

Agenda Item 14  
Meeting of 11/17/99

ORDINANCE 99-8699

AN ORDINANCE REZONING PARCEL 7, ABUTTING THE SOUTHWEST PORTION OF NAPLES AIRPORT ALONG THE GORDON RIVER AND MORE PARTICULARLY DESCRIBED HEREIN FROM R1-7.5, RESIDENCE DISTRICT, TO PD, PLANNED DEVELOPMENT TO BE CONSISTENT WITH THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, on January 21, 1998, the City Council adopted Ordinance 98-8165 adopting the 1997 City of Naples Comprehensive Plan; and

WHEREAS, State Statute 163.3194(b) requires "any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent;" and

WHEREAS, upon adoption of the Comprehensive Plan, the zoning on certain property throughout the City was determined not to be consistent therewith; and

WHEREAS, it is the desire of the City Council to meet the requirements of State Statute 163.3194(b) by rezoning certain property to be consistent with the adopted Comprehensive Plan; 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 6-0 that Rezone Petition 99-R9 be approved to rezone the property to PD, Planned Development;

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

**Section 1.** That parcel 7, abutting the southwest portion of Naples Airport along the Gordon River and further described in Exhibit "A", is hereby rezoned from R1-7.5, Residence District, to PD, Planned Development to be consistent with the City's adopted Comprehensive Plan, in accordance with the Planned Development Document, a copy of which is attached hereto as Exhibit "B."

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

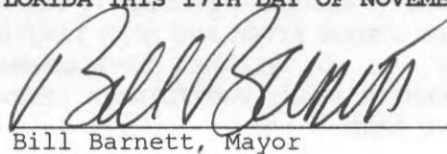
**Section 3.** If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

**Section 4.** 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 5.** This ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING THIS 3RD DAY OF NOVEMBER, 1999.

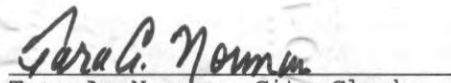
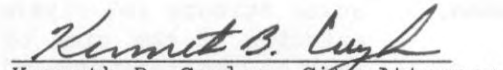
PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 17TH DAY OF NOVEMBER, 1999.



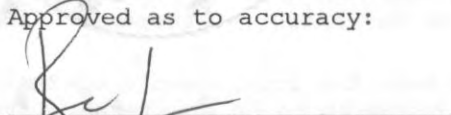
Bill Barnett, Mayor

Attest:

Approved as to form and legality:

  
Tara A. Norman, City Clerk  
M:\REF\COUNCIL\ORD\99-8699  
Kenneth B. Cuyler, City Attorney

Approved as to accuracy:

  
Ron Lee, Planning Director  
Planning Department

Lands lying in Section 3, Township 50 South, Range 25 East, Collier County, Florida, described as follows:

1. The South 1/2 of Government Lot 1, together with Parcel "A" described in O.R. Book 29, page 22;
2. All that part of Government Lot 2, Section 3, Township 50 South, Range 25 East, Collier County, Florida, being more particularly described as follows:

Commencing at the northeast corner of the South 1/2 of said Government Lot 1; thence westerly along the north line of the South 1/2 of Government Lot 1 and the westerly extension thereof 837.4 feet to the mean high water line of the Gordon River and the Point of Beginning of the parcel herein being described;

thence southerly perpendicular to the north line of the South 1/2 of Government Lot 1 extended to the mean high water line of the Gordon River;

thence meandering along the mean high water line of the Gordon River easterly to an intersection with the easterly boundary of Government Lot 2;

thence North 3°45' East along said easterly line a distance of 140 feet more or less to an intersection with the north line of the South 1/2 of Government Lot 1;

thence westerly along said northerly line to the Point of Beginning of the parcel herein described;

3. All of Government Lot 5 lying East of the Gordon River;
4. All of Government Lot 6, together with parcels "C" and "D" as described in O.R. Book 29, page 22;
5. All of Government Lot 7, together with parcel "E" as described in O.R. Book 29, page 22;
6. All of Government Lot 8 lying East of the Gordon River.
7. All of Government Lot 9 lying East of the Gordon River and North of Rock Creek.

Accepted and verified  
in Office of the Clerk of  
COLLIER COUNTY FLORIDA  
JAMES C. WILES CLERK

EXHIBIT "B"

99-8699

**AIRPORT**  
**SOUTHWEST PROPERTY**  
**PLANNED DEVELOPMENT DOCUMENT**

**PREPARED FOR:**  
**CITY OF NAPLES AIRPORT AUTHORITY**

DATE SUBMITTED \_\_\_\_\_

DATE APPROVED \_\_\_\_\_

ORDINANCE NUMBER \_\_\_\_\_

Approved as to form and  
legal sufficiency:

F. X. Koualsh

NAA Counsel

99-8699

**DEVELOPMENT CRITERIA AND STANDARDS**

- I. INTRODUCTION AND PURPOSE
- II. LEGAL DESCRIPTION OF SUBJECT PROPERTY
- III. PARCEL 1 - PERMITTED USES AND ACTIVITIES
  - Legal Description
  - General Description
  - Permitted Uses
- IV. PARCEL 2 - PERMITTED USES AND ACTIVITIES
  - Legal Description
  - General Description
  - Permitted Uses
- V. SITE PLANS
- VI. DESCRIPTION OF PERMITTED USES

## DEVELOPMENT CRITERIA AND STANDARDS

### I. INTRODUCTION AND PURPOSE

The subject property is owned by the City of Naples Airport Authority, which is an independent body politic. This property is an area of land bounded on the north by the South property line of the Naples Marina, on the West by the Gordon River, on the South by Rock Creek, on the East by the Naples Municipal Airport, and the West right-of-way of North Road. The subject property is located within the City of Naples, and there are no existing developments on this property. The City of Naples Airport Authority currently utilizes this area for the primary purpose of continuing the safe and reliable operations of the Naples Municipal Airport through the maintenance and operations of Federal and State of Florida mandated safety areas that lie directly in the approach of Runway 5.

### II. LEGAL DESCRIPTION OF SUBJECT PROPERTY (See Exhibit "A")

The entire property is currently zoned (R1-7.5), a single-family residential district. Since the current zoning does not reflect an appropriate use of the property, and the City of Naples wishes to bring this area into conformity with the current Comprehensive Plan (per Chapter 163.394(b), Florida Statutes), the City of Naples Airport Authority is supporting designating permitted uses of the subject property, with more restrictive uses in the wetlands and with slightly more intensive, minimum-impact uses in the uplands. Parcel 1 is composed entirely of jurisdictional wetlands as defined by the U. S. Army Corps of Engineers (USACOE), and the South Florida Water Management District (SFWMD), and will be utilized for conservation and for continued maintenance of safe and reliable airport operations. Parcel 2 is composed of the remainder, or upland portion, of the subject property, and will be utilized primarily for maintenance of safe and reliable airport operations.

### III. PARCEL 1 - PERMITTED USES AND ACTIVITIES (Legal Description – See Exhibit "A" less Exhibit "B")

This parcel is located in the Westerly half of the subject property, and is comprised entirely of tidally influenced wetlands. There are no developed structures in this parcel and the City of Naples Airport Authority has no intention of constructing any building for occupancy, temporary or permanent, on the site. The following is a list of uses and activities that will be permitted in this parcel (detailed uses are outlined in Section VI):

1. Maintenance of Environmentally Sensitive Areas
2. Federal and State Mandated Safety Areas
3. Miscellaneous Structures Related to Aviation Safety

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4. Noise Buffer
5. Public Right Of Way

#### **IV. PARCEL 2 - PERMITTED USES AND ACTIVITIES (Legal Description – See Exhibit “B”)**

This parcel is located in the Easterly half of the subject property, and is comprised of uplands and surface water retention and conveyance. There are no developed structures in this parcel and the City of Naples Airport Authority has no intention of constructing any building for occupancy, temporary or permanent, on the site. The following is a list of uses and activities that will be permitted in this parcel (detailed uses are outlined in Section VI.):

1. Maintenance of Environmentally Sensitive Areas
2. Federal and State Mandated Safety Areas
3. Miscellaneous Structures Related to Aviation Safety
4. Noise Buffer
5. Public Right Of Way
6. Stormwater Management
7. Southwest Florida Land Preservation Trust/ Gordon River Greenway Project
8. Re-Alignment of North Road
9. Future Mitigation

#### **V. SITE PLANS**

A site plan of the subject property is provided as Exhibit “C” showing the locations of Parcels 1 & 2. A second site plan of the subject property is provided in Exhibit “D” showing the intended locations of the re-alignment of North Road and the future Gordon River Greenway.

#### **VI. DESCRIPTION OF PERMITTED USES (Clarifications and definitions of permitted uses for Parcels 1 & 2 are provided below.)**

1. Maintenance of Environmentally Sensitive Areas

Parcel 1 is generally composed of jurisdictional wetlands as defined by the U.S. Army Corps of Engineers (USCOE), and the South Florida Water Management District (SFWMD), and will be utilized primarily for conservation. Within Parcel 2 will be an uplands buffer to Parcel 1. The

purpose of this upland buffer is to provide protection to the wetlands to the West. The buffer and the wetlands will be maintained free of exotics. None of the listed permitted uses have an impact, which would potentially diminish the integrity of this area.

2. Federal and State Mandated Safety Areas

The Federal Aviation Administration and the State of Florida (per Chapter 333, Florida Statutes) mandate the City of Naples Airport Authority to maintain airspace safety to air navigation and to eliminate obstructions to air navigation in and around the airport runways. Maintenance of these areas requires management of vegetation (which includes the trimming or removal of any or all vegetation that may cause a hazard or obstruction to navigation) and wildlife attractants (which include maintaining the existing environment, which reduces the risk, the frequency and the potential severity of wildlife/aircraft collisions). The City of Naples Airport Authority reserves the use of this subject property for the maintenance and operation of all necessary federal and state mandated safety areas. All work will be performed consistent with all local, state and federal regulations.

3. Miscellaneous Structures Related to Aviation Safety

The FAA has many different on-going programs that are intended to improve both the National Airport System and individual airport operations through the monitoring of aircraft, Navigational Aids (NAVAIDS), weather, noise, safety, and security. These programs require many versions of land-based monitoring, transmission, and/or receiving structures. These structures are built solely for the support and protection of FAA equipment, and rigid FAA standards and specifications are placed on the design and installation of all NAVAID components.

NAVAID Facilities are any visual or electronic device airborne, or on the surface, which provides point-to-point guidance information or position data pertaining to aircraft in flight. An illustrative, but not exhaustive, list of currently available NAVAIDS, which could potentially be placed within this property (approach of Runway 5), is:

Approach Lighting System (ALS - various types/configurations)  
Instrument Landing System (ILS)  
Microwave Landing System (MLS)



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Global Positioning System (GPS)  
Transponder Landing System (TLS)  
Obstruction Lights

Once a need or requirement for such a facility is established, then the City of Naples Airport Authority will locate and provide specifications necessary for an approval through the General Development Site Plan (GDSP) process.

4. Noise Buffer

This subject property serves as the only noise buffer between the Naples Municipal Airport and the expansion of commercial and residential development to the South and the West. This was a major reason that the City of Naples Airport Authority acquired this property.

5. Public Right Of Way

The City of Naples may require the use of portions of the subject property for future public right-of-ways. Both parcels of the subject property will be available for such use.

6. Stormwater Management

The subject property is currently used for stormwater management and has some natural retention and conveyance. Parcel 1 will be utilized for natural conveyance only. Parcel 2 is important for the continued proper function of the airport's surface water management system. This parcel provides conveyance for the surface water management system outfall of the airport's Gordon River #3 Basin, and also provides retention and treatment of surface water runoff from North Road. This conveyance and treatment system must be maintained on a regular basis. The City of Naples Airport Authority may require future stormwater control devices or modifications to the drainage system so as to optimize this system's performance.

7. Southwest Florida Land Preservation Trust/ Gordon River Greenway Project

The Gordon River Greenway (See Exhibit "D") will be an alternate transportation route serving both pedestrians and bicyclists. A portion of the Greenway System will be constructed within the subject property and will have no permanent structures, other than the pathway, boardwalk, parking lot, benches, signs and placards. The SFWMD and USACOE have approved all impacts of this project, subject to certain mitigation.

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8. Re-Alignment of North Road

The City of Naples Airport Authority intends to re-align a portion of North Road (See Exhibit "D") out of the Runway Safety Area (RSA) and the Runway Object Free Area (ROFA) for Runway 5 to meet FAA standards. The existing North Road penetrates both the RSA and the ROFA of Runway 5. Additionally, the existing fence line is in violation of the requirements of FAA Federal Aviation Regulations (FAR) Part 77. Plans for this project have been submitted and approved by the City of Naples, Collier County, The Florida Department of Transportation, and the FAA. Best efforts have been made to minimize the impact that this project will have on wetlands. The SFWMD and USACOE have approved all impacts, subject to certain mitigation.

9. Future Mitigation

The availability of tidally influenced wetlands is limited and considered valuable to the ecosystem. Portions of Parcel 2, within and around the Greenway, could be designated as future mitigation, thereby ensuring their perpetual dedication to conservation in support of the ecosystem.

Approved as to form and  
legal sufficiency:

\_\_\_\_\_  
NAA Counsel

EXHIBIT A

EXHIBIT A 001609  
REAL PROPERTY OR BOOKC00844  
PAGE

99-8699

Lands lying in Section 3, Township 50 South, Range 25 East, Collier County, Florida, described as follows:

1. The South 1/2 of Government Lot 1, together with Parcel "A" described in O.R. Book 29, page 22;
2. All that part of Government Lot 2, Section 3, Township 50 South, Range 25 East, Collier County, Florida, being more particularly described as follows:

Commencing at the northeast corner of the South 1/2 of said Government Lot 1; thence westerly along the north line of the South 1/2 of Government Lot 1 and the westerly extension thereof 897.4 feet to the mean high water line of the Gordon River and the Point of Beginning of the parcel herein being described;

thence southerly perpendicular to the north line of the South 1/2 of Government Lot 1 extended to the mean high water line of the Gordon River;

thence meandering along the mean high water line of the Gordon River easterly to an intersection with the easterly boundary of Government Lot 2;

thence North 3°45' East along said easterly line a distance of 140 feet more or less to an intersection with the north line of the South 1/2 of Government Lot 1;

thence westerly along said northerly line to the Point of Beginning of the parcel herein described;

3. All of Government Lot 5 lying East of the Gordon River;
4. All of Government Lot 6, together with parcels "C" and "D" as described in O.R. Book 29, page 22;
5. All of Government Lot 7, together with parcel "E" as described in O.R. Book 29, page 22;
6. All of Government Lot 8 lying East of the Gordon River.
7. All of Government Lot 9 lying East of the Gordon River and North of Rock Creek.

Recorded and indexed  
in Office of the Clerk of  
COLLIER COUNTY FLORIDA  
JAMES L. GILES CLERK

## EXHIBIT B

NAPLES AIRPORT AUTHORITY  
PLANNED DEVELOPMENT

99-8699

## DESCRIPTION OF PARCEL 2

Beginning at the east 1/4 corner of Section 3, Township 50 South, Range 25 East run S 00°17'09" E along the east line of the southeast 1/4 of said Section 3 for 458.86 feet; thence run N 87°44'10" W for 10.84 feet; thence run S 80°44'34" W for 31.85 feet; thence run S 83°01'49" W for 52.33 feet; thence run N 86°36'14" W for 36.06 feet; thence run N 87°37'09" W for 26.14 feet, thence run N 69°24'43" W for 33.81 feet; thence run N 19°27'42" E for 25.39 feet, thence run N 26°59'29" W for 39.73 feet; thence run N 24°34'54" W for 39.40 feet; thence run N 22°41'51" W for 32.82 feet; thence run N 29°20'06" E for 28.40 feet; thence run N 29°31'43" E for 28.78 feet; thence run N 38°12'59" E for 37.40 feet; thence run N 08°52'05" E for 31.62 feet; thence run N 34°56'30" W for 40.58 feet; thence run N 06°28'09" W for 27.53 feet; thence run N 54°45'46" W for 36.63 feet; thence run N 07°58'09" W for 10.30 feet; thence run S 45°23'27" E for 119.16 feet; to the Point of Beginning of a curve, concave Easterly, having a radius of 220.00 feet and a central angle of 90°00'00", thence northerly along the arc of said curve a distance of 345.58 feet, said arc subtended by a chord which bears S 00°25'16" E a distance of 311.11 feet; thence run S 45°25'27" E for 33.56 feet; thence run S 44°34'33" W for 278.89 feet; thence run N 19°59'14" W for 13.76 feet; thence run N 68°32'31" W for 35.30 feet; thence run N 59°17'50" W for 31.13 feet; thence run N 01°17'47" E for 44.22 feet; thence run N 05°30'42" W for 40.24 feet; thence run S 74°30'39" W for 23.29 feet; thence run N 18°56'14" W for 47.62 feet; thence run N 09°08'25" W for 24.36 feet; thence run N 69°38'48"

EXHIBIT B

NAPLES AIRPORT AUTHORITY  
PLANNED DEVELOPMENT

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W for 19.51 feet; thence run N 31°35'17" W for 21.53 feet; thence run N 51°04'12" E for 39.50 feet; thence run N 26°32'12" W for 31.09 feet; thence run N 44°42'50" W for 29.66 feet; thence run S 32°32'56" W for 17.98 feet; thence run N 49°54'35" W for 23.32 feet; thence run S 66°53'11" W for 36.75 feet; thence run N 15°09'12" W for 22.47 feet; thence run N 39°35'58" W for 23.31 feet; thence run N 53°39'55" W for 27.91 feet; thence run N 04°42'03" E for 14.42 feet; thence run S 81°25'39" E for 51.35 feet; thence run S 37°42'29" E for 33.02 feet; thence run N 35°00'46" E for 29.76 feet; thence run N 21°03'50" W for 33.53 feet; thence run N 00°08'38" E for 50.17 feet; thence run N 87°01'50" W for 47.60 feet; thence run N 77°55'34" W for 22.79 feet; thence run S 85°26'15" W for 41.10 feet; thence run N 81°39'58" W for 35.45 feet; thence run N 82°58'20" W for 50.90 feet; thence run S 82°10'52" W for 51.95 feet; thence run N 75°21'40" W for 41.88 feet; thence run N 84°07'41" W for 73.98 feet; thence run N 62°27'12" W for 26.36 feet; thence run N 71°35'44" E for 20.31 feet; thence run S 66°26'00" E for 41.73 feet; thence run N 87°00'13" E for 42.80 feet; thence run S 84°34'42" E for 61.48 feet; thence run N 85°40'18" E for 52.49 feet; thence run S 85°42'36" E for 45.83 feet; thence run S 79°47'40" E for 27.12 feet; thence run N 70°40'33" E for 37.89 feet; thence run N 59°08'10" E for 16.77 feet; thence run N 73°51'11" E for 46.49 feet; thence run N 01°26'31" E for 22.53 feet; thence run N 33°10'01" W for 27.28 feet; thence run N 24°30'19" E for 55.57 feet; thence run N 86°44'58" W for 19.07 feet; thence run N 37°50'45" W for 22.46 feet; thence run N 18°16'41" W for 23.31 feet; thence run N 07°56'49" W for 37.39 feet; thence

EXHIBIT B

**NAPLES AIRPORT AUTHORITY  
PLANNED DEVELOPMENT**

99-4699

run N 05°00'49" W for 35.99 feet; thence run N 87°49'27" W for 69.92 feet; thence run N 20°48'02" E for 40.92 feet; thence run N 04°29'01" E for 21.54 feet; thence run S 81°31'28" W for 42.76 feet; thence run N 46°31'00" W for 41.97 feet; thence run N 01°15'09" E for 60.47 feet; thence run N 60°15'52" E for 50.11 feet; thence run N 80°53'53" E for 52.77 feet; thence run N 14°02'07" W for 44.59 feet; thence run N 37°51'50" E for 35.48 feet; thence run N 14°55'44" W for 53.68 feet; thence run N 48°48'52" W for 37.15 feet; thence run N 26°02'01" W for 52.73 feet; thence run N 28°59'15" W for 49.85 feet; thence run N 24°41'06" E for 43.65 feet; thence run N 76°42'08" E for 56.43 feet; thence run N 41°42'25" E for 30.08 feet; thence run N 11°36'13" E for 55.93 feet; thence run N 35°06'37" E for 42.14 feet; thence run N 83°42'44" E for 40.12 feet; thence run S 75°48'53" E for 49.28 feet; thence run N 70°20'36" E for 32.43 feet; thence run N 63°49'35" E for 34.95 feet; thence run N 50°26'36" E for 55.52 feet; thence run N 62°59'10" E for 35.80 feet; thence run N 47°22'51" E for 48.92 feet; thence run N 06°56'00" E for 18.83 feet; thence run N 65°10'16" W for 34.36 feet; thence run N 50°28'23" W for 29.46 feet; thence run N 62°13'17" W for 44.68 feet; thence run N 49°20'25" W for 24.14 feet to a point on the south line of the north 1/2 of Government Lot 1; thence run N 89°33'20" E along said south line of the north 1/2 for 210.93 feet to its intersection with the east line of the northeast 1/4 of Section 3, Township 50 South, Range 25 East, and the westerly right-of-way line of North Road; thence run S 00°49'02" E along said east line of said northeast 1/4 and said westerly right-of-way line for a distance of 1865.62 feet to the Point of Beginning.

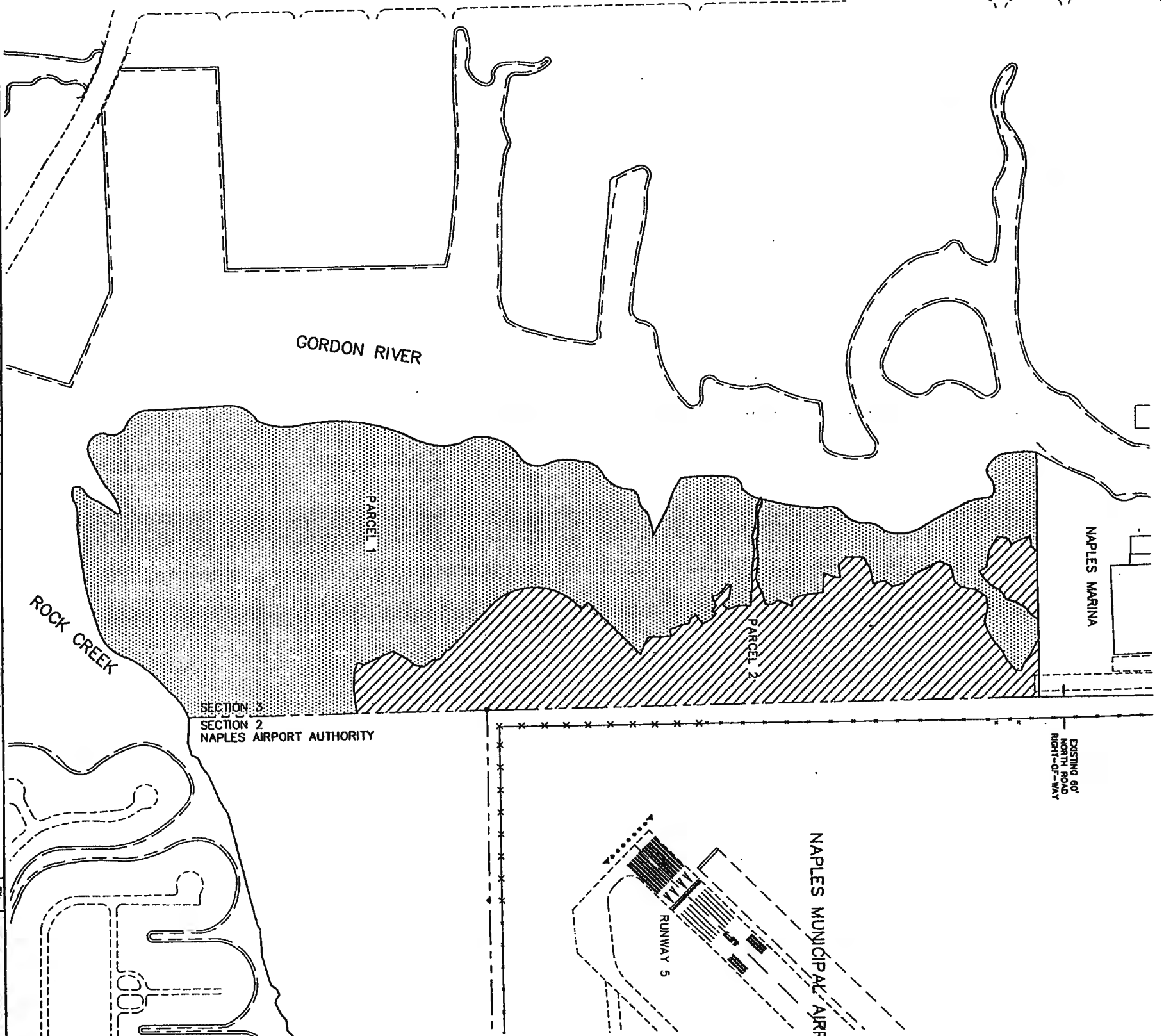
PROJECT:  
**NAPLES MUNICIPAL AIRPORT**  
 FOR:  
**NAPLES AIRPORT AUTHORITY**

DATE:	REVISIONS:	BY:



**WA WILKISON & ASSOCIATES INC.**  
 CONSULTING ENGINEERS AND SURVEYORS  
 3506 EXCHANGE AVE. NAPLES, FLA. 34104  
 (941) 643-2404 FAX NO. (941) 643-5175

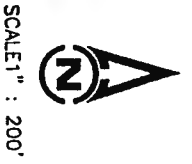
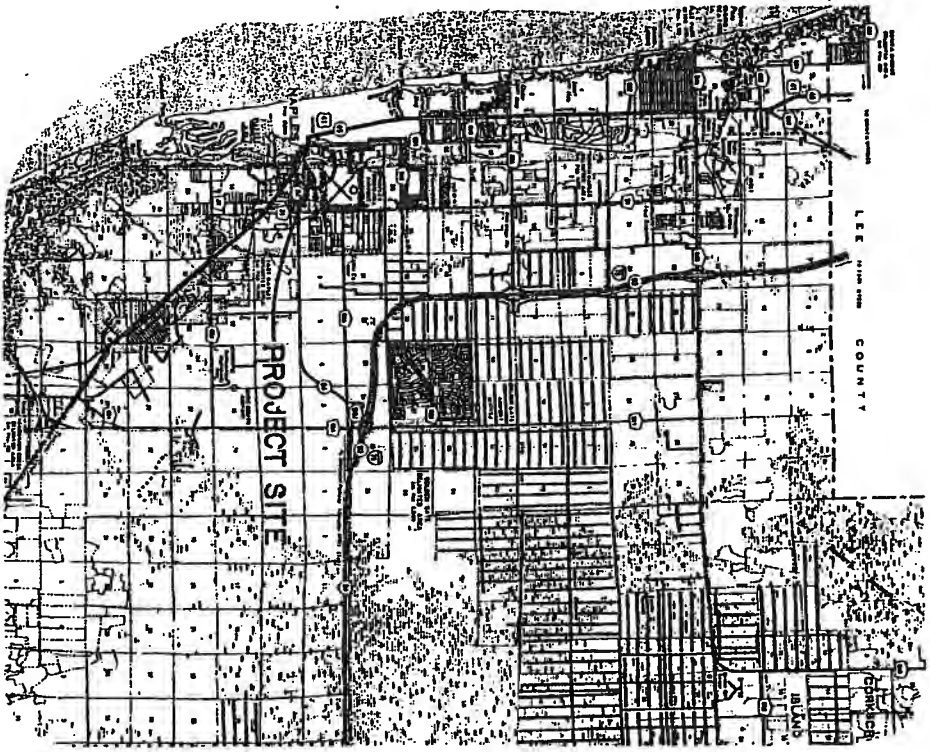
DRAWN BY:		E.B.C.		PROJECT:		DWG:	
DESIGNED BY:	D.S.W.	PROJECT:	9916	DWG:	9916REZONE.DWG	SUPPRT:	N/A
APPROVED BY:	D.S.W.	SCALE:	1" = 200'	FILE:	9916.ZIP	DATE:	6-15-99



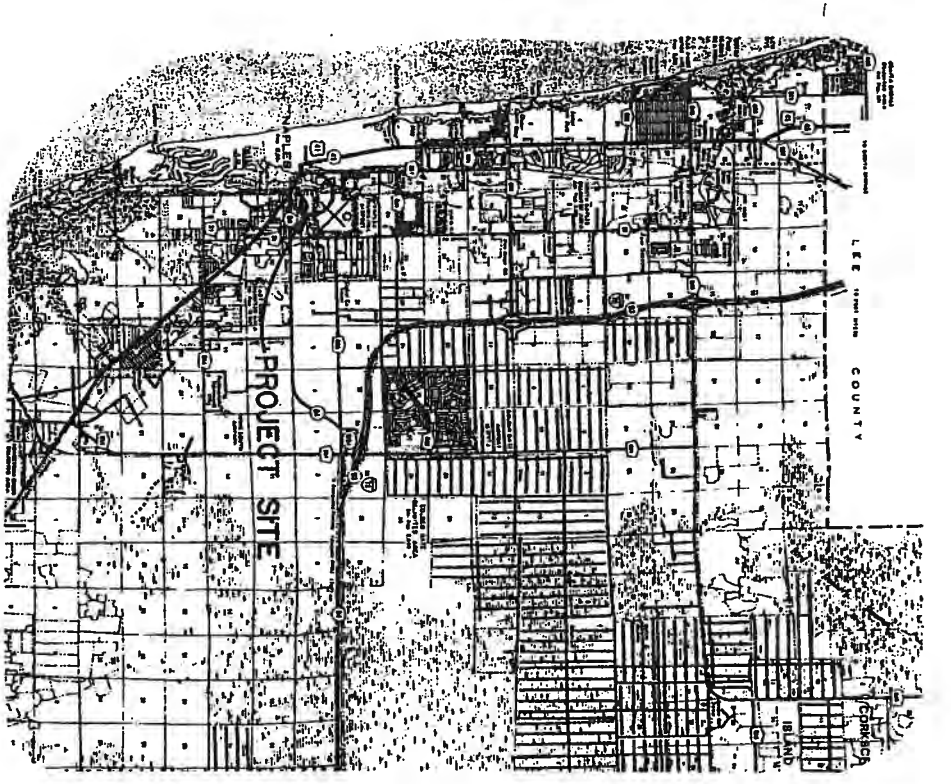
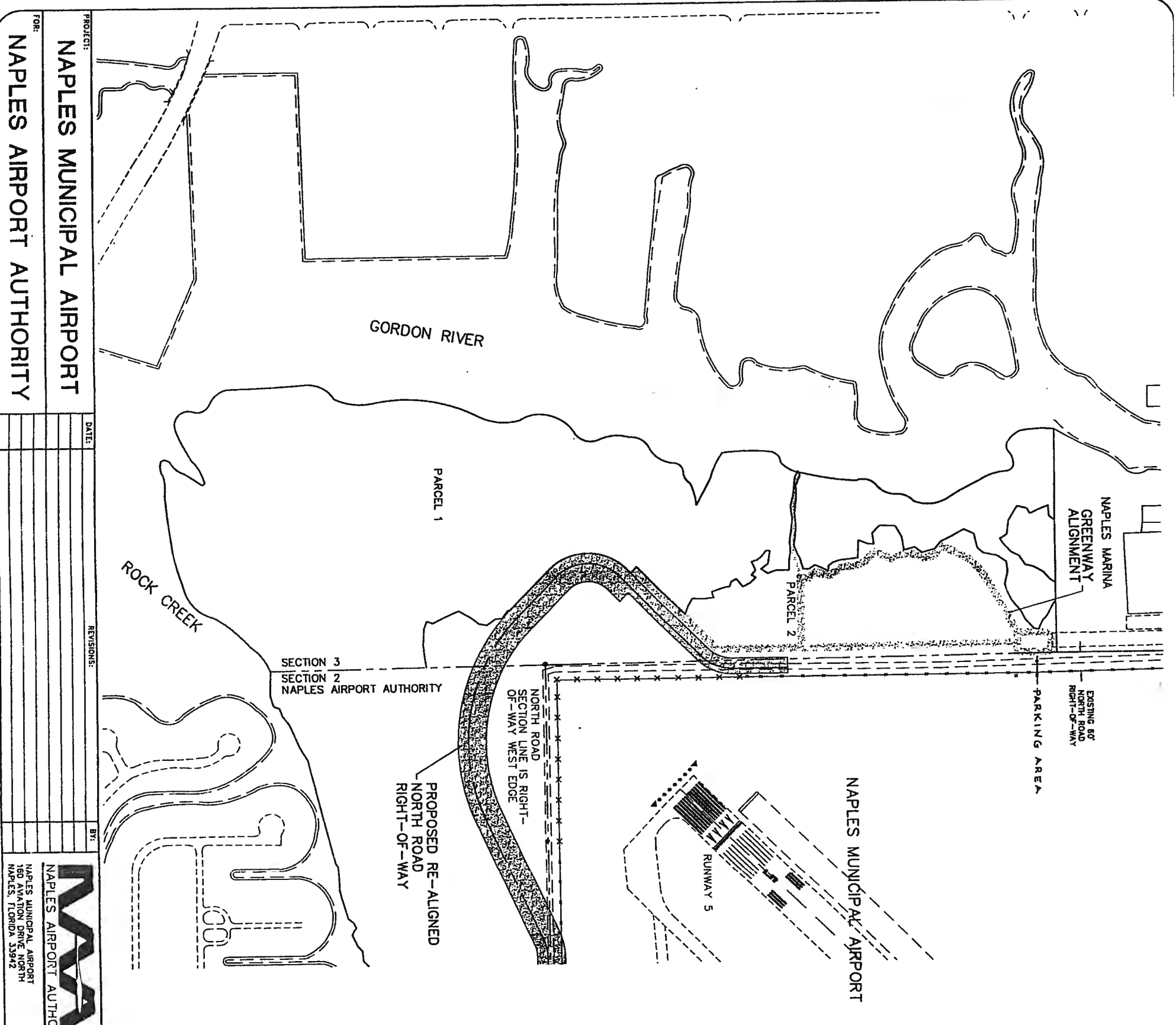
**LEGEND**

- PARCEL 1
- PARCEL 2

EXISTING ZONING R1-7.5  
 SINGLE FAMILY RESIDENTIAL  
 7,500 S.F. MIN. LOT SIZE



99-5699



EXISTING ZONING R1-7.5  
 SINGLE FAMILY RESIDENTIAL  
 7,500 S.F. MIN. LOT SIZE

PROJECT:  
**NAPLES MUNICIPAL AIRPORT**

FOR:  
**NAPLES AIRPORT AUTHORITY**

DATE:	REVISIONS:	BY:

**NAA**  
 NAPLES AIRPORT AUTHORITY  
 NAPLES MUNICIPAL AIRPORT  
 180 AVIATION DRIVE NORTH  
 NAPLES, FLORIDA 33942

**WA** WILKISON & ASSOCIATES INC.  
 CONSULTING ENGINEERS AND SURVEYORS  
 3508 EXCHANGE AVE. NAPLES, FLA. 34104  
 (941) 643-2404 FAX NO. (941) 643-5173

SHEET TITLE:		PROJECT:		DWG:	
PLANNED DEVELOPMENT DOCUMENT		9916		9916REZONE.DWG	
DRAWN BY:	F.S.C.	SCALE:	PROJECT:	SURVEY:	N/A
DESIGNED BY:	D.S.W.	1" = 200'	9916	DATE:	6-15-98
APPROVED BY:	D.S.W.	FILE:	9916.ZIP		

EXHIBIT  
**D**

SCALE 1" = 200'

99-8699