



Growth Management Department  
Zoning Division  
Comprehensive Planning Section

**MEMORANDUM**

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

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

**Date:** April 1, 2015

**Subject:** Future Land Use Element (FLUE) Consistency Review

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**PETITION NUMBER:** PDI-PL20140000640 (REV 1)

**PETITION NAME:** Tree Farm MPUD

**REQUEST:** The petitioner is requesting a number of insubstantial changes to the MPUD (Mixed Use Planned Unit Development), 07-54, adopted on June 26, 2007. Requested changes included in this petition are to reduce the maximum density from 425 to 310 multi-family/townhome units or 151 single-family detached homes; reduce the maximum commercial intensity from 175,000 square feet to 120,000 square feet; acknowledgement of ROW conveyance and compliance with Transportation Commitment in Section 6.3 D; add language for an additional access point that was shown in the original PUD Master Plan, but not mentioned in the MPUD text; and eliminate the Affordable Workforce Housing Commitments in Section 6.6 A and B.

Additionally, the petitioner is requesting revisions of development standards, signage, and design details; revise the Utilities Commitment A to reduce the number of donated well sites from two to one and to relocate the site; add a zoning deviation; revise the project's preserve boundary; removal of Transportation Commitment I; and clarify Permitted Use #9 that convenience store services are allowed, but automobile repair services are prohibited.

The petitioner is also requesting a number of insubstantial changes to the PUD Master Plan including reconfiguring the internal layout of residential and Commercial Mixed Use tracts and the recreated preserve; adjustments to the Land Use Summary table; removal of the Legal Description and Schedule of Deviations from the Master Plan since they are separate exhibits; update labels; removal of setback dimensions; removal of potential raw water well sites; and adjust access points pursuant to roadway plans developed by County Consultant.

**LOCATION:** The subject MPUD is located at the northwest corner of the intersection of Immokalee Road (C.R. 846) and future Collier Boulevard (C.R. 951) extension, in Section 22, Township 48 South, Range 26 East.

**COMPREHENSIVE PLANNING COMMENTS:** Approximately 18.69± acres of the subject MPUD, inclusive of the 4.34+ acres conveyed to Collier County for future Right-of-Way (ROW), are designated Urban Commercial District, within the Mixed Use Activity Center Subdistrict #3. The remaining 40.15± acres of this MPUD, inclusive of the 3.08± acres conveyed to Collier County for future ROW, are designated Urban – Mixed Use District, Urban Residential Subdistrict and are within a Residential Density Band as identified on the Future Land Use Map of the Growth Management Plan (GMP).

Relevant to this petition, the Mixed Use Activity Center Subdistrict is intended to accommodate a variety of residential and non-residential uses, including mixed use development. Projects within the Mixed Use Activity Center permit residential development (variety of unit types) at a maximum density of 16 residential units per gross acre as provided below:

- The purpose of the Commercial Mixed Use Subdistrict is to encourage the development and re-development of commercially zoned properties with a mix of residential and commercial uses. The residential uses may be located above commercial uses, in an attached building, or in a freestanding building. Such mixed-use projects are intended to be development at a human-scale, pedestrian-oriented, and interconnected with abutting projects – whether commercial or residential. This Subdistrict is allowed in the Urban Commercial District subject to the standards and criteria set forth under the Commercial Mixed Use Subdistrict in the Urban Mixed Use District. Density is calculated based upon the gross project acreage within the Activity Center. If such a project is located within the boundaries of a Mixed Use Activity Center, the eligible density is 16 dwelling units per acre (DU/A).

Relevant to this petition, the Urban Residential Subdistrict permits residential development (variety of unit types) at a base density of 4 DU/A and a maximum of 16 DU/A, subject to the Density Rating System provisions.

The proposed residential portion of the subject MPUD located outside the Activity Center #3 is located entirely within a Residential Density Band surrounding the Activity Center and is therefore eligible for a density bonus of 3 additional DU/A, yielding a total eligible density of 7 DU/A in the Urban Residential Subdistrict.

Table 1 shows the calculations for density eligibility; it is based on acreage that is inclusive of the  $\pm 7.42$  total acres of ROW conveyed to Collier County and no longer owned by petitioner.

**Table 1: FLUE Eligible Density with ROW (\*Rounded)**

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
<b>Total</b>	<b>58.84</b>	<b>n/a</b>	<b>n/a</b>	<b>9.86</b>	<b>580.09</b>

Table 2 shows the MPUD gross density based on the petition – a total of 310 dwelling units with 281 dwelling units located within the Urban Residential Subdistrict. The calculations are inclusive of acreage of ROW conveyance.

**Table 2: MPUD Density with ROW (\*Rounded) Per MPUD Table**

FLUE Designation	Acres +/-	MPUD Density Units/Acre	Eligible Density/Acre	MPUD Gross Density
Mixed Use Activity Center Subdistrict	18.69	1.5	16	28.04
Urban Residential Subdistrict, Density Band	40.15	7	7	281.05
<b>Total</b>	<b>58.84</b>	<b>5.27</b>	<b>9.86</b>	<b>309.09</b>

Collier County currently owns  $\pm 7.42$  acres of the ROW within the PUD boundary described in the petition and used in the density calculations. It is suggested that either Collier County needs to be a party to the petition, or the density tables on page 5 of the revised MPUD needs revised to reflect the acreage as 14.35 acres in the Mixed Use Activity Center Subdistrict and 37.07 acres in the Urban Residential Subdistrict, Density Band. In accordance with the Land Development Code (LDC) Section 10.02.13.E.1.a, should the petitioner wish the MPUD to reflect the total acreage change from  $\pm 58.84$  to  $\pm 51.42$  acres, this would appear to trigger a substantial MPUD Amendment as reflected in the LDC.

MPUD Table 1B (page 5) incorrectly rounds the requested density from 309 DUs ( $28.04 + 281.05$ ) to 310 DUs. To achieve 310 DUs, it will require increasing the 1.5 DU/A derived from the Activity center acreage. Also, in various places the MPUD refers to 282 DUs derived from outside the Activity center, yet Table 1B shows 281 DUs so derived. And the MPUD Master Plan notes, 6 and 7, contain incorrect DU figures (8 should be 9, 28 should be 29) – both of which are only applicable if Activity Center density is utilized.

Upon review, the original PUD Master Plan submitted with this petition appears to have been modified from the Master Plan incorporated in Ordinance No. 07-54. Please rectify.

The MPUD includes a commercial tract (approximately  $\pm 18.69$  acres) located within the Mixed Use Activity Center #3 (as identified in the FLUE) near the corner of Immokalee Road and Collier Boulevard extension. The Activity Center concept is designed to concentrate new commercial zoning in locations where traffic impacts can readily be accommodated. The existing MPUD is approved for up to 175,000 sq. ft. of commercial uses, of which a maximum of 143,500 square feet may be retail and the balance (above 143,500 sq. ft.) is limited to office use. The revised MPUD will reduce the maximum to 120,000 sq. ft. of commercial uses of which a maximum of 100,000 sq. ft. is may be retail and the balance (above 100,000 sq. ft.) is limited to office use. The commercial uses in the existing MPUD were previously reviewed and found consistent with the Mixed Use Activity Center (MUAC) Subdistrict. There are no proposed changes in the permitted uses and the Mixed Use Activity Center Subdistrict has not been subsequently amended so as to affect the allowable uses in the subject MUAC.

FLUE Policy 5.4 requires new land uses to be compatible with, and complementary to, surrounding land uses. Comprehensive Planning leaves this determination to the Zoning Services Section's staff as part of their review of the petition in its entirety.

FLUE Objective 7 and relevant policies are stated below; each is followed by staff analysis **in bold text** within [brackets].

#### Objective 7:

In an effort to support the Dover, Kohl & Partners publication, Toward Better Places: The Community Character Plan for Collier County, Florida, promote smart growth policies, reduce greenhouse gas emissions, and adhere to the existing development character of Collier County, the following policies shall be implemented for new development and redevelopment projects, where applicable.

#### Policy 7.1

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 proposed four (4) project entrances are provided from Collier Boulevard (C.R. 951) extension, a future collector roadway as identified in the Transportation Element.]**

#### Policy 7.2

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. **[The MPUD has internal accesses and loop roads throughout both the commercial and residential components of this project. All parcels have internal access via the internal roads.]**

### Policy 7.3

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. **[A proposed interconnection to the project to the west is planned and shown on the Master Plan. A shared access road is proposed with the Addie's Corner MPUD to the west. The entrance on Immokalee Road (C.R. 846) would be within the Addie's Corner MPUD.]**

### Policy 7.4:

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. **[Potential Bicycle and Pedestrian interconnection to the west is noted on the Master Plan. As no LDC deviation is requested, sidewalks will be required per the LDC.]**

### **Review of MPUD Document and Master Plan Corrections Required**

1. Statement of Compliance (SOC), #6, Table 1B:
  - a) Revise to either reflect that the requested DUs within the Mixed Use Activity Center are 29 or the requested total DUs is 309. Make sure that all MPUD text reflects the requested density
  - b) MPUD total density (5.25 DU/A) conflicts with the figure in SOC, #7 (5.27 DU/A). Please rectify (here and elsewhere in the MPUD).
2. Statement of Compliance, #7: Revise the "282" DUs to "281" and elsewhere in the MPUD.
3. PUD Master Plan Notes:
  - a) Revise the "R" in RPUD to "M" PUD
  - b) #5 - Delete the last "d" in "to provided".
  - c) #6 - Change "8" to "9"
  - d) #7 - Change "28" to "29" and add "a mile of" after "within 1/3 of"
4. There are discrepancies between the existing MPUD Master Plan and the proposed MPUD Master Plan provided with this petition. Please rectify.

### CONCLUSION

**Based on the above analysis, staff finds the subject petition is consistent with the FLUE. However, density revisions are needed, as noted above.**

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  
CD/FLUE file