



March 27, 2018

Jessica Harrelson  
Davidson Engineering, Inc.  
4365 Radio Road, Suite 201  
Naples, FL 34104

**Re: ZLTR-PL20180000352;** Zoning Verification Letter for the property located 999 Kings Way; AKA Foxfire Unit 3 Parcel "A" OR 1269 PG 28 in Section 6, Township 50 South, Range 26 East unincorporated Collier County, Florida. Property ID/Folio Number: 33885760008.

Dear Ms. Harrelson:

Thank you for your request for Zoning Verification. You requested verification of the question listed below in bold print, which is followed by Staff's response. **This letter supersedes zoning verification letter dated 04/06/2018 by responding to applicant's inquiry regarding the sites designation as recreation allowing for such uses as a pool and parking facilities.**

**Confirmation that the current zoning designation of the subject parcel is "Tract E; recreational" (as originally designated in Ordinance No. 84-50). The provided property card obtained from the Collier County's Property Appraiser Office reveals that a pool and parking facilities were first identified by them at the subject property on 1985.**

The subject site is zoned Planned Unit Development (PUD); more specifically the Foxfire PUD. The applicable governing document for the Foxfire PUD is Ordinance 93-31, as amended.

As your request stated, Exhibit A of the Foxfire PUD Ordinance (Ordinance 93-31) does not clearly mark the subject property is part of Tract E – Common Area/ Golf Course. Repealed Ordinance 84-50's master plan depicts the subject site as Tract E. A final site plan submitted for the DRI Monitoring Report dated June 11, 1987 depicted the subject site as Recreational Parcel "A".

The subject property's legal description refers to OR 1269 PG 28; a Warranty Deed dated May 14, 1987. Said Warranty Deed notes the subject property is part of the Foxfire Community Homeowners Association Common Area; specifically, Parcel "A" Foxfire Unit Three (P.B. 13, pages 101-103) Recreational Parcel.

Furthermore, a review of Collier County Board of County Commissioners Meeting held on June 8, 1993 (attached) reveals the changes petitioned for in Ordinance 93-31 were not related to changing the designation of the subject site as originally depicted in Ordinance 84-50's master plan. Ordinance 84-50 was the last master plan amendment of the establishing Foxfire PUD Ordinance 81-68, which was repealed by Ordinance 93-31.

Staff opines that though Ordinance 93-31 Master Plan does not clearly mark the subject parcel as part of Tract E there is evidence that it was not the intent of Ordinance 93-31 to remove the subject site from Tract E. Therefore, the subject property would permit recreational facilities such as a pool and related parking facilities, as provided for in Section 7 of the Foxfire PUD Ordinance.



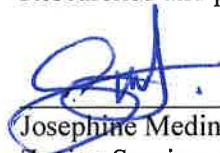
The information presented in this verification letter is based on the Collier County LDC and/or Growth Management Plan in effect as of this date. It is possible that subsequent amendment(s) to either of these documents could affect the validity of this verification letter. It is also possible that development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

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

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

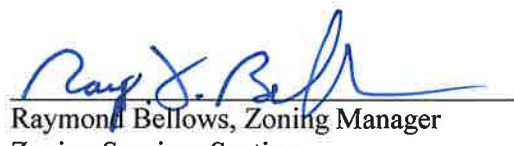
Should you require further information or have any questions, please do not hesitate to contact me at (239) 252-2733 or [Josephine.Medina@colliercountyfl.gov](mailto:Josephine.Medina@colliercountyfl.gov).

Researched and prepared by:



Josephine Medina, Planner  
Zoning Services Section

Reviewed by:



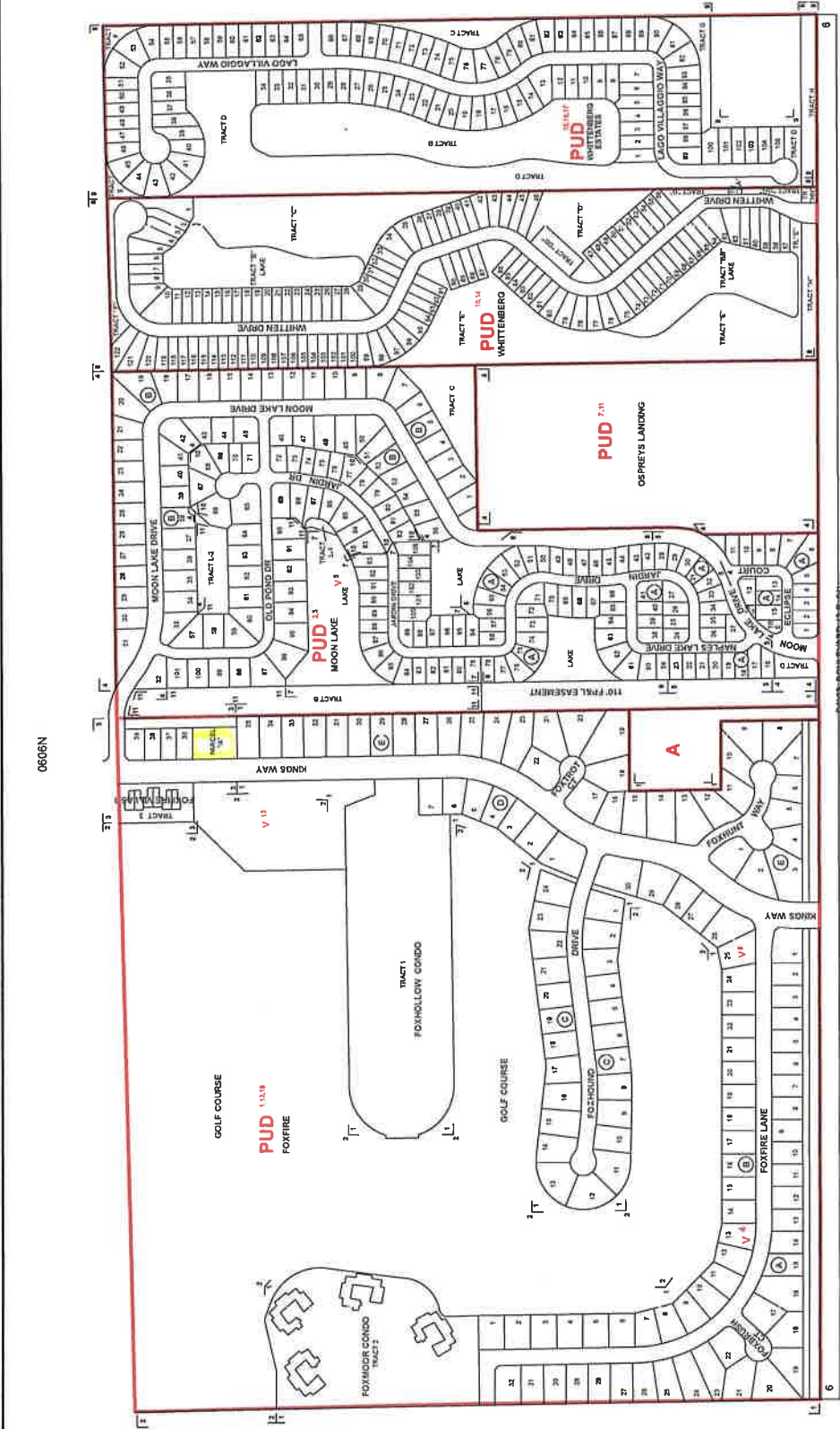
Raymond Bellows, Zoning Manager  
Zoning Services Section

Attachments

CC : GMD - Addressing

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

0501S 0606N



0501S

0607N

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

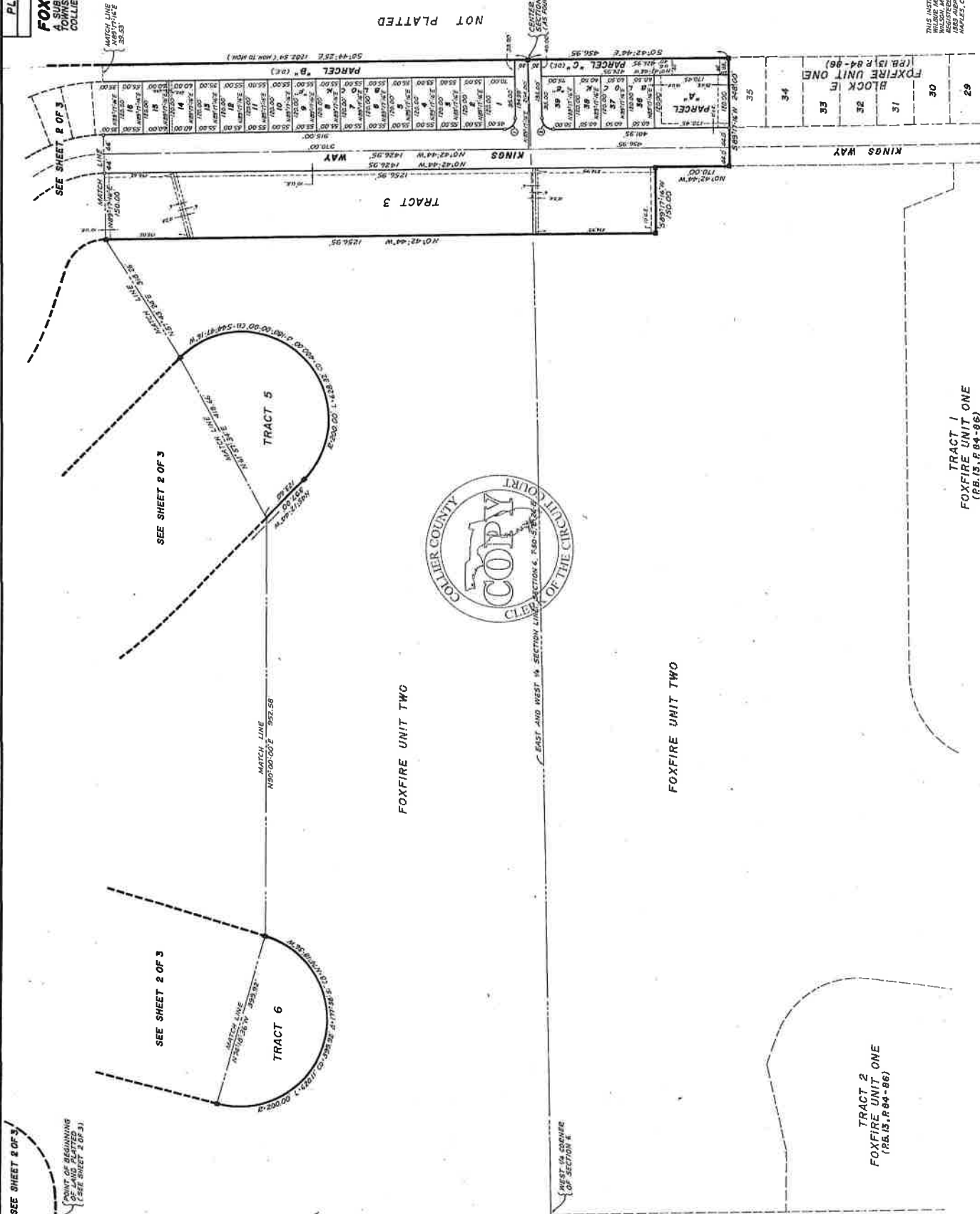
BY \_\_\_\_\_ CHAIRMAN  
ATTEST \_\_\_\_\_ CLERK

COLLIER COUNTY, FLORIDA	
COMMUNITY DEVELOPMENT DIVISION	
TWP 50S RING 26E SEC(S) 6 SO 1/2	
SCALE	MAP NUMBER: 0606S

SUBDIVISION INDEX

NO.	NAME	P.B.	P.D.
1	CAVO COSTA UNIT TWO	87-106	6427
2	FOXHOLLOW CONDO TRACT 1	104-103	41
3	FOXHOLLOW CONDO TRACT 2	104-104	
4	FOXHOLLOW CONDO TRACT 3	104-105	
5	FOXHOLLOW CONDO TRACT 4	104-106	
6	FOXHOLLOW CONDO TRACT 5	104-107	
7	FOXHOLLOW CONDO TRACT 6	104-108	
8	FOXHOLLOW CONDO TRACT 7	104-109	
9	FOXHOLLOW CONDO TRACT 8	104-110	
10	FOXHOLLOW CONDO TRACT 9	104-111	
11	FOXHOLLOW CONDO TRACT 10	104-112	
12	FOXHOLLOW CONDO TRACT 11	104-113	
13	FOXHOLLOW CONDO TRACT 12	104-114	
14	FOXHOLLOW CONDO TRACT 13	104-115	
15	FOXHOLLOW CONDO TRACT 14	104-116	
16	FOXHOLLOW CONDO TRACT 15	104-117	
17	FOXHOLLOW CONDO TRACT 16	104-118	
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23	FOXHOLLOW CONDO TRACT 22	104-124	
24	FOXHOLLOW CONDO TRACT 23	104-125	
25	FOXHOLLOW CONDO TRACT 24	104-126	
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27	FOXHOLLOW CONDO TRACT 26	104-128	
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167	FOXHOLLOW CONDO TRACT 166	104-268	
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169	FOXHOLLOW CONDO TRACT 168	104-270	
170	FOXHOLLOW CONDO TRACT 169	1	

**FOXFIRE UNIT THREE**  
A SUBDIVISION OF PART OF SECTION 5,  
TOWNSHIP 30 SOUTH, RANGE 26 EAST,  
COLLIER COUNTY, FLORIDA



- ① A = 2500' ± 29.37' CO = 15.96'
- ② B = 2500' ± 29.37' CO = 15.96'
- ③ C = 2500' ± 29.37' CO = 15.96'
- ④ D = 2500' ± 29.37' CO = 15.96'
- ⑤ E = 2500' ± 29.37' CO = 15.96'
- ⑥ F = 2500' ± 29.37' CO = 15.96'
- ⑦ G = 2500' ± 29.37' CO = 15.96'
- ⑧ H = 2500' ± 29.37' CO = 15.96'
- ⑨ I = 2500' ± 29.37' CO = 15.96'
- ⑩ J = 2500' ± 29.37' CO = 15.96'
- ⑪ K = 2500' ± 29.37' CO = 15.96'

THIS INSTRUMENT WAS PREPARED BY  
WILSON, MILLER, BARTON, SOUL, & TEEB, INC.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
1283 AIRPORT ROAD NORTH  
NAPLES, FLORIDA 34102

June 8, 1993

memo suggesting a program for the Board's consideration regarding this subject.

\*\*\* Deputy Clerk Hoffman replaced Recording Secretary Carney at this time \*\*\*

(2880)  
Item #12B1

ORDINANCE 93-31, RE PETITION PUD-93-6, TIMOTHY L. HANCOCK OF WILSON, MILLER, BARTON & PEEK, INC., REQUESTING A REZONE FROM RMF-6 AND PUD TO PUD, PLANNED UNIT DEVELOPMENT, KNOWN AS FOXFIRE PUD - ADOPTED WITH STIPULATIONS AS AMENDED

Legal notice having been published in the Naples Daily News on May 19, 1993, as evidenced by Affidavit of Publication filed with the Clerk, public hearing was opened.

Commissioner Volpe announced that he has had a previous involvement in an aspect of this particular matter. He indicated that he has spoken with County Attorney Cuyler regarding a possible conflict.

County Attorney Cuyler advised that he has discussed this issue with Commissioner Volpe, and revealed, in his opinion, there is no voting conflict.

County Attorney Cuyler stated that Attorney Anthony Pires has raised the issue of whether this petition can or should be heard and has requested a continuance.

Attorney Anthony Pires, representing numerous residents within Foxfire, revealed that he filed a request for continuance on June 4, 1993, based upon two items outlined in his letter to Chairman Saunders: internal issues concerning the voting mechanism; and a pending request for an interpretation regarding the sufficiency of this application and the validity of a sufficient application.

Attorney Pires questioned the validity of the application with respect to the 65 acre parcel proposed to be rezoned from RMF-6 to PUD. In addition, he asked for an interpretation relative to the validity of an application when made by a party that is not the owner of the property to be rezoned. He asked whether the hearing before the CCPC on May 20, 1993, should have been advertised or heard and whether the hearing before the Board of County Commissioners on June



June 8, 1993

8, 1993, should have been advertised since the required affidavit attached to the rezoning application indicates Kennard Day as the owner of the property, however, the owner of the property is the Fleischmann Estate III Co-Trustees.

Mr. Pires pointed out that application for the rezoning designates Joe Sorrels, as Agent, rather than Wilson, Miller, Barton & Peek, Inc. or Timothy Hancock.

Attorney Pires requested that this item be continued until an interpretation has been rendered with regard to these matters.

County Attorney Cuyler advised that the Owner of the property is listed on the application and the Agent for the property is listed on the application. He remarked that the question that has arisen is whether the owner has designated this agent as "Agent". He noted if the Owner states for the record that they have not listed themselves on the application, but were listed with their knowledge and consent and provide an affidavit to that effect, any request for an interpretation would be retroactive.

In answer to Commissioner Saunders, County Attorney Cuyler revealed that the Owner is Long, Wachs and Cambron as Co-Trustees under the Trusts Established Under Items XI and XII of the Last Will of Julius Fleischmann.

Mr. Bob Menzies, representing the Community Association, stated that Frost & Jacobs is the counsel for the Trustees of the Julius Fleischmann Trust. He explained that the Board has received an affidavit executed by James Wachs who is one of the Co-Trustees.

Tape #3

County Attorney Cuyler stated that the Owners have been listed as a part of the application and noted he sees no reason to go through an interpretation process.

It was the consensus of the Commission to proceed with the hearing.

Planner Nino explained that there are two elements to this petition. He reported that there will be minor modifications to the PUD

June 8, 1993

document to increase the number of dwelling units from 927 to 935. He called attention to Page 43 of the Executive Summary, and noted that Lots 18 and 60 are currently used for open space purposes and would not be used for single family development, and suggested that the language "single family development" be deleted.

Mr. Nino stated that the second thrust of this petition is to rezone a 65 acre parcel from RMF-6 with a three dwelling unit cap to a PUD District for the sole purpose of using the 65 acres as a golf course in conjunction with the Foxfire PUD.

Mr. Nino affirmed that staff is of the opinion that this petition is consistent with all Elements of the Growth Management Plan. He revealed that the CCPC reviewed this petition on May 20, 1993, and recommends approval of same. He divulged that documentation was presented to the Planning Commission, citing that 145 persons are opposed to this petition.

Commissioner Volpe remarked that one provision allows for customary accessory uses of golf courses in addition to recreational/open space. He noted that a customary accessory use would allow an enclosed storage structure for golf carts and this would have a greater impact on 15 residences.

Mr. Timothy Hancock of Wilson, Miller, Barton & Peek, Inc., representing Foxfire Community Association, explained that the golf course is designed to retain 36% of the native vegetation which is in excess of the current requirements of the County. He indicated that there is a 60'- 80' buffer area on Estey Avenue, however, the requirement is 10'. He noted that the maintenance facility is intended to be one story and is located 100'-150' from the right-of-way line of Estey Avenue and this would be approximately 200' from any residence or property line.

With regard to the eight lots, Mr. Hancock communicated that the majority of the residents do not desire eight more units on an already crowded golf course. He pointed out that the petitioners desire to maintain the opportunity to erect structures in association with

recreational facilities.

The following persons spoke with regard to this item:

George Keller  
Joseph Stude  
Anthony Pires, Jr.  
Earl Marlin

Chairman Saunders announced that the public hearing is closed.

Commissioner Saunders questioned whether the petitioners would stipulate to limiting the height of the maintenance facility to one story, to which Mr. Hancock replied affirmatively.

Commissioner Constantine moved, seconded by Commissioner Volpe and carried unanimously, to approve PUD 93-5, based upon the findings reflected on Page 27 of the Executive Summary, and that Ordinance 93-31 be adopted and entered into Ordinance Book 61 with the stipulations incorporated into the PUD document and the additional stipulations that the use of the eight lots be single-family; and that the maintenance facility be limited to one story.



RECORD. \$33.00  
CONSID. \$1.50

WARRANTY DEED  
(FROM CORPORATION)

RAMCO FORM 33

**This Warranty Deed** Made and executed the 14th day of May A. D. 1987 by  
U. S. Home Corporation, a Delaware corporation

a corporation existing under the laws of Delaware, and having its principal place of  
business at 1177 West Loop South, Houston, TX 77001  
hereinafter called the grantor, to

Foxfire Community Association of Collier County, Inc., a Florida  
Corporation whose postoffice address is 1030 Kings Way, Naples, Florida 33942

hereinafter called the grantee:

(Wherever used herein the terms "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 \$10.00--- and other  
valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell,  
alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Collier  
County, Florida, viz:

All those Parcels described on Exhibit "A" attached hereto and  
made a part hereof.

TOGETHER with all of the grantor's interest in and to those  
certain Golf Cart Path Easements as described on Exhibit "B"  
attached hereto and made a part hereof.

Received \$ .50 Documentary Stamp Tax  
Received \$ N/A Class "C" Intangible  
Personal Property Tax

COLLIER COUNTY CLERK OF COURTS

By *[Signature]* D.C.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any-  
wise appertaining.

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

**And** the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee  
simple; that it has good right and lawful authority to sell and convey said land; that it heroby fully war-  
rants 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, 1986, easements, restrictions and reservations of record

(CORPORATE SEAL)

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

ATTEST:

Secretary

U. S. Home Corporation

Signed, sealed and delivered in the presence of:

By *[Signature]*  
JAMES E. TACKETT, DIV. VICE President

STATE OF FLORIDA  
COUNTY OF COLLIER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments,  
personally appeared JAMES E. TACKETT, DIV. VICE PRESIDENT  
DIV

well known to me to be the VICE President and respectively of the corporation named as grantor  
in the foregoing deed, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily  
under authority vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 14th day of May A. D. 19 87.

NOTARY PUBLIC-STATE OF FLORIDA  
MY COMMISSION EXP. JULY 22, 1989  
BONDED THRU GENERAL INS. UND.

My Commission Expires

This Instrument prepared by:

Notary Public (SEAL)

Address

R. M. Vogel, Esquire, 3936 Tamiami Trail North,  
Suite A, Naples, Florida 33940  
PREPARATION ONLY WITHOUT OPINION.

File No.

1987 MAY 18 PM 12:11

RECORDED

01088987

COLLIER COUNTY

OR BOOK

001269

000028

Return to MIDWEST TITLE (DZ # Foshie-M)  
3936 No. Tamiami Trail, #A  
Naples, FL 33940



**WILSON • MILLER • BARTON • SOLL & PEEK, INC.**

ENGINEERS PLANNERS SURVEYORS  
1393 AIRPORT-PULLING ROAD NORTH, NAPLES, FLORIDA 33942-9886 (813) 643-4545

**Foxfire Community Homeowners  
Association Common Area**

**Item No.**

- 1) Outlots A and B of Foxfire Unit One as shown on (P.B. 13, pages 84-86) Public Records of Collier County, Florida (Drainage Easements).
  - 2) All of Foxfire Unit Two according to the plat thereof as recorded in Plat Book 13, pages 97-100, Public Records of Collier County, Florida (Foxfire Golf Course).
  - 3) Parcels B & C of Foxfire Unit Three as shown on (P.B. 13, pages 101-103) Public Records of Collier County, Florida (Drainage Easements).
  - 4) Lot 18, Block "G" Foxfire Unit Three according to the plat thereof as recorded in P.B. 13, pages 101-103, Public Records of Collier County, Florida (Park Site).
  - 5) Drainage Easement Lake "L" of Foxfire Unit Three according to the plat thereof as recorded in P.B. 13, pages 101-103, Public Records of Collier County, Florida (Drainage Easement).
  - 6) Lot 60, Block "F" Foxfire Unit Three according to the plat thereof as recorded in P.B. 13, pages 101-103, Public Records of Collier County, Florida (Common Area).
  - 7) All of Tract 8 of Foxfire Unit Three according to the plat thereof as recorded in P.B. 13, pages 101-103, Public Records of Collier County, Florida (Common Area).
  - 8) All of Tract 9 of Foxfire Unit Three according to the plat thereof as recorded in P.B. 13, pages 101-103, Public Records of Collier County, Florida (Maintenance Site).
  - 9) All of Lots 20, 21, 22, 23, 24 and 25 of Block "F" of Foxfire Unit Three according to the plat thereof as recorded in P.B. 13, pages 101-103, Public Records of Collier County, Florida (Sewage Treatment Plant).
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- 18) Lots 34 and 35 Block "E" Foxfire Unit One (P.B. 13, pages 84-86) Parking Lot Parcel for overflow.
  - 19) Parcel "A" Foxfire Unit Three (P.B. 13, pages 101-103) Recreation Parcel.

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EXHIBIT "A"

# Collier County Property Appraiser Property Detail

Parcel No.		33885760008		Site Adr.		999 KINGS WAY, NAPLES, FL 34104					
Name / Address		FOXFIRE COMMUNITY ASSN									
		OF COLLIER CTY INC									
		1030 KINGS WAY									
City		NAPLES		State		FL		Zip		34104-4988	

## Permits

Tax Yr	Issuer	Permit #	CO Date	Tmp CO	Final Bldg	Type
<b>1985</b>	<b>COUNTY</b>	<b>84-3214</b>	<b>04/19/85</b>			
<b>1986</b>	<b>COUNTY</b>	<b>84-3171</b>	<b>07/11/85</b>			<b>POOL</b>

## Land

#	Calc Code	Units
<b>10</b>	<b>FLAT VALUE</b>	<b>0</b>

## Building/Extra Features

#	Year Built	Description	Area	Adj Area
<b>10</b>	<b>1985</b>	<b>RESIDENTIAL</b>	<b>353</b>	<b>390</b>
<b>20</b>	<b>1985</b>	<b>ASPH P</b>	<b>5643</b>	<b>5643</b>
<b>30</b>	<b>1985</b>	<b>SWIMMING POOL</b>	<b>1500</b>	<b>1500</b>