



Growth Management Department  
Zoning Division  
Comprehensive Planning Section

**MEMORANDUM**

**To:** Nancy Gundlach, AICP, PLA # 1244, Principal Planner  
Zoning Division, Zoning Services Section

**From:** Sue Faulkner, Principal Planner  
Zoning Division, Comprehensive Planning Section

**Date:** January 8, 2019

**Subject:** Future Land Use Element Consistency Review

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**PETITION NUMBER:** PUDZ – PL20170000768 - REV 3

**PETITION NAME:** Baumgarten (formerly Pelican Nursery) MPUD Rezone

**REQUEST:** The petitioner is requesting to rezone approximately ±55.66-acres from “A” - Agriculture Zoning District to a Mixed Use Planned Unit Development (MPUD) Zoning District to allow for a maximum of 400 residential dwelling units (multi-family and townhouses) and up to a maximum of 370,000 square feet of gross commercial floor area and 140 hotel/motel rooms. The petitioner is requesting deviations for street width from 60’ to 50’ on the easement or Right-of-Way for the bypass drive and a couple of deviations on signage. Submittal 3 revised the requested deviations, the Statement of Utility Provisions, and the Master Plan.

**LOCATION:** The subject site is located in the southeast quadrant of the intersection of Immokalee Road (CR 846) and Collier Blvd. (CR 951) in Section 26, Township 48 South, Range 26 East.

**COMPREHENSIVE PLANNING COMMENTS:** Approximately 36 acres of the subject site is identified as Urban Designation, Urban Commercial District, Mixed Use Activity Center #3; the remaining approximately 19.66 acres of the subject site is identified as Urban Designation, Mixed Use District, Urban Residential Subdistrict on the Future Land Use Map (FLUM) of the Growth Management Plan (GMP).

The FLUE states the following: “The purpose of the Urban Residential Subdistrict is to provide for higher densities in an area with fewer natural resource constraints and where existing and planned public facilities are concentrated. Maximum eligible residential density shall be determined through the Density Rating System but shall not exceed 16 dwelling units per acre except in accordance with the Transfer of Development Rights Section of the Land Development Code.”

The FLUE also states the following: “Mixed Use Activity Centers are intended to provide for concentrated commercial and mixed use development, but with carefully configured access to the road network. The Mixed-Use Activity Center concept is designed to concentrate almost all new commercial zoning in locations where traffic impacts can readily be accommodated, to avoid strip and disorganized patterns of commercial development, and to create focal points within the community. Mixed Use Activity Centers are

intended to be mixed-use in character. Further, they are generally intended to be developed at a human-scale, to be pedestrian-oriented, and to be interconnected with abutting projects – whether commercial or residential. Street, pedestrian pathway and bike lane interconnections with abutting properties, where possible and practicable, are encouraged.

Allowable land uses in Mixed Use Activity Centers include the full array of commercial uses (C1-C5), residential uses, institutional uses, hotel/motel uses at a maximum density of 26 units per acre, community facilities, and other land uses as generally allowed in the Urban designation.”

The Mixed Use Activity Center Subdistrict contains a number of factors to be considered during review of a rezone petition; these are listed below and followed by staff analysis in *italics*.

- a) Rezones are encouraged to be in the form of a PUD. There shall be no minimum, acreage limitation for such Planned Unit Developments except all requests for rezoning must meet the requirements for rezoning in the Land Development Code. *The petition is for a Mixed Use Planned Unit Development.*
- b) Amount, type, and location of existing zoned commercial land, and developed commercial uses, both within the Mixed Use Activity Center (MUAC), and within two (2) road miles of the MUAC. *Project is located in the southeast quadrant of Immokalee Rd. and Collier Blvd. There are zoned and developed commercial uses within the boundaries of Activity Center (AC) #3. Approximately 2 miles to the west of the subject property in the southeast quadrant of Immokalee Road and Logan Blvd., there is an approved development for a 100,000 sq. ft. shopping center, which is presently under construction. There are no commercial uses located east of the subject property within 2 miles. Approximately two miles to the south, in the northwest quadrant of Collier Blvd. and Vanderbilt Beach Road, there is commercial zoning and development (shopping center). The applicant provided a chart (Exhibit ‘3’ Evaluation Criteria) breaking down the commercial development within 2 miles.*
- c) Market demand and service area for the proposed commercial land uses to be used as a guide to explore the feasibility of the requested land uses. *The site is located at a major road intersection which provides arterial road access to the site for both north/south and east/west traffic volumes. A large volume of the vehicle trips can be captured as pass-by trips. There are numerous residential communities located in the surrounding area with several thousand residents, which can be served by the commercial development.*
- d) Existing patterns of land use within the Mixed Use Activity Center and within two (2) radial miles. *Current patterns of land use within the MUAC #3 include commercial, preserve and undeveloped land; approved land uses include commercial, preserve, mixed use and residential uses. The patterns of land uses within 2 miles of the MUAC #3 include predominantly residential uses with a few commercial and agricultural uses scattered throughout.*
- e) Adequacy of infrastructure capacity, particularly roads. *The applicant stated the site has access to water, sewer, and other public services which have capacity to serve the proposed development. The application included a Collier County Utility Dedication Statement, that stated that the developer agrees to dedicate the water distribution and sewage collection facilities within the project area to Collier County Utilities and to dedicate the appropriate utility easements for serving the water and sewer system. The Traffic Impact Study states, “There is adequate and sufficient roadway capacity to accommodate the proposed development without adversely affecting adjacent roadway network level of service.”*
- f) Compatibility of the proposed development with, and adequacy of buffering for, adjoining properties. *Comprehensive Planning Staff defers to Zoning Services Staff for compatibility review.*
- g) Natural or man-made constraints. *There are no man-made or natural constraints that prohibit development of the site as currently zoned (A, Rural Agricultural).*

- h) Rezoning criteria identified in the Land Development Code. *Comprehensive Planning Staff defers to the Zoning Services Section for this analysis.*
- i) Conformance with Access Management Plan provisions for Mixed Use Activity Centers, as contained in the Land Development Code. *Comprehensive Planning Staff defers to Transportation Planning Staff for this review.*
- j) Coordinated traffic flow on-site and off-site, as may be demonstrated by a Traffic Impact Analysis, and a site plan/master plan indicating on-site traffic movements, access point locations and type, median opening locations and type on the abutting roadway(s), location of traffic signals on the abutting roadway(s), and internal and external vehicular and pedestrian interconnections. *Comprehensive Planning Staff defers to Transportation Planning Staff and Zoning Services Staff for this review.*
- k) Interconnection(s) for pedestrians, bicycles and motor vehicles with existing and future abutting projects. *Access to abutting gated communities to the east and south are not feasible, since these communities are significantly developed or built-out at this time. Sidewalk interconnections will be available.*
- l) Conformance with the architectural design standards as identified in the Land Development Code. *No deviations from the County's architectural design guidelines are proposed with the petition.*

Mixed Use Activity Center #3 qualifies as a Master Planned Activity Center (as the petitioner controls the entire quadrant), which allows the boundary of the activity center to be reconfigured through the zoning process, so long as permitted commercial development area will not exceed the maximum of 40 acres for this quadrant of the activity center. The FLUE states, "The boundaries of Mixed Use Activity Centers have been delineated on the maps located at the end of this section as part of the Future Land Use Map Series. These map boundaries are the actual, fixed boundaries and cannot be adjusted without a comprehensive plan amendment, except as provided below for Master Planned Activity Centers... The maximum amount of commercial uses allowed at Activity Center # 3 (Immokalee Road and Collier Boulevard) is 40 acres per quadrant for a total of 160 acres maximum in the entire Activity Center; the balance of the land area shall be limited to non-commercial uses as allowed in Mixed Use Activity Centers." This MPUD is proposed for the entire southeast quadrant. The Conceptual MPUD Master Plan, Exhibit 'C-1', indicates the petitioner proposes to re-configure the MUAC #3 southeast quadrant to extend east to the boundary with Bent Creek Preserves PUD, and to only extend the southern boundary of the MUAC to the northern edge of two lakes proposed that will serve this MPUD. The PUD boundary will continue southward to include the proposed residential tracts and two lakes, but they will not be included in the MUAC. (See PUD Master Plan for revised Activity Center boundary). The result is that the  $\pm 36$  acres of land owned by the petitioner within the MUAC is reconfigured as is the  $\pm 4$  acres of road and canal rights-of way along Immokalee Road and Collier Blvd.

Staff reviewed the proposed land use for consistency with the Future Land Use Element (FLUE) of the GMP. The FLUE states, "The Urban area will accommodate residential uses and a variety of non-residential uses...Mixed-use developments – whether consisting of residential units located above commercial uses, in an attached building, or in a freestanding building – are allowed and encouraged within Mixed Use Activity Centers. Density for such a project is calculated based upon the gross project acreage within the Activity Center."

The petitioner is requesting a maximum of 400 dwelling units on  $\pm 55.66$  gross. The southeast quadrant of the Mixed Use Activity Center (MUAC) #3 equal approximately 40 acres of which a portion is Right-Of-Way for Immokalee Rd. and Collier Blvd. The FLUE states, "If such a project is located within the boundaries of a Mixed-Use Activity Center which is not within the Urban Residential Fringe Subdistrict and is not within the Coastal High Hazard Area, the eligible density is sixteen (16) dwelling units per acre." Approximately 36 acres of this project are located within the Mixed-Use Activity Center #3 and eligible

for a density of 16 residential dwelling units per acre (DU/A), which would be approximately 576 DUs (16 DU/A \* 36.0 A = 576 DUs).

Hotel/motels are permitted within the MUAC at a maximum density of 26 units per acre. Because approximately 36 acres of this project are located within the Mixed-Use Activity Center #3 and eligible for a density of 26 hotel/motel units (rooms) per acre, this site would be eligible for a maximum of 936 Units (26 rooms \* 36.0 A = 936 Units); however, the applicant is proposing a maximum of 140 units for hotel/motel use.

The remaining approximately 19.66 acres of the subject site are contained within the MUAC Density Band. A base density of 4 residential dwelling units per gross acre may be allowed in Urban designated areas, though not an entitlement. If the project is within one mile of a Mixed Use Activity Center or Interchange Activity Center and located within a residential density band, 3 residential units per gross acre may be added. Therefore, the other 19.66 acres are eligible for a residential density of 7 DU/A (4 DU/A + 3 DU/A = 7 DU/A), which would be approximately 138 DUs. The total eligible density for the MPUD is 714 dwelling units, of which the applicant is proposing a maximum of 400 DUs.

Although the petition's proposed maximum of 400 DUs is consistent with the density rating system and MUAC designation, the FLUE provides that the final determination of permitted density is made by the Board of County Commissioners.

Select *FLUE Policies* are given below, followed with **[bracketed staff analysis]**.

**FLUE Policy 5.4** states: *"New developments shall be compatible with, and complementary to, the surrounding land uses, as set forth in the Land Development Code (Ordinance 04-41, adopted June 22, 2004 and effective October 18, 2004, as amended)."* **[It is the responsibility of the Zoning Services staff, as part of their review of the petition in its entirety, to perform the compatibility analysis.]**

**FLUE Policy 7.1** states: *The County shall encourage developers and property owners to connect their properties to fronting collector and arterial roads, except where no such connection can be made without violating intersection spacing requirements of the Land Development Code.* **[The Conceptual MPUD Master Plan, Exhibit 'C-1', shows one ingress/egress access on Collier Blvd. (CR 951) and two ingress/egress accesses on Immokalee Rd. (CR 846), which are both arterial roads as identified in the Transportation Element of the GMP.]**

**FLUE Policy 7.2** states: *The County shall encourage internal accesses or loop roads in an effort to help reduce vehicle congestion on nearby collector and arterial roads and minimize the need for traffic signals.* **[Exhibit 'C-1', Conceptual MPUD Master Plan, shows one main road within the project that tie the residential, commercial and commercial/residential sections of the project together. Internal access will be provided.]**

**FLUE Policy 7.3** states: *All new and existing developments shall be encouraged to connect their local streets and/or interconnection points with adjoining neighborhoods or other developments regardless of land use type. The interconnection of local streets between developments is also addressed in Policy 9.3 of the Transportation Element.* **[Exhibit 'C-1', MPUD Master Plan, shows potential interconnections with adjoining developments to the east (Bent Creek Preserves), and a potential egress from Tuscany Cove PUD, to the south. Immokalee Rd. (CR 846) adjoins the northern boundary and Collier Blvd. (CR 951) adjoins the western boundary of the subject site.]**

**FLUE Policy 7.4** states: *The County shall encourage new developments to provide walkable communities with a blend of densities, common open spaces, civic facilities and a range of housing prices and types.* [Exhibit “A” Permitted Uses, Residential A. Principal Uses #1 lists Multi-family and Townhouses. Exhibit E Cross Section shows 5’ concrete sidewalks on both sides of the road and no deviation was requested for sidewalks. A number of allowable common open space uses and structures to serve residents and their guests are itemized in Exhibit “A” Residential: B. Accessory Uses #4 and in Amenity Area: A. Principal Uses, #1. Frequently common buildings, such as a clubhouse (listed as a Principal Use #1 in the A. Amenity Area) are used for civic facilities.]

#### CONCLUSION

**This rezone petition may be deemed consistent with the Future Land Use Element (FLUE) of the Growth Management Plan.**

#### PETITION ON CITYVIEW

cc: Michael Bosi, AICP, Director, Zoning Division  
David Weeks, AICP, Growth Management Manager, Zoning Division, Comprehensive Planning Section  
Raymond V. Bellows, Manager, Zoning Division, Zoning Services Section  
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