

COLLIER COUNTY
Collier County Hearing Examiner



AGENDA

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

July 28, 2022

9: 00 AM

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

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

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

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

1. **Pledge of Allegiance**
2. **Review of Agenda**
3. **Advertised Public Hearing**
 - A. **Petition No. CCSV - PL20210001198 - Request to consider a Coastal Construction Setback Line (CCSL) Variance, in accordance with Land Development Code (LDC) section 9.04.06, for a 13.7-foot variance from the Coastal Construction Setback Line to allow for two underground propane tanks. [Craig Brown, Principal Environmental Specialist] Commission District 2**
 - B. **Petition No. PCUD-PL20220001813 - Request for a comparable use determination that a veterinary clinic and animal hospital (SIC Code 0742) is comparable, compatible, and consistent with the permitted uses in Section 3.2.2 of the Southwest Professional Health Park Planned Unit Development (PUD), Ord. No. 96-81, as amended. The subject parcel is approximately 1 acre and is located on the south side of Immokalee Road approximately a quarter-mile east of the intersection of Goodlette Frank Road and Immokalee Road in Section 26, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commission District 2**
4. **Other Business**
5. **Public Comments**
6. **Adjourn**

07/28/2022

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.A

Item Summary: Petition No. CCSV - PL20210001198 - Request to consider a Coastal Construction Setback Line (CCSL) Variance, in accordance with Land Development Code (LDC) section 9.04.06, for a 13.7-foot variance from the Coastal Construction Setback Line to allow for two underground propane tanks. [Craig Brown, Principal Environmental Specialist] Commission District 2

Meeting Date: 07/28/2022

Prepared by:

Title: Technician – Growth Management Development Review

Name: Lucia Martin

05/19/2022 11:50 AM

Submitted by:

Title: Environmental Specialist – Growth Management Department

Name: Jaime Cook

05/19/2022 11:50 AM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed
Growth Management Department	Jaime Cook	Additional Reviewer	Completed 05/23/2022 12:15 PM
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed 05/24/2022 5:19 PM
Growth Management Department	Kirsten Wilkie	Additional Reviewer	Completed 06/03/2022 3:30 PM
Zoning	Ray Bellows	Review Item	Completed 06/06/2022 10:50 AM
Zoning	Mike Bosi	Review Item	Completed 06/08/2022 8:54 AM
Hearing Examiner	Andrew Dickman	Meeting Pending	07/28/2022 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: GROWTH MANAGEMENT DEPARTMENT DEVELOPMENT REVIEW
DIVISION ENVIRONMENTAL SERVICES

HEARING DATE: JUNE 9, 2022

SUBJECT: CCSV - PETITION PL20210001198 - 7409 Bay Colony Drive.

PROPERTY OWNER/AGENT:

Owner:

Paul R. Faganel REV Trust, Wendy C Faganel Rev Trust
12870 Trade way Four STE 107-106 5679 Strand Court
Bonita Springs, FL 34135

Agent:

Humiston and Moore Engineers

Naples, FL 34110

REQUESTED ACTION:

The petitioner requests a Coastal Construction Setback Line (CCSL) Variance, in accordance with Land Development Code (LDC) section 9.04.06, for a 13.7-foot variance from the Coastal Construction Setback Line to allow for two underground propane tanks.

GEOGRAPHIC LOCATION:

The subject property is located on property at 7409 Bay Colony Drive and further described as Pelican Bay Unit 8 that portion of TR" A" DESC in OR 1766 PG 1309 A/K/A Site 2 (*See location map on the following page*)

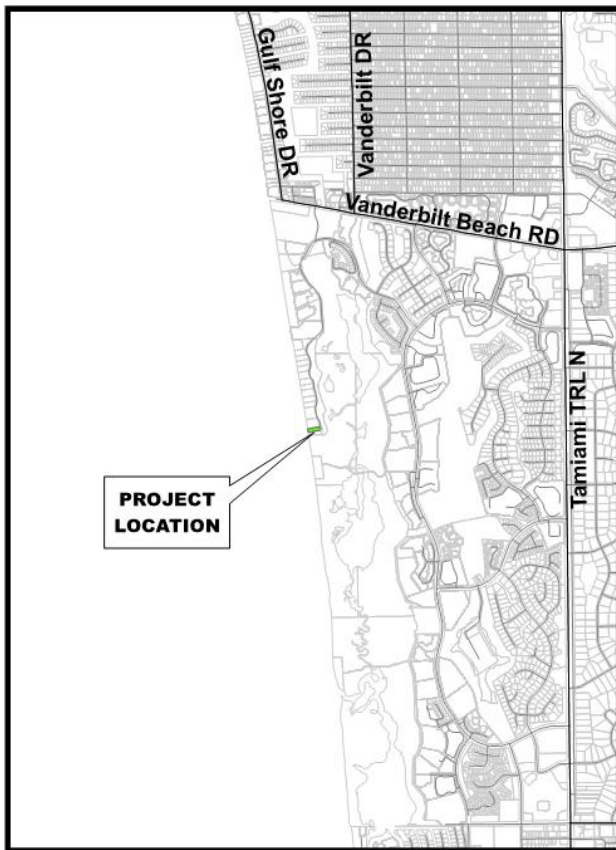
PURPOSE/DESCRIPTION OF PROJECT:

The proposal consists of installing two underground propane tanks seaward of the CCSL. The home is currently under construction through permit number PRBD20200312615.

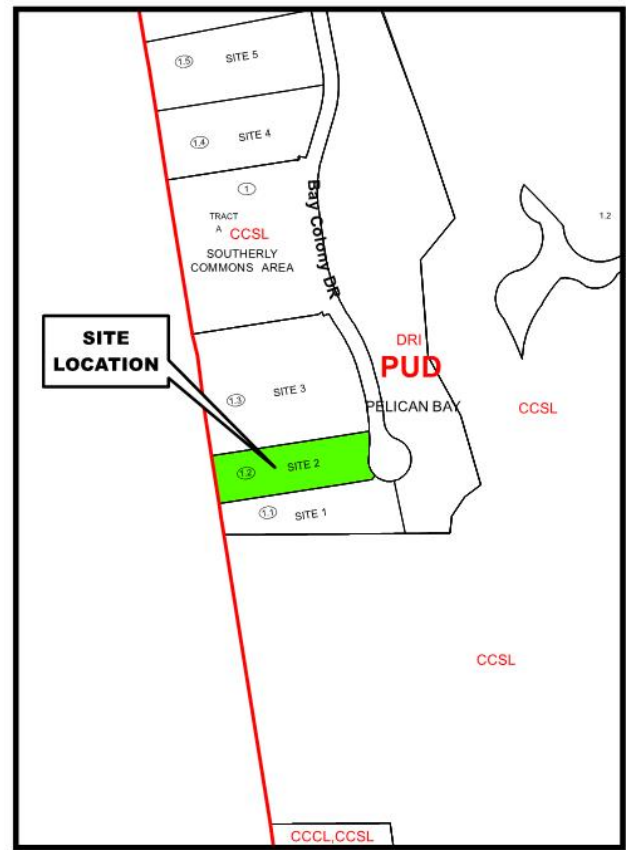
Attachment: Staff Report (22302 : PL20210001198 CCSV 7499 Bay Colony Drive)

CCSL VARIANCE REQUEST

The proposed improvements require a public hearing in front of the Hearing Examiner to consider approval of a Variance to build seaward of the Coastal Construction Setback Line (CCSL). The aerials provided by the petitioner depict the subject property with existing and proposed structures in relation to the CCSL as well as other beach front properties in the immediate contiguous area within Pelican Bay along Bay Colony Drive. The applicant proposes to install two underground propane tanks that will extend 13.7 feet beyond the CCSL. The propane tanks will be placed approximately 49.6' feet from the landward edge of the vegetation line and approximately 198.8 feet from Mean High-Water Line (MHWL). The proposed propane tanks will be placed within an existing Utility Easement (OR 1609, PG 370) in accordance with an encroachment agreement provided in the *Application and Supporting Documents* (Pages 7 – 15).



Location Map



Zoning Map

Petition Number: PL20210001198

SITE PLAN

The Aerial/Construction Site Plan is two pages provided in the *Application and Supporting Documents* (Pages 17 – 18). The site plan on page 18 is a close-up of the proposed improvements seaward of the CCSL.

SURROUNDING LAND USE & ZONING:

SUBJECT PARCEL: Single residential development with a zoning designation of **PUD**.

North: Single Family residential development with a zoning designation of **PUD**.

South: Single Family residential development with a zoning designation of **PUD**.

East: Bay Colony Drive followed by preserved native vegetation Zoning designation of **PUD**.

West: Gulf of Mexico.

Aerial exhibit provided by Collier County GIS.



GROWTH MANAGEMENT (GMP) IMPACT:

CONSERVATION AND COASTAL MANAGEMENT ELEMENT OF GMP

OBJECTIVE 10.4:

Restore and then maintain, when appropriate, developed coastal barriers and developed shorelines, by establishing mechanisms or projects which limit the effects of development and restores the natural functions of coastal barriers, including beaches and dunes.

Staff comment: The policies below primarily address the need for dune restoration on developed shorelines. The applicant will provide a dune restoration plan that must be completed prior to certificate of occupancy.

Policy 10.4.1:

Promote environmentally acceptable and economically feasible restoration of the developed coastal barriers and the urban beach and dune systems.

Staff comment: The proposed project requires the removal and treatment of invasive exotic plants from the beach dune vegetation; dune restoration will be required prior to the final inspection for the building permit.

Policy 10.4.3:

Collier County shall prohibit activities which would result in man-induced shoreline erosion beyond the natural beach erosion cycle or that would deteriorate the beach and dune system. Implementation of this policy will be based upon available scientific/coastal engineering literature/studies that have established benchmarks for natural rates of beach erosion.

Staff comment: The proposed project will not impact the existing beach dune vegetation and not create beach erosion.

Policy 10.4.4:

Require dune stabilization and restoration improvements in land development projects along beach areas.

Staff comment: The proposed project includes dune restoration of disturbed areas prior to the certificate of occupancy under the building permit. Staff has included a condition to the CCSL Variance approval to ensure this Policy is implemented.

Policy 10.4.6:

Require native vegetation as landscaping in development activities in developed coastal barrier systems and on the beach and dune systems.

Staff comment: The proposed project includes dune restoration of disturbed areas prior to the certificate of occupancy under the building permit. Staff has included condition to the CCSL Variance approval to ensure this Policy is implemented.

Policy 10.4.7:

Collier County shall prohibit construction seaward of the Coastal Construction Setback Line except where such construction would be permitted pursuant to the provisions of the Florida Coastal Zone Protection Act of 1985, where such prohibition would result in no reasonable economic utilization of the property in question, or for safety reasons. In such cases, construction will be as far landward as is practicable and effects on the beach and dune system and the natural functions of the coastal barrier system shall be minimized.

Staff comment: The proposed structure is in line with contiguous and adjacent structures on neighboring properties. Any disturbed areas will include the restoration of the dune, and will follow the natural dune profile, thus further enhancing the overall beach dune system.

GMP Consistency Summary: The proposed variance is consistent with applicable provisions of the Growth Management Plan Objective 10.4. for the reasons stated above.

STAFF ANALYSIS:

The decision to grant a variance is based on the criteria in LDC Section 9.04.06. Staff has analyzed this petition relative to these provisions and offers the following responses:

- A. *The coastal construction setback line shall be that coastal construction setback line established by the Department of Environmental Protection of the State of Florida pursuant to F.S. § 161.053 and recorded in Coastal Setback Line Book 1, pages 1 through 12 inclusive, recorded October 31, 1974, as Clerk's Instrument No. 365665 of the public records of Collier County, Florida.*

Staff Comment: The proposed structures and improvements are seaward of the CCSL.

- B. *Setback lines established under this Land Development Code shall be reviewed upon petition of affected riparian upland owners. The Board of County Commissioners (BCC) of Collier County shall decide, after due public notice and hearing, whether a change in the setback line is justified, and shall notify the petitioner in writing. The present setback lines are presumed to be correct, and no change in setback lines are presumed to be correct, and no change in setback lines shall be made except upon an affirmative showing by petitioner that any construction line established hereunder is a minimum of 150 feet landward of the mean high-water line or seventy-five (75) feet landward of the vegetation line whichever is greater; and that considering ground elevations in relation to historical storm and hurricane tides, predicted maximum wave up rush, beach and offshore ground contours, the vegetation line, erosion trends, the dune or bluff line, if any exist, and existing upland development, that the general public health and welfare are preserved, upland properties protected, and beach and sand dune erosion controlled.*

Staff Comment The applicant proposes to install two underground propane tanks that will extend 13.7 feet beyond the CCSL. The propane tanks will be placed approximately 49.6' feet from the landward edge of the vegetation line and approximately 198.8 feet from Mean High-Water Line (MHWL; Application and Supporting Documents, page 3).

- C. *It shall be unlawful for any person, firm, corporation, or agency, public or private, to construct, reconstruct, or change existing structures, make any excavation, remove any beach material or otherwise alter existing ground elevations, drive any vehicle on, over or across any sand dune, or damage or cause to be damaged any sand dune, or the vegetation growing thereon and/or seaward of said dune, seaward of the coastal construction setback line, except as hereinafter provided.*

Staff Comment: The petitioner will provide a dune enhancement plan as required by the GMP policies in Objective 10.4 and LDC section 3.03.06.

- D. *If in the immediate contiguous or adjacent area a "number of existing structures" have established a reasonably continuous and uniform construction line closer to the line of mean high water than the line as herein established, and if said existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line if such proposed structure is also approved by the BCC.*

Staff Comment: The properties located both north and south of the subject property do not have structures which extend beyond the CCSL. The installation of the propane tanks are the first structures in the area to be placed beyond the CCSL; however, based on the review of the proposed tank installation and the information provided staff believes the proposed structures will not create or be affected by erosion.

See the attached *Application and Supporting Documents* pages 1 – 2 for the applicant’s variance justification responses.

ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:

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

RECOMMENDATION:

Staff recommends the Collier County Hearing Examiner (HEX) **approve** the CCSL Variance for Petition CCSV- PL20210001198, 7409 Bay Colony Drive with the following conditions:

Standard conditions:

- a. All proposed improvements shall be designed in accordance with the standards of the Florida Department of Environmental Protection (FDEP) Bureau of Beaches and Coastal Systems and an approved FDEP permit shall be obtained, and copies provided, prior to issuance of a Collier County Building Permit.
- b. Construction activities shall not occur within one hundred (100) feet of the sea turtle nesting zone, defined by Collier County Land Development Code Chapter 3, between May 1 – October 31, sea turtle nesting season, without first submitting and obtaining any required FDEP and Collier County Construction in Sea Turtle Nesting Area Permits.
- c. Petitioner shall notify Environmental Planning Environmental Staff one week prior to commencing work seaward of the CSSL and shall again contact Staff within one week following completion of work seaward of the CCSL (239-252-2400).
- d. Outdoor lighting associated with construction, or development within three hundred (300) feet of the high tide line, shall follow Chapter 3 of the Collier County Land Development Code.
- e. Petitioner shall utilize only native coastal dune vegetation for all on-site landscaping seaward of the 1974 Coastal Construction Control Line.
- f. Petitioner shall re-vegetate the dune where the dune is devoid of coastal dune vegetation and in any areas disturbed by the proposed improvements. Re-vegetation shall be completed, according to the plan submitted to and approved by Collier County Environmental Staff, prior to the issuance of a Certificate of Occupancy.
- g. Minor revisions to this variance approval (including changes in siting and structures) may be approved, in writing, by the County Manager, or his/her designee.

Site specific conditions:

- h. All invasive exotic plants listed on the Florida Exotic Pest Plant Council's (FLEPPC) list Category 1 and 2 must be removed from the existing beach dune vegetation.
- i. Any gopher tortoise and or gopher tortoise burrow(s) located onsite must be protected in accordance with LDC 3.04.02.
- j. All areas seaward of the CCSL, outside of the footprint of approved structures and improvements, shall be left in their natural condition, or landscaped using native coastal dune vegetation exclusively.

ATTACHMENTS:

Attachment 1) Application and Supporting Documents

Prepared by and return to:

Adam Beighley
Beighley, Myrick, Udell & Lynne, P.A.
2385 Executive Center Drive, #250
Boca Raton, FL 33431
(561) 549-9036
File No 19-1774-0001-RE

Parcel Identification No 66667503104
Consideration: \$9,200,000.00

[Space Above This Line For Recording Data]

WARRANTY DEED

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

This indenture made the 17 day of April, 2019 between Christopher Sweeney, a married man, whose post office address is 59 Oak Road, Saddle River, NJ 07458, of the County of Bergen, State of New Jersey, Grantor, to Paul R. Faganel and Wendy C. Faganel, as Co-Trustees of the Paul R. Faganel Revocable Trust dated December 20, 2013, as as to an undivided fifty percent (50%) interest, as tenants in common, and Wendy C. Faganel and Paul R. Faganel, as Co-Trustees of the Wendy C. Faganel Revocable Trust dated December 20, 2013, as as to an undivided fifty percent (50%) interest, as tenants in common, with the power and authority to protect, to conserve, to sell, to lease, to encumber, or otherwise to manage and dispose of the Property pursuant to Section 689.073, Florida Statutes, whose post office address is 13680 Pondview Circle, Naples, FL 34119, of the County of Lee, State of Florida, Grantees:

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

See attached legal description (Exhibit "A")

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property. Grantor's residence and homestead address is: 59 Oak Road, Saddle River, NJ 07458.

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

Subject to taxes for 2019 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

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

And Grantor hereby covenants with the Grantees that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Attachment: Attachment A - PL20210001198 Exhibit A Legal Description (22302 : PL20210001198 CCSV 7499 Bay Colony Drive)

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:

Christine J. Brown
Print Name: CHRISTINE J. BROWN

Christopher Sweeney
Christopher Sweeney

Kenneth Dutcher
Print Name: Kenneth Dutcher

STATE OF NEW JERSEY
COUNTY OF BERGEN

The foregoing instrument was acknowledged before me this 17th day of April, 2019, by Christopher Sweeney.

Brian Peykar
Signature of Notary Public
Print, Type/Stamp Name of Notary

Brian Peykar
Attorney at Law- State of New Jersey
Attorney ID number 029572008

Personally Known: _____ OR Produced Identification: X

Type of Identification

Produced: _____ Photo Id _____

Attachment: Attachment A - PL20210001198 Exhibit A Legal Description (22302 : PL20210001198 CCSV 7499 Bay Colony Drive)

EXHIBIT "A"

Property Description

Property Address: 7409 Bay Colony Drive, Naples, FL 34108

PROPERTY DESCRIPTION:

The land referred to herein below is situated in the County of COLLIER, State of Florida, and described as follows:

Description of part of Tract "A", PELICAN BAY UNIT EIGHT, Plat Book 15, Pages 27 through 29, Collier County, Florida (Site 2)

All that part of Tract "A" PELICAN BAY UNIT EIGHT, as recorded in Plat Book 15, Pages 27-29, inclusive, of the Public Records of Collier County, Florida and being more particularly described as follows:

Commencing at the southeast corner of said Tract "A"; thence along the easterly line of said Tract "A", North 12°16'44" West 100.43 feet; thence westerly and northwesterly 39.97 feet along the arc of a non-tangential circular curve concave to the north, having a radius of 40.0 feet, through a central angle of 54°23'02" and being subtended by a chord which bears North 75°04'50" West 36.56 feet to the Point of Beginning; thence along a radial line South 42°06'41" West 8.86 feet; thence South 81°36'45" West 291.17 feet to a point on the approximate Mean High Water Line (1.5' N.G.V.D. contour line observed on February 14, 1990) and said point lying 0.39 feet east of the west line of said Tract "A"; thence along said approximate Mean High Water Line, North 09°11'36" West 90.00 feet to a point 0.71 feet east of the west line of said Tract "A"; thence North 81°36'45" East 299.74 feet; thence southerly 50.26 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 370.00 feet, through a central angle of 7°47'01" and being subtended by a chord which bears South 01°20'12" West 50.22 feet to a point of reverse curvature; thence southerly and southeasterly 37.08 feet, along the arc of a circular curve concave to the northeast, having a radius of 40.00 feet, through a central angle of 53°07'02" and being subtended by a chord which bears South 21°19'48" East 35.77 feet to the Point of Beginning.

Bearings are based on the south line of Tract "A", Plat Book 15, Pages 27-29, being West.

Name of Applicant: Paul R Faganel Rev Trust, Wendy C Faganel Rev Trust
 Property ID: 66667503104
 Variance Petition Application PL20210001198
 Specific Requirements for Variance to the Coastal Construction Setback Line
 Date Prepared: March 10, 2022

Agent: Humiston & Moore Engineers; Matthew D. Goddard, P.E.

Below is a narrative for the proposed project. As agent, Humiston and Moore Engineers (H&M) are requesting a variance for construction activities seaward of the 1974 Coastal Construction Setback Line (CCSL). The construction activities include the placement of two propane tanks seaward of the CCSL. This narrative includes information from comment letters received by County staff.

1. A written petition requesting a variance from the established setback line shall be filed with the BCC or their designee. The petition shall set forth:
 - a) A description of petitioner's property to include the information requested on a current Collier County request for a coastal construction setback line variance form;
 - o *The Coastal Construction Setback Line Variance Petition Application is filed along with this written petition.*
 - b) A description of the established setback line and the line which petitioner wishes to be varied;
 - o *The 1974 Coastal Construction Control Line as recorded in Coastal Setback Line Book 1, Pages 1-12 recorded October 3, 1974.*
 - c) The justification upon which the petitioner relies for the granting of the variance, to include compliance with the Collier County growth management plan, conservation and coastal management element.
 - o *Two 1000 gallon each in-ground propane tanks are proposed seaward of the 1974 Coastal Construction Setback Line (CCSL). The permitted single-family dwelling is well under construction and was authorized up to the CCSL. The propane tanks are proposed at 10 feet seaward of the 1974 CCSL, which is the minimum setback from a structure. This is measured from the structure to the inlet of the propane tanks which are on top and in the middle of the tanks. Due to the configuration of the property (zero front yard with minimal side yard setbacks) and proposed propane capacity, placing the tanks seaward of the CCSL is the only way to achieve the required distance from the structure.*

The two propane tanks are located:

- *10' – 2" from the side of the tanks and 13' – 7" overall from the CCSL as shown.*
- *The landward edge of beach dune vegetation is approximately 49.6 feet seaward of the proposed tanks and 63.3 feet seaward of the CCSL.*
- *The mean high-water line is approximately 198.8 feet seaward of the proposed tanks and 212.5 feet seaward of the CCSL.*

The project is in compliance of the Growth Management Plan Objectives 10.4, 10.5, & 10.6. The location of the proposed propane tanks are upland of the active beach and dune system. The area is just seaward of the single-family dwelling under construction. After installation, the site

will be restored, and non-invasive ground cover will be planted. All invasive vegetation will be removed from the property and be replaced with indigenous vegetation. The proposed propane will not interfere with the active beach and dune.

Collier County's Conservation and Coastal Management Element is divided into thirteen (13) separate goal areas. These are summarized as follows: The applicable responses to each element are listed after each item in italics.

- 1. Protection of natural resources:** *A species survey completed for the project was completed and no gopher tortoise were found in the immediate area. The area will be restored following installation and will be planted following the approved landscaping plans.*
- 2. Protection of surface and estuarine water resources:** *This project does not affect this element*
- 3. Protection of groundwater resources:** *This project does not affect this element*
- 4. Protection of freshwater resources:** *This project does not affect this element*
- 5. Protection of mineral and soil resources:** *This project does not affect this element*
- 6. Protection of native vegetation and wildlife habitat:** *A species survey completed for the project was completed and no gopher tortoise were found in the immediate area. The area will be restored following installation and will be planted following the approved landscaping plans.*
- 7. Protection of fisheries and wildlife:** *This project does not adversely affect this element.*
- 8. Maintenance of existing air quality:** *This project does not affect this element*
- 9. Management of hazardous materials and hazardous wastes:** *The propane tanks will be to code underground tanks. Automatic cutoff valves will be installed, and the tanks will be anchored.*
- 10. Protection of coastal resources:** *Please find attached the results of the 100-Year Storm Site Specific Erosion Analysis. The existing beach profile and computed scour are shown in relation to the 1989 CCCL. The proposed tank along the profile and is located beneath the projected scour. The 100-Year storm event would not undermine the tank and the proposed elevation of the tank is acceptable. The vegetation line and 100-Year Storm Surge is added for reference. In the event a storm exceeds a 100-Year storm event, the tanks will be equipped auto shutoff valves in the event they would be disconnected. The tanks will be anchored as well. The proposed tanks do not pose a threat to public health and welfare.*
- 11. Protection of historic resources:** *This project does not affect this element*
- 12. Hurricane evacuation and sheltering:** *This project does not affect this element*
- 13. Avoiding duplication of regulations:** *DEP permits for this work have been issued.*

The below information was provided as part of responses to County staff comments.

- Please find attached the aerial overlay with a scale of 1" = 50'. The exhibit shows the distance requested. The most current aerial provided by Collier County is dated December 2020. An additional aerial is provided to show neighboring properties.
- All existing invasive vegetation will be removed and replaced with native planting.
- Please find attached the Encroachment License Agreement dated December 10th, 2021 between the Pelican Bay Foundation, Inc. and the applicant.

LEGAL: PELICAN BAY UNIT 8 THAT
PORTION OF TR "A" DESC IN OR
1766 PG 1309 A/K/A SITE 2

PARCEL ID: 66667503104

GULF
OF
MEXICO

MEAN HIGH
WATER LINE

VEGETATION LINE

PROPOSED
PROPANE TANKS

0 25 50

SCALE: 1" = 50'

DATE OF PHOTOGRAPH: DECEMBER 2020.
PHOTOGRAPH PROPERTY OF
COLLIER COUNTY APPRAISER'S OFFICE.
EXHIBIT FOR ILLUSTRATIVE PURPOSES ONLY.



**HUMISTON
& MOORE
ENGINEERS**
COASTAL
ENGINEERING DESIGN
AND PERMITTING

AERIAL PHOTOGRAPH - PORTION OF TRACT A,
PELICAN BAY UNIT 8, SCT 5, TNP 49S, RNG 25E

FOR: 7409 BAY COLONY DRIVE, NAPLES, FL

DATE: 2/9/22

FILE: AERIAL

SCALE: SHOWN

JOB: 28064

DATUM: NONE

FIGURE: AERIAL

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com



Attachment: Attachment B - PL20210001198 7409 Bay Colony Dr CCSV (22302 : PL20210001198 CCSV 7499 Bay Colony Drive)



**HUMISTON
& MOORE
ENGINEERS**

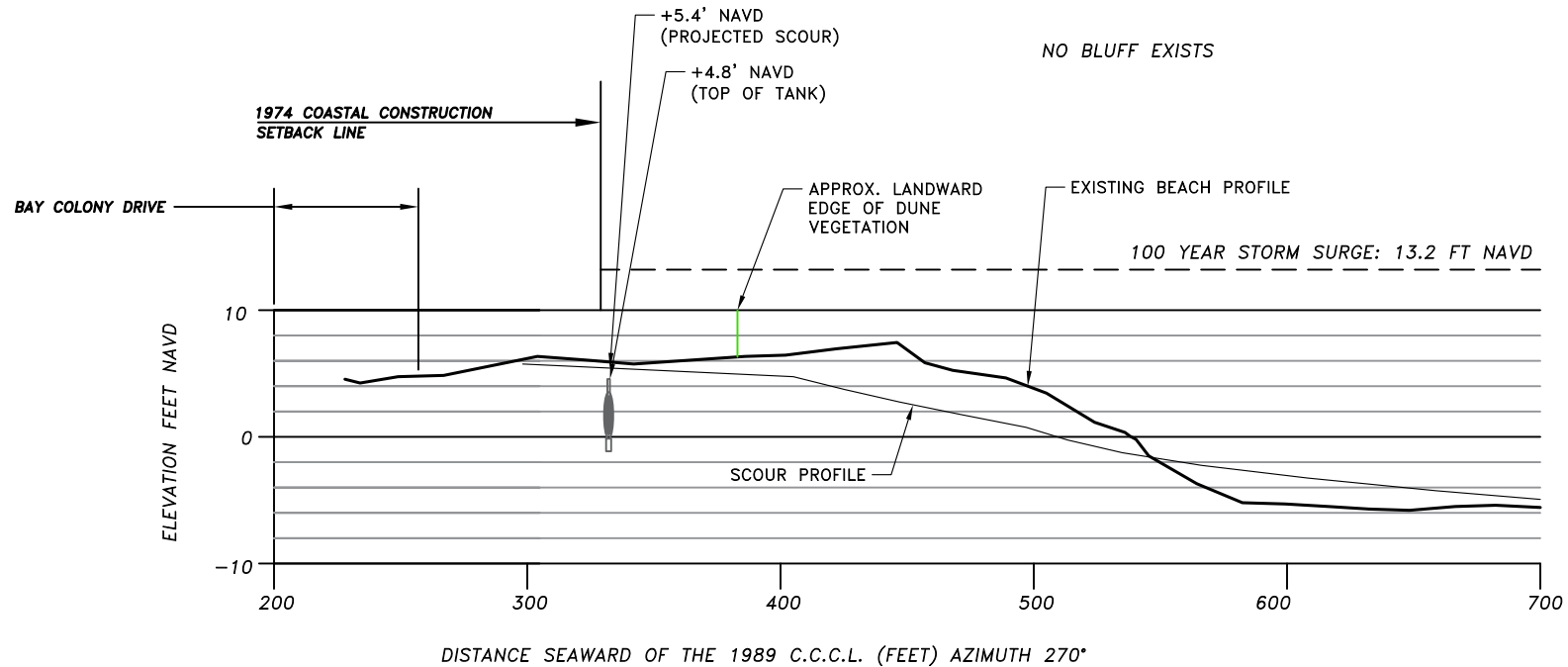
COASTAL
ENGINEERING DESIGN
AND PERMITTING

AERIAL PHOTOGRAPH — PORTION OF TRACT A,
PELICAN BAY UNIT 8, SCT 5, TNP 49S, RNG 25E

FOR: 7409 BAY COLONY DRIVE, NAPLES, FL

DATE: 3/10/22	FILE: AERIAL	SCALE: SHOWN
JOB: 28064	DATUM: NONE	FIGURE: AERIAL

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com



NOTES:

1. HORIZONTAL LOCATIONS ARE APPROXIMATE AND BASED ON SURVEY BY DAGOSTINO & WOOD INC 10/13/2017.
2. UPLAND BEACH PROFILE DATA BASED ON SURVEY BY DAGOSTINO & WOOD INC 10/13/2017.
3. ALL HORIZONTAL DISTANCES ARE REFERENCED FROM THE INTERSECTION OF THE SURVEY PROFILE LINE WITH THE CCCL ALONG THE PROFILE AZIMUTH AND MAY BE DIFFERENT THAN DISTANCES MEASURED PERPENDICULAR TO THE CCCL. THE HABITABLE LIMIT IS MEASURED FROM THE SEAWARDMOST POINT OF THE HABITABLE STRUCTURE ALONG THE SURVEY PROFILE AZIMUTH AND THE DISTANCE MAY BE LONGER THAN OR EQUAL TO THE DISTANCE PERPENDICULAR TO THE CCCL.
4. OFFSHORE BEACH PROFILE DATA BASED ON DEP PROFILE DATA DATED 4/2013 AT R-35 IN COLLIER COUNTY.
5. ELEVATIONS AS SHOWN ON THE SURVEY BY DAGOSTINO & WOOD INC 10/13/2017 CAN BE CONVERTED FROM NAVD TO NGVD BY ADDING 1.25' TO THE ELEVATION SHOWN.



**HUMISTON
& MOORE
ENGINEERS**
COASTAL
ENGINEERING DESIGN
AND PERMITTING

BEACH ERODED PROFILE CCSL VARIANCE – PROPANE TANK		
FOR: 7409 BAY COLONY DRIVE, NAPLES, FL		
DATE: 2/3/22	FILE: PROFILE	SCALE: SHOWN
JOB: 28064	DATUM: SHOWN	FIGURE: PROFILE

5679 STRAND COURT
NAPLES, FL 34110
FAX: (239) 594-2025
PHONE: (239) 594-2021
www.humistonandmoore.com

Prepared without opinion of title
by and after recording return to:
Sean M. Ellis, Esq.
Roetzel & Andress, L.P.A.
2320 First Street, Suite 1000
Fort Myers, FL 33901
(239) 337-3850

ENCROACHMENT LICENSE AGREEMENT

THIS ENCROACHMENT LICENSE AGREEMENT ("Agreement") made as of December 10th, 2021, by and between Pelican Bay Foundation, Inc., a Florida not for profit corporation ("Foundation"), and Paul R. Faganel and Wendy C. Faganel, as Co-Trustees of the Paul R. Faganel Revocable Trust dated December 20, 2013, and Wendy C. Faganel and Paul R. Faganel, as Co-Trustees of the Wendy C. Faganel Revocable Trust dated December 20, 2013, tenants in common (collectively, the "Owners"), provides as follows:

Recitals

- A. The Owners are the owners of the following real property, having a street address of 7409 Bay Colony Drive, Naples, FL 34108, legally described on Exhibit "A" attached hereto (the "Owner Lot").
- B. The Owner Lot is encumbered by a ten-foot private utility easement (the "Utility Easement") in favor of the Foundation, according to that certain Easement Agreement as recorded in Official Records Book 1609, Page 370 inclusive, of the Public Records of Collier County, Florida.
- C. The Owners desire to construct a generator with an in-ground propane tank (the "Improvements") on the Owner Lot, which Improvements will encroach upon a portion of the Utility Easement as depicted on Exhibit "B" attached hereto, and have requested the Foundation to grant the Owners a license (the "License") for said encroachment.
- D. Foundation has determined that granting the License will not materially or adversely affect the purposes for such the Utility Easement was granted.

Page 1 of 9

17158455_2

Attachment: Attachment B - PL20210001198 7409 Bay Colony Dr CCSV (22302 : PL20210001198 CCSV 7499 Bay Colony Drive)

- E. The Foundation is willing to consent to the granting of the License to the Owners on the terms and conditions provided in this Agreement.
- F. The Owners are willing to agree to the terms of conditions provided in this Agreement for the granting of the License.

Agreement

NOW, THEREFORE, in consideration of the premises and of \$10.00 and other good and valuable consideration, the receipt and sufficiency thereof is hereby acknowledged, Foundation and the Owners covenant as follows:

1. The foregoing recitals are true and correct and are incorporated into this Agreement by this reference.
2. Foundation grants to the Owners a non-transferrable (except as provided in Section 4 below), non-exclusive, license (the "License") to construct and maintain the Improvements that may encroach upon the Utility Easement as depicted on Exhibit "B" attached hereto.
3. The License is conditioned upon, and the License shall not become effective unless and until:
 - 3.1. The Owners obtain all building and other applicable permits (collectively, the "Permits") from the Collier County, and any other applicable governmental entity for the construction of the Improvements.
 - 3.2. The Owners provide the Foundation with an "as built" survey of the Improvements, and the "as built" survey must show the location of the Utility Easement and the distance of Improvements (the area of the encroachment) consistent with Exhibit "B", as determined by Foundation in its reasonable discretion.
4. The benefits and burdens of this Agreement and the License shall run with the Owner Lot and this Agreement shall be binding upon and enforceable against all subsequent owners of Owner Lot.
5. The License may be terminated by the Foundation in the event that the Foundation determines any of the following:
 - 5.1. The Owners or the Improvements have violated any of the terms or



conditions of this Agreement or the Permits.

5.2. Either the Foundation, or any other applicable public or private utility or governmental authority, that has or may have facilities within the Utility Easement (an "Authority"), determines that the Improvements have or will interfere with the efficacy or purpose of the Utility Easement. By means of example and not of limitation, the inability of the Foundation to install, maintain, repair, replace, any utilities within would constitute an interference with the purpose of the Utility Easement.

5.3. Any Authority orders removal of the Improvements within the area of the Utility Easement.

6. In the event that the License is terminated, the Owners shall promptly remove the Improvements from the area of the Utility Easement at Owners' sole cost and expense and restore the Owner Lot to its condition prior to the construction of the Improvements, including replacing any necessary grading or sod.

7. The Owners acknowledge that construction of the Improvements may be subject to review and approval by the Bay Colony Association and that the execution of this Agreement does not waive the requirements for such review and approval.

8. In the event that any of the Improvements are damaged by casualty, Owners at Owners' option shall, within a reasonable time after such casualty, either repair and restore the Improvements to their pre-casualty condition, or remove the damaged Improvements from the Owner Lot and restore the area of the Utility Easement to its condition prior to the construction of the Improvements, including replacing any necessary grading or sod.

9. The Owners agree to indemnify, defend and hold the Foundation and its successors, officers, directors, agents, employees and members ("Indemnified Parties") harmless from any claims, actions, costs or expenses whatsoever, including attorneys' fees, made by any party regarding the Improvements, including, but not limited to those regarding damage to the Owner Lot, or any facilities within the Utility Easement or any properties or owners served by the utilities that are within the Utility Easement, including but not limited to the improvements located thereon, or claim of injury to persons or property that occur in connection with the Improvements including their installation and the ongoing existence of the Improvements, including but not limited to maintenance, repair, replacement, and repair after casualty. Owner agrees to promptly repair any damage caused by or attributable to the Improvements and to hold the Indemnified Parties harmless from any liability arising as a result of such damage. Further, Owners acknowledge that



the Foundation shall not be responsible for any damage to the Improvements resulting from the Foundation's or any Authority's maintenance within or use of the Utility Easement, unless caused by willful or intentional misconduct.

10. The License is granted subject to any and all existing restrictions, covenants, and other matters of record.

11. This Agreement may be executed in a number of identical counterparts with separate signature pages of the parties attached, in which event such counterparts, when taken together shall constitute a single, original Agreement.

12. In any civil action respecting this Agreement or the subject matter hereof, the prevailing party shall be entitled to an award of its reasonable attorney and paraprofessional fees and costs, on both the trial and appellate levels.

13. Wherever in this Agreement the singular number is used, the same shall include the plural, and the masculine gender shall include the feminine and neutral genders, and vice versa, as the context shall require. This Agreement constitutes the entire agreement of the parties on the subject matter hereof and supersedes any prior negotiations or agreements to the contrary. No modification or change in this Agreement shall be valid or binding upon the parties unless in writing and executed by the party or parties intended to be bound by it. The captions, headings, and titles in this Agreement are solely for convenience of reference and shall not affect its interpretation. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the party causing this Agreement to be drafted. If any words or phrases in this Agreement shall have been stricken out or otherwise eliminated, whether or not any other words or phrases have been added, this Agreement shall be construed as if the words or phrase so stricken out or otherwise eliminated were never included in this Agreement and no implication or inference shall be drawn from the fact that said words or phrases were so stricken out or otherwise eliminated. The term "herein," "hereby," "hereunder," "hereof," and other words of similar import used in this Agreement shall be construed to refer to this Agreement as a whole and not to any particular paragraph, subparagraph, or subdivision, unless expressly so stated.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date first above written.

[Signatures and acknowledgments appear on following pages]



Signature Page to Encroachment License Agreement

Witnesses (as to both):

Ryan Roberts
 Print Name: Ryan Roberts

Brandon Dixon
 Print Name: BRANDON DIXON

**Paul R. Faganel and Wendy C. Faganel,
 as Co-Trustees of the Paul R. Faganel
 Revocable Trust dated December 20, 2013**

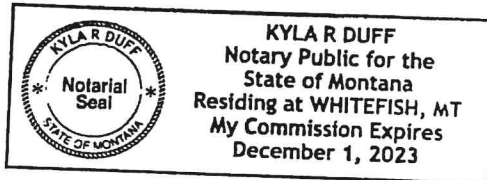
Paul R. Faganel
 Paul R. Faganel, Co-Trustee

Wendy C. Faganel
 Wendy C. Faganel, Co-Trustee

STATE OF Montana
 COUNTY OF Flathead

The foregoing instrument was acknowledged before by means of ☒ physical presence or ☐ online notarization, this me this 10 day of December, 2021, by **Paul R. Faganel and Wendy C. Faganel**, who are personally known to me OR Produced Identification (Type of Identification Produced: _____).

{Notary Seal}



Kyla R. Duff
 Notary Public—State of Montana

Signature Page to Encroachment License Agreement

Witnesses (as to both):

Ryan Roberts
 Print Name: Ryan Roberts

BRAXTON DIXON
 Print Name: BRAXTON DIXON

Wendy C. Faganel and Paul R. Faganel,
 as Co-Trustees of the Wendy C. Faganel
 Revocable Trust dated December 20, 2013

Paul R. Faganel
 Paul R. Faganel, Co-Trustee

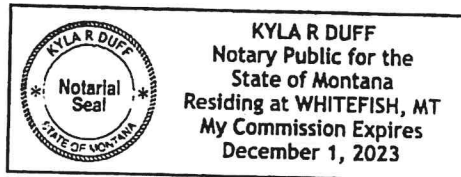
Wendy C. Faganel
 Wendy C. Faganel, Co-Trustee

STATE OF Montana
 COUNTY OF Flathead

The foregoing instrument was acknowledged before by means of ☒ physical presence or ☐ online notarization, this me this 10 day of December, 2021, by **Paul R. Faganel and Wendy C. Faganel**, who are personally known to me OR _____ Produced Identification (Type of Identification Produced: _____).

{Notary Seal}

Kyla R. Duff
 Notary Public—State of Montana



Signature Page to Encroachment License Agreement

Witnessed:

**PELICAN BAY FOUNDATION, INC., a
Florida not for profit corporation**

Print Name:

[Signature]
Montgomery R. Montgomery

Print Name:

[Signature]
12-09-2021 Melante Miller

By:

Name:

Title:

Date:

[Signature]
James Hoppensteadt
President / COO

12/09, 2021

STATE OF FLORIDA
 COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 9th day of December 2021, by James Hoppensteadt as President, of the PELICAN BAY FOUNDATION, INC., a Florida not for profit corporation, who is personally known to me OR Produced Identification (Type of Identification Produced: Florida drivers' license).

{Notary Seal}



[Signature]
 Notary Public—State of Florida

EXHIBIT "A"

Property Description

Property Address: 7409 Bay Colony Drive, Naples, FL 34108

PROPERTY DESCRIPTION:

The land referred to herein below is situated in the County of COLLIER, State of Florida, and described as follows:

Description of part of Tract "A", PELICAN BAY UNIT EIGHT, Plat Book 15, Pages 27 through 29, Collier County, Florida (Site 2)

All that part of Tract "A" PELICAN BAY UNIT EIGHT, as recorded in Plat Book 15, Pages 27-29, inclusive, of the Public Records of Collier County, Florida and being more particularly described as follows:

Commencing at the southeast corner of said Tract "A"; thence along the easterly line of said Tract "A", North 12°16'44" West 100.43 feet; thence westerly and northwesterly 39.97 feet along the arc of a non-tangential circular curve concave to the north, having a radius of 40.0 feet, through a central angle of 54°23'02" and being subtended by a chord which bears North 75°04'50" West 36.56 feet to the Point of Beginning; thence along a radial line South 42°06'41" West 8.86 feet; thence South 81°36'45" West 291.17 feet to a point on the approximate Mean High Water Line (1.5' N.G.V.D. contour line observed on February 14, 1990) and said point lying 0.39 feet east of the west line of said Tract "A"; thence along said approximate Mean High Water Line, North 09°11'36" West 90.00 feet to a point 0.71 feet east of the west line of said Tract "A"; thence North 81°36'45" East 299.74 feet; thence southerly 50.26 feet along the arc of a non-tangential circular curve concave to the west, having a radius of 370.00 feet, through a central angle of 7°47'01" and being subtended by a chord which bears South 01°20'12" West 50.22 feet to a point of reverse curvature; thence southerly and southeasterly 37.08 feet, along the arc of a circular curve concave to the northeast, having a radius of 40.00 feet, through a central angle of 53°07'02" and being subtended by a chord which bears South 21°19'48" East 35.77 feet to the Point of Beginning.

Bearings are based on the south line of Tract "A", Plat Book 15, Pages 27-29, being West.

EXHIBIT "B"**Graphic Depiction of Location of Improvements and Utility Easement**

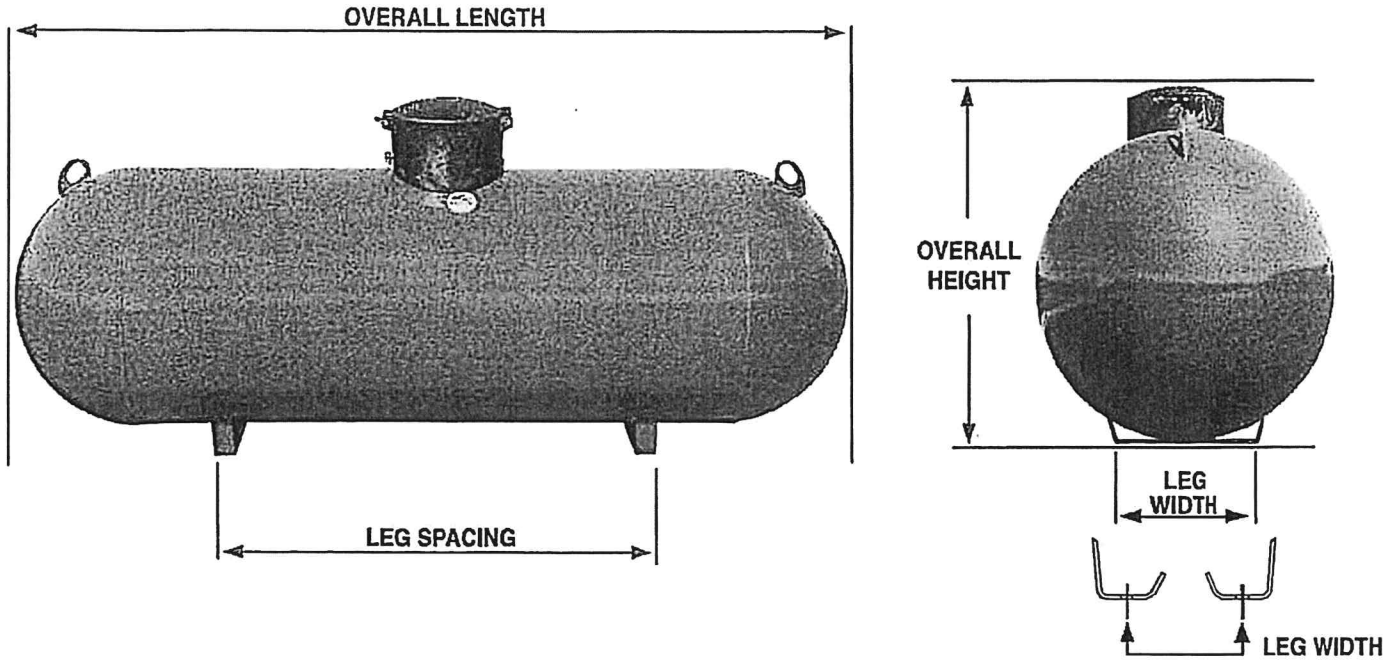
17158455_2

Page 9 of 9

Attachment: Attachment B - PL20210001198 7409 Bay Colony Dr CCSV (22302 : PL20210001198 CCSV 7499 Bay Colony Drive)

UNDERGROUND/ABOVEGROUND TANKS (AG/UG)

Consult our dimension and specification chart below to find the tank that best fits your needs.
Visit our website at www.propanetank.com for more information.



APPROXIMATE ABOVEGROUND/UNDERGROUND (AG/UG) VESSEL DIMENSIONS AND SPECIFICATIONS

WATER CAPACITY	DIAMETER (OD)	HEAD TYPE	OVERALL LENGTH	OVERALL HEIGHT	LEG* WIDTH	LEG** SPACING	WEIGHT (lbs.)	**QUANTITY	
								FULL LOAD	PER STACK
*120 wg.	24"	Ellip.	5'-8"	3'	1'-1 1/2"	2'-10 1/2" or 3'-11"	260	108 96	16 12
*250 wg.	30"	Hemi.	7'-10"	3'-8"	1'-5"	4'-11"	480	54	9
*320 wg.	30"	Hemi.	9'-7"	3'-8"	1'-5"	5'	620	45	9
500 wg.	37 1/2"	Hemi.	10'	4'-2"	1'-8"	5'	950	37 30	8 6
1000 wg.	41"	Hemi.	16'	4'-5"	1'-8"	10'-1"	1,800	17 15	6 5
1450 wg.	46 1/2"	Ellip.	17'-4"	4'-11"	1'-9"	11'-7"	2,650	12	4
1990 wg.	46 1/2"	Ellip.	23'-11"	4'-11"	1'-9"	16'	3,520	8	4

Dimensions and specifications shown are approximate. Individual vessels may vary

* Leg spacing +/- 2". Leg widths and spacing may vary based on mfg. location. Check with your salesperson for details. 120, 250, 320 wg. standard tanks - no holes in legs (one center hole on request). 500 and 1000 wg. standard tanks - 2 holes 16" on center. 1450 wg. and up as shown above.

** Full load and stack quantities vary by shipping location. Check with your salesperson for details.



HOME OFFICE
2914 U.S.61
Cleveland, MS 38732
800-345-2495

OHIO LOCATION
721 Graham Drive
Fremont, OH 43420
419-334-2664

UTAH LOCATION
5601 Axel Park Rd.
West Jordan, UT 84081
801-280-1133

ALL THAT PART OF TRACT "A" PELICAN BAY UNIT EIGHT, AS RECORDED IN PLAT BOOK B, PAGES 27-29, INCLUSIVE, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF
SAID TRACT "A"; THENCE ALONG THE EASTERLY
LINE OF SAID TRACT "A", NORTH $0^{\circ}16'44"$ WEST
100.03 FEET; THENCE WESTERLY AND
NORTHWESTERLY 39.51 FEET ALONG THE ARC OF
A NON-TANGENTIAL CIRCULAR CURVE CONCAVE
TO THE NORTH, HAVING A RADIUS OF 40.0 FEET,
THROUGH A CENTRAL ANGLE OF $54^{\circ}73'07"$; AND
BEING SUSTENDED BY A CHORD WHICH BEARS
NORTH $3^{\circ}04'50"$ WEST 36.56 FEET TO THE
POINT OF BEGINNING.

THENCE ALONG A RADIAL LINE SOUTH 47°06'41" THENCE 8.66 FEET THENCE SOUTH 81°36'45" EAST 29.01 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE (13' NGVD, CONTOUR LINE OBSERVED ON FEBRUARY 14, 1990) AND 5.61D POINT LYING 0.39 FEET EAST OF THE WEST LINE OF SAID TRACT 14"; THENCE ALONG SAID APPROXIMATE MEAN HIGH WATER LINE, NORTH 09°36' EAST 90.00 FEET TO A POINT 0.71 FEET EAST OF THE WEST LINE OF SAID TRACT 14"; THENCE NORTH 81°36'45" EAST 29.14 FEET THENCE SOUTHERLY 50.26 FEET ALONG THE ARC OF A NON-TANGENTIAL CIRCULAR CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 14.00 FEET, THE CENTER OF WHICH IS ANGLE OF 1°41'00" BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°20' EAST 190.22 FEET TO A POINT OF REVERSE CURVATURE); THENCE SOUTHERLY AND SOUTHEASTERLY 31.60 FEET, ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 40.00 FEET, BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 21°19'40" EAST 20.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTH LINE OF TRACT "A", PLAT BOOK B, PAGES 27-29, BEING WEST.

N81°36'45"E 293.74' (D)
N81°36'45"E 276.49' (M)
COASTAL
CONSTRUCTION

COASTAL
CONSTRUCTION
SETBACK LINE (CCSL)
APPROVED
SEPTEMBER 18, 1974—

UTILITY EASEMENT
PER O.R.B. 1609,
PAGE 370

*) NOTE: REAR YARD
IS CURRENTLY SODDED

PROPOSED (2)
1000 GALLON
BURIED PROPANE
TANKS PER
APPROVED D.E.P.
PERMIT CO-1076.

10'-0" MIN.
PER COLLIER
COUNTY CODE

EXIST. 3 STORY
RESIDENCE UNDER
CONSTRUCTION

Randa Stofft

SITE PLAN

SCALE: 1/16"=1'-0"

SK
1.1

5/13/21

J.W.

5/13/21

1905-01N


STOFFT COONEY

ARCHITECTS

distinctive inspirational architecture

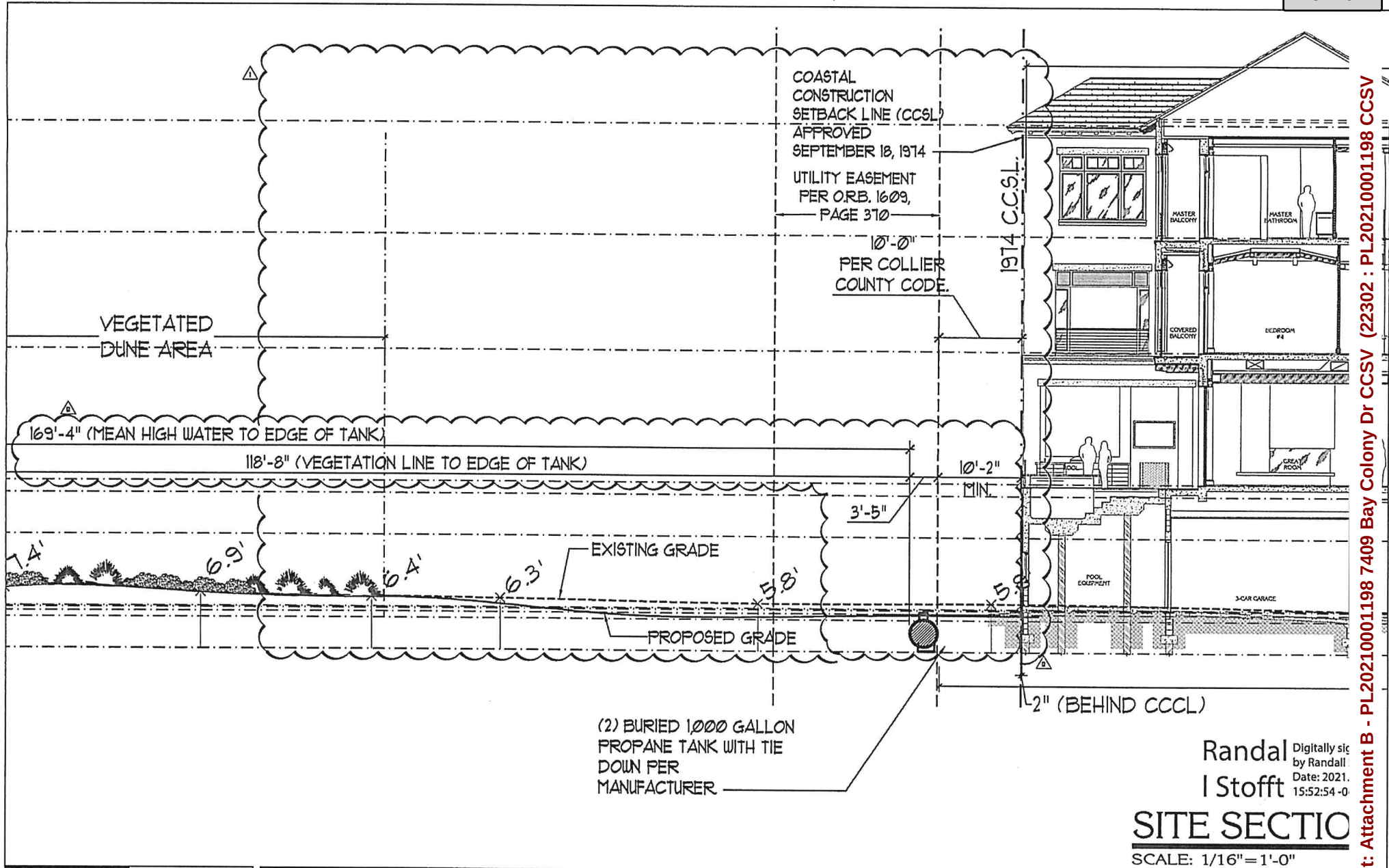
PRIVATE RESIDENCE

7409 BAY COLONY DRIVE
NAPLES, FL 34108

Revisions

△	COUNTY CMNTS.
△	PROPANE TANKS

ALL REAL ESTATE TRANSACTIONS INVOLVING AGENCY OR REPRESENTATIVE IN THE MAKING OF THE PROPERTY OF THE OFFICE, A WRITTEN DISCLOSURE AND A CONFIRMATION OF THE SALE OF THE PROPERTY MUST BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF DADE, FLORIDA, WITHIN 10 BUSINESS DAYS OF THE DATE OF THE SALE OF THE PROPERTY. THE WRITTEN DISCLOSURE MUST BE FILED WITHIN 10 BUSINESS DAYS OF THE DATE OF THE SALE OF THE PROPERTY. THE CONFIRMATION OF THE SALE OF THE PROPERTY MUST BE FILED WITHIN 10 BUSINESS DAYS OF THE DATE OF THE SALE OF THE PROPERTY. THE WRITTEN DISCLOSURE AND THE CONFIRMATION OF THE SALE OF THE PROPERTY MUST BE FILED WITHIN 10 BUSINESS DAYS OF THE DATE OF THE SALE OF THE PROPERTY. THE WRITTEN DISCLOSURE AND THE CONFIRMATION OF THE SALE OF THE PROPERTY MUST BE FILED WITHIN 10 BUSINESS DAYS OF THE DATE OF THE SALE OF THE PROPERTY.

SK
1.25/13/21
J.W.
5/13/21
1305-01N

STOFFT COONEY
ARCHITECTS
distinctive inspirational architecture

PRIVATE RESIDENCE

7409 BAY COLONY DRIVE
NAPLES, FL 34108

Revisions	
1. COUNTY CMNTS	6-
2. PROPANE TANKS	10-

ALL OTHERS OF RECORD, EXCEPTING, AND REVISIONS TO BE SUBMITTED TO THE ARCHITECT FOR REVIEW AND APPROVAL. THE ARCHITECT'S REVIEW AND APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE ARCHITECT'S REVIEW AND APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE ARCHITECT'S REVIEW AND APPROVAL DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

GOPHER TORTOISE BURROW SURVEY

At

FAGANEL RESIDENCE

Collier County, Florida

APRIL 2020

Prepared By:

**Collier Environmental Consultants, Inc.
3211 68th Street SW
Naples, Florida 34105
(239) 263 - 2687**

I **Introduction / Purpose**

This report is an account of a Gopher Tortoise burrow survey recently performed on a tract called Faganel Residence at Bay Colony. Faganel at Bay Colony is in Section 5, Township 49, Range 25; Collier County, Florida.

Its purpose is to identify any potential Gopher Tortoise utilization of the site prior to any construction / dune restoration activity. This survey and report are based on fieldwork performed on April 8, 2020.

II **Site Description**

Faganel Residence at Bay Colony is in Section 5, Township 49, Range 25; Collier County, Florida. This residential lot is on the beach and has an existing beach dune. This area is vegetated with typical beach dune vegetation. The dune is vegetated with cabbage palms, sea oats, railroad vine and inkberry. The inkberry present is the exotic variety *Scavolia taccada*.

III **Gopher Tortoise Ecology**

Gopher tortoises are primarily herbivores and feed on many species of low growing plants. Their main part of their diet consists of grasses and legumes.

Gopher tortoises dig and live in burrows. The burrows provide protection from predators, the elements and extreme conditions such as heat, fire and drought. The burrows can vary in length and depth. These burrows also provide valuable ecological function for several vertebrates. Some species share the burrows with the tortoise while others utilize abandoned burrows.

IV **Survey**

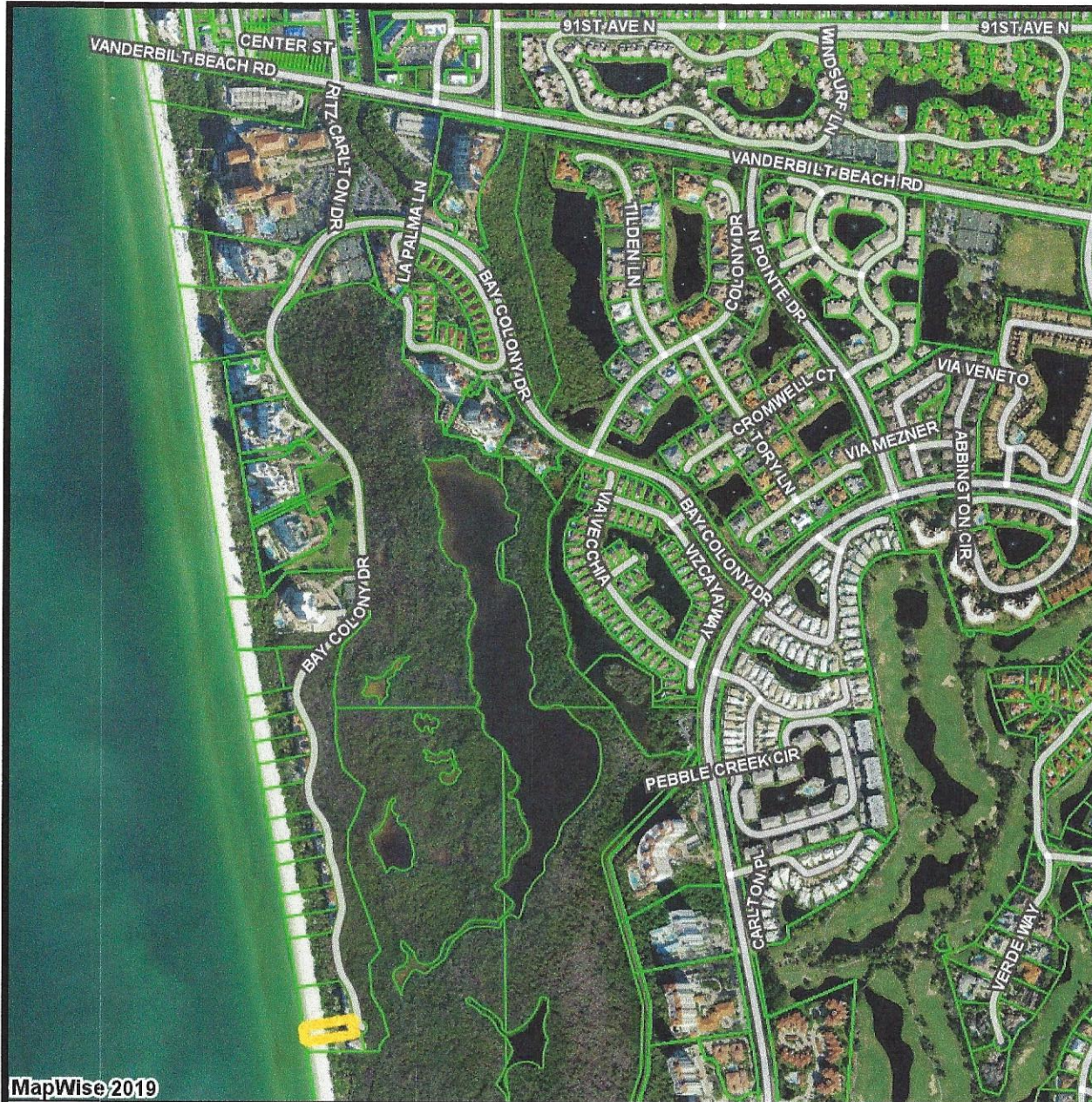
This Gopher Tortoise survey covered 100 % of the beach dune area. Transects were walked traversing the entire area. This survey was conducted mid-day on April 8, 2020. The weather was clear, sunny day around low 80's.

V **Results & Discussions**

A Gopher Tortoise survey was conducted on April 9, 2020. The entire area was traversed. No Gopher tortoise burrows were found. The subject area was densely vegetated. The density of vegetation along the dune area would impede any Gopher tortoise from traversing the site. Photos showing the vegetation has been included with this report.

VI Conclusions

The entire dune area was surveyed. No burrows were identified onsite. The vegetation on site is extremely dense, making this segment of the dune uninhabitable for Gopher tortoises. The density of vegetation makes traversing by any Gopher tortoise impossible.



MapWise 2019

Copyright 2020 MapWise, Inc. All rights reserved. www.mapwise.com. This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapWise and its suppliers assume no responsibility for any losses resulting from such use.

LOCATION

- Selected Custom Parcels
- Streets MapWise
- County Boundaries
- Parcel Outlines



0 690 1380 2070 ft



MapWise 2019

Copyright 2020 MapWise, Inc. All rights reserved. www.mapwise.com. This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapWise and its suppliers assume no responsibility for any losses resulting from such use.

- Selected Custom Parcels
- Streets OSM Hybrid
- County Boundaries
- Parcel Outlines



0 44 88 132 ft



Christian Andrea
Christian Andrea
RLA
LA0001178
08:42:44 -04
License No. 1178

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

Scale: 1" =



Archival Information Provided By:
Company Name: Staff County Arch
File Name: XREF_#1000-01n_Jav
Date:

Site Information Provided By:
Company Name: D&W Diagnostic & Wab
File Name:
Date:

\\ca-studio\data\19-111\Fagane: 7409 Bay Colony\VALD-Dwg\19-111-2.0b.dwg, 3/15/2020 6:40:47 AM, AutoCAD PDF (General Documentation).pc3



<u>SHRUBS</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONTAINER</u>	<u>SIZE</u>	<u>SPACING</u>	<u>REMARKS</u>
	COC3	224	Sea Grape / Coccoloba uvifera	3 gallon 18"			Maintain 95'-60"
<u>GROUND COVERS</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONTAINER</u>	<u>SIZE</u>	<u>SPACING</u>	<u>REMARKS</u>
	HELD	476	Dune Sunflower / Helianthus debilis	1 gallon 12"		18" o.c.	Allow to grow nat
	IP01	38	Railroad vine / Ipomoea pes-caprae	1 gallon 12"		24" o.c.	Allow to grow nat
	IVK1	212	Marsh Elder / Iva imbricata	1 gallon		24" o.c.	
	PAS VAG	1,980 sf	Seashore Paspalum / Paspalum vaginatum	sod			
	UNI SEA	587	Sea Oats / Uniola paniculata	4" Container		18" o.c.	Add Terra sorb to

<u>TREES</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONTAINER</u>	<u>CALIPER</u>	<u>SIZE</u>
	ON11	3	Meyan Coconut Palm / <i>Coccothrinax 'Meyan'</i>	Field grown	16"-18" ca	11'-15" ct
	SP11	6	Cabbage Palmetto / <i>Sabal palmetto</i>	Field grown	16-18"	9'-13" ct
<u>SHRUBS</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONTAINER</u>	<u>SIZE</u>	<u>SPACING</u>
	AEO BLA	11	Orange Bromeliad / <i>Acrostichum bianchetianum</i>	7 Gallon 30"		
	CAR NAT	44	Natal Plum / <i>Carissa grandifolia</i>	3-gallon 18"		
	CHR7	9	Red Tip Cocksplum / <i>Chrysobalanus icaco</i> 'Red Tip'	7 Gallon 30"		
	CLU10	9	Small-Leaf Clusia / <i>Clusia guttata</i>	10 gal. 4'-5'		
	CLU7	7	Small-Leaf Clusia / <i>Clusia guttata</i>	7 gal 36"		
	COG7	26	Sea Grape / <i>Coccoloba uvifera</i>	10 gallon 48"		
	COG3	4	Sea Grape / <i>Coccoloba uvifera</i>	3-gallon 18"		
	LIR EM2	51	Liriope / <i>Liriope muscari</i> 'Emerald Goddess'	1 gallon		

any coastal barrier dune or strand vegetation restoration program.				
	SCHG7	4	Gold Capella Arboricola / Schefflera arboricola 'Gold Capella'	7 gallon 24"
<u>GROUND COVERS</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON / BOTANICAL NAME</u>	<u>CONTAINER</u>
	MULCH	1,548 sf	Eucalyptus Mulc / Mulch	3" Min depth
	SHELL	707 sf	Crushed Shell / Shell	2" Thick set

File Name: 19-111-2.00

Architectural Information Provided by:
Company Name: Staff Conway And
File Name: 2001_17800-01-01
Date:

Site Information Provided by:
Company Name: Eddie Dapoxetine & W
File Name:
Date:



BEACH DUNE - LOOKING AT SOUTH SIDE A TRAIL



BEACH DUNE – NORTH SIDE OF TRAIL

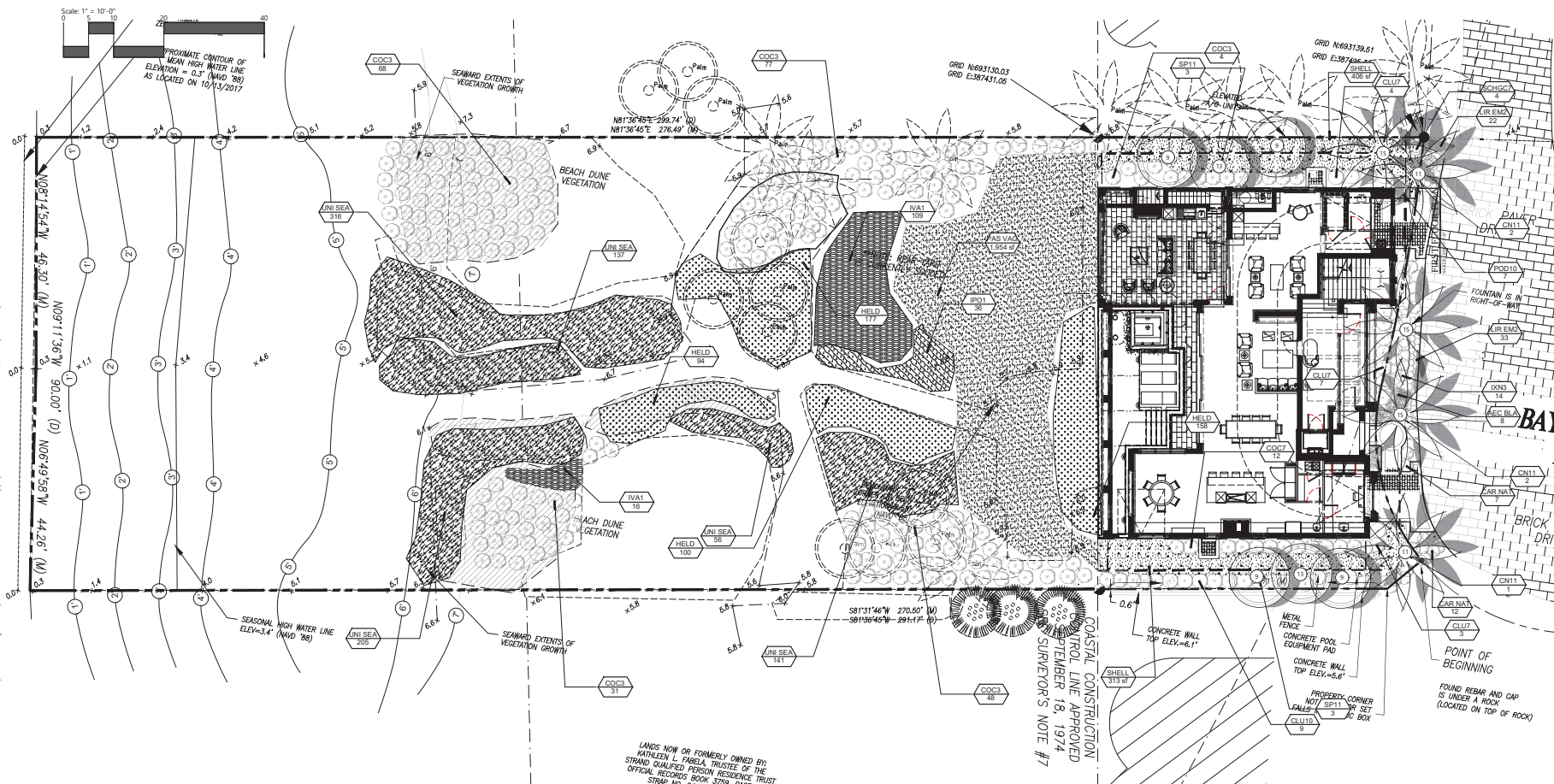


BEACH DUNE – DENSELY VEGETATED



BEACH DUNE – DENSELY VEGETATION

DEP SITE PLAN



PLANT SCHEDULE DUNE PLANTINGS

<u>SHRUBS</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON NAME / BOTANICAL NAME</u>	<u>CONTAINER</u>	<u>REMARKS</u>	
	COC3	224	Sea Grape / Coccothia uvifera	3 gallon 18"	Maintain 36"-60"	
<u>GROUND COVERS</u>	<u>CODE</u>	<u>QTY</u>	<u>COMMON NAME / BOTANICAL NAME</u>	<u>CONTAINER</u>	<u>SPACING</u>	<u>REMARKS</u>
	HELD	535	Dune Sunflower / Helianthus debilis	1 gallon 12"	18" o.c.	Allow to grow naturally
	IPO1	36	Railroad vine / Ipomoea pes-caprae	1 gallon 12"	24" o.c.	Allow to grow naturally
	IVA1	125	Marsh Elder / Iva imbricata	1 gallon	24" o.c.	
	PAS VAG	1,954 sf	Seashore Paspalum / Paspalum vaginatum	sod		
	UNI SEA	855	Sea Oats / Uniola paniculata	4" Container	18" o.c.	

PLANT SCHEDULE PLANT LIST

TREES	CODE	QTY	COMMON NAME / BOTANICAL NAME	CONTAINER	CALIPER	SIZE
	CN11	5	Maypan Coconut Palm / Cocos nucifera 'Maypan'	Field grown	16'-18" oa	11'-15" ct
	SP11	6	Cabbage Palmetto / Sabal palmetto	Field grown	16-18"	9'-13" ct
SHRUBS	CODE	QTY	COMMON NAME / BOTANICAL NAME	CONTAINER	SPACING	SIZE
	AEC BLA	8	Orange Bromeliad / Aechmea blanchetiana	7 Gallon 30"		
	CAR NAT	25	Natal Plum / Carissa grandiflora	3 gallon 18"		
	CHR7	9	Red Tip Cocoplum / Chrysobalanus icaco 'Red Tip'	7 Gallon 30"		
	CLU10	9	Small-Leaf Cusia / Cusia guttifera	10 gal. 4'-5'		
	CLU7	14	Small-Leaf Cusia / Cusia guttifera	7 gal 36"		
	COG7	22	Sea Grape / Coccoloba uvifera	10 gallon 48"		
	COC3	8	Sea Grape / Coccoloba uvifera	3 gallon 18"		
	KN3	14	Ixora 'Nora Grant' / Ixora x 'Nora Grant'	3 gallon 18"		



GROUND COVER

Contractor shall verify that he has the most up to date plans, and that they have been approved and accepted by the Owner before commencing construction.

Contractor shall verify property lines and setbacks before construction. Contractor must have property lines staked and located and must verify plan dimensions and field conditions are consistent. Any inconsistencies w/ these plans need to be reported to ALD and the Owner. Contractor shall verify that he has the most up to date plans, and that they have been approved and accepted by the Owner before commencing construction.



CAPE ARCHITECTURE
Horseshoe Drive Suite 5
Naples, FL 34104
(239) 430-1661

cense LC26000259

Christian Andrea
Digitally signed
by Christian
Andrea RLA
LA0001178
Date:
2019.02.06
09:50:51 -0500
License No. 1178

1409 Bay Colony, Collier County, FL
DEP PLANTING PLAN

DEP PLANTING PLAN

Date: CA 2.04.1

1°=10'-0"



ne: 18-178-0.0a-2.0.dw

Information Provided By:
amc: Staff Cooney Architects
XREF_#1801-05n_level-0
...
Information Provided By:
amc: D/S/W Dagostino & Wood, Inc.
172

2

07/28/2022

COLLIER COUNTY
Collier County Hearing Examiner

Item Number: 3.B

Item Summary: Petition No. PCUD-PL20220001813 - Request for a comparable use determination that a veterinary clinic and animal hospital (SIC Code 0742) is comparable, compatible, and consistent with the permitted uses in Section 3.2.2 of the Southwest Professional Health Park Planned Unit Development (PUD), Ord. No. 96-81, as amended. The subject parcel is approximately 1 acre and is located on the south side of Immokalee Road approximately a quarter-mile east of the intersection of Goodlette Frank Road and Immokalee Road in Section 26, Township 48 South, Range 25 East, Collier County, Florida. [Coordinator: Timothy Finn, Principal Planner] Commission District 2

Meeting Date: 07/28/2022

Prepared by:

Title: – Zoning

Name: Tim Finn

06/30/2022 2:02 PM

Submitted by:

Title: Zoning Director – Zoning

Name: Mike Bosi

06/30/2022 2:02 PM

Approved By:

Review:

Growth Management Operations & Regulatory Management	Kenneth Kovensky	Review Item	Completed
Hearing Examiner (GMD Approvers)	Diane Lynch	Review Item	Completed 07/01/2022 1:53 PM
Zoning	Ray Bellows	Review Item	Completed 07/11/2022 3:36 PM
Zoning	Mike Bosi	Review Item	Completed 07/15/2022 3:09 PM
Hearing Examiner	Andrew Dickman	Meeting Pending	07/28/2022 9:00 AM



STAFF REPORT

TO: COLLIER COUNTY HEARING EXAMINER

FROM: ZONING DIVISION – ZONING SERVICES SECTION
GROWTH MANAGEMENT DEPARTMENT

HEARING DATE: JULY 28, 2022

SUBJECT: PL20220001813; SOUTHWEST PROFESSIONAL HEALTH PARK
COMPARABLE USE DETERMINATION (PCUD)

PROPERTY OWNER/AGENT:

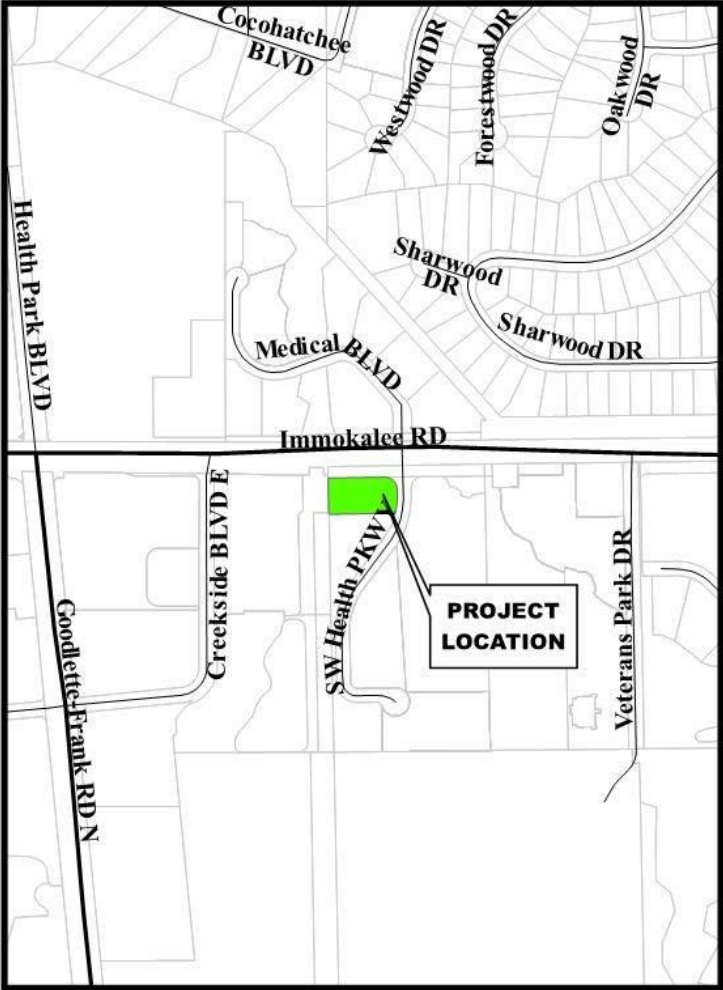
Owner: Florida International Solutions, LLC 175 Palm River Boulevard Naples FL 34110	Agent: Joel A Threlkeld, Esq Threlkeld Law, P.A. 3003 Tamiami Trail North Suite 400 Naples FL 34103
--	---

REQUESTED ACTION:

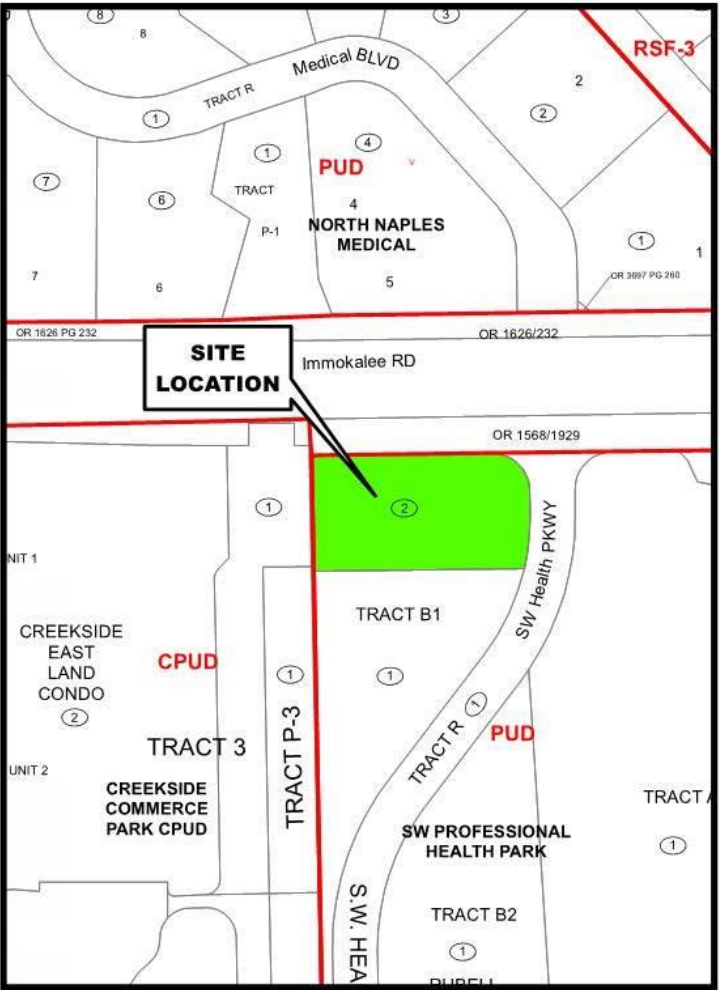
Request for a comparable use determination that a veterinary clinic and animal hospital (SIC Code 0742) is comparable, compatible and consistent in nature to other permitted uses in Section 3.2.2. of the Southwest (SW) Professional Health Park Planned Unit Development (PUD) adopted by Ordinance Number 96-81, as amended. The subject property is located at 1713 SW Health Pkwy in Section 26, Township 48 South, Range 25 East, Collier County, Florida.

GEOGRAPHIC LOCATION:

The subject parcel is approximately ± 1 acre, located on the south side of Immokalee Road approximately a quarter mile east of the intersection of Goodlette Frank Road and Immokalee Road in Section 26, Township 48 South, Range 25 East, Collier County, Florida. *(See location map on the following page)*



Location Map



Zoning Map

Petition Number: PL20220001813

SURROUNDING LAND USE AND ZONING:

This section of the staff report identifies the land uses and zoning classifications for properties surrounding the boundaries of the subject property, which is developed and designated for commercial uses in the SW Professional Health Park PUD Master Plan:

- North: Six-lane divided Right-of-Way for Immokalee Road then a radiology center with a zoning designation of North Naples Medical
- East: Two-lane Right-of-Way for SW Health Parkway then a parking lot for an assisted living facility with a zoning designation of SW Professional Health Park PUD
- South: Medical office with a zoning designation of SW Professional Health Park PUD
- West: Assisted Living facility with a zoning designation of Creekside Commerce Park CPUD



PURPOSE/DESCRIPTION OF PROJECT:

Request for a comparable use determination that a veterinary clinic and animal hospital (SIC Code 0742) is comparable in nature to other permitted uses in Section 3.2.2. of the Southwest (SW) Professional Health Park PUD adopted by Ordinance Number 96-81, as amended.

This site is located in the Urban Residential Subdistrict of the Urban designation per the Future Land Use Map (FLUM). The site is designated for Tract B in The S.W. Professional Health Park Master Plan.

Section 3.2.2 of the PUD lists the permitted uses that are allowed in Tract B. There are fifteen different uses allowed in Tract B, they range from adult day care, child day care, lifestyle fitness centers, and medical offices.

STAFF ANALYSIS:

LDC Section 10.02.06.K., Comparable Use Determination, states: “Comparable Use Determination (CUD) shall be used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD. To be effective, the Comparable Use Determination shall be approved by the Hearing Examiner by decision, or Board of Zoning Appeals by resolution, at an advertised public hearing” based on standards listed below as part of staff’s analysis.

The subject site is in the designated Urban Residential Subdistrict of the Urban designation per the Future Land Use Map (FLUM). This site was allowed to rezone because of the proximity to a hospital or medical facility. Number eleven under urban designated areas states that “Support medical facilities- such as physicians offices, medical clinics, medical treatment center, medical research centers and medical rehabilitation centers, and pharmacies- provided the dominant use is medical related and the site is located within ¼ mile of existing or approved hospitals or medical centers which offer primary and urgent care treatment for all types of injuries and traumas, such as but not limited to, North Collier Hospital.” See *Attachment B* for the full paragraph. It should be noted that a letter of support and intent for a potential future partnership with NCH was provided by the applicant (*See Attachment D*).

The subject property is in Tract B of the SW Health Professional Park PUD. The uses allowed are mostly all medical-related like dental offices, health education, lifestyle fitness centers, pharmacists, child daycare, and rehabilitation centers. See *Attachment C* for the full list of permitted uses.

Per LDC Section 10.02.06.K, the following Comparable Use Determination (CUD) criteria are used to determine whether a use is comparable in nature with the list of permitted uses, and the purpose and intent statement of the zoning district, overlay, or PUD:

(Criteria is listed with corresponding *staff analysis in italics*)

- a. The proposed use possesses similar characteristics to other permitted uses in the zoning

district, overlay, or PUD, including but not limited to the following:

i. Operating hours;

The applicant is proposing a 24-hour service for pet care that includes standard veterinary care and an emergency surgery center. 24-hour service is comparable to the proposed uses on-site that may offer 24 urgent care and medical treatment.

ii. Traffic volume generated/attracted;

The proposed veterinary clinic and animal hospital does not generate any more traffic than the already permitted uses allowed in the PUD. A Traffic Impact Analysis (See Attachment A) was prepared by Norm Trebilcock who compared the proposed veterinary clinic to two permitted uses of a medical clinic and child daycare. The veterinary clinic generated a similar trip to the medical clinic and generated fewer trips than the childcare center. Please see Attachment A for further details.

iii. Type of vehicles associated with the use;

The applicant states that there will be no commercial vehicles. Employees and patrons will use their own personal vehicles to arrive to and from the clinic. Besides the occasional deliveries, no other types of vehicles besides personal vehicles will be associated with the proposed use.

iv. Number and type of required parking spaces; and

In LDC Section 4.05.4.G., Table 17 provides the parking space requirement for the proposed veterinarian clinic 1 per 200 square feet except for animal holding areas. 1 per 10 animal holding areas. The building is already existing and per SDP 99-195 and has 40 parking spaces. Before issuing the zoning certificate for the use or any corresponding building permit for the use the applicant must demonstrate that sufficient parking exists.

v. Business practices and activities.

The proposed veterinary clinic and 24 emergency services will provide care for the animals, like a medical office and emergency rooms provides care for human patients the veterinarian and animal hospital will provide care for animal patients.

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

The subject site is surrounded by assisting living facilities and commercially zoned areas. Noise in the animal hospital and veterinarian clinic will be kept the same minus any barking associated with dogs coming to and from the facility. Nothing is proposed that will create any additional glare from the site. The applicant has stated that no

offensive odors will be created and that they will have strict policies that require the owners to clean up after their pets as well as having staff routinely monitor that any pet waste is disposed of properly.

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

The GMP does not prohibit this use but also does not list it in the allowable uses. As mentioned earlier the reason this PUD originally was found to comply with the GMP was its proximity to the NCH Hospital. In the executive summary of the PUD, it states "It should be understood that the Collier County GMP specifically provides for such medical related facilities permitted in the PUD at this specific location. The medical related facilities permitted in this PUD function in a supporting role to the NCH and its facilities." However, the applicant did provide a letter from NCH general counsel that if the opportunity arises, the hospital would love to partner with the veterinarian clinic to send assisted therapy dogs that are used and support animals (See Attachment D).

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

While staff finds the proposed veterinary clinic use compatible with the other uses in the PUD, staff is constrained in that the original intent of the 1996 PUD rezone was to establish commercial uses that support and complement the nearby hospital. It should also be noted that medical uses in the PUD does not differentiate between humans and animals.

PUBLIC NOTICE

Per LDC Section 10.03.06.O. and the Administrative Code, a newspaper advertisement is required for public hearing in accordance with F.S. § 125.66. The newspaper advertisement posted in the Naples Daily News on July 8, 2022

Per the LDC and Administrative Code, a Comparable Use Determination petition does not require a Neighborhood Information Meeting, a mailing to surrounding property owners, or posting of a sign on the property.

APPEAL OF PETITION TO BOARD OF ZONING APPEAL

As to any petition upon which the Hearing Examiner takes action, an aggrieved petitioner may appeal such final action. Such appeal shall be filed per Section 2-89 of the Collier County Code of Ordinances within 30 days of the Decision by the Hearing Examiner. In the event that the petition has been approved by the Hearing Examiner, the applicant shall be advised that he/she proceeds with construction at his/her own risk during this 30-day period. Any construction work completed ahead of the approval authorization shall be at their own risk.

STAFF RECOMMENDATION:

The Zoning Division recommendation for the proposed Comparable Use Determination petition PCUD-PL20220001813 is denial. Zoning division staff is constrained from recommending approval as the veterinary clinic and animal hospital (SIC 0742) does not support a hospital. The uses approved in Section 3.2.2 Permitted Principal Uses of Tract B, of the Southwest Professional Health Park (PUD) were intended to support NCH North Naples Hospital within ¼ mile of its location. It should also be noted that the GMP only supported the PUD rezone due to these medical uses supporting this nearby hospital due to its close proximity.

Furthermore, staff does recognize that some of these uses are similar to an animal hospital. The major difference is that the patients are animals. It should be noted that NCH does support this use as the veterinary clinic will greatly benefit and support NCH and its partners by providing comprehensive care to pets that are utilized in therapy sessions with patients at their facilities as well as care for support animals prescribed by many of their health care professionals. (See Attachment D – Letter of Support from NCH) As such, staff could recommend approval with a condition that all animals are to be kept and stored inside the building to minimize any odors and noise.

Attachments:

- A. TIS Methodology
- B. GMP Section 11
- C. Ordinance Number 96-81
- D. Letter of Support from NCH
- E. Applicant's Back Up Material



Traffic Impact Analysis

1713 SW Health Parkway Southwest Professional Health Park Comparable Use Determination (CUD)

Collier County, FL
05/13/2022

Prepared for:

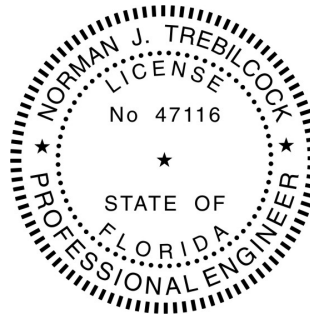
Florida International Solutions, LLC
1713 SW Health Parkway
Naples, FL 34109
Phone: 239-860-1059
Email: alopezdvm@gmail.com

Prepared by:

Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 34104
Phone: 239-566-9551
Email: ntrebilcock@trebilcock.biz

Statement of Certification

I certify that this Traffic Impact Analysis has been prepared by me or under my immediate supervision and that I have experience and training in the field of Traffic and Transportation Engineering.



Digitally signed
by Norman
Trebilcock
Date: 2022.05.13
09:31:55 -04'00'

Norman J. Trebilcock, AICP, PTOE, P.E.
FL Registration No. 47116
Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 34104
Company Cert. of Auth. No. 27796

Table of Contents

Project Description	4
Trip Generation.....	6
Conclusion.....	8

Appendices

Appendix A: Collier County Property Appraiser – Property Data	9
Appendix B: ITE Trip Generation Manual Calculations.....	12

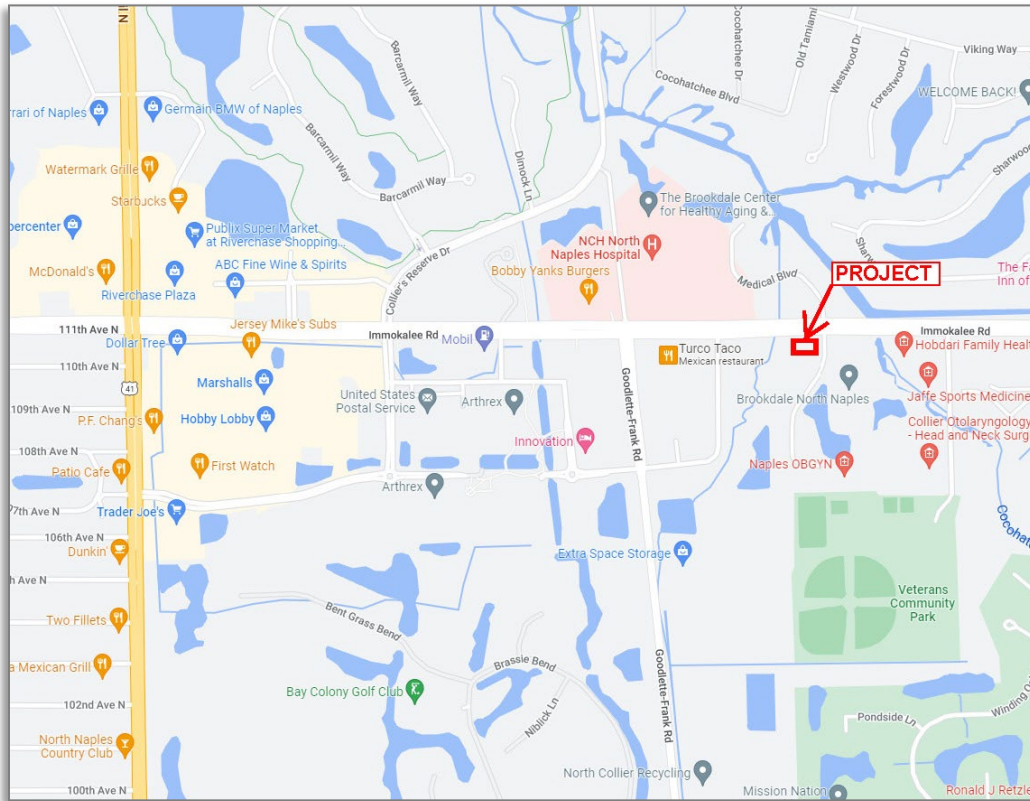
Project Description

The 1713 SW Health Parkway development (the “Project”) is part of the approved Southwest Professional Health Park Planned Unit Development (PUD) located on the south side of Immokalee Road (CR 846) and east of Goodlette-Frank Road (CR 851). The project is located in Section 26, Township 48 South, Range 25 East, in Collier County, Florida.

The subject property is identified by the Collier County Property Appraiser by Parcel Number 74445100821. The property is currently improved with an approximately 8,042 square foot building.

Refer to **Figure 1 – Project Location Map**, which follows and **Appendix A: Collier County Property Appraiser – Property Data**.

Figure 1 – Project Location Map



The Southwest Professional Health Park PUD was approved subject to the conditions illustrated in the Collier County Ordinance 96 – 81.

The applicant is requesting a Comparable Use Determination (CUD) to allow a veterinary clinic and a 24-hour emergency pet surgery center.

The purpose of this Traffic Impact Analysis (TIA) is to document whether the proposed use traffic generation is comparable with the traffic potential of a permitted Tract 'B' use as depicted in the approved PUD ordinance.

This traffic report agrees with the latest adopted Collier County Traffic Impact Study Guidelines and Procedures.

The project provides the highest and best use scenario with respect to the project's proposed trip generation. Consistent with the recommendations illustrated in Collier County Traffic Impact Study Guidelines and Procedures, traffic generation associated with the proposed development is evaluated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (TGM), 11th Edition and ITE Trip Generation Handbook, 3rd Edition.

Project Approved Uses per Ordinance 96 – 81

As illustrated in the PUD's Executive Summary, the intent of the approved PUD is "to allow development of a professional health park thereby providing a diversity of medical related use that will be complimentary and in close proximity to the North Collier Health Center".

The PUD's permitted uses are provided in Sections 3.2.1 and 3.2.2 of the approved ordinance and include but are not limited to: child day care, medical clinics, medical offices, rehabilitation centers and physical therapy centers.

For the purposes of this report, the permitted uses considered are: child day care and medical clinic. In agreement with the ITE TGM Land Use Code descriptions, the permitted use designations are illustrated in **Table 1A**.

Table 1A
Site Permitted Uses – ITE Land Use designation

Land Use	ITE Land Use Code	Size
Child Day Care	#565 – Day Care Center	8,042 square feet
Medical Clinic	#630 – Clinic	8,042 square feet

Project Proposed Uses

In agreement with the ITE TGM Land Use Code descriptions, the proposed use designations are illustrated in **Table 1B**.

Table 1B
Site Proposed Use – ITE Land Use designation

Land Use	ITE Land Use Code	Size
Veterinary Clinic/ 24-Hour Emergency Pet Surgery Center	#640 – Animal Hospital/Veterinary Clinic	8,042 square feet

This traffic report will provide a traffic generation comparison between the proposed uses and the PUD's permitted uses.

Trip Generation

The software program OTISS (Online Traffic Impact Study Software), most current version is used to evaluate the projected trip generation for the project. The ITE equations and/or rates are used for the trip generation calculations, as applicable. The ITE – OTISS trip generation calculation worksheets are provided in **Appendix B: ITE Trip Generation Manual Calculations**.

The **internal capture** accounts for a reduction in external traffic because of the interaction between the multiple land uses in a site. Per ITE recommendations no internal capture is considered for this study.

The **pass-by trips** account for traffic that is already on the external roadway network and stops at the project on the way to a primary trip destination. Per ITE recommendations, no pass-by reductions have been considered for the analyzed land uses.

The proposed development use trip generation is illustrated in **Table 2A**.

Table 2A
ITE Trip Generation – Proposed Uses – Average Weekday

Development		Daily (2-way)	AM Peak Hour			PM Peak Hour		
ITE Land Use	Size ⁽¹⁾		Enter	Exit	Total	Enter	Exit	Total
Animal Hospital/Veterinary Clinic	8,042 sf	173	19	10	29	11	17	28

Note(s): ⁽¹⁾ sf = square feet.

The trip generation analysis based on approved permitted conditions is shown in **Table 2B**.

Table 2B
ITE Trip Generation – Permitted Uses – Average Weekday

Development		Daily (2-way)	AM Peak Hour			PM Peak Hour		
ITE Land Use	Size ⁽¹⁾		Enter	Exit	Total	Enter	Exit	Total
Day Care Center	8,042 sf	383	47	41	88	42	47	89
Clinic	8,042 sf	302	21	5	26	9	21	30

Note(s): ⁽¹⁾ sf = square feet.

Based on the traffic data depicted in **Table 2B**, the day care center use is the most traffic intensive permitted use as analyzed in this report.

Collier County's Concurrency Management System is intended to ensure that there is adequate roadway capacity available to serve current and future development. Transportation Concurrency is a measure of the capacity of the roadway system to support the adopted level of service for vehicular traffic.

As part of the Transportation Element, the County established minimum acceptable level of service standards on the existing highway system. For County facilities, the level of service standard is measured on a peak hour basis.

In agreement with the Collier County TIS Guidelines and Procedures, significantly impacted roadways are identified based on the proposed project highest peak hour trip generation and consistent with the peak hour of the adjacent street traffic. Based on the information contained in Collier County 2021 Annual Update and Inventory Report (AUIR), the peak hour for adjacent roadway network is PM.

Table 3 illustrates the potential project traffic impact which is analyzed based on the PM peak hour net new traffic – the difference between the traffic generated by the proposed uses (**Table 2A**) and the traffic projected for the permitted uses (**Table 2B**).

For the purpose of this traffic comparison, the medical clinic use is conservatively utilized to represent one of the permitted uses.

Table 3
Trip Generation – Projected Net New Traffic – Average Weekday

	PM Peak Hour		
	Enter	Exit	Total
Proposed Land Use⁽¹⁾	11	17	28
Permitted Land Use⁽²⁾	9	21	30
Net New Traffic (Decrease)	2	(4)	(2)

Note(s): ⁽¹⁾ Refer to **Table 2A**.

⁽²⁾ Refer to **Table 2B – ITE Land Use Clinic**.

Conclusion

As illustrated in **Table 3**, from a traffic standpoint, the proposed development land use is less intensive when compared to the permitted PUD land uses.

Based on the results illustrated within this report, it is our recommendation that the proposed veterinary clinic use be considered comparable to the existing permitted uses and be incorporated as an allowed land use on the subject site within the Southwest Professional Health Park PUD.

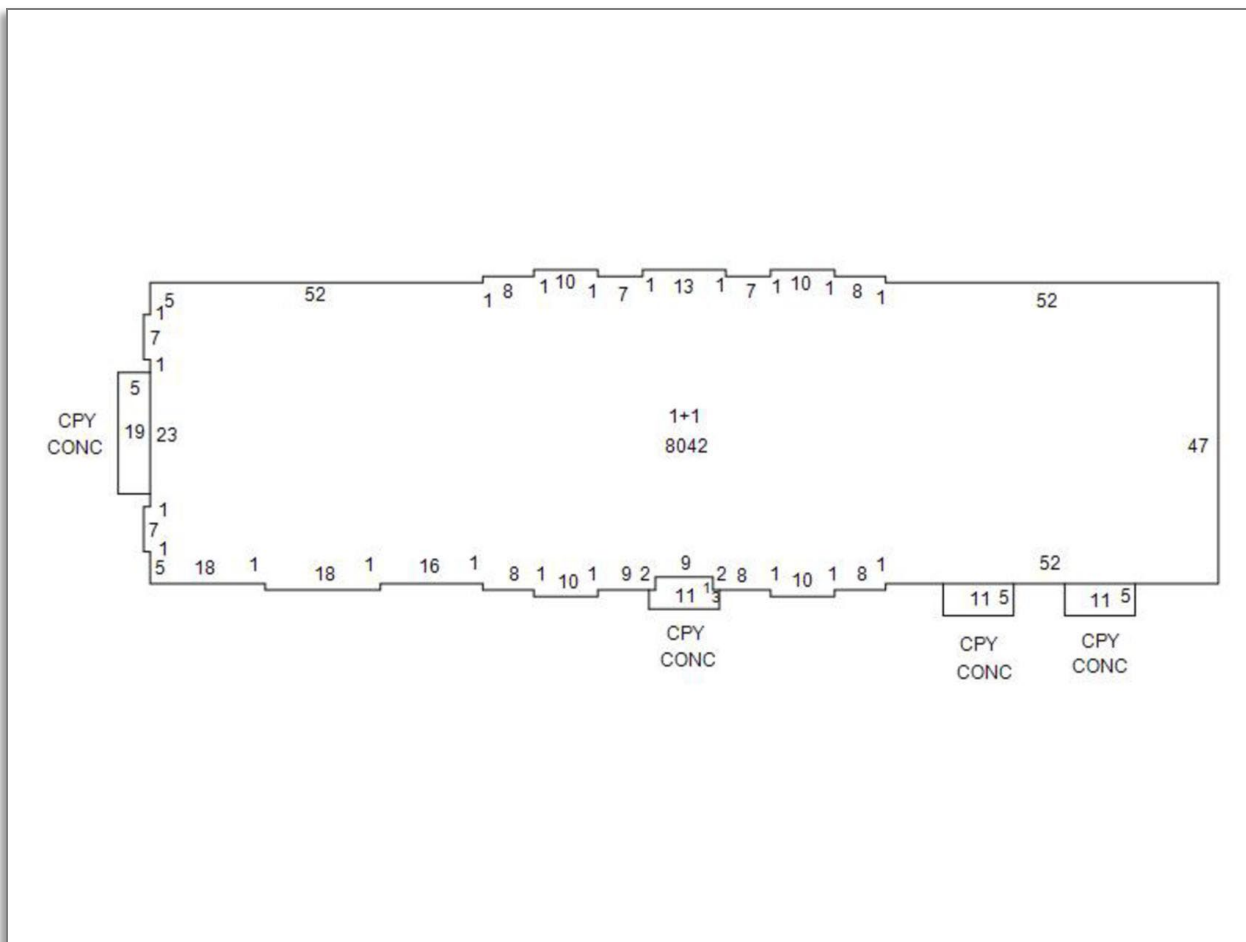
Appendix A: Collier County Property Appraiser – Property Data

Collier County Property Appraiser Property Aerial

Parcel No	74445100821	Site Address <u>*Disclaimer</u>	1713 SW HEALTH PKWY	Site City	NAPLES	Site Zone <u>*Note</u>	34109
-----------	-------------	------------------------------------	---------------------------	-----------	--------	---------------------------	-------



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



Appendix B: ITE Trip Generation Manual Calculations

Permitted Uses – ITE Trip Generation Manual 11th Edition

Land Use: 565 Day Care Center

Description

A day care center is a facility where care for pre-school age children is provided, normally during daytime hours. A day care facility generally includes classrooms, offices, eating areas, and playgrounds. A center may also provide after-school care for school-age children.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Florida, Georgia, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin.

Source Numbers

169, 208, 216, 253, 335, 336, 337, 355, 418, 423, 536, 550, 562, 583, 633, 734, 866, 869, 877, 878, 954, 959, 981

Land Use: 630 Clinic

Description

A clinic is a facility that provides limited diagnostic and outpatient care but is unable to provide prolonged in-house medical and surgical care. A clinic may have a lab facility and supporting pharmacy but typically does not have the equipment and medical personnel available at an urgent care site. A clinic typically offers a wide range of services which makes it distinct from a medical office building that typically houses specialized or individual physicians. Hospital (Land Use 610), free-standing emergency room (Land Use 650), and medical-dental office building (Land Use 720) are related uses.

Specialized Land Use

Data collected at a single methadone clinic in New Hampshire in 2021 indicate the likelihood of different trip generation rates than for a general medical clinic. The site gross floor area is 4,300 square feet. The vehicle trip counts are as follows:

- Weekday—283
- Weekday, AM peak hour of adjacent street—39
- Weekday, AM peak hour of generator—45
- Weekday, PM peak hour of adjacent street—1
- Saturday—189
- Saturday, peak hour of generator—64
- Sunday—167
- Sunday, peak hour of generator—56

The methadone clinic generates significantly more trips than a clinic during the morning peak periods and significantly fewer trips during the afternoon adjacent street peak period.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The average numbers of person trips per vehicle trip at the five general urban/suburban sites at which both person trip and vehicle trip data were collected were as follows:

- 1.4 during Weekday, AM Peak Hour of Generator
- 1.7 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 4 and 6 p.m.
- 1.5 during Weekday, PM Peak Hour of Generator

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Minnesota, New Hampshire, Texas, Vermont, and West Virginia.

Source Numbers

440, 734, 878, 926, 972, 1049, 1062, 1073



Project Name: SWPHP - Approved Uses **No:**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

LAND USE	SIZE	DAILY		AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit	Entry	Exit
565 - Day Care Center (General Urban/Suburban)	8.04 ⁽¹⁾	192	191	47	41	42	47
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		192	191	47	41	42	47
630 - Clinic (General Urban/Suburban)	8.04 ⁽¹⁾	151	151	21	5	9	21
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		151	151	21	5	9	21

PERIOD SETTING

Analysis Name : Daily
Project Name : SWPHP - Approved Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
565 - Day Care Center (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday	Average 47.62	192 50%	191 50%	383
630 - Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday	Average 37.6	151 50%	151 50%	302

PERIOD SETTING

Analysis Name : AM Peak Hour
Project Name : SWPHP - Approved Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
565 - Day Care Center (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 11	47 53%	41 47%	88
630 - Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN) $T = 2.19 (X) + 8.68$	21 81%	5 19%	26

PERIOD SETTING

Analysis Name : PM Peak Hour
Project Name : SWPHP - Approved Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
565 - Day Care Center (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 11.12	42 47%	47 53%	89
630 - Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 3.69	9 30%	21 70%	30

Proposed Uses – ITE Trip Generation Manual 11th Edition

Land Use: 640

Animal Hospital/Veterinary Clinic

Description

An animal hospital or veterinary clinic is a facility that specializes in the medical care and treatment of animals.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 2000s and the 2010s in California, New Jersey, and Texas.

Source Numbers

597, 662, 878

Project Name: SWPHP - Proposed Uses **No:**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

LAND USE	SIZE	DAILY		AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit	Entry	Exit
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	8.04 ⁽¹⁾	87	86	19	10	11	17
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		87	86	19	10	11	17
Total		87	86	19	10	11	17
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	0	0	0	0
Total Pass-by		0	0	0	0	0	0
Total Non-pass-by		87	86	19	10	11	17

(1) 1000 Sq. Ft. GFA

PERIOD SETTING

Analysis Name : Daily
Project Name : SWPHP - Proposed Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04 ⁽⁰⁾	Weekday	Average 21.5	87 50%	86 50%	173

(0) indicates size out of range.

PERIOD SETTING

Analysis Name : AM Peak Hour
Project Name : SWPHP - Proposed Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 3.64	19 66%	10 34%	29

PERIOD SETTING

Analysis Name : PM Peak Hour
Project Name : SWPHP - Proposed Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 3.53	11 39%	17 61%	28

- (V) (b) The site has direct principal access to a road classified as an arterial in the Transportation Element, direct principal access defined as a driveway and/or local roadway connection to the arterial road, provided the portion of the local roadway intended to provide access to the RV park is not within a residential neighborhood and does not service a predominately residential area; and
- (c) The use will be compatible with surrounding land uses.

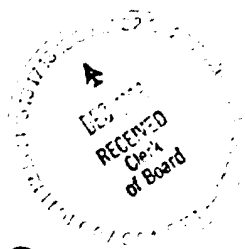
- (XV) 11. Support medical facilities – such as physicians' offices, medical clinics, medical treatment centers, medical research centers and medical rehabilitative centers, and pharmacies – provided the dominant use is medical related and the site is located within ¼ mile of existing or approved hospitals or medical centers which offer primary and urgent care treatment for all types of injuries and traumas, such as, but not limited to, North Collier Hospital. The distance shall be measured from the nearest point of the tract that the hospital is located on or approved for, to the project boundaries of the support medical facilities. Approval of such support medical facilities may be granted concurrent with the approval of new hospitals or medical centers which offer primary and urgent care treatment for all types of injuries and traumas. Stipulations to ensure that the construction of the support medical facilities is concurrent with hospitals or medical centers shall be determined at the time of zoning approval. Support medical facilities are not allowed under this provision if the hospital or medical center is a short-term leased facility due to the potential for relocation.

(II)(IV)(V)(VI)(XI)(XIV)(XV)(XIX)(XXVI)(XLI)(XLIII)(XLV)(XLVIII)(XLIX)(L)(LVIII)(LXVI)(LXII)(LXIII)(LXIV)(LXVII)(LXXII)

12. Commercial uses subject to criteria identified in the Urban - Mixed Use District, PUD Neighborhood Village Center Subdistrict, Office and Infill Commercial Subdistrict, Residential Mixed Use Neighborhood Subdistrict, Orange Blossom Mixed-Use Subdistrict, Buckley Mixed Use Subdistrict, Vanderbilt Beach/Collier Boulevard Commercial Subdistrict, Commercial Mixed Use Subdistrict, Goodlette/Pine Ridge Mixed Use Subdistrict, Henderson Creek Mixed Use Subdistrict, Livingston/Radio Road Commercial Infill Subdistrict, Vanderbilt Beach Road Neighborhood Commercial Subdistrict, Vincentian Mixed Use Subdistrict, Davis – Radio Commercial Subdistrict, Meridian Village Mixed-Use Subdistrict, Vanderbilt Beach Road Mixed Use Subdistrict; Creekside Commerce Park East Mixed Use Subdistrict; and, in the Urban Commercial District, Mixed Use Activity Center Subdistrict, Interchange Activity Center Subdistrict, Livingston/Pine Ridge Commercial Infill Subdistrict, Livingston Road/Eatonwood Lane Commercial Infill Subdistrict, Livingston Road Commercial Infill Subdistrict, Commercial Mixed Use Subdistrict, Livingston Road/Veterans Memorial Boulevard Commercial Infill Subdistrict, Orange Blossom/Airport Crossroads Commercial Subdistrict, Logan Boulevard/Immokalee Road Commercial Infill Subdistrict, East Tamiami Trail Commercial Infill Subdistrict, Seed to Table Commercial Subdistrict, Vanderbilt Beach Commercial Tourist Subdistrict, Germain Immokalee Commercial Subdistrict, Greenway – Tamiami Trail East Commercial Subdistrict, Bay House Campus Commercial Subdistrict, in the Bayshore/Gateway Triangle Redevelopment Overlay; and, as allowed by certain FLUE policies.

13. Commercial uses accessory to other permitted uses, such as a restaurant accessory to a golf course or retail sales accessory to manufacturing, so long as restrictions or limitations are imposed to insure the commercial use functions as an accessory, subordinate use. Such restrictions or limitations could include limiting the size and/or location of the commercial use and/or limiting access to the commercial use.

(LXVII) = Plan Amendment by Ordinance No. 2021-08 on March 1, 2021

ORDINANCE 96- 81

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBERED 8526N BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM "PUD" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS SOUTHWEST PROFESSIONAL HEALTH PARK, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF IMMOKALEE ROAD (C.R. 846) AND EAST OF GOODLETTE-FRANK ROAD (C.R. 851), IN SECTION 26, TOWNSHIP 48 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 17.74± ACRES; PROVIDING FOR THE REPEAL OF ORDINANCE NUMBER 89-74, AS AMENDED, THE FORMER SOUTHWEST PROFESSIONAL HEALTH PARK PUD; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dwight Nadeau of McAnly Engineering and Design, Inc., representing Southwest Professional Health Park Land Trust, 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;

SECTION ONE:

The Zoning Classification of the herein described real property located in Section 26, Township 48 South, Range 25 East, Collier County, Florida, is changed from "PUD" to "PUD" Planned Unit Development in accordance with the PUD Document, attached hereto as Exhibit "A", which is incorporated herein and by reference made part hereof. The Official Zoning Atlas Map Numbered 8526N, as described in Ordinance Number 91-102, the Collier County Land Development Code, is hereby amended accordingly.

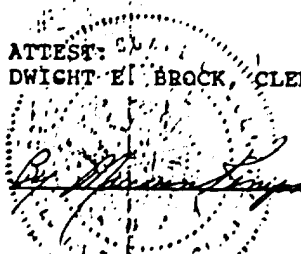
SECTION TWO:

Ordinance Number 89-74, as amended, known as the Southwest Professional Health Park PUD, adopted on November 14, 1989 by the Board of County Commissioners of Collier County, is hereby repealed in its entirety.

SECTION THREE:

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

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 10 day of December 1996.

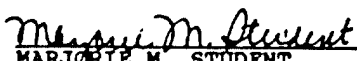
ATTEST:  DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

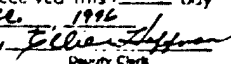
BY: 

JOHN C. NORRIS, CHAIRMAN

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
17th day of Dec., 1996
and acknowledgement of that
filing received this 17th day
of Dec., 1996

By 
Deputy Clerk

PUD-89-5-(1) ORDINANCE/18295

**SOUTHWEST PROFESSIONAL HEALTH PARK
A PLANNED UNIT DEVELOPMENT**

Applicant:

**Southwest Professional Health Park Land Trust
4099 Tamiami Trail North, Suite 305
Naples, Florida 34103**

Project Location

**17.74 +/- Acres of Property Located in
Section 26, Township 48 South, Range 25 East,
Collier County, Florida**

PUD Document

Prepared by:

**McANLY ENGINEERING AND DESIGN, INC.
5101 East Tamiami Trail, Suite 202
Naples, Florida 34113**

PUD Master Development Plan

Prepared By:

**McANLY ENGINEERING AND DESIGN, INC.
5101 East Tamiami Trail, Suite 202
Naples, Florida 34113**

March, 1989

REVISED: December, 1996

**Date Approved by EAB: 11/6/96
Date Approved by CCPC: 11/21/96
Date Approved by BCC: 12/10/96
Ordinance Number: 89-74
Ordinance Number: 96-**

SWHPUDS.DOC

TABLE OF CONTENTS

EXECUTIVE SUMMARY	Page I
STATEMENT OF COMPLIANCE AND SHORT TITLE	II
SECTION I - PROJECT OWNERSHIP & DESCRIPTION	
1.1 Legal Description	1-1
1.2 Property Ownership	1-1
1.3 General Description of Project Area	1-1
1.4 Current Zoning	1-1
1.5 Physical Description	1-1
SECTION II - PROJECT DEVELOPMENT	
2.1 General	2-1
2.2 Project Development Plan and Land Use	2-1
2.3 Project Plan Approval	2-1
2.4 Project Phasing	2-2
2.5 Project Plan Approval Requirements	2-2
2.6 Tract Acreage	2-2
2.7 Maintenance of Common Areas	2-2
SECTION III - LAND USE REGULATIONS	
3.1 Purpose	3-1
3.2 Permitted Principal Uses	3-1
3.3 Permitted Accessory Uses	3-2
3.4 Development Standards	3-2
3.5 Definitions	3-4
SECTION IV - GENERAL DEVELOPMENT	
4.1 General	4-1
4.2 Engineering Stipulations	4-1
4.3 Water Management Stipulations	4-2
4.4 Utility Stipulations	4-2
4.5 Solid Waste Management	4-3
4.6 Environmental Stipulations	4-3

EXHIBITS

- A PUD Master Development Plan
- B Typical Road Cross-Section
- C Location Map

EXECUTIVE SUMMARY

The purpose of this document is to set forth the development standards and regulations for Southwest Professional Health Park, a Planned Unit Development. The intent of this rezone is to allow development of a professional health park thereby providing a diversity of medical related uses that will be complimentary and in close proximity to the North Collier Health Center.

The amendment to the Southwest Professional Health Park PUD was intended to bring the intensity of medical related land uses permitted in the PUD to be consistent with the improved Level Of Services of those public facilities which service the PUD. It should be understood that the Collier County Growth Management Plan specifically provides for such medical related facilities permitted in this PUD at this specific location. The medically related land uses permitted in this PUD function in a supporting role to the North Collier Hospital and it's facilities. The medical related land uses permitted in this PUD are intended to provide an enhanced quality of life to the residents of Collier County, through the highest quality health care available, via their acknowledged supporting functional role with the North Collier Hospital.

STATEMENT OF COMPLIANCE

This project is in compliance with the goals and objectives of the Growth Management Plan as defined by the Future Land Use Element. The Future Land Use element designates the subject area as an "Urban Residential Area" and further provides that non-residential uses including community service facilities of the type proposed by this rezone petition are to be allowed based upon certain geographic relationships to other community service facilities. Permitted uses also include support medical facilities provided they are within 1/4 mile of hospitals or major treatment centers. The Southwest Professional Health Park PUD will be located approximately 1,000 feet east of the Collier Health Center while the proposed uses are medically related.

SHORT TITLE

This ordinance shall be known and cited as the "Southwest Professional Health Park P.U.D".

SECTION I

PROPERTY OWNERSHIP & DESCRIPTION

1.1 Legal Description

A parcel of land as recorded in Book 881, Page 1414, Official Records of Collier County, Florida, being more particularly described as follows:

The West 1/2 of the Northwest 1/4 of the Northwest 1/4 of Section 26, Township 48 South, Range 25 East, less and except the North 150.00 feet thereof.

1.2 Property Ownership

The Southwest Professional Health Park Land Trust, James R. Colosimo, Trustee.

1.3 General Description of Project Area

The project site contains 17.74 acres and is contiguous to the southern right-of-way line of Immokalee Road (CR 846). The surrounding land uses include a landscape nursery on property now zoned PUD Commercial to the east, the North Collier County Community Park to the south, and the North Collier County Wastewater Treatment Plant to the east. The site is located approximately 1.0 miles east of U.S. 41 and 2.8 miles west of Interstate 75.

The Collier Health Center, a Planned Unit Development, is located approximately 1,000 feet west of this site on the north side of Immokalee Road.

1.4 Current Zoning

The adopted Planned Unit Development Zoning Designation is governed by the Southwest Professional Health Park PUD Document (Ordinance No. 89-74, as may be amended), a part of the Collier County Land Development Code.

1.5 Physical Description

The project site varies in elevation from approximately 7.0' N.G.V.D. to 5.0' N.G.V.D. and generally slopes from the south property line down to the north property line.

The dominant floral species found on the site are slash pine, saw palmetto and scrub live oak.

A Collier County flood control structure is located directly west of this project on a drainage canal that drains under Immokalee Road to a tributary to the Coghatchee River.

SECTION II

PROJECT DEVELOPMENT

2.1 General

- 2.1.1 Regulations for development of Southwest Professional Health Park shall be in accordance with the content of this P.U.D. Ordinance, the PUD-Planned Unit Development District and other applicable sections and parts of the Collier County Land Development Code and Growth Management Plan in effect at the time of building permit application. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the County Land Development Code shall apply.
- 2.1.2 Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the Collier County Land Development Code in effect at the time of building permit application.
- 2.1.3 All conditions imposed and all graphic material presented depicting restrictions for the development of the Southwest Professional Health Park shall become part of the regulations which govern the manner in which the PUD site may be developed.
- 2.1.4 Unless modified, waived or excepted by this PUD, the provisions of the Land Development Codes, where applicable, remain in full force and effect with respect to the development of the land which comprises this PUD.
- 2.1.5 Development permitted by the approval of this petition will be subject to a concurrency review under the provisions of Division 3.15, Adequate Public Facilities, at the earliest or next to occur of either final SDP approval, final plat approval, or building permit issuance applicable to this development.

2.2 Project Development Plan and Land Use

- 2.2.1 Land uses permitted in this PUD shall be distributed on the property as described in this document, on the land use tracts depicted by Exhibit "A", the Southwest Professional Health Park PUD Master Plan.
- 2.2.2 Easements (utility, drainage, private, etc.) shall be established as necessary or deemed desirable to serve the project.
- 2.2.3 Any variation from the adopted PUD Master Plan shall be reviewed under the provisions of Section 2.7.3.5. of the Collier County Land Development Code.

2.3 Project Plan Approval

Final plans of the site improvements shall receive the approval of all appropriate Collier County and governmental agencies to insure compliance with Exhibit "A", PUD Master Plan, the Collier County Land Development Code and the platting laws and utility regulations.

The Southwest Professional Health Park PUD Master Plan, Exhibit "A", constitutes the required PUD Master Plan.

2.4 Project Phasing

Project phasing will be dictated by market response.

2.5 Project Plan Approval Requirements

Prior to the recording the Record Plat, final plans of the required improvements shall receive the approval of all appropriate Collier County governmental agencies to insure compliance with the P.U.D. Master Plan, the Preliminary Subdivision Plat, the Collier County Land Development Code, and the platting laws of the State of Florida.

2.5.1 The developer of any tract or parcel subsequent to subdividing shall be required to submit and receive approval of a Site Development Plan in conformance with the requirements established within Division 3.3 of the Collier County Land Development Code.

2.5.2 The Assisted Living Facility must have all licenses required by the State of Florida, and once constructed, the Assisted Living Facility can not be converted to any other land use not permitted by Section 3.2.1 of this document without approval by the Board of County Commissioners.

2.6 Tract Acreage

The location of land uses tracts are shown on Exhibit "A", PUD Master Plan. To accommodate environmental factors and other site conditions, changes and variations in tract boundaries and tract acreage's shall be permitted through the Preliminary Subdivision Plat approval process.

The approximate acreages of each tract of the Southwest Professional Health Park PUD are as follows:

Development Tracts	15.8 AC
Roads and Infrastructure	1.9 AC
Total Acres	17.7 AC

2.7 Maintenance of Common Areas

Private streets, recreation areas, common open spaces, or other such amenities will, upon completion, come under the ownership of a property owners association or a similar legal entity that will be responsible for the maintenance of said common areas.

SECTION III

LAND USE REGULATIONS

3.1 Purpose

The purpose of this section is to define the respective land uses and regulations established for this project.

3.2 Permitted Principal Uses

Buildings, structures, and land uses allowed by this Ordinance shall be as outlined by the following:

3.2.1 Permitted principal uses of Tract A

- a. Assisted Living Facilities
- b. Adult Day Care
- c. Child Day Care
- d. Homes for the Aged
- e. Hospices
- f. Independent Housing
- g. Nursing home
- h. Dental Offices
- i. Diagnostic Radiology/Imaging Center
- j. Health Education
- k. Lifestyle Fitness Center
- l. Medical Clinics
- m. Medical Offices
- n. Medical Supplies
- o. Outpatient Surgery
- p. Pharmacies
- q. Rehabilitation Center
- r. Physical Therapy Center
- s. Substance Abuse Treatment Center
- t. Walkways/Pathways

3.2.2 Permitted Principal Uses of Tract B

- a. Adult Day Care
- b. Child Day Care
- c. Dental Offices
- d. Diagnostic Radiology/Imaging Center
- e. Health Education
- f. Lifestyle Fitness Center
- g. Medical Clinics
- h. Medical Offices
- i. Outpatient Surgery
- j. Pharmacies
- k. Rehabilitation Center
- l. Medical Supplies
- m. Physical Therapy Center
- n. Substance Abuse Treatment Center
- o. Walkways/Pathways

3.2.3 Permitted Uses of Tract R

Tract R is intended to provide for project infrastructure.

3.2.4 Fill storage is generally permitted as a principal use throughout the Southwest Professional Health Park PUD. Fill material generated in proposed water management areas may be stockpiled in areas within the project boundaries in accordance with Section 3.2.8.3.6 and Division 3.5 of the Collier County Land Development Code. The following standards shall apply:

- a. Stockpile maximum side slope: 2:1
- b. Stockpile maximum height: thirty-five (35) feet
- c. Fill stockpile areas shall be screened with a security fence at least six (6) feet in height above ground level.
- d. Soil erosion control shall be provided in accordance with Division 3.7 of the Land Development Code, and stockpiling retained for periods greater than 90 days be seeded with grass.
- e. Fill storage shall not be permitted in the wetland preserve, or in areas proposed to be utilized for threatened and endangered species permitting.

3.3 Permitted Accessory Uses**3.3.1 Accessory structures shall be allowed and must be constructed simultaneously with or following the construction of the principal structure.**

The following land uses are ancillary and accessory to the Principal Permitted Uses and shall be made a part of the principal structures. In addition to the following accessory uses, accessory uses as defined in Zoning Districts common to the principal uses will be allowed.

Permitted Accessory Uses and Structures:**Recreation Facilities**

Cafeteria and food services facilities for common use of residents, employees and clients.

3.3.2 Excavation activities within the PUD shall be governed by Division 3.5 of the Collier County Land Development Code.**3.4 Development Standards**

The following standards apply to Tracts A and B.

3.4.1 Minimum Lot Area: One (1) Acre**3.4.2 Minimum Lot Width: One Hundred Fifty (150) feet**

3.4.3 Minimum Yard Setback Requirements for Principal Structures

- a) Building setback from Immokalee Road Right-of-Way: Fifty (50) feet
- b) Building setbacks from external P.U.D. boundaries; Fifty (50) feet
- c) Building setback from internal Right-of-Way: Thirty (30) feet
- d) Building setback from Internal Access Road/Driveway(s): Ten (10) feet
- e) Side and rear yard setback from internal boundaries: Fifteen (15) feet or one-half the sum of the building heights.
- f) Bulkheads may be allowed for no more than 40 percent of the shoreline length, but compensating littoral zone must be provided.
- g) Setback from control elevation waterline: Twenty (20) feet.
- h) Lake setback from the external property boundary to control elevation waterline; Fifty (50) feet.

3.4.4 Maximum Height of Structures

- a) Maximum building height; Forty-five (45) feet.
- b) Maximum height of buildings fronting Immokalee Road is measured from the R.O.W. line. The maximum building height is 45 ft. provided that a 1:2 building setback slope line is maintained starting with the second story. The following building story to setback from the Immokalee Road ROW shall apply:

<u>Story</u>	<u>Setback</u>
1	Fifty (50) feet
2	Fifty (50) feet
3	Seventy-five (75) feet
4	One hundred (100) feet

Building height shall be as defined in the Collier County Land Development Code.

3.4.5 Minimum Floor Area Per Structure

- a) The minimum floor area per building on ground floor structure: one thousand (1,000) sq.ft.

3.4.6 Distance Between Structures

- a) Thirty (30) feet or 1/2 the sum of the building heights, whichever is greater.

3.4.7 Assisted Living Facility, Continuing Care Retirement Center

The following standards shall apply to Assisted Living Facilities (ALF), and continuing care retirement centers.

- a) Maximum number of ALF units - twenty (20) units/acre
- b) Minimum Lot Area - One (1) Acre
- c) Minimum Area of ALF Unit - Two hundred fifty (250) Sq. Ft.
- d) Required Parking - 2 Spaces per 5 beds.

3.4.8 Signs

As permitted by the Collier County Land Development Code at the time of application for building permits.

- 3.4.9 **Minimum Off-Street Loading Requirement**
Unless otherwise provided in this document, as required by the Collier County Land Development Code.
- 3.4.10 **Minimum Landscaping Requirements**
As required by the Collier County Land Development Code.
- 3.4.11 **Lighting**
Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glares or other interference.
- 3.4.12 **Required Landscaped Buffer Areas**
As required by the Collier County Land Development Code.
- 3.4.13 **Permitted Accessory Uses Development Standards**
Accessory structures must be constructed simultaneously with or following the construction of the principal structure and shall conform to the development standards in place at the time of application for construction permits.
- 3.4.14 **Polling Places**
Polling Places shall be permitted as deemed appropriate by recommendation from the Supervisor of Elections to the Board of County Commissioners in accordance with the Collier County Land Development Code.

3.5 Definitions

- a) **Adult Day Care** - A facility which cares for handicapped or disabled adults on a daily basis. This use is intended to serve those who need attention away from their own home by day or night and not exceed a twenty-four (24) hour period.
- b) **Lifestyle Fitness Center** - A Wellness Center that is a medical or rehabilitative center focusing use on nutrition, body monitoring and weight control centers as well as exercise, Nautilus and weight lifting facilities.
- c) **Medical Offices** - Office for the use of a person or persons generally classified as medical or medical orientated such as doctors, dentists, insurance, medical supply, medical research, medical research supply, psychiatrists, psychologists, medical publications and the like.
- d) **Pharmacy/Medical Supplies** - Drug store or pharmacy with the dominant use medically related. Integrated into the permitted uses and intended on serving the user of the facilities as both in and out-patients, medical staff and support staff.
- e) **Restaurants and Cafeteria** - Restaurant as defined in the Collier County Land Development Code. The use is integrated into the medical facilities and intended to serve the user of the facilities.

SECTION IV

GENERAL DEVELOPMENT COMMITMENTS

4.1 General

It is the developer's intent to adhere to sound engineering practices and assure that project facilities are constructed in accordance with the final development plan as approved by applicable municipal agencies, and in accordance with federal, state and local laws, codes and regulations.

4.2 Engineering Stipulations

Design and construction will meet or exceed Collier County standards in effect at the time of construction plan approval with the exception to those exemptions listed in this document.

The developer shall comply with the "Road Impact Fee Ordinance" County Ordinance No. 92-22 or other current applicable ordinance and realizes that the fee shall be paid to the County Manager or his designee, or an agreement for payment approved by the County Manager or his designee, prior to issuance of any permit or approval required for the development.

Street Lighting at the project entrance shall be provided by the developer subject to the approval of the County Engineer.

The developer also agrees to comply with the following stipulations:

1. Detailed paving, grading and site drainage plans shall be submitted to Project Review Services for review. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the submitted plans is granted by Project Review Services.
2. Design and construction of all improvements shall be subject to compliance with the appropriate provisions of the Collier County Land Development Code.
3. Work within Collier County right-of-way shall meet the requirements of Collier County right-of-way Ordinance 93-64.
4. Access into each tract as shown on the master plan is informational only. Location and number is subject to Preliminary Subdivision Plat and SDP approval.
5. This project is recommended for approval for rezoning purposes only. Preliminary Subdivision Plat shall be submitted and approved on a later date.
6. The project shall be platted in accordance with Collier County Land Development Code to define the right-of-way, tracts and lake as shown on the master plan.
7. At the time of Preliminary Subdivision Plat submission, a plan showing existing utility lines both underground and overhead as well as proposed utility systems, shall be provided.
8. On the construction plans all proposed utility easements shall be shown.

9. Present and future use of the Immokalee Road (C.R. 846) four-laned roadway improvements shall be governed by Ordinance 93-64, as may be amended, and Resolution 92-442, as may be amended.
10. The developer shall provide arterial level street lighting at the project entrance.
11. The developer has provided 50 feet of road right-of-way along the south side of Immokalee Road. No utilities shall be located within this right-of-way unless approved by the Transportation Department in consideration of roadway needs.
12. All traffic control devices used shall conform with the Manual on Uniform Traffic Control Devices (Chapter 316.0747), Florida Statutes.
13. These required improvements are considered "site related" as defined in Ordinance 92-22 and shall not be applied as credits toward any impact fees required by the ordinance. Road Impact fees shall be based on the rate schedule set forth in Ordinance 92-22, as amended, for the individual development categories permitted in the PUD.
14. All required improvements shall be in place prior to the issuance of any certificates of occupancy.

4.3 Water Management Stipulations

1. Detailed paving, grading and site drainage shall be submitted to Project Review Services for review. No construction permits shall be issued unless and until approval of the proposed construction in accordance with the submitted plans is granted by Project Review Services.
2. An excavation permit will be required for the proposed lake in accordance with the Collier County Land Development Code and SFWMD rules.

4.4 Utilities Stipulations

1. Water distribution, sewage collection and transmission and interim water and/or sewage treatment facilities to serve the project are to be designed, constructed, conveyed, owned and maintained in accordance with Collier County Ordinance No 88-76, as amended, and other applicable County Rules and regulations.
2. All customers connecting to the water distribution and sewage collection facilities to be constructed will be customers of the County and will be billed by the County in accordance with the County's established rates. Should the County not be in a position to provide water and/or sewer service the project, the water and/or sewer customers shall be customers of the interim utility established to serve the project until the County's off-site water and/or sewer facilities are available to serve the project.
3. It is anticipated that the County Utilities Division will ultimately supply potable water to meet the consumptive demand and/or receive and treat the sewage generated by this project. Should the County system not be in a position to supply potable water the project and/or receive the project's wastewater at the time development commences, the Developer, at this expense, will install and operate interim water supply and on-site treatment facilities and/or interim on-site sewage treatment and disposal facilities adequate to meet all requirements of the appropriate regulatory agencies. An agreement shall be entered into between the County and the Developer, binding on the Developer, his assigns or successors regarding any interim treatment facilities to be utilized. The agreement must be legally sufficient to the County, prior to the approval of construction documents for the project and be in conformance with the requirements of the Collier County Land Development Code.

4. The on-site water distribution system to serve the project must be connected to the District's 12 inch water main on the south side of Immokalee Road and extended throughout the project. During design of these facilities, the following features shall be incorporated into the distribution system:

- a. Dead end mains shall be eliminated by looping the internal pipeline network, or providing flushing hydrants.
- b. Stubs for future system interconnection with adjacent properties may be provided at locations to be mutually agreed to by the County and the Developer during the design phase of the project.

The existing off-site sewage transmission facilities of the District must be evaluated for hydraulic capacity to serve this project, improved as required outside the project boundary consistent with the County's Sewer Master Plan, where applicable, to provide adequate capacity to transport the additional wastewater generated without adverse impact to the existing transmission facilities. The point of connection to the District's off-site sewer facilities must be approved by the Utilities Division Wastewater Operations Director.

4.5 Solid Waste Management

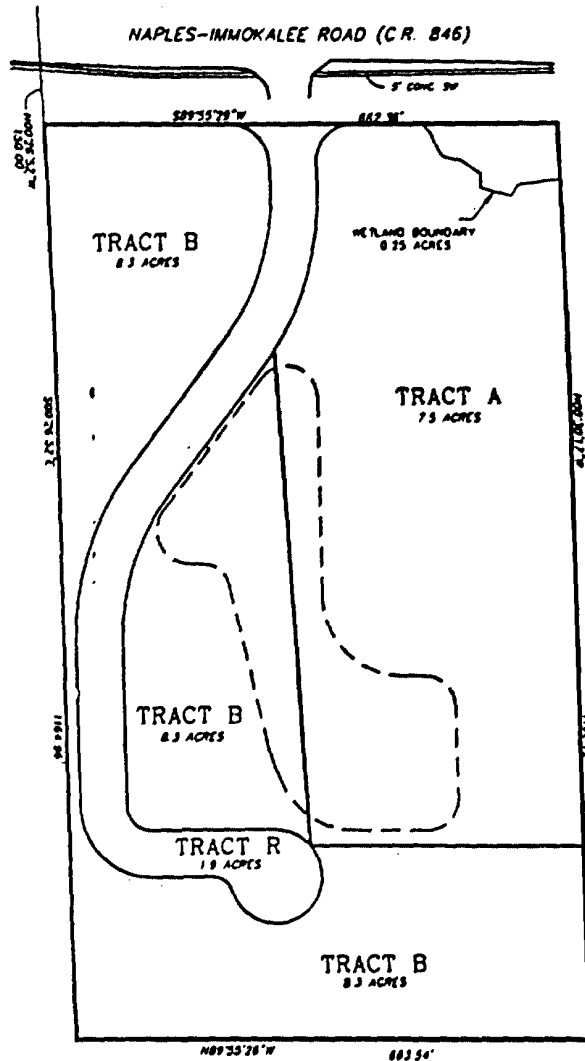
Solid waste management shall be assigned to a County franchised hauler who shall be responsible for the collection and disposal of all solid waste generated by this development.

4.6 Environmental Stipulations

1. Petitioner shall preserve the small oak/cabbage palm hammock located in the northeast corner of the property and shall adjust the site plans accordingly. The hammock area shall be labeled as a preserve on all subsequent site plans.
2. The Petitioner shall design the lake to the minimum size necessary to comply with water management requirements.
3. Environmental permitting shall be in accordance with the State of Florida Environmental Resource Permit Rules, and be subject to review and approval by Current Planning Environmental Review Staff. Removal of exotic vegetation alone shall not be the sole component of mitigation for impacts to Collier County jurisdictional wetlands.
4. All conservation areas shall be designated as conservation/preservation tracts or easements on all construction plans and shall be recorded on the plat with protective covenants per, or similar to, Section 704.06 of the Florida Statutes.
5. Buffers shall be provided around wetlands, where possible, extending at least fifteen (15) feet landward from the edge of wetland preserves in all places, and an average of twenty-five (25) feet from the landward edge of wetlands. Where natural buffers are not possible, structural buffers shall be provided in accordance with the State of Florida Environmental Permit Rules, and be subject to review and approval by Current Planning Environmental Review Staff.
6. Petitioner shall comply with the guidelines and recommendations of the Florida Game and Fresh Water Fish Commission (FGFWFC) regarding potential impacts to protected wildlife species.

7. A habitat management plan for gopher tortoises shall be submitted to Current Planning Environmental Staff for review and approval prior to Final Site Plan/Construction Plan approval. Locations of gopher tortoise burrows, and gopher tortoise relocation areas shall be indicated on the final construction plans.
8. An exotic vegetation removal, monitoring, and maintenance (exotic-free) plan for the site, with emphasis on the conservation/preservation areas, shall be submitted to Current Planning Environmental Review Staff for review and approval prior to Final Site Plan/Construction Plan approval.

S.W. PROFESSIONAL HEALTH PARK EXHIBIT "A"



GRAPHIC SCALE



FOR:
S.W. PROF. HEALTH PARK LAND TRUST

DESCRIPTION:
PUD MASTER PLAN

S 26, T 48 S, R 20 E, COLLIER COUNTY, FLORIDA

SCALE: N.T.S. DWG: D.M.N. CHK: DATE: 8/5/98

McANLY ENGINEERING

AND DESIGN, INC.
ENGINEERING, PLANNING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

3101 TAMARAC WAY, EAST, SUITE 202
NAPLES, FLORIDA 33962
(941) 775-0723 FAX (941) 775-0920

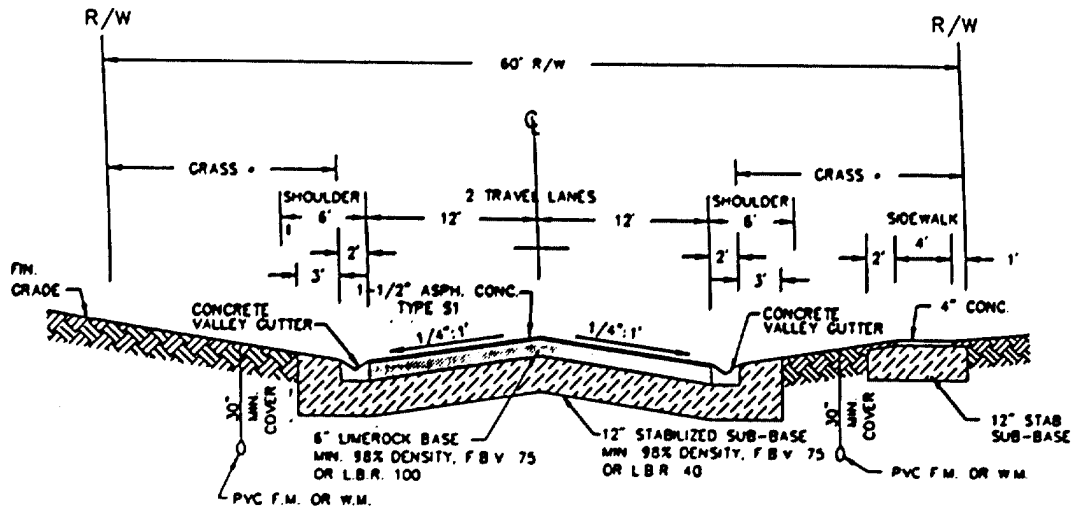


#	REVISIONS	DATE

COPYRIGHT, 1998 BY McANLY ENGINEERING AND DESIGN, INC. ALL RIGHTS RESERVED

DWG. FILE: SUPPLDUP SHEET

S.W. PROFESSIONAL HEALTH PARK EXHIBIT "B"



TYPICAL 60' ROAD R.O.W. SECTION

N.T.S.

- THE ALIGNMENT OF THE ROAD WITHIN THE RIGHT-OF-WAY AS SHOWN IS CONCEPTUAL. FINAL ALIGNMENT OF THE ROAD WITHIN THE RIGHT-OF-WAY WILL BE DETERMINED DURING FINAL DESIGN TO ALLOW FOR OPTIMIZATION OF UTILITY LOCATION WITHIN THE RIGHT-OF-WAY.

FOR:	S.W. PROF. HEALTH PARK LAND TRUST
DESCRIPTION:	TYPICAL ROADWAY SECTION
S 28, T 48 S, R 28 E, COLLIER COUNTY, FLORIDA	
SCALE: N.T.S.	DATE: 8/8/94

**McANLY ENGINEERING
AND DESIGN, INC.**

ENGINEERING, PLANNING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE
3101 TAMMAM HILL EAST, SUITE 202
NAPLES, FLORIDA 34102
(941) 775-6723 FAX (941) 775-9236



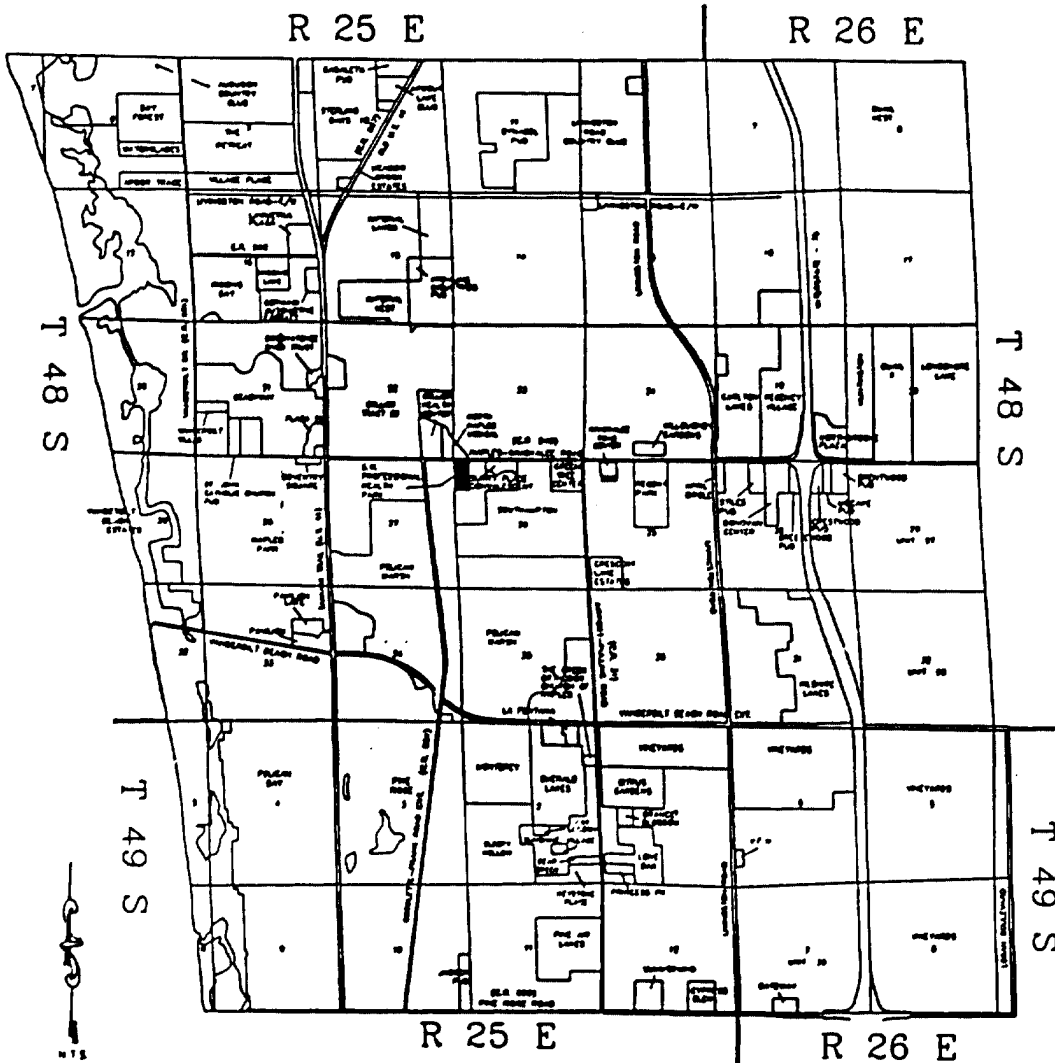
#	REVISIONS	DATE

COPYRIGHT, 1994 BY McANLY ENGINEERING AND DESIGN, INC. ALL RIGHTS RESERVED

DWG FILE SURVIVORS

SHEET

S.W. PROFESSIONAL HEALTH PARK EXHIBIT "C"



SECTION SHOWN IN DASHED LINE
BASE SOURCE COURTESY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION

FOR: S.W. PROF. HEALTH PARK LAND TRUST	
PROJECT: S.W. PROF. HEALTH PARK PUD	
S.W. TYP 400, SMC 200, COLLIER COUNTY, FL	
VICINITY MAP	
SCALE: N.T.S.	DATE: 5/3/98
DRAWN: [signature]	

**McANLY ENGINEERING
& DESIGN, INC.**

ENGINEERING, PLANNING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE
2000 W. 10th Ave., Suite 200
Fort Lauderdale, FL 33311
(954) 775-0000 Fax (954) 775-0000



COPYRIGHT, 1998 BY McANLY ENGINEERING & DESIGN, INC. ALL RIGHTS RESERVED

NO.	REVISIONS	DATE	BY

PROJECT: 960222 SHEET:

STATE OF FLORIDA) ,
COUNTY OF COLLIER) ,

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

ORDINANCE NO. 96-81

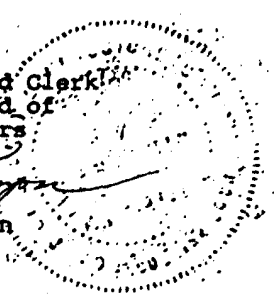
Which was adopted by the Board of County Commissioners on the 10th day
of December, 1996, during Regular Session.

WITNESS my hand and the official seal of the Board of County
Commissioners of Collier County, Florida, this 16th day of December,
1996.

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



By: Maureen Kenyon
Deputy Clerk



NCH Baker Downtown Hospital
350 Seventh Street N.
Naples, FL 34102
(239) 624-5000



NCH North Naples Hospital
11190 Healthpark Blvd.
Naples, FL 34110
(239) 624-5000

April 4, 2022

Collier County Growth Management Department
2885 Horseshoe Dr. South
Naples, FL 34104

RE: Letter of Support for the Comparable Use Application submitted by Dr. Alberto Lopez on behalf of his Company, Florida International Solutions, LLC

To Whom It May Concern:

The NCH Healthcare System (NCH) is one of the most progressive in the Country. NCH and its partners have a long history of providing friendly, patient-centered professional care which includes the use of cutting-edge methods and advanced technology. However, we also recognize that alternate patient care techniques are tried and true and should be implemented as part of our dedication to the health and recovery of our patients. To this point, NCH offers programs that use animal assisted therapy in our hospitals and clinics, and we support our medical staff in prescribing therapy pets to our patients who suffer from an array of physical and mental disorders.

Accordingly, NCH believes that the veterinary clinic that Dr. Lopez intends to operate at 1713 SW Health Pkwy., Naples, Florida (the "Property") will greatly benefit and support NCH and its partners by providing comprehensive care to pets that are utilized in therapy sessions with patients at our facilities as well as care for support animals prescribed by our many health care professionals. If the opportunity presents itself, NCH intends to partner with Dr. Lopez through alternative medicine & community outreach programs that will undoubtedly benefit our patients, institution, and community at large.

As General Counsel for NCH, I proudly submit this letter in strong support for Dr. Lopez and his intended use of the Property as a veterinary clinic and 24-hour pet surgery center. We firmly believe that Dr. Lopez's dedication to the health of our pets in the community will in turn, support the high standards of NCH as well as the health and overall wellbeing of our patients.

Sincerely,

A blue ink signature of Matthew A. Heinle, Esq. The signature is written in a cursive style and is positioned above the printed name.

Matthew A. Heinle, Esq.
General Counsel

Attachment: Attachment D - Letter of Support from NCH (22681 : PL20220001813 Southwest Professional Health Park (CUD))

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

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

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

B. Backup provided by Applicant:

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

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

☒ Boundary Survey

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

___ Submerged Resource Surveys may be included here if required.

___ CD with **only one pdf file for all documents 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

6/29/22
Date

Joel Threlkeld
Printed Name of Signing Agent Representative



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Comparable Use Determination

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

PROJECT NUMBER
PROJECT NAME
DATE PROCESSED

To be completed by staff

- ☒ PUD Zoning District
☐ Standard Zoning District

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): Florida International Solutions, LLC
Address: 1713 SW Health Pkwy City: Naples State: FL ZIP: 34109
Telephone: _____ Cell: 239-860-1059 Fax: _____
E-Mail Address: alopezdvm@gmail.com

Name of Applicant/Agent: Joel A. Threlkeld, Esq.
Firm: Threlkeld Law, P.A.
Address: 3003 Tamiami Tr. N, Ste.400 City: Naples State: FL ZIP: 34103
Telephone: 239-234-5034 Cell: _____ Fax: 239-443-4600
E-Mail Address: Joel@napleslegal.net

PROPERTY INFORMATION

Site Address: 1713 SW Health Pkwy., Naples, FL 34109 Folio Number: 74445100821
Property Owners Name: Florida International Solutions, LLC; Alberto Lopez (MGR) & Judith Vila (MGR)

DETERMINATION REQUEST

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

"I request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of the subject property is comparable and compatible with the permitted uses in the Southwest Professional Health Park PUD or in the N/A Straight Zoning District."



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

SUBMITTAL REQUIREMENTS CHECKLIST

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

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

ADDITIONAL REQUIREMENTS FOR THE PUBLIC HEARING PROCESS:

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

FEE REQUIREMENTS:

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

All checks payable to: Board of County Commissioners

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

Growth Management Department/Zoning Division

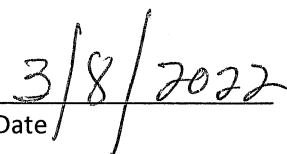
ATTN: Business Center

2800 North Horseshoe Drive

Naples, FL 34104


Applicant Signature
Alberto Lopez

Printed Name


Date

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



THRELKELD LAW, P.A.

REAL ESTATE • TITLE INSURANCE • BUSINESS LAW
WILLS, TRUSTS & ESTATES

May 13, 2022

Collier County Government Growth Management Department
Attn. Zoning Division
2800 North Horseshoe Drive
Naples, FL 34104

RE: Determination Request and Justification for Use Concerning Property located at 1713 SW Health Pkwy., Naples, FL 34109 (the "Property")

To Whom it May Concern:

We respectfully request a determination from the Planning Manager and approval from the Office of the Hearing Examiner, that the use of the subject Property is comparable and compatible with the permitted uses set forth in Collier County Ordinance 96-81, otherwise known as the Southwest Professional Health Park PUD (hereinafter referred to as the "PUD"). The Property is physically located at 1713 SW Health Pkwy., Naples, FL 34109, more particularly described on the attached Exhibit "A". The Property encompasses 8,042 square feet of interior space and makes up a portion of Tract B1, as described in the PUD. The permitted uses on Tract B are covered in Section 3.2.2 of the PUD (attached hereto as Exhibit "B".)

I. Background Regarding the Property and Proposed Use of the Property Owner

Dr. Alberto Lopez is the Managing Member of Florida International Solutions, LLC, a Florida limited liability company and the title owner of the subject Property. Dr. Lopez closed on the purchase of the Property on December 6, 2021, under the pretense he would be able to use the Property (encompassing 8,042 square feet) as a veterinary clinic and 24-hour emergency pet surgery center (the "Proposed Use"). However, consequently, when Dr. Lopez sought to apply for his county license, he was told his intended use of the Property was not permitted by the PUD.

Dr. Lopez is a well-know and highly respected veterinarian in the Naples community. He has more than 20 years of experience working with the best professionals in the industry from the Caribbean, Europe and North America. He has received numerous awards from various organizations for his contributions to the veterinary profession. Dr. Lopez currently owns and operates Concierge Veterinary Hospital, in the Galleria Shoppes at Vanderbilt, located at 2355 Vanderbilt Beach Rd., Unit 196, Naples, FL 34109. Since the clinic's inception in 2012, Dr. Lopez and his staff of professionals have provided an extremely valuable service for the community consisting of 24-hour pet care and emergency surgery. Dr. Lopez and his staff have treated (and continue to care for) literally 1000's of pets owned by the residents of Collier County.

II. The Proposed Use possesses similar characteristics to other uses set forth in the PUD, including:

A. Hours of Operation. The Proposed Use will provide 24-hour service for pet care that includes standard veterinary care and emergency surgery. These hours of operation are comparable with Medical Clinics and Outpatient Surgery centers (permitted by the PUD) that provide 24-hour emergency care to patients such as urgent care medical centers located throughout Collier County.

B. Traffic Volume. The traffic volume generated and attracted by the Proposed Use is very much comparable to the traffic and volume generated by medical clinics and outpatient surgeries that focus on human care as permitted by the PUD. Dr. Lopez and his staff expect the same traffic volume that is typically attributed to medical clinics that provide health care to humans.

C. Types of Vehicles Associated with the Use. There will be no commercial vehicles associated with the Proposed Use. The vehicles used for employees and patrons will be personal vehicles of the doctors and staff that work at the veterinary clinic as well as the personal vehicles used by the clients who bring their pets for veterinary care.

D. Number & Type of Required Parking Spaces. The current total number of parking spaces at the Property is thirty-eight (38). Two (2) of these spaces are designed handicap spaces.

E. Business Practices & Activities. The Proposed Use features veterinary care and 24-hour emergency surgery for all types of pets which is consistent and compatible with the permitted uses under the PUD for human care as further explained below in Section IV.

III. Effect of Proposed Use on Neighboring Properties

The effect of the Proposed Use on neighboring property in terms of noise, glare or odor effects shall be no great than that of other permitted uses in the PUD. The only true difference between the Proposed Use and the permitted uses under the PUD, is that the Property owner will be treating animals rather than humans.

Firstly, any noise will be limited to some barking from time to time from dogs being transported in and out of the Property. This noise will be kept to a minimum. Secondly, there will be no bright lights, flashing signs or mirrors in or around the Property that may otherwise create glare. Lastly, there will be no offensive odors to speak of considering that Dr. Lopez and his staff will carry out a strict policy that requires pet owners to clean up after their pets in or around the Property per Collier County codes and regulations. Dr. Lopez will also require his staff to monitor and pick up any pet waste in or around the Property and ensure that all pet waste is disposed of in the proper receptacles.

IV. The Proposed Use is Compatible & Consistent with Other Permitted Uses in the PUD

The PUD's Executive Summary provides in pertinent part: *"The intent of this rezone is to allow development of a professional health park thereby providing a **diversity** [emphasis added] of medical related uses that will be complimentary and in close proximity to the North Collier Health Center."* The PUD further provides in Section 3.2.2, the permitted uses on Tract B, which include but are not limited to: *"Medical Clinics", "Medical Offices", "Outpatient Surgery Centers", "Rehabilitation Centers" and "Physical Therapy Centers"*. Although these permitted uses appear to imply healthcare for humans, the care of our pets is undeniably linked to the health and wellness of the community. Support animals, emotional needs pets and therapy animals are often prescribed to patients with an array of physical and mental ailments.

In fact, NCH has long implemented a program of bringing in therapy animals to cheer up sick and terminally ill patients. It follows that the care of these animals is vital to the overall health and well-being of the residents of Collier County and beyond.

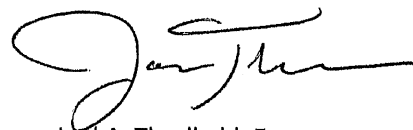
The Executive Summary of the PUD further provides: *"The medical related land uses permitted in this PUD are intended to provide an enhanced quality of life to the residents of Collier County, through the highest quality health care available, via their acknowledged supporting functional role with the North Collier Hospital."* In accordance with this language, Dr. Lopez and his staff of professionals support North Collier Hospital (and other local hospitals and clinics) by providing the following benefits: 1) treating service dogs who assist patients with physical disabilities; 2) treating emotional needs pets who are prescribed by local doctors and mental health professionals; and 3) treating therapy animals who are used by local hospitals and health clinics to raise the spirits of sick and terminally ill patients. These types of pets are crucial to the health and overall wellness of the people who rely on them. Please find included herewith a letter of support from Matthew A. Heinle, Esq., who is general counsel of NCH.

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

V. Final Analysis of Proposed Use

In closing, for the reasons I've highlighted above, Dr. Lopez's intended use of the Property as a veterinary clinic and 24-hour emergency pet surgery center is comparable and compatible with the intended and permitted uses set forth in the PUD. We respectfully ask that you approve Dr. Lopez's Comparable Use Determination application and allow him to obtain his county license so that he may continue to service the community by caring for and treating our local pets who in turn, promote and facilitate the health and well-being of our local Collier County residents.

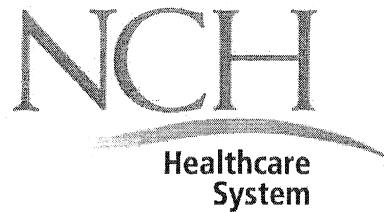
Sincerely,



Joel A. Threlkeld, Esq.

Attorney for Dr. Alberto Lopez

NCH Baker Downtown Hospital
350 Seventh Street N.
Naples, FL 34102
(239) 624-5000



NCH North Naples Hospital
11190 Healthpark Blvd.
Naples, FL 34110
(239) 624-5000

April 4, 2022

Collier County Growth Management Department
2885 Horseshoe Dr. South
Naples, FL 34104

RE: Letter of Support for the Comparable Use Application submitted by Dr. Alberto Lopez on behalf of his Company, Florida International Solutions, LLC

To Whom It May Concern:

The NCH Healthcare System (NCH) is one of the most progressive in the Country. NCH and its partners have a long history of providing friendly, patient-centered professional care which includes the use of cutting-edge methods and advanced technology. However, we also recognize that alternate patient care techniques are tried and true and should be implemented as part of our dedication to the health and recovery of our patients. To this point, NCH offers programs that use animal assisted therapy in our hospitals and clinics, and we support our medical staff in prescribing therapy pets to our patients who suffer from an array of physical and mental disorders.

Accordingly, NCH believes that the veterinary clinic that Dr. Lopez intends to operate at 1713 SW Health Pkwy., Naples, Florida (the "Property") will greatly benefit and support NCH and its partners by providing comprehensive care to pets that are utilized in therapy sessions with patients at our facilities as well as care for support animals prescribed by our many health care professionals. If the opportunity presents itself, NCH intends to partner with Dr. Lopez through alternative medicine & community outreach programs that will undoubtedly benefit our patients, institution, and community at large.

As General Counsel for NCH, I proudly submit this letter in strong support for Dr. Lopez and his intended use of the Property as a veterinary clinic and 24-hour pet surgery center. We firmly believe that Dr. Lopez's dedication to the health of our pets in the community will in turn, support the high standards of NCH as well as the health and overall wellbeing of our patients.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matthew A. Heinle".

Matthew A. Heinle, Esq.

General Counsel

EXHIBIT "A"

A PORTION OF TRACT "B1", SOUTHWEST PROFESSIONAL HEALTH PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, AT PAGES 53 AND 54, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, being more particularly described as follows:
 BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "B1"; THENCE NORTH 89°55'29" EAST, ALONG THE NORTHERLY LINE OF SAID TRACT B1, A DISTANCE OF 238.82 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF SOUTH 45°04'31" EAST AND A CHORD LENGTH OF 70.71 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00°04'31" EAST A DISTANCE OF 32.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 13°43'52", A CHORD BEARING SOUTH 06°47'25" WEST AND A CHORD LENGTH OF 71.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 71.90 FEET TO THE END OF SAID CURVE; THENCE SOUTH 89°55'29" WEST, A DISTANCE OF 279.25 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "B1"; THENCE NORTH 00°26'52" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 153.66 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

SECTION III

LAND USE REGULATIONS

3.1 Purpose

The purpose of this section is to define the respective land uses and regulations established for this project.

3.2 Permitted Principal Uses

Buildings, structures, and land uses allowed by this Ordinance shall be as outlined by the following:

3.2.1 Permitted principal uses of Tract A

- a. Assisted Living Facilities
- b. Adult Day Care
- c. Child Day Care
- d. Homes for the Aged
- e. Hospices
- f. Independent Housing
- g. Nursing home
- h. Dental Offices
- i. Diagnostic Radiology/Imaging Center
- j. Health Education
- k. Lifestyle Fitness Center
- l. Medical Clinics
- m. Medical Offices
- n. Medical Supplies
- o. Outpatient Surgery
- p. Pharmacies
- q. Rehabilitation Center
- r. Physical Therapy Center
- s. Substance Abuse Treatment Center
- t. Walkways/Pathways

3.2.2 Permitted Principal Uses of Tract B

- a. Adult Day Care
- b. Child Day Care
- c. Dental Offices
- d. Diagnostic Radiology/Imaging Center
- e. Health Education
- f. Lifestyle Fitness Center
- g. Medical Clinics
- h. Medical Offices
- i. Outpatient Surgery
- j. Pharmacies
- k. Rehabilitation Center
- l. Medical Supplies
- m. Physical Therapy Center
- n. Substance Abuse Treatment Center
- o. Walkways/Pathways

Collier County Property Appraiser Property Summary

Parcel No	74445100821	Site Address *Disclaimer	1713 SW HEALTH PKWY	Site City	NAPLES	Site Zone *Note	34109
------------------	-------------	---	---------------------------	------------------	--------	--	-------

Name / Address	FL INTERNATIONAL SOLUTIONS INC					
	175 PALM RIVER BLVD					
City	NAPLES	State	FL	Zip	34110	

Map No.	Strap No.	Section	Township	Range	Acres	*Estimated
3A26	637600 B1 23A26	26	48	25		1

Legal	SOUTHWEST PROFESSIONAL HEALTH PARK THAT PORTION OF TRACT B1 DESC AS: COM NW CNR TRACT B1, N 89DEG 55'29"E 238.82FT TO A PT OF CURVATURE OF A CURVE TO THE RIGHT, THENCE SELY ALG ARC OF CURVE CONCAVE TO SW 78.54FT , S 4'31"E 32.45FT TO PT OF CURVATURE OF A CURVE TO THE RIGHT, THENCE SWLY ALG ARC OF CURVE CONCAVE TO NW 71.90FT, S 89DEG 55'29"W 279.25FT, N 26'52"W 153.66FT TO POB
--------------	--

Millage Area 133	Millage Rates *Calculations			
Sub./Condo	637600 - SOUTHWEST PROFESSIONAL HEALTH PARK	School	Other	Total
Use Code 17 - OFFICE BLDG, NON-PROF, ONE STORY		4.889	6.0293	10.9183

Latest Sales History

(Not all Sales are listed due to Confidentiality)

Date	Book-Page	Amount
12/06/21	6070-495	\$ 4,450,000
12/14/11	4748-3328	\$ 0
10/05/99	2598-1508	\$ 620,800

2021 Certified Tax Roll

(Subject to Change)

Land Value	\$ 827,754
(+) Improved Value	\$ 697,334
(=) Market Value	\$ 1,525,088
(=) Assessed Value	\$ 1,525,088
(=) School Taxable Value	\$ 1,525,088
(=) Taxable Value	\$ 1,525,088

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

Attachment: Attachment E - Backup Material (22681 : PL20220001813 Southwest Professional Health Park (CUD))

CONSIDERATION: \$4,450,000.00

THIS INSTRUMENT PREPARED BY AND RETURN TO:

OMEGA NATIONAL TITLE AGENCY

4075 Pine Ridge Road, Suite 12

Naples, Florida 34119

Our File No.: **21-0661E**

Property Appraisers Parcel Identification (Folio) Number: **74445100821**

Florida Documentary Stamps in the amount of \$31,150.00 have been paid hereon.

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

Made this December 6, 2021 A.D., By **M.T.V.L. LLC**, a Florida Limited Liability Company, whose post office address is: 1713 SW Health Park Way Suite 3, Naples, Florida 34109, hereinafter called the grantor, to **Florida International Solutions, Inc**, a Florida Corporation, whose post office address is: , hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of 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, Florida, viz:

PARCEL 1: Portion of Tract "B1", Southwest Professional Health Park, according to the Plat thereof recorded in Plat Book 28, at Pages 53 and 54, of the Public Records of Collier County, Florida being more particularly described as follows: Beginning at the Northwest Corner of said Tract "B1"; Thence North 89 degrees 55' and 29" East, along the Northerly Line of said Tract B1, a distance of 238.82 feet to the point of curvature of a curve to the right, having a radius of 50.00 feet, Central Angle of 90 degrees 00' 00", a chord bearing of South 45 degrees 04' 31" East and a chord length of 70.71 feet; Thence along the arc of said curve, an arc length of 78.54 feet to the Point of Tangency of said curve; Thence South 00 degrees 04' 31" East, a distance of 32.45 feet to the point of curvature of a curve to the Right having a radius of 300.00 feet, a Central Angle of 13 degrees 43' 52", a chord bearing of South 06 degrees 47' 25" West and a chord length of 71.72 feet; Thence along the arc of said curve, an arc length of 71.90 feet to the end of said curve; Thence South 89 degrees 55' 29" West, a distance of 279.25 feet to a point on the Westerly line of said Tract "B1"; Thence North 00 degrees 26' 52" West, along said Westerly line, a distance of 153.66 feet to the Point of Beginning.

Said property is not the homestead of the Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

21-0661E

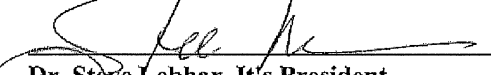
Attachment: Attachment E - Backup Material (22681 : PL20220001813 Southwest Professional Health Park (CUD))

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

Signed, sealed and delivered in our presence:


 Witness Printed Name Renee Rosenberg

M.T.V.L. LLC a Florida limited liability company

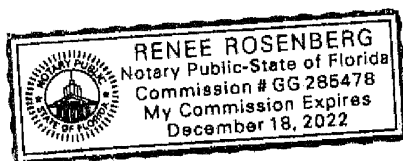

 Dr. Steve Lebhar, It's President (Seal)


 Witness Printed Name Danielle Blanco


 Dr. Robert B. Tober, it's Vice President (Seal)

State of Florida
 County of Collier

The foregoing instrument was acknowledged before me by means of ☒ physical presence or { } online notarization, on this 6th day of December, 2021, by **Dr. Steve Lebhar, President** and **Dr. Robert B. Tober, Vice President** of **M.T.V.L. LLC, a Florida Limited Liability Company**, who is/are personally known to me or who has produced Drivers License as identification.




 Notary Public
 Print Name: Renee Rosenberg
 My Commission Expires: 12/18/22



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.



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
Alberto I. Lopez	50%
Judith Vila	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
N/A	



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

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

Name and Address	% of Ownership
N/A	

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

Name and Address	% of Ownership
N/A	

Date of Contract: _____

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

Name and Address
N/A

- g. Date subject property acquired 12-06-2021

☐ Leased: Term of lease _____ years /months

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



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Date of option: _____

Date option terminates: _____, or

Anticipated closing date: _____

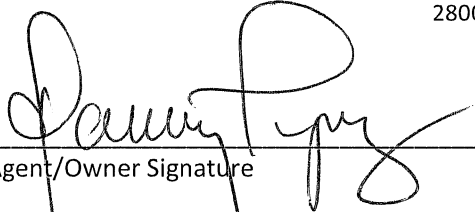
AFFIRM PROPERTY OWNERSHIP INFORMATION

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

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

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

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


Agent/Owner Signature

Alberto I. Lopez
Agent/Owner Name (please print)

3/8/2022
Date

AFFIDAVIT OF AUTHORIZATION

FOR PETITION NUMBERS(S) _____

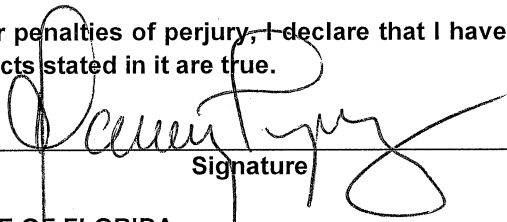
I, Albert I. Lopez (print name), as Manager (title, if applicable) of Florida International Solutions, LLC (company, if applicable), swear or affirm under oath, that I am the (choose one) owner ☒ applicant ☐ contract purchaser ☐ and that:

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 Joel A. Threlkeld, Esq. 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

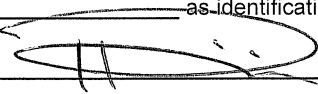
3/8/2022
Date

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8 day of March, 2022, by (printed name of owner or qualifier) _____.

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

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

Notary Signature: 

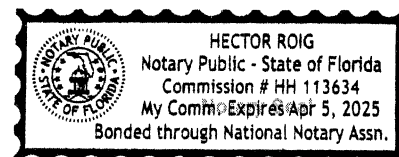


EXHIBIT "A"

A PORTION OF TRACT "B1", SOUTHWEST PROFESSIONAL HEALTH PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, AT PAGES 53 AND 54, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, being more particularly described as follows:
BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "B1"; THENCE NORTH 89°55'29" EAST, ALONG THE NORTHERLY LINE OF SAID TRACT B1, A DISTANCE OF 238.82 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF SOUTH 45°04'31" EAST AND A CHORD LENGTH OF 70.71 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 00°04'31" EAST, A DISTANCE OF 32.45 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 13°43'52", A CHORD BEARING SOUTH 06°47'25" WEST AND A CHORD LENGTH OF 71.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 71.90 FEET TO THE END OF SAID CURVE; THENCE SOUTH 89°55'29" WEST, A DISTANCE OF 279.25 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "B1"; THENCE NORTH 00°26'52" WEST, ALONG SAID WESTERLY LINE, A DISTANCE OF 153.66 FEET TO THE POINT OF BEGINNING.



ADDRESSING CHECKLIST

Please complete the following and email to GMD_Addressing@colliercountyfl.gov or submit in person to the Addressing Section at the address listed below. This form must be signed by Addressing personnel *prior* to the pre-application meeting. **Please allow 3 business days for processing.**

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

PETITION TYPE (Indicate type below. Complete a separate Addressing Checklist for each Petition type).

- | | |
|---|--|
| ☐ BL (Blasting Permit) | ☐ 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 Comparable Use Determination |

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

See Legal Description attached hereto as Exhibit "A".

26-48-25

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

74445100821

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

1713 SW Health Parkway, Naples, FL 34109

- **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)

SOUTHWEST PROFESSIONAL HEALTH PARK

PROPOSED PROJECT NAME (if applicable)

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 whether proposed or existing)

SOUTHWEST PROFESSIONAL HEALTH PARK

Please Return Approved Checklist By: ☒ Email ☐ Personally picked up

Applicant Name: Alberto I. Lopez and Judith Vila c/o Joel A. Threlkeld, Esq., Attorney for Applicants

Phone: (239) 234-5034

Email: Joel@napleslegal.net

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

FOR STAFF USE ONLY

Folio Number 74445100821

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Folio Number _____

Approved by: TCample

Date: 3/8/2022

Updated by: _____

Date: _____

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



Traffic Impact Analysis

1713 SW Health Parkway Southwest Professional Health Park Comparable Use Determination (CUD)

Collier County, FL
05/13/2022

Prepared for:

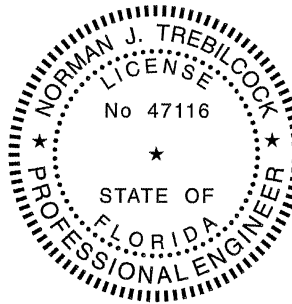
Florida International Solutions, LLC
1713 SW Health Parkway
Naples, FL 34109
Phone: 239-860-1059
Email: alopezdvm@gmail.com

Prepared by:

Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 34104
Phone: 239-566-9551
Email: ntrebilcock@trebilcock.biz

Statement of Certification

I certify that this Traffic Impact Analysis has been prepared by me or under my immediate supervision and that I have experience and training in the field of Traffic and Transportation Engineering.



Digitally signed
by Norman
Trebilcock
Date: 2022.05.13
09:31:55 -04'00'

Norman J. Trebilcock, AICP, PTOE, P.E.
FL Registration No. 47116
Trebilcock Consulting Solutions, PA
2800 Davis Boulevard, Suite 200
Naples, FL 34104
Company Cert. of Auth. No. 27796

Table of Contents

Project Description	4
Trip Generation	6
Conclusion.....	8

Appendices

Appendix A: Collier County Property Appraiser – Property Data	9
Appendix B: ITE Trip Generation Manual Calculations.....	12

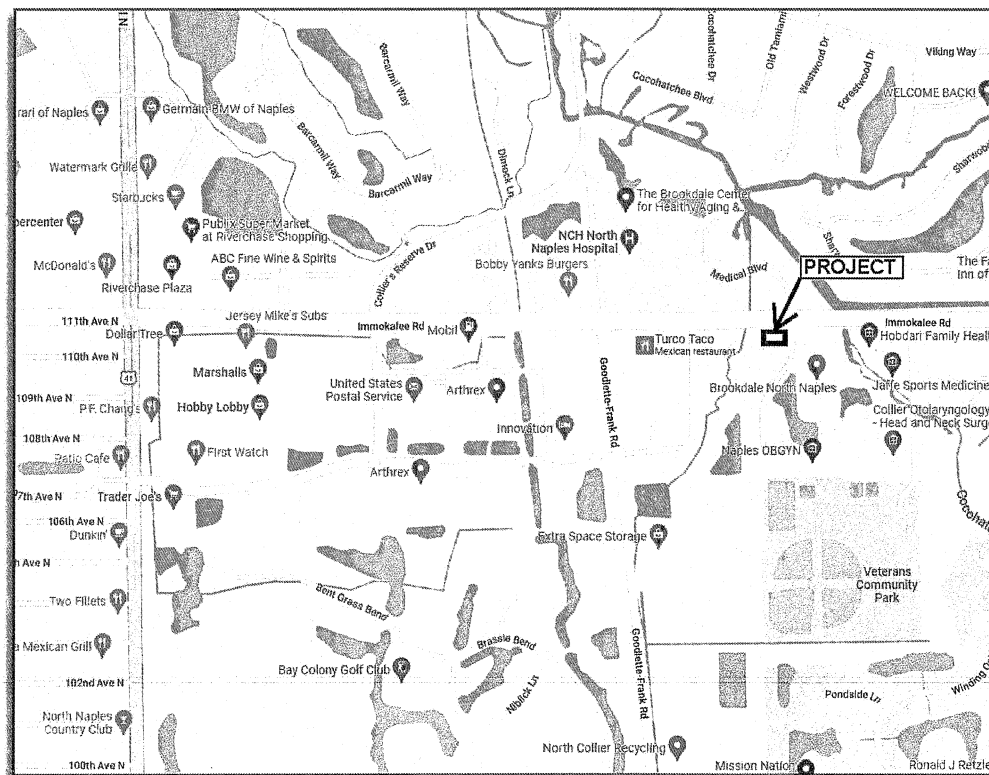
Project Description

The 1713 SW Health Parkway development (the “Project”) is part of the approved Southwest Professional Health Park Planned Unit Development (PUD) located on the south side of Immokalee Road (CR 846) and east of Goodlette-Frank Road (CR 851). The project is located in Section 26, Township 48 South, Range 25 East, in Collier County, Florida.

The subject property is identified by the Collier County Property Appraiser by Parcel Number 74445100821. The property is currently improved with an approximately 8,042 square foot building.

Refer to **Figure 1 – Project Location Map**, which follows and **Appendix A: Collier County Property Appraiser – Property Data**.

Figure 1 – Project Location Map



The Southwest Professional Health Park PUD was approved subject to the conditions illustrated in the Collier County Ordinance 96 – 81.

The applicant is requesting a Comparable Use Determination (CUD) to allow a veterinary clinic and a 24-hour emergency pet surgery center.

The purpose of this Traffic Impact Analysis (TIA) is to document whether the proposed use traffic generation is comparable with the traffic potential of a permitted Tract 'B' use as depicted in the approved PUD ordinance.

This traffic report agrees with the latest adopted Collier County Traffic Impact Study Guidelines and Procedures.

The project provides the highest and best use scenario with respect to the project's proposed trip generation. Consistent with the recommendations illustrated in Collier County Traffic Impact Study Guidelines and Procedures, traffic generation associated with the proposed development is evaluated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (TGM), 11th Edition and ITE Trip Generation Handbook, 3rd Edition.

Project Approved Uses per Ordinance 96 – 81

As illustrated in the PUD's Executive Summary, the intent of the approved PUD is "to allow development of a professional health park thereby providing a diversity of medical related use that will be complimentary and in close proximity to the North Collier Health Center".

The PUD's permitted uses are provided in Sections 3.2.1 and 3.2.2 of the approved ordinance and include but are not limited to: child day care, medical clinics, medical offices, rehabilitation centers and physical therapy centers.

For the purposes of this report, the permitted uses considered are: child day care and medical clinic. In agreement with the ITE TGM Land Use Code descriptions, the permitted use designations are illustrated in **Table 1A**.

Table 1A
Site Permitted Uses – ITE Land Use designation

Land Use	ITE Land Use Code	Size
Child Day Care	#565 – Day Care Center	8,042 square feet
Medical Clinic	#630 – Clinic	8,042 square feet

Project Proposed Uses

In agreement with the ITE TGM Land Use Code descriptions, the proposed use designations are illustrated in **Table 1B**.

Table 1B
Site Proposed Use – ITE Land Use designation

Land Use	ITE Land Use Code	Size
Veterinary Clinic/ 24-Hour Emergency Pet Surgery Center	#640 – Animal Hospital/Veterinary Clinic	8,042 square feet

This traffic report will provide a traffic generation comparison between the proposed uses and the PUD's permitted uses.

Trip Generation

The software program OTISS (Online Traffic Impact Study Software), most current version is used to evaluate the projected trip generation for the project. The ITE equations and/or rates are used for the trip generation calculations, as applicable. The ITE – OTISS trip generation calculation worksheets are provided in **Appendix B: ITE Trip Generation Manual Calculations**.

The **internal capture** accounts for a reduction in external traffic because of the interaction between the multiple land uses in a site. Per ITE recommendations no internal capture is considered for this study.

The **pass-by trips** account for traffic that is already on the external roadway network and stops at the project on the way to a primary trip destination. Per ITE recommendations, no pass-by reductions have been considered for the analyzed land uses.

The proposed development use trip generation is illustrated in **Table 2A**.

Table 2A
ITE Trip Generation – Proposed Uses – Average Weekday

Development		Daily (2-way)	AM Peak Hour			PM Peak Hour		
ITE Land Use	Size ⁽¹⁾		Enter	Exit	Total	Enter	Exit	Total
Animal Hospital/Veterinary Clinic	8,042 sf	173	19	10	29	11	17	28

Note(s): ⁽¹⁾ sf = square feet.

The trip generation analysis based on approved permitted conditions is shown in **Table 2B**.

Table 2B
ITE Trip Generation – Permitted Uses – Average Weekday

Development		Daily (2-way)	AM Peak Hour			PM Peak Hour		
ITE Land Use	Size ⁽¹⁾		Enter	Exit	Total	Enter	Exit	Total
Day Care Center	8,042 sf	383	47	41	88	42	47	89
Clinic	8,042 sf	302	21	5	26	9	21	30

Note(s): ⁽¹⁾ sf = square feet.

Based on the traffic data depicted in **Table 2B**, the day care center use is the most traffic intensive permitted use as analyzed in this report.

Collier County's Concurrency Management System is intended to ensure that there is adequate roadway capacity available to serve current and future development. Transportation Concurrency is a measure of the capacity of the roadway system to support the adopted level of service for vehicular traffic.

As part of the Transportation Element, the County established minimum acceptable level of service standards on the existing highway system. For County facilities, the level of service standard is measured on a peak hour basis.

In agreement with the Collier County TIS Guidelines and Procedures, significantly impacted roadways are identified based on the proposed project highest peak hour trip generation and consistent with the peak hour of the adjacent street traffic. Based on the information contained in Collier County 2021 Annual Update and Inventory Report (AUIR), the peak hour for adjacent roadway network is PM.

Table 3 illustrates the potential project traffic impact which is analyzed based on the PM peak hour net new traffic – the difference between the traffic generated by the proposed uses (**Table 2A**) and the traffic projected for the permitted uses (**Table 2B**).

For the purpose of this traffic comparison, the medical clinic use is conservatively utilized to represent one of the permitted uses.

Table 3
Trip Generation – Projected Net New Traffic – Average Weekday

	PM Peak Hour		
	Enter	Exit	Total
Proposed Land Use⁽¹⁾	11	17	28
Permitted Land Use⁽²⁾	9	21	30
Net New Traffic (Decrease)	2	(4)	(2)

Note(s): ⁽¹⁾ Refer to Table 2A.

⁽²⁾ Refer to Table 2B – ITE Land Use Clinic.

Conclusion

As illustrated in **Table 3**, from a traffic standpoint, the proposed development land use is less intensive when compared to the permitted PUD land uses.

Based on the results illustrated within this report, it is our recommendation that the proposed veterinary clinic use be considered comparable to the existing permitted uses and be incorporated as an allowed land use on the subject site within the Southwest Professional Health Park PUD.

Appendix A: Collier County Property Appraiser – Property Data

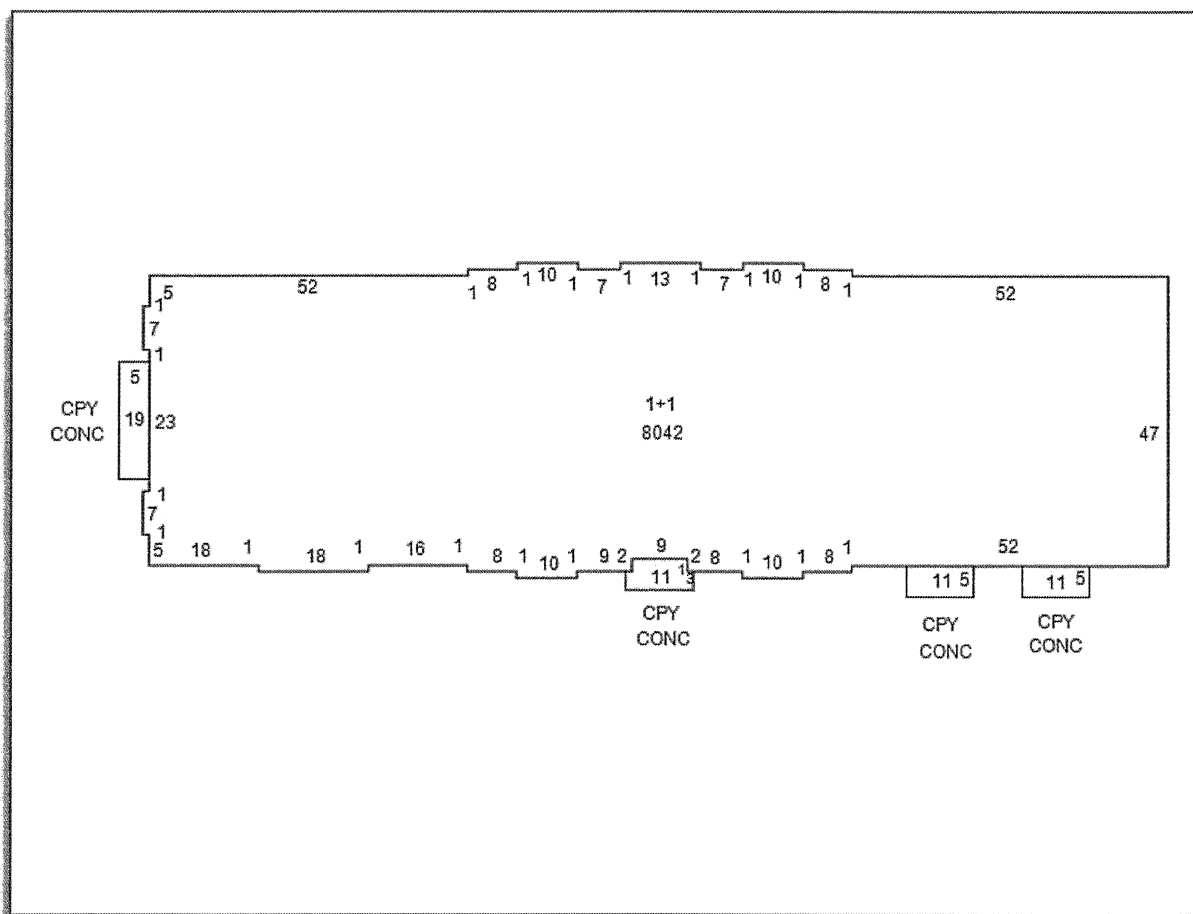
Collier County Property Appraiser Property Aerial

Parcel No	74445100821	Site Address <u>*Disclaimer</u>	1713 SW HEALTH PKWY	Site City	NAPLES	Site Zone <u>*Note</u>	34109
-----------	-------------	------------------------------------	---------------------------	-----------	--------	---------------------------	-------



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

1713 SW Health Parkway – Southwest Professional Health Park – CUD – TIA – May 2022



Attachment: Attachment E - Backup Material (22681 : PL20220001813 Southwest Professional Health Park (CUD))

Appendix B: ITE Trip Generation Manual Calculations

Permitted Uses – ITE Trip Generation Manual 11th Edition

Land Use: 565 Day Care Center

Description

A day care center is a facility where care for pre-school age children is provided, normally during daytime hours. A day care facility generally includes classrooms, offices, eating areas, and playgrounds. A center may also provide after-school care for school-age children.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Florida, Georgia, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Virginia, and Wisconsin.

Source Numbers

169, 208, 216, 253, 335, 336, 337, 355, 418, 423, 536, 550, 562, 583, 633, 734, 866, 869, 877, 878, 954, 959, 981

Land Use: 630 Clinic

Description

A clinic is a facility that provides limited diagnostic and outpatient care but is unable to provide prolonged in-house medical and surgical care. A clinic may have a lab facility and supporting pharmacy but typically does not have the equipment and medical personnel available at an urgent care site. A clinic typically offers a wide range of services which makes it distinct from a medical office building that typically houses specialized or individual physicians. Hospital (Land Use 610), free-standing emergency room (Land Use 650), and medical-dental office building (Land Use 720) are related uses.

Specialized Land Use

Data collected at a single methadone clinic in New Hampshire in 2021 indicate the likelihood of different trip generation rates than for a general medical clinic. The site gross floor area is 4,300 square feet. The vehicle trip counts are as follows:

- Weekday—283
- Weekday, AM peak hour of adjacent street—39
- Weekday, AM peak hour of generator—45
- Weekday, PM peak hour of adjacent street—1
- Saturday—189
- Saturday, peak hour of generator—64
- Sunday—167
- Sunday, peak hour of generator—56

The methadone clinic generates significantly more trips than a clinic during the morning peak periods and significantly fewer trips during the afternoon adjacent street peak period.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).



The average numbers of person trips per vehicle trip at the five general urban/suburban sites at which both person trip and vehicle trip data were collected were as follows:

- 1.4 during Weekday, AM Peak Hour of Generator
- 1.7 during Weekday, Peak Hour of Adjacent Street Traffic, one hour between 4 and 6 p.m.
- 1.5 during Weekday, PM Peak Hour of Generator

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Minnesota, New Hampshire, Texas, Vermont, and West Virginia.

Source Numbers

440, 734, 878, 926, 972, 1049, 1062, 1073



1713 SW Health Parkway – Southwest Professional Health Park – CUD – TIA – May 2022

Project Name:	SWPHP - Approved Uses	No:	
Date:	5/12/2022	City:	
State/Province:		Zip/Postal Code:	
Country:		Client Name:	
Analyst's Name:		Edition:	Trip Generation Manual, 11th Ed

LAND USE	SIZE	DAILY		AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit	Entry	Exit
565 - Day Care Center (General Urban/Suburban)	8.04 ⁽¹⁾	192	191	47	41	42	47
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		192	191	47	41	42	47
630 - Clinic (General Urban/Suburban)	8.04 ⁽¹⁾	151	151	21	5	9	21
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		151	151	21	5	9	21

PERIOD SETTING							
Analysis Name :	Daily	No :					
Project Name :	SWPHP - Approved Uses	City:					
Date:	5/12/2022	Zip/Postal Code:					
State/Province:		Client Name:					
Country:		Edition:					
Analyst's Name:							Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
565 - Day Care Center (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday	Average 47.62	192 50%	191 50%	383
630 - Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday	Average 37.6	151 50%	151 50%	302

PERIOD SETTING

Analysis Name : AM Peak Hour
Project Name : SWPHP - Approved Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
565 - Day Care Center (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 11	47 53%	41 47%	88
630 - Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN) $T = 2.19 (X) + 8.68$	21 81%	5 19%	26

PERIOD SETTING

Analysis Name : PM Peak Hour
Project Name : SWPHP - Approved Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
565 - Day Care Center (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 11.12	42 47%	47 53%	89
630 - Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 3.69	9 30%	21 70%	30

Proposed Uses – ITE Trip Generation Manual 11th Edition

Land Use: 640 Animal Hospital/Veterinary Clinic

Description

An animal hospital or veterinary clinic is a facility that specializes in the medical care and treatment of animals.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 2000s and the 2010s in California, New Jersey, and Texas.

Source Numbers

597, 662, 878



1713 SW Health Parkway – Southwest Professional Health Park – CUD – TIA – May 2022

Project Name: SWPHP - Proposed Uses
Date: 5/12/2022
State/Province:
Country:
Analyst's Name:

No:
City:
Zip/Postal Code:
Client Name:
Edition: Trip Generation Manual, 11th Ed

LAND USE	SIZE	DAILY		AM PEAK HOUR		PM PEAK HOUR	
		Entry	Exit	Entry	Exit	Entry	Exit
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	8,04 ⁽¹⁾	87	86	19	10	11	17
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		87	86	19	10	11	17
Total		87	86	19	10	11	17
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	0	0	0	0
Total Pass-by		0	0	0	0	0	0
Total Non-pass-by		87	86	19	10	11	17

(1) 1000 Sq. Ft. GFA

PERIOD SETTING

Analysis Name : Daily
Project Name : SWPHP - Proposed Uses
Date: 5/12/2022
State/Province:
Country:
Analyst's Name:

No :
City:
Zip/Postal Code:
Client Name:
Edition: Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8,04 ⁽⁰⁾	Weekday	Average 21.5	87 50%	86 50%	173

(0) indicates size out of range.

PERIOD SETTING

Analysis Name : AM Peak Hour
Project Name : SWPHP - Proposed Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average 3.64	19 66%	10 34%	29

PERIOD SETTING

Analysis Name : PM Peak Hour
Project Name : SWPHP - Proposed Uses **No :**
Date: 5/12/2022 **City:**
State/Province: **Zip/Postal Code:**
Country: **Client Name:**
Analyst's Name: **Edition:** Trip Generation Manual, 11th Ed

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
640 - Animal Hospital/Veterinary Clinic (General Urban/Suburban)	1000 Sq. Ft. GFA	8.04	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average 3.53	11 39%	17 61%	28

