

## **EXECUTIVE SUMMARY**

### **Public Hearing for the 2006 Cycle of Growth Management Plan Amendments. (*Adoption Hearing*)**

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#### **OBJECTIVE:**

For the Board of County Commissioners to review the 2006 cycle of amendments to the Collier County Growth Management Plan (GMP) and consider approving (adopting) said amendments for their transmittal to the Florida Department of Community Affairs, and consider directing staff to initiate an amendment to bring the various GMP components - including the Future Land Use Map - to the same time frame of 2025 and to compile or generate the necessary data and analysis to support that amendment.

#### **CONSIDERATIONS:**

- Chapter 163, F.S., provides for an amendment process for a local government's adopted Growth Management Plan.
- Resolution 97-431, as amended, provides for a public petition process to amend the Collier County GMP.
- For this Adoption hearing, the 2006 cycle of GMP amendments now consists of five petitions - three private sector petitions and two County-initiated petitions. Eleven petitions was submitted in the 2006 cycle but three were withdrawn and one was moved up to the 2005 cycle by the Board of County Commissioners (BCC). The remaining seven petitions were presented to the BCC at their Transmittal hearing in April 2008; six were approved for Transmittal and one was continued by the BCC to the next (2007) cycle. More recently, the applicant for one petition requested it not be adopted with the 2006 cycle. The remaining five petitions are addressed herein.
- The Environmental Advisory Council (EAC) held their transmittal hearings, for select petitions, on March 5/6, 2008. The Collier County Planning Commission (CCPC), sitting as the "local planning agency" under Chapter 163.3174, F.S., held their transmittal hearings on March 17 and 28, 2008. The BCC held their transmittal hearings on April 15 and 29, 2008. The Transmittal hearing recommendations of Staff, CCPC and BCC are contained in the CCPC adoption hearing Staff Reports.
- The Objections, Recommendations and Comments (ORC) Report from the Florida Department of Community Affairs (DCA), dated July 14, 2008, contained Objections and Recommendations regarding three of the five petitions: CP-2006-7 and CP-2006-8, private sector petitions requesting re-designation to allow commercial development, and petition CPSP-2006-13, a County-initiated amendment that include proposed date changes to certain Transportation Element maps; and, contained two Comments. The ORC Report is contained in the back-up materials. The Florida Department of Transportation offered comments regarding impacts upon I-75 and US 41, pertaining to petitions CP-2006-7 and 8.
- Staff's response to the ORC Report is contained in the CCPC Adoption Staff Reports and referenced ORC Report Response documents, and is reflected in revised text and map Ordinance exhibits.

- Three of the five petitions have been modified since being heard at BCC transmittal hearings (CP-2006-7, CP-2006-8, and CPSP-2006-13), as noted herein.
- This adoption hearing considers amendments to the following Elements of the Plan:
  - ◊ Future Land Use Element (FLUE) and Future Land Use Map and Map Series
  - ◊ Golden Gate Area Master Plan (GGAMP) and Future Land Use Map and Map Series
  - ◊ Transportation Element
  - ◊ Economic Element
  - ◊ Recreation and Open Space Element

**NOTE: Because the support material for these GMP amendment petitions is voluminous, and some exhibits are oversized, the Novus system only contains a portion of the back-up data. The entire Executive Summary package, including all support materials, is included in the binder provided separately to the BCC, and is available for review during regular business hours in the Comprehensive Planning Department, 2800 North Horseshoe Drive.**

**LEGAL CONSIDERATIONS:**

The GMP amendment ordinances have been reviewed by the County Attorney’s office for legal sufficiency and are legally sufficient for Board action. (MMSS)

**FISCAL IMPACT:**

There are no fiscal impacts to Collier County as a result these amendments to the Growth Management Plan. Implementation of these amendments will occur through subsequent development orders (Rezone or Conditional Use, Site Development Plan, building permits, etc.) for which review fees are paid by the petitioner. Should the BCC direct staff to initiate an amendment to align time frames in the GMP, and compile/generate supporting data and analysis, as requested by staff, this is expected to be done utilizing existing staff resources.

**GROWTH MANAGEMENT IMPACT:**

This is an adoption public hearing for the 2006 cycle of amendments to the Collier County Growth Management Plan. The Florida Department of Community Affairs (DCA) will have 45 days to review the adopted Plan amendments for compliance with Chapter 163, F.S. and Rule 9J-5 F.A.C., and to file a “Notice of Intent” to find the amendments “in compliance” or not “in compliance.” If determined to be “in compliance”, and timely challenge to that determination is not filed by an affected party within 21 days, then the amendments will become effective.

**ENVIRONMENTAL ISSUES:**

No listed plant or animal species have been observed or are known to be on the sites encompassed by these amendments, and none of the sites contain jurisdictional wetlands. No particular issues have been identified relative to groundwater resources or soils. During review of subsequent development orders, the sites will be subject to all applicable local, state and federal environmental protection regulations.

## **HISTORICAL/ARCHAEOLOGICAL IMPACT:**

Only one of these amendments contains lands identified as having historical or archaeological importance, petition CPSP-2006-12 (Mar-Good Park site). An Archaeological Assessment of the Mar-Good parcel was performed in May 2006 and an Historical Assessment of Mar-Good buildings was performed in August 2006. These assessments were conducted to develop historic and archaeological guidelines for a park management plan. The goal was to locate and evaluate any archaeological deposits on the parcel so that park development could be implemented without adversely impacting any significant archaeological resources. The Mar-Good archaeological assessment also included an archival review, pedestrian survey and subsurface testing of the entire parcel. During review of subsequent development orders, all of these petition sites will be subject to all applicable local, state and federal historical and archaeological protection regulations.

## **COMPREHENSIVE PLANNING STAFF RECOMMENDATION:**

The Staff recommendation follows each individual petition listed below. *Additionally*, Staff recommends the BCC provide direction to Staff to initiate a GMP amendment to align time frames in the GMP, and compile/generate necessary supporting data and analysis.

## **ENVIRONMENTAL ADVISORY COUNCIL (EAC) RECOMMENDATION:**

Growth Management Plan amendments such as these are not reviewed by the EAC.

## **COLLIER COUNTY PLANNING COMMISSION (CCPC) RECOMMENDATION:**

The Collier County Planning Commission held its required public hearing on August 19 and 29, and September 18, 2008 (advertised for Aug. 19 but continued by action of the BCC due to declaration of emergency and closure of government offices in preparation for Tropical Storm Fay). The CCPC recommendation follows each individual petition listed below.

- 1. PETITION CP-2006-5**, 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]

**Staff Recommendation:** That the CCPC forward petition CP-2006-5 to the BCC with a recommendation to adopt as transmitted, and transmit to DCA.

**CCPC Recommendation:** That the BCC adopt petition CP-2006-5 per staff's recommendation, and transmit to DCA (vote: 5/0).

There were no speakers.

- 2. PETITION CP-2006-7**, 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]

Subsequent to Transmittal hearings, the petitioner proposed to increase the allowable commercial development from 26,000 square feet to 34,000 square feet, exclusive of the clubhouse facility. Also, as required by the BCC at Transmittal hearings, the petitioner submitted a commercial needs analysis for the project's commercial uses.

**Staff Recommendation:** That the CCPC forward petition CP-2006-7, as modified by the petitioner, to the BCC with a recommendation to adopt, as outlined in the CCPC Adoption Staff Report and supplemental Staff Report – including combining this petition with CP-2006-8 to create a consolidated subdistrict, and transmit to DCA. The Ordinance Exhibit A reflects the subdistrict as modified per the CCPC recommendation (see below). Also, there is another Exhibit A that reflects petitions CP-2006-7 and CP-2006-8 combined into a single, consolidated subdistrict. Should the BCC approve both petitions, staff recommends the BCC approve their consolidation into a single subdistrict.

**CCPC Recommendation:** That the BCC adopt petition CP-2006-7, as recommended by Staff, and subject to the following eight items, and transmit to DCA (vote: 7/1):

- (1) Airport/Orange Blossom intersection work is to be under construction before a building permit is issued, and is to be completed before the issuance of a certificate of occupancy (C.O.).
- (2) Include an exception to the preceding limitation for the clubhouse facility subject to demonstration that the transportation impacts of that facility do not require those intersection improvements.
- (3) Separate the responsibility for contributing to the cost of intersection improvements to each individual party (each of the two parcels comprising this combined subdistrict), so that one party's delay in entering into a developer contribution agreement would not hold up the others' on-site development.
- (4) Provide response in the ORC Response document to address the FDOT question/concern regarding consideration of traffic impacts extending to US 41 and I-75.
- (5) Revisions suggested by the petitioner, including; how the vehicular interconnection is required "*when it becomes available*" between the one property and the other; scrutinize value of the phrase, "*to minimize the impacts on the surrounding street system*" in subsection (c); consider timing required by the phrase, "*construction per the approved plan must be completed prior to the issuance of any certificate of occupancy*" in subsection (d); consider timing required by the phrase, "*prior to the issuance of a certificate of occupancy*" in subsection (e); scrutinize value of the provision, "*All principal buildings shall be set back a minimum of one (1) foot from the Subdistrict boundaries for each foot of building height.*" as subsection (f); the use of the term, "*interconnections*" need not be in plural form; and, allow the clubhouse to be constructed prior to intersection improvements if the transportation impacts of the clubhouse do not require such improvements.

- (6) Direct Staff to consider and use best planning discretion to revise/remove the setback standards entry from Subdistrict provisions, and whether the height limitation should apply to entire Subdistrict, or revise/remove it.
- (7) Prior to CCPC further adoption consideration, CP-2006-7 and CP-2006-8 agents to prepare and submit to Transportation Planning staff a unified analysis, design, funding and construction plan for Orange Blossom Drive-Airport Road intersection improvements. Such plan must *sufficiently accommodate project traffic through intersection design, including additional background failures as part of that design* and be accepted by the Transportation Planning Director; and provide and present the accepted improvements plan to the CCPC; revision modified further to read, “designed to be sufficient to accommodate project traffic and overall levels of service issues.” [this CCPC direction occurred during August 29 hearing; the intersection improvement plan was prepared and submitted to Transportation Planning staff, accepted by the Transportation Planning Director, and provided and presented to the CCPC for their September 18 hearing].
- (8) Revise Subdistrict language to reflect changes presented by the applicant’s agent and as made part of the motion, including: a general reference to fraternal and civic associations rather than specific to the Italian American Club; and, the deletion or revision to subsections pertaining to allowable development intensity in relation to intersection improvements. Such revision may include the phrase “sufficient to accommodate its project traffic through intersection design, and its additional background failures as part of that design.” [The general reference was added, the sufficiency statement was modified further to read, “sufficient to accommodate project traffic and overall levels of service issues” and provisions were added stipulating, “this approval process must involve the public through an advertised meeting, and the approved plans shall be advertised for construction through the County’s open bidding process. Construction per the approved Orange Blossom Drive-Airport Road intersection improvements plan must commence prior to the issuance of a building permit for improvements on the property and be completed prior to the issuance of any certificate of occupancy.”]

CCPC-recommended text revisions are reflected below; additionally, the subdistrict title would be revised in other text locations and on the Future Land Use Map and Subdistrict map – as reflected in Ordinance Exhibit A. The CCPC member opposed to the motion expressed concern regarding the market study for this petition.

This is a new subdistrict so in the text below would ordinarily be single-underlined. However, for ease of viewing changes, the text as approved for transmittal by the BCC is not underlined; CCPC-recommended changes are noted in single underline/strike-through format.

**~~11. Italian American Plaza and Clubhouse~~ Orange Blossom/Airport Crossroads Commercial Subdistrict**

This Subdistrict consists of approximately 5 acres and is located on the southwest corner of the intersection of Orange Blossom Drive and Airport Road. This Subdistrict allows for existing institutional uses, such as the Italian American Club clubhouse or another social or fraternal organization, future institutional uses for a school, and limited commercial, professional and general offices, and similar uses to serve the nearby community.

Development intensity for this Subdistrict shall be limited to a maximum of ~~26,000~~ 34,000 square feet of gross leasable area for financial institutions, schools, professional, medical and general offices, and personal and business services as allowed by right and by conditional use, ~~and in addition to~~ a maximum of 20,000 square feet for the clubhouse facility, all of which uses are allowed in the C-1 Zoning District, as identified in the Collier County Land Development Code, Ordinance No. 04-41, as amended. Uses will be further evaluated at the time of rezoning to ensure compatibility with surrounding properties. The development of this Subdistrict shall be governed by the following criteria:

- a. Rezones are encouraged to be in the form of a Planned Unit Development and must contain development standards to ensure that all ~~commercial~~ uses will be compatible with neighboring residential and institutional uses.
- b. Pedestrian interconnections to access properties immediately to the south and to the west must be pursued by the property owner, and incorporated into the overall site design.
- c. Vehicular interconnection with property immediately to the south is required, particularly to provide southbound traffic direct egress onto Airport Road. ~~Traffic and parking~~ Vehicular use areas, buildings and structures, landscape buffering and open areas space, and other uses shall be designed in a manner that does not impede or interfere with access from the adjacent property to the south ~~to minimize the impacts on the surrounding street system.~~
- d. ~~An~~ Orange Blossom Drive-Airport Road intersection improvements shall be designed to be sufficient to accommodate project traffic and overall levels of service issues. The improvement plans must be approved prior to any development order approval. This approval process must involve the public through an advertised meeting, and the approved plans shall be advertised for construction through the County's open bidding process. and, Construction per the approved Orange Blossom Drive-Airport Road intersection improvements plan must commence prior to the issuance of a building permit for improvements on the property and be completed prior to the issuance of any certificate of occupancy. The clubhouse facility shall be excepted from the requirements of this Subsection if it can be demonstrated that the transportation impacts of the facility do not require the initiation or construction of Orange Blossom Drive – Airport Road intersection improvements. The subject property cannot be issued certificates of occupancy until the property owner enters into a Development Contribution Agreement with the Collier County Board of Commissioners to pay a proportionate share of improvements to Orange Blossom Drive, which is scheduled to fail inside the 5-year planning period, and the intersection of Orange Blossom Drive and Airport Road, as mitigation for their impacts to the intersection and the local street network.
- e. ~~Discontinuing any use of, and physically closing-off, the~~ The existing easternmost vehicular access drive onto Orange Blossom Drive ~~must~~ shall be completed removed or permanently closed-off by the property owner ~~before a~~ prior to the issuance of a certificate of occupancy ~~can be issued~~ for any further development or redevelopment of the site.

- ~~f. All principal buildings shall be set back a minimum of one (1) foot from the Subdistrict boundaries for each foot of building height.~~
- g. f. Development within the Subdistrict shall have common site, signage and building architectural elements, including on-site ~~directional~~ signs ~~assisting~~ directing motorists toward southbound egress onto Airport Road.

[Words with no underline are as approved for Transmittal by BCC; words underlined are added, words ~~struck through~~ are deleted, as CCPC-recommended changes at Adoption]

There were three public speakers, all expressing traffic safety/access concerns on Orange Blossom Drive. Also, one email was received and distributed to the CCPC expressing transportation concerns.

- 3. PETITION CP-2006-8**, 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]

Subsequent to Transmittal hearings, the petitioner proposed to increase the allowable commercial development from 12,000 square feet to 40,000 square feet, exclusive of the senior housing uses. Also, as required by the BCC at Transmittal hearings, the petitioner submitted a commercial needs analysis for the project's commercial uses.

**Staff Recommendation:** That the CCPC forward petition CP-2006-8 to the BCC with a recommendation to adopt, as outlined in the CCPC Adoption Staff Report and supplemental Staff Report – including combining this petition with CP-2006-7 to create a consolidated subdistrict, and transmit to DCA. The Ordinance Exhibit A reflects the subdistrict as modified per the CCPC failed motion (see below). Also, there is another Exhibit A that reflects petitions CP-2006-7 and CP-2006-8 combined into a single, consolidated subdistrict. Should the BCC approve both petitions, staff recommends the BCC approve their consolidation into a single subdistrict.

**CCPC Recommendation:** There is no official recommendation from the CCPC. A motion to recommend adoption of petition CP-2006-8 failed by vote of 4/4. The motion to approve reflected the same eight items as included for petition CP-2006-7, except as may only be applicable to petition CP-2006-7 (e.g. reference to clubhouse facility), and except for text revisions applicable to the first two paragraphs specific to this petition CP-2006-8. Text revisions to those two paragraphs, as included in the failed motion, are reflected below; additionally, the subdistrict title would be revised in other text locations and on the Future Land Use Map and Subdistrict map.

The CCPC members opposed to the motion expressed concern regarding the market study for this petition, including that it did not demonstrate the need for 40,000 square feet of commercial development and an assisted living facility (ALF); and, concern over the increase in allowable commercial development since Transmittal from 12,000 square feet to 40,000 square feet.

This is a new subdistrict so in the text below would ordinarily be single-underlined. However, for ease of viewing changes, the text as approved for transmittal by the BCC is not underlined; the recommended changes as included in the CCPC motion are noted in single underline/strike-through format. As noted above, the below text is only the first two paragraphs of the consolidated subdistrict specific to this petition site; the balance of the subdistrict text would be the same as that recommended for petition CP-2006-7.

**12. 11. ~~Airport/Orange Blossom~~ Orange Blossom/Airport Crossroads  
Commercial Subdistrict**

This Subdistrict consists of approximately 5 acres and is located on the west side of Airport Road, approximately 330 feet south of the intersection of Airport Road and Orange Blossom Drive. This Subdistrict allows for limited commercial, professional and general offices, and similar uses, along with housing for the elderly.

Development intensity for this Subdistrict shall be limited to a maximum of ~~12,000~~ 40,000 square feet of gross leasable area for financial institutions, professional, medical and general offices, adult and child day care, ~~and~~ personal and business services as allowed by right and by conditional use, and senior housing in the form of an assisted living facility, continuing care retirement center, or other similar housing for the elderly, all of which uses are allowed in the C-1 Zoning District, as identified in the Collier County Land Development Code, Ordinance No. 04-41, as amended. Uses will be further evaluated at the time of rezoning to ensure compatibility with surrounding properties. Any senior housing facility is not subject to this square footage limitation but must meet all other provisions in the Land Development Code, Ordinance No. 04-41, in effect as of the effective date of this amendment. The development of this Subdistrict shall be governed by the following criteria:

[Words with no underline are as approved for Transmittal by BCC; words underlined are added, words ~~struck through~~ are deleted, as recommended changes at Adoption in the failed CCPC motion to approve]

There were four public speakers, all expressing traffic safety/access concerns regarding Orange Blossom Drive, and one of those speakers also expressed concern over impacts on the Airport/Orange Blossom intersection. One of those speakers also sent an email, which was distributed to the CCPC, expressing similar transportation concerns.

- 4. 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 52 South, Range 27 East, Collier County, Florida consisting of 2.5± acres. [Coordinator: Tom Greenwood, AICP, Principal Planner]



**Staff Recommendation:** That the CCPC forward petition CPSP-2006-12 to the BCC with a recommendation to adopt as transmitted, and transmit to DCA.

**CCPC Recommendation:** That the BCC adopt petition CP-2006-12 per staff's recommendation, and transmit to DCA (vote: 5/0).

There were no public speakers.

**5. 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]

**Staff Recommendation:** That the CCPC forward petition CPSP-2006-13 to the BCC with a recommendation to adopt as transmitted, with the following exceptions, and transmit to DCA:

(1) not to adopt the change in year on Transportation Element policies and maps, in response to the ORC Report [reference pages 1 and 2 of the "7/14/08 Objections, Recommendations and Comments (ORC) Response" document]; (2) to add minor changes to Transportation Element policies, in response to the ORC Report [reference pages 5 and 6 of the "7/14/08 Objections, Recommendations and Comments (ORC) Response" document]; (3) to add an amendment, as authorized by the BCC on 7/22/08, to expand an area excepted from the conditional use locational criteria along Golden Gate Parkway within Golden Gate Estates in the GGAMP [reference CCPC Adoption Staff Report for August 19, 2008 hearing, page 6]; and, (4) to add text clarifying model homes in Golden Gate Estates are subject to the same LDC provision for model homes that is applicable to residential zoning districts, based upon CCPC discussion at their August 29, 2008 hearing [reference CCPC Adoption supplemental Staff Report for September 18, 2008 hearing for petition CPSP-2006-13 only].

**CCPC Recommendation:** That the BCC adopt petition CPSP-2006-13 as recommended by Staff, and transmit to DCA (vote: 7/0). The CCPC's recommendation is reflected in the Adoption Ordinance Exhibit "A".

There were no public speakers.

PREPARED BY: David Weeks, AICP, Planning Manager, Comprehensive Planning Dept.