

ORDINANCE 04-10641

AN ORDINANCE DETERMINING REZONE PETITION 04-R4 FOR PROPERTY LOCATED AT 201 GOODLETTE ROAD SOUTH, MORE PARTICULARLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM "PD" PLANNED DEVELOPMENT, TO A NEW "PD" PLANNED DEVELOPMENT; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Goodlette Road Limited Partnership, owner of property at 201 Goodlette Road South, has petitioned to change the zoning from "PD" to "PD" in order to construct residential units at 12 units per acre with public waterfront access; and

WHEREAS, John M. Passidomo, Esq., has been authorized by the owner(s) as agent for this petition; 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-R4 be approved with conditions; 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 approved;

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

Section 1. That Rezone Petition 04-R4 is hereby approved, for property at 201 Goodlette Road South, in order to permit rezoning from "PD" Planned Development to a new "PD" Planned Development, said property more particularly described as follows:

**See Exhibit "A"**

Section 2. That this Planned Development is described in the planned development document for Gordon River Homes, submitted August 9, 2004 by Cheffy Passidomo Wilson & Johnson, attached hereto as Exhibit "B" and made a part hereof.

Section 3. That approval is based upon adherence to the following conditions:

1. The language regarding building heights in the Planned Development document must be revised to indicate that heights are measured from the FEMA requirement for the first habitable floor.
2. ~~The language regarding maintenance of the public access easement must be amended as suggested by the Natural Resources Manager.~~

2. The public waterfront access easement language shall be reworded to require the owner to maintain the easement for a minimum of five years from the date of final certificate of occupancy.
3. The developer will be responsible for the cost of modifications to the median opening on Goodlette Road at First Avenue South.
4. Before any construction begins on the property, a final General Development and Site Plan which considers the comments of the Design Review Board must be approved by the Planning Advisory Board.
5. Coverage of the lot by habitable space must be reduced to 20%.
6. The developer shall consult with City staff in development of design of easement area and right-of-way at First Avenue South to ensure maintenance responsibility.
7. A good faith effort shall be made to provide a wet slip for commercial purposes at market rental rates, upon parking issues being resolved.
8. Commercial uses on the property shall be prohibited, except those uses mentioned herein.
9. Petitioner shall assume capital costs of the initial First Avenue South right-of-way improvements.
10. A good faith effort shall be made to provide a public access pier on the southeast portion of the property.
11. A good faith effort shall be made to explore ways of facilitating access across Goodlette Road.
12. Methods shall be explored to facilitate public access to the waterfront access easement.
13. A de-acceleration turn lane shall be provided at the entrance to the project on First Avenue South, if required by the City Traffic Engineer and the County Transportation Director.
14. The developer shall keep the City and County involved regarding improvements to Goodlette Road.
15. The following Design Review Board Recommendations shall be addressed: Maximum length of buildings; massing as it relates to collective building appearance; view corridors; reassess clubhouse location; reverse

guardhouse and fountain locations to create more of a public gesture; study central driveway to alleviate two 90-degree turns; review townhouse locations; and amenities on public access easement.

**Section 4.** That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

**Section 5.** 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 6.** 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 7.** This ordinance shall take effect immediately upon adoption at second reading.

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

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 3RD DAY OF NOVEMBER, 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\04-10641

Date filed with City Clerk:\_\_\_\_\_

All that part of Section 3, Township 50 South, Range 25 East, Collier County, Florida, being more particularly described as follows;

Commencing at the north 1/4 corner of said Section 3;

thence along the west line of the north 1/2 of the northeast 1/4 of said Section 3, South 00°07'26" East 1344.61 feet;

thence leaving said line, North 89°42'56" East 104.29 feet to the east right-of-way line of Goodlette-Frank Road;

thence along said right-of-way line South 00°18'23" East 570.80 feet to the Point of Beginning of the parcel herein described;

thence leaving said right-of-way line North 88°12'44" East 457.68 feet;

thence South 00°13'19" East 20.00 feet;

thence South 42°10'36" East 160 feet more or less to a point on the mean high water line of Gordon River;

thence along the mean high water line of the Gordon River in the following five (5) described courses:

1. Southerly, 185 feet more or less;
2. Easterly, 561 feet more or less;
3. Southerly, 270 feet more or less;
4. Westerly, 1000 feet more or less;
5. Northwesterly and southerly 545 feet more or less to a point on the north line of Government Lot 8 of said Section 3;

thence leaving said mean high water line, and along said north line of Government Lot 8,, South 89°43'50" West 237 feet more or less to a point on the east right-of-way line of Goodlette-Frank Road;

thence along said right-of-way line, North 00°18'23" West 774.23 feet to the Point of Beginning of the parcel herein described;

Subject to easements and restrictions of record;

Bearings are based on the north and south 1/4 line of Section 3, being South 00°07'26" East;

Containing 12.77 acres more or less.

Exhibit "B"

**PLANNED DEVELOPMENT DOCUMENT**

**FOR**

**GORDON RIVER HOMES**

Date of Submittal: August 9, 2004  
Prepared by: Cheffy Passidomo  
Wilson & Johnson, LLP

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SECTION I

LIST OF EXHIBITS

Total Tract Boundary Survey

Vicinity Map

Architect's Elevations

Site Plan, including information showing compliance with District Development Criteria and Standards, and Landscape Plan

**SECTION II**

**LEGAL DESCRIPTION**

See attached Exhibit "A" which is incorporated herein by reference (the "Property" or the "Land").



SECTION III

PROJECT TEAM

Land Owner: Goodlette Road Limited Partnership, its successors and assigns  
201 Goodlette Road South  
Naples, Florida 34102  
Attn: John A. Pulling, Jr.  
Telephone: 261-5352

Petitioner: Philip J. McCabe and Christine Cuomo, as Co-Trustees of the Revocable Trust  
Agreement of Philip J. McCabe Dated May 1, 1986  
699 Fifth Avenue South  
Naples, Florida 34102  
Telephone: 263-0723

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

Architect: David M. Corban, AIA  
Architectural Network Inc.  
837 Fifth Avenue South, Suite 202  
Naples, Florida 34102  
Telephone: 434-5800

Landscape Architect: Christian Andrea  
Architectural Land Design Incorporated  
2780 Horseshoe Drive South  
Naples, Florida 34104  
Telephone: 430-1661

Civil Engineer: Jeff Davidson, P.E.  
Davidson Engineering, Inc.  
2154 Trade Center Way, Suite #3  
Naples, Florida 34109  
Telephone: 597-3916

Surveyor: BBLS Surveyors and Mappers  
1502 Rail Head Boulevard  
Naples, Florida 34110  
Telephone: 597-1315

## 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.**

The proposed multifamily residential uses fit naturally on an isolated peninsula of land surrounded on three sides by the Gordon River and its adjacent tidal waterways. The placement of buildings on the site, the pathways that meander through it, the underground parking which creates open and green space opportunities, and the recreational amenities on the Gordon River are designed with variety to create a residential community which complements this site and its neighborhood. The multifamily residential uses are buffered from adjacent roadways by tall berms and lush landscaping and from the proposed public park to the north of the Property by tall, mature mangroves and a tidal waterway. To the south, existing multifamily residential buildings are located over 225 feet from the Property. The nearest building's southeast orientation suggests little or no visual impact from the proposed multifamily residential buildings on the Property. The exclusively residential use of the Property constitutes a land use more compatible to the existing multifamily residential buildings to the south of the Property than the 250 transient lodging units, associated recreational amenities, and 136,750 square feet of commercial space currently permitted on the Property under the existing Planned Development zoning on the Property. Traffic generated from the proposed development on the Property will accordingly be dramatically reduced from the anticipated average daily trips projected under the existing Planned Development zoning on the Property to the anticipated average daily trips projected under the proposed Planned Development zoning on the Property. Notwithstanding the fact that the Property is located outside the boundaries of the City of Naples Airport High Noise Special Overlay District and outside the City of Naples Airport Overlay Zoning District, the Petitioner proposes to provide:

- (a) notice to prospective residential purchasers that the Naples Municipal Airport is located less than one mile from the Property and purchasers can expect all the usual and common noises and disturbances created by and incident to the operation of the airport; and
- (b) an avigation easement to the Naples Airport Authority provided that all the usual and common noises and disturbances created by and incident to the operation of the airport do not in any way intensify after the effective date of any Naples City Council ordinance approving this Planned Development Document in which event the easement shall automatically terminate and become null and void and of no further force and effect.

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.**

Although the Property is located outside the Waterfront Mixed Use District under the Future Land Use Map in the Naples Comprehensive Plan, public waterfront access easements are proposed to provide extensive public access to the Gordon River and its adjacent waterways and an essential pedestrian link connecting the vibrant mixed uses, quasi public uses, and commercial uses planned for the existing Grand Central Station site to the south and west of the Property and the proposed public park to the north of the Property. Lush landscaping will comply with the city's corridor management plan and capitalize on existing substantial berms which line the right of ways.

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.**

Maximum permitted density on the Property is 12 units per acre and the area devoted to each functional portion of the development is adequate to serve its intended purpose.

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 two story townhouses along Goodlette Road, with their pedestrian scale and fine detailing, provide (i) interest to the pedestrian experience of the walkway with its berm and lush landscaping along Goodlette Road and (ii) a buffer to the proposed taller buildings located behind them and far away from the public right of way and other property in the general area. Parking is provided at the rate of 2 spaces per residential unit.

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

The buildings have been individually designed. They can stand alone, and are only made more attractive when joined. There is a timeless quality in the design and materials that makes the buildings good neighbors not only immediately, but for the foreseeable future. These buildings and the community they create will enhance, as well as provide, unique site character. The Public Waterfront Access Easement, and the role it plays connecting vibrant public places north and south of the Property, constitutes a community amenity which far exceeds that required by standard zoning districts for similar development.

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

Underground parking eliminates the massive parking structure permitted under the existing Planned Development zoning on the Property and affords the opportunity to provide usable open space at a minimum standard of 60% of the land area of the Property and create green space and the proposed public waterfront access easements on the Property.

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

Residential condominiums ultimately developed on the Property 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****DEDICATION OF PUBLIC WATERFRONT ACCESS EASEMENT**

At or prior to issuance of a final certificate of occupancy from the City of Naples for all of the residential buildings located within the Property, the Land Owner shall execute, deliver and record a non-exclusive public waterway access easement (the "Public 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 "Public Waterfront Access Easement Area" on the General Development and Site Plan (the "Site Plan") which accompanies this Planned Development Document and a copy of which is attached hereto as an "Illustrative Site Plan" and incorporated herein by reference (the "Public Waterfront Access Easement Area"). The Land Owner shall retain the right to (i) use the Public Waterfront Access Easement Area for any purpose which does not unreasonably interfere with the intended purpose of the Public Waterfront Access Easement, including, without limitation, vehicular and pedestrian access to and from the Property, pathways, signage, utilities, lighting, sculpture, art, water features, benches, drainage, water management, lot coverage calculations, setback areas, density calculations, open space, and landscaping for the benefit the Property; and (ii) suspend the right to use the Public Waterfront Access Easement during any period of construction or maintenance in, or in reasonable proximity to, the Public Waterfront Access Easement Area. The Land Owner shall design, permit, construct and maintain the Public Waterfront Access Easement Area, and pay for same. The City shall cooperate with the Land Owner in the foregoing undertaking. The Public Waterfront Access Easement Area shall be maintained to a standard which equals or exceeds the prevailing level of maintenance of city parks and parkways. Upon no less than one (1) year written notice to the City, at its election at any time after three (3) years after adoption of an ordinance approving the Planned Development Rezone requested with this Planned Development Document the Land Owner may delegate responsibility to maintain the Public Waterfront Access Easement Area to the City. The City shall thereafter pay for such maintenance.

SECTION VI

DEVELOPMENT CRITERIA AND STANDARDS

**Purpose:** The Planned Development District is intended to accommodate an integrated and well designed development in accordance with approved development plans. It includes all of the Property. The district is intended to offer flexibility of design and to encourage imaginative, functional, high quality land planning development which is compatible with adjacent and nearby lands and activities.

**Permitted Uses.** In the district, 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:

- (1) Multifamily and single family residences. The existing single family residence on the Property is a permitted use which may remain on the Property.
- (2) Boat slips in a number which is no less than the 54 boat slips existing on or adjacent to the Property on the date of submittal of this Planned Development Document for unit owners, residents, tenants, guests and invitees of unit owners.
- (3) Public Waterfront Access Easement.
- (4) Recreation amenities, areas and facilities.
- (5) Clubhouse.
- (6) Accessory uses and structures which are incidental to and customarily associated with the permitted uses in this district.

**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 uses.

**Maximum Permitted Density.** Maximum permitted density on the Property is 12 units per acre, but no less than 153 residential dwelling units for the entire Property.

**Minimum Lot Area.** Minimum lot area on the Property is 15,000 square feet.

**Minimum Lot Width.** Minimum lot width on the Property is 100 feet.

**Minimum Yards.** Minimum yards on the Property determined notwithstanding the Corridor Management Overlay and measured from the perimeter Property line (the Public Waterfront Access Easement Area is not a Property line) are as follows:

- (1) Goodlette Road: 60 feet.

- (2) Central Avenue: 40 feet.
- (3) Shoreline: 25 feet.
- (4) Separation between principal structures: 30 feet.

**Minimum Floor Area.** Minimum floor area of dwelling units on the Property is 1,000 square feet per dwelling unit.

**Maximum Height in Residence District 1.** Maximum height in Residence District 1, the location and dimensions of which are depicted on the reduced copy of the site plan attached hereto as Exhibit "B" and incorporated herein by reference(the "Illustrative Site Plan"), is 78 feet from the greatest of the following:

- (1) The FEMA requirement for first habitable floor height;
- (2) Eighteen inches above the DNR (DEP) requirement for the first habitable floor structural support;
- (3) Eighteen inches above the elevation of the average crown of the adjacent road(s); or
- (4) The average grade to the highest point of a flat roof, the deck line of a mansard roof or the mean height between the eaves and ridge of a gable, hip or gambrel roof.

**Maximum Height in Residence District 2.** Maximum height in Residence District 2, the location and dimensions of which are depicted on the Illustrative Site Plan, is 67.5 feet measured from the greatest of the following:

- (1) The FEMA requirement for first habitable floor height;
- (2) Eighteen inches above the DNR (DEP) requirement for the first habitable floor structural support;
- (3) Eighteen inches above the elevation of the average crown of the adjacent road(s); or
- (4) The average grade to the highest point of a flat roof, the deck line of a mansard roof or the mean height between the eaves and ridge of a gable, hip or gambrel roof.

**Maximum Height in Residence District 3.** Maximum height in Residence District 3, the location and dimensions of which are depicted on the Illustrative Site Plan, is 42 feet measured from the greatest of the following:

- (1) The FEMA requirement for first habitable floor height;
- (2) Eighteen inches above the DNR (DEP) requirement for the first habitable floor structural support;

- (3) Eighteen inches above the elevation of the average crown of the adjacent road(s); or
- (4) The average grade to the highest point of a flat roof, the deck line of a mansard roof or the mean height between the eaves and ridge of a gable, hip or gambrel roof.

**Maximum Height in Residence District 4.** Maximum height in Residence District 4, the location and dimensions of which are depicted on the Illustrative Site Plan, is 26 feet measured from the greatest of the following:

- (1) The FEMA requirement for first habitable floor height;
- (2) Eighteen inches above the DNR (DEP) requirement for the first habitable floor structural support;
- (3) Eighteen inches above the elevation of the average crown of the adjacent road(s); or
- (4) The average grade to the highest point of a flat roof, the deck line of a mansard roof or the mean height between the eaves and ridge of a gable, hip or gambrel roof.

**Minimum Off-Street Parking.** Minimum off-street parking on the Property is two spaces per multifamily or single family residence; one space per 300 square feet of clubhouse; and zero spaces per wet boat slip which boat slips are reserved for use by residents, unit owners, guests, tenants, and invitees of unit owners of the Property. Parking requirements for other uses will be determined under Chapter 106 of the Naples Code.

**Minimum Usable Open Space.** Minimum usable open space which includes pool decks, landscaped decks over parking and all other areas of the Property not covered by buildings, surface parking or roads is 60 percent. This minimum usable open space standard is provided in lieu of a maximum lot coverage standard.



**SECTION VII**

**WATER AND SEWER ADEQUACY AND AVAILABILITY**

Water and sewer service for this project is available through the City of Naples utilities department. There is an existing 12" potable water main already stubbed to the site along the west boundary line adjacent to Goodlette Frank Road. There is an existing gravity sewer system to the north of the project that has an 8" sewer main stub into the project site. The sanitary sewer effluent generated on-site will be collected by the proposed gravity system. If it is warranted, a lift station will be employed to convey the wastewater to the existing gravity main located within the Riverside Circle right-of-way. The Land Owner shall be responsible for the construction and cost of the water and sewer facilities within the project.

**SECTION VIII**

**BASIC WATER MANAGEMENT STRATEGY**

The surface water management system will consist of a series of catch basins and swales used to collect the surface water runoff and pipes and swales to distribute this water under and above ground to the water management areas. A series of detention areas will provide the required water quality treatment and attenuation. The outfall will be directed to the Gordon River. The rate of discharge into the Gordon River will be limited per South Florida Water Management criteria by using an engineered control structure. The stormwater management system will be permitted under the South Florida Water Management District. The stormwater management system will be operated and maintained by the Management Association.

SECTION IX

TIME LIMITATIONS

The period for which construction of other improvements is required to commence under Sec. 102-720 of the Naples Code is 60 months.

F:\wpdocs\RE\Gulf Coast Commercial (McCabe)\Pulling\Planned Dev Doc4 (8-2004).wpd (August 9, 2004)



# WILSON, MILLER, BARTON & PEEK, INC.

Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants  
Wilson Professional Center, Suite 200, 3200 Bailey Lane at Airport Road, Naples, Florida 34105 • (941) 649-4040 Fax (941) 643-5716

Description of Parcels A, B, C and D being a part of Section 3,  
Township 50 South, Range 25 East,  
Collier County, Florida

Prepared for John Pulling

All that part of Section 3, Township 50 South, Range 25 East, Collier County, Florida, being more particularly described as follows;

Commencing at the north 1/4 corner of said Section 3;

thence along the west line of the north 1/2 of the northeast 1/4 of said Section 3, South 00°07'26" East 1344.61 feet;

thence leaving said line, North 89°42'56" East 104.29 feet to the east right-of-way line of Goodlette-Frank Road;

thence along said right-of-way line South 00°18'23" East 570.80 feet to the Point of Beginning of the parcel herein described;

thence leaving said right-of-way line North 38°12'44" East 457.68 feet;

thence South 00°13'19" East 20.00 feet;

thence South 42°10'36" East 160 feet more or less to a point on the mean high water line of Gordon River; thence along the mean high water line of the Gordon River in the following five (5) described courses:

1. Southerly, 185 feet more or less;
2. Easterly, 561 feet more or less;
3. Southerly, 270 feet more or less;
4. Westerly, 1000 feet more or less;
5. Northwesterly and southerly 545 feet more or less to a point on the north line of Government Lot 8 of said Section 3;

thence leaving said mean high water line, and along said north line of Government Lot 8,, South 89°43'50" West 237 feet more or less to a point on the east right-of-way line of Goodlette-Frank Road;

thence along said right-of-way line, North 00°18'23" West 774.23 feet to the Point of Beginning of the parcel herein described;

Subject to easements and restrictions of record;

Bearings are based on the north and south 1/4 line of Section 3, being South 00°07'26" East;

Containing 12.77 acres more or less.

WILSON, MILLER, BARTON & PEEK, INC.

BY John E. Bourwell  
John E. Bourwell, P.S.M. # 3934

DATE December 11, 1976

Not valid unless embossed with the Professional's seal.

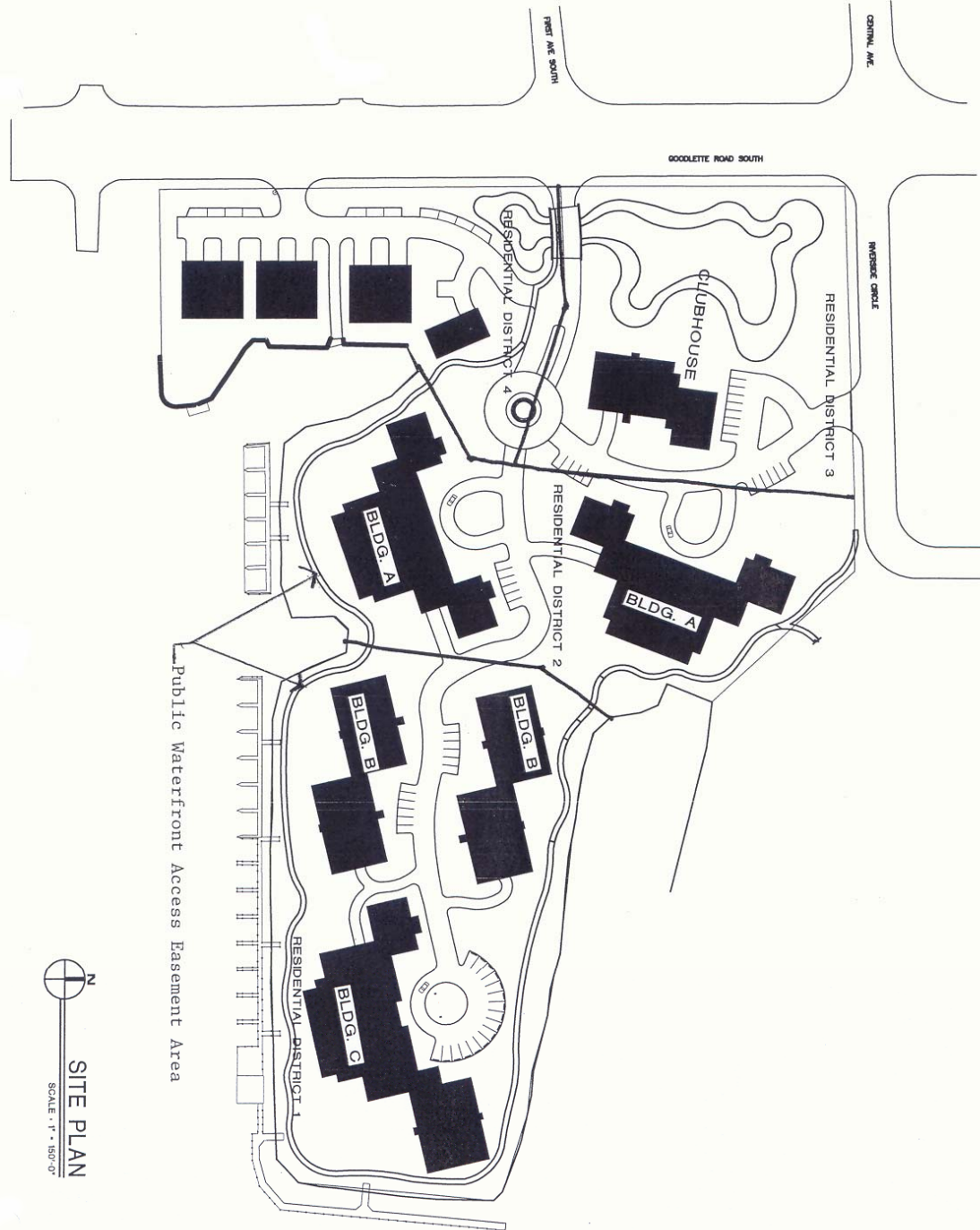
W.O. 37589

Ref: 4E-160

Certificate of Authorization #LB-43

EXHIBIT "A"

ILLUSTRATIVE SITE PLAN



PROJECT # 04-028  
 DATE: 08/09/2004  
 FILE: 04028-xsp-8.5X11.dwg

GORDON RIVER HOMES  
 201 GOODLETTE ROAD SOUTH  
 NAPLES, FLORIDA  
 EXHIBIT "B"

**ARCHITECT**  
 187 FIFTH AVENUE SOUTH  
 SUITE 202  
 NAPLES, FLORIDA 34102  
 (239) 434-9800  
 FAX (239) 434-0208  
 REGISTRATION #AAC000184