**REQUEST:** An Ordinance rezoning approximately 22 acres from PD, Planned Development to PD, Planned Development for the subject property located at 4135-4255 9th Street North.

**BACKGROUND:** The Park Shore Plaza neighborhood shopping center is within the Park Shore Planned Development and the request of this petition is to rezone the subject property to a new Planned Development (PD) for the 22± acre parcel. The subject property has been renovated and redeveloped in recent years, replacing the vacant Perkins restaurant with Felipe’s, the former Kmart with Burlington Coat Factory and adding many new retailers. The parking lot has been restriped and engineered to improve drainage and add landscaping. The facades have been updated. Parking was added at the rear of the retail buildings to accommodate additions; however, that parking remained underutilized and in some cases the space is needed to accommodate solid waste, delivery circulation and fire access. Recently, the property owners approached the City to discuss the replacement of the former Chili’s restaurant with a new restaurant and the possible future addition of another stand-alone commercial building. Staff advised that resolving the Code related parking deficit and setback requirements for shopping centers through a public hearing process would be advisable. The petitioners are resolving the issues through a rezoning from PD to PD and staff agrees that this is an appropriate solution to address the unique circumstances of this project site. For purposes of development regulations, the petitioner proposes to divide the parcel into two sub-districts, Shopping Center and Highway Commercial, each with unique development standards related to signage, setbacks, and building heights. The proposed PD would also address lot coverage and parking calculations for the entire subject property.

**STAFF RECOMMENDATION:** Staff recommends approval of rezone petition 17-R2 with the following changes to the proposed PD document:

- The sub district diagram – Schedule A - shall include dimensions of the boundaries to further define which areas are included with each sub district.
Schedule B of the PD Document will include a more detailed, dimensioned diagram of the location of the proposed monument sign and shall be reviewed by the Streets and Stormwater Department prior to the City Council hearings on this request.

- **LOCATION:** 4135-4255 9th Street North
- **SIZE OF PARCEL:** Approximately 22 ± acres/ 958,320 square feet
- **EXISTING LAND USE:** Shopping Center
- **CURRENT ZONING:** Park Shore Planned Development utilizing the HC - Highway Commercial development regulations.
- **AERIAL OF SUBJECT PROPERTY:**
• **PREVIOUS ACTION:** The subject property is currently part of the Park Shore Planned Development which was approved by Collier County. The property was annexed by the City of Naples in 1976 by Ordinance 76-442. The owner obtained Administrative Site Plan and Design Review Board (DRB) approval for major renovations to the façade, site design and layout of the shopping center in 2015 and 2016. In October of 2016 City Council approved Resolution 16-13865 approving sign variances for five (5) tenants.

• **PENDING AND/OR SUBSEQUENT ACTION:** The Planning Advisory Board will hold a public hearing on this petition at its meeting held on Wednesday May 10, 2017. At the close of the public hearing, the PAB will make a recommendation to the City Council. The petition will be considered by City Council for first reading on June 7, 2017 and for second reading on June 14, 2017 beginning at 8:30 a.m. in Council Chambers with final action taken by ordinance.

• **PUBLIC NOTIFICATION:** On April 25, 2017, a total of 283 letters were mailed to all property owners within 500 feet of the subject property. As of the date of this report, Staff has received a few emailed requests for further information which was provided by reply.

• **ZONING MAP:**

![Zoning Map Image]
• **SURROUNDING PROPERTIES:**

<table>
<thead>
<tr>
<th>Zoning</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
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<tbody>
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</tr>
<tr>
<td>Future Land Use</td>
<td>Highway Commercial</td>
<td>Highway Commercial</td>
<td>N/A</td>
<td>Highway Commercial</td>
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</table>

• **COMPREHENSIVE PLAN:** The subject parcel is designated as “Highway Commercial” in the Comprehensive Plan and on the Future Land Use Map. This future land use category recognizes the need for areas of "Highway Commercial" activities along the Tamiami Trail. The keys to controlling highway commercial development are strict traffic control measures and protection of adjoining incompatible land uses. This type of commercial activity shall be planned and developed with due consideration given to the principles of limited access, with controlled curb cuts, service or frontage roads to provide secondary access on large parcels or contiguous smaller parcels, "right-turn-only" exits when signalization is not used, lot sizes large enough to accommodate adequate on-site circulation and parking, landscaped buffer areas, professional architectural design standards, and sign controls.

**FUTURE LAND USE ELEMENT**

The following objectives and policies found in the City’s Comprehensive Plan are applicable to petition 17-R2:

*Policy 1-2:* Unless otherwise permitted in the Comprehensive Plan, new development, redevelopment and reuse shall be consistent with the permitted use and density/intensity of each designation.

The mix of permitted and conditional uses proposed as part of the new Park Shore Plaza planned development for the subject property are consistent with the permitted uses and intensity of the Highway Commercial future land use district.

*Policy 1-4:* Non-residential development shall compact and in a readily accessible location for the market it is intended to service, and shall not encroach into stable residential areas.

Development will be contained to the existing property known as the Park Shore Plaza and will not encroach into stable residential areas.

*Policy 1-9.3:* Sites shall provide adequate parking. The Code of Ordinances shall provide standards which address construction standards, location, design, configuration, dimension and number of parking spaces. The reduction in parking shall result in a commensurate increase in green/open space.

Pursuant to Section 50-107(17) Shopping Centers with less than 300,000 square feet of gross leasable area must provide 5.5 spaces per 1000 square feet. Outdoor Dining requires 3 spaces per 1000 square feet of dining area. The existing leasable area in the plaza is 259,153 square feet with 1,221 parking spaces provided, a ratio of 4.71 per 1000. Approval of the parking development standards included in the proposed planned development
document would allow for an increase of commercial area up to a maximum of 265,758 square feet with an additional maximum of 16,507 square feet of outdoor dining. The outdoor dining would require 51 spaces leaving the remaining 1,062 spaces to provide for the commercial area, a ratio of 4 spaces per 1000. The petitioner has provided a parking needs analysis that uses both the Institute of Transportation Engineers (ITE) and Urban Land Institute (ULI) standards as well as observed parking counts from December 2016 and references to Collier County standards for shopping centers to suggest that the Park Shore Plaza has sufficient parking even at the reduced ratio. It should be noted that the petitioner is suggesting Parking Conditions in the proposed planned development document that would limit the maximum allocation of certain types of commercial/retail uses. It is not clear in the information provided if the reduction in parking results in a commensurate increase in open or green space.

**Policy 1-9.4: Redevelopment and reuse sites shall be appropriately configured as to number, location, and design features of the ingress and egress points.**

Through the administrative site plan review process ingress and egress point have been reviewed with improvements made specifically along Old Trail Drive. The complicated triangle of circulation, access and ingress/egress at the western most point on Old Trail Drive has been redesigned. Additionally, the Streets and Stormwater Department worked extensively with the petitioner to resolve possible vehicular conflicts and better manage traffic circulation at the ingress/egress point adjacent to McDonald’s near the intersection of Old Trail Drive and 9th Street North/US 41 by redesigning to in a right in/right out configuration.

**Policy 5-1: Land uses shall be consistent with permitted activities as detailed in Objective 1 and the designation description section of this element.**

The mix of permitted and conditional uses proposed as part of the new Park Shore Plaza planned development for the subject property are consistent with the permitted uses and intensity of the Highway Commercial future land use district.
The applicant has applied for approval of a rezone to planned development. Section 46-32(d) of the Land Development Code provides the guideline for consideration of a change in zoning. A review of the petition in light of the required criteria is provided for your consideration. The applicant's response to each of the criteria is provided within the applicant's petition.

(d) Standards for consideration of change in zoning. Except where the proposal for the rezoning of property involves an extension of an existing district boundary, no change in the zoning classification of land shall be considered which involves less than five acres of land, except for the "C" Conservation zone district, in which the subject property is not required to have street frontage, and the "PS" Public Service zone district, in which the subject property may have a minimum lot of 30,000 square feet and a minimum lot width of 150 feet.

The subject property is approximately 22± acres in size with well over 400 feet of street frontage on Old Trail Drive and 1000 feet of frontage on 9th Street North.
Section 58-805 of the Land Development Code provides the standards for approval of PD zoning. A review of the petition in light of the required criteria is provided for your consideration. The applicant's response to each of the criteria is provided within the applicant’s petition.

(1) **Land uses within the development shall be appropriate in their proposed location, in their relationships to each other, and in their relationships with uses and activities on adjacent and nearby properties.**

The current and proposed land uses within the Park Shore Plaza PD are appropriate in their respective locations and within the development as a whole. The Plaza provides for commercial and retail services for the surrounding residential areas to the west. The proposed changes to the site plan (petition 17-SP1) have been administratively reviewed and conditionally approved by Staff, provided the petitioner is successful with resolving issues related to the development regulations included with this planned development rezoning. Should City Council deny this PD request, the petitioner will be required to submit revisions to the site plan for further Staff review.

(2) **The development shall comply with applicable city plans and planning policies, and shall have a beneficial effect both upon the area of the city in which it is proposed to be established and upon the city as a whole.**

The proposed site specific development standards and regulations for Park Shore Plaza will encourage a mix of commercial and retail uses which is promoted in the Highway Commercial Future Land Use designation. The continued improvements to Park Shore Plaza will be beneficial and complimentary to the surrounding area.

(3) **The total land area within the development and the area devoted to each functional portion of the development shall be adequate to serve its intended purpose.**

The subject property is approximately 22 acres in size. While the total land area devoted to each functional portion of the development appears to be adequate to serve the intended purpose, staff will always encourage additional land devoted to open or pervious space – especially in a development of this size. Any new development will be further limited by the proposed Parking Conditions and the lot coverage maximum of 28%.

(4) **Streets, utilities, drainage facilities, recreation areas, building heights, sizes and yards, and vehicular parking and loading facilities shall be appropriate for the particular use involved, and shall equal or exceed the level of design and construction quality required of similar land development elsewhere in the city.**

**Streets**: Through the administrative site plan review process of petition 17-SP1, ingress and egress points have been reviewed with improvements made specifically along Old Trail Drive. The complicated triangle of circulation, access and ingress/egress at the western most point on Old Trail Drive has been redesigned. Additionally, the Streets and Stormwater Department worked extensively with the petitioner to resolve possible vehicular conflicts and better manage traffic circulation at the ingress/egress point.
adjacent to McDonald’s near the intersection of Old Trail Drive and 9th Street North/US 41 by redesigning to in a right in/right out configuration.

**Public Utilities:** Adequate public utilities exist at this location. The Utilities Department had no objections and approved the most recent administrative site plan (17-SP1) issued on 5/2/17.

**Drainage:** The Stormwater reviewer indicated site falls within the purview of the South Florida Water Management District for regulatory review and approval. Sites that are above 10-acres total or above 2-acres impervious are required to be permitted by the SFWMD through their regulatory process. A copy of the approved SFWMD permit will be required prior to building permit approval.

**Recreation areas:** No recreation land area is indicated on the site plan.

**Building height:** The proposed heights for each subdistrict listed in the Park Shore Plaza planned development are adequate for the proposed use, are responsive to the adjacent neighbors and mix of land uses, and are consistent with the City’s Charter.

**Yards/setbacks:** The proposed setbacks listed in the Park Shore Plaza planned development for each subdistrict are adequate for the proposed uses. Application of the shopping center setback requirements current prescribed under the Code would not recognize the outparcel configuration and make it impossible to redevelop those sections of the shopping center.

**Parking/loading:** The existing leasable area in the plaza is 259,153 square feet and currently 1,221 parking spaces are provided, a ratio of 4.71 spaces per 1000 square feet. Pursuant to Section 50-107(17), Shopping Centers with less than 300,000 square feet of gross leasable area must provide 5.5 spaces per 1000 square feet and Outdoor Dining requires 3 spaces per 1000 square feet of dining area. Approval of the parking development standards included in the proposed Park Shore Plaza planned development document would allow for an increase of commercial area up to a maximum of 265,758 square feet with an additional maximum of 16,507 square feet of outdoor dining. The outdoor dining would require 51 spaces leaving the remaining 1,062 parking spaces to provide for the commercial area, a ratio of 4 spaces per 1000 square feet. The petitioner has provided a parking needs analysis that uses both the Institute of Transportation Engineers (ITE) and Urban Land Institute (ULI) standards as well as observed parking counts from December 2016 and references to Collier County standards for shopping centers to suggest that the Park Shore Plaza has sufficient parking even at the reduced ratio. It should be noted that the petitioner is suggesting Parking Conditions in the proposed planned development document that would limit the maximum allocation of certain types of commercial/retail uses.

(5) **Visual character and community amenities shall be equal or better in quality than that required by standard zoning districts for similar development.**

All new buildings and substantial changes to existing buildings or landscape, and façade renovations will require Design Review Board approval. The property owner is the midst of a substantial renovation and improvement project for the shopping center and has been submitting for DRB approvals throughout the process.
(6) **Open space shall be adequate for the type of development and the population densities proposed.**

No residential units are proposed for this development. The petitioner is proposing an increase in lot coverage from the underlying zoning requirement of 25% to 28%. They have not provided an open space calculation.

(7) **Areas proposed for common ownership shall be subject to a reliable and continuing maintenance guarantee.**

According to the petitioner, no areas are proposed for common ownership. However, parking for the two northern outparcels are accommodated within the shopping center and the southern outparcel (McDonalds) shares access and parking with the shopping center. These cross-access issues have been resolved in pre-existing agreements with tenants that have not been provided to the City with this petition.

(8) **In the case of developments which are to be constructed in several units, the proposed units shall be shown on the overall development plan.** The proposed construction units shall individually comply with the standards set forth in this section in order that, if for any reason construction ceases prior to completion of the entire planned development, the resulting partially complete project will adequately serve its purchasers and occupants and will not cause a general public problem.

The petition indicates acknowledgment of this criterion. Any proposed changes to the site plan (petition 17-SP1) will be required to submit a revision for Staff review and may require Council approval. The PD document includes language clarifying this requirement.

- **FINDINGS:** Staff supports the proposed site specific development standards and regulations for the Park Shore Plaza planned development, specifically in regards to the signage, setbacks, building heights and lot coverage. Therefore, Staff recommends approval of rezone petition 17-R2 with the following changes to the proposed PD document:
  o The sub district diagram – Schedule A - shall include dimensions of the boundaries to further define which areas are included with each sub district.
  o Schedule B of the PD Document will include a more detailed, dimensioned diagram of the location of the proposed monument sign and shall be reviewed by the Streets and Stormwater Department prior to the City Council hearings on this request.

Respectfully submitted,
Leslee Dulmer
*Planner II*