AN ORDINANCE DETERMINING REZONE PETITION 04-R2 FOR PROPERTY LOCATED AT 1900 TAMIAI TRAIL NORTH, COMMONLY KNOWN AS COASTLAND CENTER MALL AND MORE PARTICULARLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM "PD" PLANNED DEVELOPMENT, TO AN AMENDED "PD" PLANNED DEVELOPMENT, TO ALLOW THE CONSTRUCTION OF A FREE-STANDING RESTAURANT/RETAIL FACILITY ON CERTAIN LANDS WITHIN THE MALL PROPERTY IDENTIFIED HEREIN AS THE "RESTAURANT/RETAIL DEVELOPMENT AREA"; PROVIDING DEVELOPMENT REGULATIONS APPLICABLE TO THE RESTAURANT/RETAIL DEVELOPMENT AREA; AMENDING ORDINANCE 92-6808; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Coastland Center, L.P., the owner/operator of the property located at 1900 Tamiami Trail North, and commonly known as Coastland Center Mall, has petitioned to rezone from "PD" Planned Development, to an amended "PD" Planned Development, in order to allow the construction of a free-standing restaurant/retail facility on certain lands within the mall property identified herein as the "Restaurant/Retail Development Area"; and

WHEREAS, following an advertised public hearing, the Planning Advisory Board considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 7 to 0 that Rezone Petition 04-R2 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 04-R2 is hereby granted in order to permit rezonning from "PD" Planned Development, to an amended "PD" Planned Development, to allow the construction of a free-standing restaurant/retail facility on certain lands within the mall property identified in said new PD as the "Restaurant/Retail Development Area", in accordance with the amended Planned Development Narrative, a copy of which is attached hereto as Attachment "1" and incorporated herein by this reference (with underlining indicating additions and strikeout indicating deletions), and in accordance with the amended General Site Plan prepared by Beame Architectural Partnership, dated September 27, 2004, a copy of which is on file in the City Clerk's office. The lands being rezoned from "PD" to "PD" are more particularly described on Attachment 2 incorporated herein by this reference.
Section 2. That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

Section 3. That this Ordinance amends Ordinance 92-6808.

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 immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 6TH DAY OF OCTOBER, 2004.


Bill Barnett, Mayor

Attest: Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2004\04-10620

Date filed with City Clerk:
ATTACHMENT 1

2004 PD NARRATIVE

I. STATEMENT OF LEGISLATIVE HISTORY AND LEGISLATIVE INTENT

This PD Narrative is part of, and incorporated into, Ordinance 04-10620, adopted October 20, 2004, and consists of the following:

1. The PD Narrative incorporated into Ordinance 92-6208 (the "1992 PD Narrative") reproduced in Part I below, and amended only to reflect current ownership and to eliminate the Development Team designations in Section V. thereof and to substitute a designation of the Owner’s Representative; and

2. The "Restaurant/Retail Development Area" development regulations set forth in Part II below.

Ordinance 92-6808 (the "1992 Ordinance") adopted November 16, 1992, rezoned the Property (as defined in the 1992 Ordinance) from "HC-Highway Commercial" to PD to permit the redevelopment and expansion of Coastland Center Mall, and was adopted concurrently with DRI Development Order 92-DRI (the "DRI"), which approved the expansion of the mall to a maximum of 995,000 square feet gross leasable area (1,119,179 square feet gross floor area) with up to 5,350 parking spaces. The 1992 Ordinance and the 1992 Planned Development Narrative described and provided development regulations and standards for the development of 955,000 square feet GLA of the 995,000 square feet GLA authorized by the DRI.

Approximately 925,000 square feet GLA was constructed and completed in 1996 (including structures that had existed prior to the expansion authorized by the 1992 Ordinance). This amendment, (Rezone Petition 04-R2) is a petition to amend the 1992 Ordinance and 1992 Planned Development Narrative to provide for the construction of a free-standing restaurant/retail structure of no more than 11,000 square feet GLA to be located in the area designated on the Site Plan (as defined in Part II, Section Three) as the "Restaurant/Retail Development Area".

The purpose of this amendment is to depict and describe the development hereby authorized within the Restaurant/Retail Development Area and to establish development standards for the Restaurant/Retail Development Area. These standards shall govern the development of the Restaurant/Retail Development Area and shall prevail over conflicting standards in the 1992 Ordinance or the 1992 Planned Development Narrative. Any conflicts or potential conflicts between the development authorized by the 1992 Ordinance or the 1992 Planned Development Narrative and the development of the Restaurant/Retail Development Area as described herein and on the Restaurant/Retail Development Area site plan shall be resolved so as to permit the development of the Restaurant/Retail Development Area in accordance with this amendment and the Site Plan.
Except as modified by Ordinance 04-10620 with respect to the development of the Restaurant/Retail Development Area, it is intended that the development standards and regulations applicable to Coastland Mall and set forth in the 1992 Ordinance and 1992 Planned Development Narrative shall remain in effect. Accordingly, this PD Narrative incorporates verbatim the terms and conditions of the 1992 Planned Development Narrative, with only such changes to the 1992 Planned Development Narrative as reflect the change in ownership of the mall and the designation of the Developer's Representative instead of the designation of a Development Team, and adds the development regulations applicable only to the Restaurant/Retail Development Area.

PART I.

Section One.

The terms and conditions of the 1992 Planned Development Narrative, amended by strike-throughs and underlines as indicated are as follows:

I. INTRODUCTION

This Planned Development Narrative is a part of City of Naples Ordinance No. PD-92-R10 (the Ordinance) adopted November 18, 1992, titled "Coastland Center Planned Development" which rezones the lands described herein from "HC" Highway Commercial to "PD" Planned Development. The Coastland Center Planned Development describes and depicts the development currently existing on the site and the proposed redevelopment and expansion of the existing development. The purpose of this narrative is to provide certain information required by Section 7-4-22 and Section 3-82 of the City of Naples Comprehensive Development Code that will govern the redevelopment and expansion of the existing development.

The Coastland Center Planned Development is a Development of Regional Impact and is covered by City of Naples DRI Development Order 92-DRI 1, adopted November 18, 1992.

Coastland Center is located within the City of Naples, in Collier County, Florida approximately one mile east of the Gulf of Mexico. Its immediate boundaries are CR 886 (Golden Gate Parkway) to the north, U.S. 41 (Tamiami Trail) on the west, Fleischmann Boulevard on the south and CR 851 (Goodlette-Frank Road) on the east. [See Exhibit B, "Existing Conditions Map"].

The Developer proposes to expand the existing mall by approximately 402,332 square feet GLA. At total buildout, Coastland Center will include approximately 955,000 square feet GLA of retail space.

The project is anticipated to commence prior to 1995. More specific plans include the expansion of the four existing anchor stores, the addition of interior common areas, retail shops, food court and cinema. [See Exhibit C, General Site Plan].
II. DEFINITIONS

"City" shall mean the City of Naples acting through its City Council or staff members as appropriate.

"Code" shall mean the City of Naples Comprehensive Development Code (Ordinance 89-5901, as amended through the date of adoption of this Ordinance).

"Developer" shall mean Coastland Center Joint Venture or such successor entity as may be entitled to exercise development control over the Property. Developer is the Petitioner in this application.

"Existing Development" shall mean the existing shopping mall consisting of four anchor stores and retail shops of about 550,000 square feet GLA along with existing parking areas, drainage facilities, landscaping, signage and other facilities and structures as depicted on the Existing conditions Map, Exhibit B, and specifically authorized by previous site plan and building permit approvals.

"Existing Mall property" shall mean the 60.0± acres described as Parcels A, B, C, and D in Exhibit D.

"Option Property" shall mean the 10.27± acres described as Parcel E in Exhibit D.

"Property" shall mean those lands within the City of Naples in Collier County, Florida consisting of 70.27± acres described as Parcels A, B, C, D, and E on Exhibit D.

"Redevelopment and Expansion" shall mean the renovation and expansion of the Existing Development as described and depicted in this document and the Site Plan.

III. EXISTING DEVELOPMENT

The City recognizes that the Existing Development is of vital economic and social importance to the City of Naples. Therefore this Ordinance shall in no way be construed such that the Existing Development or any part thereof shall be deemed a non-conforming use. The City hereby confirms that if all or any portion of the Existing Development shall be destroyed or damaged, or if the Redevelopment and Expansion shall not proceed, then the Existing Development may be repaired, renovated, or reconstructed in accordance with the development standards under which the Existing Development or part thereof was constructed. Provided, however, then-existing Building, Fire, and Electric Codes shall be complied with to the degree reasonably feasible.
IV. LEGAL DESCRIPTIONS

The Property is legally described in Exhibit D.

V. OWNERSHIP, CONTROL, AND AUTHORIZATIONS

A. The names and addresses of the parties having fee simple title or lessor estate in the site are listed below:

Coastland Center Joint Venture  
e/o LaSalle Partners Development Limited  
1620 I Street NW, Suite 800  
Washington D.C. 20006

Coastland Center, L.P.  
110 North Wacker  
Chicago, IL 60606

Trustees Under the Will of Julius Fleischmann  
e/o Meyer, Inc.  
Suite 920, 120 East 4th Street  
Cincinnati, Ohio 45202—  
Parcel A, B, C

Allied Stores General Real Estate Company  
7 West Seventh Street  
Cincinnati, Ohio 45202  
Parcel D

Sears, Roebuck & Co.  
National Manager  
Real Estate Planning Group  
675 Ponce de Leon Avenue, NE, Annex 95  
Atlanta, Georgia 30345  
Parcel E

B. The Developer is authorized to exercise control over the Development of the Property. The Developer has professional consultants identified in VI below as the Development Team. The Developer’s Representative is identified in VI below.

VI. DEVELOPMENT TEAM

Landowner  As identified in V, above.

Developer  Coastland Center Joint Venture  
e/o LaSalle Partners Development Limited  
1501 I Street NW, Suite 800  
Washington D.C. 20006

202-659-4100  
Attn: John J. Tantzy, Vice President
VII. AUTHORIZED LAND USES

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 displayed in an enclosed building.
(1) Amusement parlors, having coin-operated amusement games.

(2) Antique and specialty furniture sales.

(3) Art or photography studios.

(4) Automobile agencies franchised to sell new automobiles (no repair or service facilities shall be permitted).

(5) Bakery, retail (baking on premises with all baked goods sold at retail on premises).

(6) Child care centers.

(7) Churches.

(8) Cocktail lounges.

(9) Convenience service establishments such as tailoring, garment, alteration and repair, shoe repair and the like.

(10) Cultural facilities, including libraries or museums and/or publicly-owned buildings.

(11) Dancing or staged entertainment, except in an establishment which serves alcoholic beverages, in which case a conditional use approval shall be required.

(12) Financial institutions, excluding drive-up windows which are permitted only by conditional use petition approval under the Land Development Code.

(13) Gasoline service stations and/or repair and accessories operations if connected with a department store.

(14) General retail sales establishments including shopping centers and department stores. Retail sales establishments may include incidental processing, repair, and rental activities provided they are accessory and subordinate to the retail sales use, and provided that storage, processing, and repair of merchandise occurs within the principal building.

(15) Laundry or dry-cleaning pick-up establishments (no laundering or dry-cleaning on premises).

(16) Medical or dental offices or clinics but not veterinary offices or clinics.

(17) Motion picture theaters or live theaters (no drive-in theaters).

(18) Parking garages and structures.

(19) Parking lots (non-commercial; no meters or on-site parking fee collection).

(20) Personal service establishments such as barber and beauty shops.
(21) Pool or billiard parlors.

(22) Professional, business, civic or public utility offices (no drive-up or drive-through windows except upon Conditional Use approval).

(23) Restaurants and food service establishments such as cafeterias and "food courts".

(24) Schools, colleges, and commercial Schools.

(25) Accessory uses and structures which are incidental to and customarily associated with the above permitted uses.

(26) Other uses which are determined by the Community Development Director to be similar to those uses set forth above.

VIII. DEVELOPMENT STANDARDS

The following requirements shall be the Development Standards for the Redevelopment and Expansion:

A. Minimum Setbacks - No buildings will be closer than 75 feet from the nearest property line except that existing buildings and the second-flooring of the existing buildings shall be permitted at the existing set-backs.

B. Maximum Height - Thirty-five (35) feet to the underside of the ceiling of the highest story, plus nine feet from said ceiling to the highest point of a flat roof or parapet wall measured from the finished floor elevation. These height limitations shall not apply to skylights, mechanical penthouse equipment and architectural enhancements such as, but not limited to, entrance features.

C. Minimum Off-street Parking -

(1) 4.5 spaces per 1,000 square feet of GLA for all uses.

(2) The City (by written request to the Developer) or the Developer (by written request to the City) may cause the parking to be monitored to insure that adequate parking, as defined herein, is being provided in accordance with the following:

(a) The monitoring study shall be performed by an engineering firm hired by the City. The Developer shall be responsible for reimbursing the City for any and all typical costs associated with such monitoring activities.

(b) Parking shall be deemed inadequate if the monitoring study shows that more than 95% of the parking spaces are occupied during the peak hour for thirty days each year for two successive calendar years ("Parking Problem"). The monitoring study shall be undertaken for the forty-five busiest days of the mall which forty-five days shall be determined by daily traffic counts being taken under the supervision of Barr Dunlop & Associates or other engineering firm acceptable to the City for the period from January 1, 1993 through and including December 31, 1993.
Ordinance 04-10620

(c) Peak hour shall be defined as approximately 3:00 p.m.

(d) If there is a Parking Problem, the City may require Developer to take Remedial Action as described herein which action shall be commenced within 180 days of notice from the City Council to the Developer that a Parking Problem exists and the City desires to have the Developer undertake Remedial Action or, Developer, on its own initiative shall have the right to take Remedial Action if there has been a determination that there is a parking Problem. Remedial action shall mean that Developer shall add a minimum of 250 parking spaces to one of the structured parking decks unless Developer obtains City Council's approval for some other type of action to solve the parking Problem.

(e) In order to facilitate Developer’s ability to carry out the above referenced construction of additional parking at least one of the parking decks shall be structurally capable of supporting an additional parking level.

(f) If, after being instructed by the City to take Remedial Action, the Developer fails to commence same in accordance with the time frames set forth herein or thereafter fails to complete same using due diligence, the City in addition to all other rights and remedies which it may have shall also have the right to injunctive relief to force the Developer to comply with the terms of these parking provisions. If City is required to enforce these parking provisions through litigation and the City is the prevailing party in such litigation, the city shall be entitled to reimbursement by Developer of all the City’s legal fees and costs at all trial and appellate levels.

D. Parking Requirements -

(1) Parking areas shall be designed generally as shown on the Site Plan.

(2) A minimum of 200 spaces shall be grass parking spaces, located generally as shown on the Site Plan.

(3) There shall be no bumper stops required.

(4) All parking spaces (except grass spaces) shall be painted to indicate their proper location and area requirement.

(5) Minimum dimensions of parking spaces:

(a) All required off-street parking areas shall be designed so as to meet the minimum dimensions shown in the following table.

<table>
<thead>
<tr>
<th>Parking Angle (Deg.)</th>
<th>Space Requirements at Various Parking Angles</th>
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<tbody>
<tr>
<td></td>
<td>Stall Width</td>
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<tr>
<td>0 deg.</td>
<td>9.0 ft.</td>
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<tr>
<td>30 deg.</td>
<td>9.0 ft.</td>
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<tr>
<td>40 deg.</td>
<td>9.0 ft.</td>
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<tr>
<td>45 deg.</td>
<td>9.0 ft.</td>
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<tr>
<td>50 deg.</td>
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<tr>
<td>60 deg.</td>
<td>9.0 ft.</td>
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<tr>
<td>70 deg.</td>
<td>9.0 ft.</td>
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</tbody>
</table>
(v) Each section of fire lane shall be a minimum of 75 feet in length.

(vi) When a fire lane has been required, it shall be marked and identified in the following manner. Designated fire lanes shall be marked with painted curb and approved signs:

a) The face and the top of the curb shall be painted traffic yellow.

b) When a curb is not present, a four (4) inch stripe will be used.

c) Signs shall be mounted so that they may be observed from both directions when two-way traffic is present.

d) Signs may be on one side for one-way traffic.

e) Signs are to be seen and read regardless of the location an individual may stop, stand, or park.

(d) Fire Hydrants and Fire Department Connections: When fire hydrants or fire department connections are required within a parking lot, they shall be located and marked as follows:

(i) Fire hydrants and fire department connections shall be located within island or similar landscape areas, or protected by traffic barriers, adjacent to and facing access drive or main aisle.

(ii) Ground cover within five (5) feet of fire hydrants or within three (3) feet of fire department connections shall be paved, sod, or mulch.

(iii) The face and top of curb shall be painted yellow.

(iv) The markings for fire department connections will maintain a minimum of ten (10) feet, five (5) feet each side of connection; markings for fire hydrants will maintain a minimum of 30 feet, 15 feet each side of hydrant.

(e) Alternate Designs: Alternate designs may be approved upon specific recommendation of the Fire Marshall.

E. Landscape Requirements:

(1) Plant materials and quantities shall be as shown on the Landscape Plan.

(2) Interior and perimeter landscaping will be generally as shown on the Landscape Plan. The total landscaped area shall be substantially as shown in Section IX.

(3) All required plant material shall be required to meet the minimum size requirements contained within Section 8-2 of the Comprehensive Development Code. In particular no required trees shall be less than seven feet tall. For the purposes of calculating required tree numbers, three Sabal palm trees shall equal one required tree, except on the perimeter landscaping
improved and permits will be obtained for both the existing operation and proposed expansion.

I. Signs

(1) Prior to issuance of permits for any signage, a master sign plan shall be submitted for review and approval by the City Council. The master sign plan shall, in addition to providing for appropriate aesthetics, demonstrate the appropriateness of the size of the signs contemplated by subsection (3). The size of the signs set forth in subsection (3) shall only be allowed if they have been approved as part of a master sign plan.

(2) Upon commencement of the redevelopment and Expansion, the Developer may erect a maximum of three (3) ground signs, each sign to be a maximum area of 100 square feet. These signs shall be for the purpose of advising the public that Coastland Center is being redeveloped and may contain other information about the redevelopment. Any signs erected under this provision shall be removed upon the issuance of Certificates of Occupancy for all structures for which building permits have been obtained.

(3) The following signs shall be permitted:

(a) Two (2) landscaped monument signs located as shown on the Landscape Plan [located at the intersection of golden Gate Parkway and U.S. 41 and the intersection of golden Gate Parkway and Goodlette Road] shall be permitted. The signs shall incorporate landscaping as part of the architectural features and shall contain two faces, each face not to exceed 160 square feet.

(b) Ground Signs for Identification: A ground sign, displaying only the name of the Center and not identifying the businesses within the Center, may be located at each site entrance. These signs may have two faces, each face not to exceed 100 square feet.

(c) Each mall entrance may have a mall entrance identification sign not exceeding 80 square feet.

(d) One exterior mounted sign shall be permitted for each establishment with an exterior customer entrance up to a maximum of 80 square feet per store, plus one sign per business which is adjacent to a covered pedestrian walkway, such sign to be located under and handing from the canopy over the pedestrian walkway, not to exceed six square feet in the area.

(e) Major anchor tenants with 65,000 square feet or more of enclosed building area and with more than one major pedestrian entrance may have a flush-mounted wall sign up to 320 square feet in area on each face where there is a pedestrian entrance, up to a maximum of three.

(f) Directional signs to individual stores to provide guidance to vehicles.

J. Lighting - The quality and design of the project require that the lighting enhance the visual experience of the different elements of the site by consumers, visitors, and residents of the city. Equally important is providing an atmosphere of security for persons using the Center and ensuring that traffic circulation and parking areas of the Center are clearly