



Date: April 6, 2018

Re: Proposal for a Hotel on Broad Avenue

To: Members of the Planning Advisory Board: James Krall, Chair; David Feight, Vice Chair; Bruce Selfon, Member; Chae Dupont, Member; John Cross, Member; James Melican, Member; Thomas McCann, Member; Thompson Dyke, Alternate; Amy Tylor-Lockhart, School Board

Copy: William Moss, City Manager; Members of City Council; Robin Singer, Planning Director; Peter DiMaria, Fire Chief

Summary:

The Old Naples Association:

- Supports redevelopment of the abandoned plaza on Broad Avenue.
- Believes a “right-sized” boutique hotel would be a positive addition to the neighborhood.
- Supports the granting of a Conditional Use for a “right-sized” hotel for this site.
- Believes the preliminary architectural plans show an attractive appearance sensitive to the history of the site.

ONA Concerns:

- The proposed development is too large for the site, as evidenced by its many and substantial requests for relief from the limits of the Land Development Code. It is the size of project, creating so many negative externalities, that will degrade adjacent residential neighborhoods and adversely alter the special character of the Third Street area.
- ONA’s concerns would be resolved if the project adhered to the stated requirements of the Land Development Code. This would result in a smaller hotel, and then adequate parking, delivery and waste removal, traffic and intersection plans could all be successfully achieved without deviations or variances.
- In 2013, when PAB and City Council agreed to remove the density limit of 26 units per acre for transient lodging to encourage hotel development, all parties agreed that the other major provisions of the Land Development Code – including height, setbacks, lot coverage, parking and conditional use – would remain in place and serve to limit overly dense and intense uses.
 - Video excerpt of January 14, 2013 City Council workshop [here](#), 15 minutes.
 - Video excerpt of February 13, 2013 Planning Advisory Board meeting [here](#), 3.8 minutes.
 - Video excerpt of April 3, 2013 City Council meeting [here](#), 5 minutes.
- We hope that the PAB will review these assertions carefully, think long and hard before making exceptions to the remaining provisions of the Land Development Code for this proposal, and guide the applicant to a more appropriately sized project.

Our comments are based on five lengthy meetings of ONA directors with the applicant and/or the project team since June of 2016, and our review of the voluminous packages submitted severally since May of 2017 to the City. We are grateful for the applicant's courtesy in sharing the plans with us over these years and for considering our responses. We have consistently stated at these meetings that ONA supported the redevelopment of the plaza property as a hotel but felt that the scale of the project was too big, as evidenced by the extensive relief requested from the Land Development Code.

We received the final submission yesterday morning of April 5, 2018 and believe we have managed to review all relevant and changed sections. We hope you will excuse any errors or infelicities in our letter given the short time available. We make the following comments, supported by the details in the attached appendix covering the relevant sections of the Code.

A positive attribute of this proposal is the redevelopment of an existing failed shopping mall into a boutique hotel, a long-sought goal of City Council. Additionally, ONA believes that the architectural style and finishes proposed in the concept drawings are attractive and responsive to the history of the site.

Unfortunately, the project entails excessive scope for the parcel and the neighborhood and therefore requests multiple and dramatic exceptions¹ from the Land Development Code.

The proposal:

- does not meet basic parking requirements
- does not meet the on-site loading facility requirements
- does not adequately address the traffic impacts it will likely create
- does not meet lot coverage requirements
- does not clearly meet setback requirements
- does not meet Charter and code height requirements

We detail these issues specifically in the appendix which is a key part of this communication and ask that you read through the six pages that comprise this attachment, as we do not reiterate those items in the body of this letter.

City Council and the Planning Advisory Board received ample assurance (see videos noted on page one) in 2013 that removing the transient lodging cap of 26 units per acre would not result in excessively large or undesirable developments. City staff repeatedly stated that the remaining pillars of the Land Development Code would be in place to prevent proposals out of character with or damaging to City neighborhoods.

¹ We believe that one or more of the "site plan with deviations" requests are not covered by Section 46-33(g), Site Plan with Deviations, which is specifically limited to "depart[ure]s from the zoning district's dimensional requirements". Therefore, the variance process described in Section 46-37, Variances to zoning requirements should be used to for "relaxation of the zoning and land development provisions of this Land Development Code."

It is therefore surprising to us that our own Planning Staff now recommends approval of every request of the applicant for relief from the Land Development Code, including:

1. Valet parking permit (see Appendix, page 1)
 - a. Our LDC limits the use of valet parking to facilitate reuse of existing buildings. It has no provisions for valet parking to enable poorly planned new buildings.
2. Reduced parking requirement under Section 50-107 (see Appendix, page 1)
 - a. Applicant has not demonstrated any of the criteria necessary to utilize the provisions of Section 50-107.
 - b. The applicant's parking proposal does not meet code requirements and has a high risk of failing to provide adequate parking over the expected life of the project.
3. Off-street loading space deviation (see Appendix page 2)
 - a. Staff notes off-street loading is required and recommends approval of time-limited use of public parking spaces on Broad Avenue
 - b. Use of the public way and pedestrian walkways violates a number of code provisions regarding this subject.
 - c. Not mentioned by Staff is that the LDC clearly requires 2 (two) Type A (10 X 25 foot minimum) loading bays off-street which are not to be used for anything else.
4. Maximum lot coverage deviation (see Appendix page 4)
 - a. Staff recommends approval of coverage increase to 50%, where LDC restricts lot coverage to 45%.
 - b. This size coupled with the massing of the building around the central courtyard creates much of the need for LDC relief.
5. Setbacks are not mentioned by staff but need review (see Appendix page 5)
 - a. The side and rear setbacks are complex given the tract shape, need to be reviewed in light of abutters, and represent a reduction in rear setback compared with existing.
6. Height deviation (see Appendix page 6)
 - a. Staff recommends approval of 7 feet of roofed embellishments, raising height of roof to 49' where LDC restricts height of roof and appurtenances to 42'

The most striking feature of the proposed hotel is that it is simply too big for the site. If it were appropriately reduced in size, the applicant would not need to:

- Use the Broad Avenue right of way for front of hotel functions
- Use Broad Avenue parking for time-limited deliveries, which is practically unenforceable
- Provide inadequate parking cobbled together with a valet service, resulting practically in guests and visitors parking in the neighborhood and adjacent private parking
- Mass the building in such a way as to preclude off-street deliveries (central courtyard)
- Design truck access that avoided trucks idling and backing on Gordon to collect waste
- Position the main pedestrian entry on a busy corner and then shrink that corner with a roundabout, raising significant concerns about visitor safety

- Change the Broad/Gordon intersection into a roundabout that prevents trucks from turning, at the same time it requires trucks to turn through the intersection to make deliveries
- Substantially complicate the traffic at an already busy intersection during season
- Design hotel rooms where fire apparatus may not be able to reach stranded guests

There are other requests that are of concern, including the request for a four-year development agreement, presumably simplifying the owners' search for a developer/buyer. Any granted rights run with the land and it is not clear who will be exercising them. The LDC provides appropriate durations for conditional approvals and these can be renewed by the City as required without losing control over the ultimate use of a conditional approval.

It is often claimed by developers seeking relief that the City's restrictions make economical use of a parcel impossible. That is ridiculous: there is no piece of land in the City of Naples that a developer couldn't convert into an economically viable and valuable site. The City of Naples has no duty to maximize the sales price of a privately-owned piece of land.

We ask that you consider the reasons for the protections of the code provisions on height, lot coverage, setback, conditional uses, parking, off-street loading and traffic. We ask you then to act in the public trust as you care for the residents and voters of our city.

ONA reiterates its support for responsible redevelopment of this site into a boutique hotel compliant with the Land Development Code. The obvious solution to the defects in the present application would be to adjust the building configuration and reduce the number of units to a level at which it is possible to comply with the relevant code requirements. This would result in an appropriately sized development that would be of overall benefit to this neighborhood and one that ONA would be happy to support.

Thank you for your consideration and for your work on behalf of our city.



John Lehmann
President

On behalf of a unanimous Board of Directors of the Old Naples Association

The proposal does not meet basic parking requirements:

50-103(a)	All new off-street parking facilities in commercial districts shall be designed for joint use by abutting properties.
50-103(e)(1)	Valet parking option ... “The intent of this subsection is to allow options <u>for existing buildings</u> which do not meet the standards for required parking; to provide for diversification of use <u>within existing buildings</u> , both conforming and nonconforming; and to encourage vitality, innovation, ingenuity and commercial viability where, in the opinion of city council, it is appropriate.
50-104 (cont’d)	Commercial uses: 1 space per 300 square feet of gross floor area
	Areas serving food or beverages: 1 space per 100 square feet of gross floor area
	Transient lodging facilities: 1 ¼ space for first 100 units, 1 space per unit for next 150 units.
	Meeting rooms: 1 space for 4 seats or occupants, based on stated occupancy
50-107	A parking needs analysis is a statement by a property or business owner which indicates that the requirements of section 50-104 regarding the number of parking spaces required are not applicable to such person's particular situation because the use is unique, the operational method is atypical, or the particular use is not listed within the section.

Concerns for PAB and City Council review

- The applicant’s proposal has a high risk of failing to provide adequate parking over the expected life of the project (50-104)
 - The applicant proposes to provide 124 parking spaces but Staff have calculated using the LDC that 176 spaces are needed.
 - The applicant proposes to further reduce existing on-street parking spaces by taking 2 for the hotel entry, 5 every weekday morning for deliveries and 6 for construction of the roundabout) “creating” in the City’s ROW 4 new spaces several blocks away.
 - The application has stripped every normal hotel function with high parking requirements (restaurants and meeting spaces) out of their plan. Even as it stands, a request to use the courtyard for a function could easily generate the need for hundreds of spaces.
- There is no mention of how this “new off-street parking” is being designed for joint use by abutting properties (50-103(a))
- Valet parking is clearly reserved to allow options for existing buildings. It is not permitted in the Land Development Code to excuse inadequate parking design for new buildings that are out of scale for their site (50-103(e)(1))
- The LDC stipulates that the replacement of the requirements of Section 50-104 by a parking needs analysis is to be allowed because:
 - the use is unique, or
 - the operational method is atypical, or
 - the particular use is not listed within the section
- The ordinance would not appear to apply here:
 - Transient lodging, commercial, and food and beverage uses are common, not unique
 - Valet parking is a typical operational method throughout Florida
 - Transient lodging is listed within the section at 50-104(18), commercial use at 50-104(4), and food and beverage use at 50-104(15)
- Utilizing this section to bypass the clear, established and necessary requirements of Section 50-104 for these typical uses is improper.
- If the proposed project were smaller, the challenges of parking would diminish to manageable proportions.
- This issue does not appear to meet the Code requirement to be treated as a deviation of a Site Plan.

The proposal does not meet the on-site loading facility requirements:

50-101(a)	New buildings or uses. Every building, use or structure instituted or erected after the effective date of the ordinance from which this article is derived shall be provided with off-street parking and loading facilities for the use of occupants, employees, visitors, patrons and service vehicles in accordance with the provisions of this article. The off-street parking and loading facilities shall be maintained and continued as an accessory use as long as the main use is continued.
50-102(b)(1)	The ... <u>loading facilities</u> required by this article shall be located on the same lot or parcel of land they are intended to serve.
50-105	(b)(3) ... transient lodging facilities shall provide 1 type A off-street loading space for establishments having 20 to 40 units, and 2 type A spaces if there are more than 40 units.
50-105	(a)(1) All required off-street loading facilities shall be designed in such a manner that vehicles engaged in loading or unloading activities will not encroach upon or interfere with the public use of streets or alleys.
50-103	(a)(7) No parking or loading space shall interfere with access to any other parking or loading space, or with a pedestrian walkway.

Concerns for PAB and City Council review

- The applicant’s proposal proposes an off-street waste pick up location (linens, kitchen, garbage) requiring backing up down a ramp, and no other off-street loading facility.
 - There is no discussion of the impact of idling, waiting trucks that will then back down Gordon Drive beep-beep-beeping, and make a wide swing to enter and exit the ramp.
 - This will create noise, pollution and traffic along a residential boundary.
- This ramp also serves as the parking garage exit for a 109 unit hotel, meaning that the request violates Section 50-103(a)(7) and it doesn’t constitute a Type A loading space.
- The applicant’s proposal asks the City to provide periodic use of public parking on Broad Avenue for deliveries, which will then cross the sidewalk to reach the building, expressly violating the protections of Sections 50-103(a)(7) & 50-105(a)(1) regarding interfering with parking, public ways and pedestrian walkways.
- The Code requires two Type A loading spaces; the proposal provides none, violating Sections 50-101(a) and 50-105(b)(3)
- To ignore key LDC requirements for a new commercial building will degrade the appearance of an historic avenue, reduce existing parking, place passing traffic and pedestrians at risk, and create traffic problems on both Broad and Gordon.
- This issue does not appear to meet the Code requirement to be treated as a deviation of a Site Plan.

The proposal does not adequately address the traffic impacts it will likely create:

46-33	<p><u>Traffic impacts</u>: Site plan review</p> <p>(f) Standards for review:</p> <p>(1) Determine the impact of the project on <u>level of service standards</u> ...</p> <p>(4) Ensure appropriate planning and to require the necessary improvements with respect to:</p> <p>a. <u>Vehicular entry and exit drives</u> ...</p> <p>d. The <u>impact of traffic</u> generated by the project on traffic patterns and volumes on adjoining and nearby streets and the adequacy of such streets to accommodate such traffic ...</p> <p>g. <u>Off-site improvements necessitated by the traffic</u> ...</p>
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Concerns for PAB and City Council review

- Overall, beware experts who bring you roundabouts as solutions – while attractive and efficient at low traffic volumes, remember Central and Eighth gridlock during peak periods.
- Risks of pedestrian injury
 - A design that places the main pedestrian egress on a busy corner with a narrow sidewalk will risk pedestrian/car interactions
 - The plan for the roundabout brings cars closer to the egress and further narrows the sidewalk.
- Risks of traffic accidents, congestion and gridlock
 - The intersection is already busy and backed up northbound during season afternoons.
 - Putting the main vehicular entrance close to the intersection near a busy corner increases the risks of traffic accidents.
 - Considering the proposed roads and circulation, with or without the roundabout, imagine during season cars arriving to the hotel from east and west, trucks turning east onto Broad from Gordon aiming at the curbside loading area in front of the hotel, valets whipping cars from back to front for eager guests while trucks are trying to back down the same ramp – and add that to existing neighborhood and through traffic from Aqualane Shores and Port Royal. Now add a fire truck.
- The proposed roundabout as drawn:
 - will further narrow the sidewalks and pedestrian landing area at the bottom of the main pedestrian egress stairs
 - has the same gridlock potential as the Central and Eighth roundabout
 - prevents certain trucks from turning at all (WB-50 or semi's with a 50' wheelbase) and limits many other common trucks.
 - The consultant's report is entirely unclear on exactly which types of trucks can make which types of turns.
 - At a minimum our Fire Chief needs to be 100% certain that fire and rescue equipment will get through the intersection.
- Trucks using the rear ramp
 - will either wait on Gordon until cleared, or park on side streets, their engines running, creating traffic problems and pollution
 - when entering and exiting will make wide, slow swings, interrupting traffic.
 - will create gridlock when cars are backed up as far as the ramp.

The proposal does not meet lot coverage requirements:

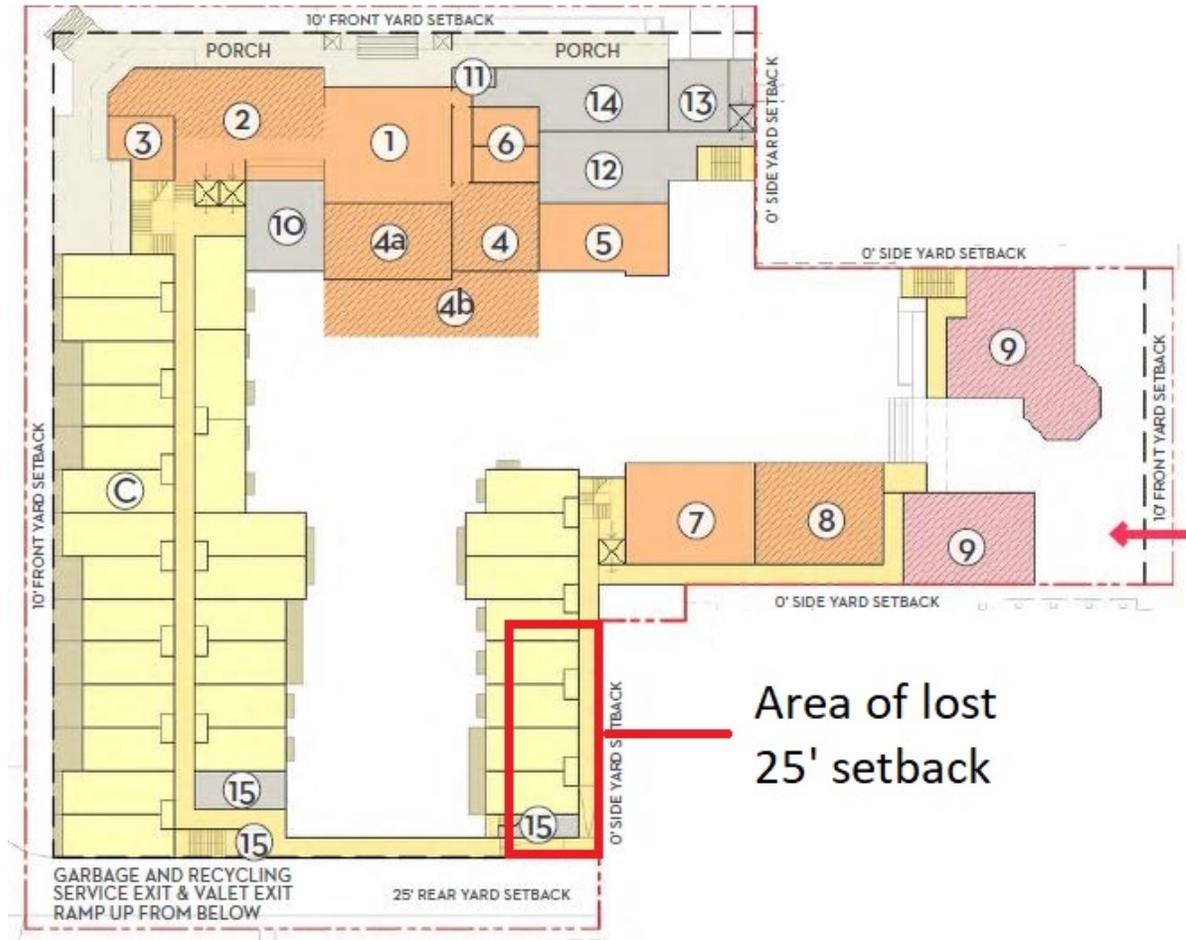
58-540	Maximum lot coverage by all buildings in the C1 district is 45 percent.
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<p>Concerns for PAB and City Council review</p> <ul style="list-style-type: none">• The existing commercial building covers 45% of the lot area.• The proposed building is estimated to occupy 50% of the lot area.• This seemingly modest increase, coupled with the massing of the building around a large, central courtyard, forces critical functions of a hotel – entrance, deliveries, waste removal, truck waiting, required parking – off-site and on to public ways bounding residential areas.• The applicant’s representative remarked in a meeting that a design based on a lot coverage of 45% would result in approximately 70 units. At this density everything appears to be possible within LDC requirements. That’s a worthy design goal!
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The proposal does not clearly meet setback requirements:

Section 58-536	Minimum yards in the C1 district are as follows: (1) Front yard: 10 feet. (2) Side yard: Buildings may be placed either on the side lot line or a minimum of 10 feet from it, except when the adjoining lot is in another zone with a different side yard requirement, in which case a minimum side yard of 10 feet shall be provided. (3) Rear yard: 25 feet.
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- Concerns for PAB and City Council review**
- The applicant claims three front yard setbacks of 10' along Gordon, Broad and Third per 20_Supplemental_Submittal_-_Architectural_r.pdf
 - The applicant claims a single 25' rear yard setback serving as the exit ramp from the parking/waste area.
 - All remaining boundaries are deemed 0' side yard setbacks.
 - The Naples Code does not generally define how much structure can be placed in a setback area, so the ramp and its attendant screening must be reviewed in this light
 - A significant portion of 25' rear setback is lost when compared to the existing use.



The proposal does not meet height requirements:

58-538	In the C1 district, the maximum height shall be limited to 3 stories and 42 feet, measured from the 1st-floor FEMA elevation to the peak of the roof or the highest point of any appurtenance attached to the roof ...
14.1	Charter: All commercial zoning districts in the City of Naples shall be limited to three floors and building heights of 42 feet to the peak of the roof, measured from the first floor, FEMA elevation. Commercial zoning districts shall include ... C1 retail shopping ...

Concerns for PAB and City Council review	
<ul style="list-style-type: none"> <li data-bbox="210 568 1873 646">Whether one deems them roofed structures or appurtenances, there are several parts of the building whose roof peak or highest points exceed 42' (cupola, mechanicals, stairways / elevators). 	

