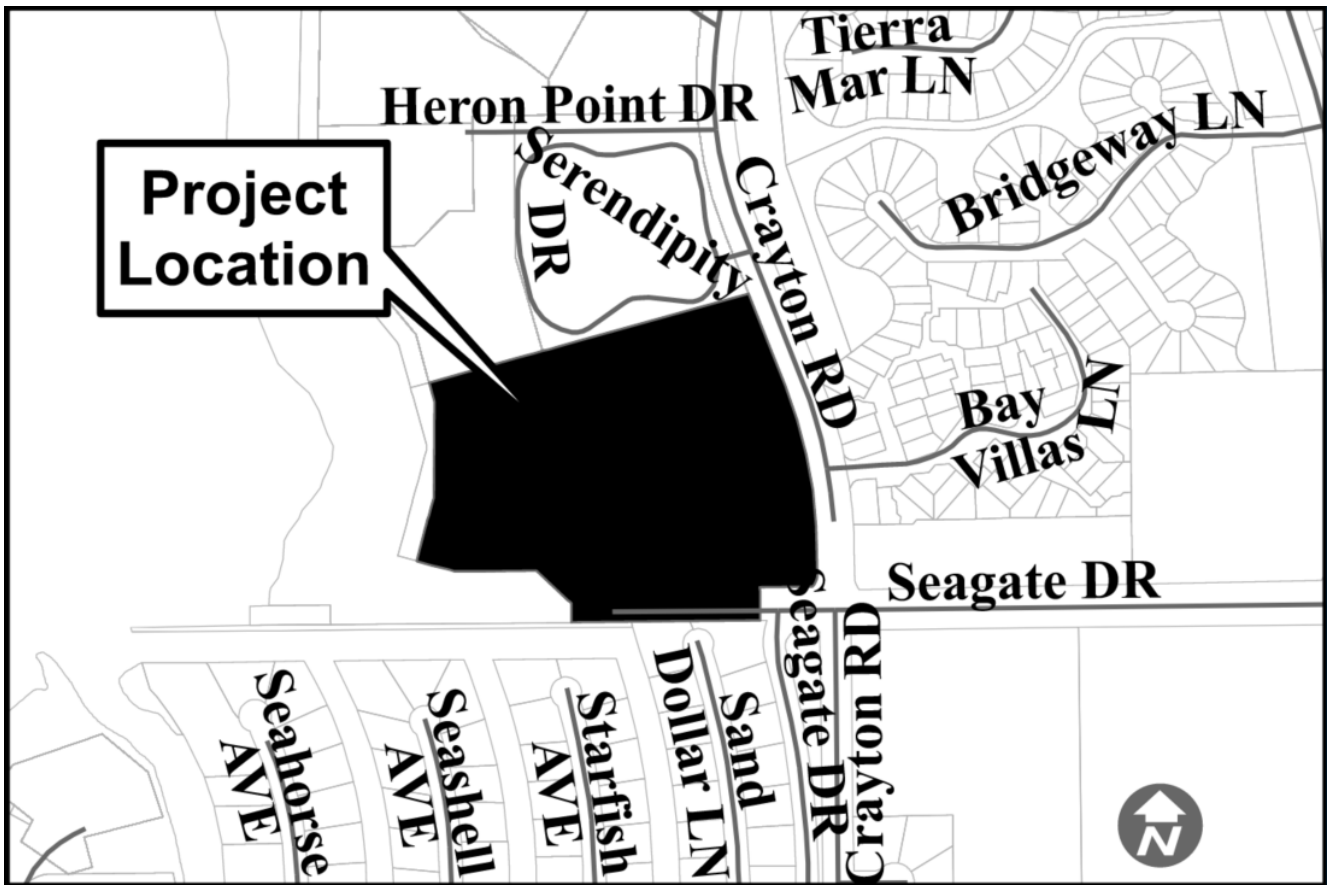
Collier County

## Growth Management Community Development Department - Zoning Division

March 20, 2026

Douglas Lewis, Esq.
Thompson Lewis Counselors at Law
745 12th Avenue South, Suite 103,
Naples, FL 34102

RE: **INTP-PL20260000715,** An official interpretation pursuant to Land Development Code (LDC) Section 1.06.01.D, related to the proposed reconfiguration of the Naples Grande Beach Resort property 475 Seagate Drive, Naples, FL, 34103 ("Resort parcel") to add a water feature (Site Development Plan - PL#20250013006). This request applies to the Pelican Bay Planned Unit Development (Ordinance #1977-18, as amended), within unincorporated Collier County; as well as the Collier County Land Development Code (Ordinance #2004-41).



Collier County

Dear Mr. Lewis:

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 Bay Villas Association, Inc. The request is to interpret the Pelican Bay Planned Unit Development (Ordinance #1977-18 as amended, most recently amended by Ordinance #2004-59) the "PUD", within unincorporated Collier County and the Collier County Land Development Code (Ordinance #2004-41, as amended).

The official interpretation evaluates the Residential Group 4 area of the PUD north of Seagate Drive and the reconfiguration of the 14.96-acre Naples Grande Beach Resort parcel to add an additional water feature (Pending Petition PL#20250013006) on the eastern boundary of the Resort parcel.

Within your request, on behalf of the applicant you ask the following three questions/statements:

(i) Without amending the PUD, the Property Owner is prohibited from attracting persons not overnight guests of the hotel and creating patronage as if the water park (per the SDPA Application) was an independent commercial enterprise;

(ii) The proposed water park (per the SDPA Application) is not a "customary" water amenity accessory use to a hotel; and

(iii) a substantial change amendment to the PUD (seeking to add SIC 7999 Amusement and Recreational Service as a permitted use under the PUD) is required by the Property Owner to proceed with the SDPA Application.

The full request for the official interpretation and the asserted narrative justification is provided within Attachment "A" of this interpretation.

Question 1. "Without amending the PUD, the Property Owner is prohibited from attracting persons not overnight guests of the hotel and creating patronage as if the water park (per the SDPA Application) was an independent commercial enterprise."

Staff's response to question/statement one is **no.** The PUD would not need to be amended to allow non-hotel quests to use an additional water feature consisting of two pools, a lazy river, additional water slides, an additional café/bar, and an internal entrance feature, located on the eastern boundary of the Resort parcel. This response is based on a number of factors.

The first factor is the hotel is already used by non-hotel guests. The parking calculations for the original SDP (Attachment "B" page 11) show the Hotel provides parking for Non-Hotel Guest, aka the public, for the 550 seats within Restaurants and lounges; All Day Café 150 seats; 22,200-sq.ft. Meeting rooms; and 4,500-sq.ft. shops. The parking for each was calculated at a discounted rate to account for both the public and hotel guests. The original SDP contemplated and accounted for public use of the various amenities provided for within the original site configuration, at a discounted rate and classified these uses as customary accessory uses to the hotel, not separate principal uses. Notably, the Group 4 uses in Section 7.03 of the PUD do not list restaurants, lounges, or shops as permitted uses. These uses are

only allowed as customary uses associated with a hotel.

The second factor is the Parking Table in the LDC contemplates parking calculations for hotel guests and non-hotel guests. Specifically, LDC Section 4.05.04.G – Table 17. Parking Requirements (Attachment "C"), provides the following parking requirements for a hotel: "*Hotel - 11 per 10 guestrooms (this includes the required parking for the hotel office and all accessory recreational facilities that are open to hotel guests only). Accessory uses shall be computed as follows: 50 percent of normal requirements for restaurants, 1 per 400 square feet for other retail uses, 1 per 100 square feet for meeting rooms, ballrooms and convention rooms and 1 per 100 square feet for lounges, bars and nightclubs."* The current LDC recognizes that all recreational amenities only open to hotel guests are accounted for within the hotel room parking calculation, with the other amenities required to provide parking spaces at a reduced rate to account for the public.

The third factor is the addition of a water feature is associated with a Destination Resort Hotel, as defined in the LDC. The Resort parcel currently has three pools with a water slide and café/bar along the western Resort parcel boundary. The reconfiguration of the Resort parcel to add a lazy river area, additional water slides and two new additional pools, a second café/bar and pavilion, in staffs interpretation does not constitute a independent water park, but rather an expansion to the water amenities associated with a Destination Resort Hotel. It should be noted that if the water facilities were open to non-hotel guests, the applicant would have to develop a parking arrangement to provide for the additional demand.

LDC Section 1.08.02. provides the following definition - *Destination resort hotel: A transient lodging facility (i.e. - less than six months occupancy) where patrons generally stay for several days in order to utilize, enjoy, or otherwise participate in certain amenities, natural or man-made, including but not limited to: (i) direct access to the Gulf of Mexico, (ii) on-site golf course and golf-related facilities, (iii) health spa and/or fitness center, (iv) other recreational amenities and on-site services, including full dining services and cocktail lounge, entertainment rooms for video and movies, and concierge services. Except that, for destination resort hotels fronting on the Gulf of Mexico, an on-site golf course is not required. In all cases, a destination resort hotel must include full dining services and a cocktail lounge, and not less than 25 percent of the gross floor area must be devoted to common usage and support service areas, such as but not limited to fitness room, health spa, media room, meeting rooms, dining and lounge facilities, and spaces in support of hotel functions.*

Question 2. "The proposed water park (per the SDPA Application) is not a "customary water amenity accessory use to a hotel."

Staff does not agree with this statement. As noted, the current water amenity on the Resort parcel provides for three pools, a water slide, a café/bar and numerous lounge chairs. The reconfiguration of the Resort parcel proposes the addition of a water feature including four pools, a lazy river, and additional water slides and an additional café/bar, as well as entrance feature. It should be noted that the conceptual arrangement is just that conceptual, and as of the time of authoring this response, the SDP amendment has not been deemed complete for review and is pending additional submittal materials, as such this response is provided against a speculative/conceptual arrangement of the

facility.

Within your narrative, you indicated that no hotel within the County provides an accessory water park of such scale, but staff recognizes that the Great Wolf Lodge provides an indoor water park, that is open to the public as part of the accessory use of the hotel. Further a Destination Resort Hotel such as the Naples Grande has an accessory use requirement: *" 25 percent of the gross floor area must be devoted to common usage and support service areas, such as but not limited to fitness room, health spa, media room, meeting rooms, dining and lounge facilities, and spaces in support of hotel functions."* The expansion of on-site water amenities on the Resort parcel, as proposed within the SDP, in staff's interpretation would be a customary accessory use to the primary use of Hotel.

Question 3. "A substantial change amendment to the PUD (seeking to add SIC 7999 Amusement and Recreational Service as a permitted use under the PUD) is required by the Property Owner to proceed with the SDPA Application"

Staff does not agree with this statement. As previously stated, the proposed water feature is a customary accessory use and structure to a hotel allowed in the Residential Group 4 area of the PUD per Section 7.03.B of the PUD.

Pursuant to Division 1.06.01 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 on 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.

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


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