HEX NO. 2015 – 42

HEARING EXAMINER DECISION

PETITION NO. PDI-PL20140000640 – Landquest Group, LLC requests an insubstantial change to Ordinance Number 07-54, the Tree Farm MPUD, as amended, to reduce the maximum number of residential dwelling units from 425 dwelling units to 281 multi-family/townhouse or 138 single-family detached units; to reduce the density generated from the Mixed Use Activity Center Subdistrict from 7.7 to 0 units/acre; to correct a scrivener's error by changing the density generated from the Urban Residential Subdistrict, Density Band from 4 to 7 units/acre; to reduce the size of water management areas from 7.2 to 6.4 acres; to reduce the maximum total allowable square footage within the PUD Commercial Mixed-Use District from 175,000 to 120,000 square feet; to increase the maximum size of retail or office uses from 43,500 to 100,000 square feet; to add a deviation to permit residential components of the PUD to have a maximum wall height of 8 feet along the PUD perimeter and 12 feet along Collier Boulevard; to update various provisions to reflect the conveyance of a 7.42 acre parcel to Collier County; to amend residential development standards relating to minimum setbacks; to create a new Recreational Area section with permitted uses and development standards; to move clubhouse/recreation development standards from the Residential District section to the new Recreational Area section; to remove one transportation development commitment; to reduce the number of required raw water well easements from 2 to 1; to add a utilities development commitment relating to construction and access to the well easement site; and to amend the Master Plan to reflect existing PUD conditions and add a new Recreational Area along the northern PUD boundary, for the PUD property consisting of 58.84± acres located at the intersection of Immokalee Road (C.R. 846) and Collier Boulevard (C.R. 951) in Section 22, Township 48 South, Range 26 East, Collier County, Florida.

DATE OF HEARING: October 22, 2015

STAFF RECOMMENDATION: Approval.

FINDINGS:

Based on the applicant's written petition, testimony at the hearing of the applicant and the recommendation of staff, the Hearing Examiner finds that the criteria set forth in Sections 10.02.13 E.1 and 10.02.13 E.2 of the Land Development Code has been met and the petition is approved.

ANALYSIS:

No objections were received and no members of the public attended this hearing.

This request provided for a variety of reductions and changes to the previously approved Planned Unit Development (PUD). The number of total residential dwelling units were reduced, total maximum commercial square footage was reduced, additional standards were added to the

residential/recreational component, and there was a general clean up of the PUD language to coincide with the overall changes and reflect existing conditions.

Changes and clarifications were requested by the Hearing Examiner and the County Attorney's office at the meeting and are reflected in the attached Exhibit. The recreational area has been depicted on the amended Master Plan, and specific development standards for the recreational area have been added within the existing residential section of the PUD. Deviation #2 was added to allow berms and walls at various locations along the perimeter of the PUD. The applicant agreed to add a traffic maximum peak hour trip generation cap consistent with their updated Traffic Impact Statement (TIS), which is a reduction over their previous trip generation. The applicant agreed to a minimum buffer, including a six-foot masonry wall, between the recreational area and any adjacent residential units.

DECISION:

The Hearing Examiner hereby approves Petition Number PDI-PL20140000640, filed by Patrick Vanasse, AICP of RWA, Inc. representing Landquest Group, LLC, with respect to the property as described in the Tree Farm MPUD, Ordinance No. 07-54, for the following insubstantial changes:

- to reduce the maximum number of residential dwelling units from 425 dwelling units to 281 multi-family/townhouse or 138 single-family detached units;
- to reduce the density generated from the Mixed Use Activity Center Subdistrict from 7.7 to 0 units per acre;
- to correct a scrivener's error by changing the density generated from the Urban Residential Subdistrict, Density Band from 4 to 7 units per acre;
- to reduce the size of water management areas from 7.2 to 6.4 acres;
- to reduce the maximum total allowable square footage within the PUD Commercial Mixed-Use District from 175,000 to 120,000 square feet;
- to add a deviation to permit residential components of the PUD to have a maximum wall height of 8 feet along the PUD perimeter and 12 feet along Collier Boulevard;
- to update various provisions to reflect the conveyance of a 7.42 acre parcel to Collier County;
- to amend residential development standards relating to minimum setbacks;
- to depict the Recreational Area on the Master Plan and add development standards specific to that area;
- to modify the clubhouse/recreation development standards within the Residential section;
- to remove one transportation development commitment;
- to add a trip generation maximum value;
- to reduce the number of required raw water well easements from 2 to 1;
- to add a utilities development commitment relating to construction and access to the well easement site; and
- to amend the Master Plan to reflect existing PUD conditions and add a location for the Recreational Area.

Said changes are fully described in the Tree Farm MPUD amendment attached as Exhibit "A", and are subject to the condition(s) set forth below.

ATTACHMENTS: Exhibit A – MPUD Amendment

LEGAL DESCRIPTION: See Ordinance No. 07-54, the Tree Farm MPUD.

CONDITIONS:

1. All other applicable state or federal permits must be obtained before commencement of the development.

DISCLAIMER:

Pursuant to Section 125.022(5) F.S., issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

APPEALS:

This decision becomes effective on the date it is rendered. Pursuant to Ordinance 2013-25, as amended, a Hearing Examiner Decision may be appealed to the Board of County Commissioners or the Board of Zoning Appeals, as appropriate. Appeals must be filed within 30 days of the date the Hearing Examiner Decision is rendered.

RECORD OF PROCEEDINGS AND EXHIBITS: SEE CLERK OF COURT, MINUTES AND RECORDS DEPARTMENT. DECISIONS OF THE HEARING EXAMINER FOR VARIANCES, CONDITIONAL USES, AND BOAT DOCK EXTENSIONS SHALL BE NOTED ON THE ZONING MAP FOR INFORMATIONAL PURPOSES.

10-27-2015
Date

Mark Strain, Hearing Examiner

Approved as to form and legality:

Scott A. Stone
Assistant County Attorney

TREE FARM MPUD

A

MIXED-USE PLANNED UNIT DEVELOPMENT

REGULATIONS AND SUPPORTING MASTER PLAN
GOVERNING THE TREE FARM MPUD,
A PLANNED UNIT DEVELOPMENT PURSUANT TO
PROVISIONS OF THE COLLIER COUNTY
LAND DEVELOPMENT CODE

PREPARED FOR:

~~TREE FARM LAND TRUST~~
~~2600 GOLDEN GATE PARKWAY, SUITE 105~~
~~NAPLES, FLORIDA 34105~~ LANDQUEST GROUP
5150 TAMIAMI TRAIL NORTH
NAPLES, FLORIDA 34103

PREPARED BY:

RWA INC. CONSULTING

RWA ENGINEERING

6610 Willow Park Drive
Suite 200
Naples, Florida 34109

and

~~GEORGE L. VARNADOE, ESQUIRE~~
~~PASSIDOMO, CHEFFY & JOHNSON, LLP~~
~~821 FIFTH AVENUE SOUTH, SUITE 201~~
~~NAPLES, FLORIDA 34112~~R. BRUCE ANDERSON
CHEFFY PASSIDOMO, P.A.
821 5TH AVENUE SOUTH
NAPLES, FLORIDA 34102

DATE REVIEWED BY CCPC: _____
DATE REVIEWED BY BCC: _____
ORDINANCE NUMBER: 07-54
AMENDMENTS AND APPEAL: _____

EXHIBIT "A"

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STATEMENT OF COMPLIANCE

The development of ±58.84 acres of property in Collier County, Florida, as a Mixed Use Planned Unit Development (MPUD) to be known as the Tree Farm MPUD, shall be in compliance with the goals, objectives, and policies of the Collier County Growth Management Plan (GMP), Land Development Code (LDC) and other applicable codes and ordinances. The commercial and residential uses and recreational facilities of the Tree Farm MPUD will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives of each of the GMP elements for the following reasons:

1. The subject property is 58.84+/- acres in size and is designated Urban on the Future Land Use Map, with 40.15 acres located within a residential density band of the Urban Mixed Use District, Urban Residential Subdistrict, and 18.69 acres located within Commercial District, Mixed Use Activity Center Subdistrict, as identified on FLUM. Consistent with the provisions of Objective 1 of the Future Land Use Element (FLUE), all uses contemplated are consistent with these respective designations.

2. Approximately 18.69 acres of the subject property is located within an area identified as Activity Center #3 in the FLUE of the GMP for Collier County.

3. Activity Centers are the preferred locations for concentration of commercial and mixed use development activities. The subject property is located on the northwest corner of the intersection of Immokalee Road and ~~the future~~ Collier Boulevard (C.R. 951) ~~Extension.~~ This strategic location will allow superior access to the site, and provide an ideal location for commercial activities. The project is a mixed use development located within, and less than one mile from, an Activity Center. Therefore, the proposed commercial uses and residential densities are consistent with the FLUE of the Collier County GMP.

4. The development will be compatible and complimentary to existing and planned surrounding land uses (Policy 5.4).

5. The project must comply with the provisions of Division 6.02.01, adequate public facilities requirements of the LDC. Therefore, it will implement, and further Objective 2 of the FLUE, Objective 8 of the Transportation Element, Objective 1.2 of the Sanity Sewer Sub-Element.

6. The maximum allowable density as set forth under the FLUE Density Rating System is as follows:

FLUE Designation	Acres +/-	Eligible Base Units/Acre	Eligible Bonus Density/Acre	Total Eligible Density/Acre	Eligible Gross Density
Mixed Use Activity Center Subdistrict	18.69	16	N/A	16	299.04
Urban Residential Subdistrict, Density Band	40.15	4	3	7	281.05
Total	58.84	N/A	N/A	9.85	580.00*

Table IA: FLUE Eligible Density (* Rounded)

FLUE Designation	Acres +/-	MPUD Density Units/Acre	Eligible Density/Acre	MPUD Gross Density
Mixed Use Activity Center Subdistrict	18.69	~~7.70~~0.00	16	~~143.91~~0.00
Urban Residential Subdistrict, Density Band	40.15	~~4.00~~7.00	7	281.05
Total	58.84	~~7.22~~4.78	~~9.85~~9.86	~~425~~281.00*

T

able IB: MPUD Density (*Rounded)

7. The MPUD sets forth a maximum density of ~~425~~ 281 dwelling units (281 multi-family/single family attached/townhouse or 138 single-family detached units) or ~~7.22~~4.78 dwelling units per acre. ~~The MPUD requires that a minimum of 15 percent of the density generated from the Activity Center shall be constructed within the Activity Center portion of the project. Additionally, the balance of the density accumulated from the Activity Center acreage shall be located within one third (1/3) of a mile of the Activity Center boundary. The portion of the project within the~~ The Activity Center shall be: developed at a human scale; pedestrian-oriented; and, interconnected with the remaining portions of the project with pedestrian and bicycle facilities.

8. The MPUD has been designed to provide for future vehicular interconnectivity to the west, and has been designed to provide vehicular, pedestrian and bicycle interconnectivity throughout the project, including between the commercial and residential components.

SECTION I

PROPERTY OWNERSHIP AND DESCRIPTION

1.1 PURPOSE

The purpose of this Section is to set forth the location and ownership of the property, and to describe the existing conditions of the property proposed to be developed under the project name of the Tree Farm MPUD.

1.2 LEGAL DESCRIPTION

BEING PART OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, OF COLLIER COUNTY, FLORIDA.
PARCEL 1:
THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, EXCEPTING AND RESERVING THEREFROM THE EAST 30 FEET AND SOUTH 30 FEET THEREOF AS ACCESS EASEMENT FOR HIGHWAY RIGHT-OF-WAY.
PARCEL 2:
THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, EXCEPTING AND RESERVING THEREFROM THE EAST 30 FEET AND THE NORTH 30 FEET THEREOF AS AN ACCESS EASEMENT FOR HIGHWAY RIGHT-OF-WAY.
PARCEL 3:
THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, SUBJECT TO AN EASEMENT FOR PUBLIC RIGHT-OF-WAY OVER AND ACROSS THE EAST 30 FEET THEREOF; AND EXCEPTING THE SOUTH 100 FEET THEREOF FOR CANAL RIGHT-OF-WAY.
COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST;
THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER (1/4) OF SAID SECTION 22,
S. 00°51'06" E., A DISTANCE OF 1334.40 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
THENCE CONTINUE ALONG THE SAID EAST LINE, S. 00°51'06" E., A DISTANCE OF 1334.40 FEET TO THE EAST QUARTER (1/4) CORNER OF SAID SECTION 22;
THENCE ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 22,
S. 00°50'18" E., A DISTANCE OF 2569.47 FEET TO A POINT ON THE NORTH LINE OF A 100 FEET WIDE CANAL RIGHT-OF-WAY;
THENCE LEAVING THE SAID EAST LINE, N. 89°57'31" W., A DISTANCE OF 660.13 FEET ALONG THE SAID NORTH LINE;
THENCE LEAVING THE SAID NORTH LINE, N. 00°44'25" W., A DISTANCE OF 2568.56 FEET TO A POINT ON THE EAST-WEST QUARTER (1/4) LINE OF SAID

SECTION 22;
THENCE LEAVING THE SAID EAST-WEST QUARTER (1/4) LINE N. 00°45'01" W., A DISTANCE OF 1334.03 FEET;
THENCE N. 89°56'17" E., A DISTANCE OF 653.36 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.
CONTAINING 2,563,283.4 SQUARE FEET OR 58.84 ACRES MORE OR LESS.
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

1.3 PROPERTY OWNERSHIP

The subject property is owned by:
Thomas S. Monaghan (Tree Farm Land Trust) (Folio: 00187400000, 00187400002, and 00188040005)
Collier County (Folio: 00190041403, 7.42 ac property conveyed fee simple to Collier County – ORG4413 PG 3834

1.4 DEVELOPER

The Tree Farm property is intended to be developed by the Tree Farm Land Trust or assignee. All reference to the "developer" as may be contained in this MPUD Document shall mean the Tree Farm Land Trust, unless, and until the subject property described and depicted in this MPUD Document is conveyed, or assigned. It is the responsibility of the Tree Farm Land Trust to notify Collier County, in writing, of the land conveyance, or assignment of the subject property described and depicted in this MPUD Document within six months from the actual conveyance, or assignment.

1.5 PHYSICAL DESCRIPTION

The development property is located in Section 22, Township 48 South, Range 26 East, Collier County. It consists of ±58.84 acres located in the northwest corner of the intersection of Immokalee Road (CR 846) and ~~the future extension of~~ Collier Boulevard (C.R. 951). The property was previously used as a tree nursery. Improvements on the property consist of a small maintenance shed and the property is generally without topographic relief, with the average elevation at approximately 13 feet above mean sea level.

The water management system will consist of approximately ±~~7.2~~6.4 acres of water management areas that will receive runoff from structures and parking areas. Run-off is collected by catch basins and culvert systems for conveyance to the project's internal lake system. The project outfall will be at the project's eastern boundary. Discharge will be into the Cocohatchee Canal that runs along Immokalee Road. Allowable discharge rates will be in accordance with applicable County ordinances.

The water management system will be permitted by the South Florida Water Management District (SFWMD) through the Environmental Resource Permit (ERP) process. All rules and regulations of SFWMD will be imposed upon this project including, but not limited to: storm attenuation with a peak discharge rate per Collier County and SFWMD Rules,

minimum roadway centerline, perimeter berm and finished floor elevations, and water quality pre-treatment.

1.6 PROJECT DESCRIPTION

The Tree Farm MPUD shall be a mixed-use development. The southern ±18.~~65~~ 69 acres of the property, located within Activity Center #3, shall allow for a variety of commercial ~~and residential~~ uses. The remainder of the property shall be used for residential development.

The commercial land uses within the Activity Center portion of the property are those typically associated with major intersections, including, but not limited to, convenience stores with gas pumps, restaurants, banks, and shopping centers anchored by a major grocery or retail store(s). The commercial uses and signage will be designed to be harmonious with one another and will be compatible with adjacent and nearby land uses. In addition to compliance with all applicable provisions of the LDC, except where deviations are authorized, compatibility and harmony will be achieved by using common architectural elements and common entryway signage and landscape design themes.

The amenities proposed to be provided as part of the residential and recreational portion of the project include, but are not limited to structures (clubhouse), and complimentary areas (swimming pool, children's playground, and tennis facilities) to provide social and recreational space, lakes, natural and landscaped open spaces, and a variety of passive (native preserves) and active recreational opportunities.

Access to the property will be from ~~the future extension of~~ Collier Boulevard (C.R. 951) and will include an access point off Immokalee Road, when a shared access agreement with the adjacent property to the west is negotiated. The access from Immokalee Road will be aligned with the access to the Pebblebrooke Subdivision located south of Immokalee Road, and across from and to the west of subject property. Access from ~~the future extension of~~ Collier Boulevard is depicted on the MPUD Master Plan as follows: a right in/right out access at approximately 660 feet from the Collier Boulevard, Immokalee Road intersection; a directional median opening at approximately one-quarter (1/4) mile from Collier Boulevard, Immokalee Road intersection; ~~and~~ a full median opening at approximately one-half (1/2) mile from the Collier Boulevard, Immokalee Road intersection; and an optional right in/right out access at approximately three quarter (3/4) mile from the Collier Boulevard/Immokalee Road intersection. The directional and full median openings will be aligned with the access points approved for the Heritage Bay DRI, and all access points are subject to review and approval of Collier County Transportation Services Division. Additionally, this project has provided adequate land to accommodate the widening of Immokalee Road and Collier Boulevard, including intersection improvements and the reconfiguration of the Immokalee canal to facilitate such improvements. ~~Additionally, the project is designed to provide for adequate land to accommodate the extension of Immokalee Road, the possibility of an eventual six-laning of Collier Boulevard (adjacent to the project), and for the future widening of Collier Boulevard, including intersection improvements and potential relocation of the Collier Boulevard canal to facilitate such intersection improvements.~~

The Tree Farm MPUD will be served with centrally provided potable water, sanitary sewer,

electric power, and telephone facilities. Additional services will be provided as deemed appropriate.

1.7 SHORT TITLE

This Ordinance shall be known and cited as the "Tree Farm Mixed-Use Planned Unit Development (MPUD) Ordinance".

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SECTION II

PROJECT DEVELOPMENT REQUIREMENTS

2.1 PURPOSE

The purpose of this Section is to generally describe the project plan of development, relationships to applicable County ordinances, the respective land use districts within the Tree Farm MPUD, as well as other project relationships.

2.2 DESCRIPTION OF PROJECT PLAN AND LAND USE DISTRICTS

The project Master Plan, including layout of streets and use of land is graphically illustrated by Exhibit "A", MPUD Master Plan. There shall be ~~three~~ four land use districts, portions of which may include water management lakes or facilities, and private rights-of-way or drive aisles. A breakdown of the Tree Farm MPUD land use districts and their respective acreages is presented in Table I.

TABLE II
PROJECT LAND USE TRACTS

DISTRICT	TYPE	ACREAGE
"C/MU"	COMMERCIAL MIXED-USE	±18.69*
"R" "RA"	RESIDENTIAL RECREATIONAL AREA	±~~39.64~~39.19 ±0.45
"P"	PRESERVE	±0.51
TOTAL		58.84

* ***Note:*** *the MPUD provides for a total of 7.42 acres of right-of-way ~~Reservation~~ conveyance for ~~future extension of Immokalee Road~~ Collier Boulevard, expansion of Immokalee Road~~Collier Boulevard~~, and improvements to the intersection of these two arterial roadways. This right-of-way ~~reservation~~ conveyance includes 4.34 acres within the "C/MU" Commercial Mixed-Use Tract (Activity Center) and 3.08 acres within the "R" Residential Tract*

2.3 MAXIMUM PROJECT DENSITY AND INTENSITY

A. The Commercial Mixed-Use District will be limited to ±18.69 acres within the designated Activity Center. The Residential District will be limited to ±~~39.64~~39.19 acres.

B. Intensity: A maximum of ~~175,000~~120,000 square feet of commercial uses may be constructed within the Commercial Mixed-Use District, of which a maximum of 100,000~~43,500~~ square feet may be retail or office and the balance (above ~~143,500~~100,000 square feet) is limited to office use, as set forth in Section 3.3 of this MPUD.

C. Approved Density:

A maximum of ~~425~~ 281 multi-family/single-family attached/townhouse units or 138 single-family detached residential dwelling units may be constructed in the total project area. The gross project area is 58.84± acres. The gross project density, therefore, will be a maximum of ~~7.22~~4.78 dwelling units per acre~~. A minimum of 15 percent of the density generated from the Activity Center acreage shall be constructed within the activity center portion of the project. Additionally, the balance of the density accumulated from the Activity Center acreage shall be located within one third (1/3) of a mile of the Activity Center boundary. The portion of the project within the~~ The Activity Center shall be developed at a human scale, be pedestrian-oriented, and be interconnected with the remaining portion of the project with pedestrian and bicycle facilities.

2.4 EXISTING STRUCTURES

The existing principal structures within the MPUD boundaries may be retained and utilized through the construction and platting phases of the development.

2.5 NATIVE VEGETATION RETENTION REQUIREMENTS

A. A minimum of 0.51 acres (25% of the 2.02 acres of native vegetation on site) is required to be retained or replanted. The Tracts identified as "P," contain 0.51 +/- acres~~,~~ and fully satisfy~~ing~~ the native vegetation requirements.

B. This MPUD is subject to a Compliance Agreement entered into and made on June 6, 2005 by and between Collier County and the Tree Farm Land Trust, with respect to vegetation removal on the subject property. This Agreement establishes that 0.51 acres of native preserve shall be provided within the MPUD. A copy of this Compliance Agreement is attached as Exhibit "D".

2.6 RIGHTS-OF-WAY

At the discretion of the developer, the minimum right-of-way width to be utilized for all internal project streets may be fifty feet (50'). **Deviation #1** from Section 6.06.01(O) of the LDC Utilization of lands within all project rights-of-way for landscaping, decorative entranceways, and signage may be allowed subject to review and administrative approval by the Community Development and Environmental Services Administrator, or his designee, for engineering and safety considerations prior to installation.

2.7 FENCES AND WALLS

Deviation #2 seeks relief from LDC Section 5.03.02.C, which permits a maximum wall height of 6' in residential zoning districts and residential components of a PUD, to allow a maximum wall height of 8' along the perimeter of the PUD, and allow a 12' wall/berm combination within residential portions of the PUD along Collier Boulevard. The berm portion of the 12' wall/berm shall be a minimum of 3' in height.

~~2.7~~2.8 SIGNAGE

A. General

All signs will be provided in accordance with Chapter 5.06.00 of the LDC except in the following instances.

1. Boundary marker monuments containing project identification signs designed to identify the project, or any major use within the project, shall be permitted in locations depicted on the MPUD Master Plan (Exhibit "A"). Said boundary marker monument shall not exceed 6 feet in height as measured from finished grade at the location of the boundary marker monument. The sign face area for such boundary markers shall not exceed 64 square feet in area and shall not exceed the height or length of the monument on which it is located. If the sign is two-sided, each sign shall not exceed 64 square feet in area. Each sign shall only contain the main project name, insignia or motto of the entire development, and the developer's name and logo. Boundary marker monuments shall be setback a minimum of 10 feet from any MPUD perimeter property line. **DEVIATION #~~2~~3**

2. One off-premises sign may be located to the west of the Tree Farm MPUD generally located near the access to Collier Boulevard from the property immediately adjacent to the west of Tree Farm MPUD. The off-premise sign may deviate from the maximum 12 square foot size set forth in Section 5.06.04.C.15.b.i., but may not exceed 16 square feet in size, and may also deviate from Section 5.06.04.C.15.b.v., which requires such off-site signs to be located within 1000 feet of the intersection of the arterial roadway serving the building, structure or use. **DEVIATION #~~2~~4**

3. ~~Signage, as permitted by the LDC or this MPUD, may be placed within the right-of-way reservation tracts with approval from Collier County Transportation Services Staff, provided that any such signage be removed or relocated outside of the right-of-way reservation tract within which the subject sign is located, within 60 days of written request to do so by Collier County Transportation Services Division. The County shall bear no responsibility for any costs to remove or relocated such signage.~~

SECTION III

COMMERCIAL MIXED-USE DISTRICT (C/MU)

3.1 PURPOSE

The purpose of this Section is to set forth the development plan for areas designated as District "C/MU", Commercial on Exhibit "A", MPUD Master Plan. The general function and purpose of this District is to provide the opportunity for diverse types of commercial activities that deliver goods and services, including entertainment and recreational attractions, to many segments of the population.

3.2 MAXIMUM COMMERCIAL/OFFICE SQUARE FEET AND MINIMUM RESIDENTIAL DEVLOPMENT

The 18.69 ± acre commercial area (District "C"), is limited to a maximum of ~~175,000~~120,000 square feet of commercial/office uses, of which a maximum of ~~143,500~~100,000 square feet may be retail or office and the balance (above ~~143,500~~100,000 square feet) is limited to office use. ~~A minimum of 5,000 square feet shall be developed with professional or medical office use. A minimum of 15 percent of the density generated from the Activity Center acreage shall be developed within the Commercial-Mixed-Use District, and the balance of the density generated from the Activity Center acreage may be developed within 1/3 mile of the Activity Center boundary. No more that 50% of the allowable commercial square footage may be developed prior to the development of at least one-half of the minimum required dwelling units within the Activity Center, and no more that 75% of the maximum allowable commercial square footage may be developed prior to the development of the remaining 50% of the minimum required residential dwelling units within the Activity Center.~~

3.3 PERMITTED USES

No building or structure, or part thereof, shall be erected, altered or used, or land used in whole or in part, for other than the following:

A. Principal Uses[1]:

1. Group 0742 – Veterinary services for animal specialties (except outdoor kennel)

2. Establishments furnishing point-to-point communications services as outlined under Major Group 48 in the Standard Industrial Classification Manual; no communication towers are permitted.

3. Group 5231 – Paint glass, and wallpaper stores;

4. Group 5251 – Hardware stores;

[1] Reference Executive Office of the President, Office of Management and Budget, *Standard Industrial Classification Manual*, 1987 Edition.

5. Group 5261 – Retail nurseries, lawn and garden supply stores;

6. Major Group 53 – General merchandise stores.

7. Major Group 54 - Food stores.

8. Group 5531 – Auto and home supply stores, not including any installation facility;

9. Group 5541 – Gasoline stations, not including service facilities;

10. Group 7542 – Carwashes only.

11. Industry Group 555 – Boat dealers.

12. Major Group 56 – Apparel and accessory stores.

13. Major Group 57 – Home furniture, furnishings, and equipment stores.

14. Major Group 58 – Eating and drinking places.

15. Major Group 59 – Miscellaneous Retail. Industry Group Numbers: 596 – nonstore retailers; 598 – and not including retail sale of fireworks.

16. Major Groups 60, excluding 6099 check cashing agencies, 61, 62, 63, 64, 65, and 67 in the Standard Industrial Classification Manual.

17. Group 7011 – Hotels and motels. The maximum floor area ratio for hotels shall not exceed a factor of 0.60.

18 Establishments operating primarily to provide personal services for the following Industry groups:

a. 721 – Laundry, cleaning, and garment services, only including Group 7211 – power laundries, family and commercial, Group 7215 – Coin-operated laundries and dry-cleaning, and Group 7217 – carpet and upholstery cleaning;
b. 722 – Photographic portrait studios;
c. 723 – Beauty shops
d. 724 – Barber shops;
e. 725 – Shoe repair shops and shoeshine parlors;
f. 729 – Miscellaneous personal services, only including Group 7291 Tax return preparation services, and Group 7299 personal services, not elsewhere classified, only including car title and tag service, computer photography or portraits, costume rental, diet workshops, electrolysis (hair removal), genealogical investigation service, hair weaving or replacements service, dress suit or tuxedo rental, and tanning salons.

19. Establishments operating primarily to provide business services for the following Industry Groups:
    a. 731 – Advertising, not including Group 7312 outdoor advertising services agencies;
    b. 733 – Mailing, reproduction, commercial art and photography, and stenographic services;
    c. 735 – Group 7352 – medical equipment rental and leasing;
    d. 737 – Computer programming, data processing, and other computer related services, not including Group 7371 – computer programming services.
20. Establishments primarily engaged in developing film and in making photographic prints and enlargements for the trade or for the general public, only including Group 7384, photofinishing laboratories.

21. Group 7513 – Truck rental and leasing, without drivers; Group 7514 – passenger car rental; Group 7515 – passenger car leasing; and Group 7519 – utility trailer and recreational vehicle rental.

22. Group 7631 – Watch, clock, and jewelry repair, and Group 7699 – repair shops and related services, not elsewhere classified.

23. Group 7832 – Motion picture theaters, except drive-in, and Group 7841 – video tape rental.

24. Major Group 79 – Amusement and recreation services, for the following industry numbers:
    a. Group 7911 – Dance studios, schools and halls
    b. Group 7922 – Theatrical producers (except motion picture) and Group miscellaneous theatrical services
    c. Group 7941 – Professional sports clubs and promoters, only including managers of individual professional athletes, and promoters of sports events.
    d. Group 7991 – Physical fitness facilities
    e. Group 7999 – Amusement and recreation services, not elsewhere classified, to include moped rental, motorcycle rental, rental of bicycles, schools and camps-sports instructional, scuba and skin diving instruction, sporting goods rental only.

25. Major Group 80 – Health services for the following industry groups:
    a. 801 – Offices and clinics of doctors of medicine;
    b. 802 – Offices and clinics of dentists;
    c. 803 – Offices and clinics of doctors of osteopathy;
    d. 804 – Offices and clinics of other health practitioners.

26. Major Group 807 – Medical and dental laboratories for the following industry numbers:
    a. Group 8071 – Medical laboratories;
    b. Group 8072 – Dental laboratories.

27. Establishments operating primarily to provide legal services as defined under Major Group 81.

28. Group 8231 – Libraries.

29. Membership organizations engaged in promoting the interests of their member as defined under Major Group 86.

30. Establishment operating primarily to provide engineering, accounting, research, and management for the following Industry Numbers:
    a. Group 8711 – Engineering services
    b. Group 8712 – Architectural services
    c. Group 8713 – Surveying services
    d. Group 8721 – Accounting, auditing and bookkeeping services
    e. Group 8732 – Commercial economic, sociological, and educational research
    f. Group 8741 – Management services
    g. Group 8742 – Management consulting services
    h. Group 8743 – Public relations services
    i. Group 8748 – Business consulting services.

31. Offices of government as defined under Major Group 91 – Executive, legislative, and general government, except finance.

32. Residential multi-family dwelling units, whether in a free standing residential building or located in a mixed commercial and residential building. Mixed use buildings shall adhere to the development standards set forth in Table III below. Residential units shall not be located on the first floor of a mixed use building, and shall be subject to a minimum per unit floor area of 1,000 square feet. Residential buildings with no commercial component shall adhere to the development standards set forth in Table IV.

B. Accessory Uses

Accessory uses and structures customarily associated with the permitted principal uses and structures, including, but not limited to:

1. Parking facilities and signage.
2. Uses and structures that are accessory and incidental to the permitted uses within this MPUD Document.
3. One caretaker's residence.

3.4 DEVELOPMENT STANDARDS

A. Table III below sets forth the development standards for land uses within the Tree Farm MPUD Commercial District. Standards not specified herein shall be those specified in applicable sections of the LDC in effect as of the date of adoption of this Ordinance.

TABLE III
DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

	PRINCIPAL USES		ACCESSORY USES
MINIMUM LOT AREA	10,000 sq. ft.		N/A
AVERAGE LOT WIDTH	100 ft.		N/A
MINIMUM YARDS (External)			
From Immokalee Road Canal ROW	25 ft.		SPS
From Future Extension of Collier Blvd.	25 ft.		SPS
From Western Project Boundary	25 ft.		15 ft.
MINIMUM YARDS (Internal)			
Internal Drives/ROW	15 ft.		10 ft.
Rear	10 ft.		10 ft.
Side	10 ft.		10 ft.
Lakes	25 ft.		20 ft.*
Preserves	25 ft.		10 ft.
MIN. DISTANCE BETWEEN STRUCTURES	10 ft. or 1/2 the sum of building heights**		10 ft.
MAXIMUM HEIGHT	ZONED	ACTUAL	
Retail Buildings (with or without residential uses)	50 ft.	62 ft.***	35 ft.
Office Buildings (with or without residential uses)	65 ft.	77 ft.***	35 ft.
MINIMUM FLOOR AREA	1,000 sq. ft.****		N/A
MAX. GROSS LEASABLE COMMERCIAL AREA	~~175,000~~120,000 sq. ft.*****		N/A

* No structure may be located closer than 20 feet to the top of bank of a lake (allowing for the required minimum 20 foot wide lake maintenance easement).

** Whichever is greater.

~~*** This is an estimate of Actual Height given the LDC definition thereof, and the following facts and assumptions: a) the property is not located within a flood zone; b) the Actual Height set forth above assumes a maximum of 3 feet of vertical feet in distance from existing ground elevation to the average height of the centerline of the adjacent road and a maximum of 9 additional feet for architectural roof treatments above the maximum Zoned Height limit; and c) the Actual Height cannot be fully ascertained until an applicable Site Development Plan is submitted.~~

**** Per principal structure, kiosk vendor, concessions, and temporary or mobile sales structures shall be permitted to have a minimum floor area of twenty-five (25) square feet and shall be subject to the accessory structure standards set forth in the LDC.

***** Total allowable commercial square footage is ~~175,000~~120,000 square feet; however no more than ~~143,500~~100,000 may be retail or office and the balance, above ~~143,500~~100,000 square feet, if developed, shall be office.

SECTION IV

RESIDENTIAL DISTRICT (R)

4.1 PURPOSE

The purpose of this section is to identify specific development standards for areas designated as "R" on the MPUD Master Plan, Exhibit "A". Residential uses, infrastructure, perimeter land use buffers, and signage~~, as well as project recreational/social facilities~~ will occur within this District.

4.2 MAXIMUM DWELLING UNITS

The maximum number of residential dwelling units allowed within the MPUD shall be established at the time of development plan review, but shall not exceed ~~425~~ 281 multi-family/single-family attached/townhouse residential dwelling units or 138 single-family detached units. ~~Since 15% of the density generated from the Activity Center acreage are required to be developed within the Commercial Mixed Use District, and the remaining density generated from the Activity Center acreage must be developed within 1/3 mile of the Activity Center boundary (as depicted on Exhibit A, the MPUD Master Plan), the remainder of the dwelling units may be developed north of the line on the MPUD demarcating the 1/3 mile distance from the Activity Center boundary.~~ For the purpose of calculating the project density, 4 assisted living facilities (ALF) units shall constitute 1 residential dwelling unit and the maximum number of ALF units shall not exceed 150 units.

4.3 USES PERMITTED

No building or structure, or part thereof, shall be erected, altered or used, or land used, in whole or in part, for other than the following:

A. Principal Uses:

1. Single-family attached dwellings (including townhouses intended for fee simple conveyance);

2. Zero lot line dwellings;

3. Single-family detached dwellings;

4. Duplexes, two-family dwellings;

5. Multiple-family dwellings;

6. ALF with ancillary medical uses and personal services for residents and their guests, including but not limited to, beauty salon, bank, pharmacy and convenience store. (Such ancillary medical or personal service uses shall only be accessed from inside the ALF (no exterior access)~~, and shall not exceed 2,000 square feet in aggregate.~~ No external signage or advertising shall be permitted in support of these ancillary medical or personal service uses.

B. Accessory Uses:

1. Customary accessory uses and structures including, but not limited to ~~clubhouses,~~ private garages, swimming pools ~~with, or without~~ and screened enclosures~~, tennis courts, tot lots, playgrounds and other outdoor recreation facilities~~.

4.4 DEVELOPMENT STANDARDS

A. GENERAL: Except as provided for herein, all criteria set forth below shall be understood to be in relation to individual parcel or lot boundary lines, or between structures. Condominium, and/or homeowners' association boundaries shall not be utilized for determining development standards.

~~B. Minimum Residential Density within Activity Center: A minimum of 15 percent of the density generated from the Activity Center shall be constructed within the 18.69 acre Mixed Use Activity Center portion of the project, and the balance of the density accumulated from the Activity Center may be developed within 1/3 mile of the northern boundary of the Activity Center, or within the Activity Center.~~

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TABLE IV
RESIDENTIAL DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS	SINGLE-FAMILY DETACHED	SINGLE-FAMILY ATTACHED & TOWNHOUSE	TWO-FAMILY, PATIO[1, 2] & ZERO LOT LINE	MULTI FAMILY	~~CLUBHOUSE/ RECREATION BUILDINGS~~[4]
PRINCIPAL STRUCTURES					
MINIMUM LOT AREA	2,250 S.F. PER UNIT	2,250 S.F. PER UNIT	2,250 S.F. PER UNIT	10,000 S.F.	~~10,000 S.F.~~
MINIMUM LOT WIDTH	35 FEET	20 FEET	35 FEET	100 FEET	~~N/A~~
MINIMUM FLOOR AREA	1,000 S.F.	1,000 S.F.	1,000 S.F.	1,000 S.F/D.U.	~~N/A~~
MIN FRONT YARD [3,4]	15 FEET	15 FEET	15 FEET	15 FEET	~~N/A~~
MIN SIDE YARD	~~5~~6 FEET	0 FEET or ~~6~~5 FEET	0 FEET or ~~5~~6 FEET	~~15~~ 10 FEET	~~N/A~~
MIN REAR YARD	~~15~~ 7.5 FEET	~~15~~ 7.5 FEET	~~15~~ 7.5 FEET	20 FEET	~~N/A~~
MIN PRESERVE SETBACK	25 FEET	25 FEET	25 FEET	25 FEET	~~25 FEET~~
MIN. DIST. BETWEEN STRUCTURES	~~12~~ 10 FEET	~~12~~ 10 FEET	~~12~~ 10 FEET	20 FEET or ½ ZONED BH, WHICIHEVER IS GREATER	~~N/A~~
MAX. ZONED HEIGHT	2 STORIES NTE 42 FEET	2 STORIES NTE 42 FEET	2 STORIES NTE 42 FEET	3 STORIES NTE 50 FEET	~~2 STORIES NTE 50 FEET~~
ACTUAL HEIGHT [5]	54 FEET	54 FEET	54 FEET	62 FEET	~~62 FEET~~
ACCESSORY STRUCTURES					
FRONT	10 FEET	10 FEET	10 FEET	10 FEET	~~N/A~~
SIDE	5 FEET	5 FEET	5 FEET	5 FEET	~~N/A~~
REAR	5 FEET	5 FEET	5 FEET	5 FEET	~~N/A~~
PRESERVE SETBACK [3]	10 FEET	10 FEET	10 FEET	10 FEET	~~N/A~~
MAX. BLDG. HT. NOT TO EXCEED	SPS	SPS	SPS	3 STORIES NTE 42 FEET	~~2 STORIES NTE 42 FEET~~

S.P.S.: Same as Principal Structures.
NTE: Not To Exceed
BH: Building Height

General Notes:

Front yards shall be measured as follows: If the parcel is served by a public or private right-of-way, setback is measured from the adjacent right-of-way line.

If the parcel is served by a private road, setback is measured from the back of curb (if curbed) or edge of pavement (if not curbed).

Setback from lake easements for all accessory uses and structures may be zero feet (0').

No structure, other than those permitted within the LDC to be located within a required landscape buffer tract or easement, shall encroach into a required landscape buffer tract or easement.

Footnotes

1) *A patio home is a detached or semi-detached single-family unit from ground to roof wherein each dwelling unit lot is enclosed by a wall located at the lot line, thus creating a private yard between the house and the wall.*
2) *Setback may be either zero feet (0') on one side and ~~six feet (6')~~five feet (5') on the other side in order to provide a minimum separation between principal structures of ~~twelve~~ ten feet (~~12'~~10'). At the time of application for subdivision plat approval for each tract, a lot layout depicting minimum yard setbacks and building footprint shall be submitted.*
3) *Front loading garages shall have a minimum front yard setback of twenty-three feet (23'), as measured from the back of sidewalk. Side loaded garages may be located less than twenty-three feet (23') feet from the back of sidewalk provided that the driveway design allows for parking of vehicles so as not to interfere with or block the sidewalk. These provisions apply to a garage whether attached to the principal structure or detached.*
~~4) Although neither setbacks nor separation between structures are applicable to the clubhouse and other recreation structures located on the clubhouse tract, neither the clubhouse or any other recreational structures shall be located closer than twenty (20') feet from any residential building or residential or preservation tract boundary.~~
~~5) This is an estimate of actual height given the LDC definition thereof, and the following facts and assumptions: a) the property is not located within a flood zone; b) the actual height set forth above assumes a maximum of 3 feet of vertical feet in distance from existing ground elevation to the average height of the centerline of the adjacent road and a maximum of 9 additional feet for architectural roof treatments above the maximum zoned height limit; and c) the actual height cannot be fully ascertained until an applicable site development plan is submitted.~~
4) *For corner lots, only one (1) front yard setback shall be required. The yard that does not contain the driveway shall provide a 10' setback.*

4.5 PERMITTED USES FOR RECREATIONAL AREA, LABELED "RA" ON MASTER PLAN

A. Principal Uses:

1. Clubhouse, gazebo, or other structures intended to provide social and recreational space for the private use of the residents and their guests.

2. Outdoor recreation facilities, such as a community swimming pool, tennis and basketball courts, playgrounds, pedestrian/bicycle pathways, and water features.

3. Passive open space uses and structures, such as but not limited to landscaped areas, gazebos, and park benches.

4. Any other principal use which is comparable in the nature with the foregoing list of permitted principal uses, as determined by the Board of Zoning Appeals ("BZA") or Hearing Examiner, as applicable.

B. Accessory Uses:

1. Community maintenance areas, and maintenance structures.

2. Any other accessory use which is comparable in nature with the foregoing list of permitted accessory uses, as determined by the Board of Zoning Appeals ("BZA") or Hearing Examiner, as applicable.

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TABLE V
RECREATIONAL AREA DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS	*RECREATIONAL AREA*
PRINCIPAL STUCTURES	
MINIMUM LOT AREA	10,000 S.F.
MINIMUM LOT WIDTH	N/A
MINIMUM FLOOR AREA	N/A
MIN. FRONT YARD	25’
MIN PRESERVE SETBACK	25 FEET
MIN. SIDE YARD	25’
MIN. REAR YARD	25’
MIN. DISTANCE BETWEEN STRUCTURES	20’
MAX. ZONED HEIGHT	2 STORIES NTE 50 FEET
MAX. ACTUAL HEIGHT	62 FEET
ACCESSORY STRUCTURES	
MIN. FRONT YARD	15’
MIN. SIDE YARD	15’
MIN. REAR YARD	15’
PRESERVE SETBACK	25’
MAX. BUILDING HEIGHT NOT TO EXCEED	2 STORIES NTE 42 FEET

NTE: Not to exceed

Note: Where the Recreational Area abuts residential lots, the required 15’ Type B buffer shall include a 6’ wall.

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SECTION V

PRESERVE AREA (P)

5.1 PURPOSE

The purpose of this section is to set forth the development plan for areas designated as District "P", Preserve Area on Exhibit "A", MPUD Master Plan. The primary function and purpose of this District is to preserve and protect vegetation and naturally functioning habitats, such as wetlands, including upland buffers, in their natural, and/or enhanced state.

5.2 USES PERMITTED

A. Principal Uses:

1. Open spaces/nature preserves.

B. Accessory Uses:

1. Water management structures.

2. Mitigation areas.

3. Passive recreational uses such as pervious nature trails or boardwalks shall be allowed within the preserve areas, as long as any clearing required to facilitate these uses does not impact the minimum required vegetation. For the purpose of this Section, passive recreational uses are those uses that would allow limited access to the preserve in a manner that will not cause any negative impacts to the preserve, such as pervious pathways, benches and educational signs. Fences may be utilized outside of the preserve to provide protection of the preserve in accordance with the applicable requirements set forth in the LDC. Fences and walls shall not be permitted within the preserve area. Perimeter berms and swales shall be located outside preserve boundaries.

C. The .51 acre preserve tract depicted on the MPUD Master Plan shall be re-vegetated in compliance with MPUD Exhibit "D", Compliance Agreement, and in accordance with the applicable provisions of the LDC.

SECTION VI

DEVELOPMENT COMMITMENTS

6.1 PURPOSE

The purpose of this Section is to set forth the development commitments for the development of the project.

6.2 GENERAL

All facilities shall be constructed in accordance with SDP, subdivision plans (if required), and all applicable State and local laws, codes, and regulations applicable to this MPUD. Except where specifically noted or stated otherwise, the standards and specifications of the LDC shall apply to this project, even if the land within the MPUD is not to be platted. The developer, its successors and assigns, shall be responsible for the commitments outlined in this Document.

The developer, its successors or assignee, shall follow the Master Development Plan and the regulations of the MPUD, as adopted, and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successors or assignee in title to the developer are bound by any commitments within this Document. These commitments may be assigned or delegated to a condominium/ homeowners' association to be created by the developer. Upon assignment or delegation, the developer shall be released from responsibility for the commitments.

6.3 TRANSPORTATION

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

~~A. All internal roads, driveways, alleys, pathways, sidewalks and interconnections to adjacent developments shall be operated and maintained by an entity created by the developer and Collier County shall have no responsibility for maintenance of any such facilities.~~

A~~B~~. If any required turn lane improvement requires the use of existing County rights-of-way or easements, compensating right-of-way shall be provided without cost to Collier County as a consequence of such improvement.

~~C~~B. If, in the sole opinion of Collier County, a traffic signal, or other traffic control device, sign or pavement marking improvement within a public right-of-way or easement is determined to be necessary, the fair share cost of such improvement shall be borne by the developer.

~~D~~C. The applicant shall reserve rights-of-way for ~~the future~~ Collier Boulevard ~~extension~~ and Immokalee Road expansion and intersection improvements as depicted on the MPUD Master Plan (Right-of-way Reservations Tracts A, B, and C, totaling 7.42 +/- acres). The applicant shall receive impact fee credits in exchange for Right-of-way Reservation Tract B (0.47 acres), but shall not receive impact fee credits for the reservation and eventual dedication of Right-of-way Reservation Tracts A and C. The applicant shall convey by deed, in fee simple, at no cost to the County (other than the aforementioned impact fee credits for Tract B) all lands reserved as depicted on the MPUD Master Plan (as noted herein) within 90 days of written request of the County.

~~E~~D. The applicant shall construct a twelve foot (12′) asphalt greenway within the Immokalee Road canal right-of-way, or within the adjacent right-of-way reservation area, at the discretion of the Collier County Transportation Services Division. The greenway shall be located on the north side of the canal and shall connect to the greenway that Collier County is constructing to the west of the Tree Farm MPUD property. The developer shall provide five (5) parking spaces for public use in close proximity to and accessible from the greenway. These parking spaces may be located within the Commercial Tract, and may be located within the Right-of-way Reservation Tract "A" on a temporary or permanent basis, with approval from Collier County Transportation Services Division. The greenway shall be constructed prior to the issuance of the first certificate of occupancy (CO) within the MPUD.

~~F~~E. The applicant shall design the project stormwater management system so as to accept and treat stormwater from fifty percent (50%) of the impervious area of proposed extension of Collier Boulevard adjacent to the Tree Farm MPUD, in accordance with South Florida Water Management District permitting requirements.

~~G~~F. The applicant shall be responsible for fair share costs of improvements to the Immokalee Road/Collier Boulevard intersection, including bridge replacement and/or widening as may be necessary to construct a minimum of two north and two southbound through lanes as well as necessary turn lanes

~~H~~G. The applicant shall ensure that any easements necessary to facilitate interconnections to properties to the west as shown on the MPUD Master Plan shall be granted by the appropriate instrument(s) at the time of submittal of the first development order application.

~~I~~H. No certificate of occupancy (CO) for development within the Tree Farm MPUD will be issued until 6 laning of the following roadway segments has been substantially completed (that is fully open to traffic):

1. Immokalee Road from Collier Boulevard west to I-75
2. Immokalee Road from Collier Boulevard East to ~~43rd Avenue N.W.~~Oil Well Road
3. Collier Boulevard from Immokalee Road south to Golden Gate Boulevard.

~~H~~I. Should it become necessary or desirable to construct a wall to mitigate the impacts of noise from Collier Boulevard or Immokalee Road, the ~~developer~~ owner successor or assignee shall be responsible for the costs of designing and installing said wall or walls for the portion adjacent to the project boundary.

J. The Tree Farm MPUD TIS was based on a development scenario that assumed a variety of commercial uses and a maximum of 281 multi-family units. The total trip generation was estimated in the TIS to be 580 PM peak hour two-way external trips to adjacent streets based on ITE trip generation rates. The development scenario analyzed in the TIS may change. However, the Project's estimated trip generation will not exceed a maximum of 580 PM peak hour two-way external trips to adjacent streets.

6.4 UTILITIES

The development of this MPUD Master Development Plan shall be subject to and governed by the following conditions:

A. The developer shall reserve ~~two~~ one (1) area~~s~~ to be granted as an easement~~s~~ to Collier County for a raw water well~~s~~. The dimension~~s~~ of ~~these~~ this well easement~~s~~ ~~shall not to exceed 100 feet by 100 feet~~be at a maximum 80 feet by 50 feet. The approximate location of this~~these~~ well easement~~s~~ is depicted on the MPUD Master Plan. The ~~northerly raw~~ water well easement site is located at the northeastern corner of the MPUD, and can be accessed from ~~Immokalee Road Extension~~Collier Boulevard Extension. ~~There are two possible locations for the southerly raw water well easement site, Option A is located on the westerly boundary of the project, south of the "P" Preserve Tract, and is adjacent to an internal drive which, if selected, will include the necessary access and utility easements. Option B is located at the southeast corner of the project and is located adjacent to Right-of-way Reservations Tracts A and B, and can be accessed from Immokalee Road Extension.~~ The grant of ~~these~~ this easement~~s~~ shall occur at the time of site development plan or final plat approval for the area within the development phase that contains the ~~respective~~ well easement site~~s~~. At the time of the site development plan and/or final plat submittal, the developer shall provide the well site easement that meets the standard setback requirements for water wells. ~~The developer shall also provide a temporary access easement within Right-of-way Reservation Tract C should the Collier County Utilities Division require access to the well sites prior to the grant of said right-of-way to Collier County.~~

6.5 ENVIRONMENTAL

A. The development shall comply with the guidelines and recommendations of the U.S. Fish and Wildlife Service (USF&WS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) regarding potential impacts to "listed species". A Big Cypress Fox Squirrel Management Plan shall be submitted to Environmental

Services Staff for review and approval prior to site plan/construction plan approval. Where protected species are observed on site, a Habitat Management Plan for those protected species, or their habitats shall be submitted to Environmental Services Staff for review and approval prior to site plan/construction plan approval.

6.6 AFFORDABLE-WORKFORCE HOUSING:

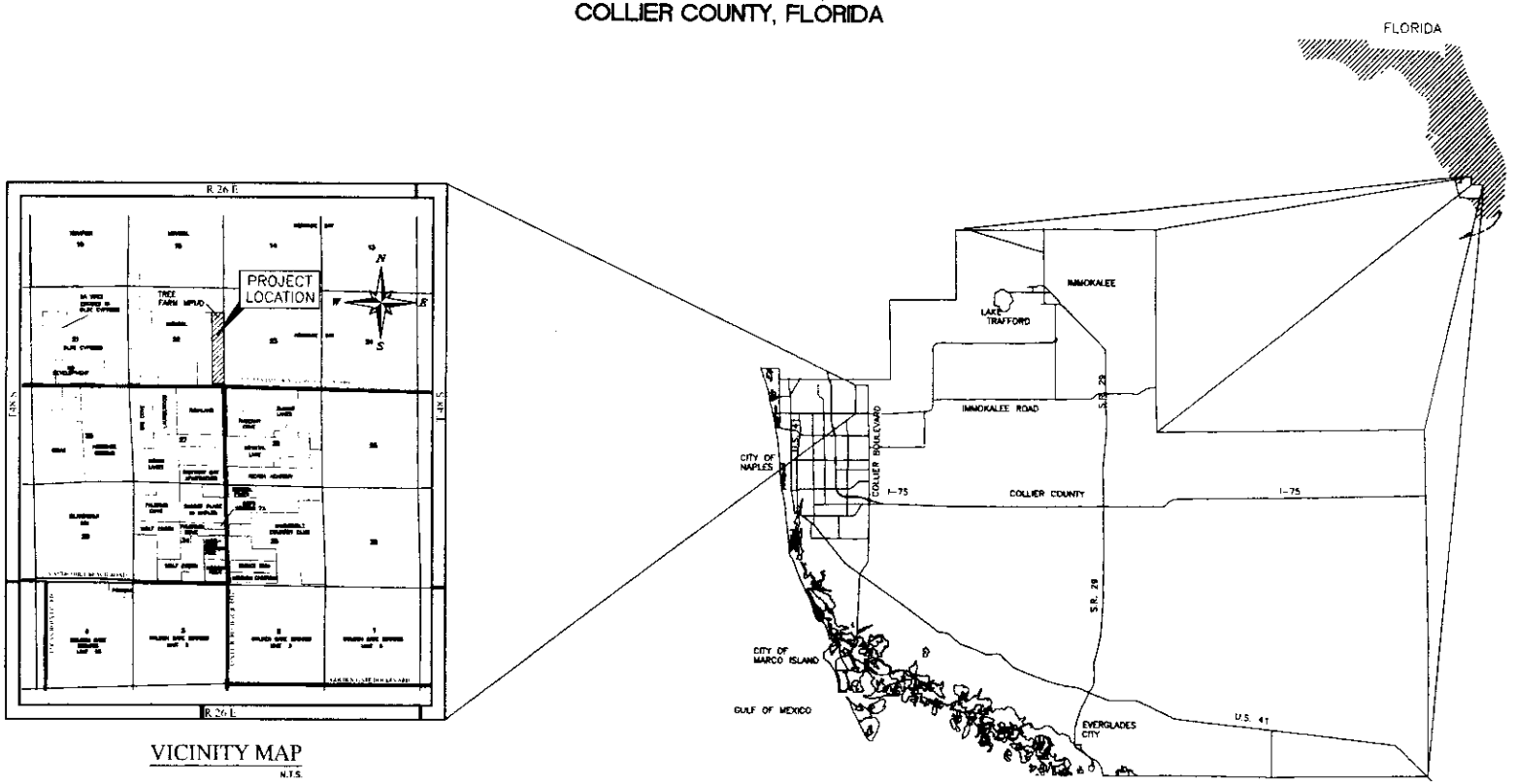
A. The applicant shall provide 15% of the total units built in the project in the affordable housing price range or workforce housing, i.e., for those who earn up to 150% of the median income as calculated annually using the Collier County median income figure for a family of four as determined by the United States Housing and Urban Development Department (HUD). The applicant will use the most current median income figure as defined above at the time of sale to determine if that unit falls into the 150% median income or below. Currently, that would allow a sales price of up to $321,000. The applicant will provide verification of the sales prices to Collier County's Housing and Human Services Department. The form of verification shall be determined between the applicant and the Collier County Housing and Human Services Division.

~~B. The applicant shall make voluntary contributions to the Collier County Affordable Housing Trust Fund of $1,000 per dwelling unit and $0.50 per commercial square foot built in the project.~~

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TREE FARM MPUD

SECTION 22, TOWNSHIP 48 SOUTH, RANGE 26 EAST
COLLIER COUNTY, FLORIDA



VICINITY MAP
N.T.S.

Presented by:

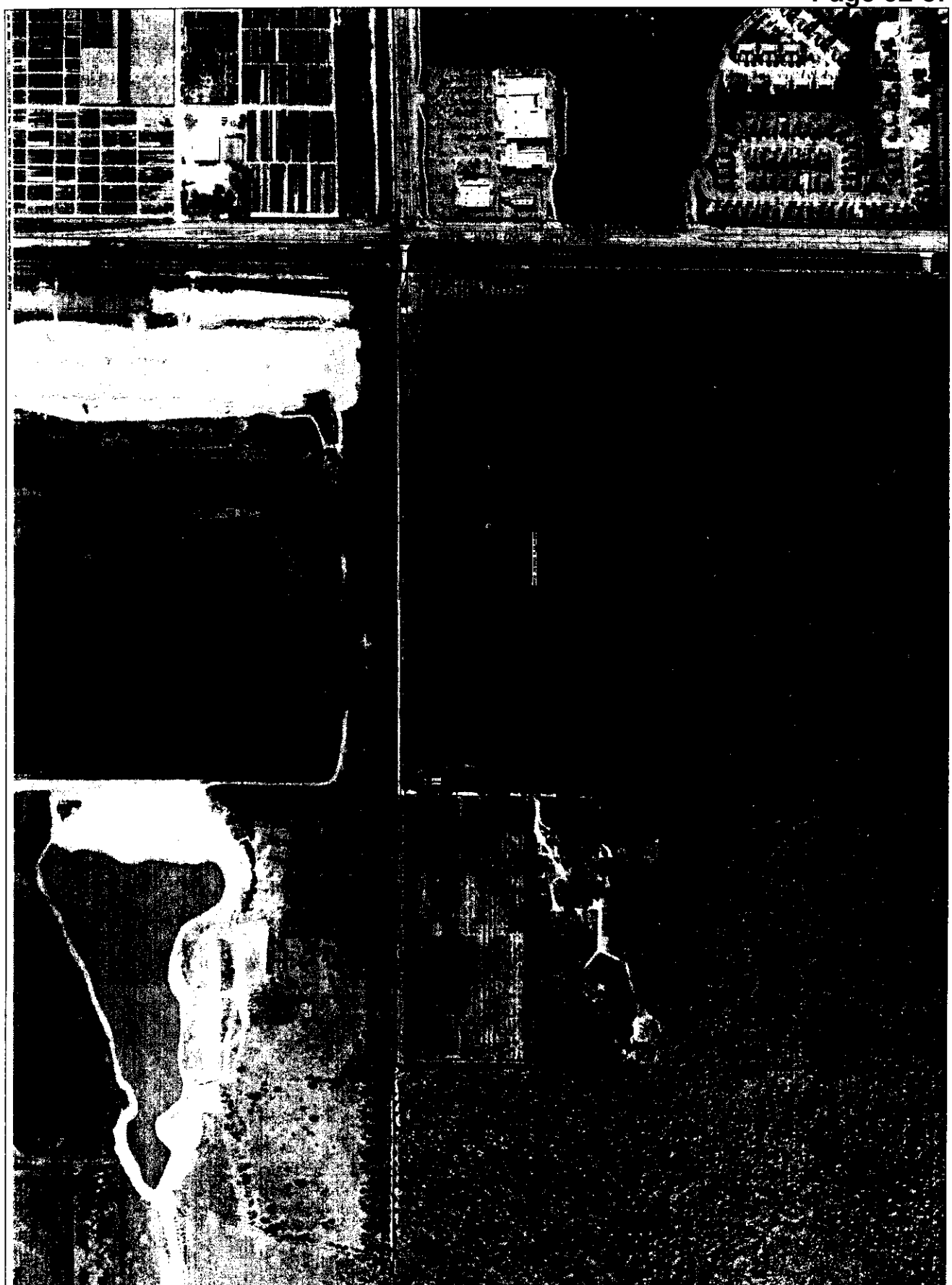
TREE FARM LAND TRUST

2600 GOLDEN GATE PARKWAY, SUITE 304
NAPLES, FLORIDA 34105
(239) 403-6922

CONTENTS

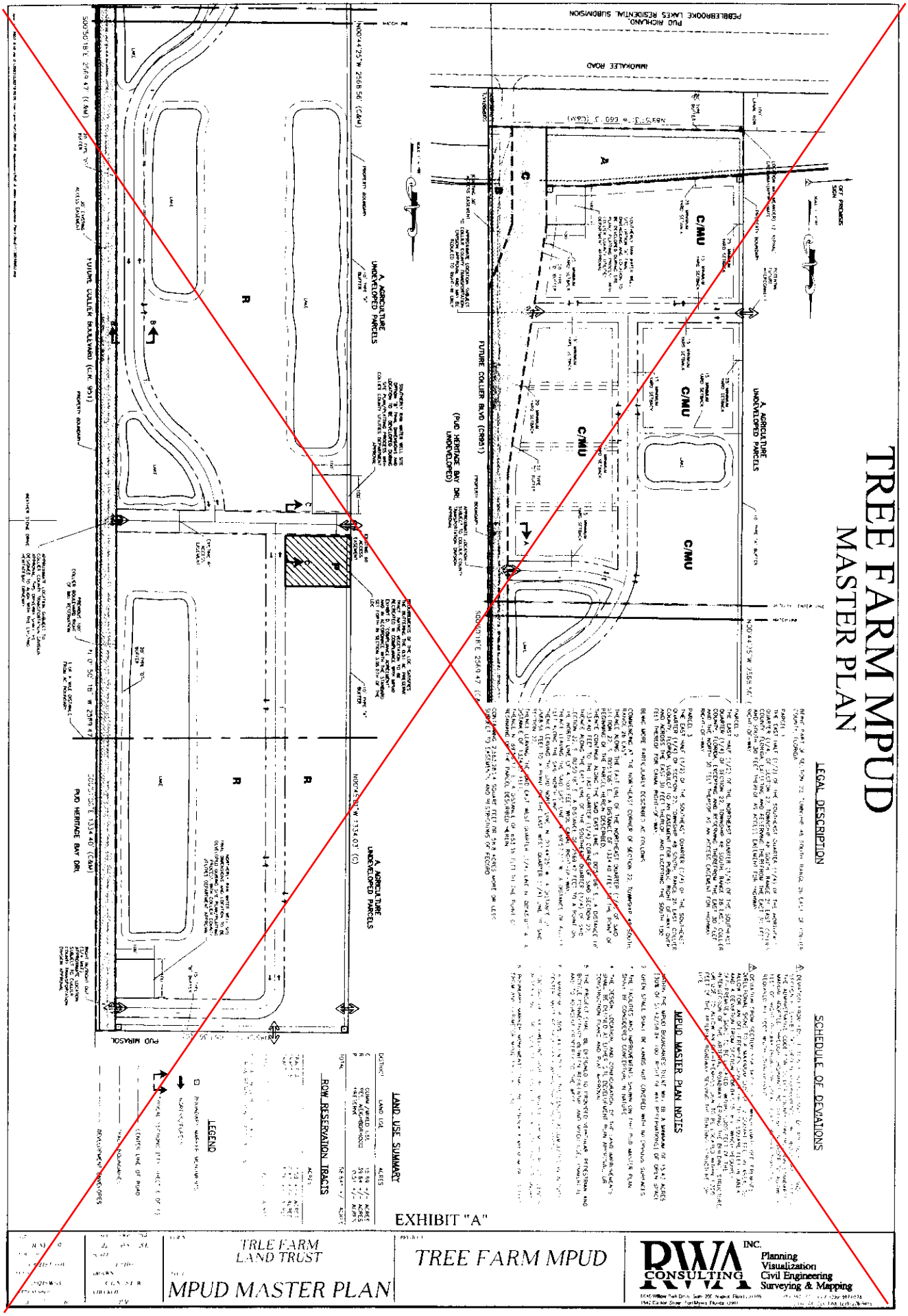
SHEET 1 COVER SHEET
SHEET 2 AERIAL PHOTOGRAPH
SHEET 3 MPUD MASTER PLAN
SHEET 4 CONCEPTUAL WATER MANAGEMENT PLAN
SHEET 5 UTILITY FACILITIES & OFFSITE INTERFACE EXHIBIT
SHEET 6 CROSS SECTIONS

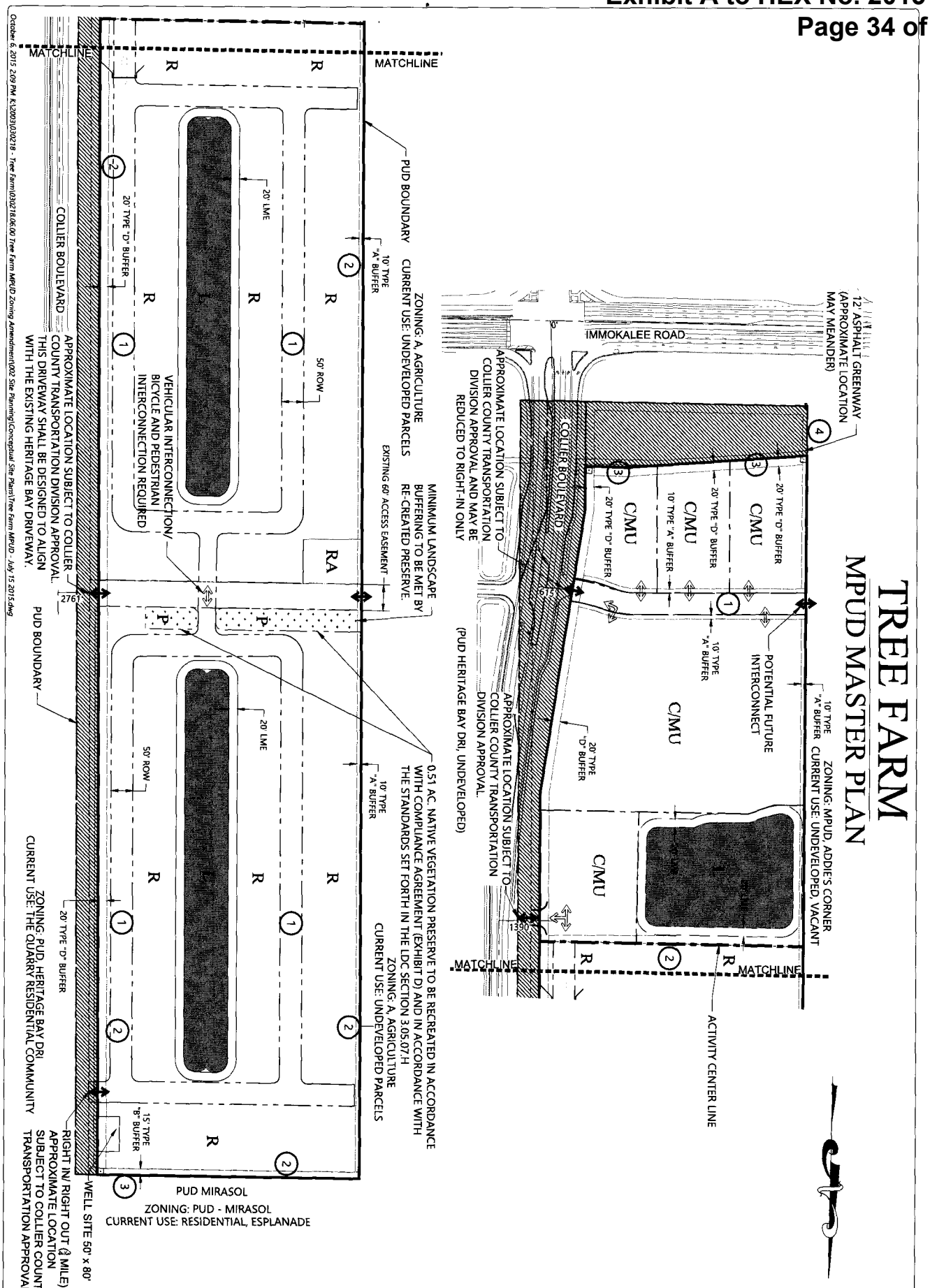
RWA CONSULTING
Engineers, Surveyors & Mappers
Planners, Project Managers



AERIAL PHOTOGRAPH SOURCE: COLLIER COUNTY PROPERTY APPRAISER'S OFFICE

JUNE 2015	TREE FARM LAND TRUST	TREE FARM MPUD	RWA CONSULTING, INC. Engineers, Surveyors & Mappers Planners, Project Managers
	AERIAL PHOTOGRAPH		


TREE FARM MPUD
MASTER PLAN
LEGAL DESCRIPTION
SCHEDULE OF DEVIATIONS
MPUD MASTER PLAN NOTES
LAND USE SUMMARY
ROW RESERVATION TRACTS
LEGEND
EXHIBIT "A"
TRLE FARM
LAND TRUST
MPUD MASTER PLAN
TREE FARM MPUD
RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping
IMMOKALEE ROAD
FUTURE COLLIER BLVD (CR951)
FUTURE COLLIER BOULEVARD (C.R. 951)
PUD HERITAGE BAY DRL
PUD MIRASOL
C/MU
R
A AGRICULTURE
UNDEVELOPED PARCELS



October 6, 2015 2:09 PM K:\2003\030218 - Tree Farm\030218.06.00 Tree Farm MPUD Zoning Amendment\002 Site Planning\Conceptual Site Plans\Tree Farm MPUD - July 15 2015.dwg

CLIENT: LANDQUEST GROUP
PROJECT: TREE FARM MPUD
TITLE: EXHIBIT A: MASTER PLAN
DATE: 5.22.2015
PROJECT NO: 030218.06.00
SHEET NUMBER: 1 OF 2

RWA ENGINEERING
Florida Certificate of Authorization EB 7663 LB 6952
6610 Willow Park Drive, Suite 200 | Naples, FL 34109
Office: 239.597.0575 Fax: (239) 597-0575
www.consult-rwa.com

4	REVISED PER 3rd SUFFICIENCY COMMENTS DATED AUGUST 8, 2015	AAS	OCT. 01 2015
3	REVISED PER 2nd SUFFICIENCY COMMENTS DATED JUNE 25, 2015	AAS	JULY 30 2015
2	REVISED PER GROWTH MANAGEMENT COMMENTS.	SPC	JUNE 5 2015
1	REVISED PER 1st SUFFICIENCY REVIEW COMMENTS DATED APRIL 7 2015	SPC	APRIL 7 2015
#	REVISION	DRAWN	DATE

TREE FARM
MPUD MASTER PLAN

SCHEDULE OF DEVIATIONS

DEVIATION 1:
AT THE DISCRETION OF THE DEVELOPER, THE MINIMUM RIGHT-OF-WAY WIDTH TO BE UTILIZED FOR ALL INTERNAL PROJECT STREETS MAY BE FIFTY FEET (50'). DEVIATION #1 FROM SECTION 6.06.01(O) OF THE LDC. UTILIZATION OF LANDS WITHIN ALL PROJECT RIGHTS-OF-WAY FOR LANDSCAPING, DECORATIVE ENTRANCEWAYS, AND SIGNAGE MAY BE ALLOWED SUBJECT TO REVIEW AND ADMINISTRATIVE APPROVAL BY THE COMMUNITY DEVELOPMENT AND ENVIRONMENTAL SERVICES ADMINISTRATOR, OR HIS DESIGNEE, FOR ENGINEERING AND SAFETY CONSIDERATIONS PRIOR TO INSTALLATION.

DEVIATION 2:
DEVIATION #2 SEEKS RELIEF FROM LDC SECTION 5.03.02.C, WHICH PERMITS A MAXIMUM WALLHEIGHT OF 6' IN RESIDENTIAL ZONING DISTRICTS AND RESIDENTIAL COMPONENTS OF A PUD, TO ALLOW A MAXIMUM WALL HEIGHT OF 8' ALONG THE PERIMETER OF THE PUD, AND ALLOW A 12' WALL/BERM COMBINATION WITHIN RESIDENTIAL PORTIONS OF THE PUD ALONG COLLIER BOULEVARD. THE BERM PORTION OF THE 12' WALL/BERM SHALL BE A MINIMUM OF 3' IN HEIGHT.

DEVIATION 3:
BOUNDARY MARKER MONUMENTS CONTAINING PROJECT IDENTIFICATION SIGNS DESIGNED TO IDENTIFY THE PROJECT, OR ANY MAJOR USE WITHIN THE PROJECT, SHALL BE PERMITTED IN LOCATIONS DEPICTED ON THE MPUD MASTER PLAN (EXHIBIT "A"). SAID BOUNDARY MARKER MONUMENT SHALL NOT EXCEED 6 FEET IN HEIGHT AS MEASURED FROM FINISHED GRADE AT THE LOCATION OF THE BOUNDARY MARKER MONUMENT. THE SIGN FACE AREA FOR SUCH BOUNDARY MARKERS SHALL NOT EXCEED 64 SQUARE FEET IN AREA AND SHALL NOT EXCEED THE HEIGHT OR LENGTH OF THE MONUMENT ON WHICH IT IS LOCATED. IF THE SIGN IS TWO-SIDED, EACH SIGN SHALL NOT EXCEED 64 SQUARE FEET IN AREA. EACH SIGN SHALL ONLY CONTAIN THE MAIN PROJECT NAME, INSIGNIA OR MOTTO OF THE ENTIRE DEVELOPMENT, AND THE DEVELOPER'S NAME AND LOGO. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY MPUD PERIMETER PROPERTY LINE.

DEVIATION 4:
ONE OFF-PREMISES SIGN MAY BE LOCATED TO THE WEST OF THE TREE FARM MPUD GENERALLY LOCATED NEAR THE ACCESS TO COLLIER BOULEVARD FROM THE PROPERTY IMMEDIATELY ADJACENT TO THE WEST OF TREE FARM MPUD. THE OFF-PREMISE SIGN MAY DEVIATE FROM THE MAXIMUM 12 SQUARE FOOT SIZE SET FORTH IN SECTION 5.06.04.C.15.B.I., BUT MAY NOT EXCEED 16 SQUARE FEET IN SIZE, AND MAY ALSO DEVIATE FROM SECTION 5.06.04.C.15.B.V., WHICH REQUIRES SUCH OFF-SITE SIGNS TO BE LOCATED WITHIN 1000 FEET OF THE INTERSECTION OF THE ARTERIAL ROADWAY SERVING THE BUILDING, STRUCTURE OR USE.

MPUD MASTER PLAN NOTES

1. THE AMOUNT OF REQUIRED OPEN SPACE IS 30%.
2. WITHIN THE MPUD BOUNDARIES THERE WILL BE A MINIMUM OF 15.43 AC OF OPEN SPACE [30% OF 51.43 (58.84 - 7.42 ROW CONVEYANCE.)]
3. THE FACILITIES AND IMPROVEMENTS SHOWN ON THIS PUD MASTER PLAN SHALL BE CONSIDERED CONCEPTUAL IN NATURE.
4. THE DESIGN, LOCATION, AND CONFIGURATION OF THE LAND IMPROVEMENTS SHALL BE DEFINED AT EITHER SITE DEVELOPMENT PLAN APPROVAL, OR CONSTRUCTION PLANS AND PLAT APPROVAL.
5. THE PROJECT SHALL BE DESIGNED TO PROVIDE VEHICULAR, PEDESTRIAN AND BICYCLE CONNECTIVITY BETWEEN RESIDENTIAL AND MIXED USE/COMMERCIAL AND TO ADJACENT PROPERTY TO THE WEST.
6. BOUNDARY MARKER MONUMENTS SHALL BE SETBACK A MINIMUM OF 10 FEET FROM ANY PERIMETER MPUD PROPERTY LINE.

LEGEND

R	RESIDENTIAL
RA	RECREATIONAL AREA
C/MU	COMMERCIAL/ MIXED USE
P	PRESERVE
	PUD INGRESS/EGRESS
	INTERNAL CIRCULATION
#	DEVIATIONS
	WATER MANAGEMENT LAKE
	ROW CONVEYANCE
	PRESERVE AREA
	BOUNDARY MARKER MONUMENTS

LAND USE SUMMARY

TRACT	LAND USE	ACREAGE
TRACT "R"	RESIDENTIAL	*39.19 +/- ACRES
TRACT "P"	PRESERVE	.51 +/- ACRES
TRACT "C/MU"	COMMERCIAL/ MIXED USE	*18.69 +/- ACRES
TRACT "RA"	RECREATION AREA	.45 +/- ACRES
TOTAL		58.84 +/- ACRES

* INCLUDES ROW CONVEYANCE

PRESERVE

A MINIMUM OF 0.51 ACRES (25% OF THE 2.02 ACRES OF NATIVE VEGETATION ON SITE) IS REQUIRED TO BE RETAINED OR REPLANTED. THE TRACTS IDENTIFIED AS "P," CONTAIN 0.51 +/- ACRES, AND FULLY SATISFYING THE NATIVE VEGETATION REQUIREMENTS.

MAXIMUM DENSITY

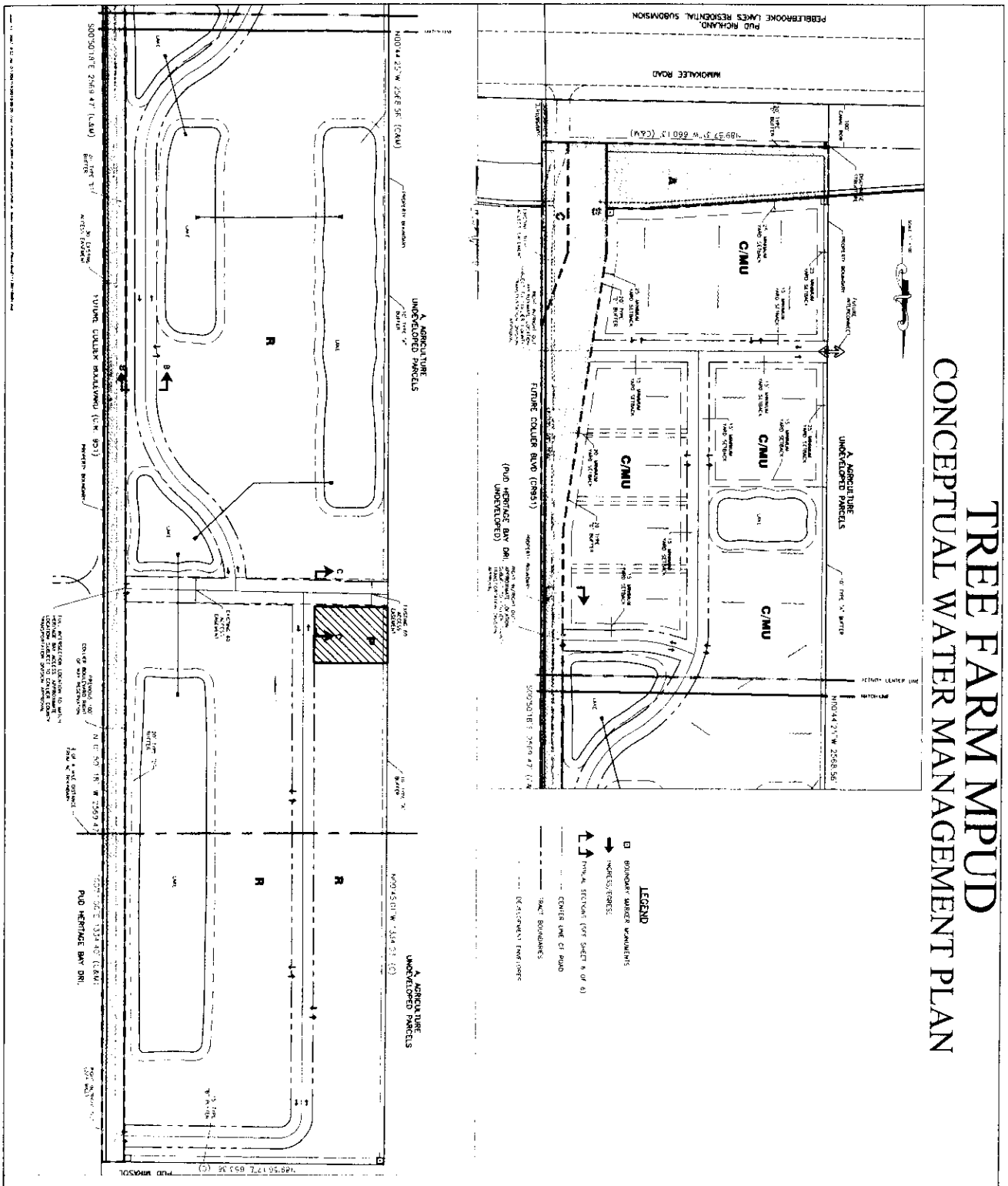
281 MULTI-FAMILY/ SINGLE-FAMILY ATTACHED/ TOWNHOUSE UNITS OR
138 SINGLE-FAMILY DETACHED UNITS

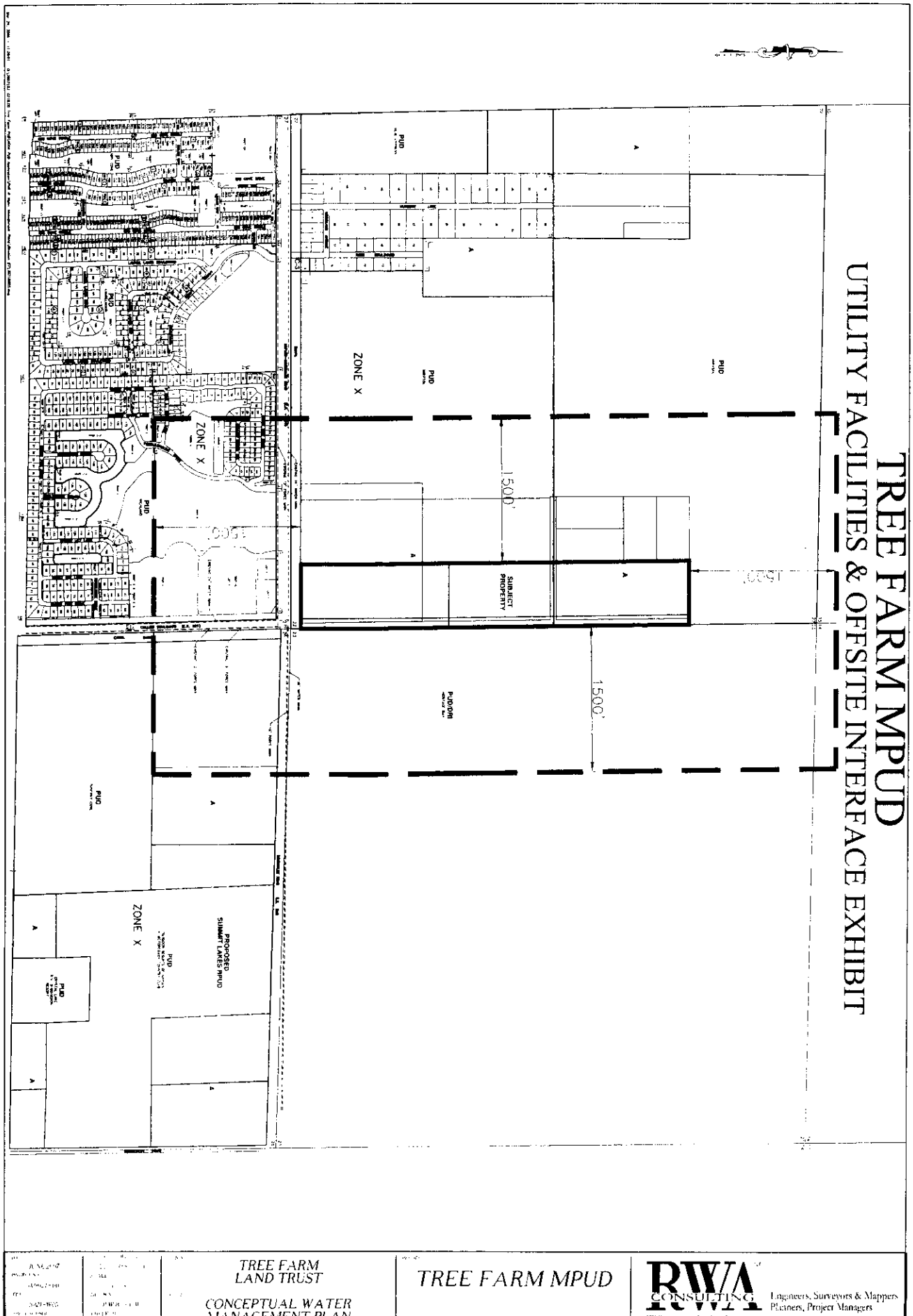
4	REVISED PER 3rd SUFFICIENCY COMMENTS DATED AUGUST 8, 2015	AAS	OCT 11 2015
3	REVISED PER 2nd SUFFICIENCY COMMENTS DATED JUNE 25, 2015	AAS	JULY 29 2015
2	REVISED PER GROWTH MANAGEMENT COMMENTS	SPC	JUNE 5 2015
1	REVISED PER 1st SUFFICIENCY REVIEW COMMENTS DATED APRIL 7 2015	SPC	APRIL 7 2015
*	REVISION	DRAWN	DATE

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CLIENT: LANDQUEST GROUP
PROJECT: TREE FARM MPUD
TITLE: EXHIBIT A: MASTER PLAN

DATE: 5-22-2015 | DESIGNED: PV
SEC 25 | TWP 50S | RGE 26E | DRAWN: DLG
PROJECT NO.: 030218.06.00
SHEET NUMBER: 2 OF 2


TREE FARM MPUD
CONCEPTUAL WATER MANAGEMENT PLAN
LEGEND
BOUNDARY MARKER MONUMENTS
INGRESS/EGRESS
TYPICAL SECTIONS (SEE SHEET 6 OF 6)
CENTER LINE OF ROAD
TRACT BOUNDARIES
DEVELOPMENT PARCELS
MIKOKALEE ROAD
FUTURE COLLIER BLVD (CR951)
(PUD HERITAGE BAY DRI UNDEVELOPED)
C/MU
A AGRICULTURE UNDEVELOPED PARCELS
R
PUD HERITAGE BAY DRI.
TREE FARM LAND TRUST
CONCEPTUAL WATER MANAGEMENT PLAN
TREE FARM MPUD
RWA CONSULTING INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping

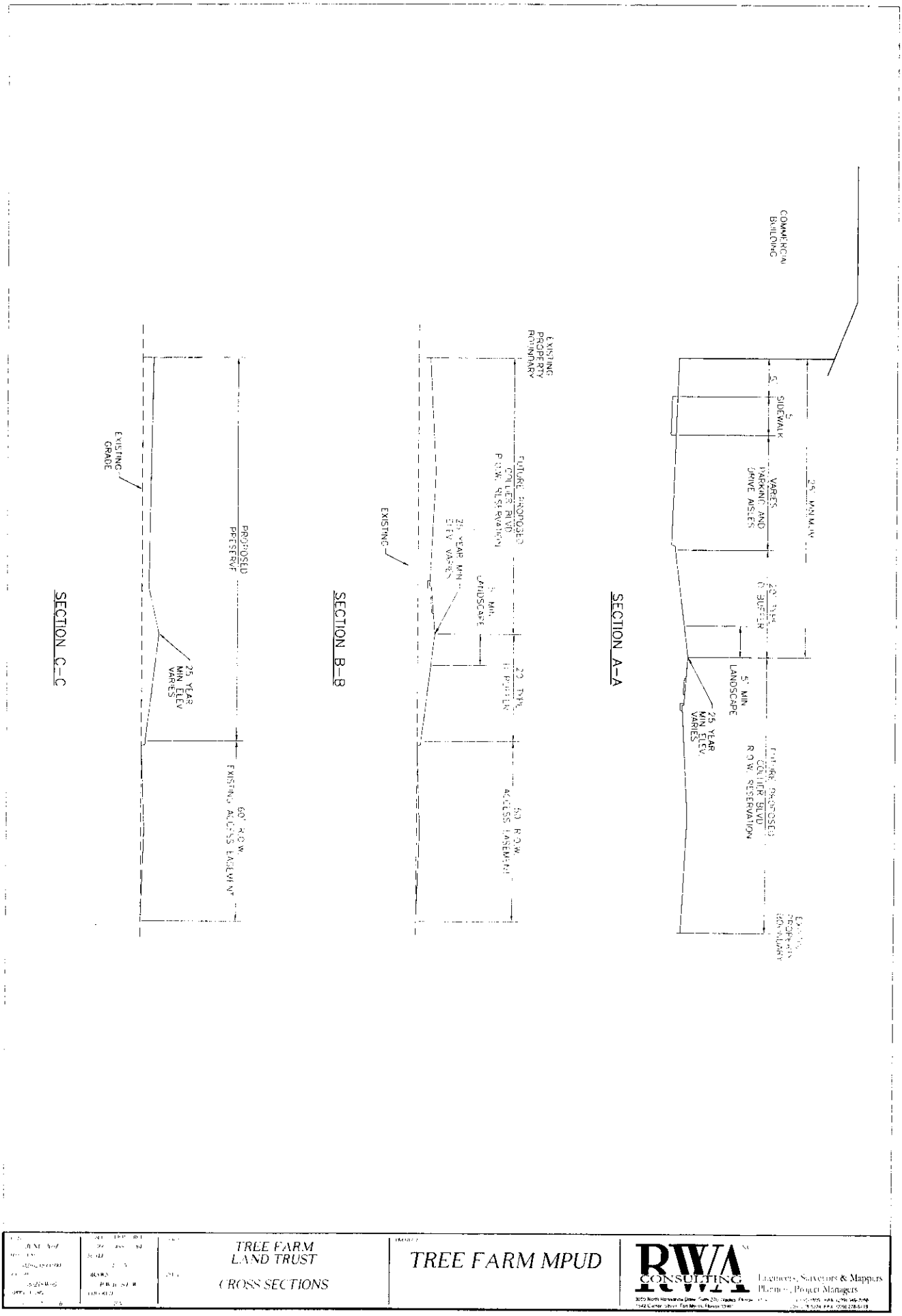


TREE FARM LAND TRUST

CONCEPTUAL WATER MANAGEMENT PLAN

TREE FARM MPUD

RWA CONSULTING Engineers, Surveyors & Mappers Planners, Project Managers



TREE FARM LAND TRUST

CROSS SECTIONS

TREE FARM MPUD

RWA CONSULTING

Engineers, Surveyors & Mappers
Planners, Project Managers