the FCC's website at:

<https://www.fcc.gov/wireless/available-support-services>

You may also call the FCC Support Center at (877) 480-3201 (TTY 717-338-2824). Hours are from 8:00 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

Thank you,
Federal Communications Commission

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Attachment **7**

Local Government Involvement

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Collier County Planning Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- Proposed Project Summary
- Attachment 1 - Maps
- Attachment 2 - Photographs



June 3, 2022

Collier County Planning
Attn: Timothy Finn
2800 North Horseshoe Drive North
Naples, Florida 34104
Submitted via email: timothy.finn@colliercountyfl.gov

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis), is preparing an environmental and cultural resource review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the Collier County Planning to comment on the possible effects the proposed undertaking may have on sites or structures of historic significance within the general vicinity.

Attached, please find information pertaining to the proposed undertaking. This information includes a project summary, an aerial photograph, a topographic map, and photographs of the proposed undertaking's site and adjacent properties. As part of our research, Lotis is consulting with the Division of Historical Resources, and will forward any concerns of the Collier County Planning regarding historic properties to the Division of Historical Resources.

Lotis respectfully requests that you provide comment within 30 days regarding the possible effects of this undertaking on historic properties. If a response is not received within 30 days, Lotis will assume you have no interest/concern with the proposed undertaking. Should you require additional information, please do not hesitate to contact me at (716) 580-7000. Thank you for your time and consideration in this regard.

Sincerely,

Lotis Environmental, LLC

Miles Walz-Salvador
Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com
Enclosures

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

Proof of Collier County Planning Submission

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

NEPA NHPA

From: NEPA NHPA
Sent: Friday, June 03, 2022 4:36 PM
To: imothy.finn@colliercountyfl.gov
Cc: Miles Walz-Salvador; Jordan Braden
Subject: Opportunity to comment on proposed telecommunication project "Senor Tequila" located in "Collier County, Florida"
Attachments: CLG SUB 6.3.2022.pdf; Senor Tequila US-FL-7040.kmz

Importance: High

Tracking:	Recipient	Read
	imothy.finn@colliercountyfl.gov	
	Miles Walz-Salvador	
	Jordan Braden	Read: 6/6/2022 9:43 PM

To Whom It May Concern,

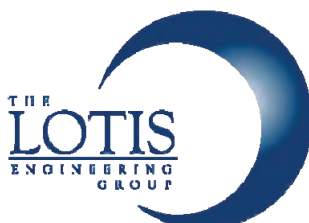
Lotis is completing Section 106 NEPA compliance due diligence regarding the above proposed telecommunication project known as "**Senor Tequila**". Part of this due diligence includes giving the local government/jurisdiction the opportunity to comment on whether or not the proposed telecommunications project will have an effect on historic properties. I have attached the project summary, site maps, KMZ file (for Google Earth aerial view) and site photos of the proposed Subject Property in question. The Section 106 consultation process allows you 30 days to respond.

Should you not respond within 30 days we will assume you have no concern or comment regarding the proposed undertaking. However, should you not want to comment we ask that you state so in a response to aid us in our timeline for this project. Should you have an additional request for information, please feel free to contact my supervisor via phone at (314)-913-0505 or by responding all to this email. We will do our best to supplement you with any additional documentation or information regarding the proposed undertaking.

Thank you for your time and consideration.

Jordan Braden

NEPA Administrative Assistant



8899 Main Street – Suite 107
 Williamsville, NY 14221
www.thelotisgroup.com

Phone: 716.580.7000
 Mobile: 417.839.3701
Braden@thelotisgroup.com

Please Note – Our Address and Phone Number have changed as of February 2022

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***Collier County Planning's Response
(NONE)***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Attachment **8**

Public Involvement

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Legal Public Notice Text and Affidavit of Publication

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Lotis contacted the The Naples Daily News and published a legal public notice in the classified section. The proposed undertaking is detailed in the notice and calls for the recognition of public concerns on any historic property impacts caused by the proposed undertaking. A copy of the legal notice text and Affidavit of Publication are attached.

“VB BTS, LLC would like to place on notice the proposed construction of an installation consisting of a 145' (155' including all appurtenances) monopine tower known as Senor Tequila located at 26°10'55.91” north latitude and -81°41'06.58” west longitude at the approximate vicinity of at near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. If you have any concerns regarding historic properties that may be affected by this proposed undertaking, please contact: Miles Walz-Salvador, Lotis Environmental, LLC, at NEPA.NHPA@TheLotisGroup.com or (716) 580-7000. In your response, please include the proposed undertaking's location and a list of the historic resources that you believe to be affected along with their respective addresses or approximate locations.”

Naples Daily News

PART OF THE USA TODAY NETWORK

Published Daily
Naples, FL 34110

LOTIS ENVIRONMENTAL
8899 MAIN STREET SUITE 107

BUFFALO, NY 14221

Affidavit of Publication

STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned they serve as the authority, personally appeared said legal clerk who on oath says that he/she serves as **Legal Clerk** of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; distributed in Collier and Lee counties of Florida; that the attached copy of the advertising was published in said newspaper on dates listed. Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said

Collier County, Florida; distributed in Collier and Lee counties of Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper issue(s) dated or by publication on the newspaper's website, if authorized, on

VB BTS, LLC would like to place on notice the proposed construction of an installation consisting of a 145' (155' including all appurtenances) monopine tower known as Senior Tequila located at 26°10'55.91" north latitude and -81°41'06.58" west longitude at the approximate vicinity of at near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. If you have any concerns regarding historic properties that may be affected by this proposed undertaking, please contact: Miles Walz-Salvador, Lotis Environmental, LLC, at NEPA.NHPA@TheLotisGroup.com or (716) 580-7000. In your response, please include the proposed undertaking's location and a list of the historic resources that you believe to be affected along with their respective addresses or approximate locations.
Pub Date: July 17, 2022 #5341528

Issue(s) dated: 07/17/2022

Nicole Jacobs

Subscribed and sworn to before on July 20, 2022:

Amy Kokott
Notary, State of WI, County of Brown

6/30/2025
My commission expires

Publication Cost: \$98.00
Ad No: 0005341528
Customer No: 7165807000LOTIA
PO #:

of Affidavits: 1

This is not an invoice

AMY KOKOTT
Notary Public
State of Wisconsin

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Collier County Museum Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Attachment 1 - Maps***
- ***Attachment 2 - Photographs***



June 3, 2022

Collier County Museum
3331 Tamiami Trail East
Naples, Florida 34112
Submitted via email: museums@colliergov.net

RE: Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida; VB BTS, LLC

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis), is preparing an environmental and cultural resource review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the Collier County Museum to comment on the possible effects the proposed undertaking may have on sites or structures of historic significance within the general vicinity.

Attached, please find information pertaining to the proposed undertaking. This information includes a project summary, an aerial photograph, a topographic map, and photographs of the proposed undertaking's site and adjacent properties. As part of our research, Lotis is consulting with the Division of Historical Resources, and will forward any concerns of the Collier County Museum regarding historic properties to the Division of Historical Resources.

Lotis respectfully requests that you provide comment within 30 days regarding the possible effects of this undertaking on historic properties. If a response is not received within 30 days, Lotis will assume you have no interest/concern with the proposed undertaking. Should you require additional information, please do not hesitate to contact me at (716) 580-7000. Thank you for your time and consideration in this regard.

Sincerely,

Lotis Environmental, LLC

Miles Walz-Salvador
Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

Proof of Collier County Museum Submission

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

NEPA NHPA

From: NEPA NHPA
Sent: Friday, June 03, 2022 4:40 PM
To: museums@colliergov.net
Cc: Miles Walz-Salvador; Jordan Braden
Subject: Opportunity to comment on proposed telecommunication project "Senor Tequila" located in "Collier County, Florida"
Attachments: ITC SUB 6.3.2022.pdf; Senor Tequila US-FL-7040.kmz

Importance: High

Tracking:	Recipient	Delivery	Read
	museums@colliergov.net		
	Miles Walz-Salvador	Delivered: 6/3/2022 4:40 PM	
	Jordan Braden	Delivered: 6/3/2022 4:40 PM	Read: 6/6/2022 9:43 PM

To Whom It May Concern:

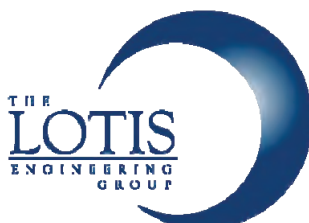
Lotis is completing Section 106 NEPA compliance due diligence regarding the above proposed telecommunication project known as "**Senor Tequila**". Part of this due diligence includes giving a local interested party the opportunity to comment on whether or not the proposed telecommunications project will have an effect on historic properties. I have attached the project summary, site maps, KMZ file (for Google Earth aerial view) and site photos of the proposed Subject Property in question. The Section 106 consultation process allows you 30 days to respond.

Should you not respond within 30 days we will assume you have no concern or comment regarding the proposed undertaking. However, should you not want to comment we ask that you state so in a response to aid us in our timeline for this project. Should you have an additional request for information, please feel free to contact my supervisor via phone at (314)-913-0505 or by responding all to this email. We will do our best to supplement you with any additional documentation or information regarding the proposed undertaking.

Thank you for your time and consideration.

Jordan Braden

NEPA Administrative Assistant



8899 Main Street – Suite 107
 Williamsville, NY 14221
www.thelotisgroup.com

Phone: 716.580.7000
 Mobile: 417.839.3701
Braden@thelotisgroup.com

Please Note – Our Address and Phone Number have changed as of February 2022

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

***Collier County Museum's Response
(NONE)***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Attachment **9**

Curricula Vitae

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



DAVID N. ROBINSON, P.E.

President/CEO, Lotis Environmental, LLC

Years of Experience

18+

Education

M.S., Environmental Engineering, University of Colorado at Boulder, 1995
 B.S., Civil Engineering, State University of New York at Buffalo, 1994
 A.A.S., Architectural Engineering, Alfred State College, 1990

Professional Affiliations

New York State Wireless Association

Professional Registrations

Professional Engineer, New York 2001 (079047)

Certifications

FEMA Public Assistance Program Operations I
 OSHA 40 Hr. Hazardous Waste Site Worker Training
 Nokia CMPPro Cost Control Training

Key Qualifications

David Robinson founded The Lotis Engineering Group/Lotis Environmental, LLC and has served as CEO since its inception in 2007. Mr. Robinson is a New York State Professional Engineer and an ASTM-recognized Environmental Professional. Over his 19-year professional career, Mr. Robinson has performed over 18,000 Phase I Environmental Site Assessments in all 50 states and Canada. As CEO of Lotis, Mr. Robinson directs the strategic direction of the company. Under his leadership, Lotis has flourished into a leader in the Environmental Due Diligence industry.

Telecommunications Experience

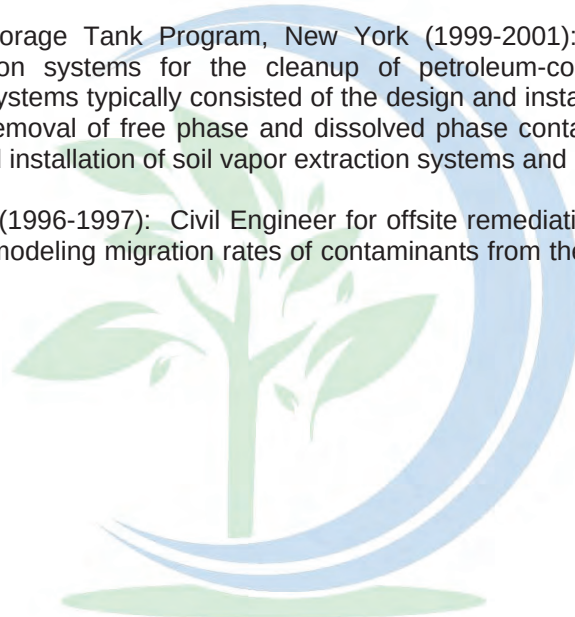
- Vertical Bridge Holdings, Nationwide, US (2014-ongoing): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include Phase I Environmental Site Assessments. David has been responsible for managing resources to complete these services on hundreds of telecommunication sites.
- Tower Ventures, LLC, Nationwide, US (2011-ongoing): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include Phase I Environmental Site Assessments. David has been responsible for managing resources to complete these services on many telecommunication sites.

- Global Tower Partners, Inc., Nationwide, US (2004-2013): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include property surveys, 2C surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on over 5,000 sites in all 50 states and the Caribbean.
- SBA, Inc. Acquisition Services, Nationwide, US (2001-2011): Project Manager/Engineer for services relating to the acquisition and development of telecommunications tower sites throughout the United States. Services include property surveys, 2C surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on over 7,000 sites in all 50 states, the Caribbean and Canada.
- AT&T NexGen, Nationwide, US (2004): Project Engineer for this 16,000-mile long-haul fiber-optic confidential construction project throughout the United States. David was responsible for preparing tax recording documents needed to file taxes for AT&T's fiber build.
- Nassau County Police Department Land Mobile Radio System Modernization Project (2005-2007): Project Manager for engineering services relating to the upgrade of Nassau County's public safety communication system. Services include site design, construction drawing preparation, property surveys, 1A surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on 36 sites throughout the county.
- The City of New York Department of Information Technology and Telecommunications Channel 16 Project (2005-2007): Project Manager for engineering services relating to the design and construction of a conventional/trunked radio system for FDNY and other New York City agencies. Services include site design, construction drawing preparation, property surveys, 1A surveys, Phase I Environmental Site Assessments, NEPA compliance studies, zoning issues, and structural evaluation of existing towers. David has been responsible for managing resources to complete these services on 7 sites in New York City.
- NorthStar Communications, Inc., Florida (2003-2004): Project Manager for services relating to the development of telecommunications tower sites throughout Florida for Nextel. Services included construction drawings, property surveys, 2C surveys, zoning issues, and structural evaluation of existing towers. David was responsible for managing resources to complete these services on over 20 sites in the state of Florida.

Other Experience

- BNMC Utilities Relocation, Buffalo, New York (2002): Civil Engineer for the design of utility relocations at Roswell Park in Buffalo. David was responsible for developing construction documents and specifications, as well as providing consulting services throughout the design process. His duties also included preparation of construction cost estimates and submittal review.
- NFTA Metro Bus – Bus Fueling Station Systems Modifications for Dual Fuel, Buffalo, New York (2002): Civil Engineer for the design and preparation of design drawings, specifications, and cost estimate for the replacement of an existing single fuel system to that of a dual fuel system.
- New Jersey DPMC Underground Storage Tank Program, New Jersey (1999-2001): Civil Engineer for the design of new aboveground and underground tank fueling systems (including fuel dispensers, leak detection systems, inventory control systems, and concrete tank slabs) for various State Departments in New Jersey. David was responsible for developing design drawings, construction documents and specifications, as well as providing consulting services throughout the construction process. His duties also included creating and maintaining resource-loaded project schedules for project using Primavera project scheduling software.
- Former Hyatt Clark Industries, Inc. Site, New Jersey (1996-1998): Civil engineer for the preparation for the closure and remediation of the Former GM Industrial site and the construction of a 9-hole golf course recreational undertaking (including Driving Range, Putting Course, Clubhouse and Maintenance Facilities). David was responsible for the design of the golf course drainage system which included a 5-acre retention pond to be used for irrigation during periods of drought. His duties also included preparing cost estimates for the site closure and subsequent golf course construction, and the modeling and design of the undertaking entrance and parking.

- Wegmans Food Pharmacy, Buffalo, New York (1998): Civil engineer for the construction of a supermarket on a former industrial site. David was responsible for and the modeling and design of the undertaking entrance. His duties also included field sampling of excavated soil during construction.
- USACE-Buffalo District, Cuyahoga River Bulkheads Study, Ohio (1999): Civil Engineer for the USACE's bulkhead inspection program along nine miles of the Cuyahoga River in Cleveland, Ohio. David was responsible for preparing a structural assessment of bulkhead along the river by inspecting various conditions of the sheet pile (i.e., corrosion levels, settling). His duties also included preparing remediation recommendations and subsequent cost estimates for damaged bulkhead sections.
- USACE-Buffalo District, Advance Measures Program, New York (1999): Civil Engineer for the study of high Lake Erie levels on four residential areas. David was responsible for gathering residential home elevations and comparing them to historical rain and lake level data. Based on these comparisons and a detailed cost analysis, recommendations to alleviate local residential flooding, including the design of breakwaters and levees, were made.
- FEMA Public Assistance Program, Puerto Rico (1998-1999): Civil Engineer for the inspection of public facilities damaged by Hurricane Georges. David was responsible for gathering field data on hurricane damages, designing mitigation alternatives, and preparing detailed cost analyses of damages.
- NYCDDC Underground Storage Tank Program, New York (1999-2001): Civil Engineer for the design of groundwater/soil remediation systems for the cleanup of petroleum-contaminated groundwater and soils. Groundwater remediation systems typically consisted of the design and installation of pneumatic and electric dual pumping systems for the removal of free phase and dissolved phase contamination. Soil remediation systems incorporated the design and installation of soil vapor extraction systems and bioventing systems.
- Lipari Landfill, New Jersey (1996-1997): Civil Engineer for offsite remediation work at the Lipari Superfund site. David was responsible for modeling migration rates of contaminants from the Superfund site through surrounding soil strata





MILES C. WALZ-SALVADOR

Nationwide NEPA/NHPA Manager, Lotis Environmental, LLC

Years of Experience

8+

Education

Bachelor of Science in Fisheries & Wildlife, the University of Missouri - Columbia, 2011

Bachelor of Science in Forestry, the University of Missouri - Columbia, 2011

Minor in Biological Science, the University of Missouri - Columbia, 2011

Certifications

EPA Asbestos Certification

Colorado State Asbestos Building Inspector Certification

OSHA 10-Hr Safety & Health – Construction Certification

ACOE 38-hr Wetland Delineation Certification of completion

OSHA 40-Hr Hazardous Waste Operations and Emergency Response Certification

Key Qualifications

Mr. Walz-Salvador has gained experience performing informal biological assessments for Section 7 compliance under the Endangered Species Act (ESA), wetland impact determinations, floodplain determinations, threatened and endangered species determinations, critical habitat research, as well as writing National Environmental Policy Act (NEPA) environmental assessments for wireless telecommunication projects. He has conducted research regarding Section 106 compliance under the Federal Communications Commission standards. Under Section 106, he has experience with 620 and 621 Form submittals to the State Historical Preservation Offices and consultation with federally recognized tribes all over the United States. Mr. Walz-Salvador has experience performing Phase I & II environmental site assessments, indoor air quality assessments, asbestos building inspections and sampling, wetland delineations, and migratory bird evaluations.

In addition, Mr. Walz-Salvador has experience with the United States Geological Survey (USGS) as a biological science aid, where he conducted field research on the Missouri River capturing and tracking Pallid Sturgeon. He also worked with the Missouri Department of Conservation (MDC) as a field technician conducting research on endangered and endemic fish species within the waterways of the Missouri Ozarks. Additionally, he has also worked in a variety of fields such as wetland biology, avian ecology, and ungulate research and management for the MDC. While attending the University of Missouri-Columbia, Mr. Walz-Salvador participated in the Undergraduate Mentoring for Environmental Biology (UMEB) Program which aided him in gaining experience with migratory bird research underneath the guidance of Dr. John Faaborg and Dr. Andrew Cox. UMEB also allowed Mr. Walz-Salvador to work with the Missouri Botanical Garden, a partner company, to observe endangered plant research and gain experience with working with private entities.

Mr. Walz-Salvador's schooling and work experience has enabled him to identify and understand the biology of trees, birds, fish, and mammalian species in addition to technical skills with the Delorme Topographic USA mapping program, ArcGIS, several of the Microsoft Office Programs, Adobe Acrobat Pro, and Google Earth.

Telecommunications Experience

- Lotis Environmental, LLC. Nationwide, US (2020-ongoing): Nationwide NEPA/NHPA Manager / Biologist for services relating to compliance of NEPA, NHPA, and the ESA for the construction/acquisition of telecommunication towers throughout the United States including Puerto Rico, Canada, and Mexico. Services include Phase I & Phase 2 Environmental Site Assessments, and NEPA compliance for Vertical Bridge Land Holdings, LLC, Tower Ventures, Tower Lease Advisors, Phoenix Towers International, InSite Towers, and BlueSky Tower.
- The Lotis Engineering Group, PC. Nationwide, US (2015-2020): Nationwide NEPA/NHPA Manager / Biologist for services relating to compliance of NEPA, NHPA, and the ESA for the construction/acquisition of telecommunication towers throughout the United States including Puerto Rico, Canada, and Mexico. Services include Phase I & Phase 2 Environmental Site Assessments, and NEPA compliance for Vertical Bridge Land Holdings, LLC, Tower Ventures, Tower Lease Advisors, Phoenix Towers International, InSite Towers, and BlueSky Tower.
- Trileaf Corporation, Nationwide, US (2013-2015): Senior Project Scientist: Wetland Ecologist and Migratory Bird Specialist for services relating to the NEPA/NHPA compliance of the proposed construction of telecommunication tower sites throughout the United States. Services include Phase I & Phase 2 Environmental Site Assessments, Indoor Air Quality Surveys, Asbestos Sampling, NEPA compliance, Migratory Bird Evaluations and Wetland delineations for Verizon Wireless, AT&T Mobility Services, LLC, SBA Communications, Crown Castle Towers, T-Mobile, Nextel, and Edward Jones.



Division of Historical Resources (DHR) Submission

Note:

In the interest of efficiency and economy, attachments included in the original submission under this section are not duplicated throughout this NEPA Summary. The following attachment(s), found at the conclusion of this report, were included in the original submission:

- ***Proposed Project Summary***
- ***Form 620/621***
- ***Attachment 1 - Maps***
- ***Attachment 2 - Photographs***
- ***Attachment 3 - Areas of Potential Effects (Cultural Resource Report)***
- ***Attachment 4 - Historic Properties Identified in the APE for Direct Effects***
- ***Attachment 5 - Historic Properties Identified in the APE for Visual Effects***
- ***Attachment 6 - Tribal/NHO Involvement***
- ***Attachment 7 - Local Government Involvement***
- ***Attachment 8 - Public Involvement***
- ***Attachment 9 - Curricula Vitae***
- ***Attachment 10 - SHPO Specific Documentation (If required)***



June 3, 2022

Division of Historical Resources
Attn: Alayna Gould
500 South Bronough Street
R.A. Gray Building, Room 305
Tallahassee, Florida 32399

RE: **Proposed Telecommunications Tower Undertaking "Senor Tequila" in Collier County, Florida, VB BTS, LLC; TCNS #: 248897**

To Whom It May Concern:

VB BTS, LLC (VB BTS), is proposing to construct a tower installation and associated equipment within the general vicinity of near 2560 39th Street Southwest, Naples, Collier County, Florida 34117. Lotis Environmental, LLC (Lotis), is preparing a cultural resource and environmental review on behalf of VB BTS as part of its permit process and regulatory review by the Federal Communications Commission (FCC). Please consider this correspondence an invitation to the DHR to comment on the possible direct or visual effects the proposed undertaking may have on eligible/listed sites or structures of historic significance within the Area of Potential Effect (APE).

By providing your signature or stamp of approval, you concur with Lotis' recommendation finding of No Historic Properties on eligible/listed sites or structures of historic significance within the APE.

Attached, please find the Federal Communications Commission's (FCC) completed Form 620 and corresponding attachments for the proposed undertaking.

Should you require further information, please do not hesitate to contact me at (716) 580-7000 or NEPA.NHPA@TheLotisGroup.com. Thank you for your time and consideration in these regards.

Sincerely,

Lotis Environmental, LLC

Miles Walz-Salvador
Nationwide NEPA/NHPA Manager
NEPA.NHPA@TheLotisGroup.com

Enclosures

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



(716)580-7000



www.thelotisgroup.com



Lotis Environmental, LLC

8899 Main Street, Suite 107
Williamsville, NY 14221

***Advisory Council On Historic Preservation (ACHP)
Delegation of Authority for the Section 106 Review of
Telecommunication Projects***

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

September 21, 2000

MEMORANDUM

TO: Federal Communications Commission
State Historic Preservation Officers (SHPOs)
Tribal Historic Preservation Officers (THPOs)

From: Executive Director

Subject: Delegation of Authority for the Section 106 Review of Telecommunications Projects

As a result of ongoing discussions with the Federal Communications Commission (FCC) and other stakeholders involved in the coordination and implementation of telecommunications projects, the Council has determined that it is consistent with 36 CFR Section 800.2(c)(5) of our regulations, "Protection of Historic Properties" (36 CFR Part 800), for licensees, applicants, and their authorized representatives¹ to act on behalf of FCC when complying with certain provisions of our regulations. Accordingly, effective immediately, applicants, licensees, tower construction companies, and their authorized representatives may consult with the State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) to initiate the Section 106 review process; identify and evaluate historic properties; and assess effects. FCC, however, will remain responsible for participating in the consultation process when:

- it is determined that the *Criteria of Adverse Effect* apply to an undertaking;
- there is a disagreement between the licensee, applicant, tower construction company, or their authorized representatives and the SHPO/THPO regarding identification and evaluation, and/or assessment of effects;
- there is an objection from consulting parties or the public regarding findings and determinations, the implementation of agreed upon provisions, or their

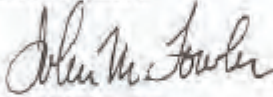
¹When consulting with SHPOs/THPOs, authorized representatives of applicants, licensees and tower construction companies should identify the organization they are representing, including an appropriate contact person within the organization, and the undertaking for which they have been hired to coordinate the Section 106 review.

2

- involvement in a Section 106 review; or,
there is the potential for a foreclosure situation or anticipatory demolition as specified in Section 110(k) of the National Historic Preservation Act.

In accordance with 36 CFR Section 800.2(c)(3), FCC shall ensure that all consultations with Indian Tribes are conducted in a sensitive manner respectful of tribal sovereignty and the government to government relationship between the Federal government and Indian Tribes. This Memorandum, therefore, is not intended to modify or limit such requirements nor mandate that Indian Tribes consult with licensees and applicants or provide information if the Indian Tribes conclude that consultation should be directly with FCC.

It, therefore, is important that Section 106 reviews be conducted within the time frames set forth within 36 CFR Part 800, and that the exchange of documentation and consultations between the consulting parties be carried out in a consistent and predictable manner. To this end, FCC should coordinate with the telecommunications industry to carry out the process set forth in this Memorandum.



John M. Fowler

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

BOUNDARY TOPOGRAPHIC SURVEY 3.E.b

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC

SURVEYOR'S NOTES

1. BEARINGS HEREON ARE REFERENCED TO THE ASSUM BEARING OF NORTH 00°19'10" EAST ALONG THE WEST LI OF TRACT 144, GOLDEN GATE ESTATES UNIT NO. 28, PLAT BOOK 7, PAGE 19, COLLIER COUNTY, FLORIDA, SITUATED IN SECTION 26, TOWNSHIP 49 SOUTH, RANGE EAST, SAID COLLIER BEACH COUNTY, FLORIDA.
2. UNDERGROUND UTILITIES SHOWN HEREON ARE LIMITE TO AND ARE PER OBSERVED, ABOVEGROUND INDICATION SET BY OTHERS. NO SUB-SURFACE INVESTIGATION WAS PERFORMED BY THIS OFFICE.
3. THE BOUNDARY & TOPOGRAPHIC SURVEY SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AN OBSERVATIONS DATED DECEMBER 9, 2021.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SE/ OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AN DESCRIBE A TOWER PARCEL AND ASSOCIATED 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
6. SYMBOLS SHOWN HEREON ARE NOT TO SCALE.
7. LATITUDE, LONGITUDE AND ELEVATIONS DEPICTED HEREON ARE BASED UPON FIELD OBSERVATIONS MADE IN AN EGS REAL TIME KINEMATIC GPS SYSTEM INCORPORATING A CHAMPION TWO GPS RECEIVER.
8. ELEVATIONS DEPICTED HEREON ARE REFERENCED TO THE NAVD88 DATUM.
9. BUILDING SETBACK LINES DEPICTED HEREON ARE PE INFORMATION PROVIDED BY THE CLIENT.
10. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A COMMITMENT FOR TITLE INSURANCE. THIS OFFICE HAS NOT PERFORMED A SEARCH OF THE PUBLIC RECORDS F EXISTING EASEMENTS, RIGHTS-OF-WAY, ABANDONMENTS, ZONING, SETBACKS OR DEED RESTRICTIONS.
11. THE SUBJECT 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT DEPICTED HEREON RUN THROUGH THE PARENT PARCEL FROM THE TOWER PARCE TO THE EAST RIGHT-OF-WAY LINE OF 39TH STREET SOUTHWEST (A PUBLIC RIGHT-OF-WAY).
12. THE SUBJECT TOWER PARCEL AND 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT ARE LOCATED WHOLLY WITHIN THE PARENT PARCEL.
13. AT THE TIME OF THIS SURVEY, THERE WERE NO APPARENT ENCROACHMENTS OF IMPROVEMENTS LOCATE ON ADJOINING PARCELS ONTO THE SUBJECT TOWER PARCEL AND 20 FOOT WIDE NON-EXCLUSIVE INGRESS A EGRESS EASEMENT.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARY AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS TORONTO DOMINION (TEXAS) LLC, AS ADMINISTRATIVE AGENT, FOR ITSELF AND ON BEHALF OF THE LENDERS PARTIES FROM TIME TO TIME TO THAT CERTAIN SECOND AMENDED AND RESTATED LOAN AGREEMENT DATED JUN 17, 2016 WITH VERTICAL BRIDGE HOLDCO, LLC, AS BORROWER, AND VERTICAL BRIDGE HOLDCO PARENT, LI AS PARENT, AS MAY BE AMENDED, RESTATED, MODIFIE OR RENEWED, THEIR SUCCESSORS AND ASSIGNS AS TH INTERESTS MAY APPEAR, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY



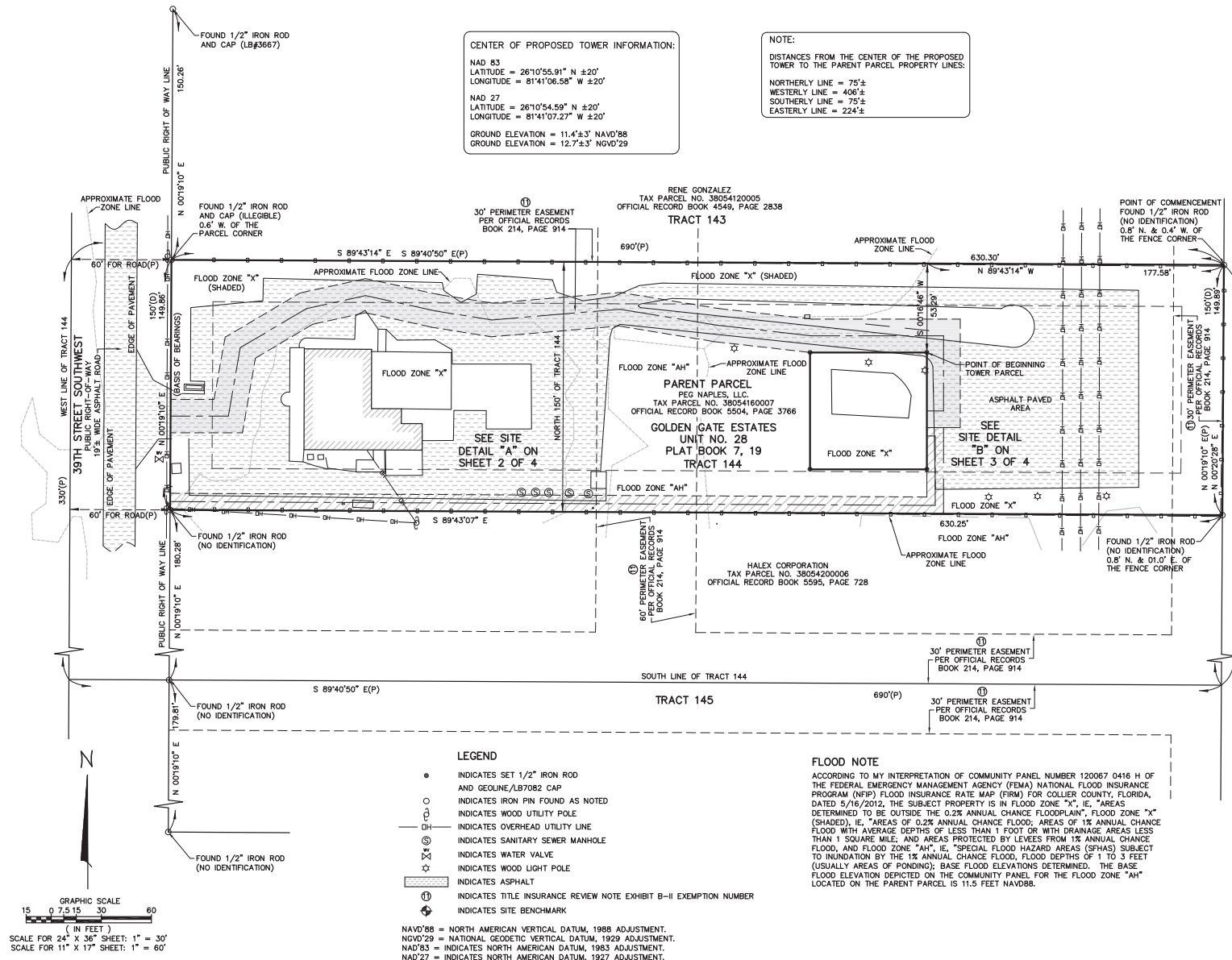
GEOLINE SURVEYING, INC. LB#7082
DAVID G. SHORT, P.S.M.
FLORIDA PROFESSIONAL SURVEYOR AND
CERTIFICATE OF REGISTRATION NO. 502

GEOLINE SURVEYING, INC.
Professional Land S
15430 NW 154th Trve
Arlington, Florida 3381
(386)418-0500 Fax (386)
geoline@geolineinc.cc

DESIGNED	KEITH BARTON	SCALE	1" = 30'
DRAWN	KEITH BARTON	DATE	DECEMBER
CHECKED	DAVE SHORT	SHEET	1 OF 1

SENOIR TEQUILA SITE NUMBER US-PF
COLLIER COUNTY, FLORIDA

DRAWING# 333-153 FDI INFRASTRUCTURE SERVICES, LLC 15



3.E.b

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST

COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC



INDICATES SET 1/2" IRON ROD
AND GEOLINE/LB7082 CAP
INDICATES CONCRETE MONUMENT FOUND AS NOTED
INDICATES IRON PIN FOUND AS NOTED
INDICATES OVERHEAD UTILITY LINE
INDICATES ASPHALT
INDICATES SITE BENCHMARK
INDICATES WOOD LIGHT POLE
INDICATES PINE TREE AS NOTED

INDICATES PALM TREE AS NOTED
INDICATES OAK TREE AS NOTED
TREE NOTE: INDICATED TREE SIZE IS TRUNK
DIAMETER IN INCHES 4-5 FOOT ABOVEGROUND

NAVD'88 = NORTH AMERICAN VERTICAL DATUM, 1988 ADJUSTMENT.
NGVD'29 = NATIONAL GEODETIC VERTICAL DATUM, 1929 ADJUSTMENT.
NAD'83 = INDICATES NORTH AMERICAN DATUM, 1983 ADJUSTMENT.
NAD'27 = INDICATES NORTH AMERICAN DATUM, 1927 ADJUSTMENT.

DETAIL "A"

GRAPHIC SCALE



(IN FEET)

SCALE FOR 24" X 36" SHEET: 1" = 1'

SCALE FOR 11" X 17" SHEET: 1" = 2'

G E  L I N E
SURVEYING, INC.

Professional Land St
13430 NW 104th Terra
Alachua, Florida 32611
(386)418-0500 Fax:(386)
geoline@geolineinc.cc

DESIGNED	KEITH BARTON
DRAWN	KEITH BARTON
CHECKED	DAVE SHORT

SCALE	AS
DATE	DECEMBE
PROJECT #	333-

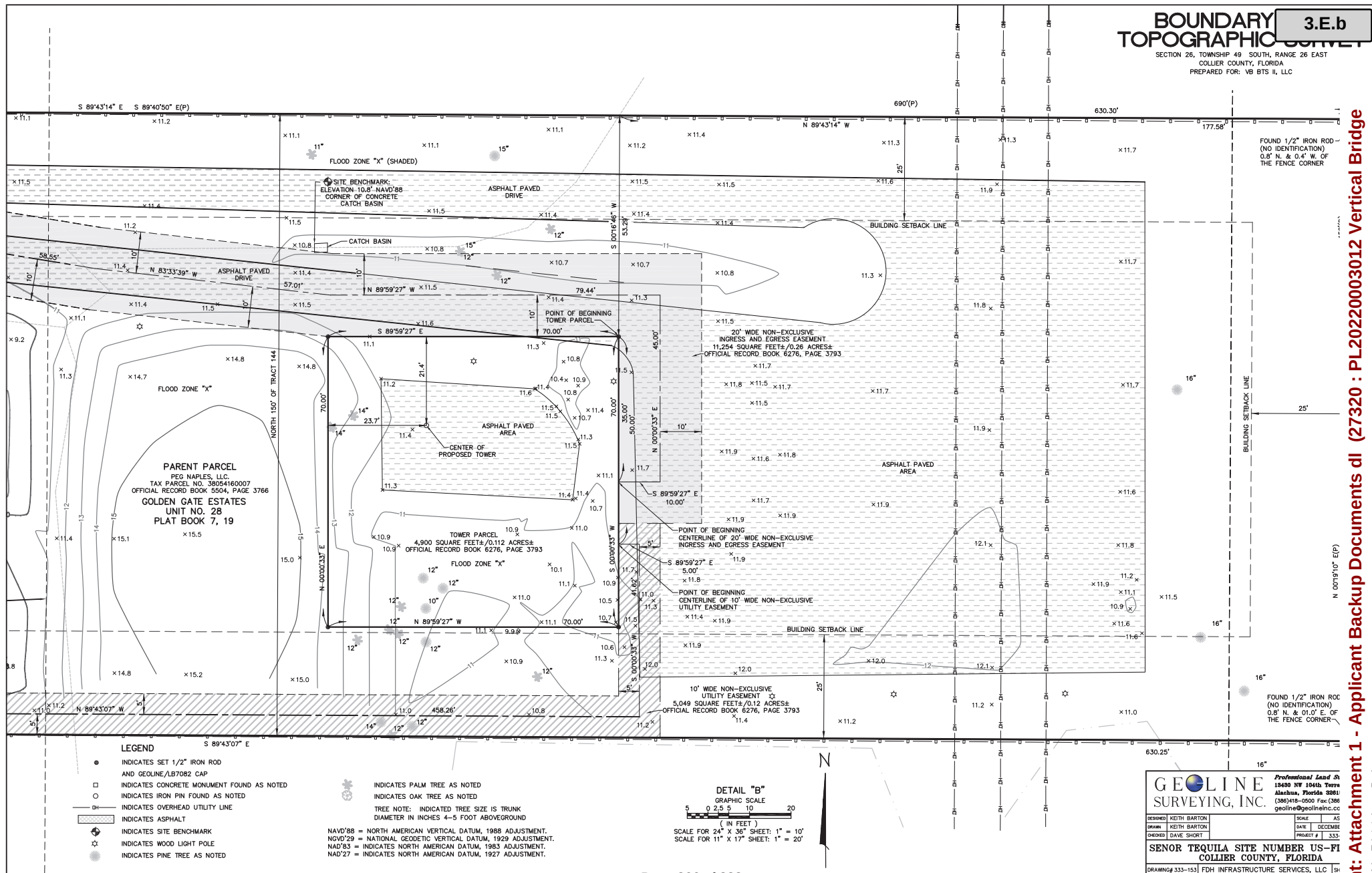
SENOR TEQUILA SITE NUMBER US-FI
COLLIER COUNTY, FLORIDA

DRAWING# 333-153	FDH INFRASTRUCTURE SERVICES, LLC	SH
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BOUNDARY TOPOGRAPHIC SURVEY

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC

3.E.b





VICINITY MAP
NOT TO SCALE



LOCATION MAP
NOT TO SCALE

BOUNDARY TOPOGRAPHIC SURVEY 3.E.b

SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA
PREPARED FOR: VB BTS II, LLC

PROPERTY DESCRIPTIONS

PARENT PARCEL
(OFFICIAL RECORD BOOK 5504, PAGE 3766)

THE NORTH 150 FEET OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 19, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

DESCRIPTIONS BELOW ARE RECORDED IN OFFICIAL RECORD BOOK 6276, PAGE 3793

TOWER PARCEL
(PREPARED BY GEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT 144 FOR 177.58 FEET; THENCE SOUTH 00°16'40" WEST FOR 53.29 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'33" WEST FOR 70.00 FEET; THENCE NORTH 89°59'27" WEST FOR 70.00 FEET; THENCE NORTH 00°00'33" EAST FOR 70.00 FEET; THENCE SOUTH 89°59'27" EAST FOR 70.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 4,900 SQUARE FEET (0.112 ACRES), MORE OR LESS.

20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT 144 FOR 177.58 FEET; THENCE SOUTH 00°16'40" WEST FOR 53.29 FEET TO THE NORTHEAST CORNER OF AN 70 FOOT BY 70 FOOT TOWER PARCEL; THENCE SOUTH 00°00'33" WEST ALONG THE EAST LINE OF SAID TOWER PARCEL FOR 35.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 20 FOOT WIDE NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT; THENCE SOUTH 89°59'27" EAST FOR 10.00 FEET; THENCE NORTH 00°00'33" WEST ALONG A LINE PARALLEL WITH SAID EAST LINE FOR 45.00 FEET; THENCE NORTH 89°59'27" WEST FOR 79.44 FEET; THENCE NORTH 83°53'39" WEST FOR 57.01 FEET; THENCE NORTH 80°40'26" WEST FOR 58.55 FEET; THENCE SOUTH 85°13'07" WEST FOR 77.01 FEET; THENCE NORTH 80°54'15" WEST FOR 34.72 FEET; THENCE NORTH 77°37'01" WEST FOR 42.84 FEET; THENCE SOUTH 77°37'25" WEST FOR 36.28 FEET; THENCE SOUTH 59°28'38" WEST FOR 48.04 FEET; THENCE SOUTH 09°50'42" WEST FOR 41.62 FEET; THENCE SOUTH 90°00'00" WEST FOR 34.61 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF 39TH STREET SOUTHWEST (A PUBLIC RIGHT OF WAY), AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING 11,254 SQUARE FEET (0.26 ACRES), MORE OR LESS.

10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.) "AS SURVEYED"

THAT PART OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SITUATED IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, SAID COLLIER COUNTY, LYING WITHIN 5 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 144, GOLDEN GATE ESTATES, UNIT NO. 28, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 19, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE NORTH 89°43'14" WEST ALONG THE NORTH LINE OF SAID TRACT 144 FOR 177.58 FEET; THENCE SOUTH 00°16'40" WEST FOR 53.29 FEET TO THE NORTHEAST CORNER OF AN 70 FOOT BY 70 FOOT TOWER PARCEL; THENCE SOUTH 00°00'33" WEST ALONG THE EAST LINE OF SAID TOWER PARCEL FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 10 FOOT WIDE NON-EXCLUSIVE UTILITY EASEMENT; THENCE SOUTH 89°59'27" WEST FOR 5.00 FEET; THENCE SOUTH 00°00'33" WEST ALONG A LINE PARALLEL WITH SAID EAST LINE FOR 41.62 FEET TO AN INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND OFFSET 5 FEET NORTH OF THE SOUTH LINE OF THE NORTH 150 FEET OF SAID TRACT 144; THENCE NORTH 89°43'07" WEST ALONG SAID PARALLEL LINE FOR 458.26 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF 39TH STREET SOUTHWEST (A PUBLIC RIGHT OF WAY), AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING 5,049 SQUARE FEET (0.12 ACRES), MORE OR LESS.

COMMITMENT FOR TITLE INSURANCE REVIEW NOTE

I HAVE REVIEWED THE COMMITMENT FOR TITLE INSURANCE UNDERWRITTEN BY FIDELITY NATIONAL INSURANCE COMPANY, COMMITMENT 35077307, IN AN EFFECTIVE DATE OF 07/22/2021, AND FIND AS FOLLOWS WITH RESPECT TO THE FOLLOWING EXCEPTIONS LISTED ON SCHEDULE B-II OF SAID COMMITMENT:

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED DURING THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIRED ARE MET. NOT THE TYPE TO BE DEPICTED HEREON.
2. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. AS DEPICTED HEREON.
4. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
5. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
6. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS. NOT THE TYPE TO BE DEPICTED HEREON.
7. SPECIAL EXCEPTIONS:
8. TAXES FOR THE YEAR 2021 AND SUBSEQUENT YEARS, A LIEN NOT YET DUE AND PAYABLE. NOT THE TYPE TO BE DEPICTED HEREON.
9. MATTERS AS SHOWN AND NOTED ON PLAT RECORDED IN PLAT BOOK 19, AS DEPICTED HEREON.
10. TERMS, PROVISIONS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS, CHARGES, ASSESSMENTS AND LIENS PROVIDED IN A DEED OR COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DEED BOOK 97, PAGE 492, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SA COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW. INCLUDE THE PARENT PARCEL. NOT THE TYPE TO BE DEPICTED HEREON.
11. RIGHT-OF-WAY EASEMENT BY AND BETWEEN GULF AMERICAN CORPORATION, A FLORIDA CORPORATION, CENTRAL BANK AND TRUST AN A FLORIDA BANKING CORPORATION, AS TRUSTEE, WIDER LAND TRUST NO. 62/LT/10/426, AND A. I. C. FINANCIAL CORPORATION, AN DELAWARE CORPORATION, RECORDED ON AUGUST 24, 1967 IN DEED BOOK 244, PAGE 914. LOCATED ON THE PARENT PARCEL. AS DEPICTED HEREON.
12. TERMS AND CONDITIONS OF LEASE DATED DECEMBER 31, 1980 BY / BETWEEN DOUG RONDEAP, AND CECILIA D' AGOSTINO AND MARISSA D' AGOSTINO, RECORDED ON JANUARY 2, 1980 IN DEED BOOK 849, PAGE 11. ASSIGNMENT OF LEASE AND NOTE RECORDED ON JANUARY 20, 1986 IN DEED BOOK 1175, PAGE 119. REFERENCES THE PARENT PARCEL AND ASSOCIATED PARENT PARCEL RELATED IMPROVEMENTS. DOES NOT REFERENCE THE SUBJECT TOWER PARCEL OR THE TWO ASSOCIATED EASEMENTS. NOT THE TYPE TO BE DEPICTED HEREON.
13. MORTGAGE FROM PEG NAPLES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, GRANTOR(S), IN FAVOR OF CRACKLIN, LLC, A FLORIDA LIMITED LIABILITY COMPANY, DATED MAY 1, 2018, AND RECORDED MAY 2, 2018 IN DEED BOOK 5504, PAGE 3766, IN THE ORIGINAL AMOUNT OF \$350,000.00 REFERENCES THE PARENT PARCEL. NOT THE TYPE TO BE DEPICTED HEREON.
14. ORDER OF THE CODE ENFORCEMENT BOARD FROM PEG NAPLES, LLC FAVOR OF BOARD OF COUNTY COMMISSIONERS COLLIER COUNTY, FLORIDA AND RECORDED OCTOBER 14, 2019 IN DEED BOOK 5684, PAGE 47. REFERENCES THE PARENT PARCEL AND PARENT PARCEL OWNER. NOT THE TYPE TO BE DEPICTED HEREON.

GEOLINE
SURVEYING, INC.

DESIGNED: KEITH BARTON
DRAWN: KEITH BARTON
CHECKED: DAVE SHORT

Professional Land S
15430 NW 154th Terr
Alachua, Florida 3231
(386)418-0500 Fax (386)
geoline@geolineinc.cc

SCALE: AS SHOWN
DATE: DECEMBER 2021
PROJECT: 11-332

SENIOR TEQUILA SITE NUMBER US-P1
COLLIER COUNTY, FLORIDA

DRAWING# 333-153 FDI INFRASTRUCTURE SERVICES, LLC ©

2023 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L18000082117

Entity Name: PEG NAPLES, LLC

Current Principal Place of Business:

2560 39TH STREET
NAPLES, FL 34117

Current Mailing Address:

1928 SENEGAL DATE DR
NAPLES, FL 34119 US

FEI Number: 82-5059062

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

PALMESE, VINCENZO
1829 SENEGAL DATE DR
NAPLES, FL 34119 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title	PRES	Title	MGR
Name	PALMESE, VINCENZO	Name	PALMESE, FRANCESCO
Address	1829 SENEGAL DATE DR	Address	1821 SENEGAL DATE DR
City-State-Zip:	NAPLES FL 34119	City-State-Zip:	NAPLES FL 34119

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: VINCENZO PALMESE

PRES

01/24/2023

Electronic Signature of Signing Authorized Person(s) Detail

Date

3.E.b

FILED
Jan 24, 2023
Secretary of State
0868529201CC

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

2023 FOREIGN LIMITED LIABILITY COMPANY ANNUAL REPORT**FILED****3.E.b**

DOCUMENT# M21000006733

Apr 11, 2023**Entity Name:** VB BTS, LLC**Secretary of State****1576579581CC****Current Principal Place of Business:**750 PARK OF COMMERCE DR., STE. 200
BOCA RATON, FL 33487**Current Mailing Address:**750 PARK OF COMMERCE DR., STE. 200
BOCA RATON, FL 33487 US**FEI Number:** 85-3678941**Certificate of Status Desired:** No**Name and Address of Current Registered Agent:**COGENCY GLOBAL INC.
115 N. CALHOUN ST., STE. 4
TALLAHASSEE, FL 32301 US*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.***SIGNATURE:**_____
Electronic Signature of Registered Agent_____
Date**Authorized Person(s) Detail :**

Title	MEMBER
Name	VB E1, LLC
Address	750 PARK OF COMMERCE DRIVE SUITE 200
City-State-Zip:	BOCA RATON FL 33487

Title	SENIOR VICE PRESIDENT & GENERAL COUNSEL
Name	MARINBERG, DANIEL
Address	750 PARK OF COMMERCE DR SUITE 200
City-State-Zip:	BOCA RATON FL 33487

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: DAN MARINBERG**SENIOR VICE PRESIDENT 04/11/2023**
& GENERAL COUNSEL_____
Electronic Signature of Signing Authorized Person(s) Detail_____
Date**Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)**

(Above 3" Space for Recorder's Use Only)

Upon Recording Return to:

VB BTS, LLC
 750 Park of Commerce Drive, Suite 200
 Boca Raton, Florida 33487
 Attn: Daniel Marinberg

Site Name: Senor Tequila
Site Number: US-FL-7040
Commitment #: 35077307

MEMORANDUM OF LEASE

This Memorandum of Lease ("Memorandum") evidences a Lease Agreement (the "Lease") between PEG Naples, LLC, a Florida limited liability company ("Landlord") whose address is 1829 Senegal Date Dr, Naples, Florida 34119 and VB BTS, LLC, a Delaware limited liability company, whose mailing address is 750 Park of Commerce Drive, Suite 200, Boca Raton, Florida 33487 ("Tenant") dated the 1st day of OCTOBER, 2021 (the "Effective Date") for a portion (the "Premises") of the real property (the "Property") described in Exhibit A attached hereto.

Landlord hereby ratifies, restates and confirms the Lease and leases to Tenant the Premises, subject to the terms and conditions of the Lease. The Commencement Date of the Lease is _____. The Lease provides for the lease by Landlord to Tenant of the Premises for an initial term of five (5) years with nine (9) renewal option(s) of an additional five (5) years each, and further provides:

1. Landlord will attorn to any mortgagee of Tenant, subordinate any Landlord's lien to the Lease and to liens of Tenant's mortgagees, and not disturb the tenancy of Tenant;
2. The Lease restricts Landlord's ability to utilize, or allow the utilization of the Property or real property owned by Landlord which is adjacent or contiguous to the Property for the construction, operation and/or maintenance of communications towers and related facilities;
3. Tenant (and persons deriving rights by, through, or under Tenant) are the sole parties to market, use, or sublease any portion of the Property for communications or broadcast facilities during the term of the Lease (such restriction shall run with the land and be binding on the successors and assigns of Landlord);

1/14/2021

24

VB Site ID US-FL-7040
 VB Site Name Senor Tequila

4. The Premises may be used exclusively by Tenant for all legal purposes, including without limitation, erecting, installing, operating and maintaining radio and communications towers, buildings, and equipment;

5. Tenant is entitled to sublease and/or license the Premises, including any communications tower located thereon;

6. Under certain circumstances, Tenant has a right of first refusal to acquire the Premises from Landlord;

7. Landlord may assign the Lease only in its entirety and only to a purchaser of the fee interest of the Property; and

8. Landlord may not subdivide the Property without Tenant's prior written consent.

This Memorandum is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Lease. In the event of a conflict between the provisions of this Memorandum and the provisions of the Lease, the provisions of the Lease shall control. The Lease shall be binding upon and inure to the benefit of Landlord and Tenant and shall inure to the benefit of their respective heirs, successors, and assigns, subject to the provisions of the Lease.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK, SIGNATURES
BEGIN ON NEXT PAGE

1/14/2021

25

VB Site ID: US-FL-7040
VB Site Name: Senor Tequila

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

IN WITNESS WHEREOF, the parties hereto have executed this MEMORANDUM OF LEASE as of the date last signed by a party hereto.

WITNESSES:

LANDLORD:

PEG Naples, LLC

a Florida limited liability company

Christopher Marsala
Name: Christopher Marsala
Sandra Green
Name: Sandra Green

By: [Signature]
Name: Vincenzo Palmese
Title: pres
Date: Sept. 24, 2021

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24th day of September, 2021, by Vincenzo Palmese as President of PEG Naples, LLC, a Florida limited liability company.

Sandra Green
Signature of Notary Public

Sandra Green
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



[Tenant's Signature Page to Memorandum of Lease]

WITNESSES:

[Signature]
 Name: Scott Nelson
[Signature]
 Name: Chris Rudolph

TENANT:

VB BTS, LLC
 a Delaware limited liability company

[Signature]
 By: Tim Tuck
 Name: _____
 Title: Vice President - Lease Administration
 Date: 10/11/2021

LEGAL DS
7c

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 1st day of OCTOBER, 2021, by means of ☒ physical presence or ☐ online notarization by Tim Tuck, the VP Leasing Admin. of VB BTS, LLC, a Delaware limited liability company, on behalf of the company.

[Signature]
 Signature of Notary Public

Jeanne M. Bruning
 Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification _____

Type of Identification Produced —

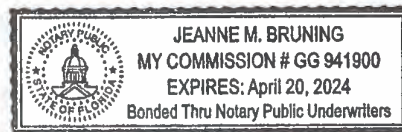


EXHIBIT A
(TO MEMORANDUM OF LEASE)

The Property

(may be updated by Tenant upon receipt of final legal description from title)

The North 150 feet of Tract 144, Golden Gate Estates, Unit No. 28, according to the plat thereof as recorded in Plat Book 7, Page 19, Public Records of Collier County, Florida.

AND BEING the same property conveyed to PEG Naples, LLC, a Florida limited liability company from Cracklin, LLC, a Florida limited liability company by Warranty Deed dated April 30, 2018 and recorded May 2, 2018 in Deed Book 5504, Page 3766.

Tax Parcel No. 38054160007

Access and utilities serving the Premises (as defined in the Lease) includes all easements of record as well as that portion of the Property designated by Landlord and Tenant for Tenant (and Tenant's guests, agents, customers, lessees, sublessees and assigns) ingress, egress, and utility purposes to and from a public right-of-way.

Said interest being over land more particularly described by the following description:

Insert metes and bounds description of area

1/14/2021

28

VB Site ID: US-FL-7040
VB Site Name: Senor Tequila

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)



Corporate Headquarters
 6521 Meridian Drive
 Raleigh, NC 27616
 O: (919) 755-1012
 info@fdh-is.com
www.fdh-is.com

July 29, 2022

Mr. Allen Russell

Project Manager - Development
 Vertical Bridge REIT, LLC
 750 Park of Commerce Drive, Suite 200
 Boca Raton, Florida 33487

Re: Fall Zone Radius

Proposed Telecommunications Monopole Tower – US-FL-7040 Senior Tequila
 2560 39th Street SW, Naples, Florida 34117

Dear Mr. Allen:

Per your request, FDH Infrastructure Services (FDH) has prepared this letter to provide information on the potential fall zone radius of the proposed monopole tower located at 2560 39th Street SW in Naples, Florida.

BACKGROUND

The proposed tower will be installed inside a 70 ft x 70 ft lease area to a height of 145-ft (150-ft with lightning rod). A controlled breakage point will be designed by the tower manufacturer based on recommendations provided per this letter. Our understanding is that the tower will be designed by a tower manufacturer, so FDH will not be the structural engineer of record for this project. However, it is recommended that the proposed monopole tower be designed for four total wireless communications facilities of similar design.

DISCUSSION / CONCLUSION

In reviewing the information provided the tower will be designed in accordance with *ANSI/TIA-222H Structural Standard for Antenna Supporting Structures and Antennas and Small Wind Turbine Support Structures* and *Florida Building Code, 7th Edition (2020)*. In order for a wind event to collapse a properly designed, constructed, and maintained tower, the actual wind speed would have to exceed the design wind speed by an amount that includes the load and design factors that are built into the tower design. If this unlikely event were to occur, we understand that it would be preferred that no part of the tower fall beyond 72-feet from the tower in order to stay within the property boundaries within which the proposed monopole tower is located.

Per the setback requirements set forth by Collier County, the fall zone shall be entirely within the boundaries of the property owned by the owner on which the wireless communications facility or tower

Fall Zone Radius – US-FL-7040
July 29, 2022
Page 2 of 2

is located. Therefore, we recommend that the tower and foundation system be designed with a weak point no more than 72-feet below the top of the lightning rod (67-feet below the top of tower steel) to provide sufficient clearance within the property if there should be a catastrophic failure.

Our opinion is based on a review of all information provided to FDH, as well as a review of all applicable code and analysis methods required to form the above conclusion. Should additional information become available, we reserve the right to determine any resulting impact on the tower and to revise our letter as warranted by the discovery of new information.

Thank you for allowing us to provide this service. If you have any questions or concerns about this project, please contact me at phone: (919) 367-5006 or email: Jim.Billups@fdh-is.com.

Respectfully submitted,

FDH Infrastructure Services, LLC

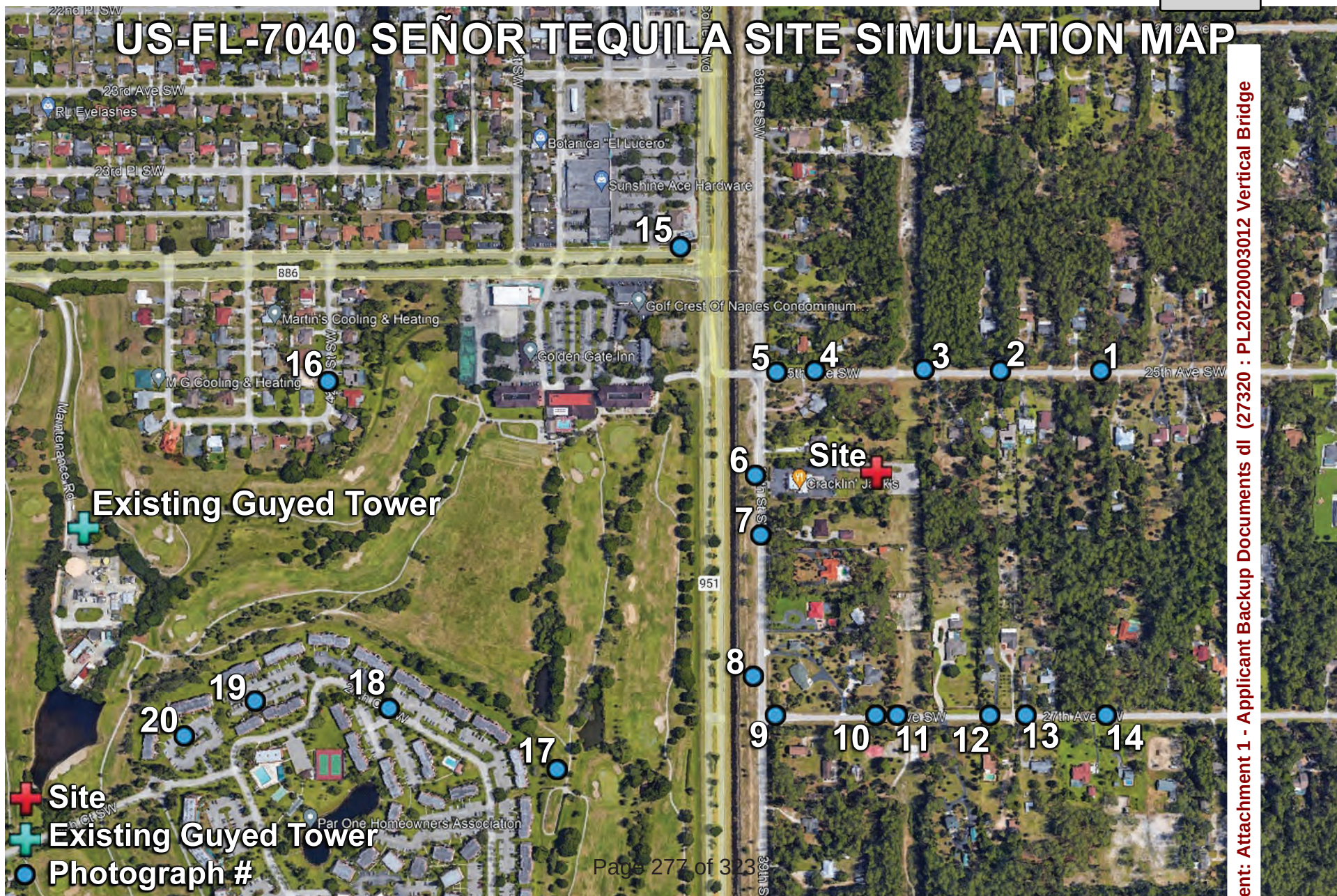


James R. Billups, PE (NC), CFM
Director – Civil Engineering

Review By:

Dennis D. Abel, PE
Chief Engineer
FL PE License No. 62750

US-FL-7040 SEÑOR TEQUILA SITE SIMULATION MAP



150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #1 from 25th Avenue SW
approx. 965ft. east-northeast of site



150ft. Balloon test



US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #2 from 25th Avenue SW
approximately 635ft. northeast of site

150ft. Balloon test

**US-FL-7040****SEÑOR TEQUILA**

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**View #3 from 25th Avenue SW
approx. 455ft. north-northeast of site

150ft. Balloon test



SPEED
LIMIT
30

verticalbridge

US-FL-7040

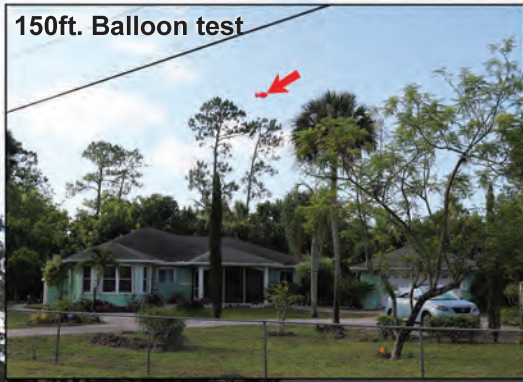
SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #4 from 25th Avenue SW
approx. 470ft. north-northwest of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #5 from 25th Avenue SW
approximately 560ft. northwest of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #6 from 39th Street SW
approximately 450ft. west of site



150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #7 from 39th Street SW
approx. 500ft. west-southwest of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #8 from 39th Street SW
approximately 900ft. southwest of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #9 from 27th Avenue SW
approx. 975ft. south-southwest of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #10 from 27th Avenue SW
approximately 915ft. south of site



150ft. Balloon test



verticalbridge

US-FL-7040

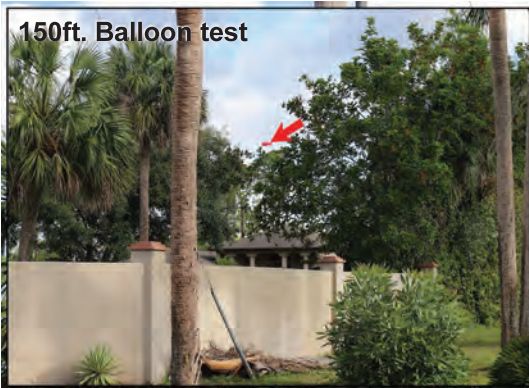
SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #11 from 27th Avenue SW
approximately 918ft. south of site

150ft. Balloon test



verticalbridge

US-FL-7040

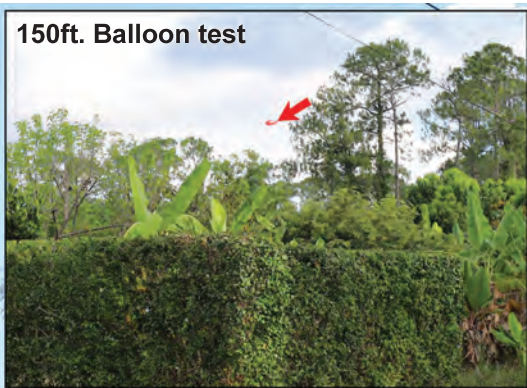
SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #12 from 27th Avenue SW
approx. 1,015ft. south-southeast of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #13 from 27th Avenue SW
approximately 1,075ft. southeast of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #14 from 27th Avenue SW
approximately 1,280ft. southeast of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #15 from Golden State Parkway
approximately 1,160ft. northwest of site



verticalbridge

US-FL-7040

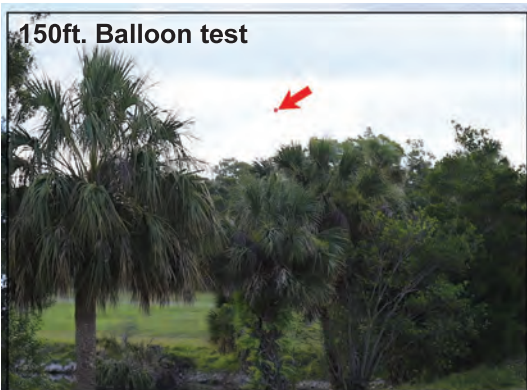
SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
NOT VISIBLE**

View #16 from 42nd Street SW
approximately 2,130ft. west of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #17 from golf course
approximately 1,665ft. southwest of site



verticalbridge

US-FL-7040

SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**VIEW OF EXISTING
150ft. GUYED TOWER**

View #18 from 27th Court SW
approx. 1,345ft. southeast of guyed tower

150ft. Balloon test



verticalbridge

US-FL-7040

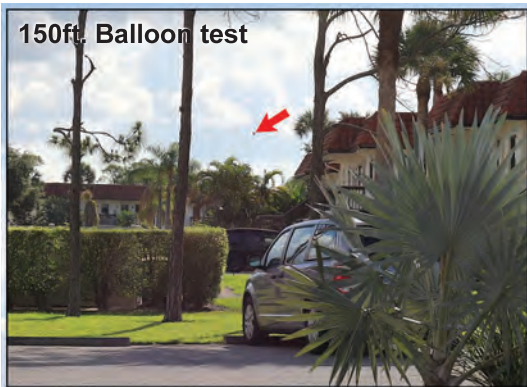
SEÑOR TEQUILA

2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #19 from Naples Condo parking
approx. 2,535ft. west-southwest of site

150ft. Balloon test



verticalbridge

US-FL-7040

SEÑOR TEQUILA

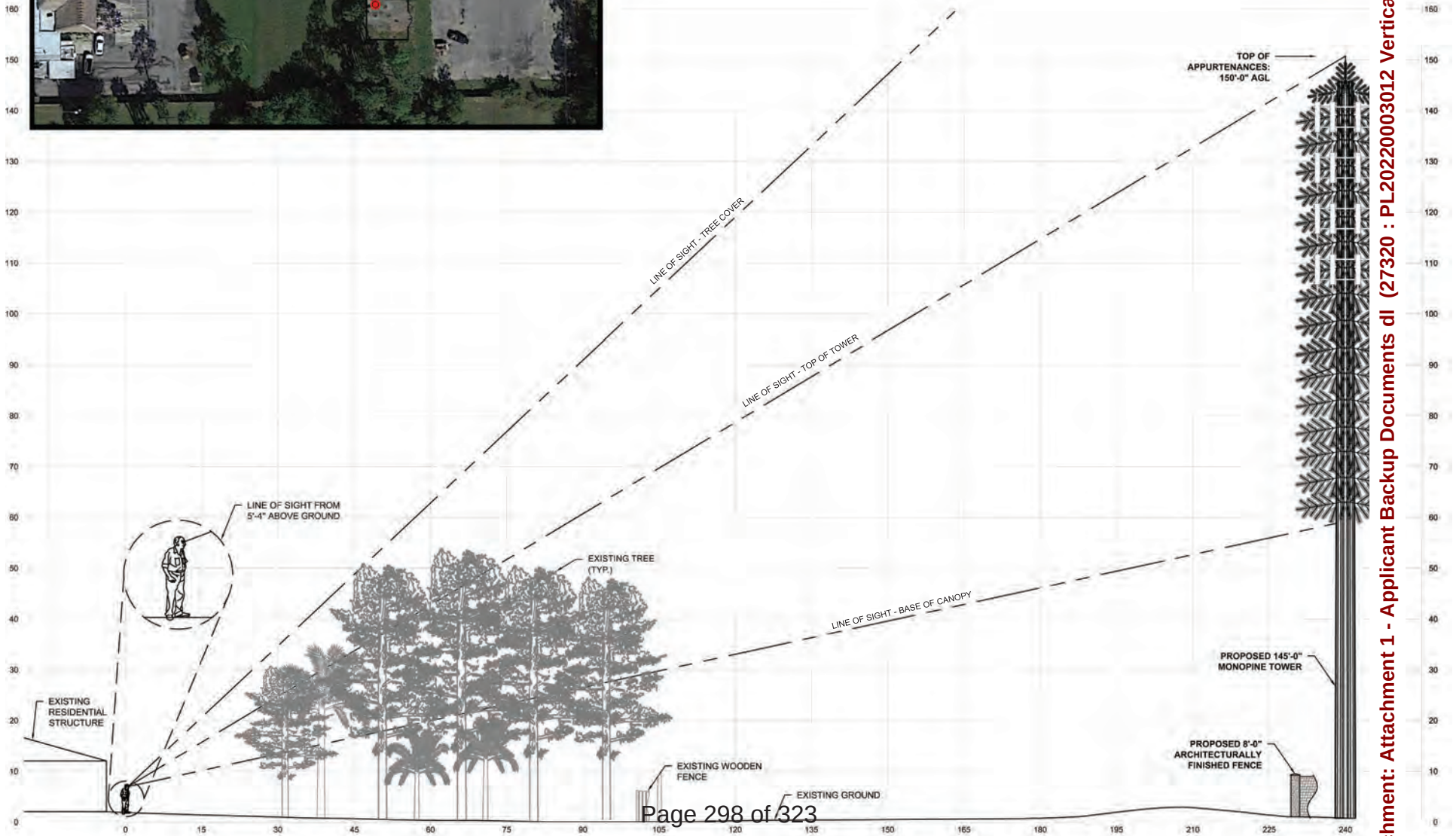
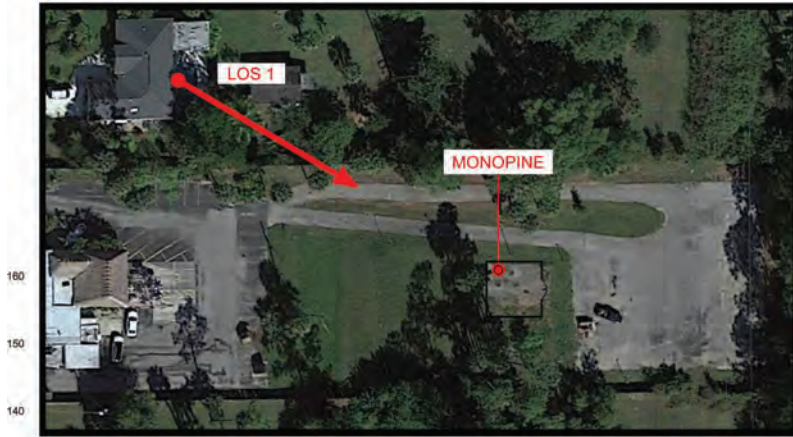
2560 39th Street SW, Naples, FL 34117

**150FT. MONOPINE
SIMULATION**

View #20 from Naples Condo parking
approx. 2,850ft. west-southwest of site



US-FL-7040
SEÑOR TEQUILA
 2560 39th Street SW, Naples, FL 34117
150FT. MONOPINE
LINE OF SIGHT
ILLUSTRATION
 LOS #1 from approx. 240ft. west-northwest of site





US-FL-7040
SEÑOR TEQUILA
 2560 39th Street SW, Naples, FL 34117
150FT. MONOPINE
LINE OF SIGHT
ILLUSTRATION
 LOS #2 from approx. 250ft. southwest of site





US-FL-7040
SEÑOR TEQUILA
 2560 39th Street SW, Naples, FL 34117

150FT. MONOPINE LINE OF SIGHT ILLUSTRATION

LOS #3 from approx. 635ft. northeast of site



Gabriela Castro
 Collier County Growth Management Department
 2800 North Horseshoe Drive
 Naples, Florida 34104

Re: Site Acquisition Methodology for US-FL-7040 Senor Tequila

Dear Ms. Castro,

I supervised the professional who lead the site acquisition process on site US-FL-7040 Senor Tequila ("Senor Tequila") for VB BTS, LLC ("Vertical Bridge"). Senor Tequila is a 150' AGL monopine style communication tower proposed at 2560 39th Street SW, in Collier County, Florida, to replace an existing Flagpole style communication tower located at 11969 Collier Blvd ("Flagpole"). T-Mobile will be the anchor tenant and their proposed coverage will serve an area with an estimated general population of 15,200 persons. T-Mobile intends to move from the Flagpole to the Monopine because the Flagpole cannot support the antennas and head end equipment necessary for T-Mobile's service to stay concurrent to the user demand in the area.

T-Mobile originally requested a 145' AGL monopole style communication tower. My team began site acquisition work for Senor Tequila on 5/14/21. During that time, my team pursued 6 parcels to more advanced stages of negotiations and drove the entire search ring 3 times, looking for different locations while searching for a suitable property that met the requirements of the County's Land Development Code (LDC), met T-Mobile's RF objectives, and had a landlord willing to lease their land. The site acquisition search lasted until 7/7/21, when Vertical secured a lease on the 2560 39th Street SW property. The site acquisition process ultimately took 2 months.

The site acquisition process begins when my team receives the anchor tenant's structure requirements and search area. These parameters are informed by the carrier's RF needs. After we review the anchor's parameters, we then map the search area to identify any existing towers that may be within it. Then my team performs a reconnaissance drive, which confirms whether there are unregistered towers or structures of adequate height that could be viable for colocation. If neither of those are present, we also begin identifying potential locations for a new tower during the reconnaissance drive.

The process of identifying the appropriate landowner "contact" varies from search area to search area. It can be as short as a few days or, in extreme cases, it can last many months. During that time, my team contacts candidate properties via phone, email, and websites; physically visit locations; and send letters to property owners of record. Once contact is established, we are often "bounced" around within organizations until the appropriate decision maker is identified. In many cases, once I speak with a potential "contact," they immediately decline the proposal.

When an interested landowner wishes to pursue the proposal, communication can continue for months as information and lease negotiations are shared with boards, family members, and other stakeholders. Unfortunately, the majority of the time, the proposal will be declined. Below is a list of all non-residentially used parcels located within the search. Analyzed parcels located within

the search ring are organized into “blocks.” These are parcels grouped together for ease of analysis and do not correlate with city blocks. Aerials for each block, as well as an overall aerial showing the search area and all candidates, are below.



Image of the Search Area and all parcels within it.

**NOTE: Some of the parcels below were evaluated utilizing
Collier County GIS Zoning Maps**

Block 1**Block 1 Parcel Map**

Block 1 consists of thirty-one non-residential parcels, totaling approximately 25.8 Ac. within the search ring:

35640720003

- Explanation – This parcel is developed as a retail plaza with a number of stores and a parking lot supporting them. As such there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35640560001

- Explanation – This parcel is developed as a retail plaza with a number of stores and a parking lot supporting them. As such there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

46020000086

- Explanation – This parcel is developed as a restaurant and parking lot supporting it. There is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35640800004

- Explanation – This is a .38 acre undeveloped commercial outparcel. I contacted the property manager who stated that they are not interested.

35640760005

- Explanation – This is a .3 acre undeveloped commercial outparcel. I contacted the property manager who stated that they are not interested.

35640680004

- Explanation – This is a .3 acre undeveloped commercial outparcel. However, I was unable to contact the landowner to see if he would be interested in leasing space for the tower despite multiple attempts.

35640640002

- Explanation – This parcel is developed as a car wash with supporting parking lot. There is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35779440005

- Explanation – This is a mixed-use residential zoning parcel that is only .12 acres. The Parcel is developed as a gas station and tire shop with a supporting parking lot. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment

35930680002

- Explanation – There are multiple buildings and supporting vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35931200009

- Explanation – This parcel is developed as a church with supporting vehicle parking. There is insufficient space for the 40'x40' required Compound Area to contain the tower and associated equipment.

35930160001

- Explanation - This parcel is developed as a Mexican restaurant and MoneyGram with supporting vehicle parking. There is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment because the parent parcel's building is large and located in the center of the property. Parking for the building surrounds it.

35931040007

- Explanation – This parcel is too small to fit the 40'x40' compound as it is only .09ac.

35930720001

- Explanation – This parcel is too small to fit the 40'x40' compound as it is only .06ac.

35930760003

- Explanation – This parcel is too small to fit the 40'x40' compound as it is only .06ac.

35931160000

- Explanation – This parcel is too small to fit the 40'x40' compound as it is only .12ac and is fully occupied by a supermarket and its associated parking.

35931120008

- Explanation – The entirety of this parcel is occupied by a church and parking lot.

35931080009

- Explanation – The entirety of this parcel is occupied by a church and parking lot.

35930800002

Explanation – The entirety of this parcel is occupied by a tire shop and parking lot.

35931000005

- Explanation – The entirety of this parcel is occupied by a restaurant and parking lot.

35930520007

- Explanation - The entirety of this parcel is occupied by a church and its parking.

00288800006

- Explanation – There is a fast food restaurant and associated vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

00288760007

- Explanation – There is a pet supply store and associated vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

21785500053

- Explanation – This parcel is too small to fit the 40'x40' compound as it is only .03ac.

35779200009

- Explanation – Parcel is developed as a shopping plaza with two buildings and associated parking. As such there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35779280003

- Explanation – There is a paint store and associated vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35779400003

- Explanation – This parcel is too small only 40' wide and cannot accommodate the 40'x40' required Compound Area to contain the tower and associated equipment.

35779420009

- Explanation – We sent two letters to the owner “Ministero Internacional” but we did not receive a response.

35779240001

- Explanation – There is a restaurant and associated vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35779260007

Explanation – This parcel is too small only 40' wide and cannot accommodate the 40'x40' required Compound Area to contain the tower and associated equipment.

35779120105

- Explanation – This parcel is too small only 40' wide and cannot accommodate the 40'x40' required Compound Area to contain the tower and associated equipment.

35779320002

- Explanation – There is a rent-a-car service and associated vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower and associated equipment.

Therefore, no feasible alternate sites exist within this block.

Block 2



Block 2 Map

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Block 2 consists of three non-residential parcels , totaling approximately 86.26 Ac.:

35640240004

- Explanation – There is a rent-a-car service and associated vehicle parking currently located on the parcel. As such, there is insufficient space for the 40'x40' required Compound Area to contain the tower & associated equipment.

35640120001

- Explanation – We sent a letter to the property owner “R&M Real-estate Co.” We did not receive a response.

36560040008

Explanation – My team member spoke to the general manager of the Golden Gate Golf Club & he said they were not interested.

Therefore, no feasible alternates exist within this block.

Block 3*Block 3 Map*

Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Block 3 consists of non-residential parcel that is not disqualified by 5.05.09.G,25.a:

38054160007

- Explanation –. We first contacted the owner, Vincent Palmese, in June of 2021 due to the parcel size. Negotiations continued until an agreement was reached for a cell phone tower on his property in February of 2022.

Thank you in advance for your time on this project. Please do not hesitate to contact me if I am able to provide you with additional information.

Sincerely,



Paul Gardner
Project Manager for Pyramid Network Services

STATE OF Georgia
COUNTY OF Hall

The foregoing instrument was acknowledged before me this 16th day of NOV., 2023, Paul Gardner as Project Manager of Pyramid Network Svc, on behalf of the company. HE He/She/They is/are personally known to me.

Witness my hand and official seal.

Tyrone Mosley
Name: Tyrone Mosley
Notary Public, State of Georgia
Commission No.# N/A
My Commission Expires: 2-14-27

(Seal)



6NC2102A

Senor Tequila

Wireless Telecommunication Facility

Radio Frequency (RF) Engineering Report

Last Updated	07/27/22
Revision Number	V2.0

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I - Search Ring Area

Statement of Need

To comply with FCC guidelines as defined in the Code of Federal Regulations Title 47, T-Mobile is deploying 5G services nationwide. Currently, 4G service is largely provided in Golden Gate and environs by a tower with T-Mobile antennas at one-hundred-twenty-six feet elevation. It is a flagpole design located at 11935 Collier Blvd in the Collier Plaza and utilizes canisters to enclose all of the equipment on the tower. A second flagpole designed tower near the Golden Gate Pkwy and Coronado Pkwy intersection complements the 4G coverage here. In both cases the design of the enclosures is not compatible with deployment of most advanced 4G and 5G services. In particular, the diameter of the enclosures is not sufficient to house the antennas and radios and there is no active or passive cooling.

Not unlike a nighttime driver who encounters part of a road where a streetlamp is out of service or absent, a cell phone user would experience less "illumination" when not near a cell tower. The nighttime driver would then experience a more illuminated passage while transitioning into the next streetlamp's "footprint" or coverage. In that sense the best way to provide contiguous coverage in a network (of light poles or cell phone towers for instance) would be to add a new facility, or site, at the less illuminated location.

Two critical components of cellular network coverage are the height of the antennas above ground level and the location of the site. The antenna elevation generally determines the coverage footprint or physical area where a site provides service. (a taller tower provides more range than a shorter tower) The location is important for a few reasons. A new site must be proposed in an area where it will improve the existing service levels. The location of a new site must also meet certain requirements related to the location of the existing T-Mobile facilities, or towers. This is a contributing factor when developing search radii as the coverage footprints of the "neighbor" sites act as a constraint on the extent of a new facility's potential location.

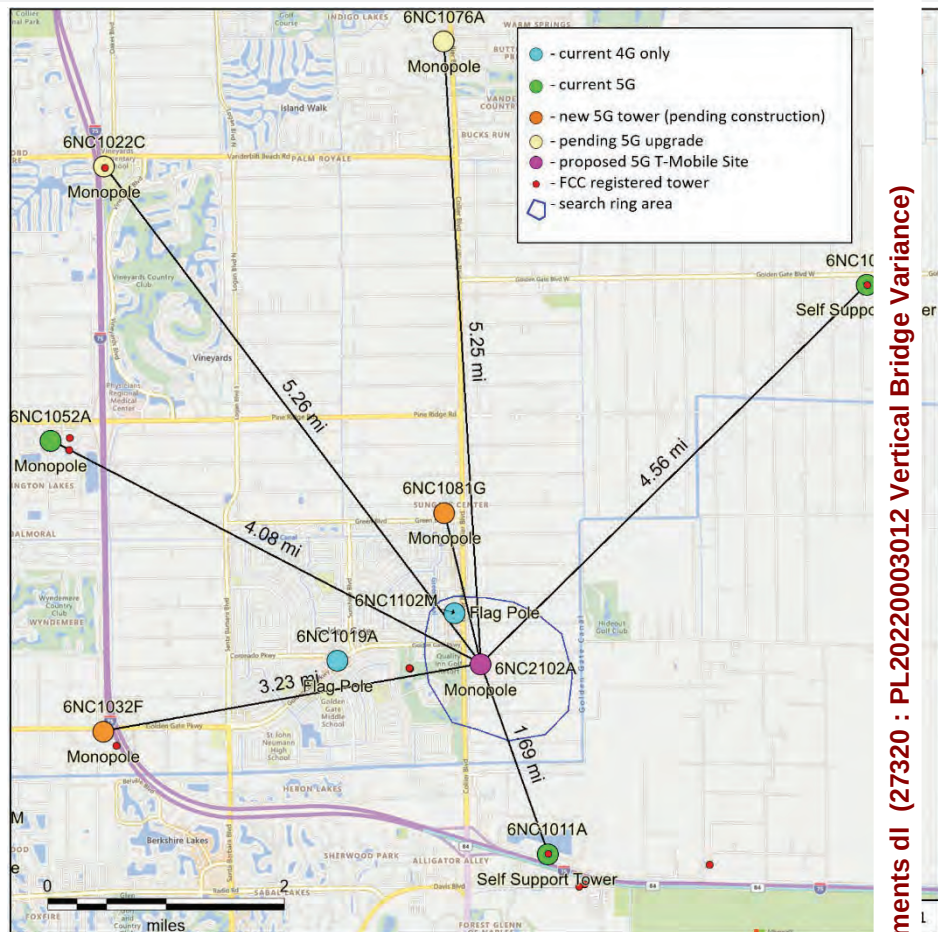
With the advent of 5G, network growth will tend to densify. This means adding "fill-in" sites that can offer better "grades of service" (GOS). In a voice call in an area with poor coverage or that is capacity challenged may work but higher bandwidth applications such as web usage or video may not. Sending a text uses less network resources than mapping directions on a smartphone. Consideration must also be made for future applications as 5G matures.

Q: What is 5G?

A: 5G is the 5th generation mobile network. It is a new global wireless standard after 1G, 2G, 3G, and 4G networks. 5G enables a new type of network that is designed to connect virtually everyone and everything together including machines, objects, and devices. 5G wireless technology is meant to deliver higher multi-Gbps peak data speeds, ultra low latency, more reliability, massive network capacity, increased availability, and a more uniform user experience to more users. Higher performance and improved efficiency empower new user experience and connects new industries. https://www.qualcomm.com/5g/what-is-5g?&cmpid=fo5gus222&clid=EAlaIqobChMlWlqmJlJrQ-AIVYQh9Ch1eSgOPEAAAYAAAEgJd5fD_BwE
(Qualcomm, Inc is one of the leading developers of 5G technologies.)

In order to utilize the full suite of 5G services, equipment specifications for these technologies requires the installation of radio transceivers or "radios", in close proximity to the antennas.

- the transmit/receive components are physically part of the antenna for some 5G antennas
- 5G antennas and transceivers will not physically fit in most enclosed unipole and flagpole towers at elevation
- 5G deployment on a tower requires a full "array" or mounting platform that can support and allow equitable spacing of the equipment
- 5G equipment is susceptible to overheating in enclosed unipole and flagpole towers that do not have active or passive cooling



Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

- - current 4G only
- - current 5G
- - new 5G tower (pending construction)
- - pending 5G upgrade
- - proposed 5G T-Mobile Site
- - FCC registered tower
- - search ring area

T-Mobile local engineering requested funding for service improvements in Golden Gate and surrounding areas more than ten years ago. Initially, the focus was north of the city due to the distance between the existing sites at the time. The amount of cell phone usage has increased dramatically since that time and network densification became a more important aspect of network planning. This is reflected in the search ring area size and location as it defines a target zone where a new facility would meet network coverage and capacity needs.

In figure 1, a map of future and current T-Mobile facilities is shown. Color codes indicate the status of each of the facilities. Blue and green represent operational T-Mobile facilities while yellow and orange represent future 5G facilities. (two towers that will undergo 5G upgrades and two towers that are planned). The search ring is represented by a blue oval, roughly 1.2 sq mi in area with an

average radius of .75 mi. Both of the facilities within the city of Golden Gate are flagpole type designs and cannot support a full antenna array for 5G equipment.

Towers registered with the FCC are indicated by smaller red circles. Within the search ring radius, there are no existing structures of sufficient height or that can be upgraded to meet the requirements for advanced 5G services.

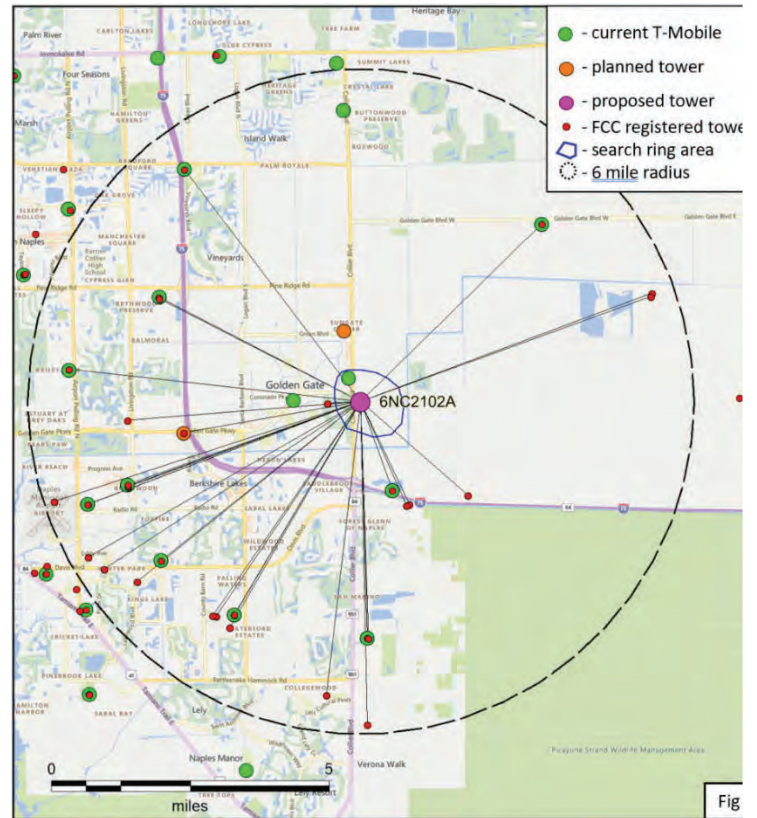
Table 1

TMO ID	Name	Class	Address	City	Antenna Elevation (ft)	Structure Height (ft)	Distance (mi)
6NC1011A	GTE/GOLDEN GATE	Self Support Tower	3405 LANDFILL RD	Naples	138	180	1.7
6NC1022C	PALM RIVER ACME	Monopole	6231 ARBOR BLVD	Naples	143	130	5.3
6NC1029A	1- GOLDEN GATE FIRE STATION	Self Support Tower	100 SW 13 ST. NW	Naples	135	154	4.6
6NC1052A	Nextel Golden Gate North	Monopole	1010 Whippoorwill Lane	Naples	120	165	4.1
6NC1076A	CINGULAR 951 YUREWITCH	Monopole	14785 Collier Blvd	Naples	110	170	5.3
6NC1102M	Sprint Flagpole	Flag Pole	11935 Collier Blvd	NAPLES	126	150	0.9
6NC1019A	CORONADO FIRE STATION	Flag Pole	CORONADA PKY & GOLDEN GATE	Naples	128	150	1.2
6NC1032F	Rowstar-Golden Gate West	Monopole	60th St SW	Naples	130	135	3.3
6NC1081G	SBA FL22369-5-01 Naples	Monopole	4111 Green Boulevard	NAPLES	150	155	1.3
6NC2102A	Senor Tequila	Monopole	2560 39th St. SW	Naples	139	165	NA

Figure 2 corresponds to table 2 and displays a six-mile radius around the proposed location. This area covers multiple "tiers" of existing T-Mobile towers and does not constitute a realistic target for service improvements. None of the towers indicated on the map lie within the T-Mobile search ring therefore are ineligible for consideration.

Table 2

FCC File Number	Entity Name	Tower Address	City	Height of Structure	Structure Type	Distance to Proposed
A0073964	NEXTEL COMMUNICATIONS INC	3800 PROSPECT AVE	NAPLES	42.4	TOWER	5.2
A3031588	CCATT LLC	1380 WASHINGTON AVE	GOLDEN GATE	89.5	TOWER	2.6
A1031275	CCATT LLC	761 COMMERCIAL BLVD - RADIO	NAPLES	47.5	TOWER	4.5
A1185097	SHARRIS TECHNOLOGIES, INC.	3205 CR 84	NAPLES	91	TOWER	2.0
A0126648	FLORIDA RSA 58 NAPLES LIMITED PARTNERSHIP	829 COMMERCIAL BLVD	NAPLES	44.2	TOWER	4.5
A0850916	COLLIER COUNTY OF	2901 COUNTY BARN RD	NAPLES	86	TOWER	4.7
A1198346	CROWN CREST QT COMPANY LLC	3547 PLOVER AVENUE	NAPLES	35.2	TOWER	5.7
A0032440	FLORIDA, STATE OF	3205 CR84	NAPLES	91.4	TOWER	2.0
A0521737	Verizon Wireless Personal Communications LP	LIVINGSTON RD 25 N OF GOLDEN GATE PKY	EAST NAPLES	39.6	POLE	4.2
A1158878	American Towers, LLC	5800 PROSPECT AVENUE	BRIARWOOD	42.2	TOWER	5.2
A0057887	MERIDIAN BROADCASTING	0.75 MI. E OF COUNTY BARN ROAD	NAPLES	94.9	TOWER	4.7
A1210477	3TC Five, LLC	829 COMMERCIAL ROAD	NAPLES	46	TOWER	4.4
A0977348	Globe Towers, LLC through American Towers, LLC	5860 Crews Road (370655)	NAPLES	156.6	GTOWER	4.3
A0885978	AMERICAN TELECASTING DEVELOPMENT INC	3710 ESTEV AVE	NAPLES	25.5	TOWER	5.7
A0811736	SBA Towers II LLC	3816 Vanderbilt 3640 Rd. Ext.	NORTH NAPLES	26.5	TOWER	5.2
A0557801	Golden Gate Fire Control and Rescue District	Collier County	Golden Gate	48.7	TOWER	4.9
A0111797	City of Naples Airport Authority	Naples Municipal Airport	Naples	13.1	POLE	5.8
A0977340	Global Tower, LLC through American Towers, LLC	5860 Crews Road (370652)	Naples	121.3	GTOWER	4.5
A0616745	Florida, State of	BLVD	NAPLES	45.1	TOWER	5.2
A0692096	Comcast	4300 Golden Gate Parkway	Golden Gate	53.6	TOWER	0.6
A0553304	Shadowlawn Association, Inc.	Between CR 951 and Florida Sports Park Road	Naples	151.5	TOWER	4.3
A1041343	SBA Towers IX, LLC	3733 Freedom Circle (FL18063-A)	Naples	106.7	LTOWER	4.3
A0522823	Sunshine Towers, Inc.	5805 The Lord's Way	Naples	105.4	TOWER	4.3
A1185474	Collier County of	2901 County Barn Road	Naples	92	LTOWER	4.7
A0781083	Collier County of	8125 Lily Cultural Pky	Naples	56.3	TOWER	5.3
A0751129	T-Mobile South LLC	4995 Davis Boulevard (6NC1075A)	Naples	27.4	UPOLE	4.6
A0814475	SBA 2012 TC Assets, LLC	1010 Whippoorwill Lane	Naples	51.8	TOWER	4.1
A1027365	CCATT LLC	1010 WHIPPOORWILL LANE	NAPLES	42.1	MTOWER	4.1
A1182301	American Towers LLC	4294 Golden Gate Parkway	Naples	49.3	GTOWER	0.6
A1101850	SBA Towers III LLC	3200 Bailey Lane (FL14387-S)	Naples	45.7	TREE	5.3
A1095378	SBA Towers IX, LLC	5650 Melrose Lane (FL16089-S)	Naples	45.7	MTOWER	5.8
A1159862	SBA Towers IX, LLC	3200 Bailey Lane (FL14387-S)	Naples	36.6	MTOWER	5.3
A1190845	RowStar, LLC	Near Davis Blvd. & Winterpark Blvd. / US-FL-5357	Naples	21.3	MTOWER	5.5
A1190799	RowStar, LLC	State Road 93 (Interstate 75) / US-FL-5277	Naples	50.3	MTOWER	3.2
A1170918	CitySwitch II, LLC	Kapock Street, Collier County	Naples	77.7	LTOWER	5.6
A1195192	CitySwitch II, LLC	Kapock Street	Naples	76.2	LTOWER	5.6



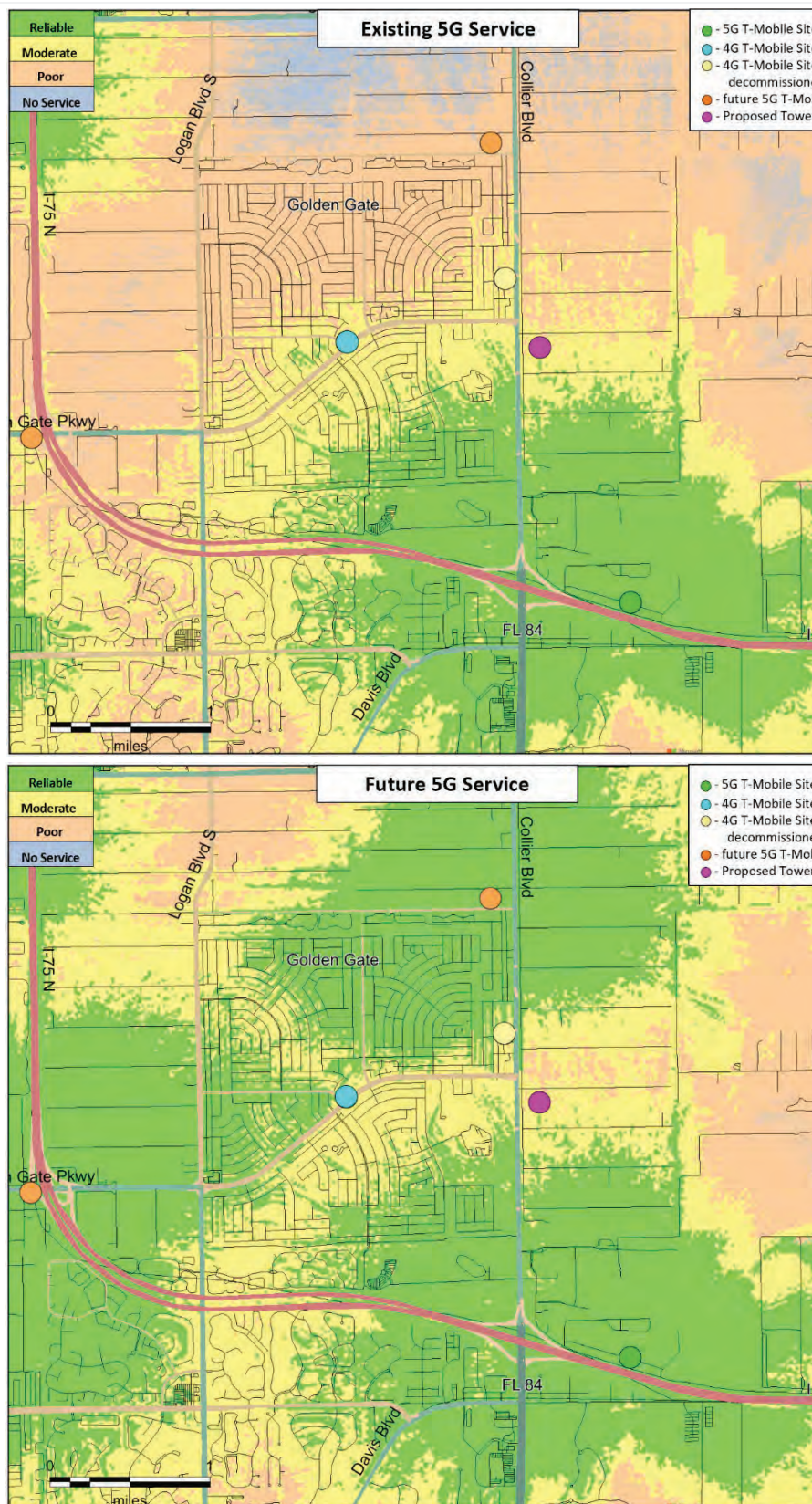
II - 5G Coverage Improvements

In Golden Gate there is a significant 5G coverage deficiency. Users are not able to connect to advanced 5G services in most places. The reason for this is that the towers that are 5G compatible are too far from the main residential and commercial areas of Golden Gate. There are no towers within the service area that can be upgraded to the latest equipment technologies.

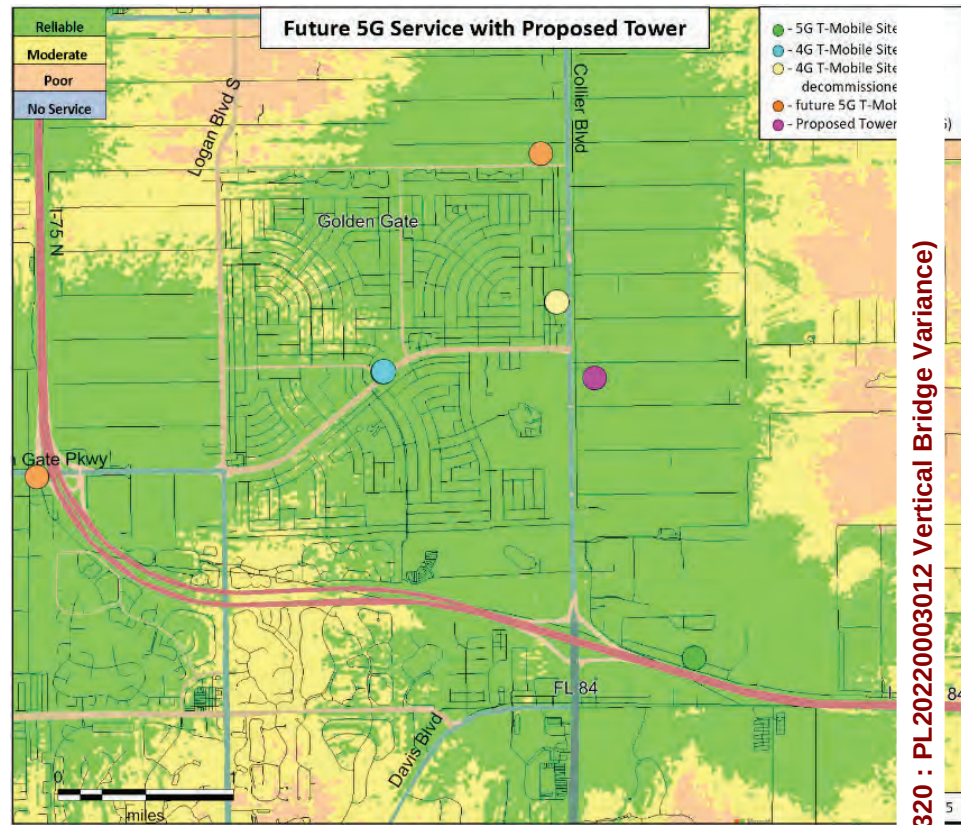
Computer models are used to display current and predicted coverage. In Fig 3, the current 5G signal levels are indicated by shades of color. Green areas have the most reliable service. Two new towers pending construction are added to the network analysis as depicted in Fig 4. Both of these planned facilities have been part of T-Mobile's long term efforts to boost network reliability.

The new proposed tower would significantly contribute to the goal of ubiquitous 5G throughout the area. (Fig 5)

Additional facilities are required to meet the growing demand for advanced services. As the 4G network eventually becomes a somewhat congested highway, 5G is the many laned extension to relieve the "traffic".



Attachment 1 - Applicant Backup Documents d1 (27320 : PL20220003012 Vertical Bridge Variance)



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

III - Certification Statement of Non-interference

This letter provides information about the proposed T-Mobile transceiving equipment on an addition to an existing facility in Naples, FL and its potential interference with communication facilities located nearby; as well as the FCC rules governing the human exposure to radio frequency energy (FCC Part 15.65 guidelines). T-Mobile shall comply with all FCC rules regarding interference to other radio services and T-Mobile shall comply with all FCC rules regarding human exposure to radio frequency energy. The proposed monopole tower, and reception and transmission functions will not interfere with the visual or auditory transmission or reception of radio, television or similar services as well as other wireless services enjoyed by surrounding properties.

The Federal Communication Commission (FCC) has allocated these frequencies exclusively for use by cellular service providers. Each cellular service provider is assigned specific frequencies (channels) on which to transmit and receive radio signals.

Cellular transmitters must be type-accepted by the FCC to ensure compliance with technical standards that limit the frequencies, output power, radio frequency emissions, spurious radio noise and other technical parameters. Cellular licensees like T-Mobile are required to use type-accepted equipment. The assignment of frequencies and FCC rules keep cellular radio signals from interfering with or being interfered with by other radio transmissions and provide guidelines outlining the limits for permissible human RF exposure. In the event of a complaint of interference or other concern about cellular antenna facilities, the FCC has a resolution process to determine the source of interference and whether a facility is in compliance with FCC rules.

In the event of interference or other known issues with the transmission facility contact with the T-Mobile Network Operations Center (NOC) will be established 24 hours a day, 7 days a week 365/366 days per year at the following numbers: (877) 611-5868 (DAY), (877) 611-5868 (NIGHT)

Name Patrick Keane

Title T-Mobile Sr Engineer, Radio Frequency

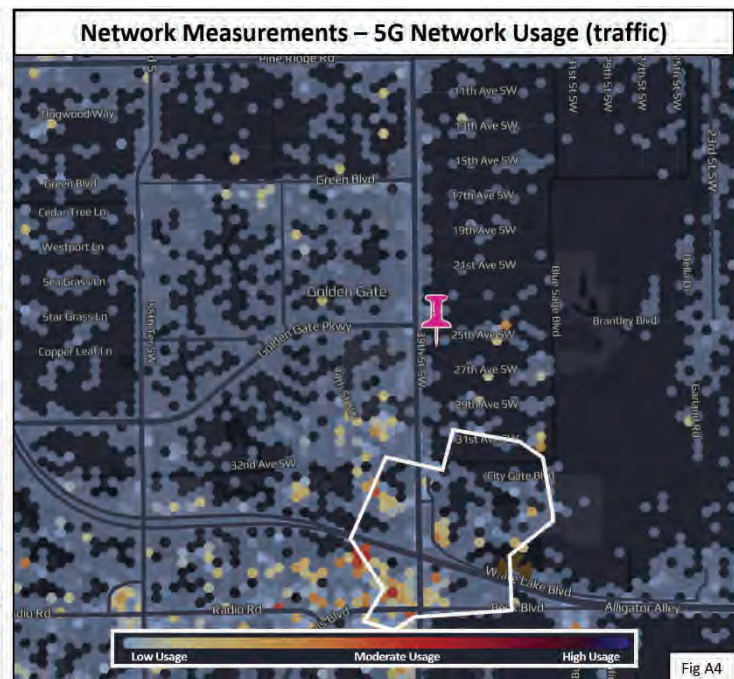
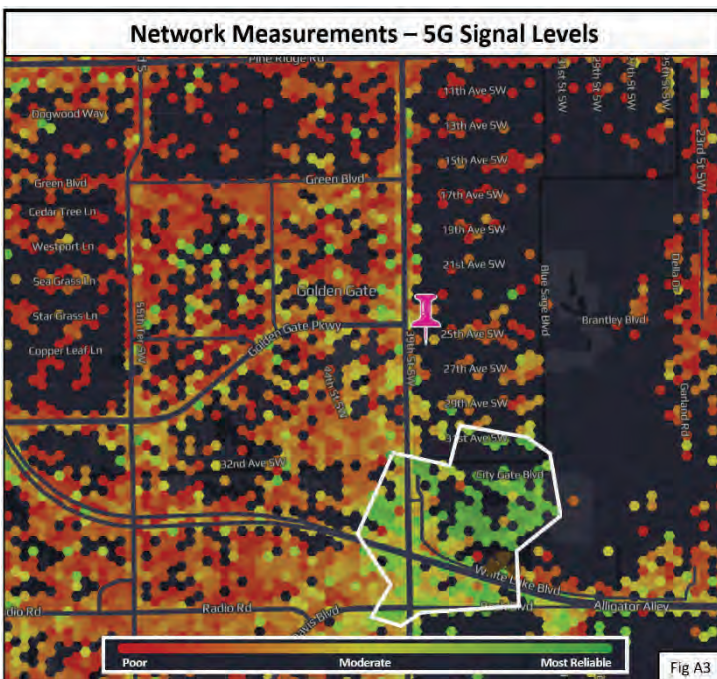
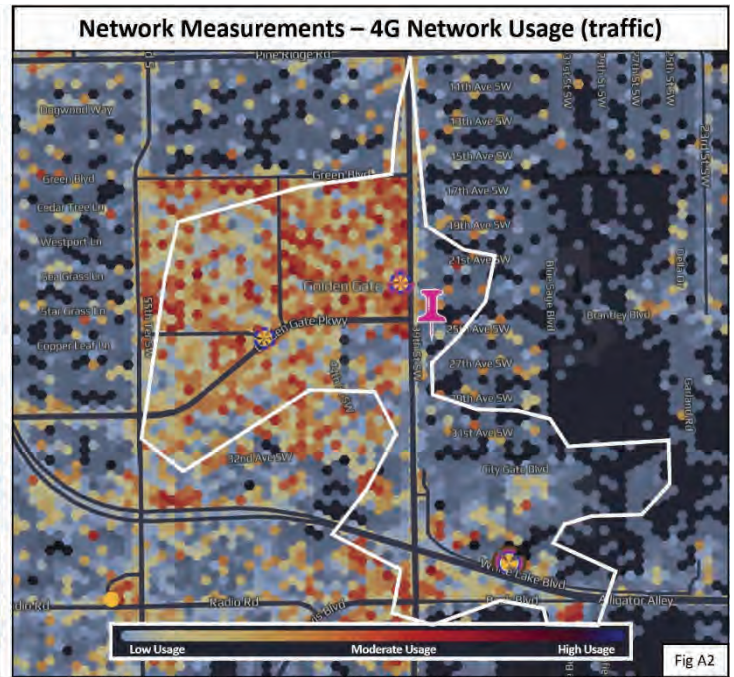
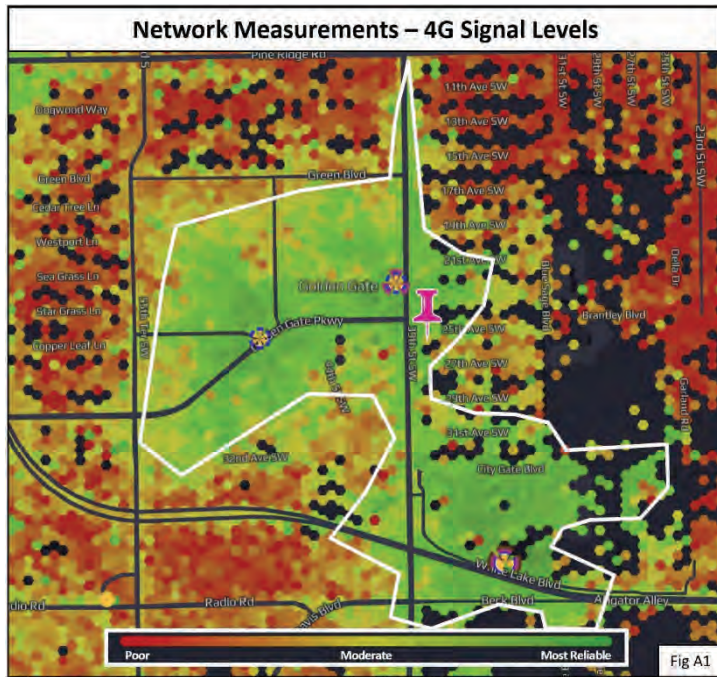
Signature 

Attachment: Attachment 1 - Applicant Backup Documents d1 (27320 : PL20220003012 Vertical Bridge Variance)

Appendix A: T-Mobile Network Capacity Considerations – Golden Gate

Along with computer modelling, real world measurements are used for planning and optimization of cellular networks. Maps are plotted using Graphical Information Systems (GIS) and network information. An example of this type of data is the next four figures. In this example, a monthly aggregate of signal measurements reported back to the T-Mobile network by the users' cell phones is mapped. The left hand map represents the signal level that a mobile phone is measuring at that location. The right hand side is a "heat map" representing the usage, or how many users are connecting the network. (often referred to as "traffic") Within the white polygons are areas with the most reliable service. Figures A1 and A2 are created using 4G and offer a significant contrast with the 5G data. (figs. A3, A4)

While the 4G service has relatively good signal levels in most of Golden Gate and connecting roads (fig A1) a reliable 5G signal (fig A3) and traffic (fig A4) is mostly limited to nearby the 5G tower.



Along with network coverage, planning for both near term and long-term capacity needs are taken into account. To revisit the streetlamp analogy, we can consider that each tower casts a coverage “footprint” or area where it is the dominant “server”. A cell phone within a tower’s footprint will connect to that tower for communications. In Golden Gate there are two towers that provide the majority of 5G service. A one-hundred-sixty-five foot monopole tower near the Pine Ridge Rd and I-75 intersection with T-Mobile antennas at one-hundred-twenty feet (6NC1052A) and a one-hundred-eighty foot self-support tower near the Collier Blvd and I-75 intersection with T-Mobile antennas at one-hundred-thirty-eight feet (6NC1011A). Both coverage footprints are highlighted by colors in contrast to the green overall 5G service footprints. (fig A5) Note that the coverage footprint for both of the towers extends a few miles into the Golden Gate community. If we compare those locations to Fig 3 and Fig A4 in this report it is apparent that the 5G signal levels at those distances are very poor. The result of this is that a cell phone user in these areas may be able to access 5G but at a lower GOS – not able to utilize the full spectrum of capabilities.

A major goal of network planning is to achieve a balance between coverage and capacity needs. One method employed is the concept of traffic offload, or reducing the amount of cellular traffic that a particular tower is processing. By adding facilities to the network, better distribution of cellular traffic can be accomplished.

After two new planned T-Mobile facilities become operational, the future 5G coverage footprints are shown in figure A6. (For purposes of this report, this is referred to as Planning Scenario 1) These are highlighted by colors in contrast to the green overall 5G service footprints. Currently there are two 5G facilities in proximity to Golden Gate. After the addition of the new towers, four sites will cover the same area. This is both important for redundancy and capacity. If there is an outage, or natural disaster (like a hurricane) having multiple facilities in the area increases the probability that there will be service. From a capacity standpoint, having more facilities shares the traffic load, which results in better GOS for the user.

Of note is that the radii of the two original serving towers have been significantly reduced. The outcome of a smaller footprint is less cellular traffic. This is the concept of “offload”. The areas that will become covered by the new facilities (the offload areas) are highlighted in figure A7 for Planning Scenario 1. A similar approach can be utilized for Planning Scenario 2 displayed in figure A8. An accompanying map shows the final offload areas for this scenario in figure A9. Calculations to determine the changes in the physical characteristics of the coverage footprints are straightforward. (Table 1) This is helpful in gauging the appropriateness of antenna heights and locations.

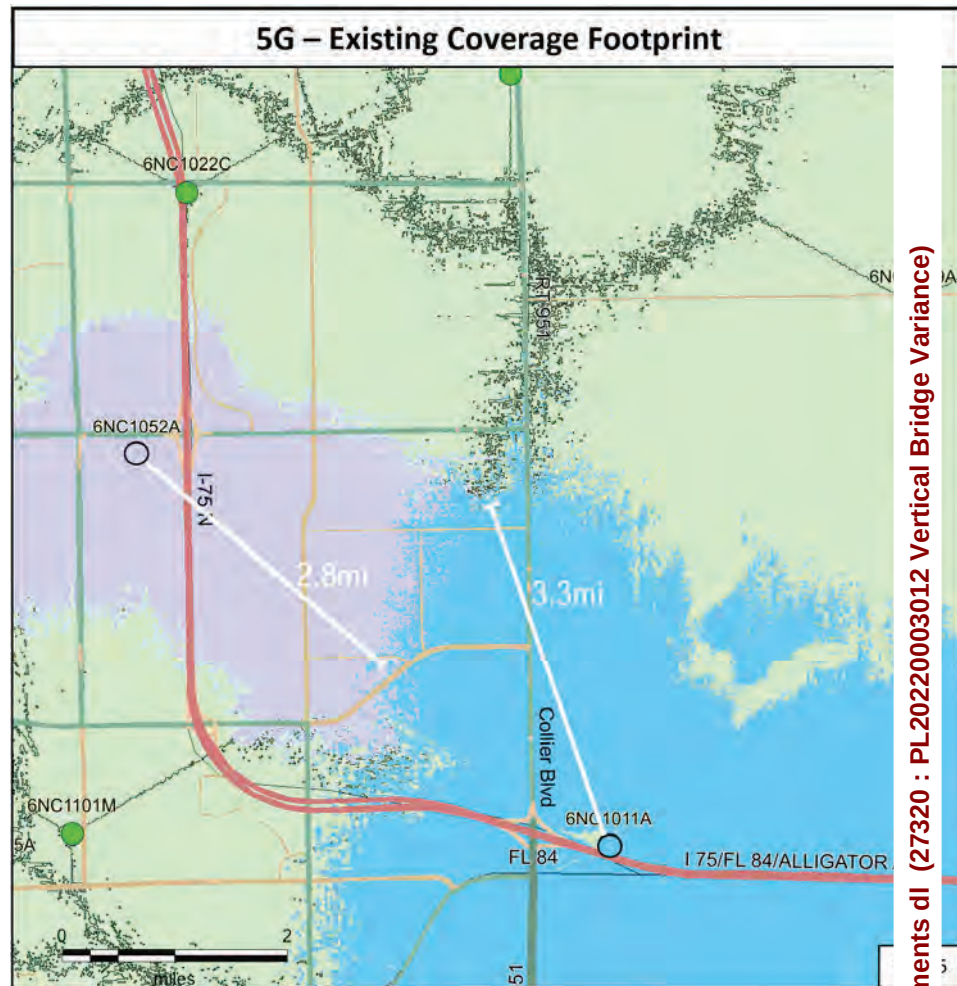
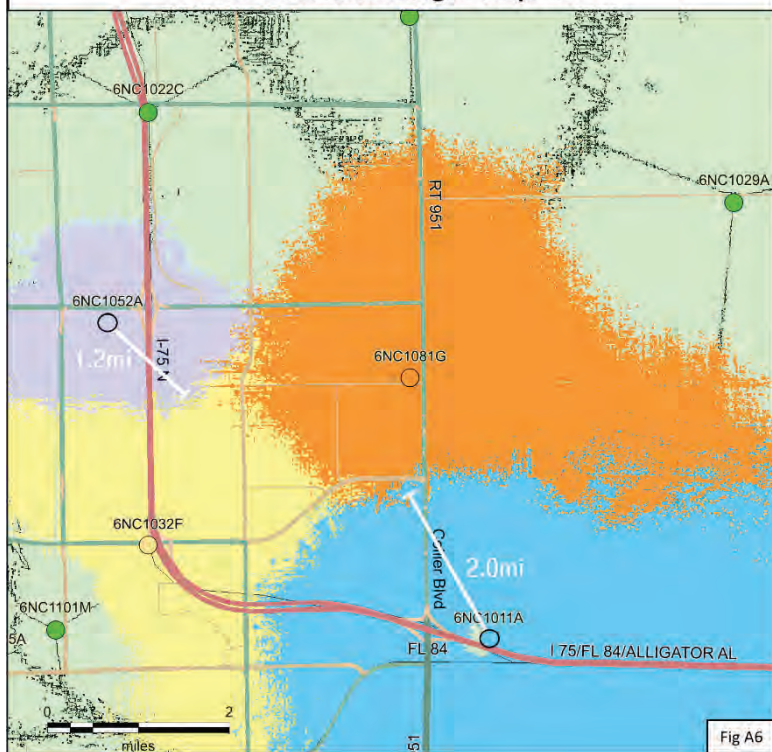


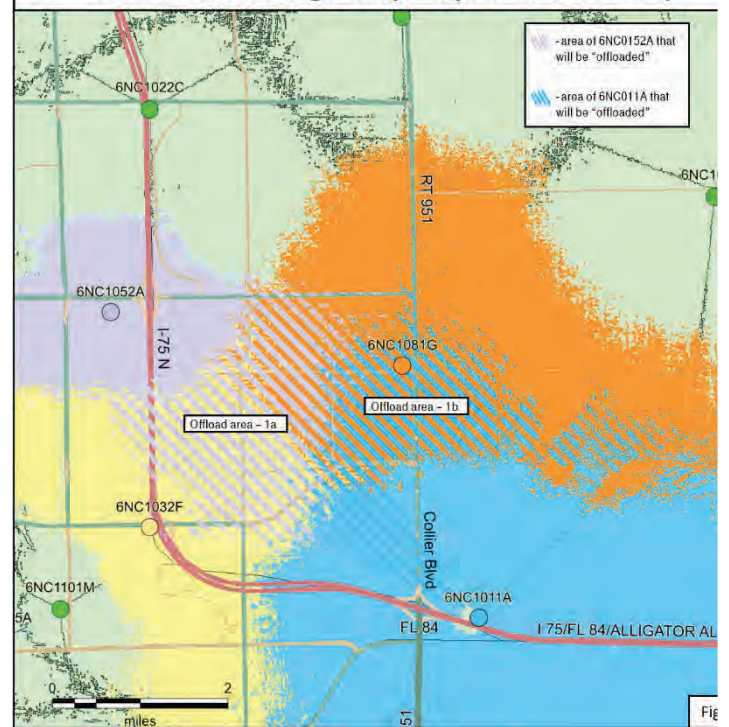
Table A1

	radius				area			
	radius of 6NC1052A_2	% change	radius of 6NC1011A	% change	area of 6NC1052A_2	% change	area of 6NC1011A	% change
Existing Coverage Footprint	2.8		3.3		6.2		7	
Future Coverage Footprint (Planning Scenario 1)	1.2	-39%	2	-57%	1.8	-39%	2.8	-57%
Future Coverage Footprint With New Proposed Site (Planning Scenario 2)	1.4	-70%	1	-50%	2.3	-70%	1.3	-50%

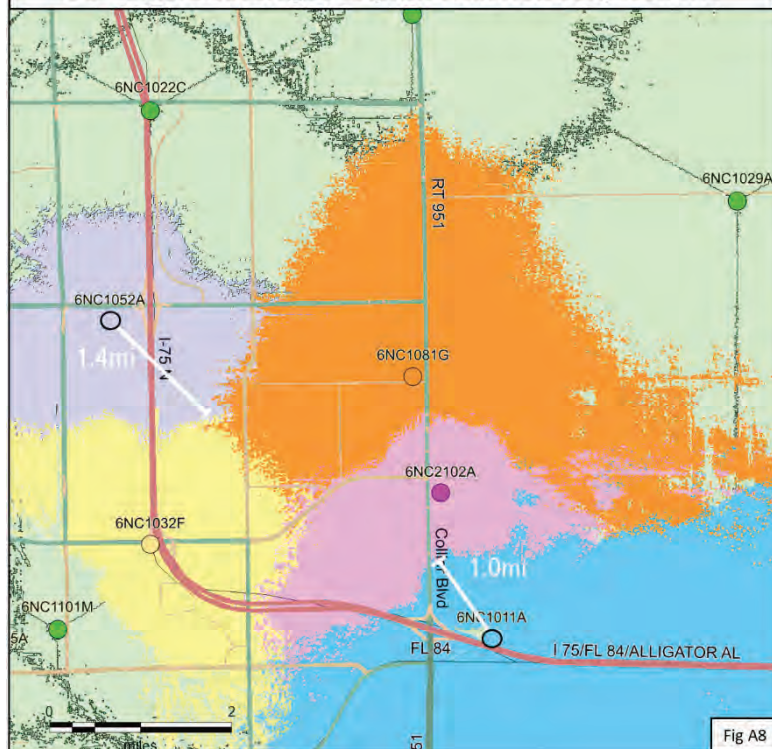
5G – Future Coverage Footprint



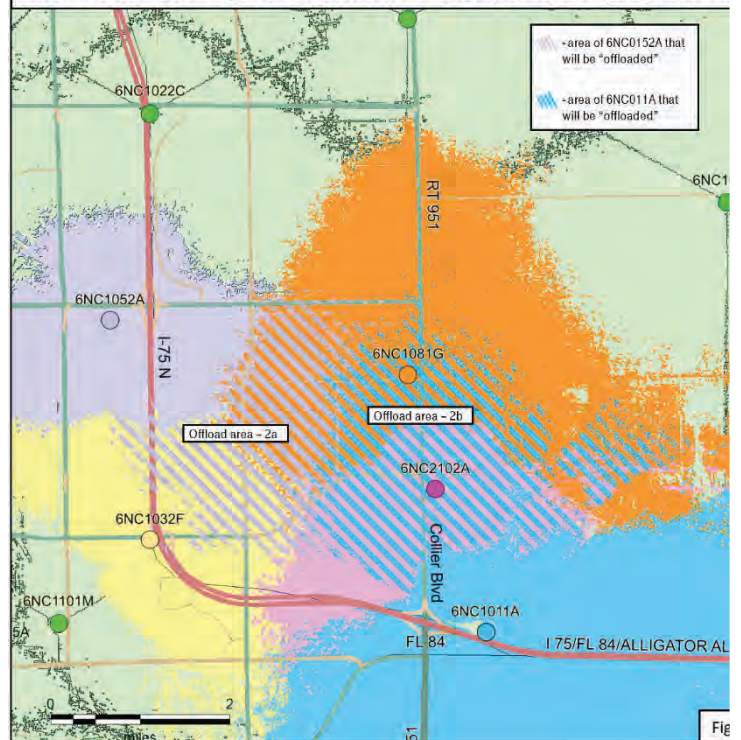
5G – Future Coverage Footprint (with offload areas)



5G – Future Coverage Footprint With New Proposed Site

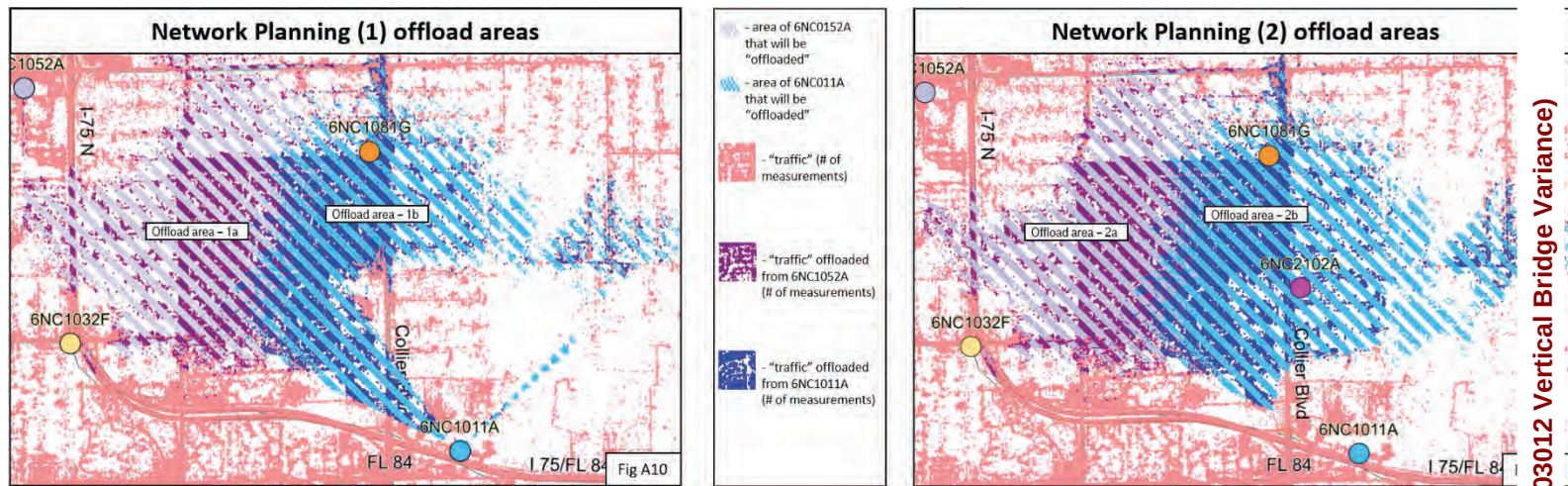


5G – Future Coverage Footprint With New Proposed Site (with offload area)



Attachment: Attachment 1 - Applicant Backup Documents dl (27320 : PL20220003012 Vertical Bridge Variance)

Network capacity planning is a complicated process with a number of considerations including existing and projected cellular traffic, financial constraints, development challenges and strategic goals. For demonstration purposes, the static exercise presented in this report is a simplified technical description of predicted radio coverage and its impact on local area network capacity. It should not be considered a comprehensive engineering approach to network planning.



The offload areas for both scenarios are depicted in figures A10 and A11. In both plots, network traffic is represented by clusters of colored dots. Each location is a geo-coded, aggregated measurement recorded by the network. The darker colored clusters correspond to cellular traffic measurements that will be offloaded when the new sites are introduced. Simplified offload calculations are shown in Table 2.

Table 2	Future Coverage Footprint (Planning Scenario 1)	Future Coverage Footprint With New Proposed Site (Planning Scenario 2)
traffic reduction of 6NC1052A_2	-79.3%	-77.2%
traffic reduction of 6NC1011A_1	-87.6%	-95.7%

PENNINO ASSOCIATES INC.
Tampa Office: 4000 N. Dale Mabry Ave. #200
Tampa, FL 33609
T 813.258.0096

6521 Mecklen Drive
Raleigh, NC 27616

SHEET TITLE:
IRRIGATION PLAN

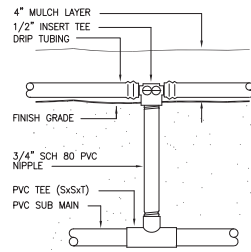
150-2022
18-11-22
J.R./K.C.
J.R.

ON E. REINHARD, R.L.A.
REGISTERED ARCHITECT

HEET:
R1.0

IRRIGATION NOTES:

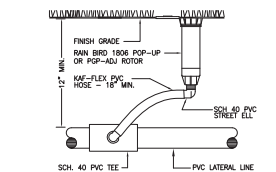
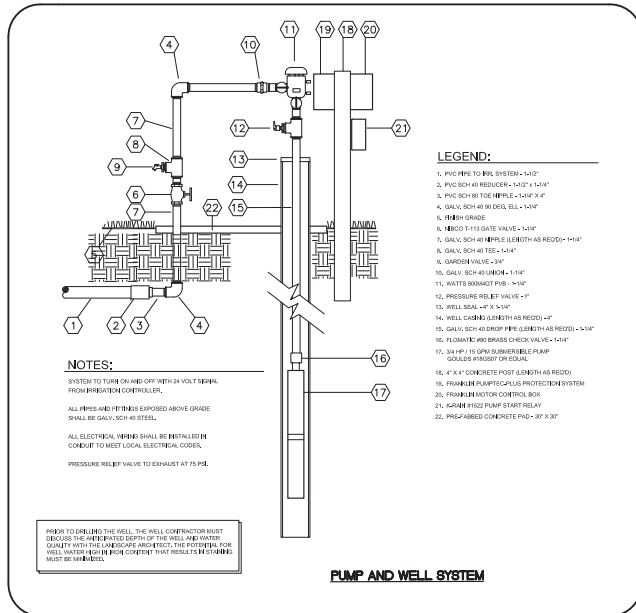
1. Irrigation contractor shall exercise care so as to not damage existing utilities. Irrigation contractor shall verify existing utilities. Irrigation contractor shall be responsible for the immediate results of any damage caused by its work.
2. All main line piping shall be buried at a depth to have a minimum cover of 18". All lateral line piping to have a minimum cover of 12".
3. Irrigation contractor to be responsible for all electrical hookups.
4. Supply piping shall be flushed free of all dirt, debris and chips prior to the installation of the backflow preventer.
5. Sleeves shall be required under all sidewalks and driveways. Minimum sleeve size shall be 2".
6. 12" high pop-ups shall be used in all shrubbery areas. Support the riser with a 95 rebar stake and nylon cable ties.
7. All 24 volt wires from the irrigation controller to the remote control valves shall be avg size 14, type of direct buried, single strand wires. Wires are to be bundled together then tied to the bottom of the main line pipe wires at 10' intervals. Wire buried in trenches would main line pipe shall be inserted in 1/2" d 160 pvc pipe and buried with a minimum cover of 18".
8. Irrigation contractor shall have the backflow preventer tested by a certified technician.
9. Backflow preventer shall be tested at least annually.
10. Refer to the landscape plan when trenching to avoid trees and shrubs.
11. All pvc piping for mainline, sleeves and risers shall be sch. 40. All other piping shall be class 160 or 200.
12. All pop-up rotors and sprays shall be installed using an 18" flex pipe connection.
13. Adjust all nozzles to reduce water waste on hard surfaces and walks.
14. Throttle valves on spray zones as required to prevent fogging.
15. Irrigation contractor shall prepare an as-built drawing on reproducible paper showing all installation that deviates from these drawings. The as-built shall include all main line piping, control wires and valves by showing exact measurements from hard surfaces.
16. All valves, gate valves and quick coupling valves shall be installed in valve boxes. Valve boxes shall have a min. 3" bed of pea gravel.
17. Any piping shown outside the property line or running outside a landscaped area is shown there for clarity only. All lines shall be installed on the property or right of ways and inside the landscape areas.
18. All risers shall be placed a min. Of 12" from any sidewalk, paths or road.
19. Exact controller location to be coordinated with an owner's representative prior to installation.
20. Properly ground the controller to a 5/8" x 8" copper clad ground rod with avg 90 bare solid copper wire. All address and connections to the 24 volt control wire shall be made with ring technology 95 wire connector.
21. All pipe and fittings shall be in accordance with local codes.
22. Install drip tubing at grade and cover with mulch. Typical spacing for drip tubing is 18" to 24" on center. Spacing to be adjusted for plant layout. Refer to landscape plan. Anchor tubing every 10' with 12" long plastic tubing stakes.



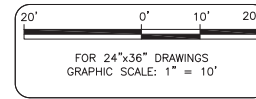
3 PVC - DRIP CONNECTION
IR1

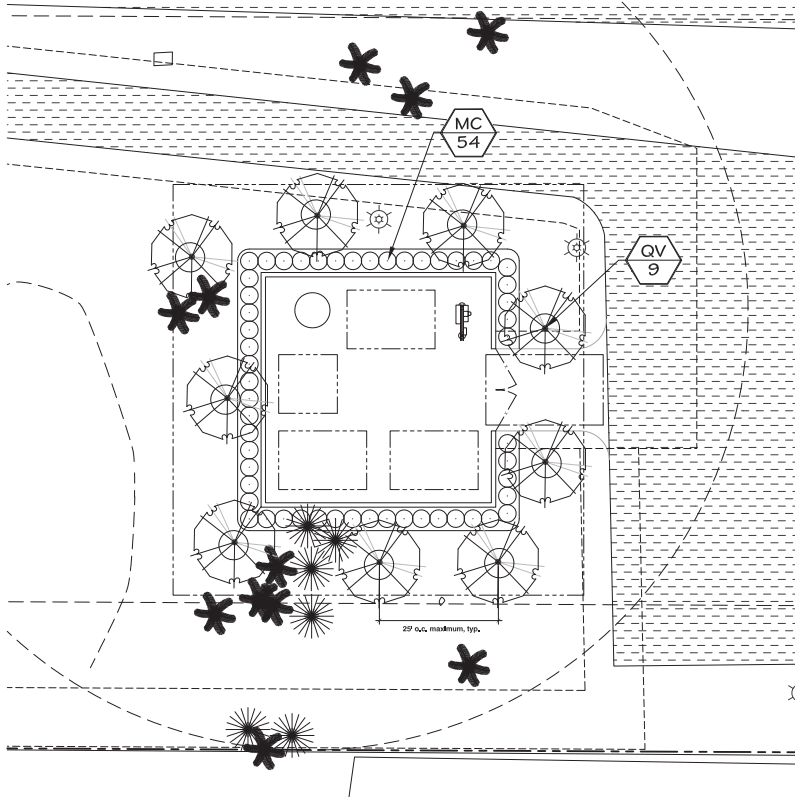
IRRIGATION LEGEND:

- RAIN BIRD PGA-100 1" REMOTE CONTROL VALVE
- POINT OF CONNECTION - 3/4 HP SUBMERSIBLE PUMP AND BACKFLOW PREVENTER AS PER LOCAL CODES (15 GPM AT 50 PSI REQUIRED)
- RAIN BIRD ESP-4 ME HYBRID IRRIGATION CONTROLLER W/ HUNTER "WIRELESS RAIN-CLIK" CONFIRM EXACT LOCATION PRIOR TO CONSTRUCTION
- RAIN BIRD 1806 SERIES POP-UP W/ 12 NOZZLE (ARC AS NEEDED)
- RAIN BIRD 1404 BUBBLER ON PVC FLEX PIPE
- MAIN LINE - CL 200 PVC (UNLESS OTHERWISE REQUIRED BY LOCAL CODE) - SIZED AS INDICATED
- LATERAL LINE - PVC CLASS 160 (UNLESS OTHERWISE REQUIRED BY LOCAL CODE) - TO BE SIZED NOT TO EXCEED A VELOCITY OF 5 FPS AND MAX PSI LOSS IN ZONE LINES NOT TO EXCEED 10% OF OPERATING PSI - MINIMUM PIPE SIZE TO BE 3/4"
- SLEEVING - PVC SCH 40 (4" UNLESS NOTED)
- RAIN BIRD #LD-09-12 IN-LINE PRESSURE COMPENSATING DRIP TUBING
- RAIN BIRD XCZ-100-PRB-LC REMOTE CONTROL VALVE
- POINT OF CONNECTION - PVC TO DRIP TUBING



4 POP-UP TURF SPRINKLER
IR1





LANDSCAPE MATERIALS

TREES	KEY	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	QV	9	Quercus virginiana	Southern Live Oak	Mtn. 25 gal., 12' H. X 4' spread @ 1.75" caliper
SHRUBS	KEY	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	MC	54	Muttenbergia celtica	Wax Myrtle	Mtn. 7 gal., 35" H. @ 38" c.v.
MULCH	KEY		BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	Mulch		Pine Bark 'Mini Nuggets'		Cu. Yd., Mtn. 3" thick
	SOD		Paspalum notatum	Argentine Bahía Sod	Cu. Yd.

Note: The above material specifications are the minimum LDC requirements. Based on current market availability the contractor shall price and install larger container sizes as needed to meet this criteria at installation.

LANDSCAPE REQUIREMENTS

As per Collier County communication towers landscape code: Sec. 4.06.05B2

An 8 ft high, 100% architecturally finished opaque wall must screen the security fencing that surrounds a tower base.

A min. 15' wide landscape buffer

A 3' high hedge is required around the entire perimeter of the wall with (1) tree per 25 ft.

146' (excluding gate) / 25' = (6) trees required; (8) trees provided for a min. 25' apart

146' (excluding gate) / 3' = (49) shrubs required; (54) shrubs provided for a min. 3' apart

ADDITIONAL NOTES:

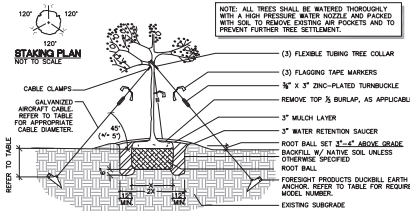
All areas of new planting shall be mulched with grade 'A' Cocoa Brown hardwood mulch or approved equivalent as mandated by Collier County.

Areas not planted with trees, shrubs, or groundcover shall be sodded with Bahía sod.

Contractor shall install new irrigation system to provide 100% coverage to all landscape areas.

GENERAL LANDSCAPE NOTES

1. All landscape material shall be fls. no. 1 grade or better, as specified in grades and standards for nursery plants, parts I and II, by Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurseryman Standards for Nursery Stock. Landscape material shall be planted according to Sound Nursery Practices.
2. All shrubs shall be a minimum of 3' high at the time of planting and spaced no greater than 36" on center. Shrubs shall not adversely impact existing tree root systems and shall be field adjusted if necessary.
3. All required trees shall be located a minimum of 5 feet from impervious surfaces. All shrubs 2 feet.
4. The contractor shall sod all disturbed areas. All planting shall be mulched to a 3" minimum depth.
5. The contractor shall be responsible for the clean up of premises and removal of all discarded and surplus materials, and rubbish.
6. Verify the locations of existing trees, lawns, and shrubs. Remove extraneous materials such as rocks, branches, building materials or unacceptable soils prior to planting sod, trees, and shrubs, where encountered.
7. Contractor shall become acquainted with the related paving, site grading, and all utilities (including water, sewer, and electrical supply) to preclude any misunderstandings and ensure a trouble free installation.
8. The exact location of all existing structures, underground utilities, and pipes may not be as indicated on drawings; the contractor shall determine the location of these items and shall conduct his work in a manner to prevent interruption or damage to existing systems which must remain operational. The contractor shall protect existing structures and utility services which must remain operational and shall be responsible for their replacement if damaged by him.
9. Contractor shall call Sunshine State One-Call at least 48 hours prior to digging. (1-800-432-4770).
10. Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.

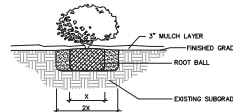


1 TYPICAL TREE PLANTING AT GRADE
NOT TO SCALE

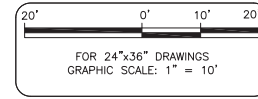
DUCKBILL EARTH ANCHOR TABLE				
TREE CALIPER	MODEL NUMBER	RATED CAPACITY	MINIMUM DEPTH OF INSTALLATION	
UP TO 3"	40-DTS	900 LBS. EA.	20"	
UP TO 4"	60-DTS	1,000 LBS. EA.	30"	
UP TO 6"	80-DTS	3,000 LBS. EA.	42"	
NOT RATED	100-DTS	5,000 LBS. EA.	60"	

NOTE: RATED FOR WINDS UP TO 50 MPH

- NOTE:
1. SPACING VARIES SEE PLAN/SCHEDULE
 2. PLANT SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS IT BORE IN THE CONTAINER
 3. PLANTING HOLE SHALL HAVE VERTICAL SIDES.



2 SHRUB/GROUND COVER PLANTING DETAIL
NOT TO SCALE



PENNINO ASSOCIATES INC.
PENNINO ASSOCIATES INC.
3342 Highway 1, Suite 200
Tampa, FL 33609
T 813.256.0560

6521 Meridian Drive
Raleigh, NC 27616

SHEET TITLE:
LANDSCAPE PLAN

06-2022
06-11-22
J.R. / K.C.
J.R.
OR E. RICHARD, P.L.A.
1. REG. NO. 000000
DSAPAE ARCHITECT

ALL UNLESS OTHERWISE SPECIFIED BY THIS DRAWING ARE THE PROPERTY OF SUNSHINE STATE ONE-CALL, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN APPROVAL OF SUNSHINE STATE ONE-CALL, INC.

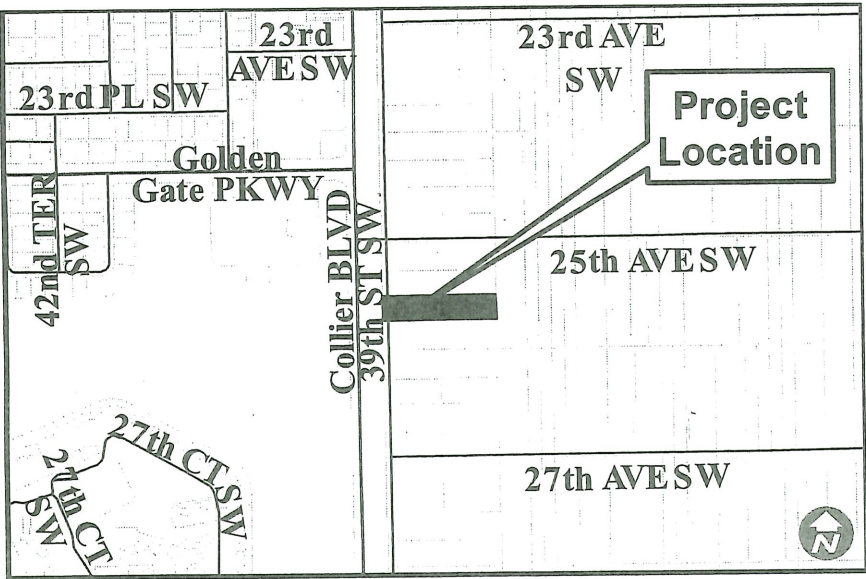
HEET:
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published Sander's recent research ear- known to science.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 9:00 A.M., December 14, 2023, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. VA-PL20220003012 – 2560 39TH ST. SW – REQUEST FOR A VARIANCE FROM LDC 5.05.09.G.2 THAT REQUIRES THE BASE OF A COMMUNICATIONS TOWER TO BE SET BACK FROM THE PROPERTY LINE BY A DISTANCE OF TWO AND ONE-HALF TIMES THE HEIGHT OF THE TOWER TO REDUCE THE SETBACK FROM THE NORTHERN PROPERTY LINE FROM 375 FEET TO 72 FEET, A REDUCTION OF 303 FEET; TO REDUCE THE SETBACK FROM THE SOUTHERN PROPERTY LINE FROM 375 FEET TO 72 FEET, A REDUCTION OF 303 FEET; AND TO REDUCE THE SETBACK FROM THE EASTERN PROPERTY LINE FROM 375 FEET TO 220.7 FEET, A REDUCTION OF 154.3 FEET ON A ±2.38-ACRE PROPERTY LOCATED AT 2560 39TH ST SW, ALSO KNOWN AS GOLDEN GATE ESTATES UNIT 28 NORTH 150 FEET OF TRACT 144, IN SECTION 26, TOWNSHIP 49 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA.



All interested parties are invited to appear and be heard. All materials used in presentation before the Hearing Examiner will become a permanent part of the record. Copies of staff report are available one (1) week prior to the hearing. The file can be reviewed at the Collier County Growth Management Community Development Department, Zoning Division, 2800 North Horseshoe Drive, Naples, FL 34104. As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-88 of the Collier County Code of Laws and Ordinances within 30 days of the decision by the Hearing Examiner. An aggrieved non-party may appeal a decision by the Hearing Examiner to the Circuit Court of Collier County within 30 days of the decision. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk. As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Collier County Zoning Division located at 2800 N. Horseshoe Dr, Naples, Florida 34104, (239) 252- 2400, at least two (2) days prior to the meeting.

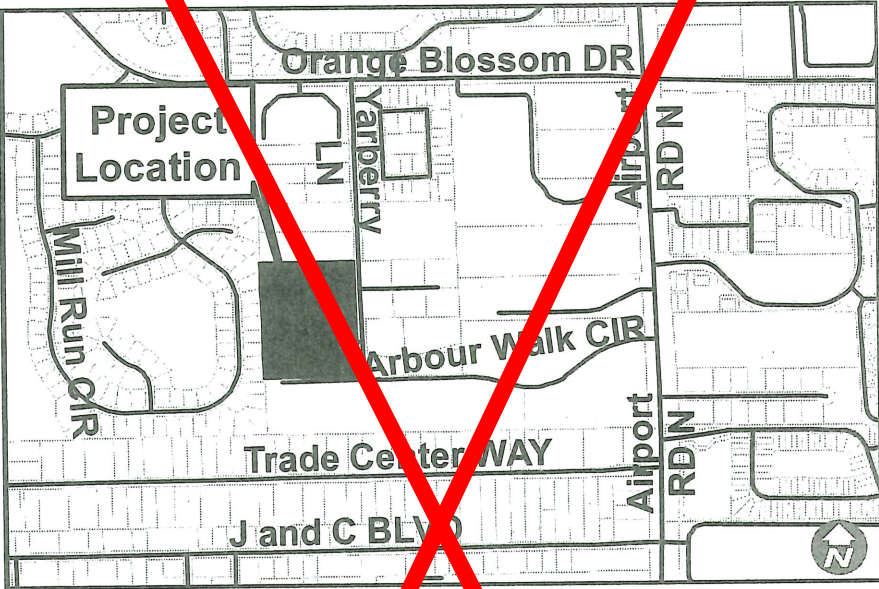
Andrew W. J. Dickman, Esq., AICP
Chief Hearing Examiner
Collier County, Florida

ND-37925081

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Collier County Hearing Examiner (HEX) at 9:00 A.M., December 14, 2023, in the Hearing Examiner's Meeting Room, at 2800 North Horseshoe Drive, Room 609/610, Naples FL 34104, to consider:

PETITION NO. PDI-PL20230011202 – REQUEST FOR AN INSUBSTANTIAL CHANGE TO THE PALISADES RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), ORDINANCE NO. 22-20, TO MODIFY THE CROSS SECTIONS IN EXHIBIT C OF THE MASTER PLAN, INCLUDING THE DEPICTION OF THE AS-BUILT ELEVATIONS OF 12.5 FEET FOR THE WALL THAT RUNS THE LENGTH OF THE PERIMETER RPUD BOUNDARY; AND TO REVISE DEVIATION TO REFLECT THE CORRECT ELEVATION OF THE WALL. THE SUBJECT PROPERTY CONSISTS OF ±12.0 ACRES IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF YARBERRY LANE AND ARBOUR WALK CIRCLE IN SECTION 2, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.



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

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

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

As part of an ongoing initiative to encourage public involvement, the public will have the opportunity to provide public comments remotely, as well as in person, during this proceeding. Individuals who would like to participate remotely should register through the link provided within the specific event/meeting entry on the Calendar of Events on the County website at www.colliercountyfl.gov/our-county/visitors/calendar-of-events after the agenda is posted on the County website. Registration should be done in advance of the public meeting, or any deadline specified within the public meeting notice. Individuals who register will receive an email in advance of the public hearing detailing how they can participate remotely in this meeting. Remote participation is provided as a courtesy and is at the user's risk. The County is not responsible for technical issues. For additional information about the meeting, please call Geoffrey Willig at 252-8369 or email to Geoffrey.Willig@colliercountyfl.gov.

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

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

ND-37925

Attachment: Attachment 2 - Legal Ad and Sign Posting (27320 : PL20220003012 Vertical Bridge Variance)

SIGN POSTING INSTRUCTIONS

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

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

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

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF COLLIER

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Mattaniah S Jahn
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 10.03.00 OF THE
COLLIER COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN PETITION NUMBER
20220003012;


SIGNATURE OF APPLICANT OR AGENT

935 Main Street Suite C4
STREET OR P.O. BOX

Mattaniah S Jahn
NAME (TYPED OR PRINTED)

#

Safety Harbor, FL 34695
CITY, STATE ZIP

STATE OF FLORIDA
COUNTY OF COLLIER

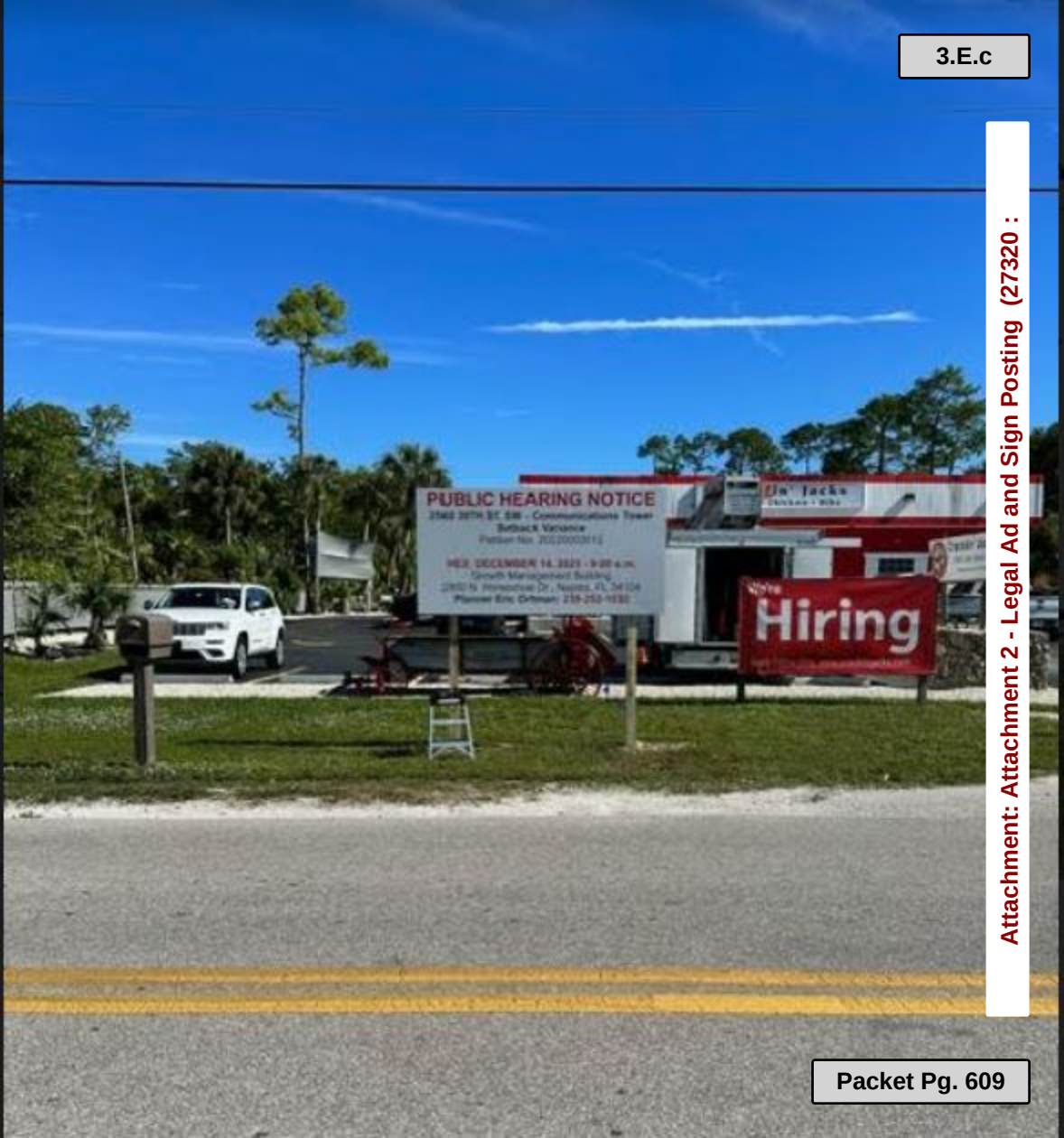
The foregoing instrument was sworn to and subscribed before me this 28th day of November, 2023, by
Mattaniah S Jahn, personally known to me or who produced _____ as identification
and who did/did not take an oath.




Signature of Notary Public

Sheridan G Murphy
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)



PUBLIC HEARING NOTICE
2560 35TH ST. SW - Communications Tower
Setback Variance
Petition No. 20220003013

HEX: DECEMBER 14, 2023 - 9:00 a.m.
Growth Management Building
2800 N. Horseshoe Dr., Naples, FL 34104
Planner Eric Ortman: 239-262-1832

Cracklin' Jacks

Cracklin' Jacks

Hiring