

ORDINANCE NO. 98-9

AN ORDINANCE AMENDING ORDINANCE NUMBER 91-102 THE COLLIER COUNTY LAND DEVELOPMENT CODE WHICH INCLUDES THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF MARCO ISLAND, FLORIDA BY AMENDING THE OFFICIAL ZONING ATLAS MAP NUMBER MB1B; BY CHANGING REAL PROPERTY FROM "C-4, MIZO" TO "PUD" PLANNED UNIT DEVELOPMENT KNOWN AS OLDE MARCO INN FOR A MIXED USE DEVELOPMENT OF RETAIL COMMERCIAL, PROFESSIONAL OFFICE, AND RESIDENTIAL LAND USE WITH A 62-ROOM HOTEL FOR PROPERTY LOCATED ON THE NORTH SIDE OF PALM STREET JUST WEST OF THE INTERSECTION OF LEE AVENUE AND PALM STREET, FURTHER DESCRIBED AS A PORTION OF BLOCKS 3 AND 15 OF THE PLAT "AMENDED PLAT OF COLLIER CITY" IN SECTION 5, TOWNSHIP 52 SOUTH, RANGE 26 EAST, MARCO ISLAND, FLORIDA, CONSISTING OF 3.87 ACRES; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dwight Nadeau, of McAnly Engineering and Design, Inc., representing The Temple Company, petitioned the Marco Island City Council to change the zoning classification of the herein described real property;

NOW, THEREFORE BE IT ORDAINED by the City Council of Marco Island, Florida:

SECTION ONE:

The zoning classification of the herein described real property located in Section 5, Township 52 South, Range 26 East, Marco Island, Florida, is changed from "C-4 MIZO" to "PUD" Planned Unit Development in accordance with the Olde Marco Inn PUD Document, attached hereto as Exhibit "A" and incorporated by reference herein. The Official Zoning Atlas Map Number MB1B, as described in Ordinance Number 91-102, the Collier County Land Development Code, is hereby amended accordingly.

SECTION TWO:

This Ordinance shall become effective upon ~~fixing with the~~ ~~adoption~~ adoption.

RECEIVED

JUL 30 1998

PLANNING SERVICES

PUD 98-2

OLDE MARCO INN PUD MASTER PLAN



RMF-8-MZD

C-4-MZD

RMF-18-MZD

C-4-MZD

RMF-8-MZD

TOTAL IMPERVIOUS AREA: 2,702 ACRES (70%)
 TOTAL OPEN SPACE: 1191 ACRES (30%)
 TOTAL PROJECT AREA: 3,893 ACRES (100%)

LAND USE TABLE

EXISTING RETAIL:	6,830 ± S.F.
PROPOSED RETAIL:	14,770 ± S.F.
EXISTING OFFICE:	3,800 ± S.F.
PROPOSED OFFICE:	2,400 ± S.F.
EXISTING HOTEL:	62 ROOMS
PROPOSED HOTEL:	62 ROOMS
TWO EXISTING RESTAURANTS:	426 ± SEATS

* Proposed retail includes specified existing structures and new retail space. Proposed office includes modification of existing office space.

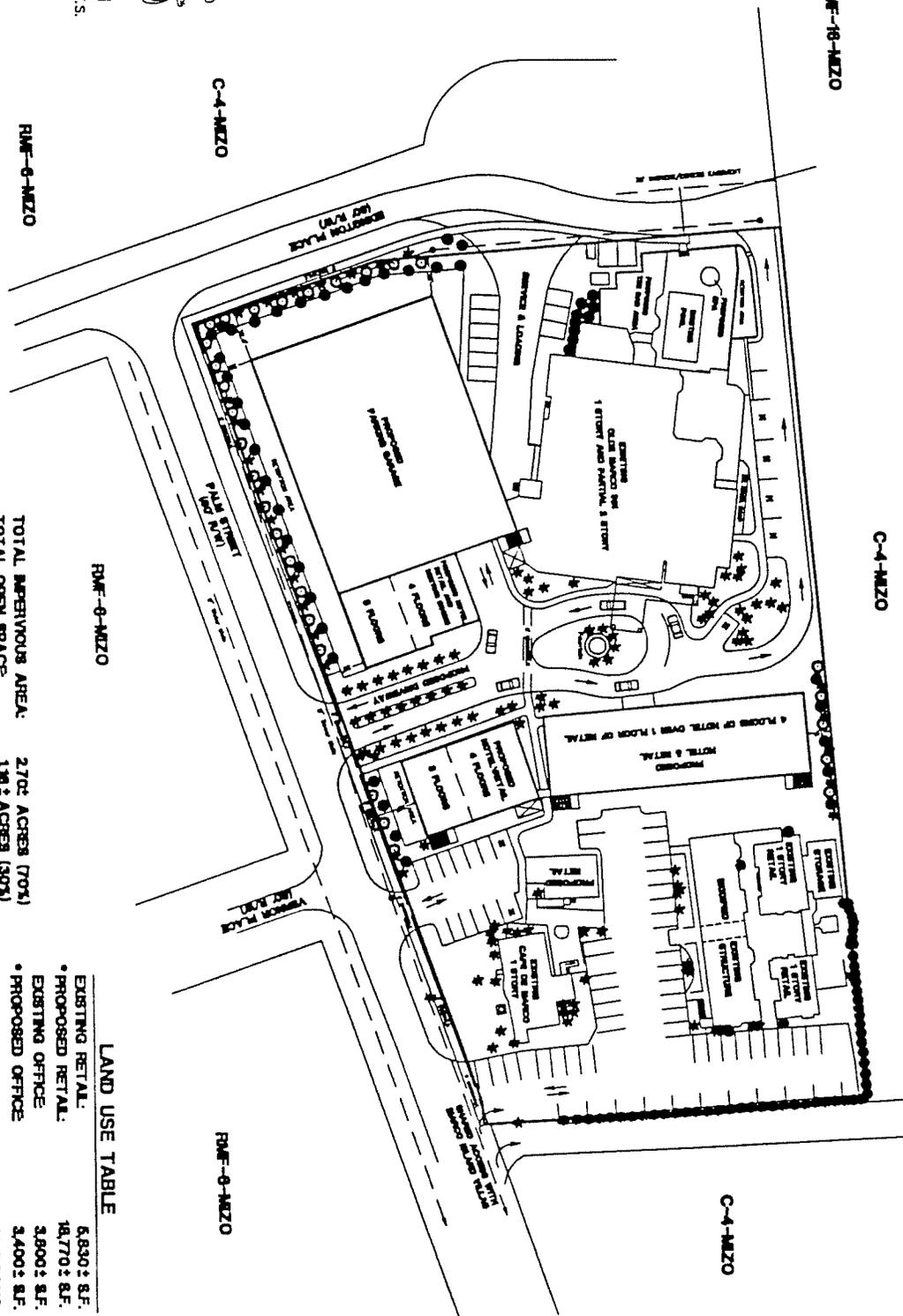


EXHIBIT "A"

THE TEMPLE COMPANY
 OLDE MARCO INN
 PUD MASTER PLAN
 SHEET: 1-1

McANLY ENGINEERING
 AND DESIGN INC.
 1000 W. WASHINGTON AVENUE
 SUITE 100
 TAMPA, FL 33606
 TEL: 813-288-1111
 FAX: 813-288-1112

DATE:	07/29/98
BY:	CLM
CHECKED BY:	CLM
SCALE:	AS SHOWN
PROJECT NO.:	98-001
DRAWN BY:	CLM

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	REVISED PER CITY COMMENTS

OLDE MARCO INN

A

PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN FOR
OLDE MARCO INN,
A PLANNED UNIT DEVELOPMENT PURSUANT TO
PROVISIONS OF THE COLLIER COUNTY
LAND DEVELOPMENT CODE

PREPARED FOR:

THE TEMPLE COMPANY
7311 TOURS STREET, SUITE 101
HOUSTON, TEXAS 77036

PREPARED BY:

McANLY ENGINEERING AND DESIGN, INC.
5101 EAST TAMiami TRAIL, STE. 202
NAPLES, FLORIDA 34113

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JUL 29 1998

PLANNING SERVICES

PUD 98 - 2

DATE REVIEWED BY MIPB 6/26/98
DATE APPROVED BY MICC _____
ORDINANCE NUMBER _____
AMENDMENTS AND REPEAL _____

Exhibit "A"

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LIST OF EXHIBITS

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STATEMENT OF COMPLIANCE

The development of approximately 3.87 acres of property in the City of Marco Island as a Planned Unit Development to be known as the Olde Marco Inn will be in compliance with the goals, objectives and policies of the City of Marco Island as set forth in the Collier County Growth Management Plan at the time of incorporation of the City of Marco Island, which is the Growth Management Plan of the City of Marco Island pursuant to the City Charter ("Growth Management Plan"). The proposed mixed-use facilities of the Olde Marco Inn PUD are consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives of each of the elements of the Growth Management Plan for the following reasons:

1. The subject property for development is within the Urban Coastal Fringe Designation as identified on the Future Land Use Map as provided for in Objective 1 of the Future Land Use Element (FLUE), and the uses contemplated are consistent therewith.
2. The subject property is located in the Village Commercial District as identified on the Marco Island Future Land Use Map, from the Marco Island Master Plan.
3. The Village Commercial District is described as a "center of activity" which purposes are to provide for appropriate commercial uses, ranging from C-1 to C-5, that serve the needs of the residents and traveling public, while maintaining the historic village character of the area. The proposed PUD will implement the intent of this District through the preservation and restoration of the historic structures on-site, and provide quality transient lodging built in the "Old Florida Style", to complement the retained historic buildings, and be in compliance with Subsection 2.2.27.7.1.3. of the Marco Island Zoning Overlay from the Collier County Land Development Code in effect on the date of incorporation of the City of Marco Island, which is the Land Development Code for Marco Island pursuant to the City Charter ("Land Development Code").
4. The proposed hotel density of 62 rooms on 3.87 acres conforms with the hotel density restrictions set forth in the Land Development Code of 16 units per acre.
5. The proposed residential density of no more than 1 residential unit as an innkeeper's residence (0.26 du/acre), is less than the 8 units per acre allowed for mixed-use developments in the Village Commercial District, as set forth in Subsection 2.2.27.7.1.3.2.3. of the Marco Island Zoning Overlay from the Land Development Code.
6. The development standards, landscaping and architectural design of the project will ensure compatibility and complement existing surrounding land uses.
7. The Olde Marco Inn PUD is consistent with and furthers Policy 5.5 of the Future Land Use Element in that it is using existing land zoned for urban uses.
8. Potable water service will continue to be provided by the Florida Water Service's existing 6" line located within the Palm Street Right-Of-Way. Sanitary sewer service will continue to be provided by North Collier Utility's existing 8" line located within the Palm Street Right-Of-Way.
9. All final local development orders for this project are subject to the Collier County Adequate Public Facilities Ordinance.

SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property proposed to be developed under the project name the Olde Marco Inn PUD.

1.2 LEGAL DESCRIPTION

The subject property is described as:

A parcel of land that is lying in Section 5, Township 52 South, Range 26 East, Marco Island, Florida, and which is a portion of Blocks 3 and 15 of the Plat "Amended Plat of Collier City", as recorded in Plat Book 1, Page 58 of the Public Records of Collier County, and which is more particularly described as follows:

Commencing at the intersection of the East Right-Of-Way line of Edington Place (a 60 foot roadway) and the North Right-Of-Way line of Palm Street (a 60 foot roadway), said point being the Point Of Beginning; thence contiguous with the said East Right-Of-Way line the following two courses:

1. North $19^{\circ}25'15''$ West, a distance of 119.95 feet;
2. Thence North $4^{\circ}37'45''$ West, a distance of 256.13 feet to the intersection with the South line of "Villa De Marco, a Condominium", as recorded in OR Book 276, Page 243 of said Public Records;

Thence North $84^{\circ}57'58''$ East along said South line, a distance of 552.66 feet to the intersection with the West line of "Marco Inn Villas, a Condominium", as recorded in OR Book 440, Page 25 of said Public Records; thence South $3^{\circ}23'19''$ East along said West line, a distance of 243.48 feet to the intersection with the North Right-Of-Way line of Palm Street; thence along the said North Right-Of-Way line the following two courses:

1. South $84^{\circ}59'22''$ West, a distance of 14.22 feet;
2. Thence South $70^{\circ}34'45''$ West, a distance of 519.76 feet to the Point Of Beginning;

Said described tract containing 168,376.64 square feet (3.87 acres), more or less.

Subject to any easements and/or restrictions of record.

The bearings used for this description are based upon an assumed bearing of North $70^{\circ}34'45''$ East for the centerline of the above mentioned Palm Street.

1.3 PROPERTY OWNERSHIP

The subject property is owned by Port Of Marco, Inc., a Florida Corporation, Marion Blomeier, and O.M.I., Inc., a Florida Corporation.

1.4 PHYSICAL DESCRIPTION

The property is located in the northeast quadrant of the intersection of Palm Street and Edington Place, in Section 5, Township 52 South, Range 26 East. The subject property is presently zoned C-4, Marco Island Zoning Overlay, and is partially developed with the Marco Inn, presently operating as a quality restaurant (Olde Marco Inn), but has been historically operated as a hotel. Further, east of the Marco Inn, the property known as Port of Marco, has two smaller restaurants, a former motel now being utilized for retail uses on the ground floor and professional offices on the second floor, and two other historic structures which house specialty retail uses. The property is devoid of original naturally occurring vegetation, and any native vegetation existing has been installed as landscape material. The property is generally without topographic relief, with elevations ranging from 4.0' to 8.4' above mean sea level. The proposed water management regime for the project utilizes existing drainage improvements, augmented with new drainage improvements to direct stormwater to dry retention areas for pre-treatment, before outfall into the drainage swall within the Palm Street Right-Of-Way.

1.5 PROJECT DESCRIPTION

The Olde Marco Inn PUD shall be a mixed use development on what is presently a partially developed commercial site. The subject property has existing retail commercial uses and professional office uses housed in both historic structures and a remodeled motel building, as well as two free-standing restaurants of approximately 75 seats each. More importantly, the property is the site of the Olde Marco Inn, originally built by Captain William D. Collier in 1896. The "Marco Inn" is a designated historical site (Site No. COM005, Florida Master Site File), and is presently operated as a quality restaurant known as the Olde Marco Inn, with seating for approximately 350. The existing land uses are proposed to be augmented with a 62 room "boutique hotel"¹, and parking structure which will complement the "Old Florida" (Queen Anne), architecture of the Olde Marco Inn, and create a destination resort atmosphere through the remodeling and reconfiguration of existing land uses and structures. Other than exterior restoration and enhancement, only minor interior remodeling of the Marco Inn is proposed.

The proposed redevelopment of the site will resolve a tremendous parking deficit through the addition of approximately 135 parking spaces, accomplished through the addition of a 203± space parking structure and reconfiguration of existing parking and vehicular circulation. One of the existing restaurant structures (Crabby Dan's Diner), will be partially demolished, with the remaining building area to be utilized for specialty retail uses. Additional demolition and remodeling, including the potential addition of a third floor, will occur to the aforementioned motel building to add open space and enhance the village atmosphere of the proposed project. All of the existing structures in the easterly portion of the site will go through some remodeling or restoration to add to the "Old Florida" architectural style of the project. The following tables generally articulate the existing site improvements, and the proposed alterations to those improvements resulting in the desired redevelopment project.

Existing Conditions

Olde Marco Inn Restaurant	350 seats
Crabby Dan's Diner	75 seats
Cafe de Marco	75 seats
Port of Marco Shops	
2 single story structures (retail)	2,300± S.F.
1 two story structure (former motel)	
first floor retail	3,525± S.F.
second floor office	3,805± S.F.

¹ A boutique hotel is a transient lodging facility which is not typically associated with hotel chains, usually has between 20-150 rooms, and is luxury oriented with a greater variety of services catering to the needs of the hotel's guests.

Proposed Conditions

Olde Marco Inn Restaurant (unchanged beyond interior renovations)	350 seats
Crabby Dan's Diner (60% demolished with use changed to retail)	1,100± S.F.
Cafe de Marco (unchanged)	75 seats
Port of Marco Shops	
2 single story structures (unchanged beyond interior and exterior renovations)	2,300± S.F.(retail)
1 two story structure (former motel)	
The westerly 16± feet of the structure would be demolished.	
first floor retail	3,110± S.F.
second floor office	3,390± S.F.
Proposed Hotel	62 rooms
Proposed additional retail	12,000± S.F.
Proposed parking structure	302± spaces

The proposed redevelopment of the site will improve both the internal and external pedestrian relationships with the property and land uses so as to complement the Old Marco Village. Site drainage improvements will also ameliorate existing storm water management problems. Extensive landscaping with native vegetation will insure compatibility with existing surrounding land uses. Overall, the proposed Olde Marco Inn PUD will change a disassociated assemblage of commercial land uses to a destination resort upholding the "Old Florida" architectural theme, integrated into the village atmosphere of the neighborhood.

1.6 SHORT TITLE

This Ordinance shall be known and cited as the "Olde Marco Inn Planned Unit Development Ordinance".

SECTION II

PROJECT DEVELOPMENT REQUIREMENTS

2.1 PURPOSE

The purpose of this Section is to delineate and generally describe the project plan of development, relationships to applicable Collier County Ordinances in effect at the time of incorporation of the City of Marco Island, which are the Ordinances of Marco Island pursuant to the City Charter, the respective land uses of the Olde Marco Inn PUD development, as well as other project relationships.

2.2 GENERAL

- A. Regulations for development of the Olde Marco Inn PUD shall be in accordance with the contents of this document, the PUD-Planned Unit Development District, and other applicable sections and parts of the Land Development Code and Growth Management Plan in effect at the time of building permit application. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the Land Development Code shall apply.
- B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the Land Development Code in effect at the time of building permit application.
- C. All conditions imposed and all graphic material presented depicting restrictions for the development of the Olde Marco Inn PUD shall become part of the regulations which govern the manner in which the PUD site may be developed.
- D. Unless modified, waived or excepted by this PUD, the provisions of other sections of the Land Development Code, where applicable, remain in full force and effect with respect to the development of the land which comprises this PUD.
- E. Development permitted by the approval of this petition will be subject to a concurrency review under the provisions of Division 3.15, Adequate Public Facilities, of the Land Development Code, at the earliest or next to occur of Final Site Development Plan Approval, or building permit issuance applicable to this development.

2.3 DESCRIPTION OF PROJECT PLAN

- A. The project Master Plan, including layout of existing and proposed land uses, and vehicular use areas is illustrated graphically by Exhibit "A", PUD Master Plan.
- B. In addition to the various areas and specific items shown on Exhibit "A", such easements as necessary (utility, private, semi-private) shall be established within the PUD boundaries as may be necessary.

2.4 MAXIMUM PROJECT DENSITY

A maximum of 62 hotel rooms (units) may be constructed in the total project area. The gross project area is approximately 3.87 acres. The gross project density, therefore, will be a maximum of 16 units (hotel rooms) per acre. A maximum of 1 residential unit may be constructed in the mixed-use development area resulting in a gross residential density of 0.26 units per acre.

2.5 PROJECT PLAN APPROVAL REQUIREMENTS

Given that the Olde Marco Inn PUD property is partially developed, with the addition of a hotel and related uses, subdivision is not anticipated, nor required based on the present development intent. Should the development intent change such that subdivision procedures are required pursuant to the Land Development Code (LDC), the provisions of Division 3.2. of the LDC shall apply.

- A. Prior to Final Local Development Order issuance for all or part of the PUD, final plans of all required improvements shall receive approval of the appropriate City of Marco Island governmental agency to insure compliance with the PUD Master Plan and the Land Development Code.
- B. Exhibit "A", PUD Master Plan, constitutes the required PUD Development Plan. Any division of property and the development of the land shall be in compliance with Division 3.2 of the Land Development Code, and the platting laws of the State of Florida.
- C. The provisions of Division 3.3 of the Land Development Code, when applicable, shall apply to the development of all platted tracts, or parcels of land as provided in said Division prior to the issuance of a building permit or other development order.
- D. Appropriate instruments will be provided at the time of infrastructural improvements regarding any dedications and method for providing perpetual maintenance of common facilities.

2.6 AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

Changes and amendments may be made to this PUD Ordinance or PUD Master Development Plan, Exhibit "A", as provided for in Section 2.7.3.5. of the Land Development Code. Minor changes and refinements as described in Section 4.3.C. of this PUD document may be made in connection with any type of development or permit application required by the Land Development Code.

2.7 DEDICATION AND MAINTENANCE OF COMMON AREAS & FACILITIES

Easements shall be provided for water management areas, access, utilities and other purposes as required. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities in compliance with applicable regulations in effect at the time of adoption of this ordinance establishing the Olde Marco Inn PUD.

2.8 LINKAGE TO LAND DEVELOPMENT CODE

Pursuant to Subsection 2.7.3.3. of the Land Development Code, upon adoption of the PUD Ordinance and attendant PUD Master Plan, the provisions of the PUD document become a part of the Land Development Code, and shall be the standards of development for the PUD. Thenceforth, development in the area delineated as the PUD District on the Official Zoning Atlas will be governed by the adopted development regulations and PUD Master Plan.

SECTION III
MIXED-USE DEVELOPMENT

3.1 PURPOSE

The purpose of this Section is to textually articulate the redevelopment plan for the project site as depicted on Exhibit "A", PUD Master Plan.

3.2 MAXIMUM COMMERCIAL/OFFICE SQUARE FEET

A maximum of 23,500 square feet of commercial and office space shall be permitted, in addition to the 62 room hotel.

3.3 USES PERMITTED

It should be understood that retail uses allowed herein shall be related to goods, and/or services desired by the traveling public or the village neighborhood, and given that the vendors allowed to lease retail or office space will be scrutinized by the developer or resort operator, some land uses permitted herein would be inappropriate in this project.

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

A. Principal Uses¹:

- 1) Candy, Nut, and Confectionery Stores (5441).
- 2) Apparel and accessory stores (Groups 5611, 5621, 5641, 5651, 5661, 5699).
- 3) Eating and drinking places (Groups 5812, 5813, except drive-thru restaurants).
- 4) Miscellaneous retail (Groups 5912, 5921, 5941- 5949, and antique stores).
- 5) Insurance, and real estate offices (Groups 6311- 6399, 6411, 6512).
- 6) Hotels (Group 7011- except motels).
- 7) Personal services (Groups 7221, 7231, 7241, 7299 - computer photography or portraits, costume rental, dress suit and tuxedo rental, electrolysis (hair removal), and tanning salons).
- 8) Legal services (Group 8111).
- 9) Museums (Group 8412).
- 10) Engineering, accounting, research, management and related services (Groups 8721- 8749).
- 11) One "Inn Keeper's Residence", to be located on the second floor of the existing Olde Marco Inn, as a result of the proposed interior renovations.

¹ Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987 Edition.

B. Accessory Uses

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

- 1) Parking facilities and Signage.
- 2) One (1) caretaker's residence; to be located on the second floor of the existing Marco Inn.
- 3) Kiosk vendors and concessions.

3.4 DEVELOPMENT STANDARDS

It should be understood that the development standards set forth herein shall only apply to the proposed hotel and related facilities, including the proposed parking structure and potential additional living level proposed for the former motel structure. All other existing improvements, on the PUD property shall be protected by Section 2.2.27.5. of the Land Development Code in effect at the time of zoning approval. With a local historic structure designation, the Olde Marco Inn shall enjoy the opportunities provided for in Section 2.2.25.7. of the Land Development Code.

- A. MINIMUM LOT AREA: 10,000 square feet.
- B. AVERAGE LOT WIDTH: 100 feet.
- C. MINIMUM YARDS :
 - 1) Front Yard: 25 feet.
 - 2) Side Yard: 15 feet.
 - 3) Rear Yard: Not Applicable. The PUD property by is a corner lot by definition.
- D. MINIMUM DISTANCE BETWEEN STRUCTURES: 30 feet.
- E. MAXIMUM HEIGHT:
 - 1) Hotel: Five (5) habitable stories, not to exceed 56 feet.
 - 2) All other structures: Three (3) habitable stories, not to exceed forty (40) feet.
- F. MINIMUM FLOOR AREA (COMMERCIAL): 700 square feet gross floor area per principal structure, on the ground floor.

MINIMUM FLOOR AREA (HOTEL): 500 square feet gross floor area per room, exclusive of balconies (i.e. air conditioned space). Hotel suites shall not exceed 1,200 square feet gross floor area per suite, exclusive of balconies (i.e. air conditioned space).

G. OFF-STREET PARKING AND LOADING REQUIREMENTS:

The following parking calculations utilize the standards for a hotel, as set forth in Section 2.3.16 of the Land Development Code, where accessory uses are not for the exclusive use of hotel guests, and shall be the standards for this PUD redevelopment project.

Hotel: 62 rooms @ 11 per 10 rooms =	69 spaces
Restaurant (Olde Marco Inn): 350 seats @ 1 per 4 seats =	88 spaces
Kitchen\Freezer\Storage: 2500 SF @ 1 per 400 SF =	7 spaces
Bar\Lounge: 1600 SF @ 1 per 100 SF =	16 spaces
Meeting Rooms: 1200 SF @ 1 per 100 =	12 spaces
Restaurant (Cafe de Marco): 75 seats @ 1 per 4 seats =	19 spaces
Kitchen\Freezer\Storage: 900 SF @ 1 per 400 SF =	3 spaces
Retail: 18770 SF @ 1 per 400 SF =	47 spaces
Office: 3400 SF @ 1 per 600 SF =	<u>6 spaces</u>
Required Spaces:	267 spaces

One additional parking space shall be provided for the innkeeper's residence.

H. ARCHITECTURAL UNIFORMITY:

All Commercial development shall have a common architectural theme, and shall be designed consistent with Division 2.8. of the Land Development Code and Section 2.2.27.7.1.3.3., and other applicable standards of the Village Commercial District of the Land Development Code, as well as consistency with Exhibit "B", Elevation Exhibits.

I. LIGHTING:

Lighting fixtures shall be a maximum of 30 feet in height within the parking areas, and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas, and directed away from properties designated residential within 200 feet of the light source.

J. MERCHANDISE STORAGE AND DISPLAY:

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

K. HISTORIC/ARCHAEOLOGICAL:

- 1) Any historically designated structures on site shall comply with the appropriate subsection of Section 2.2.25. of the Land Development Code.
- 2) The site is of local and State significance. A professional level of archaeological investigation shall be conducted to act as mitigation for development of the site. This mitigation will require excavation analysis and a final report.

SECTION IV

DEVELOPMENT COMMITMENTS

4.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the development of the project.

4.2 GENERAL

All facilities shall be constructed in strict accordance with Final Site Development Plans, Final Subdivision Plans and all applicable State and local laws, codes, and regulations applicable to this PUD. Except where specifically noted or stated otherwise, the standards and specifications of the Land Development Code of Division 3.2 shall apply to this project even if the land within the PUD is not to be platted. The developer, his successor and assigns shall be responsible for the commitments outlined in this document.

The developer, his successor or assignee, shall follow the Master Development Plan and the regulations of the PUD as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successor or assignee in title to the developer is bound by any commitments within this agreement. These commitments may be assigned or delegated to a resort operator as may be designated by the Developer.

4.3 PUD MASTER DEVELOPMENT PLAN

- A. Exhibit "A", PUD Master Plan illustrates the proposed development and is conceptual in nature. Proposed land use layout shall not be construed to be final, and may be varied at anytime at any subsequent approval phase as may be executed at the time of Site Development Plan application. Subject to the provisions of Section 2.7.3.5 of the Land Development Code, amendments may be made from time to time.
- B. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all services and all common areas in the project.
- C. The Marco Island City Manager, or his designee, shall be authorized to approve minor changes and refinements to the Olde Marco Inn PUD Master Plan upon written request of the developer.
 - 1) The following shall be considered minor changes or refinements, subject to the limitations of Subsection 4.3.C.2) of this document:
 - a. Reconfiguration of parking facilities, notwithstanding the development standards set forth in Section 3.4. of this document.
 - b. Reconfiguration of water management facilities, where such changes are consistent with the criteria of the City of Marco Island.
 - c. Internal realignment, or reconfiguration of vehicular circulation and parking facilities.
 - d. Modification of the City of Marco Island road access locations in a manner consistent with the Marco Island Master Plan.

- 2) The following limitations shall apply to such requests:
 - a. The minor change or refinement shall be consistent with the Growth Management Plan and the Olde Marco Inn PUD document.
 - b. The minor change or refinement shall not constitute a substantial change pursuant to Subsection 2.7.3.5.2. of the Land Development Code.
 - c. The minor change or refinement shall be compatible with adjacent land uses, and shall not create detrimental impacts to abutting land uses, or water management facilities.
- 3) Minor changes and refinements, as described above, shall be reviewed by appropriate City of Marco Island staff to ensure compliance with all applicable Ordinances and regulations prior to the City Manager's consideration for approval.
- 4) Approval by the City Manager of a minor change or refinement may occur independently from, but not necessarily prior to any application for Subdivision or Site Development Plan approval, however, the City Manager, or his designee's approval shall not constitute an authorization for development or implementation of the minor change or refinement without first obtaining all applicable City permits and approvals.

4.4 SCHEDULE OF DEVELOPMENT/MONITORING REPORT AND SUNSET PROVISION

- A. This PUD is subject to the Sunset Provisions of Section 2.7.3.4 of the Land Development Code.
- B. An annual PUD monitoring report shall be submitted pursuant to Section 2.7.3.6 of the Land Development Code.
- C. The redevelopment project will occur as a single phase, which may include several permitting processes (i.e. Site Development Plans, Building Permits, etc.), with estimated completion to occur before December 31, 2001.
- D. Prior to the issuance of a Certificate of Occupancy for any new or redeveloped structures, sufficient parking shall be provided consistent with Section 3.4 H. of the PUD document.

4.5 TRANSPORTATION

- A. The project access shall be located and designed in accordance with the Marco Island Master Plan.

4.6 ENVIRONMENTAL

- A. An appropriate portion of native vegetation shall be retained on site in accordance with Section 3.9.5.5.4., Land Development Code.
- B. An exotic vegetation removal, monitoring, and maintenance (exotic free) plan for the site shall be submitted to City environmental staff for review and approval prior to final site plan/construction plan approval.

- C. Pursuant to Section 2.2.25.8.1. of the Land Development Code, if, during the course of site clearing, excavation or other construction activity, a historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the City of Marco Island Code Enforcement Department contacted.

4.7 WATER MANAGEMENT

The development of this PUD Master Development Plan shall be subject to and governed by the following conditions:

- A. Detailed paving, grading and site drainage plans shall be submitted to Engineering Review Services (County or City as may be applicable), for review and approval. No construction permits shall be issued unless and until approval of the proposed construction, in accordance with the approved plans is granted by the City of Marco project review staff.

4.8 SIGNS

All signs shall be in accordance with Division 2.5 of the Land Development Code in effect at the time of incorporation.

4.9 LANDSCAPE BUFFERS, BERMS, FENCES AND WALLS

Landscape buffers, berms, fences and walls are a permitted use throughout the Olde Marco Inn PUD. The following standards shall apply:

- A. Landscape berms shall have the maximum side slopes:
 - 1) Grassed berms 4:1
 - 2) Ground covered berms 3:1
 - 3) Rip-Rap berms 1:1
 - 4) Structural walled berms may be vertical
- B. Fence or wall maximum height: 9 feet, as measured from the finished grade of the ground at the base of the fence or wall. For the purpose of this provision, finished grade shall be considered to be no greater than 18 inches above the crown elevation of the nearest existing road, unless the fence or wall is constructed on a perimeter landscape berm. In these cases, the fence or wall shall not exceed 6 feet in height from the top of berm elevation with an average side slope of greater than 4:1 (i.e. 3:1, 2:1, 1:1, or vertical).
- C. Pedestrian sidewalks, bike paths, and water management facilities may be allowed in landscape buffer areas.

4.10 LANDSCAPING FOR OFF-STREET PARKING AREAS

All landscaping for off-street parking areas associated with the proposed hotel project shall be in accordance with Division 2.4., Landscaping and Buffering, of the Land Development Code in effect at the time of Building Permit application.

4.11 DEVELOPER COMMITMENTS

- A. The Olde Marco Inn PUD shall comply with the Marco Island Zoning Overlay development regulations when this document does not specifically address a development standard.
- B. The Developer shall record a deed restriction on the subject property to prohibit the parking spaces on the PUD property from being leased to others for off-site parking.

- C. The subject property shall be developed consistent with the architectural renderings attached to this PUD Document as Exhibit "B".
- D. The Developer shall install a stop sign to control traffic exiting the PUD property's northwest corner onto a 30 foot access easement which connects to the Edington Place Right-Of-Way.
- E. As a component of the redevelopment project, the Developer shall resurface the existing paved area within the 30 foot ingress/egress easement recorded in O.R. Book 276, Page 245. Collier County Public Records, and be a fifty percent (50%) participate in the perpetual maintenance of said easement.
- F. The Villa de Marco Condominium Manager shall have the opportunity to review and approve the landscape buffer design for the PUD property's north and west boundary.
- G. Reference to the lighting standards of Section 3.4.I. of this Document is made in addition to a noise standard of no greater than 55 decibels, as measured from the Villa de Marco Condominium property, which may be generated from land uses or facilities in the Olde Marco Inn PUD.
- H. The Developer shall not oppose future plans for parking improvements proposed on the Villa de Marco Condominium property.

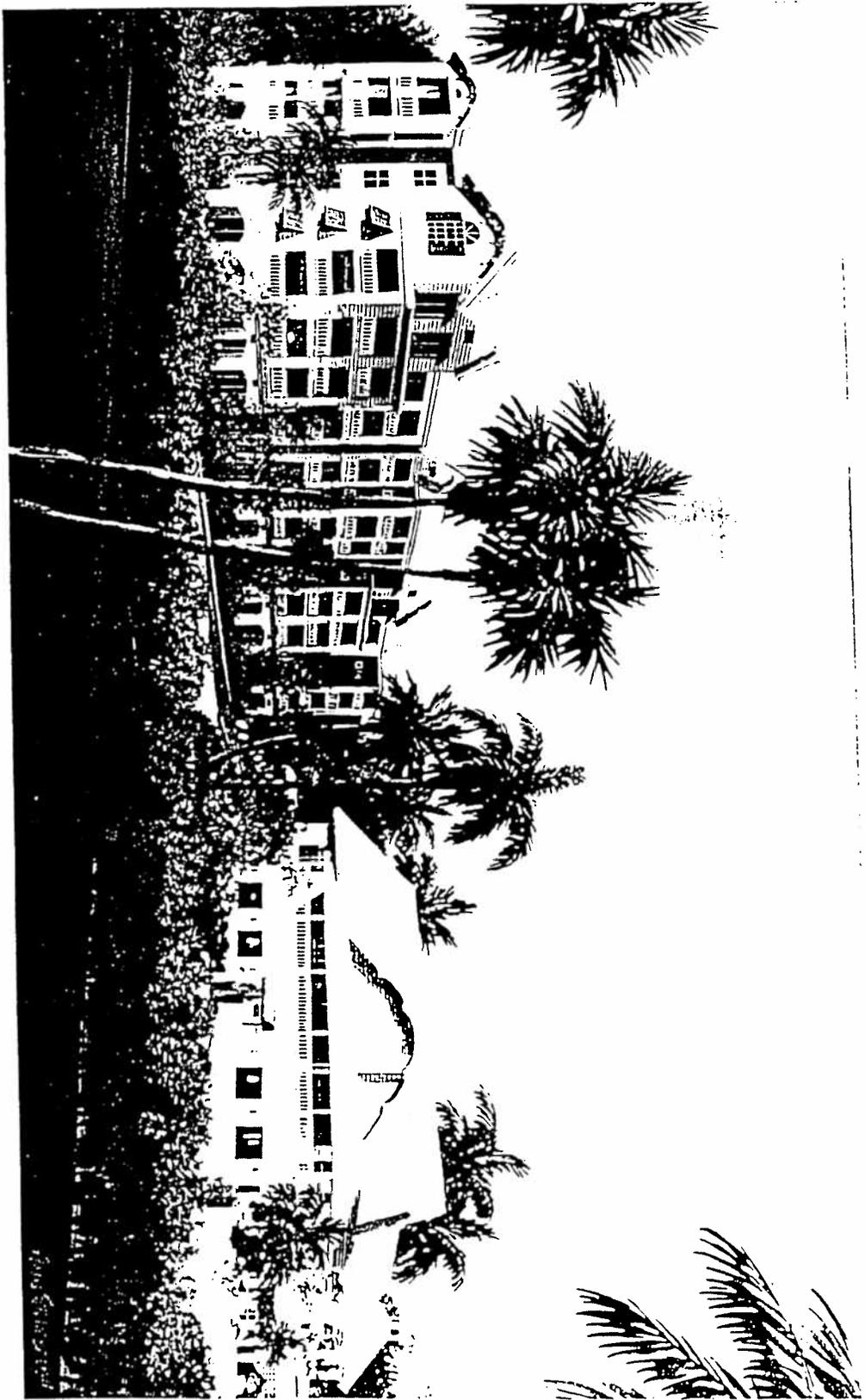


EXHIBIT "B"

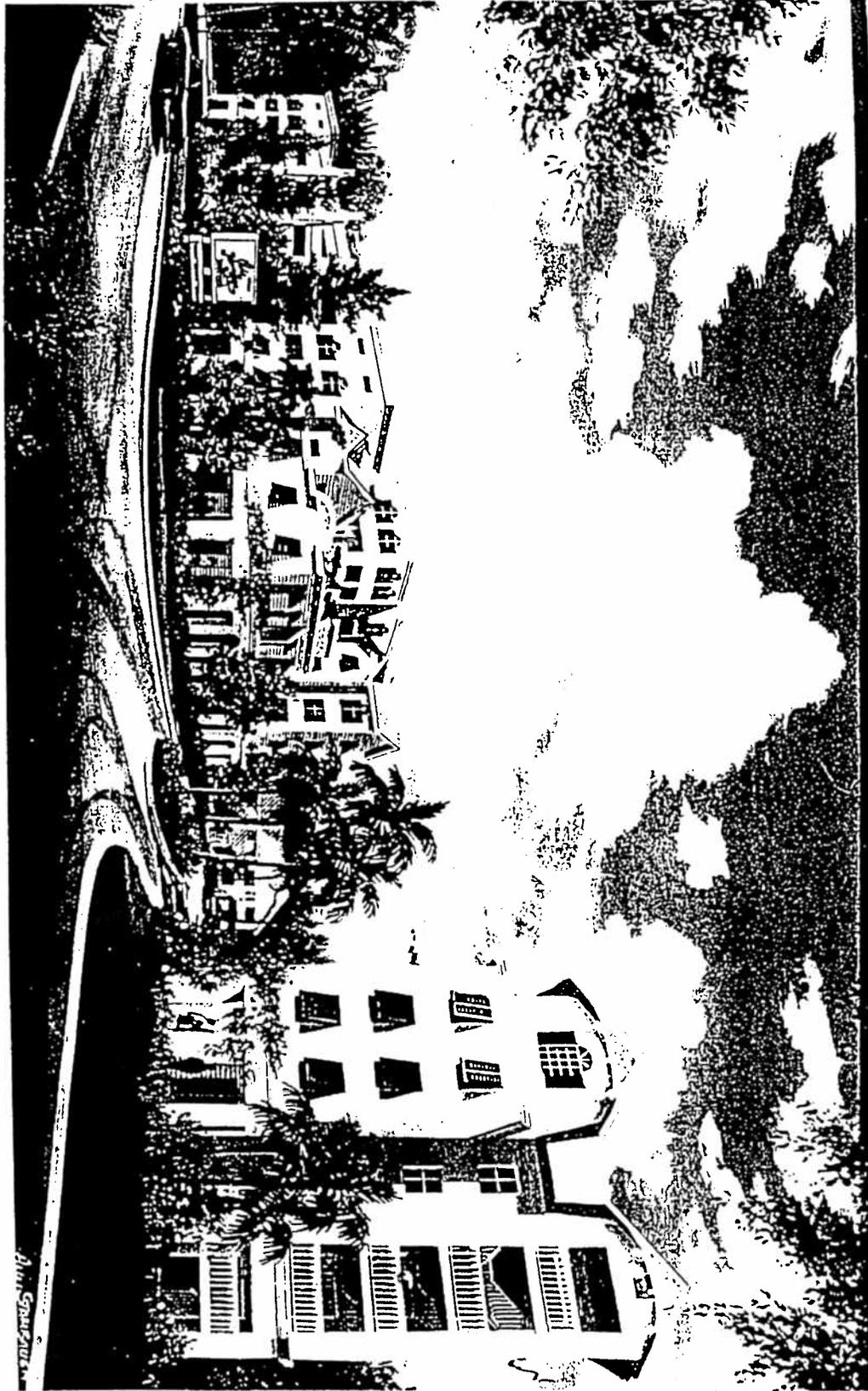


EXHIBIT "B"

Marco Island Eagle

Published Weekly
Marco Island, Florida

Affidavit of Publication

State of Florida

County of Collier

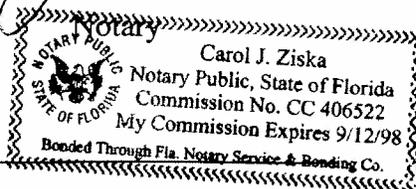
Before the undersigned authority, personally appeared Cheryl Ferrara, who on oath says that he is the Publisher of Marco Island Eagle, a weekly newspaper, published at Marco Island, Collier County, Florida, that the attached copy of advertising, being a Legal Notice - Second Reading & Public Hearing City of Marco Island in matter of Petition #PUD-98-2 in the _____ Court was published in said newspaper in the issues of July 29, 1998

Affidavit further says that the said Marco Island Eagle is a newspaper published at Marco Island, in said Collier County, Florida and that said newspaper has heretofore been continuously published in said Collier County, Florida, each week, and has been entered as second class mail matter at the post office in Marco, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Cheryl S. Ferrara

Sworn to and subscribed before this 29th day of July, A.D. 1998.

Carol J. Ziska



My Commission Expires _____

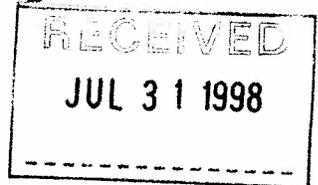
SECOND READING & PUBLIC HEARING

PETITION NO. PUD-98-2
CITY OF MARCO ISLAND

The City Council of Marco Island, meeting in regular session at 6:00 p.m., on August 10th, 1998, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

Petition No. PUD-98-2, Dwight Nadeau, of McAnly Engineering and Design, Inc., representing The Temple Company, requesting a rezone from "C-4, MIZO" to "PUD" Planned Unit Development to be known as Olde Marco Inn PUD for a mixed use development of retail commercial, professional office, and residential land uses with a 62-room hotel for the property located on the north side of Palm Street just west of the intersection of Lee Avenue and Palm Street, further described as a portion of Blocks 3 and 15 of the Plat "Amended Plat of Collier City", in Section 5, Township 52 South, Range 26 East, City of Marco Island.

Members of the Public are invited to make oral or written comments in regards to this Petition.



Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57724072 SECOND READING & PUB

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 07/23

AD SPACE: 46.000 INCH
FILED ON: 07/23/98

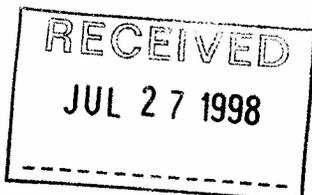
SECOND READING &
PUBLIC HEARING
PETITION NO. PUD-98-2
CITY OF MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m. on August 10th, 1998, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

Petition No. PUD-98-2, Dwight Nadeau, of McAnly Engineering and Design, Inc., representing The Temple Company, requesting a rezone from "C-4, MIZO" to "PUD" Planned Unit Development to be known as Olde Marco Inn PUD for a mixed use development of retail commercial, professional office, and residential land uses with a 62-room hotel for the property located on the north side of Palm Street just west of the intersection of Lee Avenue and Palm Street, further described as a portion of Blocks 3 and 15 of the Plat "Amended Plat of Collier City", in Section 5, Township 52 South, Range 26 East, City of Marco Island.
Members of the Public are invited to make oral or written comments in regards to this Petition.
July 23 No. 1245971

Signature of Affiant B. Lamb

Sworn to and Subscribed before me this 24 day of July 1998

Personally known by me Judith A. Flanigan



Judith A. Flanigan
MY COMMISSION # CC506787 EXPIRES
February 19, 2000
BONDED THRU TROY FAIR INSURANCE, INC.

Marco Island Eagle

Published Weekly
Marco Island, Florida

RECEIVED
JUL 17 1998

Affidavit of Publication

State of Florida

County of Collier

111 LEGAL NOTICES

Before the undersigned authority, personally appeared Cheryl Ferrara, who on oath says that he is the Publisher of Marco Island Eagle, a weekly newspaper, published at Marco Island, Collier County, Florida, that the attached copy of advertising, being a Legal Notice - City of Marco Island

FIRST READING
PETITION NO. PUD-98-2
CITY OF MARCO ISLAND

in matter of First Reading Petition #PUD98-2 in the _____ Court was published in said newspaper in the issues of July 15, 1998

The City Council of Marco Island, meeting in regular session at 6:00 p.m., on July 20th, 1998, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

Petition No. PUD-98-2, Dwight Nadeau, of McAnly Engineering and Design, Inc., representing The Temple Company, requesting a rezone from "C-4, MIZO" to "PUD" Planned Unit Development to be known as Olde Marco Inn PUD for a mixed use development of retail commercial, professional office, and residential land uses with a 62-room hotel for the property located on the north side of Palm Street just west of the intersection of Lee Avenue and Palm Street, further described as a portion of Blocks 3 and 15 of the Plat "Amended Plat of Collier City", in Section 5, Township 52 South, Range 26 East, City of Marco Island.

Members of the Public are invited to make oral or written comments in regards to this Petition.

Affidavit further says that the said Marco Island Eagle is a newspaper published at Marco Island, in said Collier County, Florida and that said newspaper has heretofore been continuously published in said Collier County, Florida, each week, and has been entered as second class mail matter at the post office in Marco, in said Collier County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Cheryl S. Ferrara

Sworn to and subscribed before this 15th day of July, A.D. 1998.

Carol J. Ziska

Notary Carol J. Ziska
Notary Public, State of Florida
Commission No. CC 406522
My Commission Expires 9/12/98
Bonded Through Fla. Notary Service & Bonding Co.

My Commission Expires _____

Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

###CITY OF MARCO ISLAND
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 053955
57719770 PUBLIC HEARING, PETI

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida: that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 07/13

AD SPACE: 46.000 INCH
FILED ON: 07/13/98

PUBLIC HEARING,
PETITION NO. PUD-98-2
CITY OF

MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m., on July 20th, 1998, at the Marco Island YMCA, 101 Sandhill Road, Marco Island, Florida, will consider:

Petition No. PUD-98-2, Dwight Nadeau, of McAnly Engineering and Design, Inc., representing The Temple Company, requesting a rezone from "C-4, MIZO" to "PUD, Planned Unit Development to be known as Olde Marco Inn PUD for a mixed use development of retail commercial, professional office, and residential land uses with a 62-room hotel for the property located on the north side of Palm Street just west of the intersection of Lee Avenue and Palm Street, further described as a portion of Blocks 3 and 15 of the Plat "Amended Plat of Collier City" in Section 5, Township 52 South, Range 26 East, City of Marco Island.
Members of the Public are invited to make oral or written comments in regard to this Petition.
July 13 No. 1239775

Signature of Affiant B. Lamb

Sworn to and Subscribed before me this 14 day of July 1998

Personally known by me Judith A. Flanigan



Judith A. Flanigan
MY COMMISSION # 00508787 EXPIRES
February 19, 2000
BONDED THRU TROY FAIR INSURANCE, INC