

## Baumgarten MPUD

### Exhibit 3 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.

#### Narrative statement

**The subject property is approximately 56 acres and is located in the Southeast quadrant of the Collier Boulevard and Immokalee Road intersection. The site is currently zoned A, Agriculture and is in active agricultural use as a commercial landscape nursery. The applicant proposes to rezone the entire property to MPUD, Mixed Use Planned Development. The MPUD will permit a maximum of 370,000 square feet of commercial development, 140 hotel/motel rooms and up to 400 multi-family residential dwelling units.**

**Approximately 36 acres of the property is located within Activity Center #3. Activity Center #3 is a master planned activity center, 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 36 acres for this quadrant of the activity center. There is no expressed maximum allowable commercial square footage in the Future Land Use Element of the Growth Management Plan. Maximum allowable density within the activity center is 16 dwelling units per acre. The balance of the site is also entirely within the density band surrounding Activity Center #3 and is 19.7± acres, which permits residential dwelling units at a maximum density of 7 dwelling units per acre or 138 units. Because the project is mixed use and within the activity center, dwelling units located within the activity center boundary are permitted to achieve a maximum of 16 dwelling units per acre, which would equate to a maximum eligible density of 576 units (36 acres x 16 d.u./acre). The total eligible density for the MPUD is 714 units. The proposed maximum of 400 dwelling units is consistent with the density rating system.**

#### PUD Rezone Considerations (LDC Section 10.02.13.B)

- 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 project area is suitable for a large-scale mixed-use development. The project is located within a mixed-use activity center designation, which permits a variety of more intensive residential and commercial development. The site is within the Collier County Water and Sewer service area. The potable water and wastewater systems have capacity for the proposed development. Roadway improvements currently planned for the intersection of Immokalee Road and Collier Boulevard have assumed that the site will be developed as a mixed use project; therefore, proposed access points are consistent with the County's design plan for the adjacent roadway improvements. The property has been reviewed by the SFWMD for surface water management, and will be**

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**re-evaluated for the mixed-use development. Discharge will continue to be to the Collier Boulevard Canal.**

- 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 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 single ownership and that entity has authorized the filing of an application for the proposed development.**

- 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.)

**Approximately 36 acres of the property is located within Mixed Use Activity Center #3 Subdistrict. Activity Center #3 is a master planned activity center, 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. There is no expressed maximum allowable commercial square footage in the Future Land Use Element of the Growth Management Plan. Maximum allowable density within the activity center is 16 dwelling units per acre. The site is also entirely within the density band surrounding Activity Center #3, which permits residential dwelling units at a maximum density of 7 dwelling units per acre. Because the project is mixed use and within the activity center, dwelling units located within the activity center boundary are permitted to achieve a maximum of 16 dwelling units per acre. The Future Land Use Element allows the density within the Activity Center to be distributed outside the Activity Center.**

**Policies 5.5 and 5.7 of the FLUE discourage urban sprawl, by confining urban levels of development to the urban designated areas of the County. The subject site is within the urban boundary, and is designated for higher intensity commercial and residential uses. Urban services are available to the site and adequate capacities exist for water, sewer and transportation.**

**Policy 5.6 of the FLUE requires that new projects are compatible with and complimentary to surrounding land uses. The proposed mixed-use development will**

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provide shopping and living opportunities for the surrounding area. The conceptual PUD master plan has been designed to insure compatibility with the planned residential communities located to the south and east of this project. The plan provides for residential development tracts separating the more intense commercial development area from the residences to the south. The residential component of this PUD will provide buffers meeting the minimum landscape buffer requirements between residential dwellings as required by the Land Development Code, which have been determined to provide a compatible relationship with adjacent projects. To the east of the project is a residential PUD under development, which has completed the installation of their landscape buffer and security fencing along their common boundary with the subject site. The subject PUD will also be installing a vegetative buffer meeting minimum standards per the Land Development Code for buffers separating commercial and residential development.

Objective 7 and the implementing objectives and policies of the FLUE promote smart growth initiatives and connectivity. The subject PUD application will be a mixed-use planned community and although the residential and commercial will be built on separate building tracts, the residential dwellings will have internal access to the commercial component of the PUD. This interconnectivity will encourage walkability and reduce the necessity to utilize the adjacent arterial roadway for access to commercial needs. Both residential communities located to the south and east are private gated communities and a potential interconnection with these projects has been noted on the Master Plan.

The site has been previously been cleared in support of the landscape nursery operation that currently exists on site. Policy 6.1.1 of the Conservation and Coastal Management Element (CCME) of the Growth Management Plan, projects containing native vegetation communities shall be required to preserve a percentage of that native vegetation on-site. The site contains no native vegetation communities and no original native vegetation trees remain; therefore, no native vegetation preservation is required. The site was cleared in support of the on-going agricultural operation in compliance with applicable requirements for agricultural development in the early 1980's.

The site is within the Collier County Water/Sewer District and the development proposed will be served by Collier County. There is potable water and wastewater capacity available to serve the project. Therefore, the project is consistent with the Sanitary Sewer and Potable Water Elements of the Growth Management Plan.

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The project will have access to Immokalee Road and Collier Boulevard, both of which are arterial roadways. A traffic impact analysis has been completed in accordance with the TIS Guidelines for Collier County zoning applications. The TIS indicates that the surrounding roadways will operate at acceptable levels of service. Policy 7.1 of the Transportation Element requires projects to maintain access points consistent with the County's access management policies. All project access points shown on the conceptual PUD master plan have been coordinated with Collier County.

The Mixed Use Activity Center Subdistrict provides for factors to be considered during the review of a zoning application.

The factors to consider during review of a rezone petition for a project, or portion thereof, within an Activity Center, are as follows:

- a. Rezones are encouraged to be in the form of a Planned Unit Development. 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 subject rezoning is for a Mixed Use Planned Unit Development and therefore is consistent with this criteria.**

- b. The amount, type and location of existing zoned commercial land, and developed commercial uses, both within the Mixed Use Activity Center and within two (2) road miles of the Mixed Use Activity Center.*

The project is located in the southeast quadrant of Immokalee Road and Collier Blvd. Along the Immokalee Road corridor, there are zoned and developed commercial uses within the boundaries of Activity Center #3, within 1 mile of the subject property. The balance of zoning along Immokalee Road is for existing and future residential. Properties to the east greater than 1 mile are outside the Urban boundary and are within the Rural Fringe Mixed Use District. No commercial uses are located east of the site within 2 miles outside of Activity Center commercial.

A Growth Management Plan Amendment and rezoning were approved for the southeast quadrant of Logan Blvd. and Immokalee Road for a 100,000 square foot shopping center approximately 2 miles west of the subject property. The site is currently under construction.

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The below table identifies the type and amount of commercial development within 2 miles of the project. An accompanying aerial zoning exhibit has been provided.

Size	Commercial Project	Approved Sq. Ft.	Developed Sq. Ft.
4.3± acres	Addie's Corner MPUD	75,000	0
58.84± acres	Tree Farm Road MPUD	120,000	0
21.8± acres	Pebble Brook Lakes (Richland)	231,000	165,700
18± acres	GL Homes Logan Landings	100,000	86,000
33.45± acres	Mission Hills	200,000	121,800

- 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 applicant is a seasoned commercial and residential developer in Collier County and has been involved in many notable Collier County commercial and residential communities. The site is located at a strategic intersection, which provides arterial road access for both north/south and east/west traffic volumes. Immokalee Road carries a large volume of traffic, which services both the Urban area, as well as the Estates and Rural Fringe residential areas.

In addition to the large volume of vehicle trips that can be captured as pass by trips, the surrounding area has the potential to serve several thousand residential dwelling units. The service area for commercial development at this location could be anticipated to serve a geographic area greater than two miles given the location at the confluence of two major arterial roadways.

- d. *Existing patterns of land use within the Mixed Use Activity Center and within two (2) radial miles.*

The subject property is the only property within Activity Center #3 that is not zoned for urban development. Please refer to the aerial exhibit titled "Urban Development", which identifies the pattern of urban development within the Activity Center and within 2 miles of the site.



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*e. Adequacy of infrastructure capacity, particularly roads.*

The site has access to water, sewer and other public services, which will have capacity to serve the proposed development. A traffic impact analysis has been prepared which identifies that available roadway capacity exists to serve the proposed development.

*f. Compatibility of the proposed development with, and adequacy of buffering for, adjoining properties.*

The proposed PUD is a mixed-use planned development. The conceptual PUD Master Plan shows the general location of both residential and commercial development areas. The project abuts two residential projects. To the south is the Tuscany Cove community, which is a fully built out community of single family and villa homes. To the east is the Bent Creek Preserve community, which is under construction as a single-family community.

The conceptual PUD Master Plan has been developed with consideration for the existing and planned residential neighbors. Residential development is planned along the southern property boundary. Further, a minimum 15-foot wide type 'B' buffer is proposed between the subject property and the adjoining Tuscany Cove community, which meets the LDC required buffers separating single family and multifamily developments.

The planned development proposed near the eastern shared boundary with Bent Creek Estates is proposed as a mixed-use development tract, which would permit a variety of retail, office and service uses in addition to multi-family residential uses. The PUD proposes to provide a 15-foot wide type 'B' buffer, which is consistent with the required buffers in accordance with the LDC.

The pattern of development proposed is consistent with the pattern of development found in Activity Center #3 as well as other Activity Centers, where the properties are developed with higher densities and intensities of development than lands outside the Activity Center.

*g. Natural or man-made constraints.*



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**There are no man-made or natural constraints that prohibit development of the site as a mixed use PUD.**

- h. Rezoning criteria identified in the Land Development Code.*

**The criteria for rezonings per the LDC have been addressed in Item F of this Evaluation Criteria, Exhibit 3.**

- i. Conformance with Access Management Plan provisions for Mixed Use Activity Centers, as contained in the Land Development Code.*

**LDC Sections 4.04.02 establishes that mixed-use projects must provide internal interconnection among land uses. The Conceptual PUD Master Plan depicts internal accessibility between the mixed use and residential development tracts consistent with this LDC provision.**

**The LDC further requires that access to the County collector and arterial roadways must be consistent with the County's Access Management Policy. The project proposes one full-signalized access point on Collier Boulevard located near the southern boundary of the PUD. Two access points are proposed on Immokalee Road, a single right-in/right-out access approximately 660 feet east of Collier Boulevard. The second access is approximately ¼ mile east of Collier Boulevard and is anticipated to be a directional access point. All access points are consistent with the County Access Management Policy.**

- 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.*

**The applicant has worked with staff to identify an opportunity to provide a drive/roadway connection through the project linking Immokalee Road and Collier Boulevard. The access locations are consistent with the County's Access Management Policy and final locations will be coordinated with staff at the time of SDP approval.**



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- 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. Sidewalks will be available on Immokalee Road and Collier Boulevard, providing pedestrian connections.**

- l. Conformance with the architectural design standards as identified in the Land Development Code.*

**The PUD proposes no deviations from the County's architectural design guidelines.**

- 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.

**The PUD master plan identifies the location of the proposed buffers for the mixed-use development. The buffers are provided to meet the minimum required buffers per the LDC and insure compatibility between the mixed-use project and the adjacent residential communities. The PUD has provided the proposed residential component adjacent to the residential community located to the south of the project. Additionally, the commercial tract within the PUD will be planted with vegetative material for screening of the commercial use from the nearby residential community, consistent with the LDC requirements.**

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

**Mixed-use developments are required to provide a minimum of 30% open space. The PUD master plan identifies buffers, yards, and water management areas that will meet or exceed the 30% open space requirement. The residential component of the site will likely also contain on-site recreational amenities for the enjoyment of the residents, which will provide additional open space for the PUD.**

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



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**The project will be constructed in phases. The County requires each development plan to demonstrate that adequate public services are available to service the development. There are no projected deficiencies anticipated for the duration of the construction of the project.**

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

**All properties abutting the proposed PUD are developed and there will be no opportunity to expand the PUD beyond the limits proposed in this application.**

- 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 as proposed is consistent with the Growth Management Plan and LDC. Deviations from the LDC have been requested, which will facilitate development of the site consistent with the proposed conceptual master plan.**

#### LDC Section 10.02.08 F - 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 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.

**Policies 5.5 and 5.7 of the FLUE discourage urban sprawl, by confining urban levels of development to the urban designated areas of the County. The subject site is within the urban boundary, and is designated for higher intensity commercial and residential uses. Urban services are available to the site and adequate capacities exist for water, sewer and transportation.**

**Policy 5.6 of the FLUE requires that new projects are compatible with and complimentary to surrounding land uses. The proposed mixed-use development will provide shopping and living opportunities for the surrounding area. The conceptual PUD master plan has been designed to insure compatibility with the**



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planned residential communities located to the south and east of this project. The plan provides for residential development tracts separating the more intense commercial development area from the residences to the south. The residential component of this PUD will provide buffers meeting the minimum landscape buffer requirements between residential dwellings as required by the Land Development Code, which have been determined to provide a compatible relationship with adjacent projects. To the east of the project is a residential PUD under development, which has completed the installation of their landscape buffer and security fencing along their common boundary with the subject site. The subject PUD will also be installing a vegetative buffer meeting minimum standards per the Land Development Code for buffers separating commercial and residential development.

Objective 7 and the implementing objectives and policies of the FLUE promote smart growth initiatives and connectivity. The subject PUD application will be a mixed-use planned community and although the residential and commercial may be built on separate building tracts, the residential dwellings will have internal access to the commercial component of the PUD. This interconnectivity will encourage walkability and reduce the necessity to utilize the adjacent arterial roadway for access to commercial needs. The residential communities located to the south and east are private gated communities and potential interconnections with these projects have been shown on the conceptual Master Plan.

The site has been previously been cleared in support of the landscape nursery operation that currently exists on site. Policy 6.1.1 of the Conservation and Coastal Management Element (CCME) of the Growth Management Plan, projects containing native vegetation communities shall be required to preserve a percentage of that native vegetation on-site. The site contains no native vegetation communities and no original native trees remain; therefore, no native vegetation preservation is required. The site was cleared in support of the on-going agricultural operation in compliance with applicable requirements for agricultural development in the early 1980's.

2. The existing land use pattern.

**North: Commercial and residential**  
**South: Residential**  
**East: Residential**  
**West: Commercial and residential**

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**The area is within Activity Center #3, which permits a wide variety of large-scale commercial development and higher density residential development.**

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

**The PUD will not create an isolated district. All properties surrounding the subject property are also zoned as planned developments.**

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

**The PUD boundary is logically drawn and represents the entirety of the acreage controlled by the applicant.**

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

**The population growth that has occurred along the Collier Boulevard corridor has reached a level where additional retail goods and services are necessary to serve the increased demand in close proximity to the residences. The proposed development is consistent with the Collier County Growth Management Plan's goals and objectives to have a mixed-use development at this location.**

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

**The proposed change will not negatively influence living conditions. Landscape buffers will be established in accordance with the LDC to provide for appropriate screening between adjacent uses. The PUD contains development standards including building setbacks, building heights and maximum intensities of use.**

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.

**The TIS indicates that the traffic impacts can be appropriately accommodated. The project will pay impact fees to provide dollars toward other future system requirements.**

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

**No, the project will continue to discharge to the Collier Boulevard canal and discharge rates will be approved through the SFWMD permit requirements.**

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

**The development of this site will not reduce light and air to adjacent properties.**

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

**The site is within an activity center and has been designated as such since 1989. No diminution of property values will result from the proposed development due to inclusion of appropriate development standards and buffers.**

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

**All adjacent properties are developed.**

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

**No, the project is designed consistent with the Growth Management Plan and does not constitute a special privilege.**

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

**The existing zoning is agriculture, which is inconsistent with the Growth Management Plan. The proposed zoning is necessary in order to develop the property consistent with the Activity Center Subdistrict.**

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

**No, the proposed development is comparable in scale to other projects developed in Activity Centers in Collier County.**



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

**There are no other existing undeveloped parcels of this size in our urban activity centers.**

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.

**Lakes and other infrastructure excavations will be required. The land has previously been cleared in support of the existing agricultural operations.**

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.

**All levels of service will be maintained after development of the site as a mixed-use center.**

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 Long Range Planning for the county as a mixed-use activity center. The site has been designed consistent with the buffering standards for the LDC.**

