

Agenda Item 13
Meeting of 10/20/99

ORDINANCE 99-8677

AN ORDINANCE GRANTING REZONE PETITION 99-R13 IN ORDER TO REZONE PROPERTY LOCATED AT THE CORNER OF RIVER POINT DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM "PD," PLANNED DEVELOPMENT TO "PD," PLANNED DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 102-717 of the Code of Ordinances requires that any proposed significant change of an approved development plan be processed through a rezone petition; and

WHEREAS, a significant change is proposed to the previously-approved development plan adopted by Ordinance 90-6109 and amended by Ordinances 90-6271, 96-7618, and 98-8220; and

WHEREAS, Squire, Inc., owner of said property, has petitioned to rezone the subject property from "PD," Planned Development to "PD," Planned Development; and

WHEREAS, following a public hearing, the Planning Advisory Board has considered the recommendation of the staff and the public input and has recommended by a vote of 4 to 0 that Rezone Petition 99-R13 be approved, subject to a number of 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 an opportunity to speak, 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 99-R13 is hereby granted, in order to rezone the subject property, more particularly described on the attached Exhibit "A", from "PD," Planned Development to "PD," Planned Development.

Section 2. That approval of Rezone Petition 99-R13 is subject to the following conditions:

A. Landscaping shall not be placed over the force main for pump station 51 and the final landscape plan submitted for building permits shall indicate the location of the force main.


B. The landscaping at the northern property line adjacent to U.S. 41 shall not be installed until construction on the roadway is complete. The petitioner shall provide a letter of credit to the City, with the landscaping to be installed in accordance with the City's "Gateway" landscape plan once road construction is complete.

- C. The Engineering Division will require that the driveway and alley connection be developed in accordance with the submitted site plan, and that on-site water management conform to the requirements of the South Florida Water Management District. In addition, all building permit approvals shall be subject to site plan review conducted by the Development Services Department.
- D. Freestanding signage shall be of the monument type; no pole signs shall be permitted.
- E. The petitioner shall grant an access easement to the Kelly's Fish House and Shell Shack properties.
- F. Access to the Kelly's Fish House and Shell Shack properties shall be as shown on the Master Plan, attached hereto and dated August 8, 1999, submitted with the application and presented to the Planning Advisory Board on September 8, 1999.

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

APPROVED AT FIRST READING THIS 6TH DAY OF OCTOBER, 1999.

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 20TH DAY OF OCTOBER, 1999.



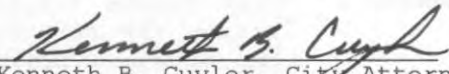
Bill Barnett, Mayor

Attest:



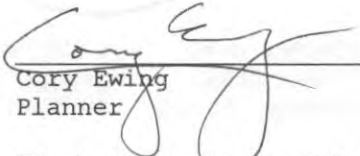
Tara A. Norman, City Clerk
M:\REF\COUNCIL\ORD\99-8677

Approved as to form and legality:



Kenneth B. Cuyler, City Attorney

Approved as to accuracy:



Cory Ewing
Planner

*For the diagram listed as attached, please refer to Supplemental Map Drawer 3.



**COASTAL
ENGINEERING
CONSULTANTS
INC**

A CECI GROUP COMPANY

Exhibit "A"

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Mortgage Broker Services
Environmental Assessment

**PARCEL "B"
DESCRIPTION**

A PARCEL OF LAND LYING IN GOVERNMENT LOT 9, OF SECTION 3, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, ALSO BEING THAT PART OF PARCEL 2 AS RECORDED IN OFFICIAL RECORDS BOOK 2376, PAGES 175 THROUGH 177 OF THE PUBLIC RECORDS OF SAID COLLIER COUNTY BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTH 25.00 FEET OF LOT 14 OF THE BEAUMARIS REPLAT OF A PART OF BEAUMARIS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 107 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA;

- THENCE N00°07'40"E 375.00 FEET;
- THENCE N33°48'20"E 305.14 FEET TO THE PLACE OF BEGINNING;
- THENCE N56°11'40"W 38.00 FEET;
- THENCE N89°52'20"W 117.57 FEET;
- THENCE N00°07'40"E 215.92 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF U.S. 41 (TAMIAMI TRAIL);
- THENCE S58°28'00"E 215.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 38.44 FEET;
- THENCE CURVING TO THE RIGHT THRU A CENTRAL ANGLE OF 92°16'20" AND AN ARC DISTANCE OF 61.91 FEET;
- THENCE S33°48'20"W 84.66 FEET TO THE PLACE OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:
COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH 25.00 FEET OF LOT 14 OF BEAUMARIS REPLAT AS RECORDED IN PLAT BOOK 4, PAGE 107 OF SAID PUBLIC RECORDS;

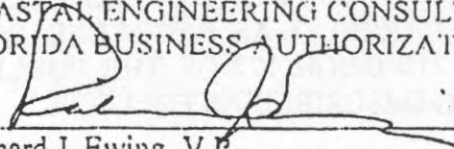
- RUN N00°07'40"E FOR 375.00 FEET;
- THENCE N33°48'20"E 305.14 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 2 AND POINT OF BEGINNING;
- THENCE ALONG SAID LINE N56°11'40"W 38.00 FEET;
- THENCE N89°52'20"W 117.57 FEET TO THE WESTERLY LINE OF SAID PARCEL 2;
- THENCE ALONG SAID LINE N00°07'40"E 47.40 FEET;
- THENCE S90°00'00"E 101.33 FEET;
- THENCE S00°00'00"E 18.00 FEET;
- THENCE S90°00'00"E 33.04 FEET;
- THENCE S56°11'40"E 40.45 FEET TO THE EASTERLY LINE OF SAID PARCEL 2;

Parcel "B"
Description
Page 2 of 2

THENCE ALONG SAID LINE S33°48'20"W 34.05 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES A TOTAL AREA OF APPROXIMATELY 0.54 ACRES OF LAND.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464



Richard J. Ewing, V.P.
Professional Surveyor and Mapper
Florida Certificate No. 5295

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

CEC File No. 97.580
Date: 7-27-99