

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

Deviations 1 through 10 were previously approved for Exhibit A Master Plan by Ordinance 2016-45 at the December 13, 2016 BCC Hearing. Deviation 7 is being modified to include residential signage. Deviations 11 through 17 are new and being requested for the residential development option.

1. Deviation #1 seeks relief from Section 4.05.06.B of the LDC, which requires 3 loading spaces for the first 50,000 SF of each retail store, warehouse, wholesale establishment, industrial activity, terminal, market, restaurant, funeral home, laundry, dry cleaning establishment, or similar use which has an aggregate floor area of 20,000 but not over 50,000 plus one additional off-street loading space for each additional 25,000 SF over 50,000 SF or major fraction thereof which would require 7 loading spaces to instead allow a total of 5 loading spaces measuring 10'x20' (200 s.f.). This deviation applies to the location shown on the Master Plan.

Justification:

The Sam's Club currently has a square footage of approximately 143,000 s.f. According to the code for this size of a store a total of 7 loading docks would be required. Sam's currently shows a total of 5 loading docks (12' wide by 90' long), based on business knowledge and historical information this number of loading docks is more than adequate to operate the business. Sam's Club operates their own vehicle fleet and controls the timing of all truck deliveries.

2. Deviation #2 seeks relief from Section 4.06.02, Table 2.4 of the LDC, which allows a shared 15' landscape buffer to be provided between ~~platted~~ separately owned commercial building lots with each abutting property contributing 7.5 feet, to permit a single 8-foot wide average internal landscape buffer between separately ~~owned lots~~ platted tracts as shown on the Conceptual Master Plan with each property contributing 4 feet. This deviation applies to the Outlot parcels as shown on the Master Plan.

Justification:

The existing conditions are such that the landscape buffers do not exist between the parent tract and outparcels. The redevelopment plan for this PUD, is to provide the buffers on the opposite side of the drive aisle from the outparcels. This area provides an average of at least an 8' wide planting area and is even greater in some areas, which is an adequate width to permit landscape plantings.

3. Deviation #3 seeks relief from Section 4.06.02.D1 and D2 of the LDC, which requires the water management system to not exceed 50 percent of the square footage of any required side, rear, or front yard landscape buffer and also have a minimum of a 5' wide level planted area, to allow the water management system to encroach 100% into the perimeter landscaping buffer.

Justification:

The existing water management systems are within the required yard buffers and the redevelopment of this PUD requires additional water management system. The water management areas will have planting shelves along the perimeter to support the required landscaping within the buffers as depicted on the attached

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

exhibits. This will also permit existing mature buffers varying in width, which do not consistently meet the 20' wide minimum for activity centers adjacent to roadways.

4. Deviation #4 seeks relief from Section 4.06.03.B of the LDC, which requires all rows of parking spaces shall contain no more than ten parking spaces uninterrupted by a required landscaping island, to allow up to 19 parking spaces uninterrupted by a required landscape island.

Justification:

There are existing areas in the shopping center in the northern part of the site that is not being redeveloped at this time where there are currently more than ten parking spaces in a row without a landscaping island. The development is requesting to leave those areas as is if there are no impacts planned. All new parking areas will provide landscape islands per the current LDC requirements.

5. Deviation #5 seeks relief from Section 5.03.02.H and 5.05.05.D.2 of the LDC, which requires a wall or fence to be 6' away from the property line when a non-residential development lies contiguous to or opposite a residentially zoned district, to allow the wall or fence to be on or adjacent to the property line.

Justification:

The required fence or wall already exists in many places along the existing property line with established landscaping and buffering. The redevelopment proposes to leave those areas that are established so as not to disturb the existing buffer and supplement areas as needed with additional landscape material so as maximize the water management system area and landscaping buffers on the site. The placement of the fence on the property line will also allow security and safety for nearby residents by creating a barrier from the projects surface water management system. This is depicted on the attached exhibit.

6. WITHDRAWN

7. Deviation #7 seeks relief from LDC Section 5.06.04.F.3 ~~regarding directory signs to allow the existing directory signs with~~, which permits on-premise directory signs for multi-occupancy parcels with a minimum of 8 independent units containing 20,000 square feet of leasable floor area to allow the existing directory signs to be utilized to identify the residential component of the mixed-use PUD and to have fewer than 8 tenants identified on the signage panels and ~~at~~ the existing height of 25' to remain.

Justification:

This deviation is justified as the LDC signage standards do not contain standards for signage where a PUD is developed as a mixed-use project. The applicant would utilize existing sign structures to add residential identification in addition to commercial uses, which have existing use rights to the signage that was rebuilt in 2018 following damage occurring due to Hurricane Irma. The deviation provides for a logical use of the existing signage wherein the Code is otherwise silent on signage for mixed-use.

8. WITHDRAWN

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

9. Deviation #9 seeks relief from Section 4.06.02.C.4 of the LDC, which requires a perimeter landscape buffer for properties within Activity Centers to be a minimum of 20 feet in width, to permit a minimum width of 15' with an average width of 20' as shown on the Buffer Exhibit for the 0.28 acre parcel located at the intersection of Peters Avenue and U.S. 41 East. The buffer may include traffic control devices and utilities. However, tree plantings shall not be placed over or within six feet of any public water, reclaimed water, or sewer utility lines and shall not interfere with any County or state traffic control devices or access to all county or state traffic control equipment and devices and utilities. Whenever plantings obstruct the ingress and/or egress for the purposes of the easement they shall be removed upon request by the City of Naples, county or state, and in the event of failure by the owner to so move them, the city, county or state may do so and the expense of same charged to the property owner. When plantings placed over utility lines cause damage to the utilities systems, the property owner shall bear the cost of repair or replacement of the damaged utilities.

Justification:

The existing project perimeter buffer for the developed portion of the project varies from approximately 13 feet in width to 20 feet, The deviation will permit the property owner to install a buffer more consistent with that immediately adjacent to the 0.28± acre parcel being added to the PUD. Please see Deviation #9 Buffer Exhibit.

10. WITHDRAWN

11. Deviation #11 seeks relief from LDC Section 4.06.02. Table 2.4 which requires a 15'-wide Type "B" buffer on the commercial properties adjacent to residential properties to instead allow no buffers on the commercial outparcels adjacent to the residential.

Justification:

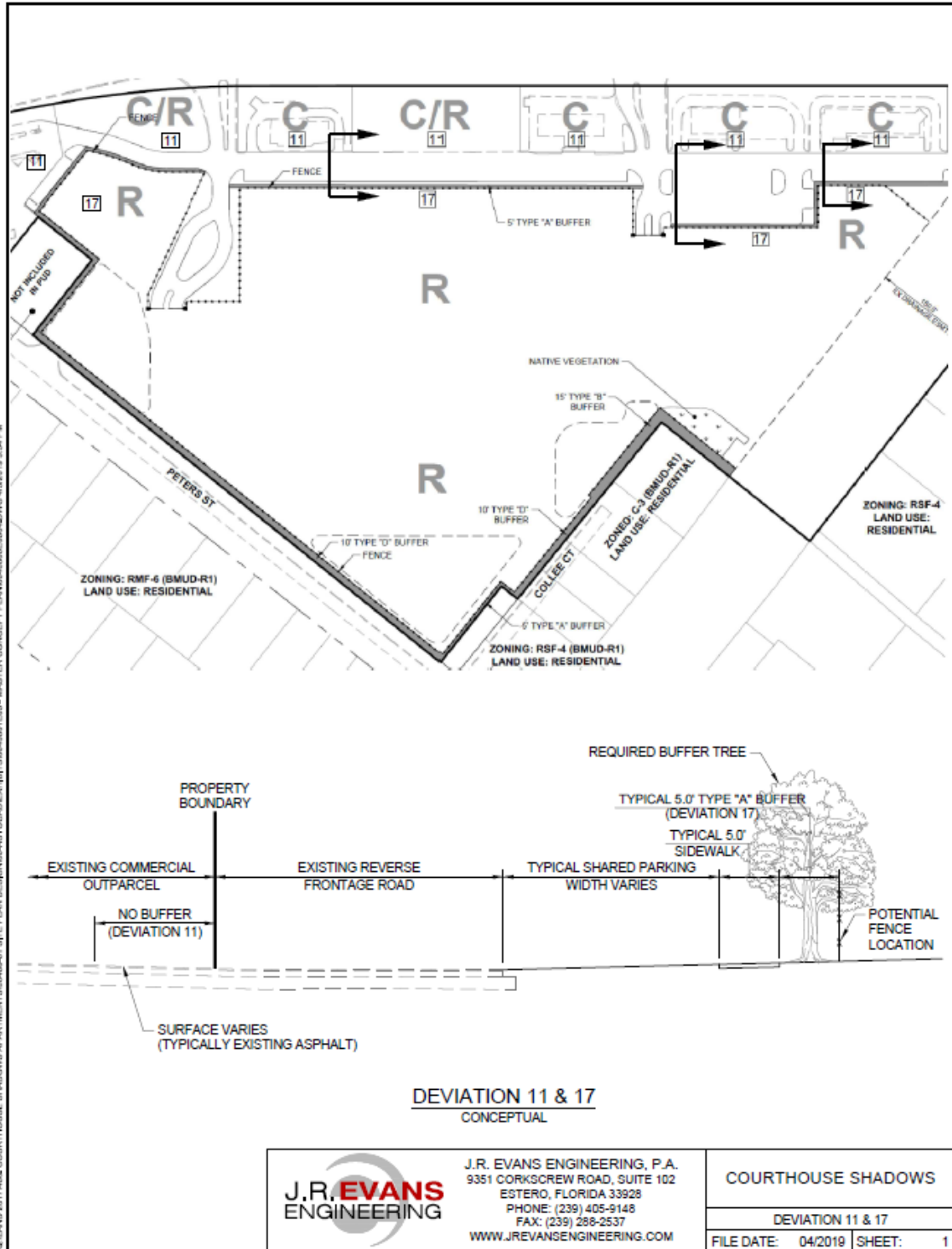
The applicant is proposing an option to redevelopment the existing southern portion of the Courthouse Shadows, which is currently built for commercial use, into multi-family residential. If the residential option is built the existing commercial outparcels that front US-41 could be subject to providing a 15'-Type "B" buffer on their property in the event that they redevelop or modify their site plans. This places an unfair burden on the existing commercial outparcels since they do not have the room on their properties to provide a 15'-wide buffer. Furthermore, the residential option includes a reverse frontage road to US-41 and shared parking areas with the existing commercial outparcels to provide an integrated, cohesive community. A required 15'-wide buffer would break up the cohesive flow of the property.

Therefore, the applicant requests that the existing commercial outparcels shall not be subject to providing a landscape buffer on their properties where adjacent to the residential use internal to the mixed-use planned development. Since this is only applicable to the internal residential use of the mixed-use planned development there are no negative impacts anticipated as a result of this request. Please reference the Mixed-Use Site Plan Exhibit B for the location of the requested deviation.

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

Please reference the "Deviation 11 and 17" cross section on below for more detail on the request.



Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

12. Deviation #12 seeks relief from LDC Section 4.06.02. Table 2.4 which requires a 15'-wide Type "B" buffer on the multi-family residential property where it abuts the Commercial outparcels to instead allow a 7.5'-wide Type "B" buffer on the multi-family residential property.

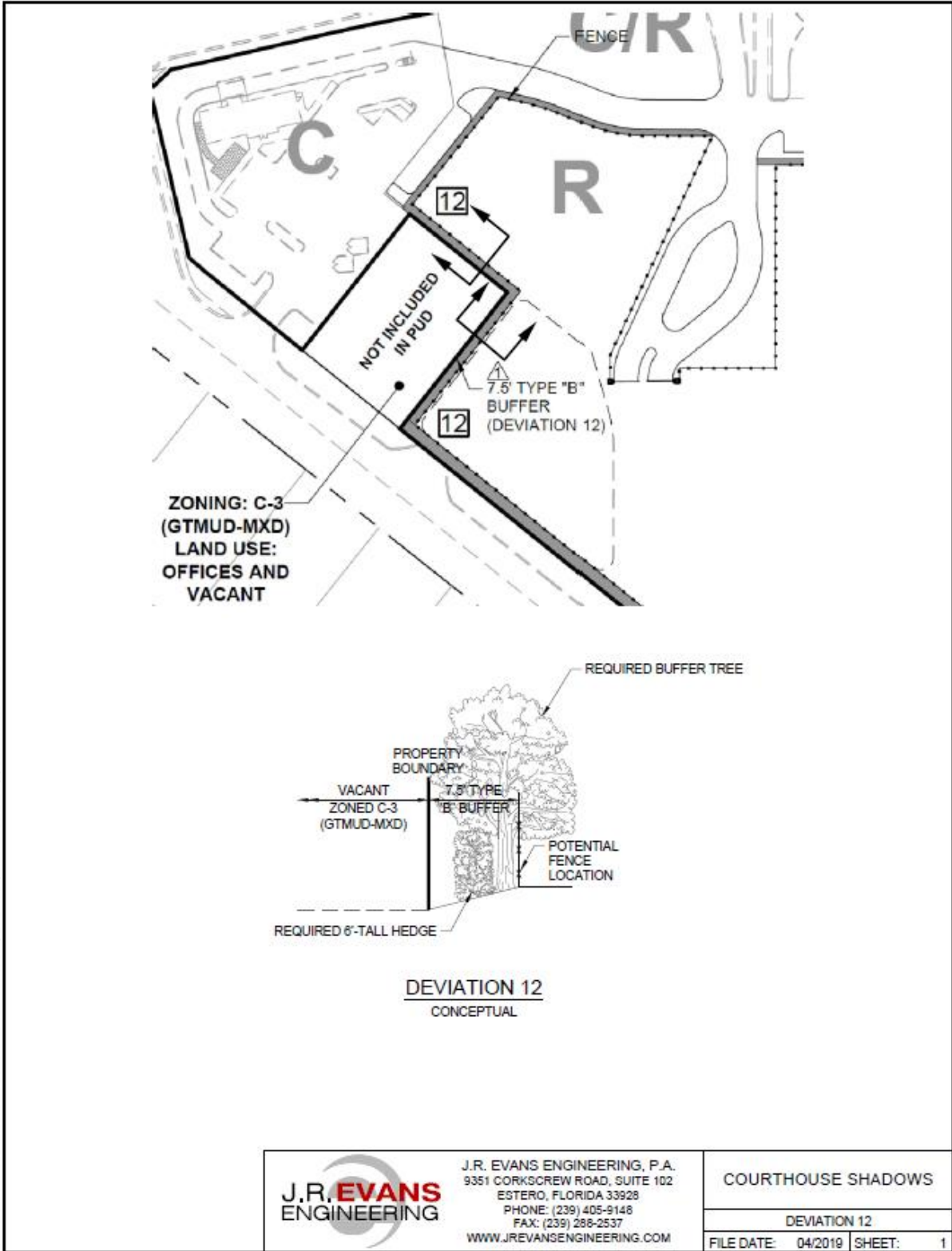
Justification:

The applicant is proposing an option to redevelopment the existing southern portion of Courthouse Shadows, which is currently built for commercial use, into multi-family residential. Re-development into multi-family will require changes to the current parking configuration and the stormwater management system that serve the commercial out parcels. Additionally, the multi-family residential option will trigger a Type "B" buffer adjacent to the C-3 zoned property that has frontage on Peters Avenue but is not located within the PUD. In order to retain flexibility during re-development we are requesting that the code required 15'-wide Type "B" Buffer, which requires a 6'-tall hedge with trees spaced every 25', be reduced to a 7.5'-wide Type "B" buffer.

This width reduction will allow the flexibility necessary onsite to accommodate the shared facilities with the existing commercial outparcels while providing the necessary screening to the multi-family residential. Please reference the "Deviation 12" cross section on the following page for more detail on the request.

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification



04LAND 2017 48BL COURTHOUSE SHADOWS APARTMENTS 0466-01 SITE PLAN DESIGNED-AUTOCAD 04/20/2019 12:06:01 PM - MASTER CONCEPT PLANNING 04/20/2019 3:18 PM

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

13. Deviation #13 seeks relief from LDC Section 4.02.16.A.1, Design Standard in the Bayshore Gateway Triangle Redevelopment area, which requires dimensional standards as shown in Table 1, Dimensional Requirements in the BMUD-NC, to allow the multi-family residential portion of the PUD to establish their own residential development types and dimensional standards as set forth in this PUD.

Justification:

The applicant is proposing specific dimensional standards for the development within this planned unit development request. The residential option will retain existing commercial uses and previously approved dimensional standards cannot be modified. Therefore LDC Section 4.02.16.A.1. shall not apply.

14. Deviation #14 seeks relief from LDC Section 4.02.16.C.8.c., Additional Standards for Mixed Use Projects in the Bayshore Gateway Redevelopment Area, which requires that a minimum of 60 percent of all commercial uses within a Mixed-Use project shall provide retail, office and/or personal service uses to instead request that no restrictions be placed on the specific commercial uses.

Justification:

The applicant is proposing to redevelop the southern portion of the Courthouse Shadows development into multi-family residential thereby creating a mixed-use planned development. The proposed Mixed-Use Site plan option, as shown in Exhibit B, retains the existing commercial outparcels while still providing vehicular and pedestrian interconnectivity. The requirement for a minimum of 60 percent of the commercial uses to be retail, office, and/or personal uses is difficult to achieve with the retained outparcel uses which remain under separate ownership. Further, the existing uses are complimentary to the proposed residential option in that they provide services such as dining, gas, and convenience, which will serve the residents and guests, as well as the motoring public who utilize U.S. 41. Redevelopment of the site with a residential mixed-use option will fulfill other objectives of the overlay.

15. Deviation #15 seeks relief from LDC Section 4.02.16.D.d., Additional Standards for Mixed Use Projects in the Bayshore Gateway Redevelopment Area, which states that a maximum of 25 percent of residential units may be located on a gated roadway to instead allow 100 percent of the residential units to be located on a gated roadway.

Justification:

As previously mentioned, the applicant is proposing to redevelop the southern portion of the existing Courthouse Shadows development into multi-family residential while retaining all existing commercial outparcels. Therefore, it is a partial redevelopment project and partial retainage project, which the applicant is proposing Mixed-Use Site Plan option, shown in Exhibit B, to create a unified and cohesive community. The Master Plan provides vehicular and pedestrian connectivity, where appropriate, that will create the cohesiveness expected with a redevelopment. However, in order to create a safe environment for the residents the applicant requests that 100 percent of the residential units be located on a gated roadway. There are no negative impacts anticipated as a result of this deviation, and pedestrian connections will be provided to the commercial component of the PUD.

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

16. Deviation #16 seeks relief from LDC Section 4.05.04.G Table 17, Parking Space Requirements – Multi-family Dwellings, which allows parking to be provided at 50 percent of normal requirements, exclusive of golf courses/clubhouse, to instead allow the 50 percent reduction of normal requirements for golf courses/ clubhouse uses.

Justification:

The project is located within the Gateway Redevelopment Area and per LDC Section 4.02.16.F parking shall be as provided for in Section 4.05.00 except as specified in Table 1 under Section 4.02.16.F. Table 1 under Section 4.02.16.F. does not provide specific requirements for Multi-family amenity facilities such as clubhouses, fitness rooms, swimming pools, etc. and therefore parking for these specific uses must be provided for as required under Section 4.05.00. Due to confusion on parking requirements for Multi-family clubhouses a Staff Clarification of issued under SC 2005-02.

In SC 2005-02, Multi-family Dwellings are required to calculate their clubhouse parking per the requirements of LDC Section 4.05.04 Table 17 for “Golf Course.” It was also determined in SC 2005-02 that Multi-family clubhouses were not allowed to take a 50 percent reduction from the parking requirements for clubhouses that is a reduction granted for other recreational facilities within Multi-family communities. The Project is located within the Bayshore/Gateway Redevelopment Overlay, which was established to provide incentives to encourage private sector investment into the urban area. Additionally, the Mixed-Use Option Site Plan, as shown in Exhibit B, has been designed to provide pedestrian interconnectivity between the commercial and residential uses along with additional shared parking areas. The requested parking deviation is consistent with redevelopment projects.

The applicant wishes to provide parking for the residential option at the following standards:

Multi-family Parking Ratio	
Use	Parking Ratio
1-Bedroom	1.0/ Dwelling Unit
2-Bedroom	1.5/ Dwelling Unit
3-Bedroom	2.0/ Dwelling Unit
Clubhouse (Including office space, leasing offices, common areas, lounges, exercise and fitness rooms, etc.)	1.0/ 400 SF
Pool Area	1.0/ 200 SF Surface Area of the Pool
Canal Amenity/ Boat Dock (Marina)	1.0/ 4 wet slips plus 1.0/ 10 dry boat storage spaces

17. Deviation #17 seeks relief from LDC Section 4.06.02. Table 2.4 which requires a 15'-wide Type “B” buffer on the multi-family residential property where it abuts the Commercial outparcels internal to the PUD to instead allow a 5'-wide Type “A” buffer on the multi-family residential property.

Courthouse Shadows MPUD (PL20180003658)

Deviation Justification

Justification:

The applicant is proposing an option to redevelopment the existing southern portion of the Courthouse Shadows mixed-use development, which is currently built for commercial use, into multi-family residential. The residential option includes a reverse frontage road to US-41 and shared parking areas with the existing commercial outparcels. The intent of the site plan is to integrate the residential community with the exiting commercial outparcels to create a cohesive community. The code required 15'-wide Type "B" buffer between the residential and commercial uses would work against the intent to have an integrated, cohesive community.

Therefore, the applicant requests the use of a 5'-wide Type "A" located on the residential property where it is adjacent to the existing commercial outparcels internal to the PUD as shown in the Mixed-Use Master Plan Option Exhibit B. The location of the requested deviation is internal to the Courthouse Shadows mixed-use development and no negative impacts are anticipated as a result of this request. Please reference the "Deviation 11 and 17" cross section on Page 4 of 9 for more detail on the request.