ORDINANCE 09-12526

AN ORDINANCE RELATING TO THE BRIDGES AT GORDON RIVER PLANNED DEVELOPMENT; GRANTING REZONE PETITION 08-R1, REZONING A 21.99 ± ACRE PARCEL OF LAND LOCATED EAST OF GOODLETTE-FRANK ROAD, WEST OF THE GORDON RIVER, SOUTH OF GOLDEN GATE PARKWAY AND NORTH OF THE NAPLES ZOO, FROM COLLIER COUNTY ZONING DESIGNATIONS OF RMF-6, RMF-6(3) AND AGRICULTURAL, TO A CITY ZONING DESIGNATION OF PD, PLANNED DEVELOPMENT, TO ALLOW THE DEVELOPMENT OF A CONTINUING CARE RETIREMENT COMMUNITY; APPROVING THE PLANNED DEVELOPMENT DOCUMENT FOR THE DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Caribbean Venture of Naples, LLC, owner of the 21.99 ± acre property located west of Goodlette-Frank Road, east of the Gordon River, south of Golden Gate Parkway and north of the Naples Zoo, has petitioned to change the zoning from a Collier County zoning designation of RMF-6, RMF-6(3) and Agricultural, to a City zoning designation of PD, Planned Development, in order to allow for the development of a Continuing Care Retirement Community; 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 September 10, 2008, considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 4 to 1 that Rezone Petition 08-R1 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; and

WHEREAS, the development meets the concurrency requirements set forth in Section 48-2 of the City of Naples Code of Ordinances;

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

Section 1. That the rezoning of property west of Goodlette-Frank Road, east of the Gordon River, south of Golden Gate Parkway and north of the Naples Zoo is hereby approved from Collier County zoning designation of RMF-6, RMF-6(3) and Agricultural, to a City zoning designation of PD, Planned Development, in order to allow for the development of a Continuing Care Retirement Community.

Section 2. That the Planned Development Document for The Bridges at Gordon River dated August 11, 2008, and revised on February 2, 2009 and March 18, 2009, prepared by Cheffy, Passidomo, Wilson and Johnson, LLP, a copy of which is attached hereto as Exhibit "A" and made a part hereof, for the property located west of Goodlette-Frank Road, east of the Gordon River, south of Golden Gate Parkway and north of the Naples Zoo, more fully described.
in Section 1 of the Planned Development Document, is hereby approved.

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

Section 4. This ordinance shall take effect following adoption at second reading and upon the effective date of Comprehensive Plan Amendment number 08-CPA5.

APPROVED AT FIRST READING THE 18TH DAY OF MARCH, 2009.


Bill Barnett, Mayor

Approved as to form and legality:

Robert D. Pritt, City Attorney

Tara A. Norman, City Clerk

Date filed with City Clerk: __________________
Exhibit "A"

PLANNED DEVELOPMENT DOCUMENT

FOR

THE BRIDGES AT GORDON RIVER

Date of Submittal: August 11, 2008
as revised on February 2, 2009 and
March 18, 2009
Prepared by: Cheffy Passidomo
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SECTION I

LEGAL DESCRIPTION

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners ■ Landscape Architects

THE BRIDGES AT GORDON RIVER

A portion of Lots 7 through 9 of Naples Improvement Company's Little Farms as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, being more particularly described as follows:

Commence at the intersection of the East right-of-way of Goodlette-Frank Road (C.R. 851) and the South right-of-way of Golden Gate Parkway; thence run along said South right-of-way for the following four (4) courses:
1) thence run North 44°42'45" East, for a distance of 35.36 feet;
2) thence run North 89°42'45" East, for a distance of 122.57 feet;
3) thence run North 80°12'12" East, for a distance of 159.63 feet;
4) to a point on a circular curve concave northwest, whose radius point bears North 11°26'26" West, a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 22°36'33", subtended by a chord of 319.10 feet at a bearing of North 67°15'18" East, for an arc length of 321.18 feet to the intersection of the South right-of-way of said Golden Gate Parkway and the West line of the East 336.24 feet of the West 958.34 feet of Lot 7 of Naples Improvements Company's Little Farms Subdivision as recorded in Plat Book 2 at page 2 of the Public Records of Collier County, Florida, also being the point of beginning of the parcel of land herein described; thence run South 00°16'32" East, along the West line of the East 336.24 feet of the West 958.34 feet of said Lot 7, for a distance of 302.90 feet to a point on the South line of said Lot 7; thence run along said South line for the following two (2) courses:
1) thence run North 89°41'51" East, for a distance of 338.41 feet;
2) thence run North 89°50'24" East, for approximately 850 feet to a point on the mean high water line of the west bank of Gordon River, said point herein called Point "A". thence return to the aforementioned point of beginning, thence run along the south right-of-way of said Golden Gate Parkway for the following four (4) courses:
1) beginning at a point on a circular curve concave northwest, whose radius point bears North 34°02'58" West a distance of 813.94 feet therefrom; thence run Northeasterly along the arc of said curve to the left, having a radius of 813.94 feet, through a central angle of 05°09'09", subtended by a chord of 73.17 feet at a bearing of North 53°22'27" East, for an arc length of 73.20 feet to the end of said curve;
2) thence run North 50°47'53" East, for a distance of 459.55 feet
3) to the beginning of a tangential circular curve concave south; thence run Easterly along the arc of said curve to the right, having a radius of 713.94 feet; through a central angle of
38°52'20"; subtended by a chord of 475.13 feet at a bearing of North 70°14'03" East, for an arc length of 484.37 feet to the end of said curve;  
4) thence run North 89°40'13" East, for approximately 724 feet to a point on the mean high water line of the west bank of Gordon River; thence meander Southwesterly along the mean high water line for approximately 900 feet to the aforementioned Point "A" and the point of ending, containing 21.99 acres, more or less.

**NOTES**
Bearings and coordinates shown hereon are based on the Florida state plane coordinate system, East zone, North American datum of 1983, national geodetic survey adjustment of 1999 and are referenced to the south right-of-way of Golden Gate Parkway, being N 89°40'13" E.

This property is subject to easements, reservations and/or restrictions of record.
SECTION II
PROJECT TEAM

PETITIONER
Senior Care Development, LLC, d/b/a
Naples Life Care, LLC
Jay Addison, Vice-president – Acquisition
and Development
500 Mamaroneck Ave.
Harrison, NY 10528
Ph: (203) 222-6262

OWNER OF PROPERTY
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Thomas Ouverson, Authorized Agent
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Ph: 659-6080

ARCHITECT
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ARCHITECT/URBAN PLANNER
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CIVIL ENGINEER
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Ph: 947-1144

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Ph: 434-5800

LAND USE ATTORNEY
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Cheffy Passidomo
821 5th Avenue South
Naples, Florida 34102
Ph: 436-1529

SURVEYOR
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3800 Via Del Rey
Bonita Springs, FL 34134
Ph: 947-1144
SECTION III

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.

The proposed land use is a high-end, state of the art, fully amenitized continuing care retirement community ("CCRC") which accommodates a continuum of care for senior citizens featuring residential housing, related amenities, and medical and personal care facilities and services in a campus-style environment which contains independent living units, accessory assisted living facilities, accessory skilled nursing facilities, and other accessory uses, structures and amenities which provide living arrangements for the elderly that allow them to "age in place" as their health and personal care needs change over time. CCRCs may be operated for profit or not-for-profit, and developed through their own ownership and/or management. The proposed land use will function as part of an integrated plan for a CCRC in an urban setting, which promotes internal pedestrian connectivity for its residents. Traffic and other impacts will be minimal, especially compared to uses permitted in what otherwise is a mixed use activity center under the existing regulatory scheme in Collier County. The master plan for the Property promotes pedestrian and vehicular connectivity to adjacent lands at the Naples Zoo, the Conservancy, the proposed Greenway boardwalk and park, and Freedom Park.

In its completed form, The Bridges at Gordon River will house approximately 578 residents ranging in age from 70 to 100 years of age in 350 independent living units. The community will also include a 68-bed health center with 3 levels of care: assisted living, skilled care and memory support. The project will consist of (4) four independent living residential buildings, a health center building adjacent to Golden Gate Parkway and the development's main entry, a centralized clubhouse or commons building, and a spa. While the majority of the CCRC uses will be privatized, the health center will remain open to the public for a period of (5) five years from the date the facility becomes licensed by the State of Florida, as provided under Section 651.118(7)(which states that "sheltered nursing home beds may be used for persons who are not residents of the continuing care facility and who are not parties to a continuing care contract for a period of up to 5 years after the date of the issuance of the initial nursing home license").

The unique design of the project will be a retirement village with all of the best features of a small town centered within its most attractive natural and manmade amenities. The uses will be compatible with and buffered from adjacent land uses. Buildings that house commercial uses such as the assisted living and skilled nursing units in the health center will be limited to 42 feet in height from FEMA. The independent living buildings that are strictly residential uses will be limited to 52 feet in height from FEMA, plus architectural embellishments as and to the extent commonly permitted under the Naples Comprehensive Development Code. All uses will be limited to 42 feet in height as measured from FEMA along a 200 foot buffer from Golden Gate Parkway.
The Bridges at Gordon River has been designed (1) to minimize impacts on the Gordon River; (2) to maximize compatibility with its neighboring uses; and (3) to provide the important public benefits specified below.

Minimizing impacts to the Gordon River: The design of The Bridges at Gordon River also promotes good environmental stewardship. The development has established a 100' setback from all buildings to the Gordon River. The water collection and distribution system has been designed to improve the water quality currently discharged into the river by incorporating a natural pre-treatment filtration system.

Maximizing compatibility with neighboring uses: The Bridges at Gordon River will house approximately 578 full time active, aging-in-place residents in 350 independent living units. The residents of this community will take full advantage of the neighboring Coastland Center Mall, Caribbean Gardens Zoo and the Collier County Greenway. The project will include a public waterfront access easement and a public boardwalk containing public displays of art along the Gordon River and Golden Gate Parkway to encourage the public's access to and enjoyment of the Gordon River. The boardwalk and the dedicated public access will create a looped system to the Collier County Greenway project adjacent east and south of the Bridges at Gordon River, which will make stops at a county kayak facility, the Caribbean Gardens Zoo, and the Conservancy of Southwest Florida. The boardwalk and dedicated public access along Golden Gate Parkway will provide for a future connection to the County's Freedom Park to the North.

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 complies with applicable city plans and planning policies and its annexation into the city achieves state planning policies and objectives of eliminating enclaves and promoting efficient planning, growth management and service delivery. The Property is already located within the city's water and sewer district and its annexation gives the city control over land use on the city's border for land that is currently in a mixed use activity center in the County regulatory scheme. To the surrounding area, the proposed CCRC brings something more: development that is compatible with local agendas for growth and an influx of vital new citizens anxious to volunteer their time, skills and services in neighboring libraries, schools, environmental initiatives, community and cultural organizations, theatre groups, museums, and the like. Here, the proposed CCRC provides another option to city residents who want to live in a premier continuing care retirement community without having to leave the city and forfeit the privileges of city residency. The Property's proximity to the Naples Zoo, the Conservancy and adjacent public lands provides special opportunities to create connectivity between and among important public and quasi-public institutions along the headwaters of the Gordon River.

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 proposed land uses are compatible to each other and adequately served by the land area on which they will exist to achieve their intended purpose. The project is relatively compact and structured as a campus setting by design to accommodate the particular spatial needs of its residents.

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.**

The Property has direct access to two arterial collector roads – Goodlette-Frank Road and Golden Gate Parkway – and all internal streets and parking facilities are able to accommodate the modest level of traffic to be generated by the uses. Commercial building heights shall be limited to 42 feet in accordance with the city charter, and residential building heights shall be limited to 52 feet, plus 7 feet for architectural embellishments as and to the extent elsewhere generally permitted throughout the City of Naples, both of which are appropriate for the uses and in the context of the surrounding mixed-use activity center. All structures, no matter what the use, are limited to 42 feet in height at a boundary of 200 feet from Golden Gate Parkway. Site improvements shall be constructed according to the requirements of the City of Naples Comprehensive Development Code where applicable. The proposed development standards contained herein are appropriate for the intended use of the Property.

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

The project will include heavy landscaping, expansive water features, and extensive outdoor ornamental and decorative features. Included in the outdoor design elements is an elevated walkway along the Gordon River with public art consisting of interpretive wildlife sculptures placed in a natural setting. All structures within the project will be well-articulated and include sophisticated architectural design elements as well as high-grade materials and finishes intended to evoke a classical Venetian setting. The level of amenities is unmatched in Naples-area continuing care retirement communities, including the unique connection to the Gordon River Greenway. The onsite publicly dedicated amenities include a waterfront public access boardwalk connection along the Gordon River. The character of this boardwalk will meet and exceed the quality of similar Naples boardwalks, and will include public art, scenic overlooks, benches, gazebos and decks.

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

Open space will exceed 50% of the total Property area, and functional characteristics of the open space are maximized by the water-side walkways, water features that also function as water quality elements, and the public and resident access to the onsite Gordon River Greenway segment.
7. Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.

There are no areas proposed for common ownership.

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.

It is anticipated that the Bridges at Gordon River will be constructed in two residential phases as is generally and conceptually depicted on the attachments to this Planned Development Document. It is anticipated that phase one will include independent living units, the clubhouse amenity facility, the spa facility, and the health center. Phase two will add the remaining independent living units and amenities that were not constructed with phase one. The accessory and supporting components of the project that will be constructed with each phase will be adequate to serve the then-existing independent living units.
SECTION IV

DEVELOPMENT STANDARDS

Definitions.

**Independent Living Unit** means an assemblage of rooms or spaces comprising a dwelling unit and intended to provide living accommodations for a single family, whether in a single-family residence or a multifamily residential building, and which contains sleeping, bathroom, and food preparation, cooking, and kitchen facilities.

**Assisted Living Facility** means a facility, whether operated for profit or not, which undertakes through its ownership or management to provide the residents of a CCRC, for a period exceeding 24 hours, with limited nursing services and with regular assistance with routine daily activities, including the following: bathing, dressing, eating, grooming, walking, and moving from a prone to upright position. Each unit within the assisted living facility may contain sleeping facilities, a restroom, a compact refrigerator, a microwave oven, and a sink, but may not otherwise contain any facilities or appliances for food preparation, cooking and consuming meals. Assisted living facilities shall be considered commercial uses accessory to the independent living units even though units in the assisted living facility may: 1. Be occupied by individuals who do not otherwise reside in an independent living unit for the 5-year statutory period set forth in Section 651.118(7), Florida Statutes; and/or 2. contain a microwave oven and/or sink, and/or compact refrigerator.

**Skilled Nursing Facility** means a facility, whether operated for profit or not, which undertakes to provide its occupants, for a period exceeding 24 hours, with a high level of around-the-clock specialized care for infirm persons suffering from acute illnesses and who require medical, skilled nursing or rehabilitative services, including without limitation intravenous injections and physical therapy. This is a level of care that requires the daily involvement of skilled nursing or rehabilitation staff and that, as a practical matter, cannot be provided on an outpatient basis. The occupants of a skilled nursing facility typically are unable to independently perform routine activities of daily life and are not ambulatory. Skilled nursing facilities shall be considered commercial uses accessory to the independent living units even though units in the skilled nursing facility may: 1. Be occupied by individuals who do not otherwise reside in an independent living unit for the 5-year statutory period set forth in Section 651.118(7), Florida Statutes; and/or 2. contain a microwave oven and/or sink, and/or compact refrigerator.

Overall Project Purpose.

The Property is intended to accommodate – in one campus-style environment – multi-family independent living units, accessory assisted living and skilled nursing facilities, and accessory uses and amenities. These facilities are intended to provide living arrangements for the elderly that will allow them to “age in place” as their health and personal care needs change over time, and include a related continuum of medical and personal care facilities and services.
Permitted Uses. The following are permitted uses:

(1) Multifamily residential independent living units.

(2) Assisted living facilities and accessory uses and structures which are incidental thereto and customarily associated therewith.

(3) Skilled nursing facilities and accessory uses and structures which are incidental thereto and customarily associated therewith.

(4) Public Pedestrian Waterfront Access Easement.

(5) Any use which does not unreasonably interfere with the intended purpose of the planned development, including, without limitation, public pedestrian access over and across the Public Pedestrian Waterfront Access Easement, signage, sculpture, art, water facilities, boardwalks, pavilions, benches, gazebos, water management, and landscaping for the benefit the Property and any other use of the Property permitted under the Naples Comprehensive Development Code.

Accessory Uses. The following are accessory uses:

Private and resort recreational amenity elements for residents, tenants, guests and invitees, including without limitation the following:

- Clubs, private and resort
- Indoor and outdoor live and staged entertainment, amplified and non-amplified sound
- Pool and pool deck
- Personal service establishments such as spas, barbershops, and beauty shops
- Gazebos, arbors, decks, and seating areas
- Libraries
- Tennis, racquetball, shuffleboard, and similar courts
- Activities rooms
- Massage rooms
- Food and beverage service; indoor and outdoor
- Bar/lounge
- Indoor dining
- Outdoor dining
- Parking lots (noncommercial; no meters or on-site parking fee collection)
- Additional activities and uses normally associated with private and resort recreation

Conditional Uses. The Planning Advisory Board may, through the review and approval of a conditional use petition and with the approval of City Council, permit other uses which are similar to and no more intense than the permitted or accessory uses.

Dimensional and Performance Standards.

Maximum Permitted Density. Maximum permitted density on the Property is 350 independent living units. The skilled nursing facilities and assisted living facilities are
commercial uses accessory to the independent living units, and the aggregate number of
beds contained in the assisted living facilities and skilled nursing facilities shall be limited
to no more than 25% of the total number of independent living units authorized in this
Planned Development Document.

Minimum lot area.
Minimum lot area is 15,000 square feet.

Minimum lot width.
Minimum lot width is 100 feet.

Minimum yards. Minimum yards are as follows (the Public Pedestrian Waterfront
Access Easement is not a property line):
1. Along Golden Gate Parkway: 50 feet.
2. Along the Gordon River: 100 feet from the current mean-high-water line.
3. Along the Southern property line: 30 feet.
4. Along the West property line: 30 feet.
5. The following shall be permitted within the minimum yard areas at heights exceeding
30 inches: Entry signage and related decorative features and embellishments; walls
and/or fences up to 8 feet; a gate/guard house with floor area up to 250 square feet;
the grand public gateway pavilion; cornices, overhangs, awnings, balconies, and
other architectural features with no ground support; mechanical equipment, including
generators, and related buffering elements; elevated walkways, boardwalks, kiosks,
gazebos, scenic overlooks, and public art.
6. There is no minimum yard for separation between principal structures, and the length
and width of structures permitted on the Property may extend to the setback lines.

Minimum floor area.
Minimum floor area is as follows: 1,000 square feet per principal building on the
ground floor, and 750 square feet per independent living unit.

Maximum height.
Maximum height for buildings containing only independent living units and related
amenities, and for other non-commercial structures, shall be limited to 52 feet, measured
from the 1st-floor FEMA elevation to the peak of the roof. Chimneys, elevator shafts,
stair towers, rooftop heating, ventilating and air conditioning equipment, ornamental
screening for such equipment, and architectural embellishments not for habitation may
extend 7 feet above the peak of the building roof over an area which does not exceed
10% of the building’s roof area.

The maximum height of all commercial structures shall be limited to 42 feet
measured from the 1st-floor FEMA elevation to the peak of the roof or the highest point
of any appurtenance attached to the roof.

Minimum Off-street Parking. Minimum off-street parking on the Property (including
both structured and open-air parking) is as follows:
(1) For the independent living units and accessory structures/uses (other than assisted living and skilled nursing facilities): one and one-quarter (1 ¼) spaces per independent living unit.

(2) For the assisted living and skilled nursing facilities (including all uses contained in the Health Center): one space per 2 beds.

**Maximum lot coverage by all buildings.**

Maximum lot coverage by all buildings is 40 percent.

**General Development Site Plan.**

The General Development and Site Plan (GDSP) prepared by pkSTUDIOS and CSD Architects, dated February 2, 2009, for Senior Care Development LLC, a copy of which is attached hereto as Attachment 1 (the “Site Plan”), is approved as the conceptual plan for this development. [Landowner acknowledges that a final site plan must be approved in accordance with Section 46-33, Naples Land Development Code, to reflect the 350 independent living units approved by City Council at second reading of Ordinance 09-12526 approving this Planned Development Document.] Sizes of buildings shall not be exceeded by more than 10 percent, and other standards contained in this Section shall not deviate more than 10 percent, without Council GDSP approval. Allocations of units between assisted living and skilled nursing may occur without further approval. Reallocation of units between skilled nursing-assisted living and independent living shall not exceed 10 percent without Council approval.
SECTION V

DEDICATION OF PUBLIC PEDESTRIAN WATERFRONT ACCESS EASEMENT

Within ten (10) days following the date that the ordinance approving the Planned Development Rezone requested with this Planned Development becomes final and non-appealable, the Land Owner, its successors or assigns shall execute, deliver and record an 8 foot wide non-exclusive public pedestrian waterfront access easement (the "Public Pedestrian Waterfront Access Easement") to the City of Naples for use by the public during daylight hours for ingress and egress to, from and generally along the area illustrated as "Boardwalk" at a location determined by the Land Owner, its successors or assigns within the area designated as "Preserve Area” on the Public Access Easement Plan (referenced by Sheet A-5 dated February 2, 2009) attached hereto and incorporated herein by reference. The Land Owner, its successors or assigns shall retain the right to (i) use the Public Pedestrian Waterfront Access Easement Area for any purpose which does not unreasonably interfere with the intended purpose of the Public Pedestrian Waterfront Access Easement, including, without limitation, pedestrian access to and from the Property, pathways, signage, utilities, lighting, sculpture, art, water features, benches, drainage, water management, lot coverage calculations, setback areas, intensity calculations, open space, and landscaping for the benefit of the Property; (ii) suspend the right to use the Public Pedestrian Waterfront Access Easement during any period of construction or maintenance in, or in reasonable proximity to, the Public Pedestrian Waterfront Access Easement Area; (iii) limit access to and from the Public Pedestrian Waterfront Access Easement Area during non-daylight hours; and (iv) grant a conservation easement over portions of the Public Pedestrian Waterfront Access Easement to the South Florida Water Management District. The Land Owner, its successors or assigns shall design, permit, construct and maintain the Public Pedestrian Waterfront Access Easement Area, and pay for same. The City shall cooperate with the Land Owner, its successors or assigns in the foregoing undertaking. The Public Pedestrian Waterfront Access Easement shall provide that the Land Owner, its successors or assigns shall construct a boardwalk in the Public Pedestrian Waterfront Access Easement Area after delivery of the Public Pedestrian Waterfront Access Easement to the City of Naples. The Public Pedestrian Waterfront Access Easement Area shall thereafter be maintained by the Land Owner, its successor or assigns at its sole cost and expense to a standard which equals or exceeds the prevailing level of maintenance of city parks and parkways. In the event Land Owner or its successors or assigns submits a petition to rezone the Property or amend the Planned Development Rezone Ordinance which approves this Planned Development Document prior to issuance of certificates of occupancy for the buildings located or to be located within the Property, as shown on the General Site Plan attached hereto and incorporated herein by reference, then the Public Pedestrian Waterfront Access Easement shall automatically terminate and become null and void.
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, and for the relocation of any existing water and sewer facilities.
SECTION VII

BASIC WATER MANAGEMENT STRATEGY

Storm runoff will be attenuated on site by means of above ground detention/retention areas, swales, holding/settling ponds, and water quality wetlands and littoral areas, all 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

REGULATIONS

The regulations contained herein take priority over any setback, maximum height, parking, lot coverage, or other regulation contained in the Code of Ordinances. To the extent that this document does not provide a regulation, the regulations of the Code of Ordinances shall apply.
SECTION X

LAND OWNER COVENANTS

The Land Owner covenants that the Land Owner, its successors or assigns shall:

1. Install the landscaping along Golden Gate Parkway shown on the Site Plan prior to the earlier to occur of (i) the issuance of a Certificate of Occupancy for improvements contemplated in phase one of the project or (ii) the issuance of a building permit for improvements contemplated in phase two of the project;

2. Contribute the fixed sum of $10,716 to the City of Naples prior to the earlier to occur of (i) the issuance of a Certificate of Occupancy for improvements contemplated in phase one of the project or (ii) the issuance of a building permit for improvements contemplated in phase two of the project to help defray the first two fiscal year's estimated net fiscal operating deficit resulting from annexation of the property into the City of Naples as projected by the city's consultant Fishkind & Associates' Urban Services Report for the Voluntary Annexation of the Bridges at Gordon River as updated December 5, 2008;

3. Donate excess water quality storage to the City of Naples for use as credits in the city program; and

4. Tie into the City of Naples reclaimed water line by connecting to the existing reclaimed water line along Goodlette Road at a point South of Golden Gate Parkway.

5. Pay a pro-rata share of the expense of designing, permitting, and constructing a public access road between the Southwest corner of the subject property and the Goodlette Road/Fleischmann Boulevard intersection (as indicated by shading on the Q. Grady Minor Site Plan dated June 2008, updated September 3, 2008, and attached hereto and incorporated herein by reference as Exhibit "A") – including (2) actuated and signalized pedestrian crossings at the public access road intersection with Goodlette Road, traffic control signage, curbing, a multi-use pathway, and a single-pitch open drainage swale system – based on the relative vehicular traffic anticipated to be generated at build-out over the public access road by the Bridges at Gordon River, the proposed Collier County kayak park on the Gordon River, and the Naples Zoo. Land Owner covenants to pay not less than forty-five percent (45%) of such expense.