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July 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
Submittal 3

Dear Mr. Sabo:

This correspondence is our formal response to the sufficiency review letter provided to us on May 30, 2019. Responses to staff comments have been provided in **bold**.

Rejected Review: Public Utilities - PUED Review

Reviewed By: Eric Fey

Email: Eric.Fey@colliercountyfl.gov 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.

5/30/2019: Please provide a breakdown of the commercial uses comprising the 16,282 GPD of average daily wastewater flow that remains after deducting 75,000 gpd for the 300 multi-family units. Estimate water demand as 1.4 (ERC ratio of 350:250) times the corresponding wastewater flow.

Response:

As per our coordination the Estimated Wastewater and Water Calculation table, attached to the Statement of Utility Provision, has been revised to indicate the breakdown for the remaining commercial uses, revised the conversion factor to potable to 1.4, and provided information on the Starbucks flows. Please reference the enclosed Statement of Utility Provision.

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.

5/30/2019: The commitment only addresses this project and does not address existing customers, who could be impacted by the increase in force main pressure under the mixed-use development scenario. Furthermore, capacity assertions made in the Evaluation Criteria must be confirmed by a cursory engineering analysis, as previously requested, but none was submitted.

Response:

As per our coordination, determining the wastewater capacity is unique for this zoning request since the existing system was designed to serve the existing commercial development and the residential use results in an increase in wastewater flow. For this reason, it was determined that a preliminary calculation and analysis be completed of the existing wastewater system to determine capacity and identify potential improvements on the existing system. A Wastewater System Capacity Preliminary Analysis has been included in the enclosed Statement of Utility Provision that provides a summary of the results of the preliminary calculations.

Rejected Review: Transportation Planning Review

Reviewed By: Michael Sawyer

Email: michael.sawyer@colliercountyfl.gov Phone #: (239) 252-2926

Correction Comment 1:

Rev.2: The Mixed-Use Option will substantially change the trip generation character of the site. The residential portion will effectively eliminate the "shopping center" portion of the site leaving several small commercial out-parcels with higher trip generating uses (per square area) than traditional a "shopping center". A detailed analysis including specific commercial uses for all parcels (existing and proposed) within the PUD will be required at SDP to confirm the trip cap will not be exceeded.

Response:

The reviewer's suggested methodology is acceptable based upon the understanding that the county established pass-by rates for the individual uses will be used to determine net new trips and a reasonable expectation of shared trips and internal capture can be considered as part of verifying the PUD's net new trips is at or below the adopted trip cap of 662 PM peak hour two-way trips. This methodology will only be used if the residential is developed. Also, the Applicant restates that the new trips generated by the residential units will be substantially less than the displaced 100 KSf of commercial uses.

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 TIS and the PUD document accurately refer to the existing approved PUD land uses (i.e., 165,000 s.f. of commercial) and both documents accurately refer to the proposed amendment to include 300 residential units. If the residential is approved and if developed, then 100,000 s.f. of the total 165,000 s.f. of commercial will be physically displaced, but the land entitlements will remain intact. Furthermore, the adopted PM peak hour trip cap of 662 new two-way PM peak hour trips will ensure that the residential units and 100,000 s.f. of commercial uses cannot co-exist.

Correction Comment 4:

Rev.2: As previously indicated this is a new review comment due to revisions as well as discussions at the NIM. There is a Road Safety Audit that FDOT completed for the US 41 corridor a few years ago and provided to Kristina Johnson with a contact at FDOT in a series of recent emails. Please make sure that if there are any improvements identified in that plan that you are incorporating them into your PUD-Master Plan.

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

Response:

The Applicant confirms receipt of FDOT's Road Safety Audit Report and notes that it is public record. As per your request, we coordinated with FDOT on the Safety Audit dated June 2015. Per the enclosed email correspondence with Mark Clark there are two (2) upcoming improvement projects along US-41 however, they do not require any improvements or changes that need to be incorporated into the Courthouse Shadows property. Therefore, the proposed PUD amendment and potential to develop residential within the PUD will not affect FDOT's implementation of any or all of the proposed safety improvements.

Rejected Review: Zoning Review

Reviewed By: James Sabo

Email: James.Sabo@colliercountyfl.gov Phone #: (239) 252-2708

Correction Comment 4:

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

Response:

The project is partially built and the redevelopment will occur in a single phase.

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.

Update: Minor correction. Fonts for Deviations 15, 16, and 17 are "times new roman" Please correct for clean version of PUD document.

Response:

The deviation list has been modified and font sizes have been revised.

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.

Update: Developer name required as detailed on page 56 of the Collier County Administrative Code.

Response:

The Master Plan identifies the property owner for the portion of the PUD for which the residential option is proposed.

Correction Comment 13:

The Development Standards table lists the zoned height for principal structures at 65 feet and the actual height at 70 feet. The setback from the existing residential streets should be 1.5 times the building height. The minimum setback should be 100 feet from both Peters Ave and Collee Court.

Response:

The applicant does not agree with staffs suggested setback and it is not consistent with LDC required setbacks for comparable Commercial Zoning Districts.

Correction Comment 14:

Footnote number 2 in the Development Standards table details maximum actual height at 40 feet and zoned height at 35 feet for guardhouses, gatehouses, clock towers, walls, fences etc. The heights listed may not be appropriate please correct the height maximums on footnote 2 of the Development Standards table.

Response:

Footnote #2 has been revised.

Rejected Review: County Attorney Review

Reviewed By: Heidi Ashton-Cicko

Email: heidi.ashton@colliercountyfl.gov Phone #: (239) 252-8773

Correction Comment 5:

Miscellaneous Corrections: Please address the comments and changes per my 5-30-19 review of the PUD document, to be provided by email by County staff.

Response:

The PUD document has been revised as requested.

Correction Comment 6:

Miscellaneous Corrections: Please add the existing exhibit B to the PUD document with an x across it.

Response:

Exhibit B has been incorporated back into the PUD document.

Correction Comment 7:

Miscellaneous Corrections: Please provide a copy of the proposed Growth Management Plan amendment. Please note that I may have additional comments on the PUD document once the GMPA becomes available.

Response:

A WORD version of the GMPA text revisions have been provided prior to resubmittal.

Correction Comment 8:

Miscellaneous Corrections: How is the PUD a mixed-use PUD when residential is optional?

Response:

The PUD description Section of the LDC in Section 2.03.06 describes a MPUD as having a mixture of uses from other PUD districts. The project qualifies as a MPUD.

Correction Comment 9:

Miscellaneous Corrections: Please merge Master Plan A and Master Plan B into one Master Plan.

Response:

The PUD has been revised to include one Master Plan.

Rejected Review: Landscape Review

Reviewed By: Mark Templeton

Email: Mark.Templeton@colliercountyfl.gov Phone #: (239) 252-2475

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.

Rev.2: Staff does not feel that there sufficient justification has been provided to support a reduction of the buffer to 7.5' (deviation 12). Please provide more supporting justification or revise to request a 10' wide buffer with enhanced plantings.

Response:

Please note that the applicant revised the Conceptual PUD Master Plan to merge the commercial and residential uses into one (1) Master Plan referred to as Exhibit A. Per our coordination the Bayshore Gateway Triangle Redevelopment Area Overlay code found in LDC Section 4.02.16 does not apply to the Courthouse Shadows PUD since the Courthouse Shadows PUD pre-dates the adoption of the Overlay District. Since this zoning request includes the redevelopment of portions of the existing

Courthouse Shadows commercial property we are electing to follow specific sections of the Overlay code as specified in the PUD document enclosed with this resubmittal package. Specifically we are requesting to adhere to LDC Section 4.02.16.E.2.a.ii., which requires Perimeter Buffers for PUDs that are adjacent to non-residential uses provide a shared 10' wide buffer with each property contributing a minimum of 5 feet to the buffer with plantings consistent with the Type 'A' buffer requirements. Adhering to this section of the Overlay provides the flexibility needed to redevelopment the southern portion of the PUD. Therefore the previously requested Deviation 12 has been removed and the Master Concept Plan has been revised to label the proposed buffer in the NW corner (where the PUD abuts a commercial parcel not located within the PUD) as a "Shared 10' Type 'A' Buffer." Please reference the enclosed PUD document that includes the requested Overlay code and revised Master Concept Plan.

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.

Rev. 2: The comment does not appear to have been addressed. The deviation language still says "...separately owned commercial building lots...." Please replace this language with the exact LDC language which is: " 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"

Response:

Although Deviation #2 was previously approved with its current language the request has been revised to reflect the exact language from the LDC. Please reference the enclosed Deviation Request.

Correction Comment 6:

Rev. 2: The zoning for the parcel between Collee Ct. and the SW corner of the PUD is RMF. The required buffer is a 10' Type 'A'. Please revise.

Response:

The Zoning for the property in the Southwest corner has been labeled as RMF-6. The buffer adjacent to this area has been revised and is now labeled on the Master Concept Plan. Please reference the enclosed Master Concept Plan.

Correction Comment 7:

Rev. 2: There are buffer labels missing on Exhibit A Master Plan. Please show the missing buffers along Peters Ave, abutting the commercial parcel located between Peters Ave. and the PUD, where abutting the RMF parcel that is located adjacent to the SW corner of the PUD, along Collee Ct., and where abutting residential to the South.

Response:

In order to address the County Attorney comments, the Master Concept Plan was revised to combine both the commercial and residential uses. Please reference the enclosed Master Concept Plan that labels all landscape buffers.

Correction Comment 8:

Rev. 2: The LDC reference for deviation 11 is incorrect. The buffer required along primary access roads through commercial developments is a 10' type 'A'. Please revise the deviation to reference the correct section of the LDC (4.06.02.C.4)

Response:

As per our coordination, Deviation 11 has been revised to reflect the correct LDC Section 4.06.02.C.4. which requires a 10'-wide Type "D" buffer adjacent to the primary access road, also known as the reverse frontage access road. Please reference the enclosed Deviation Request.

Correction Comment 9:

Rev. 2: The LDC reference for deviation 17 is incorrect. Primary access roads through commercial projects require a Type 'D' on either side of the road (section 4.06.02.C.4). It appears based on the master plan for Exhibit B that the buffer is to be located between parking and the buildings rather than along the road. Please revise the language to allow for this alternate location.

Response:

As per our coordination this Deviation request, which is now Deviation #12, has been revised to reflect the correct LDC Section 4.06.02.C.4., which requires a 10'-wide Type "D" buffer adjacent to the primary access road, also known as the reverse frontage access road. Please reference the enclosed Deviation Request.

Correction Comment 10:

Rev. 2: Please show the existing 20' wide vegetative buffer along the east side of the drainage easement on Exhibit B as is shown on the current master plan

Response:

As per our coordination, we have added in the existing 20' wide vegetative buffer along the east side of the Haldeman Creek drainage easement. Please reference the enclosed Master Concept Plan.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Wayne Arnold". The signature is stylized with a large, sweeping "D" and a long, horizontal stroke extending to the right.

D. Wayne Arnold, AICP

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