City of Naples Application for
REZONING TO
PLANNED DEVELOPMENT

Petitioner: Brixmor Park Shore SC LLC, a Delaware limited liability company
Address: 450 Lexington Avenue, Floor 13, New York, New York 10017-3956
Telephone #: 770-360-8437 Fax #: N/A E-mail: Stephen.Herget@brixmor.com

Agent for Petitioner: John M. Passidomo
Address: 821 Fifth Avenue South, Naples, Florida 34102
Telephone #: 239-261-9300 Fax #: 239-261-9782 E-mail: jpassidomo@napleslaw.com

Owner of Property: Brixmor Park Shore Outparcel, LLC, a Delaware limited liability company
Address: 450 Lexington Avenue, Floor 13, New York, New York 10017-3956
Telephone #: 770-360-8437 Fax #: N/A E-mail: Stephen.Herget@brixmor.com

Owner of Property: Brixmor Park Shore Outparcel, LLC, a Delaware limited liability company
Address: 420 Lexington Avenue, 7th Floor, New York, New York 10170
Telephone #: 770-360-8437 Fax #: N/A E-mail: Stephen.Herget@brixmor.com

Address/Location of Subject Property: 4135, 4251 and 4255 Ninth Street North, Naples, Florida 34103

Legal Description of Property Involved: See attached Exhibit A (the “Property”).

Existing Zoning: HC Highway Commercial

Total Acreage/Square Footage of Subject Property: Approximately 22 acres / 958,320 square feet

Current Use of Land: Highway commercial uses

Proposed Use of Land: Highway commercial uses

Total Number of New Dwelling Units: None

Total New Square Footage of Non-Residential: 5,000 – 10,000 square feet
Petition Request and Summary of Facts – In addition to submitting Planned Development Documents, detail how proposed Planned Development differs from the development standards of the existing zoning district in density, intensity, coverage, setbacks, building height, etc.

Park Shore Plaza was developed in 1973 when the Property was part of then unincorporated Collier County. It was annexed into the City of Naples in 1976 and it contains numerous nonconformities from the Naples Land Development Code. The Petitioner acquired the Property in 2006 and has initiated an aggressive program of renovating it into a preeminent commercial center. The attached Planned Development Document was prepared to reflect development standards which recognize existing nonconformities and facilitate the ongoing redevelopment of the Property. The Planned Development differs from the development standards of the existing zoning district by segregating the district into Shopping Center and Highway Commercial Subdistricts, providing for individual development setback standards unique to each subdistrict, reducing building heights in the Highway Commercial District from 3 stories and 42’ to 2 stories and 30’, and increasing the existing lot coverage nonconformity from 27% to 28%.
In signing below I acknowledge and attest that I am the owner of the property described above and/or the duly appointed representative of the owner(s) of the property described above; that I understand the nature and ramifications of this petition relative to the property; that I hereby authorize the petitioner and their agent to represent the property during any deliberations regarding this petition; that I allow access to the property by City staff and City elected and appointed officials for the purpose of inspecting the premises relative to this petition; that all information contained in this petition and associated materials is correct; that any incorrect information may render the final decision and recommendations on this petition void; and that I have read the Proposed Policy Guidelines for Presentation of Petitions to the Naples City Council approved under Resolution 01-9397.

Brixmor Park Shore SC LLC, a Delaware limited liability company

By:  
Name: Barry Rodenstein  
Title: EVP, President, South  
Date: 4/3/17

Brixmor Park Shore Outparcel, LLC, a Delaware limited liability company

By:  
Name: Barry Rodenstein  
Title: EVP, President, South  
Date: 4/3/17

In signing below I acknowledge that I am the authorized petitioner and/or petitioner’s agent for this petition and I attest to the accuracy of all information contained in this petition and associated materials; that I understand that any incorrect information may render the final decision and recommendations on this petition void; and that I have read the Proposed Policy Guidelines for Presentation of Petitions to the Naples City Council approved under Resolution 01-9397.

Brixmor Park Shore SC LLC, a Delaware limited liability company

By:  
Name: Barry Rodenstein  
Title: EVP, President, South  
Date: 4/3/17

John M. Passidomo, Agent  
Date: 4/3/17
Section 46-32(d) of the Code of Ordinances provides the guidelines for consideration of a change in zoning. Please provide a justification for granting this request.

(d) Guidelines for consideration of change in zoning. Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than 40,000 square feet of and 200 feet of street frontage, except for the C conservation zone district, in which the subject property is not required to have street frontage, and the PS public service zone district, in which the subject property may have a minimum lot of 30,000 square feet and a minimum lot width of 150 feet.

The proposed change in the zoning classification involves more than 40,000 square feet of land and 200 feet of street frontage.

Section 58-805 of the Code of Ordinances provides the standards for approval of a change to Planned Development zoning. Please address the standards below.

Sec. 58-805. Standards for approval of PD zoning.

In their analysis of the rezone petition and the proposed development plan submitted pursuant to this division, and prior to official action recommending in favor of or approving the petition and plan, the planning advisory board and city council shall ensure that the following standards and conditions are met and shall deny the request if the following standards are not met:

(1) Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.

Land uses within the development are appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.

(2) The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.

The ongoing redevelopment contemplated under this application will promote the economic viability of the center and enhance its aesthetic appeal.
(3) The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.

The total land area within the development and the area devoted to each functional portion of the development is adequate to serve its intended purpose.

(4) Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.

Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities are appropriate for the particular use involved, and will, considering the nature and extent of longstanding nonconformities on the Property, equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.

(5) Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.

Visual character and community amenities will be greatly improved from redevelopment.

(6) Open space shall be adequate for the type of development and the population densities proposed.

Open space is adequate for the type of development. No population densities are proposed.

(7) Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.

No areas are proposed for common ownership and individual tax parcels which currently comprise the Property will be combined so that the Property constitutes one tax parcel.
(8) In the case of developments which are to be constructed in several units, the proposed units shall be shown on the overall development plan. The proposed construction units shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

Agreed and acknowledged.
Will the petition result in the establishment, expansion or intensification of a commercial activity on property: containing residential units; within 300 feet of a property containing residential units; or within 300 feet of a property zoned for residential use?

Yes  X  No

Pursuant to Section 46-43, petitions which result in the establishment, expansion or intensification of a commercial activity on property: containing residential units; within 300 feet of a property containing residential units; or within 300 feet of a property zoned for residential use, shall also comply with the following residential impact criteria:

(1)  *Illumination.* Illumination levels shall not exceed 0.5 footcandle at the lot lines of the subject property. In addition, the standards for illumination set forth in section 56-89 shall also be met.

Agreed and acknowledged.

(2)  *Noise.* Physical barriers exist and operation plans are in place to insure that noise levels shall be consistent with those identified in section 22-37. Businesses with external speakers such as outdoor live entertainment, drive-thru lanes and automotive dealerships, shall take measures to insure that speakers are pointed away from residences and sound is buffered.

Agreed and acknowledged.

(3)  *Parking and access.* Parking must meet the minimum requirements and be adequate to avoid any overflow into the residential area. Parking areas shall be situated and buffered to avoid impacting the residential areas. Primary vehicular ingress and egress shall, where possible, be located to avoid conflict with traffic in the residential area. Pedestrian connections with public sidewalks and residential areas are encouraged.

Agreed and acknowledged.

(4)  *Landscape buffer.* Landscaping provides adequate screening between the commercial activity and the residential units including buffering noise and the glare from vehicular headlights. Based on the project design and surrounding development patterns, additional landscaping and screening may be required to provide adequate buffering as determined by the city council. Where possible, existing landscaping buffers shall be upgraded to meet or exceed the requirements of Chapter 50, Article III, landscaping and tree protection.

Agreed and acknowledged.

(5)  *Mitigation of hazardous or adverse impacts.* All hazardous or adverse impacts
to adjacent residences in adjacent residential zoning shall be adequately addressed in a mitigation plan to minimize or eliminate such hazardous or adverse impacts. The city reserves the right to require additional mitigation when it finds the identified impacts are not adequately addressed.

There will be no hazardous or adverse impacts on adjacent residences in adjacent residential zoning.

(6) *Hours of operation.* Where the proposed hours of operation extend to between 9:00 pm and 8:00 am, the security measures shall be taken to ensure monitoring of the premises including parking areas.

*Agreed and acknowledged.*
Exhibit A
Legal Description of Property Involved

Parcel 1 (as identified on survey)
PIN: 20760400001 –
OWNER: Brixmor Park Shore SC LLC, a Delaware limited liability company)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 16, SOUTH 89°31'50" WEST 150.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 0°24'40" WEST 585.00 FEET FOR THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED: THENCE SOUTH 89°35'20" WEST 175.00 FEET; THENCE SOUTH 0°24'40" EAST 175.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF OLD TRAIL DRIVE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTH 89°35'20" WEST 236.18 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, SOUTHWESTERLY, 257.85 FEET ALONG THE ARC OF A CIRCULAR CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 663.00 FEET AND SUBTENDED BY A CHORD WHICH BEARS SOUTH 78°26'50" WEST 256.22 FEET; THENCE ALONG THE NORTHEASTERLY LINE OF LOTS 1 AND 2 OF BLOCK 23 OF PARK SHORE UNIT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGES 59 AND 60, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA, NORTH 44°07'30" WEST 314.64 FEET; THENCE NORTH 0°24'40" WEST 515.09 FEET; THENCE NORTH 26°22'34" EAST 576.91 FEET; THENCE NORTH 89°35'20" EAST 620.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID U.S. 41; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 0°24'40" EAST 526.00 FEET; THENCE SOUTH 89°35'20" WEST 100.00 FEET; THENCE SOUTH 0°24'40" EAST 100.00 FEET; THENCE SOUTH 89°35'20" EAST 100.00 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 0°24'40" EAST 60.00 FEET; THENCE SOUTH 89°35'20" WEST 100.00 FEET; THENCE SOUTH 0°24'40" EAST 100.00 FEET; THENCE NORTH 89°35'20" EAST 100.00 FEET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 0°24'40" EAST 247.00 FEET TO THE PLACE OF BEGINNING; BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA.

Parcel 3 (as identified on survey)
PIN: 20760400001 –
OWNER: Brixmor Park Shore SC LLC, a Delaware limited liability company)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 16, SOUTH 89°31'50" WEST 150.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. 41 (TAMIAMI TRAIL); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 0°24'40" WEST 1618.00 FEET FOR THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED: THENCE SOUTH 89°35'20" WEST 100.00 FEET; THENCE NORTH 63°01'25" EAST 111.80 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID U.S. 41; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 0°24'40" EAST 50.00 FEET TO THE PLACE OF BEGINNING; BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, TOGETHER WITH ACCESS AND PARKING RIGHTS BENEFITTING THE ABOVE PARCELS AS SET FORTH IN THE RECIPROCAL PARKING INDENTURE RECORDED IN OFFICIAL RECORD BOOK 535, PAGE 709, AND GRANT OF EASEMENTS AND DECLARATION OF RESTRICTIONS RECORDED IN OFFICIAL RECORD BOOK 609, PAGE 900, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.
Outparcel 26 (as identified on survey)
PIN: 20760480005 –
OWNER: Brixmor Park Shore SC LLC, a Delaware limited liability company)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLIER COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 16, SOUTH 89°31'50" WEST 150.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S.-41 (TAMIAI TRAIL); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 0°24'40" WEST 832.00 FEET FOR THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 89°35'20" WEST 100.00 FEET; THENCE NORTH 0°24'40" WEST 100.00 FEET; THENCE NORTH 89°35'20" EAST 100.00 FEET TO THE WEST RIGHT-OF-WAYLINE OF SAID U.S.-41; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 0°24'40" EAST 100.00 FEET TO THE PLACE OF BEGINNING; BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLIER COUNTY, FLORIDA.

Perkins Parcel
PIN: 20760520004 –
OWNER: Brixmor Park Shore Outparcel, LLC a Delaware limited liability company)

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLIER COUNTY, FLORIDA; THENCE ALONG THE SOUTH LINE OF SAID SECTION 16, SOUTH 89°31'50" WEST 150.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S.-41 (TAMIAI TRAIL); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, NORTH 0°24'40" WEST 992.00 FEET FOR THE PLACE OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 89°35'20" WEST 100.00 FEET; THENCE NORTH 0°24'40" WEST 100.00 FEET; THENCE NORTH 89°35'20" EAST 100.00 FEET TO THE WEST RIGHT-OF-WAYLINE OF SAID U.S.-41; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 0°24'40" EAST 100.00 FEET TO THE PLACE OF BEGINNING; BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 25 EAST, COLIER COUNTY, FLORIDA.