



**CITY OF MARCO ISLAND CITY COUNCIL STAFF REPORT
FEBRUARY 1, 2021 MEETING**

TO: MARCO ISLAND PLANNING BOARD

FROM: DANIEL J. SMITH, AICP, DIRECTOR OF COMMUNITY AFFAIRS

SUBJECT: REZONE FROM COMMERCIAL PROFESSIONAL (C-1) TO PLANNED UNIT DEVELOPMENT (PUD) 40 S. HEATHWOOD

DATE: JANUARY 21, 2021

PROJECT DESCRIPTION

Mr. Patrick Vanasse of RWA, has submitted for approval of a rezoning request from Commercial Professional C-1 to Planned Unit Development (PUD) to allow for an assisted living and memory care facility (Group 623) excluding Independent Care consisting of 86 units and not to exceed 92 beds. The rezoning will also allow for in-patient hospitals (Group 622), excluding psychiatric and substance abuse hospitals. In addition, the applicant is proposing to build a new Urgent Care facility in place of the existing and remodel the other medical office facility.

Finally, the applicant is proposing to deed a portion of the required opens space to the City as a park (1.87 acres).

PLANNING BOARD

The Planning Board heard this item at the December 4, 2020 meeting. The Planning Board discussed the impacts with the neighboring residential. There was also discussion regarding the park and the building of a new Urgent Care facility. The Planning Board voted 6-0 in favor of recommending approval to the City Council with the following conditions:

1. The 1.87-acre open space be maintained by the PUD ownership. The open space is already required by the LDC.

2. Exclude Psychiatric and Substance abuse services from Nursing and Residential Care uses. Add language prohibiting Independent Living as a use.
3. Revise the open space PUD plan to reflect the open space requirements of Section 30-387 instead of Section 30-1020.

APPLICANT:

San Marco Senior Living, LLC
C/O Walk Chancey
1228 East 7th Ave.
Tampa, FL 33605

Marco Island Hospital, Inc.
PO Box 413029
Naples, FL 34101

OWNER:

Marco Island Hospital, Inc.
PO Box 413029
Naples, FL 34101

CONTRACT PURCHASER

Marco Island Senior Living LLC
Title Member: Walt Chancey
1228 East 7th Ave.
Tampa, FL 33605

AGENT:

Patrick Vanasse, AICP, RWA, Inc.
6610 Willow Park Drive #200, Naples, 34109

PROJECT PROPERTY INFORMATION:

Property ID: 57540040007
Acreage: 10.02 acres
Location: Intersection of S. Heathwood Drive and San Marco Drive
Zoning: C-1

Aerial of the Site:



Zoning Map:



Property to the North – Multi-Family Residential Property Zoned Residential Multi-Family (RMF-12) and C-1(Marco Island Board of Realtors)
Comprehensive Plan allows for up to six units per acre for RMF-12).

Property to the East – Heathwood Drive, Bald Eagle Drive and Residential Property Zoned Residential Single-Family – 4 Units Per Acre (RSF-4) and Government Facilities Zoned
C-1. Comprehensive Plan allows for four units per acre for RMF-4.

Property to the South – San Marco Road and Residential Property Zoned RSF-4
Comprehensive Plan allows for up to four units per acre for RMF-4.

Property to the West – Water Body and across the Water Body Residential Property Zoned RMF-4.
Comprehensive Plan allows for four units per acre for RMF-4.

APPLICANT'S REZONING NARRATIVE



San Marco Planned Unit Development

PUD Rezoning Narrative

The proposed Planned Unit Development (PUD) is located on ±10 acres at the northwest corner of the intersection of San Marco Road and South Heathwood Drive. The current use of the property is an ambulatory healthcare facility and vacant commercial land. The current zoning is Commercial Professional (C-1) within the Architectural Overlay District 2d.

The proposed PUD consists of three separate tracts. The eastern portion of the property is identified as Tract A and is where the NCH Urgent Care is currently located. It is proposed that this tract will be reconfigured and redeveloped. It is anticipated that the existing urgent care facility will be partly demolished, and a new, state-of-the-art urgent care facility will be built. This new building is currently anticipated to be two stories with the Urgent care on the first floor and medical office uses on the second floor. The remaining structure will be used for operational and administrative functions. All uses on Tract A will not exceed 50,050 square feet of intensity. Tract B, located on the southwest portion of the subject property, is where a new Assisted Living and Memory Care Facility (ALF) will be located. This ALF will consist of 86 units, not to exceed 92 beds. On the remaining ±1.87-acre Tract C, a passive public park will be developed and deeded over to the City.

The applicants for this petition are: (i) Marco Island Senior Living, LLC which is the contract purchaser of Tract B and the ALF developer; and (ii) Marco Island Hospital Inc. ("MIH"), which is the owner of the property and contract seller. It should be noted that the Marco Park Trust (Trustee: Kenneth D. Goodman) will be purchasing Tract C and deeding it over to the City once the ALF has obtained its Certificate of Occupancy.

This petition to rezone the subject property from C-1 to PUD will allow the proposed development intent as well as establish development standards for the PUD.

The proposed uses and density comply with the City of Marco Island Comprehensive Plan and its Future Land Use Element. The Future Land Use designation of Community Commercial allows an array of retail, office, and mixed-use projects and a residential density of up to 12 units per acre.

This PUD consists of uses that are much needed on Marco Island and the subject property represents an ideal location for those uses.

Currently, there are no assisted living facilities on Marco Island. The San Marco PUD will fulfill this crucial need by allowing the development of an outstanding ALF, by facilitating the redevelopment of the NCH's Urgent Care unit and complementary medical office uses, and by providing a passive park to the City.

The subject property is an ideal location because it is one of very few properties large enough to house the proposed uses. These uses are complementary, and their co-location creates synergies and efficiencies for all uses. The property is centrally located for convenience and abuts two major roads for easy access. A bus stop located directly in front of this property also provides access to Collier Area Transit which services Marco Island



and the rest of Collier County. This PUD will also provide a public passive park of almost two acres in size and will provide public access along the Castaways Waterway basin.

Moreover, this PUD will be located across the street from the Police, Fire and EMS Departments which will allow for rapid response in the case of an emergency.

This location is also ideal from a compatibility standpoint. The area is home to a mix of uses including multi-family residential communities, the existing urgent care, government offices, medical offices, schools, Fire and EMS and recreational facilities. The proposed PUD will abut San Marco Road to the south, South Heathwood Drive and public facilities to the east, a wide water basin to the west, and a multi-family development and vacant commercial (C-1) land to the north. The proposed facilities will have a common campus theme, a unified landscape design and attractive new facilities that will be designed and built by an outstanding team of developers and operators that have an impressive track record of providing premier facilities throughout Florida.

Lastly, the proposed PUD is made possible through a collaborative effort between Marco Island Senior Living, LLC, The Marco Park Trust, MIH and NCH. The sale of Tracts B and C will provide necessary funds to allow the redevelopment of the urgent care facility which is in significant need of an upgrade. MIH and NCH plans to build a state-of-the-art facility that will allow it to better serve Marco Island residents.

The developer, Marco Island Senior Living, LLC and the facility operator, The Watermark Retirement Communities represent an outstanding team of architects, developers, and operators of ALF facilities. They build and operate premiere facilities that offer industry-leading care.

COMPREHENSIVE PLAN

The subject property has a designation by the Future Land Use Element Map of Community Commercial allowing a maximum of 12 unit per acre for residential development.



 LOW DENSITY RESIDENTIAL 0-4 UNITS PER ACRE	 VILLAGE COMMERCIAL
 MEDIUM DENSITY RESIDENTIAL 0-8 UNITS PER ACRE	 COMMUNITY COMMERCIAL
 HIGH DENSITY RESIDENTIAL 0-16 UNITS PER ACRE	 TOWN CENTER / MIXED USE
 RESORT / RESIDENTIAL 0-16 UNITS PER ACRE 0-26 HOTEL/MOTEL UNITS	 HEAVY COMMERCIAL
 COMMUNITY FACILITY	 PRESERVATION / CONSERVATION - Private
 PLANNED UNIT DEVELOPMENT	 PRESERVATION / CONSERVATION - Public
 CITY LIMITS	

Commercial Uses

Land Use Category	Typical Uses	Residential Density (Thru 12/31/08)	Acres	Total Density (Thru 12/31/08)	Residential Density (After 1/1/09)	Acres	Total Density (After 1/1/09)
Village Commercial	Retail, Office, Mixed Use	Up to 8 units/acre (+15 AHDB units)	30	255	Up to 8 units/acre (+15 AHDB units)	30	255
	Hotel/Motel/Timeshare	Up to 26 units/acre	5	130	Up to 26 units/acre	5	130
Community Commercial	Retail, Office Mixed Use	Up to 12 units/acre (+25 AHDB units)	75	925	Up to 12 units/acre (+25 AHDB units) (-48 units City Hall)	75	877

City of Marco Island
Comprehensive Plan

1 - 2

Last Amended 12/07/09

PROPOSED PUD

This is an application to rezone an existing +/- 10.02 C-1 zoned property to Planned Unit Development (PUD). The Land Development Code (LDC) requires a minimum of 10 acre to rezone to a PUD. Having met that condition, the applicant wishes to allow for the following density, uses, and development standards:

Text of PUD Ordinance

Exhibit A

List of Permitted Uses

San Marco Planned Unit Development

Regulations for development of the San Marco Planned Unit Development (PUD) shall be in accordance with the contents of this PUD Ordinance and applicable sections of the Land Development Code (LDC) and Comprehensive Plan in effect at the time of issuance of any development order to which said regulations relate. Where this PUD Ordinance does not provide development standards, then the provisions of the specific sections of the LDC that are otherwise applicable shall govern.

I. MAXIMUM DENSITY and INTENSITY

A maximum of 86 Assisted Living Facility (ALF) units, not to exceed 92 beds shall be allowed within the PUD. The ALF use shall be restricted to Tract B as defined on the PUD Master Plan.

A maximum of 50,050 square feet of medical and complementary commercial and office uses shall be allowed within Tract A of the PUD, as defined on the PUD Master Plan.

II. PERMITTED USES:

The following uses, as identified with a number from the North American Industry Classification System (1997), or as otherwise provided for within this section, are permitted as of right, or as uses accessory to permitted uses within this PUD:

- A. Principal Uses:
 - 1. C-1 Uses (Tract A only)
 - 2. Ambulatory Health Care (Group 621) (Tract A only)
 - 3. Hospitals (Group 622), excluding Psychiatric and Substance Abuse Hospitals (Tract A only)
 - 4. Nursing and Residential Care Facilities (Group 623) limited to subgroups 6231 Nursing Care Facilities, and 6233 Community Care Facilities for the Elderly (Tract B only)
 - 5. Public parks and open space

- B. Accessory Uses:
 - 1. Uses and structures that are accessory and incidental to the customary principal uses permitted above.
 - 2. Any other accessory use which is comparable in nature with the foregoing list of permitted accessory uses, as determined by the Board of Zoning Appeals ("BZA").

9/15/2020

Text of PUD Ordinance

Exhibit B

Development Standards

San Marco Planned Unit Development

Principal Structures	
Minimum Lot Area	20,000 square feet
Minimum Unit Size	350 square feet
Minimum Lot Width	100 feet
Minimum Yard Requirements *	
Front Yard	25 feet
Side Yard	15 feet
Rear Yard/Water Basin	15 feet
Minimum yard requirement from any residentially zoned or used property	25 feet
Minimum yard from ALF building to northern boundary	275 feet
Maximum height of structures**	35' 10"
Minimum floor area of principal structure	1,000 square per building
Minimum building separation	½ the sum of the building heights
Accessory Structures	
Minimum distance from perimeter boundary	10'
Minimum separation from principal structure	10'

* Minimum yard requirements measured from structure to PUD perimeter boundary. Structures internal to the PUD shall meet the minimum building separation requirement.

** Zoning height as defined by LDC Section 30-10- Definitions

Text of PUD Ordinance

Exhibit C

PUD Master Plan

San Marco Planned Unit Development

(See following pages)

Text of PUD Ordinance

Exhibit D

Legal Description

San Marco Planned Unit Development

PARCEL 1

TRACT "A" OF A REPLAT OF TRACT "L", MARCO BEACH UNIT SIX, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 55 AND 56, PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

Text of PUD Ordinance

Exhibit E

List of Deviations

San Marco Planned Unit Development

Deviation #1: Deviation from LDC Sec. 30-441 Table 2, which would require dual buffers for abutting internal tracts, to allow a ten-foot, Type-A, shared buffer internal to the San Marco PUD at location identified on the PUD Master Plan.

Deviation #2: Deviation from LDC Sec. 30-441(b) Table 2 which requires a 15' Type "B" buffer between multi-family residential (category that most closely resembles the proposed ALF use) and single-family residential (across water basin) to allow the hedge or hedge/berm combination to be maintained at 3' rather than 6', only where the subject property abuts the water basin.

Text of PUD Ordinance

Exhibit F

Development Commitments

San Marco Planned Unit Development

PUD MONITORING

- A. Issuance of a development permit by the city does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of a permit if the applicant fails to obtain requisite approvals or fulfill obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

- B. All other applicable state or federal permits must be obtained before commencement of the development.

The applicant is also requesting deviations from code with their justifications:



Deviation Justifications

San Marco Planned Unit Development

Deviation #1: Deviation from LDC Sec. 30-441 Table 2 footnote which states “Buffer areas located between commercial out parcels within a shopping center may be shared and a minimum of ten feet wide” to also allow a shared buffer between Tract A and Tracts B & C on the San Marco PUD.

This deviation is requested to allow a 10’ shared internal buffers within the San Marco PUD. Like shopping centers, the three tracts and proposed uses for this PUD are similar and complementary. The proposed uses should not be isolated and screened from each other. The various uses will be part of an overall campus design with common vehicular access and drives, a comprehensive network of sidewalks and a unified landscaping scheme. Providing redundant buffers between the three tracts and creating further separation and shielding of uses is contrary to the proposed campus theme, and the intent of a PUD. The campus design promotes interconnection between tracts and encourages patrons and visitors to walk from one use to the other. The 10 -foot internal buffer will be sufficient to visually delineate the various tracts and uses but will not be substantial enough to create a physical barrier that would result in three isolated tracts. This internal buffer will provide enhanced plantings clustered within narrower vegetated strips that will be maintained at a height of 3’ to 3’6” and will not shield one tract from the other.

Deviation #2: Deviation from LDC Sec. 30-441(b) Table 2 which requires a 15’ Type “B” buffer between multi-family residential (category that most closely resembles the proposed ALF use) and single-family residential (across water basin) to allow the hedge or hedge/berm combination to be maintained at 3’ rather than 6’, only where the subject property abuts the water basin.

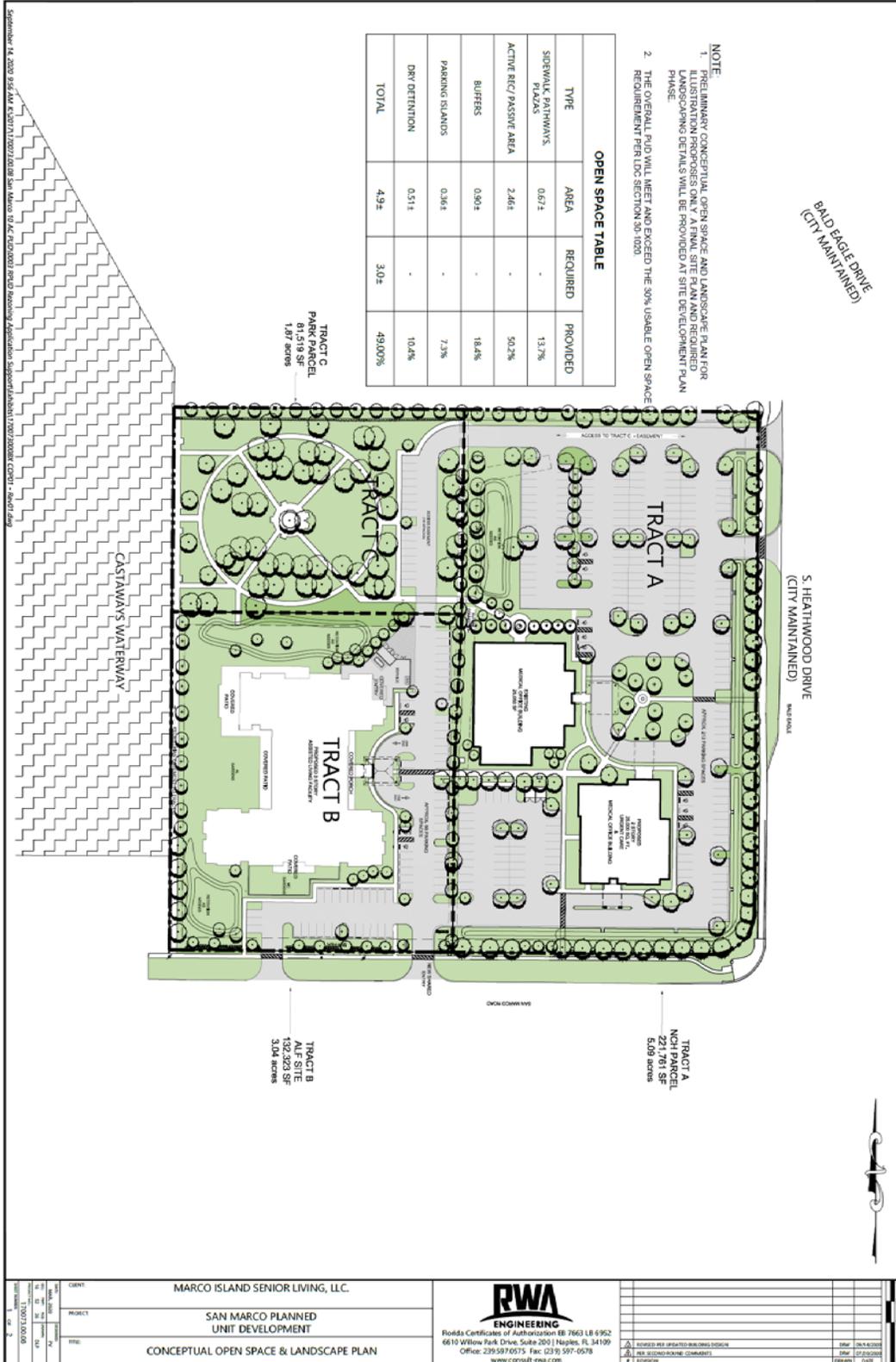
This deviation is requested to allow design flexibility with regards to the 15’ Type B buffer located along the water basin in Tracts B & C. The Type B buffer calls for

“a fifteen-foot-wide, opaque within one year, landscape buffer maintained at six feet in height, which may include a wall, fence, hedge, berm or combination thereof, including trees spaced no more than 25 feet on center.”

This deviation will allow the hedge or hedge/berm combination to be maintained at a height of 3’ rather than 6’. The 15’ Type B buffer is required on multi-family properties abutting single-family residential uses. In this case the multi-family residential uses will consist of an Assisted Living/Memory

Care Facility which is a very low intensity residential use compared to multi-family apartments or condominiums, which typically have more persons per unit, have more visitors, and generate significantly more trips. Moreover, the PUD will be separated from the single-family residential uses by a water basin that is over 300' wide. The opaque screening would deprive the subject property of the views and natural beauty provided by the waterway. A lower hedge or hedge/berm combination will allow aesthetically pleasing views of the adjacent Castaways Waterway, while still providing the plantings and separation intended in the code. The closest residential use from this boundary is located across the Castaways Waterway, in excess of 300'. This deviation will provide the required plantings without impeding views of the basin for ALF residents and park visitors. The buffer will provide the same plantings as a Type B buffer and will still create separation and vegetated buffering between the ALF use and the proposed public pedestrian walkway located along the basin.

OPEN SPACE PLAN



CLIENT	MARCO ISLAND SENIOR LIVING, LLC.	<p>RWA ENGINEERING Florida Certificates of Authorization EB 7663 LB 6952 6610 Willow Park Drive, Suite 200 Naples, FL 34109 Office: 239.597.6575 Fax: 239.597.6578 www.consult.rwa.com</p>	DATE	08/14/2020	
PROJECT	SAN MARCO PLANNED UNIT DEVELOPMENT		SCALE	1" = 200'	
TITLE	CONCEPTUAL OPEN SPACE & LANDSCAPE PLAN		DRAWN	08/14/2020	
DESIGNED BY		CHECKED BY		DATE	
DRAWN BY		DATE			

Proposed Community Park

Pursuant to a virtual meeting held with staff on 9-17-2020, we would like to clarify the Applicant's offer regarding the proposed 1.87-acre park on Tract C. The Kenneth D Goodman Marco Park Trust will purchase the park property from Naples Community Hospital and will deed it to the City of Marco Island when the Assisted Living Facility obtains its Certificate of Occupancy. The Applicant commits to improving the park prior to the Trust deeding it to the City. We understand that the City may have certain improvement preferences that will be determined at a later date. As such, the Applicant commits to improving Tract C as a "passive park" for a total sum of \$462,500.00. These improvements will include seawall restoration, a pedestrian walkway along the water basin, up to 16 dedicated parking spaces and may include the following: sod and general landscaping, pathway lighting, irrigation, walkways, and benches. There are no buildings or structures included in the improvements by the developer but those can be added by the City. Moreover, the Applicant commits to provide for general maintenance of the park for a period of five years after it has been turned over to the City.

Sincerely,
RWA, Inc.



Patrick Vanasse, AICP
Director of Community Development

STAFF ANALYSIS

While having the option for a hospital use in the proposed zoning request in Tract A, the proposal for Tract A is two buildings on 5.09 acres. One for Urgent Care (Building 1 – page 9) and one for medical administrative offices (Building 2 - page 9). The Urgent Care will be a new building while the medical office building will be renovated. The proposal for Tract B is an 86-unit Assisted Living Facility (ALF) on 3.4 acres. Tract C is proposed to have open space or a city park on 1.87 acres.

It is clear the applicant listened to many of the concerns of the residents of Marco Island including City Council, Planning Board, and Staff. This application is a scaled down version of a PUD rezoning application proposed over a year ago in approximately the same location with less acreage.

Staff evaluated the uses allowed in the proposed PUD and believes the proposed uses are equivalent in intensity to a hospital, which is an allowed use as a conditional use in the Commercial Intermediate (C-3) zoning district. Also a use that seemed to be the desire of the Marco Island residents during the previous PUD application.

According to the City's LDC's, the "Purpose and Intent" of the current C-1 zoning districts are to:

permit those uses which minimize pedestrian and vehicular traffic and is designed to be compatible with all residential uses, as well as residential uses located along arterials.

The LDC explains further that:

The maximum density permissible in the commercial professional district and the commercial professional/transitional district shall not exceed the density rating system contained in the future land use element of the comprehensive plan.

Staff can only conclude that these transitional areas may someday have a residential component and would need to follow the density rating system outlined in the Comprehensive Plan at 12 units per acre. As such, the PUD would have a maximum density of 120 units (10 acres x 12 units per acre). The applicant only proposes a maximum of 86 units for an elderly care use closely resembling memory or any other disabilities requiring assistance to live.

The open space plan and table (Tract C) shows 2.46 acres of active/passive open area and .67 acres of sidewalk, pathway, and plaza. Under Division 13 -Planned Unit Development of the LDC, Section 30-387 states:

(a) *Minimums. As a requirement for approval, all PUDs shall provide open space consistent with the following minimums:*

(1) *Within PUD districts composed entirely of residential dwelling units and accessory uses, at least 50 percent of the gross area shall be devoted to usable open space.*

(2) **Within PUD districts containing both commercial and residential uses, at least 30 percent of the gross area shall be devoted to usable open space.**

With 3.64 acres of passive and active usable open space with adjoining dry detention, staff can conclude that the PUD meets the 30 percent requirement for open space. The open space plan must be revised with the correct PUD requirements of Section 30-387. This section also goes on to state that:

Usable open space shall include active and passive recreation areas. Open water areas beyond the perimeter of the site and internal street rights-of-way, driveways, shall not be counted in determining usable open space.

(b) **Dedication of usable open space. An appropriate percentage of the gross project area shall be required to be dedicated to public use as usable open space for all development after a determination by the city council that a public need exists for such public facilities and that the amount of area dedicated is directly related to the impacts or needs created by the proposed development.**

The applicant has stated in their application that they wish to dedicate 1.87 acres (Tract C) of their required open space to the city as a park. The applicant has also proposed that they dedicate \$462,500 in improvements and will be maintaining the property for five (5) years. Staff has yet to determine a need for this open area, especially since open space is already required within the

PUD per the LDC. Staff did receive an estimate from the City's landscape contractor. They estimated a yearly maintenance cost of \$6,300.

Access to the site is via two (2) on S. Heathwood and two (2) on San Marco Road. A potential access is proposed to the vacant commercial property to the north of Tract A. No left in turning movement will be allowed on one of the S. Heathwood accesses. The Trip Generation provided by the transportation consultant shows a total external trip reduction if the proposed PUD were approved compared to the potential C-1 use buildout.

Table 2A
Proposed PUD – Trip Generation – Average Weekday

ITE Land Use	Size	24 Hour Two-Way Volume	AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total
Medical-Dental Office Building	50,050 sf*	1,835	94	27	121	48	124	172
Assisted Living	92 ob*	381	12	5	17	14	13	27
Public Park	1.87 acres	1	0	0	0	0	0	0
Total Traffic		2,217	106	32	138	62	137	199
Internal Capture		(40)	(3)	(3)	(6)	(4)	(4)	(8)
Total External Traffic		2,177	103	29	132	58	133	191
Pass-by Traffic		(0)	(0)	(0)	(0)	(0)	(0)	(0)
Total Net External Traffic		2,177	103	29	132	58	133	191

Note(s): *sf = square feet; ob = occupied beds.

San Marco PUD – TIS – April 2020

Table 2B
Current Zoning Potential Development – Trip Generation – Average Weekday

ITE Land Use	Size	24 Hour Two-Way Volume	AM Peak Hour			PM Peak Hour		
			Enter	Exit	Total	Enter	Exit	Total
Medical-Dental Office Building	49,050 sf*	1,797	92	26	118	47	121	168
General Office Building	104,000 sf*	1,102	107	17	124	19	99	118
Total Traffic		2,899	199	43	242	66	220	286
Internal Capture		(0)	(0)	(0)	(0)	(0)	(0)	(0)
Total External Traffic		2,899	199	43	242	66	220	286
Pass-by Traffic		(0)	(0)	(0)	(0)	(0)	(0)	(0)
Total Net External Traffic		2,899	199	43	242	66	220	286

Note(s): *sf = square feet.

The Fire Department has reviewed the PUD application and has concluded that the uses will not have a negative impact on their emergency response services. They have also reviewed the draft emergency evacuation plan documents and will seek additional information during the permitting phase.

The architectural plans rendering's submitted show buildings that meet the LDC with metal roofs and Bermuda shutters.



Memory Care



Urgent Care

Comprehensive Plan and Planned Unit Development

Sec. 30-382 a. of the LDC states: All applications for PUDs shall be in full compliance with the future land use element and the goals, objectives, and policies of all elements of the comprehensive plan. All development regulations and other applicable provisions of all the city land development code, as may be amended, shall apply unless specifically modified by the approved PUD document and PUD master plan.

After a detailed review of the documents submitted by the applicant, Staff has concluded that this application is sufficient and consistent with the Future Land Use Element (FLUE) Policy 1.1.1 regarding density standards for residential development. The applicant has proposed 86 assisted living/memory care units not to exceed 92 beds. Density allowed is determined by the most restricted allowed between the Comprehensive Plan and the LDC. The Comprehensive Plan currently is the most restrictive. Community Commercial, which this property is designated, allows for 12 units per acre. The proposal is for 8.6 units per acre.

The applicant wishes to rezone +/-10.02 acres of C-1 property to PUD. Planned Unit Developments are allowed pursuant to the LDC, specifically the below criteria:

- (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 comment: The proposed use of assisted living/memory care, medical offices, urgent care and open space are in keeping with the surrounding development pattern. The medical offices and urgent care are existing today. Across the street is the City of Marco Island government campus containing City Hall, Fire Department, and the Police Department. Adding the low density assisted living/memory care will be in keeping with the existing and future development patterns.

- (2) Adequacy of evidence of unified control and suitability of any proposed agreements, contract, or other instruments, or for amendments in those proposed, particularly as they may relate to arrangements or provisions to be made for the continuing operation and maintenance of such areas and facilities that are not to be provided or maintained at public expense. Findings and recommendations of this type shall be made only after consultation with the city attorney.

Staff Comment: There is adequate evidence of unified control.

- (3) Conformity of the proposed PUD with the goals, objectives, and policies of the growth management plan.

Staff Comment: The proposed PUD is consistent with the goals, objectives and policies of the Comprehensive Plan, Future Land Use element.

- (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 Comment: The PUD plan submitted is both internally and externally compatible with each other and surrounding developments. The Fire Department is proposing a new station and the architecture of both will be compatible.

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

Staff Comment: The proposed PUD shows 1.87 acres as a passive park or it will remain open space in perpetuity required by the LDC and PUD. There is adequate, usable open space for this project.

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

Staff Comments: At the time of this review, all City departments have reviewed the proposed uses and have no objections.

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

Staff Comment: The subject site of the proposed assisted living/memory care is vacant. This site can accommodate the proposed development while meeting setbacks.

- (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.

Staff Comment: The proposed project is in conformity with the PUD regulations and the Comprehensive Plan.

Unified control. All land included for purposes of development within the PUD district shall be owned or under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The applicant shall present competent substantial evidence of the unified control of the entire area within the proposed PUD district.

Staff concurs that this requirement has been met.

Minimum area: The minimum area required for a PUD shall be ten contiguous acres except when located within the town center overlay where a five-acre minimum requirement must be met.

Staff concurs that this requirement has been met.

Development Uniqueness: The development employs techniques featuring amenities and excellence in the form of variations in siting, mixed land uses and/or varied dwelling types, as

well as adaptation to and conservation of the topography and other natural characteristics of the land involved.

Staff concurs this has been met. The site has been laid out in a logical fashion. One could argue the uniqueness is the assisted living/memory care use since there are no such facilities on Marco Island. Clustering density of the ALF units in, providing for open space is also unique from most other development patterns in the City of Marco Island.

Development Creativity: A more creative approach may be taken to the development of contiguous tracts of land and to encourage development of infill parcels of contiguous tracts of land in certain circumstances. A more desirable environment may be accomplished than would be possible through strict application of the minimum requirements of this zoning code.

Staff concurs that this requirement has been met. The lay out of the site good, integrating the uses that are compatible with each other. The unified control allows for the shared landscape buffer, creating connecting paths throughout the site and providing a passive park. Under conventional zoning, the passive park parcel would not have been developed.

Usable open space requirements: Within the PUD districts containing both commercial and residential uses, at least 30 percent of the gross area shall be devoted to usable open space. Usable open space shall include active and passive recreation areas.

Staff concurs this requirement has been met. The passive park is just shy of 2 acres and the remaining landscape areas around the rest of the PUD provide the minimum 30% usable open space.

Development Standards: Dimensional standards within any tract or increment of the proposed PUD shall conform to the minimum dimensional and other standards of the zoning district to which it most closely resembles in type, density, and intensity of use. Where there is uncertainty, the more restrictive standards shall apply. Variation from these minimum dimensional standards may be approved if the PUD demonstrates unique or innovative design. For purpose of this section, examples of unique and innovative design may include, but are not limited to:

Providing usable common open space within individual tracts or increments to offset and compensate for decreases in typical lot sizes or yard requirements.

Staff concurs that this requirement has been met. The requirement for usable open space has been demonstrated with the passive park.

Providing for public access to open space areas beyond the boundaries of the property.

Staff concurs that this has been met by proposing open space at the water's edge and automobile access so the public can park. The trail systems also provide pedestrian movement to and from the site.

The use(s) occurring within the PUD are such that compatibility with surrounding uses can be assured by applying different requirements than would be applicable under another zoning district.

Staff concurs the PUD uses are compatible with surrounding uses. Maximum height of buildings will be consistent with adjacent commercial and residential structures. There will be adequate open space between uses and adjacent properties. The uses proposed are equivalent to the existing C-1 zone.

Providing places for public assembly such as parks and plazas which are linked together and centrally located to ensure accessibility. **Staff concurs that this has been met.**

Siting buildings and dwelling units to provide optimum access to open space areas.

Staff concurs that this has been met.

Providing for the integration and preservation of natural resources with development, through conservation of natural resources such as streams, lakes, floodplains, groundwater, wooded areas and areas of unusual beauty or importance to the natural ecosystem.

Staff concurs that this has been met by providing usable open space.

Submission of schematic architectural drawings, site plans, floor plans, elevations, and perspectives which shall graphically demonstrate the proposed reduction in dimensional standards for all proposed land use types and their accessory uses within the PUD shall also be required to provide support documentation for reduction in the minimum standards of the zoning code.

Staff concurs this has been met since they are not asking for dimensional deviations.

Rezoning Requirements and Findings

Rezoning; nature of requirements of planning board report. When pertaining to the rezoning of land, the report and recommendations of the planning board to city council required below shall show that the planning board has studied and considered the proposed change in relation to the following, when applicable:

Whether the proposed change will be consistent with the goals, objectives, and policies, future land use map, and the elements of the comprehensive plan.

Staff comment: The Comprehensive Plan allows for up to 12 units per acre of residential density. The proposed PUD density is within this threshold. The Comprehensive Plan also encourages elderly care in residential neighborhoods. The proposed PUD will provide for that need.

The existing land use pattern.

Staff comment: The existing land use patterns and the propose PUD are consistent. The C-1 provides for a transitional area and that may include density for residential uses. The propose PUD uses are consistent to existing C-1 uses.

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

Staff comment: The proposed PUD can be considered both low intensity residential and commercial uses. This is not unrelated by adjacent districts nearby.

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

Staff comment: District boundaries are logically drawn.

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

Staff comment: The changing conditions are for the needs of the elderly. A large and growing population on the Island.

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

Staff comment: Staff does not concur. The Traffic Impact Study (TIS) shows external traffic decreasing with the proposed uses. The proposed use also provides for additional open space.

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 hour volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.

Staff comment: Staff does not concur. The Traffic Impact Study (TIS) shows external traffic decreasing with the proposed uses.

Whether the proposed change will create a drainage problem.

Staff comment: All site developments must meet current codes for drainage.

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

Staff comment: The PUD is creating additional open space.

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

Staff comment: The PUD is creating additional open space. The Traffic Impact Study (TIS) shows external traffic decreasing with the proposed uses.

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

Staff comment: Staff does not believe the proposed PUD negative impact to adjacent property.

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

Staff comment: No. The proposed PUD meets the requirements set forth in the Land Development Code, compatible with surrounding uses.

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

Staff comment: The property can be developed under existing zoning regulations.

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

Staff comment: The PUD is creating additional open space. The Traffic Impact Study (TIS) shows external traffic decreasing with the proposed uses. There is also a perceived need for elderly care as the City has a large elderly population.

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

Staff comment: This is one of the last large parcels on the island. It may be difficult to develop ALF's on smaller sites.

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.

Staff comment: The property can be developed under existing zoning regulations. There are no limitations to the site for development as zoned.

The impact of development on the availability of adequate public facilities and services consistent with the levels of service adopted in the city comprehensive plan and as defined and implemented through the city's adequate public facilities ordinance, as amended.

Staff comment: This application was reviewed by all departments. Staff had no objections to the uses proposed.

Such other factors, standards, or criteria that the city council shall deem important in the protection of the public health, safety, aesthetics, and welfare.

Staff comment: Planning staff has concerns with emergency evacuation. The applicant has provided City's emergency manager with an evacuation plan.

STAFF RECOMMENDATION

Based on the above review, Staff recommends the Planning Board forward a recommendation of approval based on the following findings and is consistent with the Comprehensive Plan:

Findings:

1. The proposed uses are consistent with the goals, objectives, and policies, future land use map, and the elements of the comprehensive plan.
2. The proposed uses are consistent with existing land use patterns.
3. The proposed use does not create an isolated district unrelated to adjacent nearby districts.
4. The district boundaries are logically drawn in relation to existing conditions.
5. The change of uses and conditions are appropriate.
6. The proposed change will not adversely influence living conditions in the neighborhood.
7. The proposed change will not create or excessively increase traffic congestion or create types of traffic deemed incompatible with surrounding land uses, because of peak hour volumes or projected types of vehicular traffic, including activity during construction phases of the development, or otherwise affect public safety.
8. The proposed change will not create a drainage problem.
9. The proposed change will not seriously reduce light and air to adjacent areas.
10. The proposed change will not adversely affect property values in the adjacent area.
11. The proposed change will not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.
12. The proposed change will not constitute a grant of a special privilege to an individual real property owner as contrasted with the public welfare.
13. There are no substantial reasons why the property cannot be used in accordance with existing zoning.
14. The change suggested is not out of scale with the needs of the neighborhood or the city.
15. It may be impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
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 are adequate.
17. The impact of development on the availability of adequate public facilities and services are consistent with the levels of service adopted in the city comprehensive plan and as defined and implemented through the city's adequate public facilities ordinance, as amended.

Conditions:

1. The 1.87-acre open space be maintained by the PUD ownership. The open space is already required by the LDC.
2. Exclude Psychiatric and Substance abuse services from Nursing and Residential Care uses. Add a note that Independent Living is also excluded as a use.
3. Revise the open space PUD plan to reflect the open space requirements of Section 30-387 instead of Section 30-1020.