

**COLLIER COUNTY**

**WAIVER APPLICATION FROM THE REQUIRED HISTORICAL  
AND ARCHAEOLOGICAL SURVEY AND ASSESSMENT**

DATE SUBMITTED: \_\_\_\_\_ PLANNER: Ray V. Bellows, Zoning Manager

PETITION NUMBER ASSOCIATED WITH THE WAIVER: \_\_\_\_\_

(To Be Completed By Zoning and Land Development Review Staff)

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**PROJECT NAME:** Esperanza Place RPUD

**LOCATION:** (Common Description) 2702 and 2210 Immokalee Drive

**SUMMARY OF WAIVER REQUEST:** The subject property has been utilized for agricultural purposes for approximately 90 years. The site was originally part of the Shellabarger homestead which was granted to the family after the requisite five years of working the land. The property was utilized for cattle grazing and for vegetable farming. A cattle pond was dug on the site in various formations over the years. These activities make it highly unlikely that any historic or archeological artifacts or remains will be present on the property today.

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(Properties located within an area of Historical and Archaeological Probability but with a low potential for historical/archaeological sites may petition the Community Development & Environmental Services Administrator or his designee to waive the requirement for a Historical/Archaeological Survey and Assessment. Once the waiver application has been submitted, it shall be reviewed and acted upon within five (5) working days. The waiver request shall adequately demonstrate that the area has low potential for historical/archaeological sites.)

**SECTION ONE: APPLICANT AND PROPERTY OWNERSHIP DATA**

- A. Name of applicant (s) (if other than property owner, state relationship such as option holder, contract purchaser, lessee, trustee, etc.):**

Florida Non-Profit Services, Inc., 900 Broad Avenue South, Suite #2-C,  
Naples, FL, 34102 (Contract Purchaser)  
and the Empowerment Alliance of Southwest Florida Community Development  
Corporation, 750 South Fifth Street, Immokalee, FL, 34142 (Owner, Contract  
Purchaser)

**Mailing Address:**

**Phone:** (       )       **FAX:**

- B. Name of agent(s) for applicant, if any:** Q. Grady Minor & Associates

**Mailing Address:** 3800 Via Del Rey, Bonita Springs, FL, 34134

**Phone:** (239) 947-1144 **FAX:** 239-947-0375

- C. Name of owner(s) of property:** Jose and Norma Lopez (P.O. Box 445,  
Immokalee, FL, 34143), Empowerment Alliance of Southwest Florida CDC  
and Carol Caruthers (P.O. Box 324, Immokalee, FL, 34143)

**Mailing Address:**

**Phone:** (       )       **FAX:**

Note: If names in answers to A and/or B are different than name in C,  
notarized letter(s) of authorization from property owner (C) must be  
attached.

**SECTION TWO: SUBJECT PROPERTY DATA** (Attach copy of the plat book  
page (obtainable from Clerk's Office at the original scale) with subject property  
clearly marked.)

- A. Legal description of subject property. Answer only 1 or 2, as  
applicable.**

- 1. Within platted subdivision, recorded in official Plat Books of  
Collier County.**

**Subdivision Name:**

<b>Plat Book</b>	<b>Page</b>	<b>Unit</b>	<b>Block</b>	<b>Lot</b>
<b>Section</b>	<b>Township</b>	<b>Range</b>		

2. If not in platted subdivision, a complete legal description must be attached which is sufficiently detailed so as to locate said property on County maps or aerial photographs. The legal description must include the Section, Township and Range. If the applicant includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel, except where different zoning requests are made on individual parcels. A boundary sketch is also required. Collier County has the right to reject any legal description, which is not sufficiently detailed so as to locate said property, and may require a certified survey or boundary sketch to be submitted.

**B. Property dimensions:**

**Area:** square feet, or 31.63± acres

**Width along roadway:** 1060± feet

**Depth:** 1300± feet

**C. Present use of property:** Single-family dwellings, agricultural uses

**D. Present zoning classification:** A-MHO

### **SECTION THREE: WAIVER CRITERIA**

Note: This provision is to cover instances in which it is obvious that any archaeological or historic resource that may have existed has been destroyed. Examples would be evidence that a major building has been constructed on the site or that an area has been excavated as a quarry. The Community Development & Environmental Services Administrator may seek counsel of the chairman of the Historic and Archaeological Preservation Board when it is not completely evident that the site is without archaeological or historic value.

**A. Waiver Request Justification.**

1. **Interpretation of Aerial Photograph** According to aerial photographs, the site has been altered significantly over time. The property has been cleared for agricultural purposes, including cattle

grazing. Two single-family dwellings and associated buildings have been constructed on the site. The "wetland" area is a borrow pit that was dug and re-filled. At one time this pond extended to the property to the west, which is now developed with a mobile/manufactured home community.

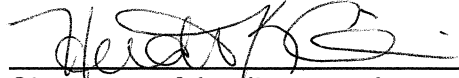
2. **Historical Land Use Description:** The subject property was originally part of the Shellabarger Homestead which was granted to the family in 1921. The site was primarily used for cattle grazing and vegetable farming.
3. **Land, cover, formation and vegetation description:** The FLUCCS map identifies single-family homes (Code 111), Fallow Farm Field (Code 261) and Willow-Disturbed (Code 618) on the site.
4. **Other:** The EIS submitted with the Esperanza Place RPUD application contains a letter from the State of Florida Department of State, Division of Historical Resources, dated August 23, 2007 which states that no "previously recorded cultural resources" have been identified on the subject property.

- B. The Community Development & Environmental Services Administrator or his designee may deny a waiver, grant the waiver, or grant the waiver with conditions. The official decision regarding the waiver request shall be provided to the applicant in writing. In the event of a denial of the waiver request, written notice shall be provided stating the reasons for such denial. Any party aggrieved by a decision of the Community Development & Environmental Services Administrator or his designee regarding a waiver request may appeal to the Preservation Board. Any party aggrieved by a decision of the Preservation Board regarding a waiver request may appeal that decision to the Board of County Commissioners.**

#### **SECTION FOUR: CERTIFICATION**

- A. **The applicant shall be responsible for the accuracy and completeness of this application. Any time delays or additional expenses necessitated due to the submittal of inaccurate or incomplete information shall be the responsibility of the applicant.**
- B. **All information submitted with the application becomes a part of the public record and shall be a permanent part of the file.**

- C. All attachments and exhibits submitted shall be of a size that will fit or conveniently fold to fit into a legal size (8 1/2" x 14") folder.



Signature of Applicant or Agent

Heidi K. Williams, AICP

Printed Name of Applicant or Agent

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**-TO BE COMPLETED BY THE COMMUNITY DEVELOPMENT SERVICES DIVISION-**

**SECTION FIVE: NOTICE OF DECISION**

The Community Development & Environmental Services Administrator or designee has made the following determination:

1. Approved on: \_\_\_\_\_ By: \_\_\_\_\_
2. Approved with Conditions on: \_\_\_\_\_ By: \_\_\_\_\_  
(see attached)
3. Denied on: \_\_\_\_\_ By: \_\_\_\_\_  
(see attached)