

**Agenda Item 8
Meeting of 2/1/17**

ORDINANCE 2017-13914

AN ORDINANCE DETERMINING REZONE PETITION 16-R7 REZONING APPROXIMATELY 5 ACRES FROM PD, PLANNED DEVELOPMENT TO PD, PLANNED DEVELOPMENT, TO ADD SPECIFIC PERMITTED USES INCLUDING RESIDENTIAL AT 12 UNITS PER NET ACRE WITH ASSOCIATED DEVELOPMENT STANDARDS CUSTOMIZED TO CONTEXT AND EXISTING CONDITIONS TO REMAIN FOR PROPERTY LOCATED AT 704/708 GOODLETTE-FRANK ROAD NORTH, OWNED BY ARTHUR L. ALLEN; MORE PARTICULARLY DESCRIBED HEREIN; ADOPTING THE PLANNED DEVELOPMENT DOCUMENT AS AMENDED HEREIN; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION AND AN EFFECTIVE DATE.

WHEREAS, Arthur L. Allen, owner of the property located at 704/ 708 Goodlette-Frank Road North, has petitioned to rezone the Allen System Group Planned Development (to be known as North Campus Planned Development) from PD Planned Development, to a new PD Planned Development, in order to add specific uses including residential at 12 units per net acre, amend development standards customized to context and existing conditions to remain; and

WHEREAS, following an advertised public hearing on December 14, 2016, the Planning Advisory Board considered the public input, staff recommendations and criteria in the Code and has recommended by a vote of 6 to 1 that Rezone Petition 16-R7 be denied; 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 16-R7, rezoning approximately 5 acres from FD Planned Development (Allen System Group Planned Development) to a new PD Planned Development, to add specific permitted uses including residential at 12 units per net acre with associated development standards customized to context and existing conditions to remain, is hereby approved for property owned by Arthur L. Allen and located at 704/708 Goodlette Frank Road North, said property more particularly described as follows:

See Exhibit "A"

in accordance with the revised Planned Development Document, re-named North Campus Planned Development, attached hereto as **Exhibit "B"** and incorporated herein; and that the Zoning Atlas of the City of Naples shall be amended to reflect said zoning (with underlining indicating additions and ~~strikethrough~~ indicating deletions).

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. That 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. However, if any word, phrase, clause, subsection or section is determined to be an unreasonable condition affecting the overall development plan contained herein, it shall not be severed.


Section 4. Repealer. This PD Ordinance adopting this Planned Development Document shall supersede and take priority over Planned Development Ordinance 02-9843, the repeal of which is hereby ratified and confirmed, and any portions of the Naples Land Development Code which conflict with this PD Ordinance.

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

APPROVED AT FIRST READING THE 18th DAY OF JANUARY, 2017.

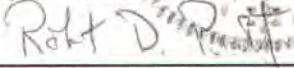
PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 1st DAY OF FEBRUARY, 2017.

Attest:


 Patricia L. Rambosk, City Clerk


 Bill Barnett, Mayor

Approved as to form and legality


 Robert D. Pritt, City Attorney

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Date filed with City Clerk: 2-2-17

Exhibit A

Commencing at the Center of Section 34, Township 49 South, Range 25 East, Collier County, Florida; thence along the North and South 1/4 line of said Section 34, S 0°18'37" E, 1320.52 feet; thence along the South line of the North 1/2 of the Southeast 1/4 of said Section 34, N 89°57'00" E, 400.00 feet to the Point of Beginning of the lands described in that Warranty Deed recorded in O.R. Book 621, Page 632, of the Public Records of Collier County, Florida; thence continue along the South line of the North 1/2 of the Southeast 1/4 of said Section 34, and the southerly boundary of those lands described in that Warranty Deed recorded in O.R. Book 621, Page 632, of the Public Records of Collier County, Florida, N 89°57'00" E, 553.12 feet; thence N 0°18'37" W, 393.77 feet, along the easterly boundary of the lands described in that Warranty Deed recorded in O.R. Book 621, Page 632, of the Public Records of Collier County, Florida, thence S 89°57'00" W, 553.12 feet, along the northerly boundary of the lands described in that Warranty Deed recorded in O.R. Book 621, Page 632, of the Public Records of Collier County, Florida, to the northwesterly corner of said lands; being the POINT OF BEGINNING of the lands herein described; thence continue S 89°57'00" W, 300.00 feet, more or less, to the easterly right-of-way line of State Road 851 (Goodlette Road) thence N 0°18'37" E, along the easterly right-of-way line of State Road 851 (Goodlette Road), 60.00 feet; thence N 89°57'00" E, 400.00 feet to a point lying 60 feet, more or less, north of the northerly property line of the lands described in that Warranty Deed recorded in O.R. Book 621, Page 632, of the Public Records of Collier County, Florida; thence S 0°18'37" E, 60.00 feet, more or less, to the northern property line of the lands described in O.R. Book 621, Page 632, of the Public Records of Collier County, Florida, thence N 89°57'00" W along the northern property line of the lands described in that Warranty Deed recorded in O.R. Book 621, Page 632, Public Records of Collier County, Florida, 100 feet, more or less, to the POINT-OF-BEGINNING of the lands herein described.

Exhibit B

North Campus ~~Allen System Group~~ Planned Development (~~PD~~)

Zoning District

Prepared for:

Arthur L. Allen
c/o ALA Services
704 Goodlette-Frank Road
Naples, Florida 34102

Prepared by:

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Document Date: **August 12, 2002**

Revised Document Date: February 1 September-28, 2017
Original Ordinance Number: 01-9357 / Approved 10/17/01
Existing ordinance Number: 02-9843 / Approved 10/16/02

Amendment Ordinance Number: 2017-13914

Preface. The development of the subject property shall be governed by the following Sections. Items not addressed by these Sections shall be governed by the applicable provisions of the City's Land Development Comprehensive Code, as may be amended.

Section I. Purpose.

The Property shall be used for general commercial development. The following development standards are intended to encourage compact site designs which provide the opportunity for more green space and greater setbacks than standard zoning districts.

Section II. Uses Permitted.

Commercial - restricted to a maximum of 90,000 gross square feet. 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) Professional, business, corporate, financial, or civic offices.
- (2) Medical Office – restricted to one building – to be designated at the time of tenant permitting.
- (32) Accessory uses or structures which are incidental to and/or customarily associated with the permitted uses in this district, including accessory retail sales and recreational amenities to the office use.
- (4) Residential - multi-family - restricted to maximum of 49 residential units as a phased conversion from commercial to residential. Phase I of the conversion from commercial to residential shall include the conversion of one of the two existing office buildings and the associated reduction in permitted commercial square footage from 90,000 gross square feet to 45,000 gross square feet. This reduction is triggered with the issuance of the first residential building permit. The maximum number of residential units in Phase I shall be 31 residential units, projected to be 18 units from conversion of one of the two buildings and 13 units to be located in residential structures over a portion of the western parking lot. Proposed changes to the site design and layout shall be required to complete the administrative site plan review process with all final changes to the plan subject to Planning Advisory Board consideration and City Council approval. The developer shall identify the commercial parking spaces and residential parking spaces on this plan. Phase II of the conversion from commercial to residential shall be the elimination of the remainder of the PD permitted commercial square footage from 45,000 gross square feet to zero.

Section III. Conditional Uses.

- (1) Medical offices - designation of second building with concurrent provision for additional on-site parking with a parking garage or off-site parking or combination of the two.
- (2) General retail sales.

- ~~(3) Residential, within a mixed use development, with intensity as limited by the City of Naples Comprehensive Plan.~~
- (34) Clubs with or without recreational components.
- ~~(45) Restaurants, conventional, with or without cocktail lounges.~~
- (56) Other uses listed as Permitted and Conditional Uses of the C2 Commercial zoning district of the City's Land Comprehensive Development Code Sections 102-502 and 102-503, as may be amended, which are not listed in Section II of this document.

Section IV. Minimum Lot Area.

The minimum lot area requirement in this zoning district is 30,000 square feet.

Section V. Minimum Lot Width.

The minimum lot width is 150 feet.

Section VI. Minimum Yards.

Commercial (existing).

The minimum yards in this zoning district are as follows:

- (1) Front yard: 35 feet, six of which shall be landscaped consistent with the provisions of Section XI of this document.
- (2) Side yard: 25 feet, six of which shall be landscaped consistent with the provisions of Section XI of this document.
- (3) Rear Yard or a yard abutting a single family residential zoning district:
 - a. 50 feet for a one story structure;
 - b. 100 feet for a two story structure;
 - c. 150 feet for a three story structure.
- (4) Distance between primary habitable structures: 20 feet.
- (5) Covered parking / garage structures: 15 feet or same as parking lot when landscape buffer is enhanced per landscape buffer provision in Section XI of this document.

Residential.

- (1) Front yard: 35 feet, six of which shall be landscaped consistent with the provisions of Section XI of this document.
- (2) Side yard:
 - a. one story: 7.5 feet;
 - b. two story: 10.0 feet;
 - c. three story: 12.5 feet.

- (3) Rear yard or yard abutting single family residential zoning district: 20 feet.
- (4) Distance between primary habitable structures: 20 feet.
- (5) Covered parking / garage structures: 15 feet or same as parking lot when landscape buffer is enhanced per landscape buffer provision in Section XI of this document.

Section VII. Minimum Floor Area.

Commercial Buildings. The minimum floor area in this zoning district shall be 1,500 square feet.

Residential Buildings. The minimum floor area in this zoning district shall be 750 square feet.

Section VIII. Maximum Height / Number of Stories.

The maximum number of stories maximum height shall be limited to three (3) stories. The maximum height shall be and 42 feet as measured from the first floor FEMA elevation and as defined by the City's Land Comprehensive Development Code, as may be amended.

Section IX. Minimum Off-Street Parking Required.

Commercial: when located within the two, three story, 45,000 square foot buildings existing as of January 1, 2017, tThe minimum required number of parking spaces shall be 3 spaces per 1,000 square feet for general commercial offices-uses and medical uses.

For all other uses, including new or additional commercial structures and residential dwelling units, parking shall be provided consistent with the requirements of the City's Land Comprehensive Development Code Section 50-104. 106-104 Number of Parking Sspaces, as may be amended.

Section X. Maximum Lot Coverage by All Buildings.

The maximum lot coverage by buildings supporting principal land uses shall be 23 percent. Maximum lot coverage by all buildings, inclusive of parking structures, shall be 33 percent. all building in this zoning district shall be 25 percent.

Section XI. Landscaping.

Except as provided below, the non addressed requirements and development standards of the City's Land Comprehensive Development Code Sections 106-74 through Section 106-75 for Landscaping and Tree Protection remain applicable.

- (1) Landscaped buffers shall be provided, adjacent to all right-of-way and adjacent to parcels of land which are not buffered by existing or enhanced vegetation, which provides for is designated to provide, within 3 years, 75

percent opacity between grade and 810 feet ft above grade. This same standard shall apply where abutting parking spaces are improved with covered parking or parking garages.

- (2) Landscaped buffers shall consist of the following:
- a. an installation of one (1) – 14-foot overall height shade (except as noted below) tree per 27 linear feet. Three Plans or pine may be substituted for one shade tree.
 - b. shrubs installed with a minimum height of 24 inches and maintained at a minimum height of 30 inches. Shrubs shall form a continuous hedge between the public right-of-way and onsite pavement or buildings. Shrubs along other property lines may be clustered.
- (3) 4 foot x 4 foot, interior dimensioned, curbed tree diamonds shall be provided at the intersection of 4 -90 degree non covered parking spaces and shall be improved with palm or shade tree having a minimum overall height of 10 feet.
- (4) All interior parking lot and bald cypress buffer trees shall have a minimum of height of 10 feet.

Section XII. Green Space.

The minimum pervious / landscaped area provided shall be 30 percent, inclusive of all preserved and wetland areas and all other landscaped areas.

Section XIII. Signage.

Pole signs are prohibited. All other provisions of the City's Land Comprehensive Development Code Chapter 106, Article II. Signs, as may be amended, remain applicable.

Section XIV. Parking Lot Lighting.

The maximum height of light poles, measured from grade to the light fixture, shall be 16 feet.

Section XV. Parking Lot Circulation.

Commercial Land Use Parking Lot. The western parking lot shall be restricted to assigned employee parking and is separated from the eastern parking lot and building campus by an environmentally sensitive zone, ~~and shall be designed and signed as employee parking and shall not require vehicular connection to the eastern parking lot and building campus.~~ The east and west site areas are shall be connected by a centrally located pedestrian bridge.

Section XVI. Commencement of Construction.

This Planned Development had commenced development under prior approvals. Prior to the issuance of building permits the project shall require Design Review

Ordinance 2017-13914

Page 9

approval, administrative site plan approval, Planning Advisory Board consideration and City Council site plan approval, or equivalent petition approvals, consistent with the applicable city ordinances in place at that time.