AN ORDINANCE GRANTING REZONE PETITION 07-R4, REZONING A 45,000 SQUARE FOOT PARKING LOT LOCATED AT THE SOUTHEAST CORNER OF 4TH AVENUE SOUTH AND 4TH STREET SOUTH, FROM R3-12, MULTIPLE FAMILY RESIDENTIAL, TO PD, PLANNED DEVELOPMENT, TO ALLOW THE DEVELOPMENT OF A 22 UNIT RESIDENTIAL BUILDING WITH A 161 SPACE MAXIMUM PARKING GARAGE, MORE FULLY DESCRIBED HEREIN; APPROVING THE PLANNED DEVELOPMENT DOCUMENT FOR FOURTH AND FOURTH MULTI-FAMILY RESIDENTIAL BUILDING AND STRUCTURED PARKING FACILITY; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Granite Naples Fourth and Fourth, L.L.C., owner of property at the southeast corner of 4th Avenue South and 4th Street South, has petitioned to change the zoning from R3-12, Multiple Family Residential, to PD, Planned Development, in order to allow for the development of a 22 unit residential building with a 161 space maximum parking garage; and

WHEREAS, John M. Passidomo, Esq., has been authorized by the owner as agent for this petition; and

WHEREAS, following an advertised public hearing, the Planning Advisory Board at its meeting of October 10, 2007, considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 5 to 2 that Rezone Petition 07-R4 be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and City staff, following a public hearing on the subject, and providing the petitioner, staff and the public an opportunity to present testimony and evidence, the City Council has determined that the petition should be granted;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPLES, FLORIDA:

Section 1. That the rezoning of property at the southeast corner of 4th Avenue South and 4th Street South is hereby approved from R3-12, Multiple Family Residential, to PD, Planned Development, in order to allow for the development of a 22 unit residential building with a 161 space maximum parking garage.

of which is attached hereto and made a part hereof, for the property located at the southeast corner of 4th Avenue South and 4th Street South, more fully described as follows:

Parcel 1:
The East 100 feet of the West 200 feet of the North 150 feet of Block 16, Tier 5, PLAN OF NAPLES, according to the plat thereof as recorded in Plat Book 1, page 8, of the Public Records of Collier County, Florida.

Parcel 2:
The West 100 feet of the east 200 feet of the north 150 feet of Block 16, Tier 5, PLAN OF NAPLES, according to the plat thereof as recorded in Plat Book 1, page 8, of the Public Records of Collier County, Florida.

Parcel 3:
The West 100 feet of the North 150 feet of Block 16, Tier 5, PLAN OF NAPLES, according to the plat thereof as recorded in Plat Book 1, page 8, of the Public Records of Collier County, Florida.

Section 3.
That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

Section 4.
If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5.
That all sections or parts of sections of the Code of Municipal Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6.
This ordinance shall take effect following adoption at second reading and upon the effective date of the adoption of a small scale land use amendment to a consistent future land use designation.
Ordinance 08-11903

APPROVED AT FIRST READING THE 14TH DAY OF NOVEMBER, 2007.


Bill Barnett, Mayor

Attest:
Tara A. Norman, City Clerk

Approved as to form and legality:
Robert D. Pritt, City Attorney

Date filed with City Clerk: 1-17-08

See Supplemental Map Drawer #4 for exhibit to Planned Development document.
Exhibit "A"

PLANNED DEVELOPMENT DOCUMENT
FOR
FOURTH AND FOURTH
MULTI-FAMILY RESIDENTIAL BUILDING
AND
STRUCTURED PARKING FACILITY

Date of Submittal: August 13, 2007
Revision Date: January 2, 2008
(to reflect changes made by City Council at 1st reading on Dec. 19, 2007)
Prepared by: Cheffy Passidomo
Wilson & Johnson, LLP
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SECTION I

LIST OF EXHIBITS

Exhibit “A” Legal Description - 365 and 405 Fifth Avenue South Buildings

Total Tract Boundary

Vicinity Map

Architect's Elevations

Site Plan
SECTION II

LEGAL DESCRIPTION

Parcel 1: The East 100 feet of the West 200 feet of the North 150 feet of Block 16, Tier 5, Plan of Naples, according to the plat thereof recorded in Plat Book 1, Page 8, of the Public Records of Collier County.

Parcel 2: The West 100 feet of the East 200 feet of the North 150 feet of Block 16, Tier 5, Plan of Naples, according to the plat thereof recorded in Plat Book 1, Page 8, of the Public Records of Collier County.

Parcel 3: The West 100 feet of the North 150 feet of Block 16, Tier 5, Plan of Naples, according to the plat thereof recorded in Plat Book 1, Page 8, of the Public Records of County (collectively, the “Property” or the “Land”).
SECTION III

PROJECT TEAM

Land Owner: Granite Naples 4th and 4th LLC, a Delaware limited liability company
  c/o BlackRock Realty Advisors, Inc.,
  300 Campus Drive – 3rd Floor
  Florham Park, New Jersey 07932
  Attn: Christopher Silva
  Telephone: 973-264-2765
  Facsimile: 646-521-4965

Petitioner: Fourth and Fourth Associates, L.L.C., successor
  by merger to Fourth and Fourth Associates, Inc., a Florida corporation
  3530 Kraft Road – Suite 300
  Naples, Florida 34105
  Attn: Charles J. Thomas
  Telephone: 434-0600
  Facsimile: 434-6656

Attorney: John M. Passidomo
  Cheffy Passidomo Wilson & Johnson, LLP
  821 Fifth Avenue South
  Naples, Florida 34102
  Telephone: 436-1529
  Facsimile: 261-0884

Architect: David M. Humphrey, A.I.A.
  Humphrey Rosal Architects
  3200 9th Street North – Suite 300
  Naples, Florida 34103
  Telephone: 263-4201
  Facsimile: 263-4451

Landscape Architect: Q. Grady Minor and Associates, P.A.
  3800 Via Del Rey
  Bonita Springs, Florida 34134
  Telephone: 947-1144
  Facsimile: 947-0375
SECTION IV

PLANNED DEVELOPMENT (PD) CRITERIA

1. Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.

Land uses will function as part of an integrated plan with the proposed multi-family residential units serving as a buffer between the commercial uses on Fifth Avenue and the multi-family residential uses on Fourth Avenue and the proposed structured parking serving as a catalyst for redevelopment on the west side of the Fifth Avenue South Special Overlay District.

2. The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.

The development will (i) promote a uniform landscape, streetscape and architectural design along Fourth Street and Fourth Avenue in place of the currently existing asphalt open surface parking lot, (ii) fulfill the purposes of (a) the Downtown Mixed Use District by encouraging redevelopment, improving aesthetics and physical appearance, and providing for a prosperous, viable downtown, and (b) the Fifth Avenue South Special Overlay District by encouraging and directing development within the Fifth Avenue South District, and (iii) extend the urban fabric and pedestrian orientation of Fifth Avenue to facilitate an integrated approach to development in the district.

3. The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.

The development proposed under the accompanying general development and site plan will have a parking facility of significant size to capture necessary economies of scale and spur desired redevelopment which otherwise would not or could not occur.

4. Streets; utilities; drainage facilities; recreation areas; building heights, sizes and yards; and vehicular parking and loading facilities shall be appropriate for the particular use or uses involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.
All design and construction standards will be met pursuant to approvals anticipated for the project from the city’s Fifth Avenue South Action Committee.

5. Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.

Quality of construction and finish materials will be similar to that of redeveloped properties in the Fifth Avenue South Special Overlay District. The nature and extent of amenities proposed for the development is similar to that commonly found in the multi-family districts in the city.

6. Open space shall be adequate for the type of development and the population densities proposed.

All open space, lot coverage, and landscaping standards will be met or exceeded.

7. Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.

The residential condominium will provide for reliable and continuing maintenance guarantees for commonly owned property.

8. In the case of developments which are to be constructed in several units, the proposed units shall be shown on the overall development plan. The proposed construction units shall individually comply with the standard set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

Required improvements will be constructed in one phase.
SECTION V

DEVELOPMENT CRITERIA AND STANDARDS

The Land shall have all of the permitted and conditional uses, dimensional standards and performance criteria contained in the Fifth Avenue South Special Overlay District as described in the Naples Comprehensive Development Code as of the effective date of this Planned Development as if incorporated verbatim herein and made a part hereof; provided, however, that the following standards shall apply to the Land notwithstanding any conflicting or contrary development criteria or standards contained in Naples Comprehensive Development Code:

(a) the number of residential dwelling units permitted on the Land shall be 22;

(b) a multi-level structured parking facility shall be a permitted use on the Land;

(c) the minimum off street parking requirement for residential dwelling units located on the Land shall be one and one-half spaces per dwelling unit;

(d) off-site parking to meet the aggregate 82 parking space requirement for the 365 Fifth Avenue South Building and 405 Fifth Avenue South Building, the legal descriptions of which are contained on the attached Exhibit A (the "365 and 405 Fifth Avenue South Buildings"), shall be permitted on the Land;

(e) minimum required yards shall be as follows: (i) along the alley, five and one-half feet (5½') from the property line, except that an entry arcade at or adjacent to the residential lobby not exceeding twenty feet (20') in height and thirty-five feet (35') in width may extend to the property line; (ii) along Fourth Avenue South, ten feet (10'); (iii) along Fourth Street South, zero for the first story façade (excluding recessed transition lines in the building façade) and ten feet (10') for the second and third story facades; and (iv) along the east property line, twenty feet (20);

(f) the length and width of the structures permitted on the Land may extend to the setback lines;

(g) the maximum height of any and all structures on the Land shall be limited to three stories and 42 feet, measured from the first floor FEMA elevation to the peak of the roof or the highest point of any appurtenance attached to the roof; and
(h) a space of approximately 1,200 square feet in size located in the southwest corner of the structure designated on the Humphrey Rosal Architects documents which accompany this Planned Development Document as “Public Service Space” (the “Public Service Space”) may be used only for whatever public service purposes are approved from time to time by Naples City Council. The Public Service Space may not be used for any residential or commercial purpose. At the time Naples City Council approves a particular public service use for the Public Service Space, and from time to time thereafter, Naples City Council shall determine what, if any, parking may be required to be provided for the Public Service Space. The Land Owner, its successors or assigns, shall at their sole cost and expense improve the Public Service Space as a “Vanilla Box” with drywall, ceilings, flooring, lighting, and bathrooms installed, paint applied, and a Certificate of Occupancy issued and deliver the Public Service Space to the City of Naples as improved at or prior to issuance of a Certificate of Occupancy for the proposed structure on the Land. Thereafter, the Public Service Space shall be dedicated to the sole and exclusive use of the City of Naples or for the use of whomever Naples City Council may designate from time to time.

(i) the six (6) proposed parking spaces in the Fourth Street South Right of Way as shown on the Q. Grady Minor & Associates documents which accompany this Planned Development Document shall be improved by the Land Owner, its successors or assigns, at their sole cost and expense at or prior to issuance of a Certificate of Occupancy for the proposed structure on the Land and upon completion of such improvements those six (6) parking spaces shall be allocated to the Land as a credit against the parking requirements for the proposed residential dwelling units on the Land.

A final General Development and Site Plan must be approved by the Naples City Council. Prior to issuance of a certificate of occupancy, the owner of the Land shall enter into a written agreement with the city, to be filed with the clerk of the circuit court, with enforcement running to the city, providing that the part of the Land comprising the required off-site parking facilities for the 365 and 405 Fifth Avenue South Buildings shall not be encroached upon, used, sold, leased or conveyed for any purpose except in conjunction with the building or use which the required off-site parking serves, so long as the parking facilities are needed.
SECTION VI

WATER AND SEWER ADEQUACY AND AVAILABILITY

Water and sewer service for the project is available and will be provided in accordance with adequate public facilities criteria. The Petitioner shall be responsible for the construction and cost of the water and sewer facilities within the project.
SECTION VII

BASIC WATER MANAGEMENT STRATEGY

Storm runoff will be attenuated on site by means of underground storage facilities, such as vaults, tanks, piping and other customary methods, or, where practicable, by means of above ground retention areas, swales and holding ponds, in accordance with South Florida Water Management District criteria. Storm water quality pretreatment will be provided on site via best management practices in accordance with South Florida Water Management District criteria.
SECTION VIII

TIME LIMITS

The period for which construction of improvements is required to commence under Sec. 58-810 of the Naples Code is sixty (60) months.
SECTION IX

EXTERIOR LIGHTING PLAN

Prior to the issuance of the building permit, developer shall submit and obtain approval of an exterior lighting plan which shall be in substantial conformance with Section 56-89 of the Code of Ordinances and which shall limit light trespass upon surrounding property.
SECTION X

REGULATIONS

To the extent that this document does not provide a regulation, the regulations of the Code of Ordinances shall apply.
EXHIBIT “A”
Legal Description of 365 and 405 Fifth Avenue South Buildings

365 Fifth Avenue South:

Lots 17, 18, 19, 20, and 21, Block 16, Tier 4, Plan of Naples, according to the plat thereof recorded in Plat Book 1, Page 8, of the Collier County, Florida, Public Records, LESS the West .35 (35/100) feet of Lot 17, Block 16, Tier 4, Plan of Naples, as recorded in Plat Book 1, Page 8, of the Collier County, Florida, Public Records.

405 Fifth Avenue South:

The West 150 feet of the South 150 feet of the undivided Block 16, Tier 5, Plan of Naples, according to the plat thereof recorded in Plat Book 1, Page 8, of the Collier County, Florida, Public Records.