

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CREECH ROAD AND TENTH STREET; BEING LOTS 1-4, INCLUSIVE, BLOCK "A", SUN TERRACE SUBDIVISION, AND LOT 4, BLOCK 1, TACOMA PARK SUBDIVISION, FROM "R1-7.5" SINGLE FAMILY RESIDENTIAL TO "PD" PLANNED DEVELOPMENT; PROVIDING THAT THE ZONING ATLAS OF THE CITY OF NAPLES SHALL BE AMENDED TO REFLECT SAID REZONING; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: TO REZONE SAID PROPERTY AT THE REQUEST OF THE PROPERTY OWNER TO PERMIT CONSTRUCTION OF A PARKING LOT IN CONJUNCTION WITH FUTURE DEVELOPMENT OF THE COMMERCIAL ZONED PROPERTY ABUTTING THE SUBJECT PROPERTY ON THE WEST.

WHEREAS, following a public hearing, the Planning Advisory Board has recommended approval of the petition of Foster-Lechler, Inc. to rezone the hereinafter described property; and

WHEREAS, having considered the recommendation of the Planning Advisory Board and City staff and comments of interested parties, the City Council has determined that said property should be rezoned as provided herein;

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

SECTION 1. That the following described property is hereby rezoned from "R1-7.5", Single Family Residential, to "PD" Planned Development:

Lots 1-4, inclusive, Block "A", Sun Terrace Subdivision and Lot 4, Block 1, Tacoma Park Subdivision, recorded in the Public Records of Collier County Florida.

SECTION 2. That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

SECTION 3. This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 21<sup>st</sup> DAY OF DECEMBER, 1983.

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 4<sup>th</sup> DAY OF JANUARY, 1984.

*Stanley R. Billick* Mayor  
Stanley R. Billick

ATTEST:

*Janet Casp*  
Janet Casp  
City Clerk

APPROVED AS TO FORM AND LEGALITY BY

*David W. Rynders*  
David W. Rynders, City Attorney

Reading: 1st

Reading: 2nd

COUNCIL MEMBERS	VOTE			
	M O T I O N	S E C O N D	Y E S	A B S E N T
Anderson	X		X	
Richardson		X	X	
Rothchild			X	
Schroeder			X	
Thornton			X	
Wood			X	
Billick			X	
(7-0)				

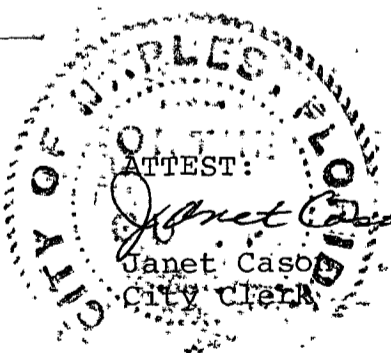
COUNCIL MEMBERS	VOTE			
	M O T I O N	S E C O N D	Y E S	A B S E N T
Anderson		X	X	
Richardson			X	
Rothchild			X	
Schroeder			X	
Thornton			X	
Wood	X		X	
Billick			X	
(7-0)				

Recorded and Indexed in Official Records of Collier County, Florida

1984 FEB 22 PM 1:43  
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Naples City Clerk  
735 8th St So  
Naples FL 33940



**LEGAL NOTICE**

Notice is hereby given that the Naples Planning Advisory Board will hold a public hearing at 9:00 a.m. on Thursday, December 1, 1983 in City Hall Council Chambers, Eighth Street, South Naples, Florida 33940.

The purpose of the Public Hearing is to consider: REZONE PETITION 83-R11. Request to rezone the property described below from "R1-7.5," Single-family Residential, to "PD," Planned Development, and designated for a parking lot, in order to construct a parking lot that would be part of the future development of the commercially-zoned property that abuts the subject property to the west.

PETITIONER: Foster-Lechler, Inc. The legal description of the property involved is: Lots 1-4, Block A, Sun Terrace Subdivision, and Lot 4, Block 1, Tacoma Park Subdivision.

The location of the property is: Southwest corner of the intersection of Tenth Street, North, and Creech Road.

Any person who decides to appeal any decision made by this Board with respect to any matter considered at this hearing, will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeals is to be heard.

All interested parties are invited to appear and be heard.

Dennis J. Lynch, Chairman  
NAPLES PLANNING ADVISORY BOARD  
Nov 16

No. 1637

L N O T I C E

reby given that the  
ing Advisory Board  
public hearing at  
ursday,  
1983

Council Chambers  
735 Eighth Street South  
Naples, Florida 33940

The purpose of the Public Hearing is to consider: REZONE PETITION 83-R11

Request to rezone the property described below from "R1-7.5," Single-family Residential, to "PD," Planned Development, and designated for a parking lot, in order to construct a parking lot that would be part of the future development of the commercially-zoned property that abuts the subject property to the west.

PETITIONER: Foster-Lechler, Inc.

The legal description of the property involved is:

Lots 1-4, Block A Sun Terrace Subdivision, and Lot 4, Block 1 Tacoma Park Subdivision.

The location of the property is: Southwest corner of the intersection of Tenth Street, North, and Creech Road.

Any person who decides to appeal any decision made by this Board with respect to any matter considered at this hearing, will need a record of the proceedings and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be heard.

All interested parties are invited to appear and be heard.

Dennis J. Lynch, Chairman  
NAPLES PLANNING ADVISORY BOARD

Please publish on November 16, 1983  
and furnish two copies of proof of publication  
to the Secretary of the Naples Planning Advisory Board.

**84-4395**

**Oversized documents on file in City Clerk's Office.**

**Please call 239-213-1015 for access.**

**CITY OF NAPLES**

**2950 Building Site Graphics Maps**

City Council Chambers  
735 Eighth Street South  
Naples, Florida 33940



*Legals  
Sun Terrace  
S/D + Date  
Tacoma Park S/D*  
Time 9:10 a.m.  
Date January 18, 1984

Mayor Billick called the meeting to order and presided as Chairman

ROLL CALL: Present: Stanley R. Billick ITEM 2  
Mayor  
R. B. Anderson  
Lyle S. Richardson  
Harry Rothchild  
Wade H. Schroeder  
Randolph I. Thornton  
Kenneth A. Wood  
Councilmen

COUNCIL MEMBERS	M O T I O N	S E C T I O N	VOTE		A B S E N T
			Y E S	N O	

COMMUNITY DEVELOPMENT DEPARTMENT/NAPLES  
PLANNING ADVISORY BOARD

ITEM 6.

---RESOLUTION 84-4399

ITEM 6-a

A RESOLUTION APPROVING THE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CRECH ROAD AND TENTH STREET NORTH, BEING LOTS 1-4, INCLUSIVE, BLOCK "A" SUN TERRACE SUBDIVISION, AND LOT 4, BLOCK 1 TACOMA PARK SUBDIVISION, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Title read by City Attorney Rynders.

In response to a question from Mr. Schroeder about enforcement of the maintenance of the landscaping, City Attorney Rynders noted that there were a variety of enforcement procedures; i.e. it could be treated as a violation of the zoning ordinance and prosecuted through the State Attorney's office, it could be treated as a civil suit and the City could obtain a mandatory injunction or it could be enforced through the persuasive powers of the Zoning Department.

Anderson	X		X	
Richardson		X	X	
Rothchild			X	
Schroeder			X	
Thornton			X	
Wood			X	
Billick			X	
(7-0)				

MOTION: To ADOPT the resolution as presented.

*Rezoned*

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CREECH ROAD AND TENTH STREET NORTH, BEING LOTS 1-4, INCLUSIVE, BLOCK "A" SUN TERRACE SUBDIVISION, AND LOT 4, BLOCK 1 TACOMA PARK SUBDIVISION, SUBJECT TO THE CONDITIONS SET FORTH HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property herein described has submitted a development plan for property located at the southwest corner of Creech Road and Tenth Street North; and

WHEREAS, the Planning Advisory Board has recommended approval of the development plan as submitted, subject to the conditions set forth below;

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

SECTION 1. That the development plan for property located at the southwest corner of Creech Road and Tenth Street North, being Lots 1-4, inclusive, Block "A" Sun Terrace Subdivision, and Lot 4, Block 1 Tacoma Park Subdivision, is hereby approved as submitted, subject to the following conditions:

- a) That a traffic signing/marketing plan be submitted to the City's Engineering Department for review and approval in conjunction with the driveway permit application.
- b. That the landscaping will be properly maintained at all times.

SECTION 2. This resolution shall take effect immediately upon adoption.

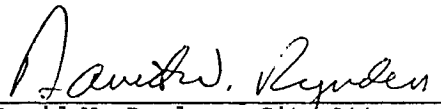
PASSED IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA, THIS \_\_\_\_ DAY OF JANUARY, 1984.

\_\_\_\_\_  
Stanley R. Billick Mayor

ATTEST:

Janet Cason  
City Clerk

APPROVED AS TO FORM AND LEGALITY BY

  
\_\_\_\_\_  
David W. Rynders, City Attorney



AGENDA ITEM #7-c  
12/21/83

# City of Naples

## --- MEMO ---

TO: Honorable Mayor and Members of the City Council

FROM: Franklin C. Jones, City Manager

SUBJECT: Rezone Petition 83-R11 - A request to rezone certain property at the southwest corner of Creech Road and 10th Street from "R1-7.5" to "PD."

DATE: December 5, 1983

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Background:

The petitioner has requested the above Change of Zone and the approval of a specific development plan for the subject property. The petitioner intends to improve the property with a landscaped buffer and a parking lot, which will function in conjunction with a proposed commercial building on the commercially-zoned property to the west.

PAB Recommendation:

The PAB held a public hearing on this request at their meeting on December 1, 1983 and recommended approval of the change of zone petition, and recommended approval of the development plan, subject to the following condition:

A traffic signing/marketing plan must be submitted to the Engineering Department for review and approval in conjunction with the driveway permit request.

Respectfully submitted,

Franklin C. Jones  
City Manager

Prepared by:

Roger J. Barry  
Community Development Director

City Council Chamber  
 735 Eighth Street South  
 Naples, Florida 33940



Time: 9:00 a.m.  
 Date: December 1, 1983

Dennis Lynch opened the meeting at 9:00 a.m. and presided as Chairman.

ROLL CALL

Dennis J. Lynch, Chairman  
 Clayton E. Bigg  
 Donald L. Boyes  
 Hubert E. Howard, Vice-Chairman  
 Earle V. Johnson

BOARD MEMBERS	MOTION	SECTION	VOTE		ABSENT
			YES	NO	
Bigg			X		
Boyes			X		
Howard		X	X		
Johnson	X		X		
Lynch			X		

Also present were:

Roger J. Barry, Secretary  
 Steven B. Cramer, Chief Planner  
 Blanche M. DeCota, Recording Secretary  
 John McCord, City Engineer

See Supplemental Attendance List (Attachment #1)

APPROVAL OF MINUTES

Item #2

There were no errors or omissions noted.

MOTION: To Approve the November 3, 1983 Minutes as submitted.

DRAFT

PLANNING ADVISORY BOARD

Minutes

Date December 1, 1983

BOARD  
MEMBERS

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REZONE PETITION 83-R11

Item #5

Foster-Lechler, Inc.

Southwest corner of the intersection  
of 10th Street, North, and Creech Road.

Request to rezone the property described  
below from "R1-7.5," Single-family Residential,  
to "PD," Planned Development, and designated  
for a parking lot, in order to construct a  
parking lot that would be part of the future  
development of the commercially-zoned property  
that abuts the subject property to the west.

Mr. Barry read the petition.

Public hearing opened: 9:42 a.m., closed: 9:55 a.m.

Mr. Alan Foster, Jr. represented Foster-Lechler, Inc.,  
Mrs. Stoneburner (current owner of the subject  
property), and Messrs. Miles and Smith (owners of  
the commercial property adjacent and to the west  
of the subject property).

Mr. Foster showed the Board a site plan, in color,  
showing the proposed landscaping of the parking  
lot with relation to the adjoining commercial



PLANNING ADVISORY BOARD

Minutes

Date December 1, 1983

BOARD  
MEMBERS

M O T I O N	S E C O N D	Vote		A B S E N T
		Y E S	N O	

Item #5 (continued):

property. He said that they feel this parking lot will be an attractive buffer between the commercial property and the single-family residential property to the east. This parcel of land has been vacant for many years, he continued, and is not conducive to single-family residences. The proposed parking lot would be the most practical use for that parcel, and 45% of the subject parcel will be attractively landscaped.

Mr. Foster also submitted a written endorsement from the neighboring residents, with a vicinity map indicating the location of their properties with relation to the proposed parking lot. Chairman Lynch read the endorsement. (Attachment #4.)

Mr. Johnson inquired if the commercial property would be only offices, to which Mr. Foster replied that he was not sure whether or not there would be stores on the ground level.

Mr. Johnson commented that he agreed with the statement regarding the length of time this parcel of land has been vacant and that some practical use should be made of it.

No comments from the audience.

Mr. Bigg stated that he was still very much concerned about rezoning single-family residential property to planned development for a parking lot; that the inventory of single-family zoned property should not be reduced; and that, in his opinion, a parking lot was no better a use for this parcel of land than the multi-family use which was rejected by the PAB and the City Council some time ago.

Mr. Bigg asked Mr. Foster if having this parking lot would permit them to build a larger structure on the adjoining property.

Mr. Foster replied in the affirmative.

PLANNING ADVISORY BOARD

Minutes

Date December 1, 1983

BOARD MEMBERS	MOTION	SECOND	Vote		ABSENT
			YES	NO	
<p><u>Item #5 (continued)</u></p> <p>Mr. Lynch stated that, in the past, the PAB and the City Council have denied expansion of commercial property through the use of parking lots intruding into residentially-zoned property. In fact, last year two similar requests for properties on 5th Avenue South were denied, and he wanted to know how this subject request was any different from those. Also, he asked, if this petition was approved, could the petitioner whose similar request was denied come back and complain.</p> <p>Mr. Barry replied that the most significant distinction between the previous requests and the subject request is that the Comprehensive Plan specifically places a boundary or limit around the 5th Avenue South commercial properties (and certain 3rd Avenue South commercial property as well), and speaks directly to this issue, whereas this is not true of the subject property. There are other distinctions as well, he said, such that approval of this request would not set an undesirable precedent relative to similar requests in the 5th Avenue South area.</p> <p>Mr. Lynch then asked if other property owners along the Tamiami Trail, whose property abut residentially-zoned land on 10th Street, could seek similar requests.</p> <p>Mr. Barry said they could make a similar request but it would depend upon the merits of each particular petition as to whether it would or would not be approved.</p> <p>A motion was requested.</p> <p>MOTION: That Rezone Petition 83-R11 be recommended for denial.</p> <p>There was no second to this motion.</p>					
Bigg Boyes Howard Johnson Lynch (failed)	X				

PLANNING ADVISORY BOARD

Minutes

Date December 1, 1983

BOARD MEMBERS	MOTION	SECTION	Vote		ABSENT
			YES	NO	

Item #5 (continued):

MOTION: That Rezone Petition 83-R11 be recommended for approval, subject to staff findings.

Bigg				X
Boyes			X	
Howard	X		X	
Johnson		X	X	
Lynch				X
(3-2)				

roll call

Mr. Foster was informed that this recommendation would be considered by the City Council at its December 21, 1983 meeting.

Subject: Re-zoning Application  
 Lots 1,2,3,4, Block A; Sunterrace Subdivision  
 Lot 4, Block 1, Tacoma Park Subdivision

To Whom It May Concern:

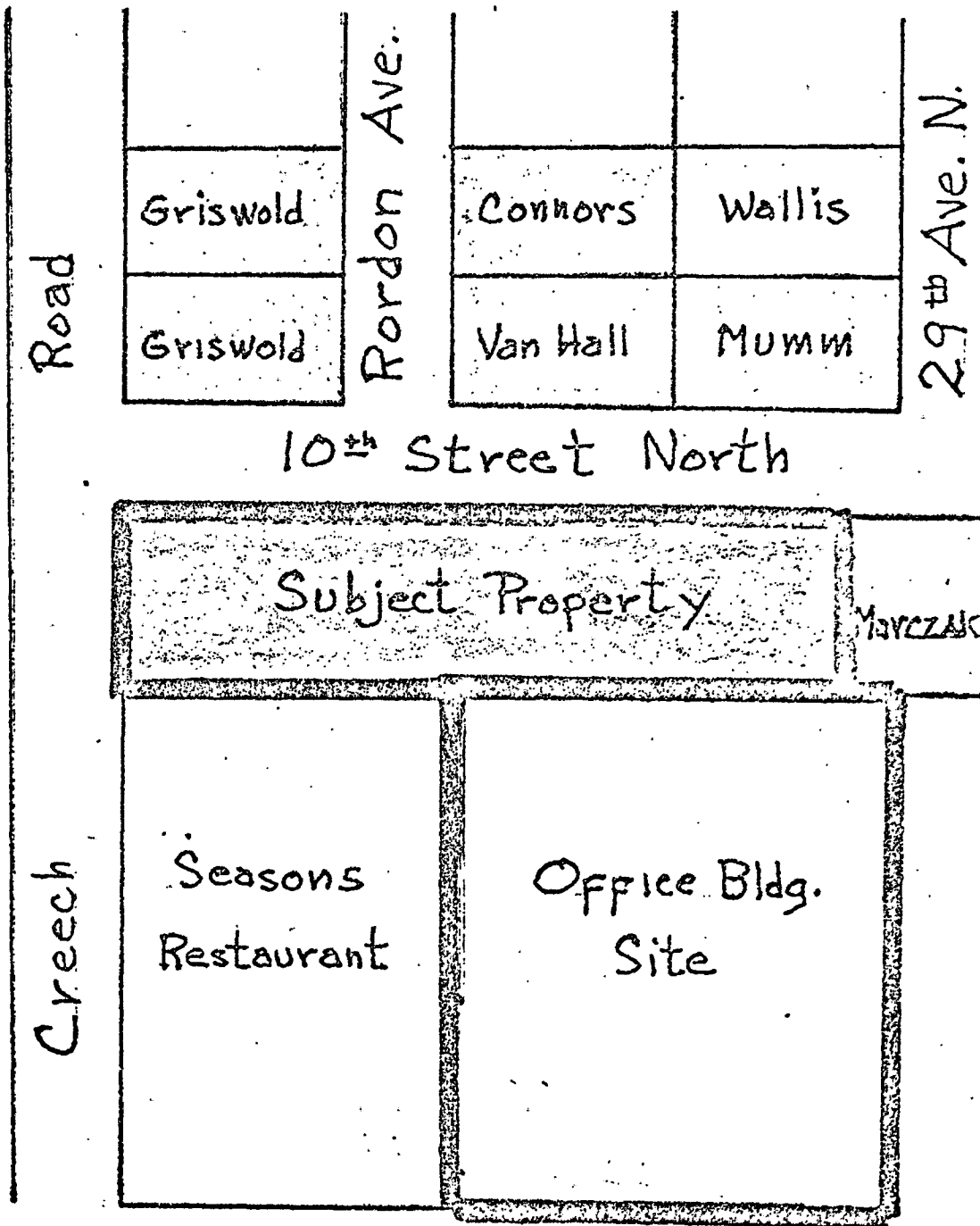
We, the undersigned live in close proximity to the above captioned property and we have carefully reviewed the details regarding this proposed zoning change.

We hereby give our endorsement to said zoning change as per the attached exhibits "A" and "B".

NAME

ADDRESS

Burt Zimmerman	1009 29 <sup>th</sup> Ave N.
Robert Walker	1033 29 <sup>th</sup> Ave N.
Robert Walker	1021 Ross Ave.
Michael L. Van Hill	2946 10 <sup>th</sup> St. N.
Joseph M. Morsell	2911 10 <sup>th</sup> St. N.
William C. Morsell	1021 Ross Ave.



Road

Rordon Ave.

29<sup>th</sup> Ave. N.

Griswold

Connors

Wallis

Griswold

Van Hall

MUMM

10<sup>th</sup> Street North

Subject Property

MARCZAK

Creech

Seasons  
Restaurant

Office Bldg.  
Site

— N

U.S. 41

CITY OF NAPLES  
STAFF REPORT

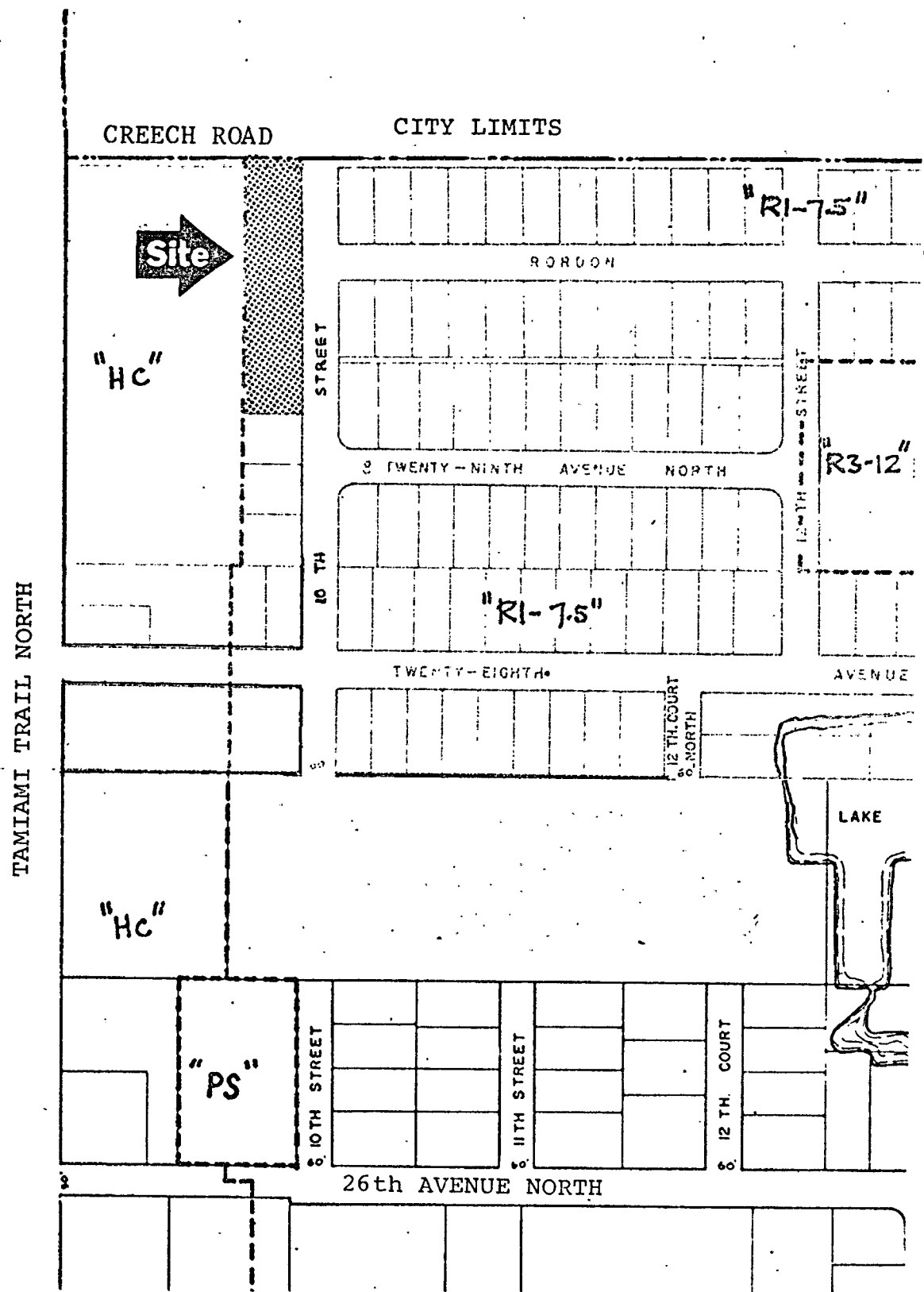
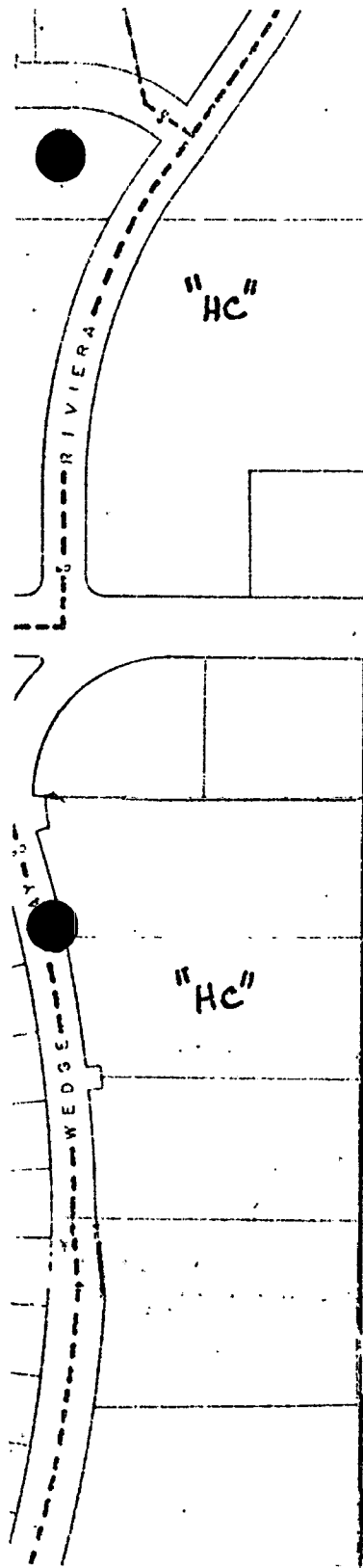
TO: Planning Advisory Board  
FROM: Community Development Director  
SUBJECT: Rezone Petition 83-R11

Request to rezone the property described below from "R1-7.5," Single-family Residential, to "PD," Planned Development and designated for a parking lot.

Petitioner: Foster-Lechler, Inc.

DATE: November 22, 1983

- 
1. REQUEST: The petitioner is requesting that the property described below be rezoned from "R1-7.5," Single-family Residential, to "PD," Planned Development and designated for a parking lot, in order to construct a parking lot that would be part of the future development of the commercially-zoned property that abuts the subject property to the west.
  2. LOCATION: Southwest corner of the intersection of 10th Street, North, and Creech Road.  
(A Location Map is on page 2.)
  3. SIZE OF PARCEL: The area of the subject property is approximately 40,000 square feet, or 0.9 of an acre.
  4. EXISTING LAND USE: Vacant land.
  5. CURRENT ZONING: "R1-7.5," Single-family residential.
  6. COMPREHENSIVE PLAN: The city's Comprehensive Plan currently designates the subject property for "medium density residential - up to 12 units per acre," and recommends that it be rezoned to "R3-12," Multifamily Residential.
  7. UNIQUE SITE CHARACTERISTICS: The subject property is a corner parcel located between an existing single-family residential area and an existing commercial area.



**Location Map**



8. PREVIOUS ACTION: In April 1983, a petition to rezone the subject property from "R1-7.5," Single-family Residential, to "R3-12," Multifamily Residential, was denied by the City Council, even though the city's Comprehensive Plan states that it should be rezoned to that classification. The decision to deny the petition was primarily due to opposition from the single-family residential property owners in the area to the east and south of the subject property.
9. PENDING AND/OR SUBSEQUENT ACTION: The Planning Advisory Board (PAB) is scheduled to hold a public hearing on this petition at its meeting on December 1, 1983 and, at the close of the hearing, will make a recommendation to the City Council. At its meeting on December 21, 1983, the Council should be scheduled to consider the PAB's recommendation and have the first reading of an ordinance for the proposed rezoning. A public hearing and the second reading of the ordinance should be considered at the City Council meeting on January 4, 1984.
10. PROPOSED DEVELOPMENT: The petitioner is proposing to develop the subject property as part of a parking lot for a proposed office/commercial building to be constructed on the abutting lot to the west, which fronts on U.S. 41. (A copy of the proposed site plan for the entire development is attached.)

The site plan shows 70 parking spaces and a 4-foot high, 35 foot wide landscaped and bermed buffer area between the subject property and the residential area to the east and south.

The parcel on which the proposed office/commercial building would be constructed is approximately 1.7 acres in size. Since this property is zoned "HC," Highway Commercial, the site plan for the proposed building would need to have a "General Development and Site Plan (GDSP) Review Petition" approved by the Planning Advisory Board before it could be constructed. Approval of the proposed parking lot would allow a larger (but not necessarily taller) building to be built. The proposed parking area of approximately 70 parking spaces could theoretically allow up to 21,000 square feet of additional floor area in the building.
11. FINDINGS:
  - A. The petitioner's request is to rezone the subject property to permit a parking lot. The property is



11. FINDINGS (continued):

currently zoned for single-family residences, and the Comprehensive Plan designates it for "medium density residential - up to 12 dwelling units per acre." If the property were rezoned to multifamily residential, as the Comprehensive Plan recommends, it could be used as a parking lot with the city's approval of a Special Exception petition, but could later be redeveloped into a multifamily development without the approval of the PAB or City Council. The proposed rezoning to "PD," Planned Development and designated for a parking lot, would limit the use of the property to just a parking lot.

- B. A copy of the legal notice for this petition was mailed to each property owner within 500 feet of the subject site, whose names and addresses were obtained from the 1983 tax rolls of Collier County.
- C. The agents for the petitioners have informed staff that they have met with residents of the neighborhood and obtained their approval of the proposal. They added that they would submit written verification of this to the PAB when this petition is to be considered.
- D. There were no objections to the request as a result of the city's Departmental Review Process. However, the following stipulations were made by the Engineering/Traffic Department in recommending conditional approval:
  - 1. A traffic signing/marketing plan must be submitted to that department for final review and approval when a driveway permit is requested.
  - 2. The utility easement and sanitary sewer should be located to avoid conflicts with the final site plan.
- E. Staff has reviewed the site plan, inspected the property, and has no objections to the request. This determination is based upon the present land use designation in the Comprehensive Plan, the comments and concerns of the area residents when the city previously considered a rezone

11. FINDINGS (continued):


petition for a multifamily development on the subject property, and the petitioners' earnest effort to provide an adequate buffer between the site and the adjacent residential area.

- F. If this petition is approved, a detailed landscaping plan will have to be reviewed and approved by this department before any permits are issued for the development of the subject property.

12. STAFF RECOMMENDATION:

It is staff's opinion that the standards and guidelines for approving a rezone petition have been met. Therefore, staff recommends that Rezone Petition 83-R11 be approved and that the submitted development plan be approved subject to the conditions outlined in the above "FINDINGS."

Respectfully submitted:



---

Roger J. Barry  
Community Development Director

DATE NOV. 14, 1983

CITY OF NAPLES  
DEPARTMENTAL REVIEW

PETITIONER: Foster-Lechler, Inc. PETITION NO. 83-R11  
ADDRESS OF PROPERTY: Southwest corner of Tenth Street, North and  
Creoch Road

Please review the attached petition and make your recommendations,  
including the reasons therefor. Sign and return this form to the  
Planning Division as soon as possible.

DEPARTMENT:  
Engineering/Traffic   
Fire   
Police   
Public Works

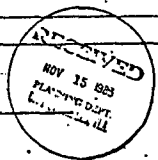


No objection to request as submitted  Recommend Denial   
Recommend CONDITIONAL APPROVAL with stipulations as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Reasons: \_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_

W.J. Jandy  
(Department Head)



11-14-83  
(Date)

Rev. 8/31/82

CITY OF NAPLES  
DEPARTMENTAL REVIEW

PETITIONER: Foster-Lechler, Inc. PETITION NO. 83-R11  
ADDRESS OF PROPERTY: Southwest corner of Tenth Street, North and  
Creoch Road

Please review the attached petition and make your recommendations,  
including the reasons therefor. Sign and return this form to the  
Planning Division as soon as possible.

DEPARTMENT:  
Engineering/Traffic   
Fire   
Police   
Public Works



No objection to request as submitted  Recommend Denial   
Recommend CONDITIONAL APPROVAL with stipulations as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Reasons: \_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_

[Signature]  
(Department Head)

11-14-83  
(Date)

Rev. 8/31/82

DATE Nov. 14, 1983

CITY OF NAPLES  
DEPARTMENTAL REVIEW

PETITIONER: Foster-Lechler, Inc. PETITION NO. 83-R11  
ADDRESS OF PROPERTY: Southwest corner of Tenth Street, North and  
Creoch Road

Please review the attached petition and make your recommendations,  
including the reasons therefor. Sign and return this form to the  
Planning Division as soon as possible.

DEPARTMENT:  
Engineering/Traffic   
Fire   
Police   
Public Works



No objection to request as submitted  Recommend Denial   
Recommend CONDITIONAL APPROVAL with stipulations as follows:

- 1. Submit traffic signing/markings plan for final review  
at time driveway permit requested
- 2. Utility easement and san sewer should be located  
to avoid conflicts with final site plan.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_

[Signature]  
(Department Head)



11-18  
(Date)

Rev. 8/31/82

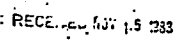
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CITY OF NAPLES  
DEPARTMENTAL REVIEW

PETITIONER: Foster-Lechler, Inc. PETITION NO. 83-R11  
ADDRESS OF PROPERTY: Southwest corner of Tenth Street, North and  
Creoch Road

Please review the attached petition and make your recommendations,  
including the reasons therefor. Sign and return this form to the  
Planning Division as soon as possible.

DEPARTMENT:  
Engineering/Traffic   
Fire   
Police   
Public Works

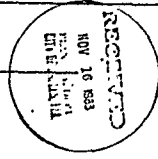


No objection to request as submitted  Recommend Denial   
Recommend CONDITIONAL APPROVAL with stipulations as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Reasons: \_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_

[Signature]  
(Department Head)



11-15-83  
(Date)

Rev. 8/31/82



September 19, 1983

Messrs. Roger Barry and Steven Cramer  
Community Development Department

Mr. Dennis Lynch, Chairman  
Planning Advisory Board  
735 Eighth Street South  
Naples, Florida 33940

Subject Property:

Lots 1-4, Block A, Sun Terrace Subdivision  
Lot 1, Tacoma Park Subdivision  
City of Naples, Florida

Gentlemen:

As petitioners to re-zone the above captioned property we do hereby appoint our co-venturers, Foster-Lechler, Inc. (Alan S. Foster, Jr., President) to represent us in the request for re-zoning process.

Thanking you for your cooperation we remain,

Yours very truly,

Andrew Smith

Ronald Miles  
700 Bobwhite Lane  
Naples, Florida 33940

cc: Foster-Lechler, Inc.

RM:mb

Handwritten signatures of Andrew Smith and Ronald Miles, with a large circular stamp overlapping the signatures.

CITY OF NAPLES, FLORIDA

REZONE PETITION

Date Received: Nov. 10, 1983

File Number: 83-R11

TO THE CITY COUNCIL, CITY OF NAPLES, FLORIDA

The undersigned, owner or duly authorized agent of the owner of the land hereinafter described, hereby petitions the City Council of the City of Naples, Florida, to change the zoning of this property.

Owner: Darlene Stoneburner, Trustee

Address: 125 Gulfshore Blvd. N., Naples, FL Telephone: \_\_\_\_\_

Agent: Foster-Lechler, Inc. 4700 Tamiami Trail North, Naples, Florida  
(Name and Address)

Existing Zoning: R1- 7.5

Requested Zoning: PD (Planned Development)

Address/Location of Subject Property: Tenth Street North,  
Naples, Florida

Legal Description of the Property Involved: Lot 1-4, inclusive,  
Block "A" Sun Terrace Subdivision and Lot 4, Block 1 Tacoma Park Subdivision  
Naples, Florida

Reason for Request: (Proposed Use) Accessory parking for abutting  
commercially zoned property. (Part Lots 83 & 84, Naples Improvement Co.'s  
Little Farms)

By:  President

Foster-Lechler, Inc. 262-8065  
(Signature of Petitioner)

November 10, 1983  
(Date)

Please see "Instructions for Filing a Petition to Rezone Property" for the list of supportive materials which must accompany this petition, and deliver or mail to:

Naples Planning Advisory Board  
c/o Community Development Department  
City of Naples  
735 Eighth Street South  
Naples, Florida 33940  
813-262-4372

SALES CONTRACT

SELLER: Darlene Stoneburner, Trustee BUYER: Foster-Lechler, Inc. ADDRESS: 125 Gulf Shore Blvd. North/Naples ADDRESS: 4700 North Tamiami Trail/Naples

The Buyer herein offers to purchase the following described real property: Lots 1-4, inclusive, Block "A", Sun Terrace Subdivision, and Lot 4, Block I, Tacoma Park Subdivision, Naples, Florida. Subject property has a combined frontage of approx. 400 feet on 10th St. North/depth of approx. 100'.

Table with 2 columns: Description of purchase price components and Amount. Includes items like 'Purchase Price', 'initial deposit', 'additional deposit', 'mortgage or proceeds of mortgage', 'mortgage assumption', and 'additional cash or cashier's check at closing'. Total amount is \$105,000.00.

2. MORTGAGE CLAUSES: (a) MORTGAGE COMMITMENT CONTINGENCY CLAUSE: The Buyer agrees, at his expense, to make a good faith effort to obtain a mortgage commitment in the sum of not less than N/A dollars at an initial interest rate not to exceed N/A per annum for a term of not less than N/A years.

3. EVIDENCE OF TITLE: Seller shall have delivered to Buyer or his attorney or other authorized representative within thirty (30) days from the date of this contract or not later than fifteen (15) days prior to closing, whichever date first occurs, a complete Abstract certified to date satisfactory to Buyer showing title to be good and marketable with legal access, subject only to the following exceptions: (a) real estate taxes for 1983; (b) restrictions and easement common to the subdivision, provided, however, that none of the foregoing shall prevent use of the property for the purpose of See Addendum

4. TITLE: Buyer desires to take Title as follows: To be determined prior to closing.

5. CONDITION OF PROPERTY, RISK OF LOSS, CLOSING & POSSESSION DATE: The property covered by this agreement is acceptable to Buyer in its condition as of date of this offer. Seller warrants that all major appliances and equipment will be in working order at closing or possession, whichever first occurs. Any future loss and/or damage to the property between the date of this offer and the date of closing or date of possession, whichever occurs first, shall be at Seller's sole risk and expense. Closing shall take place on or before December 20, 1983. Buyer shall be the legal owner of the property as of the closing and Seller shall give possession of the property At closing (normally insert "at closing").

6. CONDOMINIUM CLAUSE. All reserve accounts are included in the Purchase price. Buyer agrees to make prompt application for membership in the condominium association. In the event no approval for membership has been obtained within n/a days of the Seller's acceptance of this contract, either the Buyer or Seller may cancel the contract and the Buyer shall have his deposit returned.

7. PERIOD OF OFFER: This offer is revoked if not accepted by 5 P.M. September 13, 1983.

8. DISCLOSURE OF REAL ESTATE BROKER: Buyer acknowledges that Alan S. Foster, Inc. (See addendum) is the procuring real estate broker(s) in this transaction, and that the Broker is the Agent for the Seller, and is being paid by the Seller.

9. PROCEEDS OF SALE AND CLOSING PROCEDURE: The deed shall be recorded upon clearance of funds and evidence of title continued a Buyer's expense, to show title in Buyer, without any encumbrances or change which would render Seller's title unmarketable, from the date of the last evidence of the cash proceeds of sale shall be held in escrow by Seller's attorney or by such other escrow agent as may be mutually agreed upon for a period of not longer than 5 days from and after closing date. If Seller's title is rendered unmarketable, Buyer shall within said 5 day period, notify Seller in writing of the defect and Seller shall have 30 days from date of receipt of such notification to cure said defect. In the event Seller fails to timely cure said defect, all monies paid hereunder shall upon written demand therefor and within 5 days thereafter, be returned to Buyer; and simultaneously with such repayment, Buyer shall vacate the premises and reconvey the property in question to the Seller by special warranty deed. In the event Buyer fails to make timely demand for refund, he shall take title as is, waiving all rights against Seller as to such intervening defect except as may be available to Buyer by virtue of warranties, if any, contained in deed. In the event a portion of the purchase price is to be derived from institutional financing or re-financing, the requirements of the lending institution as to place, time and procedures for closing, and for disbursement of mortgage proceeds, shall control, anything in this Contract to the contrary notwithstanding. Provided, however, that the Seller shall have the right to require from lending institution at closing a commitment that it will not withhold disbursement of mortgage proceeds as a result of any title defect attributable to Buyer-mortgagor.

10. ASSIGNABILITY: (Check one) Buyer [X] may assign [ ] may not assign, the Contract.

11-22. SEE ADDITIONAL TERMS AND CONDITIONS ON REVERSE SIDE OF THIS CONTRACT BEFORE SIGNING.

23. OTHER TERMS AND CONDITIONS: See addendum which shall be attached to this contract and shall be considered as part of this contract.

Signatures and dates for witnesses and parties. (1) Witness: Alan S. Foster, Inc. Date: 9/11/83. (2) Witness: Michelle Bennett Date: 9/11/83. (3) Witness: [Signature] Date: 9/11/83. (4) Witness: [Signature] Date: [Blank]. Buyer: Foster-Lechler, Inc. Seller: Darlene Stoneburner.

DEPOSIT RECEIPT Receipt of the above stated deposit is hereby acknowledged by ( ) cash, (X) check, this 11th day of SEPTEMBER, 1983 to be held in trust per terms and conditions above set forth. BY: Alan S. Foster, Inc. Its duly authorized agent

ADDENDUM TO SALES CONTRACT

BETWEEN: Darlene Stoneburner, Trustee SELLER
Foster-Lechler, Inc. BUYER

FOR THE PURCHASE OF THE FOLLOWING DESCRIBED REAL PROPERTY:

Lots 1-4, inclusive, Sun Terrace Subdivision, and Lot 4, Block I, Tacoma Park Subdivision, Naples, Florida. Subject property has a combined frontage of approximately 400' on 10th Street North and a depth of approximately 100'.

THIS IS PAGE TWO (2) OF A TWO (2) PAGE DOCUMENT

22. OTHER TERMS AND CONDITIONS:

22. A. This contract is conditional upon the Buyer being able to secure a Zoning Change from "R1-7.5" to "R3-12", Multi-Family Residential, for the sole and express purpose of using said property as a non-commercial parking site, such usage being permitted under the "Special Exception" provision of R3-12 zoning. In the event such Zoning Change cannot be secured within the specified closing period (on or before Dec. 20, 1983) the Buyer shall so notify the Seller, or the Seller's designated agent, in writing and this contract shall, at the Buyer's option, become null and void, and all deposit monies shall be returned to the Buyer.

22. B. Any Real Estate commission due Alan S. Foster, Inc. shall be paid by the Buyer.

22. Closing costs, exclusive of sellers attorney's fees and/or sellers commissions, are to be borne by the buyer.

22. In addition, buyer shall pay herewith the sum of \$1,000.00, to be forfeit if buyer refused zoning change or credited to purchase price upon closing.

WITNESS TO BUYER:

Handwritten signatures of Alan S. Foster, Inc. and Michelle Bessitt.

DATE:

9/19/83

Buyer

By: Alan S. Foster, Inc. Foster-Lechler, Inc.

Buyer

WITNESS TO SELLER:

Handwritten signatures of witnesses to the seller.

DATE:

9/11/83

Seller

Handwritten signature of Darlene Stoneburner.

Seller