



City of Marco Island
 Community Affairs Department
 50 Bald Eagle Drive
 Marco Island, FL 34145
 Phone: 239-389-5000 or FAX: 239-393-0266

PF-20

REZONE PETITION

Petition number: R- _____ Date Received: _____

Planner: _____

ABOVE TO BE COMPLETED BY STAFF

1. General Information:

Name of Applicant(s) SHAWN C JOYCE
KATHERINE E MUENZLER

Applicant's Mailing Address 961 MAPLE COURT

City MARCO ISLAND State FLORIDA Zip 34145

Applicant's E-Mail Address: THEPROS@JOYCEBUILDING.COM

Applicant's Telephone # 239-677-3006 Fax # _____

Name of Agent SHAWN JOYCE Firm JOYCE BUILDING

Agent's Mailing Address 116 DELBROOK WAY

City MARCO ISLAND State FLORIDA Zip 34145

Agent's Telephone # 239-677-3006 Fax # _____

Agent's E-Mail Address: THEPROS@JOYCEBUILDING.COM

Complete the following for all Association(s) affiliated with this petition. (Provide additional sheets if necessary)

Name of Homeowner Association:

Mailing Address _____ City _____ State ____ Zip _____

Name of Homeowner Association: _____

Mailing Address _____ City _____ State ____ Zip _____

Name of Homeowner Association: _____

Mailing Address _____ City _____ State ____ Zip _____

Name of Master Association: _____

Mailing Address _____ City _____ State ____ Zip _____

Name of Civic Association:
 _____ MICA _____

Mailing Address 1770 SAN MARCO RD STE 204 City MARCO ISLAND State FL Zip 34145

2. Disclosure of Interest Information:

- a. If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest. (Use additional sheets if necessary).

Name and Address	Percentage of Ownership
SHAWN C JOYCE	50
KATHERINE E MUENZLER	50
_____	_____
_____	_____
_____	_____
_____	_____

- b. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

_____	_____
_____	_____
_____	_____
_____	_____

c. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: _____

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

Name and Address

- g. Date subject property, acquired leased 5/3/2024 term of lease _____ yrs./mos.

If, Petitioner has option to buy, indicate date of option: _____ and date option terminates: _____, or anticipated closing date _____.

- h. Should any changes of ownership or changes in contracts for purchase occur subsequent to the date of application, but prior to the date of the final public hearing, it is the responsibility of the applicant, or agent on his behalf, to submit a supplemental disclosure of interest form.

3. **Detailed legal description of the property covered by the application:** (If space is inadequate, attach on separate page.) If request involves change to more than one zoning district, include separate legal description for property involved in each district. Applicant shall submit four (4) copies of a recent survey (completed within the last six months, maximum 1" to 400' scale) if required to do so at the pre-application meeting.

NOTE: The applicant is responsible for supplying the correct legal description. If questions arise concerning the legal description, an engineer's certification or sealed survey may be required.

Section: 16 Township: 52 Range: 26

Lot: 9 Block: 109 Subdivision: MARCO BCH

Plat Book _____ Page #: _____ Property I.D.#: 56878680004

Metes & Bounds Description: _____

4. **Size of property:** 80 ft. X 110 ft. = Total Sq. Ft. 8800 Acres .20

5. **Address/general location of subject property:** 1362 SAN MARCO ROAD

6. **Adjacent zoning and land use:**

	Zoning	Land use
N	<u>RSF-4</u>	<u>RESIDENTIAL</u>
S	<u>RMF-12</u>	<u>MULTI-FAMILY</u>
E	<u>RSF-4</u>	<u>RESIDENTIAL</u>

W C-1 COMMERCIAL

Does the owner of the subject property own property contiguous to the subject property? If so, give complete legal description of entire contiguous property. (If space is inadequate, attach on separate page). PLEASE SEE ATTACHED

Section: _____ Township: _____ Range: _____

Lot: _____ Block: _____ Subdivision: _____

Plat Book _____ Page #: _____ Property I.D.#: _____

Metes & Bounds Description: _____

7. **Rezoning Request:** This application is requesting a rezone from the C-1 zoning district (s) to the RSF-4 zoning district(s).

Present Use of the Property: VACANT LAND

Proposed Use (or range of uses) of the property: SINGLE FAMILY RESIDENTIAL

8. **Evaluation Criteria:** Pursuant to Section 2.7.2.5. of the Collier County Land Development Code, staff's analysis and recommendation to the Planning Commission, and the Planning Commission's recommendation to the Board of County Commissioners shall be based upon consideration of the applicable criteria noted below. Provide a narrative statement describing the rezone request with specific reference to the criteria noted below. Include any backup materials and documentation in support of the request.

Standard Rezone Considerations (LDC Section 2.7.2.5.)

1. *Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map and the elements of the growth management plan.*
2. *The existing land use pattern.*
3. *The possible creation of an isolated district unrelated to adjacent and nearby districts.*
4. *Whether existing district boundaries are illogically drawn in relation to existing conditions on the property for the proposed change.*
5. *Whether changed or changing conditions make the passage of the proposed amendment (rezone) necessary.*
6. *Whether the proposed change will adversely influence living conditions in the neighborhood.*
7. *Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes*

or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.

8. *Whether the proposed change will create a drainage problem.*
 9. *Whether the proposed change will seriously reduce light and air to adjacent areas.*
 10. *Whether the proposed change will seriously affect property values in the adjacent area.*
 11. *Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.*
 12. *Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.*
 13. *Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.*
 14. *Whether the change suggested is out of scale with the needs of the neighborhood or the county.*
 15. *Whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use.*
 16. *The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.*
 17. *The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County growth management plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. II], as amended.*
 18. *Such other factors, standards, or criteria that the board of county commissioners shall deem important in the protection of the public health, safety, and welfare.*
9. **Deed Restrictions:** The County is legally precluded from enforcing deed restrictions, however, many communities have adopted such restrictions. You may wish to contact the civic or property owners association in the area for which this use is being requested in order to ascertain whether or not the request is affected by existing deed restrictions.
10. **Previous land use petitions on the subject property:** To your knowledge, has a public hearing been held on this property within the last year? If so, what was the nature of that hearing? _____
11. **Additional Submittal requirements:** In addition to this completed application, the following shall be submitted in order for your application to be deemed sufficient, unless otherwise waived during the pre-application meeting.
- a. A copy of the pre-application meeting notes;
 - b. If this rezone is being requested for a specific use, provide fifteen (15) copies of a 24" x 36" conceptual site plan (16 copies if for affordable housing) [and one reduced 8½" x 11" copy of site plan], drawn to a maximum scale of 1 inch equals 400 feet, depicting the following [Additional copies of the plan may be requested upon completion of staff evaluation for distribution to the Board and various advisory boards such as the Environmental Advisory Board (EAB), or CCPC];

- all existing and proposed structures and the dimensions thereof,
 - provisions for existing and/or proposed ingress and egress (including pedestrian ingress and egress to the site and the structure(s) on site),
 - all existing and/or proposed parking and loading areas [include matrix indicating required and provided parking and loading, including required parking for the disabled],
 - required yards, open space and preserve areas,
 - proposed locations for utilities (as well as location of existing utility services to the site),
 - proposed and/or existing landscaping and buffering as may be required by the County,
- c. An architectural rendering of any proposed structures.
- a. An Environmental Impact Statement (EIS), as required by Section 3.8. of the Land Development Code (LDC) , or a request for waiver if appropriate.
- d. Whether or not an EIS is required, two copies of a recent aerial photograph, (taken within the previous twelve months), minimum scale of one inch equals 400 feet, shall be submitted. Said aerial shall identify plant and/or wildlife habitats and their boundaries. Such identification shall be consistent with Florida Department of Transportation Land Use Cover and Forms Classification System. Additionally, a calculation of the acreage (or square feet) of native vegetation on site, by area, and a calculation and location(s) of the required portion of native vegetation to be preserved (per LDC Section 3.9.5.5.4.).
- e. Statement of utility provisions (with all required attachments and sketches);
- f. A Traffic Impact Statement (TIS), unless waived at the pre-application meeting;
- g. A historical and archeological survey or waiver application if property is located within an area of historical or archaeological probability (as identified at pre-application meeting);
- h. Any additional requirements as may be applicable to specific conditional uses and identified during the pre-application meeting, including but not limited to any required state or federal permits.

STATEMENT OF UTILITY PROVISIONS FOR STANDARD REZONE REQUEST

1. NAME OF APPLICANT: SHAWN JOYCE AND KATHERINE MUENZLER

2. MAILING ADDRESS: 961 MAPLE COURT
CITY MARCO ISLAND STATE FLORIDA ZIP 34145

3. ADDRESS OF SUBJECT PROPERTY (IF AVAILABLE): _____
1362 SAN MARCO ROAD

4. LEGAL DESCRIPTION:

Section: 16 Township: 52 Range: 26

Lot: 9 Block: 109 Subdivision: MARCO BCH

Plat Book _____ Page #: _____ Property I.D.#: 56878680004

Metes & Bounds Description: _____

5. TYPE OF SEWAGE DISPOSAL TO BE PROVIDED (Check applicable system):

- a. COUNTY UTILITY SYSTEM
- b. CITY UTILITY SYSTEM
- c. FRANCHISED UTILITY SYSTEM
 PROVIDE NAME _____
- d. PACKAGE TREATMENT PLANT
(GPD capacity) _____
- e. SEPTIC SYSTEM

6. TYPE OF WATER SERVICE TO BE PROVIDED:

- a. COUNTY UTILITY SYSTEM
- b. CITY UTILITY SYSTEM
- c. FRANCHISED UTILITY SYSTEM
 PROVIDE NAME _____
- d. PRIVATE SYSTEM (WELL)

7. TOTAL POPULATION TO BE SERVED: _____

8. PEAK AND AVERAGE DAILY DEMANDS:

- A. WATER-PEAK _____ AVERAGE DAILY _____
- B. SEWER-PEAK _____ AVERAGE DAILY _____

9 . IF PROPOSING TO BE CONNECTED TO COLLIER COUNTY REGIONAL WATER SYSTEM, PLEASE PROVIDE THE DATE SERVICE IS EXPECTED TO BE REQUIRED:

_____.

- 10. NARRATIVE STATEMENT:** Provide a brief and concise narrative statement and schematic drawing of sewage treatment process to be used as well as a specific statement regarding the method of effluent and sludge disposal. If percolation ponds are to be used, then percolation data and soil involved shall be provided from tests prepared and certified by a professional engineer.
- 11. COLLIER COUNTY UTILITY DEDICATION STATEMENT:** If the project is located within the services boundaries of Collier County's utility service system, written notarized statement shall be provided agreeing to dedicate to Collier County Utilities the water distribution and sewage collection facilities within the project area upon completion of the construction of these facilities in accordance with all applicable County ordinances in effect at the at time. This statement shall also include an agreement that the applicable system development charges and connection fees will be paid to the County Utilities Division prior to the issuance of building permits by the County. If applicable, the statement shall contain shall contain an agreement to dedicate the appropriate utility easements for serving the water and sewer systems.
- 12. STATEMENT OF AVAILABILITY CAPACITY FROM OTHER PROVIDERS:** Unless waived or otherwise provided for at the pre-application meeting, if the project is to receive sewer or potable water services from any provider other than the County, a statement from that provider indicating that there is adequate capacity to serve the project shall be provided.

Utility Provision Statement RJM 10/17/97

**STANDARD REZONE APPLICATION
SUBMITTAL CHECKLIST**

THIS COMPLETED CHECKLIST IS TO BE SUBMITTED WITH APPLICATION PACKET!

REQUIREMENTS	# OF COPIES	REQUIRED	NOT REQUIRED
1. Completed Application	15*		
2. Copy of Deed(s) and list identifying Owner(s) and all Partners if a Corporation	2*		
3. Completed Owner/Agent Affidavit, Notarized	2*		
4. Pre-application notes/minutes	15*		
5. Conceptual Site Plans	15*		
6. Environmental Impact Statement - (EIS)	4		
7. Aerial Photograph - (with habitat areas identified)	5*		
8. Completed Utility Provisions Statement (with required attachments and sketches)	4		
9. Traffic Impact Statement - (TIS)	4		
10. Historical & Archaeological Survey or Waiver Application	4		
11. Copies of State and/or Federal Permits	4		
12. Architectural Rendering of Proposed Structure(s)	4		
13. Application Fee, Data Conversion Fee, Check shall be made payable to Collier County Board of Commissioners	-		
14. PUBLIC PARTICIPATION MEETING: APPLICATION SUBMITTAL: -Copy of Affidavit attesting that all property owners, civic associations & property owner associations were notified. -Copy of audio/video recording of public meeting -Written account of meeting	-		
15. Application fee, check shall be made payable to "The City of Marco Island" in the amount of \$5,000.00, plus \$25/acre. (\$7,000.00 if to PUD.)			
16. Other Requirements			

* Documents required for Long-Range Planning Review *1 additional copy if for affordable housing

PUBLIC NOTICE REQUIREMENT: In addition to the fees required herein, all costs of newspaper notices and required notices for public petitions shall be paid in full prior to a scheduled public hearing. If such payment is not received prior to a scheduled public hearing, the petition will be continued and rescheduled. Any additional cost associated with a rescheduled item shall also be paid in full prior to the public hearing. Advertising for public hearings shall be prepared by staff and submitted to the newspapers as required in the Marco Island Land Development Code (LDC). If an application is filed for which a fee is not listed herein, staff shall assess the fee based upon actual time spent reviewing the petition.
Marco Island Code of Ordinances Section 30-8(a). Amended 10/17/2005

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

Shawn Joyce *Katherine Mughin*
Agent/Applicant Signature

5-5-2021

Date

AFFIDAVIT

On our own behalf

We/I, _____ being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted. We/I hereby also consent to access to the subject property (excluding entering any home or other enclosed structure) by City of Marco Island staff members, Planning Board members, and/or Board or Zoning Appeals members for the limited purpose of evaluating, observing, or understanding the subject property conditions as they relate to the petition. While the petition is pending, Staff members, Planning Board members, or Board of Zoning Appeals members will be allowed access upon the property provided they display a Marco Island City Photo ID or a Valid Driver's License.

As property owner we/I further authorize _____ to act as our/my representative in any matters regarding this Petition.

Signature of Property Owner

Signature of Property Owner

Printed Name of Property Owner

Printed Name of Property Owner

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or has produced

_____ as identification.

State of Florida

County of _____

(Seal)

Signature, Notary Public – State of Florida

Printed, Typed, or Stamped Name of Notary

TRAFFIC IMPACT STATEMENT (TIS):

A TIS is required unless waived at the pre-application meeting. The TIS required may be either a major or minor as determined at the pre-application meeting. Please note the following with regard to TIS submittals:

MINOR TIS: Generally required for rezone requests for property less than 10 acres in size, although based on the intensity or unique character of a petition, a major TIS may be required for petition of ten acres or less.

MAJOR TIS: Required for all other rezone requests.

A minor TIS shall include the following:

1. Trip Generation: Annual Average Daily Traffic
(at build-out) Peak Hour (AADT)
Peak Season Daily Traffic
Peak Hour (PSDT)
2. Trip Assignment: Within Radius of Development Influence (RDI)
3. Existing Traffic: Within RDI
AADT Volumes
PSDT Volumes
Level of Service (LOS)
4. Impact of the proposed use on affected major thoroughfares, including any anticipated changes in level of service (LOS).
5. Any proposed improvements (to the site or the external right-of-way) such as providing or eliminating an ingress/egress point, or providing turn or decel lanes or other improvements.
6. Describe any proposal to mitigate the negative impacts on the transportation system.
7. **For Rezones Only:** State how this request is consistent with the applicable policies of the Traffic Circulation Element (TCE) of the Growth Management Plan (GMP), including policies 1.3, 1.4, 4.4, 5.1, 5.2, 7.2 and 7.3.

A Major TIS shall address all of the items listed above (for a Minor TIS, and shall also include an analysis of the following:

1. Intersection Analysis
2. Background Traffic
3. Future Traffic
4. Through Traffic
5. Planned/Proposed Roadway Improvement
6. Proposed Schedule (Phasing) of Development

TRAFFIC IMPACT STATEMENT (TIS) STANDARDS:

The following standards shall be used in preparing a TIS for submittal in conjunction with a conditional use or rezone petition:

1. **Trip Generation:** Provide the total traffic generated by the project for each link within the project's Radius of Development Influence (RDI) in conformance with the acceptable traffic engineering principles. The rates published in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Report shall be used unless documentation by the petitioner or the County justifies the use of alternative rates.
2. **Trip Assignment:** Provide a map depicting the assignment to the network, of those trips generated by the proposed project. The assignment shall be made to all links within the RDI. Both annual average and peak seasonal traffic should be depicted.
3. **Existing Traffic:** Provide a map depicting the current traffic conditions on all links within the RDI. The AADT, PSDT, and LOS shall be depicted for all links within the RDI.
4. **Level of Service (LOS):** The LOS of a roadway shall be expressed in terms of the applicable Collier County Generalized Daily Service Volumes as set forth in the TCE of the GMP.
5. **Radius of Development Influence (RDI):** The TIS shall cover the least of the following two areas:
 - a) an area as set forth below; or,
 - b) the area in which traffic assignments from the proposed project on the major thoroughfares exceeds one percent of the LOS "C".

<u>Land Use</u>	<u>Distance</u>
Residential	5 Miles or as required by DRI
Other (commercial, industrial, institutional, etc.)	
0 - 49, 999 Sq. Ft.	2 Miles
50,000 - 99, 999 Sq. Ft.	3 Miles
100,000 - 199, 999 Sq. Ft.	4 Miles
200,000 - 399, 999 Sq. Ft.	5 Miles
400,000 & up	5 Miles

In describing the RDI the TIS shall provide the measurement in road miles from the proposed project rather than a geometric radius.

6. **Intersection Analysis:** An intersection analysis is required for all intersections within the RDI where the sum of the peak-hour critical lane volume is projected to exceed 1,200 Vehicles Per Hour (VPH).
7. **Background Traffic:** The effects of previously approved but undeveloped or partially developed projects which may affect major thoroughfares within the RDI of the proposed project shall be provided. This information shall be depicted on a map or, alternatively, in a listing of those projects and their respective characteristics.
8. **Future Traffic:** An estimate of the effects of traditional increases in traffic resulting from potential development shall be provided. Potential development is that which may be developed maximally under the effective Future Land Use Element (FLUE) and the Collier County Land Development Code. This estimate shall be for the projected development areas within the projects RDI. A map or list of such lands with potential traffic impact calculations shall be provided.

9. **Through Traffic:** At a minimum, increases in through traffic shall be addressed through the year 2015. The methodology used to derive the estimates shall be provided. It may be desirable to include any additional documentation and backup data to support the estimation as well.
10. **Planned/Proposed Roadway Improvements:** All proposed or planned roadway improvements located within the RDI should be identified. A description of the funding commitments shall also be included.
11. **Project Phasing:** When a project phasing schedule is dependent upon proposed roadway improvements, a phasing schedule may be included as part of the TIS. If the traffic impacts of a project are mitigated through a phasing schedule, such a phasing schedule may be made a condition of any approval.