

**Agenda Item 12.E.
Meeting of 6/12/19****ORDINANCE 2019-14366**

AN ORDINANCE DETERMINING REZONE PETITION 19-R4, REZONING APPROXIMATELY 6.1 ACRES FROM PD PLANNED DEVELOPMENT TO AN AMENDED AND RESTATED PD PLANNED DEVELOPMENT, TO ELIMINATE THE "MAXIMUM OF TWO STORIES" HEIGHT LIMITATION, BUT RETAIN THE MAXIMUM HEIGHT OF 30 FEET HEIGHT REQUIREMENT, ON PROPERTY OWNED BY WILLIAM B. HELLEGAS, TRUSTEE OF THE SHELVEY JEAN HELLEGAS GST EXEMPT FAMILY TRUST DATED NOVEMBER 13, 2012, AND SHELVEY JEAN HELLEGAS, TRUSTEE OF THE WILLIAM B. HELLEGAS 2012 IRREVOCABLE TRUST DATED DECEMBER 18, 2012; 2030 GORDON DRIVE, LLC, A FLORIDA LIMITED LIABILITY COMPANY; LISA A. BERLIN; B & B FAMILY, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY; DANIEL C. USTIAN, TRUSTEE OF THE DANIEL C. USTIAN REVOCABLE TRUST OF 2005; MONTGOMERY STREET REALTY, LLC, A FLORIDA LIMITED LIABILITY COMPANY; SHARON W. FRISBIE, TRUSTEE OF THE SHARON W. FRISBIE REVOCABLE TRUST u/a/d MARCH 14, 2000; AND 2060 GORDON LLC, A CONNECTICUT LIMITED LIABILITY COMPANY; AND LOCATED AT 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, AND 2080 GORDON DRIVE; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, William B. Hellegas, Trustee of the Shelvey Jean Hellegas GST Exempt Family Trust dated November 13, 2012, and Shelvey Jean Hellegas, Trustee of the William B. Hellegas 2012 Irrevocable Trust dated December 18, 2012; 2030 Gordon Drive, LLC, a Florida limited liability company; Lisa A. Berlin; B & B Family, LLC, an Illinois limited liability company; Daniel C. Ustian, Trustee of the Daniel C. Ustian Revocable Trust of 2005; Montgomery Street Realty, LLC, a Florida limited liability company; Sharon W. Frisbie, Trustee of the Sharon W. Frisbie Revocable Trust u/a/d March 14, 2000; and 2060 Gordon Drive LLC, a Connecticut limited liability company; owners of the properties located at 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, and 2080 Gordon Drive, respectively, have petitioned to rezone from PD Planned Development (originally approved via Ordinance 85-4641 on January 16, 1985 and known as Gulf Shore Court, a/k/a Palmer Estates) to an amended and restated PD Planned Development; and

WHEREAS, John M. Passidomo, Esq., of Cheffy Passidomo, P.A., agent, has been authorized by the owners to file this petition; and

WHEREAS, following an advertised public hearing on May 8, 2019 the Planning Advisory Board considered the public input, staff recommendations, and criteria in the Code and recommends by a vote of 7 to 0 that Rezone Petition 19-R4 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, staff, and the public an opportunity to present testimony and

evidence, the City Council has determined that Rezone Petition 19-R4 should be approved;

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

Section 1. That Rezone Petition 19-R4 rezoning approximately 6.1 acres from PD Planned Development to an amended and restated PD Planned Development adopting a new PD Document, is hereby approved for property owned by William B. Hellegas, Trustee of the Shelvey Jean Hellegas GST Exempt Family Trust dated November 13, 2012, and Shelvey Jean Hellegas, Trustee of the William B. Hellegas 2012 Irrevocable Trust dated December 18, 2012; 2030 Gordon Drive, LLC, a Florida limited liability company; Lisa A. Berlin; B & B Family, LLC, an Illinois limited liability company; Daniel C. Ustian, Trustee of the Daniel C. Ustian Revocable Trust of 2005; Montgomery Street Realty, LLC, a Florida limited liability company; Sharon W. Frisbie, Trustee of the Sharon W. Frisbie Revocable Trust u/a/d March 14, 2000; and 2060 Gordon Drive LLC, a Connecticut limited liability company, located at 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, and 2080 Gordon Drive, respectively, said property more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 Palmer Estates, according to the map or plat thereof as recorded in Plat Book 14, Page 6, Public Records of Collier County, Florida.

in accordance with the Planned Development Document, named Gulf Shore Court (also known as Palmer Estates) Planned Development, attached hereto as Exhibit "A" and incorporated herein; and that the Zoning Atlas of the City of Naples shall be amended to reflect said zoning.

Section 2. Disclaimer & Permit Condition (Applicable only if federal or state permits are required): Issuance of a development permit by the City does not create any right to obtain a permit from a State or Federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a State or Federal agency or undertakes actions that result in a violation of State or Federal law. If applicable, all other State or Federal permits must be obtained before commencement of the project.

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. Repealer. This PD Ordinance adopting this Planned Development Document shall supersede and take priority over any portions of the Naples Comprehensive Development Code which conflict with this PD Ordinance. That all sections or parts of sections of the Code of Ordinances,

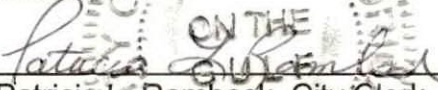
City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall take effect immediately upon adoption at second reading.

APPROVED AT FIRST READING AND PUBLIC HEARING THE 5TH DAY OF JUNE 2019.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 12TH DAY OF JUNE 2019.

Attest:



Patricia L. Rambosk, City Clerk



Bill Barnett, Mayor

Approved as to form and legality:



James D. Fox, City Attorney

Date filed with City Clerk: 6-20-19

EXHIBIT A**P.D. DEVELOPMENT STANDARDS**

- A. District Purpose: This is a single-family residence district.
- B. Uses Permitted: 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) Single family residences.
 - (2) Accessory structures which are incidental to and customarily associated with the uses permitted in this district.
 - (3) Entry gate houses, flanking a vehicular entry/exit gate, are permitted as shown on the approved Preliminary Subdivision Plan.
- C. Special Exceptions: None.
- D. Minimum Lot Area: As shown on the approved Preliminary Subdivision Plan.
- E. Minimum Lot Width: As shown on the approved Preliminary Subdivision Plan.
- F. Minimum Residence Setbacks: As shown on the approved Preliminary Subdivision Plan.
- G. Minimum Floor Area: 1 story – 2,000 square feet, 2 story – 3,000 square feet.
- H. Maximum Height: 30 feet, ~~maximum of two stories.~~
- I. Minimum Off-Street Parking: Two (2) spaces per residence, located within the permitted building area.
- J. Maximum Lot Coverage by All Buildings: None, except all buildings must meet minimum setback requirements.
- K. Residence Driveway Locations: No new residence drives shall connect to 20th Avenue South. When development of Gulf Shore Court Subdivision is complete, the existing drives which connect to 20th Avenue South shall be removed.
- L. Walls and/or Hedges: The perimeter wall and/or hedge within the easement shown on the approved Preliminary Subdivision Plan shall not exceed 6 feet in height.

BACKGROUND INFORMATION DOCUMENT

GULF SHORE COURT

REZONE PETITION

AND

PRELIMINARY SUBDIVISION PLAN

This 6.13 acre property is the entirety of Block 7, Mettgrove Subdivision, which was platted in 1926. The block extends some 850 feet from Gordon Drive to the Gulf of Mexico. It is bounded on the north by 20th Avenue South and on the south by a public beach walk which extends from Gordon Drive to the beach. The other six blocks of this old seven block subdivision have long since been replatted and are developed in a quite different form than is indicated by the original plat. Three residences are located on the property at present: a beachfront residence (and guest house) in the northwest corner of the property; a residence which lies just east of the beachfront residence; and a residence at the corner of 20th Avenue South and Gulf Shore Boulevard. Driveways to each of these residences enter from 20th Avenue South.

The property is at present divided into three zoning districts: the southerly 150 feet is zoned R1-E; the northwesterly area R1-15, and the northeasterly area R1-10. The City's Comprehensive Plan indicates that the entire area should be utilized for low density residential development. The pattern of existing zoning will accommodate ten homesites: two would be zoned R1-E, three R1-15, and five R1-10. Eight of the lots permitted by existing zoning would be accessible via 20th Avenue South, with the other two being accessible via Gordon Drive. An exhibit which indicates the manner in which the existing zoning will accommodate the above described ten residential lots is attached.

In order to create a more logical pattern of homesites than can be developed under existing zoning, a nine lot subdivision plan has been prepared and is being submitted for formal city consideration. The plan for the nine lot Gulf Shore Court Subdivision provides access to each of the lots via a private drive which will extend into the property from Gordon Drive. The driveway now serving the existing beachfront home in the northwest corner of the property will be relocated and connected to the private drive. The other two existing residences and their existing drives will be removed and replaced with new residences. When development is complete, no driveways will connect with 20th Avenue South. A wall and/or hedge will wrap around the 20th Avenue South, Gordon Drive, and beachwalk borders of the block. An ornamental entry drive feature will be developed and an electronically actuated entry/exit gate installed in the private drive near its intersection with Gordon Drive. The existing beachfront residence site will be enlarged and an additional beachfront residence site established. Both of the beachfront sites will exceed the R1-E Estates 67,500 square feet minimum area requirement. The other seven homesites will range in size from 15,000 square feet to 19,000 square feet. A pedestrian access easement for Gulf Shore Court residents will extend from the cul-de-sac at the end of the private drive to the public beachwalk.

REQUIRED G.D.S.P. APPLICATION INFORMATION

- 1. Proof of ownership: See letter from Attorney Tim Hains.
- 2. Letter of Authorization: See attached.
- 3. Legal Description: Block 7, Mettogrove Subdivision, as recorded in Plat Book 1, Page 45, Collier County, Florida.
- 3.1 Covenants existing and proposed: Approval of planned residential structures by the subdivider or his assign will be required; a homeowners association will be established with mandatory membership in the association by all Gulf Shore Court property owners; contributions to the maintenance of all common homeowners association property will be a requirement of all property owners.
- 4. General vicinity map: See the preliminary subdivision plan.
- 5. Existing conditions map: See the preliminary subdivision plan.
- 6. General site plan: See the preliminary subdivision plan.
- 6.1 Typical architectural elevations: Not applicable for private single family residences.
- 7. Traffic circulation plan: See the preliminary subdivision plan.
- 8.(a) Developer/land owner:
 - 2032 Associates
715 Tenth Street South
Naples, Florida 33940
262-4164
 - Palmer Communications, Inc.
333 Eighth Street South
Naples, Florida 33940
263-6590
 - Land Planner: Vines & Associates, Inc.
715 Tenth Street South
Naples, Florida 33940
262-4164
 - Engineer/Surveyor: Wilson, Miller, Barton, Soll & Peek, Inc.
1383 North Airport Road
Naples, Florida 33942
775-1124
- 8.(b) 6.13 gross acres; nine single family dwelling units; 1.46 dwelling units per acre.

- 8.(c) Not applicable.
- 8.(d) Site coverage will not be determined until the nine individual homes are planned.
- 8.(e) This site will be served by all municipal utilities.
- 8.(f) See the attached statement from the project engineer.
- 8.(g) Basic land improvements will be initiated in early 1985 with the land improvement activity being complete by mid-1985. Individual residence construction dates are indeterminate.
- 8.(h) See the preliminary subdivision plan.
- 8.(i) The perimeter hedge and/or wall; the entry gate and gatehouse feature; and the landscaped islands within the private drive right-of-way will be commonly owned and maintained by the Gulf Shore Court property owners association.
- 8.(j) No areas are planned for public purposes, although the privately owned sand beach area between the existing seawall and the waters of the Gulf of Mexico have been and will continue to be informally utilized by the public.