

July 5, 2016

The Haba Law Firm Attn: Maria Elena O'Neill, Esq. 1300 N. 15th Street, Suite 2 Immokalee, FL 34142

RE: APR-PL20160001224, Administrative Parking Reduction (APR) for The Warehouse, Heritage Bay Commons Tract D Replat Lot 8, in Section 23, Township 48 South, Range 26 East, of unincorporated Collier County, Florida. Property ID/Folio Number: 49660084605.

Dear Ms. O'Neill:

You have applied for an Administrative Parking Reduction (APR) to allow for the further review and approval of a companion Site Development Plan (SDP), SDP-PL20160000362, to allow for the construction of +/-5,535 square foot commercial building for which the proposed use is entirely a sit-down restaurant. Your request is based upon an off-street parking requirement of 85 parking spaces, per the most current site plan submittal, for which only 49 such spaces can be accommodated on-site.

Submittal Documents:

Completed APR application; Affidavit of Authorization; Addressing Checklist; Narrative Statements with justification and analysis; a copy of a conceptual site plan for the subject property as well an unsealed copy of a site plan for Goodwill Industries on Bellaire Bay Drive; and copy of 10-year lease agreement by and between Bob Forget (Owner of V and T Land LLC and the Warehouse Cuisine and Cocktails LLC) and Rick Evanchyk (President of Goodwill Industries of Southwest Florida Inc.) dated 8/25/16.

Project Summary:

Staff obtained a copy of the most current site plan that has been submitted to the County for review, SDP-PL2060000362 — Revision 3 (not yet approved). Sheet C-20.00 reveals the subject site comprises 0.95 acres and provides a parking requirement of 85 spaces as based upon a calculation for a restaurant comprising 3,433SF of public space, 1,800 SF of non-public space and 151 seats. Only 49 parking spaces can be accommodated on the site resulting in a deficit of 36 parking spaces or 42.35% of the required parking. The applicant desires to mitigate the parking deficit by using 69 parking spaces located at the Goodwill retail store located at Cameron Commons Lots 5 and 6; specifically, the Goodwill site will be used for off-site valet parking and will have 20 off-site employee parking spaces. All travel between the 2 locations will be via Sage Avenue to reduce transportation impacts.

Zoning:

The Official Zoning Atlas reveals the subject property has a zoning designation of Commercial Planned Unit Development (PUD); specifically, the Heritage Bay PUD, as amended, adopted as Ordinance 03-40 on July 29, 2003 by the Board of County Commissioners (BCC). As per the PUD's Master Plan, the subject location is located within an area designated Activity Center (AC). Surrounding properties to the north are designated Activity Center/Residential (AC/R3), to the east are Recreation/Open Space (RO), and to the properties south and west are Activity Center (AC); all are presently undeveloped.



Review Comments:

Development regulations pertaining to the AC Commercial District are contained within Section 6 of the PUD document, allowable permitted uses include eating and drinking establishments (SIC 5812 & 5813). Additionally, Section 6.5 C - Development Standards, states: "Shared parking between and among permitted uses shall be permitted throughout the Activity Center District. Each freestanding use shall not be required to provide 100% of the LDC minimum parking on the project site; however, the total parking provided for Activity Center shall meet or exceed the minimum parking required for the combined land uses."

LDC Section 4.05.02 K.2 – Off-site parking on lots under different ownership states, in part: "The County Manager or designee may approve off-site on contiguous lots that are under different ownership. A site development plan shall be submitted to the County Manager or designee which includes: a. A minimum ten (10)-year lease agreement between the property owners, including a provision that if and when the lease expires, the property owner requiring the off-site parking shall make other provisions for the required parking. The County attorney shall review this agreement for form and legal sufficiency. The petitioner shall record the lease in the official records of Collier County before approval of the site development plan..." Staff opines that PUD Section 6.5.C allows for this LDC section to also apply to a non-contiguous lot within the AC commercial district and satisfies all other elements of this LDC section. The County Attorney's Office has reviewed the 10-year lease agreement provided as part of this application and found it to be acceptable with respect to form and legal sufficiency.

LDC subsection 4.05.04 F.2 states: "The County Manager or designee may determine the minimum parking requirements for a use which is not specifically referenced below of for which an applicant has provided evidence that a specific use is of such a unique nature that the applicable minimum parking ratio listed in this LDC should not be applied. In making such a determination the County Manager or designee may require submission of parking generation studies; evidence of parking ratios applied by other counties and municipalities for the specific use; reserved parking pursuant to section 4.05.05; and other conditions and safeguards deemed to be appropriate to protect the public health, safety and welfare."

As per the most current site development plan submitted to the county for review, SDP-PL2060000362 – Revision 3 (not yet approved), the proposed restaurant with 151 available seats will require 85 off-street parking space, per LDC Section 4.05.04 G, Table 17—Parking Space Requirements, for Sit-Down Restaurants. As only 49 off-street parking spaces can be accommodated on site there is a deficit of 36 off-street parking spaces that is to be mitigated by the restaurant's providing 20 employee parking spaces at, and free valet parking to and from, the nearby Goodwill facility. Additionally, the applicant has stipulated that all travel between the 2 locations will be via Sage Avenue in an effort to minimize traffic impacts.

Staff finds the requested administrative parking reduction of 36 off-street parking spaces, 42.35% of the site's required parking requirement, to be consistent with the intent of the above referenced PUD and LDC provisions and further finds that the required elements for an off-site parking agreement have been satisfied. Staff finds no reason to dispute the parking calculations, tabulations, and/or methodology used by the applicant in the furtherance of their requested action.

Findings/Conclusion:

Staff finds the requested APR of 36 off-street parking spaces, 42.35% of the site's required parking requirement, to be consistent with the intent of the above referenced PUD and LDC provisions and further finds that the required elements for an off-site parking agreement have been satisfied. Staff finds no reason to dispute the parking calculations, tabulations, and/or methodology presented by the applicant in the furtherance of their requested action and hereby recommends approval.

Approval:

Given the information you have provided, I hereby approve the subject APR request to allow for a total reduction of 36 off-street parking spaces to allow the applicant to proceed with submitting the required SDP, with respect to required parking, subject to the following:

- A. Approval of this Administrative Parking Reduction is predicated on the information outlined above and the evidence presented in the application request. Any changes to the facilities or business conditions or conversion to another business shall necessitate a re-review of this parking reduction which may result in the need for additional parking spaces to be provided.
- B. This APR and the referenced parking summary/tabulation must be referenced as part of any future SDP amendment as required by Code.
- C. As per LDC Section 4.05.02 K.2 the referenced 10-year off-site parking agreement must be recorded in the Official Records of Collier County before approval of the Site Development Plan; more specifically, SDP-PL2060000362.
- D. As per LDC Section 4.05.02 K.2, upon expiration of the above referenced 10-year lease agreement, the property owner, their successors or assigns, shall make other provisions for the required parking.
- E. If at any time Collier County officials determine insufficient parking exists to safely support the subject facility; the applicant/owner must act to alleviate the problem by any means necessary which may require a reduction of seating and/or services
- F. Approval of this APR is further predicated on the satisfaction of all permits required by both the LDC and the Florida Building Code.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Mike Bosi, Director **Zoning Division**

Attachments

GMD – Ray Bellows, Zoning Manager GMD – John Kelly, Planner cc:

MIS

PARKING AGREEMENT SHARED PARKING

	F FLORIDA, COUNTY OF	
THIS PARKING between:	G AGREEMENT is made an	ad entered into as of the $\frac{8/25/12}{\text{(date)}}$ by and
Bob Forget (Ow	mer of V and T Land LLC ar	nd The Warehouse Cuisine and Cocktails LLC)
And		
Rich EVA	(Board Memb	per of Goodwill Industries of Southwest Florida Inc.
available parkin location located located at Lot 8	g area (spaces to be used on at Lot 5 and 6 in Cameron C in Cameron Commons, Nan	rill Industries of Southwest Florida Inc., agree to house Cuisine and Cocktails LLC, to share my an as needed basis) at our Cameron Commons Commons, with their clientele from their restaurant les. Our normal hours of operation will not be in cation starting from 9am to 4pm.
ro Jeans Home (I	ic date it is signed. It and wi	of ten dollars (\$10.00) and will expire no sooner that hen the lease expires or is terminated, the property ake other provisions for the required parking.
I am in complete	e agreement as the owner wi	th shared parking.
Board Member of	of Goodwill Industries of So	outhwest Florida Inc.
	County of Collier	
THE IS DOIDONAL	A VOTO ALTY TO THE OF ANTIO HOSVE	perfore me on this 25 day of Jugust, 2016 nave produced identification and official seal in the above state and county.
Mary L. Notary Public	Yerelle	My commission expires
110mily a wone	SWIP.	(Affix Notary Seal)
	MARY E LAVEL	LE



THE WAREHOUSE

SITE DEVELOPMENT PLANS

SECTION 23, TOWNSHIP 48 SOUTH, RANGE 26 EAST COLLIER COUNTY, FLORIDA

PREPARED FOR DEVELOPER.

LOT 8 OF HENTAGE BAY COMMONS — TRACT D REPLAY, AS RECORDED IN PLAT BOOM 5, PAGES 2 THROUGH 5 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA. LEGAL DESCRIPTION

4740 GULF SHORE BLVD. NORTH NAPLES, FL 34103 **BOB FORGET**

PREPARED FOR OWNER:

CAMERON PARTNERS II, LLC 11588 QUALI VILLAGE WAY NAPLES, FLORIDA 34119

0 SUBJECT

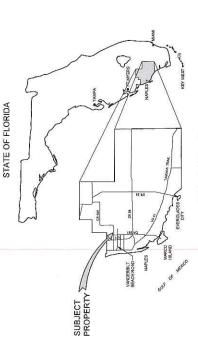




VICINITY MAP

Collier Blvd





△ INDEX OF DRAWINGS

								20	s			
DESCRIPTION	COVER SHEET	GENERAL NOTES	AERIAL VIEW AND FLUCCS MAP	EXISTING CONDITIONS AND DEMO PLAN	MASTER SITE PLAN	MASTER DRAINAGE PLAN	MASTER UTILITY PLAN	GEOMETRIC AND STRIPING PLAN	NPDES POLLUTION PREVENTION PLAN AND DETAILS	CROSS-SECTIONS	UTILITY DETAILS	
DWG. NO.	C-00.01	C-00.10	C-00.20	C-10,00	C-20.00	C-21.00	C-22.00	C-23.00	C-25.00	C-27.00	C-28.00	

GENERAL NOTES

BOB FORGET GULF SHORE BLVI NAPLES, FL 34103

CHECKED BA KTM DBYMM BA KTM DERICHED BA

ALL ELEVATIONS SHOWN ARE NAVD
NAVD+ 1.25 = NAVD (TO BE VERIFIED BY SURVEYOR)
PACEL ID: 4895008405
PUD: HERITAGE BAY

ORDINANCE: 2003-40; AMENDED 2010-24 PLAT: HERITAGE BAY COMMONS TRACT

7. ORGINAL SPAND PERMIT: 11-02234-P
8. MODIFIDS SPAND PERMIT: 14-02234-D-04
9. FEC CONSTRUCTION TYPE III (SPRINKLED)
81. BUILDING SQUARE FOOT/AGE UNDER ROOF: 5,315 SF
92. REQUIRED THE LOW = 7,538 GPM
93. PROVIDED FIRE FLOW

COVER SHEET

BSUOHBRAW BHT

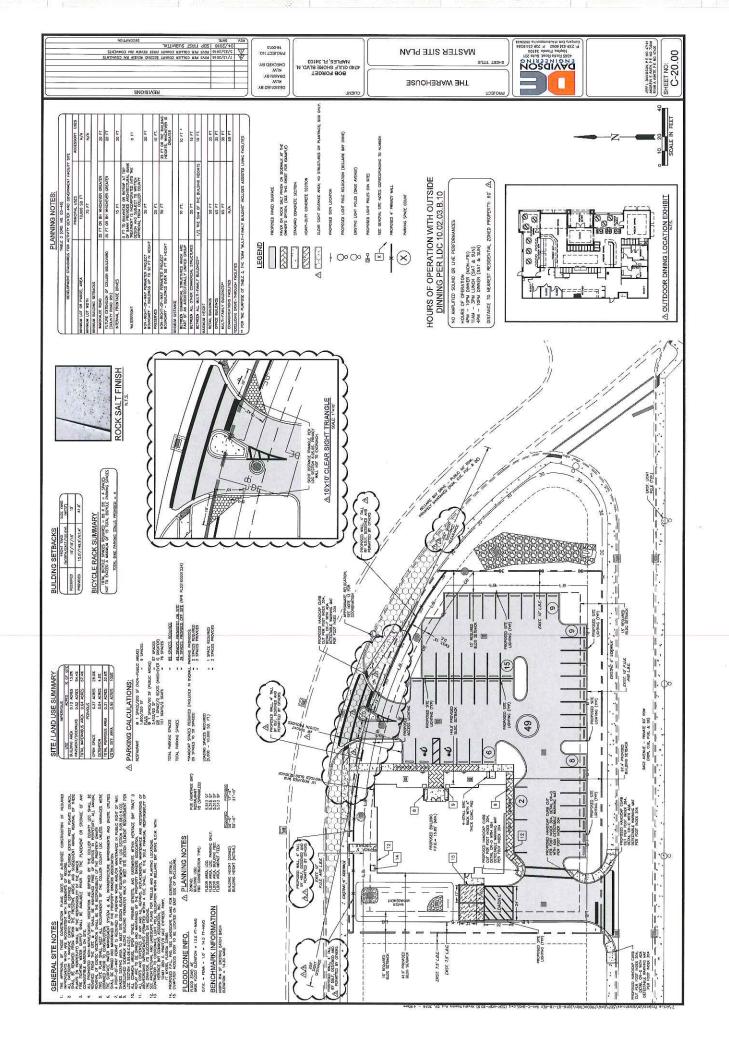
FLOOR AREA CALCULATIONS

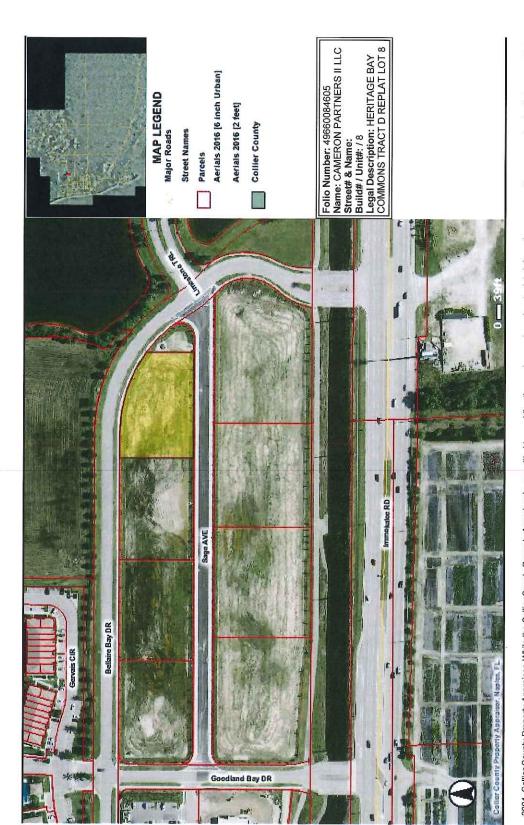
	RESOURCE	AREA
DC	SEC 1.08.02 DEFINITIONS	5,513 SF
LDC, PARKING ONLY	LDC, PARKING ONLY SEC 4.05 048 1, PARKING SPACE REQUIREMENTS 5,315 SF	5,315 SF
, BUILDING, FBC	DEFINITIONS, SEC 502	5,315 SF
SQUAREFOOTAGE	SQUARE FOOTAGE IMPACT REES, CODE OF LAWS, SEC. 74:108	5,513.SF

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COLLIER COUNTY

JEFF L DAVIDSON, P.E. NO. 47161 ANDREW E. RATH, P.E. NO. 72205 RYAN A. WHITE. P.E. NO. 67400 SHEET NO: C-00.01





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