

ORDINANCE 96-7816

AN ORDINANCE GRANTING REZONE PETITION 96-R5, IN ORDER TO REZONE THE PROPERTY AT 4075 9TH STREET NORTH FROM "HC" HIGHWAY COMMERCIAL TO "PD" PLANNED DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the petitioner has made application to rezone the subject property from "HC" to "PD" in order to accommodate the development of a 120-unit, all-suite hotel; and

WHEREAS, the Planning Advisory Board, following an advertised public hearing, considered the public input and the recommendation of staff, and recommended by a vote of 5 to 0 that Rezone Petition 96-R5 be approved; and

WHEREAS, after considering the recommendation of the Planning Advisory Board and providing the petitioner an opportunity to speak, the City Council finds 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 96-R5 is hereby granted, in order to rezone the property at 4075 9th Street North from "HC" Highway Commercial to "PD" Planned Development, said property more particularly described as:

Unplatted lands, Section 21, Township 49 South, Range 25 East, from the northeast corner of the section run west 150 feet, south 171.27 feet to the point of beginning; continue south 298.73 feet, west 464 feet, north 298.73 feet, east 464 feet to the point of beginning, as recorded in OR 1236, page 1051, of the Public Records of Collier County, Florida.

Section 2. That all development on this property shall be accordance with the PD document, and the site plan submitted by Tushie Montgomery Associates Inc., dated 26 July 1996, attached hereto and incorporated herein.

Section 3. That this approval is subject to the following conditions:

1. The building elevations shall be submitted to the Planning Advisory Board for final review and approval.
2. On-site parking shall be provided at a ratio of one parking space per guest unit. Should future conditions warrant the provision of additional parking spaces, the remedies as established in the PD document shall be implemented as directed by the Planning Director.
3. This approval is granted for a transient lodging facility as defined by Section 82-10 of the Comprehensive Development Code. Rental of guest units is limited to 30 days or less. The guest units shall not be sold on an individual basis, nor shall they be leased for residential use.
4. A fence shall be provided along the length of the western property line, not to exceed six feet in height as measured from the grade of the hotel property.
5. The signage for the property shall comply with the requirements of Article II of Chapter 106 of the Comprehensive Development Code.
6. The dumpster shall be relocated so as to not impact adjacent residential properties to the west. The Planning Director

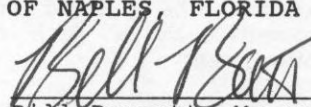
shall review and approve the final location for the dumpster.

Section 4. That the Zoning Atlas of the City of Naples shall be amended to reflect said rezoning.


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

APPROVED AT FIRST READING THIS 4TH DAY OF SEPTEMBER, 1996.

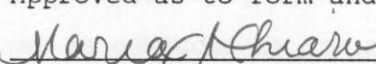
PASSED AND ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF NAPLES, FLORIDA THIS 18TH DAY OF SEPTEMBER, 1996.



Bill Barnett, Mayor

Attest:


Tara A. Norman, City Clerk
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Approved as to form and legality:


Maria J. Chiaro, City Attorney

For diagrams attached, please see Supplemental Map Drawer 3.

CSM Lodging Planned Development Petition
Proposed Development Criteria, Standards and Covenants
July 25, 1996

I. Purpose:

Redevelopment of the property by rezoning to "PD" to accommodate a 120 room all-suite transient lodging facility.

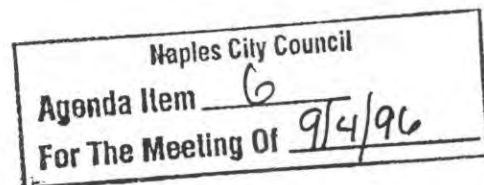
1. To improve the visual and economic quality of property.
2. To introduce a land use compatible to neighboring residences and businesses.
3. To improve the physical infrastructure of the property in respect to Architecture, landscaping, recreational areas, drainage, traffic management and utilities.
4. To increase the overall quality of life for surrounding businesses and residents

II. Permitted Uses:

1. 120-room transient Lodging Facility without full service banquet, conference or restaurant facilities. The individual guest units may have kitchen facilities.
2. Limited dining facilities providing continental breakfast and evening snacks for hotel guests only.
3. Meeting room for hotel guests only.

III. Minimum Floor Area

The minimum floor area shall follow the standards setforth for the Highway Commercial district as described in *Sec 102-418* of the Comprehensive Development Code: 1,000 square feet per building on the ground floor and 400 square feet per unit with cooking facilities.



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IV. Required Building Setbacks

The required building setbacks shall follow the standards set forth for the Highway Commercial district as described in *Sec. 102-416* of the Comprehensive Development Code: 25'0" minimum Front Yard of which 20'0" shall be landscaped, 10'0" minimum side yard and 25'0" minimum rear yard.

V. Maximum Building Height

The Maximum Height allowed shall follow the standards set forth for the Highway Commercial district as described in *Sec. 102-418* of the Comprehensive Development Code: three stories, up to a maximum height of 35 feet, measured vertically from the established 100-year flood elevation to the ceiling of the highest story, plus six feet from the ceiling to the highest point of a flat roof, parapet wall or mansard detail; or six feet from the ceiling to the mean distance between the eaves and the ridge of a gable, hip or gambrel roof.

VI. Maximum Lot Coverage

The Maximum Lot coverage allowed shall follow the standards set forth for the Highway Commercial district as described in *Sec. 110-40* of the Comprehensive Development Code: maximum coverage is 24% of total lot area.

VII. Minimum Off-street Parking Requirements

The minimum number of required parking stalls for the development shall be 1 stall per Guestroom. No public meeting facilities or Restaurant/Bars will be operating in the facility. The operational method of this facility is thus atypical of the standard Transient Lodging Facility. This unique operational aspect significantly reduces the required number of parking stalls. As a consequence of this lower parking ratio, additional landscaping shall be instituted in place of a higher number of parking stalls.

VIII. Statement of Proposed Parking Remedies

If for any reason it is found that the proposed number of parking stalls (123) is insufficient for the proposed use, the full amount of 146 stalls can be provided initially or at any time in the future, as designated on the site plan (see dashed stalls labeled "proof of parking"). The minimum parking required for the proposed use under the Highway Commercial district. A cross-parking agreement has been agreed to with the neighbor to the North, allowing additional parking not shown on the site plan. Since the site to North contains a restaurant, this cross-parking agreement will greatly benefit both parties. A signed agreement with the owner to the North is forthcoming.

IX. Required Landscaping

The required landscaping for the development shall follow the standards set forth for the Highway Commercial district as described in *Sec. 102-421, 106-74(c) and 106-74(d)* of the Comprehensive Development Code:

- (1) 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 the landscaping requirements of chapter 106 of the Comprehensive Development Code.

(2) A landscape buffer zone will be provided between the adjacent residential property and the proposed development according to the requirements setforth under *Sec. 106-74(c)* of the Comprehensive Development Plan.

(3) The interior landscaping provided for vehicular use areas shall conform to the requirements setforth under *Sec. 107-74(d)* of the Comprehensive Development Plan.