

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

Pursuant to LDC subsections 10.02.13 B, 10.02.08 F and Chapter 3 G. of the Administrative Code, staff's analysis and recommendation to the Planning Commission, and the Planning Commission's recommendation to the Board of County Commissioners shall be based upon consideration of the applicable criteria. On a separate sheet attached to the application, provide a narrative statement describing the rezone request with specific reference to the criteria below. Include any backup materials and documentation in support of the request.

The Marco Shores/Fiddler's Creek PUD is a previously approved and partially developed PUD, which authorizes up to 6,000 residential dwelling units, 325,000 square feet of commercial development, recreational uses and community facilities. The project is approximately two-thirds complete and the applicant is proposing modifications to the DRI/PUD, which better reflects the as-built conditions within the project, as well as the anticipated future development for the project. A summary of the proposed changes are listed below. The changes do not result in an increase in residential or commercial development within the project.

In support of the proposed DRI/PUD amendment, the applicant has provided a traffic impact analysis. This analysis concludes that there are no local or regional transportation issues resulting from the revised location of a portion of the commercial development within the project.

A companion Collier County Growth Management Plan amendment has been filed for the project. A majority of the project is located within the Urban Coastal Fringe Future Land Use Category. A portion of the project is located within the Neutral Lands designated area of the Rural Fringe Mixed Use District. A prior Future Land Use Amendment authorized the previously vested and approved residential dwelling units to be redistributed within the Neutral Lands so long as no additional units were added to the DRI. The applicant proposes to modify the Neutral Lands text to also permit the vested and previously approved commercial development to be redistributed within this portion of the project.

The summary of the proposed changes are as follows:

Summary of Proposed Changes to DRI/PUD

- **Create new map H and PUD master plan to reflect reallocation of commercial (B, Business) acreage to area on U.S. 41 near new project entrance.**
 - **No new commercial square footage is proposed.**
- **Revise map H and PUD master plan to better reflect as-built community plan and add new project access on U.S. 41.**

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

- **Update land use acreages breakdown based on revised master plan in section 2.3 of PUD.**
 - **Amend section 3.4 (a) Group Care Facilities to delete parcel location references and replace with more specific location option.**
 - **Amend section 6.8 to show increase in potential B, Business area acreage. Maximum of 325,000 sq. ft. of intensity to remain unchanged.**
 - **Add multi-family residential as a permitted use in the B, Business (commercial) District.**
 - **Remove/amend reference to remaining/additional golf courses (which have never been developed) in §4.D.1 of DRI DO and §11.4 of PUD and as necessary related Master Plan amendment.**
- a. The suitability of the area for the type and pattern of development proposed in relation to physical characteristics of the land, surrounding areas, traffic and access, drainage, sewer, water, and other utilities.
- Marco Shores/Fiddler's Creek PUD lies within the south service area for Collier County Utilities. The entire project is serviced with urban services and there are no existing or anticipated LOS issues.**
- b. Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the county attorney.
- The applicant is an owner of a portion of the PUD. The owner has authorized the applicant to file the necessary PUD amendment application.**
- c. Conformity of the proposed PUD with the goals, objectives and policies of the Growth Management Plan. (This is to include identifying what Sub-district, policy or other provision allows the requested uses/density, and fully explaining/addressing all criteria or conditions of that Sub-district, policy or other provision.)

Marco Shores/Fiddler's Creek PUD is located in the Urban Coastal Fringe Subdistrict and Neutral Rural Fringe Mixed Use Land Use categories. A companion text amendment has been filed which proposes to allow redistribution of a portion of the previously authorized commercial development in the area designated as Neutral.

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

This is consistent with the prior amendment that authorized redistribution of residential units within the Neutral Lands designation.

The vested DRI/PUD is consistent with the Urban Coastal Fringe subdistrict which permits up to 4 dwelling units per acre. No new units are proposed within the PUD.

Policies 5.3 and 5.5 of the Future Land Use Element discourages urban sprawl by confining urban intensity to areas designated as urban on the Future Land Use Map. The entire Fiddler's Creek project is served by urban services and no additional residential or commercial development is proposed as part of this amendment.

Policy 5.4 of the Future Land Use Element promotes compatible and complimentary land uses with surrounding properties. The shifting of a portion of the previously approved commercial to an area of the project where no development has occurred to date will assure that the development is compatible and complementary to future development. No changes to residential or commercial development standards are proposed.

The Fiddler's Creek project is consistent with the Transportation Element of the Growth Management Plan. All of the vehicular trips associated with the previously approved commercial and residential development are vested, and mitigation for their impacts have been completed. The proposed additional access point on U.S. 41 has no operational impact to the surrounding roadway network.

The Fiddler's Creek DRI/PUD is consistent with the Conservation and Coastal Management Element of the Growth Management Plan. The DRI/PUD includes over 750 acres of native vegetation preservation areas, which exceeded 25% of the on-site native vegetation that existed within the project. None of the proposed changes modify the native preservation acreages.

- d. The internal and external compatibility of proposed uses, which conditions may include restrictions on location of improvements, restrictions on design, and buffering and screening requirements.**

The permitted uses have previously been determined to be compatible with surrounding land uses. No new uses are proposed. The area where the commercial will be redistributed is currently vacant and will not be incompatible with future residential development in the PUD.

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

- e. The adequacy of usable open space areas in existence and as proposed to serve the development.

Usable open space will be provided within the PUD as required by the LDC for the commercial development. Native preservation areas are provided consistent with the vested DRI/PUD.

- f. The timing or sequence of development for the purpose of assuring the adequacy of available improvements and facilities, both public and private.

Adequate infrastructure must be in place to support future development on the site. There are no known capacity issues that will impact this project.

- g. The ability of the subject property and of surrounding areas to accommodate expansion.

Marco Shores/Fiddler's Creek PUD is an existing PUD, which is surrounded by zoned and developed land. Expansion of the PUD boundary is not proposed.

- h. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications of justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

The Marco Shores/Fiddler's Creek PUD was originally approved by ORDINANCE NUMBER 84-42 issued on June 18, 1984.

Subsequent amendments are as follows:

AMENDED: MAY 24, 1988- ORDINANCE 88-48

AMENDED: JUNE 13, 1989- ORDINANCE 89-34

AMENDED: JANUARY 22, 1991- ORDINANCE 91-6

AMENDED: NOVEMBER 10, 1992- ORDINANCE 92-90

AMENDED: JULY 23, 1996- ORDINANCE NUMBER 96-42 (NOTE: Ordinance No. 96-42 has the effect of replacing Marco Shores PUD with new PUD)

AMENDED: NOVEMBER 26, 1996 - ORDINANCE 96-74

AMENDED: FEBRUARY 24, 1998-ORDINANCE 98-13

AMENDED: MAY 12, 1998 - ORDINANCE 98-38

AMENDED: DECEMBER 12, 2000- ORDINANCE 00-84

AMENDED: NOVEMBER 19, 2002 - ORDINANCE 02-61

LDC Section 10.02.08 F - Requirements for Amendments to the Official Zoning Atlas

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

F. Nature of requirements of Planning Commission report. When pertaining to the rezoning of land, the report and recommendations of the Planning Commission to the Board of County Commissioners required in LDC section 10.02.08 E shall show that the Planning Commission has studied and considered the proposed change in relation to the following findings, when applicable:

1. Whether the proposed change will be consistent with the goals, objectives, and policies and future land use map and the elements of the Growth Management Plan.

A companion growth management plan amendment has been filed which proposes to allow the previously approved commercial square footage to be distributed to parcels which are within the Rural Fringe-Neutral Lands Future Land Use Category. The Growth Management Plan was previously amended to acknowledge that the previously approved residential units are permitted to be distributed to the portions of the PUD which are within the Rural Fringe-Neutral Lands Future Land Use Category.

2. The existing land use pattern.

The proposed PUD amendments provide for new access points along U.S. 41 as well as the reallocation of some of the existing and previously approved commercial uses to be located along the U.S. 41 frontage of the PUD. As the population buildout occurs in the eastern portions of the Fiddler's Creek PUD, it makes logical land use sense to permit commercial development in proximity to the future residential development.

3. The possible creation of an isolated district unrelated to adjacent and nearby districts.

The PUD boundary is not proposed to be changed; therefore, no isolated district is created by this zoning action.

4. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

The PUD boundary encompasses all properties controlled by the applicant and it does represent a logical boundary.

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

5. Whether changed or changing conditions make the passage of the proposed amendment necessary.

As the buildout of the Fiddler's Creek PUD continues, it is apparent that all new residential dwellings will be located within the eastern portions of the project, in closer proximity to the U.S. 41 corridor. The FDOT has also recently completed a widening project for U.S. 41 in anticipation of the continued development within Fiddler's Creek and nearby properties.

6. Whether the proposed change will adversely influence living conditions in the neighborhood.

The reallocation of some of the previously approved commercial development to the U.S. 41 frontage and creation of new project access points on U.S. 41 will not have an adverse impact to the neighborhood. The revisions will be convenient for residents living in the later phases of the community.

7. Whether the proposed change will create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.

The reallocation of some of the commercial and establishment of two commercial nodes along the U.S. 41 will provide more convenient retail and office opportunities for residents. The addition of access points along the U.S. 41 frontage will also provide more convenient access for residents and allow for greater dispersal of trips within the community.

8. Whether the proposed change will create a drainage problem.

The entire Fiddler's Creek PUD has been permitted by the South Florida Water Management District and local and regional drainage facilities have been constructed within the community to handle area drainage.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

The proposed amendments will have no impact on light and air to adjacent areas.

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

10. Whether the proposed change will adversely affect property values in the adjacent area.

The proposed amendments should have no impact on property values in the adjacent area.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

The proposed PUD amendments should enhance surrounding properties and will not deter improvement or development of nearby properties.

12. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

No modifications to the overall project intensity or density is proposed. The amendments will not grant a special privilege to the owner.

13. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

As the community nears 2/3rd buildout, the development areas have become more identifiable and the needs of the community have changed over the 20 year development cycle; therefore, the developer is attempting to respond to the changing development pattern for the community, necessitating the proposed PUD amendments.

14. Whether the change suggested is out of scale with the needs of the neighborhood or the county.

The Fiddler's Creek project is a Development of Regional Impact. The allocation of residential and commercial development is appropriate. No changes to the intensity or density of development is proposed.

15. Whether it is impossible to find other adequate sites in the county for the proposed use in districts already permitting such use.

The allocation of commercial and residential development has been previously approved for this PUD.

Fiddler's Creek PUD

Exhibit 4 Evaluation Criteria

16. The physical characteristics of the property and the degree of site alteration which would be required to make the property usable for any of the range of potential uses under the proposed zoning classification.

Future development within the community will largely occur on properties that were previously cleared and utilized for row crop agricultural production. All preservation areas have been set aside in accordance with the approved DRI/PUD.

17. The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the Collier County Growth Management Plan and as defined and implemented through the Collier County Adequate Public Facilities Ordinance [Code ch. 106, art. II], as amended.

There are adequate roadways and utilities available at the site. There are no public facilities deficiencies at the present time and none will occur as a result of this project.

18. Such other factors, standards, or criteria that the Board of County Commissioners shall deem important in the protection of the public health, safety, and welfare.

The project is consistent with the Growth Management Plan and it is compatible with surrounding development.