

EXECUTIVE SUMMARY

Recommendation to approve the conceptual plan for replacement of the Vanderbilt Beach restrooms and approval to move forward with the design engineering, project permitting and bidding along with all necessary engineering funding for a new beach park facility at this location. Also requested is authorization of associated budget amendments.

OBJECTIVE: Obtain conceptual plan approval for the replacement of the Vanderbilt Beach restrooms and funding for the design engineering, project permitting and bidding activities for a new beach park facility at this location.

CONSIDERATIONS: The BCC directed staff on January 15, 2008 to develop a plan to upgrade the existing Vanderbilt Beach restroom facility to address overall community needs consistent with current County practices and existing beach park facilities. The existing Vanderbilt beach restrooms are approximately 15 years old, in need of significant refurbishment and are undersized to meet current public demands. Vanderbilt Beach is one of the County's most popular beach parks. Adequate beach parking exists at this location through the recently completed parking garage on Vanderbilt Beach Road.

The layout for this new facility is within the vegetation buffer just to the south of Vanderbilt Beach Road and located within the existing footprint and just slightly west of the existing bathrooms. The new and existing facilities are located seaward of the State of Florida's Coastal Construction Control Line (CCCL) and the County's Coastal Construction Setback Line (CCSL). Construction of this new facility will require a permit from the State of Florida and CCSL variance from the County. The facility is also outside/seaward of the existing SFWMD preserve boundary and located within the existing beach vegetation line to assure that beach views from Vanderbilt Beach Road looking west and views walking along the beach are not compromised.

The plan includes:

- Elevated construction to conform the FEMA Vertical Elevation (VE) guidelines of VE 15. This requires that the structure be elevated 10 feet above the approximate beach elevation of 5-6 feet. The Restroom and Concession building will be approximately 30 feet above the beach elevation with possibly only the very tops of these structures visible above the tree canopy.
- A total facility footprint of 3,800 SF that includes:
 - An elevated facility of 2,650 SF that houses:
 1. A 750 SF elevated bathroom that houses 6 women's commodes and 2 urinals and 2 commodes for men.
 2. A 400 SF elevated concession stand providing similar menu items currently served on the beach.
 3. A 1,500 SF elevated deck with seating for eating and beach viewing.
 - 1,150 SF of ramps and stairs to allow handicap access to this facility.

- Ground floor facilities that will be used for concession storage, equipment storage, shade structure for beach goers, a dumpster position and a lift station for waste removal.
- Improved landscaping and aesthetic upgrades to the turnaround at the west end of Vanderbilt Beach Road.
- Completely encapsulated by existing and proposed vegetation to protect resident and visitor privacy and beach views.

These facilities are consistent with the existing beach park facilities at Tigertail, Clam Pass, Barefoot and Lowdermilk Park which have concessions and elevated facilities at Barefoot, Clam Pass and Tigertail.

Staff has reviewed these plans extensively with the Pelican Bay Foundation and the surrounding community. The Pelican Bay Foundation holds restrictive covenants on this parcel as a condition of the property deed transfer. On February 27, 2009 by a vote of 7-0, this plan received conceptual approval from the Pelican Bay Foundation. On May 21, 2010, the Pelican Bay Foundation granted approval of this facility with the stipulation that the County add security cameras, night time lockable gates, and approval of the concession operation prior to startup. The county is also required to obtain Pelican Bay Foundation approval of the detailed construction specifications and drawings prior to construction. A copy of the May 21, 2010 Pelican Bay Foundation approval letter is attached.

Staff has also reviewed these plans with several interested homeowner associations in the community.

Conceptual engineering to date has cost approximately \$89,000. Total engineering through design, permitting and bidding is expected to cost \$160,000. Construction of this facility is expected to cost \$1,200,000.

ADVISORY COMMITTEE RECOMMENDATIONS: This conceptual design concept and plan has been approved by the PARAB on February 18, 2009 by a vote of 4-0.

FISCAL IMPACT: The cost of conceptual engineering, design engineering, project permitting, and bidding is expected to be \$160,000. Cost to construct this facility is estimated at \$1,200,000. All funds will be provided from Category A Tourist Development Tax Fund 183 – Beach Park Facilities. A budget amendment will be required to allocate the necessary funds from Fund 183 reserves.

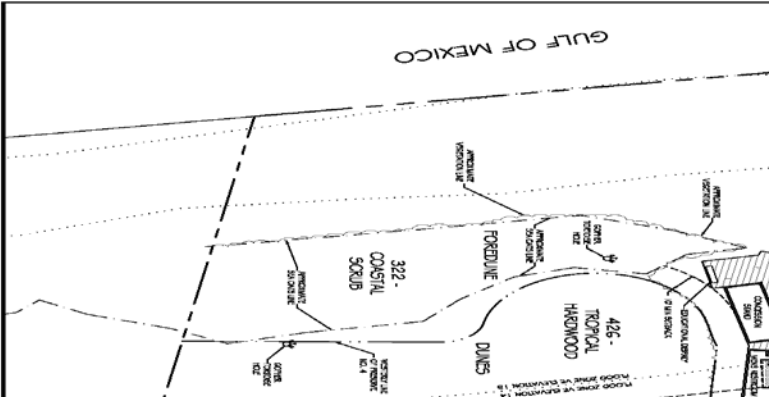
GROWTH MANAGEMENT IMPACT: There is no impact to the Growth Management Plan related to this action.

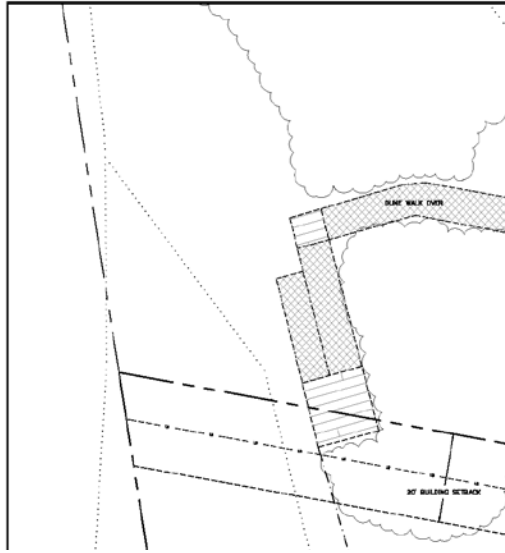
LEGAL CONSIDERATIONS: This item has been reviewed and approved by the County Attorney's Office and is legally sufficient for Board action. - CMG

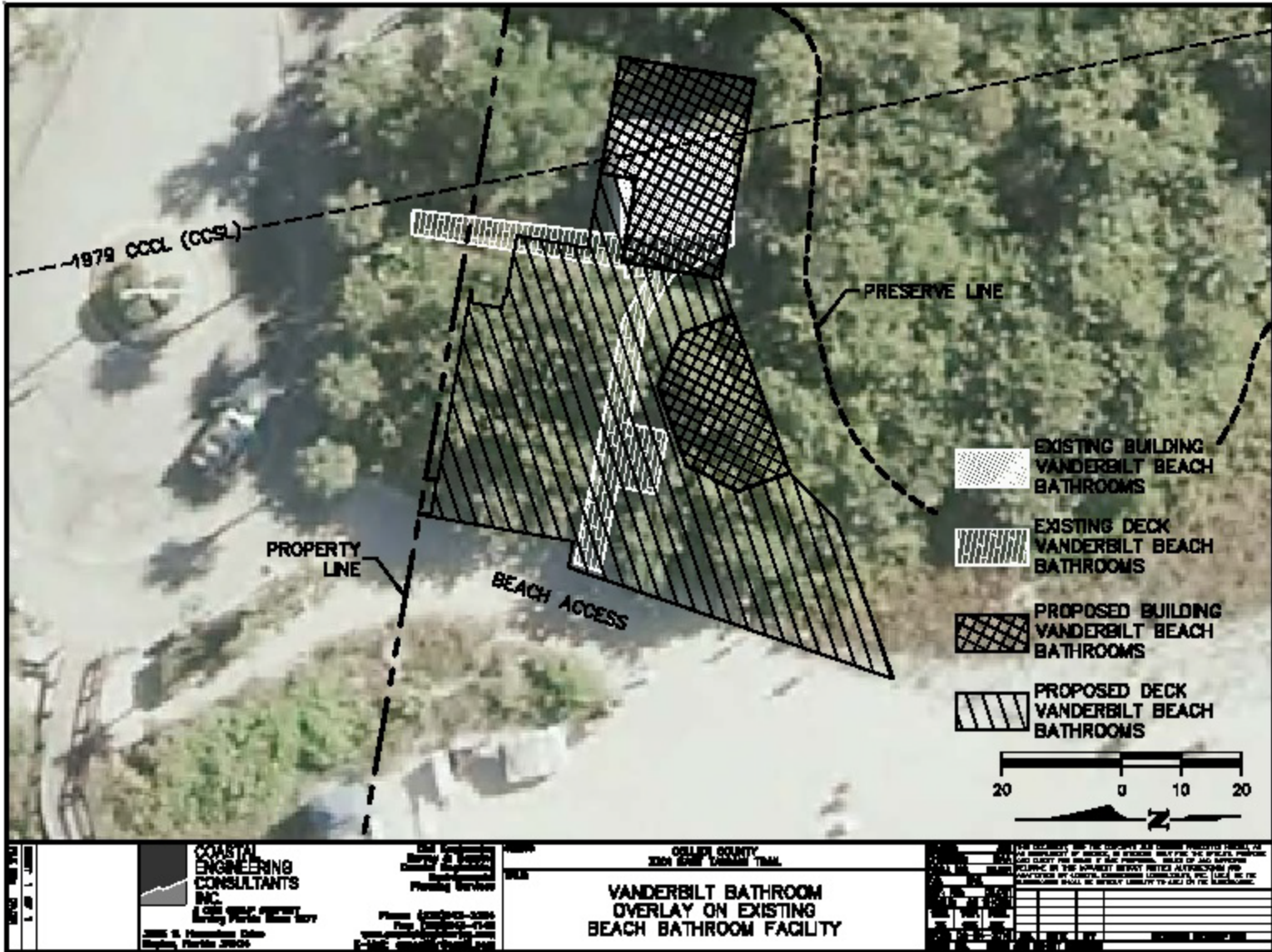
RECOMMENDATION: Recommendation to approve the conceptual plan for replacement of the Vanderbilt Beach restrooms and approval to move forward with the

design engineering, project permitting and bidding along with all necessary engineering funding for a new beach park facility at this location. Also requested is authorization of associated budget amendments.

PREPARED BY: Gary McAlpin – Director, Coastal Zone Management







COASTAL ENGINEERING CONSULTANTS INC.
 1000 W. WINDWARD DRIVE
 BOYDTON, FLORIDA 32004

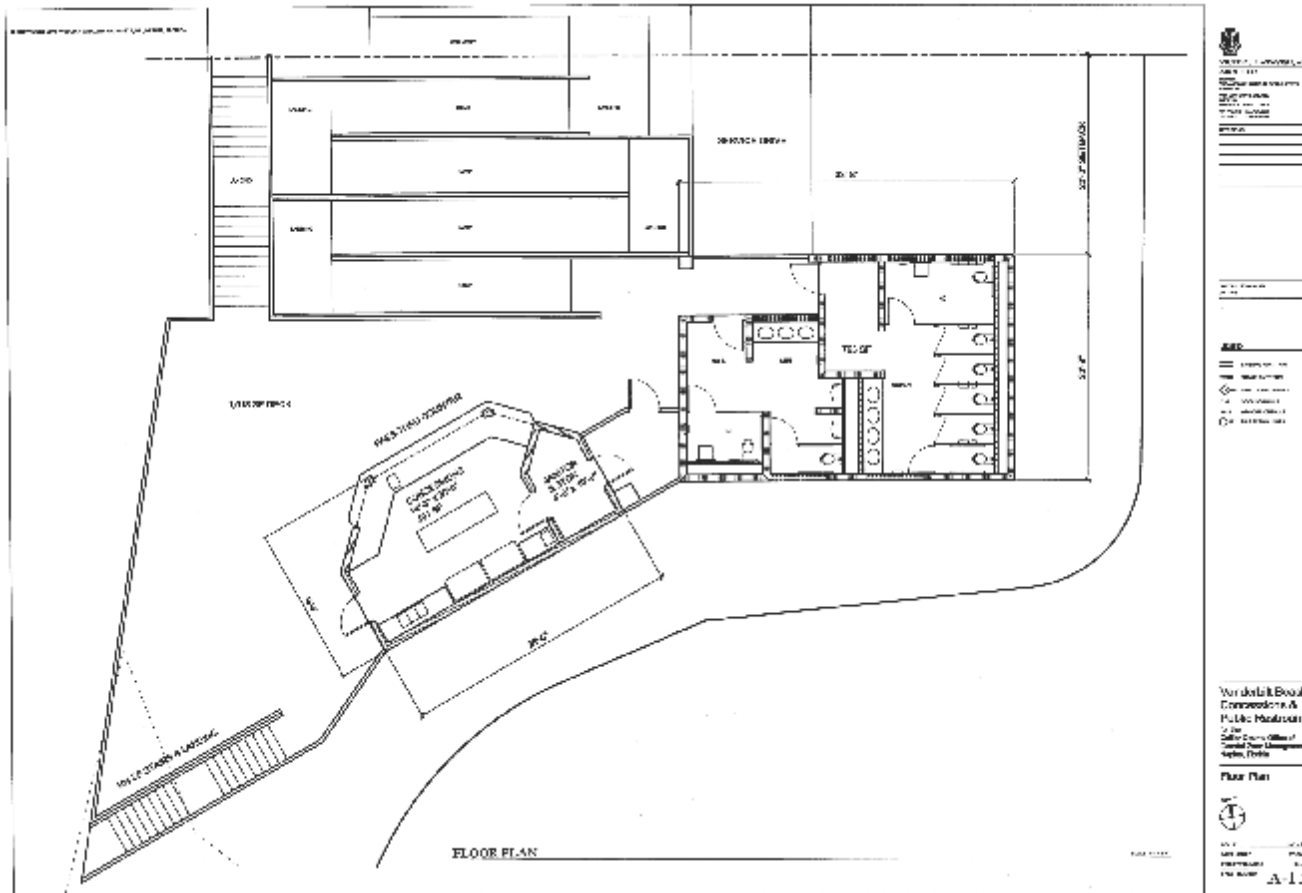
DATE: 06/28/10
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

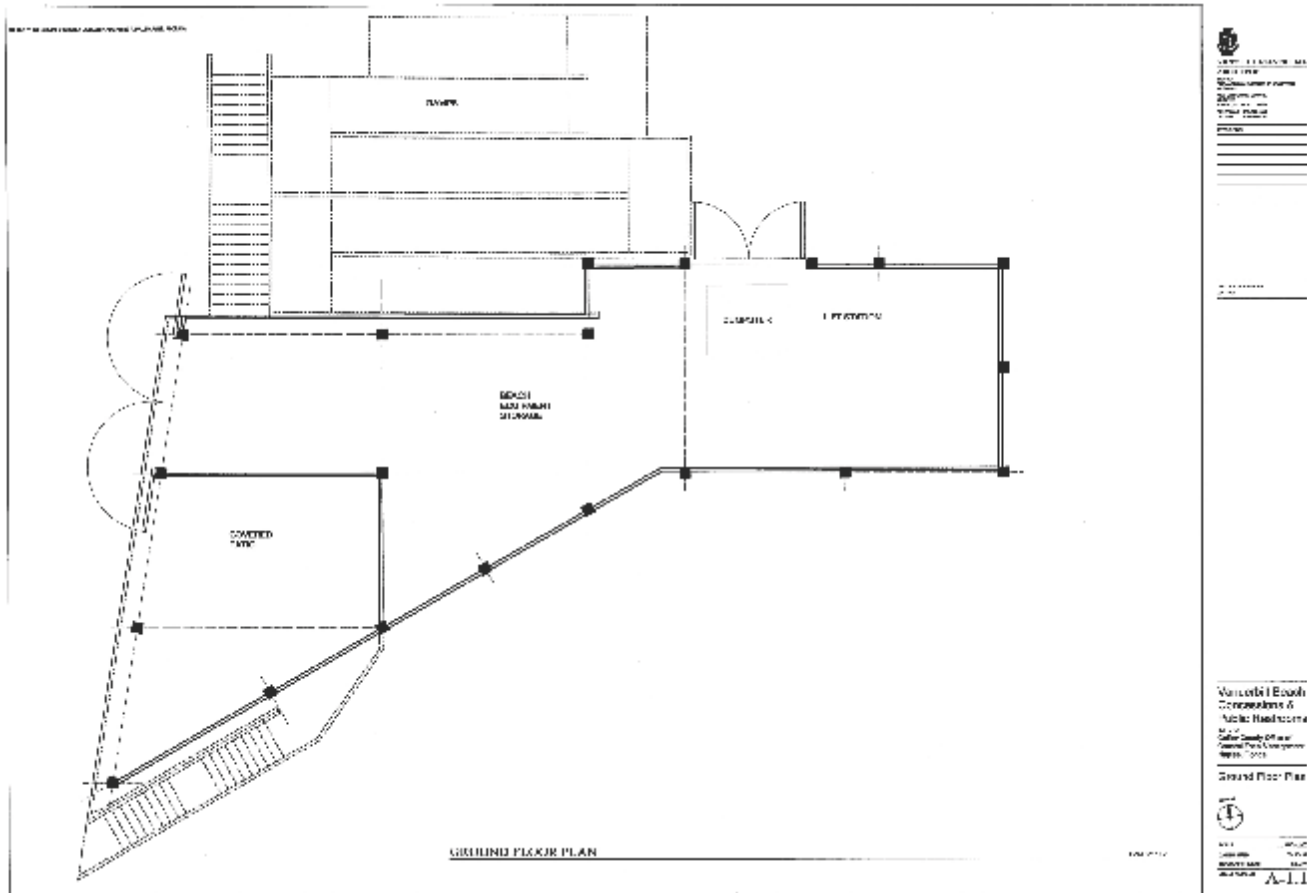
OLLIER COUNTY
 ZONING CODE: UNCLASSIFIED TRAIL

**VANDERBILT BATHROOM
 OVERLAY ON EXISTING
 BEACH BATHROOM FACILITY**

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NO.	DATE	DESCRIPTION

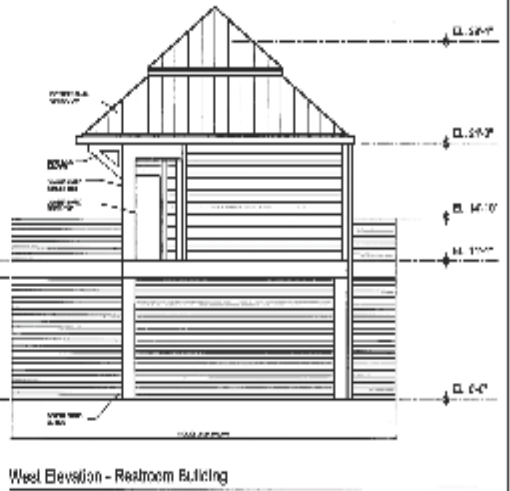
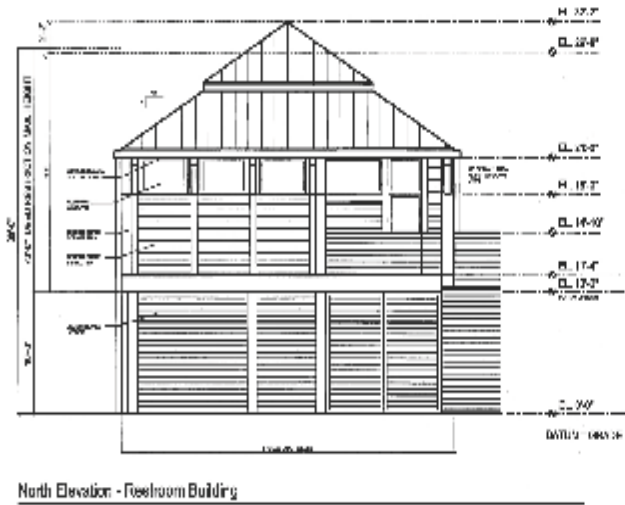




10/20/10 10:00 AM

Material Schedule	
Roof Siding	Vertical cedar shake, green color, same as used on the existing building.
Roofs	Asph/Flt Shingles, green color, same as used on the existing building.
Walls	Vertical cedar shake, green color, same as used on the existing building.
Wall Siding	Horizontal cedar board & batten, same as used on the existing building.
Shake Trim	Horizontal cedar board & batten.
Shake Gables	Horizontal cedar board & batten.
Door Sills	Concrete, same as used on the existing building.
Windows	Same as used on the existing building.
Roofs	Asph/Flt Shingles, green color, same as used on the existing building.
Walls	Vertical cedar shake, green color, same as used on the existing building.
Windows	Same as used on the existing building.
Doors	Same as used on the existing building.


 STATE OF CALIFORNIA
 PROFESSIONAL ENGINEER
 License No. 44512
 Date of Issue 06/28/10
 State of California
 Department of Industrial Relations
 Division of Occupational Safety & Health
 License No. 44512
 Date of Issue 06/28/10



David L. Beach
 Consulting & Planning
 Architects & Planners
 For the
 COUNTY OF CALIFORNIA
 Public Works Department
 Building Division
 Building
 A.2.1

















NORTH PELICAN
BAY FACILITY





SOUTH PELICAN
BAY FACILITY







DATE	1/28/2
SCALE	AS SHOWN

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VANDERBILT BATHROOM OVERLAY ON RITZ-CARLTON BEACH FACILITY, ZOOM OUT

NO.	DATE	DESCRIPTION

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Pelican Bay Foundation, Inc.

May 21, 2010

Via Mail and Email

J. Gary McAlpin, Director
Coastal Zone Management
3300 Santa Barbara Blvd.
Naples, Florida 34116

RE: Plans for Vanderbilt Beach Bathrooms and Concession Stand

Dear Mr. McAlpin,

In connection with the county's request for the approval of the Pelican Bay Foundation (the "Foundation") of preliminary conceptual and design plans (the "Conceptual Plans") for proposed new bathrooms and a concession stand at Vanderbilt Beach, we have previously responded to you via a letter dated March 26, 2010. We have also met with you, Marla Ramsey, Collier County Public Services Administrator, and Leo Ochs, Collier County Manager, to discuss the Conceptual Plans. We are pleased to be able to advise you that, subject to the following, we are able to approve the Conceptual Plans.

As you are aware, the Foundation has the obligation to review the Conceptual Plans pursuant to the Quit Claim Deed (the "Deed") and Declaration of Restrictions and Protective Covenants (the "Declaration") recorded in OR Book 0966, pages 1864-1875, such Declaration as amended by an Amendment to Restrictions and Protective Covenants (the "Amendment") recorded in OR Book 3460, Pages 1484-1490 (as amended, the "Protective Covenants").

We are aware that there was a previous dispute between Collier County and the Foundation's predecessor in title, WCI Communities, Inc., over the validity of the Protective Covenants. That dispute led to a lawsuit that was settled pursuant to a Settlement Agreement dated as of November 18, 2003, recorded in OR Book 3460, pages 1491-1518. Under the terms of the Amendment and the Settlement Agreement, Collier County agreed (1) that it is bound by the Protective Covenants as amended by the Amendment, and (2) to abide by and to comply with the Protective Covenants.

On May 8, 2008, WCI Communities, Inc. delegated and assigned to the Foundation all of WCI Communities, Inc.'s rights, powers, and obligations set forth in the Declaration, as amended, and all of the rights and easements reserved in the Deed, to include without limitation all enforcement rights and the right, power, and authority to grant waivers and variances from the covenants, conditions, and restrictions set forth in the Declaration, as amended, and in the Deed.

The Protective Covenants (i) provide that no structure or facility shall be commenced, erected, improved or altered without the prior written approval of the Foundation, (ii) impose certain building setback lines, site restrictions, and building size and height restrictions, (iii) provide that the Foundation may reject plans, proposals, and specifications based upon any grounds or reasons

whatsoever, including purely aesthetic grounds, in its sole and absolute discretion, and that the Foundation's decision to approve, reject or withhold its approval of such work may, in the sole exercise of its discretion, be based upon (a) the harmony of its exterior design, color and location in relation to, and its affect upon, surrounding structures, vegetation, topography, and the overall community design, (b) the character of the exterior materials, (c) the planned quality of the exterior workmanship, (d) the Foundation's design and construction standards, (e) the General Development Plan, and (f) any other material and relevant factors.

The Protective Covenants also provide that (1) no food or drink concessions shall be permitted without the Foundation's prior written approval, (2) no building or facility on the site shall exceed 1,000 square feet per structure, (3) no building or structure shall exceed 20 feet in height above the finished grade of the site, (4) the minimum setback shall be 40 feet from the southern property line and 20 feet from the northern property line, and (5) a plan for the removal of any vegetation shall be submitted to the Foundation for its prior written approval.

As we have previously advised you, the Foundation strongly supports the county's efforts to improve the bathrooms at Vanderbilt Beach. The Foundation's predecessor in interest gave this property to the county for the purpose of facilitating the use of Vanderbilt Beach by county residents, and we believe that the new facility contemplated by the Conceptual Plans, with the limitations discussed below, is an amenity that will greatly facilitate the use of Vanderbilt Beach by residents and visitors alike.

Following our meetings with you, and the various presentations that you have made to the Foundation regarding the County's plans, we have consulted with both the management of the Ritz Carlton Hotel and numerous other Collier County residents who would be affected by the new facility, including the Vanderbilt Beach Residents' Association, to ascertain their reactions to the Conceptual Plans. Our letter of March 26 set forth their concerns in some detail. Specifically, both the Ritz and the Vanderbilt Beach Residents' Association urged the county to reduce the size of the building to a smaller attractive restroom facility only, to make the facility one story, and to eliminate the food and beverage concession completely. We also noted that the North Naples Community Alliance, a consortium of member associations from Beachwalk, Naples Park, Pavilion Club, Pelican Bay, Pelican Marsh, Pine Ridge, and Vanderbilt Beach, also supported the position taken by the Vanderbilt Beach Residents' Association. Since that time, we have also heard separately from representatives of Beachwalk, who expressed regret at not having been given the opportunity to hear the county's presentation on the new facility, and who also mirrored the objections of the Vanderbilt Beach Residents' Association.

As our letter of March 26 further indicated, in light of these strong community objections to the proposed plans, the Foundation sought guidance from the three candidates running for the position of County Commissioner from the Second District, in which the property in question is located. We have consulted the candidates rather than the current Commissioner for the Second District since he has announced that he is not running for reelection, and since these plans will come before the County Commissioners for approval after his successor has been chosen and seated. Our letter noted that we were advised by each of Georgia Hiller, Joe Foster, and Gina Downs that they support the position taken by the Vanderbilt Beach Residents' Association with respect to the proposed plans (which position is essentially the same as that of the Ritz).

We understand that since our letter of March 26, you have met with representatives of the Vanderbilt Beach Residents' Association, and presumably also with other affected residents of Collier County. We have viewed the drawings that you prepared for those meetings, and, as indicated, we met with you, Marla Ramsey, and Leo Ochs to discuss these community concerns as well as possible changes to the Conceptual Plans to address those concerns.

In light of the substantial progress that we made in our meeting, we can advise you that the Foundation is prepared to approve the Conceptual Plans provided the following conditions are met:

- Appropriate landscaping is put in place to screen the new facility, such landscaping to be subject to the reasonable approval of the Foundation. The primary purposes of the landscaping will be to protect the privacy of the condominium building to the north of the facility and to minimize the visual impact of the size and height of the new facility.
- Appropriate security measures are put in place to ensure that the new facility is not used after dusk, such security measures to be subject to the reasonable approval of the Foundation. Those security measures would include a gate to prevent entry to the deck, locks on the restroom doors, and 24/7 security cameras.
- Appropriate security measures are put in place to ensure that the new facility is adequately patrolled by the Sheriff's office, such security measures to be subject to the reasonable approval of the Foundation.
- The concession stand will not have a grease trap.
- Appropriate trash collection and clean up measures are put in place to ensure that trash is cleaned up and collected adequately, such measures to be subject to the reasonable approval of the Foundation.
- Prior to any demolition, clearing, or construction being commenced, or to the project being submitted for bidding, the Foundation and Collier County agree in writing to the foregoing and (1) that the waiver by the Foundation of its rights under the Protective Covenants in approving the Conceptual Plans and any subsequent design proposals and construction plans and specifications does not constitute a waiver of the Foundation's right to enforce the Protective Covenants at any time in the future, (2) that any extension or alteration whatsoever of the new facility will require the approval of the Foundation in its sole and absolute discretion, and (3) that the Protective Covenants, as amended by this agreement, are valid and binding on Collier County and that Collier County will abide by and comply with them at all times in the future.
- The Foundation reserves the right to approve design proposals and construction plans and specifications that are consistent with the Conceptual Plans, and to enforce the Protective Covenants, in accordance with the terms of the Declaration, as amended.

On behalf of the Foundation, I can say that we are pleased to have been part of what we consider to have been a very positive and constructive dialogue with members of Collier County staff. We

believe that the outcome protects the legitimate interests of those affected by the Conceptual Plans while providing Collier County residents with an amenity with which we can all be proud.

Sincerely,
PELICAN BAY FOUNDATION

A handwritten signature in black ink, appearing to read "William Carpenter", written in a cursive style.

William Carpenter
Chairman of the Board

Cc: Collier County Commissioners
Leo Ochs, County Manager
Marla Ramsey, Public Service Administrator
Georgia Hiller
Joe Foster
Gina Downs
Ed Staros
Kathy Robbins
Michael Seef
Pelican Bay Foundation Board of Directors
Jim Hoppensteadt, President, Pelican Bay Foundation
Steve Feldhaus, Secretary, Pelican Bay Foundation