

EXECUTIVE SUMMARY

Recommendation to approve a resolution designating the Close-Out of three (3) adopted Planned Unit Developments (PUDs) which have fully completed all or portions of their development and have constructed up to the authorized density and/or intensity, and have been found by county staff to have only one relevant transportation commitment remaining.

OBJECTIVE: To have the Board of County Commissioners (Board) approve by resolution the Close-out of three Planned Unit Developments such that these PUDs will have all commitments, except one transportation commitment, deemed completed or no longer necessary and waived in accordance with Section 10.02.13.F.5 of the Land Development Code (LDC) and be relieved of their Annual Monitoring responsibilities as defined by Section 10.02.13.F of the LDC.

CONSIDERATIONS: Closed-Out PUD(s) shall remain in that status whereby no further development orders shall be issued relative to applications for the authorization of additional residential density and/or commercial intensity within the subject PUD. In order to grant future development rights for density and/or intensity within a Closed-Out PUD the Board shall approve a PUD amendment which shall return the PUD to an active status for monitoring purposes and require the PUD to be compliant with the reporting responsibilities of the Land Development Code Section 10.02.13.F.

Staff seeks the approval of the Close-Out resolution of the listed PUDs so that these PUDs are designated, without uncertainty, as "complete," "built-out" and/or "closed-out" and once approved will be certified as either: having met their commitments or having commitments deemed to be no longer necessary by the Board due to the circumstances presented. The one remaining transportation commitment will still be in effect and will be tracked through the Commitment Tracking System (CTS).

Wiggins Bay PUD is included in the attached Resolution but will not be considered fully built out as there remains a portion of the PUD which is not fully built out, yet other portions of the PUD are fully built out and would otherwise be denied the opportunity to be considered "built out." Frequently, these situations concern the residential portion of the PUD being fully built out, yet the developer has not utilized all of the square footage permitted for commercial development and is unwilling to forego the unused square footage. However, it should be noted that the reporting requirement is perfunctory and provides no significant benefit to the owner and the County.

LDC Section 10.02.13.F.5 stipulates that: "A release of a PUD commitment determined to be no longer necessary shall be brought as an agenda item to the Board of County Commissioners for their approval." Some of the commitments considered no longer necessary are such because of the following circumstance: due to the passage of time we are no longer able to request internal sidewalks be installed (Wiggins Bay PUD). For the PUDs listed below, procedures were established whereby a final determination of compliance was rendered by the Division Administrators, who reviewed and approved their staff's findings and approved through their signatures the PUD's compliance and built-out status.

Each of the PUDs listed below has an accompanying build-out and compliance summary as provided in Table 1.

1. Sterling Oaks
2. Wiggins Bay
3. Wildwood Estates

After the final determination of Close-Out is rendered by the Board these Closed-Out PUDs will be eliminated from any further demands for commitment contributions or assessment of commitment compliance by staff except for the one transportation commitment in each PUD that will be tracked through CTS and the PUDs will remain Closed-Out until subsequent action is approved by the Board as an amendment specific to each PUD. The PUD amendment will then return the PUD to an active status for monitoring.

Of the three PUDs recommended for Close-Out, one has been found to be fully developed and compliant with their developer commitments and two have commitments deemed not necessary or unwarranted, which if the Board agrees with staff's findings may be waived in accordance with Section 10.02.13.F.5. All three PUD's have one remaining transportation commitment.

Except for the Sterling Oaks PUD which applied for the Close-out process, staff requests that the Board waive the application fees established for the reviews and the processing of these selected PUDs for the following reasons:

1. The initiated process for closing out PUDs was at the Board's direction.
2. Special circumstances and age of the remaining PUDs include them for a fee waiver.

FISCAL IMPACT: The PUD "Close-Out," by and of itself, will have no fiscal impact on Collier County with the exception of staff hours, paperwork and mailing costs allocated to the selection and preparing of the PUD documents for verification reviews and for the presentation to the Board.

GROWTH MANAGEMENT IMPACT: There is no growth management impact associated with this Executive Summary.

LEGAL CONSIDERATIONS: This Executive Summary has been reviewed for legal sufficiency and is legally sufficient for Board action. A majority vote is required for approval.-ERP

RECOMMENDATION: Staff recommends that the Board approve:

1. The Resolution and authorize the Chairwoman to sign the Resolution for Close-Out of the following PUDs which have been verified as in full compliance with the exception of one outstanding commitment and recommends that the one commitment be kept and tracked through the use of the Commitment Tracking System Program:

Sterling Oaks, (Ordinances 81-80, 92-79, 93-06, 98-27), with a recommendation to keep:

- Fair share contribution toward the capital cost of a traffic signal at any project entrance and any costs associated with the intersection improvement.

Wiggins Bay, (Ordinance 82-121), with a recommendation to keep:

- The 3.47 acres of commercial use for future construction.
- Fair share contribution towards the capital cost of traffic signals at points of access to the project.
- Commitments to be waived: Installation of sidewalks internal to the project and turn lanes into the commercial parcel. (Turn lanes are reviewed and required as part of the Right-of-Way Ordinance.)

Wildwood Estates, (Ordinance 81-27), with a recommendation to keep:

- Fair share contribution of a traffic signal at the project's entrance.

2. Staff recommends that the Board waive the application fees established for all of the PUDs listed above, except for the Sterling Oaks PUD.

Prepared By: Laurie Beard, PUD Monitoring Coordinator, Growth Management Division, Planning & Regulation, Engineering Services

Attachments: Table 1, Resolution