

WILLIAM J. REGAN
CLERK OF BOARD
COLLIER COUNTY

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ORDINANCE 80 - 42

AN ORDINANCE AMENDING ORDINANCE 76-30 COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF THE COASTAL AREA PLANNING DISTRICT BY AMENDING THE ZONING ATLAS MAP NUMBER 49-25-8 BY CHANGING THE ZONING FROM "RM-2" MULTI FAMILY, "RM-1" MULTI FAMILY AND "A-ST" AGRICULTURE SPECIAL TREATMENT TO "PUD" PLANNED UNIT DEVELOPMENT ON THE FOLLOWING DESCRIBED PROPERTY: A PORTION OF SECTION 34, TOWNSHIP 49 SOUTH, RANGE 25 EAST ON THE EAST SIDE OF GOODLETTE ROAD

WHEREAS, Wilson, Miller, Barton, Soll & Peak, Inc., representing Anthony Mincolla, has petitioned the Board of County Commissioners to change the Zoning Classification of the herein described real property;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

The Zoning Classification of the herein described real property is changed from "RM-2" Multi Family, "RM-1" Multi Family and "A-ST" Agriculture Special Treatment to "PUD" Planned Unit Development and is subject to all the conditions as required herein and the Zoning Atlas Map Number 49-25-8 as described in Ordinance 76-30 is hereby amended accordingly.

MA 205 11 42 AM '80
SECRETARY OF STATE
FILED

THE COMMONS
PROFESSIONAL PARK
A
PLANNED UNIT DEVELOPMENT

WILLIAM J. REAGAN
CLERK OF COURT
COLLIER COUNTY, FLORIDA

RECEIVED
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PREPARED BY:

WAFAA F. ASSAAD, A.I.C.P.

WILSON, MILLER, BARTON, SOLL & PEEK, INC.

March 21, 1980

As Approved by C.A.P.C. March 20, 1980

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LIST OF EXHIBITS

- A Location Map
- B Aerial Photograph
- C Topographic Survey
- D Land Use Map (Existing Classification)
- E Soil Map
- F Vegetation Map
- G Site Drainage Plan
- H Development Plan
- I Public Service Facilities

STATEMENT OF COMPLIANCE

The development of approximately 52 acres of property in Section 34, Township 49 South, Range 25 East, Collier County, Florida, as a Planned Unit Development to be known as THE COMMONS - PROFESSIONAL PARK is in compliance with the planning and development objectives of Collier County. These objectives are set forth in the Comprehensive Plan, which includes the growth policy and official land use guide, all of which were adopted by the Board of County Commissioners. THE COMMONS - PROFESSIONAL PARK meets the planning and development objectives for the following reasons:

- 1) Subject property is surrounded by developed properties.
- 2) An arterial road is in existence along the project's western boundary.
- 3) The proposed uses are compatible with the surrounding uses and are in compliance with the Comprehensive Plan.
- 4) Subject property is located within an established water and sewer service districts.
- 5) The project rates points in excess of the 26 points necessary to determine it to have an adequate level of existing community facilities and services and therefore is not leap-frog growth.
- 6) The project shall comply with the applicable codes and regulations.

SECTION 1

PROPERTY DESCRIPTION

1.1. INTRODUCTION AND PURPOSE

IT is the intent of the applicant and/or developer to establish and develop a Planned Unit Development on approximately 52 acres of property located in Collier County, Florida.

It is the purpose of this document to provide the required detail and data concerning the development of the property.

1.2. NAME

The development will be known as THE COMMONS-PROFESSIONAL PARK.

1.3. LEGAL DESCRIPTION

All that part of Section 34, Township 49 South, Range 25 East, Collier County, Florida and being more particularly described as follows:

Commencing at the center of Section 34, Township 49 South, Range 25 East, Collier County, Florida;

(Bearings are based on Bulkhead line Plat Book 1, pages 24 and 25);

thence along the East and West 1/4 Section line of said Section 34, South 89°-57'-11" East 100.00 feet to the East Right-of-Way line of Goodlette Road (C-851);

thence along said East Right-of-Way line

South 0°-18'-37" East 48.43 feet;

thence North 89°-56'-59" East 249.79 feet to the

POINT OF BEGINNING of the parcel herein described;

thence Northeasterly 173.98 feet along the arc of a circular curve concave to the Northwest having a radius of 293.97 feet and being subtended by a chord which bears North 72°-59'-41" East 171.46 feet;

thence South 89°-47'-31" East 808.79 feet;

thence North 89°-55'-05" East 993.64 feet to a

point on that bulkhead line as shown on Plat recorded in Bulkhead Line Plat Book 1, page 25, Collier County Public Records, Collier County, Florida;

thence run the following courses along the said

Bulkhead line, 47.27 feet along the arc of a non-tangential circular curve concave to the West, having a radius of

32.68 feet and subtended by a chord having a bearing of

South 14°-08'-50" East and a length of 43.26 feet to a

point of tangency; South 27°-17'-25" West for 202.44 feet

to a point of curvature; 296.89 feet along the arc of a curve concave to the Southeast, having a radius of 679.46 feet, and subtended by a chord having a bearing of South 14°-46'-21" West and a length of 294.54 feet to a point of reverse curvature; 157.10 feet along the arc of a curve concave to the Northwest, having a radius of 541.70 feet, and subtended by a chord having a bearing of South 10°-33'-47" West and a length of 156.55 feet to a point of reverse curvature; 307.67 feet along the arc of a curve concave to the Northeast, having a radius of 278.30 feet, and subtended by a chord having a bearing of South 12°-47'-59" East and a length of 292.24 feet to a point of reverse curvature; 135.31 feet along the arc of a curve concave to the Southwest, having a radius of 100.00 feet, and subtended by a chord having a bearing of South 5°-42'-27" East and a length of 125.21 feet to a point of tangency; South 33°-03'-21" West for 295.10 feet; and South 33°-27'-51" West 1.93 feet to the South line of the North 1/2 of the Southeast 1/4 of said Section 34; thence along said South line, South 89°-57'-00" West 1085.29 feet; thence North 0°-18'-37" West 393.77 feet; thence South 89°-57'-00" West 553.12 feet; thence North 0°-18'-37" West 1.36 feet; thence South 89°-41'-23" West 300.00 feet to the East Right-of-Way line of Goodlette Road (C-851); thence along said East Right-of-Way line North 0°-18'-37" West 678.15 feet; thence North 89°-56'-59" East 600.00 feet; thence North 0°-18'-37" West 200.00 feet; thence South 89°-56'-59" West 350.21 feet to the Point of Beginning of the Parcel herein described; subject to easements and restrictions of record. containing 52.0 acres of land more or less.

1.4. PHYSICAL DESCRIPTION

Elevations within the project site range from sea level to approximately five (5) feet above N.G.V.D. as shown on the Topographic Survey. Exhibit "C".

The soil types of the site are shown on the Historic Soils Map. Exhibit "E".

The vegetation on the site is shown on the Vegetation Map. Exhibit "F".

1.5. GENERAL DESCRIPTION OF PROPERTY AREA

The general location of the site is illustrated by the Location Map, Exhibit "A", and by the Public Service Facilities Exhibit "I". The project site contains approximately 52 acres.

Prior to the granting of this P.U.D. zoning and at the time of this application for rezoning, the Comprehensive Plan Amendment Application, and the D.R.I./A.D.A. approval and issuance of the development order, the site was zoned "RM-2" and "RM-1" Residential Multi-Family and "A-ST" Agricultural with special treatment overlay.

SECTION II
DEVELOPMENT AREA REGULATIONS

2.1. PURPOSE:

The purpose of this section is to set forth the plan and regulations for the areas designated as "Development Area" on the Development Plan - Exhibit "H".

2.2. PERMITTED USES AND STRUCTURES:

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:

A. Permitted Principal Professional Uses & Structures:

1. Banks & Financial Institutions.
2. Boat houses & docks.
3. Business & professional offices.
4. Child care centers.
5. Churches & other places of worship.
6. Civic & cultural facilities.
7. Colleges, universities & schools.
8. Commercial schools.
9. Fraternal & social clubs*
10. General offices.
11. Hospitals
12. Hotels
13. Interior decorating showroom & offices.
14. Laboratories - Film, research & testing.
15. Legitimate theatres & motion picture theatres.
16. Medical clinics, laboratories & offices (Humans only).
17. Motels
18. Museums
19. Office supply stores
20. On-site essential service & utilities
21. Parking garages & lots.
22. Post offices
23. Private clubs*
24. Research design, etc.
25. Residential - a maximum of 100 dwelling units.
26. Rest homes & sanitariums.
27. Restaurants, not including drive-ins.
28. Transportation and communication offices.
29. Utility offices.
30. Any other professional service which is comparable in nature with the foregoing uses & which the Director determines to be compatible in the District.

B. Permitted Principal Retail Commercial Uses & Structures:

Limited to a maximum of 15,000 square feet of gross floor area.

1. Antique Shops
2. Art Studios
3. Art Supply Shops
4. Bait and Tackle Shops
5. Bakery Shops
6. Barber and Beauty Shops
7. Blue Print Shops
8. Book Stores
9. Business Machine Services
10. Clothing Stores
11. Cocktail Lounges*
12. Commercial Recreation Uses
13. Confectionery and Candy Stores
14. Delicatessens
15. Drug Stores
16. Dry Cleaning Shops
17. Florist Shops
18. Furniture Stores
19. Furrier Shops
20. Gift Shops
21. Gourmet Shops
22. Hat Cleaning and Blocking
23. Health Food Stores
24. Hobby Supply Stores
25. Ice Cream Stores
26. Jewelry Stores
27. Laundries
28. Leather Goods
29. Liquor Stores
30. Locksmith
31. Markets, Food
32. Music Stores
33. News Stores
34. Photographic Equipment Stores
35. Radio and Television Sales and Services
36. Retail Shops and Stores
37. Shoe Repair
38. Shoe Stores
39. Souvenir Stores
40. Stationery Stores
41. Tailor Shops
42. Taxidermists

43. Tobacco Shops
44. Toy Shops
45. Variety Stores
46. Vehicle Rental - Automobiles only.
47. Watch and precision instrument repair shops.
48. Any other commercial service which is comparable in nature with the foregoing uses and which the Director determines to be compatible in the district.

C. Permitted accessory uses and structures:

Accessory uses and structures customarily associated with uses permitted in this district.

*In accordance with applicable supplementary district regulation of the zoning ordinance in effect at time of application for building permits.

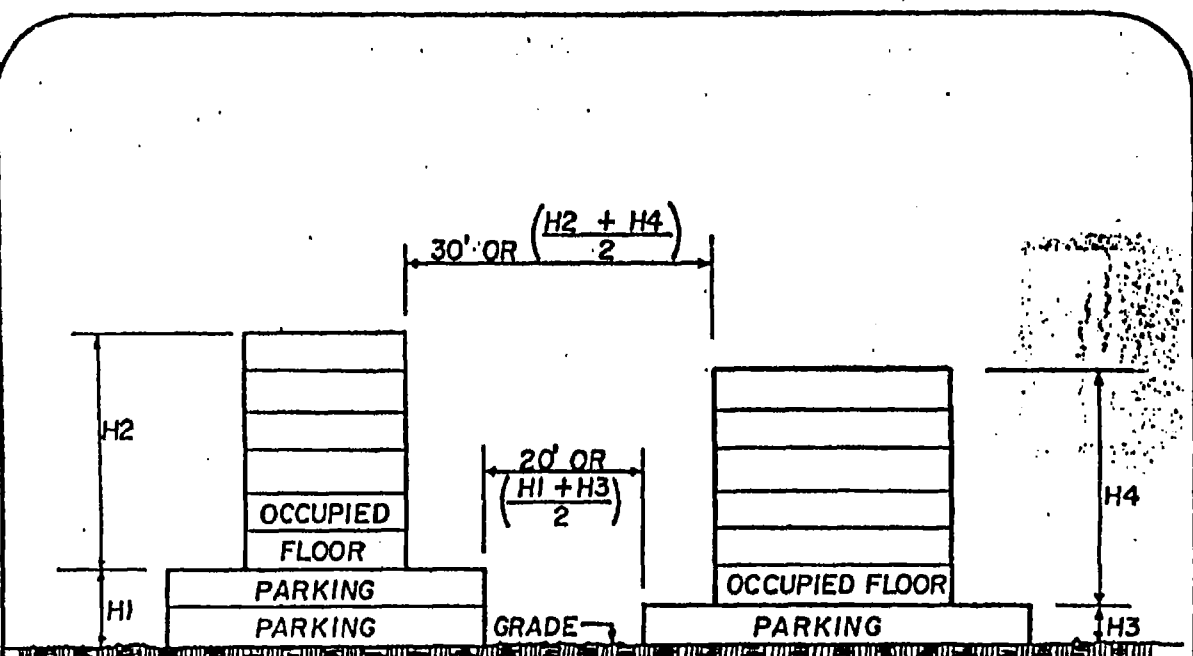
2.3. Minimum Lot Area: None

2.4. Minimum Lot Width: None

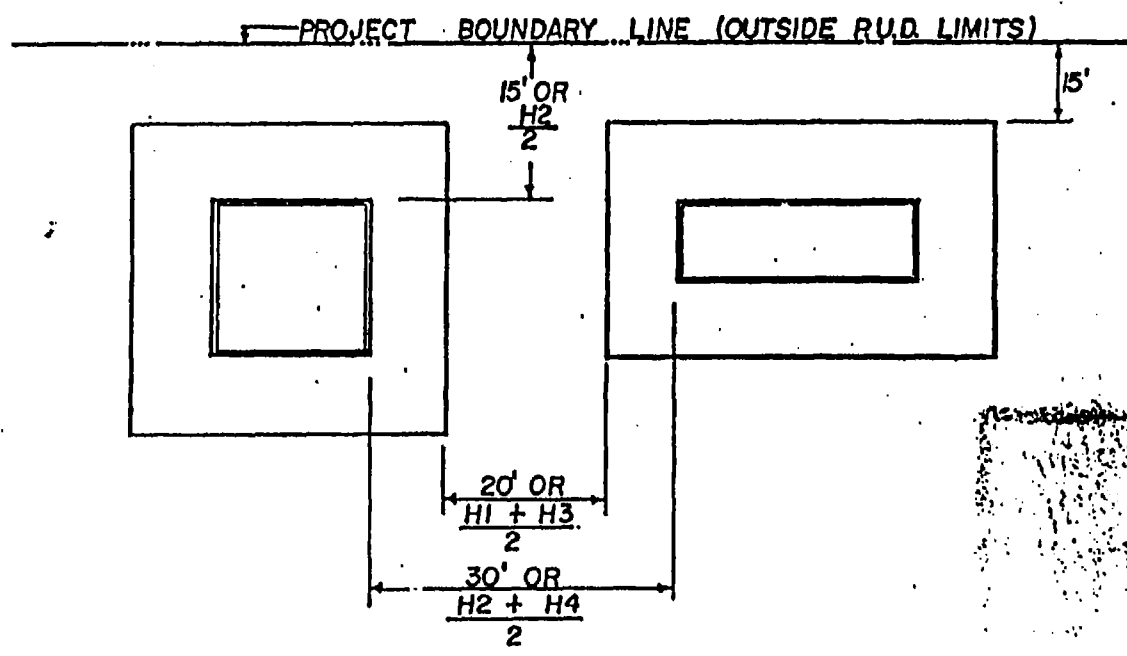
2.5. Minimum Yard Requirements: *1, *2, *3

- a. From all project boundary lines (outside PUD limits): a minimum of fifteen (15) feet, in which no parking is allowed or a distance equal to one-half (1/2) of the building height whichever is greater.
- b. Building separation: A minimum of thirty (30) feet or a distance equal one-half (1/2) of the sum of their heights whichever is greater.
- c. Parking structures not exceeding two stories in height which are located under a principal structure and which are a part of and/or attached to the principal structure: a minimum of fifteen (15) feet from all project boundary lines (outside PUD Limits).
- d. Separation between parking structures not exceeding two stories in height which are located under a principal structure and which are a part of and/or attached to the principal structures: a minimum of twenty (20) feet or a distance equal to one-half (1/2) of the sum of the heights of the floors used for parking purposes whichever is greater.

- *1. The above noted minimum yard requirements may be reduced in the case of clustered buildings with a common architectural theme provided that a site plan is approved by the Community Development Administrator.
- *2. Buildings shall be permitted over-water in the lake areas provided that a site plan is approved by the Community Development Administrator.
- *3. See minimum setback illustration exhibit in the following page.



ELEVATION



PLAN

MINIMUM SETBACK ILLUSTRATION

2-5

2.6. Minimum Floor Area of Principal Structure:

One Thousand (1,000) square feet on the ground floor except that free standing specialty structures of nationally recognized standard size less than 1000 square feet shall be permitted provided that a site plan is approved by the Community Development Administrator.

2.7. Maximum Height = Six (6) stories (Habitable Floors) over a maximum of two parking levels.

2.8. Minimum off-street parking and off-street loading requirements:

As required by the zoning ordinance in effect at time of application for building permit.

2.9. Minimum Landscaping Requirements:

As required by the zoning ordinance in effect at time of application for building permit.

2.10. Limitation on Signs:

A uniform sign regulations and general design scheme including the free standing entry/directory sign(s), shall be presented to the zoning department for their review and approval prior to the issuance of any sign permits.

2.11. Merchandise Storage and Display:

Unless specifically permitted for a given use, outside storage or display of merchandise is prohibited.

SECTION III

CONSERVATION AREA REGULATIONS

3.1. PURPOSE:

The purpose of this Section is to set forth the regulations for the area designated as "Conservation Area" on the Development Plan Exhibit "H".

3.2. PERMITTED USES AND STRUCTURES:

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:

A. Permitted principal uses and structures subject to site plan review:

1. Nature trails including boardwalks
2. Boat Houses & Docks
3. Other activities for recreation and conservation
4. Water Management facilities.
5. Minor access and maintenance facilities.

B. Permitted Accessory Uses & Structures:

Accessory uses and structures customarily associated with uses permitted in this District.

3.3 FUTURE TRANSFER OF DEVELOPMENT RIGHTS:

There shall be no request for transfer of development rights from the conservation area, at any time in the future.

SECTION IV

DEVELOPMENT COMMITMENTS

4.1. PURPOSE:

The purpose of this section is to set forth the general standards and development commitments for the project.

4.2. GENERAL:

All facilities shall be constructed in accordance with all applicable state and local laws, codes and regulations.

4.3. PUD MASTER DEVELOPMENT PLAN

- A. Exhibit "H" Development Plan, illustrates the proposed development.
- B. The Developer of any building parcel shall submit to the Coastal Area Planning Commission, at the time of application for a building permit, a plot plan for his building or parcel. Such plot plan shall show the proposed location of all buildings, access roads, off-street parking and off-street loading areas, service areas, required yards and other open spaces, screening and buffering, signs, lighting, other accessory uses and structures and the distribution of dwelling units, if any, among the proposed structures. The site plan approval shall require no public hearing, but shall be reviewed during a regularly scheduled meeting.
- C. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities and areas in the project.

4.4 . CLEARING, GRADING, EARTHWORK AND SITE DRAINAGE:

All clearing, grading, earthwork and site drainage work shall be performed in accordance with all applicable State and local codes.

The conservation area in the eastern portion of the project shall be protected during construction with fencing and posting.

4.5. ENERGY

Plat approval shall be contingent upon the developer demonstrating to the satisfaction of the Collier County energy officer that energy conservation measures such as passive building siting, site design and alternative energy sources such as solar power have been considered. At the same time, the developer shall also demonstrate why these energy conservation measures not included in the proposed development, were rejected. (i.e. economically unfeasible or not cost effective).

4.6. AIR QUALITY

- a. Particulate emission reduction techniques such as watering and application of calcium chloride solution shall be utilized during construction phases.
- b. The applicant shall secure required permits and comply with applicable regulations relative to complex source permits.

4.7. DRAINAGE

- a. The applicant shall apply for the applicable Surface Water Management Permits in compliance with the applicable regulations.
- b. The applicant shall incorporate best water management practices for water management control during the detailed design of the drainage system.
- c. The applicant shall consider off-site drainage, such as Copperfields Restaurant, which may contribute runoff to the site, during the detailed design of the drainage system.
- d. The final water management system design shall be reviewed and approved by the County Engineer prior to the issuance of building and/or construction permits.

4.8. FLOOD PLAINS

Prior to any building permit approval, the applicant shall demonstrate that the proposed structures are in conformance with the applicable Flood Plain Ordinances.

4.9. HISTORICAL AND ARCHEOLOGICAL SITES

Should any historically or archeologically significant findings become evident once development is underway, the applicant shall notify the appropriate State and County officials before disrupting such findings.

4.10. WATER QUALITY

- a. In order to minimize impacts of construction activity of the drainage system, the applicant shall provide, during construction periods, siltation barriers or curtains to prevent sediments from directly flowing into the spreader ditch system.
- b. Drainage from surface areas other than parking lots, loop roads and other areas where gutters and catch basins may be utilized, shall be directed to the retention lake via a grassed swale system.

4.11. TRANSPORTATION

- a. In order to improve the intersection of Goodlette Road and 7th Avenue North, the applicant shall purchase the controller, signal heads, and loop detectors and furnish them to the City of Naples soon after approvals are secured. The City of Naples has agreed to install this equipment, however, the time of installation is dependent on the railroad abandonment.
- b. As a part of the entrance road construction, the applicant shall further improve the intersection of Goodlette Road and 7th Avenue North by providing the necessary striping within existing pavements for left turn lanes for south bound traffic from Goodlette into the Commons and from east bound traffic from 7th Avenue North into Goodlette Road.
- c. The applicant agrees to promote car pooling within "The Commons" and participate in any mass transit system developed in the Naples urban area.

4.12. WASTEWATER TREATMENT

- a. Prior to the issuance of any building permits, the applicant shall apply for the appropriate permits from the City of Naples for wastewater treatment.
- b. If sewage treatment by the City of Naples is not available, the applicant shall then apply for and receive the proper permits to furnish alternate sewage treatment facilities.

4.13. WATER SUPPLY

- a. Prior to water hook up, the applicant should apply to the City of Naples for the appropriate water supply permits.
- b. If water supply from the City of Naples is not available, the applicant shall then apply for and receive the proper permits to furnish alternate water supplied.

SECTION TWO:

This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State.

DATE: April 22, 1980

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: Clifford Wenzel
CLIFFORD WENZEL, CHAIRMAN

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA
ATTEST:
WILLIAM J. REAGAN, CLERK
William J. Reagan

This ordinance filed with the Secretary of State's Office the 29th day of April, 1980 and acknowledgement of that filing received this 6th day of May, 1980.

by Virginia Magri
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, WILLIAM J. REAGAN, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true original of:

ORDINANCE NO. 80-42

which was adopted by the Board of County Commissioners during Regular Session April 22, 1980.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 23rd day of April, 1980.

WILLIAM J. REAGAN
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

By Virginia Magri
Virginia Magri, Deputy Clerk

