

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 buffer areas between commercial outparcels located within a shopping center, Business Park, or similar commercial development may have a shared buffer 15 feet wide with each abutting property contributing 7.5 feet ~~a shared 15' landscape buffer to be provided between platted 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,



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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 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



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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

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



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11. Deviation #11 seeks relief from LDC Section 4.06.02.C.4., which requires a 10'-wide Type "D" buffer for commercial development adjacent to primary access roads internal to a commercial development to instead allow no buffers on the commercial outparcels adjacent to the internal access road.

Justification:

The applicant is not proposing changes to the existing commercial outparcels that front US-41 with this request. The existing commercial outparcels are platted lots in which many of the outparcels have existing buildings. For reference, the commercial outparcels are highlighted in yellow, the primary access road is highlighted in blue, and the redevelopment area is highlighted in green in the "Deviation 11 Exhibit" located on the following page. The purpose of this request is that the existing commercial outparcels that front US-41 could be subject to providing a 10'-Type "D" buffer on their property in the event that they redevelop or modify their site plans. This places an unfair burden on the commercial outparcels that have existing buildings and improvements on their properties. The existing improvements extend up to the primary access road leaving no room for an additional 10'-wide buffer without major impacts.

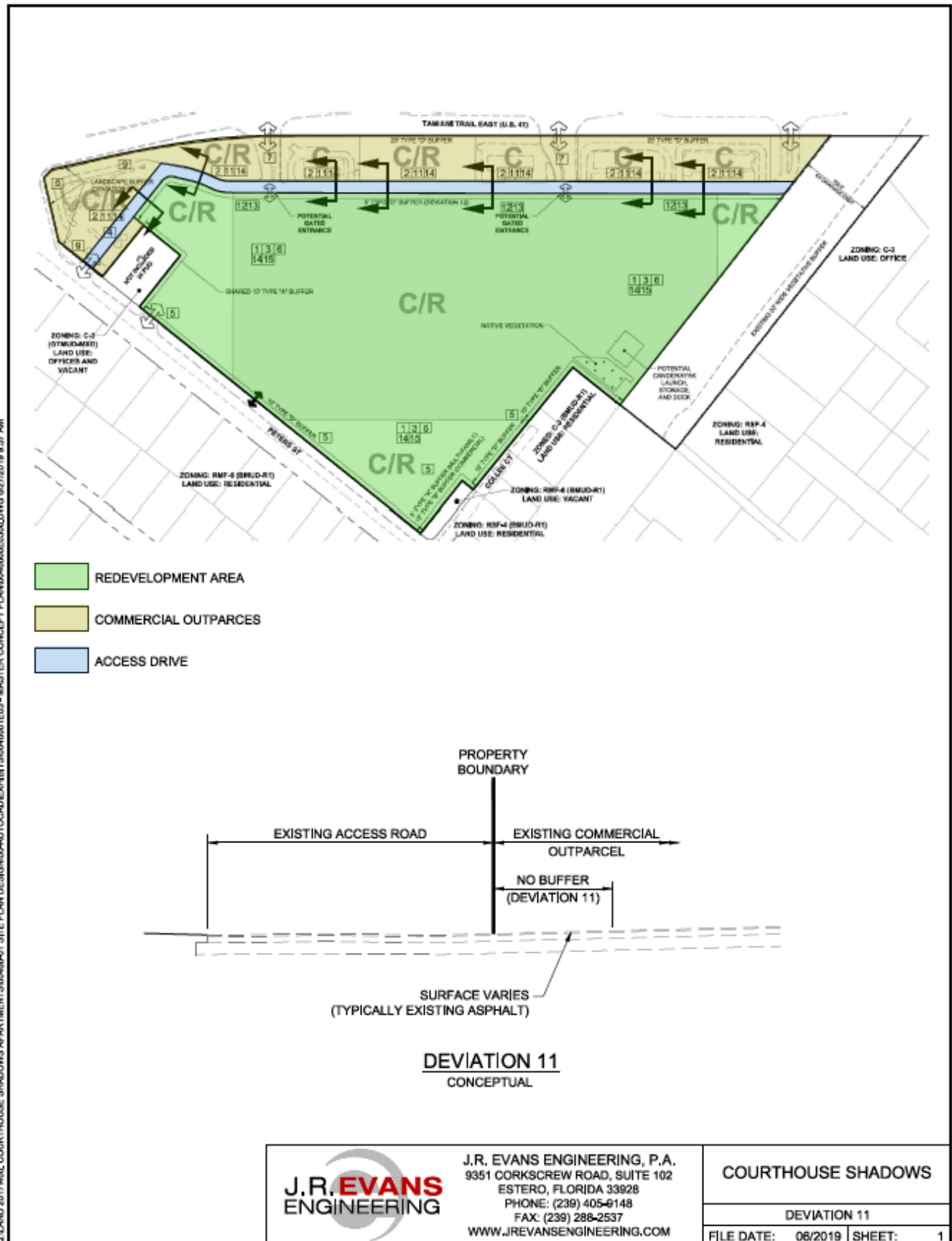
The applicant requests that the existing commercial outparcels shall not be subject to providing a landscape buffer on their properties where adjacent to the primary access road. Since this request is internal to the Mixed Use planned development there are no negative impacts anticipated.

Please reference the "Deviation 11 Exhibit" on the following page for more detail on the request.



Courthouse Shadows MPUD (PL20180003658)

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Deviation Justification

12. Deviation #12 seeks relief from LDC Section 4.06.02.C.4., which requires a 10'-wide Type "D" buffer for commercial development adjacent to primary access roads internal to a commercial development to instead allow a 5'-wide Type "D" buffer on the property located on the south side of the primary access road.

Justification:

The applicant is proposing to redevelop the existing parent tract of the Courthouse Shadows Planned Unit Development either into new commercial or multi-family residential. The redevelopment is proposed for the property located south of the existing primary access road. Both redevelopment options propose to retain the primary access road. The commercial redevelopment option would plan to also retain the existing parking configuration on the south side of the access road. The existing parking configuration includes parking lot drive aisles that intersect with the existing access road only leaving room for a terminal landscape island in the parking area. These existing terminal landscape islands vary in width and are 5' wide on average.

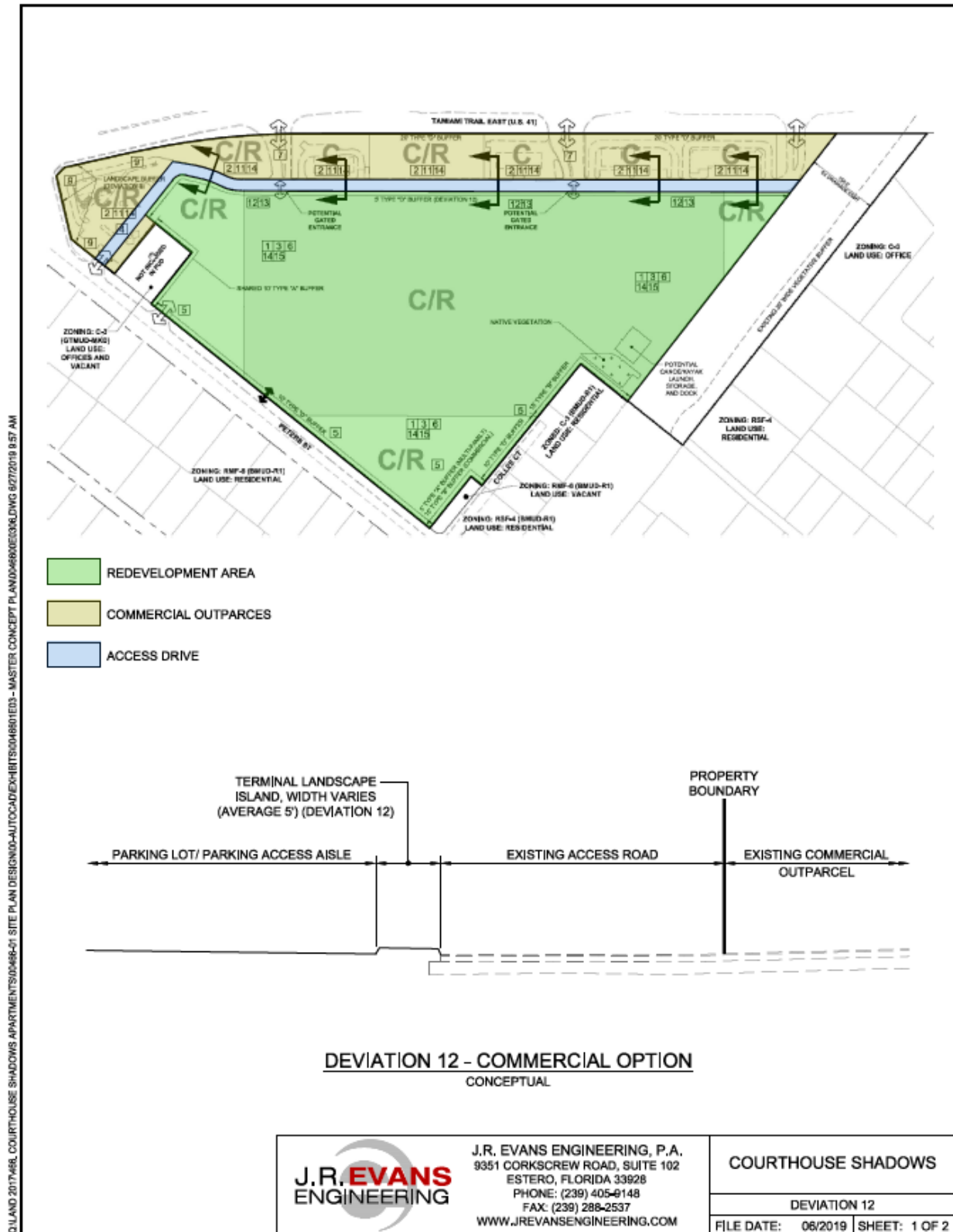
As previously mentioned, the multi-family residential option proposes to retain the existing access road and also add perpendicular parking spaces and a pedestrian sidewalk on the south side of the access road. The intent of retaining the access road is to integrate the residential community with the existing commercial outparcels to create a cohesive community. The code required 10'-wide Type "D" buffer between the existing access road and multi-family residential pushes the residential further away from the commercial and would work against the intent to have an integrated, cohesive community.

Therefore, the applicant requests to reduce this buffer from 10'-wide to a minimum of a 5'-wide on the property to the south of the primary access road. 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 12 Exhibit" on the following pages which better illustrates the request.



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Deviation Justification



June 27, 2019

KRCSA Deviation Justification-rev2.docx



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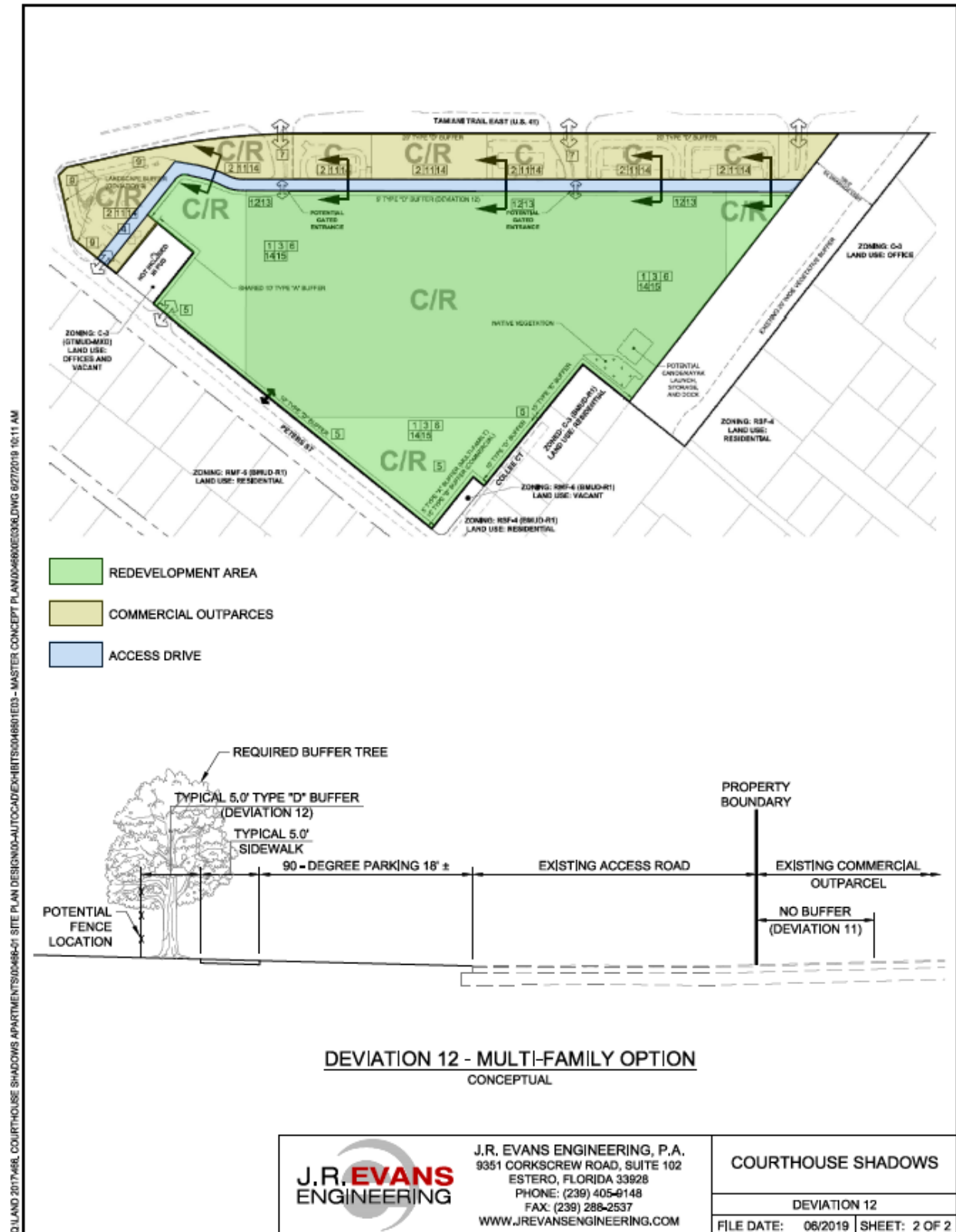
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13. Deviation #13 seeks relief from LDC Section 4.06.02.C.4, which requires that Type “D” buffers be located adjacent to any primary access roads internal to a commercial development to instead allow the buffer to be placed a maximum of 25’ from the south side of the primary access road.

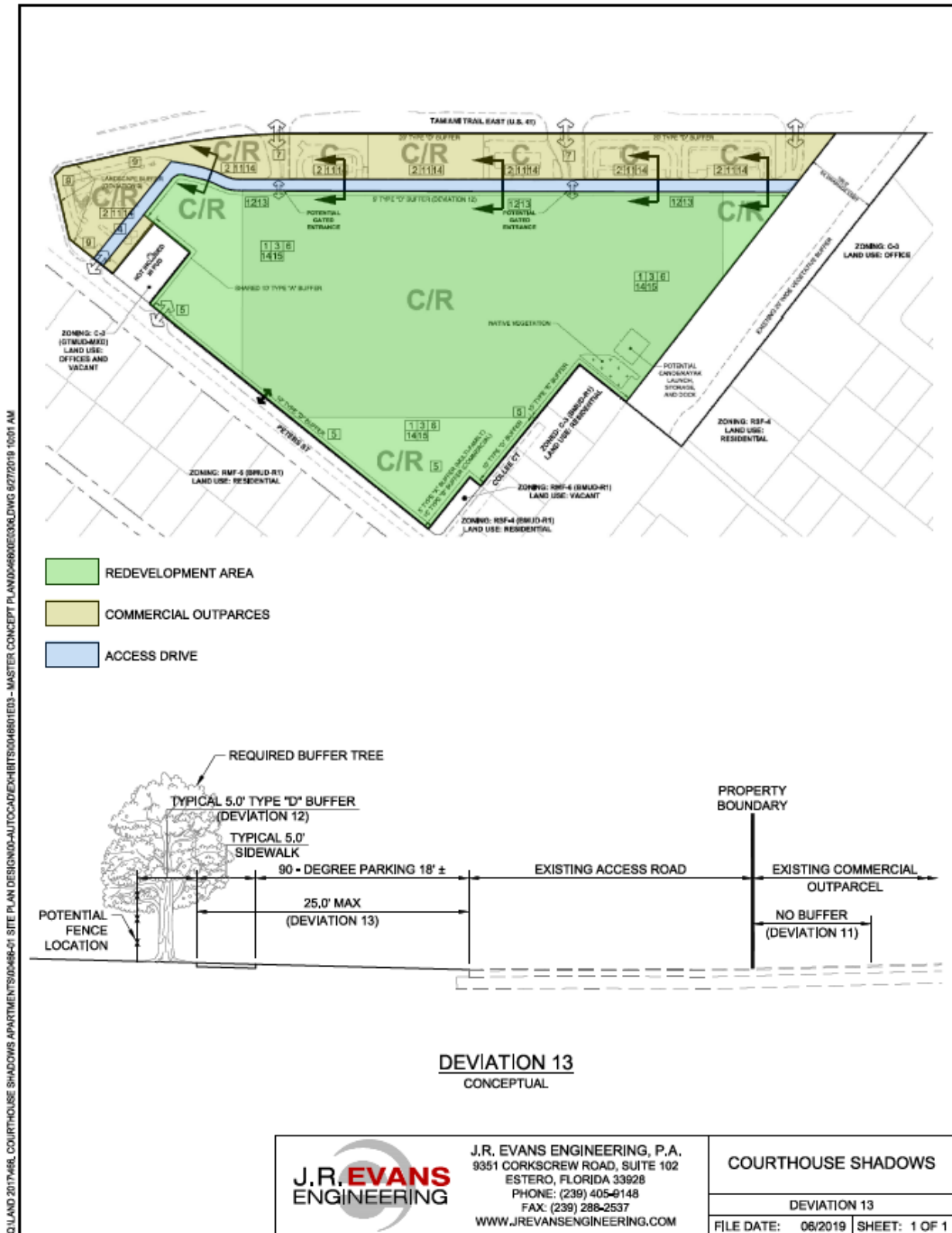
Justification:

The applicant is proposing a multi-family residential redevelopment option on the property located on the south side of the existing access road. The multi-family redevelopment option seeks to provide perpendicular parking spaces placed directly on the south side of the existing access road that would be accessible by any vehicle utilizing the access road and patrons of the commercial outparcels and residents of the community. The additional parking would be placed perpendicular to the existing access road and a pedestrian sidewalk would be placed along the back of the parking spaces. Standard parking spaces are 18’-deep and pedestrian sidewalks are typically 5’-wide for a total distance of 23’. Please reference the “Deviation 13 Exhibit” for more detail on the request. Code requires that the Type “D” buffer be placed adjacent to the access road however with the proposed parking and sidewalk this is not attainable. Therefore, the applicant is requesting that the Type “D” buffer be allowed to be placed a maximum of 25’ from the edge of pavement of the existing access road which is the 23’ as mentioned above plus an extra 2’ to allow some flexibility with the sidewalk width. This request is being made in order to provide additional parking areas for the commercial outparcels along with a pedestrian sidewalk internal to the PUD. There are no negative impacts anticipated as a result of this request.



Courthouse Shadows MPUD (PL20180003658)

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14. Deviation #14 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. Therefore LDC Section 4.02.16.A.1. shall not apply.

15. Deviation #15 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 applicant is proposing a multi-family redevelopment option for the parent property located in the Courthouse Shadows PUD. The multi-family project would include a private clubhouse for the residents to use on the property. Due to confusion on parking requirements for Multi-family clubhouses a Staff Clarification was 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 multi-family redevelopment project has been designed to provide pedestrian interconnectivity between the commercial and residential uses along with additional parking areas along the access road. The requested parking deviation is consistent with redevelopment projects and with other residential projects that have private clubhouses.

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



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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

