

ORDINANCE 03-9966

AN ORDINANCE DETERMINING REZONE PETITION 03-R1, REZONING PROPERTY LOCATED AT 1400 GULF SHORE BOULEVARD NORTH AND 225 BANYAN BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM PD, PLANNED DEVELOPMENT, TO PD, PLANNED DEVELOPMENT, IN ORDER TO AMEND THE SIGNAGE REQUIREMENTS; REPEALING ORDINANCE 01-9142; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 4, 2001, City Council approved Ordinance No. 01-9142 rezoning the property at 1400 Gulf Shore Boulevard North from "C1," Retail Shopping District to "PD," Planned Development and approved a conceptual site plan; and

WHEREAS, Capetown Development, Inc., owner of property at 1400 Gulf Shore Boulevard North and 225 Banyan Boulevard, has petitioned to change the zoning from PD, Planned Development, to PD, Planned Development, in order to amend the signage requirements; and

WHEREAS, following a public hearing, the Planning Advisory Board has considered the recommendation of the staff and the public input and has recommended by a vote of six to zero that Rezone Petition 03-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;

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

Section 1. That Rezone Petition 03-R1 is hereby approved, rezoning property located at 1400 Gulf Shore Boulevard North and 225 Banyan Boulevard from PD, Planned Development, to PD, Planned Development, in order to amend the signage requirements, said property more particularly described as follows:

Lot 10, Block J, and the West 20 feet of Lot 1, Block 1, Coquina Sands, Unit No. 2, according to the plat thereof recorded in Plat Book 3, Pages 53 and 54, Public records of Collier County, Florida

Section 2. That approval of this ordinance is subject to the following conditions:

- (1) Prior to the issuance of building permits, the Engineering Division shall require a formal site development plan (SDP) review for final approval of utilities, site access, and water management. The Engineering Division shall also require a Traffic Impact Statement (TIS) and Level of Service (LOS) analysis as part of the SDP review.
- (2) A coastal construction setback line variance shall be required from City Council and a coastal construction control line permit shall be required from the Department of Environmental Protection.

- (3) The height of the cupola proposed for building 2 shall not exceed seven feet above the peak of the building roof. In addition, the cupola shall not extend above the maximum permitted building height of 42 feet.
- (4) All buildings shall be constructed to building standards to permit vertical evacuation for a Category 3 storm.
- (5) Specific site plan and residential impact statement approval shall be required by City Council.
- (6) Loading areas should be indicated on the site plan submitted for specific GDSP approval.
- (7) The minimum lot width shall be one hundred (100) feet and a minimum lot area shall be one (1) acre.
- (8) All signage shall be in accordance with Section 106-35(b) of the Code of Ordinances.
- (9) The petitioner shall be required to submit a detailed landscape plan at the time of specific GDSP approval. A six foot wide landscape buffer shall be required along the west and south perimeters of the property in accordance with Chapter 106 of the Code of Ordinances. The existing dumpster shall be relocated as required by the final GDSP. Except along the water, all lot lines adjoining a residential zoning district shall provide a continuous landscape buffer six feet in width (the "Residential Buffer"). The Residential Buffer shall include a solid wall six feet in height along the side yard and three feet in height along the part of the side yard which also constitutes a front yard. The Residential Buffer may be a combination of berm and landscaping but shall be a minimum of ten feet in height, and 100 percent opaque when viewed horizontally three feet above the ground. City Council reserves the right to require a residential buffer which exceeds these standards if considered necessary by the City to meet the landscaping and screening required to provide adequate buffering as determined necessary for compatibility by the City Council for all residential impact statement standards as set forth in Chapter 110 of the Code of Ordinances, provided that the landscape buffer shall not be required to be wider than six feet.
- (10) The petitioner shall be required to submit a residential impact statement at the time of specific GDSP approval.

Section 3. The Charleston Square Planned Development is hereby amended to read as shown on Exhibit "A" which is attached hereto and made a part hereof (with underlining indicating additions and strikeout indicating deletions):

Section 4. That Ordinance No. 01-9142 is hereby superseded and repealed.

Section 5. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 19TH DAY OF FEBRUARY, 2003.

PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 5th DAY OF MARCH, 2003.

Bonnie MacKenzie, Mayor

Attest:

Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2003\03-9966

Date filed with City Clerk: _____

Exhibit "A"

PLANNED DEVELOPMENT DOCUMENT

FOR

CHARLESTON SQUARE

Date of Revision: February 19, 2003
Date of Original Submittal: January 16, 2001
Prepared by: Cheffy Passidomo
Wilson & Johnson, LLP

TABLE OF CONTENTS

		<u>Page</u>
Section I	List of Exhibits	1
Section II	Legal Description	2
Section III	Project Team	3
Section IV	Planned Development (PD) Criteria	4
Section V	Development Criteria and Standards	6
Section VI	Water and Sewer Adequacy and Availability	10
Section VII	Basic Water Management Strategy	11

SECTION I

LIST OF EXHIBITS

- Exhibit A Total Tract Boundary (Survey)
- Exhibit B Vicinity Map (PD-1)
- Exhibit C Architect's Elevations (PD-4 and PD-5)
- Exhibit D Landscape Plan (C-1)
- Exhibit E Site Plan, including information showing compliance with District Development Criteria and Standards (PD-3)
- Exhibit F Conceptual Residential Floor Plan, submitted solely to illustrate compliance with district minimum floor area requirements (PD-6)

SECTION II

LEGAL DESCRIPTION

Lot 10, Block J, and the West 20 feet of Lot 1, Block I, Coquina Sands, Unit No. 2, according to the plat thereof recorded in Plat Book 3, Pages 53 and 54, Public Records of Collier County, Florida (the "Property").

Property ID # 06287280003

SECTION III

PROJECT TEAM

Owner: Cape Town Developments, Inc.
1400 Gulf Shore Square North
Suite 121B
Naples, Florida 34102
Telephone: 213-0056

Attorney: John M. Passidomo
Cheffy Passidomo
Wilson & Johnson, LLP
821 Fifth Avenue South
Naples, Florida 34102
Telephone: 261-9300

Architect: John Cooney
Randall Stofft Architects
1400 Gulf Shore Boulevard North
Suite 110
Naples, Florida 34102
Telephone: 262-7677

Landscape Architect: Christian Andrea, AICP
Architectural Land Design, Inc.
2780 Horseshoe Drive South
Suite 6
Naples, Florida 34104
Telephone: 430-1661

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.

Mixed use will diminish impacts of commercial development on adjacent residences while providing convenient neighborhood commercial services and a smooth transition zone from adjacent medium density residential, high density residential, single family residential and beachfront public park uses.

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.

Redevelopment will comply with all applicable city plans and planning policies, and beneficially impact Coquina Sands and the entire City of Naples by revitalizing, improving and beautifying one of the city's prestige shopping areas.

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.

All dimensional standards will be met or exceeded.

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 or exceeded.

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

The existing Gulf Shore Square development complies with the minimal visual character and community amenity standard zoning requirements for similar development. The proposed Charleston Square development will dramatically exceed those standard zoning requirements. Maximum building heights will be the same as or less than adjacent medium density residential districts along the east side of Gulf Shore Boulevard immediately north of the Property which have the same residential use of second and third stories as is proposed for Charleston Square. Third stories adjacent to or across the street from R1 zoned property are limited to residential uses only in Charleston Square as they are in adjacent medium density residential districts along the east side of Gulf Shore Boulevard immediately north of the Property.

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

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

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

Any residential condominium ultimately developed 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 infrastructure will be constructed in one phase.

Section V**Development Criteria and Standards**

Purpose. The district is intended to accommodate the city's prestige shopping areas and a limited amount of residential development. It is more restrictive and specialized than the C2 general commercial district.

Uses permitted. No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in whole or in part, for other than the following, and all merchandise shall be stored and displayed in an enclosed building:

- (1) Small-scale retail sales establishments other than shopping centers. Retail sales establishments may include incidental processing, repair and rental activities except rental of motor vehicles which require a conditional use, provided they are accessory and subordinate to the retail sales use, and provided that all storage, processing and repair of merchandise occurs within the principal building.
- (2) Art or photography studios
- (3) Bakery, retail, with baking on the premises, with all baked goods sold at retail on the premises
- (4) Convenience service establishments such as tailoring, garment alterations and repair, shoe repair and the like
- (5) Cultural facilities, including libraries and museums, and publicly owned buildings
- (6) Financial institutions, excluding drive-up windows, which are permitted only by conditional use petition approval
- (7) Laundry or dry cleaning pickup establishments, with no laundering or dry cleaning on the premises
- (8) Medical offices and clinics (not animal)
- (9) Parking lots, noncommercial, with no meters or on-site parking fee collection
- (10) Personal service establishments such as barbershops or beauty shops

- (11) Professional, business, financial, civic or public utility offices
- (12) Restaurants, conventional, with or without cocktail lounges. Dancing or staged entertainment facilities are permitted only by conditional use petition approval.
- (13) Residential dwelling units when such dwelling units are compatible with a permitted use and are located within the same building or group of buildings as the permitted use with a maximum density for residential uses of eight (8) dwelling units per acre.
- (14) Non-commercial boat docks as shown on the site plan submitted with this Planned Development Document. Boat docks shall not be utilized for commercial purposes or for the mooring of charter boats. Approval of boat docks shall be required from the City of Naples Natural Resources Division. Boat docks shall be used only in conjunction with residential units on the property.
- (15) Accessory uses or structures which are incidental to and customarily associated with the permitted uses in this district listed in subsections (1) through (14) of this section.

Conditional uses. Conditional uses in this district are as follows:

- (1) Drive-up windows which are accessory to permitted uses (not to include restaurants).
- (2) Motion picture theaters or live theaters (no drive-in theaters).
- (3) Parking garages and commercial parking lots.
- (4) Transient lodging facilities.
- (5) Cocktail lounges.
- (6) Rental of motor vehicles accessory and subordinate to the retail sales use.

The Planning Advisory Board may, through the review and approval of a conditional use petition and with the approval of the City Council, permit other uses which are similar to and no more intense than those enumerated for this district.

Minimum lot area. One (1) acre.

Minimum lot width. One hundred (100) feet.

Yards required. Minimum yards in this district are as follows:

- (1) Front yard: Ten (10) feet.
- (2) Side yard: Buildings may be placed either on the side lot line or a minimum of ten (10) feet from it, except when the adjoining lot is in another zone with a different side yard requirement, in which case a minimum side yard of ten (10) feet shall be provided.
- (3) Rear yard: Twenty-five (25) feet.

Minimum floor area. Minimum floor area in this district is as follows:

- (1) Nonresidential buildings: 1,000 square feet per building on the ground floor.
- (2) Transient lodging facilities:
 - a. Dwelling units without cooking facilities: 300 square feet
 - b. Dwelling units with cooking facilities: 400 square feet
- (3) Residential units: 600 square feet per unit.

Maximum height. Maximum height in this district 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 an appurtenance attached to the roof, except that commercial development adjacent to or across the street from any R1 zoned property shall be limited to two stories in height. Third stories adjacent to or across the street from any R1 zoned property are limited to residential uses only.

Minimum off-street parking. See chapter 106 for parking requirements for this district.

Maximum lot coverage by all buildings. Maximum lot coverage by all buildings in this district is 45 percent.

Landscaping. In this district, in addition to the parking and vehicular use area landscaping requirements, all areas not

improved for parking per city ordinance requirements, or occupied by a structure, paved walkway or the like, shall be landscaped in accordance with the landscaping requirements of chapter 106.

Signage. All signage shall be in accordance with section 106-35(~~b~~)(c) of the Code of Ordinances, except that the setback for one sign not to exceed 32 square feet shall be permitted, in accordance with the photograph attached as Exhibit "A".

SECTION VI

WATER AND SEWER ADEQUACY AND AVAILABILITY

Water and sewer service for the project is available and will be provided by the City of Naples in accordance with its adequate public facilities criteria. The property owner 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.

Exhibit A
(to Development Agreement)



Item 8 /
2/19/03