Collier County

Growth Management Community Development

Development Services Advisory Committee

Land Development Review Subcommittee

Tuesday, March 17, 2026
3:00 pm

2800 N. Horseshoe Dr.
Naples, FL 34104
Growth Management Community Development Department
Conference Room 609/610

Please contact Eric Johnson at (239) 252-2931 or Eric.Johnson@collier.gov if you have any questions or wish to meet with staff.

Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

DSAC – Land Development Review Subcommittee
2026 Land Development Code Amendments

Agenda

Tuesday, March 17, 2026

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104

Growth Management Community Development, Conference Rooms 609/610

NOTICE:
Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a "Speaker Registration Form", list the topic they wish to address, and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to Order – Chairman
2. Approval of Agenda
3. Old Business
4. New Business
   a. PL20250012443 – Golf Course Errant Ball Containment Barriers (Quail Creek Country Club)
   b. PL20250013881 – Golf Course Errant Ball Containment Barriers (Accarrino and Commers)
   c. PL20260002471 – Temporary Events on Collier County Property
5. Public Speakers
6. Reminders of Upcoming DSAC-LDR Subcommittee Meeting Dates Discussion:
   a. Tuesday, April 21, 2026
   b. Tuesday, July 21, 2026
   c. Tuesday, October 20, 2026
7. Adjourn

For more information, please contact Eric Johnson at (239) 252-2931
or at Eric.Johnson@collier.gov

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LAND DEVELOPMENT CODE AMENDMENT

PETITION
PL20250012443

ORIGIN
Quail Creek Country Club, Inc.

SUMMARY OF AMENDMENT
This Land Development Code (LDC) amendment proposes to define Errant Golf Ball Containment Barriers and include them as an accessory and conditional use within the Golf Course and Recreational Use (GC) Zoning District and include related development standards. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	03/17/2026

LDC SECTION TO BE AMENDED

2.03.09	Open Space Zoning Districts
5.03.08	(NEW) Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
TBD	TBD	TBD

BACKGROUND
The Quail Creek Country Club and golf course have been in existence at this location since approximately 1981. There have been multiple expansions throughout the year, including a rebuild of the golf course in 1993. The driving range is located south of the clubhouse, next to hole 10 of the golf course. Driving ranges are a common accessory use to golf courses. There have been several instances of injury to patrons playing through hole 10 caused by errant golf balls from the driving range. In response to a significant safety risk to golfers on the course and to protect the safety and welfare of the public utilizing the golf course, an errant ball containment fence was installed in April 2024 along the western perimeter of the driving range, to prevent errant and long shots from reaching Hole 10. To date, six individuals have been struck on Hole 10 by range ball, including one incident resulting in major injury.

In the GC District a driving range is an accessory use. 2.03.09.A.1.b.2., LDC ("Recreational facilities that serve as an integral part of a golf course use, including but not limited to clubhouse, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.") (Emphasis added).

Dimensional standards for accessory uses are included both in section 2.03.09.A.1.b., and section 4.02.02, LDC. Additional dimensional standards for fences are contained in section 5.03.02, LDC. None of the above sections contain a height limit for accessory uses in the GC District. This is distinct from accessory uses for other districts which do have height limits.

Specifically, in the GC District, in section 2.03.09.A.1.b., LDC, there are dimensional standards regarding pro-shop sizes, § 2.03.09.A.1.b.3., LDC, but none regarding practice driving ranges. In Section 4.02.02, LDC, the GC District dimensional standards are "[RESERVED]". This section, prior to ordinance 2010-23, contained dimensional standards that were moved elsewhere and did not include a height limit. Finally, in section 5.03.02, LDC, which includes additional dimensional standards for fences, does not include any height limit applicable in the GC District.

There are fence height limits in certain listed zoning districts other than the GC District; for example, Residential (RSF, RMF, RT, VR, MH) and TTRVC zoning districts and certain commercial and industrial districts have fence height limits listed in section 5.03.02, LDC. Notably absent from the list of districts with a fence height limit is the GC District. Section 5.03.02, titled "Fences and Walls, Excluding Sound Walls", however, does not contain any height limit for fences in the GC District. Validation that there is not a height limit for fences in the GC District is in the form of the 2 golf courses, Imperial and Hibiscus, that have driving range containment fences taller than 35 feet.

The requested amendment is consistent with applicable Goals, Objectives, and Policies of the Growth Management Plan; will establish height limitations for errant ball containment fences in the GC district; and establish setback and landscaping standards to ensure compatibility with the surrounding area. The proposed standards will allow golf courses to safeguard the safety of guests and adjacent properties through the installation of these containment fences, while giving Collier County the means to review and ensure compatibility with adjacent properties.

FISCAL & OPERATIONAL IMPACTS	**GMP CONSISTENCY**
There are no anticipated fiscal or operational impacts anticipated with this amendment.	The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: None

Amend the LDC as follows:

2.03.09 Open Space Zoning Districts

A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal **accessory uses**, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed use district and the agricultural/rural mixed use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the GC district.

a. *Permitted uses.*

1. Golf courses.
2. Hiking trails, walkways, multi-use paths and observation decks.
3. **Passive recreation** areas.
4. Disc golf.

b. **Accessory uses.**

1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the GC district.
2. Recreational facilities that serve as an integral part of a golf course use, including but not limited to clubhouse, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.
3. Pro shops with equipment sales, no greater than 1,000 square feet, associated with a golf course.
4. Restaurants associated with a golf course with a seating capacity of 150 seats or less, provided that the hours of operation are no later than 10:00 p.m. However, the seating capacity shall be limited to 200 seats, and the hours of operation may be extended to 12:00 a.m., within the Golden Gate City Economic Development Zone.
5. A maximum of two residential **dwellings units** for use by golf course employees in conjunction with the operation of the golf course.
6. Maintenance **buildings**.
7. Errant golf ball containment barriers that meet the design standards established in LDC Section 5.03.08.

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the GC district, subject to the standards and provisions established in LDC section 10.08.00.

1. Commercial establishments oriented to the golf course including gift shops; pro shops with equipment sales in excess of 1,000 square feet; **restaurants** with seating capacity of greater than 150 seats outside the Golden Gate City Economic Development Zone; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.
2. Cemeteries and memorial gardens.
3. Equestrian facilities, including any trails, no closer than 500 feet to residential uses.
4. Museums.

5. Water related activities, including non-motorized boating, boat ramps, **docks**, and fishing piers.
6. Courts, including bocce ball, basketball, handball, pickle ball, tennis, and racquetball.
7. Neighborhood fitness and community centers.
8. Parks and playgrounds.
9. Pools, indoor or outdoor.
10. Botanical gardens.
11. Errant golf ball containment barriers that cannot meet the design standards established in LDC Section 5.03.08.
1~~1~~2. Any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or Board of Zoning Appeals, as applicable.

* * * * * * * * * * * * *
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5.03.08. Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District

A. Purpose and intent. The purpose and intent of this section is to ensure that errant golf ball containment barriers do not adversely impact land uses adjacent to golf courses and/or driving ranges by establishing height, locational, and landscaping standards. Errant golf ball containment barriers (more commonly known as golf netting or barriers) consist of a netting barrier supported by upright poles and designed to contain errant golf balls to protect players, spectators, neighboring properties, and public and private right-of- way from the risks of stray golf balls; and are a component of golf courses and/or practice driving ranges.

B. Applicability. These regulations are applicable to errant golf ball containment barriers within the Golf Course and Recreational Use Zoning District "GC".

C. Design and development standards.

1. Height, Location, and Design Standards.

a. Maximum Height: seventy (70) feet.

b. Setbacks. Except as otherwise provided in this section, errant golf ball containment barriers shall be set back twenty (20) feet from any property line under separate ownership.

c. Required Setback Adjacent to property improved with one or more residential dwelling units: One (1) foot for each foot in height.

d. Required setback adjacent to public right-of-way: One (1) foot for each foot in height.

e. Required Upright Pole Color: Matte Black

f. Required Netting Color: Black

2. Landscaping requirements when adjacent to property improved with one or more residential dwelling units.

a. A cluster of trees consisting of a minimum of three (3) canopy trees or palms at the approximate location of each upright pole shall be required. Required tree plantings shall be planted a minimum of ten (10) feet and a maximum of fifteen (15) feet from the errant ball containment barrier upright poles; and shall be minimum of twelve (12) feet in height at time of planting and a minimum height of twenty (20) feet at maturity. There are no limitations on the number of palms that can be used.

b. Where adjacent property within three hundred (300) feet is improved with one or more residential dwelling units, the required tree plantings shall be located between the errant golf ball containment barrier upright pole, and the adjacent property.

c. Existing, native vegetation that is a minimum height of twelve (12) feet can be used to meet these screening requirements. If native vegetation is present but there are not enough trees at a minimum height of twelve (12) feet, supplemental landscaping must be used to meet the screening requirements.

D. Errant golf ball containment barriers shall require both a Site Development Plan and a building permit review.

E. Errant golf ball containment barriers that cannot meet the design standards established above shall be required to obtain a Conditional Use approval, subject to the standards and provisions established in LDC section 10.08.00.

ERRANT BALL CONTAINMENT FENCE LDCA
LDC AMENDMENT TEXT

Text underlined are additions and ~~struck-through~~ are deletions.

2.03.09 - Open Space Zoning Districts

A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal **accessory uses**, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed use district and the agricultural/rural mixed use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the GC district.

a. *Permitted uses.*

1. Golf courses.

2. Hiking trails, walkways, multi-use paths and observation decks.

3. **Passive recreation** areas.

4. Disc golf.

b. **Accessory uses.**

1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the GC district.

2. Recreational facilities that serve as an integral part of a golf course use, including but not limited to clubhouse, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.

3. Pro shops with equipment sales, no greater than 1,000 square feet, associated with a golf course.

4. Restaurants associated with a golf course with a seating capacity of 150 seats or less, provided that the hours of operation are no later than 10:00 p.m. However, the seating capacity shall be limited to 200 seats, and the hours of operation may be extended to 12:00 a.m., within the Golden Gate City Economic Development Zone.

5. A maximum of two residential **dwellings units** for use by golf course employees in conjunction with the operation of the golf course.

6. Maintenance **buildings**.

7. Errant golf ball containment barriers that meet the design standards established in LDC Section 5.03.08.

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the GC district, subject to the standards and provisions established in LDC section 10.08.00.

1. Commercial establishments oriented to the golf course including gift shops; pro shops with equipment sales in excess of 1,000 square feet; **restaurants** with seating capacity of greater than 150 seats outside the Golden Gate City Economic Development Zone; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.

2. Cemeteries and memorial gardens.

3. Equestrian facilities, including any trails, no closer than 500 feet to residential uses.

4. Museums.

5. Water related activities, including non-motorized boating, boat ramps, **docks**, and fishing piers.

6. Courts, including bocce ball, basketball, handball, pickle ball, tennis, and racquetball.

7. Neighborhood fitness and community centers.
8. Parks and playgrounds.

9. Pools, indoor or outdoor.

10. Botanical gardens.

11. Errant golf ball containment barriers that cannot meet the design standards established in LDC Section 5.03.08.

12. Any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or Board of Zoning Appeals, as applicable.

5.03.08. Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District

A. Purpose and intent. The purpose and intent of this section is to ensure that errant golf ball containment barriers do not adversely impact land uses adjacent to golf courses and/or driving ranges by establishing height, locational, and landscaping standards.
Errant golf ball containment barriers (more commonly known as golf netting or barriers) consist of a netting barrier supported by upright poles and designed to contain errant golf balls to protect players, spectators, neighboring properties, and public and private right-of-way from the risks of stray golf balls; and are a component of golf courses and/or practice driving ranges.

B. Applicability. These regulations are applicable to errant golf ball containment barriers within the Golf Course and Recreational Use Zoning District "GC".

C. Design and development standards.

1. Height, Location, and Design Standards.

a. Maximum Height: seventy (70) feet.

b. Setbacks. Except as otherwise provided in this section, errant golf ball containment barriers shall be setback twenty (20) feet from any property line under separate ownership.

c. Required Setback Adjacent to property improved with one or more residential dwelling units: One (1) foot for each foot in height.

d. Required setback adjacent to public right-of-way: One (1) foot for each foot in height.

e. Required Upright Pole Color: Matte Black

f. Required Netting Color: Black

2. Landscaping requirements when adjacent to property improved with one or more residential dwelling units.

a. A cluster of trees consisting of a minimum of three (3) canopy trees or palms at the approximate location of each upright pole shall be required.

Required tree plantings shall be planted a minimum of ten (10) feet and a maximum of fifteen (15) feet from the errant ball containment barrier upright poles; and shall be minimum of twelve (12) feet in height at time of planting and a minimum height of twenty (20) feet at maturity. There are no limitations on the number of palms that can be used.

b. Where adjacent property within three hundred (300) feet is improved with one or more residential dwelling units, the required tree plantings shall be located between the errant golf ball containment barrier upright pole, and the adjacent property.

c. Existing, native vegetation that is a minimum height of twelve (12) feet can be used to meet these screening requirements. If native vegetation is present but there are not enough trees at a minimum height of twelve (12) feet, supplemental landscaping must be used to meet the screening requirements.

D. Errant golf ball containment barriers shall require both a Site Development Plan and building permit review.

E. Errant golf ball containment barriers that cannot meet the design standards established above shall be required to obtain a Conditional Use approval, subject to the standards and provisions established in LDC section 10.08.00.

ERRANT BALL CONTAINMENT FENCE LDCA
REQUEST STATEMENT

Introduction

The Quail Creek Country Club is located approximately one mile north of Immokalee Road and just under half a mile east of I-75 North and comprises of one parcel approximately 183.18 acres in size. The property is developed with the Quail Creek Club, which comprises of a clubhouse, court sport facilities, and a 36-hole golf course. The land use designation is currently Urban – Mixed Use District, Urban Residential Subdistrict. The property is zoned Golf Course and Recreational Use District (GC), which allows for golf courses and recreational uses.

The surrounding lands are designated Urban – Mixed Use District, Urban Residential Subdistrict. The zoning and existing land uses on the surrounding lands is as follows.

- North: Zoned GC, developed with a golf course and recreational uses; zoned RSF-2, developed with single-family dwellings.
- South: Zoned RSF-2, developed with single-family dwellings.
- East: Zoned RSF-2, developed with single-family dwellings.
- West: Zoned RSF-2, developed with single-family dwellings.

Request

This is a request to amend LDC Section 2.03.09.A.1.c., *Open Space Zooning Districts - Golf Course and Recreational Use District "GC" – Conditional uses*; and to add Section 5.05.17., *Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District*, to the LDC as follows (text <u>underlined</u> are additions):

2.03.09 - Open Space Zoning Districts

A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal **accessory uses**, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed use district and the agricultural/rural mixed use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.

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5. A maximum of two residential **dwellings units** for use by golf course employees in conjunction with the operation of the golf course.

6. Maintenance **buildings**.

7. Errant golf ball containment barriers that meet the design standards established in LDC Section 5.03.08.

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the GC district, subject to the standards and provisions established in LDC section 10.08.00.

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B. Applicability. These regulations are applicable to errant golf ball containment barriers within the Golf Course and Recreational Use Zoning District "GC".

C. Design and development standards.

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a. Maximum Height: seventy (70) feet.

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c. Required Setback Adjacent to property improved with one or more residential dwelling units: One (1) foot for each foot in height.

d. Required setback adjacent to public right-of-way: One (1) foot for each foot in height.

e. Required Upright Pole Color: Matte Black

f. Required Netting Color: Black

2. *Landscaping requirements when adjacent to property improved with one or more residential dwelling units.*

a. A cluster of trees consisting of a minimum of three (3) canopy trees or palms at the approximate location of each upright pole shall be required. Required tree plantings shall be planted a minimum of ten (10) feet and a maximum of fifteen (15) feet from the errant ball containment barrier upright poles; and shall be minimum of twelve (12) feet in height at time of planting and a minimum height of twenty (20) feet at maturity. There are no limitations on the number of palms that can be used.

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E. Errant golf ball containment barriers that cannot meet the design standards established above shall be required to obtain a Conditional Use approval, subject to the standards and provisions established in LDC section 10.08.00.

Justification

The Quail Creek Country Club and golf course have been in existence at this location since approximately 1981. There have been multiple expansions throughout the year, including a rebuild of the golf course in 1993. The driving range is located south of the clubhouse, next to hole 10 of the golf course. Driving ranges are a common accessory use to golf courses. There have been several instances of injury to patrons playing through hole 10 caused by errant golf balls from the driving range. In response to a significant safety risk to golfers on the course and to protect the safety and welfare of the public utilizing the golf course, an errant ball containment fence was installed in April 2024 along the western perimeter of the driving range, to prevent errant and long shots from reaching Hole 10. To date, six individuals have been struck on Hole 10 by range ball, including one incident resulting in major injury.

In the GC District a driving range is an accessory use. 2.03.09.A.1.b.2., LDC ("Recreational facilities that serve as an integral part of a golf course use, including but not limited to clubhouse, community center building, **practice driving range**, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.") (Emphasis added).

Dimensional standards for accessory uses are included both in section 2.03.09.A.1.b., and section 4.02.02, LDC.[1] Additional dimensional standards for fences are contained in section 5.03.02, LDC. None of the above sections contain a height limit for accessory uses in the GC District. This is distinct from accessory uses for other districts which do have height limits.

Specifically, in the GC District, in section 2.03.09.A.1.b., LDC, there are dimensional standards regarding pro-shop sizes, § 2.03.09.A.1.b.3., LDC, but none regarding practice driving ranges. In Section 4.02.02, LDC, the GC District dimensional standards are "[RESERVED]". This section, prior to ordinance 2010-23, contained dimensional standards that were moved elsewhere and did not include a height limit. Finally, in section 5.03.02, LDC, which includes additional dimensional standards for fences, does not include any height limit applicable in the GC District.

There are fence height limits in certain listed zoning districts other than the GC District; for example, Residential (RSF, RMF, RT, VR, MH) and TTRVC zoning districts and certain commercial and industrial districts have fence height limits listed in section 5.03.02, LDC. Notably absent from the list of districts with a fence height limit is the GC District. Section 5.03.02, titled "Fences and Walls, Excluding Sound Walls", however, does not contain any height limit for fences in the GC District. Validation that there is not a height limit for fences in the GC District is in the form of the 2 golf courses, Imperial and Hibiscus, that have driving range containment fences taller than 35 feet.

Conclusion

The requested amendment is consistent with applicable Goals, Objectives, and Policies of the Growth Management Plan; will establish height limitations for errant ball containment fences in

[1] Dimensional standards for principal uses in the GC District dictate a height limit of 35 feet, but this is not applicable to accessory uses. § 4.02.01.A., Table 2.

the GC district; and establish setback and landscaping standards to ensure compatibility with the surrounding area. The proposed standards will allow golf courses to safeguard the safety of guests and adjacent properties through the installation of these containment fences, while giving Collier County the means to review and ensure compatibility with adjacent properties.

Quail Creek LDCA

Development Services Advisory Committee – Land Development Review Subcommittee (DSAC-LDR)

March 17, 2026

PL20250001380

Request

A request to amend the LDC to establish a maximum height and specific design standards for errant golf ball containment barriers within the Golf Course and Recreational Use District (GC).

This is otherwise not addressed in the LDC.

Background

- Code Enforcement violation CESD20240003998 for an errant ball containment fence without a permit was initiated.
- Permit was applied for, the only outstanding item was the Zoning review, which determined the 35 ft. height limitation applies to this errant golf ball containment fence.
- This interpretation is disagreed with, and when conducting research, it was found no permits were applied for and approved for any of the existing errant ball containment fences of similar height in the same and similar zoning districts.

Justification

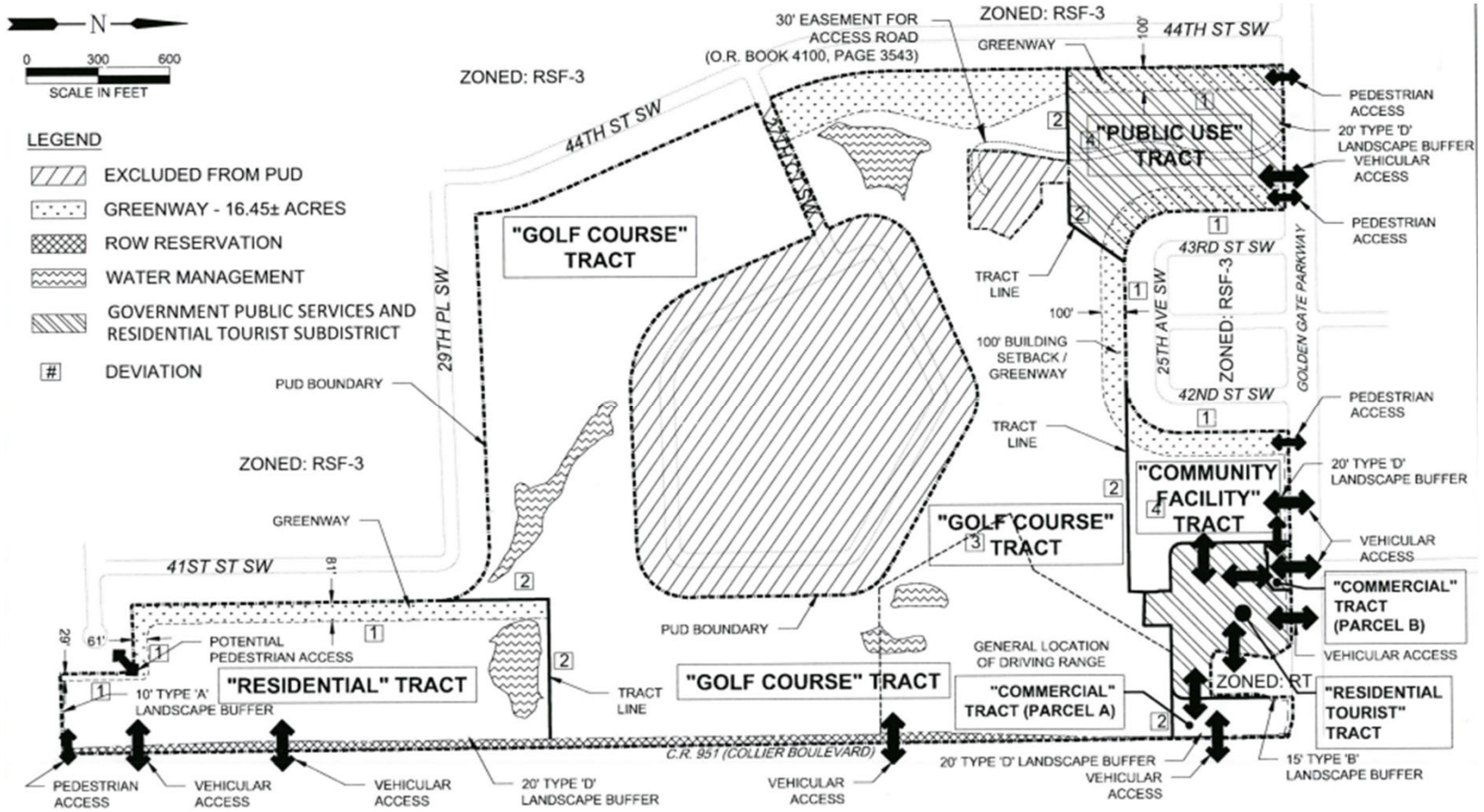
- A containment fence at a practice driving range is an accessory use to a golf course. LDC 2.03.09.A.1.b.2.
- County staff concluded the LDC sets the height limit of fences and walls at 35 feet; this is disagreed with as a fence, by definition, is not a structure and thus not a building.
- There are no stated height limits for uses, including containment fences at a practice driving range, in the GC (Golf Course) district, as shown by existing fences.
- Because golf course containment fences are necessary for public safety, a containment fence over 35 feet should be the minimum requirement.

Golden Gate PUD



Bowman

Golden Gate PUD



Bowman

Golden Gate PUD

TABLE III
GOLF COURSE TRACT DEVELOPMENT STANDARDS

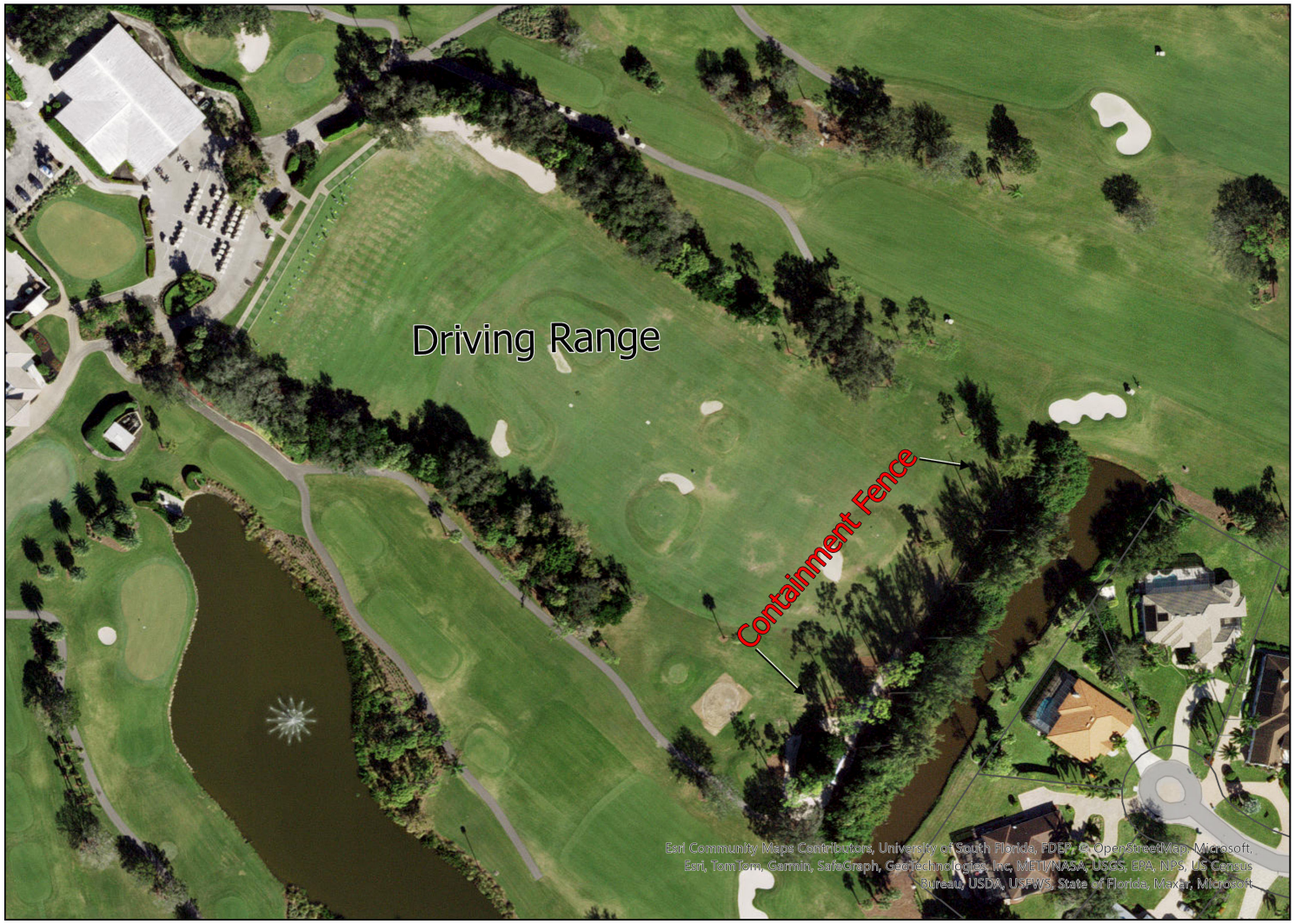
	PRINCIPAL USES	ACCESSORY USES
MINIMUM LOT AREA	N/A	N/A
MINIMUM LOT WIDTH	N/A	N/A
MINIMUM LOT DEPTH	N/A	N/A
MINIMUM SETBACKS *2		
From Collier Boulevard	0 feet	50 feet
From Western PUD Boundary	0 feet	50 feet average, however no less than 35 feet at any one location
From Southern Golf Course Tract Boundary	0 feet	50 feet
From Northern Golf Course Tract Boundary	0 feet	50 feet
From Greenway	0 feet	0 feet
From Internal Drives (Measured from the back of curb)	0 feet	0 feet
From Lakes (measured from the Lake Maintenance Easement)	0 feet	5 feet
MINIMUM DISTANCE BETWEEN STRUCTURES		
MAXIMUM HEIGHT *1		
Zoned	35 feet	35 feet
Actual	45 feet	45 feet
MINIMUM FLOOR AREA	N/A	N/A

*1 Netting and supporting infrastructure for golf driving range are exempt from maximum height limitations listed above but will not exceed 200 feet. Non-parking lot lighting for the driving range will be limited to 60' in height.

*2 Clubhouse, maintenance building, driving range, restaurants and pro shop uses shall be a minimum of 50 feet from external residential uses. Pitch and chip practice area and putting greens are not subject to the 50 foot setback.

Note: Nothing in this PUD document shall be deemed to approve a deviation from the LDC unless it is expressly stated in a list of deviations.

Bowman



Bowman

Imperial Golf Club

(Zoned GC)
Parcel ID: 00151960002

Bowman



Bowman

Hibiscus Golf Club

(Zoned GC)
Parcel ID: 55150040004

Bowman



Bowman

Valencia Golf & Country Club

Parcel ID: 00210440007

Bowman



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Wilderness Country Club

Parcel ID: 61941000001

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Audubon Country Club

Parcel ID: 22495500106

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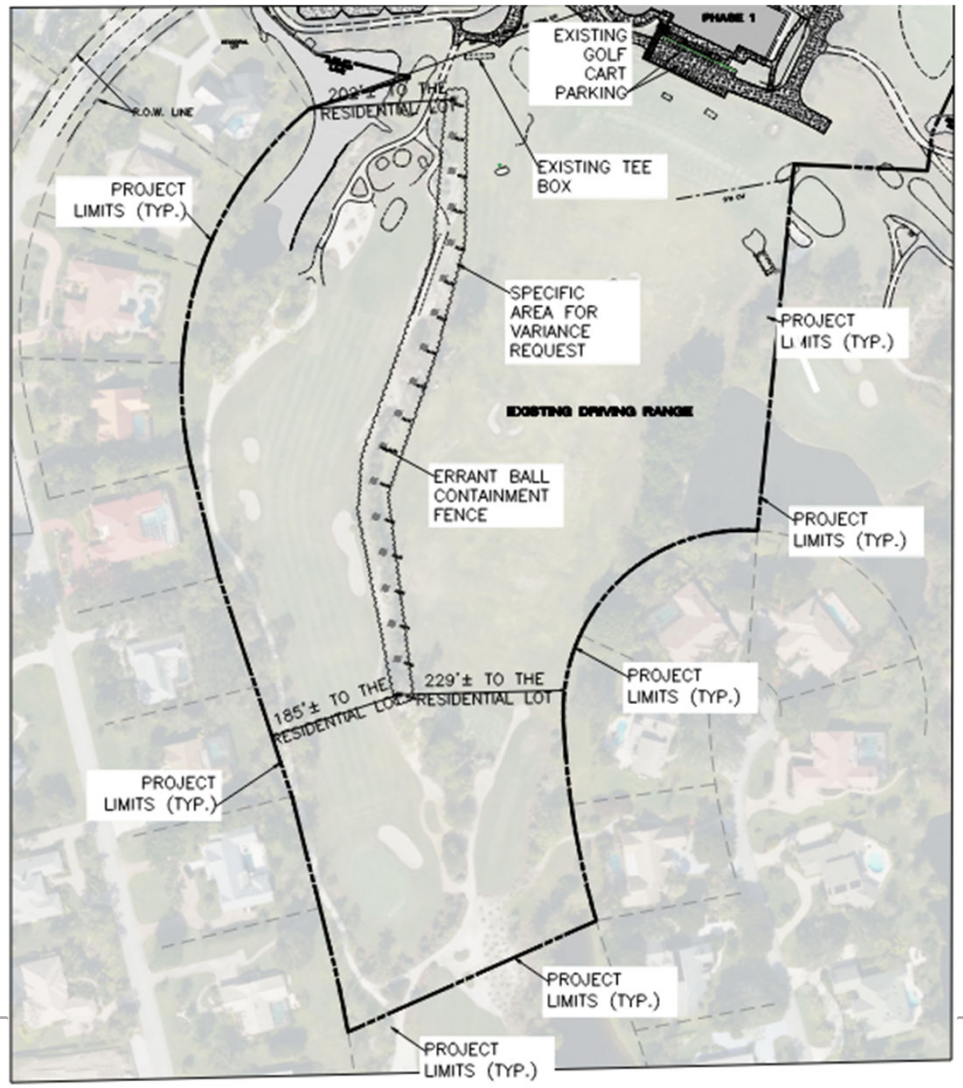
Quail Creek



Bowman

LDC Amendment

2.03.09 - Open Space Zoning Districts

A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal accessory uses, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed use district and the agricultural/rural mixed use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the GC district.

* * * * * * * * * * * * *

b. Accessory uses.

* * * * * * * * * * * * *

7. Errant golf ball containment barriers that meet the design standards established in LDC Section 5.03.08.

* * * * * * * * * * * * *

b. Conditional uses. The following uses are permissible as conditional uses in the GC district, subject to the standards and provisions established in the LDC section 10.08.00.

* * * * * * * * * * * * *

11. Errant golf ball containment barriers that cannot meet the design standards established in LDC Section 5.03.08.

Bowman

LDC Amendment (continued)

5.03.08. Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District

A. Purpose and intent. The purpose and intent of this section is to ensure that errant golf ball containment barriers do not adversely impact land uses adjacent to golf courses and/or driving ranges by establishing height, locational, and landscaping standards. Errant golf ball containment barriers (more commonly known as golf netting or barriers) consist of a netting barrier supported by upright poles and designed to contain errant golf balls to protect players, spectators, neighboring properties, and public and private right-of-way from the risks of stray golf balls; and are a component of golf courses and/or practice driving ranges.

B. Applicability. These regulations are applicable to errant golf ball containment barriers within the Golf Course and Recreational Use Zoning District "GC".

C. Design and development standards.

1. Height, Location, and Design Standards.

a. Maximum Height: seventy (70) feet.

b. Setbacks. Except as otherwise provided in this section, errant golf ball containment barriers shall be setback twenty (20) feet from any property line under separate ownership.

c. Required Setback Adjacent to property improved with one or more residential dwelling units: One (1) foot for each foot in height.

d. Required setback adjacent to public right-of-way: One (1) foot for each foot in height.

e. Required Upright Pole Color: Matte Black

f. Required Netting Color: Black

2. Landscaping requirements when adjacent to property improved with one or more residential dwelling units.

a. A cluster of trees consisting of a minimum of three (3) canopy trees or palms at the approximate location of each upright pole shall be required. Required tree plantings shall be planted a minimum of ten (10) feet and a maximum of fifteen (15) feet from the errant ball containment barrier upright poles; and shall be minimum of twelve (12) feet in height at time of planting and a minimum height of twenty (20) feet at maturity. There are no limitations on the number of palms that can be used.

b. Where adjacent property within three hundred (300) feet is improved with one or more residential dwelling units, the required tree plantings shall be located between the errant golf ball containment barrier upright pole, and the adjacent property.

c. Existing, native vegetation that is a minimum height of twelve (12) feet can be used to meet these screening requirements. If native vegetation is present but there are not enough trees at a minimum height of twelve (12) feet, supplemental landscaping must be used to meet the screening requirements.

D. Errant golf ball containment barriers shall require both a Site Development Plan and building permit review.

E. Errant golf ball containment barriers that cannot meet the design standards established above shall be required to obtain a Conditional Use approval, subject to the standards and provisions established in LDC section 10.08.00.

Questions?

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LAND DEVELOPMENT CODE AMENDMENT

PETITION
PL20250013881

ORIGIN
Letitia and Frank Accarrino

SUMMARY OF AMENDMENT
This Land Development Code (LDC) amendment proposes to define Errant Golf Ball Containment Barriers and include them as an accessory and conditional use within the Golf Course and Recreational Use (GC) Zoning District and include related development standards. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	03/17/2026

LDC SECTION TO BE AMENDED

1.08.02	Definitions
2.03.09	Open Space Zoning Districts
4.02.02	Dimensional Standards for Conditional Uses and Accessory Uses in Base Zoning Districts
5.03.08	(NEW) Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
TBD	TBD	TBD

BACKGROUND
The homeowners at Quail Creek Estates (the "Homeowners") propose a Land Development Code ("LDC") Amendment with respect to "errant ball containment barriers." These homeowners' residences abut the driving range and golf course of the Quail Creek Country Club ("Quail Creek," the "Club"). They are adversely affected by starkly industrial 63-foot high poles that Quail Creek illegally installed in April of 2024, intending them to support an 850-foot-long golf barrier.

The Quail Creek example illustrates the harm that can befall homeowners when a golf club installs an enormous, inappropriate and poorly researched barrier. Ignoring the legitimate concerns of residents, the golf club has aggressively pushed for homeowners to lose hundreds of thousands of dollars in the market value of their homes. Having had no success with its earlier maneuvers, Quail Creek is currently seeking its own LDC amendment to permit super-tall "skyscraper" golf barriers throughout Collier County.

In contrast, as golf course residents, we support solutions that balance safety considerations with our aesthetic and property value concerns. We believe that compromises can be reached that will address both safety and homeowner needs and maintain the beauty and value of our golf communities. The optimal result in this County would be to achieve safety on golf courses by minimally visually obtrusive means, avoiding disruption to surrounding residential development.

FISCAL & OPERATIONAL IMPACTS	GMP CONSISTENCY
There are no anticipated fiscal or operational impacts anticipated with this amendment.	The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS:

Amend the LDC as follows:

1.08.02 – Definitions

* * * * * * * * * * * * *

Environmental Impact Statement (EIS): A document or documents that provide an objective evaluation of the impacts of a proposed development or other alteration of the existing natural condition on the natural resources, environmental quality, and listed species.

Errant Golf Ball Containment Barrier: An errant golf ball containment barrier consists of a netting barrier supported by upright poles and is designed to contain stray golf balls so as to protect players, spectators, and/or neighboring properties; and is typically located within golf courses and/or practice driving ranges.

Essential Services: Those services and facilities, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities.

* * * * * * * * * * * * *

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2.03.09 Open Space Zoning Districts

A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal **accessory uses**, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed use district and the agricultural/rural mixed use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the GC district.

a. *Permitted uses.*

1. Golf courses.
2. Hiking trails, walkways, multi-use paths and observation decks.
3. **Passive recreation** areas.
4. Disc golf.

b. **Accessory uses.**

1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the GC district.
2. Recreational facilities that serve as an integral part of a golf course use, including but not limited to clubhouse, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.

3. Pro shops with equipment sales, no greater than 1,000 square feet, associated with a golf course.
4. Restaurants associated with a golf course with a seating capacity of 150 seats or less, provided that the hours of operation are no later than 10:00 p.m. However, the seating capacity shall be limited to 200 seats, and the hours of operation may be extended to 12:00 a.m., within the Golden Gate City Economic Development Zone.
5. A maximum of two residential **dwellings units** for use by golf course employees in conjunction with the operation of the golf course.
6. Maintenance **buildings**.
7. Errant golf ball containment barriers up to and including thirty-five (35) feet in height, subject to the standards set forth in LDC section 5.03.08.

c. **Conditional uses.** The following uses are permissible as **conditional uses** in the GC district, subject to the standards and provisions established in LDC section 10.08.00.

1. Commercial establishments oriented to the golf course including gift shops; pro shops with equipment sales in excess of 1,000 square feet; **restaurants** with seating capacity of greater than 150 seats outside the Golden Gate City Economic Development Zone; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.
2. Cemeteries and memorial gardens.
3. Equestrian facilities, including any trails, no closer than 500 feet to residential uses.
4. Museums.
5. Water related activities, including non-motorized boating, boat ramps, **docks**, and fishing piers.
6. Courts, including bocce ball, basketball, handball, pickle ball, tennis, and racquetball.
7. Neighborhood fitness and community centers.
8. Parks and playgrounds.
9. Pools, indoor or outdoor.
10. Botanical gardens.
11. Errant golf ball containment barriers exceeding thirty-five (35) feet in height or that do not satisfy the design and development standards set forth in LDC section 5.03.08.
12. ~~1~~2. Any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or Board of Zoning Appeals, as applicable.

* * * * * * * * * * * * *

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4.02.02 – Dimensional Standards for Conditional Uses and Accessory Uses in Base Zoning Districts

A. GC District. ~~[Reserved]~~ Accessory uses shall not exceed thirty-five (35) feet in height, unless a conditional use request is granted pursuant to LDC sections 10.08.00 and 5.03.08.C.4.

* * * * * * * * * * * * *
\# \# \# \# \# \# \# \# \# \# \# \# \#

5.03.08. Errant Golf Ball Containment Barriers in the Golf Course (GC) Zoning District

A. Purpose and intent. The purpose and intent of this section is to ensure that errant golf ball containment barriers do not adversely affect residential land uses adjacent to the golf courses and/or driving ranges by establishing design and development standards. An errant golf ball containment barrier consists of a netting barrier supported by upright poles and is designed to contain stray golf balls so as to protect players, spectators, and/or neighboring properties; and is typically located within golf courses and/or practice driving ranges.

B. Applicability. These regulations are applicable to errant golf ball containment barriers located within the GC District.

C. Design and development standards.

1. General Height and Location Standards.

a. Maximum Height: thirty-five (35) feet.

b. Required Separation from Property Zoned Or Used For Residential Purposes. The errant golf ball containment barrier shall be positioned at a minimum distance of one hundred and fifty (150) feet from any property zoned or used for residential purposes.

c. Setback. Except as otherwise provided in this section, errant golf ball containment barriers shall be set back twenty (20) feet from any property line that is not in common ownership with the golf course or driving range.

d. Required Setback Adjacent to Public Right-of-Way: One (1) foot for each foot in height, but no less than twenty (20) feet.

e. Errant golf ball containment barriers shall not be located within a Lake Maintenance Easement.

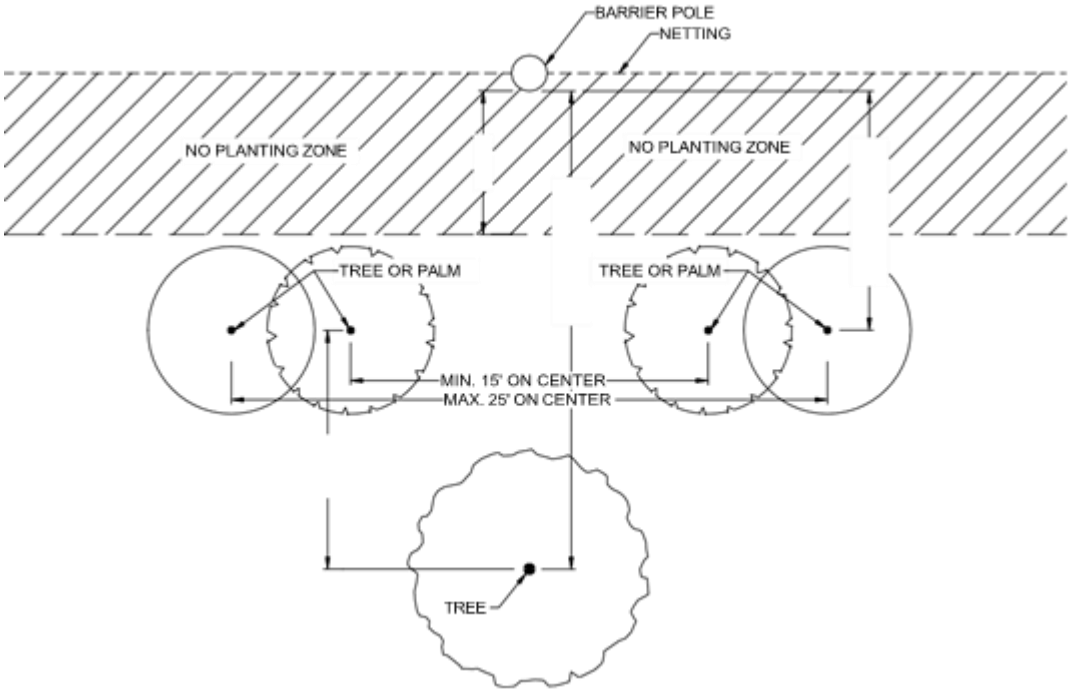
2. Netting and pole requirements when the errant golf ball containment barrier is within three hundred (300) feet of property zoned or used for residential purposes:

a. Netting used in the errant golf ball containment barrier shall be low visibility, with a twine diameter of one (1) millimeter or less.

b. Errant golf ball containment barrier poles shall be constructed of wood, aluminum or steel, and, if aluminum or steel is used, the poles shall be powder coated or painted a grayish green or sage green matte color.

3. Landscape screening requirements.

a. A cluster of trees ("pole cluster planting") shall be planted in front of each errant golf ball containment barrier pole. See Figure 5.03.08 C. If both sides of the poles are facing property zoned or used for residential purposes that is located within three hundred (300) feet of the errant golf ball containment barrier, then a pole cluster planting shall be required to be installed on both sides of the poles. Each pole cluster planting shall consist of a minimum of one (1) tree and an additional two (2) trees or palms clustered and adjacent to each upright pole. A tree shall be planted in the center of the cluster. The other trees or palms shall be spaced no less than fifteen (15) feet on center and no more than twenty-five (25) feet on center. The required pole cluster plantings shall be planted at a minimum distance of one-half (1/2) of the tree or palm average mature spread from the errant golf ball containment barrier, but in any case no less than six (6) feet from the errant golf ball containment barrier. The required ratio of canopy trees to palms set forth in LDC Section 4.06.05 (D) (2) (a) shall not apply.



POLE CLUSTER PLANTING
Figure 5.03.08 C

b. Minimum Plant Standards for Pole Cluster Plantings. All proposed trees and palms for the pole cluster plantings shall have a minimum mature height of thirty-five (35) feet. All trees must have a minimum mature spread of twenty (20) feet. At the time of planting, trees shall be a minimum of twelve (12) feet in height with a 1 3/4-inch caliper. Palms shall have a minimum ten (10) foot clear trunk at planting. Plant material shall follow the

native requirements as set forth in General Landscape Requirements Section 4.06.05 (D) and Figure 4.06.05 D.

c. Existing, native vegetation of the minimum required size and located within a twenty (20) foot radius of each pole can be used to meet these screening requirements. If native vegetation is present but there are not enough trees or palms of the minimum required size, supplemental landscaping must be used to meet the screening requirements.

4. Relief from design and development standards. An applicant requesting a Conditional Use may request a deviation from the design and development standards of this section as part of the Conditional Use request. Criteria for the deviation will be the criteria set forth in LDC Section 10.08.00 D.

5. The errant golf ball containment barrier and related landscaping shall be shown on site development plans and construction plans.

1.08.02 – Definitions

. . . .*Environmental Impact Statement (EIS):* A document or documents that provide an objective evaluation of the impacts of a proposed development or other alteration of the existing natural conditions on the natural resources, environmental quality, and listed species.

Errant Golf Ball Containment Barrier. An errant golf ball containment barrier consists of a netting barrier supported by upright poles and is designed to contain stray golf balls so as to protect players, spectators, and/or neighboring properties; and is typically located within golf courses and/or practice driving ranges.

Essential services: Those services and facilities, including utilities, safety services, and other government services, necessary to promote and protect public health, safety and welfare, including but not limited to the following: police; fire, emergency medical, public park and public library facilities; and all services designed and operated to provide water, sewer, gas, telephone, electricity, cable television or communications to the general public by providers that have been approved and authorized according to laws having appropriate jurisdiction, and governmental facilities.. . .

2.03.09 - Open Space Zoning Districts.

A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal accessory uses, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed use district and the agricultural/rural mixed use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.

The following subsections identify the uses that are permissible by right and the uses that are allowable as accessory or conditional uses in the GC district. . . . .

1. (b). **Accessory uses.** . . .

7. Errant golf ball containment barriers up to and including thirty-five (35) feet in height, subject to the standards set forth in LDC section 5.03.08.

c. **Conditional uses.** The following uses are permissible as conditional uses in the GC district, subject to the standards and provisions established in LDC section 10.08.00…

11. Errant golf ball containment barriers exceeding thirty-five (35) feet in height or that do not satisfy the design and development standards set forth in LDC section 5.03.08.

~~11~~ 12. Any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or Board of Zoning Appeal, as applicable.

. . .

4.02.02 - Dimensional Standards for Conditional Uses and Accessory Uses in Base Zoning Districts

A. GC District. ~~[Reserved]~~ Accessory uses shall not exceed thirty-five (35) feet in height, unless a conditional use request is granted pursuant to LDC sections 10.08.00 and 5.03.08 (C)(4).

. . .

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c. Setback. Except as otherwise provided in this section, errant golf ball containment barriers shall be set back twenty (20) feet from any property line that is not in common ownership with the golf course or driving range.

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b. Errant golf ball containment barrier poles shall be constructed of wood, aluminum or steel, and, if aluminum or steel is used, the poles shall be powder coated or painted a grayish green or sage green matte color.

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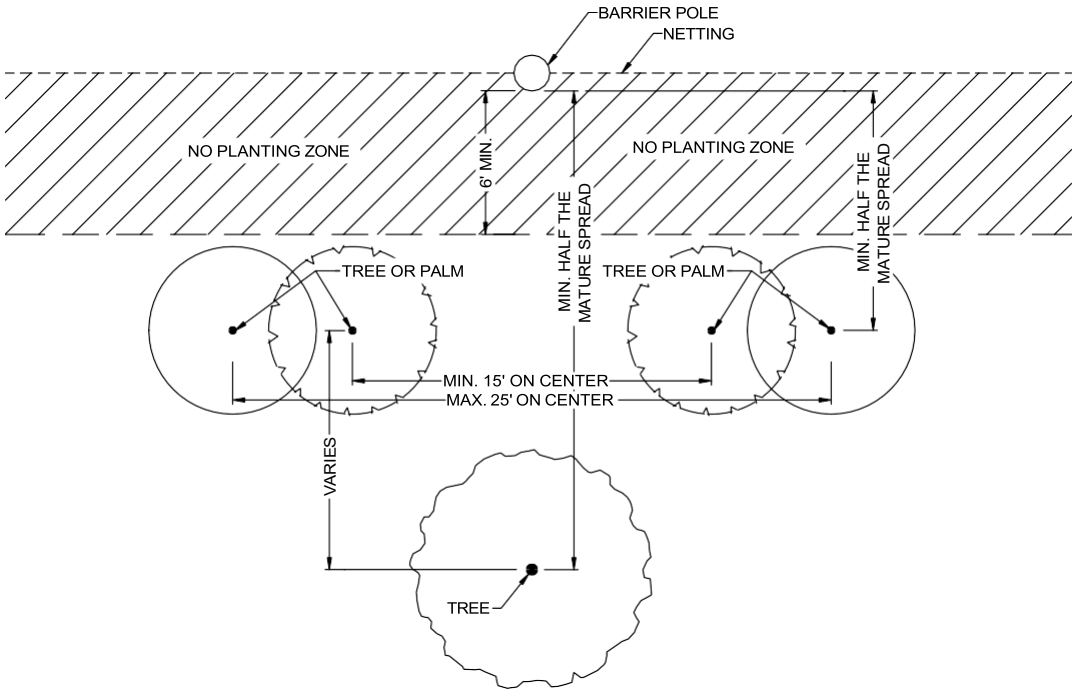

POLE CLUSTER PLANTING

Figure 5.03.08 C

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c. Existing, native vegetation of the minimum required size and located within a twenty (20) foot radius of each pole can be used to meet these screening requirements. If native vegetation is present but there are not enough trees or palms of the minimum required size, supplemental landscaping must be used to meet the screening requirements.

3. Relief from design and development standards. An applicant requesting a Conditional Use may request a deviation from the design and development standards of this section as part of the Conditional Use request. Criteria for the deviation will be the criteria set forth in LDC Section 10.08.00 D.

4. The errant golf ball containment barrier and related landscaping shall be shown on site development plans and construction plans.

Quail Creek Homeowners' LDC Amendment Narrative

Preliminary Statement

The homeowners at Quail Creek Estates (the "Homeowners") propose a Land Development Code ("LDC") Amendment with respect to "errant ball containment barriers." These homeowners' residences abut the driving range and golf course of the Quail Creek Country Club ("Quail Creek," the "Club"). They are adversely affected by starkly industrial 63-foot high poles that Quail Creek illegally installed in April of 2024, intending them to support an 850-foot-long golf barrier.

The Quail Creek example illustrates the harm that can befall homeowners when a golf club installs an enormous, inappropriate and poorly researched barrier. Ignoring the legitimate concerns of residents, the golf club has aggressively pushed for homeowners to lose hundreds of thousands of dollars in the market value of their homes. Having had no success with its earlier maneuvers, Quail Creek is currently seeking its own LDC amendment to permit super-tall "skyscraper" golf barriers throughout Collier County.

In contrast, as golf course residents, we support solutions that balance safety considerations with our aesthetic and property value concerns. We believe that compromises can be reached that will address both safety and homeowner needs and maintain the beauty and value of our golf communities. The optimal result in this County would be to achieve safety on golf courses by minimally visually obtrusive means, avoiding disruption to surrounding residential development.

A golf barrier in the middle of an otherwise pastoral golf course can be damaging, but the design standards we suggest would manage its appearance so it would be much less visually obtrusive. This will make Collier County golf courses as beautiful as possible, while safety considerations are satisfied as well. Collier County could thus serve as a model to other golf courses throughout Florida by harmonizing these objectives.

That is the goal of our proposed LDC amendment, which would also comply with the existing requirement in the GC District that recreational uses be compatible in "scale and manner" with residential land uses—in other words, with the nearby homes. See LDC § 2.03.09.

Our proposed amendment sets forth, among other things, that a 35-foot height limit applies to accessory GC District uses (except that an errant ball containment barrier in excess of 35 feet in height could now be permitted, but only as a conditional use). This merely clarifies law that has existed since 1974 for the GC District in Collier County.

The proposal would also define and regulate "errant ball containment barriers" within the GC District. Such barriers are intended to protect players, spectators and neighboring properties from the risk of stray balls. These barriers can look industrial, even prison-like. But in Collier County, any errant ball containment barrier in sight of residences would be subject to the height, location and design standards we propose in order to make it as unobtrusive as possible to nearby residential properties, thus preserving the compatibility of the golf course with the residences nearby.

The existing 35-foot height limitation in GC Districts is essential to making errant ball containment barriers in residential golf communities proportionate and livable and

preserving property values. At that height, the barriers are not visible from the front of the homes. They are at the treeline instead of 35 feet above it, and don't block the sky or darken the sunlight. They are at a height where camouflaging their height with trees is possible. See Exhibit A.

Reports from not just one, but two, independent golf experts establish that 35-foot barriers are more than adequate for safety.

One of the golf experts, Joseph Groch, a golf professor at nearby Florida Gulf Coast University, explains through peer-reviewed trajectory and statistical analysis that a 35-foot barrier can achieve almost perfect safety, at 99.9962%. "The 35-foot net with an arc-tee configuration provides superior aesthetics and safe containment with 40% less visual impact than a 60-foot straight-tee barrier. Incorporating vegetation buffers and standard operational controls, the design achieves 99.9962% containment, meeting or exceeding industry standards." Exhibit B at 10.

Another expert golf report, Stephen Eisenberg, sets forth in his report the many alternative design options that exist to avoid use of a gargantuan barrier. Exhibit C at 13-14. These include:

- Using restricted or limited flight golf balls, as previously used by Quail Creek Country Club on its driving range.

- Making the driving range "irons only."

- Adding a fence or tree barrier in an "L" shape to the right side of the range near the tee box, close to the point of origin. Such a barriers can deflect both "pushes" (shots hit directly to the right), and "slices"(shots going straight initially then veering to the right) headed toward nearby fairways.

In an addendum to his report, Mr. Groch analyzed, from a statistical perspective, the positive effect that the use of limited flight golf balls would have on safety Exhibit B at 13-15.

Super-high, "skyscraper" barriers placed within view of residences disrupt the *status quo* between the golf course and the neighborhood, and can be very damaging to homeowner values. A certified residential appraiser testifies that any home with a view of an ultra-high barrier will "suffer due to this external obsolescence, causing negative market value impacts." See Exhibit D ¶ 9. (Declaration of Burkhard Klein).

Our golf expert points out that "a 60-foot proposed net, when compared with a 35-foot option, adds little efficacy but at a great cost to the environment." Exhibit B at 12.

Thus, an "ultra-high" errant ball containment barrier exceeding 35 feet in height would only be permitted as a conditional use pursuant to LDC § 10.08. Where these higher barriers might actually be necessary, the conditional use procedure is an appropriate vehicle for considering the installation of an ultra-high ball containment barrier in a residential area.

The conditional use procedure would provide notice to affected homeowners when any golf barrier is planned exceeding 35 feet. This procedure provides actual notice to affected homeowners of a neighborhood information meeting at which a County planner would be present, as well as a public hearing. The public hearing would give affected homeowners an opportunity to be heard. The process we recommend would enable the residential landowners to be affected by an errant ball containment barrier, the ones who will be permanently viewing it, to have a voice.

The conditional use process will ensure that any ultra--high containment barrier will be in harmony with the general intent of the LDC and consistent with the Growth Management Plan ("GMP"), will benefit the public welfare and will not be injurious to the neighborhood or adjoining properties. For example, many such barriers are installed to actually protect nearby residents. The circumstances of each ultra-high system will differ, so the conditional use process is uniquely suited to provide appropriate review.

A conditional use would also be available for deviation from the design and development requirements of our proposed amendment.

In summary, our proposed LDC Amendment clarifies the existing height regulations for the GC District, provides design and location criteria to make sure these errant ball containment barriers can be as unobtrusive as possible, and offers the conditional use process to protect the compatibility of residences around GC Districts when an errant ball containment barrier higher than 35 feet is being proposed. That process would help homeowners preserve their property values as much as possible by giving them input and an opportunity to be heard when a ball containment barrier is being planned that is very high or deviates from the design and development requirements.

This will make Collier County golf courses and their adjacent residential communities as beautiful as possible, while safety considerations are satisfied as well.

Consistency with the GMP

Our legislative proposal is consistent with the GMP because it clarifies existing law on GC district height restrictions of 35 feet for accessory uses, including errant ball containment barriers. It is also consistent with the 35-foot height limitation in surrounding residential development, including the RSF-1, RSF-2, RSF-3, RSF-4, RSF-5, RSF-6, and RMF-6 districts. The surrounding homes of the Quail Creek golf course are zoned RSF-2.

Design, location and height standards for all errant ball containment barriers will ensure compatibility with existing residential land uses as much as possible. *See infra* 8-11.

Moreover, our proposal integrates existing development with golf course needs by allowing surrounding residential homeowners to have a voice as provided in the conditional use procedure where any golf course barrier is planned exceeding 35 feet or deviates from the design and development requirements.

This will avoid unnecessary depletion of the value and enjoyment of existing residential development.

Legislative Background: Height in the GC District Has Always Been Restricted

Our proposed amendment clarifies existing law, providing that, consistent with legislative history in the GC District:

A height restriction of 35 feet applies to all accessory uses in the Golf Course District, including any golf course or driving range barriers. Errant ball containment barriers over 35 feet high can be permitted as a conditional use. (The existing 35 foot restriction on principal uses in the GC District will remain in existing Table 2 of LDC Section 4.02.01, Dimensional Standards for Principal Uses in Base Zoning Districts.)

It has always been the BCC's intent to regulate height in the GC District, which is one in which golf courses are typically interwoven with residences. Those restrictions are especially important now that residential development has grown up around the golf courses in GC Districts.

In addition, the Zoning Director has recently issued an Official Interpretation finding that golf barrier barriers are limited to 35 feet.

Legislative History

The BCC restricted heights in the GC District from the very beginning. It called for "harmony" in such districts in relation to landscaping, location of access streets, parking areas and buffer areas. Later, the LDC added an overarching requirement that recreational uses be compatible in "scale and manner" with residential land uses—in other words, with the nearby homes.

The BCC restricted heights in the GC District from 1974 on.

In 1974, the provision in the LDC defining Golf Course Districts, § 11.22, provided for a maximum height of 35 feet above grade within 150 feet of any district that was restricted to 30 feet in height, and "except 45 feet elsewhere within the district." Ordinance 74-12 at 77 - 78 (attached hereto as Exhibit E). The height provision was part of the GC District description and therefore covered everything. It was not limited to certain types of uses.

In 1975, the provision for the GC District on height stayed the same for the most part, but the BCC took out the confusing word "except," making it even clearer that height was to be regulated. Ordinance 75-24 at § 26 (Book 9 page 243) (Exhibit F).

In 1991, the Golf Course District was amended to provide that a height limitation of 35 feet would apply to all permitted, accessory, and conditional uses in the Golf Course District. (Exhibit G, Ordinance 91-102 at 2-6 to 2-7, §§ 2.2.1.4; 2.2.1.4.4). The height of lighting was restricted to 25 feet. §2.2.1.4.10 (Exhibit G).

In 1992, language was added making pro shops in excess of 1,000 square feet and restaurants with seating for more than 150 primarily for golf course patrons, conditional uses. Ordinance 92-73, 2.2.1.3. (Exhibit H).

In 2004, the BBC enacted a major recodification of the LDC, Ordinance 04-41. In its recitals, the ordinance provided that "the revisions to, and recodification of the LDC does not substantively alter in any way the prior existing LDC text and the substantive provisions of

this Ordinance are hereby determined to be consistent with and to implement the Collier County Growth Management Plan...". 2 -3of 6 (emphasis added) (Exhibit I).

Ordinance 04-41 provided that, and the LDC still provides that:

"in the event this Ordinance conflicts with any other ordinance of Collier County or of any other statute, code, local resolution, regulation or other applicable federal, state, or local law, the more stringent standard, limitation, or requirement shall govern or prevail to the extent of the conflict, except that in the event that any provisions of the adopted, re-codified LDC should result in the unintended consequence of an unresolved conflict with the provisions of the previously adopted LDC, as amended, the prior provisions will be considered to apply. " Emphasis added. LDC § 5, Conflict and Severability, Ordinance 04-41 (Exhibit I).

In the 2004 version, the description of the GC District was for some reason dramatically curtailed. What had been several paragraphs and sub-paragraphs became one small paragraph. The paragraph no longer listed specific principal, accessory or conditional uses. The new description in its entirety was as follows:

"The purpose and intent of the "GC" District is to provide land for golf courses and normal accessory uses to golf courses, including certain uses of a commercial nature. The GC district shall be in accordance with the urban mixed use district and the agricultural rural district of the future land use element of the Collier County GMP. " Exhibit I, 22 of 176.

It was in this same version of the LDC that the table of heights for principal uses in various districts, including the GC District, was promulgated. Table 2 [of Article 4], Building Dimension Standards for Principal Uses in Base Zoning Districts provided for a "maximum building height" of 35 feet for the GC District. Exhibit I, at 2, 3 of 247.

So, when Table 2 was put in place, there was no longer a verbal description of the specific principal, accessory or conditional uses of the GC District in the LDC.

Obviously, the main principal use of the GC District, a golf course itself, is not a building or structure with a height that needs to be regulated. Hiking trails, passive recreation areas (picnic areas and benches) and disc golf are also at ground level.

Since a golf course is by necessity at ground level, Table 2, if taken literally, has no practical application. Applying the table literally would have the absurd result of rescinding the previously mandated height restriction of 35 feet for all uses in the GC District, and resulting in no effective height regulation in the GC District. As set forth on pages 29-30 of our opposition to Quail Creek's LDC amendment, permit applicants in the County have long interpreted the 35-foot height restriction to apply to accessory uses.

Because this new version of the Code was expressly meant to be a recodification and did not intend to make a substantive revision, the prior, 1991 version should control. It seems likely that the severe shortening of the GC District description in 2004 led to its being inadvertently included in a table for the heights of principal uses, since the listing of its specific accessory uses of restaurants, snack shops, driving ranges, and clubhouses and their ilk was now missing.

Indeed, in later versions of the LDC, the full description of GC District uses, explaining that the "golf course" was a permitted use and that a clubhouse, community center, practice driving range, snack shops were accessories, was added back. This occurred first in 2008. See Exhibit J (Ordinance 08-11, 128-129 of 134). Yet Table 2 of the building dimensional standards remained, and with it the nominal restriction on the height of only principal uses—which are ground-level uses (and fences).

We have thus proposed that clarifying language be put into the GC District description that restates the pre-2004 language to the effect that a height of 35 feet would apply to all accessory uses in the Golf Course District, but that errant ball containment barriers may be over 35 feet if permitted as a conditional use.

Golf Barriers Are Also Limited to 35 Feet

The Zoning Director, in response to the Club's request, has very recently interpreted the LDC to the effect that golf course barriers are limited to 35 feet. ("OI Decision," Exhibit K).

Mr. Bosi could also have decided that their height was limited to 8 feet, without a variance.

A front yard fence for a property of one acre or less, like our properties, is limited to **4 feet,** LDC § 5.03.02 (C)(1) (b), and **6 feet** for larger lots. LDC § 5.03.02 (C) (2) (a). Even in *commercial areas*, fences are limited to 8 feet. LDC § 5.03.02 (D) (1). Since golf course uses are to be compatible in scale and manner with residential uses, these limits make much more sense where the view of homeowners is involved.

LDC § 5.03.02 (emphasis added).

Fences **in all districts** are subject to the rules set forth in LDC § 5.03.2, unless specifically exempted. (emphasis added).

The GC District is NOT exempted.

The fences within agricultural districts are exempted, LDC § 5.03.02 E. showing that certain districts were considered for exemption, but the GC District is not one of them.

This provides an 8-foot fence height for a commercial district such as the Quail Creek Country Club. The fence provision in the LDC restricts the height of fences to the single digits because fences can infringe on and interfere with the view of those nearby.

"Where any provision of these regulations, the GMP, or any other law or regulation in effect in Collier County, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the GMP, or any other law or regulation in effect in Collier County, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling."

LDC. § 1.03.01 (d).

So, it could be argued that the lesser of the 8-foot height limit for fences in commercial districts (LDC § 5.03.02) and the 35-foot limit for principal uses in Table 2 of LDC § 4.02.01 applies.

But Mr. Bosi decided that the 35-foot height in Table 2 of LDC § 4.02.01 applied to limit the height of the Club's barrier. Exhibit K. So that is what we have included in our proposed amendment.

Building A Barrier in a Golf
Community Should Be Guided by Location, Height and Design Standards

For Collier County residents with lots abutting or near a golf course in the GC District , an errant ball barrier, whatever its size, may cause external obsolescence to their homes, leading to an immediate and precipitous decline in property value. As in the Quail Creek example, those views would be blocked forever by an enormous black ball containment barrier, overtly industrial in appearance.

An errant ball containment barrier can dramatically destroy formerly expansive views, and hence the market value of affected homes.

Golf course views are essential to the value of golf course residences.

A view of an industrial barrier of any size (evocative of factories and prisons) can make previously valuable homes into second- or third-class properties in that community. Moreover, people who live in such homes will likely not want to invest in them, so these houses will not be as well-maintained and up to date as others in the community, cementing their lowly status in the market.

As Mr. Bosi, the Zoning Director, pointed out in his introductory remarks to the new regulations for golf course conversions in 2017, "[t]he [Board of County Commissioners] recognized . . .that golf courses have a unique presence within the built environment. There's a vested interest, there's a *vested sense of place that is conveyed with a golf course* . . .." See Exhibit L at 126-127 (Transcript of BCC hearing on Ordinance 17-10 at 123 (March 14, 2017) (emphasis added)).

Caroline Cilek testified that during the discussions about golf course conversions that were done in 2016, the Board provided several considerations and a couple of concerns they had about the potential for conversion. See Exhibit L at 124 (*One was preserving the valuable open space resources of a golf course, the second was that "the property owners surrounding a golf course purchased their homes with the expectations that they would have a golf course view in perpetuity, and if this view amenity is lost to a conversion project, that there may be a potential loss in property value; and the third being a "recognition that neighborhoods that surround golf courses should be involved in a conversion process*." See Exhibit L at 124-125 (March 14, 2017) (emphasis added).

Ms. Cilek noted that when a conversion is foisted upon residents and they have no input to the process, there can be long running and wasteful litigation. See Exhibit L at 126-127. That is exactly what has happened here, as the Quail Creek golf club installed a structure illegally and has persisted ever since in ignoring the concerns of the immediate community. Now we have an abandoned variance proceeding, potentially never-ending appeals over the meaning of the LDC provisions brought into issue by the Club's law firm, many months of delay and Quail Creek's proposed "skyscraper barrier" amendment, which would endanger

the views of homeowners all over the County. Lawyers are profiting from this situation on both sides, and the situation has been extremely stressful for the affected homeowners.

With the protections of the conditional use procedure, the affected Quail Creek residents could have provided feedback and helped implement a solution which would have allowed for better golfer safety than the Quail Creek golf club's extremely damaging proposal. The golf course could have had safety much sooner, and the homeowners would have been content with a barrier that would have been as aesthetically pleasing and camouflaged as possible, thus far less damaging to homeowner values.

Rather than repeat Quail Creek's damaging behavior in other communities by codifying it, see *infra* 14-16, let's learn from these mistakes by providing design specifications for errant ball containment barriers and allowing for the conditional use process that takes into account the interests of both the golf club and homeowners. This approach could save hundreds of thousands of dollars in lost market value per home, as it would in the Quail Creek situation.

Many Alternatives Exist to Combat Stray Balls, Including a 35-Foot Barrier

There are many alternatives that can achieve golfer safety while minimizing trauma to the neighbors' views. Our two independent golf experts discuss the various means that may be used to alleviate the danger from stray balls. Exhibit B at 11; Exhibit C at 11-12.

As these experts explain, golf barriers can often be avoided altogether by the use of thoughtful and analytical approaches like landscaping methods such as trees and shrubs, hedgerows or high berms; adding a much smaller barrier closer to the tee box to catch stray balls closer to the point of origin; and golf restrictions such as self-limiting balls (which were formerly used at Quail Creek), repositioning tee stations to be angled away from the area of concern, and irons-only policies. If barriers are needed, a 35-foot height (or lower) will suffice. If not, the conditional use procedure would be available. LDC §10.08.

A local golf professor has undertaken a statistical/probabilistic analysis of a 35-foot barrier at Quail Creek with the tee stations arced slightly to the left, away from the area of concern, a very inexpensive and noninvasive change. See generally Exhibit B. This barrier with the arcing achieves 99.9962% safety, or a .0038% error rate (the risk that a ball will be hit over a barrier at all). This error rate is much lower than the generalized risk of being hit by a ball elsewhere on the golf course, which is about 1 in 5,000, or .02%.

Location, Design and Height Standards: Appropriate Fences Make Good Neighbors

The optimal result in this County would be to achieve safety on golf courses in GC Districts by minimally visually obtrusive means.

In our LDC Amendment, we propose certain design and development standards, including that the location of any errant ball containment barrier be placed at least 150 feet away from property zoned or used for residential purposes. Should safety to those homes require a closer distance, the conditional use procedure is available.

In addition, design requirements would be imposed when the barrier is within 300 feet of property zoned or used for residential purposes. These relate to the type of netting to be

used, the poles, and landscape screening for the benefit of those nearby residences. If the poles are exposed to residences within 300 feet on both sides, the landscape screening is also required on both sides of the poles.

Netting should be of a twine thickness of 1 millimeter or less for optimal aesthetic appearance. This will be almost transparent. One type of netting on the market is called Dyneema #6, made of polyethylene with a .8 millimeter diameter. This was designed specifically for the purpose of golf netting. It has a higher breaking strength and better durability. See Exhibit M, contrasting the coarse, ropelike netting planned by Quail Creek and the much more transparent, lighter in weight Dyneema netting.

Exhibit M (the last two photos) show an errant ball containment barrier with netting similar to that planned by Quail Creek, contrasted with a single-panel Dyneema barrier. As shown in these photos, the lighter, seamless netting does not sag and presents a much better appearance.

The thickness of the netting dictates how visible it is. We have seen many examples of the heavier, 2 mm twine fabric in use, and it has several drawbacks, especially its appearance in a residential area.

The heavier weight of a typical 2 mm netting fabric per square foot makes it sag, especially over time. Lighter, thinner netting does not sag, allowing for a much more transparent appearance.

Heavier weight netting also typically needs panels every twenty feet of its height, creating visible dividers, or seams, that add not only to their visibility but also the industrial look of the installation. Dyneema netting, for example, allows for single panels of netting up to a height of 52 feet, so that unsightly dividers are minimized. Therefore, it is much more conducive to a residential setting, *which is the only place that these design requirements would apply.*

Heavier netting also requires a thicker, more industrial pipe style pole, which is evocative of factories and prisons and is not appropriate in a residential setting. The poles at Quail Creek are currently a 50-inch circumference, which is unsightly near residences. With lighter weight netting and a barrier of a height of 35 feet, the poles can be significantly thinner: the poles can be at a 12-inch diameter (37 inch circumference) and taper to 8 inches (25 inch circumference).

More poles per foot are needed to support the weight of heavier netting. For example, the 2 mm netting will need a pole every 50 feet, whereas depending on the height of the poles the 1mm thickness will only need one every 60 or 70 feet, cutting down on necessary landscaping and cost. For example, using Dyneema netting, a 40-foot barrier with wooden poles can place the poles 60 feet apart instead of 50. A 30-foot barrier with steel poles can have the poles placed 71 feet apart instead of 50. Fewer poles and less landscaping make a containment barrier project less expensive as well as less obtrusive to neighboring properties.

Thinner netting does not mean weaker netting. For example, the twine of the Dyneema #6 netting made by Netex is .8 mm thick. Made of polyethylene, its breaking strength is 103 pounds, while the breaking strength of the 1.3 mm polyester product is only 95 pounds.

The polyethylene used by Netex is dyed instead of coated, so it lasts much longer against UV degradation (15 year warranty) than the usual industrial netting product, which is coated black instead of dyed and comes with only a 10 year warranty. The Dyneema polyethylene has a life expectancy of 25 years, with the life expectancy of polyester nets being only 10 to 15 years.

The thinner netting is really a far superior product for this purpose and is much better to enhance the compatibility of the golf course barriers in residential communities. Otherwise, property values would be negatively affected by sagging netting, more poles and partitions between each panel—creating an industrial look which is incongruous in a residential setting.

Also, our amendment requires landscaping to camouflage the poles of the errant ball containment barrier. Originally, we had an idea of one large tree with a 35 foot canopy in front of each pole. That, it turns out, does not work so well because of possible abrasion of the tree branches against the barrier. And the large trees take up a lot of space. In addition, views from the left and right of the barrier might still show the poles.

So, with consultation with a landscape architect, we adopted the idea of a "pole cluster planting" to include at least one tree of a 20 foot minimum canopy spread. Two other trees are required, but they can be trees or palms.[1] All must be chosen to reach an ultimate height of 35 feet to camouflage the poles from the residences.

The required minimum tree must be in the center of the cluster for best camouflaging of the poles. More details on spacing as well as a diagram are specified in the proposed amendment language. We believe that the "pole cluster plantings" will do the best possible job of camouflaging the poles under the circumstances, taking into account the value of golf course space as well as money to be spent on landscaping. We are not stipulating that any hedges be provided along the rest of the fence, which will further economize on landscaping costs. Individual communities can certainly do more if they wish; the trees specified are a minimum number and hedging is permissible.

With the poles camouflaged and the netting as invisible as possible, any damage to the residential neighborhood by an errant ball containment barrier would be minimized. Please see Exhibit p (diagrams of sample barriers designed in accordance with the proposed amendments).

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[1] Sabal palms are a commonly used, less expensive landscaping tree. We wanted to include only sabal palms that are "booted," that is without having their leaf frond bases removed. They are more attractive, have a larger trunk, bend less and can be longer-lived. But we are told that such palms can be difficult to find at landscape nurseries. So, we are not specifying the type of palms that may be used.

There are also choices of powder-coated color if steel or aluminum poles are used. We are specifying a sage green or grayish green to blend in with other landscaping on the terrain of a golf course. This is a color in keeping with that used on transformer boxes in the Collier County area. Natural wood poles would not have to be painted.

If poles higher than 35 feet are sought through a conditional use, taller trees as well as a bluish gray color (to blend in with the sky) for the pole portions above 35 feet would probably work much better, and this would also be possible through the conditional use procedure.

The Views in a Golf Residential Community are Crucial

A golf course in a GC District can't be viewed in a vacuum. It is surrounded by homes.

Golf community HOA rules, golf course and real estate sales literature all traditionally reflect the value that the views, in particular golf course views, are crucial.

This is a common trait of golf course communities. After all, their homeowners bought golf course homes for the view. Views are how homes in golf course communities are marketed, and maintaining those expansive, landscaped views in turn supports the market value of those homes.

Views of the golf course are commonly acknowledged and restricted as particularly important in HOA documents. There are severe restrictions on obstructing them.

For example:

> No fences, hedges or other obstruction shall be constructed at, or near the boundaries of the Quail Creek Golf Course.
>
> **At all times, complete visibility of the Quail Creek Golf Course and its appurtenances shall be preserved.**

Exhibit N, § 8.6 (emphasis added) (Second Amended and Restated Master Declaration of Protective Covenants for Quail Creek).

In Quail Creek, there is also an entire separate set of Architectural Planning Criteria that govern how things are supposed to look. Again, golf course views are emphasized and cannot be blocked.

> **No landscaping, hedges, fences, buffers, walls, or other structural screens or other obstruction shall be constructed at, or near the boundaries of the Golf Course, or block another's view of the golf course.**

§ 2.5 (emphasis added). Exhibit O.

Golf course literature like Quail Creek's typically speaks of the "lush, mature trees and carefully curated landscaping, "picturesque grounds," the "peaceful sanctuary of our natural surroundings," and the "preservation of natural beauty." Exhibit P.

It trumpets the "harmonious blend of sport and nature"...where our "36 holes of golf are seamlessly woven into the serene tapestry of the . . . grounds". "golfing experience . . .seamlessly blends luxury with nature's wonders."

See Exhibit P.

The Quail Creek Estates community, for example, is known and marketed for its golf course views.

"Quail Creek is a gated community of 291 estate homes located in North Naples. Every home in this 640-acre community has views of the golf course and other scenic natural vistas." https://www.naplescondoboutique.com/quail-creek/

"Welcome to Quail Creek, a prestigious subdivision located in the heart of Naples, Florida. Nestled within the beautiful Collier County, Quail Creek offers a luxurious lifestyle surrounded by lush landscapes and stunning golf course views." https://www.captainchrisswflhomes.com/listings/subdivision/Quail-Creek/homes-with-golf-course-view/

"One of the standout features of this exclusive neighborhood is the breathtaking golf views that grace many of the homes. Imagine waking up each morning to panoramic vistas of lush fairways and vibrant greens, where the beauty of the outdoors seamlessly integrates with your everyday life. The homes here are designed to maximize these spectacular views, with expansive windows and spacious patios that invite natural course views light and fresh air into your living spaces."

https://www.theguillettegroup.com/listings/subdivision/Quail-Creek/homes-with-golf-course-viw/

"There are no condominiums or villas within Quail Creek, so residents here are seeking a large single-family estate home with views of the 2 magnificent golf courses.. https://www.gulfcoastfloridahomes.com/golf-communities/naples-florida-golf-communities/quail-creek/

GC Districts Are Necessarily Intertwined with Their Residential Neighbors

There are benefits and burdens to being part of a GC District community, on the sides of both the golf club and the residents.

Like other golf courses in the GC Districts in Collier County, Quail Creek is physically, economically and from a zoning perspective, inextricably intertwined with the neighboring residences. Exhibit Q.

A GC District golf course benefits from a substantial income stream from the monthly fees of local golf and social members, as well as being granted the privilege of running restaurants and event spaces and pro shops, charging for golf and tennis lessons, and obtaining revenue from all of those. Without the GC District, these commercial enterprises would not be permitted to exist in a residential area. In turn, residents benefit from expansive golf views and the opportunity to be members and socialize at the golf club.

In many instances such as in Quail Creek, the golf club gets a significant number of its members from the community, but not a majority. Thus, many of the golfers at QC don't have a vested interest in the community like the residents do.

The golf course residents are here, all day every day. These are their homes, in many cases their largest investment and the embodiment of their life savings, and they are naturally concerned with the market value of those homes. Meanwhile, the golfers come and go as they please.

Neighboring residents are usually responsible for adhering to an exhaustive set of Community HOA standards, including the stringent requirements that golf course views be preserved at all costs.

These rules and restrictions are part of the recognition that appearances are a vital part of the enjoyment and value of golf course homes. The idea is to keep the community looking beautiful and homogenous, to maintain property values and maximize homeowners' enjoyment of their properties.

In Quail Creek Estates, as with other high-end golf communities throughout Collier County, there is an entire set of rules that governs how homes and their lots in Quail Creek Estates should look. See generally Exhibit N at 21-27 (Second Amended and Restated Master Declaration of Protective Covenants for Quail Creek). An architectural review commission is in place to "preserve the beauty, quality and value of the community." Exhibit N (page 18-21, § 6).

Golf communities tend to be high-end areas with more expansive lots and views. The Quail Creek Estates HOA's website, for one, attests that "The homes are featured on large lots of almost one acre, providing privacy as well as spectacular golf and lake views rarely found in Naples." Exhibit R (emphasis added).

In turn, the implicit promise of the golf club to its neighboring homes, is that it maintain the grounds and appearance of the golf course(s).

The conditional use process that we support for errant ball containment barriers over 35 feet would require golf clubs to keep that promise by involving the neighboring homeowners in the process through the neighborhood information meeting and allowing them a voice at a public hearing.

It should be noted that ultra-high barriers like the one illegally installed at Quail Creek have no public benefit to balance out their negative impacts on other property owners and the community at large. The purpose of that structure is to prevent errant balls from hitting players of golf on a single hole of a thirty-six (36) hole set of golf courses. Thus, the proposed structure would protect only people who have already assumed the risk of being present on the golf course. Indeed, only the subset of these club members who have golf memberships and their golfing guests are allowed on the course when the driving range is open. The Club thus wishes to impose a huge and widely visible public cost on the golf residential communities in Collier County, solely for the benefit of its own private golf membership.

The Quail Creek Example: Excessive Damage from a Hideous Barrier and An Uncaring Lack of Communication

The illegally installed barrier poles at the Quail Creek Country Club, intended to be 68-70 feet tall by incorporating an artificial berm, is an excellent example of the harm that ultra-high golf barriers would cause in Collier County. The conditional use process, *before any golf course applies for a golf barrier permit and begins construction of an ultra-high barrier*, would have avoided this situation.

Back in 1981, the original Quail Creek golf course designers carefully provided for a tree barrier between Hole 10 and the driving range to assure golfer safety. Exhibit S. When we bought our homes, the tree barrier was robust and beautiful. Exhibit T. The driving range and the fairway next to it operated without incident for many years.

But from 2013-2020, Quail Creek systematically removed its own tree safety barrier. See PowerPoint presentation attached hereto as Exhibit U. In 2018, the Club erected an artificial berm with a row of short, branchless palms, and a 12 foot tall netting fence which it utterly failed to maintain. See Exhibit V. What had been a functional and attractive barrier was gone.

As our golf expert states, "The golf course affirmatively created the danger to players playing the 10th hole with the removal of these barrier trees." Exhibit C at 6. "Leaving those trees in place would have continued to provide a meaningful and effective buffer between the driving range and the 10th hole." Exhibit C at 6.

Upon information and belief, the trees were cut down and the berm built without consulting with the County, for the required permit.

The Club installed a new driving range, also without a permit, behind the homes of two of the residents on Coco Plum Lane, placing them in the zone of danger. "This puts the Coco Plum Lane properties squarely in the crosshairs of the Zone of Danger, necessitating elimination of the back tee box area completely." Exhibit C at 13. It also expanded its driving range towards Hole 10 by adding a short-range hitting area, raising the danger level for Hole 10 golfers. To our knowledge, all of these changes were made without permits.

This was continually negligent behavior, just waiting for something to go wrong. See Exhibit C at 6-8 (explaining how the various changes to the original design of the Club's driving range enhanced the dangers).

After an accident occurred in 2023, it became a priority of the Club to get a manmade barrier. But no trajectory analysis was undertaken to determine what size barrier was actually needed. See Exhibit W at 1 ("Engel & Company Engineers, Inc. were not contracted to provide a trajectory (ball containment)).

In late April of 2024, and without even consulting with the County to get a permit, the Club began installing its barrier. An unlicensed contractor placed enormous black poles in the ground intended to support an 850 foot long, 63-foot high black netting barrier,.

Nearby residents were not consulted, nor was any notice provided by the Club, let alone asking the community to consider plans that would drastically affect them. We saw the huge black poles going up and tried to contact the golf club right away, to register our concern and dismay. But the Club refused to take our calls or return our emails.

The Club was stopped only by Code Enforcement, on May 1, 2024.

In a meeting on May 8th, which we were told was set up to hear the concerns of the homeowners, the Club refused to have a constructive dialogue with the affected residents. Instead, it began the meeting by telling us that the poles would stay up "no matter what."

So it was clear that our legitimate concerns and the damage they were causing us, didn't matter to the Club. That they were harming the affected homeowners, with maximal cost to the community and the natural environment and minimal forethought, didn't seem to bother them, then or now.

Club representatives did admit to some of the affected homeowners (only three families were permitted to attend) at the May 8 meeting that *even they were taken aback by the visual appearance of these poles.* This is an important admission—they didn't bother to do adequate research before they installed these horrific poles in full view of our homes.

The Club has studiously ignored the objections of the affected homeowners ever since, pretending that property values would not be affected. Many, many months of delay have ensued as Quail Creek tried to figure out a way to push through its illegal barrier without giving homeowners a chance to be heard. (Over 650 days have now passed since the barrier poles were illegally installed). They have tried this through a variance proceeding that they later abandoned, a request for an official interpretation of the height restrictions, and now an LDC amendment.

LDC amendments require compatibility and consistency with the GMP. Our expert planning witness Cecelia Ward found that the variance Quail Creek had originally sought was incompatible with residential uses and inconsistent with the GMP. See her full report at Exhibit AA at 10-14. The variance they sought is similar to the LDC amendment they now propose.

During all of this time, homeowners have had to live with an illegally constructed, enormous, industrial-style barrier.

The views ruined by this "ultra-high," factory-like installation were paid for by residents in original purchase price, taxes over many years, and in improvements and renovations to homes that they thought would be worth prevailing market value. A large proportion, if not all, of the life savings of many of the affected Quail Creek residents is contained in the value of their homes.

A certified residential appraiser, testifying that an ultra-high barrier such as the one that QC wishes permission to install, will "suffer due to this external obsolescence, causing negative market value impacts." See Exhibit D ¶ 9. (Declaration of Burkhard Klein). These are photographs of some of the affected homes. See Exhibit X.

The market value damage to our homes is apparent already. Since the illegal barrier has been left standing for 20 months, one homeowner was forced to sell during that period of time, and catastrophically received only 50 cents on the dollar of their initial home price. The final price was $1.25 million on a home initially marketed with a list price of $2.5 million. We provide the Zillow listing showing how the price was marked further and further down over time as buyers kept walking away from the newly ruined driving range view. Exhibit Y. Meanwhile, an unaffected property just one house away sold in a couple of months for 94% of list price. Exhibit Z.

We have personally spoken with several real estate agents, who have all confirmed the potential for a substantial decrease in property values for those of us whose views are now obstructed. Originally this was in the $500,000 to $700,000 range. But the sale that actually occurred reflects that that amount of damage may be a serious understatement.

And—despite its "safety concerns," the Club has kept right on using its driving range, and the fairway for golf hole #10 right next to it exactly as before, with no restrictions. Indeed, the Club has recently shown in plans submitted with an SDPI for a golf course renovation that it wants to expand its driving range tee box area a full 50 yards toward Hole 10. This would significantly add to the danger to golfers using that area of the golf course. See Exhibit BB.

Had notice and an opportunity to provide their input been given to residents and had appropriate planning and research been done, the golf course residents would not have been saddled with an illegal, inappropriate set of industrial poles for close to two years. Meanwhile, the golf course would have been able to achieve safety with an appropriately designed barrier much sooner.

The conditional use process for errant ball containment barriers over 35 feet as well as deviations from the development and design requirements we have set forth in our LDC amendment would involve and inform Quail Creek and other affected homeowners in the GC District, giving them the options to propose compatible alternatives and thereby avoid unnecessary damage to residential development, as well as a voice at a public hearing.

For all of the foregoing reasons, we respectfully request that the Board of County Commissioners adopt the Homeowners' proposed LDC Amendment.

Respectfully submitted,

Letitia and Frank Accarrino
13057 Coco Plum Lane
Naples, FL 34119

Chad and Natasha Commers
13156 Valewood Drive
Naples, FL 34119

Goldie and Kenneth Wetcher
13024 Valewood Drive
Naples, FL 34119

Dana and Michael Sturdevant
13033 Coco Plum Lane
Naples, FL 34119

Mariam Mars Gulistan and
Lucille Wetlaufer
13002 Valewood Drive
Naples, FL 34119

Fahmida Rahman
13056 Valewood Drive
Naples, FL 34119

Exhibit A

View from Lanai of 13033 Coco Plum Lane


13056 Valewood Drive



13033 Coco Plum Lane


View from Coco Plum Lane Homes

13156 Valewood Drive



View of Proposed Golf Structure from Coco Plum Lane Homes

Exhibit D



Flight Simulation and Containment Analysis: Quail Creek Driving Range

Professor JM Groch, PGA, MPS

7/14/25

Flight Simulation and Containment Analysis: Quail Creek Driving Range

Introduction

This report presents a scientific evaluation of the proposed 60-foot containment net at Quail Creek Country Club's driving range. The key objective is to assess whether the proposed netting configuration provides meaningful or necessary safety protection for players—specifically, those on Hole 10—while considering both performance and aesthetic impact. The data and conclusions herein focus on the adequacy and necessity of the current design and whether alternative strategies may provide equal or improved safety with less visual intrusion.

Through rigorous modeling of golf ball trajectories, probabilistic simulations, demographics, and net interception analysis, this report identifies significant concerns regarding the proposed design. The goal is to ensure that any containment strategy meaningfully mitigates risk while aligning with best practices in range safety design. Finally, a more effective containment strategy, minimal in cost and visual impact, is proposed.

Overview

For many years, Quail Creek Country Club operated its driving range facility with a natural tree barrier between the driving range and hole number 10. We estimate that this original barrier was about 30 feet high. Quail Creek now proposes a 60-foot barrier.[1]

This report evaluates the effectiveness of the original tree barrier, the proposed 60-foot barrier, and a solution incorporating a new 35-foot barrier with minimal alterations to the driving range teeing area. A 35-foot barrier can consist of mature trees and hedgerows, with bush layering, or be constructed, in which case foliage and vegetation can be placed for camouflage.

The 35-foot net with an arc-tee configuration provides superior aesthetics and safe containment with 40% less visual impact than a 60-foot straight-tee system. Incorporating vegetation buffers and standard operational controls, the design achieves 99.9962% containment, meeting or exceeding industry standards.

Methodology:

Determining the netting height for a net that runs parallel to the driving range (often called a side net) requires a different approach than the backstop net. The primary objective is to catch errant

[1] At the time this report was written, Quail Creek was stating that its golf barrier was 60 feet high. Since that time, they have corrected that figure to 63 feet, but 60 feet is what we analyzed. In addition, three of the installed poles are well below 63 feet, at 20 and 40 feet.

shots (hooks, slices, shanks) that veer significantly off the intended line, not well-struck straight drives.

Key Factors to Consider

1. Maximum Shot Dispersion Angle

Errant shots can leave the clubface at significant angles. Common estimates:

- Average slice/hook: 10–25° off center
- Extreme mis-hits: 30–40° (more for beginners or kids)

We will use **30°** as an extremely conservative maximum deflection angle for the adults using the Quail Creek driving range.

2. Distance From Tee Line to Net

Let's call this **D_side** (horizontal distance in yards/feet from the hitting bay to the side net).

3. Expected Carry Distance

Use the max carry of the longest club (usually a driver), denoted as D_carry. For most amateurs: 250 yards. This is an extremely conservative assumption because for the demographic group using the range, only 1% can hit it that far.

4. Calculate Maximum Lateral Deflection

Use trigonometry to find the furthest sideways the ball might travel:

Lateral distance = D_carry × tan(θ)

Where θ is the shot dispersion angle (e.g., 30° → tan(30°) ≈ 0.577)

Then calculate **how high** the ball will be when it's at D_side from the teeing area.

Sample Calculation

Scenario:

- Max carry distance, or D_carry: 250 yards
- Side net is 75 yards from the tee center line
- Shot deflection angle: 30°
- Ball apex height (estimated): 90 ft

Step 1: Find the maximum lateral deflection point for a 250-yard shot:

Lateral = 250 × tan (30°) ≈ 250 × 0.577 ≈ 144.25 yards

So, the furthest the ball might travel is ~144 yards from centerline

Step 2: Interception point at 75 Yards Lateral

The net is 75 yards to the right (laterally).

To find where the ball crosses 75 yards laterally, we must determine:

Downrange distance=75/tan(30∘)≈129.9 yards

So, the interception point is 129.9 yards out.

Step 3: Calculate the height of the ball at 129.9 yards downrange at 75 yards lateral

For a 250-yard shot at a 30° angle with a 90 ft apex:

- The ball crosses the 75-yard lateral fence at a downrange distance of ≈ 129.9 yards
- At that point, the ball is ≈ 88 feet high

Calculation:

We use the parabolic trajectory formula (symmetric arc):

$$h(x) = H_{\max} \cdot \left(1 - \left(\frac{x - x_{\text{apex}}}{x_{\text{apex}}}\right)^2\right)$$

Substitute:

$$h(129.9) = 90 \cdot \left(1 - \left(\frac{129.9 - 150}{150}\right)^2\right)$$

$$h(129.9) = 90 \cdot \left(1 - \left(\frac{-20.1}{150}\right)^2\right)$$

$$h(129.9) = 90 \cdot (1 - 0.01796) = 90 \cdot 0.98204 \approx 88.4 \text{ ft}$$

Conclusion

Not even a 60-foot-high net would capture this type of shot.

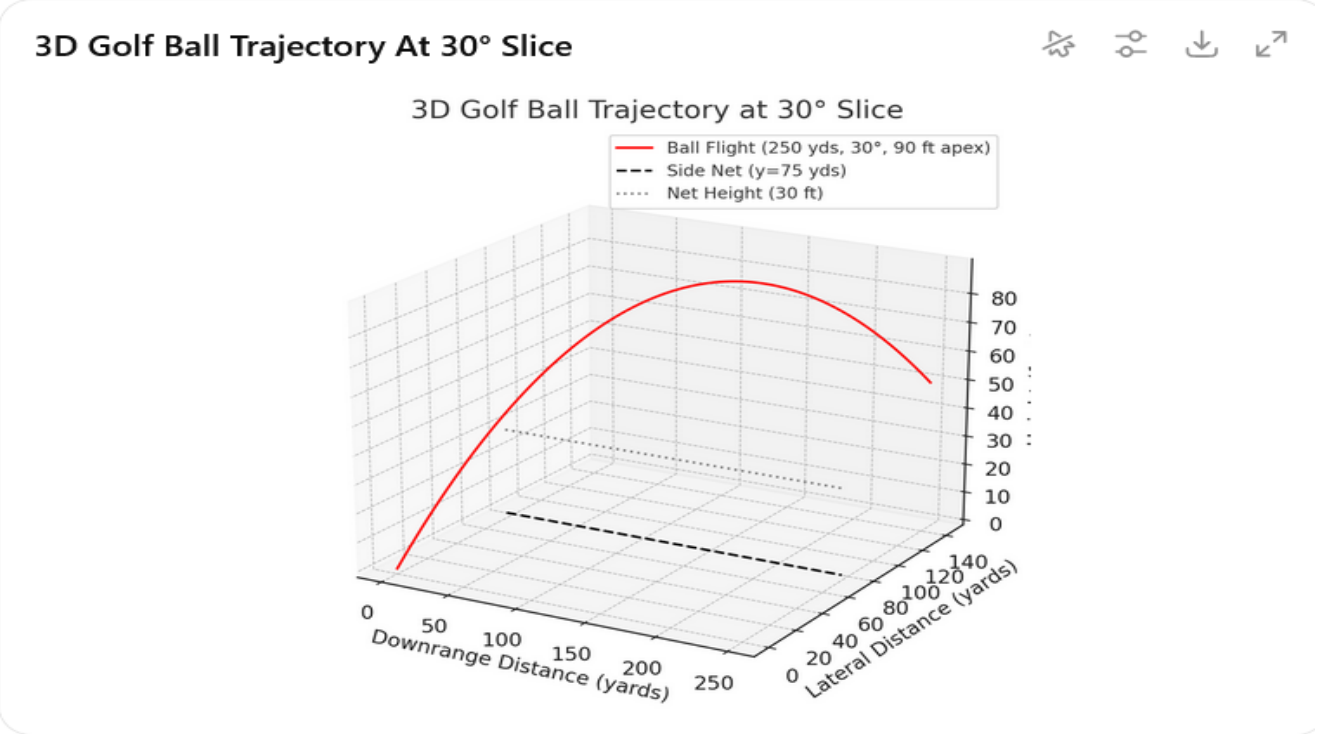
Probabilistic Modeling

Now we can add probabilistic modeling, which is useful for understanding risk at different points along a side net. It combines trajectory physics with shot dispersion data for all golfing populations to estimate the probability of a ball going over the net at any given location along its length. Specifically, the purpose is to evaluate the risks associated with the original, natural roughly 30-foot barrier and to provide a solution that addresses both safety and aesthetic concerns.

Step-by-Step Overview

1. Define Your Coordinate System

- Place the tee at (0, 0).
- The x-axis represents the distance a ball travels down the fairway.
- The y-axis runs sideways, perpendicular to the target line (left/right). (The target line is an imaginary line extending from the golf ball to its intended target, used for aiming during a shot).
- The z-axis is height.



So, a golf ball trajectory becomes a function:

(x, y, z) = f(time) — we'll simplify this into 2D slices to start.

2. Collect or Model Shot Dispersion Data

We need a distribution of shot angles (e.g., how often shots go 0°, 10°, 20°, 30° off target). This can come from:

- Launch monitor data (TrackMan, Flightscope)
- General data (e.g., the average amateur hits 70% of their drives within a 15 degree angle to the left or right)
- Model shot dispersion as a probability density function (PDF) — commonly a normal distribution, centered at 0° (straight shot). Specifically, when a golfer hits a series of shots, the balls don't all go perfectly straight. Instead, they scatter left or right of the intended line, creating a spread pattern. This left/right spread is known as angular dispersion, typically measured in degrees from center (0°).

3. Calculate Trajectories at Sample Angles

For each angle (θ), calculate:

- Lateral offset (y) = distance × tan(θ)
- Height (z) at that point = use the trajectory model (parabolic, or measured)
- The "lateral offset" is the distance the ball travels from the point it is hit by the golfer until it intercepts a the fixed line of the barrier.

You then ask:

"At this lateral offset and height, would this shot clear the net?"

4. Define the Net Profile

At each point along the net, you'll define:

- Distance from tee (x)
- Height of the net (z_net)
- Y-location of the net (y_net) = distance from centerline of the tee box (e.g., 75 yards right means 75 yards to the right of the tee box's center)). This value is fixed.

5. Compare Trajectory to Net Height

For each shot angle θ:

- Calculate x, y, and z of the ball at the point where it crosses the y position of the net.
- If z > z_net at that point, the shot clears the net.

We now know how golf shots would have to be angled to clear the net at that location.

6. Estimate Probability of Clearance

Once you know which shot angles can clear the net at a given location:

- Use the PDF of shot dispersion to estimate the area under the curve beyond that angle.
- That area = probability of net clearance at that net point.

Add Demographics

By adding demographic information (see below) to the above processes (using flight arc modeling, probabilistic dispersion, and lateral clearance analytics) produces a model that that scientifically predicts the probability of "defects" (balls crossing the net).

Add: Population Demographic, Ball Flight Probability and Other Adjustments:

Probability of Rightward Miss by Player Type				
Max 250	**Senior 10 Hdc 205**	**Senior 20 Hdc 185**	**Senior 30 Hdc 160**	**<160**

Offline Angle	Max 250 yds	205 yds	185 yds	160 yds	<160 yds
10°	0.1	0.2	0.25	0.3	0.35
20°	0.03	0.1	0.15	0.18	0.25
30°	0.006	0.03	0.1	0.5	0.2

Probability Distribution Club Demographics				
0.01	**0.19**	**0.4**	**0.32**	**0.08**
Max 250	**Senior 10 Hdc 205**	**Senior 20 Hdc 185**	**Senior 30 Hdc 160**	**<160**
Adjustments				
Population 70% Male	**Driver Only**			

While we conservatively estimate that 1% of the golfing population at Quail Creek can hit the ball 250 yards, it should be noted that the proposed 60-foot barrier spans a distance of 325 yards from the tee. This is well beyond the point where it is a mathematical impossibility for balls to reach that height at the barrier location. The Club has placed a driving range for younger golfers at the 325-yard distance, so that unprotected children are standing to hit their own practice shots right next to a barrier intended to be 60 feet high--showing the gross inconsistencies in the Club's approach to safety. Please see photos immediately below.





Flight Simulation and Containment Analysis w/Side spin

Quail Creek Driving Range – Arc Tee + 35 ft Net Configuration

Simulation Type: Probabilistic (Monte Carlo – 500,000 shots)

1. Overview

This report evaluates the containment effectiveness of a 35 ft perimeter net in conjunction with a 16° arc tee configuration, representing a 75-yard offset from the tee centerline under Quail Creek demographic conditions. Monte Carlo simulation results quantify the probability of golf balls exceeding the net boundary under realistic dispersion and shot-pattern parameters.

2. Simulation Parameters

Parameter	Specification
Tee configuration	16° arc
Max outward azimuth	±15°
Dispersion (σ)	8.5°
Ball speed	150 ± 12 mph
Side spin	±3500 rpm (max)
Carry distribution	215 yd mean (250 yd = 95th percentile)
Apex height	85 ft mean (100 ft max)
Net sag/deflection	+5 ft → Effective capture height = 40 ft

3. Containment Results

Net Height	Probability Ball Clears Net	Balls Over Net (per year)*	Containment Rate
35 ft	0.0038 %	≈46 balls	99.9962 %

*Based on 1.2 million range shots annually.

4. Shot Severity Breakdown

Shot Type	% of Shots	Clears 35 ft Net?	Height at Net Crossing

Normal (≤8°)	68 %	No	< 20 ft
Moderate (8–12°)	27 %	No	20–30 ft
Severe (12–15°)	4.9 %	Occasionally	30–40 ft
Extreme (>15°)	0.1 %	1 in 260	40–44 ft

Only ~1 in 26,000 total shots exceeds 40 ft at the net line.

5. Containment Comparison (Arc Tee Configuration)

Net Height	Probability Over Net	Balls/Year (Hole 10 Exposure)	Containment
60 ft	0.00040 %	~5	99.9996 %
50 ft	0.00110 %	~13	99.9989 %
40 ft	0.00110 %	~13	99.9989 %
35 ft	0.00380 %	~46	99.9962 %

6. Risk Assessment

Risk Metric	Value / Interpretation
Airborne balls onto Hole 10	~46/year (mostly low-energy, descending trajectory)
Ground rollers (under net)	~120–150/year (manageable with signage/buffer)
Player safety risk	Low – comparable to on-course errant approach shots
Liability exposure	Moderate – within industry norms with proper SOPs

7. Final Verdict

Arc Tee + 35 ft Net = 99.9962 % containment
≈ 1 ball every 8 days clears the boundary — acceptable with mitigation.

8. Recommended Mitigation (for 35 ft Net)

Netting Material: 35 ft black polyethylene (Netex brand netting called Dyneema).

Vegetation Buffer: Layering Effect: Inner Wax Myrtle (low density) + Mid Podocarpus (mid-height columns) + Outer Sweet Viburnum (tall backdrop) = seamless 20–30 ft visual barrier in 2–3 years.

Signage: “Caution: Practice Range Left” posted near Hole 10 approach.

Operational SOPs:
- Rotate hitting mats daily to maintain inward aim.
- Restrict junior/high-spin practice to center bays.

9. Conclusion

The 35 ft net combined with an arc-tee design provides superior visual aesthetics and safe containment performance at 40% lower visual impact compared to a 60 ft straight-tee system. With vegetation buffers and routine operational controls, this configuration meets or exceeds industry containment standards.

Containment Achieved: 99.9962 %

Safety Classification: Low Risk – Operationally Mitigated

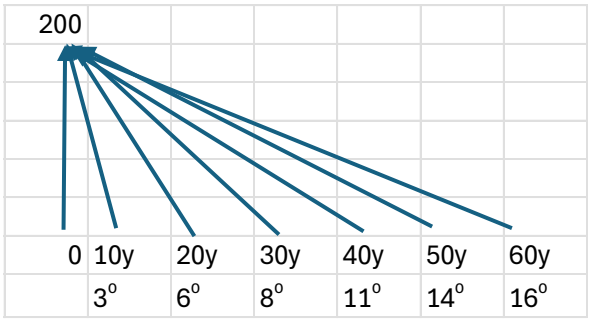
Recommendation: Proceed with 35 ft net installation and SOP adoption.

Proposed Solution:

Arc Tee Model: Modern Containment Solution

In any event, the following solution takes away any possibility of error. With a 35-foot barrier similar to the one used previously and ‘arcing’ the right half of the teeing ground on a 16^0 degree arc, an arc-based approach demonstrates superior containment efficacy by proactively orienting teeing stations toward a shared central point, thereby reducing lateral dispersion and minimizing the netting footprint. This solution produces 99.9962 % containment. This is due to the significant reduction in the possible angle that balls may be hit offline.

Additional containment options, including natural barriers (trees, hedges) and procedural controls could be used for optimal safety and aesthetics.



- **Angular sectors analyzed:** 0–10°, 10–20°, 20–30°

- **Arc model function:**
- **Assumptions:** Max carry = 250 yards; Apex = 125 yards; Height = 90 ft **Alternative Netting and Natural Barrier Strategies**

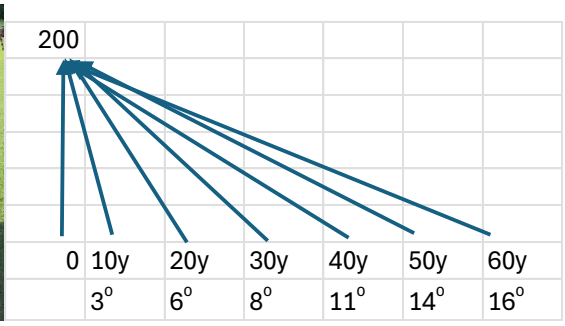
Natural Vegetation Barriers

- Instead of using an artificial barrier, plant mature trees and tall hedgerows along critical lateral zones
- Use bush layering for height and depth, enhancing stopping potential without visual obtrusion

Arc teeing ground or Practice Range Dividers with Standard Operating Procedures

- Install arc-aligned teeing area to enforce proper tee orientation
- Educate range staff and users on purpose and alignment
- Rotate teeing stations consistently to maintain centerline targeting





Conclusion and Recommendation

The 60-foot proposed net, when compared with a 35 foot option, adds little efficacy but at a great cost to the environment. While with either option the probability of a golfer being hit by a ball is very low, the 35 foot plus arcing solution would eliminate any possibility of injury.

Scientific modeling supports:

- **Tee arc orientation** as a low-cost, high-impact method to reduce dispersion
- **Shorter, strategically placed nets** combined with **natural vegetation buffers**
- Operational protocols (SOPs) to preserve directional integrity and maximize player safety

These recommendations will allow Quail Creek to implement a cost-effective and aesthetically integrated solution that upholds industry safety standards while respecting the integrity of the playing environment.

Addendum to Quail Creek Driving Range Containment Analysis Effect of Using Limited Flight / Restricted Range Golf Balls *(Arc Tee + 35 ft Net Configuration – January 2026)*

This addendum assesses the impact of switching to **limited flight range balls** (also called restricted-flight or limited-distance balls) on containment performance. These balls are commonly used at driving ranges for safety, durability, and space constraints. They are designed to reduce carry distance while attempting to preserve realistic flight characteristics (trajectory shape, spin axis for hooks/slices).

Key Characteristics of Limited Flight Range Balls

From industry data (e.g., Top-Flite Restricted Flight, various manufacturers' specs, and launch monitor comparisons):

- **Carry distance reduction** — Typically **10–30%** shorter than premium golf balls, depending on club and ball type:
  - Moderate limited-flight range balls: ~10–15% reduction (common for standard durable range balls)
  - Stronger restricted-flight versions: ~25–30% reduction (e.g., proprietary cores that lower ball speed)
- **Ball speed** — Lower (due to harder-to-compress cores or materials)
- **Spin** — Often higher backspin (especially with drivers/irons), leading to more ballooning; side spin preserved for directional control
- **Trajectory / Apex height** — Generally **lower apex** and **flatter/more penetrating flight** overall due to reduced speed and carry, though higher spin can cause occasional ballooning. Peak heights are reduced compared to premium balls (e.g., 10–20% lower apex in many cases).
- **Dispersion** — Similar or slightly wider due to variability in worn/abused balls, but directional control (hooks/slices) remains realistic.

These changes benefit containment because balls fly **shorter**, **lower**, and reach the net line with reduced height and energy.

Updated Simulation Assumptions

- Original parameters maintained (dispersion $\sigma = 8.5°$, side spin ±3500 rpm, ball speed adjusted downward, etc.)
- **Carry distribution shift** — Mean carry reduced to ~172–194 yd (20% average reduction from original 215 yd mean), with 95th percentile ~200–225 yd (instead of 250 yd)
- **Apex height** — Reduced to mean ~68–75 ft (from 85 ft), max ~80–90 ft (from ~100 ft)
- **Height at net crossing** — Significantly lower due to earlier descent and reduced overall trajectory height
- Monte Carlo logic: Fewer shots reach high enough heights or distances to challenge the 35 ft net (effective 40 ft capture)

Updated Containment Results (35 ft Net with Limited Flight Balls)

- **Probability a ball clears the net**: **<0.0005%** (1 in >200,000 shots) — conservative estimate based on reduced apex/carry
- **Estimated balls over net per year**: **<6** (based on 1.2 million annual range shots) — down dramatically from original ~46
- **Overall containment rate**: **>99.9995%**
- This equates to roughly **1 ball every 2+ months** (or less) going over the net — a substantial safety improvement.

Updated Shot Severity Breakdown

- Normal/moderate launch angles (≤12°): Heights at net line reduced to **<15–25 ft** (fully contained)
- Severe/extreme angles (>12°): Heights **25–35 ft** max (very few exceed 35 ft due to lower overall trajectory)
- Extreme outliers: Rare cases of high-spin ballooning might approach 35–38 ft, but reduced carry prevents many from reaching the net line at all

Updated Containment Comparison (Arc Tee Configuration with Limited Flight Balls)

Net Height	Probability Over Net	Est. Balls/Year (Hole 10 Exposure)	Containment Rate
60 ft	<<0.0001%	<1	>99.9999%
50 ft	<<0.0001%	<1	>99.9999%
40 ft	<0.0002%	~2	>99.9998%
35 ft	**<0.0005%**	**<6**	**>99.9995%**

Updated Risk Assessment & Verdict

- **Airborne balls onto Hole 10**: **<6/year** (extremely low-energy, if any) — negligible risk
- **Ground rollers** under net: Likely reduced (~80–120/year) due to shorter overall flight
- **Player safety & liability risk**: **Very low** — switching to limited-flight balls enhances safety margins significantly, often exceeding industry standards even with a 35 ft net
- The use of limited-flight balls dramatically improves containment without needing taller nets, additional offsets, or major redesigns.

Recommendation

Switching to **limited flight range balls** (e.g., Top-Flite Restricted Flight or equivalent 20–30% reduction models) is a highly effective, low-cost mitigation strategy. It would:

- Restore or exceed the original containment performance of the 75-yard offset configuration
- Allow safe operation even with the reduced 25-yard offset (from prior addendum)
- Maintain realistic practice (directional flight preserved) while prioritizing safety

Final Verdict Limited flight balls provide **superior containment** (potentially >99.9995%) with a 35 ft net. This change is **strongly recommended** for enhanced safety, reduced liability, and operational simplicity — especially if extending the range closer to the fence line or addressing any residual errant ball concerns.

Curriculum Vitae

JOSEPH M. GROCH, PGA, M.P.S.

450 Widgeon Pt. **jgroch@fgcu.edu**
Naples, FL 34105 **Cell: 239-825-2896**

PROFILE

Background includes a history of lifelong learning combined with successfully managing all aspects of golf club operations with an emphasis on delivering a high level of profitability, operational efficiency, and member service. Demonstrated expertise in research, statistical analysis, analytics, presentation, and writing. Skill set also includes an extensive background in business, management, leadership, teaching, accounting, entrepreneurship, and technology. Member of the Accounting Association of America, Expert Witness, and LEAN Six Sigma Black Belt Certified.

EDUCATION

- 2013- Hodges University- Master of Professional Studies in Applied Statistics (Summa Cum Laude)
- 1981: University of Wisconsin – Master Level Course in Operations Management
  1980: Wharton School of Business – Courses in Supervisory Management
- 1976-1980: St. Joseph's University, Philadelphia, PA – Bachelors of Science Degree Major – Accounting

RESEARCH, PUBLICATIONS & PRESENTATIONS

- ***Satisfaction: A Path to Success for the Golf Industry (2012):*** Quantitatively assessed the factors of customer satisfaction in the Golf Industry. Presented at the refereed 2013 Mustang Journals International Academic Conference, Las Vegas, NV. Published in the conference proceedings. ***Winner of the Best Paper Award***.
- ***Motivating Golf Employees in SWFL (2013):*** Quantitatively analyzed survey data on employee satisfaction with recommendations on improvement. This work has been accepted for publication to the International Journal of Hospitality & Tourism Administration (Taylor & Francis Publishing).
- ***GSI: Key to Golfer Retention (2013):*** Established the relationship between employee satisfaction, operational performance, and golfer satisfaction in order to grow the industry through increased customer retention. Published in the International Journal of Social Science Research.
- ***BOOK: Employee Satisfaction: The Way to Happy Golfers and Industry Growth (2013)-*** Provides strategies for measuring, managing and enhancing the relationships between employee satisfaction, operational performance, and golfer satisfaction. Published by Lambert Academic Publishing. Available at Barnes & Nobel and Amazon.com.
- ***Measuring Effective Golf Facilities (2014):*** Established a new paradigm for measuring organizational effectiveness in the golf industry which includes financial, environmental, philanthropic, customer service, and employee satisfaction metrics. Accepted for oral presentation and publication in the refereed conference proceedings of the 2014 Clute Institute World International Academic Conference in Orlando Fl. ***Winner Best Paper Award***
- ***BOOK: Effective Golf Management (2014):*** Determines the financial and operational attributes of an effective organization and its leadership team in the golf management industry.

- ***Establishing Benchmarks for Success in Golf Facilities (2014):*** Uses multi-dimensional measures to gauge success in the golf facility industry. Published in the International Journal of Management Information Systems.
- ***Current Status and the Determinants of Golfers' Satisfaction: An Exploratory Study (2015):*** Published in the *International Journal of Golf Science*: Provides practitioners with insight as to the significant drivers of golfer satisfaction in order to plan, organize, and control better customer service outcomes to grow their business and the industry.
- ***Presented at the World Scientific Congress of Golf at the University of St. Andrews in Scotland, U.K. (2016)***

PROFESSIONAL EXPERIENCE

- **Professor** 2012 to Present - **Florida Gulf Coast University**- Ft. Myers, Fl
  Instructor in the PGA Professional Golf Management Program. Responsible for teaching ***Managerial Business Analytics, Financial Accounting, Golf Operations, Executive Golf Management, Golf Practicum, Golf Instructional Operations, and Player Development***
- **Director of Golf Emeritus (Lifetime)** - **Glades Country Club** - Naples, Florida
  Responsible for all aspects of this 36 hole golf operation, manage 23 employees, golf course superintendent, and all merchandising. Retired 1/15/2017.
- **CEO & CFO** - **DCI/MBS, Inc**. 1983 to 1991
  Started, owned and operated a value-added microcomputer retail and direct marketing company with multiple locations and franchises. Responsible for all company financial and managerial accounting. The company specialized in computerized system applications for small to medium-sized businesses. Sold in 1990.
- **Manager of Cost Accounting** - **Scott Paper Company** 1980 to 1985
  Managed all staff accountants and clerks for this multi-million dollar paper plant operation. Was responsible for financial reporting to government and various reports for operations, budgets, forecasts, tax and brand cost analysis to the corporate office.

Related Employment

Director of Golf 2001-2003	Twin Isles Country Club- Punta Gorda, FL
Director of Golf 1998 to 2001	Heron's Glen Country Club - Ft. Myers, FL
Head Golf Professional 1993 to 1998	Glades Country Club - Naples, FL

ACHIEVEMENTS

- Horton Smith Education Award 2017- SWFL Chapter PGA
- Horton Smith Education Award 2016- S. Florida Section PGA
- Horton Smith Education Award 2016- SWFL Chapter PGA
- 2016 Presidential Award Best Oral Presentation at FGCU Research Day
- Inspirational Teacher of the Year 2016- Lutgert College of Business at FGCU
- Uncommon Friends Excellence in Teaching Ethics Award at FGCU-2015
- Best Paper Award 2014 Clute Institute International Academic Conference
- Best Paper Award 2013 Mustang Journal International Academic Conference
- Hodges University 2012 Graduate Student of the Year

ACTIVITIES AND SERVICE

- PGA National Speakers Bureau
- Conducted numerous SWFL Chapter Education Seminars
- Consultant for several Golf Facilities in SWFL

Exhibit C

PROPOSED DESIGN MODIFICATION
IMPACT AND ASSESSMENT TO PROPERTY

Prepared For

AFFECTED NEIGHBORS ON

COCO PLUM LANE AND VALEWOOD DRIVE

Dated: March 22nd, 2025

Prepared By

Stephen W. Eisenberg, PGA

Golf Concepts Facility Consulting

12061 Wedge Drive

Fort Myers, Florida 33913

Dear affected neighbors:

Thank you for the opportunity to provide my experience-based assessment regarding the proposed inclusion of a barrier net with poles higher than 60 feet, which I personally measured, in violation of zoning regulations, at the Quail Creek Country Club, in Naples, Florida.

I performed two site visits to the affected property and the driving range/golf course area, to measure and determine the issues involved, and to also evaluate the adequacy of the solution provided by the Country Club, and to examine other potential options and remedies to decreasing the alleged dangers to golfers playing the golf hole adjacent to the driving range, within zoning regulations and withing PGA of America driving range recommendations.

PROFESSIONAL EXPERIENCE

By way of background, I am a PGA of America Certified Golf Professional, and from 1992 to the present, I trained over 3,000 PGA Golf Professionals regarding such subjects as: Golf Course Driving Range Design, Golf Course Safety Practices, Golf Fleet Management, Golf Operations Management, Risk Management/Safety and Golf Legal Issues, and served as Faculty Head of Training and Development for the PGA of America in 2001. I have been a subject matter expert for the PGA of America since 1995. I have been published nationally on Risk Management and Golf Operations. I have owned my own golf course in New York State, building a driving range from scratch and modifying the golf course design while an owner. I am a subject matter expert with the PGA of America on Driving Range Design and Management.

I am the owner of Golf Concepts, Inc., a full-service golf facility consulting service. I have consulted around the world on matters relating to golf driving range and course design, management and operations, speaking in China, Jamaica and Korea on this subject, as well as on behalf of the PGA of America, at their National Conferences. I have trained over 3,000 operators of golf courses on all facets of golf course and driving range design, operations and golf management.

I have developed Professional Golf Management Programs in the United States, Korea, China, and Jamaica, which train on design and operation of golf courses. I have been the owner and operator of a golf course and golf driving range. Building the driving range, modifying the golf course design, and developing a golf academy at a facility, including topography and integrity of design.

In addition to my consultation work, I am presently on the faculty of the Keiser University Professional Golf Management Program, and the National University Professional Golf Management Program (where I developed the entire golf course design and ownership/management curriculum).

I am certified in Golf Operations through the PGA of America and serve as a Subject Matter Expert for the PGA of America in the areas of Golf Driving Range Design, Golf Management, Golf Course Design, and Golf Range and Academy design. I have been a featured speaker on these topics at two Chinese Universities, one in Korea, and one in Jamaica.

I have played golf since I was five, and have been a member at three golf courses, and have played at literally a thousand or more golf courses during my career. I have competed in tournaments at the amateur level, as well as on the Professional level through the PGA of America. I have trained personnel in golf course design and management practices, Golf Instruction and Academy Programs, Business Planning, Golf Car Fleet Management, and Safety and Operations for the last 20 years.

I have vast experience regarding golf operation and driving range design experience, and maintenance practices, from the standpoint of use and experience, and my first job in the golf industry was as a grounds maintenance employee back in 1978, as well as acting in the capacity of a utility field employee, mowing greens, fairways, and inspection of the golf course prior to play. After that time, I managed 4 facilities, owned one, **where I designed and developed the driving range and netting/fencing from the ground up, in New York State**, designed and modified existing golf courses and driving ranges, and became the lead trainer for the PGA of America in Golf Management and Driving Range Design. I have lectured on liability issues in the golf industry regarding golf facility operations and for the PGA of America nationally.

In 2013, I was the project manager at Gateway Golf and Country Club during its golf course and range renovation project, where I helped design and modify the existing range, which resulted in a major golf academy locating at this facility. Additionally, I have taught golf course and driving range design for the PGA of America for over 25 years.

As a golf course and driving range designer and subject matter expert for the PGA of America on Driving Range and Golf Course Design, and Golf Management Operations, I was able to determine deficiencies in the existing design configuration and tee set-up and determine, through trajectory analysis, deficiencies in the existing driving range areas that must be addressed. I also determined multiple options to address those deficiencies in order to stop golf balls from leaving the driving range and entering the adjacent 10th hole.

In accordance with the homeowners' request, I reviewed an abundance of Google Earth depictions, took measurements of the driving range itself and the poles presently situated on the property, constructed without proper permitting and in violation of zoning regulations, and other documents regarding the condition of the premises in the past, and the modifications to the hole and tee box, adjacent to the perimeter of the golf course, to help assess the existing set-up of the tee area, to determine the present sufficiency of the tee area from a safety standpoint, and any trees acting as a barrier, to help in assessing the feasibility of alternative golf course tee alignments and set-ups and additional potential barrier remedies.

I employed golf ball trajectory and speed analysis to determine whether the extremely large barrier poles and netting would add any protection to golfers on the 10th hole.

As I measure the installed poles, they are over 60 feet in height, probably 63 feet, with a 50-inch circumference, and with an intended black netting. I was able to easily see these poles from the back of affected neighbors' homes. To say they presented an unsightly image is an understatement. Moreover, the highest poles identified impact an area where golf balls would have already lost most of their trajectory and force, and the contemplated net would therefore be totally ineffective.

This driving range is only about 280 yards long, and starts at about 100 yards wide, narrowing to 66-70 yards wide and then even less, 50 yards and below as it approaches the end of Hole 10. This creates a situation in which there is a larger potential for golf balls to be hit outside the range.

I understand that the installation of large poles on the driving range was done without consulting a golf driving range designer, which is problematic as the dangers to be rectified between the range and the golf hole in question need research before implementation. This solution, implemented illegally by the Country Club, does not solve the issue of golf balls from the driving range being hit onto the adjacent 10th hole.

The photographs below show the poles in question at Quail Creek Country Club:

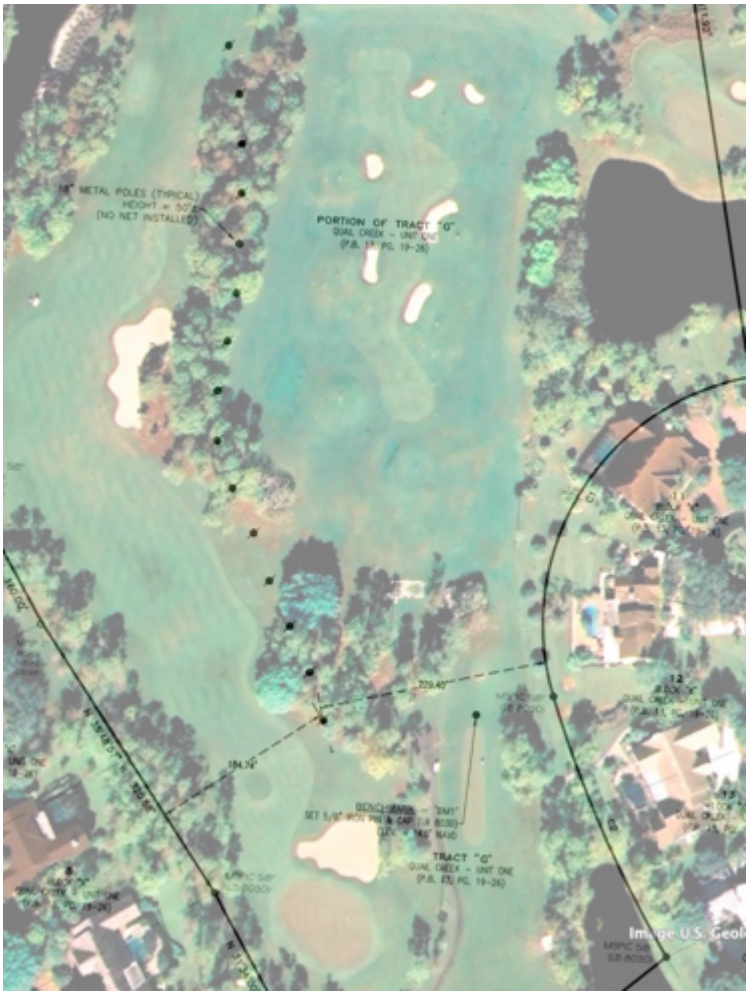








The below photograph shows the significant tree buffer that originally protected golfers playing the 10th hole, with the black dots indicating where the unsightly and permit-violative poles have been placed:



The picture on the next page shows the same area after **REMOVAL** of barrier trees that provided significant protection to golfers playing the 10th hole.

I have learned through historical research of the driving range in question, that trees acting as a barrier between the driving range and golf hole were removed by the Country Club from 2012-2022, thus creating a lack of buffering between the range and the adjacent golf hole. Leaving those trees in place would have continued to provide a meaningful and effective buffer between the driving range and the 10th hole.

The thick barrier trees were replaced with a 2-to-5 foot berm and a few skimpy palm trees that offer very little protection, if any, to golfers. The golf course affirmatively created the danger to players playing the 10th hole with the removal of these barrier trees.

Furthermore, the golf course also removed trees close to the front tee area to add a "short iron" tee box, which drastically increased the potential for golf balls to enter the 10th hole.

The barrier trees were also removed, in part, to allow creation of a "back" tee to the existing driving range. Quail Creek increased the danger to players playing the 10th hole by adding a new tee area at the opposite end of the driving range, while removing the very barrier trees that would have prevented shots from being hit from the back end of the range toward the 10th hole. This tee box should be eliminated, as it increases the number of golf balls entering into the 10th hole playing area and homeowner property.



In addition to the tree barrier removal, Quail Creek Country Club's expansion of its front driving range tee box in 2014 has affirmatively increased the danger to the golfers playing the 10th hole by having players hit practice shots even closer to the 10th hole than before. The tee box renovation has pushed the side of the range to the right by 25 yards. In this area, golfers hitting a "slice" or "push" shot could hit a ball toward the 10th hole. This driving range expansion was

obviously done without considering increased dangers to those playing the 10th hole. Therefore, this renovation should be removed, by eliminating the expansion of the tee box area on the right side. If elimination of the right side of the tee box is not performed, at the very least it should be mandated that the tee "stations" be placed on the left side or middle of the tee box only.

Alternatively, if this tee box expansion is not eliminated, an L-shaped netting barrier or hedgerow should be placed to the right side of this tee box so as to "knock down" golf balls hit directly to the right, or slicing to the right.

The barrier I am suggesting should be placed at the point of origin, near the tee box, so those barriers can deflect both "pushes" (shots hit directly to the right), and "slices"(shots going straight initially then veering to the right) headed toward the 10th hole.

Also, because of the trajectory of typical golf balls being much higher than the 60+ feet poles installed, the only way to protect golfers is to eliminate shots in that direction immediately, or decreasing the likelihood that they will reach the 10th hole, by using "limited flight" golf balls, which I have learned were originally used at the club prior to 2019, and disallowing the use of longer clubs, commonly referred to as "woods." Common parlance would refer to this as an "irons only" solution.

To achieve a better understanding of how golf balls travel, it is important to understand **BALL FLIGHT LAWS.** Those laws establish how a golf ball may travel, either at its target, or well to the left or right of the target. In this instance, golf balls going to the right are problematic. A golf ball can be hit toward the right of target in the following ways: 1) By hitting toward your target, but the face of the club is aiming toward the right. The ball will "slice," meaning start at the intended target and end up well to the right of target. This is a very common problem in golf and experienced by most golfers. Golf balls will end up toward the 10th hole as a result. Or, 2) a golf ball is hit DIRECTLY to the right, because the path of the golfer's club is swinging out to the right. This is also a common issue with golfers. Both of these problems are ameliorated by having "irons only" and limited flight golf balls in use.

It is my professional opinion that a hedgerow or tree barrier close to the tee box area, in conjunction with limited flight golf balls and use of irons only, would be the most effective pragmatic and essential safety elements from a construction and use standpoint to provide maximal protection to those playing the 10th hole.

The barrier placed on the property in violation of zoning ordinances WILL NOT prevent golf balls from entering the 10th hole.

To be effective, nets or fences must have been assessed in a trajectory analysis for their sufficiency in blocking golf balls at the typical average height for a golf shot hit toward your property or toward the 10th hole. I have received no information that such a study was done.

From my own expertise, a hedgerow barrier or netting barrier at the front side of the tee box would knock down most golf shots hit toward the 10th hole.

From the front edge of the driving range tee box there is a distance of approximately 100 to 200 yards to the 10th hole. An "L-shaped" fence or hedgerow near the tee box, or, better yet, facing diagonally to the tee box would offer considerable protection from sliced and pushed shots. A picture helps demonstrate how this solution would function and is shown below on the left side of the photograph in black:



THE HEDGEROW WOULD STOP DRIVING RANGE BALLS FROM ENTERING THE 10TH HOLE. A golf ball, later in its flight, at approximately 150 to 200 yards, has lost most of its speed and does not have nearly the potential for injuries to patrons.

I have read the variance narrative provided by the Country Club in support of its variance request. I disagree with many assertions in that document. For one, the barrier they seek permission to install has a measurable impact on the public interest, in that the 60-foot barrier would be unsightly, and does not provide the safety elements advocated by Quail Creek Country Club. Here are my issues with the information provided by the club in their variance request:

1. The 60+-foot barrier would not protect patrons on the 10th hole, since the majority of golf balls struck will have an apex much higher than 60 feet, and does nothing at the tee box itself, which is the point of origin and the location of maximal speed of golf balls hit toward the 10th hole.

2. The Club says that without the variance, it cannot install an effective containment barrier. My analysis says that the club is approaching this issue from the wrong perspective-it should eliminate shots that are problematic by using limited flight golf balls and require players to use only irons while practicing. This is a strategy employed effectively at thousands of driving ranges across the country.

3. The golf course has removed any trees that would act to hide the 60+--foot proposed barrier. The use of black poles increases the deleterious effect on adjacent property and is unsightly. There are a variety of colorways available that fit into the natural elements of a golf course and would blend into the terrain.

4. Quail Creek Country Club has affirmatively created an increased risk of danger through its design modifications to the tee box and removal of barrier trees, especially in view of the clear evidence the club has been notified and is aware that golf balls are going to the right side of the driving range, toward the 10th hole.

A discussion of my analysis, addressing barriers, the tee box set up, golf ball trajectories, and the zone of danger, follows.

1) PERIMETER BARRIERS OFF THE TEE BOX AREA AND THE RIGHT SIDE OF THE DRIVING RANGE ADJACENT TO THE 10TH HOLE

I examined Google Earth images of the existing driving range and tee box area and made two site visits.

I assessed the existing perimeter fencing, or lack thereof, on the right-side of the subject hole, and any existing tree buffer, and assessed what could be done to improve the tee box set-up and add perimeter fencing/netting. By "set-up," we, as designers, are referring to the way the tee box area is laid out in relation to the "field" of golf ball travel for the typical golfer. A set-up should account for golfers of all ability levels. This should consider the length of the golf hole, the width of the golf hole, and the perimeter barricades on the sides of the tee box as well as on the right side of this golf hole. It also factors in the way the tee station area is configured, regarding the direction or directions that a player is suggested or encouraged to aim.

The subject driving range formerly had a substantial tree buffer. It has no tee box barriers. Other than noting this configuration, I was asked to concentrate my efforts on the right-side area of the driving range, and back of the driving range. I also examined the tee box configuration of the driving range. In doing my assessment, I noted the existing violative perimeter fencing on the right side of the driving range as viewed from the tee box.

My immediate conclusion when first examining this area: The 10th hole would be very protected with a barrier net or fence adjacent to it in a configuration both diagonal and parallel to the 10th hole. For purposes of illustration, this could be looked at as a modified "L" configuration. Such a barrier would provide substantial protection as a deflective barrier to a golf ball **because it would stop "pushes" and "slices" toward the 10TH hole fairway.** The exact location and size of the "L" shaped barrier would need to be assessed and analyzed on site**,** since the fence must have a proper effective height and placement angle to be maximally effective.

I would also strongly recommend removal of the "short iron" tee box to the right of the previously existing tee box. There are no guarantees that only short irons would be used, and, even if they are, golf balls from this area are MORE LIKELY to enter the 10th hole, as they are closer to the 10th hole.

2) EXISTING TEEING AREA AND SET-UP RECOMMENDATIONS:

I have these suggestions to improve this area:

In its present configuration, the tee box area presents hazards that must be rectified to make the range safer.

1. The tee box renovation should be removed by eliminating the expansion of the tee box area on the right side. If elimination of the right side of the tee box is not performed, at the very least it should be mandated that the tee "stations" be placed on the left side or middle of the tee box only.
2. **Also, a hedgerow or tree barrier as described above, should be placed near the tee box. This is obviously an affordable solution, blocking errant shots at point of origin.**

3) GOLF BALL MEASUREMENT DATA:

To effectively assess the dangers of the existing hole set-up, I engaged in analysis of the tee box from a point parallel to this tee area, in conjunction with the 10th hole. From historical industry data readily available, it is a simple matter to see the improvement in safety due to the design modifications being suggested:

A) Elimination of drivers and woods on the range, and the use of self-limiting balls, would drastically increase safety of those playing the 10th hole.
B) Based on the physics associated with golf ball trajectory, by height and distance, a sample of ball speeds and trajectories is below and refers to PGA Tour player trajectories. **Average players will be drastically below the height and typical trajectories of a PGA Tour player:**

TRACKMAN PGA TOUR AVERAGES WWW.TRACKMANGOLF.COM

	Club Speed (mph)	Attack Angle (deg)	Ball Speed (mph)	Smash Factor	Launch Ang. (deg)	Spin Rate (rpm)	Max Height (yds)	Land Angle (deg)	Carry (yds)
Driver	113	-1.3°	167	1.48	10.9°	2686	32	38°	275
3-wood	107	-2.9°	158	1.48	9.2°	3655	30	43°	243
5-wood	103	-3.3°	152	1.47	9.4°	4350	31	47°	230
Hybrid 15-18°	100	-3.5°	146	1.46	10.2°	4437	29	47°	225
3 Iron	98	-3.1°	142	1.45	10.4°	4630	27	46°	212
4 Iron	96	-3.4°	137	1.43	11.0°	4836	28	48°	203
5 Iron	94	-3.7°	132	1.41	12.1°	5361	31	49°	194
6 Iron	92	-4.1°	127	1.38	14.1°	6231	30	50°	183
7 Iron	90	-4.3°	120	1.33	16.3°	7097	32	50°	172
8 Iron	87	-4.5°	115	1.32	18.1°	7998	31	50°	160
9 Iron	85	-4.7°	109	1.28	20.4°	8647	30	51°	148
PW	83	-5.0°	102	1.23	24.2°	9304	29	52°	136

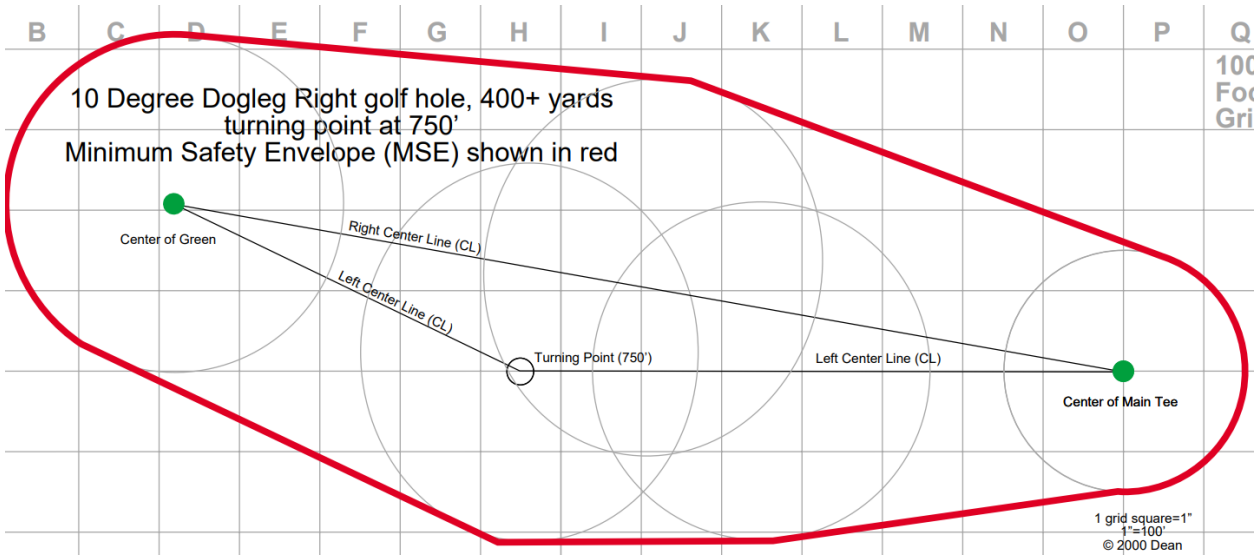
The key takeaway from this chart is that a golf ball will travel at a top speed of 167 mph and, at its apex, reach to a height of approximately 90 feet. That height is significantly lower as a golf ball approaches the end of its trajectory. Therefore, a barrier adjacent and diagonal to the perimeter of the tee box area a viable and effective option to ensure safety. The danger is much greater at the beginning of a golf shot than the end of a shot. As a shot travels beyond its apex, its speed will be drastically reduced and therefore less likely to cause injury.

Golfers of all different ability levels hit shots wayward drastically left and right. Thus, the effective solution is to directly address the safety of those on the right-side of the range perimeter by providing a hedgerow of trees or a fencing barrier camouflaged by trees. This would work wonders in eliminating shots hit toward the 10th hole.

To be effective, the barrier must be placed close to the tee box.

4) ZONE OF DANGER ANALYSIS

There is a **"zone of danger" or "predictable playing area"** utilized in the initial design of a golf course, and especially with golf ranges in proximity to homeowners. This concept must also be applied to any modified design of a golf course, and certainly to the incorporation of any new driving range teeing areas.



There are specific criteria for the establishment of safe zones by virtue of the design. This helps determine where errant golf balls are likely to fly. The design of a driving range should attempt to constrict this zone of danger.

This was not done in the extension of the tee line on the front tee box to the right side and is therefore the reason why the 10th hole may be receiving more golf balls than before.

Also, as was clearly demonstrated to me, golf balls regularly enter the yards of the Coco Plum Lane homes. The danger to these properties was increased by the creation of the additional tee area at the back of the driving range. In the graph chart above, while showing a dogleg to the right, this graph is still representative of the zone of danger for a golf hole where balls may travel to the right or left. The zone of danger is approximately 275 feet to the left and to the right at a point 100 to 200 yards from the tee box. This puts the Coco Plum Lane properties squarely in the crosshairs of the Zone of Danger, necessitating elimination of the back tee box area completely.

Both new teeing areas should therefore be removed.

In conclusion, the design options I am suggesting are as follows:

1) Remove the unusually ugly and useless 60+-foot poles and net.
2) Use restricted or limited flight golf balls, as originally used by Quail Creek Country Club.
3) Make the driving range "irons only."
4) Eliminate the "short iron" tee box expansion due to its proximity to the 10th hole, and the lack of guarantee that players will use this area only for what are considered "short" shots.
5) Add a perimeter fence or tree barrier in an "L" shape to the right side of the range near the tee box, as pictured on page 9 above.

6) If a fence is used, add a tree barrier around it. This will be aesthetically pleasing and comport with the Audubon-certified nature of the golf course.

These options are the best methods to significantly increase the safety of patrons at this golf course, in accordance with zoning mandates.

My calculations and assessment are subject to change should additional information be received.

Respectfully submitted:

Stephen Eisenberg, PGA, Golf Concepts, Inc.

March 22ND , 2025

Exhibit D

CODE ENFORCEMENT-SPECIAL MAGISTRATE
COLLIER COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

Petitioner,

vs.

Case No.: CESD20240003998

QUAIL CREEK COUNTRY CLUB, INC.,

Respondent.

_____/

DECLARATION OF BURKHARD KLEIN

1. I am a certified residential real estate appraiser in the state of Florida (RD2542). I am the President of Collier Residential Appraisal, Inc. and have been a full-time appraiser in Collier County since 1995. Please see my attached license and curriculum vitae.

2. I am well-acquainted with the residential real property in the Quail Creek Estates community, having appraised several homes there over the years.

3. The homes in Quail Creek are surrounded by more land than in many other Collier County communities. They benefit from spacious lots, mature trees and other vegetation, and expansive golf course views.

4. I have personally visited the installed poles of the Quail Creek Country Club barrier and inspected the view of these poles from several of the affected houses on Coco Plum Lane and Valewood Drive.

5. These poles, large and industrial in appearance, create a stark contrast to the looks of the rest of the community. It also appears that, if the proposed netting is installed, the existing landscape and golf course views of the affected homes will be negatively impacted. The poles can also be seen from the front of several homes within Quail Creek.

6. Only one of the affected homes, 13033 Coco Plum Lane, has sold since the poles were installed, so there is not enough market related data for me to do a comparable analysis of the market value of the other affected homes at this time.

8. I do note, however, that 13033 Coco Plum Lane sold for approximately half of its original list price.

9. Based upon my knowledge of the Quail Creek Estates market and the appearance of the poles, it is my opinion that any home with a view of the installed poles will suffer due to this external obsolescence, causing negative market value impacts.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Naples, Florida, October 28, 2025.

BURKHARD KLEIN

Witness:

SHAWN TODD

Exhibit E



ORDINANCE NO. 74-12

AN ORDINANCE ESTABLISHING THE "COASTAL PLANNING AREA" OF COLLIER COUNTY, FLORIDA; ADOPTING THE ATLAS OF MAPS DESCRIBING THE ZONING DISTRICTS WITHIN THE COASTAL AREA PLANNING AREA; PROVIDING FOR CHANGES TO SUCH ZONING DISTRICTS; PROVIDING APPEAL, PENALTY, CONFLICT, SEVERANCE AND CONSTRUCTION CLAUSES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Coastal Area Planning Commission has received petitions, advertised, held public hearings and recommended zoning area and district boundaries to be approved and adopted by the Board of County Commissioners of Collier County, Florida, and

WHEREAS, the Board of County Commissioners in public hearings have approved and adopted such zoning districts and caused the same to be entered upon the official records of the Board of County Commissioners of Collier County, Florida.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE:

1. That the Official Zoning Atlas of land use districts within the Coastal Area Planning District be and is hereby adopted. Dated April 30, 1974 and designated as Exhibit "A" attached hereto and made a part hereof.

2. Changes to the Official Zoning Atlas.

a. Changes to the Official Zoning Atlas of Land Use Districts within the Coastal Planning Area shall be made by Ordinance from time to time by designating the land use classification, or classifications and describing the area or areas of the Zoning District or Districts so classified by legal description or official Zoning Atlas Map or Maps.

b. Such Ordinance shall be enacted in accordance with the provisions of Florida Statute Section 125.66.

3. Appeal. Any person aggrieved by this Ordinance or any decision of any administrative officer or agency in the application of this Ordinance, other than the Board of County Commissioners, shall file a written request to the Board of County Commissioners not later than thirty (30) days after the date the disputed decision shall have become final, which shall, at a public hearing, hear the complaint of such aggrieved person. Said public hearing shall be held within thirty (30) days of the date of filing of the hearing request. After the hearing the Board of County Commissioners shall, within fifteen (15) days render its decision in writing affirming, overruling, or modifying the decision of the administrative official, or body, or grant a variance from the provisions hereof based upon hardship unnecessary in the public interest.

SECTION TWO:

1. Penalty. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as provided by general law.

2. Severance. If any portion of this Ordinance is declared unconstitutional or held invalid in application, the validity of the remaining portions and applicability to other persons and circumstances shall not be affected.

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RICHARD (DICK) STONE
SECRETARY OF STATE

(2) Churches and other places of worship, cemeteries, schools and colleges.

3. MINIMUM LOT AREA: Two and One-half acres (2½)

4. MAXIMUM LOT COVERAGE OF PRINCIPAL STRUCTURES: 10%

5. MINIMUM LOT WIDTH: 165 feet average between front and rear lot lines.

6. MINIMUM YARDS:

   A. Front - 75 feet

   B. Side - 50 feet

   C. Rear - 75 feet

7. MINIMUM FLOOR AREA OF PRINCIPAL STRUCTURES:

   A. Single dwelling unit residence - 1,200 square feet, one story - 1,600 square feet, two story.

8. MAXIMUM HEIGHT: 30 feet above grade

SECTION 11.22 - GC GOLF COURSE DISTRICT:

1. DISTRICT PURPOSE: The provisions of this district are intended to apply to areas developed to golf courses and normal accessory and satellite uses of golf courses, including some uses of a commercial nature.

2. USES PERMITTED: No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

   A. PRINCIPAL USES:

(1) Golf Courses.

(2) Shuffleboard courts, tennis courts, swimming pools, and other types of facilities intended for outdoor recreation.

B. ACCESSORY USES:

(1) Clubhouses, pro-shop, practice driving range and other customary accessory uses of golf courses, or other recreational facilities.

(2) Small commercial establishments, including gift shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, intended to serve patrons of the golf course or other recreational facilities, subject to the provisions of Section 5.10, of these Regulations.

(3) Signs as permitted in Section 11.34-Sign Regulations.

3. PLAN APPROVAL REQUIREMENTS: Plans for the golf course or other outdoor recreation facility and all accessory uses shall be submitted to the Planning Commission, and construction shall be in accordance with approved plans and specifications. Such plans shall be processed in the same manner as a subdivision plat.

A. GENERAL REQUIREMENTS:

(1) Overall site design shall be harmonious in terms of landscaping, enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

(2) Buildings and activities shall be set back a minimum of 50 feet from abutting residential districts, and the set-back area shall be attractively maintained to act as a buffer zone.

(3) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

(4) The plan shall include standards showing parcel sizes, floor area and other pertinent construction data.

4. MAXIMUM HEIGHT: 35 feet above grade within 150 feet of any district restricted to 30 feet or less in height, and except 45 feet elsewhere within the district.

5. MINIMUM OFF-STREET PARKING: See Off-Street Parking Regulations, Section VIII.

Exhibit F

Orig. Ord in document File under Comprehensive Zoning Regulations
1/7/77 fs dc

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OFF REC 619 PAGE 1191

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MAY 12 1975

ORDINANCE NO. 75-24

AN ORDINANCE ENACTING AND ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT OF COLLIER COUNTY, FLORIDA; DEFINING CERTAIN TERMS HEREIN USED; DIVIDING SUCH UNINCORPORATED AREA INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF AND WITHIN SUCH DISTRICTS REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES, OR LAND OR WATER; REGULATING AND RESTRICTING THE LOCATION, HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES; REGULATING AND RESTRICTING THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED; REGULATING AND RESTRICTING THE SIZE OF YARDS AND OTHER OPEN SPACES; REGULATING AND RESTRICTING THE DENSITY OF RESIDENTIAL DWELLING UNITS; REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND AND WATER FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE, RECREATION, AND OTHER PURPOSES; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT OF THIS ZONING ORDINANCE; SETTING OUT THE POWERS, RESPONSIBILITIES, AND DUTIES OF THE PLANNING COMMISSION UNDER THIS ORDINANCE; SETTING OUT THE POWERS, RESPONSIBILITIES, AND DUTIES OF THE BOARD OF ZONING APPEALS UNDER THIS ORDINANCE; SETTING A SCHEDULE OF FEES AND CHARGES UNDER THIS ORDINANCE; DECLARING THAT THE PROVISIONS OF THIS ORDINANCE ARE MINIMUM OR MAXIMUM REQUIREMENTS AS THE CASE MAY BE; SETTING PENALTIES FOR VIOLATION OF THIS ZONING ORDINANCE AND AUTHORIZING RESORT TO OTHER REMEDIES TO PREVENT OR ABATE VIOLATION; PROVIDING THAT PROSECUTIONS BEGUN UNDER PREVIOUSLY EFFECTIVE ZONING REGULATIONS MAY BE CONTINUED; PROVIDING THAT THE REGULATIONS SET OUT HEREIN SHALL SUPERSEDE ANY AND ALL PREVIOUS REGULATIONS, RESOLUTIONS, OR ORDINANCES APPLICABLE TO THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEPARABILITY; SETTING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

FILED
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MARGARET T. SCOTT
CLERK OF CIRCUIT COURT
BY D.C.

WHEREAS, Article VIII, Section 1(f) of the Constitution of Florida confers on counties broad ordinance making power when not inconsistent with general or special law;

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OFFICIAL RECORD BOOK
COLLIER COUNTY, FLORIDA
MAY 19 2 26 PM '75
MARGARET T. SCOTT
CLERK OF CIRCUIT COURT
COLLIER COUNTY, FLORIDA

BOOK 619 PAGE 1191

Section 26. GC - GOLF COURSE DISTRICT.

1. District Purpose. The provisions of this district are intended to apply to areas developed into golf courses and normal accessory uses of golf courses, including some uses of a commercial nature.

2. Permitted Uses and Structures. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following:

A. Permitted Principal Uses and Structures.
Golf Courses.

B. Permitted Accessory Uses and Structures.

(1) Clubhouses, pro-shop, practice driving range and other customary accessory uses of golf courses, or other recreational facilities.

(2) Small commercial establishments, including gift shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, intended to exclusively serve patrons of the golf course or other permitted recreational facilities, subject to the provisions of Section 8.12 of this Ordinance.

(3) Shuffleboard courts, tennis courts, swimming pools, and other types of facilities intended for outdoor recreation.

(4) Signs as permitted in Section 20 of this Ordinance.

3. Plan Approval Requirements. Plans for the golf course and all accessory uses shall be submitted to the Director who will review these plans and approve their construction. All construction shall be in accordance with the approved plans and specification. The perimeter boundaries of such plans shall be recorded in the same manner as a subdivision plat.

A. General Requirements.

(1) Overall site design shall be harmonious in terms of landscaping ,enclosure of structures, location of access streets and parking areas and location and treatment of buffer areas.

(2) Buildings shall be setback a minimum of fifty (50) feet from abutting residential districts and the setback area shall be appropriately landscaped and maintained to act as a buffer zone.

(3) Lighting facilities shall be arranged in a manner which will protect roadways and neighboring properties from direct glare or other interference.

(4) A site plan shall be provided showing pertinent structure locations.

4. Maximum Height. Thirty-five (35) feet above the finished grade of the lot within 150 feet of any district restricted to thirty (30) feet or less in height, and forty-five (45) feet elsewhere within the district.

5. Minimum Off-Street Parking. As per Section 18 of this Ordinance.

Exhibit G

ORDINANCE NO. 91-102

AN ORDINANCE ENACTING AND ESTABLISHING A LAND DEVELOPMENT CODE FOR UNINCORPORATED COLLIER COUNTY, FLORIDA PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, AND CHAPTERS 9J-5 AND 9J-24, FLORIDA ADMINISTRATIVE CODE. PROVIDING FOR SECTION ONE FINDINGS; PROVIDING FOR SECTION TWO SHORT TITLE AND CITATION; PROVIDING FOR SECTION THREE ENACTING AND ESTABLISHING A LAND DEVELOPMENT CODE WHICH PROVIDES FOR ARTICLE ONE, GENERAL PROVISIONS, RELATING TO LEGISLATIVE AUTHORITY, FINDINGS, PURPOSE AND INTENT, APPLICABILITY, INTERPRETATIONS, VESTED RIGHTS, NONCONFORMITIES, ENFORCEMENT, FEES, LAWS INCORPORATED BY REFERENCE, AMENDMENTS TO THIS CODE, CONFLICT WITH OTHER LAWS, SEVERABILITY, REPEALER, AND CODIFICATION, EFFECTIVE DATE AND ENACTMENT; PROVIDES FOR ARTICLE TWO, ZONING, RELATING TO GENERAL, ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING, LANDSCAPING AND BUFFERING, SIGNS, SUPPLEMENTAL DISTRICT REGULATIONS, AND ZONING ADMINISTRATION AND PROCEDURES; PROVIDES FOR ARTICLE THREE, DEVELOPMENT REQUIREMENTS, RELATING TO GENERAL, SUBDIVISIONS, SITE DEVELOPMENT PLANS, EXPLOSIVES, EXCAVATION, WELL CONSTRUCTION, SOIL EROSION CONTROL, ENVIRONMENTAL IMPACT STATEMENTS (EIS), VEGETATION REMOVAL PROTECTION AND PRESERVATION, SEA TURTLE PROTECTION, ENDANGERED THREATENED OR LISTED SPECIES PROTECTION, COASTAL ZONE MANAGEMENT, COASTAL CONSTRUCTION LINE VARIANCE, VEHICLE ON THE BEACH REGULATIONS, AND ADEQUATE PUBLIC FACILITIES; PROVIDES FOR ARTICLE FOUR, IMPACT FEES, RELATING TO ROAD IMPACT FEES, PARK AND RECREATIONAL IMPACT FEES, LIBRARY SYSTEM IMPACT FEES, REGIONAL WATER SYSTEM IMPACT FEE, AND REGIONAL SEWER SYSTEM IMPACT FEE; PROVIDES FOR ARTICLE FIVE, DECISION-MAKING AND ADMINISTRATIVE BODIES, RELATING TO BOARD OF COUNTY COMMISSIONERS, PLANNING COMMISSION, BOARD OF ZONING APPEALS, BUILDING BOARD OF ADJUSTMENTS AND APPEALS, CODE ENFORCEMENT BOARD, BUILDING CONTRACTORS' LICENSING BOARD, COUNTY MANAGER, GROWTH MANAGEMENT DEPARTMENT, COMMUNITY DEVELOPMENT SERVICES DIVISION, DEVELOPMENT SERVICES DEPARTMENT, GROWTH PLANNING DEPARTMENT, HOUSING AND URBAN IMPROVEMENT DEPARTMENT; ENVIRONMENTAL ADVISORY BOARD AND HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD CREATED AND ESTABLISHED; PROVIDES FOR ARTICLE SIX, DEFINITIONS, RELATING TO RULES OF CONSTRUCTION, ABBREVIATIONS AND DEFINITIONS; PROVIDING FOR SECTION FOUR THAT THE LAND DEVELOPMENT CODE SETOUT HEREIN SHALL SUPERSEDE AND REPEAL ANY AND ALL RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SECTION FIVE ADOPTION OF ZONING ATLAS MAPS; PROVIDING FOR SECTION SIX SEVERABILITY; AND PROVIDING FOR SECTION SEVEN EFFECTIVE DATE.

Whereas, Chapter 163, Part II, Florida Statutes also known as the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and Chapter 9J-5, Florida Administrative Code mandates the adoption of land development

DIV. 2.2 ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS.

This division sets forth the purpose and intent, permitted uses, conditional uses, dimensional standards, and other requirements for each zoning district established herein.

SEC. 2.2.1 GOLF COURSE DISTRICT (GC).

2.2.1.1 Purpose and Intent. The purpose and intent of this district is to provide lands for golf courses and normal accessory uses to golf courses, including certain uses of a commercial nature. This GC District shall be in accordance with the Urban Mixed Use District and the Agricultural Rural District of the Future Land Use Element of the Collier County Growth Management Plan.

2.2.1.2 Permitted Uses. The following uses are permitted as of right, or as uses accessory to permitted uses, in the Golf Course District (GC).

2.2.1.2.1 Permitted Uses.

1. Golf Courses.

2.2.1.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the GC District.
2. Recreational facilities that serve as an integral part of the permitted use, including but not limited to club house, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and rest rooms.
3. A maximum of two (2) residential dwelling units for use by golf course employees in conjunction with the operation of the golf course .

2.2.1.3 Conditional Uses. The following uses are permissible as conditional uses in the GC District, subject to the standards and provisions established in Division 2.7.4.

1. Commercial establishments oriented to the permitted uses of the District including gift shops, pro shops, golf equipment sales, restaurants, cocktail lounges, and similar uses, exclusively intended to serve patrons of the golf course.

2.2.1.4 Dimensional Standards. The following dimensional standards shall apply to all permitted, accessory, and conditional uses in the Golf Course District (GC).

2.2.1.4.1 Minimum Lot Area. Not applicable.

2.2.1.4.2 Minimum Lot Width. Not applicable.

OR 0494 PAGE 111

2.2.1.4.3 Minimum Yard Requirement. For any yard abutting residentially designated property, the minimum yard shall be fifty feet (50') with landscaping and buffering as required for the district or use with the most similar types, densities and intensities of use.

2.2.1.4.4 Maximum Height. Thirty-Five (35').

2.2.1.4.5 Maximum Density. Not applicable. However, a maximum of two (2) residential units for use by golf course employees in conjunction with the operation of the golf course as described in the uses accessory to permitted uses may be allowed in the district.

2.2.1.4.6 Distance Between Structures. Not applicable.

2.2.1.4.7 Minimum Floor Area. Not applicable.

2.2.1.4.8 Maximum Lot Coverage. Not applicable.

2.2.1.4.9 Minimum Off-Street Parking. As required in Div. 2.3.

2.2.1.4.10 Lighting. The maximum height of lights shall be twenty-five (25') feet except as otherwise provided for during the review and approval of a site development plan. Lights shall be located and designed so that no light is aimed directly toward property designated residential, which is located within two hundred feet (200') of the source of the light.

2.2.1.4.11 Landscaping. As required in Division 2.4.

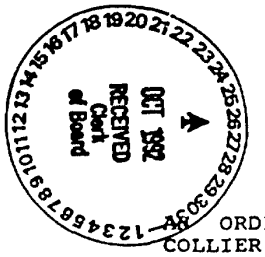
2.2.1.5 Signs. As required in Division 2.5.

SEC. 2.2.2 RURAL AGRICULTURAL DISTRICT (A).

2.2.2.1 Purpose and Intent. The purpose and intent of the Rural Agricultural District (A) is to provide lands for agricultural, pastoral, and rural land uses by accommodating traditional agricultural, agricultural related activities and facilities, support facilities related to agricultural needs, and conservation uses. Uses that are generally considered compatible to agricultural uses that would not endanger or damage the agricultural, environmental, potable water, or wildlife resources of Collier County, are permissible as conditional uses in the A District. The A District corresponds to and implements the Rural Agricultural land use designation on the Future Land Use Map of the Collier County Growth Management Plan, and in some instances, may occur in the designated Urban Area. The maximum density permissible in the Rural Agricultural District within the Urban Mixed Use District shall be guided, in part, by the Density Rating System contained in the Future Land Use Element of the Collier County Growth Management Plan. The maximum density permissible or permitted in a district shall not exceed the density permissible under the Density Rating System. The maximum density permissible in the Rural Agricultural District within the Agricultural/Rural District of the Future Land Use Element of the Collier County Growth Management Plan shall be consistent with and not exceed the density permissible or permitted under the Agricultural/Rural District of the Future Land Use Element.

OR 0494 PAGE 112

Exhibit H



FILED
OCT 21 9 41 AM '92
SECRETARY

ORDINANCE NO. 92-73

AN ORDINANCE AMENDING ORDINANCE NO. 91-102, THE COLLIER COUNTY LAND DEVELOPMENT CODE ADOPTING VARIOUS SUBSTANTIVE CHANGES AND OMISSIONS AND CORRECTING TYPOGRAPHICAL ERRORS IN ARTICLES ONE, TWO, THREE, FOUR, FIVE AND SIX OF SAID ORDINANCE AND MORE PARTICULARLY PROVIDING FOR SECTION ONE FINDINGS; PROVIDING FOR SECTION TWO AMENDMENTS TO ARTICLE ONE GENERAL PROVISIONS RELATING TO DIVISION 1.5 APPLICABILITY, DIVISION 1.7 VESTED RIGHTS, DIVISION 1.8 NONCONFORMITIES, DIVISION 1.9 ENFORCEMENT, DIVISION 1.10 FEES, AND DIVISION 1.22 REPEALER; AMENDMENTS TO ARTICLE TWO ZONING RELATING TO DIVISION 2.1 GENERAL, DIVISION 2.2 ZONING DISTRICTS, PERMITTED USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, DIVISION 2.3 OFF-STREET PARKING AND LOADING, DIVISION 2.4 LANDSCAPING AND BUFFERING, DIVISION 2.5 SIGNS, DIVISION 2.6 SUPPLEMENTAL DISTRICT REGULATIONS, AND DIVISION 2.7 ZONING ADMINISTRATION AND PROCEDURES; AMENDMENTS TO ARTICLE THREE DEVELOPMENT REQUIREMENTS RELATING TO DIVISION 3.2 SUBDIVISIONS, DIVISION 3.3 SITE DEVELOPMENT PLANS, DIVISION 3.9 VEGETATION REMOVAL, PROTECTION AND PRESERVATION, DIVISION 3.11 ENDANGERED, THREATENED OR LISTED SPECIES PROTECTION, DIVISION 3.14 VEHICLE ON THE BEACH REGULATIONS, AND DIVISION 3.15 ADEQUATE PUBLIC FACILITIES; AMENDMENTS TO ARTICLE FOUR IMPACT FEES BY ADDING DIVISION 4.6 EMERGENCY MEDICAL SERVICES SYSTEM IMPACT FEES AND BY ADDING DIVISION 4.7 EDUCATIONAL FACILITIES SYSTEM IMPACT FEES; AMENDMENTS TO ARTICLE FIVE DECISION-MAKING AND ADMINISTRATIVE BODIES, RELATING TO DIVISION 5.2 PLANNING COMMISSION, DIVISION 5.3 BOARD OF ZONING APPEALS, DIVISION 5.14 HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD, AND BY REMOVING FROM DIVISION 5.5 PROVISIONS RELATING TO CODE ENFORCEMENT BOARD AND BY REMOVING FROM DIVISION 5.6 PROVISIONS RELATING TO BUILDING CONTRACTORS' LICENSING BOARD; AND AMENDMENTS TO ARTICLE SIX, RELATING TO DIVISION 6.1 RULES OF CONSTRUCTION AND DIVISION 6.3 DEFINITIONS; PROVIDING FOR SECTION THREE, ADOPTION OF AMENDED ZONING ATLAS MAPS; PROVIDING FOR SECTION FOUR, CONFLICT AND SEVERABILITY AND PROVIDING FOR SECTION FIVE, EFFECTIVE DATE.

Whereas, the Land Development Code may not be amended more than two times in each calendar year pursuant to Section 1.19.1, LDC; and

2.2.1.2.1 Permitted Uses.

1. Golf Courses.

2.2.1.2.2 Uses Accessory to Permitted Uses.

1. Uses and structures that are accessory and incidental to uses permitted as of right in the GC District.

2. Recreational facilities that serve as an integral part of the permitted use, including, but not limited to, club house, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and rest rooms.

3. Pro shops with equipment sales up to 1,000 square feet in size; restaurants with a seating capacity of 150 seats or less and shall serve patrons no later than 10:00 p.m.

~~3~~4. A maximum of two (2) residential dwelling units for use by golf course employees in conjunction with the operation of the golf course.

2.2.1.3 Conditional Uses. The following uses are permissible as conditional uses in the GC District, subject to the standards and provisions established in Division 2.7.4.

1. Commercial establishments oriented to the permitted uses of the District including gift shops; pro shops with equipment sales in excess of 1,000 square feet; restaurants with seating capacity of greater than 150 seats; cocktail lounges, and similar uses, ~~exclusively~~ primarily intended to serve patrons of the golf course.

Delete the stricken language, add the underlined language.

Exhibit I



ORDINANCE NO. 04- 41

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, RECODIFYING THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY SUPERCEDING ORDINANCE NUMBER 91-102, AS AMENDED; PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, RECODIFICATION OF THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY BY CREATING THE FOLLOWING: CHAPTER 1 - GENERAL PROVISIONS, INCLUDING SEC. 1.01.00 TITLE, SEC. 1.02.00 AUTHORITY, SEC. 1.03.00 RULES OF CONSTRUCTION, SEC. 1.04.00 APPLICABILITY, SEC. 1.05.00 FINDINGS, PURPOSE AND INTENT, SEC. 1.06.00 RULES OF INTERPRETATION, SEC. 1.07.00 LAWS ADOPTED BY REFERENCE, SEC. 1.08.00 DEFINITIONS; CHAPTER 2 - ZONING DISTRICTS AND USES, INCLUDING SEC. 2.01.00 GENERALLY, SEC. 2.02.00 ESTABLISHMENT OF ZONING DISTRICTS, SEC. 2.03.00 ZONING DISTRICTS, SEC. 2.04.00 PERMISSIBLE, CONDITIONAL, AND ACCESSORY USES IN ZONING DISTRICTS, SEC. 2.05.00 DENSITY STANDARDS, SEC. 2.06.00 AFFORDABLE HOUSING DENSITY BONUS, SEC. 2.07.00 TABLE OF SETBACKS FOR BASE ZONING DISTRICTS; CHAPTER 3 - RESOURCE PROTECTION, INCLUDING SEC. 3.01.00 GENERALLY, SEC. 3.02.00 FLOODPLAIN PROTECTION, SEC. 3.03.00 COASTAL ZONE MANAGEMENT, SEC. 3.04.00 PROTECTION OF ENDANGERED, THREATENED, OR LISTED SPECIES, SEC. 3.05.00 VEGETATION REMOVAL, PROTECTION, AND PRESERVATION, SEC. 3.06.00 WELLFIELD AND GROUNDWATER PROTECTION; CHAPTER 4 – SITE DESIGN AND DEVELOPMENT STANDARDS, INCLUDING SEC. 4.01.00 GENERALLY, SEC. 4.02.00 SITE DESIGN STANDARDS, SEC. 4.03.00 SUBDIVISION DESIGN AND LAYOUT, SEC. 4.04.00 TRANSPORTATION SYSTEM STANDARDS, SEC. 4.05.00 OFF-STREET PARKING AND LOADING, SEC. 4.06.00 LANDSCAPING, BUFFERING, AND VEGETATION RETENTION, SEC. 4.07.00 DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS, SEC. 4.08.00 RURAL LANDS STEWARDSHIP AREA ZONING OVERLAY DISTRICT STANDARDS AND PROCEDURES, LIST OF TABLES IN CHAPTER 4; CHAPTER 5 - SUPPLEMENTAL STANDARDS, INCLUDING SEC. 5.01.00 GENERALLY, SEC. 5.02.00 HOME OCCUPATIONS, SEC. 5.03.00 ACCESSORY USES AND STRUCTURES, SEC. 5.04.00 TEMPORARY USES AND STRUCTURES, SEC. 5.05.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES, SEC. 5.06.00 SIGNS, INCLUDING AN AMENDMENT TO SEC. 5.06.06 POLITICAL SIGNS; CHAPTER 6 – INFRASTRUCTURE IMPROVEMENTS AND ADEQUATE PUBLIC FACILITIES REQUIREMENTS, INCLUDING SEC. 6.01.00 GENERALLY, SEC. 6.02.00 ADEQUATE PUBLIC FACILITIES REQUIREMENTS, SEC. 6.03.00 WASTEWATER SYSTEMS AND IMPROVEMENTS STANDARD, SEC. 6.04.00 POTABLE WATER SYSTEMS AND IMPROVEMENTS STANDARDS, SEC. 6.05.00 WATER MANAGEMENT SYSTEMS AND DRAINAGE IMPROVEMENT STANDARDS, SEC. 6.06.00 TRANSPORTATION SYSTEM STANDARDS; CHAPTER 7 – RESERVED; CHAPTER 8 – DECISION-MAKING AND ADMINISTRATIVE BODIES, INCLUDING SEC. 8.01.00 GENERALLY, SEC. 8.02.00 BOARD OF COUNTY COMMISSIONERS, SEC. 8.03.00 PLANNING COMMISSION, SEC. 8.04.00 BOARD OF ZONING APPEALS, SEC. 8.05.00 BUILDING BOARD OF ADJUSTMENTS AND APPEALS, SEC. 8.06.00 ENVIRONMENTAL ADVISORY COUNCIL, SEC. 8.07.00 HISTORIC/ARCHAEOLOGICAL PRESERVATION BOARD, SEC. 8.08.00 CODE ENFORCEMENT BOARD; SEC. 8.09.00 COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES DIVISION; CHAPTER 9 – VARIATIONS FROM CODE REQUIREMENTS, INCLUDING SEC. 9.01.00 GENERALLY, SEC.

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CLERK OF CIRCUIT COURT
TALLAHASSEE, FLORIDA

9.02.00 DEVELOPMENT WITH VESTED RIGHTS, SEC. 9.03.00 NONCONFORMITIES, SEC. 9.04.00 VARIANCES; CHAPTER 10 - APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SEC. 10.01.00 GENERALLY, SEC. 10.02.00 APPLICATION REQUIREMENTS, SEC. 10.03.00 NOTICE REQUIREMENTS, SEC. 10.04.00 REVIEW AND ACTION ON APPLICATIONS FOR DEVELOPMENT ORDERS AND PETITIONS FOR AMENDMENTS TO THE OFFICIAL ZONING MAP, THE LDC, OR THE GMP, SEC. 10.05.00 AMENDMENTS TO DEVELOPMENT ORDERS, SEC. 10.06.00 APPEALS, SEC. 10.07.00 ENFORCEMENT, SEC. 10.08.00 CONDITIONAL USES PROCEDURES, AND APPENDICES A THROUGH H, INCLUDING A NEW APPENDIX "H" OF CROSS-REFERENCES BETWEEN THE LDC AND UDC; SECTION FOUR, REPEALER; SECTION FIVE, CONFLICT AND SEVERABILITY; SECTION SIX, PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SEVEN, EFFECTIVE DATES.

RECITALS

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners (Board) adopted Ordinance No. 91-102, the Collier County Land Development Code (LDC), which became effective on November 13, 1991, and which has been subsequently amended by numerous ordinances comprising eighteen (18) supplements; and

WHEREAS, the Board has directed that the LDC be revised to update and simplify its format, and use; and

WHEREAS, the Collier County Planning Commission, acting in part in its capacity as the Local Planning Agency pursuant to § 163.3194 (2), F.S., in a manner prescribed by law, did hold an advertised public hearing on May 6, 2004, which was continued for a hearing on May 20, 2004, which was continued for a separately advertised final consideration and vote on June 17, 2004, and did take affirmative action concerning these revisions to the LDC, including finding that the provisions of the proposed recodification of the LDC implement and are consistent with the adopted Growth Management Plan of Collier County; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold an advertised public hearing on May 11, 2004, which was continued for a hearing on May 25, 2004, which was continued for a separately advertised final adoption hearing on June 22, 2004, and did take affirmative action concerning these revisions to the LDC; and

WHEREAS, the revisions to, and recodification of, the LDC does not substantively alter in any way the prior existing LDC text and the substantive provisions of this Ordinance are hereby determined by this Board to be consistent with and to implement

the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (3), F.S.1; and

WHEREAS, on March 18, 1997, the Board of County Commissioners adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, all other applicable substantive and procedural requirements of the law have been met for the adoption of this ordinance and Land Development Code.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS.

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT.

The Board of County Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to Sec. 163.3161, *et seq.*, F.S., the Florida Local Government Comprehensive Planning and Land Development Regulations Act (hereinafter the "Act"), is required to prepare and adopt a Growth Management Plan also referred to as a Comprehensive Plan.

2. After adoption of the Comprehensive Plan, the Act and in particular Sec. 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with, and implement, the adopted comprehensive plan.

3. Sec. 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted Comprehensive Plan as required by the Act.

4. Sec. 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent.

5. Sec. 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations, including transfer of development rights, planned unit development, and impact fees.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its Comprehensive Plan pursuant to the requirements of Sec. 163.3161, *et seq.*, F.S., and Rule 9J-5, F.A.C.

7. Sec. 163.3194(1)(a), F.S., mandates that after a Comprehensive Plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such Comprehensive Plan, or element or portion thereof, shall be consistent with such Comprehensive Plan, or element or portion thereof, as adopted.

8. Pursuant to Sec. 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

9. Pursuant to Section 163.3194(3)(b) F.S., a development approved or undertaken by a local government shall be consistent with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities or intensities in the Comprehensive Plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the original Collier County Land Development Code, which became effective on November 13, 1991.

11. The Board finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the total unincorporated are of Collier County and it is intended that this Land Development Code preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, and general welfare of Collier County; prevent the overcrowding of land and avoid the undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage schools, parks, recreational facilities, housing, and other requirements and services, conserve, develop, utilize, and protect natural resources within the jurisdiction of Collier County; and protect human, environmental, social, and economic resources; and maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, F.S., and Chapter 163, F.S., and through these revisions to, and recodification of, the LDC.

SECTION THREE: ADOPTION OF RECODIFICATION TO THE LAND DEVELOPMENT CODE.

The attached Exhibit "A," being the revised and recodified text of the existing Land Development Code and corresponding appendices, is hereby adopted by the Board of County Commissioners as the Land Development Code of Collier County, Florida, as required by § 163.3202 (1) & (3), F.S., and is incorporated by reference as if fully set forth herein as a part of this adopting Ordinance.

SECTION FOUR: REPEALER.

The Land Development Code set out herein supercedes and repeals any and all resolutions and ordinances in conflict herewith, specifically including Ordinance No. 91-102, as amended, except that the legal effect of Section 1.22.1 as specifically set forth in the existing Land Development Code on the date this Ordinance becomes effective will remain unchanged as to the ordinances referenced therein being repealed. Furthermore, all ordinances pertaining to approved Planned Unit Developments (PUDs), and all changes to the Official Zoning Atlas, lawfully approved prior to this Ordinance becoming effective, will remain in effect and not be repealed by, or be affected by, the adoption of this Ordinance.

SECTION FIVE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or of any other statute, code, local resolution, regulation or other applicable federal, state, or local law, the more stringent standard, limitation, or requirement shall govern or prevail to the extent of the conflict, except that in the event that any provisions of the adopted, re-codified LDC should result in the unintended consequence of an unresolved conflict with the provisions of the previously adopted LDC, as amended, the prior provisions will be considered to apply. Determinations regarding such unresolved cases will be made administratively within ten (10) business days of being presented in writing to the Zoning & Land Development Review Director by a five (5) member panel with extensive knowledge of, and significant experience working with, the LDC, three (3) of whom will be County employees and two (2) of whom will not, all to be appointed by the Administrator of the Community Development & Environmental Services Division. If not thereby resolved, the case and all supporting documentation, may be immediately appealed to, and finally decided by, the Collier County Planning Commission, and if not thereby resolved, may then be judicially determined in any manner consistent with the applicable law.

It is the legislative intent of the Board of County Commissioners in adopting this Ordinance and LDC that all provisions hereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the unincorporated portion of Collier County. Should any portion or provision of this Ordinance or LDC be held to be unconstitutional or invalid by a court or tribunal of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion or provision and such holding shall not be construed as affecting the validity of any of the remaining portions or provisions.

SECTION SIX: PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE.

The provisions of this Ordinance as set forth in Exhibit A, being adopted and enacted as the Official Land Development Code of Collier County, Florida, shall be so published. The provisions of Exhibit A of this Ordinance may be corrected as to any misspellings, formatting, or numbering errors; and may be renumbered or relettered, and the word "ordinance" may be changed to "section," "chapter," or any other appropriate word, as part of the publishing process, so long as the substance and intent of the adopted provisions is not altered in any way.

SECTION SEVEN: EFFECTIVE DATE.

This Ordinance shall become effective, after filing with the Department of State, at 12:01 AM on September 27th, 2004

coordination of urban services and land uses while minimizing the potential disruption of the uses of nearby properties.

B. Community Facility District "CF".

The purpose and intent of "CF" district is to implement the GMP by permitting nonresidential land uses as generally identified in the urban designation of the future land use element. These uses can be characterized as public facilities, institutional uses, **OPEN SPACE** uses, recreational uses, water-related or dependent uses, and other such uses generally serving the community at large. The dimensional standards are intended to ensure **COMPATIBILITY** with existing or future nearby residential **DEVELOPMENT** . The CF district is limited to properties within the urban mixed use land use designation as identified on the future land use map.

2.03.05 OPEN SPACE Zoning District

A. Golf Course District "GC".

The purpose and intent of "GC" district is to provide lands for golf courses and normal **ACCESSORY USES** to golf courses, including certain uses of a commercial nature. The GC district shall be in accordance with the urban mixed use district and the agricultural rural district of the future land use element of the Collier County GMP.

B. Conservation District "CON".

The purpose and intent of the conservation district "CON" is to conserve, protect, and maintain vital natural resource lands within unincorporated Collier County that are owned primarily by the public. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier Islands, coastal bays, **WETLANDS**, and habitat for listed species deserve particular attention because of their ecological value and their sensitivity to perturbation. All proposals for **DEVELOPMENT** in the CON District must be subject to rigorous review to ensure that the impacts of the **DEVELOPMENT** do not destroy or unacceptably degrade the inherent functional values. The CON district includes such public lands as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, portions of the Big Cypress Area of Critical State Concern, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Sanctuary Research Reserve, Delnor-Wiggins State Park, and the National Audubon's Corkscrew Swamp Sanctuary (privately owned), and C.R.E.W. It is the intent of the CON district to require review of all **DEVELOPMENT** proposed within the CON district to ensure that the inherent value of the County's natural resources is not destroyed or unacceptably **ALTERED**. The CON district corresponds to and implements the conservation land use designation on the future land use map of the Collier County GMP.

RMF-12	43,560	150	None
RMF-16	43,560	150	None
RT	43,560	150	None
VR S.F./MH Duplex M.F.	6,000 10,000 43,560	60 100 150	None
MH	6,000	60	None
TTRVC Park site **LOTS**	20 acres 800	Travel trailers/Park models 40 Campsites 30	None
C-1	20,000	100	None
C-2	15,000	150	None
C-3	10,000	75	None
C-4	10,000	100	None
C-5	10,000	100	None
I	20,000	100	None
BP Park site **LOTS**	35 acres 20,000	100	45
CON	217,800	150	None
P	None	None	None
CF	10,000	80	None

Table 2. BUILDING Dimension Standards for Principle Uses in Base Zoning Districts.

Zoning District	Maximum **BUILDING** Height (feet)	**Minimum Distance Between BUILDINGS**	**Minimum Floor Area of BUILDINGS (square feet)**		**FLOOR AREA RATIO (%)**
GC	35	None	None		None
A	35	None	550		None
E	30	None	1,000		None
RSF-1	35	None	1-story 1,500	2-story 1,800	None
RSF-2	35	None	1,500	1,800	None
RSF-3	35	None	1,000	1,200	None
RSF-4	35	None	800	1,200	
RSF-5	35	None	600	1,200	None
RSF-6	35	None	600	800	None
RMF-6	Three (3) habitable floors	A	750		None
RMF-12	50	A	Efficiency 450 1 BR 600 2+ BR 750		None
RMF-16	75	A	Efficiency 450 1 BR 600 2+ BR 750		None

RT	10 stories, not to exceed 100'	A	300 (max. for hotel units = 500')	None
VR	S.F. 30 MH 30 Duplex 30 M.F. 35	None None None B	None	None
MH	30	None	None	None
TTRVC	30	10	None	None
C-1	35	None	1,000 (ground floor)	None
C-2	35	A	1,000 (ground floor)	None
C-3	50	None	700 (ground floor)	None
C-4	75	A	700 (ground floor)	Hotels .60 Destination resort .80
C-5	35	A	700 (ground floor)	Hotels .60 Destination resort .80
I	50	A	1,000	None
BP	35	A	1,000	None
CON	35	None	None	None
P	C	None	None	None
CF	Towers/antennas 40 Other 30	D	1,000 (ground floor)	None
Overlay Districts	See table of special design requirements applicable to overlay districts.			

A = 50% of the sum of the heights of the **BUILDINGS**, but not less than 15 feet.
B = 50% of the sum of the heights of the **BUILDINGS**.
C = **BUILDINGS** within 100 feet of an adjoining district are limited to the height of the most restrictive of an adjoining district.
D = 50% of the sum of the heights of the **BUILDINGS**, but not less than 25 feet.

B. **USABLE OPEN SPACE** shall include active and passive recreation areas such as playgrounds, golf courses, **BEACH FRONTAGE**, waterways, lagoons, **FLOOD PLAINS,** nature trails, and other similar **OPEN SPACES**. **OPEN SPACE** areas shall also include those areas set aside for preservation of **NATIVE VEGETATION** and landscaped areas. Open water area beyond the perimeter of the site, **STREET RIGHTS-OF-WAY**, **DRIVEWAYS**, off-**STREET** parking areas, and off-**STREET** loading areas shall not be counted in determining **USABLE OPEN SPACE**.

1. In residential **DEVELOPMENTS**, at least sixty (60) percent of the gross area shall be devoted to **USABLE OPEN SPACE**. This requirement shall not apply to individual single-family **LOTS** less than 2.5 acres in size.

2. In **DEVELOPMENTS** of commercial, industrial and mixed use including residential, at least thirty (30) percent of the gross area shall be devoted to **USABLE OPEN SPACE**. This requirement shall not apply to individual **PARCELS** less than five (5) acres in size.

Exhibit J

ORDINANCE NO. 08- 11



AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER 1 - GENERAL PROVISIONS, INCLUDING SECTION 1.08.02 DEFINITIONS; CHAPTER 2 – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.01.03 ESSENTIAL SERVICES, REORGANIZATION OF SECTION 2.03.00 ZONING DISTRICTS, SECTION 2.03.01 RESIDENTIAL ZONING DISTRICTS, SECTION 2.03.02 COMMERCIAL ZONING DISTRICTS, SECTION 2.03.03 INDUSTRIAL ZONING DISTRICTS, SECTION 2.03.04 CIVIC AND INSTITUTIONAL ZONING DISTRICTS, SECTION 2.03.05 OPEN SPACE ZONING DISTRICT, SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 2.03.07 OVERLAY ZONING DISTRICTS, SECTION 2.03.09 DISTRICTS UNDER MORATORIUM, REDISTRIBUTING CONTENTS OF SECTION 2.04.00, PERMISSABLE, CONDITIONAL, AND ACCESSORY USES IN ZONING DISTRICTS, DELETING SECTION 2.04.03 TABLE OF LAND USES IN EACH ZONING DISTRICT; CHAPTER 5 - SUPPLEMENTAL STANDARDS, INCLUDING SECTION 5.06.04 SIGN STANDARDS FOR SPECIFIC SITUATIONS; CHAPTER 10 - APPLICATION, REVIEW AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.02.02 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, PUBLICATION AS THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

FILED
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DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this is the second amendment to the LDC for the calendar year 2007; and

d. Food stores (5411--5499), over 5,000 square feet.

e. Motion picture theaters (7832).

f. Outdoor dining areas, not directly **abutting** the Golden Gate Parkway **right-of-way**.

7. *Prohibited uses.* Prohibited uses within the GGDCCO include the uses listed below:

a. New residential-only **structures**

b. Any commercial use employing drive-up, drive-in or drive-through delivery of goods or services.

c. Sexually oriented businesses (Code of Laws, 26-151 *et seq.*).

* * * * * * * * * * * *

P. Copeland Zoning Overlay (CZO)

* * * * * * * * * * * *

2.03.08 Rural Fringe Zoning Districts

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SUBSECTION 3.J. AMENDMENTS TO SECTION 2.03.09 DISTRICTS UNDER MORATORIUM [RESERVED]

Section 2.03.09 Districts Under Moratorium [Reserved], of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.09 ~~Districts Under Moratorium~~ ~~[Reserved]~~ Open Space Zoning Districts

A. Golf Course District "GC". The purpose and intent of "GC" district is to provide lands for golf courses and normal **accessory uses** to golf courses, including certain uses of a commercial nature. The GC district shall be in accordance with the urban mixed use district and the agricultural rural district of the future land use element of the Collier County GMP.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the RMF-6 district.

a. *Permitted uses.*

1. Golf courses.

b. ***Accessory Uses.***

1. Uses and **structures** that are accessory and incidental to uses permitted as of right in the GC district.

2. Recreational facilities that serve as an integral part of the permitted use, including but not limited to clubhouse, community center **building**, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.

Words ~~struck through~~ are deleted, words underlined are added

3. Pro shops with equipment sales, no greater than 1,000 square feet.

4. Restaurants with a seating capacity of 150 seats or less provided that the hours of operation are no later than 10:00 p.m.

5. A maximum of two residential **dwellings units** for use by golf course employees in conjunction with the operation of the golf course.

c. ***Conditional uses***. The following uses are permissible as **conditional uses** in the GC district, subject to the standards and provisions established in section 10.08.00.

1. Commercial establishments oriented to the permitted uses of the district including gift shops; pro shops with equipment sales in excess of 1,000 square feet; **restaurants** with seating capacity of greater than 150 seats; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.

B. Conservation District "CON". The purpose and intent of the conservation district "CON" is to conserve, protect and maintain vital natural resource lands within unincorporated Collier County that are owned primarily by the public. All native habitats possess ecological and physical characteristics that justify attempts to maintain these important natural resources. Barrier islands, coastal bays, **wetlands**, and habitat for listed species deserve particular attention because of their ecological value and their sensitivity to perturbation. All proposals for **development** in the **CON district** must be subject to rigorous review to ensure that the impacts of the **development** do not destroy or unacceptably degrade the inherent functional values. The CON District includes such public lands as Everglades National Park, Big Cypress National Preserve, Florida Panther National Wildlife Refuge, portions of the Big Cypress Area of Critical State Concern, Fakahatchee Strand State Preserve, Collier-Seminole State Park, Rookery Bay National Estuarine Sanctuary Research Reserve, Delnor-Wiggins State Park, and the National Audubon's Corkscrew Swamp Sanctuary (privately owned), and C.R.E.W. It is the intent of the CON District to require review of all **development** proposed within the CON District to ensure that the inherent value of the County's natural resources is not destroyed or unacceptably **altered**. The CON District corresponds to and implements the conservation land use designation on the future land use map of the Collier County GMP.

1. **Allowable uses**. The following uses are allowed in the CON District

a. Permitted uses.

1. On privately held land only, single family **dwelling units**, and **mobile homes** where the **Mobile Home** Zoning Overlay exists.

2. On publicly and privately held lands only, dormitories, **duplexes** and other types of housing, as may be incidental to, and in support of, **conservation uses**.

3. Passive parks, and other passive recreational uses, including, but not limited to:

a) **Open space** and recreational uses;

b) Biking, hiking, canoeing, and nature trails;

Words ~~struck through~~ are deleted, words underlined are added

Exhibit K

Collier County

Growth Management Community Development Department - Zoning Division

September 12, 2025

Zach Lombardo, Esq.
Woodward, Pires & Lombardo, P.A,
3200 Tamiami Trail N. Suite 200,
Naples, FL 34103

RE: **INTP-PL20250007902,** Height limitation for golf course containment fencing within the Golf Course Zoning District, per Sections 2.03.09.A, 4.02.02 and 5.03.02 of the Collier County Land Development Code. This request applies to all Golf Course Zoning Districts within the County.

Dear Mr. Lombardo:

Pursuant to Land Development Code (LDC) Section 1.06.01.D, the Planning and Zoning Director has been requested to render an official interpretation of the Collier County Land Development Code (LDC), for Quail Creek Golf Course PL20250007902. The official interpretation centers upon "*the height limitations for accessory uses within the Golf Course Zoning District*". Further within the request you provide the following questions and analysis (*designated in italics*) pertinent to those questions for the County to consider in our response.

1. **Please confirm the Golf Course and Recreational Use District does not have a height limit for the practice driving range accessory use and thus that a containment fence for a practice driving range can be 62.81 feet (actual height) tall by right at the Subject Property consistent with the two similarly situated golf courses in Collier County.**

In the GC District a practice driving range is an accessory use. 2.03.09.A.1.b.2., LDC ("Recreational facilities that serve as an integral part of a golf course use, including but not limited to clubhouse, community center building, practice driving range, shuffleboard courts, swimming pools and tennis facilities, snack shops and restrooms.") (Emphasis added).

Response:

Section 1.03.01.D (**Exhibit "A")** of the LDC provides, "*In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of these regulations, the GMP, or any other law or regulation in effect in Collier County, Florida, imposes greater restrictions upon the subject matter than any other provision of these regulations, the GMP, or any other law or regulation in effect in Collier County, Florida, the provision imposing the greater restriction or regulation shall be deemed to be controlling.*

Section 5.03.02.A (**Exhibit "B**") of the LDC states, "***Fences or walls shall be permitted principal uses in all districts**, subject to the restrictions set forth in this section, unless specifically exempted; however, a*

fence or wall shall not, in any way, constitute a use or which permits, requires, and/or provides for any accessory uses and/or structures."

Section 4.02.01.A (Table 2, **Exhibit "C")** of the LDC states that the maximum building height within the Golf Course Zoning District is 35 feet.

As noted Section 5.03.02.A declares that fences or walls shall be permitted principle uses in all districts (which includes the Golf course Zoning District) and 4.02.01.A (Table 2) imposes a 35-foot height limitation within the Golf Course Zoning District. Therefore, the determination of the Zoning Director is that a fence or wall, while not addressed specifically within Section 5.03.02, would be limited to the maximum of 35 feet within a Golf Course Zoning District.

It should be noted that 5.03.02.E states, "*Fences and walls within agricultural districts shall be exempt from height and type of construction.* " This is the only reference Staff could identify within the section that provides unlimited height to a fence or wall. The applicant's assertion that a golf course containment fence, while not expressly exempted from a zoning district's height limitations within the LDC, is allowed to any height without restriction would appear to conflict with Section 1.03.01.D of the LDC.

2. Alternatively, or in addition to the above, a containment fence at a practice driving range is not a structure and is not regulated by any height limit and thus that a containment fence for a practice driving range can be 62.81 feet (actual height) tall by right at the Subject Property consistent with the nine similarly situated golf courses in Collier County.

The LDC, in section 1.08.02, defines structure as "Structure: Anything constructed or erected which requires a fixed location on the ground, or in the ground, or attached to something having a fixed location on or in the ground, including buildings, towers, smokestacks, utility poles, and overhead transmission lines. Fences and walls, gates or posts are not intended to be structures." (Emphasis added.) The dimensional standards in the GC District, unless otherwise noted, apply to structures and thus not fences.

Response: As stated within the first response, Section 4.02.01.A (Table 2) of the LDC states that the maximum building height within the Golf Course Zoning District is 35 feet for principle uses. As shown Below:

Collier County

Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts.

EXPAND

Zoning District	Maximum Building Height (feet)	Minimum Distance Between Buildings	Minimum Floor Area of Buildings (square feet)	Floor Area Ratio (%)
GC	35	None	None	None

Section 5.03.02.A declares that fences or walls shall be permitted principal uses in all districts. The clear and unambiguous combination of these two sections is that the maximum height limitation in the Golf Course Zoning District for a principal use is 35-feet.

Pursuant to Division 10.02.02.F. of the LDC, this interpretation has been sent to you via certified mail, return receipt requested. A copy of this interpretation and appeal time frames will be placed in the Collier Legal Notices website. Within 30 days of publication of the public notice, any affected property owner or aggrieved or adversely affected party may appeal the interpretation to the Office of the Hearing Examiner, as directed by Section 2-87 of the Collier County Code of Laws and Ordinances.

A request for an appeal must be filed in writing within 30 days of the date of this Official Interpretation and must state the basis for the appeal and include any pertinent information, exhibits, or other back-up information in support of the appeal. The appeal must be accompanied by a $1,000.00 application and processing fee. If payment is in the form of a check, it should be made out to the Collier County Board of Commissioners. An appeal can be hand delivered or mailed to my attention at the address provided. Please do not hesitate to contact me should you have any further questions on this matter.

The Exhibits are available at 2800 North Horseshoe Dr., Naples, FL 34104. Attention: Mike Bosi.

Sincerely,

Mike Bosi, AICP,
Director, Zoning
Growth Management Community Development Division/Zoning

Cc: Collier County Board of County Commissioners
Amy Patterson, County Manager
Ed Finn, Deputy County Manager
Jamie French, Head, Growth Management Department
Jeff Klatzkow, County Attorney
Heidi Ashton-Cicko, Assistant County Attorney

Exhibit L

SECOND HEARING – APPROVED; MOTION TO APPROVE STAFF'S RECOMMENDATION RELATING TO THE WATER MANAGEMENT REQUIREMENTS AND MOVE IT FORWARD TO THE SECOND HEARING – APPROVED

MR. OCHS: Commissioners, we're moving to Item 9A on your agenda, and this is a recommendation to consider an amendment to your Collier County Land Development Code this evening.

We have two amendments to present. The first has to do with an amendment regarding conversion of golf courses and the second amendment, which I don't imagine all these people are here for, has to do with some minor changes in your stormwater management system.

So we'll, obviously, want to begin this evening first with your Land Development Code having to do with conversion of golf courses. Mr. Bosi, your zoning director, will begin the presentation this evening.

CHAIRMAN TAYLOR: Very good. Thank you.

MR. BOSI: Good evening, Commissioners. Mike Bosi, Planning and Zoning Director.

Just a few introductory comments --

MR. OCHS: Speak up.

MR. BOSI: Just a few introductory comments before I introduce Caroline and our LDC team that's going to go over the specifics of the Land Development Code proposal.

A year ago the Board of County Commissioners adopted a moratorium related to conversion of golf courses based upon a number of courses signaling an intent to convert from their current use as a golf course.

The Board recognized at that time that golf courses have a unique presence within the built environment. There's a vested interest, there's a vested sense of place that is conveyed with a golf course and,

because of that recognition, I think it's probably confirmed with the attendance of tonight's crowd; that there was a need for additional process, additional communication, and additional dialogue to facilitate the proper conversion or the options for conversion of a golf course, and that's what these amendments are truly based upon.

They're based on a proactive strategy that requires, before any application is submitted to the Board of County Commissioners, that there's going to be conversation between the community, the stakeholders, the golf course owner, and the community. That's the premise.

The research that Caroline and the team has done she'll expand upon, but what she's found is that the more proactive we are in addressing these issues before an application is submitted, the better the outcomes of these proposals normally will be.

And with that, I'll introduce Caroline, and she'll be able to highlight the -- highlight the aspects of the amendment.

MS. CILEK: Thank you.

Good evening, Commissioners. Caroline Cilek with Collier County's Growth Management Department.

And before I begin, I just want to say thanks to all the staff and the advisory boards that participated in this amendment process as well as thank you to you all for being here tonight. As the chairperson said, we appreciate you being involved in this process.

So to reiterate a little bit about what Mr. Bosi said, in the spring of 2016, the Board discussed the potential for golf course conversion in the county. During the discussion, the Board provided several considerations and a couple of concerns that they had about the potential for conversion.

A summary of these main points is: One, that golf courses are valuable resources of open space in the county and that the process and design standards need to address how to preserve this resource to a

reasonable extent;

Two, that the property owners surrounding a golf course purchased their homes with the expectation that they would have a golf course view in perpetuity, and if this view amenity is lost to a conversion project, that there may be a potential loss in property value;

And, three, a recognition that neighborhoods that surround golf courses should be involved in a conversion process.

Following the discussion, the Board did implement a six-month moratorium, and in September of last year staff came back and requested an extension for an additional six months to complete the public vetting process. At that time we presented a research paper that detailed what we had found at that time.

The moratorium extends until next month, April 11th, 2017.

Research and findings: This amendment is the result of a lot of thoughtful and thorough research conducted over several months. Much of this research was documented in that research paper we presented to the Board in September of last year, and our research included reviewing lots of municipal codes, Comprehensive Plans across the state of Florida, as well as reviewing academic resources, and we spoke to countless planners that had encountered conversion projects in their local communities, and we learned from them about those experiences.

The vast majority of what we're presenting here today is based on our research and what we found in those other communities and those case studies and those examples.

So a couple of the things that we did identify: First is that conversions are happening. There is a lot of conversions going on on the east coast of Florida which provided really valuable insight for us. We found that obtaining early insight from the residents that surround the golf course is very important to the approval process. Basically it opened up the ability for them to build consensus, the stakeholders that

surround the golf course and the property owner/applicant for the conversion project.

In key studies where the surrounding residents were not included early in the development process, the approval process, meaning the process going through the Board's review and approval, often became lengthy, contentious, and sometimes litigious, which is not in the best interest of the neighborhoods surrounding the golf course, the developer, or the county.

So this amendment does present a very robust structure for collaboration and documentation for a conversion project. And we recognize that many land use professionals may actually do some of these things that we're going to be presenting to you naturally, but it's always good to have them as a structure in the LDC as well.

So I'd like to next go through two of the main concepts that we're presenting today. The first are stakeholder outreach meetings. So the applicant would be required to do or hold or conduct two stakeholder outreach meetings. The stakeholder outreach meeting is intended to be a collaborative environment in a transparent process where the applicant would conduct activities to engage the stakeholders, those that live around the golf course, and solicit input and feedback from them to help them inform their conversion project.

There are some benefits to this meeting. It would hold all parties accountable in being reasonable. It is a transparent process in that following both the meetings the applicant would prepare a report that would be then reviewed and analyzed by staff, then the Planning Commission, and then the board. So it is providing the Board information to make a decision.

I think it is important to note that the stakeholder outreach meeting is more robust than a neighborhood information meeting, which is something that we're all pretty familiar with, and that's because the impact of a golf course conversion is so great.

The next main concept that I want to speak to you about is the 100-foot greenway. A greenway is defined in the our amendment as a contiguous strip of undeveloped land that would include passive recreational areas. This could be like the pictures illustrate, a multi-use walking path, it could be a playground, or it could be simply open space, green space.

And the purpose of the greenway would be to retain open space views for the residents that surround the golf course prior to a conversion project.

This standard does address one of the Board's main concerns that they discussed last spring in that it would help to retain the property values or potential loss in property values due to a conversion project.

This requirement of a greenway also would retain preserves that are located in the greenway as well as existing vegetation that many are -- enjoy looking out from their backyards; they would see those trees. Those would be retained as well.

One last note about the greenway is that it does come from looking at case studies and examples of projects that have occurred in Florida previously.

So we wanted to see what a 100-foot greenway would look like on several golf courses in the county, and those maps are included in your packet today. Here is an example. And as you can see here, this would be a reasonable and appropriate application of a greenway; however, we recognize that not all cases that this would -- that a 100-foot greenway would be appropriate, and so we have incorporated some flexibility into the proposed LDC amendment that would allow an applicant to propose an alternative design for the greenway, vet that with the stakeholders at the stakeholder outreach meetings, and then present that to the Board, and the Board would make the decision on whether that was an appropriate greenway design.

Next I'd like to get into the conversion process and what steps

would be required. So first the applicant would come forward, and like any other application today, they would have a pre-application meeting with the county, and there they're sharing what they are hoping to do with this conversion project with county staff.

The next would be an intent-to-convert application. This would be a new application, but it is designed to thoroughly vet and analyze the proposed conversion project.

This application includes three or four main concepts. The first would be alternatives. One of the alternatives that we're requiring the applicant to pursue is to reach out to existing property owners' associations and see if they're interested in purchasing some or all of the golf course. The next one would be county purchase. The next alternative would be the development -- a conceptual development plan where they would lay out what their idea is for the conversion project.

In addition, this application requires that encumbrances on the land are identified so that everyone is aware of what those are.

And last is that we are including a mailed notice as a part of this application so that the stakeholders are informed very early in the process that there is someone intending to convert the golf course.

The next step would be the stakeholder outreach meetings, and there the applicant would engage the stakeholders in activities to solicit input and feedback on their proposed plans and then, following both of those meetings, they would be required to present a report documenting what occurred there, what questions the stakeholders had, and input the stakeholders provided.

That report would then be analyzed by staff at the next step through the more traditional rezone PUD amendment or perhaps even a stewardship receiving area amendment as well.

The last possibility for the conversion project would be for a compatibility design review. This would be a new process that we're

proposing today, and it would address those golf courses that have a golf course as a permitted use as well as residential as a permitted use. And in this case we would have the Planning Commission and the Board weigh in on the design of the conversion project rather than the use because the use is already permitted by right, and so they would get to make sure that it is compatible with the surrounding neighborhoods.

CHAIRMAN TAYLOR: So let me just interrupt. So in some cases the use is not an underlining zoning on a golf courses; in some cases it is.

MS. CILEK: Correct. There are golf courses out there. There are golf courses that are zoned residential and actually just have a golf course on them. They're very small, and there's very few of them, and there's a map in the binder, and there are very few PUDs, P-U-Ds, that have residential as a permitted use, and so this process would be specific to those.

CHAIRMAN TAYLOR: Thank you.

MS. CILEK: Okay. In conclusion, I just want to wrap up by saying that, as Mr. Bosi mentioned, golf courses are a unique land use, and so we feel that because they are unique, they rise to a certain level of review by staff, for stakeholder input, and for an elevated review by the Board.

Our robust process provides information to decision makers so that you all can make an informed decision, and our process requires early stakeholder involvement so that the meat of the conversation with stakeholders can happen prior to the land use petition at the board level so a lot of it is hashed out and agreed upon before it gets to you.

And we have presented several development standards to preserve open space views for existing residential properties around a golf course.

And with that, I'd be happy to answer any questions.

CHAIRMAN TAYLOR: Commissioner McDaniel?

COMMISSIONER McDANIEL: I didn't even get to hit my light that time.

I wanted to ask a couple of questions, if I may, Caroline, with -- on Page 2 of -- Page 3 of the executive summary, there was some discussion in the stormwater plan management portion about the impervious lot coverage. And it was mentioned in -- it referenced Golden Gate Estates. Does this LDC change -- Land Development Code change also encompass properties in Golden Gate Estates as well, or is this just specifically for a golf course conversion?

MS. CILEK: So I believe you may be looking at the second amendment that we have today regarding Chapter 6, is that correct, or is it one of the development standards --

COMMISSIONER McDANIEL: No.

CHAIRMAN TAYLOR: Yeah. There's --

MS. CILEK: Because if you're looking at something talking about lots, then that would be our second amendment.

COMMISSIONER McDANIEL: Golf course conversion amendment, LDC Section 5.05. Now, if this --

MS. CILEK: Okay.

COMMISSIONER McDANIEL: If there's one executive summary that goes through this, then my question's on the wrong one. Then I'll ask that on the second one then.

And the other question: I read there was a recommendation by DSAC about a notification of 500 feet on a regular basis, and we went to a thousand. And I like the thousand; I just wanted to know the rationale why.

MS. CILEK: So we took a look at the distances that are already codified in the LDC, and right now it is 500 for urban areas and 1,000 for rural, but because golf courses are unique land uses, staff felt that they rise to a different level and that a thousand would include those

who directly live around a golf course and those individuals or property owners, rather, that purchased property near a golf course to utilize it throughout the week to be close to open space. So we wanted to make sure that it had a -- more people were encompassed in the process.

COMMISSIONER McDANIEL: And I do have one more, if I might suggest, and this is just a question. In the actual ordinance itself, it talks about a maximum -- a maximum of two residential units to be provided for employees of the golf course facility, I believe that's how I read this, for maintenance and such. Is -- do we have the capacity of increasing that if we designate that as maximum? Because there may be instances, as we all know when we're talking about housing affordability where we can allow for employees and things to be housed here. It stipulates maximum, and I just wanted to know how arduous it was for us to increase that if it were conducive.

MS. CILEK: Sure. And you're referring to LDC amendment 2.03.09 which outlines the permitted accessory and conditional uses that are allowed in the golf course zoning district.

COMMISSIONER McDANIEL: Right.

MS. CILEK: The A.1.B.5 addresses the maximum of two residential dwelling units. That is existing language that is there today. And it could be amended through a PUD process if a PUD wanted to address this -- or include this as an accessory use, but for straight zoning this would be the standard that they would go by.

COMMISSIONER McDANIEL: Thank you.

CHAIRMAN TAYLOR: Commissioner Fiala?

COMMISSIONER FIALA: Thank you. You mentioned compatibility.

MS. CILEK: Yes.

COMMISSIONER FIALA: And like, for instance, most of the golf courses that we're talking about right now are abutted or

surrounded by or in the middle of, whatever, single-family homes.

So does that mean that the applicant who wants to buy that land and change it to homes must build a single-family home?

MS. CILEK: Well, that's something that would be evaluated through the conversion project and through this process that we have outlined today. So when they're reaching out to the stakeholders, they're going to get input as to whether single-family, multifamily, or any type of land uses is appropriate for that neighborhood.

It also will need to be consistent with the Growth Management Plan that we have today. So there are several factors that will weigh in. But the great thing about this process is that it allows stakeholders to evaluate what the applicant is considering to develop there and say, yes, we agree or, you know, we think something else would be more appropriate.

COMMISSIONER FIALA: Because in a lot of these instances that we see before us right now, they're 55-and-older communities, and they're fearful that an applicant wants to come in and, of course, make the biggest bang for a buck and then go back to whatever state he lives in, but build a three-story condo, you know, with 16 units per acre in the middle of their --

MS. CILEK: Sure.

COMMISSIONER FIALA: -- peaceful community. So, you know, that compatibility -- we'll be able to judge that compatibility, and will we be able to decide, I mean, or will they take us to the courts and say you can't -- you can't keep us to that compatibility, we change it or something? I just want to know how much -- how much power the residents will have.

MS. CILEK: Well, this process provides them a voice, ultimately. The applicant is required to conduct activities to find out what they want to see there. Now, they may not agree, and that's where the Planning Commission and staff and the Board will weigh in.

But this process is supporting a collaborative effort because at the end of the day the best thing is is for them to agree so that something gets approved, if that's what the applicant is looking for.

COMMISSIONER FIALA: Last question -- and I don't know that you'll have the answer to this. It just popped into my head -- and that is, as you were checking with all the -- by the way, I appreciate all the work that you went through --

MS. CILEK: Thank you.

COMMISSIONER FIALA: -- checking on all the other counties around the state of Florida to see what they're doing. You know, that gives me a lot of comfort to know that you went that far to do your work, and I appreciate that.

Did you find out what happened to those neighborhoods when they converted? What happened to the people who were living there?

MS. CILEK: That's a really good question. We took a look at projects that -- we took a look at all kinds of projects. And so, the ones that we utilized to base the best practices off were successful. The stakeholders were involved very early on, and they were supportive of the project at the end.

Now, we put together a very comprehensive proposal for you. So in those situations, there was often green space attached to that development project, i.e., the greenway. So it was very much a collaborative effort that we saw happening by the developer when they were able to get a project approved.

In some cases, you know, they provided some green space, and it didn't work out because people weren't being reasonable. But the goal here is to support a collaborative process and to hold parties accountable so that they are reasonable and then allow the Board to make the decision as to what can and cannot be constructed there.

COMMISSIONER FIALA: My last fear is, I worry that some of these public golf courses that want to go up because they want to make

a lot of money, they're going to take away the ability for people to play on a public golf course anymore. Because when they're gone people say, oh, well, golf is dying. You know what, there are going to be people here who will always want to play golf, but there will be no place for people to go. And that's a worry for me, too.

Is there something that we can do as we form these plans to make sure there's enough public golf for people and, you know, maybe stop the ability to sell when -- you know, when there isn't enough for our residents to play anymore?

MS. CILEK: I'll just put something out there which is that there are 69 golf courses in Collier County, and looking at many of these --

COMMISSIONER FIALA: Yeah, but people can't get onto to them. You know, I mean, they're private, so many.

MS. CILEK: Well, in looking from the viewpoint of that most likely not all of them will convert simply because they are PUDs and that the community that lives around them is a part of that golf course. So I think from that level, some may convert and others will not.

CHAIRMAN TAYLOR: Okay. Commissioner Saunders?

COMMISSIONER SAUNDERS: A couple questions. I want to ask the County Attorney a couple questions and I think also staff.

If we do nothing, what happens to a golf course -- there's two different scenarios. One is where there's, by right, the ability to build some housing. That's the underlying zoning. So first question deals with where there is no underlying right to build anything, zoned as a golf course, or it's zoned as open space, whatever the designation is. If we did nothing, what happens from a legal standpoint? Property owner wants to come in do something and we say, no, you can't do it. There's no process for that.

MR. KLATZKOW: The purpose of this proposed LDC ordinance is to put arrows in the quiver for the Board of County Commissioners. If you do nothing, you're limited to your current

rezoning review, which is largely compatibility oriented. This LDC amendment is specific to golf course conversions.

COMMISSIONER SAUNDERS: Let me go back to what you just said. We'd be limited to the current reviews --

MR. KLATZKOW: Yes.

COMMISSIONER SAUNDERS: -- but does a property owner who is operating a golf course with underlying zoning that is open space, or whatever the designation is, have any right to a change in that zoning at any point in time?

MR. KLATZKOW: The owner would have to come forward showing the need to convert. For example, I'm losing money here would be a typical response. You know, you can't force me to continue a business that's losing money. I need to do something else.

COMMISSIONER SAUNDERS: Do we have an obligation to assist them in doing something else by change their zoning? Even if --

MR. KLATZKOW: Eventually, given the circumstances, I'm not sure obligation's the right word, but they will be entitled to rezoning of some sorts. I mean, a landowner is entitled to a productive use of his property. And if his property's become unproductive because of the underlying zoning then, yes, there is going to be a rezoning.

COMMISSIONER SAUNDERS: So from a legal standpoint, we really have no other alternative but to provide some mechanism, because if we don't do it, the courts will do it.

MR. KLATZKOW: That's correct, yes.

COMMISSIONER SAUNDERS: Well, that -- I think that sort of addresses my question I was going to ask staff is what, in their view, would happen to these golf courses if a conversion wasn't permitted, but it sounds like, from what the County Attorney has indicated, that there would be a conversion at some point, even if it was imposed on the county by the courts.

MR. KLATZKOW: At some point in time, yes. It's -- that is the

concern that we've had that have led to this moment in time here.

COMMISSIONER SAUNDERS: Yeah. All right. Thank you.

CHAIRMAN TAYLOR: Commissioner Solis?

COMMISSIONER SOLIS: No questions for me at this point.

CHAIRMAN TAYLOR: Okay. Thank you very much.

I do have some questions about the environmental aspect, and I know that I probably need to discuss this. I understand that we can add some testing requirements to this LDC; is that correct?

MS. CILEK: So I'm going to have Danette with Pollution Control speak to your questions.

CHAIRMAN TAYLOR: Okay. Very good.

And the reason I'm bringing this up is that we all know that golf courses use probably a little bit more pesticides and fertilizers than houses would because they want everything to be perfect and green, and the lakes will have the runoff, and at the bottom of the lakes will be the stuff that we always try to dig out because it may contaminate water.

So I really want to address that now to see if some protection for homeowners can -- that surround the area can be weaved into this LDC amendment. So I'm going to turn this over to you. You know my questions.

MS. KINASZCZUK: Sure.

CHAIRMAN TAYLOR: Okay. Thank you.

MS. KINASZCZUK: Danette Kinaszczuk, Pollution Control Manager.

The current LDC provision requires testing for organochlorine pesticides and the eight RCRA metals. And what we requested was some additional contaminates, emerging contaminates of concern, including petroleum products in the maintenance areas, organophosphate pesticides, chlorinated herbicides, and some common pesticides like triazine and carbamide. So we did ask for some

additional.

CHAIRMAN TAYLOR: Okay. Thank you very much.

And then I know that -- I know that when you do the soil sampling, if there's contamination then you look at groundwater, is that right, or am I correct?

MS. KINASZCZUK: You are correct. If the soil samples come back above or at cleanup contaminant levels, then we would give that information to DEP and coordinate a remediation.

CHAIRMAN TAYLOR: Okay. And we're going to determine that; Collier County is determining. We don't have to send it off to have it determined.

MS. KINASZCZUK: Right, correct.

CHAIRMAN TAYLOR: Okay, good.

Then, finally -- well, help me with this. Can we be more restrictive? But you suggest that we're not more restrictive because it becomes more problematic in terms of what we're doing here; is that correct?

MS. KINASZCZUK: We would have to come up with some exceptional science and prove a good reason to become more restrictive.

CHAIRMAN TAYLOR: Okay. Now, the fertilizer ordinance I was referring to was the one that was proposed by the Conservancy several years ago which had to do with the use of, I believe it was, nitrogen --

MS. KINASZCZUK: Okay.

CHAIRMAN TAYLOR: -- in fertilizers, and that's probably not a conversation we should have now, but if we make our fertilizer ordinance stronger, then it would apply to this; is that correct?

MS. KINASZCZUK: I think we -- I think I have a better vehicle to get that point across. We are looking at a draft pollution control ordinance, and I think there --

CHAIRMAN TAYLOR: Which is this one, which I don't understand at all, so maybe you can just briefly explain it. I read it, but I was like, okay.

MS. KINASZCZUK: I don't think you have the draft pollution control ordinance.

CHAIRMAN TAYLOR: Oh, I had the pollution control review of environmental site assessment.

MS. KINASZCZUK: Okay. That's just our process when we get the --

CHAIRMAN TAYLOR: Oh.

MS. KINASZCZUK: -- environmental site assessments from a contractor or a company that does the groundwater sampling or the soil sampling. That's just our internal process of how we --

CHAIRMAN TAYLOR: Okay, okay.

MS. KINASZCZUK: -- process that and coordinate.

CHAIRMAN TAYLOR: So you're suggesting that we could have a draft pollution control.

MS. KINASZCZUK: We have a draft pollution control ordinance. We're still working it through --

CHAIRMAN TAYLOR: Okay.

MS. KINASZCZUK: -- some internal vetting, but I think we can accomplish what you want to accomplish but through a different vehicle.

Okay. And it would apply to this LDC amendment, so I'm very comfortable with that.

So, Commissioner Solis, because I can't see you, do you have any questions now?

COMMISSIONER SOLIS: One question with regard to the uses with regard to different activities. I mean, one of the options would be, as I understand it, would be for the landowner to offer the golf course to the county. And I just want to make sure that the list of permitted

uses would be broad enough for what the county would want to do with the property. And I hope that makes sense.

But there's certain references to, I think, pickleball and some other things. There's a reference to parks and recreation, and I just want to make sure with staff that there's enough in the ordinance that gives the county enough flexibility if it was to end up purchasing the property.

MS. CILEK: I would like to answer that.

So in 2.03.09, which is the golf course and recreational zoning district, we have included several new conditional uses. And as Commissioner Solis mentioned, one of those is court sports.

We did not include, like, field sports or anything like that; however, those could be included through No. 11, which is any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or the Board. That provides some flexibility there.

And the county would be able to also rezone or go through a PUD process if they were seeking very specific uses outside of the golf course and recreational zoning district. That option is always available.

COMMISSIONER SOLIS: Thank you.

CHAIRMAN TAYLOR: Okay. Commissioner McDaniel?

COMMISSIONER McDANIEL: Yes. I just wanted to have a quick discussion. Commissioner Saunders brought up a really good point about if we do nothing, and this I found to be a very nice compromise.

There are underlying uses that travel along with real estate ownership both for folks that live on golf courses and for folks that actually own golf courses, and I thought our staff did a very good job in developing an ordinance here that provided for participation on both sides, both the property rights of the folks that live on the golf course and protection with those values that were there, along with the

property rights of the landowners that have the underlying land use that's currently used as a golf course.

I did want to ask, if I may, about concurrency. When we're talking about the conversion, assuming that it, in fact, goes through -- and I couldn't find it in here, so forgive me if I'm asking a silly question.

But oftentimes the golf courses are utilized as -- in an aggregation of a density for an entire piece of property, and the units that potentially could have been in the area where the golf course is located are counted for the entire project but they're accumulated on the perimeter around the golf course. And that was done at a time when our infrastructure was different than what it is now and the development was different than what it is now.

I couldn't find in here any discussion about concurrency with the existing infrastructure that we have and the new densities that are currently in place and whether or not that was even a portion of the criterion for someone that wanted to ask for a conversion.

MS. CILEK: So that's a really great question, and what we did was address that in the intent-to-convert application. So included in here are several administrative codes for land development -- or for land development sections. They're new. And what we have included are standards that they would have to provide information about.

So if density -- density would be one of those on the conceptual development plan, and they would have to analyze it a little bit at that point in time but most certainly through the regular rezone or PUD amendment component.

All of those regular LDC standards would still apply to any type of conversion project.

COMMISSIONER McDANIEL: So yes is the answer?

MS. CILEK: Yes.

COMMISSIONER McDANIEL: Okay. Thank you.

CHAIRMAN TAYLOR: Any other discussion?

(No response.)

CHAIRMAN TAYLOR: How many -- how many speakers do we have, please?

MR. MILLER: At this point, Madam Chair, I have 12 registered speakers for this item.

CHAIRMAN TAYLOR: Okay. I'm going to do something unusual. And I'm not going to try to mute at all the speakers, but I want to take a consensus right now or maybe even have a motion without -- I think a consensus is -- and I'd like to kind of frame it that we would agree to what is being presented to us by staff with the modification of maybe increasing the amount of -- the type of pesticides by name that was put on the testimony by our pollution control specialist, and I don't think --

COMMISSIONER FIALA: Are we going to ask the audience what their --

MR. KLATZKOW: I would not include the pesticide on this one.

CHAIRMAN TAYLOR: Okay.

MR. KLATZKOW: If and when the Board enacts any regulations on this, it will cover this anyway.

CHAIRMAN TAYLOR: Okay. That's fine. So then we would -- that we agree to this LDC amendment as presented by staff.

COMMISSIONER FIALA: You know, I like to hear from the audience.

CHAIRMAN TAYLOR: Yeah, we're going to. Yeah.

COMMISSIONER FIALA: I don't want to vote on anything till I know --

CHAIRMAN TAYLOR: We're not voting. We're just getting a consensus.

COMMISSIONER FIALA: I'm not going to give one.

COMMISSIONER SAUNDERS: I agree with Commissioner

Fiala. Let's go ahead and hear the public, and then we can --

CHAIRMAN TAYLOR: Okay. That's fine.

MR. MILLER: All right. Madam Chair, we're going to call two names. We're going to use both podiums. The first name will come to one podium and speak. If the second name will go to the other podium and be ready to speak. Please remember to state your name for the record.

Our first speaker is Edward Tappen. He'll be followed by Bob Norton.

CHAIRMAN TAYLOR: And maybe if they're upstairs --

MR. MILLER: I only have received one slip so far from someone that's on the fifth floor, and neither one of these names indicated that.

COMMISSIONER FIALA: Tappen was in my elevator, but he was told to go upstairs.

MR. MILLER: Okay. So let's -- his slip came in early this morning. So are you Bob Norton, sir?

MR. NORTON: I am.

CHAIRMAN TAYLOR: Oh, good.

MR. MILLER: Let's go ahead and go with Bob Norton.

CHAIRMAN TAYLOR: And Mr. Tappen's coming in?

MR. MILLER: We'll wait for him.

CHAIRMAN TAYLOR: Okay.

MR. KLATZKOW: Or you can read a third name.

MR. MILLER: And the third name, in case he's not ready, would be Dwight Kehoe.

Mr. Norton.

MR. NORTON: Thank you. I am Bob Norton of 136 Estelle Drive, Naples. I'm also Chairman of the Riviera Golf Course Advisory Committee.

I'm strongly opposed to the conversion of any golf courses in

Collier County to residential use. I left that out; I'm sorry. But if we must consider such conversions, then the LDC amendment suggested is a better approach over the current code. Our association and community strongly support it. If golf course conversions are to be allowed, this amendment is critically important.

Many residents of our communities are here tonight to support this amendment, and I would like them all others, regardless of which community they represent, to raise their hands to show the committee the breadth of our collective support.

COMMISSIONER McDANIEL: We could make a motion now.

CHAIRMAN TAYLOR: Let the record show that the majority of people here standing and seated raised their hand.

MR. NORTON: I have a count of people in overflow, and it is 150. I think we can assume that they probably would have raised their hands as well.

CHAIRMAN TAYLOR: Ask the other question. Ask the opposite and let's see. How many -- how many people would oppose this amendment?

MR. NORTON: How many people would oppose this amendment?

CHAIRMAN TAYLOR: Only one.

COMMISSIONER SAUNDERS: They're either brave or --

CHAIRMAN TAYLOR: Only one. And we won't identify the person. So I'd say 149 won it.

COMMISSIONER McDANIEL: It was a brave soul who raised his hand there in the back.

CHAIRMAN TAYLOR: It was, very. Or she.

MR. NORTON: We also have petitions with over 640 signatures in favor of this amendment.

CHAIRMAN TAYLOR: You'll give that --

MR. NORTON: I will give that to her, yes, later.

CHAIRMAN TAYLOR: Thank you.

MR. NORTON: Many of us bought our houses specifically because of golf course views. We paid a premium for those views and have paid property taxes on those higher premiums since; thus, the golf course is an important part of our environment and quality of life. Many of our homes completely surround it.

We are very concerned about possible effects of a golf course housing development on our community. It would negatively affect both the values of our properties and our status as a federally approved over-55 community.

Stormwater drainage, compatibility, and increased traffic are also an issue, and our quality of life would be affected significantly.

We greatly appreciate the efforts the Collier County planning board has expended in drafting the Land Development Code changes that are before you. In particular, the requirement that a developer must notify the residents of their plans before they are finalized and discuss those plans in open meetings with the stakeholders is a critical feature. This provision will preclude the residents being blindsided by a fully formed and finished development plan.

Provision of a 100-foot buffer around the existing properties would, if a development went forward, provide a modicum of privacy and an opportunity to plant a visual buffer of trees or other flora. This buffer should not be reduced in size below the proposed 100 feet.

We as residents who surround a golf course urge you to pass this important legislation just as it is written. Thank you.

CHAIRMAN TAYLOR: Thank you.

MR. MILLER: Your next speaker -- well, has Mr. Tappen arrived?

(Applause.)

MR. MILLER: Edward Tappen?

(No response.)

MR. MILLER: So your next speaker is Dwight Kehoe. He will be followed by Shirley Sackett.

MR. KEHOE: Good evening. My name is Dwight Kehoe, K-e-h-o-e, and I live at 870 Charlemagne Boulevard in Riviera Golf Estates.

Since my home borders on the Riviera golf course, my wife and I are very interested in preserving our investment and the tranquility it provides given its location on the golf course. We strongly oppose conversion of the Riviera golf course to residential or commercial use.

I believe the Collier County Planning Commission has understood the desires of homeowners like us and has, through their proposed amendment to the Land Development Code, considered our interests as well as the interests of potential developers.

We support all the Collier County Planning Commission's amendments to the LDC and in particular, the following, as Bob Norton has said: The proposal that a potential developer of a golf course for non-golf use be required to hold at least neighborhood meetings to discuss the proposed redevelopment of the property; notification of all homeowners within 1,000 feet of a golf course perimeter; and the concept of a 100-foot buffer zone between homes and possible residences a developer might propose.

And I might add, if residential use is proposed, the developer should submit a plan that is compatible with the surrounding community.

In conclusion, I would request that you, the commissioners, adopt all aspects of the Collier County Planning Commission's proposed amendments to the Land Development Code.

Thank you.

CHAIRMAN TAYLOR: Thank you.

MR. MILLER: Your next speaker is Shirley Sackett.

(Applause.)

MR. MILLER: She will be followed by Ed Navarre.

MS. SACKETT: My name is Shirley Sackett. I live a 141 Fleur de lis Lane in Riviera Golf Estates. I have been a resident full time in Riviera for 29 years now. I have owned eight homes in that same community. My mother has owned two, and my sister has owned two.

I do live on the golf course. I probably have the best view, and I do not want that interrupted. And I do thank you for the work that all of them have done to present.

And we do ask you, please, to consider this and pass it for our benefits. Thank you.

CHAIRMAN TAYLOR: Thank you.

(Applause.)

MR. MILLER: Your next speaker is Ed Navarre. He'll be followed by Ronald Sbrocco.

MR. NAVARRE: Good evening, Madam Chairman and Commissioners. I'm pleased to be here.

I did have a -- I'm from -- originally from Maryland, Maryland National Capital Park of the Planning Commission which operated planning and zoning and -- around Montgomery Prince George's County adjacent to the District of Columbia. And there we operated nine golf courses and a recreational facility where Sugar Ray Leonard trained.

So I do want to compliment you. I did go to your Finance Department yesterday, and they provided me a copy of your financial report for the year ended September 30th, 2015. Very impressive to see that you all have a fund balance of $178 million. And I think Conservation Collier has a fund balance of $33 million. Some of that may be committed. I couldn't decipher that. But you certainly have been running a very healthy county.

So I would -- and I've already learned quite a bit from the presentation from staff. I would hope that you would consider

acquiring the golf courses. They could be operated profitably in one of your enterprise funds. They would -- they would attract your tourist development, which is a major part of the county's attractiveness.

Again, the 100-foot buffer sounds fine, but if you're living on a golf course looking out at a hole, 100 foot's not very much, especially if it's a high-rise.

So I'm here a little bit to speak for Riviera Golf Estates, and I'm a member of another course that's also being considered.

So, again, it seems the county is very healthy. Golf courses can be run profitably. They are an attraction to both the residents who use them and the tourist attraction.

So I would just hope you would consider the possibility of setting up in one of your enterprise funds that would operate golf courses, public courses.

Thank you very much.

(Applause.)

MR. MILLER: Your next speaker is Ronald Sbrocco. He will be followed by Kevin Walsh.

CHAIRMAN TAYLOR: We have one question.

Oh, I'm sorry.

COMMISSIONER McDANIEL: If you could please leave us your contact information. At our early meeting today we had a discussion with regard to viability of purchasing and the county owning a municipal golf course, and you, obviously, have experience with regard to that. And I know that the consultants that we hired really only looked here predominantly in Southwest Florida. So as we move through that process, that knowledge and experience would be invaluable. So if you'd please make sure somebody, even me, has your contact information, please.

MR. NAVARRE: Thanks again.

CHAIRMAN TAYLOR: Thank you.

MR. MILLER: Your next speaker is Ronald Sbrocco. He'll be followed by Kevin Walsh.

MR. SBROCCO: Good afternoon. My address is 537 Charlemagne Boulevard.

It's a very difficult situation for you as well as us. And should you be voting against our 700 families here, it's going to hurt. And I just learned a lesson from a movie I saw: When a person gets hurt, they have to get strength to forgive you, and I'm hoping that doesn't happen.

(Applause.)

MR. MILLER: Your next speaker is Kevin Walsh. He'll be followed by Charles Holloway. And we're still looking for Edward Tappen. Have you come into the room yet, sir?

(No response.)

CHAIRMAN TAYLOR: Okay. Mr. Walsh.

MR. WALSH: Good evening, Commissioners. My name is Kevin Walsh, and I live on Frosty Way, which is part of the Winter Park development off Davis Boulevard.

And as you may know, we are abutters to the old Ironwood golf course which is now going under the name of Evergreen and has been closed for a while. In addition to that, I'm a frequent golfer at Golden Gate, Riviera, and Lakewood, all of which are represented by other owners and golfers from those communities.

But weighing in on behalf of Winter Park, we are 696 units, many of which abut the old Ironwood golf course which is now known as Evergreen. We know that that's been sold. We know that the developer is planning to ask for a conversion process, and we've met with him a number of times with little confidence, I guess, that there is going to be the cooperation that is outlined in this amendment without the county imposing that amendment. So we are a strong advocate that the rules you're considering here today be adopted.

So, first and foremost, the rezoning concerns you've heard from others, the loss of green space is an issue, the loss of property value as a result of the changes that we'll lose, confidence of the people that bought golf courses as an investment.

Our main concern is the minimum 100-foot buffer; not an average, but it should be a minimum, in our perspective, so as to ensure the quality of life for those that are close by.

Especially with Evergreen, one of our concerns is drainage. We are just barely above the floodplain. Much of our drainage is related to and intertwined with the Evergreen golf course, and we would like to make sure the drainage concerns are adequately addressed.

The other issue is that Evergreen, in particular, is a standalone golf course in pockets throughout our neighborhood and throughout Lakewood and Glades, which are also abutters to that course. If you take the 100-yard buffer, literally, they could almost build no homes on any one of those holes.

CHAIRMAN TAYLOR: Oh, well.

MR. WALSH: Oh, well. I love your reaction.

The traffic, the access issues to those small pockets are a serious concern that we've not seen anything close to accommodated in our discussions.

So the communication that you built in here, your concern, and your advocacy for offering it to the abutters and offering it to the county are admirable, and we hope you adopt it.

We would love to see a public course. Any one of the four I mentioned would be great. It would a great opportunity for the technical schools or for the public schools to learn golf course management and still make a profit, as the gentleman from New Jersey indicated.

So we support and hope you will pass this. Thank you.

(Applause.)

MR. MILLER: Your next speaker is Charles Holloway. He will be followed by Marguirite Wegner.

MR. HOLLOWAY: Hello. My name is Charles Holloway. I live at 830 Charlemagne Boulevard in Riviera Golf Estates. I do live on the golf course, so I have a personal interest in the value and continued value of my property.

In addition to being a resident of Riviera Golf Estates, I'm also a realtor with Caldwell Banker on 5th Avenue. The majority of my business is in Riviera Golf Estates. And I was asked by some of my community members to address my opinion of the effect that the conversion could have on our collective property values. I'm going to speak specifically about Riviera Golf Estates.

The first thing I'd like the Commission to take note of is -- and in the last 28 months, I've sold 30 homes in Riviera Golf Estates, so I have a pretty good feel for the value of the properties in there.

I can tell you, as the community exists currently, with all things being perfect, typically the professional appraisals adjust the homes on the golf course as opposed to those that back up to other homes or on a privacy wall, such as County Barn, I've seen the adjustment be up to as much as $20,000. So the value of being on the golf course or one of the lakes in the community has significant value.

There's been a lot of discussion about the greenway or buffer zone, as some people have referred to it, of 100 feet. As the previous gentleman made reference to, it's my interpretation of the amendment that it's an average of 100 feet but could be as little as 75 feet.

And what I'd like some clarification on is it allows, I believe, for some of the lakes on the golf course to be included in the greenway zone. So if you're taking an average, and a lake is 150 feet, does that mean that two other similarly size will be taken down to the 75 feet? Because I believe it's reasonable to expect that the developers are going to develop every square foot they can. So now we're talking

about 75 feet. And what impact does that have on your view and especially the value of your home?

I stepped it off when I came in, and I think that you folks from your seat, if you're sitting on my lanai -- first of all, I'm currently on a five par, 1,350-foot fairway, so just imagine looking down four-and-a-half football fields over the golf course and the birds and everything.

Seventy-five feet is approximately that wall right there. So put a three-story condo up there and tell me that I'm not going to lose property value, okay.

So -- and then I know that the Commission is concerned about making whole the developers, and I certainly understand and appreciate that, but it shouldn't be at the expense of 692 residents of Riviera Golf Estates.

I think a collective estimate would be $10,000 per property could potentially lose times 692 is -- we could collectively lose $6.92 million in property value. I think you should consider our financial well-being as well as the investors and owners.

Thank you.

(Applause.)

MR. MILLER: Your next speaker is Marguirite Wegner, and she will be followed by George Danz.

MS. WEGNER: Good evening, Commissioners. I am Marguirite Wegner. My husband, Paul and I, live at Winter Park in a condominium that abuts the Evergreen Golf Course.

Several of other folks from Winter Park have been attending the Planning Commission meetings and -- during which the amendment was discussed and defined. The detailed research and thought incorporated into the amendment was inspiring.

We feel that the adoption of the amendment would enhance our county greatly and be favorable to all homeowners.

Thank you.

CHAIRMAN TAYLOR: Thank you.

(Applause.)

MR. MILLER: Your next speaker is George Danz, and he will be followed by William N. Cannon.

MR. DANZ: Madam Chairperson, Commissioners, my name is George Danz. I am President of Riviera Golf Estates Homeowners Association.

First of all, I want to commend your staff and Mark Strain and the Planning Commission for the efforts that they have done. Some of us have attended all those meetings, and the detail that they go through on all of these things is tremendous, and they've done a fantastic job.

I have a list of points here that I would like to cover, there's about a page of them, but most people have covered them already so I'm not going to bore you and take up a lot more of your time.

I don't live on a golf course. I don't play golf. I can't see chasing a little ball around a golf course, but I live in a community that is vibrant, that has a lot of activities going on, a lot of activities for other than golf in our community, and thus, needless to say, we're opposed to any conversion of the golf course. If conversion is necessary, however, we respectfully request that you approve the proposed amendments as presented.

Thank you very much.

CHAIRMAN TAYLOR: Thank you.

(Applause.)

MR. MILLER: Your next speaker is William N. Cannon. He will be followed by Jeff Price. Mr. Price was on the fifth floor, but I think he's headed down this way. Mr. Cannon?

MR. CANNON: Good evening. I'm William Cannon, 169 Fleur de lis Lane. That puts me on the 11th green at Riviera golf club.

I just want to make four quick points, and my first one, I did not

coordinate this with George.

I have just read a recent article that reported that the Urban Land Institute in the study found that 92 percent of the people living on golf courses do not play golf. They bought there for open space. And that's -- you know, the Urban Land Institute. They gave you a very good report not too long ago.

The second item, Collier County has active constituencies for the beach, parks, playing fields like baseball and soccer and pickleball. I know of none for public golf. We golfers depend on you, our commissioners, to protect our recreational interests.

Looking at how hard it is now to find suitable land for playing courts, think about 10, 15, 20 years from now when Collier County approaches a million residents. You will have a lot more golfers. At that time building a new public golf course would be extremely difficult and expensive.

I would recommend that this commission buy one or more golf courses now, rather than letting them go to development, to provide recreation for the current and future Collier County residents and our tourists.

I oppose residential conversion of golf courses and support strongly the LDC amendments that you're addressing tonight, and I want to thank all who worked hard to develop them. And I want to thank you for your time and dedication to us, the residents of Collier County.

(Applause.)

CHAIRMAN TAYLOR: Thank you.

MR. MILLER: Your next speaker is Jeff Price. Mr. Price was on the fifth floor. I don't know if he's made his way down. Let me call Dwight Delahunt. I'm sorry. I'm having a difficult time with that last name, sir.

Are you Mr. Price?

MR. PRICE: Yes, I am.

MR. MILLER: Mr. Price, right here. Yes, right here, sir. Mr. Price first and then...

MR. PRICE: Hello, everybody. I'm Jeff Price. I live at 4050 32nd Avenue Southwest, Green No. 5 is in -- or 4 is in my backyard on the Golden Gate course.

We had a little discussion last night at the civic meeting with Mr. Saunders, and it came up about this sports park. And a lot of us are against that. I think we have enough sports parks, ball diamonds in this county.

I'm a member of several groups, and -- the Moose, Eagles, and when I -- and I have a second home in Highlands County. And when I travel, I meet a lot of people up there that used to do the weekends at the Quality Inn and how much they love coming down here from all over and how many people from here go up there because it's cheaper to play golf, okay.

I would really like -- I'm pushing for the county to make this a municipal course. I think if it's run by the right people, it's a gold mine. I think something happened where our tees and our greens were destroyed -- I don't know if it was the wrong fertilizer or what -- and everybody quit playing there. So that's why it was empty for so long.

And it seemed funny that the chickee bar at the Quality Inn tripled in size. They remodeled it a few years back, remodeled the bathrooms, and I would think a place that's going out of business wouldn't be doing that.

But I'm strongly pushing for the county to make that a municipal course. Thank you.

CHAIRMAN TAYLOR: Thank you.

(Applause.)

MR. MILLER: Your next speaker is Dwight...

MR. DELAHUNT: Delahunt.

MR. MILLER: Delahunt. Thank you, sir. He will be followed by William Smith.

MR. DELAHUNT: Hi. My name's Dwight Delahunt. I live at 124 Bacardi. I back on the 15th hole of the Riviera golf course. And when I'm in my lanai, I can't see anything but water and the golf course behind me, and the homes on the far side of the lake.

I share that property with a lot of birds. I share it with fish in the water, the odd alligator once in a while, usually not too big. Just little fellows coming in to visit.

I have a couple of questions. If I was a developer and I wanted to get community involvement and have community speaking, if I was in Collier County I'd probably set up my meeting for June or July. Might be a good time.

Although I'm a part-time resident, I am a full-time taxpayer in Collier County. I've been coming down since '76. I've owned here since 2004. I fully support LDC amendments that have been put forward to you.

I am a realtor as well. Not here, but in Canada. My estimation is very close to what I heard from the gentleman earlier, about $20,000 it would affect my property value. It's a lot of money when we've saved for so long to have a place to retire.

I ask for your support on the LDC. Thank you.

(Applause.)

MR. MILLER: Your next speaker is William F. Smith, and he will be followed by Ed Tappen, hopefully.

MR. SMITH: Good evening. I live at 4372 27th Court Southwest in Apartment 206, Unit 206.

First I'd like to remind the Council that zoning was established by this community to protect the citizens from contrary adjacent uses, and that's really what this is all about is the protection of existing uses from things that are very opposed to what exists today and what was zoned.

The golf course has a minimum of two fairways between the housing at the pars and the private housing along the perimeter. That's probably 4- to 500 linear feet of open space.

I would suggest that any future amendments be made, if this goes through, that at least a 100-foot buffer be created and that that 100-foot buffer go from property line to property line, not building to building. Make sure that the green space is public space, in essence.

If allowed, any adjacent housing, because the housing adjacent to the pars is two stories and most of the housing within the pars is two stories, that we hope that that would be likewise limited to two-story construction and probably a single unit within the two stories so that it's a townhouse type of situation.

The utilities in our area, I can't imagine, would support the number of units of housing that were being proposed for the Quality Inn golf course. Who's going to pay for those upgrades in utilities? I would hope that the developer is and not the community and not the county are going to pay for the upgrade for those utilities. Water, sewer, storm drainage, power, all of those things are -- they're barely making do with what exists there. There are still private homes adjacent to us with septic systems in the front yards.

And students going to local elementary schools, middle schools, the traffic in our neighborhood is already difficult as we exit 27th Court onto 44th. So we'd ask you to study that as well.

Thank you for your time.

CHAIRMAN TAYLOR: Thank you.

(Applause.)

MR. MILLER: Ed Tappen is the last registered speaker I have, Madam Chairman. Edward Tappen. I did receive this slip at 9 o'clock this morning, so I know --

COMMISSIONER FIALA: He was here when I walked in.

MR. MILLER: That's what you had said.

COMMISSIONER FIALA: Thank you.

MR. MILLER: Other than that, that's all we have, ma'am.

CHAIRMAN TAYLOR: Okay. I have a couple of questions for our county attorney. We've heard about financial well-being and yet we have property rights, but there are property rights of the folks who own these houses, and I'm sure there could be proof given that in former golf course conversions that property values have fallen. If that could be part of an argument, would we be on firm ground to say no to golf course conversions?

MR. KLATZKOW: Funny you asked that, because I just walked over to Mr. Bosi and said, you need to put this on the record.

So for purposes of this question, since his testimony -- mine's only an opinion -- I'd like Michael to answer your question.

CHAIRMAN TAYLOR: Okay.

MR. BOSI: Mike Bosi, Planning and Zoning Director, again.

And a point that Jeff wanted me to clarify -- and some of the questions and comments, I think, were pertinent to this clarification, is the notice to intent. That's supplemental activity that goes on before an application is even submitted.

They'll provide additional benefits to the process, but the point is that once they submit an application, they will still have to satisfy the criteria of the rezone findings, the PUD findings. And one of those criterias is the effect from a property valuation that that use would have upon the surrounding area. And, also, within Collier County any development that moves forward is subject to concurrency management. So roads, school, water, facility, parks, libraries, all those would have to be adequately addressed to make sure that there was -- infrastructure capacity would be available to satisfy whatever demands that the development proposal would be required.

So the traditional evaluations of a PUD or a rezone are still applicable to this process. It's just there's additional steps that are put

before an application is even submitted hopefully to arrive upon a better proposal that meets the needs of all parties involved. That was the design of this amendment.

MR. KLATZKOW: So these are supplemental standards, correct?

COMMISSIONER FIALA: Did you understand the answer to your question?

CHAIRMAN TAYLOR: Yeah, I understood it.

COMMISSIONER FIALA: I didn't. So in other words, if the property values decrease by $20,000, tell me in plain English, what does that mean?

MR. BOSI: There is an opportunity for the Board of County Commissioners to deny a petition if sub -- if competent evidence is submitted that shows that there will be a significant decrease within valuation upon the surrounding properties. That would be one of the factors or one of the criteria that the Board of County Commissioners would utilize to evaluate the proposal.

CHAIRMAN TAYLOR: That's very good.

Now, let's say that folks live on a section of the golf course which is an open fairway. There aren't any trees and whatnot, and there's a buffer of a 100 feet. Within this LDC amendment, is there a requirement that it needs -- that rather than looking at 100 feet of fairway or former fairway and then have a house, is there a requirement to plant that as a buffer?

MR. BOSI: There are options that are available for that, and that gets to the heart of the nature of the compatibility review and evaluation. Of course, the neighbors are going to have their perspective as to whether they feel that what's being suggested in that buffer within that greenway, whether it be vegetated or whatever that is, whether they feel that it adequately meets the compatibility and protects their neighborhood. Then staff would make an evaluation

upon it, the Planning Commission would make an evaluation upon it, and then the Board of County Commissioners would be the ultimate arbitration of those perspectives, and you would make the final decision as to whether you thought that the design of that buffer met the intent of the compatibility to provide for the protections of those surrounding neighborhoods.

CHAIRMAN TAYLOR: So that would also go and apply to the buildings that are being built on this golf course. If it's a four-story apartment building next to single-family homes, that's a problem.

MR. KLATZKOW: But that gets back to the compatibility.

CHAIRMAN TAYLOR: Right.

MR. KLATZKOW: If you're in a single-family development, your argument for the Board of County Commissioners is -- it's always the Board's decision -- would be that a four-story unit's not compatible.

CHAIRMAN TAYLOR: Good.

COMMISSIONER McDANIEL: And it also assumes that the conversion has gotten through the application process where they've met concurrency and substantiated that there isn't a reduction in property values, and those are protections that are put in place before it ever gets to the Board of County Commissioners for the ultimate protection.

CHAIRMAN TAYLOR: We've heard testimony that there is a process, or there is underway -- a conversion underway at a golf course right now. Can these rules be applied to that conversion that is underway?

MR. KLATZKOW: No. That's not retroactive.

CHAIRMAN TAYLOR: And so that leaves everything back to --

MR. KLATZKOW: Our current standards.

CHAIRMAN TAYLOR: Okay.

MR. BOSI: Chair, if I could interject. What that means is there's

not an intent-to-convert process that would be imposed upon that application, but those same criteria that we talked about within a rezoning finding or a PUD finding would be applicable to that action.

CHAIRMAN TAYLOR: The devaluation of homes.

MR. BOSI: All of the same criteria that we just spoke about that are traditionally part of your rezoning application process would be part of the evaluation factor upon -- that the Board would arrive upon.

CHAIRMAN TAYLOR: Commissioner Fiala?

COMMISSIONER FIALA: Well, my comment was back when they first were finishing, and so I'll just say to you, I was so proud of all of these people here from Riviera and from Winter Park, and they were so respectful, strong; they knew what they wanted to say, they said it, they came to the point and, yet, they were never yelling or unkind or anything. And I'm just so proud that you're part of my district.

Thank you very much.

(Applause.)

COMMISSIONER FIALA: That's what I was going to say.

CHAIRMAN TAYLOR: Commissioner Solis, there's no lights on, so I'm going to turn to you. Do you have any questions?

COMMISSIONER SOLIS: Not at this time, but I would like to commend the staff on the presentation and the work that they've done. I thought it was very thorough.

COMMISSIONER McDANIEL: Amazing, amazing.

(Applause.)

CHAIRMAN TAYLOR: Commissioner Saunders?

COMMISSIONER SAUNDERS: Madam Chair, I think it would be appropriate to make a motion to move this on -- to approve with the staff presentation, the document that's in front of us, and move this on to the second hearing.

CHAIRMAN TAYLOR: I would agree. Do I have a second?

COMMISSIONER FIALA: Yes.

MR. KLATZKOW: And for purposes of clarity, we're limiting this to the LDC amendment relating to the golf course conversion?

COMMISSIONER SAUNDERS: That's correct.

CHAIRMAN TAYLOR: And then because we have one -- Commissioner Solis who is communicating to us by telephone, I would prefer to have a roll call here just so that we make sure that Commissioner Solis is part of the -- that he has said yes or no. So if we could call the roll for a vote.

MR. MILLER: Okay. Commissioner McDaniel?

COMMISSIONER McDANIEL: He's looking at our signs.

MR. MILLER: We've never done this. I'm sorry.

Commissioner McDaniel?

COMMISSIONER McDANIEL: Aye.

MR. MILLER: Commissioner Fiala?

COMMISSIONER FIALA: Aye.

MR. MILLER: Chairman Taylor?

CHAIRMAN TAYLOR: Aye.

MR. MILLER: Commissioner Solis?

COMMISSIONER SOLIS: Aye.

MR. MILLER: Commissioner Saunders?

COMMISSIONER SAUNDERS: Aye.

CHAIRMAN TAYLOR: That's it, ladies and gentlemen.

COMMISSIONER McDANIEL: 5-0.

(Applause.)

COMMISSIONER FIALA: St. Patty's Day is coming up, and they're wearing the green.

CHAIRMAN TAYLOR: So the motion passed unanimously, and this will go in the process, and I hope you clearly understand what the intention is. You've brought some extraordinarily perceptive and cogent arguments to this, and it helps us in our deliberation going

forward. So thank you very, very much for being here this evening.

(Applause.)

MR. OCHS: Madam Chair, would you like to take five minutes?

CHAIRMAN TAYLOR: We'll take, like, a couple-minutes recess. We have another issue to discuss, which is stormwater. You're welcome to stay for it, but if you leave --

COMMISSIONER McDANIEL: Really interesting. It's really interesting.

COMMISSIONER FIALA: Just think of how much fun it could be.

COMMISSIONER McDANIEL: When are we coming back, Madam Chair?

MR. OCHS: Five minutes?

CHAIRMAN TAYLOR: Five minutes. Thank you.

(A brief recess was had.)

MR. OCHS: Ladies and gentlemen, if you'd please take your seats if you're staying, or leave quietly so we can continue the meeting. Thank you very much.

Madam Chair, you have a live mike. We're still on Item 9A. The second of your two Land Development Code proposed amendments has to do with stormwater planning, and the staff has a very brief presentation on the nature of that change.

CHAIRMAN TAYLOR: All right. Thank you very much.

MR. FRANTZ: Good evening. Jeremy Frantz with the Growth Management Department. I am just going to give you a really brief overview of the amendment, and then we can get to any questions that you might have.

So this amendment began with stakeholders and staff identifying that the current stormwater plan requirements were overly restrictive in some areas, like the Estates, and just didn't actually provide any protection against stormwater impacts to other homeowners.

Exhibit M

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Uses: Driving range barrier fence

MATERIAL: Dyneema SK78 high molecular weight polyethylene (HMPE)
MESH SIZE : 2 1/8" diamond or 1 1/16" square (#6 gauge)
MESH DESIGN: twisted double knot
TWINE DIAMETER: .8 mm
COLOR: black solution dyed yarn
WEIGHT: .012 LB. PER SQ/FT
KNOT BREAKING STRENGTH: 248 lbs.
MESH BREAKING STRENGTH: 103 lbs.
COLD WEATHER RESISTANCE: 10% drop in elongation and 10% increase in tensile strength at -60 C
HOT WEATHER RESISTANCE: 20% drop in tensile strength and no loss in elongation at 60 C
SHRINKAGE & EXPANSION RATE: boiling water shrinkage < 4%
LIFE EXPECTANCY: 25 plus years

WARRANTY: 15 YEAR pro rated against U.V degradation

Certified Wind Tunnel Tested

DYNEEMA PERIMETER ROPE BORDER
MATERIAL: DYNEEMA SK78 12 strand braided Ultra high molecular weight polyethylene (HMPE)
DIAMETER: 5/16" (8mm)
COLOR: Black solution dyed yarn
TWINE: 1.9 mm braided black with 550 lbs break strength (250 KG)
BREAKING STRENGTH: 6,000 LBS. (2721 KG)
ADVANTAGES: improves service life, excellent abrasion, prevents contamination, high tenacity, low stretch.

- ***This net is made from DSM yarn. The original developer of Dyneema fibre. The highest quality HMPE yarn available and only in Netex #6 golf barrier nets.***
- ***Dyneema® is both the world's strongest fiber and the only HMPE fiber scientifically engineered to overcome abrasion, bending fatigue, compression, and creep fatigue***
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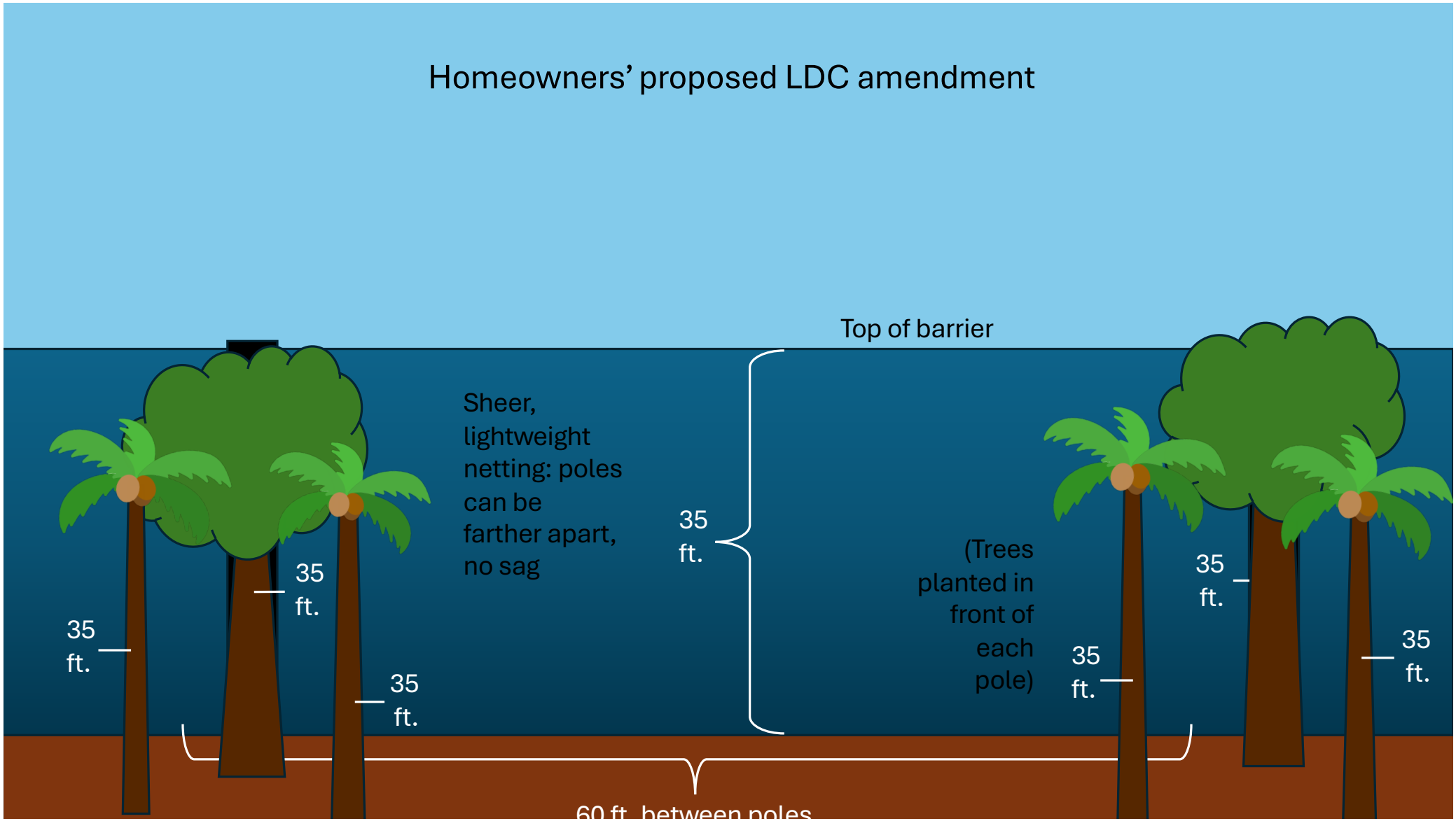
- ***Dyneema SK78 matches its claim strength of 35 cN/dtex batch after batch***
- ***Dyneema SK78 massively outperforms all other HMPE in fatigue abnd creep lifetime comparisons***


Shows sagging netting with three panels clearly visible,
probably with netting of a 1.3 mm or 2 mm diameter


Example of almost invisible
single-panel Dyneema netting,
no sag

Exhibit M-1


Homeowners' proposed LDC amendment
Top of barrier
Sheer, lightweight netting: poles can be farther apart, no sag
35 ft.
(Trees planted in front of each pole)
35 ft.
35 ft.
35 ft.
35 ft.
35 ft.
35 ft.
60 ft. between poles

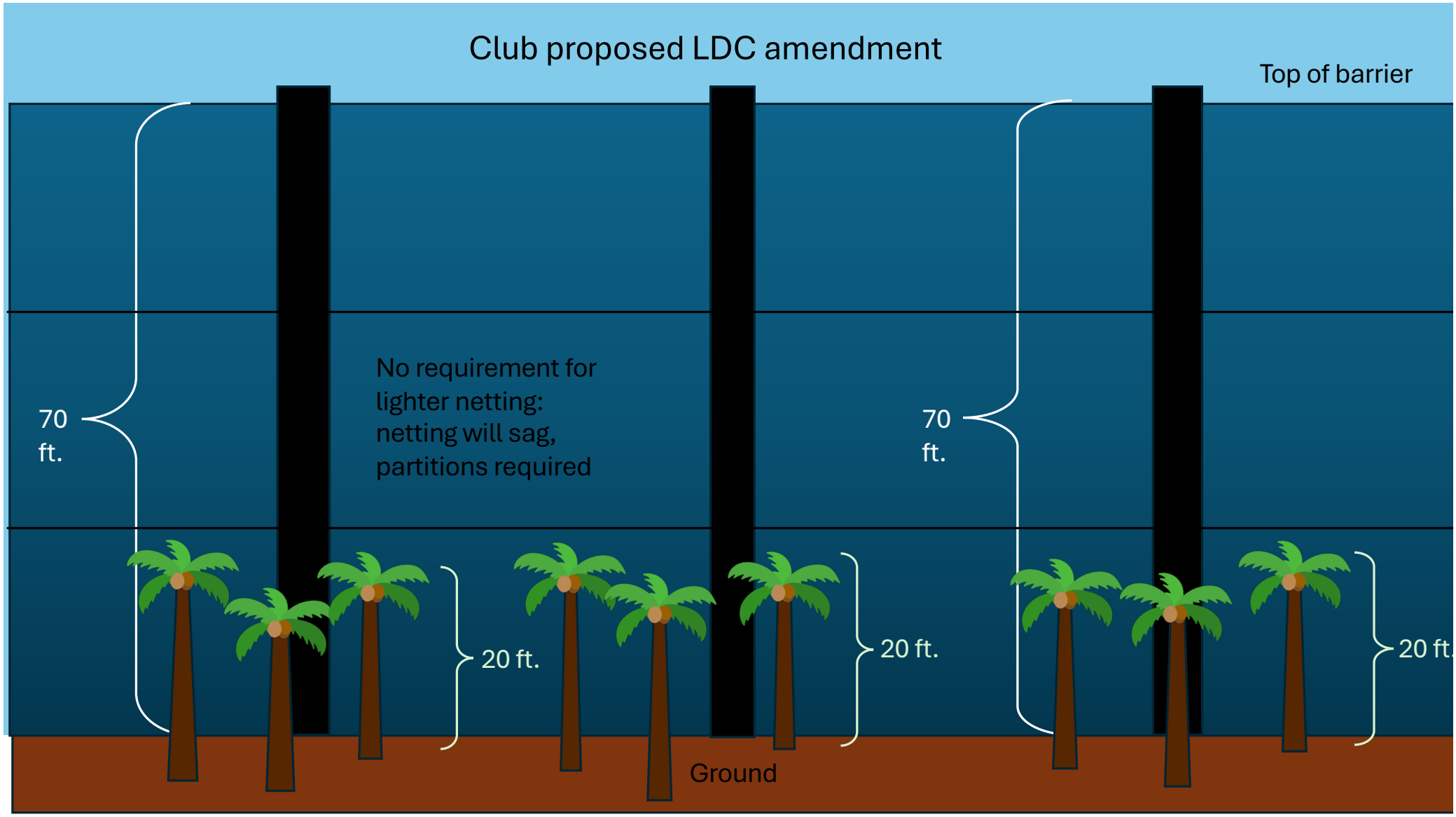

Club proposed LDC amendment
Top of barrier
70
ft.
No requirement for
lighter netting:
netting will sag,
partitions required
70
ft.
20 ft.
20 ft.
20 ft.
Ground

Exhibit N

NOTE: SUBSTANTIAL AMENDMENT OF ENTIRE DECLARATION TO THE MASTER DECLARATION FOR QUAIL CREEK. SEE AMENDED AND RESTATED MASTER DECLARATION FOR PRESENT TEXT.

SECOND AMENDED AND RESTATED MASTER DECLARATION OF PROTECTIVE COVENANTS FOR QUAIL CREEK

Approved on the 26th day of May, 2015

P

maintaining any other condition which, in the Board's judgment or discretion, has a negative aesthetic or economic impact on the Property or constitutes a hazard to other property or to residents.

(E) Any modifications, alteration, installation or addition to the Lot or Common Areas made by the Owner or his predecessors in title with ARB or Board approval including but not limited to, any decks or concrete pads. The Owner shall be responsible for insurance, Maintenance, Repair and Replacement of such modifications, installations or additions and the cost of removing and replacing or reinstalling such modifications if their removal by the Association becomes necessary in order to maintain, Repair, replace or protect other parts of the properties for which the Association is responsible.

5.3 Enforcement of Maintenance. If the Owner of a Lot fails to maintain his Lot as required above, the Association shall have the right to fine and/or suspend the Owner as provided herein, or to institute legal proceedings to enforce compliance, or may take any and all other steps necessary to remedy such violation, including but not limited to entering the Lot and remedying the violation, with or without consent of the Owner but only after ten (10) days written notice of intent to do so. The Association may Repair, replace or maintain any item in violation of the covenants contained in the Governing Documents or which constitutes a hazard or negative aesthetic impact to other property or residents, prevents the Association from fulfilling its Maintenance responsibilities, or which has a materially adverse effect on the appearance of the Properties. Any expenses so incurred by the Association shall be billed directly to the Owner of the Lot to which such services are provided, and shall be an individual Assessment charged against the Lot, secured by a lien against the Lot as provided in Article 3 above.

5.4 Negligence; Damage Caused by Condition in Lot. Each Owner shall be liable to the Association for all costs and expenses it incurs for Maintenance, Repair or Replacement to the Common Areas, personal property, or any Lot or Home made necessary by the neglect or negligence of the Owner, any member of the Owner's family, or his or her Guests, employees, invitees, agents or Tenants. In the event the Association is required to incur expenses to Maintain the Lot, including the provision of any landscape services, or any expense necessary in the Board's discretion to maintain any Home, such costs shall be an Individual Assessment charged against the Lot, secured by a lien against the Lot as provided in Article 3 above.

5.5 Reimbursement. All costs and expenses incurred by the Association under Sections 5.3 and 5.4 above, including attorney fees and costs connected with such matters, shall be reimbursed to the Association by the Owner and shall constitute a service Assessment against the Owner and his or her Lot.

6. ARCHITECTURAL CONTROL TO PRESERVE THE BEAUTY, QUALITY AND VALUE OF THE COMMUNITY

6.1 Improvements Requiring Approval. No building, Structure, roof, enclosure or other improvement shall be erected or altered, nor shall any grading, excavation,

driveway, landscaping, change of exterior color, or other work which in any way alters the exterior appearance of any Structure or Lot shall occur unless and until complete and accurate plans, specifications and location of same shall have been submitted to, and approved in writing by, the ARB. All plans and specifications shall be evaluated as to harmony of external design and location in relation to surrounding Structures and topography. The ARB shall have thirty (30) days after delivery of all required information, complete and accurate plans and materials to approve or deny any such plan, and if not denied within such period, said plans shall be deemed approved unless within the same period the Board of Directors denies the plan in which case regardless of any action or inaction by the ARB the plan shall be deemed denied. The Board may adopt reasonable Rules and Regulations the timely completion of various modification and improvements based on the nature and scope of the modification or improvement. The failure of an Owner to timely complete any approved modification of improvement is a violation of the Governing Documents and the Association may enforce the violation as provided herein, including the right to enter the Lot and remedying the violation or removing any unapproved improvements, with or without consent of the Owner, but only after reasonable notice of the Association's intent to do so. All changes, alterations or modifications to an approved plan must also be approved pursuant according to these same requirements. In the event that any construction or improvement requires the presence of a dumpster, the ARB shall be permitted to adopt reasonable Rules and Regulations concerning the duration, location and size of said dumpster.

6.2 The ARB. The architectural review and control functions of the Association shall be administered and performed by the ARB, which shall consist of at least three (3) persons, all of whom shall be members of the Association. No more than one (1) Director may serve on the ARB at any time. All members of the ARB shall be appointed by and shall serve at the pleasure of the Board of Directors of the Association. Three (3) members of the ARB shall constitute a quorum to transact business at any meeting of the ARB, and the action of a majority present at a meeting at which a quorum is present shall constitute the action of the ARB. Any vacancy occurring on the ARB because of death, resignation, or other termination of service of any member thereof, shall be filled by the Board of Directors. The members of the ARB shall receive no compensation for services other than reimbursement for actual expenses approved in advance by the Board of Directors incurred by them in the performance of their duties hereunder. The ARB shall, with the prior approval of the Board of Directors, have the power to engage the services of professionals for compensation for purposes of aiding the ARB in carrying out its functions. Notwithstanding anything to the contrary contained herein or elsewhere all decisions of the ARB are subject to review by the Board of Directors and the Board of Directors has the authority to overrule, void or otherwise modify in all respects any decision of the ARB.

6.3 Powers and Duties. The ARB shall have the following powers and duties:

(A) To recommend, from time to time, to the Board of Directors of the Association the creation or modification and/or amendments to the Architectural Planning Criteria. Any Architectural Planning Criteria or modifications or amendments thereto shall be consistent with the provisions of this Declaration, and shall not be effective until adopted by a

majority of the members of the Board of Directors of the Association at a meeting duly called and noticed and at which a quorum is present. Notice of the adoption, modification or amendment to the Architectural Planning Criteria, including a verbatim copy of such adoption, change or modification, shall be delivered to each member. However, receipt of notice of a Board meeting concerning the Architectural Planning Criteria or a copy of any adoption of or modification or amendment to the Architectural Planning Criteria shall not affect the validity of such change or modification.

(B) To require submission to the ARB of two (2) complete sets of all plans and specifications the approval or disapproval for any improvement, Structure of any kind or any other work which in any way alters the exterior appearance of any Structure, or Lot including without limitation, any fence, well, swimming pool, roof, driveway, paint color of any exterior Structure or Home, screen enclosure, drain, landscape material, object or other improvement, the construction or placement of which is proposed upon the Properties. The ARB may also require submission of samples of building materials proposed for use on or as part of any Home, and may require such additional information as may reasonably be necessary to completely evaluate the proposed Structure or improvement in accordance with this Declaration and the Architectural Planning Criteria. Any party aggrieved by a decision of the ARB or Board of Directors shall have the right to make written request to the Board of Directors of the Association within thirty (30) days of the decision, for a re-review thereof. The determination of the Board upon re-reviewing any such decision shall in all events be final.

(C) To adopt a procedure for inspecting approved changes during and after construction to insure conformity with approved plans. If it is determined by the ARB that the improvement or work is not in compliance with the approved plans and specifications, then upon written demand from the ARB the work shall be suspended until such time as the ARB authorizes the work to be recommenced.

(D) Notwithstanding anything to the contrary contained herein, if an Owner is delinquent in the payment of Assessments, fines or other charges or has failed to correct a violation of these covenants or the rules of the Association for which they have been given notice, the processing of an application for approval of the ARB may be denied or withheld pending payment of the Assessments, fines or other charges or correction of the violation.

6.4 Variances. The ARB may authorize variances from compliance with any of the architectural provisions of this Declaration when circumstances such as topography, natural obstructions, hardship, aesthetic or the environment, which must be signed by at least two-thirds (2/3) of the ARB. If such variances are granted, no violation of the covenants, conditions and restrictions contained in this Declaration shall be deemed to have occurred with respect to the matters for which the variances were granted. The granting of such a variance shall not, however, operate to waive any of the terms and provisions of this Declaration for any purpose except as to the particular property and particular provisions hereof covered by the variance, nor shall it affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting his use of the Lot, including, but not limited to, zoning ordinances

and setback lines or requirements imposed by any governmental or municipal authority. The Board of Directors may overrule and void any variance granted by the ARB if such action is taken within twenty (20) days from the date the variance is received by the Board.

6.5 Non-liability of ARB Members. Neither the ARB nor any member thereof, nor its duly authorized ARB representative, shall be liable to the Association or any Owner or any other person or entity for any loss, damage, or injury arising out of or in any way connected with the performance or nonperformance of the ARB's duties hereunder, unless due to the willful misconduct or bad faith of a member, and only that member shall be liable therefore. The ARB shall review and approve or disapprove all plans submitted to it for any proposed improvement, alteration, or addition solely on the basis of aesthetic considerations and the overall benefit or detriment which would result to Quail Creek and the immediate vicinity. The ARB shall take into consideration the aesthetic aspects of the architectural designs, placement of buildings, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval from the standpoint of structural safety or conformance with building, health, or other codes.

6.6 Violation. In the event an Owner installs improvements or modifies the Owner's Lot without obtaining approval as required in this Article, the Association shall have the right to institute legal proceedings to enforce compliance, or may take any and all other steps necessary to remedy such violation, including, but not limited to, entering the Lot and remedying the violation or removing any unapproved improvements, with or without consent of the Owner, but only after reasonable notice of the Association's intent to do so. Any expense incurred by the Association shall be billed directly to the Owner of the Lot to which such services are provided, and shall be an individual Assessment charged against the Lot, secured by a lien against the Lot as provided herein. The Association shall not be required to provide the Owner with a hearing prior to enforcing this Article as provided herein, but may, in the Board's sole discretion, elect to do so if requested by the Owner.

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8. USE RESTRICTIONS

The following rules and standards apply to Quail Creek and shall be enforced by the Association pursuant to Section 13 hereof.

8.1 Air Conditioning Units. No window or wall air conditioning units shall be permitted on any Lot. Compressors and fans for central air conditioning or heat pump systems which are located outside the exterior of a building shall be adequately screened to prevent their being viewed from any street.

8.2 Antenna. No antenna of any kind shall be placed or erected upon any Lot or affixed in any manner to the exterior of any building other than a satellite antenna less than one meter in diameter, an aerial designed to receive over-the-air television broadcast, or an antenna designed to receive multichannel, multi point distribution service which may be installed

only at a location on a Lot approved by the ARB. In approving the installation and location of any antenna the ARB shall comply with all applicable laws, whether state or federal.

8.3 Clotheslines. Clotheslines or drying yards shall be located so as not to be visible from the streets or adjoining properties, or from the golf course.

8.4 Drainage. No changes in the elevations of any Lot or right-of-way shall be made which will interfere with approved drainage or otherwise cause undue hardship to adjoining property or the Quail Creek Golf Course.

8.5 Driveways. All driveways and off street parking areas installed on or after the date Declaration is recorded in the Official Records of Collier County, Florida shall be constructed of concrete or pavers as approved by the ARB. The above provision shall not apply to reconstruction efforts pursuant to Article 9.3 below or the Replacement of an existing driveway not in compliance with this Section 8.5. Owners shall be responsible for the Maintenance, Repair and Replacement of said driveway, including, but not limited to, peeling paint, cracks, and heaving concrete or pavers.

8.6 Fences and Hedges. No fences, hedges or other obstruction shall be constructed at, or near the boundaries of the Quail Creek Golf Course. At all times, complete visibility of the Quail Creek Golf Course and its appurtenances shall be preserved. Fences and other structural screens located elsewhere must be visually attractive, in keeping with the architectural character of Quail Creek and must be approved by the Association through the ARB. The ARB may authorize a variance from compliance with this Section in accordance with Section 6.4 above when circumstances such as topography, natural obstructions, hardship, aesthetic or the environment, or other grounds deemed acceptable to the ARB in its sole discretion.

8.7 Fuel Containers. All butane, propane or other fuel containers must be permitted by Collier County and all fuel installations must be approved by the ARB.

8.8 Garage Sale. No garage sale, estate sale, flea market, auction, or similar event shall be held on any Lot.

8.9 Garages.

(A) No garage shall be enclosed or converted to other use, including residential use, without the approval of the ARB, which said approval must require construction of another garage on the Lot meeting the requirements of this Declaration.

(B) All garages installed on or after the date of this Declaration is recorded in the Official Records of Collier County, Florida are prohibited from facing the street of address of the Home. The above provision shall not apply to reconstruction efforts pursuant to Article 9.3 below or the Replacement of an existing garage not in compliance with this Section 8.9(B).

(C) Operable automatic doors will be provided for all garages. Garage doors shall be closed except when vehicles are entering or exiting.

(D) Garage spaces are intended to be utilized for parking the number of vehicles for which they are designed, and they shall be utilized in the following manner:

(i) No vehicle shall be parked in the driveway unless all garage spaces at the Home are used for the parking of:

a. Permitted Vehicles.

b. Golf carts and motorcycles, except that in the event an Owner owns a combination of two (2) golf carts and/or motorcycles, the Owner must use one (1) parking space for golf carts and/or motorcycles before any Permitted Vehicles may be parked outside of the garage.

(ii) If all garage spaces are used in satisfaction of this Section 8.6, other Permitted Vehicles may be parked in the driveway.

(iii) All vehicles required to be kept in a garage must reasonably fit in the garage space, as determined by the Board in its discretion. If, as of the date this section is recorded, an Owner owns a vehicle which is too large to reasonably fit in a garage space, the Owner may park the vehicle in the Owner's driveway until such time as the Owner sells or otherwise disposes of the oversized vehicle, at which time the Owner shall thereafter be subject to the size requirements of this section. Notwithstanding the above, in no event shall a Prohibited Vehicle or Recreational Vehicle be parked in the driveway except as expressly provided in Section 8.14 below.

(iv) An Owner may utilize a single garage space for storage up to thirty (30) days, and no more than one (1) time per calendar year, with prior written notice to the Board, or for greater than thirty (30) days only upon prior written approval by the Board, which may be granted pursuant to standards adopted by the Board from time to time.

(v) As long as there are no vehicles parked in the driveway, garage spaces can be used for any lawful purpose, except that no garage may be converted to residential or other use without the approval of the ARB as provided for in subsection (A) herein.

(vi) Upon written notice from the Association regarding a

specific violation of this Section 8.9, the burden shall be on the Owner to show that he or she is in compliance. An Owner failing to verify his or her compliance with this section will be presumed to be in violation.

(E) There shall be no vehicles parked in driveways with "For Sale" signs inside or outside vehicles, or with car covers. Owners may wash and wax vehicles in the driveway and all other Maintenance or Repairs of any vehicle shall be conducted inside the garage.

8.10 Home. Each Home shall be occupied by only one Family at any time. Each Home shall be used as a residence and for no other purpose. However, "no impact" or "low impact" Home based business in and from a Home, such as receiving mail at the Home or corresponding from a Home office, is allowed. Such uses are expressly declared customarily incident to residential use. Examples of businesses which are prohibited and are considered "impact" businesses are businesses or commercial activity or ventures that create excessive customer traffic to and from the Home, create noise audible from outside the Home, the use of a Home as a promotional item or commercial perk, using the Home as a temporary residence for employees of a Tenant or Owner, or generate fumes or odors noticeable outside the Home, including but not limited to, a home day care, beauty salon/barber, and animal breeding. Signs and other advertising material visible from the street are prohibited. This provision is intended to be and shall be retroactive to and effective from the date of recording of the original Declaration, however any persons in violation of this amended provision on the date it is recorded in the Public Record shall be given a grace period of up to ninety (90) days to comply before enforcement action shall be commenced. In order to avoid undue hardship the Board of Directors may, in its sole discretion, extend the grace period once for up to an additional ninety (90) days.

8.11 Landscaping. All areas of Lots not covered by Structures, walkways or paved parking facilities shall be maintained by their Owners as lawn or landscaped areas to the pavement edge or any abutting streets and to the waterline of any abutting lakes, canals or water management areas. Stone, gravel, artificial turf, or paving may not be used as a substitute for grass in a lawn. All lawns and landscaping shall be completed at the time of completion of the Structure as evidenced by the issuance of a Certificate of Occupancy by the appropriate governmental agency, and shall thereafter be kept in good condition by the Owner. Lawns must be regularly cut and mulched areas regularly re-mulched. The landscaping on Lots, including without limitation, the trees, shrubs, lawns, flower beds, walkways and ground elevations, shall be properly trimmed and maintained by the Owner thereof in good and healthy condition, shall not be allowed to remain if diseased, dead or dying, and shall otherwise comply with Article 6 herein.

8.12 Lot Structures. The floor area of any Home constructed on any Lot shall contain not less than 3,500 square feet of living area except for buildings located on Rosewood Lane which shall contain not less than 4,000 square feet of living area. The living area shall be defined as the portion of the Home which has finished walls, ceilings and floors and which is insulated, heated and/or air conditioned. A minimum of a two-car garage is required. The floor

space within the garage, breezeway, porch or any unfinished area shall not be included within the living area for purposes of determining the minimum required area. The requirements in this Section 8.12 regarding the minimum and maximum square footage of living area and the overall maximum square footage do not apply to a Home already existing as of the effective date of this Second Amended and Restated Master Declaration.

8.13 Minors; Operation of Motor Vehicles on Common Area. All persons under eighteen (18) years of age shall be closely supervised at all times by an adult to insure that they do not become a source of unreasonable annoyance, nuisance or hazard, to other residents. No person under the age of sixteen (16) may operate any motor vehicle, including but not limited to golf carts, cars, motor scooters, motorcycles, motorized bikes, or similar or dissimilar vehicle, on the Common Area, except that a golf cart may be operated by a person under the age of 16, but over the age of 12, provided they are at all times accompanied by a person over the age of 21. The Board of Directors shall be permitted to adopt a speed limit for the operation of any motorized vehicle of any kind on the streets or Common Areas. Except for lawn Maintenance equipment operated by or on behalf of the Association or the Quail Creek Country Club, Inc., no motorized vehicle of any kind shall be operated on any property of Quail Creek other than the streets.

8.14 Motor Vehicles and Boats. No Maintenance or mechanical Repairs of vehicles or boats is permitted on the properties outside of garages except in an emergency. No Recreational Vehicles shall be parked anywhere on the properties outside of garages for more than twenty-four (24) hours. Any Prohibited Vehicle must be kept enclosed in a garage while in the Association so that it is not readily visible from any adjacent street or Lot. The Association is authorized to tow any vehicle violating this Section 8.14, the Rules and Regulations, a law or any other restriction contained in the Governing Documents and the cost of towing shall be the obligation of the Owner of the vehicle. The Association shall be empowered to adopt reasonable Rules and Regulations concerning the usage and parking of golf carts owned and operated by Owners, as well as their Guests, Tenants and invitees.

8.15 Nuisances. No Owner shall use his Home, or permit it to be used, in any manner which constitutes or causes an unreasonable amount of annoyance or nuisance or hazard to the occupant of another Home, or which would not be consistent with the Maintenance of the highest standards for a first class residential community nor permit the premises to be used in a disorderly or unlawful way. The use of each Home shall be consistent with existing laws and the Governing Documents, and Occupants shall at all times conduct themselves in a peaceful and orderly manner. The Board of Directors determination as to what constitutes a nuisance or annoyance, for example, the use of fireworks, loud music, obnoxious activity, unreasonably loud motorcycles or cars, shall be final and shall control without regard to any legal definition of such terms.

8.16 Obnoxious Activity. No obnoxious or offensive activity shall be carried on within Quail Creek or upon any part, portion or tract thereof, nor shall anything be done which may be or become a source of unreasonable nuisance or annoyance to the Association or its residents.

8.17 Outside Lighting. No spotlights, floodlights, or other outdoor high intensity lighting shall be placed or utilized upon any Lot which in any way will allow light to be reflected on any other Lot or the improvements thereon. Low intensity lighting which does not unreasonably disturb the Owners or other occupants of the Properties shall be allowed.

8.18 Pets. Pets of a normal domesticated household type (such as cats or dogs) and reasonable numbers of tropical fish or caged birds are permitted. Pets must be carried under the Owner's arm or leashed at all times when outside the Owner's property. The ability to keep pets is a privilege, not a right, and the Board of Directors is empowered to fine an Owner and/or order and enforce the removal of any pet that becomes a source of unreasonable annoyance or a danger to the health, safety and welfare of other residents and their pets. No reptiles, monkeys, rodents (other than hamsters and guinea pigs), amphibians, poultry, swine, rabbits, ferrets or livestock may be kept on the properties. All animals kept in the Home must be for personal family enjoyment as pets, no commercial breeding or boarding of animals of any type is allowed. The person walking the pet or the Owner shall clean up all matter created or caused by the pet.

8.19 Radio Equipment. No ham radio, citizens band base station, or other radio transmission equipment (except mobile transmitters in service vehicles) shall be operated or permitted to be operated in the Association. However, cellular phones, portable phones, garage door openers and the like are permitted.

8.20 Recreational Facilities. All Recreational Facilities or improvements constructed or placed on a Lot, including without limitation by specification, any play or recreation Structures, such as swing sets, play houses, tree houses, tree forts, plastic play sets or any other kind of Structures of a similar kind or nature must first be approved by the Board or the ARB, which said approval shall be conditioned upon the Recreational Facility being adequately landscaped so it is not visible from the street, the adjoining neighbor's yard, or the golf course abutting said Lot. The Board or the ARB may adopt Rules and Regulations concerning the size, location and material of the Recreational Facilities in its sole and absolute discretion. The Owner is responsible to keep all Recreation Facilities maintained in a good manner. If upon inspection, the Owner has not maintained the Recreational Facilities the Board may order them removed. If renters wish to erect a swing set or other Recreational Facility they must have written permission signed by the actual Owner (not Owner's agent) of the Home. The written permission must be given to the Board or the ARB prior to installation and must state who is going to pay for the landscaping required to shield the Recreational Facility from view and must otherwise comply with the applicable and appropriate Article 6 of this Declaration. An Owner may apply for a variance from compliance with this Section 8.20 as provided for in Section 6.4 above.

8.21 Roof. All roofs installed on or after the date this Declaration is recorded in the Official Records of Collier County, Florida must be constructed having a pitch of not less than four inches (4") of rise for each twelve inches (12") of run. The above provision shall not apply to reconstruction efforts pursuant to Article 9.3 below or the Replacement of an existing roof not in compliance with this Section 8.21.

8.22 Setback Lines. All building and Structures erected or constructed shall conform to the following setback limitations: front yard forty (40) feet, side yard twenty (20) feet, rear yard thirty-five (35) feet. Buildings and Structures erected or constructed on Rosewood Lane shall be as follows: front yard forty (40) feet, side yard thirty (30) feet and rear yard thirty-five (35) feet. Setbacks are measured from the property line to the building slab and rear setbacks are measured from the pool deck, if any. If there is no pool, the set back shall be fifty (50) feet to the building slab. Corner Lots shall be considered to have two (2) setback restrictions, one rear setback and one side setback.

8.23 Signs. No sign, advertisement or notice of any type or nature whatsoever may be erected or displayed upon any Lot or Home (including any window), and/or Common Area unless expressed prior written approval of the size, shape, content and location has been obtained from the ARB, which may be withheld in its discretion. Notwithstanding the above, an Owner may display one (1) "for sale" sign without ARB approval as long as the "for sale" sign complies with architectural standards adopted by the ARB.

8.24 Solicitation. The solicitation of charitable gifts, real or in kind, the solicitation for sale of products or services, by non-residents of the Association, is expressly prohibited. The Board of Directors may adopt reasonable Rules and Regulations governing solicitation in the Association by residents as well as solicitation concerning recognized charitable organizations.

8.25 Trash and Waste Disposal. Trash, garbage and other waste shall be kept only in sanitary containers which shall be kept in a clean and sanitary condition and screened from view from neighboring Homes and the interior roadways except when out for pick-up. Recycle bins and trash shall not be put on the curb, for pick-up, prior to 6:00 p.m., the night before the scheduled pick-up and shall be removed from the curb no later than 6:00 p.m., the day of pick-up. All trash, garbage and other waste containers kept outside shall be equipped with a latch or other device to prevent animals from entering the container and Owners shall regularly use and employ the device. No garbage incinerators shall be permitted.

8.26 Underground Wires. All wiring providing service to Homes must be underground.

8.27 Unsightly Growth. No weeds, underbrush (other than indigenous growth), or other unsightly growths shall be permitted to grow or remain upon any part of the premises and no refuse pile or unsightly objects shall be allowed to be placed or remain anywhere thereon. Vacant Lots shall be cleaned, sodded and then maintained in a well-kept condition at all times.

8.28 Yard Lights. Front yard lights and their supporting Structures shall be subject to regulation by the ARB.

9. INSURANCE

In order to adequately protect the Association and its Members, insurance shall be carried

Exhibit O

Quail Creek Estates

ARCHITECTURAL PLANNING CRITERIA ("CRITERIA")

Amended November 30, 2022

THIS DOCUMENT OUTLINES BUILDING, REMODELING,
RENOVATION AND LANDSCAPING REQUIREMENTS

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enough from the tree to prevent compaction and water build up over the root system and large enough to include the area within the tree's drip line.

3. All existing vegetation within each Lot that is selected to remain is to be pruned and maintained throughout the construction period.

C. No exterior alterations to any existing building or grounds will be allowed without an approved Application. Such exterior alterations include, but are not limited to, additions, screen areas, roofs or ramps, exterior painting, driveway resurfacing, equipment enclosures, landscape renovations, landscape lighting (and their structures), flagpoles (see Section 8.3 D below), storm or hurricane protection devices, satellite dishes, removal of trees, energy savings devices, garages, and generators.

1.3 Start of Construction

A. No site clearing, demolition or construction shall be started without a Collier County building permit, as required, and a completed and approved Application. Failure to obtain approval may result in refusing contractors access to the building site. A start date and completion date must be given to the ARB prior to any construction.

Plastic fencing/a barricade at a minimum height of four feet is required to surround construction sites. Two "No Trespassing" signs, one in the back yard and one in the front yard are required. These signs must follow the standard design and text as required by the Community.

B. Upon the commencement of any construction, the project must be pursued diligently and completed within one (1) year. If for any reason work is discontinued and there is no substantial progress towards completion for a continuous period of thirty (30) days, then the Association shall have the right to enforce said noncompliance as provided herein and in the Declaration.

2. SITE REQUIREMENTS

2.1 Set Back Lines

A. All Homes and Structures erected or constructed, except those on Rosewood Lane, shall conform with the set back lines in the front yard at forty (40) feet, the side yard at twenty (20) feet and the rear yard at thirty-five (35) feet. The Homes and Structures erected or constructed on Rosewood Lane shall have set back lines in the front yard at forty (40) feet, the side yard at thirty (30) feet and the rear yard at thirty-five (35) feet. Set back lines are measured from the Lot line to the slab and rear set back lines, if any, are measured from the pool deck. If there is no pool, the setback line shall be fifty (50) feet to the slab. All corner Lots shall be considered to have two front setbacks, one rear and one side setback. The rear and side setbacks shall be determined by the ARB.

2.2 Grading

A. No changes in the elevations of any Lot or right-of-way shall be made which will interfere with approved drainage or otherwise cause undue hardship to adjoining property or the Golf Course, Common Areas or easements unless approved by the ARB. If a Lot adjoins a lake or similar body of water, the drainage flow must be towards the road or to the rear set back line of said Lot.

2.3 Driveways

A. Driveways and off-street parking areas installed on or after June 10, 2015, shall be constructed of concrete or pavers as approved by the ARB. Written approval of the color and design of the driveway must be obtained from the ARB prior to any alteration.

B. Driveways must be well maintained in addition to being kept clean and stain free.

2.4 Equipment Screening and Visibility of Other Miscellaneous Items

A. All air conditioning equipment, pool pumps and heaters, water softening devices, or other ancillary or mechanical equipment shall be screened (buffered) from view so as not to be visible from any Lot, roadway or Golf Course. The screening must be of a height, at the time of installation, to act as a sufficient buffer. All screening must be approved by the ARB.

B. Trash, garbage, and recyclables shall be kept only in containers provided by Collier County's trash and recycling company, which shall be kept in a clean and sanitary condition and screened (buffered) from view so as not to be visible from any roadway or Golf Course, except when out for pick-up. Yard waste should be placed in separate containers no larger than 35 gallons and weighing no more than 50 pounds when filled or placed in paper bags. Bundles should be no longer than four (4) feet in length, no branches thicker than four (4) inches in diameter and no more than ten (10) bundles or containers. No plastic bags are allowed. Recycle bins, landscape waste, and trash shall not be put on the curb for pick-up prior to 6:00 p.m. the night before the scheduled pick-up and shall be removed from the curb no later than 6:00 p.m. the day of pick-up. All trash, garbage and other waste containers kept outside shall be equipped with a cover to prevent animals from entering the container. No garbage incinerators shall be permitted. If Collier County imposes additional requirements, those requirements will be treated as if they had been approved by the ARB for inclusion in this document.

C. No antenna of any kind shall be placed or erected upon any Lot or affixed in any manner to the exterior of any Home other than a satellite dish less than one (1) meter in diameter which may be installed only at a location on a Lot approved by the ARB. In approving the installation and location of any antenna the ARB shall comply with all applicable laws, whether state or federal (see 8.2 in Protective Covenants).

2.5 Fences, Buffers, Walls & Screen Enclosures

A. No landscaping, hedges, fences, buffers, walls or other structural screens or other obstruction shall be constructed at, or near the boundaries of the Golf Course, or block another owner's view of the golf course. Pool fences and screen enclosures must be properly permitted by Collier County and in compliance with the Collier County and the State of Florida Pool Fence Code. All approved Fences, Buffers, Walls & Screen Enclosures, required landscaping, and gates must be kept in good working and clean condition. Any fence, buffer, wall, or screen enclosure that is not properly maintained, in the eyes of the ARB, will require correction. Construction plan submissions must include:

1. A pre-construction site layout survey (PDF) for review by the ARB prior to installation. Pool fences may be extended outside the pool deck as much as 10 feet behind and 10 feet to each side though in no cases closer than 10 feet from the side property lines, and no closer than 30 feet from the rear property line, and no closer than 60 feet from the front property line. Landscape plant material is required for the entire outside length of the fence trimmed at the finished height of the fence, except where gates are installed, and must be two-feet (2') or higher planted height when installed. In no instance may a pool screen and expanded fence be combined.

2. A fence cut sheet, indicating dimensions, design, color, and a picture must be submitted. Pool fence's may only be constructed of aluminum in bronze, white or glass and no higher than as required by and permitted by Collier County Code and the State of Florida. No Chain-link, PVC plastic, steel, wood fences or other fence materials are permitted.

3. Approval of the plans will be determined by the ARB and if approved, upon completion, a finished survey (PDF) must be submitted for the Association's records within 30 days of installation.

B. Electronic Buried-Wire Dog Fence (Invisible Dog Fence) are to be installed (buried wire/cable) no closer than ten (10) feet from property lines on the back (golf course) and sides of the property, and twelve (12) feet in from the street (or roadway). Two (2) small manufacturer's signs or generic "Dog(s) Contained by Invisible Fence" signs are permitted: white background with black lettering, no larger than ten (10) inches wide and seven (7) inches high or seven (7) inches wide and ten (10) inches high. One sign to be placed in the front of the property and one sign on the back of the property. The signs shall be placed approximately fifteen (15) feet from the front and rear property lines, easily noticeable from the street or golf course, and kept clean and legible. Perimeter training flags must be removed after training is complete or no later than thirty (30) days. If training is interrupted for a period of time, the flags must be removed until training resumes. The electronic buried wire dog fence, dog collars and batteries must be maintained and kept in proper working order.

2.6 Outside Lighting

A. Outside lighting shall be mounted on a Home or on the ground or on the landscape in such a manner to avoid objectionable light shining on adjacent Homes.

B. Low intensity lighting which does not unreasonably disturb any Owners or other Occupants is permitted.

C. Landscape lights installed on the ground or on landscaping shall be screened (buffered) so as to be concealed during daylight hours.

D. Christmas lighting and decorations are permitted beginning two weeks prior to Thanksgiving Day through two weeks into the new year. Decorations for other holidays are permitted to be installed two weeks prior to a holiday and must be removed within two weeks after the holiday.

E. All outdoor lighting must be kept clean, free of stains, and in proper working order.

3. DWELLING REQUIREMENTS

3.1 Design

A. Homes shall be designed in a manner to harmonize with existing residences in Quail Creek.

B. In order to maintain the individual custom residence character of the community, no Home may be designed or constructed using a plan or elevation matching any existing Home.

3.2 Floor Area

A. The floor area of any Home constructed on any Lot shall contain not less than 3,500 air-conditioned square feet of living area except for Homes located on Rosewood Lane shall contain not less than 4,000 square feet of air-conditioned living area.

B. The living area shall be defined as the portion of the Home which has finished walls, ceilings and floors and which is insulated, centrally heated and air conditioned, plus a minimum of a two-car garage. The floor space within the garage, breezeway, porch, or any unfinished area shall not be included within the living area for purposes of determining the minimum required area. Window and wall air conditioners are not permitted.

C. The method of defining square feet of living area shall be to multiply the interior dimensions of the Home at each floor level.

3.3 Building Height

A. No Home shall exceed the maximum height allowed in RSF 2 zoning. Height is calculated from the slab to the center line of the roof measured between the fascia and ridge board.

3.4 Garages

A. Each Home shall have an attached garage which shall accommodate a minimum of two (2) full sized automobiles.

B. All garages shall contain an automatic door opening device for all garage doors.

C. All garages shall be side entry only with no doors facing the street address of the Home.

D. Garage doors shall be kept in a closed position when not in use for ingress and egress.

E. No garage shall be enclosed or converted to other use, including residential use, without the approval of the ARB, which said approval must require construction of another garage on the Lot meeting the requirements of these Criteria.

F. Garages must be connected to the house by a roof line or wall matching the same material as used on the roof or house walls.

3.5 Exterior Walls

A. No Home shall have exposed structural block on the exterior walls. Imitation brick & imitation stone face may be permitted with ARB review and approval.

3.6 Roof

A. No flat or built-up roofs are permitted on any Home. A flat roof shall mean horizontal or nearly horizontal. All roofs subject to approval must be constructed having a pitch of not less than four inches (4") of rise for each twelve inches (12") of run (as the angle of slope increases, so the pitch is said to increase slightly).

B. Roof replacements must be submitted, reviewed, and formally approved in writing by the Architectural Review Board prior to beginning the project.

C. Roofs must be kept clean and free of stains. Periodic cleaning is the responsibility of the Owner, cleaning includes pressure washing and/or chemical treatments. Broken or discolored concrete tiles, or metal roofing that has damage; scratches, fading, oil canning, corrosion, or coating failure must be repaired or replaced at the owner's expense.

3.7 Recreational Facilities and Yard Maintenance Equipment

A. No Recreational Facilities may be installed by an Owner or Tenant without an approved Application. The following conditions apply to approved Recreational Facilities:

1. They must be adequately landscaped (buffered) so it is reasonably screened from the roadway, the adjoining neighbors' yards, and Golf Course.

Exhibit P

Quail Creek COUNTRY CLUB

MENU



A COMMUNITY OF PEOPLE WHO LOVE LIFE

ABOUT

CONNECT WITH US

At Quail Creek, we pride ourselves on being one of the first full-service, member-owned golf and country clubs in Naples. Nestled within the Quail Creek Estates community, our 291 estate-sized homes surround our two, 18-hole Arthur Hills, championship golf courses. The lush, mature trees and carefully curated landscaping add to the ambiance, creating a serene haven that distinguishes Quail Creek from other clubs in Southwest Florida.

Discover a plethora of activities for every family member and indulge in a vibrant social scene and member events, which further enrich the community experience.

R

"seamlessly blends luxury with nature's wonders."

GOLF IN PARADISE

GOLF

Nestled in the heart of Naples, Florida, Quail Creek Country Club offers an unparalleled golfing experience that seamle[s] CONNECT WITH US [e]'s wonders. Golf enthusiasts are welcomed to an environment wi[th] [a]menities like [a] Arthur Hills-designed championship holes, 5 putting areas, chipping bunker, and a short game range, ensuring players can refine their skills with precision. The club boasts a state-of-the-art driving range for those seeking to perfect their long game. The walkable courses, certified by the Audubon Society, immerse players in the natural beauty of their surroundings, complemented by guided course tours highlighting the diverse flora and fauna, including the rare presence of fox squirrels—found in only three locations nationwide. Birdhouses dot the landscape, providing shelter for a variety of avian residents. Nature enthusiasts may encounter gators, deer, and even bears, further enhancing the club's commitment to creating a golfing sanctuary harmoniously shared with Florida's rich wildlife.

YOUR DAILY ESCAPE

QUAIL COURSE

Discover the tranquility of the Quail Course, a shorter yet equally captivating option for golfers. Member-friendly in its design, this course provides a delightful challenge amid the peaceful sanctuary of our natural surroundings.

COURSE INFO | SCORECARD

EMBRACE THE CHALLENGE

CREEK COURSE

4:43 1 of 1 72

Quail Creek
COUNTRY CLUB

MENU



Discover the tranquility of the Quail Course, a shorter yet equally captivating option for golfers. Member-friendly in its design, this course provides a delightful challenge amid the peaceful sanctuary of our natural surroundings.

COURSE INFO

SCORECARD

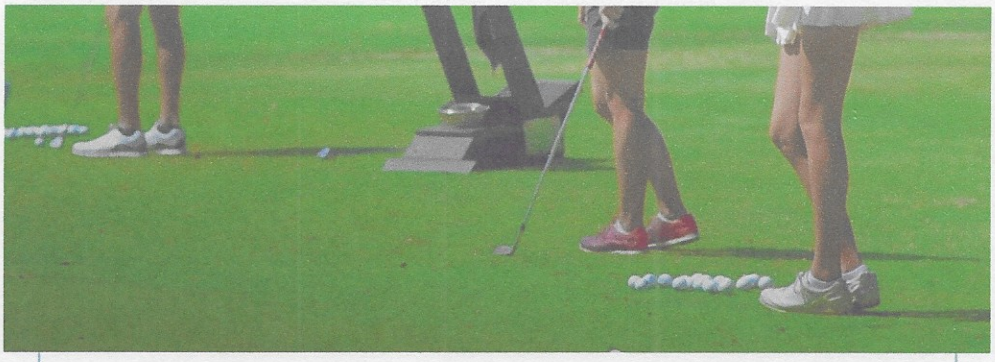
CONNECT WITH US

EMBRACE THE CHALLENGE

CREEK COURSE



quailcreekcc.com



Immerse yourself in the harmonious blend of sport and nature at Quail Creek Country Club, where our 36 holes of championship golf are seamlessly woven into the serene tapestry of the Audubon Society-certified grounds. Designed by the renowned Arthur Hills in 1981, our Creek and Quail Courses offer a golfing experience like no other.

TAKE A TOUR

SCORECARDS

Signature Experiences

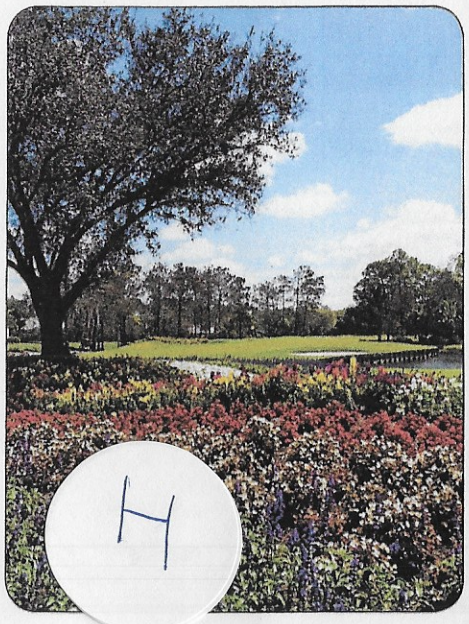
Exhibit Q

Quail Creek Country Club
Course Map

13300 Valewood Drive
Naples, FL 34119
239-597-2831
quailcreekcc.com
facebook.com/quailcreekcc

Quail Course

Creek Course



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Quail Creek Country Club
13300 Valewood Dr
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Image © 2025 Airbus
Imagery Date: 3/13/2024

Exhibit R

Quail Creek Estates
Property Owners Association

About Us

Quail Creek Estates

Unparalleled in Southwest Florida, Quail Creek Estates is a premier North Naples private gated community of 291 upscale and unique, custom-built single-family homes on 640 acres. The homes are featured on large lots of almost one acre, providing privacy as well as spectacular golf and lake views rarely found in Naples. Quail Creek Estates is an established, fully built neighborhood with a community association and 10 miles of beautifully landscaped streets. Residents also enjoy a state-of-the-art, end-to-end fiber optic network which provides dedicated, ultra-fast internet speeds and associated high-end services to the Community.

The Estates is the perfect neighborhood for young and mature families who enjoy a friendly, relaxed lifestyle. Enjoy convenient access to country club living through optional membership at Quail Creek Country Club. Two 18-hole golf courses, tennis, bocce, fitness and spa facilities plus superb dining are a short walk or golf cart ride away. The Estates is conveniently located with easy access to Naples' finest shopping, dining and healthcare facilities and Southwest Florida International Airport.

Quail Creek Estates is one of the most desirable single-family gated communities in Naples.

The Benefits of Ownership

A spacious, tranquil neighborhood and friendly people, this is truly an exceptional single-family gated community. The Estates at Quail Creek is conveniently located near Interstate 75 with easy access to Naples' finest shopping, dining and healthcare facilities and the Southwest Florida International Airport.

At the private, strictly controlled entrance, the gatehouse staff provides 24-hour monitoring for access to the community plus a mobile patrol. The Property Owners Association is well-managed and provides numerous benefits to the community.

Search the internet or Skype with family and friends at the speed of light. A state-of-the art fiber-optic network offers increased bandwidth for ultra fast internet connections, clearer phone conversations, data transfers, videos, television reception and home security and monitoring systems.

The Estates and the country club fairways, ponds and woods provide a natural habitat for families of river otters and ducks and Bald Eagles, Swallow-tailed Kites Red-tailed Hawks, Osprey, Great Blue Herons, Snowy Egrets and Anhingas.

Enjoy the Southwest Florida weather, walk or bike the quiet streets, play tennis and golf, get a relaxing massage, dine, play, party, exercise or just relax and discover the lifestyles of The Estates.

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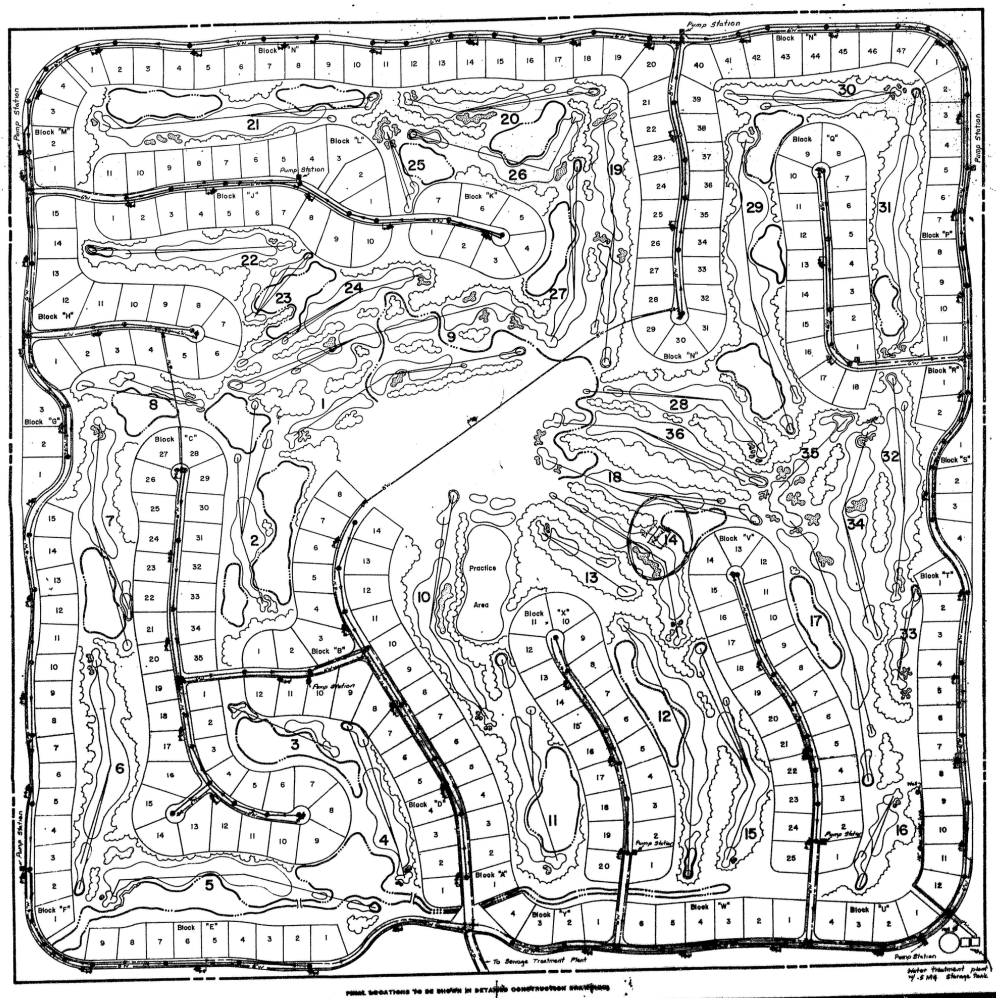
Exhibit S



Master Plan
QUAIL CREEK

North

Scale: 1" to 200'
Date: March 1981

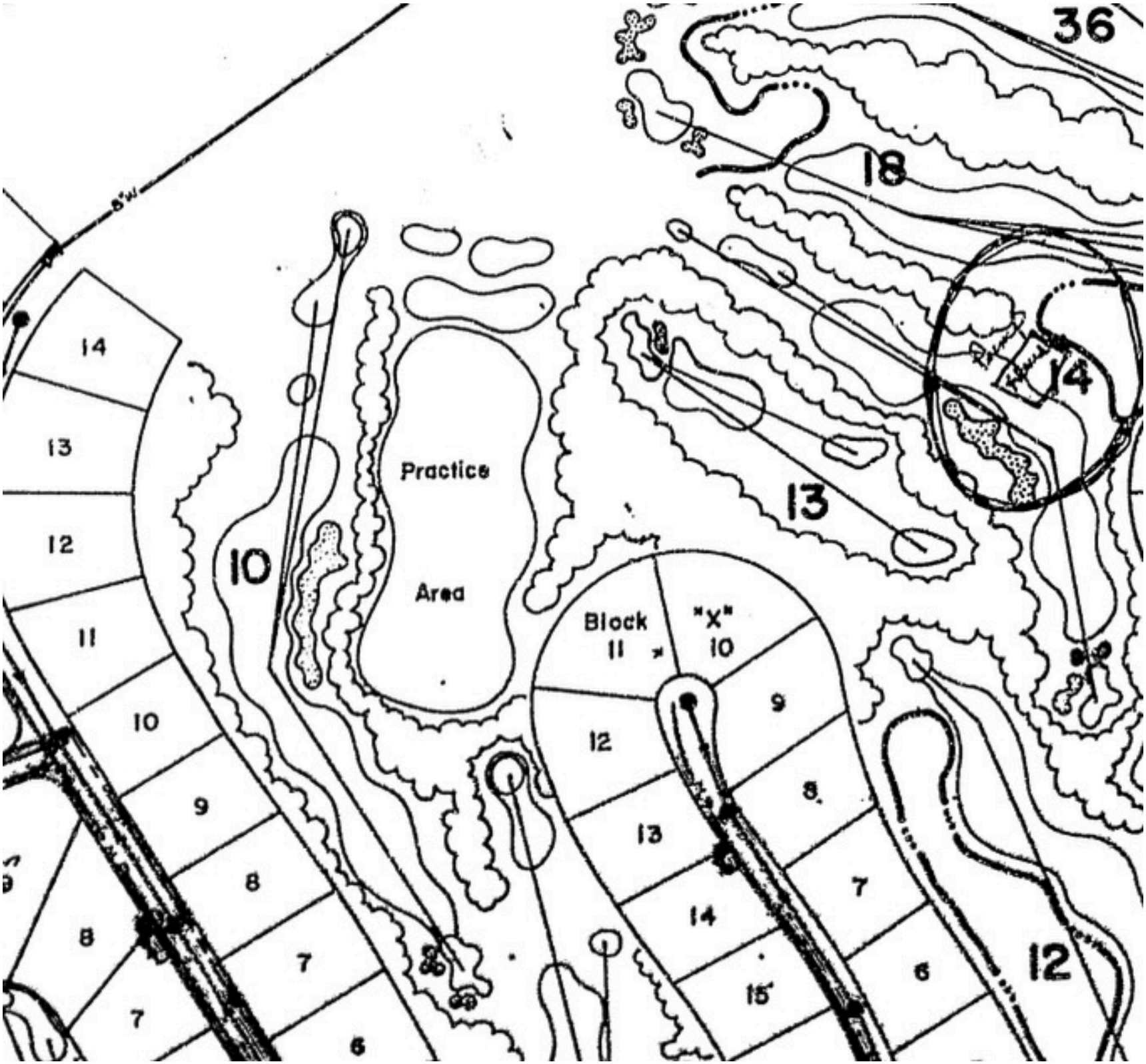
Henry Fliess and Partners	Design Consultants
Robert E. Forsythe, AIA	Architect
Arthur Hills and Associates	Golf Course Architects
Vines and Associates, Inc.	Land Planners
Wilson, Miller, Barton, Soil and Peek, Inc.	Engineers

- SEWAGE PUMP STATION
- SEWAGE FORCEMAIN
- SEWER MANHOLE
- GRAVITY SEWER WITH DIRECTION OF FLOW
- WATERMAIN WITH VALVE
- FIRE HYDRANT
- POTABLE WATER SUPPLY

PRINTED BY BLUELINE INC.
APR 2 1981

DATE 2-81
SCALE 1" = 200'
REVISIONS
DRAWN
CHECKED

FOR: QUAIL CREEK DEVELOPMENT
QUAIL CREEK COUNTRY CLUB
MASTER PLAN
POTABLE WATER DISTRIBUTION & SANITARY SEWER COLLECTION
WILSON • MILLER • BARTON • SOLL & PEEK, INC.
ENGINEERS & SURVEYORS NAPLES, FLORIDA
PROJECT 16853 SHEET 1 - 1 FILE M, P. - 7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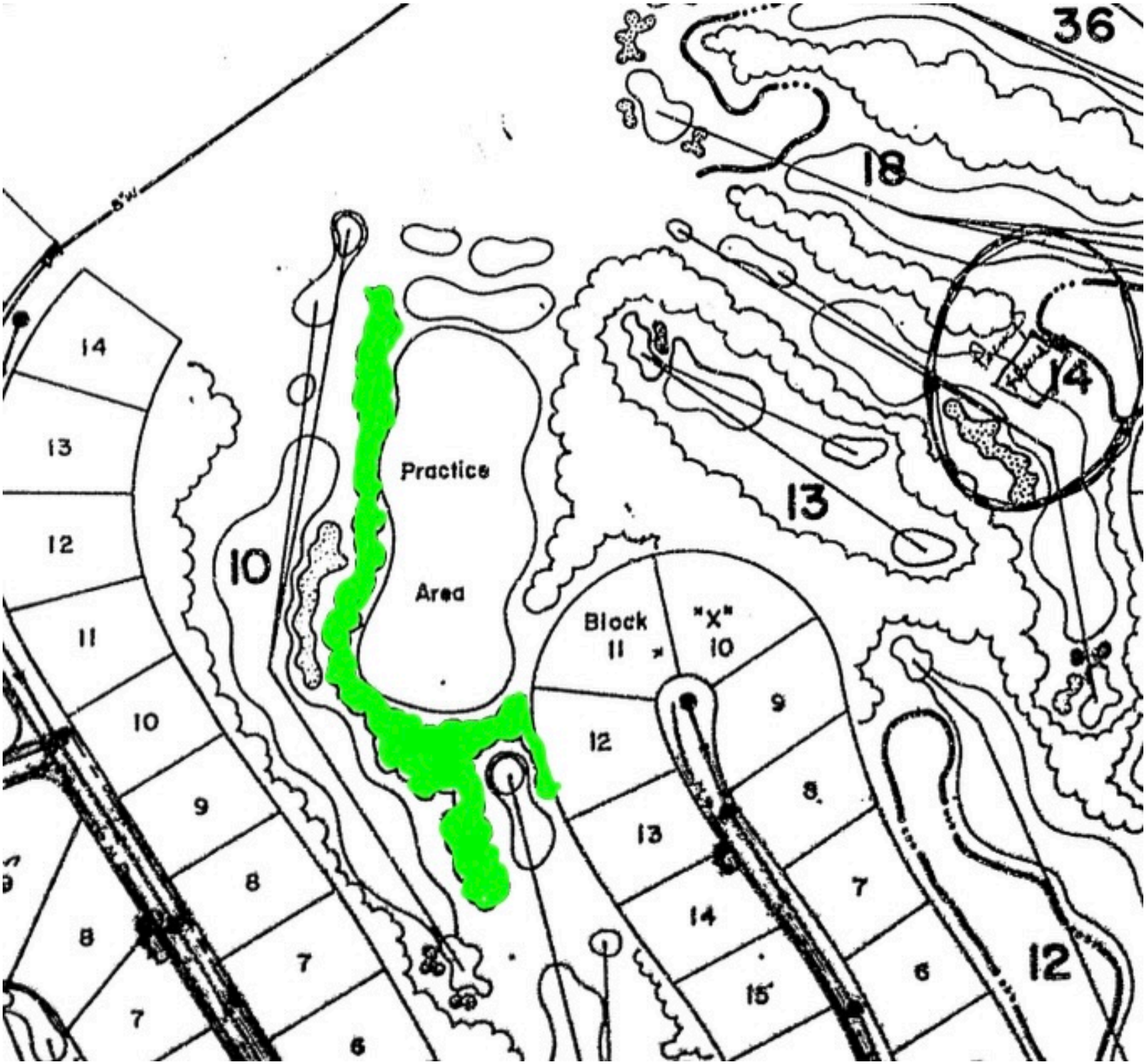
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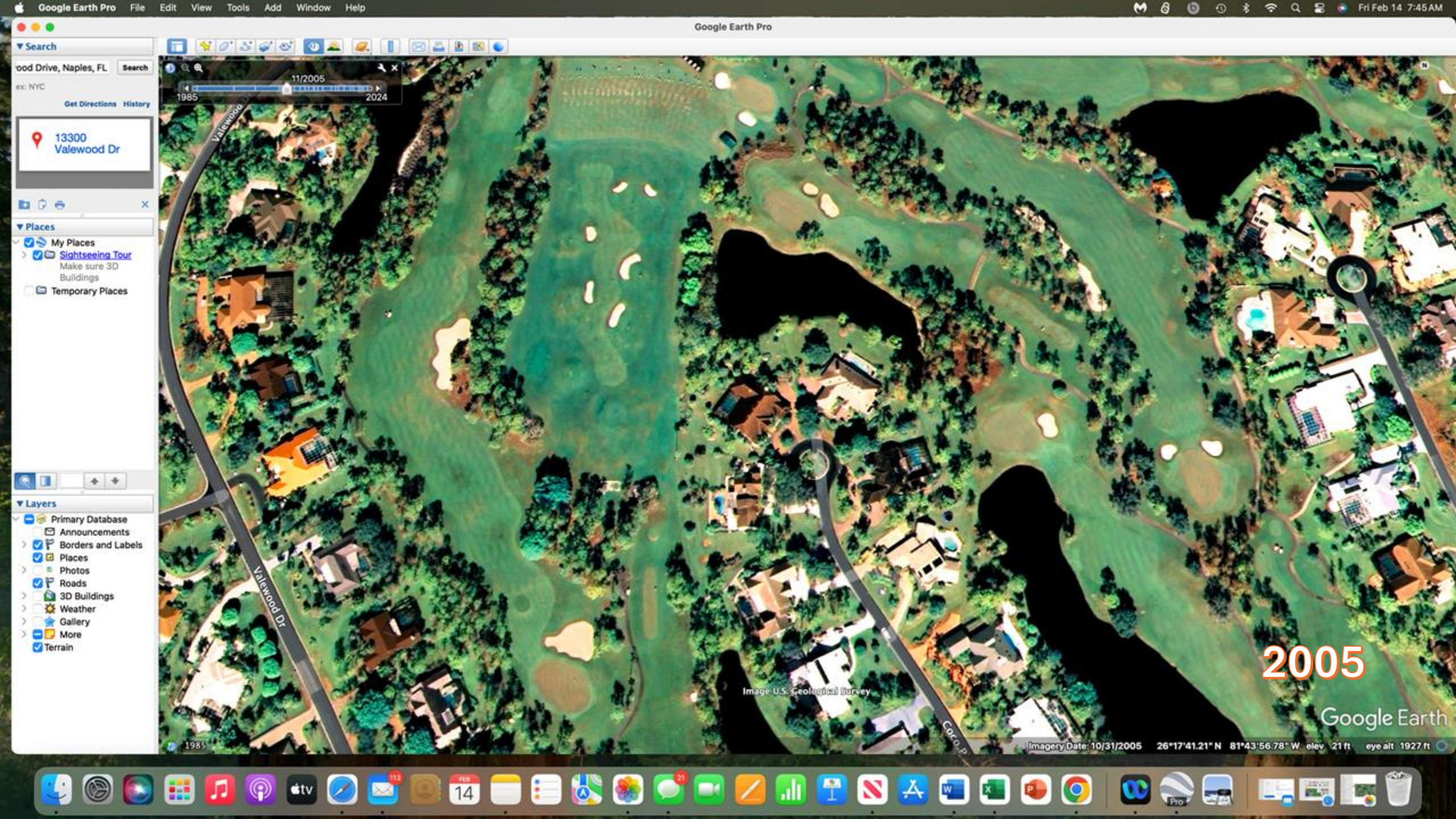
Exhibit T


From 13033 Coco Plum Lane looking toward driving range--2011

QUAIL CREEK COUNTRY CLUB TREE REMOVAL OVER TIME

BARRIER TREES BETWEEN DRIVING RANGE AND CREEK HOLE #10

GOOGLE EARTH PRO VIEWS FROM 2003-2024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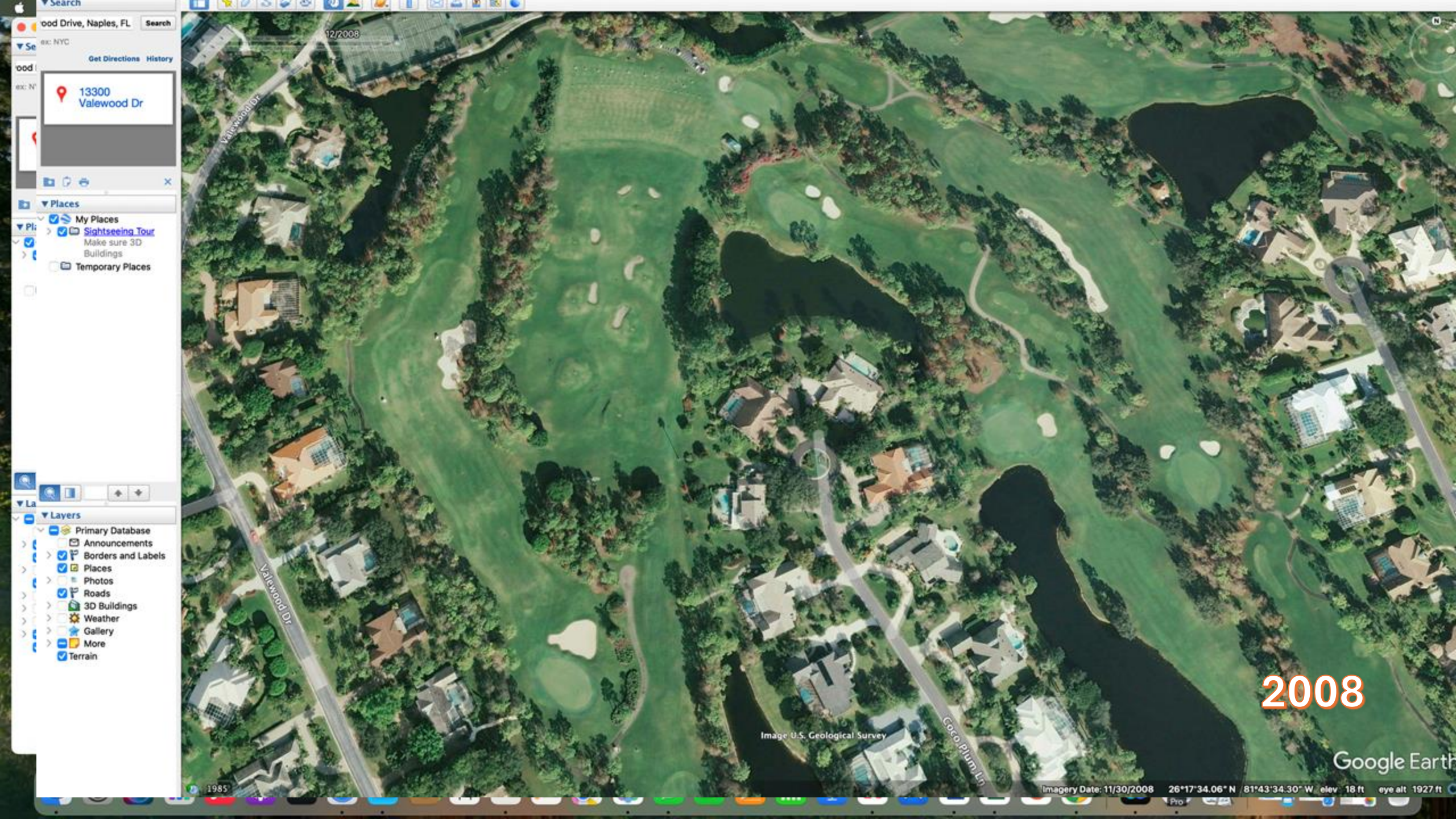
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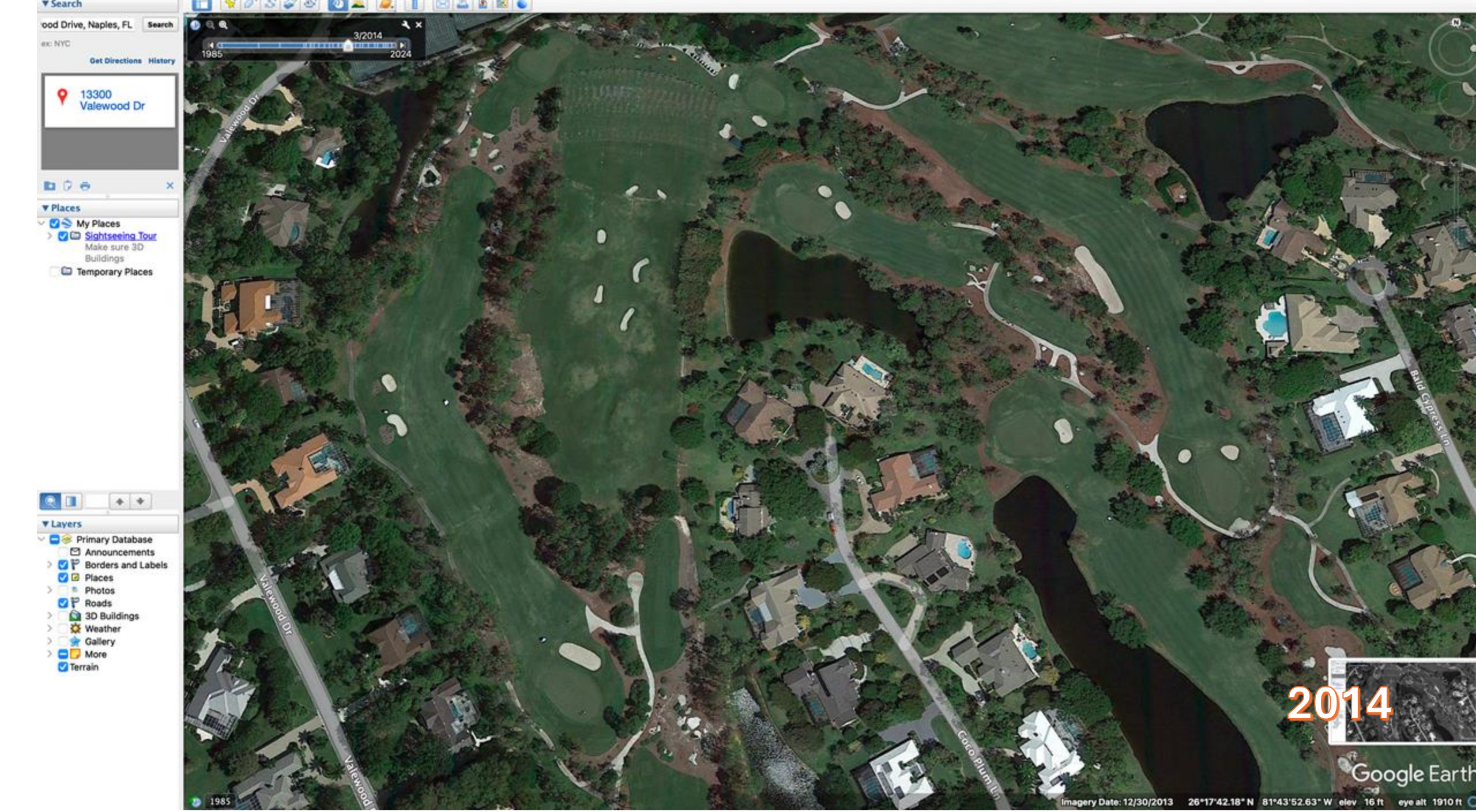
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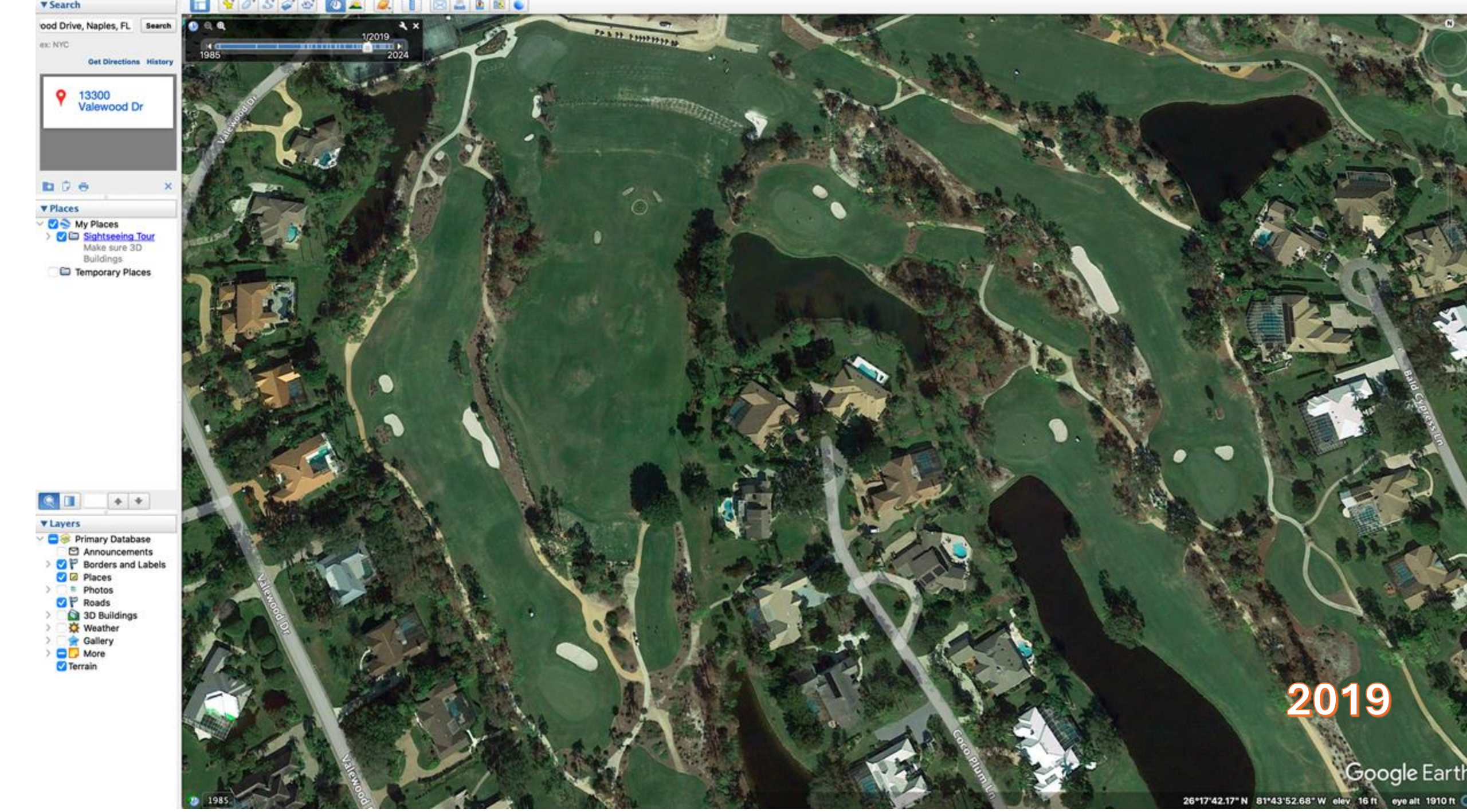
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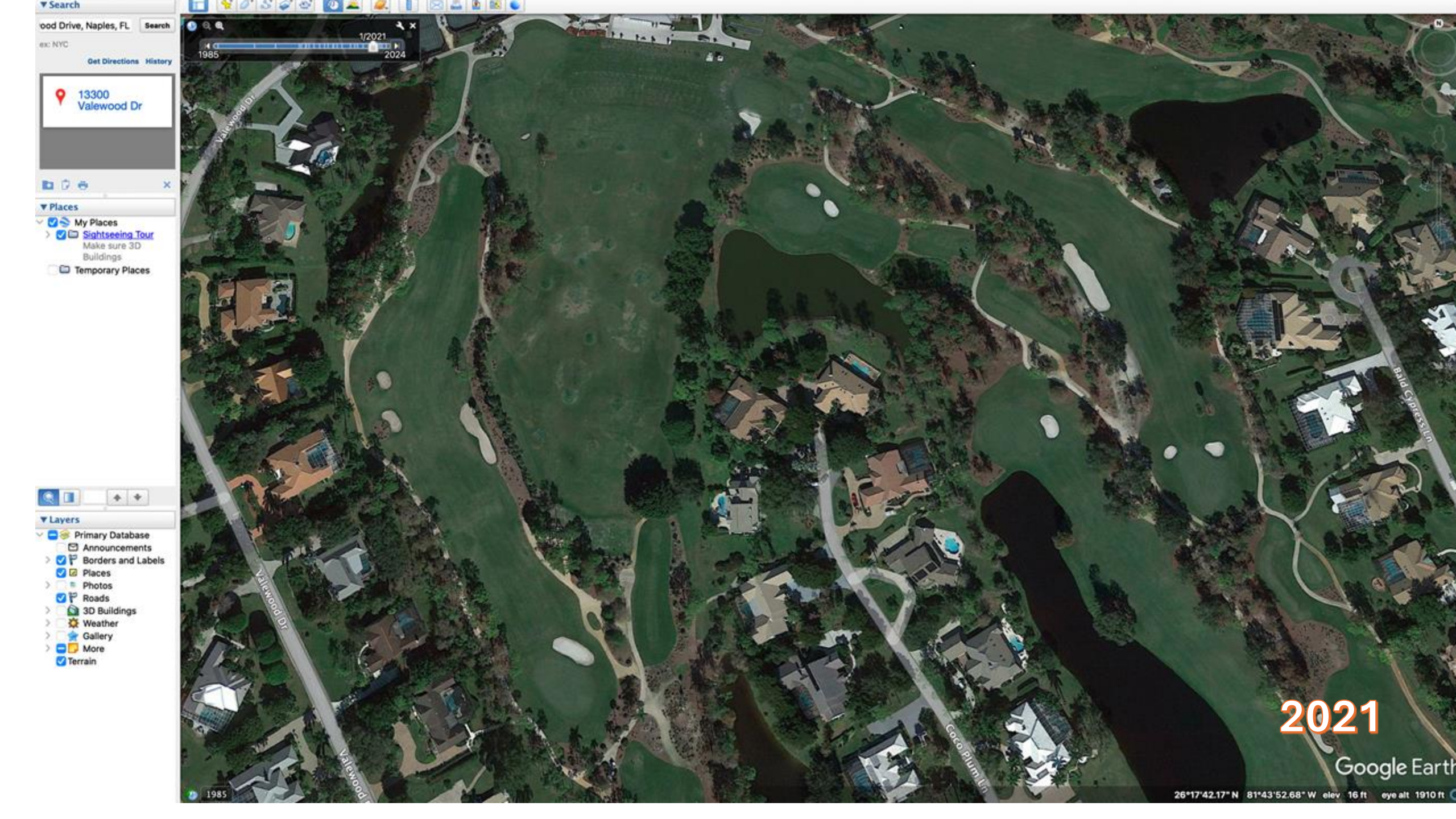
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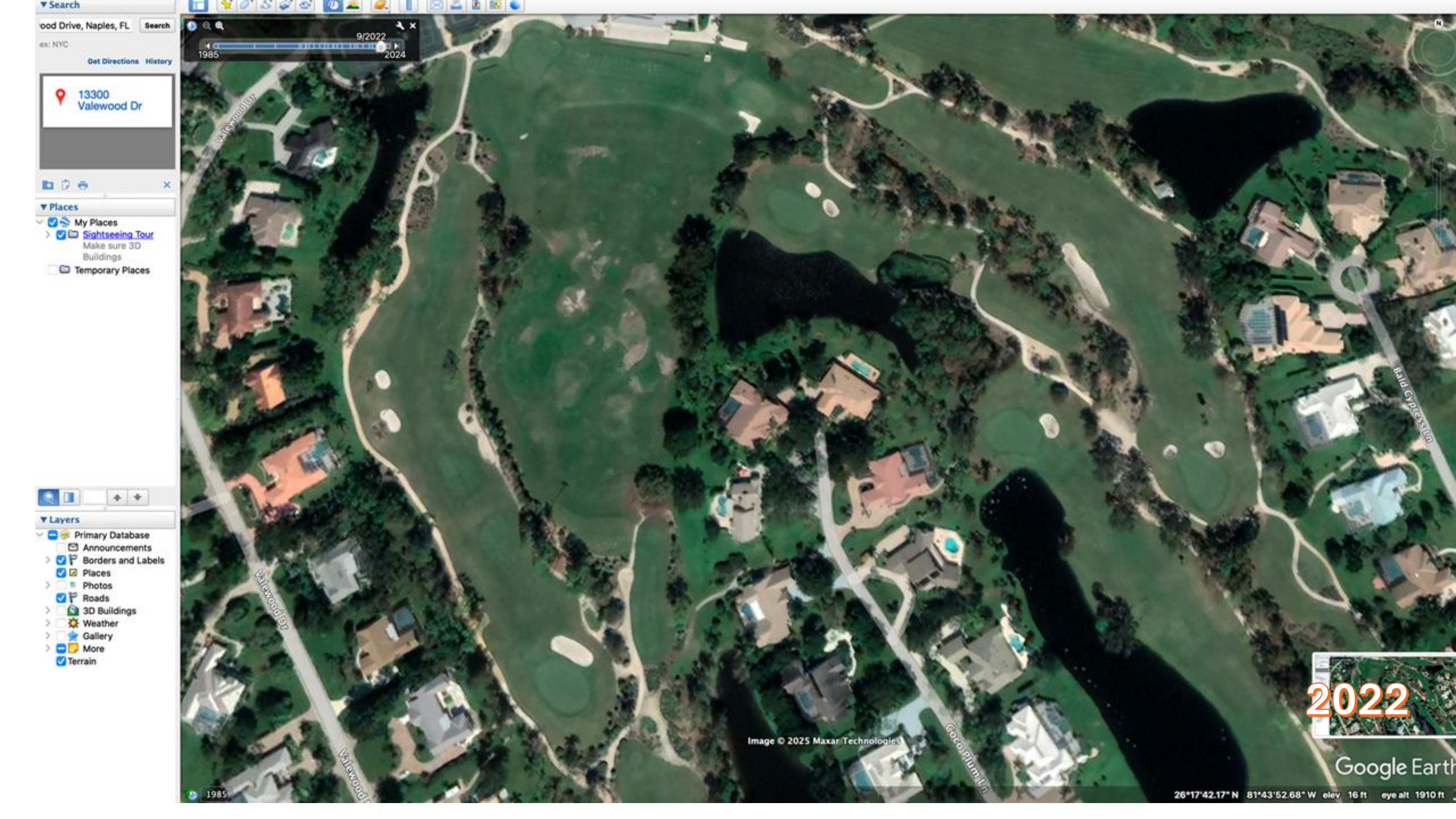
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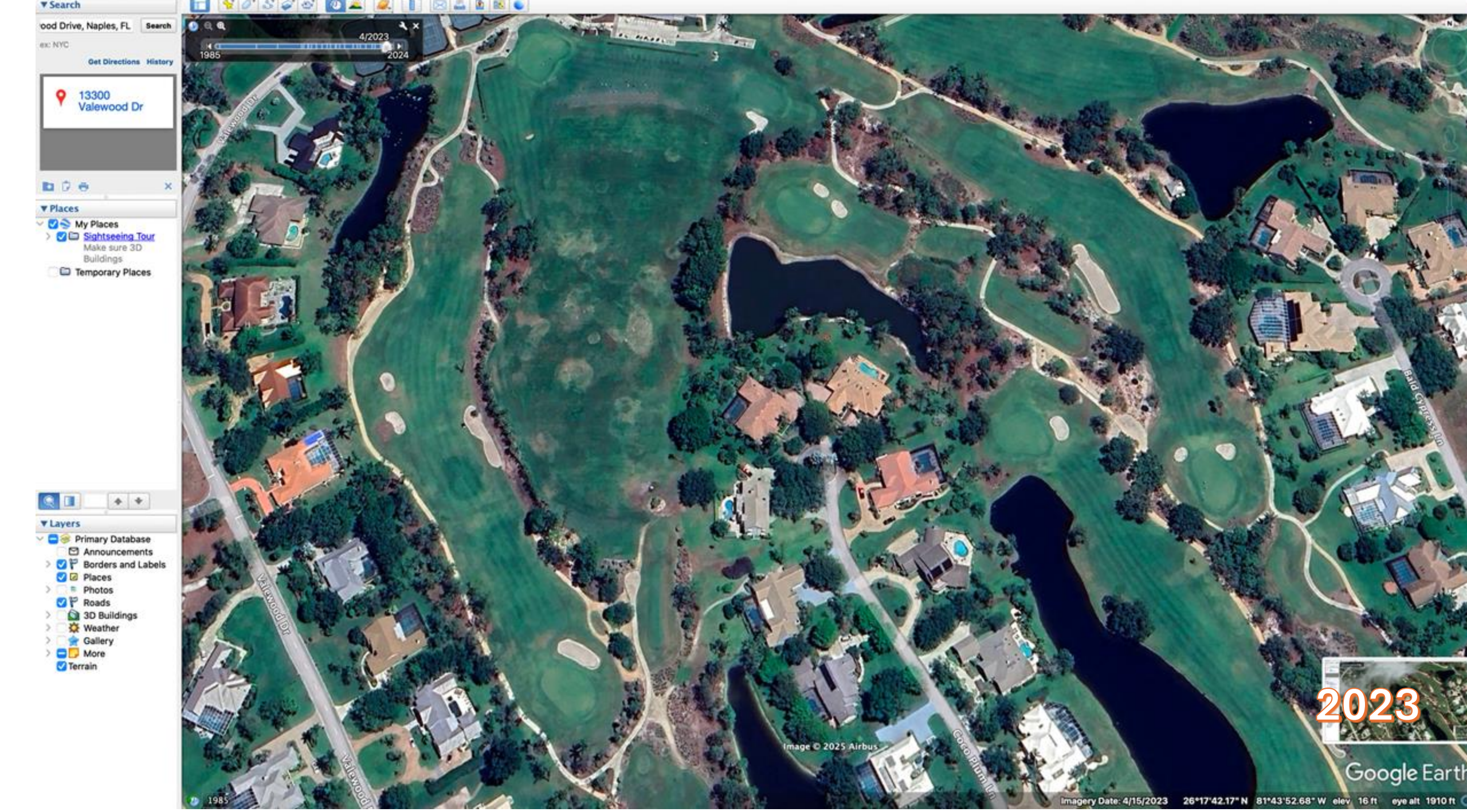
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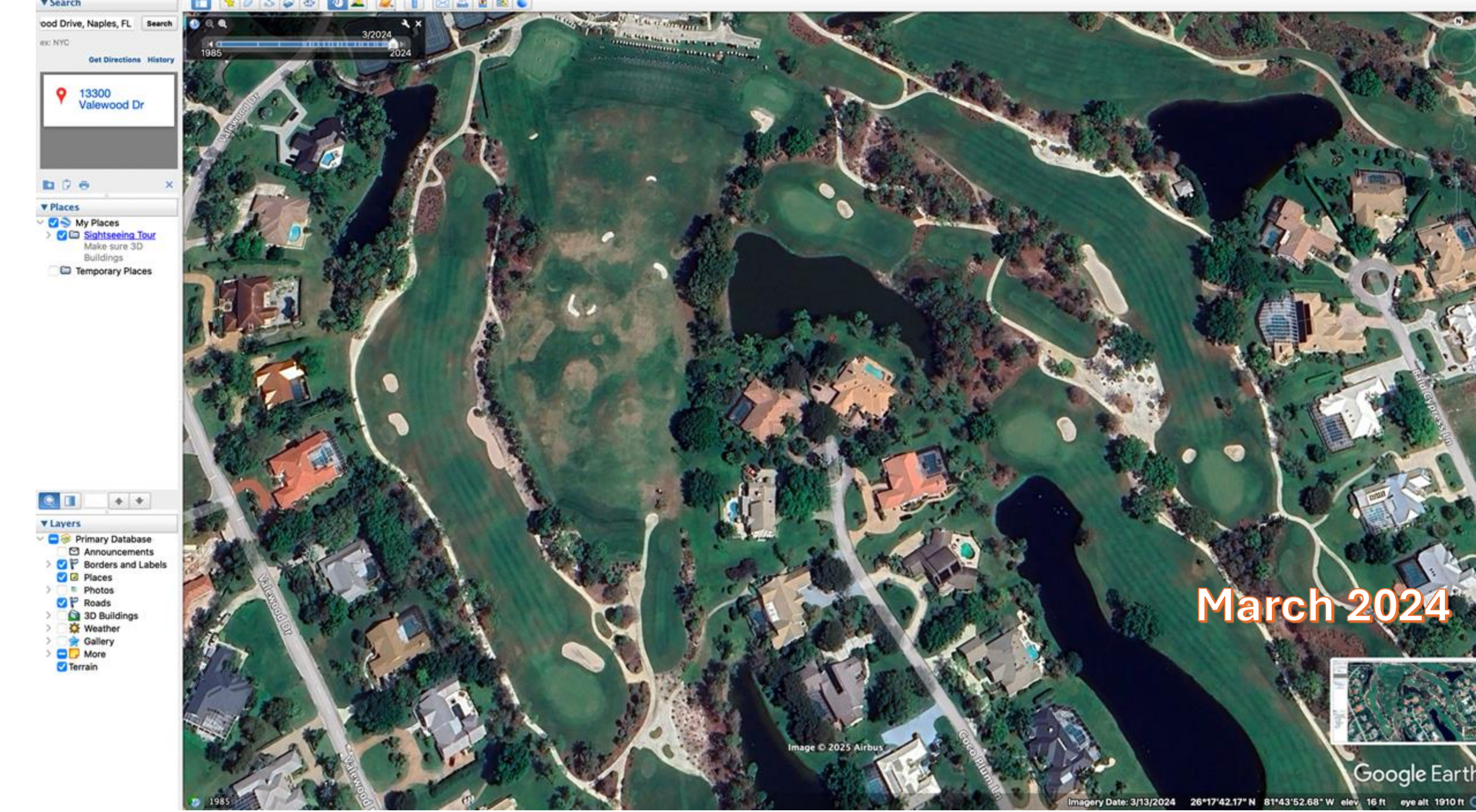
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March 2024

Exhibit V




Existing Poorly Maintained Fence Between Driving Range and Hole 10

Showing Poorly Maintained Existing Fence



Showing Gapping and Drooping Existing Fence Between Driving Range and Hole 10







Exhibit W

ID FOUNDATION SCHEDULE

	POLE SIZE		"S"	SPLICE DETAIL	FOUNDATION	
	DIAMETER	WALL THICKNESS			DIAMETER	EMBEDMENT
	12.75" — 16"	.281" — .312"	.281"	DETAIL 1 ON SHEET S1.2	• 3'-0"	• 12'-0"
	10.75"	.252"	N/A	N/A	2'-0"	12'-6
	8.625"	.221"	N/A	N/A	2'-0"	7'-6"

STANCES ABOVE THE FINISHED GRADE

SHED GRADE AND NOT ABOVE THE LOWER PLAYING DECK.

UM, SEE PLAN

OLLAR REQUIRED AT POLE TYPE A, SEE (3 / S01)

POLE LOCATIONS BE SURVEYED AND MARKED PRIOR TO ANY
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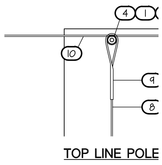
E NOT CONTRACTED TO PROVIDE A TRAJECTORY (BALL
THESE SETS OF PLANS WERE DETERMINED BY THE OWNER AND
OMPANY IS NOT RESPONSIBLE BALLS NOT CONTAINED BY THIS
EIGHTS AND BALL TRAJECTORY, CONTACT PROJECT OWNER.

N DRAWINGS ARE THE PROPERTY OF ENGEL & COMPANY, INC., ENGINEERS AND ARE
ND ACTION SPORTS SPECIFICALLY FOR THE GOLF NETTING BARRIER PROJECT AT QUAIL
FL. ALL REPORTS, PLANS, SPECIFICATIONS, FIELD DATA, NOTES AND OTHER
ELECTRONIC MEDIA, PREPARED BY ENGEL & COMPANY, INC. ARE INSTRUMENTS OF
OF ENGEL & COMPANY, INC. WHO SHALL RETAIN ALL COMMON LAW, STATUTORY LAW
DRAWINGS SHALL NOT BE DUPLICATED, MODIFIED, OR USED WITHOUT PRIOR WRITTEN

PART SCHEDULE (EQUAL OR EXCEED)

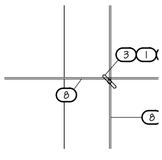
1. ¾" GALV. D.A. BOLT w/ NUT
2. PL3x¼ x 0'-3" GALV. CURVE WASHER
3. ¾" GALV. THIMBLEYE NUT

DETAIL A



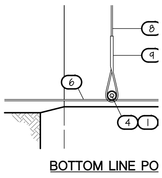
TOP LINE POLE

DETAIL B

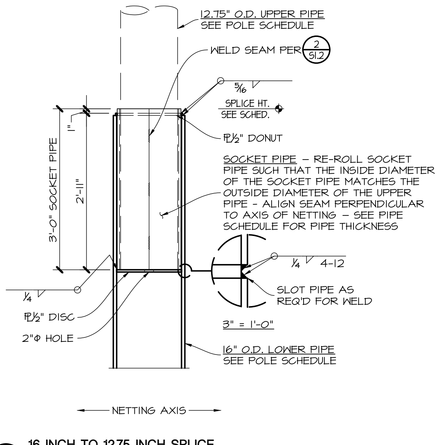


INTERMEDIATE LINE

DETAIL C



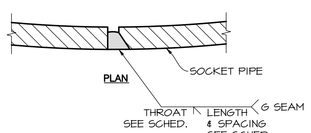
BOTTOM LINE PO



1 DETAIL — 16 INCH TO 12.75 INCH SPLICE

SEE SCHEDULE FOR SPLICE LOCATIONS

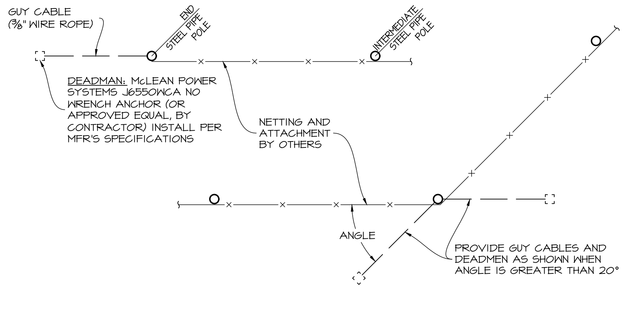
3/4" = 1'-0"



SEAM WELD SCHEDULE			
SOCKET SPLICE THICKNESS	MIN. THROAT REQUIRED	WELD LENGTH	WELD SPACING
.375" WALL AND SMALLER	1/4"	3"	12" O.C.
.500" WALL	3/8"	4"	12" O.C.
.625" WALL	7/16"	4"	12" O.C.
.750" WALL	1/2"	4"	12" O.C.

2 DETAIL — SINGLE SEAM WELD

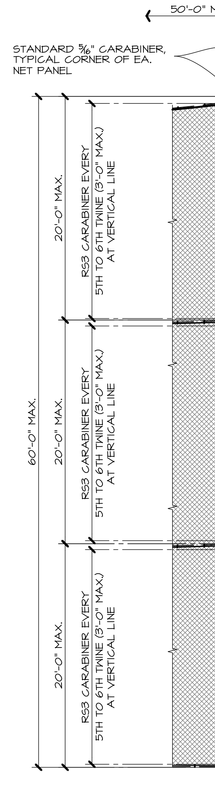
N.T.S.



PLAN

3 DETAIL — LOCATION OF BRACING GUY CABLES

1/16" = 1'-0"



4 DETAIL — NETTING ATTACHMENT

D. Garrett Construction, Inc.
4933 North Tamiami Trail, Suite 300
Naples, FL 34103
(239) 643-2900

ACTION sports netting, inc.
1511 S.W. Mockingbird Circle
Port St. Lucie, FL 34986

coastal Netting • Steel Pole • Company
2933 Sixteenth Street
Bakersfield, California
(661) 631-1582

DATE	ISSUED FOR

Fair Princeton netting\24973 - dual creek country club\Drawings\24973512.dwg layout 24973512 scale: 1 by RAG date: 5/17/2024 7:32 AM

Exhibit X


Tee Expansion Area
Main Tee Box
New Tee Box
13057 Coco Plum Lane
13033 Coco Plum Lane
©WFLAMLS


View from Coco Plum Lane Homes



View of Valewood Drive Home from Driving Range



View of Coco Plum Lane Homes from Driving Range



View from Coco Plum Lane


View from Valewood Drive Homes


View from Valewood Drive Homes


View from Valewood Drive Homes



13056 Valewood Drive “Before”


Valewood Dr
STOP
Taken at a distance of approximately 525 feet from pole installation
13056 Valewood Drive



13056 Valewood Drive


13056 Valewood Drive



View from Interior of a Valewood Drive Home



A Valewood Drive Home “Before”


A Valewood Drive Home


A Valewood Drive Home



View onto Valewood Drive Homes
“Before”


View onto Valewood Drive Homes



View onto Valewood Drive Homes

Exhibit X

continued



13056 Valewood Drive “Before”


13056 Valewood Drive


13056 Valewood Drive


13156 Valewood Drive


1156 Valewood Drive


13156 Valewood Drive “Before”


13156 Valewood Drive


13156 Valewood Drive



View from 13057 Coco Plum Lane Dining Room and Living Room


13002 Valewood Drive



View from Coco Plum Lane Homes

“Before”


View from Coco Plum Lane Homes


View from Coco Plum Lane Homes


13033 Coco Plum Lane
SWFLAMLS



13033 Coco Plum Lane



13033 Coco Plum Lane

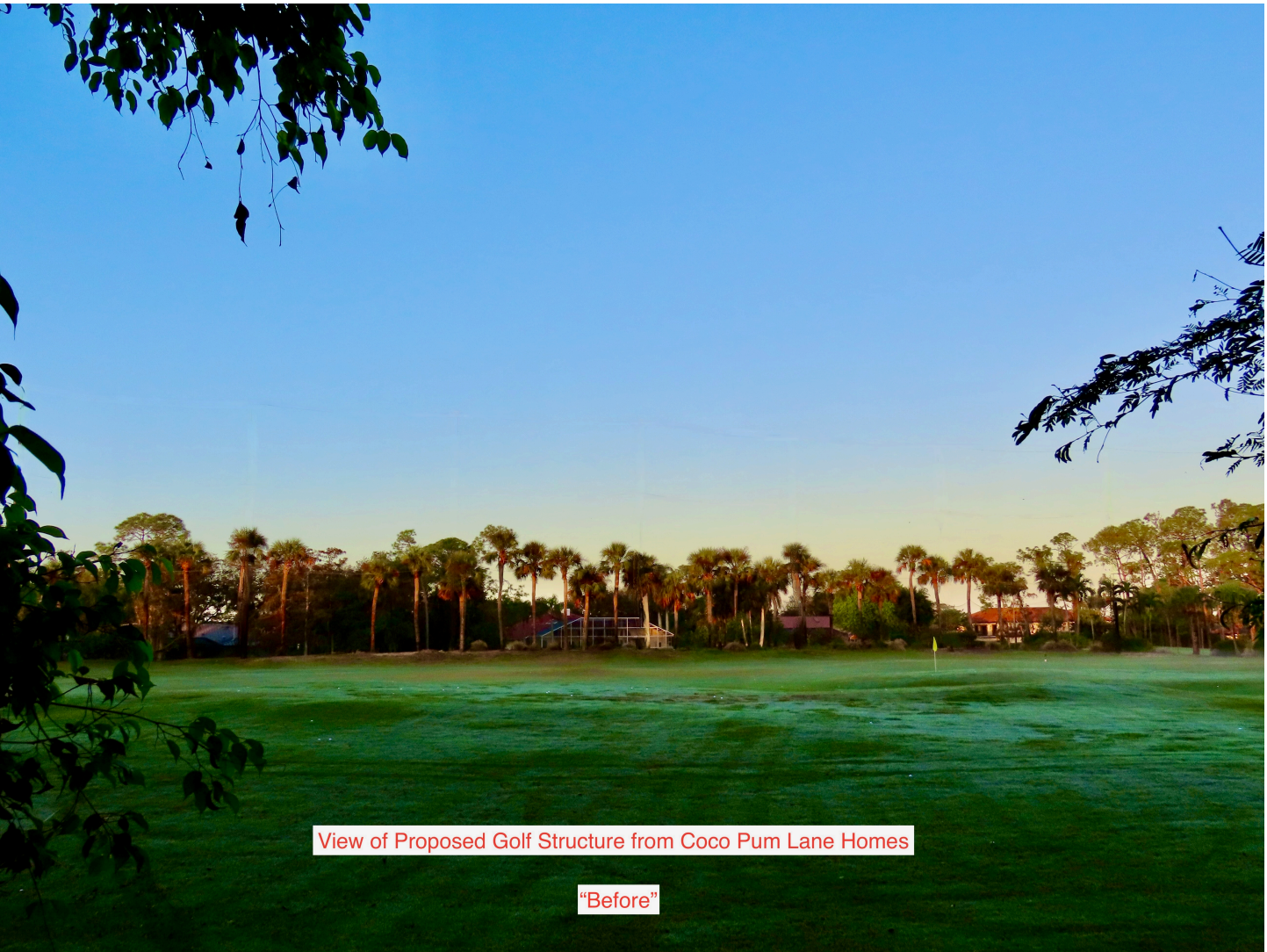

View from Window of 13033
Coco Plum Lane
CSL
#203


View from Window of 13033 Coco Plum Lane


View From Windows of 13033 Coco Plum Lane



View from Lanai of 13033 Coco Plum Lane



View of Proposed Golf Structure from Coco Pum Lane Homes

"Before"



View of Proposed Golf Structure from Coco Plum Lane Homes



View from Coco Plum Lane Homes

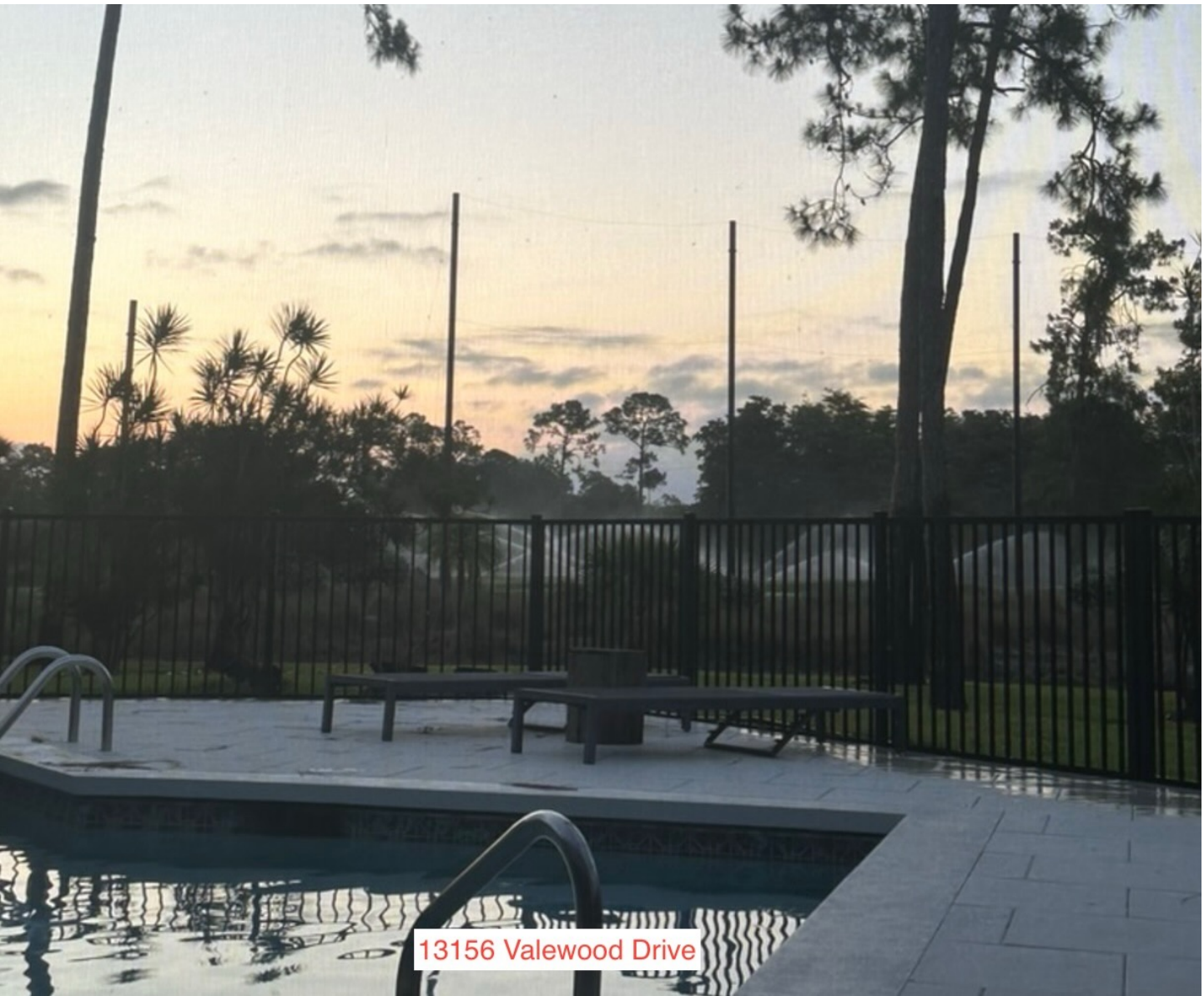


View from Coco Plum Lane Homes


1156 Valewood Drive and 1124 Valewood Drive


13156 Valewood Drive and
13124 Valewood Drive


13156 Valewood Drive


13156 Valewood Drive

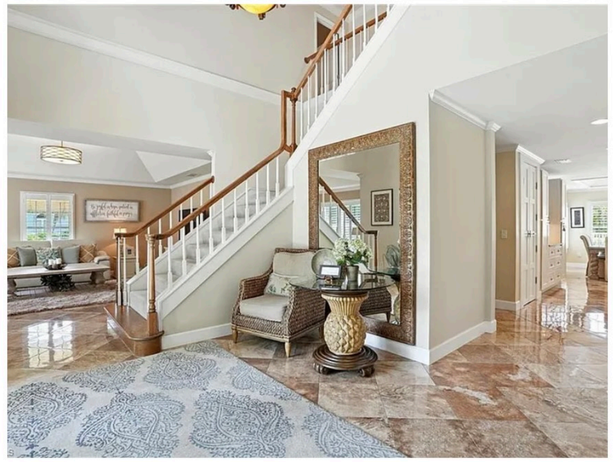

13156
Text
Text
13156 Valewood Drive

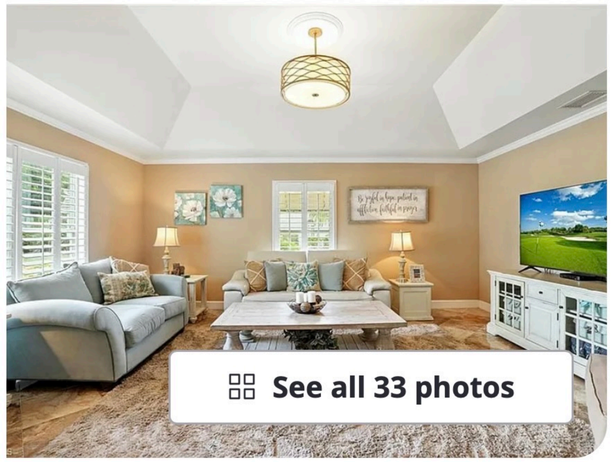
Exhibit Y











$1,250,000

13033 Coco Plum LN, NAPLES, FL 34119

4 beds **4** baths **4,366** sqft

Est. refi payment: $8,187/mo Refinance your loan

Single Family Residence

Built in 1986

0.9 Acres Lot

$1,241,200 Zestimate®

$286/sqft

$6,447 Estimated rent

Sell with ease on Zillow

Get a Zillow Showcase℠ listing at no additional cost and you could sell for 2% more.

Standard listing	$1,241,200
2% more	**+$24,824**

With Zillow

		$342/sqft
Source: SWFLMLS #225040759 Report		
4/25/2025	**Listed for sale**	$1,695,000 -5% $388/sqft
Source: SWFLMLS #225040759 Report		
4/11/2025	**Listing removed**	$1,784,000 $409/sqft
Source: SWFLMLS #225026971 Report		
4/7/2025	**Price change**	$1,784,000 -0.9% $409/sqft
Source: SWFLMLS #225026971 Report		
4/1/2025	**Price change**	$1,799,999 -1.4% $412/sqft
Source: SWFLMLS #225026971 Report		
3/25/2025	**Price change**	$1,825,000 -2.7% $418/sqft
Source: SWFLMLS #225026971 Report		
3/12/2025	**Listed for sale**	$1,875,000 -5.7% $429/sqft
Source: SWFLMLS #225026971 Report		
7/22/2024	**Listing removed**	--
Source: SWFLMLS #224034251 Report		
5/31/2024	**Listed for sale**	$1,988,000 -20.1% $455/sqft
Source: SWFLMLS #224034251 Report		
5/4/2024	**Listing removed**	--
Source: SWFLMLS #224034251 Report		
4/22/2024	**Listed for sale**	$2,488,000 +182.7% $570/sqft
Source: SWFLMLS #224034251 Report		

Sell with ease on Zillow

Get a Zillow Showcase℠ listing at no additional cost and you could sell for 2% more.

Standard listing $1,241,200
2% more +$24,824

With Zillow Showcase (estimated) $1,266,024

Unlock your offer

Claim home

Date	Event	Price
9/26/2025	**Sold**	$1,250,000 -16.4% $286/sqft
Source: SWFLMLS #225064950 Report		
8/20/2025	**Pending sale**	$1,495,000 $342/sqft
Source: SWFLMLS #225064950 Report		
8/7/2025	**Listed for sale**	$1,495,000 $342/sqft
Source: SWFLMLS #225064950 Report		
7/2/2025	**Listing removed**	$1,495,000 $342/sqft
Source: SWFLMLS #225040759 Report		
5/20/2025	**Price change**	$1,495,000 -11.8% $342/sqft
Source: SWFLMLS #225040759 Report		

Sell with ease on Zillow

Get a Zillow Showcase℠ listing at no additional cost and you could sell for 2% more.

Standard listing	$1,241,200
2% more	**+$24,824**
With Zillow Showcase (estimated)	**$1,266,024**

Unlock your offer

Claim home

Exhibit Z

Price history

Date	Event	Price
10/1/2025	**Sold**	$2,822,000 -5.6% $589/sqft
	Source: SWFLMLS #225057864 Report	
8/22/2025	**Pending sale**	$2,988,000 $623/sqft
	Source: SWFLMLS #225057864 Report	
6/28/2025	**Listed for sale**	$2,988,000 +149.2% $623/sqft
	Source: SWFLMLS #225057864 Report	
12/2/2014	**Listing removed**	$1,199,000 $250/sqft
	Source: Premier Sotheby's International Realty #213508890 Report	
7/22/2014	**Price change**	$1,199,000 -2.1% $250/sqft
	Source: Premier Sotheby's International Realty #213508890 Report	

Show more

Public tax history

Year	Property taxes	Tax assessment
2024	$7,848 +4%	$832,128 +3%
2023	$7,543 -3.2%	$807,891 +3%
2022	$7,795 -1.2%	$784,360 +3%

Show more

Find assessor info on the county website

Sell with ease on Zillow

Get a Zillow Showcase℠ listing at no additional cost and you could sell for 2% more.

Standard listing $2,812,000
2% more +$56,240

With Zillow Showcase (estimated) $2,868,240

Unlock your offer

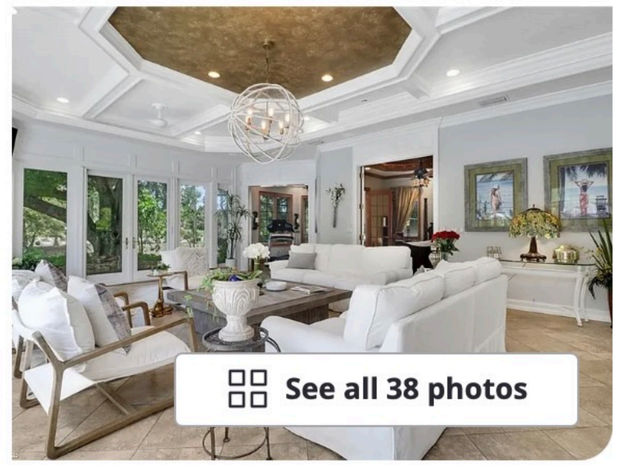
Claim home











$2,822,000

12997 Coco Plum LN, NAPLES, FL 34119

4 beds **5** baths **4,793** sqft

Est. refi payment: $17,808/mo Refinance your loan

Single Family Residence | Built in 1986 | 0.74 Acres Lot

$2,812,000 Zestimate® | $589/sqft | $7,183 Estimated rent

Home value

Zestimate®	Estimated sales range	Rent Zestimate®
$2,812,000	**$2.53M - $3.12M**	**$7,183/mo**

Zestimate® history Table view

+120% in last 10 years

Home values | Rent Zestimate | Tax paid

Sold for **$2.8M**

Sell with ease on Zillow

Get a Zillow Showcase℠ listing at no additional cost and you could sell for 2% more.

Standard listing	$2,812,000
2% more	**+$56,240**
With Zillow Showcase (estimated)	**$2,868,240**

Unlock your offer

Claim home

Exhibit AA

EXPERT PLANNING REVIEW AND OPINION

REVIEW OF THE QUAIL CREEK COUNTRY CLUB HEIGHT VARIANCE APPLICATION
13300 Vale wood Drive, Naples, Collier County

VARIANCE APPLICATION NO. PL-20250001380 – dated 12 FEB 2025

March 24, 2025

PREPARED BY:
CECELIA WARD, AICP
President

JC CONSULTING ENTERPRISES, INC.
6442 34 Place
Vero Beach, FL 32966
cward@jcconsultinginc.net

PREPARED FOR THE FOLLOWING QUAIL CREEK HOMEOWNERS:

- Letitia & Frank Accarino - 13057 Coco Plum Lane
- Becky & Cory Hundley- 13033 Coco Plum Lane
- Chad & Natasha Commers- 13156 Valewood Drive
- Lucille Wetlaufer, Mariam Gulistan - 13002 Valewood Drive
- Goldie and Kenneth Wetcher- 13024 Valewood Drive
- Fahmida Rahman-13056 Valewood Drive

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Introduction

I, Cecelia Ward, AICP, President of JC Consulting Enterprises, Inc., hereby provide this planning and zoning opinion in response to a request from Quail Creek Country Club ("the Club") located at 13300 Valewood Drive, Naples, Collier County ("the County") FL 34119.

This opinion addresses the sufficiency of representations made in the Quail Creek Country Club (the "Applicant") Variance Application (PL-20250001380) dated 12 FEB 2025 (the "Application"). The Application requests a variance from a dimensional development structural height standard as authorized by the Collier County Land Development Code (LDC) at §9.04.02 - Types of Variances Authorized.

Executive Summary - Findings and Conclusions

My professional opinion is that the Application lacks both the requisite subject matter expert opinion and competent substantial evidence that is otherwise necessary to justify its approval. Instead, the record demonstrates that Applicant's unilateral actions created the self-inflicted hardship, from which it now requests variance relief from the County.

Therefore, the Application should be denied since approving it would directly violate both the County's Land Development Code ("LDC") and Growth Management Plan ("GMP") standards and criteria.

This opinion is based upon a review of the statements and representations made in the Application regarding the standards and criteria contained in the County's LDC, specifically Chapter 4. Site Design and Development Standards, §4.02.01 A, Table 2. Building Dimension Standards for Principal Uses in Base Zoning Districts. Table 2. stipulates a maximum building height of 35 feet within the GC Golf Course zoning district. This maximum height standard also applies to structures.

This opinion is further based upon substantial background documentation provided by the Quail Creek homeowners that is also part of the record.

Background

Quail Creek Estates features 291 residences and surrounds the Quail Creek Country Club. Collectively, they comprise approximately 640 acres in north Naples, Florida, and are the subject of this opinion. The County's LDC governs this development and includes two relevant land use designations for this development: the Urban Mixed-Use District and the Urban Residential Subdistrict.

The LDC defines these uses in Chapter 2, Zoning Districts and Uses at §2.03.09-A. The Golf Course and Recreational Use "GC" District includes golf courses and driving ranges as permitted and accessory uses. Adjacent land uses include Urban - Mixed Use and Urban Residential Subdistrict. Zoning and uses for all parcels adjoining the Club are summarized below:

- North: Zoned GC, developed with a golf course and recreational uses; zoned RSF-2, developed with single-family dwellings
- South: Zoned RSF-2, developed with single-family dwellings
- East: Zoned RSF-2, developed with single-family dwellings
- West: Zoned RSF-2, developed with single-family dwellings

The Quail Creek Country Club was established in 1981, featuring a design that positioned the driving range adjacent to the fairway of Hole 10 on the Creek Course in accordance with the Club's approved site plan. The Creek Course is one of two courses on the property, collectively comprising thirty-six (36) holes under the Club's ownership.

For over forty-three (43) years, the Club utilized this original driving range alignment with Hole 10 in their intended functions. In the spring of 2024; however, the Club constructed a barrier netting structure between the driving range and Hole 10, citing safety concerns following an incident where a range ball struck a golfer on Hole 10. The Club initiated this construction without obtaining required County plan approvals or building permits and hired an unlicensed contractor.

Between 2013 and 2020, the Club systematically removed numerous trees that previously served as a protective buffer between the Creek #10 fairway and the driving range. These tree and vegetation removals were also conducted without first obtaining County review and permit approvals as amendments to the Club's approved Site Management Plan, and without consulting adjacent residential property owners.

Following the removal of these trees, portions of the cleared area were repurposed to accommodate additional golfer activity. In 2016, the Club established a new chipping area adjacent to the right side of the original tee box ("Original Tee Box"), which is aligned with Hole 10. This modification resulted in an increased concentration of golf shots in proximity to the Hole 10 fairway. Subsequently, between 2017 and 2018, the Club installed an additional driving range tee box ("New Tee Box") directly opposite the Original Tee Box. These alterations were also made without adjacent resident input or requisite County permits.

The placement of the New Tee Box is in close proximity to residential properties along Coco Plum Lane and places the homes within the flight trajectory of golf shots originating from this location. While nominally designated for youth golf instruction, the New Tee Box is frequently utilized by adult golfers as well.

Previously, the club installed a 12-foot-high netting fence and a four-foot berm between Hole 10 and the driving range, again without securing the required approvals or permits from the County. The Club has not adequately maintained this fencing infrastructure, contributing to increased safety concerns on Hole 10. By early 2024, the fencing exhibited significant structural deterioration, with visible gaps and sagging sections. Following the impact of hurricanes in late 2024, these deficiencies worsened, but repairs were not undertaken.

Despite the Club's assertions regarding safety concerns, both Hole 10 and the driving range continue to operate without restriction or mitigation measures to address the ongoing hazards.

The Club submitted a permit application on May 23, 2024, proposing a development plan that included additional structural elements beyond those initially constructed. These elements included eight-foot-wide, one-and-a-half-foot-high square concrete platforms surrounding each 60-foot pole.

On June 6, 2024, local residents formally objected to the permit application in a written statement addressed to James French and Chris Hall, Commissioner of District 2.

On June 28, 2024, the County's Growth Management Department issued an order (the "June 28 Order") denying the permit application and determining that a variance is required for the construction of any golf course structure exceeding the 35-foot height limit.

Despite the issuance of the June 28, 2024, Order, the Club continued to utilize its driving range and Hole 10 facilities without modification for several months.

In September 2024, the Club's planner contacted the Zoning Division, referencing examples of other County golf courses—Hibiscus and Imperial—where barriers exceeded the 35-foot height limit. These barriers had been installed for the protection of residential properties adjacent to the driving ranges. The Club similarly sought to justify its Structure as a protective measure for nearby residences. Subsequently, in an email dated October 23, 2024, the Zoning Division determined that a variance would not be required.

In response, Quail Creek homeowners filed an administrative appeal challenging the County staff's determination, submitting their appeal narrative on November 20, 2024. During the appeal process, it was established that neither the Hibiscus nor the Imperial golf courses had obtained permits for their barriers. As a result, in early December 2024, the Zoning Division reinstated the June 28 Order, requiring that the Club apply for the height variance.

The Club did not immediately pursue a variance following the reinstatement. It was not until Code Enforcement scheduled a March 7, 2025, hearing on the Notice of Violation that the Club initiated the variance application process on January 31, 2025. The formal application documents were subsequently filed on February 12, 2025.

Planning Analysis - Variance Review Criteria

Zoning regulations, as established through legislative authority, are designed to promote orderly development, preserve neighborhood character, and protect property values. These regulations fall within the scope of the municipality's police power and serve to ensure cohesive land use planning.

A variance is a discretionary approval that grants relief from specific zoning requirements, allowing a property owner to develop in a manner that would otherwise be prohibited by such land use regulations. An application for a variance must comply with all of the criteria as set forth in Section 9.0 4.03 Criteria for Variances of the Collier County LDC.

The following ***planning analysis of each of the variance review criteria*** demonstrates that the variance requested by the Club is not permissible under the County's LDC in that the Club has not sufficiently demonstrated compliance with any of the eight applicable variance criteria, all of which must be met for approval.

A. Are there special conditions and circumstances existing which are peculiar to the location, size and characteristics of the land, structure or building involved?

Planning Analysis:

No. The subject property is a relatively flat and level parcel of land with no special conditions or circumstances existing which are peculiar to the location, size, and characteristics of the land. Further, there no distinguishing physical characteristics that would impede its suitability for golf-related or other uses. In fact, the driving range and Hole 10, adjacent to the range, have been in continuous operation for their intended purpose since 1981.

The design and layout of the golf course are the result of the Applicant's own planning decisions and were not dictated by any inherent constraints of the land itself. The only distinctive "structure" in this case is the one the Club attempted to construct without obtaining the necessary permit.

The Club asserts, without substantiating evidence, this partially installed 60-foot Barrier Structure is the sole means of providing protection from errant balls. However, this assertion is not pertinent to the determination of whether the property possesses unique physical characteristics that warrant the granting of a variance.

B. Are there special conditions and circumstances which do not result from the action of the applicant, such as pre-existing conditions relative to the property which is the subject of this variance request?

Planning Analysis:

No, there are no unique physical characteristics of the property. The Applicant has not demonstrated, nor does the land exhibit, any distinguishing features that would warrant special consideration. The presence of neighboring residences is not an uncommon condition, and the Club intentionally designed and developed the golf course on this site. The alleged "safety" concern arises as a direct result of the Club's own lack of planning and design choices.

Furthermore, any claim of hardship or special circumstance must not be self-imposed. In this case, the hardship was created by the Club's own actions in multiple instances.

Planning Analysis of Self-Imposed Hardship in Relation to Variance Request

The applicant's claimed hardship is fully self-imposed in multiple respects:

1. **Site Selection and Initial Design** – The applicant elected to acquire property adjacent to residential areas, a common land-use pattern in Collier County. The applicant

independently designed its golf course, including the placement of its driving range adjacent to one of its fairways. The current assertion that relocating the driving range is "impossible" or financially burdensome does not constitute a valid hardship under zoning regulations, as economic hardship is not a determining factor in variance approvals. The existence of a driving range is not a mandatory component of a golf course.

2. **Modification of Natural Barriers** – The applicant originally incorporated a tree buffer between the driving range and Hole 10 as part of the golf course design, providing a natural safety barrier. Over time, the applicant removed these trees and replaced them with hitting areas and minimal vegetation, thereby eliminating the protective buffer. The removal of these natural barriers contributed to the current safety concerns, which are a direct result of the applicant's own land-use decisions.
3. **Changes in Golf Ball Usage** – The applicant discontinued the use of self-limiting golf balls, which previously reduced the trajectory and distance of balls struck from the driving range. This change contributed to an increased likelihood of stray balls entering adjacent fairways and residential areas**. [Refer to Photo File 9- Golf Balls, showing self-limiting balls collected by Coco Plum residents, submitted into the record by Coco Plum and Valewood residents.]**
4. **Addition of Short Game Hitting Area** – The applicant further intensified use impacts by introducing a short game hitting area at the top of Hole 10, increasing the number of errant shots directed toward the fairway. This modification represents a self-imposed change that exacerbates the existing safety concerns.
5. **Unpermitted Construction of Barrier** – The applicant installed a 60-foot barrier without obtaining the required permits, without engaging a licensed contractor, and without providing notice or opportunity for input from affected property owners. Should the variance be denied, the applicant will be required to remove the unpermitted structure at its own cost, which is a direct result of its failure to adhere to permitting requirements. The financial implications of such removal do not constitute a valid hardship under the variance criteria and should not be considered as justification for retroactive approval.

Given these factors, the applicant's request for a variance is based on conditions that were self-imposed through deliberate design choices and modifications to the site. The burden of compliance with zoning regulations rests with the applicant and should not be transferred to the surrounding community.

C. Does a literal interpretation of the provisions of the LDC work unnecessary and undue hardship on the applicant or create practical difficulties on the applicant?

Planning Analysis:

No. The Applicant's claim of hardship does not meet the County's standard required for a variance. The Club asserts that the 35-foot height limitation renders the construction of an errant ball containment structure impossible. However, this restriction does not preclude the installation of a barrier entirely, as similar structures may be constructed at various heights within the applicable zoning regulations. Notably, the unlicensed contractor engaged by the Club advertises the

capability to fabricate custom fencing at any height or dimension, further refuting the claim that compliance with zoning laws makes construction infeasible.

Rather, the Club's argument is specific to the barrier structure it has already begun installing. The height limitation of 35 feet does not prohibit the construction of an errant ball containment structure but does prevent the installation of the specific structure the Club has elected to build. The Applicant's claim, therefore, is that the zoning regulation prevents this particular Barrier, not that the property itself has inherent characteristics necessitating a variance for reasonable use.

For a variance to be granted, the Applicant must demonstrate an "exceptional and unique hardship" specific to this property that is not shared by other similarly situated properties. The hardship must prevent any reasonable use of the land without the variance.

Additionally, Collier County's zoning restrictions apply uniformly to all golf courses within the jurisdiction. As such, the Club's situation does not constitute the unique hardship required to justify a variance.

The Club's primary issue is that if the variance is not approved, it will be required to dismantle the Barrier Structure. However, this does not amount to an "undue" or unwarranted hardship, as all construction projects undertaken without the proper permits inherently risk removal.

Further, the Club asserts that without the variance, its only alternative would be to relocate the driving range, which it claims would necessitate a full redesign of the course and may not adequately protect the public. However, course design falls within the Club's own purview and responsibility.

The Club proceeded with this construction project without first obtaining County approvals or permits and without evaluating alternative solutions. Yet viable alternatives exist as noted by Stephen Eisenberg, a golf expert retained by the homeowners **[Refer to Stephen Eisenberg Report submitted into the record by Coco Plum and Valewood residents.]**

Potential solutions include:

- Redesigning or relocating Hole 10 within the existing course layout.
- Using irons instead of woods and drivers.
- Using self-limiting balls.
- Replanting trees that were previously removed to serve as a natural barrier.
- Adding an L-shaped barrier close to the main tee box to catch pushed and sliced balls.
- Constructing a lower barrier that complies with zoning regulations and integrates visually with the landscape.

The Club's assertion that public safety is at risk is misleading, as the primary beneficiaries of the Barrier Structure are golfers using Hole 10 of this private club, not the general public. Given the availability of alternative, less intrusive solutions, the requested variance is neither justified nor warranted under zoning law and precedent.

D. Will the variance be the minimum that would make possible the reasonable use of the land, building, or structure and which will promote standards of health, safety, and welfare?

Planning Analysis:

No. The Applicant asserts that the minimum height of 60 feet is required to construct a containment fence for the safety of golf course patrons. However, this height is based on a barrier that has already been partially constructed, exceeding the established zoning limit by 25 feet.

The Club has not presented sufficient evidence to substantiate the necessity of such a height or even the necessity of a barrier in general. There is no information provided regarding:

- The specific location of incidents on Hole 10 where accidents have occurred.
- The portion of the 850-foot length of the proposed barrier that is required to address the issue.
- The justification for the proposed barrier's excessive height.
- Whether the proposed barrier will effectively resolve safety concerns.

The engineers who prepared the plans for the Club's permit application have indicated that they were not instructed to assess the required height of the barrier.

In contrast, the golf expert hired by the homeowners has conducted a thorough evaluation of the situation and provided a report outlining alternative remedies that may prove more effective in addressing the safety concern, and that the proposed barrier is unlikely to serve its intended purpose, particularly with the planned tee expansion. **[Refer to Stephen Eisenberg Report submitted into the record by the Coco Plum and Valewood residents.]**

E. Will granting the variance confer upon the Club any special privilege that is denied by these zoning regulations to other lands, buildings, or structures in the same zoning district?

Planning Analysis:

Yes. Granting the requested variance would confer a privilege upon the Club that is not available to other properties, buildings, or structures within the same zoning district. Zoning regulations are designed to ensure consistent and equitable standards for all properties within a district. Allowing this variance would create an exception to those standards, potentially providing the Club with a benefit that is not afforded to others within the same zone. Therefore, the variance could result in unequal treatment under the County's zoning regulations, which may undermine the intent of maintaining uniformity and fairness within the district.

F. Will granting the variance be in harmony with the intent and purpose of the LDC, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare?

***Planning Analysis*:**

No. The Applicant is fully aware that granting this variance would result in significant adverse impacts on the neighborhood and the public welfare, primarily borne by the objecting homeowners. The Club has not provided any evidence to refute these potential harms, which in itself should be grounds to deny the application.

The Club's primary argument relies on citing two local golf clubs that installed barrier structures exceeding 35 feet in height at the end of their driving ranges, under entirely different circumstances and to address the specific needs of protecting the residents in those areas. The Applicant asserts that there was no harm to the neighborhood or public welfare in those cases but fails to substantiate this claim with evidence. Even if lesser harm occurred in those instances, it can be attributed to the fact that the fences at those locations were specifically designed to shield residents from errant balls on relatively short driving ranges, and were also well-camouflaged, mitigating their impact on the surrounding community.

These examples presented by the Applicant are irrelevant. Neither of the two cited structures were permitted, nor did they obtain the necessary variances.

Even if these clubs had received permits and variances, the barriers at those locations cannot serve as precedents for the current application. Prior variances do not establish a binding precedent or provide grounds for granting subsequent variance requests. Each variance must be evaluated on its own merits, independent of previous approvals.

The Applicant also raises a point regarding the "setback" distances at Hibiscus and Imperial golf courses, claiming they are shorter than the proposed distance at Quail Creek. However, the distances at those clubs were determined solely based on functionality and not on any visual appropriateness, especially since no permits were obtained for those structures.

The barriers at Hibiscus and Imperial were designed to protect residents, and the distance was tailored to stop errant golf balls from reaching nearby residences. In contrast, the proposed barrier at Quail Creek is intended to protect golfers, lying between Hole 10's fairway and the driving range. Therefore, the distance to adjoining residences at Quail Creek may be greater, but this does not lessen the negative visual impacts of the proposed structures and their compatibility with the adjoining residences. [**Refer to Photo File 1-Damage, submitted into the record by Coco Plum and Valewood residents.]**

Regarding the compatibility of this partially constructed netting structure, generally, uses that deviate significantly in density, intensity, scale, and form or that could negatively impact surrounding land uses are deemed incompatible. The County should not support or approve this application unless it provides extraordinary measures to offset identified potential adverse impacts.

The compatibility or incompatibility of a proposed, adjoining land use may be defined as follows:

> ***Compatibility****: the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are architecture, landscaping, lighting, noise, and odor.*
>
> *Compatibility does not mean "the same as". Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.*
>
> ***Conflicting Land Use****: The transfer over a property line of negative economic or environmental effects, including but not limited to traffic, noise, vibration, odor, dust, glare, pollution, mismatched land uses or density, height or mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views*[1]

The Application is inconsistent with Collier County LDC Compatibility and Compatibility Review Requirements:

Both of these terms appear in the LDC 65+ times and are defined and made part of it at Chapter 1. General, §1.08.02 – Definitions as follows:

> ***Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.***
>
> ***Compatibility review: A review pursuant to the Architectural and Site Design Standards contained within section 5.05.08 of the Land Development Code (LDC) in effect at the time SBR Letters of Compliance are requested and that pertains to issues of compatibility with surrounding uses, complimentary patterns of development and mitigation of negative impacts. The Compatibility Review will be limited to compatibility issues, external sidewalks and pathway connections, lighting, dumpster location and screening, and orientation of buildings and ancillary facilities.***

Clearly the intent of the LDC is to require an assessment of potential adverse impacts that could result from a property owner's proposed actions on adjoining properties. This is confirmed at

> ***Chapter 10. Application Review and Decision-Making Procedures at §10.02.03(A) (1) Purpose - Requirements for Site Development, Site Improvement Plans and Amendments thereof, which states…***
>
> ***This section is further intended to ensure that the proposed development complies with fundamental planning and design principles such as: consistency with the county's growth management plan; the layout, arrangement of buildings, architectural design and open spaces; the configuration of the traffic circulation system, including driveways, traffic calming devices, parking areas and emergency access; the availability and capacity of drainage and utility***

[1] A Planners Dictionary, PAS Report # 521/522, American Planning Association, Chicago, IL, 2004, page 243.

facilities; and, overall compatibility with adjacent development within the jurisdiction of Collier County and consideration of natural resources and proposed impacts on those resources…

The LDC further provides limited exemption from requirements for Site Development Plans and Site Improvement Plans at §10.02.03, A.3(d) for Accessory and Ancillary Facilities at golf courses. However, they are not exempt from other provisions of the LDC such as, but not limited to, landscaping, tree removal, development standards, and the submission requirements attendant to obtaining temporary use and building permits.

Finally, the LDC further mandates the requirement for compatibility assessment of proposed construction activity at Chapter 2. Zoning Districts and Uses, §2.03.09 - Open Space Zoning Districts, (A). Golf Course and Recreational Use District "GC" when it states in part…

> *…the purpose and intent of "GC" district is to provide lands for golf courses, recreational uses, and normal accessory uses, including certain uses of a commercial nature. Recreational uses should be compatible in scale and manner with residential land uses. The GC district shall be in accordance with the urban mixed-use district and the agricultural/rural mixed-use district of the future land use element of the Collier County GMP. All uses shall be subject to design standards established in LDC section 5.05.15 H, and other applicable LDC standards.*

Impact on adjacent existing single family residential homes:

- To illustrate the visual impact of the proposed barrier structure, the residents have superimposed the planned netting onto the poles in some of the photographs, showing how the completed barrier structure would appear both from inside and outside the affected homes. See Photo File 12—Damage Photos with Netting Superimposed.
- Additionally, "before" images have been provided to highlight the scenic views that these homes once enjoyed prior to the installation of the barrier structure.
- From a functional viewpoint, construction of the proposed netting structure may have the ability to trap some errant balls and protect golfers when traversing or using Hole 10 or the driving range areas.
- However, this variance application, as presented, ignores a key LDC compatibility requirement stated at Chapter 10. Application Review and Decision-Making Procedures at §10.02.03(A) (1). Namely, the Applicant fails to assess the compatibility of the proposed construction in relation to adjoining residential property owners and their homes.
- Further, the Application fails to meet the standard for providing expert opinion and competent substantial evidence documenting how this proposed construction complies with required "fundamental planning and design principles."

G**. Are there natural and physically induced conditions that ameliorate the goals and objectives of the regulation, such as natural preserves, lakes, golf course, etc.**?

***Planning Analysis*:**

No. The Applicant asserts that "the proposed containment structure is located near a row of mature vegetation, which provides additional screening of the poles."

This claim is unsupported and misleading. A review of the residents submitted photographs reveals the inaccuracy of the Applicant's statements**. [Refer to Photo File 10-No Camouflage of Barrier, submitted into the record by Coco Plum an Valewood residents.]**

The so-called "mature vegetation" consists of a sparse line of short, scrubby palms located to one side of the poles. These will not provide any meaningful screening of the poles or the netting. Furthermore, many of these palms will need to be removed in order to accommodate the installation of the eight-foot concrete platforms around each pole.

Additionally, a significant portion of the Barrier is situated on a recently added four-foot "berm," which increases the height of the structure, raising it to approximately 64 feet rather than the stated 60 feet. Photographic evidence clearly shows that the Barrier is uneven, further exacerbating its visual impact and making it even more intrusive. **[Refer to Photo File 1-Damage, Coco Plum Lane Views-3.jpeg, 13056 Valewood Drive-14.jpeg, submitted into the record by Coco Plum and Valewood residents.]**

The Applicant also claims that "vegetation" behind adjacent lots provides screening, which is also inaccurate. As illustrated in the photographs provided by the residents there are a few narrow pine trunks behind two or three of the residential properties, but these will not conceal the netting if it is installed. [**Refer to Photo File 10-No Camouflage of Barrier-12. Jpeg, -13.jpeg, submitted into the record by Coco Plum and Valewood residents.]**

Other residential properties lack any vegetation altogether. **[Refer to Photo File 1-Damage, 13056 Valewood 2.jpeg, 13.jpeg, submitted into the record by Coco Plum and Valewood residents.]**

The permit application does not include any plans to incorporate camouflage landscaping to mitigate the visual impact of the Barrier from neighboring properties. The Applicant cannot rely on the existing landscaping on residential properties, many of which lack sufficient vegetation. Regardless, the size and height of the proposed Barrier would make it virtually impossible to conceal, creating a permanent visual nuisance for nearby residents.

H. Will granting the variance be consistent with the GMP?

***Planning Analysis*:**

No. Granting of the variance would be INCONSISTENT with the compatibility requirements of the County's GMP as expressed in Implementation Strategy Goal II – Objective 1- Objective 5 - and Policy 5.6 as addressed in the response to question "F", above.

> *II. IMPLEMENTATION STRATEGY*
> *GOALS, OBJECTIVES AND POLICY'S GOAL:*
>
> *TO GUIDE LAND USE DECISION-MAKING SO AS TO ACHIEVE AND MAINTAIN A HIGH QUALITY NATURAL AND HUMAN ENVIRONMENT <u>WITH A WELL-PLANNED MIX OF COMPATIBLE LAND</u>*

USES WHICH PROMOTE THE PUBLIC'S HEALTH, SAFETY AND WELFARE CONSISTENT WITH STATE PLANNING REQUIREMENTS AND LOCAL DESIRES[2]

OBJECTIVE 1: Promote well planned land uses consistent with Future Land Use Designations, Districts and Subdistricts and the Future Land Use Map to ensure compatibility between the natural and human environments.

OBJECTIVE 5: Implement land use policies that promote sound planning, protect environmentally sensitive lands and habitat for listed species while protecting private property rights, ensure compatibility of land uses and further the implementation of the Future Land Use Element

Policy 5.6: New developments shall be compatible with, and complementary to, the surrounding land uses, as set forth in the Land Development Code (Ordinance 04-41, adopted June 22, 2004, and (XLIV) = Plan Amendment by Ordinance No. 2017-22 on June 13, 2017, 18 Future Land Use as of Ordinance No. 2024-46, adopted on November 12, 2024, effective October 18, 2004, as amended)

Applicant's request for a dimensional variance from Collier County must meet the standard of providing expert opinion County to complete their compatibility review. This standard is included in the LDC at §10.02.03 - Requirements for Site Development, Site Improvement Plans and Amendments thereof.

The application must assess issues related to the proposed variance's compatibility with adjoining land uses – in this instance the adjoining, single-family residential use and assess whether the proposed netting system is complementary to the residential use. The evidence must also include a mitigation strategy that addresses identified potential negative impacts,

In this instance, the evidence must assess and establish that the Applicant's variance request must include an assessment of the proposed golf ball netting system in relation to surrounding residential land uses and make a finding that it represents a complementary pattern of development. The Applicant's request does not address this standard at all.

Further, the proposed plan must also identify and include a mitigation strategy to address identified adverse impacts resulting directly from the requested variance's location, including a plan to increase landscape screening.

This landscape mitigation must address the need to restore years of tree and vegetative removal and the resulting degradation of the visual and safety barrier between the residences and the golf course orientation of proposed improvements and/or accessory uses.

The adjacent homeowners have identified substantial adverse visual and economic impacts to their properties resulting from the Applicant's request, but the Application to-date remains silent on this matter.

At a minimum, the missing evidence must address the proposed system's 60-foot height in relation to both on-site and adjacent residential structures designed to less than half that height. In addition, the evidence must address the netting's structural design, and the materials/finishes used in relation to the adjoining residential properties substantial architectural designs and materials.

[2] Collier County Future Land Use Element as of Ordinance No. 2024-46, adopted on November 12, 2024.

Cecelia Ward, AICP



President
JC Consulting Enterprises Inc.

Experience Highlights

Over 40 years of experience in comprehensive planning, urban and regional planning, community area planning, land development codes and zoning regulations.

10 years of public sector planning and zoning experience.

- JC Consulting Enterprises, Inc., President, 2006 to present
- Planning Commissioner Town of North Hempstead, New York - 2006
- Deputy Director of Strategic Planning, City of New York, 2004
- Director of Construction Services Bureau, City of Fort Lauderdale, 1999
- Planning Administrator, City of Fort Lauderdale, 1998
- Senior Planner, City of Fort Lauderdale, 1995
- VP Governmental Planning, Coral Ridge Properties, 1986
- Senior Planner, Coral Ridge Properties, 1984
- Planner, Mid-South Engineering, 1978

Education

Florida Atlantic University
Bachelor of Arts-Political Science

Professional Certifications

American Institute of Certified Planners (AICP), since 1993

Professional Affiliations

American Planning Association
Florida American Planning Association

Honors and Awards

Former Exemplary Employee – City of Fort Lauderdale, 2007

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Leadership Fort Lauderdale -1999, 2000, 2001
City of Fort Lauderdale – Commitment to Excellence in Business, 2003
Fort Lauderdale's Finest,2003
Cecelia Hollar Appreciation Day – Fort Lauderdale Downtown Development Authority for contributions to Downtown Economic Development Planning, 2004
Certificate of Appreciation for Participation in Community Redevelopment Plan for Atlantic Beach CRA – City of Pompano Beach, 2000-2001

Community Service

League of Women Voters, 1991
Coral Springs Economic Development Task Force, 1991
South Florida Regional Planning Council Strategic Regional Policy Plan, 1994
City of Pompano Beach Planning and Zoning Board, Alternate Member, 1991-2001
City of Pompano Beach –Beach Community Redevelopment Advisory Board Member, 2001
Marjorie Stoneman Douglas High School Mentor Program, 1992-1993
Junior Achievement, Student Assistant, 1993
Leadership Fort Lauderdale, 1999-2004
Poultney Comes Together – 2018 - 2020

Background

Ms. Ward is a recognized national and international urban planning and zoning professional with more than 30 years of planning and zoning expertise in the states of Florida, New York and Maine, and in Nova Scotia, Canada.

Starting her career in the late 1970s Ms. Ward worked on the Town of Davie Comprehensive Plan, one of the first Comprehensive Plans ever developed in the State of Florida. She continued to develop her professional planning and zoning skills through the 1980s while working for Coral Ridge Properties, a then Fortune 500 land development company, where she worked in concert with the City of Parkland as Vice President of Government Planning to create land use and zoning regulations for corporate land holdings in Parkland.

After more than nine years with Coral Ridge Properties, Ms. Ward was retained by the City of Fort Lauderdale, for the express purpose of updating and bringing in to compliance that city's Comprehensive Plan, which had not been updated for more than 10 years. Ms. Ward was also tasked with updating Fort Lauderdale's entire zoning code, which was more than 40 years old and internally inconsistent with the vision established for certain redevelopment areas, including the Fort Lauderdale Beach, the Downtown and Community Redevelopment Areas of the City. Meeting a 2 year deadline, Ms. Ward was successful in bringing both the City's Comprehensive Plan into compliance, and in updating the City's land development regulations to ensure consistency with the Plan.

As a result, Ms. Ward was promoted to Director of Construction Services, which included supervising all activities and functions of the City of Fort Lauderdale Planning, Zoning, Building Departments, with responsibility of interpreting and implementing the City's Comprehensive Plan and Unified Land Development Regulations. During this time, Ms. Ward oversaw the creation of a Downtown Master Plan ensuring that such plan provided for new urbanism and smart growth standards. Because of her leadership in this regard, Downtown Fort Lauderdale has developed into a vibrant and pedestrian friendly area, for which Ms. Ward was awarded Fort Lauderdale's Finest by a local community grass-roots organization, and was honored by the City's Downtown Development Authority, a not-for-profit authority, for her outstanding contribution to the renaissance of the downtown area of Fort Lauderdale.

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In 2006, she was subsequently awarded the “Former Exemplary Employee Award” by the City, in recognition of the positive impact she had in the land use and zoning changes that were implemented under her direction and leadership throughout the City of Fort Lauderdale.

Ms Ward has also utilized her planning and zoning expertise in the State of New York where she has provided planning and zoning services for the City of New York, the Town of North Hempstead, and the City of Ogdensburg, including the preparation of various zoning regulations and vision plans for those entities. As Planning Commissioner, she managed the development of a Vision Plan for Port Washington, a large multi-neighborhood waterfront area located in North Hempstead. This project led to the adoption of a Vision Plan for the Port Washington area, and implementation of land development regulations intended to steer development to commercial parcels in need of revitalization.

In 2006, Ms. Ward established JC Consulting Enterprises, Inc. Since then she has represented a large number of private developers and local government agencies on numerous land use, zoning and land development projects. One of her more significant long term projects was the management of the planning of an eco-oriented community envisioned for a 3,000 acre privately owned site, located in the State of Maine. She has also led a team of professionals in preparing vision plans for a 1,900 acre golf course community located in upstate New York and a Windmill project in Gulliver’s Cove, in Nova Scotia, Canada.

In 2009, her firm was retained by the City of Pompano Beach Community Redevelopment Agency (CRA). Ms. Ward represented the Pompano Beach CRA on all planning and zoning related matters, including but not limited to evaluating Pompano Beach and Broward County land use plans and Pompano Beach zoning regulations for the express purpose of identifying land use and zoning provisions necessary to implement the City’s East and West Community Redevelopment Plans. This effort led to a rewrite of the City's Atlantic Boulevard Overlay regulations for the East CRA, and a Transit Oriented Corridor land use designation for a 269 acre area located in Downtown Pompano Beach CRA area, both of which Ms. Ward participated in.

Since 2010, Ms. Ward's firm has been retained by the Town of Lauderdale-By-The-Sea, for which Ms. Ward has provided professional expertise on planning and zoning related matters of the Town on a case by case basis. One such project included an evaluation of the Town's Comprehensive Plan and Land Development Regulations, wherein she provided professional recommendations and identified implementation measures necessary to update the Town's LDRs in terms of consistency and compatibility with the Town's Comprehensive Plan goals, objectives and policies.

Ms. Ward is also recognized as a planning and zoning expert, and has testified in a numerous public hearings, and legal matters as an expert in comprehensive planning, land development regulations, community area planning, and zoning codes.

Private Sector Expert Testimony/ Expert Witness Cases:

- **Capri Hotel, LLC - W Hotel Fort Lauderdale, Board Of Adjustment /Appeal of Zoning Interpretation** - Expert Testimony Public Hearing

  Law Firms:
  - Shutts and Bowen
    Steven Tilbrook

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- Akerman Senterfitt
  William Spencer

- **Cardinal Gibbons High School, Fort Lauderdale**, **Ball Field Lighting -** Expert Testimony Public Hearing

  Law Firms:
  - Shubin & Bass- John Shubin, Amy Huber
  - Lochrie & Chakas Robert Lochrie

- **Casa Medico, LLC - Special Exception /Thrift Store Pompano Beach** - Expert Testimony Public Hearing

  No law firm involved

- **Consultatio Key Biscayne, LLC - Sonesta Beach Hotel Site Plan** -Expert Testimony Public Hearings

  Law Firms:
  - Shubin & Bass- John Shubin
    Amy Huber
  - Akerman Senterfitt
    William Spencer

- **Fairfield Manor, Village of Bal Harbour - Neighborhood Group Repeal of Issuance of Permit for Bal Harbour Shoppes** -Expert Testimony Public Hearing

  Law Firm
  - Akerman Senterfitt
    William Spencer

- **Grand Birch LLC, Grand Birch Condominium Fort Lauderdale -Site Plan** Expert Testimony Public Hearings

  Law Firm:
  - Gunster Yoakley
    Don Hall

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- **Kinderhook NY - Private Residence - Historic Preservation Board - Approval of improvements to historic building** - Expert Testimony Public Hearing

  No Law Firm Involved.

- **Related Group - Icon Las Olas Condominium, Fort Lauderdale-Site Plan**
  Expert Witness
  Litigation for City of Fort Lauderdale

  Law Firm:
  - Gunster Yoakley Michael Marcil

- **Southern Development Services Inc., - Land Use Amendment/ Land Development Code Amendment Retail Use to allow for Dollar General store -Delray Beach** - Expert Testimony Public Hearings

  Law Firm:
  - Siegel, Lipman, Dunay, Shepard & Miskel, LLP - Bonnie Miskel

- **Transacta Development LLC - Surfside Hotel** - **Site Plan** Expert Testimony Public Hearing

  Law Firm:
  - Akerman Senterfitt William Spencer, Neisen Kasdin

- **Royal Atlantic LLC, Royal Atlantic Condominium Fort Lauderdale** - **Site Plan**
  Expert Testimony Public Hearings

  Law Firm:
  - Gunster Yoakley Don Hall,

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Heidi Davis

- **Cortez Development** - **Fort Lauderdale** - **Site Plan**
  Expert Testimony / Public Hearings / Litigation

  Law Firms
  - Poole, McKinley and Blosser
    Jim Blosser
  - Hopping Green and Sams
    Miquel Collazo
  - Ruden McClosky

- **The Sails Fort Lauderdale - Site Plan** - Expert Testimony Public Hearings

  Law Firm:
  - Mastrianna and Christensen
    Ron Mastriana

- **Bayshore Development - Fort Lauderdale Site Plan**
  -Expert Testimony Public Hearings Application

  Law Firm
  - Greenberg Traurig
    Debbie Orshefsky

- **First Presbyterian Church - Fort Lauderdale Site Plan**
  Expert Testimony Public Hearings

  Law Firms
  - Lochrie and Chakas
    Robert Lochrie
  - Law Office of Hugh Chappell, Jr.
    Hugh Chapell

- **Largo Mar Hotel and Club Site Plan**
  Expert Testimony Public Hearings

  Law Firm

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- Lochrie and Chakas
  Robert Lochrie

- **Vintro Fort Lauderdale Site Plan**
  Expert Testimony Public Hearings

  Law Firm
  - Siegel, Lipman, Dunay, Shepard & Miskel, LLP
    Scott Bachman

- **West Second Street Associates - Oakland Park Site Plan** Veteran Administration Building
  Expert Testimony Public Hearings

  Law Firm:
  - Mastrianna and Christensen
    Ron Mastriana

- **Casa Medico - Pompano Beach - Code change for** Special Exception Use / B-3 Zoning to allow for Thrift Store - Expert Testimony Public Hearing

  No law firm involved.

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Summary of Public Sector Experience:

City of Fort Lauderdale - Florida

- Comprehensive Planning
- Zoning and Land Development Regulations
- Community Redevelopment Plans
- Master Plans
- Development Permit Application Reviews, including but not limited to Site Plan, Variances, Vacations, Plats
- Interpretations of Land Use Plans, Code and City Ordinances
- Represented the City on Land Use Litigation matters

Town of Lauderdale-By-The-Sea, Florida

- Comprehensive Planning
- Zoning and Land Development Regulations
- Other general planning and zoning consulting services

City of Pompano Beach Community Redevelopment Agency - Florida

- Comprehensive Planning
- Zoning and Land Development Regulations
- Nuisance Commercial Uses

City of Sunrise Development Services Department - Florida

- Comprehensive Planning
- Zoning and Land Development Regulations
- Development Agreements

City of New York

- Strategic Planning

Town of North Hempstead – New York

- Land Use Plans
- Zoning and Land Development Regulations
- Community Redevelopment Plans
- Master Plans
- Development Permit Application Reviews, including but not limited to Environmental Permit Applications,
- Site Plan, Variances, Vacations, Plats, Historic Preservation
- Interpretations of Land Use Plans, Code and City Ordinances
- Management of Grants as Director of Department

City of Ogdensburg – New York

- Review of Waterfront Redevelopment Plan and Scope of Services for Request For Proposals

Town of Poultney- Vermont

- Economic Development Planning
- Review Town Comprehensive Plan
- Review Town Zoning Regulations

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Summary of Other Private Sector Experience:

- **Mid South Engineering**
  - Worked on one of the first comprehensive plans developed in southeast Florida - Town of Davie

- **Coral Ridge Properties**
  - Assisted in land use and zoning issues related to all land development activities for corporate land holdings in the City of Parkland
  - Assisted in the drafting of City of Parkland Parks and Recreation land use and zoning regulations

- **Siren Management Corp**. - [Winter Harbor, ME; Trenton, ME; Loon Lake, NY; Gulliver's Cove, N.S.]
  - Land Use and Zoning Expertise for Private Land Owner with Properties located in Nova Scotia, Maine and New York State

JC Consulting Projects:

- **NRNS IV Acquisition, LLC - [Pine Hollow- Parkland, Fl]** Expert **Witness Litigation for Defendant (Gunster Law- Fort Lauderdale)**

- **Citizens for Responsible Development Inc v. City of Dania Beach and Dania Entertainment Center LLC - Expert Witness Litigation for Plaintiff (Conrad & Scherer Fort Lauderdale)**

- **Zaveco vs. Woodmont Development Corp. -Expert Witness Litigation for Plaintiff (Conrad & Scherer Fort Lauderdale)**

- **TS&B, LLC. Vs. City of Hallandale Beach - Expert Witness Litigation for Plaintiff (Gunster Law- Fort Lauderdale)**

- **Realty Assoc. Funds IX LP vs. Town of Cutler Bay and GCF Investments Inc. - Shoppes of Cutler Bay - Expert Witness Litigation for Defendant (Gray Robinson – Miami)**

- **Keystone, Florida Property Holding Corp. – Galleria Mall, - Fort Lauderdale, Proposed Planned Development - Rezoning and Site Plan**

- **Town of Lauderdale-By-The-Sea, FL - General Planning and Zoning Services; Evaluation of Comprehensive Plan; Study of Annexed Area Zoning**

- **City of Pompano Beach CRA – Zoning in progress issues – Nuisance Commercial Uses**

- **City of Pembroke Pines – Wastewater Capacity Planning Analysis**

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- **Robert Black – Riverland Estates Plat – City of Fort Lauderdale – Plat Application**

- **Broward Design Center – City of Fort Lauderdale - Planning review of Parking Related Issues**

- **MB Development – Town of Surfside – Planning Analysis of Beach Concessions**

- **Collins and 72nd Street Developers – City of Miami Beach – North Beach Area Study – Planning Analysis of Proposed Master Plan**

- **Grande Bay Estates – Neighborhood Association – Wellington – Planning Analysis of Gate Issue**

- **Seneca Industrial Development – City of Pembroke Park – Review of Site Plan application related to Seneca Town Center**

- **PMG Riverfront – City of Fort Lauderdale – Review Historic Preservation Related Issues in conjunction with Site Plan application**

- **Investments Limited LLC – City of Boca Raton - Expert Witness for Plaintiff related to redevelopment potential of property (Attorney's Investments Limited LLC)**

- **Granite Investments LLC – City of Aventura - Proposed Land Use and Land Development Code changes to permit mixed use development**

- **Indian Creek Country Club – Indian Creek Village, FL – related to request for Dock Permit**

- **Port Aventura Gross Holdings LLC – Aventura, FL - Land Use and Zoning text amendment and site plan for mixed use development**

- **Alexan Fort Lauderdale - Site Plan Land Use and Zoning review for Hotel/Condo**

- **DR Horton – Fort Lauderdale rezoning and site Plan for townhouse development**

- **8995 Collins – Surfside, FL- Site Plan Land Use and Zoning review for Hotel/Condo**

- **RK Centers LLC – Comprehensive Plan and Zoning analysis in opposition to proposed development – expert witness – Sunny Isles, FL**

- **222 Lakeview LLC- RedSky Capital WPB Land Use /Zoning Litigation on behalf of Plaintiff (Nason Yeager Gerson, White I Lioce, PA – WPB)**

Cecelia Ward, AICP
JC Consulting Enterprises, Inc.
18081 SE Country Club Drive, #313
Tequesta, Florida 33469
(954) 815-4298

- **Conrad Scherer – Comprehensive Plan and Zoning analysis in opposition to proposed AHF development – Fort Lauderdale, FL**

- **TS&B, LLC- Impact of NE 1 Avenue Lane Reduction on Land Holdings – Hallandale, FL**

- **Town of Poultney, Vermont- Economic Development Consultant and review of Land Use and Zoning regulations**

- **Ori Lapidot – Land Use and Zoning Fort Lauderdale Properties (Crush Law)**

- **City of Sunrise FL - Planning Consultant**

- **West Shore LLC - Alachua County Land Use /Zoning – Litigation on behalf of Plaintiff (Akerman – Fort Lauderdale)**

- **4112 El Mar Drive – Single Family Conditional Use – Lauderdale-By-the-Sea (Crush Law)**

- **City of Miami Beach – Land Use/Zoning Review of Permits issued for South of Fifth Properties**

- **Flagler Village – Review of Proposed Development of One Stop Shop Property (Flagler Village Neighborhood Assoc.- Fort Lauderdale)**

- **West Shore Point of Naples LLP – Land Use /Zoning Review of St. Matthews House CPUD application (Akerman PA)**

- **KZ Copans LLC – Small -Scale Land Use Amendment – and Rezoning - City of Pompano Beach (Gunster, PA)**

- **Hayes Street Properties – Zoning Issues (Angelo & Banta PA)**

- **Davie – Billy Jack's – Site Land Use and Zoning Issues (Angelo & Banta PA)**

- **Ocean Park Residences and Hotel – Site Plan Level IV - Fort Lauderdale (Lochrie & Chakas PA)**

- **Hillcrest By The Sea, Surfside, FL – Multifamily Residential Site Plan (Fort Partners/Shubin & Bass, PA)**

- **Surf House, Surfside, FL – Site Plan Amendment (Fort Partners/Shubin & Bass, P.A.)**

- **Aletto – Boca Raton, FL – Site Plan – (Save Downtown Boca Raton/Tucker Gibbs P.A.)**

- **Seaway, Surfside, FL – Review of Parking Regulations (Fort Partners)**

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JC Consulting Enterprises, Inc.
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Tequesta, Florida 33469
(954) 815-4298

- **Market Hall – Surfside, FL – Site Plan Amendment (Fort Partners/Shubin & Bass, PA)**

- **Hancock 40 LLC – SW Ranches, FL Future Land Use Plan Amendment and Rezoning Applications (Crush Law, PA)**

- **Bahama Village – Key West – Planning Expert Opinion regarding proposed Land Use and Rezoning Application – Michelle Cates Deal, PA**

- **DAMAC – Site Plan Surfside, FL - East Oceanside Development LLC**

- **DAMAC – Sales Center – City of Miami Beach**

- **Delray Beach Market – Review Site Plan Issue with Rooftop Elevator – Conrad & Scherer LLP**

- **Versailles Delray – Redevelopment of Golf Course- The Fountains of Palm Beach, FL – Tucker Gibbs, P.A.**

- **Morrison Tennessee - Represent Residents in R-1 zoning – opposed to McNeilus Steel Rezoning**

- **Snyder Park Pickleball Facility – Planning expert opinion for Rodstrom Law**

- **First United Methodist Church of McMinnville Tennessee – Historic Preservation planning services.**

- **Las Olas Ocean Site Plan – Crush Law, City of Fort Lauderdale**

- **Paramount Theater Redevelopment – Palm Beach, FL - Sun and Surf Condominium Assoc. – John Eubanks, Esq. Sniffen & Spellman, P.A.**

- **Palm Beach Synagogue Redevelopment – Palm Beach, FL - Sun and Surf Condominium Assoc. – John Eubanks, Esq. Sniffen & Spellman, P.A.**

- **Westwood Redevelopment Plan – Orange County, FL – RHM Wynfield LLC (George Kousoulas – Zachary Parnas)**

- **Irlo Redevelopment Plan– Osceola County – Lakeside Operating Partnership LP – (George Kousoulas – Zachary Parnas)**

- **Quail Creek Golf Course – Variance Application – Collier County, FL [Quail Creek Residents-Coco Plum and Valewood]**

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Exhibit BB

DECLARATION OF JOSEPH GROCH

1. I am a professor at Florida Gulf Coast University in the PGA Professional Golf Management Program. My curriculum vitae, setting forth my relevant experience and qualifications are attached hereto.

2. I have previously conducted a probabilistic/statistical analysis and report on the driving range "errant ball" situation at Quail Creek, explaining that the existing safety issue can be fully resolved with placement of a 35-foot high netting barrier.

3. In connection with that analysis, I have made three site visits to the area in question.

4. I have reviewed the driving range expansion now being proposed by Quail Creek in its site development plan.

5. Expansion of the main driving range approximately 50-55 yards to the west, as depicted in the site development plan, will seriously aggravate the safety situation for golfers on Quail Creek's Creek course Hole #10. Distance from the area of concern is a very important factor in evaluating the risk of errant golf balls, and reducing that distance by 50 yards has the potential to geometrically increase the risk of errant balls.

6. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Naples, Florida,

December 15 2025.

Joseph M. Groch

Joseph M. Groch

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LAND DEVELOPMENT CODE AMENDMENT

PETITION
PL20260002471

ORIGIN
Growth Management
Community Development
(GMCD)

SUMMARY OF AMENDMENT
This Land Development Code (LDC) amendment updates the provisions related to temporary events on Collier County property to specify that a temporary use permit shall now be required for community events that are open to the public. LDC amendments are reviewed by the Board of County Commissioners (Board), Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR Subcommittee).

HEARING DATES

Board	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	03/17/2026

LDC SECTION TO BE AMENDED
05.04.05 Temporary Events

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
TBD	TBD	TBD

BACKGROUND

On February 10, 2015, the Board discussed an item related to a community market/special event at the Golden Gate Community Center and directed staff to amend the LDC. At the time, temporary events on Collier County property required a temporary use permit for sports, religious, and community events. In response to the Board's direction, staff brought back a draft ordinance to the Board on April 28, 2015. The draft ordinance proposed to no longer require a temporary use permit for temporary events on Collier County parks, facilities, and other properties if the Board has an approved agreement. The Board approved the LDC amendment, resulting in the adoption of Ordinance 2015-28. These are the current provisions.

Staff is now proposing an LDC amendment to require a temporary use permit for a community event that is open to the public. In the context of this LDC amendment, staff considers a community event that will be subject to a temporary use permit if the event is marketed/advertised to the public (e.g., 5K run, car shows, drone shows, concerts, etc.). It is not staff's intent to require a special event permit for individuals or organizations having a private event, such as renting a pavilion for a private birthday party. Rather than defining "community events that are open to the public" in the LDC, staff contemplates that the applications kept at GMCD will provide submittal requirements and appropriate review process for the different types of community events that may be requested.

FISCAL & OPERATIONAL IMPACTS
There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY
The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: None

Amend the LDC as follows:

5.04.05 - Temporary Events

A. Special Events. This section establishes the location and development standards for special events, including temporary market events, sales and promotional events, and sports, religious, community events, and events in County right-of-way.

* * * * * * * * * * * * *

D. Temporary events on Collier County property:

1. A Board approved agreement shall be required for temporary events on all Collier County parks, facilities, and other property. A temporary use permit shall ~~not~~ be required for community events that are open to the public.

2. Signage for temporary events on Collier County property shall comply with LDC section 5.04.06 Temporary Signs.

3. The applicant shall coordinate with emergency medical services, fire districts, and Collier County Sheriff's offices to determine the appropriate level of coverage required for the event.

* * * * * * * * * * * * *

\# \# \# \# \# \# \# \# \# \# \# \# \#

Attendance Roster – Date: March 17, 2026

DSAC – Land Development Review Subcommittee

****Must have (3) members for a quorum****

Committee Members	
Name	**Signature**
Clay Brooker:	
Blair Foley:	
Robert Mulhere:	
Mark McLean:	
Jeffrey Curl:	

Staff Members	
Mike Bosi, Planning and Zoning Division Director, GMCD	Present
Eric Johnson, LDC Planning Manager, GMCD	Present
Richard Henderlong, Planner III, GMCD	Not Present
Alexander Showalter, Planner III, GMCD	Present
Heather Cartwright-Yilmaz, Management Analyst/Liaison, GMCD	Present
Jaime Cook, Development Review Director, GMCD	Present

Attendance Roster – Date: March 17, 2026

DSAC – Land Development Review Subcommittee

Public Sign-in Sheet

Please Print

NAME	REPRESENTING	PHONE NO.
Jeremie Chastain	Quail Creek PL20250001380	239-254-2027
Joseph Groch	Commers & Accarino	239-825-2896
Chad Commers	~~Dr~~ Commers	612.801.0463
Frank Accarino	Accarino	917 716 8812
Chris Evans	Quail Creek CC	239-287-5622
Zach Lambson	Quail Creek CC	2396490555

PLEASE PRINT CLEARLY

Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

Agenda Item No.: _____ **Agenda Item Topic:** PL 2025 0013881

Meeting Date: 3/17 (For Public Comment, list topic)

Name: Joseph Groch Address: 450 Widgeon Pt Naples FL 3

Representing/Petitioner: Homeowners of Quail Creek Other:

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
ENGAGING IN ANY LOBBYING ACTIVITIES (INCLUDING, BUT NOT LIMITED TO, ADDRESSING THE BOARD OF COUNTY COMMI
THE CLERK TO THE BOARD AT THE BOARD MINUTES AND RECORDS DEPARTMENT.

YOU ARE LIMITED TO THREE (3) MINUTES FOR YOUR COMMENTS AND ARE TO ADDRESS O

PUBLIC COMMENT IS NOT INTENDED TO BE A FORUM FOR SELF-PROMOTION. PUBLIC COMMENT SPEAKERS WHO ENGAG
BUSINESS, PERSONAL POLITICKING, OR OTHER FORMS OF SELF-PROMOTION, WILL BE ASKED TO LEAVE THE

PLEASE GIVE THE COMPLETED FORM TO THE STAFF LIAISON.

PLEASE PRINT CLEARLY

Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

Agenda Item No.: 4a

Agenda Item Topic: _____
(For Public Comment, list topic)

Meeting Date: 3/17

Name: Janet Longwood Address: _____

Representing/Petitioner: Quail Creek Other: _____

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
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Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

PL20250013881

Agenda Item No.: 4 **Agenda Item Topic:** Quail Creek Co

Meeting Date: 5/17/26 (For Public Comment, list topic)

Name: Chad Commers Address: 13156 Valewood Dr.

Representing/Petitioner: Commers Other:

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
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Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

Agenda Item No.: 4

Agenda Item Topic: PL 20251388[illegible] PL

Meeting Date: 3/17/2026

(For Public Comment, list topic)

Name: Letitia Accarino

Address: 13057 Cuco Plum Lae Naples F

Representing/Petitioner: Co-Sponsor of Homeowners LDC Amednet

Other:

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
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Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

Agenda Item No.: 4.a.

Agenda Item Topic: Golf Course Errant Ball (or
(For Public Comment, list topic)

Meeting Date: 3/17/2026

Name: Jeremie Chastain

Address: 950 Encore Way, Naples, FL 34110

Representing/Petitioner: Quail Creek Country Club

Other:

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
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Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

Agenda Item No.: 4b **Agenda Item Topic:** LDCA
(For Public Comment, list topic)

Meeting Date: _____

Name: ZACH LOMBARDO Address: _____

Representing/Petitioner: QUAIL CREEK Other: _____

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
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Collier County
GROWTH MANAGEMENT
COMMUNITY DEVELOPMENT

Agenda Item No.: 4

Agenda Item Topic: A
(For Public Comment, list topic)

Meeting Date: 3/17/26

Name: Chris Evans

Address: 1705 Birdie Dr. Naples, FL

Representing/Petitioner: Quad Creek CC

Other:

COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED BY ORDINANCE 2004-05 AND 2007-24, REQUIRES THAT ALL LO
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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Mathue Robert James	Collier County Development Service Advisory Council
MAILING ADDRESS 3613 Recreation Lane	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☑ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY Naples FL	NAME OF POLITICAL SUBDIVISION: Collier County
DATE ON WHICH VOTE OCCURRED 3-17-2026	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert D. Mulhere, hereby disclose that on March 17, 2026:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

✓ inured to the special gain or loss of Bowman Consulting, LLC, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

3-17-2026
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

Collier County Government

Communications, Government & Public Affairs
3299 Tamiami Trail E., Suite 102
Naples, Florida 34112-5746

February 23, 2026

FOR IMMEDIATE RELEASE

Notice of Public Meeting
Development Services Advisory Committee
Land Development Review Subcommittee
Collier County, Florida

March 17, 2026
3:00 p.m.

Notice is hereby given that the **Collier County Development Services Advisory Committee - Land Development Review Subcommittee (DSAC-LDR)** will meet on **Tuesday, March 17, 2026,** at **3:00 p.m.** in Conference Room 609/610 of the Growth Management Community Development Department building, 2800 N. Horseshoe Drive, Naples, Florida.

Individuals who would like to participate in person must complete and submit a speaker form prior to the beginning of the discussion about the item.

About the public meeting:
Two or more members of the Board of County Commissioners may be present and may participate in the meeting. The subject matter of this meeting may be an item for discussion and action at a future Board of County Commissioners meeting.

All interested parties are invited to attend, and to register to speak. All registered public speakers will be limited to three minutes unless permission for additional time is granted by the chairman.

Collier County Ordinance No. 2004-05 requires that all lobbyists shall, before engaging in any lobbying activities (including, but not limited to, addressing the Board of County Commissioners, an advisory board or quasi-judicial board), register with the Clerk to the Board at the Board Minutes and Records Department.

Anyone who requires an auxiliary aid or service for effective communication, or other reasonable accommodations in order to participate in this proceeding, should contact the Collier County Facilities Management Division, located at 3335 Tamiami Trail E., Suite 101, Naples, Florida 34112, or (239) 252-8380 as soon as possible, but no later than 48 hours before the scheduled event. Such reasonable accommodations will be provided at no cost to the individual.

For more information, call Eric Johnson at (239) 252-2931.

###