

CCPC RESOLUTION NO. 18 – 01

A RESOLUTION OF THE COLLIER COUNTY PLANNING COMMISSION DENYING PETITION NO. PDI-PL20170003546 FOR AN INSUBSTANTIAL CHANGE TO THE SABAL BAY MIXED USE PLANNED UNIT DEVELOPMENT (MPUD), ORDINANCE NO. 05-59, AS AMENDED, TO REDUCE THE MINIMUM FLOOR AREA FOR MULTI-FAMILY DWELLINGS (EXCLUDING TOWNHOUSES) FROM 700 SQUARE FEET TO 551 SQUARE FEET, FOR UP TO APPROXIMATELY 15 PERCENT OF THE TOTAL DWELLING UNITS ON TRACT 1 OF THE SABAL BAY COMMERCIAL PLAT—PHASE ONE SUBDIVISION. THE SUBJECT PROPERTY IS LOCATED ON THE NORTH SIDE OF THOMASSON DRIVE, APPROXIMATELY 500 FEET WEST OF U.S. 41 EAST, IN SECTION 24, TOWNSHIP 50 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, CONSISTING OF ±34.19 ACRES.

WHEREAS, the Legislature of the State of Florida in Chapter 125, Florida Statutes, has conferred on all counties in Florida the power to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Collier County Planning Commission is authorized by the Board of County Commissioners to grant insubstantial changes to PUD Ordinances in accordance with Subsection 10.02.13.E.2 of the Land Development Code; and

WHEREAS, on January 18, 2018, the Collier County Planning Commission held a properly noticed public hearing to consider the advisability of granting Petition No. PDI-PL20170003546 for the requested insubstantial change to the Sabal Bay MPUD; and

WHEREAS, all interested parties have been given opportunity to be heard by this Commission in public meeting assembled and the Commission having considered all matters presented.

NOW, THEREFORE, BE IT RESOLVED BY THE COLLIER COUNTY PLANNING COMMISSION OF COLLIER COUNTY, FLORIDA, that:

Petition No. PDI-PL20170003546 filed by D. Wayne Arnold, AICP, of Q. Grady Minor and Associates, on behalf of Continental 422 Fund LLC, with respect to the property described in Ordinance No. 05-59, as amended, the Sabal Bay Mixed Use Planned Unit Development, is hereby DENIED in accordance with the transcript of the proceedings of the public hearing held before the Collier County Planning Commission on January 18, 2018.

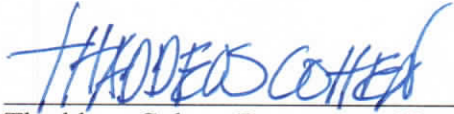
BE IT FURTHER RESOLVED that this Resolution be recorded in the minutes of this Commission and filed with the County Clerk's Office.



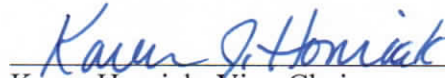
This Resolution of Denial adopted due to failure of majority vote for approval on the 18th day of January, 2018.

ATTEST:

COLLIER COUNTY PLANNING COMMISSION
COLLIER COUNTY, FLORIDA



Thaddeus Cohen, Department Head
Growth Management Department



Karen Homiak, Vice-Chair

Approved as to form and legality:



Scott A. Stone
Assistant County Attorney

SECTION III
RESIDENTIAL

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3.5 DEVELOPMENT STANDARDS

TABLE I: SABAL BAY MPUD DEVELOPMENT STANDARDS FOR "R" RESIDENTIAL AREA

SETBACK	SINGLE FAMILY DETACHED	ZERO LOT LINE	TWO FAMILY/ DUPLEX	SINGLE FAMILY ATTACHED/ TOWNHOME	MULTIFAMILY/ TIMESHARE DWELLINGS (EXCLUDING TOWNHOUSES)	CLUBHOUSE/ RECREATION BUILDINGS	ALFs CCRC'S*
PRINCIPAL STRUCTURES¹⁰							
Minimum Lot Area	5,000 SF	4,000 SF	3,500 SF per lot or unit	2,600 SF	N/A	10,000 SF	Per Section 3.5 B
Minimum Lot Width ²	40'	35'	35' per lot or unit	20'	N/A	N/A	N/A
Front Yard Setback ⁶	15'	15'	15'	15'	15' or .5 BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary.	20'	Per Section 3.5 B
Front Yard for Side ⁶ Entry Garage	10'	10'	10'	10'	15' or .5 BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary.	N/A	N/A
Rear Yard ¹	10'	10'	10'	10'	15' or .5 BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary.	15'	Per Section 3.5.B
Side Yard	5'	0' or 5' ³	0' or 5' ³	0' or 5' ³	15' or 50% of BH, whichever is greater, and a minimum of 75 feet from the PUD perimeter boundary ⁴	10'	Per Section 3.5 B
From Preserve ¹	25'	25'	25'	25'	25'	25'	25'
Maximum Height ⁵	35'	35'	35'	35'	50' above FEMA elevation ^{5,7}	55'	Per Section 3.5.B
Floor Area Minimum (SF)	1200 SF	1200 SF	1200 SF	1200 SF	700 SF ¹¹	N/A	N/A ⁸
Minimum Distance Between	10'	10'	10'	10'	15' or .5 SBH, whichever is	15' or .5 SBH, whichever is	15' or .5 SBH,

Sabal Bay PUD
Revised PUD Language

Principal Structures ⁴					greater ^{4,9}	greater ⁴	whichever is greater ⁴
ACCESSORY STRUCTURES¹⁰							
Front	SPS	SPS	SPS	SPS	SPS	SPS	SPS
Side	SPS	SPS	SPS	SPS	SPS	SPS	SPS
Rear	5'	5'	5'	5'	5'	10'	10'
From Preserve ¹	10'	10'	10'	10'	10'	10'	10'
Minimum Distance Between Accessory Structures on same lot	0' or 10'	0' or 10'	0' or 10'	0' or 10'	0' or 10' ⁴	0' or 10' ⁴	0' or 10'
Minimum Distance Between Accessory And Principal Structures on same lot	0' or 10'	0' or 10'	0' or 10'	0' or 10'	0' or 10' ⁴	0' or 10' ⁴	0' or 10'
Maximum Height	SPS	SPS	SPS	SPS	50'	SPS	80'

BH: Building Height- measured as defined in LDC Section 1.08.02 Definitions "building, zoned height of."

SBH: (Sum of Building Heights): Combined height of two adjacent buildings for the purpose of determining setback requirements.

SPS: Same as Principal Structure

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.

*1 - Setback from lake easements for all accessory uses and structures may be 0 feet. Setback from preserve areas shall be 25 feet for principal structures and 10 feet for accessory structures, or as may otherwise be permitted in accordance with the applicable provisions set forth in LDC Section 3.05.07.

*2 - Minimum lot width for cul-de-sac lots consistent with the measurement standards established in the LDC.

*3 - Zero feet (0'). Where the zero foot (0') yard option is utilized, the opposite side of the structure or attached structures shall have a ten foot (10') side yard. Where zero lot line development is proposed, a conceptual site plan shall be submitted with the application for final subdivision plat approval. The conceptual site plan shall depict the proposed location of dwelling units and the required setbacks.

*4 - Distance between principal and accessory structures for multi-family development: Where common architectural themes are utilized for a common development tract, distances between principal structures may be reduced subject to Fire District approval at the time of site plan review. In no case shall the distance between principal structures be less than 10 feet or .25 SBH, whichever is greater. A common architectural theme shall be demonstrated during SDP review through submittal of drawings and renderings depicting common signage, common entry design features, common landscape and landscape features, and common architectural building design features.

*5 - Building height is measured as set forth in LDC Section 1.08.02 Definitions "building, zoned height of." Actual height of structures in Single Family Detached, Zero Lot Line, Two Family/Duplex, and Single Family Attached/Townhome categories shall not exceed forty-five feet (45'). Multi-family/timeshare structures within Tract R, as depicted on the MPUD Master Plan (Exhibit "A") shall have a maximum height of 10 residential floors over parking, not to exceed 150 feet of zoned height as measured pursuant to LDC Section 1.08.02 Definitions "Buildings, zoned height of", and a maximum actual height of 165 feet.

*6 - Front loading garages shall have a minimum front yard setback 23 feet, as measured from the back of sidewalk. Side loaded garages may be located less than 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.

*7 - 50 feet for R8.

*8 - Standards not specified herein shall be those specified in Section 5.05.04 of the LDC in effect as of the date of adoption of this MPUD Ordinance. There is no minimum floor area established for an ALF or CCRC; however, the maximum floor area ratio (FAR) is .60. The ALF/CCRC use is prohibited in the R2-B, R5, and R7 areas.

*9 - Minimum separation between parking decks under mid-rise structures shall not be less than 60 feet.

*10 - In no instance shall a structure encroach into a required landscape buffer, other than those structures permitted to be located within a landscape buffer in accordance with LDC applicable provisions in effect at the time of permitting.

*11 - Multi-family dwelling units located on Tract I, Sabal Bay Commercial Plat-Phase One, PB 38, PG 81-84 may be reduced to 551 SF, not to exceed 52 multi-family dwelling units of the total 340 multi-family dwelling units proposed for Tract I.

