



ORDINANCE NO. 08- 44

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 2004-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH ESTABLISHED THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE APPROPRIATE ZONING ATLAS MAP OR MAPS BY CHANGING THE ZONING CLASSIFICATION OF THE HEREIN DESCRIBED REAL PROPERTY FROM AN ESTATE (E) ZONING DISTRICT TO A COMMERCIAL INTERMEDIATE (C-3) ZONING DISTRICT FOR THE PROJECT KNOWN AS HEALTHCARE MEDICAL CENTER, LOCATED AT THE SOUTHWEST CORNER OF GOLDEN GATE BOULEVARD (C.R. 876) AND WILSON BOULEVARD, IN SECTION 4, TOWNSHIP 49 SOUTH, RANGE 27 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF 6.25+/- ACRES; PROVIDING FOR STAFF AND PLANNING COMMISSION STIPULATIONS; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Michael R. Fernandez, of Planning Development, Incorporated, representing Michael A. Corder, 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, that:

SECTION ONE:

The zoning classification of the real property more particularly described in Exhibit A attached hereto and incorporated herein by reference, and depicted on the boundary survey attached hereto as Exhibit B and incorporated herein by reference, located in Section 4, Township 49 South, Range 27 East, Collier County, Florida, is changed from an Estate Zoning District to a Commercial Intermediate (C-3) Zoning District for a 6.25+/- acre project known as Healthcare Medical Center. The appropriate zoning atlas map or maps, as described in Ordinance Number 2004-41, as amended, the Collier County Land Development Code, is/are hereby amended accordingly.

2008 SEP 16 11:06 AM
DEPT. OF COMMUNITY DEVELOPMENT
TALLahassee, FLORIDA

FILED

EXHIBIT A

Legal Description

The North ½ of Tract 124, GOLDEN GATE ESTATES, UNIT NO. 12, according to the plat thereof, recorded in Plat Book 4, Pages 105 and 106, of the Public Records of Collier County, Florida.

AND

The South ½ of Tract 124, GOLDEN GATE ESTATES, UNIT NO. 12, according to the plat thereof, as recorded in Plat Book 4, Pages 105 and 106, of the Public Records of Collier County, Florida.

AND

The North 150' of Tract 126, GOLDEN GATE ESTATES, UNIT 12, according to the plat thereof, as recorded in Plat Book 4, Pages 105 and 106, of the Public Records of Collier County, Florida.

Subject to easements, restrictions, reservations common to the subdivision and taxes for the current year and subsequent years.

Above Legal Description is taken from recorded Warranty Deeds for the property as follows:

Warranty Deed: OR Book 3641, Page 0452
Folio Nos.: 37169480000 and 37169440008

Warranty Deed: OR Book 3819, Page 2265
Folio No.: 37169560108

mmr

EXHIBIT C

STIPULATIONS

- I. Planning
- A. Permitted uses - The following uses shall be the principal C-3 uses permitted for Healthcare Medical Center:
1. Accounting (Group 8721).
 2. Advertising agencies (Group 7311).
 3. Architectural services (Group 8712).
 4. Auditing (Group 8721).
 5. Bookkeeping services (Group 8721).
 6. Business consulting services (Group 8748).
 7. Debt counseling (Group 7299), no other miscellaneous services.
 8. Drug stores (Group 5912)
 9. Engineering services (Group 8711).
 10. Essential services, subject to Section 2.01.03.of the Land Development Code.
 11. Health services, offices and clinics (Groups 8011-8049).
 12. Home health care services (Group 8082).
 13. Insurance agents, brokers and service (group 6411).
 14. Landscape architects, consulting and planning (Group 0781).
 15. Legal services (Group 8111).
 16. Loan brokers (Group 6163).
 17. Management services (Group 8742).
 18. Optical goods stores (Group 5995).
 19. Orthopedic and artificial limb stores only (Group 5999), no other miscellaneous retail stores, not classified elsewhere.
 20. Public relations services (Group 8743).
 21. Real estate (Groups 6531-6552).
 22. Tax return preparation services (Group 7291).
 23. Title insurance (Group 6361).
 24. Veterinary offices, excluding outside kenneling.
 25. Wellness center, including one or more of the following uses: physical therapy and rehabilitation, diet and nutritional services, and medically-related physical fitness, excluding health clubs and gymnasiums.
 26. Any other medical office, clinic, medical related or professional use which is comparable with the above C-3 list of permitted uses as determined by the Board of Zoning Appeals.
- B. Prohibited uses – The following uses shall be the principal prohibited uses for Healthcare Medical Center:

1. Drinking places (Group 5813) and liquor stores (Group 5921).
2. Mail order houses (Group 5961).
3. Merchandizing machine operators (Group 5962).
4. Power laundries (Group 7211).
5. Crematories (Group 7261) (Does not include non-crematory funeral parlors).
6. Radio, TV representatives (Group 7313) and direct mail advertising services (Group 7331).
7. NEC recreational shooting ranges, waterslides, etc. (Group 7999).
8. General hospitals (Group 8062), psychiatric hospitals (Group 8063), and specialty hospitals (Group 8069).
9. Elementary and secondary schools (Group 8211), colleges (Group 8221), junior colleges (Group 8222).
10. Libraries (Group 8231).
11. Correctional institutions (Group 9223).
12. Waste management (Group 9511).
13. Homeless shelters and soup kitchens.
14. Drive- through establishments.
15. Surveying services (Group 8713).

C. Medical Offices and Clinics Use Limitations

1. No less than sixty percent (60%) of the gross square footage of the project shall be designated for medical offices and clinics.
2. No building footprint shall exceed 5,000 square feet.

D. Parking

1. The entire project shall be subject to the parking requirements set forth in the Land Development Code for medical office and medical clinic uses so as to allow 100 per cent medical office use.
2. Lighting for the parking lot shall be restricted to bollard type lighting fixtures except as may be required by the lighting standards set forth in the Land Development Code and other governing regulations.
3. The developer shall make arrangements with the owners of the adjoining commercial uses in the subject Neighborhood Center to provide for shared parking.

E. Landscaping and Buffering

1. The developer shall provide a 25 foot wide landscape buffer abutting the external rights-of-way. The buffer shall contain: (a) two staggered rows of trees that shall be spaced no more than 30 feet on center; and (b) a double row hedge at least 24 inches in height at the time of planting and attaining a minimum of 3 feet in height within one year. A minimum of 50 per cent of the 25 foot wide buffer area shall be comprised of a meandering bed of shrubs and ground covers other than grass. Existing native trees shall be retained

within this buffer area, where possible, to assist in achieving this buffer requirement. Water retention/detention areas shall be allowed in this buffer area if left in its natural state. Drainage conveyance shall be allowed if necessary to reach the external outfall.

2. The developer shall provide a minimum 75 foot wide buffer along the boundary of the property abutting residential uses (property zoned Estates with no approved conditional use). No parking areas shall be allowed within this buffer area. Twenty-five feet of the width of this buffer area shall consist of landscape materials. A minimum of 50 feet of the buffer width shall consist of retained native vegetation and shall be consistent with Subsection 3.05.07.H. of the Land Development Code. The native vegetation retention area may consist of a perimeter berm and may be used for water management detention purposes. Any newly constructed berm shall be re-vegetated to meet the requirements of Subsection 3.05.07 H. of the Land Development Code.
3. The following criteria shall be met if the native vegetation retention area is to be used for water management purposes:
 - a. There shall be no adverse impacts to the native vegetation to be retained. The additional storm water directed to this area shall not increase the annual hydro-period unless it is proven that the diversion of the storm water to this area would have no adverse impact on the existing vegetation.
 - b. If the project requires permitting by the South Florida Water Management District, the developer shall provide a letter or other official document from the District indicating that the native vegetation within the retention area will not have to be removed to comply with water management requirements. If the District cannot or will not supply such a letter, then the native vegetation retention area shall not be used for water management purposes.
 - c. If the project is reviewed by the County, the County engineer shall provide evidence that no removal of native vegetation is necessary to facilitate the necessary storage of water in the water management area.

F. Lighting

1. All lighting fixtures shall be architecturally designed and shall be limited to a height of 25 feet. Such lighting fixtures shall be shielded to avoid glare impacts to neighboring residential uses.

G. Fences and Walls

1. Fences or walls may be constructed on the commercial side of the required landscape buffer between the adjacent commercial and residential uses. If constructed, such fences or walls shall not exceed 5 feet in height. Walls shall

be constructed of brick or stone. Fences shall be of wood or concrete post or rail types and shall be of open design, meaning that the fence shall not be covered by slats, boards or wire.

H. Pedestrian Circulation

1. The project shall be designed in such a way so as to encourage pedestrian use through the placement of sidewalks. Pedestrian walkways and marked crosswalks within the parking areas. The subject project shall be connected with adjacent development to the east by sidewalks in order to create a continuous pathway throughout the Neighborhood Center.

I. Architectural Theme

1. All buildings shall have tile roofs, Old Florida Style metal roofs or decorative parapet walls above the roofline.
2. The buildings shall be finished in light, subdued colors, except for decorative trim.
3. The project shall be designed to utilize the architectural theme of the adjacent development site, for both building design and signage, to assure a common architectural theme in the subject quadrant of this Neighborhood Center.
4. Building height shall be limited to one (1) story with a maximum height of thirty-five (35) feet.

J. Transportation

1. The project shall utilize a shared access from Golden Gate Boulevard with the corner parcel located to the east of the subject property. The developer of the project shall additionally provide for an east-west interconnection between the two parcels. Locations shall be coordinated during the site development plan process.
2. As mitigation of transportation impacts as required for compliance with Transportation Element Policy 5.1 of the Growth Management Plan (GMP), the developer shall provide the following three forms of mitigation:
 - a. The developer shall pay his fair share contribution, up to a maximum of \$30,000, towards the intersection improvements at Golden Gate Boulevard and Wilson Boulevard. This amount shall be quantified at the time of site development plan application and must be provided prior to site

development plan approval.

- b. The developer shall purchase 10 annual bus passes for use of the Collier Area Transit (CAT) public bus line for a period of five years. The bus passes shall be purchased up front prior to issuance of the first certificate of occupancy for the project.
- c. The development shall be phased and limited to a maximum intensity of 60,000 square feet. The initial phase(s) of development shall not exceed 40,000 square feet. The balance of 20,000 square feet shall not be eligible to receive a certificate of occupancy until the completion of the widening of the Golden Gate Boulevard roadway segment east of Wilson Boulevard. The developer has acknowledged that the widening of this segment to four or six lanes is not presently funded or scheduled.

K. Consistency with the Growth Management Plan and Land Development Code:

- 1. Development of the Healthcare Medical Center project shall be in accordance with the applicable sections and parts of the Land Development Code and Growth Management Plan in effect at the time of application for any development order to which such regulations relate, such as, but not limited to final site development plan, final subdivision plat and preliminary work authorization. Should there be a conflict between the development standards contained within this Ordinance and a provision of the Growth Management Plan, as may be amended, the Growth Management Plan provision shall apply.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2008-44

Which was adopted by the Board of County Commissioners on the 9th day of September, 2008, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day of September, 2008.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners


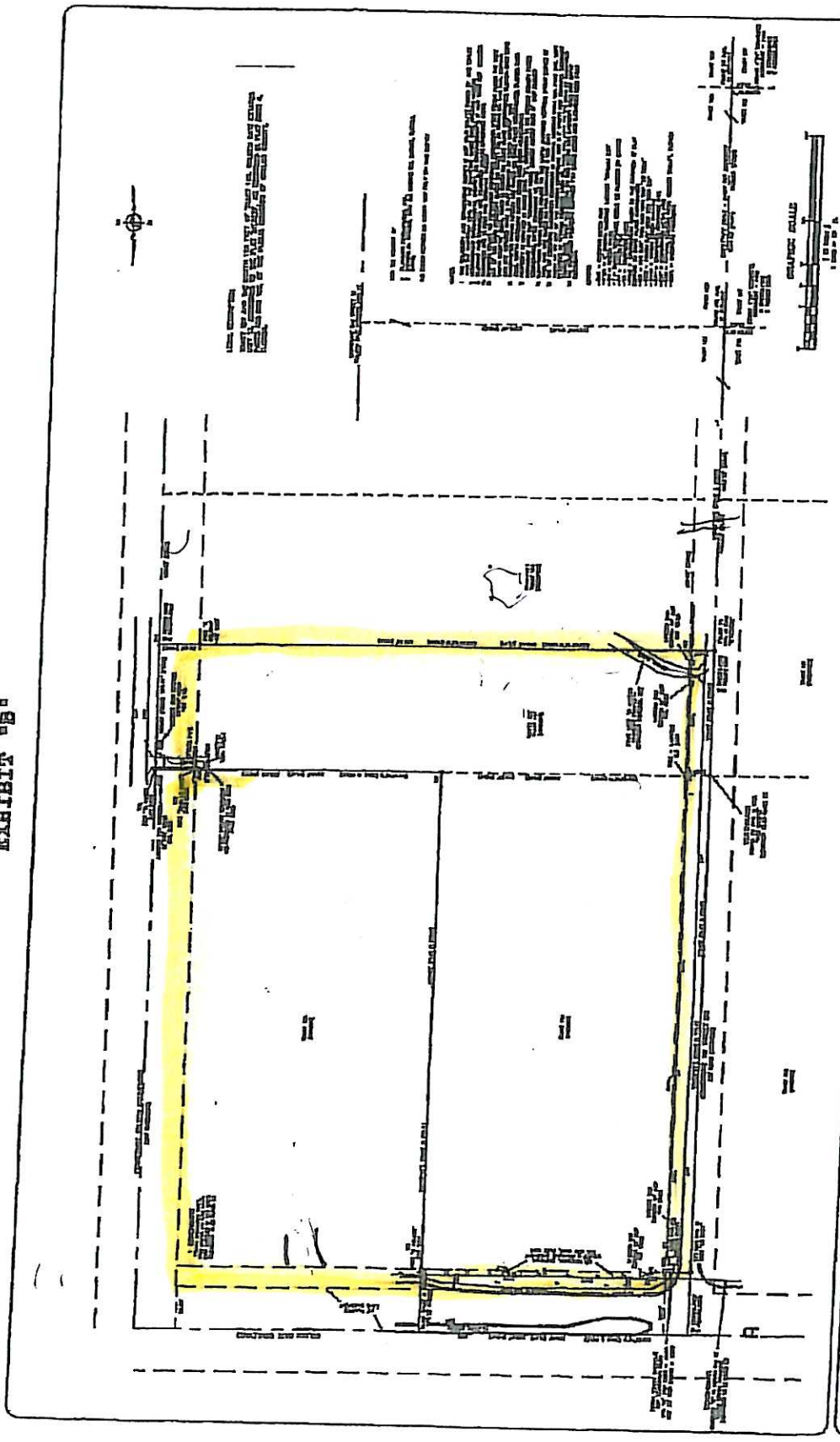

By: Teresa Polaski,
Deputy Clerk

EXHIBIT "B"



South Florida Surveying Inc.
 3422 13th Street SW
 Boca Raton, Florida 33431
 Phone: (561) 993-1110
 Fax: (561) 993-1111
 Website: www.southfloridasurveying.com

GOLDEN GATE ESTATES UNIT 12
 TRACT 124 & NORTH 150 FEET TRACT 120
 BOUNDARY & TOPOGRAPHIC SURVEY

SEE SOUTH FLORIDA SURVEYING INC.
 REPORT NO. SFS-12-001

DATE	12/15/10
BY	J. J. [Signature]
CHECKED BY	[Signature]
SCALE	1" = 100'
PROJECT NO.	12-001
DATE OF SURVEY	12/15/10
DATE OF PLOTTING	12/15/10
DATE OF PRINTING	12/15/10

mmz

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