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May 1, 2019

Corby Schmidt, AICP  
Principal Planner  
Collier County Growth Management Division  
Comprehensive Planning Section  
2800 N. Horseshoe Drive  
Naples, FL 34104

RE: PL20180003659; Courthouse Shadows GMP Amendment (GMPA)  
Review 1 Response

Dear Mr. Schmidt:

This correspondence is our formal response to the sufficiency review letter provided to us on March 20, 2019. Responses to staff comments have been provided in **bold**.

*Rejected Review: Comprehensive Planning Review*  
*Reviewed By: Corby Schmidt*  
*Email: corbyschmidt@colliergov.net Phone #: (239) 252-2944*

Comprehensive Planning Comments related to the application form:

Application form shows incorrect address for "B1" Name of Agent. Correct as necessary.

**Response:**

**Application has been revised and is included with submittal 1.**

Small scale amendments cannot exceed ten (10) acres.

If this proposal is to be revised to coincide with the ±17.5-acre multi-family residential component proposed for the companion PUD amendment, resubmittal will be necessary as a large scale plan amendment.

**Response:**

**The small-scale amendment is being requested for a 10-acre portion of the multi-family residential component. Please see Exhibit III.A. Sketch and Legal Description of the 10-acre parcel.**

Comprehensive Planning Comments related to specific exhibits:

Submittal item 09, Exhibit IV.B, "Proposed Language": Regarding the proposed FLUE text within the B/GTRO: For succinctness and clarity, please replace with the following text and place it as the second sentence under paragraph 6:

Also, a mixed-use project within Mixed Use Activity Center #16 that is located within the Courthouse Shadows Mixed Use Planned Unit Development (MPUD) that includes the ten-acre portion of the MPUD identified on Activity Center #16 Map in the Future Land Use Map series, is eligible for an additional 12.8 dwelling units per acre (128 units) beyond the four dwelling units per acre (40 units) already provided for in the Mixed Use Activity Center Subdistrict, and is eligible for 97 density bonus pool units. However, the 128 additional units and the 97 density bonus pool units shall only be located on that identified ten-acre portion of the MPUD.

**Response:**

**We do not concur that the bonus pool units must be located in the small-scale amendment area; therefore we have not amended exhibit IV-B as requested.**

*Rejected Review: County Attorney Review*

*Reviewed By: Scott Stone*

*Email: ScottStone@colliergov.net Phone #: (239) 252-5740*

Correction Comment 1:

According to the Property Appraiser, KRG Courthouse Shadows II, LLC owns a portion of the property subject to this petition. Please list them as owner on the application.

**Response:**

**Folio # 30480040100, which is owned by KRG Courthouse Shadows II, LLC, is not a part of this amendment. The proposed 10-acre area, which is the subject of this amendment, is owned by KRG Courthouse Shadows, LLC.**

Correction Comment 2:

Provide an affidavit of authorization from KRG Courthouse Shadows II, LLC

**Response:**

**Please see response to comment 1 above.**

Correction Comment 3:

Please add KRG Courthouse Shadows II, LLC to the Disclosure of Interest section in the application.

**Response:**

**Please see response to comment 1 above.**

Correction Comment 4:

This can only be a Small Scale amendment if your text change has a corresponding FLUE map change. It looks like you are proposing to accomplish that by simply amending the Activity Center #16 map and adding a label/reference to the Courthouse Shadows PUD, along with a more specific reference to the 10- acre multi-family residential. Please have staff confirm that an amendment to the AC 16 map is appropriate, or if this amendment should have its own, stand-alone map.

**Response:**

**The revision to the AC 16 Map was prepared at the request of Comprehensive Planning Staff. Staff did not request a stand-alone map.**

Correction Comment 5:

The proposed AC 16 map amendment has a legend which says multi-family residential is signified by horizontal hatching. Please confirm that the hatched area is only 10 acres.

**Response:**

**Please see Exhibit III.A. Sketch and Legal Description, which depicts the 10-acre area.**

Correction Comment 6:

Your narrative indicates you are proposing 300 multi family apartments on approximately 17.5 acres of the 20.35acre PUD. Please confirm that this GMP Amendment applies only to the 10 acre portion described and depicted in your application and the proposed AC 16 map change.

**Response:**

**The area of the request is for 10 acres of the CPUD as depicted in Exhibit III.A. Sketch and Legal Description.**

Correction Comment 7:

See handwritten markups on proposed GMPA text changes. Additional markups will follow upon resubmittal with additional information responses to staff comments.

**Response:**

**Revisions were made to the GMPA text based on review comments received from Comprehensive Planning Staff.**

*Rejected Review: Public Utilities - PUED Review*

*Reviewed By: Eric Fey*

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Email: EricFey@colliergov.net Phone #: (239) 252-1037

Correction Comment 1:

3/19/2019: In Exhibit V.E, the first paragraph under the "Sanitary Sewer" heading misidentifies the sewer service provider as the FGUA and incorrectly states that this project will have no impact on the Collier County regional sewer system. The project is in the south sewer service area of the CCWSD and will impact the collection/transmission system. Please revise Exhibit V.E.

**Response:**

**Exhibit V.E. has been revised and is included in submittal 2.**

Correction Comment 2:

3/19/2019: Use a maximum 3-day (not max. month) peaking factor of 1.5 for wastewater to estimate required plant capacity for the project and change the required plant capacity in FY26 to 16 MGD, in accordance with the 2018 AUIR.

**Response:**

**Exhibit V.E. has been revised and is included in submittal 2.**

Correction Comment 3:

3/19/2019: Non-residential development does not directly facilitate population growth and should not be included in the Level of Service (LOS) calculations for sanitary sewer service. Please revise Exhibit V.E "Public Facilities Level of Service Analysis" accordingly.

**Response:**

**Exhibit V.E. has been revised and is included in submittal 2.**

Correction Comment 4:

3/19/2019: At the top of page 2 of Exhibit V.E, please type the words represented by the acronym "EP," and please correct the spelling of "Estimates."

**Response:**

**Exhibit V.E. has been revised and is included in submittal 2. The reference to "EP" has been revised to "Equivalent Residential Connection (ERC)".**

*Rejected Review: Transportation Planning Review*

*Reviewed By: Michael Sawyer*

*Email: michaelsawyer@colliergov.net Phone #: (239) 252-2926*

Correction Comment 1:

Rev.1: The same TIS is used for both this GMPA and the companion PUDA requests; therefore, to avoid potential consistency issues the same comments are provided for this petition as those for the PUDA.

**Response:**

**Please see responses to the PUDA review comments.**

Correction Comment 2:

Rev.1: The TIS and PUD are not consistent. Revise one or the other or both documents for consistent uses-square footage limits-and units. Demonstrate that the total requested development in the PUD is accounted for in the TIS. The TIS is based on a comparison of the Commercial Option Master Plan and the Mixed-use Option Master Plan. The Mixed-use Option scenario includes 300 MFUs and 65 KSF of commercial uses. However, the Mixed-use Option maximum uses are not clearly defined in either the PUDA language. Neither document identifies the maximum area within the PUD that can be converted to mixed-use. The maximum number of multifamily units is identified in Paragraph 1 of Exhibit A; however, it does not restrict which option may include the residential uses.

**Response:**

**The PUD is approved for 165,000 square feet of mixed commercial which will remain intact. However, if the amendment is approved to allow 300 multi-family units and then developed, then a substantial portion of commercial will be razed and displaced. The TIS estimates that at least 100,000 square feet of existing/potential commercial uses will be displaced, and the 300 multi-family units will generate only 157 PM two-way new trips of the allowed 662 trips and the balance of the trip cap will remain available to the PUD, but the total number of trips will not exceed 662 PM trips. Because the project's trips will remain the same or less, it has been concluded that the PUD's off-site impacts will remain the same or less. However, prior to acquiring final development approval, an assessment of the project's off-site impacts will need to be performed in order to ensure that any transportation-related deficiencies caused by the project are mitigated.**

Correction Comment 3:

Rev.1: Reference the TIS. 1. The pass-by capture used for the proposed commercial uses (Shopping Center) is 30%. This exceeds the maximum 25% capture for shopping centers allowed by Collier County.

**Response:**

**The TIS has been revised to reflect a maximum of 25% pass-by rate.**

Correction Comment 4:

Rev.1: 3. It appears the trip cap of 662 total net new PM peak hour trip is provided in

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Exhibit F, Section 3.e. This is consistent with the Commercial Option and significantly less than the value for the Mixed-use option as presented in the TIS. See the first review comment regarding uses, square footage, units and providing a consistent set of TIS and PUD documents.

**Response:**

**See response to Correction Comment 2 above.**

Correction Comment 5:

Rev.1: Provide both ITE and SEC use codes in the TIS. Also provide TIS section to address-proposed project location within the TCEA area of Collier County.

**Response:**

**There are no SIC codes for residential uses and it is not possible to predict what type of commercial uses may be developed and there are numerous possible SIC codes. The TIS is based upon ITE's land use code "Shopping Center" (LUC 820) which accounts for a wide range of possible uses. As stated in the TIS, the project site is located in the South 41 TCEA area and is subject to the LDC and applicable TCEA requirements described in the Collier County Growth Management Plan Transportation Element. at the time of obtaining SDP approval.**

Please feel free to contact me should you have any questions.

Sincerely,



D. Wayne Arnold, AICP

c: Doug Kirby  
Rob Sucher  
Richard D. Yovanovich  
GradyMinor File