



July 30, 2020

To: Anita Jenkins, Director, P& Z
James Sabo, Principal Planner
Corby Schmidt, Principal Planner

From: Greg Stuart, MURP

Re.: Compatibility Standards For The One Naples GMP Amendment and PD Rezoning

CC: Jim Cleveland; Craig Kasper; Buzz Victor; Sarah Spector, Esq.; Ralf Brooks, Esq.

Dear Ms. Jenkins, Mr. Sabo, and Mr. Schmidt:

As previously noted, the One Naples project has been factually documented to have interrelated negative compatibility impacts on the surrounding neighborhood. These interrelated neighborhood impacts result from the application's Growth Management Plan amendment to almost double the current allowable future land use residential density. The application's increased density amplifies traffic circulation and access problems, generates four non-comparable and non-compatible too-tall too-massive buildings, brings into being a neighborhood dominating parking garage structure, negatively impacts neighborhood open space because of diminished setbacks and open space, and eliminates all active streetscape mixed use. The GMP amendment's increased density and accompanying MUPD zoning will permit a Collins Ave./Miami Beach-like coastal urban building form within a predominately SW Florida coastal suburban neighborhood and community context. As such the One Naples project is not contextually compatible and complimentary as required by Policy 5.6. The GMP amendment is internally inconsistent with over a dozen important GMP objectives and policies while failing to comply with FSS 163.3177(2) and other Community Planning Act rules. The One Naples

project fails to comply with LDC 4.07.02.B External Relationship Density Requirements and LDC 4.07.02.D.3 Residential Density criteria. For these reasons the GMP Amendment and the MUPD zoning must be denied.

If staff does go forward with some type of alternative policy language and zoning standards to allow for a recommendation of approval of the Applicant's re-entitlement request, then clearly alternative policies and standards distinct from the Applicant's proposals, are needed. This is so in that by law, the neighborhood has to be protected from the various land use, environmental and traffic circulation impacts that One Naples will present. A One Naples project must be both compatible and complimentary to adjoining properties, adjacent properties and the neighborhood and all developer commitments must address real problems with real solutions. Therefore the intent of this correspondence is to present a proper set of policies and standards that will grant the applicant increased density with relaxed development standards while complying with Policy 5.6, LDC 4.07.02.B, LDC 4.07.02.D.3 and other rules and policies.

Please refer to the attached 10-page Policy and Compatibility Standards For The One Naples Project. The proposed new policies and standards will meet most of the impacted neighborhood's development compatibility, traffic circulation and other impact concerns. These new compatibility policies and zoning standards are founded on best land use planning principles and practices and current Collier County rules and standards. The Compatibility Policies and Standards present a balanced approach to identified development impacts, while respecting both the Applicant's property interests and neighborhood property owners rights and interests. The Compatibility Policies and Standards foundation can be found in the 04/26/20 April Stuart Opinion Letter, the 07/15/20 Neighborhood Letter of Objection and the 06/26/20 Supplemental Building Height email.

A summary discussion of One Naples policy and standards problems, solutions and justification are identified on the following pages.

**THE ONE NAPLES GMP AMENDMENT VANDERBILT BCH. RD. MIXED
USE SUBDISTRICT LANGUAGE EXHIBIT IV.B.1 (SEE ATTACHMENT PG. 2)**

Problem Statement _ One Naples requests a new text amendment and land use map overlay that features a non-compatible doubling of density, does not include important pedestrian and streetscape mixed use development standards to support the project and neighborhood, and includes a not-defined new hotel use and marina use that may present significant neighborhood commercialization conflicts that have not been identified or addressed.

Solution _ Provides for **appropriate** greater densities while reducing the density request from 31.7 units per acre to 19 units per acre, insures that the marina will be for non-commercial users and uses except as noted, denies the hotel use and requires the applicant to come back with a separate hotel request application, and ensures that the Vanderbilt Beach Mixed use overlay will conform to current C-3 4.02.38 mixed use design standards and criteria to develop a livable complimentary and compatible streetscape.

Justification _ The use of adjacent tall Beachmoor building for comparable density is logical and fair. C-3 is the evaluative base zoning, so the use of existing C-3 mixed use design criteria to ensure a quality mixed use development is logical, based on data and analysis is contextually relevant and is fair to the applicant by granting a 40% +/- increase in height. Given the lack of applicant information, strengthened language to prevent a One Naples commercial marina is justified.

THE ONE NAPLES PERMITTED USES EXHIBIT A (SEE ATTACHMENT PG. 3)

Problem Statement _ One Naples requests a new land use map overlay with a new Hotel use by right and a density of 31.7 DUs/ac. No meaningful data and analysis has been provided for Hotel use; the density is significantly higher than the two comparable neighborhood tall condo tower densities and other neighborhood residential densities. The higher the density, the greater the traffic impacts and

incompatible scale, view, noise, proximity and other building mass and heights impacts.

Solution _ Deny Hotel use and require the Applicant to come back with a separate Hotel use application. Permit the One Naples density to match the directly adjacent Beachmoor 12-story condominium of 19 DUs/ac.

Justification _ Similar densities advance positive compatibility findings. The use of a similarly tall building for compatibility matching that is directly adjacent to the project's tall towers is logical and fair; the use of the two adjacent tower projects that exceed existing C-3 standards for compatibility matching is both logical and fair to the applicant by granting greater height and accompanying density over the applicant's current C-3 entitlement.

Problem Statement _ One Naples marina language is weak with regards to preventing a semi-commercial or commercial marina that may have up to 99 slips. No meaningful data and analysis has been provided for the project marina use.

Solution _ Delete the regulatory weak "**Primary**" term and define the marina as a private marina not for commercial use.

Justification _ A potential 99 slip marina by right needs to be evaluated now through the PD process, or by having specific language that will prevent commercial waterfront marina impacts to the neighborhoods. Given an absence of meaningful information more specific marina limitations are mandatory.

THE ONE NAPLES DEVELOPER COMMITMENTS EXHIBIT F (SEE

ATTACHMENT PG. 4)

Problem Statement _ One Naples will negatively impact Vanderbilt Beach Road and Gulf Shore Drive's neighborhoods' suburban visual qualities, suburban neighborhood sense of place, and complimentary neighborhood pedestrian experiences. The project does so by having an approximately 700 LF long, 40-ft to 45-ft tall parking garage structure

setback from VBR and GSD by a 15-ft setback. The Applicant's proposed landscaping is code plus bare bone planting enhancements (see Applicant's Ex. G Vanderbilt Bch. Rd. With 4 palm tree enhancements, and taking enhancement credits for code required building foundation landscaping). The use of PD zoning to avoid Mixed Use C-3 Zoning code requirements that include a mandated 21-ft pedestrian pathway, street furnishings and enhanced landscaping (LDC 4.02.38.D,E & F) further impacts the adjacent neighborhoods.

Solution _ Through the developer commitment of a 23-ft wide landscaped pathway with a minimum 8-ft walkway, a 5-ft curb landscape strip and a 10-ft adjoining landscape strip with two 3-palm tree clusters and shrubs for enhancement, visual impacts will be reduced. Meaning landscape planting standards, combined with a 30-ft building setback and lower building heights, will advance a meaningful pedestrian pathway design that will reduce parking garage building impacts.

Justification _ The proposed 23-ft wide landscaped pathway with minimum 8-ft walkway, a 5-ft curb landscape strip and a 10-ft adjoining landscape strip with two 3-palm tree clusters for enhancement will help address multi-modal circulation, functional and visual compatibility impacts originating from the requested 40-ft tall two level parking garage, the two 208-ft tall towers and the one 6-story building setback from VBR by 15-ft. The standards are based on current C-3 mixed residential use County code criteria. The requirement to have professionally acceptable and functional street setbacks, pedestrian pathways and meaningful landscape enhancement standards are fair to the neighborhood, and are logical and predictable based on the Applicants' Justification Statement (see Applicant Ex. V.D.1 Justification and Supplemental Information page 4 paragraph 4):

1. High quality mixed use development that is complimentary to and compatible with the surrounding development.
2. Creates a desirable mixed use development by bringing related activities closer together.

3. Promotes pedestrian, bicycle and transit utilization.

The 30-ft VBR and GSD street setback with a 23-ft pedestrian pathway are based on best land use planning principles and practices.

Problem Statement _ One Naples concentrates 942 new Vanderbilt Beach Road vehicular trips at a proposed main project entrance aligned with the parking garage. Ingress and egress to the parking garage is currently very problematic, due to high resident and tourist traffic conditions, a lack of parking capacity and high demand issues, and existing driveway spacing and road geometry. It is acknowledged that the west Vanderbilt Beach Road link has turning movement and traffic congestion conflicts at Gulf Shore Dr, at the parking garage driveway intersection, at the Southbay Dr intersection, and at the Regatta condominium driveway. East bound residential turning movements are hindered at these intersections. New One Naples traffic that uses their proposed new parking garage intersection connection, will generate and experience additional turning movement conflicts. The One Naples MCP will lead to unwarranted traffic congestion in front of the parking garage that can easily be avoided by shifting the project entrance to Southbay Drive. The One Naples MCP access and circulation plan does not provide for a complimentary and compatible traffic circulation and site access situation to the neighborhood. The applicant's proposed mitigation does nothing to support existing east bound turning movement conflicts.

Solution _ A new developer commitment to mitigate vehicular access and circulation impacts while bettering west Vanderbilt Beach Road traffic flows by funding the design and constitution of a traffic round-about at the Southbay Drive/Vanderbilt Beach Road intersection. A revision to the MCP to have the project's primary access at the Southbay Drive/VBR intersection. A revision to delete the application's MCP full access VDR driveway.

Justification _ It is not logical to introduce more traffic and pedestrian conflicts at the parking garage entrance intersection if one can easily avoid it. Mitigation is to be in the form of providing

safer traffic circulation and turning movements by shifting the project's main access at Southbay Drive and VBR. The new Southbay Drive round-about will facilitate efficient and safe VBR turning movements for both existing and new residential communities. Shifting access and a logical infrastructure improvements is based on best traffic planning practices and principles.

REVISIONS TO THE ONE NAPLES MASTER CONCEPT PLAN _ ACCESS AND BUILDING MASS (SEE ATTACHMENT PG. 5)

Problem Statement _ The project's MCP design is driven by the objective of obtaining the highest density possible, with few, if any, accommodations towards being compatible with and fitting into the neighborhood context. As such the MCP is out of context with the neighborhood. For example, the massive 570-ft long 87-ft tall waterfront mid-rise with a zero foot setback, is not at all comparable and complimentary with adjoining, adjacent and neighborhood back-bay residential buildings. The two 208-ft tall building towers with an accessory 2-level 700 foot long parking garage structure, are not compatible and complimentary with all neighborhoods north of VBR and along Gulf Shore Drive. The MCP does not support compatible and complimentary development with adjoining properties, adjacent properties or the west Vanderbilt Beach Road and Gulf Shore Drive neighborhoods.

Solution _ A new zoning condition that requires 30% of the parking garage frontage along GSD and VBR to incorporate mixed use liner space. A new zoning condition that requires the waterfront mid-rise building to have a footprint no greater than 60% of the seawall total length.

Justification _ The new 30% street frontage mixed use liner space requirement is both moderate in scale and effective in promoting compatibility. The rule will require an approximate 210 by 50 foot space to provide the requested 10,000 sf at the VBR and/or GSD streetscape. A complimentary and compatible development form is

advanced by breaking apart an architecturally monolithic form with no active uses, into a more distinct components with a mixture of new uses. The standard will advance the solution of transforming the applicant's "dead street" design into a more active and compatible livable street design. A FEMA waiver will be needed to allow for non-residential buildings to have a finished floor elevation below the flood elevation line and at the streetscape level. The Town of Fort Myers Beach obtained a FEMA waiver based on a new (at the time) commercial building flood proofing requirement. The new 60% of seawall rule will effectively break up an overly massive waterfront mid-rise structure into a shape and size will be more recognizable along the North Naples back-bay than the 570-ft long 87 tall building being proposed. Both standards are fair to the applicant by advancing a more economically feasible streetscape retail space open to the larger public, and by allowing an economically efficient back-bay residential building that still grants economically positive waterfront views. The rules are predictable in that they are based on existing, well documented suburban form conditions. The new rules are easily implementable while helping solve One Naples compatibility conflicts by creating a functional pedestrian mixed-use streetscape relying on best land use planning principles and practices.

Problem Statement _ Refer to the One Naples Developer Commitments Exhibit F. The MCP access and circulation plan concentrates 942 new vehicular trips at the projects main entrance aligned with the Vanderbilt Beach Road parking garage. New One Naples traffic at the parking garage intersection will further exasperate congested traffic conditions. It does so by creating additional intersection turning movement conflicts and further hindering the convenience and safety of existing east bound residential trips.

Solution _ To shift new project traffic as east as possible by not allowing the proposed One Naples gateway access and to use Southbay Dr as the project gateway. To fund the design and

construction of a new traffic round-about at the Southbay Drive and Vanderbilt Beach Road intersection.

Justification _ It is not logical to introduce any more traffic and pedestrian conflicts at the parking garage entrance intersection if one can easily avoid it. Safer traffic circulation and turning movements will be advanced as the One Naples traffic gets off of VBR as far east as possible. The new Southbay Drive main access for the project serves to increase safe access and circulation while, by the construction of a new round-about, will facilitate more efficient and safer east bound turning movements for existing residential communities. It is fair to the Applicant by having efficient and safe site access by avoiding the creation of parking garage alignment turning movement conflicts via the use of an existing public road rather than a proposed private driveway. The Southbay Drive round-about solution is based on best traffic engineering planning principles and practices.

BUILDING HEIGHT AND MASS COMPATIBILITY STANDARDS (SEE

ATTACHMENT PG. 6)

Problem Statement _ The applicant's current C-3 zoning maximum building height is 100-ft. The neighborhood's average building height is 8 stories, equal to around 100-ft +/- . The adjoining Barefoot Pelican is a 5-story 48-ft tall building. For compatibility standards, the two most proximate and comparable tall residential buildings are the adjacent Beachmoor and the Regatta. The Beachmoor has one 12-story single building tower. The Regatta has one 12-story single building tower and transitions down to three 6-story residential buildings. The One Naples proposes two 16 story 208-ft towers with setbacks 63% less than what is called for by code. The two towers are twice as tall as what the current C-3 zoning code current permits, and double the number of stories when compared to the neighborhood average. The 6 story 87-ft tall waterfront mid-rise with a zero-foot waterfront setback is 181% taller than the adjoining Barefoot Pelican's 5 story/48-ft tall condominium. One Naples building height relies on 13-ft and 14-ft height per floor standards, compared to a much lower neighborhood standard. It is

both quantitatively and visually apparent that the One Naples request does not meet the neighborhood compatible and complimentary standards as required by Policy 5.6 and LDC 4.07.02.B.D.3(f). One Naples building heights will impose light, shade, views, close proximity, neighborhood character and other impacts.

Solution _ A complimentary and compatible maximum building height standard is based on the adjacent tall 12-story Beachmoor and Regatta building height, while also incorporating the Regatta step-down building height and mass development planning approach. The One Naples second tower incorporates a 25% building height step-down for compatibility transitioning to a 9 story building, followed by a 25% height step-down transition for the VBR 6-story mid-rise. The waterfront mid-rise is at 5 stories to achieve Barefoot Pelican compatibility. Rather than using the substantial One Naples 13-ft and 14-ft per floor building height standard, compatibility standards require a less expansive 11-ft per floor and a 12.5-ft per parking garage level standard.

Justification _ The One Naples MCP does not take advantage of parking garage grade down opportunities, uses excessively high building floor heights and does not use matching height compatibility practices. The One Naples MCP does not incorporate best land use and urban design planning practices by using contextually appropriate building height transitioning compatibility practices. The compatibility standards are fair and logical. They permit the One Naples project to exceed the current zoning building height limit by 35%, and to be slightly taller than Beachmoor and Regatta. The standard grant the applicant increase density and other entitlements that they seek while still being in line with Policy 5.6 and LDC 4.02.38(C, D, E & F). By being based on best land use planning principles and practices, the standards lessen proximity, views, air space and other impacts and help solve One Naples compatibility conflicts.

**VANDERBILT BEACH RD. & GULF SHORE DR. BUILDING MASS,
STREETSCAPE AND SETBACK COMPATIBILITY STANDARDS (SEE**

ATTACHMENT PG. 7)

Problem Statement _ One Naples requests entitlements to develop two 208-ft towers at a 25-ft setback. The towers rest on the parking garage, a podium-like structure. The 40 to 45-ft tall and 700-ft. +/- long parking garage is setback from VBR by 15-ft setback; the 6-story 77-ft mid-rise is also setback from VBR by 15-ft. The setbacks, combined with the building height, building form and building placement, will create “tunnel-like” streetscape views. Such views may be characterized by an absence of sense of place, an absence of neighborhood and streetscape compatibility, an absence of uses and activities, and an absence of a complimentary built neighborhood environment.

Solution _ A minimum 30-ft parking garage streetscape wide encompassing a 23-ft pedestrian pathway is sufficient to accommodate an 8-ft pathway with lighting, street furnishings and landscaping. A meaningful landscape enhancement plan is based on 1 canopy tree per 20-ft and two 3-palm tree clusters per 100-ft., rather than 1 tree per 30-ft and 4 extra palm tree enhancement plantings (see Applicant Ex. G). A neighborhood compatible and complimentary 25-ft parking garage height, with 30% frontage mixed use liner and Collier Code parking garage and other architectural and site design standards will advance compatibility and a complimentary built environment. This contrasts with the Applicant’s 40-ft to 45-ft tall parking garage, no street level mixed uses and bare-bone landscaping enhancement plan.

Justification _ The new compatibility standards is fair since the 30-ft setback with pathway are based on Collier Co. LDC 4.02.38(C, D, E & F) along with livable public spaces design principles and practices. The new compatibility standards is fair since the parking garage site and design standards are based on Collier LDC 5.05.08D. The use of these standards are logical, do not impose an undue economic hardship onto the Applicant and help resolve some of One Naples compatibility conflicts.

ONE NAPLES COMPLIMENTARY AND COMPATIBLE DEVELOPMENT STANDARDS (SEE ATTACHMENT PGS. 8 - 9)

Problem Statement _ The One Naples GMP amendment and MUPD zoning is based on the objective of carving out a comprehensive exception for an island of very high density without any compatible and complimentary rules. The project does not attempt to provide a comparable and compatible new development project with the Gulf Shore Dr and west Vanderbilt Beach Rd neighborhoods. Building heights are driven by too-high density and rely on high structural floor heights, requested setbacks are cutback by 60 to 100%, required open space is cut by half, and non-comparable and non-compatible building mass is “baked” into the requested zoning. Perimeter street setbacks are completely inadequate and there is no functional open space that is designed to lessen building compatibility impacts brought about by high density.

Solution _ Recognizing the need for relaxed LDC rules and standards brought about by a somewhat difficult site, setbacks are fixed at reasonable and effective distances; a 30-ft VBR and GSD parking garage VBR Mid-rise street setback. Tower setbacks allow for a 25% reduction in code requirements (from 90-ft to 70-ft). Waterfront setbacks are appropriate to surrounding minimum 25-ft standards. The project open space standard is reduced from 30% to 25%, thereby providing flexibility. Building height is based on a contemporary driven 11-ft per floor height, with parking garage height at 12.5-ft. Maximum building height and density are established at 12 stories and 19 units per acre by relying on the two most comparable residential buildings adjacent to the One Naples site.

Justification _ Matching comparable buildings that are adjacent to the One Naples site for height, form and density is a professionally accepted compatibility planning and design method. Regulatory relief from code required setbacks and 30% open space provide flexibility for the applicant, while still meeting the purpose of having

setbacks and open space standards; i.e., the reduction of building and development intensity on the site and adjacent properties to ensure neighborhood compatibility. The lowering of the requested 6-story/87-ft tall waterfront mid-rise to a 5-story 60-ft tall building will lessen compatibility impacts to adjoining 3 and 5 story residential buildings. The use of these standards are logical, fair to the Applicant by providing regulatory relief, and are based on professionally accepted best land use planning principles and practices.

ONE NAPLES DEVIATIONS (SEE ATTACHMENT PGS. 10)

Problem Statement _ The One Naples MUPD zoning deviation list is yet another example of the purpose and intent of the GMP amendment; i.e., to carve out an island of very high urban-like density with no design considerations given towards the surrounding low to medium density suburban neighborhood. The parking space deviation reflects the fact that the site, as designed, cannot support the 31.7 DUs per acre density being requested. The architectural parking garage deviation reflects the applicant's disregard for following essential urban design and neighborhood compatibility concerns embedded in the Collier County GMP and LDC.

Solution _ To deny the two deviation requests.

Justification _ Architectural deviation from LDC 5.05.08.D.3.c.i worsens neighborhood design compatibility standards, is not based on any degree of meeting the public interest intent of the code, and is not needed in that the applicant can easily comply with 5.05.08D.3.c.i. Parking space deviation from 4.05.04.G Table 17 worsens neighborhood design compatibility standards by potentially allowing spill-over, off-site parking, and is not based on any degree of meeting the public interest intent of the code.

Stuart and Associates Planning & Design Services

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On behalf of my clients and project team, thank you for your thoughtful consideration of this matter! I look forward to discussing these compatibility standards with you in the immediate future.

Sincerely yours,

A handwritten signature in black ink that reads "Greg Stuart". The signature is written in a cursive style with a large, sweeping initial "G".

Greg Stuart, MURP

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