

Agenda Item 10  
Meeting of 2/21/01

ORDINANCE 01-9098

AN ORDINANCE GRANTING REZONE PETITION 00-R14 IN ORDER TO AMEND THE PLANNED DEVELOPMENT DOCUMENT FOR THE GATEWAY SHOPPING CENTER, 2100-2184 9TH STREET NORTH, MORE PARTICULARLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, CRF Gateway Limited Partnership, owner of property at 2100-2184 Tamiami Trail North, has petitioned to amend the planned development document for Gateway Shopping Center, approved by Ordinance No. 90-6256 and amended by Ordinance No. 97-8093, in order to permit the names of up to seven major tenants to be displayed on the existing monument sign, instead of the four currently permitted; 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 7 to 0 that Rezone Petition 00-R14 be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and City staff, following a public hearing on the subject, and providing the petitioner 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 00-R14 is hereby granted, in order to amend the planned development document for Gateway Shopping Center, 2100-2184 9th Street North, more particularly described on Exhibit "A".

Section 2. That the planned development document for Gateway Shopping Center shall be amended as shown:

Section 4.10 Sign Regulations

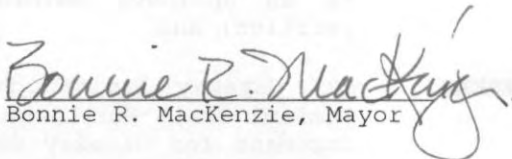
Signage shall be as provided in the City of Naples Comprehensive Development Code for neighborhood shopping centers, except that on Parcel 1, one (1) ground sign, identifying up to ~~four (4)~~ seven (7) major tenants of the shopping center and having a maximum area of one hundred twenty (120) square feet shall be permitted; on Parcel 2, one (1) ground sign, having a maximum area of sixty (60) square feet shall be permitted; and on Parcel 1, a maximum of three businesses shall be permitted to install two (2) exterior wall signs, each not to exceed forty (40) square feet instead of one (1) sign not to exceed eighty (80) square feet; and on Alternate Parcel 1, one (1) ground sign having a maximum area of sixty (60) square feet shall be permitted at each access point.

Section 3. That an amended copy of the planned development document is attached hereto.

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

APPROVED AT FIRST READING THIS 7TH OF FEBRUARY, 2001.

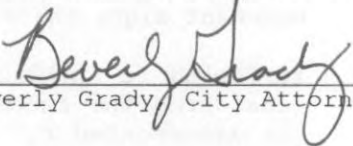
PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 21ST DAY OF FEBRUARY, 2001.

  
Bonnie R. MacKenzie, Mayor

Attest:

Approved as to form and legality:

  
Tara A. Norman, City Clerk  
M:\REF\COUNCIL\ORD\01-9098

  
Beverly Grady, City Attorney

Approved as to accuracy:


  
Ann Walker  
Planning Department

EXHIBIT "A"

The west 410 feet of Lots 92 and 93 and the north 21.5 feet of the west 410 feet of Lot 94, as found monumented of Naples Improvement Company's Little Farms (Plat Book 2, page 2), Collier County, Florida, less and except the South 270 feet of the east 25 feet thereof, and the west 665 feet of the south 270 feet of the following described property: Lot 92, Lot 93, and the north 21.5 feet of Lot 94, less and except the west 385 feet thereof.

I hereby certify that this page in the official records of the City of Naples was intentionally left blank.

  
\_\_\_\_\_  
City Clerk

TROY PROPERTY  
DEVELOPMENT STANDARDS DOCUMENT

1.0 BACKGROUND INFORMATION

1.1 General Description of Project

The essential development components are as follows:

Parcel 1: A retail, restaurant and commercial site for approximately 6.26 acres as indicated on Preliminary Site Plan Schedule "A", and Drawings 1-4 attached thereto, located on U.S. 41. The Agreement also provides for an alternate Parcel 1 of approximately 3.92 acres as indicated on preliminary site Plan Schedule "B" and drawings 1-3 attached thereto.

Parcel 2: A retail, restaurant and or office site of approximately 1.74 acres as indicated on Schedule "A" located on Golden Gate Parkway.

Parcel 3: A Public Service (School) site of approximately 9.2 acres as indicated on Schedule "A".

Schedules "A" and "B" and their attachments are an integral part of this Agreement.

1.0 SPECIFIC PROJECT INFORMATION

2.1 Density

- (a) Parcel 1: A maximum of 65,000 gross leasable square feet of Retail (includes Restaurants), Office and Bank space, with such square footage computed excluding walkways, arcades and Bank drive thru facilities.
- (b) Parcel 2: A maximum of 18,000 gross leasable square feet of Retail (includes Restaurants), Office and Bank space, with such square footage computed

excluding walkways, arcades and Bank drive-thru facilities, or 36,000 gross leasable square feet of office space with such square footage computed excluding Bank drive thru facilities. In the case of a mixed use development, each square foot of retail use may be substituted for two (2) square feet of office use, so long as the maximum retail use does not exceed 18,000 square feet.

- (c) Parcel 3: All uses allowed by the City of Naples Comprehensive Plan as amended by Petition 90-CPA5.
- (d) Alternate Parcel 1: A maximum of 42,000 gross leasable square feet of Retail (includes Restaurants), Office and Bank space, with such square footage computed excluding walkways, arcades and Bank drive thru facilities.

## 2.2 Traffic Ways

- (a) As to all Parcels. Public streets consist of Tamiami Trail North (U.S. 41) and Golden Gate Parkway. All other traffic circulation within Parcel 1 and Parcel 2 will occur on private drives.
- (b) Parcels 1 and 2.
  - (i) Site Access on to and from Golden Gate Parkway to include west bound ingress and egress, and eastbound left turn ingress to the property as such site access is located on Schedule A attached.
  - (ii) Site Access on to and from U.S. 41 to include north bound ingress and egress and south bound left turn ingress as such site access is located on Schedule A attached.
- (c) Parcel 3. Site access will be provided by the existing access to Naples High School.

- (d) Alternate Parcel 1 (3.92 Acres)
- (i) Site Access from Golden Gate Parkway of west bound ingress only as such site access is located on Schedule B attached.
  - (ii) Site Access on to and from U.S. 41 to include north bound ingress and egress and south bound left turn ingress as such site access is located on Schedule B attached.
  - (iii) Subject to reaching an agreement with the adjoining property owner to the north (Vision Works) which will eliminate that Property's access on U.S. 41, Developer may install a connecting driveway between the two parcels.

### 2.3 Stormwater Management

Parcel 1 (or Alternate Parcel 1, as the case may be) will be responsible for storm water retention for Parcel 1 according to the plan outlined in the attached Schedule "A", Drawing 4 and the attached Wilson, Miller, Barton and Peek Conceptual Stormwater management Site Investigation Report dated June, 1990. Parcel 2 will be responsible for storm water retention for Parcel 2 as required by City regulations in effect on the date of approval of the Development Agreement for the Troy Property. School Board shall grant an easement to the Developers to use the storm water retention system located on parcel 3 for storm water overflow runoff in excess of the retention capacity required on parcel 1 and 2. If Parcel 3 is unable to accommodate such storm water overflow, then Developers may utilize the existing storm sewers on Golden Gate Parkway.

The School Board shall grant the City an underground pipeline easement for a storm sewer from the south inclusive Lot 55, Lakewood park Subdivision along the north 20 feet of Parcel 3 including along existing school property to Goodlette road; or an alternate

route southerly from Lot 55, Lakewood park Subdivision, to Golden Gate Parkway, which route to be used will be determined at a later date.

3.0 RECREATIONAL OPEN SPACE LANDS AND FACILITIES

3.1 Parcel 3 will include recreational and athletic fields to be developed by the Collier County School Board.

4.0 USES PERMITTED

4.1 Parcels 1 and Alternate Parcel 1. All permitted uses in the "HC", Highway Commercial, district of the City of Naples Comprehensive Development code in effect on the date of this Agreement will be allowed on parcel 1 and Alternate parcel 1. In addition, the following "HC" conditional use will be allowed as permitted use on Parcel 1, and is approved in principle as shown on Schedule B for Alternate parcel 1, but will require a conditional use approval for Alternate Parcel 1:

(1) Drive-up windows with three bays which are accessory to permitted uses;

4.2 All permitted uses in the "HC", Highway Commercial, district of the City of Naples Comprehensive Development Code in effect on the date of this Agreement will be allowed on parcel 2. In addition, the following "HC" conditional uses will be allowed as permitted uses subject to General Development Site Plan Review:

(1) Drive-up windows with three bays which are accessory to permitted uses.

4.3 The planning advisory board may, through the review and approval of a conditional use petition and with the approval of the city council, permit other Conditional Uses which are provided for in the "HC" Highway Commercial district of the City of Naples in effect on the date of this Agreement or other uses



which are similar to the foregoing uses and no more intense than those enumerated for a Highway Commercial District.

4.4 Maximum lot coverages, maximum building heights of Principal buildings will be as permitted in the "HC", Highway Commercial district of the City of Naples Comprehensive Development code in effect on the date of this Agreement.

4.5 Minimum Setbacks for Parcel 1 & Alternate Parcel 1

- (a) 20 ft. setback from U.S. 41 right-of-way.
- (b) 25 ft. setback from North property line of Parcel 1.
- (c) Zero side yard setback between Parcels 1 and 2.
- (d) 25 ft. setback on East side of Parcel 1 between Parcel 1 and Parcel 3.
- (e) 25 ft. setback on South side of Parcel 1 from Golden Gate Parkway.
- (f) Developer may provide for parking within the rear yard setback areas on the east side of Parcel 1.
- (g) All yard areas may be swaled in order to provide storm water retention.
- (h) Developer may place project identity signage and a landmark feature as provided in 4.10 and 4.11, below within the setback areas.

Any development which substantial differs in building location from that shown on Schedules A and B will require a General Development and Site Plan Approval (GDSP).

4.6 Minimum Setbacks Parcel 2

- (a) 25 feet from Golden Gate Parkway right-of-way.
- (b) 10 feet from east property line of parcel 2.
- (c) 10 feet from north property line of parcel 2.

- (d) Zero feet, where property abuts parcel 1.
- (e) All yard areas may be swaled in order to provide storm water retention.
- (f) Developer may provide parking within rear yard setback areas on the north side of Parcel 2.

4.7 Minimum Setbacks parcel 3. The subject property shall meet the setback requirements of the City of Naples Comprehensive Development code and the Corridor Management Special Overlay District except that the building setback requirement shall be Fifty (50) feet for buildings of one story in height and seventy-five feet for building higher than one story.

4.8 Minimum Offstreet Parking

- (a) Parcel 1 and Alternate Parcel 1. 5.5 spaces per 1000 square feet of Gross Leasable area (GLA) for retail or restaurant use. 1 space per 300 square feet of (GLA) for office or banking use occupying separate buildings as shown in Schedules "A" or "B". Developer may provide up to 2,282 square feet of outside dining area provided that an area sufficient for 12 additional parking spaces and related access aisles is provided, said area to be landscaped and reserved for paved parking should the City of Naples determine that the need for additional parking exists. This landscaped area shall be paved only upon written authorization of the City of Naples. Notwithstanding the above, Developer may provide less parking as indicated on Schedule "A", in order to provide additional green space on the site, by designating an area of the site as reserved parking sufficient for the site to meet the above parking requirement should such additional

parking be required at a later date.

- (b) Parcel 2. Parking shall be as required by the City of Naples

Comprehensive Development Code in effect on the date of approval of the Development Agreement. The 1.74 acre parcel shall not be combined with any other parcel for purposes of determining the parking requirements for the 1.74 acre parcel.

#### 4.9 Landscaping Requirements

- (a) Parcel 1. Landscaping area to be substantially in accordance with Schedule A, Drawing 3. The canopy trees shall be trees such as mahogany, oak, hong kong orchids, golden raintrees, wax myrtles, black olive or a reasonable substitute.
- (b) Alternate Parcel 1. Landscaping area to be substantially in accordance with Schedule B, Drawing 3, with an additional 10 foot landscape buffer on the remaining portion of the Troy property adjoining the east side of Alternate Parcel 1. The canopy trees shall be trees such as mahogany, oak, hong kong, orchids, golden raintrees, wax myrtles, black olive or a reasonable substitute.
- (c) Parcel 2. Landscaping and buffering area to be in accordance with requirements of Section 8-2-4 of the City of Naples Comprehensive Development Code in effect on the date of approval of the Development Agreement for the Property.
- (d) Parcel 3. The subject property shall meet landscaping requirements of the city's Corridor Management Special Overlay District except that the

landscaped setback area for those areas adjacent to open space or outdoor recreational uses shall be ten (10) feet rather than Twenty-Five (25) feet as provided in the Special Overlay District, and shall include a 15 foot high fence on the property line separating parcels 1 and 3, and a 15 foot fence on the property lines separating parcels 2 and 3.

4.10 Sign Regulations

Signage shall be as provided in the City of Naples Comprehensive Development Code for neighborhood shopping centers, except that on Parcel 1, One (1) ground design, identifying up to seven (7) major tenants of the shopping center and having a maximum area of one hundred twenty (120) square feet shall be permitted; on parcel 2, one (1) ground sign, having a maximum area of sixty (60) square feet shall be permitted; and on parcel 1, a maximum of three businesses will be permitted to install two (2) exterior wall signs, each not to exceed forty (40) square feet instead of one (1) sign not to exceed eighty (80) square feet; and on Alternate Parcel 1, one (1) ground sign having a maximum area of sixty (60) square feet shall be permitted at each access point. Provided however, that the tenant identifications contained on the ground sign on Parcel 1, referred to above, shall be done in a consistent lettering style, provided that existing tenant identifications that do not conform to the lettering style adopted may continue until the expiration of that tenant's current lease, after which the lettering shall conform to the adopted style.

4.11 Landmark Features.

A landmark feature, appropriate to mark the significance of this parcel and its location as a gateway to Naples may be installed at the southwest corner of parcel 1 or Alternate Parcel 1, subject to specific approval by a Planned Development (PD) for Parcel 1 or by General Development and Site Plan Approval (GDSP) for Alternate Parcel 1. Such landmark may include project signage and may not exceed three stories in height.

4.12 General Development Regulations.

- a. Parcels 1 and 2 may be connected by internal vehicular and pedestrian pathways so that upon completion of development, they may function as a single commercial complex.
- b. The sale of liquor, wines, or beer on Parcels 1, 2, and Alternate Parcel 1 shall be permitted without regard to minimum distance requirements to or from any school.
- c. The sale of liquor on Parcel 1, 2, and Alternate Parcel 1 shall be permitted without regard to any minimum distance requirement to other establishments which sell liquor, except that such minimum distance requirements within Parcel 1 and Alternate Parcel 1 only shall apply to (i) any cocktail lounge which provides dancing or staged entertainment facilities or (ii) any freestanding cocktail lounge not connected to a restaurant.
- d. City shall not apply any new land use restrictions or regulations, including spatial restrictions, which conflict with the standards set forth in this Schedule.

5.0 Approval Requirements for School site.

A master plan of the School site shall be submitted to the city for review through

the GDSP (general development site plan) review process. Although approval of the master plan shall be a condition of improvement of the property, the City's review shall be limited to the following: (1) whether the required open space or outdoor recreational uses are provided; (2) whether the landscape or setback requirements are met by the plan; (3) whether the plan meets the water management requirements established between the City and the School Board; (4) whether the proposed buffer between the improvements and any adjacent residential uses is inadequate; and, (5) whether the proposed new access locations will substantially impact the adjacent roadway or lower the LOS adopted.