Ex parte Items – Commissioner Hiller

COLLIER COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA

May 14, 2013

CONSENT AGENDA

16A4. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to adopt a Resolution to hold a public hearing to consider vacating a portion of a 12.5-foot wide Drainage Easement, being a part of Lot 39, Block KK, Quail West Phase III, Unit 7, Plat Book 46, pages 89 through 102 of the Public Records of Collier County, Florida, also being a part of Section 8, Township 48 South, Range 26 East, Collier County, Florida. Application No. VAC-PL20130000515.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A6. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve a request from the Empowerment Alliance of Southwest Florida to grant preliminary acceptance of the subdivision improvements within Hatchers Preserve subdivision and allow the installation of the required landscape buffer to occur concurrently with Certificates of Occupancy for each individual lot.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

STAFF REPORT

TO: COLLIER COUNTY PLANNING COMMISSION

FROM: ZONING SERVICES--LAND DEVELOPMENT SERVICES DEPARTMENT
GROWTH MANAGEMENT DIVISION--PLANNING & REGULATION

HEARING DATE: MARCH 21, 2013

SUBJECT: PUDZA-PL20120000680: PALERMO COVE PUD (COMPANION TO PUDZA-PL20120000650: WOLF CREEK PUD)

PROPERTY OWNER & APPLICANT/AGENT:

Contract Purchaser/Applicant:

Barry Ernst, AICP
WCI Communities, Inc.
24301 Walden Center Dr
Bonita Springs, FL 34134

Agents:

Wayne Arnold, AICP
Q. Grady Minor & Assoc. P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Richard D. Yovanovich, Esq.
Coleman, Yovanovich, & Koester, P.A.
Northern Trust Bank Bldg
4001 Tamiami Trail North, Suite 300
Naples, FL 34103

Owner:

Raffia Holdings of Naples, LLC
13440 Parker Commons Blvd, Suite 103
Fort Myers, FL, 33912

REQUESTED ACTION:

The petitioner is asking the Collier County Planning Commission (CCPC) to consider an application for an amendment to the existing PUD zoned project known as the Palermo Creek Residential Planned Unit Development (RPUD). For details about the project proposal, refer to "Purpose/Description of Project."

GEOGRAPHIC LOCATION:

The subject property, consisting of 115± acres, is located on property located north of Wolfe Road and east of Collier Boulevard (C.R. 951) in Section 34, Township 48 South, Range 26 East, Collier County, Florida. (See location map on the following page)

STAFF REPORT

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Richard D. Yovanovich, Esq.
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Northern Trust Bank Bldg
4001 Tamiami Trail North, Suite 300
Naples, FL 34103

Owners:

Raffia Holdings of Naples, LLC
13440 Parker Commons Blvd, Suite 103
Fort Myers, FL, 33912

Wolf Creek Holding of Naples LLC
265 Sevilla Ave
Coral Gable, FL 33134

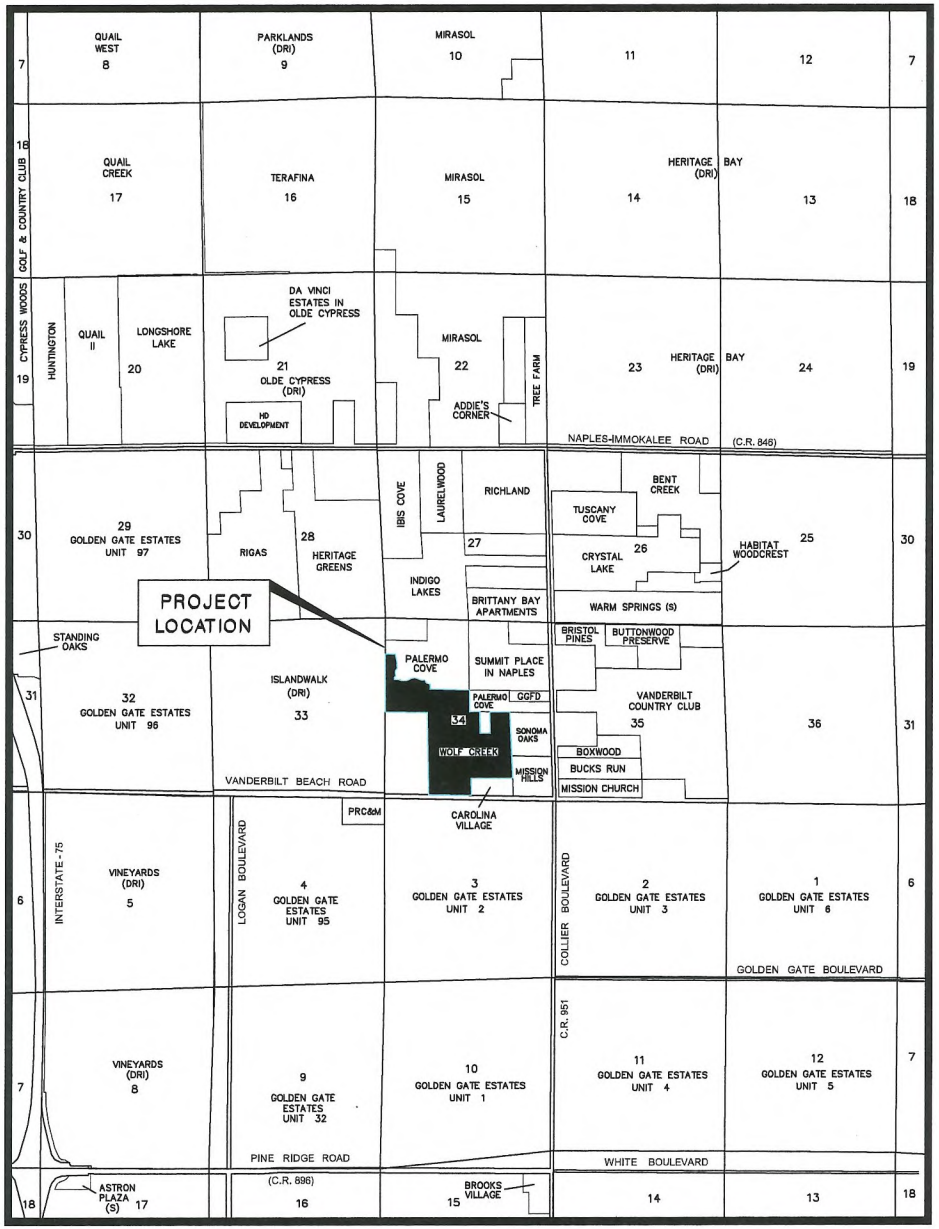
Raffia Holdings of Naples LLC owns all property except for Parcels 3B, 4, 5, 6, 7, 8 and 9 as shown on Exhibit A-1 attached.

REQUESTED ACTION:

The petitioner is asking the Collier County Planning Commission (CCPC) to consider an application for an amendment to the existing PUD zoned project known as the Wolf Creek Residential Planned Unit Development (RPUD). For details about the project proposal, refer to "Purpose/Description of Project."

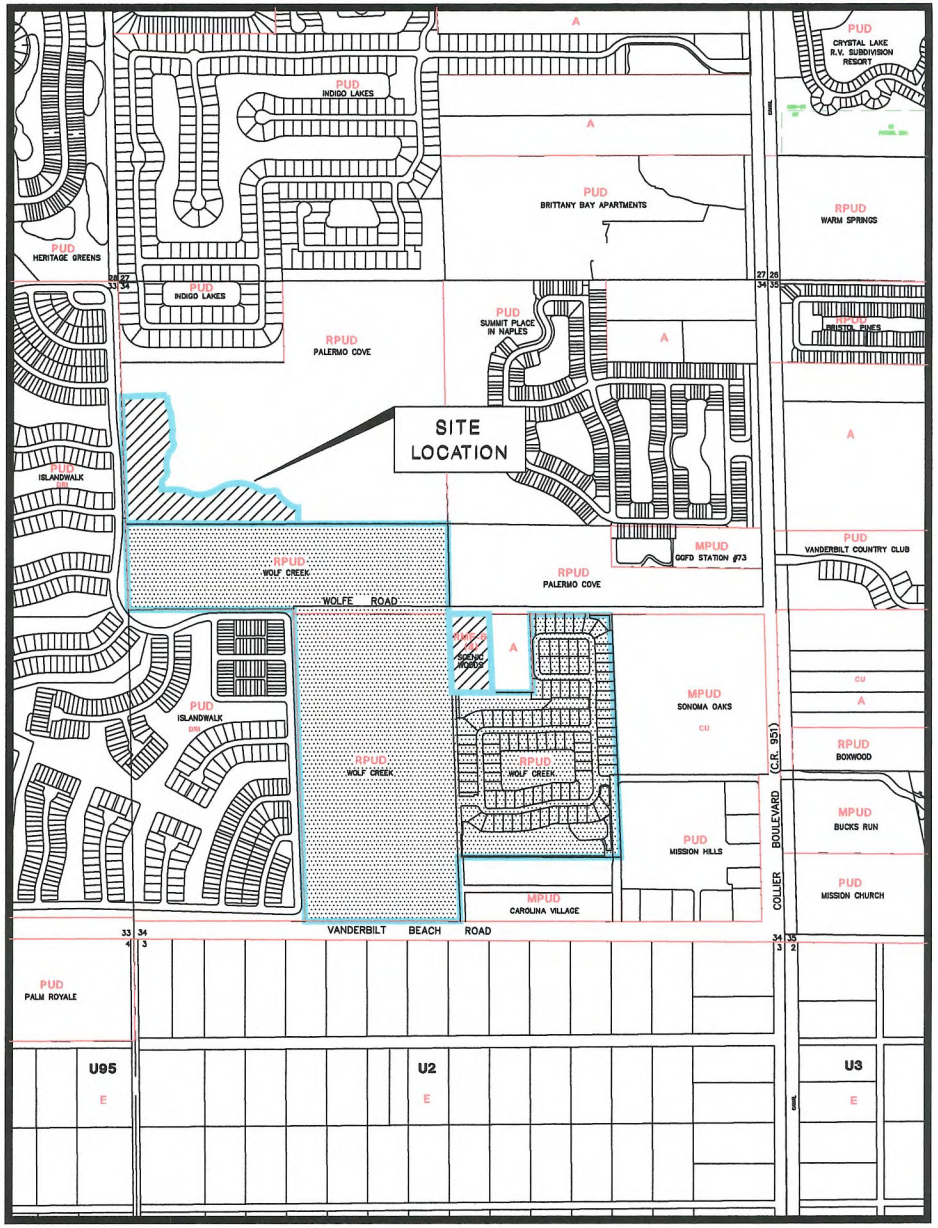
GEOGRAPHIC LOCATION:

The subject property, consisting of 189± acres, is located on the north side of Vanderbilt Beach Road (C.R. 862) approximately one-half mile west of Collier Boulevard (C.R. 951) in Section 34, Township 48 South, Range 26 East, Collier County, Florida. (See location map on the following page)



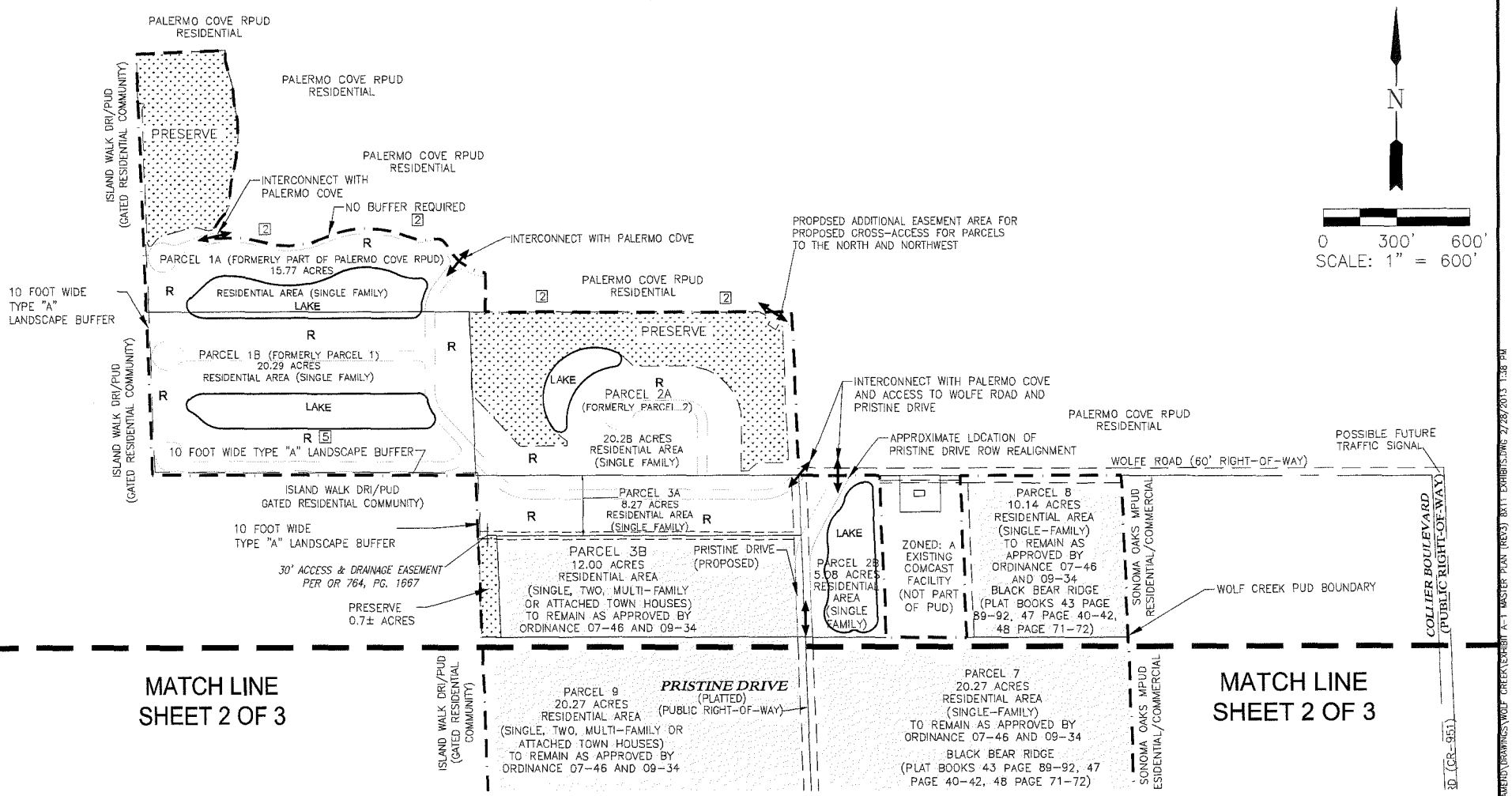
LOCATION MAP

NOT TO SCALE



ZONING MAP

PETITION # PUDZ - PL - 2012 - 650



NO CHANGES PROPOSED

PRESERVES: PARCEL 1A = 6.19+/- ACRES
PARCEL 2A = 9.9+/- ACRES
PARCEL 3A = 0.7+/- ACRES

NOTES

1. ALL SHADED AREAS OF THE PUD WILL REMAIN AS APPROVED BY ORDINANCE NUMBER 07-46, EXHIBIT "A" AND ORDINANCE 09-34.
2. ALL PRESERVES AND LAKES IN SHADED AREAS WILL REMAIN AS SHOWN AND APPROVED IN ORDINANCE 07-46, EXHIBIT "A" AND ORDINANCE 09-34.
3. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
4. ALL ACREAGES (EXCEPT FOR PRESERVES) ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF SDP OR PLAT APPROVAL.

LEGEND

[1] DEVIATIONS (SEE SHEET 3 OF 3)

Revision 3 – Revise Deviations – 2/28/2013
Revision 2 – County Comments – 2/25/2013

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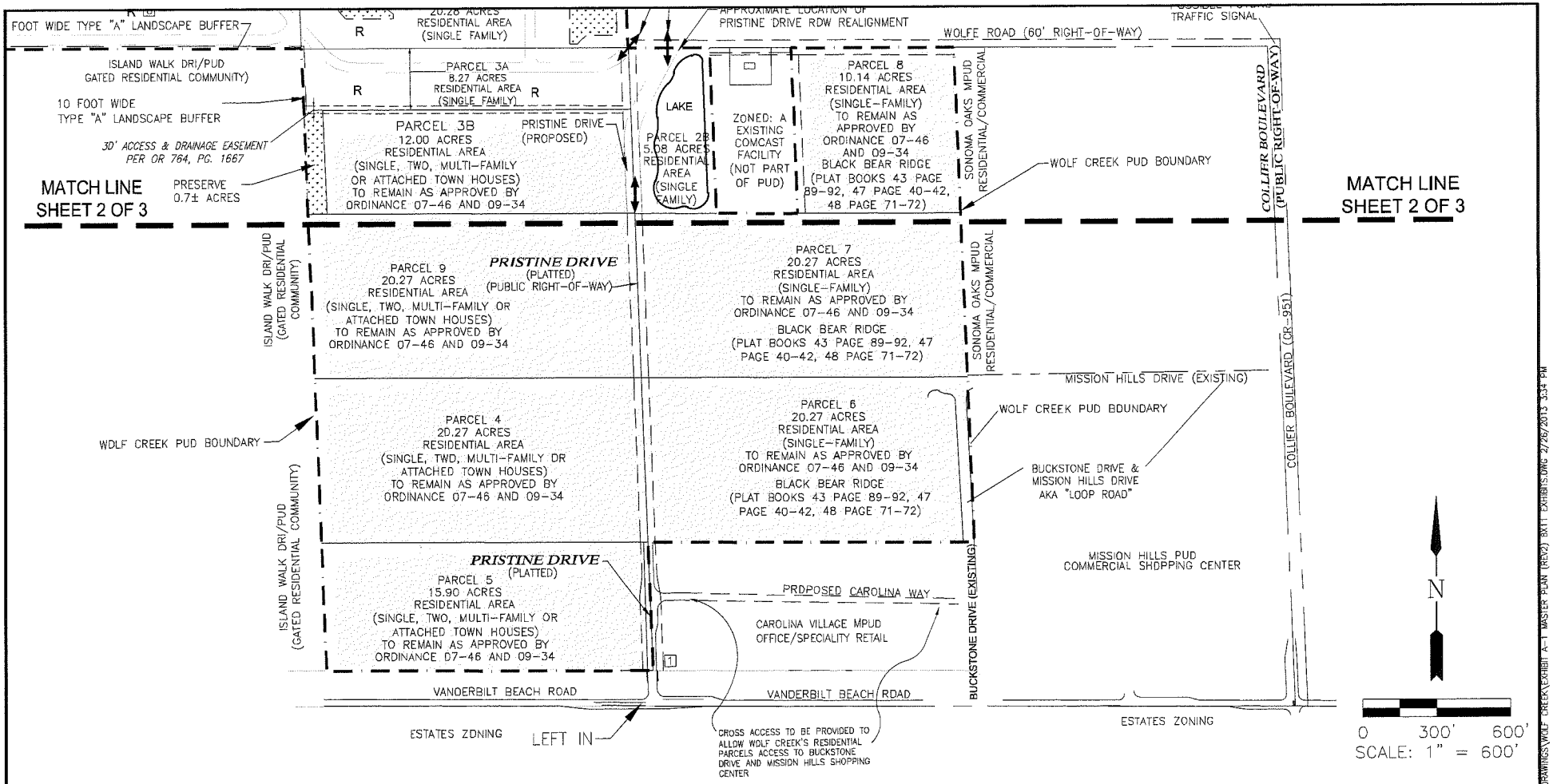
WOLF CREEK PUD

EXHIBIT A-1
RPUD MASTER PLAN AMENDED

SCALE: 1" = '
JDB CODE: PDWCPA
DATE: FEBRUARY 2013
FILE NAME: EXHIBIT A-1 MASTER PLAN (2013) EXHIBITS.DWG
SHEET 1 OF 3

G:\RPUD — PLANNING\PDWCPA — PALERMO COVE PUD WOLF CREEK PUD AMEND\DRAWINGS\WOLF CREEK\EXHIBIT A-1 MASTER PLAN (2013) EXHIBITS.DWG 2/28/2013 1:38 PM



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LEGEND

1 DEVIATIONS (SEE SHEET 3 OF 3)

Revision 2 – County Comments – 2/25/2013

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WOLF CREEK PUD

EXHIBIT A-1
RPUD MASTER PLAN AMENDED

SCALE: 1" = 600'
JOB CODE: PCWCPA
DATE: FEBRUARY 2013
FILE NAME: EXHIBIT A-1 MASTER PLAN (REV2) 8X11 EXHIBITS
SHEET 2 OF 3

S:\PROJ - PLANNING\PCWCPA - PALERMO COVE PUD WOLF CREEK PUD AMEND\DRAWINGS\WOLF CREEK\EXHIBIT A-1 MASTER PLAN (REV2) 8X11 EXHIBITS.DWG 2/26/2013 3:34 PM

LIST OF DEVIATIONS FROM L.D.C. (PREVIOUSLY APPROVED BY ORDINANCE 07-46)

DEVIATION #1 SEEKS RELIEF FROM LDC SECTION 5.06.02A6 THAT REQUIRES ON-PREMISES SIGNS WITHIN RESIDENTIAL DISTRICTS TO MAINTAIN A TEN-FOOT SETBACK FROM ANY PROPERTY LINE UNLESS PLACED ON A FENCE OR WALL TO ALLOW A ZERO (0) FOOT SETBACK FROM THE PROPERTY LINE SHARED WITH THE CAROLINA VILLAGE MIXED USE PUD.

THIS DEVIATION WILL PERMIT APPROXIMATELY HALF, OF ONE DOUBLE-FACED IN A MEDIAN IN THE ROAD BETWEEN THE WOLF CREEK RESIDENTIAL PUD (LABELED PRISTINE DRIVE ON EXHIBIT "A") AND THE CAROLINA VILLAGE MIXED USE PUD AND ON THE WEST SIDE OF THE CAROLINA VILLAGE PROPERTY LINE AND TO REDUCE THE MINIMUM 10-FOOT SETBACK FROM THE NEIGHBORING CAROLINA VILLAGE MIXED USE PUD TO 0 FEET WITH THE ADVERTISING LIMITED EXCLUSIVELY TO NO MORE THAN 3 RESIDENTIAL DEVELOPMENTS WITHIN THE WOLF CREEK RESIDENTIAL 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 5.06.02A.6.A OF THE LDC. THE PROPOSED SIGN MUST BE EXTERNALLY LIGHTED AND NOT INTERNALLY LIGHTED.

LIST OF DEVIATIONS FROM L.D.C. (PARCELS 1A - 3A ONLY)

DEVIATION #2 SEEKS RELIEF FROM LDC SECTION 4.06.02 OF THE, BUFFER REQUIREMENTS, WHICH REQUIRES A 10 FOOT WIDE TYPE A LANDSCAPE BUFFER BETWEEN SIMILAR RESIDENTIAL LAND USES TO ALLOW NO BUFFER BETWEEN COMMONLY OWNED PROPERTIES WHERE INDICATED ON THE CONCEPTUAL MASTER PLAN.

DEVIATION #3 SEEKS RELIEF FROM LDC SECTION 6.06.02.A.2, SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS, WHICH REQUIRES SIDEWALKS TO BE CONSTRUCTED ON BOTH SIDES OF LOCAL STREETS, TO ALLOW SIDEWALKS ON ONE SIDE OF THE STREET ONLY FOR PRIVATE STREETS WHERE IDENTIFIED ON THE ALTERNATIVE PATHWAYS PLAN (SEE EXHIBIT D OF THE PUD EXHIBITS).

DEVIATION #4 SEEKS RELIEF FROM LDC SECTION 6.06.01.O, STREET SYSTEM REQUIREMENTS AND APPENDIX B, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS, WHICH ESTABLISHES A 60 FOOT WIDE LOCAL ROAD TO ALLOW A MINIMUM 40' WIDE PRIVATE LOCAL ROAD. (SEE EXHIBIT C OF THE PUD EXHIBITS).

DEVIATION #5 SEEKS RELIEF FROM LDC SECTION 6.06.01.J, STREET SYSTEM REQUIREMENTS, WHICH LIMITS CUL-DE-SACS TO A MAXIMUM LENGTH OF 1,000 FEET TO PERMIT A CUL-DE-SAC APPROXIMATELY 1,300 FEET IN LENGTH WITH APPROPRIATE NO THROUGH SIGNAGE.

DEVIATION #6 SEEKS RELIEF FROM LDC SECTION 5.06.02, DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS, WHICH ONLY ALLOWS ON-PREMISES SIGNS WITHIN RESIDENTIAL DISTRICTS, TO PERMIT ONE OFF-PREMISE RESIDENTIAL SIGN, IF DEVELOPER IS ABLE TO OBTAIN A SIGN EASEMENT AND PUD AMENDMENT FROM THE PROPERTY OWNER OF THE SONOMA OAKS MPUD, LOCATED IMMEDIATELY SOUTH OF THE WOLFE ROAD/COLLIER BOULEVARD INTERSECTION. THE SIGN AREA WOULD BE A MAXIMUM OF 80 SQUARE FEET, AND BE DESIGNED TO BE A GROUND MOUNTED SIGN HAVING THE SAME SIGN COPY AND DESIGN THEME AS THAT PERMITTED ON THE NORTH SIDE OF WOLFE ROAD WITHIN THE PALERMO COVE RPUD.

SITE DATA

TOTAL SITE AREA: 188.78± AC

MAXIMUM DWELLING UNITS: 754 (188.78 ± AC X 4 D.U.A.)

PRESERVES

ORIGINAL WOLF CREEK PUD NATIVE VEGETATION PRESERVATION REQUIREMENT = 32.32 AC
PLUS AREAS BEING ADDED TO PUD:

PARCEL 1A:
AREA = 15.77 AC
REQUIRED PRESERVE = 1.54 AC (25% OF 6.19 ACRES OF NATIVE VEGETATION)

PARCEL 2B:
AREA = 5.0 AC
REQUIRED PRESERVE = 0.40 AC (25% OF 1.59 AC OF NATIVE VEGETATION)

TOTAL PRESERVE REQUIRED = 32.32 AC + 1.54 AC + 0.4 AC = **34.26** AC
TOTAL MINIMUM PRESERVE PROVIDED = **34.26** AC

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LEGEND

Revision 3 – Revise Deviation #6 – 2/28/2013
Revision 2 – County Comments – 2/25/2013

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WOLF CREEK PUD

EXHIBIT A–1
RPUD MASTER PLAN AMENDED
NOTE SHEET

SCALE: 1" = '
JOB CODE: PDWCPA
DATE: FEBRUARY 2013
FILE NAME: EXHIB A-1 MASTER PLAN (REV3) 8X11 EXHIBIT
SHEET 3 OF 3

G:\PROJ – PLANNING\PDWCPA – PALERMO COVE PUD WOLFE CREEK PUD AMEND\DRAWINGS\WOLF CREEK\EXHIBIT A-1 MASTER PLAN (REV3) 8X11 EXHIBIT.DWG 2/28/2013 1:37 PM

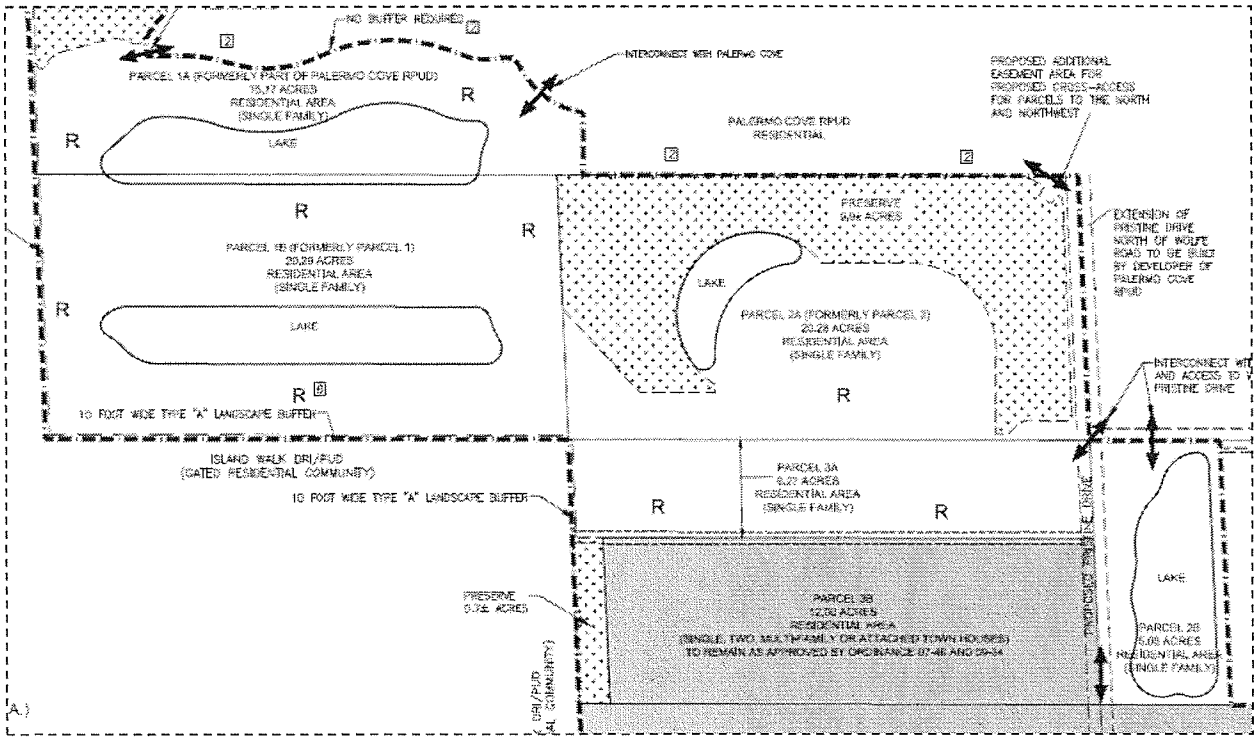
PURPOSE/DESCRIPTION OF PROJECT:

The subject property is partially developed with single family and multi-family buildings. The multi-family dwellings are within The Falls of Portofino Condominium complex, and the single-family homes are within the Black Bear Ridge subdivision.

The property has been the subject of several previous zoning actions. The majority of the site, 147.69 acres, was originally rezoned from the Agricultural zoning district to a PUD in Ordinance #03-45 on September 23, 2003. Subsequent to that action, on May 22, 2007, 20.27± was added into the project via Ordinance #07-46. Ordinance #09-34 amended Subsection 5.7, paragraphs "N" and "O" addressing changing transportation issues. The project is approved at a 4 units per acre. No increase in density is proposed.

The proposed changes are summarized below (taken from the application material):

- Add the Scenic Woods RMF-6(4) zoned 5± acres into this project;
- Add 16± acres from the Palermo Cove PUD project into this project:
- Add Exhibit A-1 to show the new parcel designations;
- Add Table II, to incorporate development standards for the lands that are being added--Parcels 1A and 2B, and other lands within the PUD that the amendment applicant controls--2A, 3A, and 1B.



- Add Exhibit "D," Private Road Cross-Section for Parcels 1A through 3A;
- Add deviations that will be applicable to Parcels 1A, 1b, 2A, 2B, and 3A;
- Revise some developer commitments to address the added lands and the additional Exhibit A-1;
- Revise some developer commitments to remove outdated transportation commitments;
- Revise a developer commitment to increase the amount of required native vegetation commensurate with the 21 acres of additional land; and
- Revise a developer commitment to remove the parks and recreation playground requirement.

Because this PUD is already partially developed, the petitioner cannot prepare a new PUD document using the latest format, e.g., Exhibits A-F rather than sections. To do so could create non-conformities in the existing development. Instead the petitioner is providing the proposed changes in a strike thru/underline format, showing the new information in underlined text and showing the text to be removed in a strike thru format. As noted above, the petitioner is seeking approval of five new deviations. These deviations are discussed later in this report.

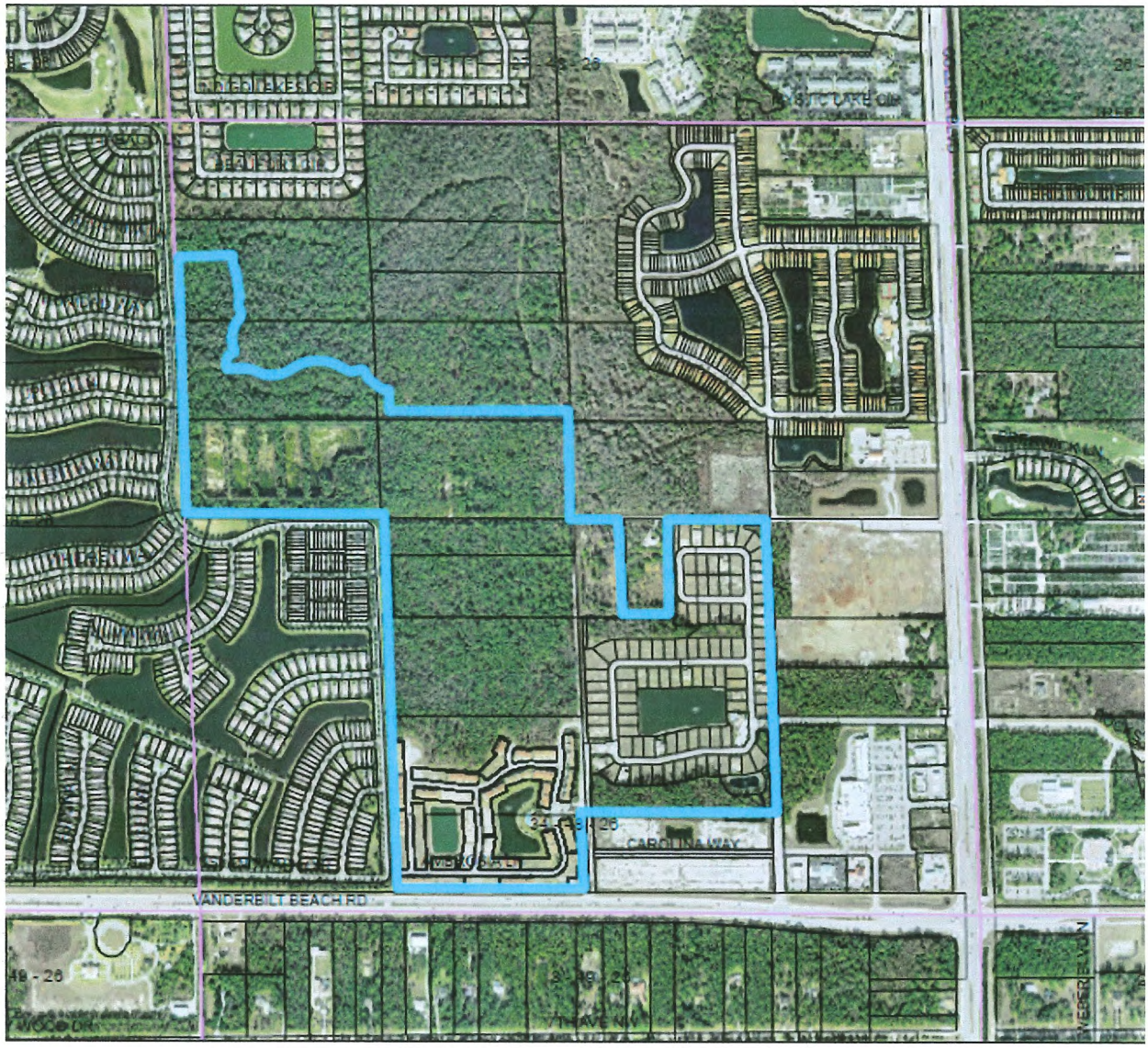
SURROUNDING LAND USE AND ZONING:

North: Wolfe Road and the undeveloped Palermo Cove PUD, approved at a density of 4.0 units per acre for a total of 524 units on 131± acres. Palermo Cove PUD is being amended as a companion to this petition to reduce the number of units from 524 to 237 and reduce the acreage to 115± acres with the 16 acres± being incorporated into the Wolf Creek PUD.

East: Sonoma Oaks MPUD, an undeveloped project approved for a mix of commercial and a variety of residential uses and Mission Hills PUD, a partially developed commercial project.

South: Carolina Village, a 15.88±-acre mixed use project with a zoning designation of MPUD whose residential portion was approved at a density of 4.03 units per acre; and Vanderbilt Beach Road.

West: Island Walk DRI/PUD, a 705 acre project approved for a maximum of 2,100 residential units (approved at a density of 3.0 units per acre) and fifteen acres of commercial uses.



Aerial Photo (the subject site, shown in blue, is approximate)

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Future Land Use Element (FLUE): The subject property is designated Urban Mixed-Use District, Urban Residential Subdistrict on the Future Land Use Map of the Growth Management Plan. This District is intended to accommodate a variety of residential and non-residential uses, including Planned Unit Developments. The Subdistrict permits a variety of residential unit types at a base density of 4 dwelling units per acre (DU/A) and limited to a maximum of 16 DU/A, as allowed under the Density Rating System. No density bonuses are requested and no density reductions are applicable. Therefore the site is eligible for 4 DU/A. The requested density is 4 DU/A.

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. (Access to the

project has been provided via Wolfe Road, onto Collier Boulevard, and via [proposed] Pristine Drive, onto Vanderbilt Beach Road.)

FLUE relevant policies are stated below (*in italics*); each policy is followed by staff analysis (in regular type within parentheses).

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. (Internal access has been provided onto and [by cross-access] through the neighboring use development, and Mission Hills commercial shopping center to help reduce vehicle congestion on nearby collector and arterial roads.)

Policy 7.3: All new and existing developments shall be encouraged to connect their local streets and their interconnection points with adjoining neighborhoods or other developments regardless of land use type. (The Master Plan provides interconnection between Wolf Creek PUD and Palermo Cove RPUD to the north by way of Wolfe Road, and is further depicted on the Master Plan that the developer of Palermo Cove PUD will extend Pristine Drive north of Wolfe Road. To the south, between the entrance of Wolf Creek PUD and Buckstone Drive, is an interconnection with the proposed roadway, Carolina Way. To the east, provides connection between Buckstone Drive and Mission Hills Drive which connects to Collier Boulevard (CR 951). To the west is the developed gated community of Island Walk PUD, where interconnection is not possible.)

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. (This amendment reconfigures two adjacent existing residential planned unit developments of previously uniform density. With this PUD amendment, Wolf Creek and Palermo Cove provide a blend of densities from two to four residential units per acre. The PUD includes open space in the form of preserve areas and, recreational uses and facilities. The PUD permits several types of dwelling units – including single-family, two-family and multi-family, with minimum floor areas ranging from 1,150 sq.ft. to 1,400 sq.ft. This amendment requests deviation from the LDC Sidewalks, Bike Lane and Pathway Requirements to allow sidewalks on one side of the street only, in 3 of the northernmost tracts to be developed; nonetheless, the project does include sidewalks.)

Based upon the above analysis, staff concludes the proposed uses and density may be deemed consistent with the Future Land Use Element of the Growth Management Plan.

Transportation Element: Transportation Planning staff has reviewed the petitioner's combined Traffic Impact Statement (TIS) for the companion items Wolf Creek and Palermo Cove. As the remaining developable rights for the two PUDs are being combined to form a single development using a common access point, the TIS was considered as a joint/combined study.

The unit count for Wolf Creek is found to increase by 83 units; however the adjacent Palermo Cove decreases by 287 units. The total for the two developments is 991 dwelling units, a net reduction of 204 units below the previous total.

The study indicates that there is a net decrease in the PM Peak Hour Trip Generation. Therefore the adjacent roadway network has sufficient capacity to accommodate this project within the 5 year

planning period. Staff recommends that the subject application can be found consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan (GMP).

Conservation and Coastal Management Element (CCME): Environmental review staff found this project to be consistent with the Conservation & Coastal Management Element (CCME). A minimum of 25 % of the existing native vegetation shall be placed under preservation and dedicated to Collier County. The minimum preserve required of 34.26 acres is being provided. This meets the GMP requirement.

GMP Conclusion: The GMP is the prevailing document to support land use decisions such as this proposed rezoning. Staff is required to make a recommendation regarding a finding of consistency or inconsistency with the overall GMP as part of the recommendation for approval, approval with conditions, or denial of any rezoning petition. A finding of consistency with the FLUE and FLUM designations is a portion of the overall finding that is required, and staff believes the petition is consistent with the FLUM and the FLUE as indicated previously in the GMP discussion. The proposed rezone is consistent with the GMP Transportation Element as previously discussed. Environmental staff also recommends that the petition be found consistent with the CCME. Therefore, zoning staff recommends that the petition be found consistent with the goals, objective and policies of the overall GMP.

ANALYSIS:

Staff has completed a comprehensive evaluation of this land use petition including the criteria upon which a recommendation must be based, specifically noted in Land Development Code (LDC) Subsection 10.02.13.B.5, *Planning Commission Recommendation* (commonly referred to as the "PUD Findings"), and Subsection 10.03.05.I, *Nature of Requirements of Planning Commission Report* (referred to as "Rezone Findings"), which establish the legal bases to support the CCPC's recommendation. The CCPC uses these same criteria as the bases for their recommendation to the Board of County Commissioners (BCC), who in turn use the criteria to support its action on the rezoning or amendment request. An evaluation relative to these subsections is discussed below, under the heading "Zoning Services Analysis." In addition, staff offers the following analyses:

Environmental Review: Environmental Services staff has reviewed the petition and the PUD document to address environmental concerns. There are no outstanding environmental issues. This project is not required to be reviewed by the Environmental Advisory Council (EAC).

The existing Wolf Creek PUD preserve area is 32.32± acres; the proposed preserve area is 34.26± acres. A total of 1.94 acres will be added; 1.54± acres from Palermo Cove PUD and 0.40± acres from the 5-acre Scenic Woods parcel. The minimum preserve required of 34.26 acres is being provided.

Transportation Review: Transportation Division staff has reviewed the petition and the PUD document and Master Plan for right-of-way and access issues and is recommending approval subject to the Transportation Development Commitments contained in the RPUD Ordinance. Transportation Planning staff offers the following analysis of roadway issues.

Vanderbilt Beach Road Discussion:

The first concurrency link on Vanderbilt Beach Road that is impacted by this zoning amendment is Link 112.0, between Logan Boulevard and Collier Boulevard. This segment of

Vanderbilt Beach Road currently has a remaining capacity of 1,684 trips, and is currently at LOS "B" as reflected by the 2012 AUIR.

Collier Boulevard Discussion:
The first concurrency link on Collier Boulevard that is impacted by this zoning amendment is Link 30.1, between Immokalee Road and Vanderbilt Beach Road. This segment of Collier Boulevard currently has a remaining capacity of 1,067 trips, and is currently at LOS "C" as reflected by the 2012 AUIR.

Zoning Services Review: FLUE Policy 5.4 requires new land uses to be compatible with, and complementary to, the surrounding land uses. In reviewing the appropriateness of the requested uses and intensity on the subject site, the compatibility analysis included a review of the subject proposal comparing it to surrounding or nearby properties as to allowed use intensities and densities, development standards (building heights, setbacks, landscape buffers, etc.), building mass, building location and orientation, architectural features, amount and type of open space and location. Zoning staff is of the opinion that this project will be compatible with and complementary to, the surrounding land uses. To support that opinion staff offers the following analysis of this project.

The petitioner has added Table II that proposes Residential Development Standards for Parcels 1A, 2A, 3A, 1B and 2B, the parcels controlled by the current petitioner. This table provides standards for single-family detached, variable lot line for single-family and single-family attached units as well as for the Amenity Center. Those are the units types that can be constructed in the areas identified above. Comparing Table I that established the property development regulations for the other portions of the project with Table II, it becomes apparent that the lots and homes in these newly defined parcels can be somewhat smaller than what is currently allowed. Floor Area Minimum square footages however vary. The single family detached units would be 100 square feet larger (approved 1,400; proposed 1,500). The other unit types would be smaller. However, it is important to note that the proposed property development regulations are minimum standards; the petitioner can provide larger homes on larger lots if that is desired. According to the Collier County Property Appraiser's website, the homes already constructed are in excess of 2,000 square feet, with most over 2,500 square feet.

Since no increase in density is proposed and the petitioner will only be placing these new units types in selected areas of the site—away from existing development, staff believes this amended project will be consistent with FLUE Policy 5.4 that requires new land uses to be compatible with the surrounding area.

The surrounding area's zoning and land uses have not significantly changed since this project has been developing. The Surrounding Zoning and Land Use discussion on page 2 of the staff report and the Master Plan all reflect zoning and uses that have been in effect for years.

Deviation Discussion:

The petitioner is seeking approval of five new deviations from the requirements of the LDC. The deviations are listed in the PUD document in Section 3.4.F (previously approved Deviation 1 approved in Ordinance #07-46 is to still remain in effect). Deviations are a normal derivative of the PUD zoning process following the purpose and intent of the PUD zoning district as set forth in LDC Section 2.03.06 which says in part:

It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and development or redevelopment of relatively large tracts of land under unified ownership or control. PUDs . . . . may depart from the strict application of setback, height, and minimum lot requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest . . . .

Deviation 1 was approved in Ordinance #07-46. No changes to that Deviation are proposed as part of this amendment.

Deviation 2 seeks relief from LDC Section 4.06.02, Buffer Requirements, which requires a 10 foot wide Type A landscape buffer between similar residential land uses to allow no buffer between commonly owned properties where indicated on the Conceptual Master Plan.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

This deviation is justified in this PUD due to the common land ownership and development between the northern portion of Wolf Creek PUD and Palermo Cove PUD. Approval of the deviation will permit development of a unified development plan. The locations where no buffers are required is shown on the Conceptual Master Plan.

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved with the limitation provided in the rationale, i.e., the deviation is only applicable "between the northern portion of Wolf Creek PUD and Palermo Cove PUD." (The boxed deviation #2 is also shown on the Master Plan Exhibit A-1 also.) However staff recommends that the trees that would be required in the buffer be planted elsewhere on site. Since Wolf Road will be a primary access point into the development, staff believes that it would be appropriate to relocate the trees along that roadway frontage. These trees would be in addition to any required trees. Staff is recommending approval of this same deviation in the companion request for Wolf Creek PUD with the same recommendation.

Zoning and Land Development Review staff recommends APPROVAL of this deviation subject to the following stipulations:

a. *This deviation approval is only applicable for that area between the northern portion of Wolf Creek PUD and Palermo Cove PUD; and*

b. *The trees that would be required in the buffer shall be relocated to the Wolf Road roadway. These trees would be in addition to any required vegetation;*

finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved with the

Zoning and Land Development Review staff recommends APPROVAL of this deviation but the deviation approval is only applicable for that area between the northern portion of Wolf Creek PUD and Palermo Cove PUD, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 3 Deviation #3 seeks relief from LDC Section 6.06.02.A.2, Sidewalks, Bike Lane and Pathway Requirements, which requires sidewalks to be constructed on both sides of local streets, to allow sidewalks on one side of the street only for private streets where identified on the Alternative Pathways Plan (see Exhibit D of the PUD Exhibits).

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation is justified in this PUD due to the limited number of units authorized to be constructed within the amended portion of the Wolf Creek PUD (163 units). The sidewalk on one side of the roadway will also permit the developer to provide a streetscape more desirable to the residents of the community. Dual sidewalks will be provided along the private primary loop road within the community and public roadways.*

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved with the limitation provided in the rationale, i.e., "Dual sidewalks will be provided along the private primary loop road within the community and public roadways." The applicant has provided Exhibit D showing an Alternative Pathways Plan, that has been approve by Transportation Planning staff.

Zoning and Land Development Review staff recommends APPROVAL of this deviation but the deviation approval is subject to compliance with Exhibit D, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 4 seeks relief from the former LDC Section Deviation #4 seeks relief from LDC Section 6.06.01.O, Street System Requirements and Appendix B, Typical Street Sections and Right-of-Way Design Standards, which establishes a 60 foot wide local road to allow a minimum 40' wide local road (See Exhibit C).

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation will allow the developer to provide all required infrastructure within a combination of dedicated right-of-way and easements. All roadways are intended to be private and within a gated community. A cross-section of the proposed internal private road is provided and has been successfully utilized in other communities.*

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved subject to compliance with Exhibit C. It has been approved in numerous other PUD zoned projects such as the Brynwood Center PUD (PUDZ-PL2011-0000406); Naples View RPUD (PUDZ-PL20110001519) to 45 feet; Mirasol (PUDZ-A2012-0000303) to allow a minimum right-of-way width of 40' for private local streets and 50' for private spine roads; Parklands PUD (PUDA-PL20110001551) to mention a few.

Zoning and Land Development Review staff recommends APPROVAL of this deviation, subject to compliance with Exhibit C, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 5 seeks relief from LDC Section 6.06.01.J, Street System Requirements, which limits cul-de-sacs to a maximum length of 1,000 feet to permit a cul-de-sac approximately 1,300 feet in length with appropriate no through signage.

Petitioner's Rationale: The petitioner provided the following justification for this deviation:

> *The deviation will be limited to one cul-de-sac street within the PUD, and is warranted due to the configuration of the lake and preserve areas on the Master Plan. The County Engineer is authorized to grant this deviation administratively; however, the owner wishes to have certainty in order to proceed with engineering design. Appropriate signage indicating the cul-de-sac is not a through street will be provided.*

Staff sees no detrimental effect if this deviation request is approved, however in recognition of past CCPC recommendations, staff suggests that the following stipulation should be added to this approval:

> *The developer, or successors and assigns, shall provide a stabilized emergency vehicle turn - around, meeting local fire prevention code criteria, approximately midway along the cul-de-sac.*

The petitioner has not sought relief (nor can he) from any fire code requirements as part of this zoning action, thus it is understood that compliance would be required.

Zoning and Land Development Review staff recommends APPROVAL of this deviation with the stipulation that the developer, or successors and assigns, shall provide a stabilized emergency vehicle turn - around, meeting local fire prevention code criteria, approximately midway along the cul-de-sac, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 6 seeks relief from LDC Section 5.06.02, Development Standards for Signs within Residential Districts, which only allows On-premises signs within residential districts, to permit one off-premise residential sign, if developer is able to obtain a sign easement and PUD amendment from the property owner of the Sonoma Oaks MPUD, located immediately south of the Wolfe Road/Collier Boulevard intersection. The sign area would be a maximum of 80 square feet, and be designed to be a ground mounted sign having the same sign copy and design theme as that permitted on the north side of Wolfe Road within the Palermo Cove RPUD.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation will allow the property owner to have residential entry signage located on both sides of Wolfe Road, which will allow appropriate visibility of the residential project. Because the area immediately south of Wolfe Road is located within another PUD locating a sign on both sides of the project entry is not possible unless it is placed off-site.*

Staff sees no detrimental effect if this deviation request is approved subject to the stipulation to require the Sonoma Oaks PUD to be amended to allow same. However, staff does not believe this deviation in the Wolf Creek PUD is required.

A deviation was approved for the Longshore Lake PUD (Ordinance #09-20) to allow and off-site sign for the Terafina PUD. Staff, however, can find no evidence to show that Terafina PUD had any language or deviation to address that off-site sign. As to the proposed sign size; and type, i.e., ground mounted; and the sign copy and design theme, those issues would be addressed as part of any amendment approval of the Sonoma Oaks PUD.

Zoning and Land Development Review staff recommends DENIAL of this deviation, finding that the deviation is not necessary.

FINDINGS OF FACT:

LDC Subsection 10.03.05.I.2 states, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners…shall show that the planning commission has studied and considered proposed change in relation to the following when applicable." Additionally, Section 10.02.13 of the Collier County LDC requires the Planning Commission to make findings as to the PUD Master Plans' compliance with the additional criteria as also noted below. [Staff's responses to these criteria are provided in bold, non-italicized font]:

PUD Findings: LDC Subsection 10.02.13.B.5 states that, "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria" (Staff's responses to these criteria are provided in bold font):

1. 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.

Staff has reviewed the proposed amendment and believes the uses and property development regulations are compatible with the development approved in the area. The commitments made by the applicant should provide adequate assurances that the proposed change should not adversely affect living conditions in the area.

2. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, 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.

Documents submitted with the application, which were reviewed by the County Attorney's Office, demonstrate unified control of the property. Additionally, the development will be required to gain platting and/or site development approval. Both processes will ensure that appropriate stipulations for the provision of and continuing operation and maintenance of infrastructure will be provided by the developer.

3. Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the Growth Management Plan (GMP).

Staff has reviewed this petition and has offered an analysis of the relevant goals, objectives and policies of the GMP within the GMP discussion and the attached report from Comprehensive Planning staff and the zoning analysis of this staff report. Based on those staff analyses, planning zoning staff is of the opinion that this petition may be found consistent with the overall GMP.

4. 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.

Staff has provided a review of the proposed uses and believes that the project will be compatible with the surrounding area. While the applicant proposed some additional property development regulations, the uses are not changing as part of this amendment and the uses approved in the original PUD rezone were determined to be compatible. The petitioner is revising some property development regulations, but staff believes uses remain compatible given the proposed development standards and project commitments.

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

The amount of native preserve aside for this project meets the minimum requirement of the LDC.

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

The roadway infrastructure has adequate capacity to serve the proposed project at this time, i.e., GMP consistent at the time of rezoning as evaluated as part of the GMP Transportation Element consistency review. The project's development must comply with all other applicable concurrency management regulations when development approvals are sought. Additionally, the PUD document contains additional developer commitments that should help ensure there are adequate facilities available to serve this project.

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

The area has adequate supporting infrastructure such as road capacity, wastewater disposal system, and potable water supplies to accommodate this project based upon the commitments made by the petitioner and the fact that adequate public facilities requirements will be addressed when development approvals are sought.

8. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

The petitioner is seeking approval of eight deviations to allow design flexibility in compliance with the purpose and intent of the Planned Unit Development Districts (LDC Section 2.03.06.A). These new deviations will only be applicable to certain areas of the site. This criterion requires an evaluation of the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district. Staff has provided an analysis of the deviations in the Deviation Discussion portion of this staff report, and is recommending approval of the deviations. (The overall PUD had three other deviations approved in Ordinance #07-46. These deviations are to remain in effect for the entire PUD.)

Rezone Findings: *LDC Subsection 10.03.05.I. states*, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners...shall show that the planning commission has studied and considered proposed change in relation to the following when applicable" *(Staff's responses to these criteria are provided in bold font):*

1. Whether the proposed change will be consistent with the goals, objectives, & policies of the Future Land Use Map and the elements of the Growth Management Plan.

The zoning analysis provides an in-depth review of the proposed amendment. Staff is of the opinion that the project as proposed is consistent with GMP FLUE Policy 5.4 requiring the project to be compatible with neighborhood development. Staff recommends that this petition be deemed consistent with the FLUE of the GMP. The petition can also be deemed consistent with the CCME and the Transportation Element. Therefore, staff recommends that this petition be deemed consistent with the GMP.

2. The existing land use pattern;

Staff has described the existing land use pattern in the "Surrounding Land Use and Zoning" portion of this report and discussed it at length in the zoning review analysis. Staff believes the proposed amendment is appropriate given the existing land use pattern, and development restrictions included in the PUD Ordinance.

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

The proposed PUD amendment would not create an isolated zoning district because the subject site is already zoned PUD with the exception of a small tract of land that is abutting the existing PUD boundary that is being added (the Scenic Woods RSF-6(4) zoned site).

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

Staff is of the opinion that the district boundaries are logically drawn given the current property ownership boundaries and the existing PUD zoning.

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

The proposed amendment is not necessary, *per se*; but it is being requested in compliance with the LDC provisions to seek such the amendment to allow the owner the opportunity to develop the land with uses other than what the existing zoning district would allow. Without this amendment, the property could be developed in compliance with the existing PUD ordinance regulations.

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

Staff is of the opinion that the proposed amendment, with the commitments made by the applicant, can been deemed consistent County's land use policies that are reflected by the Future Land Use Element (FLUE) of the GMP. The project includes numerous restrictions and standards that are designed to address compatibility of the project. Development in compliance with the proposed PUD amendment should not adversely impact living conditions in the area.

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 roadway infrastructure has adequate capacity to serve the proposed project with the mitigation that will be provided by the developer (Developer Commitments). Staff believes the petition can be deemed consistent with all elements of the GMP if the mitigation is included in any recommendation of approval.

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

The proposed amendment should not create drainage or surface water problems. The developer of the project will be required to adhere to a surface water management permit from the SFWMD in conjunction with any local site development plan approvals and ultimate construction on site.

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

If this amendment petition is approved, any subsequent development would need to comply with the applicable LDC standards for development or as outlined in the PUD document. The setbacks and project buffers will help insure that light and air to adjacent areas will not be substantially reduced.

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

This is a subjective determination based upon anticipated results, which may be internal or

external to the subject property. Property valuation is affected by a host of factors including zoning; however zoning by itself may or may not affect values, since value determination is driven by market conditions.

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

The proposed zoning change should not be a deterrent to the improvement of adjacent properties.

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

The proposed development complies with the Growth Management Plan which is a public policy statement supporting zoning actions when they are consistent with said Comprehensive Plan. In light of this fact, the proposed change does not constitute a grant of special privilege. Consistency with the FLUE is further determined to be a public welfare relationship because actions consistent with plans are in the public interest.

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

The subject property could be developed within the parameters of the existing zoning designations; however, the petitioner is seeking this amendment in compliance with LDC provisions for such action. The petition can be evaluated and action taken as deemed appropriate through the public hearing process. Staff believes the proposed amendment meets the intent of the PUD district, and further, believes the public interest will be maintained.

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

As noted previously, the majority of the subject property already has a zoning designation of PUD; the PUD rezoning was evaluated at the rezoning stage and was deemed consistent with the GMP. The GMP is a policy statement which has evaluated the scale, density and intensity of land uses deemed to be acceptable throughout the urban-designated areas of Collier County. Staff is of the opinion that the development standards and the developer commitments will ensure that the project is not out of scale with the needs of the community.

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

The petition was reviewed on its own merit for compliance with the GMP and the LDC; and staff does not review other sites in conjunction with a specific petition. The proposed amendment is consistent with the GMP as it is proposed to be amended as discussed in other portions of the staff report.

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.

Additional development anticipated by the PUD document would require considerable site alteration. This project will undergo extensive evaluation relative to all federal, state, and local development regulations during the site development plan or platting approval process and again later as part of the building permit process.

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, as amended.

This petition has been reviewed by county staff that is responsible for jurisdictional elements of the GMP as part of the amendment process and those staff persons have concluded that no Level of Service will be adversely impacted with the commitments contained in the PUD document.

18. Such other factors, standards, or criteria that the Board of County Commissioners (BCC) shall deem important in the protection of the public health, safety, and welfare.

To be determined by the BCC during its advertised public hearing.

NEIGHBORHOOD INFORMATION MEETING (NIM):

The applicant's agents conducted a duly noticed NIM on December 6, 2012, at the Sheppard of the Glades Church on Rattlesnake Hammock Road for the two projects. Wayne Arnold, agent for the applicant, opened the meeting at 5:35 p.m. and introduced himself, Michael Delate and Sharon Umpenhour with Q. Grady Minor and Associates, P.A., and Richard Yovanovich with Coleman, Yovanovich and Koester, P.A., representing the owner/developer, Sean Martin with Waterman Development, representing the property owner and Kay Deselem, representing Collier County Growth Management. There were approximately thirty members of the public in attendance.

Mr. Arnold introduced and explained the project as it exists and then proceeded to explain the proposed amendment requests. He stated that approximately 16 acres of the existing Palermo Cove RPUD would be removed from the Palermo Cove RPUD and incorporated into the Wolf Creek RPUD and the total number of dwelling units for the proposed Palermo Cove RPUD would be reduced to 237 dwelling units. He explained that the Wolf Creek PUD would increase the number of units from 671 to 754. Aerial photographs of the PUD's were displayed along with the existing and proposed Master Plans. It was also explained that a common development plan was intended for all properties owned by Waterman, and that only single-family dwellings would be built in these areas. A PowerPoint presentation was provided showing proposed and existing preserve areas, boundaries, acreages, maximum dwelling units and unified development of the PUD

Mr. Arnold discussed the removal of the affordable housing commitment and removal of multiple-family uses from the proposed Palermo Cove RPUD and amended portion of the Wolf Creek RPUD.

Mr. Arnold concluded his presentation and asked for comments or questions from the meeting attendees. Questions asked were regarding hearing dates, setbacks, construction access locations, building heights, product type, buffers and if the development would be age restricted. Mr. Arnold

addressed the attendee's questions and also provided an explanation of the distinction between zoned and actual height and described variable lot line product type proposed.

Mr. Arnold offered to provide any additional information if requested and to contact, Kay Deselem, Sharon Umpenhour or himself if anyone had further questions. The meeting was adjourned at approximately 6:05 p.m.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney Office reviewed the staff report for this petition on March 1, 2013.

RECOMMENDATION:

Zoning and Land Development Review Services staff recommends that the Collier County Planning Commission forward Petition PUDZ-A-PL20120000650 to the BCC with a recommendation of approval subject to the following stipulations:

1. Approve Deviation #2 subject to the following limitation:

    a. *This deviation approval is only applicable for that area between the northern portion of Wolf Creek PUD and Palermo Cove PUD.*

    b. *The trees that would be required in the buffer shall be relocated to the Wolf Road roadway. These trees would be in addition to any required vegetation.*

2. Approve Deviation #3 subject to compliance with Exhibit D.

3. Approve Deviation #4 subject to compliance with Exhibit C.

4. Approve Deviation #5 subject to the following limitation:

    The developer, or successors and assigns, shall provide a stabilized emergency vehicle turn - around, meeting local fire prevention code criteria, approximately midway along the cul-de-sac.

5. Deny Deviation #6 as it is not necessary.

PREPARED BY:

Kay Deselem — 2/25/13

KAY DESELEM, AICP, PRINCIPAL PLANNER — DATE
DEPARTMENT OF PLANNING AND ZONING

REVIEWED BY:

Ray V. Bellows — 2/26/13

RAYMOND V. BELLOWS, ZONING MANAGER — DATE
DEPARTMENT OF PLANNING AND ZONING

MPB — 3-1-13

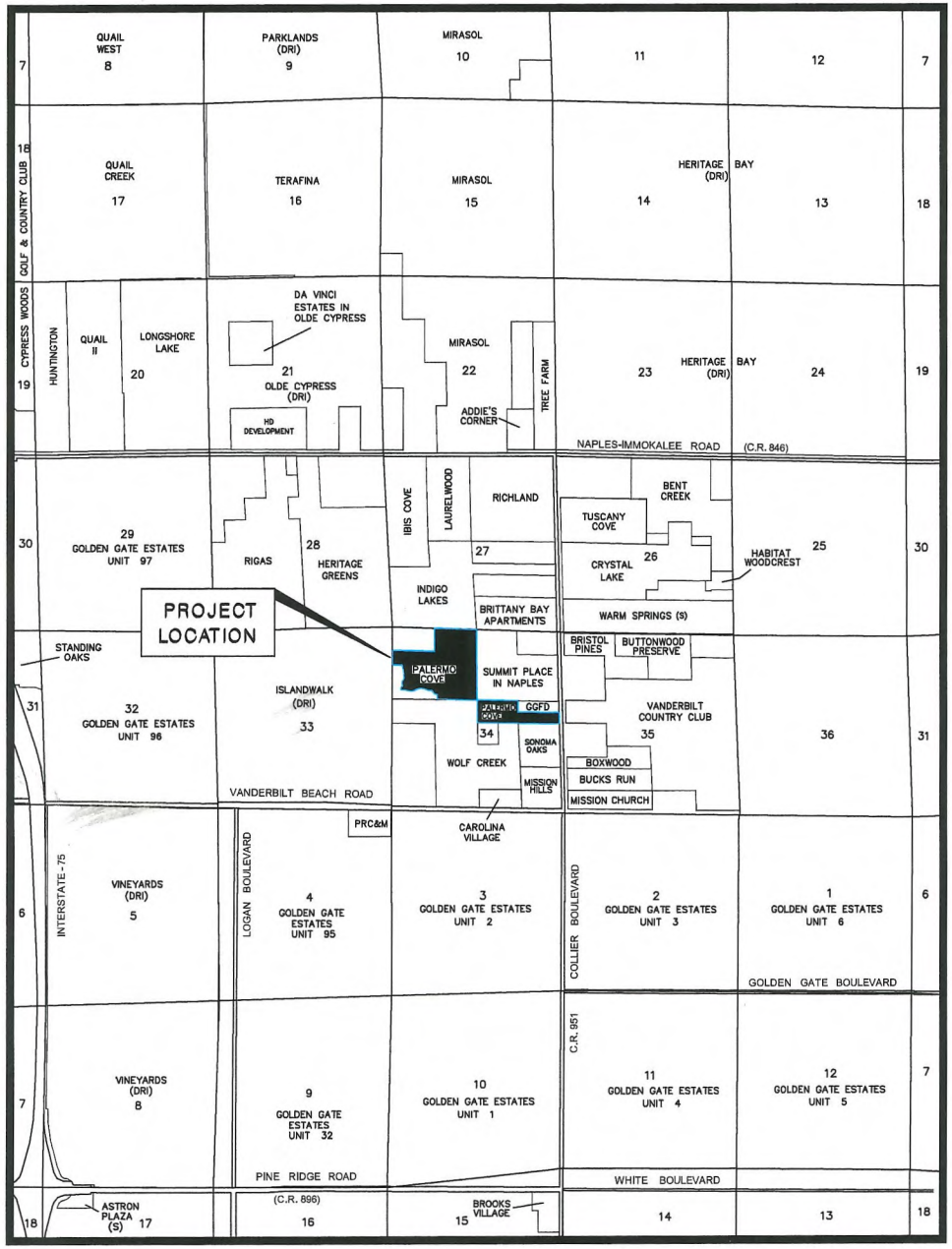
MIKE BOSI, AICP, INTERIM DIRECTOR — DATE
DEPARTMENT OF PLANNING AND ZONING

APPROVED BY:

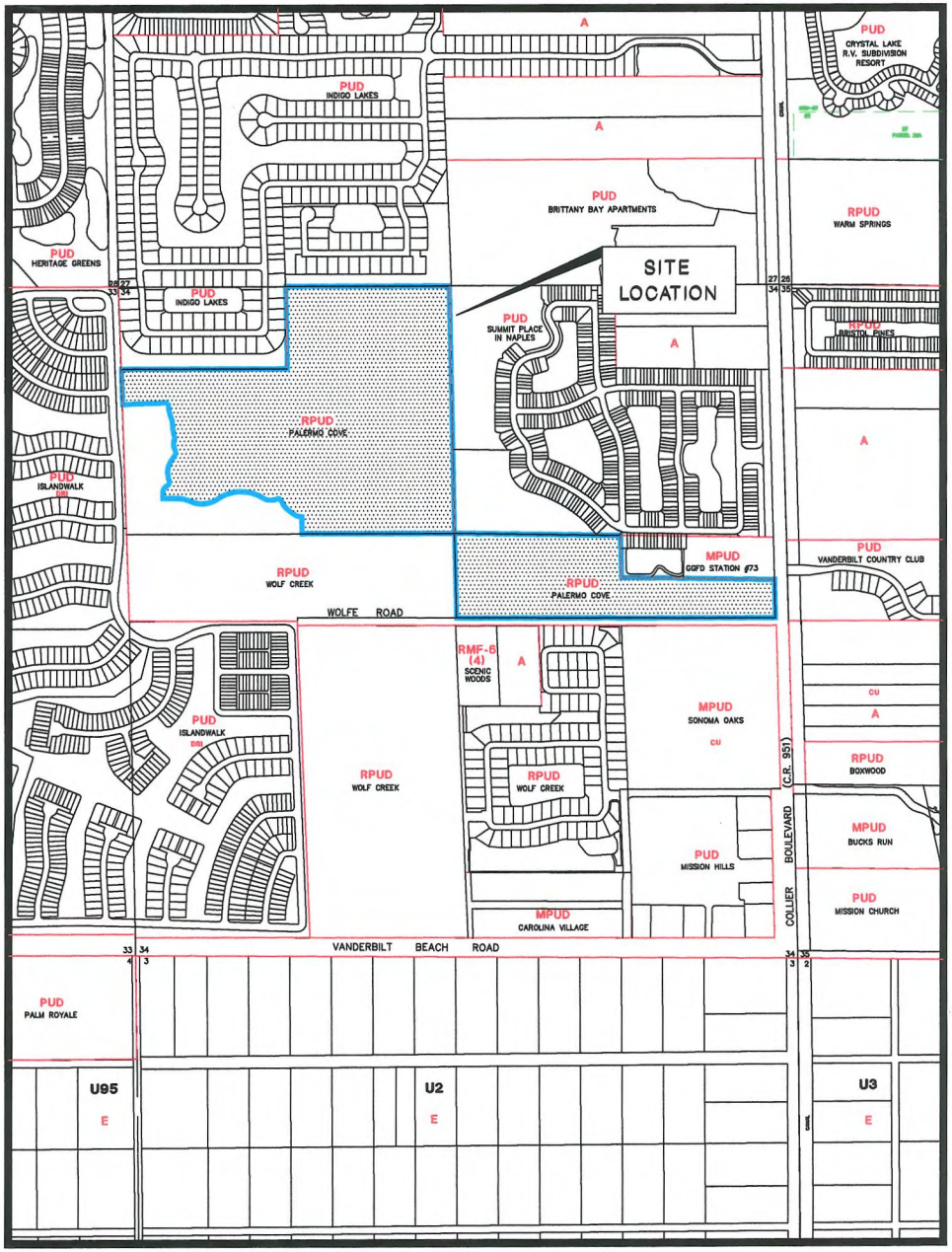
3-8-13

NICK CASALANGUIDA, ADMINISTRATOR — DATE
GROWTH MANAGEMENT DIVISION

Tentatively scheduled for the May 14, 2013 Board of County Commissioners Meeting



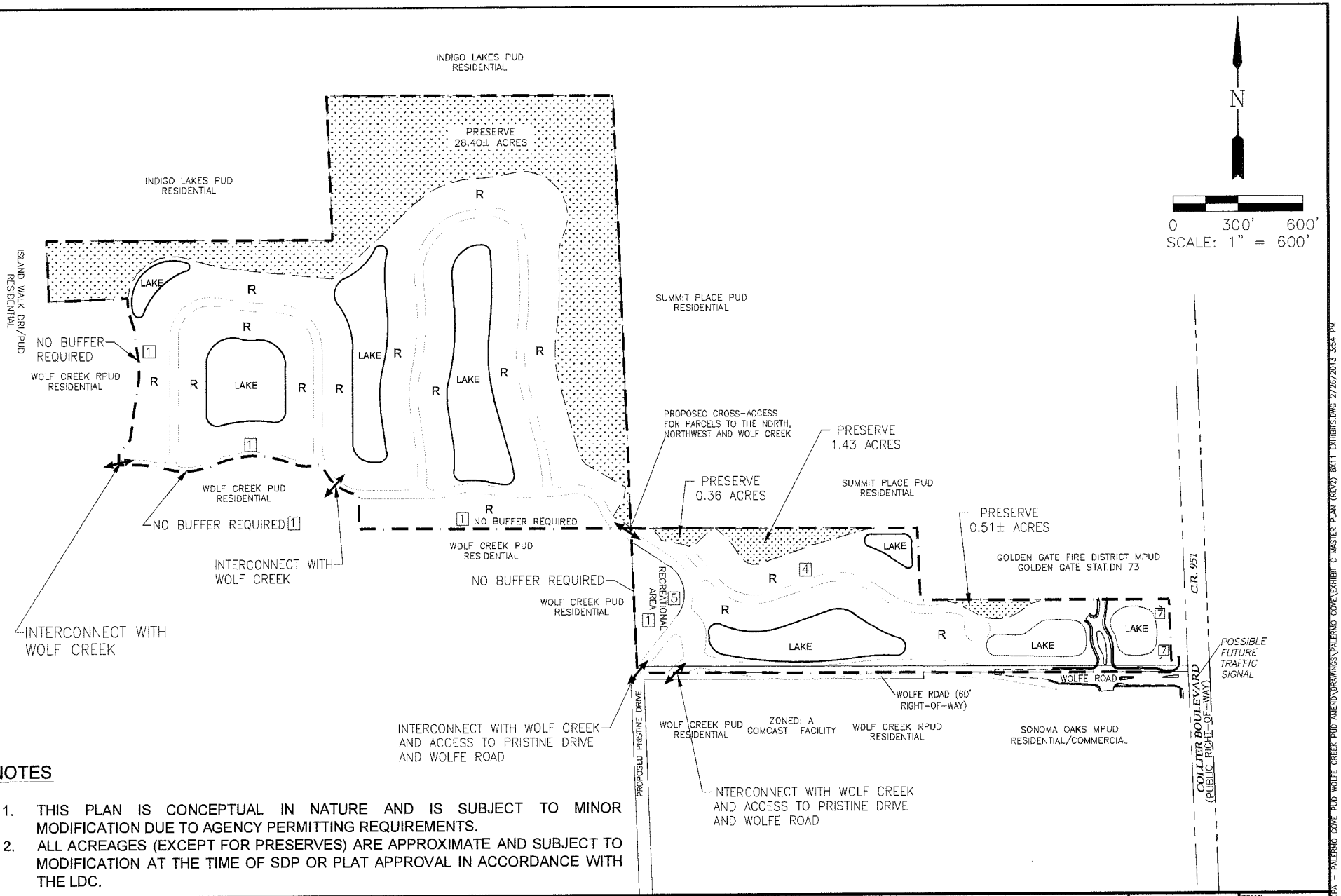
LOCATION MAP



ZONING MAP

NOT TO SCALE

PETITION # PUDZ - PL - 2012 - 680



NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
2. ALL ACREAGES (EXCEPT FOR PRESERVES) ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF SDP OR PLAT APPROVAL IN ACCORDANCE WITH THE LDC.

LEGEND

R RESIDENTIAL

[1] DEVIATIONS

Revision 2 – County Comments – 2/25/2013

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
CERT. OF AUTH. EB 0005151 CERT. OF AUTH. LB 0005151 BUSINESS LC 26000266
Bonita Springs 239.947.1144
Fort Myers 239.690.4380
www.GradyMinor.com Q. Grady Minor and Associates, P.A.

PALERMO COVE RPUD

EXHIBIT C
MASTER PLAN

SCALE: 1" = 600'
JOB CODE: PCWCPA
DATE: FEBRUARY 2013
FILE NAME: EXHIBIT C MASTER PLAN (REV2) 8X11 EXHIBITS

SHEET 1 OF 2

C:\PROJ – PLANNING\PCWCPA – PALERMO COVE PUD WOLFE CREEK PUD AMEND\DRAWINGS\PALERMO COVE\EXHIBIT C MASTER PLAN (REV2) 8X11 EXHIBITS.DWG 2/26/2013 3:54 PM

DEVIATIONS

1. FROM LAND DEVELOPMENT CODE (LDC) SECTION 4.06.02, BUFFER REQUIREMENTS, WHICH REQUIRES A 10 FOOT WIDE TYPE A LANDSCAPE BUFFER BETWEEN SIMILAR RESIDENTIAL LAND USES TO ALLOW NO BUFFER BETWEEN COMMONLY OWNED PROPERTIES WHERE INDICATED ON THE CONCEPTUAL MASTER PLAN.

2. FROM LDC SECTION 6.06.02.A.2, SIDEWALKS, BIKE LANE AND PATHWAY REQUIREMENTS, WHICH REQUIRES SIDEWALKS TO BE CONSTRUCTED ON BOTH SIDES OF LOCAL STREETS, TO ALLOW SIDEWALKS ON ONE SIDE OF THE STREET ONLY FOR PRIVATE STREETS (SEE EXHIBIT E-2, ALTERNATIVE PATHWAYS PLAN, OF THE PUD EXHIBITS).

3. FROM LDC SECTION 6.06.01.O, STREET SYSTEM REQUIREMENTS AND APPENDIX B, TYPICAL STREET SECTIONS AND RIGHT-OF-WAY DESIGN STANDARDS, WHICH ESTABLISHES A 60 FOOT WIDE LOCAL ROAD TO ALLOW A MINIMUM 40' WIDE LOCAL ROAD. (SEE EXHIBIT C-1, PRIVATE ROAD CROSS-SECTION, OF THE PUD EXHIBITS)

4. FROM LDC SECTION 6.06.01.J, STREET SYSTEM REQUIREMENTS, WHICH LIMITS CUL-DE-SACS TO A MAXIMUM LENGTH OF 1,000 FEET TO PERMIT A CUL-DE-SAC APPROXIMATELY 1,400 FEET IN LENGTH WITH APPROPRIATE SIGNAGE.

5. FROM LDC SECTION 4.05.04, PARKING SPACE REQUIREMENTS, WHICH REQUIRES PARKING FOR ACCESSORY RECREATIONAL FACILITIES TO BE PROVIDED AT 50% OF THE NORMAL LDC PARKING REQUIREMENTS WHEN DWELLING UNITS ARE LOCATED GREATER THAN 300' FROM THE RECREATIONAL FACILITY, TO PERMIT PARKING FOR ACCESSORY RECREATIONAL FACILITIES TO BE BASED ON SQUARE FOOTAGE RATHER THAN INDIVIDUAL COMPONENTS AT A CALCULATION OF ONE SPACE PER 200 SQUARE FEET OF BUILDING AREA.

6. FROM LDC SECTION 5.06.02, DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS, WHICH ONLY ALLOWS ON-PREMISES SIGNS WITHIN RESIDENTIAL DISTRICTS, TO PERMIT AN OFF-PREMISE RESIDENTIAL SIGN, IF DEVELOPER IS ABLE TO OBTAIN A SIGN EASEMENT AND PUD AMENDMENT FROM THE PROPERTY OWNER OF THE SONOMA OAKS MPUD, LOCATED IMMEDIATELY SOUTH OF THE WOLFE ROAD/COLLIER BOULEVARD INTERSECTION. THE SIGN AREA WOULD BE A MAXIMUM OF 64 SQUARE FEET, AND BE DESIGNED TO BE A GROUND MOUNTED SIGN HAVING THE SAME SIGN COPY AND DESIGN THEME AS THAT PERMITTED ON THE NORTH SIDE OF WOLFE ROAD WITHIN THE PALERMO COVE RPUD.

7. FROM LDC SECTION 5.06.02.B.6, DEVELOPMENT STANDARDS FOR SIGNS WITHIN RESIDENTIAL DISTRICTS, WHICH ONLY ALLOWS TWO GROUND SIGNS AT EACH RESIDENTIAL ENTRANCE, TO PERMIT THE TWO SIGNS TO BE LOCATED ON ONE SIDE OF THE PROJECT ENTRY ONLY IF A SIGN EASEMENT FOR THE PROPOSED OFF-SITE SIGN CANNOT BE OBTAINED. A LOCATION EXHIBIT HAS BEEN PROVIDED (SEE EXHIBIT E-1, SIGN LOCATION EXHIBIT, OF THE PUD EXHIBITS).

SITE DATA

TOTAL SITE AREA: 115± AC

MAXIMUM DWELLING UNITS: 237 (115 ± AC X 2.06 D.U.A.)

PRESERVES:

REQUIRED	12.65± AC (56.78± AC LESS 6.19± AC TO WOLF CREEK X 25%)
PROVIDED	30.7± AC

NOTES

1. THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MINOR MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.

2. ALL ACREAGES (EXCEPT FOR PRESERVES) ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF SDP OR PLAT APPROVAL IN ACCORDANCE WITH THE LDC.

LEGEND

Revision 2 – County Comments – 2/25/2013

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PALERMO COVE RPUD

EXHIBIT C
MASTER PLAN

SCALE: 1" = XX'
JOB CODE: PCWCPA
DATE: FEBRUARY 2013
FILE NAME: EXHIBIT C MASTER PLAN (REV2) 8X11 D.WGTS
SHEET 2 OF 2

G:\PROJ – PLANNING\PCWCPA – PALERMO COVE PUD WOLFE CREEK PUD AMEND\DRAWINGS\PALERMO COVE\EXHIBIT C MASTER PLAN (REV2) 8X11 EXHIBITS.DWG 2/26/2013 3:53 PM

PURPOSE/DESCRIPTION OF PROJECT:

The subject property is undeveloped. It was originally rezoned from Agricultural to RPUD in Ordinance #05-34 on June 28, 2005. That ordinance allowed 524 residential units on 131 acres. The unit types were limited to attached and detached single-family villas. On June 6, 2006, Ordinance 06-30 was approved to allow multi-family residential units and set forth property development regulations for that unit type. The project is approved at a 4 units per acre. The current amendment proposes to reduce that density to 2 units per acre.

The proposed changes are summarized below (taken from the application material):

- Reduce the project size by 16 acres from 131 acres to 115 acres;
- Reduce dwelling units from 524 to 237 units;
- Revise the property development regulations:
- Add new deviations to accommodate the petitioner's desire to develop this site in conjunction with portions of the Wolf Creek PUD;
- Remove the allowance to develop multi-family units; the project is now proposed to consist of entirely single family units;
- Increase the native vegetation preserve areas.

Because this PUD has not been developed, the petitioner has prepared a new PUD document using the latest format, e.g., Exhibits A-F rather than sections. As noted above, the petitioner is seeking approval of seven deviations. These deviations are discussed later in this report.

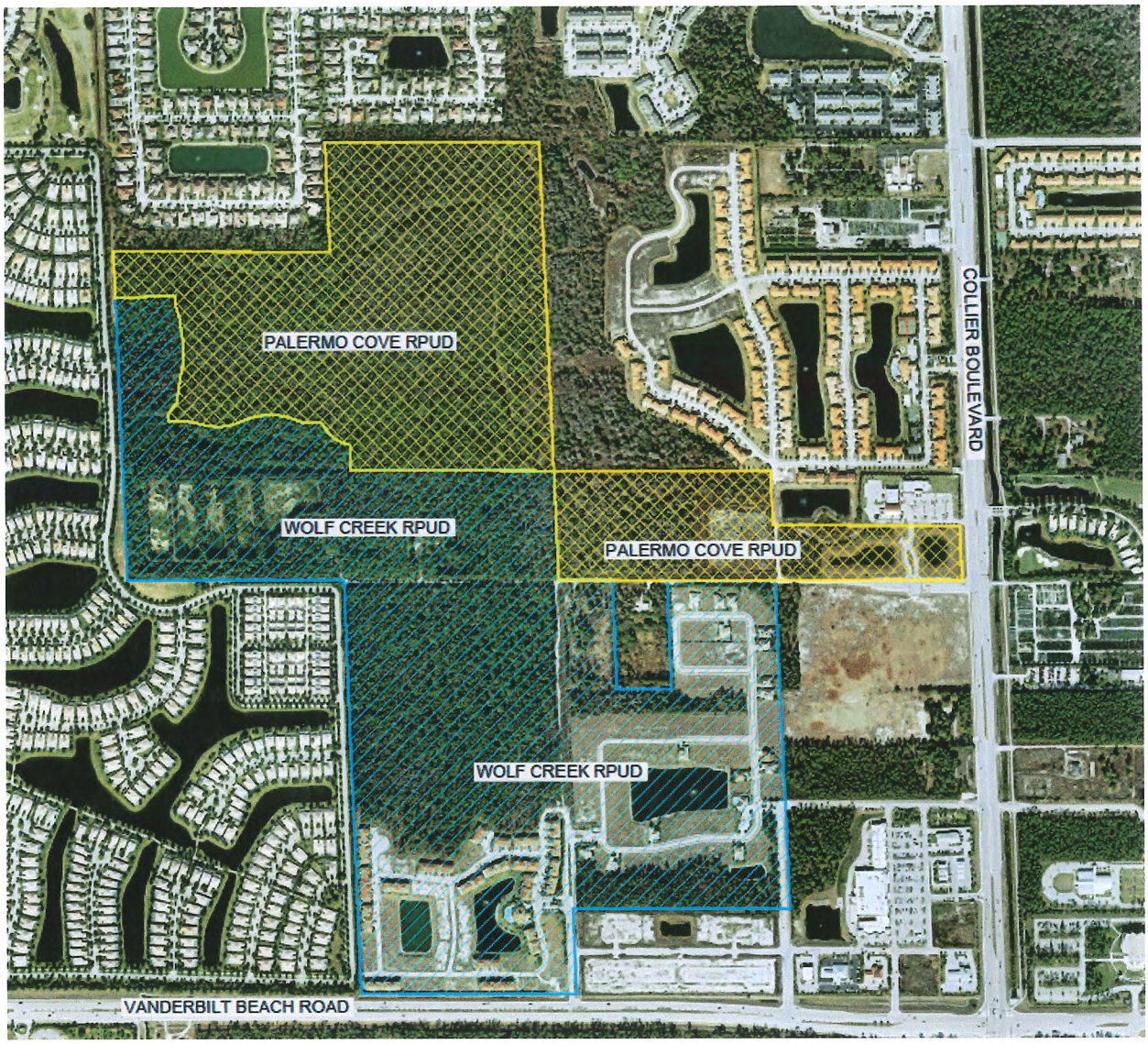
SURROUNDING LAND USE AND ZONING:

North: Indigo Lakes PUD, a developed residential project on 181± acre approved at a density of 2.43 units per acre in Ordinance #01-53, with single-family home sites bordering the subject site.

East: Summit Lakes PUD, a developing residential 98± acre PUD zoned project approved at a density of 4.0 units per acre in Ordinance #04-49.

South: Wolf Creek PUD, the subject of the companion PUD amendment petition; Island Walk DRI/PUD, a developed project on 705 acres approved in Ordinances # 97-6 and #98-58 at a density of 3.0 units per acre with a 10 acre town center area; and Sonoma Oaks MPUD, approved in Ordinance # 10-48 to allow 120,000 square feet of commercial development and senior housing units at 0.6 FAR.

West: Island Walk DRI/PUD, a 705 acre project approved for a maximum of 2,100 residential units (approved at a density of 3.0 units per acre) and ten acres of commercial uses.



Aerial Photo (the subject site, shown in yellow, is approximate)

GROWTH MANAGEMENT PLAN (GMP) CONSISTENCY:

Future Land Use Element (FLUE): The subject property is designated Urban Mixed-Use District, Urban Residential Subdistrict on the Future Land Use Map of the Growth Management Plan. This district is intended to accommodate a variety of residential and non-residential uses, including Planned Unit Developments. The Subdistrict permits a variety of residential unit types at a base density of 4 dwelling units per acre (DU/A) and limited to a maximum of 16 DU/A, as allowed under the Density Rating System. No density bonuses are requested and no density reductions are applicable. Therefore the site is eligible for 4 DU/A. The requested density is 2 DU/A. Other relevant GMP Policies are provided below in italics, with staff's comments following in regular type.

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. Access to the project has been provided via Wolfe Road, onto Collier Boulevard, and via [proposed] Pristine Drive, onto Vanderbilt Beach Road.

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. Internal access has been provided onto and [by cross-access] through the neighboring Carolina Village mixed-use development, and Mission Hills commercial shopping center to help reduce vehicle congestion on nearby collector and arterial roads.

Policy 7.3: All new and existing developments shall be encouraged to connect their local streets and their interconnection points with adjoining neighborhoods or other developments regardless of land use type. The Master Plan provides interconnection between Wolf Creek PUD and Palermo Cove RPUD to the north by way of Wolfe Road, and is further depicted on the Master Plan that the developer of Palermo Cove PUD will extend Pristine Drive north of Wolfe Road. To the south, between the entrance of Wolf Creek PUD and Buckstone Drive, is an interconnection with the proposed roadway, Carolina Way. To the east, Wolfe Creek PUD provides connection between Buckstone Drive and Mission Hills Drive which connects to Collier Boulevard (CR 951). To the west is the developed gated community of Island Walk PUD.

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. This amendment reconfigures two adjacent existing residential planned unit developments of previously uniform density. With this PUD amendment, Palermo Cove and Wolf Creek provide a blend of densities from two to four residential units per acre. The PUD includes civic, or "amenity" uses for the community's residents – including clubhouses, tennis clubs, health spas, and accessory uses. The PUD includes open space in the form of preserve areas and, recreational uses and facilities. The PUD permits several types of dwelling units – including single-family, two-family and multi-family, with minimum floor areas ranging from 1,000 square feet to 1,500 square feet. This amendment requests deviation from the LDC Sidewalks, Bike Lane and Pathway Requirements to allow sidewalks on one side of the street only, in 3 of the northernmost tracts to be developed; nonetheless the project does include sidewalks.

Based upon the above analysis, staff concludes the proposed uses and density may be deemed consistent with the Future Land Use Element of the Growth Management Plan.

Transportation Element: Transportation Planning staff has reviewed the petitioner's combined Traffic Impact Statement (TIS) for the companion items Wolf Creek and Palermo Cove. As the remaining developable rights for the two PUDs are being combined to form a single development using a common access point, the TIS was considered as a joint/combined study.

The unit count for Wolf Creek is found to increase by 83 units; however the adjacent Palermo Cove decreases by 287 units. The total for the two developments is 991 dwelling units, a net reduction of 204 units below the previous total.

The study indicates that there is a net decrease in the PM Peak Hour Trip Generation. Therefore the adjacent roadway network has sufficient capacity to accommodate this project within the 5 year planning period. Staff recommends that the subject application can be found consistent with Policy 5.1 of the Transportation Element of the Growth Management Plan (GMP).

Conservation and Coastal Management Element (CCME): Environmental review staff found this project to be consistent with the Conservation & Coastal Management Element (CCME). A minimum of 25 % of the existing native vegetation shall be placed under preservation and dedicated to Collier County. The minimum preserve required is 12.65 acres; 30.7 is being provided. This exceeds the GMP requirement.

GMP Conclusion: The GMP is the prevailing document to support land use decisions such as this proposed rezoning. Staff is required to make a recommendation regarding a finding of consistency or inconsistency with the overall GMP as part of the recommendation for approval, approval with conditions, or denial of any rezoning petition. A finding of consistency with the FLUE and FLUM designations is a portion of the overall finding that is required, and staff believes the petition is consistent with the FLUM and the FLUE as indicated previously in the GMP discussion. The proposed rezone is consistent with the GMP Transportation Element as previously discussed. Environmental staff also recommends that the petition be found consistent with the CCME. Therefore, zoning staff recommends that the petition be found consistent with the goals, objective and policies of the overall GMP.

ANALYSIS:

Staff has completed a comprehensive evaluation of this land use petition including the criteria upon which a recommendation must be based, specifically noted in Land Development Code (LDC) Subsection 10.02.13.B.5, *Planning Commission Recommendation* (commonly referred to as the "PUD Findings"), and Subsection 10.03.05.I, *Nature of Requirements of Planning Commission Report* (referred to as "Rezone Findings"), which establish the legal bases to support the CCPC's recommendation. The CCPC uses these same criteria as the bases for their recommendation to the Board of County Commissioners (BCC), who in turn use the criteria to support its action on the rezoning or amendment request. An evaluation relative to these subsections is discussed below, under the heading "Zoning Services Analysis." In addition, staff offers the following analyses:

Environmental Review: Environmental Services staff has reviewed the petition and the PUD document to address environmental concerns. There are no outstanding environmental issues. This project is not required to be reviewed by the Environmental Advisory Council (EAC).

The existing Palermo Cove PUD required preserve area is 14.2± acres, the minimum required preserve area is 12.65± acres for the reduced project area. The Palermo Cove PUD will provide approximately 30.7± acres of preserve as shown on the PUD Master Plan. A total of 1.55± acres will be removed from Palermo Cove RPUD and added to Wolf Creek PUD.

Transportation Review: Transportation Division staff has reviewed the petition and the PUD document and Master Plan for right-of-way and access issues and is recommending approval subject to the Transportation Development Commitments contained in the RPUD Ordinance. Transportation Planning staff offers the following analysis of roadway issues.

Vanderbilt Beach Road Discussion:
The first concurrency link on Vanderbilt Beach Road that is impacted by this zoning amendment is Link 112.0, between Logan Boulevard and Collier Boulevard. This segment of Vanderbilt Beach Road currently has a remaining capacity of 1,684 trips, and is currently at LOS "B" as reflected by the 2012 AUIR.

Collier Boulevard Discussion:
The first concurrency link on Collier Boulevard that is impacted by this zoning amendment is Link 30.1, between Immokalee Road and Vanderbilt Beach Road. This segment of Collier Boulevard currently has a remaining capacity of 1,067 trips, and is currently at LOS "C" as reflected by the 2012 AUIR.

Zoning Services Review: FLUE Policy 5.4 requires new land uses to be compatible with, and complementary to, the surrounding land uses. In reviewing the appropriateness of the requested uses and intensity on the subject site, the compatibility analysis included a review of the subject proposal comparing it to surrounding or nearby properties as to allowed use intensities and densities, development standards (building heights, setbacks, landscape buffers, etc.), building mass, building location and orientation, architectural features, amount and type of open space and location. Zoning staff is of the opinion that this project will be compatible with and complementary to, the surrounding land uses. To support that opinion staff offers the following analysis of this project.

The petitioner is reducing the number of units from 524 units (at a density of 4 units per acre [upa]) and the possibility of a single-family attached, single-family detached or a multi-family development, to a maximum of 237 units (at a density of 2 upa) and removal of the allowance to build multi-family units. The surrounding developed area, north and west, are developed with single-family homes (Island Walk at 3 upa and Indigo Lakes at 2.43 upa). The proposed property development regulations would provide larger lot development in buildings that would not exceed an actual height of 45 feet.

Since no increase in density is proposed, staff believes this amendment is consistent with FLUE Policy 5.4 that requires new land uses to be compatible with the surrounding area.

Deviation Discussion:

The petitioner is seeking approval of seven deviations from the requirements of the LDC. The deviations are listed in the PUD document in Exhibit D. Deviations are a normal derivative of the PUD zoning process following the purpose and intent of the PUD zoning district as set forth in LDC Section 2.03.06 which says in part:

> *It is further the purpose and intent of these PUD regulations to encourage ingenuity, innovation and imagination in the planning, design, and development or redevelopment of relatively large tracts of land under unified ownership or control. PUDs . . . . may depart from the strict application of setback, height, and minimum lot requirements of conventional zoning districts while maintaining minimum standards by which flexibility may be accomplished, and while protecting the public interest . . . .*

Deviation 1 seeks relief from Section 4.06.02 of the LDC, Buffer Requirements, which requires a 10 foot wide Type A landscape buffer between similar residential land uses to allow no buffer between commonly owned properties where indicated on the conceptual Master Plan.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation is justified in this PUD due to the common land ownership and development between the northern portion of Wolf Creek PUD and Palermo Cove PUD. Approval of the deviation will permit development of a unified development plan.*

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved, however staff recommends that the trees that would be required in the buffer be planted elsewhere on site. Since Wolf Road will be a primary access point into the development, staff believes that it would be appropriate to relocate the trees along that roadway frontage. These trees would be in addition to any required trees. Staff is recommending approval of this same deviation in the companion request for Wolf Creek PUD with the same recommendation.

Zoning and Land Development Review staff recommends APPROVAL of this deviation subject to the following stipulations:

> *a. This deviation approval is only applicable for that area between the northern portion of Wolf Creek PUD and Palermo Cove PUD; and*
>
> *b. The trees that would be required in the buffer shall be relocated to the Wolf Road roadway. These trees would be in addition to any required vegetation;*

finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 2 seeks relief from LDC Section 6.06.02.A.2, Sidewalks, Bike Lane and Pathway Requirements, which requires sidewalks to be constructed on both sides of local streets, to allow sidewalks on one side of the street only. See Exhibit E-2, Alternative Pathways Plan, of the PUD Exhibits.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation is justified in this PUD due to the limited number of units authorized to be constructed within the amended portion of the Wolf Creek PUD. The sidewalk on one side of the roadway will also permit the developer to provide a streetscape more desirable to the residents of the community.*

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved with the limitation provided in the rationale for the Wolf Creek RPUD, i.e., "Dual

sidewalks will be provided along the private primary loop road within the community and public roadways." The applicant has provided Exhibit E-2 showing an Alternative Pathways Plan, that has been approve by Transportation Planning staff.

Zoning and Land Development Review staff recommends APPROVAL of this deviation in compliance with Exhibit E-2, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 3 seeks relief from LDC Section 6.06.01.O, Street System Requirements and Appendix B, Typical Street Sections and Right-of-Way Design Standards, which establishes a 60 foot wide local road to allow a minimum 40' wide private road. See Exhibit C-1, Private Road Cross-section, of the PUD Exhibits.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation will allow the developer to provide all required infrastructure within a combination of dedicated right-of-way and easements. All roadways are intended to be private and in a gated community. A cross-section of the proposed internal private road is provided.*

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved. It has been approved in numerous other PUD zoned projects such as the Brynwood Center PUD (PUDZ-PL2011-0000406); Naples View RPUD (PUDZ-PL20110001519) to 45 feet; Mirasol (PUDZ-A2012-0000303) to allow a minimum right-of-way width of 40' for private local streets and 50' for private spine roads; and Parklands PUD (PUDA-PL20110001551) to mention a few.

Zoning and Land Development Review staff recommends APPROVAL of this deviation subject to compliance with Exhibit C-1, Private Road Cross-section, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 4 seeks relief from LDC Section 6.06.01.J, Street System Requirements, which limits cul-de-sacs to a maximum length of 1,000 feet to permit a cul-de-sac approximately 1,400 feet in length with appropriate signage.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *The deviation will be limited to one cul-de-sac street within the PUD, and is warranted due to the configuration of the lake and preserve areas on the Master Plan. The County Engineer is authorized to grant this deviation administratively; however, the owner wishes to have certainty in order to proceed with engineering design.*

Staff sees no detrimental effect if this deviation request is approved, however in recognition of past CCPC recommendations, staff suggests that the following stipulation should be added to this approval:

> *The developer, or successors and assigns, shall provide a stabilized emergency vehicle turn - around, meeting local fire prevention code criteria, approximately midway along the cul-de-sac.*

The petitioner has not sought relief (nor can he) from any fire code requirements as part of this zoning action, thus it is understood that compliance would be required.

Zoning and Land Development Review staff recommends APPROVAL of this deviation with the stipulation that the developer, or successors and assigns, shall provide a stabilized emergency vehicle turn - around, meeting local fire prevention code criteria, approximately midway along the cul-de-sac, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 5 seeks relief from LDC Section 4.05, which requires parking for accessory recreational facilities to be provided at 50% of the normal LDC parking requirements when dwelling units are located greater than 300' from the recreational facility, to permit parking for all accessory recreational facilities located in the amenity area as depicted on the Master Plan to be based on square footage rather than individual components at a calculation of one space per 200 square feet of building area.

Petitioner's Rationale: The applicant states in his justification for this deviation the following:

> *This deviation is justified in this PUD due to the limited number of dwelling units proposed, the limited size of the amenity tract, and its central location within the community. This is a gated, non-golf course PUD and the Developer is limiting use of the facility to residents (and guests) of the Palermo Cove PUD, the 163 dwelling units the Developer controls in the adjoining Wolf Creek PUD. The overall PUD has been designed with a pedestrian pathways plan which provides easy walking access to the amenity center for residents, and the Developer will provide bicycle parking on-site in order to provide alternatives to automobile use. Further, the Developer is proposing only single-family dwelling unit types within the PUD, and it is anticipated that at least 30% of the dwelling units will have an individual swimming pool. The Developer has been involved in numerous master planned communities in southwest Florida and has utilized the proposed parking standard in other communities without issue. The developer is confident that providing parking at the proposed ratio will not result in a shortage of available parking for residents and guests of the community, nor will it create any public safety issues.*

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved. It has been approved in numerous other PUD zoned projects such as those listed above.

Zoning and Land Development Review staff recommends APPROVAL of this deviation, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the

element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

Deviation 6 seeks relief from LDC Section 5.06.02, Development Standards for Signs within Residential Districts, which only allows On-premises signs within residential districts, to permit one off-premise residential sign, if developer is able to obtain a sign easement and PUD amendment from the property owner of the Sonoma Oaks MPUD, located immediately south of the Wolfe Road/Collier Boulevard intersection. The sign area would be a maximum of 80 square feet, and be designed to be a ground mounted sign having the same sign copy and design theme as that permitted on the north side of Wolfe Road within the Palermo Cove RPUD. This deviation shall only be permitted in the event Deviation #7 is not utilized.

Petitioner's Rationale: The petitioner provided the following justification for this deviation:

> *This deviation will allow the property owner to have residential entry signage located on both sides of Wolfe Road, which will allow appropriate visibility of the residential project. Because the area immediately south of Wolfe Road is located within another PUD locating a sign on both sides of the project entry is not possible unless it is placed off-site.*

Staff sees no detrimental effect if this deviation request is approved subject to the stipulation to require the Sonoma Oaks PUD to be amended to allow same. However, staff does not believe this deviation in the Palermo Cove PUD is required.

A deviation was approved for the Longshore Lake PUD (Ordinance #09-20) to allow and off-site sign for the Terafina PUD. Staff, however, can find no evidence to show that Terafina PUD had any language or deviation to address that off-site sign. As to the proposed sign size; and type, i.e., ground mounted; and the sign copy and design theme, those issues would be addressed as part of any amendment approval of the Sonoma Oaks PUD.

Zoning and Land Development Review staff recommends DENIAL of this deviation, finding that the deviation is not necessary.

Deviation 7 seeks relief From LDC Section 5.06.02.B.6, Development Standards for Signs within Residential Districts, which allows two ground signs at each residential entrance, to permit either one sign to be located on the north east corner of the property facing Collier Boulevard and one sign to be located at the intersection of Wolf Road as depicted on Exhibit E-1, or to permit a single monument V-shaped sign on the north side of Wolfe Road, and to permit a maximum sign/wall height of 10' above the grade of Collier Boulevard, with a maximum sign area not to exceed 80 square feet, as conceptually depicted in Exhibits E-3 and E-4.

Petitioner's Rationale: The petitioner provided the following justification for this deviation:

> *The deviation is warranted due to the project's location on the north side of Wolfe Road, adjacent to the 6-lane segment of Collier Boulevard, and the presence of a Collier County drainage easement encumbering a portion of the project at the Wolfe Road intersection. Wolfe Road is the primary access to the Palermo Cove PUD and given the location on the*

north side of Wolfe Road, there is no current opportunity to install signage on the south side of Wolfe Road to identify the project for motorists. The area north of Wolfe Road has been developed with Wolfe Road as a signalized intersection which will provide the primary access to the Palermo Cove RPUD. The Developer desires to create a signature entry feature that incorporates project signage for the project. The 80 square feet sign proposed allows the sign to be at an appropriate scale for the entry feature and allows appropriate signage for a large intersection and it addresses the setback from the intersection. The sign will be embellished with decorative wall treatments and landscaping.

Staff Analysis and Recommendation: Staff sees no detrimental effect if this deviation request is approved. It has been approved in other PUD zoned projects.

Zoning and Land Development Review staff recommends APPROVAL of this deviation with the stipulation that approval is limited to what is depicted in Exhibits E-3 and #-4, finding that, in compliance with LDC Section 10.02.13.A.3, the petitioner has demonstrated that "the element may be waived without a detrimental effect on the health, safety and welfare of the community," and LDC Section 10.02.13.B.5.h, the petitioner has demonstrated that the deviation is "justified as meeting public purposes to a degree at least equivalent to literal application of such regulations."

FINDINGS OF FACT:

LDC Subsection 10.03.05.I.2 states, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners...shall show that the planning commission has studied and considered proposed change in relation to the following when applicable." Additionally, Section 10.02.13 of the Collier County LDC requires the Planning Commission to make findings as to the PUD Master Plans' compliance with the additional criteria as also noted below. [Staff's responses to these criteria are provided in bold, non-italicized font]:

PUD Findings: LDC Subsection 10.02.13.B.5 states that, "In support of its recommendation, the CCPC shall make findings as to the PUD Master Plan's compliance with the following criteria" (Staff's responses to these criteria are provided in bold font):

1. 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.

Staff has reviewed the proposed amendment and believes the uses and property development regulations are compatible with the development approved in the area. The commitments made by the applicant should provide adequate assurances that the proposed change should not adversely affect living conditions in the area.

2. Adequacy of evidence of unified control and suitability of any proposed agreements, contracts, 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.

Documents submitted with the application, which were reviewed by the County Attorney's Office, demonstrate unified control of the property. Additionally, the development will be

required to gain platting and/or site development approval. Both processes will ensure that appropriate stipulations for the provision of and continuing operation and maintenance of infrastructure will be provided by the developer.

3. Conformity of the proposed Planned Unit Development with the goals, objectives, and policies of the Growth Management Plan (GMP).

Staff has reviewed this petition and has offered an analysis of the relevant goals, objectives and policies of the GMP within the GMP discussion and the attached report from Comprehensive Planning staff and the zoning analysis of this staff report. Based on those staff analyses, planning zoning staff is of the opinion that this petition may be found consistent with the overall GMP.

4. 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.

Staff has provided a review of the proposed uses and believes that the project will be compatible with the surrounding area. While the applicant proposed some additional property development regulations, the uses are not changing as part of this amendment and the uses approved in the original PUD rezone were determined to be compatible. The petitioner is revising some property development regulations, but staff believes uses remain compatible given the proposed development standards and project commitments.

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

The amount of native preserve aside for this project meets the minimum requirement of the LDC.

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

The roadway infrastructure has adequate capacity to serve the proposed project at this time, i.e., GMP consistent at the time of rezoning as evaluated as part of the GMP Transportation Element consistency review. The project's development must comply with all other applicable concurrency management regulations when development approvals are sought. Additionally, the PUD document contains additional developer commitments that should help ensure there are adequate facilities available to serve this project.

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

The area has adequate supporting infrastructure such as road capacity, wastewater disposal system, and potable water supplies to accommodate this project based upon the commitments made by the petitioner and the fact that adequate public facilities requirements will be addressed when development approvals are sought.

8. Conformity with PUD regulations, or as to desirable modifications of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes to a degree at least equivalent to literal application of such regulations.

The petitioner is seeking approval of seven deviations to allow design flexibility in compliance with the purpose and intent of the Planned Unit Development Districts (LDC Section 2.03.06.A). This criterion requires an evaluation of the extent to which development standards and deviations proposed for this PUD depart from development standards that would be required for the most similar conventional zoning district. Staff has provided an analysis of the deviations in the Deviation Discussion portion of this staff report, and is recommending approval of the deviations.

Rezone Findings: *LDC Subsection 10.03.05.I. states*, "When pertaining to the rezoning of land, the report and recommendations to the planning commission to the Board of County Commissioners…shall show that the planning commission has studied and considered proposed change in relation to the following when applicable" *(Staff's responses to these criteria are provided in bold font):*

1. Whether the proposed change will be consistent with the goals, objectives, & policies of the Future Land Use Map and the elements of the Growth Management Plan.

The zoning analysis provides an in-depth review of the proposed amendment. Staff is of the opinion that the project as proposed is consistent with GMP FLUE Policy 5.4 requiring the project to be compatible with neighborhood development. Staff recommends that this petition be deemed consistent with the FLUE of the GMP. The petition can also be deemed consistent with the CCME and the Transportation Element. Therefore, staff recommends that this petition be deemed consistent with the GMP.

2. The existing land use pattern;

Staff has described the existing land use pattern in the "Surrounding Land Use and Zoning" portion of this report and discussed it at length in the zoning review analysis. Staff believes the proposed amendment is appropriate given the existing land use pattern, and development restrictions included in the PUD Ordinance.

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

The proposed PUD amendment would not create an isolated zoning district because the subject site is already zoned PUD with the exception of a small tract of land that is abutting the existing PUD boundary that is being added (the Scenic Woods RSF-6(4) zoned site).

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

Staff is of the opinion that the district boundaries are logically drawn given the current property ownership boundaries and the existing PUD zoning.

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

The proposed amendment is not necessary, *per se*; but it is being requested in compliance with the LDC provisions to seek such the amendment to allow the owner the opportunity to develop the land with uses other than what the existing zoning district would allow. Without this amendment, the property could be developed in compliance with the existing PUD ordinance regulations.

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

Staff is of the opinion that the proposed amendment, with the commitments made by the applicant, can been deemed consistent County's land use policies that are reflected by the Future Land Use Element (FLUE) of the GMP. The project includes numerous restrictions and standards that are designed to address compatibility of the project. Development in compliance with the proposed PUD amendment should not adversely impact living conditions in the area.

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 roadway infrastructure has adequate capacity to serve the proposed project with the mitigation that will be provided by the developer (Developer Commitments). Staff believes the petition can be deemed consistent with all elements of the GMP if the mitigation is included in any recommendation of approval.

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

The proposed amendment should not create drainage or surface water problems. The developer of the project will be required to adhere to a surface water management permit from the SFWMD in conjunction with any local site development plan approvals and ultimate construction on site.

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

If this amendment petition is approved, any subsequent development would need to comply with the applicable LDC standards for development or as outlined in the PUD document. The setbacks and project buffers will help insure that light and air to adjacent areas will not be substantially reduced.

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

This is a subjective determination based upon anticipated results, which may be internal or external to the subject property. Property valuation is affected by a host of factors including zoning; however zoning by itself may or may not affect values, since value determination is driven by market conditions.

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

The proposed zoning change should not be a deterrent to the improvement of adjacent properties.

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

The proposed development complies with the Growth Management Plan which is a public policy statement supporting zoning actions when they are consistent with said Comprehensive Plan. In light of this fact, the proposed change does not constitute a grant of special privilege. Consistency with the FLUE is further determined to be a public welfare relationship because actions consistent with plans are in the public interest.

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

The subject property could be developed within the parameters of the existing zoning designations; however, the petitioner is seeking this amendment in compliance with LDC provisions for such action. The petition can be evaluated and action taken as deemed appropriate through the public hearing process. Staff believes the proposed amendment meets the intent of the PUD district, if staff's conditions of approval are adopted, and further, believes the public interest will be maintained.

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

As noted previously, the majority of the subject property already has a zoning designation of PUD; the PUD rezoning was evaluated at the rezoning stage and was deemed consistent with the GMP. The GMP is a policy statement which has evaluated the scale, density and intensity of land uses deemed to be acceptable throughout the urban-designated areas of Collier County. Staff is of the opinion that the development standards and the developer commitments will ensure that the project is not out of scale with the needs of the community.

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

The petition was reviewed on its own merit for compliance with the GMP and the LDC; and staff does not review other sites in conjunction with a specific petition. The proposed amendment is consistent with the GMP as it is proposed to be amended as discussed in other portions of the staff report.

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.

Additional development anticipated by the PUD document would require considerable site alteration. This project will undergo extensive evaluation relative to all federal, state, and

local development regulations during the site development plan or platting approval process and again later as part of the building permit process.

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, as amended.

This petition has been reviewed by county staff that is responsible for jurisdictional elements of the GMP as part of the amendment process and those staff persons have concluded that no Level of Service will be adversely impacted with the commitments contained in the PUD document.

18. Such other factors, standards, or criteria that the Board of County Commissioners (BCC) shall deem important in the protection of the public health, safety, and welfare.

To be determined by the BCC during its advertised public hearing.

NEIGHBORHOOD INFORMATION MEETING (NIM):

The applicant's agents conducted a duly noticed NIM on December 6, 2012, at the Sheppard of the Glades Church on Rattlesnake Hammock Road for the two projects. Wayne Arnold, agent for the applicant, opened the meeting at 5:35 p.m. and introduced himself, Michael Delate and Sharon Umpenhour with Q. Grady Minor and Associates, P.A., and Richard Yovanovich with Coleman, Yovanovich and Koester, P.A., representing the owner/developer, Sean Martin with Waterman Development, representing the property owner and Kay Deselem, representing Collier County Growth Management. There were approximately thirty members of the public in attendance.

Mr. Arnold introduced and explained the project as it exists and then proceeded to explain the proposed amendment requests. He stated that approximately 16 acres of the existing Palermo Cove RPUD would be removed from the Palermo Cove RPUD and incorporated into the Wolf Creek RPUD and the total number of dwelling units for the proposed Palermo Cove RPUD would be reduced to 237 dwelling units. He explained that the Wolf Creek PUD would increase the number of units from 671 to 754. Aerial photographs of the PUD's were displayed along with the existing and proposed Master Plans. It was also explained that a common development plan was intended for all properties owned by Waterman, and that only single-family dwellings would be built in these areas. A PowerPoint presentation was provided showing proposed and existing preserve areas, boundaries, acreages, maximum dwelling units and unified development of the PUD

Mr. Arnold discussed the removal of the affordable housing commitment and removal of multiple-family uses from the proposed Palermo Cove RPUD and amended portion of the Wolf Creek RPUD.

Mr. Arnold concluded his presentation and asked for comments or questions from the meeting attendees. Questions asked were regarding hearing dates, setbacks, construction access locations, building heights, product type, buffers and if the development would be age restricted. Mr. Arnold addressed the attendee's questions and also provided an explanation of the distinction between zoned and actual height and described variable lot line product type proposed.

Mr. Arnold offered to provide any additional information if requested and to contact, Kay Deselem, Sharon Umpenhour or himself if anyone had further questions. The meeting was adjourned at approximately 6:05 p.m.

COUNTY ATTORNEY OFFICE REVIEW:

The County Attorney Office reviewed the staff report for this petition on March 1, 2013.

RECOMMENDATION:

Zoning and Land Development Review Services staff recommends that the Collier County Planning Commission forward Petition PUDZ-A-PL20120000680 to the BCC with a recommendation of approval subject to the following stipulations:

1. Approve Deviation #1 subject to the following limitations:

   a. *This deviation approval is only applicable for that area between the northern portion of Wolf Creek PUD and Palermo Cove PUD.*

   b. *The trees that would be required in the buffer shall be relocated to the Wolf Road roadway. These trees would be in addition to any required vegetation.*

2. Approve Deviation #2 subject to compliance with Exhibit E-2.

3. Approve Deviation #3 subject to compliance with Exhibit C-1, Private Road Cross-section.

4. Approve Deviation #4 subject to the following limitation:

   The developer, or successors and assigns, shall provide a stabilized emergency vehicle turn - around, meeting local fire prevention code criteria, approximately midway along the cul-de-sac.

5. Deny Deviation #6 as it is not necessary.

PREPARED BY:

Kay Deselem — 2/25/13

KAY DESELEM, AICP, PRINCIPAL PLANNER — DATE
DEPARTMENT OF PLANNING AND ZONING

REVIEWED BY:

Ray V. Bellows — 2.26.13

RAYMOND V. BELLOWS, ZONING MANAGER — DATE
DEPARTMENT OF PLANNING AND ZONING

MPB — 2-28-13

MIKE BOSI, AICP, INTERIM DIRECTOR — DATE
DEPARTMENT OF PLANNING AND ZONING

APPROVED BY:

3-8-13

NICK CASALANGUIDA, ADMINISTRATOR — DATE
GROWTH MANAGEMENT DIVISION

Tentatively scheduled for the May 14, 2013 Board of County Commissioners Meeting

16A7. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to authorize the Clerk of Courts to release a cash bond in the amount of $6,312.60 which had been posted as security for clearing associated with the Saturnia Lakes subdivision (AR-2071).

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A8. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve for recording the final plat of Cordoba at Lely Resort, Lots 5 - 13, Lots 18 - 26 Replat, Application Number FP-PL20120002957.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A9. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve extensions for completion of subdivision improvements associated with the Moorgate Point subdivision (AR-7618) and Classics Plantation Estates, Phase Three subdivision (AR-7433) pursuant to Section 10.02.05 B.11 of the Collier County Land Development Code.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A13. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to adopt a Resolution to set a public hearing to consider vacating a 20-foot wide Lake Maintenance Easement (L.M.E.), being a part of Tract E of Fiddlers Creek Phase 5, Aviamar Unit One, Plat Book 45, pages 34 through 39 of the Public Records of Collier County, Florida, also being a part of Section 13, Township 51 South, Range 26 East, Collier County, Florida. Application No. VAC-PL20130000583..

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A16. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve for recording the final plat of Torino Replat, Application Number FP-PL20130000083.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A20. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve extensions for completion of subdivision improvements associated with Orange Blossom Ranch Phase 1A (AR-7186) and Orange Blossom Ranch Phase 1B (AR-7431) pursuant to Section 10.02.05 B.11 of the Collier County Land Development Code.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

16A21. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. Recommendation to approve for recording the final plat of Esplanade Golf and Country Club of Naples, (Application Number PL20120001261) approval of the standard form Construction and Maintenance Agreement and approval of the amount of the performance security.

☒ **NO DISCLOSURE FOR THIS ITEM**

☐ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

SUMMARY AGENDA

17B. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. An Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance Number 2007-46, as amended, the Wolf Creek Residential Planned Unit Development, PUDZA-PL20120000650, by increasing the permissible number of dwelling units from 671 to 754; by amending Ordinance Number 2004-41, the Collier County Land Development Code by amending the appropriate zoning atlas map or maps by changing the zoning classification of an additional 5± acres of land from RMF-6(4) Scenic Woods Rezone to the Wolf Creek RPUD and by changing the zoning classification of an additional 16± acres from Palermo Cove PUD to Wolf Creek PUD; by revising the development standards; by adding Exhibit A-1, the amended Master Plan for parcels 1A through 3A; by adding Exhibit "D", Private Road Cross-Section for Parcels 1A through 3A; by adding Table II, Development Standards for Parcels 1A through 3A; and by adding deviations and revising developer commitments. The subject property is located on the north side of Vanderbilt Beach Road (C.R. 862) approximately one-half mile west of Collier Boulevard (C.R. 951) in Section 34, Township 48 South, Range 26 East, Collier County, Florida consisting of 189± acres; providing for repeal of Ordinance Number 2007-03, the Scenic Woods Rezone; and by providing an effective date. (Companion to PUDZA-PL20120000680: Palermo Cove PUD)

☐ **NO DISCLOSURE FOR THIS ITEM**

☒ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

Staff Report 3.21.13

17C. This item requires that ex parte disclosure be provided by Commission members. Should a hearing be held on this item, all participants are required to be sworn in. An Ordinance of the Board of County Commissioners of Collier County, Florida amending Ordinance Number 04-41, as amended, the Collier County Land Development Code, which established the comprehensive zoning regulations for the unincorporated area of Collier County, Florida by amending the appropriate zoning atlas map or maps by removing approximately 16 acres from the Palermo Cove Residential Planned Unit Development (RPUD); and by changing the zoning classification of the herein described real property from a RPUD zoning district to a RPUD zoning district for a project known as the Palermo Cove RPUD, PUDZA-PL20120000680, by revising project development standards, adding deviations, adopting a new conceptual master plan, revising developer commitments and reducing the permitted number of dwelling units from 564 to 237 on property located north of Wolfe Road and west of Collier Boulevard (C.R. 951) in Section 34, Township 48 South, Range 26 East, Collier County, Florida, consisting of 115± acres; providing for the repeal of Ordinance Numbers 2005-34 and 2006-30, the former Palermo Cove RPUD; and by providing an effective date. (Companion to PUDZA-PL20120000650: Wolf Creek PUD)

☐ **NO DISCLOSURE FOR THIS ITEM**

☒ **SEE FILE** ☐ Meetings ☐ Correspondence ☐ e-mails ☐ Calls

Staff Report 3.21.13