

~~CAROLINA VILLAGE MIXED USE PUD~~
~~VANDERBILT COMMONS~~
A MIXED USE PLANNED UNIT DEVELOPMENT

~~REGULATIONS AND SUPPORTING MASTER PLAN GOVERNING THE CAROLINA VILLAGE MIXED USE PUD, A MIXED USE PLANNED UNIT DEVELOPMENT PURSUANT TO PROVISIONS OF THE COLLIER COUNTY LAND DEVELOPMENT CODE.~~

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~~AMENDMENTS AND REPEAL~~

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March 23, 2017

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STATEMENT OF COMPLIANCE

The development of approximately ~~15.88~~ 14.492 acres of property in Collier County, as a Mixed Use Planned Unit Development to be known as ~~Carolina Village Vanderbilt Commons~~ Mixed Use PUD will be in compliance with the planning goals and objectives of Collier County as set forth in the Collier County Growth Management Plan. The commercial and residential facilities of the ~~Carolina Village Vanderbilt Commons~~ Mixed Use PUD will be consistent with the growth policies, land development regulations, and applicable comprehensive planning objectives for the following reasons:

1. The subject property is within the 14.492- Acre Expansion Area of the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict land use designation, as identified on the Future Land Use Map and as described in the Vanderbilt Beach/Collier Boulevard Commercial Sub-District of the Urban -Mixed Use District in the Future Land Use Element. The Future Land Use Element permits commercial and residential land uses in this area and this Mixed-Use PUD complies with both the commercial and residential development standards within the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict Expansion Area.
2. The subject property's location in relation to existing or proposed community facilities and services permits the development's commercial intensity as described in Objective 2 of the Future Land Use Element.
3. The project development is compatible and complimentary to surrounding land uses as required in Policy 5.4 of the Future Land Use Element.
4. Improvements are planned to be in compliance with applicable sections of the Collier County Land Development Code as set forth in Objective 3 of the Future Land Use Element.
5. The project development will result in an efficient and economical allocation of community facilities and services as required in Policy 3.1.G of the Future Land Use Element.
6. The project development is planned to protect the functioning of natural drainage features and natural groundwater aquifer recharge areas as described in Objective 1.5 of the Drainage Sub-Element of the Public Facilities Element.
7. The project is located within the ~~Urban Mixed Use District~~ 14.492- Acre Expansion Area of the, Vanderbilt Beach/Collier Boulevard Commercial Subdistrict, on the Future Land Use Map.

The ~~64~~ 58 proposed units over commercial uses and resultant density of 4.03 dwelling units per acre is in compliance with the Future Land Use Element of the Growth Management Plan based on the following relationships to required criteria:

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15.88 Acres for a Mixed Use Project With Residential Uses Over Commercial Uses
Within the Vanderbilt Beach/Collier Boulevard Commercial Subdistrict

Maximum Permitted Density 16 dwelling units/acre

Maximum permitted units, per the Density Rating System of the Collier County Growth Management Plan = ~~15.88 acres (Expansion Area acreage)~~ 14.492 acres x 16 dwelling units/acre = ~~254~~ 231 as the maximum number of dwelling units at a maximum density of ~~15.99~~ 15.94 dwelling units/acre.

~~Requested~~ Maximum Approved dwelling units= ~~64~~ 58.

Requested density= 4.03 dwelling units/acre.

8. All final local development orders for this project are subject to Division 6.02, Adequate Public Facilities Requirements. of the Collier County Land Development Code.

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 ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD.

1.2 LEGAL DESCRIPTION

The subject property being ~~15.88 ±~~ 14.492 acres, is located in Section 34, Township 48 South, Range 26 East, and is fully described on Exhibit "C".

1.3 PROPERTY OWNERSHIP

The subject property is owned by:

~~The Vanderbilt Beach Road Land Trust, c/o Mark L. Lindner, Trustee, Naples Realty Services, 4980 N. Tamiami Trail, 2nd Floor, Naples, Florida 34103.~~

~~The subject property is under purchase contract by:~~

~~William L. Hoover, President of Catalina Land Group, Inc., as the Manager of Catalina Plaza, LLC, 3785 Airport Road North, Suite B-1, Naples, Florida 34105.~~

Vanderbilt Commons, LLC
2950 Tamiami Trail North
Naples, FL 34103

Florida Trust Holdings, LLC, a Delaware limited liability company, as Trustee of the Vanderbilt Commons Land Trust dated 8/1/16
c/o Welsh Companies FL, Inc.
2950 Tamiami Trail North, Suite 200
Naples, FL 34103

Midgard Self-Storage Naples, LLC
1905 Woodstock Rd, Building #900, Suite #9100
Roswell, GA 30075

Vanderbilt Commons Owner's Association, Inc.
c/o Welsh Companies FL, Inc.
2950 Tamiami Trail North, Suite 200
Naples, FL 34103

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1.4 GENERAL DESCRIPTION OF PROPERTY AREA

- A. The subject property is located on the north side of Vanderbilt Beach Road approximately one-quarter mile west of Collier Boulevard (unincorporated Collier County), Florida.
- B. The zoning classification of the subject property prior to the date of this approved Mixed Use PUD Document was Rural Agricultural.

1.5 PHYSICAL DESCRIPTION

The Project site is located within the Harvey Drainage Basin, according to the Collier County Drainage Atlas. The proposed outfall for the Project is to the Vanderbilt Canal.

Natural ground elevation varies from 12.3 to 13.2 NGVO; average site elevation is about 12.6 NGVO. The entire site is located within FEMA Flood Zone "X" with no base flood elevation specified.

The water management system of the Project will include the construction of a perimeter berm with crest elevation set at or above the 25-year, 3-day peak flood stage. Water quality pretreatment will be accomplished by an on-site lake system prior to discharge south into the Vanderbilt Canal or discharge north into the Black Bear Ridge Subdivision water management system and eventual southerly discharge into the Vanderbilt Canal.

The water management system will be permitted by the South Florida Water Management District (SFWMD) through the Environmental Resource Permit 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, water quality pre-treatment, and wetland hydrology maintenance.

Per the Natural Resource Conservation Service Soils Mapping for Collier County dated January 1990, the soil type found within the limits of the property is #2 - Holopaw Fine Sand. Limestone Substratum.

Site vegetation consists predominantly of improved pasture grasses, except a narrow strip of native vegetation along the north property line which is pine cypress- cabbage palm forest.

1.6 PROJECT DESCRIPTION

The ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD is a project comprised of ~~15.88 ±~~ 14.492 acres designated for commercial and residential land uses and the commercial uses are limited to a maximum of ~~150,000~~ 200,000 square feet of gross leasable area and the residential land uses are limited to a maximum of ~~64-58~~ dwelling units. The remainder of the square footage may for retail and office land uses and all residential dwelling units shall be located in mixed-use buildings with commercial uses situated on at least the first floor. Commercial and residential land uses and

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signage are designed to be harmonious with one another in a natural setting by using common architecture, quality screening/buffering, and native vegetation, whenever feasible.

1.7 SHORT TITLE

This Ordinance shall be known and cited as H1e "~~Carolina Village Mixed Use Planned Unit Development Ordinance~~" "Vanderbilt Commons Mixed Use Planned Unit Development Ordinance".

SECTION II PROJECT DEVELOPMENT REQUIREMENTS

2.1 PURPOSE

The purpose of this Section is to delineate and generally describe the project plan of development, relationships to applicable County ordinances, the respective land uses of the tracts included in the project, as well as other project relationships.

2.2 GENERAL

- A. Regulations for development of the ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD shall be in accordance with the contents of this document, MPUD - Mixed Use Planned Unit Development District and other applicable sections and parts of the Collier County Land Development Code and Growth Management Plan in effect at the time of building permit application. Where these regulations fail to provide developmental standards, then the provisions of the most similar district in the Land Development Code shall apply.
- B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the Collier County Land Development Code in effect at the time of building permit application.
- C. All conditions imposed and graphic material presented depicting restrictions for the development of the ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD shall become part of the regulations, which govern the manner in which the MPUD site may be developed.
- D. Unless modified, waived or excepted by this MPUD the provisions of other land development codes where applicable remain in full force and effect with respect to the development of the land which comprises this MPUD.
- E. Development permitted by the approval of this petition will be subject to a concurrency review under the provisions of Division 6.02 Adequate Public Facilities Requirements of the Collier County Land Development Code at the earliest, or next, to occur of either Final Site Development Plan approval, Final Plat approval, or building permit issuance applicable to this development.

2.3 DESCRIPTION OF PROJECT DENSITY OR INTENSITY OF LAND USES

Commercial uses are limited to ~~15.88~~ 14.492 acres with a maximum of ~~150,000~~ 200,000 square feet of gross leasable area. Residential uses are limited to a maximum of ~~64~~ 58 dwelling units and must be located on the second and/or third floors of mixed use buildings, with commercial uses on at least the first floor. ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD is intended to create a pedestrian-friendly atmosphere that encourages area residents to work and shop there and on-site workers to walk to other services, such as having lunch within the project.

The maximum of ~~64~~ 58 residential units will not exceed a density of 4.03 units/per acre.

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The project is shown as 2 tracts, a "North Tract" located north of Carolina Way (the east-west roadway splitting the site) and a "South Tract" located south of Carolina Way. The South Tract is expected to be more retail-oriented with a sit-down restaurant, a bank, and a few residential uses. The North Tract is expected to be more office and service-oriented. The North Tract will likely have both medical and professional offices and some residential uses.

2.4 RELATED PROJECT PLAN APPROVAL REQUIREMENTS

- A. Prior to the recording of a Record Plat, and/or Condominium Plat for all or part of the MPUD, final plans of all required improvements shall receive approval of the appropriate Collier County governmental agency to insure compliance with the PUD Master Plan, the Collier County Subdivision Code and the platting laws of the State of Florida.
- B. Exhibit "A", PUD Master Plan, constitutes the required PUD Development Plan. Subsequent to or concurrent with PUD approval, a Preliminary Subdivision Plat if applicable shall be submitted for the entire area covered by the PUD Master Plan. Any division of the property and the development of the land shall be in compliance with the PUD Master Plan, Division 4.03 Subdivision Design and Layout of the Land Development Code, and the platting laws of the State of Florida.
- C. The provisions of Section 10.02.03, Site Development Plans of the Land Development Code, when applicable, shall apply to the development of all platted tracts, or parcels of land as provided in said Section 10.02.03 prior to the issuance of a building permit or other development order.
- D. Appropriate instruments will be provided at the time of infrastructural improvements regarding any dedications to Collier County and the methodology for providing perpetual maintenance of common facilities.

2.5 SALES/RENTAL/CONSTRUCTION FACILITIES

Temporary sales/rental trailers and construction trailers can be placed on the site after Site Development Plan approval and prior to the recording of Subdivision Plats, subject to the other requirements of Section 5.04.04 of the Land Development Code.

2.6 AMENDMENTS TO PUD DOCUMENT OR PUD MASTER PLAN

Amendments may be made to the PUD as provided in the Collier County Land Development Code. Section 10.02.13E.

2.7 PROPERTY OWNERS ASSOCIATION FOR COMMON AREA MAINTENANCE

Whenever the developer elects to create land area and/or amenities whose ownership and maintenance responsibility is a common interest to all of the subsequent purchasers of property within said development in which the common interest is located, that developer entity shall provide appropriate legal instruments for the establishment of a Property Owners Association

whose function shall include provisions for the perpetual care and maintenance of all common facilities and open space.

SECTION III MIXED USE AREA PLAN

3.1 PURPOSE

The purpose of this Section is to identify specific development standards for the Mixed-Use Areas as shown on Exhibit "A", PUD Master Plan.

3.2 GENERAL DESCRIPTION

Areas designated as Mixed Use Areas on the PUD Master Plan are intended to provide a variety of retail uses and office uses, while providing for the opportunity of having residential uses on the second and/or third floor of mixed use buildings, that have commercial uses on at least the first floor. Commercial Areas are limited to a maximum gross leasable area of ~~150,000~~ 200,000 square feet and residential uses are limited to a maximum of ~~64~~ 58 dwelling units.

3.3 PERMITTED USES

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

A. Permitted Commercial Principal Uses and Structures:

1. Amusement and Recreation Services (groups 7911, 7991, 7993 only for indoor video game arcade and indoor coin-operated amusement machine. 7999 only for bicycle rental, ice skating rink operation, indoor slot-car track, and miniature golf course).
2. Apparel and Accessory Stores (groups 5611 - 5699).
3. Auto Supply Stores (group 5531 only for automobile accessory dealers and automobile parts dealers, limited to retail sales without any installation).
4. Automobile Parking (group 7521).
5. Paint, Glass, and Wallpaper Stores (group 5231).
6. Business Services (groups 7311, 7313, 7322 – 7338, 7361, 7371 – 7379, 7384, 7389 only for service of interior decorating/design, mapmaking, notary public, paralegal service, and Postal Service contract stations)
7. Depository and Non-Depository Institutions (groups 6021-6199).

8. Eating Places (group 5812) and Drinking Places (group 5813 only cocktail lounges and on-premise consumption of beer, wine and liquor, in conjunction with a restaurant.) Drinking Places are subject to the locational restrictions described in Section ~~2.6.10~~ 5.05.01 of the Land Development Code.
9. Educational Services (groups 8211 - 8231 (no regional libraries).
10. Food Stores with 5,000 square feet or less of gross floor area in the principal structure (groups 5411 - 5499).
11. General Merchandise Stores with 57,000 square feet or less of gross floor area in the principal structure (groups 5311 - 5399).
12. Health Services (groups 8011 - 8049, 8082).
13. Home Furniture, Furnishings and Equipment Stores (groups 5712 - 5736).
14. Insurance Carriers, Agents, Brokers, and Services with 5,000 square feet or less of gross floor area in the principal structure (groups 6311 - 6399, 6411).
15. Legal Services (group 8111).
16. Membership Organizations (groups 8611, 8621, 8641 - 8661).
17. Miscellaneous Repair (groups 7622, 7629, 7631, 7699 but only bicycle repair, camera repair, locksmiths, luggage repair, medical/dental instrument repair, musical instrument repair, piano repair, saw/knife sharpening service, and custom picture framing).
18. Miscellaneous Retail (groups 5912, 5921, 5932 (antiques only), 5941 - 5949, 5961, 5962, 5992 - 5999 (except auction rooms, awning shops, fireworks, gravestones, hot tubs, monuments, sales barns, swimming pools, tombstones and whirlpool baths). (The sale of swimming pool accessories and supplies is allowable under 5999. but not the sale of swimming pools.)
19. Motion Picture Theaters and Video Tape Rental (groups 7832 and 7841).
20. Museums and Art Galleries (group 8412).
21. Personal Services (group 7212 dry-cleaning and laundry pickup stations only, 7221 - 7291, 7299 (only car title and tag service, diet workshops, tuxedo rental, massage parlor, and tanning salon).
22. Professional Offices, Research, and Management Consulting Services (groups 8711 - 8743, 8748).
23. Public Administration (groups 9111 - 9199, 9229, 9311, 9411 - 9451, 9511 - 9532, 9611 - 9661, 9221).

24. Real Estate Agents and Managers (groups 6512, 6531 - 6552).
 25. Security and Commodity Dealers (groups 6211 -6289).
 26. Social Services (groups 8322 (only adult day care services, counseling services, and senior citizens associations), 8351).
 27. Travel Agencies (group 4724).
 28. Any other use which is comparable in nature with the foregoing list of permitted principal and the accessory uses by the Board of Zoning Appeals (BZA).
- B. Permitted Residential Principal Uses and Structures:
1. Multi-Family dwellings.
 2. Any other use which is comparable in nature with the foregoing list of permitted principal and the accessory uses by the Board of Zoning Appeals (BZA).
- C. Accessory Commercial Uses:
1. Uses and structures that are accessory and incidental to the Permitted Uses within this PUD Document.
 2. Drinking Places (group 5813 only cocktail lounges and on-premise consumption of beer, wine, and liquor in conjunction with a restaurant.)
 3. Caretaker's residences subject to Section 5.03.05 of the Collier County Land Development Code.
- D. Accessory Residential Uses:
1. Customary residential accessory uses and structures including carports, garages, and storage buildings.
 2. Recreational. uses and facilities including swimming pools, hot tubs, volleyball courts, children's playground areas, tot lots, walking paths, picnic areas, clubhouse, verandahs, and basketball/shuffle board courts.
 3. Manager's residences and offices, temporary sales trailers, and model units.
 4. Gatehouse.
 5. Essential services, including interim and permanent utility and maintenance facilities.
 6. Carports are permitted within parking areas.

3.4 DEVELOPMENT STANDARDS

- A. Table I sets forth the development standards for land uses within the ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD. Front yard setbacks in Table I shall be measured as follows:
1. If the parcel is served by a public or private right-of-way, the setback is measured from the adjacent right-of-way line.
 2. If the parcel is served by a non-platted private drive, the setback is measured from the back of curb or edge of pavement. If the parcel is served by a platted private drive, the setback is measured from the road easement or property line.

TABLE I

MIXED USE DEVELOPMENT STANDARDS

The table below sets forth the development standards for land uses within the Vanderbilt Commons MPUD. Standards not specifically set forth herein shall be those specified in applicable sections of the LDC in effect as of the date of approval of the SDP or subdivision plat.

	<u>COMMERCIAL USES</u>	<u>RESIDENTIAL USES</u>
Minimum Lot Area	10,000 square feet	SCU on First Floor
Minimum Lot Width	75 feet (1)	SCU on First Floor
Front Yard Setback	20 feet	SCU on First Floor
Side Yard Setback (2)		
<i>1-Story</i>	6 feet	SCU on First Floor
<i>2-Story</i>	7.5 feet	SCU on First Floor
<i>3-Story</i>	10 feet	SCU on First Floor
Rear Yard Setback		
<i>Principal Structure</i>	15 feet	SCU on First Floor
<i>Accessory Structure</i>	10 feet	10'
PUD Boundary Setback		
<i>Principal Structure</i>	BH	BH
<i>Accessory Structure</i>	10 feet or buffer width	10' or buffer width
<i>Lake Setback (3)</i>	20 feet or 0 feet	20' or 0'
Preserve Area Setback		
<i>Principal Structure</i>	25 feet	25'
<i>Accessory Structures or Other Site Alterations</i>	10 feet	10'
Distance Between Structures		
<i>Main/Principal</i>		12'
<i>1-Story to 1-Story</i>	12'	13.5'
<i>1-Story to 2-Story</i>	13.5'	15'
<i>2-Story to 2-Story</i>	15'	17.5'
<i>2-Story to 3-Story</i>	17.5'	20'
<i>3-Story to 3-Story</i>	20'	12'
<i>Accessory Structures</i>	Same as principal structure	Same as principal structure
Maximum Height (4)		
<i>Retail Building</i>	35 feet and 1-story	N/A
<i>Office Building</i>	42 feet and 3-stories	N/A
<i>Accessory Building</i>	35 feet	35'
<i>Mixed-Use Building (4)</i>	45' and 3-stories	45' and 3-stories
Minimum Floor Area	700 square feet of principal structure on first habitable floor	500 square feet per dwelling unit

(1) May be reduced on cul-de-sac lots and lots along the inside and outside of curved streets by 25%.

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(2) Where fee simple lots are created for each building unit no side yard shall be required between interior units of a unified principal structure. and the side yard shall be measured from the exterior wall(s) of the unified principal structure.

(3) Lake setbacks are measured from the control elevation established for the lake. Lake setbacks can be reduced from 20' to 0' where a stemwall bulkhead or pier is constructed and the requirements of Section 4.02 05 of the LDC are met.

(4) Retail uses are limited to the first floor of any building residential uses are limited to the second and third floors of mixed-use buildings (structures with retail or office uses on the first floor and office or residential uses on the second and third floors)

Note 'BH' refers to building height and 'SCU' refers to same as the commercial use on the first floor of the mixed-use building the residential use is located in.

B. Off-Street Parking and Loading Requirements:

As required by Division 4.05 Off-Street Parking and Loading of the Land Development Code in effect at the time of building permit application. Off-site parking is permitted where a shared parking facility is located within 300 feet of the building requiring such parking.

C. Buffering Requirements:

1. A minimum twenty (20) foot wide Type "D" Buffer shall be provided along Vanderbilt Beach Road, with the landscaping as required in Section 4.06.02 of the Collier County Land Development Code.

D. Commercial Design Standards

The project shall meet the commercial design standards within Division 5.05.08 of the Collier County Land Development Code.

E. Deviations

1. Deviation from Land Development Code (LDC) Section 5.06.04A.6.a.-c., in order to permit approximately half, of one double-faced sign a maximum of 8 feet in height and 64 square feet in area, located in a median in the road between the Wolf Creek PUD and the ~~Carolina Village~~ Vanderbilt Commons Mixed Use PUD (labeled ~~Pristine Drive~~ Vanderbilt Way on Exhibit "A") and on the west side of the ~~Carolina Village~~ Vanderbilt Commons property line with the advertising limited exclusively to no more than 3 residential developments within the abutting Wolf Creek PUD. The proposed sign must meet all vehicular safety sight distance standards for Collier County and have a minimum 10-foot setback from the Vanderbilt Beach Road right-of-way, as described in Section 5.06.04A.6.a. of the LDC. The proposed sign must be externally lighted and not internally lighted. This deviation allows a better quality sign to be constructed for the 3 residential projects, without having the sign looking out of balance if it were located solely on the western half of the median in the road, and also minimizes confusion for visitors and deliveries to the 3 residential projects.

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2. Deviation from Land Development Code (LDC) Section 5.03.02 H.1.b, which requires a wall If located on a property opposite a residentially zoned district but fronting on a local street or roadway, or the properties are separated by a platted alley, then height shall be 4 feet and placement shall be a minimum of 3 feet from the rear of the right-of-way landscape buffer line, to instead remove the requirement to place a wall 4 feet in height a minimum of 3 feet from the rear of the right-of-way landscape buffer line of Vanderbilt Beach Road.

SECTION IV PRESERVE AREA PLAN

4.1 PURPOSE

The purpose of this Section is to identify specific development standards for the Preserve Areas as shown on Exhibit "A," PUD Master Plan, as may be amended pursuant to Section 5.3.

4.2 PERMITTED USES

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

A. Permitted Principal Uses and Structures:

1. Passive recreational areas.
2. Biking, hiking, and nature trails, and boardwalks.
3. Water management structures.
3. Native preserves and wildlife sanctuaries.

SECTION V DEVELOPMENT COMMITMENTS

5.1 PURPOSE

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

5.2 GENERAL

All facilities shall be constructed in strict accordance with Final Site Development Plans, Final Subdivision Plans and all applicable State and local laws, codes, and regulations applicable to this MPUD, in effect at the time of building permit application. Except where specifically noted or stated otherwise, the standards and specifications of the Collier County Land Development Code shall apply to this project even if the land within the MPUD is not to be platted. The developer, his successor and assigns, shall be responsible for the commitments outlined in this document.

The developer, his successor or assignee, shall follow the PUD Master Plan and the regulations of this MPUD as adopted and any other conditions or modifications as may be agreed to in the rezoning of the property. In addition, any successor in title or assignee is subject to the commitments within this Agreement.

5.3 PUD MASTER PLAN

- A. Exhibit "A", PUD Master Plan illustrates the proposed development and is conceptual in nature. Proposed tract, lot or land use boundaries or special land use boundaries shall not be construed to be final and may be varied at any subsequent approval phase such as Final Platting or Site Development Plan approval. Subject to the provisions of Section 10.02.13E. of the Collier County Land Development Code, amendments may be made from time to time.
- B. All necessary easements, dedications, or other instruments shall be granted to insure the continued operation and maintenance of all service utilities and all common areas in the project.

5.4 SCHEDULE OF DEVELOPMENT/MONITORING REPORT

~~A Site Development Plan shall be submitted per County regulations in effect at time of site plan submittal. The project is expected to be completed in one (1) or two (2) phases.~~

- A. ~~The landowners shall proceed and be governed according to the time limits pursuant to Section 10.02.13D. of the Land Development Code. The third anniversary date of this MPUD shall be computed from the earlier of October 1, 2007 or the substantial completion (new traffic lanes are open to traffic) of the 6 laning projects on both Collier Boulevard, between Immokalee Road and Golden Gate Boulevard, and Vanderbilt Beach Road, between Logan Boulevard and Collier Boulevard.~~

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One entity (hereinafter the Managing Entity) shall be responsible for PUD monitoring until close-out of the PUD, and this entity shall also be responsible for satisfying all PUD commitments until close-out of the PUD. At the time of this PUD approval, the Managing Entity is The Vanderbilt Commons Owner's Association, Inc. Should the Managing Entity desire to transfer the monitoring and commitments to a successor entity, then it must provide a copy of a legally binding document that needs to be approved for legal sufficiency by the County Attorney. After such approval, the Managing Entity will be released of its obligations upon written approval of the transfer by County staff, and the successor entity shall become the Managing Entity. As Owner and Developer sell off tracts, the Managing Entity shall provide written notice to County that includes an acknowledgement of the commitments required by the PUD by the new owner and the new owner's agreement to comply with the Commitments through the Managing Entity, but the Managing Entity shall not be relieved of its responsibility under this Section. When the PUD is closed-out, then the Managing Entity is no longer responsible for the monitoring and fulfillment of PUD commitments.

- ~~B. Monitoring Report: An annual monitoring report shall be submitted pursuant to Section 10.02.13F. of the Collier County Land Development Code.~~

5.5 ENGINEERING

- A. This project shall be required to meet all County Ordinances in effect at the time final construction documents are submitted for development approval.
- B. Design and construction of all improvements shall be subject to compliance with appropriate provisions of the Collier County Land Development Code, Division 4.03 Subdivision Design and Layout.

5.6 WATER MANAGEMENT

- A. A copy of the South Florida Water Management District (SFWMD) Surface Water Permit Application shall be sent to Collier County Development Services with the SDP submittal.
- B. A copy of the SFWMD Surface Water Permit, SFWMD Right-of-Way Permit, and SFWMD Discharge Permit shall be submitted prior to Final Site Development Plan Approval.
- C. An Excavation Permit will be required for any proposed lake(s) in accordance with Collier County and SFWMD rules.
- D. Lake setbacks from the perimeter of the MPUD may be reduced to twenty-five (25) feet where a six (6) foot high fence or suitable substantial barrier is erected.

5.7 UTILITIES

- A. Water distribution, sewage collection and transmission and interim water and/or sewage treatment facilities to serve the project are to be designed, constructed, conveyed, owned and maintained in accordance with Collier County Ordinance No. 88-76, as amended, and other applicable County rules and regulations.

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Words added are underlined and words ~~struck through~~ have been deleted

5.8 TRAFFIC

- ~~A. All traffic control devices, signs, pavement markings and design criteria shall be in accordance with Florida Department of Transportation (FDOT) Manual of Uniform Minimum Standards (MUMS), current edition, FDOT Design Standards, current edition, and the Manual on Uniform Traffic Control Devices (MUTCD), current edition. All other improvements shall be consistent with and as required by the Collier County Land Development Code (LDC).~~
- ~~B. Arterial level street lighting must be provided at all development access points. Access lighting must be in place prior to the issuance of the first Certificate of Occupancy.~~
- ~~C. Access points, including both driveways and proposed streets, shown on the PUD Master Plan are considered to be conceptual. Nothing depicted on any such PUD Master Plan shall vest any right of access at any specific point along any property frontage. All such access issues shall be approved or denied during the review of required subsequent site plan or final plat submissions. All such accesses shall be consistent with the Collier County Access Management Policy (Res. 01-247), as it may be amended from time to time, and with the Collier County Long-Range Transportation Plan. The number of access points constructed may be less than the number depicted on the PUD Master Plan; however, no additional access points shall be considered unless a PUD Amendment is processed.~~
- ~~D. Site related improvements (as opposed to system related improvements) necessary for safe ingress and egress to this project, as determined by Collier County, shall not be eligible for impact fee credits. All required improvements shall be in place and available to the public prior to the issuance of the first Certificate of Occupancy.~~
- ~~E. Road Impact Fees shall be paid in accordance with Collier County Ordinance 01-13, as amended.~~
- ~~F. All work within Collier County rights-of-way shall require a Right-of-Way Permit.~~
- ~~G. All proposed median openings shall be in accordance with the Collier County Access Management Policy (Resolution 01-247), as amended, and the LDC, as it may be amended. Collier County reserves the right to modify or close any median openings existing at the time of approval of this MPUD which is found to be adverse to the health, safety and welfare of the public. Any such modifications shall be based on, but are not limited to, safety, operational circulation, and roadway capacity.~~
- ~~H. Nothing in any development order shall vest a right of access in excess of a right-in/right-out condition at any access point. Neither will the existence of a point of ingress, a point of egress or a median opening, nor the lack thereof, shall be the basis for any future cause of action for damages against Collier County by the developer, its successor in title, or assignee.~~
- ~~I. All internal roads, driveways, alleys, pathways, sidewalks, and interconnections to adjacent developments, with possible exceptions for Buckstone Drive and Pristine Drive, 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.~~

- ~~J. If any required turn lane improvement requires the use of existing County right-of-way or easement, compensating right-of-way, shall be provided without cost to Collier County as a consequence of such improvement.~~
- ~~K. 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 cost of such improvement shall be borne by the developer and by neighboring property owners within the shared road agreement, and shall be paid to Collier County before the issuance of the first Certificate of Occupancy.~~
- ~~L. Adjacent developments have been designed to provide shared access or interconnections with this development. The PUD Master Plan indicates these locations. The developer, or assigns, shall assure that any such shared access or interconnection is utilized and shall accommodate the perpetual use of such access by incorporating appropriate language into the development covenants or plat.~~
- ~~M. The developer shall provide a copy of a shared road agreement for both Pristine Drive and Buckstone Drive and documentation showing that he has made any required "fair share" payments on each prior to the issuance of the first Certificate of Occupancy.~~
- ~~N. The project may commence construction of infrastructure, site work, and buildings upon receiving all applicable permits, however Certificates of Occupancy for any buildings shall not be issued until the earlier of October 1, 2007 or until the substantial completion (new traffic lanes are open to traffic) of the 6-laning projects of both Collier Boulevard, between Immokalee Road and Golden Gate Boulevard. and Vanderbilt Beach Road. between Logan Boulevard and Collier Boulevard.~~
- A. The existing Cost Sharing Agreement (OR BK 3635, Pages 1672 thru 1699) shall remain in effect and enforceable for the requirement of the participating Owner(s) and/or Developer(s) to pay a fair share of a traffic signal and intersection improvements at Pristine Drive when warrants are met. In the event the Owner(s) and/ or Developer(s) fail to construct all or part of the signal and intersection improvements, Collier County has the option, but not the obligation, to construct the improvements. If Collier County constructs or installs the improvements, the Owner(s) and/or Developer(s) shall pay their fair share of the costs.
- B. The Owner(s) and/or Developer(s) shall prepare a signal warrant analysis and intersection turn lane analysis at the Pristine Drive intersection under the assumption as a full median opening, based on area development buildout conditions. The signal warrant analysis and intersection turn lane analysis will be completed prior to August 2017, unless otherwise extended by Collier County Transportation Operations staff.
- C. A west bound right turn lane on Vanderbilt Beach Road, at the intersection of Pristine Drive and Vanderbilt Beach Road, shall be constructed by the Owner(s) and/or Developer(s) prior to the certificates of occupancy for any building within Lot 3, as shown on the Vanderbilt

Commons Subdivision Plat, recorded in Plat Book 60, Page 31 of the Public Records of Collier County, or as amended.

- D. The maximum trip generation allowed by the proposed uses (both primary and ancillary) may not exceed 567 PM Peak Hour, two way trips (total external with pass-by trips subtracted).
- E. Adjacent developments have been designed to provide shared access or interconnections with this development. The PUD Master Plan indicates these locations, at the intersections of Vanderbilt Way, formerly Carolina Way, and Pristine Drive and Buckstone Drive. The Owner(s), [and/or Developer(s)] or its successors and assigns, shall assure that any such shared access or interconnections are utilized and shall accommodate the perpetual use of such access by incorporating appropriate language into the development covenants or plat.
- F. There shall be no access drive or road between the parcels north of Vanderbilt Way along the northern portion of said parcels.

5.9 PLANNING

- A. Pursuant to Section. 2.03.07E. of the Land Development Code, if during the course of site clearing, excavation or other construction activity a historic or archaeological artifact is found, all development within the minimum area necessary to protect the discovery shall be immediately stopped and the Collier County Code Enforcement Department contacted.

5.10 ENVIRONMENTAL

- A. Environmental permitting shall be in accordance with the State of Florida Environmental Resource Permit Rules and be subject to review and approval by Environmental Services Staff.
- B. All conservation/preservation areas shall be designated as Preserve on all construction plans, and shall be recorded on the plat as a separate tract or easement with protective covenants per or similar to Section 704.06 of the Florida Statutes. Preserve areas shall be dedicated on the plat to the project's homeowners association or like entity for ownership and maintenance responsibilities and to Collier County with no responsibility for maintenance. Buffers shall be provided in accordance with Section 3.05.07 of the Collier County Land Development Code.

In the event the project does not require platting, all conservation areas shall be recorded as conservation/preservation tracts or easements dedicated to Collier County with no responsibility for maintenance and subject to the uses and limitations similar to or as per Section 704.06 of the Florida Statutes.

- C. An exotic vegetation removal, monitoring, and maintenance (exotic-free) plan for the site, with emphasis on the conservation/preservation areas, shall be submitted to Current Planning Environmental Staff for review and approval prior to Final Site Development Plan/Construction Plan approval.
- D. Any perimeter berms, shall be entirely outside of all upland and wetland preserve areas.
- E. A minimum of 0.17 acres of native vegetation shall be preserved on-site, including all 3 strata. and emphasizing the largest contiguous area possible. If created preserves will be used to make up any of the acreage, the landscape plans shall re-create the native plant community (in accordance with Section 3.05.07 of the Collier County Land Development Code) shall be submitted with the First Development Order submittal for review and approval.
- F. All Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council, shall be removed from within preserve areas and subsequent annual removal of these plants (in perpetuity) shall be the responsibility of the property owner.
- G. A Preserve Area Management Plan shall be provided to Environmental Staff for approval prior to site/construction plan approval identifying methods to address treatment of invasive exotic species, fire management, and maintenance.
- H. This MPUD shall be consistent with the Environmental Section of the GMP Conservation and Coastal Management Element and the Land Development Code at the time of final development order approval.
- I. This MPUD shall comply with the guidelines of the USFWS and FFWCC for impacts to protected species. A Habitat Management Plan for those species shall be submitted to environmental review staff for review and approval prior to Site Plan approval.

J. All approved Agency (SFWMD, ACOE, FFWCC) permits shall be submitted prior to final Site Plan/Construction Plan approval.

5.11 ACCESSORY STRUCTURES

Accessory structures shall be constructed simultaneously with or following the construction of the principal structure except for a temporary construction site office or temporary sales/rental facility.

5.12 SIGNS

Signs for this mixed-use project shall be permitted as described in Section 5.06 of the Collier County Land Development Code.

5.13 LANDSCAPING FOR OFF-STREET PARKING AREAS

All landscaping for off-street parking areas shall be in accordance with Chapter 4 of the Collier County Land Development Code in effect at the time of building permit application.

5.14 POLLING PLACES

Pursuant to Section 4.07.06 of the Land Development Code provision shall be made for the future use of building space within common areas for the purposes of accommodating the function of an electoral polling place.

An agreement recorded in the official records of the Clerk of the Circuit Court of Collier County, which shall be binding upon any and all successors in interest that acquire ownership of such common areas including, but not limited to: condominium associations, homeowners' associations, or tenants' associations. This agreement shall provide for said community recreation/public building/public room or similar common facility to be used for a polling place if determined to be necessary by the Supervisor of Elections.

5.15 LIGHTING

Lighting provided at the rear of structures constructed within parcels north of Vanderbilt Way, shall be in the form of shielded sconces. No light poles will be permitted at the rear of these lots.

5.16 ADDITIONAL SCREENING

A 6-foot wall shall be provided at the rear of lots 5 and 6 (along the shared boundary with Black Bear Ridge) north of Vanderbilt Way.

EXHIBIT "C"
LEGAL DESCRIPTION

BEING ALL OF VANDERBILT COMMONS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGES 31 AND 32 OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

CONTAINING 631,262 SQUARE FEET OR 14.492 ACRES, MORE OR LESS.



