

PLANNED UNIT DEVELOPMENT
COURTHOUSE SHADOWS

PREPARED BY:

COLLIER DEVELOPMENT CORPORATION
3003 NORTH TAMIAMI TRAIL
NAPLES, FLORIDA 33940

AMENDED BY:

Q. GRADY MINOR AND ASSOCIATES, P.A.
3800 VIA DEL REY, BONITA SPRING, FL 34134

AND

COLEMAN, YOVANOVICH AND KOESTER, P.A.
4001 TAMIAMI TRAIL NORTH, SUITE 300
NAPLES, FLORIDA 34103

DATE REVIEWED BY CCPC _____
DATE APPROVED BY BCC 1/28/92
ORDINANCE NUMBER 92-8
AMENDMENTS ~~AND REPEAL~~ 2016-45

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STATEMENT OF COMPLIANCE

The purpose of this Section is to express the interest of KRG Courthouse Shadows LLC to develop 20.3± acres of land located in Sections 11, 12 and 13, Township 50 South, Range 25 East, Collier County, Florida.

The development of this land as a Mixed-Use Planned Unit ~~of~~ Development will be in compliance with the planning goals and objectives of Collier County as set forth in the Growth Management Plan. The project development will be consistent with the growth policies and land development regulations of the Growth Management Plan Land Use Element and other applicable documents for the following reasons:

1. The project development is compatible and complementary to the surrounding and future land uses as required in Policy 5.4 of the Future Land Use Element.
2. All improvements will be in compliance with all applicable development regulations as set forth in the Land Development Code.
3. The project development will result in an efficient and economical extension of community facilities and services as required in Policies 3.1.H and L of the Future Land Use Element.
4. The project development may be used more efficiently and made more desirable resulting in smaller network of utilities and streets with consequent lower construction and future maintenance costs than the conventional current zoning.
5. The project development will permit flexibility which features amenities and excellence in the form of variations and in siting, land usage, and varied building units than the conventional current zoning.
6. The project development has met all the evaluation criteria required for the PUD in the Future Land Use Element of the Growth Management Plan. The project will not adversely affect any adopted level of service standard of the County's Growth Management Plan. Therefore, it is consistent with the County's Growth Management Plan.
7. The project is located in an Activity Center Subdistrict as designated in the Future Land Use Element (FLUE) of the Growth Management Plan for Collier County. The FLUE states that Activity Centers are the preferred location for the concentration of commercial and mixed use development activities.

STATEMENT OF INTENT

The purpose of this Section is to express the intent of the developer to commence development of a ~~commercial~~mixed-use activity center planned unit ~~of~~ development. It is the intent of the developer to continue the development of architecturally unified commercial establishments built on the project site and on the concept of planned arrangement and unified management control. The unified development approval under the PUD district designation will ensure that the project is aesthetically pleasing and functionally efficient. It will allow an efficient pattern of internal circulation to be established, and limited points of vehicular ingress and egress. These functional and aesthetic advantages, which cannot be provided in the conventional strip commercial development configurations, have been maximized and shall be sustained in the approval of this planned unit of development.

This planned unit of development shall be limited to specific commercial and residential uses, which are compatible with uses permitted within activity centers. It is the interest of the developer to continue development in accordance with the regulations of this Mixed-Use Planned Unit ~~of~~ Development. It is the purpose of this document to set forth the complete plan, regulations and conditions of development along with other information required in accordance with the MPUD ordinance.

It is further the intent of the developer to commence development once all necessary permits and approvals have been granted.

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 of Courthouse Shadows.

1.2 PROPERTY OWNERSHIP

The subject property is currently under the control of KRG Courthouse Shadows LLC, 30 S. Meridian St., Suite 1100, Indianapolis, IN 46204.

1.3 LEGAL DESCRIPTION

~~See Exhibit "B", Legal Description.~~

BEING A PORTION OF LAND LYING IN SECTIONS 11, 12, & 13, TOWNSHIP 50 SOUTH, RANGE 25 EAST COLLIER COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE PLAT OF COURTHOUSE SHADOWS AS RECORDED IN PLAT BOOK 29 PAGES 40-41 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA; THENCE RUN ALONG SAID PLAT FOR THE FOLLOWING NINE (9) COURSES AND DISTANCES:

1. THENCE S 89° 01' 07" W, A DISTANCE OF 838.57 FEET;

2. THENCE N 00° 15' 36" W, A DISTANCE OF 276.13 FEET;

3. THENCE N 89° 59' 12" W, A DISTANCE OF 331.40 FEET;

4. THENCE N 00° 18' 23" W, A DISTANCE OF 30.00 FEET;

5. THENCE S 89° 28' 37" W, A DISTANCE OF 140.47 FEET;

6. THENCE N 00° 11' 18" W, A DISTANCE OF 757.17 FEET;

7. THENCE N 89° 15' 15" E, A DISTANCE OF 138.91 FEET;

8. THENCE N 00° 18' 23" W, A DISTANCE OF 100.34 FEET;

9. THENCE S 89° 13' 43" W, A DISTANCE OF 138.71 FEET TO A POINT ON

THE EAST LINE OF PETERS AVENUE AS RECORDED IN PLAT BOOK 1, PAGE

56 OF SAID PUBLIC RECORDS; THENCE RUN ALONG SAID EAST LINE N 00°

11' 18" W, A DISTANCE OF 116.95 FEET TO A POINT ON THE

NORTHWESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL

RECORDS BOOK 3939, PAGE 463 OF SAID PUBLIC RECORDS; THENCE RUN

ALONG SAID LANDS FOR THE FOLLOWING THREE (3) COURSES AND

DISTANCES:

1. THENCE N 38° 02' 06" E, A DISTANCE OF 138.66 FEET;

2. THENCE S 82° 55' 44" E, A DISTANCE OF 23.32 FEET;

3. THENCE S 51° 37' 15" E, A DISTANCE OF 37.56 FEET TO THE NORTHEAST

CORNER OF SAID LANDS; THE SAME BEING A POINT ON THE SOUTHERLY

RIGHT-OF-WAY LINE OF TAMiami TRAIL (US 41); THENCE RUN ALONG SAID

LINE FOR THE REMAINING COURSES AND DISTANCES:

1. S 52° 02' 35" E, A DISTANCE OF 85.20 FEET TO THE BEGINNING OF A

TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 59' 04",

A RADIUS OF 1773.76 FEET, A CHORD BEARING AND DISTANCE OF S 45°

33' 03" E, 401.11 FEET; THENCE IN A WESTERLY DIRECTION, WITH SAID

CURVE TO THE RIGHT, AN ARC DISTANCE OF 401.97 FEET TO THE END OF SAID CURVE;

2. THENCE S 39° 03' 31" E, A DISTANCE OF 1306.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 20.35 ACRES MORE OR LESS.

1.4 PHYSICAL DESCRIPTION

The project is located on the north side of Haldeman Creek and the west side of US 41.

SECTION II

GENERAL DEVELOPMENT REQUIREMENTS

2.1 PURPOSE

The purpose of this Section is to set forth the regulations for development of the proposed 20.3± acre Planned Unit Development identified on ~~the~~ Master Plans Exhibits "A" and "B".

2.2 PROJECT PLAN

The project plan including street layout is illustrated in the Master Plans, ~~as shown at~~ Exhibit "A" and "B".

2.3 USES PERMITTED

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

A. Principal Uses:

1. Antique Shops
2. Appliance stores
3. Art studios
4. Art supplies
5. Automobile parts stores
6. Automobile service stations, including facilities with fuel pumps.
7. Bakery shops (including baking incidental to retail or wholesale sales)
8. Banks (branch or main office) and financial institutions
9. Barber and beauty shops
10. Bath supply stores
11. Blueprint shops
12. Bicycle sales and services
13. Book stores
14. Carpet and floor covering sales (including storage and installation)
15. Child care centers
16. Cocktail lounges, commercial recreation (indoor)
17. Clothing stores
18. Commercial schools
19. Confectionery and candy stores
20. Delicatessen; drive-in restaurants, drug stores; dry cleaning shops; dry goods stores and department stores.
21. Dwelling units, Multi-family rentals (Permitted in areas designated as "R" on Exhibit B, Mixed-Use Option Master Plan only. See Section 2.6 of this PUD for residential development standards)
- ~~21.~~ 22. Electric supply stores
- ~~22.~~ 23. Fish stores; florist shops; food markets (including facilities with fuel pumps); furniture stores; furrier shops and fast food restaurants.
- ~~23.~~ 24. Gift shops, gourmet shops
- ~~24.~~ 25. Hardware stores; health food stores; hobby supply stores; home for the aged

- ~~25-26.~~ Ice cream stores; ice sales; interior decorating showrooms
- ~~26-27.~~ Jewelry stores
- ~~27-28.~~ Laundries, leather goods, and luggage stores; locksmiths and liquor stores
- ~~28-29.~~ Meat market; medical office or clinic for human care; millinery shops; motion picture theater; music stores
- ~~29-30.~~ Membership warehouse club with associated liquor store use and ancillary facility with fuel pumps. The facility with fuel pumps may not be open to the general public and shall be for only members of the membership warehouse club.
- ~~30-31.~~ Office (retail or professional); office supply stores
- ~~31-32.~~ Paint and wallpaper stores; pet shops, pet supply stores; photographic equipment stores; post office
- ~~32-33.~~ Radio and television sales and service; small appliance stores; shoe sales and repairs; restaurants
- ~~33-34.~~ Souvenir stores; stationery stores; shopping centers; supermarkets subject to site development plan approval.
- ~~34-35.~~ Tailor shops; tobacco shops; toy shops; tropical fish stores
- ~~35-36.~~ Variety stores; veterinary offices and clinics (no outside kenneling)
- ~~36-37.~~ Watch and precision instrument sales and repair
- ~~37-38.~~ Any other commercial use of professional service normally allowed in C-3 Zoning District as determined by the Board of Zoning Appeals ("BZA") or the Hearing Examiner.

B. Permitted Accessory Uses and Structures:

- 1. Accessory uses and structures customarily associated with the uses permitted in this district.
- 2. Caretaker's residence
- 3. Open space uses and structures such as, but not limited to, boardwalks, nature trails, gazebos and picnic areas.
- 4. Any other accessory and related use that is determined to be comparable in nature with the foregoing uses and consistent with the permitted accessory uses of this MPUD as determined by the BZA or the Hearing Examiner.

2.4 MINIMUM YARD REQUIREMENTS (COMMERCIAL)

- A. From property boundary line abutting U.S. 41 right-of-way line – 15 feet within which no parking shall be allowed nor any merchandise displayed.
- B. From western property boundary line abutting Peters Avenue right-of-way line – 25 feet.
- C. From abutting residential zoned properties and the southern property boundary line – 50 feet.
- D. From property boundary line other than A, B, or C above – 10 feet.
- E. Minimum distance between principal structures – none or 15 feet.
- F. Minimum internal setback from the additional 0.28± acre FDOT surplus parcel shall be zero (0) feet.

2.5 MAXIMUM HEIGHT (COMMERCIAL)

Thirty-five feet (35')

2.6 DEVELOPMENT STANDARDS (RESIDENTIAL)

A maximum of 300 multi-family residential units shall be permitted in areas identified as "R" on Exhibit B, Mixed-Use Option Master Plan. Residential buildings are eligible to be developed utilizing the architectural standards of the Bayshore/Gateway Overlay Architectural Standards, LDC Section 4.02.16.D.

| <u>STANDARDS</u> | <u>MULTI-FAMILY</u> | <u>AMENITY AREA</u> |
|--|---------------------|---------------------|
| <u>PRINCIPAL STRUCTURES</u> | | |
| <u>Minimum Floor Area (per unit)</u> | <u>700 S.F.</u> | <u>N/A</u> |
| <u>Minimum Lot Area</u> | <u>10,000 S.F.</u> | <u>N/A</u> |
| <u>Minimum Lot Width</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Minimum Lot Depth</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Maximum Height</u> | | |
| <u>Zoned</u> | <u>65 feet</u> | <u>35 feet</u> |
| <u>Actual</u> | <u>70 feet</u> | <u>45 feet</u> |
| <u>MINIMUM SETBACKS</u> | | |
| <u>From Tamiami Trail East (U.S. 41)</u> | <u>140 feet</u> | <u>25 feet</u> |
| <u>From Peter's Avenue</u> | <u>70 feet</u> | <u>50 feet</u> |
| <u>From Collee Court</u> | <u>50 feet</u> | <u>50 feet</u> |
| <u>From all other PUD Perimeter Boundaries</u> | <u>20 feet</u> | <u>20 feet</u> |
| <u>From Haldeman Creek Easement</u> | <u>25 feet</u> | <u>0 feet</u> |
| <u>From Preserve</u> | <u>25 feet</u> | <u>25 feet</u> |
| <u>Minimum Distance Between Structures</u> | <u>25 feet</u> | <u>15 feet</u> |
| <u>ACCESSORY STRUCTURES</u> | | |
| <u>Maximum Height</u> | | |
| <u>Zoned</u> | <u>35 feet</u> | <u>N/A</u> |
| <u>Actual</u> | <u>40 feet</u> | <u>N/A</u> |
| <u>Zoned (Detached Garage)</u> | <u>15 feet</u> | <u>N/A</u> |
| <u>Actual (Detached Garage)</u> | <u>18 feet</u> | <u>N/A</u> |
| <u>MINIMUM SETBACKS</u> | | |
| <u>From Tamiami Trail East (U.S. 41)</u> | <u>15 feet</u> | <u>N/A</u> |
| <u>From Peter's Avenue</u> | <u>15 feet</u> | <u>N/A</u> |
| <u>From Collee Court</u> | <u>40 feet</u> | <u>N/A</u> |
| <u>From all other PUD Perimeter Boundaries</u> | <u>10 feet</u> | <u>N/A</u> |
| <u>From Haldeman Creek Easement</u> | <u>0 feet</u> | <u>N/A</u> |
| <u>From Preserve</u> | <u>10 feet</u> | <u>10 feet</u> |
| <u>Minimum Distance Between Structures</u> | <u>15 feet</u> | <u>N/A</u> |
| <u>Minimum Distance Between Structures (Detached Garage)</u> | <u>10 feet</u> | <u>N/A</u> |

(1) If a Clubhouse is located within a Residential Structure it shall follow the development regulations for Multi-Family.

Note: Nothing in this RPUD document shall be deemed to approve a deviation from the LDC unless it is expressly stated in a list of deviations.

(2) Guardhouses, gatehouses, access control structures, clock towers, fences, walls, columns, decorative hardscaping or architectural embellishments associated with the project's entrance features are permitted within the residential areas abutting the project's entrance, or within the private roadway as depicted on the PUD Master Plan, and shall have no required setbacks; however, such structures cannot be located where they create vehicular stacking or sight distance issues for motorists and pedestrians, and cannot exceed 35 feet in zoned height and 40 feet in actual height.

2.67 MINIMUM OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS

As required in Section 2.3.12 of the Collier County Land Development Code.

2.78 USABLE OPEN SPACE

At least 30% of the gross acreage of the total site will be devoted to usable open space when fully developed. These open spaces include perimeter landscape buffers, planting islands in parking lots and other vehicular use areas, and the landscaped areas on the perimeter of the building.

2.89 SIGNS

A. Individual Business Signs:

Wall, marquee, or hanging signs below the canopy of the primary retail building, with an area not more than twenty percent (20%) of the total square footage of the front wall or facade area under the canopy, per rental unit, consistent with the locations shown on Exhibit D - Building Signage.

B. Individual Business Signs:

Two wall or marquee signs per out parcel with an area not to exceed 20% of the total square footage of the wall to which it shall be affixed, with a maximum of 250 square feet per sign, or one wall/marquee sign and one free-standing, on-premise sign per out parcel not to exceed one hundred (100) square feet maximum. Maximum height, twenty-five feet (25') for free-standing signs.

C. Project Identification Signs:

Two project identification signs, each not to exceed two hundred and fifty (250) square feet and one project identification sign at each major entrance to the shopping center not to exceed one hundred and fifty (150) square feet per entrance. Maximum height, twenty-five feet (25').

D. Individual Business Signs:

Additional guidelines which are more stringent than those contained in the Land Development Code in effect at the time of application for a building permit may be established by the developer to ensure maximum consistency and continuity in the design and location of signs.

2.910 MINIMUM LANDSCAPING

A. For the commercial Master Plan Exhibit A, ~~As~~ required by the Collier County Land Development Code in effect at the time of application for building permits. To serve as a visual buffer, the project sponsor will landscape in conjunction with a six foot (6') high chain link fence. Beginning at the south driveway on Peters Avenue, the fence will be located along the property boundary line and run southward to the point of intersection with the northern line of Haldeman Creek drainage easement. For the residential properties to the south, a gate for pedestrian access will be provided by the developer. A landscape buffer in accordance with Division 2.4 of the Land Development Code will be provided beginning along the west project boundary commencing at the south driveway on Peters Avenue and continue southward to the point of intersection with the northern line of Haldeman Creek drainage easement which is adjacent to or across from residentially zoned property. It is the developer's intention to provide additional landscaping beyond the landscape buffer requirements of the Zoning Ordinance to create an outstanding shopping environment.

B. For the Mixed-Use Master Plan, Exhibit B, the required landscape shall be provided as required by the Collier County LDC in effect at the time of application for the development permit or as specifically shown in Exhibit B.

2.1~~0~~1 AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLANS

Amendments may be made to the PUD as provided in Section 2.7.3.5.1, Division 2.7, Article 2 of the Collier County Land Development Code.

2.1~~4~~2 SITE DEVELOPMENT PLAN APPROVAL

The provisions of Article 3, Division 3.3. of the Collier County Land Development Code shall apply to the development of platted tracts or parcels of land as provided in said Article 3, Division 3.3. prior to the issuance of a building permit or other development order.

SECTION III

GENERAL DEVELOPMENT COMMITMENTS

3.1 PURPOSE

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

3.2 PUD MASTER PLANS

- A. The PUD Master Plans ~~is~~ are an illustrative preliminary development plan as prepared by Q. Grady Minor and Associates, P.A., Exhibit "A" Master Plan and by J.R. Evans Engineering, P.A., Exhibit "B" Mixed-use Option Master Plan. The maximum square footage of the shopping center and outparcels, shall not exceed a total of 165,000 square feet of commercial floor area and a maximum of 300 multi-family residential dwelling units. The uses are subject to the trip cap identified in Section 3.6.E.
- B. The design criteria and layout illustrated in the Master Development Plans s and the architectural elevations and cross-sections which accompany this submission shall be interpreted as preliminary and understood to be flexible so that the final design may best satisfy the project and comply with all applicable requirements. Minor design changes shall be permitted subject to Staff approval.
- C. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities.
- D. Overall site design shall be harmonious in terms of landscaping, enclosure of structure, locations of all improved facilities, and location and treatment of buffer areas.

3.3 UTILITIES

- ~~A. A central water supply system shall be made available to all areas of the project. The water supply source for the project shall be the City of Naples system.~~
- ~~B. All areas of the project shall be served by a central wastewater collection system. The project sponsor agrees to dedicate collection lines and transmission facilities to the County Water-Sewer District upon completion and prior to activation.~~
- ~~C. The petitioner shall submit the data required under County Ordinance No. 80-112 showing the availability of sewage service. This must be submitted and approved by the Utilities Division prior to approval of the construction documents for the project. in addition, the petitioner shall submit a copy of the approved DER permits for the sewage collection and transmission systems to be utilized, upon receipt thereof.~~
- ~~D. Central water distribution and sewage collection and transmission systems will be constructed throughout the project development by the developer pursuant to all current requirements of Collier County and the State of Florida. These water and sewer facilities will be constructed within easements to be dedicated to the County for utility purposes or within platted rights-of-way. Upon completion of construction of these water and sewer facilities within the project, the facilities will be tested to insure~~

- ~~they meet Collier County's minimum requirements at which time they will be dedicated to the County pursuant to appropriate County Ordinances and Regulations in effect at the time dedication is requested, prior to being placed into service.~~
- ~~E. All construction plans and technical specifications and proposed plats, if applicable, for the proposed water distribution and sewage collection and transmission facilities must be reviewed and approved by the Utilities Division prior to commencement of construction.~~
- ~~F. All customers connecting to the water distribution facilities will be customers of the City of Naples. All customers connecting to the sewage collection facilities will be customers of the County and will be billed by the County in accordance with a rate structure and service agreement approved by the County. Review of the proposed rates and subsequent approval by the Board of County Commissioners must be completed prior to activation of the water and sewer facilities servicing the project.~~
- ~~G. Telephone, power, and T.V. cable service shall be made available to the building units. All such utility lines shall be installed underground.~~
- ~~H. Lighting facilities shall be arranged in a manner which will protect neighboring residential properties from direct glare.~~

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.

3.4 SOLID WASTE DISPOSAL

Such arrangements and agreements as necessary shall be made with an approved solid waste disposal service to provide for solid waste collection service to all areas of the project.

3.5 WATER MANAGEMENT

- A. An Adequate access easement shall be provided for access through the shopping center to Haldeman Creek.
- B. Petitioner shall obtain a right-of-way permit for all construction within the Haldeman Creek Easement.
- C. For purposes of stormwater management, the proposed redevelopment project shall be treated as a new development project; therefore, it will comply with the existing offsite allowable discharge rates and retention / detention criteria, as the date of this PUD amendment approval.

3.6 TRAFFIC

- A. The applicant is advised that future development activities are subject to land use controls consistent with the Collier County Growth Management Plan, as amended. Such controls may, from time to time, preclude the applicant's ability to initiate, continue and/or to complete the project improvements as presently scheduled.
- B. The owner, its successors, or assigns shall pay for the design and construction of a five foot sidewalk along Peter's Avenue up to the sum of \$ 50,000.00, which shall represent its payment in-lieu consistent with LDC Section 6.06.02 for the entire site. Owner shall make payment to County within 30 days of approval of the Site Development Plan for the redevelopment.
- C. Upon redevelopment of the site with a single large format retail user such as Sam's Club as shown on Exhibit A, the owner shall close the southernmost vehicular access to Peters Avenue. The project shall be permitted to have an emergency vehicle only entrance as shown on the Master Plan.
- D. The proposed new-revised parking island layout and building configuration shown on the master plan are conceptual and is not part of this zoning petition approval. Review and approval of any proposed site changes including but not limited to access entries, parking islands, and drive aisles shall be done at time of site development order (SDP/SDPA)
- E. The development is limited to the 662 total net new PM peak hour trips utilized in the Traffic Impact Statement dated March 18, 2016.

3.7 ENVIRONMENTAL CONSIDERATIONS

- A. Native species shall be utilized, where available, to the maximum extent possible in the site landscaping design. The goal of site landscaping shall be in the recreation of native vegetation and habitat characteristics lost on the site during construction or due to past activities.
- B. All exotic plants, as defined in the County Code, shall be removed during each phase of construction from development areas, open space areas, and preserve areas. Following site development, a maintenance program shall be implemented to prevent reinvasion of the site by such exotic species. This plan, which will describe control techniques and inspection intervals, shall be filed with and approved by the Collier County Project Review Services.
- C. If during the course of site clearing, excavation, or other constructional activities, an archaeological or historical site, artifact, or other indicator is discovered, all development at that location shall be immediately stopped and Collier County Project Review Services notified. Development will be suspended for a sufficient length of time to enable the Collier County Project Review Services or a designated consultant to assess the find and determine the proper course of action in regard to this salvageability. The Collier County Project Review Services will respond to any such notification in a timely and efficient manner so as to provide only a minimal interruption to any constructional activities.

- D. The developer will work with the County Environmentalist on specific site design in the phase two area.
- E. Tree removal applications and protection plans have not been reviewed as part of this PUD ordinance. The developer shall comply with all Collier County Ordinances relating to the protection and preservation of trees.
- ~~F. To maintain existing native vegetation (i.e. remnant mesic hammock area) within the proposed development, no more parking spaces shall be permitted than that shown in an updated cross parking easement and as recorded in public records.~~
- ~~G.~~F. The petitioner shall comply with all environmental ordinances and land development codes in effect at the time of final development order approval(s).
- ~~H.~~G. Native vegetation shall be retained or replanted in accordance with SDP 98-75. As an alternative, the developer may also elect to provide offsite preservation of native vegetation in accordance with the LDC.

3.8 ENGINEERING

- A. The developer and all subsequent land owners are hereby placed on notice that they are required to satisfy the requirements of all County ordinances or codes in effect prior to or concurrent with any subsequent development order relating to this site. This includes, but is not limited to, Preliminary Subdivision Plat, Site Development Plans and any other application that will result in the issuance of a final or final local development order.

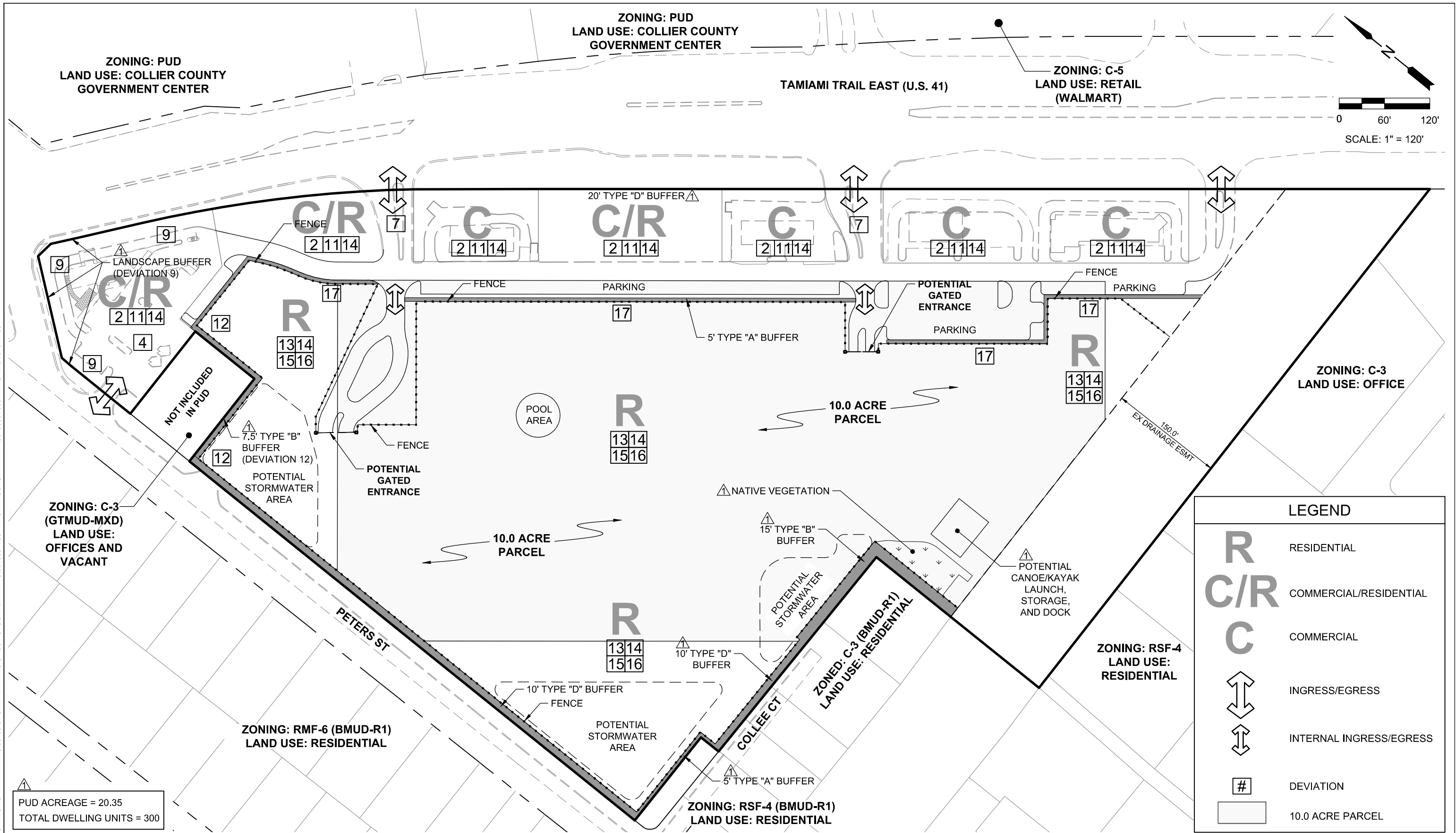
3.9 FIRE

- A. ~~P~~For the commercial Master Plan, Exhibit A, p provide a fire lane along the front of the proposed retail shops marked by signs placed at 30 ft. intervals and readable from both directions of travel specifically reading "Fire Lane – No Stopping, Standing or Parking". NFPA 1:3-1.1.10
- B. ~~P~~For the commercial Master Plan, Exhibit A, p provide additional fire hydrants so that no portion of the structure is greater than 300 feet from a hydrant. NFPA 1141:3-6.3

3.10 EMERGENCY MANAGEMENT

- A. Prior to the first residential certificate of occupancy, the developer shall provide to Collier County Emergency Management, free on board, with up to 150 general purpose cots at an estimated total cost not to exceed \$8,400.00.
- B. Prior to the 100th residential certificate of occupancy, the developer shall provide Collier County Emergency Management, free on board, with up to 24 special needs cots at an estimated total cost not to exceed \$2,900.00.

Q:\LAND 2017\466. COURTHOUSE SHADOWS APARTMENTS\00466-01 SITE PLAN DESIGN\00-AUTOCAD\EXHIBITS\0046601E03 - MASTER CONCEPT PLAN\0046600E0304.DWG 4/26/2019 11:08 AM



| # | DATE | REVISIONS |
|---|---------|-----------------------------|
| 1 | 01/2019 | REVISED PER COUNTY COMMENTS |
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| | | |

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COURTHOUSE SHADOWS

EXHIBIT B: MIXED-USE OPTION MASTER PLAN

PROJECT #: 46600E0304

FILE DATE: 02/2019

DESIGN BY: JFC

SCALE: 1" = 120'

SHEET : 1 OF 1

Courthouse Shadows CPUD

EXHIBIT C

DEVIATIONS FROM LDC REQUIREMENTS

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.
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.
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.
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.
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.
6. WITHDRAWN.
7. Deviation #7 seeks relief from 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.

Courthouse Shadows CPUD

EXHIBIT C

8. WITHDRAWN
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.
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.
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.
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.
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.

Courthouse Shadows CPUD

EXHIBIT C

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.
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.
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.

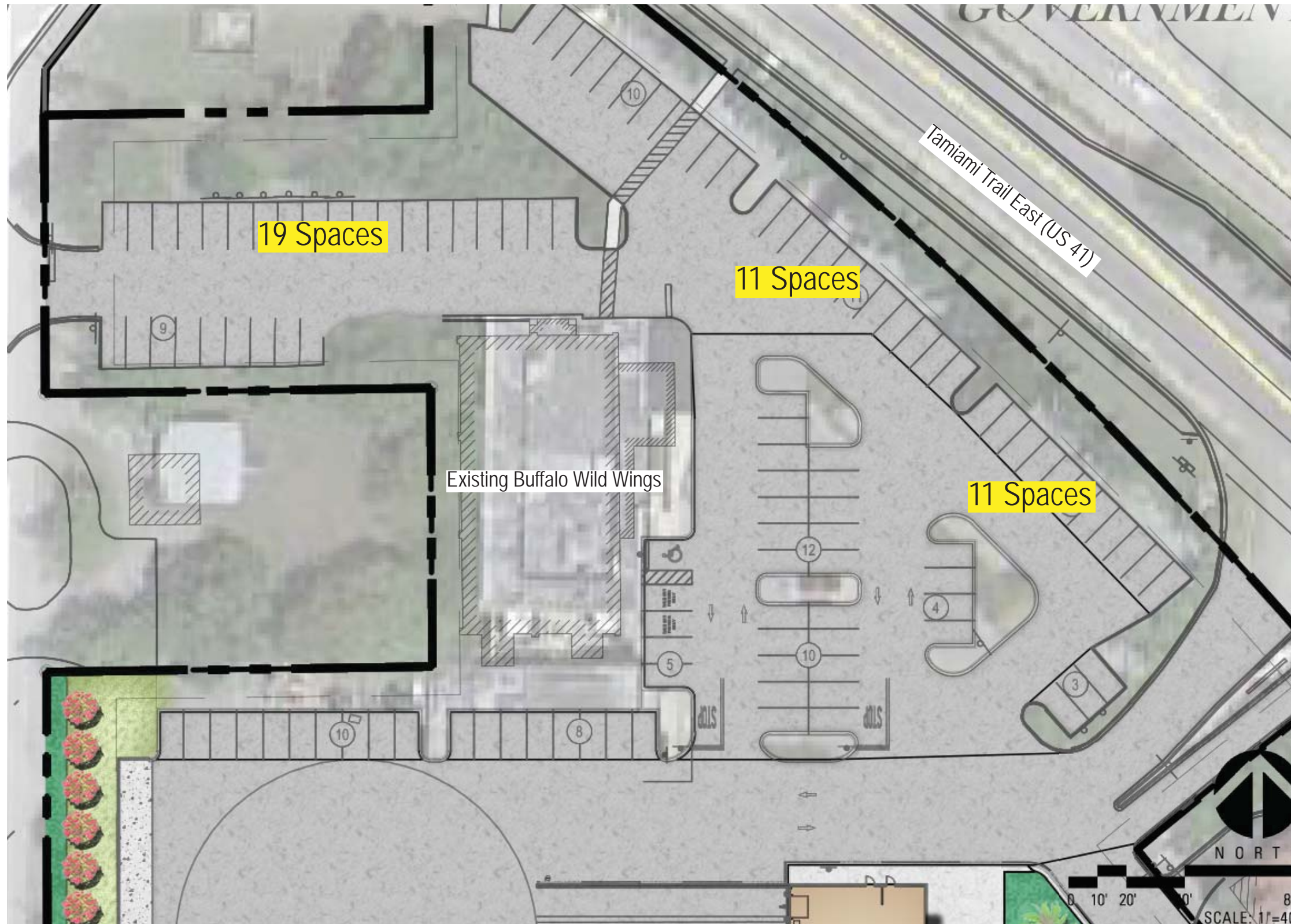
DEVIATION 4

DEVIATION

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.

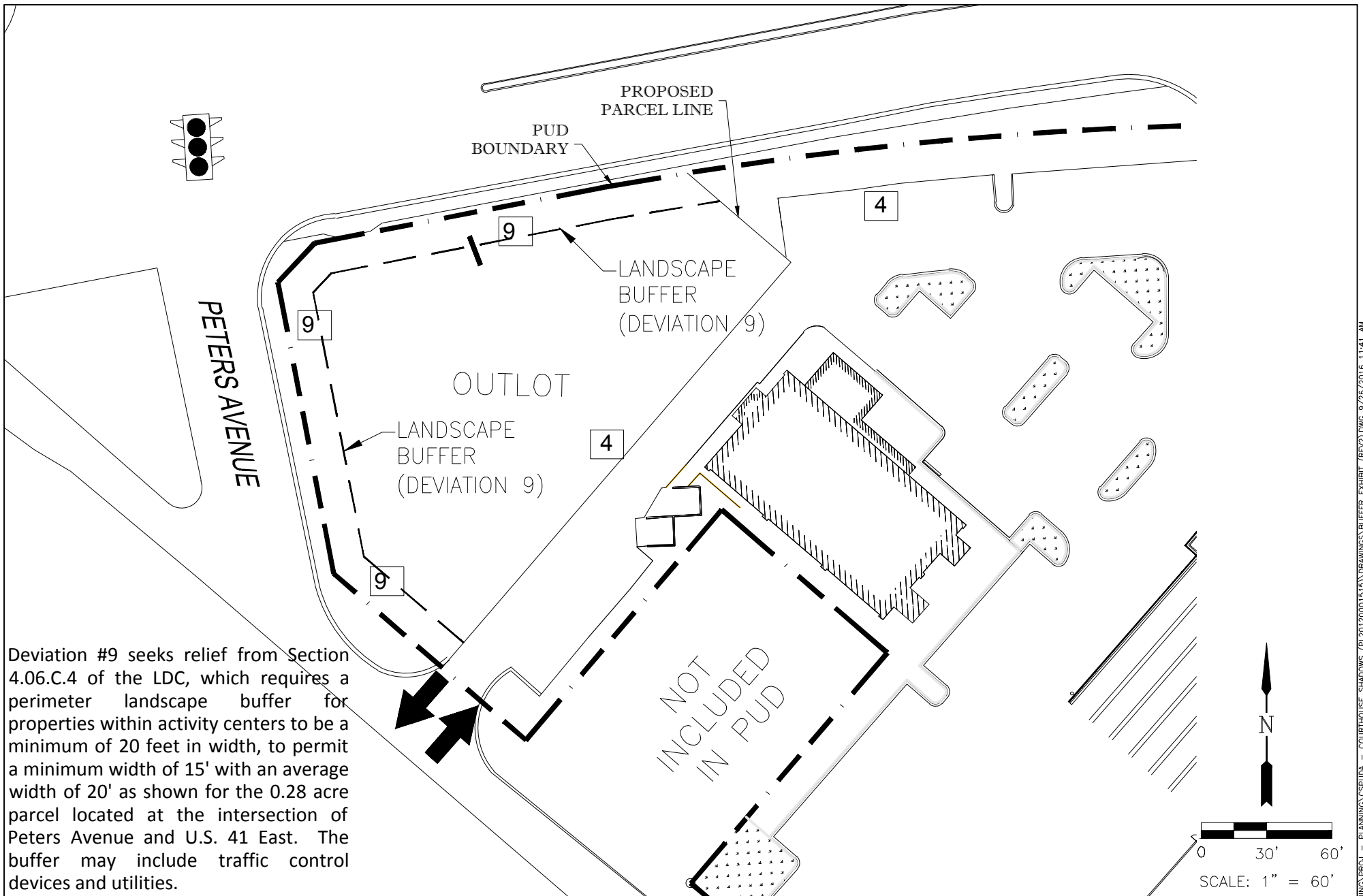


Sam's Club 4708 / Deviation 4 Exhibit

PUD Amendment / July 18, 2016

Kimley»Horn

Expect More. Experience Better.



| LEGEND | | COURTHOUSE SHADOWS CPUD | |
|---|-----------|---|--|
| # | DEVIATION | DEVIATION #9 BUFFER EXHIBIT | |
| GradyMinor Civil Engineers • Land Surveyors • Planners • Landscape Architects <small>CERT. OF AUTH. EB 0005151 CERT. OF AUTH. LB 0005151 BUSINESS LC 26000266</small> <small>www.GradyMinor.com Q. Grady Minor and Associates, P.A.</small> | | <small>Bonita Springs 239.947.1144 Fort Myers 239.690.4380</small> | |
| | | <small>SCALE: 1" = 60' JOB CODE: CSPUDA DATE: JULY 2016 FILE NAME: BUFFER EXHIBIT (REV2) SHEET 1 OF 1</small> | |

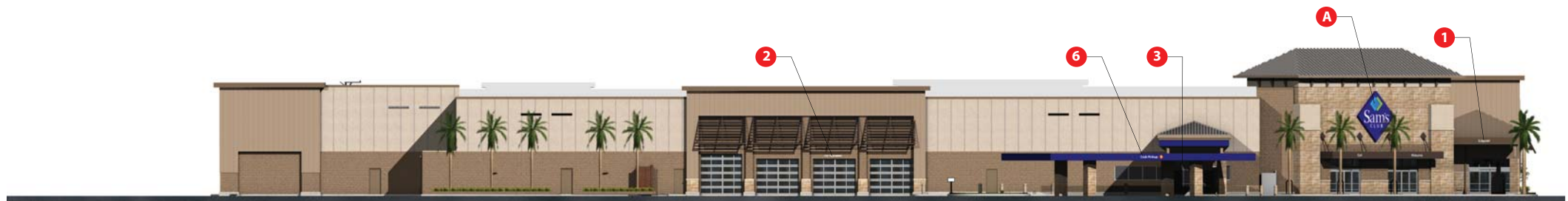
Note: This Exhibit applies to a single large format retail user such as Sam's Club.
The buildings and plantings are subject to LDC requirements.



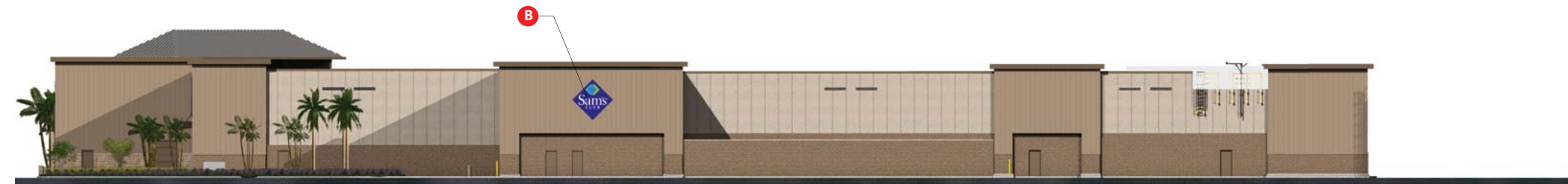
FRONT (EAST) ELEVATION



REAR (WEST) ELEVATION



TBC SIDE (SOUTH) ELEVATION



DOCK SIDE (NORTH) ELEVATION

