



**STAFF REPORT
COLLIER COUNTY PLANNING COMMISSION**

FROM: COMMUNITY DEVELOPMENT & ENVIRONMENTAL SERVICES DIVISION, COMPREHENSIVE PLANNING DEPARTMENT

HEARING DATE: AUGUST 19, 2008

SUBJECT: 2006 CYCLE OF GROWTH MANAGEMENT PLAN AMENDMENTS (ADOPTION HEARING)

ELEMENTS: FUTURE LAND USE ELEMENT (FLUE) AND FUTURE LAND USE MAP AND MAP SERIES; GOLDEN GATE AREA MASTER PLAN (GGAMP) ELEMENT AND FUTURE LAND USE MAP AND MAP SERIES; TRANSPORTATION ELEMENT AND MAPS; RECREATION AND OPEN SPACE ELEMENT; AND, ECONOMIC ELEMENT

Transmittal hearings on these amendments were held on March 17 and 28, 2008 (CCPC), and on April 15 and 29, 2008 (BCC). The respective Transmittal recommendations/actions are presented below, following each petition number and title. Note: This amendment cycle began with seven petitions at Transmittal hearings but only includes five at Adoption; one was continued to the 2007 cycle by the BCC at their 4/29/08 Transmittal hearing (CP-2006-9), and one is not being considered at Adoption per request of the petitioner (CP-2006-10). The remaining five petitions approved for Transmittal by the BCC are addressed herein, except that staff is requesting a continuance of two petitions: CP-2006-7 and CP-2006-8. For those two petitions, additional time is needed: (1) to review and evaluate the market analysis for each respective petition, required at transmittal to be submitted in time for review prior to adoption hearings (submitted in late June and early July); (2) to review and evaluate the traffic impact study for each respective petition, required at transmittal to be submitted in time for review prior to adoption hearings (combined study submitted in mid-late July); (3) to allow each respective petitioner to conduct a second neighborhood information meeting (NIM), necessitated because each petitioner proposed revisions (in June and July) deemed significant by staff, thus, per the LDC, triggering the requirement for a second NIM; (4) to review and evaluate these proposed changes; and, (5) to prepare a response to the ORC Report Objection applicable to these two petitions (see below).

Each *CCPC staff report from the Transmittal hearings*, which provides staff's detailed analysis of each petition, is located behind the petition number tab, e.g. CP-2006-5, and in front of the petition package.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS ORC REPORT:

After review of Transmitted GMP amendments, the Florida Department of Community Affairs (DCA) renders an Objections, Recommendations and Comments (ORC) Report. Only Objections can form the basis of a non-compliance determination, unless the adopted amendments vary significantly from those transmitted. If an Objection is not adequately addressed when adopted, then the DCA may (presumably will) find the

amendment to be “Not in Compliance” with Florida Statutes, and issue a Notice of Intent (NOI) to indicate such noncompliance. The County may respond to the ORC Report in one of four ways at Adoption:

1. *not modify the amendment*, but provide additional explanation of what the amendment is about, its purpose, what it will achieve [appropriate if we believe DCA simply does not understand/has misunderstood the amendment] and/or provide additional data and analysis to support the amendment; or
2. *modify the amendment*, so as to address the ORC issue; or,
3. *modify the amendment*, and provide additional explanation and/or provide additional data and analysis; or,
4. *not adopt the amendment*.

In their July 14, 2008 ORC Report for the 2006 cycle of GMP amendments, DCA offers five Objections; three pertain to petition CP-2006-10, one pertains to both petitions CP-2006-10 and CPSP-2006-13, and one pertains to both petitions CP-2006-7 and CP-2006-8. Additionally, there are two Comments in the ORC Report; the first pertains to petition CP-2006-10, and the second pertains to petition CPSP-2006-13. These Objections and Comments are set forth below following each petition - and are contained in the **attached** “7/14/08 Objections, Recommendations and Comments (ORC) Response” document, along with staff response - except for the two petitions to be continued, and except for petition CP-2006-10 which, as previously noted, is not included in this adoption hearing. The entire ORC Report, which includes comments from other state and regional review agencies, is included in the CCPC binder.

PROPOSED AMENDMENT

A. PETITION CP-2006-5

Petition requesting an amendment to the *Golden Gate Area Master Plan (GGAMP)*, to change the Conditional Uses Subdistrict by adding the 3.54-acre subject site as an exception to the conditional use locational criteria so as to allow expansion of the existing church use on the adjacent property onto the subject property, located on the west side of Santa Barbara Boulevard, 1/3 mile north of Golden Gate Parkway (CR 886), in Section 29, Township 49 South, Range 26 East, Collier County, Florida consisting of 3.54± acres. [Coordinator: Tom Greenwood, AICP, Principal Planner]

TRANSMITTAL HEARING

STAFF RECOMMENDATION: Transmit to DCA. The Transmittal staff report is located in the CCPC binder behind the petition number tab immediately preceding the petition itself.

CCPC RECOMMENDATION and COMMENTS: Transmit to DCA (vote: 6/0), subject to two text changes: (1) remove “church-related” in the phrase “Church-related day care use shall not be allowed”; and, (2) add the sentence “Development shall be limited to a maximum of 12,000 square feet of floor area” based upon application materials that indicated this was the maximum development proposed on the site.

There were no speakers.

NOTE: At the CCPC Transmittal hearing, staff did not object to the first change when asked by CCPC. After further consideration, staff recommended to the BCC not to

approve the second change. The proposed amendment identifies the subject site as an exception to the locational criteria for conditional uses (CUs) as allowed in the E, Estates zoning district, but for one use only – church. Therefore, there is no need to identify any other [freestanding] “E” district CUs, such as day care, as those CUs are not excepted in this amendment. However, there is a need to identify “church-related” day care as that is a use that is associated with a church use and might otherwise be allowed.

BCC ACTION: Transmit to DCA, subject to the CCPC’s second modification only (vote: 4/0).

ADOPTION HEARING

STAFF RECOMMENDATION: That the CCPC forward petition CP-2006-5 to the BCC with a recommendation to adopt as transmitted.

PROPOSED AMENDMENT

B. PETITION CP-2006-7

Petition requesting an amendment to the Future Land Use Element, including the Future Land Use Map and Map Series (FLUE/FLUM), to change the Urban Residential Subdistrict designation in order to establish the Italian American Plaza and Clubhouse Commercial Subdistrict in the Urban Commercial District, for a 20,000 square foot clubhouse and up to 34,000 square feet of gross leasable area for financial institutions, schools, professional and medical offices, and personal and business services consistent with the General Office (C-1) Zoning District of the Collier County Land Development Code, for property located at the southwest corner of the intersection of Airport-Pulling Road (CR 31) and Orange Blossom Drive, in Section 2, Township 49 South, Range 25 East, Collier County, Florida consisting of 5± acres. [Coordinator: Corby Schmidt, AICP, Principal Planner]

STAFF IS REQUESTING THIS PETITION BE CONTINUED.

PROPOSED AMENDMENT

C. PETITION CP-2006-8

Petition requesting an amendment to the *Future Land Use Element and Future Land Use Map (FLUE/FLUM) and Map Series*, to change the Urban Residential Subdistrict designation in order to establish the Airport/Orange Blossom Commercial Subdistrict in the Urban Commercial District, for up to 40,000 square feet of gross leasable area for financial institutions, professional and medical offices, adult and child day care, personal and business services, and senior housing in the form of an assisted living facility and/or continuing care retirement center, or other similar housing for the elderly, consistent with the General Office (C-1) Zoning District of the Collier County Land Development Code, for property located on the west side of Airport-Pulling Road (CR 31), approximately 330 feet south of Orange Blossom Drive and immediately south of the Italian American Club, in Section 2, Township 49 South, Range 25 East, Collier County, Florida consisting of 5± acres. [Coordinator: Corby Schmidt, AICP, Principal Planner]

STAFF IS REQUESTING THIS PETITION BE CONTINUED.

PROPOSED AMENDMENT

D. PETITION CPSP-2006-12

Staff requesting an amendment to the *Future Land Use Element and Future Land Use Map (FLUE/FLUM) and Map Series*, to change the FLUM designation from Urban-Mixed Use District/Urban Coastal Fringe Subdistrict to Conservation Designation, and make a corresponding text change to reference a new map of the site, for the County-owned Mar-Good Park property located in Goodland, adjoining Pettit Drive, Pear Tree Avenue, and Papaya Street, in Section 18, Township 27, Range 52 East, Collier County, Florida consisting of 2.5± acres. [Coordinator: Tom Greenwood, AICP, Principal Planner]

TRANSMITTAL HEARING

STAFF RECOMMENDATION: Transmit to DCA.

CCPC RECOMMENDATION and COMMENTS: Transmit to DCA, as recommended by staff (vote: 6/0), subject to, by Adoption hearings: (1) petitioner to provide evidence that the agreement between Collier County and the State of Florida is still valid; (2) petitioner to provide any proposed deed restrictions for the site; and, (3) petitioner to explain the funding source for purchase of the site and site improvements beyond grant money received. (These stipulations were not included in the actual amendment text as it was not appropriate to do so.).

There were no speakers.

BCC ACTION: Transmit to DCA, per CCPC recommendation (vote: 5/0).

ADOPTION HEARING

STAFF RECOMMENDATION: That the CCPC forward petition CPSP-2006-12 to the BCC with a recommendation to adopt as transmitted, and transmit to DCA. The Parks and Recreation Department has responded to the above-noted CCPC stipulations from their transmittal hearing; please see ***attached*** document titled "Responses to Mar-Good CCPC-06-12 Hearing Questions on March 28, 2008."

PROPOSED AMENDMENT

E. PETITION CPSP-2006-13

Comprehensive Planning Department Staff requesting various amendments to the Transportation Element and Maps, Recreation and Open Space Element, Economic Element, Future Land Use Element and Future Land Use Map and Map Series (*FLUE/FLUM*), Golden Gate Area Master Plan and Golden Gate Future Land Use Map and Map Series, to include: a change to the allowance for model homes in Golden Gate Estates; an expansion of an area excepted from the conditional use locational criteria along Golden Gate Parkway within Golden Gate Estates; extension of the Transfer of Development Rights early entry bonus in the Rural Fringe Mixed Use District; and, making corrections of omissions and errors and other revisions so as to harmonize and update various sections of the various elements of the Growth Management Plan. [Coordinator: David Weeks, AICP, GMP Planning Manager]

TRANSMITTAL HEARING

STAFF RECOMMENDATION: Transmit to DCA.

CCPC RECOMMENDATION and COMMENTS: Transmit to DCA (vote: 6/0), subject to two changes: (1) extend the early entry TDR bonus by a period of two years, not five years as proposed (FLUE) (vote: 5/1); and, (2) for model homes along Collier Blvd. in Golden Gate Estates, cap them at five years, then allow subsequent conditional uses to be requested but each such request would be limited to a maximum of five years at a time. (vote: 6/0)

There were no speakers.

BCC ACTION: Transmit to DCA, per CCPC recommendation (vote: 5/0), except: (1) extend the early entry TDR bonus by a period of three and one-half (3½) years (FLUE); (2) remove locational criteria and time limitations for model homes in Golden Gate Estates so as to allow them to simply be subject to the LDC provisions for model homes (GGAMP), and staff to possibly initiate a subsequent LDC amendment to impose time limit for model homes in Golden Gate Estates located along arterial and collector roads; and, (3) make correction to an LDC reference, as requested by staff (GGAMP).

DCA ORC Report Objection:

“B. The Department has identified the following objections to Amendments CP-2006-10 and CP-2006-13 (text amendments to the comprehensive plan):

Objection 4: The Collier County Comprehensive Plan does not have a consistent time frame. The Future Land Use Map includes the years 2006-2016, while the Rural Lands Stewardship Area (RLSA) Overlay Program has a planning time frame to 2025 (according to proposed FLUE, RLSA Policy 4.2) and the proposed text amendment will change the Transportation Element Map TR-3A’s, *Collier 2030 Functional Classification Map*, planning time frame to year 2030. Pursuant to Rule 9J-5.005(5)(a), F.A.C., the required elements and any optional elements shall be consistent with each other and where data are relevant to several elements, the same data shall be used, including population estimates and projections and public facility analysis.

[Section 163.3177(2) & (5)(a), F.S. and Rule 9J-5.005(4) and 9J-5.005(5)(a), F.A.C.]

Recommendation: Revise the comprehensive plan to have a consistent planning time frame.”

DCA ORC Report Comment:

“**Comment 2:** The term Florida Intrastate Highway System (FIHS) should be replaced with the Strategic Intermodal System (SIS) in Transportation Element Policy 1.5 A. and 1.5 B.” [Amendment CPSP-2006-13]

See staff response to the Objection and Comment in the **attached** document titled “7/14/08 Objections, Recommendations and Comments (ORC) Response.

ADOPTION HEARING

Subsequent to Transmittal hearings, staff requested authorization from the BCC to add to this petition an amendment to the GGAMP pertaining to an exception to the locational criteria for conditional uses along that portion of Golden Gate Parkway within Golden Gate Estates. In short, during a past County-initiated amendment, staff proposed, and the BCC adopted, an incorrect acreage figure. This added amendment will correct that

acreage figure to reflect property ownership (which is the same today as it was at the time of that incorrect acreage figure adoption) of the specific church referenced in the GGAMP, and make related organizational and clarification changes. Please see **attached** Executive Summary to BCC for their July 22, 2008 hearing for further details. The added amendment is depicted below.

Golden Gate Area Master Plan

A. Estates-Mixed Use Subdistrict

*** **

3) Conditional Uses Subdistrict

*** **

a) Essential Services Conditional Use Provisions

*** **

b) Golden Gate Parkway and Collier Boulevard Special Provisions [page 31.1]

b) Golden Gate Parkway and Collier Boulevard Special Provisions:

- Conditional uses ~~(except essential services, as described in Paragraph a), above)~~ shall not be permitted on those parcels immediately adjacent to the west side of Collier Boulevard within the Estates Designated Area ~~unless~~ except where the parcel is directly bounded by conditional uses on two (2) or more side yards with no intervening rights-of-ways or waterways; and, except as provided in subparagraph 2., below; and, except for essential services, as described in paragraph a), above.
- Recognizing the existing residential nature of the land uses surrounding the ~~planned~~ I-75 interchange at Golden Gate Parkway, there shall be no further conditional uses for properties abutting Golden Gate Parkway, between Livingston Road and Santa Barbara Boulevard, except as permitted within the Golden Gate Parkway Institutional Subdistrict; and, except as provided in subparagraph 1., below; and, except for essential services, as described in paragraph a), above.
- Further, no properties abutting streets accessing Golden Gate Parkway, between Livingston Road and Santa Barbara Boulevard, ~~within the above-defined segment~~ shall be approved for conditional uses except as permitted within the Golden Gate Parkway Institutional Subdistrict; and, except as provided in subparagraph 1., below; and, except for essential services, as described in paragraph a), above.

1. In consideration of the improvements associated with the ~~proposed~~ interchange at Interstate 75 and Golden Gate Parkway, the existing conditional use (church and related facilities) located at the southeast corner of Golden Gate Parkway and 66th Street S.W. may be expanded in acreage and intensity along the south side of Golden Gate Parkway to the east of 66th Street S.W., but the total project area shall not exceed approximately 9.22 8-24 acres (see Golden Gate Parkway Interchange Conditional Uses Area Map 15).
2. The parcel located immediately south of the Commercial Western Estates Infill Subdistrict, on the west side of Collier Boulevard, and at the southwest quadrant of the intersection of Vanderbilt Beach Road and Collier Boulevard, shall be eligible for a transitional conditional use designation.

STAFF RECOMMENDATION: That the CCPC forward petition CPSP-2006-13 to the BCC with a recommendation to adopt as transmitted, *LESS* the Transportation Element map and text amendments as noted in the ORC Response document, and *PLUS* the modification of three Transportation Element policies as noted in the ORC Response document, and *PLUS* the addition noted above modifying the GGAMP, and transmit to DCA.

STAFF RECOMMENDATION OVERALL:

That the CCPC forward petitions CP-2006-5, CPSP-2006-12, and CPSP-2006-13 of the 2006 cycle of GMP amendments to the BCC with a recommendation to adopt - with modifications to CPSP-2006-13 since Transmittal hearings, as noted in this Staff Report - and to transmit to the Florida Department of Community Affairs; and, continue petitions CP-2006-7 and CP-2006-8 to a subsequent CCPC hearing (date to be determined).

Prepared By: _____ **Date:** _____
David Weeks, AICP, Planning Manager
Comprehensive Planning Department

Reviewed By: _____ **Date:** _____
Randall Cohen, AICP, Director
Comprehensive Planning Department

Reviewed By: _____ **Date:** _____
Marjorie Student-Stirling, Assistant County Attorney
County Attorney Office

Approved By: _____ **Date:** _____
Joseph K. Schmitt, Administrator
Community Development and Environmental Services Division

COLLIER COUNTY PLANNING COMMISSION:

MR. MARK STRAIN, CHAIRMAN

2006 cycle GMP amendments - Adoption (petitions CP-2006-5, 7, 8; CPSP-2006-12 and 13).

Staff Report for August 19, 2008 CCPC hearing.

NOTE: This petition has been scheduled for the September 25, 2008 BCC hearing.

CCPC Staff Report Adoption 2006 cycle G: Comprehensive\Comp Planning GMP DATA\Comp Plan
Amendments\2006 Cycle Petitions
dw/8-7-08