

Tree Farm MPUD (PL20180002194)

Evaluation Criteria

Pursuant to LDC subsections 10.02.13 B, 10.02.08 F and Chapter 3 G. of the Administrative Code, staff's analysis and recommendation to the Planning Commission, and the Planning Commission's recommendation to the Board of County Commissioners shall be based upon consideration of the applicable criteria. On a separate sheet attached to the application, provide a narrative statement describing the rezone request with specific reference to the criteria below. Include any backup materials and documentation in support of the request.

Narrative statement

The application proposes to amend the Tree Farm MPUD to increase the permitted number of dwelling units from 281 multi-family or 138 single family to allow up to 460 dwelling units of varying types including single family, multi-family, two family attached and townhomes. The PUD also proposes to decrease the permitted commercial/office square footage from 120,000 square feet to 80,000 square feet, and to add indoor self-storage as a permitted use up to a maximum of 105,000 square feet. The trip cap will remain at the previously approved 580 PM peak hour two-way external trip cap.

The application also modifies the Conceptual PUD Master Plan to reflect a minor change recently approved through the PUD Minor Change process (HEX 2018-12), which relocated the small on-site preserve.

To date, 54 multi-family dwelling units have been constructed within the MPUD.

The applicant is also requesting the removal of the affordable housing developer commitment, as has been done with other recently amended MPUDs.

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.

Approximately, 18.69+/- acres of the existing MPUD is located within Mixed Use Activity Center #3, and the balance of the 58.8+/- acre PUD is within a residential density band. The site has direct access to Collier Boulevard and shares an internally accessible frontage road with the neighboring Addie's Corner MPUD, which provides access to Immokalee Road. The site has availability of water, sewer and other urban services. The project developer is a party to a Developer Contribution Agreement, which addresses the project's traffic impacts. The site remains suitable for a mixed-use master planned community and the project has been found to be consistent with the Collier County Growth Management Plan.



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- 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 project is under the ownership of TBC Tree Farm 1, LLC and TBC Tree Farm 2, LLC

- 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.)

The proposed revisions to the Tree Farm MPUD are consistent with the Collier County Growth Management Plan. The commercial mixed-use component is entirely within the boundaries of Activity Center #3. Residential uses are permitted in both the areas designated as MU, Mixed Use and the areas identified as R, Residential on the Conceptual PUD Master Plan. Based on the accumulated density from the 18.89 acres located within the Activity Center Boundary and the residential density band, the project is eligible to seek up to 580 dwelling units. The 460 proposed dwelling units are within the eligible density range.

No changes are proposed that affect other elements of the Growth Management Plan, and the project has previously been found by staff, Collier County Planning Commission and the Board of County Commissioners to be consistent with the Growth Management Plan.

- 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 proposed project remains compatible both internally and externally. No modifications to buffer, building heights, or other factors affecting compatibility are proposed. The project will continue to utilize the frontage road shared with the neighboring Addie's Corner MPUD.

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

No changes to the overall amount of open space is proposed and the mixed use project will maintain the minimum of 30% open space which will consist of buffers, lakes, preserve areas and other common open spaces.



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

Adequate infrastructure exists to permit development of the project as proposed.

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

Given the proximity to other approved and developed PUD's there is no opportunity to expand the boundaries of this PUD.

- 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.

Deviations have previously been approved for this project. No additional deviations are proposed.

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.

As described above the project is consistent and will be consistent with the Collier County Growth Management Plan.

- 2. The existing land use pattern.

The pattern of development in the vicinity of the property is a range of retail and office commercial as well as gated residential developments. Fifty-four multi-family rental apartments have been constructed within the Tree Farm PUD to date.

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

The PUD is an existing PUD and the amendment will not create an isolated district.



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

The existing PUD boundaries are logically drawn and the proposed amendment does not modify the PUD boundary.

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

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. Demand for close-in residential development has steadily increased and the property owner is seeking to increase the number of residential dwellings in response to the increased demand.

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. No external impacts result from the proposed changes.

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 are not increased above the existing trip cap. The project will pay impact fees to provide dollars toward other future system requirements. The applicant has also entered into a Developer Contribution Agreement for roadway improvements.

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

No, the project will continue to discharge to the Immokalee Road 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.

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GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

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The site is partially within an activity center and is within a density band 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 or are under development.

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 MPUD, which is consistent with the Growth Management Plan. The proposed zoning is necessary in order to increase the allowable residential density for the project.

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 and proximate to major intersections in Collier County.

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

The site is already zoned MPUD and the increase in the number of dwelling units is consistent with the Growth Management Plan.

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 partially been cleared in support of the existing residential development of 54 dwellings.

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



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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 Comprehensive Plan for the county as a mixed-use activity center. The site has been designed consistent with the buffering standards for the LDC.

