

ORDINANCE 07-11557

AN ORDINANCE GRANTING REZONE PETITION 06-R8 FOR PROPERTY LOCATED AT 2200 9TH STREET NORTH, MORE FULLY DESCRIBED HEREIN, IN ORDER TO PERMIT REZONING FROM "HC" HIGHWAY COMMERCIAL, TO "PD" PLANNED DEVELOPMENT TO ALLOW CONSTRUCTION OF A NEW 16,510 SQUARE FOOT WALGREENS STORE AT THE OAKS SHOPPING CENTER; APPROVING THE PLANNED DEVELOPMENT CRITERIA; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Walgreen Company, owner of property at 2200 9th Street North, has petitioned to change the zoning from "HC" Highway Commercial, to "PD" Planned Development, to allow for a new 16,510 square foot Walgreens store with a permitted drive-through facility; and

WHEREAS, Richard Yovanovich, Esq., has been authorized by the owner as agent 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 4 to 1 that Rezone Petition 06-R8 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 the petition should be granted;

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

Section 1. That Rezone Petition 06-R8 is hereby granted, to change the zoning from "HC" Highway Commercial, to "PD" Planned Development, to allow construction of a new 16,510 square foot Walgreens store with a permitted drive-through facility at the Oaks Shopping Center located at 2200 9th Street North, more fully described as follows:

Lots 4 through 9 inclusive in Block "K", being all of said Block "K" of NAPLES HEIGHT, a subdivision according to the map or plat thereof recorded in Plat Book 1, at page 41, of the Collier County Public records; the South 20 feet of the vacated Royal Palm Drive; the North 21 feet of the West 370 feet of Lot 91 of the NAPLES IMPROVEMENT COMPANY'S LITTLE FARMS, according to the plat thereof recorded in Plat Book 2, at page 2, of the Collier County Public Records; and Lot 1, LAKEWOOD PARK SUBDIVISION, as per plat thereof recorded in Plat Book 3, Page 45 of the Collier County Public Records, Florida.

Section 2. That the Planned Development Criteria is hereby approved, a copy of which is attached hereto and made a part hereof as Attachment "A", and also in accordance with elevations and the following site plans attached to the Planned Development Criteria: Master Concept Plan (dated 2/7/07); Architectural Exterior Elevations and Sign Data, Drawing(dated 6/21/06).

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 7TH DAY OF FEBRUARY, 2007.

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, 2007.

Bill Barnett, Mayor

Attest:

Approved as to form and legality:

Tara A. Norman, City Clerk

Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2007\07-11557

Date filed with City Clerk: _____

Attachment "A"
Planned Development Criteria

- 1) **District Purpose:** The Walgreens at the Oaks PD is modeled after the City of Naples Highway Commercial Zoning District, which provides for general commercial development land uses along arterial or major highways. Development in this district is intended to be planned and provided in integrated units, of high quality, visually attractive and designed so as to control the impact of traffic on arterial or major streets. The PD document delineates development standards for the site and proposed uses. The site will also be developed in accordance with architectural building elevations, landscape plans and the general development site plans (GDSP) which have been attached as exhibits to the PD.
- 2) **Uses Permitted:** In the Walgreens at the Oaks PD, 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, and all merchandise shall be stored and displayed in an enclosed building:
 - a) General retail sales establishments, including shopping centers (see chapter 56 of the City Code) or department stores. Retail sales establishments may include incidental processing, repair and rental services except rental of motor vehicles which requires a conditional use, provided they are accessory and subordinate to the retail sales use, and provided that all storage, processing and repair of merchandise occurs within the principal building. A double drive thru window lane/adjacent drive thru lane associated with retail pharmacy services is an allowed use.
 - b) Art or photography studios.
 - c) Bakery, retail, with baking on the premises, with all baked goods sold at retail on the premises.
 - d) Convenience service establishments such as tailoring, garment alteration and repair, shoe repair and the like.
 - e) Financial institutions, excluding drive-up windows, which are permitted only by conditional use petition approval.
 - f) Laundry or dry cleaning pickup establishments, with no laundering or dry cleaning on the premises.
 - g) Medical offices or clinics (not animal).
 - h) Parking lots, noncommercial, with no meters or on-site parking fee collection.
 - i) Personal service establishments such as barbershops and beauty shops.
 - j) Professional, business, financial, civic or public utility offices.
 - k) Restaurants, conventional, with or without cocktail lounges. Dancing or staged entertainment facilities are permitted only by conditional use petition approval.
 - l) Accessory uses or structures which are incidental to and customarily associated with the permitted uses in this district listed in subsections (a) through (k) of this section.
- 3) **Conditional Uses:** In keeping with the intent that The Walgreens at the Oaks PD shall be modeled after the Highway Commercial Zoning District, the conditional uses set forth in the Highway Commercial Zoning District shall be conditional uses within The Walgreens at the Oaks PD. If a conditional use is desired, the conditional uses procedures in the City Code shall be followed to obtain such a use.
- 4) **Minimum lot area:** Minimum lot area in the Walgreens at the Oaks PD is 30,000 square feet.
- 5) **Minimum lot width:** Minimum lot width in the Walgreens at the Oaks PD is 150 feet.
- 6) **Minimum yards required:** Minimum yards in the Walgreens at the Oaks PD are as follows:
 - a) Front yard (US 41 and 22nd Avenue North): 20 feet, all of which shall be landscaped in accordance with the landscaping requirements of chapter 50 of the City Code.
 - b) Side yard: 10 feet, except where the adjoining lot is in a residential district, in which case a minimum side yard of 25 feet shall be provided. The setback along the alley shall be applied as a

side yard setback (10 feet) and the building overhang/eave shall be allowed to encroach into this setback up to 5 feet.

- c) Rear yard (Along residential lots to the east): 25 feet.
- 7) **Minimum floor area:** Minimum floor area in the Walgreens at the Oaks PD is as follows:
a) Nonresidential buildings: 1,000 square feet per building on the ground floor.
- 8) **Maximum height:** In the Walgreens at the Oaks PD, the maximum height shall be limited to 2 stories and 42 feet, measured from the FEMA 1st-habitable floor elevation to the peak of the roof or the highest point of any appurtenance attached to the roof.
- 9) **Minimum off-street parking:** See chapter 50 of the City Code for parking requirements in the Walgreens at the Oaks PD. No parking shall be permitted in required front yard areas. Parking for retail sales shall be provided at a minimum of 1 space per 250 square feet of gross floor area.
- 10) **Maximum lot coverage by all buildings:** Maximum lot coverage by all buildings in the Walgreens at the Oaks PD is 30 percent, except see chapter 56 of the City Code for regulations pertaining to transient lodging facilities, nursing, rest or community residential homes, and shopping centers.
- 11) **Landscaping:** In the Walgreens at the Oaks PD, in addition to the parking, vehicular use and front yard setback area landscaping requirements, all areas not improved for parking per city ordinance requirements, or occupied by a structure, paved walkway or the like, shall be landscaped in accordance with the landscaping requirements of chapter 50 of the City Code.
- 12) **Maximum gross leasable area of shopping centers:** No shopping center, except property described as Coastland Mall, shall exceed 750,000 square feet of gross leasable area in size.
- 13) **Hours of operation:** A 24 hour, 7 days per week pharmacy drive thru is permitted. The retail store with the hours of 7am to 12midnight, 7 days per week is permitted. A liquor retail store with the hours of 8 am to 10 pm 7 days per week is permitted. The following compliance measures shall be met for these extended hours:
a) Illumination levels shall not exceed 0.5 foot candles at the residential lot lines.
b) Noise levels shall be consistent with those identified in the City of Naples Noise Ordinance.
c) A landscape buffer, a minimum of 15 ft in width is required along the residential lots. The buffer shall be a combination of berm, wall and landscape. The total buffer height is 10 ft, with a maximum wall height of 8ft
d) Delivery and solid waste trucks shall not be allowed to enter and exit the site between the hours of 7:00 pm and 6:30 am.
Refer to the City Code for the hours of operation of other permitted uses, as applicable. Any extension to the hours of operation may be changed by the developer through a public hearing and City Council approval.
- 14) **Walls/Fences:** A maximum wall/fence height of 8 feet is permitted along the residential lots and within the front yard setback perpendicular to 22nd Avenue North to improve buffering. Refer to the City Code for wall height criteria for other portions of the project, as applicable
- 15) **Signs:** Window signs within the two tower windows may be up to 31 sf and less than 30 percent of the window. These window signs are intended to identify the entry to the store and the store front. The window signs illustrate the Walgreens mortar and pestle logo. Signage as illustrated on the architectural drawing entitled "Exterior Elevations and Sign Data" (Dwg No. A2.1) illustrates the building signage and allowed project signage. Refer to the City Code for sign criteria for other parts of the project, as applicable.
- 16) **Exhibits:** The following exhibits are a part of this PD Document: Master Concept Plan(dated 2/7/07), Sheet 1 of 1; Architectural Exterior Elevations and Sign Data, Drawing No. 2.1(dated 6/21/06).