



COLLIER COUNTY GOVERNMENT
GROWTH MANAGEMENT DEPARTMENT
www.colliergov.net

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

Application for a Public Hearing for PUD Rezone, Amendment to PUD or PUD to PUD Rezone

PETITION NO
PROJECT NAME
DATE PROCESSED

To be completed by staff

- ☐ **PUD Rezone (PUDZ):** LDC subsection 10.02.13 A.-F., Ch. 3 G. 1 of the Administrative Code
- ☒ **Amendment to PUD (PUDA):** LDC subsection 10.02.13 E. and Ch. 3 G. 2 of the Administrative Code
- ☐ **PUD to PUD Rezone (PUDR):** LDC subsection 10.02.13 A.-F.

APPLICANT CONTACT INFORMATION

Name of Property Owner(s): KRG Courthouse Shadows LLC and KRG Courthouse Shadows II, LLC

Name of Applicant if different than owner: KRG Courthouse Shadows LLC

Address: 30 S. Meridian St., Suite 1100 City: Indianapolis State: IN ZIP: 46204

Telephone: 317-578-5165 Cell: Fax:

E-Mail Address: dkirby@kiterealty.com

Name of Agent: D. Wayne Arnold AICP (also see Additional Agent Information document)

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

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

Telephone: 239.947.1144 Cell: Fax:

E-Mail Address: warnold@gradymenor.com

Be aware that Collier County has lobbyist regulations. Guide yourself accordingly and ensure that you are in compliance with these regulations.



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REZONE REQUEST

This application is requesting a rezone from: CPUD Zoning district(s) to the
MPUD zoning district(s).

Present Use of the Property: Commercial

Proposed Use (or range of uses) of the property: Residential and commercial

Original PUD Name: Courthouse Shadows

Ordinance No.: Ordinance 92-008 and Ordinance 2016-45

PROPERTY INFORMATION

On a separate sheet attached to the application, provide a detailed legal description of the property covered by the application:

- If the request involves changes to more than one zoning district, the applicant shall include a separate legal description for property involved in each district;
- The applicant shall submit 4 copies of a recent survey (completed within the last six months, maximum 1" to 400' scale), if required to do so at the pre-application meeting; and
- The applicant is responsible for supplying the correct legal description. If questions arise concerning the legal description, an engineer's certification or sealed survey may be required.

Section/Township/Range: 11, 12, 13 / 50 / 25

Portion of Lot: 1-3 Block: A Subdivision: Eastgate (OR32 Page 478) and Courthouse Shadows

Metes & Bounds Description: See Exhibit 1 Legal Description

Plat Book: 29 Page #: 40-41 Property I.D. Number: 28750000028, 28750000523, 28750000769 and 30480040100

Size of Property: Irregular ft. x Irregular ft. = 886,446+/- Total Sq. Ft. Acres: 20.35+/-

Address/ General Location of Subject Property: Southeast quadrant of Airport Road
and Tamiami Trail East (U.S. 41). 3290 and 3420 TAMIAMI TRL E.

PUD District (refer to LDC subsection 2.03.06 C):

☐

Commercial

☐

Residential

☐

Community Facilities

☐

Industrial

☒

Mixed Use

☐

Other:



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ADJACENT ZONING AND LAND USE

	Zoning	Land Use
N	Collier County Government Complex PUD, C-3 (GTMUD-MXD)	Government Offices, Office
S	C-3 (BMUD-R1), RSF-4 (BMUD-R1), RSF-4 & C-3	Vacant, Legal Offices and Residential
E	Collier County Government Complex PUD, C-3 & C-5	Government Offices, Real Estate Office, WalMart Retail Store
W	RMF-6 (BMUD-R1), C-3 (GTMUD-MXD) & RMF-6 (BMUD-R1)	Vacant, Offices and Residential

If the owner of the subject property owns contiguous property please provide a detailed legal description of the entire contiguous property on a separate sheet attached to the application.

Section/Township/Range: N.A. /N.A. /N.A.

Lot: N.A. Block: N.A. Subdivision: N.A.

Plat Book: N.A. Page #: N.A. Property I.D. Number: N.A.

Metes & Bounds Description: N.A.

ASSOCIATIONS

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

Name of Homeowner Association: N.A.

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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

Name of Homeowner Association: _____

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



EVALUATION CRITERIA

Pursuant to LDC subsections 10.02.13 B, 10.02.08 F and Chapter 3 G. of the Administrative Code, staff's analysis and recommendation to the Planning Commission, and the Planning Commission's recommendation to the Board of County Commissioners shall be based upon consideration of the applicable criteria. **On a separate sheet attached to the application, provide a narrative statement describing the rezone request with specific reference to the criteria below. Include any backup materials and documentation in support of the request.**

- a. The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, surrounding areas, traffic and access, drainage, sewer, water, and other utilities.
- b. Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.
- c. Conformity of the proposed PUD with the goals, objectives and policies of the Growth Management Plan. (This is to include identifying what Sub-district, policy or other provision allows the requested uses/density, and fully explaining/addressing all criteria or conditions of that Sub-district, policy or other provision.)
- d. The internal and external compatibility of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and buffering and screening requirements.
- e. The adequacy of usable open space areas in existence and as proposed to serve the development.
- f. The timing or sequence of development for the purpose of assuring the adequacy of available improvements and facilities, both public and private.
- g. The ability of the subject property and of surrounding areas to accommodate expansion.
- h. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications of justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

Deed Restrictions: The County is legally precluded from enforcing deed restrictions; however, many communities have adopted such restrictions. You may wish to contact the civic or property owners association in the area for which this use is being requested in order to ascertain whether or not the request is affected by existing deed restrictions.



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Previous land use petitions on the subject property: To your knowledge, has a public hearing been held on this property within the last year? If so, what was the nature of that hearing?

No.

Official Interpretations or Zoning Verifications: To your knowledge, has there been an official interpretation or zoning verification rendered on this property within the last year?

☐ Yes ☒ No if so please provide copies.

PUBLIC NOTICE REQUIREMENTS

This land use petition requires a Neighborhood Information Meeting (NIM), pursuant to Chapter 3 E. of the Administrative Code and LDC section 10.03.06. Following the NIM, the applicant will submit a written summary and any commitments that have been made at the meeting. Refer to Chapter 8 B. of the Administrative Code for the NIM procedural requirements.

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

RECORDING OF DEVELOPER COMMITMENTS

Within 30 days of adoption of the Ordinance, the owner or developer (specify name) at their expense shall record in the Public Records of Collier County a Memorandum of Understanding of Developer Commitments or Notice of Developer Commitments that contains the legal description of the property that is the subject of the land use petition and contains each and every commitment of the owner or developer specified in the Ordinance. The Memorandum or Notice shall be in form acceptable to the County and shall comply with the recording requirements of Chapter 695, FS. A recorded copy of the Memorandum or Notice shall be provided to the Collier County Planned Unit Development Monitoring staff within 15 days of recording of said Memorandum or Notice.

LDC subsection 10.02.08 D

This application will be considered "open" when the determination of "sufficiency" has been made and the application is assigned a petition processing number. The application will be considered "closed" when the petitioner withdraws the application through written notice or ceases to supply necessary information to continue processing or otherwise actively pursue the rezoning, amendment or change, for a period of 6 months. An application deemed "closed" will not receive further processing and an application "closed" through inactivity shall be deemed withdrawn. An application deemed "closed" may be re-opened by submission of a new application, repayment of all application fees and the grant of a determination of "sufficiency". Further review of the request will be subject to the then current code.



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STATEMENT OF UTILITY PROVISIONS
FOR PUD REZONE REQUEST

APPLICANT CONTACT INFORMATION

Name of Applicant(s): KRG Courthouse Shadows LLC
Address: 30 S. Meridian St., Suite 1100 City: Indianapolis State: IN ZIP: 46204
Telephone: 317-578-5165 Cell: _____ Fax: _____
E-Mail Address: dkirby@kiterealty.com
Address of Subject Property (If available): 3290 and 3420 TAMIAMI TRL E.
City: _____ State: _____ ZIP: _____

PROPERTY INFORMATION

Section/Township/Range: 11, 12, 13 / 50 / 25
Portion of Lot: 1-3 Block: A Subdivision: Eastgate (OR32 Page 478) and Courthouse Shadows
Metes & Bounds Description: See Exhibit 1 Legal Description
Plat Book: 29 Page #: 40-41 Property I.D. Number: 28750000028, 287500000523, 287500000769 and 30480040100

TYPE OF SEWAGE DISPOSAL TO BE PROVIDED

Check applicable system:

- a. County Utility System ☒
- b. City Utility System ☐
- c. Franchised Utility System ☐
- d. Package Treatment Plant ☐
- e. Septic System ☐

Provide Name: _____
(GPD Capacity): _____

TYPE OF WATER SERVICE TO BE PROVIDED

Check applicable system:

- a. County Utility System ☐
- b. City Utility System ☒
- c. Franchised Utility System ☐
- d. Private System (Well) ☐

Provide Name: City of Naples

Total Population to be Served: 300 Multi-family units with 65,000 SF Commercial

Peak and Average Daily Demands:

A. Water-Peak: 166,183 GPD Average Daily: 123,098 GPD
B. Sewer-Peak: 123,231 GPD Average Daily: 91,282 GPD

If proposing to be connected to Collier County Regional Water System, please provide the date service is expected to be required: Connection Exists



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Narrative statement: Provide a brief and concise narrative statement and schematic drawing of sewage treatment process to be used as well as a specific statement regarding the method of affluent and sludge disposal. If percolation ponds are to be used, then percolation data and soil involved shall be provided from tests prepared and certified by a professional engineer.

Sanitary Sewer service exists for the subject property and will be utilized to serve the proposed development. Potable Water is

provided by the City of Naples. Please find a Letter of Service availability enclosed for your records

Collier County Utility Dedication Statement: If the project is located within the service boundaries of Collier County's utility service system, a notarized statement shall be provided agreeing to dedicate the water distribution and sewage collection facilities within the project area to the Collier County Utilities. This shall occur upon completion of the construction of these facilities in accordance with all applicable County ordinances in effect at that time. This statement shall also include an agreement that the applicable system development charges and connection fees will be paid to the County Utilities Division prior to the issuance of building permits by the County. If applicable, the statement shall contain an agreement to dedicate the appropriate utility easements for serving the water and sewer systems.

The proposed project is located within the boundaries of Collier County's wastewater service area. The existing system is owned

by Collier County Utilities and will remain in their ownership.

Statement of Availability Capacity from other Providers: Unless waived or otherwise provided for at the pre-application meeting, if the project is to receive sewer or potable water services from any provider other than the County, a statement from that provider indicating adequate capacity to serve the project shall be provided.



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COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that we are the fee simple titleholders and owners of record of property commonly known as _____

(Street address and City, State and Zip Code)

and legally described in *Exhibit A* attached hereto.

The property described herein is the subject of an application for _____ planned unit development (_____ PUD) zoning. We hereby designate _____, legal representative thereof, as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes, but is not limited to, the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning approval on the site. These representatives will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Collier County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned unit development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Collier County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned unit development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned unit development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned unit development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Collier County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned unit development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned unit development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned unit development.

Owner

Owner

Printed Name

Printed Name

STATE OF FLORIDA)
COUNTY OF COLLIER)

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 201__ by _____
who is personally known to me or has produced _____ as identification.

Notary Public
(Name typed, printed or stamped)



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Final Submittal Requirement Checklist for:

- ☐ PUD Rezone- Ch. 3 G. 1 of the Administrative Code
☒ Amendment to PUD- Ch. 3 G. 2 of the Administrative Code
☐ PUD to PUD Rezone- Ch. 3 G. 1 of the Administrative Code

The following Submittal Requirement checklist is to be utilized during the Pre-Application Meeting and at time of application submittal. At final submittal, the checklist is to be completed and submitted with an up-to-date application. Please provide the submittal items in the exact order listed below, with cover sheets attached to each section. **Incomplete submittals will not be accepted. A Model PUD Document is available online at <http://www.colliercountyfl.gov/Home/ShowDocument?id=76983>.**

REQUIREMENTS	# OF COPIES	REQUIRED	NOT REQUIRED
Cover Letter with Narrative Statement including a detailed description of why amendment is necessary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Completed Application with required attachments (download latest version)	1	<input checked="" type="checkbox"/>	
Pre-application meeting notes	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Affidavit of Authorization , signed and notarized	1	<input checked="" type="checkbox"/>	
Property Ownership Disclosure Form	1	<input checked="" type="checkbox"/>	
Notarized and completed Covenant of Unified Control	1	<input checked="" type="checkbox"/>	
Completed Addressing Checklist	1	<input checked="" type="checkbox"/>	
Warranty Deed(s)	1	<input type="checkbox"/>	<input type="checkbox"/>
List Identifying Owner and all parties of corporation	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Signed and sealed Boundary Survey	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Architectural Rendering of proposed structures	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Current Aerial Photographs (available from Property Appraiser) with project boundary and, if vegetated, FLUCFCS Codes with legend included on aerial.	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Statement of Utility Provisions	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Data Requirements pursuant to LDC section 3.08.00	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental Data Requirements collated into a single Environmental Impact Statement (EIS) packet at time of public hearings. Coordinate with project planner at time of public hearings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Listed or Protected Species survey, less than 12 months old. Include copies of previous surveys.	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic Impact Study	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historical Survey	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
School Impact Analysis Application, if applicable	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Electronic copy of all required documents	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Completed Exhibits A-F (see below for additional information)+	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
List of requested deviations from the LDC with justification for each (this document is separate from Exhibit E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Checklist continues on next page			



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Revised Conceptual Master Site Plan 24" x 36" and One 8 ½" x 11" copy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Original PUD document/ordinance, and Master Plan 24" x 36" – Only if Amending the PUD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Revised PUD document with changes crossed thru & underlined	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Official Interpretation and/or Zoning Verification	1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
*If located in Immokalee or seeking affordable housing, include an additional set of each submittal requirement			

*The following exhibits are to be completed on a separate document and attached to the application packet:

- ☐ **Exhibit A: List of Permitted Uses**
- ☐ **Exhibit B: Development Standards**
- ☐ **Exhibit C: Master Plan- See Chapter 3 E. 1. of the Administrative Code**
- ☐ **Exhibit D: Legal Description**
- ☐ **Exhibit E: List of Requested LDC Deviations and justification for each**
- ☐ **Exhibit F: List of Development Commitments**

If located in RFMU (Rural Fringe Mixed Use) Receiving Land Areas

Pursuant to LDC subsection 2.03.08.A.2.a.2.(b).i.c., the applicant must contact the Florida Forest Service at **239-690-3500** for information regarding "Wildfire Mitigation & Prevention Plan."

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

<input type="checkbox"/> School District (Residential Components): Amy Lockheart	<input type="checkbox"/> Conservancy of SWFL: Nichole Johnson
<input type="checkbox"/> Utilities Engineering: Eric Fey	<input type="checkbox"/> Parks and Recreation: Barry Williams & David Berra
<input type="checkbox"/> Emergency Management: Dan Summers	<input type="checkbox"/> Immokalee Water/Sewer District:
<input type="checkbox"/> City of Naples: Robin Singer, Planning Director	<input type="checkbox"/> Other:

ASSOCIATED FEES FOR APPLICATION

- ☐ **Pre-Application Meeting:** \$500.00
- ☐ **PUD Rezone:** \$10,000.00* plus \$25.00 an acre or fraction of an acre
- ☐ **PUD to PUD Rezone:** \$8,000.00* plus \$25.00 an acre or fraction of an acre
- ☒ **PUD Amendment:** \$6,000.00* plus \$25.00 an acre or fraction of an acre
- ☒ **Comprehensive Planning Consistency Review:** \$2,250.00
- ☐ **Environmental Data Requirements-EIS Packet (submittal determined at pre-application meeting):** \$2,500.00
- ☐ **Listed or Protected Species Review (when an EIS is not required):** \$1,000.00
- ☒ **Transportation Review Fees:**
 - ☒ Methodology Review: \$500.00, to be paid directly to Transportation at the Methodology Meeting*
 - *Additional fees to be determined at Methodology Meeting.
 - ☐ Minor Study Review: \$750.00
 - ☐ Major Study Review \$1,500.00



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☒ **Legal Advertising Fees:**

☒ CCPC: \$1,125.00

☒ BCC: \$500.00

☐ **School Concurrency Fee, if applicable:**

- ☐ Mitigation Fees, if application, to be determined by the School District in coordination with the County

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

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

**Additional fee for the 5th and subsequent re-submittal will be assessed at 20% of the original fee.*

Signature of Petitioner or Agent

04/16/2019

Date

D. Wayne Arnold, AICP

Printed named of signing party