

Agenda Item 11-b  
Meeting of 10/3/12

ORDINANCE 12-13182

AN ORDINANCE RELATING TO THE GORDON POINTE PLANNED DEVELOPMENT; DETERMINING REZONE PETITION 12-R2 FOR PROPERTY LOCATED AT 210-240 BAY ROAD, MORE FULLY DESCRIBED HEREIN, TO PERMIT REZONING FROM "PD" PLANNED DEVELOPMENT, TO A NEW "PD" PLANNED DEVELOPMENT, TO AMEND THE GORDON POINTE PLANNED RESIDENTIAL DEVELOPMENT TO ADD A 55 FOOT PARCEL, DREDGE A BASIN, CONSTRUCT A DOCK ON LOT 1 AND AMEND THE DEVELOPMENT STANDARDS TO ADDRESS THE USE OF THE BASIN AND EXISTING STRUCTURE ON LOT 1 FOR PROPERTY LOCATED AT 210-240 BAY ROAD OWNED BY COMAX PARTNERS LLIMITED PARTNERSHIP; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Comax Partners Limited Partnership, owner of property at 210-240 Bay Road, has petitioned to change the zoning from "PD" to "PD" in order to amend the Gordon Pointe Planned Development to add a 55 foot parcel, dredge a basin, construct a dock on Lot 1 and amend the development standards to address the use of the basin and existing structure on Lot 1 for property located at 210-240 Bay Road; and

WHEREAS, Tara Duhy and Robert Diffenderfer, Attorneys with Lewis, Longman and Walker, P.A., 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 6 to 0 that Rezone Petition 12-R2 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 approved;

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

**Section 1.** That Rezone Petition 12-R2 is hereby approved to amend the Gordon Pointe Planned Residential Development to add a 55 foot parcel, dredge a basin, construct a dock on Lot 1 and amend the development standards to address the use of the basin and existing structure on Lot 1 for property located at 210-240 Bay Road, said property more fully described as follows:

See Exhibit "A"

**Section 2.** That the amended Planned Residential Development Document for Gordon Pointe, approved under Ordinance 92-6759 is hereby repealed and replaced by the Planned Residential Development Document for Gordon Pointe dated July 9, 2012, prepared by Comax Partners Limited Partnership and Lewis, Longman & Walker, 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.

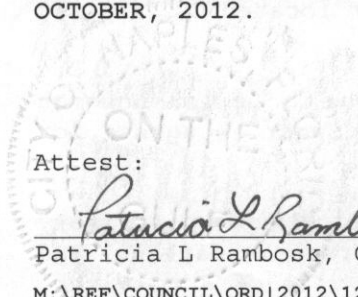
Section 4. If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

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 19TH DAY OF SEPTEMBER, 2012.

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 3RD DAY OF OCTOBER, 2012.



John F. Sorey, III  
John F. Sorey, III, Mayor

Attest:

Approved as to form and legality:

Patricia L Rambosk  
Patricia L Rambosk, City Clerk

Robert D. Pritt  
Robert D. Pritt, City Attorney

M:\REF\COUNCIL\ORD\2012\12-13182

Date filed with City Clerk: 10-17-12

## EXHIBIT "A"

## LEGAL DESCRIPTION: GORDON POINTE PD

A PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 25 EAST, CITY OF NAPLES, COLLIER COUNTY, FLORIDA, BEING ALL OF GORDON POINTE AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 38, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, TOGETHER WITH THE SOUTH 55 FEET OF PARCEL "A", KEEWAYDIN DOCK, AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 39, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "C" OF SAID GORDON POINTE PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 20, PAGE 38 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE SOUTH 00°38'35" EAST 10.00 FEET; THENCE NORTH 89°25'17" EAST 216.31 FEET TO THE MEAN HIGH WATER LINE OF GORDON PASS; THENCE THE FOLLOWING COURSES ALONG SAID MEAN HIGH WATER LINE: SOUTH 12°47'14" EAST 67.02 FEET; THENCE SOUTH 15°53'08" EAST 79.73 FEET; THENCE SOUTH 11°16'41" EAST 70.81 FEET; THENCE SOUTH 11°12'08" EAST 35.47 FEET; THENCE SOUTH 00°35'37" EAST 35.73 FEET; THENCE SOUTH 00°29'46" EAST 55.42 FEET; THENCE SOUTH 04°13'53" EAST 71.11 FEET; THENCE SOUTH 04°27'53" EAST 60.09 FEET; THENCE SOUTH 25°27'07" WEST 38.89 FEET; THENCE SOUTH 57°59'47" WEST 63.21 FEET; THENCE SOUTH 74°48'28" WEST 68.15 FEET; THENCE SOUTH 89°08'45" WEST 89.03 FEET; THENCE NORTH 81°02'33" WEST 71.36 FEET; THENCE SOUTH 82°35'57" WEST 40.41 FEET; THENCE SOUTH 70°52'39" WEST 8.08 FEET TO THE WEST LINE OF SAID GORDON POINTE; THENCE LEAVING SAID MEAN HIGH WATER LINE, NORTH 00°38'35" WEST 519.98 FEET; THENCE NORTH 89°25'17" EAST 30.00 FEET; THENCE NORTH 00°38'35" WEST 40.00 FEET; THENCE NORTH 89°25'17" EAST 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.041 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED UPON SAID PLAT OF GORDON POINTE.

EXHIBIT "B"

**PLANNED RESIDENTIAL DEVELOPMENT  
for  
GORDON POINTE**

***Prepared by***

***Comax Partners Limited Partnership  
1001 Liberty Avenue, Suite 850  
Pittsburgh, PA 15222-3718***

***and***

***Lewis, Longman & Walker, P.A.  
515 North Flagler Drive, Suite 1500  
West Palm Beach, Florida 33401***

July 9, 2012

**GORDON POINTE PLANNED DEVELOPMENT TEAM**

**Project Representatives:**

Comax Partners Limited Partnership  
1001 Liberty Avenue, Suite 850  
Pittsburgh, PA 15222-3718

**Surveyor/Engineer:**

Brett Moore, P.E.  
Humiston & Moore Engineers  
5679 Strand Court  
Naples, Florida 34110  
(239) 594-2021

**Attorney:**

Robert P. Diffenderfer, Esquire  
Tara W. Duhay, Esquire  
Lewis Longman & Walker P.A.  
515 North Flagler Drive, Suite 1500  
West Palm Beach, Florida 33401  
(561) 640-0820

Keewaydin Island PD and Gordon Pointe PD - Background

In June 1989, the City of Naples approved by Ordinance 89-5841, a Planned Development (PD) for property located at the southernmost terminus of Gordon Drive and Bay Road. This approval consisted of two distinctly different developments, described briefly as: (1) the Shore Station for the Keewaydin Club on Key Island, and; (2) the residential single family portion, containing four lots. These developments were submitted together to comply with the City's Comprehensive Plan, and as a matter of administrative ease.

Shortly after the approval, however, litigation was filed against the City and the Developer concerning the Island development. As a result of the continuing litigation, the City and Developer obtained a ruling from the court which stated that the mainland single family residential portion of the PD could be "disaggregated" from the existing PD approval.

In 1992, the PD was amended to disaggregate the mainland single family uses. Two PD ordinances were approved. Ordinance 92-6759 approved the Gordon Pointe PD (approximately 2.7 acres of the former PD), which allowed for the same four (4) single family lots approved in the original PD, with any amenities and infrastructure, separated from the Keewaydin Club Shore Station uses of the prior PD. Ordinance 92-6760 approved the Keewaydin Dock PD (approximately .9 acres of the former PD) which allowed for the continued operation of the Keewaydin Dock to serve the island and Keewaydin Club members and guests with parking, boat docking and other shore-based services and facilities. In 1996 the Shore Station and Island PDs were combined in Ordinance 96-7606 and the same was amended in 1998 by Ordinance 98-8275 (Keewaydin Island).

2012 changes to the Gordon Pointe PD

The 2012 petition to rezone to PD amends the Gordon Pointe PD to add a contiguous parcel on the north to the PD while at the same time removing that same parcel from the Keewaydin Island PD. The number of single family lots in Gordon Pointe remains unchanged at four (4). The owner of Gordon Pointe has obtained a permit from the State of Florida, Department of Environmental Protection ("DEP") and the United States Army Corps of Engineers ("Corps") for a multi-slip docking facility at Gordon Pointe, abutting Lot 1 (permit Nos. 11-0112910-005 and SAJ-2002-02687, respectively). The owner has now determined to modify that approved dock to create a T-dock attached to Lot 1 and a basin excavated from upland from the 55 foot strip which was formerly part of the Keewaydin Island PD and from a portion of Lot 1. This facility will serve the docking needs of each of the four (4) lots, in lieu of four single family docks (one at each of the four lots) and will also serve the adjoining property to the west, which is not a part of the Gordon Pointe PD. This community dock and basin is located on the Gordon Pointe PD so as to provide the most efficient access to deeper water, with the least dredging and the fewest environmental impacts, and maximum separation from the navigation channel. This dock and basin will be built and maintained as a community amenity as was the other common infrastructure.

DEVELOPMENT STANDARDS

I. **District Purpose:** To ensure that development of the parcels is consistent with the regulations for the R1-15 zoning district.

II. **Uses Permitted:** No building or structure, or part thereof, shall be erected, altered or used, or land or water uses, in whole or in part, for other than the following:

- (1) Single-family residences;
- (2) Dock and basin; and
- (3) Accessory structures which are incidental to, and customarily associated with, the uses permitted in this district.

III. **Conditional Uses:** None.

IV. **Minimum Lot Area:** 15,000 square feet.

V. **Minimum Lot Width:** 100 feet.

VI. **Minimum Yards:** See "City of Naples Zoning Ordinance Supplementary District Regulations," reference Swimming Pools and Enclosure.

- (1) Front yard: 30 feet
- (2) Side yard: 10 feet
- Lot 1 5 feet
- (3) Rear yard: 20 feet
- Accessory Structures 10 feet

VII. **Minimum Floor Area:**

- (1) One Story: 1,400 square feet.
- (2) Two Story: 2,000 square feet.

VIII. **Maximum Height:** No more than 2 stories; up to a maximum height of 30 feet.

IX. **Minimum Off-Street Parking:** Two spaces per residence, located within the permitted building area.

**Building Lot Coverage by all Buildings:** None, except all buildings must meet minimum setback requirements.

XI. **Pier and Basin Development Standards:**

- (1) In lieu of individual single family docks, one community pier and a basin may be constructed for the sole use and enjoyment of Gordon Pointe and the

adjacent property to the west described in Attachment "A." The Gordon Pointe pier and basin shall not be rented or leased to anyone other than the owners of the properties described herein.

(2) The pier shall be set back 20 feet from the north PD property and riparian line extended into the waterway. The setback shall be measured at a right angle to the extended property line. The basin may be constructed to the PD boundary line. The pier may extend into the riparian area of lot 2.

(3) The pier shall be located no closer than 100 feet from the marked federal navigation channel.

(4) The pier and basin may be constructed at any time.



## SUPPORTING DOCUMENTATION

Impacts of Proposed Development on Public Facilities  
and Other Development Commitments

The proposed Gordon Pointe Planned Development amendment is no more intense than the existing Gordon Pointe (Ordinance 92-6759). Under a concurrency review, there should be no degradation of any of the City's facilities where level of service has been adopted. A summary of each facility is provided below.

Police Protection

The subject parcel is located within the service area of the Naples Police Department. No physical barriers are anticipated to be constructed which may inhibit normal police surveillance.

Fire Protection

Residents of Gordon Pointe are located within the service area of the City's Fire Department. All infrastructure (*i.e.*, streets, turning movements, etc.) has been constructed to City standards, which will not inhibit access of fire apparatus. The nearest hydrant to Gordon Pointe is located within the proposed development (as shown on the site plan), along Lot 4 lot line.

Hurricane Evacuation

Residents of Gordon Pointe will evacuate north on Gordon Drive, as will all other Gordon Drive residents.

Potable Water Delivery and Service

The area is within the City's service area for potable water, where adequate capacity is available. The level of service of 300 gallons per capita per day is consistent with Policy 1-13 of the Public Facilities Element of the Comprehensive Plan. Based on the City's demographic number of 2.15 persons per dwelling unit, it is anticipated that 645 gallons per day dwelling unit will be utilized.

The project representatives have obtained approval from both DER and DNR for construction activities seaward of the Coastal Construction Control line. This permits hook-up to the City's public water supply.

Wastewater Collection

The area is within the City's service area, for wastewater collection, where adequate capacity is available. The level of service of 150 gallons per day per capita is consistent with Policy 1-14 of the Public Facilities Element of

the Comprehensive Plan. Based on the City's demographic number of 2.15 persons per dwelling unit, it is anticipated that 322.5 gallons per day per dwelling unit will be utilized.

The project representatives have obtained approval from both DER and DNR for construction activities seaward of the Coastal Construction Control line. This permits hook-up to the City's wastewater collection system.

#### Solid Waste Collection and Disposal

Residents of Gordon Pointe will have solid waste collected by the City of Naples, as the project is within their service area. Solid waste generated by the development is not anticipated to exceed the level of service of 1.55 tons per capita per year, as set forth in Policy 1.11 in the Public Facilities Element of the Comprehensive Plan. At 2.15 persons per household, this equates to 3.33 tons per dwelling unit per year.

#### Electric, Telephone and Cable Service

Electric and cable service will be provided by the utility providers who currently serve the City. They are: Florida Power and Light, United telephone Systems and Palmer Cable. All of these utility providers currently service this area.

#### Infrastructure Construction

All site improvements, i.e., roads, water/sewer lines, utility lines, etc. which are completed by the developer or his contractor will be done in accordance with the City of Naples applicable codes, including respect for adjacent residential.

#### Single Family Home Construction

As lots are sold and developed, construction techniques, methodologies and permitting will be the sole responsibility of the lot owner(s). All City codes with respect to construction permitting and noise will be applicable to this development.

#### Common Area Ownership and Maintenance

The Gordon Pointe common area, as shown on the site plan, consists of a small length of private roadway, including a cul-de-sac with a landscaped island, access easement and a community pier and basin and shall be privately owned and maintained by the Homeowner's Association. The water distribution and wastewater collection systems within the dedicated utility easements shall be owned and maintained by the City of Naples.

**Water Management**

Water management on individual lots shall be the responsibility of individual homeowners. Each lot meets the requirements of the R1-15 zoning district and within that district, the lots are of sufficient size to accommodate a permittable water management plan. All on-site water management facilities shall be designed to conform with the standards adopted by the City of Naples Engineering Department.

Water management from the common areas (i.e., road and landscaped island) shall be designed to conform with the standards adopted by the City of Naples Engineering Department. Existing drainage easements located within the development may be used to help satisfy water management criteria.

**Bay Road Improvements and Dedication**

As a requirement of the City Planning Department, the project representatives agree to construct Bay Road, south, into the subject property. The road will be dedicated to the City of Naples as public right-of-way up to the entrance of the Gordon Pointe residential development.

**Enforcement of Planned Development**

The enforcement of the approval of all provisions of this development shall be in accordance with the Code of Ordinances, City of Naples, Florida. Any amended plans to this development would also be subject to same.

**Acreage and Frontage Requirements**

Former Section 3-81-4 (D) of the Code of Ordinances, Guidelines and Standards for Rezoning, required that any rezone must meet the requirement of 40,000 square feet and 200 feet of street frontage. The proposed Gordon Pointe development exceeds this requirement. The development is approximately 2.7 acres (117,612 square feet). The street frontage criteria is met by measuring from the center of the lot widths, due to the pie-shaped configuration.

Water Management

ATTACHMENT A

UNDIVIDED BLOCK D, LESS THE EAST 30 FEET, BEACH ESTATES UNIT NO. 2 AS RECORDED IN PLAT BOOK 1, PAGE 69 OF THE PUBLIC RECORDS OF COLLIER COUNTY FLORIDA

Water management from the common areas (i.e., road and landscape island) shall be designed to conform with the standards adopted by the City of Naples Engineering Department. Existing drainage easements located within the development may be used to help satisfy water management criteria.

Bay Road Improvements and Dedication

As a requirement of the City Planning Department, the project representatives agree to construct Bay Road, access into the subject property. The road will be dedicated to the City of Naples as public right-of-way up to the entrance of the Gordon Pointe residential development.

Enforcement of Planned Development

The enforcement of the approval of all provisions of this development shall be in accordance with the Code of Ordinances, City of Naples, Florida. Any amended plans to this development would also be subject to same.

Access and Frontage Requirements

Former Section 3-81-4 (D) of the Code of Ordinances, Ordinance and Standards for zoning required that any access meet the requirement of 40 feet square feet and 100 feet of street frontage. The proposed Gordon Pointe development exceeds this requirement. The development is approximately 2.7 acres (117,617 square feet). The street frontage criteria is met by measuring from the center of the lot within due to the pie-shaped configuration.