

ORDINANCE 10-12734

AN ORDINANCE RELATING TO MOORINGS PARK; DETERMINING REZONE PETITION 10-R3 FOR AN 83 ± ACRE PARCEL OF LAND LOCATED AT 120 MOORINGS PARK DRIVE, MORE FULLY DESCRIBED HEREIN, TO PERMIT REZONING FROM "PD" PLANNED DEVELOPMENT, TO A NEW "PD" PLANNED DEVELOPMENT, TO ALLOW AN ADDITIONAL 100 NEW SINGLE AND MULTIFAMILY UNITS AND 40 NEW ASSISTED LIVING/NURSING CARE UNITS, AT MOORINGS PARK; APPROVING AN AMENDED PLANNED DEVELOPMENT DOCUMENT TO ADD A MAXIMUM LOT COVERAGE REQUIREMENT, INCREASE THE PARKING REQUIREMENT FOR INDEPENDENT LIVING UNITS, MODIFY BUILDING HEIGHTS, MODIFY BUILDING SETBACKS AND CLARIFY THE REQUIRED LANDSCAPE BUFFERS; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

**WHEREAS,** The Moorings, Inc., owner of property at 120 Moorings Park Drive, has petitioned to change the zoning from "PD" to "PD" in order to allow for an additional 100 new single and multifamily units and 40 new assisted living/nursing care units, add a maximum lot coverage requirement, increase the parking requirement for independent living units, modify building heights, modify building setbacks and clarify the required landscape buffers; and

**WHEREAS,** Richard Yovanovich, Esq., Coleman, Yovanovich & Koester, PA, and Margaret Perry, AICP, WilsonMiller have been authorized by the owner as agents for this petition; and

**WHEREAS,** following an advertised public hearing, the Planning Advisory Board considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 5 to 0 that Rezone Petition 10-R3 be approved with 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, staff and the public an opportunity to present testimony and evidence, the City Council has determined that the petition should be approved;

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

**Section 1.** That Rezone Petition 10-R3 is hereby approved for an 83 acre parcel located at 120 Moorings Park Drive, to permit rezoning from "PD" Planned Development to a new "PD" Planned Development, to allow for an additional 100 new single and multifamily units and 40 new assisted living/nursing care units, add a maximum lot coverage requirement, increase the parking requirement for independent living units, modify building heights, modify building setbacks and clarify the required landscape buffers, said property more fully described as follows:

**See Exhibit "A"**

**Section 2.** That the amended Planned Development Document, including the Master Plan, for Moorings Park, submitted June 7, 2010, by Coleman, Yovanovich & Koester, P.A., a copy of which is attached hereto as Exhibit "B" and made a part hereof, is hereby approved.

**Section 3.** That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.

**Section 4.** 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 5.** 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 6.** This ordinance shall take effect immediately upon adoption at second reading.

**APPROVED AT FIRST READING THIS 18TH DAY OF AUGUST, 2010.**

**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 1ST DAY OF SEPTEMBER, 2010.**

\_\_\_\_\_  
Bill Barnett, Mayor

Attest:

Approved as to form and legality:

\_\_\_\_\_  
Tara A. Norman, City Clerk

\_\_\_\_\_  
Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2010\10-12734

Date filed with City Clerk: \_\_\_\_\_

## EXHIBIT "A"

Legal Description  
Moorings Park

All that part of Section 15, Township 49 South, Range 25 East, Collier County, Florida, and being a part of Lots 37 through 49 of Naples Improvement Co's Little Farms, according to the Plat thereof as recorded in Plat Book 2, page 2, Collier County Public Records, Collier County, Florida and being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of Section 15, Township 49 South, Range 25 East, Collier County, Florida;

thence along the North line of said Section 15,

North 89°-55'-30" East 45.00 feet;

thence 45 feet Easterly of and parallel with the North/South 1/4 Section line of said Section 15, South 0°-00'-29" East 50.00 feet

to the South line of a Road Right-of-Way as recorded in O.R. 156, page 66 and 67, Collier County Public Records, Collier County, Florida;

thence along the East line of a Road Right-of-Way as recorded in O.R. Book 41, page 592 and 593 and O.R. Book 41, page 531 and 532, Collier County Public Records, Collier County, Florida;

South 0°-00'-29" East 810.00 feet to the POINT OF BEGINNING of the Parcel herein described;

thence Easterly and Northeasterly 723.15 feet along the arc of a non-tangential circular curve concave to the Northwest, having a radius of 1100.00 feet and being subtended by a chord which bears North 71°-09'-31" East 710.20 feet to a Point of Reverse Curvature;

thence Northeasterly 287.16 feet along the arc of a circular curve concave to the Southeast, having a radius of 546.28 feet and being subtended by a chord which bears North 67°-23'-06" East 283.86 feet to the lands described in O.R. 228, pages 789 thru 798 inclusive and O.R. 645, pages 241 thru 246 inclusive, Collier County Public Records, Collier County, Florida;

thence along said lands the following courses;

thence South 4°-37'-26" West 198.19 feet;

thence South 4°-22'-19" East 467.18 feet;

thence South 8°-26'-00" East 418.40 feet;

thence South 33°-31'-22" East 570.24 feet;

thence South 44°-56'-05" West 82.02 feet;

thence South 60°-26'-33" West 100.60 feet;

thence South 71°-15'-21" West 269.34 feet;

thence South 54°-31'-14" West 74.33 feet;

thence South 0°-00'-40" East 336.35 feet;

thence South 0°-39'-20" East 1211.22 feet;

thence South 5°-13'-24" East 461.74 feet;

thence South 16°-25'-03" East 198.14 feet;

thence leaving said lands South 89°-43'-00" West 980.54 feet to the East line of a Road Right-of-Way as recorded in O.R. Book 167, page 522 and 523, Collier County Public Records, Collier County, Florida;

thence along said East Right-of-Way line and the East line of a Road Right-of-Way as Recorded in O.R. Book 41, page 531 and 532, Collier County Public Records, Collier County, Florida,

North 0°-00'-29" West 3653.72 feet to the

Point of Beginning of the Parcel herein described;

containing 82.946 acres of land more or less;

Subject to easements and restrictions of record.

EXHIBIT "B"

MOORINGS PARK

A PLANNED UNIT-DEVELOPMENT

1. BACKGROUND INFORMATION

Moorings Park is 82.946 acres in area and is an irregularly shaped parcel lying within Section 15, T49S, R25E. The property is bounded on the west by Goodlette Road, on the east by ~~and has approximately one mile of frontage on~~ the Country Club of Naples golf course, on the north by the existing Northgate Village residential subdivision, and on the south by a church and the City of Naples water facility. Moorings Park is a retirement community which incorporates a licensed nursing home facility together with various social, recreational, dining, and medical support facilities, geared to the needs of the retired residents of the project.

2. LEGAL DESCRIPTION

See attached.

3. GENERAL DESCRIPTION, DENSITY AND MAXIMUM LOT COVERAGE

Moorings Park is a Continuing Care Retirement Community (CCRC) designed to accommodate a full range of congregate and nursing care facilities and accessory uses including independent units, assisted living units, nursing care units, therapeutic facilities, resident and staff educational facilities, a full range of recreational facilities, and customary accessory uses and structures. A maximum of 514 ~~414~~ single family and multi-family units and 220 ~~180~~ assisted living/nursing care dwelling units may be constructed within the project. The Comprehensive Plan designation for the site is High Density Residential High Rise which allows for maximum intensity/density of 18 units per acre; Moorings Park will be developed at a maximum gross density of 8.84 units per acre.

The maximum permanent lot coverage at project buildout for the site is 30%.

4. PERMITTED USES AND STRUCTURES

A. Principal Uses

1. Congregate living facilities consisting of any of the following living facilities:
  - a. Single family detached dwellings
  - b. Single family attached dwellings
  - c. Multi-family dwellings
2. Licensed health care facilities
3. Maintenance facilities
4. Recreational and educational facilities
5. Chapel
6. Lakes, Open Space

B. Accessory Uses and Structures

1. Accessory uses and structures customarily associated with permitted principal uses.

- 5. The Moorings Park project will not be subdivided. The entire project, land, buildings, and other improvements, will be owned and managed by The Moorings, Inc., a Florida non-profit corporation qualified as such by the Internal Revenue Service under Rule 501 (c) (3).
- 6. Minimum Parking required:
  - A. Independent living units: ~~one~~ 1.5 per dwelling unit
  - B. Assisted living units: 0.75 per assisted unit
  - C. Nursing care units: two parking spaces per five beds
  - D. Accessory uses and structures: parking shall be provided at 25% of the standards contained in accordance with the Land Development Code in effect at the time of Site Development Plan review and approval.
  - E. Potential future residents of Moorings Park that are registered as such with Moorings Park are permitted to use the on-site facilities. Parking for these individuals will be calculated at one space per 5 persons.
  - F. Throughout the course of the day, vendors are given a pass to enter Moorings Park through the main gate which is manned. There are designated parking spots for the vendors on the Moorings Park property. Vendors are prohibited from parking on public property located along the perimeter of the Moorings Park campus.

7. BUILDING LOCATIONS

Tract A

No principal buildings shall be closer together than one-half the sum of their heights. Structures 35 feet or less No building shall be no closer to a property boundary than 20 feet or one half the building height, whichever is greater. Structures greater than 35 feet shall be setback 20 feet plus one foot for each one foot of building height above 35 feet. For example, a 50-foot high principal structure would have a minimum setback of 35 feet from any property boundary. Minimum setback from Goodlette-Frank Road for principal structures over 5 stories shall be 200 feet. Accessory structures, including parking garages, shall be no closer than 10 feet from a property boundary and require no minimum building separation requirement.

Tracts B and C

For Tracts B and C, buildings five stories or four stories over one of parking shall be set back a minimum of 28 feet from the property boundary, and buildings four stories or three stories over one of parking or lower shall be set back a minimum of 20 feet from the property boundary. ~~Furthermore, structures located within Tract C which are five stories or four stories over one of parking shall be set back a minimum of 300 feet from the common property boundary of Moorings Park and Country Club of Naples, and shall be set back a minimum of 28 feet from all other exterior property boundaries. All buildings three stories or less shall be set back a minimum of 20 feet from all property boundaries.~~

8. MINIMUM DWELLING UNIT FLOOR AREA

600 square feet for independent care units, and as required by state regulations in licensed health care.

9. MAXIMUM BUILDING HEIGHTS

Commercial

Commercial structures shall be limited as required by City Charter Section 14.1.

Residential

Tract A

~~8 stories for the two "Y" shaped elevator apartments adjacent the core building.~~

~~3 stories for the garden apartment buildings.~~

~~3 stories for the health center.~~

~~1 story for all other structures.~~

Maximum of ten stories with no more than nine habitable stories.

Building height shall be measured from the finished floor elevation of the ground floor.

Tract B

Two, 5-story structures which may be five residential floors or four residential floors over one floor of parking, with a maximum height of 69 feet measured to the peak of a sloped roof. ~~Each building must have a sloped roof. The roofline will begin at approximately 56 feet and be continuous to a maximum height at the peak of 69 feet. Elevator shafts may penetrate the sloped roof to a maximum height of 69 feet. The elevator shafts shall not be visible from a glance from the Country Club of Naples.~~ All other structures are limited to 35 feet four stories or three residential floors over one floor of parking as measured to the eave. Building height shall be measured from the finished floor elevation of the ground floor.

Tract C

Two, 5-story structures which may be five residential floors or four residential floors over one floor of parking, with a maximum height of 69 feet measured to the peak of a sloped roof. ~~Each building must have a sloped roof. The roofline will begin at approximately 56 feet and be continuous to a maximum height at the peak of 69 feet. Elevator shafts may penetrate the sloped roof to a maximum height of 69 feet. The elevator shafts shall not be visible from a glance from the Country Club of Naples.~~ All other structures are limited to 35 feet four stories or three residential floors over one floor of parking as measured to the eave. Building height shall be measured from the finished floor elevation of the ground floor.

10. FLOOR AREA RATIO

~~The maximum floor area ratio shall not exceed a factor of 0.35 (0.35 times the area of the property equals the gross floor area). Floor area ratio shall be calculated on the entire acreage of the Moorings Park project.~~

10. CORRIDOR MANAGEMENT OVERLAY DISTRICT

The site is within the Corridor Management Overlay District as outlined in City Code of Ordinances, Chapter 58, Sections 58-1041 - 58-1051. The only provisions within the Corridor Management Overlay District applicable to

Moorings Park are the landscaping requirements should the landscape buffer be modified in the future. Buffers, walls, and fences that are currently in place are vested. Any future changes to the existing buffer will be in accordance with City Code, except that a black chain link fence, 8 feet in height will remain permitted in any changed condition. Setbacks in the Corridor Management Overlay District are not applicable; setbacks shall be as outlined in this PD document.

11. LANDSCAPED BUFFER

A ~~type "B"~~ landscaped buffer, fifteen feet wide which shall be 80 percent opaque and six feet in height within one year of planting, and which may include a wall, fence, hedge, berm or combination thereof, including trees spaced no more than 25 feet on center, will be provided along the north boundary of Tract A, adjacent to Northgate Village; the east boundary of Tracts B and C between Moorings Park and Country Club of Naples; and the south boundary of Tract C between Moorings Park and the First Lutheran Church of Naples. No landscape buffer shall be required along the east property line of Tract A between Moorings Park and the Country Club of Naples. ~~the boundary between Moorings Park Tracts B and C and Country Club of Naples. The buffer will be installed in Tract B when the initial building permit for Tract B is issued. Upon receipt of the initial building permit, Brazilian Pepper bushes shall be removed in both Tracts B and C; however, Australian Pines may remain within Tract C until such time as the initial building permit is received for Tract C. The buffer will be installed in Tract C when the initial building permit for Tract C is issued.~~

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