

**CITY OF FORT MYERS
PLANNING BOARD MEETING
PUBLIC HEARING
MARCH 6, 2019**

Agenda Item #3: Consider a request for an amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD, Phases Two and Three to develop: a maximum of 320 residences with a maximum height of four (4) stories; a five (5) level parking garage; up to 30,000 square feet of commercial retail/office; and up to 130 hotel rooms with a maximum height of five (5) stories. The subject property is located at the northwest corner of the intersection of McGregor Blvd. and Altamont Ave./Victoria Ave., south of West First Street and east of Virginia Ave. as identified by STRAP Number 23-44-24-P2-00005.0000. (Quasi-Judicial)

1. Application Information

Property owner:	City Walk Fort Myers LLC
Agent for the applicant:	Stacy Hewitt, AICP, Banks Engineering
Address	McGregor Blvd., Fort Myers, FL 33901
Location:	Northwest corner of the intersection of McGregor Blvd. and Altamont Ave./Victoria Ave., south of West First Street and east of Virginia Ave
STRAP number:	23-44-24-P2-00005.0000
Zoning:	PUD – First Street Village
Future Land Use:	Downtown (D/T)
Request:	An amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD.
Current Land Use:	Vacant
Case Number:	18PUD05

The First Street Village Planned Unit Development (PUD) was approved on June 19, 2006, by Ordinance No. 3331, with a completion date of June 19, 2011. Ordinance No. 3331 allowed construction in three (3) phases of three hundred forty-eight (348) multi-family residential units and one hundred thirty-nine thousand nine hundred twenty-two (139,922) square feet of office and retail space, including an approximate thirty-nine thousand (39,000) square foot grocery store development, all on a total of 12.34 +/- acres.

On January 4, 2010 by Ordinance No. 3536, the PUD was extended 2 years under the guidelines of Senate Bill 360 extending the completion date to June 19, 2013.

Ordinance No. 3536, approved on July 15, 2013 extended the completion date for completion of construction to be extended seven (7) years to June 19, 2020.

The grocery store and 4 multi-family units are completed leaving 343 multi-family units approved for the vacant parcel. To date, 77,925 square feet of the 139,922 square foot project has been built leaving 61,997 square feet of office and

retail space approved for the vacant area parcel. The breakdown for the completed portion is as follows:

Commercial liner buildings at 2023 Altamont:	17,104 square feet
Publix Grocery Store:	47,538 square feet
Commercial liner buildings adjacent to Publix:	13,283 square feet
Total:	77,925 square feet

2. Request

Stacy Hewitt, AICP, agent, is requesting an amendment to the City Walk Planned Unit Development (PUD) formerly known as the First Street Village PUD, for Phases Two and Three. Phase One of the First Street Village PUD includes the 4.47 acres +/- parcel located at 2144 McGregor Boulevard and was developed with a 47,538 sq. ft. Publix grocery store, 17,104 sq. ft. of retail in the liner building adjacent to Publix, 30,387 sq. ft. of retail in liner buildings on Altamont Street, and 4 townhomes.

The amendment to the First Street Village PUD proposes a new name for the remaining 7.87 acre +/- parcel to be known as City Walk PUD and the development of up to three hundred twenty (320) multi-family and townhouse residences, a maximum of thirty thousand (30,000) square feet of office and retail space, and up to 130 hotel room development. The City Walk PUD will be developed in three phases.

The combined development total of the existing First Street Village Phase One and the amendment known as City Walk PUD will be a maximum of 324 residences with a height up to four (4) stories, a maximum of 108,000 square feet of office and retail space and a hotel with a maximum height of five (5) stories containing a maximum of 130 hotel rooms.

3. Staff Review

The Fire Marshall, Public Works Department and Engineering Division staff reviewed the PUD Amendment Application and had no objections. Transportation and Planning Staff support the amendment with the following:

- Formal traffic site plan review will be performed at the time of site plan application, this will include review for fire vehicle circulation and obstructions within site triangles.
- Loading zones will be provided internal to the project.

4. Comprehensive Plan Compliance

The Comprehensive Plan policies, actions and standards that apply are within the **Downtown (D/T) Policy 1.7** as follows:

Policy 1.7): Areas on the Future Land Use Map designated as Downtown District (D/T) in accordance with Map E will be redeveloped as the pre-eminent regional mixed-use

development center. Properties located within the Downtown Historic District shall be developed or redeveloped in accordance with this policy and the Historic Preservation Element of the Comprehensive Plan. The maximum base (not including bonus) density allowed within the D/T District is 70-units/acre and the maximum base (not including bonus) intensity for non-residential uses is eight (8) FAR. The maximum densities and intensities for each zoning district shall be further defined by the Land Development Regulations. Additional density, intensity (FAR) and height may be approved only through the bonus incentive program, as described in Policy 1.9 and as implemented through standards and procedures in the Land Development Regulations. Bonus shall be approved through the Planned Unit Development process.

Action 1.7.1) Designate on the City's Zoning Map and provide land development regulations for uses appropriate for the redevelopment and revitalization of Downtown Fort Myers and the standards below, with institutional uses such as nonprofit organizations, schools, and churches and related uses allowed in all land use categories except Civic.

Standard 1.7.1.2) The Urban Center (U-CTR) zoning designation shall be applied to establish and protect the pedestrian-friendly fabric of the historic downtown core and each surrounding neighborhood. For the purposes of projecting future growth and demand for services only, the intent of the Urban Center is to provide a ratio of uses as follows: approximate mix of 30-40% residential and 60-70% non-residential.

Action 1.7.3) For the Downtown Redevelopment Area shown on Map E (and the entire Coastal High Hazard Area as shown on Map E-2), the City will continue focusing on hurricane preparedness as a major issue and the impact its Comprehensive Plan has on maintaining or reducing clearance times and providing adequate shelter space. The City will initiate appropriate strategies to improve hurricane preparedness. Potential strategies include working with the Lee County Emergency Management Office, Lee County, the MPO and FDOT to increase the capacity of evacuation routes through structural and nonstructural improvements in order to maintain evacuation clearance times, and sufficient shelter space to meet the projected need.

Action 1.7.5) All new development shall provide amenities according to the pertinent standards provided in the Land Development Regulations, including but not limited to the following areas:

Exceptional architectural design;
Pedestrian friendly connections between public and private property;
Multimodal transportation strategies including para-transit provision; and
Riverwalk easement.

Action 1.7.6) Any properties located within the Downtown Redevelopment Plan Area and considered non-conforming uses may be considered for development improvements through the Planned Unit

5. **Public Notice**

A total of 55 public notice letters were sent to property owners within 300 feet of the parcels identified by STRAP Numbers 23-44-24-P2-00005.0000. The property was posted with signs alerting the general public of the zoning change; the agenda was posted at City Hall; and an ad ran in the News-Press; all actions taking place at least 10 days prior to the meeting. No letters were returned, and no written comments or objections were received as of February 25, 2019.

6. **Smart Code Changes**

On February 4, 2019, City Council adopted Ordinance No. 3850 amending the Smart Code. Therefore, the following Land Development Codes for Urban Center will apply to building height and density within the City Walk PUD:

- LDC 118.8.5.C.2. **Building height.** Principal building height: two (2) story minimum, twelve (12) story maximum (except where restricted further by historic designations). Outbuilding height: two (2) story maximum.
- LDC 118.8.5.C.7. **Residential density.** In Urban Center, maximum base density is fifty (50) dwelling units per acre. In addition to the base density, intensity and height allowed within the underlying zoning district, a 30% bonus density, intensity and height may be awarded to parcels which are greater than 0.5 acres.

7. **Warrants and Deviations**

The following warrants and deviations shall apply to the City Walk PUD:

Warrants

1. Withdrawn
2. Land Development Code Section 118.8.5.C.1.b. (former Section 2.4.1.1 T5) Within Urban Center Zones Buildings shall have their principal pedestrian entrances on a frontage line.

Warrant: The grocery store on the existing Phase One First Street Village and the City Walk development are not required to have their principal entrance on a frontage line.

3. Land Development Code Section 118.8.5.C.4.a. (former Section 2.4.4.1 T5) Parking Standards All parking areas shall be located at the Third Layers and masked by a streetwall or liner building.

Warrant: Parking is permitted in the First and Second Layers and a streetwall or liner building will not be required along the northern half of the northeast property

line, but a decorative fence shall be required along Clifford Avenue and landscape screening will be provided to screen parking from McGregor until Phase 2 and 3 develop.

4. Land Development Code Section 118.8.6.G.2 (former Section 3.7.2 T5) Setback-Front- Zero (0) foot minimum, ten (10) foot maximum.

Warrant: As this project is surrounded on all sides by roads, all setbacks will be considered front yard setbacks. The maximum front setbacks, by street allowed are as follows:

Altamont Avenue	35 Feet
Clifford Street	65 Feet
McGregor Boulevard	41 Feet
Virginia Avenue	38 Feet
West First Street	25 Feet

5. Land Development Code Section 118.8.5.C.7.c which states, "Signage shall be externally lit, except that signage within the shop may be neon lit." to allow internal illumination per sign package.

Warrant: Allow Internal illumination per sign package prepared by Lee Designs, dated 1/29/19 Revision "J".

6. Land Development Code Section 118.8.5.C.4.e which states that a vehicular entrance to a parking lot or garage on a frontage shall be no wider than 30 feet to allow 53 feet on McGregor Blvd. entrance.

Warrant: Vehicular entrance to a parking lot or garage on a frontage shall be no wider than 30 feet to allow 53 feet on McGregor.

7. Land Development Code Section 118.8.5.A.10.b which states, "There shall be one sign per facade. Blade signs shall not be counted toward signage permitted."

Warrant: Allow 2 signs on the north (signs D & E per sign package) and south (signs C & F per sign package) facades of City Walk Phase 1, sign package prepared by Lee Designs, dated 1/29/19 Revision "J".

Deviations

8. Land Development Code Section 138-41 (former Section 30-31) (a) New and existing parking areas. This section shall apply to all new and existing parking and vehicular use areas that are to be expanded, except when the proposed work is limited only to the re-stripping of lots and drives.

(3) A minimum eight (8) foot wide curbed landscaped island or peninsula shall be required for a maximum of every one hundred (100) linear feet of parking area. The minimum eight (8) foot width shall be measured between inside edges of curbs. There shall be a minimum of one (1) tree and ten (10) shrubs for every two hundred (200) square feet of parking islands, peninsulas and medians. All parking spaces must be

located within a one hundred (100) foot radius of a circle drawn from the center of a tree that is planted in a pervious island, peninsula, or median.

Deviation: Landscape islands may be placed at a maximum of one hundred forty (140) feet apart in the short-term parking areas along McGregor Boulevard.

9. Land Development Code Section 134.2.15.1.2. (formerly Section 29-53) The minimum centerline spacing between driveways and intersections or between driveways and driveways shall be 330 feet along arterial and collector streets, and 125 feet along other than single-family local streets.

Deviation: Driveway/Intersection spacing may be less than three hundred (300) feet along McGregor Boulevard and less than one hundred twenty-five (125) feet along Virginia Avenue and West First Street.

10. Land Development Code Section 134.3.3.B.1 (former Section 29-88) All off-street parking facilities shall be so arranged that no vehicle shall have to back into the right-of-way of any street.

Deviation: Angled parking along Altamont Avenue and Virginia Avenue may be designed so that vehicles back into the right-of-way.

11. Land Development Code Section 134.3.3.A Parking facility dimensions and accessibility. Minimum parking stall width of 10 feet.

Deviation: Minimum parking stall width of 9 feet.

8. Staff Recommendation

Staff finds the proposed amendments to the City Walk Planned Unit Development consistent with the Comprehensive Plan and the Land Development Code, and recommends approval of the PUD amendment to the Planning Board, subject to the following:

- a. This planned unit development is for the construction of a maximum of 324 residences with a height up to four (4) stories, a maximum of 108,000 square feet of office and retail space and a hotel with a maximum height of five (5) stories containing a maximum of 130 hotel rooms.
- b. City Walk PUD Amendment request does not include bonus density or bonus height and is not subject to the bonus incentive program. The City Walk PUD is subject to the following conditions:

~~Support the warrant increased height of three (3) stories above the five (5) story maximum (for a total of eight (8) stories) with "bonus criteria" mitigation totaling one million three hundred thirty-seven thousand two hundred dollars (\$1,337,200.00) in consideration for:~~

1. **Hurricane Evacuation Plan** – New developments which contain at least 75 residential dwelling units, or any redevelopment which adds

at least 60 residential dwelling units, must submit a hurricane evacuation plan which demonstrates that residents can safely evacuate the County within 16 hours for a Category 5 storm event or maintain a 12 hour evacuation time to shelter for a Category 5 storm event and ensure that shelter space is available to accommodate the additional residents allowed by the bonus allocation. All plans shall comply with Lee County Administrative Code AC 7-7, be submitted to and approved by the county emergency management director. In lieu of a hurricane evacuation plan, the developer may contribute money toward the construction/operation of hurricane shelters equal to the proportional amount needed to accommodate the additional residents allowed by the bonus allocation, as determined by the City Manager.

2. **Affordable Housing** – ~~The developer shall choose one of the following three options to provide affordable housing.~~

- a. ~~On site: The Developer shall cause seven (7) units on site to be deed restricted for purchase by only qualified purchasers earning no more than one hundred twenty percent (120%) of the Lee County median income at a moderate purchase price of no more than one hundred twenty five thousand dollars (\$125,000.00) or as adjusted by Housing and Urban Development from year to year and give the City of Fort Myers a subordinated mortgage totaling ninety thousand dollars (\$90,000.00) per unit, forgivable at 1/20 per year, in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated Housing and Urban Development price (i.e. \$125,000.00 adjusted annually). OR~~
- b. ~~Off site: The developer shall offer for sale seven (7) units off site (but within three (3) miles of the downtown redevelopment area) to be deed restricted for purchase by only qualified purchasers earning no more than one hundred twenty percent (120%) of the Lee County median income at a moderate price of no more than one hundred twenty five thousand dollars (\$125,000.00) or as adjusted by HUD from year to year and give the City of Fort Myers a subordinated mortgage totaling ninety thousand dollars (\$90,000.00) per off-site unit, forgivable at 1/20 per year in favor of the City subordinated to the primary lender and the initial purchaser's equity (down payment), but ahead of any profits that the initial purchaser may reap as a result of selling the unit for more than the stated HUD price (i.e. \$125,000.00 adjusted annually). All off site units must be completed prior to the issuance of the first certificate of occupancy for the Planned Unit Development. OR~~
- c. ~~Payment: The developer shall pay ninety thousand dollars (\$90,000.00) per required affordable/moderate unit~~

~~(\$90,000.00 x 7 units = \$630,000.00) required to be held in a non-interest bearing escrow account by the City; the funds to be used by the City to acquire land and to offer the land competitively for moderate income housing construction within one (1) mile of the development, or some other alternative method to accomplish the goal of providing moderate income housing. All contributions (required moderate income housing units), mortgages or offerings of units (as applicable) shall be approved by the City and phased and prorated as the individual Blocks 1, 2A, and 2B as identified on Exhibit D receive a Final Certificate of Occupancy.~~

Affordable housing criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, conditions b.2.a through c. have not been duplicated and are no longer necessary for City Walk.

3. **Para-Transit** – ~~The developer, their successors, or assigns shall contribute seventeen thousand eight hundred dollars (\$17,800.00) (348 units X \$51.14 per unit) annually, (or 356 units X \$51.15 per unit for eighteen thousand two hundred dollars (\$18,200.00), to the “Downtown Para Transit Fund” to mitigate their para-transit impacts. The first contribution shall be due at the time of the certificate of occupancy for Block 2A as identified on Exhibit D. Subsequent payments shall be due to the City of Fort Myers on October 1 and shall be adjusted annually based on the Consumer Pricing Index (CPI)~~

Multimodal transportation strategies. Proposed development with at least 100 residential dwelling units or 25,000 square feet of commercial or office use shall submit a multimodal transportation plan to provide and promote use of alternative transportation. The plan shall incorporate strategies such as on-site shuttle services and provision of employee showers and changing rooms which promote bicycle transit.

City Walk proposes to include the condition to provide contribution to the Downtown Para Transit Fund in consideration of multimodal transportation strategies including para-transit provision with updated calculation for the proposed City Walk PUD. The monetary contribution for City Walk’s residential density equivalent of 256 units would be \$13,100 annually (256 x \$51.14).

4. **Public Open Space** – ~~The public plaza, as shown on the site plans prepared by Johnson Engineering with a revision date of September 1, 2005, shall be maintained by the developer, their successors, or assigns, and remain open to the public in perpetuity.~~

Public open space criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, this condition is no

longer necessary for City Walk.

5. **Public/Private Parking** - The developer shall provide One Hundred Forty-One Thousand Two Hundred Fifty Dollars (\$141,250) ~~five hundred eighty-five thousand dollars (\$585,000.00) (\$15,000.00 per space construction cost X 39 parking spaces) (if the option to construct three hundred fifty six (356) units is selected, the developer will be required to provide five hundred sixty five thousand dollars (\$565,000.00) (\$15,000.00 per space X 38 parking spaces)~~ to the City to be held in a fund known as “Downtown Redevelopment Area Parking Fund” to be used for construction of public parking spaces prior to the issuance of the first building permit for vertical construction for the Publix Block. **Completed.** ~~These monies shall be paid per phase, as identified on Exhibit D, as follows:~~

i. ~~One Hundred Forty-One Thousand Two Hundred Fifty Dollars (\$141,250) prior to the issuance of the first building permit for vertical construction for the Publix Block.~~

Public/private parking criteria is no longer required due to the revised Smart Code adopted by Ordinance No. 3858, conditions b.5.ii through iv have not been duplicated and are no longer necessary for City Walk. It should be noted that First Street Village paid \$141,250 towards this requirement.

6. **Pedestrian Friendly Connection** – ~~The developer shall construct a public plaza and minimum eight (8) to ten (10) foot sidewalks as outlined in the site plan and must retain public access and in perpetuity. Maintenance of all sidewalks not located on a public right-of-way shall be the responsibility of the developer, their successors, or assigns.~~

The developer will provide pedestrian access between the project and public right-of-way with a minimum width of six feet for access to the sidewalk/street frontage. The developer will build and maintain improvements at its expense. Developer must agree to continue the adopted streetscape plan on the first layer of the property and to maintain consistency with the plan in perpetuity.

7. **Exceptional Architectural Design** – Based on comments from Duany Plater-Zyberk (Exhibit C), the developer may construct up to eight (8) stories.

Although City Walk does not propose bonus height as approved by this condition, revised Smart Code adopted by Ordinance No. 3858 require developments to provide exceptional architectural design. Please refer to proposed architectural exhibits prepared by PDS Architecture Inc. for City Walk dated 01/14/2019.

- c. Support the warrants and deviations as shown on the site plans prepared by Johnson Engineering with a revision date of October 17, 2005 (Phase I) and the City Walk PUD Site Plan prepared by Banks Engineering with a revision date of 2/24/2019. The applicant shall comply with all other requirements of the Smart Code and ~~Growth Management~~ Land Development Code.
- d. To address the public safety concern, the developer shall contribute one hundred fifty thousand four hundred dollars (\$150,400.00) to the City of Fort Myers to assist in the acquisition of three (3) police cruisers. A Payment of fifty thousand dollars (\$50,000) shall be made prior to the issuance of the first building permit for vertical construction of the Regency Retail as identified on Exhibit D; fifty thousand dollars (\$50,000) prior to the issuance of the first building permit for vertical construction of Publix as identified on Exhibit D and fifty thousand four hundred dollars (\$50,400) shall be made prior to the issuance of the first building permit for vertical construction for the West First liner Units as identified on Exhibit D. **Completed**
- e. The developer shall comply with the Downtown Fort Myers Streetscape Plan adopted by City Council in April 2003.
- f. ~~The developer shall comply with the Smart Code dated April 19, 2002.~~
- ~~f~~ g. The developer shall be required to pay their fairshare contribution in the amount of ten thousand dollars (\$10,000.00) for an intersection improvement on McGregor Boulevard. This contribution is in addition to all required road impact fees. **Completed**
- ~~g~~ h. An additional traffic impact study will be required if the land uses or combination of land uses change.
- ~~h~~ i. The developer shall be required to pay the cost of the required turn lanes as contribution to the pedestrian and/or traffic calming improvements.
- ~~i~~ j. The developer shall be required to donate, with no credits to be granted, the right-of-way needed for the roundabout design prior to the issuance of site work permits and pay their proportionate share of the traffic calming for West First Street prior to the issuance of the first building permit for vertical construction for Block 2A as identified on Exhibit D. **Completed**
- ~~j~~ k. The developer agrees to contribute funds necessary, approximately one hundred fifty thousand dollars (\$150,000.00), for the acquisition of a rear loading garbage truck prior to the issuance of building permits for vertical construction for the Publix Block as identified on Exhibit D. **Completed**
- ~~k~~ l. The developer shall improve the median the length of Virginia Avenue, details to be determined by the Public Works Department prior to the issuance of permits for vertical construction of Phase Three.

- l n. All South Florida Water Management District permits must be issued prior to the issuance of any City permits. The approved SFWMD ERP Permit #36-05850 included the existing vault in the Publix parking lot and was designed to accommodate the entire planned development.
- m n. The developer agrees to contribute one hundred fifty thousand dollars (\$150,000.00) to the City Public Art Fund prior to the issuance of building permits for the first phase or contribute artwork valued at one hundred fifty thousand dollars (\$150,000.00) to be placed in a public area. All artwork shall be reviewed by the City's Public Art Committee. Such placement shall allow for public enjoyment and its form and location shall be approved by City Council considering the recommendation of the City's Public Art Committee. The determination as to whether a monetary contribution or art donation shall be made prior to the issuance of vertical building permits for Block 2A as identified on Exhibit D, with the monetary contribution due at that time.
- City Walk proposes to contribute on-site artwork at a value to be agreed upon by the developer and the City subject to review of the Public Art Committee or provide a monetary contribution in an amount to be agreed upon by the developer and the City. The determination as to whether a monetary contribution or on-site art shall be made prior to the issuance of vertical building permits with any monetary contribution due at that time.
- n o. The maintenance of all landscaping within and surrounding the development, including but not limited to landscaping within the right-of-way, shall be the responsibility of the property owner, their successors or assigns.
- o p. The landscape plans prepared by Johnson Engineering dated October 17, 2005, are approved conceptually for Phase I. The final details and planting specifications shall be approved by the Manager, Parks Division, Public Works Department, with the consent of the Beautification Advisory Board, prior to the issuance of certificates of occupancy for Phase I. Phases II and III shall comply with Landscape plans prepared by OPI – Outside Productions International dated 12/20/2018
- p q. The developer shall be required to replace ~~the existing~~ any impacted royal palms along the McGregor Boulevard street frontage with new royal palms. The new royal palms shall be a minimum of sixteen (16) feet of gray wood at planting and of Florida Fancy, Grade A quality. The exact spacing of the palms shall be approved by the Manager, Parks Division, Public Works Department prior to the issuance of building permits for vertical construction. Final placement to be determined by the Manager, Parks Division, Public Works Department, in compliance with applicable state and local historic legislation.
- q r. The developer shall be required to pay all fire impact fees, per phase, at the issuance of the first building permit for vertical construction for each phase.

- r s. All overhangs (awnings) shall be a minimum of eight (8) feet in depth. **Completed**
- s t. Overhangs along the north frontage of Publix shall stretch the entire length of the facade facing the parking lot. **Completed**
- t u. All mechanicals (air conditioning, water meters, fire valves, etc.) for Phase I, townhomes and grocery store, shall be screened from view. **Completed**
- u v. The Northeast and Southeast Elevations shall be reduced by eight (8) feet per the revised elevations prepared by Councilman Michael Flanders and attached as Exhibit C. **Completed**
- v w. The developer shall revise the site plans, Exhibit B, to increase the set back of Phase I along McGregor Boulevard by nine (9) feet. This can be accomplished by either removing one (1) row of landscape parking islands or by removing one (1) row of parking. **Completed**
- w x. The developer shall study the possibility of requiring all truck traffic to utilize Altamont Avenue and not Clifford Street. **Completed**
- x y. The developer shall grant a public access easement for City Walk Village Court prior to the issuance of building permits for vertical construction. ~~of Phase III.~~
- y z. Phase 1 of the First Street Village PUD shall comply with the terms, conditions and deviations for this Planned Unit Development, reflected on the site plan prepared by Johnson Engineering, with a revision date of September 1, 2005, and signage package as prepared by DeNyse Signs dated September 20, 2005, shall be binding on the applicant, their successors or assigns.
- City Walk PUD, formerly known as Phases II & III of the First Street Village PUD, shall comply with the Site Plan prepared by Banks Engineering with a revision date of 2/24/2019 and the sign package prepared by Lee Designs, dated 1/29/19 Revision "J"
- z. All loading zones shall be internal to the project.
- aa. Formal traffic site plan review will be performed at the time of site plan application, this will include review for fire vehicle circulation and obstructions within site triangles.
- bb. The Planned Unit Development for the First Street Village will be a three (3) phase project and shall be effective upon approval. The project phasing is as follows: phase one consists of the block containing the grocery store; phase two is the center block consisting of the retail plaza and residential units; and phase three is the western most residential block. The phase one linear buildings that screen the surface parking lot shall be completed prior to or concurrent with the issuance of the Certificate of Occupancy for

phase two. Construction permits must be applied for within twelve (12) months from the date of the Planned Unit Development approval and construction completed within five (5) years. If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of continuance referenced above, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this Planned Unit Development are reserved for the Developer during the period of the suspension.

The Planned Unit Development for the First Street Village Phase One consisting of the block containing the grocery store is complete. City Walk will be a three (3) phase project and shall be effective upon approval. The project phasing is as follows: City Walk Phase I consists of the parking garage, infrastructure and multi-family; City Walk Phase II consists of the hotel site, and City Walk Phase III will be the mixed-use/commercial/townhouse parcel. Construction permits must be applied for within four (4) years from the date of the planned unit development approval and construction completed within seven (7) years. If for any reason, the Developer is not able to meet the timeframes set forth above, the Developer must, no later than ninety (90) days prior to expiration of any of the timeframes set forth above, provide written notice to the City indicating its anticipated failure to meet the timeframes and provide a detailed explanation of the reason. The City shall determine whether an extension of the timeframes is warranted. For the period of continuance referenced above, the timeframes set forth in the Smart Code are suspended and the units as previously granted in this planned unit development are reserved for the Developer during the period of the suspension.

6. Recommended Action

Find the amendments to the City Walk Planned Unit Development formerly known as the First Street Village Planned Unit Development consistent with the Comprehensive Plan and Land Development Code; and recommend approval to City Council.