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May 1, 2019

C. James Sabo, AICP  
Principal Planner  
Collier County Growth Management Division  
2800 N. Horseshoe Drive  
Naples, FL 34104

RE: PUDA-PL20180003658; Courthouse Shadows CPUD Amendment  
Review 1 Response

Dear Mr. Sabo:

This correspondence is our formal response to the sufficiency review letter provided to us on March 19, 2019. Responses to staff comments have been provided in **bold**.

*Rejected Review: Comprehensive Planning Review*  
*Reviewed By: Marcia Kendall*  
*Email: marciakendall@colliergov.net Phone #: (239) 252-2387*

Correction Comment 1:

Based upon the analysis, this proposed PUDA may not be deemed consistent with the FLUE. However, the petition may be deemed consistent if the companion Small-Scale GMP amendment petition (PL20180003659/CPSS-2019-1) is adopted and goes into effect. The PUD Ordinance needs to provide for the effective date to be linked to the effective date of the companion Small-Scale GMP amendment petition. \*\*\*See "Conditions" tab in City View for Stipulations.

**Response:**  
**Acknowledged.**

*Rejected Review: Emergency Management Review*  
*Reviewed By: Camden Smith*  
*Email: CamdenSmith@colliergov.net Phone #:*

Correction Comment 1:

Review comments will be provided as soon as they are available.

I have completed the review of the Courthouse Shadows/PUD. The property is in the Coastal High Hazard Zone and would be impacted by tropical storm surge inundation. This area has a high probability of being part of a mandatory evacuation zone for an approaching or paralleling storm event.

The County's Growth Management Plan within the Conservation and Coastal Management Element provides for Policy 12.1.13, which states, *"The County shall continue to mitigate previously identified shelter deficiencies through mitigation from Developments of Regional Impact, Emergency Management Preparedness and Enhancement grants, Hazard Mitigation and Pre-disaster Mitigation Grant Programs funding, and available funds identified in the State's annual shelter deficit studies."*

Collier County will experience a hardship in managing hurricane evacuation shelter census from this development. Emergency Management proposes the developer provide hurricane evacuation shelter supplies and equipment as a one-time developer hurricane mitigation contribution. The contribution of supplies and equipment is based upon our experience and levels set for previous PUD's and DRI's with the following calculations:

25% of the residents would likely seek local shelter in our General Population setting. Three hundred (300) residences are proposed for the development generating a shelter census at two resident's per household, thereby requiring 150 general purpose cots needed for the evacuation shelter. These items, within specifications provided by Collier County Emergency Management, can be purchased open-source by the developer and provided Free on Board (FOB) to Collier County E.M. Estimated total cost is \$8,400. We would request this commitment item be fulfilled by the first residential certificate of occupancy.

4% of the residents would likely seek local shelter in our Functional and Special Need's population shelter that provide enhanced basic medical care and electrical dependency assistance. Three hundred (300) residences are proposed for the development generating a Special Need's shelter census at two resident's per household, thereby requiring 24 special medical cots which are needed to serve those clients for the basic medical shelter operations. These items within specifications provided by Collier County Emergency Management, can be purchased open-source by the developer and provided FOB to Collier County E.M. Estimated total cost is approximately \$2,900. We would request this commitment item be fulfilled by the (100) one hundredth certificate of occupancy or earlier.

We require one 45KW towable generator for every 250 shelter evacuees to provide essential emergency power such as emergency lighting, refrigeration for medication,

communication resources, medical devices and convenience power. Since the 250-person evacuee threshold has not been met, the generator contribution will not be required.

In closing, we appreciate the opportunity to comment on this application and are most happy to meet with you and the developer on these critical hurricane evacuation mitigation needs.

**Response:**

**The applicant agrees with the recommended mitigation associated with the proposed residential development option. Two conditions have been added to the PUD to address the Emergency Management recommended mitigation.**

*Rejected Review: Engineering Stormwater Review*

*Reviewed By: Richard Orth*

*Email: RichardOrth@colliergov.net Phone #: (239) 252-5092*

Correction Comment 1:

Miscellaneous Corrections: The Stormwater Management Section does not concur with the stated justification for the continuation of Deviation Request #3 into this (PL20180003658) residential PUDA. Please coordinate with stormwater review staff.

**Response:**

**Per our conversation, Deviation #3 was previously approved under Ordinance 16-45 for the "Commercial" site plan option that is depicted as Exhibit A of this application and will remain as a deviation as shown in Exhibit A. As discussed, it was your preference to remove this deviation from the Mixed-Use site plan depicted as Exhibit B. Per your request we evaluated the site plan to determine if this deviation is necessary and determined that it is in order to retain the flexibility needed for re-development projects. However please note that while we were reviewing the Bayshore Gateway Triangle overlay code for landscape requirements we noticed that Section 4.02.16.E.5. provides the same flexibility needed. Therefore, we have removed Deviation #3 from the Mixed-Use site plan. Please reference Exhibit B.**

*Rejected Review: Architectural Review*

*Reviewed By: Peter Shawinsky*

*Email: PeterShawinsky@colliergov.net Phone #: (239) 252-8523*

Correction Comment 1:

4.02.16 Bayshore Gateway Triangle Redevelopment Area

Deviation 11:

4.02.16.D Building types and architectural standards

Staff does not support the deviation for non-compliance with this section of the LDC. Although the applicant is proposing creativity in design sufficient justification has not been provided.

Section 4.02.16.D.6 Building type Apartment, allows for a variety of design options and details which seem to meet the proven architectural style and details proposed as noted in the deviation justification.

Please provide examples, details and information for the proposed residential portion to show how your open creativity would create a code compliant and aesthetically pleasing building that would complement the surrounding built environment.

**Response:**

**The applicant has reviewed this deviation request along with LDC Section 4.02.16.D. and has determined that the Bayshore Gateway Overlay Architectural Standards provides the flexibility necessary for the successful redevelopment of the site. Therefore, this deviation has been removed from the request.**

*Rejected Review: Environmental Review*

*Reviewed By: Craig Brown*

*Email: CraigBrown@colliergov.net Phone #: (239) 252-2548*

Correction Comment 1:

Clearly identify the location of all preserves and label each as "Preserve" on all plans (LDC 3.05.07 H.1.) on the Master plan.

Exhibit F environmental. The location and amount of retained vegetation is unclear. (The remnant mesic hammock area and the 1.26 Acres mangrove area per the FLUCCS map).

**Response:**

**The "Preserve" area, which was previously determined under SDP 98-75 has been added to the Mixed-use Option Master Plan, Exhibit B. Exhibit A was previously approved and is not being revised.**

Correction Comment 8:

Please provide the credentials of the author of the Environmental Data.

**Response:**

**The environmental data was supplied by Tim Hall of Turrell, Hall and Associates, Inc. Tim has a Master's degree in Wildlife Ecology from the University of Florida.**

Correction Comment 9:

On the Master plan a docking facility is referenced please indicate if the following criteria will need to be addressed:

For multi-slip docking facilities with ten slips or more, and for all marina facilities, show how the project is consistent with 5.05.02. Refer to the Manatee Protection Plan for site specific requirements of the Manatee Protection Plan not included in 5.05.02.

**Response:**

**The current plan is to allow for a small launch area and support platform for non-motorized vessels only. Canoes, kayaks, and SUPs would be put into the water from a fixed or floating platform. It is anticipated that this will not require a BDE from the County and since it will be less than nine slips and for non-motorized vessels only, it is not subject to the Manatee Protection Plan.**

*Rejected Review: Public Utilities - PUED Review*

*Reviewed By: Eric Fey*

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

Correction Comment 1:

3/15/2019: The average and peak daily demand/flow values reported on the Statement of Utility Provisions must include commercial uses per Part 2 of the Design Criteria, following Table I of F.A.C. 64E-6.008. Estimate the peak daily wastewater flow using a peaking factor of 1.35 per our 2014 Master Plan.

**Response:**

**The Statement of Utility Provisions has been revised to include 65,000 SF of Commercial with the Multi-family residential option and a peak factor of 1.35 has been utilized. Please reference the revised Statement of Utility Provisions.**

Correction Comment 2:

3/15/2019: On Exhibit C2, the word "into" should be changed to "not" in the text labeling the C-3 property on Peters St that is "not included in PUD."

**Response:**

**This word has been corrected. Please reference Exhibit B prepared by J.R. Evans Engineering, P.A.**

Correction Comment 3:

3/15/2019: The proposed/anticipated development scenario in the TIS includes 300 DUs with

65,000 SF of retail/office space, but the first sentence and paragraph 6.b of Exhibit F allow a maximum of 165,000 SF of gross commercial floor area and the trip cap imposed by paragraph 3.e of Exhibit F would allow for far more than 65,000 SF of commercial uses. Please resolve this inconsistency and use the correct number in your revised wastewater flow estimate.

**Response:**

Per our meeting, the inconsistency is concerning the two (2) separate site plan options. The first option is for 165,000 SF of commercial as depicted in Exhibit A and the second option is 300 multi-family units as depicted in Exhibit B. As discussed, the Mixed-Use site plan, which includes 300 multi-family units, is anticipated to have 65,000 SF of commercial. However, we are not able to limit the commercial SF for the Mixed-Use option since it impacts properties that are not under the same ownership.

In order to address the perceived inconsistency between the TIS and PUD request we acknowledge a Utility Commitment will be added to the PUD with the following language, or similar to:

**“Downstream wastewater system capacity is available for the Commercial Master Site Plan, depicted in Exhibit A. Downstream wastewater system capacity must be confirmed at the time of development permit (SDP or PPL) review for the Mixed-Use Master Site Plan, depicted in Exhibit B. The capacity for the Mixed-Use Site Plan will be discussed at a mandatory pre-submittal conference with representatives from the Public Utilities Engineering and Project Management Division and the Growth Management Development Review Division. Any improvements to the Collier County Water-Sewer District’s wastewater collection/transmission system necessary to provide sufficient capacity to serve the Multi-Use site plan will be the responsibility of the developer to design, permit, and construct and will be conveyed to the Collier County Water-Sewer District at no cost to the County at the time of Preliminary and Final Acceptance.”**

In order to remain consistent, the Statement of Utility Provision has been revised to include the water and wastewater flows for the 300 multi-family units and the 65,000 SF of commercial use. Please reference the revised PUD Exhibit B and the Statement of Utility Provision.

Lastly, the 65,000 SF of commercial that is assumed for the Mixed-Use Site plan option was derived from the existing commercial square-footages (approximately 14,000 SF) plus assumed square-footages for the vacant outparcels with a safety factor of 4.

Correction Comment 4:

3/15/2019: Delete the utilities commitments in Exhibit F, the first three of which are general

code requirements and are not specific commitments to be tracked through PUD monitoring, and the last of which does not pertain to utilities.

**Response:**

**The PUD document has been revised to remove the utility commitments as requested.**

Correction Comment 5:

3/15/2019: As requested at the pre-application meeting on 1/15/2019 and at our pre-submittal coordination meeting with Kristina Johnson on 1/28/2019, please provide a cursory engineering analysis of the downstream wastewater collection/transmission system impacts of the proposed mixed-use development. Verify adequate pipe capacities between the on-site pump station (PS 305.02) and the next downstream pump station (PS 305.01) and confirm that the pumps at PS 305.01 are sufficient for the increase in flow. If pump upgrades are needed, then continue the analysis downstream. Also, please evaluate any impact the increase in force main pressure might have on existing customers' pump stations. Any required system upgrades should be documented as a utilities commitment in Appendix F. Also, adjust statements made in the Evaluation Criteria concerning system capacity as appropriate based on the outcomes of this analysis.

**Response:**

**As per our discussion the Mixed-use site plan option results in more wastewater flow than the previously zoned 165,000 SF of commercial SF. Therefore the following condition will be placed in the zoning:**

**“Downstream wastewater system capacity is available for the Commercial Master Site Plan, depicted in Exhibit A. Downstream wastewater system capacity must be confirmed at the time of development permit (SDP or PPL) review for the Mixed-Use Master Site Plan, depicted in Exhibit B. The capacity for the Mixed-Use Site Plan will be discussed at a mandatory pre-submittal conference with representatives from the Public Utilities Engineering and Project Management Division and the Growth Management Development Review Division. Any improvements to the Collier County Water-Sewer District’s wastewater collection/transmission system necessary to provide sufficient capacity to serve the Multi-Use site plan will be the responsibility of the developer to design, permit, and construct and will be conveyed to the Collier County Water-Sewer District at no cost to the County at the time of Preliminary and Final Acceptance.”**

*Rejected Review: School District Review*

*Reviewed By: C. James Sabo, AICP*

*Email: JamesSabo@colliergov.net Phone #: (239) 252-2708*

Correction Comment 1:

A School District Review was requested of Collier County Schools. No Review Comments were provided. However, review comments from the Collier Schools may be forthcoming.

**Response:**

**Acknowledged.**

*Rejected Review: Transportation Planning Review*

*Reviewed By: Michael Sawyer*

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

Correction Comment 1:

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 2:

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 3:

Rev.1: 3. It appears the trip cap of 662 total net new PM peak hour trip is provided in 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 comment No. 1.**

Correction Comment 4:

Rev.1: Due to inconsistent submittal documents new review comments may occur after this review.

**Response:**

**Acknowledged.**

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.**

*Rejected Review: Zoning Review*

*Reviewed By: C. James Sabo, AICP*

*Email: JamesSabo@colliergov.net Phone #: (239) 252-2708*

Correction Comment 1:

The names of affected Home Owner Associations were not submitted. Please provide the names of affected associations on the application form.

**Response:**

**No Home Owner Associations are affected, the application has been revised to state "N/A".**

Correction Comment 2:

The property Folio number was not included. Please provide the property number on the application form.

**Response:**

**The application has been revised and is included with Submittal 2.**

Correction Comment 3:

The Administrative Code G.1.18 requires submission of a boundary survey. Please provide a boundary survey for the proposed project.

**Response:**

**The PUD boundary is not changing, a boundary survey is not required.**

Correction Comment 4:

A phasing and sequencing plan is required by the Administrative Code. Please provide additional detail regarding phasing of the project.

**Response:**

**There is no phasing and sequencing plan.**

Correction Comment 5:

Habitat, species and boundaries aerial photo has not been included. Please provide the required information specifically in the Haldeman Creek area.

**Response:**

**The requested aerial was included in submittal 1 Environmental Data document.**

Correction Comment 6:

In accordance with the Administrative Code, please provide an owner-agent affidavit for the correctness of the application.

**Response:**

**The requested affidavit was provided with submittal 1. A parcel has been added to the application and an additional affidavit has been included with submittal 2.**

Correction Comment 7:

For Ordinance 16-45, deviation numbers six (6), eight (8), and ten (10) were withdrawn and the document was recorded with the County Clerk. The proposed new deviations for the Courthouse Shadows project should begin with Deviation #11. Please revise the Requested Deviation pages.

**Response:**

**Deviations have been revised to be numbered consistent with the previously approved deviations and any new deviations have been added after Deviation #10.**

Correction Comment 8:

The Master Plan document submitted does not include the name of the developer. In accordance with the Administrative Code, please provide the name of the developer on the Master Plan document.

**Response:**

**The name of the developer is not required to be noted on the Master Plan.**

Correction Comment 9:

Buffers, by type, that deviate from the Land Development Code must include a cross-section to detail the requested deviation. Please include a cross-section diagram for deviations 2, 3, 6, 8, and 9.

**Response:**

**Please note that Deviations # 2, 3, and 9 were previously approved for the Commercial Master Plan, Exhibit A, and since there are no changes/additions being requested for the Mixed-Use Site Plan no additional documentation is being provided for Deviations #2, 3, or 9. Deviation #6 has been re-numbered and is now Deviation #17. Deviation #8 has been re-numbered and is now Deviation #11. Please reference the Deviation Justification document for a cross-section for Deviations #11 and 17.**

Correction Comment 10:

The Administrative Code requires Residential Master Plan documents to include acreage, number of dwelling units, density, and percentage of the total development represented by the use. Please include the required information on the Master Plan document.

**Response:**

**Please reference Exhibit B, which has been revised to include the acreage and number of dwelling units. The density and percentage of the total development represented by the use has not been shown since the density and percentages vary throughout the PUD.**

Correction Comment 11:

Please provide the location of all proposed pedestrian accessways that interconnect within the PUD, as well as, interconnecting with abutting uses.

**Response:**

**The pedestrian accessways and connections are shown on a separate pedestrian connectivity exhibit.**

Correction Comment 12:

The Residential Table page does not include the maximum number of dwelling units at 300. Please correct the table and list the maximum number of dwelling units at 300 total units.

**Response:**

**The residential table has been revised and is included with submittal 2.**

*Rejected Review: County Attorney Review*

*Reviewed By: Scott Stone*

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

Correction Comment 1:

The first page of the application lists KRG Courthouse Shadows, LLC as owner. However, KRG Courthouse Shadows II, LLC is also owner of a portion of the property, according to the Property Appraiser (Folio 30480040100). Please revise accordingly.

**Response:**

**The folio number has been added to the application.**

Correction Comment 2:

Provide an affidavit of authorization and a covenant of unified control from KRG Courthouse Shadows II, LLC.

**Response:**

**The documents requested are included with submittal 2.**

Correction Comment 3:

Add KRG Courthouse Shadows II, LLC to the Property Ownership Disclosure Form.

**Response:**

**The revised Property Ownership Disclosure Form is included with submittal 2.**

Correction Comment 4:

Your cover letter also states that "we've retained all existing commercial uses and development standards to ensure that property owners not included in the current application submittal retain all existing development entitlements." To that end, you submitted your proposed PUD Amendment as completely new text, rather than a strikethrough/underline of the existing PUD. However, since you do not have authority of all owners of the PUD, you cannot repeal and replace the entire PUD--you'll have to do it as a strikethrough/underline. Moreover, if your intent is to retain any existing uses and standards, the appropriate mechanism would also be a strikethrough/underline to ensure that exact language and intent of the existing PUD is not lost in translation, and any vested rights under the existing PUD are not inadvertently lost. If you and/or staff disagree with doing a strikethrough/underline, feel free to set up a phone call or meeting to discuss this further. I will review the proposed PUDA text in the next submittal once it is confirmed what format the language should be presented.

**Response:**

**The PUD document has been revised to show as strikethrough/underline format.**

*Rejected Review: Landscape Review*

*Reviewed By: Mark Templeton*

*Email: MarkTempleton@colliergov.net Phone #: (239) 252-2475*

Correction Comment 1:

Exhibit C2 shows proposed residential (multi-family\_ abutting single family residential. A Type 'B' buffer is required here.

**Response:**

**Per our coordination a 15'-wide Type B buffer is required along the south property line east of the end of Collee Court. Additionally, a 10'-wide Type D buffer is required along the property boundary adjacent to the Collee Court right-of-way, and lastly a 5'-wide Type A buffer is required in the southwest corner of the property where it is adjacent to vacant RMF-4 property. Please reference the enclosed Exhibit B.**

Correction Comment 2:

Exhibit C2 shows residential abutting commercial in the NW corner. A 15' wide Type 'B' buffer is required where residential abuts commercial.

**Response:**

**A deviation has been requested (Deviation # 12) for the 15'-wide Type B buffer required between the proposed residential use and the existing C-3 use that is outside of the PUD. Please reference the enclosed Deviation Justification.**

Correction Comment 3:

Please revise the language for deviation 2 to say "...shared 15' landscape buffer.... between commercial outparcels...." to match the language in the LDC.

**Response:**

**This language has been revised. Please reference the enclosed Deviation Justification.**

Correction Comment 4:

Exhibit C1 shows commercial abutting residential to the south. A Type 'B' buffer is required here. Please also label the Type 'D' buffers along Collee Court and Peters Ave.

**Response:**

**Exhibit C1, which is Exhibit A in the proposed PUD document revisions was previously approved by Ordinance 2016-45. No changes are proposed to the previously approved Exhibit A Master Plan.**

Correction Comment 5:

Please also label the buffers along US41 and Collee Ct. on Exhibit C2

**Response:**

**All buffers have been labeled on the Master Plan. Please reference the enclosed Exhibit B.**

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