

ORDINANCE 97-8095

AN ORDINANCE APPROVING REZONE PETITION 97-R1, AMENDING A PLANNED DEVELOPMENT APPROVED BY ORDINANCE 92-6710 WHICH APPROVED A PARKING GARAGE ON THE CITY LOT LOCATED ON FOURTH AVENUE SOUTH BETWEEN SEVENTH STREET SOUTH AND EIGHTH STREET SOUTH TO ALLOW THE NAPLES PLAYERS' USE OF THE WESTERN 80 FEET, TO PROVIDE FOR A FOUR-LEVEL PARKING STRUCTURE TO BE BUILT BY THE CITY, TO PROVIDE AN ACCESS FROM FOURTH AVENUE SOUTH TO THE ALLEY IMMEDIATELY NORTH OF THE WYNN'S PROPERTY, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Naples has petitioned to amend the planned development for the property described herein, which was approved by Ordinance 92-6710 on July 15, 1992; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered the recommendation of the staff and the standards and guidelines for approval of PD zoning, and recommended by a vote of 5 to 0 that the planned development be amended; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and providing the public an opportunity to speak, the City Council finds that the criteria have been met and 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 97-R1 is hereby approved amending a Planned Development approved by Ordinance 92-6710 which approved a parking garage on the City lot located on Fourth Avenue South between Seventh Street South and Eighth Street South to allow the Naples Players' use of the western 80 feet, to provide for a four-level parking structure to be built by the City, and to provide an access from Fourth Avenue South to the alley immediately north of the Wynn's property, on the property more particularly described as:

North 150 feet of, Lot 1, Block 16, Tier 8, Naples Seaboard Replat, as recorded in Plat Book 1, Public Records of Collier County, Florida.

Section 2. Subparagraphs (1) through (6) of Section 1 of Ordinance 92-6710 are hereby superseded, repealed, and replaced in their entirety by:

1. The Parking Structure Plans (Public Parking Facility), by reference incorporated herein, and more particularly identified as Public Parking Facility Building Elevations, A-3.1, Public Parking Facility, A-2.1 through A-2.4, and dated 10/1/97, by Andrea Clark Brown Architects.

2. The Theater Plans, by reference incorporated herein, and more particularly described as Naples Players Theater Area Site Plan, A-1.3, dated 10/1/97, by Andrea Clark Brown Architects.

Section 3. Subparagraphs (1) through (3) of Section 2 of Ordinance 92-6710 are hereby superseded, repealed, and replaced in their entirety by the following:

1. The Property may not be used for any purpose except (i) a Parking Structure in accordance with the Parking Structure Plans; (ii) a Theater in accordance with the Theater Plans on the west eighty (80) feet of the Property; (iii) a parking lot.
2. The Parking Structure and the Theater shall be constructed in accordance with all City codes and regulations.
3. The construction permitted by this ordinance shall be done in accordance with the Construction Staging Plan, by reference incorporated herein and more particularly described as Naples Players Theater Staging Plan Phase I, A-3.1 (F1), dated 10/1/97; Phase II, A-1.3, (F2) dated 10/1/97; and Phase III, A-3.1 (F3), dated 10/1/97.
4. This ordinance is adopted pursuant to that certain Developer's Agreement dated November 9, 1992, and the first amendment thereto dated October 1, 1997. Nothing in this ordinance shall be construed to abrogate or modify the rights, duties, and obligations of the parties to the agreement or the amendment.

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


APPROVED AT FIRST READING THIS 17TH DAY OF SEPTEMBER, 1997.


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 1ST DAY OF OCTOBER, 1997.


 Bill Barnett, Mayor

Attest:

Approved as to form and legality:


 Tara A. Norman, City Clerk
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 Kenneth B. Cuyler, City Attorney

Approved as to accuracy:


 Missy McKim
 Planning Director

For diagrams listed as attached, please see Supplemental Drawer 3