

## RUSSELL SQUARE RPUD (PL20170004414)

### 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 Russell Square RPUD is a 32.9± acre property located on the east side of Santa Barbara Boulevard, approximately ¼ mile south of Davis Boulevard. The property is Designated Urban Residential, Urban Mixed Use Residential on the Future Land Use Map. The property is currently zoned A, Agricultural (ST Overlay) and the applicant proposes to rezone the property to permit a 230 dwelling unit residential planned Unit Development (RPUD). The application proposes to permit a multi-family residential dwelling unit types. Residential amenities will be provided on-site for the use of residents of the RPUD. Access to the site is from proposed Cope Lane.**

**The property is located within the density band that surrounds Activity Center #6. The location within the density band qualifies the applicant to seek a bonus density of up to 3 dwelling units per acre above the base density of 4 dwelling units per acre for a maximum of 7 dwelling units per acre. The proposed 32.9± acre RPUD proposes a maximum of 230 dwelling units, which represents 7 dwelling units per acre, consistent with the density permissible under the density rating system of the Future Land Use Element.**

**The site is partially vegetated; however, the vegetation is extensively infested with exotic vegetation. Approximately 13.88± acres of native vegetation exists on site. The conceptual master plan for the project identifies 3.47 acres of vegetation to be preserved onsite, which represents 25% of the native vegetation as required by the LDC.**

- 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.

**The proposed 32.9± acre residential planned unit development is located in an area, which has been designated for residential development on the County's Future Land Use Map. Other residential, commercial and institutional developments are located nearby making the location desirable for a planned residential community. The site is within the Collier County Water and Sewer District boundaries. Both water and sewer lines will need to be extended to service the PUD. Capacity is available for water and sewer, and there are no anticipated deficiencies in the system.**

- 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

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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 property is under unified control via a contract for purchase for the entire 32.9± acre parcel. Upon approval of the proposed rezoning, the land will be acquired with the intent to develop a residential community consistent with the approved PUD. A homeowner association will be established to insure that common community elements such as open space and surface water management will be maintained.**

- 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.)

#### **Future Land Use Element:**

**The 32.9± project is designated Urban Residential, Urban Mixed Use Residential on the Future Land Use Map. The project also lies within the density band surrounding Activity Center #6, which under the density rating system permits a bonus density of up to 3 dwelling units per acre above the base density of 4 dwelling units per acre permitted in the Urban Residential District for a maximum permissible density of 7 dwelling units per acre. The proposed 230 dwelling units represents 7 dwelling units per acre for the 32.9± acre property and is therefore consistent with the Future Land Use Element Density Rating System.**

**Policy 5.5 of the Future Land Use Element discourages urban sprawl to minimize the cost of public infrastructure necessary to serve new development. The proposed RPUD represents infill development within our Urban designated area. All necessary infrastructure to serve the project such as roads, water, sewer, schools, and other essential services are located at or near the property.**

**Policy 5.6 requires new projects to be compatible and complementary to the surrounding land uses. The proposed RPUD proposes multi-family dwelling units, which are similar to other approved and developed PUD's in the surrounding area including Avalon of Naples and County Barn Road RPUD. The property is also adjacent to the undeveloped Taormina Reserve MPUD and Activity Center #6.**

**Policy 5.7 encourages development of land designated for urban intensities before designating other areas for urban intensity. As discussed in the Policy 5.3 analysis, the property is designated for urban intensities and the requested 230 dwelling unit residential project is consistent with this policy.**

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Policy 7.1 encourages new development to connect directly to collector and arterial roads. The project will have access to Santa Barbara Boulevard via an extension of Cope Lane. Collier County installed turn-lanes at this location as part of the 6-laning of Santa Barbara Boulevard. Policy 7.3 encourages all projects to provide interconnections to adjoining neighborhoods or developments. Interconnection to adjoining parcels is not feasible for practical for the proposed RPUD. Properties to the north and east are developed with a private k-12 school and church campus. Property to the south is a lake, which is owned by Collier County. No feasible access connections are possible. The applicant met with the former Transportation Director as part of the Due Diligence evaluation of the property. The former Director was directly involved in the specific interconnection condition for the neighboring Taormina Reserve PUD. It was acknowledged that the County failed to obtain timely access rights over our client's property and the PUD commitment expired. It was agreed that there was no need for the interconnection based on the excess capacity on Santa Barbara Boulevard and the presence of sidewalks in the Santa Barbara right-of-way.

**Conservation and Coastal Management Element:**

Policy 6.1.1 requires that residential and mixed-use projects greater than 25 acres retain 25% of the existing native vegetation on-site. The project contains approximately 13.88± acres of native vegetation, which would require preservation of approximately 3.47 acres of native vegetation on-site. The proposed conceptual master plan identifies areas of retained native vegetation consistent with this policy.

Policy 7.1.2 indicates that development should be directed away from areas having listed species and habitat. The subject property has been evaluated by professional biologists and have determined that there are no listed species inhabiting the site. Further analysis will be completed as part of the State Environmental Resource Permit process and as required in this Policy any required management plans will be completed to insure protection of listed species.

**Transportation Element:**

Policy 5.1 requires that all projects are evaluated to determine their affect on the overall countywide density or intensity of permissible development, with consideration of their impact on the overall County transportation system, and shall not approve any petition or application that would directly access a deficient roadway segment as identified in the current AUIR or if it impacts an adjacent roadway segment that is deficient as identified in the current AUIR. This RPUD application includes a comprehensive assessment of the transportation impacts associated with the project. No level of service impacts result from the proposed 230 dwelling unit residential project therefore the project is consistent with Policy 5.1.

- 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.

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**The proposed residential PUD provides for multi-family dwelling unit types, consistent with those approved and/or developed in nearby communities. Development standards have been established which are appropriate for the site and which will insure that the form of development will be compatible with nearby residential, commercial and institutional development. Project buffers will be provided to insure that the immediate neighboring communities will have appropriate separation and transition between the uses.**

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

**The project will provide a minimum of 60% open space consistent with the requirements of the LDC, which will include native vegetation preserve areas, lakes, buffers and recreational areas. The PUD will include an amenity area for community residents and guests. The PUD document includes a variety of recreational amenities that may be provided including swimming pool, outdoor courts, fitness facilities and the like.**

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

**The project will not require phasing due to infrastructure availability. Adequate infrastructure is in place at the project site to service the proposed residential community.**

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

**The project has partially developed property on three sides and is bounded by Santa Barbara Boulevard to the west. There are no plans or opportunities to expand beyond the 32.9± acres.**

- 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 PUD includes development standards and conditions which will assure compatible and complementary development. Deviations from certain LDC provisions have been requested as part of the application. The deviations will facilitate development of the property in a manner consistent with other communities developed by the applicant and pose no harm to the public.**

*10.02.08 - Requirements for Amendments to the Official Zoning Atlas*

- 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

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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.

#### **Future Land Use Element:**

**The 32.9± project is designated Urban Residential, Urban Mixed Use Residential on the Future Land Use Map. The project also lies within the density band surrounding Activity Center #6, which under the density rating system permits a bonus density of up to 3 dwelling units per acre above the base density of 4 dwelling units per acre permitted in the Urban Residential District for a maximum permissible density of 7 dwelling units per acre ( $32.9 \times 7 = 230.3$ ). The proposed 230 dwelling units represents 7 dwelling units per acre for the 32.9± acre property and is therefore consistent with the Future Land Use Element Density Rating System.**

**Policy 5.5 of the Future Land Use Element discourages urban sprawl to minimize the cost of public infrastructure necessary to serve new development. The proposed RPUD represents infill development within our Urban designated area. All necessary infrastructure to serve the project such as roads, water, sewer, schools, and other essential services are located at or near the property.**

**Policy 5.7 encourages development of land designated for urban intensities before designating other areas for urban intensity. As discussed in the Policy 5.3 analysis, the property is designated for urban intensities and the requested 230 dwelling unit residential project is consistent with this policy.**

**Policy 7.1 encourages new development to connect directly to collector and arterial roads. County Barn Road serves as a collector roadway and the proposed RPUD with access directly to County Barn Road is consistent with this Policy.**

**Policy 7.3 encourages all projects to provide interconnections to adjoining neighborhoods or developments. Interconnection to adjoining parcels is not feasible for the proposed RPUD. To the north is an undeveloped MPUD that provided for a potential interconnection to the subject site; however, the time limits for perfecting the potential interconnection has expired. Further, Collier County did not secure public access rights south of the MPUD. Given the ample capacity of Santa Barbara Boulevard currently existing and anticipated in the future, there is not a necessity to provide interconnection to the north. Property to the south is a right-of-way and lake, which is owned by Collier County. No feasible access connections are possible.**

#### **Conservation and Coastal Management Element:**

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**Policy 6.1.1 requires that residential and mixed use projects greater than 25 acres retain 25% of the existing native vegetation on-site. The project contains approximately 13.88± acres of native vegetation, which would require preservation of approximately 3.47 acres of native vegetation on-site. The proposed conceptual master plan identifies areas of retained native vegetation consistent with this policy.**

**Policy 7.1.2 indicates that development should be directed away from areas having listed species and habitat. The subject property has been evaluated by professional biologists and have determined that there are no listed species inhabiting the site. Further analysis will be completed as part of the State Environmental Resource Permit process and as required in this Policy any required management plans will be completed to insure protection of listed species.**

#### **Transportation Element:**

**Policy 5.1 requires that all projects are evaluated to determine their affect on the overall countywide density or intensity of permissible development, with consideration of their impact on the overall County transportation system, and shall not approve any petition or application that would directly access a deficient roadway segment as identified in the current AUIR or if it impacts an adjacent roadway segment that is deficient as identified in the current AUIR. This RPUD application includes a comprehensive assessment of the transportation impacts associated with the project. No level of service impacts result from the proposed 230 dwelling unit residential project therefore the project is consistent with Policy 5.1.**

2. The existing land use pattern.

**The subject property is located south of Davis Boulevard. To the west across Santa Barbara Boulevard is the Falling Waters community. That property is zoned RPUD. To the south is a Collier County Government owned property that contains right-of-way and a lake, which is utilized for the Santa Barbara Boulevard Stormwater. The Russell Square RPUD property is within the density band of Activity Center #6, which permits the proposed residential project at a maximum of 7 dwelling units per acre.**

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

**Rezoning to the PUD zoning district will not create an isolated district. All properties adjacent to the project are developed. The rezoning to the PUD zoning district is the appropriate district to permit development of the property consistent with the Future Land Use Element.**

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

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**The boundaries are not illogically drawn and comprise all of the property under the unified control of the applicant.**

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

**The property is currently zoned Agricultural, which does not reflect the urban nature of the property and proximity to major collector and arterial roadways and Activity Center designated property.**

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

**The PUD document includes development standards to insure that it is compatible with the immediately surrounding properties. The PUD master plan identifies appropriate buffers and open spaces which will further insure that the development of the residential community will have no adverse impacts to the neighborhood. Access to the project is from an extension of Cope Lane, a County owned right-of-way. There is no direct access to Santa Barbara Boulevard.**

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.

**A traffic impact analysis has been submitted in support of the proposed residential PUD. That analysis concludes that there are no current or anticipated level of service issues associated with the proposed 230-unit project. Access will be from Cope Lane and should not create any impacts during construction.**

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

**The project will be required to obtain an Environmental Resource Permit (ERP) through the South Florida Water Management District. The ERP review evaluates historic surface water flows and controls the off-site discharge of stormwater from the site. The project will have internal water management facilities including lakes to control the drainage for the project. No drainage issues will result from this project.**

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

**Given the limitation on building heights, and the limited proximity to any other active land use, there will be no reduction in light or air for adjacent properties.**



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

**The proposed residences will be market rate and will not adversely impact property values in the area.**

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

**Development of the property for residential dwellings will not deter improvement or development of adjacent property. Given the development and ownership pattern surrounding the property, there is limited opportunity for development of adjacent properties.**

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

**Rezoning the property to a residential planned development will not constitute a grant of special privilege to an individual owner. The subject PUD is consistent with the Goals, Objectives, and Policies of the Collier County Growth management Plan. The public will benefit from payment of impact fees and property taxes resulting from the development of residences on the property.**

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

**The existing zoning is A, Agricultural, which permits a maximum density of 1 dwelling unit per 5 acres. This is a non-urban zoning designation. The property is recognized as being highly urbanized due to the proximity to a Mixed Use Activity Center. Retaining the Agricultural zoning designation would result in an underutilization of this infill parcel that has proximity to the collector and arterial roadway network.**

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

**The proposed rezoning is in scale with the needs of the neighborhood and Collier County. The applicant is a well-respected residential developer in Southwest Florida and the proposed PUD is of a scale that makes economic sense and is consistent with the long range planning policies of Collier County, including providing bonus density incentives to utilize projects within close proximity to our Mixed Use Activity Centers.**

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



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**It is not impossible to find other adequate sites in the county for residential development; however, it is difficult to find sites within the urban area that are of sufficient size to permit the proposed number of dwelling units. The applicant is unaware of any available properties that are already zoned PUD that would permit the requested number of dwelling units.**

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.

**The subject property has been previously developed with two single-family homes and utilized for grazing. The site will need additional fill material in order to bring the site elevations up to required elevations to meet the standards for the South Florida Water Management District.**

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.**